UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 97th CONGRESS

SECOND SESSION

VOLUME 128—PART 20

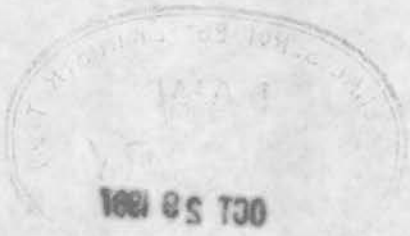
OCT. 1, 1982 TO NOV. 30, 1982

(PAGES 26725 TO 28156)

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PROCEEDINGS AND DEBATES OF THE 97th CONGRESS, SECOND SESSION

SENATE—*FRIDAY, OCTOBER 1, 1982*

(Legislative day of Wednesday, September 8, 1982)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Father in Heaven, as this body disperses, we commend to Thy care and keeping each one and each family. As Thou didst rest from Thy labors, so may they. As Thou hast ordained the family as the foundation of social order, may all families be strengthened and renewed.

We pray for those who face hard work in their campaigns. Insulate them against unfair attacks from opposition and a cynical press and public. Give them wisdom to respond wisely to legitimate issues and patience to endure nonissues which may be used against them. Encourage them when they are discouraged and give them the assurance that they may entrust their destiny to Thee, having done all that is right and proper to inform the people.

We pray for the electorate, that they will take their citizenship seriously and exercise their franchise wisely.

For those who remain to continue the work here, may there be times to relax, to rest, to be renewed personally and with loved ones. We pray this in the name of Him who promised rest to the weary, strength to the weak, and unconditional love to all. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. BAKER. Mr. President, after the recognition of the two leaders under the standing order, three Senators will be recognized under special orders for not to exceed 15 minutes each; to wit, Senators ABDNOR, GORTON, and PRYOR. After the execution of the special orders, there will be a brief period for the transaction of routine morning business to extend not past the hour of 10:30 a.m., in which Senators may speak for not more than 2 minutes each. After that, Mr. President, a variety of measures will be dealt with in the so-called wrap-up. I expect that the distinguished minority leader may be able to clear a number of items that have been cleared on this side. That may consume a fair amount of time and it may be necessary to extend the time for the transaction of routine morning business in order to accommodate that requirement.

After the so-called wrap-up—that is, the items that can be done by unanimous consent—has been cleared on both sides, a number of items suggest themselves as candidates for action by the Senate today such as the highway bill, S. 2574; the Commodity Futures Trading Corporation bill, S. 2109; the Securities and Exchange Commission bill, H.R. 6156; the export trading company conference report; the Nuclear Regulatory Commission reauthorization conference report, which is H.R. 2330; the missing children's con-

NOTICE

An interim issue of the daily Congressional Record for the Ninety-seventh Congress, second session, will be published on Wednesday, October 20, 1982, during the adjournment, unless otherwise ordered by the Joint Committee on Printing.

None of the material printed in the Congressional Record after adjournment may contain subject matter, or relate to any event, which occurred after the date Congress officially adjourned.

No provision herein shall be construed to supersede the two-page limitation rule.

All material must be signed by the Member and delivered to the respective Office of the Official Reporters of Debates, Room H-132 or S-220 of the Capitol, Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m., through Wednesday, October 20, except Monday, October 11.

Members of Congress desiring to purchase reprints of material submitted for Record printing during the adjournment may do so through the Congressional Information Division located at the Government Printing Office. That office may be reached by telephoning 275-2226 between the hours of 8:00 a.m. and 4:30 p.m. daily.

By order of the Joint Committee on Printing.

CHARLES McC. MATHIAS, JR., Chairman.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

ference report, H.R. 6976; the military pay bill, perhaps, S. 2936; and the Defense Production Act, if it can be reached, S. 2375.

Mr. President, all or some of those things need to be done today. Certainly, the highway bill, which has authorization that will expire today—or last night at midnight, I believe; the conference reports, which are privileged; and the other matters which we desire to deal with as we can reach them.

CONTINUING APPROPRIATIONS, 1983—CONFERENCE REPORT

Mr. President, the urgent business of the Senate today will be to await the action of the House of Representatives on the conference report on the continuing resolution making appropriations for 1983. I congratulate the conferees, especially the chairman of the Appropriations Committee and the distinguished assistant majority leader (Mr. STEVENS) for their good work in that conference and for the prompt resolution of the items in conflict so that both Houses of Congress can consider that conference report today. I have seen continuing resolution conference reports that went on for half a lifetime, it seems, but this was done promptly and in good manner. I congratulate them and all the other Senate conferees.

THE BALANCED BUDGET AMENDMENT

Mr. President, in addition to the conference report on the continuing resolution, we shall watch with great interest as the House approaches the issue of the balanced budget amendment to the Constitution. It is my understanding that the House has scheduled debate on the rule in respect to that amendment for today, and debate, of course, on the matter which emerges from the disposition of the debate on the rule.

In any event, the Senate may also have to deal with a message from the House on the constitutional amendment on the balanced budget and perhaps be prepared to go to conference with the House of Representatives if there is a disagreeing vote of the two Houses on that subject.

Mr. President, I think we can finish today. I guess it is now incumbent on me to make some kind of estimate about what time, since a number of Senators, particularly Western Senators, have planes they have to catch. I have talked to a number of Senators and I am keenly aware of that requirement. Therefore, I regret to say what I am about to say.

If the House acts as it looks now like they are going to act on the constitutional amendment on the balanced budget first, it does not look to me like we are going to get the continuing resolution conference report over here until midafternoon at the latest—3 p.m. or maybe later. If that is so, it is going to be 4 or 5 p.m. at the earliest before we can finish action on that matter. That, of course, does not make any provision for time for considering the balanced budget amendment if it reaches us in the form of a House bill or if there is a request for a conference, a conference report on that matter.

So, that is a looming and large element of uncertainty about our plans. But right now, for the benefit of those who have reservations, particularly to the West, it looks to me as if the House will not get us a continuing resolution until 3 p.m. or after. I know that is bad news, but I felt I had the obligation to share that information.

Mr. SYMMS. Will the distinguished majority leader yield for a question?

Mr. BAKER. Only if the Senator will promise to be gentle.

Mr. SYMMS. If the House does do something with respect to the constitutional amendment, does the leader anticipate that there might be action by the Senate on that, yet, today?

Mr. BAKER. Yes, Mr. President, I do. I think it would be unconscionable for the Senate to fail to act if, indeed, the House acts and we are called upon to act. Therefore, it will be my intention to take up the matter.

Mr. SYMMS. I thank the leader.

DEPOSITORY INSTITUTIONS AMENDMENTS

Mr. BAKER. Mr. President, a short time ago the House of Representatives passed H.R. 6267, a bill that increased the competitive position of all financial institutions. This legislation will help revitalize the housing industry and mortgage lending. It will produce an instrument that will permit all depository institutions to compete with money market mutual funds. The legislation produces many significant and sorely needed changes in the financial laws of our country.

The credit for this legislation should go to Senator JAKE GARN from Utah. For 2 years, Senator GARN has worked tirelessly to focus our attention on the changing environment for depository institutions. He succeeded. Senator GARN produced a bill which was endorsed by virtually every interested organization, passed the Senate by voice vote, and was changed very little by the House conferees. President Reagan has endorsed the legislation and declared that it is of "significant importance to the Nation."

I have been advised that Congressman STANTON of Ohio, the ranking member of the House Banking Committee felt so strongly that Senator GARN be given the credit for producing this legislation that as a member of the conference committee he insisted that the act be called the Garn-St Germain Act.

It is my pleasure as majority leader of the Senate to congratulate and thank him on behalf of the Senate. As necessary as this legislation was, 2 years ago most thought it would be impossible. As recently as 3 months ago, it was viewed unlikely. Today it is on its way to the President to be signed into law. Thank you to my good friend the senior Senator from Utah, JAKE GARN.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, is the Senator from Wisconsin or the Senator from Washington or the Senator from Ohio in the status of acting minority leader?

Mr. PROXMIRE. Mr. President, it is my understanding that I am to be using some of the time of the minority leader.

Mr. BAKER. Mr. President, I have no further use for my time under the standing order. I yield so the acting minority leader may have some time under the standing order.

Before I do that, Mr. President, will the Senator from Wisconsin allow me—I promised the Senator from Alaska some time under the standing order. Will the Senator permit me to reserve some time for his use sometime later today,

Mr. PROXMIRE. Certainly, Mr. President.

Mr. BAKER. Mr. President, I yield to the Senator from Wisconsin.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, I yield to the Senator from Washington.

KIRKLAND NATIONAL ALL-STARS: WORLD CHAMPIONS

Mr. JACKSON. Mr. President, before we adjourn, I take this moment to recognize, and bring to my colleagues attention, a tremendous achievement by a group of youngsters from Kirkland, Wash., that brought honor to the United States and extended goodwill throughout the Nation and the world.

The boys, members of the Kirkland National All-Stars, won the Little League World Series this summer—bringing the championship to the United States for the first time in 7 years.

The team captured the imagination of America for more than a week as the boys worked their way through the tournament and finally beat the heavily favored team from Taiwan.

Members of the team are: Mike Adams, Erik Jonson, Taikan Sekine, Mark Swain, Mark Peterson, Bill Cook, Gibbie Black, Greg Miller, Greg Keller, Brian Avery, Travis Perry, Cody Webster, Shawn Cochran, and

Chad Hartvigson. Their league president is Warren Warrenotteson. The manager is Don Cochran, and the coach is Pat Down.

Winning the Little League World Series at Williamsport, Pa., brought international attention, distinction, and honor to the United States, to Kirkland, to the parents and supporters, and to the boys themselves.

They deserve to be congratulated and commended. Their success will serve as an inspiration to the millions of boys and girls throughout the United States and the world who participate and compete in athletics.

Congress recognized the value of encouraging youngsters to participate in America's favorite past time by approving a Federal charter for Little League Baseball, Inc., in 1964.

Since that time, the organization has grown to the point where now more than 50,000 teams involving 2.5 million youngsters from 30 nations participate each summer. This year, the Little League World Series attracted 40,000 spectators—more than most major league games.

In Kirkland, more than 1,000 youngsters—boys between 8 and 12 and girls between 8 and 18—compete each year. The community has the highest per capita rate of participation in the Nation.

Kirkland is a proud community—proud of its Little Leaguers—and proud of its commitment to helping young people. The real credit for the team's success goes not just to the youngsters, but also to the team officials, the coaches, the parents, the service clubs, and the business people who work tirelessly giving their time and their money to make it all possible.

I know my colleagues will join me in saluting the Kirkland National All-Stars and Little League Baseball, Inc., on this occasion.

I yield back to my good friend from Wisconsin.

GENOCIDE: PROPER SUBJECT FOR INTERNATIONAL TREATY

Mr. PROXMIRE. Mr. President, the goal of the Genocide Convention is simple: to make genocide a crime under international law. But, as we know, its ratification in the U.S. Senate is still pending, although the treaty was drafted more than 30 years ago.

Why has the Senate not ratified the Genocide Convention? Opponents argue that international treaties must deal with external affairs, and that the crime of genocide lies within domestic jurisdiction. Therefore, they conclude, genocide is not a proper subject for an international treaty.

Mr. President, there are three good reasons why the Genocide Convention is a proper topic for an international treaty. First, we know from commonsense and history that the acts of genocide are likely to spill over political boundaries. If they do, they will pose a serious threat to international stability. Therefore, the world community must take a firm stand together against the systematic annihilation of a racial, religious, or ethnic group.

Second, Mr. President, an international treaty on genocide is required for extradition purposes. If one of our nationals committed genocide and fled to another country, that country would be under no obligation to return him to us for trial and punishment. The Genocide Convention would guarantee to all nations the right to prosecute their nationals guilty of genocide, regardless of location.

Third, Mr. President, the United States must join 83 other nations and go on the record against genocide. We did this on the issue of slavery in 1967. If we can do it for slavery, we can do it for genocide; both are unacceptable actions in a civilized world.

Mr. President, there is widespread support in the United States for the Genocide Convention. Fifty-two labor, religious, and civic groups have asked the Senate to ratify it. I call upon the Senate to ratify the Genocide Convention—an action that is both politically justified and morally sound.

TRENDS IN CONVENTIONAL ARMS TRANSFERS TO THE THIRD WORLD BY MAJOR SUPPLIER 1974-81

Mr. PROXMIRE. Mr. President, recent announcements by the State Department emphasizing the increasing role of arms exports by the U.S.S.R. have once again focused attention on this worldwide phenomenon. Perhaps the most confusing new development in this field is the problem of redefinition. Just what is counted when compiling arms sales? The Carter administration used one formula and the Reagan administration used another. Should commercial sales be included in any analysis or just U.S. Government agreements, direct sales and financed, plus grants?

Another complicating development is the definition of to whom the sales and transfers are made. Various definitions of the Third World, for example, give rise to different dollar totals.

And should construction sales and deliveries be counted against U.S. arms totals? Or are these relatively nonmilitary in content and thus should be excluded?

Mr. President, in order to avoid policy biases from determining these factual matters, it is important to rely on statistics compiled and analyzed by an impartial, nonpolitical source of information. Luckily, such an analysis is available to Members of Congress in a recently completed study by the Congressional Research Service. The author of this report, titled "Trends in Conventional Arms Transfers to the Third World by Major Supplier, 1974-81," is a well-known expert on arms exports, Richard F. Grimmett.

In the first section of his report Mr. Grimmett looks at what data should be included in arms sales and delivery statistics. I ask unanimous consent, Mr. President, that part I of the CRS study be printed in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

FIRST SECTION OF REPORT I

INTRODUCTION

This report is an update of previous reports by the Congressional Research Service (CRS) on the subject of conventional arms transfers. It provides unclassified background data on more recent trends in the transfer of conventional arms by major suppliers to the Third World. A more detailed discussion and analysis of U.S. conventional arms transfer policy by CRS can be found in "Changing Perspectives on U.S. Arms Transfer Policy." This committee print, prepared for the Subcommittee on International Security and Scientific Affairs of the House Foreign Affairs Committee, was published on September 25, 1981.

What data is included and why

There are various approaches that can be taken to provide useful data on conventional arms transfer activity by major suppliers. Deciding what to include or exclude can affect in important ways the impressions left by the final data set. In this report an effort is made to include most of the information that could reasonably be associated with U.S. and foreign conventional arms transfer programs. Some exclusions were made as a matter of analytic judgment. But such exclusions and inclusions are clearly indicated in the footnotes of the accompanying tables.

At this point it should be noted that U.S. commercial sales and deliveries data has been excluded from the U.S. agreements and deliveries values. This was done because the U.S. government's Foreign Military Sales (FMS) program accounts for the greatest percentage of U.S. conventional arms sales. Further, most of the commercial sales of any size from 1974-1981 went to Europe or to developed nations such as Japan or Australia. Commercial transfers to the Near East and South Asia did not average above $350 million a year from 1974-1981. U.S. commercial arms sales to Latin America and Sub-Saharan Africa were especially negligible during this period. Finally, the U.S. government does not track the totals and the cancellations of these commercially licensed sales with the same degree of precision that it does U.S. government-to-government sales—making the accuracy of commercial figures subject to question.

On the other hand, U.S. data on FMS construction sales and deliveries are included in the U.S. values totals. To exclude FMS construction data would eliminate billions from U.S. sales figures to the Third World. These billions involve almost exclusively one country—Saudi Arabia. From FY 1974-FY 1981 Saudi Arabia accounted for $15.541 billion of the $15.548 billion in worldwide FMS construction sales agreements for that period.

In short, the Saudis participated in nearly all of them.

The building of an airfield or a naval base and/or associated support facilities can be legitimately included in FMS totals as they are sales of items that can have a clear military application. If their purpose is intended to be non-military, it seems likely that they would be funded through other U.S. non-military programs. If FMS construction data is to be excluded it would seem more appropriate to exclude that part of it that has no potential military application. Unclassified Defense Department data makes clear that the overwhelming dollar value of Saudi FMS construction sales in the period from the early 1970s to the present have been for military related projects. Consequently, this category is included in the U.S. totals in its entirety.

Training is a smaller component of the U.S. foreign military sales program. But it is nonetheless an important part of it as it would be in the case of any foreign military sales program. It is not enough merely to sell a squadron of aircraft or a number of tanks. Purchasing nations need support in learning how to use the systems sold to them. If this training is part of the package associated with the original sale of the weapons systems or part of one such as the formal U.S. International Military Education and Training (IMET) program—the training provided serves both a military and policy end. In this context, counting military training in its broadest sense as part of the foreign military sales value of a country's program seems quite legitimate.

In this report, grant military assistance programs, training and construction are counted for all countries, not just the United States. In this way comparisons, although based on judgements regarding which categories to count, are reasonably consistent across the board. U.S. data on all these categories are readily available, unlike the same data regarding the foreign suppliers. Estimates by the U.S. government can be criticized because no one can guarantee that it has all the data regarding foreign arms transfers that it needs for complete comparisons. Some argue that foreign arms transfer data available to the U.S. government understates the facts in important ways. Nonetheless, that data which was provided by the U.S. government for this report do establish a reasonable if not perfect, basis for useful comparisons.

It is disingenuous to argue that the Soviet data regarding values of their arms transfers are misleading because of attractive financing terms the Soviets provide to Third World buyers while failing to note that the U.S. also provides various forms of concessional FMS financing to a number of countries. Furthermore, to win foreign sales contracts, it is clear that U.S. arms merchants also engage in competitive practices such as providing various pricing concessions in the "packaging" of their weapons systems—sometimes including co-production arrangements or other "offsets" on the system sold.

Yet this discussion of the merits of inclusion or exclusion of various categories of a foreign military sales program in the gross dollar value of that program would be remiss if a larger point regarding the relative value of the use of these aggregate dollar totals was not addressed. Simply put, the use of aggregate dollar values in evaluating a country's foreign military sales program are of relatively limited utility because of a number of factors. Some of these key factors are set out below.

First, due to the wide swings upward or downward from one year to the next in the total dollar value of arms transfer agreements of various countries, it is possible to pick a year or two at random and "prove" many things with the data available for those years. Two obvious examples shown in Table 1 are the U.S. and foreign agreement data for 1980 and 1981. If 1980 was discussed in a vacuum, it would seem that the French were on the verge of matching the U.S. in value of sales contracts. Likewise, the Soviet Union would seem to have a massive "lead" in sales over other individual suppliers—given its $14.7 billion sales figure. However, by reviewing the 1981 arms transfer agreement data, one can readily see that the agreement values for the United States, the French, and the Soviet Union dropped remarkably in that year.

These transfer agreement data are also subject to constant revision as purchasers chose to cancel contracts entered into a previous year. Until actual deliveries of items contracted for occurs there is no assurance that a large sales year will fulfill its initial promise. In the case of the U.S., for example, it is clear that had Iran not cancelled large orders of the mid-to late 1970s the total value of U.S. arms transfer agreements with the Third World from 1974–1981 would have been about $6.4 billion higher.

Furthermore, the artificial cut-off points for counting dollar values of sales can have a significant effect on the total picture. The Ujited States data is calculated in fiscal year terms. The foreigj data in calendar year terms. In either case(should a major sale be consummated one day after the given arbitrary cut-off point—be it the end of a fiscal or calendar year—the selling nation's agreement values may be notably lower or higher, depending upon the given circumstances. An obvious example of this is the AWACS–5–15 enhancement package of $8.5 billion for Saudi Arabia which cleared congressional review in October 1981, but is not counted in 1981 U.S. totals because the fiscal year ended on September 30.

Other sales clearing congressional review after September 30, 1981 include F-16's for Pakistan and Venezuela. Should they be counted in fiscal year 1982 U.S. agreements totals along with most of the Saudi AWACS package, the U.S. agreements values for that year will jump dramatically from 1981 totals. Estimates of the executive branch made in the fiscal year 1983 Security Assistance Program Congressional Presentation Document stated that roughly $17.7 billion in fiscal year 1982 sales agreements involving Egypt, Saudi Arabia, Pakistan, South Korea, and Venezuela were possible. In an August 2, 1982 press statement, Under Secretary of State James L. Buckley noted that at least $10.2 billion in sales agreements for fiscal year 1982 had been concluded with certain Third World nations, and that another $4 billion in FMS agreements ($2 billion in FMS construction) with Saudi Arabia alone was possible before the end of fiscal year 1982.

Once arms transfer agreements are concluded, it generally takes more than a year or two for the items sold to be delivered. For example, the Saudis purchased 60 F-15 fighters in the summer of 1978 and only received the first in-country delivery of an operational aircraft in January 1982. Thus the basic utility of the dollar values of arms transfer agreements is in indicating long-range trends in sales activity by arms suppliers. The gross dollar values indicate what is or has been in the delivery "pipeline." To use these data for purposes other than assessing general trends in seller/buyer activity is to risk drawing hasty conclusions that may be rapidly invalidated by events. This same generalization would apply to arms transfer delivery values provided in Table 2. Thus the answer to the perennial question: Who is number one in Third World arms sales is likely to vary from year to year depending on a wide range of circumstances.

A much more useful data set in assessing the arms transfers to the Third World by suppliers is that which indicates who has actually delivered numbers of specific classes of military items to a region. These data are relatively hard data inasmuch as they reflect events that have occurred. These data, will not, however, provide details relating the sophistication level of the equipment delivered. For example, they will not indicate whether supersonic aircraft delivered were F-5s or F-15s, MIG 21s or MIG 23s, or Mirage F-1s, or Mirage 2000s, but they will show relative trends in the delivery of various classes of equipment and will also indicate who the major suppliers are from region to region over time. In the end, it is this trend line data that can indicate who is or is not developing a market for a catagory of weapon in a region, and perhaps suggest whether or not an arms race is emerging.

In this context, the data in this report are set out in a series of tables. Table 1 shows the dollar values of arms transfer agreements with the Third World, by supplier from 1974–1981. Table 2 shows the dollar values of arms deliveries to the Third World by supplier for the same years. Tables 1A and 1B show the averages of agreement values of suppliers for 1974–1977 and 1978–1981 respectively in an effort to smooth out the highs and lows of the data over two periods roughly coinciding with the Nixon-Ford administrations (1974–1977) and the Carter administration (1978–1981). Tables 2A and 2B show the same averaged data for delivery values of supplies during the same two periods—1974–1977 and 1978–1981. Tables 3 through 7 provide delivery data of major suppliers to the Third World and to specific regions from 1974—1977, 1978—1981 and 1974–1981. These tables give detailed totals of specific weapons categories actually delivered to either the Third world or a specific region of it by specific major suppliers during the time periods noted.

Nations considered part of each region are listed at the end of the tables as are descriptions of items included in the twelve specific weapons categories used. Throughout, the Third World is considered to be all non-European nations and all countries not members of NATO or the Warsaw Pact. Excluded as well from the Third World category are Japan, Australia and New Zealand. None of the data included in the Third World deliveries tables includes items delivered to any country that is not considered to be a Third World nation by this definition.

Mr. PROXMIRE. Mr. President, I reserve the remainder of the minority leader's time for his use at a later time today.

THE SABRA AND SHATILA TRAGEDY

Mr. ROBERT C. BYRD. Mr. President, the wanton killing of Palestinian men, women, and children in the Sabra and Shatila Refugee Camps by

Christian Lebanese militia was a very tragic occurrence—an occurrence which horrified us all. It has horrified the people of Israel, and I know that it has horrified my friends in the Jewish community in this country.

It should be pointed out that the debate over whether or not this tragedy could have been avoided, or the inquiry into why it was allowed to happen, is taking place where it should appropriately take place—in Israel itself.

Unfortunately, the wrath of the international community has come down almost solely upon the head of Israel. As editorial writers and columnists have observed in the aftermath of this tragedy, there is a double standard set for Israel. But for all the international criticism aimed at Israel, one simple fact stands out as a beacon of light in a stormy sea. And that fact is simply this: There is not another country in the Middle East where such a wide-open debate and such national soul-searching over a tragedy like this could take place other than in that small democratic State of Israel.

When thousands of Syrians were killed by President Assad's own army in Hama earlier this year, any dissent was crushed in a crackdown by the Syrian regime.

When thousands of Lebanese Christians were killed by Syrian forces who shelled East Beirut off and on for nearly 100 days in 1978, there was not one country in the Arab world, that I can recall, which even questioned the Syrian action, let alone raised its voice in protest.

When the PLO and Leftist Muslim militias formed an alliance to crush the Christian community, precipitating the Lebanese Civil War of 1975–76 and resulting in thousands of deaths and massive destruction, the Arab world was silent.

When an estimated 20,000 Palestinians and Jordanians were killed in what became known as "Black September" 1970 and the PLO was driven into Lebanon by King Hussein, the world was silent. And in Jordan, there was not any searching public inquiry into how the bloodshed could have been averted.

When the Soviet Union sends Muslim troops into Afghanistan to slaughter Afghan Muslims, where is the voice of the Muslim world calling for international sanctions against the Soviets?

The Iran-Iraq war, pitting Muslim against Muslim, continues to drag on. Ayatollah Khomeini's regime continues its vicious policy of eliminating even supporters of the revolution who now dare to question the regime's policies. Yet, little world attention is devoted to the tragic human toll exacted by the Ayatollah.

I am not pointing to these incidents in an attempt to justify what happened in Lebanon. The tragedy in Lebanon cannot be justified. However, I am pointing to these incidents to illustrate that there is a difference between Israel and its severest critics. The government of Prime Minister Menachem Begin has bowed to public pressure in his own country and has agreed to establish a full-fledged, independent judicial commission to investigate the Beirut massacre. This commission will have the authority to subpena witnesses and documents and to hear sworn testimony under the threat of perjury.

Last Saturday night, an estimated 350,000 Israelis, representing 10 percent of the population of that country, demonstrated in Tel Aviv against the Begin government in reaction to what happened in Lebanon. Think about that for a moment. It would be the equivalent of some 23 million Americans descending on Washington to protest the Government of the United States.

I was moved by the following account which appeared in the October 4 issue of Time magazine.

> "My God, I was awake all night crying and despairing. What will become of us? What is happening to us?" That plaintive question could easily have come from a Palestinian woman grieving for her lost family following the massacre of Arab men, women, and children in the Palestinian refugee camps south of Beirut. In fact, the anguished speaker was an Israeli woman in Jerusalem who, the night before, had watched the television pictures of the aftermath of the killings by the Israeli-backed Lebanese Christian militiamen.

We all have read accounts of the torment in Israel, the torment within the Jewish community in this country, and the torment among the supporters of Israel over this tragedy. Yet, it was this widespread sence of anguish over the slaughter of innocent Palestinians among the Israeli populace which led to the establishment of the investigative commission.

I remind my colleagues that it was a free and unfettered press in Israel which broke the news of the Lebanon tragedy to the people of Israel. It was a free and unfettered press in Israel which has developed much of the information the world has available to it today concerning this tragic event. It was the President of Israel, Yitzhak Navon, who broke with tradition and called upon the government of Prime Minister Menachem Begin to establish an independent Commission of National Inquiry to investigate thoroughly the events surrounding this tragedy. And, finally, it was the people of Israel, resorting to that most profound instrument of democracy—the right to peaceably assemble to voice a people's grievance against their Government—which forced the creation of a judicial investigation of the massacre.

I think it is time we acknowledge—that the world community acknowledges—that Israel is a vibrant democracy, unafraid of seeking the truth. It is a tribute to the people of Israel that they have the strength and character to undertake what will be a most painful examination of their own national conscience. Not every country would have the courage to undertake such a course, particularly when the answers may be even more painful than the questions.

One might question why a country would choose such a course. I think the answer can be found in the essay written by Lance Morrow which appeared in the October 4 issue of Time magazine. Mr. Morrow observed:

> For Israel, for Jews around the world, the massacre was a moral nightmare. It penetrated to the deepest questions of the Jewish character and identity, to the core of the Jewish idea.

Morrow observed further:

> The Jewish conscience is often a splendid moral instrument, one of the most highly developed in the world. The internal anguish in Israel last week, with half the country calling for the resignation of Begin and Sharon, demonstrated that the conscience is obviously in good working order.

It is so easy to be numbed by a world so fraught with violence and the loss of human life. Yet, many have found it easy to accuse Israel so vigorously because, as Morrow so appropriately pointed out, "the massacre profoundly violated Israel's own moral standards." But that is just the point. How many other countries, other than our own, have established a standard of behavior that has provoked the reaction we are witnessing today in the aftermath of the Shatila and Sabra tragedy? Certainly, the countries surrounding Israel, where the human carnage papers the pages of history, do not hold themselves, nor are they held by others, to this standard.

There are many reasons for the support the United States has given to Israel over the past 34 years. Many of us point out the important security asset Israel has been over the years and the benefit the United States has derived from this relationship. But I also think the relationship is even more fundamental than this. Israel has demonstrated its resiliency as a fiercely democratic state. And I think the willingness of the people of Israel to hold their own government accountable in the investigation of this tragedy, no matter how painful this process might be, is ample evidence that the faith we have placed in the relationship between our two countries is well founded.

I cannot emphasize too strongly my shock over what happened in the Shatila and Sabra refugee camps. But I think it is incumbent upon us all—and I include the community of nations in my appeal—to refrain from interfering in what will be an anguished search for the truth in Israel itself. The Is-

raelis have taken it upon themselves to shoulder this awesome responsibility. Let us not make this burden heavier than it is already. The decision has been made by Israel itself. Let us respect the fact that this decision was made. Let us acknowledge that the people of Israel have launched themselves on an agonizing journey. Let us sympathize with this anguish and appreciate the fact that the Israelis cannot find it within themselves to turn their backs on Shatila and Sabra, as their detractors turned their backs on Ma'alot and Munich massacres.

And finally, Mr. President, it is imperative for all foreign forces to leave Lebanon just as expeditiously as possible. Lebanon must be returned to the Lebanese. The presence of foreign forces, beginning with the flight of the PLO into Lebanon from Jordan in 1970, has subjected that unfortunate country to 12 years of intercommunal strife and bloodshed which has taken the lives of Christians and Muslims alike.

The election of Amin Gemayel as President, around whom most factions in Lebanon have rallied—Christian and Muslim alike—is a clear signal that the Lebanese are determined to achieve a reconciliation among themselves. For the first time in 7 years, the so-called green line, separating Christian East Beirut from Muslim West Beirut, has ceased to exist. Beirut is no longer a divided city. Yet, reconciliation throughout all of Lebanon can be achieved only if the remaining PLO forces, the Syrian Army, and the Israeli Army are withdrawn completely from that country.

Lebanon must never again become the battleground of the Arab-Israeli dispute. The people of Lebanon have already endured too much suffering as a result of international indifference to their plight in the past. I welcome President Reagan's determination to bring about a return of Lebanon to the Lebanese.

Mr. President, if we have learned anything from the recent tragedy in Lebanon, it is that the peace process must move forward once again. It is time for all parties to the Arab-Israeli dispute to demonstrate their determination to break this unending cycle of violence. It is time for all peoples of the region to make peace among themselves and with their neighbors. Let us pray that this will be done.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. SYMMS). The acting majority leader.

Mr. STEVENS. Mr. President, there has been an order for the transaction of routine morning business after the special orders, has there not?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. And what was that order?

The PRESIDING OFFICER. To last not beyond the hour of 10:30 a.m.

Mr. STEVENS. Are there three special orders?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. Of 15 minutes each?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. How much remains of the leader's time?

The PRESIDING OFFICER. Three minutes twenty-five seconds.

Mr. STEVENS. Very well, I see the Senators having the special orders are here. I reserve the remainder of the leader's time until after those special orders and will seek to change that routine morning business hour at that time.

Mr. METZENBAUM. Mr. President, I cannot hear the acting majority leader. Would he be good enough to use his microphone?

Mr. STEVENS. The next time the Senator should hear, I will.

PROFESSIONAL FOOTBALL STRIKE

Mr. STEVENS. Mr. President, the American public is deeply concerned about the current strike in professional football and about the apparent lack of progress to a solution. I share the public's concern.

President Reagan was asked a few days ago whether he thinks "the players and owners are being fair with us millions of fans." The President said that while he does not like to comment on professional football's affairs, "there doesn't seem to have been the consideration for the fan that there could have been, and should have been. They do seem to be very far apart, however, in their goals." President Reagan, I think, summed it up very well. The public wants a prompt resolution of this dispute.

The professional football strike does not simply mean that the American public loses a form of Sunday afternoon entertainment. Not only are there no NFL football telecasts, but the strike also impacts our communities and the economy. As the New York Times summarized this past Monday, the strike produced major economic disruptions and losses in all of the communities which host NFL teams. Mr. President, at this point I would like to ask unanimous consent that the article entitled "Impact of the Pro Football Strike: A Lost Sunday and Lost Dollars" be inserted in the record—as well as a letter I have received from the Commissioner of the NFL.

The materials ordered to be printed in the RECORD, follow:

[From the New York Times, Sept. 27, 1982]

IMPACT OF THE PRO FOOTBALL STRIKE: A LOST SUNDAY AND LOST DOLLARS

Football stadiums were deserted, 15,000 people were out of work, restaurant and hotel business plummeted, 800,000 fans stayed home, television stations ran re-runs and losses mounted to more than $70 million yesterday on the first weekend of the National Football League players' strike.

From small-change vendors of hotdogs and souvenirs to millionaire owners and municipal concessionaires, the impact of last Tuesday's walkout—the first midseason strike in professional football history—was felt in full as fans sought new diversions to take the place of the usual autumn fare of breath-taking passes and bone-jarring tackles.

The effects of the walkout were minimal in the New York area, whose teams, the Giants and the Jets, were not scheduled to play at home yesterday. But in Green Bay, Cleveland, San Diego and other cities where weekends mean football, revenues dried up and the tempo of life slowed to a scoreless crawl.

The non-economic impact of the strike was felt by a diversity of people—disappointed high-school marching bands, proud ball-boys whose fantasies were not unfolding and the squirming of countless armchair fans whose countdown to Sunday begins at the end of each Monday Night Football game.

But with negotiators far apart and no end of the walkout in sight, the major loss was monetary, and it appeared to be affecting everyone who had anything to do with pro-football. These included:

The owners of the league's 28 teams, who, by their own estimate, lost $29 million in revenues—$18 million in television money and $11 million in gate receipts—on the first week's 14 unplayed games, one last Thursday, 12 more yesterday and another tonight.

The 1,500 striking players—who are paid an average of $100,000 a year, or more than $6,000 a game in a 16-game season—lost about $9 million in salaries, which are usually paid the day after a game.

The 14 municipalities where the games were to have been played were said to have lost at least $2 million in taxes, stadium rentals and ancilliary revenues ranging from parking fees to bus, subway and train fares.

Concessionaires, who say the average football fan spends $2.50 to $3 on food, drink, programs and souvenirs, estimated their losses at more than $2 million.

In each city where a game was not played, the private sector of the economy was believed to have lost abut $2 million—as much as $28 million in all—on restaurant meals, hotel and motel accomodations and a panoply of business that depend heavily on football and its fans.

Beyond the effects on owners, players, cities and businesses, the losses were less calculable but no less real.

The pennant salesmen, hot-dog vendors, security guards, electricians, statisticians, ushers, parking lot attendants, grounds crews, clean-up men and a host of others—some 15,000 people with football-related livelihoods—were out of work and unpaid.

Most stadium operatcrs estimate that they hire 1,000 of these people for a game at salaries ranging from $15 to $100. About half of them have no other income. Many are retired and depend on their small weekly earnings from the games.

"I'd say the great majority of the 1,100 people we hire come from Foxboro" said Chuck Sullivan, the executive vice president of the New England Patriots, who were to have played the Seattle Seahawks at the Patriots stadium in Foxboro, Mass., yesterday.

The unplayed game cost the Church of the Emanuel in Foxboro about $1,800. The church, as a fund-raising effort, handles the stadium's clean-up operations after each game. In addition, about 20 local charitable groups are permitted to maintain the hot dog and souvenir stands at the park, each collecting about $1,000 on a football Sunday.

Since many of the stadiums are situated in older downtown urban areas, some of the walkout's most serious effects were being felt in central business districts.

For Cleveland, where civic groups have struggled for years to upgrade the city's image, the loss of tonight's nationally televised game against the Cincinnati Bengals was significant.

"It's of extreme importance," said Art Modell, the president of the Cleveland Browns, "It's a great civic stimulus—not just in money, but pride."

For the striking players, today will be a payless payday. There were no indications that any player was broke, but M. J. Duberstein, an economist with their union, the NFL Players Association, said that some players might be planning to borrow cash for the duration.

"There have been hundreds of new accounts opened in our credit union in the last couple of weeks" Mr. Duberstein said in Washington.

While the Management Council, the bargaining arm of the owners, estimates the weekly loss of television revenues at $18 million, it was revealed last week that the NFL's five-year contracts with ABC, CBS and NBC called for the networks to continue making payments to the league through the first two weeks of a work stoppage.

But the owners have noted that that money is nevertheless being lost because, under the contracts, it must be paid back to the networks next year.

On the asset side of the ledgers, the owners noted that traveling teams would not have to pay $40,000 each to charter a jet plane for their trips.

Except for Cleveland and New England, the stadiums are owned by municipalities and they stand to lose heavily in an extended strike. The City of San Diego, for example, lost about $122,000 yesterday because of the canceled home game between the Chargers and the Los Angeles Raiders.

John Lockwood, an assistant city manager, said that nearly $800,000 would have been paid by 53,000 fans at Jack Murphy Stadium. Of that total, the city would have got $63,600, or 8 percent, in taxes on tickets; $32,000 from parking, based on $2 to $3 on 16,000 cars, and $27,000 from concessions.

Mr. Lockwood said that his city and many other stadium operators had sought strike insurance but had finally rejected it as too expensive. "We were quoted $450,000 for insurance premiums," he said. "But even if we lost three games, that would be a push, so we decided to take a chance the strike would not last that long. For us to lose three games, the strike would have to be on for six weeks."

However, the Minnesota Vikings, who lost $930,000 for not playing its sold-out game with the Dallas Cowboys yesterday, will still have to pay $38,000—half their normal rent—to the commission that runs the new Metrodome.

In Houston, Harris County receives an annual fee of $250,000 from the Houston Sports Association, a private company which runs the Astrodome, and it is paid no matter how many games are played there.

The City of San Francisco will lose $177,200 on each canceled game; New Orleans will lose $100,000 in rental on the Superdome, and Washington, D.C. will lost $125,000 for each game that is not played at RFK Stadium.

WEEK ONE OF THE STRIKE: THE COST IN TICKET SALES

Following are estimated attendance and gross receipts figures for the National Football League games that had been scheduled this weekend, with average ticket price in parentheses.

Giants at Pittsburgh—54,000 ($13.75); $742,500.

Jets at Baltimore—40,000 ($10.72); $428,800.

Atlanta at Kansas City—55,000 ($12.10); $665,500.

Buffalo at Houston—47,000 ($14.30)—$672,000.

Chicago at San Francisco—61,185 ($15); $917,775.

Cincinnati at Cleveland—80,000 ($12); $960,000.

Dallas at Minnesota—62,000 ($15); $930,000.

Denver at New Orleans—55,000 ($13); $715,000.

Los Angeles at Philadelphia—72,204 ($13); $910,000.

Miami at Green Bay—56,189 ($12.75); $716,409.

Oakland at San Diego—53,000 ($15); $795,000.

St. Louis at Washington—53,000 ($15); $795,000.

Seattle at New England—50,000 ($11); $550,000.

Tampa Bay at Detroit—80,638 ($12.50); $1,007,975.

THE NATIONAL FOOTBALL LEAGUE,
New York, N.Y., September 29, 1982.

Hon. THEODORE F. STEVENS,
U.S. Senate, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR STEVENS: I share your conviction that the public interest demands a fair and prompt settlement of the current NFL player strike. No evident solution is yet in sight, since the NFL Players Association and the NFL Management Council continue to hold sharply differing views of NFL economics—past, present, and future—and of the principles on which a professional football league must operate in order to present high quality and popular public entertainment.

My principal current concern is that any settlement must serve the interests of the NFL's fans and the public, not merely those of the clubs and players. One federal court of appeals emphasized this in approving an NFL labor-management settlement reached in 1977, with the court stating that "professional sports are set up for the enjoyment of the paying customers and not solely for the benefit of the owners or the benefit of the players. Without public support any professional sport would soon become unprofitable to the owners and the participants."

No party to the present dispute should lose sight of the ultimate consumers of the League's product. No settlement should, for example, create inordinate or inevitable pressures for ticket price increases. Between 1970 and 1980, steady increases in NFL television revenues made it possible for the NFL clubs to hold their ticket price increases well below the rate of inflation, so that the real cost of NFL game tickets actually declined in the decade. Stability and balance within the League also made possible a steadily increasing volume of telecasts of NFL games, greater rewards for the players, and the establishment of NFL teams in two additional American cities. It is my hope that these patterns can be repeated in the 1980's. But it will not be possible to do so without a reasonable settlement in collective bargaining.

As for means to resolve the current stalemate, there have been suggestions that the Federal Mediation and Conciliation Service could play a constructive role at this juncture. If the Management Council and the Players Association will consent to mediation under the auspices of the Service, it would, in my judgment, be a significant positive step because the neutrality of the Service could facilitate a resolution of the current dispute. I will be prepared to assist in that effort in any way likely to be useful.

Sincerely,

PETE ROZELLE,
Commissioner.

Mr. STEVENS. Mr. President, in most NFL cities, the stadiums have, in addition, been built with public funds, and the public authorities have a direct economic stake in the revenues generated by attendance at NFL games. So long as there is a strike and those games are not played, these direct and indirect economic benefits to our communities—which mean jobs to many people other than professional football players—will be lost.

Mr. President, in my judgment, we have an obligation to move the parties in this dispute to a prompt settlement. Congress has clearly established a history of promoting the public interest in professional sports. For example, in 1973, we adopted legislation calling for the telecasting of sold-out home games of professional sports teams. We also enacted legislation encouraging the stability of professional sports leagues by confirming, in 1961, the right of professional sport leagues to jointly sell their television rights to the national networks. In 1966, we authorized the consolidation of the American Football League and the National Football League so that football franchises could continue to operate on a stable basis in their resident communities. Thus we have long recognized the public interest in encouraging professional sports, and have affirmatively acted to encourage the financial stability of the leagues.

It is in the interest of fans and communities that we act to prevent further obstruction of professional sports activity. The legislative tack I am proposing we take to address this problem involves establishing an arbitration procedure. Under current law, the Federal Mediation and Conciliation Service can mediate labor-management disputes only upon the consent

of both parties to the dispute. As presently stated, Federal law (title 29 United States Code section 173(c)) apparently does not authorize the Federal Mediation Service to mediate upon the request of only one party to a dispute. My legislation would first require that the parties be returned to their status quo by requiring the players to return to work and then enter into mediation with the owners. If mediation is unsuccessful, then compulsory and binding arbitration would be required.

The total time involved for this procedure would be a maximum of 30 days. The procedure is based on a proposal that had, in the past, popular support of many Members of the Congress in other labor areas, because it does allow every opportunity for collective bargaining to work before resorting to binding arbitration. The bill would apply to the professional sports of football, baseball, basketball, and hockey.

Last year, the Nation experienced the major league baseball strike for a period of some 7 weeks. Now we will have missed 2 weeks of NFL football, and who can say when a solution will be reached?

Mr. President, I regret having to call this to the attention of the Senate, and I regret having to introduce this legislation. I do urge the parties to the current dispute in professional football to resolve their dispute on a fair and reasonable basis through voluntary collective bargaining without the need for congressional or other governmental intervention. The sports fans of America and the public expect no less, but if they receive less, then Congress must and should act.

I ask unanimous consent that the bill I have introduced be printed in the RECORD in full and that it be appropriately referred. If the strike is not settled by the time Congress returns, I shall press for action on this bill.

The PRESIDING OFFICER. Without objection, the bill will be appropriately referred.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3003

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Organized Professional Team Sports Labor Dispute Resolution Act of 1982".

FINAL OFFER ARBITRATION OF LABOR DISPUTES INVOLVING CERTAIN ORGANIZED PROFESSIONAL TEAM SPORTS

SEC. 2. Title II of the Labor Management Relations Act, 1947 (29 U.S.C. 171 et seq.) is amended by adding at the end thereof the following new section:

"FINAL OFFER ARBITRATION OF LABOR DISPUTES INVOLVING CERTAIN ORGANIZED PROFESSIONAL TEAM SPORTS

"SEC. 214. (a) The Congress finds that labor disputes involving certain organized professional team sports interferes with the normal flow of commerce and that such disputes can be avoided or substantially minimized through the establishment of a final offer arbitration procedure to resolve such disputes in accordance with this section.

"(b) This section shall apply only to the organized professional team sports of football, baseball, basketball, and hockey.

"(c)(1) Upon finding that a labor dispute involving an organized professional team sport intereferes with the normal flow of commerce, the President may direct each party involved in such dispute to submit a final offer to the Director of the Federal Mediation and Conciliation Service (hereinafter referred to as the 'Director') within a three-day period. Each party may at the same time submit one alternative final offer. The Director shall transmit the offers to the other parties simultaneously.

"(2) If a party refuses to submit a final offer, the last offer made by such party during previous bargaining shall be deemed that party's final offer.

"(3) Any offer submitted by a party pursuant to this section must constitute a complete collective bargaining agreement and resolve all the issues involved in the dispute.

"(d) The parties shall continue to bargain collectively for a period of five days after they receive the other parties' offers. The Director may act as mediator during the period of the final offer selection proceedings.

"(e)(1) If no settlement has been reached before the end of the period prescribed in subsection (d), the parties may within two days select a three-member panel to act as the final offer arbitrator.

"(2) If the parties are unable to agree on the composition of the panel pursuant to paragraph (1), the President shall appoint the panel.

"(3) No person who has a pecuniary or other interest in any organization of employees or employers or employers' organizations which are involved in the dispute shall be appointed to such panel.

"(f) The panel may engage in an effort to mediate or otherwise settle the dispute.

"(g) Beginning with the direction of the President to submit final offers and until the panel makes its selection of a final offer, there shall be no change, except by agreement of the parties, in the terms and conditions of employment, and no strike, lockout, or similar activity shall take place. In no instance shall such period exceed thirty days.

"(h) The panel shall not compromise or alter the final offer that it selects to resolve the dispute. Selection of a final offer shall be based on the content of the final offer and no consideration shall be given to, nor shall any evidence be received concerning, the collective bargaining in the dispute, including offers of settlement not contained in the final offers.

"(i) The panel shall select the most reasonable of the final offers submitted by the parties and shall state, in writing, the reasons for its selection. The panel may take into account—

"(1) past collective bargaining contracts between the parties, including the bargaining that led up to such contracts;

"(2) comparison of wages, hours, and conditions of employment of the employees involved, with wages, hours, and conditions of employment of other employees doing comparable work, giving consideration to factors peculiar to the industry involved;

"(3) security and tenure of employment;

"(4) the public interest; and

"(5) any other factors normally considered in the determination of wages, hours, and conditions of employment.

"(j) The final offer selected by the panel shall be deemed to represent the contract between the parties, except to the extent that any provision is determined, under procedures prescribed by the Director, to be not in accordance with applicable law.

"(k) The determination of the panel shall be conclusive unless modified pursuant to subsection (j) or found arbitrary of capricious by a district court of the United States having jurisdiction over the parties.".

CURRENT NATIONAL FOOTBALL LEAGUE STRIKE

SEC. 3. Consistent with the purposes of the Labor Management Relations Act, 1947 (29 U.S.C. 141 et seq.) to avoid industrial strike which interfaces with the normal flow of commerce—

(1) the parties to the labor dispute between the employers represented by the National Football League and the employees represented by the National Football League Players Association which existed immediately before the date of enactment of this Act shall take all necessary steps to resume activities; and

(2) the status quo of such parties shall return to that which was in effect prior to 12:01 antimeridian of September 21, 1982 and such status shall remain in effect until the dispute between such parties is resolved pursuant to subsection (b).

(B) The President shall, notwithstanding section 214 of the Labor Management Relations Act, 1947 and within five days of the date of enactment of this Act, direct such parties to submit final offers in accordance with such section.

RECOGNITION OF SENATOR GORTON

The PRESIDING OFFICER. Under the previous order, the Senator from Washington (Mr. GORTON) is recognized for not to exceed 15 minutes.

CORPORATE WARS HARM U.S. ECONOMY

Mr. GORTON. Mr. President, much of America watched, as I did, the latest saga of the corporate wars. Indeed, it was difficult to miss since the entire struggle between the Bendix Corp. and Martin-Marietta was prominently reported on a daily basis by the press and television. The event was treated as drama. A leading news magazine aptly headlined its story, "Merger Theater of the Absurd."

Following in this vein, I feel compelled to add my review to the others that have appeared recently. Most of the public attention that was paid to this latest battle of the corporate wars has been devoted to the strategy and tactics of takeovers. Surely much more of national interest is involved in merger wars than who wins, who loses, and how they did it. Indeed, if I did not believe that much more of national significance was involved here, I would not be addressing the Senate on this subject today.

The media, in reporting the Bendix-Martin-Marietta struggle often treated it as a soap opera: A struggle between corporate titans involving billions of dollars, the clash of personalities, stunning victories followed by equally stunning reversals, unexpected alliances that quickly fell apart, and even a romantic interest. It was almost as if we should not take this struggle any more seriously than we do daytime TV.

The colorful argot that has evolved to describe the tactics of corporate takeovers—white and gray knights, bear hugs, crown jewels, golden parachutes, the Pac-Man strategy—suggests that corporate wars and star wars are of equal importance. They are not, and we are making a grave mistake if we do not take the merger wars and the merger movement seriously. While on the surface the Bendix-Martin-Marietta struggle appears to contain all the elements of a comic opera, a close inspection reveals the elements of tragedy fully deserving of a serious review. A serious review goes beyond a description of the performers' behavior—to an exploration of the reasons for that behavior. When we do this for the latest example of corporate wars, we discover a serious national problem.

Consider first the absurd results of Allied's takeover of Bendix, and of Martin-Marietta, thereby maintaining its independence. A basic premise underlying a competitive economy is that both parties should gain from a trade. The economic basis for a corporate merger is that the assets of the acquired firm will be more efficiently used by the new owner, so that the successor will be more productive and profitable than it had previously been. The buying firm can therefore offer the seller more than the firm was previously worth, but still less than the assets will be worth when more productively employed. The theoretical basis for a profitable trade thus exists where both the buyer and seller benefit.

Yet, this did not happen in the Allied-Bendix-Martin-Marietta struggle. On Monday, September 27, after the dust had finally cleared and the stocks of the three companies were opened for trading, the share price of two of the firms, Allied and Martin-Marietta, the declared winners, actually fell. Allied, which acquired Bendix, had its stock price fall by almost 8 percent, and the price per share for Martin-Marietta, the independence of what was retained, plummeted almost 20 percent.

This decline in the share prices reflected the financial wreckage left in the wake of the Allied-Bendix-Martin-Marietta struggle. Martin-Marietta finds itself with $900 million in new debt used to repurchase its own stock for substantially more than it is worth today. In order to reduce this debt the company is considering selling some of its assets. Standard and Poor's has placed Martin-Marietta on its credit watch list along with Bendix and even Allied. Allied's purchase of Bendix caused its debt to capital ratio to rise from 23 percent to 43 percent—a level which endangers its credit rating and continued access to financing. Allied is also reported to be thinking of selling some assets to reduce the giant debt it has acquired. Where a month ago three relatively strong companies stood, now two financially weakened concerns remain.

Clearly something is wrong here: except for the shareholders of Bendix, and those of Martin-Marietta who had sold out earlier, the stockholders were made worse off, not better off, by this corporate merger. Furthermore, had Bendix prevailed in its management's strategy I suspect that its shareholders would also have been rewarded with lower share prices.

This is not a unique result. Research into the behavior of stock prices after mergers shows that while the stock price of the acquiring firm often rises a little bit, it frequently falls instead. The only clear winners in corporate takeovers are the owners of the firm that is sold. If the owners of the buying firm do not always benefit, why are there so many mergers?

Perhaps the answer to this question lies with an investigation into the question of who are the clear winners in merger wars. Clear winners in the Allied, Bendix, Martin-Marietta conflict were the investment banks, and legal firms, whose questionable advice reportedly will earn $20 million, and the executives at both Bendix and Martin-Marietta who were voted "golden parachutes" by their respective boards of directors.

A "golden parachute" is a guaranteed employment contract for an executive in the event the company they work for falls victim to a hostile takeover. It is a kind of executive incompetence insurance. Martin-Marietta's directors passed out 28 of these security blankets soon after Bendix made its initial offer. This was a reward for managing a company in which three of its five divisions are losing money and which stock has fallen from $72 a share 2 years ago to $22. It was the free fall of the share price, after all, that made Martin-Marietta vulnerable to a takeover.

Bendix, the management of which was restructuring the company, did not allow its executives "golden parachutes" until it appeared that Martin-Marietta had turned the tables on them and might actually acquire Bendix. Then Bendix passed out 16 no cut contracts worth $15.7 million. The biggest contract went to the chief executive officer who received a guarantee of $805,000 a year for the next 5 years.

Clearly something is wrong when the management principals can protect themselves in this way during a merger war. The press has often painted these same corporate executives as big risk takers in the tradition of Horatio Alger. Yet it does not take much of a hero to start a takeover battle when the winner gets to manage a multibillion-dollar business and the loser rides a golden parachute into a $4 million safety net.

No wonder millions of Americans have decided that the stock market is not for them. The whole Bendix-Martin-Marietta fiasco demonstrates that shareholders generally do not control the companies they own. Nor can they necessarily trust either the board of directors or the executive management to act in the owners' best interest.

One of the salutary effects of mergers is said to be that they promote good management: A hostile takeover need be feared only if another company's leaders believe that they can manage the assets more productively and more profitably. An efficiently managed company need not fear a hostile takeover. But according to recent reports 15 percent of our largest companies have provided golden parachutes for some of their executives. Certainly the golden parachute phenomenon substantially reduces any such positive motivational effect since even if their jobs cannot be protected their compensation will be.

I do not at this point wish to propose a solution, but I do wish to recommend to my colleagues that we should explore the legal relationships between the shareholder, who is the owner and ultimate risktaker, and the corporate management which should work for the owners, to see if a means can be found to make their interests better coincide. This problem of separation of ownership and control of the corporation did not, of course, originate with our current merger wars; it has existed for as long as we have had corporations. The recent Bendix-Martin-Marietta comedy illustrates, however, that it remains a serious problem.

As important as is this split between the interests of the managers and that of the owners, it is not the most important problem revealed by the Bendix-Martin-Marietta battle. Even more important is the answer to the question of why Bendix tried to do what it did. Why did Bendix believe that it was in its interest to purchase a high-tech company rather than to create one? After all, the economy clearly gains less from a game of corporate musical chairs than it would from the new investment and new jobs that would flow from expansion.

Not only did the managements of Allied and Bendix attempt to expand by merger rather than internal growth, they did so relying heavily on borrowed funds. It is reported that Bendix arranged a billion dollar line of credit to finance its offer for Martin-Marietta. Martin-Marietta fought back by borrowing $843 million. Finally Allied's $1.9 billion purchase of Bendix was partly financed by borrowed funds.

During the month-long struggle, literally billions of dollars were tied up which could not be used to finance expansion elsewhere. The cost to the economy of this merger is not confined to the damage done to the companies involved, but must include the benefits that were lost because this capital was not profitably employed elsewhere.

I agree with the frustrated industrialist quoted in the Wall Street Journal:

> Maybe there's something wrong with our system when those four companies line up large amounts of money in order to purchase stock, when it doesn't help build one new factory, buy one more piece of equipment, or provide even one more job.

I would only add that they were lining up to pay inflated prices for that stock, much more, as we have seen, than the ordinary investor was willing to pay.

There is clearly something amiss in an economy when corporate assets look more attractive to other corporations than to ordinary investors, and more attractive than internal expansion. It is not sufficient to try to explain all the mega-mergers which have occurred over the last 5 years by: Incompetent management, as we perhaps could in the case of the Bendix-Martin-Marietta fiasco. There have simply been too many. Rather, we should look at the woeful state of our general economy. It would be no surprise that mergers would be preferred to internal expansion during a recession when the economy has excess capacity. But our current merger movement has been going on for sometime now, during good times as well as bad.

There is a new development which probably helps explain the most recent surge in merger activity. The administration's chief antitrust officials have made numerous public statements indicating that they take a significantly narrower view of antitrust laws as applied to mergers than have previous Republican and Democratic administrations. These signals that bigness is not badness, and that the Federal enforcement approach will immediately reflect this new philosophy, have been received on Wall Street. It is the clear perception of the business community that some types of mergers which would have been prohibited in the past are now worth a try.

The major reasons, however, for the current merger movement and the motive for Bendix's aggressive behavior, as well as that of Occidental, American General, R. H. Reynolds, and others which have been involved recently in billion dollar mergers, lie in inflation and the accompanying stagnation which has afflicted our national economy for over a decade. Not only has inflation discouraged personal savings and reduced the supply of capital, it has redirected what capital was available to the purchase of high-interest-paying fixed securities rather than to the equity market. The price of corporate assets, as a result, have fallen to bargain basement levels. The urge to merge is a symptom of an ailing economy. When we restore the economic health of our Nation, as we are pledged to do, I believe the merger wave may well subside significantly through natural forces.

But can we afford to wait? Our country's industrial assets are becoming increasingly concentrated in the hands of a few giant corporations. Three decades ago less than half of our country's industrial assets were in the hands of the largest 200 corporations, today it is closer to two-thirds. Mergers clearly have been an important contributor to this increased concentration. It becomes extremely difficult to deconcentrate an already concentrated industrial structure.

I would submit that increased concentration and giant size that is brought about in response to and abnormal economy will prove to be contrary to the interests of our Nation. It is quite possible that when we have finally succeeded in returning the economy to prosperity, that we will possess an industrial structure that is well suited to survive inflation but ill-suited to function efficiently in a dynamic expanding economy.

If this possibility exists then we should at the very least be exploring ways of keeping this from happening. I will make some general suggestions along these lines. I offer them not as the ultimate solutions to this problem, but as preliminary ideas which I hope will foster open discussion in the Senate. I hope that such focus will lead to enactment of some reasonable type of corrective measure early in the 98th Congress. Reducing the attractiveness of mergers is obviously one way of attacking the problem. Corporate mergers are currently attractive because the stock market responding to an inflationary economy has placed an artifically low value on corporate assets. As a consequence, it is less expensive to buy corporate assets through mergers than to expand internally. The obvious solution is to raise the cost to a firm of acquiring another firms's assets.

One way to do this is through changes in the tax laws. One suggestion might be to remove the deductibility of interest on money borrowed specifically to acquire the assets of another firm. This would accomplish two desirable results: It would probably sharply reduce the number of mergers and at the same time free credit for more productive purposes. Those externally financed mergers that still occur would no longer be partially subsidized by the taxpayer as they are now. The tax deductibility of interest payments is a Government-granted benefit. If it encourages behavior that is not in the country's best interest, it should be repealed.

Another approach would be to establish a merger tax. Many mergers are financed by retained earnings, which if distributed to stockholders, would be subject to tax. In that sense the general taxpayer also subsidizes mergers. By subjecting all retained earnings used to acquire other companies to a minimum merger tax would eliminate this implicit subsidy.

Clearly, the adoption of these two tax measures would reduce the number of mergers, especially those with only marginal benefits. Yet mergers would not be prohibited. Any two firms willing to exchange stock or willing to pay the taxes could still merge. It might also be wise to tie the tax to the economic situation, allowing the taxes to disappear when prosperity and growth return.

In closing, let me say that like millions of my fellow citizens I was at first amused by the Bendix-Martin-Marietta struggle. This amusement soon turned to irritation when the "golden parachutes" were unfurled. Now I am disgusted by the clear disregard that boards of directors and the managements of all the firms involved have shown for the stockholders they represent and the Nation in which they live.

Above all, I am alarmed by the possibility that if the merger movement is allowed to continue unimpeded the result will be a highly concentrated industrial structure totally unsuited for the dynamic rapidly developing economy we in Congress are attempting to create.

Mr. METZENBAUM. Mr. President, will the Senator from Oregon yield?

Mr. GORTON. The Senator from Oregon is not here, but the Senator from Washington is.

The PRESIDING OFFICER (Mr. MATTINGLY). The time of the Senator from Washington has expired.

Mr. METZENBAUM. I apologize to the Senator from Washington. I should know better.

Mr. President, the time having expired, I yield myself time from the minority leader's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I commend the very statesmanlike and erudite comments of the Senator from Washington. He has addressed himself to a very challenging problem that exists in this country at the present time. He has talked about not only the subject of mergers but also the odious practice of the "golden parachutes." It is a subject that I believe Congress has a responsibility to deal with.

I am not certain that in the closing days of the session we will have the opportunity to do that, but I do believe it should be a priority matter in the coming session.

I am pleased to see that the Senator from Washington has again taken a very forthright and courageous position on a subject that I believe is important to the American economy and the entire free enterprise system, as well as to those who trade in the marketplace.

I reserve the remainder of my time.

RECOGNITION OF SENATOR ABDNOR

The PRESIDING OFFICER. Under the previous order the Senator from South Dakota (Mr. ABDNOR) is recognized for not to exceed 15 minutes.

FARMERS—THE INFLATION FIGHTERS

Mr. ABDNOR. Mr. President, the inflation rate over the past 6 months, as measured by the Consumer Price Index (CPI), has been a remarkable 5.8 percent. President Reagan is justifiably proud of this accomplishment and deserves all the accolades being showered upon him. But who is really beating inflation? The farmer is. It is time the President and this Congress began handing out a few well-deserved bouquets to those in the economic trenches—or furrow, if you will.

Like all Americans, I was encouraged by the August CPI report which showed prices advancing only 0.3 percent over July levels. As a farmer in the Senate who represents the most rural State in the Nation, I had mixed emotions in noting that food and beverage prices actually declined between July and August by 0.3 percent. I looked a little deeper into the CPI report and found that the "food and beverages" category consists of three major subgroups, "food consumed at home," "food consumed away from home"—I am assuming this refers to restaurants, not picnics—and "alcoholic beverages."

As mentioned, prices for all three subgroups combined went down 0.3 percent. However, taking the subgroups separately presents a very different picture: prices associated with "food away from home," and "alcoholic beverages"each increased by 0.5 percent. "Food consumed at home"—the closest the average consumer gets to the farm gate—declined by 0.6 percent. Given the relatively high importance of food consumed at home versus the other two subgroups, there was a net decline in "food and beverage" prices of 0.3 percent. All other major expenditure categories went up in August: "transportation" went up 0.3 percent, "housing, apparel and upkeep," "entertainment," and "other goods and services," all advanced 0.4 percent and "medical care" prices, as usual, outpriced all other items showing an increase of 0.9 percent. It is interesting to note that the price decline in August for "food consumed at home" was almost enough by itself to compensate consumers for price increases in "apparel and upkeep," "entertainment," and "medical care," combined.

Also, had "food at home," prices been unchanged in August, the headlines would have read "August CPI advance 0.4 percent" rather than 0.3 percent. I am not sure what that 0.1 percent difference in August would mean to our annual inflation rate, but it certainly would have taken some of the glow off Secretary Regan's face.

So much for the month of August. What has the farmer's contribution been over the mid-term as a whole . . . say the last 6 months? As mentioned above, the inflation rate during the last 6 months has been 5.8 percent. During the past 6 months the prices of foods consumed at home went up only 0.8 percent. Had food prices gone up the same average percentage as all other prices in the CPI the increase in the index would have been 6.4 percent rather than 5.8. Americans on the average spend $31.3 billion per month on food and beverages, 65 percent of which is spent on food consumed at home, or $20.2 billion per month. The difference between a food price increase of 0.8 percent versus 6.4 is over $1.1 billion per month. Therefore, over the last 6 months, because of his tremendous contribution to reducing inflation, the U.S. farmer has provided the American consumer $7 billion of disposable income with which to purchase non-food goods and services.

And over the longer term? During 6 out of the last 8 years food and beverage prices have advanced at a slower pace than the Consumer Price Index.

Farmers, perhaps more so than any other business enterprise in our economy, have the most to gain from reduced inflation. Farmers are price-takers for both their purchased inputs and product sales. Farmers' incomes are not indexed to any cost-of-living adjustment and the highly competitive market in which he sells his product prevents the farmer from simply passing on production cost increases.

Inflation is therefore a direct out-of-pocket cost to the farmer. Fortunately, farm input prices have been stable during the current period of stable food prices. In contrast, during the last 2 years, 1980 and 1981, while prices received by farmers increased only 4.5 percent, the prices paid by farmers went up a staggering 21.9 percent.

Prices received by farmers would have to increase 8.6 percent in 1982 and prices paid by farmers would have to remain unchanged if farmers are going to catch up with the last 2 years of production cost increases. As the farm value of food represents only 35 percent of retail value, an 8.6-percent increase in prices received by farmers would yield an increase in retail food costs of only 3 percent.

In a particularly good year for agriculture, 1974, the ratio of prices received by farmers to prices paid by farmers stood at 130 percent. To obtain that level again prices received by farmers would have to go up 41 percent above 1981 levels with no change in production costs. Retail food costs would advance 14.4 percent. Of course, this 130-percent ratio could also be attained without an increase in retail food prices if farm production costs were to decline by about 30 percent in 1982.

Yet a third possibility would involve an 8-percent increase in retail food prices in combination with a 13-percent reduction in farm production costs.

In any event, in simplistic terms, these various scenarios give a perspective on the requirements and prospects of agriculture's economic recovery. Clearly, if our national goal is to keep food price inflation down—and it certainly appears to be—it is absolutely critical to the future economic viability of American agriculture that a concerted, comprehensive national effort be initiated to reduce the farmer's cost of producing food. Said another way, a zero rate of inflation reflecting no price changes for either food or farm inputs would only maintain farm economics at its currently very depressed state.

That just is not good enough.

I strongly suggest we begin to give credit where credit is due. With all due respect to President Reagan, Chairman Volcker, Secretary Regan, and this Congress: Who is whipping inflation?

The American farmer—that is who.

And I am not going to let my colleagues forget it.

NEW ENGLAND GOVERNORS' CONFERENCE SUPPORTS WATER POLICY BILL

Mr. ABDNOR. Mr. President, recently I received a copy of a letter which Governor Brennan of Maine sent to the Speaker of the House on behalf of the New England Governors'

Conference. This letter is in strong support of H.R. 3432.

Similar legislation—S. 1095—is pending on the Senate Calendar. Because of the significance of the views of the New England States on this important issue, I ask unanimous consent that the letter from Governor Brennan be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NEW ENGLAND GOVERNORS' CONFERENCE, INC.,
Boston, Mass., September 14, 1982.

Hon. Thomas P. O'Neill,
Rayburn House Office Building, Washington, D.C.

DEAR REPRESENTATIVE O'NEILL: The purpose of this letter is to ask your support for H.R. 3432, which was recently reported out of the Rules Committee. H.R. 3432 combines the "Water Resources Research Act of 1982" and the "Water Resources Policy Act of 1982" and would provide matching funds for water resources and for the support of state water and related land resources planning and management programs.

Prior to the recent federal budget cuts, the State of Maine benefitted from financial assistance provided by the Water Resources Planning Act of 1965. These funds supported not only basic water-related research conducted at the University of Maine, but also the development of a state ground water protection program, a rivers conservation effort, and a statewide policy on hydropower.

My fellow New England Governors have advised me that this federal assistance made possible similar achievements in their own states and was especially helpful in enhancing the ability of state agencies in the southern half of our region to deal with the recent drought they experienced.

The New England Governors are convinced that a continuing, coordinated program of water resources planning, management, and research is of the upmost importance not only to our citizens, but to the entire Nation. Your support of H.R. 3432 will help ensure that these programs, which have been so successful in the past, continue.

Very truly yours,
JOSEPH E. BRENNAN,
Governor of Maine, Chairman.

S. 1692—NEW OPPORTUNITIES FOR COAL

Mr. ABDNOR. Mr. President, my colleagues know of my great interest in the passage of legislation that would hasten the development of deeper harbors for our Nation. S. 1692 would accomplish this goal. That bill is presently on the Senate calendar. It has been ready for floor action since the end of last year.

Recently, the Heritage Foundation prepared a most interesting briefing paper entitled "New Opportunities for Coal." One of the conclusions of the paper:

The renovation of U.S. ports and harbors can be accomplished without spending a single federal dollar. Private sources of funds, within the U.S. and abroad, have already indicated a willingness to invest in such projects.

I agree. More significantly, such improvements can be achieved in a more rapid, more effective manner once the Federal role in new construction ends.

Because of the importance of the views expressed in this Heritage Foundation article, I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Backgrounder, June 16, 1982]

NEW OPPORTUNITIES FOR COAL

(By Milton R. Copulos)

INTRODUCTION

After fueling the early stages of the Industrial Revolution in the United States, the U.S. coal industry entered a prolonged period of decline. Following the Second World War, competition from cheaper oil and natural gas, widespread labor strife and growing concern over the environment combined to curtail sharply demand for America's most abundant resource. With the surge in world oil prices that began in the 1970s, though, "King Coal" gained a new lease on life. As a result, coal now promises to become one of America's most important export commodities.

Estimates compiled for the House Merchant Marine and Fisheries Committee show that the United States could increase its share of the coal export market from its present 18 percent to as much as 38 percent by the end of the century. If realized, the increased foreign currency earnings from the new coal trade could add $14 billion annually to the U.S. payments balance. Thousands of new jobs would be created. Most important, perhaps, the ability of the oil producing nations to disrupt the world's economy would be substantially diminished.

To accomplish this, America must take steps to ensure that its ports, railroads and loading facilities can accommodate vastly increased volumes of coal.

The need to do so is urgent. Although the United States' 1.7 trillion tons of recoverable coal reserves accounts for 30 percent of the world total, other nations too are in a position to be major coal exporters. Australia, South Africa, and Canada already provide stiff competition for U.S. firms. Colombia, China, Poland and even the U.S.S.R. are moving aggressively to market their coal. Given such alternate sources, there is no guarantee that the world will turn to the U.S. for coal in the coming decades.

Yet, U.S. coal companies enjoy one critical advantage: they are seen as a secure source of supply. It is this view which allows these firms to charge the $4 to $6 premium that U.S. coal currently commands. Should the price of American coal rise too far above its competitors, however, it may find its market fading. This makes the question of port modernization critical to the coal trade's future. Failure to act now could result in American coal costing as much as 40 percent more than its competitors. If this occurs, it is virtually certain that customers will turn to other sources.

Ports play a critical role because transportation charges account for the lion's share of what a customer pays for a delivered ton of coal. Anything affecting these charges thus has an enormous impact on marketability. In the case of coal, which reaches foreign markets by ship, the advent of the "Super-Collier" has sparked a revolution in coal transportation.

Super-Colliers are huge vessels averaging 150,000 dead weight tons (dwt) and requiring harbor depths of up to 55 feet. While these mammoth carriers comprise only about 7 percent of the world coal fleet, they are expected to account for 25 percent by 1985 and 44 percent by 1990. The trouble is, no coal port in the United States can load a vessel of this size; only one, Hampton Roads, Virginia, can even accommodate ships of up to 100,000 dwt.

By contrast, eighteen ports worldwide have the harbor depths of 55 feet or greater to handle the Super-Colliers; there are twenty-four ports with harbor depths of between 45 and 55 feet that can handle ships of up to 100,000 dwt. There are plans, moreover, to deepen several more ports outside the U.S. to allow them to serve these huge ships. Since many of these deep ports are located in countries that compete with the United States for the coal trade, it is clear that they will gain a major cost advantage over the U.S. unless American harbor facilities are upgraded.

The responsibility for dredging U.S. ports and harbors has traditionally rested with the federal government. Federal funds have financed port construction and the Army Corps of Engineers has done the work. The lead-time for such projects, however, can be up to twenty-one years—far too long to allow the U.S. to take advantage of the current opportunity to participate in the rapid expansion of the international coal market. Yet the private sector stands ready to step into the breach and take on the responsibility for making the port improvements. More important, the task can be accomplished without creating new, massive federal subsidies or imposing complicated regulatory regimens.

The renovation of U.S ports and harbors can be accomplished without spending a single federal dollar. Private sources of funds, within the U.S. and abroad, have already indicated a willingness to invest in such projects. In fact, Japan is currently involved in providing funds to renovate the port of Long Beach, California. Private capital in Germany and France has also expressed interest in financing port construction.

No new regulations are needed for such projects. Indeed, rather than new regulations, relief from old ones is needed, for regulatory impediments, such as those that create the twenty-one-year lead-times, constitute the single biggest obstacle to improving U.S. ports. What is needed most from government, therefore, is to get out of the way.

The only thing the federal government should do to encourage foreign capital to help pay for U.S. port renovations is to send a clear signal abroad that America is serious about expanding U.S. coal trade. Washington must also signal that it supports private initiatives to improve the coal transportation system. This signal is needed because, under the Carter Administration, support for coal exports was ambivalent—at best. Although there had been much rhetoric, little was done to make such trade possible, and a great deal was done to make it more difficult. What is needed now is to indicate clearly the renewed national commitment to coal exports and the federal sanction of private efforts toward that end. With these actions, foreign doubts would be dispelled, and America's role in the world coal market.

A program to revitalize American coal transport would include:

Coal Export Zones—Areas designed to take advantage of recent initiatives to streamline the regulatory process for port dredging.

Coal Export Investment Companies—Joint ventures, licensed by ports, to act as magnets for foreign capital and project managers for port renovations.

National Coal Exchange—A private clearinghouse for coal exports that would establish specifications for blends of coal, which would be mixed at the ports, and act as a mechanism to create a commodity market for coal similar to those that exist for other commodities. Its long-term goal would be to help standardize coal grades and establish a stable mechanism for ensuring long-term sources of supply.

Each element of this program is aimed at a particular part of the larger problem of encouraging U.S. coal exports. More important, each uses the private sector or local authorities rather than the federal government. Control of the port renovations would rest primarily with the ports themselves. Financing would come exclusively from private sources. The commodities exchange would also be an exclusively private enterprise. In this way, the three elements of this program would advance the Reagan Administration's goals of fostering a New Federalism and privatizing the energy market.

A PRESSING NEED FOR THE PROGRAM

In its review of the procedures employed in authorizing the maintenance and dredging of U.S. ports, Congress found that "The principal causes of regulatory delay . . . are the absence of any rational management approach to the conduct of system wide maintenance and the lack of interagency coordination . . ." (House Report 97-454). In short, there were too many fingers in the pie. To correct this, procedural reforms have been approved, including an "expedited authorization process or 'fast track' for certain deep-draft navigation improvements." The aim of these initiatives is to reduce the lead-time for port dredging from the present twenty-one years to around two and one-half years. The thrust of these reforms, the House Merchant Marine Committee said, is to "restore the traditional primacy of the state [governments] . . ." in port construction.

Accomplishing the necessary port renovations will take more than procedural reform; it will take a great deal of money. Outlays for single dredging project can easily run as high as half a billion dollars. It has been estimated that as many as ten deep-draft parts may ultimately be needed to accommodate the expanded U.S. coal trade. Other necessary improvements—such as the addition of loading facilities, storage yards and special blending areas—could cost twice again as much. In a time of budgetary constraint, the $15 billion expenditure that upgrading U.S. ports would entail most certainly would encounter strong opposition in the Congress. Only private sector alternatives, therefore, hold real hope of addressing this problem in a timely fashion.

Financing the necessary U.S. rail system improvements presents a similar problem. Although the federally controlled portions of the rail system, such as Amtrak, receive a subsidy, they represent only a small segment of the overall network. As such, the $10 to $12 billion needed to upgrade the non-federal sections of track must come from private sources.

Given the fact that $25 to $27 billion is likely to be needed over the long run to make America competitive in the international coal trade and that public funds are unavailable (but should not be) for this purpose, it is clear that private sector alternatives are needed. Coal Export Zones represent one approach to providing such alternatives.

COAL EXPORT ZONES

Coal Export Zones are designed to provide a mechanism whereby local port authorities can take advantage of the "fast track" procedural reforms approved in congressional committee. They would provide the infrastructure to facilitate the approval process, and would be a local licensing agency for Coal Export Investment Companies and Coal Exchanges. The Coal Export Zones would not, however, have any regulatory authority, so that the procedural reforms to expedite the port renovation approval process would not be undercut by regulations promulgated at the local level.

To establish a Coal Export Zone, the local port authority would select a board of governors of three to five members and apply to the Secretary of Commerce for designation as a Coal Export Zone. Approval would be automatic and would qualify the port to use the "fast track" procedures for dredging and maintenance. It would also allow the port to license Coal Exchanges and Coal Export Investment Companies. The port would also be allowed to use existing authority to issue Industrial Development Bonds in connection with such projects.

The designation would not be limited to specific ports or to any specific number of ports. This will allow as many port renovations as the market will support, eliminating the competition for the federal dollars that currently finance such projects.

COAL EXPORT INVESTMENT COMPANIES

Coal Export Investment Companies would be joint ventures that could be licensed by any U.S. port authority or combination of port authorities. Partners in the joint venture could include: (1) mining companies, (2) railroads, (3) barge lines, and (4) coal buyers, including foreign governments or corporations. Their purpose would be to invest in projects that would improve the physical infrastructure and marketing system for coal exports. These projects could include: (1) port and waterway improvements, (2) portside facilities and (3) coal preparation facilities such as blending stations and washing terminals. The Coal Export Investment Companies also would be allowed to invest in upgrading the "upriver" elements of the coal export transportation system such as railroad track and loading facilities.

The Coal Export Investment Company is intended to act as the "magnet" for foreign capital. It would give foreign investors an opportunity to participate not only in the financing of port renovations, but in the actual projects themselves. This would serve to reinforce foreign commitment to using U.S. coal in two ways. First, overseas interests would have an opportunity to own a portion of the terminal's loading facilities and other privately held operations at the port itself and would expect a profit from their use. Second, since their investment would be repaid through assessment of user fees, it would be in their interest to ensure that coal moves through the port.

Coal Export Investment Companies also would receive a congressional "charter." Although the charter would carry no special privileges, it would provide a governmental sanction for such ventures. Since most overseas purchasers of U.S. coal operate through governmental entities, they would place considerable credence in the legitimizing effect such sanctions would have. Therefore, this sanction is an important, albeit largely symbolic, stamp of approval.

COAL EXCHANGES

A basic flaw in the present system of marketing U.S. coal is that some ten thousand different grades are being sold. This situation is an anachronism dating from the time when coal boilers were far less sophisticated than they are today and when much of the coal produced was used relatively close to where it was mined. As a result, many large industrial and utility boilers actually are designed to burn coal from a specific mine. As the market for coal expands though, it is clear that the lack of standardization introduces a substantial and unnecessary inefficiency into the utilization of this fuel.

Coal Exchanges would permit a gradual process of standardization of coal. Instead of specifying a particular mine, a coal customer would instead specify a set of desired characteristics. Various types of coal could be analyzed to determine what combination would produce the desired effect, and they could be blended at the port before loading. Once a blend was established, it could then be listed on the exchange with a designation tying it to a particular blending station—say New Orleans #5. If another customer at a different port wanted to purchase coal with similar characteristics, it would be necessary only to blend the coals available in that region to achieve the mix of New Orleans #5. Over the long run, as boilers became more standardized and were designed for blends rather than for the coal from a specific mine, the number of grades would be sharply reduced, bringing down the cost.

An exchange also would allow customers to seek the lowest price. If a mine were underutilized and willing to discount its product, it could be used in a blend. As such, a potential buyer could make minor adjustments in the mix to take advantage of the discounted coal and offer the ultimate user a lower price.

The standardization of coal and use of blends also could help to utilize more fully America's coal resources. For example, coal from Wyoming's Powder River Basin has a very low sulfur content but has a low heat content as well. As a result, it is unsuitable in some applications. Conversely, coal from Ohio has a high heat content, but also has a high sulfur content. Blending these two could result in a coal with relatively high heat content and lower sulfur content. Other specialized blends could help use coal more efficiently. The key, however, is that a desired set of characteristics (say high heat content and low sulfur content) could be achieved through blending without linking a buyer to a particular mine.

CONCLUSION

Expanding U.S. coal exports is an opportunity for a private sector initiative. The port and harbor renovations and improvements to the rail transport system could be accomplished more efficiently by private firms than by the federal government. Since substantial foreign capital probably would be willing to underwrite these projects, moreover, the expansion could take place without adding to the federal deficit or to the tax burden on the public.

From the viewpoint of foreign investors, the projects should be very attractive. By being full participants in the port and the harbor renovations, they could profit from the actual construction and from the fi-

nancing. More important, they would be taking a crucial step toward assuring themselves a secure energy supply at a time when they are tempted to increase their dependence on the Soviet Union for energy.

For the Reagan Administration, the three-point program of Coal Export Zones, Coal Export Investment Companies and a Coal Exchange presents an opportunity to take a concrete step to implement its goals of privatizing the energy market and implementing the New Federalism. It could do this without adding new pressures on the budget.

According to the Draft Report of the Inter-Agency Coal Working Group, the U.S. could be exporting from 475 to 565 million tons of coal by the year 2000. To achieve this ambitious goal, the nation must have the port facilities and rail system these volumes will require. Should the U.S. fail to move now to put them in place, it may lose a golden opportunity.

Mr. ABDNOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold?

RECOGNITION OF SENATOR PRYOR

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas (Mr. PRYOR) is now recognized for not to exceed 15 minutes.

S. 3001—OPERATIONAL TESTING AND EVALUATION ACT OF 1982

Mr. PRYOR. Mr. President, today I am introducing legislation to create within the Department of Defense an independent Office of Operational Testing. The office will be responsible for monitoring and passing independent judgment on new weapons long before they reach production and get to our soldiers. It will provide to the Pentagon, to the Congress, and most importantly, to the American people new guarantees that expensive, sophisticated weapons will not be sent to the battlefield prematurely.

Operational tests, designed to evaluate a weapon's capabilities under realistic and demanding battlefield conditions, are a sham when weapons are pampered and coaxed through the testing process by their own developers. We have seen ample evidence of unrealistic tests conducted by the Pentagon's research arm. We have also witnessed many examples of weapons pushed into production before they are ready. The General Accounting Office and numerous respected defense critics have called attention again and again to weapons failures which could have been detected and corrected through more thorough, unbiased operational tests. This area, defense critics insist, is the most sadly neglected and critical part of the weapons procurement process.

In our rush to secure the latest, most sophisticated weaponry, we are sending guns, tanks, ships, and other essentials to troops in the field before we know the weapons will work in battlefield conditions. The losers are the troops expected to defend their lives with undependable weapons, and the American taxpayers who must foot the bill for production of billion-dollar weapons systems that do not work.

The Pentagon has created an unavoidable conflict of interest by making researchers, developers, and defense contractors also responsible for operational tests of new weapons systems. The same industry responsible for pushing weapons into production also plays a role in passing judgment on the weapon's performance.

I could cite many examples, dating back to World War II, of weapons flops which could have been avoided through more thorough and demanding operational testing. These tests are one of the public's few protections against exorbitant investments in weapons systems which fail.

The M16 rifles issued to soldiers during the Vietnam war were perhaps the best publicized weapons disaster.

Men wrote home to their families of moments of horror on the battlefield when the weapons they depended on for protection failed to fire and jammed during the heat of attack. The weapons were considered so useless that Vietcong soldiers refused to pick up abandoned rifles on the battlefield.

Congressional inquiries after the war established without question that M16 rifles has been issued to frontline soldiers before they were thoroughly tested outside the laboratory.

Likewise, the M1 tank has been criticized extensively. In an April 1982 issue of Reason magazine entitled "We Pay for Duds: How the Pentagon Cheats on Weapons Testing," Dina Rasor carefully examined the limitations of the M1 tank and weapons testing generally.

Furthermore, the General Accounting Office reported on June 25, 1982, that the testing of the Maverick missile had not been conducted in such a way that we could be assured that the missile was suitable for effective use in combat.

Russell Murray, the former Assistant Secretary of DOD, presented an excellent summary of the situation during testimony at Senate Governmental Affairs Committee hearings last October.

Also, in the July 24, 1982 issue of National Journal entitled "Billion-Dollar Failures May Slip Through the Pentagon Weapons Testing Net," Michael Gordon has carefully analyzed this issue.

Only last week, there were new revelations of M-1 tank problems. I ask unanimous consent that certain news articles on this subject be placed in the RECORD following the printing of the text of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. PRYOR. Let me illustrate how the integrity of operational tests can be compromised:

First. Overly qualified crews and operators used during tests of new weapons. The General Accounting Office says this practice calls into question the "performance, maintainability and readiness of the system in a realistic operational environment."

Second. Combining low operational test scores with much higher developmental test results. Tests done under ideal conditions combined with operational tests pull up low battlefield scores. GAO has condemned the practice on several occasions.

Third. Discounting unfavorable test results. GAO charged that Army did this during testing of the M1, raising questions about the tank's reliability in the hands of soldiers.

Fourth. Incomplete reporting of test data to Congress. The GAO in a 1980 report complained that Defense was not giving Congress adequate data to aid in decisionmaking about major weapons systems. They said reports to Congress contained misleading or incomplete data in numerous instances.

A blue ribbon panel appointed by President Nixon concluded 12 years ago what defense critics have been saying ever since—that operational testing needs to be removed from the "researchers" and "developers" in the Pentagon and put into the hands of independent testers totally removed from the politics of weapons procurement.

That was 12 years ago, Mr. President.

The panel found that too much attention is devoted to developmental testing, conducted by scientists under highly controlled conditions, while too little time and money is set aside for operational tests. Operational tests are conducted out in the field by actual servicemen under conditions simulating wartime conditions as closely as possible.

This panel recommended establishment of an operational testing and evaluation group, with civilian leadership, within the office of the Secretary of Defense.

It urged allocation of a substantial budget for operational testing, which would be administered through the independent office. It also recommended that services be required to budget separately for operational testing, rather than including the estimated costs of tests in the total budget for a new weapons system. Finally, it called for more joint testing of weapons systems, a move which individual services have consistently resisted.

The report cited three major reasons for the recurrent problems we have

seen in testing conducted by the services with little direction from above. First, operational testing and evaluation in the services has lacked much of the independence which encourages objectivity and high level action. Second, throughout the services there has been little guidance from high levels as to what is desired from OT&E activities. Third, there has been too little support and encouragement of operational testing and evaluation from high levels within the services. This means that not only is more funding required to support operational testing but also that there should be the visible indication of how operational testing results are used in making important decisions.

Because of jealous turf guarding at the Pentagon, the recommendations for improving operational testing never have been fully implemented. I am convinced the time is long overdue for creating an independent oversight office to make certain weapons are thoroughly tested and scrutinized.

This legislation that I introduce, Mr. President, this morning is cosponsored by Senator ROTH of Delaware, who is the chairman of the Governmental Affairs Committee. It is also cosponsored by Senator LEVIN of Michigan, who is not only a member of the Governmental Affairs Committee but is a distinguished member of the Committee on Armed Services.

This bill would:

First, establish a new position at the Defense Department—a Director of Operational Testing and Evaluation who would be appointed by the President and confirmed by the Senate.

Second, assign responsibilities for operational testing and evaluation to the director of the new office.

Third, provide for direct reporting responsibility to the Secretary of Defense.

Fourth, require that the Director of the Operational Testing Office make an annual report to Congress and respond to requests from congressional committees about the status of testing.

Fifth, provide for separate budget requests for the Director's office.

Sixth, provide access by the General Accounting Office to records and data relating to operational testing and evaluation.

I also have asked the General Accounting Office, the investigative arm of Congress, to conduct an intensive review of the Defense Department's operational testing system. This request asks the GAO to look for weaknesses in the system and find out if test data compiled by the services gives us a valid and reliable indication of how weapons will perform in real-life situations.

This effort is not an attack on this country's commitment to a strong national defense, a commitment to which we will devote $1.6 trillion during the next 5 years. It could, however, guarantee that we get our money's worth when we decide to invest precious resources in new, advanced technologies.

This bill simply represents a demand for better quality control and objectivity. It is a step which defense analysts agree could bring about the most desperately needed improvement in the weapons procurement process. We cannot afford to pour precious resources into sophisticated weapons which fail our men on the battlefield. There is no place in any war effort for weapons which do not work. I urge your support for this long overdue change within the Department of Defense.

I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 3001

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Operational Testing and Evaluation Act of 1982".

DEPARTMENT OF DEFENSE DIRECTOR OF OPERATIONAL TESTING AND EVALUATION

SEC. 2. (a)(1) Chapter 4 of title 10, United States Code, is amended by inserting after section 136 the following new section:

"§ 136a. Director of Operational Testing and Evaluation: appointment; powers and duties

"(a) There is a Director of Operational Testing and Evaluation of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) The Director performs all duties relating to operational testing and evaluation in the Department of Defense including—

"(1) being the principal adviser to the Secretary of Defense on operational testing and evaluation in the Department of Defense;

"(2) prescribing the administrative organization in each of the military departments for planning and conducting operational testing and evaluation;

"(3) prescribing policies and procedures for the conduct of operational testing and evaluation in the Department of Defense;

"(4) monitoring, reviewing, and providing guidance for all operational testing and evaluation in the Department of Defense;

"(5) determining in advance the adequacy of the plans and the available funds for operational testing and evaluation to be conducted in connection with each major development program and each potential major development program in the Department of Defense;

"(6) coordinating operational testing and evaluation conducted jointly by more than one military department;

"(7) analyzing the results of the operational testing and evaluation conducted for each major development program and each potential major development program in the Department of Defense and reporting to the Secretary of Defense on (A) whether the testing and evaluation performed was adequate, and (B) whether the testing and evaluation results confirm that the items or components actually tested were effective and suitable for combat; and

"(8) reviewing and making recommendations to the Secretary of Defense on all budgetary and financial matters relating to operational testing and evaluation, including operational testing facilities and equipment, in the Department of Defense.

"(c) The Director shall report directly, without intervening review or approval, to the Secretary of Defense. The Director and his staff are independent of all research and development offices or organizations in the Department of Defense.

"(d) The Director shall have access to all records and data in the Department of Defense, including the records and data of each military department, that the Director considers necessary to review in order to carry out his duties under this section.

"(e) The Director may require that such observers as he designates be present during the preparation for and the conduct of the testing part of any operational testing and evaluation conducted in the Department of Defense.

"(f) The Secretary of a military department shall report to the Director all results of all operational testing and evaluation conducted by the military department and of all studies conducted by the military department in connection with operational testing and evaluation in the military department.

"(g) The Director shall respond to requests from the Congress for information relating to operational testing and evaluation in the Department of Defense.

"(h) No funds may be obligated or expended by the Secretary of a military department to conduct any operational testing and evaluation if such operational testing and evaluation is not approved in advance by the Secretary of Defense, in consultation with the Director, or is not conducted within the scope, or in accordance with the conditions, specified by the Secretary of Defense in approving the operational testing and evaluation.

"(i) For the purposes of this section 'operational testing and evaluation' means the field testing, under realistic combat conditions, of any item of, or key component of, weapons, equipment, or munitions for the purpose of determining the effectiveness and suitability of the weapons, equipment, or munitions for use in combat by typical military users and the evaluation of the results of such testing.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 136 the following new item:

"136a. Director of Operational Testing and Evaluation: appointment; powers and duties.".

(b) For each fiscal year, the President shall include in the Budget transmitted to the Congress pursuant to section 201 of the Budget and Accounting Act, 1921, a separate request for new budget authority for, and an estimate of the outlays by, the Director of Operational Testing and Evaluation of the Department of Defense in carrying out the duties and responsibilities set forth in section 136a of title 10, United States Code (as added by subsection (a)).

(c) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new item:

"Director of Operational Testing and Evaluation, Department of Defense.".

SEC. 3. (a) The Comptroller General of the United States shall have access to all records and data in the Department of Defense, including the records and data of each military department, relating to operational testing and evaluation in the Department of Defense.

(b) The Secretary of Defense shall cooperate with the Comptroller General in carrying out subsection (a).

(c) For the purposes of this section, the term "operational testing and evaluation" has the same meaning as provided in section 136a(g) of title 10, United States Code (as added by section 2(a)—(1) of this Act).

EXHIBIT 1

[From the Boston Globe, Sept. 20, 1982]

M1 TANK'S PROBLEMS PERSIST, REPORT SAYS

(By Fred Kaplan)

WASHINGTON.—The Army's trouble-ridden $2.7 million M1 Abrams tank is still plagued with serious, seemingly insurmountable problems, according to the latest report on operational tests conducted by the Army's testing agency.

For the past year, Army officers have excused the M1's poor performance in previous tests by saying that the trial reports were out of date, that improvements had since been made, and that the next round of tests would prove the tank's true worth.

Yet the reports on the latest round-Operational Test III, or OT-III, the last series of tests before the weapon is massively deployed—have just been made available, and most of the same shortcomings still appear to exist. Some have even worsened.

The Army has not freely distributed two OT-III reports, one of them 121 pages, the other 131—but unclassified portions were obtained by the Project on Military Procurement, a Washington-based, non-profit watchdog group which provided copies to The Globe.

The most serious problems remain the tank's engine, transmission and final drive. The final drive is to a tank what the axle and steering are to a car. The M1's original requirements stated that 50 percent of the tanks must be able to go 4000 miles without a replacement or overhaul of any of these three parts.

In the previous series of operational tests, OT-II, only 22 percent of the tanks traveled 4000 miles without this type of breakdown. In OT-III, that figure dropped to 15 percent.

The tank's tracks also wore out after an average 1100 miles of use—just over half the durability of the requirement, which is 2000 miles. In fact, the OT-III report admits that "the 2000-miles goal does not currently appear to be attainable."

Various parts of the tanks break down so frequently that only 44 percent to 46 percent of the M1s were available for use at any given time during OT-III. By comparison, in similar tests, the M60A1 tank, the oldest version of the model that the M1 is designed to replace, has had an "availability rate" of 85 percent.

The report also notes that the M60 is generally more reliable than the M1 and that it has a substantially longer operating range even under the best of circumstances—158 miles versus 123 miles, a 28 percent difference.

The M60 costs about one-third the price of the M1.

During a 96-hour field exercise of a battalion of M1s, conducted at Ft. Hood, Texas, as part of OT-III, only 51 percent of the tanks were ready for use by the beginning of the fifth day. And this was in a situation where the M1s were not facing hostile fire. At this rate of natural attrition, all the tanks would be out of action by the end of the tenth day.

Such statistics are especially grim at a time when the Pentagon is trying to develop strategies to enable the US Army to fight a "protracted" conventional war against Warsaw Pact forces in Europe.

The Army plans to spend $2 billion in fiscal 1983 to buy 776 MI tanks. It wants to buy 7058 tanks in all at a total cost of $19 billion. plus another $27 billion over their 20-year lifetime for operations and maintenance. Three battalions of M1s have already been deployed, one of them in West Germany.

The source of the M1's problems is not only the tank's fragility, but also the difficulty in maintaining it. For every hour that the M1's engines are running 3.1 hours have to be spent in maintenance. It takes 3.3 hours just to clean the tank's air filters, which are frequently clogged with dust. The test equipment and maintenance manuals differ so much from one another that much more often than not repair crews cannot identify the source of a breakdown or they misdiagnose the problem so that still more time is spent in the shop.

The OT-III report does say that the M1's "firepower, mobility, agility, and survivability . . . make it clearly superior to the M60 series of tanks."

However, the report also notes that the tank can develop serious problems when moving cross-country at high speed. The driver's vision becomes restricted, depth perception distorted. Ammunition clips are unable to retain ammo rounds. They jam against the ammo door or fall out onto the turret floor. The computer-guided aiming system on the tank's gun slips, forcing the tank commander to make continual corrections, making the task of finding and hitting enemy targets much more difficult.

Other problems in OT-III included the difficulty of positioning and firing the tank's .50-caliber machinegun, vital for countering antitank fire, traction problems in mud and on wet roads; and the grating mounted on the rear grill doors, which tears off on "practically every" tank "under normal cross-country operation," causing the "exhaust to be directed down toward the ground, which blows up excessive amounts of dust" into the air filters, "causing premature clogging."

[From the Wall Street Journal, Sept. 20, 1982]

WORST ENEMY OF THE ARMY'S NEW M1 TANK MAY HAVE BEEN ITSELF, U.S. TESTING SHOWS

(By Amanda Bennett)

WASHINGTON.—To test its costly new M1 tank, the Army sent 41 of them on a tough, six-day field exercise. By the fifth day, only about half were working.

No one was shooting at them; they just broke down.

The tanks, which cost as much as $2.7 million each, were designed to be the world's finest defense against enemy forces. But one of the last Army tests before the tank went into full production in late 1981 shows that the tank's own worst enemy may have been itself.

In fact, one segment of an Army test showed that the engine, transmission or other powertrain gear had only a 15 percent probability at that time of going 4,000 miles without failing. The Army had sought a 50 percent chance of going that distance.

The tank is built by General Dynamics Corp., which took over production from Chrysler Corp. earlier this year after buying Chrysler defense operations.

CONTINUED CONTROVERSY

Almost since the M1 tank first entered production, controversy has raged over the quality of the Army's first all-new tank in two decades. Evidence has made its way into the public that the tank failed to meet many principal goals during the Army's own testing. The Army has acknowledged some data supporting these views and has provided additional data refuting other such claims, but never has made its internal test documents public.

The Army says that it has made many changes since those tests were completed last year and that the tanks currently are working well.

A copy of the results of the Army's final operational tests on the tank provides a fuller picture of the type of problems the M1 faced during Army testing. The test results were made available by the Project on Military Procurement, a nonprofit group of defense consultants and former weapons planners, which vehemently opposes the M1's production, preferring instead construction of a simpler tank.

These copies show, among other things, that during a series of operational tests, tanks were available for use for at most 54 percent of the time and as little as 36 percent of the time. The rest of the time, they were broken, being repaired or waiting for repair or maintenance.

In one set of examples, an Army agency summarizing and commenting on the operational-test results showed that one tank was down a total of 104 complete days out of 240 days.

The agency blamed in large part a troubleshooting system that frequently made wrong diagnoses, and repair procedures and equipment that it said weren't adequate. "The tank system availability" in the field "will be low unless aggressive action is taken to improve test and diagnostic equipment, manuals and troubleshooting capabilities," the analysis said.

The Army says it has done just that. "We've made a lot of improvements" since the tests were completed in the summer of 1981, an Army spokesman said. More than 150 M1 tanks are currently in operation with an Army division in Germany, the spokesman said, and "they're running very well," now that a "good, smoothly established system for repairs, parts and training" has been established. In addition, he said, "soldier acceptance is high" among tank personnel in Germany. "These are the guys that have to fight" with the tank, he added.

It would have taken a lot of fixes to satisfy some tank personnel during the operational tests. While those working with the tank were impressed with its speed and ma-

neuverability, they complained of numerous problems that they thought impeded their safety or comfort. Some handles inside the tank endangered crew members' eyes, evaluators believed. They complained that the .50-caliber machine gun could be fired accidentally, but that it was hard to focus precisely on target.

NECK AND BACK PAIN

Of 29 drivers during one test, 27 reported neck and back pain bad enough to require medical attention after operating the tank for several hours with the hatch closed.

The Army nonetheless maintains that with the fixes it has made, the M1 is a superior tank. "As it sits right now on the ground, it's as good as or better than any tank that's fielded in the world," the Army spokesman said.

Still, the Army spokesman conceded that some of the problems "maybe aren't fixable." The treads, which were supposed to go 2,000 miles, were averaging just over 1,000 miles in the tests. "It may be possible that at this point in our technology" the treads can't be made any better.

As for the durability of the power train, the Army said it has made corrections to a number of areas such as the drive shaft and gear boxes, and has just begun a series of tests to see if that increases longevity. Using a combination of different operational and developmental tests and throwing out failures that it doesn't consider to be the tank's fault, the Army figures the tank stands a 37 percent chance of going the 4,000 miles without a breakdown of critical drive-train parts.

In St. Louis, a spokesman said General Dynamics wouldn't have any comment.

● Mr. ROTH. Mr. President, I am pleased to join with Senator PRYOR in sponsoring this important legislation which would create an independent Office of Operational Testing in the Department of Defense. I believe improved operational testing procedures will help reduce the costs of major weapons systems while at the same time improve the reliability of the weapons we field. This bill represents a first step in the effort to reform testing procedures and will serve as the focal point of oversight hearings on DOD management of weapons testing programs.

This legislation is the result of extensive hearings I convened last year in my Committee on Governmental Affairs. These oversight hearings were designed to be an intensive review of the management of the acquisition process in the Defense Department. There were many weaknesses in the acquisition process the committee examined including unrealistic cost estimating for new weapons programs, noncompetitive and sole-source procurements, gold-plating of weapons systems and ineffective operational weapons testing programs. All of these problems have at least two things in common. They drive up the costs of weapons programs and they have been around for many, many years. I believe the legislation we are introducing today will begin the process of ending one of those problems which has festered in the depths of the Pentagon hallways for far too long.

Mr. President, this legislation is designed to improve and insure the reliability of the operational testing conducted on weapons systems and other highly technical military hardware. Such tests are designed to determine exactly how well a given system would perform in actual combat, usually by testing the system in simulated but realistic combat conditions. Other tests are conducted on the system to determine whether it meets the specifications and tolerances it was designed to meet and are called developmental tests. Together, developmental and operational test, if done correctly and thoroughly, can tell us whether or not what we plan to buy will work as advertised, both in battle and as measured by the specifications it was designed to meet.

Developmental tests are begun from the very moment a system is conceived. They are used to help define the concept of a weapons system and they establish how the weapons will have to be designed to meet the broad specifications set for it when it was initially approved for development. Engineering tests are conducted to determine what materials and system configurations will need to be built to insure that a weapons system will satisfy its design requirements. At some point in the development process a complete prototype is usually built and tested.

As the weapon is being developed, operational testing is begun. Such testing does not always require a working prototype. In some cases, tests using existing equipment can help determine whether a system will be able to fulfill its mission in the field as envisioned by military planners.

Mr. President, the testing process as currently structured in the Defense Department, and as I have outlined it, is seriously flawed. Accurate and realistic operational tests are crucial to the ultimate success of a weapons program but in most cases such tests are conducted too late in the process of developing the weapon to be of much use. Usually, operational tests are never done in time to influence the initial decision to develop a weapon and, consequently, many concepts for new weapons are approved before it is actually determined whether a proposed system could realistically work on the battlefield as well as it works on paper. Unfortunately, paper can not stop bullets and a weapon which passes the grade as an idea may never be able to meet the true test in actual use.

This lack of adequate forethought with respect to operational testing is aggravated by pressure from defense contractors, project managers, and service chiefs to push ahead with a new program. Decisions are often made years in advance by Pentagon planners on what weapons system they want to have in their arsenal. The pressure on the program manager to insure that a particular weapon is developed and built to fill the niche left for it is so intense that making sure a weapon works may lose out to making sure it is built, period.

Such pressure not only affects the effectiveness of weapons systems it also affects their costs. It is much more efficient to build it right the first time than it is to build it any way you can and be forced to come back later to fix up your mistakes. Effective operational tests can indicate whether it is realistic to expect a new weapon to be capable of performing in a certain way under battlefield conditions and can indicate where changes should be made before the concrete has set. The efficiency which results from effective operational tests can save the taxpayers' dollars from being spent on costly, unnecessary repairs.

Mr. President, there are numerous cases in which ineffective operational testing has cost the taxpayer millions of dollars. For example, the newest generation of the Maverick Missile, an antitank weapon, is designed to be fired from several miles away from its target so that the pilot is not required to put himself in danger by moving in close to a tank in order to destroy it. Unfortunately, even though this weapon is now reaching the final stages of development, it has become apparent to many experts, including GAO, that a camouflaged tank cannot be picked out of a chaotic battlefield at ranges of greater than 3,000 feet. A simple operational test would have revealed this problem before the weapon reached this late stage of development.

Another weapon which was developed even though it had serious battlefield deficiencies was the TOW antitank missile. Fired from a bazooka-like device, the TOW missile trails a thin wire which directs the weapon to the target. Unfortunately, the soldier must keep his sights trained on the target to insure that the weapon scores a hit which means that he must remain standing or kneeling in the face of enemy fire for several seconds. Only a soldier with a death wish would want to do that. Again, an adequate operational test would have uncovered this problem.

Mr. President, there are many other examples which could be used but the point is that these are disturbing signs that operational testing in the Defense Department is not working as it should. This problem may result, in part, because the testing operations in the Department are uncoordinated

and because the existing Office of Testing and Evaluation is not insulated from the pressure to develop and approve new weapons programs. Currently, the Office is a part of the responsibility of the Under Secretary for Research and Development, the agency in DOD responsible for developing and building new weapons programs. The Under Secretary and his personnel have a vested interest in seeing a weapon, once conceived, through to production. They do not want to hear from the Office of Testing and Evaluation that a new weapon will not work on the battlefield unless it is modified or sent back to the drawing board. As one Pentagon official put it, "For every voice that says, 'Don't proceed, fix first' there are nine that say, 'Move ahead and we'll fix the problems later.'" The one lonely voice of the operational testing office can hardly be expected to overcome such pressures, some subtle and some not.

Mr. President, Russell Murray, a former head of operational testing in DOD, testified before my committee last year that—

The objective of operational testing is to find out whether a new weapon, even if it does meet its specifications, will really be useful and needed in combat * * * People rightly worry about the acquisition process already taking too long, but wrongly try to speed things up by shortcutting the operational tests. That may get hardware into the field sooner, but not working hardware. The way to do that is to get the design right before—not after—it is built.

I agree with Russell Murray and I hope this legislation will serve as a stimulus to improvements in operational testing programs in the Defense Department.●

Mr. PRYOR. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator has 2½ minutes remaining.

DEFENSE LOBBYING

Mr. PRYOR. Mr. President: I want to call to the attention of the Senate an article by Morton Mintz in this morning's Washington Post about a GAO report that "Pentagon and Air Force officials violated criminal and civil antilobbying laws * * *." This is an outrage.

As my colleagues know I have attempted to bring this subject to the attention of the Senate. I have been concerned that, contrary to a clear prohibition against such activity, Defense Department officials and contractors lobby Congress in support not only of particular programs, but also in support of products manufactured by defense contractors.

To this end, I proposed an amendment to the fiscal year 1982 defense appropriations bill which the Senate approved. But it was dropped in conference. I then proposed S. 1969, a bill which would apply a prohibition on the use of appropriated funds for lobbying purposes, not only to Defense but to all departments.

Mr. President, I believe it is imperative that the Congress express its voice on this matter. There is no reason for taxpayers to subsidize lobbying in any area of government, especially when cuts are being made in many programs across the board.

I urge appropriate legal and congressional action.

Mr. President, I ask unanimous consent that Mr. Mintz's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEFENSE OFFICIALS HELD TO VIOLATE LOBBY LAW IN TRANSPORT CAMPAIGN

(By Morton Mintz)

Pentagon and Air Force officials violated criminal and civil anti-lobbying laws in waging a massive "cooperative" campaign with Lockheed Corp. to persuade the House to approve a $10 billion buy of C5B cargo aircraft, according to the General Accounting Office.

The auditing arm of Congress has asked the Justice Department to consider a prosecution under a 1919 law that provides fines and up to a year in prison for officials convicted of spending public funds to solicit outside pressures on Congress.

"Using contractors to do things that they could not do themselves," the officials spent "material, but undeterminable, amounts of appropriated funds to conduct the cooperative lobbying effort," the GAO charged in a report to Rep. Jack Brooks (D-Tex.), chairman of the House Government Operations Committee.

"The director of the Air Force Office of Legislative Liaison [Maj. Gen. Guy I. Hecker Jr.] with the knowledge and consent of the Secretary of the Air Force [Verne Orr], the Assistant Secretary of Defense for Legislative Affairs [Russell Rourke] and the Deputy Secretary of Defense [Frank C. Carlucci] invited officials of Lockheed and several C5B subcontractors to attend meetings held almost daily in his [Hecker's] office," the report said.

"The stated rationale . . . was to use the contractors' lobbyists and subcontractor network to get the 'right' information about the president's program to the Congress quickly and to get feedback on congressional views. In other words, the purpose was to do things the Air Force was restricted from doing by anti-lobbying and legislative liaison appropriation restrictions, by bringing pressure to bear on members of the Congress."

Brooks released the report with a request for "a thorough investigation" by the Justice Department, which has never brought a prosecution under the 1919 law. The civil anti-lobbying law, on the books for a quarter-century, is similar in intent.

Brooks asked for the report June 24, two days after newspaper stories based on leaked copies of a Lockheed computer printout that detailed the ultimately successful daily efforts of the C5B Pentagon-Air Force-Lockheed "team" over 19 days in May and June to overcome a Senate decision to substitute military versions of new or surplus Boeing 747 airliners for the C5Bs.

The report said that Lockheed, learning of the leaks at least four days before the stories appeared, "destroyed all computerized records." The company said yesterday that "we felt that it was no longer safe" to maintain a computerized data base possibly accessible to outsiders.

Lockheed estimated its lobbying outlay at $496,000. Unless prevented by the Pentagon, the GAO said, Lockheed could be reimbursed for $287,840. The half-million-dollar figure excludes $265,190 for newspaper advertisements as well as "lobbying costs of Lockheed subcontractors and other companies that supported Lockheed's efforts."

The GAO findings may conflict with some recent sworn testimony to a House Armed Services subcommittee in an investigation of allegations by Rep. Norman D. Dicks (D-Wash.) and other C5B foes that the 1919 law was disobeyed.

Hecker and Lockheed President Lawrence O. Kitchen, who attended the daily meetings, told the subcommittee that they knew of no impropriety. Kitchen said the sessions were "informational," that no one told anyone else what to do and that the printout was a record, not a guide to action. By contrast, the GAO said that "on at least one occasion, and Air Force official called a Lockheed employe to report progress made on 10 to 15 tasks that the Air Force was responsible for accomplishing."

Carlucci testified that Pentagon officials "adhere rigorously" to the 1919 law and "did nothing wrong." Yesterday, the Pentagon stood by his testimony.

Mr. STAFFORD. Mr. President, will the Senator yield?

Mr. PRYOR. I yield to the Senator from Vermont.

PRIVILEGE OF THE FLOOR—S. 2574

Mr. STAFFORD. Mr. President, I ask unanimous consent that the following members of the staff of the Environment and Public Works Committee may have the privileges of the floor during consideration and votes on the Federal Highway Aid Transportation Act of 1972: Mr. Dick Harris, Mr. John Yago, Mr. Bailey Guard, Miss Lee Fuller, and Miss Kathy Cudlipp.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHMITT. Mr. President, will the Senator yield?

Mr. PRYOR. Mr. President, I yield to the Senator from New Mexico.

THE C-5: TRAGEDY OR SCANDAL?

Mr. SCHMITT. Mr. President, a serious deficiency exists in our military airlift capability, particularly as it relates to a strategically mobile Rapid Deployment Force. Military airlift has been a low priority within the Air Force and the Defense Department for far too long. The current defense budget attempts to address that problem but, unfortunately, in the wrong way. I fear that the administration's proposal to procure 50 C-5B Galaxy airlifters will result in a costly program that fails to meet the require-

ments of both the Army and the Air Force in the 1980's and 1990's.

After years of study and a competition, the Air Force selected the C-17 as the best aircraft to meet the airlift needs of this Nation. In January, however, the decision was reversed and the C-5B was selected without a competition. Under Secretary of the Army James Ambrose, in a memo to Under Secretary of Defense Richard DeLauer, stated that this decision was "perpetuating a scandalous situation."

Mr. President, this Senator is a strong supporter of the concept of a strategically mobile Rapid Deployment Force. I have worked on this program within the Defense Subcommittee of the Appropriations Committee. There is no doubt that this Nation needs to quickly augment its military airlift capability. The administration's decision to procure the C-5B is not the way to meet this requirement.

The Senate in its wisdom voted against the C-5 in May of this year. The Armed Services Authorization Conference, however, restored funds for the C-5. Since the Senate vote in May, additional information has become available which supports the vote of the Senate against the C-5. This information includes major cost increases and technical problems with the C-5.

In the fiscal year 1983 budget submission, the total cost of the C-5 program was $8.8 billion. In a letter to Senator NUNN dated April 22, 1982, Gen. Kelly Burke reaffirmed that cost of $8.8 billion. By May 14, 1982, the cost of the C-5 program had risen to $9.3 billion. This figure comes from the planning documents for the fiscal year 1984 budget. According to these same documents, by August 2 a revised budget of $10.9 billion was arrived at. This is an increase of $2.1 billion or 24 percent within a 4-month period. It does not appear that we will know the true cost of 50 C-5B's until we have procured all of them; that's just a little too late.

The Pentagon has advertised that the C-5 will be procured on a firm fixed price contract with the manufacturer, Lockheed. What fails to be mentioned is that the Military Airlift Command (MAC), the operator of airlift, submitted over 140 recommended modifications to the C-5 prior to procuring more C-5's. These changes were recommended based on the experience of operating C-5's for over a decade and they could result in avoidance of the type of problems which have been plaguing the C-5. These changes have been disapproved since the Lockheed proposal did not include them in the price. Should that decision be reversed, the $10.9 billion C-5 will again grow in cost.

According to the analysis of the Air Force, the life cycle cost of the C-5 will range from between $4 billion to $7 billion in fiscal year 1980 dollars more than for the preferred C-17. This is based on the fact that the C-5 uses a third more fuel than does the C-17 it requires twice as much maintenance manpower per squadron, and twice as many aircrew members per squadron.

Mr. President, if the only problem with the C-5 was the cost, the situation would not be as severe as it presently is. The Congress has an obligation to procure the best equipment at the lowest cost. Procuring the best equipment at the highest cost is an unfortunate situation. However, when we allow the Pentagon to procure the worst equipment at the highest cost, the situation becomes scandalous. We owe our men and women in uniform the commitment to provide them with the best equipment available so that they can do their job well.

For over a decade now, the C-5 has stood as an example of how not to buy an aircraft. The C-5 has become synonymous with waste and abuse; it, frankly, has been a national scandal. We procured an aircraft that was rampant with cost overruns and schedule slippages. Not all the blame lies with the contractor. Changing Air Force requirements seem to also be at fault. Soon after procuring the C-5 we learned that the wings had to be replaced. Soon the joke started circulating that on the C-5, the wings were optional.

Mr. President, since June 7, the C-5 has experienced five engine fires, two of which were so severe that the aircraft would have been lost if they were not still in the airport flight pattern. One fire, at Clark Air Base, has been classified a class B flight mishap with a cost estimate of $331,116. Another fire at Altus Air Force Base has now been classified a class A flight mishap with a price tag of over $1.4 million. As a result of fires in June and July, inspection of the combustion chamber liner has been changed from each 450 days to each 30 days. This requirement will increase maintenance costs and decrease readiness and availability of the aircraft.

The Air Force conducted an inspection of all TF 39 engines in their inventory. As of June 21, 17 engines were found to have cracks in the compressor rear frame, the cause of the mishap at Clark Air Base. Of the 17 engines, 9 were TF 39-1C engines, new modified engines. The problem will simply not be solved by the ongoing modifications.

The C-5 is now undergoing a rewinging program to correct the problems that have plagued the aircraft since they came off the assembly line. That program, however, has experienced serious problems. AVCO, which is the contractor on the rewinging program, recently was preparing to ship eight outer wing boxes to Lockheed. Upon inspection, it was discovered that all eight new wing boxes had cracks. AVCO is currently running between 20 and 30 days behind in deliveries. This problem will compound the current schedule slip. In an attempt to get back on schedule, Lockheed has taken some of the work back from AVCO and AVCO has scheduled work on weekends and holidays until at least the end of the year.

Mr. President, one of the criticisms of increased defense spending is that industry cannot efficiently absorb all the additional work quickly. Here we have an example of that situation. AVCO is having serious problems in meeting the schedule for the C-5 rewinging program. They will be receiving B-1 bomber wing work soon and now we are proposing to provide additional work on the new C-5B. The only possible result can be continued slippage in schedule for all three programs with the resultant increase in cost for all three.

In this period of increased efforts to eliminate waste, fraud, abuse, and inefficiencies in the Pentagon, it would appear that the C-5 is an appropriate program to drop. Cost, schedule, and product guarantees should at least be demanded by the Department of Defense from all contractors involved in the C-5 program, not just the prime contractor. This Senator is not aware of any such guarantees being offered at this time.

Over the years the major problem facing our military has been one of readiness. The cost of procuring a weapons system or other military equipment is just a small fraction of its real cost. The cost of operation and maintenance must be considered. Just as the cost of an automobile includes the cost of service on it, an aircraft requires spare parts and a regular maintenance schedule. The Pentagon and the Congress must consider procurement of equipment that requires less maintenance man-hours and fewer spare parts. To do otherwise results in either major maintenance costs or equipment that is not operational due to lack of spares or manpower.

The C-5 has required a great deal of manpower to maintain it. As I pointed out earlier, the C-5 requires about double the manpower that the C-17 would require. This problem is compounded by the recent engine problems. Yet, we are proposing to purchase additional C-5's at a time when skilled manpower is at a premium and in short supply, particularly in the military.

The C-5 has required more spare parts than was ever anticipated. In the fiscal year 1981 supplemental and the fiscal year 1982 appropriations bills, additional funds were provided for spares for the C-5. Those additional funds have proven inadequate to meet

the needs. The cost of supplying spares for the C-5 has doubled in the last 2 years.

Mr. President, the shortage of spares is so severe that parts, including engines, are being removed from aircraft which are not rated operational for other aircraft to keep them in an operational status. Clearly, this is not the manner in which a truly ready military should operate.

The country has had over a decade of experience with the operation of the C-5. The program had problems from its beginnings. Those problems have continued and increased over time. It is about time that we learn from our past mistakes and not repeat them. Unfortunately, the Pentagon and the Congress seems intent on repeating those mistakes. We will all have to share in the responsibility when the proposed C-5B program runs into cost overruns, schedule slippages, and technical shortcomings.

Mr. President, we are not talking about just any Government program where, if we make a mistake it can always be corrected. We are talking about providing for our national security. If we are ever required to militarily defend our freedom and our security but we lack the airlift required to do so because we embarked on this program, how are we going to answer the American people.

Mr. President, the facts are all before us. The Air Force and the Army strongly recommended procurement of the C-17. Until January, the Air Force was on record as opposing the C-5 proposal. The C-17 meets the requirements; it was designed to these specifications. The C-5 not only fails to meet the requirements but it has already experienced major cost growth and continues to show major problems with the existing fleet. The C-5 is the wrong aircraft for this country. The Congress must revisit this issue or we will be faced with a national scandal far more serious than the one surrounding the C-5 originally.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 10:30 a.m. with statements limited to 2 minutes each.

Mr. HEINZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum called be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask that the time for routine morning business be extended until not later than 11:30 a.m. in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, a joint resolution is to be offered by the distinguished Senator from Pennsylvania (Mr. HEINZ), and other Senators, and has been cleared on both sides, I believe, I will ask the minority leader if he is in a position to proceed to the consideration of that matter at this time.

Mr. ROBERT C. BYRD. Mr. President, I am ready to proceed.

TRICENTENNIAL ANNIVERSARY YEAR OF GERMAN SETTLEMENT IN AMERICA

Mr. HEINZ. Mr. President, I send a joint resolution to the desk and ask for its immediate consideration.

Joining me as cosponsors of this joint resolution are: Mr. DOLE, Mr. DOMENICI, Mr. LUGAR, Mr. HART, Mr. SPECTER, Mr. HELMS, Mr. EAST, Mr. CANNON, Mr. STEVENS, Mr. GRASSLEY, Mr. METZENBAUM, Mr. MATHIAS, Mr. HEFLIN, Mr. SARBANES, Mr. THURMOND, Mr. BENTSEN, Mr. KASTEN, Mr. JOHNSTON, Mr. BUMPERS, Mr. SCHMITT, Mr. ROTH, Mr. D'AMATO, Mr. KENNEDY, Mr. BOSCHWITZ, Mr. HOLLINGS, Mr. DURENBERGER, Mr. STENNIS, Mr. LAXALT, Mr. RIEGLE, Mr. PRYOR, Mr. ZORINSKY, Mr. INOUYE, and Mr. DIXON.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 260) to designate the period commencing January 1, 1983, and ending December 31, 1983, as the tricentennial anniversary year of German settlement in America.

Mr. ROBERT C. BYRD. Mr. President, we have no objection to its immediate consideration.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration and, without objection, the joint resolution will be considered to have been read the second time at length.

The Senate proceeded to consider the joint resolution.

Mr. HEINZ. Mr. President, today I am introducing on behalf of myself and our cosponsors, a joint resolution to designate the period commencing January 1, 1983, and ending December 31, 1983, as the "Tricentennial Anniversary Year of German Settlement in America."

Our alliance with the Federal Republic of Germany is an important, indeed, an essential one. At a time when many are focusing on the differences between friends, it is important to remind people that our two countries are united in our joint faith in the democratic process and in our mutual commitment to the defense of our freedoms and common values.

President Reagan has extended an invitation to President Karl Carstens of the Federal Republic of Germany to visit our country during the tricentennial year. President Carstens has accepted that invitation. Both Presidents of these two great democracies will be taking part in local celebrations planned throughout the United States to honor the important contributions of German-Americans to the progress of America.

This resolution in addition to our support of the President's invitation, will also express our strong support for the President's youth exchange initiative. The concept of a United States-German teenage exchange sponsored by the Members of the U.S. Congress and the West German Bundestag, with an emphasis on home stays with families, is particularly commendable.

This resolution will demonstrate our appreciation of the contributions of German-Americans to our society, as well as underscore the historic friendship which has existed between our two nations. I believe that this resolution will be an important symbol of the underlying and enduring good will between the United States and the Federal Republic.

The joint resolution (S.J. Res. 260) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 260

Whereas October 6, 1983, is the three hundredth anniversary of German settlement in America at Philadelphia, Pennsylvania;

Whereas such date marks the beginning of the immeasurable human, economic, political, social, and cultural contributions to this country by millions of German immigrants over the past three centuries;

Whereas today the United States of America and the Federal Republic of Germany continue their close friendship based on the common values of democracy, guaranteed individual liberties, tolerance of personal differences, and opposition to totalitarianism; and

Whereas it is fitting that this historic event be commemorated in such a manner as to celebrate German-American friendship and to focus on the democratic values that bind us together: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing January 1, 1983, and ending December 31, 1983, is hereby designated as the "Tricentennial Anniversary Year of German Settlement in America", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the year with appropriate ceremonies and activities: Be it further

Resolved that, as a concrete demonstration of our commitment to the enduring U.S.-German relationship, and as an act of celebration to inaugurate the Tricentennial Year, we express our strong support for the President's Youth Exchange initiative, and especially the concept of a U.S.-German teenage exchange sponsored by the Members of the United States Congress and the West German Bundestag, and emphasizing home stays with families.

Mr. HEINZ. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTINUING APPROPRIATIONS CONFERENCE REPORT

Mr. BAKER. Mr. President, I have another announcement to make about the progress for today, and I would invite the attention of the minority leader because he might want to chart his course on this.

I talked to Congressman MICHEL, the minority leader of the House of Representatives, just now. He indicates to me that he thinks it may be as late as 10 o'clock tonight before they finish the continuing resolution.

I know that is bad news for a lot of Members of the Senate, because we cannot move a peg unless the House sends us that continuing resolution conference report.

I would judge, Mr. President, as much as I hate to say it, that it may be close to midnight before the Senate is able to adjourn. I would not dare say that if there were many people on the floor, but in the fine hope that I can escape before any bodily harm is done to me, I wanted to make the announcement at this time.

Mr. ROBERT C. BYRD. Mr. President, I am sure the majority leader's information is much more up to date than mine. I talked with Majority Leader WRIGHT about this matter last evening over at the so-called gala. He indicated that they ought to be finished with it by 5 p.m. today. I hope my recollection is not playing tricks on me, but the majority leader's information is more subsequent than that which I was able to get last night. Let us all hope that somewhere between 5 p.m. and midnight we will be able to get the message from the House.

Mr. BAKER. I like the minority leader's version better than my own. However, Mr. President, if I understood Congressman MICHEL correctly, I believe he had just conferred with the Speaker and that probably is their best consensus.

Mr. ROBERT C. BYRD. It probably is.

Mr. BAKER. Senators should be at least apprised of the fact that there is a possibility we will be in late tonight, as much as I regret to say that.

Mr. President, there are a number of things that we can do by unanimous consent, I believe. I would like to go ahead and try those at this time.

THE EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, I ask the minority leader if he would be prepared to consider one item on the Executive Calendar at this time and we will return to the others a little later, but there is a special reason for doing this involved in activities outside the Senate Chamber. I refer to Calendar Order No. 1016, the nomination of George G. Fagg of Iowa to be U.S. circuit judge for the eighth circuit.

Mr. ROBERT C. BYRD. Mr. President, that item has survived the clearance process on this side. We are ready to proceed.

Mr. BAKER. I thank the Senator.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering that nomination.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

THE JUDICIARY

The legislative clerk read the nomination of George G. Fagg, of Iowa, to be U.S. circuit judge for the eighth circuit.

The nomination was considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask that the President be immediately notified that the Senate has given its consent to this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGAL SERVICES CORPORATION NOMINATIONS—TIME LIMITATION AGREEMENT

Mr. BAKER. Mr. President, I have a request in respect to a time limitation for debate on the Legal Services Corporation nominations.

I ask unanimous consent that when the Senate proceeds to the consideration of the Legal Services Corporation nominations, Executive Calendar Nos. 845, 846, 847, 848, 851, and 852, they be considered en bloc, under the following time agreement: 1 hour on the nominations en bloc to be equally divided between the chairman of the Committee on Labor and Human Resources and the ranking minority member or their designees; that following the conclusion or yielding back of that time, the Senate proceed to vote on the nominations.

Further, I ask unanimous consent that following the vote, a motion to reconsider, and tabling, and the informing of the President that the Senate has given its consent be pursued, and that the Senate, after the disposition of those matters, resume legislative session.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object—and I do not think I will object—I did not understand the last paragraph.

Mr. BAKER. Mr. President, let me restate the last paragraph of the request.

I ask unanimous consent that following the vote on the nominations en bloc and after the tabling of the motion to reconsider the vote on the nominations, and the immediate informing of the President, if that consent if given by the Senate, the Senate then resume legislative session.

Mr. ROBERT C. BYRD. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR S. 1210 TO BE RETURNED TO THE HOUSE OF REPRESENTATIVES

Mr. BAKER. Mr. President, the next item is a request in respect to S. 1210. I will state the request now for the consideration of the minority leader.

I ask unanimous consent that S. 1210, together with accompanying papers, be returned to the House of Representatives in compliance with House Resolution 605, requesting return thereof.

Mr. ROBERT C. BYRD. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

INSURANCE PROGRAMS FOR HOUSING AND COMMUNITY DEVELOPMENT

Mr. BAKER. Mr. President, I am prepared to proceed to House Joint Resolution 612, if the minority leader has no objection.

Mr. ROBERT C. BYRD. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 612.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 612) to provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. ROBERT C. BYRD. There is no objection, Mr. President.

There being no objection, the Senate proceeded to the consideration of the joint resolution.

Mr. RIEGLE. Mr. President, I should like to ask the chairman of the committee a question with respect to one of the provisions in House Joint Resolution 612.

The question concerns the extension of time for which certain metropolitan cities and urban counties will be considered as metropolitan cities and urban counties even though their populations may have dropped below the statutory threshold for eligibility according to the decennial census. As I recall, Mr. Chairman, we passed a similar extender last year.

Under this bill, several communities would have their eligibility for CDBG entitlement funds extended through fiscal year 1983. This extension will enable these communities—which include Lincoln Park, Mich.—to complete 3-year community development projects, which have already been approved by HUD. I strongly support that extension. Is it the intention of the chairman that this type of extension continue past fiscal year 1983 when these 3-year plans will be completed?

Mr. GARN. I state for the record that I have no intention of seeking a further extension next year. As the Senator knows, CDBG entitlement communities came into the program expecting funding based on the 3-year authorization cycle orginally adopted in 1974. This cycle, which has worked its way into the CDBG planning processes, was last reinstituted for fiscal years 1981, 1982, and 1983. Since that time, the results of the census would have required the exclusion of several communities from the entitlement program due to loss of population. Since these communities had already entered the cycle, and started projects based on the assumption of continued funding, it was a matter of equity and an effort to eliminate hardship that led to the last extension. The same rationale holds true today as these communities prepare for the third and last year of the funding cycle. There will not be the same justification after fiscal year 1983 and I will not support an extension beyond the date set forth in this resolution.

Mr. RIEGLE. I thank the chairman for his explanation.

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 612) was ordered to a third reading, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BUDGET ACT WAIVER

Mr. BAKER. Mr. President, I have a budget waiver in connection with calendar No. 773, S. 2671. The budget waiver is Senate Resolution 463. I advise the minority leader that if that budget waiver is adopted, it will be my intention to ask the Senate to proceed to the underlying measure, S. 2761, if there is no objection.

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

A resolution (S. Res. 463) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2671.

The resolution was considered and agreed to, as follows:

S. RES. 463

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to consideration of S. 2671. Such waiver is necessary because S. 2671, as reported, authorizes the enactment of new budget authority which would first become available in fiscal year 1983, and such bill was not reported on or before May 15, 1982, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

This budget waiver will allow Senate consideration of S. 2671 which creates a Federal Commission to commemorate the Bicentennial of the Constitution. After hearings in the Constitution Subcommittee, S. 2641 was introduced by all members of the Subcommittee and approved by the Senate Judiciary Committee on a voice vote on August 4, 1982.

S. 2671 authorizes the appropriation of $300,000 for fiscal year 1983 and such sums as necessary for the subsequent years until the termination of the Commission in 1989. The $300,000 figure is less than half of the President's budget request for such a commission. The Judiciary Committee Report on S. 2671 expresses that the funding amount was left "unspecified for the years after 1983 . . . to provide the Appropriations Committee the discretion to adjust the $300,000 amount downward based on the success of the Commission's fundraising efforts." Senate Report No. 97-535, page 35.

In order to begin planning for the education and celebrative activities of the bicentennial, the Commission must get underway immediately. Delaying the inauguration of the Commission could be fatal to adequate planning of this important event. Moreover, since the appropriations bill in which this would appear has not been addressed by the Senate, this should not disrupt that budgetary process.

COMMISSION ON THE BICENTENNIAL OF THE CONSTITUTION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 773, S. 2671.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2671) to provide for the establishment of a commission on the bicentennial of the Constitution.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments, as follows:

On page 8, line 19, strike "September 30, 1988", and insert "December 31, 1989"; and

On page 8, line 25, strike "1988", and insert "1989".

So as to make the bill read:

S. 2671

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is established a Presidential Commission on the Bicentennial of the United States Constitution, hereinafter referred to as the "Commission".

FINDINGS

SEC. 2. The Congress finds that—

(1) the bicentennial of the Constitutional Convention's adoption of the Constitution occurs on September 17, 1987;

(2) the Constitution enunciates the limitations on government, the inalienable rights of man, and the timeless principles of individual liberty and responsibility for the people of the United States of America;

(3) this document has set an enduring example of representative democracy for the world; and

(4) the maintenance of the common principles that animate our Republic depend upon a knowledge and understanding of their roots and origins.

PURPOSE

SEC. 3. It is the purpose of this Act to establish a Commission to promote and coordinate activities to commemorate the bicentennial of the Constitution.

MEMBERSHIP

SEC. 4. (a) The Commission shall be composed of sixteen members as follows:

(1) thirteen members appointed by the President, three of whom shall be appointed upon the recommendation of the Speaker of the House of Representatives, three of whom shall be appointed upon the recommendation of the President pro tempore of the Senate and three of whom shall be appointed upon the recommendation of the Chief Justice of the United States;

(2) the chairman of the Committee on the Judiciary of the House of Representatives;

(3) the chairman of the Committee on the Judiciary of the Senate; and

(4) the Chief Justice of the United States.

(b) Such members shall be chosen from among individuals who have demonstrated scholarship, a strong sense of public service, and abilities likely to contribute to the fulfillment of the duties of the Commission.

(c) Members of the Commission shall be appointed for the life of the Commission.

(d) The Commission shall select a chairman from among its members who shall serve as Chairman for the life of the Commission.

(e) Eight members of the Commission shall constitute a quorum, but a lesser number may conduct meetings.

(f) A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

ADMINISTRATIVE PROVISIONS AND POWERS

SEC. 5. (a) The Commission shall appoint a staff director who shall be paid at a rate not to exceed the rate of basic pay provided for level V of the Executive Schedule pursuant to section 5316 of title 5, United States Code.

(b) The Commission is authorized to appoint and fix the compensation, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, of such additional publicly paid personnel up to five persons, as the Chairman finds necessary to carry out the purposes of this Act. Such personnel shall be compensated at a rate not to exceed a rate equal to the maximum rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code. The Commission may hire additional personnel out of private donations.

(c) Each member of the Commission shall serve without compensation, except that each member shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

(d) The Commission may procure temporary of intermittent services under section 3109(b) of title 5, United States Code, at a rate of pay not to exceed the rate of basic pay for GS-15 of the General Schedule under section 5332 of title 5, United States Code.

(e) The Commission is authorized to procure supplies, services, and property, and make contracts, in any fiscal year, only to such extent or in such amounts as are provided in appropriation Acts.

(f) The Commission is authorized to enter into agreements with the General Services Administration for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of the General Services Administration.

(g) The Commission is authorized to accept, use, solicit, and dispose of donations of money, property, or personal services.

(h) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(i) The Commission shall have the authority to design and use a logo as the official emblem of the bicentennial. The Commission shall issue rules and regulations regarding the use of such logo, as they deem appropriate to carry out the purposes of this Act.

DUTIES OF THE COMMISSION

SEC. 6. (a) The Commission shall—

(1) plan and develop activities appropriate to commemorate the bicentennial of the Constitution, including a limited number of projects to be undertaken by the Federal Government seeking to harmonize and balance the important goals of ceremony and celebration with the equally important goals of scholarship and education;

(2) encourage private organizations, and State and local governments to organize and participate in bicentennial activities commemorating or examining the drafting, ratification, and history of the Constitution and the specific features of the document;

(3) coordinate, generally, activities throughout all of the States; and

(4) serve as a clearinghouse for the collection and dissemination of information about bicentennial events and plans.

(b) In planning and implementing appropriate activities to commemorate the bicentennial, the Commission shall give due consideration to—

(1) the historical setting in which the Constitution was developed and ratified, including such antecedents as the Federalist Papers, the Articles of the Confederation, and the ratification debates in the States;

(2) the contribution of diverse ethnic and racial groups;

(3) the relationship and historical development of the three branches of the Government;

(4) the importance of activities throughout all of the States regardless of when such State achieved statehood;

(5) the unique achievements and contributions of the participants in the Constitutional Convention of 1787 and the State ratification proceedings;

(6) the diverse legal and philosophical views regarding the Constitution;

(7) the need for reflection upon both academic and scholarly views of the Constitution and the principle that the document must be understood by the general public;

(8) the substantive provisions of the Constitution itself; and

(9) the impact of the Constitution on American life and government.

(c) The Commission shall seek the cooperation, advice, and assistance from both private and governmental agencies and organizations, including the National Endowment for the Arts, the National Endowment for the Humanities, the Library of Congress, the Smithsonian Institution, the National Archives, the Department of the Interior, State and local governments, learned societies, academic institutions, and historical, patriotic, philanthropic, civic, and professional groups, and bar associations.

(d) The Commission may, in carrying out the purposes of this Act, delegate authority to State advisory commissions to assist in implementing this Act.

(e) Within two years after the date of enactment of this Act, the Commission shall submit to the President and each House of the Congress and the Judicial Conference a comprehensive report incorporating specific recommendations of the Commission for commemoration and coordination of the bicentennial and related activities. Such report shall include recommendations for publications, scholarly projects, conferences programs, films libraries, exhibits, ceremonies, and other projects, competitions and awards, and a calendar of major activities and events planned to commemorate specific historical dates. Each year after such comprehensive report, the Commission shall submit an annual report to the President and each House of the Congress and the Judicial Conference until such Commission terminates.

TERMINATION

SEC. 7. The Commission shall terminate on December 31, 1989.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There are authorized to be appropriated $300,000 for fiscal year 1983 and such sums as may be necessary for the subsequent fiscal years through fiscal year 1989.

Mr. BAKER. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments are considered and agreed to en bloc.

UP AMENDMENT NO. 1365

Mr. BAKER. Mr. President, I send an amendment to the desk on behalf of the distinguished Senator from South Carolina (Mr. THURMOND), and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), on behalf of Mr. THURMOND, proposes an unprinted amendment numbered 1365.

Mr. BAKER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 1, following the word "Senate" insert the following: ", in consultation with the Majority Leader and Minority Leader of the Senate,".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1365) was agreed to.

Mr. HATCH. Mr. President, September 17, 1987, will be the 200th anniversary of the approval in Convention of the Constitution of the United States of America. Perhaps the significance of this historic event is best summarized by the findings in section 2 of S. 2671:

SEC. 2. The Congress finds that—

(1) The bicentennial of the Constitution Convention's adoption of the Constitution occurs on September 17, 1987;

(2) The Constitution enunciates the limitations on government, the inalienable rights of man, and the timeless principles of individual liberty and responsibility for the people of the United States of America;

(3) This document has set an enduring example of representative democracy for the world; and

(4) The maintenance of the common principles that animate our republic depend upon a knowledge and understanding of their roots and origins.

At the time of the Constitution's centennial commemoration, President Grover Cleveland remarked:

If the American people are true to their sacred trust another centennial day will come, and millions yet unborn will inquire concerning our stewardship and the safety of their Constitution. God grant they may find it unimpaired and as we rejoice today in the patriotism and devotion of those who lived 100 years ago, so may those who follow us rejoice in our fidelity and love for constitutional liberty. Public Papers of Pres. Cleveland, address of Sept. 17, 1887, in Philadelphia.

We are now swiftly approaching the second centennial of the Constitution when President Cleveland promised that "millions yet unborn" would "rejoice" because the American people have been "true to their sacred trust." Just as the United States paused a century ago under the leadership of President Cleveland to examine the "patriotism and devotion of those who lived 100 years" earlier and to chart a course for "those who follow," the bicentennial of the Constitution offers anew an opportunity for the Nation living under that document to educate itself, to evaluate itself, and to rededicate itself.

This educating, evaluating, and rededicating experience will be vital to insure that "those who follow us" a century hence will "rejoice in our fidelity and love for constitutional liberty."

The hearing held by the Constitution Subcommittee highlighted the importance of this bicentennial commemoration to educate, evaluate, and rededicate Americans to our constitutional Republic. The dire need for nationwide education about our system of constitutional freedoms was established by Mr. Richard B. Morris, professor of history emeritus, Columbia University:

Granted the Constitution's central place in American political life, it is hardly disputable that the public's understanding of the Constitution is at a low ebb, and that young people completing high school take with them an abysmal sum of ignorance about the constitutional system of this Nation.

In the two national assessments of performance on citizenship, made first in 1969 and the second as recently as 1976, it was disturbing to find that test scores declined. More disturbing was the revelation that scores on citizenship and social studies declined more than those in reading, writing, and science. The declines for the 17-year olds were by and large greater than for the 9-year olds and the 13-year olds.

Half the students of each age thought that the President could appoint Members of Congress. Only a little more than half of the 17-year olds and 32 percent of the 13-year olds knew that each State has two Senators. Less than half of the 17-year olds and less than one-fourth of the 13-year olds knew that appointments to the Supreme Court must be confirmed by the Senate, while a big majority of the 17-year olds felt that a two-thirds vote by the justices of the Supreme Court was necessary to declare a law unconstitutional. Hearing before the Subcommittee on the Constitution of the Senate Judiciary Committee on the Establishment of a Commission on the Bicentennial of the Constitution, 97th Cong., 1st Sess., Sept. 17, 1981 (hereinafter "Hearing").

This bicentennial offers an opportunity to correct this educational problem and foster a better understanding of our representative government. Because ours is a "government of the people, by the people, for the people," its function and survival very directly depend on the capacity of the people to convert an understanding of our constitutional system into self-government and citizen participation. The Republic depends on citizens to vote responsibly, to hold public offices, to serve in the Armed Forces, to give testimony at public hearings, to participate in juries, to engage in discussions of public affairs, to offer voluntary service in community settings, and to raise the responsible citizens of the future in family settings. Without a working knowledge of our charter of freedoms and voluntary activities in conjunction with such understanding, our participatory Government would soon perish. Our Government is only as strong as the understanding and will of the people who comprise it. In a very real sense, the educational aspect of this bicentennial commemoration is a "national defense" program.

This bicentennial offers also the opportunity to evaluate the successes of our governing institutions since their inauguration in 1787. The Founding Fathers set forth standards for assessment. They expected the "self-evident truth that all men are created equal" to guarantee that all "are endowed by their Creator with certain inalienable rights," including the rights to "life, liberty, and the pursuit of happiness." Indeed, they asserted, "that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed." They further expected their efforts "to form a more perfect Union, establish justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the blessings of liberty." The success of our institutions could well be judged by how well they have accomplished these objectives. Such an assessment could only teach profound respect for the wisdom and insight of our Founding Fathers.

Finally, the bicentennial offers the opportunity for the American people to rededicate themselves to the common principles that have formed the basis for our national stength and prosperity. In the words of Gen. William C. Westmoreland:

As we begin the third century of the United States of America, the American people should renew their knowledge about our heritage and should rededicate themselves to the maintenance of a republic under the Constitution. Hearing, supra.

The Constitution, paradoxically, grows and becomes more effective over time not through a process of change and evolution, but instead through a process of study and application of its unchanging principles. The growth and effectiveness of the Constitution is most evident in the dedication of Americans to its changeless tenets. The Constitution has proven durable—not because it is an evolving or flexible document but because it addressed principles that were enduring and because it created institutions that were in accord with the realities of man's existence. (Hearing, supra.)

This time of rededication will, in a sense, strengthen the Constitution and its ability to perpetuate our system of ordered liberty.

Each of these purposes for a commemoration of the Constitution and a comprehension that "the maintenance of the common principles that animate our republic depend upon a knowledge and understanding of their roots and origins" were eloquently summarized by Senator CHARLES MCC. MATHIAS, a sponsor of S. 2671:

The Founding Fathers were able to distill their knowledge of the history of mankind in a way that resulted in the provisions of the Constitution. They had obviously read Herodotus . . . They had read the "Spirit of Laws" by Montesquieu. They knew Locke; they knew all of the great authors of both political theory and historical fact.

It is as the result of their knowledge and their preparation that we have a Constitution. It is . . .

A great Constitution; but it . . . has to be implemented day by day by the men and women of the United States of America . . .

We cannot implement the Constitution in the spirit in which it was written unless our knowledge of it is as intimate as the knowledge of the members of the Constitutional Convention . . .

Issues present themselves which demand resolution against the framework of the Constitution. We will be inadequate to the job of resolving those issues unless we know as much about the Constitution as the delegates to the Convention who wrote it.

Therefore, . . . it is vital that we stimulate interest . . . in its origins and antecedents and its spirit. Hearing, supra.

Thus, education, evaluation, and rededication are essential to focus America's attention on the legacy they inherited from those who lived 200 years ago and on their responsibility to pro-

tect it for those who will live 200 years in the future.

The hearing held by the Constitution Subcommittee devoted considerable attention to the question of the role to be played by the Federal Government in the bicentennial commemoration. Although conclusions about the degree of Federal involvement varied, all witnesses and Senators on the committee agreed that, in the words of Mr. Ronald Hoffman, Symposia Director, U.S. Capitol Historical Society:

> It is, after all, the anniversary of the founding of the National Government that we are celebrating in the bicentennial of the Constitution. Hearing, supra.

Therefore, the Federal Government should play at least some role in the commemoration of its own birth.

Federal involvement is also necessary for several practical reasons. Because no enterprise is likely to reach its own objectives without adequate planning, the essential goals of this commemoration depend on coordination and planning that will probably only be undertaken by a Federal body. Private and state authorities should not be responsible to undertake a project to coordinate the commemoration of the birth of the Federal Government, but will undoubtedly look to the Government itself to undertake the task. With all private and state entities deferring to the Federal Government, advance planning is likely to be postponed until too late. Already we are only 5 years away from the commemorative date for the Constitution and only 3 years away from the anniversary of the Mount Vernon Commercial Conference that was an important step toward the monumental meeting of the Constitutional Convention in Philadelphia May 25, 1787. If planning and coordination is to be undertaken in a timely fashion, the Federal Government will need to inaugurate the process.

A Federal presence in the commemoration effort is also necessary to attract funding from private corporations and foundations. In the absence of a demonstration of interest by the Federal Government, private sources of funding may not be easily persuaded of the importance of supporting this commemoration as they so generously backed the bicentennial of the Declaration of Independence.

Perhaps the most important reason for Federal involvement, however, was best stated by Gen. William Westmoreland:

> The Federal Government must be involved so that all the people throughout this Nation—from the people in Lexington and Concord, Mass., where the revolution began to the modernday pioneers on the frontiers of Alaska; from the descendants of the Jamestown settlers to the Vietnamese boat people; from the citizens of Northeastern Maine to the residents of Niihua Island in Hawaii—realize the great heritage of democracy and personal freedom formulated by the Constitutional Convention in 1787 and protected and strengthened by following generations.
>
> Only when there is a national focus can there be a genuine general commemoration or rededication at the 200th anniversary of the fundamental documents which have formed and maintained our democratic Government. Hearing, supra.

If this is to be a successful national celebration of all the people, then the only entity which expresses the will of all the people of the United States must acknowledge the anniversary of the document which has guaranteed the liberties of those people.

Accordingly, after months of contemplating the appropriate degree of Federal commitment to this objective, all Senators on the Subcommittee on the Constitution joined me in the introduction of S. 2671, a bill to establish a commission to coordinate the commemoration of the bicentennial of the Constitution. This bill contemplates a modest role for the Federal Commission of encouraging and coordinating commemoration activities.

S. 2671 further contemplates a commemoration consisting of more enduring activities than a series of pyrotechnic displays and parades. While celebrative activities are important to rekindle our national pride in the Constitution, a national reexamination of our Nation's common principles and their embodiment in the language of the Constitution is perhaps more important.

S. 2671 is true to the Constitution's enlightened principle of Federalism by recognizing a pivotal role for the States. The Federal Bicentennial Commission, under the plan envisioned in S. 2671, will play an important role as a coordinator, but will only undertake a "limited number" of worthy projects. States, on the other hand, should perceive no limits on the activities within the will of their citizens. The Federal Commission should encourage such State activities.

S. 2671 is also true to the Constitution's principle of limited national government in that it recognizes a leading role for the private sector. Private organizations throughout the Nation and in every community will perhaps carry the greatest weight in making this commemoration significant. The Federal Commission should encourage such private activities to make the Constitution's message meaningful in each of America's communities and homes.

S. 2671 is also true to the Constitution's respect for a diversity of thought and expression. The Federal Commission created by S. 2671 will not espouse any single, narrow view of what is most important about the Constitution or its historical development. The Federal Commission's focus should be the men and events of 1787, not controversial interpretations of 1987; the Federalist Papers and the ratification debates in the States, on the textbooks of modern law schools; the substantive provisions of our Nation's foundation document, not the proposed legislative agenda of any single party or group.

One final observation argues strongly for creation of a commission to commemorate the bicentennial of the U.S. Constitution. This point calls to mind the Declaration of Independence and the celebration of its bicentennial 6 years ago. The culmination moment of that celebration came on July 4, 1976, when we as a nation paused to rejoice and reflect upon the document that enunciated the intent of the American people to be free. We are all familiar with the aspirational language of that document:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.

With this elevating affirmation of purpose, the former colonies of Britain in the new world embarked on a course that would produce the United States of America. A war, a loosely bound confederation of sovereign States, and 11 difficult years came between the aspirations of the declaration and the contract between the people and the States to carry out its noble objectives.

These two documents, the declaration and the constitution, launched the free peoples of America upon a course of self-government—a course we have learned is fraught with responsibilities and obligations as well as opportunities and liberties. In the words of Abraham Lincoln:

> All this is not the result of an accident. It has a philosophical cause. Without the Constitution and the union, we could not have attained the result; but even these are not the primary cause of our great prosperity. There is something back of these, entwining itself more closely about the human heart. That something, is the principle of "Liberty to all"—the principle that clears the path for all—gives hope to all—and, by consequence, enterprise and industry to all. The expression of that principle, in our Declaration of Independence, was most happy and fortunate. (Fragment on the Constitution," Lincoln, A., quoted in "The Living Constitution," Padover, Saul, p. 65.)

As Lincoln realized, the declaration expressed the goal, the motivating philosophy; the Constitution created the structure to "attain the result." In one sense, the declaration was the "end," the Constitution the "means" of the American experiment in self-rule.

This brief discussion of the interrelationship between these two documents is relevant to S. 2671 because the United States has already committed vast resources to commemorating the inauguration of our independence with the signing of the "ends" docu-

ment. Soon the bicentennial of the signing of the "means" document will be upon us. S. 2671 does not ask for vast resources, but it does ask the Federal Government to recognize what Prime Minister William Gladstone of Britain, on the occasion of the Constitution's centennial, called:

> The most remarkable work known to me in modern times to have been produced by the human intellect.

At this point, I would like to share with my colleagues a brief and incomplete sketch of the history of the Constitution. Perhaps no history of the Constitution can ever be complete because countless lives and countless generations have contributed to its making. Nonetheless as we add daily to the history of the Constitution in this body formed pursuant to that document, we should pause occasionally to consider from another vantage point the origin of the foundation of our Republic.

A BRIEF SKETCH OF THE CONSTITUTION'S MAKING

The roots of the U.S. Constitution stretch back centuries: at least as far as the Magna Carta.

Though historical records are fragmented, it is evident that the early Anglo-Saxons who inhabited the British Isles claimed the right to be governed by written law. Theirs is a history filled with struggles against magistrates and Kings who from time to time seemed to usurp unreasonable authority from the people. During one of these disputes in 1215 A.D., feudal barons managed to force a great charter of rights; the Magna Carta, upon a reluctant King. This early document, which later formed the basis for English common law as well as providing ideas and phrases for the American Constitution, declared as "law of the land," fundamental, individual rights to liberty. Using the principles spelled out in the Magna Carta as a precedent, over a period of six centuries the Anglo-Saxon concepts of freedom were eventually extended to all English subjects. Two acts of Parliament, the Petition of Right of 1628 and the Habeas Corpus Act of 1679, for instance, quoted directly from charter in order to justify the validity of their legislation: "[N]o freemen shall be . . . imprisoned or [dispossessed . . . except by the lawful judgment of his peers [and] by the law of the land."

Among the other principles enumerated in the Magna Carta were the rights to assembly, representative government, petition of the government for grievances, bearing arms, trial by jury, religious freedom, and freedom of speech.

The English Bill of Rights, adopted by Parliament in 1688, provided even stronger and more specific guaranties against tyranny. In effect, it ratified many of the principles set forth in the Magna Carta, reasserting that the King, like his subjects, was bound to follow the law. No longer could the Crown arbitrarily dispense with the law in certain cases or suspend laws without Parliament's consent. Only Parliament, as a representative body of the people, could authorize new taxes for the maintenance of a peacetime army. The English Bill of Rights, however, notably excluded guaranteed liberties for the common man. Instead, it enumerated the rights and privileges of the nobility and gentry, vis a vis the Crown.

The preservation of the status quo caused even larger groups of English "commoners" to seek out freedom within the colonies of America. Although many left England embued with a love for written and binding constitutions, they were determined to remake their lives according to Constitutional principles that would also protect the common man. Jamestown, the first permanent British settlement in North America, established the first representative government on the continent in 1619. Meanwhile, in 1620, the Pilgrims, led by William Bradford, landed at Plymouth with a form of government already drawn up, known as the Mayflower Compact, and conceived for "just and equal laws". Nearly 170 years later, the Compact was a source of inspiration to the Framers of the United States Constitution.

As even larger numbers of immigrants journeyed to the American continent, experience with self-rule diversified.

The Constitution that would be framed during the summer of 1787 did not spring out of whole cloth, but was the product of nearly two centuries of colonial experimentation with self-government.

Virginia, Pennsylvania, and Massachussetts provide examples of continued refinements in colonial government before the Federal constitution. In Virginia, as already noted, elected representatives first met in a General Assembly in 1619 along with the governor and his council. The ordinance which authorized this new government ordered that "the forms of the law, customs and manner of trial, and the administration of justice used in the realm of England as near as may be" should be organized. Modeled after the laws of England as revised since the Magna Carta, Virginia established the first written constitution in the American colonies. This Virginia document created a General Assembly patterned after the English Parliament, which functioned until the Revolution initiating such legislation as land reform and taxation while remaining accountable to the people by way of the election process. As the verbal conflict between England and the colonies intensified, the General Assembly in Virginia began to call for more definitive protections of their "inalienable rights". Following the outbreak of hostilities, former members of the assembly such as George Mason, Patrick Henry, and James Madison, met in 1776 to draft a State document with constitutional guarantees that later served as a model for other states. A "Declaration" or "Bill" of rights served as preamble to the new Virginia constitution and included fundamental liberties that dated back to the Magna Carta as well as others made necessary by English colonial domination. Moderate bail and humane punishment; timely trials by jury, militias rather than standing armies, and freedom of conscience were derived from the Magna Carta while freedom of the press, free elections, majority rule, and other protections grew out of the colonial experience under English rule. These rights, of course, were later incorporated into the Federal constitution.

In 1682, the colony of Pennsylvania was founded by Quaker William Penn as a "holy experiment". He attracted large numbers of colonists with his promise of religious freedom, liberal government and inexpensive land. Penn himself provided Pennsylvania with its first constitution—the Frame of Government—which was revised and approved by the newly established legislature in 1683. The constitution provided for a bicameral legislature made up of a provincial council and a general assembly. Laws initiated by the appointed members of the provincial council were subject to veto by the elected members of the assembly. In 1701, during Penn's last visit to Pennsylvania, he instituted a new constitution, known as the charter of Privileges, which granted the chief lawmaking responsibility to the assembly. By the time of his death in 1718, Penn had succeeded in establishing a harmonious, democratic society in which almost complete religious freedom reigned. In 1778, Pennsylvania sought to draw up a constitution which adhered even more closely to democratic ideals. Led by George Byran, Thomas Young, and Benjamin Franklin, the framers abolished the provincial council as well as the property requirement for voting and office-holding.

Thus the experience of Pennsylvania greatly influenced the framers of the Federal Constitution. The early Pennsylvania system provided a model of religious freedom and majority rule as well as a system of separation of powers and checks and balances.

In Massachusetts, of course, colonial inspiration for the Federal Constitution originated with the Mayflower Compact. The Pilgrim philosophy of self government by "the body Politick" likewise extended to the Massachusetts Bay Colony who, in 1634, instituted a bicameral legislature to ini-

tiate and pass laws with the lower house elected by the people and granted the bulk of the legislative authority. Twelve years later, the General Court of Massachusetts submitted its governmental charter to the English Parliament, explaining that "for our Government itself, it is framed according to our charter, and the fundamental and common laws of England, and conceived according to the same."

Shortly after the "shot heard around the world" in Lexington Massachusetts, the colonial legislature deposed its British governor and transformed itself into a "provincial congress" concerned mainly with raising, equipping, and directing the Revolutionary militia. At the same time, however, this Congress formulated a state constitution which was submitted to the people. Because of its poor wording, the voters rejected it overwhelmingly. The Massachusetts Congress then devised another plan whereby they asked the people if they wanted a constitutional convention. In their town meetings, the voters agreed and elected representatives to draft a new constitution which was then returned to the people for discussion and a vote, the convention was empowered to ratify it by a two-thirds majority, which they did.

This deliberate ratifying process lasted more than 5 years and served as a procedures model for the national delegates meeting at Philadelphia in 1787. The concept of a constitutional convention, a written constitution, and popular ratification brought civility to the Revolution.

The spark which fostered cooperation between the separate colonies and eventually culminated in the Declaration of Independence did not, at first, come from a general discontent with the mother country. Indeed, the original impetus for intercolonial cooperation was almost exclusively derived from the need for a common defense. Both Indians and foreign powers posed a threat from the west as well as from the north and south. Troops, monies, and supplies had to be raised in a joint effort to protect all 13 English colonies. In addition, although the British regulated intercolonial commerce and exercised total control over intercolonial and foreign affairs, the colonists, bound by a common language and heritage, felt the need to promote interests which crossed colonial borders.

The first example of such cooperation occurred in 1643 with the union of Massachusetts Bay, Plymouth, Connecticut, and New Haven into the New England Confederation. Their united charter called for a firm and perpetual league of friendship and amity for offense and defense, mutual advice and succor, upon all just occasions, both for preserving and propagating the truth and liberties of the Gospel and for their own mutual safety and welfare.

A few years later Virginia, New York, and the New England Colonies made a similar treaty of mutual protection, friendship, and commerce. Virginia militiamen also came to the aid of the Carolinas on frequent occasions to assist against Indian attack.

By 1754, only 2 years before the start of the French and Indian War, many colonists seemed to sense the need for a permanent, federation which could provide for common protection. As a result, the British allowed an intercolonial conference to be held in Albany, N.Y. for the purpose of bringing the colonies under "articles of union and confederation with each other for mutual defense of his majesty'{ subjects and interests in North America in time of peace as well as war." Although the delegates, led by Benjamin Franklin, unanimously concluded that confederation was "absolutely necessary for their security and defense", neither the British Government nor the colonies actually enforced the "Albany Plan" provisions. Nonetheless, the plan provided for a workable, democratic form of intercolonial government that perhaps frightened the British leaders who had originally sanctioned the conference. The plan called for a general council of 48 members elected by the assemblies of the various colonies. The number of representatives from each State would be determined according to population and wealth. The legislature had authority to levy taxes "as appear equal and just" to support a militia, facilitate commerce, and effectively run the Government. The president of the united American colonies would be appointed by the Crown.

As British rule in colonial America became more oppressive, the colonies also began to unite spontaneously in their opposition to the Crown. Though passive at first, resistence eventually became more widespread and interspersed with violence. Even before the end of the French and Indian War, two court cases demonstrated just how far apart the colonists and the Crown were in their interpretation of the British Constitution. The first was the 1761 Writs of Assistance Case in which James Otis nearly convinced the Superior Court of Massachusetts that a general search warrant without an expiration date was unconstitutional. After the Court upheld the search authority, however, the messengers of the king were effectively prevented from carrying out their search orders because of mob intimidation. The second event was the 1763 Parson's Case in which Otis and Patrick Henry managed to persuade a Virginia court that both parliamentary and royal authority could at times be declared null and void on constitutional grounds. Both of these cases illustrated the increasingly incompatible philosophies of the American and English leadership with regard to individual rights and the Constitution.

After the French and Indian War, Parliament began to impose a series of taxes on the Colonies in order to support the large contingency of British forces stationed in America. The colonists, who already objected to quartering British troops in their homes, rose up in open rebellion against "taxation without representation". A complete British crackdown on individual liberty and free trade in retaliation for the famous "Boston Tea Party" of 1773 galvanized colonial determination to free themselves from "foreign" domination. In 1774, the First Continental Congress met in Philadelphia to decide the fate of the Colonies. At first, cooler heads prevailed and the Congress merely issued a statement that colonial opposition to recent acts of Parliament was necessary in order to preserve the spirit of the British Constitution. Following the clash of British troops with colonial militiamen in Lexington and Concord, however, Congress called on the militias in each Colony to prepare for the possibility of war. At the Second Continental Congress in June of 1775, George Washington was commissioned as Commander in Chief of the Continental Army.

As the war began in earnest, the great majority of the colonists seemed to favor independence. The Congress, on July 2, 1776, ratified the will of the people. Thomas Jefferson was thereby assigned the task of writing a Declaration of Independence which would outline the objectives of the new Republic and later be implemented into an American Constitution. Two days later, on July 4, 56 of the 58 Members of Congress pledged their "lives, . . . fortunes . . . and sacred honor" to the ennobling principles of that great document, the aspirational language of which we are all familiar:

> We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.

The Declaration decried the abuse which the British Crown had inflicted and further declared:

> Whenever any form of government becomes destructive to these ends, it is the right of the people to alter or abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.

With this elevating affirmation of purpose, the former Colonies of Britain in the New World embarked on a course that would produce the United States of America. The Declaration set forth the aspirations of the American people to establish a government of

liberty. At the time, those two words, "government" and "liberty" were mutually exclusive. The world knew powerful central governments which required citizens, or more accurately, subjects, to give all fealty to a sovereign leader or group of leaders. The struggle to find a form of government that protected, rather than abridged, liberty really began in 1776. Thus, the American Constitution would later become the "means" for carrying out the "ideal" capsulized in the Declaration.

The Articles of Confederation, ratified in 1781, merely legalized the powers that Congress had exercised since before 1775. Soon after its approval, weaknesses in the Articles of Confederation became apparent. For example, revenue, even for national defense, was not forthcoming. Congress under the Articles of Confederation lacked authority to levy taxes. It could request contributions by the States to help with the common debt, but in no way could compel contribution. Another weakness was the "liberum Veto" which each State possessed in relation to any legislation. Furthermore, Congress lacked authority to secure compliance with its laws and, therefore, found it difficult to negotiate with foreign powers. Disputes between States were prevalent due to the Congress' lack of authority to regulate foreign or interstate commerce.

Such a dispute over interstate commerce led to what has become known as the Mount Vernon Conference in March of 1785. Maryland and Virginia, in dispute over the waterways of the Potomac River, formed a commission to establish regulations that would be advantageous to both States. General George Washington invited the Commissioners to meet at Mount Vernon. While at this conference the Commissioners drafted a proposition for a future convention of all the States "to take into consideration the trade and commerce" of the Confederation. This proposal of a trade convention was well accepted by the various States. Nine States appointed Commissioners to the convention. Annapolis was designated as the place and the first Monday in September 1786 as the time. Attendance at the the convention turned out to be disappointing. Only five States—Virginia, Pennsylvania, Delaware, New Jersey, and New York—were represented with no Commissioners present from Massachusetts, New Hampshire, North Carolina, or Rhode Island.

Despite the poor attendance, the delegates met and, after an exchange of views, drafted a report to be submitted to the various States carrying a suggestion that a convention of representatives from all the States meet at Philadelphia on the second Monday in May of 1787 to review the problems in the existing government and formulated "a plan for supplying such defects as may be discovered."

New York and other States were reluctant to attend, fearing such a convention would be extra-legal without Congress' consent. After some hesitation Congress approved the Philadelphia convention with specific limitations:

> For the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the States render the Federal Constitution adequate to the exigencies of Government and preservation of the Union.

Twelve States accepted the invitation of Congress and sent delegates to Philadelphia for the express purpose of "revising the Articles of Confederation." Although Rhode Island refused the invitation to appoint delegates to the Convention, a committee representing significant interests within the State sent a letter to the Convention promising to support its work.

Sixty-two delegates were appointed; 55 attended some of the sessions of the Convention; 39 put their names to the Constitution when completed. Most of the work was accomplished by 30 of the members.

Neither the Annapolis Conference nor the invitation of Congress had specified any particular procedure by which the delegates should be chosen. Since appointment by the State legislature was the method generally employed in selecting Representatives in Congress, it was adopted, in every State, as the means by which the delegates to the Convention were chosen.

Several men of notable influence who were chosen declined the invitation based on their suspicion that far more than a revision of the Articles was planned in Philadelphia. For example, the venerable Patrick Henry declined to attend because he "smelt a rat."

Among the delegates were men with wide experience in government and business. Half of them were lawyers or government officials trained in law. More than two-thirds had served in the Continental Congress. Some were governors. Many were highly educated and were scholars. Half of them were college graduates. The average age was forty-two, the oldest, Benjamin Franklin, being eighty-one, and the youngest, Jonathan Kayton, twenty-seven. Eight of them had signed the Declaration of Independence 11 years before. Their viewpoints ranged all the way from the tough conservatism of Alexander Hamilton, who thought that the best government was an aristocracy, to the warm democracy of James Wilson, who was dedicated to the idea of government by the people. But in spite of the immense diversity of outlook, the delegates shared a common American culture, a common language, and a common respect for the law against the whims of personal tyranny. Above all, most of them shared the great eighteenth-century belief in reason and regard for the individual. As reasonable men they could argue vehemently for their particular points of view, and as cultured gentlemen they were bound to come to a working compromise.

The start of the Convention was delayed until May 25, nearly 2 weeks after the date set for its meeting, as a result of both bad weather and the tardiness of some of the delegates in arriving.

At the beginning of the Convention, George Washington was unanimously elected President after Benjamin Franklin, Washington's only competition, nominated him to the position. Several days later, the rules of procedure were adopted. In line with the existing procedure employed by the Congress of the Confederation, each State, it was decided, would have one vote. The greatest political cleavage that existed in both the country and the Convention was between the large and small States over the most equitable means of apportioning representation in Congress, equally or on the basis of population size. In the actual convention the smaller States were given the advantage of an equal vote.

Seven States were needed to constitute a quorum. It was also decided to impose a rule of secrecy around the Convention in hopes that outside influence and pressure would be minimized by barring knowledge of the proceedings from the general public. This rule of confidentiality agreed to by the delegates at Philadelphia was strictly observed.

The official journal and other papers from the Convention were delivered to Washington just after the Convention and, in 1796, were deposited by him in the Department of State. Congress ordered these to be published in 1818, at which time John Quincy Adams, then Secretary of State, undertook the task of editing the information for publication. The final product was published in 1819 under the title "Journal, Acts and Proceedings of the Convention." This work proved disappointing at best in yielding any actual insight into the dynamics of the Convention. James Madison, however, had also kept extensive and detailed notes of the Convention proceedings. Although he was unwilling to have them published during his lifetime, Congress purchased the papers after his death in 1836. Madison's Convention notes were published in 1840.

Madison has often been called the "father of the Constitution" because of his work on the Virginia Plan, a series of resolutions which were presented to the Convention on May 29 by Governor Randolph, from this plan

with many additions and compromises, evolved the Constitution as we know it. Madison's Virginia Plan included provisions for the creation of a bicameral legislature in which the States would be represented in proportion to their population, a single executive chosen by the legislature, and judiciary chosen by the upper House.

On May 30, the Convention went into a Committee to consider the 15 propositions of the Virginia Plan. On July 13, the Virginia resolutions were reported out of the Committee. The smaller States were not content with their report. Patterson of New Jersey presented a new plan to amend the Articles of Confederation. At this point, heated debate ensued with a threat by the smaller States to withdraw. The Convention was deadlocked over giving each State an equal vote in the upper House.

The problem was referred to a committee composed of one delegate from each State. On July 5 the committee submitted its report, which became the basis for what is known as the "great compromise." The report recommended that each State should have an equal vote in the upper House and that in the lower House representation would be dependent on population. Included in the compromise was the motion by Governeur Morris of Pennsylvania that direct taxation should be proportional to representation. With the adoption of this compromise the smaller States began to shift their position in favor of the new Constitution.

Debate on the Virginia resolutions continued. On July 24, a committee was formed to draft a Constitution composed of the principles that had thus far been approved. This committee in preparing their draft turned to a host of existing materials including the Articles of Confederation, State constitutions, and other plans presented to delegates. Thus, the Constitution was not only the work of these men, but the product of accumulated experience of the Colonies over hundreds of years of progress toward self-rule. The committee presented their work to the full Convention who went over it paragraph by paragraph until they had developed the next draft of the Constitution.

On September 12 after the report had been revised by the "style committee", it was ordered printed. After three days of review and comparison with the proceedings of the Convention, the Constitution was ordered engrossed on September 15.

The Convention met on September 17 for its last session. Many of the delegates were not totally pleased, 39 of the 42 present subscribed to the document. George Mason abstained because the document lacked a Bill of Rights. Benjamin Franklin's comment reflects well the general feeling that memorable day:

> . . . but I am not sure I shall never approve them. For having lived long, I have experienced many instances of being obliged by better information or fuller consideration, to change my opinions even on important subjects, which I once thought right, but found to be otherwise . . .
>
> In these sentiments, Sir, I agree to this Constitution with all its faults, if they are such; because I think a general government necessary for us . . . I doubt, too, whether any other convention we can obtain may be able to make a better Constitution. For when you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an assembly can perfect production be expected? It therefore astonishes me, Sir, to find this system approaching so near to perfection as it does; and I think it will astonish our enemies, who are waiting with confidence to hear that our councils are confounded like those of the Builders Babel; and that our states are on the point of separation, only to meet hereafter for the purpose of cutting one another's throats. Thus I consent, Sir, to this Constitution because I expect no better, and because I am not sure that it is not the best . . .
>
> On the whole, Sir, I cannot help expressing a wish that every member of the convention who may still have objections to it, would, with me, on this occasion abate a little of his own infallibility—and to make manifest our unanimity, put his name to this instrument.

Article VII of the new Constitution provided that nine out of thirteen States would be needed to ratify. Many of the larger States, especially New York and Virginia, seemed to be against the Constitution. A great debate pursued between the defenders and opponents of the Constitution. Much of this debate occurred in journals, with a series of eighty-five essays by Madison and Hamilton on the defense and Richard Henry Lee's "Letters from the Federal Farmers to the Republican", on the attack.

On September 28, 1787, the Constitution was submitted to the people for their vote with this proclamation for the Congress:

> That the said report, with the resolution and letter accompanying the same, be transmitted to the several legislatures in order to be submitted to a convention of delegates chosen in each state by the people thereof, in conformity to the resolve of the convention made and provided in that case.

Most of the smaller states had no problem with ratification. On the other hand there was bitter debate in the larger states.

In Virginia, anti-Federalists Patrick Henry, George Mason, Richard Henry Lee, and James Monroe, were pitted against James Madison, George Wythe, and Edmund Randolph, and John Marshall. Hugh Williams along with Benjamin Franklin defended the document in Pennsylvania.

In Massachusetts Hancock and Adams gave no support while Elbridge Gerry was strongly opposed. Paul Revere in an attempt to persuade Samuel Adams in favor of the Constitution, gathered the mechanics in a meeting at the Green Dragon Tavern. In reporting the meeting to Adams, Revere persuaded Adams to alliance by citing the great numbers that attended the meeting. With Adam's endorsement Massachusetts ratified the Constitution.

In New York a great battle ensued. Hamilton, almost single-handedly fought the great powers of New York, Governor Clinton, Yates, Lansing, and Smith. It was not until nine States had ratified and New York realized it would be cut off that it ratified.

Despite the debates and concern over the lack of a bill of rights the Constitution of the United States was finally ratified by the nine states needed in 1788 and soon after the other states followed suit, including Rhode Island which ratified last in 1790.

This briefly traces the history of United States Constitution, the most remarkable piece of legislative work ever produced by man. The Constitution has served as a framework for the growth of a few small insignificant States into the greatest power in the world. If our citizenry are properly dedicated to its inspired principles, it should perpetuate the greatness of the American Republic for countless centuries for its virtues are all the virtues of a people free to govern themselves.

Mr. MATHIAS. Mr. President, I am pleased to speak in support of final Senate passage of S. 2671, a bill to create a Commission to commemorate the Bicentennial of the Constitution. I have been sponsoring legislation since the 94th Congress to achieve this purpose, and it is a source of great satisfaction to me to see S. 2671 on the floor of the Senate ready for final passage. From here it will go to the House of Representatives, where I trust it will receive prompt and favorable consideration.

A significant and thoughtful constitutional bicentiennial observance is of major importance to our Nation. In recent years, this country has suffered increasingly from civic apathy and "consititutional illiteracy." The steady decline in the number of Americans exercising their right to vote is a clear indication that large segments of the population need a refresher course in participatory democracy and, I fear, the significance of the Constitution itself. I am reminded of a survey conducted by a seventh grade bicentennial study class just before the American Revolutionary Bicentennial. Of almost 3,000 adults questioned, less than half could identify a famous quotation from the Declaration of Inde-

pendence. One actually attributed it to Edgar Allan Poe, others thought it came from the Bible, the Boy Scout Oath, Patrick Henry, Abraham Lincoln, or John Kennedy.

I tremble to think what a similar survey would reveal of our Nation's knowledge of the Constitution. That is why S. 2671 is so important. The constitution. That is why S. 2671 is so important. The constitutional bicentennial period will give us an opportunity to raise the level of the American consciousness about the content and meaning of the Constitution. It will be a time to celebrate the Constitution as a living, vibrant document, not some arcane vestige of a past outgrown. The bicentennial will provide us with an opportunity to remind the citizens of this Nation that the Constitution belongs to all Americans, regardless of race, age or wealth; it protects equally the descendants of the earliest settlers and the children of our most recent immigrants. The Constitution is the source of our most cherished rights and liberties, but it is not a self-executing contract. It has to be implemented day-by-day by the men and women of the United States of America. But, we cannot implement the provisions of the Constitution unless we understand them and the underlying principles which animated the Framers. Issues present themselves which demand resolution against the framework of the Constitution. We will be inadequate to the job of resolving those issues unless we know as much about the Constitution as the delegates to the Convention who worte it.

Mr. President, I believe that S. 2671 is an appropriate vehicle for a thoughtful and effective commemoration of the Bicentennial of the Constitution. If enacted, this legislation will help insure a commemoration that goes far beyond mere fanfare and a prosaic review of historical events. S. 2671 will establish a Commission made up of individuals who have demonstrated historical and constitutional scholarship, as well as civic responsibility and commitment to public service.

The membership of the Commission will reflect the tripartite system of Government established by the U.S. Constitution. In celebrating the birthday of the Constitution, we are, after all, celebrating the birth of the three branches of our Government as well. It was in recognition of this fact that I offered an amendment to S. 2671, which was accepted by the Judiciary Committee, extending the Commission's termination date to December 31, 1989. Thus, the Commission will oversee events commemorating not only the drafting and ratification of the Constitution, in 1787, but events central to the creation of our constitutional Government which occurred in 1789. The First Congress was officially organized on April 6, 1789, and, later that year, Congress first debated and passed the package of amendments that became the Bill of Rights. George Washington was inaugurated on April 30, 1789. The Departments of Treasury, State, and War were created in 1789 and the first Cabinet secretaries, Attorney General and Postmaster General, were appointed. The Federal Judiciary Act was passed on September 24, 1789, and the Justices of the Supreme Court were confirmed soon thereafter.

The Commission created by S. 2671 is essentially a central coordinating body which will encourage and direct State, local, and private initiative and participation in a dignified and substantive celebration of the constitutional bicentennial. S. 2671 does authorize the Commission itself to undertake a "limited number" of worthy projects; however, its primary and fundamental focus will be to act as a clearinghouse or central repository for bicentennial information, and as a coordinator of the many diverse activities taking place across the country. In this role, the Commission will prove an invaluable resource to those in the private sector and State and local governments planning Bicentennial events.

Many private groups and organizations have expressed interest in the Bicentennial observance; several have already started planning, and a few are even implementing specific commemorative projects. Representatives of a number of these organizations testified before the Constitution Subcommittee last September 17. Others have gotten in touch with my office and, I am sure, the offices of my colleagues, urging us to enact legislation creating a Bicentennial Commission without delay. These groups have been unanimous in declaring that a Federal presence is urgently needed.

At the subcommittee hearing last year, Marna Tucker, Maryland lawyer and chairman of the ABA's Commission on Public Understanding About the Law, stated that,

> Despite the most concerted efforts of the private sector, the challenge of promoting constitutional literacy can never be adequately addressed without Federal leadership. Such leadership is particularly and uniquely appropriate in this endeavor, for the Constitution is the law of the entire land and not the law of the particular States or particular constituencies.

The existence of a national coordinating body created by the Federal Government is not only appropriate but essential to the success of the bicentennial celebration. On an organizational level, the Commission will enable diverse groups to see their endeavors in a broader context. Ideas and materials can be shared to the mutual benefit of the participants, and, at the same time, duplication of effort can be avoided. On a more practical level, the existence of a congressionally mandated commission will lend these projects credibility and legitimacy as they seek private funds to support their efforts.

In my view, the $300,000 authorized annually by S. 2671 is a modest figure. It is considerably lower than amounts spent on comparable activities in the past, and notably less than the authorization figures in earlier constitutional bicentennial bills. In fact, President Reagan provided for an $800,000 authorization for such a commission in this year's budget. S. 2671 will encourage the spirit of "voluntarism" among big corporations interested in sponsoring bicentennial events. These corporations are unlikely to commit their resources to bicentennial activities in the absence of a clear Federal interest—that is why we need a commission. At the same time, small private organizations and local governments may have difficulty in determining what funds are available and how to go about obtaining them without the help of a central commission.

The Bicentennial of the Constitution is only 5 years away. We have already lost valuable time. We cannot delay any longer. We must start planning now. Therefore, I urge you to support final passage of S. 2671, so that we can be sure to provide this Nation with a meaningful celebration of the 200th anniversary of the document William Gladstone called, "the most wonderful work ever struck off at a given time by the brain and purpose of man."

Mr. THURMOND. Mr. President, I am very pleased that the Senate today is taking action on S. 2671, a bill providing for the establishment of a Commission on the Bicentennial of the Constitution. In only 5 years, we will be celebrating the 200th anniversary of this most important document. If we are to have a thoughtful and proper commemoration, we must begin to make appropriate plans. S. 2671, which is cosponsored by the entire membership of the Constitutional Subcommittee, as well as Senator MATHIAS, will provide a sound framework within which to plan for the celebration and commemoration of our Nation's most significant document.

This legislation would provide for the appointment of a 16-member commission, with representation from each of the three branches of Government, charged with developing a specific plan for the celebration of events leading up to the signing of the Constitution and the subsequent ratification process. The Commission will undertake a limited number of Federal projects but is also directed to encourage State, local, and private participation in planning various activities. This is an aspect of S. 2671 which I believe is worthy of emphasis. While

Federal involvement is necessary for a variety of reasons which are carefully outlined in the committee report, S. 2671 recognizes a pivotal role for State and local governments and for the private sector. This is not to be a celebration and commemoration planned and implemented solely by the Federal Government.

Mr. President, I would like to stress how important i believe this legislation to be. If properly planned and carried out, this commemoration of the Bicentennial of our Constitution will provide an opportunity for all American citizens to reflect upon the philosophical underpinnings of that document and to learn more about our system of government. It will also serve as a time for Americans to rededicate themselves to their country and to the enduring principles which have kept it strong. In his testimony before the Committee on the Judiciary last September, Gen. William C. Westmoreland—from my State of South Carolina—summarized these points well:

As we begin the third century of the United States of America, the American people should renew their knowledge about our heritage and should rededicate themselves to the maintenance of a republic under the Constitution.

Mr. President, S. 2671 has been carefully drafted to accomplish these purposes with a minimal amount of Government expense. It authorizes a small amount—$300,000—for fiscal year 1983 and such sums as are appropriate through fiscal year 1989. There would be a permanent staff of up to only five members, although the Commission would be allowed to hire temporary staff during rush periods. Finally, the Commission would have authorization to accept and utilize private donations of money, property, or personal services.

I thank my distinguished colleagues and chairman of the Constitution Subcommittee, Senator HATCH, for his fine work in the drafting of this bill and his efforts in encouraging its passage by the Senate. I sincerely hope that the House will take prompt action on this legislation. As I stated earlier, it is imperative that we begin to make appropriate plans for this historic event.

S. 2671, ESTABLISHING A COMMISSIONER ON THE BICENTENNIAL OF THE CONSTITUTION

Mr. LEAHY. Mr. President, when the new Government of the United States was formed after the American Revolution, there were only the Thirteen Original States. Across the continent stretched a vast territory which was sparsely settled. If the United States would grow, it had to expand into this area. Vermont was the first of the new States to join the Union. The people of Vermont, whose exploits during the Revolution at the Battle of Hubbardton and elsewhere had a definite impact on the outcome of the war, came into the United States as the 14th State in 1791 because of the guarantees of personal liberties and responsibilities under the Constitution.

In 5 years, the United States will celebrate the 200th anniversary of the Constitutional Convention and the transmission of the charter by the Continental Congress to the individual States for ratification. Over the 2 succeeding years, we will have the bicentennial of the ratification, the first meetings of this body and the House of Representatives, the election and inauguration of President Washington, the passage of the Federal Judiciary Act, the selection of the Chief Justice and his Associates, the first meeting of the Federal courts, and the drafting, adoption, and submission to the States for ratification of the Bill of Rights.

The approaching years, 1987-89, are extremely important not only in our history, but in the history of the world. We are already the oldest existing democratic government in the history of man. Our Constitution and Government have been models for representative governments on most of the continents of the world. The Federal Government, the States, private groups, and local governments should all take part in planning for its bicentennial.

Vermont, as the 14th State, recognizes that the commemoration of the drafting and adoption of the Consitution is just as important to Hawaii, the 50th State, as it is to Delaware, the 1st. The rights of citizenship granted under the Constitution belong to all of us, no matter where we live, no matter when we arrived, no matter what the color of our skin, or no matter what religion we practice.

The Consititution Bicentennial bill, which I cosponsored, would establish a Federal Commission to join with other groups in planning for this important event. The bill provides for a Commission representing the executive, legislative, and judicial branches of Government, as well as the Chief Justice and chairmen of the Judiciary Committees of the Senate and House of Representatives. The role of the Commission would be to plan, coordinate, and serve as a clearinghouse for all activities commemorating the Bicentennial of the Constitution.

In recoginition of general fiscal restraints, the Federal appropriation called for in the bill is minimal. The sum for operations in the first year will be $300,000, and the Commission is directed to seek private moneys for its operations.

We do not need frills or extravagance, and in place of expensive ceremonials, this Commission will stress homage to ideas—ideas that have shaped a nation and might well help save a world from chaos.

I am happy and proud that the Senate can begin the process of honoring the Constitution by acting on S. 2671 today.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 2671) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2671

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is established a Presidential Commission on the Bicentennial of the United States Constitution, hereinafter referred to as the "Commission".

FINDINGS

SEC. 2. The Congress finds that—

(1) the bicentennial of the Constitutional Convention's adoption of the Constitution occurs on September 17, 1987;

(2) the Constitution enunciates the limitations on government, the inalienable rights of man, and the timeless principles of individual liberty and responsibility for the people of the United States of America;

(3) this document has set an enduring example of representative democracy for the world; and

(4) the maintenance of the common principles that animate our Republic depend upon a knowledge and understanding of their roots and origins.

PURPOSE

SEC. 3. It is the purpose of this Act to establish a Commission to promote and coordinate activities to commemorate the bicentennial of the Constitution.

MEMBERSHIP

SEC. 4. (a) The Commission shall be composed of sixteen members as follows:

(1) thirteen members appointed by the President, three of whom shall be appointed upon the recommendation of the Speaker of the House of Representatives, three of whom shall be appointed upon the recommendation of the President pro tempore of the Senate, in consultation with the Majority Leader and Minority Leader of the Senate, and three of whom shall be appointed upon the recommendation of the Chief Justice of the United States;

(2) the chairman of the Committee on the Judiciary of the House of Representatives;

(3) the chairman of the Committee on the Judiciary of the Senate; and

(4) the Chief Justice of the United States.

(b) Such members shall be chosen from among individuals who have demonstrated scholarship, a strong sense of public service, and abilities likely to contribute to the fulfillment of the Commission.

(c) Members of the Commission shall be appointed for the life of the Commission.

(d) The Commission shall select a chairman from among its members who shall serve as Chairman for the life of the Commission.

(e) Eight members of the Commission shall constitute a quorum, but a lesser number may conduct meetings.

(f) A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

ADMINISTRATIVE PROVISIONS AND POWERS

SEC. 5. (a) The Commission shall appoint a staff director who shall be paid at a rate not

to exceed the rate of basic pay provided for level V of the Executive Schedule pursuant to section 5316 of title 5, United States Code.

(b) The Commission is authorized to appoint and fix the compensation, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, of such additional publicly paid personnel up to five persons, as the Chairman finds necessary to carry out the purposes of this Act. Such personnel shall be compensated at a rate not to exceed a rate equal to the maximum rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code. The Commission may hire additional personnel out of private donations.

(c) Each member of the Commission shall serve without compensation, except that each member shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

(d) The Commission may procure temporary or intermittent services under section 3109(b) of title 5, United States Code, at a rate of pay not to exceed the rate of basic pay for GS-15 of the General Schedule under section 5332 of title 5, United States Code.

(e) The Commission is authorized to procure supplies, services, and property, and make contracts, in any fiscal year, only to such extent or in such amounts as are provided in appropriation Acts.

(f) The Commission is authorized to enter into agreements with the General Services Administration for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of the General Services Administration.

(g) The Commission is authorized to accept, use, solicit, and dispose of donations of money, property, or personal services.

(h) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(i) The Commission shall have the authority to design and use a logo as the official emblem of the bicentennial. The Commission shall issue rules and regulations regarding the use of such logo, as they deem appropriate to carry out the purposes of this Act.

DUTIES OF THE COMMISSION

SEC. 6. (a) The Commission shall—

(1) plan and develop activities appropriate to commemorate the bicentennial of the Constitution, including a limited number of projects to be undertaken by the Federal Government seeking to harmonize and balance the important goals of ceremony and celebration with the equally important goals of scholarship and education;

(2) encourage private organizations, and State and local governments to organize and participate in bicentennial activities commemorating or examining the drafting, ratification, and history of the Constitution and the specific features of the document;

(3) coordinate, generally, activities throughout all of the States; and

(4) serve as a clearinghouse for the collection and dissemination of information about bicentennial events and plans.

(b) In planning and implementing appropriate activities to commemorate the bicentennial, the Commission shall give due consideration to—

(1) the historical setting in which the Constitution was developed and ratified, including such antecedents as the Federalist Papers, the Articles of the Confederation, and the ratification debates in the States;

(2) the contribution of diverse ethnic and racial groups;

(3) the relationship and historical development of the three branches of the Government;

(4) the importance of activities throughout all of the States regardless of when such State achieved statehood;

(5) the unique achievements and contributions of the participants in the Constitutional Convention of 1787 and the State ratification proceedings;

(6) the diverse legal and philosophical views regarding the Constitution;

(7) the need for reflection upon both academic and scholarly views of the Constitution and the principle that the document must be understood by the general public;

(8) the substantive provisions of the Constitution itself; and

(9) the impact of the Constitution on American life and government.

(c) The Commission shall seek the cooperation, advice, and assistance from both private and government agencies and organizations, including the National Endowment for the Arts, the National Endowment for the Humanities, the Library of Congress, the Smithsonian Institution, the National Archives, the Department of the Interior, State and local governments, learned societies, academic institutions, and historical, patriotic, philanthropic, civic, and professional groups, and bar associations.

(d) The Commission may, in carrying out the purposes of this Act, delegate authority to State advisory commissions to assist in implementing this Act.

(e) Within two years after the date of enactment of this Act, the Commission shall submit to the President and each House of the Congress and the Judicial Conference a comprehensive report incorporating specific recommendations of the Commission for commemoration and coordination of the bicentenial and related activities. Such report shall include recommendations for publications, scholarly projects, conferences, programs, films, libraries, exhibits, ceremonies, and other projects, competitions and awards, and a calendar of major activities and events planned to commemorate specific historical dates. Each year after such comprehensive report, the Commission shall submit an annual report to the President and each House of the Congress and the Judicial Conference until such Commission terminates.

TERMINATION

SEC. 7. The Commission shall terminate on December 31, 1989.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There are authorized to be appropriated $300,000 for fiscal year 1983 and such sums as may be necessary for the subsequent fiscal years through fiscal year 1989.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I should like to proceed to the consideration of a message from the House on S. 1018, if the minority leader has no objection.

Mr. ROBERT C. BYRD. I have no objection.

BARRIER ISLANDS

Mr. BAKER. Mr. President. I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1018.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House insist upon its amendments to the bill (S. 1018) entitled "An Act to protect and conserve fish and wildlife resources, and for other purposes," and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the following Members serve as managers of the conference on the part of the House: From the Committee on Merchant Marine and Fisheries: Mr. JONES of North Carolina, Mr. BREAUX, Mr. STUDDS, Mr. HUGHES, Mr. SNYDER, Mr. FORSYTHE, and Mr. EVANS of Delaware. From the Committee on Public Works and Transportation: Mr. ROE, Mr. EDGAR, Mr. FARY, Mr. CLAUSEN, and Mr. HAMMERSCHMIDT.

Mr. BAKER. Mr. President, I move that the Senate disagree to the House amendments and agree to the request for a conference and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. STAFFORD, Mr. CHAFEE, Mr. GORTON, Mr. RANDOLPH, and Mr. MOYNIHAN conferees on the part of the Senate.

HEAD START AWARENESS MONTH

Mr. BAKER. Mr. President, I am prepared now to proceed to the consideration of House Joint Resolution 588, if the minority leader is willing.

Mr. ROBERT C. BYRD. There is no objection, Mr. President.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 588 relating to Head Start Awareness Month.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 588) to provide for the designation of the month of October 1982 as "Head Start Awareness Month."

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. HATCH. Mr. President, I rise at this time to speak about House Joint Resolution 588, denoting October as "Head Start Awareness Month." As chairman of the Senate Committee on Labor and Human Resources, I am concerned with the welfare of our greatest national resource—children and their future potential.

Information from several prominent leaders in child care in Utah, indicate Head Start programs have generally been beneficial, especially those with parental involvement. Children have been given the opportunity to learn cognitive and social skills who otherwise would be at a disadvantage when starting school. Parent involvement in many cases has resulted in improved parenting skills at home. I am a leading advocate in encouraging parental involvement in all Government programs.

Therefore, in acknowledging the fine work done in my home State and elsewhere, I support House Joint Resolution 588.

As chairman of the committee which is responsible for oversight of such programs, it is important to insure that no Federal program including Head Start will be exempt from evaluation and monitoring to maintain the intent of the law and quality results.

The joint resolution was ordered to be read a third time, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BILLS HELD AT DESK

H.R. 5553

Mr. BAKER. Mr. President, I have a request that I believe has been cleared on both sides.

I ask unanimous consent that when the Senate receives H.R. 5553 from the House of Representatives, it be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

H.R. 5795

Mr. BAKER. Mr. President, I have another request that I believe has been cleared.

I ask unanimous consent that when the Senate receives H.R. 5795 from the House of Representatives, it be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

H.R. 6403

Mr. BAKER. I have another request which I believe has been cleared.

I ask unanimous consent that when the Senate receives H.R. 6403 from the House of Representatives, it be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY MEDICAL FACILITIES SIZING CRITERIA

Mr. BAKER. Mr. President, I have a request with respect to H.R. 3278, if the minority leader is prepared to proceed.

Mr. ROBERT C. BYRD. Mr. President, I am prepared to proceed.

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of H.R. 3278 and that the Senate proceed to its immediate consideration.

Mr. ROBERT C. BYRD. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3278) to amend title 10, United States Code, to provide additional standards for determining the amount of space to be programmed for military retirees and their dependents in medical facilities of the uniformed services, and for other purposes.

Mr. CHILES. Mr. President, I rise today to support the passage of H.R. 3278, the House version of S. 2834 to provide realistic sizing criteria for the construction of military medical facilities.

Under existing legislation and regulation, the military has been unable to use realistic criteria in making their size determinations on which to base construction.

They have been unable to consider total workload from all sources, not just active duty personnel. Retired personnel and their dependents are becoming a large and fast growing segment of the population of those eligible to receive services from military medical facilities. Yet the workload they represent cannot be considered today in sizing these facilities.

Criteria for planning the size of new military hospitals and clinics should be based on commonsense considerations of cost-effectiveness and realistic workload projections. And that is what this legislation allows.

What we are doing now is forcing our retired personnel out of military facilities and driving the costs of CHAMPUS inordinately upward.

The General Accounting Office studied this situation, and in a report recommended the changes embodied in H.R. 3278 and its companion bill S. 2834.

In hearings before the Congress, testimony by each of the services and the General Accounting Office endorsed this legislation, and for good reason. Two independent studies have been done to assess the cost of direct medical care by the military compared to the use of civilian facilities. The studies looked at the projected life cycle costs over a 20-year period. The analyses showed that it is considerably less costly to the Federal Government to provide services in its own facilities rather than providing care through local civilian providers under CHAMPUS.

Mr. President, we know what has been happening to the cost of CHAMPUS. Anything we can do to get control here, should be done, and this legislation is a move in the right direction. Our current policy regarding the treatment of retired personnel has been driving the costs of CHAMPUS upward and not providing them the services they deserve.

Mr. President, this legislation is long overdue, and I urge its passage.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EDUCATION BLOCK GRANT FUNDS

Mr. BAKER. Mr. President, next I wish to proceed to the consideration of Calendar Order No. 807, H.R. 5658, if the minority leader has no objection.

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

Mr. BAKER. Mr. President, then I ask the Chair to lay before the Senate H.R. 5658, Calendar Order No. 807.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5658) to authorize the use of education block grant funds to teach the principles of citizenship.

The Senate proceeded to the consideration of the bill.

Mr. RANDOLPH. Mr. President, it is a privilege to support H.R. 5658, a bill to provide elementary and secondary assistance grants to assist in the teaching of citizenship principles. This legislation amends an existing program, the education block grant authorized by chapter 2 of the Education Consolidation and Improvement Act, to allow these funds to be used to teach citizenship. In accordance with the block grant concept, State and local educational agencies will have discretion over whether to fund such an activity and the content of these programs.

There will be no additional cost to the Federal Government.

Thus, State and local flexibility to use Federal funds will be maintained while drawing attention to a vital area of learning.

One hundred and ninety-five years ago our Founding Fathers framed the Constitution of our United States. Thirty years ago the Congress designated September 17 as "Citizenship Day." Four years later "Constitution Week" was designated. Each year since the President of the United States has issued a proclamation calling on appropriate Government officials to display the American flag on all Government buildings on "Citizenship Day."

It is not enough to wave the flag. We need citizenship education.

Americans rally for picnics and firecrackers on Independence Day. And now we have "Citizenship Day" leading off "Constitution Week." It is printed on calendars. Yet how many Americans know or even care? What has happened to vital values in our country?

How many Americans consider the meaning of the words in our National Anthem when they rise before a football game? Next time you attend, watch the people around you. Most merely hum along, rush through or count ahead excitedly in anticipation of the gun, or horn, or buzzer that starts the competition on the field.

The Constitution of our United States is the finest example in all history of the principles of government by law in which every American citizen is guaranteed certain rights. We have a masterpiece that indeed continues to inspire freedom-seeking people all over the world we share. But do our own people really appreciate our democracy?

Why do Americans fail to use the ballot and few young people know even the names of their Representatives in the House and their Senators or even their local legislators?

Proclamations and holidays have no meaning without the substance and vision and spirit behind them. The historical facts are there, but is anyone really interested or concerned?

Youth crime is on the rise and symptomatic of an illness that is afflicting our schools and our society as a whole. This illness is a lack of knowledge and a lack of the principles of good citizenship.

Family life is fragmented and giving us a new generation of Americans who are no longer guided by the principles that have made our Nation great.

We must work together in this country and instill the values of American citizenship in our young people, or we will lose our precious heritage that has made us strong. We must stand against the evil winds that roar.

People often say, "Let's get back to basics." But the real question we need ask ourselves is: "How do we get back to basics?" Citizenship education in our public and private schools is the solution, at least in part.

Values in our culture vary somewhat from individual to individual and there are certain basic and accepted values of citizenship in America. Citizenship education is a process whereby local people experience what they believe and share in common. Through it citizens can influence what happens in their community and country. Before action can take place, decisions must be made that reflect the values held by those who decide.

Americans have freedoms and rights no other nation enjoys. But let us underscore in our lives a commitment to citizenship responsibilities.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 5658) was ordered to be a third reading, was read the third time, and passed.

Mr. BAKER. I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BUDGET ACT WAIVER

Mr. BAKER. Mr. President, I wish to go now to H.R. 4476 and the budget waiver which accompanies it which is Calendar Order No. 922, S. Res. 475, if the minority leader is prepared to do that.

Mr. ROBERT C. BYRD. Mr. President, I have no objection.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask first that the Senate proceed to the consideration of Senate Resolution 475, a budget waiver.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

A resolution (S. Res. 475) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 4476.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 475) was considered and agreed to, as follows:

S. RES. 475

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to consideration of H.R. 4476. Such waiver is necessary because H.R. 4476, as reported, authorizes the enactment of new budget authority which would first become available in fiscal year 1983, and such bill was not reported on or before May 15, 1982, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

This budget waiver is necessary to allow Senate consideration of H.R. 4476, a bill which authorizes appropriations for the Administrative Conference of the United States (ACUS). H.R. 4476 was approved by the House of Representatives on June 14 of this year. It was approved unanimously by the Senate Committee on the Judiciary, and on September 9 was reported to the full Senate.

The Administrative Conference was established in 1964 by the Administrative Conference Act. ACUS consists of between seventy-five and ninety-one members, who, with the exception of the Chairman, serve without pay. Members are appointed from Federal departments and agencies and from outside the Government. The Conference works with governmental agencies on a continuing basis to improve these regulatory, enforcement, and adjudicatory functions. Recommendations and reports on administrative procedure are issued when adopted by the Conference at its biannual plenary sessions.

H.R. 4476 authorizes $2,300,000 for the fiscal year ending September 30, 1982, and for each fiscal year thereafter through the fiscal year ending September 30, 1986. This essentially maintains the current authorization level for ACUS.

Congressional consideration of this authorization bill will in no way interfere with or delay the appropriations process since the 1983 appropriations process is not yet complete. Moreover, the Committee on Appropriations has included funding for the Administrative Conference in both the fiscal year 1982 appropriations bill for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year 1983 appropriations bill. The 1982 appropriations level was $1,103,000 and the 1983 level, recently approved by the Appropriations Committee in H.R. 4476, is $1,100,000. This amount approximates actual outlays by the Conference since 1979.

ADMINISTRATIVE CONFERENCE ACT AMENDMENT

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate the underlying measure, which was the object to the waiver, H.R. 4476, which is Calendar Order No. 775.

The PRESIDING OFFICER. The bill will be stated by title.

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4476) to amend the Administrative Conference Act, by authorizing appropriations therefor.

The Senate proceeded to the consideration of the bill.

The PRESIDING OFFICER. The bill if before the Senate and open to amendment. If there be no amend-

ment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (H.R. 4476) was ordered to be engrossed for a third reading, was read a third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ARMS CONTROL AND DISARMAMENT AMENDMENTS ACT OF 1981

Mr. BAKER. Mr. President, I advise the minority leader that we are cleared to consider H.R. 3467 dealing with the Arms Control and Disarmament Act if the minority leader is ready.

Mr. ROBERT C. BYRD. Mr. President, that matter has been cleared on this side of the aisle.

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate H.R. 3467, Calendar Order No. 612.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3467) to authorize appropriations under the Control and Disarmanent Act, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations with an amendment to strike out all after the enacting clause, and insert the following:

That this Act may be cited as the "Arms Control and Disarmament Amendments Act of 1981".

SEC. 2. (a) Section 49(a) of the Arms Control and Disarmament Act (22 U.S.C. 2589(a)) is amended to read as follows:

"SEC. 49. (a) To carry out the purposes of this Act, there are authorized to be appropriated—

"(1) for the fiscal year 1982, $18,268,000,

"(2) for the fiscal year 1983, $19,893,852, and

"(3) such additional amounts, for each such fiscal year, as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs, and to offset adverse fluctuations in foreign currency exchange rates.

Amounts appropriated under this subsection are authorized to remain available until expended.".

SEC. 3. Section 45(a) of the Arms Control and Disarmament Act (22 U.S.C. 2535(a)) is amended by inserting the following new sentence after the second sentence thereof: "In the case of persons detailed from other Government agencies, the Director may accept the results of fullfield background security and loyalty investigations conducted by the Department of Defense or the Department of State as the basis for the determination required by this subsection that the person is not a security risk or of doubtful loyalty.".

SEC. 4. Section 31(c) of the Arms Control and Disarmament Act (22 U.S.C. 2571) is amended by inserting "and of all aspects of antisatellite activities" immediately before the semicolon.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

Mr. PERCY. Mr. President, H.R. 3467, the Arms Control and Disarmament Agency Act of 1982, authorizes appropriations for the Arms Control and Disarmament Agency for fiscal years 1982 and 1983. The sum authorized for fiscal year 1982 is $18,268,000, and the sum authorized for fiscal year 1983 is $19,893,852. In each case the sum authorized includes such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs and to offset adverse fluctuations in foreign current exchange rates.

The bill also amends section 45(a) of the Arms Control and Disarmament Act to streamline security review procedures. The bill also authorizes the Agency to conduct research, development, and other studies in regard to all aspects of antisatellite activities.

This authorization represents modest increases to the Agency's authorizations in previous years. Such increases reflect adjustments for inflation and for demands upon the Agency in several major arms control negotiations, including the Strategic Arms Reductions Talks (START) and the intermediate range nuclear force (INF) negotiations.

This bill was unanimously voted out of committee. As far as I know, there is no opposition to H.R. 3467.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 3467), as amended, was passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL SCHOOL BUS SAFETY WEEK OF 1982

Mr. BAKER. Mr. President, next in my file is a joint resolution, House Joint Resolution 486, dealing with School Bus Safety Week. Is the minority leader prepared to consder that?

Mr. ROBERT C. BYRD. Mr. President, that matter has been cleared on this side.

Mr. BAKER. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of House Joint Resolution 486 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee.

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resoltuion (H.J. Res. 486) Authorizing and requesting the President to issue a procalmation designating the period from October 3, 1982, through October 9, 1982, as "National Schoolbus Safety Week of 1982".

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 486) was ordered to a third reading, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT AND AUTHORITY OF THE SUPREME COURT POLICE

Mr. BAKER. Mr. President, H.R. 6204, a House message, is prepared for action on this side. Is the minority leader ready to proceed?

Mr. ROBERT C. BYRD. Mr. President, the minority leader is ready to proceed.

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 6204.

The Presiding Officer laid before the Senate H.R. 6204, an act to provide for appointment and authority of the Supreme Court Police, and for other purposes, which was read twice by its title.

The Senate proceeded to consider the bill.

UP AMENDMENT 1366

(Purpose: To provide for a 3-year expiration of the authority of the Marshal of the Supreme Court to protect Supreme Court Justices in any part of the United States, and to require an annual report on the cost of the protection)

Mr. BAKER. Mr. President, I send to the desk an amendment on behalf of the distinguished President pro tempore of the Senate, the Senator from South Carolina (Mr. THURMOND) and Mr. LEAHY, and ask that it be stated by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), on behalf of Messrs. THURMOND and LEAHY, proposes an unprinted amendment numbered 1366.

On page 3, line 19, after "(c)" add the following: "The authority created under subsection (a)(2) shall expire three years after the date of enactment of this subsection. During the three-year effective period of subsection (a)(2), the Marshal of the Supreme Court shall report annually to the Congress on March 1 regarding the administrative cost of carrying out his duties under such subsection."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1366) was agreed to.

Mr. THURMOND. Mr. President, I ask unanimous consent to have printed in the RECORD a letter I received from Chief Justice Burger of the Supreme Court dated September 29, 1982.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

SUPREME COURT OF THE UJITED STATES,
Washington, D.C., September 29, 1982.

Hon. STROM THURMOND,
U.S. Senator, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR THURMOND: In response to your request, I do not anticipate that H.R. 6204 will expand the use of security officers of the Supreme Court for protection of the Justices, since under current practice many security officers of the Supreme Court already have authority as Special Deputy United States Marshals to accompany Justices off the premises, for protection, if deemed necessary.

H.R. 6204 merely clarifies ambiguities under current law, and should not change existing practices regarding the use of Supreme Court police for the protection of Justices. Although the bill does provide necessary flexibility so that a member of the Supreme Ccurt police force could travel outside the greater Washington, D.C. area with a Justice if it is necessary to protect his or her life, I anticipate that this provision would only be used in unusual circumstances, if ever.

I cannot definitely predict the number of extraordinary situations in the future, but I seriously doubt that the trips would be any greater distance than a trip to Williamsburg for the annual Brookings sessions with the Senate and House Judiciary Committees. What we are concerned about is travel that would not go beyond a radius of 15 miles from the Capitol building, and as to those trips, our police need the same authority as the Capitol Police now enjoy.

A copy of the Report of the House of Representatives on H.R. 6204 is enclosed for your information. Page 6 of the Report contains the following statement from the Congressional Budget Office: "It is expected that no significant cost to the government would be incurred as the result of enactment of this legislation." I do not anticipate any additional cost at all.

Cordially,

WARREN E. BURGER,
Chief Justice.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 6204), as amended, was passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXCHANGE OF MATERIALS AND SERVICES BETWEEN DEPARTMENTS AND AGENCIES BY CONTRACT

Mr. BAKER. I wish to go next to H.R. 2528, if the minority leader is prepared to do that. That is Calendar Order No. 860.

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

Mr. BAKER. Mr. President, I ask then that the Chair lay before the Senate H.R. 2528, Calendar Order No. 860.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2528) to amend the Economy Act to provide that all departments and agencies may obtain materials or services from other agencies by contract, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 2528) was ordered to a third reading, was read a third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DR. ROBERT H. GODDARD DAY

Mr. BAKER. Mr. President, next then I propose that we proceed to the consideration of House Joint Resolution 568 which will require a discharge of the Judiciary Committee from further consideration.

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of House Joint Resolution 568, providing for the designation of October 5, 1982, as "Dr. Robert H. Goddard Day," and that the Senate proceed immediately to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 568) to provide for the designation of October 5, 1982, as "Dr. Robert H. Goddard Day."

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read twice by title.

Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. KENNEDY. Mr. President, on October 5, 1982, the people of Worcester, Mass., will celebrate the 100th anniversary of the birth of Dr. Robert H. Goddard—the father of modern rocketry. At Clark University in Worcester, where Dr. Goddard taught physics and conducted his research for many years, citizens from Massachusetts and all across the Nation will participate in 3 days of events honoring the late scientist and visionary.

Today, along with Senator GLENN, Senator SCHMIDT, and Senator MATHIAS, I am urging the Senate to pass a joint resolution so that Congress can go on record in recognizing Dr. Robert Goddard of Worcester, Mass., as an American of great vision and achievement.

The resolution, which designates October 5, 1982, as "Dr. Robert H. Goddard Day," was introduced in the House of Representatives by my colleague from Massachusetts, Congressman EARLY, and was passed on September 21, 1982.

Dr. Robert Goddard was an extraordinary individual and a scientist of great genius. Those who worked with him and who knew him as a friend, remember a kind, gentle man, who weathered the relentless skepticism of his peers and persevered to discover new worlds in science. Despite all those who counseled him to relinquish his scientific pursuits, he stayed the course and went on to make the dream of space exploration a reality.

Today, Dr. Goddard's dream is taking on a new dimension. With the development of the Space Shuttle and the success of the test flights, we are entering a new era in space exploration and travel. Yet, the new chapter we are beginning in 1982, could not have been written without the fundamental work done by the professor from Worcester, born in 1882.

His development of the theory of rocket propulsion and his many innovations continue to provide the basis for space exploration today. So it is appropriate, 100 years after his birth, that we honor Dr. Robert Goddard.

Mr. President, I am pleased to join today with my colleagues, Senator GLENN, Senator MATHIAS, and Senator SCHMIDT in sponsoring this resolution. I urge all of my colleagues to join us in its adoption, and I ask for its immediate consideration.

● Mr. GLENN. Mr. President, Robert H. Goddard's first liquid-fueled rocket reached only 184 feet into the air and attained a speed of only 60 miles-per-hour. But that 1926 launching, by which Goddard demonstrated what he and other farsighted pioneers in Russia and Germany had theorized, is an important landmark in man's conquest of space. Nor is it the only contribution made by this dreamer, this professor of physics, this man of vision. He was the first to prove by test that a rocket works in a vacuum and the first to develop rockets equipped with propellant pumps, gyro controls and instrumentation.

Indeed, Mr. President, Homer E. Newell, in his book, "Beyond the Atmosphere," published by the National Aeronautics and Space Administration in 1980, observed that—

So prolific was his output that those who followed could hardly take a step without in some way infringing on one or more of his patents, a fact recognized by the United States Government when in 1960 the military services and the National Aeronautics and Space Administration awarded $1,000,000 to the Goddard estate.

Robert Goddard, who financed much of his work himself, has indeed been honored more since his 1945 death than he ever was while living. It is fitting that we are about to honor this pioneer thinker and visionary physicist for his contributions to our Nation and mankind by setting aside October 5 as Dr. Robert Goddard Day. I am pleased to join my colleague from Robert Goddard's home State of Massachusetts (Mr. KENNEDY) in urging the Senate to adopt this resolution.●

The joint resolution (H.J. Res. 568) was considered, ordered to a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL TOURETTE SYNDROME AWARENESS WEEK

Mr. BAKER. Mr. President, I would like to inquire of the minority leader if he is prepared to consider discharging the Committee on the Judiciary from further consideration of Senate Joint Resolution 228 and to proceed to its consideration.

Mr. ROBERT C. BYRD. Mr. President, this side has no objection.

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of Senate Joint Resolution 228, National Tourette Syndrome Awareness Week, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the joint resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. J. Res. 228) to provide for the designation of the week beginning on October 24, 1982, as "National Tourette Syndrome Awareness Week."

The Senate proceeded to consider the joint resolution.

The joint resolution was ordered to be engrossed and to be read a third time, was read the third time, and passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 228) together with the preamble are as follows:

S.J. RES. 228

Whereas Tourette Syndrome is a neurological disorder which occurs in children between the ages of two and sixteen and lasts for the remainder of the life of each afflicted child;

Whereas Tourette Syndrome is characterized by repeated tic movements and involuntary vocalizations which are physically debilitating, socially crippling, and emotionally devastating;

Whereas an estimated one hundred thousand Americans currently suffer from Tourette Syndrome and an additional three and one half million Americans suffer from less severe forms of this affliction;

Whereas the lack of knowledge about this disaster on the part of health professionals and the public causes additional hardships for those afflicted with Tourette Syndrome;

Whereas greater public understanding of Tourette Syndrome will encourage those persons currently diagnosed as suffering from this disorder and nurture hope for those who are suffering from the disorder but whose afflictions have not been diagnosed or have been diagnosed incorrectly; and

Whereas thousands of caring volunteers and the families of persons afflicted with Tourette Syndrome have devoted much time and energy to educate health professionals and the public about this disorder: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning on October 24, 1982, is designated as "National Tourette Syndrome Awareness Week" and the President of the United States is authorized and requested to issue a proclamation calling upon Federal, State and local government agencies, interest groups and organizations and all of the people of the United States to observe that week by engaging in appropriate activities and programs to show their support and concern for those Americans afflicted with Tourette Syndrome.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

NATIONAL WATER RESOURCES WEEK

Mr. BAKER. Similarly, Mr. President, I would like to move to discharge the Judiciary Committee from further consideration of Senate Joint Resolution 236, if there is no objection.

Mr. ROBERT C. BYRD. There is no objection to proceeding on this side.

Mr. BAKER. I thank the minority leader.

I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of Senate Joint Resolution 236 and that the Senate proceed immediately to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 236) to designate the week of October 24 through 28, 1982, as "National Water Resources Week."

The Senate proceeded to consider the joint resolution.

The joint resolution was ordered to be engrossed and to be read a third time, was read the third time, and passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 236) together with the preamble are as follows:

S.J. RES. 236

Whereas water is the fundamental resource upon which we rely for our social and economic activities, as well as for our health and well-being; and

Whereas water is the necessary ingredient for the successful operation of every home, factory, city and farm; and

Whereas the continued growth and prosperity of this Nation is dependent on an adequate supply of water; and

Whereas development of needed sources of new energy will require further use of our water resources; and

Whereas expanded use of water for irrigation could increase farm production and hold down domestic food costs and provide additional commodities for export; and

Whereas without water, life itself is impossible; and

Whereas the National Water Resources Association has been an important and effective force in promoting the importance of our Nation's water resources and the wise and careful use thereof; and

Whereas 1982 marks the fiftieth anniversary of the National Water Resources Association: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is requested and authorized to designate, by proclamation, the week of October 24 through 28, 1982, as "National Water Resources Week", and urge all citizens in the States of the Union, the national and all local governments, and groups and organizations, especially officials who are responsible for the collection, treatment, distribution, and disposal of water, to conduct educational programs and otherwise alert the citizenry of the vital importance of water to every American.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PHYSICAL PROTECTION OF NUCLEAR MATERIAL

Mr. BAKER. Mr. President, I would like to ask the Senate to consider H.R. 5228, if the minority leader has no objection.

Mr. ROBERT C. BYRD. There is no objection.

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 5228.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate numbered 1 to the bill (H.R. 5228) entitled "An Act to amend title 18 of the United States Code to implement the Convention on the Physical Protection of Nuclear Material, and for other purposes."

Resolved, That the House agree to the amendment of the Senate numbered three to the aforesaid bill with the following amendment:

Strike out the matter stricken, and insert:

"(7) attempts to commit an offense under paragraph (1), (2), (3), or (4) of this subsection; or

"(8) is a party to a conspiracy of two or more persons to commit an offense under paragraph (1), (2), (3), or (4) of this subsection, if any of the parties intentionally engages in any conduct in furtherance of such offense;

Resolved, That the House agree to the amendment of the Senate numbered 5 to the aforesaid bill with the following amendment:

In lieu of the matter proposed to be inserted, insert:

"(b) The punishment for an offense under—

"(1) paragraphs (1) through (7) of subsection (a) of this section is—

"(A) a fine of not more than $250,000; and

"(B) imprisonment—

"(i) for any term of years or for life (I) if, while committing the offense, the offender knowingly causes the death of any person; or (II) if, while committing an offense under paragraph (1) or (3) of subsection (a) of this section, the offender, under circumstances manifesting

Resolved, That the House agree to the amendment of the Senate numbered eight to the aforesaid bill with the following amendment:

Strike out the matter stricken, and insert:

"(2) paragraph (8) of subsection (a) of this section is—

"(A) a fine of not more than $250,000; and

"(B) imprisonment—

"(i) for not more than 20 years if the offense which is the object of the conspiracy is punishable under paragraph (1)(B)(i); and

"(ii) for not more than 10 years in any other case.

Resolved, That the House disagree to the amendments of the Senate numbered 2, 4, 6, and 7 to the aforesaid bill.

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendments to the Senate amendments numbered 3, 5, and 8, and that the Senate recede from its disagreement to amendments numbered 2, 4, 6, and 7.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

PARTITIONING OF CERTAIN INDIAN LANDS IN KANSAS

Mr. BAKER. Mr. President, next a message from the House on S. 478 is available on this side if the minority leader is prepared to have it considered.

Mr. ROBERT C. BYRD. Mr. President, this side is prepared to proceed with it.

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 478.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 478) entitled "An Act to provide for the partitioning of certain restricted Indian land in the State of Kansas", do pass with the following amendment:

Strike out all after the enacting clause, and insert: That any owner of an interest in the following lands:

(1) the north half southeast quarter of section 25, and 14 acres on the south side of southeast quarter northeast quarter of section 25 township 11 south, range 22 east, sixth principal meridian, Kansas, containing 94 acres and also known as the Newton McNeer Shawnee Reserve Numbered 206;

(2) the southeast quarter northwest quarter of section 12, township 12 south, range 23 east, sixth principal meridian, Kansas, containing 20 acres and also known as the Black Snake Shawnee Allotment Numbered 69;

(3) the east half, southwest quarter, section 13, township 19 south, range 24 east, sixth principal meridian, Kansas, containing 80 acres and known as the Maria Christiana Miami Allotment, lands derived from a patent under the Act of March 3, 1859 (11 Stat. 430) may commence an action in the United States District Court for Kansas to partition the same in kind or for the sale of such land in accordance with the laws of the State of Kansas. Moneys resulting from a sale in lieu of partition shall be distributed and administered through trust accounts of the Bureau of Indian Affairs in the case of Indian heirs. Moneys of non-Indian heirs shall be turned over to the appropriate State court in Kansas for distribution and administration in accordance with the laws of Kansas. For the purpose of such action, the Indian owners shall be regarded as vested in the land and the United States shall be a necessary party to the proceedings. Any conveyance ordered by the court in such proceedings will be made in unrestricted fee simply to non-Indian grantees and in a restricted fee to Indian grantees.

Mr. COHEN. Mr. President, S. 478 was introduced by the senior Senator from Kansas, Senator DOLE. The purpose of this bill is to authorize the U.S. District Court for Kansas to entertain an action for partition of three parcels are known as the Newton NcNeer Shawnee Reserve No. 206; the Black Snake Shawnee Allotment No. 69; and the Maria Christiana Miami Allotment derived from a patent under the act of March 3, 1859. Over the years through the process of descent and distribution the ownership of these Newton McNeer allotment, for example, now has in excess of 50 heirs. Some of these heirs are of Indian descent, some are not, and only some of the Indian heirs are members of a federally recognized Indian tribe.

These parcels of land were originally patented by the United States to individual members of the Shawnee and Miami Indian Tribes to be held in a restricted fee status. A restricted fee patent is similar in almost all respects to a trust allotment in which legal title is held by the United States for the benefit of the Indian allottee. In either case, the land is generally exempt from the application of the laws of the State in which it is located, including State or local taxation, laws of adverse possession, or laws relating to partition or sale. The property cannot be alienated or transferred without the consent of the Secretary of the Interior.

The only witnesses relate to the power of the Secretary of the Interior to partition Indian-owned lands. Under existing law the Secretary may partition trust allotted lands but he does not have similar authority with

respect to lands held by a restricted fee patent. An additional complicating factor with respect to the parcels of land that are the subject of this bill is that substantial undivided fractional interests are also held by non-Indians and the Secretary has no jurisdiction or authority over their interests. For these reasons it is clear that the only way in which title to these properties can ever be cleared is by authorizing a court of competent jurisdiction to either order partition of the lands or their sale if partition proves impossible.

Mr. DENTON. Mr. President, I would like to express a concern on behalf of one of my constituents, Mr. Donald Oyler. Mr. Oyler has advised me that his brother, Jimmie Oyler, is presently living on the Newton McNeer allotment, one of the three properties that are the subject of this bill. I note that both Donald and Jimmie Oyler are retired naval officers: Donald a commander and Jimmie a lieutenant commander.

It is my understanding that both Donald Oyler and Jimmie Oyler tried for a number of years to get the Secretary of the Interior to take some action that would enable the heirs to make use of the property. As early as 1968 Donald Oyler wrote to the Department of the Interior, Bureau of Indian Affairs, expressing an interest that the title to this property be consolidated so it could be utilized. By letter dated February 21, 1968, Mr. Sidney Carney, the BIA Area Director for Anadarko, Okla., wrote Donald Oyler advising that major interests in the property are held by non-Indian heirs, that it would be a literal impossibility for the Department of the Interior to determine the heirs to the estate, and that under existing law it would be impossible to dispose of the estate in any manner so as to convey marketable title. Mr. Carney further stated that any reputable attorney, if apprised of the facts, would advise that the potential costs of any effort to consolidate title would be overwhelming and probably futile. Mr. Carney recommended that a special act of Congress be sought to remove the restrictions on alienation and extinguish the interest of the United States in this property, and this would allow for partition or sale through the courts of the State of Kansas.

Mr. President, to a person unfamiliar with the legal process and unfamiliar with the legislative process, these comments were obviously discouraging, and did not reflect any willingness on the part of the Department to work with the parties toward a solution. On September 22, 1974, Mr. Jimmie Oyler wrote the BIA Agency in Horton, Kans., asking whether, as one of the heirs to the property, he could go upon the land, build a home and occupy the same. By letter dated October 22, 1974, Mr. Jack Carson, Superintendent of the Horton Agency, replied by reiterating the information regarding the large number of heirs, but advised Mr. Oyler that as an heir or part owner he would not be in trespass; he would be immune from ouster but his right of possession would not be absolute. Mr. Carson further advised that if Mr. Oyler were to plan building on the allotment he would have to have his portion partitioned and this would involve consent of all of the adult owners.

In late 1975 Jimmie Oyler obtained quitclaim deeds from three of the owners of fractionated interests to this property and moved upon it. In early 1976 he obtained three more quitclaim deeds from three other owners, bringing his putative interest in the property to slightly over 6 percent of the whole. Five of the six deeds are from persons of Indian descent. At the time these deeds were acquired Mr. Oyler supplied copies to the Secretary of the Interior and requested that the BIA land records be changed to reflect his ownership interest. The Department refused to affirm any ownership interest of Jimmie Oyler based on the Indian quitclaim deeds but advised that if Mr. Oyler took possession based on a nonrestricted, non-Indian interest there would be no legal basis for the BIA to request his eviction.

Mr. President, Jimmie Oyler has resided with his family on this property since 1975. From my knowledge of the background of the ownership of this parcel of land, I can see no alternative to the legislation before us today which will permit the partition of this land. However, I do not believe it would be fair or just to compel Mr. Oyler to be removed from his homestead. Although his actions in occupying the property may have been precipitous, his frustrations arising from seeing the property lie vacant with no apparent willingness of the Government to work toward resolution of the title problem were understandable. I strenuously urge that the court give every consideration to allocating to Mr. Oyler his just portion of this estate in the area where Mr. Oyler has established his home.

Mr. DOLE. Mr. President, I would like to join my colleagues in their remarks. Senator COHEN has done an excellent job of outlining the legal difficulties that led to this bill and Senator DENTON has presented the factual problems that complicate title to the Newton McNeer property. As early as 1975 Jimmie Oyler contacted my office seeking help in this matter. In response to my inquiries to the Secretary of the Interior, I was advised that the authority of the Secretary has no statutory authority with respect to partition and sale of property held in restricted-fee patent instead of a general trust allotment.

I was advised at that time that the only practical solution which would recognize the rights of all Indian and non-Indian owners appeared to be a special act of Congress to authorize partition or sale of the property. In 1978 I was again contacted by another heir, Mr. John Todd of Wichita, Kans., who had recently inherited an interest in the Newton McNeer property. Mr. Todd had also written to the Secretary of the Interior and had received a reply similar to that regarding the Jimmie Oyler inquiry. Mr. Todd expressed a strong interest in pursuing special legislation to permit a resolution of the title to this property.

It appears that over the years many of the heirs to the Newton McNeer property, most now deceased, have attempted to have the land either partitioned or sold. According to Mr. Todd efforts were made by his grandfather as early as the 1920's to get the land sold. In the late 1950's his uncle, Paul Todd, obtained signatures of all but one of the then owners to sell the land, the sole holdout objecting to payment of any attorney fees. Mr. Todd has further advised me that an effort was made by the Crotzer family of Oklahoma, another descendant line, to obtain legislation in the 83d Congress to authorize partition or sale and this led to introduction of bills in each House of the Congress (H.R. 7318 and S. 2743) which were not enacted.

Mr. President, it is the problems of these heirs that led me to introduce this legislation. I would note that in 1978 the Bureau of Indian Affairs commissioned a study of the title to this property that led to a report on November 1, 1978, by Mr. V. T. Courtwright, an attorney in Checotah, Okla. This report lists some 49 heirs as having an interest. Indians and non-Indians are distinguished and addresses for all heirs are supplied.

Mr. President, it is certainly not my desire to displace heirs with legitimate claims to portions of this land. I trust the courts will allocate the 94 acres to the rightful owners. In the alternative it may be necessary to order a sale. I certainly hope that the Oyler family's interests and Jimmie Oyler's investments are preserved in these court proceedings. If title to this property is ever to be cleared, now is the time while the Courtwright report still provides leads to all the parties in interest.

Mr. COHEN. Mr. President, I join my colleagues in their desire and expectation that the judicial process achieve fairness and justice for all parties concerned. As a point of clarification I would like to add that this bill provides that the United States shall be a necessary party to the proceedings. There will be a problem in determining those heirs who are members of federally recognized tribes and

therefore eligible to receive their share in trust of restricted status. This will require the active participation of the Department of the Interior in this process.

Mr. President, I urge the favorable consideration of this bill by the Senate.

Mr. BAKER. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

NATIONAL RETIRED TEACHERS DAY

Mr. BAKER. Mr. President, I would propose to ask the Senate to discharge the Committee on the Judiciary from further consideration of Senate Resolution 237, if the minority leader will concur.

Mr. ROBERT C. BYRD. Mr. President, there is no objection to proceeding.

Mr. BAKER. I thank the Senator.

Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of Senate Joint Resoluition 237, the National Retired Teachers Day resolution, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 237) designating November 14, 1982, as "National Retired Teachers Day."

The Senate proceeded to consider the joint resolution.

● Mr. CHILES. Mr. President, I request that Senators CRANSTON, INOUYE, PELL, BOREN, WEICKER, HEINZ, BENTSEN, and PERCY be added as cosponsors of Senate Joint Resolution 237, a resolution designating November 14, 1982, as "National Retired Teachers Day."

This brings the number of sponsors for Senate Joint Resolution 237 to 41 Senators. I am pleased to see this large measure of support for our Nation's retired teachers.

Study after study has shown that the critical element in the educational process is not the textbook, the curriculum, the size of the classroom, or the audiovisual aides, but rather, the skills and character of the teacher. Let us show our appreciation and our understanding of the devotion shown by teachers who remain in the classroom to retirement by setting aside a day in their honor. Most of us, when asked why we chose a profession or achieved a worthy goal or adopted a positive value, can name a particular teacher who influenced us early in life. I hope we all take the opportunity on November 14 to say a word of thanks to the teachers who have meant a lot to us.●

The joint resolution was ordered to be engrossed and to be read a third time, was read the third time, and passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 237) together with the preamble are as follows:

Whereas education is the surest foundation for the preservation of freedom, justice, and happiness in our American democracy;

Whereas education transmits not only knowledge, but the values of a society;

Whereas America has always placed its major hopes for the future on education as a means of improving and developing the potentialities of the individual and society;

Whereas, as Henry Adams said, "a teacher affects eternity; no one can tell where his influence stops";

Whereas the approximately one million five hundred thousand retired teachers of America chose what should be recognized as the most important profession in the world, dedicated their working lives to the battle against prejudice, greed, and ignorance and received very little material remuneration for their dedication; and

Whereas it is fitting to acknowledge a debt of gratitude to these former teachers, who gave the country the most important gift of all, the instruction of its youth: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That November 14, 1982, is designated as "National Retired Teachers Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such day with appropriate ceremonies and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EARTHQUAKE HAZARDS REDUCTION

Mr. BAKER. Mr. President, there is a House message on S. 2273, Earthquake Hazards Reduction Act which is available for action if the minority leader is agreeable.

Mr. ROBERT C. BYRD. Mr. President, this side is ready to proceed.

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2273.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2273) entitled "An Act to amend section 7 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) to extend authorizations for appropriations, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause and insert:

TITLE I—EARTHQUAKE HAZARDS REDUCTION PROGRAM

SEC. 101. (a) Section 7(a) of the Earthquake Hazards Reduction Act of 1977 is amended by adding at the end thereof the following new paragraph:

"(4) There are authorized to be appropriated to the Director, to carry out the provisions of sections 5 and 6 of this Act, $1,281,000 for the fiscal year ending September 30, 1983, and such sums as may be necessary for the fiscal year ending September 30, 1984.".

(b) Section 7(b) of such Act is amended by striking out "and" after "1981;", and by inserting "; $33,843,000 for the fiscal year ending September 30, 1983; and such sums as may be necessary for the fiscal year ending September 30, 1984" before the period at the end thereof.

(c) Section 7(c) of such Act is amended by striking out "and" after "1981;", and by inserting "; $25,000,000 for the fiscal year ending September 30, 1983; and such sums as may be necessary for the fiscal year ending September 30, 1984" before the period at the end thereof.

(c) Section 7(d) of such Act is amended by striking out "and" after "1981;", and by inserting "; $475,000 for the fiscal year ending September 30, 1983; and such sums as may be necessary for the fiscal year ending September 30, 1984" before the period at the end thereof.

(e) Section 7(e) of such Act is amended by striking out "the fiscal year ending September 30, 1982" and inserting in lieu thereof "each of the fiscal years ending September 30, 1982, September 30, 1983, and September 30, 1984".

TITLE II—MULTIHAZARD RESEARCH, PLANNING, AND MITIGATION

SEC. 201. Section 302 of Public Law 96-472 is amended by adding at the end thereof the following new subsection:

"(c) For the fiscal year ending September 30, 1983, there are authorized to be appropriated to the Director—

"(1) $2,774,000 to carry out section 301, which amount shall include—

"(A) not less than $300,000 to carry out the purposes of paragraphs (1) through (6) of such section;

"(B) such sums as may be necessary, but in any case not less than $939,000, for use by the United States Fire Administration in carrying out paragraph (7) of such section; and

"(C) not less than $1,535,000 to carry out paragraph (8) of such section with respect to those large California earthquakes which were identified by the National Security Council's Ad Hoc Committee on Assessment of Consequences and Preparations for a Major California Earthquake and with respect to other high seismic risk areas in the United States; and

"(2) such further sums as may be necessary for adjustments required by law in salaries, pay, retirement, and employee benefits incurred in the conduct of activities for which funds are authorized by paragraph (1) of this subsection.

Amend the title so as to read: "An Act to amend the Earthquake Hazards Reduction Act of 1977 to extend authorizations of appropriations, and for other purposes.".

Mr. BAKER. Mr. President, I move that the Senate concur in the amendments of the House with an amendment which I send to the desk on

behalf of the distinguished Senator from New Mexico (Mr. SCHMITT).

UP AMENDMENT NO. 1367

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER) on behalf of Mr. SCHMITT proposes an unprinted amendment numbered 1367.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Namely, in the House amendment to the Senate bill:

In section 101(a), in the amendment proposed to be made to section 7(a) of the Earthquake Hazards Reduction Act of 1977, and strike all after "1983" through "1984".

In section 101(b), in the amendment proposed to be made to section 7(b) of the Earthquake Hazards Reduction Act of 1977, insert "and" immediately before "; $31,843,000", and strike all after "1983" through "1984".

In section 101(c), in the amendment proposed to be made to section 7(c) of the Earthquake Hazards Reduction Act of 1977, insert "and" immediately before "; $25,000,000", and strike all after "1983" through "1984".

In section 101(d), in the amendment proposed to be made to section 7(d) of the Earthquake Hazards Reduction Act of 1977, insert "and" immediately before "; $475,000", and strike all after "1983" through "1984".

In section 101(e), in the amendment proposed to be made to section 7(e) of the Earthquake Hazards Reduction Act of 1977, strike all after "1982" and insert in lieu thereof " 'and September 30, 1983'.".

● Mr. SCHMITT. Mr. President, S. 2273, an act to amend section 7 of the Earthquake Hazards Reductions Act of 1977, was originally passed by the Senate on April 29, 1982. On September 14, 1982, the House of Representatives amended and passed S. 2273, authorizing funds for fiscal year 1983 and such sums as may be necessary for the fiscal year ending September 30, 1984, for the Federal Emergency Management Agency (FEMA), the U.S. Geological Survey (USGS), the National Science Foundation (NSF), and the National Bureau of Standards (NBS).

S. 2273 as amended and passed by the House of Representatives is acceptable to the Committee on Commerce, Science, and Transportation with certain modifications to the House amendments. The modification we recommend accomplishes two purposes:

Eliminates authorizations for such sums as may be necessary for the fiscal year ending September 30, 1984; and

Reduces the total authorization for fiscal year 1983 from $33,843,000 to $31,843,000.

In section 101(b) after "by inserting;" insert $31,843,000 in place of $33,843,000. In section 101(a)(4) after September 30, 1983, insert a period and strike ", and such sums as may be necessary for the fiscal year ending September 30, 1984."

In section 101(b) after September 30, 1983, insert a period and strike ", and such sums as may be necessary for the fiscal year ending September 30, 1984."

In section 101(c) after September 30, 1983, insert a period and strike ", and such sums as may be necessary for the fiscal year ending September 30, 1984."

In section 101(d) after September 30, 1983, insert a period and strike ", and such sums as may be necessary for fiscal year 1984."

In section 101(e) after September 30, 1982, strike ", September 30, 1983 and September 30, 1984" and insert "and September 30, 1983."

I have expressed concerns for several years about slow progress in developing a prototype short-term prediction and warning capability and earlier this year, recommended that a target date of 1988 be set for the operation of such a system. Such a system could collect valuable data for research purposes as well as to help protect the public and the economy. The House has authorized $3 million for the first phase of development of an earthquake prediction and warning network. I agree steps toward such a network should be initiated. However, investigations of the requirements of the program lead me to conclude that $1 million will be appropriate to the planning that can reasonably be accomplished in fiscal year 1983.

The USGS, in conjunction with other Federal agencies and the State of California, should submit a plan to Congress by July 1, 1983, indicating the tasks, responsibilities, and milestones required to have such a capability by 1988 and to be able to respond to information from such a capability.

It is essential in my opinion that a warning and prediction capability be developed jointly by the Federal Government and the States. Authorization for subsequent appropriations should be dependent upon the States making substantial contributions to the development and the operation of a prediction and warning network.

Mr. President, I recommend passage of S. 2273 with these amendments.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Tennessee.

The amendment (UP No. 1367) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

FALSE IDENTIFICATION CRIME CONTROL ACT OF 1982

Mr. BAKER. Mr. President, next I would like to ask the Senate to treat with H.R. 6946.

Mr. ROBERT C. BYRD. Mr. President, there is no objection on this side.

Mr. BAKER. I thank the minority leader.

I ask then that the Senate proceed to the consideration of H.R. 6946. I ask unanimous consent to do so.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6946) to amend title 18 of the United States Code to provide penalties for certain false identification related crimes.

The Senate proceeded to consider the bill.

UP AMENDMENT NO. 1368

Mr. BAKER. Mr. President, I send to the desk an amendment by the distinguished Senator from South Carolina, the President pro tempore, Mr. THURMOND.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), on behalf of Mr. THURMOND, proposes an unprinted amendment numbered 1368.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(1) On page 2, line 16, strike out the word "or".

(2) On page 2, following line 21, insert the following new paragraphs:

"(6) possesses an identification document that is or appears to be an identification document of the United States which is stolen or produced without authority knowing that such document was stolen or produced without authority; or

"(7) knowingly possesses an identification document (other than one issued lawfully for the use of the possessor) or a false identification document, with the intent such document be used in the commission of a crime that may be prosecuted in a court of the United States for which the penalty includes imprisonment for one year or more;".

(3) On page 4, line 13, following "(a)(4)" insert "or (a)(7)".

(4) On page 4, strike out lines 23 and 24 and insert in lieu thereof the following:

"the United States Government, a State, political subdivision of a State, foreign government, or political subdivision of a foreign government,".

(5) On page 5, line 2, following the word "type" insert "intended or".

(6) On page 5, line 14, following the word "includes" insert "any State of the United States,".

(7) On page 5, line 19, following the word "a" the second time it appears, insert the word "political".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (UP No. 1368) was agreed to.

UP AMENDMENT NO. 1369

(Purpose: To provide penalties for interstate transportation of false identification documents)

Mr. BAKER. There is at the desk, Mr. President, an amendment by the distinguished Senator from New Hampshire (Mr. HUMPHREY) and I ask that the clerk state that amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER) for Mr. HUMPHREY proposes an unprinted amendment numbered 1369.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

SEC. 4. Chapter 83 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1738. Identification documents bearing a false birth date

"(a) Whoever, being in the business of selling identification documents, and in furtherance of that business, uses the mails for the mailing, carriage in the mails, or delivery of, or causes to be transported in interstate or foreign commerce, any identification document which bears a birth date purported to be that of the person named in such identification document and which has not been verified pursuant to subsection (b) shall be fined not more than $1,000, imprisoned not more than one year, or both.

"(b) For purposes of subsection (a), an identification document is verified if the sender obtains adequate assurances stating that—

"(1) the birth date purported to be that of the person named in such identification document is the date of birth of such person; or

"(2) such person is twenty-one years of age or older.

"(c) It is a defense to this section if, with respect to the identification document involved—

"(1) the birth date purported to be that of the person named in such identification document is the date of birth of such person;

"(2) such person was twenty-one years of age or older on the date such identification document was mailed, shipped, or transported; or

"(3) such identification document was mailed, shipped, or transported in the course of business by—

"(A) the United States or an agency thereof, a State, or an agency thereof, or a unit of local government of a State;

"(B) a physician registered or licensed by a State; or

"(C) a hospital or medical clinic licensed by a State or a unit of local government of a State.

"(d) For purposes of this section—

"(1) the term 'adequate assurances' means an official certification or communication, in writing, from—

"(A) the United States or an agency thereof, a State or an agency thereof or a unit of local government of a State;

"(B) a physician registered or licensed by a State; or

"(C) a hospital or medical clinic licensed by a State or a unit of local government of a State.

"(2) the term 'identification document' means a card, certificate, or paper intended to be used primarily to identify an individual; and

"(3) the term 'State' includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

"(e) This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (18 U.S.C. note prec. 3481).".

SEC. 5. The table of sections at the beginning of chapter 83 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"1738. Identification documents bearing false birth date.".

SEC. 6. Section 3061(b) of title 18, United States Code, is amended by striking the period at the end and inserting in lieu thereof ", and section 1738 of this title.".

SEC. 7. Section 3001(a) of title 39, United States Code, is amended by striking out "or 1718" and inserting in lieu thereof ", 1718, or 1738".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (UP No. 1369) was agreed to.

The PRESIDING OFFICER. If there be no further amendments, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time. The bill was read the third time and was passed.

Mr. BAKER. Mr. President, I move that the Senate insist on its amendments and request a conference with the House and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. MATTINGLY) appointed Mr. THURMOND, Mr. LAXALT, Mr. HATCH, Mr. SIMPSON, Mr. HUMPHREY, Mr. BIDEN, Mr. DECONCINI, and Mr. HEFLIN conferees on the part of the Senate.

GEOGRAPHIC DISTRIBUTION OF FEDERAL FUNDS

Mr. BAKER. Mr. President, I am prepared to ask the Senate to consider a message from the House on S. 2386, if the minority leader has no objection.

Mr. ROBERT C. BYRD. Mr. President, this side is ready to proceed.

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2386.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2386) entitled "An Act to require the Director of the Office of Management and Budget to prepare an annual report consolidating the available data on the geographic distribution of Federal funds, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SECTION 1. This Act may be cited as the "Consolidated Federal Funds Report Act of 1982".

SEC. 2. As used in this Act, the term—

(1) "Director" means the Director of the Office of Management and Budget;

(2) "State" means any State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, the Government of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands; and

(3) "municipality" means any subcounty unit of local government that received Federal assistance under the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221) for the appropriate fiscal year.

SEC. 3. (a) For fiscal years 1983, 1984, and 1985, not later than one hundred and eighty days after the end of each fiscal year, the Director shall prepare a Consolidated Federal Funds Report presenting the total amount of Federal funds that were obligated for expenditure in or expended in each State, county or parish, congressional district, and municipality of the United States in appropriate general categories of Federal funds during the preceding fiscal year. The report shall be in the form described in subsection (b) and shall be based on the data referred to in subsection (c).

(b) The Director shall include in each report required by subsection (a)—

(1) the total amount of Federal funds that were reported obligated for expenditure in each State, county or parish, congressional district, and municipality of the United States in appropriate general categories of Federal funds in the fiscal year preceding the fiscal year in which the report is made; or

(2) the total amount of Federal funds that were reported actually expended in each State, county or parish, congressional district, and municipality of the United States in appropriate categories in the the fiscal year preceding the fiscal year in which the report is made.

(c) The report required by subsection (a) shall be based on the data included in—

(1) the Federal Assistance Awards Data System established as a result of the study referred to in the first sentence of section 8;

(2) the Federal Procurement Data System referred to in section 6(d)(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)(5));

(3) the appropriate data file of the Office of Personnel Management; and

(4) the records of the Office of the Secretary of Defense.

(d) For the purposes of subsection (b), the general categories of Federal funds presented in each report required by subsection (a) shall include data with respect to grants, loans, purchases and contracts, cooperative agreements, direct Federal payments to in-

dividuals, pay of civilian employees of the Government, military pay, annuities, retirement pay, pensions, and disability compensation.

SEC. 4. (a) The Director shall prepare a report setting forth the total amount of Federal funds that were obligated for expenditure in or expended in each State in appropriate general categories of Federal funds during each of the fiscal years 1981 and 1982. The report shall be in the form described in subsection (b).

(b) The Director shall include in each report required by subsection (a)—

(1) the total amount of Federal funds that were reported obligated for expenditure in each State in appropriate general categories of Federal funds in the fiscal year preceding the fiscal year in which the report is made; or

(2) the total amount of Federal funds that were reported actually expended in each State in appropriate general categories in the fiscal year preceding the fiscal year in which the report is made.

(c) For the purposes of subsection (b), the general categories of Federal funds presented in each report required by subsection (a) shall include data with respect to grants, loans purchases and contracts, direct Federal payments to individuals, pay of civilian employees of the Government, military pay, annuities, retirement pay, pensions, disability compensation, and other large programs or categories where data are available such as the National Aeronautics and Space Administration and the Army Corps of Engineers.

(d) The reports required by subsection (a) shall be available no later than one hundred and twenty days after the end of fiscal year 1982.

SEC. 5. (a)(1) The Director shall—

(A) prepare—

(i) printed copies of each of the reports required by this Act; and

(ii) computer tapes of such reports; and

(B) make the printed copies of the reports and the computer tapes available to the public for purchase at a price fixed under subsection (b).

(2) The Director shall transmit free of charge one of each of the printed copies of the reports required by this Act to—

(A) each Federal regional depository library;

(B) the Committees on Government Operations, the Budget, and Appropriations of the House of Representatives; and

(C) the Committees on Governmental Affairs, the Budget, and Appropriations of the Senate.

(3) The Director shall also promptly transmit, free of charge, one computer tape of the report required by section 3 annually and of the data in the System required by section 8 quarterly to the Committee on Rules and Administration of the Senate and to the Committee on House Administration of the House of Representatives.

(4) Subject to subsection (b), the Director may, at his discretion, waive all or part of the fee required by subsection (a)(1)(B) of this section.

(b) In carrying out subsection (a)(1)(B), the Director shall, based on the estimates made under paragraphs (1) and (2) of this subsection, fix the price of each printed copy and each computer tape of the report so that the aggregate revenues obtained in each fiscal year under subsection (a) will cover as much of the incremental costs incurred in making these reports and tapes available for purchase by the public as is feasible. In computing these costs the Director shall not consider the costs of the activities set forth in sections 7, 8, and 10, but shall consider—

(1) the cost of compiling the reports required by this Act; preparing the printed copies and computer tapes under subsection (a); and distributing the printed copies and the computer tapes of the report for each fiscal year; and

(2) the number of printed copies and the number of computer tapes of the report that will be purchased.

SEC. 6. In order to carry out sections 3, 4, and 5 of this Act, the Director may delegate to any authority of the executive branch of the Federal Government the responsibility for carrying out such sections. The Director shall oversee the activities of any authority to which responsibilities are delegated under this section and shall monitor the compliance of each authority with respect to the requirements set forth in section 7.

SEC. 7. Each head of any authority of the Government having custody of the data files and systems referred to in section 3(c) shall make available to the Director or other authority to which the Director has delegated the responsibility to carry out such section, such information, administrative services, equipment, personnel, and facilities as the Director or such authority requires to carry out such section.

SEC. 8. (a) The Director shall operate and maintain, and update on a quarterly basis, the Federal Assistance Awards Data System established as a result of the study conducted by the Director under section 9 of the Federal Program Information Act (31 U.S.C. 1701 note).

(b) In order to carry out subsection (a), the Director—

(1) may delegate to any authority of the executive branch of the Federal Government the responsibility for carrying out subsection (a), and

(2) shall review any reports submitted to him by Federal agencies in the process of carrying out subsection (a) and may validate, by appropriate means, the processes by which Federal agencies prepared such reports.

SEC. 9. The Director shall designate a single organizational unit to provide for data consistency and uniform reporting of data elements.

SEC. 10. The Comptroller General shall conduct a review of the data systems and reports required by this Act. This review shall include a determination of the accuracy of the data contained within the report required by section 3 and the costs of data collection, report preparation, and dissemination of such data and report. The review shall also include an analysis of the use and primary users of the data. In making this reviews, the Comptroller General shall consult with Members of Congress, the Congressional Budget Office, the Office of Management and Budget, the Committee on Rules and Administration of the Senate, the Committee on House Administration of the House of Representatives, the Census Bureau, representatives of State and local governments, and any other persons he deems appropriate. This review shall be submitted to the Committee on Governmental Affairs of the Senate and the Committee on Operations of the House of Representatives no later than October 1, 1984.

SEC. 11. (a) Each head of any executive department or establishment that has compiled or can readily compile data that would have been included in the reports entitled "the Geographic Distribution of Federal Funds" for fiscal year 1981 or fiscal year 1982, or both, shall forward a copy of such to the Committee on Rules and Administration of the Senate and to the Committee on House Administration of the House of Representatives. Delivery of such shall be made within 60 days after enactment of this bill for fiscal year 1981 and within 120 days of the close of the fiscal year for fiscal year 1982.

(b) Each head of any executive department or establishment who does not forward a copy of data as required by subsection (a) for fiscal year 1981 or fiscal year 1982 shall submit a statement to that effect, along with a statement of the reasons for the failure, to the Committee on Rules and Administration of the Senate and to the Committee on House Administration of the House of Representatives.

● Mr. SASSER. Mr. President, the bill before us, S. 2386, represents the cooperative effort of both Houses of Congress, and both sides of the aisle, to produce a bill that makes certain that comprehensive, high quality information on the geographic distribution of Federal funds remains available.

When I introduced S. 2386 on April 15, 1982, I did so to fill an information gap that yawned before the Congress at the worst possible time. Just when we were preparing to consider the New Federalism that President Reagan made the centerpiece of his state of the Union message, the Office of Management and Budget abruptly cancelled the compilation and publication of the geographic distribution of Federal funds report.

Without the information contained in the report, State-by-State and regional impacts of the New Federalism initiative could not be assessed by elected officials or others interested in the effects of changes in domestic programs.

The introduction of my bill was preceded by a resolution introduced on February 11, 1982 by Senator DON RIEGLE with my cosponsorship. Senator RIEGLE's resolution was intended to provide a short-term remedy by requiring that OMB inform the Congress and the public about the geographic distribution of Federal funds for 1981 and 1982.

I was pleased that Senator RIEGLE then cosponsored my bill, S. 2386, which set forth procedures to make these valuable data available through 1985.

Senator DAVID DURENBERGER made a great contribution to this legislation as he helped shape it during committee consideration. I was pleased that, with Senator DURENGERGER's able leadership, this bill moved quickly in the Senate.

My Tennessee colleague, Congressman BILL BONER of Nashville, introduced similar legislation in the House. With the able support of Congressmen BROOKS and HORTON, S. 2386, as amended, passed the House.

The version of that legislation that is acceptable both to the House and the Senate is now before us for a vote.

I refer my colleagues to the colloquy between Senator DURENBERGER and myself printed in the CONGRESSIONAL RECORD of July 29, 1982, on page 18511 concerning our expectation that the Office of Management and Budget would make information on the distribution of Federal funds to all levels of Government available to Congress along with any New Federalism proposal: I ask unanimous consent that this colloquy appear in the RECORD:

I wish to confirm my understanding that the Office of Management and Budget agrees to supply the Congress with adequate data on the distribution of Federal outlays for those programs affected by the President's New Federalism proposal when it is finally presented. It is my understanding that OMB agrees to provide information on the distribution of Federal funds by State, and by county and city levels where necessary, to determine the amount of money to be passed through to these levels of government. We need to have this information for 1981 and 1982 if we are to assess the geographic impact of the New Federalism for the rest of the decade. We must have this historical yardstick at this crucial time in congressional decisionmaking.

The interm report covering 1981 and 1982 required by S. 2386 which OMB is to issue will account only for the distribution of funds to the States. While this may be useful for other purposes, its utility to the Congress in assessing the New Federalism proposals is limited.

The interim report will not provide complete information on salaries, and it will not provide data on Federal spending in localities.

So, there is a real information gap for those programs involved in the New Federalism proposal for the 1981 and 1982 period unless the Office of Management and Budget agrees to supply the factual information to fill it. This, as I understand it, is the agreement that the Senators supported S. 2386 have with OMB.

Mr. DURENBERGER. The Senator's understanding is correct. The Office of Management and Budget has agreed that adequate data on the distribution of Federal funds necessary to evaluate the President's New Federalism proposal will be provided at the State level and at the county and city levels for 1981 and 1982 where local-level data will be necessary to determine and evaluate any passthrough provisions of the plan.

Mr. SASSER. I am pleased that OMB has agreed to supply this information to the Congress along with the New Federalism proposal.

I reiterate here that we expect this information to be provided.

The consolidated Federal funds report ordered by S. 2386 requires that the Office of Management and Budget compile information on the amounts of Federal funds spent in each State, each county, each congressional district, and each municipality. Since available information sources are to be used, no new appropriation of funds is needed.

The bill gives legislative authorization to the Federal assistance awards data system (FAADS) which is now at the pilot stage at OMB. This statutory underpinning gives the Congress an opportunity to oversee the use of this valuable information system.

The Office of Management and Budget will, over the next 3 years, combine information in this FAADS system with information on procurements reported by the Federal procurement data system, salaries and expenses from the central personnel data file of the Office of Personnel managenment and defense manpower data from the center at the Department of Defense.

For the 1981-82 period, OMB will provide information on State-level funding only.

I move passage of S. 2386.●

Mr. BAKER. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

CONTRACT DISPUTES ACT AMENDMENT

Mr. BAKER. Mr. President, we passed over one item earlier in our proceedings. It was Calendar No. 859, H.R. 1371.

Is the minority leader prepared to clear that?

Mr. ROBERT C. BYRD. Yes, this side is ready to proceed.

Mr. BAKER. I thank the minority leader.

The Senate proceeded to consider the bill (H.R. 1371) to amend section 12 of the Contract Disputes Act of 1978, which had been reported from the Committee on Governmental Affairs with amendments, as follows:

On page 1, line 8, after "contractor", insert the following: ", without regard to the date of certification of the contractors claim pursuant to section 605(c)(1)";

On page 2, line 1, strike "1981", and insert "1983"; and

On page 2, line 2, strike "1981", and insert "1983".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, a House message on Senate Joint Resolution 113 is here and available if the minority leader has no objection.

Mr. ROBERT C. BYRD. Mr. President, I am authorized to proceed.

NATIONAL HOME HEALTH CARE WEEK

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Joint Resolution 113.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S.J. Res. 113) entitled "Joint resolution to designate the week beginning November 8, 1981, as 'National Home Health Care Week'", do pass with the following amendments:

Page 2, line 3, strike "November 8, 1981", and insert: "November 28 through December 4, 1982".

Amend the title so as to read: "Joint resolution to designate the week beginning November 28 through December 4, 1982, as 'National Home Health Care Week.'".

Mr. PRYOR. Mr. President, as a member of the Special Committee on Aging I have long been a strong supporter of home health care which is a more humane and less expensive alternative to the placement of our elderly and disabled in nursing homes and other institutions.

On October 30 of last year the Senate recognized the importance of home health care by unanimously agreeing to enact Senate Joint Resolution 113, which designated November 8, 1981, as National Home Health Care Week.

Mr. President, the House of Representatives passed Senate Joint Resolution 113 last Tuesday with one amendment, which changes the designated week from beginning on November 8, 1981, to beginning on November 28, 1982. This change was at the request of the National Association for Home Care, which is the major trade association in the field.

The Senate resolution, which was cosponsored by 38 of my colleagues, was introduced by Senator HATCH, the distinguished chairman of the Committee on Labor and Human Resources, who has long been recognized as an advocate of home health care. The resolution in the House was enacted thanks to the efforts of Congressmen LEON PANETTA, CLAUDE PEPPER, BARBER CONABLE, and ROBERT GARCIA. The resolution was cosponsored by a majority of the House.

Mr. President, I would like to ask that the Senate accept the House amendment, and move for passage of Senate Joint Resolution 113, designating the week of November 28, 1982, as National Home Health Care Week, so that this important measure can be sent to the President for signature today.

Mr. JEPSEN. Mr. President, I rise in support of Senate Joint Resolution 113, a resolution which would make the week of November 28, 1982, National Home Health Care Week.

As my colleagues know, when the Senate adopted Senate Joint Resolution 113, we designated the week of November 8, 1981 as the appropriate week. Unfortunately, our colleagues on the House side were unable to pass the legislation until earlier this week which makes it necessary to change the effective date.

The importance of this legislation is not which week we designate, but rather that we recognize the importance of home health care. There are thousands of families who are caring for elderly or disabled relatives who deserve this recognition. We in the Congress should take this opportunity to praise these hardworking individuals.

In addition, Mr. President, we should take a moment to thank the thousands of health care professionals who provide the support services so essential to enabling families to remain together.

Without this cooperative effort, many elderly and disabled individuals would be needlessly forced into a nursing home or hospital. Even with the tremendous effort currently being made, many people are being forced into nursing homes even though they do not need this type of care.

I commend the Senator from Utah (Mr. HATCH) for his efforts in the area of home health and more importantly, for introducing this resolution. I trust all my colleagues in the Senate will take this opportunity to thank all those people involved in home health care. In addition, I would recommend that every Senator take some time to visit some of the home health agencies in your State. I think you will find it a worthwhile experience.

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on the motion. Without objection, the motion is agreed to.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended until not past 11:45 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR PRODUCTION OF CERTAIN DOCUMENTS

Mr. BAKER. Mr. President, for myself and the distinguished minority leader, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 490) to establish a procedure during recesses and adjournments to authorize the production of Senate documents and testimony.

Mr. BAKER. Mr. President, is the minority leader prepared to proceed?

Mr. ROBERT C. BYRD. Yes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

Mr. BAKER. Mr. President, when a proper subpena is issued to the Senate or one of its committees, or a Member, officer, or employee of the Senate, to produce documents or testify in judicial or administrative proceedings, the Senate customarily adopts a resolution which authorizes such compliance with the subpenas as will promote the ends of justice consistently with the privileges and rights of the Senate.

The purpose of this resolution is to establish a procedure during recesses and adjournments for authorizing the production of documents and testimony. It is modeled after the provision in title VII of the Ethics in Government Act which authorized the joint leadership group to direct the Senate legal counsel to represent the Senate or one of its committees, or a Member, officer, or employee of the Senate, with respect to a judicial subpena to testify or produce documents.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 490) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 490

Whereas by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas when it appears that documents, papers, and records under control of or in the possession of the Senate, or the testimony of members, officers, and employees of the Senate concerning their official duties, are needful for the promotion of justice, the Senate will take such action, consistent with the privileges and rights of the Senate, as will promote the ends of justice;

Whereas the Joint Leadership Group, which consists of the majority and minority leaders of the Senate, the President pro tempore, and the chairmen and ranking minority members of the Committee on the Judiciary and the Committee on Rules and Administration, has been established by section 702 of the Ethics in Government Act of 1978, 2 U.S.C. § 288a (Supp. IV 1980);

Whereas the Joint Leadership Group, by two-thirds of its members, may direct the Senate Legal Counsel, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b and 288c(a)(2) (Supp. IV 1980), to represent the Senate or a committee, subcommittee, member, officer, or employee of the Senate with respect to any subpoena directed to the Senate or a committee, subcommittee, member, officer or employee of the Senate in their official or representative capacities;

Whereas there is no procedure for authorizing, during periods of recess or adjournment, the production of Senate documents or testimony by members, officers and employees of the Senate; Now, therefore, be it

Resolved, That the Joint Leadership Group, by two-thirds of its members, may authorize, during periods of recess or adjournment, the production of documents, papers and records under the control or in the possession of the Senate, and the testimony of members, officers, and employees of the Senate concerning their official duties, when needful for the promotion of justice and consistent with the privileges and rights of the Senate.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I am prepared now to ask the Senate to turn to the consideration of a Senate joint resolution designating National Housing Week if the minority leader has no objection.

Mr. ROBERT C. BYRD. Mr. President, that is cleared on this side.

Mr. BAKER. I thank the Senator.

NATIONAL HOUSING WEEK

Mr. BAKER. Mr. President, I send to the desk a joint resolution on behalf of the distinguished Senator from Utah (Mr. GARN), the chairman of the Banking Committee, for himself and others, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the joint resolution by title.

The assistant legislative clerk read as follows:

Whereas Congress has repeatedly reaffirmed the national goal of a decent home and a suitable living environment for every American family;

Whereas millions of Americans, particularly young families, are finding the opportunity for homeownership and decent housing out of their reach;

Whereas excessive and duplicative government regulations at the federal, state and local level have increased the cost of housing throughout the country;

Whereas the nation's housing industry has been a major contributor to the national economy by creating jobs and generating revenue;

Whereas homeownership and decent housing promotes pride and contributes to the stability of the family in America;

Whereas it is appropriate to reaffirm our nation's historic commitment to housing as a national priority to preserve the American dream: Now, therefore, be it

Resolved, That October 24-31, 1982, be declared National Housing Week and that the President of the United States be authorized and requested to issue a proclamation calling upon all people of the United States

to observe this week with appropriate ceremonies and activities.

Mr. GARN's joint resolution (S.J. Res. 261) is cosponsored by Senators LUGAR, RIEGLE, ABDNOR, ARMSTRONG, BAUCUS, BOSCHWITZ, BURDICK, BUMPERS, CANNON, COCHRAN, D'AMATO, DIXON, DODD, DURENBERGER, EAGLETON, GRASSLEY, HEFLIN, HUDDLESTON, KASTEN, LEAHY, MCCLURE, PERCY, PRESSLER, PROXMIRE, PRYOR, RANDOLPH, SASSER, STAFFORD, WALLOP, WARNER, GOLDWATER, DOLE, CRANSTON, CHAFEE, NICKLES, THURMOND, BENTSEN, ROBERT C. BYRD, BAKER, and MATTINGLY.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that my name be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 261) was considered, ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I have in my file a bill offered by the distinguished Senator from Vermont, Mr. STAFFORD.

Mr. ROBERT C. BYRD. Mr. President, that has been cleared on this side.

Mr. BAKER. Mr. President, it deals with the Allen Ellender Fellowship.

Mr. STAFFORD. Mr. President, that is better known as the Close Up program which has been in existence for about 10 years.

Mr. BAKER. Mr. President, did I understand the minority leader to say there is no objection?

Mr. ROBERT C. BYRD. The majority leader is correct.

Mr. BAKER. I yield to the Senator from Vermont so he may offer that measure at this time.

Mr. STAFFORD. Mr. President, I appreciate the majority leader yielding to me.

THE ALLEN J. ELLENDER FELLOWSHIP PROGRAM

Mr. STAFFORD. Mr. President, I send a bill to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3002) to increase the authorization of appropriations for the Allen J. Ellender Fellowship program, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. STAFFORD's bill is cosponsored by Mr. PELL, Mr. DOLE, Mr. SIMPSON, Mr. BRADLEY, Mr. DURENBERGER, Mr. PRYOR, Mr. BOSCHWITZ, Mr. NUNN, Mr. JOHNSTON, Mr. LEVIN, Mr. WALLOP, Mr. RIEGLE, and Mr. SCHMITT.

Mr. STAFFORD. Mr. President, today, I have introduced legislation to extend and increase the authorization of the Allen J. Ellender Fellowship program to $1.5 million over fiscal year 1983, 1984, and 1985. It was established in honor of our late colleague, Senator Allen Ellender.

As many of my colleagues know, these fellowships provide the "seed money" necessary to support the Close Up program, which has brought more than 100,000 high school students and teachers to Washington for weeklong seminars on our Government and political system. Many of these students are from low-income families and receive fellowship which enables them to participate in Close Up.

I, myself, have met with hundreds of Vermont students, and the education in citizenship they receive through this program alone is worth this investment.

The Ellender program has other strengths. Most noteworthy, the Federal dollars provided for the program are used to raise significant donations from the private sector. In fact, the ratio of private contributions, foundations, and individuals to the Federal contribution is roughly 10 to 1. This interaction of private/public entities would be impossible, however, were it not for the fact that the Federal contribution provides the basis for attracting these other donations.

Since 1979, the authorization has been frozen; in the meantime, rising costs have prevented expansion of the program into all 50 States. The amount being recommended today will enable the program to reach many more students and will truly put it within reach of young people in every State in our Nation. Furthermore, the extended authorization will enhance the Close Up program's ability to do greater forward planning to attract increased and extended corporate support.

A similar piece of legislation has passed the House with bipartisan support, and I urge this measure be adopted. Unless there are others who wish to speak, I am prepared to move the adoption of the bill.

The PRESIDING OFFICE. If there be no amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the total amount which may be appropriated to carry out the Joint Resolution of October 19, 1972 (86 Stat. 907), relating to the Allen J. Ellender fellowship program, shall not exceed $1,500,000 for each of the fiscal years 1983, 1984, and 1985.

Mr. STAFFORD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STAFFORD. I thank the majority leader.

Mr. BAKER. Mr. President, the next item I have is a message from the House on S. 2577. I wonder if the minority leader can clear that at this time.

Mr. ROBERT C. BYRD. Mr. President, that item has been cleared.

ENVIRONMENTAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT OF 1983

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2577.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2577) entitled "An Act to authorize appropriations for environmental research, development, and demonstrations for the fiscal year 1983, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause, and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Environmental Research, Development, and Demonstration Act of 1983".

GENERAL AUTHORIZATIONS

SEC. 2. (a) There are authorized to be appropriated to the Environmental Protection Agency for environmental research, development, and demonstration activities:

(1) $55,685,000 for fiscal year 1983 and $59,026,000 for fiscal year 1984 for activities authorized under the Clean Air Act;

(2) $40,790,000 for fiscal year 1983 and $43,237,000 for fiscal year 1984 for activities authorized under the Federal Water Pollution Act;

(3) $25,906,000 for fiscal year 1983 and $27,460,000 for fiscal year 1984 for activities authorized under the Safe Drinking Water Act;

(4) $31,579,000 for fiscal year 1983 and $33,474,000 for fiscal year 1984 for activities authorized under the Solid Waste Disposal Act;

(5) $6,469,000 for fiscal year 1983 and $6,857,000 for fiscal year 1984 for activities

authorized under the Federal Insecticide, Fungicide, and Rodenticide Act;

(6) $1,586,000 for fiscal year 1983 and $1,681,000 for fiscal year 1984 for radiation activities authorized under section 301 of the Public Health Service Act;

(7) $13,770,000 for fiscal year 1983 and $14,602,000 for fiscal year 1984 for interdisciplinary activities;

(8) $28,149,000 for fiscal year 1983 and $29,838,000 for fiscal year 1984 for activities authorized under the Toxic Substances Control Act;

(9) $53,530,000 for fiscal year 1983 and $56,742,000 for fiscal year 1984 for energy activities, of which—

(A) $20,128,000 in fiscal year 1983 and $21,336,000 in fiscal year 1984 is for the Energy Control Technology Research Program;

(B) $6,889,000 in fiscal year 1983 and $7,302,000 in fiscal year 1984 is for the Energy Health Effects Research Program;

(C) $11,484,000 in fiscal year 1983 and $12,173,000 in fiscal year 1984 is for the Energy Ecological Effects Research Program;

(D) $3,000,000 in fiscal year 1983 and $3,180,000 in fiscal year 1984 is for the Energy Monitoring Research Program; and

(E) $12,029,000 in fiscal year 1983 and $12,751,000 in fiscal year 1984 is for the Acid Rain Research Program; and

(10) $10,736,000 for fiscal year 1983 and $7,736,000 for fiscal year 1984 for hazardous waste activities authorized under the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund).

(b) There are authorized to be appropriated to the Environmental Protection Agency, Office of Research and Development, $9,721,000 for fiscal year 1983, and $10,304,000 for fiscal year 1984, for program management and support.

(c) When the Administrator of the Environmental Protection Agency finds it in the public interest, the Administrator may utilize funds authorized in subsection (a) or (b) for the purpose of conducting appropriate scientific and professional reviews of research and development grant, contract, and cooperative agreement applications and to enter into cooperative agreements to conduct such reviews.

(d)(1) No funds may be transferred from or to any category listed in subsection (a) or (b) of this section or in subsection (a) of section 3, for any purpose, except as specifically permitted under paragraph (2).

(2) Funds authorized for any fiscal year in any category listed in subsection (a) or (b) of this section or subsection (a) of section 3 may be transferred (for the same fiscal year) from that category to any other category so listed; except that no funds may be so transferred from any particular category to another category if the total of all amounts so transferred from that particular category for the fiscal year involved would exceed 5 per centum thereof, or if the total of all amounts so transferred to such other category for such fiscal year would exceed 5 per centum thereof, unless—

(A) a period of thirty legislative days has passed after the Administrator (or the Administrator's designee) has transmitted to the Speaker of the House of Representatives, the President of the Senate, and appropriate committees of the House and Senate a written report containing a full and complete statement concerning the nature of the transfer involved and the reason therefor; or

(B) each committee of the House of Representatives and the Senate having jurisdiction over the subject matter involved, before the expiration of such period, has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

(3) If any funds are transferred from one category listed in subsection (a) or (b) of this section or subsection (a) of section 3 to another category so listed, and the transfer of such funds or any part thereof is not in full compliance with the requirements of paragraph (2), then (from and after the date of such transfer) none of the funds otherwise available for the fiscal year involved in the category to which the transfer is made (including but not limited to the transferred funds themselves) may be obligated, expended, or otherwise used, for any purpose, until such time as all of such requirements have been fully complied with.

(e) No funds appropriated pursuant to this Act shall be used by the Administrator for any payment for a reduction-in-force in any fiscal year, and no such reduction shall be finalized, unless at least thirty days prior to issuing any general notice of such reduction the Administrator informs the appropriate legislative and appropriation committees of the Senate and House of Representatives in writing of the reasons for such reduction, the impact of such reduction on carrying out the provisions of this Act, the details of such reduction, and other pertinent information.

(f) Appropriations made pursuant to the authority provided by this Act shall remain available for obligation for expenditure, or for obligation and expenditure, for such periods as may be specified in the Acts making such appropriations.

LONG-TERM RESEARCH

SEC. 3. (a) Unless otherwise specified by law, at least 20 per centum of the funds appropriated to the Administrator for fiscal year 1983 and fiscal year 1984 for salaries and expenses and for contracts, grants, and cooperative agreements, pursuant to the authorizations contained in section 2(a), shall be obligated and expended for long-term environmental research and development. Of the funds authorized under section 2(a), $54,344,000 is authorized in fiscal year 1983 and $56,876,000 is authorized in fiscal year 1984 for such long-term environmental research and development in accordance with the following distribution:

(1) $14,690,000 for fiscal year 1983 and $15,812,000 for fiscal year 1984 may be obligated and expended for peer-reviewed research performed inhouse,

(2) $26,513,000 for fiscal year 1983 and $27,355,000 for fiscal year 1984 may be obligated and expended for grants for peer-reviewed research,

(3) $7,928,000 for fiscal year 1983 and $8,164,000 for fiscal year 1984 may be obligated and expended for cooperative agreements with or block grants to university or nonprofit research institutes, and

(4) $5,213,000 for fiscal year 1983 and $5,545,000 for fiscal year 1984 may be obligated and expended for the exploratory research program, with $2,622,000 for fiscal year 1983 and $2,800,000 for fiscal year 1984 being obligated and expended for salaries and expenses.

(b)(1) Any amount which is obligated and expended for any fiscal year under subsection (a) shall be taken from the funds which were appropriated (for that fiscal year) for the category set forth in paragraph (7) of section 2(a), except that if the amount so obligated and expended exceeds the total amount of the funds appropriated for that category, the excess shall be taken from the funds which were appropriated (for that fiscal year) for the other categories set forth in section 2, in proportions which assure that each such other category will have contributed the same percentage of the total amount appropriated for that category under the applicable paragraph of section 2(a).

(2) The use under subsection (a) of any funds appropriated pursuant to authorizations contained in section 2 shall not constitute a transfer of such funds from one category to another for purposes of section 2(d), and shall not be taken into account in applying section 2(d) with respect to transfers of other funds.

(c) The Administrator shall take whatever steps are necessary and appropriate to ensure—

(1) that the programs listed in subsection (a) are organized and managed for maximum benefit to all the programs administered by the Environmental Protection Agency,

(2) that the research funded through the programs listed in subsection (a) are of high scientific quality and relevant, whether directly or indirectly, to the mission of the Environmental Protection Agency, and

(3) that the results of the research funded through the programs listed in subsection (a) are widely disseminated to those who would benefit therefrom.

(d) The Administrator shall prepare an annual report on the performance of the programs listed in subsection (a) and shall submit the report to the appropriate legislative and appropriation committees of the Senate and House of Representatives at the time the President's budget is submitted to Congress. The report shall include—

(1) a list of funded research projects by category of research,

(2) the nature, status, and major results of funded research projects,

(3) how the results of the research projects are likely to be used and what steps are being taken to foster their use, and

(4) other pertinent information on the performance of the programs listed in subsection (a).

ENVIRONMENTAL MONITORING

SEC. 4. (a) Of the funds authorized to be appropriated to the Administrator of the Environmental Protection Agency for environmental research and development under section 2, $43,253,000 for fiscal year 1983 and $46,030,000 for fiscal year 1984 are authorized for environmental monitoring activities which are authorized under the Federal environmental statutes and which support development of a continuing national environmental monitoring program. The Administrator, in consultation and cooperation with the heads of the National Bureau of Standards, the United States Geological Survey, the National Institutes of Health, the National Oceanic and Atmospheric Administration, and other Federal and State agencies involved in environmental monitoring activities, shall take such actions on a continuing basis as may be necessary and appropriate to ensure that the national environmental monitoring program called for in this subsection is comprehensive and national in scope and will allow effective and efficient implementation of the Federal environmental statutes, valid assessments of environmental quality in all media, and accurate determination of the impact of environmental protection programs on environmental quality.

(b) The Administrator shall proceed with the development of the national environmental monitoring program called for in subsection (a) by first developing a national monitoring program for air quality, the features of which shall be applied, where appropriate and useful, to monitoring programs for other media. The Administrator shall prepare, in consultation and cooperation with the heads of appropriate Federal and State agencies involved in environmental monitoring activities, a plan for the design and implementation of the monitoring program called for in this subsection. The plan shall—

(1) include a statement of objectives for the program which conform with and are supportive of the goals of such a program as set forth in subsection (a), steps to achieve these objectives, measures of program performance, program participants and their responsibilities and activities in support of the program, and any other pertinent information which may be necessary for successful implementation and appropriate evaluation of the program;

(2) be reviewed by the National Academy of Sciences, with the results of the review being included in the plan along with the Administrator's response to this review; and

(3) be submitted to the appropriate legislative committees of the Senate and House of Representatives one year after the enactment of this Act, and thereafter biannually, following review and update of the plan by program participants, the National Academy of Sciences, and the Environmental Protection Agency.

(c) On the last day of fiscal year 1984, the Administrator shall issue a report on the state of air quality and the factors affecting air quality based on data gathered through the monitoring program established under this section. The report shall be updated and reissued on the last day of each subsequent fiscal year.

(d) The Administrator shall take such actions on a continuing basis as may be necessary or appropriate—

(1) to promote the development and use of accurate and reliable procedures for gathering environmental data of verifiable accuracy; and

(2) to ensure that any environmental datum which is included in the data base of the environmental monitoring programs established pursuant to subsections (a) and (b) has been subjected to validated quality assurances procedures.

(e) No funds appropriated pursuant to this Act shall be used for special monitoring efforts to acquire data for specific, limited-duration health effects studies, or for estimates of the environmental concentration of recently discovered pollutants.

ENERGY RESEARCH

SEC. 5. (a) Appropriations authorized for energy research under section 2(a)(9) shall be used for environmental research associated with (1) synthetic fuels production; (2) the extraction, processing, transportation, and combustion of coal, oil, natural gas, and other fossil fuels; and (3) other energy development activities and their related problems, including indoor air pollution, that may pose a threat to public health and environmental quality.

(b) In complying with subsection (a) the Administrator is directed—

(1) to establish and thereafter maintain a long-term health and ecological effects research program on energy-related pollutants whose aim shall be to identify those pollutants most harmful to public health and environmental quality and to elucidate, for those pollutants found most harmful, the relationship between exposure and health effects;

(2) to take whatever steps are necessary and appropriate to ensure that the research program called for in paragraph (1) is effectively coordinated with related research programs of the National Institutes of Health, the Department of Energy, the Department of Commerce, and other Federal agencies involved in such research;

(3) to establish and thereafter maintain a monitoring program on energy-related pollutants which conforms with the requirements set forth in section 4;

(4) to include in the report on air quality required under section 4(c) a section reporting the emission and dispersion of energy-related air pollutants based on the data gathered from the monitoring program established under paragraph (3).

(c) The Administrator shall continue to be responsible for conducting, and shall continue to conduct, development and demonstration of energy-related pollution control technologies as necessary to fulfill the requirements of the Clean Air Act, the Federal Water Pollution Control Act, and other pertinent pollution control statutes.

(d) Energy-related environmental research projects authorized to be administered by the Environmental Protection Agency under this Act shall not be transferred administratively to any other Federal or State agency or reduced through budget amendment.

SCIENCE ADVISORY BOARD

SEC. 6. (a) Section 8(b) of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (Public Law 95-155) is amended to read as follows:

"(b)(1) The Board shall be composed of at least nine members appointed by the Administrator from a list of nominees recommended to the Administrator by a nominating committee whose representation shall include the National Institute of Occupational Safety and Health, National Institute of Environmental Health Sciences, National Cancer Institute, National Science Foundation, and National Academy of Sciences. The nominating committee shall be established, chaired, and managed, in consultation with the Administrator, by the National Institute of Environmental Health Sciences. The nominating committee shall solicit from the general public, through notice in the Federal Register, candidates for nomination to the Board. The Administrator may require such information from the nominees to the Board as the Administrator deems necessary, and the Administrator shall publish in the Federal Register the name, address, and professional affiliation of each nominee.

"(2) Each member of the Board and nominee to the Board shall be qualified by education, training, and experience to evaluate scientific and technical information on matters referred to the Board under this section. The Administrator shall select persons nominated for the Board to ensure that Board membership is fairly balanced in terms of the points of view represented and the functions to be performed by the Board. In order to provide this balance, the Board membership must represent the States, industry, labor, academia, consumers, and the general public; and the nominating committee established under paragraph (1) shall make certain that this requirement is met when selecting nominees to the Board which in turn are recommended to the Administrator for selection as members of the Board.

"(3) The terms of the members of the Board shall be three years, and shall be staggered so that the terms of no more than one-third of the total membership of the Board and its committees shall expire within a single fiscal year. Each member of the Board shall serve the full length of that member's term unless that member is unable, for involuntary reasons, to discharge his or her duties as set forth in this section or has violated the regulations promulgated pursuant to paragraph (5).

"(4) If a vacancy on the Board is not filled by the Administrator within ninety days of the occurrence of that vacancy, the nominating committee established under paragraph (1) shall meet and appoint, within sixty days, a member of the Board to fill that vacancy from the list of nominees recommended to the Administrator under paragraph (1) in accordance with the selection criteria set forth in paragraph (2).

"(5) In order to ensure the objectivity of the Board, the Administrator shall promulgate, within one hundred and twenty days after the date of the enactment of this paragraph, regulations regarding conflicts of interest with respect to the members of the Board.".

(b) Section 8(e)(2) of such Act (Public Law 95-155) is amended by adding at the end thereof the following: "The Board's advice and comments and the response of the Administrator shall be included in the record with respect to any proposed rule and published in the Federal Register in accordance with the requirements of the environmental statutes and the authority of the Administrator.".

STUDY ON MANAGEMENT AND ORGANIZATION OF ENVIRONMENTAL RESEARCH

SEC. 7. (a) Of the funds appropriated pursuant to the authorization contained in section 2(b) of this Act for each of the fiscal years 1983 and 1984, the sum of $750,000 shall be available for a study and report, to be conducted outside of the Federal Government, on—

(1) the institutional structure and arrangements of the Federal Government established for the conduct of environmental research,

(2) the coordination of the Federal Government's efforts in environmental research,

(3) the application of the results of such efforts to environmental problems, and

(4) the appropriateness of environmental research in relationship to the mission of the Environmental Protection Agency, focusing particularly on the allocation of the Agency's research priorities.

The study shall focus on developing recommendations for improving the quality, cost-effectiveness, appropriateness and mission relevance, and utilization of environmental research sponsored by the Federal Government and for improving the scientific and technical justification for standards and regulations promulgated under authority provided in the environmental statutes administered by the Agency.

(b) The study shall be conducted under a contract or contracts let by the Administrator. Any such contract shall—

(1) be developed in consultation with an interagency advisory committee whose membership includes representatives of the Office of Management and Budget, the Office of Science and Technology Policy, and all agencies conducting or using the results of environmental research,

(2) be awarded to a contractor or contractors with demonstrated independence and

multidisciplinary capabilities in both scientific and regulatory areas of expertise, and

(3) provide for an oversight and review role by the National Academy of Sciences.

(c) The study shall conclude with a report to be submitted to the President, the Administrator, and the Congress within two years after the date of the enactment of this Act. The report shall include recommendations for action by the President, the Administrator, other agencies, and the Congress, as may be appropriate.

(d) The report called for under subsection (c) shall not be subject to any prior clearance or review (except as specifically provided in this section), nor shall any prior clearance be a part of any contract let under subsection (b).

RESEARCH PROGRAM CONCERNING INDOOR AIR QUALITY

SEC. 8. (a) The Congress finds, on the basis of reports prepared by the General Accounting Office and the National Academy of Sciences, that due to the absence of a statutory mandate for a single Federal agency to undertake and coordinate research, development, and demonstration efforts concerning indoor air pollution—

(1) Federal programs in this field are fragmented and underfunded; and

(2) an adequate information base concerning potential indoor air quality problems is not being developed by the Federal Government.

(b) The Administrator shall carry out a research program under this section with respect to indoor air quality. Such program shall be designed to (1) gather data and information on all aspects of indoor air quality in order to contribute to the understanding of health problems associated with the existence of air pollutants in the indoor environment, and (2) coordinate Federal, State, local and private research, development, and demonstration efforts relating to the improvement of indoor air quality.

(c) The Administrator may establish such committees, comprised of individuals representing Federal agencies concerned with various aspects of indoor air quality, and such advisory groups, comprised of individuals representing the scientific community, industry, and public interest organizations, as may be necessary to assist the Administrator in carrying out the research program required by this section. The Administrator shall also consult and coordinate with State and local officials and other interested parties having concerns related to the program carried out under this section.

(d) The research program required under this section shall include, but not be limited to—

(1) research, development, and demonstration concerning the identification, characterization, and monitoring of indoor air pollution sources and levels (including research, development, and demonstration relating to (A) the measurement of various pollutant concentrations and their strengths and sources, (B) high-risk building types, and (C) instruments for indoor air quality data collection);

(2) research relating to the effects of indoor air pollution on human health;

(3) research, development, and demonstration relating to control technologies to prevent or abate indoor air pollution (including the development, evaluation, and testing of individual and generic control devices and systems); and

(4) the dissemination of information to assure the public availability of the findings of the Administrator pursuant to the research, development, and demonstration activities under this section.

(d)(1) Not later than one year after the date of the enactment of this Act, the Administrator shall submit to the Congress a plan for the implementation of the research program required under this section.

(2) Not later than thirty-six months after such date of enactment, the Administrator shall submit a progress report, including an assessment of future research needs.

(3) Not later than fifty-four months after such date of enactment, the Administrator shall submit to the Congress a final report setting forth the results of the program, assessing the state of knowledge concerning the risks to human health associated with indoor air pollution, assessing the need for further research, and making such recommendations as may be appropriate.

(4) The progress report and the final report submitted under this subsection shall be submitted to the National Academy of Sciences within a reasonable period before the dates required for submittal to the Congress and, when submitted to Congress, such reports shall contain any comments provided by the National Academy of Sciences.

(e) Nothing in this section shall be construed to authorize the Administrator to carry out any regulatory program or any activity other than research, development, and demonstration and the related reporting, information dissemination, and coordination activities specified in this section. Nothing in this section shall be construed to limit the authority of the Administrator or any other agency or instrumentality of the United States under any other authority of law.

(f) Of the funds appropriated pursuant to the authorization contained in section 2(a)(9) of this Act for each of the fiscal years 1983 and 1984, the sum of $4,000,000 is authorized to be appropriated to carry out this section.

SENIOR ENVIRONMENTAL ASSISTANCE PROGRAM

SEC. 9. (a) To carry out the purposes of this Act, the Administrator of the Environmental Protection Agency is directed to develop a Senior Environmental Assistance Program, designed to assist Federal, State, and local environmental agencies in carrying out programs authorized under this Act.

(b) In providing assistance under subsection (a), the Administrator shall utilize, to the fullest extent possible, existing older American employment programs, as provided for in section 105(b)(4) of Public Law 95-478.

(c) The Administrator shall not make any grant to, or enter into any agreement with, any State, or local environmental agency for funding of any activities under this section unless such agency certifies that such activities will supplement and not supplant any existing jobs.

Amend the title so as to read: "An Act to authorize appropriations for environmental research, development, and demonstration for the fiscal years 1983 and 1984, and for other purposes.".

UP AMENDMENT NO. 1370

(Purpose: To authorize appropriations for environmental, research, development, and demonstration for the fiscal years 1983 and 1984, and for other purposes)

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendments with a further amendment which I send to the desk on behalf of the distinguished Senator from Washington (Mr. GORTON) and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), on behalf of Mr. GORTON, proposes an unprinted amendment numbered 1370.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter insert the following:

SHORT TITLE

SECTION. 1. This Act may be cited as the "Environmental Research, Development, and Demonstration Act of 1983."

GENERAL AUTHORIZATIONS

SEC. 2. (a) There are authorized to be appropriated to the Environmental Protection Agency for environmental research, development, and demonstration activities:

(1) $55,685,000 for fiscal year 1983 and $59,026,000 for fiscal year 1984 for activities authorized under the Clean Air Act;

(2) $40,790,000 for fiscal year 1983 and $43,237,000 for fiscal year 1984 for activities authorized under the Federal Water Pollution Act;

(3) $25,906,000 for fiscal year 1983 and $27,460,000 for fiscal year 1984 for activities authorized under the Safe Drinking Water Act;

(4) $31,579,000 for fiscal year 1983 and $33,474,000 for fiscal year 1984 for activities authorized under the Solid Waste Disposal Act;

(5) $6,469,000 for fiscal year 1983 and $6,857,000 for fiscal year 1984 for activities authorized under the Federal Insecticide, Fungicide, and Rodenticide Act;

(6) $1,586,000 for fiscal year 1983 and $1,681,000 for fiscal year 1984 for radiation activities authorized under section 301 of the Public Health Service Act;

(7) $13,770,000 for fiscal year 1983 and $14,602,000 for fiscal year 1984 for interdisciplinary activities;

(8) $28,149,000 for fiscal year 1983 and $29,838,000 for fiscal year 1984 for activities authorized under the Toxic Substances Control Act;

(9) $53,530,000 for fiscal year 1983 and $56,742,000 for fiscal year 1984 for energy activities which—

(A) $20,128,000 in fiscal year 1983 and $21,336,000 in fiscal year 1984 is for the Energy Control Technology Research Program;

(B) $6,889,000 in fiscal year 1983 and $7,302,000 in fiscal year 1984 is for the Energy Health Effects Research Program;

(C) $11,484,000 in fiscal year 1983 and $12,173,000 in fiscal year 1984 is for the Energy Ecological Effects Research Program;

(D) $3,000,000 in fiscal year 1983 and $3,180,000 in fiscal year 1984 is for the Energy Monitoring Research Program; and

(E) $12,029,000 in fiscal year 1983 and $12,751,000 in fiscal year 1984 is for the Acid Rain Research Program.

(b) There are authorized to be appropriated to the Environmental Protection Agency, Office of Research and Development, $9,721,000 for fiscal year 1983, and $10,304,000 for fiscal year 1984, for program management and support.

(c) When the Administrator of the Environmental Protection Agency finds it in the public interest, the Administrator may utilize funds authorized in subsection (a) or (b) for the purpose of conducting appropriate scientific and professional reviews of research and development grant, contract, and cooperative agreement applications and to enter into coooperative agreements to conduct such reviews.

(d) Funds may be transferred between the categories listed in subsections (a) and (b) except that no funds may be transferred to any particular category listed in subsection (a) or (b) from any other category or categories listed in any such subsection if the total of the funds so transferred to that particular category would exceed 10 per centum thereof, unless—

(1) a period of thirty legislative days has passed after the Administrator of the Environmental Protection Agency or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate a written report containing a full and complete statement concerning the nature of the transfer involved and the reason therefor; or

(2) each committee of the House of Representatives and the Senate having jurisdiction over the subject matter involved before the expiration of such period, has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

(3) no funds authorized for appropriation pursuant to this Act may be used for any activities other than those authorized by this Act.

(e)(1) The Administrator shall establish a separately identified program of continuing, long-term environmental research and development for each activity listed in subsection (a) of this section. Unless otherwise specified by law, at least 20 per centum of the total funds appropriated to the Administrator for each activity listed in subsection (a) of this section shall be obligated and expended for such long-term environmental research and development under this subsection.

(2) The Administrator shall prepare an annual report on the performance of the program established under paragraph (1) of this subsection and shall submit the report to appropriate legislative and appropriation committees of the Senate and House of Representatives at the time the President's budget is submitted to Congress.

The report shall include—

(A) a list of funded long-term research projects in each activity listed in subsection (a),

(B) the nature, status, and major results of funded long-term research projects,

(C) how the results of funded long-term research projects are likely to be used and what steps are being taken to foster their use, and

(D) any other pertinent information on the performance of the program established under this subsection.

(f) Appropriations made pursuant to the authority provided in section 2 of this Act shall remain available for obligation and expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

(g) At least thirty days prior to issuing any general notice of major reduction in force in any fiscal year, the Administrator shall inform the appropriate legislative and appropriation committees of the Senate and House of Representatives in writing of the reasons for the reduction and the impact of the reduction on carrying out the provisions of this Act.

ENVIRONMENTAL MONITORING

SEC. 3. (a) Of the funds authorized to be appropriated to the Administrator of the Environmental Protection Agency for environmental research and development under section 2, $43,253,000 for fiscal year 1983 and $46,030,000 for fiscal year 1984 are authorized for environmental monitoring activities which are authorized under the Federal environmental statutes and which support development of a continuing national environmental monitoring program. The Administrator, in consultation and cooperation with the heads of the National Bureau of Standards, the United States Geological Survey, the National Institutes of Health, the National Oceanic and Atmospheric Administration, and other Federal and State agencies involved in environmental monitoring activities, shall take such actions on a continuing basis as may be necessary and appropriate to ensure that the national environmental monitoring program called for in this subsection is comprehensive and national in scope and will allow effective and efficient implementation of the Federal environmental statutes, valid assessments of environmental quality in all media, and accurate determination of the impact of environmental protection programs on environmental quality.

(b) The Administrator shall proceed with the development of the national environmental monitoring program called for in subsection (a) by first developing a national monitoring program for air quality, the features of which shall be applied, where appropriate and useful, to monitoring programs for other media. The Administrator shall prepare, in consultation and cooperation with the heads of appropriate Federal and State agencies involved in environmental monitoring activities, a plan for the design and implementation of the monitoring program called for in this subsection. The plan shall—

(1) include a statement of objectives for the program which conform with and are supportive of the goals of such a program as set forth in subsection (a), steps to achieve these objectives, measures of program performance, program participants and their responsibilities and activities in support of the program, and any other pertinent information which may be necessary for successful implementation and appropriate evaluation of the program;

(2) be reviewed by the National Academy of Sciences, with the results of the review being included in the plan along with the Administrator's response to this review; and

(3) be submitted to the appropriate legislative committees of the Senate and House of Representatives one year after the enactment of this Act, and thereafter biannually, following review and update of the plan by program participants, the National Academy of Sciences, and the Environmental Protection Agency.

(c) On the last day of fiscal year 1984, the Administrator shall issue a report on the state of air quality and the factors affecting air quality based on data gathered through the monitoring program established under this section. The report shall be updated and reissued on the last day of each subsequent fiscal year.

(d) The Administrator shall take such actions on a continuing basis as may be necessary or appropriate—

(1) to promote the development and use of accurate and reliable procedures for gathering environmental data of verifiable accuracy; and

(2) to ensure that any environmental datum which is included in the data base of the environmental monitoring programs established pursuant to subsections (a) and (b) has been subjected to validated quality assurances procedures.

ENERGY RESEARCH

SEC. 4. (a) Appropriations authorized for energy research under section 2(a)(9) shall be used for environmental research associated with (1) synthetic fuels production; (2) the extraction, processing, transportation, and combustion of coal, oil, natural gas, and other fossil fuels; and (3) other energy development activities and their related problems, including indoor air pollution, that may pose a threat to public health and environmental quality.

(b) In complying with subsection (a) the Administrator is directed—

(1) to establish and thereafter maintain a long-term health and ecological effects research program on energy-related pollutants whose aim shall be to identify those pollutants most harmful to public health and environmental quality and to elucidate, for those pollutants found most harmful, the relationship between exposure and health effects;

(2) to take whatever steps are necessary and appropriate to ensure that the research program called for in paragraph (1) is effectively coordinated with related research programs of the National Institutes of Health, the Department of Energy, the Department of Commerce, and other Federal agencies involved in such research;

(3) to establish and thereafter maintain a monitoring program on energy-related pollutants which conforms with the requirements set forth in section 3;

(4) to include in the report on air quality required under section 3(c) a section reporting the emission and dispersion of energy-related air pollutants based on the data gathered from the monitoring program established under paragraph (3).

(c) The Administrator shall continue to be responsible for conducting, and shall continue to conduct, development and demonstration of energy-related pollution control technologies as necessary to fulfill the requirements of the Clean Air Act, the Federal Water Pollution Control Act, and other pertinent pollution control statutes.

(d) Energy-related environmental research projects authorized to be administered by the Environmental Protection Agency under this Act shall not be transferred administratively to any other Federal or State agency or reduced through budget amendment.

RESEARCH PROGRAM CONCERNING INDOOR AIR QUALITY

SEC. 5. (a) The Congress finds, on the basis of reports prepared by the General Accounting Office and the National Academy of Sciences, that due to the absence of a statutory mandate for a single Federal agency to undertake and coordinate research, development, and demonstration efforts concerning indoor air pollution—

(1) Federal programs in this field are fragmented and underfunded; and

(2) an adequate information base concerning potential indoor air quality problems is not being developed by the Federal Government.

(b) The Administrator shall carry out a research program under this section with re-

spect to indoor air quality. Such program shall be designed to (1) gather data and information on all aspects of indoor air quality in order to contribute to the understanding of health problems associated with the existence of air pollutants in the indoor environment, and (2) coordinate Federal, State, local and private research, development, and demonstration efforts relating to the improvement of indoor air quality.

(c) The Administrator may establish such committees, comprised of individuals representing Federal agencies concerned with various aspects of indoor air quality, and such advisory groups, comprised of individuals representing the scientific community, industry, and public interest organizations, as may be necessary to assist the Administrator in carrying out the research program required by this section. The Administrator shall also consult and coordinate with State and local officials and other interested parties having concerns related to the program carried out under this section.

(d) The research program required under this section shall include, but not be limited to—

(1) research, development, and demonstration concerning the identification, characterization, and monitoring of indoor air pollution sources and levels (including research, development, and demonstration relating to (A) the measurement of various pollutant concentrations and their strengths and sources, (B) high-risk building types, and (C) instruments for indoor air quality data collection);

(2) research relating to the effects of indoor air pollution on human health;

(3) research, development, and demonstration relating to control technologies to prevent or abate indoor air pollution (including the development, evaluation, and testing of individual and generic control devices and systems); and

(4) the dissemination of information to assure the public availability of the findings of the Administrator pursuant to the research, development, and demonstration activities under this section.

(d)(1) Not later than one year after the date of the enactment of this Act, the Administrator shall submit to the Congress a plan for the implementation of the research program required under this section.

(2) Not later than thirty-six months after such date of enactment, the Administrator shall submit a progress report, including an assessment of future research needs.

(3) Not later than fifty-four months after such data of enactment, the Administrator shall submit to the Congress a final report setting forth the results of the program, assessing the state of knowledge concerning the risks to human health associated with indoor air pollution, assessing the need for further research, and making such recommendations as may be appropriate.

(4) The progress report and the final report submitted under this subsection shall be submitted to the National Academy of Sciences within a reasonable period before the dates required for submittal to the Congress and, when submitted to Congress, such reports shall contain any comments provided by the National Academy of Sciences.

(e) Nothing in this section shall be construed to authorize the Administrator to carry out any regulatory program or any activity other than research, development, and demonstration and the related reporting, information dissemination, and coodination activities specified in this section. Nothing in this section shall be construed to limit the authority of the Administrator or if any other agency or instrumentality of the United States under any other authority of law.

(f) Of the funds appropriated pursuant to the authorization contained in section 2(a)(9) of this Act for each of the fiscal years 1983 and 1984, the sum of $4,000,000 is authorized to be appropriated to carry out this section.

SENIOR ENVIRONMENTAL ASSISTANCE PROGRAM

SEC. 6. (a) To carry out the purposes of this Act, the Administrator of the Environmental Assistance Program is directed to develop a Senior Environmental Assistance Program designed to assist Federal, State, and local environmental agencies in carrying out programs authorized under this Act.

(b) In providing assistance under subsection (a), the Administrator shall utilize, to the fullest extent possible, existing older American employment programs as provided for in section 105(b)(4) of Public Law 95-478.

(c) The Administrator shall not make any grant to, or enter into any agreement with, any State or local environmental agency for funding of any activity under this section unless such agency certifies that such activity will supplement and not supplant any existing jobs.

SEC. 7. Of the funds appropriated from the Hazardous Substance Response Trust Fund for fiscal year 1983 and fiscal year 1984, $15,000,000 may be expended for research and development activities for each fiscal year. It is the sense of the Congress that the costs of those research and development activities associated with or necessitated by the actual or threatened release of hazardous substances, as those terms are defined under Public Law 96-510, be paid for out of that fund created by Public Law 96-510, the Comprehensive Environmental Response Compensation and Liability Act of 1980.

SCIENCE ADVISORY BOARD

SEC. 8. (a) Section 8(b) of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (Public Law 95-155) is amended to read as follows:

"(b)(1) The Board shall be comprised of at least nine members appointed by the Administrator from nominees recommended to the Administrator by a nominating committee. The nominating committee shall include representatives of Federal research agencies including but not limited to the National Institute of Occupational Safety and Health, National Institute of Environmental Health Sciences, National Cancer Institute, National Science Foundation and the National Academy of Sciences and the Executive Director and representative members and former members of the Science Advisory Board. The nominating committee shall be chaired, in consultation with the Administrator, by the National Institute of Environmental Health Sciences. The nominating committee shall solicit from the general public, through notice in the Federal Register, candidates for nomination to the Board. The Administrator may require such information from the nominees to the Board as the Administrator deems necessary, and the Administrator shall publish in the Federal Register the name, address and professional affiliation of each nominee.

"(2) Each member of the Board and nominee to the Board shall be qualified by education, training, and experience to evaluate scientific and technical information on matters referred to the Board under this section. The Administrator shall select persons nominated for the Board to ensure that Board membership is fairly balanced in terms of the points of view represented and the functions to be performed by the Board. In order to provide this balance, the Board membership must represent the States, industry, labor, academia, consumers, and the general public; and the nominating committee established under paragraph (1) shall make certain that this requirement is met when selecting nominees to the Board which in turn are recommended to the Administrator for selection as members of the Board.

"(3) The terms of the members of the Board shall be one to three years, and shall be staggered so that the terms of no more than one-third of the total membership of the Board and its committees shall expire within a single fiscal year. Each member of the Board shall serve the full length of that member's term unless that member is unable, for involuntary reasons, to discharge his or her duties as set forth in this section or has violated the regulations promulgated pursuant to paragraph (5).

"(4) If a vacancy on the Board is not filled by the Administrator within ninety days of the occurrence of that vacancy, the nominating committee established under paragraph (1) shall meet and appoint, within sixty days, a member of the Board to fill that vacancy from the list of nominees recommended to the Administrator under paragraph (1) in accordance with the selection criteria set forth in paragraph (2).

"(5) In order to ensure the objectivity of the Board, the Administrator shall promulgate, within one hundred and twenty days after the date of the enactment of this paragraph, regulations regarding conflicts of interest with respect to the members of the Board.".

(b) Section 8(e)(2) of such Act (Public Law 95-155) is amended by adding at the end thereof the following: "The Board's advice and comments and the response of the Administrator shall be included in the record with respect to any proposed rule and published in the Federal Register in accordance with the requirements of the environmental statutes and the authority of the Administrator.".

(c) The provisions of this section relating to the qualifications, appointments, and terms of members of the Board shall take effect upon the expiration of the terms of members serving on the Board as of the date of enactment of this Act.

Mr. GORTON. Mr. President, the Senate has before it today the bill authorizing appropriations for the Environmental Protection Agency's environmental research and development programs for 1983 and 1984. I encourage its adoption.

On June 10, 1982, the Senate passed S. 2577, authorizing programs for 1983 only. On August 17, 1982, the House of Representatives amended S. 2577 so that it authorizes 1984 programs as well and provided for a number of Environmental Protection Agency studies and reports to Congress. Generally speaking the authorization levels which the House of Representatives passed were at reasonable levels. The total authorized by the House of Representatives for 1983 was only $3,140,000, or less than 1½ percent,

higher than the Senate approved authorization. The House of Representatives 1984 authorization adds only a 6-percent inflation factor to the 1983 authorization total.

Because of the great extent of similarity regarding authorization levels of the House and Senate approaches to environmental research and development programs, the appropriate House and Senate authorizing committees have worked together to formulate a set of compromise Senate amendments regarding the balance of House of Representatives provisions. They are offered here today with my expectation that the House of Representatives will accept them. In essence they provide for programs of environmental monitoring, energy research, indoor air pollution research, and senior environmental assistance to Federal, State and local environmental agencies.

Several details of the House of Representatives bill placing spending limitations on the Environmental Protection Agency have been resolved. In particular, the Agency would be allowed under the amendments here offered to make transfers between spending accounts in the amount of 10 percent, rather than 5 percent, and would not be limited from spending in connection with reductions in force without approval by each congressional legislative or appropriations committee with jurisdiction over the Agency. The Agency would, however, even under the language of the amendments offered here, be required to report to Congress in the event of intended major reductions in force. Major reductions in force would be those which reduce personnel within a specific research program or project which would significantly alter its direction, purpose, or quality. Closure of a laboratory or research facility would be an example.

So often we are called upon in dealing with legislation on environmental issues to rely upon incomplete information about the scientific and technological implications of certain environmental policy alternatives. Environmental research, therefore, is not only valuable for discovering the unknown harmful implications of environmental pollutants, but also to provide us with more complete information regarding the implications of our policy choices. Hopefully, the passage of this bill will contribute to an active and sound research program at the Environmental Protection Agency.

Mr. BAUCUS. Mr. President, I join my colleague Senator GORTON in recommending support for an amendment to S. 2577, a bill to reauthorize the research and development program administered by the Environmental Protection Agency. This amendment is intended to address and reconcile some differences between the bill as passed by the Senate on June 10 and a similar measure approved by the House on August 17.

I will first direct by remarks to provisions that were not included in the Senate version of the bill and which merit some clarification.

Section 2(g) of the amendment requires written notification to appropriate congressional committees 30 days prior to a major reduction in force within the research and development program. The term "major reduction" is carefully chosen and would apply in the following circumstances.

A reduction in personnel for the purposes of effecting the closure of a laboratory, research facility, or other field component supported by the Office of Research and Development.

A reduction in personnel within a specific research program or project which would significantly alter the direction, purpose, quality, or anticipated duration of the program or project.

A reduction in force at headquarters which would alter or diminish a function currently being performed.

A reduction in personnel within the Office of Research and Development as part of any agencywide reduction in force to achieve personnel levels as projected in the President's budget request for the Agency.

This provision is not intended to require congressional notification of every voluntary or involuntary separation of personnel within the research and development program. It does provide for advance notice to Congress if a significant personnel reduction would affect the management, quality, or kind of research conducted by the Agency. Hopefully, it will assist in minimizing speculation regarding facility closings and changes in program direction by providing an open and forthright notification process.

Section 5 of this amendment establishes a research program on indoor air quality. This provision requires an assessment of the origin and characteristics of indoor air pollutants, and their impacts on human health. The Administrator of the Environmental Protection Agency is directed to coordinate this effort which will culminate in a final report to Congress 54 months after enactment.

I would like to note that the Senate Environment and Public Works Committee considered and adopted this provision as an amendment to the Clean Air Act. Since this provision simply requires additional research and does not confer new regulatory authority to the Agency, committee members are agreeable to incorporating it into this measure.

Section 6 of the amendment directs the Environmental Protection Agency Administrator to draw upon the expertise and experience afforded through older American employment programs in carrying out programs mandated by this measure. This provision complements a similar Senate bill that was introduced recently.

I would like to highlight a few of the other differences between this amendment and S. 2577. This amendment provides for a 2-year authorization. This is a deviation from the practice of doing an annual authorization. The intent is to lend consistency to the program and encourage the Agency to pursue long-term research projects. Additional directives are included to support this objective, including an annual report requirement on the status of long-term research projects. A model environmental monitoring program is required to establish a system for providing reliable data concerning environmental quality. Finally, a provision is included directing the Agency to pursue energy-related research. This area was slated for considerable reductions in funding and personnel in the fiscal year 1983 budget requests.

I would like to comment briefly on the authorization language respecting the use of the hazardous substance response trust fund moneys for research and development activities in section 7 of the amendment. Use of the fund to investigate and develop new technology, monitoring techniques, and study the effects of the release of hazardous substances into the environment is consistent with congressional intent in establishing the fund in the Comprehensive Environmental Response Compensation and Liability Act of 1980. The Agency should vigorously pursue a strong research program to complement cleanup and remedial efforts associated with contamination incidences.

There has been considerable concern expressed about the future and the direction of the EPA research and development program over the past 1½ years. As yet, this administration has failed to submit a nominee for the position of Assistant Administrator to Congress, which has contributed to the speculation. It is my belief that this amendment sends a clear signal to the Agency that Congress is very much interested in maintaining a sound and credible research program.

The amendment (UP No. 1370) was agreed to.

Mr. BAKER. Mr. President, is the motion before the Senate?

The PRESIDING OFFICER. The motion is pending. The question is on agreeing to the motion of the Senator from Tennessee (Mr. BAKER).

The motion was agreed to.

NATIONAL CHRISTMAS SEAL MONTH

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished majority leader and myself, I send to the desk a joint resolution designating

the month of November 1982 as National Christmas Seal Month and I ask for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 262) to designate the month of November 1982 as "National Christmas Seal Month."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the joint resolution (S.J. Res. 262) was considered, ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 183), and its preamble, read as follows:

S.J. RES. 262

Whereas chronic diseases of the lung afflict well over 18 million Americans, cause more than 200,000 deaths annually, and cost the Nation more than $45 billion each year in lost wages, productivity, and in direct costs of medical care;

Whereas diseases such as emphysema, chronic bronchitis, and lung cancer are responsible for 340,000 premature deaths a year;

Whereas lung cancer is shortly expected to surpass breast cancer as a cause of death in American women, emphysema and other chronic obstructive pulmonary diseases have been the fastest rising cause of death in the United States in the last 14 years, and over six million Americans, including 2 million children, suffer from asthma;

Whereas, the American Lung Association, the Nation's first voluntary health organization providing services to communities with funds raised through private contributions, was founded in 1904 to combat tuberculosis when this lung disease was known in nearly every American family;

Whereas tuberculosis has been subdued, though not eradicated, and in this 109th anniversary year of the discovery of the tubercle bacillus, the American Lung Association, with other national and international health organizations, is pledged to eliminate tuberculosis from this country in the next decade; and

Whereas the American Lung Association now uses Christmas Seal dollars to support pulmonary research, advanced education of doctors and nurses in pulmonary medicine, and to provide services to thousands of Americans in their own communities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November 1982 is designated as "National Christmas Seal Month" and the President of the United States is authorized and requested to issue a proclamation calling upon all government agencies and the people of the United States to observe the month with appropriate activities supporting the Christmas Seal program.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I am advised that we have cleared for action Calendar No. 918, H.R. 5879. Could I inquire of the minority leader if he is prepared to consider that measure at this time?

Mr. ROBERT C. BYRD. Yes, Mr. President, I am prepared to proceed.

REFUGEE ASSISTANCE

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate H.R. 5879.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 5879) to amend chapter 2 of title IV of the Immigration and Nationality Act to extend for 1 year the authorization of appropriations for refugee assistance, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the bill.

● Mr. SIMPSON. Mr. President, the Refugee Act of 1980 which originated in the Committee on the Judiciary was initally authorized for 3 years. Those 3 years expire on this day, September 30, 1982.

The reauthorization bill before the Senate is H.R. 5879, which reauthorizes domestic resettlement funding for 1 year and further amends the Refugee Act to provide for 100 percent reimbursement of cash and medical assistance provided to refugees under any assistance or reimbursement programs authorized by the Office of Refugee Resettlement: it also provides that a refugee placement policy be developed; that State, local, and private sector representatives meet on a regular basis to plan and coordinate refugee placement; that records on refugee dependency rates be maintained; that voluntary agencies and local welfare offices exchange information on job offers and welfare applications of refugees; it provides that cash assistance to refugees shall terminate on refusal of an appropriate job offer or refusal of an appropriate social program, as well as be terminated for those refugees who become full-time students; that voluntary agencies shall expend reception and processing funds within 2 years of receipt; that the Office of Refugee Resettlement report to the Congress on various aspects of refugee programs; and finally that the GAO shall conduct annual audits of funds provided by the State Department to voluntary agencies under reception and placement agreements.

At a hearing held by the Subcommittee on Immigration and Refugee Policy earlier this month, these amendments appeared generally acceptable to most of the witnesses. The House held extended hearings on the amendments while we were heavily involved with the markup and debate of the Immigration Reform and Control Act in the Senate.

To avoid interruption of our domestic resettlement program, I recommend that we adopt the House amendments. During the first session of the 98th Congress, the subcommittee will more thoroughly address the refugee resettlement issues in additional hearings and consultations with a view toward reauthorizing the Refugee Act for an extended number of years in 1983. I think it is important that we get back to a multiyear reauthorization, if that is possible. Under the circumstances, it seems more practical, and certainly more realistic, to deal with it at this point on the basis of a 1-year reauthorization because of the crush of business here in the Senate.

The subcommittee reported this bill to the full committee by unanimous vote. The full committee has also reported this bill to the Senate by a unanimous vote.●

● Mr. HUDDLESTON. Mr. President, the Senate presently has before it the Refugee Assistance Amendments of 1982, H.R. 5879. In essence, this bill would reauthorize the assistance portion of the Refugee Act of 1980.

When the bill passed the House, the 3-year reauthorization was reduced to 1 year by Chairman MAZZOLI. He chose to reauthorize for 1 year because it would guarantee that the Congress would have to come back next year and give consideration to the many serious problems associated with the refugee program since time did not permit doing so during this Congress. Among these concerns are the definition of "refugee," the annual consultation process through which refugee allocations and ceilings are determined, and the role of the U.S. Coordinator for Refugee Affairs.

I believe that the Refugee Act of 1980 has failed to maintain reasonable control of refugee admissions and is in need of substantial modification. During the 3 years it has been in effect, the act has permitted refugee admissions of more than 300 percent of what Congress set as the "normal flow" for those years.

Unfortunately, the prospects for fiscal year 1983 are not greatly improved. Even though the normal flow has been reduced to zero due to a sunset provision, the admission level has been set by the administration at 98,000.

The partial Federal cost for domestic assistance for refugees in this country will be $1.08 billion, which is not much of a reduction compared to last year's cost of $1.09 billion. However, even these cost estimates are incomplete because they do not include many Federal programs refugees participate in and, more importantly, they do not include the State and local

costs associated with the refugee resettlement costs.

No one can deny that the United States should continue to provide reasonable assistance to the refugees of the world. However, there are limits to what we can do as a nation. According to the findings of the Senate Judiciary Committee, the United States permanently resettles more immigrants and refugees than the rest of the world combined. At a time when we are drastically cutting back on assistance programs for our own citizens, I believe that it is time that we recognize that we are doing more than our fair share.

The distinguished chairman of the Senate Immigration Subcommittee, Senator SIMPSON, has indicated on numerous occasions in the past that he too is concerned about the size of the refugee program and has indicated that there are problems with it which should be addressed.

While we probably do not agree completely on what these problems are or how they should be addressed, I have great respect for his concerns, compassion, and expertise. The distinguished chairman has stated that he intends to more thoroughly address the refugee resettlement issues in additional hearings next year. Would the chairman tell us more specifically what his plans are regarding these hearings?

Mr. SIMPSON. First, I would like to thank the distinguished Senator from Kentucky, Senator HUDDLESTON, for his continued interest in the immigration problems which this country faces. He has been extraordinarily attentive and extremely helpful in assisting us in focusing on these problems and in finding solutions for them.

Although we do not agree fully on the problems associated with the refugee program or the solutions to these problems, I do agree that enough serious questions have been raised about the program that it should be thoroughly reviewed. I plan to have hearings next year, in addition to a midyear consultation with the appropriate Cabinet officers, to focus on such issues as the interpretation of the definition of "refugee," the workability of the consultation process and the function of the voluntary agencies in resettling refugees.

Other areas could be reviewed and additional hearings could be held. I will be working with other Members of Congress, including the distinguished Senator from Kentucky and the ranking minority member of the subcommittee, Senator KENNEDY, to determine if additional hearings are necessary. I intend to hold these hearings before September when we will begin the consultation process.

Mr. HUDDLESTON. I know that the distinguished chairman has never pulled his punches in any of the many hearings he has conducted on immigration and refugee issues. However, I know from personal experience that we in Congress often spend too much time talking to the so-called policymakers and not enough time talking to those who must carry out the policy in the field.

From past experience we know that dedicated officials in the field have prevented us from carrying out policies in refugee resettlement which were at times contrary to the law. I would urge the distinguished chairman to seek the benefit of their experience in these hearings. For example, I think that INS officials in Southeast Asia could provide excellent information.

Mr. SIMPSON. I agree that this kind of information would be useful and the subcommittee will give serious consideration to this suggestion.

Mr. HUDDLESTON. I thank the distinguished chairman for sharing with us today his plans for thoroughly addressing the refugee resettlement issues. I commend the chairman for the outstanding job he has done so far on this very complex and emotional issue.

If the distinguished chairman will bear with me just 1 more minute, I do have a question about the bill.

The bill does address the problem of inadequate consultation with State and local governments. In fact, it attempts to assure this consultation process in a manner similar to that proposed in my bill, S. 2003. Although it does not use exactly the same procedures proposed in S. 2003, it is an attempt to solve the problems which necessitated the introduction of S. 2003.

State and local governments must have adequate and timely information in order to plan and budget for massive refugee resettlements. Although the bill establishes the procedure for consulting, it does not specify when information must be given, nor the kind of information which must be given.

Is it the intent of the chairman in proposing this bill that State and local governments shall be given timely and specific information in regard to the number of refugees to be resettled, the areas in which they are to be resettled, and the full economic impact of that resettlement?

Mr. SIMPSON. The Senator is correct when he states that State and local governments must be brought into the refugee resettlement process more actively. He is also correct when he says that they must assuredly have specific and timely information. That is my certain intent with regard to the bill.

In addition, I would wish to say that the Senator's bill, S. 2003, was extremely helpful to us in addressing the State and local government consultation problem.

Mr. HUDDLESTON. I again thank the distinguished chairman for taking these few minutes to clarify these matters. I also commend him for the exceptional job he has done and assure him that I am always ready to assist him in any way he deems appropriate.

Mr. SIMPSON. Thank you, Senator HUDDLESTON. Your efforts have also been exceptional. You may be assured that I will always continue to draw upon your expertise as we grapple with this never to end problem of humane immigration reform and control.●

● Mr. KENNEDY. Mr. President, I am pleased to join with Senator SIMPSON in expediting Senate passage of H.R. 5879, the Refugee Assistance Amendments of 1982. I had intended to offer several amendments, which I have outlined in my additional views included in the committee's report on this bill. However, in the spirit of moving this important reauthorization through Congress before the beginning of the fiscal year, I will not offer them at this time.

This authorization for refugee resettlement assistance expires unless we act—as we must—to reauthorize it. This legislation provides support for the full range of Federal programs to assist refugees coming into our country. Because the admission of refugees is a Federal decision, the Federal Government obviously has a responsibility to help States and local communities in absorbing the refugees—helping them become self-sufficient, contributing members of our society.

In this regard, I want to indicate my concern that this bill extends the reauthorization for only 1 additional year. Frankly, this defeats one of the basic purposes of the Refugee Act of 1980—of ending the year-by-year, ever-changing character of our refugee resettlement program.

Although Federal assistance should be carefully monitored by Congress, we can achieve this without requiring annual reauthorizations of what are long-term programs and multiyear Federal commitments to States and local communities.

I believe a 3-year authorization, with careful monitoring by Congress, would make far more sense.

I know that Senator SIMPSON has indicated he will consider this approach when we look at these and other issues involved in refugee resettlement early in the next Congress.

With that understanding, I urge the Senate to adopt H.R. 5879 and send it to the President's desk.●

The bill was ordered to a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended until not past the hour of 12 noon on the same terms and conditions as previously stated.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL-AID HIGHWAY ACT OF 1982—TIME LIMITATION AGREE- MENT

Mr. BAKER. Mr. President, I now have a unanimous-consent agreement limiting time for debate on the highway bill which has been cleared on both sides, I believe. I will state it now for the consideration of the Senate.

Mr. President, I ask unanimous consent that when the Senate proceeds to the consideration of S. 2574, a bill to authorize appropriations of certain highways in accordance with title 23 of the United States Code, and for other purposes, that the measure be considered under the following time agreement:

Thirty minutes of debate on the bill and an amendment in the nature of a substitute to be offered by Senators STAFFORD, RANDOLPH, SYMMS, and BENTSEN. The time to be equally divided and controlled by the managers of the bill, or their designees;

Twenty minutes of debate on an amendment to be offered by Senator ANDREWS relating to truck widths, the time to be equally divided and controlled by the mover of the amendment and the manager of the bill or their designees;

Twenty minutes of debate on an amendment to the Andrews amendment to be offered by Senators EAGLETON and SCHMITT, the time to be equally divided and controlled by the movers of the amendment and the Senator from North Dakota, Mr. ANDREWS.

After disposition of the Andrews amendment as amended, if amended, the Senate next consider an amendment by Senator DANFORTH to the committee substitute—dealing with ADAP but specifically not to include any earmarked funds for the St. Louis airport—debate on which to be 5 minutes equally divided between the mover of the amendment and the manager of the bill.

After disposition of the Danforth amendment, the Senate proceed without further debate to vote on the committee amendment in the nature of a substitute, as amended, if amended, and then to third reading of the bill without intervening motion or appeal provided that only the specified amendment be in order to this bill.

The PRESIDING OFFICER. Does the order provide for time for debate on the bill?

Mr. BAKER. Thirty minutes of debate on the bill and the amendment in the nature of a substitute.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

BUDGET ACT WAIVER

Mr. BAKER. Mr. President, I have consulted with the minority leader on this. I hope it meets with his approval.

I ask unanimous consent that the Senate proceed to the consideration of Calendar Order 669, Senate Resolution 399, which is the budget waiver on the highway bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 399) waiving section 303(a) of the Congressional Budget Act of 1974 for consideration of S. 2574.

The PRESIDING OFFICER. Is there objection to the present consideration of this resolution?

There being no objection, the resolution (S. Res. 399) was considered and agreed to, as follows:

S. RES. 399

Resolved, That section 303(a) of the Congressional Budget Act of 1974 is hereby waived with respect to the consideration of S. 2574, the Federal-aid Highway Act of 1982.

SEC. 2. This waiver is necessary so that multi-year highway legislation may be considered by the Senate. Highway authorizations are contract authority which when enacted creates new spending authority. To consider this multi-year highway bill such a waiver is required by section 303(a).

Mr. BAKER. Mr. President, that is the last item of business I have to transact in morning business, unless some other Senator is seeking recognition. I would encourage the Chair to inquire if there is further morning business.

Mr. President, I am advised there is a requirement for a little more morning business.

FEDERAL-AID HIGHWAY ACT OF 1982

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. 2574, under the time agreement just offered. I further ask unanimous consent that the distinguished assistant majority leader (Mr. STEVENS) may be recognized during the debate on that measure or any measure related to it as in morning business to make a presentation for which he reserved time earlier today. The time remaining in morning business, at the time this request is made, will be 8 minutes. I ask that the time allocated to the distinguished Senator from Alaska, extended by that time remaining, be 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, the understanding is that the Senator from Alaska may claim the right to speak even though we are in debate on the highway bill when he reaches the floor. That is done purely as a matter of expediting the business of the Senate while accommodating the convenience of Members.

Mr. President, would the Chair please state the pending measure?

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2574) to authorize the appropriations for the construction of certain highways in accordance with title 23 of the U.S. Code and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Who yields time?

Mr. STAFFORD. Mr. President, I am prepared to yield, under the order as I understand it, to the Senator from Alaska for 8 minutes.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Is there further time left, Mr. President?

The PRESIDING OFFICER. There are 6 minutes of the Senator's time left.

Mr. ROBERT C. BYRD. Is that my time, Mr. President?

The PRESIDING OFFICER. Yes.

EXPRESSION OF DESIRE FOR DIALOG

Mr. STEVENS. Mr. President, I had intended to enter into a further dialog with the Senator from Ohio, in view of the article in this morning's paper concerning the position of the Senator from Ohio as he deals with a series of bills that affect mainly the areas west of the Potomac. I can understand the Washington Post's position, because they are not affected by any of the legislation he is seeking to delay.

I also thought that I would have a chance to talk to the Senator from Ohio about the article that was reported in the morning paper to be in Penthouse magazine, but I ran down and bought a copy of the Penthouse magazine. The ladies in my office insisted that I keep it in this folder. Unfortunately, it does not have an article about Senator METZENBAUM. That will not come out for another 2 weeks.

I do hope that he will be present on the floor later. I think it would be improper for us to keep the Senate waiting long, now, but I do hope we can

have an extended dialog sometime before we recess tonight.

Mr. THURMOND and Mr. STAFFORD addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. STAFFORD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STAFFORD. I understand the pending business is S. 2574, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Is there any time left, Mr. President? I ask the Senator if he will yield.

Mr. STAFFORD. Yes, I yield.

Mr. STEVENS. Is there any time left of the time allocated to me?

The PRESIDING OFFICER. Yes, there are about 5 minutes.

Mr. STEVENS. Will the Senator object if I yield that time to the distinguished President pro tem? Apparently, there was a misunderstanding.

Mr. STAFFORD. I have no objection if that occurs without my losing my right to the floor.

Mr. STEVENS. I yield to the President pro tem.

OMNIBUS VICTIMS PROTECTION ACT OF 1982

Mr. THURMOND. Mr. President, I move to lay before the Senate a message from the House on S. 2420.

Mr. ROBERT C. BYRD. Mr. President, I wish the distinguished President pro tempore would not make this motion at this time. This may be a matter that has already been taken care of or, if not, I am not sure it has been cleared on our side.

Mr. THURMOND. It has been cleared, as we understand it.

Mr. ROBERT C. BYRD. I am sorry to have to delay the distinguished President pro tempore, but there is no indication on my side that this matter has been cleared. I am trying to check it out for him.

The PRESIDING OFFICER (Mr. JEPSEN). The Chair advises Senators that the Senate has before it S. 2574. Most respectfully, will the President pro tempore withhold until we dispense of S. 2574 that is before the Senate?

Mr. THURMOND. Mr. President, I would be pleased to do that.

Mr. ROBERT C. BYRD. Mr. President, I also thank the President pro tempore.

FEDERAL-AID HIGHWAY ACT OF 1982

The Senate continued with the consideration of the bill.

UP AMENDMENT NO. 1371

(Purpose: To authorize an extension of the Federal-aid highway program through fiscal year 1983)

Mr. STAFFORD. Mr. President, I send to the desk an amendment in the nature of a substitute to 2574. I do so on behalf of all of the original sponsors: myself, Mr. RANDOLPH, Mr. SYMMS, and Mr. BENTSEN. I ask for immediate consideration of the amendment in the nature of a substitute and ask that it may be considered original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Vermont (Mr. STAFFORD), for himself, Mr. RANDOLPH, Mr. SYMMS, and Mr. BENTSEN, proposes an unprinted amendment numbered 1371.

Mr. STAFFORD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after enacating clause and insert:

That this Act may be cited as the "Federal-Aid Highway Act of 1982".

REVISION OF AUTHORIZATION FOR APPROPRIATIONS FOR THE INTERSTATE SYSTEM

SEC. 102. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1984," and inserting in lieu thereof the following: "the additional sum of $3,300,000,000 for the fiscal year ending September 30, 1984,".

APPROVAL OF INTERSTATE COST ESTIMATE

SEC. 103. The Secretary of Transportation shall apportion for the fiscal year ending September 30, 1984, the sums authorized to be apportioned for such year by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of the committee print numbered 97-53 of the Committee on Public Works and Transportation of the House of Representatives.

OBLIGATION LIMITATION AND ALLOCATION FORMULA

SEC. 104. (a) Notwithstanding any other provision of law, the total of all obligations for Federal-aid highways and highway safety construction programs for fiscal year 1983 shall not exceed $8,200,000,000. This limitation shall not apply to obligations for emergency relief under section 125 of title 23, United States Code, and section 9 of the Federal-Aid Highway Act of 1981, except Chapter 3 of the Urgent Supplemental Appropriations Act of 1982 (Public Law 97-216), and obligations with respect to Union Station under Public Law 97-125. No obligation constraints shall be placed upon any ongoing emergency project carried out under section 125 of title 23, United States Code.

(b) For the fiscal year 1983, the Secretary shall distribute the limitation imposed by subsection (b) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned to each State for such fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned to all the States for such fiscal year.

(c) During the period October 1 through December 31, 1982, no State shall obligate more than 35 per centum of the amount distributed to such State under subsection (b), and the total of all State obligations during such period shall not exceed 25 per centum of the total amount distributed to all States under such subsection.

(d) Notwithstanding subsections (b) and (c), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1, 1983, revise a distribution of the funds made available under subsection (b) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year; and

(3) not distribute amounts authorized for administrative expenses and forest highways.

(e)(1) Section 1106(b) of the Omnibus Budget Reconciliation Act of 1981 is repealed.

(2) Section 1106(c) of the Omnibus Budget Reconciliation Act of 1981 is amended to read as follows:

"(c) For the fiscal year 1982, the Secretary of Transportation shall distribute the limitation imposed by subsection (a) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned to each State for such fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned to all the States for such fiscal year.".

(3) Section 1106(d) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "periods" and inserting in lieu thereof "period" and by striking out "and October 1 through December 31, 1982,".

(4) Section 1106(c)(2) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "and after August 1, 1983,".

AUTHORIZATIONS

SEC. 105. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas, including the extensions of the Federal-aid primary system in urban areas, and the priority primary routes, out of the Highway Trust Fund, $1,500,000,000 for the fiscal year ending September 30, 1983. For the Federal-aid secondary system in rural areas, out of the Highway Trust Fund, $425,000,000 for the fiscal year ending September 30, 1983.

(2) For the Federal-aid urban system, out of the Highway Trust Fund, $775,000,000 for the fiscal year ending September 30, 1983.

(3) For Indian reservation roads and bridges, $83,000,000 for the fiscal year ending September 30, 1983.

(4) For carrying out section 215(a) of title 23, United States Code—

(A) for the Virgin Islands, not to exceed $5,000,000 for the fiscal year ending September 30, 1983;

(B) for Guam, not to exceed $5,000,000 for the fiscal year ending September 30, 1983; and

(C) for American Samoa, not to exceed $1,000,000 for the fiscal year ending September 30, 1983.

Sums authorized by this paragraph shall be available for obligation at the beginning of the period for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

(5) For the Commonwealth of the Northern Mariana Islands, not to exceed $1,000,000 for the fiscal year ending September 30, 1983. Sums authorized by this paragraph shall be expended in the same manner as sums authorized to carry out section 215 of title 23, United States Code. Sums authorized by this paragraph shall be available for obligation at the beginning of the period for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

(6) For the forest highways, out of the Highway Trust Fund, $33,000,000 for the fiscal year ending September 30, 1983.

(7) For public lands highways, out of the Highway Trust Fund, $16,000,000 for the fiscal year ending September 30, 1983.

(8) For economic growth center development highways under section 143 of title 23, United States Code, out of the Highway Trust Fund, $29,000,000 for the fiscal year ending September 30, 1983.

(9) For the Great River Road, out of the Highway Trust Fund, $19,000,000 for the fiscal year ending September 30, 1983, for construction or reconstruction of roads on a Federal-aid highway system.

(10 For access highways under section 155 of title 23, United States Code, $15,000,000 for the fiscal year ending September 30, 1983.

(b)(1) For each of the fiscal years 1984—no State, including the State of Alaska, shall receive less than one-half of 1 per centum of the total apportionment for the Interstate System under section 104(b)(5)(A) of title 23, United States Code. Whenever amounts made available under this subsection for the Interstate System in any State exceed the estimated cost of completing that State's portion of the Interstate System, and exceed the estimated cost of necessary resurfacing, restoration, rehabilitation, and reconstruction of the Interstate System within such State, the excess amount shall be eligible for expenditures for those purposes for which funds apportioned under paragraphs (1), (2), and (6) of such section 104(b) may be expended.

(c) In the case of priority primary routes, $125,000,000 of the sums authorized for the fiscal year ending September 30, 1983, by subsection (a)(1) of this section for such routes, shall not be apportioned. Such $125,000,000 of such authorized sum shall be available for obligation on the date of apportionment of funds for such fiscal year, in the same manner and to the same extent as the sums apportioned on such date.

(d) Section 163(p) of the Federal-Aid Highway Act of 1973 is amended by inserting after "September 30, 1982," the following: "and $50,000,000 for the fiscal year ending September 30, 1983,".

INTERSTATE RESURFACING

SEC. 106. Section 105 of the Surface Transportation Assistance Act of 1978 is amended by striking out "and not to exceed $800,000,000 for the fiscal year ending September 30, 1984." and inserting in lieu thereof "not to exceed $1,000,000,000 for the fiscal year ending September 30, 1984.".

HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION

SEC. 107. (a) Subsection (e) of section 144 of title 23, United States Code, is amended by striking "and September 30, 1982," and inserting in lieu thereof "September 30, 1982, and September 30, 1983,";

(b) Subsection (g) of such section is amended by striking "and September 30, 1982," each place that it appears and inserting in lieu thereof "September 30, 1982 and September 30, 1983"; and

(c) Section 202(6) of the Surface, Transportation Assistance Act of 1978 is amended by striking "and $900,000,000 for the fiscal year ending September 30, 1982." and inserting in lieu thereof "$900,000,000 for the fiscal year ending September 30, 1982, and $1,000,000,000 for the fiscal year ending September 30, 1983.".

SAFETY CONSTRUCTION AUTHORIZATIONS

SEC. 108. Section 202(8) of the Surface Transportation Assistance Act of 1978 is amended by striking "and $200,000,000 for the fiscal year ending September 30, 1982." and inserting in lieu thereof "$200,000,000 for the fiscal year ending September 30, 1982, and $200,000,000 for the fiscal year ending September 30, 1983.".

RAIL-HIGHWAY CROSSINGS

SEC. 109. Subsection (b) of Section 203 of the Highway Safety Act of 1973 as amended by the Highway Safety Act of 1978 is amended by striking "and September 30, 1982." and inserting in lieu thereof, "September 30, 1982, and September 30, 1983.".

Mr. STAFFORD. Mr. President, on May 26 the Senate Environment and Public Works Committee reported S. 2574, the Federal-Aid Highway Act of 1982. This bill provided a 4-year authorization for the Federal-aid highway program.

While long-term funding is the committee goal for this program which requires long-range planning for greatest efficiency, it does not appear possible to move ahead with multiyear authorizations at this time.

The committee is proposing a substitute to S. 2574 which will provide authorizations for the Federal-aid highway program for 1 year. This legislation, if promptly enacted, will allow the States to continue their highway programs without any disruption.

This simple extension provides approximately $8.6 billion in new budget authority for fiscal 1983, plus $100 million for the emergency relief program. An obligation limitation of $8.2 billion would be placed on the program. Money would be provided for the interstate construction, interstate 4R, primary, secondary, urban and bridge programs. Funds would also be provided to continue several small categories.

This legislation continues the one-half percent minimum apportionment for the interstate construction program. I believe very strongly that those States which made an early commitment to expenditiously complete the Interstate System, often at the expense of the rest of their highway network, should not be penalized. This bill also provides a one-half percent minimum apportionment for the interstate 4R program. Repair and rehabilitation of the Interstate System is one of the most pressing problems facing the States today. It is important that each State receive adequate funds to assure at least a minimum program.

The Environment and Public Works Committee has held extensive hearings on the condition of the Nation's highway system and the revenues available to address the needs of the system. There is no doubt that we are at a crucial point in determining whether this country will continue to have the most extensive and effective transportation network in the world.

The program is in place which can preserve our transportation infrastructure. However, revenues have not kept pace with the increased cost of construction. For example, in 1959 it cost $4 million to build 1 mile of interstate while today it costs more than $20 million per mile. Many urban segments still to be built will cost considerably more per mile. Highway user fees have remained the same since 1959. Since that time fuel consumption has decreased because of higher gas prices and more fuel efficient cars. This translates into less revenue for the Highway Trust Fund. With inflation under control and construction costs stabilizing, the revenue shortfall must be addressed and resolved as soon as possible. We are finding that there is also a high price to pay for deferred maintenance.

The current Federal-aid highway program expires October 1 of this year. In order to maintain the fiscal year 1982 authorization level of $8.6 billion, a 1-year extension of the Highway Trust Fund is necessary. Without such an extension, only approximately $6.5 billion can be apportioned to the States.

As with all revenue legislation, the Highway Trust Fund extension is generally initiated by the House Ways and Means Committee and passed by the House prior to Senate consideration. With the expiration of the program only days away, the House has still not passed a simple 1-year extension of the Highway Trust Fund. I am pleased that the Senate Finance Committee has recognized the urgency of a simple 1-year trust fund extension and

reported such a measure out of committee. This will enable the Senate to go forward with authorizing legislation. I hope the House will also move expeditiously so the States' highway programs are not unnecessarily disrupted. I want to thank the distinguished chairman of the Finance Committee (Mr. DOLE) and the distinguished ranking member (Mr. LONG) for their efforts in addressing a difficult problem.

Mr. President, I thank the distinguished ranking minority member (Mr. RANDOLPH), and the distinguished chairman and ranking minority member of the Transportation Subcommittee (Mr. SYMMS and Mr. BENTSEN) for their continuing able leadership and diligent efforts in bringing this legislation before the Congress. I appreciate their support in making some very difficult decisions.

Mr. President, I ask my distinguished colleagues to support S. 2574, as amended.

I yield to the ranking minority member.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I support the amendment offered by the capable chairman of the committee (Mr. STAFFORD.)

Mr. STAFFORD speaks of a substitution amendment which would be for a 1-year extension of the Federal-aid highway program instead of the 4-year extension contained in S. 2574 as reported earlier this year by the Committee on Environment and Public Works.

At this point, I commend the attention given to matters before the Committee on Environment and Public Works by all 16 members of that committee. They are diligent as they study—at times amend—and report vital legislation to the Senate of the United States.

The products of the farm and factory and the field move to the consuming public because of actions taken in this body and in the House of Representatives. We give much time, and should give much time, to carefully considering transportation issues before this committee.

Sometimes people forget the importance of the inland waterways to this Nation as the products move on the bosoms of the rivers in this country. Certainly, we understand the responsibility as a committee, regardless of whether it is majority or minority. We are 16 members of that committee, working diligently, and we hope in good intent, to help the Congress of the United States reflect the thinking of the American people that we must have and continue to support the best transportation system in this shrinking world in which we live.

The funding for fiscal year 1983 is in the amount of $8.647 billion, to continue the vital categorical assistance provided under this program.

Funding is provided for continuation of the interstate construction program; primary, secondary, and urban roads; bridge replacement and rehabilitation; safety construction and repair; and rehabilitation of the Interstate System.

Mr. President, since its modern inception in 1956, the Federal-aid highway program has been the backbone of our national transportation system. Under this construction program, a substantial portion of the 42,500 miles of the national system of interstate and defense highways has been completed.

Sometimes people forget that the legislation, in the initial concept, carried the words "and defense highways." There is a value beyond the commerical, the movement of products, and people. Defense needs are an important part of our system of highways.

Mr. President, billions of dollars in Federal and State funds have been invested. I do not say they have been spent; they have been invested. When these dollars are invested, there is a return not only of 100 cents on the dollar spent but also a dividend to every American.

Sometimes we do not understand the background of this program as America, from the earlier days, thought in terms of transportation.

We are talking today in the city of Washington, D.C. How wonderful it is if we would take time to look back and to remember that George Washington was thinking about transportation. He proposed, with the help of others, to build a canal from what is now Georgetown to the Ohio River. Think of the daring of the man. Think of the vision. Think of the spirit of the man who would think that we could build a canal through those Blue Ridge Mountains, those Allegheny Mountains of West Virginia and across that country in which I live to the Ohio River.

When the work was completed as far as Cumberland, Md., what happened? The iron horse came in, the locomotive came in, and so the canal lost its usefulness and the tonnages began to decrease as the steam engine came to roll across the tracks westward.

So, Mr. President, without the authorizations contained in the amendment by our able chairman only one categorical program will have funds available for apportionment on October 1 of this year.

This would be an intolerable situation. It would reflect upon Congress and every Member of it.

And it would cause chaos, chaos—I use the word advisedly—in the highway construction program of this country.

The States have developed long range highway construction programs. These programs require the Federal-aid program be authorized on a timely basis.

Mr. President, without the authorizations for fiscal year 1983 for our noninterstate highway program, many vital, many crucial, many important projects will be delayed or canceled altogether.

As a supporter of highways during my entire effort in Congress, I turn aside to recall—and I say this with the able Senator, Mr. SYMMS, present—that we were thinking in the 1930's about something that was developed finally 20 years later and we had hearings in the House Roads Committee. We have no such committee now, but we had a Roads Committee in the House of Representatives. At the time Wilburn Cartwright of Oklahoma was its chairman and I was a member. We were to bring in something in the way of this Interstate System. I had a bill pending which I called the transcontinental highway program. I remember Representative Cartwright from Oklahoma saying to me, "Jennings, will you preside?" And I said, "Yes, I will preside."

He said:

> The reason is Mr. McDonald (then head of the Bureau of Public Roads) who is a very fine man, is against that sort of program, and I would just rather not preside. Will you take over?"

I took over. We did not get the bill passed but we were thinking then as it is necessary for us to think now not of the generation of which we are a part but of the generations which will follow.

Mr. President, returning to the present situation, if the Congress fails to provide new authorizations for the highway program, I cannot think of a more grave consequence for the country and particularly the construction industry which is already facing severe employment problems.

The State of West Virginia, for instance, would not have sufficient funds to continue its interstate construction program. Our State has been moving aggressively to complete the designated Interstate System within its boundaries. Under this bill as amended, we will receive approximately $72 million for interstate projects in fiscal year 1983. Overall, West Virginia will receive in excess of $110 million in Federal funds for highway construction.

The authorizations in this bill will be used for road rehabilitation work and for the replacement of deficient bridges. By approving the interstate cost estimate, the fiscal year 1984 interstate authorization can be apportioned to the States and major projects undertaken which will lead to

the eventual completion of our Interstate Highway System.

Last year, the Congress passed legislation to reduce the estimated cost of completing the Interstate System from $54 billion to $34 billion. This was a commitment to move forward toward the completion of this system. Without the continued authorizations and apportionments made possible in this bill, I say to Senator STAFFORD, this goal cannot be reached as quickly or as efficiently as anticipated when we took the action in Congress last year.

I assure every Member of the Senate not just those who are now in the Chamber, that following passage of this 1-year extension of the program our committee will consider and bring to the Senate next year legislation to meet the urgent highway needs of this country.

Congress can then consider increases in the taxes which will go into the Highway Trust Fund and a possible reallocation of the costs among the various classes of the users of our highways.

If the effort to increase revenues is successful, a significantly expanded program can be authorized by Congress which will assist the States in meeting the vital needs which have recently been identified in the surveys of the highways and the streets of America.

Mr. President, I again express my strong support for the pending amendment.

Mr. STAFFORD. I thank the most distinguished and most able Senator from West Virginia.

I say, Mr. President, that throughout my service in the Senate it has always been a matter of great satisfaction to me to serve with him. We serve together on virtually every committee to which either one of us belong. I have learned much from him in the years I have served with him.

Mr. President, I am going to yield the remainder of the time on the majority side to the distinguished Senator who is chairman of our Subcommittee on Transportation and who has done yeoman service in this field throughout his service in the Senate.

Mr. SYMMS. Mr. President, I thank the distinguished chairman of our committee for those kind remarks and I also add my thanks for the cooperation, help, and support that I have received from Senator RANDOLPH, the distinguished Senator from West Virginia.

I also commend our colleague, Senator BENTSEN, from Texas, with whom we have all worked very closely together, and I would say that without the help of these Senators I would not have been able to be here and have had the successes we have had in the past year with respect to the highway programs.

Mr. President, the highway needs in this country have been well documented. The Environment and Public Works Committee has held a series of hearings on the condition of the system both in Washington and across the country during the past 2 years.

During those hearings I did not find anyone who disagreed that something must be done to preserve the Nation's network of highways and bridges. States and localities have also realized that we have reached a critical point and have responsibly addressed this problem by raising additional revenues. The Federal Government must also do its part.

The Federal excise taxes which are collected into the highway trust fund have not been changed since 1959. The Federal excise tax on gasoline has been 4 cents per gallon since that time. During the same period construction costs have increased at an alarming rate. As revenues coming into the trust fund are declining, the highway system is wearing out. According to a report, "The Interstate Highway System: Issues and Options," recently completed by the Congressional Budget Office, mounting repair needs, escalating completion costs, and declining financial resesources are all contributing toward making completion of the Interstate System an unattainable goal.

The report states:

> Completion of all the construction, reconstruction and repair projects that qualify for Federal support under current programs would require an increase in annual authorizations of $8 billion.

This is more than double the current program level. The report goes on to say that to support such an increase we would have to nearly triple the current four cents per gallon gas tax.

Several months ago George Will, the distinguished syndicated columnist, wrote an article on "What Potholes Say About Us," in which he indicated that system "maintenance as well as original construction is a measure of a society's vitality. It is also a measure of maturity, of the willingness to make timely provisions for the future. By this measure, America is increasingly deficient."

While last winter's potholes may have been temporarily filled, the deterioration of our Nation's highway system continues. Newsweek magazine recently did a feature story on the "Decaying of America" which recounts the problems of our highway system and notes the cost to Americans of our decaying physical plant. The article states:

> In Houston, for example, city planners estimate that motorists pay a "traffic congestion tax" of $800 a year in time and gasoline wasted on the city's snarled expressways.
>
> TRIP, the road information program, estimates that bad roads cost the private sector upwards of $30 billion annually for everything from broken axles to lost business.

Last year the Government Accounting Office (GAO) completed a report on "Deteriorating Highways and Lagging Revenues." The report again cited the deterioration of our Nation's highways, particuularly the interstate system, and the need for billions of dollars to solve the problem. The report goes on to say that if the problem is not addressed in a timely manner it will cost even more.

The Senate Environment and Public Works Committee reported S. 2574, the Federal-Aid Highway Act of 1982, on May 26, 1982. This legislation provided authorizations for 4 years from fiscal year 1983 through 1986. This bill continued the shift in emphasis from new construction to the rehabilitation of existing roads and bridges. It also provided increased flexibility for the States so that scarce resources could be directed to their highest priorities.

At the same time, the Senate Environment and Public Works Subcommittee on Transportation held a series of hearings on the needs of the Federal-Aid Highway System versus the existing revenues coming into the highway trust fund, and allocation of highway costs among the various highway user classes.

I have supported an increase in the Federal highway user fees as one way of providin ; urgently needed revenues to support the completion of the interstate system, and to rebuild existing Federal-aid highways and bridges. The committee has collected a substantial amount of evidence which shows the large cost of deferred maintenance. I firmly believe that further postponing the necessary repairs and rehabilitation is false economy for all of us and for all the taxpayers whom we represent.

However, it appears that the revenue issue will not be addressed this year, and the consideration of increased revenues for the program must be done this year. Authorizations for the Federal-aid highay program will end on this October 1. We again find ourselves in the position of providing stop-gap legislation so that the States' highway programs can continue without serious disruption. In order to authorize the programs even for fiscal 1983 at the existing level of $8 billion, a 1-year extension of the highway trust fund is required. Without this extension only approximately $6.5 billion in new authorization can be made available to the States.

The Highway Trust Fund extension is within the jurisdiction of the House Ways and Means and Senate Finance Committees. The House has not yet passed a simple, 1-year extension of the highway trust fund. I hope they will do that very soon to that we can go forward with a 1-year authorization of the highway program. If this does not occur, we will make further adjust-

ments to remain within the available funds currently in the highway trust Fund. I want to express my appreciation to the distinguished chairman and ranking member of the Finance Committee (Mr. DOLE and Mr. LONG) for their cooperation and efforts in resolving a very difficult problem.

I believe the highway program works best when multiyear authorizations are provided to the States so the long range planning so critical for large, costly construction projects can be accomplished. Unfortunately, under the circumstances this cannot be done. It is my hope that Congress will begin early next year to provide long term funding for the highway program. I will certainly do everything I can as chairman of the subcommittee to make sure that happens.

Senator RANDOLPH has already touched on this subject and made the point that what the people need, the engineers and builders of the roads, is to have a program that is laid out over several years so that the best, wisest use of these dollars can be spent and the best and most amount of road per dollar can be achieved.

The amendment being offered to S. 2574 in the nature of a substitute provides a 1-year authorization for the Federal-aid highway program. It provides $3,300,000,000 for the interstate construction program, $1,000,000,000 for the interstate 4R program, $1,500,000,000 for the primary program, $775,000,000 for the urban program, $425,000,000 for the rural program, $1,000,000,000 for the bridge program and funds to carry on the emergency relief program, forest highways, public lands, territorial highways, Indian reservation bridges and roads, economic growth center roads, Great River Road, access highways to lakes, rail relocation demonstration projects, rail-highway crossings, and hazard elimination.

An obligation limitation of $8.2 billion is placed on the Federal-aid program. This is a $200 million increase over last year and a $500 million increase over the President's budget request. While the committee recognizes the need for budgetary restraint, it also believes that the necessity of preserving the reliability of our transportation system justifies this level of spending. This program is also a user fee funded program and the committee believes that revenues collected specifically for the purpose of constructing and rehabilitating highways and bridges should be spent for those purposes.

Mr. President, I want to thank my distinguished colleagues on the Environment and Public Works Committee, particularly our distinguished chairman (Mr. STAFFORD) and ranking minority member (Mr. RANDOLPH), and the very able and distinguished ranking minority member of the Subcommittee on Transportation (Mr. BENTSEN).

Mr. President, this legislation is not all we hoped it would be. It is not the multiyear authorization legislation which I believe is so necessary for this program. It does not provide the level of funds I believe are necessary to address the condition of the Nation's highways. However, I do believe it is the very best legislation that can be achieved at this time and it will continue the highway program without disruption. I urge my distinguished colleagues to pass S. 2574, as amended.

UP AMENDMENT NO. 1372

Mr. ROBERT C. BYRD. Mr. President, I send an amendment to the desk, which is an amendment to the substitute. I do it on behalf of my distinguished senior colleague (Mr. RANDOLPH) and myself, Mr. FORD, and Mr. HUDDLESTON of Kentucky, and I ask that it be stated by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD), for himself, Mr. RANDOLPH, Mr. HUDDLESTON, and Mr. FORD, proposes an unprinted amendment numbered 1372 to the unprinted amendment numbered 1371.

Mr. ROBERT C. BYRD. Mr. President, I ask that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, insert the following:

ENERGY IMPACTED ROADS

SEC. 110. (a) Section 105 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) In preparing programs to submit in accordance with subsection (a) of this section, the State highway departments may give priority to projects for the reconstruction, resurfacing, restoration, or rehabilitation of highways which are incurring a substantial use as a result of transportation activities to meet national energy requirements and which will continue to incur such use, and in approving such programs the Secretary may give priority to such projects.".

(b) Section 120 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(k) Notwithstanding any other provision of this section, the Federal share payable on account of any project under this title to reconstruct, resurface, restore, and rehabilitate any highway which the Secretary determines, at the request of any State, is incurring a substantial use as result of transportation activities to meet national energy requirements and will continue to incur such use in 85 per centum of the cost of such project.".

IMPROVEMENT OF ENERGY-IMPACTED ROADS

Mr. ROBERT C. BYRD. Mr. President, this amendment addresses a problem affecting communities throughout West Virginia and the Appalachian and midwestern regions of our country.

My amendment places greater emphasis on the improvement of energy-impacted roads. In particular, my amendment will contribute to greater efficiency in the coal transportation system and help alleviate congestion along highways throughout my State and other coal-producing regions.

The expansion of coal production that has occurred in the last decade has benefited the Nation by reducing our dependence on foreign oil and providing our citizens with employment.

The typical coal-hauling vehicle in the Appalachian region is a double rear axle tandem rig with a rear axle capacity of 55,000 pounds. These trucks often reach a gross weight of 80,000 pounds when loaded. The heavy use of highways by these kinds of vehicles increases the wear and tear on the roads.

However, the people who live along the roads are the ones who suffer the most from this situation. Many West Virginia communities are built along narrow valley walls with a single highway running through the middle of the town. With massive coal trucks traveling through the town almost continually, the resulting dust, noise, and congestion becomes severe.

My amendment provides a mechanism by which these people will be able to be relieved of the worst of these factors. Under my amendment, State highway officials will be able to receive an increase in the Federal share of road improvements when they affect highways used heavily for coal or other energy transportation. The increased Federal share will be 85 percent of the cost of the improvement projects; an increase from the 75-percent Federal share that States currently receive.

The improvement projects for coal-haul roads would be directed at resurfacing, restoration, reconstruction, and rehabilitation of the highways that are put to heavy energy transportation use. This includes a very substantial proportion of West Virginia's highways. More than 43 million tons of coal from West Virginia moved on the State's highways for at least one portion of its transportation from minesite to end user in the mid-1970's. That tonnage accounted for 58 percent of all coal produced at that time.

I would like to thank Senator RANDOLPH, the distinguished ranking member of the Committee on Environment and Public Works, for his diligence and assistance in connection with this matter. I also thank the very distinguished chairman of the committee for his cooperation on this amendment. The distinguished Senator from Kentucky, Mr. HUDDLESTON, deserves warm thanks for his knowledge and perseverance on this subject. As always, the majority leader has my thanks and appreciation for his efforts

to expedite consideration of my amendment.

Mr. HUDDLESTON. Mr. President, I am extremely pleased to join the distinguished minority leader in submitting this amendment, in which highways used to transport our Nation's energy supplies can receive the attention due them. This amendment is the latest in a long series of efforts on my part to see that we give that attention to problems caused in areas that provide the fuel to run the Nation's factories and heat our country's homes.

Mr. President, the energy transportation system of America is in a shambles. A 1978 study by the Department of Transportation, which was authorized by an amendment of mine to the 1976 highway bill, indicated that there is an approximately $4 billion backlog of reconstruction needs on this system.

The amendment we offer today provides no new money for these repairs; however, it does reemphasize the commitment of the Federal Government to redressing the problems resulting from the production and transportation of the Nation's energy supplies.

Our amendment would increase from 75 percent to 85 percent the Federal share of funding for those portions of the Federal Highway System which are designated by the Governor of the State and approved by the Secretary of Transportation as being part of the Energy Transportation System.

I am particularly pleased to be a cosponsor of this amendment because of my longtime involvement in attempting to secure Federal attention to the care and restoration of our vital Energy Transportation System.

The Department of Transportation report mentioned above also concluded that in the long run, a source of financing distinct from Federal highway-aid funds would be necessary in these areas. The National Transportation Policy Study Commission, in its final report, pointed to a projected sixfold increase in the use of energy impacted roads. The amendment that we present today does not, of course, establish a new funding mechanism outside of the trust fund for the repair and reconstruction of the highways in question. However, I do believe that it will, at the very least once again reemphasize the national nature of the deteriorating energy impacted road system.

Kentucky, for example, finds itself in the precarious position of being potentially unable to continue to effectively supply its share of the country's energy needs due to the rapidly deteriorating coal transportation system. Kentucky presently has approximately 3,000 miles on the Federal Highway System that are being used to haul coal.

Mr. President, in closing, let me once again say that this amendment is indeed a further recognition of the burden that will be placed on our transportation facilities by the activities required to meet national energy policy objectives. Examples of these activities are the search for and production of more domestic oil, the development of synthetic fuel from coal, and the conversion of facilities from oil to coal. Each of these activities, as well as the already clearly identified ones such as domestic coal production, will result in increased use by heavy vehicles on the Energy Transportation System. The change in the formula which we offer today should provide States with the opportunity to stretch already tight highway budgets, and I urge the support of my colleagues for this amendment.

● Mr. SCHMITT. Mr. President, I am pleased to cosponsor the Byrd amendment and urge its adoption as a fundamental building block in our national effort toward energy self-sufficiency.

Our national coal assets represent our most dependable energy resource. The United States presently imports one-third of its total energy supplies, and we can expect this figure to return or even surpass the levels reached just a few years ago when we were most radically at the mercy of foreign sources.

Our economy is on the road to recovery. Even with continued conservation efforts, our energy demands will increase to keep pace with expanding production and industrial growth.

Adoption of this measure means a commitment to the necessary infrastructure that is fundamental to stable energy supplies. Access to our coal reserves must be considered a priority that precedes and keeps pace with the expanding coal markets. In the West, this is particularly important as coal leasing on Federal lands begins to accelerate. Better transportation corridors, safer highways, and increased access are all part of our Federal commitment to energy self-sufficiency and I believe that this amendment is in accord with that commitment. I urge my colleagues to support this goal and vote in favor of this amendment.●

Mr. STAFFORD. Mr. President, we have examined this amendment on behalf of the majority, and we are prepared at this point to accept it.

The PRESIDING OFFICER (Mr. MATTINGLY). Is all time yielded back?

Mr. STAFFORD. I yield back our time.

Mr. ROBERT C. BYRD. I yield back ours.

The amendment (UP No. 1372), was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STAFFORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished manager of the bill Mr. STAFFORD.

UP AMENDMENT NO. 1373

Mr. DANFORTH, Mr. President, I send an amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri (Mr. DANFORTH) for himself and Mr. EAGLETON proposes an unprinted amendment numbered 1373 to the committee substitute, UP amendment No. 1371.

Mr. DANFORTH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

"SEC. . Section 10526(a) of title 49, United States Code, is amended—

"(1) by striking 'or' at the end of paragraph (12);

"(2) by striking the period at the end of paragraph (13), and inserting in lieu thereof '; or'; and

"(3) by adding at the end thereof the following:

'(14) transportation of broken, crushed or powdered glass.'.

"SEC. . Section 508 of the Airport and Airway Improvement Act of 1982 is amended by adding at the end thereof the following new subsection:

"'(e) USE OF CERTAIN APPORTIONED FUNDS FOR DISCRETIONARY PURPOSES.—(1) Subject to paragraphs (2) and (3), if the Secretary determines, based upon notice provided under section 509(e) or otherwise, that any of the amounts apportioned under section 507(a) will not be obligated during a fiscal year, the Secretary may obligate during such fiscal year an amount equal to such amounts at his discretion for any of the purposes for which funds are made available under section 505.

"'(2) The Secretary may make obligations in accordance with paragraph (1) only if the Secretary determines that the total of obligations for such fiscal year for purposes of section 505 will not exceed the amount authorized for such fiscal year under section 505(a) and if the Secretary determines that sufficient amounts are authorized under section 505(a) for later fiscal years for obligation for such apportioned amounts which were not obligated during such fiscal year and which remain available under section 508(a).

"'(3) For purposes of amounts apportioned for fiscal year 1982, the Secretary may make the determinations under paragraphs (1) and (2) on or before October 30, 1982. For purposes of any limitation on obligations imposed by law, amounts obligated in accordance with this subsection on or before October 30, 1982, shall be deemed to have been obligated during fiscal year 1982 to the extent that such amounts, when added to amounts obligated on or after October 1, 1981, and before October 1, 1982, for purposes of section 505, do not exceed $450,000,000.'

Mr. DANFORTH. Mr. President, this amendment, which is offered by Senator EAGLETON and myself, will do two things: First, it will exempt from

Interstate Commerce Commission regulation the transportation of broken, crushed, or powdered glass. This part of the amendment I am offering on behalf of Senators GOLDWATER and HEFLIN.

Second, the amendment would clarify the intent of Congress concerning a provision in the recently passed ADAP legislation to continue the existing practice allowing the Secretary of Transportation to make discretionary grants to replace unused apportionment funds.

Mr. President, I believe this amendment is cleared on both sides of the aisle, and I move the adoption of the amendment.

Mr. STAFFORD. Mr. President, I know of no objections to the amendment on this side of the aisle. I am prepared to accept the amendment on behalf of the majority.

Mr. RANDOLPH. Mr. President, I join with the Senator from Vermont, who is knowledgeable in this field. We in the minority have checked the presentation of the able Senator from Missouri, and we are glad to accept the amendment.

The PRESIDING OFFICER (Mr. JEPSEN). Is all time yielded back?

Mr. DANFORTH. I yield back the remainder of my time.

Mr. STAFFORD. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri (Mr. DANFORTH).

The amendment (UP No. 1373) was agreed to.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STAFFORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

UP AMENDMENT NO. 1374

Mr. ANDREWS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota (Mr. ANDREWS) proposes an unprinted amendment numbered 1374.

Mr. ANDREWS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the substitute add the following:

Section 127 of title 23, United States Code is amended by striking: "width in excess of ninety-six inches" and in lieu thereof inserting: "vehicle width limitation of not more or less than one hundred and two inches on any segment of the National System of Interstate and Defense Highways, or any other qualifying Federal-aid highways as designated by the Secretary of Transportation, with traffic lanes designed to be a width of twelve feet or more".

At the end of section 127 insert the following: "Notwithstanding any limitation relating to vehicle widths contained in this section, certain safety devices which the Secretary of Transportation determines as necessary for safe and efficient operation of motor vehicles shall not be included in the calculation of width, a State may grant special use permits to motor vehicles that exceed one hundred and two inches, and no withholding of apportionment shall be imposed upon a State by virtue of the width limitation provisions of this section prior to October 1, 1983.".

Mr. ANDREWS. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ANDREWS. Mr. President, my amendment is a simple one. It changes the truck width from the present 96 inches mandated some 2 decades ago when Federal highways were 22 feet in width to 102 inches on Federal highways which are now of 24 foot widths.

As the chairman of the Transportation Subcommittee, Mr. President, we have studied how we can better facilitate the transportation needs of our country. In our study, we found that this simple change, which allows trucks to be the same width as buses on the Federal highway system of 24 feet, would save upwards of $4 billion annually to the consumers of this country.

This amendment was passed out as part of an appropriations bill by a vote of 18 to 4 in the Appropriations Committee. We were thinking of referencing it to the continuing resolution last night. We felt, however, that to do so might add to the debate time on that measure, and so the majority leader and others graciously suggested that we add it as an amendment to this bill at this particular time.

Mr. President, for the past 25 years, as I said, since the passage of the Federal Aid Highway Act of 1956, the Federal Government has been involved in the regulation of truck size limits on the Interstate System. The genesis of the present 96-inch vehicle width evolved from an old railroad standard wherein the typical inside width dimension of a boxcar was 96 inches. Given the standard 22-foot, 2-lane highways that predominated prior to the massive highway construction activity that started in the 1950's, a 96-inch width appeared reasonable at that time, and the Federal-Aid Highway Act of 1956 froze the vehicle width standard at 96 inches.

No one realized at that time that a 96-inch outside width on trailers would preclude putting 96-inch wide loads inside those trailers. So you cannot accommodate two 4 by 8 pallets side by side

Mr. President, I think it is important to point out that my amendment constitutes a modernization of the existing Federal requirement rather than the imposition of a new one, and in no way infringes on States' rights. In addition, States are given a full year before uniform compliance is required.

Since passage of the 1956 Highway Act, 22 States allow trucks wider than 96 inches to travel on their interstates by special permit.

Greater incidents of accidents or fatalities on the interstates of these States because of the 6-inch width differential have not been documented. To the contrary, if one would separate reality from rhetoric, independent studies done by the State of Iichigan and the Western Highway Association, among others, indicate that wider trucks are safer trucks because they have a lower center of gravity which provides more stability and prevents fishtailing.

Mr. President, I think it is extremely important to point out that this would allow trucks to be the same width as buses that now travel these highways. So there is not an addition of some wider vehicle than is now allowed on the Nation's highways.

Further, the argument that an additional 6 inches would cause greater wear on our highways is totally specious. Goods like forest products, sanitary papers, glass products, grocery products, and household moving items, among many others, are shipped on 4 by 8 foot pallets. These pallets are impossible to fit side by side in the current, federally mandated 96-inch dry van. Many of these goods, especially forest products, must be shipped in half-empty vans or on equally inefficient flatbeds. Additionally, 4 by 8 foot pallets, placed end to end, "cube out" long before they "gross out." Quite simply, that means that the trucks fill by volume before they reach legally allowable weight limits.

Were is the logic and commonsense in shipping half-empty trucks West to East, using unnecessary amounts of fuel? Where is the logic, Mr. President, in adding the cost to the grocery customers? I have a telegram from the Grocery Manufacturers Association that they think this change would save the grocery industry $561 million a year. Where is the logic, Mr. President, in forcing an additional tax on the food cost of the consumers of this country of over a half billion dollars a year?

And, most importantly, to those who argue that 6 inches will ruin the highways, where is the logic in using more

trucks and traveling more miles half empty on the interstate system, bouncing up and down, because you have to make those extra trips? Where is the economy? Where is the commonsense? Most importantly, who pays the additional freight cost and suffers from the additional unnecessary use of the highways by increased numbers of trucks bearing half loads? The public, of course.

That is why, Mr. President, I think the time has come for the adoption of this simple change in updating truck widths on our Federal highways, which have gone from 22 to 24 feet. The standard law today says 96 inches on 22-foot double lanes. My amendment would say 102 inches on 24-foot double lanes. There is virtually the same passing room under my amendment as there is in the language that is now in the law.

Mr. President, I urge the adoption of my amendment.

Mr. STAFFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. STAFFORD. Mr. President, I think, first, I would invite my dear friend and long-time colleague in both the House and the Senate, Senator ANDREWS, to drive up the New Jersey Turnpike to New York and back today and see what his impression is as a result of that drive in connection with the very large trucks that now exist and what it would be like if he was to be sandwiched in two lanes of trucks that are 6 inches wider than those that exist today.

Mr. President, there is at present a major public policy debate about our deteriorating highway system and the appropriate types of highway user taxes necessary to finance that system. There has been no change in the Federal highway excise tax structure since 1959, and in the more than 20 years that have passed since then, we have witnessed a number of troubling developments: First of all, many of our highways and bridges are in serious stages of deterioration; repair and construction costs are soaring; highway trust fund revenues now appear stagnated; and all the while heavy trucks are increasing in weight and size.

Earlier this year the Department of Transportation submitted to Congress a comprehensive study of highway cost allocation among the various vehicle classes—from motorcycles to the heaviest combination trucks. One of the most important conclusions of that study was that heavy trucks are paying only about 65 percent of their fair share of Federal road use taxes.

Tax rates on heavy trucks have, as I mentioned, not changed since 1959, and yet those vehicles are heavier, longer, wider, and traveling our Nation's highways in far greater numbers than before. Many pavement experts see a direct connection between heavy trucks and highway damage. There are, not incidentally, several safety questions posed particularly where the big combination wide trucks are concerned.

At a time when overall authorizations for the Federal highway program are about to expire, I believe this is not the time to consider a matter as controversial as increased truck widths. I firmly believe that if we are to increase Federal highway revenues to the levels necessary for repairing and maintaining our national highway system, we must insure that all vehicle classes, particularly those heavy trucks which are responsible for a large share of the damage done to our roads, pay their proper share of the costs. It is obvious to me that the issues of truck sizes and weights, pavement damages, road repair costs, and road user taxes are all related and should be considered as a major legislative package next year when there will be an opportunity for a thorough discussion of these important policy issues.

The existing subsidy to heavy combination trucks has been documented in numerous Federal and State cost allocation studies. Because of that subsidy, other highway users are forced to pay more than their cost responsibility making for an inequitable tax structure. The railroad industry is also at a significant disadvantage in competing with the motor carrier industry as rail rates are set correspondingly to truck rates. By some estimates as much as 70 percent of the rail revenue is derived from truck competitive freight. If trucks are, in fact, making as large an underpayment as the studies indicate, this obviously gives them an enormous competitive advantage.

The Andrews amendment would require all States to adopt a 102-inch width standard for trucks using interstate and primary roads. The penalty would be severe—loss of Federal highway aid. At present the Federal width standard is 96 inches. States are now allowed to set their own width standards for roads not on the Interstate System. They are also allowed to issue special permits for wider loads on the interstate on a one-time basis. This Senator is not convinced that we now have adequate information in this area to know what kind of impact such provision has on safety and on the entire Federal aid highway system.

I am also deeply concerned that States have the discretion to set their own width standards—indeed, that is part of the new Federal system concept—as they have been allowed to do in the past. To mandate truck widths at the Federal level seems to me to be unnecessary and unwise.

I urge my colleagues, therefore, with great regret, because of my great affection for my friend from North Dakota, Senator ANDREWS, to reject consideration of increased truck widths at this time.

Mr. RANDOLPH. Mr. President, how much time remains for the discussion of this amendment?

The PRESIDING OFFICER. The Senator from North Dakota has 3 minutes 38 seconds. The Senator from Vermont has 5 minutes 29 seconds.

Mr. PERCY. Would the distinguished Senator yield 1 minute?

Mr. STAFFORD. I yield with the request that the time not be taken from my remaining time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, for many years I have worked to make our Nation's highways more safe. I was a chief sponsor of the 55-mile-per-hour speed limit. I introduced a Truck Safety Act in an earlier Congress. Last year, with the generous support of the chairman of the Subcommittee on Transportation, Mr. SYMMS, I succeeded in deleting an amendment in the committee reported highway bill that would have mandated an 80,000-pound truck weight limit for all States. I have consistently opposed efforts to increase the weight and size limits on trucks.

The matter before us however, is not an issue of highway safety or truck sizes and weights. Rather, it is a question of whether we will make our transportation system more efficient; whether we will bring our standards for trucks in conformance with our standards for buses; whether we will bring our standards in conformance with our Canadian neighbors; and, whether we will modernize a width standard that was more appropriate in an era of narrower highways.

I fully support an increase in the Federal truck width limitation to 102 inches on Federal highways with lane widths of at least 12 feet. In my judgment, increasing the width limitation will lower trucking costs and prove to be beneficial to the national economy.

Not at issue here are truck length and weight limitations which, if increased, would expedite highway deterioration. That subject should be addressed during consideration of a gasoline tax increase—which I would support—and a more appropriate allocation of such a tax increase, or user charge—which I would support.

Mr. President, I ask unanimous consent that a letter from Illinois Transportation Secretary John Kramer in support of a 102-inch-width limit be placed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ILLINOIS DEPARTMENT
OF TRANSPORTATION,
Springfield, Ill., September 24, 1982.

Hon. CHARLES H. PERCY,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR PERCY: As you are aware, the FY 1983 US DOT Appropriations bill reported by the Senate Appropriations Committee, S. 2914, included a provision essentially requiring states to permit 102 inch wide motor vehicles to operate on any highway traffic lanes at least 12 feet wide. Illinois law currently restricts motor vehicles to 96 inches but the Illinois Department of Transportation is willing to support such a change. We agree with the arguments in the Senate Appropriations Committee Report that increasing the width limitation would lower trucking costs and thus be beneficial to the national economy. Our State would clearly benefit from such a change.

We feel that this change in the federal law must be scheduled to allow states time to amend their laws and to review their state revenue structures. The October 1, 1983 effective date in the bill would adequately solve this problem.

I want to emphasize that the width issue is entirely separate from the large issues of heavier and longer trucks. The heavy truck issue involves the question of additional revenue to pay for increased road damage and the longer trucks issue raises significant safety concerns.

Thank you for your continuing interest and cooperation in working toward adequate transportation funding for Illinois.

Sincerely,

JOHN D. KRAMER.

Mr. STAFFORD. Mr. President, I yield 3 minutes to my distinguished colleague from West Virginia.

Mr. RANDOLPH. Mr. President, I oppose the amendment that is presented to us by the able Senator from North Dakota (Mr. ANDREWS). He seeks to increase the maximum width of trucks or truck-trailer combinations to 102 inches.

Under our existing law, the maximum width, as we know, is limited to 96 inches.

There are two reasons why I am against the amendment.

The first would be explained very briefly, because we know that the existing requirement has been the law for over 20 years and has been effective. Many States which have a need for wider trucks have successfully used the permit system.

The second reason of opposition: If the Senate is to give consideration to wider trucks, this, I respectfully bring to the attention of the Senator, should be next year, not in the Senate today, when we in the Congress, as Senator STAFFORD has said, will consider the extension of the highway trust fund. That will associate itself with increased taxes.

This Congress is not the one to deal with this specific point that is raised, but the Congress next year will consider the issue of reallocation of taxes which go into the highway trust fund, because of the disparity of associated highway costs among the various classes of users.

I do know that there is a certain appeal—I recognize it—in this amendment. But the realistic look at it calls, I believe, for its defeat.

Mr. STAFFORD. I thank the distinguished Senator. I am prepared to yield the remaining time to my friend from New Mexico.

Mr. SCHMITT. Mr. President, I thank the distinguished Senator from Vermont.

I would like at this point to deal largely with the question of deterioration. We will have a discussion of other issues in connection with the Eagleton-Schmitt substitute.

It is important to realize that in spite of statements to the contrary, the average axle weight on trucks traversing the Nation's highways will increase under this amendment, even though it does not deal directly with weight. There will be greater loading in those trucks and the actual weight will increase.

The Department of Transportation estimates it takes an average of $5.9 billion a year to maintain just current conditions on the Federal highway system, not to mention the cost of the State systems, and that is just current conditions, again not to mention what it is going to take to repair our system which is deteriorating rapidly.

In 1978, more than 55 percent of the mileage or each type of highway, excluding the Interstate System, was rated as fair or poor by the Department of Transportation, and 42 percent of the interstate highways were rated fair or poor.

The deterioration of the roads stems from many factors, including weather, lack of maintenance funds, and lack of maintenance process, but also the increasing weight of heavy trucks on highways.

The five-axle combinations doubled their numbers from 4.2 percent in 1969 to 8.7 percent in 1979. Increased axle weight is important because it has an exponential effect in terms of danger caused on highways. What exponential effect means is that a change of 2,000 pounds, from 8,000 to 10,000 pounds, is equivalent to a few hundred extra cars on the highways, and a change of 2,000 pounds from 18,000 to 20,000 pounds is equivalent to a few thousand extra cars on the highways. It gets worse from there on up.

In addition, thousands of bridges are in inadequate condition in the State and interstate highways already and this will just increase that by thousands, literally thousands, more.

So it is an amendment whose time may come when we have a highway system, both the Federal and State highway system, capable of handling these increased weights, but its time has not come.

As the distinguished senior Senator from West Virginia has indicated, we will have to deal with that issue next year and then we can decide whether we can find a point in the future where it is appropriate to preempt State law. Let us remember what this amendment does. It preempts State law. As a consequence, the National Conference of State Legislatures and the National Governors Association both have taken a position in opposition to this amendment. They are not ready, Mr. President, and we ought to listen to them. This amendment should not be agreed to.

Mr. STAFFORD. Mr. President, is there any time remaining?

The PRESIDING OFFICER. There are 34 seconds remaining.

Mr. STAFFORD. Mr. President, I shall reserve 34 seconds if the proponent of the amendment has a statement he wishes to make.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. ANDREWS. Mr. President, let me reiterate in response to my distinguished collegues and good friends: There is always tomorrow. We have waited years and years for this change.

Let me also state that this would not affect weight by a single pound. Given trucks' modern suspension, a truck flows best over the road when it is loaded at its proper design weight. If the truck is empty, Mr. President, that truck hammers and bounces up and down and actually causes more deterioration than a properly weighted truck.

My amendment, in response to my good friend from Vermont—and I have been just as frustrated with those traffic jams around trucks as he has—would significantly reduce the number of trucks on highways by about 25 percent, because it would allow them to be more adequately loaded.

There is no sense in having an empty truck or half-empty truck bouncing along the highways, burning up fuel we have to import from the OPEC countries when we are concerned with what is happening in the Middle East.

Let me say one other thing we have found in our subcommittee; we cannot get away from the standard-size pallet. From testimony we have had in our committee—we have heard from the freight airlines, Pan Am, the Flying Tigers, and others—all point out that the cargo pods in the 747 are exactly 96 inches. When that load has to be transshipped 100 to 200 miles, it would save millions of dollars to the airlines of this country and to the consumers they serve if they could ship those pods to consumers in vehicles that could accommodate 96-inch-wide loads.

Let me point out again, Mr. President, that the standard unit of pallets for goods in this country is 96 inches. It is time we moved up to that standard, after 20 years of constructing 24-

foot highways to replace the old 22-foot, where we mandated a 96-inch-wide truck—I think it is time to move to a 102-inch-wide truck. Consumers have waited a long time. They are concerned about a do-nothing Congress. I think it is time we respond to their concerns.

I yield to my good friend from Idaho.

Mr. McCLURE. Mr. President, how much time remains?

The PRESIDING OFFICER. One minute, seven seconds.

Mr. McCLURE. I thank the Senator from North Dakota for yielding. I appreciate his initiative.

I say to my friend on the Environment and Public Works Committee, where I served for a number of years, that I understand their concern with respect to legislation coming from an appropriations committee. I suppose I am colored by both sides of that question, having served on the authorizing committee, now serving on the Appropriations Committee.

This is not a new issue, Mr. President. It has been around a long time. It was a painful and difficult road to progress with respect to bus widths. It took us years before we were able to break the barrier and allow buses to modernize on their widths, which was eventually accomplished against the opposition and against the arguments that have been presented here with respect to trucks, in many respects.

Let me ask: What has been the history of that, since the bus width change? Has it caused any problem? Have we had any adverse reaction? Have there been any accidents caused? Has there been congestion on the highways because of it?

The answer in every instance is "no." It has been a very good development with respect to buses.

The same thing is said with respect to trucks. I share the conviction of my friend from the Appropriations Committee (Mr. ANDREWS) that, indeed, this has the potential for relieving congestion on the highways, not enhancing it.

The PRESIDING OFFICER (Mr. ABDNOR). The Senator's time has expired.

Mr. McCLURE. Mr. President, I say to my friend from New Mexico that it simply does not have any direct effect upon weights.

The PRESIDING OFFICER. The Senator from Vermont has 34 seconds.

Mr. STAFFORD. Mr. President, in the remaining time, I say to my dear friend (Mr. McCLURE) that, of course, there is a difference between buses, which are not all that heavy and do not do that much damage to our highways, and very heavy trucks in the heaviest category, which truly are probably the principal source of deterioration of our Federal highway system, as the good Senator knows.

Mr. President, I am prepared to yield back what time I may have in opposition to the Andrews amendment.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

UP AMENDMENT NO. 1375

(Purpose: To provide certain discretion with respect to truck widths)

Mr. EAGLETON. Mr. President, I have a substitute amendment at the desk on behalf of myself and Senator SCHMITT which I ask to have immediately considered.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Missouri (Mr. EAGLETON) for himself and Mr. SCHMITT, proposes an unprinted amendment numbered 1375 as a substitute for unprinted amendment numbered 1374.

Strike out all after "Viz:" and insert in lieu thereof the following:

At the end of the bill, add the following new section:

SEC. . (a) Section 127 of title 23, United States Code, is amended by adding at the end thereof the following: "Notwithstanding any other limitation relating to vehicle widths contained in this title, a State may permit trucks or combinations thereof having a width of not more than 102 inches to operate over interstate highways, National Defense Highways, or any other qualifying Federal-aid highway as designated by the Secretary of Transportation, with traffic lanes designed to be a width of 12 feet or more.".

(b) The width limitation described in the preceding subsection shall be exclusive of safety-related appendaces, such as rear view mirrors, turn signal lamps, marker lamps, steps and handholds for entry and egress, flexible fender extensions, mud-flaps and splash and spray suppressant devices, load-induced tire bulge, energy conservation devices or designs, refrigeration units or air compressors, which the Secretary of Transportation may interpret as necessary for safe and efficient operation of commercial motor vehicles.

(c) No State may enact or enforce any law denying reasonable access to commercial motor vehicles subject to title 23, United States Code, to and from the Interstate Highway System and the Federal-aid primary system and terminals and facilities for food, fuel, repairs, and rest.

Mr. EAGLETON. Mr. President, I ask for the yeas and nays on the Eagleton substitute.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. EAGLETON. Mr. President, I am somewhat bemused to see an amendment offered from the other side of the aisle which does such violence to the right of States to make their own decisions as to what is safe and what is unsafe on their own highways. After all the rhetoric about States rights, after all the talk about New Federalism, here we stand considering an amendment which would use the familiar old club of cutting off Federal aid if States do not knuckle under to dictates from Washington. In my own State of Missouri, the question of larger trucks goes beyond the right of States to decide themselves—it goes to the right of the people to be heard. In Missouri, the people have spoken by referendum against larger trucks on their highways, at least until there is some fairer sharing of costs for the highway damage that results.

It is true that the Missouri referendum did not specifically concern width. That was simply because Federal law did not permit any flexibility on this standard. But, I can assure the Members of this body that the width of trucks is every bit as controversial as length and weight from the point of view of someone trying to pass one of those dinosaurs on the highway.

The Department of Transportation, in its recent highway cost allocation study, concluded that heavy trucks are not now paying a fair share toward repairing the damage they cause.

My objection to the proposed Andrews amendment is threefold:

First. It would force States to adopt a width standard which may meet the convenience of certain specialized shippers, but which is strongly opposed by large segments of the driving public. The amendment ignores the fact that people are highway users too and should have some say about how our highways are used. High gasoline prices have forced an increasing number into smaller cars and they are, with reason, concerned about trucks getting larger and larger.

Second. The Andrews amendment trys to break off the question of truck width from all the other considerations—length, weight, and adequate user charges—which ought to be taken up as a package. This amendment does not even take effect until October 1, 1983, so there is nothing urgent about acting on it now. It is unnecessary and harmful to look at only one dimension of what is a much larger problem.

Third. Finally, Mr. President, the amendment offered by the distinguished Senator from North Dakota goes beyond the recommendations of the Senate Commerce Committee which in S. 1402, now pending on the Senate Calendar, called for a permissive—not mandatory—102-inch width standard. That was done by amendment in committee after careful consideration of all the testimony. I quote from the committee report:

The Committee believed that present Federal law on truck width is too restrictive. States should be allowed to permit trucks up to 102-inches in width to operate on the interstate highways within the State. The amendment agreed to by the Committee will give the States the flexibility to balance highway damage and cost, producitivity and safety.

Mr. President the Eagleton-Schmitt amendment simply incorporates the recommendation of the Senate Com-

merce Committee. It would allow those States which are willing to adopt a 102-inch standard to do so. Those who feel it is not appropriate, given the condition of their particular interstate highways and access roads, would have the discretion to stay with the 96-inch standard.

Finally, Mr. President, I ask that letters previously referred to by Senator SCHMITT for the National Governors Association, the Environmental Policy Center, and the National Associations of State Legislatures be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. EAGLETON. Mr. President, I think any legislation at this time dealing with the width or with any other dimension of heavy trucks is inappropriate and unwise, but if we are going to yield to the convenience of certain industries who want wider trucks to carry their product, then I think we should give the States the flexibility to do otherwise when the interest of public safety and highway damage dictate. Therefore, the Eagleton-Schmitt substitute would make this amendment permissive, not compulsory.

EXHIBIT 1

NATIONAL CONFERENCE OF STATE LEGISLATURES,
Washington, D.C., September 20, 1982.

Hon. THOMAS F. EAGLETON,
U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

DEAR SENATOR EAGLETON: On behalf of the National Conference of State Legislatures I would like to thank you for supporting the position of the states in opposing the provisions in the Department of Transportation and Related Agencies appropriations bill mandating a 102 inch width for trucks using federal aid highways with a twelve foot lane width. We appreciate your support both at the subcommittee and full committee level.

NCSL remains hopeful that the 102 inch truck width mandate will be removed from the transportation appropriations bill on the Senate floor or in conference committee. We hope you will continue your efforts to oppose this provision. If we can be of any help, please call our transportation staff director, Ralph Craft at 737-7004.

Sincerely,

WILLIAM F. PASSANNANTE,
Speaker Pro Tem and President.

ENVIRONMENTAL POLICY CENTER,
Washington, D.C., September 15, 1982.

Senator THOMAS EAGLETON,
Senate Appropriations Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR EAGLETON: The Environmental Policy Center would like to express its opposition to the provision included in H.R. 7019, DOT 1983 appropriations bill, which would require all states to permit 102" width trucks on their federal-aid highways. While objections were raised in subcommittee mark-up, the provision remains in the bill.

We object to this provision on several grounds. First of all, it preempts legislation which was passed by the Senate Commerce Committee, S. 1402. S. 1402 would not require states to have 102" widths on their highways, but rather "permit" such widths. By requiring 102" widths, the federal government would be overriding 49 state legislatures which currently comply with the present 96" width. We do not believe the Commerce Committee should be preempted.

Secondly, we strongly believe that consideration of changes in truck size and weight should not occur before consideration of restructuring of the highway user fee system. As you know, action on such restructuring has been deferred due to President Reagan's expressed opposition to any increases in the federal gasoline tax at the present time. Secretary Drew Lewis, in transmitting the Department of Transportation's Final Report on Highway Cost Allocation to Congress, stated:

"I believe that highway user charges restructuring should be addressed at the same time as changes in allowable truck sizes and weights."

Given the findings of underpayment in taxes compared to cost responsibility of heavy trucks, we find that increases in truck size and weight are particularly inappropriate at the present time. If trucks are allowed to get wider, it is very likely that amendments to allow trucks to get longer and heavier will also be proposed.

Finally, another report by the Department of Transportation, Effect of Truck Size and Weight on Accidents and Traffic Operations (July 1981), points out that while most major highways have 12 foot lanes, many two lane highways have only 9-12 foot lane widths. Trucks of 102 inch widths could pose safety problems as they travel on such highways due to the small margin of safety they will allow. In this regard, the DOT report states:

"Given safety concerns, the Federal government and most states have not looked favorably on these proposals (102" width proposals of the trucking industry)."

We urge the Committee to deter any action on increased truck size or weight until consideration of the entire tax restructuring issue.

Sincerely,

HARRIET HOLTZMAN-PARCELLS,
Washington Representative.

WASHINGTON, D.C., *September 14, 1982.*

Senator THOMAS F. EAGLETON,
U.S. Senate, Dirksen Building, Washington, D.C.

DEAR SENATOR EAGLETON: On behalf of the States, we urge you to oppose language in the Department of Transportation and Related Agency appropriations bill that would force States to raise the allowable minimum width on trucks using the InterState and Primary highway systems to 102 inches. We understand that the full Appropriations Committee will consider the DOT and Related Agencies appropriations bill this week.

We oppose the preemption of State law unless a strong case has been made for preemption and the States have been consulted. Neither condition has been met with regard to mandating a minimum 102-inch truck width.

Forty States, the District of Columbia and Puerto Rico currently limit truck widths to 96 inches. Six additional States limit widths on the InterState System to less than 102 inches. Thus, 46 States would be required to change State law to conform to the 102-inch standard or lose federal highway funds.

No convincing case has been made to justify forcing State legislatures to change their State laws to permit wider trucks on our highways. Therefore, we urge you to withhold action on this issue until a full and thorough examination can be made in the context of multi-year highway improvement and financing legislation next year.

Sincerely,

WILLIAM F. PASSANNANTE,
Speaker Pro Tem, President of the National Conference of State Legislatures.

Gov. Scott M. Matheson,
Chairman, National Governors' Association.

Mr. EAGLETON. Mr. President, I yield the remainder of my time to the Senator from New Mexico (Mr. SCHMITT).

Mr. SCHMITT. Mr. President, I am happy to join with my distinguished colleague from Missouri in the offering of this substitute amendment. The reason is simple. Our amendment gives the States the option of increasing their width standards of motor vehicles to 102 inches but does not mandate the change. It does not preempt State law as the Andrews amendment would. This is a reasonable compromise, although I also agree that even this is premature. Under our amendment the vast majority of States that currently have 96-inch widths would be given the flexibility to carefully evaluate and balance highway damages and costs, productivity, and safety on all Federal-aid highways and State highways which will be indirectly affected before adopting a different standard. However, if the amendment of the Senator from North Dakota is accepted, they will be put in a position of making a Hobson's choice of either adopting the wider standard or lose Federal aid to highway funding. We should not impose this on our States, particularly since 46 States have standards less than 102 inches. 41 States have standards at 96 inches. According to the American Automobile Association, the amendment of the Senator from North Dakota would cause serious potential safety problems.

Although the 102-inch standard would apply only on traffic lanes having a width of 12 feet or more, the lanes do not actually have to be 12 feet. They only have to be designed to a width of 12 feet. The difference is critical. In New Mexico, for example, there are many highways that are part of the Interstate System as well as many more that are part of the State system which have very narrow bridges. We are trying to fix that problem but we have not fixed it yet. These lanes may be designed to a width of 12 feet but in many instances the roadway width is narrowed to 11 feet or less on the bridge deck.

Making the standard permissive rather than compulsory makes good sense. The Commerce Committee also chose to follow this reasonable approach when it considered S. 1402, the

Uniform Motor Vehicle Standards Act of 1981. The Senate should follow suit. I do not believe the Senator from North Dakota has presented a compelling case for preempting State law and mandating a change in the vehicle width limitations that will result in an indirect, I will admit indirect, but nevertheless real increase in average axle loading and will result in accelerated deterioration of our highways. I urge my colleagues to resist the temptation to make this standard compulsory, particularly since the States have not yet been consulted and the costs to the taxpayers in all our States will far outweigh the benefits that may come from larger truck widths.

I reserve the remainder of our time.

Mr. RANDOLPH. Mr. President, how much time remains?

The PRESIDING OFFICER. One minute for the Senator from Missouri, 10 minutes for the Senator from North Dakota.

Mr. ANDREWS. Mr. President, let me point out a couple of things. One, the questions was raised by my colleague and good friend from Missouri: Why the urgency? It cannot be urgent because this does not go into effect until the end of 1983. Let me assure my colleague that the reason for that is to allow the individual and separate State legislatures to take the appropriate action. This is customary in any such change as this. It was done when the 96-inch width was mandated across the country.

Let me also assure my colleague and and good friend from Missouri that those of us on the Republican side of the aisle occasionally do come up with good amendments, and oftentimes those amendments are not taking away the power of the States; that has already been taken away when we mandated 96-inch width trucks. My amendment does more to fall in line with the Constitution as the writers envisioned it some more than 200 years ago where, let me point out, in that famous article I, section 8, it says, "The Congress shall have the power to levy and collect taxes, duties, imports and excises," and it goes on to say, "and to regulate commerce with foreign nations and among the several States."

That was written into the Constitution, Mr. President, because some 200 years ago, we were a collection of rather independent and hardnosed colonies that were not too accommodating to our neighbors. If we had a certain width of carriage coming down the road, it did not necessarily mean that one colony would accommodate the same width. It used to be the same way with the gage of railroad tracks.

Standardization has been one of those things that we have slowly tried to accomplish over those 200 years. It was not too long after the Constitution was written that one of the great Chief Justices, John Marshall, held, as early as 1824, in Gibbons against Ogden that the Federal commerce power was supreme and that it "lawfully extended to all objects directly concerned with commerce even though such regulation might incidentally affect the internal affairs of the States."

Mr. President, coming from my side of the aisle, and I am sure coming from the other side of the aisle, we all realize the importance not only of the Constitution and the wisdom of the Founding Fathers but the interpretation put on it by our great Chief Justice in those early days when we were trying to meld one Nation out of many. We did that and we built a much stronger Nation because of it.

Let me also point out to my colleagues, Mr. President, that the Department of Transportation gave a great deal of study to the safety of 102-inch widths on our Federal highways when it studied exhaustively on September 18, 1973, the issue of the safety of wider buses on city streets and primary highways. One such study was jointly prepared by the National Highway Traffic Safety Administration Research Institute and the Federal Highway Administration Office of Research and Development. I have it here, and it concluded that 102-inch wide buses operating on these highways were not a safety hazard. As a matter of fact, they were something that improved the transportation of our Nation, and Congress went along with that safety report, Mr. President, done some 9 years ago, and allowed 102-inch buses. Now we have a system where you can go from Washington, D.C., to the State of California on a bus that is a wide, comfortable, and safe bus because Congress wisely followed these safety findings.

Mr. President, I mentioned earlier the importance of commerce and the importance of reduced grocery bills with respect to my amendment. I have a letter from Joe Viviano, who is the president of San Giorgio-Skinner Co., which makes pasta products from semolina they get from the State of North Dakota, which comes from our good Durham wheat. Whether he ships North Dakota products or not does not make too much difference, but I think it is typical of the thousands of companies that are going to be able to realize savings and pass them on to the consumers. He says:

> This letter is to let you know that our company endorses and supports completely the bill that has emerged from the Senate Appropriations Committee containing provisions favorable to more efficient trucking, specifically increasing truck size from 96 inches to 102 inches in width.
>
> As I think you know, I am also representing the National Pasta Association as their president and want you to know this association equally supports this bill.

The National Pasta Association, Mr. President, is the group that makes that protein-rich, low-cost, and very nutritious fantastic food for the average people of this country, and they recognize that their costs will be significantly lowered.

He says:

> While this bill may be considered a modest change as compared to most, the bill in my opinion represents those areas of costs that can be greatly reduced by some constructive imagination or ingenuity.

I love those words, because I think the people of this country are totally ticked off at a Congress that seems to be nonresponsive. The only time we can respond is when we get our own tail applied to the blowtorch. Here we have an opportunity to talk about saving $4 billion a year for the consumers of this country, and we hide our heads and say, "Not now." We have had only 15 or 20 years to address this.

I go on with Mr. Viviano's letter:

> Our company, San Giorgio-Skinner, a Division of Hershey Foods, ships pasta products such as macaroni, spaghetti and noodles all with varying density levels. Our normal assorted shipments always cube out before the truckload reaches weight, generally in the 22,000-24,000 pound range. We've calculated the additional 6 inches of allowance for travel on federal highways will add space equal to about 8 percent more weight depending on our final product mix.
>
> The additional 8 percent weight arrives at the destination at no increased cost. What a great way to add 8 percent productivity to the trucking system throughout the federal highways. I have no idea what the national savings might be, but I'm sure it's tremendous.
>
> Again, we endorse wholeheartedly the Bill and ask for your continued support. For your information, I am asking our Vice Presidents in charge of plants in Kentucky, Pennsylvania and Nebraska to in turn write their Senators asking for their support.

Mr. President, this is an isolated incident of one food company across our Nation. We have heard from groups ranging from pasta, to plywood to Pan Am, and it all illustrates the savings we can realize from this simple amendment, moving into the 1980's the law that was passed two decades ago, when we had 22-foot highways.

I yield such time as he may require to my colleague and good friend from the State of Idaho, Mr. McCLURE.

Mr. McCLURE. Mr. President, as I said earlier, this is not a new issue. It has been around a long while.

I respect the Senator from Missouri and others who argue the States rights issue, but that has not always prevailed. To draw the comparision to bus matters, that was not a States rights issue. That was uniformity.

On bridge formula, on length limitations and in many areas, we have allowed the States to vary because they have peculiar, different circumstances.

In my area of the country, we were granted a States right option on tri-

ples on the interstate system. We have them running out there, and we have no objection to them out there. As a matter of fact, it is working well and has lowered shipping costs and has been an advantage to the consumers and the shippers of this country. So that we have accommodated where it was reasonable to accommodate on issues such as truck length and the use of triples.

However, in this specific instance, just as it was necessary in buses, if you are going to make the width a viable alternative regardless of the length, you have a national standard.

To say that we will make it permissive is simply to restate the present. It is permissive now.

The amendment of the Senator from Missouri does nothing except prevent the adoption of the amendment offered by Senator ANDREWS. So I hope that the amendment to the amendment is not agreed to and that we adhere to the course that has been laid out here.

With respect to the question of weights, I think you can argue that since it will allow the trucks to be used more efficiently, they will put more in the truck rather than send it down the road half empty. They will be able to load the truck. But the weight is still governed by the weight limitation in the bridge formula. There is no question about that. I do not think anybody will argue that. It may increase the weights, but only within the weight limitations established already under Federal and State law and regulation. So it is a wholesale assault upon the weight limitation. It simply allows the trucks, because of the loading, to be able to do it more efficiently.

The PRESIDING OFFICER. The time of the opponents has expired.

The Senator from Missouri has 1 minute remaining.

Mr. EAGLETON. I yield 50 seconds to the Senator from New Mexico.

Mr. SCHMITT. Mr. President, it may not be a wholesale assault on the weight limitation, but it is a wholesale assault on existing State law, on existing highways, both Federal and State, and on the safety of other traffic on the highways.

It makes little difference if the buses are already at 102 inches. If you start adding truck after truck after truck that is 102 inches, on narrow State roads—and they will be on those State roads, as well as narrower than 12-foot interstate highway lanes—you are going to have a safety problem. There is no question about it.

Until that highway system is reasonably ready to take it, we should make this clearly permissive, and that is the intent of the Eagleton-Schmitt amendment, and I urge its adoption.

The PRESIDING OFFICER. The time of the Senator from New Mexico has expired.

Mr. EAGLETON. Mr. President, I do not argue that the Andrews amendment is unconstitutional. I argue that it is unconscionable.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment of the Senator from Missouri. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Montana (Mr. MELCHER) are necessarily absent.

I also announce that the Senator from Oklahoma (Mr. BOREN) is absent because of illness in the family.

The PRESIDING OFFICER. Are there any other Senators wishing to vote?

The result was announced—yeas 47, nays 45, as follows:

[Rollcall Vote No. 384 Leg.]

YEAS—47

Baker	Garn	Nunn
Biden	Hart	Pell
Bradley	Hatch	Proxmire
Brady	Hayakawa	Pryor
Bumpers	Heflin	Quayle
Byrd, Harry F., Jr.	Heinz	Randolph
	Hollings	Riegle
Chafee	Huddleston	Roth
Cranston	Humphrey	Rudman
Danforth	Laxalt	Sarbanes
DeConcini	Leahy	Schmitt
Denton	Levin	Stafford
Dole	Long	Stennis
Domenici	Mathias	Thurmond
Eagleton	Metzenbaum	Tsongas
Ford	Moynihan	Warner

NAYS—45

Abdnor	Exon	McClure
Andrews	Glenn	Mitchell
Armstrong	Gorton	Murkowski
Baucus	Grassley	Nickles
Boschwitz	Hatfield	Packwood
Burdick	Hawkins	Percy
Byrd, Robert C.	Helms	Pressler
Cannon	Inouye	Sasser
Chiles	Jackson	Simpson
Cochran	Jepsen	Specter
Cohen	Johnston	Stevens
D'Amato	Kassebaum	Symms
Dixon	Kasten	Tower
Durenberger	Lugar	Wallop
East	Mattingly	Zorinsky

NOT VOTING—8

Bentsen	Goldwater	Melcher
Boren	Kennedy	Weicker
Dodd	Matsunaga	

So Mr. EAGLETON's amendment (UP No. 1375) was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SCHMITT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 1374

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from North Dakota.

Mr. ANDREWS. Mr. President, I ask unanimous consent that the order for the yeas and nays be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from North Dakota.

The amendment (UP No. 1374), as amended, was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the committee substitute.

Mr. STAFFORD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Please return to your seats.

Mr. STAFFORD. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STAFFORD. Do I understand that the Andrews amendment, as amended by the Eagleton-Schmitt amendment, has been agreed to?

The PRESIDING OFFICER. Yes.

Mr. STAFFORD. Then the pending question is the adoption of the substitute offered by the Senator from Vermont and others to the original bill?

The PRESIDING OFFICER. That is correct.

Mr. STAFFORD. Mr. President, I move the adoption of the amendment, as amended.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1371), as amended, was agreed to.

SIDNEY C. LEWIS BRIDGE

Mr. BAKER. Mr. President, I would like to take this opportunity, during consideration of the Federal-aid highway legislation, to comment on a bridge project in my State—the Sidney C. Lewis Bridge at Dover, Tenn.

As we all know, there are numerous bridges throughout the country which have been designated functionally obsolete. Under current law, these bridges are prioritized for funding under the Federal Highway Administration's discretionary bridge program.

There are a number of bridges in the State of Tennessee which are functionally obsolete. However, it has been brought to my attention that the Sidney C. Lewis Bridge is one in need of immediate rehabilitation.

I have asked both Chairman STAFFORD of the Environment and Public Works Committee and Chairman SYMMS of the Transportation Subcommittee to give priority attention to this bridge and I thank them for their assistance.

The bridge carries U.S. 79 over the Cumberland River at Dover, Tenn. U.S. 79 is a major route across northern Tennessee. It is a major access to the land between the lakes recreation area which attracts numerous recreation and hunting enthusiasts from Tennessee, Kentucky, and other States.

The bridge has a steel-girded structure and was built in 1930. The existing structure is only 28 feet wide which is substandard for a two-lane bridge. Added to that, the average daily traffic (ADT) on the bridge is 5,580 vehicles per day. New standards require that a bridge with that ADT be a minimum of 68 feet wide, or four lanes.

Obviously, because of the steel girding, widening the bridge will require complete reconstruction.

In addition to the vehicle traffic problem, the bridge has a substandard navigational clearance. Heavy barge traffic passes under the bridge along the Cumberland River. The existing bridge has a clearance of only 322 feet which the Coast Guard rates as substandard.

Finally, the sufficiency rating on this bridge is 30.5. This rating is used by the Federal Highway Administration to prioritize bridge rehabilitation need. The Sidney C. Lewis Bridge rating indicates that it is sufficiently obsolete for total replacement.

Mr. President, reconstruction of this bridge is important to the State of Tennessee and the residents of Stewart County. I appreciate the assistance of the chairman and subcommittee chairman of the authorizing committee for their consideration of this bridge.

FRANKLIN STREET BRIDGE, PEORIA, ILL.

Mr. PERCY. Mr. President, the Franklin Street Bridge in Peoria, Ill. was built in 1907 and is a narrow, two-lane span which bends abruptly at a 24° angle. The poor condition of the bridge has required frequent closings for repair, and deterioration of the bascule span could require the bridge to be permanently closed. The Federal sufficiency rating for the structure is 32.0, which indicates its eligibility for rehabilitation or replacement under the Federal discretionary bridge replacement program. Illinois proposes to replace the currently hazardous structure with a new facility estimated to cost $28 million. Funding is needed to begin preliminary engineering soon to enable complete replacement within a reasonable time frame.

In line with this, Mr. President, I wish to inquire of the distinguished chairman of the Subcommittee on Transportation, Mr. SYMMS, whether Federal discretionary bridge funds are available to fund the replacement of the Franklin Street Bridge?

Mr. SYMMS. Such funds are indeed available, although it should be noted that several requests have been made for such discretionary funds and it is uncertain how swiftly the Franklin Street Bridge could be funded.

Mr. PERCY. I appreciate the Senator's candor. While recognizing the number of requests made for discretionary funds, I would hope that when such funds are made available the Franklin Street Bridge could be considered a priority project.

Mr. SYMMS. The Senator may be assured that I will see that in conference with the House on the bill, we will designate the Franklin Street Bridge a priority for Federal discretionary funding.

Mr. BAUCUS. Mr. President, I would like to bring to the attention of my colleagues a problem we are facing in Montana. It concerns the highway bridge that spans the Missouri River outside the city of Great Falls. This bridge which carries U.S. 87 across the Missouri River is known as the Warden Bridge. It serves as an important link in the transportation network of Montana by directly connecting Interstate 15 with the city of Great Falls and by providing the shortest and most direct line of travel between Interstate 15 and Malmstrom Air Force Base. I bring Warden Bridge to the attention of my colleagues because, like many other bridges in this Nation, it has outlived its useful life and needs to be upgraded. To do so, the State of Montana wishes to apply for discretionary bridge money.

Mr. STAFFORD. What is the current design capacity of the bridge?

Mr. BAUCUS. The existing structure was built in 1951 with a design capacity of 12,000 vehicles per day although it currently must accommodate 18,000 vehicles per day, many of them headed to or from Malmstrom Air Force Base. Traffic now enters the two-lane bridge from four-lane highways on each end creating a severe bottleneck situation that is very dangerous.

Mr. RANDOLPH. What plans are there to correct this situation?

Mr. BAUCUS. To correct the situation, the State highway department has planned the construction of an additional bridge mate as a two-step project. The first step, construction of the span across the Missouri River, has already been financed with Federal-aid primary funds and is due for completion next month. Work on the second step, spanning the flood plain and approaches, has yet to begin.

Mr. SYMMS. What will be the cost of this project?

Mr. BAUCUS. The cost of this project has spiraled from $1.5 million when the need for an additional two-lane structure was identified in 1961 to over $10.7 million in 1982.

Mr. STAFFORD. From the facts that you have presented, it would appear that Warden Bridge certainly meets the discretionary bridge criteria of being functionally obsolete and could be a candidate for funding.

Mr. RANDOLPH. I would agree with the chairman's conclusion.

Mr. SYMMS. I too, would agree with the chairman's conclusion.

Mr. BAUCUS. I thank the distinguished chairman and ranking minority member of the Environment and Public Works Committee and the distinguished chairman of the Transportation Subcommittee for their attention to this matter.

Mr. PRESSLER. Mr. President, before we proceed to final consideration of the extension of the Federal-aid highway authorization, I would like to ask a few questions of the distinguished Senator from Vermont, the chairman of the Environment and Public Works Committee, Mr. STAFFORD.

Mr. STAFFORD. Mr. President, I would be happy to answer the questions of my distinguished colleague from South Dakota.

Mr. PRESSLER. I thank the Senator from Vermont. This simple 1-year extension of the Federal-aid highway authorization is necessary, yet it is not as desirable as a multiyear authorization would be. A multiyear authorization would give the States an opportunity for long-range planning of road construction and repair work. However, I understand the unusual time constraint that this Chamber now faces and the impact of any delay on my home State of South Dakota and the entire Nation. Construction companies across the country face unprecedented hardships. They very much need the contract authority included in this extension to save them from bankruptcy. In addition, the money needed to cover highway costs has reached staggering levels. Legislative delays would drive up the eventual cost of materials and labor.

Recently, Eugene Rowen, South Dakota's secretary of transportation, submitted testimony to Senator SYMMS' Transportation Subcommittee detailing the interstate and primary road system needs in South Dakota. According to Mr. Rowen, $548.5 million is needed just for principal noninterstate roads and bridges. Secretary Rowen estimates that the Interstate System in South Dakota needs an additional $31,199,000 for 4R (resurfacing, restoring, rehabilitation, and reconstruction) work on roadways and structures. I would like to ask the distinguished Senator from Vermont of his plans regarding a new multiyear highway authorization?

Mr. STAFFORD. Mr. President, I would like to assure my colleague from South Dakota that I appreciate the problems facing State transportation secretaries who are responsible for drawing up road maintenance and con-

struction plans. The need for a multiyear extension is evident and, in fact, the Environment and Public Works Committee has introduced and pressed for multiyear authorizations during the past 2 years. However, as the Senator stated, because of a complication with a necessary extension of the highway trust fund, we do not have the time to complete consideration of such a measure this year. It is my full intention that the Environment and Public Works Committee will again submit a multiyear bill early next year so that much-needed improvements in the Nation's highways can be undertaken in an effective manner.

Mr. PRESSLER. Mr. President, I had intended to offer an amendment that would provide more money for rural States' Interstate Highway 4R programs. I have withdrawn my amendment so that the Senate can quickly approve this 1-year authorization extension. I am told that failure to pass this bill promptly would create chaos in the construction industry. However, when the multiyear authorization is next considered, I intend to fight for a modification of the Interstate 4R apportionment formula which would establish a funding formula more suitable for agricultural States. States like South Dakota face accelerated road deterioration because of rapid, temperature changes and heavy agricultural trucking. The simple fact is that the Interstate Highway System was not designed to last forever. May I ask the distinguished Senator from Vermont if it is his intention to consider basic apportionment formula changes in the next highway bill?

Mr. STAFFORD. Mr. President, without reservation I can say to Senator PRESSLER that the Environment and Public Works Committee has considered and will continue to consider all aspects of the highway apportionment formulas. The change the Senator from South Dakota is proposing is along the lines of what the committee proposed in S. 2574, with 60 percent of the apportionment based on lane miles and 40 percent on vehicle miles traveled, and I certainly support that. I might add that Senator PRESSLER served at one time as the ranking minority member on the Transportation Subcommittee of the Environment and Public Works Committeee. We would certainly welcome him back again to the Environment and Public Works Committee in order to provide additional testimony on the highway apportionment formula. Having worked with Senator PRESSLER on this issue in the past, I know what a fighter he has been in both the House and the Senate on this subject of fair allocation formulas for rural States. Senator PRESSLER has dramatically highlighted the highway funding concerns of rural areas, and I am sure it would be very helpful to the committee to hear his further testimony. I appreciate his willingness to help expedite the 1-year extension. I also appreciate his support for a multiyear bill which would consider an interstate 4R formula change more responsive to the needs of rural States like South Dakota.

Mr. PRESSLER. I thank Senator STAFFORD for his answers, and I look forward to testifying again before the Environment and Public Work Committee on behalf of South Dakota and other rural States. I appreciate the hard work of the Environment and Public Works Committee in this area, and particularly the leadership of its respected chairman in expediting this essential highway authorization. I remember well how vigorously Senator STAFFORD and I worked together in the past for a better deal for rural States.

Mr. RANDOLPH. Mr. President, our action today, if concurred in by the House of Representatives, will permit continuation of the Federal aid highway program in an orderly fashion. I realize that we are acting at a late hour, but there have been numerous problems to overcome. That we have worked out an acceptable substitute bill and a procedure for its consideration is a tribute to the members of the Environment and Public Works Committee who have given diligent attention to this subject in recent days. Senator SYMMS and Senator BENTSEN, the chairman and ranking minority member of our Subcommittee on Transportation, have devoted considerable energy to this successful effort.

I also commend our able chairman, Senator STAFFORD, for his active participation and thoughtful guidance in developing this highway legislation. Indeed, throughout this Congress his stead leadership has enabled our committee to continue its tradition of cooperative action in the development of reasoned legislation.

Mr. President, the Senate will recess for nearly two months. I may not have another opportunity today to express my appreciation to the Democratic members of the Committee on Environment and Public Works with whom I have been privileged to work for the past 2 years.

At the beginning of the 97th Congress, we became the minority party in the Senate and on the committee. The six Senators with whom I am associated on our side of the aisle assumed their new role with grace and dignity. They have continued to carry out their responsibilities as committee members with dedication, with fairness and in a cooperative manner. We have been full participants in the legislative and oversight activities of our committee.

For their attention to their duties and for their productive contributions to our work, I commend Senators BENTSEN, BURDICK, HART, MOYNIHAN, MITCHELL, and BAUCUS. They are an able and effective team, and I am honored to serve with them, not as their leader, but as their associate.

Mr. President, I call attention to the professional and energetic support we have received from the minority staff of the Committee on Environment and Public Works during this Congress. They have responded to our needs and have conscientiously assisted all members in performing their duties. On behalf of the Senators mentioned I extend our thanks to the members of the minority staff: John Yago, Phil Cummings, Richard Harris, Ann Garrabrant, Ric Fenton, Tanya Hart, Ann Underwood, Lee Fuller, Stephanie Clough, Bob Peck, Martha Pope, Keith Glaser, Margie Wright, Debbie Knopman, Anita Ruud, Mary Jo Vrem, Elizabeth Thompson, and Helen Kalbaugh.

Mr. DOMENICI. Mr. President, I rise in support of this legislation, which extends the Federal aid highway program for 1 additional year. We are amending S. 2574, which was reported from the Environment and Public Works Committee on May 26, 1982.

S. 2574, as reported, provides for a 1-year reauthorization of the highway program. Senator SYMMS, chairman of the Transportation Subcommittee and Senator BENTSEN, ranking member of the subcommittee, and other members of the committee should be commended for their fine work in reporting this comprehensive legislation. However, we must now amend that bill, and instead, push for a simple 1-year extension to insure that the highway program will be funded next year without disruption. In the remaining hours before we recess, it is impossible to consider a more comprehensive measure.

Mr. President, I do not want to see any unnecessary delays to this program because of a failure by the Congress to act. I urge swift passage of S. 2574, and urge our colleagues in the House of Representatives to act as expeditiously as we on this critical legislation.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 2574), as amended, was passed, as follows:

S. 2574

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That this Act may be cited as the "Federal-Aid Highway Act of 1982".

REVISION OF AUTHORIZATION FOR APPROPRIATIONS FOR THE INTERSTATE SYSTEM

SEC. 102. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1984" and inserting in lieu thereof the following: "the additional sum of $3,300,000,000 for the fiscal year ending September 30, 1984,".

APPROVAL OF INTERSTATE COST ESTIMATE

SEC. 103. The Secretary of Transportation shall apportion for the fiscal year ending September 30, 1984, the sums authorized to be apportioned for such year by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of the committee print numbered 97-53 of the Committee on Public Works and Transportation of the House of Representatives.

OBLIGATION LIMITATION AND ALLOCATION FORMULA

SEC. 104. (a) Notwithstanding any other provision of law, the total of all obligations for Federal-aid highways and highway safety construction programs for fiscal year 1983 shall not exceed $8,200,000,000. This limitation shall not apply to obligations for emergency relief under section 125 of title 23, United States Code, and section 9 of the Federal-Aid Highway Act of 1981, except chapter 3 of the Urgent Supplemental Appropriations Act of 1982 (Public Law 97-216), and obligations with respect to Union Station under Public Law 97-125. Obligations constraints shall be placed upon any ongoing emergency project carried out under section 125 of title 23, United States Code.

(b) For the fiscal year 1983, the Secretary shall distribute the limitation imposed by subsection (a) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned to each State for such fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned to all the States for such fiscal year.

(c) During the period October 1 through December 31, 1982, no State shall obligate more than 35 per centum of the amount distributed to such State under subsection (b), and the total of all State obligations during such period shall not exceed 25 per centum of the total amount distributed to all States under such subsection.

(d) Notwithstanding subsections (b) and (c), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1, 1983, revise a distribution of the funds made available under subsection (b) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year; and

(3) not distribute amounts authorized for administrative expenses and forest highways.

(e)(1) Section 1106(b) of the Omnibus Budget Reconciliation Act of 1981 is repealed.

Section 1106(c) of the Omnibus Budget Reconciliation Act of 1981 is amended to read as follows:

"(c) For the fiscal year 1982, the Secretary of Transportation shall distribute the limitation imposed by subsection (a) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned to each State for such fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned to all the States for such fiscal year.".

(3) Section 1106(d) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "periods" and inserting in lieu thereof "period" and by striking out "and October 1 through December 31, 1982,".

(4) Section 1106(c)(2) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "and after August 1, 1983,".

AUTHORIZATIONS

SEC. 105(a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(a) For the Federal-aid primary system in rural areas, including the extensions of the Federal-aid primary system in urban areas, and the priority primary routes, out of the Highway Trust Fund, $1,500,000,000 for the fiscal year ending September 30, 1983. For the Federal-aid secondary system in rural areas, out of the Highway Trust Fund, $425,000,000 for the fiscal year ending September 30, 1983.

(2) For the Federal-aid urban system, out of the Highway Trust Fund, $775,000,000 for the fiscal year ending September 30, 1983.

(3) For Indian reservation roads and bridges, $83,000,000 for the fiscal year ending September 30, 1983.

(4) For carrying out section 215(a) of title 23, United States Code—

(A) for the Virgin Islands, not to exceed $5,000,000 for the fiscal year ending September 30, 1983;

(B) for Guam, not to exceed $5,000,000 for fiscal year ending September 30, 1983; and

(C) for American Samoa, not to exceed $1,000,000 for the fiscal year ending September 30, 1983.

Sums authorized by this paragraph shall be available for obligation at the beginning of the period for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

(5) For the Commonwealth of the Northern Mariana Islands, not to exceed $1,000,000,000 for the fiscal year ending September 30, 1983. Sums authorized by this paragraph shall be expended in the same manner as sums authorized to carry out section 215 of title 23, United States Code. Sums authorized by this paragraph shall be available for obligation at the beginning of the period for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

(6) For the forest highways, out of the Highway Trust Fund, $33,000,000 for the fiscal year ending September 30, 1983.

(7) For public lands highways, out of the Highway Trust Fund, $16,000,000 for the fiscal year ending September 30, 1983.

(8) For economic growth center development highways under section 143 of title 23, United States Code, out of the Highway Trust Fund, $29,000,000 for the fiscal year ending September 30, 1983.

(9) For the Great River Road, out of the Highway Trust Fund, $19,000,000 for the fiscal year ending September 30, 1983, for construction or reconstruction of roads on a Federal-aid highway system.

(10) For access highways under section 155 of title 23, United States Code, $15,000,000 for the fiscal year ending September 30, 1983.

(b)(1) For each of the fiscal years 1984, no State, including the State of Alaska, shall receive less than one-half of 1 per centum of the total apportionment for the Interstate System under section 104(b)(5)(A) of title 23, United States Code. Whenever amounts made available under this subsection for the Interstate System in any State exceed the estimated cost of completing that State's portion of the Interstate System, and exceed the estimated cost of necessary resurfacing, restoration, rehabilitation, and reconstruction of the Interstate System within such State, the excess amount shall be eligible for expenditure for those purposes for which funds apportioned under paragraphs (1), (2), and (6) of such section 104(b) may be expended.

(c) In the case of priority primary routes, $125,000,000 of the sums authorized for the fiscal year ending September 30, 1983, by subsection (a)(1) of this section for such routes, shall not be appointed. Such $125,000,000 of such authorized sum shall be available for obligation on the date of apportionment of funds for such fiscal year, in the same manner and to the same extent as the sums apportioned on such date.

(d) Section 163(p) of the Federal-Aid Highway Act of 1973 is amended by inserting after "September 30, 1982," the following: "and $50,000,000 for the fiscal year ending September 30, 1983,".

INTERSTATE RESURFACING

SEC. 106. Section 105 of the Surface Transportation Assistance Act of 1978 is amended by striking out "and not to exceed $800,000,000 for the fiscal year ending September 30, 1984." and inserting in lieu thereof "not to exceed $1,000,000,000 for the fiscal year ending September 30, 1984.".

HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION

SEC. 107. (a) Subsection (e) of section 144 of title 23, United States Code, is amended by striking "and September 30, 1982," and inserting in lieu thereof "September 30, 1982, and September 30, 1983,";

(b) Subsection (g) of such section is amended by striking "and September 30, 1982," each place that it appears and inserting in lieu thereof "September 30, 1982 and September 30, 1983"; and

(c) Section 202(6) of the Surface Transportation Assistance Act of 1978 is amended by striking "and $900,000,000 for the fiscal year ending September 30, 1982." and inserting in lieu thereof "$900,000,000 for the fiscal year ending September 30, 1982, and $1,000,000,000 for the fiscal year ending September 30, 1983.".

SAFETY CONSTRUCTION AUTHORIZATIONS

SEC. 108. Section 202(8) of the Surface Transportation Assistance Act of 1978 is amended by striking "and $200,000,000 for the fiscal year ending September 30, 1982." and inserting in lieu thereof "$200,000,000 for the fiscal year ending September 30, 1982, and $200,000,000 for the fiscal year ending September 30, 1983.".

RAIL-HIGHWAY CROSSINGS

SEC. 109. Subsection (b) of Section 203 of the Highway Safety Act of 1973 as amended by the Highway Safety Act of 1978 is amended by striking "and September 30, 1982." and inserting in lieu thereof, "September 30, 1982, and September 30, 1983.".

ENERGY IMPACTED ROADS

SEC. 110. (a) Section 105 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) In preparing programs to submit in accordance with subsection (a) of this section, the State highway departments may give priority to projects for the reconstruction, resurfacing, restoration, or rehabilitation of highways which are incurring a substantial use as a result of transportation activities to meet national energy requirements and which will continue to incur such use, and in approving such programs the Secretary may give priority to such projects.".

(b) Section 120 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(k) Notwithstanding any other provision of this section, the Federal share payable on account of any project under this title to reconstruct, resurface, restore, and rehabilitate any highway which the Secretary determines, at the request of any State, is incurring a substantial use as result of transportation activities to meet national energy requirements and will continue to incur such use is eighty-five per centum of the cost of such project.".

SEC. 111. Section 10526(a) of title 49, United States Code, is amended—

(1) by striking "or" at the end of paragraph (12);

(2) by striking the period at the end of paragraph (13), and inserting in lieu thereof "; or "; and

(3) by adding at the end thereof the following:

"(14) transportation of broken, crushed or powdered glass.".

SEC. 112. Section 508 of the Airport and Airway Improvement Act of 1982 is amended by adding at the end thereof the following new subsection:

"(e) Use of Certain Apportioned Funds for Discretionary Purposes.—(1) Subject to paragraphs (2) and (3), if the Secretary determines, based upon notice provided under section 509(e) or otherwise, that any of the amounts apportioned under section 507(a) will not be obligated during a fiscal year, the Secretary may obligate during such fiscal year an amount equal to such amounts at his discretion for any of the purposes for which funds are made available under section 505.

"(2) The Secretary may make obligations in accordance with paragraph (1) only if the Secretary determines that the total of obligations for such fiscal year for purposes of section 505 will not exceed the amount authorized for such fiscal year under section 505(a) and if the Secretary determines that sufficient amounts are authorized under section 505(a) for later fiscal years for obligation for such apportioned amounts which were not obligated during such fiscal year and which remain available under section 508(a).

"(3) For purposes of amounts apportioned for fiscal year 1982, the Secretary may make the determinations under paragraphs (1) and (2) on or before October 30, 1982. For purposes of any limitation on obligations imposed by law, amounts obligated in accordance with this subsection on or before October 30, 1982, shall be deemed to have been obligated during fiscal year 1982 to the extent that such amounts, when added to amounts obligated on or after October 1, 1981, and before October 1, 1982, for purposes of section 505, do not exceed $450,000,000.".

SEC. 113. (a) Section 127 of title 23, United States Code, is amended by adding at the end thereof the following: "Notwithstanding any other limitation relating to vehicle widths contained in this title, a State may permit trucks or combinations thereof having a width of not more than 122 inches to operate over interstate highways, National Defense Highways, or any other qualifying Federal-aid highway as designated by the Secretary of Transportation, with traffic lanes designed to be a width of 12 feet or more.".

(b) The width limitation described in the preceding subsection shall be exclusive of safety-related appendages, such as rear view mirrors, turn signal lamps, marker lamps, steps and handholds for entry and egress, flexible fender extensions, mud-flaps and splash and spray suppressant devices, load-induced tire bulge, energy conservation devices or designs, refrigeration units or air compressors, which the Secretary of Transportation may interpret as necessary for safe and efficient operation of commercial motor vehicles.

(c) No State may enact or enforce any law denying reasonable access to commercial motor vehicles subject to title 23, United States Code, to and from the Interstate Highway System and the Federal-aid primary system and terminals and facilities for food, fuel, repairs, and rest.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STAFFORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STAFFORD. Mr. President, I wish to express my thanks and my very deep appreciation to my colleagues on the committee and all of the staff who helped get this done today in a hurried fashion. I note for the record that at the time of the voice vote on the passage of this bill, this Senator was unable to hear any vote in the negative. It appears, therefore, that the bill passed by unanimous decision of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senate will please be in order.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I congratulate the managers of the bill for their good work in bringing this important measure to an appropriate conclusion. The debate was through, the issues were joined and resolved by the Senate in the best traditions of the Senate.

I offer my thanks to the distinguished chairman of the committee, Senator STAFFORD, for his unfailing cooperation and good work and to the distinguished ranking minority member, Senator RANDOLPH, who was chairman of the committee for so long and set an example for all of us who serve on that committee by his fairness and efficiency.

Mr. President, there are a number of other measures that we can take up this afternoon, I hope. While I try to get my wits about me and decide what is next, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will be in order.

The Senator from Kansas.

BANKRUPTCY COURT JUDGES

Mr. DOLE. Mr. President, I would like to ask the distinguished majority leader if there is a chance to bring up the bankruptcy bill. It is not particularly controversial. There are about 90 Senators who are for it and the other 10 are undecided.

Mr. BAKER. I am willing to try to do that. I think maybe the Senator from Ohio has strong views on that subject.

Could I inquire of the Senator from Ohio if I do ask unanimous consent to go to the bankruptcy bill what his attitude will be?

Mr. METZENBAUM. I am not sure what my attitude will be, but I know what my vote will be. It will be no.

Mr. BAKER. What about an objection? Would there be an objection?

Mr. METZENBAUM. There would be an objection.

Mr. BAKER. Mr. President, the Senator is perfectly within his rights. I am by no means critical, but I think the answer to the Senator from Kansas is, as the Senator from Ohio has pointed out, he will object to proceeding to the matter at this time. I am afraid that effectively eliminates the possibility that we could take up the matter because, if we have to proceed to it by motion, the motion is debatable and, judging by the look in the eyes of the Senator from Ohio, I would expect that debate might continue for some time.

Mr. METZENBAUM. Mr. President, the Senator from Tennessee is a very perceptible individual. He certainly can read eyes.

Mr. BAKER. Mr. President, I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I wish to ask the distinguished Senator from Ohio a question. We have a time problem. The Supreme Court has said we ought to do something or the bankruptcy judge is going to be without much authority. In fact, they are without much authority now.

What we had in mind was to add to the S. 2000 provision to make the bankruptcy judges article III judges, and another small provision with reference to grain elevator bankruptcy. A lot of farmers are in deep distress because of bankruptcies. There are people in Ohio in distress because of bankruptcies, including the White Truck Co.

We would like to move on it. We think if we can pass it in the Senate there is a good chance the House might act even today.

Mr. METZENBAUM. Mr. President, I will be happy to respond to the Senator from Kansas. And I do not respond with any levity because I know the Senator from Kansas is indeed interested in resolving this problem and it has to do with the Supreme Court decision on this subject.

I have no problem at all on resolving the problem, the matter of filling those vacancies or passing legislation on either article 3 judges or whatever kind of judges.

As a matter of fact, when the bankruptcy matter was first passed in 1978, I indicated at that time that I thought they ought to be article 3 judges and had so advised the Senator from Arizona, Senator DECONCINI. So I have no problem at all on that.

As it pertains to the matter of the grain elevator bankruptcies, I am not familiar with that particular provision because that is not my major concern. The Senator from Kansas knows that we have discussed this matter and there were about 10 or 11 matters in dispute between us. We attempted to compromise those matters and were successful in connection with 10 of them.

However, there is one that is particularly disturbing, and that really is the basic issue that pertains to the right of an individual to go bankrupt. Because, under the provision that is now in S. 2000, no individual would be permitted to go bankrupt if one of the creditors objected and indicated that he or she could pay off their debts within a future period of 3 to 5 years. That does not give the bankrupt that clean bill of health to which he or she is entitled.

That is a total change from the laws as we have had them in the last 150 years. It means that the individual's future would be mortgaged and mortgaged for a period of 3 to 5 years.

Now, I am perfectly happy to attempt to work with the Senator from Kansas to eliminate that section which, to the best of my recollection, is the major stumbling block between us. If we can eliminate that part of the proposal, with some understanding that it will not reappear in conference, then I think that we are in a position to discuss moving forward with the Bankruptcy Act.

I would want to check with my staff as to whether there are any other parts of the bill that cause me concern, but I think that is the one major stumbling block that we have had for a number of months.

Mr. DOLE. Mr. President, I appreciate the concerns expressed by the Senator from Ohio. I understand that one thing we do not want is for creditors to harass debtors. Right now we have debtors harassing creditors, pretty much leaving all the small business people and others without much resources.

It occurred to me that one way to resolve that is to suggest if, in fact, we had harassment by the creditors of any debtor who had taken bankruptcy, then you would have authority to assess attorneys' fees against the creditor. To me, that would preclude a lot of arbitrary and capricious efforts to try to tie up some future income of some poor debtor who was trying to get responsible relief in bankruptcy. But, if that is a possibility, we are faced with the October 4 deadline.

I am not certain whether or not a statement could be obtained to tide us over until after the election.

Mr. METZENBAUM. Can the Senator from Kansas consider eliminating this particular section from the bill? The critical issue we have before us has to do with the vacancies as of October 4. As far as that issue is concerned, and I cannot speak for the ranking member of our committee but it certainly can be brought to the floor, if we can eliminate that one section and then continue in the next section to attempt to deal with that, I think we could move this matter this afternoon, assuming that we had some understanding that it would not appear in the conference committee, of course.

I am perfectly willing to try to help the Senator from Kansas in every way possible in an attempt to move a bankruptcy bill to meet with this problem which is before us as of October 4.

Mr. DOLE. I understand that if, in fact, that were removed—and I am not suggesting that it should be—then there would be an objection to taking it up because it would have been in S. 2000.

Mr. METZENBAUM. I did not know there was anybody who felt that strongly that it had to be in. Maybe what we ought to try to do is to have a clean bill just dealing with the article 3 judges. I would be very happy to work with the Senator from Kansas in that respect only and not try to deal with the substantive bankruptcy law.

Mr. DOLE. As the Senator knows, there are some who think that the judges ought to be article 3 judges. That does not bother me but it bothers some, and it bothers the chief judges, I hear. It is all a matter of compromise.

What we are trying to do is to put together a package where everybody gave a little and contributed a little in an effort to resolve a rather delicate matter.

We are in a very tight timeframe. We could sunset certain provisions.

Maybe it is still worth pursuing for the remainder of the afternoon. I am certainly willing to discuss it with the Senator.

Mr. METZENBAUM. I will advise the Senator from Kansas it will not be difficult to find where I will be during the afternoon. I will be here.

NUCLEAR REGULATORY COMMISSION AUTHORIZATION—CONFERENCE REPORT

Mr. BAKER. Mr. President, the minority has cleared this matter.

Mr. President, I submit a report of the committee of conference on H.R. 2330 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2330) to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the House proceedings of the RECORD.)

Mr. SIMPSON. Mr. President, I am pleased to present for the consideration of the Senate the Conference report on the Nuclear Regulatory Commission authorization bill for fiscal years 1982 and 1983, H.R. 2330. The conferees have worked long and hard to resolve the many difficult issues contained in the House bill and the Senate amendment, and I am gratified to report that all issues committed to the conferees for consideration have been resolved. Accordingly, I now urge my colleagues to adopt the conference report on this measure.

Before the Senate actually moves to the question on agreeing to the conference report, Mr. President, I have a few brief comments that I would like to make about this bill. This bill contains a number of provisions of significance that, in my judgment, will enhance the ability of the Nuclear Regulatory Commission to carry out its fundamental statutory mission-protection of the public health and safety and the environment. In addition, this bill represents the first major piece of legislation to come out of this Congress regarding the regulation of the domestic nuclear power industry.

Mr. President, I should like to take a brief moment to mention a couple of the more important provisions of this bill. Section 11 of the conference report confers upon the NRC the authority to issue temporary operating licenses upon petition by a utility, in those cases where construction of a nuclear power reactor will be completed prior to completion of a required public hearing. After much discussion by the conferees, we have arrived at what I think is an equitable and much needed solution to the licensing backlog that developed at the NRC shortly following the Three Mile Island accident. This backlog has been addressed, to a significant degree, by administrative actions taken by the NRC, and I am gratified that these problems have been corrected in this fashion. Nevertheless, we are not out of the woods on this issue and the authority conferred upon the NRC under section 11 will insure that such delays will not be an impediment to the issuance of a license for a reactor that received all of the other necessary approvals.

The second major provision that I would like to bring to the Senate's attention, Mr. President, is the so-called Sholly provision. Section 12 of the conference agreement reverses a recent District of Columbia Court of Appeals decision requiring the NRC to hold hearings, upon request, whenever it issued a license amendment, regardless of the safety significance of such amendment. Both the House bill and the Senate amendment included provisions addressing this issue, and the breadth of support for the Sholly provision is a clear indication, Mr. President, that a requirement to hold a hearing in these types of cases simply did not make sense. Accordingly, the conferees have agreed upon the provision which is set forth in section 12 which confers upon the NRC the authority to issue "no significant hazards consideration" amendments in advance of a hearing, notwithstanding the pendency of a request for such a hearing.

The third provision that I want to point out, Mr. President, is section 23 regarding uranium supply. This was the last provision upon which the conferees reached agreement, Mr. President, and it was only after a great deal of discussion and accommodation by all of the conferees that we managed to resolve this difficult issue. The compromise that we have agreed upon does an excellent job, in my judgment, of reconciling a number of important interests associated with this issue. Without belaboring this issue, let me say that this provision is intended by the conferees to insure that this country's essential security interests are fully protected and, as agreed upon by the conferees, this provision accomplishes that important objective.

Finally, Mr. President, I would like to say a few words about sections 18, 19, 20, and 22 of the conference agreement, dealing with uranium mill tailings regulation.

Mr. President, the Senate bill included certain amendments to the Uranium Mill Tailings Radiation Control Act of 1978. These amendments had five principal elements. First, new deadlines were established for EPA to propose and finalize inactive and active uranium processing site standards. Under the 1978 act, EPA was given until November 8, 1979, and May 8, 1980, respectively, to promulgate inactive and active site standards. EPA having failed to meet these deadlines, the Senate bill extended the deadlines to April 1, 1982, for final inactive standards and to April 1, 1983, for final active standards. Second, NRC uranium mill licensing requirements, which were issued in advance of EPA's standards on October 3, 1980, were suspended pending promulgation of EPA active site standards and NRC conformance with those standards. To assure prompt action by NRC, a timetable for such conformance was established. Third, the Senate provision clarified that NRC has authority to consider all relevant factors in issuing regulations, including effects on public health and safety and the environment, as well as economic costs of its requirements. Fourth, the authority of agreement States that elect to regulate uranium mill tailings was clarified to confirm that such States could adopt alternative requirements where those of NRC were determined by a State to be impracticable under local conditions. Fifth, the Senate bill limited NRC's ability to impose additional requirements in agreement States where such States had regulatory programs governing mill tailings that adequately protect public health and safety.

These provisions were adopted following a hearing before the Senate Environment and Public Works Committee on June 16, 1981. At that hearing, and a subsequent hearing before the House Armed Services Committee, the Congress was made aware of certain problems that had arisen in implementation of the 1978 act. Notwithstanding the clear mandate of the act, EPA had failed to comply with deadlines for inactive and active site standards. NRC had proceeded to issue stringent standards and requirements in advance of EPA. NRC had also asserted that agreement States were required to adopt its uranium mill licensing requirements without consideration of the local practicability of such regulations. Substantial questions were also raised as to the need for NRC's stringent and costly regulations, particularly NRC's radon emanation and mill tailings cover requirements. Were these standards, which effectively reduced risks associated with mill tailings near zero, necessary, or were lesser requirements adequate to protect public health and safety and the environment in view of the isolated location of most, if not all, active uranium processing sites? Finally, questions were raised as to whether EPA in the proposed inactive site standards and NRC in mill licensing requirements had adequately considered the environmental and economic costs of their actions.

The House bill contained no provision amending the Uranium Mill Tailings Radiation Control Act or otherwise addressed the concerns of the Senate bill with respect to mill tailings.

The bill, as reported by the conference committee, represents a reasoned agreement that adequately addresses the concerns in the Senate bill. The conference agreement includes four essential elements.

First, new deadlines are established for EPA standards under section 275 of the Atomic Energy Act, as amended. Final inactive site standards should be promulgated by October 1, 1982; proposed active site standards should be issued by October 31, 1982; and final active site standards should be in place by October 1, 1983. If EPA fails to timely issue inactive site standards, the Department of Energy may proceed with its remedial action program as provided in title I of the Mill Tailings Act based on EPA's proposed standards. This change in existing law was made because the conferees believe that this program should not be further delayed by EPA inaction. When final inactive standards are issued by EPA they will become the operative standards to be followed by DOE in all subsequent remedial action. If EPA fails to timely issue final active standards, its authority to do so is terminated. Upon EPA's failure, NRC would assume EPA's authority to determine appropriate standards for active uranium processing sites.

Second, the conference agreement provides for a suspension of NRC's uranium mill licensing requirements. A full prohibition on enforcement or implementation of these regulations

will run only until January 1, 1983. After that date, NRC may implement and enforce all of its October 3 uranium mill licensing requirements except those that the Commission determines would require a major action or commitment by licensees which would be unnecessary if one, the active site standards proposed by EPA are promulgated in final form without modification, and two, the Commission's requirements are modified to conform to such standards.

The third major element of the conference agreement pertains to the responsibilities of EPA and NRC to promulgate, respectively, general environmental standards and uranium mill licensing regulations. In each instance, the conferees have agreed to include specific references in the appropriate sections of the Atomic Energy Act directing EPA and NRC, in promulgating such standards and regulations, to consider the risk to public health and safety, and the environment, the economic costs of such standards or regulations, and such other factors as EPA or NRC, respectively, determine to be appropriate. Essentially, we intend by this requirement that these agencies must balance the costs of compliance against the projected benefits to assure that there is a reasonable relationship between the two.

The fourth major element of the conference agreement involves implementation of the Federal standards and regulations of EPA and NRC at the State level. Under section 19 of the conference agreement, individual agreement States are authorized to adopt alternatives—including site-specific alternatives—to the Commission's regulations. These alternative State requirements, which may take into account local or regional conditions, must be submitted to the Commission for approval. If, after notice and opportunity for a public hearing, the Commission determines that the State alternatives will achieve a level of stabilization and containment of the site and a level of protection for public health and safety, and the environment, which is equivalent to, to the extent practicable, or more stringent than the level which would be achieved by the EPA and NRC standards and requirements, the State is to be allowed to implement such alternatives. The bill also corrects a deficiency in existing law which would allow NRC to terminate a State's authority over mill tailings without due process. In no other case does NRC have such authority over an agreement State. The conferees agreed that it should not have such authority with respect to mill tailings. Under the conference bill, a State regulatory program could be terminated only after application of the procedures provided in section 274 of the Atomic Energy Act. Section 20 of the conference agreement confers upon individual licensees a related but less independent ability to propose alternatives. Under this section, individual NRC licensees are authorized to propose alternatives to specific Commission requirements. The Commission may treat such alternatives as satisfying Commission requirements if it determines that such alternatives will achieve a level of protection of public health and safety, and the environment, which is equivalent to, to the extent practicable, or more stringent than the level which would be achieved by the EPA standards and requirements.

As I stated before, the conference agreement adequately addresses the concerns expressed in the Senate bill with implementation of the Mill Tailings Act. For this reason, I recommend the Senate's favorable consideration of the conference agreement.

Mr. STAFFORD. Mr. President, I am delighted that the conferees have reached agreement on a Nuclear Regulatory Commission authorization bill. I commend the conferees for their hard work and diligence in producing this report.

This bill is a major piece of legislation which will substantially improve the Commission's ability to pursue its most important responsibility regarding regulation of the health and safety aspects of nuclear facilities.

This bill is also important to those involved or affected by the nuclear industry, including those interested in improving the environment, and in improving this country's nonproliferation program.

I therefore strongly urge my colleagues to approve this report.

Mr. DOMENICI. Mr. President, on March 30 of this year the Senate passed the Nuclear Regulatory Commission authorization bill. In passing that bill the Senate approved an amendment offered by me relating to the use of imported uranium in domestic nuclear powerplants. As passed by the Senate, the amendment provided that the Nuclear Regulatory Commission develop criteria for the issuance of uranium import licenses that would provide for the maintenance of a viable domestic uranium industry. One of these criteria would have been a restriction on the use of foreign uranium in domestic nuclear reactors. More specifically, foreign uranium used in domestic nuclear reactors would have been limited to 20 percent of the total need for uranium for a given reactor in the course of its operation. The amendment provided further that the NRC would report annually on the amount of foreign uranium used and projected to be used in domestic reactors.

Mr. President, during the course of this long conference the uranium import restriction language I have just explained was the focus of a great deal of debate. The conference report before the Senate today contains a provision which is very different from that which passed the Senate and I would like to take this opportunity to explain the provision to my colleagues. For those who are concerned about the imposition of import restrictions, I believe that the provision I am about to describe will prove to be an acceptable combination of the use of existing law and provisions which recognize the unique national security implications of uranium production and use. Generally speaking, the Conference Committee compromise provides that the International Trade Commission study the economic consequences of imports as provided for in section 201 of the Trade Act of 1974, at such time as the Secretary of Energy believes that the imports may be a substantial cause of serious injury to the domestic industry. The compromise also provides that when imports reach a level of 37.5 percent of the domestic nuclear power demand for uranium that the Secretary of Energy request the Department of Commerce to investigate the national security implications of imports, as provided for by section 232 of the Trade Expansion Act of 1962. In addition, the Secretary of Energy would be required to encourage the increased use of domestic uranium through the modification of the operational policies employed in the Federal uranium enrichment plants. In doing this the Secretary would not be permitted to decrease the use of foreign uranium.

Before explaining the amendment in detail, I would like to review for my colleagues the legislative history of the issue of imported uranium and the maintenance of a viable domestic uranium industry. The provision before us is not the first time the Congress has spoken on the subject. In 1964 the President of the United States signed into law the Private Ownership of Special Nuclear Materials Act. That act amended the Atomic Energy Act so as to provide for the private ownership of special nuclear materials within the United States and to change the structure of the Atomic Energy Act in a way which would permit a civilian nuclear power program. As a part of that act a provision to the Atomic Energy Act was added which provided that the Secretary of Energy offer uranium enrichment services in a manner that would protect the viability of the domestic uranium industry. As a consequence of that legislation, the Atomic Energy Commission placed a total prohibition on the enrichment of foreign uranium which was intended to be used in domestic nuclear powerplants. The Joint Atomic Energy Committee said, in passing this legislation, that this measure was "in the national interest since the industry is closely re-

lated to our vital defense and security interests." In 1974 the Atomic Energy Commission decided to begin a phaseout of this enrichment restriction beginning in 1977. As of this year, the restriction stands at 60 percent and is scheduled to rise to 80 percent in 1983, with no restriction on the enrichment of foreign uranium for domestic use after 1984. Let me stress for my colleagues that we have in place today, at this moment, an import restriction. It stands at 60 percent of our domestic use. The provision that is before us in the Nuclear Regulatory Commission authorization is not, for those who take offense at such restrictions, as drastic as that.

Some of my colleagues might question why we need to address the issue of imports when the Atomic Energy Commission determined in 1973 that imports were no longer a threat to a viable domestic industry. One reason the finding of the Atomic Energy Commission can be called into question is that the projected demand calculated by the Commission turned out to be, for the year 1980, three times too high. As a consequence, demand has not grown as rapidly as projected and the domestic uranium industry is experiencing extreme economic hardship. In the past 2 years over half of the domestic miners have been laid off, exploration has dropped by 66 percent, and the number of operating mines in this country has dropped by over 63 percent. I do not stand here today arguing that these measures of the health of the domestic industry are being affected by uranium imports. What I would suggest to my colleagues is that, in the absence of some signal to the foreign producers of uranium that we in the United States will maintain a viable industry, those producers will capture our markets and discourage future development of the domestic uranium industry. This concern that foreign producers are rushing to capture our domestic market is not hypothetical. In the first 6 months of this year, well over 50 percent of the long-term contracts awarded for uranium were to Canadian producers alone. A recent update of the Department of Energy's "Uranium Marketing Survey" indicates that this trend toward increasing imports may be more real than the Department of Energy is willing to admit. As of January 1, 1982, the Department reported that approximately 24,800 short tons of uranium would be imported to this country over the next decade. The July 1, 1982 update of that survey indicates that that figure has grown to 38,700 short tons. Similarly, for the decade of the nineties, the previous figure had been 9,300 short tons. As of July 1, 1982, that figure had grown to 18,200 short tons. The Energy Information Administration has projected that such aggressive marketing could lead to foreign producers holding 80 percent of the domestic market by the late eighties.

Before I explain the import provision of this authorization bill, let me stress that the purpose of this legislation is to assure import independence for our domestic nuclear power industry. I need not remind my colleagues of the soaring price of electricity resulting from oil import dependence in New England. It might be necessary for me to point out that should this Nation decide sometime in the future, after a domestic production capacity has disappeared, that we do need to have production capability, it could take 5 to 10 years to bring on line sufficient production capacity.

Mr. President, the Conference Committee compromise provides that the President report to the Congress on the status of the domestic uranium mining and milling industry. This report would be done within 12 months of enactment of this provision. The report would include a number of factors to be considered in reviewing the industry.

First, the President would report on the projections of uranium requirements and inventories of the domestic utility industry for the future. To be meaningful, these projections would need to be done over at least a 10-year future period.

Second, the President would report on the present and future projected uranium production by the domestic mining and milling industry and again, this projection should be over at least a 10-year period. In the past, the Department of Energy has done reviews on the projected domestic production in their document entitled "Statistical Data of the Uranium Industry." What has been lacking in that report is a projection of future production.

Third, the President would report on the present and future probable penetration of the domestic market by foreign imports. Such calculation would be based on contracts executed, and I mean by that that they are signed, or executed options.

Fourth, the President would report on the size of domestic and foreign reserves, as they have been reported in the past by the Department of Energy, using a number of different forward cost categories.

Fifth, the President would report on present and projected uranium exploration expenditures and plans. In the past, those plans have been reported for only 1 year in the future. This report would need at least a 5-year forward projection.

Sixth, the report would include present and projected employment and capital investment in the uranium mining and milling industry.

Seventh, the report would have an estimate of the level of domestic uranium production necessary to insure the viability of the domestic uranium industry.

Eighth, the President should translate the information on the level of production necessary to maintain a viable domestic industry into that percent of the market needed to maintain this level of production which belongs to the domestic industry.

Ninth, the President should report on the price effects that import restrictions might have over what might be predicted to be the current price projections.

Tenth, the President should examine the effect that spent fuel reprocessing might have on the domestic uranium industry as reprocessing is likely to take place over the next 10 years.

The conference committee also provides that the Secretary of Energy monitor and report on the viability of the domestic uranium industry on an annual basis from now until 1992. In making that report the Secretary would be required to submit a determination as to whether or not the domestic uranium industry is viable. In the event that the Secretary were to find that the domestic industry was not viable, existing provisions in the Atomic Energy Act would provide the Secretary with the authority to help maintain the viability of the industry. In order to make this determination of viability the Secretary is required to promulgate criteria for such a finding. Those criteria would be promulgated within 9 months of enactment of this provision and a number of those criteria are specified in the compromise provision.

First, the Secretary would be required to assess whether or not executed contracts or options for source material or special nuclear material will result in 37.5 percent of the actual or projected domestic uranium requirements for any 2-consecutive-year period being supplied by foreign source material or foreign special nuclear material. The term domestic uranium requirements should be interpreted as the uranium necessary to fuel all operating domestic nuclear powerplants as licensed under section 103 and 104b of the Atomic Energy Act. In projecting future imports the Secretary should also include projected future nuclear powerplant operations and the demand for uranium which would result.

Second, the criteria would include projections of uranium requirements and inventories for domestic utilities for a 10-year period forward from the year in which the annual report was being prepared. Again, uranium requirements refers to the amount of uranium necessary to fuel domestic nuclear powerplants licensed under sections 103 and 104b of the Atomic Energy Act.

Third, the Secretary would review the present and probable future use by the domestic market of foreign imports, again with a projected future of 10 years to be examined from the date in which the annual assessment was being performed.

Fourth, the Secretary would determine whether domestic economic reserves can supply all future needs for a future 10-year period from the date of the assessment. Economic reserves have been measured in the past by determining those reserves that would be economic to be used at the time of the projected demand.

Fifth, the Secretary would review present and projected domestic uranium exploration expenditures and plans, again using projections similar to those made by the Department in the past but projected further into the future than the Department's past estimates.

Sixth, the Secretary would review present and projected employment and capital investment in the uranium industry.

Seventh, the Secretary would review the level of domestic uranium production capacity sufficient to meet all projected domestic nuclear power needs for a 10-year forward period. Again, that 10-year forward period should be from the date of the annual report.

Eighth, the criteria should include a projection of the domestic uranium production and price levels which would result under different levels of imports. The Secretary would also have the authority to provide such other criteria as deemed appropriate and also the authority to gather such information as is necessary to carry out the monitoring and reporting requirements required by the provision.

As restatement of existing law, the Conference Committee compromise provides that the Secretary of Energy may determine, at any time, that imports are a threat or substantial cause of serious injury to the domestic industry. In that event the U.S. Trade Representative would request the U.S. International Trade Commission to initiate an investigation under section 201 of the Trade Act of 1974 (19 U.S.C. 2251). Under the Trade Act, if the Commission finds that statutory criteria are satisfied, it submits a report to the President with a recommendation for import relief. The Commission can recommend an increase in duty, the imposition of an import restriction, or certain other remedies. The President has discretion as to whether to impose relief, or to impose no relief at all. The conferees did not intend to affect, in any way the manner in which such sanctions would be applied to future contracts or to existing contracts. In other words, the conferees expect that the Commission and the President would treat existing and future contracts for uranium procurement just as they would treat any contracts for imports, either existing or future, which might be investigated under the International Trade Commission's authority.

The conference committee compromise further provides that upon a finding that executed imports or executed options for source material or special nuclear material of foreign origin have reached a level of 37.5 percent of actual or projected domestic uranium requirements, the Secretary of Energy shall revise criteria for the operation of the uranium enrichment plants so as to encourage the use of domestic origin uranium in domestic nuclear powerplants. The Conference Committee statement of managers provides three examples of the kind of modifications envisioned by the conferees. To the extent that criteria modifications result in the greater use of uranium, it is intended that that uranium be of domestic origin. So, for example, if the Secretary of Energy were to modify the tails assay for the operation of the enrichment plants in such a way as to increase the use of uranium, the increased uranium required would be of domestic origin. The conferees did not intend that the modifications undertaken by the Secretary in any affect existing contracts for the use, possession, or enrichment of foreign source material or foreign special nuclear material in utilization facilities licensed, or required to be licensed under section 103 or 104b of the Atomic Energy Act.

Once the Secretary of Energy has made the determination that present or future use of foreign uranium or foreign source material or special nuclear material accounted for 37.5 percent of domestic demand in any 2 consecutive-year period, the Secretary would be required to request the Secretary of Commerce to initiate an investigation under section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862). The conferees intended that the Secretary make this determination based on the annual assessment of present or future use of uranium from foreign sources. Under the Trade Expansion Act, if the Secretary concludes that imports threaten the national security, the President can adjust imports to remove the threat. However, if the Secretary concludes that no threat to national security exists, the President has no power under the Trade Expansion Act to grant import relief. The Conference Committee compromise provides that during the course of this study, or 2 years, whichever is shorter, it would be unlawful to contract for imported uranium. I stress that this moratorium on contracting extends to new contracts only. Any foreign source material or special nuclear material previously contracted for would not be affected. The intent behind this provision is that, during the course of the investigation into whether or not imports are a threat to national security, it would not be appropriate to be contracting for more foreign uranium which might further threaten the national security. The conferees did not intend to affect, in any way, the manner in which such a study might affect future or existing contracts. In other words, the conferees expect that the recommendation of the Secretary of Commerce and the actions of the President would treat existing or future contracts for uranium procurement just as they might for any other commodity being imported to the United States which the Secretary found to be a threat to the national security. There would be no grandfathering of existing contracts from sanctions unless the Secretary of Commerce so recommended and the President instituted.

In conducting the investigation under section 232 of the Trade Expansion Act, the conferees intended that the Secretary of Commerce take into account the information provided by the Secretary of Energy. In particular, the Secretary of Commerce should take into account information regarding projected or executed contracts or executed options for foreign source material or special nuclear material. This prospective examination of the potential threat to our national security is necessary principally because of the long lead time involved in starting uranium mining and milling operations.

The provisions provides that the Secretary of Commerce could not initiate another investigation sooner than 3 years following the completion of any investigation by the Secretary of Commerce under the provision, if no recommendation had been made pursuant to such study for trade adjustments to assist or protect the domestic uranium industry. If the Secretary of Commerce were to undertake another investigation as triggered by the 37.5 percent level of imports, restrictions on contracting under the provision would not take effect unless the Secretary of Energy had determined that new information relating to the national security required that contracting be suspended.

Mr. SCHMITT. Mr. President, I compliment my colleagues who served on the conference committee on their efforts. Among many other essential issues addressed in this bill, two issues are of particular concern to me: The uranium import issue and the uranium mill tailings issue. I have followed these problems closely because of the large impact on my State and because of my background as a geologist. As you will recall, last year's NRC appropriation bill contained my amendment prohibiting the NRC from implement-

ing the uranium mill tailings regulations. Finally, today before the Senate we have a permanent reform that I hope will solve the serious problem of inconsistent, expensive and flawed uranium mill tailings regulations. The import restriction is also a vital concern to those of us familiar with U.S. strategic mineral requirements. Our domestic uranium industry is in a critical position. If we do not act now to preserve our domestic production capability, we will simply not have that capability without a 5-10 year leadtime warning. We need a viable domestic uranium industry.

We all support the principle that public health and safety must be protected from potential hazards of uranium mill tailings. The conference agreement seems to promote this goal, while also assuring a reasonable regulatory program for uranium mill tailings. Nonetheless, I believe some clarification is in order on certain aspects of the agreement. By requiring a consideration of environmental and economic costs, is my understanding correct that the Senator wants the regulatory agencies to consider more than just the feasibility of their standards and regulations?

Mr. SIMPSON. The Senator's understanding is correct. The direction to consider costs requires more than a perfunctory determination of whether a given cost can be borne by the uranium industry or a particular licensee. As indicated in the statement of managers, standards and requirements must bear a reasonable relationship to the expected benefits; that is, the costs to comply should be commensurate with the risks. This is not to say that an itemized cost-benefit optimization approach is required. In balancing costs and risks to assure a reasonable relationship between the two, judgment must be exercised by the agencies.

Mr. SCHMITT. In the statement of managers, I read the following: "The conferees note that this language reflects accurately the current regulatory approach of the agenices." Do I correctly understand this language to affirm as being sufficient to the prior agency consideration of costs of mill tailings stabilization and reclamation?

Mr. SIMPSON. The statement the Senator referred to must be taken in context of the preceding statement. Whether or not costs were sufficiently considered by NRC was disputed in litigation. We have expressly taken a neutral position on the issues raised in the litigation. By the amendments agreed to by the conference, the basis for consideration of costs by EPA in promulgating general standards and by NRC in issuing site specific regulations is now expressly established. Both of these agencies must establish that cost of compliance bears a reasonable relationship to expected benefits.

Mr. SCHMITT. I thank the Senator for his clarification. On this issue, I have but one further question. Should EPA fail to timely issue its final active standards, could NRC implement its existing mill licensing requirements?

Mr. SIMPSON. Only if the NRC determined after appropriate opportunity for comment and a public hearing that those regulations are reasonably related to the costs of implementation. In order to prevent such a potential result, the conference agreement requires both EPA and NRC to consider costs and be certain that they were reasonably related to expected benefits.

Mr. SCHMITT. The Senator's statements are reassuring. In view of those assurances, I am pleased to support the conference agreement.

Mr. WALLOP. Mr. President, I, too, compliment the conferees. A great deal of effort was expended on resolution of the differences between the Senate and House bills. The result appears worthy of the effort. I too, however, have a question on one aspect of the bill. I feel the provision that suspends NRC's regulations seems somewhat complex. Could the requirements of that provision be more simply stated?

Mr. DOMENICI. I believe I can answer that question. As the Senator will recall, the Senate bill suspended NRC regulations in full until that agency conformed to final EPA standards. The intent of the Senate suspension was to restore the order established in the 1978 act which called for EPA general standards followed by NRC site specific regulations. Some Members of the House felt that the Senate suspension was broader than was needed to achieve the purpose. On reflection, I had to agree with the House Members. Only those requirements which are dependent on EPA's standards should be suspended, and then only when reason exists to establish that NRC's requirements will be different than EPA's final standards and where licensees are required to take some significant action. As agreed to by the conference, a full suspension will be effective until January 1, 1983. After that date, the Commission must determine if a suspension is appropriate considering the factors I have just stated.

Mr. WALLOP. I thank the Senator for his explanation. It is my understanding that EPA and NRC have stated that they felt compelled by the Mill Tailings Act to impose stringent requirements, such as a 2-picocurie radon emanation standard, irrespective of costs, because of language in the preamble to the 1978 Mill Tailings Act. From my reading of the applicable provision, the 1978 act directed the agencies to take "every reasonable effort" necessary to protect public health. Implicit in that language is a direction to exercise reasonable discretion. Have the amendment dispelled the misapprehension of the agencies on this point?

Mr. SIMPSON. I say to my fine Wyoming colleague that in, my best estimate, they have. The statement of managers clearly states that it is the agreement of the conferees that EPA and NRC, in promulgating standards and regulations, should exercise their best independent technical judgments. The agencies should determine the risks associated will mill tailings and the significance of those risks. They should also examine various regulatory approaches to deal with significant risks that are identified. Of course, we expect the approach ultimately adopted to be reasonably related to the risks in terms of costs. In short, Congress has not directed any specific regulatory program. On technical issues relating to the regulation of mill tailings, EPA and NRC should both exercise reasonable judgment on the appropriate course to accomplish the basic purpose of the act, which is to protect the public health and safety from unreasonable risks.

Mr. WALLOP. I thank the Senator for his clarification, I, too, am pleased to support the conference agreement.

Mr. DOMENICI. The last paragraph of section 6 of the conference report refers to the 1980 NRC Authorization Act. Is it the Senator's understanding that the act, Public Law 96-295, has expired?

Mr. SIMPSON. That is correct, since its authorized funds have been appropriated and spent.

Mr. DOMENICI. The same paragraph expresses the conferees' support of a continued effort by the NRC to promulgate demographic requirements for siting. What is the intent of this?

Mr. SIMPSON. The Nuclear Regulatory Commission intends to promulgate a nuclear safety goal in the near future. It also will be refining and updating radioactivity source terms relating to nuclear power reactors. Settling these matters will enable the Commission to revise its existing regulations and issue new regulations for the better protection of the public health and safety. Demographic considerations are logical and necessary considerations to take into account in this process.

Mr. DOMENICI. The paragraph also makes reference to demographic requirements for siting that are independent of facility design. What is meaning of the report in this respect?

Mr. SIMPSON. It is expected that, in order to achieve an acceptable level of health and safety, siting, design and emergency planning features all will be used. In addition, there could be health and safety considerations that go beyond and therefore could be referred to as independent of design—for

example, some kind of accident that no one might ever anticipate and therefore engineer safeguards against. The NRC might also want to consider what, if any, demographic circumstances it would be worthwhile to take into account in relation to capabilities such as warning, evacuation, or sheltering in order to enhance public health and safety vis-a-vis such unknown contingency. However, it is expected that the Commission will implement its safety goals to achieve overall health and safety primarily by a combination of design, siting, and planning considered together.

Mr. DOMENICI. In the statement of managers, I direct attention to a paragraph in section 12, the so-called Sholly provision, wherein it is stated that in applying the authority which that provision grants the NRC "should be especially sensitive to the issue posed by license amendments that have irreversible consequences." Is that paragraph in general, or specifically, the words "irreversible consequences." intended to impose restrictions on the Commission's use of that authority beyond the provisions of the statutory language? Can the Senator clarify that, please?

Mr. SIMPSON. I shall. It is not the intention of the managers that the paragraph in general, nor the words "irreversible consequences," provide any restriction on the Commission's use of that authority beyond the statutory provision in section 189a. Under that provision, the only determination which the Commission must make is that its action does not involve a significant hazard. In that context, "irreversibility" is only one of the many considerations which we would expect the Commission to consider. It is the determination of hazard which is important, not whether the action is irreversible, Clearly, there are many irreversible actions which would not pose a hazard. Thus where the Commission determines that no significant hazard is involved, no further consideration need be given to the irreversibility of that action.

Mr. DOMENICI. I thank the Senator for the clarification. That is consistent with my readings of the language. It is my further understanding that the provision in question is entended to reverse the holding of the Court of Appeals for the District of Columbia in the case of Sholly against NRC. Thus, under this provision the NRC would be permitted to issue a license amendment prior to a public hearing for the type of activity which was the subject of that proceeding, assuming the Commission first determines that no significant hazard is involved. Is that correct?

Mr. SIMPSON. Yes, that is quite correct.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The confernce report was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. STAFFORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

OMNIBUS VICTIMS PROTECTION ACT OF 1982

Mr. BAKER. Mr. President, a message from the House on S. 2420 is here and available for action. May I inquire if the minority leader is prepared to consider that item?

Mr. ROBERT C. BYRD. Mr. President, this side is ready to proceed.

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2420.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate, (S. 2420), entitled "An Act to protect victims of crimes," do pass with the following amendments:

Strike out all after the enacting clause, and insert:

That this Act may be cited as the "Comprehensive Victim and Witness Protection and Assistance Act of 1982".

VICTIM IMPACT STATEMENT

SEC. 2. Paragraph (2) of rule 32(c) of the Federal Rules of Criminal Procedure is amended to read as follows:

"(2) REPORT.—The presentence report shall contain—

"(A) any prior criminal record of the defendant;

"(B) a statement of the circumstances of the commission of the offense and circumstances affecting the defendant's behavior;

"(C) information concerning any harm done to or loss suffered by any victim of the offense; and

"(D) any other information that may aid the court in sentencing.".

PROTECTION OF VICTIMS AND WITNESSES FROM INTIMIDATION

SEC. 3. (a) Chapter 73 of title 18 of the United States Code is amended by adding at the end the following new sections:

"§ 1512. Tampering with a witness or an informant

"(a) Whoever knowingly uses physical force or threatens another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to—

"(1) influence the testimony of any person in an official proceeding;

"(2) cause or induce any person to—

"(A) withhold testimony, or withhold a record document, or other object, from an official proceeding;

"(B) alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding;

"(C) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or

"(3) hinder, delay, or prevent the communication, to a law enforcement officer or judge of the United States, of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings;

shall be fined not more than $250,000 or imprisoned not more than five years, or both.

"(b) In a prosecution for an offense under subsection (a)(1) of this section, it is an affirmative defense, as to which the defendant has the burden of persuasion by a preponderance of the evidence, that the threat consisted solely of lawful conduct and that the defendant's sole intention was to compel or induce the other person to testify truthfully.

"(c) In a prosecution for an offense under this section, no state of mind need be proved with respect to the circumstance—

"(1) that the official proceeding before a judge, court, magistrate, grand jury, or government agency is before a judge or court of the United States, a United States magistrate, a bankruptcy judge, a Federal grand jury, or a Federal Government agency; or

"(2) that the judge is a judge of the United States or that the law enforcement officer is an officer or employee of the Federal Government or a person authorized to act for or on behalf of the Federal Government or serving the Federal Government as an adviser or consultant.

"§ 1513. Retaliating against a witness or an informant

"Whoever knowingly engages in any conduct and thereby intentionally causes bodily injury to another person or damages the tangible property of another person, or threatens to do so, with intent to punish any person for—

"(1) the attendance of a witness or party at an official proceeding, or any testimony given, or any record, document, or other object produced, by a witness in an official proceeding; or

"(2) any information relating to the commission possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings given by a person to a law enforcement officer;

or attempts to do so, shall be fined not more than $250,000 or imprisoned not more than five years, or both.

"§ 1514. Civil action to restrain harassment of a victim or witness

"(a)(1) A United States district court, upon application of the attorney for the Government, shall issue a temporary restraining order prohibiting harassment of a victim or witness in a Federal criminal case if the court finds, from specific facts shown by affidavit or by verified complaint, that there are reasonable grounds to believe that harassment of an identified victim or witness in a Federal criminal case exists or that such order is necessary to prevent and restrain an offense under section 1512 of this title, other than an offense consisting of misleading conduct, or under section 1513 of this title.

"(2)(A) A temporary restraining order may be issued under this section without written or oral notice to the adverse party in a civil action under this section, or such party's attorney, if the courts find, upon written certification of facts by the attorney for the Government, that such notice

should not be required and that there is a reasonable probability that the Government will prevail on the merits.

"(B) A temporary restraining order issued without notice under this section shall be endorsed with the date and hour of issuance and be filed forthwith in the office of the clerk of the court issuing the order.

"(C) A temporary restraining order issued under this section shall expire at such time, not to exceed 10 days from issuance, as the court directs; the court, for good cause shown before expiration of such order, may extend the expiration date of the order for up to 10 days or for such longer period agreed to by the adverse party.

"(D) When a temporary restraining order is issued without notice, the motion for a protective order shall be set down for hearing at the earliest possible time and takes precedence over all matters except older matters of the same character, and when such motion comes on for hearing, if the attorney for the Government does not proceed with the application for a protective order, the court shall dissolve the temporary restraining order.

"(E) If on two days notice to the attorney for the Government or on such shorter notice as the court may prescribe, the adverse party appears and moves to dissolve or modify the temporary restraining order, the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

"(F) A temporary restraining order shall set forth the reasons for the issuance of such order, be specific in terms, and describe in reasonable detail (and not by reference to the complaint or other document) the act or acts being restrained.

"(b)(1) A United States district court, upon motion of the attorney for the Government, shall issue a protective order prohibiting harassment of a victim or witness in a Federal criminal case if the court, after a hearing, finds by a preponderance of the evidence that harassment of an identified victim or witness in a Federal criminal case exists or that such order is necessary to prevent and restrain an offense under section 1512 of this title, other than an offense consisting of misleading conduct, or under section 1513 of this title.

"(2) At the hearing referred to in paragraph (1) of this subsection, any adverse party named in the complaint shall have the right to present evidence and cross-examine witnesses.

"(3) A protective order shall set forth the reasons for the issuance of such order, be specific in terms, describe in reasonable detail (and not by reference to the complaint or other document) the act or acts being restrained.

"(4) The court shall set the duration of effect of the protective order for such period as the court determines necessary to prevent harassment of the victim or witness but in no case for a period in excess of three years from the date of such order's issuance. The attorney for the Government may, at any time within 90 days before the expiration of such order, apply for a new protective order under this section.

"(c) As used in this section—

"(1) the term 'harassment' means a course of conduct directed at a specific person that—

"(A) causes substantial emotional distress in such person; and

"(B) serves no legitimate purpose;

"(2) the term 'course of conduct' means a series of acts over a period of time, however short, indicating a continuity of purpose.

"§ 1515. Definitions for certain provisions

"As used in sections 1512 and 1513 of this title and in this section—

"(1) the term 'official proceeding' means—

"(A) a proceeding before a judge or court of the United States, a United States magistrate, a bankruptcy judge, or a Federal grand jury;

"(B) a proceeding before the Congress; or

"(C) a proceeding before a Federal Government agency which is authorized by law;

"(2) the term 'physical force' means physical action against another, and includes confinement;

"(3) the term 'misleading conduct' means—

"(A) knowingly making a false statement;

"(B) intentionally omitting information from a statement and thereby intentionally causing a portion of such statement to be misleading, or intentionally concealing a material fact, and thereby intentionally creating a false impression by such statement;

"(C) with intent to mislead, knowingly submitting or inviting reliance on a writing or recording that is false, forged, altered, or otherwise lacking in authenticity;

"(D) with intent to mislead, knowingly submitting or inviting reliance on a sample, specimen, map, photograph, boundary mark, or other object that is misleading in a material respect; or

"(E) knowingly using a trick, scheme, or device with intent to mislead;

"(4) the term 'law enforcement officer' means an officer or employee of the Federal Government, or a person authorized to act for or on behalf of the Federal Government or serving the Federal Government as an adviser or consultant—

"(A) authorized under law to engage in or supervise the prevention, detection, investigation, or prosecution of an offense; or

"(B) serving as a probation or pretrial services officer under this title.";

"(5) the term 'intentional', with respect to an individual's conduct or the results of that conduct, means that engaging in such conduct or causing such result is such individual's conscious objective;

"(6) the term 'knowing', with respect to an individual's conduct, the circumstances surrounding that conduct, or the results of such conduct means that such individual—

"(A) is aware such individual is engaging in such conduct, that such circumstance exists, or that such result is substantially certain to occur; or

"(B) has a firm belief that such circumstance exists or that such result is substantially certain to occur; and

"(7) the term 'bodily injury' means—

"(A) a cut, abrasion, bruise, burn, or disfigurement;

"(B) physical pain;

"(C) illness;

"(D) impairment of the function of a bodily member, organ, or mental faculty; or

"(E) any other injury to the body, no matter how temporary.".

(b) The table of sections at the beginning of chapter 73 of title 18 of the United States Code is amended—

(1) so that the item relating to section 1503 reads as follows:

"1503. Influencing or injuring officer or juror generally."; and

(2) by adding at the end the following:

"1512. Tampering with a witness or an informant.

"1513. Retaliating against a witness or an informant.

"1514. Civil action to restrain harassment of a victim or witness.

"1515. Definitions for certain provisions.".

(c) Section 1503 of title 18 of the United States Code is amended—

(1) in the heading of such section, by striking out ", juror or witness" and inserting in lieu thereof "or juror";

(2) by striking out "witness" the first place it appears after "impede any" and all that follows through "or any grand" and inserting "grand" in lieu thereof; and

(3) by striking out "injures any party or witness" and all that follows through "matter pending therein, or".

(d) Section 1505 of title 18 of the United States Code is amended by—

(1) striking out paragraphs (1) and (2);

(2) striking out "such" the first place it appears in the fourth paragraph and inserting in lieu thereof "any pending";

(3) striking out "such" the second place it appears in the fourth paragraph and inserting in lieu thereof "any"; and

(4) striking out "such inquiry" in the fourth paragraph and inserting in lieu thereof "any inquiry".

(e) Section 1510(a) of title 18 of the United States Code is amended—

(1) by striking out the comma immediately following "bribery" and all that follows through "thereof";

(2) by striking out the semicolon immediately following "investigator" the first place it appears and all that follows through "Shall be fined" and inserting "shall be fined" in lieu thereof.

RESTITUTION

SEC. 4. (a) Chapter 227 of title 18 of the United States Code is amended by adding at the end the following:

"§ 3579. Nature of sentence of restitution

"(a)(1) The court, when sentencing a defendant convicted of an offense under this title or under subsection (i), (j), (h), or (n) of section 902 of the Federal Aviation Act of 1958 (49 U.S.C. 1472), may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to any victim of the offense for which the defendant is sentenced.

"(2) If the court does not order restitution under this section, the court shall state on the record the reasons therefor.

"(b) The order may require that such defendant—

"(1) in the case of an offense resulting in damage to or loss or destruction of property of a victim of the offense—

"(A) return the property to the rightful owner of the property or someone designated by the rightful owner; or

"(B) if return of the property under subparagraph (A) is impossible or impractical, pay an amount equal to the greater of the value of the property on the date of the damage, loss, or destruction, or the value of the property on the date of sentencing, less the value (as of the date the property is returned) of any part of the property returned under subparagraph (A) of this paragraph;

"(2) where an offense results in bodily injury to a victim—

"(A) pay necessary expenses of medical and related professional services and devices relating to physical or psychiatric care, including nonmedical care and treatment rendered in accordance with a method of healing recognized by the law of the place of treatment;

"(B) pay expenses necessarily incurred for physical and occupational therapy and rehabilitation; and

"(C) reimburse the victim for income lost by such victim as a result of such offense;

"(3) where an offense resulting in bodily injury also results in the dealth of a victim, pay necessary funeral expenses; and

"(4) in any instance, where the victim (or if the victim is deceased, the victim's estate) consents, make restitution in services in lieu of money.

"(c) The court shall not impose an order of restitution under this section if such imposition will unduly complicate or prolong the sentencing process.

"(d)(1) The court shall not impose restitution with respect to a loss for which the victim has received or is to receive compensation, except that if such compensation is received from an insurer against such loss, the court may order restitution to such insurer to the extent of such compensation. An order of restitution shall require that all restitution to victims under such order be made before any restitution to any insurer under such order is made.

"(2) Any amount paid to a victim under an order of restitution shall be set off against any amount later recovered as compensatory damages by such victim in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of that State.

"(e)(1) The court may require that such defendant make restitution under this section within a specified period or in specified installments.

"(2) The end of such period or the last such installment shall not be later than—

"(A) the end of the period of probation, if probation is ordered;

"(B) five years after the end of the term of imprisonment imposed, if the court does not order probation; and

"(C) five years after the date of sentencing in any other case.

"(3) If not otherwise provided by the court under this subsection, restitution shall be made immediately.

"(f) If such defendant is paroled under this title, compliance by such defendant with any order of restitution under this section shall be a condition of such parole. The Parole Commission may revoke such defendant's parole if such defendant fails to comply with such order. In determining whether to revoke such defendant's parole because of such a failure, the Parole Commission shall consider such defendant's employment status and financial resources, the financial needs of such defendant and the dependents of such defendant, such defendant's reason for noncompliance, and such other factors as the Parole Commission deems appropriate.

"(g) An order of restitution may be enforced by the United States or a victim named in the order to receive the restitution in the same manner as a judgment in a civil action.

"§ 3580. Procedure for issuing order of restitution

"(a) The court, in determining whether to order restitution under section 3579 of this title and the amount of such restitution, shall consider the amount of the loss sustained by any victim as a result of the offense, the financial resources of the defendant, the financial needs of the defendant and the defendant's dependents, and such other factors as the court deems appropriate.

"(b) The court may order the probation service of the court to obtain information pertaining to the factors set forth in subsection (a) of this section. The probation service of the court shall include the information collected in the report of presentence investigation or in a separate report, as the court directs.

"(c) The court shall disclose to both the defendant and the attorney for the Government all portions of the presentence or other report pertaining to the matters described in subsection (a) of this section.

"(d) Any dispute as to the proper amount or type of restitution shall be resolved by the court by the preponderance of the evidence. The burden of demonstrating the amount of the loss sustained by a victim as a result of the offense shall be on the attorney for the Government. The burden of demonstrating the financial resources of the defendant and the financial needs of the defendant and such defendant's dependents shall be on the defendant. The burden of demonstrating such other matters as the court deems appropriate shall be upon the party designated by the court as justice requires.".

"(b) The table of sections at the beginning of chapter 227 of title 18 of the United States Code is amended by adding at the end the following new items:

"3579. Nature of sentence of restitution.

"3580. Procedure for issuing order of restitution.".

FEDERAL GUIDELINES FOR FAIR TREATMENT OF CRIME VICTIMS AND WITNESSES IN THE CRIMINAL JUSTICE SYSTEM

SEC. 5. (a) Within two hundred and seventy days after the date of the enactment of this Act, the Attorney General shall prescribe and implement guidelines for the fair treatment of crime victims and witnesses in criminal cases. In preparing the guidelines the Attorney General shall consider the following objectives:

(1) A victim of crime should routinely receive emergency social and medical services as soon as possible and information on—

(A) the availability to the victim of any crime victim compensation and of community-based victim-treatment programs;

(B) the crime victim's role in the criminal justice process; and

(C) stages in the criminal justice process of significance to a crime victim, and the manner in which information about such stages can be obtained.

(2) A victim or witness should routinely receive information on steps that law enforcement officers and attorneys for the Government can take to protect victims and witnesses from intimidation.

(3) A victim or witness should receive timely advance notice of all proceedings such victim or witness must attend.

(4) A victim of, or witness to, a serious crime should be able to request advance notification of—

(A) the arrest of an accused, if such notification is feasible;

(B) the initial appearance of an accused before a judicial officer;

(C) the initial bond decision relating to the accused; and

(D) proceedings in the prosecution of the accused (including entry of a plea of guilty, trial, sentencing, and, where a term of imprisonment is imposed, the release of the accused from such imprisonment).

(5) The victim of a serious crime, or in the case of a minor child or a homicide, the victim's family, should be consulted by the attorney for the Government in order to obtain such victim's or such family's views about the disposition of any Federal criminal case brought as a result of such crime, including such victim's or family's views about—

(A) dismissal;

(B) release of the accused pending judicial proceedings;

(C) plea negotiations; and

(D) pretrial diversion program.

(6) Victims and witnesses should be provided with a secure waiting area during court proceedings.

(7) Property held for evidentiary purposes should promptly be returned to the owner of such property unless there is a compelling law enforcement reason for retaining such property.

(8) A victim or witness who so requests should be assisted by law enforcement agencies and attorneys for the Government in informing employers that the need for victim and witness cooperation in the prosecution of the case may necessitate absence of that victim or witness from work. A victim or witness who, as a direct result of a crime or of cooperation with law enforcement agencies or attorneys for the Government, is subjected to serious financial strain, should be assisted by such agencies and attorneys in explaining to creditors the reason for such serious financial strain.

(9) Victim assistance education and training should be offered to persons taking courses at Federal law enforcement training facilities and attorneys for the Government so that victims may be promptly, properly, and completely assisted.

(10) Any other important means of assisting victims and witnesses that the prescribing official deems appropriate.

(b) Nothing in this section shall be construed as creating a cause of action against the United States.

PROFIT BY A CRIMINAL FROM PUBLICITY RELATING TO CRIMINAL CONDUCT

SEC. 6. Within one year after the date of enactment of this Act, the Attorney General shall report to Congress regarding the desirability of legislation necessary to assure that no Federal felon derives any profit from the sale of the recollections, thoughts, and feelings of such felon with regard to the offense committed by such felon until any victim of such offense receives restitution.

BAIL

SEC. 7. Section 3146(a) of chapter 207 of title 18, United States Code, is amended in the matter preceding paragraph (1)—

(1) by inserting after "judicial officer," the second place it appears the following: "subject to the condition that such person not commit an offense under section 1503, 1512, or 1513 of this title,"; and

(2) by inserting after "impose" the following; "a condition of release that such person not commit an offense under section 1503, 1512, or 1513 of this title and impose".

EFFECTIVE DATE

SEC. 8. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b)(1) The amendment made by section 2 of this Act shall apply to presentence reports ordered to be made on or after March 1, 1983.

(2) The amendments made by section 4 of this Act shall apply with respect to offenses occurring on or after January 1, 1983.

Amend the title so as to read: "An Act to provide additional protections and assistance to victims and witnesses in Federal cases.".

UP AMENDMENT NO. 1376

(Purpose: To resolve certain differences between S. 2420 and H.R. 7191)

Mr. THURMOND. Mr. President, we had debate on this bill earlier in the day. It seems there were some question as to whether it had been cleared. It had been cleared, but it seems that both sides were not certain about it. At any rate, since the bill is cleared and now before us, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Carolina (Mr. THURMOND) proposes an unprinted amendment numbered 1376.

Mr. THURMOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. MATTINGLY). Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Victim and Witness Protection Act of 1982".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds and declares that:

(1) Without the cooperation of victims and witnesses, the criminal justice system would cease to function; yet with few exceptions these individuals are either ignored by the criminal justice system or simply used as tools to identify and punish offenders.

(2) All too often the victim of a serious crime is forced to suffer physical, psychological, or financial hardship first as a result of the criminal act and then as a result of contact with a criminal justice system unresponsive to the real needs of such victim.

(3) Although the majority of serious crimes falls under the jurisdiction of State and local law enforcement agencies, the Federal Government, and in particular the Attorney General, has an important leadership role to asume in ensuring that victims of crime, whether at the Federal, State, or local level, are given proper treatment by agencies administering the criminal justice system.

(4) Under current law, law enforcement agencies must have cooperation from a victim of crime and yet neither the agencies nor the legal system can offer adequate protection or assistance when the victim, as a result of such cooperation, is threatened or intimidated.

(5) While the defendant is provided with counsel who can explain both the criminal justice process and the rights of the defendant, the victim or witness has no counterpart and is usually not even notified when the defendant is released on bail, the case is dismissed, a plea to a lesser charge is accepted, or a court date is changed.

(6) the victim and witness who cooperate with the prosecutor often find that the transportation, parking facilities, and child care services at the court are unsatisfactory and they must often share the pretrial waiting room with the defendant or his family and friends.

(7) The victim may lose valuable property to a criminal only to lose it again for long periods of time to Federal law enforcement officials, until the trial and sometimes the appeals are over; many times that property is damaged or lost, which is particularly stressful for the elderly or poor.

(b) The Congress declares that the purposes of this Act are—

(1) to enhance and protect the necessary role of crime victims and witnesses in the criminal justice process;

(2) to ensure that the Federal Government does all that is possible within limits of available resources to assist victims and witnesses of crime without infringing on the constitutional rights of the defendant; and

(3) to provide a model of legislation for State and local governments.

VICTIM IMPACT STATEMENT

SEC. 3. Paragraph (2) of rule 32(c) of the Federal Rules of Criminal Procedure is amended to read as follows:

"(2) REPORT.—The presentence report shall contain—

"(A) any prior criminal record of the defendant;

"(B) a statement of the circumstances of the commission of the offense and circumstances affecting the defendant's behavior;

"(C) information concerning any harm, including financial, social, psychological, and physical harm, done to or loss suffered by any victim of the offense; and

"(D) any other information that may aid the court in sentencing, including the restitution needs of any victim of the offense.".

PROTECTION OF VICTIMS AND WITNESSES FROM INTIMIDATION

SEC. 4. (a) Chapter 73 of title 18 of the United States Code is amended by adding at the end the following new sections:

"§ 1512. Tampering with a witness, victim, or an informant

"(a) Whoever knowingly uses intimidation or physical force, or threatens another person, or attempts to do so, or engages in misleading conduct towards another person, with intent to—

"(1) influence the testimony of any person in an official proceeding;

"(2) cause or induce any person to—

"(A) withhold testimony, or withhold a record, document, or other object, from an official proceeding;

"(B) alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding;

"(C) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or

"(D) be absent from an official proceeding to which such person has been summoned by legal process; or

"(3) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings;

shall be fined not more than $250,000 or imprisoned not more than ten years, or both.

"(b) Whoever intentionally harasses another person and thereby hinders, delays, prevents, or dissuades any person from—

"(1) attending or testifying in an official proceeding;

"(2) reporting to a law enforcement officer or judge of the United States the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings;

"(3) arresting or seeking the arrest of another person in connection with a Federal offense; or

"(4) causing a criminal prosecution, or a parole or probation revocation proceeding, to be sought or instituted, or assisting in such prosecution or proceeding;

or attempts to do so, shall be fined not more than $25,000 or imprisoned not more than one year, or both.

"(c) In a prosecution for an offense under this section, it is an affirmative defense, as to which the defendant has the burden of proof by a preponderance of the evidence, that the conduct consisted solely of lawful conduct and that the defendant's sole intention was to encourage, induce, or cause the other person to testify truthfully.

"(d) For the purposes of this section—

"(1) an official proceeding need not be pending or about to be instituted at the time of the offense; and

"(2) the testimony, or the record, document, or other object need not be admissible in evidence or free of a claim of privilege.

"(e) In a prosecution for an offense under this section, no state of mind need be proved with respect to the circumstance—

"(1) that the official proceeding before a judge, court, magistrate, grand jury, or government agency is before a judge or court of the United States, a United States magistrate, a bankruptcy judge, a Federal grand jury, or a Federal Government agency; or

"(2) that the judge is a judge of the United States or that the law enforcement officer is an officer or employee of the Federal Government or a person authorized to act for or on behalf of the Federal Government or serving the Federal Government as an adviser or consultant.

"(f) There is extraterritorial Federal jurisdiction over an offense under this section.

"§ 1513. Retaliating against a witness, victim, or an informant

"(a) Whoever knowingly engages in any conduct and thereby causes bodily injury to another person or damages the tangible property of another person, or threatens to do so, with intent to retaliate against any person for—

"(1) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or

"(2) any information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings given by a person to a law enforcement officer:

or attempts to do so, shall be fined not more than $250,000 or imprisoned not more than ten years, or both.

"(b) There is extraterritorial Federal jurisdiction over an offense under this section.

§ 1514. Civil action to restrain harassment of a victim or witness

"(a)(1) A United States district court, upon application of the attorney for the Government, shall issue a temporary restraining order prohibiting harassment of a victim or witness in a Federal criminal case if the court finds, from specific facts shown by affidavit or by verified complaint, that there are reasonable grounds to believe that harassment of an identified victim or witness in a Federal criminal case exists or that such order is necessary to prevent and re-

strain an offense under section 1512 of this title, other than an offense consisting of misleading conduct, or under section 1513 of this title.

"(2)(A) A temporary restraining order may be issued under this section without written or oral notice to the adverse party or such party's attorney in a civil action under this section if the court finds, upon written certification of facts by the attorney for the Government, that such notice should not be required and that there is a reasonable probability that the Govenment will prevail on the merits.

"(B) A temporary restraining order issued without notice under this section shall be endorsed with the date and hour of issuance and be filed forthwith in the office of the clerk of the court issuing the order.

"(C) A temporary restraining order issued under this section shall expire at such time, not to exceed 10 days from issuance, as the court directs; the court, for good cause shown before expiration of such order, may extend the expiration date of the order for up to 10 days or for such longer period agreed to by the adverse party.

"(D) When a temporary restraining order is issued without notice, the motion for a protective order shall be set down for hearing at the earliest possible time and takes precedence over all matters except older matters of the same character, and when such motion comes on for hearing, if the attorney for the Government does not proceed with the application for a protective order, the court shall dissolve the temporary restraining order.

"(E) If on two days notice to the attorney for the Government or on such shorter notice as the court may prescribe, the adverse party appears and moves to dissolve or modify the temporary restraining order, the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

"(F) A temporary restraining order shall set forth the reasons for the issuance of such order, be specific in terms, and describe in reasonable detail (and not by reference to the complaint or other document) the act or acts being restrained.

"(b)(1) A United States district court, upon motion of the attorney for the Government, shall issue a protective order prohibiting harassment of a victim or witness in a Federal criminal case if the court, after a hearing, finds by a preponderance of the evidence that harassment of an identified victim or witness in a Federal criminal case exists or that such order is necessary to prevent and restrain an offense under section 1512 of this title, other than an offense consisting of misleading conduct, or under section 1513 of this title.

"(2) At the hearing referred to in paragraph (1) of this subsection, any adverse party named in the complaint shall have the right to present evidence and cross-examine witnesses.

"(3) A protective order shall set forth the reasons for the issuance of such order, be specific in terms, describe in reasonable detail (and not be reference to the complaint or other document) the act or acts being restrained.

"(4) The court shall set the duration of effect of the protective order such period as the court determines necessary to prevent harassment of the victim or witness but in no case for a period in excess of three years from the date of such order's issuance. The attorney for the Government may, at any time within 90 days before the expiration of such order, apply for a new protective order under this section.

"(c) As used in this section—

"(1) the term 'harassment' means a course of conduct directed at a specific person that—

"(A) causes substantial emotional distress in such person; and

"(B) serves no legitimate purpose; and

"(2) the term 'course of conduct' means a series of acts over a period of time, however short, indicating a continuity of purpose.

"§ 1515. Definitions for certain provisions

"As used in sections 1512 and 1513 of this title and in this section—

"(1) the term 'official proceeding' means—

"(A) a proceeding before a judge or court of the United States, a United States magistrate, a bankruptcy judge, or a Federal grand jury;

"(B) a proceeding before the Congress; or

"(C) a proceeding before a Federal Government agency which is authorized by law;

"(2) the term 'physical force' means physical action against another, and includes confinement;

"(3) the term 'misleading conduct' means—

"(A) knowingly making a false statement;

"(B) intentionally omitting information from a statement and thereby causing a portion of such statement to be misleading, or intentionally concealing a material fact, and thereby creating a false impression by such statement;

"(C) with intent to mislead, knowingly submitting or inviting reliance on a writing or recording that is false, forged, altered, or otherwise lacking in authenticity;

"(D) with intent to mislead, knowingly submitting or inviting reliance on a sample, specimen, map, photograph, boundary mark, or other object that is misleading in a material respect; or

"(E) knowingly using a trick, scheme, or device with intent to mislead;

"(4) the term 'law enforcement officer' means an officer or employee of the Federal Government, or a person authorized to act for or on behalf of the Federal Government or serving the Federal Government as an adviser or consultant—

"(A) authorized under law to engage in or supervise the prevention, detection, investigation, or prosecution of an offense; or

"(B) serving as a probation or pretrial services officer under this title; and

"(5) the term 'bodily injury' means—

"(A) a cut, abrasion, bruise, burn, or disfigurement;

"(B) physical pain;

"(C) illness;

"(D) impairment of the function of a bodily member, organ, or mental faculty; or

"(E) any other injury to the body, no matter how temporary.".

(b) The table of sections at the beginning of chapter 73 of title 18 of the United States Code is amended—

(1) so that the item relating to section 1503 reads as follows:

"1503. Influencing or injuring officer or juror generally."; and

(2) by adding at the end the following:

"1512. Tampering with a witness, victim, or an informant.

"1513. Retaliating against a witness, victim, or an informant.

"1514. Civil action to restrain harassment of a victim or witness.

"1515. Definitions for certain provisions.".

(c) Section 1503 of title 18 of the United States Code is amended—

(1) in the heading of such section, by striking out ", juror or witness" and inserting in lieu thereof "or juror";

(2) by striking out "witness" the first place it appears after "impede any" and all that follows through "or any grand" and inserting "grand" in lieu thereof; and

(3) by striking out "injures any party or witness" and all that follows through "matter pending therein, or".

(d) Section 1505 of title 18 of the United States Code is amended by—

(1) striking out paragraphs (1) and (2);

(2) striking out "such" the first place it appears in the fourth paragraph and inserting in lieu thereof "any pending";

(3) striking out "such" the second place it appears in the fourth paragraph and inserting in lieu thereof "any"; and

(4) striking out "such inquiry" in the fourth paragraph and inserting in lieu thereof "any inquiry".

(e) Section 1510(a) of title 18 of the United States Code is amended—

(1) by striking out the comma immediately following "bribery" and all that follows through "thereof";

(2) by striking out the semicolon immediately following "investigator" the first place it appears and all that follows through "Shall be fined" and inserting "shall be fined" in lieu thereof.

RESTITUTION

SEC. 4. (a) Chapter 227 of title 18 of the United States Code is amended by adding at the end the following:

"§ 3579. Order of restitution

"(a)(1) The court, when sentencing a defendant convicted of an offense under this title or under subsection (h), (i), (j), or (n) of section 902 of the Federal Aviation Act of 1958 (49 U.S.C. 1472), may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to any victim of the offense.

"(2) If the court does not order restitution, or orders only partial restitution, under this section, the court shall state on the record the reasons therefor.

"(b) The order may require that such defendant—

"(1) in the case of an offense resulting in damage to or loss or destruction of property of a victim of the offense—

"(A) return the property to the owner of the property or someone designated by the owner; or

"(B) if return of the property under subparagraph (A) is impossible, impractical, or inadequate, pay an amount equal to the greater of—

"(i) the value of the property on the date of the damage, loss, or destruction, or

"(ii) the value of the property on the date of sentencing,

less the value (as of the date the property is returned) of any part of the property that is returned;

"(2) in the case of an offense resulting in bodily injury to a victim—

"(A) pay an amount equal to the cost of necessary medical and related professional services and devices relating to physical, psychiatric, and psychological care, including nonmedical care and treatment rendered in accordance with a method of healing recognized by the law of the place of treatment;

"(B) pay an amount equal to the cost of necessary physical and occupational therapy and rehabilitation; and

"(C) reimburse the victim for income lost by such victim as a result of such offense;

"(3) in the case of an offense resulting in bodily injury also results in the death of a victim, pay an amount equal to the cost of necessary funeral and related services; and

"(4) in any case, if the victim (or if the victim is deceased, the victim's estate) consents, make restitution in services in lieu of money, or make restitution to a person or organization designated by the victim or the estate.

"(c) If the court decides to order restitution under this section, the court shall, if the victim is deceased, order that the restitution be made to the victim's estate.

"(d) The court shall impose an order of restitution to the extent that such order is as fair as possible to the victim and the imposition of such order will not unduly complicate or prolong the sentencing process.

"(e)(1) The court shall not impose restitution with respect to a loss for which the victim has received or is to receive compensation, except that the court may, in the interest of justice, order restitution to any person who has compensated the victim for such loss to the extent that such person paid the compensation. An order of restitution shall require that all restitution to victims under such order be made before any restitution to any other person under such order is made.

"(2) Any amount paid to a victim under an order of restitution shall be set off against any amount later recovered as compensatory damages by such victim in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(f)(1) The court may require that such defendant make restitution under this section within a specified period or in specified installments.

"(2) The end of such period or the last such installment shall not be later than—

"(A) the end of the period of probation, if probation is ordered;

"(B) five years after the end of the term of imprisonment imposed, if the court does not order probation; and

"(C) five years after the date of sentencing in any other case.

"(3) If not otherwise provided by the court under this subsection, restitution shall be made immediately.

"(g) If such defendant is placed on probation or paroled under this title, any restitution ordered under this section shall be a condition of such probation or parole. The court may revoke probation and the Parole Commission may revoke parole if the defendant fails to comply with such order. In determining whether to revoke probation or parole, the court or Parole Commission shall consider the defendant's employment status, earning ability, financial resources, the willfulness of the defendant's failure to pay, and any other special circumstances that may have a bearing on the defendant's ability to pay.

"(h) An order of restitution may be enforced by the United States or a victim named in the order to receive the restitution in the same manner as a judgment in a civil action.

"§ 3580. Procedure for issuing order of restitution

"(a) The court, in determining whether to order restitution under section 3579 of this title and the amount of such restitution, shall consider the amount of the loss sustained by any victim as a result of the offense, the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant's dependents, and such other factors as the court deems appropriate.

"(b) The court may order the probation service of the court to obtain information pertaining to the factors set forth in subsection (a) of this section. The probation service of the court shall include the information collected in the report of presentence investigation or in a separate report, as the court directs.

"(c) The court shall disclose to both the defendant and the attorney for the Government all portions of the presentence or other report pertaining to the matters described in subsection (a) of this section.

"(d) Any dispute as to the proper amount or type of restitution shall be resolved by the court by the preponderance of the evidence. The burden of demonstrating the amount of the loss sustained by a victim as a result of the offense shall be on the attorney for the Government. The burden of demonstrating the financial resources of the defendant and the financial needs of the defendant and such defendant's dependents shall be on the defendant. The burden of demonstrating such other matters as the court deems appropriate shall be upon the party designated by the court as justice requires.

"(e) A conviction of a defendant for an offense involving the act giving rise to restitution under this section shall stop the defendant from denying the essential allegations of that offense in any subsequent Federal civil proceeding or State civil proceeding, to the extent consistent with State law, brought by the victim.".

(b) The table of sections at the beginning of chapter 227 of title 18 of the United States Code is amended by adding at the end the following new items:

"3579. Nature of order of restitution.
"3580. Procedure for issuing order of restitution.".

FEDERAL GUIDELINES FOR FAIR TREATMENT OF CRIME VICTIMS AND WITNESSES IN THE CRIMINAL JUSTICE SYSTEM

SEC. 5. (a) Within 270 days after the date of enactment of this Act, the Attorney General shall develop and implement guidelines for the Department of Justice consistent with the purposes of this Act. In preparing the guidelines the Attorney General shall consider the following objectives:

(1) Services to victims of crime.—Law enforcement personnel should ensure that victims routinely receive emergency social and medical services as soon as possible and are given information on the following—

(A) availability of crime victim compensation (where applicable);

(B) community-based victim treatment programs;

(C) the role of the victim in the criminal justice process, including what they can expect from the system as well as what the system expects from them; and

(D) stages in the criminal justice process of significance to a crime victim, and the manner in which information about such stages can be obtained.

(2) Notification of availability of protection.—A victim or witness should routinely receive information on steps that law enforcement officers and attorneys for the Government can take to protect victims and witnesses from intimidation.

(3) Scheduling changes.—All victims and witnesses who have been scheduled to attend criminal justice proceedings should either be notified as soon as possible of any scheduling changes which will affect their appearances or have available a system for alerting witnesses promptly by telephone or otherwise.

(4) Prompt notification to victims of major serious crimes.—Victims, witnesses, relatives of those victims and witnesses who are minors, and relatives of homicide victims should, if such persons provide the appropriate official with a current address and telephone number, receive prompt advance notification, if possible, of judicial proceedings relating to their case, including—

(A) the arrest of an accused;

(B) the initial appearance of an accused before a judicial officer;

(C) the release of the accused pending judicial proceedings; and

(D) proceedings in the prosecution of the accused (including entry of a plea of guilty, trial, sentencing, and, where a term of imprisonment is imposed, the release of the accused from such imprisonment).

(5) Consultation with victim.—The victim of a serious crime, or in the case of a minor child or a homicide, the family of the victim, should be consulted by the attorney for the Government in order to obtain the views of the victims or family about the disposition of any Federal criminal case brought as a result of such crime, including the views of the victim or family about—

(A) dismissal;

(B) release of the accused pending judicial proceedings;

(C) plea negotiations; and

(D) pretrial diversion program.

(6) Separate waiting area.—Victims and other prosecution witnesses should be provided prior to court appearance a waiting area that is separate from all other witnesses.

(7) Property return.—Law enforcement agencies and prosecutor should promptly return victim's property held for evidentiary purposes unless there is a compelling law enforcement reason for retaining it.

(8) Notification to employer.—A victim or witness who so requests should be assisted by law enforcement agencies and attorneys for the Government in informing employers that the need for victim and witness cooperation in the prosecution of the case may necessitate absence of that victim or witness from work. A victim or witness who, as a direct result of a crime or of cooperation with law enforcement agencies or attorneys for the Government, is subjected to serious financial strain, should be assisted by such agencies and attorneys in explaining to creditors the reason for such serious financial strain.

(9) Training by federal law enforcement training facilities.—Victim assistance education and training should be offered to persons taking courses at Federal law enforcement training facilities and attorneys for the Government so that victims may be promptly, properly, and completely assisted.

(10) General victim assistance.—The guidelines should also ensure that any other important assistance to victims and witnesses, such as the adoption of transportation, parking, and translator services for victims in court be provided.

(b) Nothing in this title shall be construed as creating a cause of action against the United States.

(c) The Attorney General shall assure that all Federal law enforcement agencies outside of the Department of Justice adopt guidelines consistent with subsection (a) of this section.

PROFIT BY A CRIMINAL FROM SALE OF HIS STORY

SEC. 6. Within one year after the date of enactment of this Act, the Attorney General shall report to Congress regarding any laws that are necessary to ensure that no Federal felon derives any profit from the sale of the recollections, thoughts, and feelings of such felon with regards to the offense committed by the felon until any victim of the offense receives restitution.

BAIL

SEC. 7. Section 3146(a) of chapter 207 of title 18, United States Code, is amended in the matter preceding paragraph (1)—

(1) by inserting after "judicial officer," the second place it appears the following: "subject to the condition that such person not commit an offense under section 1503, 1512, or 1513 of this title,"; and

(2) by inserting after "impose" the following: "a condition of release that such person not commit an offense under section 1503, 1512, or 1513 of this title and impose".

EFFECTIVE DATE

SEC. 8. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b)(1) The amendment made by section 2 of this Act shall apply to presentence reports ordered to be made on or after March 1, 1983.

(2) The amendments made by section 4 of this Act shall apply with respect to offenses occurring on or after January 1, 1983.

Mr. THURMOND. Mr. President, I move to concur in the amendment of the House with the amendment which I have sent to the desk and which has just been stated.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

AMENDMENT TO S. 2420, THE OMNIBUS VICTIM PROTECTION ACT

Mr. THURMOND. Mr. President, this amendment is in the nature of a substitute to S. 2420, the Omnibus Victim/Witness Protection Act. The substitute has been reviewed by a number of my colleagues on the Committee on the Judiciary, and by Members of the other body who have worked with equal diligence to enact a landmark victim rights bill this session. I am assured that my proposal has the support of all concerned as a reasonable accommodation between what the two Houses have proposed.

Basically, the legislation before us would: require that a "victim impact statement" be made part of the report filed with the sentencing judge; make it a Federal offense to intimidate or retaliate against victims or witnesses of Federal crimes; require, for the first time, a Federal judge to order restitution when passing sentence for crimes involving bodily injury or property loss, or state for the record the reasons for not ordering restitution; require the Attorney General to develop guidelines for the fair treatment of crime victims and witnesses; and require the Attorney General to recommend legislation to restrict the ability of a Federal felon to profit because of the notoriety of his crime.

The distinguished Senator from Nevada (Mr. LAXALT), has been working many years for the enactment of legislation to provide protections for victims and witnesses, and I would like to take this opportunity to applaud him for his attention and persistence to this issue. Senator HEINZ, my distinguished colleague from Pennsylvania, first become interested in victims' rights through his chairmanship of the Aging Committee, where his hearings on crime and the elderly alerted to the second victimization to often suffered by crime victims. It is through their determination that this legislation will be swiftly enacted. I commend both of them. I would also like to thank the ranking minority member of the Senate Judiciary Committee, who helped get this bill through committee, and Senator MATHIAS, chairman of the Criminal Law Subcommittee, who held hearings on S. 2420 and processed it through the subcommittee as quickly as possible. Other members of the Judiciary Committee were extremely helpful and I also thank them.

Mr. HEINZ. Mr. President, will the Senator yield for 3 minutes?

Mr. THURMOND. I would be delighted to yield to the able Senator from Pennsylvania who did such a magnificent job on this amendment.

Mr. HEINZ. Mr. President, it is I who should thank the distinguished Senator from South Carolina, the distinguished President pro tempore of the Senate, for his extraordinary work on this measure. It gives me great pleasure to speak on behalf of final congressional approval of the most comprehensive package of victims' rights legislation yet to come before the Congress.

I believe this legislation, S. 2420, will have an immediate, positive impact on individuals throughout our country. I commend the rapidity with which both Houses of the Congress have considered and approved this legislation.

I would first like to thank my colleagues who have contributed to the success of this bill. My good friend and ally in this cause, the distinguished Senator from Nevada (PAUL LAXALT), deserves great praise for his longstanding recognition of the problems faced by victims and his perseverance in seeking the enactment of remedial legislation. Senators THURMOND and BIDEN, the chairman and ranking minority member of the Judiciary Committee, were of invaluable assistance in guiding it through the committee. Senator MATHIAS, who chairs the Subcommittee on Criminal Law, prepared the hearings which fully documented the need for this legislation. Senator LEAHY provided critical assistance when necessary to insure a successful outcome to negotiations with various interest groups.

The manager of this bill, Mr. President, Senator THURMOND, has had clearly the greatest impact in bringing it before this body and in sheparding it through. I again express my heartfelt thanks to my most distinguished colleague, the senior Senator from South Carolina.

I would be entirely remiss, Mr. President, if I did not acknowledge the dedicated and persistant work on behalf of this bill of Catherine Milton of the Aging Committee staff. More than any other single person, she has been the catalyst for congressional action on this subject and the uniting force behind those who have contributed to the bill. We owe her an enormous debt of gratitude.

I also want to thank those victims who came forward to make public their painful experiences with a system gone wrong deserve a very special thanks. They are continuing their work alongside the President's task force to insure others do not have to suffer as they did; I take my hat off to these people.

With the passage of this bill, we have taken an important step to assure those who are victimized that they will receive at least the same considerations and protections which are currently extended to the accused.

I recognize that this bill will not be the final answer to all the problems victims face after a crime has occurred. But I do view this legislation as a constructive Federal approach designed to rebalance the scales of justice in favor of the valid interest of the victim.

In the final version of this legislation, some of the provisions of S. 2420 as introduced have been altered or deleted in the spirit of compromise with the House of Representatives. As a result, this bill does not address three outstanding issues which will need to be addressed in a meaningful fashion in the futue. One is the compensation to victims for their losses incurred as a result of the crime. A great need exists for a Federal policy on victim compensation which assures that a reasonable reimbursement will be paid to innocent victims of violent crime, or their survivors, when no offender is convicted who is capable of restituting such victims. Second, we must also address ourselves to the problem of relocation of witnesses to protect them from the harassment and retaliation which often follows the decision to offer testimony, identify suspects, or otherwise cooperate with the cirminal justice system in the attempt to bring offenders to justice. Finally, some legal redress must be made available to those who have a legitimate cause of action against a negligent Government offi-

cial—due to the early release of a dangerous person from a Federal prison, for example—but who are blocked by the blanket or sovereign immunity. All of these problems are ones which have been described in compelling testimony before the Judiciary Committee by witnesses and victims, and I believe the appropriate responses to them are before us.

Luckily, we have an official body now convened which, I am assured, will take up these three issues and make substantive recommendations for their solution. The President's task force on victims of crime is now conducting public hearings and research in order to report to the President by December 31 on steps the Federal Government can and should take to redress the wrongs perpetrated against crime victims by the criminal justice system itself. Ably led by Chairperson Lois Herrington, the task force is more than likely to deal with all three of these issues in a thoughtful and realistic fashion. I look forward to their report, and to preparing legislation based upon it.

Mr. President, it is, unfortunately, not too strong a statement to make that most crime victims are victimized twice—the second time by the insensitivity of a criminal justice system which fails to acknowledge that people, too, are victims. This bill takes a long step forward in preventing that second crime. I am proud to be able to urge its passage today.

I thank my friend from South Carolina for every bit of the help he gave.

The substitute bill has been reviewed by a number of my colleagues on the Judiciary Committee, and by Members of the other body who have worked with equal dilligence to enact a landmark victim rights bill this session. I am assured that my proposal has the support of all concerned as a reasonable accommodation between the two similar bills which the two Houses have proposed.

This substitute includes a number of improvements both to our earlier proposal and to the House version of this legislation. Changes in the two proposals can be summarized as follows.

The substitute version of the section of the bill relating to intimidation of victims and witnesses does not (except in the catchline of the section) refer to "victim" or "witnesses" (the Senate passed bill did use those terms). This change from the Senate bill was agreed to in order to insure the broadest possible coverage of this provision. The purpose of section 1512 in the legislation now being considered is to broaden the universe of protected individuals to anyone who might suffer intimidation or injury because of his knowledge of a commission of a crime. Any victim (victims, of course, are nowhere specifically protected in current law) would be covered, as would witnesses who would not be scheduled to testify because, for example, the testimony would constitute hearsay, be privileged, or be otherwise inadmissible.

Subsection (3) of section 1512(a) of the Senate passed bill, general obstruction of justice residual clause of the intimidation section, was taken out of the bill as beyond the legitimate scope of this witness protection measure. It also is probably duplicative of abstruction of justice statutes already in the books.

In line with the ABA's recommendations regarding witness protection, the Senate proposed penalties for intimidation and retaliation of victims and witnesses have been changed. Acts of intimidation and retaliation which involve violence, threats of violence, or "misleading conduct" will be treated as felonies and will have a penalty of not more than 10 years' imprisonment or not more than $250,000 in fines (which is higher than the fine proposed in the Senate passed bill), or both. Less serious acts will be treated as misdemeanors and shall carry the penalty of imprisonment of not more than 1 year or fined not more than $25,000, or both. The penalties attached to the more serious crimes underline the view that such intimidation of victims and witnesses cannot be tolerated and will be treated as such; the lesser penalties for crimes which are in the nature of harassment will make prosecutions more likely, and more likely to result in convictions, for such crimes.

The House version of the section on "civil action to restrain witness or victim intimidation," has the same objectives as earlier Senate proposal. However, the House bill is closely based on the system working well in California and elsewhere, and, more significantly, in conformity with current Federal rules of civil procedure. That means it will be easier to implement, and therefore can go into operation sooner. The House version does not require a hearing to get a temporary restraining order issued. However the person subject to the order may thereafter contest it in an adversarial proceeding before a judge.

As mentioned above, 18 U.S.C. 1503 already provides some witness protections—but only as to witnesses under subpena in active cases. The Senate passed bill allowed a slight overlap between old section 1503 and new sections 1512 and 1513. The House version amends section 1503 so it will make no mention of, and provide no protection to, supenaed witnesses. The compromise accepts the House position. By amending section 1503 in this way, the proposal will contribute to a clearer and less duplicative law.

The restitution section draws from both proposals to provide more detailed procedures, and to make it easier to use and understand. The basic concept in both bills is retained that the sentencing court, in the event that restitution is not ordered, must state for the record its reasons. Thus, restitution to the victim will be the expected norm, and no longer an afterthought.

The Senate passed bill proposed, limited its restitution provisions to title 18 crimes. The House version extended the provisions to aid people victimized during an airline hijacking. That addition is just and meritorious, and is included in the new proposals.

The Senate passed version of this legislation stated that any order of restitution would be given precedence over any Federal lien. This provision was deleted because it was the view of both House and Senate sponsors that such a change in current law merited hearings, and there have never been any. We do believe, however, that this issue should be subject to further examination and, we hope, congressional hearings.

The restitution section has also been altered since the version originally passed by the Senate in that it no longer delineates a number of regulatory offenses not subject to the restitution provision. This section was found to be superfluous, because earlier in the bill, it is stated that restitution orders will be limited to title 18 offenses.

The Senate passed bill making it clear that a Federal conviction is res judicata as to the underlying facts in any subsequent civil proceeding. The only changes the substitute would make in that provision is to make clear that it applies only to Federal civil actions and to State cases when such treatment is consistent with State law.

In the section of the legislation calling for the Attorney General to develop and implement guidelines for the fair treatment of victims and witnesses in the criminal justice system, the time period in which the Department of Justice must act has been extended from 6 to 9 months.

The section on Federal accountability for the premature release or escape of dangerous offenders has been dropped from the bill. The Department of Justice would like more time to examine the issue, and many interested parties would like further hearings on it. We are hopeful that such examination will take place soon, and that legislation to address this very serious problem will be considered in the near future.

The section expanding the witness protection program was dropped because of the controversy surrounding the program as it now exists. Consequently, the issues in this bill must await a broader examination of the operation of the current program.

The Senate-passed proposal called for a fresh look at compensation for the victims of Federal crimes, as well as innovative methods of financing such a program. The study proposal was dropped on the assurance that both the Department of Justice and the President's Task Force on Victims of Crime will give views on these matters.

● Mr. LAXALT. Mr. President, by its action today, the Senate takes an important step in correcting the systemic and needless abuses that the criminal justice system deals to victims of crime. The Victim Witness Protection Act is the result of intense bipartisan efforts in both the House and the Senate to send a bill to the President this Congress. I commend my colleagues in both Houses for their cooperation.

As a former prosecutor, I am personally aware of how indifferent the criminal justice process can be to the very real needs of the victim of crime. The victim after suffering the trauma of the crime itself, then must face the agony of their case working its way through the criminal justice system. Oftentimes, the victim is not told when the criminal is apprehended, and if apprehended, not told when he is released prior to trial. Today, cases can be dismissed, plea bargains agreed to, and court dates changed, all without a consultation with the victim of the crime. This bill would end these abuses.

Under current law, there are provisions which allow the court to order restitution. However, the reality is that it is rarely ordered. This is due, in part, to the inability of the court to order restitution under present law, when a prison sentence is ordered, but it is due to the fact that judges have not taken advantage of the opportunity to do so. This bill will remedy this injustice. When this bill becomes law, judges that fail to order restitution will have to state on the record their reasons for not doing so. It is the intent of Congress that judges order restitution in each and every case where the court finds there has been property loss or injury to the victim. The purpose of this bill is to attempt to make the victim whole once again. It is the duty of the court to insure that the convicted criminal be the one who pays. As a member of the Senate Judiciary Committee, which is charged with oversight of the Department of Justice, I will be watching the courts closely to determine whether theses changes are implemented. The time for ignoring the needs of the crime victim is over.

Another troublesome area this bill attempts to clear up is the area of victim/witness intimidation. There is probably no crime which is more offensive to the integrity of the criminal justice system than one which seeks to prevent the reporting of another offense, or one which attempts to stop someone from testifying in a court of law. S. 2420 deals with this problem by broadening and rewriting the intimidation sections of our Federal criminal law. Conduct which in the past was unreachable by the law, but nonetheless intimidating to the victim of the crime, will be punished severely. If this does not act as a deterrent, another provision in this bill will allow the court to inject itself into the process whenever harassment of a victim or witness is likely to occur. The court is empowered to restrain harassment using the considerable power inherent in the judicial branch of our Government.

There are a large number of other changes in the law which will be accomplished by the passage of this legislation. Suffice it to say that they are meritorious and long overdue. I would like once again to commend my colleagues on both sides of the aisle for their cooperation and sensitivity to the problems this bill will remedy.●

Mr. THURMOND. Mr. President, again, I commend the distinguished Senator from Pennsylvania for the work he has done. Also, we thank the able Senator from Nevada for the work he did on this bill.

TIME LIMITATION AGREEMENT—S. 2109

Mr. BAKER. Mr. President, I am happy to say that I believe we have an agreement now on the CFTC bill, S. 2109. I wish to state a unanimous-consent request with respect to that agreement for the consideration of the minority leader and other Senators. This request will include a limitation on the time for debate on the CFTC bill, as well as a limitation for debate on H.R. 6156. The two will be considered in tandem, one after the other.

Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar Order No. 543, S. 2109, the CFTC bill, and that it be considered under the following time agreement: 30 minutes on the bill, equally divided between the chairman of the Committee on Agriculture and the ranking minority member or their designees; 40 minutes on a route user fee amendment equally divided; 20 minutes on a D'Amato amendment on security aspects; 20 minutes on a Durenberger amendment dealing with the sanctity of contracts; 20 minutes on all remaining amendments; 5 minutes on any debatable motion, appeal, or point of order if the same be submitted to the Senate; and that the agreement be in the usual form.

I further ask unanimous consent that, following the conclusion of the Senate's deliberation on the CFTC bill, the Senate immediately turn to the consideration of H.R. 6156, the SEC bill, under the following time agreement: 15 minutes on the bill, equally divided between the chairman of the Banking Committee or his designee and the ranking minority member or his designee; provided that no amendment be in order and that the agreement shall be in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. Reserving the right to object, Mr. President, I do not intend to object. When the majority leader asks for consent in the usual form, does that mean that all amendments must be germane?

Mr. BAKER. It means that all amendments not specified must be germane.

Mr. METZENBAUM. And that all second-degree amendments must be germane?

Mr. BAKER. Yes, Mr. President.

Mr. METZENBAUM. I thank the majority leader.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

COMMODITY FUTURES TRADING ACT OF 1982

Mr. BAKER. Mr. President, will the clerk please state the matter before the Senate?

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2109) to extend the Commodity Exchange Act, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture, Nutrition, and Forestry with an amendment to strike out all after the enacting clause, and insert the following:

That this Act may be cited as the "Futures Trading Act of 1982".

DEFINITIONS

SEC. 2. Section 2(a) of the Commodity Exchange Act (7 U.S.C. 2, 4) is amended—

(1) by redesignating subsection (a)(1) as subsection (a)(1)(A);

(2) by inserting immediately after the sentence defining the term "futures commission merchant" in subsection (a)(1)(A), as so redesignated, a new sentence to read as follows: "The term 'introducing broker' shall mean any person, except an individual who elects to be and is registered as an associated person of a futures commission merchant, engaged in soliciting or in accepting orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market who does not accept any money, securities, or property (or extend credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom."; and

(3) by amending the definition of the term "commodity trading advisor" in subsection (a)(1)(A), as so redesignated, to read as follows: "The term 'commodity trading advisor' shall mean any person who, for compensation or profit, engages in the business

of advising others, either directly or through publications, writings, or electronic media, as to the value of or the advisability of trading in any contract for future delivery of a commodity made or to be made on or subject to the rules of any contract market, any commodity option authorized under section 4c, or any leverage transaction authorized under section 19 of this Act, or who, for compensation or profit, and as part of a regular business, issues or promulgates analyses or reports concerning any of the foregoing; but such term does not include (i) any bank or trust company, (ii) any news reporter, news columnist, or news editor of the print or electronic media, or any lawyer, accountant, or teacher, (iii) any floor broker or futures commission merchant, (iv) the publisher or producer of any print or electronic data of general and regular dissemination, including its employees, (v) the fiduciary of any defined benefit plan which is subject to the provisions of the Employee Retirement Income Security Act of 1974, (vi) any contract market, and (vii) such other persons not within the intent of this definition as the Commission may specify by rule, regulation, or order: *Provided,* That the furnishing of such services by the foregoing persons is solely incidental to the conduct of their business or profession: *Provided further,* That the Commission, by rule or regulation, may include within this definition, any person advising as to the value of commodities or issuing reports or analyses concerning commodities, if the Commission determines that such rule or regulation will effectuate the purposes of this provision.".

JURISDICTIONAL ACCORD WITH THE SECURITIES AND EXCHANGE COMMISSION

SEC. 3. (a) Section 2(a)(1)(A) of the Commodity Exchange Act (7 U.S.C. 2, 4), as redesignated by section 2 of this Act, is amended by inserting in the third sentence the words ", except to the extent otherwise provided in subparagraph (B) of this paragraph," after the words "exclusive jurisdiction".

(b) Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2, 4) is amended by adding a new subparagraph (B) to read as follows:

"(B) Notwithstanding any other provision of law—

"(i) This Act shall not apply to and the Commission shall have no jurisdiction to designate a board of trade as a contract market for any transaction whereby any party to such transaction acquires any put, call, or other option on one or more securities (as defined in section 2(1) of the Securities Act of 1933 or section 3(a)(10) of the Securities Exchange Act of 1934 on the date of enactment of the Futures Trading Act of 1982), including any group or index of such securities, or any interest therein or based on the value thereof.

"(ii) This Act shall apply to and the Commission shall have exclusive jurisdiction with respect to accounts, agreement (including any transaction which is of the character of, or is commonly known to the trade as, an 'option', 'privilege', 'indemnity', 'bid', 'offer', 'put', 'call', 'advance guaranty', or 'decline guaranty') and transactions involving, and may designate a board of trade as a contract market in, contracts of sale (or options on such contracts) for future delivery of a group or index of securities (or any interest therein or based upon the value thereof): *Provided,* That no board of trade shall be designated as a contract market with respect to any such contracts of sale (or options on such contracts for future delivery unless the board of trade making such application demonstrates and the Commission expressly finds that the specific contract (or option on such contract) with respect to which the application has been made meets the following minimum requirements:

"(I) Settlement of or delivery on such contract (or option on such contract) shall be effected in cash or by means other than the transfer or receipt of any security, except an exempted security under section 3 of the Securities Act of 1933 or section 3(a)(12) of the Securities Exchange Act of 1934 as in effect on the date of enactment of the Futures Trading Act of 1982 (other than any municipal security, as defined in section 3(a)(29) of the Securities Exchange Act of 1934 on the date of enactment of the Futures Trading Act of 1982);

"(II) Trading in such contract (or option on such contract) shall not be readily susceptible to manipulation of the price of such contract (or option on such contract), nor to causing or being used in the manipulation of the price of any underlying security, option on such security, or option on a group or index including such securites; and

"(III) Such group or index of securities shall be predominately composed of the securities of unaffiliated issuers and shall be a widely published measure of, and shall reflect, the market for all publicly traded equity or debt securities or a substantial segment thereof, or shall be comparable to such measure.

"(iii) Upon application by a board of trade for designation as a contract market with respect to any contract of sale (or option on such contract) for future delivery involving a group or index of securities, the Commission shall provide an opportunity for public comment on whether such contract (or option on such contract) meets the minimum requirements set forth in subparagraph (ii) hereof, and shall consult with the Securities and Exchange Commission with respect to such designation. If, within fifteen days following the close of the public comment period, the Securities and Exchange Commission shall object to the designation of a board of trade as a contract market in such contract (or option on such contract) on the ground that any minimum requirement of subparagraph (ii) hereof is not met, the Commission shall afford the Securities and Exchange Commission an opportunity for an oral hearing, to be transcribed, before the Commission, and shall give appropriate weight to the views of the Securities and Exchange Commission. Such oral hearing shall be held after the public comment period, prior to Commission action upon such designation, and not less than thirty nor more than forty-five days after the close of the public comment period, unless both the Commission and the Securities and Exchange Commission otherwise agree. In the event that such an oral hearing is held and the Securities and Exchange Commission fails to withdraw its objections, and the Commission issues an order designating a board of trade as a contract market with respect to any such contract (or option on such contract), the Securities and Exchange Commission shall have the right of judicial review of such order in accordance with the standards of section 6(b) of this Act. In the event that, pursuant to section 6 of this Act, there is a hearing on the record with respect to such application for designation, the Securities and Exchange Commission shall have the right to participate in that hearing as an interested party.

"(iv) No person shall offer to enter into, enter into, or confirm the execution of any contract of sale (or option on such contract) for future delivery of any security, or interest therein or based on the value thereof, except an exempted security under section 3 of the Securities Act of 1933 or section 3(a)(12) of the Securities Exchange Act of 1934 as in effect on the date of enactment of the Futures Trading Act of 1982 (other than any municipal security as defined in section 3(a)(29) of the Securities Exchange Act of 1934 on the date of enactment of the Futures Trading Act of 1982); or except as provided in subparagraph (ii) hereof, any group or index of such securities or any interest therein or based on the value thereof.".

(c) Section 4c of the Commodity Exchange Act (7 U.S.C. 6c) is amended by adding a new subsection (f) to read as follows:

"(f) Nothing in this Act shall be deemed to govern or in any way be applicable to any transaction in an option on foreign currency traded on a national securities exchange.".

(d) Section 4m of the Commodity Exchange Act (7 U.S.C. 6m) is amended—

(1) by inserting "(1)" immediately following the section designation; and

(2) by adding a new subsection (2) to read as follows:

"(2) Nothing in this Act shall relieve any person of any obligation or duty, or affect the availability of any right or remedy available to the Securities and Exchange Commission or any private party arising under the Securities Act of 1933 or the Securities Exchange Act of 1934 governing the issuance, offer, purchase, or sale of securities of a commodity pool, or of persons engaged in transactions with respect to such securities, or reporting by a commodity pool.".

(e) Paragraph (6) of section 8a of the Commodity Exchange Act (7 U.S.C. 12a(6)) is amended—

(1) by inserting the words "registered futures association, or self-regulatory organization as defined in section 3(a)(26) of the Securities Exchange Act of 1934," before the word "notwithstanding";

(2) by striking out the word "and" before the word "consumers" and inserting in lieu thereof a comma; and

(3) by inserting the following before the semicolon: "or investors or which is necessary or appropriate to effectuate the purposes of this Act: *Provided,* That any information furnished by the Commission under this paragraph shall not be disclosed by such contract market, registered futures association, or self-regulatory organization except in any self-regulatory action or proceeding".

PERSONNEL RESTRICTIONS

SEC. 4. Section 2(a)(7) of the Commodity Exchange Act (7 U.S.C. 4a(f)) is amended—

(1) by striking out "(A)" after the paragraph designation; and

(2) by striking out subparagraph (B) in its entirety.

LEGISLATIVE FINDINGS

SEC. 5. Section 3 of the Commodity Exchange Act (7 U.S.C. 5) is amended to read as follows:

"SEC. 3. Transactions in commodities involving the sale thereof for future delivery as commonly conducted on boards of trade and known as 'futures' are affected with a national public interest; such transactions are carried on in large volume by the public generally and by persons engaged in the business of buying and selling commodities

and the products and byproducts thereof in interstate commerce; the prices involved in such transactions are generally quoted and disseminated throughout the United States and in foreign countries as a basis for determining the prices to the producer and the consumer of commodities and the products and byproducts thereof and to facilitate the movements thereof in interstate commerce; such transactions are utilized by shippers, dealers, millers, and others engaged in handling commodities and the products and byproducts thereof in interstate commerce as a means of hedging themselves against possible loss through fluctuations in price; the transactions and prices of commodities on such boards of trade are susceptible to excessive speculation and can be manipulated, controlled, cornered, or squeezed, to the detriment of the producer or the consumer and the persons handling commodities and the products and byproducts thereof in interstate commerce, rendering regulation imperative for the protection of such commerce and the national public interest therein. Furthermore, transactions which are of the character of, or are commonly known to the trade as, 'options' and which are or may be utilized by commercial and other entities for purposes of risk shifting are in interstate commerce or affect such commerce and the national economy, rendering regulation of such transactions imperative for the protection of such commerce and the national public interest.".

UNLAWFUL FUTURES TRADING, FOREIGN FUTURES

SEC. 6. Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended—

(1) by inserting "(a)" immediately following the section designation;

(2) by striking out all those words following the word "to" the first time it occurs through and including the words "as hereinafter provided," and inserting in lieu thereof the following: "offer to enter into, to enter into, to execute, to confirm the execution of, or to conduct any office or business anywhere in the United States or its territories or possessions for the purpose of soliciting or accepting any order for, or otherwise dealing in, any transaction in, or in connection with, a contract for the purchase or sale of a commodity for future delivery (other than a contract which is made on or subject to the rules of a board of trade, exchange, or market located outside the United States, its territories or possessions) unless: (1) such transaction is conducted on or subject to the rules of a board of trade which has been designated by the Commission as a contract market for such commodity, (2) such contract is executed or consummated by or through a member of such contract market,";

(3) by striking out the word "if" the first time it occurs and inserting in lieu thereof "(3)";

(4) by striking out the word "board" after the words "*Provided*, That each" and inserting in lieu thereof the words "contract market"; and

(5) by adding a new subsection (b) to read as follows:

"(b) The Commission may adopt rules and regulations proscribing fraud and requiring minimum financial standards, the disclosure of risk, reporting, the keeping of books and records, the safeguarding of customers' funds, and registration with the Commission by any person located in the United States, its territories or possessions, who engages in the offer and sale of any contract of sale of a commodity for future delivery which is made or to be made on or subject to the rules of a board of trade, exchange, or market located outside the United States, its territories or possessions. Such rules and regulations may impose different requirements for such persons depending upon the particular foreign board of trade, exchange, or market on which such contracts are made. No rule or regulation may be adopted by the Commission under this subsection that (1) requires Commission approval of any contract, rule, regulation, or action of any foreign board of trade, exchange, or market, or clearinghouse for such board of trade, exchange, or market, or (2) governs in any way any rule or contract term or action of any foreign board of trade, exchange, or market, or its clearinghouse.".

SPECULATIVE LIMITS

SEC. 7. Section 4a of the Commodity Exchange Act (7 U.S.C. 6a) is amended—

(1) by striking our the word "order's" in subsection (2);

(2) by striking out the first semicolon in subsection (2) and inserting in lieu thereof the words "of the rule, regulation, or order";

(3) by inserting the words "rule, regulation, or" before the word "order" wherever it occurs;

(4) by striking out the words "within one hundred and eighty days after the effective date of the Commodity Futures Trading Commission Act of 1974" in subsection (3);

(5) by inserting the words ", introducing broker," after the words "futures commission merchant" and by striking out the word "as" before the words "a floor broker" in the first sentence of subsection (4); and

(6) by adding a new subsection (5) to read as follows:

"(5) Nothing in this section shall prohibit or impair the adoption by any contract market, or by any other board of trade licensed or designated by the Commission, of any bylaw, rule, regulation, or resolution fixing limits on the amount of trading which may be done or positions which may be held by any person under contracts of sale of any commodity for future delivery traded on or subject to the rules of such contract market, or under options on such contracts or commodities traded on or subject to the rules of such contract market or such board of trade: *Provided*, That if the Commission shall have fixed limits under this section for any contract or under section 4c of this Act for any commodity option, the bylaws, rules, regulations, and resolutions adopted by such contract market or such board of trade shall not be higher than the limits fixed by the Commission except with the approval of the Commission. It shall be unlawful for any person to violate any bylaw, rule, regulation, or resolution of any contract market or other board of trade licensed or designated by the Commission fixing limits on the amount of trading which may be done or positions which may be held by any person under contracts of sale of any commodity for future delivery, or under options on such contracts or commodities, if such bylaw, rule, regulation, or resolution has been approved by the Commission: *Provided*, That the provisions of section 9(c) of this Act shall not apply unless the violation was in furtherance of an attempt to manipulate, corner, or squeeze a market.".

REPEAL OF THE BAN ON OPTIONS TRADING IN AGRICULTURAL COMMODITIES

SEC. 8. Section 4c of the Commodity Exchange Act (7 U.S.C. 6c) is amended—

(1)(A) by inserting "or" at the end of clause (A) of subsection (a);

(B) by striking out clause (B) of subsection (a); and

(C) by redesignating clause (C) of subsection (a) as clause (B);

(2) in subsection (b), by striking out the following phrases: (A) "subject to the provisions of subsection (a) of this section", (B) ", but not specifically set forth in section 2(a) of this Act, prior to the enactment of the Commodity Futures Trading Commission Act of 1974,", and (C) "within one year after the effective date of the Commodity Futures Trading Commission Act of 1974 unless the Commission determines and notifies the Senate Committee on Agriculture, Nutrition, and Forestry and the House Committee on Agriculture that it is unable to prescribe such terms and conditions within such period of time"; and

(3) in subsection (c), by striking out "but not specifically set forth in section 2(a) of this Act prior to the enactment of the Commodity Futures Trading Commission Act of 1974,".

INTRODUCING BROKER; REGISTRATION REQUIREMENT

SEC. 9. Section 4d of the Commodity Exchange Act (7 U.S.C. 6d) is amended—

(1) by inserting the words "or introducing broker" after the words "futures commission merchant" in the introductory clause of section 4d;

(2) by inserting the words "or introducing broker" after the words "futures commission merchant" in paragraph (1); and

(3) by inserting the words "if a futures commission merchant," after the words "such person shall," in paragraph (2).

REGISTRATION PROCEDURE; TECHNICAL AMENDMENT

SEC. 10. Section 4f of the Commodity Exchange Act (7 U.S.C. 6f) is amended—

(1) by amending subsection (1)—

(A) by inserting the words ", introducing broker," after the words "futures commission merchant" the first time they occur in the first sentence;

(B) by striking out the word "as" before the words "floor broker" in the first sentence;

(C) by inserting the words "and introducing brokers" after the words "of applications of futures commission merchants" in the first sentence;

(D) by striking out the words "and of all correspondents and agents engaged in soliciting or accepting on behalf of such applicants any orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any board of trade" in the first sentence;

(E) by striking out the word "its" each time it occurs in the first sentence and inserting in lieu thereof the word "the"; and

(F) by striking out the words "after notice and hearing as prescribed in this Act" in the last sentence and inserting in lieu thereof the words "pursuant to the provisions of this Act"; and

(2) by amending subsection (2) by inserting the words "or as introducing broker" after the words "futures commission merchant".

REPORTS; BOOKS AND RECORDS

SEC. 11. Section 4g of the Commodity Exchange Act (7 U.S.C. 6g) is amended—

(1) by inserting the words ", introducing broker," after the words "futures commission merchant" in subsection (1); and

(2) by inserting the words ", introducing brokers," after "Floor brokers" in subsection (3).

TECHNICAL AMENDMENTS; MISREPRESENTATION OF STATUS

SEC. 12. Section 4h of the Commodity Exchange Act (7 U.S.C. 6h) is amended—

(1) by striking out everything following the word "person" through and including "(2)";

(2) by striking out the words "futures commission merchant registered" and inserting in lieu thereof the word "registrant";

(3) by striking out the words "such registered futures commission merchant" and inserting in lieu thereof the words "any registrant"; and

(4) by adding the words "representative or" before the word "agent" the second time it occurs.

RECORDKEEPING CONFORMED TO CURRENT SYSTEM

SEC. 13. Section 4i of the Commodity Exchange Act (7 U.S.C. 6i) is amended to read as follows:

"SEC. 4i. It shall be unlawful for any person to make any contract for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market (1) if such person shall directly or indirectly make such contracts with respect to any commodity, or any future of such commodity, during any one day in an amount equal to or in excess of such amount as shall be fixed from time to time by the Commission, and (2) if such person shall directly or indirectly have or obtain a long or short position in any commodity, or any future of such commodity, equal to or in excess of such amount as shall be fixed from time to time by the Commission, unless such person files or causes to be filed with the properly designated officer of the Commission such reports regarding any transactions or positions within the provisions of clauses (1) and (2) hereof as the Commission may by rule or regulation require and unless, in accordance with rules and regulations of the Commission, such person shall keep books and records of all such transactions and positions and transactions and positions in any such commodity traded on or subject to the rules of any other board of trade, and of cash or spot transactions in, and inventories and purchase and sale commitments of, such commodity. Such books and records shall show complete details concerning all such transactions, positions, inventories, and commitments, including the names and addresses of all persons having any interest therein, and shall be open at all times to inspection by any representatives of the Commission or the United States Department of Justice. For the purposes of this section, the futures and cash or spot transactions and positions of any person shall include such transactions and positions of any persons directly or indirectly controlled by such person.".

REGISTRATION; ASSOCIATED PERSON STATUS

SEC. 14. Section 4k of the Commodity Exchange Act (7 U.S.C. 6k) is amended—

(1) by amending subsection (1) to read as follows:

"(1) It shall be unlawful for any person to be associated with a futures commission merchant or with an introducing broker as a partner, officer, employee, or agent (or any person occupying a similar status or performing similar functions), in any capacity which involves (i) the solicitation or acceptance of customers' orders (other than in a clerical capacity) or (ii) the supervision of any person or persons so engaged, unless such person is registered with the Commission under this Act as an associated person of such futures commission merchant or of such introducing broker and such registration shall not have expired, been suspended (and the period of suspension has not expired), or been revoked, and it shall be unlawful for a futures commission merchant or introducing broker to permit such a person to become or remain associated with him in any such capacity if such futures commission merchant or introducing broker knew or should have known that such person was not so registered or that such registration had expired, been suspended (and the period of suspension has not expired), or been revoked: *Provided*, That any individual who is registered as a floor broker, introducing broker, or futures commission merchant (and such registration is not suspended or revoked) need not also register under these provisions.";

(2) by redesignating subsection (2) as subsection (4);

(3) by inserting a new subsection (2) to read as follows:

"(2) It shall be unlawful for any person to be associated with any commodity pool operator as a partner, officer, employee, consultant, or agent (or any person occupying a similar status or performing similar functions), in any capacity which involves (i) the solicitation of funds, securities, or property for a participation in a commodity pool or (ii) the supervision of any person or persons so engaged, unless such person is registered with the Commission under this Act as an associated person of such commodity pool operator and such registration shall not have expired, been suspended (and the period of suspension has not expired), or been revoked, and it shall be unlawful for any commodity pool operator to permit such a person to become or remain associated with him in any such capacity if such commodity pool operator knew or should have known that such person was not so registered or that such registration had expired, been suspended (and the period of suspension has not expired), or been revoked: *Provided*, That any individual who is registered as a floor broker, introducing broker, futures commission merchant, commodity pool operator, or as an associated person of another category of registrant under this section (and such registration is not suspended or revoked) need not also register under this provision: *Provided further*, That the Commission may exempt any person or class of persons from having to register under this subsection by rule, regulation, or order.";

(4) by amending subsection (3) to read as follows:

"(3) It shall be unlawful for any person to be associated with any commodity trading advisor as a partner, officer, employee, consultant, or agent (or any person occupying a similar status or performing similar functions), in any capacity which involves (i) the solicitation of a client's or prospective client's discretionary account or (ii) the supervision of any person or persons so engaged, unless such person is registered with the Commission under this Act as an associated person of such commodity trading advisor and such registration shall not have expired, been suspended (and the period of suspension has not expired), or been revoked, and it shall be unlawful for any commodity trading advisor to permit such a person to become or remain associated with him in any such capacity if such commodity trading advisor knew or should have known that such person was not so registered or that such registration had expired, been suspended (and the period of suspension has not expired), or been revoked: *Provided*, That any individual who is registered as a floor broker, introducing broker, futures commission merchant, commodity trading advisor, or as an associated person of another category of registrant under this section (and such registration is not suspended or revoked) need not also register under this provision: *Provided further*, That the Commission may exempt any person or class of persons from having to register under this subsection by rule, regulation, or order.";

(5) by amending subsection (4) as so redesignated—

(A) by striking out the words "such" and "other" the first time they occur;

(B) by striking out the words "two years after the effective date thereof or";

(C) by striking out the words ", not less than one year from the date of issuance thereof," and everything after the word "prescribe" down to the period; and

(D) by inserting the words "as an associated person of a futures commission merchant, of an introducing broker, of a commodity pool operator, or of a commodity trading advisor" after the word "registered" the first time it occurs; and

(6) by adding a new subsection (5) to read as follows:

"(5) It shall be unlawful for any registrant to permit a person to become or remain an associated person of such registrant, if the registrant knew or should have known, of facts regarding such associated person that are set forth as statutory disqualifications in section 8a(2) of this Act unless such registrant has notified the Commission of such facts and the Commission has determined that such person should be registered or temporarily licensed.".

CONFORMING AMENDMENT

SEC. 15. Section 4n of the Commodity Exchange Act (7 U.S.C. 6n) is amended by striking out subsections (5) and (6) in their entirety.

EXTENSION OF ANTIFRAUD PROVISION

SEC. 16. Section 4o of the Commodity Exchange Act (7 U.S.C. 6o) is amended—

(1) by striking out the word "or" after the words "commodity trading advisor" each time such words occur and inserting in lieu thereof the words ", associated person of a commodity trading advisor,"; and

(2) by inserting the words ", or associated person of a commodity pool operator" after the words "commodity pool operator" each time such words occur.

EXTENSION OF AUTHORITY REGARDING PROFICIENCY EXAMINATIONS

SEC. 17. Section 4p of the Commodity Exchange Act (7 U.S.C. 6p) is amended—

(1) by striking out the words "futures commission merchants, floor brokers, and those persons associated with futures commission merchants or floor brokers" in the first sentence and inserting in lieu thereof the words "persons registered with the Commission";

(2) by striking out the words "as futures commission merchants, floor brokers, and those persons associated with futures commission merchants or floor brokers" each time they occur;

(3) by striking out the word "the" before the word "customers" and by striking out the words "of futures commission mer-

chants and floor brokers" after the word "customers"; and

(4) by inserting the words ", clients, pool participants or other members of the public with whom such individuals deal" after the word "customers".

CONTRACT MARKET RULES

SEC. 18. Section 5a of the Commodity Exchange Act (7 U.S.C. 7a) is amended—

(1) by amending paragraph (8) to read as follows:

"(8) enforce all bylaws, rules, regulations, and resolutions, made or issued by it or by the governing board thereof or any committee, which (i) have been approved by the Commission pursuant to paragraph (12) of this section, (ii) have become effective under such paragraph, or (iii) must be enforced pursuant to any Commission rule, regulation, or order; and revoke and not enforce any bylaw, rule, regulation, or resolution, made, issued, or proposed by it or by the governing board thereof or any committee, which has been disapproved by the Commission;";

(2) by amending paragraph (11)—

(A) by striking out the comma before clause (ii) and by striking out clause (ii) in its entirety and clause (iii) down to the comma;

(B) by redesignating clause (iv) as clause (ii);

(C) by striking out the word "subsection" and inserting in lieu thereof the word "paragraph"; and

(D) by striking out the words "a futures commission merchant or a floor broker" and inserting in lieu thereof the words "another member of the contract market"; and

(3) by amending paragraph (12) to read as follows:

"(12) except as otherwise provided in this paragraph, submit to the Commission for its prior approval all bylaws, rules, regulations, and resolutions ('rules') made or issued by such contract market, or by the governing board thereof or any committee thereof, which relate to terms and conditions in contracts of sale to be executed on or subject to the rules of such contract market, as such terms and conditions are defined by the Commission by rule or regulation, except those rules relating to the setting of levels of margin. Each contract market shall submit to the Commission all other rules (except those relating to the setting of levels of margin) and may put such rules into effect ten days after receipt by the Commission of such submission, unless, within the ten-day period, the contract market requests review and approval thereof by the Commission or the Commission notifies such contract market in writing of its determination to review such rules for approval. The determination to review such rules for approval shall not be delegable to any employee of the Commission. At least thirty days before approving any rules of major economic significance, as determined by the Commission, the Commission shall publish in the Federal Register a notice of such rules. The Commission shall give interested persons an opportunity to participate in the approval process through the submission of written data, views, or arguments. The determination by the Commission whether any such rules are of major economic significance shall be final and not subject to judicial review. The Commission shall approve such rules if such rules are determined by the Commission not to be in violation of this Act or the regulations of the Commission, and the Commission shall disapprove, after appropriate notice and opportunity for hearing, any such rule which the Commission determines at any time to be in violation of the provisions of this Act or the regulations of the Commission. If the Commission institutes proceedings to determine whether a rule should be disapproved pursuant to this paragraph, it shall provide the contract market with written notice of the proposed grounds for disapproval, including the specific section or sections of this Act or the Commission's regulations which would be violated. At the conclusion of such proceedings, the Commission shall approve or disapprove such rule. Any disapproval shall specify the sections of this Act or the Commission's regulations which the Commission determines such rule has violated or, if effective, would violate. If the Commission does not approve or institute disapproval proceedings with respect to any rule within one hundred-eighty days after receipt or within such longer period as the contract market may agree to, or if the Commission does not conclude a disapproval proceeding with respect to any rule within one year after receipt or within such longer period as the contract market may agree to, such rule may be put into effect by the contract market until such time as the Commission disapproves such rule in accordance with this paragraph. The Commission shall specify the terms and conditions under which a contract market may, in an emergency as defined by the Commission, put a rule into effect on a temporary basis without prior Commission approval, or without compliance with the ten-day notice requirement under this paragraph, or during any period of review by the Commission. In the event of such an emergency, as defined by the Commission, requiring immediate action, the contract market by a two-thirds vote of its governing board may immediately put such a temporary rule into effect dealing with such emergency if the contract market notifies the Commission of such action with a complete explanation of the emergency involved.".

CONTRACT MARKET DESIGNATION PROCEDURES

SEC. 19. Section 6 of the Commodity Exchange Act (7 U.S.C. 8) is amended by inserting immediately after the first sentence the following: "The Commission shall approve or deny an application for designation as a contract market within one year of the filing of the application. If the Commission notifies the board of trade that its application is materially incomplete and specifies the deficiencies in the application, the running of the one-year period shall be stayed from the time of such notification until the application is resubmitted in completed form. If the Commission denies an application, it shall specify the grounds for the denial.".

APPEALS; CONFORMING AMENDMENT

SEC. 20. Section 6(b) of the Commodity Exchange Act (7 U.S.C. 9) is amended—

(1) by striking out the words "as futures commission merchant or any person associated therewith as described in section 4k of this Act, commodity trading advisor, commodity pool operator, or as floor broker" and inserting in lieu thereof the words "with the Commission in any capacity" in the first and ninth sentences; and

(2) by inserting after the words "doing business" in the eleventh sentence the words ", or in the case of an order denying registration, the circuit in which the petitioner's principal place of business listed on petitioner's application for registration is located,".

RESTRAINING ORDERS, INJUNCTIONS, WRITS OF MANDAMUS

SEC. 21. Section 6c of the Commodity Exchange Act (7 U.S.C. 13a-1) is amended by inserting after the words "restraining order" in the first proviso the following: "(other than a restraining order which prohibits any person from destroying, altering or disposing of, or refusing to permit authorized representatives of the Commission to inspect, when and as requested, any books and records or other documents or which prohibits any person from withdrawing, transferring, removing, dissipating, or disposing of any funds, assets, or other property)".

CONFIDENTIALITY PROVISIONS; DISCLOSURE

SEC. 22. Section 8 of the Commodity Exchange Act (7 U.S.C. 12) is amended—

(1) by striking out the word *"Provided"* in subsection (a) and all that follows through the words "names of customers" and inserting in lieu thereof the following: *"Provided,* That except as otherwise specifically authorized in this Act, the Commission may not (1) disclose any records containing or based on (i) confidential information, or (ii) proprietary information that would not customarily be disclosed to the public by the persons from whom it was obtained, except that the Commission may disclose such confidential or proprietary information if disclosure is necessary to obtain public comment, or (2) publish data and information that would separately disclose the business transactions or market positions of any person and trade secrets or names of customers or data and information concerning or obtained in connection with any investigation of any person";

(2) by amending subsection (b)—

(A) by inserting the words "concerning or obtained in connection with any investigation of any person or" after the "information";

(B) by striking out the word "or" before the words "in an administrative or judicial proceedings"; and

(C) by inserting after the word "Act" the words ", in any receivership proceeding involving a receiver appointed in a judicial proceeding brought under this Act, or in any bankruptcy proceeding in which the Commission has intervened or in which the Commission has the right to appear and be heard under the Bankruptcy Code";

(3) by amending subsection (e)—

(A) by striking out the words "of the Executive Branch"; and

(B) inserting the following at the end thereof: "Upon the request of any department or agency of any State or any political subdivision thereof, acting within the scope of its jurisdiction, or any department or agency of any foreign government or any policical subdivision thereof, acting within the scope of its jurisdiction, the Commission may furnish to such department or agency any information in the possession of the Commission obtained in connection with the administration of this Act. Any information furnished to any department or agency of any State or political subdivision thereof shall not be disclosed by such department or agency except in connection with an adjudicatory action or proceeding brought under this Act or the laws of such State or political subdivision to which such State or political subdivision or any department or agency thereof is a party. The Commission shall not furnish any information to a department or agency of a foreign government or political subdivision thereof unless the Com-

mission is satisfied that the information will not be disclosed by such department or agency except in connection with an adjudicatory action or proceeding brought under the laws of such foreign government or political subdivision to which such foreign government or political subdivision or any department or agency thereof is a party.";

(4) by redesignating subsections (f) and (g) as subsections (h) and (i), respectively; and

(5) by adding new subsections (f) and (g) to read as follows:

"(f) The Commission shall provide any registration information maintained by the Commission on any registrant upon reasonable request made by any department or agency of any State or any political subdivision thereof. Whenever the Commission determines that such information may be appropriate for use by any department or agency of a State or political subdivision thereof, the Commission shall provide such information without request.

"(g) The Commission shall disclose information in its possession pursuant to a subpena or summons only if—

"(1) a copy of the subpena, or summons has been mailed to the last known home or business address of the person who submitted the information that is the subject of the subpena or summons, if the address is known to the Commission and

"(2) fourteen days have expired from the date of such mailing of the subpena or summons.".

STATUTORY DISQUALIFICATION FROM REGISTRATION; DELEGATION OF REGISTRATION FUNCTIONS

SEC. 23. Section 8a of the Commodity Exchange Act (7 U.S.C. 12a) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) to register futures commission merchants, associated persons of futures commission merchants, introducing brokers, associated persons of introducing brokers, commodity trading advisors, associated persons of commodity trading advisors, commodity pool operators, associated persons of commodity pool operators, and floor brokers upon application in accordance with rules and regulations and in the form and manner to be prescribed by the Commission, which may require the applicant, and such persons associated with the applicant as the Commission may specify, to be fingerprinted and to submit, or cause to be submitted, such fingerprints to the Attorney General for identification and appropriate processing, and in connection therewith to fix and establish from time to time reasonable fees and charges for registrations and renewals thereof. Notwithstanding any other provision of this Act, the Commission may grant a temporary license to any applicant for registration with the Commission pursuant to such rules, regulations, or orders as the Commission may adopt, except that the term of any such temporary license shall not exceed six months from the date of its issuance; and";

(2) by amending paragraph (2) to read as follows:

"(2) upon notice, but without a hearing and pursuant to such rules, regulations, or orders as the Commission may adopt, to refuse to register, to register conditionally, to suspend, or to place restrictions upon the registration of, any person and with such a hearing as may be appropriate to revoke the registration of any person—

"(A) if a prior registration of such person in any capacity has been suspended (and the period of such suspension has not expired) or has been revoked;

"(B) if registration of such person in any capacity has been refused under the provisions of paragraph (3) of this section within five years preceding the filing of the application for registration or at any time thereafter;

"(C) if such person is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction (except that registration may not be revoked solely on the basis of such temporary order, judgment, or decree), including an order entered pursuant to an agreement of settlement to which the Commission or any Federal or State agency or other governmental body is a party, from (i) acting as a futures commission merchant, introducing broker, floor broker, commodity trading advisor, commodity pool operator, associated person of any registrant under this Act, securities broker, securities dealer, municipal securities broker, municipal securities dealer, transfer agent, clearing agency, securities information processor, investment adviser, investment company, or affiliated person or employee of any of the foregoing; or (ii) engaging in or continuing any activity involving any transaction in or advice concerning contracts of sale of a commodity for future delivery, or concerning activity subject to Commission regulation under section 4c or 19 of this Act or concerning securities;

"(D) if such person has been convicted within ten years preceding the filing of any application for registration or at any time thereafter of any felony which (i) involves any transactions or advice concerning any contract of sale of a commodity for future delivery, or any activity subject to Commission regulation under section 4c or 19 of this Act, or concerning a security; or (ii) arises out of the conduct of the business of a futures commission merchant, introducing broker, floor broker, commodity trading advisor, commodity pool operator, associated person of any registrant under this Act, securities broker, securities dealer, municipal securities broker, municipal securities dealer, transfer agent, clearing agency, securities information processor, investment adviser, investment company, or an affiliated person or employee of any of the foregoing; or (iii) involves embezzlement, theft, extortion, fraud, fraudulent conversion, misappropriation of funds, securities or property, forgery, counterfeiting, false pretenses, bribery, or gambling; or (iv) involves the violation of section 152, 1341, 1342, or 1343, or chapter 25, 47, 95, or 96 of title 18, United States Code;

"(E) if such person, within ten years preceding the filing of the application or at any time thereafter, has been found by any court of competent jurisdiction, by the Commission or any Federal or State agency or other governmental body, or by agreement of settlement to which the Commission or any Federal or State agency or other governmental body is a party, (i) to have violated any provision of this Act, the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Securities Investors Protection Act of 1970, the Foreign Corrupt Practices Act of 1977, or any similar statute of a State or foreign jurisdiction, or any rule, regulation, or order under any such statutes, or the rules of the Municipal Securities Rulemaking Board where such violation involves embezzlement, theft, extortion, fraud, fraudulent conversion, misappropriation of funds, securities or property, forgery, counterfeiting, false pretenses, bribery, or gambling; or (ii) to have willfully aided, abetted, counseled, commanded, induced, or procured such violation by any other person;

"(F) if such person is subject to an outstanding order of the Commission denying trading privileges on any contract market to such person, denying, suspending, or revoking such person's membership in any contract market or registered futures association, or barring or suspending such person from being associated with a registrant under this Act or with a member of a contract market or with a member of a registered futures association;

"(G) if, as to any of the matters set forth in subparagraphs (A) through (F) of this paragraph, such person willfully made any material false or misleading statement or omitted to state any material fact in such person's application; or

"(H) if refusal, suspension, or revocation of the registration of any principal of such person would be warranted because of a statutory disqualification listed in this paragraph: *Provided,* That for the purposes of paragraphs (2) and (3) of this section, principal shall mean, if the person is a partnership, any general partner or, if the person is a corporation, any officer, director, or beneficial owner of at least 10 per centum of the voting shares of the corporation, and any other person that the Commission by rule, regulation, or order determines has the power, directly or indirectly, through agreement or otherwise, to exercise a controlling influence over the activities of such person which are subject to regulation by the Commission:

Provided, That such person may appeal from a decision to refuse registration, condition registration, suspend, revoke, or place restrictions upon registration made pursuant to the provisions of this paragraph in the manner provided in paragraph (b) of section 6 of this Act; and";

(3) by striking out paragraph (4) and redesignating paragraph (3) as paragraph (4);

(4) by inserting a new paragraph (3) to read as follows:

"(3) to refuse to register or to register conditionally any person, if it is found, after opportunity for hearing, that—

"(A) such person has been found by the Commission or by any court of competent jurisdiction to have violated or has consented to findings of a violation of any provision of this Act, or any rule, regulation, or order thereunder (other than a violation set forth in paragraph (2) of this section), or to have willfully aided, abetted, counseled, commanded, induced, or procured the violation by any other person of any such provision;

"(B) such person has been found by any court of competent jurisdiction or by any Federal or State agency or other governmental body, or by agreement of settlement to which any Federal or State agency or other governmental body is a party, (i) to have violated any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Securities Investors Protection Act of 1970, the Foreign Corrupt Practices Act of 1977, or any similar statute of a State or foreign jurisdiction, or any rule, regulation, or order under any such statutes, or the rules of the Municipal Securities Rulemaking Board; or (ii) to have willfully aided, abetted, coun-

seled, commanded, induced, or procured such violation by any other person;

"(C) such person failed reasonably to supervise another person, who is subject to such person's supervision, with a view to preventing violations of this Act, or of any of the statutes set forth in subparagraph (B) of this paragraph, or of any of the rules, regulations, or orders thereunder, and the person subject to supervision committed such a violation: *Provided*, That no person shall be deemed to have failed reasonably to supervise another person within the meaning of this paragraph if (i) there have been established procedures and a system for applying such procedures which would reasonably be expected to prevent and detect, insofar as practicable, any such violation by such other person, and (ii) such person has reasonably discharged the duties and obligations incumbent upon that person, as supervisor, by reason of such procedures and system, without reasonable cause to believe that such procedures and system were not being complied with;

"(D) such person was convicted of a felony other than a felony of the type specified in paragraph (2)(D) of this section within ten years preceding the filing of the application or at any time thereafter, or was convicted of a felony, including a felony of the type specified in paragraph (2)(D) of this section, more than ten years preceding the filing of the application;

"(E) such person was convicted within ten years preceding the filing of any application for registration or at any time thereafter of any misdemeanor which (i) involves any transactions or advice concerning any contract of sale of a commodity for future delivery or any activity subject to Commission regulation under section 4c or 19 of this Act or concerning a security; or (ii) arises out of the conduct of the business of a futures commission merchant, introducing broker, floor broker, commodity trading advisor, commodity pool operator, associated person of any registrant under this Act, securities broker, securities dealer, municipal securities broker, municipal securities dealer, transfer agent, clearing agency, securities information processor, investment adviser, investment company, or an affiliated person or employee of any of the foregoing; or (iii) involves embezzlement, theft, extortion, fraud, fraudulent conversion, misappropriation of funds, securities or property, forgery, counterfeiting, false pretenses, bribery, or gambling; or (iv) involves the violation of section 152, 1341, 1342, or 1343 or chapter 25, 47, 95, or 96 of title 18, United States Code;

"(F) such person was debarred by any agency of the United States from contracting with the United States;

"(G) such person willfully made any material false or misleading statement or willfully omitted to state any material fact in such person's application or in any report required to be filed with the Commission by this Act or the regulations thereunder, or in any proceeding before the Commission;

"(H) such person has pleaded nolo contendere to criminal charges of felonious conduct, or has been convicted in a State court or in a foreign court of conduct which would constitute a felony under Federal law if the offense had been committed under Federal jurisdiction.

"(I) in the case of an applicant for registration in any capacity for which there are minimum financial requirements prescribed under this Act or under the rules or regulations of the Commission, such person has not established that such person meets such minimum financial requirements;

"(J) such person is subject to an outstanding order denying, suspending, or expelling such person from membership in a contract market, a registered futures association, or any other self-regulatory organization, or barring or suspending such person from being associated with any member or members of such contract market, association, or self-regulatory organization;

"(K) such person has been found by any court of competent jurisdiction or by any Federal or State agency or other governmental body, or by agreement of settlement to which any Federal or State agency or other governmental body is a party, (i) to have violated any statute or any rule, regulation, or order thereunder which involves embezzlement, theft, extortion, fraud, fraudulent conversion, misappropriation of funds, securities or property, forgery, counterfeiting, false pretenses, bribery, or gambling, or (ii) to have willfully aided, abetted, counseled, commanded, induced, or procured such violation by any other person;

"(L) such person has associated with such person any other person and knows, or in the exercise of reasonable care should know, of facts regarding such other person that are set forth as statutory disqualifications in paragraph (2) of this section unless such person has notified the Commission of such facts and the Commission has determined that such other person should be registered or temporarily licensed;

"(M) there is other good cause; or

"(N) any principal, as defined in paragraph (2) of this section, of such person has been or could be refused registration: *Provided*, That pending final determination under this paragraph, registration shall not be granted: *Provided further*, That such person may appeal from a decision to refuse registration or to condition registration made pursuant to the provisions of this paragraph in the manner provided in paragraph (b) of section 6 of this Act; and";

(5) by amending paragraph (4), as so redesignated—

(A) by striking out the word "or" before the word "revoke" the first time it occurs and inserting in lieu thereof a comma;

(B) by inserting the words ", or place restrictions upon" after the word "revoke" the first time it occurs;

(C) by striking out the words "subparagraph (2) (B) or (C)" and inserting in lieu thereof the words "paragraph (3) of this section";

(D) by inserting the words "or of any introducing broker" after the words "futures commission merchant"; and

(E) by adding the following proviso before the semicolon at the end thereof: ": *Provided*, That such person may appeal from a decision to suspend, revoke, or place restrictions upon registration made pursuant to the provisions of this paragraph in the manner provided in paragraph (b) of section 6 of this Act";

(6) by adding a new paragraph (10) to read as follows:

"(10) to authorize any person to perform any portion of the registration functions under this Act, in accordance with rules approved by the Commission, and subject to the provisions of this Act applicable to registrations granted by the Commission.".

JUDICIAL REVIEW OF COMMISSION'S ACTIONS WITH RESPECT TO MARKET EMERGENCIES

SEC. 24. Paragraph (9) of section 8a of the Commodity Exchange Act (7 U.S.C. 12a(9)) is amended to read as follows:

"(9) to direct the contract market whenever it has reason to believe that an emergency exists to take such action, including the setting of temporary emergency levels of margin, as, in the Commission's judgment, is necessary to maintain or restore orderly trading in, or liquidation of, any futures contract. The term 'emergency' as used herein shall mean, in addition to threatened or actual market manipulations and corners, any act of the United States or a foreign government affecting a commodity or any other major market disturbance which prevents the market from accurately reflecting the forces of supply and demand for such commodity. Any action taken by the Commission under this paragraph shall be subject to review only in the United States court of appeals for the circuit in which the party seeking review resides or has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit. Such review shall be based upon an examination of all of the information before the Commission at the time the determination was made. The court reviewing the Commission's action shall not enter a stay or order of mandamus unless it has determined, after notice and hearing before a panel of the court, that the action complained of was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. Nothing herein shall be deemed to limit the meaning or interpretation given by a contract market to the terms 'market emergency', 'emergency', or equivalent language in its own bylaws, rules, regulations, or resolutions; and".

CERTAIN PROHIBITED TRANSACTIONS

SEC. 25. Section 9 of the Commodity Exchange Act (7 U.S.C. 13) is amended—

(1) by amending subsection (a)—

(A) by striking out the words "futures commission merchant" and inserting in lieu thereof "person registered or required to be registered under this Act";

(B) by striking out the words "by such commission merchant" and inserting in lieu thereof "by such person or any employee or agent thereof";

(C) by striking out the words "of such commission merchant"; and

(D) by inserting the words "or which otherwise was received from any customer, client, or pool participant in connection with the business of such person" after the word "contracts" the second time it occurs;

(2) by amending subsection (d)—

(A) by inserting after the words "'decline guaranty'," the following: "or any transaction for the delivery of any commodity under a standardized contract commonly known to the trade as a margin account, margin contract, leverage account, or leverage contract, or under any contract, account, arrangement, scheme, or device that the Commission determines serves the same function or functions as such a standardized contract, or is marketed or managed in substantially the same manner as such as standardized contract,"; and

(B) by inserting the following before the period at the end of the first sentence: ", nor to any transaction entered into by the trustee of a trust established by such person over which such person exercises no control if such transaction is entered into solely to hedge against adverse price changes in connection with such farming or ranching operations or is a transaction for the lease of oil or gas or other mineral rights or interests owned by such person: *Provided further*, That such prohibition against any invest-

ment transaction in an actual commodity shall not apply to a transaction in which such person buys or sells, directly or indirectly (except by means of an instrument regulated by the Commission), a United States Government security, a certificate of deposit, or similar financial instrument if no nonpublic information is used by such person in such transaction"; and

(3) by inserting after the words "decline guaranty" each time they occur in subsection (e) the following: ", or in any transaction for the delivery of any commodity under a standardized contract commonly known to the trade as a margin account, margin contract, leverage account, or leverage contract, or under any contract, account, arrangement, scheme, or device that the Commission determines serves the same function or functions as a standardized contract, or is marketed or managed in substantially the same manner as such a standardized contract".

REAUTHORIZATION; OFF-EXCHANGE JURISDICTION

SEC. 26. Section 12 of the Commodity Exchange Act (7 U.S.C. 16) is amended—

(1) by striking out "1982" and inserting in lieu thereof "1984" in subsection (d); and

(2) by adding a new subsection (e) to read as follows:

"(e) Nothing in this Act shall supersede or preempt: (1) criminal prosecution under any Federal criminal statute; (2) any Federal or State statute, including any rule or regulation thereunder, that is applicable to any transaction in or involving any commodity, product, right, service, or interest which is not conducted on or subject to the rules of a contract market or (except as otherwise specified by the Commission by rule or regulation) any board of trade, exchange, or market located outside the United States, its territories or possessions, or which is not subject to regulation by the Commission under section 4c or 19 of this Act; (3) the application of any Federal or State statute, including any rule or regulation thereunder, to any person required to be registered or designated under this Act who shall fail or refuse to obtain such registration or designation. The Commission is authorized to refer any transaction or matter subject to such other Federal or State statutes to any department or agency administering such statutes for such investigation, action, or proceedings as the department or agency shall deem appropriate.".

SECONDARY LIABILITY

SEC. 27. Section 13 of the Commodity Exchange Act (7 U.S.C. 13c) is amended—

(1) by striking out the words "in administrative proceedings under this Act" in subsection (a);

(2) by redesignating existing subsection (b) as subsection (c); and

(3) by adding a new subsection (b) to read as follows:

"(b) Any person who, directly or indirectly, controls any person who has violated any provision of this Act or any of the rules, regulations, or orders issued pursuant thereto may be held liable for such violation in any action brought by the Commission to the same extent as such controlled person if the controlling person did not act in good faith and directly or indirectly induced the act or acts constituting the violation. In proving a violation of this subsection, the Commission shall bear the burden of showing that the controlling person did not act in good faith and directly or indirectly induced the act or acts constituting the violation.".

REPARATIONS PROCEDURE

SEC. 28. Section 14 of the Commodity Exchange Act (7 U.S.C. 18) is amended—

(1) by striking out existing subsections (b), (c), and (e);

(2) by redesignating subsections (d), (f), (g), (h), and (i) as subsections (c), (d), (e), (f), and (g), respectively;

(3) by amending subsection (a)—

(A) by striking out the words "or required to be registered under section 4d, 4e, 4k, or 4m of" and inserting in lieu thereof the word "under"; and

(B) by striking out everything after the words "to the Commission" and inserting in lieu thereof the words "for an order awarding actual damages proximately caused by such violation.";

(4) by adding a new subsection (b) to read as follows:

"(b) The Commission may promulgate such rules, regulations, and orders as it deems necessary or appropriate for the efficient and expedit ous administration of this section. Notwithstanding any other provision of law, such rules, regulations, and orders may prescribe, or otherwise condition, without limitation, the form, filing, and service of pleadings or orders; the nature and scope of discovery, counterclaims, motion practice (including the grounds for dismissal of any claim or counterclaim), hearings (including the waiver thereof, which may relate to the amount in controversy), rights of appeal, if any, and all other matters governing proceedings before the Commission under this section.";

(5) by striking out "(g)" in subsection (d), as so redesignated, and inserting in lieu thereof "(e)"; and

(6) by amending subsection (f), as so redesignated, to read as follows:

"(f) Unless the party against whom a reparation order has been issued shows to the satisfaction of the Commission within fifteen days from the expiration of the period allowed for compliance with such order that either an appeal as here-in authorized has been taken or payment of the full amount of the order (or any agreed settlement thereof) has been made, such party shall be prohibited automatically from trading on all contract markets and, if the party is registered with the Commission, such registration shall be suspended automatically at the expiration of such fifteen day period until such party shows to the satisfaction of the Commission that payment of such amount with interest thereon to date of payment has been made: *Provided,* That if on appeal the appellee prevails or if the appeal is dismissed the automatic prohibition against trading and suspension of registration shall become effective at the expiration of thirty days from the date of judgment on the appeal, but if the judgment is stayed by a court of competent jurisdiction the suspension shall become effective ten days after the expiration of such stay, unless prior thereto the judgment of the court has been satisfied.".

TECHNICAL AMENDMENT

SEC. 29. Section 16 of the Commodity Exchange Act (7 U.S.C. 20) is amended by inserting the words "or market positions" after the word "transactions" in subsection (d).

SEC. 30. Section 17 of the Commodity Exchange Act (7 U.S.C. 21) is amended—

(1) by amending subsection (b)(4)(E) by inserting before the period at the end thereof the following: ", which may require the applicant to be fingerprinted and to submit, or cause to be submitted, such fingerprints to the Attorney General for identification and appropriate processing. Notwithstanding any other provision of law, such association may receive from the Attorney General all the results of such identification and processing";

(2) by amending paragraph (10) of subsection (b)—

(A) by striking out the words "a customer's" and inserting in lieu thereof "customers' ";

(B) by striking out the comma before clause (ii) and by striking out clause (ii) in its entirety and clause (iii) down to the comma;

(C) by redesignating clause (iv) as clause (ii); and

(D) by striking out the words "a futures commission merchant or a floor broker" and inserting in lieu thereof the words "another member of the association";

(3) by striking out "(k)" in subsection (h) and inserting in lieu thereof "(i)"; and

(4) by striking out the last sentence in subsection (j) and inserting in lieu thereof the following: "A registered futures association shall submit to the Commission any change in or addition to its rules and may put such rules into effect ten days after receipt by the Commission of such submission, unless, within the ten-day period, the registered futures association requests review and approval thereof by the Commission or the Commission notifies such registered futures association in writing of its determination to review such rules for approval. The Commission shall approve such rules within thirty days of their receipt if Commission approval is requested hereunder or within thirty days after the Commission determines to review for approval any other rules, unless the Commission notifies the registered futures association of its inability to complete such approval or review within such period of time. The Commission shall approve such rules if such rules are determined by the Commission to be consistent with the requirements of this section and not otherwise in violation of this Act or the regulations of the Commission and the Commission shall disapprove, after appropriate notice and opportunity for hearing, any such rule which the Commission determines at any time to be inconsistent with the requirements of this section or in violation of the provisions of the Act or the regulations of the Commission.".

TRANSACTION FEE STUDY

SEC. 31. (a) Not later than January 1, 1984, the Commodity Futures Trading Commission shall (1) conduct a study of the effect of imposing fees on the purchase and sale of futures contracts, commodity options, and leverage transactions subject to the Commodity Exchange Act to offest the cost of regulating transactions under the jurisdiction of the Commission and (2) submit to the Senate Committee on Agriculture, Nutrition, and Forestry and the House Committee on Agriculture a detailed report on the results of the study, including any recommendations for legislation.

(b) The study provided for in subsection (a) shall include, but not be limited to, consideration of the effect of a transaction fee on market liquidity, determination of the portions of the Commission's budget benefiting the public and market participants of the Nation's commodity markets, and consideration of the incidence of such a fee, including the impact on producers, processors, manufacturers, and other hedgers.

Mr. BAKER. Mr. President, I suggest the absence of a quorum, with the time to be charged equally to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. Is the pending business S. 2109?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I thank the Chair.

Mr. President, before us is a very significant piece of legislation, S. 2109, the Futures Trading Act of 1982, which would extend the Commodity Exchange Act for 2 years and make a number of improvements in that act. Before discussing the provisions of the legislation, however, let me emphasize my gratitude to the distinguished Senator from Indiana (Mr. LUGAR) and commend him for the remarkable skill he exhibited and the hard work he performed in bringing this piece of legislation to the Senate.

Mr. President, Senator LUGAR is chairman of the Subcommittee on Agricultural Research and General Legislation. He held 5 days of hearings during which he and his fellow members of the subcommittee collected the thoughts and suggestions of many witnesses as to the specific provisions to be incorporated in the bill. Senator LUGAR also conducted 2 days of subcommittee markup on the bill, painstakingly working through each provision and forging a consensus from the divergent opinions of the subcommittee members. In all candor, Mr. President, I think it is uncontestable that Senator LUGAR is more knowledgeable about the provisions of this bill than any other Senator, including this one. I know that we will all benefit from his remarks should questions as to specific provisions be raised by any Senator. I genuinely appreciate the leadership role Senator LUGAR has taken and I am deeply grateful for his work.

I commend Senator BOREN for his contributions to the bill. As the ranking member on the subcommittee, Senator BOREN worked diligently with Senator LUGAR to forge a piece of legislation of which our committee and the Senate can be justifiably proud. I express my gratitude to him.

I should also like to recognize the very real contributions made by this committee's ranking minority member, the able and distinguished Senator from Kentucky (Mr. HUDDLESTON). As a member of the Subcommittee on Agricultural Research and General Legislation, Senator HUDDLESTON offered his advice and counsel on the provisions contained in S. 2109 and helped in a very material way to form the structure of the bill before us here today.

I very much appreciate, as always, the contribution Senator HUDDLESTON has made at both the subcommittee and full committee levels.

And last but not least, Mr. President, I commend Senator ROTH and Senator RUDMAN for their efforts in the examination of the fraudulent operation of "off-exchange boiler rooms" and the Federal-State relationships incident to the enforcement of the Commodity Exchange Act. They were very helpful to the members of our committee during the course of the markup of the Futures Trading Act of 1982. This is clearly evidenced by the provisions suggested by these Senators which were incorporated in the pending legislation, S. 2109.

Mr. President, the Futures Trading Act of 1982 renews the funding authorization for the Commodity Exchange Act and the Commodity Futures Trading Commission for 2 years—through September 30, 1984. Prior to 1974 the act did not contain a sunset provision. That provision, however, has afforded Congress an opportunity to reexamine and evaluate the provisions of the Commodity Exchange Act and the Commission's performance in 1978 and again in 1982.

The 1982 reauthorization is particularly timely in that it affords Congress an opportunity to revisit this area in light of the dramatic changes the futures industry which have taken place since 1978. For example, 38 new futures contracts—ranging from gasoline and lumber to Treasury bills and Eurodollars—have been designated since the Commission's last reauthorization. In 1978, 53.2 million futures contracts were traded. By 1981, however, this figure had grown to 101.1 million contracts.

Similarly, the trading of futures contracts in agricultural commodities grew from 35.1 million contracts in 1978 to 54.5 million contracts in 1981. The popularity of futures contracts in financial instruments was clearly evident, as growth in the trading of these contracts outstripped all others, expanding from 1.6 million contracts in 1978 to 20.1 million contracts in 1981. The trading of futures contracts in foreign currencies was also very popular, as trading grew from 1.3 million contracts in 1978 to 5.4 million contracts in 1981.

This surge in trading has been accompanied by increased use of futures markets by financial institutions and businesses to shift price risk in a manner comparable to the more traditional use of those markets by farmers and others involved in the marketing of grain and other agricultural products. The general public has also become increasingly active in the futures markets—not only as individual customers, but also through participation in professionally managed commodity pools and accounts. Not surprisingly, there has been a corresponding increase—to nearly 52,000 individuals and firms—in the number of persons registered with the Commission, and in the average amount of customers' funds held in segregation to margin, guarantee or secure futures trades—from approximately $5 million in 1979 to approximately $8 million in 1981.

Mr. President, I am pleased that the bill includes a provision I offered as an amendment in the subcommittee to remove the complete ban on the trading of agricultural options. I see no reason to treat agricultural options differently than options on other commodities and the bill would permit that result.

S. 2109, as amended by the Committee on Agriculture, Nutrition, and Forestry, is a carefully crafted bill that will streamline the operations of the Commodity Futures Trading Commission and provide it with the tools needed to carry out its responsibility in an effective manner. The bill seeks to accommodate the divergent interests of many persons. I believe the bill is a balanced bill and I hope the Senate will approve it.

The bill makes a number of significant changes in the Commodity Exchange Act that I would like to highlight for the benefit of the Senate.

CFTC-SEC JURISDICTIONAL AGREEMENT

Several of the provisions of the Futures Trading Act of 1982 codify a jurisdictional agreement between the Commodity Futures Trading Commission and the Securities and Exchange Commission. These provisions should end the jurisdictional ambiguity between the CFTC and SEC which has hampered the development of new financial instruments. I commend Chairman Johnson of the CFTC and Chairman Shad of the SEC for their efforts in working out this accord. The Futures Trading Act of 1982 codifies the CFTC's portion of this agreement, just as that agreement was formulated by these agencies.

In broad outline, the bill leaves the CFTC with exclusive regulatory responsibility for all futures trading and for all trading in options on futures contracts. The SEC would continue to be responsible for the regulation of options based on individual stocks. In addition, the SEC will regulate all options directly on exempted securities, such as debt instruments issued or guaranteed by the U.S. Government, for example, Ginnie Mae certificates, and options on certificates of deposit. The trading of options on foreign cur-

rencies will be regulated by both agencies; the SEC will regulate these options when they are traded on a national securities exchange, the CFTC will regulate them when they are traded other than on a national securities exchange.

The bill makes explicit that the CFTC's exclusive jurisdiction over commodity pools does not abrogate the applicability of certain aspects of the Federal securities laws to securities issued by commodity pools and sold to the general public. The bill also prohibits the designation of futures contracts based on individual corporate or municipal securities, reserving for further study on the part of the CFTC and SEC the issue of the appropriate jurisdictional framework for futures contracts and options on futures contracts based on these securities.

The Futures Trading Act of 1982 also resolves differences between the CFTC and SEC with respect to stock index futures. Traditionally, the SEC has expressed concern that trading in such a futures contract could have an adverse impact upon the Nation's equity markets as well as upon the SEC's ability to insure manipulation-free securities trading. This concern is reflected in the bill in the structure for considering designation applications for stock index futures contracts. The bill preserves the CFTC's exclusive jurisdiction over the decision of whether to permit such a futures contract to be traded, but at the same time insures that any concerns expressed by the SEC will be considered carefully.

In designating futures contracts based on stock indices (or options on such contracts), the CFTC must find that each such contract (or option on such contract) meets the following criteria:

First, settlement of the contracts must be made in cash or by means other than the delivery, transfer, or receipt of a security. Exempted securities, however, may be delivered, transferred, or received in settlement of the contracts.

Second, the contracts may not be readily susceptible to price manipulation nor to causing or being used in the manipulation of the prices of the securities making up the underlying stock index.

Third, the stock index upon which the futures or option contract is based must be constructed from a broad group of securities.

These criteria are intended to provide adequate flexibility for the market to respond to the needs of participants, while assuring that only broad-based securities index futures contracts that the Commission finds are not readily susceptible to manipulation are authorized.

The bill requires that the CFTC give the public an opportunity to comment on whether a proposed stock index futures contract or option thereon meet the criteria just mentioned. The bill also requires the CFTC to consult with the SEC prior to designating the trading of such futures or options contract. If the SEC objects to the designation of a particular stock index futures or option contract on the ground that the above criteria are not satisfied, it may seek an oral hearing before the CFTC. If the CFTC designates a contract for trading over the objections of the SEC, the SEC has the right to seek judicial review of the CFTC's decision under the provisions of section 6(b) of the Commodity Exchange Act. If a hearing is held in connection with disapproval proceedings of a stock index futures or options contract application, the SEC will be permitted to participate in the hearing as an interested party.

I believe that the division of regulatory responsibility set forth in the Futures Trading Act of 1982 will benefit both the futures and securities industries, as well as the trading public. Ultimately, the forces of the marketplace will determine which new instruments will succeed in providing useful economic benefits to the financial institutions that have been both using and waiting for the development of new trading tools to limit risk and provide greater certainty in financial management.

The Committee on Agriculture, Nutrition, and Forestry endorsed the provisions of the CFTC-SEC jurisdictional agreement, and I believe that the Congress should enact the legislative proposals to carry it out in its entirety.

USER FEE STUDY—PERIOD OF REAUTHORIZATION

One of the more controversial issues with which the committee dealt during the consideration of the bill was the issue of the imposition of Federal user charges or fees on the commodities industry. The Commission currently collects fees for registrations and renewals and a docketing fee when a reparations claim is docketed. In fiscal year 1981, the Commission collected $1,002,919 from registration fees and $20,875 from reparations docketing fees. However, no transaction-based fee has been imposed to help defray the cost to the Government of the Commission's operations.

The Subcommittee on Agricultural Research and General Legislation wrestled with the issue of applying a transaction-based user charge to the futures industry during the course of 5 days of hearings and 2 days of subcommittee markup. It became apparent during these proceedings that the imposition of a user charge at this time could seriously damage the fledgling National Futures Association, the self-regulatory organization recently formed by the industry and designated by the Commission. If that occurred, it could seriously retard the growth of self-regulation in this area.

It also became apparent that the user charge proposal raised a number of questions that had not been resolved, and could not be resolved before the subcommittee and the full committee had to act. In particular the incidence of this charge and its effect on farmers, processors, and other hedgers was unclear. The constitutionality of the user fee proposal put before the committee was also unclear.

In light of these considerations, the committee decided not to impose a user charge at this time, but rather to require the Commission to conduct a study, to be completed not later than January 1, 1984, which would focus on (1) the effects of a transaction fee on market liquidity, (2) the portions of the Commission's appropriation benefiting the general public versus the market participants of the Nation's commodity markets, and (3) the incidence of such a fee, including its impact on producers, processors, manufacturers, and other hedgers.

As mentioned previously, the bill limits the reauthorization period of 2 years (to expire Sept. 30, 1984) in order to force reconsideration of the user fee issue upon completion of the Commission study. In the hearings before the Subcommittee on Agricultural Research and General Legislation, most of the witnesses who addressed the issue of the period of reauthorization recommended that the Commission be reauthorized for at least 4 years or longer. I want to make it clear that the shorter reauthorization period is not intended to reflect any dissatisfaction on the part of the committee with the performance of the Commission. While there are certainly areas where improvement can be made, the Committee believes the Commission has developed into a mature regulatory agency worthy of reauthorization.

STATE JURISDICTION, INFORMATION SHARING, AND COMMODITY FRAUD

Other major provisions in the Futures Trading Act of 1982 deal with the general topic of "commodity" fraud as that relates to the division of responsibility between the States and the Commodity Futures Trading Commission. This kind of fraud generally does not involve the traditional activities regulated by the CFTC. Rather, this fraud involves persons situated on the periphery of the Commission's regulatory jurisdiction selling off-exchange investment vehicles.

While neither the States nor other Federal agencies have ever been precluded from instituting actions against these fraudulent off-exchange operators under general State civil or criminal antifraud statutes, the committee took three major steps to deal with

this problem. The first was the adoption of a provision to declare open season on these off-exchange investment vehicles and the persons who offer and sell them by specifically authorizing all Federal, State, and local officials to prosecute these persons under any relevant law or regulation. This provision makes clear that State attorney general or securities administrators may take administrative or other legal action, under their own securities or commodities laws, against persons offering and selling these off-exchange investment vehicles and against persons engaged in activities requiring registration by the Commission who are not so registered. Activities that are subject to the comprehensive regulatory powers of the Commission, including exchange-traded futures contracts, foreign futures contracts, authorized commodity options and regulated leverage transactions will remain within the Commission's exclusive jurisdiction.

The Futures Trading Act of 1982 does not alter the Commission's exclusive jurisdiction vis-a-vis the States with respect to the regulation of persons and firms who register with and conform their activities to the requirements of the Commodity Exchange Act. The Commission's regulatory programs embody a uniform, comprehensive, nationwide scheme of regulation. The committee continues to endorse the congressional judgment that a single, uniform Federal regulatory program applicable to registrants under the Commodity Exchange Act is preferable to 50 different and arguably conflicting schemes of State regulation.

The second step taken by the committee was the insertion of a provision to grant the Commission explicit authority to share with State and foreign governments information which is now subject to confidential treatment on the part of the agency. This provision will permit the Commission to provide these governmental entities with any information in its possession, so long as the information is provided for law enforcement purposes and the Commission is satisfied that the information will be disclosed only in connection with law enforcement proceedings brought under Federal, State, or foreign law to which the information recipient is a party.

A third step in this area which was taken by the committee was that of directing that the Commission, upon reasonable request, provide any State with registration information maintained by the Commission on any registrant. The Commission shall provide this registration information to the States without request if the Commission determines that the information may be appropriate for use by the States. This provision is a variation of a provision contained in S. 2210, introduced by Senator ROTH and others.

I believe these provisions in the Futures Trading Act of 1982 will permit any State or Federal prosecutor or State securities administrator to gain access to the necessary evidence and to proceed effectively against those persons offering and selling these off-exchange investment vehicles as a means to defraud the public.

REGISTRATION PROVISIONS

The Futures Trading Act of 1982 makes extensive changes to the registration provisions in the Commodity Exchange Act. The bill contains provisions requiring the registration of sales personnel and consultants engaged in sales work who are employed by commodity trading advisers and commodity pool operators. The antifraud provisions of the act applicable to commodity pool operators and commodity trading advisors have also been extended to cover these new registrants.

The committee believes that the registration of associated persons of commodity pool operators and commodity trading advisors is necessary to insure that such persons are qualified to offer pool participations and investment advice to potential participants and clients and are also adequately supervised. This registration requirement will permit the Commission to conduct fitness checks through the FBI, SEC, and other sources to uncover past misconduct, such as criminal convictions, to proceed more effectively against individuals associated with registered entities who violate the act, and to subject these persons to reparations claims. The need to screen these categories of commodity professionals has become more evident because of a dramatic increase in the number of commodity pool operators and commodity trading advisers and a concomitant increase in the number of customers and the amount of funds under management by them. For example, the number of commodity pool operators registered with the Commission rose from 494 at the end of fiscal year 1978 to 882 at the end of fiscal year 1981, an increase of more than 75 percent. This change will make the registration program more consistent because it will require persons who essentially function in the same capacity as persons associated with futures commission merchants to register as associated persons.

The Futures Trading Act of 1982 provides for a new category of registrant, that of the introducing broker, to include persons working in the area of commodity brokerage who are not now expressly subject to regulation under the Commodity Exchange Act. The bill authorizes the Commission to develop a regulatory structure for introducing brokers modeled after that presently in effect for futures commission merchants. The antifraud provisions in the act that are applicable to futures commission merchants are also made applicable to introducing brokers.

In deciding this question, the committee made a choice between regulating these persons as associated persons of the brokerage firms with which they are affiliated or regulating them independently as introducing brokers. The committee adopted the "introducing broker" provision because a significant number of these persons are, in fact, independent business people who utilize the services of futures commission merchants for clearing and recordkeeping functions and for the safeguarding of investors' funds. In light of these facts, the committee felt it would be inappropriate to require these independent business people to become fettered to the futures commission merchants through which their trades are cleared.

The committee also took steps to provide the Commission with greater flexibility when registering persons and made an extensive enumeration of the grounds upon which a person may be disqualified from registration under the Commodity Exchange Act. Under the provisions that amend section 8a(2) of the act, the Commission will have the authority to refuse to register, to register conditionally, to suspend or to place restrictions on the registration of any person subject to the statutory disqualifications contained in the bill. The Commission could take this action after notice but without giving the affected party a hearing. The Commission could revoke a registration on the basis of a finding that the registrant is subject to a statutory disqualification, but, prior to revocation, must give the registrant an opportunity to have a hearing and must submit evidence forming a basis for the finding that the registrant is subject to a statutory disqualification.

In general, the enumerated disqualifications that can serve as a statutory bar to registration or that can result in suspension or conditional or restricted registration include first, a currently effective suspension or revocation of registration; second, a Commission refusal, after opportunity for a hearing, to register the applicant within the past 5 years; third, a temporary or permanent court injunction involving action in any capacity requiring registration under the Commodity Exchange Act or securities acts; fourth, a felony conviction within the last 10 years that involved a security or any matter subject to regulation under the Commodity Exchange Act; fifth, a finding by a court or governmental body of a violation, within the last 10 years, of the Act, Federal securities laws, or similar statutes, where the violation involved theft,

fraud, misappropriation of assets, gambling, or the willful aiding or abetting of these violations; sixth, an outstanding Commission order imposing certain sanctions, such as denial of trading privileges on any contract market; seventh, a willful material misstatement or omission in the registration application as to whether the applicant is subject to any of the foregoing statutory disqualifications; and eighth, as to the registration of a partnership or corporate entity, a finding that the partnership or corporate entity has a principal who is subject to a statutory disqualification.

Generally, these disqualifications are based upon a prior finding or order made or entered by the Commission, a court, or another governmental body. As a result, whether or not a person is subject to such a disqualification should, in most instances, be readily ascertainable by checking officially maintained Government records.

The second portion of the system of statutory disqualification added to current law by the Futures Trading Act of 1982 takes the form of an amendment to section 8a(3) of the act. Under this amendment, the Commission will be authorized to refuse to register any person or to register any person conditionally if, after opportunity for a hearing, the Commission finds, among other things, that the person: First, has been found by the Commission or a court to have violated any provision of the act or to have aided or abetted such violation; second, has been found by a court or governmental body to have violated any provision of the securities acts or related State of foreign acts or to have aided or abetted such violation; third, has failed reasonably to supervise another person under his direction with a view toward preventing violations of the act, the securities acts or related State or foreign acts; fourth, has been convicted of a felony not involving futures or securities laws within the last 10 years or of a misdemeanor within the last 10 years, involving any matter regulated under the Commodity Exchange Act or the securities acts; fifth, does not meet the minimum financial requirements established by the Commission for registration; or sixth, is subject to an outstanding order denying or suspending the person's membership in a contract market or other self-regulatory organization, expelling such person from a contract market or other self-regulatory organization, or barring such person from associating with a member of a contract market or other self-regulatory organization. These offenses, which are generally less serious or further removed from the conduct regulated under the act than the offenses specified in the amendments to 8a(2), or which require factfinding or for which it may be appropriate for the Commission to consider mitigating or extenuating circumstances or evidence of rehabilitation (such as a misdemeanor conviction), would be grounds for a finding of unfitness only after an opportunity for a hearing before the Commission.

I believe these provisions will streamline the registration process because they give the Commission greater flexibility in dealing with those factual situations in which neither a denial of registration nor full registration is appropriate. The statutory disqualification sections will put both applicants and registrants on notice as to the most significant fitness standards applicable to registration under the act. In effect, these provisions visions spell out some of the "good cause" exceptions existent in current law, under which the Commission may refuse to register an applicant or may revoke an existing registration. I am hopeful that these provisions will reduce the amount of time and resources that the Commission, as well as applicants and registrants, currently devote to preparing and litigating registration cases.

I note that the Commission has been given wide discretion in the use of the statutory disqualifications contained in the amendments to sections 8a(2) and 8a(3) of the act. In particular, the Commission has wide discretion to suspend a registrant or to place restrictions on the registrant's activity without giving the registrant a hearing in the matter. I expect that the Commission will exercise its discretion judiciously and not use its powers to suspend or restrict a registration, without a hearing, as de facto revocation of that registration. I and other members of the committee will carefully monitor the operation of these procedures.

APPROVAL OF CONTRACT MARKET RULES

The Futures Trading Act of 1982 makes several changes in the Commodity Exchange Act pertaining to Commission review of contract market rules. These changes will streamline the rule review process by limiting the kinds of rules that must be submitted for prior Commission approval and by placing a limit on the amount of time the Commission may take to consider a proposed rule before the exchange submitting the rule may put it into effect.

The committee, while reaffirming the Commission's active oversight role in the area of contract market rule review, was concerned that exchanges receive timely consideration of the rules which they are required to submit to the Commission for its approval. Therefore, the Futures Trading Act of 1982 provides that, if the Commission has not approved a proposed rule or instituted disapproval proceedings within 180 days after the rule has been submitted, the contract market may put the rule into effect. If a disapproval proceeding is not completed within 1 year after the rule is submitted to the Commission, the contract market may also put the rule into effect. Rules put into effect in this manner, however, may not be considered as having been approved by the Commission.

The committee also adopted procedures to streamline the rule review process. While all rules pertaining to contract terms and conditions will continue to be submitted to and approved by the Commission in the manner presently in effect, all other rules may be put into effect after 10 days, unless the Commissioners themselves decide that the Commission should review these rules or the exchange submitting the rules asks that they be reviewed. These changes will exclude a substantial portion of new rules from the requirement of prior Commission approval, thereby permitting earlier implementation of such rules and providing some savings of Commission resources. The exchanges will be responsible for enforcing all rules which become effective under these new procedures, as well as all rules approved by the Commission or which otherwise must be enforced by the exchanges.

While the Commission has followed the practice of informing the contract markets of the basis upon which a rule was disapproved, the Futures Trading Act of 1982 expressly includes this requirement in an amendment to section 5a(12). The bill also amends section 5a(12) to require publication in the Federal Register of a short description of proposed rules or rule changes that are of major economic significance, instead of the full text of the rules. The committee believes that this notice provision will serve the purpose of adequately informing interested persons of the contents of pending major contract market rules. Since the committee was satisfied that the current provisions of section 5a(12) pertaining to margin setting authority and temporary emergency rules are appropriate, no amendments to these provisions were made.

The committee intends that the provisions of the Futures Trading Act of 1982 applicable to contract market rules not apply to any proposed rule or change in existing rule submitted to the Commission prior to the date of enactment of this bill.

APPROVAL PROCESS FOR NEW FUTURES CONTRACTS

With respect to the issue of the approval of new futures contracts, the Futures Trading Act of 1982 provides that the Commission shall have one year in which to consider and complete its analysis of any proposed futures contract and to make a decision as to whether the contract shall be permitted to trade. This provision was put into the bill because, while consideration of these contract proposals has

been timely in the past year, there had been significant delays in the consideration of these proposals prior to that time.

The committee felt that, while the fixed 1-year period for consideration of these proposals was appropriate, a shorter time period was not desirable, in view of the fact that many of the new futures contract proposals are complex and deal with matters with which the Commission has had no prior experience. Further, while the resources available to the Commission to evaluate new contract proposals are relatively fixed over time, several contract proposals may be received by the Commission at virtually the same time or in rapid succession.

The committee added one exception to the 1-year period for consideration of these contract proposals. This provision stops the clock from running from the time the Commission notifies an exchange that its contract proposal is incomplete until the proposal is completed, returned and found to be complete.

The committee intends that the provisions in the Futures Trading Act of 1982 applicable to contract proposals will not apply to any contract proposal submitted to the Commission prior to the date of enactment of this bill.

JUDICIAL REVIEW OF THE COMMISSION'S EMERGENCY POWERS

The committee included a provision in the Futures Trading Act of 1982 that provides for limited judicial review of the exercise of the Commission's emergency powers. This provision was included because some form of judicial review appears warranted and because the exercise of these powers are not presently subject to any form of judicial review. The committee was also concerned, however, that the original intent of Congress, as expressed when the emergency powers provisions were enacted, not be frustrated by the provision providing judicial review.

The committee balanced these competing interests by providing that review of the exercise of these powers shall take place only in an appropriate U.S. court of appeals and that the court may not enter a temporary restraining order, preliminary or permanent injunction, or other stay, or order of mandamus until a hearing has been held before a panel of judges and all parties have had an opportunity to argue their positions.

In light of the committee's concern that judicial review of the exercise of these emergency powers not affect the timing and nature of their use, the committee further provided that the judicial review would be based upon the information before the Commission at the time the decision to take action was made. This information is normally set forth in the Commission's emergency order.

The bill also provides that any court-ordered temporary restraining order, preliminary or permanent injunction, or other stay or order of mandamus affecting the Commission's exercise of its emergency powers must be based on a determination that the Commission's action was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

In view of the importance of this issue to the proper functioning of the futures market, the committee intends to carefully monitor this provision to insure it does not thwart the Commission's ability to act in an emergency.

SPECULATIVE TRADING AND POSITIONS LIMITS

The Futures Trading Act of 1982 also contains several provisions applicable to speculative trading and position limits.

The committee believes the Commission's authority to set speculative position and trading limits on futures contracts is important for insuring orderly trading and for preventing market excesses. To this end, the bill amends section 4a of the Commodity Exchange Act to provide express authority for the Commission to involve exchanges in this process by explicitly recognizing the exchanges' authority to set limits for futures and option contracts. The bill also provides that a violation of exchange-established speculative limits is a violation of the act, if such limits have been approved by the Commission. While exchange-established limits may not be higher than those established by the Commission, the bill permits exchanges to set limits lower than those established by the Commission. This amendment will enable the exchanges to better monitor trading and position concentrations in their markets.

The committee also decided to retain the present legislative findings expressed in section 4a concerning the burden that excess speculation places on interstate commerce. The committee believes that speculative limits, in addition to their role in preventing manipulations, corners, or squeezes, are also important regulatory tools for preventing unreasonable fluctuations or unwarranted changes in commodity prices that may arise even in the absence of manipulation.

While the committee noted the importance of encouraging all interested persons to make their views known with respect to speculative limit levels, the committee believes that the present provisions of section 4a are sufficient to achieve this outcome. The committee thus decided to retain the current provisions governing the establishment of speculative position limits; that is, in setting these limits, the Commission must provide notice and opportunity for hearing, but not a hearing on the record. Nevertheless, the committee contemplates that, before establishing speculative limits, the Commission will consider objective economic data relevant to the need for restraints on the markets. The committee expects the Commission to afford interested parties, including traders, producers, consumers, and contract markets, opportunity to address the speculative limits proposals under consideration by the Commission.

Finally, the bill amends section 4a to provide that the act's criminal penalties in section 9(c) are applicable to violations of exchange-established speculative limits only when the violations are committed in furtherance of an attempt to manipulate, corner, or squeeze a market. The committee believes that criminal penalties for violation of these limits should apply only to conduct that is intentional and that is directed at obtaining illegal gain by attempting to affect market prices.

OFFER AND SALE OF FOREIGN FUTURES CONTRACTS

The Futures Trading Act of 1982 also contains provisions regulating the offer and sale of foreign futures contracts in the United States. During recent years, futures markets have become increasingly internationalized, with growing participation by U.S. residents in foreign markets and increased participation by residents of other countries in U.S. markets. Since the Commission has adequate statutory authority to regulate foreign participants in U.S. futures markets, no changes were made in the present law respecting their activity in U.S. markets. However, for the reasons that I will outline below, the committee made certain changes to current law to reaffirm and clarify the Commission's authority over the offer and sale of foreign futures within the United States, its territories, and possessions.

Under section 2(a)(1) of the act, the Commission has exclusive jurisdiction over all agreements and transactions involving futures contracts traded or executed on any board of trade, exchange, or market, regardless of whether the board of trade, exchange, or market has been designated as a contract market under section 5 of the act. Under the exclusive jurisdiction authority in section 2(a)(1) and the general rulemaking authority in section 8a(5) of the act, the Commission has promulgated a rule prohibiting fraud in the offer and sale of foreign futures contracts within the United States. With the growth of foreign futures markets abroad and the possibility that illicit commodity instruments may be offered under the guise of legitimate foreign futures contracts, additional congressional action was deemed necessary.

In order to provide adequate protection for American residents who are solicited to trade foreign futures contracts by vendors within the United

States, the Futures Trading Act of 1982 adds a new section 4(b) to the act, reaffirming the Commission's authority to adopt rules and regulations prohibiting fraud in the offer and sale of foreign futures contracts in the United States. The new provision also provides explicit authority for the Commission to promulgate rules and regulations requiring minimum financial standards, the disclosure of risk, reporting, the keeping of books and records, the safeguarding of customer funds, and the registration of those who offer and sell foreign futures contracts from domestic locations.

Under this provision of the bill, the Commission is authorized to develop different requirements for vendors depending upon the particular board of trade or market on which the foreign futures contracts are made. However, the Commission's authority to adopt rules and regulations under this section does not include authority to approve the contracts, contract terms, rules, or actions of a foreign board of trade, market, or clearinghouse.

The Commission's authority to adopt rules and regulations under this provision is not intended to impair the contractual duties, obligations, or rights arising from the rules or practices of any foreign board of trade, market, or clearinghouse, or the principals of any such entities. In addition, the rules and regulations developed under this provision are not intended to place the solicitation or acceptance of orders in the United States for bona fide foreign futures contracts at a comparative disadvantage with similar solicitation or acceptance or orders for domestic futures contracts. Finally, the committee intends that the Commission, in developing rules or regulations under section 4(b), take into account the customs and practices of foreign boards of trade or markets and recognize that differences may exist between the practices of foreign boards of trade and their U.S. counterparts.

In addition to including a new section 4(b) that clarifies the types of rules and regulations that the Commission may promulgate with respect to the offer and sale of foreign futures contracts from domestic locations, the Futures Trading Act of 1982 also makes it clear that the Commission may permit the application of other Federal and State laws, in addition to the act, to transactions conducted on or subject to the rules of a board of trade, exchange, or market located outside the United States. The committee intends that this provision authorize the Commission to permit the application of such other Federal or State laws, as well as regulations issued under such laws, to the offer and sale in the United States of futures contracts originating on foreign boards of trade, exchanges, or markets, with particular reference to situations involving the illicit offer and sale of such contracts to U.S. residents.

SECONDARY RESPONSIBILITY

The Futures Trading Act of 1982 amends section 13 of the act in two significant ways. First of all, the bill amends the aiding and abetting provision to broaden its application to any proceeding brought under the act. I contemplate that persons who intentionally aid, abet, counsel, command, induce, or procure the commission of violations of the act or rules, regulations, or orders issued thereunder, irrespective of evil motive, or who act with reckless or careless disregard of statutory requirements, may be held responsibile for such violations in proceedings brought by the Commission.

Second, the bill adds a new subsection (b) to section 13. This provision is designed to provide greater accountability on the part of persons within an organization who control the practices that give rise to the violations of the act. Frequently, these are individuals within a company or organization who know or should have known of the particular misconduct but who seek to shield themselves from accountability. This "controlling person" provision is patterned after a similar provision in the Securities Exchange Act of 1934, but requires that the Commission bear the burden of proving wrongdoing on the part of the controlling person. Under the bill's provision, any person who directly or indirectly controls any other person who has violated the act or regulations may be held liable for that violation in any action brought by the Commission to the same extent as the controlled person, provided that the controlling person did not act in good faith and directly or indirectly induced the acts constituting the violations.

To establish liability under this provision and thus hold the controlling person liable for the misdeeds of the person controlled, the Commission must show that first, the controlled person violated the act or regulations; second, the controlling person had direct or indirect control of the person committing the violation; third, the controlling person did not discharge his responsibility in good faith; and fourth, the controlling person directly or indirectly induced the act that constitutes the violation.

REPARATIONS

The Futures Trading Act of 1982 also contains provisions to correct specific problems in the Commission's reparations program and to encourage the use of other forums by claimants seeking relief from violations of the act. These amendments will bolster the credibility of the reparations program, which has suffered due to delays in the handling of claims and the assessment of awards which are not collectible. The use of other forums will also reduce the demand for claims adjudication in the reparations programs.

During the 1978 reauthorization, the Commission sought and obtained amendments to the Act which were designed to include unregistered persons in the class of persons subject to the Commission's reparations procedures. Over the course of the past 4 years, however, the Commission has encountered several unanticipated problems stemming from the inclusion of these unregistered persons. For example, claims must now be heard by the Commission even though the Commission has had no prior knowledge of the existence of the unregistered defendant firms and individuals and has had no opportunity to regulate or monitor their business practices. Additionally, unregistered firms and individuals often file in bankruptcy, are destitute, or have disappeared by the time a claim is asserted, resulting in the assessment of reparations awards which are not collectible.

Under these circumstances, the reparations process works as a disservice to those who have already been harmed by holding out the promise of recovery which, as a practical matter, cannot be had. These types of uncollectible claims serve to delay the entire reparations process, thereby impeding the completion of cases where recovery is possible. Accordingly the bill repeals the provisions in current law which provide for reparations jurisdiction over persons not registered with the Commission. Of course, those who aid or abet the registrants' violations may be joined in the reparations proceeding.

The bill also repeals the cumbersome statutory procedural requirements applicable to reparations and gives the Commission broad discretion to fashion procedures through rulemaking to administer the reparations program in an efficient and expeditious manner. Under the bill's provisions, the Commission may adopt procedures which differ from those ordinarily applicable to agency action under the Administrative Procedure Act. These provisions, however, do not absolve the Commission from complying with the parties' due process and other rights under the U.S. Constitution.

The bill also makes other changes for purposes of encouraging prompt recoveries. For example, current law provides that a hearing is not required in reparations cases when the damages claimed do not exceed $5,000. This $5,000 limit was raised from $2,500 in 1978 to increase the number of cases that could be resolved through the submission of papers alone. In order to increase the Commission's flexibility in developing procedures for the effi-

cient disposition of claims, the bill eliminates this monetary ceiling. Thus, the Commission could decide cases on documentary evidence alone, without regard to the amount of damages claimed, or it could raise the amounts in controversy necessary before a hearing need be held.

Since the reparations program seeks to decide the entire controversy surrounding each claim, including counterclaims arising out of the same set of facts, the bill creates a sanction that would operate against a plaintiff who fails to honor a counterclaim award made in favor of a defendant. In such a case, the plaintiff would automatically be prohibited from trading in the futures market until the award is paid. This provision is designed to insure the integrity of the reparations program and the Commission's orders and to make the system more equitable for all participants.

AGRICULTURAL OPTIONS

The Futures Trading Act of 1982 contains a provision that repeals the complete ban on the trading of options on agricultural commodities and permits the Commission to approve and regulate the trading of these options under the same conditions as apply to the trading of options on other commodities. While there are no options contracts traded on U.S. commodity exchanges at the present time, the Commission is currently reviewing applications to trade options on a pilot basis on a limited number of nonagricultural commodities.

The committee believes that agricultural options could become a beneficial marketing tool for farmers and the agricultural industry. These options could provide farmers and processors with a method of price protection that differs in significant respects from methods presently available. With options, as with futures contracts, farmers can insure against the effects of unfavorable commodity price movements. With futures contracts, the farmer must give up the opportunity to benefit from favorable price movements in order to protect himself from unfavorable movements; however, futures contracts do not require the payment of a fee, identified as the option "premium."

With a "put" or sell option, a farmer may exercise the option if the market price falls below the option strike price and be assured of receiving the strike price. If the market price rises above the option strike price, however, the option contract may be abandoned and the farmer can sell his produce at the higher market price. Similarly, a processor who purchases a "call" or buy option limits his risk in case the price of his raw material rises, but may still take advantage of price declines should they occur. In this manner, the holder of an option limits his risk without forgoing his opportunity for profit. In addition, since the option purchaser's financial obligation is limited to the option purchase price or "premium," a farmer buying a "put" option would be able to identify in advance and limit his marketing costs.

Agriculture has become increasingly oriented to a world market. As a consequence, U.S. commodity prices are more responsive than ever before to global weather conditions and developments in political and monetary policy. It is thus likely that U.S commodity prices will become more volatile, because of the uncertainty stemming from these external factors. Consequently, farmers need additional marketing tools which help them to manage the risk inherent in downward price fluctuations, while leaving them free to take advantage of higher prices as they occur.

The committee believes that the trading of agricultural options should be studied further before the Commission authorizes trading in these options on the part of the public. At a minimum, trading in these options should not begin until a study of option pricing and grantor eligibility is completed, the present options pilot program has been evaluated and the Commission is confident of its ability to regulate such trading.

This does not mean, however, that the present options pilot program must be completed before it is evaluated. Indeed, after an initial evaluation of the projected options pilot program, the Commission may wish to expand the program to include options on agricultural commodities. Any such program involving agricultural options would be initiated under the statutory provisions applicable to the trading of options contracts generally.

DISCLOSURE OF INFORMATION PURSUANT TO SUBPENA OR SUMMONS

The Futures Trading Act of 1982 amends section 8 of the Commodity Trading Act to provide that the Commission shall disclose information in its possession in response to a subpena or summons served on the Commission only if a copy of the subpena has been mailed to the last known home or business address of the person who submitted the information, if the address is known to the Commission, and 14 days have elapsed since the date of such mailing. This provision is designed to provide a person who has submitted information to the Commission with notice that the information is being sought by a third person through a subpena or summons so that the submitter of the information may challenge the subpena or summons if desired. The provision, however, would not bar the Commission from resisting the subpena or summons, should it choose to do so. Further, the Commission would still be free to assert any applicable privilege when resisting all or part of any subpena or summons.

Mr. HUDDLESTON. Mr. President, I yield myself such time as may be required.

I second what the distinguished chairman of the Agriculture Committee has said about the work of Senator LUGAR of Indiana and from this side Senator BOREN of Oklahoma in developing this particular piece of legislation.

Senator BOREN, who would normally be the floor manager of the bill from this side of the aisle, although he has an intense interest in this subject, is necessarily away from the Senate because of illness in his family and will not be able to participate in this discussion.

Mr. President, S. 2109, as reported by the Committee on Agriculture, Nutrition, and Forestry, will authorize appropriations to carry out the Commodity Exchange Act for fiscal years 1983 and 1984. The bill also contains a number of amendments to the Commodity Exchange Act to improve and update the commodity futures regulatory program.

The bill is comprehensive and includes provisions recommended by the Commodity Futures Trading Commission, the futures industry, the General Accounting Office, farm organizations, securities regulators, and others. It provides, I believe, a strong framework for the continued improvement of the Federal regulatory effort.

The bill represents an effort by the Agriculture Committee to balance competing interests and maximize regulatory efficiency. I urge the Senate to support the committee in its effort and adopt the bill, as reported.

Again, I want to express my appreciation to Senator LUGAR, the chairman of the Subcommittee on Agricultural Research and General Legislation, and Senator BOREN, ranking Democrat on the subcommittee, for their dedicated work on the bill. S. 2109 is important legislation for an industry that plays a substantial role in our national economy. It was primarily through the efforts of Senator LUGAR and Senator BOREN that the comprehensive bill we are considering here today was put together.

I also wish to thank Senator HELMS for his strong leadership in the development of the bill. He has been instrumental in putting together this important legislation.

THE ROLE OF FUTURES TRADING IN THE ECONOMY

Commodity futures trading has evolved substantially, over the years, so that, today, futures contracts are being written on a diverse array of commodities and instruments vital to the national economy. These include agricultural commodities, forest products, precious metals, energy products,

foreign currencies, interest-bearing instruments, and stock composites.

Futures trading, under our system, serves the valuable function of providing an almost continuous flow of information on the prices of commodities, providing guidance for those involved in marketing and distribution.

Futures contracts also assist those who, as processors or marketers, must invest their capital in commodities and those who must take substantial positions in various financial instruments. Futures provide protection from adverse shifts in the prices of commodities or in interest rates. Hedging, in turn, permits businessmen to operate with less capital and, thus, reduce their merchandising price margins.

In recent years, our economy has experienced sharp rises and increased volatility in the prices of commodities and in interest rates, and an increased number of complex price-making forces in the market. As a result, futures contracts are playing an increasingly important role in the economy.

THE DEVELOPMENT OF THE FEDERAL REGULATORY PROGRAM

The Commodity Exchange Act was enacted, decades ago, to insure fair practices and honest dealings on the commodity exchanges and to provide a measure of control over manipulative activity and trading excesses that demoralize the futures markets and injure producers, consumers, and the exchanges themselves.

The Commodity Exchange Act was substantially revised by Congress in 1974 to provide a uniform regulatory structure for a futures industry that had begun to expand by leaps and bounds. The 1974 act also created the Commodity Futures Trading Commission as an independent agency to administer the Commodity Exchange Act and granted the Commission exclusive jurisdiction over transactions involving futures contracts and certain other commodity-related activities.

Following the 1974 amendments, the futures industry continued to grow dramatically, and the markets in financial futures opened. Also, with accelerated inflation and greater interest on the part of members of the public in protecting themselves from the ravages of inflation, there was a proliferation in commodity-related frauds. The Commodity Exchange Act was substantially amended again in 1978 to strengthen enforcement and deal with these new situations.

The 1978 legislation contained a sunset provision, authorizing appropriations only through the end of fiscal year 1982. As a result, Congress, this year, must review the progress made in the Federal regulatory program since 1978 and act to authorize appropriations for fiscal year 1983 and beyond.

Looking at the futures industry and the Commodity Futures Trading Commission today, we see a number of changes that have taken place since 1978.

More than 3 dozen new futures contracts have been authorized since the 1978 amendments became law. In 1981, the number of futures contracts traded was double the number of contracts traded in 1978.

Trading in financial futures has skyrocketed. In connection with this type of trading, last December, the Commodity Futures Trading Commission and the Securities and Exchange Commission reached an agreement on jurisdiction and regulatory responsibilities with regard to futures contracts on securities indexes, futures and option contracts on exempted securities, and options on foreign currencies.

Recently, the National Futures Association began operations. This organization will manage the industry's self-regulatory efforts and assist the Commodity Futures Trading Commission in overseeing the activities of industry professionals.

NEED FOR LEGISLATION

When the Agriculture Committee began its work on the commodity futures reauthorization, we were presented with suggestions for changes in the law from a number of sources. The Commodity Futures Trading Commission and the SEC had legislative proposals relating to their jurisdictional agreement. The Commodity Futures Trading Commission had developed a number of other proposals to make their regulatory effort more efficient and to improve prosecution of commodity-related frauds. The General Accounting Office had performed a thorough study of the operations of the Commission and developed its own recommendations for legislative changes to improve the operations of the Commission.

The futures industry, State regulators, and others had prepared proposals for legislation to address problems stemming from the rapid expansion of the industry and increased involvement by the general public in futures trading.

It was clear that, in addition to reauthorizing appropriations, other revisions of the law brought about by the evolution in futures trading and its regulation since 1978 would be needed.

Mr. President, S. 2109 responds to the changed needs of the industry and its regulators. It addresses every area of major concern brought to the attention of the Agriculture Committee.

It is a comprehensive bill that is the result of many hours of hard work sifting through a multitude of suggested changes in the law; and it represents a concerted effort to balance competing interests. For these reasons, the bill deserves the support of the Senate.

CFTC-SEC ACCORD

S. 2109 contains amendments to the Commodity Exchange Act covering the CFTC portion of the jurisdictional agreement reached by the Commodity Futures Trading Commission and the Securities and Exchange Commission. The agreement resolves jurisdictional ambiguities as to the regulatory responsibilities of the CFTC and the SEC, brought about by gaps in existing law.

The confusion over jurisdiction has become more of a problem as the demand for new contracts relating to securities and financial instruments has grown.

The agreement, as reflected in S. 2109, will eliminate jurisdictional conflict between the two agencies. It does not upset the status quo in the marketplace; and it maintains, to the extent practicable, the traditional roles of the two agencies.

The Commodity Futures Trading Commission will continue to regulate trading that serves hedging and price discovery functions, and the Securities and Exchange Commission will continue to regulate trading that has an underlying investment purpose.

ADMINISTRATIVE IMPROVEMENTS

S. 2109 makes a number of changes in the Commodity Exchange Act to improve the administration of the Federal regulatory effort.

The bill will streamline the rule review process and require the Commission to act expeditiously to approve proposed rules and contract market designations.

The bill substantially revises the process by which industry professionals are registered to do business under CFTC oversight. Generally, the bill spells out the criteria for disqualification and provides the Commission with flexibility in handling registration matters. The bill will also permit the Commission to cooperate with other entities, such as the National Futures Association, in processing applications for registration.

The bill revises the provisions of law authorizing reparations proceedings to enable the Commission to address the serious problems that have arisen with that program.

IMPROVEMENTS IN ENFORCEMENT EFFORTS

S. 2109 makes changes in the Commodity Exchange Act to broaden the scope of, and strengthen, enforcement efforts under the Act.

The bill will require contract markets to enforce rules that have been approved by the Commodity Futures Trading Commission.

It will permit the Commission to set speculative limits by rule or regulation, as well as by order, and will make it unlawful for anyone to violate the speculative limits of contract markets that the Commission has approved.

The bill will make it unlawful for any commodity pool operator or commodity trading adviser to permit a person to be associated with him if the pool operator or trading adviser knows, or should know, that the person is not registered. The bill also extends, to these associated persons, the antifraud provisions applicable to pool operators and trading advisers.

Also, it makes it unlawful for any registrant under the act to permit a person to be associated with him if the registrant knows, or should know, of facts that are grounds for statutory disqualification from registration. A registrant would be excused from this prohibition if he notifies the Commission of the fact and the Commission determines that the person should be registered anyway or temporarily licensed.

The bill extends the criminal provisions of section 9(a) of the act, which makes the conversion of margin money a felony, to all persons registered under the act. Under existing law, section 9(a) applies only to futures commission merchants.

The bill amends the act to make persons who aid or abet in the commission of violations of the act or its regulations liable in judicial proceedings under the act, as well as administrative proceedings.

The bill includes a provision to establish greater accountability on the part of persons within an organization who control practices that give rise to violations of the act. Specifically, the bill provides that any person who directly or indirectly controls another person who violates the act or its regulations can be held liable for the violation to the same extent as the controlled person if the controlling person does not act in good faith and directly or indirectly induces the violation. This provision would apply to actions brought by the Commission, and the Commission would have the burden of proof.

OPEN-SEASON PROVISIONS

In a related provision, S. 2109 includes a proposal made by the Commodity Futures Trading Commission to declare open season on off-exchange scams operating outside the act's regulatory structure. The bill will amend the act to explicitly permit the application of all Federal and State laws to any person who should register under the act but fails to do so, and to any commodity transaction that is not conducted on, or subject to, the rules of a contract market or (unless otherwise specified by the Commission) a foreign board of trade. The bill will authorize the Commission to refer such cases to Federal or State agencies for appropriate disposition. This change would not apply to dealer options or leverage transaction, which would remain under the Commission's exclusive jurisdiction.

This provision is extremely important if we are to combat boilerroom operations and other frauds effectively. Under the act as now written, State regulators have not been able to participate fully in the law enforcement process. With the amendment of the act, it would be made clear that State attorneys generals or securities administrators have the power to take administrative or other legal action, under their own laws, against the boilerroom operators.

In conjunction with this provision, the bill will explicity permit the Commission to share, with States and foreign governments, information that is now subject to confidentiality provisions in the act, so long as the information is provided for law enforcement purposes and the Commission is satisfied that the information will be disclosed only in connection with law enforcement proceedings. Also, the bill will require the Commission to furnish, to State and local governments, information on persons obtained as part of registration, if requested by the State or local government.

IMPROVEMENTS IN REGULATION

S. 2109 contains several provisions that respond to the needs of the futures industry for balanced regulation.

Among the legislative proposals submitted to Congress by the Commission was one relating to independent brokers who solicit and accept orders from the public on futures trades without handling funds, and who fulfill the trades they obtain through registered futures commission merchants. Under current law, these brokers are not required to register. However, they are listed as agents of futures commission merchants in the applictions of the commission merchants for registration, even though they are not subject to the control of the futures commission merchants but are truly independent contractors.

The Commission had proposed that all persons now considered to be agents be required to register as associated persons of commission merchants.

Many believed that, under the Commission's proposal, commission merchants would be subject to unfair liability for the actions of these independent brokers over whom they have no control.

S. 2109 resolves this issue by establishing a new category of commodity professionals, to be called introducing brokers, into which the independent brokers who are the subject of concern will fall.

Introducing brokers would be required to register and be subject to ongoing regulation, as the Commission has requested, but would be treated separately from commission merchants. They will have to stand on their own.

The bill also provides for limited judicial review of certain emergency actions taken by the Commission in response to market emergencies. This is necessary because a U.S. court of appeals has held that, under existing law, such actions are not subject to judicial review.

While the Commission, properly, has the power to respond appropriately and without unnecessary delay to market emergencies, the enormous economic effects that can result from the exercise of that power require that the Commission be subject to some review by the courts, as are most Government actions.

The bill carefully limits the scope of, and prescribes the procedures for judicial review. The end result, I believe, gives the Commission the ability to exercise its emergency powers quickly and effectively, while providing to interested parties adequate safeguards against the arbitrary or capricious exercise of that power.

USER FEES

Perhaps the most difficult issue that confronted the committee in its consideration of the bill was the user fee issue.

The Commission had proposed to amend the act to permit the implementation of a user fee system under which fees would be assessed by the Federal Government on each futures contract, exchange option, and leverage contract. There was near unanimous opposition to this proposal from the witnesses not associated with the Commission.

Strong arguments were made against the proposal. It is argued that: the Federal fees would overlap with fees to be charged by the National Futures Association to cover regulatory activities; the fees would adversely affect market liquidity and increase hedging costs to producers and users of commodities; and the fees would be unfair because regulation of the commodity markets benefits the general public, not just those who use the markets.

Because the effect of the user fee system is unknown, the committee deferred acting on the Commission proposal at this time. In light of the assertions that this proposal, if enacted, would cause serious harm to the futures industry and the overall futures regulatory effort the committee decided to obtain further information relating to the effect of transaction fees on market liquidity and market participants, and the portions of the Commission's activities that benefit the general public, before acting on the Commissions proposal. The committee gave the Commission until January 1, 1984, to develop this information.

In conjunction with the committee's decision on user fees, the committee elected to limit the reauthorization of appropriations for activities under the

Commodity Exchange Act to 2 years, through September 30, 1984. This will insure that Congress reconsiders the user fee issue expeditiously after the Commission submits its findings on that issue to us.

The committee's decision on user fees accepted neither the Commission's nor the industry's position. We developed a compromise position, and adopted it unanimously.

FOREIGN FUTURES TRADING

There has, during recent years, been an increase in trading in futures at the international level. U.S. residents trade in futures offered by foreign markets; and persons from other countries invest substantial sums in contracts offered on domestic exchanges.

Under the Commodity Exchange Act, foreign participants in domestic futures markets are regulated the same as U.S. residents.

Because the Commodity Futures Trading Commission has exclusive jurisdiction over all futures activity in this country, regardless of where the contract market is located, the Commission has issued a rule prohibiting fraud in the offer and sale of foreign futures within the United States.

Nonetheless, at the reauthorization hearings, Commission Chairman Philip Johnson testified on the need for additional legislative authority relating to foreign futures contracts. Mr. Johnson testified that, while the Commission has exclusive jurisdiction over foreign futures, the Commission believes that it should be expressly authorized in the act to develop, if needed to protect U.S. residents who are solicited to trade on foreign markets, a regulatory system for those who market foreign futures from a domestic location.

The Commission submitted proposed legislation to provide this authority, which the committee revised and included in S. 2109.

Specifically, the bill provides explicit authority for the Commission to promulgate rules and regulations requiring minimum financial standards, the disclosure of risk, reporting, the keeping of books and records, the safeguarding of customer funds, and the registration of those who offer and sell foreign contracts from domestic locations.

Under the bill, the Commission will be authorized to develop different requirements for vendors depending upon the particular board of trade or market on which the foreign futures contracts are made, in particular taking into account those foreign futures contracts that have not traditionally posed a danger to U.S. residents. The Commission's authority to adopt rules and regulations under the bill will not include authority to approve the contracts, contract terms, rules, or actions of a foreign board of trade or market.

The committee report on the bill states that the committee does not intend that the authority we will give to the Commission be used to impair contractual rights and duties arising under foreign futures contracts or to place foreign futures at a competitive disadvantage with respect to domestic futures contracts. Also, the committee report states that the committee intends for the Commission, as it develops regulations under the authority provided in the committee bill, to take into account the customs and practices of foreign markets and recognize that there can be differences between trade practices in the United States and other countries.

What the committee report indicates is that this provision of the bill is meant to provide for balanced and equitable regulations with respect to foreign futures. I expect the Commission to use commonsense and be even-handed when it moves into this area.

LEVERAGE TRANSACTIONS

Mr. President, this is the third opportunity I have had since joining this distinguished body to participate in enabling legislation for the CFTC. In each and every one of these actions by this body, the Commission has been directed—clearly and without hesitation—to move forward and expeditiously develop regulations and guidelines for the sale of leverage transactions.

I believe that the committee's intentions and directions with respect to leverage transactions under this bill are also quite clear. Yet, the CFTC's record causes me to be concerned that the clear intent of the committee on the matter of leverage transactions may again go unheeded.

I believe my colleagues will share my chagrin in noting that the Commission has simply ignored our instructions. Rather than adopting regulations, the CFTC has frozen entry into the leverage business and subsequently ignored it. The result of this inaction by the Commission has been to foster an anticompetitive situation in this segment of the commodities trading industry by conferring a monopoly upon a handful of firms in business at the time.

Mr. President, the original 1974 act creating the Commission contained clear guidance as to the need for prompt regulation of leverage transactions. The Commission's response, however, was to create an advisory committee to study the matter. Then the advisory committee recommended prompt regulations. The Commission's response, again, was to ignore the recommendation.

In the 1978 reauthorization, the Congress reminded the Commission of its direction to promptly develop regulations for leverage transactions. The conference report on the Commission's 1978 reauthorization put the direction in very clear language:

> It is the intent of the conferees that the Commission act expeditiously upon enactment of the conference substitute to regulate * * * leverage transactions. [S. Rept. No. 95-1239, p. 28]

The response of the Commission to this extraordinarily clear direction, however, was to place "temporary moratoria" on new entrants into the leverage market and on the commodities traded, and to embark upon further study.

Those "temporary moratoria," Mr. President, have remained in effect for almost 4 years. In fact, as the committee began work on this bill, the CFTC requested that we endorse and codify its "temporary moratoria" on leverage transactions.

Let me make it clear that the committee rejected that request. In effect, the CFTC asked Congress to assume full responsibility for the Commission's anticompetitive actions. I strongly supported the committee's decision to reject that request because, in my view, such moratoria are not only contrary to the previous directions of the Congress on leverage transactions, but also an example of faulty regulation.

I concur with the language in the committee's report offered by Senator BOREN that concern for Commission resources to regulate an expanded industry calls for some caution in lifting these moratoria. But, that must not be used as an excuse for not lifting these moratoria. Healthy competition between sound companies can insure as much public protection as rules governing their conduct. We want the double benefits of both rules and competition, and the sooner the better.

Therefore, the committee has urged that these CFTC moratoria on leverage transactions should be replaced as expeditiously as possible. There should be a sensible framework of regulations which makes available the opportunity to compete in the leverage business to any entrepreneur who can operate within proper regulatory guidelines and compete successfully.

I also concur with—and want to reemphasize—the committee's direction that the CFTC not misconstrue or rely upon the authority granted in section 19(d) of the act as a substitute for the regulation of leverage transactions. For the CFTC to do so would be tantamount to a ban of leverage transactions. And, on that point, the committee has made its view abundantly clear:

> The Committee intends for the Commission to regulate leverage transactions, not to ban them. [S. Rept. No. 97-384, p. 52]

I do not believe that clearer direction can be given, and I hope and expect that the Commission will finally heed this mandate.

CONCLUSION

Mr. President, the futures industry is an integral part of the Nation's economy.

S. 2109 will update the Commodity Exchange Act to give the regulators of this industry the tools they need to insure that futures markets continue to meet the needs of those served by them. It will also make the Federal regulatory program more efficient and responsive to the needs of the industry.

This is a comprehensive bill. It includes provisions recommended by the Commodity Futures Trading Commission, by the futures industry, the General Accounting Office, farm organizations, security regulators, and many others. It provides, I believe, a strong framework for the continued improvement of the Federal regulatory effort.

I yield to the distinguished Senator from Indiana.

Mr. LUGAR. Mr. President, I rise to thank the distinguished chairman of our committee (Mr. HELMS), and the distinguished ranking minority member (Mr. HUDDLESTON) for their leadership and for their thoughtful comments about the work of our subcommittee.

Mr. President, for many years our futures markets have played an important role in the economy by facilitating hedging and pricing activities. In recent years, the commodities industry has experienced phenomenal growth in both the use of existing contracts and the development of new trading instruments. Continued, healthy growth of the futures industry depends upon a high degree of public confidence, and such confidence requires efficient and effective regulation of the industry.

The reauthorization of the Commodity Futures Trading Commission provides an opportunity for Congress to review the activities of the Commission and to reexamine and refine its regulatory authority. The Subcommittee on Agricultural Research and General Legislation conducted 5 days of hearings and heard testimony from over 30 witnesses on CFTC reauthorization. The subcommittee held 2 days of markup on the bill and the full committee another day. Throughout these 3 days of markup, the committee was able to reach a consensus on the provisions of the bill which is not before the Senate.

Reasonable men and women may differ with specific provisions of S. 2109. But, taken as a whole, the committee bill offers a strong and balanced package which will foster the public confidence needed for the continuing expansion of the futures industry. We have, I believe, produced a good bill which will yield efficient regulation, protection of commercial and public participants in the markets, and continued expansion of these important markets.

The provisions of this bill have three broad purposes. First, S. 2109 streamlines and simplifies certain of the CFTC's regulatory procedures, such as those relating to registration, reparations, and rule review. These legislative changes should enhance the Commission's ability to take timely and responsive actions while protecting the rights of commodity customers and professionals.

Second, this bill and the companion amendments to the securities acts also clarify jurisdictional issues which have long clouded the relationship between the Commodity Futures Trading Commission and the Securities and Exchange Commission. By reducing jurisdictional uncertainties these amendments to the Commodity Exchange Act, in concert with the proposed amendments to the securities acts, should foster beneficial innovation, growth, and competition in financial markets.

The third general purpose of S. 2109 is to improve enforcement of the Commodity Exchange Act. This bill refines the enforcement powers of the Commission, extends the role of the States, other governmental authorities, and self-regulatory organizations in enforcing the act, and permits greater sharing of investigative information with such agencies and organizations.

For these reasons, I urge timely passage of the bill.

In closing, Mr. President, I would like to express my deep appreciation to Chairman Phillip Johnson, of the CFTC. Phil's performance as Chairman has been exemplary. His guidance and leadership have been indispensable to the committee's work.

Mr. ROTH. Mr. President, today the Senate will consider the Futures Trading Act of 1982, S. 2109. The measure is designed to reauthorize the Commodity Futures Trading Commission, the Federal agency charged with exclusive jurisdiction over the regulation of the commodity futures industry. Although I commend the Senate Agriculture Committee for its fine work on S. 2109, there remain two issues with which I am concerned: State antifraud jurisdiction over commodity investment fraud and the imposition of user or transaction fees.

In late February of this year, the Permanent Subcommittee on Investigations of the Senate Governmental Affairs Committee, which I chair, held extensive hearings on commodity investment fraud. During the hearings, which were primarily concerned with off exchange transactions, the subcommittee heard from defrauded victims, con artists, State and Federal law enforcement officials and the Chairman and Enforcement Director of the Commodity Futures Trading Commission. Evidence adduced at these hearings clearly revealed a serious commodity fraud problem in this country and suggested major problems with the Federal framework for commodity regulation. We also found that loopholes in the current Federal law, together with ineffective administrative programs, have prevented the States from taking action against commodity offenders, have deprived investors of adequate consumer remedies, and have produced an extraordinary recidivism rate among commodity schemers.

Enacting legislation in 1974 created the CFTC and vested it with exclusive jurisdiction over commodity futures. By 1978, it became apparent to Congress that the CFTC could not be held primarily responsible for policing every aspect of the commodities futures industry. Thus, in 1978, the Commodity Exchange Act was amended to allow the States to enforce the Federal law, the Commodity Exchange Act, in Federal district court, while specifically declaring that the act does not prohibit State action under general or criminal antifraud statutes.

Despite these efforts to encourage State involvement, jurisdictional questions were again raised at our February hearings when State officials expressed frustration with the current restrictions. Aside from numerous complaints regarding the complexities of Federal court and the reluctance of State legislatures to spend State funds to enforce a Federal law, the States expressed great frustration with the unnecessary delays current restrictions have caused. Under securities or commodities antifraud legislation, unlike general antifraud statutes, State officials are almost always allowed to seek administrative orders. Such orders are extremely useful in closing a fraudulent operation soon after discovery, while insuring adequate due process under the law. Court procedures, regardless of the priority given to the case, inevitably result in innumerable delays and, without such immediate administrative sanctions, often provide schemers with additional time in which to operate, and ample opportunity to transfer and secrete funds. Numerous documented instances exist for the proposition that the commodity boilerroom operator will take the money and run.

In many of these cases, had the States been allowed to intervene initially, on the basis of State securities or commodities antifraud laws, the operation could have been closed, remaining assets frozen, and numerous investors spared their misfortune. As the subcommittee investigators learned, boilerroom operations are capable of bilking investors of literally millions of dollars, sometimes in just a few months. Clearly time is of the essence.

Another complaint by State securities officials is that the application of general fraud statutes to the field of commodity futures investments is a virtually impossible task. Most general antifraud statutes do not apply to cases where a material omission is the primary basis for the fraud. Furthermore, many boilerroom operations consist of a room filled with telephones where salesmen spend their days soliciting investments from residents of other States. Thus, the victims may be in Minnesota, while the con men are in Florida. General antifraud laws are not designed to handle this problem.

Although the States may also utilize criminal fraud statutes, the burden of proof is quite difficult to meet, especially in situations where victims and perpetrators are in separate States. Furthermore, these theft-by-deception laws provide no means for recovering remaining assets with distribution to the defrauded investors.

Finally, by preventing State securities administrators from enforcing State securities and commodities laws, the effect is to shift the primary responsibility for enforcement to either the State's attorney general or to local prosecutors. Commodity fraud cases must then compete for attention in offices which for the most part, have little knowledge of the industry or its purpose.

The subcommittee staff has calculated that between 1975 and 1981 losses due to fraudulent commodity schemes amounted to at least $740 million and could easily have reached as high $1.5 billion. The accuracy of these figures was never challenged by the CFTC nor by any other law enforcement agency. If anything, the figures are probably low. Suffice it to say that American investors are losing at least $200 million a year in commodity fraud schemes.

Created to regulate and monitor the legitimate commodity industry and to protect the sophisticated investor, the Commodity Futures Trading Commission, admits that, with an annual budget of $20 million—roughly one-tenth of the estimated yearly losses—and a staff of less than 500, it does not have the ability to adequately detect and combat commodity fraud nationwide. This is especially true with regard to the boilerroom operations which migrate from one location to another. In fact, the subcommittee discovered several instances where known commodity swindlers were either registered with the CFTC under their own or an assumed name, or were in actual control of an operation while a friend, spouse, or partner registered with the CFTC.

Meanwhile, the States have evidenced a willingness and an ability to combat commodity fraud. State securities administrators, attorneys general, and Governors have told me, and many of my fellow Senators, that they want to stop commodity fraud in their States, but they are effectively precluded from acting due to current restrictions of the Commodity Exchange Act.

STATE ANTIFRAUD JURISDICTION

As a result of the subcommittee's findings, I, together with Senators RUDMAN, NUNN, and CHILES, and Senators PROXMIRE, STEVENS, and MURKOWSKI, introduced a bill which we felt would provide more adequate regulation in this crucial area. Our bill, S. 2210, was designed to allow State authorities to go after commodity fraud operators.

(By request of Mr. HUDDLESTON, the following statement was ordered to be printed in the RECORD:)

● Mr. BOREN. Mr. President, S. 2109, the Futures Trading Act of 1982, will extend the authorization for appropriations for the Commodity Futures Trading Commission for 2 years and make other needed changes in the Commodity Exchange Act.

This bill, if enacted, will improve the regulation of the Nation's commodity futures industry. I urge the Senate to adopt it.

Mr. President, I want to commend Senator LUGAR, chairman of the Subcommittee on Agricultural Research and General Legislation, for his work on this bill. Commodity futures regulation is a complex area of law that affects a vital segment of our economy; and Senator LUGAR took the lead, in committee, in developing what I believe is a balanced and responsive bill.

Also, I want to thank Senator HELMS for his leadership, as chairman of the Agriculture Committee, in the development of the bill, and Senator HUDDLESTON for his contributions in shaping this important legislation.

IMPROVED REGULATION NEEDED

In 1974, Congress established the Commodity Futures Trading Commission as an independent regulatory agency to oversee the growing commodity futures industry. Since that time, we have seen continued expansion of the futures industry and a marked evolution in the use of futures by business and finance.

Congress made major revisions to the Commodity Exchange Act in 1978 to respond to the changing needs of the Commission and the industry.

Again, this year, the Agriculture Committee was asked to consider revisions to the Commodity Exchange Act developed by the Commission. Further changes were suggested by various segments of the industry, State regulators, the General Accounting Office, and others.

The bill we are considering now is the result of months of work by the Agriculture Committee on the various proposals. This bill—the committee-reported bill—responds to the needs of the Commodity Futures Trading Commission and others with interests in the smooth functioning of the futures markets. It will, I believe, better enable the Commission to accomplish its missions and address the new challenges presented by the rapid changes in the industry. It will insure the continuation of a strong and fair regulatory program that protects the participants in, and others affected by, futures trading.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks, a short summary of S. 2109, as reported by the committee.

Mr. President, the futures markets are an integral part of the Nation's economy, and it is imperative that those markets continue to be free from fraud and manipulation.

The futures markets provide an efficient and cost-effective mechanism through which farmers, processors of raw material, and manufacturers can reduce the risks associated with carrying inventories and forward pricing of products, and reduce the substantial financial risks related to volatile interest rates.

In order for the futures markets to continue providing a useful service, the integrity of the system and the public's trust in that integrity must be preserved.

With the passage of this bill, we will be taking a major step toward insuring that the Commission can continue to do its job well and the markets will continue to operate smoothly.

USER FEES

One issue that the committee spent a great deal of time on is the matter of user fees. The committee considered a recommendation by the Commodity Futures Trading Commission to authorize the imposition of user fees on commodity transactions. The fees would be used to recover a major portion of the Commission's operating budget. However, the committee decided to defer the authorization of user fees and, instead, direct the Commission to study the possible effect of fees and report to Congress with its findings by January 1, 1984.

There are several significant reasons that justify this approach.

While mindful of the need to reduce the costs of the Federal Government, the committee nevertheless concluded that it did not have enough information to determine the potential effect of user fees on the futures markets.

Also, the National Futures Association, the industry-funded, self-regulatory organization, is now being organized. Government-imposed fees at this time could jeopardize the formation of the National Futures Association, which, when once operating, will relieve the Commission of a number of its regulatory burdens.

Further, the futures industry already bears a significant share of the burden of regulating the markets through fees paid to fund the self-regulatory programs carried out by the exchanges. Before imposing additional fees on the industry, we should determine what portion of the Commission's budget benefits the public and, therefore, should most appropriately be borne by the taxpayer.

The study and report by the Commission will enable Congress to make an informed judgment on whether and to what extent user fees should be imposed on the futures industry. The 2-year extension of the authorization of appropriations for the Commission, as provided in the committee-reported bill, will force reconsideration of the user fee issue upon completion of the study.

I urge the Senate to reject any amendment that would change the user fee provisions of the committee-reported bill.

FOREIGN FUTURES

Trading in futures on an international level has dramatically increased during recent years. A growing number of U.S. residents participate in foreign markets and a growing number of residents of other countries participate in U.S. markets.

Under current law, the Commission regulates foreign participants in domestic futures markets the same as U.S. residents.

Section 2(a)(1) of the Commodity Exchange Act provides the Commission with exclusive jurisdiction over all futures activity in this country, regardless of the location of the contract market. Exercising the exclusive jurisdiction conferred on it under the act, the Commission has issued a rule prohibiting fraud in the offer and sale of foreign futures contracts within the United States.

During the reauthorization hearings, the Commission requested that the express authority to adopt rules and regulations for those who market foreign futures from a domestic location be included in the committee bill. Such rules would be promulgated if they were needed to protect U.S. residents who were solicited to trade on foreign markets.

The bill reported by the committee provides explicit authority for the Commission to promulgate rules and regulations applicable to persons offering and selling foreign futures in the United States. However, the bill also specifies the kind of regulations which the Commission could issue under this provision. Under the bill, the Commission could promulgate rules and regulations proscribing fraud and requiring minimum financial standards, the disclosure of risk, reporting, the keeping of books and records, the safeguarding of customer funds, and the registration of those who offer and sell foreign futures contracts from domestic locations. The Commission will also be granted the authority to develop different requirements for different vendors depending upon the particular foreign board of trade or market on which the vendor's contracts are made or executed, taking into consideration those foreign futures contracts that have not traditionally posed a danger to U.S. residents.

The bill does not give the Commission the authority to approve the contracts, contract terms, rules, or actions of a foreign board of trade or market.

It is intended that the Commission, in developing rules and regulations under the authority provided in the bill, will take into account the customs and practices of foreign boards of trade and markets and recognize that differences may exist between the practice of foreign boards of trade and their U.S. counterparts.

In a related provision, the bill provides the Commission with the authority to issue rules permitting State regulation of persons in the United States engaging in transactions in commodities on foreign boards of trade. It is hoped that the Commission will do so only upon a determination by the Commission that first, it is unable to enforce the Federal commodities laws effectively with respect to such transactions, and second, it requires assistance from State law enforcement agencies, and third, such assistance will not impair the ability of persons in the United States to enter into transactions on international exchanges involved in providing a pricing or hedging forum for international commercial dealings.

The provisions of the bill relating to foreign futures were included precisely to provide for balanced and equitable regulations with respect to foreign futures. It is expected that the Commission will carefully move into this area.

Mr. President, this bill will improve the regulation of the Nation's commodity futures industry. I urge my colleagues to vote in favor of S. 2109, the Futures Trading Act of 1982.

SUMMARY OF S. 2109

The major provisions of the bill, as reported by the committee, would:

First. Extend the authorization for appropriations for the Commodity Futures Trading Commission through fiscal year 1984;

Second. Resolve the jurisdictional ambiguity with respect to the regulatory responsibilities of the Commodity Futures Trading Commission and the Securities and Exchange Commission;

Third. Authorize the Commodity Futures Trading Commission to regulate the offer and sale, by persons in the United States, of commodity futures contracts executed on foreign markets;

Fourth. Authorize the Commodity Futures Trading Commission and the futures exchanges, subject to Commission approval, to set speculative limits on the amount of trading which may be done or positions that may be held in options or futures contracts;

Fifth. Repeal the ban on trading in options on agricultural commodities;

Sixth. Require large traders to keep books and records and make them available for inspection regardless of Commission report-filing requirements;

Seventh. Require registration of principals, employees, and consultants of commodity pool operators and commodity trading advisors as associated persons if they are involved in solicitation of pool participations or discretionary accounts or the supervision of persons engaged in such solicitation;

Eighth. Strengthen State jurisdiction in actions against illegal enterprises and authorize the Commodity Futures Trading Commission to share information with State and foreign governments;

Ninth. Require contract markets to enforce rules and submit to the Commodity Futures Trading Commission for review proposed rules that relate to contract terms and conditions;

Tenth. Revise provisions of the Commodity Exchange Act relating to disclosure of confidential information;

Eleventh. Authorize the Commodity Futures Trading Commission to seek ex parte orders prohibiting persons from destroying records or books, refusing to permit inspection, or withdrawing or disposing of assets, and make it a felony for any person registered or required to be registered under the act, or any employee or agent thereof, to embezzle or steal customers' assets;

Twelfth. Authorize judicial review of Commission emergency actions in U.S. courts of appeal; and

Thirteenth. Provide for a user fee study and report.

Mr. LUGAR. Mr. President, I ask unanimous consent that the committee amendment be agreed to, and that the bill as amended be considered as original text for the purpose of further amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I reserve the remainder of our time.

UP AMENDMENT NO. 1377

(Purpose: To modify provisions of the Commodity Exchange Act relating to jurisdiction of the States and standardized contracts for certain commodities)

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Delaware (Mr. ROTH) for himself, Mr. RUDMAN, Mr. PROXMIRE, Mr. STEVENS, and Mr. MURKOWSKI proposes an unprinted amendment No. 1377.

Mr. ROTH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 84, between lines 17 and 18, insert the following new section:

JURISDICTION OF THE STATES

Sec. 22. Section 6d of the Commodity Exchange Act (7 U.S.C. 13a-2) is amended by adding at the end thereof the following new paragraph:

"(8)(A) Except as provided in subparagraphs (B) and (C), nothing in this Act shall prohibit an authorized State official from instituting an action in State court or an adjudicatory administrative proceeding against any person registered under this Act (other than a floor broker) for an alleged violation of any antifraud provision of any commodities or securities statute of such State which makes it unlawful directly or indirectly—

"(i) to employ any device, scheme, or artifice to defraud any person;

"(ii) to engage in any transaction, practice, or course of business which perpetrates fraud or deceit upon any person; or

"(iii) to make or cause to be made any untrue statement of a material fact or fail to disclose a material fact in connection with any statement made or information provided to any person which, in light of the circumstances under which such statement was made or information provided, was necessary in order to make the statement not misleading.

"(B) Nothing contained in this section shall permit any State—

"(i) to impose upon any person registered under this Act, or to initiate any action or proceeding against such person for an alleged violation of, any State licensing, registration, or qualification requirements which are provided for under any State commodities or securities statute; or

"(ii) to initiate any action or proceeding against a person registered under this Act for an alleged violation of any rule, regulation, or statement of general policy issued under any State commodities or securities statute.

"(C)(i) No action or proceeding may be instituted under this section unless—

"(I) an authorized State official provides the Commission with prior written notice of the intention of the State to commence such action or proceeding and with a copy of the proposed complaint and supporting evidence;

"(II) the Commission, based on its review of such complaint and evidence, determines that the documents provided are a sufficient basis upon which to render a determination and determines that such action or proceeding would not be inconsistent with this Act or any rule, regulation, order, or policy of the Commission adopted pursuant to this Act; and

"(III) the Commission notifies such State official of its determinations in writing.

"(ii) The determinations of, and notice provided by, the Commission under clause (i) shall be made within thirty days after the date of receipt by the Commission of the documentation required under clause (i)(I) or within such other period as is agreed upon by the Commission and the authorized State official. No action or proceeding may be instituted under this section if the Commission determines, within the specified or agreed upon time period, that such action or proceeding would be inconsistent with this Act or any rule, regulation, order, or policy of the Commission adopted pursuant to this Act. If the Commission fails to make either determination and provide notice under clause (i) within such period, the State official may initiate an action or proceeding based on the proposed complaint provided to the Commission.

"(iii) In making its determinations under clause (i) (II), the Commission may assume the truth of the facts and evidence submitted in support of the allegations in the proposed complaint.

"(iv) The Commission's authority under clause (i)(II) may not be delegated to any employee of the Commission.

"(v) A determination of the Commission under clause (i)(II) shall be final and not subject to direct or collateral judicial review.

"(vi) This paragraph shall not create any right, liability, or obligation upon which an action may be brought against the Commission.".

Mr. ROTH. Mr. President, I propose this amendment on behalf of Senators RUDMAN, PROXMIRE, STEVENS, and MURKOWSKI. Our amendment would permit the States to exercise antifraud jurisdiction and only antifraud jurisdiction over commodity transactions occurring on exchange as well as off exchange. This jurisdiction would remove the shield created by exclusive Federal jurisdiction and allow the States to proceed against fraud at the local level. However, the amendment would specifically prohibit the States from devising regulations designed to usurp other regulatory powers of the CFTC. The amendment is designed to insure that the States may not interfere with the regulation of the legitimate industry while at the same time allowing for swift and effective action where fraud is found.

Thus, Senator RUDMAN, and I along with Senators PROXMIRE, STEVENS, and MURKOWSKI, today propose an amendment to S. 2109 which would permit the States to exercise antifraud jurisdiction—and only antifraud jurisdiction—over commodity transactions occurring on exchange as well as off exchange. This jurisdiction would remove the shield created by exclusive Federal jurisdiction and allow the States to proceed against fraud at the local level. However, the amendment would specifically prohibit the States from devising regulations designed to usurp other regulatory powers of the CFTC. The amendment is designed to insure that the States may not interfere with the regulation of the legitimate industry, while at the same time allowing for swift and effective action where fraud is found.

I am very pleased to be able to state that we have obtained the support of both the CFTC and State authorities on these amendments, which include a provision that requires the States to obtain CFTC approval before instituting actions under State commodities or securities antifraud statutes. The States will inform the CFTC of any actions they intend to institute against registered persons before the action is filed. The CFTC will then have 30 days to determine whether or not the proposed State action will interfere upon congressionally mandated uniform Federal regulation of commodity trading. If the Commission determines that the State action constitutes, the State will be without jurisdiction to institute the action.

The amendment is intended to provide for a comprehensive and complete attack on commodity fraud with a minimal impact on the legitimate commodity industry. We have worked closely with the CFTC, the States and the commodity industry to reach this goal. The amendment clearly indicates that States may not register persons involved in commodity trading, and that the States are prohibited from enforcing any rules or regulations which may be promulgated pursuant to their commodity antifraud statutes in an attempt to regulate the legitimate industry. Only specific antifraud provisions stipulated by our amendment can be used by the States, and CFTC review of the use will permit the States to join in the fight against commodity fraud, while retaining regulatory jurisdiction in the Federal Government. We feel that through these limitations, only the fraudulent need fear State action.

There is still another safeguard to preclude the unlikely event of a State official usurping Federal regulatory authority. Under S. 2109, the Commission is reauthorized for a period of 2 years. If during that time State officials distort their authority in an attempt to assume a regulatory role, Congress will be made aware of this assumption and the entire antifraud provision may be stricken. In view of the willingness of the States to assume this enforcement role and the already taxed resources of the CFTC, we are convinced that the States should be allowed this opportunity.

If the States desire authority over commodities futures, they surely would not risk what they have gained by opposing congressional intent in what they know is a trial period. Instead, the States would attempt to use their power to illustrate their ability to stop fraud, with a minimal effect on the legitimate commodity industry.

Mr. RUDMAN. Will the Senator from Indiana yield me 1 minute?

Mr. LUGAR. I am happy to.

Mr. RUMAN. Mr. President, I thank the Senator from North Carolina, the Senator from Indiana, and the Senator from Kentucky for working with us to reach an agreement on the amendment. As one who prior to coming here had the public charge of enforcing State fraud laws, I know how much this will be appreciated by State attorneys general and State regulators who have been concerned with the fraud that has been perpetrated on their constituents. Up to now, for reasons that we cannot blame on the CFTC, they have been unable to enforce their laws.

Mr. President, today we are addressing an important law enforcement problem facing this country. It is a problem which has received all too little attention from law enforcement agencies, the Congress, and the public. It is the problem of commodity investment fraud schemes which have plagued predominantly small investors for years, but which has gone largely unnoticed in our media.

In late February, the Permanent Subcommittee on Investigations, of which I am a member, held 3 days of hearings on the issue, during which we received testimony from a wide variety of witnesses including defrauded citizens, con artists, State and Federal law enforcement officials, and the Chairman of the Commodity Futures Trading Commission who appeared with, among others, his chief of enforcement. I found the revelations during those hearings to be shocking. The PSI staff had calculated that losses due to what are called offexchange fraud schemes amounted to at least $739 million over a 5-year period and probably as much as $1.5 billion. These figures were never challenged by the CFTC or any State authority. In fact, if anything, the witnesses appeared to believe that the numbers were low. It's fair to say that the public has been, and is presently, losing approximately $200 million a year in these fraud schemes.

What has been the response of the law enforcement community? The response has been virtually nonexistent. State and local law enforcement agencies are largely preempted by a Federal statute which has vested the CFTC with virtually exclusive jurisdiction over any instrument having to do with a commodity. This is so even though I believe, as a past New Hampshire attorney general, that State officials are particularly well suited to police fraud within their States. In fact, it is often the case that a commodity-related fraud victim's first inclination is to seek help from State officials. Unfortunately, up until now, the State official has been incapable of responding to the problem.

At the same time, we found the CFTC ill-equipped to respond to the tremendous growth of fraud within the industry. This is through no fault of the CFTC. Very simply, appropriations have not kept pace with inflation, and the tremendous growth in the industry. The CFTC's very competent staff simply cannot cope with the fraudulent elements that have invaded the legitimate industry.

In an effort to respond to the problem, Senator ROTH and I proposed legislation which would have removed the Federal preemption which prevents State officials from using their general securities and commodities antifraud statutes to respond to the obvious problem. In permitting such actions, however, we were careful to retain the centralized regulatory role solely within the jurisdiction of the CFTC. However, the fear still persisted that an "overzealous" State securities official might use the antifraud statutes to impose de facto regulation.

Chairman JOHNSON and I, the North American Association of Securities Administrators, and our respective staffs held frequent meetings to discuss possible solutions to this problem. I am extemely pleased to report that we did reach a compromise which is acceptable to us, the National Association of Securities Administrators, the CFTC, and a major element of the industry itself. The proposal would permit States to proceed against commodity fraud only when the CFTC has determined that such actions are properly prosecuted by State authorities. Essentially, the CFTC would retain veto power whenever it determined that a proposed complaint was not an appropriate State action. I believe the legislation provides the correct balance between enhanced consumer protection and centralized regulation. During these times of economic constraint and New Federalism initiatives, I believe the proposal is an example of the partnership that can be forced between State and Federal authority, and I am pleased to have had a part in this initiative.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I send to the desk a modified version of the amendment—on page 3, beyond line 24 would be deleted.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

The modified amendment is as follows:

On page 84, between lines 17 and 18, insert the following new section:

JURISDICTION OF THE STATES

SEC. 22. Section 6d of the Commodity Exchange Act (7 U.S.C 13a-2) is amended by adding at the end thereof the following new paragraph:

"(8)(A) Except as provided in subparagraphs (B) and (C), nothing in this Act shall prohibit an authorized State official from instituting an action in State court or an adjudicatory administrative proceeding against any person registered under this Act (other than a floor broker) for an alleged violation of any antifraud provision of any commodities or securities statute of such State which makes it unlawful directly or indirectly—

"(i) to employ any device, scheme, or artifice to defraud any person;

"(ii) to engage in any transaction, practice, or course of business which perpetrates fraud or deceit upon any person; or

"(iii) to make or cause to be made any untrue statement of a material fact or fail to disclose a material fact in connection with any statement made or information provided to any person which, in light of the circumstances under which such statement was made or information provided, was necessary in order to make the statement not misleading.

"(B) Nothing contained in this section shall permit any State—

"(i) to impose upon any person registered under this Act, or to initiate any action or proceeding against such person for an alleged violation of, any State licensing, registration, or qualification requirements which are provided for under any State commodities or securities statute; or

"(ii) to initiate any action or proceeding against a person registered under this Act for an alleged violation of any rule, regulation, or statement of general policy issued under any State commodities or securities statute.

"(C)(i) No action or proceeding may be instituted under this section unless—

"(I) an authorized State official provides the Commission with prior written notice of the intention of the State to commence such action or proceeding and with a copy of the proposed complaint and supporting evidence;

"(II) the Commission, based on its review of such complaint and evidence, determines that the documents provided are a sufficient basis upon which to render a determination and determines that such action or proceeding would not be inconsistent with this Act or any rule, regulation, order, or policy of the Commission adopted pursuant to this Act; and

"(III) the Commission notifies such State official of its determinations in writing.

"(ii) The determinations of, and notice provided by, the Commission under clause (i) shall be made within thirty days after the date of receipt by the Commission of the documentation required under clause (i) (I) or within such other period as is agreed upon by the Commission and the authorized State official. No action or proceeding may be instituted under this section if the Commission determines, within the specified or agreed upon time period, that such action or proceeding would be inconsistent with this Act or any rule, regulation, order, or policy of the Commission adopted pursuant to this act. If the Commission fails to make either determination and provide notice under clause (i) within such period, the State official may initiate an action or proceeding

based on the proposed complaint provided to the Commission.

"(iii) In making its determinations under clause (i) (II), the Commission may assume the truth of the facts and evidence submitted in support of the allegations in the proposed complaint.

"(iv) The Commission's authority under clause (i) (II) may not be delegated to any employee of the Commission.

"(v) A determination of the Commission under clause (i) (II) shall be final and not subject to direct or collateral judicial review.

"(vi) This paragraph shall not create any right, liability, or obligation upon which an action may be brought against the Commission.".

Mr. ROTH. Mr. President, I believe this amendment in this form has been reviewed by the managers of the bill, and it is my understanding that it is acceptable.

Mr. LUGAR. Mr. President, the Senator from Delaware is correct. The amendment has been examined by the managers of the bill.

As a matter of fact, we pay tribute to both Senator ROTH and Senator RUDMAN for extensive consultation with the Senate Agriculture Committee and the staff and Mr. Johnson of the CFTC.

It is my understanding that the amendment is also supported by the CFTC and thus passes muster on all fronts.

Our committee deliberated long in this area, but we think constructive improvement has been made, and we are prepared to accept this amendment on our side.

Mr. HUDDLESTON. Mr. President, I am prepared to accept the amendment that gives States the authority to prosecute persons registered under the Commodity Exchange Act under State commodities or securities antifraud statutes. This will, of course, duplicate the authority now held by the Commodity Futures Trading Commission to prosecute such cases.

I would like to point out, however, that the provisions of the amendment will be in addition to several other provisions already contained in S. 2109 giving States an increased role in the fight against commodity frauds.

This bill already contains an open season provision under which States will be authorized to take any appropriate action under their State laws—including the securities and commodities laws and regulations—against persons engaged in off-exchange commodity transactions and persons who should have registered with the Commodity Futures Trading Commission, but have not done so.

The bill already authorizes the Commission to share sensitive investigative information with any State for law enforcement purposes.

The bill already authorizes the Commission to provide confidential registration information to any State for law enforcement purposes.

Mr. MURKOWSKI. Mr. President, today I rise to support my distinguished colleagues, Senators ROTH and RUDMAN, for their continuing efforts to combat fraud in commodities trading and the amendment they are offering regarding State jurisdiction.

The States, which have shown considerable interest in obtaining additional jurisdiction, are currently precluded from implementing their authority under State securities and commodities statutes designed to combat commodity investment fraud. The amendment we are considering today will not allow States to establish 50 different rules, but will allow States to use their resources to assist the CFTC in the policing of both on and off-exchange fraud.

Senators ROTH and RUDMAN have clearly pointed out the necessity of this amendment, and how it will allow States to enforce common law antifraud statues that protect our constituencies from the unlawful practices of boiler room trading operations.

State securities administrators have a successful and lengthy history of enforcement. Their efforts have been responsible and have provided a strong adjunct to the Federal enforcement program at the SEC. I believe that this experience and record of success can be applied with respect to commodities fraud.

The commodities industry has experienced phenomenal growth during the last few years and with it the opportunity for fraud. Trading volume in futures contracts has nearly tripled in the last 5 years to over 100 million contracts. Nearly 50 different commodities are now involved. As a result, the CFTC now regulates 11 separate exchanges and almost 50,000 trading professionals. There are very few segments of the economy that could match that growth rate, and I am seriously concerned whether existing regulatory bodies and existing laws are capable of protecting the small and unsophisticated investor both off and on exchange.

The director of Alaska's Division of Banking and Securities has stated that

> The disreputable element in the commodities industry * * * has been the greatest economic disaster to strike Alaska since the 1964 earthquake.

The operations of these disreputable elements are not limited to Alaska alone.

Mr. President, in conclusion I would urge that S. 2109 pass with this amendment. The risks of commodity trading should not include the possibility of loss as a result of fraudulant operations.

I submit an article relating to this matter.

OUT IN THE COLD—HOW A PAIR OF ALASKANS LOST THEIR SHIRTS IN A COMMODITY SCAM

(By Daniel D. Nossiter)

Simple geography should shield the residents of Shemya Island from investment fraud. Shemya is a sullen dab of tundra and scrub in the Bering Sea at the tail of the Aleutian chain, a tiny punctuation mark fittingly situated between the Rat Islands and Siberia. The island is so far west that the international dateline zigzags to bypass the place so it can officially share the same day with the rest of the United States. Tokyo is a mere 2,000 miles away, and the Air Force base on Sheiya was once an important refueling stop on the northern route to the Orient. Now, in the era of long-range planes, the base presumably is used to spy on the Russians who, presumably, spy right back on the base.

It's possible, with difficulty, to telephone Sheiya. Frank Messer and Kenneth Iddins, who together lost $30,000 to a collection of villains touting commodity futures, report that the subpolar winter is cold and clear and bright, although and occasional 135-m.p.h. wind sometimes forces them to crawl the 300 yards from barracks to work.

What attracted Iddins, who works in its appliance shop, and Messer, who has the crucial job of looking after the power plant, are the high, hardship-post wages. Messer makes $23 an hour, Iddins, a similar amount. Iddins echoes the sentiments of many refugees from the Lower 48 when he says: "It's better than being a shoe clerk in Iowa and retiring with nothing in the bank."

The mails are a twice-weekly event on Shemya. Mail addressed to "resident" or other unknowns gets tossed in a heap for anyone, that is, everyone, with time to riffle through the pile. Late last year, the mail brought a card from Republic Advisory Corp. promising "big money fast" in futures trading.

That card and the promise somehow caught Messer's attention, a happenstance that led to the transfer of no little part of his and his friend Iddins' savings into the hands of a convicted felon who had been chased out of one boiler room operation only to open up another. Adding insult to injury. Messer and Iddins never saw a salesman face-to-face, and hence could never enjoy the pittance of satisfaction that comes with being able to describe one's woes to a human visage. Shemya's high wages are as attractive to con artists as they are to people like Messer and Iddins. Indeed, the director of Alaska's Division of Banking of Securities has stated that "the disreputable element in the commodities industry . . . has been the greatest economic disaster to strike Alaska since the 1964 earthquake."

Iddins, who has been on Shemya since 1973, was eager to make his pile and return to civilization. Hoping to speed the process, he filled out the Republic Advisory card requesting more information. Soon, he got an urgent call from the firm's San Francisco office.

Republic was a commodity trading adviser. It had been in business for all of 11 months when its come-on card arrived at Shemya. Republic had no seat on any exchange; it executed its trades through a registered broker. The firm's official principal was required to register with the Commodity Futures Trading Commission, a process that consisted of little more than filling out a form. Once that formality was accomplished, Republic—or any other firm that

cared to—could set up shop and charge fees for dispensing advice in trading commodities.

In late 1980, Republic salesmen in San Francisco and at the head office in Englewood Cliffs, N.J., were pushing heating oil contracts. "Republic Advisory Corp. has devised a strategy which—if you act now . . . can bring you quick and substantial profits. You must send our designated clearing member $10,400 . . .," cried one promotional leaflet.

Without question, the strategy brought quick and substantial profits to Republic. A whopping $4,000 went to it as a management fee. The remaining $6,400 was to go into a margin account to buy one heating oil contract, meaning that the investor was putting up about three times the margin normally required.

The Republic salesman who called Messer and Iddins said that "the big thing now is heating oil. Everyone is getting into it, and it's bound to go up to $1.40," Iddins recollects. A mite lacking in subtlety, the pitch nonetheless was effective; both Messer and Iddins fell for it. And sadly, report federal authorities, an alarming number of other innocent investors are proving easy marks for similar spiels.

Iddins sent Republic a check for $10,400 made out to Eastern Capital Corp., Republic's broker, and, subsequently, Messer sent twice that sum. The heavy-breathing promoter promised he would get them into the market at 92 cents a gallon. Meanwhile, he informed the two novice investors that Republic was switching brokerage because Eastern's service wasn't fast enough.

That is not how Eastern's president, Steven Silverman, remembers it: "We gave republic 30 days to terminate their relationship with us. They couldn't keep their records straight, their clients' positions. We assigned someone to work full-time with their back office, but it was too much of a mess. We also started hearing rumors. . . ."

For a few weeks, Messer and Iddins vainly tried to contact the Republic salesman. They finally reached him in mid-January. He was "Most ecstatic with the news that the market was now up to $1.04 a gallon," Iddins recalls. But when Messer and Iddins asked at what price they had made their purchases, he claimed that it had been so long since they had called him he couldn't remember. Call back Monday, he said, and he'd have the figures.

That was the last Messer and Iddins heard from their original Republic contact. They later managed to reach another Republic salesman, who admitted that no contracts had been purchased for either. A few weeks later, a contract was bought for Iddins for $1.04. The price promptly dropped to $1, and Iddins promptly was sold out.

For his part, Messer learned that he still had not made a trade. The second salesman said that Messer's money had been put into the wrong account. Messer called back a few days later only to learn that Republic's San Francisco phone had been disconnected. With a queasy feeling in the pits of their stomachs, Messer and Iddins phoned the head office in New Jersey to try to solve the mystery of the missing office. They were not exactly comforted by what they say they were told—that one of Republic's San Francisco employes was "a crook and a liar and Republic had closed its California office and fired all the people."

By this time, Messer had rather large second thoughts about Republic, so he fired off a letter demanding his money back. What he received in return were evasions and excuses. Fed up, he called Eastern Capital, Republic's original broker, to whom he had made out the check. Eastern Capital said sorry, they'd never heard of him or his check.

As it turns out, Eastern never saw the check because Republic never sent it. Instead, someone in Republic's New Jersey office forged a signature and used the $20,800 check to pay fees owed to the Simon Advertising agency of East Orange, N.J.

Paul Greenholtz, who runs Simon Advertising, acknowledged to a reporter that he handled Republic's promotions, but directed further inquiries to his lawyer, Stephen Dratch. Dratch claims his client hadn't the faintest idea anything was amiss until seven months later when he received an affidavit from Messer that the endorsement was forged. Dratch says the check was given to the ad agency by Thomas Pepe of Republic. (After the ad agency's bank froze its account because of the forgery, Greenholtz sued Messer, Republic and the bank in an attempt to collect the money.).

A MODEST DESCRIPTION

Republic's promotional literature refers to Pepe as a trading consultant, but that does him an injustice. According to a suit filed in U.S. District Court last summer by the CFTC, Pepe was the "undisclosed principal" in the company, whose nominal head was his wife, Maria. Some authorities familiar with his activities view him as a supremely gifted con artist. One seasoned investigator, however, is more skeptical—he says Pepe may be a pro, but that, if he were really good, he would have shut the operation after three or four months; letting it drag on for a year guaranteed he'd be caught.

In any case, Pepe is not easily discouraged. Three years ago, he was convicted of fraudulently obtaining a loan from the Small Business Administration and sentenced to three months in a half-way house and three years of probation. Last year, the CFTC obtained a permanent injunction in federal court ordering Pepe to stop defrauding investors with a crude-oil scheme. Without admitting guilt, Pepe signed a consent decree stating that he would abide by the court order. And this past summer, postal investigators raided his comfortable home in Woodcliff Lake, N.J., looking for evidence of a company he was running that purported to sell shares in a diamond fund. One investigator drily commented that "the search was more notable for the lack of any evidence" of any sort of diamond fund.

Despite repeated efforts to contact him, Pepe has refused to be interviewed. But the CFTC's complaint against him and Republic says his strategy was to sell the unwary a futures contract for an enormous "management fee" and excessive margin and then persuade the investor, who was already hooked, to change to a "managed account," in which Republic would be allowed discretion to make trades as often as it liked, at a cost of $150 per round turn trade.

That is what Republic convinced Iddins to do at the end of February. What remained of Iddins' account was placed in the hands of Raymond H. Ketcham, against whom an injunction had been issued a year earlier in connection with Pepe's crude-oil caper and who also had signed a consent order. Iddins was told that he had made more than $1,600 the first day he had switched to the discretionary account. Alas, when he received a written statement, he discovered that he had lost $356, and for which privilege he had been charged $1,350 in management fees.

Iddins gave up trying to deal with Republic and complained to the CFTC. In July, the agency had a federal judge issue another injunction against Pepe, this time for the Republic scheme. Again he signed a consent decree, and the company went into receivership. Federal authorities estimate that Republic collected some $5 million from investors like Messer and Iddins, losing about two-thirds of it in trading and making off with the rest. So far, the receiver has realized only $900, on the sale of Republic's office furniture.

The authorities say that prospects for recovery of the remaining funds are dim, and Pepe's prospects appear equally dark.

The CFTC has turned over its records on the heating-oil scheme to the U.S. Attorney's Office for New Jersey. Donald Fay, an assistant U.S. attorney in the office's frauds section, would not comment on whether criminal charges would be filed in the case.

As for the other Republic employes, one federal investigator says that many are on the phone right now, peddling some other sure-fire way to make "big money fast."

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. ROTH. I yield back the remainder of my time.

Mr. LUGAR. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1377), as modified, was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 1378

Purpose: To amend the Commodity Exchange Act to reduce fraud and improve the administration of such act, and for other purposes.

Mr. ROTH. Mr. President, I send an amendment to the desk.

THE PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Delaware (Mr. ROTH) proposes an unprinted amendment numbered 1378.

Mr. ROTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 101, strike out lines 11 and 12, and insert in lieu thereof the following:

"(6) by adding at the end thereof the following new paragraphs:".

On page 101, line 17, strike out the two periods and the quotation marks and insert in lieu thereof "; and".

On page 101, between lines 17 and 18, insert the following:

"(11) to establish and from time to time fix the amount of reasonable fees and charges for registrations under this Act and

renewals thereof, for filing reports with the Commission, for processing reparations claims, and for other regulatory duties and services performed by the Commission in accordance with this Act or a rule, regulation, or order of the Commission.".

On page 111, beginning with line 23, strike out all down through line 15 on page 112 and insert in lieu thereof the following:

"TRANSACTION FEES

SEC. 31. (3) The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by adding at the end thereof the following new section:

TRANSACTION FEES

"SEC. 21. (a) (1) Except as provided in subsection (b), each contract market and board of trade licensed by the commission shall remit to the Treasury of the United States, by November 1 of each year, a fee in the applicable amounts prescribed in paragraph (2) for each contract for the purchase or sale of a commodity for future delivery and for each commodity option subject to section 4c entered on or subject to the rules of the contract market or board of trade during the preceding fiscal year.

"(2) The amount of the fee required to be remitted to the Treasury pursuant to paragraph (1) is—

"(A) 12 cents for each contract or option referred to in paragraph (1) made or executed for the account or benefit of a person who is not a member of the contract market or board of trade or of a registered futures association; and

"(B) 5 cents for each contract or option referred to in paragraph (1) made or executed for the proprietary account (as defined by the Commission) of a person who is a member of the contract market or board of trade or of a registered futures association.

"(b) Each person who grants a commodity option pursuant to section 4c (d), or who is engaged in the business of offering a leverage transaction pursuant to section 19, relating to standardized contracts for certain commodities, shall remit to the Treasury of the United States, by November 1 of each year, a fee of $3 for each such option granted or leverage contract entered into by such person during the preceding fiscal year.

"(c) A person who remits a fee to the Treasury pursuant to subsection (a) or (b) shall provide written verification of the payment of such fee to the Commission.

"(d) If in any fiscal year the Commission determines that the total amount of the fees remitted to the Treasury pursuant to this section for the previous fiscal year exceeds the amount of funds appropriated to the Commission for such year, the Commission shall be rule, regulation, or order, suspend the requirement to remit fees in the current fiscal year for such period as the Commission determined fees would have otherwise been remitted in an amount equal to the amount by which the fees remitted in the previous fiscal year exceed such appropriated funds. No fees shall be required to be remitted under this section for transactions effected during the period the fees have been suspended. At the conclusion of the suspension period, the obligation to remit fees under this section shall resume.

"(e) Notwithstanding any other provision of this section, the Commission, after notice and opportunity for hearing, may by rule, regulation, or order, reduce, suspend, or waive the fees or any portion thereof required to be paid by any person under this section upon a finding that the action is necessary to prevent or correct any significant adverse effect on a market or person which would be caused by the fees or which has resulted from the imposition of the fees.".

(b) The Commodity Futures Trading Commission shall create an advisory committee pursuant to the Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.) to advise the Commission regarding the fee system provided for in section 21 of the Commodity Exchange Act. The committee shall be comprised of persons materially affected by the operation of such section. The committee shall (1) advise the Commission on the effectiveness of such system, (2) consult with the Commission regarding actions under subsection (d) of such section, (3) prepare a report containing the committee's evaluation of such system and its recommendations for improving such system, and (4) perform such other duties and functions as the Commission may prescribe. The report, together with the views and recommendations of the Commission shall be submitted to the Committee on Agriculture of the House of Representatives and to the Committee on Agriculture, Nutrition, and Forestry of the Senate no later than June 30, 1985. The Committee shall cease to exist after such date.

(c) Section 26 of the Futures Trading Act of 1978 (7 U.S.C. 16a) is repealed.

(d) This section and the amendments made by this section shall apply to fiscal years beginning after the date of enactment of this Act.

Mr. ROTH. Mr. President, I offer this amendment on behalf of myself, Senator RUDMAN, who played a very key role in the development of this amendment; Mr. PROXMIRE, Mr. STEVENS, and Mr. MURKOWSKI.

This amendment deals with the concept of user fees. This topic was covered extensively in the CFTC's original proposal. Despite the Commission's support, however, the Senate Agriculture Committee chose to delay the adoption of user fees at this time.

We are proposing this amendment simply because we are unable to find any justification for the general taxpayers to continue to shoulder the cost of the special benefits conferred by the CFTC on the commodity industry. The fees which we are proposing, that is, 6 cents for members of a self-regulatory association or exchange and 12 cents for nonmembers, are insignificant when compared to other costs associated with trading in the futures market. Under this proposal, fees will be charged to commodity traders for each side of a commodity trade. The fees will go to the General Treasury to offset the funding of the CFTC. In this way, commodity traders will assume the primary responsibility for the regulation of this industry.

The concern has been raised that user fees would threaten the newly established self-regulatory agency, the National Futures Association, and should, therefore, be delayed until such time as the NFA becomes functional. In fact, the differential fee for members and nonmembers should have the opposite effect, acting as a catalyst for membership with the NFA.

Furthermore, experiences in the securities industry, which is in many ways similar to the commodities industry, indicate that transaction fees will have little, if any, negative effect upon membership in the NFA. Under current law, securities brokers and dealers must pay for the operations of the National Association of Securities Dealers (NASD), the only national securities association registered with the SEC. This fee requirement does not appear to have hampered NASD membership.

The fee that we propose is also inconsequential when compared to other fees that a trader pays in these markets. A fee of about $2 is paid to the exchange for floor execution of each trade; a commission of $50 or more is paid to the brokerage firm; and deposits made by the trader range from a few hundred dollars to several thousand dollars for each and every contract. An additional fee of a few pennies, as we propose, would hardly be noticed. As the distinguished Senator from California, Senator HAYAKAWA, has said, the fee proposed is "less than the cost of a postage stamp."

This amendment does not, as its critics contend, have a negative impact upon the agriculture industry. In fact, in addition to the support of the CFTC this amendment is supported by the American Farm Bureau Federation, the Grange, and the Cattlemens Association.

In consideration for any concerns, however, we propose to allow the Commission to create an advisery committee, if a significant adverse effect upon a market or person is shown to exist.

The amendment also includes a provision authorizing the imposition of service fees. This provision would permit the CFTC to generate funds for its operations by implementing reasonable fees and charges for the functions from which the commodity industry directly benefits: Registration, auditing, reparations, and contract approval. This provision would clarify and enhance existing authority to impose such fees and is expected to generate several million dollars in revenue to offset expenses by the agency.

I urge favorable consideration of these amendments by the Senate.

At this time, I yield to my distinguished colleague, Senator RUDMAN.

Mr. RUDMAN. I thank the Senator from Delaware.

It is my understanding that there are 20 minutes on this amendment, and we have about 18 minutes remaining. May I be yielded about 5 minutes?

Mr. ROTH. I yield.

Mr. RUDMAN. Mr. President, in the short period of time available to me to discuss the issues relating to a CFTC trading fee. I should like to discuss the objections that have been raised by the Agriculture Committee in its

report. I support the concept of user fees, particularly where the beneficiaries of an activity are an identifable group. We have that situation in the futures industry. Not only are the beneficiaries a readily identifiable group, they are also largely within the industry itself, an industry which has continued to grow and prosper despite a recession and economic stagnation. The trading fee is simply a method to assure adequate regulation of that growing industry. It is similar to the fee that the SEC has imposed for nearly 50 years. I find the suggested transaction fee very reasonable.

Instead of approving the CFTC's recommendation, the committee has recommended that the CFTC conduct another study. This is suggested even though the CFTC's 6-to-12-cent fee is the product of a study authorized by Congress in 1978. At the time, the CFTC was directed to "develop and implement" a plan of reasonable fees to cover the costs of regulation. Four years later, the CFTC has offered a reasonable plan, supported by the administration, yet the Agriculture Committee suggests that we wait 2 more years. I wonder if 6 years will improve upon a study which has already taken 4 years.

One of the specific points that the committee would like the CFTC to address in the new study would be the effects of the trading fee on market liquidity. My immediate response to the suggestion is that the best way to judge the effect on liquidity is to test the fees. Obviously, that was what the CFTC had in mind since they address the problem in their proposal. Under the CFTC proposal, the CFTC could waive or suspend the fee if any adverse effects were noticed. This provision responds to any potential liquidity problems, and the issue need not be addressed in a further study.

The Agriculture Committee also recommends that the CFTC study the effect of a 6-to-12-cent fee on farmers, processors, and other hedgers. The effect is obviously unknown, and I doubt whether any two economists would ever agree on an answer. However, the committee's position is questionable given that the National Farm Bureau, the Grange, and the National Cattlemen's Association, representing 3 million producers of farm products, are all supporting the amendment. If they do not foresee a need for further study, it certainly appears unnecessary for us to do so at this time.

The committee has also expressed a fear that the trading fee would discourage support for the industry's fledgling, self-regulatory organization, the National Futures Association. This is based upon the industry's assertion that the fee would displace funds that would otherwise go to the NFA. I doubt very much whether the small fee recommended by the CFTC would have such a drastic effect, and I certainly do not think that the trading fee obviates the need for the NFA. At the same time, I do not believe that anyone would suggest that the NFA will assume so large a role that the important functions provided by the CFTC would no longer be required. In fact, the NFA is expected to assume only registration and testing functions. No doubt, we should encourage such activities, but let us not forget that the requisite centralized regulation and enforcement will remain with the CFTC.

I do not want to take additional time. However, in closing, I do want to remind my colleagues that the amendment is strongly supported by the administration. In fact, the President intends to veto the bill unless the user fee plan is adopted. That is the understanding I have. It is also strongly endorsed by the present Chairman of the CFTC, who, as many Senators are aware, is particularly knowledgeable in this area. Finally, it is important to understand that consumers are the beneficiaries of this amendment. Consumers bear the burden of inadequate Federal regulation and enforcement, and it is the consumer we must protect today by insuring sufficient funding for the CFTC.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I yield myself 5 minutes on this amendment. My understanding is that there is a 40-minute time limit on this amendment, 20 minutes to a side.

The PRESIDING OFFICER. The Senator is correct.

Mr. LUGAR. Mr. President, this amendment causes great difficulty to this Senator simply because we have discussed the points made by the able Senators from Delaware and New Hampshire at some length in the subcommittee hearings and in the full deliberations of the committee and the effects of a user fee are indeed unknown. The incidence of the fee is difficult to judge. Indeed, we had testimony from producers that the fee would ultimately fall upon them. We had testimony from traders that the fee could disrupt trading and make the markets less perfect in their operation.

Indeed, we have the very strong argument from the industry itself that, with the founding of the National Futures Association, self-regulation would take place at great expense to the member firms and those who are involved in making these strong exchanges work. Indeed, many millions of dollars will be devoted to this and the NFA is already underway with apparent success.

Mr. President, our dilemma, I think, comes down to this point, and I quote from a letter written to me by David Stockman, Director of the Executive Office of the President, Office of Management and Budget, on March 30, 1982. He says:

> DEAR DICK: This is to advise you of our strong concern over the failure of the Senate Subcommittee on Agricultural Research and General Legislation to include this Administration's user charge proposal for the Commodity Futures Trading Commission (CFTC) in the bill as reported out of your subcommittee.
>
> This Administration views this proposal as an essential part of its overall budget strategy. We see absolutely no justification whatsoever for the general taxpayer to shoulder the cost of the special benefits conferred upon the commodity futures market by the programs of the CFTC.

Mr. President, here is unhappily the critical paragraph.

> For the foregoing reasons, I must advise you that the Administration could not support enactment of the CFTC reauthorization bill without a user charge provision which would be effective upon enactment.
>
> Accordingly, I would urge you to reconsider the action of your Subcommittee and concur with the Administration's proposal.
>
> Sincerely,
>
> DAVID A. STOCKMAN,
> *Director.*

Mr. President, we did carefully consider that letter. I brought it immediately to the attention of the subcommittee members and the chairman and the ranking minority member of the full Agriculture Committee.

It was the feeling of the committee during the markup—and no vote has been taken on this subject, no Senator has voted in the subcommittee or in the full committee—and it was clearly the consensus of the committee and the subcommittee that the call for the user fee was not justified on the basis of the evidence that we had heard. At least that was the consensus that I gathered as we visited around the table.

Mr. President, I am convinced that, without a user fee, indeed the President will veto this legislation, and this gives great pause for each one of us who are advocates of CFTC and who believe that this particular agency has a very important role to play.

Clearly those who are most involved in the industry do not want the fee. They believe they can control their own affairs and perhaps even are willing to take their chances with regard to the veto.

Mr. President, I must say in all responsibility I take the President seriously on this question, and I am hopeful that my colleagues will vote in favor of the amendment as offered by the Senator from Delaware and the Senator from New Hampshire so that we can proceed to conference with this user fee in our particular package.

I have no idea of its fate as we meet in conference. I am concerned without at least an affirmative vote in this body it will not be a conferenceable

item, and at this very late hour reauthorization of CFTC might fail.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HUDDLESTON. Mr. President, I yield myself such time as I may require.

Mr. President, as the distinguished Senator from Indiana has indicated, this was one of the most difficult issues that we confronted during the consideration of the pending bill. We did have strong recommendations from those representing the Commodity Futures Trading Commission and the administration that we impose user fees at this time. We likewise had strong representations and recommendations from others, principally in the commodity industries, who argued just as strongly that this was not the appropriate time. And the two speakers preceding me have outlined the general arguments used on both sides.

What the committee did, of course, was not to follow the course recommended by either side. This in itself indicates to me that we probably took the right course.

But since no one was really able to give an indication to the committee of what the impact of user fees would be on market liquidity, on the establishment of the National Futures Association that is going to exercise some of the regulatory responsibility; the committee itself decided that what the better course of action would be to assess this potential impact and then come back to give the matter thorough consideration based on that assessment.

It has been suggested that studies have already been made, and that is absolutely true.

But we are strong believers—I think the Commission itself is; I think the industry is—that self-regulation is a desirable adjunct to Federal regulatory efforts.

If we are going to have the degree of self-regulation that can be accomplished and ought to be accomplished in this particular field, which is somewhat complex, then I think we have to give the industry association the opportunity to get itself established, to establish its operating procedures, and to demonstrate what it can, in fact, do in this particular area.

We do not know, for instance, how much of the regulatory load, how much of the actual expenses of the CFTC, might be shifted to the industry's own association.

So with these things still somewhat in doubt, it appears to me that the committee did take the proper course of action by including in the bill provisions for the conduct of a study with a date certain, the date certain being January 1, 1984, for its completion. The study will develop the kind of information that is required to make an intelligent decision on this issue.

Now, something has been made of the prospects that without user fees this legislation may be vetoed. Well, I do not believe the Congress of the United States should enter into its deliberations and make decisions on policy issues more worried about a potential veto hanging like the sword of Damocles over the institution than making the right decisions on the issues.

It seems to me that our responsibility is to do what we think is correct at a given time. The legislative branch has its responsibilities, the executive branch has its responsibilities. Sometimes they come into conflict. Sometimes they have to be resolved by further action within the Senate and House.

So I do not think we should be so concerned about that particular issue. I think we ought to do today what we think is in the best interests of the people of the country and will protect the markets and provide the right kind of regulatory machinery.

It has also been suggested that the only beneficiaries of regulation by the CFTC are those who are in the markets. That is not entirely true, of course. The whole purpose of the regulation, the operation of the CFTC, is to protect the general public. The general public does have benefits accruing to it from its operations.

The Commission is to study to determine who benefits from the services of the CFTC, to what extent should they pay for the services, and to what degree is this a service to the general public, which the general taxpayers should support.

These things have not been determined. I think the course that has been selected by the committee is the proper way to go, and I would urge that we reject the imposition of user fees at this point and reject the amendment by the Senator from Delaware.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, the Senator from Kentucky has stated the case very well. What he has said—and I agree with him—is that this is an idea whose time has not quite come.

Mr. President, the Committee on Agriculture, Nutrition, and Forestry carefully considered a transaction or user fee proposal during the course of 5 days of hearings on the Futures Trading Act of 1982, as well as during the subcommittee and full committee markup of the bill. The proposal examined at that time is similar to the one presented here.

It became apparent during those proceedings that the imposition of a user fee at this time could seriously damage the fledgling National Futures Association, the self-regulatory organization recently formed by the commodities industry and approved by the Commodity Futures Trading Commission. The testimony of various witnesses revealed that the people who will have to pay this "user fee" may well decline to pay both a compulsory fee to support the Commission's operations and another optional fee to support the operations of the National Futures Association.

It is true that this amendment would permit NFA members to pay a lower transaction fee in some instances than that paid by NFA nonmembers. This reduced fee provision, however, is effective only for trades executed for the member's proprietary account. It is not clear how broadly or narrowly the term "proprietary account" will be defined. Thus we cannot precisely say who will benefit from the lower fee or how wide this exception will be.

The Committee on Agriculture, Nutrition, and Forestry believes that survival of the self-regulatory organization is paramount, since self-regulation is preferable to an ever-expanding bureaucracy and since the National Futures Association has the potential to save the expenditure of substantial amounts of taxpayers' money in the future.

The user fee proposal also sets a dangerous precedent for the funding of regulatory agencies. The proposal is not a fee for service provision analogous to those fee systems in effect for grain and other commodity inspection, but is simply a mechanism to pay for the Commission's operations. As long as the fee system pays for most or all of the Commission's expenses, there is no real cost contraint on the Commission's regulatory operations and little or no congressional incentive to scrutinize the Commission's regulatory activities to see if they are necessary at all, or necessary in light of their cost. Consequently, it will be easier for regulatory agencies to get Congress to fund expansive regulatory programs when such funding mechanisms have been established.

Early in the Agriculture Committee's consideration of the user fee proposal, it became apparent that the proposal raised a number of questions that had not been resolved, and which could not be resolved before we had to act. It was unclear, for example, what impact this fee would have on farmers, processors, hedgers, and consumers. Some witnesses testified that the fee costs would be passed backward to producers in the form of lower prices for their produce, or forward to consumers in the form of higher retail prices. These witnesses also stated that the fee, if implemented, would raise the costs of both processors and hedgers.

Other witnesses stated that certain commodity professionals, such as independent floor traders, would be unable to pass the fee on and would have to absorb fees amounting to thousands of dollars per year. It further appeared that those with the discretion to pass the fee on would do so.

I believe it is fair to say that agricultural producers can ill afford to bear any additional costs, given the cost-price squeeze in which they find themselves.

The constitutionality of the user fee proposal before the Committee on Agriculture, Nutrition, and Forestry was also unclear. It was particularly unclear as to whether the proposal could be accurately characterized as a "user fee," since the proposal would impose two different fee levels for essentially the same activity. Under the proposal, persons trading futures contracts for a proprietary account will pay a fee of 6 cents per side, while all others will pay 12 cents per side for the same trading activity. If all persons engage in the same trading activity, how can we justify the fact that some persons will pay twice as much for the activity as others? Presumably, a differential in the charge would be constitutionally permissible if the charge were a tax, but the proposal has been characterized as a "user fee" and not as a tax.

If the proposal is a tax or revenue-raising measure, it must originate in the House of Representatives and not in the Senate. If it is included in this bill and is thought to be a tax by the House Ways and Means Committee, the House will presumably take no action on the bill.

A further concern with this proposal is that it is structured to raise the full amount of money appropriated for the Commission's operation. The proposal makes no allowance for the fact that some portion of the Commission's activity benefits the public generally. There has been no attempt made to quantify the portion of the Commission's activity which benefits the public generally, versus the portion which benefits the market participants. Until the public benefit is quantified and this proposal is modified to take the public benefit into account, market participants will be forced to fund services which should be properly funded through general tax revenues.

I would venture to guess that most Senators would have no objection to the futures industry bearing a reasonable share of the cost of regulating the futures markets. The proposal before us, however, would, in theory, require the industry to bear the full cost of regulating these markets.

This "user fee" proposal becomes even less attractive when we consider that the futures industry already bears a significant portion of the cost of regulating the futures markets through fees paid to fund the self-regulatory programs sponsored and administered by the commodity exchanges. These payments should be taken into account in some fashion when dividing the total regulatory burden between that which should properly be borne by the futures industry and that which should properly be borne by the public.

The proponents of this amendment have argued that the commodities industry can "afford" to assume the primary responsibility for funding the Commodity Futures Trading Commission. Mr. President, I believe that is a dangerous argument. The question should be, Is the fee proposal fair? Is it equitable? If the benefit to the public stemming from commodity futures regulation is not taken into account, I do not believe the proposal can be considered fair or equitable.

In light of these considerations, the Committee on Agriculture, Nutrition, and Forestry decided not to include a user fee proposal in S. 2109, but rather to require the Commission to conduct a study, to be completed not later than January 1, 1984, which would focus on, first, the effects of a transaction fee on market liquidity, second, the portions of the Commission's appropriation benefiting the general public versus the market participants of the Nation's commodity markets, and third, the incidence of such a fee, including its impact on producers, processors, manufacturers, and other hedgers.

The committee felt that the study undertaken over this 18-month period would shed light on these questions and would permit the administration to develop a user fee proposal that would not raise the questions and concerns raised by the current proposal. In this regard, the committee specifically limited the period of reauthorization to 2 years, to expire September 30, 1984, in order to force reconsideration of the user fee issue upon completion of the Commission study.

Few in this body are more supportive of fiscal integrity and responsibility than this Senator. In view of the problems inherent in this proposal, however, I believe some additional time is needed to study and work out the problems associated with this proposal.

Some say that this bill will be vetoed unless this user fee proposal is included. The Office of Management and Budget has stated that it cannot support the bill unless this user fee proposal is included. The administration has taken no further position on the bill. If the bill goes forward without the user fee provision, I will certainly work to persuade the President to sign the bill and I am sure many of my colleagues on the committee will do likewise.

The user fee amendment should not be attached to this bill, in view of the defects in it that I have pointed out. Thus, I ask my colleagues to join with me in rejecting this amendment.

I say again, Mr. President, there are many questions raised by the amendment. For example, it is not clear how broadly or narrowly the term "proprietary account" will be defined. Thus, I do not think we can precisely say who will bear the burden of the user fee or who will pay the lower rate.

There is also a question about the precedent for funding regulatory agencies. I think the committee ought to have the opportunity to hold further hearings on this issue. I will say to my friend, the sponsor of the amendment, that I am sure the committee will hold hearings immediately after we receive the Commission's report on its study of this issue, as called for in the bill.

There is also the question of the constitutionality of the user fee proposal. I say again, it was particularly unclear, at least to this Senator, as to whether the proposal may be accurately characterized as a user fee inasmuch as the proposal imposes two different fee rates for essentially the same activity.

For these reasons, and those which I have stated earlier, and with some reluctance, Mr. President, I join my distinguished colleague from Kentucky in recommending that this amendment not be approved at this time. I ask that the committee be given an opportunity to look into the questions which are here but which have thus far remained unanswered.

While many would not argue with the concept of the amendment, I do think we would be better served if the amendment were not included.

Mr. President, I yield to the distinguished Senator from Idaho (Mr. SYMMS).

Mr. SYMMS. Mr. President, I thank the distinguished chairman of the Agriculture Committee. I would like to say that I quite agree with his statement. I also agree with the Senator from Kentucky's statement.

When my good friend from Indiana states that the President might veto this bill if this new tax is not added, that is welcome news to this Senator. In the 10 years that I have been in Congress I have watched the evolution of the Commodity Futures Trading Commission. Primarily, since the time of its inception, the Commodity Futures Trading Commission has accomplished nothing more than being an imposition on the market.

The commodity exchanges themselves, the Board of Trade, the Mercantile Exchange, the exchanges in New York are very well regulated by the market itself. It is a myth for us to believe these markets are not regulated.

The Congress in the name of the consumer, has imposed very restrictive requirements for coming up with a new contract, keeping contracts off the market, for disposing of contracts, et cetera, which is actually very detrimental to the consumer. The industry is moving in the right direction to give the public confidence in the validity, the honesty, and integrity of these markets by establishing the National Futures Association.

I believe the National Futures Association, which is now being organized, should become the main regulatory agency regulating commodity futures trading. The Commodity Futures Commission should then become a tribunal of last resort to make settlements on issues that cannot be settled by the NFA.

It would appear to me that the Committee on Agriculture was quite right in its rejection of this new tax. Let us allow the establishment of the National Futures Association to continue and examine the effectiveness of the NFA after it has been given time to work.

I might make the point that the Congress has already had substantial influence over what is happening in the futures trading industry in the United States. With the passage of the 1981 Tax Act last year, another unfortunate thing happened. The Tax Code now treats differently the taxation of futures and futures transactions than other investments in any other part of our Tax Code. We established the mark to market system. I think if anyone checks the records he will find there is more trading in the nearby months and less trading in the far-out months. As a result liquidity has declined in many of these markets, which is detrimental to the farmers, detrimental to the timber interests, detrimental to the mineral producers, and to the people who use these markets for price discovery, and who sell into these markets to guarantee stability in their own respective industries.

Individuals and industries use those futures markets for stability in their costs and profits.

Because of the fact that we have already changed tax law last summer there is more trading in the nearby months and less trading in the far-out months because there is not a bias in favor of people holding a position for a longer time, which is necessary if the producer is going to have a market where he can sell into in future months. It is very detrimental to all of the farmers, the mineral producers, the timber producers, livestock, and so forth in this country to try to impose a new tax as is being suggested. I hope my colleagues will stay with the Committee on Agriculture, because I do believe it is in the consumers' best interest to not have this new tax added at this time on the transaction of these trades. I think it would be a mistake.

The money is not necessary. Within 2 to 4 years the Commodity Futures Trading Commission may be greatly reduced by becoming a tribunal of last resort to settle disputes when the futures association's own organization may not be able to take care of a problem that might arise.

So I urge my colleagues to vote down this new tax. It is going to end up on the people who we represent. I think it would be a mistake to put it on this bill at this time.

I yield the floor.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I yield myself 2 minutes on this amendment.

Mr. President, the statements made by the distinguished chairman of the Agriculture Committee and the distinguished ranking minority member correctly summarize the deliberations we have had and the case to be made for the NFA and the self-regulatory procedure.

But I want to simply point out, as the distinguished Senator from Idaho has raised the question, that in the event the President vetoes this legislation, the entire CFTC comes into jeopardy. I take that seriously, as I think each one of us does who has worked with this Commission.

I would not accept the judgment that somehow or other consumers, producers, or those involved in the industry will be better off without the Commission. As a matter of fact, in a responsible way, we must have the work of the Commission. We have a complex industry that is growing like gangbusters and will grow strong if we have the proper governance.

The point I am making is simply, without the user fee—and the amendment offered by the distinguished Senator from Delaware does satisfy that—we face a veto and, I think, uncertainty in terms of longevity of the Commission.

I yield the floor.

Mr. PROXMIRE. Will the Senator yield me 2 minutes in favor of the bill?

Mr. LUGAR. Yes, I am happy to yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, the issue on this amendment, which I enthusiastically support, by the Senator from Delaware and the Senator from New Hampshire, the issue in this is who is going to pay? After all, the problem we have here is a huge deficit. The problem we have is excessive Federal spending. And unless we have the courage to decide that people pay for what they get, and pay as often as possible directly, we are not going to make any progress in this direction.

We have a solid precedent here in that those who use the SEC, the Securities and Exchange Commission, pay for it. The taxpayer pays little for the SEC. Almost all of the cost is paid for by the users. That is exactly what the distinguished Senators from Delaware and New Hampshire and I would do. I am a cosponsor of this amendment.

The basic fee which would be set is a reasonable charge for a strong industry which has enjoyed a high growth rate and whose clientele is largely composed of affluent and sophisticated investors. Certainly, they can afford to pay it. These investors already pay sizable commissions to their brokers for the execution of trade. An additional 6 cents—that is what this is—will not make a great difference.

With the user fee structure in place, the CFTC would become nearly self-supporting. The agency's expenses currently stand at $19.9 million and are expected to rise to $22.9 million in fiscal 1983. Revenues from user fees have been projected by the CFTC at $19.3 million, which would come close to offsetting those expenses.

The CFTC is greatly in need of additional resources. While the commodities trading industry has prospered, its regulating agency has struggled with sharply limited budgets and a diminishing capacity to effectively fulfill its functions. The commodities industry derives a direct benefit from the activities of the CFTC, which promote the industry's health by encouraging investor confidence. It is reasonable and fair to ask this thriving industry to relieve the taxpayers of the primary responsibility for the CFTC's support.

I am delighted to support the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. SYMMS. Mr. President, will the Senator yield?

Mr. HUDDLESTON. I yield such time to the Senator from Idaho as he may desire.

Mr. SYMMS. Mr. President, I will be very brief. I appreciate the comments of my colleague. I would have to agree somewhat with Senator Proxmire's statement. The CFTC, whether it really has done so or not, does give the appearance to the public that there is integrity of the futures industry.

However, in examining whether the CFTC has actually presented or settled a scandal, such as the potatoe scandal that occurred several years ago, it is very interesting that has done nothing to prevent or settle these scandals.

The exchanges actually work out these problems. The CFTC has only interfered with new contracts. The CFTC has done very little to serve the public interest.

It is fine with this Senator if the public somehow thinks things are better. Sometimes in this world in which we live, particularly in politics, the truth seems to be what the perception of the truth is and people mistakenly have more confidence.

To add a new tax, which will be put into the general revenues, based on the notion that we intend to finance an agency to regulate an industry which is regulating itself is ridiculous. The true regulator is the market itself—the invisible hand—which Adam Smith wrote about in 1776 in the Wealth of Nations.

There is no place where there is more of a market than on the floor of these exchanges where every transaction has a buyer and a seller, voluntarily, on each side of the trade. These exchanges are an expression of the free market system.

I know many of my colleagues have had the opportunity to visit those exchanges. For those of you who have not, I would invite you to do so so you can see for yourselves how they operate.

I think it would be a mistake to add a new tax. This is simply a new tax which will contribute to a growing bureaucracy which we should be trying to reduce.

I yield the floor.

Mr. ROTH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ROTH. Mr. President, I yield 2 minutes to the Senator from New Hampshire.

Mr. RUDMAN. Mr. President, I just want to make two observations. First, I do not know the precise figure, but let us understand what we are talking about. These contracts—and this is a per contract tax or user fee, call it what you want—I understand range from $1,500 to $3,000. We are talking about a user fee on that transaction of 6 cents or 12 cents, depending on whether or not that particular member belongs to NFA.

The second point I wish to make is in response to the comments made by my friend from Idaho. I wish the Senator from Idaho would read the transcript of hearings before the Senate Permanent Subcommittee on Investigations, because there are people in this industry that would steal a hot stove—and they have.

We have had widows and older folks and people victimized by people in this industry. Granted, a small percentage of this industry.

Mr. SYMMS. Did the Commodity Futures Commission stop it from happening? I say to my good friend, the Senator from New Hampshire, that they have not.

Mr. RUDMAN. If the Senator will let me finish, I will answer for him.

Mr. SYMMS. They have not stopped it.

Mr. RUDMAN. Mr. President, these people were not prosecuted because the CFTC neither had the revenue, which this Congress has not appropriated, nor, in my opinion, the law to enforce against these fraudulent operators.

Earlier today, the committee accepted an amendment offered by the Senator from Delaware and the Senator from New Hampshire which gives State attorneys general the power to enforce their securities laws. And anyone who believed that an industry involving billions of dollars of on and off exchange transactions will be free from fraud and thus able to self-regulate is living in a different world.

The CFTC does not need to regulate 90 percent of these people, but the 10 percent are giving this Nation a bad time, defrauding people of hundreds of millions of dollars. And I do not think that a veto, which results in the end of the CFTC, is in the consumers interest.

There is no basis in fact, whatsoever, from any of our hearings to draw that conclusion. I think the record ought to show that before the debate concludes.

I thank the Senator from Delaware.

Mr. SYMMS. The CFTC does not concentrate its efforts on protecting the consumer from the "boiler room" operations. The CFTC devotes most of its time regulating the exchanges which are probably the most successfully self-regulated bodies in the world.

Furthermore, the revenues that would be collected from this tax would not necessarily be used to finance the CFTC. These revenues would be placed in with the general revenues and used for general purposes.

The PRESIDING OFFICER. Who yields time?

Mr. HUDDLESTON. Mr. President, just two additional points.

First of all, the Senator from New Hampshire has indicated that the proposed fee is relatively small compared to the average value of the trades made on the markets, and that therefore, the fee would be a relatively minor matter. But the fact is that it is not the size of the contract, it is the number of contracts involved, that is important.

There are about 100 million contracts traded each year and an individual trader may very well find his total fee to be quite a substantial sum of money.

The second point to be made is that he is concerned about the Commission having the resources to deal with the problem they are confronted with.

The user fee has absolutely nothing to do with that. This user fee will not go to the CFTC. It goes into the General Treasury of the United States to be apportioned out as this Congress decides. So there is absolutely no assurance or no reason to believe that the imposition of a user fee would result in a higher appropriation for the Commission for the carrying out of its responsibilities.

Mr. President, I do not see any other Members on this side of the aisle who are prepared to speak on this issue. How much time remains?

The PRESIDING OFFICER. The proponents have 11 minutes and 23 seconds. The opponents have exhausted their time.

Mr. HELMS. Mr. President, I have not worked out a head count on this measure, but I do want to say to the Senator from Delaware and the Senator from New Hampshire that if they do not prevail, I will pledge to them that the Committee on Agriculture will have immediate hearings on this question, whether it be in the lame-duck session or after the first of the year.

I would ask the Senator from Indiana if he would yield to the Senator from Kansas.

Mr. LUGAR. I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I commend my colleagues. I happen to not agree with the Senator from Delaware on this particular question. The administration did request that we impose user fees. There were extensive hearings in the subcommittee chaired by Senator LUGAR. There was extensive consideration by every member of the Senate Agriculture Committee. In fact, I asked the question whether it was a fee or a tax. I did not have the Joint Committee on Taxation review this to see whether the Finance Committee or the Committee on Agriculture ought to have jurisdiction. Just because you call it a fee does not make it a fee. It seems to me it ought to be called a tax.

We indicated in the committee hearings that if we extend this reauthorization for just 2 years, not the 4 years the House extended it, we could allow enough time for the CFTC to come back with a study of user fees by January 1, 1984, on what would be a fair application of user fees, and for the industry to see whether the National Futures Association would be able to police itself to do some self-regulation.

It is not our reluctance to take on the futures industry. We did that last year in the Senate Finance Committee in the tax bill. We called it straddle legislation. It cost that industry about $1.7 billion over the next 5 years when it is all done. We are not opposing it for any reason except we want to find out first of all whether it will work; second, who has the appropriate jurisdiction; and third, what will the National Futures Association be able to accomplish.

I believe it has been made clear by the chairman of the committee, Senator HELMS, and others, that we will insist on the 2-year provision. It will

force us to come back and take a look at the issue.

In my view, 4 years is too long. If the bill comes back from conference with more than 2 years, the Senator from Kansas will try to defeat the conference report. If we keep it at 2 years, giving them this opportunity for study, that would be satisfactory. Otherwise, I believe we should defeat the amendment.

Mr. ROTH. Mr. President, I will be very brief. I just want to point out that the deficit of the Federal budget is with us today. If there is an equitable manner of trying to raise revenue, it is to require those who benefit to pay a user fee.

I would just like to point out that in trying to close this deficit earlier this year when we were dealing with taxes, we did not say to wait 2 years, to wait 2 years to the telephone company when we tripled the tax on them, or in other areas. The problem of the deficit is with us now.

I would point out that this proposal has the support of the administration, who said they will veto the bill if this is not included. It has the support of CFTC, the American Farm Bureau, the Grange, and the Cattlemen's Association.

Mr. President, I am ready, willing, and able to yield back the remainder of my time.

Mr. LUGAR. How much time remains, Mr. President?

The PRESIDING OFFICER. The proponents have 10 minutes and the opponents have used up their time.

Mr. PERCY. Mr. President, I have two amendments which I believe there is no opposition to which I would like to offer at this time.

Mr. LUGAR. I will ask the Senator to forebear for a moment. We are about to yield back time for a vote on this amendment.

● Mr. DOMENICI. Mr. President, today I rise in support of the user fee amendment to S. 2109, a bill to extend the Commodity Exchange Act.

This bill extends the funding authorization for the Commodity Futures Trading Commission through September 30, 1986, and updates the Commodity Exchange Act to provide those changes needed in the regulatory and enforcement authority of the Commission. It is a complex piece of legislation that is the result of many days of hearings during which the Congress heard testimony from the CFTC, Government agencies, leaders of the commodity industry, representatives of State security commissions, and members of the public at large.

With a few exceptions this bill is the product of exceptional work by the Senate Agriculture Committee. One of those exceptions is the legislation lacking user fees.

The Commodity Futures Trading Commission was established in 1974 as an independent regulatory agency to oversee the trading of commodity futures contracts. At that time the trading of futures was regulated by the Department of Agriculture's Commodity Exchange Authority. Because some nonagricultural commodity futures were traded but not being regulated, Congress recognized that some uniform regulation of all future trading would be required. Congress decided that because the role of futures contracting was expanding in the sense of both the domestic and international economy, a new independent regulatory agency was required and the CFTC was devised.

Time has shown that congressional action a correct one. Since 1974, there has been a tremendous growth in futures trading and along with that growth has come an awareness by the public and business community that shows a confidence in both the integrity of the industry and the regulatory process that guides it. During the past 5 years, trading in futures contracts rose from 37 million contracts to 100 million annually, or almost triple the size.

The term "commodity" has expanded from domestic and international agriculture products to include a variety of financial instruments, precious metals, and "natural resources" like petroleum.

Included among the topics debated during the public hearings was whether to impose user fees on the futures trading industry and what impact such fees would have on the industry's program to set up a new self-regulatory body called the National Futures Association (NFA) which was formally designated on September 22, 1981.

As I understand the situation today the cost of the CFTC is roughly about $20 million. As I understand the pending amendment it would impose a very small transaction fee on futures commodity transactions. Because of the large number of transactions, this small fee would raise almost the amount of money needed to run the CFTC.

The entire issue here is not what a user fee is. It is an issue of dollars made and lost each day in the futures markets. And for us to say that somehow a 6 cents per contract charge may hurt the market and that we should study this issue does not make sense. Recently we increased the tax on telephones by a few cents. No one demanded studies on the impact of that law. If this user fee amendment is not adopted the American taxpayer will be the loser and the big broker houses will be the winners. A study by the Small Business Committee found out that out of 1,027 traders some 80 made $100 million of a $155 million in profits over a 16-month study period.

Somehow opponents of this amendment indicate that the CFTC should be funded by the Treasury because the CFTC protects the general public. They say this as though each and every citizen uses the commodity markets. The plain fact is that only a very small proportion of our population uses the Commodity Exchanges. I do not know of many average middle class citizens in my State that use it or even understand it. Others here will argue that somehow this will impact on the farmers and ranchers of my State. I will say to those that the Commodity Exchanges have not helped the price my farmers received for their wheat this year and many of my ranchers have asked that the Commodity Exchanges no longer be allowed to offer cattle contracts.

So again I return to the question, Who will benefit if this amendment is not adopted? A very small group of commodity professionals who will continue to have their activities paid for by millions of Americans.●

Mr. DIXON. Mr. President, the Committee on Agriculture, Nutrition and Forestry of the U.S. Senate, after thoughtful and careful deliberation, unanimously agreed that user fees should not be imposed on trade conducted on a commodity market until the organization and development of the National Futures Association can be examined and assessed. The committee recognized that the National Futures Association, a statutorily sanctioned self-regulatory association approved by the Commodity Futures Trading Commission, should be given an unhindered opportunity to function as envisioned. Consequently, the committee authorized the Commodity Futures Trading Commission to study the possible effects of user fees and report its findings to Congress by January 1, 1984.

Witnesses testified before the committee that the National Futures Association will assume responsibility for futures commission merchant audits, introduction of broker oversight and ethical standards, commodity pool operator, and trading adviser oversight and ethical standards, initiating sales practice reviews, overseeing option programs of FCM's, establishing registration and fitness standards for industry professionals, customer claim procedures, and professional standards of conduct. By imposing user fees at this time, the committee concurred that successful performance of the National Futures Association would be inhibited. Industry-commissioned studies reveal that the National Futures Association, if allowed to quickly assume its responsibilities, could save the Commodity Futures Trading Commission between $9.7 and $12 million in fiscal year 1983.

The committee concurred that the National Futures Association and the goal of effective self-regulation in the

futures industry could be jeopardized if forced to compete with the Commodity Futures Trading Commission for funding.

In consideration of S. 2109, the Office of Management and Budget referred to the regulation of the futures market by the Commodity Futures Trading Commission as a subsidized Government service, and suggested that the beneficiaries of the service should be required to bear the burden of funding those subsidized services. Congress, in creating the Commodity Futures Trading Commission, did so to regulate the futures market, not provide traders with a special service because: "transactions in commodities involving the sale thereof for future delivery are affected with a national public interest."

Traders already pay fees to exchanges for the opportunity to participate in the market and to the Commodity Futures Trading Commission for registration which is directly applicable to them. Before imposing user fees, the committee suggested that it is important to determine which services performed by the Commodity Futures Trading Commission are in the public interest and appropriately supported by the taxpayers and which, if any, should be supported by market participants.

Proponents of the proposed amendment to S. 2109 state that user fees will raise additional revenues for the Commodity Futures Trading Commission by charging those who trade on commodity markets. Traders presently pay fees to both the exchanges and the Commodity Futures Trading Commission. A successful National Futures Association, free from funding competition, can result in substantial savings for the Commodity Futures Trading Commission, and provide efficient and equitable self-regulation in the futures industry. The committee decision to defer imposition of user fees at this time should be adopted.

Mr. PERCY. Mr. President, I ask unanimous consent that I be recognized for the purpose of offering two amendments following the vote.

The PRESIDING OFFICER. The Chair will announce that there is an amendment pending.

Mr. HELMS. I ask unanimous consent that the Senator from Illinois be recognized for the purpose he stated immediately after the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

All the time has been yielded back. The question is on agreeing to the amendment of the Senator from Delaware. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Connecticut (Mr. WEICKER), is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Montana (Mr. MELCHER), are necessarily absent.

I also announce that the Senator from Oklahoma (Mr. BOREN), is absent because of illness in family.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. BOREN) and the Senator from Montana (Mr. MELCHER), would each vote nay.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 27, nays 66, as follows:

[Roll Call Vote No. 385 Leg.]

YEAS—27

Abdnor	Kasten	Quayle
Baker	Levin	Randolph
Biden	Lugar	Roth
Chafee	Mattingly	Rudman
Domenici	McClure	Schmitt
Gorton	Murkowski	Specter
Hatfield	Nickles	Stevens
Hayakawa	Pell	Thurmond
Humphrey	Proxmire	Zorinsky

NAYS—66

Andrews	Eagleton	Long
Armstrong	East	Mathias
Baucus	Exon	Metzenbaum
Boschwitz	Ford	Mitchell
Bradley	Garn	Moynihan
Brady	Glenn	Nunn
Bumpers	Goldwater	Packwood
Burdick	Grassley	Percy
Byrd, Harry F., Jr.	Hart	Pressler
	Hatch	Pryor
Byrd, Robert C.	Hawkins	Riegle
Cannon	Heflin	Sarbanes
Chiles	Heinz	Sasser
Cochran	Helms	Simpson
Cohen	Hollings	Stafford
Cranston	Huddleston	Stennis
D'Amato	Inouye	Symms
Danforth	Jackson	Tower
DeConcini	Jepsen	Tsongas
Denton	Johnston	Wallop
Dixon	Kassebaum	Warner
Dole	Laxalt	
Durenberger	Leahy	

NOT VOTING—7

Bentsen	Kennedy	Weicker
Boren	Matsunaga	
Dodd	Melcher	

So Mr. ROTH's amendment (UP No. 1378) was rejected.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HUDDLESTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PERCY. Mr. President, I want to take this opportunity to commend Senator HELMS (Agriculture Committee chairman), Senator HUDDLESTON (ranking member), Senator LUGAR (subcommittee chairman), and Senator BOREN (ranking subcommittee member) for their work in drafting the Futures Trading Act of 1982.

I have examined both the committee's bill and its report (Rept. No. 97-384) and can see the large amount of work which these gentlemen and the other members of the Agriculture Committee put into this piece of legislation.

I believe it is important to press ahead with enactment of the jurisdictional agreement forged by CFTC Chairman Johnson and SEC Chairman Shad. This agreement has been carefully worked out by the respective chairmen, has the support of the Senate Banking Committee and wide support within the securities and commodities industries. I note with pleasure that this bill incorporates the CFTC portion of the agreement. I believe this jurisdictional agreement deserves the full support of this Senate.

I have also had an opportunity to review those portions of the bill and the committee report which deal with the issues of user fees and the role played by the States in commodities regulation. I must say, Mr. President, that I understand and support the Agriculture Committee's position with respect to the user fee question because I believe this position is reasonable in light of the lack of quantification of the public against private benefit flowing from the CFTC's regulatory program.

The study of the user fee issue will permit the Agriculture Committee to resolve the questions of the incidence of the fee and its effects on farmers, processors and other hedgers. In addition, the study will permit the quantification of the public against the private benefits flowing from the CFTC's regulatory efforts.

The 2-year period of reauthorization will permit the Senate to reconsider the user fee issue after these questions have been resolved and a consensus emerges as to what the Senate should do.

Consequently, I will oppose the imposition of a user fee at this time and urge my colleagues to do likewise.

The role to be played by the States in the regulation of futures trading and "off-exchange" instruments was recently examined by both the Senate Agriculture Committee and the Senate Permanent Subcommittee on Investigations, on which I serve. Both examinations dealt with the issue of off-exchange "boiler room" fraud.

After examining the legislative proposals of both the Agriculture Committee and the Permanent Subcommittee on Investigations, I have concluded that those proposed by the Agriculture Committee will take care of the off-exchange fraud problems highlighted by the permanent subcommittee in its investigation. I reached that conclusion in light of the following:

The "open season" provisions in the Agriculture Committee bill (S. 2109) are targeted to reach the off-exchange "boiler room" fraud on which the per-

manent subcommittee focused in its investigation.

The Agriculture Committee has included provisions in its bill which provide for a free flow of investigative information from the CFTC to the States and vice versa. This information will be very helpful to the States in combating this fraud.

The Agriculture Committee bill extends the reach of the Commodity Exchange Act to sales personnel and consultants who were not previously required to register with the CFTC.

The Agriculture Committee bill erects a network of statutory bars to registration to keep unfit persons out of the commodities industry.

The Agriculture Committee bill extends the criminal penalties in the Commodity Exchange Act to reach individuals not previously subject to these penalties.

Thus, it is my judgment that the open season and other provisions in the Agriculture Committee bill adequately deal with the situations highlighted by the Permanent Subcommittee on Investigations. Thus, the adoption of the Roth-Rudman amendments on State jurisdiction are not warranted.

Consequently, I will oppose the State jurisdiction amendments which will be offered and will urge my colleagues to do likewise. The current bill adequately meets these issues; further regulatory action in this area is simply not warranted.

UP AMENDMENT NO 1379

(Purpose: To modify the provisions of the bill relating to the approval or disapproval of changes in or additions to the rules of a registered futures association)

Mr. PERCY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an unprinted amendment numbered 1379.

Mr. PERCY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 111, strike out line 22 and insert in lieu thereof "or the regulations of the Commission. If the Commission does not approve or institute disapproval proceedings with respect to any rule within one hundred and eighty days after receipt or within such longer period of time as the registered futures association may agree to, or if the Commission does not conclude a disapproval proceeding with respect to any rule within one year after receipt or within such longer period as the registered futures association may agree to, such rule may be placed into effect by the registered futures association until such time as the Commission disapproves such rule in accordance with this subsection.".

Mr. PERCY. Mr. President, this amendment provides important time limitations on CFTC review of futures association rules. Under the existing provisions of S. 2109 the Commodity Exchange Act would be amended to provide authority to a registered futures association to place into effect its rules or rule changes 10 days following their receipt by the Commission, unless the association requests express CFTC approval or the CFTC determines on its own initiative to review the rule or rule change. However, S. 2109 would not put an explicit cap on the time available to the CFTC to complete its review.

In essence, under the amendment, the CFTC would have 180 days from the date of receipt of any futures association rule or rule change to finish its review of the rule and 1 year, from receipt of the rule, to initiate and complete a disapproval proceeding.

I believe this is an important and necessary amendment. In the past, contract market rules that have been submitted to the CFTC for approval have languished at the Commission for intolerable periods of time. Frequently, important self-regulatory measures have, as a result of this delay, had to be deferred or not ever been put into operation. The Commission has recognized this problem and recently has been somewhat successful in reducing the period of delay. Nevertheless, in recognition of the continuing and perhaps recurring problem in this area, the committee bill imposes time limitations on CFTC review and disapproval actions of contract market rules. Mr. President, since the National Futures Association—the industry-wide self-regulatory body that has been registered by the CFTC—is about to begin operations, restrictions are now needed on the time the CFTC may have for its approval or disapproval actions on futures association rules. The proposed amendment satisfies this need by providing time limitations on CFTC review of futures association rules, in a manner parallel to the provisions in the committee bill pertaining to contract market rules.

In all but the most unusual circumstances, CFTC review or disapproval of NFA rules should not take the full 180-day or 1-year period. In fact, the CFTC has stated that it will endeavor to expedite its consideration of NFA rules and believes that most NFA rules will be approved within at least 60 days. This expedited treatment is clearly necessary and appropriate. By encouraging expedited CFTC review and disapproval proceedings of futures association rules, the amendment would serve the overall congressional objective to insure maximum CFTC cooperation and consultation with NFA. This will enable the NFA to begin its self-regulatory mission as soon as possible.

Mr. President, this amendment is supported by the futures industry and I am not aware of any opposition to its adoption.

I urge my colleagues to support this amendment.

Mr. LUGAR. Mr. President, on behalf of the bill managers, I am happy to accept the amendment offered by the senior Senator from Illinois.

I note that the amendment is similar to a provision already in the committee bill dealing with contract market rules. I believe this provision will strengthen the National Futures Association and will help to insure its success.

I commend the senior Senator from Illinois for his interest in this very important piece of legislation.

I am prepared to accept the amendment.

Mr. HUDDLESTON. Mr. President, we accept the amendment on this side and yield back our time.

Mr. LUGAR. We yield back the remainder of our time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the amendment.

The amendment (UP No. 1379) was agreed to.

Mr. PERCY. Mr. President, I ask unanimous consent that the name of my distinguished colleague, Senator DIXON, be added as a principal cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PERCY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 1380

(Purpose: To modify the provisions relating to the registration of futures associations)

Mr. PERCY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an unprinted amendment numbered 1380.

Mr. PERCY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 101, strike out lines 13 through 17 and insert in lieu thereof the following:

"(10) to authorize any person to perform any portion of the registraiton functions under this Act, in accordance with rules, notwithstanding any other provision of law, adopted by such person and submitted to the Commission for approval pursuant to section 17(j) and subject to the provisions of

this Act applicable to registrations granted by the Commission.".

On page 110, line 20, strike out "and".

On page 111, line 22, strike out the second period and insert in lieu thereof a semicolon.

On page 111, insert between lines 22 and 23 the following paragraph:

(5) by adding at the end thereof the following new subsection:

"(o) The Commission is authorized to require any futures association registered pursuant to this section to perform any portion of the registration functions under this Act with respect to each member of the association other than a contract market and with respect to each associated person of such member, in accordance with rules, notwithstanding any other provision of law, adopted by such futures association and submitted to the Commission for approval pursuant to section 17(j) and subject to the provisions of this Act applicable to registrations granted by the Commission. In performing any Commission registration function authorized by the Commission under section 8a(10), this section or any other applicable provisions of this Act, a futures association may issue orders—

"(1) to refuse to register any person;

"(2) to register conditionally any person;

"(3) to suspend the registration of any person;

"(4) to place restrictions on the registration of any person; or

"(5) to revoke the registration of any person.

Any person against whom such an order has been issued, and against whom such order is the final decision of such futures association, may petition the Commission to review the decision. The Commission may on its own initiative or upon petition decline review, grant review and affirm, set aside, or modify such an order of the futures association, and the findings of the futures association, as to the facts, if supported by the weight of the evidence, shall be conclusive. Unless the Commission grants review, under this section, of an order concerning registration issued by a futures association, the order of the futures association shall be considered to be an order issued by the Commission. Nothing in this section shall affect the Commission's authority to review the granting of a registration application by a registered futures association that is performing any Commission registration function authorized by the Commission under section 8a(10), this section, or any other applicable provisions of this Act. In the event that a person against whom a futures association has issued a registration order under subsection (1) petitions the Commission to review that order and the Commission declines to take review, such person may file a petition for review with a United States Court of Appeals, in accordance with the requirements of section 6(b) of this Act.".

Mr. PERCY. Mr. President, I ask unanimous consent that the name of my distinguished colleague from Illinois, Senator DIXON, be added as a principal cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, the amendment I am offering seeks to facilitate the assumption of certain CFTC registration functions by the National Futures Association. I believe this amendment is in the best interest of the futures industry and the Commodity Futures Trading Commission and I urge my colleagues to support its passage.

Under existing law, the CFTC registers a wide variety of commodity professionals—futures commission merchants, floor brokers, associated persons, commodity trading advisers, and commodity pool operators. Under both S. 2109 and the House legislation, this class of registrants will be expanded to include introducing brokers, associated persons of commodity trading advisers, and associated persons of commodity pool operators. In fulfilling its statutory registration duties to insure the fitness of all commodity professionals—a function one court has called the kingpin of the act's regulatory scheme—the CFTC performs a broad range of tasks with regard to registration applications, which include screening, processing, investigating, prosecuting, and adjudicating, at both the trial and appellate level. One of the most significant aspects of S. 2109 is that the bill contemplates removing this registration burden from the Commission and, ultimately, from the taxpayers.

Mr. President, NFA is eager to begin as soon as possible to assume at least a portion of the CFTC's registration functions. According to NFA's most recent schedule, it plans to be able to begin, on or about January 15, 1983, to conduct registration proceedings for all classes of CFTC registrants. NFA's intention to assume CFTC registration duties at such an early time bodes well for a complete assumption by NFA of that function, since every registered commodity professional, except floor brokers, must be a member of NFA in order to fulfill the 1978 congressional grant of authority to the CFTC to make membership in a registered futures association compulsory.

In order to facilitate this process, the amendment would make four basic changes or additions to S. 2109. First, the amendment would clarify that the exclusive procedures governing registration proceedings conducted by a registered futures association or any other person authorized by the Commission would be set forth in rules of the registered futures association or other authorized person submitted to the Commission for its approval. This will clarify that a registration proceeding conducted by a registered futures association or any other person authorized by the CFTC, in accordance with the procedural rules submitted to the CFTC, may not be subject to legal challenge on the ground that procedures contained in the Administrative Procedure Act or any other statute or regulation were not followed.

The second aspect of the amendment expressly provides for CFTC review of final registration decisions rendered by a futures association. The amendment would also make explicit that a futures association may take the full range of registration actions available to the Commission under the act and Commission regulations. In addition, the amendment provides a standard for CFTC review of futures association registration decisions that mirrors the standard for appellate review of CFTC registration decisions under the existing scheme.

The third aspect of the amendment covers CFTC oversight of registrations granted by a futures association. This provision would make it clear that the CFTC's authority to review the granting of a registration application by a futures association is not affected in any way by the provisions of new section 17(o) of the Commodity Exchange Act.

The fourth and final aspect of the amendment would comport with basic notions of due process of law by providing any person against whom a futures association has issued a final registration decision and the Commission has declined to review the merits of such decision, to petition an appropriate U.S. court of appeals for appellate review of the decision under the procedures in section 6(b) of the act that govern appellate review of CFTC registration decisions. This aspect of the amendment will, therefore, merely make explicit in the statute that the right to judicial review from registration decisions will not be affected by authorizing a futures association to perform these functions.

Mr. President, I believe this amendment is needed in order to allow National Futures Association to begin to assume CFTC registration responsibilities as soon as possible. This amendment is strongly supported by the futures industry.

I urge my colleagues to support this amendment.

Mr. LUGAR. Mr. President, on behalf of the bill managers, I am willing to accept the amendment offered by the senior Senator from Illinois.

The contents of this amendment differ in some aspect from the proposal contained in the House bill and, consequently, this item will be one which we will deal with in conference.

I commend the Senator for his willingness to work in a spirit of compromise on a proposal on which everyone could agree. I thank the Senator for his interest in this matter.

Mr. HUDDLESTON. Mr. President, we are happy to accept the amendment on this side. I yield back my time.

Mr. LUGAR. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1380) was agreed to.

STATE REGULATION OF COMMODITY POOLS

Mr. HUDDLESTON. Mr. President, I understand that some individuals believe that the States either now have the power to qualify or substantively regulate commodity pools registered with the SEC and commodity pool operators registered with the CFTC or will get the power to qualify or substantively regulate these pools and pool operators if the jurisdictional agreement made between the CFTC and the SEC is enacted. I have examined this issue and have found nothing, either in the present Commodity Exchange Act, the bill as amended or the CFTC-SEC jurisdictional agreement which has given or would give the States the power to qualify or substantively regulate these commodity pools and commodity pool operators. I ask the distinguished chairman if this is his understanding also.

Mr. HELMS. Mr. President, the distinguished ranking minority member is absolutely correct. As the Senator will recall, this Senator offered an amendment to section 4m of the Commodity Exchange Act which provided that the provisions of this act shall preclude the qualification or substantive regulation of commodity pools under the various laws of the several States dealing with the qualification or regulation of securities or otherwise in those States.

After discussion, however, the committee decided not to adopt the amendment, since the members felt that existing law clearly preempted the States from this area of regulation. I believe the members' judgment was sound, particularly in light of the following:

In 1974, the Committee on Agriculture, Nutrition, and Forestry reported the Commodity Futures Trading Commission Act of 1974, which was subsequently enacted as Public Law 93463. That act provided that the Commodity Futures Trading Commission would have exclusive jurisdiction, vis-a-vis the States, over the matters specified in the 1974 legislation. The 1974 act also specifically repealed a provision in section 4c of the Commodity Exchange Act which provided for the application of State law to transactions in commodities. The committee and the Congress took these actions in order to avoid costly and duplicative Federal and State regulation of the same entities.

Again in 1978, the Congress expressed its intent that the CFTC retain exclusive jurisdiction over the substantive aspects of futures trading and that unnecessary and duplicative regulation of the commodities industry be avoided.

I have examined the provisions of the CFTC-SEC jurisdictional agreement and have noted that there is nothing in it which changes the congressional intent expressed in 1974 and again in 1978.

Since all commodity pools are subject to CFTC regulation, and since certain activities of commodity pools are also subject to both CFTC and Securities and Exchange Commission regulation, State regulation of the same activity is clearly duplicative and unnecessary. One uniform system of Federal regulation is clearly preferable to 50 different and potentially conflicting systems of State regulation.

ASSOCIATED PERSONS

Mr. HUDDLESTON. Mr. President, section 14(6) of the Futures Trading Act of 1982, as reported, amends section 4k of the Commodity Exchange Act to provide that it shall be unlawful for any registrant to permit a person to become or remain an associated person of the registrant if the registrant knew or should have known of facts regarding the associated person that are set forth as statutory disqualifications in section 8a(2) of the Commodity Exchange Act, as amended by this bill. The amendment makes an exception if the registrant has notified the Commission of these facts and the Commission has determined that the person should be registered or temporarily licensed.

Section 23(4) of the bill amends section 8a(3) of the Commodity Exchange Act to establish as a statutory disqualification from registration the fact that the registrant or applicant has associated with him a person whom he knows or has reason to know is subject to a statutory disqualification under section 8a(2), unless the Commission has been notified of the facts involved and has determined that the person should be registered.

It is my understanding that these provisions will impose a duty on the employer to make a reasonable background check on each employee to determine whether there are any facts which would bar the employee from being registered or temporarily licensed. I ask the distinguished chairman if this is his understanding, also.

Mr. HELMS. The distinguished ranking minority member is correct. These new provisions (sections 4k(5), 8a(2), and 8a(3)(L)) contemplate that the employer has an obligation to make a reasonable background check on the employee before the employee is first hired. It is my understanding that background checks are commonly made by firms in the securities and commodities industry today. Consequently, this amendment simply codifies that practice. The registrant will have discharged its duty under these sections if, after making a reasonable check, the registrant has learned of no facts that would disqualify the prospective employee. Of course, this section would not require registrants to check the records of every Federal and State court system and regulatory authority. It would simply require them to make the reasonable inquiry which would be made by any responsible employer.

Mr. HUDDLESTON. Mr. President, I thank the chairman for his response and I would ask a further question. As I mentioned, sections 14(6) and 23(4) of this bill, as reported, amend sections 4k and 8a(3), respectively, to permit the registrant to hire or continue the employment of an associated person if the registrant has notified the Commission of any facts forming a statutory basis for disqualifying the associated person from registration and the Commission has determined that the person should be registered or temporarily licensed.

It is my understanding that, in the event facts appearing to clearly warrant the statutory disqualification of an associated person become known, the registrant would not be in violation of the act if the registrant notified the Commission and continued to employ the associated person until such time as the Commission took affirmative action to suspend or revoke the associated person's registration or license. I ask the distinguished chairman if this is his understanding, also.

Mr. HELMS. The distinguished ranking minority member is correct. The registrant would not be in violation of the act if the registrant continues the employment of the registered or licensed associated person, so long as the Commission has not taken affirmative action to suspend or revoke the registration or license of the associated person. If, however, the Commission should take action to suspend the registration or temporary license, or should revoke it after the required hearing, there would be an immediate obligation for the registrant to terminate the employment of the associated person.

I would also say that these provisions are not intended to place a continuing duty on registrants to investigate their associated persons to determine whether the associated person has committed one of several acts which could provide the basis for a statutory disqualification. Under these sections, the only duty of the registrant, after the employee has been registered or temporarily licensed as an associated person, is to report to the CFTC any facts which otherwise come to the employer's attention which clearly provide the basis for a statutory disqualification and to terminate the employment of an associated person if the CFTC should take action to suspend or revoke the associated person's registration or temporary license.

SECTION 8a(3)(C)

Mr. HUDDLESTON. Mr. President, I understand that S. 2109 amends section 8a of the act to give the Commis-

sion authority to refuse to register persons or to register them conditionally under certain circumstances. Subsection (3)(C) authorizes the Commission to refuse to register or to register conditionally any person who fails reasonably to supervise those who are subject to that person's supervision with a view to preventing violations of the act, but provides that no violation shall occur if the person establishes and enforces reasonable supervisory procedures. I should like to engage in a colloquy with Senator HELMS regarding the intent of this provision. Is this provision intended generally to impose responsibilities on brokerage firms, commodity trading advisers and commodity pool operators in addition to those currently required by exchanges and self-regulatory organizations?

Mr. HELMS. I thank the Senator for the opportunity to comment on proposed section 8a(3)(C) of the act. This section is not intended to change significantly the practices of registrants. We understand that firms registered under the act typically have practices relating to supervision of registered employees and manuals or other guidelines establishing supervisory procedures.

This provision is intended to make clear that reasonable supervisory conduct by employees of registrants will satisfy the requirements of this subsection. I would also say that this section is not intended to mandate that a particular system of supervisory procedures be established and enforced; it does, however, require that the procedures employed be reasonable and that a reasonable effort be made to enforce them.

AIDING AND ABETTING PROVISION

Mr. HUDDLESTON. It is my understanding that section 27(1) of the bill we are considering, which amends section 13(a) of the Commodity Exchange Act, will only apply prospectively. That is, the amendment is intended to authorize aiding and abetting liability in judicial proceedings for any causes of action accruing after the date of enactment of the bill.

Mr. HELMS. The Senator's understanding is completely correct.

LEVERAGE TRANSACTIONS

Mr. HUDDLESTON. Mr. President, as the distinguished chairman of the Committee on Agriculture, Nutrition, and Forestry will recall, during the markup of S. 2109 before the committee, I offered suggested report language in the area of leverage transactions. The committee agreed to include that language in the report on S. 2109. The committee also agreed to leave the current law unchanged with respect to leverage transactions, but to make it clear to the Commission in our report that we want it to regulate leverage transactions forthwith.

I have noted that certain references in the committee's report on S. 2109 relating to leverage transactions differ from the description of those transactions in the committee's report on the 1978 CFTC reauthorization legislation.

The committee's 1978 report on the CFTC reauthorization legislation described the general leverage contract then in use as "an agreement for the purchase or sale" of a specified commodity for delivery at a later date. The 1978 report also enumerated certain other characteristics of leverage transactions.

The report to accompany S. 2109, in referring to leverage transactions, speaks of the "purchase of commodities through * * * leverage transactions."

I place no significance on the differences in wording and wish to inquire of the distinguished Chairman whether he agrees that these differences are of no significance.

Mr. HELMS. Mr. President, I appreciate the distinguished ranking minority member of the committee bringing this issue to my attention. I would say to the Senator that the fact that the committee report on S. 2109 does not include the words "or sale" when describing leverage transactions is not significant.

The Senator is correct in his description of what the Committee on Agriculture, Nutrition, and Forestry decided with regard to leverage transactions. As the Senator points out, we intended to leave the law with respect to the regulation of leverage transactions the same as it was after the 1978 reauthorization. And, in the committee report, we direct the Commission to get on with the business of regulating leverage transactions.

The committee, however, did not focus on the issue of what constitutes a leverage contract during the preparation of this legislation. Consequently, any inference that the committee views the matter differently now is not warranted.

I would also add, Mr. President, that I understand that there are administrative enforcement proceedings currently pending against two leverage transaction merchants and two court suits filed to enjoin these proceedings. The administrative proceedings involve the issue of whether certain contracts offered by the leverage transaction merchants are leverage contracts or futures contracts. I express no opinion on the issues in the administrative proceedings or court suits and do not intend that anything I have said or what the committee has done during this reauthorization have any effect on the outcome of the proceedings or suits.

Mr. HUDDLESTON. Mr. President, I thank the distinguished chairman for his remarks and for his clarification of this important point. I certainly agree that we do not intend to affect in any way the pending proceedings or court suits.

CONFIDENTIAL INFORMATION

Mr. HUDDLESTON. Mr. President, section 22(5) of S. 2109 amends section 8 of the Commodity Exchange Act to require that notice be given by any subpena served on the CFTC that requests records containing information submitted by a third party. My understanding of this new section 8(g) is that it is strictly a procedural requirement. It does not override or preempt any provision of the act relating to confidential or protected information. For example, records which are confidential under the act remain condifential regardless of how they are sought.

Mr. HELMS. The Senator is correct. New section 8(g) is strictly a procedural provision. It does not authorize or require the disclosure of any information—confidential or otherwise. In fact, it is intended to help assure that confidential information is not inadvertently released by the CFTC, by requiring notice of a subpena to the person who submitted the information to the CFTC in the first place. That person can then take whatever steps are necessary to protect his or her rights under the act.

Mr. LUGAR. Mr. President, I hope it is clear that nothing in these colloquies should be construed to run counter to the very clear intent of S. 2109, in particular sections 14(6) and 23(4) as they affect sections 4k(5) and 8a(3)(C) of the Commodity Exchange Act, as amended. The intent of S. 2109 is that employees of commodity professionals have an affirmative duty to screen and supervise their employees carefully.

The PRESIDING OFFICER. Who yields time?

UP AMENDMENT NO. 1381

(Purpose: To amend the Agricultural Act of 1970 to prohibit restrictions on the export of certain agricultural commodities)

Mr. DURENBERGER. Mr. President, I send an unprinted amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. DURENBERGER) proposes an unprinted amendment numbered 1381.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

SEC. 32. Section 812 of the Agricultural Act of 1970 (7 U.S.C. 612c-3) is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of law, the President shall not prohibit or curtail the export of any agricultural commodity or the products thereof under

an export sales contract (1) entered into before the President announces an action that would otherwise prohibit or curtail the export of the commodity or products thereof, (2) the terms of which require delivery of the commodity or products thereof within 270 days after the date the suspension of trade is imposed, except that the President may prohibit or curtail the export of any commodity or the products thereof during a period for which the President has declared a national emergency or for which Congress has declared war.".

Cosponsors of the amendment are as follows:

Mr. Huddleston, Mr. Lugar, Mr. Dole, Mr. Cochran, Mr. Zorinsky, Mr. Melcher, Mr. Pryor, Mr. Dixon, Mr. Bentsen, Mr. Exon, Mr. Sasser, Mr. Baucus, Mr. Riegle, Mr. Ford, Mr. Johnston, Mr. Boschwitz, Mr. Jepsen, Mr. Andrews, Mr. Hatch, Mr. Nichols, Mr. Quayle, Mr. Symms, Mr. Danforth, Mr. Specter, Mr. Percy, Mrs. Kassebaum, Mr. Grassley, Mrs. Hawkins, Mr. Pressler, Mr. Abdnor, and Mr. Mattingly.

Mr. DURENBERGER. Mr. President, the amendment I have sent to the desk is designed to restore fairness for American agricultural producers, and to restore international confidence in the United States as a reliable source for foreign feed grain needs. The amendment requires the U.S. Government to honor the sanctity of all agricultural commodity export contracts except during periods a of declared national emergency or war.

The future of American agriculture lies in aggressive market development, but a strategy of market development can never succeed with the specter of the Federal Government hovering over the market every time it believes food can be used to achieve foreign policy objectives.

Mr. President, the United States has imposed at least for major grain embargoes since 1973, either for domestic political reasons or for foreign policy—national security reasons. Aside from their obvious impact in preventing new sales, the embargoes have seriously damaged U.S. agriculture.

First, when embargoes have been imposed, the Federal Government severed outstanding commercial export contracts forcing large amounts of previously sold grain and oilseeds back on the domestic and international markets. The impact of the contract severance has caused a precipitous decline in the prices farmers receive and an enormous increase in Federal outlays.

Second, the greatest cost of the embargoes, in the opinion of many observers, has been the fact that foreign buyers no longer consider the United States a reliable supplier of commodities. Only the United States has acted to sever outstanding commercial contracts. Even the U.S.S.R. has respected commercial contractual obligations. Today, many of our important foreign buyers, even our allies, are increasingly questioning whether the United States will honor its contractual commitments.

Adoption of this amendment would not only assure our trading partners that all agricultural commodity export contracts would be honored, except under the most dire circumstances; it would encourage the Soviet Union to buy its feed grain needs on a consistent basis if it wanted to guarantee the delivery of its purchases.

Mr. President, 2 years ago, on January 4, 1980, President Carter announced that he would embargo all grain sales to the Soviet Union to punish that country for its invasion of Afghanistan.

At the time President Carter made his announcement, I was traveling around the rural areas of our State. I am sure that my colleagues heard the same message I did. Almost to a person, Minnestoa farmers told me how much the grain embargo would hurt, but that they were willing to support the action because they wanted to help the country.

Their courage was overwhelming. These were the same farmers who, in the preceding year, 1979, suffered through a drought, a crippling strike at the Duluth Port, railroad failures and a truckers strike. Also 1979 was a year in which prices dropped so low that the results of a year's work lay piled on farms and elevators.

President Carter's embargo did exact its toll on Minnesota farmers. In fact, there is considerable evidence that they are still paying the price. There is no doubt that another embargo would be devastating to the agriculture community that is already devastated by low prices and soaring production costs. While the rest of the country is suffering through a recession, farmers are in a depression.

If anyone has any doubt about that, they should spend time with me in Minnesota. Time and again, I hear the same stories: interest rates have dried up the farmers' sources of borrowing; commodity prices are lower today than they were last year; foreign markets are silent; on-farm storage capacity is nonexistent; and production costs keep going up.

That should be reason enough to oppose the use of food as a weapon. But I know Minnesota farmers. They would tighten their belts another notch or two and rally to support their President and their country if asked to.

The sad truth, though, is that American farmers have already tightened their belts so much that they are choking. Another embargo may win a battle, but I am afraid we would lose the war by losing the American farmer.

Mr. President, the use of food as a weapon is bad policy. Despite America's immense market power, we simply cannot embargo the world. Competitors such as Brazil, Argentina, and the EEC have the resources to increase production and move into the markets we vacate. We must also recognize the near impossibility of monitoring the actions of those who purchase American grain and pass it through the embargoed nations.

To put it simply, we do not have an OPEC of grain and the United States cannot go it alone.

Beyond the difficulty of imposing an agricultural embargo, there is a more fundamental reason to oppose the use of food as a weapon. Food embargoes punish people, not the governments whose actions we are trying to change. The success of food embargoes depends on the ability of the people in the embargoed nations to change the attitudes and policies of their government.

Would the voice of a Russian peasant—of even a thousand or a million Russian peasants—be heard in the Kremlin? I doubt it. History has taught us that a totalitarian government will change its policies only when change is in the best interests of the government.

Mr. President, earlier this year I held hearings on the economy in Minnesota. I want to share with this Senate the testimony I received from Jerry Benz, a farmer in Martin County, Minn. Jerry said:

Our problems seem to stem from the fact we have been encouraged by past administrations and the current administration to produce more and more efficiently and rely less and less on government support. I cannot argue with that position. It can be made to work.

However, if we are to compete in the free market we have to be allowed a free market. In effect, past administrations and currently the present administration have determined they will use food as a weapon in determining policies. I cannot be expected to raise a crop and compete with world markets if this is going to be the case. If the government continues to pursue this policy we may be better off removing farm programs from the Department of Agriculture and putting them in the Defense Budget, because that is what we are doing. We are supplying weapons in much the same manner Lockheed does. They are guaranteed costs plus a percent. If the government is going to continue to pursue this policy of using food as a weapon we should have the same guarantees.

Mr. President, Jerry Benz is painting a detailed picture of the American farmer's situation: The Government tells the farmers to produce as much as possible, but then robs them of their markets.

The American farmers are saying to the Government, "Let us produce freely and let us market freely. If food is to be used as a weapon, then put the farmer in the defense budget and give him the same opportunities and benefits as any other defense contractor."

Mr. President, we know that is not the answer. The answer is simply this:

No more food embargoes. The legislation we introduce today is a step toward that answer.

This amendment has been discussed with the committee, and I understand there is no objection to the amendment.

Mr. LUGAR. We are pleased to accept this amendment.

Mr. President, I support the amendment of the Senator from Minnesota. This amendment is, in fact a hybrid of the bills which Senator DURENBERGER and I have introduced. I am pleased to join him in offering this amendment to restore some certainty and stability to the deteriorating U.S. agricultural export market.

This contract sanctity legislation would prevent any President from imposing restrictions upon the export of agricultural commodities that would interfere with existing export contracts, provided the contract agreemant was entered into prior to the time such export restrictions are imposed.

Earlier this year, I introduced S. 2357, and Senator DURENBERGER introduced S. 2410. Both bills called for enactment of some form of contract sanctity. On July 29, I chaired a hearing before the Senate Banking Committee's International Finance Subcommittee on this issue. From testimony received, I believe this amendment effectively incorporates the provisions of these two bills, and accommodates the needs of our agricultural sector as well as the needs of those concerned with the foreign policy aspects of this legislation.

Senators undoubtedly are well aware of the lasting damage to the farm economy caused by President Carter's grain embargo on the Soviet Union. Following the announcement of that embargo, the Government prohibited delivery of 18.3 million metric tons of previously contracted grain shipments to the Soviet Union. A study by Schnittker Associates estimated the cost of this action as follows:

A loss of $11.4 billion in output of goods and services.

Reduced employment equivalent to 310,000 workers.

A reduction in personal income of $3.1 billion.

Aside from the loss of the Soviet market, the lasting damage to the overall U.S. agricultural export market cannot be overemphasized. Prior to the embargo, the U.S. share of growth in the world market was 76 percent; following the embargo, that share has been only 54 percent. In 1982, farm exports are expected to decline by 4 percent, ending a 15-year growth trend.

One in three farm acres in this country grows crops for export. Without a healthy export economy, the American farm sector will continue to be in poor shape. We must pursue farm exports in a highly competitive world market, a market in which consistency and reliability are major factors in securing foreign business. Nations which import food simply cannot afford to take chances with uncertain suppliers.

We offer this amendment in order to provide the world this vital reassurance about American intentions to be a reliable agricultural supplier. The amendment provides that no restrictions shall be imposed on valid contracts for a period of 9 months following the announcement of export restrictions, except under the most extreme situations.

The amendment allows the President to impose export restrictions. It does not take away his right to declare an embargo. It simply makes clear that contracts once entered into will not be broken. This is the least assurance that we as a government can provide.

This amendment has the endorsement of virtually every major farm group, all grain exporting companies, as well as the National Governors Association. It will not add a single dollar to the Federal budget. We hope you choose to support our efforts.

Mr. HUDDLESTON. Mr. President, I am pleased to join my colleagues in sponsoring this amendment. It will help to increase agricultural exports, improve the farm economy, and restore the reputation of the United States as a reliable supplier of agricultural commodities to world markets.

The United States is the world's predominant exporter of food and food products; and our agricultural exports are of immense benefit to U.S. farmers, the economy of the United States, and the people of the world. But, in the past 9 years, inconsistencies in our export policies relating to food and food products have threatened the reputation of the United States as a reliable supplier of agricultural commodities. Our ability to compete effectively for an even larger share of the world's commodity markets has been reduced.

It is essential that Congress establish a clear policy with regard to exports of U.S. food and food products. It is important for our farmers, those who market our crops, and those at home and abroad who buy U.S. produced food and food products.

While the President has declared that farm exports would not be used as an instrument of foreign policy except in extreme situations and only as a part of a broader embargo, Congress must clarify the United States longer run agricultural export policy and eliminate the uncertainty that has arisen with respect to our commitment to deliver U.S. agricultural commodities.

This legislation would prohibit the Government of the United States from nullifying contracts providing for delivery of agricultural products to export customers within 270 days after the announcement of a trade suspension. This assurance, to buyers of U.S. agricultural commodities, that delivery will occur is needed. Only in instances where the President declares a national emergency or Congress declares a state of war could trade be abruptly suspended.

The legislation would not hamper the ability of the President to carry out American foreign policy. It would give the Secretary of Agriculture time to propose changes in domestic agricultural policies, and thereby prevent commodities from clogging market pipelines and depressing farm prices.

At this time, there is a suspension in trade affecting contracts for delivery of nonagricultural commodities. But our recent experience with embargoes of agricultural commodities has demonstrated their relative ineffectiveness as a foreign policy instrument. Enactment of this legislation would be consistent with both our foreign policy and a sound agricultural trade policy.

This legislation is needed to reestablish the position of the United States as a reliable supplier of agricultural products. Our national reputation as a reliable supplier should not be questioned. I would note that it appears that the Soviet Union will take less than 14 million metric tons of grain during the current marketing year—some 9 million tons less than we have offered during this sixth year of the U.S.-U.S.S.R. grain agreement. Similiarly, the Japanese in 1974, following the Nixon embargo began to look to other countries for an increased percentage of their agricultural imports. We should act to discourage our foreign customers from considering other services.

Mr. President, this legislation will go a long way to reestablish our reputation as a reliable supplier of agricultural commodities in world markets. I ask my colleagues to join in cosponsoring this measure and in seeking its passage.

Mr. COCHRAN. Mr. President, will the Senator yield?

Mr. DURENBERGER. I yield.

Mr. COCHRAN. Mr. President, I am pleased to join in cosponsoring this amendment to assure our foreign customers that the United States is a reliable supplier.

Several embargoes during the last decade have raised questions in the minds of our foreign customers about whether or not the United States will deliver when contracts have been agreed upon.

This has encouraged them to seek alternative sources of supply. The most dramatic example was the rapid increase in the production of soybeans in Brazil following the 1973 embargo.

Today Brazil is a major competitor or ours in the world soybean market.

When Congress rewrote the farm bill last year we addressed this problem by putting a substantial financial penalty on the Government if agricultural products are singled out for export suspension.

This provision has helped to assure our farmers that if an embargo or suspension is imposed that their interest will be addressed. However, in my opinion, it has not helped the confidence of our foreign customers. They still question whether or not we will deliver on sales contracts executed.

Mr. Presdient, I believe this amendment will show our resolve to meet our obligations short of the President declaring a state of national emergency or Congress declaring war.

This is a positive step in the right direction. We must seek every opportunity to reduce the large stocks of agricultural products and I can think of no better way to do that than to expand our exports.

For every $1 billion in agricultural exports about 26,000 jobs are created in this country. We cannot afford to sit idly by with agricultural prices at rock bottom and unemployment high. Every effort must be made to return health to our economy and there is no better place to start than agriculture.

After all, the agricultural economy is the Nation's largest employer. When it is in financial trouble the Nation is in financial trouble.

I urge my colleagues to join me in support of this amendmnent as a start toward regaining the confidence we once enjoyed in the world market and returning economic strength to our farm sector.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senator from Georgia (Mr. MATTINGLY) be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the record be left open so other Senators may be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I yield to the Senator from North Carolina.

CONTRACT SANCTITY MEANS INCREASED U.S. AGRICULTURAL EXPORTS

Mr. HELMS. Mr. President, the amendment by Senator DURENBURGER represents good business practice. I support this amendment because I know how seriously the farm export sector has suffered as a result of past embargoes and threats of embargoes. Farm prices in this country continue to be affected by global good weather, increased foreign competition and subsidization, past restrictions on trade and depressed demand.

The intent of this amendment is to regain the image of a reliable supplier of agricultural commodities in foreign markets for the United States, but in a manner that does not impinge upon the President's authority to conduct foreign policy. The President would be able to cut across contracts in the event of a national emergency or a declaration of war by Congress.

Mr. President, I know of no other issue of more importance to the U.S. farm community than unfettered access to foreign markets. Countless number of American farmers have told me time and time again that they are in favor of reduced governmental influence and supports for agriculture. Most farmers recognize now that we are in the situation that prevailed during the late 1950's and through most of the 1960's when farmers were guided by price support levels versus market prices. The wheat and corn reserves have taken on a new role of exerting downward pressure on prices. Unprecedented levels of funds of the Commodity Credit Corporation are tied up in commodity support programs with the likelihood that the Federal Government will ultimately end up owning enormous amounts of U.S. grain.

The vast majority of farmers have told me that, since they wish to produce for the marketplace versus governmental support levels, their access to foreign markets must be unencumbered. In other words, Mr. President, if U.S. farmers are not permitted access to foreign markets, then they must look to the U.S. Government to absorb the surplus that would otherwise enter foreign market channels.

The oversupply situation in agricultural commodities has caused the United States to revert to such acreage reduction measures as paid diversions for wheat, feedgrains, cotton, and rice. However, our trading partners such as Canada, Australia, and Argentina have continued to expand their acreage for wheat and feedgrains. These same nations have signed long-term agreements for grain sales with the Soviet Union and other agricultural importing nations since the Carter embargo of 1980.

Adding insult to injury, the European Economic Community and others continue to subsidize their agricultural surpluses on the foreign market to the detriment of the United States and other free-market trading nations.

I congratulate my colleagues for their efforts to renew the reliable supplier image for the United States. Our farmers must be permitted to export unless the foreign policy interests of the United States would become jeopardized. Otherwise, our Nation faces the reality of increased governmental interference in the market or substantial retrenchment of our efficient agricultural plant.

Mr. DIXON. Mr. President, I rise to cosponsor this effort which I enthusiastically support.

Mr. President, American Presidents, both Democratic and Republican, have imposed three embargoes of agricultural commodities in recent years. That is far too many and demonstrates the need for a change in the law to prevent excessive use of embargoes of agricultural commodities in the future.

Agriculture is our largest exporter; agricultural exports constitute about 20 percent of all U.S. exports—over $40 billion in 1982. But agricultural exports are not only important to the American economy, exports are also vital to the health and financial well-being of the American farmer. Approximately one-third of all U.S. farm production is devoted to exports, making it clear that the loss of export markets would have devastating results.

I was pleased, last year, to offer legislation, along with my senior colleague from Illinois, Senator PERCY, designed to insure that American agriculture would no longer be singled out in the future to bear a disproportionate share of the burden made necessary by difficult foreign policy decisions. My amendment would have prohibited restrictions on the export of agricultural products to any country for foreign policy reasons, unless the embargo was in conjunction with an across-the-board ban on all trade with a country, or unless Congress adopted a joint resolution approving the restrictions.

That amendment was adopted by the Senate by a vote of 66 to 20. Unfortunately, it did not survive the House-Senate conference on the Export Administration Act amendments. I continue to believe that this change is necessary, however. I continue to believe Congress must act to change the law to insure that embargoes are only used when absolutely necessary.

I am pleased to be a cosponsor of this amendment designed to help achieve that goal. This amendment prohibits the imposition of any restrictions on the export of agricultural commodities which interfere with valid contracts entered into before the imposition of export controls, if the agricultural commodities are delivered within 270 days from the time controls are imposed.

I think this is a badly needed change. I think we must do all we can to insure that this specter of embargo is lifted from the farm community. Farm income is at depression levels; agricultural commodity prices are depressed. And part of the reason is the lack of certainty that an agricultural

embargo will not be imposed in the near future.

I hope today's action will be the beginning of a comprehensive reexamination of our trade policy. We need to insure that the future will be different than the past—that excessive use of agricultural embargoes will cease. We also need to insure that embargoes of other commodities are well thought out, necessary, and workable, before they are imposed. All too often, trade policy results in damaging American manufacturers—American businesses, including agriculture and suppliers of agricultural products—while not working effectively against the country at which they are aimed. We damage our relations with our own allies, and create an image of unreliability as a supplier in world markets. The result is that, increasingly, the United States is the supplier of last resort. We only get business that no one else can handle.

It should be remembered, however, that most of what we produce is not unique. American wheat can be, and was, replaced in part by Argentine wheat when we last embargoed the Soviets. Caterpillar tractors can be, and are being, replaced by Japanese tractors, when we refused to permit the sale. World markets are increasingly competitive; we ignore that fact at our own peril.

We need exports, a larger volume of exports, to help restore our economy to health. Every $1 billion in exports means 30,000 jobs, jobs that we cannot afford to lose because of the lack of a well-coordinated, well-thought-out trade policy.

American agriculture has been the victim of poor trade policy in the past. Today is the beginning of the process that will insure that needed changes are made. I believe agriculture can and will point the way toward needed reform across the spectrum of trade policy.

Mr. DURENBERGER. Mr. President, I move passage of the amendment.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. DURENBERGER. Mr. President, I yield back my time.

Mr. LUGAR. Mr. President, I yield back the remainder of my time.

Mr. HUDDLESTON. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Minnesota.

The amendment (UP No. 1381) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HUDDLESTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 1382

(Purpose: To make certain minor amendments to the Futures Trading Act of 1982)

Mr. LUGAR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Indiana (Mr. LUGAR) for himself, Mr. HELMS, and Mr. HUDDLESTON proposes an unprinted amendment numbered 1382.

Mr. LUGAR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 80, line 19, immediately after the word "margin", insert the following: "and except those that the Commission may specify by regulation".

On page 88, line 5, strike the quotation marks and the second period.

On page 88, between lines 5 and 6, insert the following: "This subsection shall not apply to Congressional subpenas or Congressional requests for information."

On page 112, after line 16, insert the following new section:

"EFFECTIVE DATE

"SEC. 32. This Act shall be effective upon the date of enactment of this Act, except that sections 9, 14, and 28 of this Act shall be effective 120 days after the date of enactment of this Act, or such earlier date as the Commodity Futures Trading Commission shall prescribe by regulation."

Mr. LUGAR. Mr. President, this amendment makes three amendments to the Futures Trading Act of 1982 to take care of problems which were discovered after the bill was reported by the committee.

The first amendment would give the Commission authority to exempt categories of exchange rules from the requirement that all such rules be submitted to the Commission for its review. Under this amendment, the Commission could exempt exchanges from submitting minor operating or other kinds of rules to the Commission. For example, some exchanges have rules establishing employee dress codes and employee commendation procedures. As S. 2109 is presently drafted, these rules would have to be submitted to the Commission for its review. If this amendment is adopted, however, the Commission could issue regulations which would exempt the dress code, employee commendation and other similar rules from having to be submitted to the Commission.

The second amendment provides that the new procedures covering the Commission's response to subpenas and summonses shall not apply to congressional subpenas or requests for information. Under the bill, the Commission could not disclose information in its possession pursuant to a subpena or summons until it has mailed a copy of the subpena or summons to the last known address of the person who submitted the information and 14 days had expired from the date of the mailing. The exception provided in the amendment is necessary because Congress often needs to obtain information from the Commission on relatively short notice and could be inhibited from doing so if this exception is not made.

The third amendment delays the effective date of the reparations provision and certain of the registration provisions in S. 2109 for a maximum of 120 days after enactment. The amendment would also give the Commission discretion to make any or all of these provisions effective at some point within the 120-day period, should it choose to do so.

The new registration provisions would require that certain unregistered persons presently employed in the commodities industry register with the Commission. These provisions would also make it unlawful to employ any of these persons in their present positions if they are not registered with the Commission.

The Commission will not be able to register these persons until regulations are issued and registration procedures are developed. The 120-day delay period will permit these persons to continue to work in their present jobs while going through the registration process, without causing their employers to violate the act.

The Futures Trading Act of 1982 will also repeal a number of the statutory procedural provisions applicable to the Commission's reparations program and will give the Commission the authority to establish new streamlined reparations procedures through regulations. This amendment gives the Commission the time needed to prepare, publish, and put into place the regulations spelling out the new reparations procedures prior to the repeal of the existing statutory procedures.

If this amendment is not adopted, the existing reparations provisions will be deleted before the new provisions are in place and all pending reparations cases may be stalled until the new procedures are formally adopted. It is also unclear whether any new reparations cases could be filed until such time as the new procedures are formally adopted.

As I mentioned previously, these amendments take care of problems which were discovered after the bill was reported by the committee. The Commission favors the adoption of these amendments. I do not believe there is any opposition to them.

Mr. President, I yield to the distinguished chairman of our committee.

Mr. HELMS. Mr. President, are there further amendments?

May I ask if the technical amendments have been adopted as yet?

The PRESIDING OFFICER. If Senators will yield back their time.

Mr. LUGAR. Mr. President, we yield back our time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana.

The amendment (UP No. 1382) was agreed to.

Mr. HELMS. Mr. President, will the Chair bear with us?

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum called rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 1383

(Purpose: To add a provision to the bill requiring the conduct of a study on insider trading in the commodity futures markets)

Mr. HUDDLESTON. Mr. President, on behalf of the distinguished Senator from Montana (Mr. MELCHER), who necessarily had to be absent at this particular time, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kentucky (Mr. HUDDLESTON) for Mr. MELCHER proposes an unprinted amendment No. 1383.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

"INSIDER TRADING STUDY

"SEC. 32. (a) The Commodity Futures Trading Commission shall conduct a study to determine (1) the extent of insider trading of futures contracts on contract markets subject to regulation under the Commodity Exchange Act and (2) whether such trading is, or can be (in reasonably anticipated circumstances), connected with—

(A) excessive speculation or manipulation or improper control of the futures markets, or

(B) improper activities with respect to the establishment of cash prices for the commodities involved.

The Commission shall complete the study and report its findings to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate within 6 months after the date of enactment of this Act.

"(b) As used in subsection (a) of this section, the term 'insider trading' means trading by an individual who has access to material information, not generally available to the public, about present or anticipated cash or futures trading activity or positions (to which the individual is not a party) in any commodity, in cases in which such trading activity or positions are in amounts at or above reporting levels fixed by the Commodity Futures Trading Commission under section 4i of the Commodity Exchange Act.".

Mr. HUDDLESTON. Mr. President, this amendment just calls for a study of inside traders in the market. It has been cleared on both sides of the aisle.

I yield back the remainder of my time and ask for its passage.

Mr. HELMS. Mr. President, I yield back the remainder of our time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky.

The amendment (UP No. 1383) was agreed to.

Mr. HUDDLESTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, I support the enactment of both H.R. 6156 and S. 2109 and agree completely with the remarks of the distinguished ranking minority member of the Committee on Agriculture, Nutrition, and Forestry.

It is my understanding that under existing law, as interpreted by the Seventh Circuit Court of Appeals in Chicago Board of Trade against SEC., options on commodities that may also be securities are subject to the exclusive regulatory jurisdiction of the CFTC and are currently prohibited under the Commodity Exchange Act. It is the ultimate purpose of the CFTC-SEC jurisdictional accord, as reflected in H.R. 6156 and S. 2109, to authorize the SEC to regulate trading in options on Government issued debt securities, even if those securities fall within the definition of "commodity" under the Commodity Exchange Act. Since S. 2109 would amend the Commodity Exchange Act, while H.R 6156 amends the Federal securities laws, enactment of S. 2109 is essential in overturning the seventh circuit's decision and authorizing the SEC to regulate these options. Therefore, I anticipate that all parties affected will support enactment of both H.R. 6156 and S. 2109 to accomplish the purpose of the CFTC-SEC accord.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. HELMS. Mr President, I ask unanimous consent that we proceed to the consideration of Calendar Order No. 873, H.R. 5447, the companion House bill.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 5447) to extend the Commodity Exchange Act, and for other purposes.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. HELMS. Mr. President, I move to strike all after the enacting clause of H.R. 5447 and to substitute in lieu thereof the text of S. 2109, as amended by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Carolina.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 5447), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 5447) entitled "An Act to extend the Commodity Exchange Act, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "Futures Trading Act of 1982".

DEFINITIONS

SEC. 2. Section 2(a) of the Commodity Exchange Act (7 U.S.C. 2, 4) is amended—

(1) by redesignating subsection (a)(1) as subsection (a)(1)(A);

(2) by inserting immediately after the sentence defining the term "futures commission merchant" in subsection (a)(1)(A), as so redesignated, a new sentence to read as follows: "The term 'introducing broker' shall mean any person, except an individual who elects to be and is registered as an associated person of a futures commission merchant, engaged in soliciting or in accepting orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market who does not accept any money, securities, or property (or extend credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom."; and

(3) by amending the definition of the term "commodity trading advisor" in subsection (a)(1)(A), as so redesignated, to read as follows: "The term 'commodity trading advisor' shall mean any person who, for compensation or profit, engages in the business of advising others, either directly or through publications, writings, or electronic media, as to the value of or the advisability of trading in any contract for future delivery of a commodity made or to be made on or subject to the rules of any contract market, any commodity option authorized under section 4c, or any leverage transaction authorized under section 19 of this Act, or who, for compensation or profit, and as part of a regular business, issues or promulgates analyses or reports concerning any of the foregoing; but such term does not include (i) any bank or trust company, (ii) any news reporter, news columnist, or news editor of the print or electronic media, or any lawyer, accountant, or teacher, (iii) any floor broker or futures commission merchant, (iv) the pub-

lisher or producer of any print or electronic data of general and regular dissemination, including its employees, (v) the fiduciary of any defined benefit plan which is subject to the provisions of the Employee Retirement Income Security Act of 1974, (vi) any contract market, and (vii) such other persons not within the intent of this definition as the Commission may specify by rule, regulation, or order: Provided, That the furnishing of such services by the foregoing persons is solely incidental to the conduct of their business or profession: Provided further, That the Commission, by rule or regulation, may include within this definition, any person advising as to the value of commodities or issuing reports or analyses concerning commodities, if the Commission determines that such rule or regulation will effectuate the purposes of this provision.".

JURISDICTIONAL ACCORD WITH THE SECURITIES AND EXCHANGE COMMISSION

SEC. 3. (a) Section 2(a)(1)(A) of the Commodity Exchange Act (7 U.S.C. 2, 4), as redesignated by section 2 of this Act, is amended by inserting in the third sentence the words ", except to the extent otherwise provided in subparagraph (B) of this paragraph," after the words "exclusive jurisdiction".

(b) Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2, 4) is amended by adding a new subparagraph (B) to read as follows:

"(B) Notwithstanding any other provision of law—

"(i) This Act shall not apply to and the Commission shall have no jurisdiction to designate a board of trade as a contract market for any transaction whereby any party to such transaction acquires any put, call, or other option on one or more securities (as defined in section 2(1) of the Securities Act of 1933 or section 3(a)(10) of the Securities Exchange Act of 1934 on the date of enactment of the Futures Trading Act of 1982), including any group or index of such securities, or any interest therein or based on the value thereof.

"(ii) This Act shall apply to and the Commission shall have exclusive jurisdiction with respect to accounts, agreements (including any transaction which is of the character of, or is commonly known to the trade as, an 'option', 'privilege', 'indemnity', 'bid', 'offer', 'put', 'call', 'advance guaranty', or 'decline guaranty') and transactions involving, and may designate a board of trade as a contract market in, contracts of sale (or options on such contracts) for future delivery of a group or index of securities (or any interest therein or based upon the value thereof): Provided, That no board of trade shall be designated as a contract market with respect to any such contracts of sale (or options on such contracts) for future delivery unless the board of trade making such application demonstrates and the Commission expressly finds that the specific contract (or option on such contract) with respect to which the application has been made meets the following minimum requirements:

"(I) Settlement of or delivery on such contract (or option on such contract) shall be effected in cash or by means other than the transfer or receipt of any security, except an exempted security under section 3 of the Securities Act of 1933 or section 3(a)(12) of the Securities Exchange Act of 1934 as in effect on the date of enactment of the Futures Trading Act of 1982 (other than any municipal security, as defined in section 3(a)(29) of the Securities Exchange Act of 1934 on the date of enactment of the Futures Trading Act of 1982);

"(II) Trading in such contract (or option on such contract) shall not be readily susceptible to manipulation of the price of such contract (or option on such contract), nor to causing or being used in the manipulation of the price of any underlying security, option on such security, or option on a group or index including such securities; and

"(III) Such group or index of securities shall be predominately composed of the securities of unaffiliated issuers and shall be a widely published measure of, and shall reflect, the market for all publicly traded equity or debt securities or a substantial segment thereof, or shall be comparable to such measure.

"(iii) Upon application by a board of trade for designation as a contract market with respect to any contract of sale (or option on such contract) for future delivery involving a group or index of securities, the Commission shall provide an opportunity for public comment on whether such contract (or option on such contract) meets the minimum requirements set forth in subparagraph (ii) hereof, and shall consult with the Securities and Exchange Commission with respect to such designation. If, within fifteen days following the close of the public comment period, the Securities and Exchange Commission shall object to the designation of a board of trade as a contract market in such contract (or option on such contract) on the ground that any minimum requirement of subparagraph (ii) hereof is not met, the Commission shall afford the Securities and Exchange Commission an opportunity for an oral hearing, to be transcribed, before the Commission, and shall give appropriate weight to the views of the Securities and Exchange Commission. Such oral hearing shall be held after the public comment period, prior to Commission action upon such designation, and not less than thirty nor more than forty-five days after the close of the public comment period, unless both the Commission and the Securities and Exchange Commission otherwise agree. In the event that such an oral hearing is held and the Securities and Exchange Commission fails to withdraw its objections, and the Commission issues an order designating a board of trade as a contract market with respect to any such contract (or option on such contract), the Securities and Exchange Commission shall have the right of judicial review of such order in accordance with the standards of section 6(b) of this Act. In the event that, pursuant to section 6 of this Act, there is a hearing on the record with respect to such application for designation, the Securities and Exchange Commission shall have the right to participate in that hearing as an interested party.

"(iv) No person shall offer to enter into, enter into, or confirm the execution of any contract of sale (or option on such contract) for future delivery of any security, or interest therein or based on the value thereof, except an exempted security under section 3 of the Securities Act of 1933 or section 3(a)(12) of the Securities Exchange Act of 1934 as in effect on the date of enactment of the Futures Trading Act of 1982 (other than any municipal security as defined in section 3(a)(29) of the Securities Exchange Act of 1934 on the date of enactment of the Futures Trading Act of 1982); or except as provided in subparagraph (ii) hereof, any group or index of such securities or any interest therein or based on the value thereof.".

(c) Section 4c of the Commodity Exchange Act (7 U.S.C. 6c) is amended by adding a new subsection (f) to read as follows:

"(f) Nothing in this Act shall be deemed to govern or in any way be applicable to any transaction in an option on foreign currency traded on a national securities exchange.".

(d) Section 4m of the Commodity Exchange Act (7 U.S.C. 6m) is amended—

(1) by inserting "(1)" immediately following the section designation; and

(2) by adding a new subsection (2) to read as follows:

"(2) Nothing in this Act shall relieve any person of any obligation or duty, or affect the availability of any right or remedy available to the Securities and Exchange Commission or any private party arising under the Securities Act of 1933 or the Securities Exchange Act of 1934 governing the issuance, offer, purchase, or sale of securities of a commodity pool, or of persons engaged in transactions with respect to such securities, or reporting by a commodity pool.".

(e) Paragraph (6) of section 8a of the Commodity Exchange Act (7 U.S.C. 12a(6)) is amended—

(1) by inserting the words "registered futures association, or self-regulatory organization as defined in section 3(a)(26) of the Securities Exchange Act of 1934," before the word "notwithstanding";

(2) by striking out the word "and" before the word "consumers" and inserting in lieu thereof a comma; and

(3) by inserting the following before the semicolon: "or investors or which is necessary or appropriate to effectuate the purposes of this Act: Provided, That any information furnished by the Commission under this paragraph shall not be disclosed by such contract market, registered futures association, or self-regulatory organization except in any self-regulatory action or proceeding".

PERSONNEL RESTRICTIONS

SEC. 4. Section 2(a)(7) of the Commodity Exchange Act (7 U.S.C. 4a(f)) is amended—

(1) by striking out "(A)" after the paragraph designation; and

(2) by striking out subparagraph (B) in its entirety.

LEGISLATIVE FINDINGS

SEC. 5. Section 3 of the Commodity Exchange Act (7 U.S.C. 5) is amended to read as follows:

"SEC. 3. Transactions in commodities involving the sale thereof for future delivery as commonly conducted on boards of trade and known as 'futures' are affected with a national public interest; such transactions are carried on in large volume by the public generally and by persons engaged in the business of buying and selling commodities and the products and byproducts thereof in interstate commerce; the prices involved in such transactions are generally quoted and disseminated throughout the United States and in foreign countries as a basis for determining the prices to the producer and the consumer of commodities and the products and byproducts thereof and to facilitate the movements thereof in interstate commerce; such transactions are utilized by shippers, dealers, millers, and others engaged in handling commodities and the products and byproducts thereof in interstate commerce as a means of hedging themselves against possible loss through fluctuations in price; the transactions and prices of commodities on such boards of trade are susceptible to excessive speculation and can be manipulated, controlled, cornered, or squeezed, to the det-

riment of the producer or the consumer and the persons handling commodities and the products and byproducts thereof in interstate commerce, rendering regulation imperative for the protection of such commerce and the national public interest therein. Furthermore, transactions which are of the character of, or are commonly known to the trade as, 'options' and which are or may be utilized by commercial and other entities for purposes of risk shifting are in interstate commerce or affect such commerce and the national economy, rendering regulation of such transactions imperative for the protection of such commerce and the national public interest.".

UNLAWFUL FUTURES TRADING, FOREIGN FUTURES

SEC. 6. Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended—

(1) by inserting "(a)" immediately following the section designation;

(2) by striking out all those words following the word "to" the first time it occurs through and including the words "as hereinafter provided," and inserting in lieu thereof the following: "offer to enter into, to enter into, to execute, to confirm the execution of, or to conduct any office or business anywhere in the United States or its territories or possessions for the purpose of soliciting or accepting any order for, or otherwise dealing in, any transaction in, or in connection with, a contract for the purchase or sale of a commodity for future delivery (other than a contract which is made on or subject to the rules of a board of trade, exchange, or market located outside the United States, its territories or possessions) unless: (1) such transaction is conducted on or subject to the rules of a board of trade which has been designated by the Commission as a contract market for such commodity, (2) such contract is executed or consummated by or through a member of such contract market,";

(3) by striking out the word "if" the first time it occurs and inserting in lieu thereof "(3)";

(4) by striking out the word "board" after the words "Provided, That each" and inserting in lieu thereof the words "contract market"; and

(5) by adding a new subsection (b) to read as follows:

"(b) The Commission may adopt rules and regulations proscribing fraud and requiring minimum financial standards, the disclosure of risk, reporting, the keeping of books and records, the safeguarding of customers' funds, and registration with the Commission by any person located in the United States, its territories or possessions, who engages in the offer and sale of any contract of sale of a commodity for future delivery which is made or to be made on or subject to the rules of a board of trade, exchange, or market located outside the United States, its territories or possessions. Such rules and regulations may impose different requirements for such persons depending upon the particular foreign board of trade, exchange, or market on which such contracts are made. No rule or regulation may be adopted by the Commission under this subsection that (1) requires Commission approval of any contract, rule, regulation, or action of any foreign board of trade, exchange, or market, or clearinghouse for such board of trade, exchange, or market, or (2) governs in any way any rule or contract term or action of any foreign board of trade, exchange, or market, or its clearinghouse.".

SPECULATIVE LIMITS

SEC. 7. Section 4a of the Commodity Exchange Act (7 U.S.C. 6a) is amended—

(1) by striking out the word "order's" in subsection (2);

(2) by striking out the first semicolon in subsection (2) and inserting in lieu thereof the words "of the rule, regulation, or order";

(3) by inserting the words "rule, regulation, or" before the word "order" wherever it occurs;

(4) by striking out the words "within one hundred and eighty days after the effective date of the Commodity Futures Trading Commission Act of 1974" in subsection (3);

(5) by inserting the words ", introducing broker," after the words "futures commission merchant" and by striking out the word "as" before the words "a floor broker" in the first sentence of subsection (4); and

(6) by adding a new subsection (5) to read as follows:

"(5) Nothing in this section shall prohibit or impair the adoption by any contract market, or by any other board of trade licensed or designated by the Commission, of any bylaw, rule, regulation, or resolution fixing limits on the amount of trading which may be done or positions which may be held by any person under contracts of sale of any commodity for future delivery traded on or subject to the rules of such contract market, or under options on such contracts or commodities traded on or subject to the rules of such contract market or such board of trade: Provided, That if the Commission shall have fixed limits under this section for any contract or under section 4c of this Act for any commodity option, the bylaws, rules, regulations, and resolutions adopted by such contract market or such board of trade shall not be higher than the limits fixed by the Commission except with the approval of the Commission. It shall be unlawful for any person to violate any bylaw, rule, regulation, or resolution of any contract market or other board of trade licensed or designated by the Commission fixing limits on the amount of trading which may be done or positions which may be held by any person under contracts of sale of any commodity for future delivery, or under options on such contracts or commodities, if such bylaw, rule, regulation, or resolution has been approved by the Commission: Provided, That the provisions of section 9(c) of this Act shall not apply unless the violation was in furtherance of an attempt to manipulate, corner, or squeeze a market.".

REPEAL OF THE BAN ON OPTIONS TRADING IN AGRICULTURAL COMMODITIES

SEC. 8. Section 4c of the Commodity Exchange Act (7 U.S.C. 6c) is amended—

(1)(A) by inserting "or" at the end of clause (A) of subsection (a);

(B) by striking out clause (B) of subsection (a); and

(C) by redesignating clause (C) of subsection (a) as clause (B);

(2) in subsection (b), by striking out the following phrases: (A) "subject to the provisions of subsection (a) of this section", (B) ", but not specifically set forth in section 2(a) of this Act, prior to the enactment of the Commodity Futures Trading Commission Act of 1974,", and (C) "within one year after the effective date of the Commodity Futures Trading Commission Act of 1974 unless the Commission determines and notifies the Senate Committee on Agriculture, Nutrition, and Forestry and the House Committee on Agriculture that it is unable to prescribe such terms and conditions within such period of time"; and

(3) in subsection (c), by striking out "but not specifically set forth in section 2(a) of this Act prior to the enactment of the Commodity Futures Trading Commission Act of 1974,".

INTRODUCING BROKER; REGISTRATION REQUIREMENT

SEC. 9. Section 4d of the Commodity Exchange Act (7 U.S.C. 6d) is amended—

(1) by inserting the words "or introducing broker" after the words "futures commission merchant" in the introductory clause of section 4d;

(2) by inserting the words "or introducing broker" after the words "futures commission merchant" in paragraph (1); and

(3) by inserting the words "if a futures commission merchant," after the words "such person shall," in paragraph (2).

REGISTRATION PROCEDURE; TECHNICAL AMENDMENT

SEC. 10. Section 4f of the Commodity Exchange Act (7 U.S.C. 6f) is amended—

(1) by amending subsection (1)—

(A) by inserting the words ", introducing broker," after the words "futures commission merchant" the first time they occur in the first sentence;

(B) by striking out the word "as" before the words "floor broker" in the first sentence;

(C) by inserting the words "and introducing brokers" after the words "of applications of futures commission merchants" in the first sentence;

(D) by striking out the words "and of all correspondents and agents engaged in soliciting or accepting on behalf of such applicants any orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any board of trade" in the first sentence;

(E) by striking out the word "its" each time it occurs in the first sentence and inserting in lieu thereof the word "the"; and

(F) by striking out the words "after notice and hearing as prescribed in this Act" in the last sentence and inserting in lieu thereof the words "pursuant to the provisions of this Act"; and

(2) by amending subsection (2) by inserting the words "or as introducing broker" after the words "futures commission merchant".

REPORTS; BOOKS AND RECORDS

SEC. 11. Section 4g of the Commodity Exchange Act (7 U.S.C. 6g) is amended—

(1) by inserting the words ", introducing broker," after the words "futures commission merchant" in subsection (1); and

(2) by inserting the words ", introducing brokers," after "Floor brokers" in subsection (3).

TECHNICAL AMENDMENTS; MISREPRESENTATION OF STATUS

SEC. 12. Section 4h of the Commodity Exchange Act (7 U.S.C. 6h) is amended—

(1) by striking out everything following the word "person" through and including "(2)";

(2) by striking out the words "futures commission merchant registered" and inserting in lieu thereof the word "registrant";

(3) by striking out the words "such registered futures commission merchant" and inserting in lieu thereof the words "any registrant"; and

(4) by adding the words "representative or" before the word "agent" the second time it occurs.

RECORDKEEPING CONFORMED TO CURRENT SYSTEM

SEC. 13. Section 4i of the Commodity Exchange Act (7 U.S.C. 6i) is amended to read as follows:

"SEC. 4i. It shall be unlawful for any person to make any contract for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market (1) if such person shall directly or indirectly make such contracts with respect to any commodity, or any future of such commodity, during any one day in an amount equal to or in excess of such amount as shall be fixed from time to time by the Commission, and (2) if such person shall directly or indirectly have or obtain a long or short position in any commodity, or any future of such commodity, equal to or in excess of such amount as shall be fixed from time to time by the Commission, unless such person files or causes to be filed with the properly designated officer of the Commission such reports regarding any transactions or positions within the provisions of clauses (1) and (2) hereof as the Commission may by rule or regulation require and unless, in accordance with rules and regulations of the Commission, such person shall keep books and records of all such transactions and positions and transactions and positions in any such commodity traded on or subject to the rules of any other board of trade, and of cash or spot transactions in, and inventories and purchase and sale commitments of, such commodity. Such books and records shall show complete details concerning all such transactions, positions, inventories, and commitments, including the names and addresses of all persons having any interest therein, and shall be open at all times to inspection by any representative of the Commission or the United States Department of Justice. For the purposes of this section, the futures and cash or spot transactions and positions of any person shall include such transactions and positions of any persons directly or indirectly controlled by such person.".

REGISTRATION; ASSOCIATED PERSON STATUS

SEC. 14. Section 4k of the Commodity Exchange Act (7 U.S.C. 6k) is amended—

(1) by amending subsection (1) to read as follows:

"(1) It shall be unlawful for any person to be associated with a futures commission merchant or with an introducing broker as a partner, officer, employee, or agent (or any person occupying a similar status or performing similar functions), in any capacity which involves (i) the solicitation or acceptance of customers' orders (other than in a clerical capacity) or (ii) the supervision of any person or persons so engaged, unless such person is registered with the Commission under this Act as an associated person of such futures commission merchant or of such introducing broker and such registration shall not have expired, been suspended (and the period of suspension has not expired), or been revoked, and it shall be unlawful for a futures commission merchant or introducing broker to permit such a person to become or remain associated with him in any such capacity if such futures commission merchant or introducing broker knew or should have known that such person was not so registered or that such registration had expired, been suspended (and the period of suspension has not expired), or been revoked: Provided, That any individual who is registered as a floor broker, introducing broker, or futures commission merchant (and such registration is not suspended or revoked) need not also register under these provisions.";

(2) by redesignating subsection (2) as subsection (4);

(3) by inserting a new subsection (2) to read as follows:

"(2) It shall be unlawful for any person to be associated with any commodity pool operator as a partner, officer, employee, consultant, or agent (or any person occupying a similar status or performing similar functions), in any capacity which involves (i) the solicitation of funds, securities, or property for a participation in a commodity pool or (ii) the supervision of any person or persons so engaged, unless such person is registered with the Commission under this Act as an associated person of such commodity pool operator and such registration shall not have expired, been suspended (and the period of suspension has not expired), or been revoked, and it shall be unlawful for any commodity pool operator to permit such a person to become or remain associated with him in any such capacity if such commodity pool operator knew or should have known that such person was not so registered or that such registration had expired, been suspended (and the period of suspension has not expired), or been revoked: Provided, That any individual who is registered as a floor broker, introducing broker, futures commission merchant, commodity pool operator, or as an associated person of another category of registrant under this section (and such registration is not suspended or revoked) need not also register under this provision: Provided further, That the Commission may exempt any person or class of persons from having to register under this subsection by rule, regulation, or order.";

(4) by amending subsection (3) to read as follows:

"(3) It shall be unlawful for any person to be associated with any commodity trading advisor as a partner, officer, employee, consultant, or agent (or any person occupying a similar status or performing similar functions), in any capacity which involves (i) the solicitation of a client's or prospective client's discretionary account or (ii) the supervision of any person or persons so engaged, unless such person is registered with the Commission under this Act as an associated person of such commodity trading advisor and such registration shall not have expired, been suspended (and the period of suspension has not expired), or been revoked, and it shall be unlawful for any commodity trading advisor to permit such a person to become or remain associated with him in any such capacity if such commodity trading advisor knew or should have known that such person was not so registered or that such registration had expired, been suspended (and the period of suspension has not expired), or been revoked: Provided, That any individual who is registered as a floor broker, introducing broker, futures commission merchant, commodity trading advisor, or as an associated person of another category of registrant under this section (and such registration is not suspended or revoked) need not also register under this provision: Provided further, That the Commission may exempt any person or class of persons from having to register under this subsection by rule, regulation, or order.";

(5) by amending subsection (4) as so redesignated—

(A) by striking out the words "such" and "other" the first time they occur;

(B) by striking out the words "two years after the effective date thereof or";

(C) by striking out the words ", not less than one year from the date of issuance thereof," and everything after the word "prescribe" down to the period; and

(D) by inserting the words "as an associated person of a futures commission merchant, of an introducing broker, of a commodity pool operator, or of a commodity trading advisor" after the word "registered" the first time it occurs; and

(6) by adding a new subsection (5) to read as follows:

"(5) It shall be unlawful for any registrant to permit a person to become or remain an associated person of such registrant, if the registrant knew or should have known, of facts regarding such associated person that are set forth as statutory disqualifications in section 8a(2) of this Act unless such registrant has notified the Commission of such facts and the Commission has determined that such person should be registered or temporarily licensed.".

CONFORMING AMENDMENT

SEC. 15. Section 4n of the Commodity Exchange Act (7 U.S.C. 6n) is amended by striking out subsections (5) and (6) in their entirety.

EXTENSION OF ANTIFRAUD PROVISION

SEC. 16. Section 4o of the Commodity Exchange Act (7 U.S.C. 6o) is amended—

(1) by striking out the word "or" after the words "commodity trading advisor" each time such words occur and inserting in lieu thereof the words ", associated person of a commodity trading advisor,"; and

(2) by inserting the words ", or associated person of a commodity pool operator" after the words "commodity pool operator" each time such words occur.

EXTENSION OF AUTHORITY REGARDING PROFICIENCY EXAMINATIONS

SEC. 17. Section 4p of the Commodity Exchange Act (7 U.S.C. 6p) is amended—

(1) by striking out the words "futures commission merchants, floor brokers, and those persons associated with futures commission merchants or floor brokers" in the first sentence and inserting in lieu thereof the words "persons registered with the Commission";

(2) by striking out the words "as futures commission merchants, floor brokers, and those persons associated with futures commission merchants or floor brokers" each time they occur;

(3) by striking out the word "the" before the word "customers" and by striking out the words "of futures commission merchants and floor brokers" after the word "customers"; and

(4) by inserting the words ", clients, pool participants or other members of the public with whom such individuals deal" after the word "customers".

CONTRACT MARKET RULES

SEC. 18. Section 5a of the Commodity Exchange Act (7 U.S.C. 7a) is amended—

(1) by amending paragraph (8) to read as follows:

"(8) enforce all bylaws, rules, regulations, and resolutions, made or issued by it or by the governing board thereof or any committee, which (i) have been approved by the Commission pursuant to paragraph (12) of this section, (ii) have become effective under such paragraph, or (iii) must be enforced pursuant to any Commission rule, regulation, or order; and revoke and not enforce any bylaw, rule, regulation, or resolution, made, issued, or proposed by it or by the governing board thereof or any committee,

which has been disapproved by the Commission;";

(2) by amending paragraph (11)—

(A) by striking out the comma before clause (ii) and by striking out clause (ii) in its entirety and clause (iii) down to the comma;

(B) by redesignating clause (iv) as clause (ii);

(C) by striking out the word "subsection" and inserting in lieu thereof the word "paragraph"; and

(D) by striking out the words "a futures commission merchant or a floor broker" and inserting in lieu thereof the words "another member of the contract market"; and

(3) by amending paragraph (12) to read as follows:

"(12) except as otherwise provided in this paragraph, submit to the Commission for its prior approval all bylaws, rules, regulations, and resolutions ('rules') made or issued by such contract market, or by the governing board thereof or any committee thereof, which relate to terms and conditions in contracts of sale to be executed on or subject to the rules of such contract market, as such terms and conditions are defined by the Commission by rule or regulation, except those rules relating to the setting of levels of margin. Each contract market shall submit to the Commission all other rules (except those relating to the setting of levels of margin and except those that the Commission may specify by regulation) and may put such rules into effect ten days after receipt by the Commission of such submission, unless, within the ten-day period, the contract market requests review and approval thereof by the Commission or the Commission notifies such contract market in writing of its determination to review such rules for approval. The determination to review such rules for approval shall not be delegable to any employee of the Commission. At least thirty days before approving any rules of major economic significance, as determined by the Commission, the Commission shall publish in the Federal Register a notice of such rules. The Commission shall give interested persons an opportunity to participate in the approval process through the submission of written data, views, or arguments. The determination by the Commission whether any such rules are of major economic significance shall be final and not subject to judicial review. The Commission shall approve such rules if such rules are determined by the Commission not to be in violation of this Act or the regulations of the Commission, and the Commission shall disapprove, after appropriate notice and opportunity for hearing, any such rule which the Commission determines at any time to be in violation of the provisions of this Act or the regulations of the Commission. If the Commission institutes proceedings to determine whether a rule should be disapproved pursuant to this paragraph, it shall provide the contract market with written notice of the proposed grounds for disapproval, including the specific section or sections of this Act or the Commission's regulations which would be violated. At the conclusion of such proceedings, the Commission shall approve or disapprove such rule. Any disapproval shall specify the sections of this Act or the Commission's regulations which the Commission determines such rule has violated or, if effective, would violate. If the Commission does not approve or institute disapproval proceedings with respect to any rule within one hundred-eighty days after receipt or within such longer period as the contract market may agree to, or if the Commission does not conclude a disapproval proceeding with respect to any rule within one year after receipt or within such longer period as the contract market may agree to, such rule may be put into effect by the contract market until such time as the Commission disapproves such rule in accordance with this paragraph. The Commission shall specify the terms and conditions under which a contract market may, in an emergency as defined by the Commission, put a rule into effect on a temporary basis without prior Commission approval, or without compliance with the ten-day notice requirement under this paragraph, or during any period of review by the Commission. In the event of such an emergency, as defined by the Commission, requiring immediate action, the contract market by a two-thirds vote of its governing board may immediately put such a temporary rule into effect dealing with such emergency if the contract market notifies the Commission of such action with a complete explanation of the emergency involved.".

CONTRACT MARKET DESIGNATION PROCEDURES

SEC. 19. Section 6 of the Commodity Exchange Act (7 U.S.C. 8) is amended by inserting immediately after the first sentence the following: "The Commission shall approve or deny an application for designation as a contract market within one year of the filing of the application. If the Commission notifies the board of trade that its application is materially incomplete and specifies the deficiencies in the application, the running of the one-year period shall be stayed from the time of such notification until the application is resubmitted in completed form. If the Commission denies an application, it shall specify the grounds for the denial.".

APPEALS; CONFORMING AMENDMENT

SEC. 20. Section 6(b) of the Commodity Exchange Act (7 U.S.C. 9) is amended—

(1) by striking out the words "as futures commission merchant or any person associated therewith as described in section 4k of this Act, commodity trading advisor, commodity pool operator, or as floor broker" and inserting in lieu thereof the words "with the Commission in any capacity" in the first and ninth sentences; and

(2) by inserting after the words "doing business" in the eleventh sentence the words ", or in the case of an order denying registration, the circuit in which the petitioner's principal place of business listed on petitioner's application for registration is located,".

RESTRAINING ORDERS, INJUNCTIONS, WRITS OF MANDAMUS

SEC. 21. Section 6c of the Commodity Exchange Act (7 U.S.C. 13a-1) is amended by inserting after the words "restraining order" in the first proviso the following: "(other than a restraining order which prohibits any person from destroying, altering or disposing of, or refusing to permit authorized representatives of the Commission to inspect, when and as requested, any books and records or other documents or which prohibits any person from withdrawing, transferring, removing, dissipating, or disposing of any funds, assets, or other property)".

JURISDICTION OF THE STATES

SEC. 22. Section 6d of the Commodity Exchange Act (7 U.S.C. 13a-2) is amended by adding at the end thereof the following new paragraph:

"(8)(A) Except as provided in subparagraphs (B) and (C), nothing in this Act shall prohibit an authorized State official from instituting an action in State court or an adjudicatory administrative proceeding against any person registered under this Act (other than a floor broker) for an alleged violation of any antifraud provision of any commodities or securities statute of such State which makes it unlawful directly or indirectly—

"(i) to employ any device, scheme, or artifice to defraud any person;

"(ii) to engage in any transaction, practice, or course of business which perpetrates fraud or deceit upon any person; or

"(iii) to make or cause to be made any untrue statement of a material fact or fail to disclose a material fact in connection with any statement made or information provided to any person which, in light of the circumstances under which such statement was made or information provided, was necessary in order to make the statement not misleading.

"(B) Nothing contained in this section shall permit any State—

"(i) to impose upon any person registered under this Act, or to initiate any action or proceeding against such person for an alleged violation of, any State licensing, registration, or qualification requirements which are provided for under any State commodities or securities statute; or

"(ii) to initiate any action or proceeding against a person registered under this Act for an alleged violation of any rule, regulation, or statement of general policy issued under any State commodities or securities statute.

"(C)(i) No action or proceeding may be instituted under this section unless—

"(I) an authorized State official provides the Commission with prior written notice of the intention of the State to commence such action or proceeding and with a copy of the proposed complaint and supporting evidence;

"(II) the Commission, based on its review of such complaint and evidence, determines that the documents provided are a sufficient basis upon which to render a determination and determines that such action or proceeding would not be inconsistent with this Act or any rule, regulation, order, or policy of the Commission adopted pursuant to this Act; and

"(III) the Commission notifies such State official of its determinations in writing.

"(ii) The determinations of, and notice provided by, the Commission under clause (i) shall be made within thirty days after the date of receipt by the Commission of the documentation required under clause (i)(I) or within such other period as is agreed upon by the Commission and the authorized State official. No action or proceeding may be instituted under this section if the Commission determines, within the specified or agreed upon time period, that such action or proceeding would be inconsistent with this Act or any rule, regulation, order, or policy of the Commission adopted pursuant to this Act. If the Commission fails to make either determination and provide notice under clause (i) within such period, the State official may initiate an action or proceeding based on the proposed complaint provided to the Commission.

"(iii) In making its determinations under clause (i)(II), the Commission may assume the truth of the facts and evidence submitted in support of the allegations in the proposed complaint.

"(iv) The Commission's authority under clause (i)(II) may not be delegated to any employee of the Commission.

"(v) A determination of the Commission under clause (i)(II) shall be final and not subject to direct or collateral judicial review.

"(vi) This paragraph shall not create any right, liability, or obligation upon which an action may be brought against the Commission.".

CONFIDENTIALITY PROVISIONS; DISCLOSURE

SEC. 22. Section 8 of the Commodity Exchange Act (7 U.S.C. 12) is amended—

(1) by striking out the word "Provided" in subsection (a) and all that follows through the words "names of customers" and inserting in lieu thereof the following: "Provided, That except as otherwise specifically authorized in this Act, the Commission may not (1) disclose any records containing or based on (i) confidential information, or (ii) proprietary information that would not customarily be disclosed to the public by the persons from whom it was obtained, except that the Commission may disclose such confidential or proprietary information if disclosure is necessary to obtain public comment, or (2) publish data and information that would separately disclose the business transactions or market positions of any person and trade secrets or names of customers or data and information concerning or obtained in connection with any investigation of any person";

(2) by amending subsection (b)—

(A) by inserting the words "concerning or obtained in connection with any investigation of any person or" after the word "information";

(B) by striking out the word "or" before the words "in an administrative or judicial proceeding"; and

(C) by inserting after the word "Act" the words ", in any receivership proceeding involving a receiver appointed in a judicial proceeding brought under this Act, or in any bankruptcy proceeding in which the Commission has intervened or in which the Commission has the right to appear and be heard under the Bankruptcy Code";

(3) by amending subsection (e)—

(A) by striking out the words "of the Executive Branch"; and

(B) by inserting the following at the end thereof: "Upon the request of any department or agency of any State or any political subdivision thereof, acting within the scope of its jurisdiction, or any department or agency of any foreign government or any political subdivision thereof, acting within the scope of its jurisdiction, the Commission may furnish to such department or agency any information in the possession of the Commission obtained in connection with the administration of this Act. Any information furnished to any department or agency of any State or political subdivision thereof shall not be disclosed by such department or agency except in connection with an adjudicatory action or proceeding brought under this Act or the laws of such State or political subdivision to which such State or political subdivision or any department or agency thereof is a party. The Commission shall not furnish any information to a department or agency of a foreign government or political subdivision thereof unless the Commission is satisfied that the information will not be disclosed by such department or agency except in connection with an adjudicatory action or proceeding brought under the laws of such foreign government or political subdivision to which such foreign government or political subdivision or any department or agency thereof is a party.";

(4) by redesignating subsections (f) and (g) as subsections (h) and (i), respectively; and

(5) by adding new subsections (f) and (g) to read as follows:

"(f) The Commission shall provide any registration information maintained by the Commission on any registrant upon reasonable request made by any department or agency of any State or any political subdivision thereof. Whenever the Commission determines that such information may be appropriate for use by any department or agency of a State or political subdivision thereof, the Commission shall provide such information without request.

"(g) The Commission shall disclose information in its possession pursuant to a subpena or summons only if—

"(1) a copy of the subpena, or summons has been mailed to the last known home or business address of the person who submitted the information that is the subject of the subpena or summons, if the address is known to the Commission, and

"(2) fourteen days have expired from the date of such mailing of the subpena or summons.

This subsection shall not apply to congressional subpenas or congressional requests for information.".

STATUTORY DISQUALIFICATION FROM REGISTRATION; DELEGATION OF REGISTRATION FUNCTIONS

SEC. 23. Section 8a of the Commodity Exchange Act (7 U.S.C. 12a) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) to register futures commission merchants, associated persons of futures commission merchants, introducing brokers, associated persons of introducing brokers, commodity trading advisors, associated persons of commodity trading advisors, commodity pool operators, associated persons of commodity pool operators, and floor brokers upon application in accordance with rules and regulations and in the form and manner to be prescribed by the Commission, which may require the applicant, and such persons associated with the applicant as the Commission may specify, to be fingerprinted and to submit, or cause to be submitted, such fingerprints to the Attorney General for identification and appropriate processing, and in connection therewith to fix and establish from time to time reasonable fees and charges for registrations and renewals thereof. Notwithstanding any other provision of this Act, the Commission may grant a temporary license to any applicant for registration with the Commission pursuant to such rules, regulations, or orders as the Commission may adopt, except that the term of any such temporary license shall not exceed six months from the date of its issuance; and";

(2) by amending paragraph (2) to read as follows:

"(2) upon notice, but without a hearing and pursuant to such rules, regulations, or orders as the Commission may adopt, to refuse to register, to register conditionally, to suspend, or to place restrictions upon the registration of, any person and with such a hearing as may be appropriate to revoke the registration of any person—

"(A) if a prior registration of such person in any capacity has been suspended (and the period of such suspension has not expired) or has been revoked;

"(B) if registration of such person in any capacity has been refused under the provisions of paragraph (3) of this section within five years preceding the filing of the application for registration or at any time thereafter;

"(C) if such person is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction (except that registration may not be revoked solely on the basis of such temporary order, judgment, or decree), including an order entered pursuant to an agreement of settlement to which the Commission or any Federal or State agency or other governmental body is a party, from (i) acting as a futures commission merchant, introducing broker, floor broker, commodity trading advisor, commodity pool operator, associated person of any registrant under this Act, securities broker, securities dealer, municipal securities broker, municipal securities dealer, transfer agent, clearing agency, securities information processor, investment adviser, investment company, or affiliated person or employee of any of the foregoing; or (ii) engaging in or continuing any activity involving any transaction in or advice concerning contracts of sale of a commodity for future delivery, or concerning activity subject to Commission regulation under section 4c or 19 of this Act or concerning securities;

"(D) if such person has been convicted within ten years preceding the filing of any application for registration or at any time thereafter of any felony which (i) involves any transactions or advice concerning any contract of sale of a commodity for future delivery, or any activity subject to Commission regulation under section 4c or 19 of this Act, or concerning a security; or (ii) arises out of the conduct of the business of a futures commission merchant, introducing broker, floor broker, commodity trading advisor, commodity pool operator, associated person of any registrant under this Act, securities broker, securities dealer, municipal securities broker, municipal securities dealer, transfer agent, clearing agency, securities information processor, investment adviser, investment company, or an affiliated person or employee of any of the foregoing; or (iii) involves embezzlement, theft, extortion, fraud, fraudulent conversion, misappropriation of funds, securities or property, forgery, counterfeiting, false pretenses, bribery, or gambling; or (iv) involves the violation of section 152, 1341, 1342, or 1343, or chapter 25, 47, 95, or 96 of title 18, United States Code;

"(E) if such person, within ten years preceding the filing of the application or at any time thereafter, has been found by any court of competent jurisdiction, by the Commission or any Federal or State agency or other governmental body, or by agreement of settlement to which the Commission or any Federal or State agency or other governmental body is a party, (i) to have violated any provision of this Act, the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Securities Investors Protection Act of 1970, the Foreign Corrupt Practices Act of 1977, or any similar statute of a State or foreign jurisdiction, or any rule, regulation, or order under any such statutes, or the rules of the Municipal Securities Rulemaking Board where such violation involves embezzlement, theft, extortion, fraud, fraudulent conversion, misappropriation of funds, securities or property, forgery, counterfeiting, false pretenses,

bribery, or gambling; or (ii) to have willfully aided, abetted, counseled, commanded, induced, or procured such violation by any other person;

"(F) if such person is subject to an outstanding order of the Commission denying trading privileges on any contract market to such person, denying, suspending, or revoking such person's membership in any contract market or registered futures association, or barring or suspending such person from being associated with a registrant under this Act or with a member of a contract market or with a member of a registered futures association;

"(G) if, as to any of the matters set forth in subparagraphs (A) through (F) of this paragraph, such person willfully made any material false or misleading statement or omitted to state any material fact in such person's application; or

"(H) if refusal, suspension, or revocation of the registration of any principal of such person would be warranted because of a statutory disqualification listed in this paragraph: Provided, That for the purposes of paragraphs (2) and (3) of this section, 'principal' shall mean, if the person is a partnership, any general partner or, if the person is a corporation, any officer, director, or beneficial owner of at least 10 per centum of the voting shares of the corporation, and any other person that the Commission by rule, regulation, or order determines has the power, directly or indirectly, through agreement or otherwise, to exercise a controlling influence over the activities of such person which are subject to regulation by the Commission:

Provided, That such person may appeal from a decision to refuse registration, condition registration, suspend, revoke, or place restrictions upon registration made pursuant to the provisions of this paragraph in the manner provided in paragraph (b) of section 6 of this Act; and";

(3) by striking out paragraph (4) and redesignating paragraph (3) as paragraph (4);

(4) by inserting a new paragraph (3) to read as follows:

"(3) to refuse to register or to register conditionally any person, if it is found, after opportunity for hearing, that—

"(A) such person has been found by the Commission or by any court of competent jurisdiction to have violated or has consented to findings of a violation of any provision of this Act, or any rule, regulation, or order thereunder (other than a violation set forth in paragraph (2) of this section), or to have willfully aided, abetted, counseled, commanded, induced, or procured the violation by any other person of any such provision;

"(B) such person has been found by any court of competent jurisdiction or by any Federal or State agency or other governmental body, or by agreement of settlement to which any Federal or State agency or other governmental body is a party, (i) to have violated any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Securities Investors Protection Act of 1970, the Foreign Corrupt Practices Act of 1977, or any similar statute of a State or foreign jurisdiction, or any rule, regulation, or order under any such statutes, or the rules of the Municipal Securities Rulemaking Board; or (ii) to have willfully aided, abetted, counseled, commanded, induced, or procured such violation by any other person;

"(C) such person failed reasonably to supervise another person, who is subject to such person's supervision, with a view to preventing violations of this Act, or of any of the statutes set forth in subparagraph (B) of this paragraph, or of any of the rules, regulations, or orders thereunder, and the person subject to supervision committed such a violation: Provided, That no person shall be deemed to have failed reasonably to supervise another person within the meaning of this paragraph if (i) there have been established procedures and a system for applying such procedures which would reasonably be expected to prevent and detect, insofar as practicable, any such violation by such other person, and (ii) such person has reasonably discharged the duties and obligations incumbent upon that person, as supervisor, by reason of such procedures and system, without reasonable cause to believe that such procedures and system were not being complied with;

"(D) such person was convicted of a felony other than a felony of the type specified in paragraph (2)(D) of this section within ten years preceding the filing of the application or at any time thereafter, or was convicted of a felony, including a felony of the type specified in paragraph (2)(D) of this section, more than ten years preceding the filing of the application;

"(E) such person was convicted within ten years preceding the filing of any application for registration or at any time thereafter of any misdemeanor which (i) involves any transactions or advice concerning any contract of sale of a commodity for future delivery or any activity subject to Commission regulation under section 4c or 19 of this Act or concerning a security; or (ii) arises out of the conduct of the business of a futures commission merchant, introducing broker, floor broker, commodity trading advisor, commodity pool operator, associated person of any registrant under this Act, securities broker, securities dealer, municipal securities broker, municipal securities dealer, transfer agent, clearing agency, securities information processor, investment adviser, investment company, or an affiliated person or employee of any of the foregoing; or (iii) involves embezzlement, theft, extortion, fraud, fraudulent conversion, misappropriation of funds, securities or property, forgery, counterfeiting, false pretenses, bribery, or gambling; or (iv) involves the violation of section 152, 1341, 1342, or 1343 or chapter 25, 47, 95, or 96 of title 18, United States Code;

"(F) such person was debarred by any agency of the United States from contracting with the United States;

"(G) such person willfully made any material false or misleading statement or willfully omitted to state any material fact in such person's application or in any report required to be filed with the Commission by this Act or the regulations thereunder, or in any proceeding before the Commission;

"(H) such person has pleaded nolo contendere to criminal charges of felonious conduct, or has been convicted in a State court or in a foreign court of conduct which would constitute a felony under Federal law if the offense had been committed under Federal jurisdiction;

"(I) in the case of an applicant for registration in any capacity for which there are minimum financial requirements prescribed under this Act or under the rules or regulations of the Commission, such person has not established that such person meets such minimum financial requirements;

"(J) such person is subject to an outstanding order denying, suspending, or expelling such person from membership in a contract market, a registered futures association, or any other self-regulatory organization, or barring or suspending such person from being associated with any member or members of such contract market, association, or self-regulatory organization;

"(K) such person has been found by any court of competent jurisdiction or by any Federal or State agency or other governmental body, or by agreement of settlement to which any Federal or State agency or other governmental body is a party, (i) to have violated any statute or any rule, regulation, or order thereunder which involves embezzlement, theft, extortion, fraud, fraudulent conversion, misappropriation of funds, securities or property, forgery, counterfeiting, false pretenses, bribery, or gambling, or (ii) to have willfully aided, abetted, counseled, commanded, induced, or procured such violation by any other person;

"(L) such person has associated with such person any other person and knows, or in the exercise of reasonable care should know, of facts regarding such other person that are set forth as statutory disqualifications in paragraph (2) of this section unless such person has notified the Commission of such facts and the Commission has determined that such other person should be registered or temporarily licensed;

"(M) there is other good cause; or

"(N) any principal, as defined in paragraph (2) of this section, of such person has been or could be refused registration: Provided, That pending final determination under this paragraph, registration shall not be granted: Provided further, That such person may appeal from a decision to refuse registration or to condition registration made pursuant to the provisions of this paragraph in the manner provided in paragraph (b) of section 6 of this Act; and";

(5) by amending paragraph (4), as so redesignated—

(A) by striking out the word "or" before the word "revoke" the first time it occurs and inserting in lieu thereof a comma;

(B) by inserting the words ", or place restrictions upon" after the word "revoke" the first time it occurs;

(C) by striking out the words "subparagraph (2) (B) or (C)" and inserting in lieu thereof the words "paragraph (3) of this section";

(D) by inserting the words "or of any introducing broker" after the words "futures commission merchant"; and

(E) by adding the following proviso before the semicolon at the end thereof: ": Provided, That such person may appeal from a decision to suspend, revoke, or place restrictions upon registration made pursuant to the provisions of this paragraph in the manner provided in paragraph (b) of section 6 of this Act"; and

(6) by adding a new paragraph (10) to read as follows:

"(10) to authorize any person to perform any portion of the registration functions under this Act, in accordance with rules, notwithstanding any other provision of law, adopted by such person and submitted to the Commission for approval pursuant to section 17(j) and subject to the provisions of this Act applicable to registrations granted by the Commission.".

JUDICIAL REVIEW OF COMMISSION'S ACTIONS WITH RESPECT TO MARKET EMERGENCIES

SEC. 24. Paragraph (9) of section 8a of the Commodity Exchange Act (7 U.S.C. 12a(9)) is amended to read as follows:

"(9) to direct the contract market whenever it has reason to believe that an emergency exists to take such action, including the setting of temporary emergency levels of margin, as, in the Commission's judgment, is necessary to maintain or restore orderly trading in, or liquidation of, any futures contract. The term 'emergency' as used herein shall mean, in addition to threatened or actual market manipulations and corners, any act of the United States or a foreign government affecting a commodity or any other major market disturbance which prevents the market from accurately reflecting the forces of supply and demand for such commodity. Any action taken by the Commission under this paragraph shall be subject to review only in the United States court of appeals for the circuit in which the party seeking review resides or has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit. Such review shall be based upon an examination of all of the information before the Commission at the time the determination was made. The court reviewing the Commission's action shall not enter a stay or order of mandamus unless it has determined, after notice and hearing before a panel of the court, that the action complained of was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. Nothing herein shall be deemed to limit the meaning or interpretation given by a contract market to the terms 'market emergency', 'emergency', or equivalent language in its own bylaws, rules, regulations, or resolutions; and".

CERTAIN PROHIBITED TRANSACTIONS

SEC. 25. Section 9 of the Commodity Exchange Act (7 U.S.C. 13) is amended—

(1) by amending subsection (a)—

(A) by striking out the words "futures commission merchant" and inserting in lieu thereof "person registered or required to be registered under this Act";

(B) by striking out the words "by such commission merchant" and inserting in lieu thereof "by such person or any employee or agent thereof";

(C) by striking out the words "of such commission merchant"; and

(D) by inserting the words "or which otherwise was received from any customer, client, or pool participant in connection with the business of such person" after the word "contracts" the second time it occurs;

(2) by amending subsection (d)—

(A) by inserting after the words "'decline guaranty'," the following: "or any transaction for the delivery of any commodity under a standardized contract commonly known to the trade as a margin account, margin contract, leverage account, or leverage contract, or under any contract, account, arrangement, scheme, or device that the Commission determines serves the same function or functions as such a standardized contract, or is marketed or managed in substantially the same manner as such a standardized contract,"; and

(B) by inserting the following before the period at the end of the first sentence: ", nor to any transaction entered into by the trustee of a trust established by such person over which such person exercises no control if such transaction is entered into solely to hedge against adverse price changes in connection with such farming or ranching operations or is a transaction for the lease of oil or gas or other mineral rights or interests owned by such person: Provided further, That such prohibition against any investment transaction in an actual commodity shall not apply to a transaction in which such person buys or sells, directly or indirectly (except by means of an instrument regulated by the Commission), a United States Government security, a certificate of deposit, or similar financial instrument if no nonpublic information is used by such person in such transaction"; and

(3) by inserting after the words "'decline guaranty'" each time they occur in subsection (e) the following: ", or in any transaction for the delivery of any commodity under a standardized contract commonly known to the trade as a margin account, margin contract, leverage account, or leverage contract, or under any contract, account, arrangement, scheme, or device that the Commission determines serves the same function or functions as such a standardized contract, or is marketed or managed in substantially the same manner as such a standardized contract".

REAUTHORIZATION; OFF-EXCHANGE JURISDICTION

SEC. 26. Section 12 of the Commodity Exchange Act (7 U.S.C. 16) is amended—

(1) by striking out "1982" and inserting in lieu thereof "1984" in subsection (d); and

(2) by adding a new subsection (e) to read as follows:

"(e) Nothing in this Act shall supersede or preempt: (1) criminal prosecution under any Federal criminal statute; (2) any Federal or State statute, including any rule or regulation thereunder, that is applicable to any transaction in or involving any commodity, product, right, service, or interest which is not conducted on or subject to the rules of a contract market or (except as otherwise specified by the Commission by rule or regulation) any board of trade, exchange, or market located outside the United States, its territories or possessions, or which is not subject to regulation by the Commission under section 4c or 19 of this Act; (3) the application of any Federal or State statute, including any rule or regulation thereunder, to any person required to be registered or designated under this Act who shall fail or refuse to obtain such registration or designation. The Commission is authorized to refer any transaction or matter subject to such other Federal or State statutes to any department or agency administering such statutes for such investigation, action, or proceedings as the department or agency shall deem appropriate.".

SECONDARY LIABILITY

SEC. 27. Section 13 of the Commodity Exchange Act (7 U.S.C. 13c) is amended—

(1) by striking out the words "in administrative proceedings under this Act" in subsection (a);

(2) by redesignating existing subsection (b) as subsection (c); and

(3) by adding a new subsection (b) to read as follows:

"(b) Any person who, directly or indirectly, controls any person who has violated any provision of this Act or any of the rules, regulations, or orders issued pursuant thereto may be held liable for such violation in any action brought by the Commission to the same extent as such controlled person if the controlling person did not act in good faith and directly or indirectly induced the act or acts constituting the violation. In proving a violation of this subsection, the Commission shall bear the burden of showing that the controlling person did not act in good faith and directly or indirectly induced the act or acts constituting the violation.".

REPARATIONS PROCEDURE

SEC. 28. Section 14 of the Commodity Exchange Act (7 U.S.C. 18) is amended—

(1) by striking out existing subsections (b), (c), and (e);

(2) by redesignating subsections (d), (f), (g), (h), and (i) as subsections (c), (d), (e), (f), and (g), respectively;

(3) by amending subsection (a)—

(A) by striking out the words "or required to be registered under section 4d, 4e, 4k, or 4m of" and inserting in lieu thereof the word "under"; and

(B) by striking out everything after the words "to the Commission" and inserting in lieu thereof the words "for an order awarding actual damages proximately caused by such violation.";

(4) by adding a new subsection (b) to read as follows:

"(b) The Commission may promulgate such rules, regulations, and orders as it deems necessary or appropriate for the efficient and expeditious administration of this section. Notwithstanding any other provision of law, such rules, regulations, and orders may prescribe, or otherwise condition, without limitation, the form, filing, and service of pleadings or orders; the nature and scope of discovery, counterclaims, motion practice (including the grounds for dismissal of any claim or counterclaim), hearings (including the waiver thereof, which may relate to the amount in controversy), rights of appeal, if any, and all other matters governing proceedings before the Commission under this section.";

(5) by striking out "(g)" in subsection (d), as so redesignated, and inserting in lieu thereof "(e)"; and

(6) by amending subsection (f), as so redesignated, to read as follows:

"(f) Unless the party against whom a reparation order has been issued shows to the satisfaction of the Commission within fifteen days from the expiration of the period allowed for compliance with such order that either an appeal as herein authorized has been taken or payment of the full amount of the order (or any agreed settlement thereof) has been made, such party shall be prohibited automatically from trading on all contract markets and, if the party is registered with the Commission, such registration shall be suspended automatically at the expiration of such fifteen day period until such party shows to the satisfaction of the Commission that payment of such amount with interest thereon to date of payment has been made: Provided, That if on appeal the appellee prevails or if the appeal is dismissed the automatic prohibition against trading and suspension of registration shall become effective at the expiration of thirty days from the date of judgment on the appeal, but if the judgment is stayed by a court of competent jurisdiction the suspension shall become effective ten days after the expiration of such stay, unless prior thereto the judgment of the court has been satisfied.".

TECHNICAL AMENDMENT

SEC. 29. Section 16 of the Commodity Exchange Act (7 U.S.C. 20) is amended by inserting the words "or market positions" after the word "transactions" in subsection (d).

REGISTERED FUTURES ASSOCIATIONS; FINGERPRINTING MEMBERS

SEC. 30. Section 17 of the Commodity Exchange Act (7 U.S.C. 21) is amended—

(1) by amending subsection (b)(4)(E) by inserting before the period at the end thereof the following: ", which may require the applicant to be fingerprinted and to submit, or cause to be submitted, such fingerprints to the Attorney General for identification and appropriate processing. Notwithstanding any other provision of law, such association may receive from the Attorney General all the results of such identification and processing";

(2) by amending paragraph (10) of subsection (b)—

(A) by striking out the words "a customer's" and inserting in lieu thereof "customers' ";

(B) by striking out the comma before clause (ii) and by striking out clause (ii) in its entirety and clause (iii) down to the comma;

(C) by redesignating clause (iv) as clause (ii); and

(D) by striking out the words "a futures commission merchant or a floor broker" and inserting in lieu thereof the words "another member of the association";

(3) by striking out "(k)" in subsection (h) and inserting in lieu thereof "(i)";

(4) by striking out the last sentence in subsection (j) and inserting in lieu thereof the following: "A registered futures association shall submit to the Commission any change in or addition to its rules and may put such rules into effect ten days after receipt by the Commission of such submission, unless, within the ten-day period, the registered futures association requests review and approval thereof by the Commission or the Commission notifies such registered futures association in writing of its determination to review such rules for approval. The Commission shall approve such rules within thirty days of their receipt if Commission approval is requested hereunder or within thirty days after the Commission determines to review for approval any other rules, unless the Commission notifies the registered futures association of its inability to complete such approval or review within such period of time. The Commission shall approve such rules if such rules are determined by the Commission to be consistent with the requirements of this section and not otherwise in violation of this Act or the regulations of the Commission and the Commission shall disapprove, after appropriate notice and opportunity for hearing, any such rule which the Commission determines at any time to be inconsistent with the requirements of this section or in violation of the provisions of the Act or the regulations of the Commission. If the Commission does not approve or institute disapproval proceedings with respect to any rule within one hundred and eighty days after receipt or within such longer period of time as the registered futures association may agree to, or if the Commission does not conclude a disapproval proceeding with respect to any rule within one year after receipt or within such longer period as the registered futures association may agree to, such rule may be placed into effect by the registered futures association until such time as the Commission disapproves such rule in accordance with this subsection.";

(5) by adding at the end thereof the following new subsection:

"(o) The Commission is authorized to require any futures association registered pursuant to this section to perform any portion of the registration functions under this Act with respect to each member of the association other than a contract market and with respect to each associated person of such member, in accordance with rules, notwithstanding any other provision of law, adopted by such futures association and submitted to the Commission for approval pursuant to section 17(j) and subject to the provisions of this Act applicable to registrations granted by the Commission. In performing any Commission registration function authorized by the Commission under section 8a(10), this section or any other applicable provisions of this Act, a futures association may issue orders—

"(1) to refuse to register any person;

"(2) to register conditionally any person;

"(3) to suspend the registration of any person;

"(4) to place restrictions on the registration of any person; or

"(5) to revoke the registration of any person.

Any person against whom such an order has been issued, and against whom such order is the final decision of such futures association, may petition the Commission to review the decision. The Commission may on its own initiative or upon petition decline review, grant review and affirm, set aside, or modify such an order of the futures association, and the findings of the futures association, as to the facts, if supported by the weight of the evidence, shall be conclusive. Unless the Commission grants review, under this section, of an order concerning registration issued by a futures association, the order of the futures association shall be considered to be an order issued by the Commission. Nothing in this section shall affect the Commission's authority to review the granting of a registration application by a registered futures association that is performing any Commission registration function authorized by the Commission under section 8a(10), this section, or any other applicable provisions of this Act. In the event that a person against whom a futures association has issued a registration order under subsection (1) petitions the Commission to review that order and the Commission declines to take review, such person may file a petition for review with a United States Court of Appeals, in accordance with the requirements of section 6(b) of this Act.".

TRANSACTION FEE STUDY

SEC. 31. (a) Not later than January 1, 1984, the Commodity Futures Trading Commission shall (1) conduct a study of the effect of imposing fees on the purchase and sale of futures contracts, commodity options, and leverage transactions subject to the Commodity Exchange Act to offset the cost of regulating transactions under the jurisdiction of the Commission and (2) submit to the Senate Committee on Agriculture, Nutrition, and Forestry and the House Committee on Agriculture a detailed report on the results of the study, including any recommendations for legislation.

(b) The study provided for in subsection (a) shall include, but not be limited to, consideration of the effect of a transaction fee on market liquidity, determination of the portions of the Commission's budget benefiting the public and market participants of the Nation's commodity markets, and consideration of the incidence of such a fee, including the impact on producers, processors, manufacturers, and other hedgers.

AGRICULTURAL EXPORTS

SEC. 32. Section 812 of the Agricultural Act of 1970 (7 U.S.C. 612c-3) is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of law, the President shall not prohibit or curtail the export of any agricultural commodity or the products thereof under an export sales contract (1) entered into before the President announces an action that would otherwise prohibit or curtail the export of the commodity or products thereof, (2) the terms of which require delivery of the commodity or products thereof within 270 days after the date the suspension of trade is imposed, except that the President may prohibit or curtail the export of any commodity or the products thereof during a period for which the President has declared a national emergency or for which Congress has declared war.".

INSIDER TRADING STUDY

SEC. 33. (a) The Commodity Futures Trading Commission shall conduct a study to determine (1) the extent of insider trading of futures contracts on contract markets subject to regulation under the Commodity Exchange Act and (2) whether such trading is, or can be (in reasonably anticipated circumstances), connected with—

(A) excessive speculation or manipulation or improper control of the futures markets, or

(B) improper activities with respect to the establishment of cash prices for the commodities involved.

The Commission shall complete the study and report its findings to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate within six months after the date of enactment of this Act.

"(b) As used in subsection (a) of this section, the term 'insider trading' means trading by an individual who has access to material information, not generally available to the public, about present or anticipated cash or futures trading activity or positions (to which the individual is not a party) in any commodity, in cases in which such trading activity or positions are in amounts at or above reporting levels fixed by the Commodity Futures Trading Commission under section 4i of the Commodity Exchange Act.".

EFFECTIVE DATE

SEC. 34. This Act shall be effective upon the date of enactment of this Act, except that sections 9, 14, and 28 of this Act shall be effective one hundred and twenty days after the date of enactment of this Act, or such earlier date as the Commodity Futures Trading Commission shall prescribe by regulation.

Mr. HELMS. Mr. President, I ask unanimous consent that S. 2109 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. LUGAR. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. I thank the Chair.

CLARIFICATION OF JURISDICTION OF THE SECURITIES AND EXCHANGE COMMISSION

The PRESIDING OFFICER. Under the previous order the Senate will proceed to the consideration of H.R. 6156 which the clerk will state by title.

The legislative clerk read as follows:

A bill (H.R. 6156) to clarify the jurisdiction of the Securities and Exchange Commission and the definition of security, and for other purposes.

The Senate proceeded to consider the bill, which was considered to have been read a second time.

Mr. D'AMATO. Mr. President, H.R. 6156 is an important but noncontroversial bill amending the Federal securities laws to reconcile ambiguities in those statutes. The existence of these issues has led to unproductive disputes concerning the division of authority between the Securities and Exchange Commission and the Commodity Futures Trading Commission over certain new financial products, and the roles of securities exchanges and futures exchanges. H.R. 6156 is substantially similar to S. 2260, a bill approved without objection by the Banking Committee earlier this year.

The bill would make it clear that the SEC's plenary authority over options trading on national securities exchanges extends to options on securities, securities groups and indices, certificates of deposit, and foreign currency.

I would emphasize to my colleagues that these changes are urgently needed. In recent years, both the Nation's securities exchanges and the boards of trade have developed a variety of new trading instruments to respond to a growing need among businesses and investors to minimize or avoid financial and interest rate risks. But because of the ambiguities in the securities and commodities laws, confusion over which agency has authority over each product has led to undue delays in their approval for trading and, in some instances, to litigation about the regulatory jurisdiction over such products, rather than analysis of the merits of the products.

In fact, once court recently reached a decision regarding the scope of the SEC's jurisdiction which radically departs from widely held interpretations of the SEC's authority. This confusion and uncertainty must be remedied by swift congressional action, and this bill would do so.

Since its creation in 1934, the SEC has had plenary regulatory authority over trading in securities. The definitions of the term, "security," found in the various securities laws were intentionally made broad and flexible in order that they would cover evolving financial instruments not in existence at the time the laws were passed. Thus, although the word "option" is not explicitly included in the definition of "security," a call option on a security is a "right to purchase" a security and both put and call options on securities are considered instruments commonly known as securities. Accordingly, the SEC has properly exercised jurisdiction since 1973 over exchange trading in options on securities.

For most of its history, the SEC's authority to regulate options on securities was unchallenged. However, developments in recent years have given rise to jurisdictional uncertainty and controversy. Congress in 1974 enacted amendments to the Commodity Exchange Act which created the Commodity Futures Trading Commission (CFTC), expanded the definition of "commodity" in that act and vested the CFTC with exclusive jurisdiction over accounts, agreements and transactions involving contracts of sale of a commodity for future delivery. During the past decade, commodity boards of trade—which had formerly traded only contracts of sale for future delivery of agricultural commodities and metals—have begun to trade futures contracts on various financial instruments, including GNMA securities, certain Treasury securities, and certain stock indices.

The grant in 1974 of exclusive jurisdiction of the CFTC with respect to transactions involving futures contracts, in conjunction with the failure of the definitional sections of the securities laws expressly to include put-and-call options on exempted securities such as GNMA's and Treasury securities, led to confusion and litigation. In particular, one court recently concluded that exchange-traded put and call options on GNMA securities were not themselves securities and were subject to the exclusive jurisdiction of the CFTC. *Board of Trade of the City of Chicago* v. *SEC*, 677 F. 2d 1137 (7th Cir. 1982). That decision has created uncertainty as to the extent and nature of the SEC's authority to regulate trading in securities options and, without modification, would lead to continuing controversy. The bill before the Senate would clarify that the SEC has plenary authority to regulate trading in securities options and would overturn the seventh circuit's recent decision.

Realizing that the longstanding jurisdictional controversy was not in the public interest, the SEC and the CFTC reached an agreement as to the appropriate scope of their respective jurisdictions, and submitted proposed legislation to codify that agreement. The two agencies recognized the SEC as properly being the sole Federal regulator of options on securities, certificates of deposit, groups or indices of securities, and, when traded on a national securities exchange, options on foreign currencies. This regulatory authority of the SEC over these options is confirmed by H.R. 6156.

The pending CFTC authorization bill, S. 2109, contains that part of the jurisdictional accord which would confirm that the CFTC is to have jurisdiction to regulate futures contracts on exempted securities (other than municipal securities) and on broad-based securities indices, as well as options on any such futures contracts. The CFTC will also have jurisdiction to regulate the trading of options on foreign currencies in the commodities markets.

H.R. 6156 would amend the securities laws in the following ways. First, the bill would clarify the SEC's authority over options by amending the definition of the term "security" in the Securities Act and the Securities Exchange Act. As amended, the definition of "security" would expressly include any put or call option on any security, certificate of deposit, or group or index of securities, as well as options relating to foreign currency entered into on a national securities exchange.

Second, H.R. 6156 would amend section 9 of the Securities Exchange Act to make it clear that the SEC has plenary authority to regulate the trading of such options, notwithstanding any other provision of law. This means that the SEC's authority to regulate such options would not be diminished or affected in any way by the provisions of the Commodity Exchange Act or any other law. This amendment would not give the SEC any jurisdiction to regulate options on futures, the regulation of which would be vested with the CFTC.

These amendments would therefore confirm that the SEC—and not the CFTC—has jurisdiction to regulate the trading of options on securities, certificates of deposit, and groups or indexes of securities. The phrase "notwithstanding any other provision of law" is added to section 9 of the Securities Exchange Act of 1934 to confirm the SEC's exclusive jurisdiction over these instruments. Under the Commodity Exchange Act, the CFTC—and not the SEC—has jurisdiction to regulate futures contracts and options on futures contracts. None of these instruments wold be regulated by both the SEC and the CFTC. Such dual regulation is undesirable because it could subject exchanges, brokers and investors to the potentially conflicting demands of different regulatory schemes. Jurisdiction over options on foreign currencies would be divided depending on the market in which such options are traded—the SEC would regulate options on foreign currencies traded on a national securities exchange, and the CFTC would regulate options on foreign currency traded in the commodities markets.

It has been called to my attention that, by including "option" within the definition of "security" in certain securities laws, an inference might be drawn that banks could not deal in such options. I would therefore like to clarify that this change is not intended to affect a bank's activities under the Glass-Steagall Act and that, if a bank is permitted to purchase and sell the underlying security—such as a U.S. Government security—then it would also be permitted to purchase and sell options on such securities.

The bill contains related amendments to the Investment Company Act, the Investment Advisers Act, and the Securities Investor Protection Act.

Finally, the House bill contains a provision designed to prevent the application of antigambling laws to options and other securities authorized to trade on registered securities exchanges. This provision is intended to remove an unintended obstacle to the trading of new securities products which the SEC may authorize following enactment of the clarifying jurisdictional amendments. It would insure that stock index options, which are settled in cash, would not be invalidated under State gaming and bucketshop laws. In so doing, the provision would equalize the application of these State laws to commodity and security products. Stock index futures, which will be regulated by the CFTC, are already exempt from State gaming and bucketshop laws pursuant to the CFTC's grant of exclusive jurisdiction under the Commodity Exchange Act.

By preempting certain types of States laws, this provision would also remove the basis for Federal causes of action which are premised on the applicability of such State laws. However, the provision does not interfere with State blue sky or antifraud authority. In short, this provision will assure that new products developed under the jurisdictional amendments contained in my amendment will in fact be traded, as contemplated in the jurisdictional accord.

The bill's purpose is to resolve jurisdictional questions involving the SEC and the CFTC. The language of the bill indicates that certificates of deposit are to be treated as securities for purposes of the Investment Company Act and the Investment Advisers Act, regardless of their status under other securities laws. The purpose of this is to leave the prevailing judicial and administrative interpretations intact, and thus to leave the status of certificates of deposit under the Investment Company Act and the Investment Advisers Act unchanged.

In treating CD's in this manner, the Banking Committee did not intend to decide, for all purposes, whether certificates of deposit should be treated the same as securities generally under the Investment Company Act and the Investment Advisers Act.

Mr. President, the allocation of responsibilities between the SEC and the CFTC necessarily involves certain compromises on both sides. Each agency acting alone might have drawn the lines somewhat differently, but their uncoordinated approaches in past years produced uncertainty and unnecessary delay. The jurisdictional accord between the agencies represents a large step in rationalizing the regulatory structure and minimizing the delay in introducing new financial products. SEC Chairman John Shad, CFTC Chairman Johnson, and the respective Commissions should be congratulated for their accomplishment in reaching the agreement.

Mr. President, I strongly urge enactment of H.R. 6156.

I certainly would like to commend Senator GARN, Senator HUDDLESTON, and Senator LUGAR for working untiringly, unceasingly to bring about a badly needed accord that I think brings the kind of protection that the people of America are entitled to in the marketplaces of the securities industry and new products being created.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I am pleased to join my colleague in supporting H.R. 6156, a bill to clarify the jurisdiction of the Securities and Exchange Commission (SEC) and the definition of a security. Similar legislation was considered by the Securities Subcommittee of the Senate Banking Committee as S. 2260, the Securities-Commodities Accord Amendments of 1982, and enjoys the bipartisan support of the entire Senate Banking Committee.

H.R. 6156 contains needed amendments to Federal securities laws which will help clarify the respective regulatory jurisdictions of the CFTC and the SEC over the developing markets in futures and options on financial instruments. This legislation provides in general that the SEC will regulate options on all securities and certificates of deposit, as well as options on all groups or indexes of securities or certificates of deposit for purposes of Federal securities laws. H.R. 6156 also effects a limited preemption of State laws to equalize the regulatory structure applicable to options and futures settled in cash.

This legislation is particularly timely in light of the recent decision in *Board of Trade of the City of Chicago* v. *Securities and Exchange Commission and Chicago Board Options Exchange, Inc.*, No. 81-1660 (7th Cir. 1982). In this case the Court held in a 2-to-1 decision that options on GNMA securities are not securities and that, therefore, the SEC lacks authority to approve a proposal by a national securities exchange to trade such instruments. The Court also held that GNMA options are subject to the exclusive jurisdiction of the CFTC and that, subject to the conditions of the commodity options ban, trading in such instruments is unlawful. In the absence of this legislation, that decision, if left undisturbed, could be read to jeopardize SEC authority over trading within its regulatory domain. This legislation avoids that result and clarifies the authority of both regulatory agencies.

H.R. 6156 represents an accommodation that both the SEC and the CFTC believe is in the public interest, and members of the Senate Banking Committee share that view. I am pleased that these two independent regulatory agencies have been able to successfully resolve the ambiguities in the current law governing their jurisdictions.

I also hope that the discussions that produced this jurisdictional resolution have laid the groundwork for further consultation and coordination between the SEC and CFTC with respect to other matters of concern.

I am pleased to join with my colleague in support of this legislation.

● Mr. GARN. Mr. President, I urge the enactment of H.R. 6156. This bill would amend the securities laws to confirm the jurisdiction of the Securities and Exchange Commission to authorize and regulate the trading, on securities exchanges, of options on various financial instruments. With its enactment, the SEC will have the clear authority to authorize trading in options on various financial instruments which have thus far been held up.

Enactment of this bill will end a lengthy, often unproductive dispute over the proper regulatory structure with respect to options on exempt securities such as GNMA and U.S. Treasury securities. This ongoing dispute and related controversies over trading of certain futures contracts and options on futures have stalled the ability of both securities exchanges and commodity boards of trade to introduce new instruments which have the potential to improve the ability of businessmen and individual investors to cope with the risks of interest rate fluctuations and other financial risks.

The bill makes the changes in the securities laws recommended by the SEC and the Commodity Futures Trading Commission in their joint proposal of February 2, 1982. That agreement has set the stage for needed cooperation between the two agencies in acting in the public interest, and they are to be commended for putting aside the longstanding controversies which adversely affected the development of

new products by the two industries which they regulate. With the enactment of H.R. 6156, competing products traded on securities exchanges and boards of trade will compete, and the marketplace, rather than the regulators, should have the final say in deciding which products are most attractive to investors.●

Mr. HUDDLESTON. I am pleased to join my colleagues in supporting H.R. 6156. It is one part of the legislation necessary to implement the CFTC-SEC jurisdictional accord. The securities portion is contained in H.R. 6156, while the commodities portion is in S. 2109. The accord is intended to specify clear jurisdictional boundaries for the CFTC and the SEC. The accord was necessitated in part by the seventh circuit decision in the Chicago Board of Trade against SEC which held that options on commodities including Government-issued debt instruments were subject to both the CFTC's exclusive jurisdiction and the commodity options ban under the Commodity Exchange Act. The court also held that the SEC did not have authority to regulate these options under the Federal securities laws.

Under the seventh circuit's decision, therefore, options on Government-issued debt securities that are also commodities, like GNMA's, Treasury bills, and Treasury bonds, cannot now be publicly traded. Since the seventh circuit decision rests on independent holdings under the Commodity Exchange Act and the Federal securities laws, I believe that it is generally agreed that both H.R. 6156 and S. 2109 must be enacted to remove any legal barriers that exist which prohibit the legal trading of those options.

I hope that the members of the Committee on Banking, Housing, and Urban Affairs will work with the members of the Committee on Agriculture, Nutrition, and Forestry to insure that S. 2109 is enacted.

Mr. D'AMATO. Mr. President, I yield back my time.

Mr. SARBANES. I yield back my time.

Mr. COHEN. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. COHEN. I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time having been yielded back, the question is on the third reading of the bill.

The bill was ordered to be read a third time and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New Jersey (Mr. BRADY) and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Montana (Mr. MELCHER), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I also announce that the Senator from Oklahoma (Mr. BOREN) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Montana (Mr. MELCHER) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 386 Leg.]

YEAS—91

Abdnor	Garn	Mitchell
Andrews	Glenn	Moynihan
Armstrong	Goldwater	Murkowski
Baker	Gorton	Nickles
Baucus	Grassley	Nunn
Biden	Hart	Packwood
Boschwitz	Hatch	Pell
Bradley	Hatfield	Percy
Bumpers	Hawkins	Pressler
Burdick	Hayakawa	Proxmire
Byrd, Harry F., Jr.	Heflin	Pryor
	Heinz	Quayle
Byrd, Robert C.	Helms	Randolph
Cannon	Hollings	Riegle
Chafee	Huddleston	Roth
Chiles	Humphrey	Rudman
Cochran	Inouye	Sarbanes
Cohen	Jackson	Sasser
Cranston	Jepsen	Schmitt
D'Amato	Johnston	Simpson
Danforth	Kassebaum	Specter
DeConcini	Kasten	Stafford
Denton	Laxalt	Stennis
Dixon	Leahy	Stevens
Dole	Levin	Symms
Domenici	Long	Thurmond
Durenberger	Lugar	Tower
Eagleton	Mathias	Wallop
East	Mattingly	Warner
Exon	McClure	Zorinsky
Ford	Metzenbaum	

NOT VOTING—9

Bentsen	Dodd	Melcher
Boren	Kennedy	Tsongas
Brady	Matsunaga	Weicker

So the bill (H.R. 6156) was passed.

SENATOR MATTINGLY RECEIVES GOLDEN GAVEL AWARD

Mr. BAKER. Mr. President, I observe that it is now 4:33 in the afternoon. According to calculations given to me by the Journal Clerk, that means 3 minutes ago, the distinguished occupant of the Chair (Mr. MATTINGLY) completed 100 hours of presiding over the Senate. For those not familiar with the situation, that means that, in due course, he will be lavishly praised and given an award called the Golden Gavel.

What that also means is that he has sort of turned into a second parliamentarian.

I am grateful he has given that service, as I know all my colleagues in the Senate are.

Mr. HEINZ. Mr. President, I join in commending the majority leader on his recognition of the Chair and his distinguished service in wielding, if not a golden gavel, a very eloquent ivory implement. I know the Chair is not supposed to make comments on his own, but I compliment him anyway.

The PRESIDING OFFICER. The Chair expresses his appreciation.

EXPORT TRADING COMPANIES ACT—CONFERENCE REPORT

Mr. HEINZ. Mr. President, I submit a report of the committee of conference on S. 734 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 734) to encourage exports by facilitating the formation and operation of export trading companies, export trade associations, and the expansion of export trade services generally, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the House proceedings of the RECORD.)

Mr. BAKER. Mr. President, I ask unanimous consent that on this conference report, there be a time limitation of 15 minutes to be equally divided and the control of the time to be in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINZ. Mr. President, this is a conference report on the Export Trading Companies Act, which is no stranger to the Senate. It has twice passed the Senate without a dissenting vote, in this Congress and the last. It has been the subject, over in the House, of hearings in three different committees.

The House version passed the House without opposition. It was originally strongly supported by President Carter in his administration. It is now strongly supported by the Reagan administration. Indeed, President Reagan mentioned it at the outset in his news conference on Tuesday of this week.

Mr. President, I view this bill not just as an export trading company bill, but a bill that will allow businesses,

many of them small, many of them medium sized, to join together and compete internationally as trading companies the way the Germans and the Japanese have done so successfully.

I view this as a jobs bill, Mr. President. Indeed, various people have studied this bill. Chase Econometrics has estimated, for example, that this bill will create somewhere between 340,000 and 640,000 jobs over the next 3 to 4 years. Administration studies have made similar estimates. That, Mr. President, is a jobs bill.

These jobs are particularly important to our economy. They are in an important sector, the export sector, which includes virtually everything we make in this country, from food and fiber, our great agricultural potential, to manufactures of every conceivable kind. Increasingly, as our economy matures, the real potential for growth and job creation is going to be more and more in international trade. Just recently, we were advised that of the jobs created in this country over the last 10 years, fully one-third of all the new jobs have been created through exports.

I observe further, Mr. President, that enactment of this bill today is particularly timely in view of August's record $7 billion trade deficit. If we continue to run at that rate for a 12-month period, that will result in an $84 billion trade deficit. That is clearly something that this country cannot afford.

Mr. President, I would be remiss if I did not thank a number of people who have worked very, very diligently on this bill and on the conference report. First, I am deeply grateful to the chairman of the Committee on Banking, Housing, and Urban Affairs (Mr. GARN) for the total cooperation he has given in this matter. He has, as chairman of our committee, scheduled the necessary hearings and markups expeditiously. He has been immensely supportive of the legislation, of which he, himself, is an original cosponsor.

I thank Senator RIEGLE, the ranking minority member on the committee who has, at every turn, supported the legislation fully, has worked to make it better, has offered prefecting amendments. This bill could not have been as good a bill as it is today without his determined help.

I am especially grateful to Senator THURMOND, who has been extremely helpful in understanding the nature of this bill. He has done a superb job in counseling us in our deliberations with the Judiciary Committee on the House side.

Mr. President, there are many others I could and should thank on this. Senator BRADLEY has made an important contribution. As much as anyone else, Senator STEVENSON, who was one of the prime movers of this bill in the last Congress, deserves our thanks and congratulations. I would be remiss in those particular instances if I did not point them out. Of course, without the help of all the members of the committee, we would not have this excellent bill before us today.

Mr. GARN. Will the Senator yield?

Mr. HEINZ. I am happy to yield.

Mr. GARN. The distinguished Senator from Pennsylvania is overgenerous. I appreciate the lavish praise, but I think the record should be set straight that I had very little to do with this bill except stay in the background. Senator HEINZ has totally taken this over from the beginning, last year and this year. He deserves 99 percent of the credit for this bill, about to become law within a few days if it survives the House.

Again, I appreciate his praise, but it is vastly overstated in view of the time and effort that he, himself, has put in through his service as chairman of the International Finance Subcommittee of the Banking Committee.

Mr. HEINZ. Mr. President, I thank the distinguished Senator from Utah. I reserve the remainder of my time.

Mr. RIEGLE. Mr. President, I thank the Senator from Pennsylvania for his kind comments and most gracious words. I commend him for his exceptional leadership on this effort and for his success in bringing it to a conclusion today.

The adoption of the Export Trading Company Act marks the happy conclusion of more than 3 years of congressional consideration of legislation to encourage the formation and operation of export trading companies. The first bill on the subject was introduced in August 1979 by the former Senator from Illinois, Adlai Stevenson, who chaired the International Finance Subcommittee at the time.

The legislation has enjoyed wide bipartisan support in the Senate from its introduction. The distinguished current chairman of the International Finance Subcommittee, the senior Senator from Pennsylvania, Mr. HEINZ, was an early and avid supporter of this legislation, and it has been carried to consummation in this Congress under his leadership.

I, too, was an early cosponsor of this legislation in both the 96th and 97th Congresses, and am delighted to support adoption of the conference report. I believe the Export Trading Company Act can significantly expand U.S. exports and, thereby, U.S. jobs. Banks will have an opportunity to invest in export trading companies through bank holding companies. Antitrust concerns can be clarified for all exporters under procedures established in the act. The Commerce Department and the Export-Import Bank are directed to give particular attention to the promotion of exports through U.S. export trading companies.

Mr. President, this legislation has been carefully considered. There have been dozens of days of hearings over the past 3 years on this bill or earlier versions of it. The legislation has passed the Senate twice by unanimous rollcall votes. The conference report is the product of arduous negotiations involving several committees in the House and the Senate. The legislation is supported by the present administration, as it was by President Carter and his administration.

I urge adoption of the conference report. Our growing trade deficit leaves no room for further delay in providing U.S. producers with new opportunities to expand exports.

Mr. PROXMIRE. Mr. President, I support this conference report.

The legislation before us would authorize the establishment of export trading companies by bank holding companies and provide for antitrust clearance for such trading companies and exporters under the jurisdiction of the Justice Department's Antitrust Division and the Commerce Department.

Similar legislation has passed the Senate twice before. I voted in favor of the Senate-passed bills with substantial reservation. When those bills went to the House, the House Banking and Judiciary Committees did an outstanding job of refining the Senate bill. My hat goes off to Chairman ST GERMAIN and Chairman RODINO.

This legislation will place administrative responsiblity for the banking sections where it belongs: in the Federal Reserve. No antitrust clearance will be given without the concurrence of the Justice Department.

I believe we have achieved a balance in this bill between the need to provide legislation to encourage exports and the need to provide strong provisions to prevent unsafe unsound banking practices or violations of our antitrust laws.

We all hope very much that this legislation will increase our exports, particularly among small- and medium-sized businesses.

Mr. President, the International Finance Subcommittee of the Banking Committee has worked long and hard on this legislation. The legislation could not have been accomplished without the hard work of Senator HEINZ and his willingness to compromise.

I commend this legislation to my colleagues.

Mr. RIEGLE. Mr. President, I yield back the remainder of the time on this side of the aisle.

Mr. HEINZ. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Pennsylvania has 2 minutes, 45 seconds.

Mr. HEINZ. Mr. President, I want to make one last comment. We are nearing passage on this major jobs bill. When it passes the Senate, it will go to the House. The House, at this moment, is still engaged in their debate on the so-called balanced budget constitutional amendment. At the conclusion of that debate, there will then be an opportunity for the House to take up this bill and pass it.

Over in the House, too, this has been a very bipartisan bill. It has been championed by Representative ST GERMAIN, chairman of the House Committee on Banking; it has been championed by DON BONKER, of Washington, chairman of the House export task force.

It has been acted on favorably by the House Foreign Affairs Committee, where Chairman ZABLOCKI has lent his total support to this bill. The chairman of the House Judiciary Committee, Congressman RODINO, has been incredibly helpful in facilitating passage.

I not only hope that the House passes this bill tonight, but I urge all Members in the House who have supported this bill to do everything in their power, including Speaker O'NEILL, who I know strongly favors this bill, to facilitate its passage. We have waited nearly 4 years to get this bill through the legislative process. It was President Carter's highest international trade priority, but it did not make it. I hope it makes it this time. The Senate has done its duty once again. I commend all my colleagues.

Also, as I mentioned, the Senator from New Jersey (Mr. BRADLEY) has been very supportive of this legislation from the time he arrived in the Senate.

I hope the the House is as supportive there as we are on this side.

Mr. President, I see no Senator requesting time. I yield back the remainder of my time.

The PRESIDING OFFICER. Do both sides yield back their time?

Mr. RIEGLE. All time has been yielded back.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. RIEGLE. I move to reconsider the vote by which the conference report was agreed to.

Mr. HEINZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDATION OF SENATOR MATTINGLY

Mr. NUNN. Mr. President, I want to commend the junior Senator from Georgia, who is in the chair, for his extraordinary service to the Senate. I think he is well deserving of the award and all the accolades that were stated by the majority leader a few minutes ago. I would like to identify myself with the majority leader's remarks.

Also, I might say that it is comforting to know that anytime I need to converse with the junior Senator from Georgia, I can always find him in the chair. It is a very convenient arrangement.

However, I do, in all sincerity, congratulate him for his extrordinary service to the Senate.

The PRESIDING OFFICER. The Chair thanks the senior Senator from Georgia.

VIRGIN ISLANDS SOURCE INCOME AND DISABILITY PROPOSAL—H.R. 7093

Mr. BAKER. Mr. President, if I could have the attention of the distinguished chairman of the Finance Committee, the distinguished ranking minority member and the Senator from Maine, I wonder if the Senator from Kansas would be prepared at this time to establish the status of H.R. 7093, the Virgin Islands source income and disability proposal.

I yield to the Senator, Mr. President.

Mr. DOLE. Mr. President, I ask unanimous consent that we might move to the consideration of H.R. 7093.

Mr. LONG. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE and Mr. LONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I wonder if the Senator from Louisiana will withhold so the Senator from Maine might have a brief discussion on that.

Mr. LONG. Mr. President, I am more than willing to withhold my objection with the understanding the Chair will recognize me so that I might object after this subject is discussed.

Mr. DOLE. Mr. President, let me just say one thing. There is a section of this bill that is controversial. Part of it is not.

H.R. 7093 would reduce to 10 percent the 30-percent withholding tax withheld at source by U.S. Virgin Islands payers of certain Virgin Islands source passive investment income when the recipient is a U.S. individual or corporation.

The bill would allow the Virgin Islands government to further reduce the 10-percent rate at its discretion.

It is not that particular provision that is in controversy. The provision that is in some—I do not say controversy, but there is some question about it—the provision relates to the social security disability insurance; and I yield to the distinguished Senator from Maine so that he may address the question of the Senator from Louisiana.

Mr. COHEN. Mr. President, I thank the Senator from Kansas for this opportunity to discuss an amendment that was offered by Senator LEVIN and me and others. In fact, it is an amendment that was cosponsored by Senators DOLE, ARMSTRONG, HEINZ, RIEGLE, DURENBERGER, METZENBAUM, BIDEN, BOREN, BURDICK, CANNON, CHAFEE, COCHRAN, CRANSTON, DIXON, LEAHY, PELL, SASSER, STAFFORD, QUAYLE, and DODD.

The purpose of our proposal is to provide immediate relief to the thousands of disabled individuals whose benefits are being erroneousy terminated and subsequently restored after a lengthy appeals process has run its course. Our legislation also would slow down the rate of reviews so that these disability investigations may proceed at a more measured pace.

In response to a congressional mandate, the Social Security Administration has been reviewing the eligibility of hundreds of thousands of individuals with nonpermanent disabilities. In my judgment, Congress was correct in mandating periodic reviews to identify those individuals who have recovered sufficiently to be able to resume working. The implementation of this law, however, has created chaos and inflicted pain that Congress neither envisioned nor desired when it enacted what was intended to be a sound management tool. And we in Congress share a large measure of responsibility for failing to establish specific guidelines for selecting the cases and conducting the investigations.

On May 25, Senator LEVIN and I held a hearing in our Oversight of Government Management Subcommittee to investigate numerous reports from all over the country that truly disabled people were having their benefits terminated. What we found was most disturbing. Benefits were being discontinued in more than 40 percent of the cases reviewed—far above the 20-percent rate originally predicted by the General Accounting Office. Yet, more than two-thirds of the claimants who appealed were eventually reinstated to the program after a hearing before an administrative law judge. The tragedy is that in waiting for rein-

statement these severely disabled persons and their families must go without benefits for many months—or even a year—due to the tremendous backlog of cases.

Witnesses at our hearing recounted case after case in which truly disabled individuals lost their benefits and suffered financial hardship and emotional trauma because of an unjust system. Our hearing revealed a disturbing pattern of misinformation, conflicting standards, incomplete medical examinations, inadequately documented reviews, bureaucratic indifference, erroneous decisions, financial and emotional hardships, and an overburdened system.

Rectifying such fundamental deficiencies will require comprehensive legislation, and I applaud Senator DOLE for his willingness to thoroughly review the disability program. It will, however, take time for Congress to effect the needed changes in the disability review process. In the interim, it is essential that we act to provide immediate relief to the disabled individuals whose benefits are being terminated and then reinstated, and to slow down the reviews so that they may proceed more rationally.

Our legislation has two parts: First, it would direct the Secretary of Health and Human Services to determine on a State-By-State basis the appropriate volume of reviews. Second, it would continue disability payments until the administrative law judge stage of the appeals process. Both steps could be easily and quickly implemented.

Slowing down the number of cases reviewed would help both claimants and the State agencies which conduct the investigations. Currently, case files are literally overflowing out of boxes, and unreasonable burdens have been placed on many State agencies, particularly in those States where personnel freezes have prevented the hiring of needed staff. By directing the Secretary to proceed with the reviews at a pace which recognizes the necessity for careful evaluations and a more even workload, our legislation would improve the quality of the decisions and lessen the huge backlog of cases. S. 2942 provides the Secretary with the flexibility that he needs to make adjustments in the States workload after consulting with the State administrators.

In addition, by continuing benefits pending appeal, this legislation would eliminate the needless financial burden now imposed on disabled people who are mistakenly removed from the program, despite being unable to resume work. Currently, claimants who are successful in appealing their termination decisions receive back benefits, but only after months of disruption and delay. Our proposal would prevent the interruption of benefits which these individuals eventually would receive anyway.

To control the cost of this proposal and to discourage frivolous appeals, S. 2942 would require individuals whose terminations are upheld by an administrative law judge to repay the benefits paid pending appeal. Unless it would cause hardship or create an inequity to do so.

Again, I emphasize that fundamental reforms in the SSA review procedures are absolutely essential. Indeed, Senator LEVIN and I, along with several other Senators, have proposed comprehensive legislation to make the system more equitable and efficient. Congress would, however, be remiss in waiting for comprehensive legislation to solve these urgent problems. While we should continue to seek long-term reforms, including a medical improvement standard, we should act immediately to provide protection for the disabled Americans who are the victims of a faulty and unfair system.

Surely when we are dealing with the most disabled workers in our society, we should enact every safeguard to insure that the Government does not add another burden to the ones they already must bear.

I would like to thank Senator DOLE for working with us in fashioning a solution to this problem, and I commend Senator LEVIN for his distinguished leadership and hard work on this issue.

Mr. President, the reason why this issue has come to the Senate is that we have a serious situation in the whole area of reviewing our social security disability payments.

Congress, in the past, has mandated—and I see the Senator from Louisiana, who really is one of those who was in the forefront of causing this review, this mandated review, of social security disability payments, which I think he correctly perceived at that time had gotten out of hand.

As a result of that congressional mandate, this administration has gone forward with a great deal of enthusiasm to carry out that congressional mandate and, I submit, long before they were adequately prepared to carry it out. As the result of this review which has been mandated by Congress, we have seen evidence of thousands of cases being reviewed in a very cursory manner, with very little notice being given to the social security disability recipients—a notice which says, "Your case is coming up for review."

We have truth in lending, we have truth in labeling, but we do not have any truth, apparently, in notifying people who are our most seriously disabled people in this country that their cases are not only coming up for review but also that the Social Security Administration is not going to take into account any past medical evidence, and that they would have the burden of bringing their doctor foward with new evidence to support their claims of disability.

Suddenly, they are examined by a strange doctor for 10 to 15 minutes, and it is run through a computer—no face-to-face interviews, no personal contact. It is all done by way of administrative fiat, and suddenly they are cut off the disability rolls.

The cases are appealed, and better than 60 percent of all cases that have been terminated under this review process have been reversed on appeal. That appeal takes 9 months, a year, sometimes 15 months. So you have people who are severely disabled, who go without those benefits, not as a welfare grant but something they paid for when they were working. They go without those benefits for up to a year, and almost two-thirds have them reinstated.

We found a situation where there was, No. 1, insufficient notice to the recipient, the beneficiary, of what was going to take place. No. 2, there is no personal, no human, contact with the agency whatsoever.

No. 3, the agency has done something which is inconsistent with the rule of law, in my judgment. The Agency has excluded the consideration of pain as a disabling factor, even when it is supported by sound medical evidence.

No. 4, as the Senator from Louisiana correctly notes in his dissenting views, we saw the use of a different standard by the agencies, as opposed to the administrative law judges. The agencies were using one standard and the administrative law judges were using another.

As I said earlier, we have seen a 15- to 20-minute medical examination and a 60-percent reversal record.

I take this opportunity to quote from the dissenting views of the distinguished Senator from Louisiana. I thank the Senator for his generosity in providing them to me.

I note the statement on page 7 of those views:

> The high reversal rates at the hearings level have been a matter of concern to the Congress for a number of years. On its face, a system in which most appealed cases are reversed is a system in trouble. Simply as a workload matter, such a situation leads to an unduly large number of appeals. The committee proposal to pay benefits during appeal will aggravate this problem. Moreover, a high reversal rate tends to cast doubt on the validity of the entire decisonmaking process and to invite efforts to game the system.

It seems to me that that is correct in the first instance. We have a system in serious trouble because of it being understaffed. They do not have adequate staff in many States. We have people who are not properly trained in some instances. We have no face-to-face

contact to eliminate the most egregious cases we heard about in our committee. We have the elimination of pain as a consideration of a disabling factor, and we have a different standard.

We have thousands of people who are really disabled and being denied their benefits when they should not be denied.

I support what the Senator from Louisiana has done in the past and agree that we have too many people on the rolls. GAO said 20 percent should be taken off. We found that the system is taking 40 percent off, only to have two-thirds reversed.

It seems to me that we are creating unnecessarily a great deal of pain and suffering for people who are truly in need of these payments because of their disabilities.

It was with this notion in mind that Senator LEVIN and I held our hearings in the Government Oversight Committee and then presented the matter to the Finance Committee, to see if we could find some way of providing temporary relief.

What we propose are two things: Aside from any kind of comprehensive revision of the present review process, what we proposed was, No. 1, to slow down the review of these cases, to allow the Administrator, on a State-by-State basis, to decide where he could justifiably slow down the review process so that there would not be the kind of errors which are taking place.

Second, we proposed that we continue the disability payment through the appeals process to the administrative law judges. This, as I understand it, is the biggest point of contention of the Senator from Louisiana. I have read his views, and I understand the basis for them.

What we have found, for example, is that a fundamental error is being made at the lower level. Whether it is because the administration is making one policy and the administrative law judges are following another, I do not know. That is the basic problem. We should have one standard, one rule of law, but we have two, and maybe we have three or four.

The problem is that the administrative law judges are applying the rule of law as interpreted by our courts, as they interpret our laws, and the administration is following a different policy.

What we have, I think, is a situation where our most disabled citizens find themselves victims of confusing, conflicting, chaotic laws, in the administration of our laws.

What we propose to do is to continue the payment through the appeals process, so that the two-thirds of the people who are being unjustifiably denied now will not be denied in that appeals process.

I would go further. I would eliminate the reconsideration process, because that is simply a rubberstamp of the lower administrative decision. Eighty-five percent of the cases are affirmed.

I would mandate a face-to-face interview and then to directly to the administrative law judge, eliminating reconsideration of the initial decision.

The Senator from Louisiana makes a valid point: We do not want to encourage people to file frivolous appeals claims. By the same token if people have paid into a social security disability fund through their wages and then you find they are being terminated and two-thirds are being reinstated on appeal, it seems to me that the equities clearly come down on the side of those who are being erroneously terminated.

Mr. President, it was with that notion in mind that I had requested Senator DOLE to consider the amendment Senator LEVIN and I had offered.

I point out that there are those who would go much further at this stage. Senator METZENBAUM, Senator HEINZ, Senator RIEGEL, and others would like to go to a comprehensive review right now, and I have not supported that because I think we need time to fully debate the issue. We should debate on an extensive basis in the committees—the Committee on Finance and the Committee on Government Oversight—and on the floor a more comprehensive approach as to how we are going to terminate people on disability payments.

People are commiting suicide because of the termination of disability payments. There are people like Mr. Gage. I will not take the Senate's time to go through the whole sorry history of someone who had been a diabetic from age 12; partially blind, with tunnel vision; could not walk without assistance; and yet had benefits terminated, went into the hospital, had a heart attack, and died. Nine months later, the agency said they made a mistake. They went back and notified the widow: "By the way, your husband is dead. We terminated his benefits. We made a mistake. We sorry."

We have had people who have been in iron lungs having their benefits terminated. I had a man in Maine in a body cast and his benefits were terminated.

So we have a situation where the review process is out of control, and what this measure is designed to do is to put a sense of equity back into the system, recognizing it is a short-term solution until such time as this Congress has an opportunity to take a comprehensive approach.

Having said that, I point out as a result of the hearings that we have had, as a result of the kind of meetings that the Secretary of HHS has had with Members of the Senate, they have taken steps to correct some of the more egregious deficienices in the current review process.

I commend the administration for that. But the most egregious effort and deficiency is we are still terminating people who now have to go through the appellate process that takes 9 months to a year to 15 months, only to have that reinstated. That is a fundamental inequity that should not be tolerated for any length of time.

So what we hope to do is to have a consideration of this measure on a temporary stopgap basis until such time as this Congress can review whether or not its congressional mandate is being carried out in a manner which it intended.

I do not beleive that to be the case right now. I think that congressional intent is not being carried out but rather that there is severe pain and suffering being inflicted upon citizens who should not tolerate it.

(Mrs. HAWKINS assumed the chair.)

So, Madam President, that is the basis for the amendment that was included and cosponsored by the distinguished chairman of the Finance Committee and so many other Members of this Senate, and I hope that the Senator from Louisiana will take that into account in choosing whether or not to exercise his right to object.

Mr. LONG. Madam President, when this debate opened a different Presiding Officer was in the chair, and it was agreed that I would withhold my objection and that the Chair would recognize me to object after we had had a colloquy on this subject.

Let me explain some of the background of this matter. It was many years ago, about 1956, when some of the people associated with the labor movement came to the Senator from Louisiana and urged this Senator to lead the charge to have disability covered under social security.

At that time the Senator from Louisiana told these gentlemen that while I would enjoy undertaking that responsibility and would be proud to do so, we would have a better chance of prevailing upon the Senate to accept such a proposal if we could persuade the former chairman of the Finance Committee, Walter George, who at that time was chairman of the Foreign Relations Committee, to be the principal sponsor of the amendment. Senator George was persuaded to do that and we prevailed in the Senate.

I do not believe we would have prevailed if Senator George, with the enormous prestige he had at that time as a former chairman of the Finance Committee and as the chairman of the Foreign Relations Committee, had not been willing to lead the charge for us, because his eloquence, prestige, and stature made a great difference.

Madam President, we prevailed in this Senate by a very close vote. With the change of a single vote, we would not have prevailed.

At that time the overwhelming majority of Democrats voted for the position I was advocating, and most of those on the other side of the aisle voted against it.

I was proud of having been a part of that matter in the beginning. Madam President, the Senator from Louisiana, who controls the floor at this moment, had he not been interested in seeing the program enacted even more than he was interestred in having credit for doing something as a Senator, could very well have been known as the father of this disability program. For the good of the country and in order that the program could become law, the Senator from Louisiana yielded the opportunity to the Senator from Georgia, Mr. Walter George, to be the sponsor of the amendment and the person responsible for this program being in effect.

But if this Senator had not voted for it, in fact if any one of us who had voted for that amendment had not voted for it, it would not have become the law at that time. It might never have become the law, for all we know.

The thing we were cautioned about in the hearings on the proposal, and the grave alarm that was expressed throughout the country then, and it proved to be well taken, was that if we enacted a disability program as a matter of right under social security, we were going to have enormous numbers of people claiming that they were totally disabled when they are not really disabled—though they may have a handicap, perhaps a severe handicap, they are not totally and permanently disabled.

Madam President, I have with me the speech that Walter George made at that time, a very eloquent speech, may I say, the closing speech on that subject in the Chamber, and he explained that this amendment was drawn in such a fashion that there would be a very close limitation on the number of people who would be drawing these benefits, that this new program was only for people who were very severely disabled and unable to engage in any substantial gainful activity.

The Senator spelled out in his speech the limitations on eligibility and the costs that we could expect from such a proposal.

Madam President, that is what I voted for. that is what I supported. That is what I sponsored. And that is what the Senate voted for.

Now we did that in good faith and when Walter George stood here telling the people of this Nation what we expected of this program, he was sincere just as I am sure every Senator who voted for this program was.

What is the No. 1 fault of the program today? It is not the horror stories people are talking about of someone being rejected from the rolls. No; from any fair and impartial point of view, the No. 1 thing that is wrong is that the public is paying for three and a half times as many beneficiaries under this program as it was expecting to be paying for.

Madam President, you can go all over the country and find horror stories the other way around, about people who are not disabled at all who are on those rolls.

Just let me give you one example. I know this from a person who was a former alcoholic and who told me about it. I am informed that under the rules right now, people who were alcoholics and who had been put on the rolls as being disabled, and I am not challenging that, even after they had reformed and joined Alcoholics Anonymous and were no longer alcoholics and were available to the work force, they just remained on the rolls and they continue to remain on the rolls.

Madam President, I have been told by many housewives of their trying to hire domestic help and having person after person come to apply and tell them: "We are available to work providing you can pay us on a cash basis with no records kept, because we are on the disability rolls as being totally and permanently disabled." To look at these people you would not have the impression they had any problem at all.

The point is that as of right now the taxpayers are paying $16 billion a year for a program which should be costing them about $5 billion a year. I do not know of any Federal activity where a program is exceeding what is should be costing by a greater degree than this one right here.

The Department is trying to do something about that.

(Mr. SPECTER assumed the chair.)

Mr. SYMMS. Mr. President, will the distinguished gentleman from Louisiana yield at that point?

Mr. LONG. I yield.

Mr. SYMMS. Did I understand the Senator to say that the program is costing three times as much as it is supposed to?

Mr. LONG. Three and a half times what it ought to be costing.

Mr. SYMMS. Three and a half times. I thank the Senator for bringing that point to this body.

Mr. LONG. I am saying this because if you take the number of people actually on the rolls in 1980, it is about three and a half times the number of people that were originally estimated to be on the rolls in 1980. Similarly, the cost of the program as a percent of taxable payroll is about three and a half times the percent of payroll originally estimated for this purpose.

Mr. President, we in the Committee of Finance as a matter of responsibility brought to the Senate and the Senate passed and the House concurred in a measure in 1980 calling upon the Department to review these cases and to remove from the rolls those who did not belong on the rolls, and the Department is trying to do that.

The Department has responded to the 1980 congressional mandate. The problem now is not that the examiners are putting too many people on the rolls, because examiners have been directed to review and to tighten up on the determinations, and they are trying to do what Congress mandated. But all one had to do is to appeal from the decision of the examiner, when the examiner says that this person should not be on the rolls, and about two times out of three the administrative law judge will restore the person to the rolls.

The Department has made a study of this matter to see how accurate the determinations have been, and their estimate is that in about 97 percent of the cases the examiner was right.

Mr. COHEN. Mr. President, if the Senator will yield, the Department is being overruled in two-thirds of the cases.

Mr. LONG. Exactly, overruled by its own administrative law judges, who used different standards than the examiners used.

But the Department has made a study of this matter, and in its review of the decisions made by the examiners, the Department found that the decisions of the examiners were correct 97 percent of the time, using the Department's eligibility standards—even though they have been reversed about two-thirds of the time by the administrative law judges.

So the evidence tends to reveal at least in view of the Department, and I am inclined to believe this is substantially correct, that the error is not as much on the part of the examiners as it is on the administrative law judges in putting these people back on the rolls, people who do not belong there.

These administrative law judges can contend that in some instances they are following the decisions of Federal courts, and I would assume that to be the case.

But when those judges have overruled the Department's decision in many cases, Mr. President, they have been in error, too, and that ought to be corrected.

In the judgment of this Senator, the answer is not to pass laws that are going to put more people on the rolls, and not to pass laws to stop the review we required in 1980, and not to pass laws to continue on the rolls people who have been found to be ineligible.

Mr. COHEN. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. COHEN. The Senator raises an issue of who has made the more accurate assessment of the disability. Was the Senator aware, for example, that under the administration's policy there is no personal contact whatsover with the recipient or the beneficiary at the administrative level? They never see the people, they never talk to them. It is done by a computer.

They select a name out of it, they look at the records which includes a recommendation of one doctor who may have seen this person for 10 or 15 minutes, who puts it in the file, and that is it, and they say "disability terminated."

The only time that person out there has any human contact with the system is at the administrative law judge level. Let me just read what our committee received in testimony from what the New England director of the Association of ALJS said about that:

With regard to the speed in which such review of termination cases are performed, we have found in a vast majority of the cases that there has been poor development of the medical record at the state agency level. In all fairness to the state agencies, we believe that such poor development is due in large part to an extremely large state agency workload, under-staffing of the state agencies, and arbitrary time constraints imposed on the state agencies for processing cases. . . . The Administrative Law Judges often feel that the hearing level has become the "dumping ground" for the hurried state agency process.

If you look to where the error is being made, it seems to me that you'll find it at the agency level. If you want to do business and treat people solely in this country by computer, then you turn to the administration's process, just terminate them based upon what the computer says. But if you really want to deal fairly with people who are disabled, you ought to have some personal contact.

Mr. LONG. Mr. President, let me make my point. There are three and a half times as many people on these rolls as we thought ought to be on the rolls. I voted for the program and helped to enact it into law. We have three and a half times as many people as we told the taxpayers we were going to pay benefits to.

Mr. COHEN. GAO says 20 percent.

Mr. LONG. I do not care what GAO says about present law. I am talking about the program we originally inacted. I was here and voted on it. I know what we voted on, and I recall the legislative record as if it were yesterday.

Mr. President, we have 3½ times as many people on the rolls as we told the Senate were going to be on the rolls when we offered the original disability amendment in 1956.

Regardless of what percentage you want to say are ineligible we can all agree that there are many people on these rolls that do not meet the definition of disability in the law and who are costing the taxpayers a great deal of money.

So far as I am concerned, Mr. President, I expect that we will vote on this matter in the session that is to occur after the elections. The Senate can do whatever it wants to do about the matter. I do not think the bill ought to be passed, but I do think, Mr. President, it serves a purpose to consider it at that time rather than at this time because, assuming the bill passes, I personally think the President should veto it. The administration has said they do not support the measure. In my judgment, it is going to cost the taxpayers at least $1 billion a year if we pass this bill. The committee report does not state that it is going to cost that much, but it certainly is going to cost a lot of money.

In any event, this is something we can vote on and settle in the lame-duck session. I hope the President will veto it if it does come to his desk, and in the event he vetoes it at that point, he can be under less politicial pressure in making his decision. He will be able to look at what is best for the country, not on the basis of whether or not he would be regarded as being brutal, but on the basis of doing his duty.

Mr. BAKER. Mr. President, I have no desire to bring this to an end, but we have a lot of work to do, and I wonder if the Senators will acknowledge that the Senator from Louisiana has already indicated he wishes to be recognized for the purpose of making an objection to proceeding to the item? There is going to be a lot of time to debate this later.

Mr. LONG. Mr. President, I ask unanimous consent that a statement of my views appear in the RECORD.

There being no objection, the materials was ordered to be printed in the RECORD, as follows:

ADDITIONAL VIEWS OF SENATOR LONG ON H.R. 7093

The social security disability program was enacted in 1956. At the time it was passed, Congress believed it was adopting a narrowly drawn program which would serve only the most severely disabled. The actuaries projected that its cost would be modest and that it could be financed over its entire future history by a tax rate of less than one-half of one percent. Over the years, these early cost estimates have proven much too low. The number of people drawing benefits has grown far beyond anything that was anticipated in 1956. The long-range cost of the program is now projected to be some three and one-half times as great as was expected in 1956. By 1980, it was clear to Congress that this was a program out of control.

In 1980, the Congress enacted legislation designed to bring the social security disability insurance program back under control. A major element of the 1980 amendments was a requirement that the Administration begin a thoroughgoing periodic review of the eligibility of all beneficiaries. This review has been undertaken and, as was anticipated, a large portion of the cases reviewed have been found to be ineligible. Yet the Finance Committee in this bill recommends the extraordinary procedure of continuing to pay benefits to individuals who have been found to be ineligible for those benefits until they have exhausted a lengthy administrative appeals process.

I believe that continuing benefits is a fundamentally incorrect approach to this situation. The individuals being terminated from the disability rolls are people who have been found not to meet the requirements for eligibility. The present review process was mandated because of deep Congressional concern that the cost of the disability program had grown out of control. Lax administration was a major reason for the uncontrolled growth of the program. Because of this lax administration, many people were put on the benefit rolls who did not meet the stringent requirements that Congress established for this program.

The social security disability program from its very inception was intended as insurance against the virtually total loss of earnings ability arising from severe disabilities. Time and again Congress has reaffirmed the intent to limit benefits under this program only to those people who cannot work. Unfortunately, the program has not always been administered in a way which carries out this mandate. As a result, individuals have been put on the benefit rolls even though their disabilities are not so severe that they are no longer capable of substantial work activity. Some of these individuals are in fact handicapped, but they are not so disabled as to meet the standards of the social security disability program.

The Committee proposal will result in significant expenditures of social security trust fund monies. These expenditures will go to pay benefits primarily to people who do not qualify for those benefits. While the legislation provides for recovering those incorrect payments at a later date, most of those payments will not in fact be recovered. The Administration believes that they will be able to get back about half of the incorrect payments, and that may be a highly optimistic estimate. The payment of benefits during appeal will tend to aggravate the existing serious problems which exist within the social security appeals system. Moreover, there is a danger that this legislation will be viewed as undermining the mandate of the 1980 Amendments for vigorous administration to assure that benefits are paid only to eligible individuals.

THE NATURE OF THE SOCIAL SECURITY DISABILITY PROGRAM

When the social security disability program was enacted in 1956, it was intended to be a program for those individuals who are so disabled that they cannot engage in any kind of substantial work activity. There are many people who suffer handicapping ailments, and these individuals are deserving of great sympathy. However, the social security disability program was not intended as a pension to be paid to anyone with a handicap. If the social security trust funds are to be used to pay benefits to all those who have suffered a medical condition which restricts their earnings capacity, the Congress will need to enact very substantial increases in the social security tax rate to fund the program.

This is not to say that Congress should not address the problems of handicapped individuals. A great deal can be done through a variety of programs to assist these individ-

uals to regain the ability to work and to encourage the expansion of employment opportunties. Consideration needs to be given to improving those programs and to strengthening the incentives in the tax laws for hiring the handicapped. But the social security disability insurance program is based on a different premise and addresses a different population. The social security program is insurance against that catastrophic situation in which a worker becomes so disabled that he has totally lost the ability to support himself.

The limited intent of Congress with respect to this program can be seen by looking back at its legislative history. In 1957, when the program was newly enacted, the actuaries projected that, its costs would represent less than one-half percent of taxable payroll. By 1980, that cost was projected at 1.5 percent of payroll—more than 3½ times as much.

DI FINANCIAL FORECASTS IN EARLIER TRUSTEES' REPORTS

[Intermediate Assumptions]

Year of earlier trustees' report	Long-range cost [in percent of taxable payroll]	Cost estimates for CY 1980 [dollars in billions]
1957	0.42	$1.0
1960	0.35	1.5
1965	0.63	2.0
1967	0.85	3.2
1972	1.18	NS
1977	3.68	17.4
1980	1.50	[1] 15.9
1982 [1]	1.50	[2] 15.9

[1] Actual for 1980.
[2] Estimate.
NS—Not shown in report.
Source: Congressional Research Service, July 1982.

DISABILITY INSURANCE PROGRAM COSTS, 1957–82

[In millions]

Calendar year	Total costs
1957	$59
1958	261
1959	485
1960	600
1961	956
1962	1,183
1963	1,297
1964	1,407
1965	1,687
1966	1,947
1967	2,089
1968	2,458
1969	2,716
1970	3,259
1971	4,000
1972	4,759
1973	5,973
1974	7,196
1975	8,790
1976	10,366
1977	11,946
1978	12,954
1979	14,186
1980	15,872
1981	[1] 17,658
1982	[1] 18,508

[1] Estimated based on the Alternative II–B assumptions contained in the 1982 OASDI Trustees' Report.
Source: Social Security Bulletin, Annual Statistical Supplement, 1980.

DI BENEFICIARIES, YEAR-BY-YEAR, 1957–82

Calendar year	Disabled workers	Total DI beneficiaries [1]
1957	149,850	149,850
1958	237,719	268,057
1959	334,443	460,354
1960	455,371	687,451
1961	618,075	1,027,089
1962	740,867	1,275,105

DI BENEFICIARIES, YEAR-BY-YEAR, 1957–82—Continued

Calendar year	Disabled workers	Total DI beneficiaries [1]
1963	827,014	1,452,472
1964	894,173	1,563,366
1965	988,074	1,739,051
1966	1,097,190	1,970,322
1967	1,193,120	2,140,214
1968	1,295,300	2,335,134
1969	1,394,291	2,487,548
1970	1,492,948	2,664,995
1971	1,647,684	2,930,008
1972	1,832,916	3,271,486
1973	2,016,626	3,558,982
1974	2,236,882	3,911,334
1975	2,488,774	4,352,200
1976	2,670,208	4,623,757
1977	2,837,432	4,860,431
1978	2,879,774	4,868,490
1979	2,870,590	4,777,412
1980	2,861,253	4,682,172
1981	2,776,519	4,456,274
1982 estimated [2]	2,723,000	4,374,000

[1] Includes spouses and children of disabled workers.
[2] 1982 OASDI Trustees' Report, Intermediate II–B assumptions.
Sourse: Social Security Bulletin, Annual Statistical Supplement, 1980.

Despite the intent of Congress that this should be a program narrowly limited to people who have totally lost the ability to earn a living, there has been a continual tendency to put on the rolls individuals who are less severely disabled. In part this may arise from a misunderstanding of the purposes of the program. In part it may arise from the unwillingness to expend the funds necessary to administer the program tightly.

The Congress has reaffirmed its original intent to restrict this program to the most severely disabled individuals when it has reviewed the program. In 1967, for example, it appeared that courts were applying a rule which would give benefits to any individual with a disability sufficiently severe to keep him from doing his usual work or any other work available in his locality.

The Congress felt this was a far broader definition of disability than was appropriate for the social security disability insurance program. To reemphasize the original intent, Congress amended the law to make it clear that an individual "shall be determined to be under a disability only if his physical or mental impairment or impairments are of such severity that he is not only unable to do his previous work but cannot, considering his age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which he lives, or whether a specific job vacancy exists for him, or whether he would be hired if he applied for work" (sec. 223(d) of the Social Security Act).

Despite the clear Congressional intent that the social security disability insurance program be limited to the most severely disabled, the program continued to experience growth beyond anything that could be explained by changes in the legislation or demographic trends. The annual costs of the program increased from a little more than $250 million in 1958 to over a billion dollars in 1962, to more than $3 billion by 1970, more than $10 billion by 1976 and more than $18 billion in 1982.

According to an analysis done in 1978 by former Chief Actuary Robert Myers, the incidence of persons receiving disability benefits increased from 4.5 per one thousand insured workers in 1968 to 6.0 per one thousand in 1972, and to 6.9 per one thousand in 1975—in effect a 50 percent increase over a seven-year period in the rate at which workers were coming onto the disability rolls. There is no evidence to indicate that this increase was in any way based on real increased incidence of disabling conditions among the population at large.

A June, 1977 study by the actuaries of the Social Security Administration cited a variety of factors as responsible for the growth in the benefit rolls. Possible explanations included the increased attractiveness of benefits under a system in which benefit levels had been substantially increased, changing attitudes on the part of individuals with impairments, and increased emphasis on vocational factors resulting in more allowances on appeal. The actuaries also cited the results of trying to hold down administrative costs during a period of increased caseloads and the tendency in such circumstances to give claimants the benefit of the doubt. This problem was described by the actuaries as follows:

"All of this put tremendous pressure on the disability adjudicators to move claims quickly. As a result the administration reduced their review procedures to a small sample, limited the continuing disability investigations on cases which were judged less likely to be terminated, and adopted certain expedients in the development and documentation in the claims process. Although all of these moves may have been necessary in order to avoid an unduly large backlog of disability claims, it is our opinion that they had an unfortunate effect on the cost of the program.

"By claiming that it is difficult to maintain a proper balance between sympathy for the claimant and respect for the trust funds, we do not mean that disability adjudicators consciously circumvent the law in order to benefit an unfortunate claimant. What is meant is that in a public program designed specifically to help the people, such as Social Security, whose operations are an open concern to millions of individuals, and where any one decision has an insignificant effect on the overall cost of the program, there is a natural tendency to find in favor of the claimant in close decisions. This tendency is likely to result in a small amount of growth in disability incidence rates each year, such as that experienced under the DI program prior to 1970, but it can become highly significant during long periods of difficult national economic conditions." (SSA Actuarial Study No. 74, January 1977, p. 8.)

COMPARISON OF CONTINUING DISABILITY INVESTIGATIONS (CDI'S) PROCESSED TO TOTAL DISABLED-WORKER BENEFICIARIES OVER THE YEARS

Fiscal year	CDI's processed (DI and concurrent cases only)	DI-worker beneficiaries (in millions)	Number of CDI's per 1,000 DI-worker beneficiaries
1970	[1] 167,000	1.493	111.8
1973	[1] 142,000	2.017	70.4
1974	[1] 120,000	2.237	53.6
1975	[1] 116,000	2.489	46.6
1976	[1] 129,000	2.670	48.3
1977	107,220	2.834	37.8
1978	83,651	2.880	29.0
1979	94,084	2.870	32.8
1980	94,550	2.861	33.0
1981	168,922	[2] 2.835	59.6
Oct. 1, 1981 to June 28, 1982	243,785	[2] 2.723	89.5

[1] Figures provided by SSA in 1977, but not currently verifiable.
[2] Estimates based on intermediate II–B assumptions in the 1982 Trustees Report.
Source: SSA and Social Security Bulletin, Annual Statistical Supplemental 1980.

THE 1980 AMENDMENTS

In view of the enormous growth in disability insurance program costs and caseloads, the Congress enacted legislation in 1980 designed to bring the program back under control. The 1980 legislation established limitations on benefit amounts designed to deal with the problem of a program in which benefit levels were unreasonably high in relation to earnings levels. Congress was, however, also concerned with the evidence of loose administration, and mandated several changes designed specifically to tighten up the disability determination process. In order to assure that improper awards to new claimants were avoided, Congress required the Social Security Administration to reinstate its former practice of reviewing most State agency allowances before payments are started. To deal with the problem of improper allowances on appeal, the 1980 Amendments required the Secretary to begin reviewing cases which are allowed in the appeals process. Under this provision, the Social Security Appeals Council is required to reexamine a significant sample of cases decided by administrative law judges and to reverse those cases which have been improperly decided.

The 1980 legislation also required that the Administration report the progress in implementing this review program and provide an analysis of the reasons why administrative law judges so frequently overturn initial agency decisions.

Finally, Congress in the 1980 law specifically required that all disability beneficiaries be reexamined on a periodic basis. This requirement was designed to assure that those who were not eligible for benefits would not continue on the rolls indefinitely once they began receiving benefits. In general, the Administration was required to review each claimant's eligibility at least once every three years; a less frequent review is permitted in cases which are determined to be permanent.

INDIVIDUALS BEING TERMINATED ARE INELIGIBLE

The Congress required a periodic review in the 1980 amendments because of indications that many ineligible people were in fact receiving benefits. The rapid growth of the disability caseloads over the preceding 10 years was one indiction of this. The substantially reduced level of administrative review during that same period also led to concern that ineligible persons were receiving benefits. Subsequent to the enactment of the 1980 amendments, these concerns were verified in studies conducted both by the Social Security Administration and the General Accounting Office. In March 1981, the GAO issued a report entitled "More Diligent Follow-up Needed to Weed Out Ineligible Social Security Administration Disability Beneficiaries." Based on the evidence then available, this report concluded that "there could be about 584,000 persons on the DI rolls who may not meet the program's eligibility criteria." The annual benefit drain for cash benefits alone (not including medicare) was estimated to be as high as $2 billion. On the basis of its findings, the GAO report recommended that the Department give high priority to implementing a more vigorous continuing disability review program.

On the basis of the legislative mandate in the 1980 amendments and the findings of its own internal studies and those of GAO, the Social Security Administration did undertake a vigorous program of reviewing the eligibility of disabled beneficiaries. During the first eight months of fiscal year 1982, a total of 267,000 reviews were completed. Forty-seven percent of these cases (121,000) were found to be ineligible. Although this is a very high rate of ineligibility, it is consistent with the evidence found in earlier studies. In conducting these reviews, the Administration has utilized techniques designed to target the first reviews on those parts of the caseload where ineligibility was more likely to be found. During the Finance Committee consideration of this bill, an Administration spokesman stated that the overall ineligibility rate is expected to be about 25 percent by the time the process is fully implemented.

While these continuing disability reviews are conducted by State agencies, the Social Security Administration monitors the accuracy of their decisions by conducting a sample reexamination of State agency findings. For the period from October 1981 through March 1982 (the latest available findings) these quality control samples show a 97.5 percent net accuracy rating. In other words, after reexamination of all of the sampled cases (including obtaining additional evidence where this seemed appropriate), the Social Security Administration would have disagreed with the finding of the State agency in only two and one-half percent of the cases. This means that by the standards of disability which are applied by the agency, nearly all the cases being terminated are in fact ineligible for benefits.

CONTINUING DISABILITY INVESTIGATION (CDI) CONTINUANCES AND CESSATIONS BY STATE AGENCIES, DI AND SSI COMBINED, FISCAL YEARS 1977–82 [1]

Fiscal year	Total number of CDI reviews	Continuances	Cessations	Continuance rate (in percent)	Cessation rate (in percent)
1977	150,305	92,529	57,776	62	38
1978	118,819	64,097	54,722	54	46
1979	134,462	72,353	62,109	54	46
1980	129,084	69,505	59,579	54	46
1981	208,934	110,134	98,800	53	47
Oct. 1, 1981 to May 28, 1982	266,725	145,321	121,404	54	47

[1] Reflect continuance and cessation rates only at the State agency level—not at the district office or at the hearing or appeal levels of adjudication. These figures differ from the previous table in that they exclude CDI's where no new medical determination of disability by the State agency was required. Other factors have affected the individual's entitlement, such as his return to work.

Source: SSA, July 1982.

REQUESTS FOR ALL HEARINGS—RECEIVED, PROCESSED, AND PENDING TOTAL CASES

Fiscal years	Requests received	Processed	Pending (end of year)
1979	226,200	210,775	90,212
1980	252,000	232,590	109,636
1981	281,700	262,609	128,164
1982	[1] 326,300	300,000	[1] 155,064

[1] Includes DI, OASI, SSI, and Black Lung cases.

Source: Estimate provided by SSA, OHA, July 1982.

ADMINISTRATIVE LAW JUDGE REVERSAL RATES—DISABILITY INSURANCE INITIAL DENIALS AND TERMINATIONS, FISCAL YEARS 1979–82

Fiscal year	Percent of cases reversed	
	Initial denials	Termination
1979	56.4	59.5
1980	59.4	63.8

ADMINISTRATIVE LAW JUDGE REVERSAL RATES—DISABILITY INSURANCE INITIAL DENIALS AND TERMINATIONS, FISCAL YEARS 1979–82—Continued

Fiscal year	Percent of cases reversed	
	Initial denials	Termination
1981	59.0	61.5
1st quarter 1982	57.3	65.4

Source: SSA, July 1982.

PROBLEMS IN THE APPEALS PROCESS

If an individual's benefits are terminated because he is found no longer to be disabled, he is entitled to seek a further review of the issue. The first review takes place as a matter of reconsideration by a different decision maker in the State agency. Most reconsideration decisions uphold the initial finding of ineligibility. The claimant then is entitled to ask for a hearing before an administrative law judge. At the present time, the administrative law judges are reversing a very high proportion of cases appealed to them. During the first quarter of 1982, 65 percent of terminations which were appealed to administrative law judges were being restored to benefit status. While this is a very high reversal rate, it is not strikingly different from the administrative law judge reversal rate in prior years, nor from the administrative law judge reversal rate of initial claims.

The high reversal rates at the hearings level have been a matter of concern to the Congress for a number of years. On its face, a system in which most appealed cases are reversed is a system in trouble. Simply as a workload matter, such a situation leads to an unduly large number of appeals. The committee proposal to pay benefits during appeal will aggravate this problem. Moreover, a high reversal rate tends to cast doubt on the validity of the entire decision-making process and to invite efforts to game the system.

The 1980 amendments included a requirement that the Social Security Administration conduct a study of the factors involved in the large numbers of ALJ reversals. This study found that markedly different eligibility standards were being applied in the appeals process from the standards used by the agency. In a sample of administrative law judge decisions, the Social Security Office of Assessment using agency standards would have allowed 13 percent of the sample—while the administrative law judges had allowed 64 percent of the sample. This study indicates that a very significant part of the administrative law judge pattern of high reversals occurs because the appeals process simply does not follow the same eligibility standards as the agency.

There will always be some reversals which can be attributed to differences of judgment in close cases, evidence obtainable only through personal appearance, and changes in condition between initial decision and hearing. But reversals for these reasons represent only a small part of the caseload. Most reversals are due to the application of easier eligibility standards.

TABLE 1. PERCENT DISTRIBUTION OF SAMPLE CASE ALLOWANCES AND DENIALS, BY DECISIONMAKER AND BASIS FOR DECISION [1]

[In percent]

	Original A.L.J. decision	Appeals Council decision	Office of Assessment decision using DDS standards
ALLOWANCES			
Medical alone	18	15	6
Medical vocational inability to egage in SGA:			
Directed by medical-vocational rule	14	11	5
Specific reasons:			
RFC less than sedentary	18	9	0
Pain combined with significant impairment(s)	5	3	0
Mental disorders combined with significant physical impairment(s)	5	4	(2)
Other medical/vocational	5	6	2
Total	64	48	13
DENIALS			
Impairment not severe	11	16	39
Impairment does not prohibit past work	9	13	28
Directed by medical-vocational rule	13	19	13
Impairment does not prohibit other work	1	2	4
Other	2	3	3
Total	36	52	87

[1] Percentages shown are for the combined total of DI and SSI claims. Although there are some differences between the allowance/denial rates for DI claims and SSI claims (e.g., the Appeals Council would have allowed about 49 percent of DI claims and 45 percent of SSI claims), these differences do not appear to be significant and do not affect the findings of the review.
[2] About 0.4 percent.

Note.—Detail may not add to totals due to rounding.
Source: SSA January 1982 Study.

There can be no justification for continuing a system in which different standards of eligibility are applied at the appeals level than are applied at the initial determination level. Such a situation invites universal appeals, denies those who do not appeal of a fair opportunity to receive benefits, and creates a revolving door situation in which one part of the agency puts an individual on the rolls after another part of the same agency has taken him off the rolls. It is the responsibility of the administering agency, in this case the Social Security Administration, to develop the procedures and guidelines which will carry out the requirements of a law. Policy decisions should be made by the agency and should be carried out by all parts of the agency including those charged with conducting hearings. It is not the function of an administrative law judge to make agency policy. It is his function to assure claimants that the agency policy is being carried out in their case. This responsibility of the administrative law judge was described in a 1977 study of the Social Security appeals process by the Center for Administrative Justice. The final report of that study describes the proper roll of the administrative law judge as follows:

"The protection of ALJ decisional independence in the APA is significant. Once appointed the ALJ's position is permanent; he may be removed only "for cause" after formal adjudicatory hearing. Moreover, the ALJ's compensation is determined by the Civil Service Commission, not by his agency. Cases must be assigned in rotation, the ALJ may not be assigned tasks inconsistent with his duties as an ALJ and, with respect to the *facts* at issue in a particular case, the ALJ may not be approached by anyone, including the employing agency, save on the record. Moreover, the ALJ may not be made subject to the supervision or control of any person who has investigative or prosecuting functions for the agency.

"On the other hand, certain aspects of the ALJ's activities are clearly subject to agency control. ALJ's are not "policy" independent. They represent an extension of "the agency" and the agency may control their exercise of discretion by regulation, guidelines, instructions, opinions and the like in order to attempt to produce decisions as similar as possible to those "the agency" would have made. There is no prohibition even on consultation with agency employees on questions of law or policy in a particular case." (Source: "Final Report: Study of the Social Security Administration Hearing System." Center for Administrative Justice, October 1977, p. 244-5.)

It appears that the Social Security Administration in the past has not carried out its responsibility to assure that administrative law judges do in fact implement agency policy as to how and under what standards the question of disability is to be determined.

This situation should be greatly improved in the near future. The Social Security Administration has undertaken to publish in Social Security Rulings (which are binding on administrative law judges) a much more detailed explanation of the criteria to be applied in determining whether or not an individual is eligible for disability benefits. The greater part of these rulings will have been published by the end of October of this year and this project is expected to be essentially completed with the publication of the January, 1983 Social Security Rulings. The Administration is to be commended for undertaking to correct this problem and should continue to monitor the situation and to publish further guidelines as necessary.

To assure that the administrative law judges are in fact carrying out the agency policy as published in these rulings, the Social Security Appeals Council has the ongoing responsibility of reviewing cases allowed by administrative law judges. This responsibility was reaffirmed in the 1980 legislation and the Administration should give a high priority to implementing that responsibility. If the agency succeeds in conforming the policy applied in the appeals process to the authoritative agency policy standards, the rate of reversals on review should fall dramatically. This in itself should tend to reduce the appeals workload to more manageable levels, since claimants will no longer be encouraged to appeal in all cases (as they are by the present system). Once these changes are fully implemented, it can be expected that reversals at the hearing level will tend to occur only where there is in fact a failure to apply the agency standards at the initial and reconsideration levels, or where the claimant's condition has in fact worsened since the initial agency determination.

INITIAL PROBLEMS ARE BEING CORRECTED

The present Administration is to be commended for moving rapidly and effectively to implement the review requirements mandated by the Congress. It is unfortunately inevitable that there will be some difficulties encountered in undertaking any major new initiative. In the case of the disability review process, this situation was aggravated by the very large number of cases involved (267,000 during the first eight months of fiscal 1982) and by the complications of operating under contractual arrangements with a network of State agencies.

Sadly, there were some cases of improper terminations and even some cases of terminations involving individuals with such severe disabilities as to leave no room for doubt. It is remarkable that such situations were rare and that the Administration has been able to maintain a 97.5 percent accuracy rate. Still, every effort should be made to avoid burdening those individuals who are without any question eligible, and the Administration has in fact been sensitive to this need.

Since the implementation of this program, the Administration has made numerous changes in its procedures directed specifically at assuring that truly eligible individuals are continued in benefit status and, insofar as appropriate, are spared the burden of unnecessary reviews.

A letter to the Committee on Finance from the Commissioner of Social Security outlines the following twelve different steps the agency has taken to improve its procedures in ways which help assure a high degree of accuracy:

(Excerpt from September 16, 1982 letter from Commissioner of Social Security)

1. In March, SSA initiated a policy of determining that, in general, a person's disability ceases as of the time the beneficiary is notified of the cessation. This change reduces situations where the beneficiary is faced with the need to pay back past benefits because of a retroactive determination.

2. Since May, SSA has mandated that States review all medical evidence available for the past year—a directive which ensures that every State is looking at every piece of evidence that might be pertinent to a case.

3. SSA has underway, in two States, a study to test the value of obtaining more than one special mental status examination in cases where evidence from the beneficiary's treating source is incomplete or inadequate. This is intended to determine whether a person's mental condition can drastically change from one day to another. One criticism of SSA's practice of getting only one mental status examination is that it gives a misleading "snapshot" of a person.

4. Since March, SSA has required State agencies to furnish detailed explanations of their decisions in all cases in which a person's disability has ceased

5. To insure quality in CDI cases, SSA conducts a quality review of a sample of cases before benefits are stopped. In June 1982, SSA doubled the number of quality reviews of termination cases. The quality has been holding very high at 97.5 percent. In addition, to demonstrate the importance of quality in the CDI process, SSA established an interim accuracy goal for the State agencies without waiting for publication of regulations.

6. SSA has consistently monitored State agency resources and workloads closely and adjusts the flow of cases to the individual States to avoid backlogs when problems have arisen in their acquiring adequate resources. The selective moratoriums on new CDI cases that SSA has implemented for August and September (and even earlier in some States) has been easing problems in specific States that have had unusually large backlogs.

7. Starting in October, SSA will use a new procedure for beginning a CDI review: each beneficiary will have a face-to-face interview with an interviewer in the local Social Security office. The interviewer will explain how the review works and what the beneficiary's rights are, obtain information about the

beneficiary's medical care and treatment and current condition, and—in some cases—conclude the review process where it is clearly warranted based on the beneficiary's current medical condition.

This will correct the single most glaring anomaly in the CDI process. Recipients whose cases are selected for review under the 1980 Congressional mandate rarely, if ever, come face-to-face with a decisionmaker until and unless the case is pursued to the third level of review and appeal—a process which may drag on as much as 6 months to a year after benefits have been stopped. This one flaw in the program is perhaps more to blame than any other factor for the seemingly senseless "horror stories" we have all seen from time to time of people being dropped from the rolls despite glaringly obvious disabilities.

8. To improve the quality of determinations in difficult cases where it is necessary to determine a person's capacity to do work-related activities despite a severe impairment, SSA is requiring that the determinations as to remaining capacity be more detailed and explicit so that the basis for the final decision is clear.

9. SSA has taken many actions to improve the quality of consultative examinations purchased by the Government in cases where medical evidence from a person's physician is unavailable or incomplete.

10. SSA has been very sensitive to the need for special handling of cases involving psychiatric impairments. SSA has met with mental health groups to obtain their recommendations for improvements and is re-evaluating all guidelines for evaluation of mental impairments. SSA has also encouraged the States to increase the number of psychiatrists on their staffs in order to enhance their ability to review cases involving mental impairments. Secretary Schweiker has asked the American Psychiatric Association for assistance in recruiting psychiatrists for the States.

11. SSA has added more than 140 Administrative Law Judges to what is already perhaps the largest single adjudicative system in the world, bringing their total number to more than 800 and providing them with significantly more support staff to help reduce the backlog of cases that has been a chronic problem in past years.

12. Based on our findings in the first year of the CDI program, SSA has broadened the definition of the permanently disabled who need not be subject to the every-three-year CDI process mandated under the law. As a result, SSA expects to exempt an additional 165,000 beneficiaries from the CDI process during the next fiscal year—which will mean reducing the total from about 800,000 to about 640,000, a major reduction in workloads for the State agencies.

Included in these measures is an important change under which a personal interview is conducted by a Social Security Administration employee before a case is even sent to a State agency for review. This personal interview assures that claimants will be acquainted with the implications of the process and will have the opportunity to present their views and to make available any relevant evidence. Moreover, the face-to-face interview creates a situation in which obviously inappropriate reviews can be detected at the very beginning of the process. In such situations, the case is not even sent to the State agency but is referred back to the Social Security central office with a recommendation that further review be discontinued.

These actions should reduce to an absolute minimum the incidence of improper terminations. Together with the administrative steps being taken to improve the appeals process, these changes eliminate any possible basis for continuing benefit payments beyond the point of the initial State agency determination.

FINANCE COMMITTEE APPROACH INADVISABLE

The Committee has recommended an approach which would continue benefits during the appeals process. This approach has nothing to recommend it. If the bulk of initial decisions denying benefits were incorrect, the proper approach would be to change the initial decision process rather than to pay benefits to those who happen to appeal that initial decision. In fact, however, the evidence available to the Committee does not indicate that the bulk of initial decisions are wrong. Rather, it indicates that over 97 percent of the decisions are correct. Consequently, the Committee bill will result in spending social security trust fund money primarily to pay improper benefits. Some of this money will be subsequently recovered; most of it will not. Except in those cases where the individual's benefit is continued on appeal (and this will frequently be an improper continuation) the amendment does nothing but postpone the day of reckoning. Moreover, it will leave the terminated beneficiary with the burden of a substantial overpayment at that point.

The implications of the Committee amendment may be even more than the short-term improper expenditure of many millions of dollars in social security trust funds. The history of the social security disability program seems to show a fair degree of volatility in the application of adjudicative standards. The Congress has faced a continuing need to reemphasize its original intent that the definition of disability be applied strictly and narrowly. In the 1980 Amendments Congress spoke forcefully and, thus far, effectively to this issue. There is a distinct danger that these amendments would be viewed by all adjudicators as a reversal of this Congressional intent. This bill could be seen as a Congressional judgment that most, or a substantial proportion, of the agency's terminations are incorrect. If this occurs, it could cause the State agencies to allow more claims.

In addition, the Committee provision is bound to have substantial impact on the appeals process, probably in ways which will undermine the attempts of the Administration to bring the appellate process back into line with the agency policy. Simply on a workload basis, the decision to pay benefits through the hearing level will stimulate additional appeals from individuals with little expectation of ultimately winning reinstatement. In addition, the hearings officers like the State agencies may read into this legislation a subtle message that Congress is reversing its earlier concern over the integrity of the benefit rolls.

Mr. BAKER. Mr. President, let me yield to the Senator from Maine and then to the Senator from Louisiana.

Mr. COHEN. Mr. President, I ask unanimous consent that the findings of the Subcommittee on Governmental Affairs be printed in the RECORD.

There being no objection, the findings were ordered to be printed in the RECORD, as follows:

VIII. FINDINGS

The Subcommittee's principal finding is that many severely disabled persons are being erroneously terminated from the disability insurance program, only to wait without benefits through a lengthy appeals process after which 67 percent are eventually reinstated in the program.

If present trends continue, by the end of 1983, more than 200,000 people will have had their benefits discontinued only to have them reinstated many months later after a hearing before an Administrative Law Judge. In the meantime, they will suffer both financial hardship and emotional trauma. Already some disabled people have committed suicide and others have lost their homes after losing their benefits.

The Subcommittee finds that this needless and unjustifiable result is attributable to several factors—some of which are long-standing problems and others which were created by the way the current reviews were being conducted. The Subcommittee found the following:

(1) Many states have been ill-prepared to handle the flood of CDI cases because of insufficient staff to process the reviews. States received less than a month's notice that thousands of CDI cases would be forwarded to their offices. State hiring freezes have prevented some states from hiring needed additional staff. The tremendous increase in reviews has created a severe strain on state agencies' ability to quickly and thoroughly review cases.

(2) The Social Security Administration does not fully inform disability recipients when notifying them that their cases are under review. The letter sent by the SSA does not stress the gravity of the review but merely says that the agency is checking to determine whether the claimant "continues to meet the eligibility requirements."

Insufficient time is allowed for the recipient to fully respond to the state disability determination.

(3) The initial decision entitling the claimant to benefits is not presumed to be valid. Beneficiaries are having to prove all over again that they are disabled. This burden of proof is not, however, explained to beneficiaries and their doctors, who understandably believe that they have to show only a lack of medical improvement. Inadequate notice to beneficiaries hinders the development of a full and complete medical record. Beneficiaries are not notified that their existing medical history on file with the Social Security Administration is not considered in the decision.

(4) State agencies are poorly developing the medical evidence essential to the disability determination. In reviewing claimants' files, states are disregarding an medical evidence that is more than two or three months old, thus providing a very distorted and incomplete picture of the claimant's condition. Because the SSA does not require a showing of medical improvement before benefits are terminated, many severely disabled people have been dropped from the program, although their medical conditions have actually deteriorated or remain unchanged.

(5) The SSA is placing an undue reliance on consultative examinations in the review process. The high rate of consultative examinations is attributable to the rush to issue decisions based only on new medical evidence and to the practice of soliciting information from treating physicians in a

format which is not useful to the disability determination.

(6) Different, and in some cases, conflicting standards are used for disability determinations, depending on whether the decision is being made by a state claims examiner or an ALJ. The POMS which govern state agency decisions and are issued without public review and comment do not accurately reflect the intent of the federal regulations, and account in part for the differences in allowance rates at the state and ALJ levels.

(7) The appeals process is clogged and lengthy. On average, a claimant has to wait from nine months to a year to obtain a hearing before an ALJ. There is no face-to-face contact between a decision maker and the claimant prior to the ALJ hearing, so that state decisions are based solely on a review of the claimant's file.

The combined effect of these and other factors is that this process is not a "review" of disability at all, but rather a re-determination of disability based on inconsistent and more strict criteria, without notice to beneficiaries or their treating physicians of the ture nature of the CDI process.

Mr. THURMOND. Mr. President, I rise in support of H.R. 7093 to continue paying social security disability benefits through the appeals process.

The distinguished Senator from Maine, Mr. COHEN, and I have both introduced legislation directed at this problem of premature termination of disability payments. Severe hardships have been inflicted unnecessarily on hundreds of disabled individuals and their families whose social security disability payments have been suddenly terminated upon review of their case files. While approximately two-thirds of those terminated are eventually reinstated when they appeal the unfavorable decisions, the appeals process can take months and many families may be financially devastated before the unfavorable decisions can be overturned.

Mr. President, this legislation is designed to prevent further, unnecessary hardships to social security disability recipients whose cases are reviewed. It would give the benefit of the doubt to the disabled recipient by continuing these payments until an administrative law judge hears the appeal and rules against the appellant. This authority to pay benefits pending appeal would expire in June 1983. It is, therefore, simply a temporary measure which will grant relief to disabled individuals and their families while Congress undertakes a more comprehensive review of the social security system.

Mr. President, I believe this is a fair, compassionate measure of minimal cost, and I hope the Senate will adopt it.

Mr. BAKER, I yield to the Senator from Louisiana for the purpose of making an objection.

Mr. LONG. I object.

The PRESIDING OFFICER (Mr. SPECTER). Objection is heard.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I might advise the Senate, while waiting for the minority leader to come to the floor, that the vote on the continuing resolution conference report is going on now in the House of Representatives, which is a good hour or hour and a half earlier than they thought at a prior time. They still have items in disagreement to deal with, so I have no way of judging when the report itself will get here. But it looks like we are going to be able to turn to that measure substantially ahead of the time I had predicted earlier. I felt we would not receive it before 10 o'clock. I would not be surprised to see us get it about 7 o'clock. I am sure that is good news for all Members.

Mr. President, before going to——

Mr. METZENBAUM. Mr. President, will the Senator from Kansas yield for a question? I am not clear what the Department's position is. Senator LONG objected to calling up the bill, was that it?

Mr. BAKER. Yes, Mr. President, that is true.

Mr. METZENBAUM. He objected to the measure with respect to disability so it is not before the Senate.

Mr. BAKER. That is correct.

Mr. President, I thought I was prepared to go forward with a unanimous-consent request on the defense procurement conference report, but I am not. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE PRODUCTION ACT EXTENSION

Mr. BAKER. Mr. President, I am prepared to ask the Senate to turn to the consideration of the Defense Production Act, S. 2375. Before I do so, I would like to propound a unanimous-consent request as to that item. I will state it now, Mr. President, for the consideration of the minority leader and all Senators.

Mr. President, I ask unanimous consent that the Senate now turn to the consideration of the Defense Production Act, S. 2375. I ask unanimous consent that there be 20 minutes equally divided on the bill. I ask unanimous consent that there be 30 minutes equally divided on a McClure-Warner substitute amendment to the Schmitt change amendment, on which there will be a limitation of 10 minutes equally divided, on the termination date of the bill.

I ask unanimous consent that there be 15 minutes, equally divided, on a Warner amendment to title III, which will be offered and withdrawn, and 10 minutes, equally divided, on a Schmitt amendment, which has been cleared.

Further, I ask unanimous consent that, on the Schmitt White House Conference on Productivity amendment, there be 10 minutes, equally divided.

Mr. President, I ask unanimous consent that, on the Humphrey amendment on stockpile study, there be 10 minutes, equally divided.

I ask unanimous consent, Mr. President, that any second-degree amendment be limited to one-half the time for the first-degree amendment and must be germane to the first-degree amendment.

Further, I ask unanimous consent that these amendments as identified be the only amendments in order and that the agreement be in the usual form.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object.

Mr. BAKER. Mr. President, I add to the request that the time for debate on the bill be under the control of the distinguished Senator from New Mexico (Mr. SCHMITT) and the distinguished Senator from Illinois (Mr. DIXON), and that the time on the amendments be in the usual form as to control of time.

Mr. LONG. Mr. President, reserving the right to object. Could I ask what the nature of the Schmitt change amendment is?

Mr. SCHMITT. That is a date change.

Mr. ROBERT C. BYRD. Mr. President, there is no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank all Senators.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2375) to extend by 5 years the expiration date of the Defense Production Act of 1950.

The Senate proceeded to consider the bill which had been reported from the Committee on Banking, Housing, and Urban Affairs with an amendment to strike out all after the enacting clause, and insert the following:

TITLE I—EXTENSION OF DEFENSE PRODUCTION ACT OF 1950

SEC. 101. The first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1983".

TITLE II—COST ACCOUNTING STANDARDS

SHORT TITLE; TABLE OF CONTENTS

SEC. 201. This title may be cited as the "Defense Production Act Amendments of 1982".

TABLE OF CONTENTS

Sec. 201. Short title; table of contents.
Sec. 202. Findings and purpose.
Sec. 203. Transfer of Cost Accounting Standards Board functions.

FINDINGS AND PURPOSE

SEC. 202. (a) The Congress hereby finds that—

(1) the Cost Accounting Standards Board has fulfilled its mandate to establish cost accounting standards for defense contractors;

(2) there are continuing functions required to be performed in maintaining the standards, including the amendment or modification of standards, granting of waivers for individual contracts, and establishing exemptions; and

(3) it is necessary to transfer the authority to exercise these functions and the authority to maintain, interpret, and administer these standards.

(b) Therefore, it is the purpose of this title to transfer the authorities and functions of the Cost Accounting Standards Board which are necessary to maintain, interpret, and administer the standards to the Director of the Office of Management and Budget.

TRANSFER OF COST ACCOUNTING STANDARDS BOARD FUNCTIONS

SEC. 203. Section 719 of the Defense Production Act of 1950 (50 U.S.C. App. 2168) is amended to read as follows:

"COST ACCOUNTING STANDARDS

"SEC. 719. (a) Cost accounting standards shall be used by all relevant Federal agencies and by defense contractors and their subcontractors in estimating, accumulating, and reporting costs in connection with the pricing, administration, and settlement of all negotiated prime contract and first-tier subcontract national defense contracts with the United States in excess of $500,000, other than contracts or subcontracts where the award is based on (1) established catalog or market prices of commercial products, (2) prices set by law or regulation, or (3) adequate price competition.

"(b) All standards, rules, and regulations issued by the Cost Accounting Standards Board, and in effect on the day prior to the effective date of the Defense Production Act Amendments of 1982, shall remain in effect and be subject to the provisions of this section. These standards, rules, and regulations shall have the force and effect of duly promulgated regulations.

"(c) All exemptions, waivers, and other actions by the Cost Accounting Standards Board in connection with any function transferred by this section, and in effect at the time of the transfer, shall remain in effect to the same extent as if such transfer had not occurred, until amended or rescinded by the Director of the Office of Management and Budget.

"(d) The Director of the Office of Management and Budget (hereinafter referred to as the 'Director') shall have the authority to take such action as the Director determines necessary to ensure—

"(1) that the standards, rules, regulations, and interpretations issued by the Cost Accounting Standards Board are consistent with sound accounting principles and provide for accurate, fair, and equitable cost determinations; and

"(2) that such standards, rules, regulations, and interpretations conform to procurement policies, regulations, procedures, or forms promulgated pursuant to the Office of Federal Procurement Policy Act and other Government procurement authorities. In performing such function, the Director is authorized to amend or rescind the standards, rules, regulations, or interpretations issued by the Cost Accounting Standards Board.

"(e)(1) Prior to the amendment or rescission of any standard, rule, or regulation under this section, the Director shall publish in the Federal Register notice of the action proposed to be taken, together with a report concerning such proposal. All parties affected thereby shall be afforded a period of not less than ninety days after such publication in which to submit their views and comments with respect to the proposed action.

"(2) The Director shall give full consideration to the views and comments submitted before making any final amendment or rescission. A final amendment or rescission may not become effective prior to the expiration of ninety days after final publication in the Federal Register.

"(f) The publication required by subsection (e)(1) shall contain, with respect to the proposal—

"(1) a full description of such proposal;

"(2) a summary of the reasons for such proposal; and

"(3) an assessment of the probable costs of implementation relative to the probable benefits of such proposal, including an analysis of—

"(A) the effects of such proposal on inflation;

"(B) the advantages and improvements in the pricing, administration, and settlement of contracts which will result from such proposal; and

"(C) the effect of such proposal on contract prices.

"(g) The Director is authorized to exempt from the requirements of this section such classes or categories of defense contractors or subcontractors under contracts negotiated in connection with national defense procurements as the Director determines, on the basis of the size of the contracts involved, nature of the contractor's business, or otherwise, are appropriate, consistent with the purposes sought to be achieved by this section.

"(h) The Director is authorized to waive the requirements of this section.

"(i) For the purpose of determining whether a defense contractor or subcontractor has complied with duly promulgated cost accounting standards and has followed consistently his disclosed cost accounting practices, any authorized representative of the head of the agency concerned or of the Comptroller General of the United States shall have the right to examine and make copies of any documents, papers, or records of such contractor or subcontractor relating to compliance with such cost accounting standards and principles.

"(j) With respect to any function that may be transferred by this section and exercised after the effective date of this section, reference in any other Federal law or regulation to the Cost Accounting Standards Board shall be deemed to mean the Director.

"(k) The assets, liabilities, contracts, property, and records of the Cost Accounting Standards Board are hereby transferred to the Director.

"(l) The standards, rules, and regulations made effective under this section shall be incorporated into a single, Government-wide procurement regulation not later than September 30, 1984. When such regulation becomes effective, the provisions of this section shall terminate.".

Amend the title so as to read: "A bill to extend the Defense Production Act of 1950, and to amend section 719 of such Act to transfer the authorities and functions of the Cost Accounting Standards Board.".

Mr. SCHMITT. Mr. President, S. 2375, a bill to extend the expiring provisions of the Defense Production Act for 1 year until September 30, 1983, is a vitally needed piece of legislation, as the authorities expired last night at midnight. Soon I will offer an amendment that would change the date to 9 months for reasons to be explained later.

This act contains authorities providing the President with powers necessary to mobilize the economy in wartime, and in times of peace, to prioritize and expedite the performance of defense contracts.

Title II of S. 2375 contains provisions which transfer the authorities of the now defunct Cost Accounting Standards Board to the Director of the Office of Management and Budget. This transfer is needed to permit necessary updating, modification, and simplification of the cost accounting standards. The administration supports this provision of the bill, which was unanimously agreed to by the Banking Committee.

The extension of this Act is vital to avoid confusion, delay and possible additional expense in the performance of government contracts. I urge the adoption of this legislation.

Mr. President, I yield to my distinguished colleagues from Illinois for any opening remarks that he may wish to make.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, the Defense Production Act of 1950 expired last night. Immediate extension of the defense preparedness authority under the act is essential to our national security. The Defense Production Act includes authority for the President to expedite performance on certain defense contracts and provides for the maintenance of our Nation's defense industrial base in a high state of readiness.

Mr. President, I am aware that there are a number of proposals in both the House and Senate for major changes in the Defense Production Act and in the manner in which we address the need for strengthening our industrial base. I regret that it is not possible at this very late date in the session to address all these issues on their merits. The bill before the Senate, S. 2375, will be amended to provide a 9-month extension of the Defense Production Act. The act will then expire on June 30, 1983, unless further extended. Thus, the new Congress will have the Defense Production Act on its agenda for early action, and I hope that the

need to strengthen the defense industrial base will receive early and thorough attention in the Banking Committee.

I wish to thank the Senator from New Mexico (Mr. SCHMITT) for his work on this important measure. We have had very good cooperation between our two sides on this matter.

Mr. President, further information on the bill is contained in Senate Report No. 97-412. The report has been available since May, and the only changes in the bill as reported will be the amendments we are about to consider.

UP AMENDMENT NO. 1384

(Purpose: To provide for a White House Conference on Productivity)

Mr. SCHMITT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. SCHMITT) proposes an unprinted amendment numbered 1384.

Mr. SCHMITT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

TITLE III—WHITE HOUSE CONFERENCE ON PRODUCTIVITY

SHORT TITLE

SEC. 301. This title may be cited as the "White House Conference on Productivity Act".

FINDINGS

SEC. 302. The Congress finds that—

(1) the United States traditional annual productivity improvement rate of approximately 3 per centum has fallen drastically in recent years to a negative one-half of 1 per centum;

(2) If our traditional productivity improvement rate had been maintained, the average household would have received nearly $5,500 in additional real income each year;

(3) the decline in productivity has inflated the cost of goods and services produced in the United States relative to the goods and services of nations with higher productivity rates;

(4) improved productivity will enhance our international competitiveness, which will expand foreign market opportunities and jobs;

(5) productivity improvement can be restored in the United States through the application of policies and management techniques which have brought substantial productivity gains on a broad scale in other countries and in some businesses within the United States;

(6) When adequate protections are provided, productivity improvement techniques can bring great benefits to labor as well as management; and

(7) the United States must act immediately to reverse our productivity decline and to restore our annual productivity improvement.

DEFINITIONS

SEC. 303. For purposes of this title—

(1) the term "conference" means the White House Conference on Productivity;

(2) the term "Director" means a Director of the White House Conference on Productivity who should be appointed by the Secretary of Commerce and who shall be paid at the rate of basic pay provided for level V of the Executive Schedule pursuant to section 5316 of title 5, United States Code;

(3) the term "productivity" means output per paid employee hour of all employees in the private sector; and

(4) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

ESTABLISHMENT AND DUTIES OF THE WHITE HOUSE CONFERENCE ON PRODUCTIVITY

SEC. 304. (a) The President shall conduct a White House Conference on Productivity (hereinafter referred to as the "conference") not later than one year after the date of enactment of this title in order to develop recommendations to stimulate the Nation's productivity improvement rate.

(b) For the purpose of ascertaining facts and developing recommendations concerning the improvement of productivity, the conference shall bring together individuals who are experts in the field of productivity, employees, and representatives of business, associations, labor organizations, academic institutions, and Federal, State, and local government.

(c) The Conference shall consider the following policy options with regard to their role in improving national productivity:

(1) reorganization of the Federal Government so that it can best promote productivity improvement in the private and public sectors;

(2) bringing to the attention of American businesses, labor organizations, and Government officials the benefits which result from implementing productivity improvement techniques;

(3) improving the general training and skill level of American labor;

(4) redirecting Government efforts to inform American businesses of foreign technological developments;

(5) encouraging Government agencies to share with industry new discoveries and processes that improve productivity;

(6) establishing annual Presidential awards of recognition for those businesses and industries which accomplish outstanding improvement in productivity and establishing similar awards at the State and district levels;

(7) revising the tax laws to encourage companies to take actions to improve productivity;

(8) reviewing the effect of the antitrust laws on efforts to improve productivity;

(9) reviewing the patent laws to determine if changes are needed to encourage more productive use of American patents;

(10) improving the accuracy and reliability of data gathered by the Bureau of the Census and other Government statistical collection centers which measure American productivity; and

(11) revising Federal civil service laws to improve the productivity of Government workers and encouraging similar action at State and local levels.

REPORT OF THE CONFERENCE

SEC. 305. A final report of the Conference on Productivity shall be submitted to the President not later than one hundred and twenty days following the date on which the Conference is called and the findings and recommendations included therein shall be immediately made available to the public. The President shall, within one hundred and twenty days after submission of such final report, transmit to the Congress his recommendations for the administrative action and legislation necessary to implement recommendations contained in such report with which he concurs.

ADMINISTRATION

SEC. 306. (a) In administering this title, the Director shall—

(1) request the cooperation and assistance of the Office of Management and Budget and the Departments of Labor and the Treasury and such other Federal departments and agencies as may be appropriate in carrying out the provisions of this title;

(2) render all reasonable assistance, including financial assistance to groups and organizations which are conducting district, State, or regional productivity conferences in preparation for the Conference;

(3) prepare and make available background materials for the use of delegates to the Conference which are deemed necessary, and prepare and distribute any report of the Conference as may be necessary and appropriate;

(4) engage such additional personnel as may be necessary to carry out the provisions of this title without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; and

(5) enter into contracts only to such extent and in such amounts as are provided in appropriation Acts, with organizations with particular expertise in productivity to conduct preparatory and followup work for the Conference.

(b) Personnel engaged under subsection (a)(4) shall be compensated at a rate not to exceed the rate equal to the maximum rate for GS-15 of the General Schedule under section 5332 of title 5, United States Code.

Mr. SCHMITT. Mr. President, this amendment would provide for the President to convene a White House Conference on Productivity.

The White House Conference on Productivity envisioned by this amendment would provide a national forum for addressing our Nation's concern over declining productivity. Such a conference, preceded by State and regional meetings among business, labor, academia, government, consumers and the general public, would provide an opportunity to focus attention on some of the elements that may help to improve productivity growth, including new approaches to labor-management relations, alternatives to current methods for financial analysis of proposed capital investments, robotics, capital formation, and regulatory policy.

This conference could focus national attention on the individual benefits that accrue from productivity improvements. It could study the methods and policies that have been suc-

cessfully used in other countries to promote rapid productivity growth.

This White House Conference would be an important contribution to improving our Nation's economic performance, first as a statement by the Chief Executive in the priority he places on improved productivity, and, second as a forum for developing innovative solutions to restore productivity growth to its previous levels.

U.S. productivity, or output per hour of all persons, grew fairly steadily at an average rate of 2.4 percent per year between 1948 and 1977. Since 1977 it has gone through a series of quarterly increases and decreases. Overall, however, productivity growth has virtually stalled.

Productivity is a measure used to judge the efficiency of production processes. It is not production itself, but the rate of production—output—per unit of input. Our level or productivity, or rate of output per unit of input, influences the level of our standard of living and our balance of trade. If wages and salaries rise, without compensatory productivity gains, they translate merely into inflated prices.

UNDERLYING CAUSES OF PRODUCTIVITY STAGNATION

Since World War II, productivity has tended to decline for one or two quarters during the mature part of the expansion phase of a business cycle—as less efficient workers and equipment are brought on. However, the 8 quarterly productivity declines which occurred during the 16-quarter expansion period of cycle VI—between the fourth quarter of 1976 and the fourth quarter of 1979—depart strongly from the norm.

A number of economists have attempted to identify factors contributing to the general productivity slowdown. They ascribe varying degrees of importance to a variety of factors. A general listing of these factors includes the following:

First, increases in the price of energy since the OPEC oil embargo of 1973 have caused a shift away from energy as a production input and away from goods produced with or using large amounts of energy, toward goods using or produced with lesser amounts of energy. Low energy using industries tend to have lower rates of productivity growth.

Second, relative increases in the basic price of capital over labor have made businessmen favor increases in the work force over productivity increasing capital stock in certain instances.

Third, increases in the cost to finance the purchase of productivity increasing capital equipment—due to historically high interest rates over the past several years—have discouraged employer investment.

Fourth, changes in the age-sex composition of the work force over the past decade have resulted in increasing proportions of relatively inexperienced—and thus, the argument goes, less productive—women and young workers from the baby boom generation.

Fifth, a proliferation of Government regulations throughout the 1970's, especially in areas of consumer product safety protection, pollution control, and occupational safety and health protection, have resulted in the diversion of capital investment into equipment which does not necessarily increase output.

PROFILE OF QUARTERLY PRODUCTIVITY MOVEMENTS SINCE 1974

Mr. President, I have had prepared a table that traces 8 years of productivity growth in the nonfarm business sector, which accounts for about 74 percent of the economy in terms of worker hours paid for. Changes in the behavior of quarterly fluctuations over the course of the business cycle are evident in the table. Note how productivity declined sharply during the first quarter of a recession (74/1, 80/2, and 81/4), and increased sharply during the first quarter of a recovery (75/2 and 80/3).

Our longer-term productivity stagnation is not directly related to the mechanism causing quarterly fluctuations in productivity. Rather, it results from long-term causes such as those outlined later in the paper. It is evidenced in the table below by the fact that only once in the past 4 years has the level of productivity in the United States achieved its third quarter of 1977 peak level—see productivity index number in column 3. This happened in the second quarter of 1981.

The index number assigns the value of 100 to the level of productivity for 1977, the base year. Accordingly, any productivity-level index number issued for a given quarter, for example, 1981 IV equals 98.2, reflects the extent to which productivity has grown—or in this case declined—since the base year. Said another way, the index number reflects the level of productivity at a given point in time relative to the level of productivity in 1977.

Mr. President, I ask unanimous consent that a table showing the quarterly productive movements be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

RECENT QUARTERLY PRODUCTIVITY CHANGES, NONFARM BUSINESS SECTOR

Phase of business cycle	Year and quarter	Productivity index (1977 = 100)	Annual rates, seasonally adjusted [1]		
			Quarterly gain	Quarterly loss	Phase average
Cycle VI:					
Recession	74/1	93.8		−4.4	
Do.	74/2	93.0		−3.1	
Do.	74/3	92.4		−2.9	
Do.	74/4	92.3		−.3	
Do.	75/1	92.4	0.3		−2.1
Recovery	75/2	94.7	10.6		
Do.	75/3	96.2	6.6		
Do.	75/4	95.8		−1.9	
Do.	76/1	97.1	5.8		5.1
Expansion	76/2	98.0	3.5		
Do.	76/3	98.2	.8		
Do.	76/4	97.9		−1.0	
Do.	77/1	99.3	5.7		
Do.	77/2	97.9	2.4		
Do.	77/3	100.6	2.9		
Do.	77/4	100.4		−.7	
Do.	78/1	100.4	.1		
Do.	78/2	100.8	1.6		
Do.	78/3	100.6		−.6	
Do.	78/4	100.8	.6		
Do.	79/1	100.3		−1.8	
Do.	79/2	99.4		−3.5	
Do.	79/3	98.9		−2.2	
Do.	79/4	98.8		−.2	
Do.	80/1	98.7		−.4	.4
Cycle VII:					
Recession	80/2	97.6		−4.6	
Do.	80/3	98.4	3.4		−.7
Recovery	80/4	99.2	3.1		
Do.	81/1	100.4	5.0		4.0
Expansion	81/2	100.0		−1.3	
Do.	81/3	100.0	.3		−.8
Cycle VIII:					
Recession	81/4	99.1		−3.5	
Do.	82/1	99.2	.6		
Do.	82/2	99.3	.5		

[1] Quarterly gains or losses were calculated from actual statistical ratios rather than from index numbers here reported. Therefore, dividing each gain or loss by 4 only approximates the distance between the corresponding and previous index numbers.

Source: Department of Labor, Bureau of Labor Statistics.

A LOOK TO THE FUTURE

Mr. SCHMITT. As the country moves through the recession of 1981-82, some new forces are at work—including an apparent trend toward a slight reduction of some energy prices—which may act to reduce the prices of capital and/or energy relative to labor. Some of these forces are embodied in the Economic Recovery Tax Act of 1981, including the following:

First, provisions for accelerated depreciation allowances and reduced corporate tax rates are designed to increase cash flow which could, in turn, be used to finance capital purchases.

Second, provisions for tax credits are aimed at boosting research and development of new technology which may improve energy efficiency and/or productivity, eventually.

Third, tax incentives for individual retirement accounts are intended to increase the pool of funds from which banks can make loans, including loans to certain businesses to purchase capital equipment.

On the other hand, a tight Federal monetary policy and resulting high interest rates may importantly dampen the rate of capital investment and thus strongly influence the rate of productivity growth in the next expansion phase.

If interest rates remain high—at least in the double-digit range—as a

result of efforts of the Federal Reserve Board to constrict the money supply to stem inflation, capital investment will most likely continue to stagnate. Furthermore, the projected large Federal deficit is expected to put additional strains on the money supply, restricting the funds available for lending to corporations and individuals, and keeping the costs of borrowing high.

Based on the current situation, Data Resources Inc., Wharton, and Chapse Econometric models in early 1982 forecast productivity growth rates for 1983—during an expected "recovery" stage—ranging from 1.25 to 2.25 percent. Both rates would be lower than the 2.5-percent average productivity growth rate over the recovery stage of cycle VII (1980–81). It is obvious that neither productivity growth rate is anywhere near the productivity growth rates during the recovery periods of the 1950's, 1960's, or 1970's.

The White House conference on Productivity envisioned by this amendment will allow us to examine the sources of our national productivity decline and to consider some of the proposals to solve these problems that have surfaced in recent years. I am optimistic that we, as a nation are capable of a renewed burst of economic growth that will improve our standard of living and restore our competitive position in world markets. This conference, I believe, will be a step in that direction.

Mr. President, I ask unanimous consent that the Senator from Delaware (Mr. ROTH) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I wish to offer my strong support for this amendment to the Defense Procurement Act (S. 2375) which would institute a White House Conference on International Competition and Productivity. Earlier this year, I introduced an identical measure, Senate Joint Resolution 159, calling for such a conference; and since that time, the bill has attracted 41 cosponsors. I was therefore delighted when Senator SCHMITT, as a member of the committee with responsibility for S. 2375, was willing to offer this measure as an amendment.

America today is in the midst of a productivity crisis. We have seen our productivity growth rates decline with the passage of time and have witnessed a loss of markets and sales opportunities throughout the world to countries whose efficiency surpasses ours. Loss of markets means loss of jobs and a declining standard of living for all Americans.

Productivity declines affect each and every one of us. The Department of Commerce and the American Productivity Center estimate that if we had maintained our earlier growth rates, the average American household would have $5,500 more in real income this year.

Moreover, as our productivity growth rates have declined our share of world markets has followed suit. While our share of the world market for manufactured goods was nearly 20 percent in 1960, we were supplying less than 13 percent of that market by 1980. Much of this market share has been seized by more productive firms in Japan and the newly industrializing countries around the rim of Asia.

As members of a global system U.S. producers must compete with foreign producers everywhere; and as unit costs of production overseas decline relative to U.S. costs, foreign goods become cheaper and we lose markets and job opportunities.

These competitive problems affect our Nation's basic industries. U.S. producers of carbon steel, for example, unable to keep pace with productivity improvements in Japan, have seen that country gobble up an increasing share of the U.S. market. Even my own State of Delaware has suffered from international pressure. Delaware's Chrysler and General Motors auto and truck producers have watched Japanese auto manufacturers walk away with as much as 30 percent of the U.S. market in a given month.

This experience is being repeated throughout our economy, in consumer electronics, motorcycles, machine tools, apparel, and a host of other products.

We must turn this situation around and regain our international competitiveness. We must develop a strategy for economic growth that will boost the standard of living for all Americans and increase job stability for U.S. workers. And I am convinced that, over the long term, the solution to our domestic and international dilemma lies in greatly improved productivity. To sell abroad and compete at home, we must become more productive.

Productivity improvements, however, will require some basic changes in our thinking. We must give up our crisis mentality approach to issues and begin to emphasize long-term stability.

Business, government, and labor all have a stake in improving our productivity performance and in developing long-term guidelines that will enable us to become more efficient. These groups, working together, can contribute to a cooperative strategy for growth.

As a key step in this cooperative process, the President should convene a White House Conference on International Competition and Productivity. Such a conference—preceded by statewide and regional meetings among business, labor, academia, government at all levels and consumers—would provide a forum for airing views on such diverse topics as robotics, government organization, quality of worklife, capital formation, regulatory policy, export prospects and technology sharing.

This conference could focus national attention on the individual benefits that accrue from productivity improvements. It could study the measures and policies that have been successful in other countries to learn how we might become more efficient. And it could study educational systems around the world to learn how students are taught to become formidable competitors in the world marketplace.

What I envision is a grassroots campaign to spread the word on the value of productivity improvements to each and every American citizen. I do not envision a one-shot deal—just another Federal conference where ideas and recommendations are thrashed out, only to be filed and forgotten due to lack of interest or followup action.

Rather, this White House conference would be an important contribution to our Nation's economic recovery—first as a statement by the Chief Executive on the priority he places on improved productivity, and, second, as a forum for developing innovative solutions to get our productivity back on track.

The United States can again be the world's productivity leader, but to do so requires the cooperation and active participation of every American. A White House Conference on International Competition and Productivity could get that ball rolling.

Mr. DIXON. Mr. President, I ask unanimous consent that I be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, I am a cosponsor of the resolution calling for a White House Conference on Productivity and I ask unanimous consent to be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, the importance of bringing together the best minds in the country to consider ways to boost industrial productivity is crystal clear. I only regret that the administration has not seen fit to address this urgent national problem.

Mr. SCHMITT. Mr. President, I yield back the remainder of my time.

Mr. DIXON. Mr. President, I yield back the remainder of my time.

Mr. SCHMITT. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment.

The amendment (UP No. 1384) was agreed to.

Mr. SCHMITT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 1385

(Purpose: To establish a Commission on Strategic and Critical Materials Stock Piling Needs)

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. HUMPHREY), for himself, Mr. SCHMITT, and Mr. CANNON, proposes an unprinted amendment numbered 1385.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new title:

TITLE IV—COMMISSION ON STRATEGIC AND CRITICAL MATERIALS STOCK PILING NEEDS

Sec. 401. This title may be cited as the "Strategic and Critical Materials Stock Piling Study Act of 1982".

Sec. 402. The Congress hereby finds that—

(1) the availability of adequate supplies of strategic and critical industrial materials continues to be essential for national security, economic well being, and industrial production;

(2) research, development, and technological innovation are important factors which contribute to and affect the availability and use of such materials;

(3) there is concern that the Federal Government may not fully possess, or is not adequately exercising, the authority and responsibility for establishing critical policies on such materials and for coordinating and implementing those policies; and

(4) the importance of strategic and critical industrial materials to many national policies requires review of the organizational means for the coordination of policies on strategic and critical materials within the Federal Government.

Sec. 403. (a) There is established a commission to be known as the Commission on Strategic and Critical Materials Stock Piling Needs (hereafter referred to in this title as the "Commission") to study the management, needs, and operations of current national strategic stockpiles.

(b) The Commission shall be composed of five members who shall be appointed by the President from among persons who, as a result of training, experience, and achievement, are exceptionally qualified to carry out the duties and functions of the Commission. In selecting persons for appointment to the Commission, the President shall give particular consideration to persons whose training, experience, and achievement is in fields relating to materials policy, defense policy, or materials science and engineering. The members of the Commission shall serve at the pleasure of the President. The President shall appoint the members of the Commission within 60 days after the date of enactment of this Act.

(c) The President shall designate one of the members of the Commission to serve as Chairman.

Sec. 304. (a) Within six months after the date of appointment of the members of the Commission, the Commission shall transmit to the President and to interested Committees of the Congress a report on the findings, conclusions, and recommendations of the Commission on the needs, management, and operations of the National Defense Stockpile and the system of stockpiling strategic and critical materials. The report shall include—

(1) recommendations for improvement of the current system of management of strategic and critical materials programs and stockpiles of strategic and critical materials and for development policies relating to strategic and critical materials, including recommendations on the advisability of centralizing such management, development, and implementation in one new agency and on the structure and control of such agency;

(2) recommendations regarding the funding and funding structure needed to implement a sound strategic and critical materials program and policy;

(3) recommendations for a coherent national policy on strategic and critical materials consistent with other Federal Government policies and recommendations on the actions necessary to implement such a policy;

(4) a discussion of the actions necessary to develop coordinated Federal Government policies, programs, and research and development activities on materials, including strategic and critical materials;

(5) a review and evaluation of the various programs and activities of the Federal Government carried out in accordance with the policy and directions set forth in the National Materials and Minerals Policy, Research and Development Act of 1980 (94 Stat. 2305; 30 U.S.C. 1601 et seq.), and a determination of the extent to which such programs and activities are contributing to the achievement of such policy and directions;

(6) recommendations of policies designed to improve conditions affecting the minerals and materials needs and resources of the United States and to meet the social, economic, and national security goals of the United States; and

(7) a description of domestic and foreign trends in the availability of strategic and critical materials and the quality of the available materials, the implications of such trends for the economies of the United States and the world and for national security, and the probable effects of such trends on domestic industries.

Sec. 406 (a) The Commission shall adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations and its organization.

(b) Three members of the Commission shall constitute a quorum.

(c) Any vacancy in the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(d) Each member of the Commission who is from private life, while serving on the business of the Commission away from such member's home or regular place of business, shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons intermittently employed in the Government service.

(e)(1) The Commission or any member authorized by the Commission may, for the purpose of carrying out this section, hold such hearings and sit and act at such times and places, take such testimony, have such printing and binding done, enter into such contracts and other arrangements (with or without consideration or bond, to such extent or in such amounts as are provided in appropriation Acts, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)), make such expenditures, and take such other actions as the Commission or such member may consider advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such member.

(2) The Commission is authorized to secure directly from any officer, department, agency, establishment, or instrumentality of the Government such information, suggestions, estimates, and statistics as the Commission may require to carry out this title. Each such officer, Department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman.

(3) Upon request of the Commission, the head of any Federal agency is authorized to make any of the facilities and services of such agency available to the Commission or to detail any of the personnel of such agency to the Commission, on a reimbursable basis, to assist the Commission in carrying out its duties under this section, unless the head of such agency determines that urgent overriding reasons will not permit the agency to make such facilities, services or personnel available to the Commission and so notifies the Chairman in writing.

(4) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) No officer or agency of the United States shall require the Commission to submit any report, recommendation, or other matter to any such officer or agency for approval, comment, or review before submitting such report, recommendation, or other matter to the Congress or to the President.

Mr. HUMPHREY. Mr. President, essentially, this amendment establishes a Presidential Commission of 6 months' duration to conduct a comprehensive study of the way in which the national defense strategic stockpile is being managed. There has been a great deal of controversy associated with the stockpile over the years. Many valid charges have been made that it was mismanaged and used for economic and political purposes in absolute violation of the canons by which the stockpile was supposed to be managed.

I would prefer that we were taking direct action today to remedy some of these faults, and I intend to pursue that avenue.

I want to add my support to Senator SCHMITT and Senator CANNON, cosponsors of this amendment, an amendment mandating a study in 6 months certainly being a positive step forward.

Mr. President, the National Defense Stockpile and Strategic and Critical Materials Stock Piling Revision Act of 1979 have long been personal concerns of mine. My Preparedness Subcommittee of the Senate Armed Services Committee has held hearings on the stockpile condition, the management problem, the inadequate funding, and the political and economic misuse of the stockpile and its transaction Fund. I have personally introduced legislation to solve some of these problems and I am pursuing studies along with the GAO and other agencies to gather data to support further corrective legislation.

I feel strongly about the requirement and purpose of the stockpile. The purpose of the national defense stockpile is to promote national security by providing a ready and adequate supply of raw materials for use during a national emergency. The operation of the stockpile was intended to be free from political or economic considerations. The language and intent of the Strategic and Critical Materials Stock Piling Act is clear when it states, "The purpose of the stockpile is to serve the interest of national defense only and is not to be used for economic or budgetary purposes." Still, attempts are made almost daily to use the stockpile to bolster a small subsection of our economy. The integrity and purpose of the stockpile is more critical than these attempts to misuse the stockpile and its moneys. This is not a new matter with me, as the record will show, I have risen many times on this floor to speak against bills attempting to direct or restrict funds for special interest. My dear colleague letters have gone to both Senate and House Members requesting support to delete restrictions which have been introduced to the Stock Piling Act and transaction fund.

As long as management of the stockpile is fragmented, the funding is held hostage to the budget process, and the transaction fund is viewed as fair game for special purposes, the material requirements will not be met. Given the existing shortages of materials to meet stated requirements, immediate action is required. Although in the past 4 months the stockpile with all its problems have gotten increased visibility, legislative solutions have not been enacted.

By calling for a stockpile study to examine ways to consolidate management actions, to eliminate budget and political misuses, to find funding alternatives, and to make the transaction fund a pure rotating account, I hope we are moving a step closer to corrective actions. I would rather be speaking today on direct legislation. But, if this short study is only an interim measure meant to consolidate Senate and House efforts and can be viewed as progress, I add my support.

I will continue to push for enactment of S. 2906, my bill to remove the stockpile transaction fund, once and for all, from the budget process and to establish the fund as a pure revolving account.

Mr. SCHMITT. Mr. President, I want to express my strong support for this amendment, Senator HUMPHREY's leadership on critical materials issues has helped to focus this body's attention and the attention of the Armed Services Committee on a very serious problem.

The amendment will assist us in arriving at some answer to our materials problem by creating a Presidential Study Commission to examine the entire scope of our policies or lack thereof, as is too often the case, and to make recommendations to the President and the Congress for action.

The history of the stockpile is not an impressive one. We are far below our national goals and in the event of a national emergency would be hardpressed to provide materials for both defense and critical civilian purposes that our country would need.

I am pleased that the Senator from New Hampshire has joined myself and others in the sponsorship of legislation to be introduced in the near future to establish a Strategic Stockpile Commission.

The Senator's hearings on this legislation established a forceful record on the need for the rationalization of the stockpile management and he is to be commended for his diligence on this issue.

● Mr. CANNON. Mr. President, I am pleased to join with the Senator from New Hampshire (Mr. HUMPHREY) and the Senator from New Mexico (Mr. SCHMITT) in offering an amendment to S. 2375, which would establish a Presidential commission to pull together this country's inconsistent and recently counterproductive strategic and critical materials stockpile policies.

I have introduced legislation to establish a permanent White House Council to direct our national materials policies and had hoped to offer that proposal as an amendment to S. 2375. However, I do not want the strong opposition from the administration to jeopardize the extension of the Defense Production Act and have deferred my proposal.

The amendment I am offering with the Senator from New Hampshire and the Senator from New Mexico will establish a Commission on Strategic and Critical Materials Stockpiling Needs to do a 6-month study of the management, needs, and operations of current national strategic stockpiles.

The recommendations of this Commission, which will go directly to the President and the Congress, will hopefully provide this country with a comprehensive blueprint for a national agenda of action to end our dangerous overreliance on imported strategic and critical materials.

This Commission will be directed to consider in its report the following important matters:

First, recommendations for improvement of the current system of management of strategic and critical materials programs and stockpiles of strategic and critical materials and for development and implementation of research and development policies relating to strategic and critical materials, including recommendations on the advisability of centralizing such management, development, and implementation in one new agency and on the structure and control of such agency;

Second, recommendations regarding the funding and funding structure needed to implement a sound strategic and critical materials program and policy;

Third, recommendations for a coherent national policy on strategic and critical materials consistent with other Federal Government policies and recommendations on the actions necessary to implement such a policy;

Fourth, a discussion of the actions necessary to develop coordinated Federal Government policies, programs, and research and development activities on materials, including strategic and critical materials;

Fifth, a review and evaluation of the various programs and activities of the Federal Government carried out in accordance with the policy and directions set forth in the National Materials and Minerals Policy, Research and Development Act of 1980 (94 Stat. 2305; 30 U.S.C. 1601 et seq.), and a determination of the extent to which such programs and activities are contributing to the achievement of such policy and directions;

Sixth, recommendations of policies designed to improve conditions affecting the minerals and materials needs and resources of the United States and to meet the social, economic, and national security goals of the United States; and

Seventh, a description of domestic and foreign trends in the availability of strategic and critical materials and the quality of the available materials, the implications of such trends for the economies of the United States and the world and for national security, and the probable effects of such trends on domestic industries.

I want to congratulate my colleague from New Hampshire (Mr. HUMPHREY) and my colleague from New Mexico (Mr. SCHMITT) for their efforts to help develop a more constructive stockpile policy. This Study Commission can make an important contribution to that end and I am pleased to join with them in asking for the Senate's support of this amendment.●

Mr. DIXON. Mr. President, I yield back the remainder of my time.

Mr. HUMPHREY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment.

The amendment (UP No. 1385) was agreed to.

Mr. SCHMITT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3620

(Purpose: To provide a funding mechanism for purchase commitments to promote domestic production of strategic minerals, metals, and materials)

Mr. WARNER. Mr. President, I send back to the desk amendment No. 3620 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for himself, Mr. MCCLURE, Mr. MELCHER, Mr. DANFORTH, and Mr. JACKSON, proposes amendment numbered 3620.

Mr. WARNER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, add the following new section:

SEC. 301. (a) Section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093) is amended as follows:

(1) Amend subsection 303(a) up to the first proviso to read as follows:

"(a) When it will promote improved defense preparedness, the President may promote expanded domestic production capacity and supply by making contracts (1) for purchases of or commitments to purchase metals, minerals, and other materials, for Government use or resale; and (2) for the encouragement, development and mining of critical and strategic minerals, metals and materials. No such contracts may be made in an amount greater than $500 million unless the Committees on Armed Services of the Senate and the House of Representatives have been notified in writing of such contract and 30 days of continuous session of Congress have expired following the date on which such notice was transmitted to such committees and neither House of Congress has adopted, within such 30-day period, a resolution disapproving such contract. For purposes of this section, the continuity of a session of Congress is broken by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a date certain are excluded in the computation of such 30-day period.".

(2) Add at the end of the section the following new subsections:

"(h) Any contract under this section shall provide that the President has the right to refuse delivery of the item involved and to pay an amount equal to the amount by which the price for the item, specified in the contract, exceeds the market price at the time of delivery for such items as determined by the President. Additionally, any contract under this section shall provide that the President has the right to purchase the contractor's interest in the contract and all of the assets of the project for the contractor's total capital and uncapitalized investment minus depreciation.

"(i) When any contract entered into pursuant to this section imposes contingent liability upon the United States, such liability shall be considered for the purposes of sections 3679 and 3732 of the Revised Statutes, as amended, as an obligation only to the extent of the lesser of (1) the contractor's (estimated for the date of delivery) total capital and uncapitalized investment minus depreciation; or (2) the difference between the contract price for the item and the President's estimate of the market price at delivery. Such obligations established in accordance with this subsection do not have to be amended due to changes in the estimates upon which the original obligation was determined. The President shall submit a report to the Congress not less often than once each year setting forth the gross amount of each such transaction entered into by an agency of the United States Government under this authority and the basis for determining the obligation hereunder.

"(j) Funds for contracts made under this section may be made available from—

"(A) appropriations originally available for the performance of the contract concerned;

"(B) appropriations currently available for procurement of the type of item concerned, and not otherwise obligated; or

"(C) funds subsequently appropriated for those payments. If part or all required funds are not available to enter into or when payment is due under a contract made in accordance with this section, any department, agency, official or corporation of the Government created or utilized under subsection 2094(a) is authorized, subject to the approval of the President, to borrow from the Treasury of the United States, such sums of money as may be necessary to carry out its functions under this section: *Provided, however,* That the amount borrowed under the provisions of this section by all such borrowers shall not exceed an aggregate of $50,000,000 in any one fiscal year: *Provided further,* That all loans from the Treasury shall be repaid within 24 months unless the President makes a finding that such loans are essential to the national security and extends the period for repayment.".

(b) Section 304 of the Defense Production Act of 1950 (50 U.S.C. App. 2094) is amended as follows:

(1) Subsection (b) is amended to read as follows:

"(b) In considering proposals for financial assistance pursuant to sections 2091, 2092, and 2093, the President shall make every effort to minimize the Federal financial commitment and the financial risk to the Federal Government.".

(2) Subsection (c) is amended to read as follows:

"(c) The President shall submit a report not later than January 31 of each year to Congress concerning the operation of sections 2091, 2092, and 2093 (including the reporting requirement of subsection 2093(i) during the preceding fiscal year.".

Mr. WARNER. Mr. President I rise on behalf of Senators MCCLURE, JACKSON, MELCHER, DANFORTH, and myself to introduce an amendment to S. 2375, a bill to extend the Defense Production Act, which reinstates the Treasury borrowing authority which for over 20 years, 1950–74, acted as a reserve against liabilities assumed under purchase commitments, loans and loan guarantees issued under the act. The reinstated borrowing authority would be at a much reduced level from the pre-1974 authority, $50 million versus $2.1 billion, and could only be used for purchase commitments to promote domestic production of strategic and critical minerals, metals, and materials. No loans or loan guarantees would be authorized. All amounts borrowed must be repaid by the procuring agency within 24 months. Any additional funds used in connection with the procurement would be subject to advance appropriations under the Defense Production Act or under such acts as may authorize procurement of the defense items in which the purchased minerals, metals, or materials will be utilized.

The amendment is a modest, but important step forward in this country's efforts to reduce its reliance on unstable foreign sources of strategic and critical minerals, metals, and materials.

Reinstatement of a borrowing authority reserve is an appropriate funding mechanism for purchase commitments to promote domestic production since such commitments will be contingent in nature, that is, no funds will be expended unless the world market price for the item is reduced below the price established in contract, and therefore the amount of payments to be made, which may be zero, cannot be known in advance.

Purchase commitments will assure the United States of a secure source of supply of the needed material, protect domestic producers from predatory pricing by foreign cartels, reduce stockpile requirements, increase U.S. employment and tax revenue, and improve U.S. balance of payments.

The Senate has an opportunity, by this very simple amendment to the Defense Production Act of 1950, to strike a blow against continued reliance on unstable foreign sources of strategic and critical materials.

The amendment would reinstate a provision, removed from the DPA in 1974, which provides the Department of Defense with a funding mechanism for purchase agreements with producers of strategic materials in the United States.

The amendment modifies the pre-1974 provision in a way that should remove any objection to its reenactment.

Prior to 1974, DPA contracts were funded through the use of Treasury borrowing authority. This method of

funding, which had been effectively used for over 20 years, was instrumental in starting or expanding U.S. production of cobalt, copper, nickel, lead, zinc, and titanium.

Because most DPA contracts are contingent in nature, that is, no purchases are made by the Government unless the price of the material falls below the price necessary to sustain U.S. production, borrowing authority, which acts as a reserve against contingent liabilities, is the most sensible funding mechanism, since it recognizes that actual outlays under the contracts will be substantially less than the face amount of the contracts. During the Korean war period, for example, over $9 billion in contracts were entered into, with the borrowing authority reserve ultimately tapped for less than $900 million.

In 1974, the Congress repealed the borrowing authority reserve due to the fact that funds from the sales of the commodities that had been purchased were not being used to repay the borrowing. The result of the repeal is that no DPA contracts for domestically produced materials have been entered into since 1974. Without a borrowing authority reserve, advance appropriations have to be made in the total face amount of the contracts, which produces an apparent budgetary impact that is totally unrealistic.

The amendment that is being offered would again establish a borrowing authority reserve for DPA contracts. An added feature is that borrowings would have to be repaid within 24 months. The amendment would provide that repayments would be made from the agency for which the minerals were purchased for which would be generally out of the DOD budget.

One might argue why reinstate the DPA borrowing authority.

Purchase commitments under the DPA are a well-recognized means of developing domestic capacity in the production of strategic minerals, metals, and materials. However, the commitments are contingent in nature. They are triggered only in the event that foreign producers drop their price below the price necessary to sustain U.S. production.

The alternative to borrowing authority is to appropriate the maximum potential liability of the contract prior to its execution. This produces a budgetary impact which is totally unrealistic and is the principal reason why no purchase commitments have been entered into since the borrowing authority was deleted in 1974.

Borrowing authority acts as a reserve against the contingent liabilities under the contracts, and spreads the budgetary impact, if any, over the entire term of the contracts, which may be 8 to 10 years.

Borrowing authority was repealed by the Congress in 1974 because the borrowing agencies were not repaying the loans from the Treasury. This amendment would require that the borrowing authority be repaid within 24 months after the borrowing occurs. This, plus the reporting requirements of the amendment and the clearance of larger contracts by the Congress, will give the Congress the ability to maintain close control over this very important program.

Some critics of the DPA program, and more importantly title III of the act, would argue that DPA purchase commitments are subsidies to domestic producers.

I would argue that they are not. The DPA purchase commitments are nothing more than procurement contracts for a given commodity at a negotiated price. This kind of contract is common in commercial and government procurement.

The fact that the negotiated price may sometimes be more than the so-called market price does not mean that the producer is being subsidized, it merely means that the purchaser desires to assure itself of a stable source of supply and is willing to take the risk that at some point the price it is paying may be higher than market.

In the case of many strategic and critical materials, the price differential—to the extent it exist at all—reflects not only the fact that foreign production is subsidized but also that a secure source of a critical material is more valuable than an insecure source.

The National Commission on Materials Policy in a report transmitted to Congress in June 1973 said:

> . . . In the interest of national security it is unwise to become dependent upon specific strategic commodities for which the United States lacks a resource base and which are obtained mainly from a small number of countries which may choose to restrict or cut-off the flow of supply. . . . The interest of national security will be served by maintaining access to a reasonable number of diverse suppliers for as many materials as possible.

However America currently is more than 50 percent dependent on foreign sources for 23 of 40 critical materials essential to the U.S. economy and national security procurement and protection.

America must maximize the development of its minerals and materials as quickly as possible to protect itself during times of emergency.

During the Korean war title III was instrumental in expanding our minerals and materials industry. It increased U.S. aluminium capacity by 113,000 tons, which resulted in doubling of production; in increasing copper mine capacity by one-quarter or 300,000 tons, in initiating nickel mining in the United States; in creating the domestic titanium industry; in quadrupling U.S. tungsten mining; in expanding the world columbian and tantalum mining and processing industries; and in expanding supplies of many other strategic and critical minerals just during the Korean war.

Title III of the DP Act must be once again activated so that it may serve the purpose for which it was enacted—to revitalize America's mineral industry for national security needs.

I believe that my amendment which modestly funds title III for purposes of entering into purchase agreements, accomplishes this purpose.

Mr. President, I yield to the distinguished Senator from Idaho.

Mr. McCLURE. Mr. President, I rise in support of the amendment. It has been well documented in congressional hearings as well as public and private studies that we are highly and dangerously dependent on unstable foreign sources for many of the materials that are vital to our national security. Perhaps the best example is the situation we face with cobalt, a metal used in jet engines, engine mounts, armor-piercing shells, tool steels, and other important defense and industrial applications.

The defense stockpile of cobalt is currently 40 million pounds short of its goal of 85 million. We presently import 95 percent of our supply, 76 percent of which comes from two African countries, Zaire and Zambia. Internal instability and the possibility of military conflict with their neighbors make these two countries a highly insecure source of cobalt for the United States.

Recently rehabilitated mines in Idaho and Missouri and a potential new mine in California could produce from 8 ot 10 million pounds of cobalt per year by 1986. This would meet approximately 60 percent of total domestic demand and 100 percent of superalloy demand.

The problem faced by these mines is the threat of predatory pricing that effectively prevents their beginning operation.

Zaire and Zambia presently produce over 60 percent of the world's supply of cobalt. Since cobalt is a byproduct of their copper mines, there is little relationship between their price for cobalt and the cost of operation. In addition, loans provided by the international development banks, Eximbank, and the U.S. Overseas Private Investment Corporation, have subsidized the capital costs of the African mines so that pricing competition with potential U.S. mines is not based on free market considerations.

The risk of predatory pricing by an OPEC-type cobalt cartel can be eliminated by purchase commitments between the Government and domestic mines. DPA contracts were used extensively during the Korean war to develop or expand U.S. mining capacity in

copper, iron ore, lead, zinc, manganese, nickel, magnesium, titanium, and cobalt. The Government was able to generate secure domestic sources in these minerals at a cost of less than one-tenth of the face amount of the contracts.

The Senate now has an opportunity, by an amendment to the Defense Production Act, to strike a blow against continued reliance on unstable foreign sources of strategic and critical materials.

Prior to 1974, DPA contracts were funded through use of Treasury borrowing authority. Because DPA purchase commitments are contingent in nature—that is, no purchases are made by the Government unless the price of the material falls below the price necessary to sustain U.S. production—borrowing authority, which acts as a reserve against contingent liabilities, is a more sensible funding mechanism than direct appropriations, since actual outlays under DPA contracts are substantially less than the face amount of the contracts.

The amendment that is being offered would again establish a borrowing authority reserve for DPA contracts, but at a much reduced level—only $50 million compared to the $2.1 billion that existed prior to 1974.

By using this very modest authority the U.S. Government can take a major step forward in reducing its reliance on foreign sources of strategic and critical materials, reduce stockpile goals, protect U.S. industry from OPEC-type cartel activities, provide employment in the depressed U.S. mining industry, and improve the U.S. balance of payments.

For these reasons, I urge support of this very important amendment.

Mr. SCHMITT. Mr. President, the Senator from Virginia, the Senator from Idaho, and others in this body are well aware by now that I am extremely supportive of attempts to develop mechanisms for cobalt and other minerals for which there are geologically accessible resources in this country to be produced by this country in order to reduce our dependence on foreign imports and on stockpile supplies.

I have been informed by the Office of Management and Budget that the administration will soon propose a viable funding mechanism for title 3 of the Defense Production Act.

It would appear, therefore, that the objectives of the amendment would be achieved through the normal appropriations process, provided we all can work together to insure that the administration does what they say they are going to do.

Since the administration opposes this amendment, Mr. President, and, actually more importantly, it is my understanding, my very clear understanding, that unanimous consent for consideration of S. 2375 in the House, which is required for passage today, will be impossible if this amendment is adopted, and with the assurances that we have from the administration and in the interest of expediting passage of this legislation—which, it has been noted, expired at 12 o'clock last night—I hope the Senator from Virginia will withdraw the amendment with the kind of assurances that we have had.

Mr. WARNER. Mr. President, I respect the representation of my distinguished colleague from New Mexico. As I stated, the purpose of this amendment is as a mechanism for improving the administration of the title III program. I understand there have been developments within the administration recently that bear on this issue. In fact, within the hour, I have been handed the following letter addressed to me from David A. Stockman, Director of the Office of Management and Budget. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., October 1, 1982.

Hon. JOHN W. WARNER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WARNER: This is to relate to you the Administration position on the Defense Production Act and use of Title III authorities. As we stated in a letter to the Congress on August 16, 1982, we supported a full Five-year extension of the existing authorities (the Bethune Admendment). Since there is now no prospect for a full five year extension, we should press for a simple extension of the current Act for a shorter period of time.

We further support a viable funding mechanism for the Title III programs and plan to seek a fiscal year 1983 appropriations rider permitting use of Title III authority for purchase agreements, but no loan guarantees or price supports, up to a level of $50 million. With this approach appropriations for the contract authority would be included within the Defense total for the year the contract is issued. We do not see a need for any Treasury or FFB financing of contract authority. While the Department of Defense will have full discretion on the selection of specific projects, the budget level for use of Title III authorities will be reviewed during the budget process. If you need any further information, please let me know.

Sincerely,

DAVID A. STOCKMAN,
Director.

Mr. WARNER. In substance, it indicates that the Office of Management and Budget is prepared to begin work now to support a viable funding mechanism for title III programs.

The letter indicates that administration will pursue funding of title III of the DPA for fiscal year 1983 in the amount of $50 million for purchase guarantees. This offer is exactly what my amendment calls for except that my amendment would allow for funding of title III in subsequent years.

With that in mind, Mr. President, I call upon my distinguished colleague from Idaho and ask if he concurs in the desire to pull this down and let such an important piece of legislation as the simple extension of the DPA go forward at this time. Also, I advise our colleagues that it is our intent to try to raise this subject again, hopefully during this Congress.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. WARNER. I yield to the Senator from Idaho.

Mr. McCLURE. Mr. President, I concur in the remarks of the distinguished Senator from Virginia. I extend a very sincere and heartfelt thanks for all the assistance he has given in trying to bring to the attention of our Nation the vulnerability we visit on our Nation by the importation of these critical materials. I do concur in the remarks the Senator has made.

Mr. WARNER. Mr. President, at this time, I yield such time as he may require to the distinguished Senator from Washington.

The PRESIDING OFFICER. The time of the Senator from Virginia has expired.

Mr. WARNER. Mr. President, will the distinguished Senator from New Mexico yield a few minutes of his time.

Mr. SCHMITT. I shall be happy to if the Senator from Illinois does not.

Mr. DIXON. Mr. President, I am delighted to yield such time as he may desire to the Senator from Washington.

Mr. WARNER. Mr. President, if I may summarize to the Senator from Washington, we have now brought the Warner, McClure, Jackson amendment up and explained the purpose of it. The Senator from Idaho has joined me and in discussing the merits of the amendment after receiving an offer from the administration to fund title III of the DPA in the amount of $50 million on the DOD fiscal year 1983 authorization bill we have decided to withdraw our amendment.

Mr. SCHMITT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SCHMITT. There is time on the bill that is available to yield, is there not?

The PRESIDING OFFICER. There is time on the bill and on the amendment; 15 minutes on the amendment equally divided, controlled by the mover of the amendment and the manager of the bill.

Mr. SCHMITT. I yield the time that is available to the opposition to the Senator from Washington.

Mr. JACKSON. Mr. President, I support the Warner amendment, which

they are going to pull down, I guess, to reinstate borrowing authority under the Defense Production Act (DPA) to fund purchase commitments with domestic producers of strategic minerals, metals, and materials.

There are three points I want to make in connection with this amendment.

There has been ample testimony over the years that we are walking down a very dangerous road in continuing to rely on unstable foreign sources for the critical materials we need to assure our national security. We need to reduce our dependence on these foreign sources of supply where we can. This amendment is a step in the right direction because it encourages domestic production of these strategic and critical materials.

This amendment provides for an economical way to meet our need for these materials. For example, a recently completed study by the Federal Emergency Management Agency concludes that, as an alternative to stockpiling foreign produced colbalt, the development of domestic sources of cobalt is a more cost-effective course of action.

Finally, this amendment is a modest and sound proposal. We are not dealing with an untested program. The Defense Production Act has been around for over 30 years. All this amendment would do is reinstate a funding mechanism that supported DPA purchase commitments over the years and helped to start or expand our production of titanium, lead, zinc, maganese, nickel, and magnesium.

Mr. President, I urge the adoption of this amendment.

Mr. SCHMITT. Mr. President, I yield to the Senator from Virginia the rest of the time in opposition.

Mr. WARNER. Mr. President, I say to the distinguished proponents of this amendment that we shall not give up. The administration has indicated to the Senator from Virginia its intention to find $50 million within the 1983 budget to apply to the basic purposes of this amendment as soon as it is possible with the accommodation of the appropriation cycle.

I withdraw the amendment at this time and in doing so express appreciation to a number of staff people who have done a great deal of work on this amendment: Mr. Sindelar, Counsel of the Energy and Mineral Resources Subcommittee of the Senate Energy and Natural Resources Committee, Mrs. Magill of my staff, and Miss Wise of the staff of the distinguished Senator from Idaho.

The amendment (No. 3620) was withdrawn.

UP AMENDMENT NO. 1386

(Purpose: To extend the Act for 9 months)

Mr. SCHMITT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. SCHMITT) proposes an amendment numbered 1386.

On page 2, line 8, strike out "September 30, 1983" and insert in lieu thereof "June 30, 1983".

Mr. SCHMITT. Mr. President, this amendment merely changes the termination date from 1 year from last night to 9 months; that is, to June 30, 1983. It is my own preference, Mr. President, that this legislation be extended for 5 years in order to provide some certainty to the activities that come underneath the Defense Production Act so that we can carry on the discussions such as that involving title III and discussions involving the stockpile commission and others without worrying about reauthorization.

These discussions will continue, nonetheless, and, maybe more importantly, we have an objection, on the House side again, to the extension of this duration as well as some objections on this side.

In the interest of avoiding the expiration of this important legislation, I am introducing this amendment and urge that it be accepted.

The PRESIDING OFFICER. Who yields time?

Mr. SCHMITT. Mr. President, does anyone care to make any remarks on the termination date?

Mr. DIXON. No; Mr. President, other than to say that we support that date.

Mr. SCHMITT. Mr. President, I know the Senator from Idaho has something.

Mr. WARNER. Mr. President, I rise to protect the Senator from Idaho. It is my understanding that he is about to send to the desk an amendment in the second degree.

Mr. SCHMITT. I think the Senator from Idaho is ready to offer his amendment. Therefore, I yield back the time available on this side on the amendment that I have sent to the desk.

Mr. DIXON. I yield back such time as we may have over here, Mr. President.

UP AMENDMENT NO. 1387

Mr. McCLURE. Mr. President, I send an amendment to the desk on behalf of myself and the Senator from Virginia (Mr. WARNER) and the Senator from Washington (Mr. JACKSON) as a substitute for the pending amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE), for himself, Mr. WARNER, and Mr. JACKSON, proposes an unprinted amendment numbered 1387 to unprinted amendment numbered 1386.

In lieu of the language proposed to be inserted insert the following: "December 31, 1982."

Mr. McCLURE. Mr. President, a parliamentary inquiry: How much time is allotted on this substitute amendment?

It is my understanding that it is 30 minutes equally divided. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. McCLURE. Mr. President, I yield myself such time as I may consume.

I thank the Senator from New Mexico for agreeing with us on the procedure to be used to get to the agreement on what the time extension would be. I share with the Senator from New Mexico the determination that we should enter into a realistic assessment of our stockpile goals and a realistic way of going about financing them. The only difference we have is in regard to the time for the extension of the authority of the act. The Senator from New Mexico would limit that time to 9 months. Senator JACKSON, Senator WARNER, and I have proposed that that be limited to 90 days.

The reason we have done that, Mr. President, is to maintain the leverage and the momentum with respect to the funding, which I think is absolutely essential to get something done. We are on the verge of finally doing something constructive and relieving this country of its dependence on unstable foreign sources.

It has been studied and restudied for years, as the Senator from Washington indicated. It is time for us to make a decision. I recognize that we cannot make that decision today. Senator WARNER, Senator JACKSON, and I offered the other amendment with respect to funding in good faith. We have been persuaded, however, that it simply could not be resolved today, but we are determined that it be resolved in this session of the Congress. We hope, therefore that the people who are managing this bill would see fit to agree with us that the 90-day period gives us a better guarantee of the ability to resolve that in this session of the Congress than it would be if we extend the time period into the next Congress.

Mr. JACKSON. Will the Senator yield?

Mr. McCLURE. I yield 2 minutes to the Senator from Washington.

Mr. JACKSON. Mr. President, I hope that the 90-day extension will be accepted as a suitable compromise. As my colleague from Idaho has pointed out, this issue has been studied and restudied by virtually every committee of the Congress. If we put this matter off now, for even 9 months, I think we are courting disaster. Some of these countries on which we are so dangerously dependent for our strategic min-

erals may not even be around next year. And, we will be holding more hearings and conducting more studies. I think the 90-day extension is the kind of comprise we need to get this program going without further delay.

I thank the Senator from Idaho.

The PRESIDING OFFICER. Who yields time?

Mr. SCHMITT. Mr. President, I yield myself such time as I require.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. SCHMITT. Mr. President, our duty is not so much a disagreement on the urgency of action relative to our strategic minerals stockpile. I think just about everyone who has been involved in this issue, and many who have not, have made in clear that they are terribly concerned about the strategic vulnerability that the Nation faces relative to imports of strategic minerals from unstable sources. Our problem is one of pure practical procedure. We have been trying for many days, many weeks in fact, to negotiate an extension of this act with our colleagues on the House side as well as in this body. It is, frankly, not possible to get this bill through the House tonight if we do not have a 9-month extension. I am sorry to say that it has come down to that kind of delicate balance, but as I am sure many Senators realize, when you get into these negotiations a variety of interests come down saying it is 9 months, it is not a year; it is not 90 days, it is 9 months.

We are assured by a number of sources involved in this issue on the House side that if this amendment is passed and we indeed send a termination date of 90 days, there will be an objection to the consideration of the Senate bill 2375 and we will not have an extension of the Defense Production Act. If we do not have an extension of this act, there are many known, and probably even more unknown, consequences of unknown costs but significant costs, as I am assured by the administration, as the administration loses its authority to determine priority of contractor work relative to defense projects. So I would urge my colleagues to either withdraw this amendment or urge other colleagues to support the committee in opposition to it.

Mr. WARNER and Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. McCLURE. Parliamentary inquiry, Mr. President. How much time do I have remaining?

The PRESIDING OFFICER. Twelve minutes and seven seconds.

Mr. McCLURE. Mr. President, I yield to the Senator from Virginia 4 minutes.

Mr. WARNER. Mr. President, the distinguished Senator from New Mexico has been most cooperative in this matter, and he has correctly stated that this has gotten down to one of those loggerhead battles between the House of Representatives and the Senate. I have here a letter that has just been handed me, from WILLIAM M. BRODHEAD, a Member of Congress, which I have not had an opportunity to share as yet with my distinguished colleague, which indicates the following: "Dear Mr. Warner. I support your effort to extend the Defense Production Act for 90 days so that Congress can return to consider your amendment." When he states my amendment, it is the one that the distinguished Senator from Idaho and the distinguished Senator from Washington submitted and just brought down. "Therefore, I will object"—and I repeat—"I will object to any extension which exceeds 90 days."

Mr. President, as I understand the procedural situation of the House, if there is a single objection this cannot become enacted by the Congress, and therefore I strongly urge my colleague from New Mexico that he heed the advice of the distinguished Senator from Washington who has worked in this area for many, many years, far more than I have, and indeed my distinguished colleague from Idaho. It is our considered judgment that the amendment that we are sponsoring and have brought down should be considered in this session of Congress. The only way that can be done is if we extend this act no longer than 90 days. Furthermore, the only way the House can accept this act is for the Senate to vote no longer than a 90-day extension.

Mr. President, I yield the floor.

Mr. SCHMITT addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. SCHMITT. I am familiar with the warning in the letter just quoted by the Senator from Virginia. I have equally as strong personal communications from Members of the other body that are formally involved in this activity from both sides of the aisle that say exactly the opposite; that is, if it is not 9 months, we will have an objection.

So I think we are in a position now of taking the representation of the leadership on the House side, on both sides of the aisle, that tell me that it must be 9 months, sent it over there and they are going to have to work it out for themselves. We can only hope that they are able to persuade their colleagues to extend the act, accept the Senate bill, so that we can proceed then on this side to deal with these matters in a timeframe that makes it possible to deal with them.

The Senators certainly have my assurance as a member of the Banking Committee and one who is principally responsible for Defense Production Act issues to proceed quickly, if possible, in the lameduck session, if not certainly early next year, to move forward on the issues that they have raised as well as many others. I know we have had the assurances of the Senator from New Hampshire (Mr. HUMPHREY), and the Armed Services Committee on which the distinguished Senator from Virginia also sits, that they will move forward with their responsibilities.

I see no way to resolve this except to pass the bill with the best date and that is 9 months.

Mr. WARNER. Mr. President, if the Senator will yield, I appreciate the sentiments that the Senator will help support Senators JACKSON, McCLURE, and WARNER in their efforts to bring before the committee the full measure and import of the amendment discussed today. We brought down the amendment to accommodate the distinguished Senator from New Mexico, who really believes that that amendment might jeopardize passage in the conference. However, in view of the difference we have now, let us give it a try. Let us send it over tonight—they are in session until 9 o'clock—with the 90-day stipulation and see what happens.

Mr. SCHMITT. I wish I could accommodate the distinguished Senator, but again I have to go on the representations I have made as the majority manager of this bill, representations that reflect the attitude of the managers on the other side. I think we stand a better chance of not having to hang around here by going with 9 months. As much as I am reluctant to disagree with my distinguished colleague, I am going to have to ask that the Senate not approve this substitute and go with the committee's position, which is 9 months.

Mr. McCLURE. Mr. President, this is one of those instances in which we are perhaps having difficulty reading what will happen in the other body.

I suspect that the leadership on the other side has said 9 months is necessary because they cannot get the 5-year extension. We are accommodating that in our amendment as well as in the 9-month extension. We are accommodating the major reason they had that problem.

I repeat what I said earlier: If you want to get it done in this session of Congress, you had better pass the 90-day extension; you had better not give 9 months. If we extend this 9 months and have to get into next year and start all over again, I guarantee that we will not make progress. We should set ourselves a deadline of this kind so that we do not have to start all over again in the next Congress.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. McCLURE. I yield.

Mr. JACKSON. Mr. President, I hope my good friend from New Mexico will see fit to go along on the 90 days and send it to the House and see what they will do. If they will not buy it, then we can exercise the other option. I have great respect for his views and his concerns, and I hope he will give it that try so that we can expedite action on this legislation and see what the House will do finally.

Mr. McCLURE. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. DIXON. I yield back the remainder of my time.

Mr. SCHMITT. Mr. President, I respect the opinion of the Senator from Washington very much. I wish I could yield to him on this matter. Unfortunately, I have to go with the judgment that we developed after days of negotiation and ask that the Senate not agree to this substitute amendment.

Mr. McCLURE. Mr. President, it has been suggested to me that perhaps this could be resolved on a voice vote. I would be willing to ask to vitiate the order for the yeas and nays.

Mr. SCHMITT. Mr. President, I suggest that we have a rollcall vote on this issue.

The PRESIDING OFFICER. Objection is heard.

Mr. McCLURE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Minnesota (Mr. DURENBERGER), the Senator from Vermont (Mr. STAFFORD), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Arizona (Mr. DECONCINI), the Senator from Connecticut (Mr. DODD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Michigan (Mr. LEVIN), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Montana (Mr. MELCHER), and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

I also announce that the Senator from Oklahoma (Mr. BOREN) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Montana (Mr. MELCHER) and the Senator from Michigan (Mr. RIEGLE) would each vote "yea."

The PRESIDING OFFICER (Mr. ABDNOR). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 49, nays 37, as follows:

[Rollcall Vote No. 387 Leg.]

YEAS—49

Andrews	Exon	Mitchell
Baucus	Ford	Murkowski
Bradley	Glenn	Nunn
Bumpers	Grassley	Pell
Burdick	Hart	Pryor
Byrd, Harry F., Jr.	Hatfield	Quayle
	Hawkins	Randolph
Byrd, Robert C.	Heflin	Sasser
Cannon	Helms	Simpson
Chafee	Huddleston	Specter
Cohen	Inouye	Stennis
Cranston	Jackson	Symms
Danforth	Laxalt	Thurmond
Denton	Leahy	Wallop
Dole	Long	Warner
Eagleton	Lugar	Zorinsky
East	McClure	

NAYS—37

Abdnor	Gorton	Packwood
Armstrong	Hatch	Percy
Baker	Hayakawa	Pressler
Biden	Heinz	Proxmire
Boschwitz	Humphrey	Roth
Brady	Jepsen	Rudman
Chiles	Kassebaum	Sarbanes
Cochran	Kasten	Schmitt
D'Amato	Mathias	Stevens
Dixon	Mattingly	Tower
Domenici	Metzenbaum	Tsongas
Garn	Moynihan	
Goldwater	Nickles	

NOT VOTING—14

Bentsen	Hollings	Melcher
Boren	Johnston	Riegle
DeConcini	Kennedy	Stafford
Dodd	Levin	Weicker
Durenberger	Matsunaga	

So Mr. McCLURE's amendment (UP No. 1387) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SCHMITT. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The question recurs on the first degree amendment, UP No. 1386.

The amendment (UP No. 1386), as amended, was agreed to.

Mr. SCHMITT. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will return to their seats and refrain from conversation.

Mr. SCHMITT. Mr. President, parliamentary inquiry, what is the pending business before the Senate?

The PRESIDING OFFICER. The first degree amendment, as amended, has just been agreed to, with one amendment remaining to be offered by the Senator from New Mexico.

Mr. SCHMITT. Mr. President, I believe that all amendments have been disposed of.

A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SCHMITT. The amendment, the Schmitt amendment, to which the McClure amendment was a substitute, has that been agreed to?

The PRESIDING OFFICER. That has been agreed to.

Mr. SCHMITT. I believe there are no further amendments.

The PRESIDING OFFICER. If there are no further amendments, the question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. SCHMITT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SCHMITT. Mr. President, once again may we have order?

The PRESIDING OFFICER. Senators will please refrain from conversing and will please return to their seats so we can hear.

If there are no further amendments, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and to be read a third time. The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill (S. 2375) was passed as follows:

S. 2375

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—EXTENSION OF DEFENSE PRODUCTION ACT OF 1950

SEC. 101. The first sentency of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking out "September 30, 1982" and inserting in lieu thereof December 31, 1982.

TITLE II—COST ACCOUNTING STANDARDS

SHORT TITLE; TABLE OF CONTENTS

SEC. 201. This title may be cited as the "Defense Production Act Amendments of 1982".

TABLE OF CONTENTS

Sec. 201. Short title; table of contents.
Sec. 202. Findings and purpose.
Sec. 203. Transfer of Cost Accounting Standards Board functions.

FINDINGS AND PURPOSE

SEC. 201. (a) The Congress hereby finds that—

(1) the Cost Accounting Standards Board has fulfilled its mandate to establish cost accounting standards for defense contractors;

(2) there are continuing functions required to be performed in maintaining the standards, including the amendment or

modification of standards, granting of waivers for individual contracts, and establishing exemptions; and

(3) it is necessary to transfer the authority to exercise these functions and the authority to maintain, interpret, and administer these standards.

(b) Therefore, it is the purpose of this title to transfer the authorities and functions of the Cost Accounting Standards Board which are necessary to maintain, interpret, and administer the standards to the Director of the Office of Management and Budget.

TRANSFER OF COST ACCOUNTING STANDARDS BOARD FUNCTIONS

SEC. 203. Section 719 of the Defense Production Act of 1950 (50 U.S.C. App. 2168) is amended to read as follows:

"COST ACCOUNTING STANDARDS

"SEC. 719. (a) Cost accounting standards shall be used by all relevant Federal agencies and by defense contractors and their subcontractors in estimating, accumulating, and reporting costs in connection with the pricing, administration, and settlement of all negotiated prime contract and first-tier subcontract national defense contracts with the United States in excess of $500,000, other than contracts or subcontracts where the award is based on (1) established catalog or market prices of commercial products, (2) prices set by law or regulation, or (3) adequate price competition.

"(b) All standards, rules, and regulations issued by the Cost Accounting Standards Board, and in effect on the day prior to the effective date of the Defense Production Act Amendments of 1982, shall remain in effect and be subject to the provisions of this section. These standards, rules and regulations shall have the force and effect of duly promulgated regulations.

"(c) All exemptions, waivers, and other actions by the Cost Accounting Standards Board in connection with any function transferred by this section, and in effect at the time of the transfer, shall remain in effect to the same extent as if such transfer had not occurred, until amended or rescinded by the Director of the Office of Management and Budget.

"(d) The Director of the Office of Management and Budget (hereinafter referred to as the 'Director') shall have the authority to take such action as the Director determines necessary to ensure—

"(1) that the standards, rules, regulations, and interpretations issued by the Cost Accounting Standards Board are consistent with sound accounting principles and provide for accurate, fair, and equitable cost determinations; and

"(2) that such standards, rules, regulations, and interpretations conform to procurement policies, regulations, procedures, or forms promulgated pursuant to the Office of Federal Procurement Policy Act and other Government procurement authorities. In performing such function, the Director is authorized to amend or rescind the standards, rules, regulations, or interpretations issued by the Cost Accounting Standards Board.

"(e)(1) Prior to the amendment or rescission of any standard, rule, or regulation under this section, the Director shall publish in the Federal Register notice of the action proposed to be taken, together with a report concerning such proposal. All parties affected thereby shall be afforded a period of not less than ninety days such publication in which to submit their views and comments with respect to the proposed action.

"(2) The Director shall give full consideration to the views and comments submitted before making any final amendment or rescission. A final amendment or rescission may not become effective prior to the expiration of ninety days after final publication in the Federal Register.

"(f) The publication required by subsection (e)(1) shall contain, with respect to the proposal—

"(1) a full description of such proposal;

"(2) a summary of the reasons for such proposal; and

"(3) an assessment of the probable costs of implementation relative to the probable benefits of such proposal, including an analysis of—

"(A) the effects of such proposal on inflation;

"(B) the advantages and improvements in the pricing, administration, and settlement of contracts which will result from such proposal; and

"(C) the effect of such proposal on contracts prices.

"(g) The Director is authorized to exempt from the requirements of this section such classes or categories of defense contractors or subcontractors under contracts negotiated in connection with national defense procurements as the Director determines, on the basis of the size of the contracts involved, nature of the contractor's business, or otherwise, are appropriate, consistent with the purposes sought to be achieved by this section.

"(h) The Director is authorized to waive the requirements of this section.

"(i) For the purpose of determining whether a defense contractor or subcontractor has complied with duly promulgated cost accounting standards and has followed consistently his disclosed cost accounting practices, any authorized representative of the head of the agency concerned or of the Comptroller General of the United States shall have the right to examine and make copies of any documents, papers, or records of such contractor or subcontractor relating to compliance with such cost accounting standards and principles.

"(j) With respect to any function that may be transferred by this section and exercised after the effective date of this section, reference in any other Federal law or regulation to the Cost Accounting Standards Board shall be deemed to mean the Director.

"(k) The assets, liabilities, contracts, property, and records of the Cost Accounting Standards Board are hereby transferred to the Director.

"(l) The standards, rules, and regulations made effective under this section shall be incorporated into a single, Government-wide procurement regulation not later than September 30, 1984. When such regulation becomes effective, the provisions of this section shall terminate.".

TITLE III—WHITE HOUSE CONFERENCE ON PRODUCTIVITY

SHORT TITLE

SEC. 301. This title may be cited as the "White House Conference on Productivity Act".

FINDINGS

SEC. 302. The Congress finds that—

(1) the United States traditional annual productivity improvement rate of approximately 3 per centum has fallen drastically in recent years to a negative one-half of 1 per centum;

(2) if our traditional productivity improvment rate has been maintained, the average household would have received nearly $5,500 in additional real income each year;

(3) the decline in productivity has inflated the cost of goods and services produced in the United States relative to the goods and services of nations with higher productivity rates;

(4) improved productivity will enhance our international competitiveness, which will expand foreign market opportunities and jobs;

(5) productivity improvement can be restored in the United States through the application of policies and management techniques which have brought substantial productivity gains on a broad scale in other countries and in some businesses within the United States;

(6) when adequate protections are provided, productivity improvement techniques can bring great benefits to labor as well as management; and

(7) the United States must act immediately to reverse our productivity decline and to restore our annual productivity improvement.

DEFINITIONS

SEC. 303. For purposes of this title—

(1) the term "conference" means the White House Conference on Productivity;

(2) the term "Director" means a Director of the White House Conference on Productivity who shall be appointed by the Secretary of Commerce and who shall be paid at the rate of basic pay provided for level V of the Executive Schedule pursuant to section 5316 of title 5, United States Code.

(3) the term "productivity" means output per paid employee hour of all employees in the private sector; and

(4) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

ESTABLISHMENT AND DUTIES OF THE WHITE HOUSE CONFERENCE ON PRODUCTIVITY

SEC. 304. (a) The President shall conduct a White House Conference on Productivity (hereinafter referred to as the "Conference") not later than one year after the date of enactment of this title in order to develop recommendations to stimulate the Nation's productivity improvement rate.

(b) For the purpose of ascertaining facts and developing recommendations concerning the improvement of productivity, the Conference shall bring together individuals who are experts in the field of productivity, employees, and representatives of business, associations, labor organizations, academic institutions, and Federal, State, and local government.

(c) The Conference shall consider the following policy options with regard to their role in improving national productivity:

(1) reorganization of the Federal Government so that it can best promote productivity improvement in the private and public sectors;

(2) bringing to the attention of American businesses, labor organizations, and Government officials the benefits which result from implementing productivity improvement techniques;

(3) improving the general training and skill level of American labor;

(4) redirecting Government efforts to inform American businesses of foreign technological developments;

(5) encouraging Government agencies to share with industry new discoveries and processes that improve productivity;

(6) establishing annual Presidential awards of recognition for those businesses and industries which accomplish outstanding improvement in productivity and establishing similar awards at the State and district levels;

(7) revising the tax laws to encourage companies to take actions to improve productivity;

(8) reviewing the effect of the antitrust laws on efforts to improve productivity;

(9) reviewing the patent laws to determine if changes are needed to encourage more productive use of American patents;

(10) improving the accuracy and reliability of data gathered by the Bureau of the Census and other Government statistical collection centers which measure American productivity; and

(11) revising Federal civil service laws to improve the productivity of Government workers and encouraging similar action at State and local levels.

REPORT OF THE CONFERENCE

SEC. 305. A final report of the Conference on Productivity shall be submitted to the President not later than one hundred and twenty days following the date on which the Conference is called and the findings and recommendations included therein shall be immediately made available to the public. The President shall, within one hundred and twenty days after submission of such final report, transmit to the Congress his recommendations for the administrations contained in such report with which he concurs.

ADMINISTRATION

SEC. 306. (a) In administering this title, the Director shall—

(1) request the cooperation and assistance of the Office of Management and Budget and the departments of Labor and the Treasury and such other Federal departments and agencies as may be appropriate in carrying out the provisions of this title;

(2) render all reasonable assistance, including financial assistance to groups and organizations which are conducting district, State, or regional productivity conferences in preparation for the Conference;

(3) prepare and make available background materials for the use of delegates to the Conference which are deemed necessary, and prepare and distribute any report of the Conference as may be necessary and appropriate;

(4) engage such additional personnel as may be necessary to carry out the provisions of this title without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; and

(5) enter into contracts only to such extent and in such amounts as are provided in appropriation Acts, with organizations with particular expertise in productivity to conduct preparatory and followup work for the Conference.

(b) Personnel engaged under subsection (a)(4) shall be compensated at a rate not to exceed the rate equal to the maximum rate for GS-15 of the General Schedule under section 5332 of title 5, United States Code.

TITLE IV—COMMISSION ON STRATEGIC AND CRITICAL MATERIALS

STOCK PILING NEEDS

SEC. 401. This title may be cited as the "Strategic and Critical Materials Stock Piling Study Act of 1982".

SEC. 402. The Congress hereby finds that—

(1) the availability of adequate supplies of strategic and critical industrial materials continues to be essential for national security, economic well being, and industrial production;

(2) research, development, and technological innovation are important factors which contribute to and affect the availability and use of such materials;

(3) there is concern that the Federal Government may not fully possess, or is not adequately exercising, the authority and responsibility for establishing critical policies on such materials and for coordinating and implementing those policies; and

(4) the importance of strategic and critical industrial materials to many national policies requires review of the organizational means for the coordination of policies on strategic and critical materials within the Federal Government.

SEC. 403. (a) There is established a commission to be known as the Commission on Strategic and Critical Materials Stock Piling Needs (hereafter referred to in this title as the "Commission") to study the management, needs, and operations of current national strategic stockpiles.

(b) The Commission shall be composed of five members who shall be appointed by the President from among persons who, as a result of training, experience, and achievement, are exceptionally qualified to carry out the duties and functions of the Commission. In selecting persons for appointment to the Commission, the President shall give particular consideration to persons whose training, experience, and achievement is in fields relating to materials policy, defense policy, or materials science and engineering. The members of the Commission shall serve at the pleasure of the President. The President shall appoint the members of the Commission within 60 days after the date of enactment of this Act.

(c) The President shall designate one of the members of the Commission to serve as Chairman.

SEC. 404. (2) Within six months after the date of appointment of the members of the Commission, the Commission shall transmit to the President and to interested Committees of the Congress a report on the findings, conclusions, and recommendations of the Commission on the needs, management, and operations of the National Defense Stockpile and the system of stockpiling strategic and critical materials. The report shall include—

(1) recommendations for improvement of the current system of management of strategic and critical materials programs and stockpiles of strategic and critical materials and for development and implementation of research and development policies relating to strategic and critical materials, including recommendations on the advisability of centralizing such management, development, and implementation in one new agency and on the structure and control of such agency.

(2) recommendations regarding the funding and funding structure needed to implement a sound strategic and critical materials program and policy;

(3) recommendations for a coherent national policy on strategic and critical materials consistent with other Federal Government policies and recommendations on the actions necessary to implement such a policy;

(4) a discussion of the actions necessary to develop coordinated Federal Government policies, programs, and research and development activities on materials, including strategic and critical materials;

(5) a review and evaluation of the various programs and activities of the Federal Government carried out in accordance with the policy and directions set forth in the National Materials and Minerals Policy, Research and Development Act of 1980 (94 Stat. 2305; 30 U.S.C. 1601 et seq.), and a determination of the extent to which such programs and activities are contributing to the achievement of such policy and directions;

(6) recommendations of policies designed to improve conditions affecting the minerals and materials needs and resources of the United States and to meet the social, economic, and national security goals of the United States; and

(7) a description of domestic and foreign trends in the availability of strategic and critical materials and the quality of the available materials, the implications of such trends for the economies of the United States and the world and for national security, and the probable effects of such trends on domestic industries.

SEC. 405 (a) The Commission shall adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations and its organization.

(b) Three members of the Commission shall constitute a quorum.

(c) Any vacancy in the Commission shall not affect its powers, but shall be filled in the manner in which the oiriginal appointment was made.

(d) Each member of the Commission who is from private life, while serving on the business of the Commission away from such member's home or regular place of business, shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons intermittently employed in the Government service.

(e)(1) The Commission or any member authorized by the Commission may, for the purpose of carrying out this section, hold such hearings and sit and act at such times and places, take such testimony, have such printing and binding done, enter into such contracts and other arrangements (with or without consideration or bond, to such extent or in such amounts as are provided in appropriation Acts, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)), make such expenditures, and take such other actions as the Commission or such member may consider advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearling before the Commission or before such member.

(2) The Commission is authorized to secure directly from any officer, department, agency, establishment, or instrumentality of the Government such information, suggestions, estimates, and statistics as the Commission may require to carry out this title. Each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman.

(3) Upon request of the Commission, the head of any Federal agency is authorized to make any of the facilities and services of such agency available to the Commission or to detail any of the personnel of such

agency to the Commission, on a reimbursable basis, to assist the Commission in carrying out its duties under this section, unless the head of such agency determines that urgent overriding reasons will not permit the agency to make such facilities, services or personnel available to the Commission and so notifies the Chairman in writing.

(4) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) No officer or agency of the United States shall require the Commission to submit any report, recommendation, or other matter to any such officer or agency for approval, comment, or review before submitting such report, recommendation, or other matter to the Congress or to the President.

The title was amended so as to read: "A bill to extend the Defense Production Act of 1950, and to amend section 719 of such act to transfer the authorities and functions of the Cost Accounting Standards Board.".

Mr. SCHMITT. Mr. President, I cannot hear the business of the Senate. I wonder if we can have order?

The PRESIDING OFFICER. Senators conversing will all please go to the cloakroms so that we can hear.

NATIONAL PEACE DAY

Mr. DENTON. Mr. President, on Wednesday, this body passed by unanimous consent Senator BUMPERS second degree amendment to provide for the proclamation of "National Peace Day," which was appended to a first degree amendment offered by Senator MOYNIHAN and relating to a means test with respect to medicare.

Senator BUMPERS characterized his amendment as innocuous as apple pie and motherhood. In my view, his amendment is entirely unsatisfactory and his characterization is inaccurate. The amendment is not innocent but will give aid and comfort to the enemies of this country.

Mr. President, I placed in the RECORD of Wednesday's proceedings literature issued by Peace Links, which calls itself an organizing effort aimed at stimulating interest in national security issues among traditional women's organizations.

The literature of this organization abounds with leaflets and flyers calling for a "Peace Day Festival" on October 10, 1982. Calls to the office of Peace Links by members of my staff have established that it is a self-identified antinuclear group and that the so-called peace theme is ancillary to its true mission.

Mr. President, calls to the office of Senator BUMPERS by members of my staff before the introduction of his amendment calling upon the President to designate October 10 as "National Peace Day" established that the resolution came about at the suggestion of Peace Links which, of course, is headed by Mrs. Betty Bumpers. I do not criticize the sincerity and well meaning of Senator and Mrs. BUMPERS, or any Senator who supported Senator BUMPERS' amendment, even those who might have known of what it consisted. But I am compelled to offer the facts about Peace Links and its affiliations, as well as to express my own opinions about the efficacy of the Bumpers' amendment, which was passed without propriety and without information to the Members of this Chamber as to the issue being voted upon.

Before doing so, Mr. President, let me assure this body and all those who aspire for peace that I too aspire for peace. And it is in the interest of peace that I am now speaking.

It is not accidental that Peace Links had already been calling for and organizing public demonstrations on October 10 to promote the nuclear freeze movement and, at least implicitly, to condemn American foreign policy. I have absolutely no disagreement with the right of our citizens to demonstrate, but I see no reason for the Congress and the President to appear to endorse demonstrations organized in part by groups that are openly critical of, even hostile to, the principles and policies of our country.

The organization, Peace Links, advocates grassroots action to convince women that war is unhealthy and bad for their children, apparently assuming that people do not already realize that. For example, one brochure urges women to "organize within your civic groups, senior citizens, professional and social organizations, garden clubs, PTA's, churches and synagogues to talk about nuclear issues and anxieties, and invite public policymakers to participate in your forums." Another brochure urges women to "have a peace party and invite your friends over to talk about current issues and what can be done."

I will talk about some of those parties later, Mr. President.

Peace Links is guided—and this is the key, I say to Senators—Peace Links is guided by a 14-organization advisory board. Four organizations on the Peace Links advisory board are either Soviet controlled or openly sympathetic with and advocates for, Communist foreign policy objectives. These are the Women Strike for Peace, an affiliate of the Soviet-contolled Women's International Democratic Federation which is based in East Germany; the Women's International League for Peace and Freedom; the radical United States Student Association.

Mr. JEPSEN. Mr. President, may we have order?

Mr. EXON. Mr. President, we cannot hear the Senator.

The PRESIDING OFFICER. The Senators are absolutely correct. The Senate will be in order and we will not continue until the talking is stopped. The Senator has a right to be heard and the Senators have a right to hear him.

The Senator from Alabama.

Mr. DENTON. Mr. President, I thank the Senator from Nebraska and the Chair.

Mr. President, Peace Links is guided by a 14-organization advisory board. Four organizations on the Peace Links advisory board are either Soviet controlled or openly sympathetic with, an advocates for, Communist foreign policy objectives. These are the Women Strike for Peace, an affiliate of the Soviet-contolled Women's International Democratic Federation which is based in East Germany; the Women's International League for Peace and Freedom; the radical United States Student Association; and the Committee for National Security, which was established by the radical, left-oriented Institute for Policy Studies.

One danger in this resolution proposed by Peace Links is that it undermines our position in the disarmament negotiations. It seems a paradox that this resolution is carried on a bill which is vital to the continued operation of our Government. Moreover, it requires the President to turn out our Government workers to rally against his own policies and our own national interests.

Mr. President, we in the Congress and among the American people must understand that the peace we all seek is not easily obtained nor easily preserved. It certainly will not be obtained and preserved by the means advocated by those who have organized the demonstrations scheduled for October 10 and by those who instigated the amendment in question.

I understand the appeal that the nuclear freeze and disarmament have to the people of this country and others. They must understand and face the fact that the measures they advocate will not achieve their goal.

I am reminded of a similar time in history in 1939. After Hitler went into Czechoslovakia, Churchill wanted to do one thing which might have prevented World War II; Chamberlain wanted to do another. Appeasement was the mood of the day. Apathy was the underlying attitude for tactics chosen to deal with Hitler's aggression, and what could have been stopped was not stopped peacefully but might have been had we listened to the words of Churchill. And these words can be applied today in more than strategic terms, but I ask the body to listen to the words of Churchill on that occasion. He said:

Each man hopes that if he feeds the crocodile enough the crocodile will eat him last, and all of them hope that the storm will pass before their turn comes to be devoured. But I fear greatly the storm will not pass. It

will spread ever more widely. It will roar ever more wildly. It will spread to the north, it will spread to the south.

He was correct. And at that time in our history when we went into World War I and World War II it found us at two of the most disarmed points in our history which did not help the chances for peace but hurt them.

I say again that the appeal that the nuclear freeze and disarmament have to the people of this country and others is evident. But they must understand and face the fact that it is not the road to peace. We cannot achieve peace and preserve our liberties by rendering ourselves helpless in the hope that our adversaries will then leave us alone and allow us to live under a system of democratic government and individual liberties whose very existence is anathema to them and, indeed, constitutes a direct and serious threat to their ability to remain in power by suppressing their own people and those who have fallen under their domination.

Disarmament is not a new idea and not an un-American idea. It has been a central preoccupation of this country from its beginning. The search for truly mutual and verifiable nuclear disarmament has been a vital part of our foreign policy since the atomic bomb came upon the scene. From the Baruch plan to START, the United States has consistently and regularly taken the lead in the initiative for arms control negotiations and in proposals to actually and really reduce the number of nuclear weapons, their size and destructiveness, their delivery systems, and the threat that they will be used. But it takes two to negotiate, and the Soviet Union has consistently and regularly refused to reduce its own capability while insisting that we diminish ours, and insisting along many lines very persuasive to the gullible.

Ambassador Edward Rowney, our chief negotiator at the START talks in Geneva, faces great difficulties in those negotiations. The Soviet representatives can assume that the nuclear freeze movement in this country demonstrates that he and the President do not have the support of the people of this country. Actions taken by the Congress are particularly conducive to the same effect. These things diminish the willingness or the need for the Soviets to truly negotiate and to compromise.

Mr. President, I guarantee that, if we allow the resolution to stand and if the Congress and the President appear to endorse the activities already scheduled for October 10, the Soviet policymakers will derive comfort and aid from the lack of support for American foreign policy apparent in the Congress. These Soviet policymakers will smile even as they continue to upgrade and expand their strategic nuclear arsenal and dilly-dally at the important negotiations underway both in Geneva and in Vienna.

Mr. President, it is my hope that the House will take appropriate action to remove the language of the Bumpers amendment from the conference report tonight.

I will withhold further comment until the conference report reaches this Chamber. I have objected to all unanimous-consent time agreements. I intend to be on the floor to oppose all such agreements.

I thank the Chair.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I will be happy to defer to the Senator from Arkansas if it is on the same matter.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I think I was recognized but I will be glad to yield to my colleague from Arkansas, Senator BUMPERS, and then I would hope to have two or three moments.

Mr. BUMPERS. Mr. President, first I want to read the resolution that the Senate adopted, and I hope the Senate will pay close attention.

SEC. . The Senate finds that:

a. Wars are raging in several parts of the world inflicting incalculable loss of human lives and property, with unbearable human suffering and grief; and

b. The presence of huge nuclear arsenals in the world present an ever present threat to the survival of mankind; and

c. Though war in a very troubled and divisive world is an ever present possibility and threat, the United States has been at peace since the end of the Vietnam conflict; and

d. The benefits of peace and the value of life should be ever present in the thoughts of all people; and

e. A day should be set aside for the American people to reflect on the values of peace and the horrors of war; and

f. The President should proclaim a day of peace and call on the people of the country to commemorate it with such ceremonies and activities as are appropriate and in keeping with an expression of gratitude for living in a great, free Nation at peace.

The resolution calls on the President to simply call on the people of the country, State and local government agencies, interest groups and organizations, all the people of the United States, to observe that day by engaging in appropriate activities and programs showing their commitment to peace.

When a resolution like that becomes subversive, you can kiss everything that has made this country what it is goodby.

That resolution was cosponsored by 36 of the 38 Senators I asked to cosponsor it.

I said to them and I say to you, that there is a war raging in Ireland. We have just finished the Falkland war in which a thousand fine young men lost their lives. There is war all over Central America, especially in El Salvador. Over 250,000 people have been killed in the Iraq-Iran war. And the Middle East? There is no need to elaborate on it. How pitiful, how terrible, how bloody, how unspeakable the horror has been.

And the word "peace"—is it not interesting, is it not an interesting thing, the connotation that the Senator from Alabama puts on the word "peace."

Most of us in this body tell our constituents, I believe honestly, that we cherish all the teachings of the Messenger of Peace. We have now in Lebanon a peacekeeping force. And on Christmas we sent out all the Christmas cards saying, "Peace on Earth, good will toward men."

Yet the Senator from Alabama seems to find the word peace subversive.

We live on the very brink of extinction and I do not know of a thoughtful person anywhere in the world who doubts that for an instant.

We hope each day that somehow or other the giant nuclear powers, the Soviet Union and the United States will find some way to back away from the brink.

But completely aside from the nuclear war issue, why is peace not something to be cherished?

Many of us served in World War II. The Senator from Arizona (Mr. GOLDWATER), who sits in front of me at this moment, served and served well. He is a conservative and nobody is for a stronger defense than he is. But I promise you he also cherished peace because he is a father.

The teachers across the country tell me that the art work of children is more of mushroom clouds than any other single piece of art.

What are we doing to our children? What is their art work a manifestation of?

Peace Links, which the Senator from Alabama talks about, was not founded in the Kremlin dining room—it was founded in my kitchen. And by a group of mothers and housewives who were and are increasingly concerned about whether their children are going to survive or not.

Many people in this body may not know it but one of the reasons 96 percent of the children in this country right now are immunized against all preventable childhood diseases is because of Betty Bumpers. When she went to Jimmy Carter with her program to immunize the children of this country, because she had already done it in Arkansas, he accepted it immediately and the result was a very successful program that resulted in the virtual elimination of childhood diseases. We have had about 25 cases of measles this year as compared to

about 25,000 the year Betty started the program.

But she had been talking to some women in the neighborhood, and other women she knew about this issue, and she said, "Why should we go to all the trouble to protect the health of our children if we are going to incinerate them?" So, Peace Links was born. And I cannot conceive of a more noble cause. A group of women who want to send a message across the country, to raise the awareness level of what we face, not for unilateral disarmament, not for a weakening of our peace effort. Simply to raise the awareness level among mothers, because by their very nurturing instincts, they have a keener appreciation of the threat to their children, and are more protective of them. We as fathers in this body are protective, too, but we know there is one thing we cannot protect our children against and that is the nuclear holocaust.

My wife—and I do not say this to be magnanimous—has raised three fine children. Because of my public service, she has had to do most of the rearing. She is first and foremost a mother. But she has also been a devoted wife. Her concern here is nothing more or less than her children and her yet unborn grandchildren and yours, and yes, even the children of the Senator from Alabama.

So for the Senator from Alabama to come to this Chamber and say what he has just said, and to insert into the RECORD an article which impugns the integrity of some of the finest people in this country—George Ball, Averell Harriman, Dr. Theodore Hesburgh, William J. Fulbright, and many more—to suggest that all those people who belong to any organization which favors a nuclear freeze are somehow being manipulated by the KGB, is an affront to some of the greatest people in this Nation.

This body's sorriest hour was in the early 1950's when there was a Senator from Wisconsin named Joe McCarthy who had most of the Senators in this body jumping under their desks in adject terror and fear for their political futures.

Well, I want to serve notice not just on the Senator from Alabama but anybody else, that here is one Senator, and I can only speak for one, who is not going to be intimidated. I will use the last ounce of my strength to make sure that this Nation never goes through a similar period again.

But I want the Senator from Alabama to take comfort in one thing. I will fight to the death for his freedom of expression and his freedom of thought, for his right to say most anything he wants to say. But I also want to assure him that I will be here every time an effort is made to impugn, the patriotism of people who simply disagree with him.

It is an especial affront to my wife, but it is also an affront to the wives of Governors, of the Senators in this body, the wives of the Members of the House who have been so helpful to Betty, all across the country, meeting hopefully as a grassroots organization, just one of literally hundreds of organizations across the country who are increasingly concerned about this issue.

But neither Betty Bumpers nor peace links is the issue. The real issue is the attack that the Senator makes on our value system. Mr. President, that is what our quarrel with the Soviet Union is really about. It is our value system; it is not economic. It is not just political; it is our values. And the Senator erodes our value system with the kind of attack he has leveled here tonight on the patriotism of literally millions of people.

There were 202 Members in the House who voted for the freeze; only 204 voted against it. The article which the Senator placed in the RECORD yesterday suggested that, somehow or other, they, too, are being manipulated. Perhaps we should include the people of Wisconsin, 76 percent of whom voted for the freeze.

There are about 30 Senators on the Hatfield-Kennedy freeze resolution, including me, and they must be included.

Mr. President, I will continue to be for a strong defense. One of the reasons I am for a strong defense is because there is always a bully around who will try to silence his adversaries. I cherish our freedoms, and I shall always be for a strong defense to make sure that we continue to enjoy them and that my children continue to enjoy them.

But I shall continue at the same time to fight for peace. I am going to continue adhering to the teachings of the Messenger of Peace, and I am going to continue to send out Christmas cards that say, "Peace on Earth, Good Will Toward Men." And I shall continue to resist the efforts of any Senator, as I would any Nation, who tries to silence dissent in this body or in this country.

Mr. President, I yield the floor.

Mr. PRYOR. Mr. President.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, does the Senator from Kansas have a statement?

Mr. DOLE. It is not on the same subject. I would like to make a unanimous-consent agreement on an amendment that has been cleared. I do not want to interrupt debate on this subject.

Mr. PRYOR. Mr. President, if I may, I wish to rise for just a few moments to comment on the statements made by our colleague, the distinguished Senator from Alabama (Mr. DENTON). Unfortunately, I did not have the opportunity to hear all of those remarks, because when the Senator took the floor, I immediately ran over here as fast as I could.

Just a few feet from where we sit this evening, a little over 40 years ago, Franklin Roosevelt stood and said, "The only thing we have to fear is fear itself." Somehow, those words are echoing tonight, I think, in the Senate Chamber, because for one reason or another we have started preaching fear once again. We have started preaching that if someone attempts to stand in disagreement or advocate an unpopular opinion, we have started saying that maybe he is Communist-inspired or maybe the Soviets are behind his stand.

Let me make one or two points. First, I would like to say a word about Betty Bumpers. I think without any question whatsoever, Betty Bumpers, the wife of the senior Senator from the State of Arkansas, the former first lady of our State, had more impact on those causes that were noble and good, and I might say holy, in our State and our country than almost any lady who has ever graced that particular position. In no way, Mr. President, would any citizen of our State—whether in agreement or disagreement with Mrs. Bumpers or with Senator BUMPERS during his very distinguished career in public service and her very devoted career to giving herself to the people she loved so well—not one citizen of the State of Arkansas, I daresay, would ever entertain any idea whatsoever that Mrs. Bumpers was tied into or supported by or closely allied with or even remotely associated with any organization that had in mind the overthrowing of the Government of the United States. For us to indicate on the floor of the Senate and in the CONGRESSIONAL RECORD that this October 10 demonstration might be an attempt to advocate anything but the best interests of this country, Mr. President, is absurd. I think it is clear that this movement is an attempt to let out the deep frustrations that we find across America, frustrations that are growing day by day.

Frankly, it is no wonder that those frustrations are growing, because some 13,342 days ago, we exploded the first nuclear bomb at Hiroshima, then Nagasaki. Since that day, we have produced at least one nuclear warhead each day—the Soviets and the Americans. We have enough nuclear weaponry today to add up to 40 tons of TNT for every inhabitant of this globe.

We have in our own State, Mr. President, 17 Titan II missiles as has the Senator from Kansas and the Senator from Arizona—53 in all. Each of those Titan II missiles carries a warhead that is 750 times more destructive

than those bombs we dropped over 13,000 days ago in Hiroshima and Nagasaki. Mr. President, it is no secret that there is frustration over this super abundance of destructive power. We look at the Defense Department and the Department of Energy budgets. We see, from 1980 to 1987, an increase in nuclear weapons production of 231 percent. What are we going to do with all these weapons? What are we going to do with these warheads? How many times can we blow this world up, and how many times do the people of our country have to come forward and say, We want it to stop, we want there to be sanity?

How do we respond in Congress? How do we respond in Washington? We respond by appropriating more money each year for the Army and Navy and Marine bands than we spend to negotiate and talk about peace.

That is how we respond. That is why there is frustration, Mr. President, that is why there is such an organizations Peace Links. I would like to encourage my colleagues, rather than discourage them, to join in this overall effort—not just the resolution offered by Senator BUMPERS—because I think it is reflective of what the country is feeling. In addition to that, I would like to invite our colleagues to actually associate themselves with that October 10 Peace Day, where the people in our country can join together to express our concern about the nuclear insanity which exists in this Nation at this time.

Mr. President, I would like to say finally that we are talking about messages that we sent out. We are talking about signals. I think the worst signal of all that we could send out today is that we are fearful of dissent or that we are fearful of the people who want to express themselves in an orderly and pecaceful way. With that, Mr. President, I yield to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I very reluctantly rise at this moment, because I know this is a very difficult issue to raise in these closing hours of the Senate and maintain a calm and cool approach to this, because it does strike at the very emotions of all of us. Let me say to the Senator from Alabama, as one who has spoken at a meeting sponsored by this organization and at the invitation of Mrs. Betty Bumpers, I have had the opportunity to know these people directly because I saw who was there, I was able to visit with these people.

I can say to you that these are good Americans. I cannot vouch for every individual. I did not know every individual. I cannot vouch for every organization. But let me say, Mr. President, I can remember very clearly back to the 1940's, when any conservative political organization was being criticized, or most of them, because they saw a Facistic hand manipulating them—Gerald L. K. Smith for one. So anyone who allied himself with a conservative movement or political cause was falsely accused, his reputation smeared, because it might coincide with some position that Gerald L. K. Smith held and some of the other American Facists.

It is just as wrong to consider that there is somehow a monolithic structure that stands here that is for peace, working for peace, that somehow this group may have manipulation or be manipulated by the Soviet Union or sympathize with the Soviet cause.

Let me say that I stand here proud as a cooriginator of the Kennedy-Hatfield nuclear freeze resolution. If you want to list credentials, I will be very happy to list credentials that might give me my badge of patriotism, my badge of Americanism. A lot of people talk about the Communist threat. I happened to have been in a situation, like a few others who have risked their lives, fighting on the battlefield against communism in the China civil war, in my case, back in 1945. I know what communism is. I am no less concerned about the Communist threat than anyone else on this floor, but by the same token, that does not mean I have to adopt either their tactics or their methods or that I have to somehow put myself in such a position that there cannot be reconciliation under any circumstances.

Mr. President, one of the strengths of this Nation is the pluralism within our society, pluralism in our religious society, in our political society, in our economic society. Let us not attempt to demand such conformity to prove a certain patriotic dogma or a certain Americanism that has to be subscribed to by crossing every "t" and dotting every "i."

Let us not do that. We see this happening on all sides of us today.

I happen to be an Evangelical Christian, and yet I cannot say that I can subscribe to everything that comes under the guise of a so-called conservative religious rite. I happen to be orthodox in my theology, conservative in my theology, fundamental in my theology, but that does not mean that there is not a pluralism within the conservative Christian theology. Of course not. I still believe that Madalyn Murray O'Hair has every constitutional right that Billy Graham has under our Constitution, and may it never not be so. That does not mean that I have to subscribe to everything that Madalyn Murray O'Hair believes in.

By the same token, I think we have to recognize that there is this pluralism. We have to protect the right to dissent. I believe deeply that when we raise this kind of an issue at this time on the floor, it does a disservice not only to the cause of pluralism, but I think it does a disservice to the institution of the Senate to make this kind of attack.

I want it to be clearly understood that it is not a partisan one because I stand in defense of a Betty Bumpers as much as I would stand in defense of JEREMIAH DENTON to say as he pleases and to think as he pleases and to not restrict it to any dogma or to any point of view. It must be real, it must be upheld for every point of view.

I am very sorry the Senator from Alabama saw fit to attack Mrs. Bumpers in this way and the cause that she represents. I am proud to stand shoulder to shoulder with her on that, and I hope the Senator will convey my view to her.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I am sorry to interrupt, but we have to get on with the business at hand, I have a unanimous-consent request that is ready, I believe, and has been cleared on both sides.

I would like to yield to the Senator from Kansas so he can put the request, or would the Senator prefer for me to do it?

Mr. EXON. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The majority leader has not made a request.

Mr. EXON. Reserving the right to object——

Mr BAKER. Mr. President, I will yield to the Senator from Nebraska if he wishes me to.

Mr. EXON. Point of order then.

Do I understand the debate is going to cease on the matter that we have been discussing?

Mr. BAKER. Mr. President, no, no, no. I have no desire to stop any Senator. All I am doing is asking if Senators will permit me to get a unanimous-consent request. If the Senator will forebear to do that, I will quietly yield the floor and let Members continue as they may wish.

Mr. EXON. I thank the Chair and I thank the majority leader.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT—H.R. 5407

Mr. BAKER. Now, Mr. President, I ask unanimous consent that when the Senate turns to the consideration of H.R. 5407, the tax bill reported by the Committee on Finance, that there be a 10-minute time limitation on that bill to be equally divided; that only three amendments be in order: A Symms amendment dealing with the Highway Trust Fund, a Dole amendment dealing with Alaska Natives, and a Bradley amendment dealing with the Virgin Islands, and that the time limitation be in the aggregate and overall, and the time to be equally divided and controlled in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. Reserving the right to object, and I do not intend to object, Mr. Leader, is it not the Senator's intent that all amendments shall be germane?

Mr. BAKER. Mr. President, yes, I will add that to the request. They were described in the request but, yes, I will include in the request that the amendments must be germane, no second-degree amendments will be in order unless they are germane to the first-degree amendment, and the time limitation is 10 minutes equally divided, and that is an aggregate total time limitation and not divided among the several amendments.

Mr. METZENBAUM. I thank the Senator.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, one more thing; that the committee amendment would be in order which was reported.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Is the request granted?

The PRESIDING OFFICER. The Chair hears none, and it is so ordered.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I will take only a few minutes of the Senate's time, but I feel compelled to rise, ironically enough, to defend Betty Bumpers and peace, two defenses I never thought any person in this Chamber on either side of the aisle would ever have to make. It is not ironic, however, that we hear both in the same term, however, because so much of Mrs. Bumpers' work has been synonymous with the idea of peace.

I rise to defend her in the same way and to echo the words so eloquently put by her husband, my distinguished colleague and friend from Arkansas. In listening to this debate I find hidden among those subversives who are connected with Betty Bumpers, according to some of the material put into our CONGRESSIONAL RECORD, my favorite person in the whole world, Marcelle Leahy. She, too, is one of those who sat around the kitchen table with Betty Bumpers and talked about what we might do to remove ourselves from this threat of nuclear holocaust.

Now, over 20 years of marriage, I have probably referred to Marcelle in many different ways, I hope always lovingly, but I certainly have never referred to her as subversive, nor have I ever heard any Vermonter refer to her as that, nor have I ever heard any Member of this Chamber before now refer to her or Betty Bumpers as that.

I agree very much with the distinguished Senator from Arkansas that when somebody who is going to speak of peace, when somebody is going to try to give voice to the inherent feeling of virtually every American for peace, those people are not going to be smeared with a label of being somehow Communist or subversive.

My most distinguished predecessor from the State of Vermont in this century was Ralph Flanders, the quintessential Vermont conservative Republican, who stood up on the floor of this body and said, "Enough is enough; the McCarthy era has gone to far," and he called a halt to it.

I think we should serve notice right here and now that to talk of peace in this country is not subversive, to talk of peace in this country is not a sellout, to ask that we avoid what would be the ultimate holocaust, nuclear war, does not show softness but, rather, shows rationality and sanity.

Mr. President, let me just conclude with one thing. The State of Vermont is probably the most cautious conservative Republican State in this Union, and they are conservative in the best sense of the word. They look at things carefully, very, very carefully. This spring, the action of the State of Vermont was heard around the world with 80 percent of our towns, in their town meetings, where everybody comes to discuss everything from what roads will be plowed to what the school tax will be, in 80 percent of those towns where they debated the issue of a nuclear freeze, Vermonters voted for it overwhelmingly.

That was this spring. What they were saying, those careful, cautious Vermonters, was: "Wake up! Wake up!" They were saying that to the President and to Congress. "Wake up and let us have peace."

Maybe it is a good thing that this issue has come up here tonight. Maybe it is good that the U.S. Senate talks about such an issue. In my 8 years here, I have heard more talk about pay raises and Senate gymnasiums than I have heard about nuclear war.

I am sorry though, that this is the issue that brought it forward. But I say to my friend from Arkansas, with a great deal of pride, I have been able to support him in this resolution. I stand with a great deal of pride knowing that my wife and Betty Bumpers have joined hands in this. I thank him for the service that he and his wife have given to the United States.

Several Senators addressed the Chair.

Mr. TSONGAS. Mr. President, will the Senator yield?

Mr. LEAHY. I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I had no intention of being involved in this debate; but in listening to it, I feel compelled to rise.

I happen to know Betty Bumpers very, very well. I consider her a great former first lady of the State of Arkansas. If there has been any aspersion today, directly or indirectly, on her character or her ability or her intentions as a great American, I stand with Betty Bumpers.

I say that as one who is not a signatory to the so-called nuclear freeze proposal.

I think it should be clearly stated on the floor of the U.S. Senate that none of us in this body, on either side of the aisle, nor any of our wives, nor, I suspect, any person in the United States today, so far as this Senator is concerned, has a clear mandate to say what is proper wording as to the desire of all of us—and that is to reduce the ever-increasing buildup of nuclear arms.

I think it is sad that we have degenerated—and I use the word "degenerated"—to a place where, on the floor of the U.S. Senate, the individual rightful activities of a distinguished Member of this body, the Senator from Arkansas, and his wife, Betty, have been questioned in any way. They are both great Americans. I know them well, I know that they would not be associated with any cause which they believed was in the fundamental interests of the United States of America.

Let me go a little beyond that, Mr. President, if I may. I think that entirely too much today is being said about a nuclear freeze, as if someone had the right to dictate what a nuclear freeze means.

I happened to have seen today a political commercial on television, a 30-second spot, made by an organization associated with this side of the aisle, which was clearly designed to attack, if not the patriotism, the fundamental beliefs of a member of the Republican Party who is running for office in this fall's election.

The thrust of the commercial was that because this particular Republican candidate voted against the nuclear freeze proposal when it was brought up on the floor of the House of Representatives, he is sympathetic toward nuclear war. The commercial had little children running around.

It reminded me of a similar commercial that I happened to view in Washington, D.C., during the time we Democrats were plotting the demise of the Republican candidate for President at that time, who is sitting in the Chamber right now. It shook me to my bootstraps at that time, that my party would become involved in a situation where they showed a little girl in a field, picking a daisy, and there was a mushroom cloud. It was aimed, of course, at a man I did not know well then, but a man whom I have come to

admire greatly, the senior Senator from Arizona.

Over the years, politics has degenerated to the place where it is amazing to me that any of us have any respect for the other. The commercial to which I just referred, which I saw today, I am pleased to say was automatically rejected as inappropriate and out of hand by several of my Democratic colleagues in that room, and it will not be used.

I noticed in the newspaper this morning that the Democratic candidate for the U.S. Senate from California is attacking his Republican opponent on the ground that he is somehow soft on the freeze issue and therefore should not be elected to serve the State of California in this body. It seems to me that the people of California should make their decision between the Democratic and Republican candidates in California on the basis of truth, on the basis of what the legitimate issues are, rather than on false issues.

While I am saying that, though, and blaming the Democrats for some of our shortcomings, I must say that I also saw an ad the other day that allegedly was sponsored by the Republican senatorial campaign committee, against the Senator from Tennessee (Mr. SASSER), which said in no uncertain terms that JIM SASSER, because he voted for foreign aid, was giving money away to Cuba.

It was a very telling ad, allegedly sponsored by the money collected on that side of the aisle, because it panned up to a man representing Fidel Castro. He pulled out of his pocket American currency, took a $100 bill, and lit it with a cigarette lighter, and proceeded to light his cigar; and he said, "Mucho gracias, Senator SASSER."

I bring this up only because I think we should not become guilty of not representing the rights of each of us in the ability to wage a campaign on legitimate issues.

I hope that some of the cooler heads on both sides of the aisle will try as best we can to elevate the political discussion in this country.

Elsewise, I would suggest we are going to see less and less quality people submitting themselves to the rigors of the campaign and political office.

I yield the floor.

SEVERAL SENATORS addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. TSONGAS. Mr. President, I was listening to this discussion on the squawkbox about what is Communist inspired and what is not. I was rather perplexed because I had just been outside and I saw no full Moon. So I went back out again to see whether the full Moon had come out to explain this phenomenon and to my surprise it is still not there.

So there must be something else afoot here.

The hint that Peace Links and Betty Bumpers and Communist inspired speak volumes for those who would say it. I do not think it is necessary to defend Betty Bumpers because her record is rather obvious.

It happens that my wife is also part of that organization. I know my wife better than anyone else in this body—I think you would agree with that—and the suggestion that she also may be Communist inspired is on its face ridiculous. There is no need to go into it.

But I think it is suggestive of the demons that rattle through the minds of some of our Members that something like this could be said.

Peace Links is a group that believes in peace. That may be a radical statement for some, but you are going to have to learn to live with it.

There are those in this country who would not mind a final blowout with the Soviets in the last, if you will, orgasm of righteousness. I do not happen to be one of them. But if you want to do it, do it. We will set aside a part of the United States for you and a part of the Soviet Union for your Soviet counterparts so you can blow each other to smithereens. You will feel better, and I will feel better.

I have responsibility for my children today because my wife flew off to California to visit her sister for a week and some of you saw my 1-year-old. My 1-year-old is not going to be responsible for what is decided here, but she will receive the consequences of that.

I suppose it is boilerplate wisdom on the part of some to believe if you say something is Communist inspired that everyone is going to run for cover. I do not see anyone running. I think they are going to be running all right—for a net.

We talk about Betty Bumpers who is simply trying to bring peace to the world. Why do we not talk about T. K. Jones who is in the Defense Department who believes that you can survive a nuclear war with a shovel and dirt?

Peace Links and Peace Day is not Communist inspired, but I know something that is. They are called missiles, SS-18's and others. They are not only Communist inspired they are Communist conceived, they are Communist built, they are Communist deployed, and someday they may be Communist fired.

It is time for rationality. It is interesting how history has dealt with those who have seen fit to raise the red herring of communism. All those vitreolic diatribes are not treated well by history and those that mouth those diatribes are treated even worse and that will be the fate of those who continue that very unfortunate tradition.

If this body were peopled with Senators who had the compassion, rationality, and good sense of Betty Bumpers, we would be a lot better off and we would truly serve the interests of this Nation.

I would hope the time would come eventually when this kind of slanderous statement would not be heard in this body. It diminishes, it belittles, it stains the U.S. Senate, and that has to be said.

I will yield back.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, will my colleague yield to me a couple minutes without losing his right to the floor?

Mr. EAST. Mr. President, I yield to my senior colleague without losing my right to the floor.

Mr. HELMS. Mr. President, if there is to be a referendum on Mrs. Bumpers, I want to be the first to vote in her favor.

But should we not get on with the business of the Senate? I must say, however, that I do hope the news media will take note of the fact that according to what I heard—and it was difficult to hear because of the noise in the Senate—but according to what I heard the distinguished Senator from Alabama clearly paid his respect to Mrs. Bumpers. In no way did he impugn her integrity or her dedication. He said he disagreed with the organization which is promoting the so-called peace rally.

The Senator from Alabama can speak for himself, but I hope that before too much is made of this, all of us will look at precisely what Senator DENTON really said—and not be misled by the unfortunate attempts to put words in his mouth.

Mr. President, I have heard criticism of Senator DENTON here tonight which astonished me because if there is an American hero in this Chamber, in this body, it has to be JEREMIAH DENTON of Alabama.

What other Senator has spent 7 years of his life suffering the tortures of the damned at the hands of brutal Communist tyrants? There is not a Senator in this body who can touch his dedication, his sacrifice, his patriotism.

I will never forget that morning when the first contingent of prisoners of the Communist Vietnamese returned home and came down the ramp of that airplane. I am afraid I may become a little emotional even trying to talk about it now. But who led the delegation and who spoke for them? It was JEREMIAH DENTON.

And I will never forget, and I do not think many Americans will forget, that the first thing he said was: "God bless America."

So no Senator, unless he has suffered the tortures of the damned at the hands of the cruel Communist tyrants, should attempt to lay one political or rhetorical finger on that man, particularly, if I understood him correctly—and I am sure I did—he carefully made clear that he was not criticizing Mrs. Bumpers.

So I say again, if we are going to have a referendum of Senate wives, let us start with Mrs. Bumpers and Mrs. Tsongas and give them our blessing. Then we can add Mrs. Thurmond, Mrs. Bradley, Mrs. Pryor, and Mrs. Helms, and all the rest. We will vote affirmation that they are fine, dedicated ladies. But the point is that a mountain is being made out of less than a molehill, and what JEREMIAH DENTON actually said is being totally misrepresented.

I hope the media will not fall for it, and I certainly hope Senators will not fall for it because being castigated at this moment by some of our friends on the other side of the aisle is a man who has done 10,000 times more for his country than all of the rest of us put together. Mr. President, I rest my case for JEREMIAH DENTON, and I have no apologies for defending him. He did not attack Mrs. Bumpers nor did he intend to do so. He did not imply it, and no reasonable Senator will infer that he did.

I thank my colleague from North Carolina for yielding to me.

Mr. EAST. Mr. President, I would like to comment very briefly on this matter. First, I agree with my colleague from North Carolina that a careful reading of what Senator DENTON said could in no way be interpreted as a personal affront to Mrs. Bumpers. Senator BUMPERS is a man who is held in great respect in this Chamber and his wife likewise, and knowing Senator DENTON as I do, as a great friend and a great colleague, there is not any way that one can tease out of all of this any criticism of the distinguished Senator from Arkansas or his wife or any other Member of this Chamber or their wives or members of their families. I think it is imperative that that be made as clear as one can do it through the use of the English language that is employed here in this Chamber.

I wanted to make that point as clear and as categorical as I can, that that is not the intent or the purpose of Senator DENTON, and I do not think the facts will bear it out in any reasonable way, shape, or form.

If I might put this in perspective, Senator DENTON and I on the Judiciary Committee when this resolution was presented last week asked that a hold be placed upon it not because we did not think the distinguished Senator from Arkansas raised a valid point, but we felt that it deserved a very extensive deliberation and study because it does deal in a very substantive way with the whole question of nuclear preparedness and the nuclear freeze, a very substantive issue. So we put a hold upon it because we wanted this to be conducted in a more deliberative way.

Now it ultimately turned up on the continuing resolution which we felt was not a good vehicle for it because as we all know we are all being pressured to rush things through. That is not to say there is not a legitimate point of view for the freeze. There are, of course, those of us—and I include myself in that category—who are troubled with this approach. But that is not the issue. We were concerned about the time frame and the format. I would like to put that into perspective.

That was the origin of the problem, that we had put a hold on it and then it turned up as an amendment on the continuing resolution, and we think it raises too important a substantive question on the freeze issue to be resolved at this time by the Senate.

So again to get back to this question of whether there is any personal affront involved in all of this, I say again and a thousand times no, there is not.

I know that was not the intent and the purpose of the Senator, and with all due respect to those who may see it another way I know him too well and that was not the intent, and the record must show that. I think we must lay that point to rest and focus upon the substantive question of the freeze, whether it is a good idea but, more importantly at the moment, whether this is the proper forum and vehicle for discussing it.

I hope in some small way then, Mr. President—and I shall cease and desist—that that would help put this matter into perspective so that we can get the decibel level of the debate down and focus on the substance of the thing, the proper forum for it, and then move on to the very pressing business of disposing of the continuing resolution.

I thank the Chair for the opportunity to clarify the point.

SEVERAL SENATORS addressed the Chair.

Mr. HART. Mr. President, I thank the Chair.

It is indeed unfortunate that the remarks of the Senator from Alabama have become directed toward personalities. The issue before the Senate raised by the remarks of the Senator from Alabama is not related to any individuals, be they members of the families of Senators or be they ordinary Americans. Likewise the issue is not the military record of the Senator from Alabama.

I think the remarks that have been made here with regard to defending the patriotism and loyalty of various Senate wives misses the point. The point is: Can any American, regardless of his or her military service, impugn the loyalty and patriotism of any other American using the fundamental practices of guilt by association? That is the issue before the Senate.

Those who have stood to defend the character of Senator BUMPER'S wife or any other wife have done so properly, but that is not the issue. Those who have stood to remind us of the military record of the Senator from Alabama have done so wisely, but that is not the issue. It is certainly not the issue that anything the Senator from Alabama has ever done gives him or anyone else the right to question the patriotism, the loyalty, or the motives of any other American.

A great American a few years ago said, "We have become a nation of nuclear giants and moral pygmies." That was not some KGB-inspired peacenik; that was General of the Army Omar Bradley.

The search for disarmament began with the great American general and President Dwight D. Eisenhower. That search has been the official policy of this country under six Presidents of both political parties for over 20 years.

The Senator from Alabama wants to try to instruct the Senate about what the policy of the United States is. I say the policy of the United States for over 20 years has been to seek bilateral disarmament. That is our policy.

The Senator seeks to link by scurrilous, conspiratorial, ideological literature people who seek to promote that policy with the Communist threat and the Communist menace. He seeks to suggest that anyone involved in this effort is taking his or her orders from Moscow.

I wonder how many Senators would be on their feet tonight if that charge had been leveled against some average American. I think that is the issue before the Senate. That is what I hope we will keep our eye on tonight.

What if the founders of this organization had been a few unknown people in Denver, Colo., or Little Rock, Ark., or Montgomery, Ala., or somewhere else? The Senator would probably have gotten away with this. We would have read the RECORD, it would have been pointed out, there would have been some columns written, and that would have been it.

I hope we are not on our feet tonight defending the wives of Senators. I hope we are on our feet tonight defending the rights of Americans because that is what is being threatened.

Betty Bumpers does not need me or even her husband to defend her patriotism. I hope that the Senator from Arkansas, the Senator from Oregon, the Senator from Massachsetts, and all of us would be on our feet defending the right of that individual if her name were Betty Smith.

We are missing the point. The issue is not the wives of Senators or the military record of the Senator from Alabama. The issue is the right of American people to state their case without some Government official trying to suggest their link to the Communists.

The Senator from Arkansas rightly said that we were subject to a bitter experience in this country over 30 years ago. It was a bitter experience, and I think because of that experience many of us are on our feet tonight. Unfortunately, 30 years ago it took people of goodwill over 2 years to build up their courage to speak out. I can say to the Senator from Alabama tonight that I am on my feet because I do not intend to wait 2 years for this kind of thing to build up, guilt by association, implications of disloyalty and unpatriotism on the part of any American.

I hope if the Senator from Alabama or anyone else seeks to do what the Senator did tonight for any American I will have the courage to stand up and oppose it whether it is a Senator's wife or not.

Now, Mr. President, I intend consciously and on purpose to breach the protocol of the U.S. Senate and address the Senator from Alabama directly. I say to the Senator from Alabama, shame on you.

Mr. BRADLEY. Mr. President, I will be brief in these comments about communism because I have an amendment to build capitalism in the Caribbean.

I do think that the Senator from Alabama's comments cannot go unanswered and, indeed, they have been answered eloquently by a broad cross section of this body tonight.

The Senator seems to be saying several things: he says you cannot call for peace because to do so is in some way subversive, although the Senator himself called for peace. He seems to be saying that strength means only to build a massive military machine that has a hair trigger which could be pulled as a result of human miscalculation as well as human intention and incinerate us all.

But maybe the Senator is not saying that, maybe he is saying that only some people can call for peace and be legitimately heard.

It is beyond me how anyone can see a bunch of housewives, citizens, Senators, and small children in this country who call for a day to recognize the desires all of us have for peace, how they somehow or other are manipulated and controlled by something external to this country, by a Soviet-inspired conspiracy.

I think the Senator underestimates the strength of this Nation. I think the Senator underestimates the strength of our citizens and their desire for an open society. He underestimates, I think, because the Senator misunderstands what the strength of this Nation is all about.

That strength in my view is that we are not about fear, we are about freedom—the freedom to express your views openly, the freedom to become as good as you can be given your ability, and, yes, the freedom to be left alone. That strength does not proceed from a fear that the next knock on your door means they are coming for you, but rather it flows from a belief that our institutions provide an opportunity for all of us to engage in debate and discussion, and at the same time preserve that which we all hold most dear—freedom.

Mr. President, I would hope that the Senator, when he gets home tonight, might look in the mirror. I do not question the Senator's good intention, I only express my belief that he is confused.

I yield the floor.

Mr. EAST addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EAST. Mr. President, I would like to once again underscore what I have said earlier—and I have been privy to this from the very beginning—that in no way, shape, or form can you tease out of this series of events that Senator JEREMIAH DENTON, of Alabama, has attacked the character or the loyalty of any U.S. Senator or any relative thereof. And I am going to stand categorically on that point. And I made it and I will not ad nauseam repeat it.

I am going to add one addendum here based upon what Senator HART, whom I greatly admire, and the Senator from New Jersey have said. They have now managed to do the impossible and turn this into a personal attack upon the distinguished Senator from Alabama. So we go from the ridiculous to the absurd.

When Senator HART, the distinguished Senator from Colorado says, "I am going to break the protocol of the Senate and say, 'Shame on you,'" I am appalled. I do not know of any man in this Chamber that I revere more than JEREMIAH DENTON, who spent 7 years in a Communist prison camp and held firm and came back with body, mind, and spirit and now serves in this body. And for any one, let alone a colleague, to say shame on him, I find appalling. And I, for one Senator, will totally disassociate myself from it and I would think every Member of this Chamber would feel likewise.

And when the distinguished Senator from New Jersey says, he does not understand what this country is about, if he does not understand it, I do not know who does, because of the sacrifice that he made we might be here practicing democracy.

Now I had asked earlier that we turn down the decibel level and I agree I have turned it up for one reason. They have now managed to turn this brouhaha, this tempest in a teapot, into a personal attack on a great Amerian.

Mr. President, I want the RECORD to show, the CONGRESSIONAL RECORD, that one Senator vehemently protested that. I think the RECORD of this body ought to show that this is a great man and a good man. I wish I had his record. To say shame on him and to say he does not understand what this country stands for, how could anyone possibly say that in terms of the sacrifice that he made and people like him? I do not understand it. I simply could not understand how anyone could get up and utter something of that kind.

So I have gotten back in this debate, because when the wheel turned and all of a sudden it was a personal attack upon this man, it was a new game as far as I am concerned. I would go anywhere in this country and anywhere in the world to defend the contribution and the integrity of this man. I do not know of a man in this Chamber I admire more than this man because of the sacrifice he has made for you and me and for this country as a whole.

To take a great American hero and in a matter of 10 or 15 minutes to try to attack him personally and destroy him, why, you end up with some form of horrible guilt by association, the very thing they were trying to head off. And I agree, this is a great man. Let the RECORD show it.

Mr. President, I thank you for the opportunity to speak and I yield.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina has the floor. Did he yield the floor?

Mr. EAST. Yes; I have completed my comments.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I rise to support the Senators from Arkansas, support the cause for which they are speaking and working. Let me recall the remark of Clemenceau when he said, "War is too important to leave to generals." Now, when we get to nuclear war, it can be said it is too important to leave to governments.

What is happening here is a movement of people taking over because nuclear war is too important to leave to these governments; 700,000 people met in Central Park, New York to show their belief in peace. And that was not Communist inspired, although there are those in the highest reaches of Government who believe that it is. I know that the buses that went down from my State were not Communist inspired and I doubt that any Rhode Islanders there had anybody under Communist Party discipline.

I speak as one who has lived under communism and was arrested three times under the Communists and also

as one who served in our Government in the McCarthy years. I hate to see the shades of McCarthyism that are creeping into our lives at this time.

I think all of us should be proud to be associated with the causes for which the wife of the Senator from Arkansas works, and I know that I am proud to associate myself with the values and goals in which she believes.

Mr. GOLDWATER addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. Mr. President, I rise to implore my colleagues to let this thing calm down. I understand it is all about an article appearing in a magazine. I have not read that magazine. I think, if my information is correct, I know the writer. And before I got excited about it, I would be sure that that writer is the one I know because he does not have a great background in the area of truth.

Now, I think that everything that can be said about this has been said. The Senator from Alabama, I think has his right to become disturbed about an article he has read in a magazine.

I think the others have the right to defend the Senator from Arkansas, whom I do not know well. But I think we have made enough out of this right now. I speak honestly because I would be just as concerned myself if I were on one side of the charges or the other.

Just a few weeks ago this body passed, at my request, a patriotism week written by a young girl in Stocksdale, Ariz., and I have not been called a Communist yet. I might be. But it has not gotten around. [Laughter.]

I do not think we should go on any more because we are impugning the patriotism of one of the greatest Americans we have ever produced, and at the same time we are questioning the patriotism of a lovely woman and Members of this body.

I wonder if we cannot cool down. It is late at night. We have had a long, long hard session, a rather senseless one but it has been a hard one. [Laughter.]

I just wonder if we could not sort of cool it off. I would like to read the article. After I have read the article—and if it was written by the fellow I think it was—I may go home and kick the hell out of him. [Laughter.]

I do not know yet.

We have work to do, I think 120-odd pieces of legislation. The House is going to quit and go home as soon as they pass the continuing resolution, and they are about to do it.

I think this argument has been productive. It indicates that none of us want a repetition of any period of doubting the loyalty or the patriotism of any other Member. I hope I am not considered out of order. With all due respect to the admiral, whom I understand, I hope we can get sensible about this and cool it.

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. GOLDWATER. You got it.

Mr. BAKER. Mr. President, as I have so many times in the past, I offer my thanks to the Senator from Arizona for his voice of reason and calm and stability that he brings so often, brings so respectfully, to the proceedings of the Senate. I am grateful for it.

I understand this issue is one of great feeling and that Members feel very keenly about it. But as the Senator from Arizona pointed out, we have an enormous, a prodigious, amount of work we have to do. What will happen if we spend much more time on this is that the House will not take up any of this stuff we are about to pass.

I have filed a stack there that is a half-foot thick, items which have been cleared for action on both sides. Virtually every Member of the Senate has something in there that they would like done today. They are cleared. But the House is going to be gone if we do not get on with the business at hand.

Perhaps that is an inadequate reason for suggesting that debate has perhaps proceeded far enough, but I am emboldened to make that suggestion at this time.

Mr. DENTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. DENTON. Mr. President, I have asked my friends not to make statements. I have asked those who did make statements to make their statements as brief as possible. It is not my intent to take up any substantial time of the Senate at this point. I intend to conclude my remarks about this subject.

I would like to start with that which I agree with. I agree there is no issue about Mrs. Bumpers' or Senator BUMPERS' loyalty. I leaned over backward to say that I had no question, not only about the sincerity but the well meaningness of the two of them.

I make it clear that I was disagreeing on the issue of how we achieve peace. I respectfully expect my colleagues to agree that I have that right.

I only rose in the first place because I had filed an objection to the Bumpers amendment before it reached the floor. Due to an error which the majority leader acknowledged Wednesday night, it was passed "by unanimous consent."

I must correct a couple of matters.

This is the first time in my life I have been called a bully. I have been called a lot of things. Without reference to my military career, and I did not previously make any such referance—I was called a lot of things over there. But even they did not call me a bully.

I certainly meant no attack on anyone's value system. I simply was questioning the value of unilateral disarmament or nuclear freeze as a means to peace.

My own concern runs not toward the fact that people are not sufficiently aware of the horrors of war. My wife, Jane, in the gallery had to deal with them. So did many wives of the people in this body and many of the Members themselves.

I feel no distinction regarding my military career. I regret that I am called a hero because I know I am not. If I am an average boy from Alabama, I exceed my own expectations.

But I am concerned that there is a mood of fear in the country, so I agree with that.

One of my fears is that we have a half-million youth who have not agreed to register for the draft in spite of punitive measures which our Government has tried to undertake to persuade them to do so.

I am very concerned about the prospects of nuclear war and said, contrary to that which the Senator from Colorado seemed not to hear, that from the very beginning our policy has been for disarmament, a central preoccupation of the country. I am curious as to whether he even heard my remarks.

I mentioned that the search for nuclear disarmament, truly verifiable, has been an important part of our foreign policy since the nuclear bomb came upon the scene.

True, the worst results of McCarthyism are that some are left with the belief that there is a Communist under every rock. I do not agree with that. Nor do I agree with the second result, the belief that there is no need to worry about the Communists or to expect that they do not have very persuasive ways of conveying premises which are contrary to our interests. I had to deal with that, and I say this with true humility, for 7 years and 7 months as a relatively senior officer over there. I can recognize the way they persuade.

I am afraid that all of us are susceptible to a degree, and I have been.

I have not tried to establish that George Ball has a bad character. I think he was a wonderful public servant.

I would invite attention to the fact that this body and the House may have suffered some illusions about the beneficence of the North Vietnam Government, that they may have underestimated the bad effects of losing that cause. I believe that our voters have tended to remember that they did, and they recognize that the events which have not been publicized in the media in Southeast Asia, Afghanistan, and elsewhere, which might be connected with a misperception on the part of this or the other body has been

a harmful omission, and I hope they continue to do so.

But I say again, I love every Member of this body. I am particularly attached, and I hope nobody puts me in the San Francisco gay chorus for saying this, to the Senator from Arkansas. I regard him as one of the finest men I have ever met. I am sure his wife, if I knew her better, would be known with the same respect for her as a woman.

If anyone heard me say anything else tonight, I will not look in the mirror, and I will permit myself to be beaten by any Member in this Chamber. I did not say anything of the kind. I can look in the mirror. That is my only refutory remark.

I hope this has not been a waste of time. I believe we have exposed beliefs, some of them objective, perhaps some of mine have been not objective, but all of us have exposed beliefs which I think are essential to the chances for survival of this country and the continued march of civilization because they deai with not "do we have enough bombs," and I say this to my tennis friend, not "how many times can we blow up the world."

The question on nuclear weapons is, "can we stay alive?" "Can we deter the Soviet Union with what they can expect from us in a response, which is not that great?" We cannot destroy the world four or five times after they have hit us. "Can we deter them from hitting us?" Those are the questions.

How can we do it without inspiring an anxiety within ourselves which psychologically commits us to do something crazy?

I am against all of those things, as you are. We are all for the same quest for peace, and I hope we can remain in that quest with evenhandedness and calm.

I hope that I have myself not departed from that tonight.

With that, Mr. Majority Leader, I yield the floor.

TAXES—PERIODIC PAYMENT SETTLEMENT ACT OF 1982

Mr. BAKER. Mr. President, the next item on this long agenda, consisting of more than 100 items, is H.R. 5470, which I believe has been cleared on both sides.

I ask that the Chair now lay before the Senate H.R. 5470.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 5470), an act to amend the Internal Revenue Code of 1954 with respect to the tax treatment of periodic payments for damages recieved on account of personal injury or sickness.

The Senate proceeded to consider the bill which had been reported from the Committee on Finance with an amendment to strike out all after the enacting clause, and insert the following:

SECTION 1. AMENDMENTS OF 1954 CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

TITLE I—INCOME TAX PROVISIONS

SEC. 101. TREATMENT OF RECIPIENT OF SETTLEMENT PERIODIC PAYMENTS.

(a) TREATMENT OF RECIPIENT.—Paragraph (2) of section 104(a) (relating to compensation for injuries or sickness) is amended by striking out "Whether by suit or agreement" and inserting in lieu thereof "whether by suit or agreement and whether as lump sums or as periodic payments".

(b) TREATMENT OF ASSIGNEE-PAYOR.—

(1) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by redesignating section 130 as section 131 and by inserting after section 129 the following new section:

"SEC. 130. CERTAIN PERSONAL INJURY LIABILITY ASSIGNMENTS.

"(a) IN GENERAL.—Any amount received for agreeing to a qualified assignment shall not be included in gross income to the extent that such amount does not exceed the aggregate cost of any qualified funding assets.

"(b) TREATMENT OF QUALIFIED FUNDING ASSET.—In the case of any qualified funding asset—

"(1) the basis of such asset shall be reduced by the amount excluded from gross income under subsection (a) by reason of the purchase of such asset, and

"(2) any gain recognized on a disposition of such asset shall be treated as ordinary income.

"(c) QUALIFIED ASSIGNMENT.—For purposes of this section, the term 'qualified assignment' means any assignment of a liability to make periodic payments as damages (whether by suit or agreement) on account of personal injury of sickness—

"(1) if the assignee assumes such liability from a person who is a party to the suit or agreement, and

"(2) if—

"(A) such periodic payments are fixed and determinable as to amount and time of payment,

"(B) such periodic payments cannot be accelerated, deferred, increased, or decreased by the recipient of such payments,

"(C) the assignee does not provide to the recipient of such payments rights against the assignee which are greater than those of a general creditor.

"(D) the assignee's obligation on account of the personal injuries or sickness is no greater than the obligation of the person who assigned the liability, and

"(E) such periodic payments are excludable from the gross income of the recipient under section 104(a)(2).

"(d) QUALIFIED FUNDING ASSET.—For purposes of this section, the term 'qualified funding asset' means any annuity contract issued by a life insurance company licensed under the laws of any State to issue such contract, or obligation of the United States, if—

"(1) such annuity contract or obligation is used by the assignee to fund periodic payments under any qualified assignment,

"(2) the periods of the payments under the annuity contract or obligation are reasonably related to the periodic payments under the qualified assignment and the amount of any such payment under the contract or obligation does not exceed the periodic payment to which it relates,

"(3) such annuity contract or obligation is designated by the taxpayer (in such manner as the Secretary shall be regulations prescribe) as being taken into account under this section with respect to such qualified assignment, and

"(4) such annuity contract or obligation is purchased by the taxpayer not more than 60 days before the date of the qualified assignment and not later than 60 days after the date of such assignment."

(2) CONFORMING AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 is amended by striking out the item relating to section 130 and inserting in lieu thereof the following new items:

"Sec. 130. Certain personal injury liability assignments.

"Sec. 131. Cross references to other Acts."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 1982.

SEC. 102. EXCLUSION FROM GROSS INCOME OF DIFFICULTY OF CARE PAYMENTS FOR CARE OF HANDICAPPED FOSTER CHILD.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income), as amended by section 101(b), is amended by redesignating section 131 as section 132 and by inserting after section 130 the following new section:

"SEC. 131. DIFFICULTY OF CARE PAYMENTS FOR CARE OF HANDICAPPED FOSTER CHILD.

"(a) GENERAL RULE.—Gross income shall not include amounts received by the taxpayer during the taxable year as difficulty of care payments for the taxpayer's care of an individual for the period that such individual is a handicapped foster child.

"(b) LIMITATION BASED ON NUMBER OF CHILDREN.—A taxpayer may not take into account payments with respect to more than 10 handicapped foster children for any period to which such payments relate.

"(c) DEFINITIONS.—For purposes of this section—

"(1) DIFFICULTY OF CARE PAYMENTS.—The term 'difficulty of care payments' means payments to individuals which are—

"(A) in addition to basic payments for the care of a foster child, and

"(B) designated by the payor as compensation for providing the additional care which is—

"(i) required by a handicapped foster child by reason of such child's handicap, and

"(ii) provided in the home of the individual receiving the payments.

"(2) HANDICAPPED FOSTER CHILD.—The term 'handicapped foster child' means an individual who—

"(A) is living in a foster family home in which such individual was placed by a child-placing agency which is—

"(i) an organization described in section 501(c)(3) and exempt from tax under section 501(a), or

"(ii) operated by a State or local government or political subdivision thereof,

"(B) has not attained age 19, and

"(C) has a physical, mental, or emotional handicap.".

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking out the item relating to section 131 and

by inserting in lieu thereof the following items:

"Sec. 131. Difficulty of care payments for care of handicapped foster child.

"Sec. 132. Cross references to other Acts.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1978.

TITLE II—TAX STATUS OF INDIAN TRIBAL GOVERNMENTS

SECTION 201. SHORT TITLE.

This title may be cited as the "Indian Tribal Governmental Tax Status Act of 1982".

SEC. 202. INDIAN TRIBAL GOVERNMENTS TREATED AS STATES FOR CERTAIN PURPOSES.

(a) GENERAL RULE.—Chapter 80 (relating to general rules) is amended by adding at the end thereof the following new subchapter:

"Subchapter C—Provisions Affecting More Than One Subtitle

"SEC. 7871. INDIAN TRIBAL GOVERNMENTS TREATED AS STATES FOR CERTAIN PURPOSES.

"(a) GENERAL RULE.—An Indian tribal government shall be treated as a State—

"(1) for purposes of determining whether and in what amount any contribution or transfer to or for the use of such government (or a political subdivision thereof) is deductible under—

"(A) section 170 (relating to income tax deduction for charitable, etc., contributions and gifts),

"(B) sections 2055 and 2106(a)(2) (relating to estate tax deduction for transfers of public, charitable, and religious uses), or

"(C) section 2522 (relating to gift tax deduction for charitable and similar gifts);

"(2) for purposes of any exemption from, credit or refund of, or payment with respect to, an excise tax imposed by—

"(A) chapter 31 (relating to tax on special fuels),

"(B) chapter 32 (relating to manufacturers excise taxes),

"(C) subchapter B of chapter 33 (relating to communications excise tax), or

"(D) subchapter D of chapter 36 (relating to tax on use of certain highway vehicles);

"(3) for purposes of section 164 (relating to deduction for taxes);

"(4) subject to section 103(m), for purposes of section 103 (relating to interest on certain governmental obligations);

"(5) for purposes of section 511(a)(2)(B) (relating to the taxation of colleges and universities which are agencies or instrumentalities of governments or their political subdivisions);

"(6) for purposes of—

"(A) section 37(e)(9)(A) (relating to certain public retirement systems),

"(B) section 41(c)(4) (defining State for purposes of credit for contribution to candidates for public offices),

"(C) section 117(b)(2)(A) (relating to scholarships and fellowship grants), and

"(D) section 403(b)(1)(A)(ii) (relating to the taxation of contributions of certain employers for employee annuities); and

"(7) purposes of—

"(A) chapter 41 (relating to tax on excess expenditures to influence legislation), and

"(B) subchapter A of chapter 42 (relating to private foundations).

"(b) TREATMENT OF SUBDIVISIONS OF INDIAN TRIBAL GOVERNMENTS AS POLITICAL SUBDIVISIONS.—For the purposes specified in subsection (a), a subdivision of an Indian tribal government shall be treated as a political subdivision of a State if (and only if) the Secretary determines (after consultation with the Secretary of the Interior) that such subdivision has been delegated the right to exercise one or more of the substantial governmental functions of the Indian tribal government.".

(b) CONFORMING AMENDMENTS RELATING TO CROSS REFERENCES.—

(1) Subsection (d) of section 41 is amended to read as follows:

"(d) CROSS REFERENCES.—

"(1) For disallowance of credits to estates and trusts, see section 642(a)(2).

"(2) For treatment of Indian tribal governments as States (and the political subdivisions of Indian tribal governments as political subdivisions of States), see section 7871.".

(2) Section 164(f) is amended by adding at the end thereof the following new paragraph:

"(3) For treatment of taxes imposed by Indian tribal governments (or their subdivisions), see section 7871.".

(3) Section 170(k) is amended by adding at the end thereof the following new paragraph:

"(8) For charitable contributions to or for the end use of Indian tribal governments (or their subdivisions), see section 7871.".

(4) Section 2055(f) is amended by adding at the end thereof the following new paragraph:

"(11) For treatement of gifts and bequests to or for the use of Indian tribal governments (or their subdivisions), see section 7871.".

(5) Subparagraph (F) of section 2106(a)(2) is amended to read as follows:

"(F) CROSS REFERENCES.—

"(i) For option as to time for valuation for purposes of deduction under this section, see section 2032.

"(ii) For exemption of certain bequests for the benefit of the United States and for rules of construction for certain bequests, see section 2055(f).

"(iii) For treatment of gifts and bequests to or for the use of Indian tribal governments (or their subdivisions), see section 7871.

(6) Subsection (d) of section 2522 is amended to read as follows:

"(d) CROSS REFERENCES.—

"(1) For exemption of certain gifts to or for the benefit of the United States and for rules of construction with respect to certain bequests, see section 2055(f).

"(2) For Treatment of gifts to or for the use of Indian tribal governments (or their subdivisions), see section 7871.".

(7) Section 4227 is amended to read as follows:

"SEC. 4227. CROSS REFERENCES.

"(1) For exemption for a sale to an Indian tribal government (or its subdivision) for the exclusive use of an Indian tribal government (or its subdivision), see section 7871.

"(2) For credit for taxes on tires and tubes, see section 6416(c).".

(8) The table of sections for subchapter G of chapter 32 is amended by striking out the item relating to section 4227 and inserting in lieu thereof the following new item:

"Sec. 4227. Cross references.".

(9) Section 4484 is amended to read as follows:

"SEC. 4484. CROSS REFERENCES.

"(1) For penalties and administrative provisions applicable to this subchapter, see subtitle F.

"(2) For exemption for uses by Indian tribal governments (or their subdivisions), see section 7871.".

(10) The table of sections for subchapter D of chapter 36 is amended by striking out the item relating to section 4484 and inserting in lieu thereof the following new item:

"Sec. 4484. Cross references.".

(11) Sections 6420(h) and 6421(j) are each amended by adding at the end thereof the following new paragraph:

"(4) For treatment of an Indian tribal government as a State (and a subdivision of an Indian tribal government as a political subdivision of a State), see section 7871.".

(12) Sections 6424(g) and 6427(k) are each amended by adding at the end thereof the following new paragraph:

"(3) For treatment of an Indian tribal government as a State (and a subdivision of an Indian tribal government as a political subdivision of a State), see section 7871.".

(c) CLERICAL AMENDMENTS.—The table of subchapters for chapter 80 is amended by adding at the end thereof the following new item:

"Subchapter C. Provisions affecting more than one subtitle."

SEC. 203. INTEREST ON GOVERNMENTAL OBLIGATIONS.

(a) IN GENERAL.—Section 103 (relating to interest on certain governmental obligations) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) SPECIAL RULES FOR INDIAN TRIBAL GOVERNMENTS.—

"(1) REQUIREMENTS WITH RESPECT TO INDUSTRIAL DEVELOPMENT BONDS.—An industrial development bond issued by an Indian tribal government (or political subdivision thereof) may be treated as an obligation described in subsection (a)(1) only if—

"(A) the principal activities of the trade or business are to be conducted on the reservation, and

"(B) substantially all of the activities of the trade or business to be conducted off the reservation are purchasing, marketing, or similar activities directly related to the activities described in subparagraph (A).

"(2) APPLICATION OF CERTAIN INDUSTRIAL DEVELOPMENT BOND PROVISIONS.—For purposes of applying subsection (b)(6) and subparagraphs (E) and (J) of subsection (b)(4)—

"(A) if county lines (or lines of incorporated municipalities) established by the State do not exist on the reservation, the Secretary, after consultation with the Secretary of the Interior, may prescribe such maximum and minimum sizes for the geographical areas on the reservation which may be treated as counties (or incorporated municipalities) as may be necessary to ensure that the benefits of subsection (b)(6) for the geographical areas on the reservation shall be approximately equal to the benefits of such provisions for the counties (or incorporated municipalities) in the same general area of the United States as the reservation, and

"(B) if part of a county (or incorporated municipality) is within a reservation and part is not within a reservation, each such part shall be treated as a separate county (or incorporated municipality).

"(3) REQUIREMENTS FOR OBLIGATIONS WHICH ARE NOT INDUSTRIAL DEVELOPMENT

BONDS.—Subsection (a) shall apply to any obligation issued by an Indian tribal government (or subdivision thereof) which is not an industrial development bond only if such obligation is part of an issue substantially all of the proceeds of which are to be used in the exercise of any essential governmental function or for a public utility substantially all the services of which are provided on the reservation.

"(4) RESERVATION DEFINED.—For purposes of this subsection, the term 'reservation' means—

"(A) the area reserved by treaty, Federal statute, or Executive order for the Indian tribe, the government of which is issuing the obligation,

"(B) areas designated by the Secretary of the Interior as a reservation for the Indian tribe the government of which is issuing the obligation, or

"(C) land which—

"(i) is contiguous to a reservation within the meaning of subparagraph (A) or (B),

"(ii) has been acquired in trust for the Indian tribe through consolidation, land exchange or purchase, or

"'(iii) is proclaimed by the Secretary of the Interior to be part of such reservation.".

(b) CLERICAL AMENDMENT.—Subsection (n) of section 103 (as redesignated by subsection (a)) is amended to read as follows:

"(n) CROSS REFERENCES.—

"For provisions relating to the taxable status of—

"(1) Certain obligations issued by Indian tribal governments (or their subdivisions), see section 7871.

"(2) Exempt interest dividends of regulated investment companies, see section 852(b)(5)(B).

"(3) Puerto Rican bonds, see section 3 of the Act of March 2, 1917, as amended (48 U.S.C. 745).

"(4) Virgin Islands insular and municipal bonds, see section 1 of the Act of October 27, 1919 (48 U.S.C. 1403).

"(5) Certain obligations issued under title I of the Housing Act of 1949, see section 102(g) of title I of such Act (42 U.S.C. 1452(g)).".

SEC. 204. DEFINITION OF INDIAN TRIBAL GOVERNMENT.

Subsection (a) of section 7701 (relating to definitions) is amended by adding at the end thereof the following new paragraph:

"(40) INDIAN TRIBAL GOVERNMENT.—The term 'Indian tribal government' means the governing body of any tribe, band, community, village, or group of Indians which is determined by the Secretary, after consultation with the Secretary of the Interior, to exercise substantial governmental functions and in Alaska shall include only the Metlakatia Indian Community.".

SEC. 205. EFFECTIVE DATES.

The amendments made by this title—

(1) insofar as they relate to chapter 1 of the Internal Revenue Code of 1954 (other than section 103 thereof), shall apply to taxable years beginning after December 31, 1982,

(2) insofar as they relate to section 103 of such Code, shall apply to obligations issued after the date of the enactment of this Act,

(3) insofar as they relate to chapter 11 of such Code, shall apply to estates of decedents dying after December 31, 1982,

(4) insofar as they relate to chapter 12 of such Code, shall apply to gifts made after December 31, 1982, and

(5) insofar as they relate to taxes imposed by subtitle D of such Code, shall take effect January 1, 1983.

TITLE III—PENSIONS

SEC. 301. WAIVER OF PREEMPTION IN CASE OF HAWAIIAN HEALTH CARE PLAN.

(a) IN GENERAL.—Section 514(b) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end thereof the following new paragraph:

"(5) (A) Except as provided in subparagraph (B), subsection (a) shall not apply to the Hawaii Prepaid Health Care Law (Haw. Rev. Stat. 393-1 through 51), as in effect on January 1, 1976.

"(B) Nothing in subparagraph (A) shall be construed to exempt from subsection (a) any State tax law relating to employee benefit plans.

"(C) Notwithstanding subparagraph (A), parts 1, 4, and 5 of this subtitle shall supersede the State law described in such subparagraph, but the Secretary may enter into cooperative arrangements under this paragraph and section 506 with officials of Hawaii to assist them in effectuating the policies of provisions of such laws which are superseded by such parts.".

(b) STUDY OF APPLICATION TO OTHER STATES.—The Secretary of Labor shall conduct a study on the feasibility of extending the exemption from section 514(a) of the Employee Retirement Income Security Act of 1974 to include other State laws which establish health care plans and report to the Congress on such study within 2 years after the date of the enactment of this Act.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. There will be 10 minutes of debate for the bill and all amendments.

Mr. DOLE. Mr. President, this will take just a few moments. We have cleared this with all the interested parties. I would like to yield first to the distinguished Senator from New Jersey to offer an amendment which has been agreed to. It has been acted upon by the Senate Finance Committee and will be offered as an amendment to a series of amendments in H.R. 5470.

UP AMENDMENT 1388

(Purpose: To amend the Internal Revenue Code of 1954 to reduce the rate of certain taxes paid to the Virgin Islands on Virgin Islands source income)

Mr. BRADLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Jersey (Mr. BRADLEY) proposes an unprinted amendment numbered 1388.

At an appropriate place insert the following:

SECTION . REDUCTION IN INCOME TAX RATE ON VIRGIN ISLANDS SOURCE INCOME.

(a) In General.—Subpart D of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1954 (relating to possessions) is amended by inserting after section 934 the following new section:

"SEC. 934A. REDUCTION IN INCOME TAX RATE ON VIRGIN ISLANDS SOURCE INCOME.

"(a) General Rule.—For purposes of determining the tax liability incurred by citizens and resident alien individuals of the United States, and corporations organized in the United States, to the Virgin Islands pursuant to this title with respect to amounts received from sources within the Virgin Islands—

"(1) the rate of the taxes imposed by sections 871(a)(1) and 881 shall not exceed 10 percent, and

"(2) subsection (a) of section 934 shall not apply to such taxes.

"(b) Reduced Rates Not To Apply to Pre-Effective Date Earnings.—

"(1) In general.—The reduction under subsection (a)(1), and any reduction under section 934 pursuant to subsection (a)(2), in a rate of tax imposed by section 871(a)(1) or 881 shall not apply to dividends paid out of earnings and profits accumulated for taxable years beginning before the effective date of the reduction.

"(2) Ordering rule.—For purposes of paragraph (1), dividends shall be treated as first being paid out of earnings and profits accumulated for taxable years beginning before the effective date of the reduction (to the extent thereof)."

(b) Withholding.—Subchapter A of chapter 3 of such Code (relating to withholding of tax on nonresident aliens and foreign corporations) is amended by adding at the end thereof the following new section:

"SEC. 1444. WITHHOLDING ON VIRGIN ISLANDS SOURCE INCOME.

"For purposes of determining the withholding tax liability incurred the Virgin Islands pursuant to this title with respect to amounts received from sources within the Virgin Islands by citizens and resident alien individuals of the United States, and corporations organized in the United States, the rate of withholding tax under sections 1441 and 1442 on income subject to tax under section 871(a)(1) or 881 shall not exceed the rate of tax on such income under section 871(a)(1) or 881, as the case may be."

(c) Technical Amendment.—Subsection (a) of section 934 of such Code is amended by inserting before the period at the end thereof "or in section 934A".

(d) Clerical Amendments.—

(1) The table of sections for subpart D of part III of subchapter N of chapter 1 of such Code is amended by inserting after the item relating to section 934 the following new item:

"Sec. 934A. Reduction in income tax rate on Virgin Islands source income."

(2) The table of sections for subchapter A of chapter 3 of such code is amended by adding at the end thereof the following new item:

"Sec. 1444. Withholding on Virgin Islands source income."

(e) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to amounts received after the date of the enactment of this Act in taxable years ending after such date.

(2) Withholding.—The amendment made by subsection (b) shall apply to payments made after the date of the enactment of this Act.

Mr. BRADLEY. Mr. President, the treasury and the Government of the Virgin Islands take the position that present law imposes a 30-percent tax

on the non-Virgin Islands recipient of certain Virgin-Islands source passive investment income, and that present law also imposes withholding at the source by the Virgin Islands payor of such income. The bill will reduce this tax to 10 percent when the recipient is a U.S. citizen, resident alien, or corporation and imposes a corresponding withholding obligation on the Virgin Islands payor of such income. The bill will allow the Virgin Islands Government further to reduce this 10-percent rate in its discretion. The bill will not affect payments of Virgin Islands source passive income to non-U.S. persons.

Mr. DOLE. Mr. President, the Senator from Kansas and, I believe, the distinguished Senator from Louisiana are familiar with the amendment. We have no objection to the amendment. We accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1388) was agreed to.

UP AMENDMENT NO. 1389

(Purpose: To extend for one year the taxes authorized by law to be collected for the Highway Trust Fund established pursuant to the Highway Revenue Act of 1956)

Mr. DOLE. Mr. President, on behalf of the distinguished Senator from Idaho (Mr. SYMMS), for himself and the distinguished Senator from Vermont (Mr. STAFFORD), the distinguished Senator from Texas (Mr. BENTSEN), and the distinguished Senator from West Virginia (Mr. RANDOLPH), I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE), for Mr. SYMMS, Mr. STAFFORD, Mr. BENTSEN, and Mr. RANDOLPH, proposes an unprinted amendment numbered 1389.

At the appropriate place in the bill, insert the following.

TITLE —HIGHWAY REVENUE ACT OF 1982

SEC. . The title may be cited as the "Highway Revenue Act of 1982".

1-YEAR EXTENSION OF THE TAXES WHICH ARE TRANSFERRED INTO THE HIGHWAY TRUST FUND

SEC. . (a) GENERAL RULE.—The following provisions of the Internal Revenue Code of 1954 are amended by striking out "1984" each place it appears and inserting in lieu thereof "1985":

(1) Section 4041(e) (relating to rate reduction).

(2) Section 4061(a)(1) (relating to imposition of tax on trucks, buses, etc.).

(3) Section 4061(b)(1) (relating to imposition of tax on parts and accessories).

(4) Section 4071(d) (relating to imposition of tax on tires and tread rubber).

(5) Section 4081(b) (relating to imposition of tax on gasoline).

(6) Section 4481(a) (relating to imposition of tax on use of highway motor vehicles).

(7) Section 4481(e) (relating to period tax in effect).

(8) Section 6156(e)(2) (relating to installment payments of tax on use of highway motor vehicles).

(9) Section 6421(h) (relating to tax on gasoline used for certain nonhighway purposes or by local transit systems).

(b) AMENDMENT OF SECTION 6412(a)(1).—Section 6412(a)(1) of such Code (relating to floor stock refunds) is amended:

(1) by striking out "1984" each place it appears and inserting in lieu thereof "1985"; and

(2) by striking out "1985" each place it appears and inserting in lieu thereof "1986".

EXTENSION OF HIGHWAY TRUST FUND

SEC. . (a) HIGHWAY TRUST FUND.—Subsections (c), and (f)(3), (4), (6), and (7), of section 209 of the Highway Revenue Act of 1956 (relating to the Highway Trust Fund; 23 U.S.C. 120 note) are amended:

(1) by striking out "1984" each place it appears and inserting in lieu thereof "1985", and

(2) by striking out "1985" each place it appears and inserting in lieu thereof "1987".

(b)(1) MANAGEMENT OF TRUST FUND.—Subsection (e)(1) of section 209 of the Highway Revenue Act of 1956 is amended by striking "1985" and inserting in lieu thereof "1987" and by striking "Commerce" and inserting in lieu thereof "Transportation".

(2) EXPENDITURES FROM TRUST FUND.—Subsection (f)(1) of section 209 of the Highway Revenue Act of 1956 is amended as follows:

"(1) FEDERAL-AID HIGHWAY PROGRAM.—Amounts in the Trust Fund shall be available, as provided by appropriation acts, for making expenditures after June 30, 1956, and before October 1, 1986, to meet those obligations of the United States heretofore or hereafter incurred under title 23, United States Code, as amended and supplemented, which are attributable to Federal-aid highway (including those portions of general administrative expenses of the Federal Highway Administration payable from such appropriations).".

(c) INVESTIGATION AND REPORT TO CONGRESS.—Section 210 of the Highway Revenue Act of 1956 is repealed.

(d) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Subsection (b) of section 201 of the Land and Water Conservation Fund Act of 1956 (16 U.S.C. 4061-11 is amended—

(1) by striking out "1984" and inserting in lieu thereof "1985"; and

(2) by striking out "1985" each place it appears and inserting in lieu thereof "1986".

SEC. . —YEAR EXTENSION OF REFUND OF TAXES ON FUEL USED IN TAXICABS.—Paragraph (3) of section 6427(e) of the Internal Revenue Code of 1954 (relating to use in certain taxicabs) is amended by striking out "December 31, 1982" and inserting in lieu thereof "December 31, 1983".

Mr. DOLE. Mr President, I can explain very quickly what this amendment is about.

It simply extends the highway trust fund and the excise taxes coming into the fund for 1 year, to 1985. The distinguished Senator from Idaho has asked that I offer this amendment for him.

Again, the amendment has been cleared on all sides by the majority leader, the minority leader, and other interest parties.

HIGHWAY TRUST FUND EXTENSION

● Mr. SYMMS. Mr. President, I thank the distinguished chairman of the Senate Finance Committee, Mr. DOLE, and the distinguished ranking minority member, Mr. LONG, for expeditiously reporting an extension of the highway trust fund.

This legislation provides for the simple extension of the highway trust fund and the excise taxes coming into the fund for 1 year, to 1985.

The extension of the highway trust fund is essential in order to reauthorize the Federal-aid highway program for fiscal year 1983. The authorizations for the highway program will expire on October 1 of this year, and States will receive no additional highway funds unless this program is reauthorized. In addition, any new authorizations for the highway program would be limited to approximately $6.5 billion if the highway trust fund is not extended. In fiscal year 1982 new authorizations of $8.6 billion were made available to the States for highway construction and rehabilitation.

Mr. President, the urgent need of funds to maintain and preserve the highway infrastructure in this country is well documented. The program structure to accomplish this revitalization is already in place. It is imperative that Congress move forward to provide the necessary funds. The Senate has taken a major step today by approving a simple extension of the highway trust fund. It is my sincere hope that the House will do likewise as quickly as possible.●

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1389) was agreed to.

UP AMENDMENT NO. 1390

(Purpose: To clarify the status of Alaska Native Corporations)

Mr. DOLE, Mr. President, I have a technical amendment I send to the desk and ask for its immediate consideration. It will take the Alaska Natives out of the bill dealing with Indian tribal governments.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE), for Mr. STEVENS, proposes an unprinted amendment numbered 1390.

Page 14, lines 13 and 14, strike "or Alaska Natives".

Line 16, strike "." insert "and in Alaska shall include only the Metlakatla Indian Community."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1390) was agreed to.

UP AMENDMENT 1391

Mr. DOLE. Mr. President, I send an amendment to the desk for the distin-

guished Senator from Hawaii (Mr. MATSUNAGA) which is simply a date change. Senator MATSUNAGA is not present and asked me to present this amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE), for Mr. MATSUNAGA, proposes an unprinted amendment numbered 1391.

On page 15, line 17, strike "1977" and insert "1976".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP 1391) was agreed to.

Mr. DOLE. Mr. President, the Senator from Kansas urges the Senate to consider favorably H.R. 5470 as reported by the Committee on Finance. The bill includes four provisions, each of merit and, I believe noncontroversial.

EXCLUSION FROM INCOME FOR PERIODIC PAYMENTS, H.R. 5470

Under present law, the Internal Revenue Service has rule that damages for personal injuries are excludable from gross income. This provision of the bill is intended to codify present law.

The bill specifically excludes from gross income damages for personal injuries or sickness, whether the damages are paid as lump sums or as periodic payments. In addition, the bill provides that, under certain circumstances, any amount received for agreeing to assume liability to make periodic payments of personal injury damages is also excluded from gross income. Therefore, any amount received will not be included in gross income to the extent it is used to purchase a commercial annuity or an obligation of the United States if the annunity or obligation is designated, under regulation prescribed by the Secretary, to fund the periodic payments and the purchase is made within certain time limits.

HAWAII PREPAID HEALTH CARE LAWS

The bill amends ERISA to provide that Hawaii law relating to employer maintained health insurance plans would not be preempted by ERISA to the extent that the Hawaiian law does not relate to matters thoroughly regulated under ERISA or impose tax liability on insurance premiums or benefits.

INDIAN TRIBAL GOVERNMENTS

The bill extends certain tax provisions which apply to States so that they will also apply to American Indian tribal governments. Among these provisions is an income tax exemption for certain governmental obligations. However, special limitations are imposed regarding the tax treatment of industrial development bonds issued by an Indian tribal government.

HANDICAPPED FOSTER CHILDREN

Finally, the bill settles the tax treatment of certain "difficulty of care" payments made to a taxpayer for care of a handicapped foster child. The bill makes clear that difficulty of care payments, as defined in the bill, are excluded from income for Federal income tax purposes.

Mr. MATSUNAGA. Mr. President, the Senator from Hawaii would like to express his gratitude to the chairman of the Finance Committee, Mr. DOLE, and the distinguished ranking member of the committee, Mr. LONG, for their help. The bill now before the Senate, H.R. 5470, contains a committee amendment which rescues the Hawaii Prepaid Health Care Act from preemption by the Federal Employee Retirement Income Security Act of 1974 (ERISA). I thank the two Senators for their assistance in preserving a State program which means very much to the people of Hawaii.

ERISA's preemption of State laws governing employee benefits, particularly the Hawaii State law in question, has been raised several times in Congress. The House Education and Labor Subcommittee on Labor Standards received testimony on this matter on June 1, 1978. The Senate Labor and Human Resources Committee heard witnesses on this issue during the committee hearings on ERISA improvement in August 1978 and February 1979. On December 4, 1979, the Senate Finance Subcommittee on Private Pension Plans and Employee Benefits heard testimony on this issue also. At one point during recent congressional consideration of the Multiemployer Plan Amendments Act, the U.S. Chamber of Commerce and the National Association of Manufacturers opposed passage of the multiemployer bill because of an amendment to preserve the Hawaii Health Care Act.

I would like to review briefly the Hawaii Prepaid Health Insurance Act, relate the development of the present issue, examine the arguments made against Hawaii's mandated health insurance plan, and analyze the reasoning behind these arguments.

First, let me explain the State program. The Hawaii Prepaid Health Insurance Act requires all employers in the State of Hawaii to provide their workers with prepaid medical health insurance. This coverage is comparable to the medical insurance provided by the Federal Government to its civil service employees. This required insurance coverage provides comprehensive care, not limited to work-related injuries. The coverage must be comparable to the community standard. In effect, the community standard is the level of benefits provided by the commercial prepaid health plan having the largest number of subscribers. Current benefits include:

First, hospital benefits plus outpatient service for 120 days;

Second, surgical benefits;

Third, medical services, including home, office, hospital visits, and intensive medical care, and

Fourth, laboratory, X-ray, and radiotherapy services.

Fifth. Maternity benefits for workers who have participated in a plan 9 or more months before childbirth.

Sixth. Drug and alcohol abuse treatment.

Unlike the Federal program where each worker selects his own health insurance program, under the Hawaii law, the employer selects one program for all its employees. The employer may either secure commercial coverage or it may undertake a self-insurance program. Under a self-insurance program, the employer must prove to the State Department of Labor that the employer has adequate resources to pay for the requisite health benefits. If the employer wishes to select commercial coverage, it is free to choose a commercial carrier based on the carrier's services and premiums. While the Hawaii State insurance commissioner has licensed over 200 carriers to provide such prepared health insurance, all but 1,000 of the State's 18,500 employers subscribe to one of the State's two major commercial insurers—Kaiser Permanente Health Plan or the Hawaii Medical Services Association.

The Hawaii statute requires an employer to pay half the premiums for this insurance coverage. Many employers voluntarily pay for their worker's full premium cost. Where a worker contributes to his or her own coverage, the State law restricts this contribution to no more than 1.5 percent of the worker's annual wages. For financially pressed businesses that have difficulty covering the premium cost, the State provides premium supplements out of its reserve funds. Between 1974 and 1977, the State expended about $30,000 to supplement employer's premium payments.

Excluded from the statute's mandatory coverage are:

First. Government employees.

Second. Agricultural seasonal workers.

Third. Employees working less than 20 hours a week or at wages less than 86.67 percent of the prevailing State minimum hourly wage.

Fourth. Workers covered by a Federal program or receiving public assistance.

Fifth. Religious objectors.

Sixth. Individuals working in family employment.

Seventh. Commissioned insurance and real estate salesmen.

Despite these exceptions, 98 percent of the State of Hawaii's population has some form of comprehensive or catastrophic medical coverage through the State-mandated program for work-

ers or through the Federal civil service, medicare, and medicaid program.

Furthermore, the comprehensive health care benefit programs available for employers in Hawaii, are generally better and cheaper than comparable programs in other States. It is important to stress that reliance on private medical treatment and commercial carriers in Hawaii, has led to effective utilization and cost control programs. Inpatient hospital care has been reduced in Hawaii to half the national average. In addition, monthly premiums for medical insurance in Hawaii compare very favorably with the premiums required by plans nationwide under the Federal civil service health insurance program.

Second, let me relate the background of the present controversy. The Hawaii prepaid health care law was enacted on June 2, 1974. On November 21, 1977, the Federal district court for the Northern District of California held that ERISA preempted the Hawaii statute. In other words, ERISA rendered the State's prepaid health insurance act invalid.

This litigation arose out of a 1976 amendment to the Hawaii Act adding drug and alcohol abuse treatment. Standard Oil Co. of California up to this point had complied with Hawaii requirements. Some of the company's workers in Hawaii had elected to participate in Standard Oil's self-funded health care program which provides 80 percent reimbursement. This self-funded program did not provide drug and alcohol treatment, and Standard Oil sought to enjoin the State of Hawaii from enforcing this new requirement.

Reviewing ERISA, the district court stated that:

> The legislative history discloses no explicit Congressional decision that State health insurance laws should be preempted. Neither the parties nor the Court in its independent research found any specific discussion in Congress about the pros and cons of that course.

The court's statement was later supported by Senator LLOYD BENTSEN, the chief drafter of ERISA in the Senate Finance Committee. At a public hearing on August 15, 1978, on this issue, Senator BENTSEN stated that the Finance Committee did not deal with the question of preempting health insurance. Nevertheless, the court ruled that the broad language of ERISA preempted all State laws relating to private employee benefit plans including Hawaii's Prepaid Health Insurance Act, and relief, if any, must come from Congress. Both the Ninth Circuit Court of Appeals and the U.S. Supreme Court affirmed this decision.

Shortly after the lower court's decision, the State of Hawaii sought remedial legislation to save the Hawaii statute from ERISA preemption.

In 1977, with Senator DAN INOUYE as cosponsor, I introduced S. 1383 to exempt from ERISA preemption, State health insurance laws. At our urging Senator HARRISON WILLIAMS, then chairman of the Senate Committee on Labor and Human Resources, included as part of his ERISA Improvements Act of 1979, a provision exempting from ERISA preemption, the Hawaii prepaid health care law, as well as any other State law determined to be substantially identical to the Hawaii statute and requiring benefits substantially identical to those required under the Hawaii law. Under the Williams bill, State health insurance requirements for reporting, disclosure, fiduciary responsibility, and enforcement, would not be preempted if they were similar to ERISA provisions. In the version of S. 209, the ERISA Improvements Act, reported favorably by the Senate Committee on Labor and Human Resources, this provision was expanded to exempt from preemption all State health insurance law.

Because of strong opposition from the U.S. Chamber of Commerce and the National Association of Manufacturers to the expanded Williams exemption proposal, I subsequently offered an amendment to the Multiemployer Pension Plan Amendments Act to exempt only the Hawaii statute. This approach was taken in bills which were later introduced by Senator INOUYE and myself, S. 3151 in the 96th Congress, and S. 1232 in the present Congress. These bills exempt only the Hawaii prepaid health care law, while retaining ERISA reporting, disclosure, fiduciary, and enforcement requirements for the Hawaii health insurance program.

During the lengthy congressional consideration of this issue, national business organizations opposed any legislation to preserve the Hawaii statute. It was argued that the Hawaii statute would detract from the coverage already provided by multistate employers to their workers. It was further argued that the Hawaii statute, if preserved and especially if followed by other States, would prevent multistate employers from providing a uniform compensation package for their workers nationwide. Behind these arguments was the general apprehension that the Hawaii statute might be used as the basis for a national health insurance program. I would now like to discuss these points.

In a statement presented at the 1978 oversight hearings on ERISA, Robert S. Stone, senior counsel of IBM, argued that the Hawaii statute could detract from higher health insurance coverage provided by multistate employers. Its was argued that the Hawaii statute could override the compensation package reached in collective-bargaining agreements.

This argument obviously stems from a misunderstanding of the Hawaii State law. The Hawaii statute merely sets a minimum standard for health insurance coverage required of employers. Benefits in excess of those required by the Hawaii statute, are not affected by the law. Indeed, a prepaid health care plan included in collective bargaining is presumed to meet the requirements of the statute. The Hawaii law does not override health benefits obtained in collective bargaining.

Furthermore, the minimum standards established for a comprehensive health care program by the Hawaii statute should not pose additional burdens on multistate employers, for the Hawaii State requirements are generally lower than the benefits already extended to workers by multistate employers. Boris Auerbach, secretary of Federated Department Stores and vice president of the ERISA Industry Committee or ERIC, noted during the hearings on S. 209 in February 1979, that the Federal Health Maintenance Organization Act of 1973 which governs federally qualified health maintenance organizations, is more extensive than that required under the Hawaii law. Moreover, he stated that employers in his association already provide adequate and, in most cases, more generous plans than those required by the State of Hawaii. Thus, Hawaii's statute would add no financial cost to multistate employers' current health programs.

The chief argument against exempting Hawaii's prepaid health insurance program from preemption by ERISA has focused on the potential obstacles posed against an employer intent on establishing a uniform benefit package for its workers nationwide. Mr. Stone in the 1978 hearings stated that if other States followed Hawaii's example, the multiplicity of State requirements would prevent multistate employers from providing uniform benefits to its workers. George J. Pantos, counsel to ERIC, stated that ERISA's preemption provision reflected an overriding concern for interstate employers who must develop a uniform benefit system, since these interstate employers with 10 percent of all plans cover 85 percent of all pension plan participants. At the same hearings, Peter Nash, also a counsel to ERIC, added that the State-mandated health premiums could reduce the compensation available to workers in that State, because to meet State-mandated health coverage, an employer would reduce compensation in another area, thereby creating nonuniformity for workers in different States. The administrative cost and difficulty in meeting different State health insurance requirements were again raised by Mr. Auerbach during hearings in February 1979.

All of these arguments fail to recognize the long-established fact that the

several States have different requirements for group life insurance, health insurance, workmen's compensation, unemployment compensation, and disability insurance. For social as well as economic reasons, multistate employers have met these requirements which differ from State to State.

To determine the administrative cost and complexity for meeting different State health insurance requirements, I talked with a consultant at a major accounting firm and with the Financial Management Office of the Federal Office of Personnel Management. I was informed that any employer using an automated payroll would not encounter any difficulty or extraordinary cost in meeting different State health care requirements, for the following reasons: First, medical benefits are fairly uniform nationwide. Second, payroll offices using automated systems can easily cope with any variations as they do with existing differences in pay packages for workers in different States—differences in such matters as local tax withholdings, fringe benefits negotiated by local unions such as pregnancy coverage, holidays, vacation schedules, and reimbursement for protective clothing and work tools. If all 50 States developed varying health insurance programs, these experts were fairly confident that a computer program could deal with varying benefit packages.

In addition, the expert at the Federal Office of Personnel Management noted that the existing Federal health insurance program, although immense, is neither costly nor complicated to administer. The Federal employees health benefits program covers four basic categories of health insurance—Government-wide plans, employee organization plans, individual practice plans, and local group practice plans. Each Federal worker must make his own election as to the plan he or she wishes to join. The biggest task for the Office of Personnel Management is to educate the worker on the various alternative plans available and to process the employee's selection. This selection process is opened at the time the worker joins the Federal work force and each November for the entire Federal work force. Besides the educational task and the task of processing elections, the Office of Personnel Management has not encountered significant problems in making the appropriate payroll deduction, collecting the withheld funds, and transmitting the collected funds to the appropriate carrier selected by the individual worker. For the total 3,491,091 individuals enrolled in the Federal employees health benefit program in 1979, the program received a total of $3.3 billion in income. Expenses incurred by the Office of Personnel Management for 1979, amounted to $6.8 million. In other words, the administrative cost for the program in 1979 amounted to only 0.2 percent, or one-fifth of 1 percent of the total income.

The Federal employees health benefits program annually copes with the extreme difficulty posed by individual employee selection from over 100 plans which differ from State to State. Yet the administrative cost for this program is practically insignificant. In comparison, the greater simplicity of private employer's plans should require even less administrative cost.

The two arguments of administrative complexity and nonuniformity have been repeated almost as if they were articles of faith. The real reason behind these arguments may well be rooted in an apprehension of national health insurance. Taking the administrative complexity argument at face value, some members of the Senate Committee on Labor and Human Resources expanded the initial Hawaii exemption in S. 209 to permit dissimilar State health insurance programs. This was undertaken in the hope that the burden of meeting different State requirements would lead multistate employers to support national health legislation.

In truth, some representatives of the business community view the Hawaii statute as an undesirable experiment in national health insurance. It is feared that the Hawaii experience would familiarize Americans with the benefits of such a program and establish a favorable environment for expanding the program to other States.

The controversy over national health insurance leads me to the fourth and final portion of my discussion, regarding the implications raised by the business community. It should be here noted that during the 3 years that the Hawaii prepaid health insurance program was being considered, the State legislature questioned the need for such legislation. State action was deemed unnecessary in view of "imminent national health legislation." However, after 3 years' wait, the State legislature in 1974 decided to enact Hawaii's own Prepaid Health Insurance Act.

The enactment of a national health insurance program appears as unlikely today as it appeared in 1974, 1978, or 1979. Yet, during the debate on the Matsunaga amendment to the Multiemployer Pension Plans Amendment Act, the National Association of Manufacturers and the U.S. Chamber of Commerce argued that the amendment was inappropriate and nongermane to the legislation under consideration. They argued that the Hawaii exemption provision should be considered only in the context of national health legislation; and, although the Ninth Circuit Court of Appeals has affirmed the lower court's decision invalidating the Hawaii Prepaid Health Act, The State of Hawaii should postpone seeking remedial legislation until the Congress considers national health legislation. The effect of such a delay would be to strip health insurance coverage from thousands of workers in Hawaii.

Ironically, the handful of multistate employers who oppose Hawaii's program and who operate in Hawaii will not terminate their own health insurance programs; nor will local, established employers. As employers have conceded, and as the Health, Education, and Welfare Department has confirmed, the Hawaii State minimum standards are exceeded by many industries. The Hawaii legislative bureau report estimated in 1971 that only 11.7 percent of the State's work force did not have hospital coverage, 13.5 percent lacked surgical coverage, and 17.2 percent did not have regular medical insurance. Consequently, for the majority of employers and workers, the mandated State requirements of 1974 imposed no additional burden.

According to an HEW report issued in 1977, 46,000 workers, chiefly in small, new, or marginal businesses, benefited from the State-mandated health insurance coverage. The 46,000 who are affected are chiefly minimum wage workers, mostly women who must support their families. These are workers in the garment, hotel, or restaurant industries.

In summary, let me note that the Hawaii Prepaid Health Care Act was in effect in 1974. It has guaranteed continued health insurance coverage in preexisting programs and it has expanded coverage to 46,000 workers in the State who previously did not enjoy health insurance benefits. It has imposed minimal financial burdens on established employers, especially multistate employers. By mandating near-universal coverage, and relying on competition among commercial carriers and private doctors, the statute has kept premium costs sufficiently low to be borne by new, small, or marginal businesses with minimal adverse effect.

The alleged administrative complexity for multistate employers has not been substantiated, and, in fact, only a handful of multistate employers operate in Hawaii. Those that do operate in the State, easily meet the State requirement with the company's voluntary or collective-bargained plan. Hawaii's health insurance plan is unique and limited to a single State. However, even if other States were to enact similar legislation, automated payroll systems which already cope with numerous compensation differences from State to State, could readily cope with variations in health insurance plans at minimal cost.

Fear of the favorable precedent the Hawaii statute might create for na-

tional legislation has motivated opponents of the Hawaii Health Care Act. They have argued for broad ERISA preemption of the Hawaii act and all State health insurance laws, and they have counseled against such State action except in the context of national health proposals. In view of the unlikely prospect for national health legislation, ERISA preemption would preclude State initiative in this area. In the meantime, 46,000 workers in Hawaii would be deprived of their health insurance coverage guaranteed under the State's preempted law.

Mr. President, I have limited the scope of the exemption to the Hawaii Health Care Act as it was on January 1, 1976. This freezes the Hawaii program and eliminates the alcohol and drug abuse components that were added by the State legislature in 1976. I reluctantly do this only to facilitate House approval of the amendment. The bill, as reported by the committee, was technically defective and does not carry out this intention. My technical amendment submitted by the distinguished Senator from Kansas makes the necessary technical correction to achieve the stated objective. For the foregoing reasons, I strongly urge the passage of this bill before us, H.R. 5470 with the committee amendment to exempt Hawaii's Prepaid Health Insurance Act from the preemption provisions of ERISA.

FOSTER CARE AUDITS

Mr. DURENBERGER. Mr. President, I am pleased that the Senate is today adopting a bill that includes the provision I offered in Finance Committee to exclude from gross income the difficulty of care payments made to foster parents caring for handicapped children.

Under present law, payments for foster care that reimburse the parents for expenses are not includible in income. But those payments that compensate parents for their services are. In this latter category I think of those parents who are in the business of being foster care parents, while those in the previous category are simply opening up their homes to foster children because of love, not money.

The foster care provision in this bill deals with a category of foster parents who are in a class by themselves—those who voluntarily take children into their homes that have handicaps. Some of these children have handicaps so severe that they cannot feed themselves or must wear diapers even though they are past infancy. Others of them have severe mental handicaps that manifest themselves in behavioral problems.

In Minnesota and other States parents who care for handicapped children receive additional payments, called difficulty of care payments, for the extra costs and burdens of caring for these children. In Minnesota these extra payments average about $4 per day but can run as high as $20 per day.

These extra expenses are legion—extra laundry, extra transportation, special equipment. There are also extra expenses in the types of sitters that must be hired if the parents want to go out for an evening, or in respite care if the parents can get away for a much-needed weekend. And, these payments can compensate in small part for the extra wear and tear on the parents for caring for these children.

In Minnesota the Internal Revenue Service had audited a number of foster care parents. The audits are on hold as they examine State law to determine legislative intent on these difficulty of care payments—whether they cover expenses or compensate for services.

The consternation these audits have caused is understandable. Parents who believed these payments were nontaxable are suddenly confronted with the possibility of owing thousands of dollars in back taxes. The publicity generated by these audits has been damaging to the cause of foster care—they have a chilling effect on those considering being a foster parent of a handicapped child.

With this bill the Senate is declaring that these payments made to foster care parents over and above those payments made for nonhandicapped children are not income to the parents, regardless of whether they, dollar for dollar only cover expenses. There parents are saving the taxpayers' money by preventing institutionalization of these children. But more importantly, they are providing a sense of belonging, a sense of love and family to society's most vulnerable children—those with handicaps but without parents to provide them this love.

The Federal Government should be encouraging, not discouraging foster care for these most vulnerable of children—the multiply handicapped, the severely retarded, the mentally ill. Today we strike down one of these barriers to a giving, loving family for these kids. The Senate can make no better use of its time.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 5470), as amended, was passed.

Mr. DOLE. I move to reconsider the vote by which the bill was passed.

Mr. BRADLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I yield the floor.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COASTAL BARRIER RESOURCES ACT—CONFERENCE REPORT

Mr. BAKER. Mr. President, may I inquire of the minority leader if he is prepared to consider a conference report on S. 1018, the Coastal Barrier Resources Act?

Mr. ROBERT C. BYRD. This side is ready to proceed, Mr. President.

Mr. BAKER. Mr. President, I submit a report of the committee of conference on S. 1018 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1018) to protect and conserve fish and wildlife resources, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the House proceedings of the RECORD.)

Mr. CHAFEE. Mr. President, this is a simple, straightforward bill. Its purpose is to conserve our fragile, undeveloped coastal barrier beaches and islands by prohibiting Federal financial assistance for new development. At the same time, the legislation will save the taxpayers billions of dollars over the course of future years.

This legislation has received broad support. Last week, the Senate passed S. 1018 unanimously. Earlier this week, the House passed a similar version by a vote of 399 to 4. Although there were some differences between the two bills, I believe the substitute bill agreed to by the conferees is good, strong, responsible legislation. I would like to briefly comment on the contents of the conference report.

The legislation as passed by the Senate and House differed to some degree on what areas should be included in the legislation. Resolving the differences was what consumed the time of the conferees.

This bill before us today is a massive step forward in attempting to preserve these islands and beaches. When we started out this process a year and a half ago, we delineated about 600 miles of coast that would be protected. We have ended up with the delineation of about 700 miles, so we have greatly increased the number of protected areas compared to our first proposal.

Now some may suggest that we would be better off just letting the Department of the Interior cut off Federal flood insurance on undeveloped coastal barriers pursuant to the Omnibus Budget and Reconciliation Act of 1981. I strongly disagree with that approach. Cutting off Federal flood insurance is not going to stop, or probably even dramatically slow down, the development of undeveloped coastal barriers. That was a conclusion drawn by the General Accounting Office in a recent report prepared at my request.

What GAO said was that in order to discourage development on barrier islands, flood insurance must be cut off along with the cessation of other Federal assistance for roads, bridges, sewers, and other infrastructures. That is what this legislation does. It prohibits Federal expenditures for these projects, because the goal is to discourage development on undeveloped coastal barriers. To have a cutoff of only Federal flood insurance would leave us with less than half a loaf.

The only other major difference between the Senate and House bills, besides areas included, pertains to general revenue sharing. The House bill contained a provision which exempted general revenue sharing from the prohibitions of Federal expenditures and assistance on undeveloped coastal barriers. The Senate bill had no such provision. The Senate agreed to the House position because the revenue-sharing program provides localities with Federal funds with no strings attached. Because these funds can be used at the discretion of the local governments, to prohibit their use on undeveloped coastal barriers seemed inconsistent with the philosophy of the law. However, we are somewhat concerned about the effect general revenue sharing will have on undeveloped coastal barriers, so we have asked the Department of the Interior to examine this issue and report back to us.

Mr. President, as I have pointed out earlier, this legislation has the overwhelming support of both the Senate and House. It is also supported by Interior Secretary James Watt, all of the major environmental organizations, the American Red Cross, the National Taxpayers Union, and a variety of coastal groups. Of special help were Americans for the Coast, a group of distinguished Americans from a variety of fields. Mr. Laurance Rockefeller of that group and Ms. Sharon Newsome of the National Wildlife Federation worked extremely diligently and were most valuable allies. In short, Mr. President, this legislation has the support of conservatives and liberals, Democrats, Republicans, and Independents. The conference substitute is an intelligent approach to conserving our remaining undeveloped coastal barriers. I urge my colleagues to give it their full support.

Mr. President, I would like to thank all those who participated in this legislation. In particular, those members of the Environment and Public Works Committee who worked so hard—our chairman, Senator STAFFORD, our ranking member, Senator RANDOLPH, and Senators GORTON, MOYNIHAN, and MITCHELL. I would also like especially to thank Senator THURMOND for his strong support and invaluable assistance in getting this measure passed in the Senate last week.

Special thanks also go to Congressman TOM EVANS for the leadership he has shown on this matter. As the chief sponsor of the bill in the House, Congressman EVANS skillfully guided this legislation through the legislative process, overcoming what often seemed insurmountable obstacles. Congressman WALTER JONES, chairman of the House Merchant Marine and Fisheries Committee, and Congressman JOHN BREAUX, chairman of the Subcommittee on Fisheries and Wildlife, should be commended for their leadership and commitment to protecting our undeveloped coastal barriers. They have been key players in the legislation from the beginning, and without their support, understanding and willingness to work out the issues, we would have never gotten this far along.

Finally, Mr. President, I would like to thank all of the staff who have worked so long and hard on this bill in the Senate. We owe them great praise for their perseverance and hard work on this legislation. Special praise goes to Bob Hurley of my staff. Without his efforts and those of Mr. Steve Shimberg of the Environment and Public Works Committee staff, we would not have this legislation.

Mr. President, I thank the majority leader and the minority leader and all who have helped in expediting the passage of this important bill.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FEES OF THE COPYRIGHT OFFICE—CONFERENCE REPORT

MR. BAKER. Mr. President, is the minority leader prepared to accept the conference report on the copyright bill, which is H.R. 4441?

Mr. ROBERT C. BYRD. Mr. President, this side is ready to proceed.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask the Chair to lay before the Senate the conference report on H.R. 4441.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4441) to amend title 17 of the United States Code with respect to the fees of the Copyright Office, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the House proceedings of the RECORD.)

Mr. THURMOND. Mr. President, this legislation provides that nonprofit veterans' and fraternal organizations would be exempt from the requirement of paying certain performance royalty fees for musical works which are used for charitable fundraising. It will promote nonprofit activities and community service without unduly depriving composers and other artists of the fruit of their labors. An organization can qualify for this exemption only if the performance is in conjunction with a social function, where members and invited guests attend, and the proceeds are to be used for charitable purposes.

This change in the copyright law will provide relief from copyright liability for organizations like the American Legion, Veterans of Foreign Wars. Elks, Kiwanis, Shriners, and other nonprofit, fraternal organizations. The groups raise large amounts of money for worthwhile purposes and should not be required to be subject to copyright liability if copyrighted materials are used in connection with raising these funds.

In addition these groups, where invited guests attend and not just members, should be exempt from copyright liability. It does not make sense to restrict the exemption to members only where the purpose of the group's activities is to raise money for a worthy cause.

Mr. President, I want to commend Senator ZORINSKY and Senator DECONCINI for their efforts to get this small change in the copyright law en-

acted this year. I believe a good compromise has been forged with the House Judiciary Committee on this legislation. I urge the Senate to adopt the conference report.

Mr. ZORINSKY. Mr. President, I have been looking forward to this day for a long time. It was almost 3 years ago, in the 96th Congress, that I originally introduced a bill to provide an exemption to the Copyright Act for nonprofit veterans' and nonprofit fraternal organizations.

The need for this legislation was first brought to my attention by a fellow member of the Fraternal Order of Eagles in Omaha.

The community services provided by veterans and fraternal organizations are many and varied. The Loyal Order of Moose, for example, renders services to orphaned and dependent children at the Moosehaven in Orange Park, Fla. The Fraternal Order of Eagles has raised and distributed over $12 million in the last 5 years for heart research, cancer research, gerontological research, and research into catastrophic childhood diseases. Another fraternal organization, the Benevolent Protective Order of Elks, is famous for each State's major project program, which seeks to aid cerebral palsy victims, crippled children, eye banks, youth camps, and other worthy recipients of attention.

Veterans' organizations also are generous with their revenues. The American Legion annually assists hundreds of thousands of veterans and their families, both financially and by volunteering needed services. The Legion also subsidizes Scout troops and baseball teams. The Veterans of Foreign Wars of the United States sponsor scholarships and drug abuse seminar. This summary, though merely a cursory review of the benevolent activities of these groups, illustrates the munificent nature of their work.

In view of the fact that these organizations provide many services which benefit the public at large, and particularly less fortunate members of society, it is deemed appropriate to amend the 1976 act to reflect the situation that existed before its passage into law.

The intent of this legislation is to provide assistance only to organizations whose purpose is to provide charitable services to the community. Some of the services which these organizations provide include, among others, aid to orphans, the handicapped, and the elderly; aid to hospitals, blood banks, and health research institutions; and aid to organization members and their families in times of distress. This new exemption is not intended to apply to organizations whose primary function is not to provide charitable service to the community. For example, organizations whose primary function may be financial gain, social recreation, or political education may not be covered.

The mere fact that an organization is a nonprofit veterans' or fraternal organization does not mean that all performances of music by such organizations are exempt from copyright royalty fee payment requirements. The performance must not be open to the public, it must accompany a social function, and the proceeds must be used for charitable purposes.

I thank the distinguished chairman of the Senate Judiciary Committee, Senator THURMOND, for his invaluable assistance in bringing this effort to fruition. In addition Senator DECONCINI deserves a very special note of thanks for his support and for chairing the hearings that proved so helpful in studying this matter.

Mr. MELCHER. Mr. President, as a cosponsor of the legislation exempting nonprofit veterans and fraternal organizations from copyright performance royalties, I am happy to see that our efforts will now become law.

While some might view this success as a small victory, I feel the opposite is true.

This law is very important to the organizations involved. Many of the groups impacted do not survive on lavish budgets, but are working every day just to survive as are most of our Nation's people. This bill will make their efforts a little easier.

Certainly the creative genius of the authors and composers is an important national asset.

I am pleased that, in helping these nonprofit organizations, we have not perilously harmed nor denied this genius its fair reward.

As a former actor himself, I am sure the President realizes the value of this legislation and I encourage his approval.

Mr. GRASSLEY. Mr. President, I congratulate Senator ZORINSKY for successfully shepherding H.R. 4441 to this level of consideration. As a cosponsor of this legislation, I have been happy to lend my support to a bill that encourages private action in community-sponsored events.

The message that I as a fiscal conservative must necessarily convey is that more persons must get involved in community-based charitable programs as a means of rendering service to the less fortunate in our society. This legislation bolsters the concept of community service. Nonprofit veterans' and fraternal organizations would be exempted from the requirement of paying certain performance royalty fees for musical works which are used for charitable fundraising.

The intent of this legislation is to provide assistance only to organizations that have a primary purpose of providing charitable services to the community. In order to qualify for the exemption the performance must not be open to the public, as opposed to invitees, must accompany a social function and the proceeds must be used for a charitable purpose.

After reviewing the many worthwhile and needed activities that are conducted by groups such as the Lions' Clubs' work with seeing eye dogs, the youth program of the American Legion, the numerous activities for the elderly sponsored by the Moose lodges, as well as many other examples, it is clear to me that this legislation is invaluable. I urge all of my colleagues to support its enactment.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the House proceedings of the RECORD.)

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MISSING CHILDREN ACT—CONFERENCE REPORT

Mr. BAKER. Mr. President, will the minority leader advise me as to whether he is in a position to consider the conference report on the missing children's bill, H.R. 6976?

Mr. ROBERT C. BYRD. Mr. President, this side of the aisle is ready to proceed.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask that the Chair lay before the Senate the conference report on H.R. 6976.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6976) to amend title 28, United States Code, to require the Attorney General to acquire and exchange information to assist Federal, State, and local officials in the identification of certain deceased individuals and in the location of missing persons (including unemancipated persons), having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the House proceedings of the RECORD.)

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I was pleased to act as a conferee yesterday on the Missing Children's Act and I thank all my fellow colleagues who worked together to reach an agreement on this legislation. Particularly, Senator HAWKINS who has shepherded this legislation through the Congress. I have repeatedly asked myself how can we in Congress ever overcome the community shock and sadness felt over the disappearance and senseless death of a 3-year-old girl, Rachel Runyon? This girl, from my home State, Utah, was playing on her school ground when a man approached her, enticed her away with candy, and after a month search was found dead. Rachel's mangled body was found only 50 miles from her home. What torture she must have endured. What heartbreak her family and friends felt, unaware of where their helpless child might be, or of what help she might need. On November 9, 1980, 11-year-old Kim Peterson of South Salt Lake left his parents' home to see a man who wanted to buy his roller skates. He has not been seen since. Almost a year later, 4-year-old Danny Davis disappeared from a Salt Lake City supermarket where he was shopping with his grandfather. Police are still looking for Danny and his two abductors. Elements of these tragic crimes, where children virtually vanish, are repeated too many times each year in Utah and across the Nation.

This legislation is not a total cure-all for these senseless crimes. But it is an additional tool to help solve and possibly halt these senseless crimes. All too often, police officers are faced with the impossible task of solving these cases without clues. Families' lives are disrupted as they must deal with uncertainty. But this legislation provides a major component to aid in locating the children involved in the estimated annual 1.8 million missing persons cases. This act allows State and local law enforcement agencies to place the names of missing children on the National Crime Information Center computer. Enacted in the compromise agreement, parents will be able to ascertain whether or not their child's name has been placed into the computer files. In addition, the Attorney General may then acquire, collect, classify and preserve such information from parents. I have secured an agreement from the FBI that they will in fact collect such information from the parent if the State and local agencies do not comply with this legislation.

We have learned in Senate hearings that we have the technology and the computer time to develop this accessibility for local and State agencies to utilize. But when Kim Peterson and Danny Davis and others like them who have been missing so long, and their parents have suffered and agonized over their children, the Missing Children's Act cannot be implemented soon enough. We must do everything in our power to help these families find their children.

Mr. BOREN. Mr. President, I support Senator HAWKINS' bill which would establish a national clearinghouse to facilitate the location of missing children. I believe that this is an important initiative. It would provide a Federal information bank so that those unfortunate families whose offspring have disappeared could have some hope of finding them.

Fifty thousand children disappear every year whose families never find them. We can all imagine the agony of those parents who are unsuccessful in learning the fate of their lost offspring. I am aware of one such case in particular. At last year's Oklahoma State Fair, two young girls disappeared in mysterious circumstances. They are yet to be found. Hopefully, this sort of tragedy could be averted in the future by Senator HAWKINS' proposed legislation.

Missing children cause great grief for parents, families and communities. The benefits of establishing a national data bank on missing children far outweigh the relatively minuscule costs of such a program. The need for missing children legislation becomes strikingly evident when we compare the type of national information service that is currently supplied for missing cars. Surely children of America deserve at least the same attention as a mislaid automobile? The FBI presently collates computer information on stolen cars on a national basis, but holds information on only 10 percent of all missing children. Such a simple solution would make a meaningful difference to Americans distressed by the unexplained loss of a child. I urge my colleagues to join in the effort to eradicate unnecessary suffering in families across the country.

Mr. THURMOND. Mr. President, the conferees on S. 240, the Missing Children Act, have worked diligently and have come to a reasonable reconciliation of the differences between the House and the Senate.

The compromise reached will allow parents of missing children to determine from the FBI the existence of information pertaining to their child in the national crime information computer.

The compromise bill authorizes the Attorney General, through the FBI, to collect information concerning a missing child directly from parents in instances where local law enforcement authorities have failed to do so.

Judge William Webster, the Director of the FBI, has assured the conference committee that information obtained directly from parents will be placed in the National Crime Computer in instances where local law enforcement authorities have failed to do so.

I commend the conference committee for a job well done.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Now, Mr. President, let me have just a moment to get my bearings. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have a few items here that I believe have been cleared on both sides. First, I would inquire of the minority leader if he is prepared to proceed to the consideration of S. 1573, a House message on Lake Oswego, Oreg.

Mr. ROBERT C. BYRD. Yes, Mr. President, this side is ready and delighted to proceed.

Mr. BAKER. I thank the minority leader.

LAKE OSWEGO HYDROELECTRIC FACILITY

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1573.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1573) entitled "An act to exempt the Lake Oswego, Oregon, hydroelectric facility from part I of the Federal Power Act (Act of June 10, 1920) as amended, and for other purposes", do pass with the following amendment:

Page 1, line 7, after the period, insert:

Notwithstanding the preceding sentence, this Act shall not be construed to affect the applicability of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) to the Lake Oswego, Oregon, hydroelectric facility or to Lake Oswego.

The PRESIDING OFFICER. The Senator from Oregon.

LAKE OSWEGO LEGISLATION

Mr. HATFIELD. Mr. President, I rise to ask unanimous consent that the Senate agree to an amendment of S.

1573, added in the House, and pass the bill as amended.

This legislation passed this body unanimously in May of this year. It was introduced by me, and cosponsored by Senator PACKWOOD. The bill exempts Lake Oswego, a small lake near Portland, Oreg., from part I of the Federal Power Act of 1920 and section 408 of the Energy Security Act of 1980, thus bringing it outside of the regulatory reach of the Federal Energy Regulatory Commission.

S. 1573 was unanimously passed by the House with an amendment. The amendment was added during consideration of the bill by the House Energy and Commerce Committee. It was offered by the distinguished chairman of that committee, Mr. DINGELL, and, after striking the final words, states:

Provided, however, That nothing in this Act shall affect the applicability of the Fish and Wildlife Coordination Act to Lake Oswego.

The effect of this amendment is to make certain that in exempting Lake Oswego from FERC jurisdiction and part I of the Federal Power Act the triggers contained in part I of that act, which would normally bring into effect the Fish and Wildlife Coordination Act, are preserved in this legislation.

Senator PACKWOOD and I have no objection to this amendment. On the contrary, we applaud it, as do the homeowners around Lake Oswego, who make up the Lake Oswego Corp. As I read the Fish and Wildlife Coordination Act, what will be required as a consequence of this amendment is that the Lake Oswego authorities may consult with the Fish and Wildlife Service of the Department of the Interior, together with State of Oregon fish and wildlife preservation authorities, to determine the best way in which the natural habitat of Lake Oswego can be preserved.

Mr. President, I would like to take this opportunity to thank my distinguished colleagues, Mr. WYDEN and Mr. AUCOIN for their help in moving this important legislation through the House of Representatives. Together, we have removed a regulatory impediment from a homeowner's association that should have never become a problem in the first place.

I therefore move that we accept S. 1573 with the House amendment, and pass the bill unanimously.

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

Mr. BAKER. Mr. President, before I call up the next item, I understand the distinguished chairman of the Budget Committee wishes me to yield to him.

SECOND BUDGET RESOLUTION FOR FISCAL YEAR 1983

Mr. DOMENICI. Mr. President, today October 1, 1982, is the first day of fiscal year 1983. I remind the Senate that today is also the day on which the Congress has an approved second budget resolution for the fiscal year which begins today.

The first budget resolution for fiscal year 1983 (S. Con. Res. 92) was approved by the House and Senate on June 23 1982. That resolution included a provision for its automatic conversion into the second budget resolution for fiscal year 1983. Specifically, section 7 of Senate Concurrent Resolution 92 reads as follows:

If Congress has not completed action by October 1, 1982, on the concurrent resolution on the budget required to be reported under section 310(a) of the Budget Act for the 1983 fiscal year, then, for the purposes of section 311 of such act, and section 4 of this resolution, this concurrent resolution shall be deemed to be the concurrent resolution required to be reported under section 310(a) of such act.

October 1 has arrived and Congress has not adopted a budget resolution revising Senate Concurrent Resolution 92. That resolution thus becomes the second budget resolution for fiscal year 1983, effective today.

Neither the House nor the Senate Budget Committee has reported a proposed revision of Senate Concurrent Resolution 92 to their respective bodies.

As chairman of the Senate Budget Committee, I feel I should explain briefly to my colleagues why I did not recommend a revision of Senate Concurrent Resolution 92 to the other members of the Budget Committee and why I do not recommend such revision to the full Senate.

Certain economic and technical changes in the budget outlook have been reported by both the Office of Management and Budget (OMB) and the Congressional Budget Office (CBO) since adoption of the first budget resolution. In the case of the economic outlook, the CBO has updated its projection of economic trends while the OMB basically adopted the first budget resolution economic assumptions. Although the midpoint of the CBO economic forecast is more pessimistic than the economic forecast used in constructing the first budget resolution, that forecast remains within the range of the latest CBO estimates. Given these facts, as well as the uncertainty in the economic outlook, I believe the best course of action is not to change the first budget resolution economic assumptions at this time.

In the case of the technical budget estimates, although the CBO technical revisions for fiscal year 1983–85 are sizable, two-thirds of the CBO revisions consist of technical reestimates known at the time of the first budget resolution and specifically rejected at that time by the Congress. Moreover, the OMB technical revisions for the same period are very small. Under these circumstances, I believe it unwise to change the technical estimates at this time.

Likewise, I believe that it would be unwise to change the policy assumptions of the first budget resolution at this time. The Congress has made considerable progress in implementing the policy assumptions of the budget resolution, but that effort is not yet completed for this session of Congress. The revenue and spending changes that the first budget resolution mandated through the reconciliation process are now complete, but the appropriations actions are far from complete. As we all know, we are now destined to have a lameduck session after the election at which further work will be done on fiscal year 1983 appropriations.

I believe the best course of action is to give the appropriations process the time necessary to run its course without the intrusion of policy changes in the middle of that action. To do otherwise would be totally confusing and unfair. Two days ago in a colloquy with me here on the Senate floor, the chairman of the Appropriations Committee reiterated his commitment to carry out his committee's portion of the policies incorporated in the budget resolution. I am confident that will be done with the same vigor as the authorizing committees discharged their responsibilities with respect to the reconciliation legislation. The Appropriations Committees should be given the chance to complete their work without the complexities which would be added if the budget resolution were revised.

If policy changes are required beyond those mandated in the existing budget resolution—and I suspect this may ultimately prove to be needed—it would be far better to make such changes during the next session of Congress in connection with deliberations on the first budget resolution for fiscal year 1984. That will allow the Appropriations Committees to complete their work this year under the same ground rules followed by the authorizing committees in the reconciliation process. And by next spring, when all of this year's policy actions will have been completed, the Congress will be in a much better position to judge what further policy changes will be required to carry out an appropriate Federal fiscal policy.

For all these reasons, I concluded that the second budget resolution for fiscal year 1983 should be provided through operation of section 7 of Senate Concurrent Resolution 92

rather than through approval of a new resolution.

ADMISSION OF CERTAIN CHILDREN OF UNITED STATES CITIZENS

Mr. BAKER. Next, Mr. President, I am prepared to take up a House message on S. 1698, if the minority leader has no objection.

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

Mr. BAKER. Mr. President, I ask the Chair then to lay before the Senate a message from the House on S. 1698.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1698) entitled "An Act to amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of United States citizens", do pass the following amendments:

Page 2, line 9, strike out "(h)(1)" and insert: "(g)(1)".

Page 2, line 10, strike out "(2)", and insert: "(21)(A)".

Page 2, line 14, strike out all after "shall," down to and including "subsection," in line 16, and insert: "if the conditions described in paragraph (2) are met,".

Page 2, line 17, strike out "Department", and insert: "secretary".

Page 2, strike out lines 18 to 25, and insert:

"(2) The Attorney General may approve a petition for an alien under paragraph (1) if—

"(A) he has reason to believe that the alien (i) was born in Korea, Vietnam, Laos, Kampuchea, or Thailand after 1950 and before the date of the enactment of this subsection, and (ii) was fathered by a United States citizen;

"(B) he has received an acceptable guarantee of legal custody and financial responsibility described in paragraph (4); and

"(C) in the case of an alien under 18 years of age, (i) the alien's placement with a sponsor in the United States has been arranged by an appropriate public, private, of State child welfare agency licensed in the United States and actively involved in the intercountry placement of children and (ii) the alien's mother or guardian has in writing irrevocably released the alien for emigration.".

Page 3, strike out lines 6 and 7, and insert: "determinations described in subparagraphs (A) and (C)(i) of paragraph (2); and".

Page 3, line 15, strike out "financial support", and insert "legal custody and financial responsibility".

Page 3, line 20, after "older.", insert: ", is of good moral character,".

Page 3, line 23, after "agrees", insert:

"(I) in the case of an alien under 18 years of age, to assume legal custody for the alien after the alien's departure to the United States and until the alien becomes 18 years of age, in accordance with the laws of the State where the alien and the sponsor will reside, and (II)".

Page 4, line 1, after "or", insert: "during the period".

Page 4, line 16, strike out "financial support," and insert: "legal custody and financial responsibility".

Page 4, line 20, strike out "of his estate", and insert: "or his estate".

Page 4, line 22, strike out "title II", and insert: "title 11".

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

AMENDMENT OF THE DISTRICT OF COLUMBIA SELF-GOVERNMENT AND GOVERNMENTAL REORGANIZATION ACT

Mr. BAKER. Mr. President, if the minority leader has no objection, I would like to proceed to H.R. 6276, calendar No. 864.

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

Mr. BAKER. Mr. President, I thank the minority leader.

I ask that the Chair lay before the Senate H.R. 6276.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 6276) to amend the District of Columbia Self-Government and Governmental Reorganization Act to allow the issuance of revenue bonds to finance college and university programs which provide student educational loans.

The Senate proceeded to the consideration of the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 6276) was ordered to a third reading, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Next, Mr. President, is S. 2580, if the minority leader is prepared to consider it.

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate Calendar Order No. 925, S. 2580.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2580) to establish the Christopher Columbus Quincentenary Jubilee Commission.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments, as follows:

On page 3, line 10, strike "shall", through and including "Act." on line 11, and insert "shall be made by October 1, 1983, members of the Commission, except honorary members, shall take office on October 1, 1983";

On page 3, line 22, strike "one year after the date of the enactment of this Act", and insert "October 1, 1984";

On page 4, line 9, strike "two years after the date of the enactment of this Act", and insert "October 1, 1985";

On page 11, strike line 23, through and including page 12, line 2, and insert the following:

SEC. 11. (a) There are authorized to be appropriated to carry out the provisions of this Act, $200,000 for the fiscal year ending September 30, 1984, $250,000 per fiscal year for each of the fiscal years ending before October 1, 1992, and $50,000 for the period beginning on October 1, 1992, and ending on November 15, 1992.

(b) Amounts appropriated under this section for any fiscal year shall remain available until November 15, 1992.

On page 12, line 5, Strike "April 30, 1993" and insert "November 15, 1992".

So as to make the bill read:

S. 2580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Christopher Columbus Quincentenary Jubilee Act".

DECLARATION OF POLICY

SEC. 2. As this Nation approaches the quincentennial of the voyages of discovery of Christopher Columbus, it is the policy of the Congress to celebrate and commemorate this anniversary through local, national, and international observances and activities planned, encouraged, coordinated, and conducted by a national commission representative of appropriate public and private authorities and organizations.

ESTABLISHMENT; COMPOSITION

SEC. 3. (a) There is established a commission to be known as the Christopher Columbus Quincentenary Jubilee Commission (hereinafter referred to as the "Commission") to plan, encourage, coordinate, and conduct the commemoration of the voyages of discovery of Christopher Columbus.

(b) The Commission shall be composed of thirty-one members, as follows:

(1) Four Members of the Senate shall be appointed by the President of the Senate.

(2) Four Members of the House of Representatives shall be appointed by the Speaker of the House of Representatives.

(3) Eighteen members who are not otherwise employees or officers of the United States shall be appointed by the President, no more than nine of whom may be identified with any one political party, and who are broadly representative of the people of the United States.

(4) The Secretary of State.

(5) The Secretary of the Interior.

(6) The Librarian of Congress.

(7) The Secretary of the Smithsonian Institution.

(8) The Chairman of the Federal Council on the Arts and Humanities.

(c) The Secretary of the Interior shall call the first meeting, for the purpose of electing a Chairman and Vice Chairman from among the members of the Commission described in clause (3) of subsection (b). The Commission may appoint honorary members, and may establish an Advisory Council to assist the Commission in its work.

(d) Appointments provided for in this section, with the exception of honorary members, shall be made by October 1, 1983. Members of the Commission, except honorary members, shall take office on October 1, 1983. Vacancies shall be filled in the same manner in which the original appointments were made.

DUTIES

SEC. 4. (a) It shall be the duty of the Commission to prepare a comprehensive program for commemorating the quincentennial of the voyages of discovery of Christopher Columbus, and to plan, encourage, coordinate, and conduct observances and activities commemorating events which took place primarily in 1492.

(b) The Commission may convene a national assembly not later than October 1, 1984. The national assembly shall consider and make recommendations to the Commission for the most fitting and appropriate activities to commemorate the quincentennial. The Commission may invite the chief executives of each of the several States and territories of the United States to appoint representatives to the national assembly. Appropriate Federal departments and agencies, State and local public bodies, learned societies, and historical, patriotic, philanthropic, civic, professional, and related organizations may also be invited to appoint representatives. The Commission shall establish procedures for the conduct of the national assembly.

(c) Not later than October 1, 1985, the Commission shall submit to Congress a comprehensive report incorporating its recommendations for the commemoration of the quincentennial of the voyages of discovery of Christopher Columbus. The report required by this subsection shall include—

(1) recommendations for appropriate activities for the commemoration, including—

(A) the production, publication, and distribution of books, pamphlets, films, and other educational materials focusing on the history, culture, and political thought of the lands Christopher Columbus traveled from and to during the voyages of discovery.

(B) bibliographical and documentary projects and publications,

(C) conferences, convocations, lectures, seminars, and other similar programs,

(D) the development of libraries, museums, and exhibits, including mobile exhibits,

(E) ceremonies and celebrations commemorating specific events,

(F) programs focusing on the international significance of the voyages of discovery of Christopher Columbus, and

(G) the issuance of commemorative coins, medals, and stamps;

(2) recommendations for the allocation of financial and administrative responsibility among the public agencies and private organizations recommended for participation by the Commission; and

(3) recommendations for such legislation and administrative actions as the Commission deems necessary to carry out the commemoration of the voyages of discovery.

The President shall transmit the Commission's report to the Congress together with such comments and additional recommendations for legislation and administrative actions as the President deems appropriate.

(d) The Commission shall prepare and submit to the Congress an annual report of the activities of the Commission, including an accounting of funds received and expended.

(e) In preparing its plans and programs, the Commission shall consider any related plans and programs developed by State and local, and foreign governments, and private groups.

(f) The Commission may designate special committees and invite representatives from such public agencies and private organizations to assist the Commission in carrying out this section as the Commission deems appropriate.

ADDITIONAL FUNCTIONS

SEC. 5. In carrying out the purposes of this Act, the Commission is authorized to provide for—

(1) the preparation, distribution, dissemination, exhibition, and sale of historical, commemorative, and informational materials and objects which will contribute to public awareness of, and interest in, the quincentennial;

(2) competitions, commissions, and awards for historical, scholarly, artistic, literary, musical, and other works, programs, and projects relating to the quincentennial; and

(3) a quincentennial calendar or register of programs and projects, and in other ways provide a central clearinghouse for information and coordination regarding dates, events, places, documents, artifacts, and personalities and quincentennial historical and commemorative significance.

COORDINATION OF EFFORTS

SEC. 6. (a) In carrying out the purposes of this Act, the Commission is authorized and directed to consult, cooperate with, and seek advice and assistance from appropriate Federal departments and agencies, State and local public bodies, foreign governments, learned societies, and historical, patriotic, philanthropic, civic, professional, and related organizations. Such Federal departments and agencies are authorized and requested to cooperate with the Commission in planning, encouraging, coordinating, and conducting appropriate commemorative activities.

(b) The Secretary of State shall undertake a study of appropriate cooperative actions which might be taken with foreign governments to preserve and develop historic sites related to the voyages of discovery of Christopher Columbus, at such time and in such manner as will insure that fitting observances and exhibits may be held at each such site during the commemoration. (In particular, the Secretary shall consult with the governments of the nations of the Western Hemisphere which share the Columbian heritage and with the governments of Italy and Spain with respect to joint participation in events in the United States and in such nations.) The Secretary shall submit the results of the study to the Commission, together with his recommendations, affording the Commission an opportunity to review the study, and to incorporate such of its findings and recommendations as the Commission may deem appropriate in the report required by section 3(d).

(c) The Chairman of the Federal Council on the Arts and Humanities, the Chairman of the National Endowment for the Arts, and the Chairman of the National Endowment for the Humanities are authorized and directed to cooperate with the Commission, especially in the encouragement and coordination of scholarly works and presentations focusing on the history, culture, and political thought of the period surrounding the voyages of discovery.

(d) The Librarian of Congress, the Secretary of the Smithsonian Institution, and the Archivist of the United States are authorized and directed to cooperate with the Commission, especially in the development and distribution of bibliographies, catalogs, and other materials relevant to the period.

DONATIONS

SEC. 7. (a) The Commission is authorized to accept donations of money, property, or personal services.

(b) All books, manuscripts, miscellaneous printed matter, memorabilia, relics, and other materials relating to the period and donated to the Commission may be deposited for preservation in national, State, or local libraries or museums or be otherwise disposed of by the Commission after consultation with the Librarian of Congress, the Secretary of the Smithsonian Institution, the Archivist of the United States, and the Administrator of General Services, as the case may be.

ADMINISTRATION

SEC. 8. (a)(1) The Chairman, with the advice of the Commission, shall appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, a Director who will be compensated at level IV of the Executive Schedule established under section 5315 of such title and a Deputy Director who will be compensated at level V of the Executive Schedule established under section 5316 of such title. Such officers shall serve at the pleasure of the Chairman.

(2) The Commission shall delegate such powers and duties to the Director as may be necessary for the efficient operation and management of the Commission.

(b) Subject to such rules and regulations as may be adopted by the Commission, the Commission is authorized to—

(1) appoint and fix the compensation of such additional personnel as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at such rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title;

(2) appoint such advisory committees as it deems necessary;

(3) procure services as authorized by section 3109 of title 5, United States Code;

(4) procure supplies, services, and property; make contracts; expend in furtherance of this Act funds appropriated, donated, or received in pursuance of contracts hereunder;

(5) enter into agreements with the General Services Administration for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of the General Services Administration; and

(6) exercise such authority necessary to carry out efficiently and in the public interest the provision of this Act.

COMPENSATION

SEC. 9. The members of the Commission shall serve without compensation. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

PENALTY

SEC. 10. Any peson who, except as authorized under rules and regulations issued by the Commission, knowingly manufactures, reproduces, or uses any logos, symbols, or marks originated under authority of and certified by the Commission for use in connection with the commemoration of the quincentennial, or any facsimile thereof, or in such a manner as suggests any such logos, symbols, or marks, shall be fined not more than $250, or imprisoned not more than six months, or both. This section shall only apply in the case of such logos, symbols, and marks for which the Commission has published in the Federal Register a notification of certification.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 11. (a) There are authorized to be appropriated to carry out the provisions of this Act. $200,000 for the fiscal year ending September 30, 1984, $250,000 per fiscal year for each of the fiscal years ending before October 1, 1982, and $50,000 for the period beginning on October 1, 1992, and ending on November 15, 1992.

(b) Amounts appropriated under this section for any fiscal year shall remain available until November 15, 1992.

TERMINATION

SEC. 12. (a) A final report shall be made to the Congress no later than November 15, 1992, upon which date the Commission shall terminate.

(b) Any property acquired by the Commission remaining upon its termination may be used by the Secretary of the Interior for purposes of the National Park Service, or may be disposed of in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

Mr. BAKER. Mr. President, I move that the committee amendments be agreed to en bloc.

The motion was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPREHENSIVE FORFEITURE ACT OF 1982

Mr. BAKER. Mr. President, I would like to take up S. 2320, if the minority leader will agree.

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate Calendar Order No. 749, S. 2320.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2320) to amend section 1963 of title 18, United States Code, and the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.) to provide for the criminal foreiture of the proceeds of racketeering activity, to provide for the sanction of criminal forfeiture for all felony drug offenses, to facilitate forfeitures in drug related and racketeering cases, and for other purposes.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

(Subsequently, the foregoing action was initiated.)

Mr. BAKER. Mr. President, in connection with this item, I am advised that it is the wish of the managers that the Senate now proceed to consideration of H.R. 7140. In a moment I will ask that all after the enacting clause be stricken and the text of S. 2320 just adopted be substituted in lieu thereof. If the minority leader has no objection to that procedure, I am prepared to proceed.

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

Mr. BAKER. I thank the Senator.

Mr. President, I ask that the Senate now proceed to the consideration of H.R. 7140.

Mr. BAKER. Mr. President, if I may ask the indulgence of the minority leader, I am told that H.R. 7140 is in the Judiciary Committee.

I ask unanimous consent that the Judiciary Committee be discharged from further consideration of that measure and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 7140) to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to improve forfeiture provisions and strengthen penalties for controlled substances offenses, and for other purposes.

UP AMENDMENT NO. 1392

Mr. BAKER. Mr. President, I send to the desk an amendment to this measure, on behalf of the distinguished Senator from South Carolina (Mr. THURMOND), and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), on behalf of Mr. THURMOND, proposes an unprinted amendment numbered 1392.

Mr. BAKER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection , it it so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

"TITLE—FORFEITURE

"SEC. . This title may be cited as the "Comprehensive Forfeiture Act of 1982".

"PART A

"SEC. . Section 1963 of title 18 of the United States Code is amended to read as follows:

"§ 1963. Criminal penalties

"(s) Whoever violates any provision of section 1962 of this chapter—

"(1) shall be fined not more than $25,000 or imprisoned for not more than twenty years, or both; and

"(2) shall forfeit to the United States any property, irrespective of any provision of State law—

"(A) constituting, or derived from, any interest in or contribution to an enterprise he has acquired, maintained, established, operated, controlled, conducted, or participated in the conduct of, in violation of section 1962 of this chapter;

"(B) constituting a means by which he has exerted influence or control over any enterprise he has acquired, maintained, established, operated, controlled, conducted, or participated in the conduct or control of, in violation of section 1962 of this chapter; and

"(C) constituting, or derived from, any proceeds which he obtained, directly or indirectly, from racketeering activity or unlawfurl debt collection in violation of section 1962 of this chapter.

The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to this section, that he forfeit to the United States all property described in paragraph (2).

"(b) Property subject to criminal forfeiture under this section includes—

"(1) real property, including things growing on, affixed to, and found in land; and

"(2) tangible and intangible personal property, including rights, privileges, interests, claims, and securities including, but not limited to—

"(A) any position, office, appointment, tenure, commission, or employment contract of any kind which the incumbent acquired or maintained in violation of section 1962 of this chapter, through which the incumbent conducted, or participated in or facilitated the conduct of, the affairs of an enterprise in violation of section 1962 of this chapter, or which afforded the incumbent a source of influence or control over the affairs of an enterprise which was exercised in violation of section 1962 of this chapter;

"(B) any compensation, right or benefit derived from a position, office, appointment, tenure, commission, or employment contract described in subparagraph (A) which the incumbent obtained, directly or indirectly, through a pattern of racketeering activity or unlawful debt collection in violation of section 1962 of this chapter, or which accrued to the incumbent during the period that he controlled, influenced, conducted, or participated in or facilitated the conduct of, the affairs of the enterprise in violation of section 1962 of this chapter; and

"(C) any amount payable or paid under any contract for goods or services which was awarded or performed through a pattern of racketeering activity or unlawful debt collection.

"(c) All right, title, and interest in property described in subsection (a)(2) vests in the United States upon the commission of the act giving rise to forfeiture under this sec-

tion. Any such property that is held in the name of, or possessed by, a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall by ordered forfeited to the United States: *Provided*, That the Attorney General shall not direct disposition of any such property if, in a proceeding under subsection (h), the person establishes to the Attorney General by evidence contained in a petition for remission or mitigation of forfeiture, that—

"(1) the person was a bona fide purchaser of the property for value; and

"(2) the person was reasonably with cause to believe that the property was of the type described in subsection (a)(2).

"(d) If any of the property described in subsection (a)(2)—

"(1) cannot be located,

"(2) has been transferred to, sold to, or deposited with, third party,

"(3) has been placed beyond the jurisdiction of the court,

"(4) has been substantially diminished in value by any act or omission of the defendant, or

"(5) has been commingled with other property which cannot be divided without difficulty, the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"(e)(1) Upon application of the United States, the court may, after a hearing with respect to which any adverse parties have been given reasonable notice and opportunity to participate, enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a)(2) for forfeiture under this section--

"(A) upon the filing of an indictment or information charging a violation of section 1962 of this chapter and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if the court determines—

"(i) that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that the property is in the possession or control of the party against whom the order is to be entered, and

"(ii) that the party against whom the order is to be entered has failed to demonstrate that the entry of the requested order would result in substantial and irreparable harm or injury to him that outweighs the need to preserve the availability the property through the entry of the requested order: *Provided, however,* That an order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

"(2) Upon application of the United States, a temporary restraining order to preserve the availability of property described in subsection (a)(2) for forfeiture under this section may be granted without notice to the adverse party or his attorney if—

"(A) an indictment or information described in paragraph (1)(A) has been filed or if the court determines that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that the property is in the possession or control of the party against whom the order is to be entered; and

"(B) the court determines that the nature of the property is such that it can be concealed, disposed of, or placed beyond the jurisdiction of the court before the adverse party may be heard in opposition.

A temporary order granted without notice to the adverse party shall expire within such time, not to exceed ten days, as the court fixes, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. If a temporary restraining order is granted without notice to the adverse party, a hearing concerning the entry of an order under paragraph (1) shall be held at the earliest possible time and prior to the expiration of the temporary order.

"(f) Upon conviction of a person under this section, the court shall enter a judgment of forfeiture of the property to the United States and shall also authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following the entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to or derived from an enterprise, or an interest in an enterprise, ordered forfeited under this section may be used to offset ordinary and necessary expenses to the enterprise which are required by law, or which are necessary to protect the interests of the United States or third parties.

"(g) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of the property by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with him or on his behalf be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or a person acting in concert with him or on his behalf, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm or loss to him. The proceeds of any sale or other disposition of property forfeited under this section and any moneys forfeited shall be used to pay all proper expenses for the forfeiture and the sale, including expenses of seizure, maintenance and custody of the property pending in disposition, advertising and court costs. The Attorney General shall forward to the Treasurer of the United States for deposit in the general fund of the United States Treasury any amounts of such proceeds or moneys remaining after the payment of such expenses.

"(h) With respect to property ordered forfeited under this section, the Attorney General is authorized to—

"(1) grant petitions for mitigation, or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this chapter;

"(2) compromise claims arising under this chapter;

"(3) award compensation to persons providing information resulting in a forfeiture under this section;

"(4) direct the disposition by the United States of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

A person who has filed a petition for remission or mitigation of forfeiture under this subsection, and who is dissatisfied with the Attorney General's decision regarding his petition, may obtain review of the Attorney General's decision in the district court in which the order of forfeiture was entered. The court shall set aside the decision of the Attorney General if it finds, based on the record of the petition proceedings, that the decision is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

"(i) The Attorney General shall within one hundred and eighty days of the enactment of this Act promulgate regulations with respect to—

"(1) making reasonable efforts to provide notice to persons who may have an interest in property ordered forfeited under this section;

"(2) granting petitions for remission or mitigation of forfeiture;

"(3) the restitution of property to victims of an offense petitioning for remission or mitigation of forfeiture under this chapter;

"(4) the disposition by the United States of forfeited property by public sale or other commercially feasible means;

"(5) the maintenance and safekeeping of any property forfeited under this section pending its disposition; and

"(6) the compromise of claims arising under this chapter.

Pending the promulgation of such regulations, all provisions of law relating to the disposition of property, or the proceeds from the sale thereof, or the remission or mitigation of forfeitures for violation of the customs laws, and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions hereof. Such duties as are imposed upon the Customs Service or any person with respect to the disposition of property under the customs law shall be performed under this chapter by the Attorney General.

"(j) Except as provided in this section, no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property, prior to or during the trial or appeal of the

criminal case, or during the period in which any petition for remission or mitigation of forfeiture is pending before the Attorney General.

"(k) The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"(l) In order to facilitate the identification or location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under rule 15 of the Federal Rules of Criminal Procedure.".

PART B

SEC. . Part D of title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by adding at the end thereof the following new section:

"CRIMINAL FORFEITURES

"PROPERTY SUBJECT TO CRIMINAL FORFEITURE

"SEC. . Any person convicted of a violation of this title or title III punishable by imprisonment for more than one year shall forfeit to the United States, irrespective of any provision of State law—

"(1) any property constituting, or derived from, any proceeds he obtained, directly or indirectly as the result of such violation;

"(2) any of this property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation; and

"(3) in the case of a person convicted of engaging in a continuing criminal enterprise in violation of section 408 of this title (21 U.S.C. 848), he shall forfeit, in addition to any property described in paragraphs (1) or (2), any of his interest in, claims against, and property or contractual rights affording a source of control over, the continuing criminal enterprise.

The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to this title or title III, that he forfeit to the United States all property described in this subsection.

"Meaning of Term 'Property'

"(b) Property subject to criminal forfeiture under this section includes—

"(1) real property, including things growing on, affixed to, and found in land; and

"(2) tangible and intangible personal property, including rights, privileges, interests, claims and securities.

"Third Party Transfers

"(c) All right, title, and interest in property described in subsection (a) vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is held in the name of, or possessed by, a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States: *Provided,* That the Attorney General shall not direct disposition of any such property if, in a proceeding under subsection (i), the person establishes to the Attorney General by evidence contained in a petition for remission or mitigation of forfeiture, or the Attorney General otherwise has reason to known, that—

"(1) the person was a bona fide purchaser of the property for value; or

"(2) the person was reasonably without cause to believe that the property was of the type described in subsection (a).

"Substitute Assets

"(d) If any of the property described in subsection (a)—

"(1) cannot be located,

"(2) has been transferred to, sold to, or deposited with a third party,

"(3) has been placed beyond the jurisdiction of the court,

"(4) has been substantially diminished in value by any act or omission of the defendant, or

"(5) has been commingled with other property which cannot be divided without difficulty,

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

"Protective Orders

"(e)(1) Upon application of the United States, the court may, after a hearing with respect to which any adverse parties have been given reasonable notice and opportunity to participate, enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section—

"(A) upon the filing of an indictment or information charging a violation of this title or title III for which criminal forfeiture may be ordered under this section and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

"(B) prior to the filing of such an indictment or information, if the court determines—

"(i) that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that the property is in the possession or control of the party against whom the order is to be entered, and

"(ii) that the party against whom the order is to be entered has failed to demonstrate that the entry of the requested order would result in substantial and irreparable harm or injury to him that outweighs the need to preserve the availability of the property through the entry of the requested order:

Provided, however, That an order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

* * *

"(A) an indictment or information described in paragraph (1)(A) has been filed or if the court determines that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that the property is in the possession or control of the party against whom the order is to be entered; and

"(B) the court determines that the nature of the property is such that it can be concealed, disposed of, or placed beyond the jurisdiction of the court before the adverse party may be heard in opposition.

A temporary order granted without notice to the adverse party shall expire within such time, not to exceed ten days, as the court fixes, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. if a temporary restraining order is granted without notice to the adverse party, a hearing concerning the entry of an order under paragraph (1) shall be held at the earliest possible time and prior to the expiration of the temporary order.

"Warrant of Seizure

"(f) The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant. If the court determines that there is probable cause to believe that the property to be seized would, in the event of conviction, be subject to forfeiture and that an order under subsection (f) may not be sufficient to assure the availability of the property for forfeiture, the court shall issue a warrant authorizing the seizure of such property.

"Execution

"(g) Upon entry of an order of forfeiture under this section, the court shall authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to or derived from property ordered forfeited under this section may be used to offset ordinary and necessary expenses to the property which are required by law, or which are necessary to protect the interests of the United States or third parties.

"Disposition of Property

"(h) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of the property by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with him or on his behalf be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or a person acting in concert with him or on his behalf, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm, or loss to him.

"Authority of the Attorney General

"(i) With respect to property ordered forfeited under this section, the Attorney General is authorized to—

"(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this chapter;

"(2) compromise claims arising under this chapter;

"(3) award compensation to persons providing information resulting in a forefeiture under this section;

"(4) direct the disposition of the United States, in accordance with the provisions of section 511(e) of this title (21 U.S.C. 881(e)), of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

"(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

A person who has filed a petition for remission or mitigation of forfeiture under this subsection, and who is dissatisfied with the Attorney General's discision regarding his petition, may obtain review of the Attorney General's decision in the district court in which the order of forefeiture was entered. The court shall set aside the decision of the Attorney General if it finds, based on the record of the petition proceedings, that the decision is arbitrary, capricious, and abuse of discretion, or otherwise not in accordance with law.

"Applicability of Civil Forfeiture Provisions

"(j) Except to the extent that they are inconsistent with the provisions of this section, the provisions of section 511(d) of this title (21 U.S.C. 881(d)) shall apply to a criminal forfeiture under this section.

"Bar on Intervention; Exhaustion of Administrative Remedies

"(k) Except as provided in this section, no party claiming an interest in property subject to forfeiture under this section may—

"(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

"(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property, prior to or during the trial or appeal of the criminal case, or during the period in which any petition for remission or mitigation of forfeiture is pending before the Attorney General.

"Jurisdiction to Enter Orders

"(l) The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

"Depositions

"(m) In order to facilitate the identification and location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under rule 15 of the Federal Rules of Criminal Procedure.".

SEC. . Section 304 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 824) is amended by adding at the end of subsection (f) the following sentence: "All right, title, and interest in such controlled sustances shall vest in the United States upon a revocation order becoming final.".

SEC. . Section 408 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 848) is amended—

(a) in subsection (a)—

(1) by striking out "(1)";

(2) by striking out "paragraph (2)" each time it appears, and inserting in lieu thereof "section 413 of this title"; and

(3) by striking out paragraph (2); and

(b) by striking out subsection (d).

SEC. . Section 511 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881) is amended—

(a) in subsection (a) by inserting at the end thereof the following new subsection:

"(7) All real property, including any right, title, and interest in the whole of any lot or tract of land and any appurtenances or improvements, which is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of this title punishable by more than one year's imprisonment, except that no property shall be forfeited under this paragraph, to the extent of an interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.";

(b) in subsection (b)—

(1) by inserting "civil or criminal" after "Any property subject to"; and

(2) by striking out in paragraph (4) "has been used or is intended to be used in violation of" and inserting in lieu thereof "is subject to civil or criminal forfeiture under ";

(c) in subsection (c)—

(1) by inserting in the second sentence "any of" after "Whenever property is seized under"; and

(2) by inserting in paragraph (3) ", if practicable," after "remove it";

(d) in subsection (d) by inserting "any of" after "alleged to have been incurred, under";

(e) in subsection (e)—

(1) by inserting "civilly or criminally" in the first sentence after "Whenever property is"; and

(2) by striking out in paragraph (3) "remove it for disposition" and inserting in lieu thereof "and dispose of it"; and

(f) by inserting at the end thereof the following new subsections:

"(h) All right, title, and interest in property described in subsection (a) shall vest in the United States upon commission of the act giving rise to forfeiture under this section.

"(i) Pending, or upon, the filing of an indictment or information charging a violation of this title or title III for which criminal forfeiture may be ordered under section 413 of this title, and alleging that property would, in the event of conviction, be subject to criminal forfeiture, any civil forfeiture proceeding concerning such property commenced under this section shall, for good cause shown, be stayed pending disposition of the criminal case.".

SEC. . Part A of title III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by adding at the end thereof the following new section:

"CRIMINAL FORFEITURES

" 'SEC. 1017. Section 413 of title II, relating to criminal forfeitures, shall apply in every respect to a violation of this title punishable by imprisonment for more than one year.'.

"SEC. . The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended—

"(a) by adding immediately after

"Sec. . Applicability of treaties and other international agreements."

the following new item:

"Sec. . Criminal forfeitures.'; and

"(b) by adding immediately after

"Sec. 1016. Authority of Secretary of the Treasury."

the following new item:

"Sec. 1017. Criminal forfeitures.".

"PART C

"SEC. . (a) Section 511 (e)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1972 (21 U.S.C. 881) is amended by adding after "retain the property for official use" the following: "or transfer the custody or ownership of any forfeited property to any Federal, State, or local agency pursuant to section 616 of the Tariff Act of 1930 (19 U.S.C. 1616)".

"(b) Section 511 (e) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881 (e)) is further amended by striking out all that follows 'this subchapter shall be' and inserting in lieu thereof the following: deposited in the Drug Assets Forfeiture Fund.

"SEC. . The Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881 et seq.) is amended by inserting after section 516 the following new section to read as follows:

"§ 517. Drug assets forfeiture fund

"(a) There is hereby established in the Treasury of the United States a special account that shall be entitled the 'Drug Assets Forfeiture Fund.' This account shall be available without fiscal year limitations for the following purposes of the United States Department of Justice:

"(1) the payment of all expenses necessary to inventory, safeguard and maintain property under seizure, detention or forfeited pursuant to any provision of this Act. Expenses of maintenance may include payments for contract services and payments to reimburse any Federal, State, or local agency for any expenditures made to perform the foregoing functions;

"(2) the payment of awards for information or assistance leading to a civil or criminal forfeiture under, or regarding any violation of, this Act, at the discretion of the Attorney General;

"(3) the payment of valid liens and mortgages against any property that has been forfeited pursuant to any provision of this Act, subject to the discretion of the Attorney General to determine the validity of any such lien or mortgage and the amount of payment to be made.

"(b) The Drug Assets Forfeiture Fund shall be initially funded by any sums not otherwise obligated from the 1981 and 1982 fiscal year appropriations of the United States Department of Justice.

"(c) All proceeds from the sale or other disposition of property forfeited under any provision of this Act and any seized and forfeited currency shall be deposited to the Drug Assets Forfeiture Fund.

"(d) At the end of each calendar quarter, any sums in the Fund in excess of ten million dollars shall be transferred to the gen-

eral fund of the Treasury of the United States.

"(e) Amounts in the Fund which are not currently needed for the purposes of this subsection shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

"(f) Within sixty days of the end of each fiscal year, the Attorney General shall report to the appropriate oversight committee of the Congress on the receipts and disbursement of the Drug Assets Forfeiture Fund.

"(g) The provisions relating to payments to and disbursements from the Drug Assets Forfeiture Fund established by this section shall apply to all property disbursed of or in Department of Justice custody on or after the effective date of the Violent Crime and Drug Enforcement Improvement Act of 1982.

PART D

"SEC. . Section 607 of the Tariff Act of 1930 (19 U.S.C. 1607) is amended to read as follows:

"§ 607. Seizure; value $100,000 or less, prohibited articles, transporting conveyances

"If—

"(1) the value of such seized vessel, vehicle, aircraft, merchandise, or baggage does not exceed $100,000;

"(2) such seized merchandise consists of articles the importation of which is prohibited; or

"(3) such seized vessel, vehicle, or aircraft was used to import, export, or otherwise transport or store any controlled substances.

the appropriate customs officer shall cause a notice of the seizure of such articles and the intention to forfeit and sell or otherwise dispose of the same according to law to be published for at least three successive weeks in such manner as the Secretary of the Treasury may direct. Written notice of seizure together with information on the applicable procedures shall be sent to each party who appears to have an interest in the seized article.".

"SEC. . Section 608 of the Tariff Act of 1930 (19 U.S.C. 1608) is amended by striking out '$250' in the second sentence and inserting in lieu thereof the following: '$2,500 or ten percent of the value of the claimed property, whichever is less,'.

"SEC. . Section 609 of the Tariff Act of 1930 (19 U.S.C. 1609) is amended by striking out 'after deducting the actual expenses of seizure, publication, and sale in the Treasury of the United States.' and inserting in lieu thereof the following: 'into the Customs Forfeiture Fund.'.

"SEC. . Section 610 of the Tariff Act of 1930 (19 U.S.C. 1610) is amended by {triking out 'If the value of any vessel, vehicle, merchandise, or baggage so seized is greater than $10,000,' and substituting in lieu thereof the following: 'If any vessel, vehicle, aircraft, merchandise, or baggage is not subject to the procedure set forth in section 607.'.

"SEC. . Section 612 of the Tariff Act of 1930 (19 U.S.C. 1612) is amended by—

"(1) inserting 'aircraft,' immediately after 'vehicle,' wherever it appears in the section;

"(2) strking out 'and the value of such vessel, vehicle, merchandise, or baggage as determined under section 605 does not exceed $10,000,' in the first sentence and inserting in lieu thereof the following: 'and the article is subject to the provisions of section 607 of this Act,'; and

"(3) striking out 'if such values of such vessel, vehicle, merchandise, or baggage exceed $10,000,' in the second sentence and inserting in lieu thereof the following: 'If the article is not subject to the provisions of section 607 of this Act.'.

SEC. . (a) Section 613 (a) of the Tariff Act of 1930 (19 U.S.C. 1613(a)) is amended by striking out "disposed of as follows:" and clauses (1), (2), and (3), and inserting in lieu thereof the following: "deposited in the Customs Forfeiture Fund.".

"(b) Section 613 (b) of the Tariff Act of 1938 (19 U.S.C. 1613 (b)) is amended by striking out "(a) (1) and (2) of this section" and inserting in lieu thereof '(a) (4) of section 613a of this Act (19 U.S.C. 1613a (a) (4)'.

"SEC. The Tariff Act of 1930 is amended by adding a new section immediately after section 613 (19 U.S.C. 1613) to read as follows:

"§ 613a. Customs forfeiture fund

"(a) There is hereby established in the Treasury of the United States a special account for the United States Customs Service that shall be entitled the 'Customs Forfeiture Fund'. This account shall be available without fiscal year limitations for the following purposes of the United States Customs Service—

"(1) the payment of all expenses necessary to inventory, safeguard, and maintain property under seizure, detention, or forfeited pursuant to any law enforced or administered by the United States Customs Service, including payments for expenses of maintenance, contract services, and to reimburse any Federal, State, or local agency for any expenditures made for the maintenance of property;

"(2) the payment of awards of compensation to informers under section 619 of the Tariff Act of 1930, as amended;

"(3) the payment by appropriate customs officers for the purchase of information concerning violations or possible violations of any law enforced or administered by the Customs Service; and

"(4) the payment to persons whom the appropriate customs officer determines hold valid—

"(A) liens for freight, charges, and contributions in general average, notice of which has been filed with the appropriate customs officer according to law; and

"(B) liens against property that has been forfeited pursuant to any law enforced or administered by the United States Customs Service,

subject to the condition that no payment to a lienholder shall exceed the net proceeds of the sale or, where the property is retained or transferred for official use, the appraised value less all applicable expenses.

"(b) The Customs Forfeiture Fund shall be intially funded by any sums not otherwise obligated from the 1981 and 1982 fiscal year appropriations of the United States Customs Service.

"(c) All proceeds from the sale or other disposition of property forfeited under any law enforced or administered by the Customs Service and any seized and forfeited currency shall be deposited to the Customs Forfeiture Fund.

"(d) At the end of each calendar quarter, any sums in the Fund in excess of $10,000,000 shall be transferred to the general fund of the Treasury of the United States.

"(e) Amounts in the Fund which are not currently needed for the purposes of this subsection shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

"(f) Within sixty days of the end of each fiscal year, the Commissioner of Customs will report to the appropriate oversight committee of the Congress on the receipts and disbursement of the Customs Forfeiture Fund.

"(g) The provisions relating to payments and disbursements from the Fund established by this section shall apply to all property disbursed of or in Customs custody on or after the effective date of this Act."

"SEC. . A new section, section 616 is added to the tariff act of 1930 (19 U.S.C. 1616) to read as follows:

"§ 616. Disposition of forfeited property

"(a) Notwithstanding any other provision of law, the Commissioner is authorized to retain forfeited property for official use or to transfer such forfeited property on such terms or conditions as he may determine to—

"(1) any other Federal agency; or

"(2) to any State or local governmental agency which routinely assists in the enforcement of the laws of the United States or participated in any of the acts which led to the property being seized.

The United States shall not be liable in any action arising out of the use of any property the custody of which was transferred pursuant to this section to any non-Federal agency.

"(b) The Secretary of the Treasury is authorized to order the discontinuance of any Federal forfeiture proceedings in favor of the institution of forfeiture proceedings by State or local authorities under an appropriate State or local statute when he determines that such action is in the best interest of the United States. After the filing of a complaint for forfeiture in a United States District Court, the appropriate attorney for the Department of Justice shall also have the authority to seek a voluntary dismissal of the complaint in favor of State or local action when he deems it to be in the best interest of the United States.

"(c) Whenever forfeiture proceedings are discontinued by the Federal Government in favor of State or local proceedings, the Secretary is authorized to transfer custody and possession of the seized property to the appropriate State or local official immediately upon the initiation of the proper actions by such officials.

"(d) Whenever forfeiture proceedings are discontinued by the Federal Government in favor of State of local proceedings, notice shall be sent to all known interested parties advising them of such a decision. The United States shall not be liable in any action arising out of the seizure, detention, and transfer of seized property to State or local officials.".

SEC. . Section 619 of the Tariff Act of 1932 (19 U.S.C. 1619) is amended by striking out "$50,000 wherever it appears and inserting in lieu thereof '$250,000".

"SEC. (a) The Tariff Act of 1930 is amended by adding a new section 589, to read as follows:

"§ 589. Arrest authority of customs officers

"Subject to the direction of the Secretary of the Treasury, an officer of the Customs as defined in section 401 (i) of this Act, as amended, may—

"(1) carry a firearm;

"(2) execute and serve any order, warrant, subpena, summons, or other process issued under the authority of the United States for arrest, search or seizure, or production of evidence;

"(3) make an arrest without a warrant for any offense against the United States committed in the officer's presence or for a felony, cognizable under the laws of the United States committed outside the officer's presence if the officer has reasonable grounds to believe that the person to be arrested has committed or is committing a felony;

"(4) perform any other law enforcement duty that the Secretary of the Treasury may designate.".

"(b) Section 7607 of the Internal Revenue Act of 1954 (26 U.S.C. 7607) is repealed.

"SEC. . Sections 602, 605, 606, 608, 609, 611, 613, 614, 615, 618, and 619 (19 U.S.C. 1605, 1606, 1608, 1609, 1611, 1613, 1614, 1615, 1618, and 1619) of the Tariff Act of 1932 are amended by inserting the word 'aircraft,' immediately after the words 'vehicle' or 'vehicles,' wherever they appear."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask that the Senate request a conference with the House, insist on its amendment, and that the Chair be authorized to appoint the conferees on behalf of the Senate.

The motion was agreed to, and the Chair appointed Mr. THURMOND, Mr. LAXALT, Mr. HATCH, Mr. BIDEN, and Mr. DECONCINI conferees on the part of the Senate.

Mr. BAKER. Mr. President, I ask unanimous consent that S. 2320, Calendar No. 749, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The previous action taken on that measure is vitiated.

NATIONAL DIABETES MONTH

Mr. BAKER. Mr. President, next on my list is Senate Joint Resolution 257. I am prepared to ask that the Judiciary Committee be discharged from further consideration of that matter and that the Senate proceed to the matter, if the minority leader will agree.

Mr. ROBERT C. BYRD. Mr. President, this side has no objection.

Mr. BAKER. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 257, National Diabetes Month, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S. Res. 257) to designate the month of November 1982, as "National Diabetes Month".

Mr. WEICKER. Mr. President, I am pleased to rise in support of Senate Joint Resolution 257 to designate November 1982 as National Diabetes Month.

Eleven million Americans suffer from diabetes. The monetary costs of this disease are almost $10 billion annually. Each year, persons with diabetes account for almost 20 million visits to physicians and for over 21 million hospital days. Of our nursing home population, 1 in 7 patients has diabetes and 40 percent of all persons with diabetes are age 65 or older—a substantial portion of our elderly population. Many who suffer from diabetes are poor. Thus, a major part of the economic burden fall on such public health programs as medicare and medicaid.

Mr. President, the designation of National Diabetes Month will help call the effects of the disease to the attention of the American people and will provide an opportunity for greater public and patient awareness and education of the effects of diabetes. I urge my colleagues to join me in adopting this resolution.

I ask unanimous consent that the names of the following Senators be added as cosponsors of Senate Joint Resolution 257, to designate November 1982 as National Diabetes Month.

There being no objection, the cosponsors were ordered to be printed in the RECORD, as follows:

Mr. BOSCHWITZ, Mr. CHAFEE, Mr. COHEN, Mr. D'AMATO, Mr. EAST, Mr. HATCH, Mr. HEINZ, Mr. HELMS, Mr. MATHIAS, Mr. SYMMS, Mr. GRASSLEY, Mr. BURDICK, Mr. CANNON, Mr. CHILES, Mr. DECONCINI, Mr. EAGLETON, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. INOUYE, Mr. KENNEDY, Mr. LONG, Mr. MELCHER, Mr. NUNN, Mr. PRYOR, Mr. RANDOLPH, Mr. RIEGLE, and Mr. TSONGAS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the resolution is agreed to, and the preamble is agreed to.

The joint resolution (S.J. Res. 257), with its preamble, reads as follows:

S.J. RES. 257

Whereas diabetes kills more Americans than all other diseases except cancer and cardiovascular diseases;

Whereas eleven million Americans suffer from diabetes and five million seven hundred thousand of such Americans are not aware of their illness;

Whereas $9,700,000,000 annually are used for health care costs, disability payments, and premature mortality costs due to diabetes;

Whereas up to 85 per centum of all cases of noninsulin-dependent diabetes may be preventable through greater public understanding, awareness, and education; and

Whereas diabetes is a leading cause of blindness, kidney disease, heart disease, stroke, birth defects, and lower life expectancy, which complications may be reduced through greater patient and public understanding, awareness, and education: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November 1982 is designated as "National Diabetes Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate programs, ceremonies, and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CERTAIN MEASURES ON THE CALENDAR

Mr. BAKER. Mr. President, the next item is Calendar Nos. 865 through 871. They are four private relief bills and three gratuity resolutions. I believe they have been cleared by both sides, and I ask unanimous consent that they be considered en bloc and that the Senate proceed to their immediate consideration in that manner.

Mr. ROBERT C. BYRD. There is no objection.

FRANK J. HULSEY

The bill (S. 534) for the relief of Frank L. Hulsey, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the time limitation prescribed in section 2401(b) of title 28, United States Code, for the filing of a claim against the United States, Frank L. Hulsey may file a claim with the appropriate Federal agency for injuries allegedly resulting from having been administered an inoculation, in a Government-sponsored program, for swine flu. Such claim shall be filed in writing with the appropriate Federal agency within six months after the date of enactment of this Act.

SEC. 2. Notwithstanding the provisions of section 2401 of title 28, United States Code, any other statute of limitations, lapse of time, or bar of laches, an action in the proper United States court may be commenced by Frank L. Hulsey against the United States with respect to the claim described in the first section if such action is commenced within six months after the final denial of any claim filed under such section.

SEC. 3. Nothing in this Act shall be construed as an inference of liability on the part of the United States.

Mr. BAKER. Mr. President, I ask unanimous consent to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APOLONIO P. TUMAMAO, AND OTHERS

The bill (S. 1510) for the relief of Apolonio P. Tumamao, and others, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each of the following-named persons is relieved of all liability to repay the United States and is entitled to a refund of the amount which appears beside his name:

	Indebtedness
Apolonio P. Tumamao	$1,137.50
Milton M. Ikawa	2,032.50
Malcolm B. Shin	2,032.50
Mamerto A. Garma	1,938.00
John B. Mackinnon	2,028.75
Kenneth A. Grigsby	2,032.50

The amounts represent overpayments of per diem allowances as a result of administrative failures by officials of the United States Government in implementing a regulatory change in the per diem rate in the case of the above-named civilian employees of the Department of the Navy who were performing extended temporary duty training assignments during the period May 1977 to January 1980. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for the amount of payments made pursuant to this Act.

Mr. BAKER. Mr. President, I ask unanimous consent to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DR. DAVID PASS

The bill (H.R. 3171) for the relief of Dr. David Pass, was considered, ordered to a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I ask unanimous consent to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEHI L. PITCHFORTH, JR.

The bill (H.R. 4490) for the relief of Lehi L. Pitchforth, Jr., was considered, ordered to a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I ask unanimous consent to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

GIANNINA V. DE CHELLIS

The resolution (S. Res. 481) to pay a gratuity to Giannina V. de Chellis, was considered, and agreed to as follows:

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

S. RES. 481

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Giannina V. de Chellis, mother of Genevieve V. de Chellis, an employee of the Senate at the time of her death, a sum equal to one year's compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

LINDA BOYCE SMITH

The resolution (S. Res. 482) to pay a gratuity to Linda Boyce Smith was considered and agreed to, as follows:

S. RES. 482

Resolved, That the Secretary of the Senate is authorized and directed to pay, from the contingent fund of the Senate, to Linda Boyce Smith, widow of Kirk Smith, an employee of the Senate at the time of his death, a sum equal to four months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ANDREA M. WRIGHT AND OTHERS

The resolution (S. Res. 483) to pay a gratuity to Andrea M. Wright, Lauree A. McDaniel, and Denet N. McDaniel was considered and agreed to, as follows:

S. RES. 483

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Andrea M. Wright; Lauree A. McDaniel and Demet N. McDaniel, daughters of Dianne L. McDaniel, an employee of the Senate at the time of her death, a sum to each equal to one-third of three months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CERTAIN MEASURES ON THE CALENDAR

Mr. BAKER. Mr. President, next is a series of 39 private relief bills, numbers 878 through 917, with the exception of Calendar Order 913, which have been cleared by the authorities on both sides of the aisle and are on my desk as approved for action by unanimous consent.

I inquire of the minority leader if he is prepared to proceed.

Mr. ROBERT C. BYRD. Yes, I am prepared to proceed.

Mr. BAKER. I ask unanimous consent that the calendar orders just identified by considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIEF OF DENNIS L. DALTON AND JAMES EDWARD DALTON

The bill (S. 596) for the relief of Dennis L. Dalton and James Edward Dalton, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 596

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Dennis L. Dalton is deemed to have been continuously physically present in the United States for a period of two years between the age of fourteen years and twenty-eight years for purposes of section 301(b) of the Immigration and Nationality Act as such section was in effect immediately before October 10, 1978.

(b) Notwithstanding the physical-presence requirement of his United States citizen-parent under section 301(g) of the Immigration and Nationality Act, James Edward Dalton, natural child of Dennis L. Dalton, is deemed to be a national and citizen of the United States under such paragraph.

RELIEF OF MAXFIELD-RAYNOR FAMILY

The bill (S. 717) for the relief of Carole Joy Maxfield-Raynor and Bruce Sherlock Maxfield-Raynor, wife and husband, and the children, Charlton Bruce Maxfield-Raynor and Maxine Ann Maxfield-Raynor, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Carole Joy Maxfield-Raynor and Bruce Sherlock Maxfield-Raynor, wife and husband, and their children Charlton Bruce Maxfield-Raynor and Maxine Anne Maxfield-Raynor shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon

payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas which are made available to natives of the country of the aliens' birth under section 202 of such Act.

SEELA JEREMIAH PIULA

The bill (S. 747) for the relief of Seela Jeremiah Piula was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Seela Jeremiah Piula shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 202 of such Act.

SAMUEL JOSEPH EDGAR

The bill (S. 1329) for the relief of Samuel Joseph Edgar, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1329

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Samuel Joseph Edgar shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 202 of such Act.

CIRILO RAAGAS COSTA AND WILMA RAAGAS COSTA

The bill (S. 1513) for the relief of Cirilo Raagas Costa and Wilma Raagas Costa, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Cirilo Raagas Costa shall be held and considered to be a child, and Wilma Raagas Costa shall be held and consdiered to be a child, within the meaning of section 101(b)(1)(E) of such Act upon approval of petitions filed on their behalf by Richard G. Costa and Evangeline M. Costa, citizens of the United States, pursuant to section 204 of such Act. No natural parent, brother, or sister of Cirilo Raagas Costa or Wilma Raagas Costa shall, by virtue of such relationship, be accorded any right, privilege, or status under such Act.

MARGIT LIBERDA AND VERONIKA KOSZEGI

The bill (S. 2039), for the relief of Margit Liberda and her daughter, Veronika Koszegi, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2039

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 212(a)(14) of the Immigration and Nationality Act, for purposes of such Act, Margit Liberda and her daughter, Veronika Koszegi, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper office to reduce by the required numbers, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act, or if applicable, the total number of immigrant visas which are made available to natives of the country of the aliens' birth under section 202 of such Act.

KOK DJEN SU AND GRACE SU

The bill (S. 2103) for the relief of Kok Djen Su and Grace Su, husband and wife, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2103

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 212(a)(14) of the Immigration and Nationality Act, for purposes of such Act, Kok Djen Su and Grace Su, husband and wife, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the require visa fees. Upon the granting of permanent residence to these aliens as provided for in this Act, the Secretary of States shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas which are made available to natives of the country of the aliens' birth under section 202 of such Act.

CARLOS MEBRANO GATSON

The bill (S. 2116) for the relief of Carlos Mebrano Gatson, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2116

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Carlos Mebrano Gatson, the father of a citizen of the United States, shall be deemed to be an immediate relative within the meaning of section 201(b) of such Act, and the provisions of section 204 of that Act shall not be applicable in this case.

LUDINA V. DAVE

The Senate proceeded to consider the bill (S. 369) for the relief of Ludina V. Dave, which had been reported from the Committee on the Judiciary with an amendment:

On page 2, beginning on line 3, strike "paragraphs (1) through (8) of";

So as to make the bill read:

S. 369

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That, for the purposes of the Immigration and Nationality Act, Ludina V. Dave shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act, or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CECILIA DAGMANG

The Senate proceeded to consider the bill (S. 370) for the relief of Cecilia

Dagmang, which had been reported from the Committee on the Judiciary with an amendment:

On page 2, beginning on line 2, strike "paragraphs (1) through (8) of ";

So as to make the bill read:

S. 370

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Cecilia Dagmang shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act, or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DR. MAHMOODA HAQUANI

The Senate proceeded to consider the bill (S. 372) for the relief of Dr. Mahmooda Haquani, which had been reported from the Committee on the Judiciary with an amendment, as follows:

On page 2, beginning on line 3, strike "paragraphs (1) through (8) of";

So as to make the bill read:

S. 372

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Mahmooda Haquani shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act, or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROSITA A. GENIO

The Senate proceeded to consider the bill (S. 374) for the relief of Rosita A. Genio, which had been reported from the Committee on the Judiciary with an amendment:

On page 2, beginning on line 2, strike "paragraphs (1) through (8) of"

So as to make the bill read:

S. 374

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Rosita A. Genio shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act, or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

IRMA A. GUNDA

The Senate proceeded to consider the bill (S. 375) for the relief of Irma A. Gunda, which had been reported from the Committee on the Judiciary with an amendment:

On page 2, beginning on line 2, strike "paragraphs (1) through (8) of"

So as to make the bill read:

S. 375

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Irma A. Gunda shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act, or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTRELLITA TAPANG

The Senate proceeded to consider the bill (S. 377) for the relief of Estrellita Tapang, which had been reported from the Committee on the Judiciary with an amendment:

On page 2, strike "paragraphs (1) through (8) of",

So as to make the bill read:

S. 377

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Estrellita Tapang shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act, or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LILY T. PARAGAS

The Senate proceeded to consider the bill (S. 379) for the relief of Lily T. Paragas, which had been reported from the Committee on the Judiciary with an amendment:

On page 2, strike "paragraphs (1) through (8) of ";

So us to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Lily T. Paragas shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, from the total number of such visas entries which are made available to such natives under section 202(e) of such Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ELSIE B. LAWSON

The Senate proceed to consider the bill (S. 617) for the relief of Mrs. Elsie B. Lawson, which had been reported from the Committee on the Judiciary with an amendment:

On page 2, strike "paragraphs (1) through (8) of section 203(a) of such Act." and insert "section 203(a) of the Immigration and Nationality Act or, if applicable, from the total

number of such visas and entries which are made available to such natives under section 202(e) of such Act";

So as to make the bill read:

S. 617

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 212(a)(14) of the Immigration and Nationality Act, for purposes of such Act, Mrs. Elsie B. Lawson shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next, following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KWOK TUNG YU

The Senate proceeded to consider the bill (S. 1465) for the relief of Kwok Tung Yu, which had been reported from the Committee on the Judiciary with an amendment:

On page 1, line 3, strike "notwithstanding section 212(a)(19)", and insert "for the purposes";

So as to make the bill read:

S. 1465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Kwok Tung Yu shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 202 of such Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRASHANT AGARWAL

The Senate proceeded to consider the bill (S. 1499) for the relief of Prashant Agarwal, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause, and insert the following:

That, in the administration of the Immigration and Nationality Act, Prashant Agarwal may be classified as a child within the meaning of section 101(b)(1)(F) of such Act, upon approval of a petition field in his behalf by Anil Bhikulal and Saroj Anil Agarwal, a citizen and lawful permanent resident of the United States, respectively, pursuant to section 204 of such Act: Provided, That the natural parents or brothers of sisters of the beneficiary shall not, by virtue of relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALBERTO HERNANDEZ PEREZ

The Senate proceeded to consider the bill (S. 1547) for the relief of Alberto Hernandez Perez, which has been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause, and insert the following:

That, notwithstanding the provisions of section 203(a) of the Immigration and Nationality Act, Alberto Hernandez Perez shall be granted a visa and admitted to the United States for permanent residence, if otherwise qualified, upon filing an application for a visa and payment of the required visa fee. Upon the granting of permanent residence to such alien as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act, or if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NESCA NICHOLAS

The Senate proceeded to consider the bill (S. 642) for the relief of Nesca Nicholas, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause, and insert the following:

That, for the purposes of the Immigration and Nationality Act, Nesca Nicholas and her children Patricia Robert Nicholas and Bernard Robert Nicholas shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the required numbers, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under paragraphs (1) through (7) of section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas which are made available to natives of the country of the aliens' birth under section 202(e) of such Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read "A bill for the relief of Nesca Nicholas and her children Patricia Robert Nicholas and Bernard Robert Nicholas.".

HAE OK CHUNG

The Senate proceeded to consider the bill (S. 1636) for the relief of Hae Ok Chung, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause, and insert the following:

That, in the administration of the Immigration and Nationality Act, Kim Hae Ok Heimberger may be classified as a child within the meaning of section 101(b)(1)(F) of such Act upon approval of a petition filed on her behalf by Mr. and Mrs. John Albert Heimberger, citizens of the United States, pursuant to section 204 of such Act: Provided, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Kim Hae Ok Heimberger."

CESAR NOEL ORANTES

The Senate proceeded to consider the bill (S. 1838) for the relief of Cesar Noel Orantes, which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert the following:

That, in the administration of the Immigration and Nationality Act, Cesar Noel Jump may be classified as a child within the meaning of section 101(b)(1)(E) of such Act upon approval of a petition filed on his behalf by Mr. and Mrs. Robert I. Jump, citizens of the United States: *Provided,* That the natural parents, brothers, and sisters of the said Cesar Noel Jump shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read:

A bill for the relief of Cesar Noel Jump.

RANKOVIC FAMILY

The Senate proceeded to consider the bill (S. 273) for the relief of William Vojislav Rankovic, Stanislava Rankovic, husband and wife; and William Rankovic, Junior, and Natalie Rankovic, their children, which had been reported from the Committee on the Judiciary with amendments, as follows:

On page 2, line 2, strike "fee", and insert "fees";

On page 2, line 8, strike "paragrahs (1) through (8) of";

So as to make the bill read:

S. 273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 212(a)(14) of the Immigration and Nationality Act, for the purposes of such Act, William Vjislav Rankovic, Stanislava Rankovic, husband and wife; and William Rankovic, Junior, and Natalie Rankovic, their children, shall be held and considered to have been lawfully adiitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the required number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' births under section 203(a) of the Immigration and Nationality Act or if applicable, the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under section 202 of the Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BEUMER FAMILY

The Senate proceeded to consider the bill (S. 1470) for the relief of Grietje Rhea Pietens Beumer, John Christian Beumer, Cindy Larissa Beumer, and Cedric Grant Beumer, which had been reported from the Committee on the Judiciary, with amendments, as follows:

On page 2, line 1, strike "fee", and insert "fees";

On page 2, line 2, strike "alien", and insert "aliens";

On page 2, line 6, strike "alien's", and insert "aliens' ";

So as to make the bill read:

S. 1470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Grietje Rhea Pietens Beumer, Johan Christian Beumer, Cindy Larissa Beumer, and Cedric Grant Beumer shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa *fees.* Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct four from the total number of immigrant visas which are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, from the total number of such visas which are made available to such natives under section 202(e) of such Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MELGAR FAMILY

The Senate proceeded to consider the bill (S. 2052) for the relief of Raul M. Melgar, Maria Cristina Rey de Melgar, Steven Marcelo Melgar and Serrana Ivon Melgar, which had been reported from the Committee on the Judiciary with amendments, as follows:

On page 1, line 4, strike "and their unmarried minor children";

On page 2, line 8, strike "alien's" and insert "aliens'";

On page 2, line 11, strike "alien's", and insert "aliens'";

So as to make the bill read:

S. 2052

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Raul M. Melgar, Maria Cristina Rey de Melgar, Steven Marcelo Melgar and Serrana Ivon Melgar shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct the required numbers from the total number of immigrant visas which are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas which are made available to natives of the country of the aliens' birth under section 202 of such Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KANG OK BOON

The bill (H.R. 684) for the relief of Kang Ok Boon, was considered, ordered to a third reading, read the third time, and passed.

YICK BONG AU YEUNG

The bill (H.R. 825) for the relief of Yick Bong Au Yeung, was considered, ordered to a third reading, read the third time, and passed.

BAIRIOS FAMILY

The bill (H.R. 828) for the relief of George G. Bairios, doctor of medicine, his wife Olga T. Cruz, and their children Kurt F. Bairios and Karl S. Bairios, was considered, ordered to a third reading, read the third time, and passed.

GEORGE HERBERT WESTON AND MABEL GREGSON WESTON

The bill (H.R. 1481) for the relief of George Herbert Weston and Mabel Gregson Weston, was considered, ordered to a third reading, read the third time, and passed.

FELIPE B. MANALO AND MARIA MONITA A. MANALO

The bill (H.R. 1783) for the relief of Felipe B. Manalo and Maria Monita A. Manalo, was considered, ordered to a third reading, read the third time, and passed.

SHINJI ONIKI

The bill (H.R. 1826) for the relief of Shinji Oniki, was considered, ordered to a third reading, read the third time, and passed.

ISABELITA CLIMA PORTILLA

The bill (H.R. 1841) for the relief of Isabelita Clima Portilla, was considered, ordered to a third reading, read the third time, and passed.

BERENDINA ANTONIA MARIA VAN KLEEFF

The bill (H.R. 2193) for the relief of Berendina Antonia Maria Van Kleeff, was considered, ordered to a third reading, read the third time, and passed.

THEODORE ANTHONY DOMINQUEZ

The bill (H.R. 2340) for the relief of Theodore Anthony Dominquez, was considered, ordered to a third reading, read the third time, and passed.

MARIA CECELIA GABELLA-OSSA

The bill (H.R. 2342) for the relief of Maria Cecelia Gabella-Ossa, was considered, ordered to a third reading, read the third time, and passed.

DANUTA GWOZDZ

The bill (H.R. 3451) for the relief of Danuta Gwozdz, was considered, ordered to a third reading, read the third time, and passed.

TUIFUA FAMILY

The bill (H.R. 3592), for the relief of Vili Tuifua, Talameafoou Tuifua, Heta Tuifua, Sateki Tuifua, Ilaisaane Tuifua, and Ofa Hemooni Tuifua, was

considered, ordered to a third reading, read the third time, and passed.

EUN OK HAN

The bill (H.R. 4662), for the relief of Eun Ok Han, was considered, ordered to a third reading, read the third time, and passed.

ALEJO WHITE AND SONIA WHITE

The bill (H.R. 6811) for the relief of Alejo White and Sonia White, was considered, ordered to a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I ask unanimous consent that it be in order to move to reconsider en bloc the votes by which the measures were passed, and I so move.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection it is so ordered, and the action is taken en bloc.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, Calendar No. 920, Senate Resolution 471, and Calendar No. 824, H.R. 6188, are two items that are cleared on this side. The first is a budget waiver to accompany the second. I am prepared to take up that series, if the minority leader is agreeable.

Mr. ROBERT C. BYRD. Mr. President, this side is ready to proceed.

Mr. BAKER. I thank the minority leader.

BUDGET ACT WAIVER

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 471, the budget waiver to accompany H.R. 6188.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 471) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 6188.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to, as follows:

S. RES. 471

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of H.R. 6188, a bill to authorize the Secretary of the Interior to participate with the State of Nebraska in studies of Platte River water resource use and development, and for other purposes. H.R. 6188, as reported, authorizes the enactment of new budget authority which would first become available in fiscal year 1983.

The waiver of section 402(a) of such Act is necessary to permit congressional consideration of H.R. 6188. Such bill was not reported on or before May 15, 1982, required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

The State of Nebraska has been actively engaged in the preparation of the comprehensive Platte River Basin study since January 1982. Contracts have been let for portions of the study and funds have been appropriated by the State legislature. In addition, funds have been contributed at the local level as well as a grant has been made by the Platte River Whooping Crane Trust. The study and related activities have been premised on participation by the Bureau of Reclamation and Federal financial assistance. Without that participation, the study will be indefinitely delayed resulting in increased costs and possibly lost opportunities for advancement of water resource management in Nebraska.

U.S. PARTICIPATION IN CERTAIN WATER RESOURCE STUDIES

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 824, H.R. 6188.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6188) to authorize the Secretary of the Interior to participate with the State of Nebraska in studies of Platte River water resources use and development, and for other purposes.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DONATION OF FEDERAL PERSONAL PROPERTY

Mr. BAKER. Mr. President, next is Calendar No. 924, S. 1444, if the minority leader can clear that.

Mr. ROBERT C. BYRD. Mr. President, that matter has been cleared.

Mr. BAKER. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 924, S. 1444.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1444) to authorize the Administrator of General Services to donate to State and local governments certain Federal personal property loaned to them for civil defense use, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Governmental Affairs with an amendment:

On page 2, line 3, strike "under", and insert "as a result of".

So as to make the bill read:

S. 1444

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) all Federal personal property which—

(A) was transferred by a component of the Department of Defense to the Defense Civil Preparedness Agency by July 15, 1979,

(B) is, on the date of enactment of this Act, on loan to a State or a State and local government jointly as a result of a written loan agreement executed by such Agency, and

(C) was transferred with the functions and property of such Agency to the Federal Emergency Management Agency.

shall be disposed of in accordance with subsection (b).

(b) Whenever the Director of the Federal Emergency Management Agency certifies that property described in subsection (a) is being used by the State or local government holding such property for a purpose consistent with the purpose for which the property was furnished, the Administrator of General Services shall transfer title to such property to the appropriate State or local government.

Mr. THURMOND. Mr. President, I rise today to urge my colleagues to support S. 1444. This legislation would authorize the Administrator of General Services to donate to State and local governments certain Federal personal property loaned to them for civil defense use.

Literally thousands of small communities across our Nation rely heavily on military surplus equipment to help them meet their civil defense needs. Under present law, Mr. President, all this material, which has outlived its military usefulness, is merely on loan to the State and local agencies. Since this material does not belong to them, these local agencies cannot modify it to make it more suitable for their specific needs.

My bill would authorize the General Services Administration to transfer title to this military surplus property to the State or local governments holding it on the date of enactment, provided that the Director of the Federal Emergency Management Agency certifies it is actually being used for civil defense purposes.

Mr. President, this legislation will do much to strengthen the civil defense network and it is my hope that my colleagues will support it.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ALCOHOL ABUSE AND ALCOHOLISM AND DRUG ABUSE AMENDMENTS OF 1982

Mr. BAKER. Mr. President, the next item is Calendar No. 651, S. 2365. If the minority leader is prepared to proceed, we are prepared on this side.

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

Mr. BAKER. I ask unanimous consent that the Senate proceed to the consideration of S. 2365.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2365) to revise and extend programs relating to alcohol abuse and alcoholism and drug abuse.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Human Resources with amendments, as follows:

On page 4, after line 20, insert "(1) by inserting "(a) before "The"; ";

On page 4, line 22, strike "(1)"; and insert "(2)";

On page 5, after line 6, strike through and including line 10, and insert the following:

"(B) a description of the extent to which Federal and State programs, departments, and agencies are concerned and are dealing effectively with the problems of alcohol abuse and alcoholism, including information with respect to services provided for alcohol abuse and alcoholism under part B of title XIX of Public Health Service Act;

On page 6. , line 2, strike "and";

On page 6, line 3, strike "(2)", and insert "(3)";

On page 6, line 4, strike "respectively", and insert the following: respectively; and

(4) by adding at the end thereof the following new subsection:

"(b)(1) In order to obtain the information required under subsection (a)(1)(B) with respect to services provided for alcohol abuse and alcoholism under part B of title XIX of the Public Health Service Act, the Secretary shall work with appropriate national organizations to insure that State and local governments use compatible means of data collection so that uniform national data with respect to the provision of such services will be available to the States and to the Secretary.

"(2) In carrying out paragraph (1) of this subsection and subsection (a)(1)(B), the Secretary may not require any State to submit any information which is not required under section 1916(a) of the Public Health Service Act.".

On page 6, after line 21, insert the following:

GRANTS AND CONTRACTS

SEC. 106. Section 311 (c) (4) (42 U.S.C. 4577(c)(4)) is amended by inserting "(including Native Hawaiians and Native American Pacific Islanders)" after "Native Americans".

On page 7, line 4, strike "106.", and insert "107.";

On page 8, line 20, strike "107.", and insert "108.";

On page 8, line 22, strike "$24,813,000", and insert "$32,911,000";

On page 8, line 23, strike "$24,813,000", and insert "$32,911,000";

On page 8, after line 24, insert the following:

NATIONAL COMMISSION ON ALCOHOLISM

SEC. 109. Section 18(b)(10) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1979 (42 U.S.C. 4541 note) is amended by inserting "Native Hawaiians, Native American Pacific Islanders," after "Alaskan Natives,".

On page 13, line 16, strike "(5) and inserting in lieu thereof a comma and "and";", and insert "(5)";

On page 13, line 19, strike "paragraph", and insert "paragraphs";

On page 13, line 23, strike "appropriate."; and", and insert the following:

"(7) a description of the extent to which Federal and State programs, departments, and agencies are concerned and are dealing effectively with the problems of drug abuse, including information with respect to services provided for drug abuse under part B of title XIX of the Public Health Service Act."; and

On page 14, after line 7, insert the following:

(b) Section 405 is further amended by adding at the end thereof the following new subsection:

"(c)(1) In order to obtain the information required under subsection (b)(7) with respect to services provided for drug abuse under part B of title XIX of the Public Health Service Act, the Secretary shall work with appropriate national organizations to insure that State and local governments use compatible means of data collection so that uniform national data with respect to the provision of such services will be available to the States and to the Secretary.

"(2) In carrying out paragraph (1) of this subsection and subsection (b)(7), the Secretary may not require any State to submit any information which is not required under section 1916(a) of the Public Health Service Act.".

On page 14, line 22, strike "(b)", and insert "(c)";

On page 14, after line 23, insert the following:

GRANTS AND CONTRACTS

SEC. 208. Section 410(d) (21 U.S.C. 1177(d)) is amended by striking out "native Americans" and inserting in lieu thereof "Native Americans (including Native Hawaiians and Native American Pacific Islanders)".

On page 15, line 7, strike "208.", and insert "209.";

On page 15, line 9, strike "$41,733,000", and insert "$46,356,000";

On page 15, line 10, strike "$41,733,000", and insert "$46,356,000";

On page 15, line 13, strike "209.", and insert "210.";

On page 15, after line 22, insert the following:

TITLE III—MISCELLANEOUS

PUBLIC HEALTH SERVICES CORPS

SEC. 301. Section 207(a)(1) of the Public Health Services Act (42 U.S.C. 209(a)(1)) is amended by inserting "psychology," after "pharmacy,".

So as to make the bill read:

S. 2365

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Alcohol Abuse and Alcoholism and Drug Abuse Amendments of 1982".

TITLE I—ALCOHOL ABUSE AND ALCOHOLISM

REFERENCE

SEC. 101. Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

SHORT TITLE

SEC. 102. The first section is amended by striking out "Prevention, Treatment, and Rehabilitation" and inserting in lieu thereof "Research and Prevention".

CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE

SEC. 103. (a) Section 2(a)(3) (42 U.S.C. 4541(a)(3)) is amended by striking out "$43,000,000,000" and inserting in lieu thereof "$49,000,000,000".

(b) Section 2(b) (42 U.S.C. 4541(b)) is amended to read as follows:

"(b) It is the policy of the United States and the purpose of this Act to provide leadership in the national effort to reduce the incidence of alcoholism and alcohol-related problems through—

"(1) a continued Federal commitment to research into the behavioral and biomedical etiology, the treatment, and the mental and physical health and social and economic consequences of alcohol abuse and alcoholism;

"(2) a commitment to—

"(A) extensive dissemination to States, units of local government, community organizations, and private groups of the most recent information and research findings with respect to alcohol abuse and alcoholism, including information with respect to the application of research findings; and

"(B) the accomplishment of such dissemination through up-to-date publications, demonstrations, educational programs, and other appropriate means:

"(3) the provision of technical assistance to research personnel, services personnel, and prevention personnel in the field of alcohol abuse and alcoholism;

"(4) the coordination, in cooperation with all governmental and nongovernmental sources of assistance for alcohol abuse and alcoholism, of Federal, State, and local planning for, and effective use of, Federal assistance to States to meet the urgent needs of special populations;

"(5) the provision of a Federal response to alcohol abuse and alcoholism which recognizes the importance of State decisionmaking with respect to treatment needs;

"(6) the development and encouragement of prevention programs designed to combat the spread of alcoholism, alcohol abuse, and the abuse of other legal and illegal drugs;

"(7) the development and encouragement of effective occupational prevention and treatment programs within Government and in cooperation with the private sector; and

"(8) the provision of a Federal response to alcohol abuse and alcoholism which encourages the greatest participation by the pri-

vate sector, both financially and otherwise, and concentrates on carrying out functions relating to alcohol abuse and alcoholism which are truly national in scope.".

REPORTS BY THE SECRETARY

SEC. 104. Section 102 (42 U.S.C. 4552) is amended—

(1) by inserting "(a)" before "The";

(2) by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) submit to the Congress on or before the expiration of the one-year period beginning on the date of enactment of this Act, and every three years thereafter, a report which shall include—

"(A) a description of the actions taken and funds expended under this Act, and an evaluation of the effectiveness of such actions and expenditures;

"(B) a description of the extent to which Federal and State programs, departments, and agencies are concerned and are dealing effectively with the problems of alcohol abuse and alcoholism, including information with respect to services provided for alcohol abuse and alcoholism under part B of title XIX of the Public Health Service Act;

"(C) current information on the health consequences of using alcoholic beverages;

"(D) a description of current research findings with respect to alcohol abuse and alcoholism;

"(E) such recommendations for legislation and administrative action as the Secretary considers appropriate; and

"(F) such other information as the Secretary considers appropriate;";

(3) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(4) by adding at the end thereof the following new subsection:

"(b)(1) In order to obtain the information required under subsection (a)(1)(B) with respect to services provided for alcohol abuse and alcoholism under part B of title XIX of the Public Heath Service Act, the Secretary shall work with appropriate national organizations to insure that State and local governments use compatible means of data collection so that uniform national data with respect to the provision of such services will be available to the States and to the Secretary.

"(2) In carrying out paragraph (1) of this subsection and subsection (a)(1)(B), the Secretary may not require any State to submit any information which is not required under section 1916(a) of the Public Health Service Act.".

ABOLITION OF INTERAGENCY COMMITTEE

SEC. 105. Section 103 (42 U.S.C. 4553) is repealed.

GRANTS AND CONTRACTS

SEC. 106. Section 311(c)(4) (42 U.S.C. 4577(c)(4)) is amended by inserting "(including Native Hawaiians and Native American Pacific Islanders)" after "Native Americans".

RESEARCH

SEC. 107. Section 501(b) (42 U.S.C. 4585(b)) is amended—

(1) by striking out "make available" in paragraph (1) and inserting in lieu thereof "disseminate";

(2) by inserting "including the development of curriculum materials," after "appropriate means," in paragraph (1);

(3) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) make grants to universities, hospitals, laboratories, and other public or nonprofit institutions, and individuals for projects for such research, investigations, experiments, demonstrations, studies, and evaluations as are recommended by the National Advisory Council on Alcohol Abuse and Alcoholism and such Council shall give special consideration to projects relating to—

"(A) the relationship between alcohol abuse and domestic violence;

"(B) the effects of alcohol use during pregnancy;

"(C) the impact of alcoholism and alcohol abuse on the family, social systems, and health service systems;

"(D) the relationship between the abuse of alcohol and other drugs;

"(E) the effect on the incidence of alcohol abuse and alcoholism of social pressures, legal requirements respecting the use of alcoholic beverages, the cost of such beverages, and the economic status and education of users of such beverages;

"(F) the cost and effectiveness of treatment, prevention, and intervention among youth, women, and the elderly; and

"(G) the interrelationship between alcohol use and other health problems;"; and

(4) by inserting "or the impact of alcohol abuse on other health problems" before the semicolon in paragraph (5).

AUTHORIZATION OF APPROPRIATIONS

SEC. 108. The first sentence of section 504(a) (42 U.S.C. 4587(a)) is amended by inserting before the period a comma and $32,911,000 for the fiscal year ending September 30, 1983, and $32,911,000 for the fiscal year ending September 30, 1984".

NATIONAL COMMISSION ON ALCOHOLISM

SEC. 109. Section 18(b)(10) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1979 (42 U.S.C. 4541 note) is amended by inserting "Native Hawaiians, Native American Pacific Islanders," after "Alaska Natives,".

TITLE II—DRUG ABUSE

REFERENCE

SEC. 201. Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Drug Abuse Prevention, Treatment, and Rehabilitation Act.

SHORT TITLE

SEC. 202. The first section is amended by striking out "Prevention, Treatment, and Rehabilitation" and inserting in lieu thereof "Research and Prevention".

CONGRESSIONAL FINDINGS

SEC. 203. Section 101 (21 U.S.C. 1101) is amended—

(1) by striking out "is rapidly increasing" in paragraph (1) and inserting in lieu thereof "has rapidly increased";

(2) by striking out "abuse, especially heroin addiction," in paragraph (3) and inserting in lieu thereof "abuse";

(3) by striking out "drug abuse, especially the causes, and" in paragraph (5), and inserting in lieu thereof "the";

(4) by inserting "and State" before "drug abuse programs" in paragraph (6);

(5) by striking our paragraphs (7), (8), (10), and (11);

(6) by redesignating paragraphs (9), (12), (13), and (14) as paragraphs (7), (8), (9), and (10), respectively;

(7) by striking out "the Federal Government" in paragraph (7) (as redesignated by clause (6) of this section) and by inserting in lieu thereof "Federal and State governments"; and

(8) by inserting "State activities and" before "Federal international" in paragraph (9) (as redesignated by clause (6) of this section).

DECLARATION OF NATIONAL POLICY

SEC. 204. Section 102 (21 U.S.C. 1102) is amended to read as follows:

"§ 102. Declaration of national policy

"The Congress declares that it is the policy of the United States and the purpose of this Act to utilize the comprehensive resources of the Federal Government to provide a leadership role in reducing the incidence, as well as the social and personal costs, of drug abuse in the United States and to develop and assure the implementation of a comprehensive, coordinated long-term Federal and State strategy to combat drug abuse. To reach these goals, the Congress further declares that it is the policy of the United States and the purpose of this chapter to meet the problems of drug abuse through—

"(1) a continued Federal commitment to research into the behavioral and biomedical etiology of, the treatment of, and the mental and physical health and social and economic consequences of, drug abuse;

"(2) a commitment to—

"(A) extensive dissemination to States, units of local government, community organizations, and private groups of the most recent information and research findings with respect to drug abuse, including information with respect to the application of research findings; and

"(B) the accomplishment of such dissemination through up-to-date publications, demonstrations, educational programs, and other appropriate means;

"(3) the provision of technical assistance to research personnel, services personnel, and prevention personnel in the field of drug abuse;

"(4) the coordination, in cooperation with all other governmental and nongovernmental sources of assistance for drug abuse, of Federal, State, and local planning for, and effective use of, Federal assistance to States to meet the urgent needs of special populations;

"(5) the provision of a Federal response to drug abuse which recognizes the importance of State decisionmaking with respect to treatment needs;

"(6) the development and support of community-based prevention programs;

"(7) the development and encouragement of effective occupational prevention and treatment programs within the Government and in cooperation with the private sector; and

"(8) the provision of a Federal response to drug abuse which encourages the greatest participation by the private sector, both financially and otherwise, and concentrates on carrying out functions relating to drug abuse which are truly national in scope.".

ELIMINATION OF ANNUAL REPORT

SEC. 205. Section 207 (21 U.S.C. 1117) is repealed.

REVIEW OF NATIONAL DRUG ABUSE STRATEGY

SEC. 206. Section 305 (21 U.S.C. 1165) is amended by striking out "each year" and inserting in lieu thereof "each even-numbered year, beginning with 1982".

REPORTS

SEC. 207. (a) Section 405(b) (21 U.S.C. 1172(b)) is amended—

(1) by striking out "with respect to each fiscal year" in the matter preceding paragraph (1);

(2) by inserting "including a description of current research findings with respect to drug abuse," after "United States," in paragraph (1);

(3) by striking out "and" after the comma the last place it appears in paragraph (4);

(4) by striking out the period at the end of paragraph (5);

(5) by inserting after paragraph (5) the following new paragraphs:

"(6) current information on the health consequences of marihuana use and such proposals for legislative and administrative action as the Secretary considers approprite; and

"(7) a description of the extent to which Federal and State programs, departments, and agencies are concerned and are dealing effectively with the problems of drug abuse, including information with respect to services provided for drug abuse under part B of title XIX of the Public Health Service Act."; and

(6) by striking out "each year" in the last sentence and inserting in lieu thereof "each even-numbered year, beginning with 1984".

(b) Section 405 is further amended by adding at the end thereof the following new subsection:

"(c)(1) In order to obtain the information required under subsection (b)(7) with respect to services provided for drug abuse under part B of title XIX of the Public Health Service Act, the Secretary shall work with appropriate national organizations to insure that State and local governments use compatible means of data collection so that uniform national data with respect to the provision of such services will be available to the States and to the Secretary.

"(2) In carrying out paragraph (1) of this subsection and subsection (b)(7), the Secretary may not require any State to submit any information which is not required under section 1916(a) of the Public Health Service Act.".

(c) Effective January 15, 1984, the Marihuana and Health Reporting Act (42 U.S.C. 242 note) is repealed.

GRANTS AND CONTRACTS

SEC. 208. Section 410(d) (21 U.S.C. 1177(d)) is amended by striking out "native Americans" and inserting in lieu thereof "Native Americans (including Native Hawaiians and Native American Pacific Islanders)".

AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH

SEC. 209. Section 503(c) (21 U.S.C. 1193(c)) is amended by inserting before the period a comma and $46,356,000 for the fiscal year ending September 30, 1983, and $46,356,000 for the fiscal year ending September 30, 1984".

DISSEMINATION OF MATERIALS

SEC. 210. Section 301 of the Public Health Service Act (42 U.S.C. 241) is amended by adding at the end thereof the following new subsection:

"(c) In carrying out subsection (a)(1), and in order to educate the public with respect to the health hazards of drug abuse, the Secretary shall take such actions as may be necessary to insure the complete and widespread dissemination of up-to-date publications of the National Institute on Drug Abuse relating to the most recent research findings with respect so such health hazards.".

TITLE III—MISCELLANEOUS

PUBLIC HEALTH SERVICES CORPS

SEC. 301 Section 207(a)(1) of the Public Health Service Act (42 U.S.C. 209(a)(1)) is amended by inserting "psychology," after "pharmacy,".

Mr. BAKER. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the amendments are agreed to.

Mr. HUMPHREY. Mr. President, S. 2365 reauthorizes the activities of the National Institute on Drug Abuse and the National Institute on Alcohol Abuse and Alcoholism for 2 years.

The devastation which alcohol and drug abuse causes this Nation annually demands the coordinated response of Federal, State, and local governments as well as voluntary efforts. One recent study conducted by the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) estimates that the cost to the U.S. economy of alcohol and drug abuse in 1977 was in excess of $65 billion. Needless to say, that rather astounding number does not take into account the pain, suffering, and family disruption that can never be assigned a monetary value.

The need for continued Federal leadership in addressing this national problem is obvious. Last year the Budget Reconciliation Act established the alcohol, drug abuse, and mental health block grant to allow the States to allocate funding for treatment programing within their areas. I believe this was an important innovation in establishing the appropriate roles of the Federal, State, local governments, and the voluntary sector.

Last year the Senate Subcommittee on Alcoholism and Drug Abuse held extensive oversight hearings to evaluate the research and prevention programing of the National Institute on Alcohol Abuse and Alcoholism and the National Institute on Drug Abuse. During the research hearings the subcommittee heard scientists, researchers, and program administrators testify about the grant review process, the placement of the Institutes in ADAMHA, and the effectiveness of this country's research efforts in the field of alcohol and drug abuse.

During the prevention hearing the subcommittee heard from administration officials as well as State and local program administrators and members of the voluntary sector who are crucial in the pursuit of effective prevention programing. These hearings assisted the subcommittee in assessing the most beneficial and effective roles of the Federal Government, the State government, and the voluntary sector.

The results of those hearings are reflected in this legislation which focuses the Federal effort on programs which are truly national in scope; that is on research, information dissemination technical assistance to the States, and the encouragement of investigations, demonstrations and studies.

While I believe it is necessary to move treatment decisions to the States and look forward to the successes the block grant will produce, I believe that research is a critical national imperative in order to produce advances in treatment methods, screening techniques, and prevention programing as well as a greater understanding of the physical effects of alcohol and drugs. These activities must continue to be the focus of the Federal Government.

In addition, perhaps the most important national function is the dissemination of information once it has been acquired. To spend vast amounts of money on research and have it shared by only a few expert scientists in the field would be unforgiveable. The decline indicated in the annual "High School Senior Survey" in the regular use of marihuana by this Nation's young people has been a tribute to the efforts of all those institutions and organizations who have been actively disseminating information to the public to dispel the misconceptions about marihuana.

Indeed, testimony at subcommittee hearings last year indicated that marihuana is a dangerous substance with serious health and behavioral consequences. This information must be readily available to the public. Too often I have heard from individuals and groups who have been unable to obtain Government publications on drug abuse because they have been out of print or otherwise unavailable. I hope that this legislation will make clear that dissemination of information is one of the most important functions of the Federal Government.

In addition, this legislation will streamline and make more useful the reports which must be submitted by the Institutes. These reports have been consolidated and made biennial in the case of the National Institute on Drug Abuse, and triennial for the National Institute on Alcohol Abuse and Alcoholism. Finally, I have asked that the report on the Federal strategy be biennial.

In summary, this legislation will streamline some of the current procedures, will eliminate reports which are costly and ineffective because they are too frequently written, and will emphasize the importance of the Federal effort's concentration on strictly national functions, that is information dissemination, research, technical assistance, and coordination of strategy.

I therefore wholeheartedly support this legislation in all aspects but one—the funding level. As originally introduced S. 2365 reflected funding levels which would not have raised spending above 1982 levels but would have redis-

tributed that spending so more funding could be allocated to research and information dissemination. During the full committee markup of this legislation these funding levels were amended to reflect the administration's request for additional funding for alcohol and drug research. I opposed this amendment.

I have carefully reviewed all the budget justifications from the administration on the need for expanded programs at both the National Institute on Drug Abuse and the National Institute on Alcohol Abuse and Alcoholism. My work as chairman of the Subcommittee on Alcoholism and Drug Abuse has made it painfully clear to me that alcohol and drug abuse are having a crippling effect on our citizens and particularly our young people. This year the subcommittee's oversight hearings on NIDA and NIAAA found their work in this field to be of the highest caliber. There is no question in my mind that these Institutes are deserving of additional funding and could put it to effective use.

In my view that is not the question before us. The Congress has recently been called upon to raise the debt ceiling and projections of the national debt this year have been projected as high as $182 billion for 1983 if nothing is done to reduce current spending. OMB has estimated that the interest on the public debt in 1982 will be $115.7 billion. This has placed the U.S. Government in the position of borrowing more than one-third of the money available in domestic credit markets. This Federal borrowing is crowding out private sector borrowing, making it more difficult for businesses to expand and for individuals to purchase homes and cars.

My concern is that continued growth in spending will seriously threaten this Government's ability to provide vital programing in the future. I believe it is imperative that we defer increased spending to a time when the economy can accommodate it. Now is not that time. It is for this reason, and only this reason, that I recommended that the programs authorized in this legislation not exceed the aggregate spending levels of the 1982 continuing resolution.

Mr. HATCH. Mr. President, I am privileged to support S. 2365, "The Alcohol Abuse and Drug Abuse Amendment of 1982," Alcohol and drug abuse are our society's two most serious health problems. They demand the Congress deliberate attention because they pervade every level of our national health. Alcohol and drug abuse injures everyone—our Nation's economy, our Nation's personal welfare, our Nation's children. But they also demand our serious and careful attention because they are completely preventable.

At this time, I would like to thank Senator HUMPHREY, chairman of the Subcommittee on Alcohol and Drug Abuse. Through his interest and dedication, the Committee on Labor and Human Resources has reported this timely legislation which reauthorizes the National Institute on Alcohol Abuse and Alcoholism and the National Institute on Drug Abuse. Senator HUMPHREY has been particularly influential in focusing our national attention on the serious problems of marihuana abuse among our Nation's youth.

I cannot open a newspaper without reading a tragedy caused by someone who misused either alcohol or drugs. The estimated personal costs to society are immeasurable, but attempted calculations to the economic costs are several billion. Because of the serious concerns of the problems associated with alcohol and drug abuse in our society, the continuation of research in these substances is an important function of the Federal Government. In addition, the funding levels contained in this legislation recognizes the increased cost of alcohol and drug treatment and research, and it also directs the Federal Government to maintain an active leadership role in research and dissemination of the most recent findings to governmental and private groups involved in alcohol and drug abuse treatment. Also included in this legislation is adoption of my recommendation that an evaluation of the success of the alcohol, drug abuse and mental health block grant be included in the Secretary's report to Congress.

I continue to urge my fellow colleagues in both the Senate and the House to continue to support effective methods that will attempt to cure some of the ills, like these, which drain the economy and welfare of our society.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished majority leader withdraw that request?

Mr. BAKER. Yes.

Mr. ROBERT C. BYRD. In order to break the monotony, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. Mr. President, it is a distinct pleasure to revert to the form I enjoyed for so long.

I move to table the motion to reconsider.

Mr. ROBERT C. BYRD. I thank the majority leader.

The motion was agreed to.

PUBLIC HEALTH SERVICE ACT AMENDMENT

Mr. BAKER. Mr. President, next I have Calendar Order No. 832 on my list, H.R. 6458. If the minority leader is prepared to do so, I wish to ask the Senate to proceed to that item.

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

Mr. BAKER. I thank the Senator.

Mr. President, then I ask that the Chair lay before the Senate H.R. 6458, Calendar Order No. 832.

THE PRESIDING OFFICER. The bill will be stated by title.

The assistance legislative clerk read as follows:

A bill (H.R. 6458) to amend the Public Health Service Act and related laws to consolidate the laws relating to the Alcohol, Drug Abuse, and Mental Health Administration, the National Institute of Mental Health, the National Institute of Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse, and for other purposes.

The Senate proceeded to consider the bill.

Mr. BAKER. Mr. President, I move to strike all after the enacting clause and substitute in lieu thereof the text of Calendar Order No. 651, S. 2365, as amended, just adopted by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion wss agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 6458) was passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD, Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that Calendar Order No. 651, S. 2365, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I move that the Senate insist on its amendment and request a conference with the House of Representatives and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. HAYAKAWA) appointed Mr. HUMPHREY, Mr. HATCH, Mr. DENTON, Mr. MATSUNAGA, and Mr.

RIEGLE conferees on the part of the Senate.

ECONOMIC AND SELF-SUFFICIENCY FOR AMERICAN INDIANS, HAWAIIAN NATIVES, AND ALASKAN NATIVES

Mr. BAKER. Mr. President, the next item on my list is S. 1088, calendar order No. 137.

Mr. ROBERT C. BYRD. Mr. President, that item has been cleared on this side.

Mr. BAKER. Mr. President, I thank the minority leader.

Mr. President, I beg the pardon of the minority leader and other Members for the delay, but I now ask the Chair to lay before the Senate calendar order No. 137, S. 1088.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1088) to promote the goal of economic and self-sufficiency for American Indians, Hawaiian Natives, and Alaskan Natives,

The Senate proceeded to the consideration of the bill, which had been reported from the Select Committee on Indian Affairs with amendments, as follows:

On page 5, line 5, strike "(a)" and insert "(a)(1)";

On page 5, line 8, strike "(b)" and insert "(a)(2)";

On page 5, after line 9, insert the following:

SUPPORT TO TRIBAL AND VILLAGE GOVERNMENTS; ECONOMIC DEVELOPMENT

SEC. 7. (a) The Secretary shall provide financial assistance through grants to eligible governing bodies described in subsection (b) for employment of tribal or village government employees, for programs which increase the skills and qualifications of such employees, and for such other activities, including the awarding of grants or contracts by such governing bodies to Indian organizations, to enable such governing bodies to more effectively assume local responsibility for the economic and social well-being of the Indians or Alaskan Natives.

(b) The governing bodies which are eligible recipients of grants described in subsection (a) are the governing bodies of Indian tribes, bands, or groups residing on Federal or State reservations, including Alaskan Native villages or groups as defined in the Alaska Native Claims Settlement Act.

(c) No financial assistance may be provided to any eligible governing body under subsection (a) unless a plan has been submitted to the Secretary describing the manner in which—

(1) the tribal or village government will be strengthened, and

(2) the social or economic well-being of the Indians or Alaskan Natives will be enhanced.

On page 6, line 12, strike "7." and insert "8.";

On page 7, line 17, strike "8." and insert "9.";

On page 8, line 9, strike "9." and insert "10.";

On page 8, line 23, strike "10." and insert "11.";

On page 10, line 12, strike "11." and insert "12.";

On page 11, line 4, strike "12." and insert "13.";

On page 12, beginning with line 2, strike all through and including line 4, and insert the following:

SEC. 14. (a) There are authorized to be appropriated, for the purpose of carrying out the provisions of sections 3, 4, and 5 of this Act, $28,000,000 for each of the fiscal years 1982 and 1983.

(b) There are authorized to be appropriated, for the purpose fo carrying out the provisions of section 7 of this Act, $50,000,000 for fiscal year 1982 and such sums as may be necessary for fiscal year 1983.

On page 12, line 14, strike "14." and insert "15.";

On page 12, after line 15, insert the following:

EFFECTIVE DATE

SEC. 16. The provisions of this Act shall become effective on October 1, 1981.

So as to make the bill read:

S. 1088

Be is enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Native American Programs Act".

STATEMENT OF PURPOSE

SEC. 2. The purpose of this Act is to promote the goal of economic and social self-suficiency for American Indians, Hawaiian Natives, and Alaskan Natives.

FINANCIAL ASSISTANCE FOR NATIVE AMERICAN PROJECTS

SEC. 3. (a) The Secretary of Health and Human Services (hereinafter referred to in this Act as the "Secretary") is authorized to provide financial assistance to public and nonprofit private agencies, including but not limited to, governing bodies of Indian tribes on Federal and State reservations, Alaskan Native villages and regional corporations established by the Alaska Native Claims Settlement Act, and such public and nonprofit private agencies serving Hawaiian Natives and Indian organizations in urban or rural nonreservation areas, for projects pertaining to the purposes of this Act. In determining the projects to be assisted under this Act, the Secretary shall consult with other Federal agencies for the purpose of eliminating duplication or conflict among similar activities or projects and for the purpose of determining whether the findings resulting from those projects may be incorporated into one or more programs for which those agencies are responsible.

(b) Financial assistance extended to an agency under this Act shall not exceed 80 per centum of the approved costs of the assisted project, except that the Secretary may prove assistance in excess of such percentage if the Secretary determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this Act. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services. The Secretary shall not require non-Federal contributions in excess of 20 per centum of the approved costs of programs or activities assisted under this Act.

(c) No project shall be approved for assistance under this Act unless the Secretary is satisfied that the activities to be carried out under such project will be in addition to, and not in substitution for comparable activities previously carried out without Federal assistance, except that the Secretary may waive this requirement in any case in which the Secretary determines, in accordance with regulations establishing objective criteria, that application of the requirement would result in unnecessary hardship or otherwise be inconsistent with the purposes of this Act.

TECHNICAL ASSISTANCE AND TRAINING

SEC. 4. The Secretary may provide, directly or through other arrangements, (1) technical assistance to public and private agencies in developing, conducting, and administering projects under this Act, and (2) short-term inservice training for specialized or other personnel which is needed in connection with projects receiving financial assistance under this Act.

RESEARCH, DEMONSTRATION, AND PILOT PROJECTS

SEC. 5. (a) The Secretary may provide financial assistance through grants or contracts for research, demonstration, or pilot projects conducted by public or private agencies which are designed to test or assist in the development of new approaches or methods that will aid in overcoming special problems or otherwise furthering the purposes of this Act.

(b) The Secretary shall establish an overall plan to govern the approval of research, demonstration, and pilot projects and the use of all research authority under this Act. The plan shall set forth specific objectives to be achieved and priorities among such objectives.

ANNOUNCEMENT OF RESEARCH, DEMONSTRATION, OR PILOT PROJECTS

SEC. 6. (a) The Secretary shall make a public announcement concerning—

(1) the title, purpose, intended completion date, identity of the grantee or contractor, and proposed cost of any grant or contract with a private or non-Federal public agency for a research, demonstration, or pilot project; and

(2) except in cases in which the Secretary determines that it would not be consistent with the purposes of this Act, the results, findings, data, or recommendations made or reported as a result of such activities.

(b) The public announcements required by subsection (a)(1) shall be made within thirty days of making such grants or contracts, and the public announcements required by subsection (a)(2) of this section shall be made within thirty days of the receipt of such results.

SUPPORT TO TRIBAL AND VILLAGE GOVERNMENTS; ECONOMIC DEVELOPMENT

SEC. 7. (a) The Secretary shall provide financial assistance through grants to eligible governing bodies described in subsection (b) for employment of tribal or village government employees, for programs which increase the skills and qualifications of such employees, and for such other activities, including the awarding of grants or contracts by such governing bodies to Indian organizations, to enable such governing bodies to more effectively assume local responsibility for the economic and social well-being of the Indians or Alaskan Natives.

(b) The governing bodies which are eligible recipients of grants described in subsection (a) are the governing bodies of Indian tribes, bands, or groups residing on Federal or State reservations, including Alaskan Native villages or groups as defined in the Alaska Native Claims Settlement Act.

(c) No financial assistance may be provided to any eligible governing body under subsection (a) unless a plan has been submitted to the Secretary describing the manner in which—

(1) the tribal or village government will be strengthened, and

(2) the social or economic well-being of the Indians or Alaskan Natives will be enhanced.

SUBMISSION OF PLANS TO STATE AND LOCAL OFFICIALS

SEC. 8. (a) No financial assistance may be provided to any project under section 3 or any research, demonstration, or pilot project under section 5, which is to be carried out on or in an Indian reservation or Alaskan Native village, unless a plan setting forth the project has been submitted to the governing body of that reservation or village and the plan has not been disapproved by the governing body within thirty days of its submission. If financial assistance is provided to such a project, the Secretary shall not alter the terms and objectives of such project by terminating, suspending or withholding such assistance without the approval of the governing body of the reservation or village on or in which the project is carried on.

(b) No financial assistance may be provided to any project under section 3 or any research, demonstration, or pilot project under section 5, which is to be carried out in a State other than on or in an Indian reservation or Alaskan Native village or Hawaiian Homestead, unless the Secretary has notified the chief executive officer of the State of the decision of the Secretary to provide that assistance.

(c) No financial assistance may be provided to any project under section 3 or any research, demonstration, or pilot project under section 5, which is to be carried out in a city, county, or other major political subdivision of a State, other than on or in an Indian reservation or Alaskan Native village, or Hawaiian Homestead, unless the Secretary has notified the local governing officials of the political subdivision of the decision of the Secretary to provide that assistance.

RECORDS AND AUDITS

SEC. 9. (a) Each agency which receives financial assistance under this Act shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and disposition by that agency of such financial assistance, the total cost of the project in connection with which such financial assistance is given or used, the amount of that portion of the cost of the project supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any book, documents, papers, and records of any agency which receives financial assistance under this Act that are pertinent to the financial assistance received under this Act.

APPEALS, NOTICE, AND HEARING

SEC. 10. The Secretary shall prescribe procedures to assure that—

(1) financial assistance under this Act shall not be suspended, except in emergency situations, unless the assisted agency has been given reasonable notice and opportunity to show cause why such action should not be taken; and

(2) financial assistance under this Act shall be terminated, and application for refunding shall not be denied, and a suspension of financial assistance shall not be continued for longer than thirty days, unless the assisted agency has been afforded reasonable notice and opportunity for a full and fair hearing.

EVALUATION

SEC. 11. (a) The Secretary shall provide, directly or through grants or contracts, for the evaluation of projects assisted under this Act, including evaluations that describe and measure the impact of such projects, their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such projects. Evaluations shall be conducted by persons not directly involved in the administration of the program or project evaluated.

(b) Prior to obligating funds for the programs and projects covered by this Act with respect to fiscal year 1976, the Secretary shall develop and publish general standards for evaluation of program and project effectiveness in achieving the objectives of this Act. The extent to which such standards have been met shall be considered in deciding whether to renew or supplement financial assistance authorized under this Act.

(c) In carrying out evaluations under this Act, the Secretary may require agencies which receive assistance under this Act to provide for independent evaluations.

(d) In carrying out evaluations under this Act, the Secretary shall, whenever feasible, arrange to obtain the specific views of persons participating in and served by programs and projects assisted under this Act about such programs and projects.

(e) The Secretary shall publish the results of evaluative research and summaries of evaluations of program and project impact and effectiveness not later than ninety days after the completion thereof. The Secretary shall submit to the appropriate committees of the Congress copies of all such research studies and evaluation summaries.

(f) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with assistance under this Act shall become the property of the United States.

DELEGATION OF AUTHORITY

SEC. 12. (a) The Secretary is authorized to delegate to the heads of other departments and agencies of the Federal Government any of the functions, powers, and duties of the Secretary under this Act, as the Secretary may deem appropriate, and to authorize the redelegation of such functions, powers, and duties by the heads of such departments and agencies.

(b) Departments and agencies of the Federal Government shall exercise their powers, duties, and functions in such manner as will assist in carrying out the objectives of this Act.

(c) Funds appropriated for the purpose of carrying out this Act may be transferred between departments and agencies of the Government, if such funds are used for the purposes for which they are authorized and appropriated.

DEFINITIONS

SEC. 13. As used in this Act, the term—

(1) "financial assistance" includes assistance advanced by grant, agreement, or contract, but does not include the procurement of plant or equipment, or goods or services;

(2) "Indian reservation or Alaskan Native village" includes the reservation of Alaskan Native village" includes the reservation of any federally or State recognized Indian tribe, including any band, nation, pueblo, or rancheria, any former reservation Oklahoma, any community under the jurisdiction of an Indian tribe, including a band, nation, pueblo, or rancheria, with allotted lands or lands subject to a restriction against alienation imposed by the United States or a State, and any lands of or under the jurisdiction of an Alaskan Native village or group, including any lands selected by Alaskan Natives or Alaskan Native organizations under the Alaska Native Claims Settlement Act; and

(3) "Native Hawaiian" means any individual any of whose ancestors were natives of the area which consists of the Hawaiian Islands prior to 1778.

AUTHORIZATION OF APPROPRIATIONS

SEC. 14. (a) There are authorized to be appropriated, for the purpose of carrying out the provisions of sections 3, 4, and 5 of this Act, $28,000,000 for each of the fiscal years 1982 and 1983.

(b) There are authorized to be appropriated, for the purpose of carrying out the provisions of section 7 of this Act, $50,000,000 for fiscal year 1982 and such sums as may be necessary for fiscal year 1983.

REPEAL OF NATIVE AMERICAN PROGRAMS ACT OF 1974

SEC. 15. Title VIII of the Economic Opportunity Act of 1964 (42 U.S.C. 2991, et seq.) is repealed.

EFFECTIVE DATE

SEC. 16. The provisions of this Act shall become effective on October 1, 1981.

UP AMENDMENT NO. 1396

(Purpose: To provide guidelines for the allotment of financial assistance, to require notice prior to termination, suspension, or withholding of assistance, and for other purposes)

Mr. BAKER. Mr. President, on behalf of the distinguished Senator from Maine (Mr. COHEN) I send an amendment to the desk in the nature of a substitute, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for Mr. COHEN, proposes an unprinted amendment numbered 1396 in the nature of a substitute.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows.

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Native American Programs Act".

STATEMENT OF PURPOSE

SEC. 2. The purpose of this Act is to promote the goal of economic and social self-

sufficiency for American Indians, Hawaiian Natives, and Alaskan Natives.

FINANCIAL ASSISTANCE FOR NATIVE AMERICAN PROJECTS

SEC. 3. (a) The Secretary of Health and Human Services (hereinafter referred to in the Act as the "Secretary") is authorized to provide financial assistance to public and nonprofit private agencies, including but not limited to, governing bodies of Indian tribes on Federal and State reservations, Alaskan Native villages and regional corporations established by the Alaska Native Claims Settlement Act, and such public and nonprofit private agencies serving Hawaiian Natives and Indian organizations in urban or rural nonreservation areas, for projects pertaining to the purposes of this Act. In determining the projects to be assisted under this Act, the Secretary shall consult with other Federal agencies for the purpose of eliminating duplication or conflict among similar activities or projects and for the purpose of determining whether the findings resulting from those projects may be incorporated into one or more programs for which those agencies are responsible.

(b) Financial assistance extended to an agency under this Act shall not exceed 80 percent of the approved costs of the assisted project, except that the Secretary may approve assistance in excess of such percentage if the Secretary determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this Act. Non-Federal contributions may be in cash or in kind, fairly evaluated including but not limited to plant, equipment, and services. The Secretary shall not require non-Federal contributions in excess of 20 percent of the approved costs of programs or activities assisted under this Act.

(c) No project shall be approved for assistance under this Act unless the Secretary is satisfied that the activities to be carried out under such project will be in addition to, and not in substitution for comparable activities previously carried out without Federal assistance, except that the Secretary may waive this requirement in any case in which the Secretary determines, in accordance with regulations establishing objective criteria, that application of the requirement would result in unnecessary hardship or otherwise be inconsistent with the purposes of this Act.

TECHNICAL ASSISTANCE AND TRAINING

SEC. 4. The Secretary may provide, directly or through other arrangements, (1) technical assistance to public and private agencies in developing, conducting, and administering projects under this Act, and (2) short-term inservice training for specialized or other personnel which is needed in connection with projects receiving financial assistance under this Act.

RESEARCH, DEMONSTRATION, AND PILOT PROJECTS

SEC. 5. (a) The Secretary may provide financial assistance through grants or contracts for research, demonstration, or pilot projects conducted by public or private agencies which are designed to test or assist in the development of new approaches or methods that will aid in overcoming special problems or otherwise furthering the purposes of this Act.

(b) The Secretary shall establish an overall plan to govern the approval of research, demonstration, and pilot projects and the use of all research authority under this Act. The plan shall set forth specific objectives to be achieved and priorities among such objectives.

ANNOUNCEMENT OF RESEARCH, DEMONSTRATION, OR PILOT PROJECTS

SEC. 6. (a) The Secretary shall make a public announcement concerning—

(1) the title, purpose, intended completion date, identity of the grantee or contractor, and proposed cost of any grant or contract with a private or non-Federal public agency for a research, demonstration, or pilot project; and

(2) except in cases in which the Secretary determines that it would not be consistent with the purposes of this Act, the results, findings, data, or recommendations made or reported as a result of such activities.

(b) The public announcement required by subsection (a)(1) shall be made within thirty days of making such grants or contracts, and the public announcements required by subsection (a)(2) of this section shall be made within thirty days of the receipt of such results.

SUPPORT TO TRIBAL AND VILLAGE GOVERNMENTS; ECONOMIC DEVELOPMENT

SEC. 7. (a) The Secretary shall provide financial assistance through grants to eligible governing bodies described in subsection (b) to enable such governing bodies more effectively to assume local responsibility for the economic and special well-being of the Indians or Alaskan Natives, as the case may be, to enhance tribal and village governance and administration, to develop tribal and village economies, to increase the skills and qualifications of persons employed in any project of an Indian tribe or Alaskan Native village for the promotion of self-sufficiency of such tribe or village, and for similar purposes. The Secretary shall also provide financial assistance through grants to eligible governing bodies to enable such governing bodies to award to Indian or Alaskan Native organizations, as the case may be, grants or contracts to achieve the purposes of this subsection.

(b) The governing bodies which are eligible recipients of grants described in subsection (a) are the governing bodies of Indian tribes, bands, or groups residing on Federal or State reservations, including Alaskan Native villages or groups as defined in the Alaska Native Claims Settlement Act.

(c) No financial assistance may be provided to any eligible governing body under subsection (a) unless a plan has been submitted to the Secretary describing the manner in which—

(1) the tribal or village government will be strengthened, and

(2) the social or economic well-being of the Indians or Alaskan Natives will be enhanced.

(d)(1) Not later than sixty days after the date of the enactment of this Act, the Secretary shall promulgate interim regulations to govern allotment of funds to eligible governing bodies in fiscal year 1983. Such regulations shall provide that, in allotting funds, the Secretary shall consider each of the factors set forth in paragraph (2)(B) and, in addition, shall consider the ratio of the number of Indians or Alaskan Natives that are, or may become, unemployed to the total number of Indians or Alaskan Natives that reside within the reservation or village.

(2)(A) In fiscal year 1984, Federal funds appropriated under section 15(b) of this Act shall be allotted in accordance with the formula established under subparagraph (B) and subject to the provision of paragraph (3).

(B) The Secretary shall establish a formula for determining the amount of funds to be allotted to each eligible governing body under subsection (a). Such formula shall provide that, in allotting funds, the Secretary shall consider—

(i) the financial resources of the eligible governing body;

(ii) the population of the tribe or village served by such eligible governing body;

(iii) the comparative individual income of members of such tribe or village;

(iv) the isolation of such tribe or village;

(v) the minimum needs of the eligible governing body with respect to governance and administration; and

(vi) such other relevant factors as the Secretary determines to be appropriate.

(3) Notwithstanding paragraph (2), the Secretary shall provide funds to any eligible governing body when necessitated by an emergency or any unforeseen contingency not provided for in the formula established under paragraph (2)(B). Whenever the Secretary provides funds under this paragraph, the Secretary shall report such action to the appropriate committees of Congress.

SUBMISSION OF PLANS TO STATE AND LOCAL OFFICIALS

SEC. 8. (a) No financial assistance may be provided to any project under section 3 or any research, demonstration, or pilot project under section 5, which is to be carried out on or in an Indian reservation or Alaskan Native village, unless a plan setting forth the project has been submitted to the governing body of that reservation or village and the plan has not been disapproved by the governing body within thirty days of its submission. When financial assistance is provided to any such project, the Secretary shall not terminate, suspend, or withhold such assistance without good cause and first giving the recipient written notice not less than thirty days prior to taking such action. The notice shall clearly specify the reasons for such action and set forth the procedures by which the recipient can appeal the proposed action. The Secretary shall establish administrative procedures for appeal of any such action.

(b) No financial assistance may be provided to any project under section 3 or any research, demonstration, or pilot project under section 5, which is to be carried out in a State other than on or in an Indian reservation or Alaskan Native village or Hawaiian Homestead, unless the Secretary has notified the chief executive officer of the State of the decision of the Secretary to provide that assistance.

(c) No financial assistance may be provided to any project under section 3 or any research, demonstration, or pilot project under section 5, which is to be carried out in a city, county, or other major political subdivision of a State, other than on or in an Indian reservation or Alaskan Native village, or Hawaiian Homestead, unless the Secretary has notified the local governing officials of the political subdivision of the decision of the Secretary to provide that assistance.

RECORDS AND AUDITS

SEC. 9. (a) Each agency which receives financial assistance under this Act shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and disposition by that agency of such financial assistance, the total cost of the project in connection with which such financial assistance is given or used, the amount of that portion of the cost of the

project supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of any agency which receives financial assistance under this Act that are pertinent to the financial assistance received under this Act.

APPEALS, NOTICE, AND HEARING

SEC. 10. The Secretary shall prescribe procedures to assure that—

(1) financial assistance under this Act shall not be suspended, except in emergency situations, unless the assisted agency has been given reasonable notice and opportunity to show cause why such action should not be taken; and

(2) financial assistance under this Act shall not be terminiated, and application for refunding shall not be denied, and a suspension of financial assistance shall not be continued for longer than thirty days, unless the assisted agency has been afforded reasonable notice and opportunity for a full and fair hearing.

EVALUATION

SEC. 11. (a) The Secretary shall provide, directly or through grants or contracts, for the evaluation of projects assisted under this Act, including evaluations that describe and measure the impact of such projects, their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such projects. Evaluations shall be conducted by persons not directly involved in the administration of the program or project evaluated.

(b) Prior to obligating funds for the programs and projects covered by this Act with respect to fiscal year 1976, the Secretary shall develop and publish general standards for evaluation of program and project effectiveness in achieving the objectives of this Act. The extent to which such standards have been met shall be considered in deciding whether to renew or supplement financial assistance authorized under this Act.

(c) In carrying out evaluations under this Act, the Secretary may require agencies which receive assistance under this Act to provide for independent evaluations.

(d) In carrying out evaluations under this Act, the Secretary shall, whenever feasible, arrange to obtain the specific views of persons participating in and served by programs and projects assisted under this Act about such programs and projects.

(e) The Secretary shall publish the results of evaluative research and summaries of evaluations of program and project impact and effectiveness not later than ninety days after the completion thereof. The Secretary shall submit to the appropriate committees of the Congress copies of all such research studies and evaluation summaries.

(f) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with assistance under this Act shall become the property of the United States.

DELEGATION OF AUTHORITY

SEC. 12. (a) The Secretary is authorized to delegate to the heads of other departments and agencies of the Federal Government any of the functions, powers, and duties of the Secretary under this Act, as the Secretary may deem appropriate, and to authorize the redelegation of such functions, powers, and duties by the heads of such departments and agencies.

(b) Departments and agencies of the Federal Government shall exercise their powers, duties, and functions in such manner as will assist in carryng out the objectives of this Act.

(c) Funds appropriated for the purpose of carrying out this Act may be transferred between departments and agencies of the Government, if such funds are used for the purposes for which they are authorized and appropriated.

REGULATIONS

SEC. 13. (a)(1) Within six months after the date of enactment of this Act the Secretary shall consult, to the extent practicable, with national and regional organizations representing American Indians, Hawaiian Natives, or Alaskan Natives to consider and formulate appropriate rules and regulations to implement the provisions of this Act.

(2) Within eight months after the date of enactment of this Act the Secretary shall publish proposed rules and regulations in the Federal Register for the purpose of receiving comments from interested parties.

(3) Within sixty days after the closing date for receipt of comments on proposed rules and regulations published under paragraph (2), the Secretary shall promulgate rules and regulations to implement the provisions of this Act.

(b) The Secretary may revise and amend any rules or regulations promulgated pursuant to this Act and may promulgate additional rules or regulations to carry out the provisions of this Act. Prior to revising or amending rules or regulations, or promulgating additional rules or regulations, the Secretary shall consult, to the extent practicable, with appropriate national or regional organizations representing American Indians, Hawaiian Natives, or Alaskan Natives and shall publish any proposed revision, amendment, or additional rule or regulation in the Federal Register not less than sixty days prior to the effective date of such revision, amendment, or additional rule or regulation for the purpose of receiving comments from interested parties.

(c) New regulations are not required by this section with respect to programs contained in this act which were previously authorized by title VIII of the Economic Opportunity Act of 1964 (42 U.S.C. 2991-2992d). Any revision or amendment of rules or regulations previously promulgated under such title of such Act shall be made in accordance with subsection (b) of this section.

DEFINITIONS

SEC. 14. As used in this Act, the term—

(1) "financial assistance" includes assistance advanced by grant, agreement, or contract, but does not include the procurement of plant or equipment, or goods or services;

(2) "Indian reservation or Alaskan Native village" includes the reservation of any federally or State recognized Indian tribe, including any band, nation, pueblo, or rancheria, any former reservation in Oklahoma, any community under the jurisdiction of an Indian tribe, including a band, nation, pueblo, or rancheria, with allotted lands or lands subject to a restriction against alienation imposed by the United States or a State, and any lands of or under the jurisdiction of an Alaskan Native village or group, including any lands selected by Alaskan Native or Alaskan Native organizations under the Alaska Native Claims Settlement Act; and

(3) "Native Hawaiian" means any individual any of whose ancestors were natives of the area which consists of the Hawaiian Islands prior to 1778.

AUTHORIZATION OF APPROPRIATIONS

SEC. 15. (a) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 3, 4, 5, and 11 of this Act for each of the fiscal years 1983 and 1984.

(b) There are authorized to be appropriated, for the purpose of carrying out the provisions of section 7 of this Act, $50,000,000 for fiscal year 1983 and such sums as may be necessary for fiscal year 1984.

REPEAL OF NATIVE AMERICAN PROGRAMS ACT OF 1974

SEC. 16. Title VIII of the Economic Opportunity Act of 1964 (42 U.S.C. 2991, et seq.) is repealed.

EFFECTIVE DATE

SEC. 17. The provisions of this Act shall become effective October 1, 1982.

Mr. COHEN. Mr. President, I rise today on behalf of S. 1088, the Native American Programs Act.

S. 1088 was introduced on April 30 of last year by Senator DENTON. As introduced, the bill would simply have reauthorized the Administration for Native Americans (ANA), an organization situated in the Department of Health and Human Services (HHS) whose purpose is to promote economic and social self-sufficiency for native American Indians, Hawaiian Natives, and Alaskan Natives.

Upon introduction, S. 1088 was referred to the Indian Affairs Committee where it was amended to include a new program, the tribal government support program in section 7. The bill was then reported from the committee to meet the May 15 deadline for reporting authorization legislation.

The Indian Affairs Committee subsequently held two hearings on the tribal government support provision and, in a business meeting held on July 24, approved changes which expanded and refined this program. As drafted in the amendment in the nature of a substitute which the Indian Affairs Committee has approved and which I will offer shortly, the tribal government support program in S. 1088 would make grants available to Indian tribes and Alaskan Native villages to enable those entities to fulfill their governmental obligations to the people within their jurisdiction. They would also become eligible for grants to enhance the economic well-being of tribal members, and to increase the job skills of those tribal members working on the reservation.

Indian tribes located on Federal and State reservations would be eligible for the tribal government support program. The program would be administered by the administration for native Americans (ANA) within the Depart-

ment of Health and Human Services (HHS). Under Section 7, eligible tribal governments must submit plans to the Secretary of HHS setting forth how the grant will benefit the people under the tribes' jurisdiction.

The secretarial review, in the initial year of implementation, will be conducted with reference to seven criteria including the unemployment rate on the reservation. In fiscal year 1984, the Secretary must review grant applications based on the following six criteria: First, the financial resources of the tribe; second, the population of the tribe; third, the comparative individual income of members of the tribe; fourth, the isolation of the tribe; fifth, the minimum needs of the tribe for the purpose of governing; and sixth, other relevant factors that the Secretary may deem appropriate. The Secretary is also empowered to provide money to a tribe in an emergency without respect to the criteria I have just described. In that event, however, the Secretary must make a report to Congress of the circumstances that prompted the disbursement.

In discussing the tribal government support program as it appears in the amendment in the nature of a substitute which I will offer, I would like to cover first, the purpose behind the program; second, the level of funding authorized by the bill; third, the placement of the program in the Administration for Native Americans; fourth, the innovative and important parts of the program; and, finally, the relationship of the program to current programs in the field of Indian affairs.

PURPOSE OF SECTION 7

Mr. President, since the earliest days of our Republic, the United States has considered Indian tribes to be separate and distinct units of government with the authority to exercise the powers of a government over persons within their jurisdiction. This understanding was recognized by the U.S. Supreme Court in *Cherokee Nation* v. *Georgia.* 30 U.S. (5 Pet.) 1 (1831), and was recently reaffirmed by the Supreme Court in January of this year in *Merrion* v. *Jicarilla Apache Tribe,* 102 S. Ct. 894 (1982). This legal principle is fundamental to the field of Indian affairs and the United States has always observed it by insuring that, in its relations with each Indian tribe, it acts as one government to another.

The governmental nature of Indian tribes and its place in the field of Indian affairs was also recognized by President Reagan during his campaign for the Presidency. At that time, in response to a question, he wrote:

By necessary implication, it follows that as governments, Indian tribes have responsibilities toward the people within their jurisdiction that are identical to those that are held by other governments, such as municipalities or States, toward their citizens. For a variety of reasons, however, including the absence of strong economies from most reservations, Indian tribes lack the traditional revenue-raising devices and the traditional revenue-raising resources that other governments use to meet the needs of their citizens. It is this most basic problem that section 7 of S. 1088 is intended to address.

NEED FOR THE TRIBAL GOVERNMENT SUPPORT PROGRAM

The inability of Indian tribes to fund their own governmental services has placed them in the worst of all possible circumstances where they have the responsibility for providing those services without the means to do so. This state of affairs touches virtually every governmental function that people in the non-Indian world take for granted. For example, such essential services as police protection, wildlife and game supervision and management, ambulance service, overall reservation management—an Indian tribe's equivalent to city management—judges for the tribal court, and so forth, are either understaffed or not staffed at all.

The resulting vacuum of authority and expertise creates an environment that is most unattractive to non-Indian enterpreneurs who might invest their private capital on Indian reservations. Furthermore, those Indian-tribes that have developed some economic acitivity on their reservations through tribally-owned enterprises face the temptation, raised by a needy constituency, to divert the profits from the enterprise to the provision of essential services, rather than reinvesting them in the enterprise. This dual demand on tribal business profits is unlike anything that faces most non-Indian businesses.

The tribal government support program is intended to provide direct assistance to Indian tribes to meet their governmental obligations, and, at the same time, to enable Indian tribes to maintain a core of experienced and responsible civil servants who will, in turn, enable the tribes to prepare for the future.

THE LEVEL OF FUNDING FOR THE TRIBAL GOVERNMENT SUPPORT PROGRAM

I would like, at this point, to make a few remarks about the level of funding for the tribal government support program and, at the same time, shed some additional light on the purpose and background of this bill.

Since fiscal years 1974 and 1975, with a gap in 1978, Indian tribes have received funding under titles II-D and VI of the Comprehensive Employment and Training Act (CETA). Indian tribes used the assistance provided pursuant to these two titles to provide public service employment on their reservations. These public service employees provided a wide array of governmental services to the people living on the reservations. In fiscal year 1979, the Indian programs in titles II-D and VI were funded at nearly $120 million. The following year, funding for these two titles was reduced to about $82 million and, in fiscal year 1981, funding was reduced still further to $41,642,077. In fiscal year 1982, funding was eliminated altogether.

Title II-D and VI of CETA had not been well drawn to meet the needs of Indian tribes and their demise from a policy standpoint was unobjectionable. Nevertheless, the Indian Affairs Committee had long been aware of the numerous governmental functions that had been funded under titles II-D and VI, and was concerned that the simple elimination of the programs would seriously impair many tribal governments.

In June 1982, the committee held two hearings at which it received testimony the impact of the elimination of the two programs. At the first of these hearings, one witness told the committee that:

The persons funded under titles II and VI are our accountants, our police, our game wardens, our bus drivers, our maintenance men, our nutrition program, our secretaries, and our aging program staff. They serve as the basic support staff making up what is, in effect, the infrastructure of our tribe.

The tribal government support program is designed to meet these needs and it is authorized at $50 million. The funding level was reached as a 20-percent reduction over the funding level that had been anticipated for titles II-D and VI for fiscal year 1981 before the budget reductions were submitted to Congress.

PLACEMENT OF THE TRIBAL GOVERNMENT SUPPORT PROGRAM IN THE ADMINISTRATION FOR NATIVE AMERICANS

Under S. 1088, the tribal government support program will be administered by the Administration for Native Americans (ANA) within the Department of Health and Human Services. This placement is deliberate and, I believe, necessary to the success of the program. The agency that stands as the most logical alternative to ANA is the Bureau of Indian Affairs (BIA). BIA would, in my view, administer the program with much less success than ANA for several reasons.

To begin with, although BIA has existed now for more than 150 years, it has never developed a program to assist tribal governments in running their own affairs. The tendency, I am afraid, has been for BIA to simply take over those functions that Indian tribes cannot fulfill and perform them through BIA personnel. As a prominent provider of services on Indian reservations, the BIA would not be the most effective administrator of a program designed to enhance the capacity of tribal governments to provide their own services.

ANA, on the other hand, does not provide services on Indian reserva-

tions. Its mandate is to assist Indian tribes and taking control of their destinies. It has an experienced staff of about 50 who have spent years administering grants to tribes under the general mandate of the ANA enabling act. To the extent that Congress can insure, through the placement of a program in a particular agency, program will be properly administered, the placement of the tribal government support program in ANA is sound.

INNOVATIVE FEATURES OF THE TRIBAL GOVERNMENT SUPPORT PROGRAM

Besides the establishment of Federal policy to assist tribal governments in meeting their obligations, the tribal government support program in section 7 would establish, for the first time, criteria which would require ANA to distinguish between have and have-not tribes in reviewing grant applications. These criteria, which I mentioned at the outset of my statement, have never been embodied in any statute nor, to my knowledge, are they employed in the administration of any Federal program of assistance to Indian tribes.

Under the current system, the wealthier and more sophisticated tribes tend to benefit from Federal programs of assistance to Indians while the poorer tribes with less experience find their needs are not met. The criteria set forth in this bill constitute a long step toward ending this inequity. The use of these criteria will also prompt the collection of much-needed raw data on the different reservations which may then be used to develop strategies to meet the economic problems of each reservation.

RELATIONSHIP TO THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

A word is also in order about the relationship of the tribal government support program to the Indian Self-Determination and Education Assistance Act. This act, also known as Public Law 93-638, was enacted in 1973 and was intended to provide the means by which Indian tribes would take over a wide variety of programs which at that time were administered by the United States.

The Self-Determination Act, however, instead of beginning with the expenses the tribe would encounter in operating the Federal programs began with the expenses the United States meets in operating the program. The disparity between these two costs has had the ironic result of propelling some Indian tribes who have sought to operate "638" programs to the point of bankruptcy.

On June 30 of this year, the Indian Affairs Committee held an oversight hearing on the Self-Determination Act. At that time, one of the administration witnesses—who was seconded by another—suggested that the problem of administrative costs could be met by establishing a separate fund for those programs that would reflect the cost to the tribes of administering Federal programs. Although the tribal government support program does not pretend to meet the administrative costs problem in the Self-Determination Act, the suggestion of the administration witnesses on June 30 are in keeping with the intent of this program and spring from the same analysis that brought forth the policy embodied in this bill.

CONCLUSION

Mr. President, we are all aware of the devastating poverty that afflicts Indian reservations in this Nation. Many believe these problems cannot be solved. I believe that they can—and will—be solved when Indian tribes gain the capacity to make decisions for themselves and to fashion their own destiny. With the development of reliable, responsible, and experienced tribal governments, Indian tribes will begin to address the problems that have turned their reservation into economic wastelands.

Although I do not see the tribal government support program in S. 1088 as a panacea, I do see the establishment of such a program as a precondition to responsible tribal government, and a functioning tribal government is a precondition to economic development.

An analysis of section 7 follows:

ANALYSIS OF SECTION 7, OF S. 1088, the Native American Programs Act

Sec. 7(a) provides that the Secretary of Health and Human Services (HHS) shall provide assistance to the eligible governing bodies of Indian tribes and Alaska Natives. The assistance shall be provided in the form of grants. The purpose of the grants is to enable the eligible governing bodies to assume more effective responsibility for the economic and social well-being of those persons under their jurisdiction, to improve the capacity of the eligible governing bodies to discharge the duties of government including administration, and to increase the skills and qualifications of any person employed in any project of the eligible governing bodies if that project is intended to promote the self-sufficiency of the affected tribe or Alaskan Native village.

Subsection 7(a) provides, in addition, that the Secretary is empowered to make grants to the eligible governing bodies where the funds from those grants are to be used to enable the eligible governing bodies to award grants or contracts to Indian or Native Alaskan organizations which are designed to achieve the purposes of subsection 7(a). These purposes have been described above.

Sec. 7(b) sets forth those entities that qualify as "eligible governing bodies" under section 7. Subsection 7(b) provides that the governing bodies of Indian tribes, bands or groups residing on Federal and State reservations are encompassed in the term "eligible governing bodies." Alaskan Native villages or groups as defined in the Alaskan Native Claims Settlement Act are expressly included within the meaning of the term "eligible governing bodies" by this subsection.

Sec. 7(c) sets forth the elements that must be included in any proposal for assistance under section seven of this Act. Under subsection 7(c), before the Secretary may provide financial assistance to any eligible governing body pursuant to section seven, he must receive a plan which describes, first, how the financial assistance will strengthen the tribal or village government and, second, how it will enhance the social or economic well-being of the Indians or Alaskan Natives who are under the jurisdiction of the eligible governing body submitting the proposal.

Sec. 7(d) sets forth criteria which the Secretary shall employ in allotting funds made available under section seven. Subsection 7(d)(1) requires the Secretary to promulgate interim regulations to govern the allotment of funds made available under section seven during fiscal year 1983. The regulations shall require the Secretary to consider each of the factors set forth in subsection 7(d)(2)(B). These factors are explained in greater detail below. In addition to the factors set forth in subsection 7(d)(2)(B), the Secretary shall also consider, only for the distribution of funds in fiscal year 1983, the present or prospective unemployment rate on the affected reservation or within the affected village.

Subsection 7(d)(2) comprises subparagraphs (A) and (B). Subparagraph 7(d)(2)(A) provides that, during fiscal year 1984, the funds made available under section seven shall be allotted in accordance with the criteria set forth in subparagraph 7(d)(2)(B). An explanation of the criteria follows:

(i) requires that the Secretary shall consider the financial resources of the eligible governing body. This factor is intentionally broad and requires the consideration of those financial resources, whatever they may be, unless otherwise precluded by law.

(ii) requires the Secretary to consider the population of the eligible governing body. This factor should be used with reference to the population served by the eligible governing body including, when appropriate, those persons who, although not members of the tribe or village served by the eligible governing body, nevertheless receive services from it.

(iii) requires the Secretary to consider the comparative individual incomes of the members of the eligible governing body. The intent of this factor ensure that, in the allotment of funds under section seven, the Secretary considers the relative prosperity of eligible governing bodies based on the individual incomes of their members. The word "comparative" is used to require the Secretary to compare the individual incomes on the reservations or in the villages with the individual incomes on other reservations or in other villages.

(iv) requires the Secretary to consider the isolation of the eligible governing body. This factor is intended to ensure that the increased costs and limited access to private capital that are associated with great distances from transportation points and centers of population are considered by the Secretary.

(v) requires the Secretary to consider the minimum needs of the eligible governing body in governing and administering the persons and area within its jurisdiction. Services such as the provision of security for the inhabitants of the village or reservation and its natural resources, the operation of health, aging, and other programs, as well as ensuring the technical and administrative

competence of those responsible for administering the eligible governing body and services, are included within this factor. The foregoing list is only for illustrative purposes and is in no way exhaustive.

(vi) empowers the Secretary to consider other relevant factors as he may deem appropriate in the allotment of funds under section seven.

The six factors described above, taken together, are intended to provide the Secretary with a basis for distinguishing between those eligible bodies with little or no capacity to meet their governmental needs from those that do. The factors embody the policy of section seven to ensure that tribes with significant revenue raising resources do not receive funding on an equal basis with tribes that do not have such resources. It is the strong intent of the section seven program that those Indian tribes and villages that have the resources to support sophisticated and experienced staffs not benefit from this program at the expense of those tribes and villages that have little or no ability to provide for themselves.

Subsection 7(d)(3) provides that in an emergency or under conditions created by an unforeseen contingency, the Secretary shall provide funds pursuant to section seven to assist an eligible governing body in meeting the demands arising out of the emergency without regard to the factors set forth in subparagraph 7(d)(2)(B). This is an unusual procedure and is only to be exercised under exigent circumstances. Whenever the Secretary acts under this subsection, he is required to report his action to the appropriate committees of the House of Representatives and the Senate along with his reasons for taking the action.

Mr. HATFIELD. Mr. President, I rise today to express my support for S. 1088, the Native American Programs Act, and particularly for section 7—the tribal government support program—which was added to the bill by the Select Committee on Indian Affairs. The purpose of the section 7 program is to establish a new program to strengthen tribal governments and, by so doing, to provide greater opportunities to increase employment and enhance economic development on Federal and State Indian reservations.

Before the Indian Affairs Committee reported S. 1088, Senator DOMENICI and I joined in a letter advising the committee of our view that the elimination of titles II-D and VI of the Comprehensive Employment and Training Act (CETA) had created a real need on Indian reservations. Moreover, we did not believe it was likely that these needs would be met through the efforts on the part of the administration to stimulate the economy generally. In our experience, Indian reservations had not prospered even in times when the rest of the Nation was making great economic gains. This is so because the factors that have inhibited the development of strong reservation economies are diverse and unique to the Indian world. As a result they require special solutions. We asked the Indian Affairs Committee to consider the adoption of a new program to help meet the growing unemployment on Indian reservations. They responded by adding section 7—the tribal government support program—to the bill.

Mr. President, I support the tribal government support program for two important reasons. First, it places the emphasis of the program where it should be—the support of the tribal governments themselves. Second, it establishes criteria for differentiating between those tribes that have and those that have not. These criteria have never been embodied in any Federal statute nor are they even found in any Federal regulation. As a result, many Indian programs administered by the Federal Government have gone to assist those Indian tribes who are least in need of assistance. This program is designed to benefit those tribes that are in the greatest need.

I would like to say a word at this point about the importance of tribal government to the development of strong, self-reliant Indian communities. The tribal government, like any unit of government, bears toward its people the obligations of providing public security, insuring and adequate level of health care, dispensing reliable and competent justice, and a host of other functions that make up the day-to-day life of a local government and that insure the right-functioning of a community.

In addition to these duties, each tribal government has a further obligation to oversee the provident development of its resources. The tribe, therefore, must act as both a government and a business. In order to properly discharge these obligations, it is crucial that the tribal government be manned by well-trained and competent staff. Unfortunately, few Indian tribes have the resources, at present, to support such a staff. The tribal government support program is designed to provide assistance from the Federal Government to enable tribal governments to function.

Mr. President, funding for titles II-D and VI of CETA reached its height in fiscal year 1979. At that time, it was funded at nearly $120 million and it supported about 15,000 positions. I would note that as of February of 1981, according to a survey conducted by the Bureau of Indian Affairs, these two titles supported a total of 8,051 jobs in Indian country. Of these jobs, 2,011 were in general tribal administration, 1,036 were in health and the environment, another 742 were in public safety, and 496 were in housing. The remainder of these jobs fell into such categories as farming and ranching, maintenance workers, child care, and programs for the elderly. Most of these jobs are public service positions.

The BIA survey also concluded that the cost of these positions was not great: The average CETA position cost $5,547 with an average of $4,734 for a job in tribal administration to $5,350 in the health and environment categories.

A sound tribal government which can administer the public affairs of the community and deal effectively with the non-Indian world regarding the resources of the reservation is an essential element in the development of reservation economies. I believe that the tribal government support program in section 7 of S. 1088 properly focuses the Federal Government on this aspect of Indian affairs and I urge my colleagues to support it.

Mr. ANDREWS. Mr. President, I rise in support of S. 1088, a bill to provide for the reauthorization of the administration for Native Americans at the Department of Health and Human Services. As amended by the Select Committee on Indian Affairs, a new section is added to provide a new program initiative directed to the support of the Indian tribal governments. The purpose of this program is to support and develop the basic infrastructure of tribal government and also to stimulate the development of economies on Indian reservations.

In fiscal year 1982 the public service components of title II-D and VI of the Comprehensive Employment Training Act were disfunded. In fiscal year 1979 these two titles were funded at a combined total of $19.8 million and funded approximately 15,000 positions within Indian tribal structures. The loss of these positions through the shrinkage, and now termination, of funding of the public service component of CETA has had a devastating impact on the Indian tribes, resulting not only in the loss of jobs on Indian reservations, but also the loss of capacity to undertake tribal economic initiatives that will stimulate reservation economies necessary to lessen the dependency on Federal funds.

Mr. President, perhaps the best way to illustrate the problem this legislation is intended to address is to describe the situation of one of the tribes located in my own State of North Dakota. At hearings before the Select Committee on Indian Affairs on June 10 of last year, Mr. Frank Lawrence, then chairman of the Standing Rock Sioux Tribe, described the importance that CETA funding has had since its inception in 1974. Mr. Lawrence testified that over the years some 2,000 members of his tribe had been employed with CETA funds performing a number of valuable public functions: Serving as police patrolmen and security guards in isolated local Indian communities; conservation officers; clerical staff for the elderly nutritional program; and as ambulance drivers for reservation health facilities.

Mr. Lawrence testified that the tribe started fiscal year 1981 with 161 posi-

tions and $1,003,037 under title II-D, 72 positions and $45,156 under title III, and 97 positions and $613,993 under title VI. It came to a total of 330 positions and $2,062,236. Mr. Lawrence stated that if funding for the title II-D and VI programs was lost: The nutrition for the elderly program would lose 23 persons; the ambulance program would lose 22 positions; the day care program 16 people; and the law enforcement program 26 people. Those positions are now lost.

Mr. President, this is the position of but one of the four tribes in North Dakota. In fiscal year 1980 the combined total of funding to the four tribes in my State under title II-D and VI was $2.9 million; in fiscal year 1981 it was reduced to $1.7 million; and in fiscal year 1982 it was of course zeroed. I would like to point out, Mr. President, that due to lack of reservation-based economies, nearly all of this money is spent directly in nearby non-Indian communities. Thus, the loss of this funding has not only hurt the governmental capabilities of the tribes and the delivery of services to Indians, but has also had a severe impact on the economy of the local non-Indian communities.

Mr. President, I believe that tribal governments must play a central role in the delivery of services to its people and, more importantly, in the development of economic enterprises on Indian reservations. I strongly believe that the approach encompassed in section 7 of S. 1088, as reported by the committee, is sound and I urge my colleagues to join with me in support of this measure.

Mr. DOMENICI, Mr. President, recession in the general economy means depression in Indian country, unless we keep our established legal and treaty obligations. Unemployment among our Nation's Indian labor force hovers around 45 percent. Isolation, poor infrastructure, and a large lag in education characterize the relatively low levels of Indian participation in private enterprise. While we work to reduce deficits to stimulate the private sector, we must be aware of the persistent economic problems faced by Indians on a reservation or in a pueblo.

While titles II-D and VI of CETA were available to Indians, much of the lack of private enterprise jobs could be alleviated. Between fiscal year 1975 and 1981, total CETA funds to Indians ranged from $71 million to $248 million per year, and averaged $154 million. I raise these figures to illustrate the severe impact felt by Indians with the loss of title II-D and VI funds which were used primarily to strengthen tribal government and essential services like fire protection, health services, and transportation. Under the new Trainings for Jobs Act, we estimate that $80 million would be available to the tribes. This is almost half of what had been available to Indians for the past 6 years. Of this reduction in funds about $42 million per year on average is due directly to title II-D and VI which are no longer available.

Indians in New Mexico are feeling the impact of the loss of CETA job slots. They tell me of the rising dependence on general assistance and the difficulty of finding replacement jobs due to the economic factors I mentioned above. When S. 1088 offered the prospect of replacing these very dear and necessary positions, Indian leaders in my State urge $50 million for new authorizations in the economic and social development programs of the Administration for Native Americans in the Department of Health and Human Services. With the $80 million anticipated in the new Jobs Act, the total potential for Indian job programs would be about $130 million. S. 1088 at present allows $30 million in new job slots for Indians.

Even if we are fortunate enough to obtain full funding, $110 million from both the new jobs act and S. 1088 would represent about 70 percent of CETA funding to Indians over the past 6 years. It is clear to me that these job slots are needed. Therefore, I urge my colleagues to support S. 1088 and the new jobs provisions that are very vital to Indian people who have fewer alternative opportunities.

UP AMENDMENT NO. 1397

Mr. BAKER. Mr. President, I send to the desk an amendment on behalf of the distinguished Senator from Oklahoma (Mr. NICKLES) and I ask it be stated by the clerk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER) on behalf of Mr. NICKLES proposes an unprinted amendment numbered 1397.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, line 10, strike $50,000,000 and insert in lieu thereof $30,000,000.

Mr. NICKLES. Mr. President, I express my sincere appreciation to my colleague, Mr. COHEN, for his leadership in directing the attention of the Senate to the needs of the Native Americans. His awareness of the continued appalling poverty caused by the lack of economic development among the Native American groups in the United States had led him to devote an inordinate amount of his time and expertise to finding solutions for these problems in Indian country.

Section 7, the tribal government support program, contains some excellent criteria that, perhaps for the first time, will force the Federal Government to recognize that Indian groups are diverse in their needs and resources. I feel that these initiatives should be extended to all Indian programs in the Federal Government. The concern has been stated that the Administration for Native Americans should handle tribal government support programs because the Bureau of Indian Affairs, throughout its long history, has not demonstrated a willingness to lead tribes to self-sufficiency. The Bureau of Indian Affairs has a $1 billion budget to administer programs to less than 1 million Native American service population. I strongly suggest that we must not ignore the BIA but should do all we can to insist that they, too, recognize the varying needs and resources of the tribes and approach solutions to Native American problems with that in mind.

My amendment to S. 1088 would lower the authorization level for section 7 from $50 million to $30 million. In these days of constraints on the growth in social programs, I cannot in good conscience condone a tripling of the budget for the Administration for Native Americans.

I urge the adoption of my amendment to this legislation. I then urge my colleagues in the U.S. Senate to work toward a comprehensive approach to economic development for Native Americans through a concentrated effort at consolidation of the splintered attempts that presently exist throughout many departments in the executive branch of the Federal Government.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (UP No. 1397) was agreed to.

UP AMENDMENT NO. 1398

Mr. BAKER. Mr. President, I have another amendment on behalf of the distinguished Senator from Maine (Mr. COHEN) which I send to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), on behalf of Mr. COHEN, proposes an unprinted amendment numbered 1398.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Page 11, line 13, strike section 16, and renumber the following section 17 accordingly.

Mr. ROBERT C. BYRD. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ROBERT C. BYRD. Are these amendments to the substitute?

The PRESIDING OFFICER. They are amendments to the substitute set forth by the majority leader.

Mr. ROBERT C. BYRD. I thank the Chair. I thought I understood the Chair earlier to say the substitute had been agreed to.

The PRESIDING OFFICER. No.

Mr. ROBERT C. BYRD. I was in error.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (UP No. 1398) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the substitute, as amended.

The amendment (UP NO. 1396), as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and to be read a third time. The bill was read the third time and, as amended, was passed.

Mr. BAKER. I can hardly wait.

PACIFIC SALMON STOCKS

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate, Senate Resolution 455.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 455) instructing the Secretary of Commerce to strengthen and define his position regarding the status of Pacific salmon stocks.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. GORTON. Mr. President, I take this opportunity to speak on behalf of Senate Resolution 455, a resolution which addresses the status of Pacific salmon stocks and the ongoing interception negotiations between the United States and Canada.

On October 4, the United States will commence a new round of negotiations with Canada concerning the valuable Chinook salmon resource of the Northeast and Alaska. These salmon originate in the waters of Washington, Oregon, Alaska, and British Columbia, and during their life cycle, they are caught by both United States and Canadian fishermen. Yet the resource is at an all-time low, and while the United States has taken significant steps to conserve Chinook salmon, similar significant steps have not yet been taken by Canada. Without a management regime in force in both countries, we cannot hope to rebuild and protect this valuable resource.

Mr. President, because I am deeply concerned about the need for a bilateral management regime for Chinook salmon, I have cosponsored this resolution, introduced by my colleague, Senator MURKOWSKI, from the outset. The resolution directs the Secretary of Commerce to establish a strong negotiating position which would insure that our salmon stocks are protected and that both countries bear the costs of conservation equitably and equally. I believe that the effect of this resolution will be to emphasize to all who are involved in the negotiations and to the Canadian Government the full extent of the Senate's concern about this issue.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 455) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 455

Whereas Pacific salmon orginating in the waters of Washington, Oregon, British Columbia, and Alaska wander freely across boundaries, both as rearing juveniles and maturing fish bound for their spawning streams; and

Whereas as a result of this migratory pattern, fish of one country are caught in the fisheries of the other country both as an incidental harvest to domestic salmon fisheries and, in some cases, in targeted fisheries; and

Whereas the mixed stock nature of Chinook (king salmon) fisheries which harvest fish both as immatures and matures (due to their long-life history at sea) complicates the management of this species, which must also take into account attempts to harvest both healthy stocks and hatchery stocks, as well as providing for the conservation needs of depressed stocks, and not neglecting that this species also enters many different forms of fishery and is taken by a number of different user groups: commercial, recreational, and personal use in the United States and Canada; and

Whereas severe conservation problems have been identified with most Chinook stocks from the Columbia River to southeastern Alaska and recent work by scientists of both nations has highlighted stock problems in British Columbia, where those stocks are estimated to be reaching only one-third of their optimum escapement requirements; and

Whereas Chinook salmon fisheries in British Columbia harvest well over one million Chinook salmon annually compared to a harvest of slightly more than two hundred and fifty thousand fish in southeast Alaska as a result of the adoption by the State of Alaska of a fifteen-year rebuilding program designed to return natural Chinook runs in major rivers in southeast Alaska to their historical levels of abundance; and

Whereas the realization that neither country will be able to optimize production from its salmon stocks without an agreed upon set of management ground rules governing intercepting fisheries on both sides of the border and recognizing that unregulated escalation of interceptions and intercepting fisheries in British Columbia can only aggravate the allocation and conservation problems currently being faced by both nations: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Secretary of Commerce should take all appropriate steps necessary to strengthen and define a United States position that will insure—

(1) that our anadromous fish stocks are perpetuated at productive levels;

(2) that our fishermen are treated in an equitable manner in terms of sacrifices necessary to achieve conservation goals;

(3) that interception problems are addressed in a manner having minimum impact on our user groups; and report back to Congress on at least a semiannual basis progress in these areas.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FEASIBILITY OF CERTAIN WATER RESOURCE DEVELOPMENTS

Mr. BAKER. Mr. President, next on my list is S. 2443, Calendar Order 570. I wonder if the minority leader can clear that?

Mr. ROBERT C. BYRD. Yes, Mr. President, that item is cleared.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask the Chair to lay before the Senate S. 2443, Calendar Order 570.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2443) to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments.

The Senate proceeded to consider the bill.

UP AMENDMENT NO. 1395

(Purpose: To authorize the Secretary of the Interior to conduct a feasibility study of the Muddy Creek erosion control project, Montana)

Mr. ROBERT C. BYRD. Mr. President, I offer an amendment on behalf of Mr. MELCHER.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD) on behalf of Mr. MELCHER proposes an unprinted amendment numbered 1395.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 11, add the following new section.

(15) Muddy Creek Basin hydrologic, surge relief, and erosion control study, near Great Falls, Montana.

● Mr. MELCHER. Mr. President, at a time when soil erosion is becoming a national concern, I bring before this body's attention a problem that cannot be ignored. The soil erosion and natural resource problems taking place in the Muddy Creek Basin near Great Falls, Mont., are considered to be among the worst in the State. This small drainage system is comprised of about 314 square miles, some of the most productive farm and grazing lands in the State. Yet, this land area is stripped of some 213,000 tons of its rich top soil each year. That great river already known as the "Big Muddy," the Missouri River, receives this soil to carry it irretrievably away.

Efforts to come to grips with the Muddy Creek problem over the past 3 years have been long and exasperating for those 540 ranchers and farmers whose livelihoods depend on the depleting productivity of this area. Landowners formed the Muddy Creek Landowners Association. With the help of grants from the State, and with the assistance of local agencies, an extraordinary attempt has been made to determine how the erosion problems can be fatally attacked. Further attempts and expenditures of money will be, in a large part, less effective unless the Bureau of Reclamation is authorized to determine the feasibility of what is considered to be the final solution, a relief system designed to lessen impacts of irrigation water return flows. I repeat, further work toward the final solution of this severe erosion problem is contingent upon authorization for this study. It has already been estimated that a water surge relief plan could reduce return flows of irrigation water some 61 percent, which would be a major complement to other irrigation improvements being made to irrigation systems in the drainage area.●

● Mr. BAUCUS. Mr. President, I rise in support of an amendment offered by my colleague from Montana. This is a very simple amendment about a very serious problem. The amendment would simply authorize the Bureau of Reclamation to conduct two feasibility studies on Muddy Creek. The amendment is identical to a bill (S. 1489) that I introduced in July of 1981.

Mr. President, Muddy Creek is a serious soil erosion problem located in northcentral Montana. The problem directly affects over 540 small farmers and ranchers. For the past 3½ years, I have been working with local, State and Federal officials in Montana to devise ways to solve the Muddy Creek soil erosion problem. Part of our efforts included the formation of an interagency Federal task force to evaluate the problem and to recommend some solutions. Led by the Soil Conservation Service in USDA, the task force included members of the Bureau of Reclamation, the Environmental Protection Agency, and U.S. Army Corps of Engineers.

Mr. President, this amendment is a direct result of this task force's recommendations. Among its recommendations are two that call for studies to be conducted by the Bureau of Reclamation. One is a hydrology study and the other is a feasibility grade surge release study. According to the report, these studies are essential to the ongoing efforts to solve the Muddy Creek problem.

The amendment does not add a dime to the Federal budget. It simply authorizes the Bureau of Reclamation to conduct these studies. It is my hope, furthermore, that the Bureau of Reclamation can conduct these studies with available funds.

Mr. President, as I mentioned, the efforts on the Muddy Creek problem have been cooperative. I hope that the Department of Agriculture will also be able to move forward with their efforts on the Muddy Creek project. Let me quote from a July 2, 1982, letter from Secretary Block to Mr. David Stockman:

> The entire Muddy Creek Basin Erosion Control project involves coordinated implementation of measures to be undertaken by the U.S. Department of Agriculture and the Environmental Protection Agency in addition to the Bureau of Reclamation. We believe that any bill to authorize the Bureau of Reclamation to construct the project should also authorize the U.S. Department of Agriculture portion of the project.

The amendment before us does not authorize construction, but does authorize feasibility studies on Muddy Creek. I hope that the Department of Agriculture will be able to complete a post authorization report on the onfarm technical and financial assistance portion of the project.

I want to mention the untiring efforts of John P. Andrews, Muddy Creek project coordinator, and the entire board of supervisors of the Cascade County Conservation District. The efforts of the Board have allowed the interagency cooperation to make real progress toward a resolution of the Muddy Creek problem.

Mr. President, I urge passage of the amendment and of the omnibus bill, S. 2443.●

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (UP No. 1395) was agreed to.

Mr. BAKER. I ask the Chair to inquire if there are any further amendments.

The PRESIDING OFFICER. Are there further amendents? If not, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and to be read a third time. The bill was read the third time.

Mr. BAKER. Mr. President, I ask the Chair now to lay before the Senate H.R. 5536, Calendar Order No. 763.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. No objection.

The PRESIDING OFFICER. There being no objection, the clerk will state the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 5536) to authorize the Secretary of the Interior to engage in a feasibility study of water resource development and for other purposes in the Central Platte Valley, Nebraska.

Mr. BAKER. Mr. President, I move to strike all after the enacting clause of H.R. 5536 and insert in lieu thereof the text of S. 2443, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

Mr. MURKOWSKI. Mr. President, the Committee on Energy and Natural Resources does not intend that this measure authorize any additional budget authority for fiscal year 1982 than that already available to the Department of the Interior. The committee intends that any fiscal year 1982 costs incurred from the bill will be absorbed from existing funds.

Mr. CHAFEE. Mr. President, earlier this month I introduced an amendment (No. 2011) which calls for cost sharing for the water reclamation feasibilities studies contained in S. 2443 on a 75 percent Federal, 25 percent non-Federal interest basis.

The language of my amendment is simple and quite similar to S. 1809, a bill I introduced last year which calls for non-Federal interests to pay 50 percent of future water resources studies undertaken by the Army Corps of Engineers. The only difference is the lower rate of the local, non-Federal interest cost sharing required under this amendment.

Specifically, this amendment requires that a non-Federal interest—a State or States, or a local governmental entity, agree to pay 25 percent of the cost of each of the studies authorized by this bill.

The rationale for this approach is simple. Anyone who has seen our Federal water resources process at work recognizes the scattergun effect of the program. We fail to target projects. The States take whatever is made available. The Federal Government pays the full cost of the study and consequently there is no local constraint.

When I was Governor of Rhode Island I saw this happen. In the Senate, I see it replicated time and again.

My amendment simply says that none of these projects can be studied unless the local entities—the beneficiaries—agree to put up a small portion of the cost.

The benefit of this approach is twofold. First, since State and local government would fund a portion of the study there would be more Federal money available to fund necessary studies. Second, and perhaps most important, only those studies which have substantial local support would be undertaken. This will result in the completion of high-priority studies at a faster rate than under the current system.

Mr. President, I believe this approach is very close to one that has been developing within the administration. Earlier this year Assistant Secretary of the Army, William Gianelli, testified before the Senate's Water Resources Subcommittee, chaired by my good friend Senator ABDNOR, in which he said he was developing an approach for cost-sharing on studies. I would like to enter his statement in the record for my colleagues to review.

Recently I also received a letter from Assistant Secretary Gianelli which I would like to submit for the record. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE ARMY,
Washington, D.C. August 12, 1982.

Hon. JOHN H. CHAFEE,
Chairman, Committee on Environment and Public Works, Washington, D.C.

DEAR MR. CHAIRMAN: I had a good conversation on Tuesday with Bob Hurley of your staff and, based on that conversation, I felt it might be appropriate for me to share with you some of my thinking on cost recovery for water projects and for the planning process. I believe the Administration's cost-sharing proposals should be viewed as a positive response to the current state of the Federal water program. The reality is that the program has become increasingly unable to compete for even a small share of the Federal budget.

This comes at a time when there is a real demand for good solid water projects. The administration wants the cost of water projects which can be assigned to beneficiaries to be recovered over time in accord with the realization of the projects' benefits. The fully marketable nature of navigation services and many other water projects' services provide a basis for non-Federal sponsors to finance the major portion of the capital costs of these projects.

I am convinced that there will never be a return to traditional approaches and historic formulas and if we expect to build new projects and adequately maintain and modernize existing projects, we are going to have to move aggressively in a new direction.

I also believe that reliance on substantial cost-sharing will provide an excellent screening device to prevent the construction of unneeded or unsound water projects.

I am also proposing that, beginning in fiscal year 1983, new studies pertaining to specific problem areas (other than inland navigation) be undertaken in two phases. The first phase will be a reconnaissance phase financed 100 percent with Federal funds and normally completed within a year at about 20-25 percent of the cost of the full study. The second phase will be a detailed feasibility study to be cost-shared with local project sponsors on a 50-50 basis with one-half of the non-Federal share available in the form of "in kind" services if the parties agree. I would view the reconnaissance study to be fully funded when it receives its initial appropriation. I believe that this procedure will not only speed up the planning process, but will increase the proportion of studies which leads to successful solution of problems.

I am enclosing a copy of my testimony before your companion subcommittee chaired by Senator Abdnor. This statement outlines in much greater detail what we are proposing in the cost-sharing area.

I am aware of your own legislative initiative on cost-sharing of studies, and I believe your leadership in this regard will be of great assistance to us. I further believe that our cost-sharing proposals on project construction and operations and maintenance also warrant your close consideration and support. I am convinced that we will not succeed unless we receive some stong leadership from prominent Members of the Senate such as yourself.

Sincerely,

WILLIAM R. GIANELLI,
Assistant Secretary of the Army (Civil Works).

Enclosure.

STATEMENT OF WILLIAM R. GIANELLI

Mr. Chairman and members of the Committee: Pursuant to your letter of invitation dated June 3rd, Mr. Chairman, I welcome this opportunity to discuss the President's budget recommendations for new construction starts for the Army Corps of Engineers in fiscal year 1983. My prepared statement is brief, Mr. Chairman. The details of the President's proposed Budget Amendment for new starts are included in my letter to you of May 25th, and in the attachments to that letter.

Last February, I stated that pressure on the Federal budget precludes the Federal Government from being able to finance all—or even a major portion—of the water projects which this Nation needs. I stated that the Civil Works Program of the Army Corps of Engineers was at a crossroads, that no major legislation authorizing new projects has passed Congress since the middle of the past decade, and that new financing and cost-sharing proposals were necessary to enable us to move out in fiscal year 1983 with a modest construction new starts program.

We started with a list of 12 projects which we found to be sound on the basis of engineering, economics, and the environment. Subsequently, three additional projects were identified. We consulted with non-Federal agencies and sought their participation in finanicng and cost-sharing. I am pleased to report now that we are recommending nine of these projects for constructions starts in fiscal year 1983. Letters from the local sponsors expressing their intention to accept our financing proposals are found in the attachments I provided to you.

The proposed new starts and their financing are described as follows:

[In millions of dollars]

Project and purpose	Capital cost	Financing		Federal funds 1983
		Federal	Local	
Bradley Lake, AK—Hydro	478.0	0	478.0	[1]6.0
Strube Lake, OR—Hydro	106.0	0	106.0	[1]0.4
Bonneville Units, OR—Hydro	21.3	0	21.3	[1]0.5
Davenport, IA—[2]FC	50.6	30.7	19.9	1.3
Kahoma, HI—FC	20.0	13.0	7.0	3.0
Merced, CA—Fe	116.0	75.3	40.7	4.0
Virginia Beach, VA—FC	5.4	3.5	1.9	2.2
Randleman Lake, NC—[3]MP	159.0	68.7	90.3	8.2
Freeport Harbor, TX—[4]	26.2	13.1	13.1	3.4
Total	982.5	204.3	778.2	29.0

[1] Temporary advance.
[2] FC—flood control.
[3] MP—multipurpose.
[4] North jetty replacement in lieu of rehabilitation of existing jetty.

The President's Budget submitted to Congress in February indicated that additional funds would be requested for sound new construction starts that met the Administration's criteria for non-Federal financing and cost-sharing. However, it is now possible to initiate the projects within the original $1,209.4 million proposed for Civil Works Construction, General in fiscal year 1983. Specifically, we have reviewed the original program project-by-project and have determined that it is reasonable to expect that a savings and slippage reduction of nearly $93 million can be taken without detriment to project schedules. The basis for an increase in the estimate of anticipated savings and slippage of $31 million, from $62 million to nearly $93 million, is shown on the list of projects attached to my letter of May 25th. In general, the continued good bidding climate in Fiscal Year 1982, reflecting stabilizing prices, has reduced funding requirements for a number of projects.

We have sought non-Federal, up-front financing in accordance with the following percentages, the primary basis of which is vendibility of outputs. The traditional percentages are shown in parenthesis.

For cost allocated to	*Percent Non-Federal financing*
Hydropower	100% (0%)
Municipal and industrial water.	100 % (0%)
Flood control	35% (18% av.)
Separable recreation	50% (50%)[1]
Commercial navigation	75%[2] (–)[3]

[1] Either up-front or repayment.
[2] 25% Federal financing is reimbursable.
[3] Disposal areas, generally less than 20 percent.

In our discussions with the project sponsors, we specifically pointed out that our financial and cost-sharing objectives are different from traditional requirements and that they should consider all options open to them, including that of not participating.

On an overall basis, our proposed financing (and cost-sharing) of all nine projects combined as compared with traditional financing is as follows:

	Traditional		Proposed	
	Million	Percent	Million	percent
Federal Financing	$859.1	87	$204.3	21
Local Financing	123.4	13	778.2	79
Total	982.5	100	982.5	100

These percentages are heavily weighted by the three hydroelectric projects, for which 100 percent non-Federal financing is proposed. The proposed financing on the other other six projects is 54 percent Federal and 46 percent local.

I should point out that our proposals are consistent for all project purposes nationwide; we have not made different deals with different people. In addition, all the projects are responsive to high priority needs; all are authorized; all have favorable benefit-cost ratios, and all can be placed under construction in 1983.

I would like now to address the specific issues set forth in Chairman Abdnor's letter of June 3rd.

1. "The proposed funding arrangements on each project and the timetable for initiating construction on each project."

The funding arrangements for each project are set forth in the attached tabulation. Our timetable is to begin construction on each project in Fiscal 1983, as soon as the budget is enacted and a contract is negotiated with the local sponsors. In this regard, we are already preparing draft contracts for discussion with the sponsors. Of course, we cannot implement the provisions of any such contracts until the Congress has acted on the budget. In any case, October 1, 1982 is the earliest date when we could begin construction of any project.

2. "The degree of commitment that you have received from each local sponsor."

Copies of the pertinent correspondence with each local sponsor are attached to my letter of May 25th.

In general, the commitments are official letters of intent signed by responsible local officials. These letters were developed on the basis of numerous contacts and meetings, and they indicate the sponsor's intention to specifically provide the non-Federal financing that we sought. The letters do not constitute contracts, but they are much more than a mere expression of interest.

In the case of the Strube Lake and Bonneville Fishway hydropower projects, we do not have firm letters of intent, but we have received written expressions of interest from two public power agencies in the area, and we consider the prospects of success to be very good for both projects. However, the probable necessity to advertise in the Federal Register and to resolve any legal restrictions related to power marketing made it impossible to complete arrangements prior to submission of the Budget Amendment.

3. "The degree of flexibility remaining for funding of each of these projects."

There is no flexibility at all, so far as the overall division of financing is concerned. For example, a local sponsor who agrees to pay 65 percent of the total cost of a multipurpose reservoir project will be expected to pay that share by the time the project construction is complete. Normally, it would advance non-Federal financing each year in the amount of 35 percent of the actual expenditures in that year. However we do have flexibility to vary the amounts in any year to fit local financing capabilities, so long as the overall percentage is met on the whole project. In some instances, it may be appropriate, for example, to provide a temporary advance of Federal funds pending a local sale of revenue bonds. We intend to be reasonable in such cases. For local flood protection projects, the sponsor will provide lands, easements and rights-of-way and supplement its traditional financing requirement with a cash contribution where necessary to bring the non-Federal financing to 35 percent of the projects' cost.

4. "Any information that you can provide regarding Administration proposals for statutory changes in existing cost-sharing arrangements."

The Administration has not yet completed its deliberations on the full spectrum of cost-sharing policies governing Federal water projects. However, the Cabinet Council on Natural Resources and Environment will be forwarding shortly its proposals to the President. The initiatives we have taken for Civil Works fiscal year 1983 new construction starts are consistent with overall Administration policies. While the Administration's legislative program cannot be definitively stated at this time, a number of observations can be made.

First, existing project authorizations and generic legislation give the President and Congress a great deal of flexibility in applying new cost-sharing and financing policies to authorized projects. This flexibility is reflected in the fact that the nine new construction starts we have proposed for initiation in fiscal year 1983 require no modifications in their authorizations to permit them to proceed under the new financing and cost-sharing arrangements we are proposing. Second, the Administration will reflect its policies in the reports on projects it recommends be authorized in the future. Thus, new policies can be applied in the legislation authorizing these projects without any need for new generic legislation. Third, whenever legislation is necessary to modify existing policies, the Administration will present its proposals to Congress as soon as possible so as not to constrain the implementation of important and productive projects any longer than necessary.

We are hopeful that most innovations can be made without new generic legislation because we are painfully aware of the complexity of the issues relating to the areas of user charges, cost recovery, financing and cost-sharing which make them difficult for Congress to address in a comprehensive way within a relatively short period of time.

5. "The position of the Administration on cost-sharing in project studies."

I have long been concerned over several aspects of the Corps planning process. These concerns seem to be shared by Members of Congress and others interested in water resource development. Specifically, I am concerned with the length of time it takes to complete a typical feasibility study, the high cost of individual studies, the high proportion of unfavorable studies upon which substantial resources have been expended, and the small share of studies resulting in projects that are actually authorized and funded. I therefore feel it is imperative that we take steps to allow the Corps to concentrate its planning resources (manpower and budgetary) on the more important studies which have the best chance of implementation.

I am proposing that, beginning the fiscal year 1983, new studies pertaining to specific problem areas (other than inland navigation) be undertaken in two phases. The first phase will be a reconnaissance phase financed 100 percent with Federal funds and normally completed within a year at about 20-25 percent of the cost of the full study. The second phase will be a detailed feasibility study to be cost-shared with local project sponsors on a 50-50 basis with one-half of the non-Federal share available in the form of "in kind" services if the parties agree.

I would view the reconnaissance study to be fully funded when it receives its initial appropriation. It would establish:

a. The definition of the problem and its potential solutions;

b. A determination of whether or not the study should proceed further, based on a preliminary appraisal of costs, benefits, and environmental impacts of alternative solutions;

c. An estimate of the costs of the second phase feasibility study;

d. Identification of the local sponsor and indication of its willingness to participate in the feasibility study on a cost-sharing basis.

I believe that this procedure will not only speed up the planning process, but will increase the proportion of studies which leads to successful solutions of problems.

6. "The reasons the Administration did not propose a new start on projects, such as the Ellicott Creek flood control project in New York, that you had recommended."

The Ellicott Project was a difficult case to handle. In the first place, the State had categorically rejected our offer on the Dansville Project, saying that any change from traditional cost-sharing should be established by the Congress. The Ellicott Project—along with three others—was added to our original list of 12 projects late in the game when minor impediments to its readiness for construction were removed. By coincidence, the cost estimate for the rights-of-way and relocations exceeded the 35 percent cost-sharing criterion. The State's letter on the Ellicott Project did not make it clear that it was accepting our program and our offer. Nevertheless, we did include the project in the group of 10 projects to be considered.

In brief, when all 10 projects were considered as a package, there was considerable doubt that the State was really willing to participate in the program, in view of its previous rejection in the case of the Dansville Project and of the qualifications in the State's letter of March 23rd. The offer agreed to by all other sponsors of flood control projects was to finance 35 percent of the costs allocated to flood control, or rights-of-way and relocations, whichever is greater. If the latter costs actually turned out ot be less than 35 percent, then the State would have received a better deal than anyone else.

7."A discussion of the potential impacts of the use of this new marketplace test for projects as it affects the ability of less affluent states and regions to develop projects."

There have been some objections raised to the innovative financing approach we have proposed on the basis that these policies favor the more affluent states and regions. We do not believe this to be the case. Our policies favor sound and productive projects nationwide. In the case of hydropower, watersupply and both deep-draft and inland navigation, we have proposed that the beneficiaries bear 100 percent of the costs assigned to these purposes. This is based on the fact that these functions are fully vendible and are fully comparable with private sector goods and services. Indeed, most electric power and a good share of water supply are supplied by private firms. The Federal Government provides only a minor share of both. In the case of costs assigned to commercial navigation, the complementary services necessary to realize the projects' benefits are subject to full cost recovery and market-based pricing.

While there is common agreement with this principle, some have argued that it does not follow that these project services should be financed by the non-Federal sector. However, the marketable nature of project services provides the basis for non-Federal financing through the sale of revenue bonds. When revenue bond financing is used, it is the certainty and magnitude of the potential project revenues which permit the project costs to be funded, not the wealth or lack thereof of the non-Federal party. Thus,

it should not be argued that in the case of the vendible outputs we have favored the affluent regions.

In the case of other project purposes such as flood control and recreation, we have asked for considerably less than 100 percent non-Federal financing in recognition that the revenue bond approach is not appropriate. The amounts we are requesting, however, in our view, should be able to be contributed by the non-Federal sponsors if the project benefits are real.

The Budget Amendment to initiate construction of nine new starts reflects the Administration's desire to construct good water projects that meet its cost-sharing and financial policies. I believe that the program for 1983 offers the opportunity to break the stalemate that has existed for some time in the overall program for water projects. I believe this proposal merits the support of the Committee and Congress. To that end, I would like to work cooperatively with you in any way you may consider appropriate. Mr. Chairman, this concludes my statement; we will be pleased to respond to any questions or concerns you may have.

Mr. CHAFEE. In the letter he clearly points out the need for cost sharing on water project studies. Assistant Secretary Gianelli also mentions in his letter the idea of a "reconnaissance" study which I believe merits further consideration.

I would also like to point out that last year when we enacted reforms to the Clean Water Act's construction grants program, the share local and State governments had to bear for new sewage treatment plants was increased in phases from 25 to 45 percent. That change was supported by the entire Senate, as well as the administration. Another innovative change we made in the Clean Water Act amendments last year was to require the local entity to put up 100 percent of the cost for the planning and design of the treatment plant. If the plan was approved by EPA for construction the local entity would be reimbursed at the prevailing rate of the Federal-local cost share.

Mr. President, I am convinced my amendment is the proper approach to take with regard to these studies. Not only will we be able to save the Federal Treasury scarce funds with this amendment, we will be able to facilitate needed studies and define high priority projects. I believe the adminstration shares this belief. I would hope my colleagues will also recognize the value of this approach.

Mr. MURKOWSKI. Mr. President, I applaud the spirit in which the distinguished Senator from Rhode Island offered his amendment. The Senator and I have a common interest in assuring that the Federal investment in water resource studies is prudently managed.

As chairman of the Water and Power Subcommittee of the Committee on Energy and Natural Resources, I have had the opportunity to visit Bureau of Reclamation projects in the Western States and I have learned to appreciate the full value—both social and economic—that the careful development of our water resources can mean. I am convinced that we must move forward with appropriate development, but this development can only take place based upon sound planning. Planning in the water resource field is an investment in the future and we must maintain a strong planning and related data base if we are going to be able to meet future needs.

I particularly note the Senator's and I might add the administration's support for cost-sharing. But cost-sharing has become a buzz word and means different things to different people. However, I can say this, cost-sharing, or up-front funding, or reimbursement, or whatever you want to call it, has always been a part of the reclamation program—both for studies as well as projects. To the beneficiaries of the reclamation program this is not a new concept at all. There has always been the opportunity for non-Federal financial support, and many instances have occurred in the reclamation program where non-Federal contributions have served to initiate studies or projects. In turn, for the most part, project costs are paid back to the Federal Treasury either by water users or revenues from hydroelectric power generation.

Reclamation feasibility level investigations cannot be initiated by the Secretary of the Interior—they can be authorized only by a specific act of Congress such as S. 2443 before us today. Up until 1972, the costs associated with feasibility investigations were considered project costs and were subject to repayment by the project beneficiaries when the project was built.

However, following hearings and action in both Houses of Congress, legislation was signed into law, which brought the costs of reclamation feasibility investigations more in line with the way that costs of similar studies conducted by the Corps of Engineers and the Soil Conservation Service were treated. That is, the costs were to be nonreimbursable. And that is the way that feasibility study costs are treated today. I should point out that after a project is authorized, further study costs are treated as project costs and are subject to repayment pursuant to reclamation law.

As I said, I support the spirit in which the good Senator offered his amendment, but I cannot support the amendment at this time. I share his strong belief that it is necessary for the Congress to examine the appropriateness of encouraging non-Federal participation or repayment of costs associated with water resource development studies. But water resources development in the United States has entered a period of uncertainty and transition. And we all know what transition means. Things are different now than they were, but we are not sure in which direction they are going.

In any case, I firmly believe that Congress should undertake to solicit the views of the administration, and the public regarding the direction of water resource studies and the need for non-Federal participation. Toward this end I would propose that a joint hearing be held by my Subcommittee on Water and Power and Senator ABDNOR's Subcommittee on Water Resources of the Environment and Public Works Committee. I would hope that such a hearing could be held in September of this year so that we can establish a firm base upon which to build an appropriate legislative response.

Mr. President, I would like to take this opportunity to assure the Senator from Rhode Island and the Members of the Senate that the Senator from Alaska is strongly supportive of the need and desirability of overhauling the procedures of the water resources agencies in developing their studies. But until a thorough public record has been established, I believe that adoption of the Senator from Rhode Island's amendment at this time would be premature.

Therefore I am glad that the Senator has not offered his amendment, but with the certain understanding that the direction of his amendment, and indeed, the future thrust of water resource studies will be examined in detail by the joint hearing that I have proposed.

Mr. CHAFEE. I believe that my good friend from Alaska has made a point. I would, however, like to ask him several questions.

I gather from my friend's statement that he believes, in principle, that cost sharing is an appropriate concept and that we should work together to develop such a concept into legislation? Is that correct?

Mr. MURKOWSKI. My friend from Rhode Island is certainly correct that I strongly favor non-Federal participation when appropriate.

Mr. CHAFEE. I think joint hearings between the Energy Committee's Subcommittee on Water and Power and the Environment Committee's Subcommittee on Water Resources would be most useful. And I trust the Senator from Alaska will make every effort to hold hearings in September.

Mr. MURKOWSKI. I will work closely with the Senator from South Dakota (Mr. ABDNOR) in setting a date.

The PRESIDING OFFICER. If there be no further amendments, the question is on third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that Calendar Order No. 570, S. 2443, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSFER OF NINE NAVAL VESSELS TO CERTAIN FOREIGN GOVERNMENTS

Mr. BAKER. Mr. President, next is a matter in connection with H.R. 7115, if the minority leader is prepared to consider that.

Mr. ROBERT C. BYRD. Mr. President, I am so prepared.

Mr. BAKER. Mr. President, H.R. 7115 was erroneously referred to the Committee on Foreign Relations. Therefore, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration, and I ask for the immediate consideration of that matter.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 7115) to authorize the transfer of nine navel vessels to certain foreign governments.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The question is on third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. The chairman of the Foreign Relations Committee concurs in this discharge as a means of expediting this legislation. The Armed Services Committee and the Foreign Relations Committee share mutual interest in leases of such naval vessels to foreign countries and the two committees have worked out a procedure to handle such legislation. In the future, such legislation would be referred to the Armed Services Committee with a sequential referral to the Foreign Relations Committee.

Mr. BAKER. Mr. President, there may be other matters that can be dealt with.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I see a messenger from the House at the door seeking admission and I yield so that he may be received.

(The Senate received a message from the House of Representatives on House Joint Resolution 599, continuing appropriations, 1983.)

Mr. BAKER. Mr. President, it is the intention of the leadership on this side to ask the Senate to proceed to the consideration of that item shortly if there is no objection by the minority leader. I will not do that at this moment since there are other matters that need to be done before we do that.

Mr. ROBERT C. BYRD. Mr. President, there will be no objection.

Mr. BAKER. Mr. President, while our faithful and dedicated staff continue with their efforts to sort through the pile of material we have to deal with, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATION OF NAMES OF CERTAIN FEDERAL BUILDINGS

Mr. BAKER. Mr. President, H.R. 5941 is in the Governmental Affairs Committee. I would like to discharge that committee if the minority leader has no objection to the immediate consideration of that measure.

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 5941, a bill regarding memorial designations of buildings and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5941) to designate the building known as the Federal Building and United States Courthouse in Greenville, South Carolina, as the "Clement F. Haynsworth, Jr., Federal Building", the building known as the Quincy Post Office in Quincy, Massachusetts, as the "James A. Burke Post Office", and the United States Post Office Building, Portsmouth, Ohio, as the "William H. Harsha United States Post Office Building".

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BAKER. Mr. President, I might say that at the special request of the Speaker and other Members of the other body, we are taking this action tonight. There are three buildings named: The Clement F. Haynsworth, Jr., Federal Building; the James A. Burke Post Office; and the William H. Harsha U.S. Post Office Building.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on table was agreed to.

Mr. BAKER. Mr. President, I have a few other matters here that we can do and then there is a bill that the distinguished Senator from Utah wishes to take up.

But first I am prepared to ask the Senate to proceed to the consideration of H.R. 5238, the Orphan Drug Act, which I understand has now been cleared.

Is the Senator from Utah prepared to represent that that is the case?

Mr. HATCH. Mr. President, it is my understanding that Senator KENNEDY has cleared this.

Mr. BAKER. May I inquire of the minority leader if he is prepared to proceed on that measure?

Mr. ROBERT C. BYRD. Mr. President, this side is prepared to procced.

Mr. BAKER. I thank the minority leader.

Mr. HEINZ. Mr. President, reserving the right to object. Is this a Ways and Means Committee bill?

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. LONG. Mr. President, it is my understanding that the bill that is presently before the Senate has a provision relating to a tax credit on drugs. Mr. President, I am not familiar with that bill and so far as I know there is no Member on this side of the aisle who serves with me on the committee who is familiar with it.

I must object, Mr. President.

So far as I know, the measure has not been considered by the Committee. This is the first I have heard of it. If any Members on my side of the aisle know about it, it is news to me.

I will ask the Senator from Montana.

Mr. BAUCUS. Mr. President, I was going to object for the same reason. I feel I have to object.

Mr. BAKER. Mr. President, before we go any further, I have no desire to move if any Senator has an objection to this. For the time being, Mr. President, I withdraw my request that the chair lay before the Senate that measure.

Mr. ROBERT C. BYRD. Mr President, I also express my apologies. The message went out on the hotline asking for clearance and there was no objection that came back. That is why the minority leader thought the matter was ready for consideration.

Mr. LONG. Mr. President, I hope the Senator will understand that I was not in my office waiting for a hotline. I was sitting here in the Chamber. I had no knowledge of it. So far as I know, no member on my side of the aisle on the committee had any knowledge of it.

NATIONAL PORT WEEK

Mr. BAKER. Mr. President, could I inquire of the minority leader if he is prepared to consider a discharge of Senate Joint Resolution 246, which is presently in the Judiciary Committee?

Mr. ROBERT C. BYRD. Mr. President, that matter has been cleared.

Mr. BAKER. Mr. President, in view of that, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of Senate Joint Resolution 246 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection it is so ordered. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 246) to authorize and request the President of the United States to issue a proclamation designating the first week in October for the Calendar years 1982, 1983, and 1984 as "National Port Week."

The PRESIDING OFFICER. Without objection, the Senate will proceed to consider the joint resolution.

Mr. LONG. Mr. President, I ask that the following Senators be added as cosponsors to Senate Joint Resolution 246, authorizing and requesting the President of the United States to issue a proclamation designating the first week in October for the calendar years 1982, 1983, and 1984 as "National Port Week": the Senator from Mississippi (Mr. STENNIS), the Senator from South Carolina (Mr. THURMOND), the Senator from West Virginia (Mr. BYRD), the Senator from Nevada (Mr. CANNON), the Senator from Texas (Mr. TOWER), the Senator from Hawaii (Mr. INOUYE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Florida (Mr. CHILES), the Senator from Ohio (Mr. GLENN), the Senator from Missouri (Mr. DANFORTH), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Indiana (Mr. LUGAR), the Senator from Maryland (Mr. SARBANES), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Montana (Mr. BAUCUS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Alabama (Mr. HEFLIN), the Senator from Virginia (Mr. WARNER), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Florida (Mrs. HAWKINS), the Senator from New York (Mr. D'AMATO), the Senator from South Dakota (Mr. ABDNOR), the Senator from Georgia (Mr. MATTINGLY), and the Senator from New Jersey (Mr. BRADY).

Mr. ROBERT C. BYRD. Mr. President, would the Senator add the name of Mr. METZENBAUM?

Mr. LONG. Yes. I ask that Mr. METZENBAUM's name be added.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 1399

(Purpose: To designate only October 3 through October 9, 1982, as "National Port Week")

Mr. LONG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Mr. LONG) proposes an unprinted amendment numbered 1399.

Mr. LONG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the title of the joint resolution, strike out "the first week in October for the calendar years 1982, 1983, and 1984" and insert in lieu thereof "the week of October 3, 1982, through October 9, 1982,".

In the resolve clause of the joint resolution, strike out "in each of calendar years 1982, 1983, and 1984 designating the first week in October" and inserting in lieu thereof "designating the week of October 3, 1982, through October 9, 1982,".

THE PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment (UP No. 1399) was agreed to.

The joint resolution (S.J. Res. 246), as amended, was agreed to.

The preamble was agreed to.

The joint resolution, as amended, with its preamble, reads as follows:

S.J. RES. 246

Whereas the past development of the public ports of the United States is the result of a fruitful partnership with the Federal Government constructing and maintaining the navigable waterways and harbors of the United States, and local municipalities assuming major responsibility for land-based port development;

Whereas our Nation's commercial seaports and inland river ports are indispensable to foreign and domestic waterborne commerce and to the economic well-being and national security of the United States;

Whereas the maintenance and development of our national network of commercial ports is vital to expanded international trade and to the attainment of a favorable trade balance;

Whereas commercial ports serving the waterborne commerce of the United States are responsible for the continued employment of more than one million workers and in 1981 generated a total of $70,000,000,000 in direct and indirect benefits to the United States economy;

Whereas there is a continuing need to focus public attention upon the value of a viable and competitive system of commercial ports; and

Whereas the National Port Week observance promotes public recognition of the vital role that our ocean and inland ports have played in the economic growth and national security of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating the week of October 3, 1983, through October 9, 1982, as "National Port Week" and to invite the Governors of the several States, the chief officials of local governments, and the people of the United States to observe that week with appropriate ceremonies and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BUDGET ACT WAIVER

Mr. BAKER. Mr. President, I ask the minority leader if he is in a position to consider the budget waiver, Senate Resolution 433, calendar No. 737, and the underlying bill, H.R. 6273, at this time.

Mr. ROBERT C. BYRD. Yes, Mr. President, this side is ready to proceed.

Mr. BAKER. First, Mr. President, I ask the Chair to lay before the Senate, Senate Resolution 433.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 433) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 6273.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 433) was agreed to, as follows:

S. RES. 433

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of H.R. 6273. Such waiver is necessary because H.R. 6273 authorizes the enactment of new budget authority which would first become available in fiscal year 1983, and such bill was not reported on or before May 15, 1978, as required by section 402(a) of the Congressional Budget Act of 1974.

Specifically section 2 of H.R. 6273 would authorize the appropriation of $53,580,000 for fiscal year 1983 for various programs under the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act. These programs include: Overall motor vehicle safety responsibilities of the National Highway Traffic Safety Administration (NHTSA) ($51.4 million); establishment of bumper standards ($320,000); compilation and provision of information to the public on passenger motor vehicles ($1.677 million); and prevention of odometer fraud ($183,000).

Congress has not authorized appropriations since 1978 for NHTSA operations under the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act. The authorizations contained in H.R. 6273 are necessary to assure that sufficient funds are available for NHTSA to carry out its safety programs, which include continuing development and promulgation of safety standards, conducting safety research, and ordering recalls or remedies of automotive defects.

MOTOR VEHICLE SAFETY AND COST-SAVINGS AUTHORIZATION ACT OF 1982

Mr. BAKER. Now, Mr. President, I ask that the Chair lay before the Senate the underlying measure, H.R. 6273.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6273) to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost-Savings Act to authorize appropriations for fiscal years 1983, 1984, and 1985, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

● Mr. DANFORTH. Mr. President, we have under consideration today H.R. 6273, the Motor Vehicle Safety and Cost Authorization Act of 1982. This bill does three things:

First, it authorizes appropriations for fiscal years 1983, 1984, and 1985 for funding the National Highway Traffic Safety Administration;

Second, it specifies that States are not prevented from enforcing any safety standard which is identical to a Federal safety standard; and

Third, it establishes a voluntary tire registration program for independent dealers and distributors, and modifies tire recall procedure.

Mr. President, the Department of Transportation's National Highway Traffic Safety Administration is responsible for implementing and enforcing the provisions of three landmark pieces of legislation—the National Traffic and Motor Vehicle Safety Act of 1966, the Highway Safety Act of 1966, and the Motor Vehicle Information and Cost Savings Act of 1972. Under these acts, NHTSA is required to establish motor vehicle safety standards, undertake safety research and development, order recalls where there are automotive defects, mandate compliance with safety standards, and provide consumers with information relating to the purchase and maintenance of motor vehicles.

Motor vehicle safety is of profound national importance. Over 49,000 people were killed in traffic accidents last year alone. Recent studies indicate that those death figures will significantly increase in the years to come, due largely to the shift to smaller cars, unless major safety improvements are made. Clearly, Congress charged NHTSA with a solemn obligation in assigning it the task of curtailing this slaughter.

However, over the past 18 months, NHTSA has undertaken numerous disturbing actions which call into question its commitment to improving highway safety.

Mr. President, recent NHTSA initiatives seem completely at odds with its congressional mandate to save lives. NHTSA has set a course that is causing serious setbacks in long-standing highway safety efforts. For example, NHTSA rescinded the passive restraint standard—a standard which would have saved an estimated 9,000 to 12,000 lives annually, prevent over 100,000 serious injuries annually, and save consumers $10 for every $1 cost.

NHTSA refused to rescind a regulation that prevents installation of a safety windshield in U.S. automobiles. This windshield, which is currently in use in Europe, would prevent vehicle occupants from severe lacerations caused by shattering window glass. This would spare an estimated 360,000 Americans from being scarred each year by windshields that shatter into tiny knives.

NHTSA changed its requirement that bumpers must be able to withstand damage in 5 mph barrier crashes. NHTSA reduced this requirement to 2.5 mph, despite agency data showing that a 5 mph "no damage" rule would be beneficial to consumers, despite results of surveys which show overwhelming public support for the 5 mph bumper, and despite the fact that insurance collision coverage costs are reduced by 10 to 20 percent with the 5 mph bumper.

Finally, NHTSA canceled the standard which would have required odometers to be tamper-resistant, to protect against consumer fraud, and would have limited speedometers to top speeds of 85 mph.

Mr. President, this is not all NHTSA has been doing. Let me list just a few of NHTSA's other recent actions which call into question its commitment to safety:

Multipiece rims—Rulemaking canceled.

Low tire pressure warning indicator—Rulemaking terminated.

Visibility requirements—Requirements for passenger cars terminated; rulemaking to apply the standard to other vehicles terminated.

Fuel economy—Post 1985 standards for passenger cars rescinded.

Theft protection—Standard delayed 1 year.

Battery explosions—Exploratory rulemaking canceled.

Side door strength—Rulemaking to upgrade protection terminated.

As I said in my comments accompanying the report on this bill, I really do not know if NHTSA is aiding traffic safety or whether it is engaged in some sort of search and destroy mission against any useful safety idea that is put forward. Indeed, NHTSA now seems to be doing all it can to thwart safety.

Mr. President, I am also concerned because two of NHTSA's actions—the rescission of the passive restraint standard and the rollback of the bumper standard—have been challenged in court. This puts NHTSA, the agency created by Congress to promote safety, in the inconsistent position of arguing against auto safety. In addition, NHTSA is wasting valuable time and our tax dollars fighting these court battles. It is time for NHTSA to stop dismantling the existing auto safety program and start making efforts to improve safety.

Mr. President, I would like to submit for the record some background on these and other examples of recent NHTSA actions which are likely to result in significant setbacks in efforts to improve highway safety.

I must admit that I am reluctant to continue funding the type of safety program administered by NHTSA if we want to improve highway safety. Frankly, I question NHTSA's intent in the highway safety area. But I reluctantly move the passage of this legislation in the hope that, in approving additional funds, NHTSA will seek to fulfill its congressional mandate to encourage motor vehicle safety. I assure my colleagues that, as chairman of the Surface Transportation Subcommittee, I will conscientiously perform my oversight responsibilities by closely monitoring NHTSA's use of these funds and its highway safety activities.

AUTOMATIC RESTRAINTS

According to the Center for Auto Safety, passive restraint regulations would save 9,000 to 12,000 lives annually, prevent over 100,000 serious injuries, and save consumers $10 for every $1 cost.

Early in 1981, NHTSA issued a final rule delaying the automatic restraint requirement for large cars from the 1982 model year to the 1983 model year. Later in 1981, however, NHTSA issued an order to cancel the passive restraint regulation, thus relieving auto manufacturers selling cars in the United States of the obligation to provide their customers with automatic restraints for improved protection in crashes.

NHTSA named two principal reasons for dropping standard:

First. "Uncertainty" about public acceptability and use of automatic safety belts; and

Second. "The relatively substantial cost of automatic restraints"—NHTSA estimated that the standard would have resulted in roughly $1 billion a year in vehicle price increases.

In testimony before the Surface Transportation Subcommittee in March 1982, NHTSA Administrator Peck said:

(W)hen I rescinded the passive restraint standard it was precisely because it was not going to work as it was intended. As I said at the time, had I had any assurance that we were going to in fact have, under that regulation, truly automatic occupant protection, I would have had a much different decision before me * * * I am confident at this point—and I have received no negative implications from any manufacturer—that we will have airbags in cars. We will have airbags in all probability earlier than we would have had under the 208 standard. We have in fact been pressing on that technology issue.

NHTSA was taken to court on its rescission of the passive restraint standard. On June 1, 1982, the U.S. Court of Appeals for the District of Columbia Circuit reversed NHTSA's rescission of the standard, with the following comment:

NHTSA's rescission of the safety standard presents a paradigm of arbitrary and capricious agency action because NHTSA drew conclusions that are unsupported by evidence in the record and then artifically narrowed the range of alternatives available to it under its legislative mandate. NHTSA thus failed to demonstrate the reasoned decisionmaking that is the essence of lawful administrative action.

NHTSA subsequently filed with the court a notice of proposed supplemental rulemaking to be published in the Federal Register in order to comply with and meet the deadline imposed by the court for resolving the questions raised in the court's opinion. Further comments from both sides were filed and on August 4, the court reinstated the passive restraint standard, effective September 1, 1983. NHTSA must inform the court by October 1, 1982, whether such a compliance date is achievable or whether a longer period is required. NHTSA is now appealing this case to the Supreme Court.

ANTI-LACERATIVE WINDSHIELD

An estimated 300,000 Americans are scarred each year by windshields that shatter into tiny knives. A new type of safety windshield, which would protect vehicle occupants from severe lacerations caused by shattering windshield glass, has been developed. This windshield, the securiflex inner guard, is currently in use in Europe. It molds a thin layer of a special clear plastic on the interior surface of the windshield. This plastic film acts as a shield between occupants and shattered glass. A NHTSA regulation aimed at precluding the use of plastic on the outside of windshields for abrasion-resistance reasons has prevented the introduction of this proven safety feature in America. Laminated windshields currently must pass an abrassion test developed for both interior and exterior surfaces.

NHTSA is aware of the problem in this area. In an August 1981 "request for proposal" for a research project to study windshield characteristics, NHTSA noted:

* * * more than 210,000 laceration injuries to passenger car occupants are occurring per year in the United States due to broken windshield glass, with an additional 100,000 lacerations involving broken side window glass.

Nevertheless, when asked more than a year ago to rescind this regulation, NHTSA refused to do so, saying that it "simply does not know enough yet about glass plastic hazing to make a decision."

NHTSA has been evaluating the benefits (or disbenefits) of two windshield standards—glazing materials an windshield mounting—both singly and in combination. According to NHTSA, the windshield of the Calspan/Chrysler Research Safety Vehicle (RSV) provides much improved protection against facial lacerations, but it does not meet current Federal requirements. NHTSA is testing this type of glazing further and reviewing its requirements to see if this windshield could be used.

In July 1982, NHTSA issued a notice of proposed rulemaking to amend its glazing materials safety standard to permit a new type of bullet-resistant glazing. The amendment would allow a transparent, plastic, bullet-resistant shield to be installed inside a vehicle behind the windshield and other windows. NHTSA notes, however, that the proposed amendment should have no major impact on safety, apparently neither favorably nor unfavorably.

BUMPER STANDARDS

At present, automatic bumpers must be able to withstand damage in 5 mph barrier crashes. This requirement started with 1974 model year cars.

A 1979 NHSTA analysis concluded that a 5 mph "no damage" rule would be beneficial to consumers. In 1981, using revised cost estimate assumptions, NHTSA concluded that a 5 mph frontal test impact requirement would be beneficial for consumers while such a standard for rear bumpers is not worth the cost.

Nevertheless, NHTSA announced in early 1981 plans to roll back the bumper standard and this year reduced the bumper requirement to 2.5 mph front and rear.

A 1981 Insurance Institute for Highway Safety (IIHS) survey of 1,103 car owners found that a overwhelming number of respondents said the 5 mph bumpers are a good feature of new cars and are worth $50 to $100 more in a car's value.

A more recent IIHS survey found that when the people interviewed knew that 2.5 mph bumpers would save gas, cost $20 to $40 less in the purchase price of their new car, and increase insurance collision coverage costs by 10 to 20 percent, more than three-quarters of them prefered 5 mph bumpers.

The IIHS has petitioned NHTSA to reconsider its decision to roll back the Federal bumper standard to 2.5 mph. Among other things, IIHS notes that NHTSA gave no serious consideration to amending its standard to encourage "lighter-weight, effective, and inexpensive 5 mph bumpers" on future new cars.

State Farm Mutual Insurance Co. and the Center for Auto Safety have also filed petitions with the U.S. Court of Appeals for the District of Columbia asking judicial review of the NHTSA decision.

MULTIPIECE RIMS

Certain rims consisting of two or more parts for trucks and campers have been subject to explosive separations. NHTSA acknowledged that it had verified 549 incidents of explosive separations of multipiece rims between 1954-78, which resulted in 368 injuries and 89 deaths.

Early in 1982, NHTSA canceled a rulemaking to require certain performance levels for these rims. In terminating the rulemaking, NHTSA said that "introduction of the problematic multipiece rims has virtually ceased" and that OSHA is regulating the occupational hazards involved.

NHTSA estimated that the cost of converting the trucking industry from multipiece rims would be from $598 million to $747 million. NHTSA said:

This substantial cost cannot be justified in light of the agency's belief that the separations of multipiece rims will decrease without the imposition of these costs.

LOW TIRE PRESSURE WARNING

In 1981, NHTSA terminated a rulemaking on the low tire pressure warning indicator. This standard would have required low tire pressure warning devices for all vehicles.

According to the Center for Auto Safety, 25 percent of the cars on the road have underinflated tires. Inflating these tires to the proper pressure could save 41 million barrels of petroleum each year and improve gas mileage by about 5 percent which would save each motorist about $30 per year, according to CAS.

An EPA study estimated that over 60 percent of vehicle tires are underinflated.

ODOMETERS/SPEEDOMETERS

Early in 1982, NHTSA canceled the standard on speedometer display and tamper-resistant odometers. This standard would have required tamper-resistant odometers to protect against consumer fraud and required speedometers to have top speeds of 85 mph.

In March 1982 testimony before the Surface Transportation Subcommittee, the NHTSA Administrator said that:

Speedometers and odometers was a well-intentioned standard aimed at the wrong end of the problem * * * (T)he minor technical changes, expensive but ineffective, that would have been required for compliance with that standard would not have addressed the real problem, which occurs when an entire fleet of well-maintained cars changes hands twice in a few days, with 90,000 miles gone from the speedometer.

CONSUMER INFORMATION

NHTSA decided not to print a 1982 edition of "The Car Book," a consumer guide to car-buying produced during the Carter administration. A 1982 edition of "The Car Book," however, was published privately. Over 1.25 million copies of the 1981 version were mailed to consumers.

In February 1982, NHTSA announced the start of an expanded program to provide automobile consumer and safety information to the American public through broader use of a toll-free nationwide NHTSA hotline service. The information program is an outgrowth of NHTSA's belief that, an informed marketplace is the key to improving automobile safety and performance.

Former NHTSA Administrator Joan Claybrook, however, has charged that the number of citizens who could be serviced by the hotline is far smaller than the potential users of "The Car Book."

It is interesting to note that a 1981 NHTSA survey of 2,331 recent or prospective new car purchasers found that 78 percent of those surveyed agreed with the statement made by interviewers that they like the idea of Government ratings of things, like safety and maintenance costs. Further, more than 71 percent of the respondents said they would be willing to spend an additional $400 for a safer car.

VISIBILITY REQUIREMENTS

In mid-1981, NHTSA rescinded the "fields of direct view" requirements for passenger cars and terminated a proposed rulemaking to apply these requirements to trucks, buses, and multipurpose passenger vehicles. This standard would have required adequate views from the front, rear, and sides of the vehicle's window.

NHTSA Administrator Peak said in March 1982 testimony before the Surface Transportation Subcommittee that:

It is not an accurate characterization of the fields of direct view standard to describe it as something designed to prevent major holes in vision. The fields of direct view standard was rescinded because based on our review of actual design plans it was not necessary and because the tolerances that were imposed by it, the tolerances down to one-sixteenth of one inch, were beyond the levels that manufacturers could reasonably meet in actual assembly line processes.

At the same hearing, Joan Claybrook, the former NHTSA Administrator, stated:

This standard had been under development for 11 years by the agency and was virtually a no-cost standard to the automotive industry. It merely required that by 1985-86 some 15 percent of the cars today which don't already meet it be cleaned up so that occupants can readily see traffic both frontally and rearward. It would have affected mostly the "hot" Trans-Am and other sporty cars which are heavily over-involved in crashes today. It would have also required a reduction in tinting of the glass to assist night-time visibility, a time when a large proportion of crashes occur. Reductions of tinting is particularly important for older drivers. This change would have been required primarily in General Motors' cars with limited luminous transmittance.

FUEL ECONOMY

In 1981, NHTSA terminated its rulemaking on post-1985 fuel economy standards for passenger cars.

In March 1982 testimony before the Surface Transportation Subcommittee, NHTSA Administrator Peck said:

Current plans of the major manufacturers for the early to mid-1980's indicate that they will easily meet or exceed the existing fuel economy standards through FY 1985 for both passenger cars and light trucks. The primary reason for this trend is the increased demand in the marketplace for fuel-efficient vehicles.

NHTSA is now undertaking a survey of drivers of late-model vehicles (1977-81), asking them to maintain a record of their fuel purchases for a 1-month period.

Of NHTSA's decision to terminate the fuel economy requirements, former NHTSA Administrator Joan Claybrook charged that:

The agency ignored the historical reluctance of the automotive industry to significantly improve the fuel economy of their vehicles.

OTHER NHTSA ACTIONS

The final rule on occupant crash protection was rescinded in October 1981.

NHTSA has initiated a rulemaking for "substantial simplification and revision" of the uniform tire quality grading standards. NHTSA has also proposed suspending on an interim basis the treadwear grading requirements of the standards. The standard now provides consumers at retail tire outlets with comparative information on treadwear, traction, and heat resistance by tire make and model.

NHTSA has also proposed to eliminate information requirements on tire reserve load capacity and reduce the minimum advance notice manufacturers are required to give NHTSA on new model introduction.

NHTSA amended the regulation on safety belt comfort and convenience to eliminate all requirements except belt tension and to delay the effective date for 1 year. As most of the provisions of this regulation were applicable to automatic safety belts, however, the regulation is being reevaluated as a result of the decision to rescind the passive restraint requirements.

NHTSA delayed for 1 year the theft protection standard and removed from it a provision that vehicles be so equipped that the ignition key cannot be removed while the vehicle is in motion.

NHTSA terminated exploratory rulemaking activity which would have established test procedures and standards to prevent battery explosions.

NHTSA terminated a rulemaking proceeding to amend its side door strength standard to upgrade motor vehicle side impact protection and to extend the applicability of the standard to light trucks, vans, and multipurpose passenger vehicles. NHTSA said the rulemaking will be reopened "after research has progressed to the point that definitive test methods and performance parameters can be developed."●

● Mr. HAYAKAWA. Mr. President, there is another part of this bill which gives me some cause for concern.

Specifically, I am referring to that language in section 4 relating to tire registration procedures which states that tire manufacturers will have to reimburse independent tire dealers and distributors for all "reasonable" costs associated with those latter groups having to comply with some unknown and as yet unwritten regulations.

I have discussed my anxiety over this provision with NHTSA Administrator Raymond Peck, and Mr. Peck assured me that he believes voluntary registration will serve to greatly improve on the current situation. There would thus appear to be no possibility that he, or any other Administrator,

would be faced with a set of circumstances which would trigger the rulemaking authority provided in this part of the bill. As to my concern that this possible transfer of authority, which would permit one segment of an industry to exercise control over and fix regulatory costs on another segment of the same industry, is of questionable constitutionality, Mr. Peck agrees that there are constitutional questions raised, although he has observed that the provision in the bill calls for any mandatory requirements to be implemented through a rulemaking proceeding in which all interested parties would be able to express their views. Finally, I believe that this provision in the bill gives the Administrator a level of authority to allocate financial burdens he should not have in the absence of any recall, and one which is probably unprecedented, and Mr. Peck concurs.

Mr. President, it troubles me that we are about to pass a bill which includes questionable language, however remote the possibility of its being brought into play. Yet I do recognize that there are other compelling and overriding concerns which indicate that this legislation should move forward.

I thank the Chair.

Mr. DANFORTH. Mr. President, the committee does not foresee circumstances occurring that would put the rulemaking authority into effect, although admittedly the possiblity does exist.

I appreciate the time and effort my colleauge from California has taken to clarify the language and intent in section 4 of this bill. I would like to add that it was not the intent of this Senator, nor that of the committee, to impose excessive regulation on any segment of the tire industry.

Mr. HAYAKAWA. I thank the Senator from Missouri, and I thank the Chair.●

The bill was considered, ordered to a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SMALL BUSINESS CONTRACT PAYMENTS PROCEDURE ACT OF 1982

Mr. BAKER. Mr. President, is the minority leader prepared to consent to the consideration of Calendar Order No. 932, S. 1782?

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate S. 1782.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1782) to amend section 305 of the Federal Property and Administrative Services Act of 1949 pertaining to contract progress payments made by agencies of the Federal Government, providing for the elimination and retainage in certain instances, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs with an amendment to strike out all after the enacting clause, and insert the following:

That this Act may be cited as the "Construction Business Contract Payment Procedures Act."

FINDINGS

SECTION 1. The Congress finds that—

(1) the present practice of retaining a portion of progress payments otherwise due to contractors performing satisfactory work on Federal construction projects places an unnecessary and unfair financial burden on such contractors, adversely affecting their financial position by restricting cash flow and often requiring otherwise unnecessary borrowing;

(2) the highly adverse effects of unnecessary retainage fall most heavily on small construction firms, restricting entry of such firms into the Federal procurement marketplace as either prime contractors or subcontractors;

(3) the current retainage practice, inadequately related to the contractor's performance, represents an unnecessary burden on the Federal procurement process;

(4) other existing requirements currently applicable to Federal construction contracts provide the Government with adequate protection against the default of a contractor;

(5) the discretion accorded the contracting officer to withhold a portion of progress payments otherwise due the contractor upon making a finding of untimely or otherwise unsatisfactory performance provides adequate protection to the Government's interest; and

(6) the elimination of unnecessary retainage under the provisions of this Act will result in cost savings to the taxpayer and improved relations between the Government and its contractors.

PROGRESS PAYMENT PROCEDURES

SEC. 2. Section 305 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 396; 41 U.S.C. —) is amended by adding at the end thereof the following new subsections:

"(d) Whenever an executive agency elects to make progress payments under a construction contract pursuant to subsection (a)(1)—

"(1) such progress payments shall be made monthly, or at such more frequent interval as is stipulated in the contract;

"(2) such progress payments shall be made in full to the contractor without retention of any of the progress payment due unless the contracting officer finds and determines that the contractor is not making timely or otherwise satisfactory progress toward the completion of the contract in accordance with its terms and conditions;

"(3) upon making a finding and issuing a determination that a contractor is not making timely or otherwise satisfactory progress, the contracting officer may retain from each of one or more progress payments due such amount, not exceeding 10 percent of such progress payment, as is necessary to protect the Government's interest in timely and satisfactory performance of the contract;

"(4) amounts retained under clause (3) may be released whenever the contracting officer finds that the contractor is making such satisfactory progress; and

"(5) upon the executive agency's final acceptance of the work under the construction contract, any amount still retained under clause (3) shall be promptly paid to the contractor in accordance with the terms and conditions of the contract and shall be subject to the provisions of the Prompt Payment Act (95 Stat. 85; 31 U.S.C. 1801 et seq.).".

CONSTRUCTION SUBCONTRACT PAYMENT PROCEDURES

SEC. 3. To obtain fully the intended benefits of this Act, prime contractors are urged to make provision in their agreements with their subcontractors and material suppliers for the prompt payment in full of any progress payments otherwise due, without retainage of any part thereof, unless the prime contractor finds that the performance of the subcontrator or material supplier is untimely or otherwise not in accordance with the terms and conditions of its agreement with the prime contractor. Similarly, subcontrctors below the first tier of subcontractors are urged, in turn, to make provision in their agreements to accord the same fair treatment concerning prompt payment in full of any progress payments otherwise due to their subcontractors or material suppliers, in accordance with the same standard.

REGULATIONS

SEC. 4. Regulations to implement this Act and the amendments made by this Act, including regulations specifying contract provisions, shall be issued and become effective within 120 days after the date of enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, is there an amendment?

The PRESIDING OFFICER (Mr. ARMSTRONG). A committee amendment in the nature of a substitute.

Mr. BAKER. A single amendment?

The PRESIDING OFFICER. The Senator is correct.

● Mr. WEICKER. Mr. President, I am delighted that the Senate is today considering S. 1782, the Contract Payments Procedure Act of 1982. I wish to commend my good friend and colleague, Senator DANFORTH, for his outstanding leadership on this issue. He has worked dilgently and expertly to move this bill through the legislative process and I would like to personally thank him for his efforts. I also would like to express my appreciation to William Montalto, procurement counsel to the Subcommittee on Federal Expenditures, Research and Rules and to Reid Detchon, subcommittee staff director, for their fine work on this legislation.

I believe that S. 1782, as reported, is a fair and equitable bill, which will do much to improve the cash flow position of many small construction contractors. It ties Federal retainage practices to the timely and satisfactory performance of a contractor, rather than automatically penalizing Federal contractors by withholding up to 10 percent of their progress payments. At the same time, the legislation adequately protects the Government by allowing a contracting officer to impose retainage requirements on any contractor who is performing work in an unsatisfactory manner, or who is behind schedule.

Mr. President, I believe that this legislation will not only improve relations between construction contractors and the U.S. Government, it will significantly improve the cash flow situation of many small construction firms as well. I would like to remind my colleagues that the impact of retainage on small business construction firms is staggering. According to an industry study, small contractors must cover an average of $200,000 annually in outstanding retainages. Like the Government late pay problem, the retainage situation causes severe financial problems for small firms. Specifically, by slowing the flow of money to those performing the work, retainage often delays construction thus drives up costs due to inflation.

The result is that contractors and subcontractors are often forced into a situation of borrowing money—at today's high interest rates—just to cover outstanding retainages and maintain an adequate cash flow. The cost is then factored into their bids and passed along to the end user. I need not point out that on Government jobs, the end user is the American taxpayer.

In addition to saving the Government money, I belive this bill will give a much-needed boost to our overall economy. By eliminating the routine use of retainage, we will provide small contractors with more capital for business expansion and job creation: stimuli that are badly needed in the construction industry at the present time.

I also believe that S. 1782, as reported, strikes a good balance on the issue of whether or not the legislation should be extended to subcontractors. I sincerely hope that the advisory nature of section 4 of the bill will encourage prime contractors to treat their subcontractors in the same way that they will be treated by the Federal Government. Although this language is not mandatory—and let me state that I believe this is the right approach, for this section—I hope that prime contractors will routinely eliminate retainage if a subcontractor is performing on time and in a satisfactory manner.

Finally, in closing, I would be remiss if I did not extend my sincere appreciation to several small business construction associations that actively supported S. 1782 and were willing to work with me to craft the piece of legislation we have before us today. I wish to thank the sheet metal and air-conditioning contractors; the National Electrical Contractors Association; the American Subcontractors Association; the National Association of Plumbing, Heating, & Cooling Contractors; the Associated Builders & Contractors, Inc.; the Prestressed Concrete Institute; the Door & Hardware Institute; the Associated Specialty Contractors; the Small Business Legislative Council; and the American Consulting Engineers Council. With the help of these organizations, the Senate has drafted an important piece of legislation that will eliminate the routine use of retainage unless a good cause is shown for imposing it.

Mr. President, I urge all of my colleagues to join me in voting for passage of S. 1782.●

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 1782), as amended, was passed.

AUTHORITY AND AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN PROGRAMS UNDER THE FISH AND WILDLIFE ACT OF 1956

Mr. BAKER. Mr. President, next is the discharge of H.R. 5662 from the Environmental and Public Works Committee, if the minority leader is willing to proceed.

Mr. ROBERT C. BYRD. Yes, Mr. President.

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 5662, the Fish and Wildlife Act of 1956, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5662) to extend until October 1, 1983, the authority and authorization of appropriations for certain programs under the Fish and Wildlife Act of 1956.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

Mr. PACKWOOD. I would like to discuss with the senior Senator from Vermont a jurisdictional question regarding H.R. 5662, the reauthorization of the Fisheries Loan Fund, a program contained in the Fish and Wildlife Act of 1956. H.R. 5662 provides a 1-year extension of spending authority for this program.

As Senator STAFFORD can verify, questions have been raised between the committee he chairs, Environment and Public Works, and the committee I chair, Commerce, Science, and Transportation, concerning proper jurisdiction over this measure.

I am pleased to say that it is my understanding that our two committees have now resolved this difference. Under our agreement, the Commerce Committee will have sole jurisdiction in the future over the fisheries loan fund. This in no way changes the fact that the Committee on Environment and Public Works will retain jurisdiction over the preponderance of the Fish and Wildlife Act of 1956.

This appears to me to be a reasonable solution. The fisheries loan fund is strictly a marine fisheries program and therefore properly belongs in the Commerce Committee.

I would like to ask Senator STAFFORD, at this point, if my characterization of the situation is in line with his understanding and if he is willing to accept this compromise on behalf of the Committee on Environment and Public Works.

Mr. STAFFORD. I would say to the Senator from Oregon that he has indeed accurately described the situation. The agreement which has been reached regarding the fisheries loan fund does appear reasonable to me. The fisheries loan fund, as Senator PACKWOOD has said, is concerned solely with marine fisheries, which is the jurisdiction of the Commerce Committee.

On behalf of the Committee on Environment and Public Works I am pleased to accept this agreement. The compromise will facilitate the work of our two committees and will promote more effective fisheries legislation.

Mr. PACKWOOD. I thank the Senator from Vermont for his cooperation in this matter. At this point, I would ask unanimous consent that the Parliamentarian be directed to follow this agreement in making referrals of future measures covering this issue.

Mr. STAFFORD. I concur with the Senator's suggestion.

The bill was ordered to a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

89-059 O-86-8 (Pt. 20)

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Will the minority leader permit me to take up Senate Resolution 465 by unanimous consent?

Mr. ROBERT C. BYRD. I will ask the chairman of the committee.

Mr. LONG. I have no objection.

COMPETITIVENESS IN AGRICULTURAL TRADE

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate Calendar No. 848, Senate Resolution 465.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 465) to express the sense of the Senate that the restoration of United States competitiveness in agricultural trade should be pursued through every legitimate means, and without reference to political or economic problems in nonagricultural areas.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

● Mr. DOLE. Mr. President, Senate Resolution 465 was favorably reported by the Committee on Finance on September 15, 1982. This resolution which I introduced for myself, Senator LONG, Senator MOYNIHAN, Senator DURENBERGER, Senator GRASSLEY, Senator HELMS, and Senator WALLOP expresses the sense of the Senate that the U.S. agricultural sector is facing very severe economic conditions, which are being compounded by the unfair trading practices of other countries which in turn are appreciably reducing U.S. agricultural exports. Mr. President, we believe that the administration should make every effort at the November GATT ministerial meeting to restore the competitive position of U.S. agriculture. These efforts must be made without reference to other political or economic problems. The severe conditions in the U.S. agricultural community demand this.

Pending restoration of competitive trading conditions through the international trading system we must be prepared to prevent further erosion of our agricultural exports, including value added products, through every appropriate and legitimate means. Mr. President, these means may include making funds available to assist in the competitive exportation of the U.S. products. Certainly we would prefer to restore competitive conditions through restoration of fair trading conditions, but if this fails we must be prepared to take other steps.

I urge my colleages to support this resolution.●

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 465) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 465

Whereas net United States farm income in 1982 is estimated to have declined for a third consecutive year, and about 25 per centum from 1981;

Whereas bumper harvests continue to place downward pressure on farm prices, despite United States efforts to restrain production;

Whereas increased United States farm exports will reduce the Nation's balance of payments deficit, increase personal income and tax revenues, and provide additional employment;

Whereas America's full competitive advantage in agricultural exports is not being realized because of foreign export subsidies and other unfair trade practices, which are becoming increasingly injurious to United States exports, including value-added products;

Whereas the American farmer and agribusiness are finding it increasingly difficult to compete for export markets with the foreign governments which finance these unfair trade practices; and

Whereas these unfair acts by foreign governments are resulting in the loss of additional jobs and tax receipts, and in increased outlays by the Treasury of the United States for farm supports: Now, therefore, be it

Resolved, That during the forthcoming ministerial-level meeting of the General Agreement on Tariffs and Trade (GATT), the United States Government should seek every means of restoring United States competitiveness in agricultural trade:

(1) with particular emphasis on correcting the disparate treatment of primary and nonprimary products provided in the Agreement on Implementation and application of articles VI, XVI, and XXII of the GATT (the Subsidies Code); and

(2) without reference to any existing political or economic problems or disagreements in nonagricultural areas; and be it further

Resolved, That pending restoration of fair and equitable trading conditions under the GATT, it is the sense of the Senate that the United States pursue every appropriate and legitimate means to prevent further erosion of our agricultural exports, including value-added products, and to regain a fair share of foreign markets commensurate with the competitive market advantage of the American farmer; and be it further

Resolved, That in restoring United States competitiveness in agricultural trade, it is the sense of the Senate that the United States make available the funds necessary to assist in the competitive exportation of primary and value-added products and to counteract the continued use of foreign export subsidies and other unfair trading practices; and be it further

Resolved, That restoration of full competitiveness for United States farm products in export markets will serve the twin objectives of creating additional jobs and raising net farm income.

Mr. BAKER. I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ALCOHOL TRAFFIC SAFETY PROGRAMS

Mr. BAKER. Mr. President, a House measure, H.R. 6170, is cleared on this side if the minority leader is ready to proceed.

Mr. ROBERT C. BYRD. Mr. President, that item has been cleared on this side.

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate H.R. 6170.

The PRESIDING OFFICER. The clerk will state it by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6170) to amend title 23, United States Code, to encourage the establishment by States of effective alcohol traffic safety programs and to require the Secretary of Transportation to administer a national driver register to assist State dirver licensing officials in electronically exchanging information regarding the motor vehicle driving records of certain individuals.

The Senate proceeded to consider the bill.

● Mr. DANFORTH. Mr. President, we have under consideration today H.R. 6170, legislation aimed at combating the drunk driving problem and establishing a National Driver Register (NDR).

Mr. President, drunk driving is a national tragedy. Of the more than 50,000 Americans who die in motor vehicle accidents every year, the National Highway Traffic Safety Administration (NHTSA) estimates that at least 26,000 are killed in drunk driving incidents, 125,000 are permanently disabled, and 650,000 are seriously injured. This translates into estimated annual economic costs of $17 to $24 billion in medical rehabilitation, and insurance expenses, forgone work income and tax revenue, property damage, and expenses for police and emergency services. Added to this economic cost is the emotional cost to the hundreds of thousands injured or disabled in drunk driving accidents, and to the friends and relatives left behind by the accident victims. This cost is truly immeasurable.

Mr. President, the magnitude of the drunk driving menace almost defies comprehension. A recent Newsweek story on drunk driving contained these examples of awesome statistics on this problem:

During the past 2 years, more Americans have died at the hands of drunk drivers than were killed in Vietnam.

On average, about 3 Americans are killed and 80 are injured by drunk drivers every hour of every day.

One out of two Americans will be victimized by a drunk driver in his lifetime.

Up to 10 percent of all drivers on weekend nights are legally intoxicated.

On May 11, 1982, the drunk driving legislation introduced by Senator PELL and myself to address this serious national problem (S. 2158) passed the Senate unanimously. Earlier this week, the House of Representatives passed the drunk driving legislation which is now before us for consideration.

H.R. 6170, as passed by the House, represents a careful compromise of the Senate and House approaches to the drunk driving problem. This bill is designed to encourage and assist State and local efforts to reduce the loss of life and serious injury caused by drunk driving. The bill contains two titles. Title I would provide incentive grants to States which enact a comprehensive antidrunk driving program. Title II would update the current National Driver Register to an electronic system that would assist States in exchanging driver record information.

I believe it is important to note, Mr. President, that this bill would not require States to take specific actions, nor would in penalize States if they do not adopt the Federal scheme. The bill would, however, assist and encourage States efforts against drunk driving by offering significant financial incentives to States which are prepared to enact a comprehensive attack on the problem.

INCENTIVE GRANTS FOR STATES

The incentive grant program is directed at getting drunk drivers off the road and encouraging States to adopt comprehensive alcohol traffic safety programs. States applying for incentive grants would be required to take the following four specific steps.

First. State statutes must require prompt suspension of the driver's license of an individual found to be intoxicated or who refuses to submit to a chemical test. For a first offender, the license must be suspended for at least 90 days; for a repeat offender, at least 1 year.

Historically, license revocation has been treated as a discretionary criminal sanction. This bill, however, recognizes that license revocation is a highly effective deterrent against drunk driving that should not be used exclusively as a criminal penalty imposed only after lengthy court proceedings. In the report on S. 2158, the Senate Commerce Committee noted that it was not aware of a single jurisdiction where the opportunity to operate a motor vehicle is granted as a matter of right. In fact, most jurisdictions, in recognition of drunk driving's serious threat to public safety, require the prompt suspension of any driver's license where the driver refuses to submit to a chemical test to determine whether he is intoxicated. Oddly enough, only a handful of States require revocation where a driver submits to a test and is determined to be intoxicated.

Even before the U.S. Supreme Court upheld administrative license suspensions without a presuspension hearing, Minnesota enacted a law under which a law enforcement officer who upon his determination that a driver is drunk takes the driver's license and reports the chemical test results to the Minnesota commissioner of public safety, who in turn notifies the driver of the suspension of his driving privileges and informs him/her of his right to a postsuspension review.

This bill endorses wider use of the prompt license suspension. Under this bill, the Secretary of Transportation is directed to find that a State has complied with this element of the incentive grant program when the State mandates the prompt suspension of a license upon receipt of a law enforcement officer's submission of chemical test results showing that an individual was driving while intoxicated. For purposes of determining compliance with this element of the program, the Secretary need not consider the forum for postsuspension review—that is, whether the State allows a person to argue his case for reinstatement before an administrative, as opposed to a judicial, official—or whether it requires the law enforcement officer to take the driver's license immediately or allows the substitution of the license with a temporary permit effective for 1 week or less. The key is that, within a matter of days after a drunk driver has been apprehended, his license has been suspended for at least 90 days for the first incident and 1 year for the second, unless and until the suspension has been challenged successfully in a postsuspension hearing.

Second. States must accept a 0.10 blood alcohol content test result as per se evidence of intoxication in criminal and administrative proceedings.

Third. State statutes must provide for a mandatory jail sentence of at least 48 hours or require at least 10 days community service for those convicted of a second or subsequent drunk driving offense within 5 years. This sentence will be mandatory, not subject to suspension or probation.

Fourth. States must provide for increased efforts or resources dedicated to the enforcement of alcohol-related traffic laws and increased efforts to inform the public of such enforcement.

This bill also requires the Secretary of Transportation to initiate a rulemaking to establish additional criteria for effective alcohol traffic safety programs. States wishing to receive larger incentive grants would be required to meet some or all of the supplemental criteria in addition to the four minimum requirements just described.

The Secretary would be required to consider several possible criteria, including: the establishment and maintenance of a statewide driver record-keeping system; the creation and operation of rehabilitation and treatment programs for persons arrested and convicted of drunk driving; the impoundment of any vehicle operated on a State road by any individual whose driver's license is suspended or revoked for an alcohol-related driving offense; the establishment of locally coordinated alcohol traffic safety programs; the granting of presentence screenings authority to the courts; the setting of the minimum drinking age in a State at 21 years of age; and the consideration and adoption of the recommendations of the Presidential Commission on Drunk Driving.

The bill authorizes appropriation of a total of $125 million for fiscal years 1983 through 1985 for the incentive grant program.

NATIONAL DRIVER REGISTER

Title II of this bill would update the current National Driver Register operated by the Department of Transportation to an electronic system. The register would give local officials an effective tool to keep bad drivers off the highways. The NDR would assist States in exchanging the following information on problem drivers:

First, license revocation, cancellation, denial, or suspension;

Second, conviction of drunk or drug-related driving;

Third, violations stemming from a fatal accident; and

Fourth, reckless driving, hit and run, or perjury.

This bill would establish a pilot test program using four States, representatives of varying geographic and population characteristics, to demonstrate the potential effectiveness of an electronic NDR. The bill would also establish a National Driver Register Advisory Committee to advise the Secretary of Transportation on the NDR's operation and would require the Secretary to report to Congress on the NDR within 4 years of enactment. In addition, the legislation specifies criminal penalties for NDR violations.

This bill would authorize appropriations of a total of $9.1 million between fiscal years 1983 and 1987 for the National Driver Register.

I believe this legislation represents the proper role of the Federal Government in the Federal/State partnership to combat drunk driving. It recognizes that the most effective way to attack this problem is on the State and local level, and provides Federal support for that effort. Mr. President, this is important legislation which is long overdue. I strongly urge prompt passage of this bill.●

● Mr. PACKWOOD. Mr. President, I support H.R. 6170. Every day, 70 people are killed and 2,000 injured in alcohol-related motor vehicle accidents. This bill takes important steps toward controlling drunk driving—the No. 1 highway safety problem in our Nation. This bill represents a thoughtful and reasoned compromise between the drunk driving legislation passed by the Senate last May (S. 2158) and the House approach to this problem.

This legislation recognizes the importance of State and local efforts in fighting drunk driving and offers an incentive to the States to adopt drunk driving statutes incorporating the requirements specified in the bill. States are not required to participate in this program, but if a State chooses to participate it will receive additional money from the Federal Government to fight drunk driving.

I would also like to point out, Mr. President, that this legislation upgrades the National Driver Register by establishing an electronic system. This will greatly assist State driver licensing officials in identifying problem drivers.

Mr. President, I commend Senator DANFORTH for his efforts on this legislation. In developing this compromise with the House and in his earlier efforts which led to Senate passage of S. 2158 in May, Senator DANFORTH has demonstrated outstanding leadership and an unwavering commitment to enacting tough legislation aimed at the drunk driving problem.

I also commend Senator PELL for his work in behalf of this legislation. Senator PELL has long recognized the problem of drunk driving and his efforts have played an important part in the development of the compromise bill we have before us today.●

● Mr. DECONCINI. Mr. President, I want to extend my appreciation to the chairman of the Commerce Committee Subcommittee on Transportation, Mr. DANFORTH, for doing such an outstanding job in trying to come up with a bill which attacks the extensive drunk driving problem in this country while being responsive to the concerns of many of our colleagues who have varying degrees of drunk driving laws in their States. I think the bill before us is a fine one and one which will effectively counter the growing number of drunk driving fatalities. I would like to lend my support to this new bill but, before I do, Mr. President, I would like a little clarification. It is my understanding that the bill, as passed by the House and currently written, would allow the State of Arizona to be eligible for increased highway safety grants. Mr. President, am I correct in assuming Arizona would be eligible for grants under this existing language?

Mr. DANFORTH. Yes, Mr. President, the Senator is correct. My understanding of the provisions in the Arizona law are that they are much more restrictive than the provisions outlined in the bill before us. Therefore, I would expect Arizona to be eligible for increased, and well deserved, highway safety grants to implement their commendable law.

Mr. DECONCINI. Mr. President, I thank the Senator very much for that clarification, Senator. I would like my colleagues in the Senate to know I fully endorse this bill and hope my colleagues will join me so we can have an attack on drunk driving law at the Federal level this session.●

● Mr. PELL. Mr. President, I am pleased to join Senator DANFORTH in urging the adoption of H.R. 6170, the drunk driver bill.

As one who for a number of years has advocated a strong national program to reduce the slaughter on our highways caused by drunk drivers, I am proud that we have reached the final step in the congressional approval process for this legislation. I commend Senator DANFORTH for his leadership in steering drunk driving legislation through the Senate earlier this year. In recent weeks, Senator DANFORTH and I have worked closely with House Public Works and Transportation Committee Chairman JAMES HOWARD and Congressman MICHAEL BARNES to reach an agreement on this legislation. Without the cooperation and impetus from Chairman HOWARD, we would not be at the point of sending a drunk driver bill to the President. I express my appreciation to both Chairman HOWARD and Congressman BARNES for working with Senator DANFORTH and me to bring about this successful result.

This bill will not end the carnage brought about by drunk drivers. Legislation alone will not change the attitudes and tolerance of drunk driving that have prevailed for so long. This bill does reinforce what has become a national movement to end the public indifference and reduce the slaughter that claims 25,000 lives on our highways, year after year. It provides incentives for the States to increase penalties and enact the comprehensive programs that we know will reduce deaths. Title II of the bill upgrades the National Driver Register, and provides an effective means of keeping known dangerous drivers off our highways. Together, the incentive grant program and the National Driver Register constitute the strongest highway safety initiative the Congress has ever adopted. I am proud to have been a sponsor of this legislation in the Senate.●

STATEMENT OF SENATOR ROBERT DOLE IN SUPPORT OF H.R. 6170—A BILL TO ENCOURAGE EFFECTIVE ALCOHOL TRAFFIC SAFETY PROGRAMS

Mr. DOLE. I urge my colleagues to support this legislation that takes aim at aiding the States in their battle against the No. 1 criminal killer in our Nation, the drinking driver.

In hearings held last fall in my Judiciary Courts Subcommittee I heard firsthand the incredible shock, sorrow, and anger that drunk drivers bring to a family that has forever lost a son, or had a daughter instantly condemned by a drunk driver crash to live a life in a wheelchair. I also heard how Federal, State, and local officials and citizen activists have closed ranks to strike back against drinking drivers who take more American lives every year than cold-blooded murderers.

It is clear that we must encourage tough State laws that treat the drinking driver like the dangerous criminal he is, threatening or reaping death and injury in every community in our Nation. We must also encourage stronger traffic enforcement programs, court adjudication procedures, driver record tracking methods and rehabilitation efforts. These activities are all countermeasures that have proven effective in various combinations throughout the country as I have learned at our hearings and through convincing evidence presented at hearings held by the President's Commission on Drunk Driving.

These critical elements of a systematic antidrunk driving campaign are the very ones found in the bill now before the Senate. As a member of the President's Commission on Drunk Driving, I am pleased that the bill provides that the recommendations of the Commission, due next spring, are to be considered in the criteria for awarding some of the incentive grants under the bill.

I am convinced that well-drafted State laws, supported by popular sentiment and enforced with swiftness and certainty, can save many families the agony of a deadly or crippling encounter with a drunk driver. We should not only encourage State laws that threaten severe punishment for drunk drivers but also must look to support State and local actions implementing those laws. Hollow threats will only lead back to business as usual for the drinking driver who rarely is deterred by the remote chance of an arrest, conviction, or swift and certain punishment.

Citizen action groups such as MADD (Mothers Against Drunk Drivers) and RID (Remove Intoxicated Drivers) have been fervently and successfully working to make the battle against drunk drivers a top priority in their cities, States, and at a national level. This bill will serve as an effective incentive for even more potent State and local initiatives that were initially catalyzed by groups such as MADD and RID through a sympathetic and concerned media.

Since this bill represents an important and effective step in supporting

drunk driving countermeasures as a vital priority in the administration of our national highway traffic safety program, I wholeheartedly urge its passage.

Mr. CANNON. Accidents due to drunk driving are a serious problem in this country today—over 25,000 deaths per year are caused by drinking drivers. Everyone familiar with the magnitude of this problem is concerned and anxious to find a solution. Enforcement of driving standards is the primary responsibility of State and local governments, not the Federal Government. Therefore, I believe legislative initiatives should originate at those levels. I voted in favor of S. 2158, the Senate drunk driving bill, because an amendment was added on the Senate floor by Senator DECONCINI to allow the States some flexibility in formulating their own solutions to this problem as long as the penalties in their legislation equaled or exceeded the penalties set out in S. 2158. I agreed with Senator DANFORTH, the sponsor of the bill, that Senator DECONCINI's amendment was "constructive" and added a "degree of flexibility in the administration of the bill." That flexibility is not contained in the bill we are voting on today. H.R. 6170 contains mandatory provisions which each State statute must contain for the State to qualify for a basic grant under this program.

My concern is that some States, such as Nevada, may have very strict drunk driving laws which do not contain the magic mix of required provisions as set out in H.R. 6170. In fact, it is my understanding that today only two States would be eligible for a basic grant. I am wary of Federal legislation which takes authority away from the States. In my opinion, Nevada has a tough drunk driving statute. It provides for first offenders—mandatory attendance at classes on alcohol use and abuse, up to 6 months in jail, minimum $100 fine, discretionary 30-day license suspension; for second offenders—within a 5-year period—minimum 10-day jail sentence, minimum $500 fine and minimum license suspension for 6 months.

This statute has some of the elements required in H.R. 6170 but not all of them; however, it also has stricter penalties than H.R. 6170 requires in some respects. In spite of the fact that this is a strict statute, Nevada will not qualify for an incentive grant unless it changes its statute.

In a 1981 report done by H. Lawrence Ross for the National Highway Traffic Safety Administration, Ross found that it is not the provisions of the particular drunk driving statute that are important in deterrence. The key factors are the level of enforcement and the perception by the drivers of the likelihood of being apprehended. The Ross report underscores the crucial role of State and local law enforcement in this area, regardless of the nature of the statute. The Ross report also calls into question the necessity of toughening the penalties for driving while intoxicated.

Even though I have some reservations about this bill, I will vote for final passage. It is my hope that the increased attention given to this problem and the heightened awareness this bill may engender will help to change the public's perception of the chances of being apprehended and penalized for driving while intoxicated, and will help to encourage greater enforcement of drunk driving statutes, regardless of the penalties those statutes contain.

I fully support title II of the bill—updating of the National Driver Register (NDR). The NDR, when fully operational will aid the States in their consideration of applicants for a driver's license. This function—that of serving as a national clearinghouse for information concerning problem drivers—is a role which can best, and only, be fulfilled by the Federal Government. I am hopeful that there will eventually be full participation by all 50 States, for it is only with 100 percent participation that the NDR can be most effective.

Mr. DECONCINI. Mr. President, I want to extend my appreciation to the chairman of the Commerce Committee Subcommittee on Transportation, Mr. DANFORTH, for doing such an outstanding job in trying to come up with a bill which attacks the extensive drunk driving problem in this country while being responsive to the concerns of many of our colleagues who have varying degress of drunk driving laws in their States. I think the bill before us is a fine one and one which will effectively counter the growing number of drunk driving fatalities. I would like to lend my support to this new bill but, before I do, Mr. President, I would like a little clarification. It is my understanding that the bill, as passed by the House and currently written, would allow the State of Arizona to be eligible for increased highway safety grants. Mr. President, am I correct in assuming Arizona would be eligible for grants under this existing language?

Mr. DANFORTH. Yes, Senator, you are correct. My understanding of the provisions in the Arizona law are that they are much more restrictive than the provisions outlined in the bill before us. Therefore, I would expect Arizona to be eligible for increased, and well deserved, highway safety grants to implement their commendable law.

Mr. DECONCINI. Thank you very much for that clarification, Senator. I would like my colleagues in the Senate to know I fully endorse this bill and would hope my colleagues will join me so we can have an attack on drunk driving law at the Federal level this session.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VESSELS FOR HUMANITARIAN SERVICES

Mr. BAKER. Mr. President, next I propose to discharge the Commerce Committee from consideration of H.R. 4828, if there is no objection.

Mr. METZENBAUM. Mr. President, what is that?

Mr. ROBERT C. BYRD. That is cleared on this side of the aisle. It even has Mr. METZENBAUM's OK.

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of H.R. 4828, vessels for humanitarian services, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will state it.

The assistant legislative clerk read as follows:

A bill (H.R. 4828) to set aside certain surplus vessels for use in the provision of health and other humanitarian services to develping countries.

The bill was considered, ordered to a third reading, and passed.

Mr. BAKER. I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SAFETY OF INTELLIGENCE PERSONNEL AND CERTAIN OTHER PERSONS

Mr. BAKER. Mr. President, if the minority leader agrees, I ask the Chair to lay before the Senate Calendar No. 843.

The PRESIDING OFFICER. The clerk will state it.

The assistant legislative clerk read as follows:

A bill (S. 2552) to protect the safety of intelligence personnel and certain other persons.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment on page 2, line 3, after "duties", insert "or on account of the performance of his official duties".

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2552

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1114 of title 18, United States Code is amended—

(a) by inserting "or attempts to kill" after "kills";

(b) by striking out "while engaged in the performance of his official duties or on account of the performance of his official duties" and inserting in lieu thereof "or any officer or employee of any department or agency within the Intelligence Community (as defined in section 3.4(F) of Executive Order 12333, December 8, 1981, or successor orders) not already covered under the terms of this section"; and

(c) by inserting before the period at the end thereof a comma and the following: "except that any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years".

SEC. 2. Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1118. Murder, manslaughter, assaults, threats, extortion, or kidnaping of persons given entry into the United States for permanent residence pursuant to section 7 of the Central Intelligence Agency Act of 1949

"(a) Whoever kills or attempts to kill a person given entry into the United States for permanent residence pursuant to the provisions of section 7 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403h) shall be punished as provided under sections 1111, 1112, and 1113 of this title, except that any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life, and any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years.

"(b) Whoever engages in conduct proscribed by section 112, 878, or 1201 of this title against any person described in subsection (a) shall be punished as provided under those sections.".

SEC. 3. Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1119. Murder, manslaughter, assaults, threats, extortion or kidnaping of persons present in the United States under intelligence auspices

"(a) Whoever kills or attempts to kill a person certified by the Director of Central Intelligence or his designee to be present in the United States under the auspices of any department or agency within the Intelligence Community (as defined in section 3.4(F) of Executive Order 12333, December 8, 1981, or successor orders) shall be punished as provided under sections 1111, 1112, and 1113 of this title, except that any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life, and any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years.

"(b) Whoever engages in conduct proscribed by section 112, 878, or 1201 of this title against any person described in subsection (a) shall be punished as provided under those sections.".

SEC. 4. The table of sections for chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new items:

"1118. Murder, Manslaughter, assaults, threats, or kidnaping of persons given entry into the United States for permanent residence pursuant to section 7 of the Central Intelligence Agency Act of 1949.

"1119. Murder, manslaughter, assaults, threats, extortion, or kidnaping of persons present in the United States under intelligence auspices.".

Mr. BAKER. I move to reconsider the vote.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, while we take stock one more time and gain some time, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BOSCHWITZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Will the distinguished majority leader tell us when we may proceed with the continuing resolution?

Mr. BAKER. I am very anxious to do that. While we have the quorum, I am about to suggest we check with the cloakroom on this side and see what we have cleared and that is very essential to do. I hope we get to the continuing resolution soon.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business to extend not past the hour of 9:30 p.m. in which Senators may speak for not more than 2 minutes each.

JAPANESE TRADE BARRIERS

Mr. FORD. Mr. President, yesterday's Wall Street Journal contains an article by Urban C. Lehner that details continued Japanese Government efforts to prevent the import of U.S. tobacco products.

For many months now, the United States has been negotiating with the Japanese Government to remove impediments to the sale of U.S. tobacco products which now account for 1.4 percent of the Japanese market. There is a potential for greatly increased sales of U.S. tobacco products that can serve to lower our $18 billion trade deficit with Japan. Despite all matter of obstacles thrown up by the Japanese, some agreements have been reached to allow greater import of U.S. cigarettes. But, every time progress is made in negotiations between the United States and Japanese Government, further obstacles are thrown up by the Japanese to shut out American products.

Yesterday's Wall Street Journal article exposes an internal document of the Japan Tobacco and Salt Corp., a government-owned monopoly that exercises exclusive control over the distribution of tobacco products in Japan. The document directs one of the Government corporation's local offices in Tokyo to carry out sales and promotional activities that impede foreign cigarette sales by forbidding the placement of foreign brands in cigarette vending machines and requiring the removal of promotional signs.

This is in direct contravention of all Japanese Government promises to the U.S. Government. And, it is not an isolated situation. The U.S. Special Trade Representative has been negotiating for many months now with the Japanese to remove a myriad of nontariff barriers to the importation of U.S. products. Some agreements have been made for greater market access, but once made, they often are not carried out.

After nearly 2 years of negotiations, the Japanese Government agreed last April to remove nontariff restrictions on the importation of U.S. sporting goods, including aluminum baseball bats. But once an agreement was reached with the Government, Japan's sporting goods organizations moved to enforce their own restrictions that have effectively kept out American-made products.

This practice must stop. No one wants to build protectionist walls around our trade relations with Japan. But, let us not fool ourselves that we have a free trade relationship with Japan today. So far, they have had a free ride down a one-way street. It is time to open up the street to two-way traffic or else we may see roadblocks thrown up to Japanese goods exported to the United States.

I ask unanimous consent that the Wall Street Journal article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 30, 1982]

HOW JAPAN TRIES TO SHUT OUT FOREIGN GOODS

(By Urban C. Lehner)

A document from a Japanese government-owned corporation has surfaced in business circles here that provides rare, firsthand evidence in writing of Japanese attempts to

shut out foreign products—something foreign businessmen and officials have long alleged but have rarely been able to prove. Indeed a broader look at the controversy underlying the document provides a case study of the kind of elaborate web of restrictions the Japanese can weave when they're determined to have their domestic market to themselves.

The document came out of the Japan Tobacco & Salt Corporation (JTS), a government-owned monopoly that exercises exclusive control over all tobacco-products distribution in Japan. U.S. officials and the three American tobacco makers who sell here through the JTS have long believed and have at times formally complained to the Japanese government that the monopoly tries to obstruct foreign cigarette sales.

The document could well become a cause celebre in the ongoing efforts of the U.S. and Europe to persuade Japan to open its market to foreign products. The Japanese government has been trumpeting the claim that it's doing everything possible in that respect. But the document, a six-page battle plan detailing how one of JTS's local offices in Tokyo was to carry out its sales and promotion activities last July, specifically orders steps to squelch foreign cigarette sales.

"Curb stocking of imported cigarettes in vending machines," the document says at one point, indicating further that no foreign brands should appear in small machines containing fewer than 10 columns of cigarettes.

RETAILERS WON'T TESTIFY

"Remove displayed POP (point-of-purchase promotion) items for imported cigarettes in prominent locations," it says. (The American makers say many Japanese retailers have told them that JTS salesmen tear down posters and other promotional materials for foreign cigarettes. But they say the retailers won't testify to that because they depend on the JTS for licenses to do business and for a continuing supply of tobacco products.)

A JTS official involved in drawing up the battle plan confirmed that the document is authentic. A JTS spokesman declined direct comment because he hadn't seen the document. But he said "it's unlikely" that JTS would tear down promotional material or change the brands in vending machines "without the retailers' consent."

The document emerges at a time when officials in Washington are showing increasing displeasure at what they regard as Japanese foot dragging in carrying out earlier promises to open their market. The Japanese government earlier this year announced two packages of measures aimed at removing obstacles to foreign products, and missions of Japanese Dietmen have come to the U.S. to tout the measures. But U.S. officials say most of the measures that Japan announced with such fanfare have yet to be carried out. And a reading of the JTS document and talks with the American tobacco companies suggest that in the case of the JTS at least, new "impediments" are being thrown in the path of imported tobacco products every day.

Promoting the success of cigarette sales here is especially important to Washington, because cigarettes are one product that U.S. officials believe could easily make a significant dent in Uncle Sam's enormous ($18 billion last year) trade deficit with Japan. Cigarette sales come to a staggering $5 billion a year here, and U.S. cigarettes have proved very competitive in other foreign markets. Moreover the JTS, sole manufacturer of Japanese domestic cigarettes, is hardly a tower of business strength; there are moves afoot in the Japanese government to dismantle the monopoly because of its inefficiency.

"If American-made cigarettes were allowed to gain just 10 percent of the Japanese market," argues Philip Morris International, one of the American makers, in a position paper, "the imbalance in trade would be reduced by half a billion dollars."

But as it stands, foreign cigarettes claim only 1.4 percent of the Japanese market. They're hindered in getting a bigger share by innumerable legal restrictions—even forgetting about such underhanded measures as those outlined in the JTS document. For example, under Japanese law and JTS regulation, foreign cigarette makers;

May sell their products through only 20,035 of the 247,801 Japanese retailers licensed to sell tobacco products. (As one of the measures announced earlier this year, that number is scheduled to rise to 40,041 by next March 31 and to all of the retailers by March 31, 1986. But the American makers say JTS is carrying out the measure in a way designed to minimize foreign sales as long as possible.)

Sell their products subject to a 35 percent tariff and to a tax and pricing formula, which combined with the tariff causes foreign cigarettes to sell at a retail price 60 percent above domestic Japanese brands. That's true even through the price of American cigarettes when they land in Japan is about the same as the factory price of the Japanese cigarettes.

Are sharply limited in their ability to advertise and test-market their products.

Must distribute their products solely through their chief competitor—the monopoly JTS "There's no way your principal competitor is going to help you," says Joel Silverstein, Japan representative for Brown & Williamson Tobacco Corp., another of the American makers.

John Sandor, who runs Philip Morris's operations locally, complains that JTS never seems to have enough of Philip Morris's products in stock to meet orders from retailers. For example, he says, when retailers order Lark, Japan's best-selling foreign brand (Japanese smokers favor "charcoal filters" like the one Lark features), "The monopoly will normally indicate that a sufficient number aren't in the warehouse and a competing domestic product—in the case of Lark, Cabin—will be partially substituted.

The JTS internal document suggests that the monopoly uses a variety of subtle tricks to hold down foreign sales. For July in Tokyo's Sumida ward, the document ordered special emphasis on sales of five domestic brands. One of them was Marlboro (though a Philip Morris brand, it has been produced by JTS under license here for over 10 years). According to Tsuyoyuki Asaka, one of the JTS officials who helped draw up the document, Mariboro was chosen because it's considered an effective domestic "rival brand to counter imported brands."

Then there are the not-so subtle tricks like tearing down or stopping the posting of foreign posters, advertising displays or the electrically lit "light boxes" placed on top of a vending machine displaying the name and logo of a brand, R. J. Reynolds Tobacco International, a subsidary of R. J. Reynolds Industries Inc., complained several months ago to the new ombudsmen's office that JTS salesmen were telling retailers they weren't legally allowed to display promotional material for foreign brands. The case was settled when JTS agreed to inform retailers in writing that such materials could be displayed.

Then in early August a retailer in Tokyo's Shibuya section informed an American maker that a JTS salesman appeared to have taken away the retailer's "light box" atop the vending machine. But when Japanese government investigators acting on a complaint from the maker that didn't name the retailer, blanketed the area to interview retailers, no one mentioned the JTS. Missing light boxes were blamed on other causes—one was said to have blown away in a typhoon. The moral the investigators drew was that Americans make reckless allegations without proof.

U.S. officials and cigarette makers drew a different conclusion: Retailers are so vulnerable to the JTS pressure, explicit or implicit, that they can't afford to testify against the monopoly. There is at least some evidence that JTS doesn't shrink from using pressure to get its way with retailers.

Some retailers themselves make the same point. "Sure there's pressure (not to use foreign cigarette posters)," says Hinako Nakajima, a tobacco-shop owner in Nagoya. "The government hasn't abolished the monopoly system." Asked if JTS salesmen have ever forcibly removed posters from her shop, she will say only "please don't make me answer that question."

BLITHELY UNCONCERNED OFFICIALS

David Guilfoile, R. J. Reynolds's Japan country manager, says Reynolds's agents talk at least once a month to a large percentage of the 4,300 retailers in Tokyo licensed to sell foreign brands, "and the most common problem is the retailer will say, I can't allow you to put up that (poster or light box) because the JTS will get upset." Mr. Guilfoile says Reynolds hesitates even to complain about such abuses to the government because "we end up getting the retailers we're trying to develop as customers into trouble."

Japanese officials, for their part, seem blithely unconcerned with the tobacco question. Before one of the Dietmen's missions went to the U.S. a few months ago, one of the Dietmen was asked about tobacco at a special press conference for foreign correspondents. He replied that Japan's cigarette maker was "completely free" and thus there was nothing to discuss with the U.S. government.

Nonetheless, in the second package of measures the Japanese did come up with some tobacco concessions. They agreed that the U.S.-Japan "study group," which had been scheduled under the November 1980 Japan-U.S. tobacco agreement to be formed by March 31, 1983, will convene instead next month, an acceleration of six months. It isn't clear what scope the study group will have, however. U.S. officials say the Japanese have agreed to put the tariff question "on the agenda" but haven't agreed to negotiate a lower tariff.

It also isn't clear how meaningful the other concession in the second package—the increase in the number of retail outlets—will prove in the short run. U.S. officials and makers complain, for example, that all the outlets the Japanese have unilaterally selected to be included in the increase to take effect next March are outside the two regions of Japan where 60 percent of the foreign cigarettes are currently sold. That means the foreign makers won't be able to get more bang out of the sharply limited

television advertising dollars they're allowed to spend, which by necessity are concentrated in those two regions.

"That isn't the way you'd do it if you were operating in the spirit" of opening the market, Mr. Silverstein contends.

THE APPROPRIATION PROCESS IS OUT OF CONTROL

Mr. FORD. Mr. President, today marks the start of a new fiscal year for the Federal Government and, once again, the year will begin with Government operating under a continuing resolution.

By now, we should have finished action on 13 separate appropriations bills and sent them to the President for his signature. But, as of this moment, we have finished only one piece of appropriations legislation—the Housing and Urban Development conference report—and it is unlikely that we will act on more than one other before we recess.

Today also marks the first anniversary of legislation I proposed a year ago to switch the Federal Government over to a 2-year authorization and appropriations cycle. My reasoning for this recommendation was that the annual budget process simply does not work any more.

Frankly, the process is out of control. It has gone haywire—and the system itself is to blame. There is not sufficient time to consider the thousands of complex issues within the Federal budget. The budget simply has grown too large to be effectively managed over a 12-month period.

The problem is not a new one. Only once in the past 5 years have all 13 appropriations bills been enacted by the start of a fiscal year. Even then a continuing resolution was needed to fund some programs. Continuing resolutions have become an unwelcome fixture in the Federal budget process.

The frustration is nothing new either, but it is about to reach the breaking point.

The past week has been a difficult one for all of us, with long days and numerous amendments, as we tried to finish action on the continuing resolution.

For no one has the past week been more exasperating or difficult than the majority leader, and he has my appreciation and sympathy. Two days ago in a very candid reflection on the Senate floor, he accurately summarized our current dilemma.

He said:

> We simply cannot do this country's work this way. * * * I do not know what we are going to do to try to put this right, and it is too late to do anything this year. However, next year we are going to have to give some careful attention to what independent action the Senate can take to try to move the appropriations process without waiting for the House of Representatives as this body has done for 200 years. * * * One way or the other, next year, we must get our way out of this business of trying to do the appropriations of this country in such a brief time late in the session and against an adjournment deadline. I do not think we have any alternative.

Mr. President, I commend the majority leader on a most throughtful and correct analysis. I hope that my colleagues will heed his words carefully.

And, Mr. President, I hope that the majority leader will give the concept of a 2-year budget cycle a close and serious look.

Earlier this year, my colleague from Indiana (Mr. QUAYLE) and I merged separate measures we had introduced providing for a 2-year budget into a single piece of legislation. We hoped that this merger would encourage bipartisan support—and it has—and we also hoped that it would serve as a vehicle for change.

Our bill has been the focal point of several recent hearings before both the Senate and House Budget Committees and I feel that interest in this approach is growing.

It is too late in this session to make any major improvement in the current process. But change should and must be made a top priority early in the next session, so that the spectacle of furious activity in a rush to beat the clock that we are just now completing will not have to be our constant way of life.

IN MEMORIAL TO MARINE CORP. DAVID LEE REAGAN

Mr. WARNER. Mr. President, over 4 months ago the tragic situation in Lebanon erupted into a full-scale war. After nearly 3 months of fighting, an agreement was reached allowing troops from France, Italy, and the United States to enter Lebanon and act as a peace-keeping force.

All of us were relieved when the U.S. contingent of 800 marines left Lebanon last month with no casualties; their mission successfully completed.

Unfortunately, following news of the tragic killing in the Palestine refugee camps last week, our marines were again called upon to enter Beirut to assist the French and Italians in peace-keeping efforts and to protect the civilian population.

As we are painfully aware, yesterday a young Virginia marine, Corp. David Lee Reagan, gave his life in this effort.

I did not know Corporal Reagan personally, but as a former marine, I know what he felt as he landed on that foreign beach. His was a mission of mercy, an opportunity to help bring order out of chaos. After all, this is what being a marine is all about—it is what he had been trained to do.

His was duty, honor, country. His was to accomplish the mission assigned no matter what the cost. He had trained since he went to boot camp at Parris Island, S.C., in July 1979, for this day.

Yet, he did not expect to die, but he knew it could happen and was willing to do so if it was necessary. His was a profession that often resulted in death while attempting to keep the peace. His was a profession that was misunderstood by so many until his services were required. As Rudyard Kipling wrote:

> It's Tommy this, an' Tommy that, an' Chuck 'Im out, the brute!
> But it's "Saviour of 'is country," when the guns begin to shoot.

The 17th century poet, Richard Lovelace, penned a poignant passage that may serve to ease the pain being felt by Corporal Reagan's wife, Rhonda, of Chesapeake, Va., and his mother, Peggy A. Bailey of Creswell, N.C., over the loss of their husband and son. They are the heartfelt words of a man trying to explain to his loved one how, and why, he must temporarily abandon the priceless sanctity of her love to face the dangers of defending a cause. The decision is agonizing, a contradiction of desire against devotion, but ulitmately his course is clear.

> Yet this inconstancy is such
> As you, too, shall adore;
> I could not love thee, dear, so much
> Loved I not Honor more."

Corporal Reagan gave his life in service to his country. His example and his inspiration shall always remain.

To his loved ones, I hope that the prayers and love expressed by those of us who share their grief will help sustain them through these difficult days.

THE IMMIGRATION REFORM AND CONTROL ACT

Mr. ARMSTRONG. Mr. President, in August I voted against final passage of S. 2222, the Immigration Reform and Control Act. I did so for two principal reasons: The reform provisions were inadequate to protect constitutional rights and the control provisions were inadequate to limit immigration in a way that is both workable and fair.

When the other body has completed its work on a companion measure and the matter has gone to conference, I intend to study the conference report carefully and determine whether these fundamental deficiences have been cured. At that time, I hope to support the bill.

It is essential for this country to come to grips with its burgeoning immigration problems. Control of the Nation's borders is one of the most basic attributes of sovereignty and we are running a very serious risk of losing that control altogether. Most commentators agree that our 30-year old immigration law is hopelessly out

of date for solving the problems of a bountiful country in the troubled world of the 1980's. The urgency of immigration reform is not lost on the average American, who demands decisive action. A recent Roper poll showed 91 percent of Americans in favor of an all-out effort to stop illegal immigration; 80 percent also in favor of curbing legal immigration.

After listening to literally hundreds of witnesses and studying the issue in considerable detail, the Senate Judiciary Committee painted a bleak picture indeed. It concluded that immigration to the United States is out of control and that our immigration law is no longer adequate to deal with modern conditions. The following facts were established:

Total legal admissions to the United States in 1965 stood at 300,000; in 1980 that number had increased 167 percent to 800,000 annually.

In the last 5 years, the unrestricted immigration category of immediate relatives of U.S. citizens grew 40 percent from 114,000 to 152,000 annually.

Refugee admissions rose from only 5,000 in 1977 to a staggering 200,000 in 1980.

The United States today is accepting over twice as many refugees and legal residents for permanent settlement than the rest of the world combined.

The estimated annual inflow of illegal immigrants is 500,000 every year, despite the fact that over 1 million people are apprehended and turned away annually.

The total number of immigrants illegally in the country has been estimated at between 6 and 10 million.

Estimates vary as to the percentage of illegal immigrants holding jobs that currently unemployed Americans could perform, but the Congressional Budget Office has said each 1 percent job displacement of this kind costs $420,000 a year in unemployment benefits.

Combined legal and illegal immigration accounts for 30 to 50 percent of our annual population increase of about 2 million people.

Added to these facets of the problem is the general American attitude toward immigration. We are, as it is often said, a Nation of immigrants and this nation has been enriched by the diverse cultural legacies of all the countries of the world. Americans are proud of their wealth of opportunity and political freedom and are generous enough to want to share them with homeless and oppressed of the troubled world. Whose pulse does not quicken on hearing the words that are etched on the Statue of Liberty, who would want to extinguish that beacon of comfort?

This, then, was the dilemma that was faced by Senator SIMPSON and the Immigration Subcommittee he leads with such skill and competence. After long deliberation of the critical and complex set of problems before it, the subcommittee produced a reform bill that is a classic political compromise of difficult issues and competing interests. In my opinion, however, the compromises that resulted in S. 2222 have fashioned an immigration bill which, although well-intentioned, cannot work in practice. Although I have some serious reservations about the two essential components of the reform package—amnesty for illegal aliens and employer sanctions—I would be willing to adopt a measure constructed on this foundation, if doing so would solve our immigration problem one and for all. However, I believe these two fundamental provisions have been distorted by the political compromise process and do not reflect a workable approach for solving this difficult problem.

Some form of an amnesty program for illegal aliens can be justified, where they have long-established equitable claims and are settled, productive members of their communities. Such a program would not only be in their interest, but also in the interest of citizens in general. A large undocumented population is an easily exploitable subclass of our society that fears to report crimes and illnesses that threaten the public as a whole.

Nor do I favor a massive roundup of illegal aliens. Such an effort is beyond the resources of the Immigration and Naturalization Service and would not in any case be worth the expense in terms of dollars, the potential abuse of human and constitutional rights, or disruption of our communities. Last April, we had a limited example of such a program in the form of operation jobs, which could by no means be called a success in the Denver metropolitan area. That experience in fact, and the fear and indignation it inspired in Colorado's Hispanic community, caused me to amend S. 2222 with a measure protecting the constitutional rights, personal safety, and human dignity of citizens and aliens alike. In my view, any amnesty program should be workable and consistent with our national interests, and should not in any way encourage further undocumented migration. The amnesty provision in S. 2222 does not pass these tests. I do not see how the already overw~rked INS can properly screen the millions of likely applicants for amnesty. Moreover, the bill does not eliminate the possibility of attracting more illegal immigrants; I believe we have put the cart before the horse—we should stop the flow of illegal migration before we implement any amnesty program.

Bad as the problem of illegal migration currently is, we may be witnessing only the thin edge of the wedge. Global population will pass the 6 billion mark by the end of the century, and 90 percent of new births will occur in poor, underdeveloped countries. Mexico, a country with one of the highest birth rates in the world, shares a long border with the United States that is patrolled by only 350 officers at any given time. Mexico's population today is 70 million people and, according to the United Nations, will be 174 million by the year 2025. Unemployment in that country fluctuates around the rate of 50 percent. Nothing in this bill provides an assurance that the flow of illegal immigration will end; nothing in the bill calls for a Mexican/American joint effort to stem this flow.

The other major provision of the reform package that troubles me relates to employer sanctions. My objections to this provision are three.

First, the employer sanctions program of S. 2222 would impose a heavy regulatory and paperwork burden on America's already beleaguered and depressed businesses. It is not by any means clear how the INS is going to find the wherewithal to enforce this program or, indeed, even to make spot checks for compliance.

Second, existing identification documents are easily forged, cheaply and readily available, and inadequate for implementing this employment eligibility system. The present system simply is not secure. S. 2222 itself relies on a secure system of identification, but does not set forth the particulars. It expressly contemplates a national ID card for employment eligibility, and there is speculation that this would become a national ID card or kind of internal passport. Even the possibility of such a development is anathema to me, as it should be to all free men and women.

Third, and perhaps most important, I was especially concerned that the employer sanctions provision in the bill would lead to discrimination against Hispanics and other minorities. Joaquin Avila, president of the Mexican American Legal Defense and Educational Fund, has voiced his reservation this way:

> No one willingly chooses to be on the hot seat of governmental inspection. One way to avoid inviting both inspections and raids is not to employ too many Hispanics. Contrary to the claims made by the bill's supporters, employer sanctions would be burdensome indeed.

In conclusion, Mr. President, this country urgently needs to come to grips with this difficult and serious problem. Like most Senators, I am eager to support a reform bill that will restore order, commonsense, and fairness to America's immigration policy. If amnesty and employer sanctions are essential ingredients in that solution, I am even willing to support such controversial programs. But S. 2222, in my opinion, does not present a workable plan for addressing these issues and

solving these problems It was primarily for the reasons I have set out that I have opposed Senate passage of S. 2222; it is for those same reasons that I will be reading the conference report on the immigration reform bill closely and with great interest, in the hope that these fundamental deficiencies have been cured and that we can move forward at long last to reform that is both workable and fair.

GI BILL

Mr. ARMSTRONG. Mr. President, I shall soon send to the desk to be introduced as separate legislation the Armstrong-Cohen-Hollings-Matsunaga GI bill, with a request that it be referred to the Armed Services Committee. We are joined in sponsoring this legislation by our colleagues Senator ANDREWS, Senator CANNON, Senator GARN, Senator HAWKINS, Senator INOUYE, and Senator TSONGAS.

It is still our intention to offer the Armstrong-Cohen-Hollings-Matsunaga GI bill as an amendment to S. 2936, the military pay authorization bill for fiscal year 1983. But it seems apparent now that this measure will not come to the floor prior to the convening of the lameduck session.

I regret that it was not possible to bring S. 2936 to floor for action before we go into recess. I believe the Senate is prepared now to vote to reinstate GI bill education benefits for our service men and women. Now this happy day shall have to be postponed until November.

But there is one benefit to this delay. The staff of the Armed Services Committee now will have about 6 weeks in which to review the 2,207 pages of testimony taken in 22 previous hearings on the GI bill before three separate committees of Congress over the last 3 years. More than 250 witnesses were heard from at these hearings. They included Members of Congress; officials of the Department of Defense and the Veterans' Administration; military personnel ranging from three-star generals to privates; analysts from the Congressional Budget Office and the General Accounting Office; experts from academia; representatives from service organizations including the Association of the U.S. Army, the Air Force Association, the Reserve Officers Association, the National Guard Association, and the Non-Commissioned Officers Association; spokesmen for veterans groups including the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, AmVets, and the Paralyzed Veterans Association; and representatives of national associations of institutions of higher learning, including the American Association of Community Colleges, the National Association of State Universities and Land Grant Colleges, and the American Association of State Colleges and Universities. More than 90 percent of these witnesses—most with great vigor and enthusiasm—endorsed reinstitution of GI education benefits.

We are certain that anyone who reviews these 2,207 pages of testimony—and it could take the entire recess just to do that—will share our conclusion that reinstitution of the GI bill is the single most effective and cost-effective step that we can take, not simply to strengthen our national defense, but to put the dream of a college education within reach of all of our young people. Our purpose in introducing the Armstrong-Cohen-Hollings-Matsunaga amendment as separate legislation is to give those members of the Armed Services Committee who have not yet signed on as cosponsors to come to the only conclusion we think can be made after a conscientious examination of this overwhelming mass of testimony and evidence.

If, after a review of this voluminous evidence, the Armed Services Committee should choose to mark up and report to the floor a GI bill proposal of its own prior to bringing the military pay authorization bill to the floor, that would be perfectly all right with us. We proposed our GI bill as an amendment only after it was clear this was the only way to bring this critically important measure before the full Senate.

Frankly, we do not believe the Armed Services Committee could draft a better GI bill than the one provided for in our amendment. It was drafted after close consultation with knowledgeable people in the Armed Forces, chiefly the Army, and it combines the best features of S. 25, the GI bill I introduced with 20 cosponsors; S. 742, the GI bill introduced by Senator COHEN; and S. 899, which was introduced by Senator HOLLINGS. But the Armed Services Committee is certainly welcome to try.

If the Armed Services Committee should choose not to mark up a GI bill of its own and report it to the floor in a timely manner, we are prepared to offer our bill as an amendment to S. 2936, as already proposed, or to any other measure that might emerge from the Armed Services or Veterans' Affairs Committees during the lameduck session. One way or the other, the full Senate will have the opportunity to be heard on the GI bill before the 97th Congress passes into history.

● Mr. HOLLINGS. Mr. President, we have a crisis where military manpower is concerned. We are spending billions of dollars in defense on O&M, weapons procurement, and R&D. But, we are not getting the high quality, trainable personnel through the All-Volunteer Force that we need in order to operate our new and advanced-technology systems.

The DOD publicizes how it is more than meeting its recruiting objectives. That success is based on one sad fact. The economy is in total disarray. Teenage unemployment is at 24 percent; for black teenagers, unemployment is 52 percent. The administration offers nothing in the way of hope for hundreds of thousands of our citizens. But the DOD incredibly boasts that it is successful in meeting personnel goals as if the pains of idleness and unemployment had nothing to do with the situation.

This view of success overlooks the broadening need for the highest quality and educated recruit for our future Army. The percent of recruits that score the category I and category II in the Armed Forces qualification test is much lower today than the percent of draftees scoring in the same category in 1964, the last prewar year before Vietnam; 33.7 percent of our draftees scored in these highest categories in 1964; in 1981 only 23.6 percent scored in category I and II.

We must continue to search for ways to upgrade the quality of the Armed Forces and reward those that sacrifice for our national security. I believe a new GI bill is the most effective, and cost-effective step we can take to improve the number and quality of recruits for our Armed Forces. To meet this goal, Senators ARMSTRONG, COHEN, MATSUNAGA, and I are pleased to introduce a new GI bill program for our Armed Forces.

Mr. President, we must recruit more high quality, highly motivated young men and women. Our manning problems will become quite severe in future years when the pool of young, service-age people is diminished and, if our economy improves. I believe, and sincerely hope, that the educational benefits provided by a new GI bill will attract increased numbers of high school graduates into the services and will assist the services in retaining the career middle-grade noncommissioned officers needed to train and lead our fighting men.

Under the provisions of the new GI bill, veterans could receive education assistance payments of up to $300 per month for up to a total of 36 months while attending an approved educational institution. Eligibility for benefits at this level would be attained through a number of active duty and Reserve service options. For example, a young man could enlist for 2 years of active duty and agree to serve 2 years of Selected Reserve service and 2 years of individual Ready Reserve service and become eligible for the maximum benefits commencing at the time he is honorably discharged from active duty. A longer period of active duty would reduce the Reserve obligation.

A unique feature of the bill is that it also provides educational benefits for

persons who serve in the Reserve Forces without having served on active duty. While the benefits for eligible reservists are one-half of what is provided to active service veterans, they are still substantial and should prove to be an attractive recruitment incentive. The Reserves are experiencing even greater difficulties in filling their ranks with quality people than the Active forces. I believe that this bill can go a long way toward providing the needed incentives to draw young men and women into the Reserve Forces.

Active duty personnel eligible for benefits under this program receive monthly payments commensurate with the percentage of an academic course load that they pursue. If, for example, a soldier at Fort Jackson, S.C., attends college classes on a part-time basis at the University of South Carolina in Columbia and takes 25 percent of a full academic load, he or she would receive $75 per month, or 25 percent of the maximum monthly entitlement. They could commence such a program after 1 year of active duty.

I believe, however, that the feature of this bill which will have the greatest appeal to our career military people is a provision which provides for transferability of benefits. As written, the bill would enable a person eligible for education benefits to transfer these benefits to one or more of his dependents—but not to exceed the 36-month/$300 level. I believe that this will provide an extremely valuable retention incentive for many of the very important middle-grade noncommissioned officers. An alarmingly large number of these small unit leaders are presently leaving the services because they cannot afford to send their children to college on the military pay they receive. This bill can provide them the assistance they need to educate their children while continuing in a career that most of them prefer.

Mr. President, Congress has moved decisively in recent years to provide our military forces with the modern, high technology equipment they need to at least keep abreast of the Soviets in a material sense. But, as we all know, we are now at a point where we must significantly improve the quality of our military manpower. I believe that we must now move resolutely to remedy this problem if the security of this Nation is to be assured. I believe a new GI bill can be a major step in that direction. I am very pleased to join with my colleagues today in introducing this vital legislation.●

● Mr. COHEN. Mr President, I am honored to join with Senators ARMSTONG, HOLLINS, MATSUNAGA, and my other colleagues in introducing legislation to reinstitute the GI bill education benefits.

As you know, we had intended to propose this measure as an amendment to S. 2936, the Uniformed Services Pay Act of 1982, which had been scheduled to come before the Senate for consideration this week. I deeply regret that we were not given the opportunity to consider the pay bill—and the GI bill amendment—before recessing.

There is ample evidence that a GI bill would be of real benefit to the services as they seek to attract high quality recruits. The importance of this is clear. Not only will the services experience reduced costs through lower attrition rates and improved trainability, but unit performance will be enhanced as well.

In the October 4 edition of Army Times, an article cites a recent study conducted for the Army Recruiting Command which concludes that there is a direct link between a tank commander's mental apptitude—as measured on the Armed Forces Qualification Test—and the performance of his tank crew during gunnery and simulated combat drills. The study found that a platoon of tanks commanded by Mental Category II tank commanders will have a combat exchange ratio of 7.45 enemy killed to one tank lost. The exchange ratio for tanks commanded by those in Mental Category IV is only 1.33 to 1—an 82-percent degradation in performance.

The significance of this is that, while the services are having virtually unparalleled recruiting success, they are still not bringing in as many individuals in the top two mental categories as they would like. Educational incentives for service would improve their ability to attract these top quality recruits.

As I was preparing to introduce the GI bill proposal, I received a number of calls from people inside the Pentagon telling me that while the official Defense Department position was in opposition to this legislation, they were strongly in favor of it. Their unsolicited offers of support meant a lot, especially in light of the full court press undertaken by some Defense Department manpower officials to squelch our amendment.

I was particularly impressed with some information I received which confirmed that the approach Senators ARMSTRONG, HOLLINGS, MATSUNAGA, and I are taking is the correct one. There are, I am told, two clearly identified types of recruits.

The first is one who is likely to sign up for 4 years. He is attracted by the $5,000 bonus, is unlikely to take advantage of educational benefits, and is likely to be married. Of those eligible to reenlist, 61 percent of this type of recruit do.

The second, noncareer-oriented type signs up for 2 or 3 years. He or she gets no bonus, and 80 percent of the 2-year enlistees say they joined for the educational benefits. They are more highly trainable, reducing costs for the Army. Only 30 percent who are eligible to reenlist do.

This is the type of individual that the services today are getting in insufficient numbers. And it is the type of individual who would be attracted by a GI bill proposal of the sort we are proposing today.

I have heard DOD manpower officials and some of my colleagues say that we do not need this because of the success we are having in recruiting today. But I fear this view is shortsighted.

The difficulties faced by the services only a few years ago seem to be forgotten. So do the events which led to those problems—the end of the GI bill in 1976, caps on military pay, and reduced advertising and recruiting budgets.

Today's high unemployment, coupled with significant improvements in military pay over the past 2 years, plays an important part in the recruiting success the services are now having. We should not forget the difficulty Senator ARMSTRONG, in particular, had in convincing some Members of this body and the Nation that those pay raises were essential if we were to raise many members of our military above the poverty level.

The debate we are having now on whether or not to reinstitute GI bill education benefits is not unlike the one we had on improving pay. The Senate Armed Services Committee can take pride in having responded to the calls for better pay and in taking the lead in helping our service personnel who were encountering real hardship.

As a member of the committee, it is my hope that many of my colleagues will join in the effort to again give GI bill educational assistance to these brave men and women. Those benefits will more than pay for themselves, and they will prove increasingly important as we enter a period of declining available manpower through the decade of the eighties.

The Army Research Institute has produced a study which concludes:

> If the jobless rate declines as fast as the administration projects, without corresponding increases in military pay or education incentives, the Army could miss its recruiting goal for male high school graduates by 34,000 (or about 35 percent) by fiscal year 1986.

The institute sees "problems ahead for the services in attracting sufficient numbers of high school graduates once the Nation's economy turns around."

There is, then, I believe, a convincing case for restoring GI bill education benefits. As Army Chief of Staff Edward Meyer told the House Veterans' Affairs Committee in testimony last year:

> I believe that Army readiness will be improved today and tomorrow with a GI bill

which supports the Active and the Reserve, the first-termer and the careerist.

This bill, I believe, responds to General Meyer's concerns in every way. It will, I hope, receive prompt, positive consideration when we return in November.●

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the bill itself be concurrently referred to the Committee on Armed Services and to the Committee on Veterans' Affairs. I advise Senators that I have cleared this request with the chairmen of these respective committees.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I do not want to object, that request has not been cleared, it is my understanding, on this side.

Mr. ARMSTRONG. Mr. President, I shall be happy to withhold.

Mr. ROBERT C. BYRD. If the Senator will momentarily withdraw that.

Mr. ARMSTRONG. I shall be happy to do that.

DISABILITY PAYMENT REFORM

Mr. DOMENICI. Mr. President, this afternoon, H.R. 7093, a bill which included some disability payment reform, was considered for a few moments for unanimous consent, which was objected to. I was not on the floor and could not be here. Had I been here, I would have joined with the distinguished Senator from Louisiana in his statement with reference to the social security disability fund.

While I think that we have gone administratively far too far in attempting to reanalyze and reevaluate those who are on the disability list and receiving compensation, I would have joined him in suggesting that we are going too far in the other direction in the bill for which unanimous consent was sought for consideration. I believe we have to fix that, but I believe we would have invited appeals in every case. I believe we would have clogged the administrative appeal process and I really do not think it would have ended up in any reform at all, either on the side of saving money or ultimately on the side of convincing the Congress and the American people that that kind of disability adjudications are being handled properly.

I was sorry I could not be here to join the distinguished Senator from Louisiana (Mr. LONG), but I do so here tonight.

I yield the floor.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY CONSTRUCTION APPROPRIATIONS — CONFERENCE REPORT

Mr. BAKER. Mr. President, I am told that there is a conference report on H.R. 6968, the military construction appropriations bill at the desk. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, would the minority leader be in a position to permit me to proceed to the consideration of that item at this time?

Mr. ROBERT C. BYRD. This is the military construction appropriation conference report?

Mr. BAKER. Yes.

Mr. ROBERT C. BYRD. We have no objection.

Mr. BAKER. Mr. President, I ask the Chair lay before the Senate the conference report on H.R. 6968.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6968) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1983, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the Record of today, October 1, 1982.)

Mr. LAXALT. Mr. President, I submit a report of the committee of conference on H.R. 6968, and ask for its immediate consideration.

Mr. President, I am pleased to support the conference report on H.R. 6968 making appropriations for military construction for fiscal year 1983.

The conferees have agreed to provide $7,043,040,000 for military construction and military family housing requirements during the fiscal year which started today. The conference agreement represents a decrease from the Senate passed bill of about $56 million and an increase to the House passed bill of about $43 million. The bill is $1.17 billion below the President's request and is below the subcommittee's allocations for budget authority and outlays. While the bill is slightly below last year's appropriation, it represents one of the largest military construction appropriations bills passed by the Congress.

As I mentioned in my statement on this bill when it passed the Senate last Monday, the reductions taken represent the recommendation of the Defense Department that the military construction account be reduced to help in the overall budget process as it applied to the national defense amount.

Mr. President, I believe we have provided for the most vital of the projects requested. In addition, the bill gives the Defense Department most of the facilities requested to improve the quality of life of our military personnel.

At this point, let me provide some highlights of the conference agreement—

With regard to the MX missile, the conferees approved $16.7 million for facilities at Hill Air Force Base, Utah, and Newark Air Force Station, Ohio. These facilities, while in support of the missile, are not directly related to any basing mode. It should be noted, however, that the conferees agreed to include report language which restricts the funds for these projects until after the President's basing mode decision which is scheduled for December 1, 1982.

Concerning the funds for the contingency base at Ras Banas, Egypt; the conferees, after extended debate, agreed to provide $91 million for Air Force projects at Ras Banas. Additionally, the conferees have included report language requiring assurances from the Government of Egypt and the Defense Department as to usage of the base. On this particular project, I feel strongly that the Senate was able to get the best possible compromise.

The conferees agreed to provide $33 million for the land lease proposal in the Northern Mariana Islands. Again, this item was discussed in some detail with the conferees agreeing on the $33 million and language requesting that the Defense Department consider a fee simple purchase of the property.

The conferees have provided the funds added by the House Appropriations Committee for Guard and Reserve projects. As always, the Senate supports strongly facilities for the Guard and Reserve.

The House had included about $250 million in projects not requested by the President. Many of these projects are important and need to be accomplished quickly. The conferees have agreed, consistent with the authorization conference, that these facilities can be constructed using any available cost savings.

The Senate, due to budgetary constraints, deferred without prejudice funding for projects which were felt not to have a direct bearing on readiness. However, because of the monetary differences between the bills, the conferees were able to provide appropriations for the majority of the gymnasiums, child-care centers, family service centers, and other quality of life facilities.

The conferees agreed to defer without prejudice the funding for the colo-

cated operating bases (COBS) requested by the Air Force at $28 million. These facilities are very important and are supported by the conferees; however, they are eligible for funding through the NATO infrastructure account. In light of the tremendous amount of money which the United States is spending throughout the world in support of our allies, the conferees agree that the Defense Department must obtain more from NATO to pay for these facilities.

I would like to clarify one issue for the record that is not addressed in the formal conference report. Both the House and Senate provided funding for the Consolidated Space Operations Center (CSOC) in Colorado. Both bodies also included extensive report language. In the military construction appropriations conference report, it is stated that if only one body makes mention of an item and the other does not object, then the item is approved by the conferees. In the case of CSOC, the Senate language is more restrictive. It is the intent of the conferees that the Senate language prevail on this matter.

The conference report provides detailed tables which show the outcome of individual projects. These tables, I believe, can provide any further information necessary; and of course, the staff or myself will be pleased to clarify the outcome of any project if necessary.

Mr. President, I believe that the Senate conferees have agreed to a bill which provides an excellent, well-rounded program for military construction during this new fiscal year. I urge my colleagues to support this conference agreement.

Mr. SASSER. Mr. President, I am pleased to join with my distinguished colleague from Nevada in urging swift passage of the military construction appropriations bill, H.R. 6968, which recommends a total of $7.04 billion for fiscal year 1983.

This bill provides necessary funding for the planning, design, construction, alteration, and improvement of military facilities, both for Reserve and Active Forces, worldwide. The bill finances the construction, alteration, improvement, operation, and maintenance of all military family housing. Through the efforts of the conference committee, funding for some of the niceties such as gymnasiums, religious centers, child-care centers, recreation, and education facilities, and defense schools was provided. Additionally, the military construction bill is the source for the U.S. share of NATO infrastructure construction costs.

Our subcommittee and the full Senate Appropriations Committee, as well as our counterparts in the House of Representatives, are aware of and concerned about the backlog of construction requirements. Although progress has been made, the committee believes that the Defense Department should stop using military construction as the account to reduce when no one is willing to take a reduction in the weapons systems accounts. Military construction is comparatively a small account when compared with the procurement of weaponry, but without the infrastructure that is indispensable to a strong military—the docks, runways, hangars, launching sites, and maintenance facilities—the immense sums spent on these systems would be of no use. Whereas all of the newer systems require the best personnel available to operate and maintain them, these personnel deserve the best facilities possible in which to work and live. Thus, military construction funding can provide these facilities, but only if the Defense Department is willing to guard the account with the fervor given other areas.

Mr. LAXALT. Mr. President, if there is no further discussion, I ask that the conference report on H.R. 6968 be agreed to.

The conference report was agreed to.

Mr. LAXALT. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INCREASE IN DISTRICT OF COLUMBIA—CONFERENCE REPORT APPROPRIATION

Mr. BAKER. There is another conference report I would like to do, which I believe can be done very promptly, and that is the conference report on S. 2457, the District of Columbia Self-Government and Government Reorganization Act. If that is cleared, I will be prepared to go to it now. If it is not, I will desist.

Mr. ROBERT C. BYRD. Mr. President, we are ready to proceed.

Mr. BAKER. I thank the Senator.

I ask the Chair lay before the Senate a conference report on S. 2457.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2457) to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 1, 1982.)

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, there are a number of other items, but unless we are in a position to clear others at this time of an urgent nature, I am going to ask that the Chair lay before the Senate the continuing resolution.

Mr. WARNER. Mr. President, could we inquire about the Wolftrap bill, H.R. 6875?

Mr. ROBERT C. BYRD. Mr. President, that matter has not been cleared at this point, I am sorry to say.

Mr. WARNER. I thank the Senator.

Mr. ROBERT C. BYRD. It is not my personal objection.

Mr. WARNER. I understand. I thank the Senator.

Mr. BAKER. Mr. President, I wonder if the minority leader would advise me as to whether we might delay a few minutes to see if some of these items are cleared or if that would seem not worth the investment of time.

Mr. ROBERT C. BYRD. I certainly want to cooperate with the majority leader in every way I can because he has been most cooperative with the minority throughout the year.

I hope, however, that we could get to the continuing resolution—

I know he shares that hope—as soon as possible.

Mr. BAKER. Yes, Mr. President.

Mr. ROBERT C. BYRD. Because a good many Senators are waiting around.

Mr. BAKER. Mr. President, I am told that a House message on H.R. 3787 is here and approved for action on both sides. Could I inquire of the minority leader if he is prepared to proceed to that item at this time?

Mr. ROBERT C. BYRD. Will the Senator withhold for just a moment?

Mr. BAKER. Yes.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, there is at the desk a conference report from the House on the continuing resolution making appropriations for the fiscal year 1983, is there not?

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BAKER. Mr. President, I should like to make a statement before I ask the Chair to lay that message before the Senate.

There are a number of other items that are of urgent importance and which are tantalizingly close to clearance on both sides of the aisle. I am going to ask the Chair in a moment to lay before the Senate the conference report on the continuing resolution, but I hope the minority leader will accommodate me as we proceed, and if we find that some of these items have been cleared on both sides, I hope we can lay aside the continuing resolution debate for a few moments to take care of those items.

Mr. ROBERT C. BYRD. Mr. President, would the majority leader indulge me to make a countersuggestion?

Mr. BAKER. Yes.

Mr. ROBERT C. BYRD. That we proceed with the continuing resolution, because several Senators have been waiting, and they are wondering whether or not there will be a rollcall vote. I suggest that we dispose of the continuing resolution so that they can leave and not be kept around. I will be as accommodating as I can be with respect to the unanimous-consent request.

Mr. BAKER. Mr. President, I understand the minority leader's view. I am afraid that if we do not move before we finish the continuing resolution, there will be no possibility that the House will not act on some of these measures. So I hope he will not object if at some point I ask unanimous consent for a brief time to clear certain items.

Mr. ROBERT C. BYRD. All right.

CONTINUING APPROPRIATIONS, 1983—CONFERENCE REPORT

Mr. BAKER. Mr. President, I submit a report of the committee of conference on House Joint Resolution 599 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate joint resolution (H.J. Res. 599) making continuing appropriations for the fiscal year 1983, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of today, October 1, 1982.)

Mr. STEVENS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HATFIELD. Mr. President, the committee of conference met yesterday on House Joint Resolution 599, the continuing resolution for fiscal year 1983. Even though the Senate brought to the conference 100 amendments to the House-passed measure, we were able to complete our work in relatively short order and reach an acceptable agreement. All 28 Senate conferees signed the conference report, and only 1 of the 21 House conferees did not. That near-unanimous support is a demonstration that we have a sound product. We should deal with it expeditiously and send it on to the President to be signed into law. There is no doubt in my mind that the President will do so. We have an official statement of administration policy indicating there is no objection to this joint resolution as an interim spending measure.

So that we can move along quickly on this continuing resolution, I will be brief in summarizing the major actions of the conference. On the matter of defense spending, the conference agreed to a level of $228.7 billion in obligational authority, considerably more than the current level proposed by the House and only a few billion dollars below the amount recommended by the committee in its reported version of the fiscal year 1983 defense appropriations bill. On foreign assistance, the conferees agreed to a spending rate at the current rate or the budget request, whichever is lower, which was the position of the House. This will reduce foreign assistance funding below the level the Senate would prefer, but only for the duration of the resolution.

For military construction, the conferees agreed to set the spending rate at the level provided in the conference agreement on that bill, filed yesterday in the House, instead of the lower of formula originally proposed by the Senate. Since the HUD-independent agencies bill was signed into law yesterday, it was dropped out of the CONGRESSIONAL RECORD entirely. For energy and water appropriations, the conferees agreed to the Senate position of current rate, and the legislative bill, with Senate items included, was made effective for the full year.

These were the principal results of the conference relative to spending rates. Rather than attempt to relate the conferees' action on each of the 100 amendments, I will wait and respond to Senators' specific questions as they arise.

Finally, the conferees changed the expiration date of the resolution from December 22 as proposed by the Senate to December 17, which is a Friday. I hope this will allow us sufficient time to move regular fiscal year 1983 bills when we return from the post-election session.

Mr. President, the military construction measure has already been passed, so we have only 11 of the 13 bills to do during the lameduck session.

I yield to my distinguished ranking minority member, who has been a stalwart in these rather tedious days in getting this conference report completed. I appreciate very much his support.

Mr. PROXMIRE. Mr. President, the conference report we have before us today is a very complex piece of legislation, and the chairman of our Appropriations Committee, the distinguished Senator from Oregon (Mr. HATFIELD) deserves a great deal of credit for handling 50 or 60 amendments on the Senate floor and in conference over 22 hours. We would have been here into next week, in my judgment, if it were not for his expeditious and fair handling of all these amendments.

I recognize the fact that the continuing resolution does not meet all the problems that have been created by our inability to pass 1983 appropriations bills. This would have been impossible. But I do believe that on balance the conferees and the resolution did about as good a job as they could be expected to do and hope we will move to pass the resolution quickly so that the normal operations of the Federal Government can resume as soon as possible.

We should recognize that it has been almost 24 hours that the agencies of our Government have been without official funding. So we must move and move fast.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

Mr. STENNIS. Mr. President, may I have 2 minutes?

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, the conferees on House Joint Resolution 599, continuing appropriations for 1983, met yesterday and agreement has been reached. There were many important issues to be resolved, and it was essential to conclude the conference in a timely manner to insure continuation of funding for ongoing essential Government operations.

As in any conference committee, it is necessary to agree with a number of items during the negotiation process that many members do not necessarily agree with.

One item particularly is worthy of being mentioned. The conference report specifically prohibits availability of funding for initial production of the MX intercontinental ballistic missile until December 17, 1982.

Members will recall that a similar amendment was tabled during Senate consideration of the continuing resolution by a vote of 50 to 46.

I addressed the seriousness of the issue at that time, and I believe it necessary to mention once more the potential serious consequences of the conference provision relative to delaying the production of the MX missile.

S. 2951, the Department of Defense appropriations bill, 1983, includes $830 million to procure the initial five MX missiles. In addition, $158 million was included for basing and support equipment. These funds in support of the basing mode were properly "fenced" by language in the Department of Defense Authorization Act, 1983, to insure that the funds were not committed or obligated prior to a decision on long-term basing of the missile by the President on December 1, 1982.

This country has been working on the MX missile since 1974—a period of 8 years. It is a most important element of the Triad with the manned strategic bomber and the submarine-launched missile. There is little doubt concerning the capability of this missile or the improvement to our land-based ICBM force in terms of survivability and accuracy. The only question has been the proper basing mode, and this matter has been taken care of by the authorization act.

I submit the action of the conference committee could send an unfortunate signal to the Soviet Union at the worst possible time. The President is embarking on most important negotiations with the Soviet Union relative to the need to constrain further increases in nuclear arms. Strategic arms control is probably the most critical national security challenge today.

The business of negotiating a strategic arms reduction treaty with the Soviet Union is most serious. A review of our previous negotiations with the Soviet Union indicates that the only way to assure a successful conclusion is through a posture of strength and determination. In my opinion, the continued delay in producing these missiles can only be viewed from a perspective of weakness and uncertainty and will seriously undermine the President's efforts to secure a meaningful arms reduction.

Some have argued that the delay of approximately 70 days in initiating production of the missiles will not endanger the introduction to operational capability (IOC) date of 1986. Similarly, others have argued that it is improper to initiate production of the missiles when a basing mode has not been selected.

I submit that a potential delay in achieving the IOC date is very real, and there is little logic to the latter argument as we have to start the missile production now to insure this availability in 1986. The real impact is the weakening of the President's position when the START negotiations resume on October 6, 1982.

In summary, Mr. President, I believe the action of the conference committee is ill-advised. However, in the spirit of compromise, I must recommend that the conference report be adopted to insure that the essential operations of government are carried forward until the annual appropriation bills are enacted. I sincerely hope that the Defense appropriations bill for 1983 can be enacted prior to the end of this continuing resolution and a similar restrictive provision relative to the MX missile will not be required.

Mr. President, I yield the floor.

Mr. President, after a good debate night before last, we voted by a margin of four votes not to put restrictions on the amount of money that we had in the bill for production of the MX missile itself.

The main reason was that it was right on the eve of resumption of the negotiations that the President of the United States and his appointees are carrying on with reference to the possibility of achieving a meaningful arms limitation agreement.

I regret that we were unable to sustain the Senate position fully in the conference, but there are certain problems that the House conferees were confronted with. This bill is for approximately a 70-day period only. So I yield in the interest of the problem of continuing the operations of the Government. I hope it can be resolved within the 70 days. I regret that we have this question mark attached to this highly important item at this time.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, it is my opinion that the defense section of this continuing resolution provides what I consider to be a workable agreement on 1983 funding rates. It is far better than the severely restrained rate originally proposed by the House of Representatives, and it provides ample spending authority for the program expansion proposed by the President. It is certainly not as good as enacting a regular appropriation bill, but we have a commitment from the House of Representatives that they will return a week before Congress reconvenes and mark up the regular appropriation bill, and we are hopeful that we will be considering the full bill for 1983 fiscal year by the first week of December.

I am confident that this continuing resolution will support effective program levels for the Defense Department and avoid most of the costly, damaging disruptions until we can take up the regular bill next December.

We did find it necessary to accommodate the concerns of the conferees on the item just mentioned by the Senator from Mississippi, the MX missile procurement, and one of the two nuclear-powered aircraft carriers.

However, the funding limitation is only on new procurement of the MX and on the second carrier until December 17 without any further condition. I wish to point that out.

I have heard the comment from the Senator from Mississippi that the Senate did vote against a concept of not starting the MX. What we have done is to preserve until December 17 the option of the House of Representatives to bring us a bill and state its position on the MX. We have not fenced the MX. We have not stopped the MX. We have not taken action contrary to what the Senate did.

We were faced with the position from the Appropriations Committee in the other body that they had not had a chance to review the MX procurement in the House of Representatives and that they wanted an opportunity to review it before they agreed to our decision to fund it as is reported to the Senate in our appropriation bill.

Now I am told that the Air Force has indicated this will not create any program slowdown on the MX.

The agreement on the carrier I think keeps alive the two-carrier option that will save more than $750 million in construction cost by assuring the continued long-lead time procurement and initial production for the first carrier.

Mr. President, there are some questions about wide-bodied transport procurement, and I wish to settle that. I think the Senator from Georgia here has asked me the question, What is the situation on the C-5B and the B-1 which were suggested to be the items that were specifically stated to be solved and not be subject to any go-ahead on procurement until the end of this continuing resolution or until the date that the new 1983 fiscal appropriation bill is enacted into law.

We rejected any stop on the C-5B and the B-1 and the House of Representatives has agreed with us that the only specific delay is on the one carrier and on the MX procurement.

I call the attention of the Members who wish to look at the managers' report to the statement that is contained on page 13 which reads as follows:

The managers were of the opinion that a more complete program list of funding prohibitions should not be included, therefore allowing needed flexibility for both the Congress and the Executive Branch. However, the managers direct the Department of Defense to consult with the Appropriation Committees of Congress on any funding decisions where there is a question as to the

propriety of proceeding with such funding during the operation of this continuing resolution.

Mr. President, it was specifically agreed with regard to the C-5B and those items that were funded in the 1983 bill and whether these new higher levels would be allowed to continue. The C-5B would be permitted, in my judgment, and any other item that was funded in 1982 would be able to continue at the new level subject to the reduction that is prescribed in the Senate-reported Defense bill.

There are many items that are covered by that. We did not have a complete list of prohibitions. It is my opinion that the wide body procurement of the 747's using moneys that were authorized and appropriated in 1982 can continue and that the only thing unfortunately that did not come through was the decision of the Appropriations Committee to accelerate funding of the R&D on the C-17. That is a new decision and unfortunately, but there is prior money for the C-17 until we get the regular appropriations bills.

I am hopeful that it will be the decision of Congress that the C-17 will be funded. But I wish the record to be clear that while there is nothing in this bill that was stated specifically in the conference report for the C-17, there is the stated flexibility I mentioned earlier.

I invite other members of the Appropriations Committee to confirm it, and I remind the Senate that I opposed C-5B production, but I wish to make sure in the interest of fairness that everyone understands that there is no restriction on the funding of the C-5B under this continuing resolution. Nor is there any restriction on spending the existing money for wide-bodied aircraft procurement. That is not completely approved yet for the full purchase of the wide bodied. But I do hope that that statement in the RECORD will satisfy my good friend from Georgia and that there will be no question as to the C-5B.

I say to the chairman if there are any questions concerning our section I shall be happy to answer them.

I strongly urge the support of this continuing resolution, although I have rather severe feelings about any delay in the MX, even a delay until December 17.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ARMSTRONG. Mr. President, I note with dismay that the committee on conference was not able to sustain a Senate amendment which I offered related to the community services block grant program, and I fear that the action of the conferees did not fully take into account the consequences for some 14 States that will, if the conference action is sustained, be preempted. The States involved, and I invite the attention of the Senators from these States because I expect they will be hearing rather promptly about it, are Arizona, Ohio, Georgia, Texas, Illinois, West Virginia, Missouri, Wisconsin, Alabama, Pennsylvania, North Carolina, Washington, Utah, Montana, and of course Colorado.

The background of it is this: The 1981 Reconciliation Act instructed the States to pass through community services block grant moneys for fiscal year 1983 to local political subdivisions; that is, to counties and States. Fifteen States which I have just mentioned have moved to comply with the current law by submitting plans to the department which involves passing the money through to the political subdivisions. Most of the planning has been devoted to developing these plans. Some States passed laws to provide various forms of enabling legislation pursuant to the Reconciliation Act.

Mr. President, with that in mind, I was surprised when I learned that the Appropriations Committee had reported in the continuing resolution section 135 of the continuing resolution which reversed the decision of the Reconciliation Act and in doing so brought to the floor a provision which clearly was legislation on an appropriations bill which was contrary to the authorization statute which was opposed by the administration, was opposed by the chairman of the authorizing committee and was opposed by the chairman of the subcommittee.

Therefore, I offered an amendment which said simply this, that this preemption contained in section 135 would not be effective with respect to those States which had submitted plans to the department prior to the start of the fiscal year, in other words, rather than having the money pass through as section 135 suggested for all States that at least those States which had complied with the law would be permitted to go forward.

For reasons which are simply not clear to me at all the conference committee did not go along with the Senate amendment. My initial disposition was to offer an amendment to the conference report, and it is my understanding that such an amendment would, in fact, be in order on some of the amendments which are brought back in disagreement. I am not so sure I am going to do that, and I simply call this to the attention of the Senators from the 15 States involved and to ask what they would like to do about this.

For my part, I have determined that Colorado will be able to receive the money notwithstanding the action of the conference committee. But legal counsel advises that is not true for all of the States involved. At least one State has come to my attention in which the State legislature has acted in reliance on the provisions of the 1981 reconciliation, and has done so in a way which in the opinion of counsel will make it impossible for them to receive money under either system. That is the system outlined in the 1981 Reconciliation Act or the system now contained in section 135 of the bill.

I seriously doubt if it was the intention of the conferees to create this catch-22 situation, but for that matter I cannot understand why the conferees would desire to preempt the States, overrule the action of the Senate, which was not controversial in the first place.

So, Mr. President, let me just state my own position, and then I leave it to the decision of other Senators as to what they would like to do.

First, I think the Senate was right in the amendment we adopted. Second, at some point in time, either tonight or the next time we have a continuing resolution before us, I intend to again introduce an appropriate amendment. Third, I have determined that my own State, while it will be inconvenienced, will not lose any money as a result of the action of the conferees. Fourth, I am advised by legal counsel that other States are not so fortunate and, in fact, will lose their funding altogehter by the action of the conferees.

If anybody wants to know whether or not his State is one of those which may be in such a situation I will be happy to consult with him privately.

Mr. SCHMITT addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. SCHMITT. It is my disappointment that the Senator's amendment could not be sustained by the Senate conferees. The House was absolutely insistent that we recede on that point and, as the Senator knows, in any continuing resolution if one body wants to be absolutely insistent, usually it gets its way.

Now, I would say though in response to the Senator's suggestion that there may be some States that would not receive their funds as a result of existing State law, it is my understanding that other counsel believe that the money can in fact be passed to the Governor so long as it passed through directly to the individual community actions agencies, and the Governor can adhere to whatever requirements he or the legislature may set so long as the money is passed through.

This is conceivably going to be a battle of lawyers on this issue, but it is the subcommittee's, at least, present opinion that no State need run into a problem so far as the funds are concerned. One State, and I believe the Senator has that in mind, does have a statute that requires the money to go to the counties. This statute would preempt that. The Governor still would get the money. It would have to go to the agencies, although he could

apply the same restrictions as the counties might apply.

I would also remind the Senator from Colorado that we will revisit this issue on the regular bill, where I have made a commitment to my chairman, the House, and everyone, we are going to do something about having a regular bill on the floor of the Senate. I cannot make a commitment when the Senate works its will and the conference then works its will that the President will sign the bill for Labor, Health and Human Services and related agencies, but we are sure going to give it a try.

We can, if it turns out in the intervening time that the final judgment of the appropriate counsel, whoever they may be, is that certain States cannot receive this money we will certainly take that into account and do something about it.

Our current information is that no State need be deprived of the money. there may be a problem under State law or because of the preemption of State law of going directly to the counties as the State law might provide.

Mr. ARMSTRONG. Mr. President, if the Senator will yield to me——

Mr. SCHMITT. I would be happy to yield.

Mr. ARMSTRONG. I wonder if he would tell us who the legal counsel is who has given this assurance?

Mr. SCHMITT. The legislative counsel.

Mr. ARMSTRONG. Mr. President, I am reassured to know that and, for the record, let me just state the concern which I have expressed comes to me from Don Heirch, who is the associate general counsel for legislation in HHS. Lawyers make a living by disagreeing, but it is my understanding that one or more States, I know of one specifically and maybe others, have passed a statute saying that these funds have to be distributed in a certain way.

I do not see myself—I am not a lawyer, but I do not see myself—how a Federal statute can preempt that other than to simply establish the conditions under which a grant may be received.

So it does appear to me that at least there is a potential catch-22.

My initial interest in this, however, does not arise from the legal considerations but from a policy issue. We wisely in the 1981 Reconciliation Act established a new system for distributing these block grants. A number of States, 15 of them, went along with that and moved to comply with the law, and then at the 11th hour and 59th minute we turned around and have preempted it. So for policy reasons at the right moment I am going to offer an amendment. In the meantime, it would be my hope that no State is seriously inconvenienced or has its funds cut off, and the Senator's assurance proved to be well founded.

Mr. SCHMITT. I appreciate the Senator's comments. Yes; he is correct that legal counsel are bound to argue with each other apparently, but the legislative counsel of the Senate feels very strongly that the language in this bill does preempt State law and that the money would flow to the Governor and then to the individual community action agencies.

If that proves not to be the case, and even if it does, we will be looking at this very hard in the regular bill. The Senator has brought it to our attention, and we appreciate that very much, and we will resolve it one way or the other.

I would also say that the Senator from New Mexico as the chairman of the subcommittee is equally concerned about the policy implications and the primary reason we even address this issue with the 90-percent passthrough provisions in the Senate bill and then amended by the Senator from Colorado was because the States, for the most part, had not been able to use the fiscal year 1982 as the transition period for which it was intended, and we felt that one more year of transition—and it turns out in this case a couple months more of transition—and we assume that this may be continued in the regular bill to include one more year of transition—is important to make sure the States are fully prepared to assume the responsibility previously exercised by the Federal Government.

Mr. ARMSTRONG. Mr. President, I thank the Senator and I appreciate his interest in the problem and I trust we can work it out at an appropriate moment.

Mr. SCHMITT. I have all the confidence in the world we can work it out.

Mr. DANFORTH. Mr. President, I would like to address an inquiry to the distinguished Senator from North Dakota (Mr. ANDREWS) who is chairman of the Transportation Subcommittee of the Appropriations Committee.

As the Senator knows, we included in the bill here in the Senate a provision relating to ADAP, and the thrust of the provision was to make things that were unused or specific purposes under the ADAP program available to the Secretary of transportation for his discretinary fund. It was the purpose of the Senator from Missouri in offering this amendment to make available some further discretionary funds for use in the construction work now being done at Lambert-St. Louis International Airport.

I wonder if the Senator from North Dakota could explain to the Senate the intent of the conferees in including this provision in the conference report.

Mr. ANDREWS. Mr. President, if the Senator would yield, let me point out that, obviously, this provision was introduced as an amendment by the Senator from Missouri (Mr. DANFORTH), with the intent that it would provide the Department of Transportation with sufficient discretionary funds to make an $18 million grant to Lambert-St. Louis International Airport for modernization and expansion. The committee accepted the amendment and, in fact, it was the Senator from Missouri who offered it. We recognized the importance of the Lambert project to our national air transportation system.

The minor modifications made to Senator DANFORTH's original language during the House-Senate conference on this bill in no way reflect any change in the intent of purpose of Senator DANFORTH's provision. Rather, they are perfecting amendments made by the conferees in an effort to better accomplish the goals of the Senator from Missouri.

The upgrading of Lambert is, indeed, a national priority. It is fair to say that the conferees recognized the special circumstances surrounding the Lambert expansion and agreed that the availability of these new discretionary funds will give DOT the ability to provide meaningful help.

The PRESIDING OFFICER (Mr. CHAFEE). It is very difficult to hear the speaker. Will the Senate please be in order so that we might hear the colloquy being exchanged? It is necessary that we keep the noise down because this is very important and all Senators wish to hear it.

Mr. ANDREWS. I thank the Chair.

It is fair to say, Mr. President, that the conferees recognized the special circumstances surrounding the Lambert expansion and agreed that the availability of these new discretionary funds put in by Senator DANFORTH's amendment will give DOT the ability to provide meaningful help to Lambert officials in finishing this project—the largest airport improvement project in the Nation—as expeditiously as possible.

Mr. DANFORTH. I thank the Senator from North Dakota for his explanation.

Mr. MATHIAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. Mr. President, I am wondering if the managers of the resolution would yield for a question.

Mr. HATFIELD. Mr. President, I am happy to respond.

Mr. MATHIAS. Mr. President, I have not seen a copy of the conference report. I am advised they are not available. But I am told that the conferees receded to the amendment of the Senator from Alaska (Mr. STEVENS), which deleted the garnishment provision for

Federal employees' pay. I am wondering if the managers could advise the Senator whether or not that is accurate.

Mr. HATFIELD. That is correct, I would say to the Senator from Maryland.

Mr. MATHIAS. If Federal pay can be garnished, can the managers tell us under what conditions they could be garnished?

Mr. HATFIELD. Mr. President, let me refer to page 24 of the bill, line 21.

as determined by a court of the United States in an action or suit brought against such employee by the United States, the amount of the indebtedness may be collected in monthly installments, or at officially established regular pay period intervals, by deduction in reasonable amounts from the current pay account of the individual. The deductions may be made only from basic pay, special pay, incentive pay, or, in the case of an individual not entitled to basic pay, other authorized pay. Collection shall be made over a period not greater than the anticipated period of employment.

Mr. MATHIAS. Mr. President, I am wondering if the managers can tell us, can a Federal worker's pay be garnisheed if a judgment is rendered against him in some lower court, or does it have to be carried through to appeal and final judgment by the ultimately court of appeals, ultimately by the Supreme Court?

From what the Senator has read, I would assume that the minute a judgment was obtained, someone in the Government, it is not quite clear who, but someone could simply send an order down to the paymaster of that particular employee's shop and say, "Cut off his water."

Mr. HATFIELD. I think the Senator is probably correct. If there is a judgment rendered, until that judgment is either appealed or not appealed, it would be very difficult to make a blanket prediction of what would happen.

Mr. MATHIAS. Suppose it was on appeal?

Mr. HATFIELD. But once a judgment was rendered by a court, I would imagine that the employing authority, if that judgment by that lower court is on appeal, would withhold any action until that appeal is settled. I think it would be a matter of just the reasonable men doctrine applying there.

Mr. MATHIAS. I think the Senator from Oregon is a reasonable man. I think it is important he say that in this proceeding because that is not what the resolution says. The resolution says if a court renders a judgment.

Mr. HATCH. I think the background of this is we wanted it to be an action by the court after an appropriate hearing rather than by an arbitrary action by, say, an agency director.

Mr. MATHIAS. As the Senator knows, you do not normally execute on a judgment or attempt to levy on a judgment unless there is some procedure for execution.

The PRESIDING OFFICER. Could we please have quiet in the Chamber? There are innumerable conversations taking place. Will those conversations please take place in the cloakroom? It is very difficult to hear the colloquy. Would those Senators who are conversing please move to the cloakroom? This is an important colloquy in which both Senators and others are interested.

Mr. HATFIELD. Let me say to the Senator, we are on a continuing resolution that has a life expectancy of December 17. The regular Treasury appropriation bill will give us an opportunity at that point to define that more clearly without any question remaining. But I do believe that we can say at this point that the number of judgments that might be rendered in this period of time between now and December 15 or 17 would be probably very improbable or very few. But, let me indicate that what we want to make clear is that this would have to be rendered by an action after a hearing by a court of law and thereby set that court into a mediating or a judgment role rather than this being determined purely by the employing authority.

Mr. MATHIAS. My concern here is that there is no provision for any kind of a garnishing proceeding or executing on the judgment in which the employee would even have notice that his pay was about to be docked.

Mr. STEVENS. Will the Senator yield?

Mr. MATHIAS. Surely.

Mr. STEVENS. Mr. President, it was my amendment that deleted the House provision that originally started this concept. And we had hoped the House would accede to that request that we approach this in a different manner, because it appears to place on Government employees, because of their employer, the Federal Government, a different relationship than employers in the private sector or non-Government sector would have on their employers. And it gives the Federal Government, as an employer, an extra advantage, you might say, over any debt that is owed by the employee to withhold from wages.

It has to be under a decision of the district court but it does seem that ought to come about as a result of an overall statute dealing with debt owed to the Federal Government and not just in the particular case of debt owed to the Federal Government by employees.

But the House refused to accede. I do agree with the chairman. Again, I see nothing in this that makes it permanent law. It is governed by the continuing resolution date, is it not? Is this continuing law?

Mr. HATFIELD. No, it is not, I would say to the Senator from Alaska. We do have the opportunity to supersede this action by the passage of a bill we could take up in the lameduck session.

Mr. STEVENS. May we have order?

The PRESIDING OFFICER. The Senator's point is well taken. It is very difficult for those participating and others in the Chamber to hear. Will the staff in the back of the room and others desist in the talking and repair to the cloakroom if they wish to converse?

The Senator from Alaska.

Mr. STEVENS. Mr. President, I have been directed, because of the initial language of this amendment that says notwithstanding any other provision of the joint resolution, which would include the provision that sets the date, to say that this language could, then, extend beyond December 15 and it makes it imperative that we either correct in the regular appropriations bill or in the next continuing resolution.

I will state to my friend from Maryland that, as chairman of the Subcommittee on Civil Service and Postal Services, I will ask my staff to prepare an amendment to restore the same protections for Government employees that exist throughout the economy with regard to debts owed to employees in general.

As I understand it, the House has acted on it and the item has been restored with the original House amendment. It is not in disagreement with the House, but they have refused to accept the amendment of the Senate. Is that correct?

Mr. HATFIELD. That is correct. I will join with the Senator from Alaska and the Senator from Maryland in saying that this matter will be urgent priority in our committee session.

Mr. MATHIAS. I thank the Senator. As a member of the Civil Service Subcommittee, I will keep in mind his enthusiastic support. As this resolution stands, there is a denial of due process to a substantial number of American citizens. I think that is a situation that needs to be rectified.

Mr. HATFIELD. May we say that for at least whatever role legislative history might play, we want to make certain that it is not the intent of the committee or the conference to do that which the Senator has raised. I think with appropriate language it can be taken care of and nailed down.

Mr. MATHIAS. It should be nailed down. There is no reason why honest mistakes should not be corrected but it should be done in accordance with the established procedures of law.

Mr. ROBERT C. BYRD. Mr. President, once again we are faced with the necessity of passing a joint resolution to continue the operation of the Federal Government. Only one appropriation bill, the HUD-independent agencies for fiscal year 1983, which in-

cludes funding for veterans programs, has been sent to the President at this time. Without this continuing resolution, the functions of all those agencies not funded in the HUD bill would terminate on September 30, 1982. We witnessed the disruption that such a termination can cause last November when the President vetoed the continuing resolution and temporarily closed Government offices. That disruption in service to the American people was neither efficient nor practical. I sincerely hope that such a situation will not be repeated this year.

Passage of this continuing resolution will permit the ongoing operations of many programs which are important to the people of West Virginia. This resolution provides continued funding for rural housing loans, social security payments, black lung benefits, and assistance to unemployed workers as well as jobs for older Americans. The resolution also continues operations of the locks and dams on the Monongahela, Ohio, and Kanawha Rivers, a system of waterways essential to the transportation of coal and for other commerce. Construction on the Weirton-Steubenville and East Huntington Bridges as well as flood control projects on the Tug Fork will continue under this resolution. The Elkins weather station and the Cardinal passenger train are among other items which are supported. The resolution also insures that operations in the Monongahela National Forest and Harpers Ferry National Historical Park, including the police force, will be maintained at current levels.

I am pleased to note that this resolution also contains language requiring foreign steel imported into the United States to have an export license or similar documentation from the producing nation. This provision will permit closer monitoring and enforcement of trade agreements by the U.S. Government.

This joint resolution, which the Congress is sending to the President today, will continue all of these important matters until December 17, 1982. The Congress will return in November to resume work on the remaining appropriation measures.

Mr. KASTEN. Mr. President, the conference agreement as it affects foreign assistance can only be described as an irresponsible action, necessitated by the intransigence of the other body, and the pressures of time with the beginning of the new fiscal year.

The Senate conferees, while we receded to the House position on foreign assistance, did so only because we were running up against the deadline, and because we were dealing with a situation among the House conferees where there was no inclination to negotiate. The overall effect of this action is that foreign assistance under the continuing resolution is $2.2 billion below the current level. The Senate conferees were faced with arguments the equivalent of which are 2+2=5, and night is day. Somehow the House saw the Senate position, which totaled $11.152 billion as an increase in foreign aid, despite the fact that the current level is $12 billion.

We were also faced with arguments against the Senate position on the basis of legislation currently before the Senate Finance Committee and the House Ways and Means Committee, completely irrelevant to either the House or the Senate continuing resolutions. Unfortunately, we have faced similar situations in the past, although this time seemed to be worse, and it does not bode well for the future of U.S. foreign policy, especially as it is reflected in the very important foreign assistance and related programs appropriations bill.

Until rational and reasonable forces take control on this issue in the House, I am afraid we will be in for further editions of what happened yesterday. My very distinguished ranking member, the senior Senator from Hawaii, and I will continue in a bipartisan manner to try and provide the United States with a coherent and adequate foreign assistance policy.

Let me detail a few of the results of the House insistence on its position:

Funds for UNICEF—programs helping women and children—will be cut by 37 percent.

The United Nations Development Program—probably the primary United Nations program of interest to the United States—will be cut by 17 percent.

American schools and hospitals abroad program—of interest to many Members—will be cut by 63 percent.

The $50 million that would have been made available for Lebanon reconstruction and rehabilitation is out completely.

The Peace Corps, which for 20 years has received bipartisan, conservative and liberal support, will be cut by 7 percent.

The Inter-American Foundation, a creature of Congress and probably the best single development assistance program we fund, will be cut by 12 percent.

The military assistance programs, going to such countries as Greece, Portugal, Spain, Turkey, Jordan, Yemen, Egypt, Israel, Morocco, Pakistan, Liberia, Senegal, the Sudan, Zaire, the Philippines—will be cut by 12 percent.

And the Eximbank, again an item with wide bipartisan and philosophical support, will be cut by 13 percent.

COMMUNITY SERVICES BLOCK GRANT

Mr. DENTON. Mr. President, as chairman of the Aging, Family and Human Services Subcommittee, which authorizes the community services block grant, I join my colleague from Colorado in expressing dismay at the reinstatement of section 135 of the continuing resolution, which instructs States about the disbursement of CSBG money.

My colleagues may recall that the Senate Appropriations Committee added language to the original House resolution mandating that States pass 90 percent of their CSBG allotment to already existing Community Action agencies for fiscal year 1983. This is absolutely contrary to the authorizing language for the CSBG as contained in the Budget Reconciliation Act passed last year, which instructed States to pass money down to political subdivisions (counties and cities) in fiscal year 1983. I object to this practice of legislating on an appropriations bill because it usurps the responsibility of the authorizing committee and undermines the intent of block grant legislation.

As Senator ARMSTRONG points out, several States, including Colorado, drafted plans that conform to the reconciliation statute. Some States even passed laws that governed disbursement of the block grant funds. Many of these plans and laws would be overturned by this 11th hour change, and all the money spent for the months of planning completely wasted.

Senator ARMSTRONG and I proposed on Wednesday what we believed, and apparently the entire Senate believed, was an equitable compromise. It granted more time to States that are not quite ready to assume control of the block grant, while at the same time, allowing those States that have drafted plans to proceed with implementation without delay. The amendment passed by unanimous consent, and Senator SCHMITT, chairman of the HHS Appropriations Committee stated his support for it. No Senator objected to the amendment, and for good reason. It addresses the concerns of States that have not had experience with administering the block grant, and it does not penalize those States like Colorado and Utah that labored long and hard to conform to Federal law.

Mr. President, it appears that the reinstatement of the restrictive language will preclude at least one State, Montana, from receiving CSBG funds because their State law mandates distribution of money to counties. The State will not receive any money until the State legislature enacts conforming legislation, and the poverty community will suffer.

Mr. President, this is an example of what happens when the Congress abruptly changes course at the last moment possible. This provision has not had the benefit of close scrutiny, with the result that many States have been penalized for their hard work and at least one State has been shut out completely by virtue of complying with the authorization statute.

I emphasize again that the Armstrong amendment, which significantly altered the original Senate language, passed by unanimous consent. To drop this amendment in conference binds the Senate to the very language that was repudiated by this body on Wednesday. This makes no sense whatsoever.

By dropping the amendment, we have handed the States a serious setback and retarded unnecessarily the implementation of the community services block grant.

Mr. MATTINGLY. Mr. President, as chairman of the Appropriations Subcommittee on the Legislative Branch, I want to be sure my colleagues know what this continuing resolution means for the legislative branch.

The message is a mixed one. On the positive side, I am very proud of the funding record of the subcommittee. The conferees have agreed to a funding level for the legislative branch, including independent agencies such as the Library of Congress, the Government Printing Office, and the General Accounting Office, of approximately $1.336 billion. Compare this to the President's budget request of $1.410 billion, and the fiscal year 1982 total of $1.365 billion. We are $75 million under the President's request, and $30 million under the fiscal year 1982 level. Even if compensation accounts are included which were contained in last year's totals but are now subject to a permanent appropriation, we would still be $75 million under the President's request. And costs of the legislative branch would rise only $6 million from last fiscal year to this—less than one one-hundredth of 1 percent.

Mr. Speaker, the Senate has borne its share of the effort to hold down Federal spending. Of the 17 accounts which fund the salaries of Senate employees, 14 were held to the 1982 level, including supplementals. I want to express my appreciation to these offices for their cooperation.

While I am pleased with the spending totals of the legislative branch for fiscal year 1983, I am unhappy with the funding mechanism. For this continuing resolution funds the legislative branch for the entire fiscal year. As a result, for the fourth year in a row, there will not be a regular appropriation bill enacted for the legislative branch. During that hiatus, every other one of the 13 regular appropriation bills has been enacted at least once, most of them every year. In the 4 years since we have had a regular bill for the legislative branch, twice it has not been brought to the House floor, once it passed the House but was not reported by the Senate Committee, and once the bill was actually defeated on the House floor.

Clearly, Mr. President, there is a feeling that we are better off not forcing Members to vote on their own appropriations. But I feel we cheat the American people when we take the easy way out, and do not face up squarely to this issue. While the Senate receded to the House in allowing full year funding on this resolution, I would like to call to the attention of this Chamber the language used in the conference report on House Joint Resolution 599. Regarding the relevant amendment, No. 14, the conference report states "It is the intention of the conferees that fiscal year 1984 legislative branch funding will be acted upon in regular order by both Houses." Mr. President, this language clearly envisages that we will have consideration of the fiscal year 1984 legislative branch bill on the floor of both Houses. It is my intention to press for this, even if it means bringing a Senate-initiated bill to this Chamber, and passing it.

Finally, Mr. President, the legislative branch appropriation bill has become the annual vehicle for the Federal pay cap. While the balance of the legislative branch bill extends for the entire fiscal year, the pay cap provisions extend only for the duration of the continuing resolution—December 17, 1982. Because the cap covers all Federal employees, not just those of the legislative branch, I believe this is appropriate. But I want to be sure that my colleagues know that this is an issue which will have to be dealt with again later this year.

Mr. GORTON. Mr. President, I would like to make special note of an amendment to the continuing resolution which was offered by my distinguished colleague from Idaho, Senator McCLURE, on behalf of himself, Senator HATFIELD, Senator SASSER, Senator JACKSON, and myself, and which was retained in the conference report to the continuing resolution. This amendment prohibits the funding of an administration study of the hydroelectric power pricing policies of the Federal power marketing administrations.

I was stunned to learn of this study through the press. The proposal being studied would alter the congressionally mandated policy of marketing Federal hydroelectric power at cost. It would shift this policy to a market price method of pricing. The long established policy of marketing power at cost has been reaffirmed several times by Congress, and it has never been the intention of Congress to change this policy.

The idea of raising revenues for the Federal Government by transforming Federal power marketing administrations into profitmaking organizations is foolish and completely contrary to the continuing position of Congress and the existing statutory pricing directives. Such a shift in pricing methods would have a catastrophic effect in the Northwest. My State is suffering from unemployment rates as high as 30 percent in some places, and has already been subject to recent large rate increases. A rate increase resulting from an enactment of the proposal under study would be intolerable.

I am overwhelmingly pleased that the amendment offered by my colleague and friend from Idaho has remained in the conference report to the continuing resolution, and I would like to extend my deepest thanks to Senator McCLURE and to all those who were instrumental in the acceptance of this legislation.

Mr. HATFIELD. Mr. President, if no other Senator wishes to debate, I urge the Senate to adopt the conference report.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the conference report.

The conference report was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. PROXMIRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator's point is well taken. It is extremely difficult to hear.

The Senator from Oregon.

Mr. HATFIELD. Mr. President, I ask unanimous consent—and this has been cleared on both sides of the aisle—that the amendments reported in disagreement be considered en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, will the clerk report the amendments in disagreement.

The PRESIDING OFFICER. The clerk will state the amendments in disagreement.

The legislative clerk read as follows:

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the resolution (H.J. Res. 599) entitled "Joint resolution making continuing appropriations for the fiscal year 1983, and for other purposes."

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 83, 85, and 86 to the aforesaid resolution, and concur therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 15 to the aforesaid resolution, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert *"Provided,* That notwithstanding the foregoing provision of this paragraph and notwithstanding any other provision of this joint resolution, such amounts as may be necessary for projects or activities provided for in the Military Construction Act, 1983 (H.R. 6968),

at a rate for operations and to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference as filed in the House of Representatives on September 30, 1982, as if such Act had been enacted into law".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 30 to the aforesaid resolution, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert "moneys deposited into the National Defense Stockpile Transaction Fund under section 9(b) of the strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h (b)) are hereby made available, subject to such limitations as may be provided in appropriation Acts and in section 5(a)(1) of such Act, until expended for the acquisition of strategic and critical materials under section 6(a)(1) of such Act (and for transportation and other incidental expenses related to such acquisition). This paragraph applies without fiscal year limitation to moneys deposited into the fund before, on, or after October 1, 1982: Provided, That during the fiscal year ending on September 30, 1983, not more than $120,000,000 in addition to amounts previously apropriated, of which not to exceed $85,000,000 shall be available only until the termination of this joint resolution for the purchase of domestic copper mined and smelted in the United States after September 30, 1982, may be obligated from amounts in the National Defense Stockpile Transaction Fund for the acquisition of strategic and critical materials under section 6(a)(1) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(a)(1)) and for transportation and other incidental expenses related to such acquisition."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 33 to the aforesaid resolution, and concur therein with an amendment as follows:

Strike out the matter stricken, and insert:

SEC. 114.(a)(1) Funds provided by this joint resolution for costs to continue the implementation of provisions contained in the District of Columbia Statehood Constitutional Convention Initiative (D.C. Law 3-171) shall be applied first toward ensuring voter education on the proposed constitution by (A) printing, by the Statehood Commission, of the proposed constitution together with objective statements both for and against its provisions as expressed by the Convention delegates taking such positions, (B) mailing of this information to the registered voters of the District of Columbia by October 22, 1982, and (C) preparing for publication as a public document a comprehensive legislative history of the proposed constitution.

(2) None of the funds provided by this joint resolution may be used to pay for the publication of any information or materials by the Statehood Commission which fail to present objective arguments for and against the provisions of the proposed constitution.

(b) Notwithstanding section 102, the paragraph under the heading "LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND" in the District of Columbia Appropriation Act, 1982 (Public Law 97-91; 95 Stat. 1175) is amended—

(1) in the second proviso, by striking out "payments of prizes" and inserting in lieu thereof "payment of fees to ticket agents, fees to contractors supplying gambling paraphernalia or services, and prizes";

(2) in the third proviso, by striking out "payments of prizes" and inserting in lieu thereof "payment of such fees and prizes";

(3) in the fourth proviso, by striking out "prizes and administration of the Board shall not exceed resources available to the Board from appropriated authority or revenues" and inserting in lieu thereof "administration of the Board shall not exceed resources available to the Board from appropriated authority: *Provided further,* That the annual expenses for fees and prizes shall not exceed revenues"; and

(4) in the fifth proviso, by striking out "for prize money" and inserting in lieu thereof "for fees and prize money".

(c) Notwithstanding any other provision of this resolution, the Superior Court of the District of Columbia may continue to operate the Volunteer Attorney Program and the Community Workers Program, and may implement the hearing authority. Upon passage of the fiscal year 1983 appropriation Act, full year program funding will be available to pay, retroactively, for program services performed on or after October 1, 1982.

(d) The Washington Convention Center may proceed at an annual rate of operation which does not exceed $5,275,000.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 57 to the aforesaid resolution, and concur therein with an amendment as follows: In lieu of the section number 125 named in said amendment, insert "129".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 59 to the aforesaid resolution, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 131. Sections 308(g) and 308a(c) of title 35, United States Code, are amended by striking out "September 30, 1982" and inserting in lieu thereof "December 17, 1982".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 69 to the aforesaid resolution, and concur therein with an amendment as follows: In lieu of the section number "137" named in said amendment, insert: "140"

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 73 to the aforesaid resolution, and concur therein with an amendment as follows: In lieu of the section number "141" named in said amendment, insert: "143"

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 75 to the aforesaid resolution, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 145. Notwithstanding any other provision of this joint resolution, the head of any department or agency of the Federal Government in carrying out any loan guarantee or insurance program shall enter into commitments to guarantee or insure loans pursuant to such program in the full amount provided by law subject only to (1) the availability of qualified applicants for such guarantee or insurance, and (2) limitations contained in appropriation Acts.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 76 to the aforesaid resolution, and concur therein with an amendment as follows: In lieu of the section number 144 named in said amendment, insert: "146".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 78 to the aforesaid resolution, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 147. Notwithstanding any other provision of this joint resolution or any other provision of law, appropriations for urban and nonurban formula grants authorized by the Urban Mass Transportation Act of 1964 (49 U.S.C. 1601 et seq.) shall be apportioned and allocated using data from the 1970 decennial census for one-quarter of the sums appropriated and the remainder shall be apportioned and allocated on the basis of data from the 1980 decennial census.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 88 to the aforesaid resolution, and concur therein with an amendment as follows: In lieu of the section number 156 named in said amendment, insert: "155".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 89 to the aforesaid resolution, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 156. Notwithstanding any other provision of this joint resolution, there is appropriated $518,000,000, to remain available until expended, for Department of Transportation Interstate Transfer grants—Highways, and $365,000,000, to remain available until expended, for Department of Transportation Interstate Transfer grants—Transit: *Provided,* That allocations of these funds shall be distributed in accordance with House Report 97-783 or Senate Report 97-567, whichever is higher.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 90 to the aforesaid resolution, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 157-158. Since the United States Congress established the Social Security system in 1935 to provide for the general welfare by establishing a system of Federal old-age benefits; and

Since Medicare was made part of the Social Security system by Act of Congress in 1965 to provide for the general welfare through a system of health benefits for the aged; and

Since Medicare is an insurance program in which working Americans contribute their Social Security payroll taxes and in which the elderly and disabled pay health insurance premiums in order to receive health benefits promised under this insurance plan; and

Since proposals to limit eligibility for Medicare health benefits to lower-income persons would profoundly alter the character of health insurance for the aged and disabled by removing the insurance principle from the Medicare program.

It is the sense of the Senate that the Congress should reject any proposal to impose a "means test" on eligibility for the Medicare program or benefits provided by the Medicare program.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 93 to the aforesaid resolution, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 161. Section 2 of the International Coffee Agreement Act of 1980 (19 U.S.C.

1356k) is amended by striking out "October 1, 1982" and inserting in lieu thereof "the expiration of this joint resolution".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 100 to the aforesaid resolution, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 167. Section 508 of the Airport and Airway Improvement Act of 1982 is amended by adding at the end thereof the following new subsection:

"(e) USE OF CERTAIN APPORTIONED FUNDS FOR DISCRETIONARY PURPOSES.—(1) Subject to paragraphs (2) and (3), if the Secretary determines, based upon notice provided under section 509(e), or otherwise that any of the amounts apportioned under section 507(a) will not be obligated during a fiscal year, the Secretary may obligate during such fiscal year an amount equal to such amounts at his discretion for any of the purposes for which funds are made available under section 505.

"(2) The Secretary may make obligations in accordance with paragraph (1) only if the Secretary determines that the total of obligations for such fiscal year for purposes of section 505 will not exceed the amount authorized for such fiscal year under section 505(a) and if the Secretary determines that sufficient amounts are authorized under section 505(a) for later fiscal years for obligation for such apportioned amounts which were not obligated during such fiscal year and which remain available under section 508(a).

"(3) For the purposes of carrying out this subsection—

"(A) None of the funds provided in the joint resolution providing continuing appropriations for the fiscal year 1983 shall be available for the planning or execution of programs the commitments for which are in excess of $1,050,000,000 for the two fiscal years ending prior to October 1, 1983, for grants-in-aid for airport planning, noise compatibility planning and programs, and development; and

"(B) Section 506(e)(4) of this Act shall not in any manner whatsoever impair the limitation established by this paragraph."

Mr. HATFIELD. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendments in disagreement were agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZING CORRECTION IN THE ENROLLMENT OF HOUSE JOINT RESOLUTION 599

Mr. HATFIELD. Mr. President, I have one post-measure to handle. I urge the adoption of House Concurrent Resolution 420 instructing the House enrolling clerk to make technical corrections in House Joint Resolution 599.

The PRESIDING OFFICER (Mr. CHAFEE) laid before the Senate, House Concurrent Resolution 420, authorizing that a certain correction be made in the enrollment of House Joint Resolution 599, making continuing appropriations for the fiscal year 1983.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution (H. Con. Res. 420).

The concurrent resolution (H. Con. Res. 420) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. PROXMIRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, may we have order for a brief moment?

The PRESIDING OFFICER. May we have order in the Chamber? Will those conducting conversations, please retire to the cloakrooms?

EXPRESSION OF APPRECIATION

Mr. BAKER. Mr. President, I am sure I must speak for every Member of the Senate on both sides of the aisle when I express my profound appreciation to the distinguished chairman of the Appropriations Committee and the distinguished ranking minority member of that committee for the most expeditious manner in which they handled this piece of legislation. It was done in a responsible way. It was done in a thorough way. It was done promptly.

Mr. President, there will be no more votes tonight.

Now, Mr. President, there are a number of routine matters that may be dealt with.

AUTHORITY FOR ANNUAL RATES OF COMPENSATION OF EMPLOYEES OF THE SENATE UNDER AUTHORITY OF THE FEDERAL PAY COMPARABILITY ACT OF 1970

Mr. THURMOND. Mr. President, for the record, I am submitting the order of the President pro tempore of the Senate, signed by me on October 1, 1982, effecting the authority for annual rates of compensation of employees of the Senate.

The order follows:

ORDER; U.S. SENATE, OFFICE OF THE PRESIDENT PRO TEMPORE

By virtue of the authority vested in me by section 4 of the Federal Pay Comparability Act of 1970, it is hereby—

Ordered,

DEFINITIONS

SECTION 1. for purposes of this Order—

(1) "employee" includes an officer (other than a United States Senator); and

(2) "annual rate of compensation" does not include longevity compensation authorized by section 106 of the Legislative Branch Appropriation Act, 1963, as amended, or any other additional compensation that may hereafter be authorized by law.

RATE INCREASES FOR SPECIFIED POSITIONS

SEC. 2. (a) The annual rates of compensation of the Secretary of the Senate, the Sergeant at Arms and Doorkeeper, and the Legislative Counsel (as such rates were increased by prior orders of the President pro tempore) are further increased by 4.0 percent and, as so increased, adjusted to the next higher multiple of $1.00. Notwithstanding the provisions of this subsection, an individual occupying a position the annual rate of compensation for which is determined under this subsection shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate in excess of either of the following: (1) the annual rate in effect for positions in level III of the Executive Schedule under section 5314 of title 5, United States Code, or (2) an annual rate of compensation which is $1,000 less than the annual rate of compensation of Senators.

(b) The annual rates of compensation of the Secretary for the Majority and the Secretary for the Minority (as such rates were increased by prior orders of the President pro tempore) are further increased by 4.0 percent and, as so increased, adjusted to the next higher multiple of $1.00. Nothwithstanding the provisions of this subsection, an individual occupying a position the annual rate of compensation for which is determined under this subsection shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of $500 less than the annual rate of compensation which is now or may hereafter be in effect for those positions referred to in subsection (a) of this section.

(c) The annual rates of compensation of the five Senior Counsels in the Office of the Legislative Counsel and the maximum annual rates of compensation of the Assistant Secretary of the Senate, the Parliamentarian, the Financial Clerk, the Assistant to the Majority Leader for Floor Operations, and the Assistant to the Minority Leader for Floor Operations (as such rates were increased by prior orders of the President pro tempore) are further increased by 4.0 percent and, as so increased, adjusted to the next higher multiple of $1.00. Notwithstanding the provisions of this subsection, an individual occupying a position the annual rate of compensation for which is determined under this subsection shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of $1,000 less than the annual rate of compensation which is now or may hereafter be in effect for those positions referred to in subsection (a) of this section. The maximum annual rate of compensation for the non-statutory position known as the "Special Deputy to the Federal Elections Commission" shall be equal to the maximum annual rate of compensation for positions specified in the first sentence of this subsection.

(d) The maximum annual rate of compensation of the Director of the Office of Classified National Security Information in the Office of the Secretary of the Senate (as such rate was increased by prior orders of the President pro tempore) is further increased by 4.0 percent and, as so increased,

adjusted to the next higher multiple of $1.00. Notwithstanding the provisions of this paragraph, an individual occupying the position the annual rate of compensation for which is determined under this paragraph shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of $2,000 less than the annual rate of compensation which is now or may hereafter be in effect for those positions referred to in subsection (a) of this section.

CHAPLAIN'S OFFICE

SEC. 3. The annual rate of compensation of the Chaplain and the maximum annual rate of compensation for the position of secretary to the Chaplain are increased by 4.0 percent and, as so increased, adjusted to the next higher multiple of $1.00. Nothwithstanding the preceding provisions of this section, the Chaplain shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate in excess of the annual rate in effect for positions in level IV of the Executive Schedule under section 5315 of title 5, United States Code.

OFFICES OF THE SENATE

SEC. 4. (a) The following individuals are authorized to increase the annual rates of compensation of the employees specified by 4.0 percent and, as so increased, adjusted to the next higher multiple of $1.00:

(1) the Vice President, for any employee under his jurisdiction;

(2) the President pro tempore, for any employee under his jurisdiction;

(3) the Majority Leader, the Minority Leader, the Majority Whip, and the Minority Whip, for any employee under their respective jurisdictions;

(4) the Majority Leader and the Minority Leader, for the Assistant to the Majority Leader for Floor Operations and the Assistant to the Minority Leader for Floor Operations, respectively (subject to the provisions of section 2(c) of this Order);

(5) the Secretary of the Conference of the Majority and the Secretary of the Conference of the Minority, for any employee under their respective jurisdictions;

(6) the Secretary of the Senate, for any employee under his jurisdiction (subject to the provisions of section 2 (c) and (d) of this Order);

(7) the Sergeant at Arms and Doorkeeper, for any employee under his jurisdiction;

(8) the Chaplain, for his secretary;

(9) the Legislative Counsel, subject to the approval of the President pro tempore, for any employee under his jurisdiction (other than the five Senior Counsels);

(10) the Senate Legal Counsel, for any employee under his jurisdiction (subject to the provisions of section 701(b) of the Ethics in Government Act of 1978);

(11) the Secretary for the Majority and the Secretary for the Minority, for any employee under their respective jurisdictions; and

(12) the Capitol Guide Board, for the Chief Guide, the Deputy Chief Guide, the Assistant Chief Guide, and the Guides of the Capitol Guide Service.

(b) The limitations on the gross compensation which may be paid during a fiscal year to employees in the Offices of the Vice President, the President pro tempore, the Majority Leader, the Minority Leader, the Majority Whip, the Minority Whip, the Secretary of the Senate, the Sergeant at Arms and Doorkeeper, the Secretary of the Conference of the Majority, the Secretary of the Conference of the Minority, the Secretary for the Majority, the Secretary for the Minority, the Conference of the Majority, and the Conference of the Minority are each increased by 4.0 percent and, as so increased, adjusted to the next higher multiple of $1.00.

(c) Except for those officers and employees referred to in section 2 of this Order, no officer or employee within the Office of the Secretary of the Senate and no officer or employee within the Office of the Sergeant at Arms and Doorkeeper shall, for any period of time, be paid gross compensation at an annual rate which is in excess of either of the following: (1) the maximum rate prescribed in section 105(f) of the Legislative Branch Appropriation Act, 1968, as amended (as such rate is adjusted in section 7(b)(1) of this Order and prior orders of the President pro tempore), or (2) an annual rate of compensation which is $2,500 less than the annual rate of compensation which is now or may hereafter be in effect for those positions referred to in section 2(a) of this Order.

COMMITTEE STAFFS

SEC. 5. (a) Subject to the provisions of section 105 of the Legislative Branch Appropriation Act, 1968, as amended (as modified by this Order), and the other provisions of this Order, the chairman of any standing, special, or select committee of the Senate (including the majority and minority policy committees and the conference majority and the conference minority of the Senate), and the chairman of any joint committee of the Congress whose funds are disbursed by the Secretary of the Senate, are each authorized to increase the annual rate of compensation of any employee of the committee, or any subcommittee thereof, of which he is chairman, by 4.0 percent and, as so increased, adjusted to the next higher multiple of $1.00.

(b)(1) The maximum annual rates of "$68,366", "$71,137", and "$75,063" appearing in section 105(e) of the Legislative Branch Appropriation Act, 1968, as amended (as provided in section 5(b)(1) of the Order of the President pro tempore of October 5, 1981) are each further increased by 4.0 percent and, as so increased, adjusted to the next higher multiple of $1.00, and shall be deemed to refer to the figures "$71,101", "$73,983", and "$78,066", respectively.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, any individual occupying a position on the staff of a standing committee of the Senate or the majority or minority policy committee of the Senate to which such rate applies shall not be paid at any time at an annual rate in excess of $5,900, $4,600, and $1,000, respectively, less than the annual rate of compensation which is now or may hereafter be in effect for those positions referred to in section 2(a) of this Order.

(3) Notwithstanding the provisions of paragraph (1) of this subsection, any individual occupying a position on the staff of any special or select committee of the Senate or the conference majority or conference minority of the Senate to which any such rate applies shall not be paid at any time at an annual rate in excess of $5,900, $4,600, and $2,500, respectively, less than the annual rate of compensation which is now or may hereafter be in effect for those positions referred to in section 2(a) of this Order.

(4) Notwithstanding the provisions of paragraph (1) of this subsection, any individual occupying a position on the staff of any joint committee of the Congress whose funds are disbursed by the Secretary of the Senate to which any such rate applies shall not be paid at any time at an annual rate in excess of $5,900, $4,800, and $2,900, respectively, less than the annual rate of compensation which is now or may hereafter be in effect for those positions referred to in section 2(a) of this Order.

SENATORS' OFFICES

SEC. 6. (a) Subject to the provisions of section 105 of the Legislative Branch Appropriation Act, 1968, as amended (as modified by this Order), and the other provisions of this Order, each Senator is authorized to increase the annual rate of compensation of any employee in his office by 4.0 percent and, as so increased, adjusted to the next higher multiple of $1.00.

(b) The table contained in section 105(d)(1) of such Act shall be deemed to read as follows:

"$645,897 if the population of his State is less than 2,000,000;

"$664,631 if such population is 2,000,000 but less than 3,000,000;

"$709,788 if such population is 3,000,000 but less than 4,000,000;

"$767,917 if such population is 4,000,000 but less than 5,000,000;

"$815,476 if such population is 5,000,000 but less than 7,000,000;

"$865,438 if such population is 7,000,000 but less than 8,000,000;

"$891,860 if such population is 8,000,000 but less than 9,000,000;

"$919,722 if such population is 9,000,000 but less than 10,000,000;

"$961,518 if such population is 10,000,000 but less than 11,000,000;

"$1,016,282 if such population is 11,000,000 but less than 12,000,000;

"$1,058,077 if such population is 12,000,000 but less than 13,000,000;

"$1,111,401 if such population is 13,000,000 but less than 15,000,000;

"$1,164,726 if such population is 15,000,000 but less than 17,000,000;

"$1,218,050 if such population is 17,000,000 but less than 19,000,000;

"$1,257,922 if such population is 19,000,000 but less than 21,000,000;

"$1,297,795 if such population is 21,000,000 or more.".

(c)(1) The second sentence of section 105(d)(2) of such Act (as modified by prior orders of the President pro tempore) is further modified to read as follows: "The salary of an employee in a Senator's office shall not be fixed under this paragraph at a rate less than $1,202 per annum or in excess of $39,154 per annum except that (i) the salaries of three employees may be fixed at rates of not more than $71,101 per annum, (ii) the salaries of five employees may be fixed at rates of not more than $68,938 per annum, and (iii) the salary of one employee may be fixed at a rate of not more than $72,061 per annum.".

(2) Notwithstanding the modification made by paragraph (1) of this subsection, any individual occupying a position to which a rate referred to in clause (i), (ii), or (iii) of such modification applies shall not be paid at any time at an annual rate in excess of $5,900, $5,400, and $2,500, respectively, less than the annual rate of compensation which is now or may hereafter be in effect for those positions referred to in section 2(a) of this Order.

(d) The figures "$192,624" and "$64,208" appearing in subsections (a), (b)(1), and (b)(2) of section 111 of the Legislative Branch Appropriation Act, 1978, as amend-

ed (as provided in section 6(d) of the Order of the President pro tempore of October 5, 1981), shall be deemed to refer to the figures "$200,328" and "$66,776", respectively.

GENERAL LIMITATION

SEC. 7. (a) The figure "$1,155" appearing in section 105(f) of the Legislative Branch Appropriation Act, 1968, as amended (as provided in section 7(a) of the Order of the President pro tempore of October 5, 1981), shall be deemed to refer to the figure "$1,202".

(b)(1) The maximum annual rate of compensation of "$75,063" appearing in such section (as provided in section 7(b)(1) of such Order of October 5, 1981) is further increased by 4.0 percent and, as so increased, adjusted to the next higher multiple of $1.00, and shall be deemed to refer to the figure $78,066".

(2) Notwithstanding the provisions of paragraph (1) of this subsection, any individual occupying a position to which such rate applies shall not be paid at any time at an annual rate in excess of $2,500 less than the annual rate of compensation which is now or may hereafter be in effect for those positions referred to in section 2(a) of this Order.

NOTIFYING DISBURSING OFFICE OF INCREASE

SEC. 8. In order for an employee to receive the increase in his annual rate of compensation pursuant to section 4, 5, or 6, the individual designated to authorize such increase for that employee shall notify the Disbursing Office of the Senate in writing that he authorizes such increase for that employee and the date on which such increase is to be effective. Such increase shall become effective as provided in section 105(a)(2) of the Legislative Branch Appropriation Act, 1968, except that if the notice required by the preceding sentence is given within five days (not counting Saturdays, Sundays, or holidays) after the date on which this Order is issued, such increase may become effective on or after October 1, 1982.

DUAL COMPENSATION

SEC. 9. The figure "$14,551" contained in section 5533(c)(1) of title 5, United States Code (as provided in section 9 of the Order of the President pro tempore of October 1, 1980) shall be deemed to refer to the figure "$15,860".

LONGEVITY COMPENSATION

SEC. 10. The figure "$463" contained in section 106(b)(1) of the Legislative Branch Appropriation Act, 1963, as amended (2 U.S.C. 60j (b)(1)), shall be deemed to refer to the figure "$482".

OFFICE OF THE SENATE LEGAL COUNSEL

SEC. 11. (a) Notwithstanding any other provision of law—

(1) the Senate Legal Counsel shall not be paid at any time at any annual rate of compensation which is in excess of the annual rate of compensation which is now or may hereafter be in effect for those positions referred to in section 2(a) of this Order, and

(2) the Deputy Senate Legal Counsel shall not be paid at any time at an annual rate of compensation which is in excess of $1,000 less than the annual rate of compensation which is now or may hereafter be in effect for those positions referred to in section 2(a) of this Order.

(b) The foregoing provisions of this Order, other than subsection (a) of this section, shall not be applicable to the annual rate of compensation of the Senate Legal Counsel or the Deputy Senate Legal Counsel.

EFFECTIVE DATE

SEC. 12. Sections 1 through 11 of this Order are effective October 1, 1982.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, the distinguished majority leader has announced there will be no more rollcall votes tonight. That means there will be no rollcalls until November 29. So there will be no misunderstanding, we are proceeding on a unanimous-consent basis. If anyone wishes to object, that is their prerogative. But they object through the leadership of either side.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quroum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Objection.

What is the request, Mr. President?

The PRESIDING OFFICER. That the order for the quorum call be rescinded.

Mr. METZENBAUM. No objection.

Mr. STEVENS. Mr. President, I do hope the Members will not be gunshy here tonight. It is going to be a long night. We have a long list of items. They are going to keep coming from the House. I do ask that the Chair help us by keeping some order so that we can make sure what we do in a period of time like this. It is a time for real deliberation and Members are not going to be foreclosed in the exercise of their rights to object if they wish to do so. I hope that everyone understands the consequences of an objection and hope that, rather than Members objecting out of hand unless the matter has been discussed and they know absolutely what they are doing, that we can take a quorum call and discuss the matter, if there is any misunderstanding, before we frustrate a whole procedure.

The PRESIDING OFFICER. The Chair is perfectly prepared to keep order but needs the cooperation of the Members. I ask that those Members who are carrying on conversations please do it in the cloakrooms.

Mr. STEVENS. Mr. President, I ask unanimous consent that if I yield to another Member for the purpose of initiating some issue, I not lose my right to the floor to continue this process and that the floor revert to me so we may control the flow of these documents as they come to us from the House.

Mr. METZENBAUM. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS. Mr. President, I ask unanimous consent, without losing my right to the floor, that I may yield to the Senator from Colorado for the purpose of addressing a bill he has in his hand.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Colorado.

CONCURRENT REFERRAL—GI BILL

Mr. ARMSTRONG. Mr. President, earlier this evening, I sent to the desk the Armstrong-Cohen-Hollings-Matsunaga GI bill proposal and announced my intention to ask unanimous consent that the bill be concurrently referred to the Committee on Armed Services and the Committee on Veterans' Affairs. I did so because members of the Committee on Armed Services had expressed the desire to have the bill before them so that they may consider it and the staff could look at it so a hearing could be held. I am now prepared to offer that unanimous-consent request. I stress it is only to give concurrent jurisdiction and for no other purpose so that, if, at some point in time, as I expect, this bill is offered as a floor amendment to another bill, there will be no question of the Committee on Armed Services having been denied the opportunity to look at it.

Mr. President, I do ask unanimous consent that the bill in question be concurrently referred to the Committee on Armed Services and the Committee on Veterans' Affairs.

The PRESIDING OFFICER. Is there objection?

Mr. THURMOND. Mr. President, as a member of both these committees, that would certainly meet my approval. However, I presume the Senator has checked with the chairman of the Committee on Armed Services and the Committee on Veterans' Affairs.

Mr. ARMSTRONG. Mr. President, I can assure the Senator that I have discussed this matter with the chairman of the Armed Services Committee and the chairman of the Veterans' Affairs Committee and it is agreeable to both of them.

The PRESIDING OFFICER. Is there objection?

Mr. CRANSTON. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I would now ask unanimous consent that I may yield to the chairman of the Labor Committee to make a motion to discharge his committee from H.R. 5238.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

ORPHAN DRUG ACT

Mr. HATCH. Mr. President, I ask unanimous consent to discharge H.R. 5238 from the Committee on Labor and Human Resources and ask that it be brought up for immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, reserving my right to object, my understanding is this is the so-called shopping center bill?

Mr. HATCH. No, this is the orphan drug bill. The shopping centers will be the next bill. This is the orphan drug bill.

Mr. METZENBAUM. I have no objection.

Mr. ARMSTRONG. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, is the Senator's request to bring the bill up?

Mr. HATCH. Yes.

Mr. ARMSTRONG. I will not object to that, although I would like an opportunity to speak briefly on the bill when it is before us.

Mr. HATCH. I think when I get through the Senator will be happy with the legislation.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object——

Mr. LONG. Mr. President, I have discussed the matter with the Senator, and he is going to offer an amendment which I believe we can accept.

Mr. HATCH. That is correct.

Mr. ROBERT C. BYRD. So there is no objection?

Mr. LONG. No.

Mr. ROBERT C. BYRD. There is no objection.

Mr. HATCH. Is there any objection?

I ask that the bill be brought up for immediate consideration.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5238) to amend the Federal Food, Drug and Cosmetic Act to facilitate the development of drugs for rare diseases and conditions, and for other purposes.

The Senate proceeded to the consideration of the bill.

UP AMENDMENT NO. 1400

(Purpose: To substitute alternative provisions)

Mr. HATCH. Mr. President, I move to strike all after the enacting clause and insert the following amendment in the form of a substitute.

The PRESIDING OFFICER. The Senator will send the amendment to the desk.

The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Utah (Mr. HATCH) proposes an unprinted amendment numbered 1400.

Mr. HATCH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That (a) This Act may be cited as the "Orphan Drug Act".

(b) the Congress finds that—

(1) there are many diseases and conditions, such as Huntington's disease, myoclonus, ALS (Lou Gehrig's disease), tourette syndrome, and muscular dystrophy which affect such small numbers of individuals residing in the United States that the diseases and conditions are considered rare in the United States;

(2) Adequate drugs for many of such diseases and conditions have not been developed;

(3) drugs for these diseases and conditions are commonly referred to as "orphan drugs";

(4) because so few individuals are affected by any one rare disease or condition, a pharmaceutical company which develops an orphan drug may reasonably expect the drug to generate relatively small sales in comparison to the cost of developing the drug and consequently to incur a financial loss;

(5) there is reason to believe that some promising orphan drugs will not be developed unless changes are made in the applicable Federal laws to reduce the costs of developing such drugs and to provide financial incentives to develop such drugs; and

(6) it is in the public interest to provide such changes and incentives for the development of orphan drugs.

SEC. 2. (a) Chapter V of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof the following:

"SUBCHAPTER B—DRUGS FOR RARE DISEASES OR CONDITIONS

"RECOMMENDATIONS FOR INVESTIGATIONS OF DRUGS FOR RARE DISEASE OR CONDITIONS

"SEC. 525. (a) The sponsor of a drug for a disease or condition which is rare in the States may request the Secretary to provide written recommendations for the nonclinical and clinical investigations which must be conducted with the drug before—

"(1) it may be approved for such disease or condition under section 505, or

"(2) if the drug is a biological product, before it may be licensed for such disease or condition under section 351 or the Public Health Service Act.

If the Secretary has reason to believe that a drug for which a request is made under this section is a drug for a disease or condition which is rare in the States, the Secretary shall provide the person making the request written recommendations for the nonclinical and clinical investigations which the Secretary believes, on the basis of information available to the Secretary at the time of the request under this section, would be necessary for approval of such drug for such disease or condition under section 505 or licensing under section 351 of the Public Health Service Act for such disease or condition.

"(b) The Secretary shall by regulation promulgate procedures for the implementation of subsection (a).

"DESIGNATION OF DRUGS FOR RARE DISEASES OR CONDITIONS

"SEC. 526. (a) The manufacturer or the sponsor of a drug may request the Secretary to designate the drug as a drug for a disease or condition which is rare in the States. If the Secretary finds that a drug for which a request is submitted under this subsection is being or will be investigated for a rare disease or condition and—

"(1) if an application for such drug is approved under section 505, or

"(2) if the drug is a biological product, a license is issued under section 351 of the Public Health Service Act,

the approval or license would be for use for such disease or condition, the Secretary shall designate the drug as a drug for such disease or condition. A request for a designation of a drug under this subsection shall contain the consent of the applicant to notice being given by the Secretary under subsection (b) respecting the designation of the drug.

"(b) Notice respecting the designation of a drug under subsection (a) shall be made available to the public.

"(c) The Secretary shall by regulation promulgate procedures for the implementation of subsection (a).

"PROTECTION FOR UNPATENTED DRUGS FOR RARE DISEASES OR CONDITIONS

"SEC. 527. (a) Except as provided in subsection (b), if the Secretary—

"(1) approves an application filed pursuant to section 525(b), or

"(2) issues a license under section 351 of the Public Health Service Act for a drug designated under section 526 for a rare disease or condition and for which a United States letter of Patent may not be issued,

the Secretary may not approve another application under section 505 (b) or issue another license under section 351 of the Public Health Service Act for such drug for such disease or condition for a person who is not the holder of such approved application or of such license until the expiration of seven years from the date of the approval of the approved application or the issuance of the license. Section 505 (c) (2) does not apply to the refusal to approve an application under the preceding sentence.

"(b) If an application filed pursuant to section 505 (b) is approved for a drug designated under section 526 for a rare disease or condition or a license is issued under section 351 of the Public Health Service Act for such a drug and if a United States Letter of Patent may not be issued for the drug, the Secretary may, during the seven-year period beginning on the date of the application approval or of the issuance of the license, approve another application under section 505 (b), or, if the drug is a biological product, issue a license under section 351 of the Public Health Service Act, for such drug for such disease or condition for a person who is not the holder of such approved application or of such license if—

"(1) the Secretary finds, after providing the holder notice and opportunity for the submission of views, that in such period the holder of the approved application or of the license cannot assure the availability of sufficient quantities of the drug to meet the

needs of persons with the disease or condition for which the drug was designated; or

"(2) such holder provides the Secretary in writing the consent of such holder for the approval of other applications or the issuance of other licenses before the expiration of such seven-year period.

"OPEN PROTOCOLS FOR INVESTIGATIONS OF DRUGS FOR RARE DISEASES OR CONDITIONS

"SEC. 528. If a drug is designated under section 526 as a drug for a rare disease or condition and if notice of a claimed exemption under section 505(i) or regulations issued thereunder is filed for such drug, the Secretary shall encourage the sponsor of such drug to design protocols for clinical investigations of the drug which may be conducted under the exemption to permit the addition to the investigations of persons with the disease or condition who need the drug to treat the disease or condition and who cannot be satisfactorily treated by available alternative drugs.".

(b) Chapter V of the Federal Food, Drug, and Cosmetic Act is amended by inserting before section 501 the following:

"SUBCHAPTER A—DRUGS AND DEVICES.".

SEC. 3. Title II of the Public Health Service Act is amended by adding at the end the following:

"ORPHAN PRODUCTS BOARD

"SEC. 227. (a) There is established in the Department of Health and Human Services a board for the development of drugs (including biologics) and devices (including diagnostic products) for rare diseases of conditions to be known as the Orphan Products Board. The Board shall be comprised of the Assistant Secretary for Health of the Department of Health and Human Services and representative, selected by the Secretary, of the Food and Drug Administration, the National Institutes of Health, the Centers for Disease Control, and any other Federal department or agency which the Secretary determines has activities relating to drugs and devices for rare diseases or conditions. The Assistant Secretary for Health shall chair the Board.

"(b) The function of the Board shall be to promote the development of drugs and devices for rare diseases or conditions and the coordination among Federal, other public, and private agencies in carrying out their respective functions relating to the development of such articles for such diseases or conditions.

"(c) In the case of drugs for rare diseases or conditions the Board shall—

"(1) evaluate—

"(A) the effect of subchapter B of the Federal Food, Drug, and Cosmetic Act on the development of such drugs, and

"(B) the implementation of such subchapter;

"(2) evaluate the activities of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration for the development of drugs for such diseases or conditions,

"(3) assure appropriate coordination among the Food and Drug Administration, the National Institutes of Health, the Alcohol, Drug Abuse, and Mental Health Administration, and the Centers for Disease Control in the carrying out of their respective functions relating to the development of drugs and such diseases or conditions to assure that the activities of each agency are complementary,

"(4) assure appropriate coordination among all interested Federal agencies, manufacturers, and organizations representing patients, in their activities relating to such drugs,

"(5) with the consent of the sponsor of a drug for a rare disease or condition exempt under section 505 (i) of the Federal Food, Drug, and Cosmetic Act or regulations issued under such section, inform physicians and the public respecting the availability of such drug for such disease or condition and inform physicians and the public respecting the availability of drugs approved under section 505 (c) of such Act or licensed under section 351 of this Act for rare diseases or conditions.

"(6) seek business entities and others to undertake the sponsorship of drugs for rare diseases or conditions, seek investigators to facilitate the development of such drugs, and seek business entities to participate in the distribution of such drugs, and

"(7) recognize the efforts of public and private entities and individuals in seeking the development of drugs for rare diseases or conditions and in developing such drugs.

"(d) The Board shall consult with interested persons respecting the activities of the Board under this section and as part of such consultation shall provide the opportunity for the submission of oral views.

"(e) The Board shall submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives an annual report—

"(1) identifying the drugs which have been designated under section 526 of the Federal Food, Drug, and Cosmetic Act for a rare disease or condition,

"(2) describing the activities of the Board, and

"(3) containing the results of the evaluations carried out by the Board.

The Director of the National Institutes of Health and the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration shall submit to the Board for inclusion in the annual report a report on the rare disease or condition research activities of the Institutes of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration; and the Secretary of the Treasury shall submit to the Board for inclusion in the annual report a report on the use of grants and contracts provided pursuant to this Act. Each annual report shall be submitted by June 1 of each year for the preceding calendar year.".

SEC. 4. (a) There are authorized to be appropriated $14 million in fiscal year 1983, $18 million in fiscal year 1984, $18 million in 1985.

In order to assist eligible entities to defray the costs of qualified experimental expenses, as defined by this section,

(b) The Secretary is authorized to make grants to and enter into contracts with eligible entities in order to carry out the purposes of this section.

(c) an eligible entity is any manufacturer or sponsor which has received from the Secretary a designation for a drug pursuant to § 526(c) of the Food, Drug and Cosmetic Act as amended by this Act.

(d) Qualified Experimental Expenses.—For purposes of this section—

"(1) In general.—The term 'qualified experimental expenses' means any amount paid or incurred for activities carried out—

"(A) in connection with an exemption for a drug for a rare disease of condition under section 525(i) of the Federal Food, Drug, and Cosmetic Act, or regulations issued under such section, and

"(B) after the date the drug is designated under section 526 of such Act.

"(2) Expenses must be related to use for rare disease or condition.—Amounts may be taken into account under paragraph (1) only to the extent they are attributable to activities related to the use of a drug for the disease or condition for which it was designated under sectin 526 of the Federal Food, Drug, and Cosmetic Act.

"(3) Amounts paid for land, etc.—Amounts paid or incurred for land (or improvement to land) or for property of a character subject to the allowance for depreciation shall not be taken into account under paragraph (1); except that allowances under section 167 shall be treated as expenses.

HOME HEALTH SERVICES

SEC. 5. (a) Part D of title III of the Public Health Service Act is amended by inserting after subpart II the following new subpart:

"SUBPART III—HOME HEALTH SERVICES

"HOME HEALTH SERVICES

"SEC. 339. (a)(1) For the purpose of encouraging the establishment and initial operation of home health programs to provide home health services (as defined in section 1861(m) of the Social Security Act) in areas in which such services are not otherwise available, the Secretary may, in accordance with the provisions of this section, make grants to public and nonprofit private entities and loans to proprietary entities to meet initial costs of establishing and operating such home health programs. Such grants and loans may include funds to provide training for paraprofessional personnel to provide home health services (as defined in section 1861(m) of the Social Security Act). The Secretary shall make grants and loans to entities for home health programs only in those areas which do not have adequate home health services, and shall give special consideration to areas with inadequate means of transportation to obtain necessary health services.

"(2) In making grants and loans under this subsection, the Secretary shall—

"(A) consider the relative needs of the several States for home health services; and

"(B) give preference to areas in which a high percentage of the population proposed to be served is composed of individuals who are elderly, medically indigent, or disabled.

"(3)(A) No loan may be made to a proprietary entity under this section unless the application of such entity for such loan contains assurances satisfactory to the Secretary that—

"(i) at the time the application is made the entity is fiscally sound;

"(ii) the entity is unable to secure a loan for the project for which the application is submitted from non-Federal lenders at the rate of interest prevailing in the area in which the entity is located; and

"(iii) during the period of the loan, such entity will remain fiscally sound.

"(B) Loans under this section shall be made at an interest rate comparable to the rate of interest prevailing on such date with respect to the marketable obligations of the United States of comparable maturities, adjusted to provide for administrative costs.

"(4) Applications for grants and loans under this subsection shall be in such form and contain such information as the Secretary shall prescribe.

"(5) Payments under grants and loans under this subsection may be made in advance on the basis of estimates or by way of reimbursement, with necessary adjustments on account of underpayments or overpayments, and in such installments and on such

terms and conditions as the Secretary finds necessary to carry out the purposes of such grants and loans.

"(6) There are authorized to be appropriated for grants and loans under this subsection $5,000,000 for each of the fiscal years ending on September 30, 1983, and September 30, 1984.

"(b)(1) The Secretary may make grants to and enter into contracts with public and private entities to assist them in developing appropriate training programs for paraprofessional personnel to provide home health services.

"(2) Any program established with a grant or contract under this subsection to train homemaker health aides shall—

"(A) extend for at least 40 hours, and consist of classroom instruction and at least 20 hours (in the aggregate) of supervised clinical instruction directed towards preparing students to deliver home health services;

"(B) be carried out under appropriate professional supervision and be designed to train students to maintain or enhance the personal care of an individual in his home (but not including any structural changes to the home) in a manner which promotes the functional independence of the individual; and

"(c) include training in—

"(i) personal care services designed to assist an individual in the activities of daily living such as bathing, exercising, personal grooming, and getting in and out bed; and

"(ii) household care services such as maintaining a safe living environment, light housekeeping, and assisting in providing good nutrition (by the purchasing and preparation of food).

"(3) In making grants and entering into contracts under this subsection, special consideration shall be given to entities which establish or will establish programs to provide training for persons fifty years of age and older who wish to become homemaker home health aides.

"(4) Applications for grants and contracts under this subsection shall be in such form and contain such information as the Secretary shall prescribe.

"(5) Payments under grants and contracts under this subsection may be made in advance on the basis of estimates or by way of reimbursement, with necessary adjustments on account of underpayments or overpayments, and in such installments and on such terms and conditions as the Secretary finds necessary to carry out the purposes of such grants and contracts.

"(6) There are authorized to be appropriated for grants and contracts under this subsection $2,000,000 for each of the fiscal years ending September 30, 1983, and September 30, 1984.

"(C) The Secretary shall report to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives on or before January 1, 1984, with respect to–

"(1) the impact of grants made and contracts entered into under subsections (a) and (b) (as such subsections were in effect prior to October 1, 1981);

"(2) the need to continue grants and loans under subsections (a) and (b) (as such subsections are in effect on the day after the date of enactment of the Community Home Health Services Act of 1982); and

"(3) the extent to which standards have been applied to the training of personnel who provide home health services.

(b) The Secretary shall report the results of studies currently evaluating home and community based services, and any recommendations for legislative action which might improve the provision of such services, to the Congress prior to January 1, 1985.

(c) The Secretary of Health and Human Services shall compile and analyze the results of significant studies carried out by any public or private entity, group, or individual, relating to current and alternative reimbursement methodologies for home health services. The Secretary shall make recommendations with respect to such reimbursement methodologies as they might be applied in health care programs funded in whole or in part by Federal funds, and report such recommendations to the Congress within 180 days after the date of the enactment of this Act.

(d) the Secretary of Health and Human Services shall undertake a thorough investigation of—

(1) the methods available to stem fraud and abuse in the medicare and medicaid home health programs; and

(2) the extent to which such methods are applied in stemming such fraud and abuse.

The Secretary shall report the results of the investigation to the Congress within 18 months after the date of the enactment of this Act.

(e)(1) The Secretary of Health and Human Services shall develop and carry out demonstration projects commencing no later than January 1, 1983, to test—

(A) methods for identifying patients at risk of institutionalization who could be treated more cost-effectively with home health services; and

(B) alternative reimbursement methodologies for home health agencies in order to determine the most cost-effective and efficient way of providing home health services.

(2) Methods for identifying patients at risk of institutionalization to be tested by the Secretary under paragraph (1)(A) may include, but not be limited to, the identification of hospitalized medicare patients who are candidates for early discharge due to availability of home health services and individuals in the community who could avoid institutionalization with the availability of home health services.

(3) Reimbursement methodologies to be tested by the Secretary under paragraph (1)(B) may include but not be limited to fee schedules, prospective reimbursement, and capitation payments.

(4) The Secretary shall report to Congress his findings with regard to the demonstrations carried out under paragraph (1) no later than January 1, 1984.

ANALYSIS OF THYROID CANCER; ACTIONS BY SECRETARY

SEC. 6. (a) In carrying out section 301 of the Public Health Service Act, the Secretary of Health and Human Services shall—

(1) conduct scientific research and prepare analyses necessary to develop valid and credible assessments of the risks of thyroid cancer that are associated with thyroid doses of Iodine 131;

(2) conduct scientific research and prepare analyses necessary to develop valid and credible methods to estimate the thyroid doses of Iodine 131 that are received by individuals from nuclear bomb fallout;

(3) conduct scientific research and prepare analyses necessary to develop valid and credible assessments of the exposure to Iodine 131 that the American people received from the Nevada atmospheric nuclear bomb tests; and

(4) prepare and transmit to the Congress within one year after the date of enactment of this Act a report with respect to the activities conducted in carrying out paragraphs (1), (2), and (3).

(D)(1) Within one year after the date of enactment of this Act, the Secretary of Health and Human Services shall devise and publish radioepidemiological tables that estimate the likelihood that persons who have or have had any of the radiation related cancer and who have received specific doses prior to the onset of such disease developed cancer as a result of these doses. These tables shall show a probability of causation of developing each radiation related cancer associated with receipt of doses ranging from 1 millirad to 1,022 rads in terms of sex, age at time of exposure, time from exposure to the onset of the cancer in question, and such other categories as the Secretary, after consulting with appropriate scientific experts, determines to be relevant. Each probability of causation shall be calculated and displayed as a single percentage figure.

(2) At the time the Secretary of Health and Human Services publishes the tables pursuant to paragraph (1), such Secretary shall also publish—

(A) for the tables of each radiation related cancer, an evaluation which will assess the credibility, validity, and degree of certainty associated with such tables; and

(B) a compilation of the formulas that yielded the probabilities of causation listed in such tables. Such formulas shall be published in such a manner and together with information necessary to determine the probability of causation of any individual who has or has had a radiation related cancer and has received any given dose.

(3) The tables specified in paragraph (1) and the formulas specifed in paragraph (2) shall be devised from the best available data that are most applicable to the United States, and shall be devised in accordance with the best available scientific procedures and expertise. The Secretary of Health and Human Services shall update these tables and formulas every four years, or whenever he deems it necessary to insure that they continue to represent the best available scientific data and expertise.

TECHNICAL AMENDMENTS TO THE PUBLIC SERVICE ACT

SEC. 7. (a) (1) Section 338F(e) of the Public Health Service Act (42 U.S.C. 254F-(e)) is amended by inserting before the period the following: "or under section 225 as in effect on September 30, 1977".

(2) Section 337(a) of such Act (42 U.S.C. 254j(a)) is amended by striking out "carrying out this subpart" and inserting in lieu thereof "carrying out this subpart (other than section 338C)".

(3) Section 338D(h) of such act (42 U.S.C. 254o(b)) is amended by striking out "section 338D(h)" and inserting in lieu thereof "section 338F(d)".

(4) Section 338F(d)(1) of such Act (42 U.S.C. 254p(d)(1)) is amended by striking out "section 338D(c)" and inserting in lieu thereof "section 338D(b)".

(5) Section 1536 of such Act (42 U.S.C. 300n-5) (as amended by section 935 of the Omnibus Budget Reconciliation Act of 1981) is amended by striking out "this title and" and inserting in lieu thereof "this title and—".

(6) The second sentence of section 1904(a)(1)(F) of such Act (42 U.S.C. 388w-3(a)(1)(F)) is amended by striking out "equipment for the systems" and inserting

in lieu thereof "equipment for the systems (other than systems with respect to which grants were made as prescribed by section 1905(c)(2))".

(7) Effective October 1, 1982, section 1912(b) of such act (42 U.S.C. 388x-1(b)) is amended to read as follows:

"(b)(1) From the remainder of the amount appropriated under section 1911 for any fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such remainder for that fiscal year as the amounts—

"(A) which would have been provided by the Secretary to the State and entities in the State under section 301 of this Act for mental health services demonstrations and under the Community Mental Health Centers Act and the Mental Health Systems Act for mental health services for fiscal year 1981 if the Secretary had obligated all the funds for such purposes available for such Acts under Public Law 96-536, and

"(B) provided by the Secretary to the State and entities in the State under the laws referred to in subparagraphs (D) and (E) of paragraph (2) for fiscal year 1980.

More to the total amount appropriated for mental health services demonstrations and mental health services for fiscal year 1981 under Public Law 96-536 for section 301 of this Act, the Community Mental Health Centers Act and the Mental Health Systems Act and the total amount appropriated for fiscal year 1980 for the provisions of law referred to in subparagraphs (D) and (E) of paragraph (2).

"(2) The provisions of law referred to in paragraph (1) are the following provisions of law as in effect on the day before the date of the enactment of the Omnibus Budget Reconciliation Act of 1981:

"(A) The Community Mental Health Centers Act.

"(B) The Mental Health Systems Act.

"(C) Section 301 of this Act.

"(D) Sections 301 and 312 of the Comprehensive Alcohol Abuse and Alcoholism, Prevention, Treatment, and Rehabilitation Act of 1970.

"(E) Section 409 and 410 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act.

"(3) For purposes of paragraph (1), the total amount appropriated under Public Law 96-536 for mental health services demonstrations under section 301 of this Act shall be deemed not to exceed $20,000,000; and if such total amount did exceed $20,000,000, the amount that would have been provided to each State and entites in each State shall be ratably reduced for purposes of paragraph (1)(A) to conform to the limit prescribed by this paragraph.

"(4) To the extent that all the funds appropriated under section 1911 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to States because—

"(A) one of more States have not submitted an application or description of activities in accordance with section 1915 for the fiscal year;

"(B) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(C) some State allotments are offset or repaid under section 1916(b)(3); such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for the fiscal year without regard to this paragraph.".

(8) Section 1915(c)(5) of such Act (42 U.S.C. 300x-4(c)(5)) is amended (1) by inserting "procedures for" before "procedural", and (2) by striking out "review procedures" and inserting in lieu thereof "review".

(9)(A) Section 1915(c)(6)(A)(i) of such Act (42 U.S.C. 300x-4(c)(A)(i)) is amended—

(A) by striking out "for mental health services";

(B) by inserting "for mental health services" after "fiscal year 1981";

(C) by inserting "for mental health services demonstrations under section 301 of this Act" before "if the Secretary"; and

(D) by striking out "such Acts" each place it occurs and inserting in lieu thereof "such provisions of law".

(2) Section 1915(c)(6)(A)(ii) of such Act (42 U.S.C. 300x-4(c)(6)(A)(ii)) is amended—

(A) by striking out "for mental health services";

(B) by inserting "for mental health services" after "fiscal year 1981";

(C) by inserting "and for mental health services demonstrations under section 301 of this Act" before "if the Secretary"; and

(D) by striking out "such Acts" and inserting in lieu thereof "such provisions of law".

(b) Section 831(b) of such Act (42 U.S.C. 297-1(b)) is amended by inserting before the period a comma and the following: "$400,000 for the fiscal year ending September 30, 1983, and $800,000 for the fiscal year ending September 30, 1984".

(c)(1)(A) Section 737(2) of such Act (42 U.S.C. 294j (2)) is amended by inserting "in a State" after "means a school".

(B) Section 781(a)(2) of such Act (42 U.S.C. 295c-1(a)(2)) is amended by striking out "under area health education center programs".

(C) Section 791A(b)(3)(A) of such Act (42 U.S.C. 295h-1a(b)(3)(A)) is amended by striking out "postbaccalaureate" and inserting in lieu thereof "baccalaurate".

(2) Section 791(c)(2)(A) of such Act (42 U.S.C. 295n(c)(2)(A)) is amended to read as follows:

"(A) such application contains assurances satisfactory to the Secretary that in the school year (as defined in regulations of the Secretary) beginning in the fiscal year for which the applicant receives a grant under subsection (a) that—

"(i) at least 25 individuals will complete the adequate educational programs of the entity for which such application is submitted; and

"(ii) such entity shall expend or obligate at least $100,000 in funds from non-Federal sources to conduct such programs; and".

(3)(A) Section 709(d) of such Act (42 U.S.C. 292i(d)) is amended to read as follows:

"(d) Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.".

(B) Title VIII of such Act is amended by adding at the end thereof the following:

"TECHNICAL ASSISTANCE

"SEC. 857. Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.".

(4) Section 1602(f)(2) of such Act (42 U.S.C. 300c-2(f)(2)) is amended by inserting after "including" the following: "selling real property pledged as security for such a loan or loan guarantee and".

(5) Section 306(1)(2) of such Act (42 U.S.C. 242k(1)(2)) is amended by striking out subparagraph (D) and redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively.

(6) Section 308(d) of such Act (42 U.S.C. 242m(d)) is amended (1) by inserting ", if an establishment or person supplying the information or described in it is identifiable," after "No information", and (2) by striking out "authorized by guidelines in effect under section 306(1)(2) or under regulations of the Secretary" and inserting in lieu thereof "such establishment or person has consented (as determined under regulations of the Secretary) to its use for such other purpose".

(7) Section 330(d)(z) of such Act (42 U.S.C. 254g(d)(2)) is amended by inserting before "and the costs" the following: ", the costs of repaying loans made by the Farmers Home Administration for building,".

(8) Section 207(a)(1) of such Act (42 U.S.C. 209(a)(1)) is amended by inserting "psychology," after "pharmacy,".

(9) Section 302 of the Health Planning and Resources Development Amendments of 1979 (Public Law 96-79) is repealed.

(d)(1) The paragraph beginning with "Service and supply fund:" under the heading "PUBLIC HEALTH SERVICE" in the Federal Security Agency Appropriation Act, 1946, (42 U.S.C. 231) is amended by inserting ", or in advance," after "stock furnished".

(2)(A) The matter in section 1706(a) (42 U.S.C. 300u-5(a)) of the Public Health Service Act preceding paragraph (1) is amended by striking out "Health Information, Health Promotion and Physical Fitness and Sports Medicine" and inserting instead "Health promotion".

(B) The section heading for section 1706 of such act (42 U.S.C.300u-5) is amended to read as follows:

"OFFICE OF HEALTH PROMOTION".

(e) The first sentence of section 311(c)(2) of such Act (42 U.S.C. 243(c)(2)) is amended by striking out "forty-five days" and inserting instead "six months".

(f) Section 1932 of such Act is amended by—

(1) inserting "(a)" after "1932." and

(2) adding a new subsection (b) as follows:

"(b) The Secretary shall promulgate separate regulations governing the administration of this part. Such regulations shall take into account the distinctive features of the grant program authorized under this part."

(g) From the funds appropriated under section 419B of such Act or under any other applicable provision of law, the Secretary of Health and Human Services shall provide for the development and support of not less than ten comprehensive centers for sickle cell disease.

SEC. 8. Of the funds available to the Interagency Task Force on Acid Deposition, pursuant to the Energy Security Act of 1980, there shall be made available $800,000 for the purposes of studying the effects of acid deposition on the Quabbin Reservoir, in Massachusetts.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. HATCH. I will be glad to yield.

Mr. LONG. Let me ask the Senator, Does this amendment strike from the proposed bill the tax credit that was within the bill and substitute an authorization of appropriations instead?

Mr. HATCH. The Senator is correct. We have stricken the tax credit from the bill, and we have added an authorization which is acceptable to the Sen-

ator of $50 million over a 3-year period within the bill.

Furthermore, it is our understanding that if this bill goes to conference, before I will agree as chairman of the Labor and Human Resources Committee to any tax credit in the bill, I will confer with the Finance Committee in the Senate and obtain their approval before such agreement.

Mr. LONG. I thank the Senator.

Mr. DOLE. Will the Senator yield just briefly?

Mr. HATCH. I will be happy to yield.

Mr. DOLE. I concur with the remarks made by the distinguished Senator from Louisiana, and I am grateful to the Senator from Utah and my distinguished colleague from Kansas (Mrs. KASSEBAUM) for working out what we viewed as a problem of jurisdiction. Now that problem does not exist. We hope that nobody will try to slip any tax credit in later on.

Mr. HATCH. I thank the distinguished Senator.

Mr. President, I am privileged to support H.R. 5238, the Orphan Drug Act. This legislation owes much to my colleague, Senator NANCY KASSEBAUM, who has championed the cause of orphan drugs in the Senate. This bill, which is cosponsored by 171 members of the House, addresses a national problem: The need to develop drugs to treat relatively rare diseases. The fact that these afflictions affect only a small portion of our population does not diminish the tragedy involved, or our national responsibility for these Americans. Special consideration is necessary because the prospect of small markets has discouraged necessary research which is usually expensive.

Over the last 2 years an increasing amount of attention has focused on this problem. FDA and the pharmaceutical industry are the key players and they are starting to respond.

As my colleagues may know, the Department of Health and Human Services recently established an orphan products board, whose mission is to coordinate, both in the public and private sectors, research and development of therapies for rare diseases. Further, I have been encouraged by the efforts of FDA to streamline the drug approval procedures process, particularly to promote the early utilization of promising drugs under a program known as the compassionate IND process.

In addition, the pharmaceutical manufacturers association has created a Commission on Drugs for Rare Diseases, chaired by former Assistant Secretary for Health, Theodore Cooper, M.D., Ph. D. The commission has as its charge identifying drug products for rare diseases and assuring that a company will produce it. A recent result was Abbott Laboratory's willingness to produce and distribute hematin, a drug to treat rare disturbance of the hemoglobin metabolism known as hepatic porphyrias.

I stongly support these and other efforts which are designed to accomplish the goals of the Orphan Drug Act.

Nonetheless it has become clear to me that Congress must also contribute to these efforts. The Orphan Drug Act is properly supportive of what is being done. It also pushes those involved toward greater effort. In addition, perhaps most importantly, the bill is a powerful and needed symbol of national concern for those afflicted with rare diseases.

The bill before us, H.R. 5238 amends the Federal Food, Drug and Cosmetic Act, the Public Health Services Act, and the Internal Revenue Code so that the development of "orphan drugs" is encouraged.

The Food and Cosmetic Act will be amended to facilitate the development of drugs for rare diseases and conditions. The legislation directs the Secretary of Health and Human Services to promulgate regulations to designate drugs intended solely for "Drug Treatment Investigation." Under this category, the sponsor of a drug may apply to the Secretary for the designation of a drug for a rare disease or condition found in the United States. Also they will learn of the necessary steps needed to be taken in order to gain drug approval. It will allow drugs to be approved on a less costly basis. If the Secretary determines that the drug falls under either of these categories, he is required to designate it as such. This designation will facilitate drug-treatment investigations to include human participation with a rare disease or condition.

The Public Health Service Act will be amended to establish in the Department of Health and Human Services an interagency committee known as the committee on Orphan Drug Development. As I noted, a similar board already exists. The sole function of this committee will be to promote the development of drugs for rare diseases or conditions. In addition, the Director of the National Institutes of Health is required to submit to the committee an annual report on the rare disease and condition research activities, of NIH. The committee is required to report by June 1 of each year to appropriate congressional committees on activities and the results of its evaluation, including the report submitted by NIH.

The lives of millions of Americans are touched by a double tragedy. First, these individuals are victims of rare, debilitating conditions such as Wilson's Disease and ALS (amyotrophic lateral sclerosis). Second, they sometimes find it impossible to obtain treatment for these conditions even in cases where such treatment may be available. H.R. 5238 could be instrumental in improving and saving the lives of Americans afflicted by serious disease.

The substitute contains most of the same orphan drug provisions as the House-passed bill. In addition, it includes three other provisions. Each of these provisions is noncontroversial, yet important to clarify or correct current legislation in the Public Health Service Act, or to facilitate future enactment in the next Congress of legislation the Labor and Human Resources Committee has considered over the past year.

The first provision is a package of PHS technical and small substantive amendments. This includes items in H.R. 6355 and S. 2311 which affect the Department of Health and Human Services' administration of existing programs. The amendments I am offering are beneficial to the functioning of HHS and all of them are noncontroversial: They include sections 2, 5, 6, and 8 of H.R. 6355 (as reported) and section 301 (a) and (b) of S. 2311 (as reported).

The specific items in this first provision are as follows:

Section 2 of H.R. 6355 amends the NHSC by correcting several erroneous cross-references and reinstating status to certain individuals who were first involved in the program prior to 1977 and were accidentally omitted from a provision adopted during 1981 reconciliation. Section 2 also makes certain minor technical changes to the health block grants, as well as one substantive changes which alters the allocation formula for the alcohol, drug abuse, and mental health block grant. S. 2311 contains a provision identical to the latter provision.

Section 5 of H.R. 6322 restores the authorization for training programs for nurse anesthetists. An identical provision is contained in S. 2311.

Section 6 and 8 of H.R. 6344 and section 301 (a) and (b) of S. 2311 contain about 15 additional minor amendments to the PHS Act. All are noncontroversial and primarily correct errors contained in previous legislation or provide statutory justification for existing administrative practices. Only two provisions, both contained in the House legislation, could be described as being of a substantive nature; that is, eliminating enrollment requirements for schools of public health: Extending the time period that the Secretary can provide emergency disease prevention assistance to a State. Neither are controversial. This package also includes three minor amendments sponsored by Senator KENNEDY, which he has asked me to include.

The second provision directs the Department of Health and Human Services to conduct two activities important to gaining a better understanding of the health effects of radioactive

fallout from above-ground testing of nuclear weapons. The first requirement is to develop "radioepidemiological tables" which will catalog for each radiogenic cancer the probability that a given dose of ionizing radiation caused the cancer of a victim who has received such a dose. The second requirement is to investigate the relationship between iodine 131 and thyroid cancer in light of the distribution in the environment of iodine 131 as a product of nuclear testing.

Neither aspect of this amendment requires an appropriation. Both are proper functions under section 301 of the Public Health Service Act. The construction of the radioepidemiological tables has been recommended by representatives of the scientific community and the Departments of Defense, Energy, and Health and Human Services, all of whom stressed that the only practicable method of linking radiation exposure to the later development of cancer is through the science of radioepidemiology. During a March 12 hearing, Assistant Secretary Edward Brandt promised that development of these tables would begin, but I believe a legislative mandate is essential for the work to be accomplished.

Also, the Bureau of Radiological Health is currently focusing on two important iodine 131 thyroid studies. But during the March 12 hearing, we also learned that the greatest uncertainty regarding the health effects of the atomic testing involves the relationship between bomb-produced iodine 131 and the incidence of thyroid cancer. Legislative language requiring these studies be accomplished is essential to provide a proper mandate for this work.

The third provision I would like to add to this legislation concerns improved home health services for our elderly citizens. Early in 1981, I introduced S. 234, the Comprehensive Home Health Services Act of 1981. Since then, we have had two full Labor and Human Resources Committee hearings and, in December of last year, moved this bill from committee for consideration by the Senate. There is strong consensus among health policy experts and our elderly citizens that improved home health services are essential. The 1981 White House Conference on Aging gave a loud and clear mandate for improved home health—in fact, 4 of the top 10 recommendations—and these were considered the most important from among more than 700 recommendations—requested national attention to improving long-term care for older Americans. In spite of the obvious need for these services, many of my colleagues remain skeptical that the Comprehensive Home Health Services Act is the best means of providing home health care. Critics of this legislation have cited concerns that we simply cannot afford home health care. A CBO report indicated the cost of S. 234 would exceed $2 billion in the first year, with increases in subsequent years. I do not believe this analysis considered the cost savings potential of preventing the placement of elderly persons in nursing homes, and enabling earlier discharge from hospitals. But nonetheless, I am sensitive to criticisms that S. 234, as reported, may prove more costly than we intended, and that we need further consideration of how we might legislate cost effective and efficient long-term care, especially in home health services under medicare and medicaid.

These entitlement programs are under the jurisdiction of the Finance Committee, and I realize that Senator DOLE and my colleagues on the Finance Committee have labored long and hard to constrain the increases in these programs. Therefore, I urge Senator DOLE to hold full Finance Committee hearings devoted to the home health care issue at the earliest convenient date in the 98th Congress.

I am now asking for the Senate to accept a very modest program in home health care which will demonstrate that Congress has heard the voice of the people and is prepared to maintain the foundation upon which we can build a compreshensive home health care program in the near future. This third amendment consists of only the PHS aspects of S. 234, which include:

First, grants to nonprofit agnecies, and loans to proprietary entities to establish and operate home health programs in areas which are currently underserved—$5 million is authorized for grants and contracts for the next 2 fiscal years.

Second, grants to assist in training homemaker/home health aides, giving special consideration to persons 50 years of age and older—$2 million is authorized for these training programs during the next 2 fiscal years.

Third, the Secretary of HHS is required to provide for Congress some information critical to defining future national health policy, he must accomplish the following:

Report to Congress by January 1984 regarding the impact of the home health grants and contracts, and efforts to curtail fraud and abuse.

Compile and analyze various proposals to address problems related to reimbursement of home health services.

Test alternative reimbursement methods, recommending methods found most appropriate for different populations, locations and resources. Also, develop and carry out demonstration projects commencing no later than January 1, 1983, to test methods for identifying patients at risk of institutionalization who could be treated more cost effectively with home health services.

In summary, this amendment authorizes a relatively small amount of money for support of home health agencies and mandates the Department of HHS to provide for Congress information necessary to develop what we all know is imperative: A new national health policy which will provide high quality, affordable, and humane health care for our elderly citizens in the comfort and security of their homes.

I want to thank my colleague, Senator ROBERT PACKWOOD, for his strong support for home health care.

In sum, I ask my colleagues to adopt this bill. It is in every respect noncontroversial.

Mrs. KASSEBAUM. Mr. President, I am extremely pleased that the Senate is today considering legislation to address the plight of millions of Americans who suffer from rare diseases and conditions. Drugs for the treatment of these diseases are commonly know as orphan drugs due to the fact that high development and drug approval costs coupled with a small market for their use give these drugs limited commercial value. Thus, even in cases where a promising treatment has been discovered, it is frequently not made generally available because of the substantial financial loss which would be incurred by its manufacturer.

I first became aware of this problem in 1981 when constituents visited my office to discuss the orphan drug problem as it relates to Huntington's Disease. At that time, I introduced S. 1498 as an effort to facilitate the development of drugs for rare diseases. Based on suggestions which resulted from discussion of S. 1498, new orphan drug legislation was developed. I introduced this revised measure, S. 2130, earlier this year as a companion to H.R. 5238.

The response to this legislation has been impressive. A bipartisan group of 27 Senators have joined in cosponsoring S. 2130. Cosponsors include Senators HATFIELD, JACKSON, METZENBAUM, NUNN, PELL, RANDOLPH, CRANSTON, MOYNIHAN, ROTH, COCHRAN, STEVENS, RIEGLE, ZORINSKY, ANDREWS, WEICKER, LEVIN, SARBANES, CANNON, BURDICK, LEAHY, GLENN, HAYAKAWA, DECONCINI, MELCHER, QUAYLE, COHEN, and FORD.

The measure now before the Senate will assist orphan drug development in a number of ways:

First, it provides for the designation of a drug as being one for a rare disease or condition and established a process by which sponsors of designated drugs may receive written recommendations from the Department of Health and Human Services with respect to the clinical and nonclinical investigations required for approval. This provision is made sufficiently flexible to permit revisions in the

original recommendations should conditions warrant. At the same time, it will provide valuable information permitting drug sponsors to make a better assessment of the resources they will need to commit to the development of a drug for a rare disease.

Second, it attempts to address the problems created when a promising drug treatment is not patentable by providing a 7-year exclusive marketing right for the sponsor of the drug.

Third, it makes provision for the encouragement of sponsors of designated drugs to design open protocols for the addition to drug tests of individuals requiring a drug for treatment purposes. This provision would permit easier access to drugs under investigation by individuals who may have no other form of treatment available to them.

Fourth, it provides a statutory basis for the operation of the Orphan Products Board within the Department of Health and Human Services to promote the development of orphan drugs and devices and to coordinate orphan drug activites.

I am pleased by the interest Senator HATCH has shown in this legislation and urge its favorable consideration.

Mr. President, I ask unanimous consent that my testimony on behalf of the Orphan Drug Act before the Subcommittee on Health and the Environment of the House Energy and Commerce Committee be printed in the RECORD following my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR NANCY LANDON KASSEBAUM

Chairman Waxman, I am pleased to have the opportunity to appear today to add my support for your efforts to find a solution to a problem which has plagued us far too long. As you know, I have introduced a companion Senate bill, S. 2130, to the Orphan Drug Act. Thirteen of my colleagues in the Senate have joined in cosponsoring this legislation.

I first became interested in the particular problems faced by individuals with rare diseases and conditions when constituents representing the Committee to Combat Huntington's Disease visited my office last summer. Huntington's Disease, which affects approximately 14,000 persons nationwide, is a genetic disorder which manifests itself in adulthood. It is characterized by jerky movements and mental deterioration. Children of sufferers have a 50/50 chance of contracting the disorder.

As I have become more involved with this issue, I have become aware of a number of what could be called "unpopular diseases". These diseases include ALS (or Lou Gehrig's Disease), which affects 9,000 people, Tourette Syndrome, which affects 100,000, and myoclonus, which affects about 2,000 people. Even though the number of people afflicted with each condition is small, the combined population when all rare diseases are considered runs into the millions. In terms of total impact, the numbers are much higher as one quickly realizes that the tragedy of this situation rests not only with the victims, but also with their families.

The effect on family life was expressed most poignantly in a letter I recently received from a Kansas woman. I would like to read a portion of her letter:

"My husband has been diagnosed as having Huntington's Disease. We have two children that love their father very much; also myself. I have been told of the disastrous effect that it plays on family lives. I have saw my husband that was so full of life with so much to live for withdraw and lose all interest in everything. A very healthy and sports conscious person, slowly retreat to a chair and sit back and not be able to participate because people might think he was drunk or a drug addict because he couldn't respond like you or I could. Severe depression because he cannot sit and read the newspaper because his concentration is so limited. The worst part is to look at his two beautiful children and know that they too might someday go through the same things he is going through. The worst part of all he watches me thinking when will I grow tired of this and leave him or lock him away in an institution. So you see it is very hard to live a normal family life."

In addition to the burden carried by the victims and their families due to the effects of rare diseases and conditions, they carry the painful knowledge that there is little chance that any treatment will be available. During the initial phases of many diseases for which there is no known treatment, individuals often obtain comfort from a faith in medical science—a feeling that "maybe something will come along". This thought offers little solace to victims of rare diseases and conditions who realize that even if something does come along, it will not necessarily be put on the market. To illustrate this point, one need only look at the unrelenting efforts of Dr. Melvin Van Woert who, after nearly a decade of work, is still making L-5 HTP capsules by hand for his myoclonus patients.

The main problem, of course, is that the number of individuals who could make use of any particular orphan drug is too small to generate an adequate financial return on the development and related costs of its production. Most drugs for rare diseases have sales of less than $3 to $5 million annually.

The Orphan Drug Act offers a balanced and effective approach for dealing with impediments to the development of drugs for rare diseases. It provides additional flexibility in drug approval requirements which could reduce regulatory costs. It also recognizes the unique problems involved in testing orphan drugs due to small test populations. At the same time, assurances of safety and efficacy are maintained. The legislation also provides for better coordination among Federal agencies involved in drug research and regulation. Exclusive marketing rights would be granted to companies which produce non-patentable orphan drugs, and other financial incentives for orphan drug development are offered in recognition of cost factors which currently discourage their production.

The multi-faceted approach offered by the Orphan Drug Act meshes well with current public and private sector efforts to deal with the problem. The Pharmaceutical Manufacturers Association and its member companies are to be commended for their establishment of a commission on drugs for rare diseases. I sincerely hope that the commission will be successful in putting more orphan drugs on the market by bringing together the promising ideas of independent investigators and the resources of the pharmaceutical industry. I believe that the regulatory flexibility and financial incentives provided by the Orphan Drug Act would give added force to this private sector effort. I am also aware of various efforts related to rare diseases and conditions which are underway within the Food and Drug Administration, the National Institutes of Health, and the Center for Disease Control. Although I understand that the Department of Health and Human Services is moving toward improved coordination among agencies involved in this work, I continue to believe that a statutory mandate for an integrated approach to orphan drug policy is important.

As awareness of the orphan drug issue has increased, I have been encouraged by the attention which congressional, executive branch, research, health organization, and industry representatives have given to ways in which this problem might be successfully addressed. Although many positive steps have been taken, there is much which remains to be done. Years of dedicated effort have elevated public awareness of orphan drugs as a policy matter. We cannot afford to lose the momentum this interest has generated. It is my sincere desire that we act now to put into place mechanisms which will serve as a lasting response to this tragic problem. I believe that the Orphan Drug Act holds great potential for making this goal a reality and look forward to working with interested parties in achieving its enactment.

Mr. KENNEDY. Mr. President, many debilitating diseases and conditions affect only a small number of people in this country—Huntington's disease with 14,000 victims; amytrophic lateral sclerosis, 9,000 victims; Tourette syndrome, 100,000 persons; and muscular dystrophy, 200,000 persons. Because of the relatively limited market for pharmaceutical products to treat these rare diseases and conditions, drug companies have been unwilling to devote the considerable resources needed to develop effective pharmaceutical products. They argue that the cost of developing these drugs would exceed the small return on sales.

H.R. 5238, the Orphan Drug Act, holds out a promise to those of Americans who suffer from rare diseases and conditions—both the victims and their families. It encourages the development of orphan drugs by establishing a separate review procedure for FDA approval of orphan drug products. It provides for grants to assist in defraying the cost of conducting human clinical investigations of orphan drugs. It offers exclusive marketing rights on nonpatentable orphan drugs for 7 years after the date of approval. Finally, it establishes an Orphan Products Board to coordinate the activities of all Federal agencies involved in drug research and regulation.

The legislation before us today also contains several unrelated but important provisions that merit approval.

First, I am delighted the chairman of the Committee on Labor and Human Resources, Senator HATCH, has finally come around to my way of thinking on the need to provide separate categorical funding for important national priorities. It was little more than a year ago that he insisted we put home health grants into a block grant with a dozen other programs and let the States determine their own priorities. After a year's experience with the block grant approach, the Senator has begun to realize that the Federal Government plays an important role in identifying national needs and establishing priorities in the health and social services area.

I am pleased to support the Senator's amendment to reauthorize separate categorical funding for home health services and training programs. As one of the principal cosponsors of the Home Health Act of 1982, S. 234, I am hopeful that enactment of the home health grant program will serve as a spur to enactment of legislation that would make home health services available and affordable to the millions of elderly and disabled Americans who need them.

Second, the legislation would require the Department of Health and Human Services to conduct studies of the health effects of iodine 131 and low level ionizing radiation. For several years I have worked to enact legislation establishing a compensation system for American citizens exposed to radiation as a result of open air atomic bomb testing during the 1950's at the Nevada Test Site. One of the roadblocks to our moving this important legislation is our lack of complete understanding of the relationship between iodine 131 and thyroid cancer and the causal relationship between exposure to low level ionizing radiation and cancers. The proposed studies are intended to answer these questions.

I have some reservations about how successful these studies will be in responding to these questions; particularly from the perspective of the citizens of Nevada, Utah, and Arizona. The two studies are to be conducted entirely within the Department of Health and Human Services—without the benefit of outside peer review of study design, the conduct of the studies and prepublication review of the study results. While I do not mean to imply that I believe the Department of Health and Human Services would intentionally subvert the conclusions of these studies, I do believe that outside peer review is always essential to high quality research and is critical to public acceptance of the studies' conclusions, particularly by the A-bomb test victims. After all, the Federal Government has lied to them time after time. Why should they trust the Federal Government to do these studies without public involvement; studies that will be used in the courts to determine eligibility for Federal compensation? I regret the amendment cannot be amended to address this oversight.

Third, the legislation includes my amendment to require the Department of Health and Human Services to maintain support for 10 comprehensive sickle cell centers, located in medical schools across the country.

Sickle cell anemia is an inherited blood disease that affects one of every 600 blacks. Sickle cell trait appears in one of every 12 blacks. Other victims of the sickling condition can be found among people of Spanish, Mediterranean, and southern Indian descent. While sickle cell trait is usually an asymptomatic condition, sickle cell disease is an incurable debilitating disease that strikes those affected periodically, dramatically, and often tragically.

The victims of sickle cell disease are typically children. Many die at a young age. In fact, only about 50 percent of those stricken live to the age of 35. In addition to early death, the tragedy of sickly cell disease shows up in periods called "crises."

For many years interest in sickle cell disease suffered from relative neglect by the scientific community and was regarded as an unimportant condition occurring predominantly in black people, according to Dr. Roland B. Scott of Howard University. However, in 1972, Congress passed the National Sickle Cell Anemia Control Act to stimulate research, education, and improved patient care. Ten comprehensive sickle cell centers were established to carry out the congressional mandate.

In 1973, the 10 comprehensive sickle cell centers were increased to 15; however, by 1978, the number of comprehensive centers had fallen to 10. For fiscal year 1983, the National Heart, Lung, and Blood Institute proposes to fund only eight comprehensive centers. Mr. President, this is unacceptable. There is a need for far more than eight comprehensive sickle cell centers in America, today.

I recognize the there are severe stresses in research funding; however, we must maintain at least 10 comprehensive sickle cell centers. A reduction in the number of comprehensive centers sends an ominous message to America's black community, a message which says that a disease which affects primarily blacks is of little interest to the Congress. By maintaining 10 comprehensive sickle cell centers, we will be providing reassurance to the black community that the sickle cell program will not be permitted to atrophy.

Fourth, I am pleased that the legislation includes my amendment to direct the Secretary of Health and Human Resources to promulgate separate regulations for the administration of the primary care block grant.

Last year, during our deliberations on the Omnibus Budget Reconciliation Act of 1981, the Congress established four block grants in the health area: The maternal and child health grant; the preventive health grant; the alcohol, drug abuse, and mental health grant; and the primary care grant. The first three grant programs were written in such a way as to give the States a considerable amount of freedom to establish funding priorities and to rapidly turn over control and authority to the States in administering the grants.

By contrast, the primary care block grant, which consists principally of the community health center program, was designed to be a State-run block grant program only if a State wished to assume responsibility for the program and was willing to make a substantial financial contribution. In addition, if a State took the block grant, it would be required to continue to support the existing CHC's and a statutory range of services. The State could establish new centers only if the proposed centers were to be located in defined medically underserved areas and the statute provided for several procedural safeguards protecting existing centers from capricious State action.

On July 6, 1982, the Department of Health and Human Services published a single set of final rules implementing all four block grants, substantially ignoring the specific differences between the primary care grant and the other grant programs. My amendment will address this serious oversight by directing the Department to publish new regulations implementing the primary care block grant.

Finally, the legislation includes my amendment to require the Environmental Protection Agency to make funding available for a study of the effects of acid deposition on the Quabbin Reservoir, in central Massachusetts. Water from the reservoir serves more than 2 million people. Since 1974, water from the reservoir entering the MDC/Boston distribution system has been chemically treated, at substantial cost, in order to eliminate heavy metal leaching, the suspected cause of which is acid deposition, commonly known as acid rain. This year the rainbow trout harvest is down 50 percent, and again, the suspected culprit is acid rain. More than 60 percent of Massachusetts' reservoirs are poorly buffered and considered vulnerable to acidification.

While I appreciate that the issue of acid deposition is a controversial one, I envision the Quabbin Reservior study as having the potential to provide positive long-term solutions to a criti-

cal problem not only for Massachusetts but for the water supply of the Northeastern United States.

Mr. President, this legislation, taken as a whole, is an important measure that addresses a number of serious concerns. Some of its provisions I would prefer to see modified.

The Orphan Drug Act as amended is a positive piece of legislation and I urge its adoption.

Mr. PACKWOOD. Mr. President, I rise today in support of the Hatch-Packwood long-term care amendment. This is an amendment that the Senator and I have been working on for sometime now, and I am pleased that the Senate finally has a chance to consider the issue today.

The amendment we are offering is a very modest one, in fact, Mr. President, it falls way short of what I had hoped we would be able to do, nontheless, it is a postive step in the right direct.

The amendment we are offering today does six things:

First, it makes available grants and loans under the Public Health Service designed to provide startup funding for home health agencies.

Second, it authorizes the Secretary of Health and Human Services to develop training programs for homemaker-home health aides.

Third, the Secretary of Health and Human Services is required to report to the Congress by no later than January 1, 1984, the impact of grants and contracts for home health services in rural areas, and to also detail in this report how the Department of Health and Human Services has worked to curtail fraud and abuse in the medicare-medicaid home health program.

Fourth, the Secretary of Health and Human Services is further directed to prepare a report for the Congress on alternate methods of reimbursement for home health services.

Fifth, it directs the Secretary to test different reimbursement methodologies for home health services once the above report is completed.

The final provision of the Hatch-Packwood amendment requires the Secretary to collect information regarding the effects of providing home and community based services under certain waivers granted by the Secretary.

Mr. President, I would like to conclude my remarks by thanking the Senator from Utah for all of his strong support for bettering the home health care program for the elderly, and his continued leadership in assisting me in trying to get some kind of long-term care legislation passed during the 97th Congress.

Mr. NUNN. Mr. President, I rise to speak in support of this bill.

Mr. President, millions of Americans suffer from diseases which occur in relatively small numbers and for which there are few, if any, commercial drugs available for treatment. For many of these diseases this situation reflects the limits of our scientific knowledge about the underlying causes. However, there are other factors which have inhibited the pursuit of promising leads and the movement of experimenal drugs into the commercial markets.

Among these are: Our complicated patent laws, the lengthy approval process required by the U.S. Food and Drug Administration for new drugs, the allocation of Federal research and development funds to projects which could benefit the greatest number of individuals, and the targeting of private research and development dollars to projects with the greatest profit potential.

Mr. President, the Orphan Drug Act is designed to reduce some of the economic barriers to the development of drugs for rare diseases and to coordinate the efforts currently underway. Mr. President, this is a problem that needs our immediate attention. The individuals and families affected by these rare diseases cannot afford to wait for years or even months. Mr. President, I urge my colleagues to accept this bill.

Mr. HATCH. Mr. President, I move the adoption of the substitute.

The PRESIDING OFFICER. Is there further debate?

The amendment (UP No. 1400) was agreed to.

Mr. STEVENS. Mr. President, I think we should yield to the distinguished majority leader at this point.

UP AMENDMENT NO. 1401

Mr. ROBERT C. BYRD. Mr. President, I send to the desk an amendment on behalf of Mr. HEFLIN and ask that it be stated by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD), on behalf of Mr. HEFLIN, proposes an unprinted amendment numbered 1401.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous connsent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Add the following new section 155 to Title 35 of the U.S. Code.

"Sec. 155. Patent Term Extension.

"Notwithstanding the provisions of section 154, the term of a patent which encompasses within its scope a composition of matter or a process for using such composition shall be extended if such composition or process has been subjected to a regulatory review by the Federal Food and Drug Administration pursuant to the Federal Food, Drug and Cosmetic Act leading to the publication of regulation permitting the interstate distribution and sale of such composition or process and for which there has thereafter been a stay of regulation of approval imposed pursuant to section 409 of the Federal Food, Drug and Cosmetic Act which stay was in effect on January 1, 1981, by a length of time to be measured from the date such stay of regulation of approval was imposed until such proceedings are finally resolved and commercial marketing permitted. The patentee, his heirs, successors or assigns shall notify the Commissioner of Patents and Trademarks within ninety days of the date of enactment of this section or the date the stay of regulation of approval has been removed, whichever is later, of the number of the patent to be extended and the date the stay was imposed and the date commercial marketing was permitted. On receipt of such notice, the Commissioner shall promptly issue to the owner of record of the patent a certificate of extension, under seal, stating the fact and length of the extension and identifying the composition of matter or process for using such composition to which such extension is applicable. Such certificate shall be recorded in the official file of each patent extended and such certificate shall be considered as part of the original patent, and an appropriate notice shall be published in the Official Gazette of the Patent and Trademark Office.".

Mr. ROBERT C. BYRD. Mr. President, this has been cleared on both sides.

Mr. STEVENS. It is my understanding that this amendment has been cleared at this time.

Mr. HATCH. Mr. President, the amendment has been cleared. We agree. We think it is an excellent amendment. We will accept it.

The amendment (UP No. 1401) was agreed to.

Mr. STEVENS. Mr. President, we are not in order. The Senate is not in order. We cannot hear what is going on.

The PRESIDING OFFICER. The Senator's point is well taken. We cannot proceed with this level of noise.

Will those Senators in the rear of the Chamber and the staff please retire elsewhere to conduct their conversations.

I ask those Senators conversing on the floor to please take their seats or discontinue the conversation so that those bringing up legislation might be heard.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. We have a long evening, and the Chair hopes that we would not have to interrupt too often to bring order.

The Senator from Utah.

Mr. STEVENS. Mr. President, has the Heflin amendment now been adopted?

The PRESIDING OFFICER. The amendment has been agreed to.

Mr. HATCH. Mr. President, I ask that the bill be adopted.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the en-

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grossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 5238), as amended, was passed.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TO AMEND TITLE II, UNITED STATES CODE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Chair lay before the Senate Calendar Order No. 764, S. 2297.

The PRESIDING OFFICER. The bill will be stated by title.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object—Mr. President, there is no objection.

Mr. METZENBAUM. Mr. President, reserving the right to object, I would have no objection to this matter coming to the floor provided that I have a firm commitment from the author of the legislation, from the chairman of the Judiciary Committee, and the chairman of the Subcommittee on Courts of the Judiciary Committee that in conference this bill will not extend into the area of substantive law that is presently covered, I believe, by S. 2000, if my recollection serves me right, the bill having to do with substantive bankruptcy law.

Mr. STEVENS. Mr. President, those conditions are unacceptable to the leadership. I suggest the bill be withdrawn until the members that the Senator from Ohio mentioned are on the floor. I do not think they are all here.

Mr. DOLE. They are all here.

Mr. STEVENS. Are all three Senators here?

Mr. DOLE. We are willing to make that commitment.

Mr. HATCH. We are all three willing to make that commitment. I am as the author of the bill.

Mr. THURMOND. That will be satisfactory.

Mr. DOLE. I am the subcommittee chairman.

Mr. METZENBAUM. Under those circumstances, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2297) to amend title XI, United States Code, to improve the protection for shopping centers.

The Senate proceeded to the consideration of the bill.

UP AMENDMENT NO. 1402

Mr. HATCH. Mr. President, I ask unanimous consent to amend S. 2297 with a technical change.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Utah (Mr. HATCH) proposes an unprinted amendment numbered 1402.

Mr. HATCH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

1. Beginning on page 9, line 21 of the bill, strike out all through page 10, line 2, and insert in lieu thereof the following:

"(d)(1) In a case under chapter 7 of this title, if the trustee does not assume or reject an executory contract of the debtor within sixty days after the order for relief, or within such additional time as the court, for cause, within such sixty-day period, fixes, then such contract is deemed rejected.

"(2) In a case under chapter 9, 11, or 13 of this title, the trustee may assume or reject an executory contract of the debtor at any time before the confirmation of a plan, but the court, on request of any party to such contract, may order the trustee to determine within a specified period of time whether to assume or reject such contract.

"(3) In all cases under this title, if the trustee does not assume or reject an unexpired lease of the debtor within sixty days after the order for relief, or within such additional time as the court, for cause, within such sixty-day period, fixes, then such lease is deemed rejected, and in the case of a lease of real property, the court shall order the premises to be vacated immediately.".

2. Insert the following language immediately before the material on page 10, line 3:

"SEC. 3. Section 365 is further amended by adding at the end thereof the following section."

3. On page 10, line 3, strike the language "(2)" and replace it with the language "(3)".

4. On page 10, line 8, strike the language "SEC. 3" and replace it with the language "SEC. 4".

Mr. HATCH. Mr. President, this amendment will incorporate into the bill language virtually identical to the provisions of S. 2297, the Shopping Center Protections Improvements Act of 1982. S. 2297 has been overwhelmingly approved by the Judiciary Committee.

This amendment would change the bankruptcy law in three significant ways. First, it would require that the trustee decide whether to assume or reject an unexpired lease within 60 days after filing a bankruptcy petition, unless the court, for cause, extends that time. S. 2297 would have applied this requirement to executory contracts as well; the amendment only relates to unexpired leases.

Second, this amendment would require that until a lease is rejected, the trustee must perform the obligations of the debtor under the lease, including the payment of rent and other charges.

Third, this amendment would require that in order to assume or assign a shopping center lease, the trustee would be required to give assurances that the use clause of the lease would not be breached and the tenant mix would not be disrupted.

These changes in the bankruptcy law are necessary to stop abuses of the bankruptcy system by tenants who use the tactics of delay and lease misassignment to unjustly enrich the debtor at the expense of the other tenants of a shopping center. The small tenants of shopping centers, family owned small businesses hard pressed in these difficult economic times, are the real beneficiaries of this legislation. They need relief from this operation of the bankruptcy code and they need it now.

Among the beneficial provisions of this bill is a provision to correct flaws that have complicated the implementation of our Bankruptcy Code with regard to shopping centers.

Shopping center tenants are inextricably tied together. When one suffers financial failure, others may be placed in jeopardy as well if our Bankruptcy Code does not insure an efficient arrangement to fill the shopping center's vacancy. Prior to 1978 this was accomplished by lease clauses allowing the lessor to regain control of the lease in the event of bankruptcy. The 1978 act made such lease clauses unenforceable. Instead the lease becomes a part of the bankrupt estate. This can create acute problems when the estate's administrator neither assumes or assigns the lease for several months. The surrounding shopping center tenants must bear the extra burden caused by the vacancy—a particularly difficult problem if the shopping center was built around a single major business which has now folded. A single bankruptcy could trigger others. S. 2297 establishes a 60-day time limit for the administrator's decision to assume or reject a lease. This gives an administrator some incentive to either find a new tenant himself or return the lease to the shopping center within a reasonable period of time. The fate of the shopping center will not hang in the balance until the estate is settled.

In addition, the bill addresses a few other problems. In the event the lease is assumed by the administrator, it may be assigned to a business not in compliance with the use limitations of the lease, not of the financial quality required by the center or which does not pay the customary security deposit. For example, a men's shoestore may have entered a shopping center lease on the understanding that all men's shoestores would pay identical rent. Assigning a women's shoestore lease at a lower rent to a fourth men's shoestore would both oversaturate the men's shoestore market and give the

fourth the unfair advantage of a lower overhead. This only illustrates one of the complexities of shopping center bankruptcies. S. 2297 sets reasonable standards to deal with these unique problems.

With more than 22,700 shopping centers in the United States and over 42 percent of all retail trade conducted in shopping centers, this is a small bill with an important goal and effect. Accordingly, I encourage the Senate to join the Judiciary Committee in approving S. 2297.

WHY THIS BILL IS NEEDED

The success of a store in a shopping center depends greatly on the full-time operation of a carefully selected mix of stores. For this reason, shopping center tenants enter into long-term leases containing provisions which specify minimum hours of operation and which require that the premises be used for specified purposes only.

The bankruptcy of a shopping center tenant can seriously disrupt the business of all the other tenants. This disruption can occur if the debtor's store is left vacant for an extended period of time, or if it is assigned to a business not in conformance with the use clause of the lease, thus disrupting the shopping center's tenant mix.

Prior to the enactment of the Bankruptcy Reform Act of 1978, shopping center landlords and tenants were able to protect themselves from such vacancies and misassignments through the use of lease provisions returning the lease to the landlord in the event of a tenant's bankruptcy. The landlord would then release the premises to a business which would contribute to the tenant mix and thus maximize the sales of all the tenants in the shopping center.

In 1978, Congress made such lease clauses unenforceable. However, the unique economic interdependence of shopping center tenants was recognized by Congress and provisions to protect shopping centers and their tenants were also enacted.

Unfortunately, experience under the code shows that these protections have not worked as anticipated. Shopping center space has been vacated for long periods of time with no decision by the trustee of whether to assume or reject the lease. Where the vacated premises was that of a major tenant, especially in a small shopping center, the effect on the sales of the other tenants has been disastrous.

In addition, debtors often do not pay rent or other charges during this time. The debtor's failure to pay common area charges often results in an increase in the charges paid by the other tenants. The debtor's failure to pay rent to the landlord forces the landlord to provide current services without payment, a situation forced upon no other creditor.

Another problem which has arisen under the code is that shopping center leases have been assigned to businesses not in conformance with the use clause of the lease. The consequent disruption of the tenant mix, especially where the lease of a major tenant is involved, can reduce the sales of all the other tenants in the shopping center. The most serious consequences of misassignments, however, are to adjacent stores with uses complementary to the use of the debtor's store and to other tenants competing with the assignee where the assignment oversaturates that market.

MAJOR PROVISIONS

This bill contains three major provisions which would remedy the problems caused shopping centers and their solent tenants under the Code.

First, trustees would be required to decide whether to assume or reject an unexpired shopping center lease within 60 days after the order for relief unless the court grants additional time for cause. Under current laws, this 60 day requirement applies only in chapter 7 proceedings. This bill would extend it to other bankruptcy proceedings.

Second, trustees would be requried to perform all of the obligations of the tenant under the lease, including the payment of rent and other charges specified in the lease, until the lease is assumed or rejected. An exception would be made in the first 60 days after the order for relief for trustees unfamiliar with the business of the debtor who were uncertain about the debtor's obligations to make rental payments.

Third, the trustee would be required to give adequate assurance that shopping center lease provisions would not be breached and that the tenant mix would not be disrupted. Under present law, assurances must be given that lease provisions would not be substantially breached and that the tenant mix would not be substantially disrupted. In practice, the presence of the word "substantially" has permitted trustee to assign shopping center space to businesses not in conformance with the use clause to the detriment of other tenants in the shopping center.

The excessive flexibility which the term substantially has provided trustees is not necessary to protect the interests of debtors. The use clauses of shopping center leases are not written with such specificity that the ability of a trustee to assign a shopping center lease is substantially constrained, because there are a multitude of businesses operating in even the narrowest use classification. In the event that the trustee is unable to find a business conforming with the use clause, it is in the best interests of the other tenants of the shopping center that the lease revert to the landlord. Because a substantial portion of the rent received by shopping center landlords is based on the revenues of the tenants, the landlord has a strong incentive to find a conforming use or another use which would contribute to the tenant mix. The debtor's only interest is maximizing the proceeds of the assignment, regardless of the effect on the other tenants.

Mr. DeCONCINI. Mr. President, I am a cosponsor of S. 2297 and I support this amendment. The provisions of S. 2297, which this amendment would incorporate into the bill under consideration, solve three pressing problems caused shopping center tenants by the operation of the Bankruptcy Code.

The first problem is that bankrupt shopping center tenants frequently cease operation of some of their stores. These abandoned stores depress the sales of all the other tenants of the shopping center by reducing the customer drawing power of the center. These problems are especially acute where the bankrupt store is a major tenant. Under the Bankruptcy Code, bankrupt tenants are able to leave their stores vacant for long periods of time. This amendment would require the trustee to decide whether to assume or reject a lease in 60 days, or the lease would be deemed rejected. This time could be extended for cause in a complicated case.

The second problem is that during the time that a bankrupt tenant is not operating its store, it frequently does not perform its obligations under the lease, such as the payment of rent and other charges. This deprives the landlord of revenues needed to pay mortgage and tax payments and results in increased costs to other tenants for the payment of common area charges payed by all the tenants on a pro rata basis.

This amendment would require the trustee to perform the obligations of the tenant under the lease until the lease is rejected.

The third problem is that large chain stores have sold many of their shopping center leases to businesses not in conformance with the use clause of the lease. Deviations from the use clause can cause disruptions of the tenant mix and harm the business of all the other tenants. The Bankruptcy Code now requires that trustees give assurances that assignment of a shopping center lease will not substantially breach the use clause or substantially disrupt the tenant mix. This amendment would delete the word "substantially." The trustee would be required to find a purchaser for the lease which was within the use clause of the lease. This would insure that when a shopping center lease is sold, only the original lease, and not a new lease without the limitations of the

use clause, would be sold to a purchaser.

These problems are large and growing. The remedies which these amendments would provide are needed by the tenants of shopping centers to prevent the administration of the Bankruptcy Code from adding to the burden of the large numbers of business bankruptcies we are experiencing.

The amendment (UP No. 1402) was agreed to.

Mr. HATCH. Mr. President, I ask that the bill be adopted.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Shopping Center Protections Improvements Act of 1982."

SEC. 2. Section 365 (a), (b), (c), and (d) of title 11, United States Code, is amended to read as follows:

"§ 365. Executory contracts and unexpired leases

"(a) Except as provided in sections 765 and 766 of this title and in subsections (b), (c), and (d) of this section, the trustee, subject to the court's approval, may assume or reject any executory contract or unexpired lease of the debtor. The trustee shall timely perform all the obligations of the tenant, arising from and after the date of the order for relief, upon an unexpired lease (including payment of the rent and other charges specified in such lease) until such lease is assumed or rejected notwithstanding the provisions of section 503 of this title. For cause shown, the court may extend the time for performance of any obligation of rent or other charges due upon an unexpired lease pursuant to the provisions of section 108(b) of this title. Acceptance of such performance shall not constitute a waiver or relinquishment of the lessor's rights under the lease or under this title.

"(b)(1) If there has been a default in an executory contract or unexpired lease of the debtor, the trustee may not assume such contract or lease unless, at the time of assumption of such contract or lease, the trustee—

"(A) cures, or provides adequate assurance that the trustee will promptly cure, such default;

"(B) compensates, or provides adequate assurance that the trustee will promptly compensate, a party other than the debtor to such contract or lease, for any actual pecuniary loss to such party resulting from such default; and

"(C) provides adequate assurance of future performance under such contract or lease.

"(2) Paragraph (1) of this subsection does not apply to a default that is a breach of a provision relating to—

"(A) the insolvency or financial condition of the debtor at any time before the closing of the case;

"(B) the commencement of a case under this title; or

"(C) the appointment of or taking possession by a trustee in a case under this title or a custodian before such commencement.

"(3) For the purposes of paragraph (1) of this section and paragraph (2)(B) of section (f), adequate assurance of future performance of a lease of real property in a shopping center includes adequate assurance—

"(A) of the source of rent and other consideration due under such lease, and in the case of an assignment, with an operating and financial performance, including guarantors, similar to that of the original tenant when the lease was executed;

"(B) that any percentage rent due under such lease will not decline substantially;

"(C) that assumption or assignment of such lease is subject to all the provisions thereof, including provisions such as a radius, location, use, or exclusivity provision, and will not breach any such provision contained in any other lease, financing agreement, or master agreement relating to such shopping center; and

"(D) that assumption or assignment of such lease will not disrupt any tenant mix or balance in such shopping center.

"(4) Notwithstanding any other provision of this section, if there has been a default in an unexpired lease of the debtor, other than a default of a kind specified in paragraph (2) of this subsection, the trustee may not require a lessor to provide services or supplies incidental to such lease before assumption of such lease unless the lessor is compensated under the terms of such lease for any services and supplies provided under such lease before assumption of such lease.

"(c) The trustee may not assume or assign any executory contract or unexpired lease of the debtor, whether or not such contract or lease prohibits or restricts assignment of rights or delegation of duties, if—

"(1)(A) applicable law excuses a party, other than the debtor, to such contract or lease from accepting performance from or rendering performance to the trustee or an assignee of such contract or lease, whether or not such contract or lease prohibits or restricts assignment of rights or delegation of duties; and

"(B) such party does not consent to such assumption or assignment; or

"(2) such contract is a contract to make a loan, or extend other debt financing or financial accommodations, to or for the benefit of the debtor, or to issue a security of the debtor; or

"(3) such contract or lease has been terminated under State law prior to the order for relief.

"(d)(1) In a case under Chapter 7 of this title, if the trustee does not assume or reject an executory contract of the debtor within 60 days after the order for relief, or within such additional time as the court, for cause, within such 60-day period, fixes, then such contract is deemed rejected.

"(2) In a case under chapter 9, 11, or 13 of this title, the trustee may assume or reject an executory contract of the debtor at any time before the confirmation of a plan, but the court, on request of any party to such contract, may order the trustee to determine within a specified period of time whether to assume or reject such contract.

"(3) In all cases under this title, if the trustee does not assume or reject an unexpired lease of the debtor within 60 days after the order for relief, or within such additional time as the court, for cause, within such 60-day period, fixes, then such lease is deemed rejected, and in the case of a lease of real property, the court shall order the premises to be vacated immediately.".

SEC. 3. Section 365 is further amended by adding at the end thereof the following section.

"(3) If an unexpired lease is assigned pursuant to this section, the lessor of the property may require a deposit or other security for the performance of the obligations under the lease substantially the same as would have been required by the landlord upon the initial leasing to a similar tenant.".

SEC. 4. Section 541 of title 11, United States Code, paragraph (b) thereof, is amended to read as follows:

"(b) Property of the estate does not include—

"(1) any power that the debtor may only exercise solely for the benefit of an entity other than the debtor; and

"(2) any property subject to a lease which has expired by virtue of its own terms without regard to the bankruptcy proceedings. In the case of property subject to a lease which has expired by virtue of its own terms, the lessor shall be entitled to enforce its rights to possession of the property subject to such lease without further order of the court and notwithstanding the provisions of section 362(a) of this title.".

Mr. HATCH. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I move that the Senate insist on its amendments, request the conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

Mr. ROBERT C. BYRD. Mr. President, will the Senator withhold that request temporarily?

Mr. STEVENS. I do withhold the request.

Mr. DOLE. Mr. President, as I understand it, the Senator from Kansas is to be recognized following a colloquy of the Senator from Missouri, to bring up the conference report.

Mr. STEVENS. As soon as this item is disposed of. We are awaiting confirmation of the conferees. It was my intention to turn to a matter that has been requested by the Senator from Missouri (Mr. DANFORTH). I understand it has been cleared. Then we will turn to the conference report on H.R. 4717.

Mr. DOLE. And I will call up 1524, which will be objected to. I have cleared the grain elevator bankruptcy bill.

Mr. STEVENS. One at a time, I ask my good friend, because that is not the order in which they are before me. We are prepared to go forward with H.R. 4717 as soon as this item is cleared.

Mr. ROBERT C. BYRD. Will the distinguished acting majority leader proceed with his request?

Mr. STEVENS. Mr. President, I move that the Senate insist on its amendment, request the conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. HATCH, Mr. QUAYLE, Mrs. HAWKINS, Mr. KENNEDY, and Mr. METZENBAUM conferees on the part of the Senate.

Mr. STEVENS. Mr. President, I inquire of the Chair if there is any further action of the Senate in order to dispose of the matter Senator HATCH has raised. We have just completed the matter and appointed conferees?

The PRESIDING OFFICER. The Senator is correct.

REDUCTION, SUSPENSION, AND EXTENSION OF CERTAIN DUTIES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 829, H.R. 4566. I understand that this has been cleared.

Mr. METZENBAUM. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS. Mr. President, I yield to the Senator from Missouri.

Mr. DANFORTH. Mr. President, this is the so-called trade reciprocity bill. I think that the controversies have been worked out.

I note that the Senator from Ohio is a cosponsor of the bill, and I hope he will withdraw his objection.

Mr. METZENBAUM. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DANFORTH. Mr. President, I ask unanimous consent that a list of the cosponsors of S. 2094, the Reciprocal Trade and Investment Act that is now a part of H.R. 4566 be printed in the RECORD.

There being no objection, the cosponsors were ordered to be printed in the RECORD, as follows:

THE RECIPROCAL TRADE AND INVESTMENT ACT: COSPONSORS

Mr. Danforth, Mr. Dole, Mr. Roth, Mr. Wallop, Mr. Symms, Mr. Grassley, Mr. Cohen, Mr. Pressler, Mr. Simpson, Mr. Andrews, Mr. Schmitt, Mr. D'Amato, Mr. Helms, Mr. Kasten, Mr. Heinz, Mr. Chafee, Mr. Domenici, Mr. Glenn, Mr. Moynihan, Mr. Mitchell, Mr. Boren, Mr. Inouye, Mr. Chiles, Mr. Hollings, Mr. Riegle, Mr. Randolph, Mr. Metzenbaum, Mr. Bentsen, Mr. Tsongas, Mr. Bradley, Mr. Hart, and Mr. Cranston.

Mr. DANFORTH. Mr. President, I ask unanimous consent that a list of the organizations endorsing the enactment of this bill also be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

THE RECIPROCAL TRADE AND INVESTMENT ACT: ENDORSEMENTS

Aerospace Industries Association of America.
American Electronics Association (AEA).
American Farm Bureau (AFB).
American Trucking Associations (ATA).
Business Round Table.
California-Arizona Citrus League.
Chamber of Commerce.
Chemical Manufacturers Association (CMA).
Cling Peach Advisory Board.
Coalition of Service Industries.
Computer and Business Equipment Manufacturers Association (CBEMA).
Electronic Industries Association (Communications Division).
Emergency Committee for American Trade (ECAT).
International Anti-Counterfeiting Coalition.
Millers National Federation.
National Agricultural Chemical Association (NACA).
National Association of Manufacturers (NAM).
National Cattlemen's Association (NCA).
National Council of Farmer Cooperatives (NCFC).
National Foreign Trade Council (NFTC).
The National Grange.
Poultry and Egg Institute.
Scientific Apparatus Makers Association (SAMA).
Semiconductor Industry Association (SIA).
Sun-Diamond Growers of California.
Tanners' Council of America (TCA).

ORDER OF BUSINESS

Mr. STEVENS. Mr. President, I now yield to the distinguished Senator from Kansas, the chairman of the Finance Committee, to bring up the conference report on H.R. 4717.

For the benefit of all concerned, will the Senator tell us what the next two items are that he wishes to bring up?

Mr. DOLE. I should like to bring up H.R. 1524, to which I understand there will be an objection. That will be disposed of quickly. That is with reference to the California utilities, the artists' exemption, and reducing the holding from 12 to 6 months. That will be disposed of by objection, I understand.

The only matter I have would be acting again on the grain elevator bankruptcy bill, on a separate piece of legislation which has been cleared on all sides, to be introduced on behalf of Senator DANFORTH, Senator HEFLIN, Senator ANDREWS, and myself. It has been cleared by the chairman of the Judiciary Committee, and it has been cleared by the distinguished Senator from Alabama (Mr. HEFLIN). I have cleared it with Senator METZENBAUM on the same condition as the clearance in the other matter.

Mr. METZENBAUM. That it will not be used as a vehicle for additional amendments. Is that correct?

Mr. DOLE. That is correct.

Mr. STEVENS. Mr. President, I ask that the Senators address the Chair and not have direct conversations, so that we can keep this orderly.

The PRESIDING OFFICER. The Senator's point is well taken.

Mr. STEVENS. I ask unanimous consent that I be permitted to yield to the Senator from Kansas for the purpose of presenting the two amendments he has listed and that I then be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas.

SAFE HARBOR LEASING—CONFERENCE REPORT

Mr. DOLE. Mr. President, I submit a report of the committee of conference on H.R. 4717 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the amendment of the Senate to the bill (H.R. 4717) to delay for one year the effective date of certain provisions recognizing gain on certain dispositions of LIFO inventories, to make adjustments in the net operating loss carryback and carry-forward rules for the Federal National Mortgage Association, and to require information returns with respect to safe harbor leases, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of today, October 1, 1982.)

Mr. DOLE. Mr. President, the House and Senate conferees have reached agreement on H.R. 4717, the Miscellaneous Revenue Act of 1982. I rise today to ask the Senate to approve the conference agreement.

TAX PROVISIONS

The most significant provision of the bill would delay the effective date of the LIFO reserve recapture rule enacted in Public Law 96-223 for 1 year. This provision was included in both House and Senate bills. The conferees have agreed that this deferred effective date will apply to the first $1 million of LIFO reserves for liquidations occurring on or before December 31, 1983.

The conference agreement also included the modification of the net operating loss rule for the Federal National Mortgage Association as contained in both House and Senate versions of the bill.

The other provisions of the conference agreement relate to provisions added by the Senate Finance Committee. These include an expansion of oil shale credits for 1981 and 1982 tax years, a reduction in wagering excise and occupational taxes in States where gambling is authorized by State law, a modification of the nonrecognition rules for a certain FCC ordered disposition of broadcast property, and revisions to the procedural rules of the Tax Court judges. Two other minor

and noncontroversial changes to withholding provisions are also included.

NONTAX PROVISIONS

The conference agreement also contains a provision relating to eligibility requirements for trade adjustment assistance and two provisions relating to unemployment benefits and FUTA taxes: First, relating to unemployment benefits paid to ex-service members and second, 1-year extension of existing FUTA exemption for certain fishermen.

BUDGET EFFECTS

The estimated revenue effect of the conference agreement is estimated at −$89 million in fiscal 1982, −$11 million in fiscal 1984, −$22 million in fiscal 1985, and −$23 million in fiscal 1986.

According to preliminary estimates from CBO, the unemployment benefits provision relating to benefits paid to ex-service members will involve budget outlays of $90 million in fiscal 1983, $70 million in fiscal 1984, $60 million in fiscal 1985, $55 million in fiscal 1986. The trade adjustment provision will involve an undeterminate budget effect.

Mr. President, the conference agreement before us represents a good compromise, and I recommend its adoption by the Senate.

Mr. MOYNIHAN. Mr. President, I thank the distinguished chairman of the Finance Committee who has been involved in this conference for almost a year.

There are two particular matters: One is of large interest.

First, we restore unemployment insurance benefits for ex-servicemen in a way that cannot have been intended that they be taken away. They are back, thanks to the Senator from Kansas.

Second, there is a matter of first amendment concern. The Watertown Times of New York State was to have been required by the Federal Communications Commission to divest itself of a television station and prohibited from purchasing a newspaper.

This seemed to us to impair a first amendment right. The law corrects it. We are the better for that having been done.

The PRESIDING OFFICER. If the Senator will withhold 1 minute, we will please have order in the Chamber so that the Senator might be heard. Those carrying on conversations please conduct them elsewhere.

The Senator from New York.

Mr. MOYNIHAN. I thank the distinguished Presiding Officer. The Senator from New York has been heard.

His colleague and friend, Senator D'AMATO is on his feet. I believe he wishes to say a brief word also.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, I echo the distinguished senior Senator from New York with respect to the divestiture of the Watertown Times and the equity that this bill treats that matter with. I think it is equity that we seek. It was a divestiture that was forced through the operation of law, and I think the treatment afforded this matter in the tax bill is one that is fair and is one that I certainly feel in the interests of justice is one that is long overdue.

I commend Senator MOYNIHAN for his interest in moving this matter and the distinguished chairman of the Finance Committee for seeing to it that this matter was dealt with in an equitable fashion.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. DOLE. I am happy to yield to the Senator from Nevada.

Mr. CANNON. Mr. President, I rise in support of the conference report on H.R. 4717, legislation making miscellaneous changes in the tax code.

I am very pleased that the conference on this bill has been completed, and I want to take this opportunity to commend the conferees on their diligence and tireless efforts in coming to an agreement on this important legislation. I want to particularly express my thanks to the distinguished Chairman of the Finance Committee, Senator DOLE, and the ranking member of the Committee, Senator LONG. They both have been very helpful and cooperative in this matter. I am particularly pleased to note that an amendment to H.R. 4717 dealing with the excise and occupational taxes on legal wagering has been included. Mr. President, I am sure that all of my colleagues recall this particular amendment when I offered it to H.R. 4717 last December. This amendment reduces the excise tax on legal wagers from 2 percent to one quarter of 1 percent and reduces the occupational tax from $500 to $50. I introduced S. 483 in February of 1981 which would eliminate these taxes in States where wagering is legal. When hearings on this bill were held by the Subcommittee on Taxation and Debt Management, there was no opposition to its adoption. Furthemore, the Department of Treasury expressed no opposition to the legislation. Indeed, in the Department's testimony, it recommended that the subcommittee repeal the taxes in their entirety. The Department explained that there no longer remained any justification for maintaining these taxes. In sum, Mr. President, there is no opposition to the adoption of this amendment.

I have previously addressed my colleagues about this subject, and why these taxes are unfair, burdensome, and unjustified. I would, however, like to summarize briefly, once again, why this amendment is so important to the economy of my State. First, Mr. President, these taxes were adopted in 1951 as a revenue-raising device, as well as a means of curbing illegal wagering. Clearly, the impact of these taxes over the years has been just the reverse. I think it is worth while to review a statement from the Finance Committee's report:

> The imposition of taxes subject legal wagering to an unnecessary economic burden not borne by illegal wagering, for such liabilities are generally evaded.

So what we see, Mr. President, is legal wagering operatings subjected to these taxes, while their illegal counterparts benefit. It is the small operator in my State who suffers by complying with the law, while the illegal operations avoid the law and reap profits. And, once again, Mr. President, it is not the large casinos who will benefit by the reduction in these taxes. Most legal sports and race book operations are small businesses, struggling to get by on their low margin of profit. The average number of employees in these operations is only 12.

The $500 occupational tax is another penalty that employees of legal operations must pay. This is, to me, Mr. President, a discriminatory tax. I am sure that it was never the intention of the Congress to apply a special tax on the right to work. Originally, this tax was seen as a law enforcement tool to identify bookmakers. However, this purpose is simply duplicative, for the State of Nevada requires that these individuals be licensed, pursuant to a rather demanding inquiry and hearing.

Mr. President, I would like, for a moment, to review the revenue implications of this amendment. It is interesting to note that, in 1951, it was estimated that these taxes would generate some $400 million per year. Revenue from these taxes have never risen above $13 million, Mr. President.

Mr. President, I ask unanimous consent that a report showing the revenue from these taxes for the past 6 years, taken from the IRS Commissioner's annual report, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CANNON. Mr. President, I also review the second justification for the imposition of these taxes, and that is the law enforcement justification. I think that a statement from the Assistant Secretary of the Treasury, John Chapoton, in his testimony to the Subcommittee on Taxation and Debt Management, says it best, Mr. President. Mr. Chapoton stated:

> A final justification for this tax structure may be that it operates as an aid to the fight against illegal gambling activities and the collection of income taxes from persons engaged in such activities. *We do not believe that this justifies retention of these taxes.* . . . We view the commitment of Fed-

eral resources to maintain this taxing structure for such a limited purpose to be wasteful and inefficient.

I could not agree with the Assistant Secretary more, Mr. President.

Nevada is in its 51st year of legalized gambling, Mr. President. Legal gaming in my State is highly regulated and licensed. My State has worked hard to eliminate any illegal gaming activities, and it is a goal that it can share with Federal law enforcement officials. Legal wagering is just one aspect of Nevada's legal gaming industry; and it, too, is highly regulated and licensed.

In conclusion, Mr. President, these taxes are ineffective as revenue raising measures and as tools for the enforcement of gambling laws. They are discriminatory taxes, borne by the small businessperson who complies with the law, while illegal operators reap benefits.

I applaud the conference committee for including this amendment in its report, and I believe that this reduction is a good step in the right direction toward correcting this inequitable situation.

I urge my colleagues to support adoption of the conference report on H.R. 4717.

Thank you.

EXHIBIT 1[1]

Tax	Fiscal year—					
	1976	1977	1978	1979	1980	1981
Wagering tax	$4,962,000	$6,632,000	$6,637,000	$9,124,000	$10,972,000	$12,089,000
Occupational tax	900,065	776,000	1,048,000	908,000	1,079,000	1,074,000
Total	5,862,065	7,408,000	7,685,000	10,032,000	12,051,000	13,163,000
Cumulative yearly totals	5,862,065	13,270,065	20,995,065	30,987,065	43,038,065	56,201,065

[1] Collections nationwide from the 2-percent wagering tax and the $500 occupational tax, as shown in the Internal Revenue Service Commissioner's annual reports for fiscal years 1976, 1977, 1978, 1979, 1980, and 1981.

Mr. LAXALT. Mr. President, I strongly support the conference report on H.R. 4717 which, among other provisions, will reduce the unfair Federal gross income tax on legalized bookmaking operations. The current law imposes a 2-percent tax on the gross income of legal sports books, and a $500 occupational tax on each person employed by these legal businesses to accept wagers. H.R. 4717 would reduce the taxes to one quarter of 1 percent on gross income and $50 for each employee. While I strongly believe both taxes should be totally repealed, and Senator CANNON and I originally introduced S. 483 to accomplish this goal, H.R. 4717 is a great improvement over current law.

The Federal taxes on bookkeeping income were originally enacted as weapons for law enforcement agencies in the fight against illegal bookmaking. Unfortunately, these taxes have instead encouraged the very activity they were designed to control. Legal, honest bookmakers are forced into bankruptcy by the punitive nature of the taxes, while illegal booking operations continue to ignore the tax and flourish. Rather than eliminating illegal operators, the taxes force legal establishments out of business, and encourage the growth of crime.

H.R. 4717 will go a long way toward correcting these problems. It will bring in more revenue through the traditional corporate taxes as the activities of legal bookmaking operators take business away from the illegal bookmakers. It will provide equity for sports wagering with other business. It will allow small businesses to survive and will keep criminal elements from taking their place.

I want to thank the chairman of the Finance Committee, Senator DOLE, and the ranking minority member, Senator LONG, for all their help and assistance in getting this legislation through conference. I urge all my colleagues to support H.R. 4717.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the conference report.

The conference report was agreed to.

PUBLIC UTILITY TAX ACCOUNTING—H.R. 1524

Mr. DOLE. Mr. President, I ask unanimous consent to call up H.R. 1524. As I understand the distinguished Senator from Colorado may interpose an objection.

Mr. METZENBAUM. Mr. President, will the Senator from Kansas be good enough to tell us what that bill is?

Mr. DOLE. I was just ready to do that. It deals with the tax rules relating to the so-called normalization of accounting methods for investment tax credits and accelerated cost recovery deductions attributable to certain utility property.

We also have an amendment in that bill which deals with reducing the capital gains holding period from 12 months to 6 months. And there is also a provision offered by the distinguished Senator from Montana, Senator BAUCUS, for deductions for literary and musical works.

In my own view there should be no objection to passing this legislation. But I understand there is some concern expressed by some Members and I think the distinguished Senator from Colorado objects to consideration at this time.

Is that correct?

Mr. ARMSTRONG. Mr. President, reserving the right to object, I wish to clarify my understanding that this matter has not been out of committee long enough for a printed report to be available to the Members.

Mr. DOLE. That is right.

Mr. ARMSTRONG. Does the Senator confirm that?

Mr. DOLE. That is correct.

Mr. ARMSTRONG. It is also my understanding that in addition to the matters originally addressed in the legislation; that is, the normalizaion of the utilities tax with respect particualrly to certain Califorina utilities, additional legislation relating to tax deductions for artistic and literary contributions have been added to this legislation.

Mr. DOLE. That is correct. That was added as an amendment in the committee.

Mr. ARMSTRONG. It is my understanding that in addition there was a capital gains provision added.

Mr. DOLE. That is correct.

Mr. ARMSTRONG. Mr. President, with great reluctance, I am in a monment going to object. There are at least some provisions of this bill which I strongly favor. I am very much in favor of the capital gains provision as I understand it. I have some doubts about the wisdom of the utility tax changes which are proposed here, although it is my understanding that the Senator from Pennsylvania will offer amendments which I believe would respond to the concerns I have expressed, although I must tell may colleagues this is a very complex matter, and I am not entirely sure that my concerns would be entirely fulfilled by the Senator's amendments.

And then there is the question of the artistic exemptions.

So all in all, without prejudice and reserving the right at the proper moment to support the passage of the legislation, this does not seem to me at this hour of the night, without a full committee report, without a chance to look at it, the time to take it up.

I hope that the chairman will call this up after the recess when we have all have a chance to look at it and perhaps can all support it.

At this moment I am constrained, however, to object.

Mr. DOLE. Mr. President, before interposing the objection, I wish to make a statement describing this bill.

PUBLIC UTILITY TAX ACCOUNTING

Mr. President, the bill, H.R. 1524, deals with the tax rules relating to the so-called normalization accounting methods for investment tax credits and accelerated cost recovery deductions attributable to certain public utility property. In general, the normalization rules require these investment incentive benefits to be taken into account for utility ratemaking purposes over the service life of the asset that generates the benefits.

The bill clarifies the normalization rules and authorizes Treasury regulations concerning the conditions under which ratemaking projections and adjustments are inconsistent with those rules. These provisions would apply to taxable years beginning after December 31, 1979.

In response to a controversy relating to certain rate orders issued by the California Public Utilities Commission, the bill also provides a special transition rule. Under the special rule, a ratemaking projection or adjustment that violated the normalization requirements would not result in a public utility's loss of eligibility for the investment credit or accelerated depreciation if the projection or adjustment (1) applied for a period ending before March 1, 1980, (2) was included in an order entered by a public service or public utility commission before March 13, 1980, and (3) was used to determine the amount of rates which were ordered to be collected or refunds which were ordered to be made.

The transitional rule is designed to benefit Pacific Telephone & Telegraph Co., General Telephone Co. of California, and Southern California Gas Co. These companies were ordered to make refunds or rate adjustments by the California regulatory authority. The Internal Revenue Service has taken the position that the orders do not comply with the existing normalization accounting rules.

If the IRS position is sustained, the bill will result in a revenue loss of approximately $2.2 billion. Of this amount, a revenue loss of $117 million will occur in fiscal year 1983 for refunds of taxes previously paid and the remainder would probably occur after 1987 because of the timing of the audit process and delays of presumed litigation.

CHARITABLE DEDUCTIONS FOR LITERARY AND MUSICAL WORKS

The committee amendment adds a provision dealing with charitable deductions for certain contributions of literary or musical work, or other work of art by authors and artists. In general, this provision permits a charitable deduction for the property's fair market value for purposes of determining the donor's regular income tax liability. A contribution will qualify only if certain appraisal and reporting requirements are satisfied and the donee charitable organization's use of the property is related to its exempt function.

These amendments would apply to contributions made after 1982. It is estimated that the provisions would reduce budget receipts by $5 million in fiscal year 1983 and by $15 million annually for subsequent years.

The committee concluded that the provisions are needed to encourage contributions to museums and libraries by authors and artists.

CAPITAL GAINS HOLDING PERIOD

The committee amendment also shortens the holding period distinguishing between short-term and long-term capital gains from 1 year to 6 months. This amendment passed the Senate in the context of the tax bill earlier this year and was adopted by the Senate a second time on the debt ceiling bill prior to the recommital of that bill to the Finance Committee. This legislation will reduce the effect of the present system in discouraging investors from realizing their gains and thus will improve the liquidity of the securities markets.

The committee provisions differ from the earlier amendments in several respects. Rules are provided to deal with the effect of the shortened holding period on straddles in listed stock options. The holding period for which stock must be held under the incentive stock option provisions is retained at 1 year. Finally, a rule is provided under which gain from the cutting of timber is to be treated as long-term capital gain only if the timber has been held for more than 6 months and was held on the first day of the taxpayer's taxable year.

The 6-month holding period will be effective for sales or exchanges after June 30, 1982, the day the Finance Committee first agreed to this provision. However, if the taxpayer realizes a loss on an asset held on June 30, 1982, the holding period will remain at 1 year.

The revenue loss from the 6-month holding period is expected to be $169 million in 1983, $244 million in 1984, and $244 million in 1985.

Mr. MOYNIHAN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Has the Senator from Colorado objected?

Mr. ARMSTRONG. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent to be permitted to speak just for a moment on the matter which we have just put aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. It is my understanding that the Senator from Colorado might be so generous to confirm that he looks forward to considering this matter in the post-election session as we have been describing it.

Mr. ARMSTRONG. Yes.

Mr. MOYNIHAN. And the matter does not die. It simply stays on the calendar.

I shall make two points:

One, is that the holding period to 6 months for capital gains purposes has been adopted by the Senate and with the full concurrence of the Finance Committee and the leadership of the Senator from Kansas.

Second, if I may perhaps have a moment's attention from the Senate, one of the great misdeeds of Congress in an era now almost distant of Lyndon Baines Johnson was an amendment to the Tax Code that forbade any contributions by an author or artist of materials to a museum or library and the deductible amount was to be confined to the value of the paper and ink involved.

This was designed to prevent a tax gain by the former President whom we all loved and revered for gifts to his own library. It was an act that came out of the Texas delegation in the other body and it has wreaked great disservice on our museum and our libraries.

The Library of Congress has not received a single significant manuscript by a living author since that bill was enacted.

The Finance Committee is seeking to change it, simply to restore a perfectly legitimate function of the Tax Code. The Senator from Montana took a great lead in this matter. I hope we will return to it. We owe it to our posterity. It has nothing to do with revenues as such.

I thank the chairman of the Finance Committee who found time to hear this matter out. It is not something which anyone presently involved, save custodians, curators, and librarians are much aware of, but posterity will know of an act of near vandalism in our Tax Code that was inserted for very small petty partisan and passing purposes, but which has enduring harm to our institutions.

I thank the chairman for his patience and perserverance in this matter.

Mr. DOLE. I thank the distinguished Senator.

Mr. ARMSTRONG. Mr. President, if the Senator will yield, I am happy to respond to the inquiry of the Senator from New York. His understanding of the consequences of objecting to consideration of the legislation at this time is the same as my own. It is not my expectation that this constitutes

action final, but merely to delay, until we have had a chance to study the import of the legislation after the post-election session begins.

Mr. MOYNIHAN. When this will be before us. I thank my friend from Colorado.

Mr. ARMSTRONG. At that moment I may well join him in supporting the legislation.

BANKRUPTCY LAW AMENDMENTS—S. 3037

Mr. DOLE. Mr. President, I send a bill to the desk for the distinguished Senator from Missouri, Senator DANFORTH, the distinguished Senator from Alabama, Senator HEFLIN, and myself and the distinguished Senator from North Dakota, Senator ANDREWS, and ask for its immediate consideration.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object.

Mr. METZENBAUM. Is this on the grain elevator bankruptcy?

Mr. DOLE. It is the grain elevator bankruptcy bill which passed the Senate three times without objection.

Mr. METZENBAUM. Did we not just pass it previously?

Mr. DOLE. We have not passed it yet.

Mr. STEVENS. We cannot conduct the business of the Senate unless Senators address the Chair.

The PRESIDING OFFICER. The acting majority leader's point is well made.

The Senator from Kansas.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia reserves the right to object.

(Later the following occurred:)

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator from Kansas now repeat his request?

The PRESIDING OFFICER. The Senator from Kansas.

Mr. STEVENS. Mr. President, I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I have sent to the desk the grain elevator bankruptcy bill which, I think, I can represent has passed the Senate on three occasions with broad bipartisan support. It expedites the bankruptcy procedure with respect to rural elevators which have gone bankrupt, and it also gives the farmers more protection.

I would say to the distinguished Senator from Ohio that there will be no effort to add any matters of substance to the bill. It is strictly a grain elevator bill. We find more and more bankruptcies taking place in the Midwest. I would just like to indicate again that with respect to the farmers the Senate by broad bipartisan support, I guess it would be 100 to 0, would say that we ought to provide further protection.

Mr. METZENBAUM. Mr. President, I am familiar with the substance of the proposal. It does indeed provide protection for the farmers when the grain elevator goes bankrupt.

With the assurances of the chairman of the appropriate subcommittee of the Judiciary Committee that it will not be used as a vehicle for other amendments to the Bankruptcy Act, I join in supporting this measure.

Mr. DOLE. I thank the distinguished Senator from Ohio.

The PRESIDING OFFICER (Mr. ABDNOR). The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 3037) to amend the bankruptcy laws regarding farm produce storage facilities, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill will be deemed to have been read once by title and once at length.

Are there any amendments? If not, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and to be read a third time. The bill was read the third time and passed, as follows:

S. 3037

SEC. 101. That this Act may be cited as the "Agricultural Produce Bailment Bankruptcy Amendments Act of 1982."

SEC. 102. Section 109 of title 11, United States Code, is amended in subsection (f), as redesignated by section 203(c), by inserting after "commodity broker," the following: "or a person engaged in the business of operating a farm produce storage facility (with respect to the debts of that business),".

SEC. 103. Section 501 of title 11, United States Code, is amended by inserting at the end thereof the following new subsection:

"(e) A valid receipt for the storage of grain (as defined in section 557 of this title), issued by a grain storage facility (as defined in section 557 of this title) as evidence of ownership of grain stored in such facility shall be considered sufficient proof of claim of a right to receive grain, or the proceeds of grain, equal in value to the quantity, quality, and type of grain specified in such receipt. If a claimant surrenders such receipt to another person for the purpose of securing a loan, without assigning to such person any ownership interest in such receipt, then an affidavit made by such person verifying the ownership of such receipt shall be considered prima facie proof of such claim.".

SEC. 104. Section 503(b)(1)(B) of title 11, United States Code, is amended by striking out "507(a)(6)" and inserting in lieu thereof "507(a)(7)".

SEC. 105. Section 507 (a) of title 11, United States Code, is amended—

(1) by adding after paragraph (4) the following:

"(5) Fifth, allowed unsecured claims of farmers or other persons engaged in farming operations arising from the sale or conversion of farm produce to or by a debtor engaged in the business of operating a farm produce storage facility where such sale or conversion occurred within one hundred and eighty days before the date of the filing of the petition or before the cessation of the debtor's business, whichever occurs first, but only to the extent of $2,000 for each such individual.";

(2) by striking out "(5) Fifth" and inserting in lieu thereof "(6) Sixth"; and

(3) by striking out "(6) Sixth" and inserting in lieu thereof "(7) Seventh".

SEC. 106. Section 546 of title 11, United States Code, is amended—

(a) In the first sentence of subsection (c) thereof, by striking out "The" and inserting in lieu thereof "Except as provided in subsection (d) of this section, the"; and

(b) by adding at the end thereof the following new subsection:

"(d) In the case of a seller who is a producer of grain sold to a grain storage facility, owned or operated by the debtor, in the ordinary course of such seller's business (as such terms are defined in section 557 of this title), the rights and powers of the trustee under sections 544(a), 545, 547, and 549 of this title are subject to any statutory or common law right of such seller to reclaim such goods if the debtor has received such goods while insolvent, but—

"(1) such producer may not reclaim any grain unless such producer demands, in writing, reclamation of such grain before twenty days after receipt thereof by the debtor; and

"(2) the court may deny reclamation to such a producer with a right of reclamation that has made such a demand only if the court secures such claim by a lien.".

SEC. 107. (a) Chapter 5 of title 11, United States Code, is amended by adding at the end thereof the following new section:

"§ 557. Expedited determination of interests in, and abandonment or other disposition of grain assets

"(a) This section applies only in a case concerning a debtor that owns or operates a grain storage facility and only with respect to grain and the proceeds of grain. This section does not affect the application of any other section of this title to property other than grain and proceeds of grain.

"(b) For purposes of this section—

"(1) 'grain' means wheat, corn, grain sorghum, barley, oats, rye, soybeans, or rice;

"(2) 'grain storage facility' means a site or physical structure regularly used to store grain for producers, or to store grain acquired from producers for resale;

"(3) 'grain storage facility receipt' means any document of the type routinely issued by a debtor operating a grain storage facility for the purpose of establishing a record of ownership of a quantity of grain which is stored with such facility upon a contract of bailment. Such term shall include a warehouse receipt or a scale ticket, provided identification of the owner of the produce represented thereby and the type, quantity, and quality of the produce represented thereby is clearly noted upon the face of such document; and

"(4) 'producer' means an entity which engages in the production or raising of grain.

"(c)(1) Notwithstanding sections 362, 363, 365, and 554 of this title, on the court's own motion the court may, and on the request of the trustee or an entity that claims an interest in grain or proceeds of grain the court shall, expedite the procedures for the determination of interests in and the abandonment or other disposition of grain and proceeds of grain, by shortening to the greatest extent feasible such time periods as are otherwise applicable for such procedures and by establishing, by order, a timetable for the completion of each applicable procedure specified in subsection (d) of this section. Such time periods and such timetable may be modified by the court for cause, but in no case may the final disposition of grain or

the proceeds of grain under this section occur later than 120 days after the date the petition is filed, except in accordance with subsection (f) of this section.

"(2) The court shall shorten such periods, or establish such timetable, giving due consideration to the following factors—

"(A) any need of an entity claiming an interest in such grain or proceeds of grain for a prompt determination of such interest;

"(B) any need of such entity for a prompt disposition of such grain;

"(C) the market for such grain;

"(D) the conditions under which such grain is stored;

"(E) the costs of continued storage or disposition of such grain;

"(F) the orderly administration of the estate;

"(G) the appropriate opportunity for an entity to assert an interest in such grain; and

"(H) such other considerations as are relevant to the need to expedite such procedures in the case.

"(d) The procedures that may be expedited under subsection (c) of this section include—

"(1) the filing of and response to—

"(A) a claim of ownership;

"(B) a proof of claim;

"(C) a request for abandonment;

"(D) a request for relief from the stay of action against property under section 362(a) of this title;

"(E) a request for determination of secured status;

"(F) a request for determination of whether such grain or proceeds of grain—

"(i) is property of the estate;

"(ii) must be turned over to the estate; or

"(iii) may be used, sold, or leased; and

"(G) any other request for determination of an interest in such grain or proceeds of grain;

"(2) the disposition of such grain or proceeds of grain, before or after determination of interests in such grain or proceeds of grain by way of—

"(A) sale of such grain;

"(B) abandonment;

"(C) distribution; or

"(D) such other method as is equitable in the case;

"(3) subject to sections 701, 702, 703, 1104, and 1302 of this title, the appointment of a trustee or examiner and the retention and compensation of any professional person required to assist with respect to matters relevant to the determination of interests in or disposition of such grain or proceeds of grain; and

"(4) the determination of any dispute concerning a matter specified in paragraph (1), (2), or (3) of this subsection.

"(e)(1) Any governmental unit that has regulatory jurisdiction over the operation or liquidation of the debtor or the debtor's business shall be given notice of any request made or order entered under subsection (c) of this section.

"(2) Any such governmental unit may raise, and may appear and be heard on, any issue relating to grain or the proceeds of grain in a case in which a request is made, or an order is entered, under subsection (c) of this section.

"(3) The trustee shall consult with such governmental unit before taking any action relating to the disposition of grain in the possession, custody, or control of the debtor or the estate.

"(f) The court may extend the period for final disposition of grain, or the proceeds of grain, under this section beyond 120 days where the court finds that—

"(1) the interests of justice so require in light of the complexity of the case; and

"(2) the interests of those claimants entitled to distribution of grain assets or the proceeds of grain assets will not be materially injured by such additional delay.

"(g)(1) Unless an order establishing an expedited procedure under subsection (c) of this section, or determining any interest in or approving any disposition of grain or proceeds of grain, is stayed pending appeal—

"(A) the reversal or modification of such order on appeal does not affect the validity of any procedure, determination, or disposition that occurs before such reversal or modification, whether or not any entity knew of the penalty of the appeal; and

"(B) neither the court nor the trustee may delay, due to the appeal of such order, any proceeding in the case in which such order is issued.

"(2) A stay of orders entered pursuant to this section may be entered by the bankruptcy court under the following circumstances:

"(A) the party filing the request for a stay, except the United States, shall post a bond or other security in an amount equal to the value of grain assets or the proceeds of grain assets, distribution of which is affected by the requested stay, and the grain assets, if unliquidated, shall be liquidated by the trustee; and

"(B) the parties ultimately prevailing upon appeal shall be awarded their pro rata share of the proceeds of the liquidation, plus a sum equal to the difference in value between the awarded share and the highest intermediate value (between the date of the entry of the order of stay and the date of final distribution) of the produce sold which was owned by, or secured to, such parties, plus interest on the amount of any original award at the prevailing rate allowed by law upon judgments, with interest to accrue from the date of the entry of the order of stay. Interest payments and differential payments provided for herein shall be satisfied out of the bond posted by the party requesting the order of stay where that party is unsuccessful upon appeal of the distribution order, and shall be satisfied out of accrued interest on the proceeds held by the trustee in all other cases.

"(h) In effecting the distribution of grain or grain assets under this title in a case involving a grain storage facility, the court shall not diminish the total portion of grain or grain assets available for distribution to claimants who are determined to be owners of grain stored in the facility pursuant to contracts of bailment for the benefit of secured creditors of the debtor.

"(i)In any action brought pursuant to chapter 11 of this title, the provisions of this section shall govern the abandonment of farm produce held by the trustee or debtor in possession of a farm produce storage facility business for which reorganization is sought, which farm produce is not property of the debtor's estate, but is held by the debtor upon a contract of bailment only. The abandonment of any quantity of such produce shall take place upon the request of the owner thereof, and shall be done regardless of its effect upon any existing or proposed plan of reorganization.

"(j)(1) The trustee may recover from grain and proceeds of grain the reasonable and necessary costs and expenses allowable under section 503(b) of this title attributable to preserving or disposing of grain or proceeds of grain, but may not recover from such grain or proceeds of grain any other costs or expenses.

"(2) Notwithstanding section 326(a) of this title, the dollar amounts of money specified in such section include the value, as of the date of disposition, of any grain that the trustee distributes in kind.".

(b) The table of sections of chapter 5 of title 11, United States Code, is amended by adding at the end thereof the following new item:

"557. Expedited determination of interests in, and abandonment or other disposition of grain assets.".

SEC. 308. Section 1123(a)(1) of title 11, United States Code, is amended by striking out "or 507(a)(6)" and inserting in lieu thereof "507(a)(5) or 507(a)(7)".

SEC. 309. Section 1129(a)(9)(B) of title 11, United States Code, is amended by striking out "or 507(a)(5)" and inserting in lieu thereof "507(a)(5), or 507(a)(6)".

SEC. 310. Section 1129(a)(9)(C) of title 11, United States Code, is amended by striking out 507(a)(6)" and inserting in lieu thereof "507(a)(7)".

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. It is not a personal matter. I just want to make sure it is cleared.

Mr. President, may I ask the Senator to temporarily withhold his request and let us see if we can make a call and get it cleared.

Mr. DOLE. I may say to the distinguished minority leader that we acted on this matter on three separate occasions, and I have been working on it with Senator HEFLIN and we agreed to try it one more time.

Mr. ROBERT C. BYRD. I thank the Senator.

SLEEPING BEAR DUNES NATIONAL LAKESHORE

Mr. STEVENS. Mr. President, I ask the Chair to lay before the Senate H.R. 3787, which is an act dealing with the Leasing Bear Dunes National Lakeshore.

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3787) an act to amend sections 10 and 11 of the Act of October 21, 1970 (Public Law 91-479; 16 U.S.C. 460x), entitled "An Act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes".

The Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I send an amendment to the desk in behalf of Senator McCLURE.

UP AMENDMENT NO. 1403

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), on behalf of Mr. MCCLURE, proposes an unprinted amendment numbered 1403.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Amend the House Bill in the nature of a substitute as follows: Strike all and insert:

"1. In section 3, amend the text of the new section of the Act entitled "An Act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes", approved October 21, 1970 (16 U.S.C. 460x-1) added by section 3 of the bill by making the following deletions:

"(a) In paragraph (e)(2), strike the second sentence, which reads "If the Secretary and such willing seller are unable to agree to a fair purchase price, they may agree to submit to binding arbitration by any party agreeable to both parties for such purpose to fix such a price.".

and insert in lieu thereof:

"If the Secretary and such willing seller are unable to agree to a fair purchase price, that question may, by mutual consent be submitted to the appropriate United States District Court for adjudication.

In subparagraph (c)(4)(B) strike the language which reads: "If the owner does not accept such offer, the owner may elect to submit the purchase price to binding arbitration by any party agreeable to the owner and the Secretary. If the owner does not accept such offer and does not elect binding arbitration, the Secretary may file for condemnation."

and insert in lieu thereof:

"If the owner does not accept such offer, the Secretary may file for condemnation.".

In section 5, strike the new section 17 to be added to the Act identified in paragraph 1 above.

In section 7, strike "(a)" and subsection (b).

Mr. METZENBAUM. Mr. President, will somebody be good enough to explain what the amendment is?

Mr. STEVENS. I yield to the Senator from Idaho, Mr. President.

Mr. McCLURE. Mr. President, the House having enacted the amendments to the Sleeping Bear Dunes Wilderness and have made——

Mr. METZENBAUM. Is this germane?

Mr. McCLURE. Absolutely germane to the provisions of this bill.

Mr. METZENBAUM. I have no objection.

Mr. STEVENS. Mr. President, I again request that the Senators address the Chair so that the RECORD will be preserved in accordance with Senate procedure.

I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment (UP No. 1403) was agreed to.

The PRESIDING OFFICER. If there be no further amendments, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time, was read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

ENVIRONMENTAL QUALITY IMPROVEMENT ACT AMENDMENTS

Mr. STEVENS. Mr. President, I ask the Chair to lay before the Senate a message from the House on S. 1210 pertaining to the Environmental Quality Improvement Act of 1970:

Mr. ROBERT C. BYRD. Mr. President, there is no objection to this item.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the amendment of the House to the text of the bill (S. 1210) entitled "An Act amending the Environmental Quality Improvement Act of 1970", with the following amendment:

In lieu of the matter proposed to be inserted by said amendment, insert:

That section 205 of the Environmental Quality Improvement Act of 1970 (42 U.S.C. 4374) is amended—

(1) by striking out "; and" at the end of paragraph (a) and inserting in lieu thereof a period; and

(2) by adding at the end thereof the following: "(c) $44,000 for the fiscal years ending September 30, 1982, 1983, and 1984."

SEC. 2. (a) Subject to valid existing rights, all Federal lands within the area described in subsection (b) are hereby withdrawn from all form of appropriation under the mining laws and from disposition under all laws pertaining to mineral and geothermal leasing and all amendments thereto.

(b) The area referred to in subsection (a) shall comprise those lands which are owned by the United States within the Mount Baker-Snoqualmie National Forest and which lie within the physiographic boundaries of the watersheds of the Cedar River, the Green River, and the North and South Forks of the Tolt River. The boundaries of such areas shall be as depicted on maps entitled "Boundary Map, Mount Baker-Snoqualmie Proposed Withdrawals", dated May 12, 1982. Such maps shall be on file and available for inspection in the offices of the United States Forest Service, Department of Agriculture.

(c) The withdrawal described in subsection (a) shall not apply to any exchange carried out by the Secretary of Agriculture pursuant to the Alpine Lakes Area Management Act of 1976 (P.L. 94-357, 90 Stat. 905) nor shall such withdrawal apply to any Federal land exchange in process. For purposes of this Act an exchange is in process if publication of notice of the contemplated exchange has commenced by the date of enactment of this Act.

(d) Additionally, the Secretary may dispose of land or interests therein within the area described in subsection (b) by exchange if the Secretary determines that the public will be well-served by the exchange; provided that the Secretary determines that the values of the watersheds as sources of drinking water are protected and provided further that such exchanges shall not alter, diminish, or abridge rights and obligations contained in state law and watershed management agreements between local government and landowners inside the watershed existing as of the effective date of this Act.

Resolved, That the House agree to the amendment of the Senate to the amendment of the House to the title of the bill.

● Mr. GORTON. Mr. President, I take great pleasure today in proposing that the Senate accept S. 1210, as amended by the House of Representatives. The major provision in this bill, as amended, provides protection for the drinking water watersheds of the cities of Seattle and Tacoma in the State of Washington. Under the provisions of this bill, the Federal Government will be prohibited from transferring, by contract or deed, the rights to explore or drill for oil or natural gas within those watersheds. Notwithstanding the general prohibitions on transfer created by this legislation, those transfers necessary to consolidate Federal and private lands into wilderness areas, such as the Alpine Lakes Wilderness, will not be impaired.

The cities of Seattle and Tacoma exhibited great foresight when they began protecting those areas in the mountains and foothills of the Cascade Mountains where their drinking water resources are resupplied. Continued protection of those areas is essential to avoid the costly and ill-advised alternative of treating drinking water that has been allowed to become contaminated in some way. This legislation continues and enhances that protection.

I commend Senator JACKSON for his initiative with respect to this legislation and S. 2524, comparable legislation, introduced in the Senate. I also commend those members of the Washington State delegation in the House of Representatives, and also Congressman JOHN BREAUX, for his willingness to actively consider this legislation and amend it constructively.

I urge Members of the Senate to vote for the acceptance of S. 1210, as amended by the House of Representatives.●

● Mr. JACKSON. Mr. President, I rise in support of S. 1210, the CEQ authorization bill.

The bill before us today contains a modified version of a provision that Senator GORTON and I offered on this measure last summer which the Senate adopted regarding certain wa-

tershed lands in the State of Washington. This language before us today is is also very similar to legislation Senator GORTON and I introduced in May.

Like many of my constituents, I was shocked to learn last spring that the Department of the Interior had issued five oil and gas leases on Federal lands in the Mount Baker-Snoqualmie National Forest that are part of the watershed for the water supply systems of the cities of Seattle and Tacoma. These leases were issued over the objections of the U.S. Forest Service. They were issued despite the fact that the Forest Service and the cities have a cooperative agreement calling for management practices on Federal lands designed to protect watershed values. Since they were issued, the entire Washington State congressional delegation has gone on record in opposition to the leases and they have been rescinded.

While the immediate threat to these lands appears resolved, I am deeply concerned at the helter-skelter approach the Department seems to be taking with respect to additional leasing. It appears that there is a policy of leasing whatever land industry asks for, with little or no thought given to the potential impacts of development. Surely, municipal watershed lands should be one of the last places leased. The same can be said for congressionally designated units of the national wilderness preservation system. Of course, the issue of leasing on wilderness lands is being addressed by legislation cosponsored by 54 of our Senate colleagues, S. 2801.

The Department's decision to issue leases in these watershed areas flies in the face of the principles of the Federal Land Policy and Management Act and the National Forest Management Act, both of which I helped to enact in 1976. These laws call for multiple-use decisions on national forest and Bureau of Land Management lands to to be made in accordance with land management plans which consider all resource values and are subject to review and comment by State and local governments and the general public.

The Department's actions on the Seattle and Tacoma watershed leases reverses the process to a "lease first and get comments later" approach. The result is predictable—public outrage and opposition. Furthermore, this "act first and think later" approach is bound to stimulate widespread opposition to development, even in circumstances where development would be appropriate.

The language in the bill before us today is a response to that approach. By withdrawing these lands from all forms of mineral leasing and disposal, these provisions insure that these important watershed lands will not be degraded. The provision makes it clear, however, that land exchanges in the areas which do not have a negative impact on watershed values may be consummated.

Mr. President, I want to commend Congressmen NORM DICKS and MIKE LOWRY for their diligent efforts in getting this language out of the House and back before the Senate today. This language is a product of many hours of negotiations between their offices, personnel of the region 6 Office of the Forest Service, the cities of Seattle and Tacoma, and several affected landowners. They should all be congratulated for their hard work in this regard.●

Mr. STEVENS. Mr. President, I move that the Senate concur in the House amendment to the Senate amendment to the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOYAGEURS NATIONAL PARK

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 625.

Mr. ROBERT C. BYRD. Mr. President, that matter has been cleared on this side of the aisle.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 625) entitled "An Act to revise the boundary of Voyageurs National Park in the State of Minnesota, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause, and insert: That the Act entitled "An Act to authorize the establishment of the Voyageurs National Park in the State of Minnesota, and for other purposes", approved January 8, 1971 (84 Stat. 1971), is amended—

(1) in section 102 by striking out "The" after "SEC. 102." and inserting in lieu thereof "(a) Except as provided in subsection (b) of this section, the";

(2) by inserting after section 102(a), as redesignated by paragraph (1), the following new subsection:

"(b)(1) In addition to such revisions as the Secretary may make in the boundaries of the park from time to time pursuant to other provisions of law, the Secretary may, according to the provisions of subsection (a)—

"(A) delete approximately 782 acres in the Neil Point area of the park;

"(B) add approximately 180 acres in the Black Bay Narrows areas of the park;

"(C) add approximately 18.45 acres owned by the State of Minnesota at the Kabetogama Forestry Station;

"(D) add approximately 120 acres owned by the State of Minnesota, being a strip of land through that portion of section 1, township 68 north, range 20 west, fourth principal meridian, which is parallel to and 400 feet on both sides of the unimproved road extending northward from the Ash River Trail as such road crosses each section; and

"(E) subject to the provisions of paragraph (2), delete approximately 1,000 acres at Black Bay and convey such lands to the State of Minnesota.

All of the aforementioned boundary changes if accomplished shall be accomplished such that the boundary of the park shall conform to that generally depicted on the drawing entitled "Boundary, Voyageurs National Park, United States Department of the Interior, National Park Service", numbered 172-80, 008-MWR, and dated November 1981, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

"(2) The Secretary may not delete or convey the lands referred to in paragraph (1)(E) unless, prior to or simultaneously with such deletion or conveyance and in consideration of such conveyance, the State of Minnesota—

"(A) transfers to the Secretary all right, title, and interest in the land described in paragraph (1) (C) and (D); and

"(B) enters into a recordable agreement satisfactory to the Secretary which provides that—

"(i) the State has established a wildlife management area in the area authorized to be deleted and conveyed to the State by paragraph (1)(E);

"(ii) the State has prepared a plan acceptable to the Secretary to manage all the waters of and State lands riparian to Black Bay (including all of the State-owned lands and waters of Rainy Lake) to preserve the natural resources of the area so as to complement to the fullest extent possible the purposes for which the park was established;

"(iii) the State shall not transfer any right, title, or interest in, or control over, any land described in paragraph (1)(E) to any person other than the Secretary; and

"(iv) the State shall permit access by the Secretary at reasonable times to the land described in paragraph (1)(E).

"(3) If at any time the State fails to comply with the material requirements of the agreement referred to in paragraph (2)(B), all right, title, and interest in the land described in paragraph (1)(E) shall revert to the United States for administration by the Secretary as part of the park. Such reversion shall take effect upon the delivery by the Secretary of notice to the State respecting such failure to comply without further notice or requirement for physical entry by the Secretary unless an action for judicial review is brought in the United States Court of Appeals for the appropriate circuit within ninety days following such notice. In any such action the court may issue such orders as are appropriate to carry out the requirements of this subsection.";

(3) by adding after the last sentence of section 301(b) the following new sentence: "The President shall, no later than June 1, 1983, advise the United States Senate and House of Representatives of his recommendations with respect to the suitability or nonsuitability as wilderness of any area within the park."; and

(4) in section 401—

(A) by inserting "(a)" after "SEC. 401.";

(B) by striking out "$26,014,000" and inserting in lieu thereof "$38,314,000"; and

(C) by adding at the end of the following new subsections:

"(b) The Secretary shall, in cooperation with other Federal, State, and local governmental entities and private entities experienced in the fields of outdoor recreation and visitor services, develop and implement a comprehensive plan for visitor use and overnight visitor facilities for the park. The plan shall set forth methods of achieving an appropriate level and type of visitation in order that the resources of the park and its environs may be interpreted for, and used and enjoyed by, the public in a manner consistent with the purposes for which the park was established. Such plan may include appropriate informational and educational messages and materials. In the development and implementation of such plan the Secretary may expend funds donated or appropriated for the purposes of this subsection. Effective October 1, 1983, there is authorized to be appropriated for the purposes of this subsection not to exceed $250,000, to remain available until expended.

"(c) The Secretary is directed to study existing road access to the park and to report to Congress on the impact of park-related use of those roads and to report specific recommendations on improvements necessary to insure adequate road access to the park. The Secretary is directed to report, within one year of the date of enactment of the Act which appropriates funds authorized under this subsection, to the Committee on Interior and Insular Affairs of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate. Effective October 1, 1983, there is authorized to be appropriated for the purposes of this subsection not to exceed $75,000.

"(d)(1) For purposes of section 7(a)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9(a)(3)), the statutory ceilings on appropriations established by this section shall be deemed to be statutory ceilings contained in a provision of law enacted prior to the convening of the Ninety-fifth Congress.

"(2) In determining amounts authorized to be appropriated pursuant to this section, there shall not be taken into account any appropriations made available under section 7(a)(3) of the Land and Water Conservation Fund Act of 1965 (17 U.S.C. 4601-9(a)(3)) before October 1, 1982.".

Mr. STEVENS. Mr. President, I move that the Senate concur in the amendment of the House with an amendment which I send to the desk in behalf of the Senator from Idaho (Mr. MCCLURE).

UP AMENDMENT NO. 1404

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for Mr. MCCLURE, proposes an unprinted amendment numbered 1404.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the second paragraph of the amendments, in the new subsection 102(b), strike subparagraph 102(b)(2)(A), which reads as follows:

"(A) transfers to the Secretary all right, title, and interest in the land described in paragraph (1)(C) and (D); and"

and insert in lieu thereof,

"(A) makes the tender of a conveyance to the United States, by such instrument and in such manner as are satisfactory to the Secretary, including but not limited to lease or easement, by the State of Minnesota of the lands or interests therein described in paragraph (1)(C) and (D); and

In the third paragraph of the amendments, in the new subsection 401(d), strike "(1)" and paragraph (2) which reads as follows:

"(2) In determining amounts authorized to be appropriated pursuant to this section, there shall not be taken into account any appropriations made available under section 7(a)(3) of the Land and Water Conservation Fund Act of 1965 (17 U.S.C. 4601-9(a)(3)) before October 1, 1982.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. ROBERT C. BYRD. I move to lay that on the table.

The motion to lay on the table was agreed to.

BUDGET ACT WAIVER

Mr. STEVENS. Mr. President, I now ask the Chair to lay before the Senate Calendar Order No. 921, which is Senate Resolution 473, the Budget Act waiver which will accompany S. 675.

Mr. ROBERT C. BYRD. Mr. President, we have no objection.

The resolution (S. Res. 473) waiving section 402(c) of the Congressional Budget Act of 1974 with respect to the consideration of S. 675, was considered, and agreed to, as follows:

S. RES. 473

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to consideration of S. 675. Such waiver is necessary because S. 675, as reported, authorizes the enactment of new budget authority which would first become available in fiscal year 1983, and such bill was not reported on or before May 15, 1982, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

This waiver of section 402(a) is necessary to permit Senate consideration of S. 675, a bill establishing a sixteen-member "Federal Courts Study Commission" to study, analyze, and recommend solutions to present and future problems confronting the Federal Judiciary. S. 675 in its present form represents a compromise between S. 675, as introduced by Senator Thurmond, and S. 1530, introduced by Senator Heflin. A hearing was held on these two predecessor bills on May 12 of this year. Following this hearing, an amendment in the nature of a substitute for S. 675 was drafted and approved by the Committee on the Judiciary on September 14. S. 675, as amended, was reported to the Senate on September 15.

S. 675 authorizes appropriations for the life of the ten year study commission. It authorizes very modest amounts—$700,000 for fiscal years 1983 and 1984 and $800,000 for fiscal years 1985 through 1992. These amounts are based on figures provided to the committee by the Congressional Budget Office.

Consideration S. 675 would not interfere with or delay the appropriations process since the fiscal year 1983 appropriations bill in which this would appear has not yet been addressed by the Senate.

Mr. STEVENS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator is correct. The Senate will be in order. Senators cannot hear. Senators will please return to their seats or the cloakroom.

The Senator from Alaska.

Mr. STEVENS. Mr. President, we have adopted the budget waiver?

The PRESIDING OFFICER. That is correct.

FEDERAL COURTS STUDY ACT

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate Calendar Order No. 796, which is S. 675, a bill to establish a Federal Jurisdiction Review and Revision Commission.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 675) to establish a Federal Jurisdiction Review and Revision Commission.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Courts Study Act".

ESTABLISHMENT AND PURPOSES OF THE COMMISSION

SEC. 2. (a) There is hereby established a Federal Courts Study Commission on the future of the judiciary (hereafter referred to as the "Commission").

(b) The purposes of the Commission are to—

(1) study the jurisdiction of the courts of the United States, and of the several States and report to the President and the Congress on the revisions, if any, of related provisions of the Constitution and laws of the United States which the Commission, on the basis of such study, deems advisable;

(2) stimulate the evaluation of problems currently facing the courts, and suggest an eventual solution to such problems;

(3) order, receive, and review reports from all dispute resolving bodies, including courts, administrative agencies, and Federal justice centers; and

(4) develop a long-range plan for the future of the judiciary by collecting and re-

viewing all private and public studies concerning the effectiveness of courts of the United States, studying the jurisdiction of the courts and assessing their procedures, personnel, business and administration, including assessments involving—

(A) alternative methods of dispute resolution;

(B) the actual structure and administration of the Federal court system;

(C) the manner in which courts handle cases;

(D) methods of intracircuit and intercircuit court of appeals (conflict resolution); and

(E) the types of disputes resolved by the Federal courts and Federal agencies.

MEMBERSHIP OF THE COMMISSION

SEC. 3. (a) The Commission shall be composed of fourteen members appointed, within ninety days after the effective date of this Act, as follows:

(1) four members appointed by the President of the United States with not more than two members from any major political party;

(2) two members of the Senate appointed by the President pro tempore of the Senate, one of whom shall be appointed upon the recommendation of the majority leader and one of whom shall be appointed upon the recommendation of the minority leader;

(3) two members of the House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall be appointed upon the recommendation of the majority leader and one of whom shall be appointed upon the recommendation of the minority leader;

(4) four members appointed by the Chief Justice of the United States with no more than two of such members from any major political party; and

(5) two members appointed by the Conference of Chief Justices, with no more than one such member being from any major political party.

(b) The membership of the Commission shall be selected in such a manner as to be broadly representative of the various interests, needs, and concerns which may be affected by the jurisdiction of the Federal courts.

(c) The term of office of each Commission member shall be five years. Any member who was appointed pursuant to paragraph (2) or (3) of subsection (a) who vacates such office during his term of office with the Commission shall vacate his position on the Commission also. A member appointed to fill any such vacancy shall be appointed only for the remainder of his predecessor's term. Vacancies in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

(d) The Commission shall select a Chairman and a Vice Chairman from among its members.

(e) Eight members of the Commission shall constitute a quorum.

POWERS OF THE COMMISSION

SEC. 4. (a) The Commission or, on the authorization of the Commission, any subcommittee thereof may, for the purpose of carrying out its functions and duties, hold such hearings and sit and act at such times and places, administer such oaths, and request the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission, or any such subcommittee may deem advisable.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including the Administrative Office of Courts, the National Institute of Justice, the Federal Judicial Center, and independent agencies, shall furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information and assistance as the Commission deems necessary to carry out its functions under this Act, consistent with applicable provisions of law.

(c) Subject to such rules and regulations as may be adopted by the Commission, the chairman shall have the power to—

(1) appoint and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title, and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $200 a day for individuals.

(d) To the extent or in such amounts as are provided in appropriation Acts, the Commission is authorized to enter into contracts with the Federal Judicial Center, the National Center for State Courts, other Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(e) The Commission is authorized to receive financial assistance from sources other than the Federal Government, including assistance from private foundations.

(f) The Commission is authorized, for the purpose of carrying out its functions and duties pursuant to this Act, to establish advisory panels consisting of members either of the Commission or of the public. Such panels shall be established to provide expertise and assistance in specific areas, as the Commission deems necessary.

FUNCTIONS AND DUTIES

SEC. 5. (a) The Commission shall—

(1) make a complete study of the jurisdiction of the courts of the United States and of the several States and report to the President and the Congress on such study within two years after the effective date of this Act;

(2) recommend revisions to be made to the Constitution and laws of the United States as the Commission, on the basis of such study, deems advisable;

(3) collect and review studies on the effectiveness of the courts;

(4) develop a long-range plan for the judicial system;

(5) submit written reports to the President and the Congress on the condition of the judiciary, including a summary of their findings, recommendations, and conclusions annually, submitting the first such report within one year after the study concluded pursuant to paragraph (1); and

(6) make any recommendations and conclusions it deems advisable every year thereafter.

(b) The study of the jurisdiction of the courts conducted by the Commission pursuant to paragraph (1) of subsection (a) shall be completed within two years after the effective date of this Act and prior to the other functions and duties provided for in this section.

COMPENSATION OF MEMBERS

SEC. 6. (a) A member of the Commission who is an officer or full-time employee of the United States shall receive no additional compensation for his or her services, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission, but such amount shall not exceed the maximum amounts authorized under section 456 of title 28, United States Code.

(b) A member of the Commission who is from the private sector shall receive $200 per diem for each day (including traveltime) during which he or she is engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties, but such amounts shall not be in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

REPORTS

SEC. 7. (a)(1) The Commission shall transmit to the President and to the Congress, not later than two years after the effective date of this Act, a study of the jurisdiction of the courts of the United States and of the several States pursuant to section 5(a)(1) of this Act. The Commission shall thereafter, in keeping with its oversight function, annually transmit to the President and the Congress a report on the condition of the judiciary and summarize any findings, and make any recommendations and conclusions it deems advisable on the basis of its previous activities.

(2) Not later than ten years after the effective date of this Act the Commission shall submit a final report containing a detailed statement of the findings and conclusions of the study conducted pursuant to this Act, together with any recommendations it deems advisable.

EXPIRATION OF THE COMMISSION

SEC. 8. The Commission shall cease to exist on the date ninety days after it transmits the final report pursuant to section 7 of this act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. To carry out the purposes of this Act there are authorized to be appropriated $700,000 for each of the fiscal years 1983 and 1984, and $800,000 for each of the eight succeeding fiscal years 1985 through 1992.

EFFECTIVE DATE

SEC. 10. This Act shall become effective on October 1, 1982.

Mr. STEVENS. Mr. President, I ask the distinguished minority leader, it is my understanding the committee substitute has been cleared, is that correct?

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. Mr. President, I ask that we adopt the committee substitute.

The PRESIDING OFFICER. The question is on agreeing to the committee substitute.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider en bloc the adoption of Senate Resolution 473 and the passage of S. 675.

The PRESIDING OFFICER. Without objection.

Mr. ROBERT C. BYRD. Mr. President, was the request agreed to with request to the en bloc reconsideration?

The PRESIDING OFFICER. It was, without objection.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZING THE SECRETARY OF THE TREASURY TO ESTABLISH ZONES OF PROTECTION FOR CERTAIN PERSONS PROTECTED BY THE U.S. SECRET SERVICE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 4468, which is an act to authorize the Secretary of the Treasury to establish zones of protection for certain persons protected by the U.S. Secret Service.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

To amend chapter 84, section 1752 of title 18, United States Code, to authorize the Secretary of the Treasury to establish zones of protection for certain persons protected by the United States Secret Service.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I ask for passage of the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 4468) was ordered to a third reading, was read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FEDERAL-AID HIGHWAY ACT OF 1982

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2574.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

Resolved, That the bill from the Senate (S. 2574) entitled "An Act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

That this Act may be cited as the "Federal-Aid Highway Act of 1982".

SEC. 2. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1984," and inserting in lieu thereof the following: "the additional sum of $3,225,000,000 for the fiscal year ending September 30, 1984,".

SEC. 3. The Secretary of Transportation shall apportion for the fiscal year ending September 30, 1984, the sums authorized to be apportioned for such year by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of the committee print numbered 97-53 of the Committee on Public Works and Transportation of the House of Representatives.

SEC. 4. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums (multiplied by a factor determined by dividing the maximum number of days in the fiscal year ending September 30, 1983, for which funds are appropriated by a joint resolution making continuing appropriations for such fiscal year, by 365 days) are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas, including the extensions of the Federal-aid primary system in urban areas, and the priority primary routes, out of the Highway Trust Fund, $1,500,000,000 for the fiscal year ending September 30, 1983. For the Federal-aid secondary system in rural areas, out of the Highway Trust Fund, $400,000,000 for the fiscal year ending September 30, 1983.

(2) For the Federal-aid urban system, out of the Highway Trust Fund, $800,000,000 for the fiscal year ending September 30, 1983.

(3) For the forest highways, out of the Highway Trust Fund, $33,000,000 for the fiscal year ending September 30, 1983.

(4) For public lands highways, out of the Highway Trust Fund, $16,000,000 for the fiscal year ending September 30, 1983.

(5) For economic growth center development highways under section 143 of title 23, United States Code, out of the Highway Trust Fund, $50,000,000 for the fiscal year ending September 30, 1983.

(6) For the Great River Road, out of the Highway Trust Fund, $25,000,000 for the fiscal year ending September 30, 1983, for construction or reconstruction of roads on a Federal-aid highway system.

(b) For fiscal year 1984, no State, including the State of Alaska, shall receive less than one-half of 1 per centum of the total apportionment for the Interstate System under section 104(b)(5)(A) of title 23, United States Code. Whenever amounts made available under this subsection for the Interstate System in any State exceed the estimated cost of completing that State's portion of the Interstate System, and exceed the estimated cost of necesary resurfacing, restoration, rehabilitation, and reconstruction of the Interstate System within such State, the excess amount shall be eligible for expenditure for those purposes for which funds apportioned under paragraphs (1), (2), and (6) of such section 104(b) may be expended and shall also be available for expenditure to carry out section 152 of title 23, United States Code.

(c) In the case of priority primary routes, $125,000,000 (multiplied by the factor determined under subsection (a) of this section) of the sums authorized for the fiscal year ending September 30, 1983, by subsection (a)(1) of this section for such routes, shall not be apportioned. Such $125,000,000 (multiplied by such factor) shall be available for obligation on the date of apportionment of funds for such fiscal year, in the same manner and to the same extent as the sums apportioned on such date, except that such $125,000,000 (multiplied by such factor) shall be available for obligation at the discretion of the Secretary of Transportation only for projects of unusually high cost or which require long periods of time for their construction. Any part of such $125,000,000 (multiplied by such factor) not obligated by such Secretary on or before the last day of such fiscal year shall be immediately apportioned in the same manner as funds apportioned for the next succeeding fiscal year for primary system routes, and available for obligation for the same periods as such apportionment.

SEC. 5. (a) The following sums are hereby authorized to be appropriated:

(1) For bridge replacement and rehabilitation under section 144 of title 23, United States Code, out of the Highway Trust Fund, $900,000,000 (multiplied by such factor determined under secton 4(a) of this Act) for the fiscal year ending September 30, 1983.

(2) For projects for elimination of hazards under section 152 of title 23, United States Code, out of the Highway Trust Fund, $200,000,000 (multiplied by the factor determined under section 4(a) of this Act) for the fiscal year ending September 30, 1983.

(b) Section 203(b) of the Highway Safety Act of 1973, as amended, is amended by striking out "and $190,000,000" and inserting in lieu thereof "$190,000,000" and by inserting after "September 30, 1982" the following: ", and $190,000,000 (multiplied by such factor determined under section 4(a) of the Federal-Aid Highway Act of 1982) for the fiscal year ending September 30, 1983".

(c)(1) Section 144(e) of title 23, United States Code, is amended by striking out "and September 30, 1982" and inserting in lieu thereof "September 30, 1982, and September 30, 1983".

(2) Section 144(g) of title 23, United States Code, is amended by inserting after the third sentence the following new sentences: "Of the amount authorized for the fiscal year ending September 30, 1983, by paragraph (1) of section 5(a) of the Federal-Aid Highway Act of 1982, all but $200,000,000 (multiplied by the factor determined under section 4(a) of such Act) shall be apportioned as provided in subsection (e) of this section. $200,000,000 (multiplied by such factor) of the amount authorized for such fiscal year shall be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date except that the obligation of such $200,000,000 (multiplied by such factor) shall be at the discretion of the Secretary and shall be only for projects for those highway bridges the

replacement or rehabilitation cost of each of which is more than $10,000,000, and for any project for a highway bridge the replacement or rehabilitation costs of which is less than $10,000,000 if such cost is at least twice the amount apportioned to the State in which such bridge is located under subsection (e) of this section for the fiscal year in which application is made for a grant for such bridge.".

SEC. 6. Section 401(a) of the Surface Transportation Assistance Act of 1978 is amended by inserting after "or by any Act amended by this Act" the following: "or, after the date of enactment of this Act, any funds authorized to be appropriated to carry out this Act, title 23, United States Code, or the Urban Mass Transportation Act of 1964".

The PRESIDING OFFICER. Is there objection to its immediate consideration?

Mr. ROBERT C. BYRD. Mr. President, I reserve the right to object.

Mr. President, I have no objection.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I support the House amendment which extends the authorization for the Federal-aid highway program for the term of the continuing resolution. Under the provisions of the amendment, apportionments for the period will be limited to $5.1 billion which is within the revenue available in the highway trust fund.

I regret that the House was unable to proceed with consideration of the 1-year highway bill which the Senate passed earlier this day. Many important highway categorical assistance programs were extended at the appropriate authorization level in the bill. The House companion measure also contained many constructive provisions to clarify problems arising with respect to ongoing projects.

Mr. President, the failure of the House to extend the highway trust fund is indeed unfortunate. Because of this action, the Congress could not adopt an important provision included by the Senate today. Energy impact roads are a problem in West Virginia as well as many other parts of the Nation. The provision agreed to earlier gave special recognition to this problem by increasing the Federal matching ratio by 10 percent for projects on highways which are designated as energy impacted. The provision is necessary and I hope it can be considered again during the so-called lameduck portion of this session of Congress, beginning on November 29.

Mr. President, it is my expectation that not only this matter but the extension of the full highway program and highway trust fund for the full fiscal year 1983 can be completed when the Senate meets again after the recess.

I commend this amendment to my colleagues even though it does not accomplish all that the members of the Environment and Public Works Committee, and the Senate itself, had hoped as highway legislation was reported and considered.

MAC ARTHUR BRIDGE

Mr. PERCY. Mr. President, earlier this year I had the pleasure of visiting with Henderson County, Ill., residents in Oquawka—the county seat—and in Biggsville. I met with my good friend, State Representative Clarence Neff of Stronghurst, as well as Mr. James O. Grisolano of Burlington, Iowa and members of the MacArthur Bridge promotion committee. The MacArthur Bridge spans the Mississippi River between Gulfport, Ill., and Burlington, Iowa.

The MacArthur Bridge has one of the very lowest Federal sufficiency ratings in the country and a projected life of only 6 to 9 years. In my judgment—and in the judgment of my colleagues, Senators DIXON, JEPSEN, and GRASSLEY—the existing structure over U.S. Route 34 poses a danger to the safety of citizens, as well as to the economy of western Illinois and eastern Iowa. Weight restrictions currently in place for the structure serve as an obstacle to interstate commerce.

The Iowa Department of Transportation has requested funds under the Federal discretionary bridge replacement and rehabilitation program for this project. And, at the request of Representative JIM LEACH of Iowa, the House report accompanying the Surface Transportation Assistance Act assigned priority in the use of these discretary funds for this project.

We certainly appreciate the efforts of the chairman of the Subcommittee on Transportation during the markup of the Surface Transportation Assistance Act, as well as the chairman's willingness to establish legislative history during today's debate and in conference with the House. In line with this, I would ask the Senator from Idaho whether MacArthur Bridge could be designated as a Federal priority under the discretionary bridge program?

Mr. GRASSLEY. Before the Senator from Idaho answers, I would like to join my colleagues from Illinois and Iowa to thank the chairman for his considerable assistance that he has already afforded me this year with regard to the MacArthur Bridge. From our past work, I know that the Senator from Idaho fully appreciates the importance of keeping this vital bridge in good repair and has responded to our needs very well.

Mr. SYMMS. I can assure the Senators from Illinois and Iowa that designation of the MacArthur Bridge as a Federal priority under the discretionary bridge program has my full support. The Senators have made a very good case on behalf of this project. You may be certain that in conference with the House we will make it clear that the MacArthur Bridge is a Federal priority.

Mr. JEPSEN. Mr. President, I, too, join my colleagues from Illinois and Iowa in thanking the distinguished Senator from Idaho for his ready assistance concerning the need to replace the bridge spanning the Mississippi between Burlington and Gulfport. We cannot emphasize enough the need to replace this vital link in our transportation system. The assignment of priority status for this project is greatly appreciated by all concerned.

Mr. DIXON. I am pleased to join my distinguished senior colleague from Illinois and my distinguished colleagues from Iowa in urging that discretionary funds be set-aside for the MacArthur Bridge. The bridge, as has been previously pointed out, is extremely poor shape and desperately needs reconstruction. The bridge is a key link for the nearby Illinois communities of Monmouth and Galesburg, as well as for Henderson County and the surrounding west, central Illinois area. Its poor condition results in the obstruction of commerce on both sides of the river. I urge the managers of the bill to do all they can to see that the greatly needed discretionary bridge money is made available for this vital project.

Mr. PERCY. Mr. President, on behalf of my colleagues from Illinois and Iowa, I thank the chairman of the subcommittee.

Mr. STEVENS. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SALE OF CERTAIN DEFENSE ITEMS TO FRIENDLY FOREIGN NATIONS

Mr. STEVENS. Mr. President, with the concurrence of the distinguished minority leader, I ask that the Chair lay before the Senate Calendar Order No. 856, which is H.R. 6758.

Mr. ROBERT C. BYRD. Mr. President, I thought we had cleared this. I want be sure.

Mr. President, there is no objection.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H. R. 6758) to authorize the sale of defense articles, defense services, and unclassified defense service publications to United States companies for incorporation into end items to be sold to friendly foreign countries.

The Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations with an amendment to strike out all after the enacting clause, and insert the following:

That the Arms Export Control Act is amended by inserting after chapter 2A the following new chapter:

"CHAPTER 2B.—SALES TO UNITED STATES COMPANIES FOR INCORPORATION INTO END ITEMS"

SEC. 30. GENERAL AUTHORITY. (a) Subject to the conditions specified in subsection (b) of this section, the President may, on a negotiated contract basis, under cash terms (1) sell defense articles at not less than their estimated replacement cost (or actual cost in the case of services), or (2) procure or manufacture and sell defense articles at not less than their contract or manufacturing cost to the United States Government, to any United States company for incorporation into end items (and for concurrent or follow-on support) to be sold by such a company on direct commercial basis to a friendly foreign country or international organization pursuant to an export license or approval under section 38 of this Act. The President may also sell defense services in support of such sales of defense articles, subject to the requirements of this chapter: *Provided, however,* That such services may be performed only in the United States. The amount of reimbursement received from such sales shall be credited to the current applicable appropriation, fund, or account of the selling agency of the United States Government.

"(b) Defense articles and defense services may be sold, procured and sold, or manufactured and sold, pursuant to subsection (a) of this section only if (1) the end item to which the article apply is to be procured for the armed forces of a friendly country or international organization, (2) the articles would be supplied to the prime contractor as government-furnished equipment or materials if the end item were being procured for the use of the United States Armed Forces, and (3) the articles and services are available to the prime contractor directly from United States commercial sources at such times as may be required to meet the prime contractor's delivery schedule.

"(c) For the purpose of this section, the terms 'defense articles' and 'defense services' mean defense articles and defense services as defined in sectin 47(3) and 47(4) of this Act.

"(d) Section 42(d) and 42(e) is amended by striking out 'and 29' wherever it appears and inserting in lieu thereof '29 and 30'.

"(e) Section 21(i)(1) is amended by deleting the comma following 'under this section' and inserting in lieu thereof 'or under authority of chapter 2B,'.".

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of the distinguished Senator from Illinois (Mr. PERCY), and ask for its immediate consideration.

The PRESIDING OFFICER. There is a committee amendment in the nature of a substitute.

Mr. STEVENS. Mr. President, I move adoption of the committee amendment in the nature of a substitute.

Mr. METZENBAUM. Mr. President, reserving the right to object, and I do not object, can I be informed as to what the amendment is that has been cleared on H.R. 6758?

Mr. STEVENS. Mr. President, I ask that the clerk read the text of the amendment.

Mr. President, I withdraw that request. I yield to the Senator from Pennsylvania.

Mr. HEINZ. Mr. President, if the Senator from Ohio will yield, the House bill, of course, was referred to the Foreign Relations Committee. Senator PERCY and Senator GLENN reported a committee amendment. It is the committee amendment that the Senator from Alaska is referring to as the substitute.

Mr. METZENBAUM. I have no objection.

Mr. STEVENS. Mr. President, because of the problem that the clerk has in intepreting the apparent conflict between the committee substitute and the amendment I have sent to the desk in behalf of the Senator from Illinois, I ask that that matter be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

SURPLUS AGRICULTURAL COMMODITIES DISPOSAL ACT OF 1982

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be discharged from the consideration of H.R. 6142, the CCC stocks and alcohol fuels bill, and ask for its immediate consideration.

Mr. ROBERT C. BYRD. Mr. President, I join in that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6142) to authorize the Commodity Credit Corporation to process its accumulated stocks of agricultural commodities into liquid fuels and agricultural commodity byproducts, and for disposition thereof, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

Mr. EXON. Mr. President, H.R. 6142 is of critical importance and major importance to agriculture.

This Senator has been active for the last 2 hours on the floor, attempting to rescue this bill from near extinction, where it rested at 9:30 p.m.

I appreciate the numerous Senators from both sides of the aisle extending their consideration and assistance in the effort to release several holds and objections.

We are taking an important step forward with this bill for gasohol development, and I urge its passage even at this late hour. I thank all Members for their help.

● Mr. HELMS. Mr. President, this measure will provide specific new authority for utilizing surplus farm commodities now owned by the Federal Government, and I encourage my colleagues to adopt it.

Specifically, the legislation will provide that the Commodity Credit Corporation may convert its stocks of farm commodities into alcohol fuels under terms established by the Secretary of Agriculture. Such fuels would be made available for use by the Federal Government or sold into commercial channels if it can be done without unduly disrupting normal markets.

As my colleagues know, the U.S. Department of Agriculture will typically accumulate stocks of excess commodities during times of high farm production, slack world demand, and low farm prices. That is precisely the situation we face today in the grain and oilseed sector of the farm economy.

These Government-owned surpluses tend to hang over the market, depress farm prices, and cost the taxpayer for storage. The legislation we are now considering will provide for the CCC to utilize these accumulated commodities, without disrupting existing markets.

This is a constructive means of putting our great American Agricultural abundance to work.

Legislation on this topic was first introduced as H.R. 6142 by Mr. BEDELL, Mr. FINDLEY, and others in the House of Representatives. Hearings were held on September 15, 1982. On May 20, a companion bill was introduced by Senators PERCY, DIXON, JEPSEN, ZORINSKY, PRESSLER, and others for consideration by the Senate.

I commend these Members for their initiative. The original version of this legislation was amended into the form before us today, which provides greater flexibility to the Secretary of Agriculture.

I also commend the Department of Agriculture for the initiative they have already taken in implementing a pilot program for converting CCC corn into alcohol fuel.

On April 2 of this year, Secretary Block announced plans for an alcohol demonstration project intended to convert about 4 million bushels of low-quality CCC corn into alcohol over a 2-year period. Through competitive bidding, nine fuel alcohol processors in six States have received contracts to process 2 million bushels of CCC corn in the first year.

As of September 24, 1982, 449,132 bushels of corn had been delivered and 698,000 gallons of denatured alcohol had been produced. The price of the alcohol ranges from $1.53 to $1.60 per gallon.

In addition, the National Corn Growers Association recently provided us a copy of an informative study on

the economic impacts of corn utilization in the sweetener and fuel alcohol industries. The study, prepared by two professors at the University of Illinois, indicates that expanded industrial use of corn will have a beneficial impact on the tax base and the general economy, as well as on farm prices.

Data and experience provided by this study and the pilot projects should help in the implementation of this legislation.

The Department of Agriculture has made clear that the first commodity which they will have converted into fuel and byproducts is the corn now owned by CCC which is deteriorating in quality. About 32 million bushels of CCC corn has been identified as going out of condition. According to USDA, this amount of corn would yield approximately 80 million gallons of fuel ethanol.

I would like to clarify several points with respect to this legislation. First, it is our intent that this authority be used carefully so that sales of byproducts from alcohol fuel processing will not interfere with the marketing of competitive products.

For example, distillers dried grain (DDG) is a byproduct of the alcohol distilling process which has several uses. In some cases, DDG may be an alternative to soybean meal which is already being used. It is our intent that this alcohol processing authority not be used in such a scale or manner as to adversely affect the price of soybeans.

Similarly, the legislation provides that existing markets for alcohol fuels should not be unduly disrupted by use of this authority. However, there is a provision for private sale of the fuel, as long as it is done with care.

Finally, this legislation allows additional flexibility in the disposition of CCC stocks, notwithstanding the provisions of current law. Current law requires that CCC-owned grain may not be sold, except for grain which is spoiling or under certain other limited circumstances, unless market prices rise to certain levels.

The 1981 farm bill included this provision to protect grain markets from the adverse influence of Government "dumping" or selling of grain. Although the proposed legislation will allow expanded use of the CCC grain, it is still our strong intention that it should not be used to undermine or adversely affect normal grain markets. While I am confident that the current Secretary of Agriculture would not do so, I am seeking to establish a record for future years.

Mr. President, although this legislation is not a panacea nor an overnight outlet for large volumes of corn, it is a constructive approach to the problem of surplus commodities.

The tremendous productivity of the American farmer should be a blessing, not a curse. This legislation will allow us to use our excess grain, rather than let it spoil in Government-funded storage at the taxpayer's expense. I hope my colleagues will adopt this legislation.

Mr. President, I ask that an explanation of the bill be printed in the RECORD at the conclusion of my remarks.

The explanation follows:

STAFF EXPLANATION OF H.R. 6142

H.R. 6142 authorizes the Commodity Credit Corporation (CCC) to use agricultural commodities from its accumulated stocks for processing into liquid fuels and agricultural commodity byproducts. Liquid fuel produced from such commodities could be (1) made available to Federal agencies for transportation and industrial fuel uses or stored for emergency uses, or (2) sold in commercial markets. In either case, the liquid fuel must be made available in a manner that does not disrupt the prices in commercial markets for alcohol fuels.

H.R. 6142 also provides that for purposes of determining the feasibility of providing CCC stocks for processing into liquid fuels, the Secretary must consider the costs associated with acquiring and maintaining the stocks of commodities and the prospective value and utility of the stocks after processing into fuel. Within 120 days after enactment of this Act, and each year thereafter, the Secretary must report to Congress on the operation of this alcohol fuels program.●

● Mr. ARMSTRONG. Mr. President, yesterday the House of Representatives passed the Surplus Agricultural Commodities Disposal Act of 1982, H.R. 6142. This action represents a major step toward solving several of the more pressing problems confronting this Nation.

The problem of surplus Government-owned commodities is of paramount importance to our Nation's farmers. These surpluses are choking our farmers to death. The surpluses continually result in depressed market prices, which creates further reliance on the Government, and further additions to the surpluses.

At the same time, we continue to buy fuel from abroad for our strategic reserves, and for domestic fuel consumption. There is a simple and logical solution to these twin problems.

Mr. President, I supported the establishment of a pilot project in the Department of Agriculture several months ago to convert surplus Government grain stocks into alcohol fuels, in order to reduce the size of these surpluses. I continue to support the idea, and I commend the leadership of the Agriculture Committee for bringing this important matter to the attention of the Senate.

One of the key questions in this whole process from the beginning has been how to dispose of the fuel created by this processing of surplus grains. It has been suggested that much of it could be used in Government vehicles, though the distribution system is still somewhat unclear. But from the beginning, the establishment of a strategic alcohol reserve has made a great deal of sense. We continue to pour millions of tax dollars into other nations to stock our strategic petroleum reserves, when we could be using fuel processed here at home.

The technology has existed for some time for the processing of this renewable fuel, and for its use in commercial applications. The only thing missing has been a way to do it cheaply; that is, competitively when compared to the cost of producing gasoline from crude oil. If such fuel can be produced from grain which the Government already owns, though, and which is costing the taxpayers millions of dollars to sit in storage and rot away, it makes little sense not to pursue this course.

I strongly support giving the administration discretionary authority to establish such a reserve. This is an important step toward a meaningful solution to several of our most pressing problems—the energy problem, the agricultural surplus problem, and the balance of trade problem. I thank the committee for its work on this important matter.●

● Mr. JEPSEN. Mr. President, the U.S. Department of Agriculture projects a record corn harvest of 8.32 billion bushels. It is further estimated that the 1982-83 carryover of corn will be approximately 2.8 billion bushels.

Those numbers add up to further downward pressure on farm prices, and additional costs to the Federal Government in removing surpluses off the depressed market.

According to studies, it costs U.S. Department of Agriculture's Commodity Credit Corporation a minimum of 80 cents a bushel to remove corn from the market and into Government storage.

That fact alone should prompt us to explore every avenue to reduce Government-held stocks.

The bill we now have before us, the Surplus Agricultural Commodities Disposal Act of 1982, H.R. 6142, will help in bringing this about.

It provides the Secretary of Agriculture with the needed authority to dispose of Government stocks through conversion into alcohol fuels. It will cost less to convert those CCC stocks into alcohol fuels than to store those stocks as grain.

At the same time, it will help shore up the budding alcohol fuels industry, an industry that could mature into a force to aid in reducing our dependence on OPEC oil.

It makes sense to reduce Government costs—and help relieve pressures on prices—by converting surplus stocks into alcohol fuels.

I urge passage of this vital piece of legislation.●

● Mr. PERCY. Mr. President, I rise in support of the passage of H.R. 6142, the Surplus Agricultural Commodities Disposal Act of 1982. I, together with my esteemed colleague from Illinois, Senator DIXON, introduced its companion here in the Senate (S. 2554) on May 20, 1982, It now has 10 cosponsors. On May 22, 1982, I chaired a hearing of the Governmental Affairs Subcommittee on Energy on the bill.

This legislation has the support of the National Corn Growers Association, the National Association of State Departments of Agriculture, and the Renewable Fuels Association. It has broad local organizational support throughout the Midwest and other grain producing regions of the United States. I have attached, for example, a strong statement in support of S. 2554 by Mr. Larry Werries, director of the Illinois Department of Agriculture.

Dr. William G. Lesher, Assistant Secretary of Economics for the U.S. Department of Agriculture, testified in favor of the legislation on September 15, 1982, provided two minor changes were made in H.R. 6142. Those two changes have now been made.

Shortly, we will be returning home at a time when our farmers should be eagerly anticipating the start of the harvest. The weather has been exceptionally good throughout the Corn Belt this summer and fall. A bumper harvest is predicted.

Instead, many farmers are dreading the economic results of the harvest.

Despite the tireless efforts of Jack Block to correct past governmental mistakes that have driven away our foreign customers, farm income is at its lowest level since the Great Depression.

We have now become the residual supplier to the world for feed grains, instead of the primary supplier. Others such as Brazil, Argentina, the European Community, and Canada are aggressive and effective competitors.

One of the direct offshoots of the Soviet grain embargo of 1980 was the Carter administration decision to purchase 156 million bushels of corn destined for sale to the U.S.S.R.

That corn is still in Commodity Credit Corporation (CCC) storage with little hope that it will be sold. Much of it is in the Panhandle of Texas.

This bill directly addresses the festering problem of what to do with this corn which is costing taxpayers 80 cents per bushel per year in handling, storage, and interest charges. Since the embargo, an additional 115 million bushels of corn have been added to CCC storage because of worsening economic conditions that have resulted in accelerated forfeitures of Government loans.

As of September 24, 1982, there were 271 million bushels of corn in CCC inventories. Next year, the USDA is projecting CCC inventories of 425 million bushels. Some CCC officials are privately predicting even higher inventories.

Just think—in 1977 there was no corn in CCC stocks and now we are running out of storage space for CCC corn. The USDA has authorized the use of barges and hopper cars to store surplus grain, and even that might not be enough. Those barges and hopper cars should be moving this grain to ports for export. Now, they are being prepared to become costly museum relics of a bygone era of booming export sales, an era still fresh in our minds.

I have attached an article by Mr. Lawrence M. Lesser which details the enormous surplus of grain hopper cars. I have also included the United Press International story that was reprinted in the Chicago Tribune entitled: "Jammed Storage Facilities Menace New Grain Harvest."

What a tragedy. Here we have the best farmers in the world, producing the most they can in the face of a tremendous credit squeeze and other major obstacles, and yet much of what they grow will sit in costly storage bins or—worse yet—under plastic sheets in open fields where it will be subject to damage because of insect infestation. I have attached a Wall Steet Journal article that details how Charles Storey of the U.S. Grain Marketing Research Laboratory found that 80 percent of corn stored on farms was infested with insects. The study found that 20 percent of all corn samples were more than half moldy. The study referred to corn in bins, not under plastic sheeting. Mr. Storey also found that one-third of corn samples contained a mold that can produce aflatoxin, a carcinogenic fungus. It should be pointed out that Mr. David Sauer, the report's other author, said few of the samples were poisonous.

I understand that the Secretary of Agriculture initially wants to use the discretionary authority given to him under this legislation along the lines of a promising pilot project approved by the CCC Board of Directors this April. In November 1981, I personally urged Secretary Block to approve such a program.

The pilot project is well underway to convert 4 million bushels of CCC-owned low-quality corn into ethanol over a 2-year period. There are now nine contractors in six States participating in this project.

Under the pilot project, which began in June of this year the CCC contracts with private ethanol processors to convert distressed corn to fuel ethanol for a fee, bid competively. The contractor sells the ethanol on behalf of the CCC and the receipts are turned over to CCC. The processor is permitted to keep the valuable DDG protein coproduct.

The legislation makes it clear that there should be no significant disruption of the market for private processors not participating in this program. Any such significant price disruption would not be in keeping with the intent of the Congress.

I have attached a CCC progress report on the pilot project and an earlier report on it from Alcohol Week.

Eventually, the fuel ethanol could be stored as part of a strategic alcohol fuel reserve (Safure). Both the Congressional Budget Office and the General Accounting Office are now studying the proposal at the request of various Members of Congress.

I had proposed a study of the merits of Safure last year in a letter to Secretary of Energy James B. Edwards.

Both the pilot project and the eventual creation of Safure—if found in the national interest—could create new jobs and economic activity in rural America. A June 1982, University of Illinois study indicated that by 1983, $128 million in new economic activity would be generated by ethanol production in Illinois alone. An additional $31 million in State tax receipts would result from both the production of ethanol and allied products.

This new "value-added" economic activity could not come at a more opportune time. Some experts are predicting that farm prices may even go lower, after the harvest. And no one, up to now, has seriously proposed doing anything else with all this surplus corn—no one, that is, until Representatives BERKLEY BEDELL, PAUL FINDLEY, Senator DIXON, and I introduced this bill.

This bill provides a potential market for at least 100 million bushels of that corn. It is not the only answer we need, but it is a start at helping our distressed farmers, Frankly, as many of us have been hearing of late, farmers are tired of excuses from politicians. They want reassurances that someone, somewhere is actually doing something to help them in their hour of need.

Farmers are not the only ones who stand to suffer. The total cost of storing, handling, and paying interest on this corn has been estimated at about 80 percent per bushel per year. In 1983, that could amount to close to one-half billion taxpayer dollars that would be truly wasted. This money would be better spent to develop new oversea markets for feed grains, to promote value-added agricultural exports, and bring more jobs to rural America.

Let us set the record straight on a number of points. This is not a matter of food versus fuel—it is a matter of food and fuel from surplus products that would go to waste. Recently, I read in Alcohol Week of the successful use of DDG—as a dough and flour conditioner for bakeries and doughnut

shops. This might be an important health breakthrough for proverty-striken elderly, who increasingly subsist on coffee and doughnuts but need fiber for good digestion. The addition of the DDG would give them an important diet supplement for their low-cost diet.

I have attached an Alcohol Week article on the subject.

In a modern, efficient refinery process, the same bushel of corn can be utilized for both food and fuel. During hearings before the U.S. National Alcohol Fuels Commission, Daniel E. Shaughnessy, then Executive Director of the Presidential Commission on World Hunger, testified that:

An examination of near-term world food prospects and the U.S. production potential, indicates that there are immediate opportunities for the concurrent pursuit of both food and energy objectives.

From 1 bushel of corn the modern plant derives 1.7 pounds of corn oil—enough to produce 2 pounds of margarine—3 pounds of 60-percent protein corn gluten meal and 14.5 pounds of 21-percent protein corn gluten feed. The gluten proteins produced from each bushel provide the protein meal requirements for feeding three market weight frying chickens.

From the residual starch, the modern plant produces 2.5 gallons of 200-proof ethanol for blending with gasoline and 15 pounds of carbon dioxide. The carbon dioxide is used in carbonated beverages, flash freezing of prepared food items, and the new and growing application of hydroponic growing of vegetables.

Additionally, the latest studies indicate that the production of ethanol fuels is energy efficient and provides a net energy savings.

Data from the country's largest fuel ethanol producer for the second quarter of 1982 reveals that it took 198,311 Btu's to grow, transport and process 1 bushel of corn into ethanol and coproducts. The Btu value of 2.5 gallons of ethanol and other products resulting from the processing are 344,149. This shows a favorable energy balance of 145,838 Btu's per bushel processed or 58,335 Btu's per gallon of alcohol processed. The above calculations credit ethanol with a Btu value of 84,000 Btu's per gallon. Since alcohol replaces gasoline on at least a gallon-per-gallon basis with comparable performance it can be argued that the gasoline Btu value of 15,000 Btu's per gallon should be used in the calculations. Using this Btu value, the resultant product value is increased to 421,649 Btu's, giving a surplus of 223,335 Btu's per gallon of alcohol produced.

These figures are based on actual operations of an existing ethanol plant using technology now in place. This processing technology continues to improve and a more favorable energy balance will be achieved in the near future.

The alcohol fuels industry will soon produce 600 million gallons of ethanol for the motor fuel market. Sales prospects are excellent: motorists now view it as a valuable octane booster. I have attached a recent statement by Mr. Frederick L. Potter, president, Information Resources, Inc., and an article in the Wall Street Journal.

Worldwide interest in ethanol has increased, despite the global recession. By next year, half of the new car sales in Brazil will be for pure ethanol vehicles, now that some understandable shakedown problems have been resolved. I have attached a progress report on the Brazilian program recently completed by the U.S. Embassy in Brasilia at my request.

The U.S. Postal Service is proceeding at my request with an alcohol-powerd car experiment in Springfield, Ill., and Denver, Colo.

The first results are encouraging, but more work is needed.

Any way you look at it, this legislation makes sense. It solves part of the corn grower's problem. It gives us a strategy to save taxpayer dollars. It offers new employment opportunities in the milling industry. And it provides us with additional, domestically produced and environmentally sound sources of energy.

With close to 150,000 corn farms in Illinois and hundreds of thousands elsewhere in the United States, I urge passage of H.R. 6142.

I would like to personally thank Senator HELMS and his able staff for their assistance in bringing this legislation to the floor. I particularly would like to commend George S. Dunlop, chief counsel of the Agriculture Committee, and Ron Wilson, Jim O'Mara, and Thomas Clark of the Agriculture Committee staff. The bipartisan support for fuel ethanol is very gratifying. I would also like to thank Scott Shearer of Senator DIXON's office for his help.

Again, I would like to point out the strength and resolve of Jack Block and Dr. Bill Lesher of the Agriculture Department in supporting this cost-effective legislation. I am convinced their confidence in the fuel ethanol industry in the United States is well placed.

The attachments referred to are as follows:

EXHIBIT NO. 1

STATEMENT OF SUPPORT FROM THE ILLINOIS DEPARTMENT OF AGRICULTURE—

The Illinois Department of Agriculture and the State of Illinois support the proposed legislation referred to as "Surplus Agricultural Commodities Disposal Act of 1982" (H.B. 6142).

Granted Illinois probably has more to gain than some states because it is a large corn producer and presently produces 70% of the country's fuel ethanol. However, the entire country will share many ways from the benefits of the legislation—a few are listed below.

1. CCC storage and transportation, handling and interest costs could be reduced drastically.

1a. USDA estimates it costs $1.70 per bushel every two years to cover the charges on forfeited price support commodities.

2. Reducing the burden of over supply therefore would tend to improve and stabilize commodity prices.

2a. Dr. Tom A. Hieronymus, noted University of Illinois economist, estimates that for each 1 percent disappearance of corn the price will improve by 2 percent.

3. Any quantity of fuel ethanol produced beyond the immediate federal fleet needs could be utilized in the strategic reserve for national defense.

3a. Properly stored alcohol fuel has almost endless life.

4. Certainly we would reduce our dependence on foreign petroleum fuel.

5. Anytime we can process commodities in the United States employment is increased.

6. Anytime straight or blended alcohol fuels are burned air quality is improved especially in densely populated areas.

7. With less commodities in storage—thus enabling rotation—higher quality of food and feed products would be the result.

EXHIBIT NO. 2

OVERRUN WITH HOPPERS

(By Lawrence M. Lesser)

As recently as two and one half years ago, getting a rail freight car every time you needed one was a feat that even the great Houdini would have found difficult. The economy was strong and grain was moving at record levels. Even boxcars were being pressed into grain-carrying service. In September 1979, the Interstate Commerce Commission pegged the average weekly freight car shortfall as somewhere between 35,000 and 40,000 cars.

Today the problem has flip-flopped: There are a quarter of a million freight cars sitting idle every day. During 1981, there were almost 169,000 more freight cars available each day on the average than were needed. The perennial car shortage has been tranformed into what the railroads are calling a "shipment shortage."

How did this car surplus, or shipment shortage, come about? The surplus can be attributed in part to a national decline in rail traffic because of the depressed economic state of such heavy rail-using industries as agriculture, automobiles, forest products, and steel. However, huge purchases of rail rolling stock in recent years by railroads, private investors, and shippers also have added dramatically to capacity.

Most affected are covered hopper cars, which are the primary equipment used for shipping bulk grain, fertilizer, and other commodities. The number of jumbo covered hoppers (type L-153) owned by railroads over the past eight years has increased by 74 percent (from 50,669 in 1973 to 87,252 in 1981). But non-railroads' ownership has expanded even faster—by a whopping 558 percent (from 9,777 to 64,315)!

The railroads owned 84 percent of all covered hoppers in 1973, the peak of the first giant grain sale to the Soviet Union. But eight years later, the proportion of railroad-owned covered hopper cars had dropped to 58 percent.

Whether the existing problem is characterized as a "freight car surplus" or a "shipment shortage" is a matter of viewpoint, but the fact is that the problem is real and has manifested itself in several ways.

For one, the railroads have had to utilize miles of running track as giant storage areas. In addition, the carriers have come to fear that they are losing control over their own operations as the proportion of cars owned by private interests has swelled.

Carriers have resorted to a varity of measures to control use of non-rail-owned cars on their lines. Some, like Burlington Northern and Conrail, reduced rates on grain carriage to attract business and reduce empty backhauls. Others, like the Chicago & North Western, Illinois Central Gulf, Santa Fe, and Union Pacific, announced that they would restrict the use of privately-owned covered hopper cars on their tracks.

Perhaps the most far-reaching action of any railroad occured last spring when the Santa Fe announced that, effective May 1, 1982, it would revoke authority for shippers to load grain in privately-owned covered hopper cars. Santa Fe explained its new policy this way:

Significant increases in operating costs due to extra switching and lack of classification facilities at Gulf ports jeopardize our ability to continue to provide low cost and expeditious service to grain shippers. For those reason, we feel it is in the best interest of customers for us to no longer permit grain loading in private covered hoppers.

Fifty-six large grain exporters, car manufacturers, and car lessors reacted angrily to the Santa Fe's announcement. They petitioned the ICC last August to review the agreements between railroads and private car owners or lessees (known as "OT-5 agreements") that permit private cars to run on individual rail lines. Organizations representing the chemical fertilizer grain milling, and car building industries joined in support of the petition as did the U.S. Department of Agriculture and agencies of the states of Indiana, Illinois, Missouri, Nebraska, and Texas.

Meanwhile, Santa Fe had second thoughts about its proposed action and, on October 23, withdrew its controversial plan. The railroad also announced that it would continue to accept privately-owned cars on behalf of shippers that held authority from the Santa Fe to use them. But, added Santa Fe, it was still looking for a way to distribute the burden of the surplus more equitably among the railroad and its shippers.

Two months later, on December 23, the ICC denied the petitioners' request to review the OT-5 agreements by ruling that the arguments were not persuasive enough to justify an investigation. The Commission addressed three fundamental transportation policy issues in its decision:

Does a railroad's common carrier obligation require it to utilize equipment it does not own during times of car surpluses?

Does the railroad industry have an obligation to assist private car owners, builders, and lessees in meeting in the economic and financial burdens of car ownership during a surplus since, it is alleged, the railroads "pressured" these interests to acquire rolling stock when there was a car shortage?

In view of the diminishing federal role in regulating rail freight transportation, should the ICC intervene in commercial disputes between railroads and shippers over matters relating to car supply?

FORCED TO BUY

The petition alleged that for more than a decade, policies of the nation's railroads regarding equipment acquisitions resulted in "severe and recurring shortages" of covered hopper cars. Thus shippers were "forced" to acquire their own covered hopper cars in order to move their grain. The petition further alleged that the only way that shippers could obtain the lowest available rail rates (which apply only to grain shipped in privately-owned cars) was to acquire and use their own equipment.

The shippers complained that the eight-year period from 1972 through mid-1980 was marked by "consistent" shortages of covered hopper cars, with the most severe shortages occurring during the massive U.S. grain sales to the Soviet Union in 1973 and 1974, and again in the late '70s.

"What actually happened was that American railroads refused to recognize, or were unwilling to deal with, the fact that permanent change had occurred in the production and disbursement of grain crops—a change which has produced a continuing increased demand for covered hopper cars," the shippers told the ICC. "What were 'peak' demands in the 1950s and 1960s were normal demands by the mid-1970s. It was those normal demands which the railroads refused to recognize or fill."

Shippers also claimed that they were encouraged by the railroads to furnish private cars through a system of mileage allowance payments which were often high enough to defray a large portion of operating costs, although not high enough to cover full costs. In many other cases, the petitioners told the ICC, shippers acquired their own cars "because they were told by carriers short of cash or credit the private cars would be necessary to move grain to market."

The so-called "OT-5 agreements" at issue here actually have their genesis in an Association of American Railroads document entitled, "Circular No. OT-5-E," which is published in the Official Railway Equipment Register. OT-5 provides a mechanism for shippers to obtain "reporting marks" for their cars and for railroads to control the number of privately-owned cars that may be operated. A private car cannot be used unless a reporting mark has been assigned to it. Without a reporting mark, a car is not eligible to receive mileage allowance payments from the railroads over which the car travels.

Over the past decade, most railroads have approved OT-5 agreements during times of car shortages but have denied them during times of surplus. Even when the applications were approved, conditions often were attached, according to the petitioners. These included cancellation upon 30 days' notice, authority to use the cars only in connection with certain rates, terms of only one year, and limits on the time of year when the agreement applied. These conditions often left shippers stuck with expensive equipment on five year lease that they could not use.

Shippers are not the only parties allegedly being harmed. Car manufacturers and car lessors also have felt the economic brunt, according to the petitioners. Since lease and purchase prices for covered hopper cars were depressed and likely would remain so, shippers who leased their equipment would be forced to turn their cars back to the manufacturers and lessors when the leases expired. Not only were the railroads "depriving shippers of the ability to take advantage of the soft car prices," the petitioners argued, "but also were depriving car manufacturers and lessors of competitive market by effectively removing shippers, who in recent years have acquired well over one-half of all new covered hopper cars, for the bidding process."

The petitioners also admitted that efforts to reach an "equitable negotiated resolution" of differences with the railroad industry were unsuccessful. Therefore, the petitioners asked the ICC to "recognize and resolve" what they described as an "economic crisis." The petitioners further asserted that a 1977 ICC decision (Ex Parte No. 334, Car Service Compensation-Basic Per Diem Charges) required the Commission to institute the requested rulemaking.

In conclusion, the petitioners urged the ICC to completely abolish railroad restrictions on the use of private covered hopper cars, except for reasons of not meeting mechanical and safety requirements. Abolishing these agreements "will improve the utilization of existing and future private car fleets, rationalize private car investment, and make private cars more readily accessible to small shippers," they said. As an alternative, the petitioners suggested a "sharing formula" to cover the placement of railroad and privately-owned cars during times of car surpluses.

THE ICC'S DECISION

On December 23, 1981, the ICC handed down a decision in which it announced that it would not investigate the allegations of the shippers, car manufacturers, and lessors, whom the Commission referred to as the "SCOT-5" committee. The ICC said:

"SCOT-5 has not convinced us it would be in the public interest to adopt rules to assist private car owners to bear capital costs associated with their investment during periods of car surplus (either by prohibiting railroads from restricting use of private cars or by establishing some basis for proportional use of carrier and private cars). Indeed, SCOT-5's proposals seemingly conflict with existing statutory and policy considerations."

The ICC questioned the petitioners' contentions that they were "pressured" into obtaining covered hopper cars by the railroads and rejected their argument that the Commission should intervene by requiring the railroads to share the costs associated with the idle private cars.

The agency acknowledged that during past car shortages, some shippers were totally dependent upon railroad-provided covered hopper cars, particularly for the movement of grain from remote producing areas to ports of export. The ICC also acknowledged that various railroad rates and rules, such as preferential rates for covered hopper cars over boxcars, lower rates for private cars than for railroad-owned cars, and mileage allowances, encouraged shippers to acquire covered hopper cars. But these considerations did not establish that shippers were "pressured" into acquiring cars.

"Indeed, other considerations—namely, the inherent volatility and unpredictability of the grain market as well as the business judgment that these cars were good investments—appear to have been a greater factor than any deliberate railroad activity," the Commission concluded.

Because of the inherent unpredictable nature of the grain market, car shortages have to be expected periodically, the ICC explained. During times of car shortages, shipper demand for covered hopper cars intensifies, which in turn makes private equipment acquisition attractive not only to shippers but to car manufacturers and "speculators," who purchase the cars and lease them to shippers and carriers in the expectation of earning a large profit.

In fact, during its consideration of the petition, the ICC found that a substantial ma-

jority of cars owned by the companies that filed the petition actually were registered to the accounts of three such "entrepreneurs." In view of these substantial investments by non-shippers, the Commission concluded that the assertion that the railroad "forced" shippers to acquire cars was greatly overstated, if not misleading.

The agency further pointed out that the railroads never promised that the incentives to encourage private car acquisition always would be offered. Rather, a prudent investor should be aware of the risk that railroad incentives offered during periods of car shortages might be withdrawn during periods of surplus.

If authority to use private cars should be revoked by the railroads, the ICC said that shippers, builders, and lessors would have the option either of holding onto their idle, non-revenue producing cars (in anticipation of renewed demand that would increase the value of the equipment) or negotiate sales or leasing arrangements with railroads or with other shippers. "Investors should expect demand fluctuation and assume the possibility of losses as well as profits," the ICC cautioned.

Perhaps the most important policy issue raised in the case was whether the nation's railroads, in accordance with their obligation to provide service upon reasonable demand, also had a common law or statutory duty to accept cars on their lines that they did not own. The ICC concluded that they did not, and cited a 1934 decision (*Use of Privately-Owned Refrigerator Cars,* 201 I.C.C. 323, 373-4) as a relevant precedent:

"It is well-settled law that it is the duty of common carriers by railroad to furnish such cars as may be reasonably necessary for the transportation of all commodities they hold themselves out to carry . . . It is optional with them whether they exercise that right by furnishing cars owned by them, cars owned by other carriers, or cars leased from independent contractors.

"A private car owner, whether he be a shipper or not, has no right to have his cars used as a vehicle for the transportation of freight over the rails of any carrier without its consent. If the carriers have suitable cars and will furnish them on demand, they may refuse to transport shipments in private cars."

In other words, a railroad is under no obligation to use privately-owned equipment as long as it is able to furnish shippers with railroad-owned cars upon reasonable demand. Only if a railroad defaults in its duty to provide cars does it forfeit its right to exclude private cars.

Since the railroads have not failed to furnish covered hopper cars during this period of car surplus, the Commission concluded that they are entitled to exclude privately-owned cars. If the ICC were to compel the railroads to accept private cars at the expense of idle carrier equipment, overall rail revenues would be reduced and all shippers would have to pay higher freight rates to make up the difference.

FOLLOWING STAGGERS

The ICC also signaled carriers and distribution managers, in its first ruling on the subject since enactment of the Staggers Rail Act of 1980, that it would not be consistent with the new national rail transportation policy for the Commission to intervene at the expense of the railroads and shippers in general to protect investments made by some shippers, car builders, and lessors. Rather than helping the railroads to improve their revenue position, as the Staggers Act requires, this proposal would have the opposite effect.

Moreover, the Staggers Act directs the Commission to encourage carriers and shippers to rely as much as possible on negotiated contracts and market forces rather than on regulatory intervention to resolve economic disputes. Although the petitioners questioned whether contracts could be negotiated to resolve their difficulties, the ICC concluded that contractual solutions might be a feasible way for shippers and railroads to share the costs associated with car ownership during times of equipment surpluses.

THE CAR SUPPLY OUTLOOK

The year 1981 was marked by unprecedented surpluses of virtually all types of rail freight cars. There even were surpluses of open top hopper cars (used for hauling coal) despite a sharp upswing in coal shipped by rail.

Because of a 12-week strike, coal shipments for 1981 increased only by one percent over 1980 levels. A recent study prepared for the Association of American Railroads estimated that coal traffic this year will rise only by five percent. The only other major traffic grouping that rose in 1981 was trailer-on-flatcar and container-on-flatcar, which advanced only by 2.6 percent.

Other important revenue-producing traffic declined. Grain was down 14 percent; food products declined 13 percent; forest products (including lumber and paper) were off 8 percent; automobile and truck shipments were down 5 percent; and chemical shipments dropped 4 percent. Overall, the nation's railroads hauled an estimated 915 billion ton-miles of freight in 1981, a decline of 0.4 percent from 1980's record 919 billion ton-miles.

If traffic patterns continue as they have so far, business is likely to continue at reduced levels, at least for the first half of the year, and the car surplus will remain.

The key to a rebound in rail traffic and a reduction in car surpluses lies with grain. Grain traditionally is one of the top three revenue-producing commodities for the railroads. A hefty boost in export sales would cause the surplus to evaporate.

In 1979, 56 percent of all grain shipped by rail was exported. However, exports dropped considerably in 1980 and 1981 after President Carter embargoed grain sales to the Soviet Union in response to the Soviet invasion of Afghanistan.

Today, the grain market continues in the doldrums, as sluggish demand, bumper crops, and high interest rates have forced farmers to place their crops in storage rather than sell at a loss. Meanwhile, rail sidings throughout the grain belt are lined solidly with expensive empty jumbo hoppers. A major reason is that grain exports to the Soviet Union—our largest foregin buyer—have been far lower this year than anticipated. As this article went to press, the Soviets had purchsed less than half of the 23 million metric tons they are authorized to buy this year.

Political considerations beyond the control of grain shippers, railroads and other car owners cloud the future. President Reagan lifted the 1980 embargo shortly after he took office. But then late last year, he imposed other trade sanctions—but not a grain embargo—in retaliation for Soviet involvement in Poland. The sanctions included: postponement of negotiations over a new long-term U.S.-Soviet grain agreement and suspension of negotiations over a new bilateral maritime accord.

Even if the U.S. economy should rebound during the second half of the year, there is likely to be a continuing surplus of rail freight cars—particularly grain-hauling covered hoppers—for the rest of 1982. In order for the freight car surplus to abate entirely, not only would the nation's economy have to undergo a sustained growth period, but U.S.-Soviet relations would have to improve to the point where a new bilateral grain agreement could be signed, authorizing the Soviets to purchase even greater amounts of American grain. Then grain prices might rise, and grain would begin to move.

EXHIBIT No. 3

[From the Chicago Tribune]

JAMMED STORAGE FACILITIES MENACE NEW GRAIN HARVEST

Across the Southwest and Mid-west the story is the same. With the harvest still underway, many elevators are nearly full because of a bumper wheat year, low prices and government-owned crops costing millions to store annually.

The situation has become so critical in some areas there's talk of letting the expected sorghum and record-high corn crops rot in the fields or dumping them on the ground outside the concrete elevators that rise like monoliths from the plains.

Agriculture Secretary John Block two weeks ago approved emergency storage of grain crops—which also include soybeans, oats, barley and rye—in surplus barges, rail cars and other facilities not normally qualified to store harvested crops.

"There will be a bigger problem this fall than there has been for many years," said Herb Cast, associate director of the Kansas City, Mo., field office of the U.S. Commodity Credit Corp. "With the crop coming in, we could be faced with record problems.

"It's partly because of the accumulation of grain owned by the government, partly because of the record volume of grain still owned by the farmers but pledged into the reserve program and, last but not least, the anticipated size of the new crops," he said.

"It's kind of scary in some places whether there is going to be enough storage space."

Farmers say they hope the emergency storage will help ease the crisis but warn it will take expanded export markets, higher prices, new policies or a bad crop year next year to prevent an even worse storage problem.

"This whole darn thing seems to be working against us," said Jerry Schweitzer of Farmer's Co-Op Elevators in Dighton, Kan.

"The thing we need to do is get somebody using our grain rather than storing it. Every bushel in reserve is costing the government. We need to see better prices that would encourage the farmer to sell grain rather than put it in reserve."

Taxpayers are paying a whopping $168.7 million annual bill to store 491 million bushels of government-owned wheat, corn and sorghum in the nation's elevators alone—most of it because farmers are finding it more profitable to default on their government price support loans than sell on the open market.

Millions of bushels were bought by the government from financially strapped farmers after President Jimmy Carter imposed the Russian grain embargo. President Reagan has lifed the embargo for a year but there is a worldwide wheat glut.

Meanwhile, farmers have put 2.1 billion bushels of wheat, corn and sorghum in the three-year price support reserve program

and 499 million bushels of the same crops in the nine-month U.S. Commodity Credit Corp. plan—all crops stored in farm bins or elevators.

The storage problem is most severe in Kansas, Nebraska and the Texas Panhandle because they have several grain crops a year that need to be stored.

EXHIBIT No. 4

[From the Wallstreet Journal, Sept. 15, 1982]

FARMERS' BINS HOLD CORN, WHEAT, OATS AND LOTS OF BUGS

(By Terri Minsky)

Farmers' bins and silos are full of corn, wheat, oats—and bugs.

A study to be released next year by the U.S. Grain Marketing Research Laboratory in Manhattan, Kan., shows that 25% of the wheat, 56% of the oats and 80% of the corn stored on farms contain live insects. The study, financed by the Agriculture Department, sampled 8,000 bins in 27 states in 1980. Almost none of the farmers fumigated, cleaned or treated the grain before storage to prevent infestation, and some of the grain in the bins was four years old, the study said.

The problem is likely to get worse. Two-thirds of the nation's grain is stored on the farm, rather than in commercial grain elevators. And with prices so low that farmers can't make a profit on the crops, they aren't ready to sell them any time soon. "The more grain you pile on, the easier you make it for bugs to live and reproduce," Charles Storey, the study's co-author says. The bugs, specifically grain beetles, moths and grain borers, are protected from cold weather by the growing heaps of grain.

The infestation, which in some cases averaged 890 insects per 1,000 grams, or 2.2 pounds, of grain, mostly hurts the farmer. Most of the bugs never are consumed by humans, because much of the grain is fed to livestock. Livestock can eat the buggy grain "because, after all, it is just a little more protein," Mr. Storey says. "Bugs aren't inedible or poisonous, it's just that they consume the grain . . . and make it worthless."

But the farmer finds that grain elevators discount the price of infested grain as much as 20 cents a bushel. It also is expensive for a flour miller, who must remove bugs living inside the kernels, even though the official tolerance level is 50 insect fragments in 50 grams of flour.

The infestation occurs because farmers don't take the time to dry out their crops before storing them, and many don't even spray with insecticide. "During the harvest, it's hurry, hurry, hurry," Mr. Storey says. During troubled times, farmers also cut back on any expenses they can, including insecticide, he adds. As a result, grain that has been in storage for a year is as likely to have bugs as grain that has been stored for four years.

The study also examined mold growth in farm bins and found that 4% of the wheat samples and 20% of the corn samples were more than half moldy.

As many as one-third of the corn samples contained a mold that can produce aflatoxin, a carcinogenic fungus. But David Sauer, the report's other author, said few of the samples were poisonous. The most likely effect of the mold, he says, is that the livestock who eat the grain would gain weight less quickly.

The situation probably hasn't improved since the study. And it may have been exacerbated by the current glut of grain, the authors say. This year's record crops probably won't fit into the available farm storage space, and many farmers say they will simply store their grain on the ground, protecting it only with a plastic cover.

EXHIBIT No. 5

Subject: Status of Alcohol Demonstration Project.

On April 2, 1982, Secretary Block announced plans for an Alcohol Demonstration Project intended to convert about 4 million bushels of Commodity Credit Corporation (CCC)-owned low-quality corn into alcohol over a 2-year period. On May 14, the Kansas City Field Office (KCFO) sent alcohol processors and other interested persons an announcement of the terms and conditions for participation and an invitation to submit competitive bids. The invitation was for approximately 2 million bushels to be processed in 1 year.

On June 10, awards were made for the conversion of 650,000 bushels to the first three firms listed below. Invitation 2, to "fill out" the 2 million bushel first year goal, was issued on June 25. On July 22, awards were made for 1,350,000 bushels to the remaining firms listed. Midwest Solvents Co., received awards under both invitations.

Offers were evaluated using the following considerations:

1. Offer price per gallon.

2. Conversion factor (gallons per bushel guaranteed).

3. Estimated per gallon value of alcohol.

4. Location of available inventory.

5. Estimated transportation cost of applicable inventory to contractor's facility.

The attached chart shows the actual progress of the Demonstration Project as of September 24, 1982.

USDA contacts for information on Alcohol Demonstration Project: Carl Graham, phone 447-4253, or Larry Ackland, phone 382-9105.

Attachments.

PROGRESS REPORT FOR ALCOHOL DEMONSTRATION PROJECT

Name and location	Bushels awarded	Price per gallon	Conversion factor (gallons Per bushel)	Corn delivered as of Sept. 24, 1982 (bushels)	Alcohol (gallons)			Price per gallon
					Produced	Sold	Available	
Charmec Energy, Muleshoe, Tex	350,000	$0.695	2.4	44,393	48,825	40,929	7,896	$1.528/$1.60
Midwest Solvents Co., Atchison, Kans	200,000	.8042	2.5	253,070	617,875	559,000	58,875	1.53/1.54
	60,000	.7953	2.5					
Illinois Alcohol Fuel & Feed, Ottawa, Ill	100,000	.40	2.2	26,500	300	0	300	
Pan Handle Ethanol Pro. Co., Groom, Tex	250,000	.70	2.5	10,100	4,500	0	4,500	
De Boer Bros., Smithfield, Nebr	150,000	.55	2.2	0	0	0	0	
Longhorn Alcolhol Fuels, Inc., Muleshoe, Tex	90,000	.67	2.3	24,794	0	0	0	
Southeast Missouri Distillers, Morehouse, Mo	135,000	.685	2.3	8,676	0	0	0	
Ecological Energy, Inc., Roca, Nebr	100,000	.787	2.3	10,973	9,000	1,000	8,000	1.60
Colorado Gasohol Inc., Walsh, Colo	565,000	.7495	2.5	70,626	17,500	9,500	8,000	1.54
Total	[1] 2,000,000	[1] .7021	[1] 2.413	449,132	698,000	610,429	87,571,	1.528/1.60

[1] Weighted average.

EXHIBIT No. 6

[From Alcohol Week, Aug. 9, 1982]

CCC CONTRACTORS DOING BOOMING BUSINESS IN ETHANOL, DDG

All the fuel ethanol and distillers dried grains that can be produced—and more—are being sold by producers awarded contracts by the U.S. Commodity Credit Corp. (CCC) for conversion of off-grade corn to ethanol. Markets for ethanol and DDG are expanding rapidly, the producers report, especially in the last weeks and months (and the CCC corn is only just beginning to be delivered to the contractors).

Their experience tallies with that of other producers and also of wholesalers of fuel ethanol, such as Scientific South of Alabama. The consensus is that gasoline jobbers and retailers in several states have found that blending ethanol into gasoline is a sure way of making profit and beating their competition. Gasoline profit margins have become very thin, and the small retailers are being crushed by large companies in many areas, sources say. The situation can be retrieved by blending ethanol and using the state and federal tax incentives.

Some of the CCC contractors contacted by Alcohol Week are experiencing such booming demand that their own production capacity is insufficient and they are buying ethanol from other producers in order to keep their customers. They typically buy 190-proof ethanol from producers without anhydrous capability and upgrade it for use in gasoline blending.

The CCC contract arrangement is that the CCC will deliver the contractors off-grade corn (typically No. 4 and 5 grade) and the ethanol producers will process it for a fee per gallon of ethanol. They can keep the distillers grains byproduct. The ethanol is to be sold for the CCC on the open fuel market.

Ironically, Alvin Jenkins, who played a principal role in starting the idea of converting CCC surplus grains to fuel ethanol, did not get a CCC contract for his Baca Food & Fuel Cooperative of Campo, CO. He intends to follow up the CCC pilot project (2-million bushels) with a much bigger program under which all CCC surplus grains could be converted to fuel ethanol. Two congressional bills have the same aim. The pilot project contracts are "a tremendous good deal for the ones that got them," he said.

The CCC off-grade corn represents salvation for some producers. A source at one of them, Southeast Missouri Distillers Inc. of

Morehouse, MO, said he was down to his last $400. Since he couldn't afford to buy corn, he was about to go out of business when the CCC contract came in. Now he has 135,000 bushels of off-grade corn about to arrive, from which he will be able to make 310,500 gallons of anhydrous ethanol. "We will make a real good profit," he said. His fee to the CCC for processing the corn: 68.5¢ a gallon. The ethanol will be sold for $1.60–$1.62 per gallon f.o.b. The plant has a capicity of 800,000 gallons/year and has been in production, on and off, for some months. The plant was built for less than $200,000, out of used parts.

Midwest Solvents of Atchison, KS will receive a total of 260,000 bushels of corn (making 650,000 gallons of ethanol) under two contracts. The fee under one contract is 80.42¢ a gallon and under the other, 79.53¢ a gallon. The company has ethanol capacity of some 20-million gallons/year.

Midwest sees the CCC corn as a way of reducing its overall grain costs. Its fuel ethanol business "seems to be moving really fast," said a company source. "We moved two loads yesterday, two today, [and will move] three tomorrow, and two for each of the two following days," he said.

A good deal of the off-grade corn is stored in the Texas Panhandle, where it was placed in 1980 when President Carter imposed an embargo on exports of U.S. grains to the USSR. Three of the nine companies with CCC contracts are in that region: Charmec Energy Corp. of Muleshoe, TX; Longhorn Alcohol Fuels of Muleshoe; and Panhandle Ethanol Producers of Groom, TX.

Panhandle Ethanol Producers is currently getting into full production at 600,000 gallons/year anhydrous although it has been selling quite a bit of wet ethanol to stripper gas wells in the area. "They use it mainly as a dehydrator" for the wet natural gas, said a company source. "We are just beginning to open up markets for this area" in ethanol and DDG, he said. "We are not far from refineries, so we have a pretty good potential for developing markets." The company intends to sell more ethanol to the operators of the stripper gas wells at about $1.30 per gallon for 150-proof. Price of its anhydrous will be $1.70–1.75 f.o.b. the plant. DDG will be sold to surrounding feedlots and dairies.

Colorado Gasohol of Walsh, CO is producing an average of some 6,000 gallons/day anhydrous ethanol (about 1.92-million gallons/year), sold at $1.60 per gallon f.o.b. terminals in Pueblo, CO and Denver. Larger customers take the ethanol at the terminal; small customers buy at the plant.

"We are buying low-proof ethanol from wherever we can get it where it is economic," for upgrading to anhydrous, said a company source. The company is also buying anhydrous ethanol from other producers and marketing it for them.

"There is no problem at all in selling [ethanol] as long as you have it priced competitively with gasoline and give the marketer some profit incentive to market ethanol," said the source. "We are looking for additional sources of alcohol all the time to keep our markets going, and we have turned down customers," he said.

DDG sales to local feedlots are going very well, he went on. Customers "take all we can produce. We screen and press the distillers grains and deliver it with 60 percent moisture" twice a day to local feedlots, he said. Stillage water is concentrated and also marketed locally.

The plant has been running on milo, with some low-grade wheat. The CCC off-grade corn represents about a 220-day supply of feedstock. "If we can work it out with the CCC we intend to run to about mid-October on it and then start using locally produced milo until about March and then go back to the CCC corn," said the company official.

The main reason Colorado Gasohol went after the CCC corn is that grain supplies in the area are tight, the source said. The U.S. Department of Agriculture (of which the CCC is part) took much of the local grain off the market in its purchase program. "We are paying considerably above the elevator posted price for milo, and it is awfully hard to get," said the source. Nevertheless, local prices are seen as unlikely to rise to the "release" level at which the USDA will start selling its reserve grains.

DeBoer Bros. Renewable Energy has a 300,000 gallons/year plant at Smithfield, NE and is in process of doubling capacity. It is selling all the ethanol it can produce at $1.72 per gallon directly to some 20 local blenders and through a Williams Pipeline terminal at Hastings, NE. "There's no problem at all marketing" product, said a company source. DDG is all sold to local dairies. Corn and milo are plant feedstocks. The CCC corn will be processed for 55¢ a gallon.

The company went through "a period of pressure with the lowering of gasoline prices, but now we are seeing a recovery," said the source. Gasoline prices have risen and ethanol prices are lower than they have ever been, and ethanol represents an "extremely good decision" for the station owner as he struggles to make a profit.

Charmec Energy of Muleshoe, TX believes it can make a profit on its 69.5¢ a gallon fee (840,000 gallons). The company is determined to make the CCC pilot program work and "go the extra mile to make sure we do our job on time and deliver everything that we said we could," said a company source. "The program keeps a lot of our working capital out of the corn and into our overhead."

He thought the ethanol to be produced would have a positive effect on the ethanol market, rather than harming it, as some in the industry fear. "The Texas market has not taken off like the other states. One of the reasons is that there has not been a guaranteed supply [of ethanol] at reasonable cost," he said.

EXHIBIT No. 7

[From Alcohol Week, Sept. 13, 1982]

DDG is being used as a dough and flour conditioner for bakeries and doughnut shops in southern Idaho, being marketed by Protein Alpha Inc. of Twin Falls, ID. It is moving some 1,200 lb per month of brewers grains (very similar to DDG, said a company source) and DDG which it gets from small-scale ethanol production.

However, Protein Alpha's perception of DDG's great potential for uses in food preparation is being frustrated by lack of financing to build a combined ethanol plant and bakery in Twin Falls. It is still trying to find financing, including foreign funds.

The company source said local bakeries and doughnut shops are finding that Protein Alpha's DDG and brewers grains make dough rise faster and go further. "The doughnut shop gets 13 [doughnuts] out of what it used to get 12," said the source. The baker pays 51¢ a lb for his doughnut mix and extends it with DDG or brewers grains sold by Protein Alpha at 40¢ a lb. "He dilutes his costs and winds up with more product," the source said. Protein Alpha has found good acceptance for its product.

Company plans include a 125 gallons/day ethanol plant which would produce 1,000 lb of DDG per day. The anhydrous ethanol would be the byproduct and be sold at about $1.50 per gallon, the source said. The ethanol's low price would be possible because the main product line would be the DDG. "Most flours don't meet minimum nutritional requirements," said the source. "So you have to buy protein supplements—they are really at a premium—or add some kind of nutritional additive like gluten. Gluten is about 90¢ a lb." Protein Alpha believes it could make protein supplement DDG for 18¢ per lb.

"A lot of people in the food industry are looking at DDG," he went on. "Coors [the brewer] is selling its brewers grains for food." Protein Alpha hopes to offer testing services to large-scale food companies which could try out their recipes at the proposed DDG plant. "It's a good idea but it needs money," said the source.

EXHIBIT No. 8

THE GROWTH AND CAPABILITIES OF THE U.S. ETHANOL INDUSTRY

(By Frederick L. Potter)

Although the general public, the press and even the majority of Congress has probably forgotten about fuel ethanol, or "gasohol" as the ethanol-gasoline blend was termed back in 1979 when the U.S. faced its most recent shortfall in crude oil and petroleum products; the fuel ethanol industry has experienced a rate of growth since 1979 which has been nothing short of remarkable. Over the past two years, a period characterized by less government emphasis on alternative fuels, an economic growth rate which can only be measured as stagnant, and a softening in real crude oil prices (led by a recession-induced reduction in demand), the fuel ethanol industry has increased its sales derived from domestic producers by five-fold. The ethanol industry has also increased its capacity to produce fuel grade product to over 600 million anhydrous gallons per year.

During the spring of this year, sales of ethanol enhanced motor fuels (formerly termed "gasohol"), achieved over 1% of total U.S. gasoline sales. Market penetration levels have increased markedly over the past few months, and I expect that between 1.5 and 2.0 billion gallons of ethanol enhanced product will be sold in the U.S. gasoline market in 1982. Market penetration levels of ethanol blends should equal 2% by early next year—a market penetration which compares to the highly publicized transformation occurring in the long distance telecommunications industry. Ethanol enhanced motor fuels may reach a three percent market penetration level by the last quarter of 1983.

INDUSTRY CAPABILITIES

Responding to the demand from U.S. motorists regarding higher octane-high performance gasolines (See Appendix B), the domestic ethanol industry has increased its capacity to produce fuel grade product by 500% since 1979. According to the results of a six-month-long U.S. fermentation ethanol market survey recently completed by our company, (See Appendix C) the U.S. fermentation ethanol industry will have the capability of producing over 600 million gallons of fuel grade ethanol annually by Janury, 1983.

Accordingly, if the ethanol industry were running at full capacity, it would have the capability of utilizing 255 million bushels of

grain annually (See Appendix C). As of January 1, 1983, the surplus fermentation ethanol production capacity in the U.S. will represent an incremental grain utilization capability of 160 million bushels. Excess operating capacity is expected to diminish during 1983, but certainly a figure of 80 to 100 million bushels of utilization capability can be safely determined as "available" for surplus grain.

The 600 million gallon production capacity figure includes all facilities which have been built in the United States and are capable of processing fuel grade ethanol. At this time, nearly 100 million gallons of production capacity lies idle either for lack of a market or due to financial or technical problems. Given the proper signals, this production capacity could be brought back on line in a short period of time.

Today, there are over 100 fermentation ethanol facilities existing in the United States. These facilities vary in size from facilities having less than 500,000 annual gallons of production capacity to several facilities capable of processing more than 50 million gallons per year. Thirty-one states now are able to claim ethanol processing capabilities. The bulk of the production capacity is located in the midwestern part of the United States—concentrated primarily in the central midwest (Illinois, Iowa, Nebraska, Kansas and Ohio) where the largest production facilities operate. The upper midwest, including Michigan, Wisconsin, Minnesota; and the south west, including Texas, New Mexico and Oklahoma also represent substantial regional production capabilities. Californiia, Colorado and Washington hold the largest production capabilities in the west. Kentucky, Virginia, Maryland and Georgia possess the greatest production capabilities in the east. Information Resources will be willing to provide the subcommittee staff with detailed size and location analysis if it so desires.

NEW PRODUCTION CAPACITY

In 1980, applications to the varying Department of Energy (DOE) and Department of Agriculture (USDA) alcohol fuel feasibility and loan guarantee programs represented well over two billion gallons of fuel grade ethanol production potential. Today, nearly 400 million gallons of conditional loan guarantees commitments still rest at DOE. New Energy Corporation of Indiana, a 52.5 million gallon per year facility, is the closest to completing its financing package and beginning construction. Ethanol production is scheduled to begin in 1985. It is reasonable to assume that several large scale DOE projects might follow New Energy. These facilities would begin production in late 1985 or early 1986 depending on their size and the date they would be able to close financing and begin construction.

A great deal of additional U.S. ethanol production capacity potential also exists through the B & I program at USDA. A few projects have recently been closed and several are now in their final negotiation stages with USDA. By the end of 1983, one could expect between 50 and 100 million additional gallons of conditional production commitments to have been issued by USDA. Production from these facilities would begin in 1984 and 1985.

CONCLUSION

In summary, it is clear that the fermentation ethanol industry has experienced a remarkable rate of growth since its inception in 1979. Sales and production capacity have increased by over 500%. The ethanol industry currently has the capability to meet the commercial demand for its product and also utilize government held surplus grains to meet the fill requirements of a Strategic Alcohol Fuel Reserve. The ability of the ethanol industry to continue to meet each demand simultaneously in the future will depend on the outcome of the government loan guarantees currently under negotiation, the commercial demand for ethanol, and the established fill rate requirements of the Strategic Alcohol Fuel Reserve.

APPENDIX C.—U.S. ETHANOL PRODUCTION CAPACITY, JANUARY 1, 1983

	Number	GPY
Total:		
Anhydrous	81	599,230,000
Fermentation	104	649,815,000
Excess Anhydrous	36	28,000,000
Over 500,000 (GPY)	78	598,110,000
Under 500,000 (GPY)	24	5,605,000
Producing:		
Anhydrous	71	505,080,000
Fermentation	76	555,030,000
Excess Anhydrous	32	19,100,000
Over 500,000 (GPY)	60	499,350,000
Under 500,000 (GPY)	12	3,280,000
Nonproducing:		
Anhydrous	10	94,150,000
Fermentation	28	94,785,000
Excess Anhydrous	4	8,900,000
Over 500,000 (GPY)	18	98,760,000
Under 500,000 (GPY)	10	2,325,000
Processes:		
Wet Milling	5	320,000,000
Dry Milling	97	319,815,000
Other	5	10,000,000
Grain utilization capacity (bushels per year):		
Wet Milling		128,000,000
Dry Milling		127,926,000
Other		(1)
Total		255,926,000

[1] None.

EXHIBIT NO. 9

[From the Wall Street Journal, Sept. 7, 1982]

NEW APPROACH IS INCREASING GASOHOL SALES

(By Jeffrey H. Birnbaum)

WASHINGTON.—Remember gasohol? A couple of years ago, the grain-alcohol gasoline mixture was hailed as a home-grown way to stretch gas supplies and break U.S. dependence on Arab oil. But when petroleum supplies grew and gasoline prices fell, gasohol was widely dismissed as a failure.

Don't believe it. In the Midwest and West, gasohol has been selling well, partly because it isn't called gasohol anymore. "The word gasohol just got to connote something inferior," says John Livengood, vice president, chemicals, of Publicker Industries Inc., Greenwich, Conn.

Marketers have dropped the patriotic sales pitch and are promoting the 90-percent gasoline-10-percent alcohol concoction as a cheap way to increase fuel octane, or power, without lead. Its new name: Super unleaded with ethanol. "Ethanol sounds like a fuel that will run my car real well," says Tom Pearson, an analyst for the Iowa Development Commission.

SALES DOUBLE

Growing numbers of motorists apparently agree. While gasohol is still a small part of the gasoline market, trade reports show that gasohol sales, under any name, have nearly doubled since last year. "The truth is, the ethanol industry is alive and growing," says Daniel Greer, a divisional vice president of Ashland Oil Co., which markets gasohol. The industry has been revived by a combination of falling prices of corn, from which ethanol is distilled; federal and state tax incentives, and studious avoidance of the blemished name.

Critics doubt the growth will continue. They say gasohol can only compete in the 32 states that exempt it from some taxes. (It also gets a federal tax exemption.) The state exemptions, which range from one cent to nine cents a gallon, are scheduled to expire during the next several years. In addition, many motorists still fear that gasohol might damage their engines.

The early proliferation of scams involving questionable tax shelters and schemes that defrauded investors also scarred the industry's reputation. "I won't say that's entirely over," concedes David Halberg, president of the Renewable Fuels Association, a trade group here. "But, in general, only the most capable and committed people are still in the business. The industry has been the victim of some claims that were blown out of proportion," he says.

REAGAN'S OPPOSITION

One of gasohol's frequent critics is President Reagan, a fact that has repelled several potential investors. The president's effort to rescind gasohol's tax break was rebuffed by Congress this year, but he hasn't given up. Last month, Mr. Reagan said, "you actually use more energy than you get back in the ethanol that you produce"—an accusation industry spokesmen deny.

Federal credits are essential to gasohol's survival. The federal government exempts gasohol from its four-cent-a-gallon tax on gasoline. Because each gallon of gasohol is one-tenth ethanol, the tax break amounts to a 40-cents-a-gallon subsidy on the ethanol. All that and more is needed, however, to place gasohol near parity with unleaded gasoline, which costs about $1 a gallon at the refinery. "The dependence on subsidies clouds any future decision" about building grain-alcohol plants, says Mr. Livengood of Publicker, a major maker of petroleum-based ethanol for industrial uses and part-owner of a corn-ethanol plant.

In the meantime, ethanol producers are riding high in a small but profitable industry. Alcohol Week, a trade publication, says gasohol sales in 26 states rose 111% in the first five months of 1982 from the year-earlier period. The Renewable Fuels Association says fuel-ethanol production capacity will reach 600 million gallons next year, six times the 1981 capacity and one-third more than currently.

One spur to this growth has been the long-depressed price of corn, an important raw material in ethanol. Thanks to a record harvest last year, and the expectation of a second record crop this year, corn prices have fallen about 20% in the last 12 months, reducing the cost of its byproducts as well. In July 1981, ethanol sold for $1.80 a gallon; today it is closer to $1.65 a gallon.

Farmers are eager to sell more corn, and some see gasohol as a promising outlet. So does the U.S. government, which is likely to be gutted with more than 300 million bushels of corn by Oct. 1. Private analysts estimate that the stocks of U.S.-owned corn may grow to 400 million bushels by Oct. 1, 1983.

Farm Belt congressmen are considering several ways to encourage corn sales for ethanol production. This summer Congress ordered the administration to study the need for a strategic Alcohol Fuel Reserve, an ethanol-based brother of the Strategic Petroleum Reserve, which is designed for use if foreign sources of energy are cut off. Some lawmakers also say the U.S. should contract

with private ethanol makers to convert U.S.-owned corn into gasohol to power federal vehicles. The lawmakers reason that this would create jobs and save the U.S. warehousing costs.

Gasohol also will be helped by the Enviromental Protection Agency's plan to continue existing limits on the use of lead in gasoline, despite White House pressure to lower them. Ethanol can be added to gasoline as a substitute for lead, which health experts say is a dangerous pollutant.

In Iowa, the nation's largest corn-growing state, a lot of gasohol is sold, even though a state tax break has been trimmed. Gasohol sales in Iowa grew to 43.9 million gallons in April from 15 million gallons in September 1981. On May 1, gasohol's excise tax exemption was reduced by two cents to a nickel a gallon, but sales in the month declined only slightly to 42 million gallons. "The market isn't expanding at the rate it was, but it will maintain a high market penetration," says the development commission's Mr. Pearson.

Some of the big names in the oil business and on Wall Street continue to bet that ethanol will have a place in gasoline; Texaco Inc. and Ashland own interests in ethanol plants. E.F. Hutton and First Boston Corp. are selling limited partnerships in a South Bend, Ind., ethanol plant called New Energy Co. of Indiana. "The ethanol industry can take a licking and keep on ticking," says, Strud Nash, Hutton's vice president, biomass fuels.

EXHIBIT No. 10

STATE DEPARTMENT TELEGRAM ON BRAZILIAN ETHANOL PROGRAM

From: American Embassy, Brazil.

To: State Department, Washington.

1. Brazil is expected to produce about 5 billion liters of alcohol from the 1982/83 sugar harvest. Production during Calendar Year 1982 should be about 4.6 billion liters vs. 4.3 billion liters last year. The target of producing 10.7 billion liters seems to have been pushed back from 1985 to 1987/88 and officials now talk of 8-9 billion liters as being a realistic production goal for 1985. Existing alcohol stocks were reportedly 1.5 billion liters at mid-year, a figure near Brazil's probable storage capacity. Brazil expects to export about 200 million liters during 1982, compared to 133 million liters last year. This figure may be rather high considering the currently depressed oil market.

2. The popularity of all-alcohol cars and light trucks has been very erratic but incentives introduced earlier this year have boosted sales from about 3800 last January to about 21,000 in August. Sales for the year are expected to reach 200,000, about 30 percent of total domestic sales, compared to 128,000 sold last year. By the end of this year it is estimated that Brazil will have an alcohol vehicle fleet of about one million, including 580,000 with original alcohol engines and a possible 400,000 with often illegally converted engines. The average mix of alcohol with gasoline is about 14 percent with regional variations.●

● Mr. McCLURE. Mr. President, I wish to ask the distinguished chairman of the Agriculture Committee for a clarification of certain words in the House-passed bill (H.R. 6142). Section 423(a)(1) would authorize the Commodity Credit Corporation to make liquid fuels produced from stocks of agriculture commodities available to Federal agencies, and I quote, "to help meet the needs of such agencies for transportation and industrial fuels and to be stored for emergency uses." My question goes to the question of emergency uses. Would these emergency uses be confined to those of Federal agencies?

Mr. HELMS. That is correct. The fuels could be stored by Federal agencies for their emergency uses.

Mr. McCLURE. Am I also correct that there is no intent at this time to authorize the establishment of an alcohol fuel reserve for use by the private sector in the event of an emergency? The Energy Emergency Preparedness Act of 1982 provided for a study of such an alcohol fuel reserve by the administration with recommendations to the Congress early next year.

Mr. HELMS. That is correct. While this provision only addresses storage by Federal agencies for their emergency uses, I am looking forward reviewing the administration's recommendations on this subject next year.●

Mr. DIXON. Mr. President, I rise in support of H.R. 6142, the Surplus Agriculture Commodities Disposal Act of 1982. This is a companion to S. 2554 which my colleague from Illinois, Senator PERCY, and I introduced on May 20.

This proposal would allow the U.S. Department of Agriculture to dispose of surplus stocks of grain at a substantial savings to the Government. This measure will convert Commodity Credit Corporation-owned grain stocks into alcohol fuels to meet Federal and private fuel demand, as long as the process does not unduly disrupt prices in the alcohol fuel market. H.R. 6142 also reaffirms our commitment to the alcohol fuels industry.

This proposal would result in significant savings to the Government. According to the USDA, it now costs the CCC at least $1.72 per bushel in interest, storage, transportation, and handling costs for surplus grain held for 2 years. These figures do not take into consideration the amount of loss associated with the deterioration in the quality of the grain held by the USDA.

The outlook for the agricultural economy is bleak. Estimates for net farm income are at the lowest level since the Great Depression. In 1981, for the first time in a decade, the value of agricultural exports declined. The amount of stock held by the CCC and in the farmer's held reserve continues to increase and with the prospect of an 8.3-billion-bushel corn crop this year, this amount will continue to become larger.

This proposal creates a new demand for these stocks at a savings to the Government.

Mr. HUDDLESTON. Mr. President, I am pleased to support H.R. 6142. A companion bill, S. 2554, the Surplus Agricultural Commodities Disposal Act of 1982, was introduced by a bipartisan group of Senators including myself.

This bill directs the Secretary of Agriculture, to the extent possible, to establish a contract procedure that will result in the processing of certain surplus commodities into liquid fuel. The fuel, under the bill, would be used primarily to meet the needs of Government agencies.

This bill will assist in reducing the record carryover of grain while lessening our dependence on imported oil. In addition, this bill should reduce farm program costs and aid the depressed farm economy.

I urge passage of this bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on third reading and passage of the bill.

The bill (H.R. 6142) was ordered to a third reading, was read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FINANCIAL ASSISTANCE FOR THE WOLF TRAP FOUNDATION

Mr. STEVENS. Mr. President, I would like to inquire of the distinguished minority leader if we can proceed with Calendar Order No. 831, the bill pertaining to Wolf Trap.

Mr. ROBERT C. BYRD. Mr. President, I am having problems right now with that measure.

Mr. STEVENS. I will withhold that request, Mr. President.

UNIFORM SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT UTILIZATION ACT

Mr. STEVENS. Mr. President, may I inquire of the distinguished minority leader, if it is possible to agree to request that the Senate now turn to the consideration of Calendar Order No. 541, S. 1657, a bill entitled the Uniform Science and Technology Research and Development Utilization Act. This is known as the patent bill.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I believe the Senator from Louisiana wishes to make a comment.

Mr. LONG. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS. Mr. President, that request was made in behalf of the distinguished Senator from New Mexico. Perhaps we can pursue that one further this evening also.

Mr. LONG. Mr. President, I would like to be notified in the event that request is made at a later time this evening.

Mr. STEVENS. Mr. President, I assure the Senator from Louisiana of that.

Mr. President, while we are clearing some matters, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHMITT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHMITT. Mr. President, although the Senator from Louisiana, my distinguished friend, has objected to the consideration of S. 1657 at this point, I hope that consideration of this important legislation can be scheduled for the necessary debate and amendment in a period soon after we return in November.

This Nation is experiencing a critical economic malaise:

American productivity is increasing at its slowest rate since World War II—more slowly than that of any of the major industrialized countries.

Our leadership in the conduct and commercialization of science and technology is being challenged aggressively and with increasing success by our economic competitors.

Our investment in research and development has failed to increase in constant dollars in the past 10 years.

The percentage of U.S. patents issued to foreign inventors has almost doubled, from 22 percent in 1965 to 40 percent in 1981.

The total number of U.S. patents issued in 1981 is less than the number issued 10 years ago.

There are many reasons for this malaise and they include counterproductive tax policies, inadequate funding of basic research, overburdensome regulations, and shortcomings in scientific and technical training and education. My Subcommittee on Science, Technology, and Space has conducted extensive oversight hearings on Federal policies and programs for research and development and on the Federal Government's role in promoting the development, application and diffusion of new technologies.

One of our major findings has been the inability of this Nation to adequately capitalize on our enormous Federal investment in research and development. This research and development, in turn, is increasingly important as our critical edge in national security, economic competitiveness and general welfare.

Mr. President, the Federal Government invests annually in research and development, almost $40 billion, nearly half of the national total. Our findings reveal that, unfortunately, the new goods and services which result from this Federal investment are far fewer than from the private research and development effort. An important factor we found that inhibits the commercial utilization of federally sponsored research and development is the Federal Government's policy toward patents arising from this work. The policy of Federal agencies has generally been that title to a contractor's invention made under a Federal grant or contract belongs to the Government. Ownership of thousands of inventions has been acquired by the Federal Government in this manner.

The commercialization of an invention is a risk-laden and expensive enterprise. Hearings before our subcommittee revealed that for every dollar spent on research, usually 10 or more dollars are necessary to develop the research result into a product or service, which may or may not prove to be commercially successful. There are many factors which determine this success. Two of the most important though are: A proprietary position to justify the sizable investment of risk capital; and the involvement of the inventor in the development of the invention into a usable product.

Penicillin offers an excellent illustration of the importance of a proprietary position. The inventor of this wonder drug chose to publish his discovery to make it freely available to all humanity. The act of publishing automatically placed that product in the public domain, preventing anyone from obtaining a proprietary position on his discovery. The good intentions of the inventor were thwarted since no one would invest the large sums necessary to develop his discovery into a marketable product without having patent protection on that product. It was not until some 11 years later that the U.S. Government, faced with the compelling medical exigencies of World War II, undertook the development of penicillin itself.

It is with the same good intentions that the Federal Government has been trying through the confusing web of existing policies to aid the citizens of this Nation. These good intentions are being thwarted by our failure to understand how the patent system can best be used to benefit society. The lesson of penicillin's development should not be lost: The public cannot benefit from the discoveries of research and development if there are inadequate incentives to develop these discoveries into useful goods and services.

Perhaps the most thorough study ever conducted on the issue of Government patents was the Harbridge House report, completed in 1968. The report was commissioned by the Federal Council for Science and Technology in the Executive Office of the President. Among the findings included in the report:

> If the results of federally sponsored R & D do not reach the consumer in the form of tangible benefits, the government has not completed its job and has not been a good steward of the taxpayers' money. The right to exclude others conferred by a patent, or an exclusive license under a patent, may be the only incentive great enough to induce the investment needed for development and marketing or products. Such commercialization of the results of government-sponsored research insures that the public receives benefits in the way of more products, more jobs and a better quality of life. Therefore all the members of this subcommittee recommend transferring the patent rights on the results of government-sponsored research to the private sector for commercialization.
>
> A low, overall commercial utilization rate of government-generated inventions has been achieved; that rate doubled, however, when contractors with commercial background positions were allowed to keep exclusive commercial rights to the inventions.

More recently, the Patent Advisory Subcommittee of the Domestic Policy Review on Industrial Innovation studied the implications of vesting title in the contractor. Testifying in 1978, the chairman of that subcommittee observed that:

> Our Committee concluded unanimously that if the government's goal is to increase the government-owned technology that is incorporated in products which actually get to the marketplace, then it must find a way to transfer the rights to this technology to people in the private sector in a sufficiently attractive form that it would induce members of the private sector to make the necessary additional investments required to commercialize the technology.

Mr. President, the American citizens deserve a better return on their investment in research and development. Toward this end, 37 of my colleagues and I have sponsored the Uniform Science and Technology Research and Development Utilization Act, S. 1657, to:

First, establish and maintain a uniform Federal policy applicable to the management and use of the results of federally-sponsored science and technology research and development to stimulate more widespread commercial utilization of those results for the public good;

Second, insure the effective uniform implementation of the provisions of this act, and to monitor on a continuous basis the impact of Federal Science and technology policies on innovation and technology development.

This bill grants contractors limited patent protection on discoveries they make in the course of federally-supported research, if they assume responsibility for commercialization. The contractor is required to: Disclose his invention; file for a patent within a reasonable time; and report his efforts toward commercialization.

At the same time, the Government retains an irrevocable, nonexclusive, paidup license to make, use, and sell the invention for its own use. In addition, the Government has certain march-in rights to license an invention to a third party when the contractor's commercialization efforts are inadequate. March-in rights may also be exercised by the Government to alleviate serious health or safety needs, or to meet public use requirements specified by Federal regulations.

The bill provides further that Federal agencies may take title to an invention on a case-by-case basis if: It is deemed necessary by the agency to protect national security interests; or the contractor is not located in the United States; or it is necessary to implement an international agreement.

We believe that uniform Federal policy established in S. 1657 will go a long way toward significantly increasing the socially responsible transfer of federally sponsored science and technology into more competitive goods and services. This bill will:

Provide the certainty and incentive necessary for the contractor to assume the risks of commercialization of the results of federally sponsored research and development;

Facilitate the participation of the inventor in the development of commercially useful goods and services; and

Assure the safeguards necessary to protect the public interest.

This initiative has been endorsed by the administration, large and small businesses and the universities. Organizations such as the National Association of Manufacturers, Intellectual Property Owners, Society of University Patent Administrators, Licensing Executive Society, and others have endorsed S. 1657. These groups condemn the dismal record of product development generated under past policy and point to the more successful record established when that policy is reversed.

The policy of the Department of Health, Education and Welfare (HEW) since its formation, was to retain exclusive rights within the Department to any invention developed in the course of a Federal contract. In the period 1962–65, more than 600 inventions were reported to HEW and in only one instance were rights assigned to the contractor. As a result, grant-supported investigators experienced great difficulty getting potentially useful drug innovations tested and screened by the pharmaceutical industry. The industry was reluctant to spend money on product testing without having a proprietary position since the Government retained title to the inventions. In 1968, a General Accounting Office report drew attention to this problem and the Department of Health, Education and Welfare subsequently initiated a waiver policy whereby the contractor could assume title to his invention if he also assumed the responsibility for its commercialization. The Government retained a royalty-free license for its own use.

After adoption of that policy, more than 50 federally supported pharmaceutical and life science innovations reached the marketplace in the 1969–74 period. The associated private capital investment has been estimated at more than $80 million.

Another example of the problems which S. 1657 is intended to correct is in the Department of Energy. The policy of the Department is to retain title to inventions which result from the Department's grants and contracts. Contractors are vested with nonexclusive licenses to their inventions but may request title on a case-by-case basis. However, experience shows that approval of such a request can take a year or more while DOE's staff of some 60 patent attorneys decide whether title is best left with the Government.

S. 1657 would allow the contractor to keep title to a subject invention provided he assumes responsibility for its commercialization. The rights would reside, not with the Government which licenses less than 5 percent of the inventions which it owns, but with the contractors, which have a licensing rate in excess of 20 percent.

Mr. President, the debate over Federal patent policy has been carried on for more than 20 years. As we look to the past, we see that the Federal bureaucracy has not been a successful manager of patents. The Government does not have the incentive, the risk captial, or the technical expertise to devote to patent management and development. This responsibility is best left with the contractor, whose record is much more compelling. S. 1657 is a reasonable proposal which will enhance both technological innovation and productivity by assuring Federal policies which encourage commercialization of the results of our $40 billion Federal investment in research and development. I urge your support for this measure.

Mr. STEVENS. Mr. President, while we await other clearances, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SALE OF CERTAIN DEFENSE ITEMS TO FRIENDLY FOREIGN NATIONS

Mr. STEVENS. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 856, H.R. 6758, which was set aside earlier.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 6758) to authorize the sale of defense articles, defense services, and unclassified defense service publications to United States companies for incorporation into end items to be sold to friendly foreign countries.

The Senate proceeded to consider the bill.

Mr. PERCY. Mr. President, H.R. 6758 as amended provides authority for the U.S. Government to sell defense articles produced in U.S. Government plants to U.S. companies for incorporation into end items to be sold to friendly countries.

At the request of Senator GLENN, the General Accounting Office provided the committee with an analysis of H.R. 6758 as reported by the House and made several recommendations for modifications. These modifications were incorporated in a bill introduced by Senator HEINZ and were subsequently adopted by the committee as an amendment to H.R. 6758. As far as I know, there is no opposition to H.R. 6758 as amended.

There are several small technical amendments to H.R. 6758 as amended that should be adopted on the floor. All of these amendments are included on page 5 of the bill.

UP AMENDMENT NO. 1405

Mr. STEVENS. I renew my motion that the Percy amendment to the committee substitute be adopted.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), on behalf of Mr. PERCY, proposes an unprinted amendment numbered 1405.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 11, strike "supplies" and insert in lieu thereof, "supplied";

On page 4, line 22, strike "(d)", and insert in lieu thereof "Section 2.";

On page 5, line 1, strike "(e)" and insert in lieu thereof, "Section 3.".

The amendment (UP No. 1405) was agreed to.

Mr. STEVENS. Mr. President, I ask that the committee substitute as amended by the Percy amendment be adopted.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read "An Act to authorize the sale of defense articles to United States companies for incorporation into end items to be sold to friendly foreign countries.".

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HEINZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HEINZ. The Senator from Pennsylvania thanks all Senators, Senator METZENBAUM, Senator PROXMIRE, and our distinguished leadership, Senator STEVENS and Senator BYRD, for expediting the passage of this bill.

HOUSE CONCURRENT RESOLUTION 364—RESTORATION OF RECORDS OF JIM THORPE

Mr. STEVENS. Mr. President, I now ask unanimous consent that the Committee on Commerce be discharged from consideration of House Concurrent Resolution 364, a resolution relating to Jim Thorpe, and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. There is no objection.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 364) recognizing Jim Thorpe's achievements.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

Mr. LONG. Mr. President, may we have an explanation of that measure?

Mr. STEVENS. Mr. President, this is a concurrent resolution restoring the Olympic records to the late James "Jim" Thorpe.

The Amateur Athletic Union in 1974 restored the amateur status of Jim Thorpe for the years 1909 through 1912, and this resolution pertains to the medals that he was denied.

● Mr. NICKLES. Mr. President, as a member of the Board of the Jim Thorpe Foundation, along with my friends and distinguished colleagues Senators RANDOLPH and BRADLEY, I rise in support of House Concurrent Resolution 364 and urge its immediate adoption.

When Oklahoma Jim Thorpe competed in the 1912 Olympics held in Sweden, the entire world marveled at his athletic prowess and he instantly became a symbol of inspiration to aspiring young athletes around the globle. Jim Thorpe was proclaimed the "greatest athlete in the world" by the King of Sweden after he attained 8,142 of a possible 10,000 points in five Pentathlon events.

Only months later, Jim Thorpe was stripped of his Olympic medals when it was learned that he had played semiprofessional baseball during the summers while he was attending Carlisle Indian School in Carlisle, Pa. This terminated his amateur status and thus disqualified him from his Olympic medals.

In 1975, the U.S. Amateur Athletic Union and the U.S. Olympic Committee ruled incorrect the allegations against Thorpe. Yet Jim Thorpe was never recognized for this subsequently in sports organizations.

Finally, Mr. President, Jim Thorpe may have his Olympic honors reinstated through the enactment of House Concurrent Resolution 364 which is to be considered by the Senate today. The resolution expresses the sense of the Congress that the International Olympic Committee should officially recognize Jim Thorpe's achievements in the 1912 Olympics and that it be requested to present those medals and awards during the 1984 Olypmic in Los Angeles, Calf.

This measure recently passed in the House of Representatives and I urge its expedient enactment by this body so that justice, so long overdue, can be attained for the family, the friends and all those who were inspired by Jim Thorpe.●

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 364) was agreed to.

CONVEYANCE OF CERTAIN LANDS IN ALASKA

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate turn to consideration of Calendar No. 822, which is H.R. 1281, a bill to convey title of land in Alaska to Bob Curtis. It is a bill that has been passed by the House.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object——

Mr. METZENBAUM. Mr. President, I do not intend to object, but I wish to be heard briefly in connection with the matter.

The PRESIDING OFFICER. Is there objection to proceeding with the consideration of the bill?

Mr. STEVENS. Mr. President, I understood the Senator to say he did not wish to object; he wished to be heard.

Mr. METZENBAUM. The Senator is correct.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1281) to provide for the conveyance of certain lands in Alaska comprising trade and trade manufacturing site A-056802 without regard to the 80-rod limitation provided by existing law.

The Senate proceeded to the consideration of the bill.

● Mr. MURKOWSKI. Mr. President, I am pleased to be able to move on H.R. 1231. The bill would convey 6 acres of land in a remote part of Alaska to Bob Curtis. Mr. Curtis applied for the land under the trade and manufacturing provisions of the Homestead Act. He made his application in 1967. Since that time he has been working through the administrative process in an attempt to get this property. However, it was determined that his property exceeded the 80-rod shoreline limitation established in the Homestead Act. His property is located on a narrow peninsula between two huge lakes.

The Department of the Interior and the House of Representatives determined that Mr. Curtis' case had merit and should not be precluded from obtaining his full entitlement. However, the only way to accomplish this is by passing H.R. 1281.

The bill provides that Mr. Curtis will pay the 1967 value of the 6 acres in question. Let me assure my colleagues in the Senate and on the Committee on Energy and Natural Resources that this is a unique case. Rather than charging him the current fair market value the Energy Committee accepted the House language. It is my opinion we should not make an individual pay for trying to work within the system as did Mr. Curtis for 15 years. We should not see this as a precedent for future legislation; rather, a unique bill for a unique problem.●

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I discussed this matter with Senator MURKOWSKI earlier. The matter involves a very modest amount of land and not a significant amount of dollars. There is a precedent, however, where the land sold by the Government to the individual is to be determined on the basis of a time set somewhat approximately 10 years prior to the time that the sale will be made.

It is my strong feeling that when Federal properties are sold, they ought to be sold at fair market value, fair market value being that value at the time the sale is made.

Senator MURKOWSKI has made a strong case that there are unusual circumstances pertaining to this particular situation, and in his statement I

know he has already addressed himself to that very fact. In view of that, I have withdrawn the objection I had indicated I had at an earlier point to this legislation.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 1281) was ordered to a third reading, was read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. WALLOP. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. STEVENS. Mr. President, I would like to inquire of my good friend from West Virginia if he would now agree that we might go into executive session.

I should like to make a motion that the Senate go into executive session for the purpose of considering the following nominations: U.S. International Development Cooperation Agency, Peace Corps, Federal Communications Commission, Department of Education on pages 6 and 7, National Council on the Handicapped on pages 8, 9, and 10, Equal Employment Opportunity Commission on page 9, National Mediation Board on page 9, National Commission on Libraries and Information Science on page 10, Export-Import Bank of the United States on page 10, National Corporation for Housing Partnerships on page 10, Commodity Futures Trading Commission on page 11, and National Council on the Humanities on page 11.

Mr. ROBERT C. BYRD. Mr. President, we have no objection, and I hope the Senator will request that the nominations be considered and confirmed en bloc.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar which I have just stated.

The PRESIDING OFFICER. The nominations will be stated.

Mr. NICKLES. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. NICKLES. Did that include the Legal Services Corporation?

Mr. STEVENS. No, it did not.

Mr. NICKLES. I thank the Senator.

The assistant legislative clerk proceeded to read the nominations.

Mr. STEVENS. Mr. President, I ask unanimous consent that the nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

U.S. International Development Cooperation Agency

Jay F. Morris, of Maryland, to be Deputy Administrator of the Agency for International Development, vice Jospeh C. Wheeler, resigned.

Peace Corps

Edward A. Curran, of Maryland, to be Deputy Director of the Peace Corps, vice Everett Alvarez, Jr.

Federal Communications Commission

Stephen A. Sharp, of Virginia, to be a Member of the Federal Communications Commission for a term of 7 years from July 1, 1982, vice Abbott Washburn, term expiring.

Department of Education

Gary L. Jones, of Virginia, to be Under Secretary of Education, vice William C. Clohan, Jr., resigned.

Harry M. Singleton, of the District of Columbia, to be Assistant Secretary for Civil Rights, Department of Education, vice Clarence Thomas.

Elizabeth Helms Adams, of California, to be a Member of the National Museum Service Board for a term expiring December 6, 1984, vice Mamie P. Clark, term expired.

Alice Wright Algood, of Tennessee, to be a Member of the National Museum Services Board for a term expiring December 6, 1984, vice Benjamin W. Hazard, term expired.

Anne Carroll Badham, of California, to be a Member of the National Museum Services Board for a term expiring December 6, 1984, vice Nancy Negley, term expired.

Fucheng Ricard Hsu, of New Jersey, to be a Member of the National Museum Service Board for a term expiring December 6, 1985, vice Albert T. Klyberg.

Craig C. Black, of Pennsylvania, to be a Member of the National Museum Services Board for a term expiring December 6, 1986, vice Raul A. Lopez, term expired.

Ann Duncan Haffner, of Virginia, to be a Member of the National Museum Services Board for a term expiring December 6, 1986, vice Lewis Davis, term expired.

Dorothy J. Tyson, of California, to be a Member of the National Museum Services Board for a term expiring December 6, 1986, vice E. Leland Webber, term expired.

Lawrence F. Davenport, of Virginia, to be Assistant Secretary for Elementary and Secondary Education, Department of Education, vice Vincent E. Reed, resigned.

Gary L. Bauer, of Virginia, to be Deputy Under Secretary for Planning and Budget, Department of Education, vice Gary L. Jones.

Charles L. Heatherly, of Virginia, to be Deputy Under Secretary for Management, Department of Education, vice Kent Lloyd, resigned.

National Council on the Handicapped

Robert V. Bush, of New Mexico, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1982, vice Elizabeth Monroe Boggs.

Joseph Dusenbury, of South Carolina, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1982, vice Mary P. Chambers.

Hunt Hamill, of Illinois, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1982, vice Jack Genair Duncan.

Henry Viscardi, Jr., of New York, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1982, vice Thomas Joe.

H. Latham Breunig, of Virginia, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1983, vice J. David Webb.

Miahael Marge, of New York, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1983, vice Howard A. Rusk,

Sandra Swift, Parrino, of New York, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1983, vice Judith E. Heumann.

Alvis Kent Waldrep, Jr., of Texas, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1983, vice Donald E. Galvin.

Marian North Koonce, of California, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1984, vice Odessa Komer, resigned.

Justin W. Dart, Jr., of Texas, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1984, vice Edwin O. Ophiem.

John S. Erthein, of California, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1984, vice Nelba R. Chavez.

Roxanne S. Vierra, of Colorado, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1984, vice John P. Hourihan.

Robert V. Bush, of New Mexico, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1985, reappointment.

Joseph Dusenbury, of South Carolina, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1985, reappointment.

Hunt Hamill, of Illinois, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1985, reappointment.

Henry Viscardi, Jr., of New York, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1985, reappointment.

Carmine R. Lavieri, of Connecticut, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1983, vice Henry Williams.

Equal Employment Opportunity Commission

William Arthur Webb, of Pennsylvania, to be a Member of the Equal Employment Opportunity Commission for the term expiring July 1, 1987, vice J. Clay Smith, Jr., term expired.

National Mediation Board

Walter C. Wallace, of New York, to be a Member of the National Mediation Board for the term expiring July 1, 1984, vice George S. Ives, term expired.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Elinor M. Hashim, of Connecticut, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 1986, vice Robert W. Burns, Jr., term expired.

EXPORT-IMPORT BANK OF THE UNITED STATES

James Ernest Yonge, of Florida, to be a Member of the Board of Directors of the Export-Import Bank of the United States, vice Thibaut de Saint Phalle, resigned.

Rita M. Rodriguez, of Massachusetts, to be a Member of the Board of Directors of the Export-Import Bank of the United States, vice Donald Eugene Stingel, resigned.

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

Alfred J. Fleischer, Sr., of Missouri, to be a Member of the Board of Directors of the National Corporation for Housing Partnerships for the term expiring October 27, 1982, vice Kennon V. Rothschild, term expired.

Alfred J. Fleischer, Sr., of Missouri, to be a Member of the board of Directors of the National Corporation for Housing Partnerships for the term expiring October 27, 1985, reappointment.

COMMODITY FUTURES TRADING COMMISSION

Fowler C. West, of Texas, to be Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 1987, vice David Gay Gartner, term expired.

NATIONAL COUNCIL ON THE HUMANITIES

Jeffrey Hart, of New Hampshire, to be a Member of the National Council on the Humanities for a term expiring January 26, 1988, vice Jay Gordon Hall, term expired.

Mr. STEVENS. Mr. President, I ask unanimous consent that the vote en bloc by which the nominations were confirmed be reconsidered.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, the distinguished Senator from West Virginia has a joint resolution which has been cleared on this side.

Mr. ROBERT C. BYRD. I thank the distinguished acting majority leader.

NATIONAL SPINAL CORD INJURY MONTH

Mr. ROBERT C. BYRD. Mr. President, I send to the desk a joint resolution on behalf of Mr. KENNEDY and ask that it be stated.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 249) to provide for the designation of the month of October, 1982, as "National Spinal Cord Injury Month."

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the joint resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President. I am pleased that the Senate is considering Senate Joint Resolution 249, designating the month of October 1982, as "National Spinal Cord Injury Month."

Over 500,000 Americans are now paralyzed because of spinal cord injuries. Each year an additional 20,000 Americans fall victim to this condition. The injuries can result from motor vehicle accidents, falls, sports, recreational activities, or from service in our Nation's Armed Forces.

The lifetime costs to sustain a person with a spinal cord injury are between $1 and $5 million. This represents a major and expensive medical problem for this country.

Despite its prevalence, the general public is virtually ignorant of the profond personal consequences and the staggering costs faced by the victims of spinal cord injury. Furthermore, the impact of spinal cord injury paralysis on the families of the victims is not commonly understood.

However, the picture need not be bleak. Research has begun to offer great promise in the area of spinal cord regeneration. Good rehabilitation efforts are demonstrating that early and proper intervention provides a reasonable hope of independence to a victim of spinal cord injury paralysis.

Until a cure for spinal cord injury paralysis can be found, it will continue to strike productive citizens in the prime of their lives. Each day, researchers seeking contributions and support will need to educate the public about the nature of spinal cord injury paralysis and the prospects for a cure. And each day, organizations like the National Spinal Cord Injury Association and the Paralyzed Veterans of America, committed to bringing together research and service will need resources, both economic and technical, to continue the delivery of quality health care to all spinal cord injured persons.

I proposed that we designate October of this year as National Spinal Cord Injury Month, to focus the attention of the public on the need to address this critical health care problem that touches the lives of millions of Americans. It can help to offer hope to the many people whose lives are drastically changed by spinal cord injuries. And it can provide the impetus to keep research going and to increase public support for programs to aid spinal cord injured victims and their families.

When I introduced Senate Joint Resolution 249, designating the month of October as National Spinal Cord Injury Month, I was joined by 26 original cosponsors; they are Senators HATCH, BUMPERS, BURDICK, CANNON, CHILES, CRANSTON, DECONCINI, DOLE, DURENBERGER, EXON, GORTON, HAWKINS, HEINZ, INOUYE, MATHIAS, METZENBAUM, MOYNIHAN, PELL, QUAYLE, RANDOLPH, RIEGLE, SARBANES, STAFFORD, TSONGAS, WEICKER, and LUGAR.

After Senate Joint Resolution 249 was introduced, the list of cosponsors expanded to include Senators BAUCUS, LAXALT, PERCY, THURMOND, NUNN, GLENN, BENTSEN, and HUDDLESTON.

Four of our friends and distinguished colleagues on the House side, Congressmen WALGREN, WAXMAN, and LELAND, and Congresswoman MIKULSKI have sponsored an identical resolution, House Joint Resolution 598, in the House.

Mr. HATCH. Mr. President, I am pleased to be a cosponsor of Senate Joint Resolution 249, designating the month of October 1982 as National Spinal Cord Injury Month. It is largely unknown by our citzens that more than 500,000 Americans are wholely or partly paralyzed from spinal cord injuries. And tragically, 20,000 more individuals fall victim to spinal cord injuries each year. The economic costs are staggering—it is estimated that between $1 and $5 million is required to sustain an individual with a spinal cord injury over the course of his or her lifetime. This obviously represents a significant amount of our Nation's overall health care expenditures. But the cost in dollars is far overshadowed by the emotional and personal costs exacted from the spinal cord injury victims and their families.

Nonetheless, there is now considerable hope through improved rehabilitation methods and ongoing research. I move adoption of this resolution.

The PRESIDING OFFICER. The question is on agreeing to the joint resolution.

The joint resolution was agreed to.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

Whereas spinal cord injuries now paralyze over 500,000 Americans;

Whereas there are 20,000 new spinal cord injuries per year;

Whereas most spinal cord injuries involve young people and are the result of motor vehicle accidents, sports and recreational activities, or of service in our Nation's Armed Forces;

Whereas lifetime costs to sustain a person with a spinal cord injury are between 1 and 5 million dollars, representing a major and expensive medical problem for this country;

Whereas research advances have permitted scientists to predict that we will be able to prevent and cure paralysis for hundreds of thousands of people;

Whereas the general public is unaware of the staggering costs and personal consequences of spinal cord injury; and

Whereas programs of the National Spinal Cord Injury Association, the Paralyzed Veterans of America and other similar organizations are dedicated to funding research and helping all paralyzed persons; and

Whereas an increase in the national awareness of the problem of spinal cord injuries may ease the burden of the victims and families of victims and may stimulate interest in increased research for the cure of spinal cord injury paralysis; Now, therefore be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the month of October is designated as "National Spinal Cord Injury Month," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate activities.

Mr. ROBERT C. BYRD. Mr. President, I move to consider the vote by which the joint resolution was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The following proceedings occurred later:

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be considered as having been discharged of further consideration of Senate Joint Resolution 249, that the Senate be considered to have approved the proceeding to its immediate consideration, and that the action previously taken stand.

Mr. STEVENS. Mr. President, reserving the right to object—and I do not think I shall object—this is the resolution we previously cleared and approved, and I understand that this is the proper procedure to see that the committee is discharged.

Mr. THURMOND. We have no objection.

Mr. STEVENS. I thank the Senator from South Carolina.

Mr. ROBERT C. BYRD. I thank the Senator from South Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN PUBLIC TRANSIT ASSOCIATION

Mr. STEVENS. Mr. President, I send to the desk a resolution of behalf of the distinguished Senator from New York (Mr. D'AMATO), for himself and Mrs. HAWKINS, Mr. BRADY, Mr. HEINZ, Mr. ANDREWS, and Mr. DIXON.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 268) congratulating the American Public Transit Association.

Mr. STEVENS. I ask unanimous consent that the Senate proceed to the immediate consideration of the resolution.

There being no objection, the Senate proceeded to the consideration of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the joint resolution.

The joint resolution was agreed to.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 268

Whereas, public transit is recognized as a fundamental public service and is a vital component of the nation's transportation infrastructure;

Whereas, public transit service results in productive jobs for the nation's workers, mobility and commerce, and broad support for business and economic growth;

Whereas, the American Public Transit Association has acted to promote and advance knowledge in all matters relating to transit in America for the past 100 years;

Whereas, the American Public Transit Association has provided a Century of Service to America as the professional association representing the transit industry; Now therefore, be it

Resolved That the Congress of the United States congratulates the American Public Transit Association on a Century of Service to the transit industry on behalf of all Americans.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

[The following proceedings occurred after midnight.]

NATO

Mr. STEVENS. Mr. President, last Monday I wrote every Senator to explain my views on the need for specific congressional control over the size of our military forces permanently stationed in Europe. I asked for support of the Appropriations Committee's position as spelled out in the 1983 Defense appropriations bill that has been reported.

With the permission of the Senator from South Dakota (Mr. PRESSLER), I would like to include in the RECORD this response to my letter. Generally, it supports my position and the committee recommendation to limit our European troop level to the 331,700 that were stationed there at the beginning of fiscal year 1982—a level still 30,000 above the force size Congress endorsed during the Mansfield resolution debates in the mid-1970's.

Mr. President, I commend the Senator from South Dakota for his keen interest in national defense issues, and I recommend close attention to his views on the critical questions involving our NATO obligations.

The distinguished Senator from South Dakota goes considerably further in his view of the force level we should maintain—200,000 or a reduction of more than one-third of the current strength. I cannot agree that this is necessary at this time and under the military and political tempo we have today. I take the position that we must stop increasing our forces in Europe while our allies are letting their active military personnel actually decline in Central Europe.

I continue to support our commitments to NATO—but with the continuing insistence that our allies in Europe do more in their own defense. I reject arbitrary levels. I reject a steady, creeping growth in our military contribution without a clear policy guidance and specific approval from Congress. With our changing military commitments elsewhere in the world, we must constantly reassess our participation in NATO—not our commitment but our participation.

Mr. President, while I do not agree in every respect with the Senator from South Dakota, I think the nature of his views and those expressed to me by other Senators is significant. There is a growing sentiment in this body, as I see it, to take a hard look at the size of our military forces stationed in Europe, the need for it and the heavy drain on our economic resources that this commitment involves. The committee limitation, I think, is a good start.

Mr. President, I ask unanimous consent that the letter written to me by the Senator from South Dakota be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., September 28, 1982.
Hon. TED STEVENS,
Russell Senate Office Building,
Washington, D.C.

DEAR TED: Yesterday I received your letter asking for my support of the Appropriations Committee recommendation halting the unnecessary growth of U.S. defense forces stationed in Europe.

I am very pleased that the Committee has taken this important action. Since first entering the Senate in 1979, I have argued that the European NATO allies, and Japan, need to shoulder a larger share of the defense load. We do not have mutual defense when our prosperous allies fail to keep up with the U.S. effort to secure the lives, the territory, and the interests of Europe and Japan. In my view, the Appropriations Committee should be commended for recognizing the limits of U.S. generosity in attending to the needs of the NATO alliance. I especially applaud your own efforts in this regard as Chairman of the Defense Appropriations Subcommittee.

The limitation on U.S. troop strength in Europe as recommended by the Appropriations Committee is an important step in developing greater mutuality of effort in our common defense. I would go even further than the Committee and recommend reductions to the 200,000 troop strength level. A U.S. presence at that diminished level still would represent a major U.S. commitment that could not fail to be interpreted—by both our allies and the Warsaw Pact bloc—as a certain determination on our part to defend our allies from aggression.

The question of Japanese defense contributions also should be examined closely. It is my belief that significantly more effort must be made by our principal Asian ally, Japan, to secure the defense of northeast Asia. I realize that peculiarities of their domestic political environment make rapid changes toward much greater levels of defense spending problematical, but Japan can, and must, do much more. As a start, I would recommend that Japan assume all of the costs of stationing U.S. forces in Japan. Also, the suggestion that Japan construct naval equipment which would be given to the U.S. for our extensive Asian naval operations must be considered seriously.

Thus, I fully share your view that our prosperous allies must realize that, while we remain fully committed to our mutual defense effort, we no longer can absorb such a high proportion of the costs of our common conventional defense programs. Our strategic forces commitment, and the allied expectation that the U.S. will continue to play the role of superpower for the free world in regions beyond the allied territories, require that the allies assume a larger share of the burdens of defense.

I hope to continue to work closely with you during the next two years in advancing the principle of a greater sharing of the defense efforts of the free world.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, again I ask my distinguished friend if it is possible that we might turn to Calendar Order No. 875, which is H.R. 4001. It has been reported from the Select Committee on Indian Affairs with amendments but with no written report.

I temporarily withhold that.

PERISHABLE AGRICULTURAL COMMODITIES ACT AMENDMENT—H.R. 6865

Mr. STEVENS. Mr. President, may I ask if the Senator from West Virginia is prepared to proceed to the immediate consideration of H.R. 6865, the Perishable Agricultural Commodities Act, and to discharge the Agriculture Committee from that bill. It has been passed by the House of Representatives.

Mr. ROBERT C. BYRD. Yes, Mr. President, this side is ready to proceed.

Mr. STEVENS. Mr. President, I thank the Senator from West Virginia.

At this time I ask unanimous consent that the Agriculture Committee be discharged from further consideration of H.R. 6865, the Perishable Agricultural Commodities Act, and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

Mr. LONG. Mr. President, reserving the right to object. Might we have an explanation of what that bill is?

Mr. STEVENS. Mr. President, I have a statement to be put in the RECORD on behalf of the distinguished Senator from Tennessee, the majority leader.

It is a bill that amends the Perishable Commodities Act by adding a proviso that any person who has violated the act may with the consent of the Secretary admit his violation and pay monetary penalties, and it also inserts a reference to a resident of the United States to whom the claim of a nonresident has been assigned.

The statement reads as follows:

STATEMENT OF SENATOR BAKER

H.R. 6865 would amend the PACA enforcement provisions to require the Secretary of Agriculture to permit any commission merchant, dealer, or broker who has violated the Act by misrepresenting by mark, stencil or label, to admit the violations, and if the violations are not repeated or flagrant, pay a monetary penalty. This amendment is intended to confirm existing authority of the Secretary of Agriculture to permit informal satisfaction of liability for any misrepresentation, and to make it clear that the Secretary of Agriculture will permit informal settlement of liability for misrepresentation violations relating to mark, label, and stencil if they are not repeated or flagrant.

Mr. LONG. Could the Senator tell us whether the committee recommended that bill be passed or not?

Mr. STEVENS. I can say that this has been cleared with the Agriculture Committee and has been cleared on both sides through our regular clearance procedures.

Mr. LONG. Does the Department have any objection to it?

Mr. STEVENS. Mr. President, I will have to inquire about that very pertinent question. It has been passed by the House of Representatives, and it has been unanimously brought before us on the basis that the Agriculture Committee has no objection to being discharged and having its consideration at this time so it will pass before the recess.

But I do not have the answer, and I ask that the bill be temporarily set aside until we get the answer to the Senator's question.

I ask that the bill be temporarily set aside until we get an answer to the Senator's question concerning the position of the administration on the passage of H.R. 6865.

The PRESIDING OFFICER. The bill has been discharged?

Mr. STEVENS. The bill has not been discharged. I just asked unanimous consent that it be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECLAMATION SAFETY OF DAMS ACTS OF 1978 AMENDMENT—S. 956

Mr. STEVENS. Mr. President, let me, and I do not wish to press my good friend from West Virginia, but I was requested if at all possible to clear the Wolf Trap bill. It has passed the House. We would like to proceed with it tonight if it is at all possible.

Is it possible that we might proceed with that bill without consideration of any other measure?

Mr. ROBERT C. BYRD. Mr. President, could the assistant majority leader assure me that upon the reconvening of the Senate, Calendar Order No. 771, S. 956, the reclamation dam safety bill will be called up and acted upon, with Mr. DECONCINI having an opportunity to offer an amendment thereto?

Mr. STEVENS. Mr. President, it is my understanding that there is a general agreement to accept an amendment of the type the Senator describes but not necessarily to that bill, and it was also my understanding there was a series of holds on the basic bill that that amendment was offered to concerning the reclamation dam safety bill.

I am not authorized to make a commitment with regard to that bill. I am authorized to make a commitment with regard to the amendment that the Senator had addressed himself to, I believe, to be offered by the distinguished Senator from Arizona.

Mr. LONG. Mr. President, I just suggest that this matter might be resolved by an agreement that on some significant measure we would accord the Senator from Arizona the opportunity to offer his amendment. It seems

to me that Mr. DECONCINI has a right to hold up legislation not relevant to his proposal provided that he wants to be assured his measure will be considered.

If we can be assured that on some measure of significance out of a committee of appropriate jurisdiction, he would have the opportunity to offer his amendment, it seems to me we could assure him that he would have the opportunity to have the Senate decide on his proposal.

Mr. McCLURE. Mr. President, I have indicated that on the issue that Senator DECONCINI was concerned about, we were willing to bring up the Safety of Dams Act and have his amendment offered to that and accepted on that bill tonight. We ran into a problem with getting this Safety of Dams Act cleared for action. That suddenly occurred. We are still trying to get it cleared up.

Just a few minutes ago I was assured I would have a call on that within the next 5 minutes as to whether or not we could clear it up.

I have said that only because I want to indicate we have done everything we can to get that matter cleared, and we have agreed to do precisely what Senator DECONCINI wanted us to do in that instance. I am still committed to getting the Safety of Dams Act passed. I understand Senator DECONCINI's concern and I see no reason why we would take different action later than we are willing to take tonight.

So I have no problem making the assurances to the Senator just as I have made it here this evening. We are ready to act on it.

Mr. ROBERT C. BYRD. Mr. President, if the Senate is ready to act——

Mr. STEVENS. I want to amend it to say the committee chairman is ready to act.

Mr. McCLURE. I am ready to act.

Mr. STEVENS. We understood there were holds on both sides of that bill. Perhaps the hold on the Senator from West Virginia's side has been removed.

Mr. McCLURE. Will the Senator yield, Mr. President? I thank the Senator for yielding. Mr. President, there were holds on this bill in one way or another from one source or another for the last 10 or 12 hours. I felt like I was a cross-eyed marksman in a shooting gallery trying to find something to shoot at.

We may yet be able to clear that this evening, but it is not yet cleared. I am certainly willing to make the assurances just as I have made them here this evening.

Mr. STEVENS. But the point is, Mr. President, if it is cleared tonight, the amendment which has been discussed of the Senator from Arizona would be accepted. If it would not be, there is an understanding on another piece of legislation if that amendment is offered, the distinguished Senator from Idaho has indicated his willingness to have it considered.

Mr. WARNER. Mr. President, I might add that a great number of Senators have released their holds, recognizing the importance of it.

Mr. ROBERT C. BYRD. Mr. President, would it be possible to add the Grand Canyon amendment to the Wolf Trap bill?

Mr. WARNER. Mr. President, the House is at this very moment considering the amendments I hope to submit in connection with this bill in hopes that we can make these two pieces of legislation come up so they can become law. I am just fearful it would not.

Mr. LONG. My understanding of this matter is that the administration does object to the DeConcini amendment. I can say as a former committee chairman that if you want to put that amendment on as a rider on a bill, you had better find a strong enough horse to carry that rider. The Wolf Trap bill is not that strong a horse. the Wolf Trap bill, as the Senator knows, involves Federal assistance of several million dollars to help rebuild something where the local people out there in Virginia and in the Washington area have worked very hard to raise as much as they can raise to help rebuild this building that burned down out there.

Now, that is not a significant, a sufficiently significant, horse to carry the DeConcini rider. All it will do is take them both down.

If you put it on a more significant bill, it might have a chance for the President to sign the bill notwithstanding the DeConcini rider.

Mr. WARNER. The Senator is correct.

Mr. STEVENS. Mr. President, I do think the matter ought to be resolved, and I again ask if it is possible to clear Calendar No. 831, H.R. 6875, without reference to the DeConcini rider.

Mr. ROBERT C. BYRD. Mr President, if any Senator on this side of the aisle wants me to protect him on a matter I will do my utmost to protect him. It is not a matter of my choice but it is a matter that I feel is an obligation upon me, and I just cannot give consent until I get some understanding that would be satisfactory to the Senator I am trying to protect.

Mr. STEVENS. Let me pass that, then.

EXCHANGE OF CERTAIN LANDS HELD IN TRUST BY THE UNITED STATES FOR THE NAVAJO TRIBE

Mr. STEVENS. Mr. President, let me go to H.R. 4001, Calendar No. 875, a bill dealing with the exchange of certain lands held in trust by the United States for the Navajo Tribe.

Mr. SCHMITT. Mr. President, for the edification of my colleagues, this is a land exchange between a private party and the Navajo Tribe. Both parties are willing, it is noncontroversial. It is a House bill which will become law as soon as presented.

Mr. METZENBAUM. Mr. President, reserving the right to object, and I intend to object, it is now a quarter of 12, and if you want to consider cats and dogs, I feel very strongly that you can do it very well in November, just as well in November as in October, and I think it is time for us to clear out of here, and I object.

Mr. SCHMITT. Mr. President, I am sure the people involved in this, including the Navajo Tribe, do not appreciate their legislation being referred to as cats and dogs.

Mr. METZENBAUM. I certainly was not referring to the Indians as being cats and dogs. I referred to the fact that that is not a major matter.

Mr. STEVENS. Mr. President, will Senators please address the Chair?

Mr. SCHMITT. Mr. President, the Senator is referring to a matter that is of great moment to an individual family and to the Navajo people living near that family who wish to have this exchange take place. The Senator's reference that this was somehow or other less than of great moment I think would be resented by them, and it is certainly resented by this Senator.

Mr. METZENBAUM. Mr. President, when the continuing resolution was concluded or prior thereto, I advised the majority leader that I would object to taking up anything other than matters of major moment that had to be taken up this evening. I have sat by patiently while any number of measures have come up, and I have indicated to the staff at an earlier point that I would raise objections to a number of these measures that could very well hold over until November, could be delayed until that time.

I have no objection to the measure itself, and I certainly have no objection to the concerns of that individual or the Navajo Indians, and I would be the last to say that.

Mr. STEVENS. Then the Senator from Alaska is going to accommodate the Senator from Ohio and we will have a whole stack of things for him to object to to demonstrate how we have listened to the objections he has raised privately, and I can assure him we will be here for some period of time.

We have a series of items previously cleared, and I see no reason why we should not give the Senator from Ohio a chance to object if that is what he wants to do.

Mr. METZENBAUM. Mr. President, we have gone down and tried to keep pace with the matters being cleared. It

is my understanding we have finished a list of those matters that have been cleared, with the exception of the dam safety bill which was matter previously discussed.

I am not attempting to tell the leadership of this body how to conduct their affairs, but I do believe that there is a time and place for everything, and it seems to me there is an understanding that there would be no further rollcalls tonight, and if some matters of major moment have to be taken up, I can well understand that.

But if there is not, it seems to me it is time to bring the matter to a conclusion.

Mr. SCHMITT. Mr. President, if the Senator from Ohio is not trying to tell the leadership or the rest of this body what to do, I would like to know what he is trying to do. It sure sounds like it to me.

Mr. STEVENS. Mr. President, when the two bodies return, the House will have a period of time to act on some Senate measures. We had hoped to clear some items. For instance, I have an item here on S. 563, the Tribal-State Compact Act which was reported favorably by the Indian Affairs Committee. That is a Senate bill that could be awaiting the action of the House when we return.

There is another one, Calendar Order No. 863, the safe harbor leasing for certain aircraft. That bill, I understand, previously had been cleared.

We have a motion to discharge the committee on H.R. 7005, the Federal Seed Act, which has passed the House and could become law before the Congress resumes.

We have Calendar Order No. 872, a bill that has been reported and has been indicated to me that the bill must be passed by Congress before it adjourns. Failure to enact the bill prior to the October adjournment would damage relationships of this Government with a number of governments. And, in one case, additional costs of a foreign government which would result from the delay could affect decisions to lease a vessel from the United States.

There are a series of items here that I understand have been put aside because of an indication of objections from the Senator from Ohio. I think we ought to give him the opportunity to object. I see no reason why he should not exercise his rights if that is what he wants to do.

I am still trying to clear some items that we consider to be items of importance, at least that was the indication of the staff and of those Members who had contacted me at the time.

I do wish to proceed, Mr. President, with the House-passed bills in particular, but I also would like to proceed with these calendar items on the Senate Calendar that were cleared.

DEBT COLLECTION ACT

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 4613.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 4613) entitled "An Act to increase the efficiency of Government-wide efforts to collect debts owed the United States and to provide additional procedures for the collection of debts owed the United States", with the following amendments:

(1) In lieu of the matter proposed by section 4, insert:

REQUIREMENT THAT APPLICANT FURNISH TAXPAYER IDENTIFYING NUMBER

SEC. 4. (a) IN GENERAL.—Each Federal agency administering an included Federal loan program shall require any person applying for a loan under such program to furnish such person's taxpayer identifying number.

(b) DEFINITIONS.—For purposes of this section—

(1) INCLUDED FEDERAL LOAN PROGRAM.—The term "included Federal loan program" has the meaning given to such term by subparagraph (C) of section 6103 (l)(3) of the Internal Revenue Code of 1954 (as added by section 7 of this Act).

(2) TAXPAYER IDENTIFYING NUMBER.—The term "taxpayer identifying number" has the meaning given to such term by section 6109 of such Code.

(2) In lieu of the matter proposed by section 7, insert:

SCREENING POTENTIAL DEBTORS

SEC. 7. (a) DISCLOSURE TO FEDERAL LENDING AGENCY THAT APPLICANT HAS TAX DELINQUENT ACCOUNT.—Paragraph (3) of section 6103(l) on the Internal Revenue Code of 1954 is amended to read as follows:

"(3) DISCLOSURE THAT APPLICANT FOR FEDERAL LOAN HAS TAX DELINQUENT ACCOUNT.—

"(A) IN GENERAL.—Upon written request, the Secretary may disclose to the head of the Federal agency administering any included Federal loan program whether or not an applicant for a loan under such program has a tax delinquent account.

"(B) RESTRICTION ON DISCLOSURE.—Any disclosure under subparagraph (A) shall be made only for the purpose of, and to the extent necessary in, determining the creditworthiness of the applicant for the loan in question.

"(C) INCLUDED FEDERAL LOAN PROGRAM DEFINED.—For purposes of this paragraph, the term 'included Federal loan program' means any program—

"(i) under which the United States or a Federal agency makes, guarantees, or insures loans, and

"(ii) with respect to which there is in effect a determination by the Director of the Office of Management and Budget (which has been published in the Federal Register) that the application of this paragraph to such program will substantially prevent or reduce future delinquencies under such program."

(b) TECHNICAL AMENDMENTS.—

(1) Clause (i) of section 6103(p)(3)(C) of such Code is amended by striking out "(l)(3) or (6)" and inserting in lieu thereof "(l)(6)".

(2) Paragraph (4) of section 6103(p) of such Code is amended—

(A) by striking out "(l)(1),(2)," in the matter preceding subparagraph (A) and inserting in lieu thereof "(l)(1),(2),(3),",

(B) by striking out "(l)(3),(6)," and inserting in lieu thereof "(l)(6),", and

(C) by striking out "(l)(1),(2), or (5), or (o)(1), the commission described in subsection (l)(3)" in subparagraph (F)(ii) and inserting in lieu thereof "(l)(1),(2),(3), or (5), or (o)(1),",

(d) EFFECTIVE DATE.—The amendments made by this section shall apply in the case of loan applications made after September 30, 1982.

(3) In lieu of the matter proposed by section 8, insert:

DISCLOSURE OF MAILING ADDRESS TO THIRD PARTIES FOR PURPOSES OF COLLECTING FEDERAL CLAIMS

SEC. 8. (a) Paragraph (2) of section 6103(m) of the Internal Revenue Code of 1954 (relating to disclosure of taxpayer identity information) is amended to read as follows:

"(2) FEDERAL CLAIMS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may, upon written request, disclose the mailing address of a taxpayer for use by officers, employees, or agents of a Federal agency for purposes of locating such taxpayer to collect or compromise a Federal claim against the taxpayer in accordance with section 3 of the Federal Claims Collection Act of 1966 (31 U.S.C. 952).

"(B) SPECIAL RULE FOR CONSUMER REPORTING AGENCY.—In the case of an agent of a Federal agency which is a consumer reporting agency (within the meaning of section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f))), the mailing address of a taxpayer may be disclosed to such agent under subparagraph (A) only for the purpose of allowing such agent to prepare a commercial credit report on the taxpayer for use by such Federal agency in accordance with section 3 of the Federal Claims Collection Act of 1966 (31 U.S.C. 952)."

(b) SAFEGUARDS.—Paragraph (4) of section 6103(p) of such Code (relating to safeguards) is amended by adding at the end thereof the following new sentence: "In the case of any agency which receives any mailing address under subsection (m) (2) or (4) and which discloses any such mailing address to any agent, this paragraph shall apply to such agency and each such agent (expect that, in the case of an agent, any report to the Secretary or other action with respect to the Secretary shall be made or taken through such agency)."

(c) TECHNICAL AMENDMENTS.—

(1) Paragraph (3) of section 6103(a) of such Code is amended by striking out "subsection (m)(4)(B)" and inserting in lieu thereof "paragraph (2) or (4))(B) of subsection (m)".

(2) Paragraph (2) of section 7213(a) of such Code (relating to unauthorized disclosure of information) is amended by striking out "(m)(4)" and inserting in lieu thereof "(m) (2) or (4)".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(e) Except as otherwise provided in section 4 or 7 or the foregoing provisions of this section, nothing in this Act (or in the amendments made by this Act) shall apply to claims or indebtedness arising under, or amounts payable under, the Internal Revenue Code of 1954, the Social Security Act, or the tariff laws of the United States.

Mr. PERCY. Mr. President, this bill was amended and passed by the Senate on Tuesday of this week by a vote of 96-2. The House made several modifications—mostly minor—to the Senate-passed bill. I accept the House bill as passed and urge the Senate to approve final passage of it.

The most important amendment made by the House would exclude claims or indebtedness arising under, or amounts payable under, the Internal Revenue Code of 1954, the Social Security Act, or the tariff laws of the United States from most of the provisions of the debt collection bill.

Mr. President, the amendments made by the House will reduce, to a small extent, the money saving potential of this legislation by making it difficult for the Government to collect approximately $2 billion in overpayments to Federal program beneficiaries. While many of these overpayments are the fault of the Government, many others are caused by program recipients' failure to properly notify the Government of changes in their eligibility for benefits. I agree that extra care should be taken in retrieving benefit overpayments. However, the Government simply cannot afford to write off billions of dollars in benefit overpayments—it must have some tools to enforce its right to be repaid these overpayments. For this reason, I urge the Congress to act on a solution to this problem when we take up the broader issue of Federal entitlements.

For now, however, our first priority must be to pass this amended legislation which will achieve most of our objectives in the debt collection area. Any further delay will be very costly to the taxpayers of this country.

I would like to clarify section 13 of the bill which permits the Federal Government to contract for collection services with private persons or organizations. The section provides that appropriate fees charged by a contractor under this section may be payable from the amount collected by such contractor. It is my intention that such appropriate fees include reasonable contingent fees which may arise.

This section also provides that any such contract shall be effective only to such extent and and in such amounts as are provided in advance appropriation acts. This language was included in recognition that advance budgetary planning and good fiscal management in the agencies is necessary. It was not intended to delay or tie the agencies' hands in their efforts to reimburse private collectors as any bank could. The purpose of this act is to give the Federal Government the tools and flexibility to carry out its collection efforts as an efficient and effective business can. I expect that in planning budgets, authorizations, and appropriations, due consideration be given to reimbursing these contractors with a portion of these collections.

I would like to reiterate that no provision of this bill is intended to affect the study or pilot programs or efforts of the Department of Health and Human Services to increase the efficiency of collecting delinquent Government debts.

Mr. President, there are a few final clarifications I would like to make. In section 10 of the Debt Collection Act, H.R. 4613, subsection (c) provides that prior to collecting any claim through administrative offset, the head of the agency or his designee shall provide the debtor with several due-process protections. I intend that the debtor referred to in this section is a person, as defined in subsection (8) of this section. In subsection (1) the debtor is also intended to be a person as defined in the section.

In section 11 of the bill, subsection (e)(1), in the third sentence of this subsection the intent is that the Secretary of the Treasury may revise such rate for any calender quarter if the average investment rate for the 12-month period ending at the close of the previous calendar quarter, rounded to the nearest whole per centum, is greater or less than the existing published rate by 2 per centum.

Finally, in subsection (3) of section 11, it is intended that interest and charges under paragraphs (1) and (2) shall not apply if an applicable statute, a regulation required by statute, a loan agreement, or a contract either prohibit the charging of interest or such charges, or explicitly fix interest or such charges that apply to claims involved.

Mr. President, I now ask that the Senate act favorably upon H.R. 4613 as amended by the House.

Mr. DOLE. Mr. President, the House made some changes to the Senate-passed tax-related provisions of H.R. 4613, the Debt Collection Act of 1982. The changes made by the House relate to the use of taxpayer identification numbers instead of the taxpayer's social security number and some technical changes in the recordkeeping procedures of the Senate-passed version of H.R. 4613. In addition, the House amendments exempt social security from some of the provisions of the bill which are intended to increase the efficiency of collecting delinquent Government debts.

I understand that Social Security may have a pilot program in progress to study the possibility of collecting delinquent claims. No provisions of this bill are intended to affect the studies or pilot programs or efforts of the Department of Health and Human Services to increase the efficiency of collecting delinquent Government debts.

I will continue to support this bill as amended by the House and I urge my colleagues to pass H.R. 4613, the Debt Collection Act of 1982.

Mr. STEVENS. Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska (Mr. STEVENS).

The motion was agreed to.

SUSPENSION OF RULE XXXI

Mr. STEVENS. Mr. President, I ask unanimous consent that paragraph 6 or rule XXXI of the Standing Rules of the Senate relating to proceedings on nominations be suspended with respect to the nominations unacted upon during the present session, except for the following: Harry J. Staszewski, Jr., to be a member of the U.S. Metric Board and Frederic V. Malek, to be Governor of the U.S. Postal Service.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, and I will not object provided that the following names can be added to that list: John Van de Water, Chairman of the National Labor Relations Board; William Olson, Board of Directors, Legal Services Corporation; George Paras, Board of Directors, Legal Services Corporation; Wendy Borcherdt, Deputy Under Secretary for Intergovernmental and Interagency Affairs, Department of Education; and Robert A. Destro, Constantine Nicholas Dombalis, and Guadalupe Quintannilla on the Commission on Civil Rights.

Mr. STEVENS. Mr. President, it is my understanding that we find ourselves sort of between a rock and a hard place, because if the Senator from West Virginia objects to the request I have made it is my understanding that all of the nominations that are here will go back and the treaties that are here also.

Mr. ROBERT C. BYRD. No; not the treaties.

Mr. STEVENS. Not the treaties?

Mr. ROBERT C. BYRD. Some treaties have been before this body for years. They do not go back.

Mr. STEVENS. There are some other matters that I was told would go back. But, in any event, if I am in error, I would appreciate the correction.

But I am sort of the opinion that I am compelled to accept the additions suggested by the minority leader because the alternative would impose more work upon the executive branch.

Mr. ARMSTRONG. Mr. President, could we just withhold for just a moment? What was the Senator's request?

Mr. STEVENS. Mr. President, my request was that the provisions of paragraph 6 of rule XXXI of the Standing Rules of the Senate relating to pro-

ceedings on nominations be suspended with respect to nominations unacted upon with the exception of two that we understand the administration has no objection to having them returned at this time.

That provision says:

Nominations neither confirmed nor rejected during the session at which they are made shall not be acted upon at any succeeding session without being again made to the Senate by the President; and if the Senate shall adjourn or take a recess for more than thirty days, all nominations pending and not finally acted upon at the time of taking such adjournment or recess shall be returned by the Secretary to the President, and shall not again be considered unless they shall again be made to the Senate by the President.

Now, if the President wishes us to consider the items that the minority leader wishes to have returned, he can just resubmit them to us as we reconvene. It is my understanding, unless we accept this modification, they would all be returned.

Mr. ROBERT C. BYRD. They would all be returned. I understand there may be thousands or several hundred military nominations that would be returned. What we are doing here is saying all nominations will remain in the status quo during the recess of the Senate with the following exceptions which we have agreed to.

Mr. STEVENS. Mr. President, at the request of the distinguished Senator from Colorado, I ask that that matter be laid aside temporarily while he is able to confer.

The PRESIDING OFFICER. Does the Senator withdraw his request?

Mr. STEVENS. I do withdraw that request.

Mr. ROBERT C. BYRD. Mr. President, may I say to the distinguished Senator that I personally have no objection to keeping the nominations in the status quo, but I could only accede to the request under the conditions set forth.

AMENDMENTS TO THE FEDERAL SEED ACT

Mr. STEVENS. Mr. President, I ask the distinguished Senator from West Virginia if we are now prepared to discharge the Agriculture Committee for the consideration of H.R. 7005. That is a bill to amend the Federal Seed Act which I am led to believe is extremely important to the seed industry of California and this bill could become law if the committee is discharged.

It is my understanding that that cannot be handled at this time. I thank the Senator.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, I ask the distinguished Senator from West Virginia if it is possible to take up H.R. 6056.

Mr. President, I withdraw that request because apparently it is not on the calendar with that number.

Mr. McCLURE. Mr. President, I wonder if the acting majority leader can inform me if we are ready to clear Calendar Order No. 841, S. 2118, the Wyoming Wilderness; Calendar No. 815, S. 1964, Missouri Wilderness; Calendar No. 816, S. 1965, Missouri Wilderness, and Calendar No. 819, S. 2710, Indiana Wilderness.

I wonder if we might move those en bloc.

Mr. STEVEN. Mr. President, I might refer the request to the distinguished Senator from West Virginia. I might say that the majority has cleared these items and we are prepared to move them to the House at this time.

It is possible to proceed with those items, I ask my good friend from West Virginia?

Mr. ROBERT C. BYRD. Mr. President, Calendar Order Nos. 815, 816, and 819 are cleared.

Mr. STEVENS. And 841?

Mr. ROBERT C. BYRD. No; the other three are 815, 816, and 819. Those have been cleared.

Mr. McCLURE. Mr. President, we are prepared to move those, if they can be moved en bloc. We had suggested earlier we were going to do them sequentially, taking 841 first and the other three following. If it is impossible to move them en bloc, or if it is impossible to move each one of them individually, it is not going to be possible to move any of them.

Mr. ROBERT C. BYRD. I am sorry, I am only in a position to clear the three I have mentioned.

Mr. McCLURE. I am sorry.

Mr. STEVENS. Mr. President, we will then pass on to other matters.

Mr. McCLURE. Mr. President, might I ask if Calendar Order No. 823, H.R. 6029, the Indiana Dunes, is ready for action?

Mr. ROBERT C. BYRD. I am advised that that is not cleared for action.

Mr. McCLURE. Mr. President, might I inquire if H.R. 2475, which is at the desk, a California bill, is cleared for action?

Mr. ROBERT C. BYRD. I am advised that that is not cleared for action.

Mr. McCLURE. H.R. 5785? I think Mr. JOHNSTON has an interest in that and I suspect Senator LONG also has an interest in that.

Mr. METZENBAUM. What is the calendar number?

Mr. McCLURE. It is a House bill that is at the desk. We have a similar set of bills so it does not have a calendar number.

Is the Senator from Ohio prepared to act on the Senate bill? Is it the House amendment that causes the distress of the Senator from Ohio?

Mr. METZENBAUM. The Senator from Ohio is frank to admit that he does not know what either the House or Senate bill contains and is not prepared to act.

Mr. McCLURE. Is the Senator from Ohio prepared to entertain an explanation of what is in the legislation?

Mr. METZENBAUM. Frankly, no. It is now 20 minutes to 1 in the morning.

Mr. McCLURE. Is S. 1873 cleared for action?

Mr. President, each of these at one time or another today was cleared for action or it was my understanding that it would be if we could clear one other thing that was ready. I was about to ask with repect to S. 187, the Miles City bill, in which the Senator from Montana has a great interest.

Mr. ROBERT C. BYRD. What number is this the Senator is talking about?

Mr. McCLURE. S. 187.

Mr. METZENBAUM. Mr. President, it is not on the calendar.

Mr. McCLURE. It is billed as having been returned to us this evening from the House with an amendment concerning the nature of the title. I am informed that Senator MELCHER and Senator BAUCUS do not object to it. Representative MARLENEE talked to me about it earlier.

Mr. ROBERT C. BYRD. Mr. President, a lot of these we have never had the script on. I think it is getting to be a little ridiculous, if I may say so with due respect.

Mr. McCLURE. May I inquire about H.R. 861, the trails bill?

Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator has the floor.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, we are still awaiting messages from the House. I guess we did get an answer—Calendar 847. It is my understanding that we did get an answer on the National Trails System bill.

Mr. METZENBAUM. Mr. President

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. STEVENS. I yield to the Senator from Ohio.

Mr. ROBERT C. BYRD. Mr. President, I understand that Mr. DOMENICI had a hold on that.

The PRESIDING OFFICER. Does the Senator from Ohio seek the floor?

Mr. METZENBAUM. Mr. President, am I recognized?

Mr. STEVENS. I have yielded to the Senator from Ohio, Mr. President.

Mr. METZENBAUM. Mr. President, I am not trying to give any particular Member of the Senate a difficult time or just to object for the purpose of objecting. But I do believe that if any of these measures really had such a sense of urgency about them, they should have been taken up earlier. We were here at 8:20 one morning this week. We could have taken them up then. We have been here many hours of the day the last several days. Nobody has seen fit to call the measures up. Now the entire body has left. There are about half a dozen Members still on the floor and we are going through a bunch of bills that undoubtedly have importance and significance to those who are concerned about measures. Most of us do not have any idea what they contain.

We have cleared and passed probably 60 to 100 bills so far this evening. I shall just indicate that until I have some idea what they are and understand what I learn about them, I am objecting for that reason.

Mr. McCLURE. Mr. President, will the Senator from Alaska yield.

Mr. STEVENS. I do yield?

Mr. McCLURE. Mr. President, I can understand if the Senator from Ohio has some concern about some bill about which he knows nothing, but it is really amazing to me to have the Senator from Ohio tell me that he knows nothing about some of these bills which have been considered, which he has voted upon, which he has voted for and then to come out here and say he does not know anything about them and therefore he will object to them.

I say for the RECORD, Mr. President, with respect to H.R. 861, Calendar 847, the trails bill, it is cleared on this side.

Mr. ROBERT C. BYRD. I thank the Senator.

ORDER FOR OFFICIALS OF THE SENATE TO TAKE CERTAIN ACTIONS DURING ADJOURNMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until 12 noon on November 29, messages from the President of the United States and the House of Representatives may be received by the Secretary of the Senate and appropriately referred, and that the Vice President, President pro tempore, and acting President pro tempore may be authorized to sign duly enrolled bills and joint resolutions.

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS DURING ADJOURNMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until November 29, committees may be authorized to file reports on October 18 and November 15, between the hours of 9 a.m. and 3 p.m.

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR NOVEMBER 29, 1982

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate reconvenes on November 29, the reading of the Journal be dispensed with, no resolutions come over under the rule, the call of the calendar be dispensed with, and following the time allocated to the two leaders under the standing order, there be a period for the transaction of routine morning business not to exceed 60 minutes in length, with Senators permitted to speak therein for not more than 5 minutes each.

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. Without objection, it is ordered.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, we have been informed that the House has not yet passed the Defense Production Act. That means that unless the Senate remains in session to see what the House has returned to us, we shall be without a Defense Production Act, which would be considered to be a very serious situation indeed.

Mr. SCHMITT. Will the Senator yield?

Mr. STEVENS. Yes, I yield.

Mr. SCHMITT. Mr. President, for the clarification of the Senate, the House, as I understand it, has been unable to agree on a termination date for the extension of the Defense Production Act. There will not be an extension of that act passed by the House at this time. They have passed, as a separate bill, the amendment agreed to by the Senate dealing with a productivity conference. That should be on its way to this body for our consideration.

I hope the Senate will consider that as at least a step in the direction of helping this Nation and the Congress understand many of the aspects of productivity and lack of growth of productivity in this country that we all have expressed great concern about.

I also say with great regret that we are entering into uncertain waters now for the next few months without the availability of the Defense Production Act. An extremely important part of the contracting authority of the Department of Defense has now been removed—again, with very uncertain consequences.

I thank the Senator for yielding.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. STEVENS. Mr. President, Senators and staff have been here for a long time. Yet we must await the matters that I have mentioned. It is my intention to ask the Senate to stand in recess for a period of 30 minutes so we might find out the progress that is being made in the other body and what we might be able to do further tonight. I point out again that many members of the staff have not been out of this room for quite some time. Therefore, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair for not to exceed 30 minutes.

There being no objection, the Senate, at 12:49 a.m., recessed awaiting the call of the Chair. The Senate reassembled at 1:15 a.m. when called to order by the Presiding Officer (Mr. ABDNOR).

PERISHABLE AGRICULTURAL COMMODITIES ACT AMENDMENT—H.R. 6865

Mr. STEVENS. Mr. President, the distinguished Senator from Louisiana indicated in his gracious way that I could forget about answering his question concerning H.R. 6865 but now I am able to tell him that the administration and the Department of Agriculture fully support the bill that we seek to pass.

Mr. LONG. I thank the Senator.

As I told the Senator if he could not get the answer to the question I was going to let it pass anyway.

Mr. STEVENS. The Senator from Louisiana has always been quite gracious and helpful, and it is a pleasure to work with him.

I do now ask that the Senate return to the consideration of H.R. 6865.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6865) to amend the Perishable Agricultural Commodities Act, 1930, to require the Secretary of Agriculture to accept the payment of monetary penalties for certain admitted and infrequent violations involving misrepresentation under such Act, and for other purposes.

The Senate proceeded to consider the bill.

(By request of Mr. STEVENS, the following statement was ordered to be printed in the RECORD:)

● Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be discharged from further consideration of H.R. 6865, and that the

Senate proceed to its immediate consideration.

Mr. President, H.R. 6865 is an act to amend the Perishable Agricultural Commodities Act, 1930 (PACA). It passed the House of Representatives on September 28, 1982, under suspension of the rules.

The purpose of the PACA is to suppress unfair and fraudulent practices in the marketing of fresh and frozen fruits and vegetables in interstate and foreign commerce. To accomplish this purpose, the PACA established a code of fair trading in the marketplace and provides for the enforcement of contracts for marketing these commodities.

In the produce industry, large amounts of commodities are purchased on a good faith basis. In general, there is no written contract and the buyer does not see the product. It is a verbal business which can easily slide into misunderstanding, deception, and fraud.

Under the PACA, commission merchants, brokers, and dealers, including certain retailers and processors, must be licensed. The license system plays a very important role in the fresh fruit and vegetable marketplace, providing a means of establishing the legitimacy of the merchants and serving as a mechanism for enforcement of the PACA requirements. The ultimate sanction for engaging in unfair trading practices is, of course, revocation of the license, with lesser sanction such as fines and license suspensions completing the enforcement system.

H.R. 6865 would amend the PACA enforcement provisions to require the Secretary of Agriculture to permit any commission merchant, dealer, or broker, who has violated the act by misrepresenting by mark, stencil or label, to admit the violations, and if the violations are not repeated or flagrant, pay a monetary penalty. This amendment is intended to confirm existing authority of the Secretary of Agriculture to permit informal satisfaction of liability for any misrepresentation, and to make it clear that the Secretarty of Agriculture will permit informal settlement of liability for misrepresentation violations relating to mark, label, and stencil if they are not repeated or flagrant.

In addition to amending the enforcement provisions, H.R. 6865 would also require a U.S. resident to furnish a bond before pursuing a claim for the recovery of damages before the Secretary of Agriculture where the claim asserted has been assigned to the U.S. resident by a nonresident of the United States. This amendment would eliminate a statutory loophole, which currently permits a nonresident who files a reparations complaint under PACA to avoid the present requirement that nonresidents post a bond, by assigning his or her claim to a U.S. resident. The purpose of the bond is to discourage frivolous claims and to provide for payment of attorney fees, court costs, and any award on a counterclaim if a respondent U.S. resident prevails in a reparation proceeding. In the absence of this provision, the U.S. respondent has no means to recover costs and damages if he or she prevails in the proceeding. The amendment merely places the resident assignee of the claim of a nonresident in the shoes of the nonresident in proceeding before the Secretary of Agriculture.

Let me point out one other thing. Under current law the bonding requirement for nonresident claimants can be waived by the Secretary in a case where the nonresident claimant is a resident of a country that permits U.S. residents to file a similar claim in that country without posting a bond. I want to clarify that in adopting H.R. 6865, it is intended that this waiver authority will continue, and that it will also apply in cases where the nonresident's claim has been assigned to a U.S. resident.

Mr. President, I ask that H.R. 6865 be adopted by the Senate without amendment.●

Mr. STEVENS. Mr. President, I renew my request and ask unanimous consent be given to discharge the Agriculture Committee from further consideration of H.R. 6865.

I apologize to the distinguished minority leader for proceeding. I thought it would be proper since we already brought this matter before the Senate before.

This is the matter that we put into abeyance awaiting the answer concerning the administration's point of view.

I do ask unanimous consent that the Committee on Agriculture be discharged from consideration of H.R. 6865.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 6865) was ordered to a third reading, was read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, I have conferred with the distinguished Speaker of the House of Representatives. We are awaiting two messages from the House of Representatives pertaining to the Defense Production Act and Wolf Trap, and when they are received we will proceed to clear the final items that are before us.

I yield to the Senator from Virginia who wishes to make a statement at this time.

WOLF TRAP

Mr. WARNER. Mr. President, with the expectation that Wolf Trap legislation will be adopted, I wish to express my appreciation to the majority leadership, the minority leadership, the distinguished chairman of the Energy Committee, our distinguished colleague from Louisiana (Mr. LONG), who I believe is representing tonight Mrs. Long as a member of the board, and to my colleague FRANK WOLF who has traveled back and forth between the Chambers many times this evening.

The procedure that we agreed to adopt was that the amendments I was prepared to submit to the House bill (H.R. 6875) were given to Mr. WOLF and he took them to the House of Representatives, and the House of Representatives has now passed these amendments designated by myself.

The purpose of these amendments was to clarify the language of the House bill with respect to the Dulles Airport access toll road. The toll road hopefully will be constructed by the Commonwealth of Virginia and financed by the sale of bonds.

The language in the House bill, in my judgment and that of Governor Robb and chairman of the Fairfax County Board of Supervisors, Mr. Haggerty, required some amendments, and with the cooperation of the House of Representatives and others we were able to reach an understanding on the needed amendments and, as I said, it would be not necessary for me to submit the amendments tonight that I have drafted since Mr. WOLF has now obtained concurrence of the House of Representatives and they are attached to the bill which hopefully will soon be coming over from the House of Representatives.

A great many persons have worked tonight to effect this compromise. The distinguished Senator from Ohio has given his blessing to this piece of legislation, and I express my appreciation to him.

The distinguished Senator from Oklahoma, who was here earlier, had concern, and he likewise has given his blessing to this legislation going forward.

Indeed, the distinguished Senator from South Carolina has participated in it, and I express my appreciation to him.

Mr. LONG. Mr. President, may I say to the Senator from Virginia that he

has been tireless, devoted, and indefatigable in handling this measure, and it is proof that the State of Virginia has a Senator who never gives up regardless of how late at night or how early in the morning he has to work to take care of a matter which is of significance to his State, and I am pleased to support him in this matter.

I have attended a benefit at Wolf Trap recently where a number of people, people such as Mrs. Lyndon Johnson and other outstanding Democrats, as well as outstanding people on the other side of the aisle, helped to raise money to assist in rebuilding the auditorium burned down by fire some time ago.

I am pleased to see that this matter can be resolved and the Federal Government can cooperate in the rebuilding, with the dedicated efforts of those people in Virginia and the people in the District of Columbia who have been working together to raise money for a very worthy project. It will continue to be a priceless asset to the metropolitan area.

Mr. WARNER. I appreciate the gracious sentiments of the distinguished Senator from Louisiana. Indeed, Mr. SEIBERLING worked on this, as did Mr. UDALL, so it is a bipartisan piece of legislation with respect to funds. They are coming in from all over the United States.

Mr. President, I would also like to include a reference to the staff members, if I might finish, and then I will be glad to yield, Mr. Roger Sindelar, Mr. Lee Califf, and Mr. Tony Bevinito who have worked on this.

I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I just want to commend the able Senator from Virginia for his deep interest in this important matter and for the great finese with which he has handled it.

I have attended many performances at Wolf Trap, and it is one of the outstanding recreation centers in the whole country. The public was very much interested in this, and thousands of dollars have been raised in this part of the country as well as in other parts to restore this property which was burned out there, and I am very pleased with the action being taken here for the Federal Government to cooperate in this important project.

If it had not been for the work the able Senator from Virginia did, I am not too sure that this project would have been successful. So I just want to extend to him my hearty congratulations for the splendid manner in which he has handled this matter, and the great success he has attained.

Mr. WARNER. I thank the distinguished Senator from South Carolina for his very gracious remarks.

I yield to the Senator from Idaho.

Mr. McCLURE. I thank the Senator from Virginia. I do want to commend the Senator from Virginia for his good humor during his attention to this, as well as his dogged determination to see that it was going to be done tonight. I do not suppose anyone can really understand what it is like to spend hour after hour after hour trying to clear away the underbrush, as the Senator from Virginia has successfully been doing, in getting this matter resolved tonight in the form of a bill which will go to the President.

For those who do not understand the urgency of timing on this, let me just indicate that if the bill was not passed tonight so it could go to the President, it would very likely be impossible to let contracts in time to start proceeding so they could have a full season next year. Even though it might be considered in the lameduck session, that simply would not get it done in order to have the excellent performances in time, so the Senator from Virginia and the others who have spoken here tonight and others who have gotten it done are owed a very great debt of gratitude by those who are very much interested in the future of Wolf Trap.

I wish to commend the Senator and to thank him for his help.

Mr. WARNER. I thank my distinguished chairman of the Energy Committee. The Senator has been a full partner throughout this proceeding as well as in the preparation of this legislation and the hearings, and I know of his interest in Wolf Trap and his concern that this be reconstructed in a manner that will make it harmonious with the proposed expansion of the highway system in that corridor.

It was through the Senator's diligence, in my judgment, that we were able to forge this compromise to protect the quality of Wolf Trap and, at the same time, go through with this highway construction.

EXECUTIVE NOMINATIONS TO BE RETURNED TO THE WHITE HOUSE

Mr. STEVENS. Mr. President, I would now like to resume the effort to resolve the problem of the executive nominations under paragraph 6 of rule XXXI. After conferring with the distinguished minority leader, what I propose that rather than have all the nominations returned because we failed to act, I have reached an understanding with the distinguished minority leader which I state as follows: I ask unanimous consent that paragraph 6 of rule XXXI of the Standing Rules of the Senate relating to proceedings on nominations be suspended with respect to nominations not acted upon during the present session, except for the following:

Harry J. Staszewski, Jr., to be a member of the U.S. Metric Board.

Frederic V. Malek, to be Governor, U.S. Postal Service.

John Van de Water, to be Chairman of the National Labor Relations Board.

William Olson, Board of Directors, Legal Services Corporation.

George Paras, Board of Directors, Legal Services Corporation.

Wendy Borcherdt, Deputy Undersecretary for Intergovernmental and Interagency Affairs, Department of Education.

Those that I have read, Mr. President, would be returned to the President. The balance would remain here under a suspension of the rules.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object——

Mr. STEVENS. Mr. President, I ask unanimous consent to add to that list the nominees under the U.S. Arms Control and Disarmament Agency, and calendar order numbered 1013, the nominee to be Assistant Secretary of State.

Mr. President, I withdraw my request again. The list must be revised further.

Mr. President, it is my understanding that, without a unanimous-consent agreement, all nominations before us will go back. I have been trying to work the matter out and we cannot get an agreement for a unanimous-consent request. Again, I withdraw the request and we will try once again to resolve the issue.

May I inquire of the Chair if we have received the message from the House yet on DPA or on the Wolf Trap bill?

The PRESIDING OFFICER. They have not arrived.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair pending the arrival of those two matters which are keys to our proceeding further.

There being no objection, at 1:31 a.m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 1:40 a.m. when called to order by the Presiding Officer (Mr. ABDNOR).

Mr. STEVENS. Mr. President, I thank the Chair for his indulgence.

I would now like to propound a unanimous-consent request that upon receipt of these items from the House, we will proceed; and, we will proceed on the basis that we will do these 10 items and there will be nothing else done prior to the recess.

Mr. President, I ask unanimous consent that the Senate, before it recesses this morning, consider H.R. 7293, the Wolf Trap bill which is coming from the House. That will be without amendment as it comes from the House.

Second, an original bill to be offered on behalf of the Senators from Arizona (Mr. DECONCINI and Mr. GOLDWATER), without amendment.

Third, calendar No. 815, S. 1964, and calendar No. 816, S. 1965, the Missouri wilderness bills, without amendment.

Calendar No. 819, S. 2710, the Indiana wilderness bill, with an amendment in the nature of a substitute and an amendment to the title, as reported by the committee.

Calendar No. 823, H.R. 6029, the Indiana Dunes, without an amendment.

The Defense Production Act extension for 6 months as it will be received from the House, assuming we agree with that version, and the productivity bill which accompanies it, H.R. 7292.

The motion that I will make in order to suspend the provisions of paragraph 6 of rule XXXI, those nominations to be excepted from that suspension to be a list that will be agreed upon between the minority leader and myself as acting majority leader.

The last matter to be the recess resolution, which we have received from the House.

It would be the understanding that we would proceed with the consideration of those bills that are here first. We are not going to do them in any particular order. Those that are here now we will do and as soon as we get the bills from the House we will do them as they are received.

When we complete that list, we will send the recess resolution to the House.

I would ask the indulgence, if we get this agreement, that we adopt the recess resolution and send it to the House so they may go home. They have finished their work.

I will accede to the desires of the membership in that regard.

That is my request. That would limit the actions for the remainder of this session prior to our recess to those 10 matters that I have mentioned.

Mr. ROBERT C BYRD. It is a good program. I am ready to proceed.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. I do not know whether the request has been made or not.

Mr. STEVENS. That is the unanimous-consent request and there will be nothing else brought up here tonight.

Mr. ROBERT C. BYRD. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARK TWAIN NATIONAL FOREST

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate Calendar No. 815, which is S. 1964.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1964) to designate certain lands in the Mark Twain National Forest, Missouri, which comprise about 17,562 acres, and known as the Irish Wilderness, as a component of the National Wilderness Preservation System.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

● Mr. DANFORTH. Mr. President, I am extremely pleased and gratified to reach the point of Senate passage of S. 1964 and 1965—bills bringing Missouri's Irish Wilderness and Paddy Creek areas within the National Wilderness Preservation System.

When I ran for the Senate 6 years ago, I pledged to fight for Missouri wilderness areas. The Missouri Wilderness Coalition developed a list of six suggested candidates, and in 1980 we were able to take care of four of them—Bill Mountain, Piney Creek, Devil's Backbone, and Rockpile Mountain. Inclusion of these two additional areas would complete the job.

I believe strongly in the preservation of these special places. As David Brower warned some time ago:

This generation is speedily using up, beyond recall, a very important right that belongs to future generations—the right to have wilderness in their civilization, even as we have it in ours; the right to find solitude, somewhere; the right to see, enjoy, and be inspired and renewed, somewhere, by those places where the hand of God has not been obscured by the industry of man.

I was heartened on September 13 by the President's recommendation that Paddy Creek be designated as a wilderness area. The Irish has been somewhat more controversial, but has generated far more statewide support than any other area in Missouri. As the wilderness coalition put it:

It is, without question, the clearest, strongest, expression of Ozark landscape, geology, ecology, and natural beauty. The Irish is the best of its kind, and the last of its kind.

Senate passage of this legislation is an important step toward preservation of these prized areas for future generations. I want to express my appreciation to the Senator from Wyoming (Mr. WALLOP), who is chairman of the Public Lands Subcommittee, and the chairman of the Energy Committee (Mr. MCCLURE) for their great assistance in moving this legislation to this point. It is my hope that the House will quickly follow suit.●

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be known as the Irish Wilderness Act of 1981.

SEC. 2. In furtherance of the purposes of the Wilderness Act (78 Stat. 890) and the Act of January 3, 1975 (88 Stat. 2096), the following area as generally depicted on a map approximately referenced, dated December 1981, is hereby designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, certain lands in the Mark Twain National Forest, Missouri, which comprise about seventeen thousand five hundred and sixty-two acres, are generally depicted on a map entitled "Irish Wilderness", dated December 1981, and shall be known as the Irish Wilderness.

SEC. 3. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Irish Wilderness area with the Energy and Natural Resources Committee of the Senate and the Interior and Insular Affairs Committee of the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 4. The area designated as wilderness by this Act shall be administered in accordance with the applicable provisions of the Wilderness Act (78 Stat. 890) and the Act of January 3, 1975 (88 Stat. 2096), except that any reference in such provisions to the effective date of such Acts shall be deemed to be a reference to the effective date of this Act.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PADDY CREEK WILDERNESS AREA

Mr. STEVENS, Mr. President, I ask that the Chair lay before the Senate Calendar No. 816, S. 1965.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1965) to designate certain lands in the Mark Twain National Forest in Missouri, which comprise approximately 6,888 acres, and which are generally depicted on a map entitled "Paddy Creek Wilderness Area", as a component of the National Wilderness Preservation System.

The PRESIDING OFFICER. The Senate will proceed to its immediate consideration.

The Senate proceeded to consider the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be known as the Paddy Creek Wilderness Act of 1981.

SEC. 2. In furtherance of the purposes of the Wilderness Act (78 Stat. 890) and the Act of January 3, 1975 (88 Stat. 2096), the following area as generally depicted on a map appropriately referenced, dated Decem-

ber 1981, is hereby designated as wilderness and, therefore, as a component of the National Wilderness Preservation System; certain lands in the Mark Twain National Forest, Missouri, which comprise about six thousand eight hundred and eighty-eight acres, are generally depicted on a map entitled "Paddy Creek Wilderness Area", dated December 1981, and shall be known as the Paddy Creek Wilderness Area.

SEC. 3. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and legal description of the Paddy Creek Wilderness Area with the Energy and Natural Resources Committee of the Senate and the Interior and Insular Affairs Committee of the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 4. The area designated as wilderness by this Act shall be administered in accordance with the applicable provisions of the Wilderness Act (78 Stat. 890) and the Act of January 3, 1975 (88 Stat. 2096), except that any reference in such provisions to the effective date of such Acts shall be deemed to be a reference to the effective date of this Act.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HOOSIER NATIONAL FOREST

Mr. STEVENS. Mr. President, I now ask the Chair to lay before the Senate Calendar No. 819, S. 2710.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2710) to establish a wilderness area in the Hoosier National Forest Area, Indiana.

The Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources with an amendment to strike out all after the enacting clause and insert the following:

That in furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131), certain lands within the Hoosier National Forest, Indiana which comprise approximately twelve thousand nine hundred and fifty-three acres as generally depicted on a map entitled "Charles C. Deam Wilderness—Proposed", dated April 30, 1982, are hereby designated as wilderness, and therefore as a component of the national wilderness system, and shall be known as the Charles C. Deam Wilderness.

SEC. 2. Subject to valid existing rights, the Charles C. Deam Wilderness as designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 3. Nothing in this Act shall affect the right of public access to cemeteries located within the Charles C. Deam Wilderness, including the Terril Cemetery. The right of access to privately-owned land completely surrounded by national forest lands within the area, designated by this Act as wilderness and to valid occupancies wholly within the area designated by this Act as wilderness shall be protected in accordance with the provisions of section 5 of the Wilderness Act.

SEC. 4. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of national forest roadless areas in Indiana and the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to national forest lands in States other than Indiana, such statement shall not be subject to judicial review with respect to national forest system lands in the State of Indiana;

(2) with respect to the national forest lands in the State of Indiana which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II), that review and evaluation shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 (Public Law 94-588) to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the initial plans and in no case prior to the date established by law for completion of the initial planning cycle;

(3) areas in the State of Indiana reviewed in such final environmental statement and not designated as wilderness by this Act shall be managed for multiple use pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976; and

(4) unless expressly authorized by Congress the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of national forest system lands in the State of Indiana for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

SEC. 5. As soon as practicable after enactment of this Act, maps and legal descriptions of the Wilderness Area shall be filed with the Committees on Agriculture and Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, and such maps and legal descriptions shall have the same force and effect as if included in this Act: Provided, however, That corrections of clerical and typographical errors in such legal descriptions and maps may be made.

Mr. QUAYLE. Mr. President, I am very pleased that the Senate is considering S. 2710, which would designate 12,953 acres in the Hoosier National Forest as the Charles C. Deam Wilderness area.

Two areas in Indiana recommended as wilderness during the RARE II evaluations are included in this area: The 6,420-acre Grubb Ridge area and the 3,611-acre Cope Hollow area. Also included are approximately 2,900 acres of adjoining land in the Terril Ridge area. Gov. Robert Orr made this recommendation in November 1981. The Governor's endorsement of this area provided an impetus in finalizing a settlement on Indiana wilderness which has resulted in this legislation. Tower Ridge Road is not included in the wilderness designation and nothing in the legislation affects the right of public access to the six cemeteries located in the wilderness.

The National Wilderness Preservation Act stipulates that all timber located in the wilderness area be removed from the timber base of the national forest in which it is located. The Congressional Budget Office states that:

Because the annual cut in the Hoosier National Forest does not approach the maximum timber harvest allowed, no Federal timber receipts are expected to be foregone as a result of enactment of this legislation.

Residing in this wilderness area are impressive stands of oak and hickory, with a good percentage of tulip poplar, and planted pine. Regenerating fields along some ridges provide a natural break in the forest cover. The area contains some of the best populations of whitetail deer, ruffled grouse, and wild turkey to be found in Indiana. This area will be the home of red and gray fox, mink, weasel, and the endangered Indiana bat. The Mount Carmel fault, the only faultline in Indiana, passes through the area.

The wilderness area is named for Charles C. Deam, the first State forester in Indiana. His writings, "Trees in Indiana" and "Flora of Indiana" are still in use today.

I am in agreement with the other supporters of this legislation, Senator LUGAR, and Congressmen HAMILTON and DECKARD, that this legislation represents a final compromise settlement of issues which have been surrounding the wilderness question, that the number of acres of wilderness is sufficient to permit a wide variety of recreational, educational, and scientific opportunities. All remaining lands in the Hoosier National Forest would be released for multiple use management by the U.S. Forest Service. Any further wilderness designations in Indiana would require an act of Congress.

I am especially grateful to all those citizens in Indiana who have worked so hard and with great diligence to develop plans for a wilderness designation. This is a proposal that comes from the citizens of Indiana and it is not a mandate being handed down by the Federal Government. I also appreciate the efforts of Senator MCCLURE

and the other members of the Energy and Natural Resources Committee in responding to the urgings of Senator LUGAR and myself on the need to pass this legislation during the 97th Congress.

Indiana is one of the six States east of the Mississippi that does not have a wilderness area. I believe that the Deam Wilderness can be a proud addition to the wilderness preservation system.

Mr. LUGAR. Mr. President, S. 2710 designates a 12,953-acre Charles C. Deam Wilderness in the Hoosier National Forest, Ind. This includes the Grubb Ridge, Cope Hollow, and Terril Ridge areas.

The proposed wilderness is one of great diversity. It is a mosaic of hardwood forests of oak-hickory and beech-maple types. This upland hill country with ravines, hollows and streams will be dedicated to the quiet emjoyment of nature.

The proposed wilderness is named after Charles C. Deam, a pioneer in forest conservation in Indiana and the author of "Trees of Indiana" and "Flora of Indiana."

S. 2710 has been very thoroughly discussed in consultation with a wide variety of organizations and individuals in Indiana. It is based upon a proposal which Governor Orr made in November 1981. In February 1982, I convened a meeting in Indiana at which the Governor's proposal was discussed by organizations of differing viewpoints. All of the organizations represented at that meeting now support S. 2710. S. 2710 and an identical House bill were sponsored by the entire Indiana congressional delegation. Every witness who testified before the Senate Committee on Energy and Natural Resources on August 12, 1982, supported the bill. The committee by a vote of 17 to 0 ordered S. 2710 reported with only technical and clarifying amendments. The administration has no objection to the passage of this legislation.

What was once a hotly debated question in Indiana has now been settled by the hard work and good will of a great many individuals. I am deeply grateful to them for their efforts.

Mr. President, I urge passage of S. 2710.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 2710), as amended, was passed.

The title was amended so as to read: "A bill to establish the Charles C. Deam Wilderness in the Hoosier National Forest, Indiana."

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXCHANGE OF CERTAIN FEDERAL LANDS

Mr. STEVENS. Mr. President, I now ask unanimous consent that the Chair lay before the Senate Calendar No. 823, H.R. 6029.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6029) to authorize the Secretary of the Interior to acquire by exchange certain lands within the Indiana Dunes National Lakeshore in the State of Indiana.

Mr. STEVENS. Mr. President, I ask for the immediate consideration of the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

There being no objection, the Senate proceeded to consider the bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROVIDING FOR THE USE OF CERTAIN FEES COLLECTED FROM VISITORS TO GRAND CANYON NATIONAL PARK

Mr. STEVENS. Mr. President, there is an original bill to be sent to the desk in behalf of the Senators from Arizona (Mr. DECONCINI and Mr. GOLDWATER).

Mr. ROBERT C. BYRD. Mr. President, I send a bill to the desk on behalf of Mr. DECONCINI and Mr GOLDWATER and ask for its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 3039) to provide for the use of certain fees collected from visitors to Grand Canyon National Park, and for other purposes.

The PRESIDING OFFICER. Without objection, the bill will be considered to have been read twice and the Senate will proceed to its immediate consideration.

Mr. DECONCINI. Mr. President, this bill, which is cosponsored by my distinguished senior colleague, Senator BARRY GOLDWATER, amends Public Law 95-244, as amended by section 3 of Public Law 96-581.

All it does, Mr. President, is modify existing law and establish a "special fund" to provide some needed additional support to the Grand Canyon Unified School District—which is within the Grand Canyon National Park. This educational support has already been authorized by the acts of Congress previously mentioned. The revenues for the fund would come entirely from revenues received by the United States from visitors to the Grand Canyon National Park. This is money received at the gate—$2 a car, 50 cents per person on buses.

Pursuant to terms prescribed by the Secretary of the Interior, payments from this fund would be made to the Grand Canyon School District for the education of the children who actually reside on Federal land. Because Federal property is not subject to taxation by State or local agencies, this amendment will assure that the Federal Government pays its fair share of the cost of the health, safety, and education of the children of its employees.

If this support were not necessary on a continuing basis, we would not suggest that a special fund be established. But the district simply does not have the tax base to support the yearly costs of operating the school. Establishing a fund under the control of the Secretary is a much more effective way of dealing with the problem than asking the Congress for a line item appropriation year after year.

Mr. President, I ask unanimous consent that a copy of a letter from the district's school board to the Park Service be entered into the RECORD at this time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BOARD OF EDUCATION,
GRAND CANYON UNIFIED SCHOOLS,
Grand Canyon, Ariz., August 16, 1982.

Mr. RICHARD MARKS,
Superintendent, Grand Canyon National Park, Grand Canyon, Ariz.

DEAR MR. MARKS: Pursuant to 20 USC 238 section entitled "Payments to School Districts through September 30, 1985, for Educational Expenses for Pupils Living At or Near Grand Canyon National Park on Tax Exempt Realty Owned by United States; Cooperative Agreements; Funding", the Board of Education of the Grand Canyon Unified School District No. 4 requests Eight Hundred Forty Thousand Dollars ($840,000) in order to bring the Federally owned school facilities to compliance with Arizona State Fire Code, Life Safety Codes and other governing codes.

This emergency request is being made in view of the recent Arizona State Fire Marshal's inspection and follow up inspections by the National Park Service Safety Officer.

The dollar amount requested is based on the estimates of Rossman & Partners, AIA Architects, 4601 East McDowell Road, Phoe-

nix, Arizona 85008 who were commissioned by the Board of Education to develop a Master Plan for the district (copies enclosed). Please direct your attention to pages 4 through 17 and pages 64 and 66. These estimates are based on 1980 construction costs. To further document the emergency need for these improvements a copy of the State Fire Marshal's report is attached.

It must be pointed out that since August 2, 1982 the District hired a new Superintendent, a new Director of Maintenance and as a result the minor code violations have already been addressed.

Enclosed are six (6) copies of the emergency request and supporting documentation to be reviewed by the appropriate offices in the Department of the Interior.

If we may be of any further assistance regarding this emergency request please contact John L. Vest, Superintendent at 638-2461. It is imperative that we protect the safety of the students at the Grand Canyon National Park. The assistance of your staff and your own personal efforts in helping our students are deeply appreciated.

Sincerely,

RONALD MELCHER, *President.*
C. MICHAEL VERKAMP, *Clerk.*
CAROL NAILLE, *Member.*
ARDEN KESSEL, *Member.*
JOHN L. VEST, *Superintendent.*

Mr. DECONCINI. Mr. President, I asked for this letter to be included because it indicates the kind of basic problems facing the school district. The facilities are not presently in compliance with Arizona State Fire Codes, Life Safety Codes, and other governing codes. We are not talking about swimming pools, or plush surroundings, or even new buildings. What we are talking about is health and safety and the right to receive an adequate education.

These children, for the most part, are the children of Federal employees—the people who operate and maintain the facilities at the Grand Canyon. The Grand Canyon is not an Arizona monument Mr. President, it is a national monument. It is one of America's greatest tourist attractions. It brings a lot of tourists, and tourist money into this country. All we are asking for is that a very small amount of these Federal revenues, of which millions are collected at the park, be set aside to cover some of the costs of operating and maintaining the school facilities. The Secretary of the Interior simply estimates how much money will be necessary—in addition to the moneys received from the general tax levies, State equalization aid, and the various Federal programs—and expends the funds when they are needed for operation and maintenance. There is no authorization to use the funds for construction.

Mr. President, as I said, all but a small portion of the land within the boundary of the school district is owned by the Federal Government. Less than 2 percent of the property in the district is privately owned. About 10 to 15 percent is held by the State; and 85 percent of the land is managed by the National Park Service and the U.S. Forset Service.

Because so little land is privately owned, the assessed valuation for tax purposes for the district during the 1981-82 school year was $6.7 million. This results in a tax rate of $5.78 per $100. And this rate is projected to increase by at least $1 per $100 for the coming school year. The tax base, such as it is, is eroding. When the Santa Fe Railroad removes its tracks, as planned, it will no longer pay taxes to the district. Last year it paid over $44,000.00.

In the 1981-82 school year, the district had an enrollment of 216 students and 186 of these students lived within the Grand Canyon National Park boundary and were classified as category A for Federal impact aid purposes. The district received $276,000 in impact aid funding and approximately $47,000 in other Federal education funds, for a total of $323,000 in Federal assistance.

Thus, even though over 80 percent of the district's students are dependents of Federal employees who reside on Federal nontaxable land, only 36 percent of the district's total budget was financed by Federal funds. Next year the Federal share will be even less, about 29 percent, because of less impact aid and lower Federal education funding levels. Also, one major misconception should be clarified: The district does not receive payment in lieu of tax assistance. It has not received such assistance since the program's enactment.

It is quite clear the Federal Government is not providing its share of assistance to this school district which has, as its primary purpose, the education of dependents of Federal employees. It should be remembered that if this district did not exist, the children would have to be bused to either Flagstaff, Ariz., 89 miles one way, or Williams, Ariz., 60 miles one way. This, of course, assumes one of those districts would be able to accept them. Busing 4 hours a day simply is not practical and I seriously doubt it would be acceptable to the parents of these children.

Another important point to remember also is that having an adequate school system within the park makes it much easier for the National Park Service to attract quality personnel.

Mr. President, as I have stated, current law authorizes additional Federal; support to the district. In fact these statutes, over a 7-year period, have authorized up to $6 million to supplement the other sources of the district's moneys. However, the only funds which have been appropriated under this authorization have been added by the Senate, at my request. The amounts $500,000 in fiscal year 1979 and $250,000 fiscal year 1980. In fiscal year 1982, the Senate, again at my request, added $1 million to the bill but the amendment was rejected by the House of Representatives. The administration has never requested funding under this authorization and has requested none for fiscal year 1983.

This is a small bill, Mr. President, but it is not small or trifling to this school district. It leaves it to the Secretary to control the fund and to estimate how much will be required to meet the minimum standards of the act. It is roughly estimated that it would take $1 to $2 million over 1 to 2 years to bring the facilities up to the required health and safety standards.

I would ask my colleagues to act on this legislation as expeditiously as possible.●

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3039

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. (a) The first section of the Act entitled, "An Act to authorize the Secretary of the Interior to make payments to appropriate school districts to assist in providing educational facilities and services for persons living within or near the Grand Canyon National Park on nontaxable Federal lands, and for other purposes," approved March 14, 1978 (92 Stat. 154), as amended (20 U.S.C. note following sec. 238), is amended by striking out the matter after the enacting clause through the word "payments" the first time it appears and inserting in lieu thereof the following: "That (a) notwithstanding any other provision of law providing for the disposition of revenues described in this subsection, and under such terms and conditions as may be prescribed by the Secretary of the Interior, payments may be made, in advance or otherwise, from any revenues received by the United States from visitors to Grand Canyon National Park,".

(b) Subsection (c) of the first section of such Act is amended to read as follows:

"(c) For the purpose of this Act, the Secretary of the Treasury is authorized and directed to maintain in a special fund a portion of the park revenues, sufficient for the maintenance and operation of Federally owned buildings, facilities, equipment, real property, and grounds used for school purposes, and for all applicable current Federal, State, and local fire life safety, and building codes, based upon estimates to be submitted by the Secretary of the Interior, and to expend amounts deposited in the special funds under this subsection upon certification by the Secretary of the Interior.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE NOMINATIONS TO BE RETURNED TO THE WHITE HOUSE

Mr. STEVENS. Mr. President, I renew my request for unanimous consent that paragraph 6 of rule XXXI of the Standing Rules of the Senate relating to proceedings on nominations be suspended with respect to nominations unacted upon during the present session, except for the following:

Harry J. Staszewski, Jr. To be a member of the U.S. Metric Board; Frederic V. Malek, to be Governor, U.S. Postal Service; John Van de Water to be Chairman of the National Labor Relations Board; Wendy Borcherdt, to be Deputy Undersecretary for Intergovernmental and Interagency Affairs, Department of Education; and all the following nominations:

COMMISSION ON CIVIL RIGHTS

Robert A. Destro, of Wisconsin, to be a Member of the Commission on Civil Rights; Constantine Nicholas Dombalis, of Virginia, to be a Member of the Commission on Civil Rights; and Guadalupe Quintanilla, of Texas, to be a Member of the Commission on Civil Rights.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. STEVENS. Mr. President, have we received yet the Defense Production Act extension or the productivity bill?

The PRESIDING OFFICER. They have not been received yet.

Mr. STEVENS. Or the Wolf Trap bill?

The PRESIDING OFFICER. They have not been received.

RECESS SUBJECT TO CALL OF THE CHAIR

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. There being no objection, the Senate, at 1:50 a.m., recessed awaiting the call of the Chair; whereupon, at 2:02 a.m., the Senate reassembled when called to order by the Presiding Officer (Mr. WARNER).

WOLF TRAP FOUNDATION FOR THE PERFORMING ARTS

Mr. STEVENS. Mr. President, with respect for the current occupant of the Chair, I ask unanimous consent that the Chair lay before the Senate H.R. 7293, the Wolf Trap bill.

The PRESIDING OFFICER. Without objection, the bill will be considered as having been read twice.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 7293) to provide financial assistance to the Wolf Trap Foundation for the Performing Arts for reconstruction of the Filene Center in Wolf Trap Farm Park, and for other purposes.

Mr. STEVENS. Mr. President, pursuant to the previous unanimous-consent request, I ask that this bill be passed without amendment.

There being no objection, the Senate proceeded to consider the bill.

The bill was ordered to a third reading, was read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WHITE HOUSE CONFERENCE ON PRODUCTIVITY

Mr. STEVENS. Mr. President, I now ask unanimous consent that the Chair lay before the Senate the productivity bill, which is H.R. 7292.

The PRESIDING OFFICER. Without objection, the bill will be considered as having been read twice.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 7292) to establish a White House conference on productivity.

Mr. STEVENS. Mr. President, I ask for the immediate consideration of the bill pursuant to the previous agreement.

There being no objection, the Senate proceeded to consider the bill.

The bill was ordered to a third reading, was read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEFENSE PRODUCTION ACT EXTENSION

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2375.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2375) entitled "An Act to extend the Defense Production Act of 1950; to amend section 719 of such Act to transfer the authorities and functions of the Cost Accounting Standards Board; to establish a Commission on Strategic and Critical Materials Stock Piling Needs; and to establish a White House Conference on Productivity", do pass with the following amendments:

Strike out all after the enacting clause, and insert: That the first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking out "September 30, 1982" and inserting in lieu thereof "March 31, 1983."

Amend the title so as to read: "An Act to extend the expiration date of the Defense Production Act of 1950."

Mr. STEVENS. Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

A MINORITY VIEW OF THE 97TH CONGRESS

Mr. ROBERT C. BYRD. Mr. President, this is the last day of the Senate's business before the election recess during this, the 2d session of the 97th Congress. It is appropriate at this time for us to review the progress we have made this term in advancing the public agenda, and look forward to the days ahead to see how we might do better.

In my opinion, Mr. President there has been a dramatic change in the policies and operation of the U.S. Senate in the last 2 years. New party cohesiveness, an unprecedented use of the reconciliation process, and a legislative agenda that had only one primary focus—the budget—have been the tools used to fashion a radically new legislative agenda, one that I believe has contained many misguided policies and employed many misguided procedures.

Although this administration has set an agenda focused almost exclusively on the budget, it is in terrible shape, the worst ever. The economic situation is not much better, and it would be difficult to imagine a gloomier economic prognosis. The recession brought about by current policies has boosted unemployment 38 percent and thrown 3 million people out of work. Housing starts are down 37 percent, auto sales have declined 23 percent in the last 12 months, and the farm economy is in the worst depression since the 1930's. Output of goods and services has declined 1.5 percent since the recession began. The industrial production index has declined 10.33 percent, capacity utilization is the lowest since 1975, and if business failures continue at their current rate, more will fail than in any single year since 1932.

In short, Mr. President, a very limited legislative focus—on the budget—has led, ironically, to a very serious budgetary crisis. Let me review how I think this came about.

For one thing, bipartisanship has taken a back seat in 1981 and 1982,

with the opposition prefering to shape policy in conjunction with David Stockman, not their Democratic colleagues. In the process of creating a party government, the Senate has been polarized, Democrats have been frozen out, and the traditional consultation between parties has been precluded. I am deeply concerned, Mr. President, that in the 98th Congress, the difficult issues facing the country be adequately addressed without the same narrow focus and lock-step partisanship which has dominated this Congress.

Democrats, whether they are the majority party or the minority party in the 98th Congress, reject the level of partisanship which has characterized this Congress, and will work for more centrist, bipartisan congressional policy. From an historical perspective, radical changes in our country's course do invite "party government." But when the radical change offers the country only worse conditions, bipartisan balance can, and must, pull the country onto a sounder course. Policy developed through consensus building is always preferable to that which goes undebated, for the single reason that more people have a stake in its success.

In this Congress, we have witnessed the development of revolutionary new budget procedures. The reconciliation process was used as it had never been used before. In the last 2 years, reconciliation instructions have been multiyear, have included requests for both entitlement cuts and authorization cuts, and have been directed at almost all of the standing committees. In effect, reconciliation used in this manner forces the Senate to consider the whole budget under strict limitations on time and amendments without the traditional committee review or input. The result is a budget defined by David Stockman—not the Congress. At the same time, under the germaneness rule, an amendment dealing with a matter not specifically in the reconciliation bill can be ruled out of order. The overall 20-hour time limitation on reconciliation bills placed another restriction on consideration of authorizations, which in the past were debated separately.

In spite of these limitations, more than 200 program changes were crammed into the 1981 bill, including major reauthorizations for housing and community development, rural housing, Amtrak, Conrail, and other transportation programs, highway safety, TVA, Appalachian Regional Commission, Energy Policy Conservation Act, export administration, and other programs. Reconciliation, which was conceived as a tool to recover funds from appropriations bills after they had been passed, was turned into a process for omnibus, multiyear authorizations.

Ironically, although discussion of substantive issues has been severely restricted by this use of the budgetary process, at the same time our entire legislative process has become much more vast and complex, "fiscalizing" nearly the entire Senate debate with "crosswalks," "targets," and "ceilings." This really represents a kind of reversal of the historic legislative process, as we have known it, with the entire Senate instructing the committees on the general direction they should take. This, in effect, weakens committees and the committee system. It is a process, though, ideally suited to a cohesive policy juggernaut with a limited goal and little regard for debate, hearings, or discussion by interested parties. In 1981, the Senate took approximately 200 rollcall votes on budget issues. More than two-thirds of the recorded votes in the Senate were on budget-related matters.

This singlemindednesss of purpose reflects the administration's agenda, and its singleminded dedication to redesigning America's economic policy with a new ideology. American's have been addressed more often on budget matters than on all other issues combined. To say that the administration—and to a slightly lesser degree Senate Republicans—has staked its political fortunes on the performance of the budget and the economy, would be an understatement.

I am afraid, however, that the "riverboat gamble" has failed, and Democratic efforts to correct the excesses that have been pushed through, have been ignored, vetoed, frustrated, and opposed. When suitable corrective legislation has been suggested by Democrats, it inevitably has been preemptorily rejected, and, in some cases where the majority could not maintain its cohesiveness, reintroduced and passed as a Republican measure. This has happened on issues ranging from unemployment insurance, social security, and Libyan terrorism, to providing a tough Inspector General for the Department of Defense.

A simple look at the Senate agenda illustrates how the partisanship has greatly limited our progress. The percentage of nonsubstantive laws which have passed has doubled. More appropriations bills have been folded into continuing resolutions in the last 2 years (66) than in the previous 5 years (50). The percentage of pages in the CONGRESSIONAL RECORD devoted to debate on budget and reconciliation matters has at least tripled from the average levels between 1975 and 1980. In the cases of the first budget resolution, fiscal year 1983; the 1981 farm bill; and the DOD authorization, fiscal year 1983, the entire bill was either modified or recommitted after Senate Republicans met privately to address the concerns of David Stockman, bypassing the normal committee process, the budget process, and Senate Democrats.

The record is clear, the pattern obvious. The Senate agenda has been primarily a debate on budget numbers. It is an agenda set by an administration that has been extremely reluctant to discuss any other aspects of economic policy, like monetary policy, trade policy, foreign exchange policy, reindustrialization, or international economics. In spite of the shabby use of the process and the intensely limited focus, the program that has been steamrolled through Congress has put this administration, after 20 months, in far worse budgetary shape than we have ever been in.

The national debt has been increased $355 billion in the last 2 years, an increase of 38 percent. It took this country from the beginning of the Republic to 1969 to reach the $355 billion level. It took this administration and its congressional allies only 2 years to reach the same figure.

This "riverboat gamble," the Kemp/Roth tax cut, plus the enormous defense increase, has made a fiasco of the budget.

My interest today, however Mr. President, is not merely to look back; it is to look to the future as well. I am certain my friends on the Republican side are as anxious as I am to use the Senate as it once was used, as a forum for full and open debate on the great issues facing the country. I am certain that they, as well as we, would like to fashion an agenda that truly addresses our major issues, regardless of partisanship or ideology.

I am developing a package of initiatives for the future. Most of these matters are ones Democrats have already worked hard to develop, ones that go right to the heart of the major economic issues facing the country. Among the legislative initiatives under consideration are: The Balanced Monetary Policy Act which I introduced in August with 33 cosponsors. It is the only proposal I know of that would really do something to lower interest rates; a housing stimulus packaged like the Lugar proposal, to help rescue this industry from disaster while promoting tens of thousands of new jobs; and a program to fund energy conservation and development activities such as coal ports.

Any Democratic legislative package should also include a proposal for a National Investment Corporation. It would make affordable credit available to our hard-pressed basic industries for retooling, so that they can once again be competitive in the world market, and offer subsidized loans and other forms of assistance to the so-called sunrise industries which are so essential to the economy's future. Let me emphasize that I am not talking about providing bailouts for unprofit-

able industries, but rather a program which would combine financial help with aid in restructuring industries to make them more productive. The Germans, Japanese, and Swedes have all used national investment corporations to provide their basic industries with affordable credit. I believe this kind of corporation would work well for us, too.

We could pay for this program the same way we did in the Bradley "fairness amendment" to this summer's tax and reconciliation bill. In that amendment, you may recall, we would have deferred a portion of the third year of the tax cut for those with incomes between $46,500 and $78,600. Those with incomes below $46,500 would be unaffected; those with incomes above $78,600 would have had the entire amount of their tax cut deferred. This approach has the added advantage of correcting some of the unfairness of the Kemp/Roth program while helping America regain her predominant economic position.

Mr. President, let me conclude by saying that we Democrats look forward to a less divided Senate, a more bipartisan Senate, a Senate more dedicated to the nuts-and-bolts committee work and floor debate that leads toward consensus and agreement, and away from ideology and partisanship. We need everyone's cooperation to help do the job that needs to be done for America. I can assure all my colleagues that we Democrats intend to play a vital role in the days ahead, joining our Republican colleagues in meeting the challenges before us.

CONCERN FOR FISH AND WILDLIFE RESOURCES

Mr. CHAFEE. Mr. President, The International Association of Fish and Wildlife Agencies is a voluntary organization committed to furthering the cause of resource conservation and management and has been in operation under a succession of titles since 1907. Its present membership includes the fish and wildlife agencies in each of the 50 States as well as Federal and provincial organizations involved in related activities in the United States, Canada, and Mexico.

As a result of its concern for our fish and wildlife resources it has been involved in the continuing controversy generated by the recommendations of the Department of the Army and the President's task force for regulatory relief for changes in the regulation which implement section 404 of the Clean Water Act. This important section of the Clean Water Act regulated the discharge of dredge and fill material in the Nation's waters and is the chief Federal presence in a continuing effort to maintain our ecologically vital system of coastal and inland wetlands.

The attached resolution on the subject was adopted September 21 at the international association's annual meeting at Hilton Head Island, S.C., as further evidence of the nature and depth of that concern and of the association's conviction of the need for action to prevent irrevocable damage to our wetland resources while there is yet time to do so.

Mr. President, I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

RESOLUTION NO. 3: THREAT TO WETLANDS PRESERVATION

Whereas, wetlands are critical to the survival of many fish and wildlife species, the maintenance of water quality, groundwater recharge, and flood control;

Whereas, about one-half of the original 150 million acres of wetlands in the coterminous United States have already been destroyed;

Whereas, continued protection of wetlands is critical to meeting obligations of the United States under migratory bird treaties;

Whereas, interim final regulations for the Section 404 program published in the Federal Register on July 22, 1982, and made final on August 23, 1982, authorized nationwide permits allowing discharge of dredged and fill material into nontidal rivers, streams, lakes and adjacent wetland areas above the headwaters and into isolated nontidal waters;

Whereas, these nationwide permits would provide virtually no protection to millions of acres of prime aquatic habitats, including prairie systems;

Whereas, on August 23, 1982, the Environmental Protection Agency requested comment on its Section 404(b)(1) guidelines, and asked whether the jurisdictional scope of Section 404 should be changed or the existing presumption against discharges into wetlands, "retained, revised or eliminated"; Now, therefore, be it

Resolved, That the International Association of Fish and Wildlife Agencies requests the Administration and Congress to retain application of the Section 404 permitting process to all waters of the United States, including wetlands, as currently defined in the Section 404(b)(1) guidelines, and to retain and apply rigorously the existing presumption against discharges into wetlands; and be it further

Resolved, That the nationwide permits for discharges into nontidal rivers, streams, lakes and adjacent wetlands above the headwaters and into isolated waters should be revoked and that permit applications for discharge of dredged or fill material into these areas be considered on an individual basis to insure needed protection of these critical natural resources and associated values.

BILINGUAL EDUCATION

Mr. HAYAKAWA. Mr. President, today I introduce the fifth and final part of a study of bilingual education by Dr. Robert E. Rossier.

If there has been one theme that has run through my legislative efforts in the U.S. Senate, it has been language; more specifically, the English language and its importance to our country and people.

I have introduced legislation to make our bilingual education laws more reasonable and effective. I have attempted to do away with the costly and confusing Federal bilingual ballot. I have sought to amend the Constitution to make English the official language of the United States. And I have prodded the Congress to acknowledge—for the sake of our bewildered non-English-speaking citizens and immigrants—that English is the preeminent language of our land.

Why have I spent so much time speaking about the importance of our common language? Why have I attempted to make the Congress and the public aware of the failure of our current methods of bilingual education? Just what do my efforts mean to the average non-English-speaking American?

Mr. Kenneth M. Smith, Chairman of the National Commission for Employment Policy answered these questions in part when he introduced the Commission's recent report, "Hispanics and Jobs: Barriers to Progress," Mr. Smith said:

> The Commission found that the reasons for the various groups' problems in the job market are largely the same: difficulties with English, low levels of education, and discrimination. Of these, a lack of proficiency in English is the most important. It reduces their prospects for a good-paying job, impedes their educational attainment, and operates as a vehicle for discrimination in the job market.

So, Mr. President, I may be hurt because I cannot communicate with my neighbors who do not speak English and our Nation will certainly suffer as it loses a segment of its population to linguistic ghettos. But the most immediate and painful effect of language inability will always be on the linguistically handicapped person himself—the kid fresh from a bilingual education program, ready to take on the world, who suddenly discovers his opportunities are limited to taco stands or Japanese restaurants. He is the one who will pay the immediate price for our failure in bilingual education.

In conclusion, I earnestly hope that when I leave this distinguished body one of my colleagues will pick up the ball and run with it. Bilingual education is too important an issue to let go unnoticed down the path of hypocrisy and mediocrity.

You can teach a new dog old tricks, but can you teach an old dog new ones? That is the key question with which we must examine bilingual education programs now and in the future. The American bilingual education system must have options left open to it for the future—my bill, S. 2412, provides those options. I urge my colleagues to think about the ramifica-

tions for the future, our future as a nation of immigrants.

I ask unanimous consent that the fifth and final part of Dr. Rossier's paper be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROGRAM EXPANSION IN LOS ANGELES

I have suggested previously that the motivating force for the bilingual education movement has not been so much a concern for educational opportunity for students—an objective which is based squarely on their ability to function well in English—but rather on opportunity for bilingual educators (and others) to build empires which will yield lucrative and satisfying power bases within the educational bureaucracy. In Los Angeles the transition from English emphasis special programs for immigrants to bilingual education programs produced explosive growth at the non-teaching, supervisory and administrative levels.

The district had two consultant positions (on teacher salary schedule), one at the elementary and one at the secondary level, during the middle 60's, but the picture changed drastically with the advent of bilingual education in 1968. By the school year 1976-77, a district report showed almost a half million dollars a year ($460,882) being spent for Central Office bilingual management costs alone. Budgeted for that year were a Director (Bilingual/ESL Services Section) at $37,739; two Assistant Directors at $32,899; and eleven Advisors at $20,899, a salary slightly higher than that of the district's highest paid teacher. In addition to the costs listed for Central Office management, $288,362 was budgeted for area bilingual support and $204,968 for Central Office costs for the Chacon Program, a bilingual program funded by the State of California. In all, more than $1,200,000 (out of district bilingual funding of $15,000,000) was budgeted for administrative costs at the area or central office level.

And this was five years ago. Since that time, the position of Director has been elevated to that of Assistant Superintendent at a salary of close to $50,000 a year and salaries for administrative and supervisory posts below this level have been increased substantially, too.

ALTERNATIVE LANGUAGE PROGRAMS

If the bilingual education record is examined carefully, then, little evidence can be found that it has lived up to the extravagant promise claimed for it by its boosters. Instead, as I have attempted to demonstrate, there is considerable information available to convince one that the purported success of bilingual programs has been fictional—pure puffery by bilingual partisans who wish to protect the benefits they receive or hope to receive from the establishment and expansion of these programs.

An important part of this promotional campaign has been the constant effort to stifle the idea that there are valid educational alternatives to bilingual education. The movement has consistently ridiculed and even suppressed any studies of or planning for alternative programs that would even hint that there might be other methods of teaching English to immigrant children. This paper has also presented examples of this suppression in one school district, a very large and important one, and has tried to advance the idea that the only real hope for maximum educational opportunity for immigrant students would come from special programs that emphasize English rather than bilingual instruction.

NEW EVIDENCE

At the time that I was writing this article, unknown to me, a large-scale, extremely thorough review of the literature on the effectiveness of bilingual education was being carried out. The review, published in final draft report form in September of 1981, was written by two staff members in the Office of Planning, Budget, and Evaluation (a section of the United States Department of Education) and provides great support for the key ideas expressed in this paper and especially for the belief that school districts should have the freedom to establish alternatives to bilingual education.

Rather than attempting to address a number of peripheral issues, the principal investigators for the review limited it to answering two central questions: whether transitional bilingual education leads to better performance in English, and whether it leads to better performance in non-language subject areas.

After examing more than 300 documents relating to bilingual education, Baker and de Kanter, the investigators and authors of the published report, rejected the majority of the studies and program evaluations as not being methodologically applicable to the two research questions and based their conclusions on 28 studies that did meet these requirements. Of the large number of studies that were eliminated, the authors stated that this was because "most of the bilingual studies, especially Title VII program evaluations, are of poor quality—." This criticism of Title VII program evaluations echoes that of Troike cited earlier.

While bilingual partisans will attempt to discredit the Baker-de Kanter review as being methodologically defective (as they did with the AIR Study), its conclusions will be difficult to discount and will eventually, I predict, have great influence in changing immigrant education into a more positive force than it is now in the bilingual era.

In brief, Baker and de Kanter concluded that bilingual education had not proven its case: "These findings do not add up to a very impressive case for the effectiveness of transitional bilingual education." They went on to say that there was "—no firm empirical evidence that TBE (transitional bilingual education) is uniquely effective in raising language-minority students' performance in English or in non-language subject areas."

Their most significant conclusion, though, followed logically from their finding that bilingual education could not be considered to be "uniquely effective." This meant, they argued, that there was a need to try other methods—alternatives to bilingual education. They recommended that each school district be given the freedom to decide what kind of special program would be "most appropriate for its own unique setting" because they felt that the prescription of a single remedy at the federal level was not realistic when so little was known about educating language-minority children. Significantly, in March of this year, the Department of Education withdrew its guidelines which had imposed bilingual education on more than 500 school districts throughout the nation. Schools are now permitted to use "any effective approach including total immersion in English, another of the Baker and de Kanter recommendations. The policy change applies only to the federal level, though, and does not affect states such as California which have more stringent bilingual education laws.

While Baker and de Kanter are correct in not recommending a single, specific alternative to bilingual education, this does not mean that there should not be a sense of field and direction in future immigrant education programs. These programs should be organized in consonance with the unique linguistic, social, and educational situation found in each school district but at the same time should be built solidly on principles of language learning which are universal.

LANGUAGE LEARNING PRINCIPLES

There are three language learning principles which I believe should receive prime consideration in the organization of any educational program for teaching English to immigrant students:

1. English (or any other language) can be mastered only by means of a great amount of linguistic interaction in English, not through translation. Although all proficient bilinguals find themselves translating unfamiliar words or phrases at times, oral comprehension and production are seriously impaired if the learner interrupts the normal flow of speech and thought to translate. Accordingly, effective teachers of immigrant students do not have to be bilinguals. What is important is that they understand how language is learned and are good models of English for their students. If teachers are bilingual, they must be very disciplined in their use of translation so that their students do not become habituated to translating from one language to another.

2. While almost all immigrant students can profit from initial language instruction, this will provide only a small fraction of the total language they need to learn in order to reach a satisfactory level of proficiency. For the most part, language teaching provides the learner with information, some of it invaluable, about the language. But information about the language is not the same as speaking and understanding the language. What language is learned from the structured lessons given in the artificial environment of the classroom is usually rudimentary in nature and makes up a very small part of what the student must learn to be able to feel comfortable in the give and take of normal conversation in an infinity of real life situations. For this reason it is imperative that from the beginning immigrant students not be segregated from their English speaking schoolmates for the total school day. Every opportunity should be used to integrate these English language learners into activities, both academic and non-academic, with English speaking students. In all schools that have even a few immigrant students, the total staff, administrators as well as teachers, should understand that they can be an important part of the language learning effort of these students; they need to know that the learning of English is a long term effort which takes place anywhere and everywhere, not just in a room designated as the English language class.

3. As is true with the learning of any body of knowledge or skill, some students learn more rapidly and efficiently than others. Language learning is an individual matter, not a group effort even though students are grouped together in levels and receive common instruction. For this reason, students in a special language program should be integrated into regular classrooms on an individual rather than a group basis. At the elementary school level, certain gifted

learners should spend very little time in the special language program while others, for a variety of reasons, will take longer to reach a level of proficiency that permits them to function in a regular English classroom. At the secondary level, almost all beginning students are able to function in certain basic classes in which language does not play a large part in the instruction; physical education, certain art and music classes, and elementary classes in industrial education and home economics are examples of classes in which students can usually function adequately with a minimum of English. In other subjects, placement should be on an individual basis, taking into account not only each student's English proficiency at that point, but also other factors such as the amount of education in his first language, opportunity for exposure to English outside of school, relative motivation, and various other factors. Above all, teachers of regular subjects should understand that their classes provide these students with the opportunity to improve their English in contrast to the all too common belief that they should remain in their special language program because "language is only learned in special classes labeled English or Spanish."

In sum, immigrant students should be given the opportunity to learn English in the only way that it (or any other language) can be learned—through multiplicity of English language experiences, both in a special language program with special language instruction at first and, as rapidly as each individual can, in a regular class or classes in which English would be learned through subject matter instruction and meaningful but unstructured English language interaction with teachers and classmates. In such a language program, the total school would be seen as a language learning resource to supplement what is taught in the special language program and later, when the learner leaves the program, as a warm, friendly environment in which the learner can receive encouragement and support in his efforts to master the new language.

Because the United States has received great benefit over the years from its immigrants of all kinds and races, it should not now close the door to opportunity to this modern wave of young people from other countries who enter her schools seeking to learn the language that binds us all together in our common pursuit of social and economic wellbeing. Bilingual education has been given more than an adequate chance to prove itself and has failed miserably to help these young people in any demonstrable way. It is time now that other ideas and methods be tried—methods and ideas that put the welfare of the students ahead of that of the adults from whom the ideas come.

DR. ROBERT E. ROSSIER

Robert Rossier has just completed his 30th year in the Los Angeles Unified School District. For almost 25 years of this period he has served as a teacher, counselor, program coordinator, and consultant in programs for teaching English to immigrant students. He has also been a consultant to the Santa Ana Unified School District and in 1978-79 helped in the planning for that district of an alternative program to bilingual education.

The head of a bilingual family consisting of wife Rosa Maria (a native of Mexico and a teacher) and three children, Dr. Rossier has been intimately involved over the years by both choice and necessity with second language learning with family at home, friends in the community, and students in the schools.

Because of his interest in immigrant English language learning in American schools, Dr. Rossier did his advanced university work in the psychology of second language learning, receiving a Ph. D. in Psychology of Education from the University of Southern California in 1975. His dissertation dealt with psychological variables affecting the immigrant student's learning of English. Previously he had carried out a study for his master's degree which produced statistical information about the relative academic performance and scholastic aspirations of immigrant students in Los Angeles schools.

COMMENCEMENT ADDRESS MADE BY CHIEF OF NAVAL OPERATIONS ADM. JAMES D. WATKINS AT MARYMOUNT COLLEGE

Mr. THURMOND. Mr. President, in recent years, America's military strength has become one of our most important concerns. There are two views of a strong national defense: That military strength is a necessity for preserving that which we believe is good—peace and freedom; or that military strength is a terrible instrument of destruction.

Mr. President, my convictions about a strong national defense are well known, and stem from the fundamental principle that peace can best be attained through strength. It is my firm belief that, in a world where good and evil exist, America must have the leadership and resources necessary to insure that our freedoms are preserved.

One of the finest discussions about military strength as a moral question was delivered by the Chief of Naval Operations, Adm. James D. Watkins, at the commencement ceremony of Marymount College in Arlington, Va., on August 22, 1982. Admiral Watkins presents a unique and compelling analysis of the necessity for military strength.

Mr. President, Admiral Watkins is both an exceptional military leader and a dedicated Christian whose desire for peace and freedom for America is unsurpassed. Our country can take comfort in knowing that a man of this caliber is ably leading our Navy.

Mr. President, I ask unanimous consent that Admiral Watkins' commencement address be printed in the RECORD at the conclusion of my remarks so that others may better understand that military strength is in the best interest of the United States.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF ADMIRAL JAMES D. WATKINS

For some 1,600 years the church has taught that war and participation in war can be justified under certain circumstances. That treatment falls generally under the heading of "just war."

I do not propose to involve the "just war" arguments here today but rather I want to share with you some of what a Christian military leader considers as he approaches God and obligations to his country—as a moral man tries to apply the doctrine of what is just and proper in his everyday life.

All of you know, as difficult as the study of ethics may be, it is far easier to study ethics than apply it. So too, it is far faster to read about microchips than to build one. It is easier to read about aviation than to fly a plane. And as many of you know, or soon will know, it is easier to dream of a loving relationship than to make a marriage work. All these things require that we have a useful set of principles and then, once equipped, we can apply them to the particular case at hand. This is difficult stuff, indeed.

Let me begin with a fundamental statement: I am a moral man. I am constantly making choices every day of my life—choices between good and evil. It is a constant battery of choices. Sometimes I must also choose between one "good" and another "good," or between a greater good and a lesser good or even perhaps between two apparent evils. That is a part of life. We do that every day—everyone of us is obliged to make those choices.

What separates the moral person from the rest is that the moral person makes those decisions based on his/her conscience. Let's consider that a bit further.

To understand morality we must acknowledge existence of good and evil in the world. Often it is difficult to recognize the one from the other. I happen to see the new Trident submarine, U.S.S. *Ohio*, as a relative "good" under today's superpower confrontation because it deters ideological adverturism and helps guarantee the religious and other freedoms we enjoy. Its captain and its crew are peace-loving men and consider their mission accomplished if they never execute it, and, as a result, future generations never know war. Others see U.S.S. *Ohio* as an "evil." They see it as an instrument of destruction quite apart from its deterrent role in our national strategy. Here we see David Berlo's classic "meanings are in people." The stimulus is the same, the response is quite different. So who is right?

Fundamentally, at the personal level we are both right. Meanings are subjective—we own them, for better or worse, right or wrong, useful or disfunctional.

Fortunately, there is help when we begin to move outside ourselves into a social context. Because we know that people may not agree on what is good and what is evil, we make laws.

But laws and legal ethics constitute but one side of our coin. A person may be legally guilty of an offense, but morally may be either guilty or innocent. Traveling at 65 miles per hour on the beltway is a violation of the law: I am morally wrong too if I am joyriding, or have a heavy foot because of intoxication, but I may be morally right if I am speeding to the closest hospital because a member of my family, in the seat next to me, has just had an apparent heart attack. Legal ethics and moral ethics are not necessarily the same: They are often very different. And while we are called upon to obey the laws, in order to do so I as a moral person must be grounded fundamentally in the ethics of morality.

But, you say, there is no equivalent code for morality. Where do we turn for answers? We make choice with the best guidance at hand, the guidance of our faith. I must ask:

What do I believe about the meaning of life? What values do I hold? What is important in life? What have I been taught in school, at home and church, and from my peers? Ultimately the choice is mine—and I must arrive at my decision alone. I must live with the consequences of that choice and not be afraid of it.

At that point, for me as Chief of Naval Operations, I put myself humbly before God. Then, I do the best I can with the choices at hand.

So far we have looked at a moral person operating in a world containing both good and evil. Let's look closer at the environment containing those choices of good and evil.

I have to deal with the reality of a threat which would deprive either us or others of peace and freedom. That goes with the territory. Pope John the 23d wrote: "We must remember that, of its very nature, civil authority exists . . . to protect, above all else, the common good of that particular civil society, which certainly cannot be divorced form the common good of the entire human family." It would be unrealistic for me to believe that all people believe as I do, value the same things I do, or share my faith. I happen to be a Roman Catholic Christian and I am under no illusion that my beliefs, values, and faith are universally shared. There are other ways to look at the world, other realities, other competing ways of life. I would like to believe that we would all want to coexist, but that is unrealistic. And if I am to be a guardian of the common good, I must deal with reality as I know it.

And what does the moral person do when confronted with a threat to the common good, especially when he/she has the responsibility to preserve the common good? Choices must be made which, in his/her view, are in the best interest of the common good. For our Nation, we have chosen deterrence over war. We have chosen strength over weakness.

The church does not require pacifism. While we hope, pray, and work for such a world, we do not now ask the lamb to lie down with the lion, nor that we beat our swords into plowshares, when others are doing precisely the opposite.

That would not serve the common good; that would be a failing of wisdom and an abdication of my responsibility as a civil leader. Pope Paul the 6th, speaking to the United Nations in 1965 acknowledged: "As long as man remains that weak, changeable and even wicked being he often shows himself to be, defensive armaments will, alas, be necessary."

But it must be said that when considering the threat and the common good, decisions do not come easy. There are so many questions to consider and so many sides of those questions—it is too simple to say "either/or." None of the answers are clear. The questions arise from that vast middle gray area and consequently the answers are found there as well. I wish it were more clear—the making of these decisions, but it isn't. For that reason I have gathered around me the best minds available; we get the best research, the best intelligence, the best possible planning—and some prayer too.

It may surprise you to learn that there is a senior officer prayer group in the Pentagon. It doesn't surprise me because I know and work with these people. They also have to wrestle with the threat and recommend proper responses to the threat. We take our responsibilities very seriously.

The Vatican II Council observed: "All those who enter the military service in loyalty to their country should look upon themselves as custodians of the security and freedom of their fellow countrymen; and when they carry out their duty properly, they are contributing to the maintenance of peace."

That leads me to my final point. The responsibility of the Chief of Naval Operations is awesome. Few have more responsibility. As a God-fearing man, who believes and has the responsibility of a great many decisions, I find that very humbling, indeed. I think about it every day.

I think about the half million active duty men and women who wear the Navy uniform in the service of our country. I think about their families and loved ones, and the many people who are touched by their lives. I think about our reservists, the people who selflessly give so much of themselves and their personal time. I think about the safety of our ships and aircraft—for their safety is tied directly to that of our sailors and airmen. I think about our arsenal of weapons and I think about what the world would be like if we did not have them.

But we do—they do exist—and that is the reality with which I must deal. And it is my responsibility to deal with it—in a world containing good and evil—in a world where my options are anything but clear. But I have the responsibility and I am a moral man.

Each of you in your own lives face similar decisions. That is part of living. God has given you intelligence and entrusted a particular part of his world to your care. Where will you go for answers to the ethical questions you face? Just as important, what kind of example will you set when others around you look for special guidance in sorting out their own ethical problems?

I submit that like Dorothy's shoes in "The Wizard of Oz," you already have the answers. They are rooted in your faith and in a well-developed conscience. They were annealed and burnished here at this fine college. Look there often for help—and pray.

Thank you and God bless.

COMMENDATIONS TO SENATORS ON CRIME FIGHTING LEGISLATION

Mr. HEFLIN. Mr. President, I would like to commend the great efforts of Senator STROM THURMOND, the chairman of the Senate Judiciary Committee, and Senator JOE BIDEN, the ranking minority Democrat on the Judiciary Committee for their tireless efforts to fight crime. I was privileged to work with them at the committee level and on the floor of the Senate in the successful crime fighting package that has now passed the U.S. Senate. These two great leaders have put together the most significant crime fighting package in modern times.

I would like to pay tribute, also, to two great crime fighters who are not members of the Senate Judiciary Committee, namely, Senators LAWTON CHILES of Florida and SAM NUNN of Georgia.

LAWTON CHILES has stood on the floor of the U.S. Senate almost every day for the past 3 months decrying crime and the need for tough laws to deal with criminals. He has been a superb crime fighter. No Member of the Senate has fought harder to solve the criminal drug problem of the United States than Senator CHILES of Florida. He knows first-hand about the problems of crime and drugs in the State of Florida and has warned the rest of the Nation that these evils will beset the rest of the Nation in the same way that Florida has suffered unless the Congress toughens our drug and crime laws. Every law enforcement officer in the United States should give LAWTON CHILES a salute for his untiring efforts to curb crime.

My neighbor, SAM NUNN, has been the stalwart of Congress in fighting crime. No one in the U.S. Senate has devoted the time and thought to fighting crime like SAM NUNN has. As a crime fighter Senator NUNN has no peer. The U.S. Senate should give him a standing ovation for his knowledgeable efforts to curb two ills of modern day society—violent crime and drug abuse.

When the history of Congress is written, the names of CHILES and NUNN must head the list of crime fighters.

EXECUTIVE COMPENSATION

Mr. PRESSLER. Mr. President, the recent takeover battle between Bendix, Martin Marietta, and United Technologies has increased the attention directed toward what should be a major corporate embarrassment, the compensation of corporate executives.

Bendix announced during the takeover struggle that the corporation had entered into employment agreements with 16 of its top officials. These agreements commonly termed "golden parachutes," provide that the executives will be guaranteed their current salary and other compensation at a cost of some $15.7 million for 3 years after any change in control of the company. Of this amount $4,025,000 will go to Bendix Chairman William Agee over 5 years, even if he does not work a single day of that time.

The whole issue of executive compensation is a controversial one in these difficult economic times. Workers all over America, both in the private and public sectors, have had their salaries frozen or reduced. Yet despite unprecedented concession by union and nonunion workers, most top executives of the largest American corporations, have continued to receive substantial pay raises. In face, average executive compensation in the private sector increased by more than 10 percent last year.

Among the worst offenders have been corporate officials in the struggling automobile industry. Although the auto industry is facing its most serious crisis since the invention of the

car, top executives of these companies are, for the most part, receiving raises on their already exorbitant salaries. The chairman of Ford Motor Co., Phillip Caldwell, received a 10-percent raise last year at the same time the company was asking the United Auto Workers to make major bargaining concessions. Another automobile company, General Motors, was forced to abandon implementation of its rewritten incentive plan after complaints from outraged union officials. Little wonder that many Americans are skeptical about claims of "corporate responsibility."

There is no question that "golden parachute" agreements and hefty salary increases are examples of self-interest—those who make corporate compensation policy are also the ones who benefit from that policy. But the problem is not merely a moral one. These lavish arrangements should make Congress more cautious whenever it is asked to consider granting new tax incentives to big business.

Many of the same corporate officials who fought the hardest for special tax breaks and other advantages arragantly are increasing their salaries at the expense of their companies and stockholders. They have argued vigorously that without such tax advantages their companies cannot survive. Congress might need to look instead at how to tax the outrageous compensation that corporate officials receive.

I would not argue that the people who run America's large corporations are not deserving of competitive salaries. Their jobs are demanding and difficult. I should also point out that some corporate executives have taken cuts in pay and should be commended. However, the majority of large corporations cannot continue to expect concessions from their lower-paid workers and from the Federal Government while making no sacrifices of their own. I am afraid that if big business does not acknowledge the realities of our troubled economy, it is in danger of losing the patience and support of the American people. I would prefer that big business policed itself in this matter, but the large corporations are in danger of having the American people demand that Congress assume that role.

THE UNEMPLOYMENT CRISIS

Mr. CANNON. Mr. President, I am compelled to speak out today on an issue that is perhaps the most serious issue this country has faced in all my years in the U.S. Senate.

Today, we have estimates that the unemployment rate in this country will soar to 10 percent by the end of this month, leaving more Americans out of work now than at any time since the Great Depression. In the week ending September 8th, more than 703,000 Americans filed claims for unemployment compensation, and there is every indication that the unemployment rate will rise even further before the current recession bottoms out.

For the last year and a half, there has been an increasing feeling of disquiet and concern in the minds of many Americans about the social and economic system in which we live—a system that maintains us as a people, provides us with a life that is satisfying, and gives meaning to our lives. As long as Americans know that the opportunity for employment is available for everyone who wants to try, the American dream is real and true for them.

Unfortunately, the present administration has been unable to address the issue of unemployment with any sense of real commitment. It prefers to blame the problems of domestic policy on another party, or another decade, without providing any workable alternatives of its own. We are told on evening television commercials that the solution to the unemployment problem is as simplistic as the question: "Should we go back, or stay the course? Go back or stay the course?" We are told by administration officials with a collective wringing of hands and with fingers pointed at previous administrations that the problems we face today are the result of "Spend, spend, spend, and tax, tax, tax."

Ironically, for an administration coming to office vowing to cut Government spending and taxes, the Reagan administration has turned out to be the biggest deficit spender of all. In fact, between calendar years 1947 and 1981, Congress appropriated more than the President requested only twice, and Democratic Congresses normally appropriate less than Republican Presidents ask for. Ironic, too, that this administration has pressed so hard for a constitutional amendment to balance the budget, yet has offered a most imbalanced budget—with not only the biggest deficit but also the biggest tax increase in American history.

The following tables, which were recently prepared by the House Democratic Study Group presents this point quite clearly:

I ask unanimous consent that they be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

FEDERAL SURPLUS AND DEFICITS SINCE WORLD WAR II

[Dollars in billions]

Fiscal year	Not adjusted for inflation	Adjusted for inflation[1]	As a percent of GNP
Truman average	+$1.6	+$6.3	+0.8
1947	+3.9	+15.1	+1.7
1948	+12.0	+43.8	+4.9
1949	+.6	+2.2	+.2
1950	−3.1	−11.2	−1.2
1951	+6.1	−20.6	+2.0
1952	−1.5	−5.1	−.4
1953	−6.5	−21.5	−1.8
Eisenhower average	−2.0	−5.7	−.4
1954	−1.2	−3.8	−.3
1955	−3.0	−9.7	−.8
1956	+4.1	+12.6	+1.0
1957	+3.2	+9.7	+.7
1958	−2.9	−8.6	−.7
1959	−12.9	−36.9	−2.7
1960	+.3	+.8	+.1
1961	−3.4	−9.5	−.7
Kennedy average	−5.9	−16.1	−1.0
1962	−7.1	−19.6	−1.3
1963	−4.8	−12.9	−.8
1964	−5.9	−15.8	−1.0
Johnson average	−7.2	−17.4	−.9
1965	−1.6	−4.2	−.2
1966	−3.8	−9.6	−.5
1967	−8.7	−21.3	−1.1
1968	−25.2	−59.0	−3.0
1969	+3.2	+7.2	+.4
Nixon average	−19.0	−33.8	−1.5
1970	−2.8	−6.0	−.3
1971	−23.0	−46.5	−2.2
1972	−23.4	−45.3	−2.1
1973	−14.8	−27.2	−1.2
1974	−4.7	−7.9	−.3
1975	−45.2	−69.7	−3.1
Ford average	−55.7	−79.9	−3.2
1976	−66.4	−97.4	−4.0
1977	−44.9	−62.3	−2.4
Carter average	−48.5	−54.8	−2.0
1978	−48.8	−63.0	−2.3
1979	−27.7	−33.0	−1.2
1980	−59.6	−65.1	−2.3
1981	−57.9	−57.9	−2.0
Reagan average[2]	−143.0	−122.0	−4.1
1982	−112.0	−105.0	−3.7
1983	−155.0	−137.0	−4.7
1984	−152.0	−126.0	−4.2
1985	−152.0	−120.0	−3.8

[1] All figures in this column are stated in terms of 1981 dollars.
[2] Estimates for the Reagan Administration are based on the latest CBO forecast.

COMPARISON OF CONGRESSIONAL APPROPRIATIONS TO PRESIDENTIAL BUDGET REQUESTS

[Dollars in billions]

Calendar year	Amount requested by President	Amount appropriated by Congress	Congressional action over (+)/under (−) President's request	
			Amount	Percent
1947	$33.4	$30.1	$3.3	−9.9
1948	35.4	32.7	−2.7	−7.6
1949	39.5	37.8	−1.7	−4.3
1950	54.3	52.4	−1.9	−3.5
1951	96.3	91.1	−5.2	−5.4
1952	84.0	75.4	−8.6	−10.2
1953	66.6	54.5	−12.1	−18.2
1954	50.3	47.6	−2.7	−5.4
1955	55.0	53.1	−1.9	−3.5
1956	60.9	60.6	−.3	−.5
1957	64.6	59.6	−5.0	−7.7
1958	73.3	72.7	−.6	−.8
1959	74.9	73.0	−1.9	−2.5
1960	73.8	73.6	−.2	−.3
1961	91.6	86.6	−5.0	−5.5
1962	96.8	92.3	−4.5	−4.6
1963	98.9	92.4	−6.5	−6.6
1964	98.3	94.2	−4.1	−4.2
1965	109.4	107.0	−2.4	−2.2
1966	131.2	130.3	−.9	−.6
1967	147.8	141.9	−5.9	−4.0
1968	147.9	133.3	−14.6	−9.9
1969	142.7	134.4	−8.3	−5.8
1970	147.8	144.3	−3.5	−2.4

COMPARISON OF CONGRESSIONAL APPROPRIATIONS TO PRESIDENTIAL BUDGET REQUESTS—Continued

[Dollars in billions]

Calendar year	Amount requested by President	Amount appropriated by Congress	Congressional action over (+)/under (−) President's request	
			Amount	Percent
1971	167.9	165.2	−2.7	−1.6
1972	185.4	179.0	−6.4	−3.5
1973	178.0	174.9	−3.1	−1.7
1974	213.7	204.0	−9.7	−4.5
1975	267.2	259.9	−7.3	−2.7
1976	282.1	282.5	+.4	+.1
1977	364.9	354.0	−10.9	−3.0
1978	348.5	337.9	−10.6	−3.0
1979	397.7	386.8	−10.9	−2.7
1980	340.3	333.7	−6.6	−1.9
1981	339.0	340.0	+1.0	+.3
Total	5,159.4	4,988.9	170.6	−3.3

Note: These figures are compiled on a calendar-year basis, and compare the total amounts requested by the President during each session of Congress with the total amounts appropriated by Congress during that session. The totals include all appropriations—regular annual, supplemental, and deficiency.

Mr. CANNON. The administration would have us believe that the only way to cure inflation is to tolerate high levels of unemployment. But full employment is not inflationary as the administration would have us believe. It is just the opposite. A healthy economy helps everybody. A sick economy, that is, one of low growth, high unemployment, and idle factories, is inflationary because goods and services, within limited productivity, drop during such periods. Per unit costs rise. Incomes, such as those on welfare and unemployment compensation, are maintained with zero output.

Revenues fall during these periods of time. Deficits and national debt increase. Investment in business slackens and so we have a sick economy. Full employment, however, would help taxpayers because taxpayers today are paying over $50 billion for welfare and unemployment programs. This is an unnecessary waste, so taxpayers are not benefited from unemployment. They are benefited when persons have to work for what they earn. It certainly helps all of us in the reduction of crime, disease, and social instability, which affect all of us.

Too much emphasis is being placed on financial and monetary phenomena and not enough on real factors such as jobs and output. By the middle of this year, national officially counted employment had reached 9.8 percent—the highest unemployment rate since 1941. Unemployment in the construction industry was 20.3 percent., For agricultural workers, it was 13.8 percent. The manufacturing industry has been particularly hard hit, with major job losses recorded in every single U.S. manufacturing industry from mid-1981 to mid-1982. Since the last good year in the auto industry—1978—34.9 percent of its total employment has been lost. The steel industry, now operating at a feeble rate of well below 50 percent of capacity, has lost 24 percent of its jobs in the same period. Overall, the current blue-collar unemployment rate reached 14.4 percent. For minorities, the unemployment rate at midyear hit a record 18.5 percent for blacks and 13.9 percent for Hispanics, while overall teenage unemployment levels at midyear rose to 24.1 percent.

The impacts of the administration's economic policies are even more clearly demonstrated by the impact it has had on my own State of Nevada, where unemployment rates continue to rise and where the recession has yet to bottom out.

I ask unanimous consent that a table showing unemployment in the State of Nevada be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

UNEMPLOYMENT, STATE OF NEVADA

	March	April	May	June	July	August
Statewide:						
Number	40,100	41,900	42,300	45,400	48,400	50,100
Percent	8.3	9.0	9.2	9.0	9.8	10.6
Clark County:						
Number	23,700	25,600	26,500	28,800	30,200	31,300
Percent	9.2	9.9	10.1	10.0	10.7	11.5
Washoe County:						
Number	9,200	9,100	9,000	9,300	10,400	10,700
Percent	6.1	7.0	7.2	7.5	8.4	9.3
Balance of State:						
Number	7,200	7,200	6,800	7,300	7,800	8,200
Percent	9.3	9.5	9.6	8.0	8.9	9.6

Mr. CANNON. Fortunately, the Senate yesterday took important steps to pass the Training for Jobs Act, which will serve as a substitute to the CETA program. It is a telling illustration of this administration's lack of commitment to full employment that it first cut back on the CETA program, and then originally opposed the Training for Jobs Act.

A dynamic, modern economy must constantly be adapting to changes in technology, consumer tastes, prices, and other aspects of the economic environment. Effective and well-designed employment and training programs can help reallocate human resources to regions, occupations, and industries where they will be most productive. Employment and training programs offer the hope of displaced workers becoming productive.

So the question should not be the simplistic "go back or stay the course?" Rather, the questions posed should be: "When is this administration going to put Americans back to work? When is this administration going to submit a balanced budget? When is this administration going to offer tax equity for all Americans and not just for the superrich? How much longer will average Americans have to wait before the recession ends and economic justice is available to everyone?"

It goes without saying that until the administration starts providing some very real answers, instead of raising irrelevant questions, the unemployment problems in the country will continue and will likely increase.

BALANCED BUDGET AMENDMENT

Mr. HATCH. Mr. President, with the balanced budget amendment scheduled for a vote today in the House of Representatives, I ask unanimous consent that certain articles from the Daily Herald, Provo, Utah, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Provo (Utah) Daily Herald, Feb. 24, 1982]

FORCING U.S. TO BALANCE BUDGET

The sense of frustration over the soaring federal debt is building pressure in the country for adoption of a constitutional amendment requiring a balanced budget.

When a President as dedicated to economy as Ronald Reagan is obliged to project a $91.5 billion deficit in his first budget, the situation obviously is crucial.

The Consitution provides two routes to amendment and both are being employed to bring the issue to a head:

1. Two-thirds of both houses of Congress may propose amendments. Via this approach, Senate Joint Resolution 58 for a balanced budget/tax limitation amendment has passed the Senate Judiciary Committee 11 to 1 and awaits debate on the Senate Floor. An identical proposal has been introduced in the House.

2. Two-thirds of the states can apply for a convention to propose amendments. Just last month Alaska became the 31st state to call for a constitutional convention to mandate a balanced budget. Action by only three more states would set this machinery in motion for the first time in history.

In either route the proposed amendment must be ratified by three-fourths of the states (38) to become part of the Constitution.

Only eight times in the past 52 years has the budget been balanced—four under President Harry Truman, three under Dwight Eisenhower, and in Richard Nixon's first year in the White House, 1969.

In that period, the national debt has risen from $16.2 billion ($312 per capita) in 1930 to more than $1 trillion (over $4,400 per capita) in 1982, having surged from the half-billion mark in the past seven years.

It took 173 years—from the founding of the Republic to 1962—for federal spending to reach a yearly total of $100 billion. Not even in World War II did we spend that much in a single year. Since then the stops have been pulled . . . and spending has skyrocketed all the way to the $757 billion Reagan proposes for fiscal 1983.

With good intentions, Congress passed the Budget Act of 1974, but as Utah Republican Sen. Orrin Hatch said, this "has done absolutely nothing to control the debt."

Congress next tried a statute—Public Law 95-435 of 1978 requiring that "beginning with fiscal year 1981, total budget outlays of the federal government shall not exceed receipts." That didn't supply the necessary discipline either.

Fifty-one senators (16 more are needed) have indicated support of S.J. Resolution 58 of which Hatch is the prime author. Forty-eight senators are co-sponsors. The next step is passage by both houses of Congress by a two-thirds majority.

Sponsors hope to bring the issue to the Senate floor in the weeks ahead. Approval

by that body would put double pressure on the House in view of the state move for a convention.

S.J. Res. 58 requires an annual budget with receipts greater than outlays and prohibits Congress and the president from spending more than budgeted unless a specific dollar amount of deficit be approved by 60 of 100 senators and 261 of the 435 representatives.

Further, it limits tax receipt increases within national income growth for the previous year, allows Congress to waive requirements during a declared war, and bars shift of the burden of government spending to the states.

Polls have shown a substantial majority of Americans support a balanced budget/tax limitation amendment. President Reagan has favored the concept.

If it takes a constitutional amendment to enforce fiscal responsibility, then it's time to accelerate action in that direction.

[From the Provo (Utah) Daily Herald, July 5, 1982]

LET'S "OK" BUDGET AMENDMENT

Were it not for interest payments on the trillion-dollar-plus national debt, the federal budget could be in balance rather than running large deficits.

This often-overlooked fact stands in bold relief as debate proceeds in Congress on a proposed constitutional amendment to require a balanced budget.

In fiscal 1983 projections, it is estimated that interest on the debt may be close to $134 billion. The '83 deficit is budgeted at $104 billion, but the Congressional Budget Office says it might be closer to $116 billion.

Interest payments represent 17.5 percent of the '83 budget, a jump from 13 percent in 1980 and approaching twice the 9.9 percent in 1970.

Sen. Ted Stevens, R-Alaska, told the Senate recently the debt now stands at $1.08 trillion.

How much is a trillion dollars? That much money, Stevens said, would buy more than 75 percent of the nation's single family homes; or, if given away at the rate of $4 million a day since the birth of Christ, it wouldn't yet be depleted.

What the awesome debt is doing to the economy is of prime current concern. For example:

The heavy interest outlay, already mentioned.

The debt and deficits as a major factor in keeping interest rates high, hampering economic recovery and discouraging companies from investing in new plant and equipment.

Its tendency to crowd out other borrowers from the money market.

The Wall Street Journal recently surveyed leading economists and found most predict little if any, drop in the interest rates this year.

Stevens cited an article by U.S. News & World Report which claimed the mounting competition from Uncle Sam for available credit means that only better-quality corporations and other borrowers will be able to get funds.

The cost of the national debt has become a highly-significant item in the federal budget. Twenty years ago the government paid only $8.3 billion for interest. This had climbed to nearly $19 billion in 1970 and reached $74.8 billion in 1980 on the way to the $134 billion projected for 1983.

And as the deficits grow so does momentum for a balanced budget constitutional amendment. President Reagan has recommended it. The measure, with Sen. Orrin G. Hatch, R-Utah as main sponsor, is getting its first test in the Senate.

To become part of the Constitution an amendment must be passed by two-thirds of each chamber and subsequently ratified by 38 states.

If Congress doesn't initiate the action, it could come from the states. Since 1975, 31 legislatures have passed resolutions calling on Congress to convene a constitutional convention to write a balanced budget amendment. Only 34 states are needed to force such action.

This puts extra pressure on Congress to act on its own. So does red ink spending, with only one balanced budget in 22 years and only eight in the 52 years since 1930—mighty convincing evidence that something needs to be done.

The Herald believes the balanced-budget amendment should be passed.

[From the Provo (Utah) Daily Herald, Aug. 17, 1982]

WE MUST HAVE A BALANCED BUDGET SOON

America's preoccupation with a balanced budget amendment to the Constitution has gained intensity in recent weeks, leading toward a possible autumn showdown in the House of Representatives.

Although giving high priority to a balanced federal budget at their just-concluded Oklahoma convention the nation's governors declined by a single vote to support a constitutional amendment to enforce it.

Yet their test vote—on a simplified alternative to the U.S. Senate-passed amendment—was 26 to 10 in favor, barely under the three-fourths majority requirement of the National Governors Conference.

The Senate passed its measure 69-31 Aug. 4 with two votes more than the necessary two-thirds margin. The proposal would require Congress to adopt balanced yearly federal budgets, allowing deficits only in wartime or when both houses give three-fifths majority approval. To raise the national debt also would need a three-fifths majority vote.

Momentum for an amendment has been building in recent years in the face of soaring deficit spending which has doubled the national debt in the past seven years to beyond the $1 trillion mark. The budget has been balanced only eight times in half century and only once in the past 22 years.

The government was debt-free in 1835 and owed only $16.2 billion ($312 per capita) in 1930, whereas today's massive debt pro-rates to about $18,000 per family according to administration figures.

As for spending, it took 173 years—from 1789 to 1962—for federal outlays to reach a yearly total of $100 billion. In the 20 years since, expenditures have skyrocketed all the way to the $761.5 billion budgeted for fiscal 1983 which begins Oct. 1.

The awesome '83 deficit is figured at $104 billion by the White House, largest in history. Congressional experts say it will go much higher.

Equally appealing, fiscal '83 interest of the national debt is estimated at $134 billion, says U.S. News & World Report. Annual interest has soared all the way from $8.3 billion in two decades.

The enormous interest outlay currently makes the difference between a balanced budget and huge deficits. Massive federal borrowing is hampering economic recovery and helping to keep interest rates high.

Surveys consistently indicate three of four Americans want a constitutioal restraint on federal spending. President Reagan supports an amendment saying only "a thin wall of wavering willpower stands between us and ruin by red ink."

Meanwhile, via another amendment route provided by the Constitution, 31 state legislatures have launched a separate balanced budget initiative. Only 34 are needed to set "constitutional convention" machinery in motion for the first time on record.

By either path the amendment must be ratified by three-fourths of the states (38) to become part of the Constitution. Congressional action presumably would take precedence over the states' initiative.

The Senate having passed a balanced budget proposal the scene shifts to the House where an uphill fight is forecast. The House version is bottled up in the Judiciary Committee but observers believe political pressures will spur a floor vote before the Nov. 2 election.

Arguments advanced against the amendment are varied. Though economic strength is at the very heart of the American system, some say inserting "economic theory" would "trivialize the Constitution."

The Senate vote, some claim was an election year cop-out by lawmakers unwilling to say "no" to excessive spending. Be that as it may the sad red ink record cries out for some form of imposed discipline.

Some argue a statute would be sufficient to force a balanced budget. But in 1978 Congress passed Public Law 95-435 requiring that spending not exceed revenues as of 1981. The law has been ignored.

Skeptics say we shouldn't tinker with formulas of the Founding Fathers. Yet 26 constitutional amendments are in effect. Moreover Washington Jefferson and Madison among other, spoke out forcefully against public debt.

Notwithstanding the various arguments, what better choice exists in the continuing budget crisis than a constitutional mandate? Fiscal responsibility must be restored.

The Herald believes the House of Representatives by all means should pass the amendment to start the ratification process in the states. The amendment-conscious, heavily taxed public is entitled to a chance to support or reject the idea through their state representatives. The ratification process takes years. Supporters say it could be adopted by the 1986-87 budget process at the earliest.

If Congress meantime proves it can balance the budget without a constitutional amendment perhaps states may have no need to act. But if the budget makers continue to add deficit to deficit, than the amendment machinery will be available to force them into line.

[From the Provo (Utah) Daily Herald, Apr. 6, 1981]

NATIONAL DEBT'S APPROACHING $1 TRILLION MARK

(By N. LaVerl Christensen)

First of a series

The United States national debt is projected to reach $1 trillion before the end of the year. That's a thousand billion dollars!

At that figure, the government will owe about $4,415 for every man, woman and child in the country—all 226,500,000 of them.

If the amounts seem incredible to today's generations accustomed to astronomical figures, they'd shock the frugal Founding Fathers! George Washington and Thomas Jefferson, among others, counseled strongly

against burdening posterity with major debt accumulations.

The whopping national (federal) debt—most of it incurred in the past half century—is the amount owed by the government from borrowing to cover deficit spending.

It does not include obligations of states, counties, cities, individuals and corporations; nor interest on the national debt.

Fed by enormous budget deficits, the debt has more than doubled in the inflation-ridden peacetime years since the Vietnam War.

It is projected by the Reagan Administration to reach $958 billion in April 1987 .4 billion by Sept. 30 (end of fiscal year 1981), and $1 trillion sometime in November or December.

A burdensome byproduct is the strain interest on the debt places on the federal budget. Interest now constitutes the third largest outlay—behind retirement—benefit programs and national defense.

It is projected at $94.1 billion for the current fiscal year, up from $74.8 billion for fiscal 1980— and will soar to $106.5 billion in 1982 although this could be sliced to some extent by Reagan budget cuts.

The interest figures, quoted in the Congressional Record, are from projections made by the former Carter Administration in submitting its tentative '82 budget last January.

You get a realistic idea of the size of the interest bill when you realize the figure for the current year amounts to about $300 million for every weekday of the year (Sundays excluded) . . . and note that as recent a 1960 the entire federal budget was only $92.2 billion.

Many have argued in Congress that deficit financing is a key cause of high interest rates and the inflation level which may hit double digits in 1981 for the third straight year.

The inflation rate, at 9 percent in 1978, rose to 13.3 in 1979 and settled slightly to 12.4 percent last year—the worst inflation since 1916-19 during World War I when the rate exceeded 10 percent four consecutive years.

President Reagan's supply side economics and his drive to balance the budget by 1983 or 1984 depart from policies generally practiced in the past few decades.

To be sure stout defenders of the red ink rationate and Keynesian spending theories widely embraced in the past half century remain.

Many lawmakers also equate appropriate debt levels with the Gross National Product. Sen. Robert C. Byrd, D-W. Va. reminded senators recently that "the public debt has been falling in terms of the GNP." In 1960 the public debt stood at 56.9 percent of the GNP, he said. "Twenty years later it stands at about 35 percent."

During the February congressional debate over raising the debt ceiling from $935 to $985 billion, Sen. Russell B. Long, D-La. noted that in 1946 total public and private debt was 189 percent of the GNP. But by 1979, the percentage had declined to 178 percent though the figures had climbed dramatically.

(The debt limit—raised 31 times in the past two decades—was elevated to $985 billion to accommodate spending commitments of the Carter Administration for the current fiscal year. It's a foregone conclusion the limit will have to be raised above the trillion-dollar mark early in fiscal '82 which begins Oct. 1.)

Senator Long quoted Treasury Department figures as showing the private debt increased from 73 to 138 percent of the Gross National Product in the 1946-79 period—almost double. "But the federal debt has declined from 110 percent of the GNP to 28 percent."

While deploring high interest rates and conceding "It would be good to retire the federal debt . . . pay it off completely," Long said that in the over-all perspective, the trend has been toward a "lesser debt as a percentage of wages and salaries and the GNP."

Congress, with the constitutional responsibility for the budget, currently is debating spending cuts proposed by President Reagan and Budget Director David Stockman to slice $48.6 billion from the Carter '82 budget and $6.4 billion from current year outlays.

The new regime has set a budget ceiling of $695.3 billion for fiscal '82. But even this figure projects a $45 billion deficit.

[From the Provo (Utah) Daily Herald, Apr. 7, 1981]

U.S. "DEBT" PAYMENTS NEARING $100 BILLION

(By N. La Verl Cherstensen)

Second of a series

America was 200 years accumulating a national debt of a half-trillion dollars. Now, just six years later, the debt is approaching $1 trillion—albeit today's inflation-devaluated dollars "aren't what they used to be."

The colonial government issued $2 million in paper money in 1775, an initial step toward financing the Revolutionary War.

That and further war obligations eventually were paid off. But new generations brought new debts, with the curve sweeping sharply upward in recent decades.

In 1975, Treasury records show, the federal debt moved from $475 to $534 billion, breaking the half-trillion-dollar barrier. Next November or December it is projected to reach $1 trillion despite the new Reagan regime's commitment to reverse the deficit spending tide.

How does a well-resourced nation like the U.S. find itself with so awesome a debt, now requiring annual interest payments approaching $100 billion?

Obviously the Founding Fathers didn't intend debt as a "business as usual" pattern. In 1970 the first Congress under the Constitution charted a program for repaying the $76 million incurred by the central government and the colonies during the Revolution.

That same year, James Madison wrote in a letter to Henry Lee: ". . . a public debt is a public curse . . ."

And in 1796, George Washington counseled in his farewell address:

". . . Cherish public credit . . . use it as sparingly as possible . . . avoiding like wise the accumulation of debt . . . in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear."

By 1835, under President Andrew Jackson, all obligations had been paid—the government was debt-free! Indeed tariffs and proceeds from sale of public lands had built a small surplus.

The Civil War (1861-65) changed the picture for the nation of 33 million people. Spending in four years exceeded federal outlays for the entire previous period of national independence.

Yet with the revenues generated, including an income tax, the debt was held to $2.7 billion—a huge sum in those days.

Successive administrations cut the debt to $1.12 billion by 1890. The level was at $1.23 billion in 1916, but World War I involvement boomed it to $25.5 billion in 1919.

Eleven years of budget surpluses whittled the national obligation to $16.2 billion ($312 per capita) by 1930. Until that time, a conscientious effort evidently was made toward retiring the debt.

Then a turning point: The economic depression of the thirties followed by World War II started the nation on a red ink spending course which has seen only eight balanced budgets in 51 years.

It was in 1929 that British economist John Maynard Keynes advanced his concepts of broad government spending to promote jobs and high level national income. Keynesian economics apparently were put to work in this country in President Franklin D. Roosevelt's "New Deal" to counter the depression. The national debt went to $43 billion by 1940.

World War II accelerated spending and pushed the federal debt to $269 billion in 1946 ($1911 per capita). Twenty years later the U.S. was well into the Vietnam War with a debt level of $316 billion that climbed to $458 billion in 1973, the year that war ended.

It had taken 173 years—from the founding of the Republic in 1789 to 1962—for federal spending to reach a yearly total of $100 billion. Not even in World War II did we spend that much in a single year.

The spending base was broadening now, however. Commitments expanded for social welfare programs, grants to states and localities by a generous Congress, defense, and interest on the debt.

Government outlays soared past $200 billion in 1971, $300 billion in 1975, $400 billion in 1977, and $500 billion in 1980. Spending of $662 billion is projected for fiscal year 1981 and the Reagan Administration is hoping to reduce the Carter regime's budget of $739 billion for fiscal year 1982 to a ceiling of $695.3 billion.

Annual deficits, meanwhile have pushed the debt all the way to $935 billion as of Jan. 30, 1981, according to Treasury figures quoted in the Congressional Record. That amounted to about $4,125 per capita.

Inflation, which has shrunken the dollar's value, has accounted in part for the astronomical figures. The Consumer Index of November 1980 showed the 1967 dollar was worth only 39.7 cents at that time.

The budget last was balanced in 1969 in the Richard Nixon presidency. The seven other balanced budgets in the half century included three under Dwight Eisenhower and four under Harry S. Truman.

[From the Provo (Utah) Daily Herald, Apr. 8, 1981]

CAN U.S. DEBT BE BRIDLED?

(By N. La Verl Christensen)

Third in a series

President Reagan is committed firmly to halting deficit spending and balancing the federal budget, he hopes by 1983.

Ironically though, he had to ask Congress to raise the borrowing limit to $985 billion to cover spending commitments by the previous Carter Administration through Sept. 30, the end of fiscal '81.

Most of the 31 debt limit increases of the past two decades have been voted perfunctorily, with conservative lawmakers, mostly from the Republican minority, registering protest votes.

Not so this year with a GOP majority in the Senate. Democrats who had controlled both houses of Congress for a quarter century, forced a lengthy debate before yielding to the Republicans. The vote was 73-18 in the Senate; 304-104 in the House.

They accomplished the spending authorization—raising the debt limit by $50 billion so the government could pay its bills. But debate also provided insights on deficit financing under which the budget has been balanced only twice in the past 24 years—1960 and 1969.

Sen. William Roth, R-Del. summarized: "The plain fact is that we now must pay the bill for the extravagance of the past."

Registering his continuing opposition to raising the debt ceiling, Sen. William Proxmire, D-Wis. declared massive borrowing results in "higher interest, more inflation, and bigger spending and deficits."

"Just in the last four years," said Sen. Orrin G. Hatch, R-Utah, "the federal budget has jumped from a little over $400 billion to $739 billion (Carter budget for fiscal 1983); the national debt from a little over $650 billion to almost a trillion dollars; and interest on the debt from $42 to $100 billion in just four or five years.

(The national debt is projected to reach $1 trillion in November or December, about $4,415 per capita.)

Sen. Strom Thurmond, R-SC, said a balanced budget "is a goal we absolutely must move toward . . . with unwavering discipline. The future economic survival of our nation depends on it."

Thurmond told of Reagan's desire to end red ink spending and quoted the President as saying: "I intend to be the first president in history to come to Congress and ask a reduction in the debt ceiling."

The veteran senator said inflation is caused "by monetization of the debts—excessive creation of money—through the Federal Reserve System purchase and handling of federal debt instruments."

Sen. William Armstrong, R-Colo., said the $50 billion debt limit increase amounts to "half of everything Americans will save this year." To dramatize the interest burden on the debt. Armstrong said it would require all taxes paid this year by 26 states (which he named) to meet the interest obligation.

Democratic Sen. Robert C. Byrd of West Virginia, in a subsequent statement, explained that the public debt has declined in terms of the country's gross national product.

"In 1960, with the national debt at 56.9 percent of the GNP, the entire productive capacity of our economy would have had to work more than six months to retire the debt." Byrd said. "In 1980 the debt stood at about 35 percent of the GNP and theoretically it could be retired in just over four months.

Sen. David L. Boren, D-Okla. expressed concern at the heavy outlay for interest on the debt and said if interest rates go higher the burden could reach levels beyond the government's reasonable ability to pay.

He quoted economist Richard Russell as saying: "If the U.S. government were a corporation it would be bankrupt."

In the House, Rep. William Dannemeyer R-Calif., observed that some trivialize longstanding conservative concern with the debt, suggesting, "We only owe it to ourselves." This type of thinking ignores "the rising cost of servicing the debt and the profound economic consequences of federal borrowing," he said.

(Interest on the debt is projected at $94.1 billion for the present fiscal year and at $106.5 billion for fiscal 1982. Figures from Carter Administration estimates of Last January.)

Rep. Clarence Brown, R-Ohio applauded "rediscovery" of supply side economics and said: "To fight inflation, unemployment and rising debt we need a program that casts aside old-school Keynesian economics and puts in its place incentives to work, save, invest, and produce. . ."

Rep. Elliott Levitas, D-Ga., opposed debt ceiling increases and commented: "We are indeed charging fur coats to our grandchildren." Levitas added: "The time has come to say 'enough is enough'."

[From the Provo (Utah) Daily Herald, Apr. 9, 1981]

WE MUST ATTACK BUDGET PROBLEMS WITH DILIGENCE

(By N. La Verl Christensen)

Last of a series

Two attitudes obviously must change if the United States government is to end deficit spending and control the national debt, now approaching a trillion dollars.

First, Congress must reverse excessive-spending notions and recognize that the fount of federal funds has its limitations.

And secondly, Americans in general and special interest groups in particular must ease their demands on the public largesse.

Recently a coalition of 157 national organizations—ranging from consumer to labor groups—joined in opposition to many of President Reagan's proposed budget cuts.

Whatever justice their position has, the case illustrates the problem Washington faces in balancing the budget—something achieved only eight times in the past 51 years. Reagan's goal is to eliminate deficit spending, he hopes by 1983.

Jim Brady, his press secretary, defined the situation realistically in a March statement: "Everybody is for smaller government and less spending. Show anybody a list of 20 programs and they'll tell you to cut 19—all except the one dear to each of them."

November's election results have been interpreted widely as a mandate to control inflation, end deficit spending, and spur the economy. The suggestions and proposals to accomplish that goal vary among members of Congress.

Sen. Jake Garn, R-Utah, noting that Congress doesn't respect its own debt ceilings, favors eliminating "meaningless debt limits" and focusing seriously on balancing the federal budgets.

The "permanent" debt ceiling of $400 billion was decreed March 17, 1971. Since then, Congress has raised the "temporary" limit at least twice a year, bringing the over-all ceiling to $985 billion.

Garn considers this hypocritical—"a ruse to convince taxpayers Congress is concerned about holding the line, even while it authorizes spending programs that force increases in the debt limit."

Sen. William Proxmire, D-Wis. advocates a tight lid on the debt limit and a responsible "pay-as-you-go" program. "We should have refused to increase the debt ceiling during this entire period of runaway inflation, double digit interest rates, and hemorrhaging of the federal budget . . ."

How about budget control by statute? Congress tried this with a 1978 law requiring a balanced budget starting with fiscal 1981. It didn't work because Congress and President Carter didn't honor their own law. Massive deficits are programmed both for fiscal 1981 and 1982.

Such lack of discipline feeds the mood evident in many states for a constitutional amendment mandating a balanced budget. Congress has before it a number of amendment proposals, including a fairly-flexible version that would require a two-thirds vote of each house to adopt any budget that calls for red-ink spending.

Sen. William Armstrong, R-Colo. claimed Congress weakened budget control by restricting presidential powers for rescission of spending in a provision of the Congressional Budget and Impoundment Control Act of 1974. He said the provision was passed as a retaliation to a move by then President Richard Nixon in 1972 imposing a moratorium on funding a housing program Congress had authorized.

Voters mandate the President to get federal spending under control: yet Congress has tied his hands said Armstrong. "Our chief executive presides over the largest budget in the world and yet he has little actual management control over it."

Sen. Orrin G. Hatch. R-Utah backed that view during February congressional debate on the debt limit. He proposed strengthening the president's budgetary authority and right of impoundment as one of several reforms he presented.

Other reforms would make debt and budget ceilings more effective, tighten borrowing regulations, require consideration of an amendment for a balanced budget, improve relationships between executive and legislative branches on budgetary matters, and place off-budget items on-budget "so the public will know exactly what the deficits are."

Hatch said off-budget items have jumped from $9 billion in fiscal 1976 to $23 billion in fiscal 1981.

Over-all, the key words seem to be "fiscal discipline." Republicans, with considerable Democratic help, are pressing for early approval of the basic Reagan economic program, but many demands for changes and refinements are being debated.

Sen. William Roth. R-Del. cautioned it will take time to reverse long-time spending practices and commented: "The federal budget is like a runaway locomotive—it cannot be stopped on a dime."

In his day, Thomas Jefferson warned against the servitude heavy taxation can bring and said no generation has a right "to bind the succeeding generation" with a vast debt.

Modern-day American has been slow to heed that counsel—but in the light of the experience of recent decades, Jefferson's wisdom comes through loud and clear.

DON RUMSFELD SPEAKS OUT ON THE GOVERNMENT-BUSINESS RELATIONSHIP

Mr. PERCY. Mr. President, the United States is the only major country in the industrialized world where business is at times viewed as an enemy by some segments of government. Our laws and even some of our institutions are designed to harness and restrict business. Only too infrequently can we find outstanding examples of genuine cooperation.

Recently my good friend and former colleague in the Congress, Donald Rumsfeld—president and chief executive officer of G. D. Searle & Co.—

spoke to the editors of U.S. News & World Report about Americans views toward business. Having also served in the White House as Chief of Staff to the President and also as Secretary of Defense, he knows Government.

At one point in the interview, Mr. Rumsfeld says:

The simple story is that in Japan and Germany the governments and the people want their companies to succeed; they wish them well. They recognize their jobs, their taxes, their economic circumstance, their technological and scientific progress depend on the success of business institutions.

In the United States, by contrast, the attitude between government and private enterprise vacillates somewhere between hostility and neutrality. There is not the desire to have companies succeed. Business executives take that into account when they sit down to decide where to put a plant or where to invest. Business is voting with its feet. So the dominant negative attitude winds up having a notably adverse effect on America and on Americans.

Don Rumsfeld has certainly hit the nail on the head with his remarks. We are unique in our Government-business relationships and I feel I have a fairly good perspective on this, since I have been a part of the business community and the Federal Government.

This is an unfortunate state of affairs because it does retard our economic growth and the creation of jobs. The interruption of contracts by the present administration is another case of where our future business dealings are being jeopardized. Still, there are ways we can act to mitigate this adversarial relationship.

We can, for starters, organize the Government more efficiently and charge it with a more cooperative spirit. We have started on this path already. Several years ago I introduced legislation that led to the creation of the position of Under Secretary of State for Economic Affairs. That position has been extremely helpful to businesses with overseas operations. We have also reorganized the Commerce Department's international business operations in recent years and moved the Foreign Commercial Service into the Commerce Department where it is taking a strong lead in boosting exports. I have strongly supported these developments.

Legislatively we have also moved in a number of directions to reduce the tension between business and Government. Just in this Congress we have passed export trading company legislation. When signed into law, this act will allow the government to drop restrictive antitrust laws in the case of businesses that export. This is a sensible approach that puts us on the same plane as our trading partners. I was an original cosponsor of that legislation and I have also supported changes in the Foreign Corrupt Practices Act. Under those amendments, we will reduce much of the recordkeeping that has plagued business and hampered the conduct of business overseas.

Outside of the official legislative areas, we can take actions as individual legislators that help business. I have held a number of procurement and export conferences in Illinois to show businesses—especially small- and medium-sized businesses—how to do business with the Federal Government or get into exporting. In these ways, we can show business that at least some of us in Government want them to succeed and that we will do all we can to help them succeed and grow.

There is, obviously, more we can do to move toward more of a partnership with business. I am always exploring new ways to help in this regard and thereby create jobs here at home. I was very pleased when the Commerce Department earlier this year established, at my suggestion, a bonus system for United States and foreign commercial officers. I made the suggestion to them in February and by June the program was in place. It was one of the fastest turn-arounds I have ever seen in Government and I have commended Secretary Baldrige, Assistant Secretary Morris and FCS Director General Rick McElheny for this initiative. The bonus awards make clear that those officials who go the extra mile to help—rather than hinder—business will be rewarded. This is the spirit we need in Government and I hope we can continue to foster this as we move into the 1980's.

I ask unanimous consent to have Mr. Rumsfeld's remarks printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

[From U.S. News & World Report]

BEHIND THE PUBLIC'S "NEGATIVE ATTITUDE TOWARD BUSINESS"

(By Donald Rumsfeld)

"TEARING DOWN LEADERSHIP AND INSTITUTIONS"

There has been a process at work in the United States of tearing down leadership and institutions. We are in a period in which many people are visibly antileader and antiinstitution.

The House of Representatives today reflects this. It has a horizontal leadership structure. That's very different from the 1960s. In those days, a cabinet official could get a handful of key people in a room and work out a legislative agreement—and it would stick. But today I don't know anyone who can deliver anything. It's a mess, and that isn't an accident. House members represent a reasonably accurate reflection of the attitudes of the American people. To the extent that the public attitude is antileader, many House members tend to be antileader. To the extent it's attractive to be antibusiness, many tend to be antibusiness.

A LEGACY OF THE 1950'S AND 1960'S

At the present time, a negative attitude toward business is prevalent in the media, in academic institutions and in the political world. I don't know that I can explain how this came about, but my guess is that it happened sometime in the late 1950s and early 1960s. It didn't change fast. There was no major catalytic event. It was an incremental process that occurred over time.

It's crazy for the society to be unfriendly to enterprise. It's damaging to the country and has contributed in a major way to today's economic difficulties. Yet the fundamental truth is that the relationship betweem enterprise and major segments of the society is not a constructive one.

BUSINESS IS VOTING WITH ITS FEET

The negative attitude helps explain why American business lost its premier role. When you look at a list of the world's leading companies in the late 1940s, '50s and '60s, America dominated. U.S. firms were *the* companies of the world in terms of their weight and momentum. Not so today. The Japanese and German companies have walked right past the U.S. firms. You see articles by business-school professors to the effect that Japanese management techniques are so superior.

The simple story is that in Japan and Germany the governments and the people want their companies to succeed; they wish them well. They recognize that their jobs, their taxes, their economic circumstance, their technological and scientific progress depend on the success of business institutions.

In the United States, by contrast, the attitude between government and private enterprise vacillates somewhere between hostility and neutrality. There is not the desire to have companies succeed. Business executives take that into account when they sit down to decide where to put a plant or where to invest. Business is voting with its feet. So the dominant negative attitude winds up having a notably adverse effect on America and on Americans.

At some point, we will realize what is happening and decide that this negativism is unhelpful to us as a people. But I don't know when that will occur.

"AMAZING RECORD OF GIVING" TO SOCIAL CAUSES

There's no question that the negativism, in part, is tied to the impression some people have that business is indifferent to social needs. But I have been amazed at the incredible amount of time people in business spend on nonbusiness charitable activities. I can't believe the number of letters I get in a single day or the phone calls from top people in companies all across America asking me to help with one charitable project or another. They are giving away their money and their company's money in sizable amounts. There is an amazing record of giving.

SOVIET ACTION AGAINST JEWISH SCIENTISTS

Mr. PERCY. Mr. President, for some time now the free world has watched with growing dismay the rise in recent years of Soviet official harassment and outright persecution of Soviet Jews.

The numbers of Soviet Jews who are successful in their quest to emigrate under the guarantees of the Helsinki Final Act and other international agreements has dwindled to a pathetic trickle. Even those Soviet Jews who wish only to live in peace in the Soviet Union and be allowed to practice their

religion and preserve their language and cultural traditions have confronted increasingly troublesome official obstacles.

Recently a most serious violation of fundamental human rights has come to my attention. A number of distinguished Soviet Jewish scientists seeking to emigrate have been informed that their advanced degrees have been or will be arbitrarily revoked. As a recent Wall Street Journal article reporting the situation notes:

Not since the imposition by the Kremlin of the scandalous diploma tax in August 1972 has the Soviet Jewish intellectual been confronted by such a serious threat to his fundamental academic rights as well as his livelihood.

The Soviet Union must understand that the world will not remain silent in the face of this kind of outrage. Soviet officials and diplomats wonder why there is so much hostility in the world toward the Soviet Government. They have only to look to their own outrageous behavior for the answer.

Mr. President, I ask unanimous consent that the text of the Wall Street Journal article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Aug. 8, 1982]

THE SOVIETS ARE REVOKING DEGREES HELD BY JEWS

(By William Korey)

An extraordinary assault upon the autonomy and integrity of academia has been launched in the U.S.S.R. It warrants the attention and concern of the international scholarly community. A number of distinguished Jewish scientists who have sought to emigrate are advised that their higher academic degrees have been or will be revoked.

Not since the imposition by the Kremlin of the scandalous "diploma tax" in August 1972 has the Soviet Jewish intellectual been confronted by such a serious threat to his fundamental academic rights as well as to his livelihood. Higher academic degrees everywhere are granted in recognition of scholarly achievement. In the international community, a veritable sanctity envelops the awarding of advanced degrees. Only in Hitler's Germany were academic degrees of Jews revoked. That action foreshadowed more intense persecution.

The unprecedented Soviet revocation practice was initiated in a systematic way about a year ago, though several cases occurred somewhat earlier. In 1978, a Jew holding the very advanced degree of doctor of biological sciences was deprived of the title. In 1980, revocations took place for two Jews holding advanced degrees in economic science and physical science. Since then, the scope has broadened and intensified, embracing a wide number of academic disciplines from geography to cancer research, from history to mathematics. A total of 65 Jewish scientists, according to available information, have lost or are in process of losing their advanced degrees.

The final stage in the revocation process stuns the degree-holder. He is suddenly advised, in a letter, without any previous indication, that the Soviet Higher Attestation Commission (VHK), on the basis of a "request" of some scientific council, "deprives you of the academic degree of Candidate of Agricultural Sciences" (as in one typical case; the "Candidate" degree is approximately equivalent to a Ph.D. degree here).

VAK is the special, all-union body that confers academic degrees in the U.S.S.R. Individual Soviet universities, unlike those in the West, don't award them. Originally, VAK operated under the authority of the ministry of higher and specialized secondary education. However in 1974, VAK was transferred to the jurisdiction of the Council of Ministers. Its chairman explained that applicants for higher degrees would be required to "combine a profound professional knowledge with a mastery of Marxist-Leninist theory and with the convictions of an active builder of communist society."

Apparently, under the current interpretation, Jews seeking to exercise the fundational human right to leave a country do not display the required "convictions." Even worse, several scientists were told that they were deprived of their degrees for "unpatriotic behavior," that is, applying to emigrate.

The personal ramifications of degree revocation are profoundly burdensome and humiliating. Soviet Jewish scientists say that it can mean salary cuts, demotion, denial of access to libraries and laboratories and even job dismissal. Further, those deprived of degrees can be kept from seminars, scientific meetings and professional publications. As non-persons in academia, they can have their research findings pirated or mutilated.

A public letter written by 13 prominent Jewish scientists in February spelled out the trauma: "We are being destroyed as scholars and as breadwinners . . . Our knowledge is locked away to decay." The writers interpret their torment to be "a deterrent for all potential new applicants for emigration to Israel."

They are no doubt correct. The Kremlin has reduced emigration to a trickle. Only a half-dozen Jews with advanced degrees were allowed to emigrate last year. About 500 emigration applicants holding advanced degrees were refused permission. Of these 45 percent have been fired from their jobs.

The revocation of degrees constitutes a new twist of the Soviet bureaucratic screw. The technique is only beginning. One of those affected, Yuri Medvedkov, a geographer associated with the Soviet Academy of Sciences, warns: "This poisonous process is not yet in full swing. We are trying to stop it early." But the burden of responsibility for halting the subversion of intellectual integrity rests with the international academic community. It was the outcry of Western academics in every discipline that helped end the notorious "diploma tax." A renewed outcry could produce a similar result.

NATIONAL FOREIGN TRADE COUNCIL QUESTIONS SOVIET TRADE SANCTIONS

Mr. PERCY. Mr. President, the National Foreign Trade Council in New York has registered its views on the regulations enforcing the trade sanctions against the Soviet Union.

The council has raised a number of important questions about the impact of sanctions on our long-term commercial relations with other countries. In his letter, William Baldwin, the senior vice president and secretary of the council, notes that "trade in technology is growing rapidly and is for many American companies an increasingly important source of revenue. By retroactively limiting technology licenses, the U.S. Government is telling the international business community that it is safer to purchase its technology form non-U.S. sources."

The council ends it letter to the Commerce Department by asking that long-term economic costs of the rule be weighed against its intended foreign policy benefits.

Mr. President, I ask unanimous consent that the council's letter be printed in the RECORD at this point, and I commend it to my colleagues.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL FOREIGN TRADE COUNCIL, INC.,
New York, N.Y., August 19, 1982.

MR. RICHARD ISADORE,
Director, Operations Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C.

DEAR MR. ISADORE: The National Foreign Trade Council, a private, non-profit organization of more than 600 U.S. companies engaged in foreign trade and investment, appreciates the opportunity to submit comments on the interim rule, "Amendment of Oil and Gas Controls to the U.S.S.R.," promulgated on June 22, 1982 by the Department of Commerce at the direction of the President, under Section 6 of the Export Administration Act and published in the Federal Register (Vol. 47, No. 122, Thursday, June 24, 1982, page 27250).

The rule as published has a substantial effect both on the current operations of U.S.-based multinational corporations and their longer-term trading prospects. It has already resulted in deteriorating relationships with the European Community. We, therefore, recommend that the interim rule be significantly revised before any final regulations are issued.

These regulations virtually without precedent, seek to control trade engaged in by U.S. owned or controlled foreign subsidiaries, even where non-U.S. origin goods or technical data are involved.

Under this rule, a U.S. foreign subsidiary may not export to the U.S.S.R. certain products (and related technology) designed for oil and gas exploration, production, transmission and refinement without prior written authorization from the U.S. Department of Commerce, even though (a) such products and technology are of non-U.S. origin and (b) the exports are made by legal entities operating abroad and subject to the laws of other sovereign governments.

It seems self-evident under international law that, if the United States claims jurisdiction over foreign companies controlled by U.S. persons, it has a reciprocal obligation to recognize the jurisdiction of foreign countries over U.S. corporations controlled by foreigners—yet we doubt that the United States would yield jurisdiction in the latter instance.

And in fact the U.S. Supreme Court, in a recent case, *Avagliano v. Sumitomo Shoji America*, held that the American subsidiary of a Japanese company is subject to U.S. law. It should be further noted that the

anti-boycott provisions of Section 8 of the Export Administration Act are intended to prevent U.S. companies from being used as instruments of the foreign policy of other nations. Against this background, the present rule under Section 6 of the Act would require companies incorporated in the European Community to carry out U.S. trade policy toward the Soviet Union. Such unilateral measures cannot be helpful in our efforts to seek modification of proposed EC directives which would have an adverse extraterritorial effect on U.S. companies operating in Europe.

Another provision restricts the exports of foreign-produced products directly derived from U.S. technical data where, among other things, the right to the use of data is subject to a licensing agreement whereby the recipient of the technical data has agreed to abide by U.S. export control regulations. We understand that most U.S. licensing agreements contain such a clause. However, this clause will operate with retroactive effect so as to change U.S. law and regulations regarding at least some of the contracts intended to be covered. Thus the regulation will necessitate a change adverse to the foreign company of contracts concluded in good faith in reliance on existing regulations, between a foreign company, not U.S. owned or controlled, and its foreign customers.

This attempted extension of the application of U.S. laws and regulations will, of course, be strongly resisted by the host governments of the affected companies. Its legal basis is tenuous at best, and its potential for worsening the overall position of U.S. companies in foreign trade is great.

Trade in technology is growing rapidly and is for many American companies an increasingly important source of revenue. By retroactively limiting technology licenses, the U.S. Government is telling the international business community that it is safe to purchase its technology from non-U.S. sources.

Echoing this thought, the Delegation of the Commission of the European Communities, in a communication to the United States Government on August 12, 1982, stated that European suppliers which have long since committed resources to the Soviet gas pipeline project, will suffer severe loss of business if the European contribution to the pipeline is blocked. The EC said, in part:

"One inevitable consequence would be to call in question the usefulness of technological links between European and American firms, if contracts could be nullified at any time by decision of the U.S. Administration."

The EC memorandum also speaks of "the grave doubts that are bound to arise in future about the U.S. as a reliable supplier of equipment under contract, or as a reliable partner in technology-licensing arrangements."

The Council is sympathetic with these arguments, and they are clearly the sentiments of many of our substantial trading partners.

We are troubled by the growing tendency of the United States to extend the reach of its laws into matters and as to persons under the jurisdiction of foreign countries. Certain aspects of the rule constitute, we believe, an undesirable extension of existing regulations and a further exercise of jurisdiction extraterritorially. The long-term economic costs of the rule should be weighed against its intended foreign policy benefits before final regulations are issued.

Sincerely,

WILLIAM BALDWIN,
Senior Vice President and Secretary.

END OF AN ERA IN CHICAGO

Mr. PERCY. Mr. President, exporting is becoming more and more important to our economy. Nowhere is that axiom more true than in Illinois where one of every two farm jobs and one of every nine manufacturing jobs is dependent on exports.

Illinois has for many years been one of the top exporting States in the country and we have worked hard to get to that spot.

One of the ablest export promoters in Illinois has been Gerry Marks, who served for 12 years as the director of the U.S. Commerce Department in Chicago. I have known Gerry for over two decades and know from a first-hand basis how dedicated and creative he is when it comes to export promotion. Under his guidance, Illinois has grown with the international economy and our businesses have learned how to compete in the international marketplace.

Gerry Marks is now in London serving the Commerce Department as commercial counselor. I am proud to say that he will be the first Commerce Department regional director named to a U.S. Embassy since the Foreign Commercial Service was transferred to the Commerce Department several years ago.

I know Gerry will do a magnificent job for American business in London. We will certainly miss him in Chicago where he has been an institution for well over a decade. All of us wish him well in his new position and know that he will continue to lend distinction to our commercial relations.

Mr. President, I ask unanimous consent that a Chicago Sun-Times article on Gerry Marks, August 30, 1982, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago Sun-Times, Aug. 30, 1982]

END OF AN ERA FOR LOCAL COMMERCE DEPARTMENT CHIEF

(By Jerome Idaszak)

When Gerald M. Marks flies to London this week, it signals a new beginning for him, and the end of an era for Chicago.

"This is your Commerce Department, Gerry Marks speaking," became a well-known phrase in the international business community here during the last decade. A couple of hundred people from that community attended a dinner in July to bid Marks off.

Marks is scheduled to leave the city Wednesday after serving almost 12 years as director of the U.S. Commerce Department office here. He'll be commercial counselor at the U.S. Embassy in London.

A 30-year veteran of the State Department replaces Marks here—Joseph Christiano. His most recent appointment covered four years in Tokyo as commercial counselor.

"It's a feather in the cap of Chicago," Marks said about Christiano's background and appointment here.

The move by Marks, along with the typical hassles of finding a place to live and getting used to new routines, poses the added challenge of being a pioneer of sorts. He'll be the first Commerce Department regional director named to a U.S. embassy under a program change begun during the Carter administration. That program placed the foreign commercial service under Commerce rather than the State Department.

Marks, in an interview shortly before leaving Chicago, said he will supervise 16 British nationals and four Americans. The staff contacts British companies asking what merchandise or products they use and whether they'd allow U.S. suppliers to bid.

"I'll try to connect people with the right person," he said.

He noted that U.S. companies are selling more clothing to the United Kingdom, and the do-it-yourself business is also a growing one.

But he conceded some hurdles, too. He'll arrive in the UK during a time when the United States is experiencing its first trade deficit with that country.

"Right now we're having a great deal of problems with British government procurement," he added.

Three cases are pending including one in which IBM was low bidder but a British company was awarded the contract. Marks said that IBM in the UK employs 14,000 British residents.

"If IBM or Sperry Rand decides they need me, I'll be available. I become the principal contact for business with the British government," he said.

Marks said his territory will include visiting Dusseldorf for trade shows and stopping in Paris for contacts.

"This really is an experiment," he said about his two-year assignment to London.

Marks, 54, brings a varied background to the London post. He was a professional engineer and ran his own business for a while before being elected to the Metropolitan Sanitary District in 1966. He ran unsuccessfully for the Republican nomination for Congress in 1968 for the 13th congressional district. He holds an MBA from the University of Chicago.

Reflecting on his dozen years promoting trade in Chicago, Marks said his biggest disappointment during his time with the Chicago office has been the lack of follow through by many U.S. businesses.

"They turn the international faucet on and off," he said. "I've been through three business cycles now. Companies get very interested in exports when their domestic business is slow. Then their domestic business picks up, and orders for foreign customers get pushed back."

Marks said Chicago-area companies—if they're serious about exporting—need patience, must communicate the sense of commitment throughout the company and get involved with groups that promote trade such as the Chicago Association of Commerce and Industry and the International Business Council MidAmerica.

"No company should walk away from the potential for exports," he added.

An example of patience, Marks said, is shown by an Indiana company that went on a trade mission to Singapore in 1973. The president of the company told Marks last

year that he finally won the first order, for 1,300 hospital beds.

While that is longer than usual, Marks said it shows that the long view is required.

Among accomplishments Marks said his office aided are the opening of a Commerce department office in Palatine, programs with Chicago-area community colleges on exporting and the formation of a trade club in central Illinois.

Marks said Chicago's banks and futures exchanges have helped elevate the city's position in international business in the last decade. On the debit side, he said the area doesn't make sufficient use of Argonne and the University of Illinois research facilities to further stimulate the economy and the community.

"Our industry probably hasn't been as innovative as our service sector has," he said.

THE VICTIM AND WITNESS PROTECTION ACT OF 1982

Mr. LEAHY. Mr. President, today we are conferring long-overdue benefits on a fast-growing class of Americans who wish they were not in the class at all—the victims of crime. The Victim and Witness Protection Act of 1982 is a good beginning. It protects the rights of the victims of crime and the witnesses who are important to its prosecution from threats, harassment, and retaliation. It provides for victims to be considered in the sentencing of criminals and for restitution to be paid by convicted criminals. The Attorney General is empowered to initiate proceedings to restrain the intimidation of a witness or a victim. And there are other provisions that are aimed at making the lives of victims and witnesses more bearable, to lessen the pain, to ease the burden, to remove the stigma that the victim often feels after the commission of a crime.

The original Senate version of this bill might have been construed to create Federal jurisdicition over a wide range of State crimes. Like other bills in the Senate to fight crime, at least part of the answer was to federalize criminal conduct that traditionally had been within the authority of State police power. At a Judiciary Committee rural crime hearing I conducted in Vermont late in August, it was very clear that neither prosecutors nor members of the general public think we can or should try to end the crime epidemic by turning it over to Federal authorities. I am very pleased that the version of the bill acted on today by the Senate leaves the authority of local prosecutors unaffected. I argued for this result in earlier versions of the bill, and I am really pleased that it has prevailed.

I had expressed one other concern about S. 2420; namely, that the prohibition against tampering in section 1512 might apply to conduct that was clearly advocacy, and not tampering. An example of this problem is stated on page 17 of the Judiciary Committee report on S. 2420. I am pleased that the final language of the bill makes it harder for this confusion to occur, and in light of the explanation in the report I doubt it ever will.

I want to conclude by commending Senators HEINZ, BIDEN, LAXALT, THURMOND, and MATHIAS for all of their dedicated work on this bill. Our work together was ever so much more successful because of the true bipartisan effort that went into this bill. The victims of crime will continue to have the problems that crime brings. But I hope that we have all made those problems a little more bearable.

EMERGENCY BENEFITS FOR THE DISABLED

Mr. ARMSTRONG. Mr. President, I regret the Senate has been prevented from considering the emergency benefits for the disabled legislation that was reported out of the Senate Finance Committee by a unanimous vote 3 days ago.

Any Senator has the ability to block consideration of any bill now that we are in the final day of the regular session of the 97th Congress. That right was exercised by at least one Senator, so the emergency benefits for the disabled legislation will not be brought up before adjournment.

I regret this development. This legislation is needed. The legislation—if it had been enacted—would have helped solve a serious bureacratic snafu responsible for denying benefits to those who are truly and legally entitled to benefits from the social security disability program.

I hope this legislation will be quickly enacted in the special congressional session to be convened November 29. So that Senators will be thoroughly acquainted with the issues presented by the bill—and the need for prompt action—I insert in the RECORD at this point a statement I prepared on the legislation. During the next 2 months I hope those Senators who have reservations about the bill will carefully read the legislation, its committee report, and my statement explaining the reasons why the legislation should be enacted. I would be happy to answer any questions that Senators may have about this important legislation.

STATEMENT OF SENATOR ARMSTRONG

Mr. President, I urge immediate passage of the pending bill providing emergency benefits for the disabled. Once passed this bill will correct a tragic and terrible flaw responsible for terminating benefits to the nation's disabled.

Here is the situation we face: Social Security Disability Insurance is the nation's largest disability-connected cash benefit program. About 4.2 million Americans receive benefits, at a current annual cost of $17 billion. Just 10 years ago, three million Americans received $4 billion in benefits. Obviously, there has been explosive program growth.

In response to concerns about rapid increases in costs, poor administration and work disincentives, President Carter in 1980 signed a law that requires federal and state officials to review disability rolls, and to end benefits for those no longer eligible. This law required a dramatic increase in the amount of management review and oversight of the program. It was badly needed. Both the General Accounting Office and the Social Security Administration found lax administration, gross inconsistency in awarding benefits and horrendous fraud. In fact, GAO estimate that as many as 20% of those now receiving benefits are clearly ineligible, at an annual taxpayer cost of $2 billion.

Prior to 1980, there were no legislative requirements for periodic determination of disability for or even most persons receiving disability benefits. This oversight was corrected by the 1980 law. Congress required disability beneficiaries to be re-examined at least once every three years, unless their conditions were expected to be permanent. The law also required disability determinations to be made according to federal written regulations. States failing to comply would have their authority to make disability determinations pre-empted by the Secretary of Health and Human Services.

As a result of the 1980 law, the Social Security Administration has sent 1.6 million disability determinations cases to states for review. Of these, 46 percent have had benefits terminated at the initial decision level. In other words, half of those now receiving assistance are being denied further benefits. Colorado is a classic example. In Colorado, 17,106 persons receive Social Security disability. About half of the cases have been reviewed, and state officials have terminated 40 percent of those cases.

Here is the problem: Both in Colorado and nationwide, many cases are being appealed to administrative law judges. Of cases appealed, more than 60 percent have had their benefits restored. There are a number of reasons for this high reversal rate . . . shoddy staff work at the time of initial decision; beneficiaries can be represented by legal counsel before administrative law judges; the law judges use a different set of standards in determining disability; and other factors.

In any event, reversals are high, and benefits are being restored to a large number of disabled. Here is the problem: Once a state terminates benefits, benefits and even though the case is appealed to an administrative law judges . . . and there is a better than 60 percent chance benefits will be restored, and retroactively.

What does all this mean to a person who is initially declared ineligible for benefits, only to have the benefits restored under appeal?

It means havoc through an unnecessary disruption of their life and income. Think about it. Imagine you received disability benefits for eight years, then receive a notice that your case is being reviewed, then a notice that your benefits are being terminated. Benefits end, you appeal the decision, it takes six months for the case to be heard . . . then the benefits lost during appeal are paid back retroactively. In the meantime, you are behind on mortgage payments, rent, utilities . . . and the necessities of life.

Hence this legislation now before the Senate. The bill has two major provisions. It pays full benefits while cases are appealed; second, it gives the Secretary authority to

slow down case review by states unable to give full and careful review to each and every case.

These reforms—coupled with a number of administrative changes now underway—will make more responsible the continuing disability review program. I urge immediate passage of this bill providing emergency benefits for the disabled.

Let me conclude with a word of thanks to a number of people responsible for this legislation. Senators COHEN and LEVIN spearheaded the efforts, with the assistance of Senator HEINZ, and others. Senator DOLE ably shepherded the bill through quick Senate Finance Committee passage. In drafting the final bill, I received helpful legislative guidance from the Disabled American Worker Security, a Colorado organization representing the state's disabled.

RADIO MARTI

Mr. PRESSLER. Mr. President, I appreciate this opportunity to speak in support of the Radio Broadcasting to Cuba Act. This bill authorizes economic and material support to Radio Broadcasting to Cuba Incorporated, better known as Radio Marti.

I believe Marti is an appropriate name because of the expanded opportunity for Cuban freedom that would be encouraged by this legislation. Jose Marti was a great Cuban liberator, dedicated to democracy, freedom, and to Cuban independence.

Radio Marti will provide the U.S. Government with an important tool to use against Fidel Castro's propaganda machine. It would allow the U.S. Government to provide accurate, uncensored news and information to the people of Cuba regarding Cuban activities at home and abroad.

As American citizens, we enjoy the privilege of living in a free and democratic society where the individual is considered most important. Radio Marti would provide the Cuban people with the information needed to make more informed judgments about their government's policies and actions. This is a first step in trying to establish a political system which is accountable to the Cuban people. Radio Marti would fill an important void created by more than 20 years of censorship and totalitarian control of the Cuban media by the Castro government.

I believe the communication of accurate information to the Cuban people would be carried out well through the medium of radio. For decades the United States has used radio broadcasting as a most effective means of providing truth to the peoples of the Soviet Union and Eastern Europe. Radio Free Europe and Radio Liberty have proven their worth in this effort. Yet, in Cuba, there is no similar competition for Castro's Communist propaganda. Radio broadcasting aimed specifically at Cuba would provide its people with alternative views.

The proposed implementation of Radio Marti has triggered threats of retaliation by the Castro government. In an Associated Press interview, Castro responded to the Radio Marti proposal by stating, "We are not going to interfere, but we are going to broadcast back."

There is some concern that the Cuban Government's retaliation will greatly increase interference directed at our domestic radio stations. This has already occurred for some U.S. broadcasters. This legislation provides compensation to domestic broadcasters who already have been harmed by Cuban radio interference and provides a permissive compensation remedy for such injury.

Cuban radio interference with AM broadcasting in the United States has been going on for nearly 15 years. Thus, I believe that the existence of Radio Marti will neither produce nor prevent Cuban interference with U.S. broadcasting in the future. Failure to authorize Radio Marti out of fear of possible Cuban interference would appear to allow Castro to dictate U.S. foreign policy and could result in greater interference. We must not knuckle under to Castro's threats.

Communist leaders understand the power of ideas and devote enormous resources to propagating their totalitarian ideology and distorted view of events through radio broadcasting aimed at specific countries. In the Caribbean Basin and Latin America, the Soviet Union and Cuba outbroadcast the United States by a ratio of 5 to 1 in terms of hours on the air. Cuba alone broadcasts 280 hours a week to Latin America and the Caribbean. This bombardment of the Caribbean region with Communist propaganda, along with the very real threat of Cuban military intervention in Central America and elsewhere, illustrates the importance of a more active U.S. communication effort.

This bill recognizes the need to promote the right of the Cuban people to seek and receive information and ideas through the medium of radio. I urge my Senate colleagues to support this legislation so that we may better contribute to the cause of Cuban freedom from Communist domination.

CONTRACT SANCTITY

Mr. MATTINGLY. Mr. President, I am happy to cosponsor Senator DANFORTH's amendment which will help reassure our world trading partners of American reliability as a supplier of food and fiber. The fact that the Government has acted in the past to cancel export contracts either because of rising prices or for foreign policy reasons has caused foreign buyers to turn increasingly to other nations for their source of food and grain products. With American farmers in the midst of an economic crisis, with interest rates still too high and low market prices, with bumper crops of grain and soybeans, it is especially important that we act promptly to encourage world buyers to contract for delivery of U.S. farm products. By passing this amendment today, we can send the clear signal that other nations can be assured of an uninterrrupted supply of much-needed commodities and agricultural products.

U.S. products are generally highly desired by consumers in foreign countries—even when our prices are somtimes slightly higher, the foreign buyer knows that American products are of consistently higher quality than the same products supplied by other competitors. But the mere history of past food suspensions has cast a shadow over the ability of our farmers to recapture and expand lost markets. Moreover, some foreign purchasers have used this history as a bargaining tool with which they negotiate for even lower prices. Our action here today in passing this "contract sanctity" measure will indeed benefit not only our hard-pressed farm community, but the rippling effect of a resurgent agricultural sector will help speed our path toward economic recovery.

EXPORT TRADING COMPANY ACT

Mr. DIXON. Mr. President, I am pleased to support the conference report on S. 734, the Export Trading Company Act. It is a good bill, one that represents a real step forward in our efforts to encourage the growth of U.S. exports.

I want to commend my distinguished colleague, Senator HEINZ, the chairman of the International Finance and Monetary Policy Subcommittee of the Senate Banking Committee, for his leadership on this issue. He has worked extremely hard on this measure, and his hard work and persistence are in no small part responsible for the fact that a conference report is before the Senate today.

I also want to commend Senator DANFORTH, for his leadership on the antitrust sections of the bill. His negotiating skill was a major factor in resolving the difficult issues that arose in this section of the bill.

Finally, I want to commend someone who is not here today, my predecessor in the Senate, Adlai Stevenson. He, and Senators HEINZ and DANFORTH, are the principal authors of the Export Trading Company Act. As chairman of the International Finance Subcommittee, before Senator HEINZ succeeded him, he was, and remains, the father of the bill before the Senate today.

I am pleased to be a cosponsor of S. 734, and to have been a conferee. I am grateful for the opportunity to be able to complete action on this important

new measure, action that Senator Stevenson was so instrumental in initiating.

Exports are increasingly important to our economy and can help stimulate the economic growth we so badly need. It has become fashionable in some places to criticize the quality of American products, but the Department of Commerce reports that up to 20,000 U.S. firms offer goods and services which could be highly competitive abroad.

Unfortunately, small size, inexperience, and the risks involved, combined to deter these companies from exporting. Currently, only 10 percent of American companies export, and 1 percent account for 80 percent of all U.S. exports.

Enactment of Export Trading Company legislation can change these statistics by encouraging the formation of trading companies that can link potential exporters with overseas markets. The result of this link is simple and direct: more sales for U.S. firms and more jobs for Americans looking for work.

Mr. President, this bill has changed substantially since it passed the Senate last year. Compromises had to be made. However, the bill remains a strong one. It will be able to achieve its objectives of encouraging the formation of export trading companies and of fostering the growth of U.S. exports. I commend it to my colleagues in the Senate and in the House. It deserves, and the Nation needs, its quick enactment.

THE FUTURES TRADING ACT OF 1982

Mr. STEVENS. Mr. President, I support my distinguished friends, Senators ROTH and RUDMAN, for their exemplary efforts and amendment to combat fraud in commodities trading.

The amendment provides the States with the authority to enforce their own general or common law antifraud statutes, while at the same time avoiding the problem of usurping the regulatory power of the Commodities Future Trading Commission.

Both Senators ROTH and RUDMAN have ably pointed out why this amendment is so necessary for protection of this country's citizens from unscrupulous brokers and traders who would take advantage of small and mostly unsophisticated investors.

This Senator is very pleased to see that the differences separating the CFTC from those who support this amendment have been resolved. Mr. President, when it comes to eradicating criminally fraudulent schemes that have literally wiped out many individuals' life savings, it is only proper that the States and our National Government work together on this problem.

I am reminded on this occasion of the quote by Thomas Jefferson:

The care of human life and happiness and not their destruction, is the first and only legitimate object of good government.

The State and Federal governments can and must put aside their individual territorial imperatives and trust one another in cooperative enforcement efforts that can advance the welfare of all those Americans who wish to legitimately pursue investment opportunities.

Alaska has in recent years been besieged by those whom I cannot call commodity brokers or traders without committing a dishonor to legitimate brokers and traders in futures.

Under current Federal law, my State has been powerless to protect our residents from this criminal element because of the limited resources and exclusive enforcement jurisdiction exercise by the CFTC.

As an example of one scheme that defrauded Alaskans and which the CFTC did happen to investigate, I ask unanimous consent that an article entitled "Out in the Cold" from the November 16, 1981, issue of Barron's be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OUT IN THE COLD—HOW A PAIR OF ALASKANS LOST THEIR SHIRTS IN A COMMODITY SCAM

(By Daniel D. Nossiter)

Simple geography should shield the residents of Shemya Island from investment fraud. Shemya is a sullen dab of tundra and scrub in the Bering Sea at the tail of the Aleutian chain, a tiny punctuation mark fittingly situated between the Rat Islands and Siberia. The island is so far west that the international dateline zigzags to bypass the place so it can officially share the same day with the rest of the United States. Tokyo is a mere 2,000 miles away, and the Air Force base on Shemya was once an important refueling stop on the northern route to the Orient. Now, in the era of long-range planes, the base presumably is used to spy on the Russians who, presumably, spy right back on the base.

It's possible, with difficulty, to telephone Shemya. Frank Messer and Kenneth Iddins, who together lost $30,000 to a collection of villains touting commodity futures, report that the subpolar winter is cold and clear and bright, although an occasional 135-m.p.h. wind sometimes forces them to crawl the 300 yards from barracks to work.

What attracted Iddins, who works in its appliance shop, and Messer, who has the crucial job of looking after the power plant, are the high, hardship-post wages. Messer makes $23 an hour, Iddins, a similar amount. Iddins echoes the sentiments of many refugees from the Lower 48 when he says: "It's better than being a shoe clerk in Iowa and retiring with nothing in the bank."

The mails are a twice-weekly event on Shemya. Mail addressed to "resident" or other unknowns gets tossed in a heap for anyone, that is, everyone, with time to riffle through the pile. Late last year, the mail brought a card from Republic Advisory Corp. promising "big money fast" in futures trading.

That card and the promise somehow caught Messer's attention, a happenstance that led to the transfer of no little part of his and his friend Iddins' savings into the hands of a convicted felon who had been chased out of one boiler room operation only to open up another. Adding insult to injury, Messer and Iddins never saw a salesman face-to-face, and hence could never enjoy the pittance of satisfaction that comes with being able to describe one's woes to a human visage. Shemya's high wages are as attractive to con artists as they are to people like Messer and Iddins. Indeed, the director of Alaska's Division of Banking of Securities has stated that "the disreputable element in the commodities industry . . . has been the greatest economic disaster to strike Alaska since the 1964 earthquake."

Iddins, who has been on Shemya since 1973, was eager to make his pile and return to civilization. Hoping to speed the process, he filed out the Republic Advisory card requesting more information. Soon he got an urgent call from the firm's San Francisco office.

Republic was a commodity trading adviser. It had been in business for all of 11 months when its come-on card arrived at Shemya. Republic had no seat on any exchange; it executed its trades through a registered broker. The firm's official principal was required to register with the Commodity Futures Trading Commission, a process that consisted of little more than filing out a form. Once that formality was accomplished, Republic—or any other firm that cared to—could set up shop and charge fees for dispensing advice in trading commodities.

In late 1980, Republic salesmen in San Francisco and at the head office in Englewood Cliffs, N.J., were pushing heating oil contracts. "Republic Advisory Corp. has devised a strategy which—if you act *now* . . . can bring you quick and substantial profits. You must send our designated clearing member $10,400 . . .," cried one promotional leaflet.

Without question, the strategy brought quick and substantial profits to Republic. A whopping $4,000 went to it as a management fee. The remaining $6,400 was to go into a margin account to buy one heating oil contract, meaning that the investor was putting up about three times the margin normally required.

The Republic salesman who called Messer and Iddins said that "the big thing now is heating oil. Everyone is getting into it, and it's bound to go up to $1.40," Iddins recollects. A mite lacking in subtlety, the pitch nonetheless was effective; both Messer and Iddins fell for it. And sadly, report federal authorities, an alarming number of other innocent investors are proving easy marks for similar spiels.

Iddins sent Republic a check for $10,400 made out to Eastern Capital Corp., Republic's broker, and, subsequently, Messer sent twice that sum. The heavy-breathing promoter promised he would get them into the market at 92 cents a gallon. Meanwhile, he informed the two novice investors that Republic was switching brokerage because Eastern's service wasn't fast enough.

That is not how Eastern's president, Steven Silverman, remembers it: "We gave Republic 30 days to terminate their relationship with us. They couldn't keep their records straight, their clients' positions. We assigned someone to work full-time with their back office, but it was too much of a mess. We also started hearing rumors. . . ."

For a few weeks, Messer and Iddins vainly tried to contact the Republic salesman. They finally reached him in mid-January. He was "most ecstatic with the news that the market was now up to $1.04 a gallon," Iddins recalls. But when Messer and Iddins asked at what price they had made their purchases, he claimed that it had been so long since they had called him he couldn't remember. Call back Monday, he said, and he'd have the figures.

That was the last Messer and Iddins heard from their original Republic contact. They later managed to reach another Republic salesman, who admitted that no contracts had been purchased for either. A few weeks later, a contract was bought for Iddins for $1.04. The price promptly dropped to $1, and Iddins promptly was sold out.

For his part, Messer learned that he still had not made a trade. The second salesman said that Messer's money had been put into the wrong account. Messer called back a few days later only to learn that Republic's San Francisco phone had been disconnected. With a queasy feeling in the pits of their stomachs, Messer and Iddins phoned the head office in New Jersey to try to solve the mystery of the missing office. They were not exactly comforted by what they say they were told—that one of Republic's San Francisco employes was "a crook and a liar and Republic had closed its California office and fired all the people." By this time, Messer had rather large second thoughts about Republic, so he fired off a letter demanding his money back. What he received in return were evasions and excuses. Fed up, he called Eastern Capital, Republic's original broker, to whom he had made out the check. Eastern Capital said sorry, they'd never heard of him or his check.

As it turns out, Eastern never saw the check because Republic never sent it. Instead, someone in Republic's New Jersey office forged a signature and used the $20,800 check to pay fees owed to the Simon Advertising agency of East Orange, N.J.

Paul Greenholtz, who runs Simon Advertising, acknowledged to a reporter that he handled Republic's promotions, but directed further inquiries to his lawyer, Stephen Dratch. Dratch claims his client hadn't the faintest idea anything was amiss until seven months later when he received an affidavit from Messer that the endorsement was forged. Dratch says the check was given to the ad agency by Thomas Pepe of Republic. (After the ad agency's bank froze its account because of the forgery, Greenholtz sued Messer, Republic and the bank in an attempt to collect the money.)

A MODEST DESCRIPTION

Republic's promotional literature refers to Pepe as a trading consultant, but that does him an injustice. According to a suit filed in U.S. District Court last summer by the CFTC, Pepe was the "undisclosed principal" in the company, whose nominal head was his wife, Maria. Some authorities familiar with his activities view him as a supremely gifted con artist. One seasoned investigator, however, is more skeptical—he says Pepe may be a pro, but that, if he were really good, he would have shut the operation after three or four months; letting it drag on for a year guaranteed he'd be caught.

In any case, Pepe is not easily discouraged. Three years ago, he was convicted of fraudulently obtaining a loan from the Small Business Administration and sentenced to three months in a half-way house and three years of probation. Last year, the CFTC obtained a permanent injunction in federal court ordering Pepe to stop defrauding investors with a crude-oil scheme. Without admitting guilt, Pepe signed a consent decree stating that he would abide by the court order. And this past summer, postal investigators raided his comfortable home in Woodcliff Lake, N.J., looking for evidence of a company he was running that purported to sell shares in a diamond fund. One investigator drily commented that "the search was more notable for the lack of any evidence" of any sort of diamond fund.

Despite repeated efforts to contact him, Pepe has refused to be interviewed. But the CFTC's complaint against him and Republic says his strategy was to sell the unwary a futures contract for an enormous "management fee" and excessive margin and then persuade the investor, who was already hooked, to change to a "managed account," in which Republic would be allowed discretion to make trades as often as it liked, at a cost of $150 per round turn trade.

That is what Republic convinced Iddins to do at the end of February. What remained of Iddins' account was placed in the hands of Raymond H. Ketcham, against whom an injunction had been issued a year earlier in connection with Pepe's crude-oil caper and who also had signed a consent order. Iddins was told that he had made more than $1,600 the first day he had switched to the discretionary account. Alas, when he received a written statement, he discovered that he had lost $356, and for which privilege he had been charged $1,350 in management fees.

Iddins gave up trying to deal with Republic and complained to the CFTC. In July, the agency had a federal judge issue another injunction against Pepe, this time for the Republic scheme. Again he signed a consent decree, and the company went into receivership. Federal authorities estimate that Republic collected some $5 million from investors like Messer and Iddins, losing about two-thirds of it in trading and making off with the rest. So far, the receiver has realized only $900, on the sale of Republic's office furniture.

The authorities say that prospects for recovery of the remaining funds are dim, and Pepe's prospects appear equally dark.

The CFTC has turned over its records on the heating-oil scheme to the U.S. Attorney's Office for New Jersey. Donald Fay, an assistant U.S. attorney in the office's frauds section, would not comment on whether criminal charges would be filed in the case.

As for the other Republic employes, one federal investigator says that many are on the phone right now, peddling some other sure-fire way to make "big money fast."

Mr. STEVENS. In conclusion, Mr. President, it is very important that this bill pass, and pass with this amendment. The States are willing and committed to provide the enforcement resources necessary so that the only risks taken by investors will be those of the marketplace and not those of confidence artists.

TRADEMARK LEGISLATION

Mr. LEAHY. Mr. President I am very pleased that the Congress has finally acted on legislation to clarify that States cannot require modification of trademarked logos, such as the logos of franchised real estate agents. The reason I supported S. 2001 is that the State ought not to interfere with the uniformity of a valuable trademark, and at least one State supreme court had ruled that a State real estate commission could order the modification of trademarked logos.

As the bill was originally drafted, I had strong reservations about whether its language would go further than curing the problem and possibly affect the power of the States to limit or regulate signs, displays, or billboards under generally applicable laws or regulations protecting the environment and esthetics. It might also have been possible to argue that a State's right to prohibit unfair competition or deceptive acts or practices was curtailed by the bill.

H.R. 5154 added language to the text of S. 2001 that has cured the problems. Its effect is very similar to an amendment I had discussed with Senator CRANSTON, and I am happy to say the House version does it in fewer words. By adding the words "in the mark" to the bill's language, it is now clear that Vermont's laws regulating roadside signs, which are a model for the country, and our historic Act 250, which also deals with signs, will not be questioned.

It was the integrity of the trademarked logo that had been threatened, and that threat has been dispelled by our action.

Senator CRANSTON has requested that his name be associated with these remarks.

MILITARY MEDICAL FACILITIES SIZE FACTOR—H.R. 3278

Mr. SARBANES. Mr. President, I express my support for H.R. 3278, regarding military medical facilities. This bill would make some important improvements in the way plans are developed for military hospitals. Under current law, the military services are unable to program space in military facilities for retirees and their dependents, except for whatever space is necessary to meet teaching and training requirements. This restriction has served to increase the overall cost of providing military health care because retirees, who are eligible for free medical treatment, are often unable to be seen at military facilities and must instead seek treatment at more expensive civilian facilities under the CHAMPUS program.

As the retired population continues to grow in relation to the active duty population the health care dilemma will increase. In areas with an unusually high concentration of retirees the problem is especially severe. The situation in Annapolis, Md., is a good example. In 1980 the naval hospital in Annapolis was closed in spite of the fact that Annapolis has become an extremely popular retirement area. The

many military retirees in the area are forced either to travel to the Bethesda Naval Medical Center to compete for the limited space available there or to seek treatment at private facilities under the complex and largely unpredictable cost-sharing formulas of the CHAMPUS program. In either case the burden on retirees is considerable. It is tragic that people who served their country faithfully are now treated as an afterthought by the military health care system. It is even more tragic, and ironic, because under the current process not only are retirees afforded shoddy treatment, but the Government actually pays more than it would with expanded in-house facilities.

The bill before us, H.R. 3278, would rectify this situation by permitting planners to take into account the needs of the retired community in developing new military medical facilities. The Department of Defense and each military service would be free to include space for retirees if such space would be more cost effective over a hospital's life cycle than the current arrangement. This approach would both improve the treatment of our military retirees and their dependants and would save scarce Federal dollars. I urge my colleagues to support this important legislation.

THE HAMBURGER CRISIS

Mr. HAYAKAWA. Mr. President, we are in the midst of a crisis. The Congress has in the past met to consider the prospect of wars in foreign lands, but never have we considered a conflict that strikes so close to the heart of our society as Burger War I. Three of America's biggest burgermeisters—McDonald's, Wendy's, and Burger King—are at this moment taking each other to court to decide whose burger is best.

Before I consider the implications of the struggle itself, I would like to take a moment to pay tribute to the hamburger. No single food, finger licking or mmmm mmmm good, comes close to matching the hamburger in its all-American appeal. Rich or poor, black, white, or brown, we are of one mind when it comes to our national mania. I have never in my 76 years witnessed a station wagon full of little league baseball players pull into a quiche stand or a Hungarian restaurant. Here in our own Senate cafeteria Chinese weeks and pizza Fridays come and go, but the cheeseburger special lives on. Simply put, nothing tops a hamburger (although the Senator from Pennsylvania may have some thoughts on the subject).

Except for our shared language, the hamburger is probably the only thing we Americans have in common. This is why I am troubled by the burger war now being waged. An American institution is being sullied as it is dragged through the courts, and I fear that complex legal issues may bewilder harried citizens into foregoing the hamburger entirely. That would indeed be a tragic occurrence.

But, Mr. President, all is not lost. I believe that the good judgment and democratic intuition of the American people will prevail in the end. Even a lawyer cannot deter an American from his favorite food.

So I will say it with relish. Give me a hamburger, Mr. President, but hold the lawsuit.

I ask unanimous consent that an article by Raymond Sokolov in today's New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD.

THE BURGER COURT: PATTY CLAIMS

(By Raymond Sokolov)

It was a normal noon out on the sidewalks of New York's financial district. Pinstriped bulls and bears were ambling toward fancy fish lunches at The Recess and the D.T.A. In Liberty Plaza, hard by the Federal Reserve Bank, the air was thick with the heady aromas of Italian sausage and Cannabis sativa. The Texan Epicure and I eschewed all these opportunities to indulge in regional specialties. Solemn from the gravity of the public rsponsibility we had just agreed to shoulder, we headed along the souk of Nassau Street. Our mission: Eat burger.

Like everyone else who reads this newspaper, the T.E. and I knew that in the billion-dollar world of fast hamburgers, the fat was in the fire. The number-two chain, Burger King, had sent off the first salvo in this patty war with its aggressive new fall television ad campaign. You might call these spots Big Mac attacks, since they seethe with derogatory charges against the world's top chopped-meat chain, McDonald's. Its self-esteem seared by these unaccustomed fusillades, McDonald's sued Burger King. Not to be outdone, yet another large chain, Wendy's International Inc., also filed papers in federal court against Burger King, whose ads additionally malign Wendy's hamburgers.

Wendy's chairman and chief executive officer, Robert L. Barney also took his case to the general public. "Let's let the consumer decide once and for all."

Hearkening to this action clarion call, the T.E. and I loosened our suspenders and strode into the dark, cavernous Burger King on Park Row, girded for judgment.

Casablanca fans overhead and photoenlargements on the wall of old New York scenes (Gay Nineties bib-and-tucker banquets and a family bakery) lent an air of refinement and good taste to the room. At the point of sale, a polite cashier changed my $50 bill and filled our order with alacrity. And, as if in an O. Henry story of bygone days in the city, another customer offered me a dollar discount coupon he had forgotten to use himself.

Once seated, at a table resembling in shape and comfort a traditional schoolroom desk, I opend the package containing my Whopper. Elegantly thin, perhaps too elegantly thin, it had solidified nicely during the cooking process and held together quite remarkably in the mouth. Chewy will do as a brief description. Vegetarians might consider the Whopper for episodes of backsliding, since it does not remotely suggest the taste of ordinary meat. The bun, pillow-like and unassertive, was warm and curiously moist on top. On a scale of one to five, with five the best, I would rate the Whopper a 2.

Although the current flap does not directly focus on anything besides burgers themselves, it seemed useful to rate French fried potatoes and shakes as well, since these are typically consumed along with burgers and affect one's appreciation of the sandwich. At Burger King, fries were freshly made, tinged with a *soupcon* of grease and not so crisp as to prevent them flopping over when held up in the air. They rate only a 1.

The shake was medium thick, that is, pourable, and did not give off any chemical exhalations or leave a suspicious after-taste. I gave it a 2.

Cleaning up the various wrappers and packages, and unsuccessfully attempting to purchase an employee's badge that read: "Whopper Beats Big Mac," we rounded the corner and edged our way into a crowded McDonald's. Taking time to admire the photos on the wall of the Manhattan skyline and of the floor of the New York Stock Exchange, we were once again rapidly supplied with victuals and repaired to a sort of booth where one stands and supports one's posterior against a cushion attached to the wall.

The legendary Big Mac seemed even more elegantly thin—perhaps petite is the word—than the Whopper. Its taste was, at best, evanescent, as was that of the bun, despite its much touted sesame seeds. The texture was once again chewy. Big Mac got a 1.5. McDonald's French fries, greaseless and bordering on the truly crisp, rated a 3. The chocolate shake was so thick it was almost gravity-proof, but the flavor smacked more of the laboratory than the cacao bean. The shake scored 1.5.

Another kindly New Yorker, noticing the ɔbeaginous state of my hands, presented me with an extra napkin. Thus freshened up, I went off to Wendy's, my pace slackening but my ardor for locating the best fast burger unabated. The T.E. needed some prodding but he finally agreed to persist. "Have it your way," he said.

Looking around us at the cheerful promo material on the walls at our final destination, we wondered if we were "Wendy's kind of people." The company appears to stress the naturalness of its food and service. It chose period prints for its decor (an antique map of New York and a 1939 cover of Fortune magazine) and hanging plants. Its standard burger is the "single," a quarter-pound patty without trimmings in a plain bun.

This natural pose is somewhat undercut by the shape of the Wendy's patty, which is square. But then there is nothing all that natural about the conventional circular hamburger either, and one certainly has learned to suspect that secret sauces a la McDonald's Big Mac are really a cover-up for low-quality meat. The Wendy's single really does remind you of bona fide beef. It is also somewhat thicker than its competitors. The bun was about the same quality as supermarket hamburger buns. I give the Wendy's single a 3. The French fries were even better, hot and crisp and nicely salted. The T.E. thought they were too salty. Sorry, T.E. The Wendy's fries rate a 4.

The shake was not bad either. It was as thick as could be and it had clearly rubbed

up against honest chocolate at some point in its career. Let's call it a 3.

So Wendy's came out the big winner in our informal taste test. Probably the results could have turned out differently if we had picked different outlets around the country. But even these results really involved hair-splitting. The three chains are a classic example of what David Riesman in "The Lonely Crowd" called marginal differentiation. At bottom, they're all fast burgers. And whichever chain executive it was who said that comparing the three companies' burgers was like comparing apples and oranges, forgot that apples and oranges are real food untouched by corporate ingenuity.

PRETRIAL DETENTION

Mr. HAYAKAWA. Mr. President, I was encouraged yesterday when the Senate passed S. 2572, the Violent Crime and Drug Enforcement Improvements Act of 1982.

I do not need to stand here and recite statistics showing the terrible effects of crime on our society. Anyone who reads the newspaper, watches television, or dares to venture from his home knows that the problem of crime is real and growing every day.

In praising S. 2572, I realize that it is not a cure-all for crime. No piece of legislation can by itself solve problems with roots deep in the complex foundation of society. If we could pass a bill that would somehow create strong family units, establish solid, caring communities, and instill respect for the law in every American, then we might put an end to the epidemic of crime in the United States. Unfortunately, such legislation is beyond our ability.

But we can take steps to ease the burden of crime, and S. 2572 is such a measure. By making important reforms in our Federal criminal law such as allowing pretrial detention of dangerous criminals, abolishing the much abused parole system, toughening drug penalties, permitting the transfer of excess Federal properties to the States for their use in fighting crime, and by stiffening criminal forfeiture laws, S. 2572 can improve the ability of the Federal Government to fight crime and can set an important example for the States.

I am heartened by the Senate's decision to approve S. 2572.

THE CONTINUING TRAGEDY IN EL SALVADOR

Mr. PELL. Mr. President, reports of continuing human rights abuses emanating from El Salvador are especially troublesome coming on the heels of the administration's certification which was presented to the Congress at the end of July.

The Acting Archbishop of San Salvador in his homily of August 22 lamented the fact that there were 270 political deaths between August 6 and August 19 as reported by church sources. He attributed the majority of the deaths to paramilitary bands or security forces. There was a report in Monday's New York Times which said that church sources reported 701 killings in August, blaming Government troops and rightist death squads. Twenty-six teachers participating in a meeting of the Andes 21 de Junio Teachers Union were arrested by the treasury police on August 14. Less than a week later, the treasury police entered a suburban home and arrested a leader of the FDR opposition, a representative of the committee of mothers and relatives of political prisoners, the wife of an imprisoned labor leader and a member of the human rights commission of El Salvador.

Just before the certification, there were reports of the torture of a Salvadoran Green Cross volunteer in the headquarters of the national police. A leading Salvadoran industrialist and his daughter who once worked for the legal office of the archdiocese also disappeared just days before the certification was presented.

On top of these reports of continuation of serious human rights abuses have surfaced serious charges by very credible sources which cast doubt on the fundamental bases for the conclusions reached by the administration in the certification. Last Wednesday, the House Intelligence Committee released a report critical of the performance of the CIA and other U.S. intelligence agencies in Central America. The report, which covers both the Carter and Reagan administrations, repeatedly raised questions and cited instances in which administration policies may have been based on skewed intelligence gathering. The former head of the U.S. interests section in Havana, Wayne Smith, saw fit to publicly question the policy contention, based on intelligence sources, that Cuba was supplying vast quantities of weapons to the guerrillas.

Mr. President, these revelations cause me to question the administration's assessments on El Salvador. Earlier I, along with many of my colleagues, warily accepted the administration's contention that improvements were taking place, although there was a long way to go. But because of the continued abuses, and now this indication that intelligence is being geared to the policy of the day, I have cause to question seriously whether the Congress and the American people are being given the true picture.

I again urge the administration to do all in its power to convince the Salvadoran Government that real progress must be made in improving the human rights situation and that it must do a lot better than it is doing at present. For my part, I will continue to point out to the Government of El Salvador, as I did in the meeting with the Salvadoran Foreign Minister on August 11, that continued U.S. military aid will depend on the progress made in eliminating human rights abuses.

Regarding the cases of the murdered Americans, the reported arrest in San Salvador of two military officers in connection with the two land reform specialists is somewhat encouraging after many long months of waiting for action. I would hope that there are no further delays in the Salvadoran Government's handling of the case of the churchwomen.

The U.S. Government should give its strongest support to the efforts of the Government of Costa Rica designed to begin a real negotiation process between the Government and the opposition forces in El Salvador. I also believe that the administration should get behind peace efforts recently initiated by the Governments of Mexico and Venezuela to bring Honduras and Nicaragua to the negotiating table before the eruption of open warfare which potentially could envelope the rest of Central America.

Mr. President, the situation in El Salvador, and the rest of Central America demands positive, forthright attention from the U.S. Government. The administration must press the Salvadoran Government to end human rights abuses and impediments to the essential land report program. It should also be in the forefront of efforts to bring the opposing forces in Central America to the negotiating table to prevent a virtual certain conflagration at the cost of thousands more innocent human beings.

ELIMINATE LAMEDUCK CONGRESSES

Mr. PELL. Mr. President, the Congress and the Nation are faced, once again, with the dismal prospect of a lameduck session of the Congress, a session to be held after the congressional elections in November but before newly elected Senators and Representatives begin to serve the terms for which they were elected.

The disadvantaged of postelection sessions of the Congress are self-evident. In such sessions votes will be cast by a number of Members of the House and of the Senate despite the fact that the voters on November 2 will have chosen to replace them.

In addition, little action of significance can realistically be expected from lameduck sessions of the Congress. After the November elections, both the proponents and opponents of any legislation will know whether the prospects for passage of the legislation will be better or worse when the newly elected Congress convenes in January. On almost every issue the lines will be drawn between those who see an advantage in immediate lameduck action

and those who see advantages in awaiting the arrival of newly elected Members more favorable to their cause. It is a prescription for stalemate and parliamentary maneuvering instead of serious consideration of national policy.

To underscore this point, consider just one example of an issue that some have suggested should be considered during the postelection session for the Congress this year—revision of the social security system after issuance of the anticipated report by the blue ribbon commission.

This issue is now being debated by opponents in Senate and House election contests across the Nation. Although no election is a referendum on a single issue, we must presume that the candidates elected next month will more closely reflect the views of the American people on that issue than do the current membership of the House and Senate. In light of this I think it is neither prudent, nor good Government for a lameduck Congress to act on issues that do not require immediate or urgent action.

Mr. President, lameduck sessions are not only undesirable, they are really unnecessary. In my view there is no reason, in this age of rapid communication and transportation, why newly elected Members of Congress should wait 2 months after the election before taking office.

In all but a few cases, the results of House and Senate elections are known decisively within a few hours of the closing of the polls. The long delay between the date of election and the date of assuming office is totally unnecessary. Indeed, the Congress in 1789 initially provided under the Constitution for a 4-month delay between the November election and the beginning of the terms of Office of the President, Vice President and Members of the House and Senate. That 4-month period was considered necessary at the time because of the slowness of transportation and communications.

Then, 50 years ago, in 1932, the Congress proposed what became the 20th amendment to the Constitution, reducing the hiatus from election to assumption of office by 2 months.

Today, there is no reason for a hiatus of even 2 months.

Early in this Congress I introduced legislation (S.J. Res. 27) that would eliminate any possibilities of either lameduck Congresses or lameduck Presidents. Under this amendment, the terms of Members of Congress would begin on November 15, following the date of election, and in Presidential election years, the President and Vice President would be inaugurated on November 20 after their election.

This proposal was prompted in large part by the justified public dismay over the constitutionally required delay in 1980 between the election of President Reagan and his inauguration. It was a time when President Carter, having been defeated, had lost much of his authority to deal with foreign nations or the Congress, and Mr. Reagan, although President-elect, had no real authority at all.

That experience brought home clearly to all of us that a lameduck Presidency is bad for the Nation. In my view, a lameduck Congress also is bad for the Nation.

Both of these problems—lameduck Presidencies and lameduck Congresses—are unnecessary. We can provide for a more efficient democracy, and for better representation of the people by permitting newly elected Federal Government officials to take office promptly.

The coming lameduck session of the Congress will be the seventh postelection congressional session in the past 17 Congresses, dating back to a 2-hour lameduck session held by the 80th Congress in 1945. Although the record shows that some significant legislation was enacted during those postelection sessions, the record also shows that the lameduck sessions frequently were marked by acrimony and filibusters.

I do not mean to criticize the leadership of the House or the Senate for agreeing to President Reagan's request for a lameduck session this year. There are important measures, including appropriations bills, upon which action is desirable. The fault lies not with the congressional leadership, but with our outdated constitutional provision which extends the life of a Congress for 2 months after the people have selected the membership of a new Congress. It is time to change that provision.

LANHAM TRADEMARK ACT AMENDMENTS

Mr. CRANSTON. Mr. President, I am delighted that the Senate this week gave its approval to H.R. 5154, the bill to amend the Lanham Trademark Act so that States cannot interfere with a trademarked logo. The Senate's action clears the bill for the President to sign.

The right to do business under a franchised business name is fundamental to our free enterprise system. American business has thrived because we have allowed it to develop without unnecessary and artificial restrictions. Franchising is a way of doing business and it has proven to be a fair and successful way to compete. This is why I was proud to introduce legislation in the last Congress to protect trademarks, such as Century 21's trademark, from unfair and biased restrictions imposed by some States on your way of doing business. And that is why I again joined the effort which has successfully ended in this Congress to assure that States will not interfer with federally protected trademarks.

MAGNUSON FISHERY CONSERVATION AND MANAGEMENT ACT

Mr. GORTON. Mr. President, after months of discussion, public hearings, and hard work, the Senate has before it a package of comprehensive amendments to the Magnuson Fishery Conservation and Management Act.

The Magnuson Fishery Conservation and Management Act is unquestionably the single most important piece of fisheries legislation in our Nation's history. It established a comprehensive system of U.S. management of fisheries in an area of over 2 million square nautical miles, within which is found 15 to 20 percent of the world's traditionally harvested marine fishery resources. The act authorized the Federal Government to conserve and manage fishery resources within the U.S. fishery conservation zone, which extends from the seaward boundaries of the territorial sea to 200 nautical miles from shore.

The act set up a system of regional councils to manage fisheries, in recognition of the fact that fish do not respect political boundaries. The councils have the principal responsibility for development of fishery management plans for resources within the fishery conservation zone adjacent to the States and territories comprising the council area. In addition, the act set rigid biological requirements, broadened management goals to include consideration of social and economic issues, set national standards against which management plans must be gaged, reserved certain resources exclusively for domestic use, and declared the right of the United States to enforce such measures. With respect to foreign fishing, the act limited foreign catch in the fishery conservation zone to that portion of the optimum yield that would not be harvested by U.S. vessels, in recognition of the continuing strength and importance of our domestic fisheries industry.

Several major changes have taken place in fisheries management in the past several years since enactment of the act. First, a "fish-and-chips" policy was implemented in our dealings with foreign nations, whereby cooperation by foreign nations in U.S. fisheries development was made a significant factor in determining allocations. Second, the State Department, in cooperation with the National Marine Fisheries Service, instituted what would prove to be a highly successful policy of withholding a percentage of the directed fish allocations of foreign nations, and gradually releasing these

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allocations as foreign nations demonstrated their good faith compliance with the "fish and chips" policy. Finally, privision was made for full observer coverage on foreign vessels fishing in our fishery conservation zone, to be financed by fees paid in advance by foreign vessel owners. Each of these changes was specifically designed to strengthen and support our domestic fishing industry.

Yet fishermen and processors, council members, and Federal officials, and all those who are intimately familiar with the day-to-day workings of the act, have reported that there continue to be impediments to the smooth functioning of the act, and to fulfillment of the goals of the act. These problems include obstacles to timely plan development, review and approval, procedures for emergencies in fisheries resources, the efficient functioning of the regional councils, and the identification of continuing inadequacies in observer and enforcement efforts.

Mr. President, I am proud to have played a part, from the first discussions at the outset of this reauthorization process, to our consideration today of a final package of amendments, of this important effort to improve the functioning of fisheries management. I cosponsored S. 2450, which received the unanimous endorsement of the Senate Commerce Committee, and I believe that the package before us today, which is the product of months of work by the Senate and House in resolving the differences between the two bills, merits the enthusiastic support of all of my colleagues.

Mr. President, our goal has been to make the regulatory framework fit the reality and needs of sound fisheries management, as opposed to asking fisheries management to fit within an often unrealistic, cumbersome and unwieldy regulatory process. But our task must not end with this package of amendments; we must continue to be vigilant in insuring that the legislation fits the changing needs of the people and industries it serves and affects.

Mr. President, I am pleased to rise in support of these amendments to the Magnuson Fishery Conservation and Management Act, and the reauthorization of that act, as well as of several other important pieces of fisheries legislation. Ultimately, enactment of this bill should bring us closer to realization of the goals of the act—to promote, protect, and develop the resources of our fishery conservation zone for the benefit of our U.S. industry.

ACRS ELECTION FOR OVER-THE-ROAD TRACTORS

Mr. DURENBERGER. Mr. President, I had intended to offer an amendment at this time that would permit owners of over-the-road tractors to elect ACRS lives of either 3 or 5 years.

The issue arises because of an unintended effect in the administration's proposal on ACRS that was incorporated into last year's tax bill. In an effort to make special tools 3-year property so that they would have the advantage of 3-year depreciation, the law was written putting all section 1245 property with an ADR midpoint life of 4 years or less in the 3-year category.

For some trucking companies having over-the-road tractors in the 3-year category this was advantageous, but for others it was a disadvantage. For small trucking companies whose financing depend on their bottom line after tax profit it is important for them to have the larger investment tax credit instead of the quicker depreciation.

Trucking companies and truck renting and leasing companies have different types of operations and different types of over-the-road tractors—tractors that typically cost between $40,000 and $70,000. Fleet purchasers of these units generally specify all the major components based on such variables as type of service, operating terrain, and maintenance expenses. Thus, some engineer this equipment for as little as 3 years while others specify more durable or heavy-duty components and engineer the tractor for a longer service life. These latter operators typically also have invested more in maintenance facilities, including "rebuild" shops, which remanufacture major components such as engines and transmissions.

The business decision to plan, engineer, finance, and purchase truck tractors for a given service life, therefore, is governed by considerations such as anticipated use, mileage, capital requirements, and overall cost. The "right" answer will be different for different operators.

This business decisions should not be artificially distorted by tax code provisions, but that is exactly what we did last year by requiring that these tractors be put in the 3-year category. And we are also hurting the bottom line of those companies who need the 5-year category with the larger investment tax credit in order to receive favorable financing.

I understand that such an election—because of the tradeoff between shorter lives and smaller ITC versus longer lives and larger ITC—would not involve a revenue loss.

Mr. President, my distinguished colleague, Senator DOLE, the chairman of the Finance Committee, and I discussed this amendment when the committee dealt with the Tax Equity and Fiscal Responsibility Act of 1982 earlier this year and again recently when the committee was marking up some House-passed bills. I understand his reluctance to consider it at this late hour. But I would like the chairman's commitment to examine this issue, either in the lameduck session or early next Congress.

Mr. DOLE. When we passed the Economic Recovery Tax Act last year we were not intending to place additional burdens on businesses. If there appear to be inequities, the committee should certainly examine them. I will ask the committee to look at this issue and appreciate the forbearance of the senior Senator from Minnesota in not offering the amendment at this time so that we are able to complete action on this measure.

SOCIAL SECURITY DISABILITY INSURANCE AMENDMENTS

Mr. CHAFEE. Mr. President. I rise in support of the SSDI amendment to H.R. 7093.

The 1980 amendments to social security disability require the Social Security Administration to review cases of social security disability insurance recipients at least once every 3 years—except where an individual's impairment is considered permanent.

This amendment is in response to the growing concern surrounding the Social Security Administration's continuing disability investigations (CDI). It is my firm belief that the current situation must be confronted and actions taken to inject fairness into the investigation and review process.

It heartens me to note the introduction of so many bills seeking to remedy the current situation and to see the efforts of my colleagues to end the injustices inflicted on thousands of disability recipients. I believe this amendment represents a sound move toward that end.

Social security disability insurance is an important part of the Federal Government's "safety net" to protect those persons who can no longer support themselves through work. SSDI is not a welfare program. There is no so-called means test to determine benefits. Rather, the recipient's benefits are based on his or her contribution to the program.

For almost 5 million workers and their dependents, this essential program has made the difference that allowed severely disabled people to continue to support themselves and their families. Older workers, in particular, have been able to collect benefits under this program when their physical and mental illnesses have prevented them from continuing in their former work. In fact, more than half of the disabled workers on the rolls are 55 or older.

In 1956, the program was liberalized to expand benefits to younger workers

and to dependents and survivors of disabled workers.

It was in response to the rapid growth of the disability program that Congress passed legislation in 1977, and again in 1980, which sought to improve the incentives for disabled beneficiaries to return to work. This legislation was accompanied by an effort on the part of the Social Security Administration to tighten the management of disability programs by working toward more uniform disability determinations and by reexamining beneficiaries more frequently to ascertain whether they remained disabled.

When a disabled worker is denied benefits or terminated from the SSDI roles, it is possible for the worker to appeal. The disability appeals process involves four distinct levels—the State agencies, the administrative law judge (ALJ's), the appeals council and the courts.

The number of cases reversed on appeal has been increasing, with most of the increase occurring at the ALJ level. Since 1964, the percentage of reversals has tripled.

A lack of uniformity among the different levels of adjudication has created a situation in which State agencies are denying about 70 percent of initial claims while the ALJ's are awarding benefits by reversing the State agencies in about 60 percent of the cases. This rate will no doubt increase even more, as the Social Security Administration reexamines beneficiaries who have not had medical examinations before.

The high reversal rate is due in part to the different rules surrounding the State agency decisions and those of the ALJ's. State agencies must make their initial and reconsideration decisions according to the law and to regulations and guidelines issued by the Social Security Administration. The reconsideration process may result in fewer reversals of the initial decision because both are governed by identical rules. However, at the hearing level, an ALJ is prohibited from using administrative guidelines—the purpose being to protect the independence of the appeals process from the administration of the program.

As a result of the stepped-up review process mandated in 1980, problems surrounding SSDI have grown at an alarming rate. Disability beneficiaries are being terminated from the roles—many of whom have not experienced any improvement in their condition. Beneficiaries granted benefits in the past are currently being evaluated under more stringent disability standards. For those recipients terminated and whc persist through the appeals process to the ALJ level, almost 60 percent are reinstated. There is an increasing consensus that the problems with the disability review process need to be addressed immediately.

Consider these facts as additional evidence that remedial action is needed: Of all recipients who are initially reviewed, 70 percent are denied disability benefits. (The Government Accounting Office estimates that only 18 percent of those receiving benefits are ineligible. However, between May 1981 and February 1982, 47 percent of the cases reviewed were terminated.) Of those denied benefits, 44 percent continue onto the next level of appeal where 85 percent of them are again denied benefits at the reconsideration level. For those who then appeal to the administrative law judge, benefits are being granted to 60 percent of those initially denied.

Given the present scale of the SSDI program—2.8 million recipients receiving $1.1 billion each month—the objective of carrying out the 1980 review is a laudable one. However, there must be a more exact and therefore more equitable way of doing so.

The SSDI amendment that I support today is a stopgap measure which mandates that:

First, DI benefits and medicare coverage—at the individual's option—continue through the administrative law judge (ALJ) hearing decision for terminated beneficiaries pursuing an appeal. These additional DI payments would be subject to recovery as overpayments if the initial termination decision were upheld, unless the Secretary determines that the appeal request was made in good faith and repayment would work an undue hardship on the individual. In such cases, repayment could be fully or partially waived.

The amendment would be effective for termination decisions occurring between the date of enactment and July 31, 1983, but in no case would payments be made beyond October 1, 1984. Cases now pending an ALJ decision would also be covered by this provision, although lump sum back payments would not be authorized.

Second, the Secretary of HHS would slow—on a State-by-State basis—the flow of cases sent to State agencies for review of continuing eligibility. The Secretary would be instructed to take into consideration State workload and staffing requirements, and would be authorized to slow the review requirement only in States that demonstrated a good faith effort to meet staffing requirements and process claims in a timely fashion.

Third, the Secretary would be required to obtain all relevant medical evidence from all persons or institutions which have diagnosed or treated the individual within the preceding 12-month period.

Fourth, the Secretary would also be required to report to Congress semiannually on the number of: Continuing eligibility reviews, termination decisions, reconsideration requests, and termination decisions which are overturned at the reconsideration or hearing level.

It is my sincere hope that the Senate will expeditiously consider this and move in a positive manner toward a complete review of the social security disability system.

THOR POWER DECISION

Mr. DURENBERGER. Mr. President, I had intended to offer an amendment at this time that would give relief to small businesses from the Thor Power decision and give Congress time to examine the issue of inventory accounting and decide on a permanent solution.

This amendment would postpone, until January 1, 1983, the further implementation of the Thor Power decision that requires businesses holding excess or obsolete inventory to value it at the lower of cost or sales price. This postponement would apply only to small businesses—those whose gross sales in 1981 were $5 million or less.

Under present law, unless a small businessman sells his inventory for scrap or destroys it, he is unable to account for the loss of value in that inventory for tax purposes. This affects evcry imaginable type of business from the farm implement and automobile dealer to air-conditioning contractors as well as almost every manufacturer.

Because of the Thor Power decision businesses are now caught between the proverbial rock and a hard place. If they try to be considerate to their customers by keeping parts on hand that have really outlived their usefulness for most people, the dealers suffer an unfair loss of profits. If the dealers act in the manner best for the profitability of their business, they sell the outdated parts for scrap and force their customers to lose thousands of dollars worth of needlessly junked machinery or stop work at a critical time while they await shipment of the part from a distant dealer.

Given the lack of time remaining in this session, and the fact that the Treasury is required to submit an omnibus report on inventory accounting as of December 31, 1982, it makes good sense to delay further implementation of the IRS Revenue Procedure and Revenue Ruling issued in 1979 that changed the prior practice of the service rather than to adopt a comprehensive solution such as that in my bill S. 1276.

But I understand that even this limited amendment will meet with objections and prevent completion of action on this bill. So I will not offer it at this time. I would, though, like the commitment of the chairman of the Finance Committee to examine this

issue, either in the lame duck session or early next Congress.

Mr. DOLE. Mr. President, the problems with inventory accounting and the Thor Power decision in particular should be examined, and I give my commitment to ask the committee to do so. I appreciate the forbearance of the senior Senator from Minnesota in not offering the amendment at this time so we are able to complete action on this measure.

DISABILITY INVESTIGATIONS

Mr. DURENBERGER. Mr. President, serious problems exist in the continuing disability investigations conducted by the Social Security Administration. This bill we are considering today is a major step in correcting some of the problems that have caused thousands of disability beneficiaries to be erroneously terminated from the disability rolls and have brought financial chaos and personal tragedy. We are also setting the stage for comprehensive reform early in the next Congress.

This bill will continue the payment of benefits through the appeal to the Administrative Law Judge (ALJ), give the Secretary greater flexibility in slowing down the review process, and require the Social Security Administration to obtain evidence from the treating physican. These changes are in addition to those we have been successful in urging the Social Security Administration to implement under their administrative authority—a face-to-face meeting at the beginning of the CDI process and an improved notice describing the review process.

The disability review process, mandated by Congress in 1980, has become a major concern for the 80,000 Minnesotans who are severely disabled. There is nothing intrinsically wrong with reviews every 3 years. We cannot and should not continue payments to persons who are no longer disabled. Thus, our original intent should remain unchanged. What we must change is the process by which we carry out this intent.

My first concern is correcting the real tragedy—the suffering that many beneficiaries and their families endure because of the loss of benefits. We can alleviate their financial affliction by continuing payment through the ALJ level, and this bill does that. The review and appeals process has almost become a test of endurance with no compensation. In Minnesota over 30,000 social security disability insurance recipients are projected to be reviewed during 1982. About 9,600 people will be terminated by State agencies, but then 4,800 of these people will be reinstated on appeal by the ALJ's. What this means is that over 4,800 disabled people who should not be terminated in the first place will be forced to live, for an average of 6 months, without necessary benefits—both the disability payments themselves and the often equally important medicare eligibility.

This bill addresses the problem of loss of benefits by continuing ALJ disability benefits and medicare coverage through the ALJ hearing decision for terminated beneficiaries pursuing an appeal. This provision is effective for new terminations and those pending appeal between the date of enactment and June 30, 1983.

The second significant change this bill addresses is the egregious errors that are resulting from the stepped-up review process—the State agencies just do not have enough staff to adequately review claims. The 1980 amendments require SSA to review 500,000 cases in 1982 and 700,000 cases in 1983, a 500- and 600-percent increase over 1980 levels. Yet in Minnesota, the staff increase has been only 40 percent.

The lack of staff has taken an unreasonable toll on the State agencies. The caseload has become unmanageable, initial claims are lagging behind, delays are making the review process into a marathon, review of the claims is not as thorough as needed, and the beneficiary too often ends up the loser.

This bill allows the Secretary of Health and Human Services to proceed with the reviews at a rate that insures that sufficient staff and time are available to conduct more thorough reviews. This change, exclusively, can correct the excessive and unwarranted caseload our State examiners administer.

The final change this bill addresses is that present law does not require all relevant medical evidence to be produced in the review process. Too many times the treating physician's report is not included in the review process. The determination often is based on the last medical opinion from a consulting physician who has seen the patient only once. Prior medical reports in many case are not even considered.

This bill requires the Social Security Administration to use all reasonable efforts to obtain evidence from treating physicians within the preceding 12-month period and to include the evidence in the review.

The need for change within the disability review process cannot be underestimated. A number of us have been working for months to resolve this very troubling situation. This bill addresses the most urgent problems. While more comprehensive changes are needed in the appeals process, this bill will prevent financial hardships and protect the disabled beneficiaries who are being unnecessarily terminated, while giving Congress time next year to complete a thorough review.

In closing I would like to thank my Volunteer Handicapped Task Force that has provided valuable insight into this problem and shares Minnesota's perspective on handicapped and disabled issues. I look forward to their continuing assistance as Congress deals with comprehensive legislation on the disability review process.

HELMS SCHOOL PRAYER STATUTE

Mr. DURENBERGER. Mr. President, the vote on the Helms school prayer statute was one of the most difficult I have ever cast. The reason is that I agree with the end Senator HELMS is trying to accomplish—restoring prayer in the public schools. In fact, I voted to restore school prayer on four separate occasions over the last 4 years.

But this is one statute I cannot support—not because I disagree with Senator HELMS' objective, but because there are tremendous dangers in the way this bill tries to acomplish that objective.

This proposal is not a constitutional amendment. Instead, it is simply a statute that strips the courts of any authority to hear school prayer cases. This type of court stripping might sound like a good idea when it overturns the decision you or I do not agree with. But court stripping is a Pandora's box that can threaten all of our rights once it is opened up.

Our system of government has been able to protect the rights of its people largely because of the checks and balances built into the Federal system. Restricting the ability of the Federal courts to review congressional acts disrupts that balance, and the consequences of the disruption will go far beyond the short-term goals the backers of these bills may support. No matter how one feels on the school prayer issue, it is essential to recognize that if the courts can be deprived of jurisdiction over that question, they can be deprived of jurisdiction over any question—freedom of worship, civil rights, criminal law, anything. And in the long run that process can only mean destruction of our basic rights and our Federal system of government.

The courts exist to apply the accumulated wisdom of 205 years—embodied in our system of laws—to the political judgments of the day, as made by the elected Representatives of the people, That blending of long-term judgments and short-term desires has been a key to the effective functioning of our system of representative democracy. Although there are times when I am extremely frustrated by Federal court decisions, I am simply against making such a basic, fundamental change in our system.

I am certainly prepared to work with Senator HELMS and others in pushing

for a constitutional amendment to restore prayer in the schools, as President Reagan has proposed. What I will not do is support a statute that seeks to restore school prayer by dismembering the court system. That is a bad means to a good end, and I simply could not support it.

NRC AUTHORIZATION BILL

Mr. MITCHELL. Mr. President, will the distinguished ranking minority member of the Subcommittee on Nuclear Regulation engage in a colloquy with me on the NRC authorization bill conference report?

Mr. HART. I would be delighted to engage in a colloquy with my good friend from Maine.

Mr. MITCHELL. The portion of the statement of managers discussing section 12 of the report, the so-called Sholly provision, stresses that, in determining whether a proposed amendment to a facility operating license involves no significant hazards consideration, the Commission "should be especially sensitive * * * to license amendments that have irreversible consequences." Is my understanding correct that the statement means the Commission should take special care in evaluating, for possible hazardous considerations, amendments that involve irreversible consequences?

Mr. HART. The Senator's understanding is correct. As you know, this provision seeks to overrule the holding of the U.S. Court of Appeals for the District of Columbia in Sholly against Nuclear Regulatory Commission. That case involved the venting of radioactive krypton gas from the damaged Three Mile Island Unit 2 reactor—an irreversible action.

As in this case, once the Commission has approved a license amendment, and it has gone into effect, it could prove impossible to correct any oversights of fact or errors of judgment. Therefore, the Commission has an obligation, when assessing the health or safety implications of an amendment having irreversible consequences, to insure that only those amendments that clearly raise no significant hazards issues will take effect prior to a public hearing.

Mr. MITCHELL. I thank the Senator. I also understand the amendments to the Uranium Mill Tailings Radiation Control Act, included in the NRC authorization bill conference report, differ significantly from those adopted by the Senate.

Mr. HART. The Senator is correct. The House-passed version of the NRC authorization bill for fiscal years 1982 and 1983 did not contain any amendments to the Uranium Mill Tailings Act. The provision in the conference report differs from the Senate provision in an important respect: The Senate provision suspended the NRC's final regulations for uranium mill tailings, promulgated October 3, 1980, until EPA issued its final standards for active uranium mill sites under section 275 of the Atomic Energy Act. The conference report suspends these final NRC regulations until January 1, 1983. On that date, they become immediately effective except for any NRC regulation that first, is inconsistent with the EPA standards, required to be proposed October 3, 1982, and second, would also require a significant commitment or action by the licensee. Although such a commitment or action could include financial obligations or expenditures, the conferees agreed not to state that a "major investiment" would trigger the suspension of a particular NRC regulation.

Mr. MITCHELL. Is my understanding correct, then, that this suspension of the NRC regulations until January 1, 1983, is only for the purpose of sorting out potential conflicts between the NRC regulations and the EPA standards?

Mr. HART. This Senator is absolutely correct.

Mr. MITCHELL. Is it also correct, then, that these amendments do not prejudge the validity or appropriateness of the NRC's final regulations, promulgated October 3, 1980?

Mr. HART. That is correct. The statement of managers underscored the point that where legislative language directed the NRC and the EPA to "consider the risk to public health, safety, and the environment, the environmental and economic costs of such standards or regulations, and such other factors as EPA or NRC, respectively, determine to be appropriate," this language "* * * reflects accurately the current regulatory approach of the agencies."

The statement of managers clearly recognized that the NRC and EPA are already considering these factors in their regulatory procedures. I might also point out that the 10th Circuit Court of Appeals, in its decision in Kerr-McGee Nuclear Corp. against Nuclear Regulatory Commission, upheld the legality and validity of the NRC regulations. In fact, it noted that the NRC had already considered costs when it proposed its uranium mill tailing regulations and found them economically feasible.

The Statement of Managers also is clear that although the Federal agencies involved should continue to consider these costs, they need not carry out a cost-benefit analysis nor should such considerations "* * * divert EPA or NRC from their principal focus of protecting the public health and safety."

I also note that none of these amendments affects the Findings and Purposes section of the Uranium Mill Tailings Act.

Mr. MITCHELL. I thank the Senator.

MILL TAILING LEGISLATION

Mr. SCHMITT. Mr. President, our domestic uranium industry is on the verge of total collapse. My State, New Mexico, is the Nation's most important uranium producer, but it now has fewer operating uranium mills than two decades ago. Thousands of miners are unemployed. New exploration has plummeted.

There are many causes for this disaster including the absence of a nation's commitment to energy security. One of the additional is the rapidly increasing tide of low cost foreign uranium. Indeed, almost all new contractual commitments by our utilities are with foreign suppliers and some domestic uranium companies are even shutting down their operations in order to purchase low cost foreign uranium to meet their contractual obligations. These developments pose a serious and immediate threat to the continued survival of our domestic uranium industry. Once mines and mills are shutdown, it is unclear whether they can ever be reopened. It will take as many as 10 years to bring new facilities on line.

Congress has long recognized that it is essential to our national security and to our policy of energy independence to assure the maintenance of a viable domestic uranium industry. Indeed, in 1964 Congress adopted legislation, codified in section 161(v) of the Atomic Energy Act, specifically for this purpose.

Nothing has occurred since 1964 to make the Nation's domestic uranium industry any less essential to our security interests. To the contrary, we now rely on nuclear power heavily for our electrical energy needs. It would be most unwise to place ourselves at the mercy of a handful of uranium exporting countries by undue dependence on foreign supplies. This is particularly the case since these countries pursue documented policies to support their own uranium industries and to assure their own uranium supplies.

Recognizing the urgency of this situation, I cosponsored an amendment to the NRC Reauthorization Act to adjust future imports of uranium to a level compatible with preservation of a viable domestic industry and our vital national security interests. The conferees have modified the Senate proposal in many particulars. However, they have incorporated requirements that DOE promulgate criteria to determine the industry's viability and that DOE make an annual determination of viability. This will serve the important function of prompting implementation of section 161(v).

The conferees also have adopted language providing for a moratorium on new contracts of up to 2 years if foreign contractual commitments reach 37½ percent in any 2 consecutive years. This moratorium, although temporary, should provide the Department of Commerce and the President the time necessary to take appropriate action to protect the national security before it is too late.

Mr. President, I understand that there have been objections to this provision on grounds of free trade. I heartily endorse the principle of free trade. However, we must recognize that free trade is not an end unto itself but an interest which must be balanced against other important interests. Uranium is a unique resource which is particularly important for national security reasons. The United States must take appropriate action to protect its vital interests in this area.

Some have also attacked this legislation on grounds of impact on consumers. I believe that the impact on consumers will be favorable, particularly in the long term, because the provision in question will assure the availability of a stable long-term supply of uranium and will maintain the domestic industry as a viable competitor against foreign suppliers. This is particularly important in view of policies pursued by foreign governments, to which I have already alluded, to support to their own domestic uranium industries.

Mr. President, I am also pleased to note that the conferees have adopted language amending the Mill Tailings Act to require NRC and EPA to weigh the significance of the risk associated with mill tailings and to develop regulatory requirements whose burdens are reasonably related to the expected benefits. As the statement of managers indicates, this does not mean that cost-benefit analysis/optimization is mandatory. However, it does mean that agency requirements must be reasonably tailored to meet identifiable hazards and that if the hazards are slight, the burdens imposed by the regulations must be small as well. This should also lay to rest the position by some agency officials that they are required, under the preamble to the Mill Tailings Act, to impose certain kinds of controls on mill tailings regardless of risk and regardless of cost.

Because the conferees were anxious that the DOE remedial action program proceed, they have revised the law to permit certain NRC and DOE actions in advance of final EPA standards. However, the language of the bill and the statement of managers makes clear that the agencies are to coordinate their actions to minimize backtracking and churning. For example, DOE should avoid remedial actions predicated on those aspects of EPA inactive site standards which must be changed in light of the administrative record and the Mill Tailings Act as clarified by this legislation.

Another feature of the mill tailing legislation reported by the conferees bears special mention. Although requiring NRC and EPA to weigh costs, the conferees have deleted the provision in the Senate amendment calling on NRC and EPA to consider all relevant factors. I understand that the conferees were concerned that that language might lead to unwarranted litigation and unintended results. For example, that language might be interpreted to require or to permit the agencies to weigh not only actual hazards but also psychological factors as suggested in the recent Pane decision. The agencies should develop requirements whose burdens are reasonably related to actual risks, and not to mere fears or concerns.

Finally, the legislation reaffirms that agreement States may diverge from impracticable Federal requirements, and clarifies that no agreement State program is automatically terminated and that NRC may reassert regulatory jurisdiction only after notice and a hearing before the five commissioners as provided in subsection 274(j) of the Atomic Energy Act.

The language adopted by the conferees makes clear that there is no dual jurisdiction under the Mill Tailings Act. Mill tailings are regulated by a State as provided in section 274 or by the Commission, but not by multiple authorities. Moreover, the conferees have acknowledged that title I sites are not regulated under title II and that NRC and agreement States may exempt sand backfilling from land ownership requirements.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

DEFERRAL OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM-184

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on the Budget, the Committee on Appropriations, the Committee on Foreign Relations, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Labor and Human Resources, the Committee on Finance, and the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report twenty deferrals of fiscal year 1983 funds totaling $598,780,000. The deferrals are primarily routine in nature and do not, in most cases, affect program levels.

The deferrals are for programs in International Development Assistance, the Departments of Agriculture, Commerce, Defense, Energy, Health and Human Services, Interior, State, Transportation, Treasury, the District of Columbia, the Pennsylvania Avenue Development Corporation and the Railroad Retirement Board.

The details of each deferral are contained in the attached reports.

RONALD REAGAN.

THE WHITE HOUSE, *October 1, 1982.*

MESSAGES FROM THE HOUSE

At 10:30 a.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5930) to extend the aviation insurance program for 5 years.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6976) to amend title 28, United States Code, to require the Attorney General to acquire and exchange information to assist Federal, State, and local officials in the identification of certain deceased individuals and in the location of missing persons (including unemancipated persons).

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 2035) to authorize certain employees of the U.S. Department of Agriculture charged with the enforcement of animal quarantine laws to carry firearms for self-protection.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 6164) to authorize the Secretary of Agriculture to implement the Agreement on the

International Carriage of Perishable Foodstuffs and on the special equipment to be used for such carriage (ATP), and for other purposes.

The message further announced that the House agrees to the amendments of the Senate to the amendments of the House to the bill (S. 1872) to amend the act establishing the Capitol Reef National Park in the State of Utah to provide for a grazing phaseout schedule, and for other purposes.

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 187. An act to authorize the Secretary of the Interior to convey certain lands near Miles City, Montana, and to remove certain reservations from prior conveyances.

The message further announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 2420. An act to protect victims of crime.

The message also announced that the House has passed the following bill and joint resolutions, each without amendment:

S. 2436. An act to designate the Mary McLeod Bethune Council House in Washington, District of Columbia, as a national historic site, and for other purposes;

S.J. Res. 197. Joint resolution to provide for the designation of the week of October 17 through 23, 1982, as "Myasthenia Gravis Awareness Week";

S.J. Res. 235. Joint resolution to proclaim March 21, 1983, as "National Agriculture Day"; and

S.J. Res. 241. Joint resolution to provide for the designation of the week of December 12, 1982, through December 18, 1982, as "National Drunk and Drugged Driving Awareness Week".

The message further announced that the House has agreed to the following concurrent resolutions, each without amendment:

S. Con. Res. 18. Concurrent resolution relating to the restoration of the free exercise of religion in the Ukraine;

S. Con. Res. 73. Concurrent resolution to condemn the Iranian persecution of the Baha'i community; and

S. Con. Res. 117. Concurrent resolution expressing the sense of the Congress that September 4, 1982, the one hundredth anniversary of Thomas Edison's Pearl Street central power station, should be commemorated as "Pearl Street Centennial Day".

The message also announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 5785. An act to provide for consideration, under the Color-of-Title Act, of a certain private land claim in Livingston Parish, Louisiana, and for other purposes;

H.R. 6471. An act for the acquisition by the United States by exchange of certain native owned lands or interest in lands in Alaska;

H.J. Res. 531. Joint resolution to provide for the designation of the week beginning on October 24, 1982, as "National Parkinson's Disease Week";

H.J. Res. 537. Joint resolution to authorize and request the President of the United States to issue a proclamation designating the first week in October for the calendar years 1982, 1983, and 1984 as "National Port Week"; and

H.J. Res. 595. Joint resolution designating December 11, 1982, as "Fiorello H. La Guardia Memorial Day".

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 330. Concurrent resolution expressing the sense of the Congress with respect to the Soviet Union's obligations under international law to allow Ida Nudel to emigrate to Israel, and for other purposes;

H. Con. Res. 336. Concurrent resolution expressing the sense of the Congress concerning the compliance by the Soviet Union with certain international agreements on human rights; and

H. Con. Res. 376. Concurrent resolution recognizing the outstanding service and patriotism exhibited by the volunteers of the American National Red Cross during times of war and expressing the gratitude of the Congress for the service of such volunteers.

At 11:19 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has agreed to the following resolution:

H. Res. 605. Resolution requesting the Senate to return to the House the bill S. 1210, together with accompanying papers.

ENROLLED BILLS SIGNED

At 4:35 p.m., a message from the House of Representatives, delivered by Mr. Gregory, announced that the Speaker has signed the following enrolled bills:

H.R. 5930. An act to extend the aviation insurance program for five years; and

H.R. 6422. An act to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain land previously conveyed to the State of Connecticut.

The enrolled bills were subsequently signed by the President pro tempore (Mr. THURMOND).

At 7:45 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the House agrees to the amendment of the Senate to the amendment of the House to the text of the bill (S. 1210) amending the Environmental Quality Improvement Act of 1970, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1698. An act to amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of United States citizens.

The message further announced that the House agrees to the amendments of the Senate to the following bill:

H.R. 5145. An act to amend title 5, United States Code, to provide training opportunities for employees under the Office of the Architect of the Capitol and the Botanic Garden, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the amendment of the House to the following bill:

H.R. 5139. An act to authorize appropriations for certain insular areas of the United States, and for other purposes.

The message further announced that the House disagrees to the amendment of the Senate to the following bill.

H.R. 3963. An act to amend the Contract Services for Drug Dependent Federal Offenders Act of 1978 to extend the periods for which funds are authorized to be appropriated.

At 8:54 p.m., a message from the House of Representatives, delivered by Mr. Gregory, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 599) making continuing appropriations for the fiscal year 1983, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 83, 85, and 86, and agrees to thereto; and it recedes from its disagreement to the amendments of the Senate numbered 15, 30, 33, 57, 59, 69, 73, 75, 76, 78, 88, 89, 90, 90, 93, and 100, and agrees thereto, each with an amendment in which it requests the concurrence of the Senate.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6968) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1983, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 1, 8, and 32, and agrees thereto, each with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 420. Concurrent resolution authorizing that a certain correction be made in the enrollment of House Joint Resolution 599, making continuing appropriations for the fiscal year 1983.

The message further announced that the House agrees to the amendment of the Senate to the amend-

ments of the House to the following bill:

S. 2577. An act to authorize appropriations for environmental research, development, and demonstrations for the fiscal year 1983, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the following bill:

H.R. 6055. An act to revise subchapter S of the Internal Revenue Code of 1954 (relating to small business corporations).

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 2574. An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 4717) to delay for 1 year the effective date of certain provisions recognizing gain on certain dispositions of LIFO inventories, to make adjustments in the net operating loss carryback and carryforward rules for the Federal National Mortgage Association, and to require information returns with respect to safe harbor leases.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5890) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6267) to revitalize the housing industry by strengthening the financial stability of home mortgage lending institutions and insuring the availability of home mortgage loans.

The message further announced that the House agrees to the amendments of the Senate numbered 1, 3, 4, 5, 6, and 7 to the amendment of the House to the bill (S. 2273) to amend section 7 of the Earthquakes Hazards Reduction Act of 1977 (title 42 United States Code section 7706) to extend authorizations for appropriations, and for other purposes; and it agrees to the amendment of the Senate numbered 2 to the bill, with an amendment, in which it requests the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

At 10:56 p.m., a message from the House of Representatives, delivered by Mr. Gregory, announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 188. An act to authorize the Secretary of Agriculture to convey certain lands in the Gallatin National Forest, and for other purposes;

S. 1777. An act relating to the establishment of a permanent boundary for that portion of the Acadia National Park as lies within the town of isle au Haut, Maine;

S. 2586. An act to authorize certain construction at military installations for fiscal year 1983, and for other purposes;

S. 2874. An act to amend the Act of March 16, 1934, as amended, to credit entrance fees for the migratory-bird hunting and conservation stamp contest to the account which pays for the administration of the contest;

H.R. 2035. An act to authorize certain employees of the U.S. Department of Agriculture charged with the enforcement of animal quarantine laws to carry firearms for self-protection and to improve the quality of table grapes for marketing in the United States;

H.R. 6782. An act to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans, to increase the rates of dependency and indemnity compensation for surviving spouses and children, and to modify and improve the educational assistance programs administered by the Department of Labor, and for other purposes;

S.J. Res. 197. Joint resolution to provide for the designation of the week of October 17 through October 23, 1982, as "Myasthenia Gravis Awareness Week"; and

S.J. Res. 235. Joint resolution to proclaim March 21, 1983, as "National Agricultural Day".

The enrolled bills and joint resolutions were subsequently signed by the President pro tempore (Mr. THURMOND).

ENROLLED JOINT RESOLUTION SIGNED

At 12:48 a.m., a message from the House of Representatives, delivered by Mr. Gregory, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 599. Joint resolution making continuing appropriations for the fiscal year 1983, and for other purpsoes.

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. THURMOND).

At 2:02 a.m., a message from the House of Representatives, delivered by Mr. Gregory, announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 2375. An act to extend the Defense Production Act of 1950; to amend section 719 of such act to transfer the authorities and functions of the Cost Accounting Standards Board; to establish a Commission on Strategic and Critical Materials Stock Piling Needs; and to establish a White House Conference on Productivity.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 7292. An act to establish a White House Conference of Productivity; and

H.R. 7293. An act to provide financial assistance to the Wolf Trap Foundation for the Performing Arts for reconstruction of the Filene Center in Wolf Trap Farm Park, and for other purposes.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 6457. An act to amend the Public Health Service Act to revise and extend the authorities under that act relating to the National Institutes of Health and the National Research Institutes, and for other purposes; to the Committee on Labor and Human Resources.

H.R. 6471. An act for the acquisition by the United States by exchange of certain Native owned lands or interest in lands in Alaska; to the Committee on Energy and Natural Resources.

H.R. 7173. An act to make certain changes in the membership and operations of the Advisory Commission on Intergovernmental Relations; to the Committee on Governmental Affairs.

H.J. Res. 531. Joint resolution to provide for the designation of the week beginning on October 24, 1982, as "National Parkinson's Disease Week"; to the Committee on the Judiciary.

H.J. Res. 537. Joint resolution to authorize and request the President of the United States to issue a proclamation designating the first week in October for the calendar years 1982, 1983, and 1984 as "National Port Week"; to the Committee on the Judiciary.

H.J. Res. 595. Joint resolution designating December 11, 1982, as "Fiorello H. La Guardia Memorial Day"; to the Committee in the Judiciary.

HOUSE BILLS PLACED ON CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5785. An act to provide for consideration, under the Color of Title Act, of a certain private land claim in Livingston Parish, La., and for other purposes; and

H.R. 7144. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for fiscal year ending September 30, 1983, and for other purposes.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 336. Concurrent resolution expressing the sense of the Congress concerning the compliance by the Soviet Union with certain international agreements on human rights; to the Committee on Foreign Relations.

H. Con. Res. 376. Concurrent resolution recognizing the outstanding service and patriotism exhibited by the volunteers of

American National Red Cross during times or war and expressing the gratitude of the Congress for the service if such volunteers; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION PLACED ON THE CALENDAR

The following concurrent resolution was read, and placed on the calender:

H. Con. Res. 330. Concurrent resolution expressing the sense of the Congress with respect to the Soviet Union's obligations under international law to allow Ida Nudel to emigrate to Israel, and for other purposes;

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The President pro tempore (Mr. THURMOND) announced that on today, October 1, 1982, he signed the following enrolled bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

S. 1409. An act to authorize the Secretary of the Interior to construct, operate, and maintain modifications of the existing Buffalo Bill Dam and Reservior, Shoshone project, Pick-Sloan Missouri basin program, Wyoming, and for other purposes;

S. 2852. An act to require a separate family contribution schedule for Pell grants for academic years 1983-1984 and 1984-1985, to establish restrictions upon the contents of such schedule, and for other purposes;

H.R. 3881. An act to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain lands conveyed to the Arkansas Forestry Commission, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such lands to such Commission.

H.R. 5154. An act to amend the Lanham Trademark Act to prohibit any State from requiring that a registered trademark be altered for the use within such State, and to encourage private enterprise with special emphasis on the preservation of small business;

H.R. 6133. An act to authorize appropriations to carry out the provisions of the Endangered Species Act of 1973 for fiscal year 1983, 1984, and 1985, and for other purposes;

H.R. 6168. An act to amend title 18, United States Code, to provide a criminal penalty for threats against former Presidents, major Presidential candidates, and certain other persons protected by the Secret Service, and for other purposes;

H.R. 6454. An act to amend title 18, United States Code, to clarify the applicability of offenses involving explosives and fire; and

H.J. Res. 207. Joint resolution to require the Secretary of the Interior to place a plaque at the U.S. Marine Corps War Memorial honoring Joseph Rosenthal, photographer of the scene depicted by the memorial.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 1, 1982, he had presented to the President of the United States the following enrolled bills:

S. 1409. An act to authorize the Secretary of the Interior to construct, operate, and maintain modifications of the existing Buffalo Bill Dam and Reservoir, Shoshone project, Pick-Sloan Missouri basin program, Wyoming, and for other purposes; and

S. 2852. An act to require a separate family contribution schedule for Pell grants for academic years 1983-84 and 1984-85, to establish restrictions upon the contents of such schedule, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GARN, from the committee of conference:

Report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 734) to encourage exports by facilitating the formation and operation of export trading companies, export trade associations, and the expansion of export trade services generally (Rept. No. 97-644).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. Res. 455. A resolution instructing the Secretary of Commerce to strengthen and define his position regarding the status of Pacific salmon stocks.

By Mr. MATHIAS, from the Committee on Rules and Administration:

Special report of the Committee on Rules and Administration on oversight hearings on the Office of Technology Assessment (Rept. No. 97-645).

By Mr. DOLE, from the Committee on Finance, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 5470. An act to amend the Internal Revenue Code of 1954 with respect to the tax treatment of periodic payments for damages received on account of personal injury or sickness (Rept. No. 97-646).

By Mr. DOLE, from the Committee on Finance, with amendments, and an amendment to the title:

H.R. 5573. An act to amend the Internal Revenue Code of 1954 to encourage contributions of computer equipment to elementary and secondary schools (Rept. No. 97-647).

By Mr. DOLE, from the Committee on Finance with an amendment, and an amendment to the title:

H.R. 7093. An act to amend the Internal Revenue Code of 1954 to reduce the rate of certain taxes paid to the Virgin Islands on Virgin Islands source income (Rept No. 97-648).

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S. Res. 492. An original resolution authorizing the Sergeant at Arms of the Senate with the approval of the Committee on Rules and Administration, to settle certain claims involving Members, officers, and employees of the U.S. Senate (Rept. No. 97-649).

S. Res. 493. An original resolution authorizing the printing of the prayers by the Reverend Edward L. R. Elson, S.T.D., as Chaplain of the Senate during the 96th and 97th Congress (Rept. No. 97-650).

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

H.R. 6417. An act to amend Public Law 94-423 relating to the U.S. Capitol Grounds (Rept. No. 97-651).

By Mr. COHEN, from the Select Committee on Indian Affairs, with an amendment:

S. 2847. A bill to provide for an Indian housing program for construction and financing of housing for Indians, and for other purposes (Rept. No. 97-652).

By Mr. COHEN, from the Select Committee on Indian Affairs, with amendments:

S. 563. A bill to authorize the States and the Indian tribes to enter into mutual agreements and compacts respecting jurisdiction and governmental operations in Indian country (Rept. No. 97-653).

S. 1340. A bill to provide for the use and distribution of Clallam judgment funds in docket numbered 134 before the Indian Claims Commission, and for other purposes (Rept. No. 97-654).

S. 1735. A bill to provide for the use and distribution of funds awarded the Pembina Chippewa Indians in dockets numbered 113, 191, 221, and 246 of the Court of Claims (Rept. No. 97-655).

By Mr. COHEN, from the Select Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 2418. A bill to authorize the Twenty-nine Palms Band of Luiseno Mission Indians to lease for 99 years certain lands held in trust for such band (Rept. No. 97-656).

By Mr. COHEN, from the Select Committee on Indian Affairs, with amendments:

H.R. 4364. An Act to declare that the United States holds in trust for the Pascua Yaqui Tribe of Arizona certain land in Pima County, Ariz. (Rept. No. 97-657).

By Mr. ROTH, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 2127. A bill to revise the procedures for soliciting and evaluating bids for Government contracts and awarding such contracts, and for other purposes.

By Mr. DOMENICI, from the Committee on the Budget, without amendment and without recommendation:

S. Res. 479. A resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 861.

By Mr. COHEN, from the Select Committee on Indian Affairs:

H.R. 4365. An act to provide that per capita payments to Indians may be made by tribal governments, and for other purposes; (Rept. No. 97-659).

By Mr. COHEN, from the Select Committee on Indian Affairs, with amendments:

H.R. 3731. An act to amend the act of October 19, 1973 (87 Stat. 466) relating to the use or distribution of certain judgment funds awarded by the Indian Claims Commission or the Court of Claims. (Rept. No. 97-658).

JOINT REFERRAL—H.R. 5949

Mr. BAKER. Mr. President, I next have a unanimous-consent request in respect to a referral. I ask unanimous consent that H.R. 5949, the Cable TV Copyright Act, be jointly referred to the Committee on Commerce and the Committee on the Judiciary.

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PRYOR (for himself, Mr. ROTH, and Mr. LEVIN):

S. 3001. A bill to establish a Director of Operational Testing and Evaluation in the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. STAFFORD (for himself, Mr. PELL, Mr. DOLE, Mr. SIMPSON, Mr. BRADLEY, Mr. DURENBERGER, Mr. PRYOR, Mr. BOSCHWITZ, Mr. NUNN, Mr. JOHNSTON, Mr. LEVIN, Mr. WALLOP, and Mr. RIEGLE):

S. 3002. A bill to increase the authorization of appropriations for the Allen J. Ellender Fellowship Program, and for other purposes; considered and passed.

By Mr. STEVENS:

S. 3003. A bill to amend the Labor Management Relations Act, 1947, to establish a final offer arbitration procedure for the resolution of labor disputes involving certain organized professional team sports and to end the current National Football League labor dispute through the use of such procedure; to the Committee on Labor and Human Resources.

By Mr. ZORINSKY (for himself, Mr. ANDREWS, Mr. SARBANES, Mr. BAUCUS, Mr. MELCHER, Mr. BURDICK, Mr. DECONCINI, Mr. SASSER, Mr. HEFLIN, Mr. DIXON, and Mr. EXON):

S. 3004. A bill to amend the Soil Conservation and Domestic Allotment Act to provide that the number of local committees selected under such act shall be not less than the number of such local committees on December 31, 1980, and to amend the Agricultural Adjustment Act of 1938 to provide that the members of local, county, and State committees selected under the Soil Conservation and Domestic Allotment Act shall be paid travel expenses; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 3005. A bill to clear certain impediments to the licensing of the yacht *Ellen Ruth* for employment in the coastwise trade; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHMITT:

S. 3006. A bill to establish a program under the coordination of the Office of Science and Technology Policy for improving the use of risk analysis by those Federal agencies concerned with regulatory decisions related to the protection of human life, health, and the environment; to the Committee on Commerce, Science, and Transportation.

By Mr. MURKOWSKI:

S. 3007. A bill to amend the Federal Aviation Act of 1958; to the Committee on Commerce, Science, and Transportation.

By Mr. DOLE (for himself, Mr. SCHMITT, Mr. GORTON, Mr. DURENBERGER, Mrs. KASSEBAUM, Mr. HATFIELD, Mr. PACKWOOD, Mr. ANDREWS, Mr. METZENBAUM, Mr. DANFORTH, Mr. PRESSLER, Mr. ROTH, Mr. LAXALT, Mr. GARN, Mr. HEINZ, Mr. COHEN, Mr. DOMENICI, Mr. D'AMATO, Mr. RUDMAN, and Mr. BAKER):

S. 3008. A bill to amend the laws of the United States to eliminate gender-based distinctions; to the Committee on the Judiciary.

By Mr. WARNER:

S. 3009. A bill to amend the Tariff Schedules of the United States to impose a one-tenth of one cent duty on apple and pear juice; to the Committee on Finance.

By Mr. CRANSTON:

S. 3010. A bill to amend certain Federal laws to prohibit mandatory retirement, eliminate barriers to the employment of older workers, and provide incentives for part-time and full-time employment of such workers; to the Committee on Finance.

By Mr. SASSER:

S. 3011. A bill to amend the Disaster Relief Act of 1974 to increase the aggregate amount of grants which may be made under such Act to any individual or family adversely affected by a major disaster; to the Committee on Environment and Public Works.

By Mr. SASSER:

S. 3012. A bill to amend the Small Business Act to reduce the interest rate payable on the Federal share of certain disaster loans made under such Act; to the Committee on Small Business.

By Mr. McCLURE (for himself and Mr. SYMMS):

S. 3013. A bill to provide relief for certain desert land entrymen in Idaho; to the Committee on Energy and Natural Resources.

By Mr. DECONCINI:

S. 3014. A bill entitled "The Small Business Emergency Assistance Act of 1982."; to the Committee on Small Business.

By Mr. GOLDWATER:

S. 3015. A bill to amend the Tariff Act of 1930 to prohibit an allowance against the foreign market value of merchandise to offset the adjustment to the exporter's sales price of such merchandise required to be made by section 772(e)(2) of such Act, and for other purposes; to the Committee on Finance.

By Mr. DIXON:

S. 3016. A bill to provide for the public financing of general elections for the United States Senate, and for other purposes; to the Committee on Rules and Administration.

By Mr. PERCY (for himself, Mr. BAUCUS, and Mrs. HAWKINS):

S. 3017. A bill to provide for the temporary duty-free treatment of certain needlecraft display models, and for other purposes; to the Committee on Finance.

By Mr. EAST:

S. 3018. A bill to reform the federal judiciary and promote the separation of powers; to the Committee on the Judiciary.

By Mr. HEINZ (for himself and Mr. HATFIELD):

S. 3019. A bill to direct the Secretary of Housing and Urban Development to undertake a program to demonstrate the feasibility of funding neighborhood development activities by providing Federal matching funds to private nonprofit neighborhood organizations on the basis of the voluntary contributions such organizations receive from individuals, businesses, and religious institutions in their neighborhoods; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JEPSEN:

S. 3020. A bill to establish a Presidential Advisory Panel for Coordination of Government Debt Collection and Delinquency Prevention Activities; to the Committee on Governmental Affairs.

S. 3021. A bill to amend part B of title IV of the Higher Education Act of 1965 to provide that the guaranteed student loan program be available only to students having need for such assistance; to the Committee on Labor and Human Resources.

S. 3022. A bill to amend the Internal Revenue Code of 1954 and title IV of the Higher Education Act of 1965 to establish the collection of student loans in default; to the Committee on Finance.

By Mr. CHILES:

S. 3023. A bill to amend the Internal Revenue Code of 1954 to exempt from rules relating to foreign conventions all conventions, et cetera, held on domestic cruise ships and on certain foreign cruise ships which port in qualified Caribbean Basin countries; to the Committee on Finance.

By Mr. WALLOP:

S. 3024. A bill to amend the Internal Revenue Code of 1954 to promote transfers of real property interests to certain organizations for use for conservation purposes; to the Committee on Finance.

S. 3025. A bill to amend the act of July 15, 1968 (82 Stat. 356), Public Law 90-401 to include units of the National Forest System within the provisions of the act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DECONCINI (for himself and Mr. DOMENICI):

S. 3026. A bill relating to the Navajo and Hopi Indian Tribes; to the Select Committee on Indian Affairs.

By Mr. HATCH:

S. 3027. A bill to amend the Bankruptcy Act regarding executory contracts, and for other purposes; to the Committee on the Judiciary.

By Mr. METZENBAUM:

S. 3028. A bill to amend the Natural Gas Policy Act of 1978; to the Committee on Energy and Natural Resources.

By Mr. PROXMIRE:

S. 3029. A bill to promote the nuclear nonproliferation policies of the United States; to the Committee on Foreign Relations.

By Mr. CHAFEE (for himself and Mr. BAUCUS):

S. 3030. A bill to amend the Internal Revenue Code of 1954 to allow an employer to provide participants in a defined benefit plan with supplemental retirement benefits through a defined contribution plan of the employer; to the Committee on Finance.

By Mr. HUDDLESTON (for himself and Mr. FORD):

S. 3031. A bill to amend the Internal Revenue Code of 1954 to provide that proceeds from identical wagers shall not be aggregated for purposes of determining whether a tax should be withheld; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 3033. A bill to suspend, until September 30, 1984, the duty on the radio portion of certain clock radios; to the Committee on Finance.

By Mr. CRANSTON:

S. 3034. A bill to amend title II of the Social Security Act to provide that the combined earnings of a husband and wife during the period of their marriage shall be divided equally and shared between them for benefit purposes, so as to recognize the economic contribution of each spouse to the marriage and assure that each spouse will have social security protection in his or her own right; to the Committee on Finance.

By Mr. BRADLEY:

S. 3035. A bill to amend the Tariff Schedules of the United States to provide for a temporary suspension of the duty on certain alloys of cobalt; to the Committee on Finance.

S. 3036. A bill to amend the Tariff Schedules of the United States to provide for a temporary suspension of duty on natural graphite; to the Committee on Finance.

By Mr. DOLE (for himself, Mr. DANFORTH, Mr. HEFLIN, and Mr. ANDREWS):

S. 3037. A bill to amend the bankruptcy laws regarding farm produce storage facilities, and for other purposes; considered and passed.

By Mr. STEVENS (for himself, Mr. GORTON, and Mr. KASTEN):

S. 3038. A bill to admit a certain passenger vessel to the coastwise trade; to the Committee on Commerce, Science, and Transportation.

By Mr. ROBERT C. BYRD (for Mr. DECONCINI (for himself and Mr. GOLDWATER)):

S. 3039. A bill to provide for the use of certain fees collected from visitors to Grand Canyon National Park, and for other purposes; considered and passed.

By Mr. ARMSTRONG (for himself, Mr. COHEN, Mr. HOLLINGS, Mr. MATSUNAGA, Mr. ANDREWS, Mr. CANNON, Mr. GARN, Mrs. HAWKINS, Mr. INOUYE, Mr. TSONGAS, and Mr. ROBERT C. BYRD):

S. 3040. A bill establishing a new G.I. Education Program; to the Committee on Veterans Affairs.

By Mr. HEINZ (for himself, Mr. DOLE, Mr. DOMENICI, Mr. LUGAR, Mr. HART, Mr. SPECTER, Mr. HELMS, Mr. EAST, Mr. CANNON, Mr. STEVENS, Mr. GRASSLEY, Mr. METZENBAUM, Mr. MATHIAS, Mr. HEFLIN, Mr. SARBANES, Mr. THURMOND, Mr. BENTSEN, Mr. KASTEN, Mr. JOHNSTON, Mr. BUMPERS, Mr. SCHMITT, Mr. ROTH, Mr. D'AMATO, Mr. KENNEDY, Mr. BOSCHWITZ, Mr. HOLLINGS, Mr. DURENBERGER, Mr. STENNIS, Mr. LAXALT, Mr. RIEGLE, Mr. PRYOR, Mr. ZORINSKY, Mr. INOUYE, and Mr. DIXON):

S.J. Res. 260. A joint resolution to designate the period commencing January 1, 1983, and ending December 31, 1983, as the "Tricentennial Anniversary Year of German Settlement in America"; considered and passed.

By Mr. BAKER (for Mr. GARN, (for himself, Mr. BAKER, Mr. ROBERT C. BYRD, Mr. LUGAR, Mr. RIEGLE, Mr. ABDNOR, Mr. ARMSTRONG, Mr. BAUCUS, Mr. BOSCHWITZ, Mr. BURDICK, Mr. BUMPERS, Mr. CANNON, Mr. COCHRAN, Mr. D'AMATO, Mr. DIXON, Mr. DODD, Mr. DURENBERGER, Mr. EAGLETON, Mr. GRASSLEY, Mr. HEFLIN, Mr. HUDDLESTON, Mr. KASTEN, Mr. LEAHY, Mr. MCCLURE, Mr. PERCY, Mr. PRESSLER, Mr. PROXMIRE, Mr. PRYOR, Mr. RANDOLPH, Mr. SASSER, Mr. STAFFORD, Mr. WALLOP, Mr. WARNER, Mr. GOLDWATER, Mr. DOLE, Mr. CRANSTON, Mr. CHAFEE, Mr. NICKLES, Mr. THURMOND, Mr. MATTINGLY, and Mr. BENTSEN)):

S.J. Res. 261. A joint resolution designating the week of October 24 through 31, 1982 as "National Housing Week"; considered and passed.

By Mr. ROBERT C. BYRD (for himself and Mr. BAKER):

S.J. Res. 262. A joint resolution to designate the month of November 1982 as "National Christmas Seal Month"; considered and passed.

By Mr. THURMOND:

S.J. Res. 263. A joint resolution to authorize the President to issue a proclamation designating the week beginning on March 13, 1983, as "National Surveyors Week"; to the Committee on the Judiciary.

By Mr. HEINZ (for himself, Mr. THURMOND, Mr. CRANSTON, Mrs. HAWKINS, Mr. SPECTER, Mr. DECONCINI, Mr. HOLLINGS, Mr. CANNON, Mr. MATSUNAGA, Mr. KASTEN, Mr. BURDICK, Mr. DIXON, Mr. BAUCUS, Mr. DODD, Mr. CHAFEE, Mr. LEVIN, Mr. DURENBERGER, Mrs. KASSEBAUM, Mr. GORDON, Mr. D'AMATO, Mr. DOLE, Mr. HAYAKAWA, and Mr. BOSCHWITZ):

S.J. Res. 264. A joint resolution to designate the week of March 13, 1983, through March 19, 1983, as "National Children and Television Week"; to the Committee on the Judiciary.

By Mr. DENTON (for himself, Mr. HARRY F. BYRD, JR., Mr. HELMS, Mr. JEPSEN, Mr. MATTINGLY, and Mr. NICKLES):

S.J. Res. 265. A joint resolution to authorize and request the President to proclaim 1983 as the "National Year of Voluntarism"; to the Committee on the Judiciary.

By Mr. CRANSTON:

S.J. Res. 266. A joint resolution on the declaration on prevention of nuclear war; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAKER (for himself and Mr. ROBERT C. BYRD):

S. Res. 490. A resolution to establish a procedure during recesses and adjournments to authorize the production of Senate documents and testimony; considered and agreed to.

By Mr. DECONCINI:

S. Res. 491. A resolution to request the President to attempt to eliminate differential foreign exchange rates in Mexico; to the Committee on Foreign Relations.

By Mr. MATHIAS:

S. Res. 492. An original resolution authorizing the Sergeant at Arms of the Senate, with the approval of the Committee on Rules and Administration, to settle certain claims involving Members, officers, and employees of the U.S. Senate; from the Committee on Rules and Administration; placed on the calendar.

By Mr. MATHIAS:

S. Res. 493. An original resolution authorizing the printing of the prayers by the Reverend Edward L. R. Elson, S.T.D., as Chaplain of the Senate during the 96th and 97th Congresses; from the Committee on Rules and Administration; placed on the calendar.

By Mr. MATHIAS:

S. Res. 494. A resolution to preserve and restore the first town hall of the city of Washington, District of Columbia—the historic Rhodes Tavern; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR:

S. 3001. A bill to establish a Director of Operational Testing and Evaluation in the Department of Defense, and for other purposes; to the Committee on Armed Services.

(The remarks of Mr. PRYOR on this legislation appear earlier in today's RECORD.)

By Mr. STEVENS:

S. 3003. A bill to amend the Labor Management Relations Act, 1947, to establish a final offer arbitration procedure for the resolution of labor disputes involving certain organized professional team sports and to end the current National Football League labor dispute through the use of such procedure; to the Committee on Labor and Human Resources.

(Mr. STEVENS' remarks on this legislation and a copy of the legislation appear earlier in today's RECORD.)

By Mr. ZORINSKY (for himself, Mr. ANDREWS, Mr. SARBANES, Mr. BAUCUS, Mr. MELCHER, Mr. BURDICK, Mr. DECONCINI, Mr. SASSER, Mr. HEFLIN, Mr. DIXON, and Mr. EXON):

S. 3004. A bill to amend the Soil Conservation and Domestic Allotment Act to provide that the number of local committees selected under such act shall be not less than the number of such local committees on December 31, 1980, and to amend the Agricultural Adjustment Act of 1938 to provide that the members of local, county, and State committees selected under the Soil Conservation and Domestic Allotment Act shall be paid travel expenses; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

● Mr. ZORINSKY. Mr. President, I am introducing a bill which will assure that county and community committees, which are selected under established procedures provided by the Soil Conservation and Domestic Allotment Act, will continue to function on the same basis as they have prior to December 31, 1980.

Joining me in cosponsoring this bill are Senators ANDREWS, SARBANES, BAUCUS, MELCHER, BURDICK, DECONCINI, SASSER, HEFLIN, DIXON, and EXON.

The Congress has previously acted in an amendment to the tobacco bill to advise the administration of its support for these committees that are a vital part of the Agricultural Stabilization and Conservation Service.

In Nebraska, as in other States, these committees operate within local communities to inform their neighbors about farm programs and play an important role in seeing that these programs are administered with fairness and equity.

The recent activities of top level USDA officials have created doubts and uncertainties about the role of local committees. This bill is designed to do nothing more than protect the traditional and historic role of these committees.

It has been my privilege to have had the opportunity to consult with the leaders of the National Association of Farmer-Elected Committees and the affiliated Nebraska Association. These members have assured me of the strong support of their members for this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3004

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Agricultural Stabilization and Conservation Committees Act of 1982".

NUMBER OF LOCAL COMMITTEES

SEC. 2. The fifth paragraph of section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) is amended by inserting after the second sentence the following: "The number of such local areas in any county shall be not less than the number of such local areas in such county on December 31, 1980.".

TRAVEL EXPENSES FOR MEMBERS OF LOCAL, COUNTY, AND STATE COMMITTEES

SEC. 3. Section 388(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1388(b)) is amended—

(1) by inserting "(1)" after "(b)", and

(2) by adding at the end the following new paragraph:

"(2) The Secretary is authorized and directed, from any funds made available for the purposes of the Acts in connection with which local, county, and State committees of farmers are utilized, to make payments to the members of such committees to cover the administrative expenses for travel incurred by such members in cooperating in carrying out the provisions of such Acts. Such administrative expenses for travel shall be paid in the same manner as is authorized under section 5703 of title 5, United States Code, for the payment of expenses and allowances for individuals employed intermittently in the Government service. No part of such administrative expenses for travel may be deducted from the Soil Conservation payments, parity payments, or loans, or other payments under such Acts.".

APPLICATION OF AMENDMENTS

SEC. 4. (a)(1) Except as provided in paragraph (2), the amendment made by section 2 shall apply with respect to elections of members of local, county, and State committees conducted under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) after the effective day of this Act.

(2) Notwithstanding such section 8(b), any member of any such local committee elected on or before such date in a county with respect to which—

(A) such local committee is also the county committee, and

(B) such amendment results in an increase in the number of local administrative areas designated under such section 8(b),

shall serve the unexpired portion of such member's term as a member of the local committee for the local administrative area so designated in which such member resides if such local administrative area is in the county in which such member resided on the date of such member's election to such term.

(b) The amendment made by section 3 shall not apply with respect to travel expenses incurred before the effective date of this Act.

EFFECTIVE DATE

SEC. 5. This Act and the amendments made by this Act shall take effect October 1, 1983.●

● Mr. SASSER. Mr. President, the Zorinsky bill, S. 3004 is a measure deserving not only of our support but of our prompt attention. I am proud to be a cosponsor of this measure.

For almost 50 years the farmer-elected committee system has played an important part in administering the commodity stabilization program as well as the price support programs. This system achieves a very worthwhile goal, putting the administration of farm programs in the hands of those who are best equipped to handle such a task, the local farmers.

We have seen these different committees adjust through the years to a variety of new and often innovative agriculture programs. They have always managed to meet the task we place before them.

In my home State of Tennessee there are 285 county committeemen and between 2,500 and 2,700 community committeemen. These are individuals who are in touch with the concerns of their community. With this knowledge and experience they can provide a leadership role in overseeing the smooth operation of the various programs affecting farmers in their areas.

Mr. President, several States have recently seen drastic upheavals in the committee system. These changes have left all who are involved with this worthwhile program wondering just what the future has in store for them. I believe we should take the necessary steps to assure these dedicated individuals of our commitment to support their efforts on behalf of American farmers.

S. 3004 does just that Mr. President. In light of these considerations I urge my colleagues to support S. 3004 and work for its prompt passage.●

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 3005. A bill to clear certain impediments to the licensing of the yacht *Ellen Ruth* for employment in the coastwise trade; to the Committee on Commerce, Science, and Transportation.

THE VESSEL "ELLEN RUTH"

Mr. THURMOND. Mr. President, on behalf of Senator HOLLINGS and myself, I am today introducing a bill to have the vessel *Ellen Ruth* documented as a vessel of the United States.

Mr. President, section 27 of the Merchant Marine Act of 1920 prohibits American-made vessels subsequently placed under foreign registry from engaging in coastwise trade between posts in the United States or its territories. The vessel *Ellen Ruth* was built in the United States in 1960 and documented for coastwise trade through 1979, after which time she was registered in the Republic of Panama. In the summer of 1980, she was returned to the United States for repairs, and, after being substantially refitted, she was sold to an American citizen, who then made extensive additional repairs in the United States.

Unfortunately, due to the prohibition contained in section 27 of the Merchant Marine Act of 1920, this vessel cannot now be documented for coastwise trade in the United States or its territories, and is restricted to use solely as a pleasure craft. The purpose of this bill is to waive that restriction as to this particular vessel, so that she might now engage in the coastwise trade for which she was built and fitted.

Mr. President, this is not an unusual legislative procedure in matters of this sort, and there should be no objection to granting this particular exemption. This vessel was both built and refitted in the United states, with but 1 year of foreign registry, and the failure to grant an exemption in this case would serve no useful purpose. I ask unanimous consent that this bill appear in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3005

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 27 of the Merchant Marine Act of 1920 (46 U.S.C. 883), or any other provisions of law to the contrary, the Secretary of the department in which the United States Coast Guard is operating shall cause the vessel *Ellen Ruth* (official number 282354), owned by Jefferson B. Bruton, of Isle of Palms, South Carolina, to be documented as a vessel of the United States, upon compliance with the usual requirements, with the privilege of engaging in the coastwise trade so long as such vessel is owned by a citizen of the United States.

By Mr. SCHMITT:

S. 3006. A bill to establish a program under the coordination of the Office of Science and Technology Policy for improving the use of risk analysis by those Federal agencies concerned with regulatory decisions related to the protection of human life, health, and the environment; to the Committee on Commerce, Science, and Transportation.

RISK ANALYSIS RESEARCH AND DEMONSTRATION ACT OF 1982

● Mr. SCHMITT. Mr. President, today I am pleased to introduce a bill "to establish a program under the coordination of the Office of Science and Technology Policy for improving the use of risk analysis by those Federal agencies concerned with the regulatory decisions related to the protection of human life, health, and the environment."

This legislation, the "Risk Analysis Research and Demonstration Act of 1982," will increase coordination of risk analyses in a number of Federal agencies and provide for a series of demonstration projects. The goal of this undertaking is to improve our understanding of risk and comparative risk analysis and to develop standards for its application.

It is timely and important that the Congress guide efforts for improving the understanding and systematic use of comparative risk analysis by the Federal regulatory agencies. Our society relies increasingly on science and technology as bases for its health, welfare, and security. At the same time, increased concerns have also arisen regarding the risks to health and safety which are posed by this reliance. Concerns over technological hazards have led to steadily increasing governmental involvement in risk assessment and management.

Presently there are a number of Federal regulatory agencies which are grappling with the meaning, role, and application of risk analysis in the fulfillment of their missions. These efforts are generally little coordinated, so that the presumptions, criteria, and standards which are applied vary widely. Congress has provided little overall guidance on how risks are to be identified or analyzed.

This legislation does not require balancing of risks with benefits or of benefits with costs; agencies retain discretionary authority to determine acceptable levels of risk. The general use of such balancings must be preceded by an assessment of available methods of analysis and demonstration of their validity. This legislation is a necessary step on the road to a better and more balanced use of risk analyses by the Federal Government. When enacted this bill will be a major contribution to determining whether, where and how comparative risk analysis can be a useful tool in the design and assessment of Federal regulations.

Mr. President, I urge the Senate to act on this legislation favorably, as the House of Representatives has already done on related legislation, H.R. 6159, sponsored by Congressman RITTER. And I ask unanimous consent that a copy of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3006

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Risk Analysis Research and Demonstration Act of 1982".

FINDINGS AND DECLARATIONS

SEC. 2. (a) The Congress hereby finds and declares that—

(1) a number of Federal agencies have been mandated by law to protect, or provide information to protect, human life, health, and the environment;

(2) decisions by Federal agencies, legally mandated to protect human life, health, and the environment, often involve rules to reduce risk to human life, health, and the environment;

(3) such regulatory decisions involve scientific, economic, social, and philosophical considerations;

(4) these decisions increasingly involve an assessment of risks to human life, health, and the environment and a balancing of those risks against the economic and social consequences of controlling them;

(5) improving the quality of the scientific component of such decisions is an important aspect of preserving the public's freedom of choice in weighing the social and philosophical values intrinsic in them; and

(6) analysis of the comparative risks to health and individual welfare among different groups can assist in setting broad public policy objectives.

(b) Accordingly, it is necessary for Federal agencies—

(1) to equip themselves with an effective means for securing information on, and an understanding of, the scientific bases for their regulatory decisions;

(2) to utilize such information and understanding, whenever appropriate, as one factor in the assessment of matters before them pertaining to decisions related to the protection of human life, health, and the environment; and

(3) to better delineate the scientific basis for agency decisions from their more subjective, judgmental aspects.

(c) Since risk analysis is an emerging tool for regulatory decisionmaking, there is a need to encourage basic and applied research in this interdisciplinary field; and the results of this research can contribute to enhancing the quality of the scientific component of the regulatory decisionmaking process.

(d) Risk analysis is basically a multistep process consisting first of a scientifically based risk assessment, which concentrates on the identification, probability, and consequences of risk, and secondly of a risk evaluation, which is more judgmental in nature and concentrates on decisions defining acceptable levels of risk. Risk analysis will not provide a formula for setting public policies and making regulatory decisions, however, it may be a procedure by which the delineation in section 2(b)(3) is facilitated.

(e) Scientific and technological decisions concerning risk normally involve consideration of alternative courses of action. Evaluation of these alternatives involves different risks and a balancing and ranking of the risks involved in these options. Comparative risk analysis is a means by which a rational objectivity can be brought to the process of risk evaluation and the balancing of these alternatives. An important part of such decisions, and the ultimate question, is the acceptability of risk by the public; and comparison of risks represents a means by which levels of risk can be presented to the public in terms which facilitate freedom of choice in the weighing of nonquantifiable values.

(f) While many Federal agencies utilize risk analyses, there is presently no systematic, coordinated effort to establish risk analysis as an instrument in making regulatory decisions.

(g) Recent judicial decisions have demonstrated the need to further develop risk analysis in order to meet the rigorous standards of evidence and proof of cause and effect which the courts have found to be required by some agency statutes.

PURPOSE

SEC. 3. It is the purpose of this Act to develop a comprehensive and coordinated research and demonstration program for risk analysis, taking into account the findings and declarations set forth in section 2, in order to—

(a) improve the use of risk analysis within those Federal agencies concerned with regulatory decisions related to human life, health, and the environment;

(b) develop a coordinated and systematic approach to the conduct and use of risk analysis by such Federal agencies;

(c) define criteria and standards to guide the development and use of risk analysis;

(d) identify research needed by Federal agencies to improve the methodologies and use of risk analysis in regulatory decisionmaking;

(e) establish within such Federal agencies a means to promote an understanding by the public of the risk to life, health, and the environment of scientific and technological decisions made within their jurisdictions, by expressing those risks in terms of easily understood, everyday experience; and

(f) facilitate public understanding of the nature of regulated risks and the means of their quantification.

DEFINITIONS

SEC. 4. For the purposes of this Act—

(a) the term "risk" means the potential for realization of unwanted, negative consequences to human life, health, or the environment;

(b) the term "risk assessment" means the process of quantification of the probabilities and consequence values for an identified risk;

(c) the term "risk evaluation" means the complex process of developing acceptable levels of risk to individuals, society, or the environment;

(d) the term "risk analysis" means the total process, including both risk assessment and risk evaluation, of quantifying a risk and finding an acceptable level of that risk for an individual, group, society, or the environment; and

(e) the term "comparative risk analysis" means a procedure of risk evaluation in which the probabilities and consequences of the risks associated with one course of action versus one or many alternative courses of action are compared, and which may include—

(1) comparisons of one particular action versus no action at all;

(2) comparisons of two or more different actions directed at achieving the same benefit;

(3) comparisons of the risks due to decisions to control potential hazards to differing levels;

(4) ranking of the risks that may result from any single course of action; and

(5) comparisons of the risks of any decision to control the effects of any course of action as compared to similar risks which may occur, or be present, due to natural occurrence;

(f) the term "Administrator" means the Administrator for Information and Regulatory Affairs in the Office of Management and Budget;

(g) the term "Office" means the Office of Science and Technology Policy;

(h) the term "Director" means the Director of the Office of Science and Technology Policy; and

(i) the term "Federal regulatory agencies" means agencies within the Federal Government which are involved with regulatory decisions concerning human life, health, and the environment.

OBJECTIVES AND ESTABLISHMENT OF PROGRAM

SEC. 5. (a) The objectives of the program established under subsection (b) shall include—

(1) development of research programs within Federal agencies (particularly those specifically designated in subsections (b)(4) and (b)(5)), intended to improve and develop new techniques for measuring, gathering, analyzing, and evaluating data necessary to complete risk assessments and evaluations, with particular emphasis on the use of comparative risk in risk evaluation;

(2) application, as appropriate, of such research to the regulatory decisionmaking process to eliminate the deficiencies in that process identified in the findings;

(3) coordination among Federal agencies for the use of common research results and information required for risk analysis; and

(4) development of strategies for the use of comparative risk—

(A) to set priorities on what specific actions or hazards should be the subject of regulation;

(B) to establish the most effective means of regulating a specific environmental, health, or safety hazard; and

(C) to improve public understanding of decisions involving risk to human life, health, and the environment; and

(5) establishment of a procedure for the transfer and utilization of information and data between Federal agencies and private and nonprofit corporations and institutions.

(b) The President shall establish and direct in accordance with the provisions of this Act a coordinated program for the improvement and use of risk analysis, which shall—

(1) be designed to achieve the objectives set forth in subsection (a);

(2) direct the Office to provide oversight and guidance for the program;

(3) direct the Administrator to provide coordination, planning, and implementation of the program within and among Federal agencies;

(4) involve, where appropriate, Federal agencies involved in regulatory decisions or providing information for regulatory decisions, including but not limited to, the Food and Drug Administration, the Environmental Protection Agency, the Occupational Safety and Health Administration, the Food Safety and Inspection Service of the Department of Agriculture, and the Consumer Product Safety Commission; and

(5) involve, where appropriate, the National Science Foundation and other agencies with basic and applied research programs applicable to the improvement of risk analysis.

(c) The Administrator within twelve months after the enactment of this Act shall present to the Congress a plan which shall include—

(1) a review of the risk analyses presently being carried out within the Federal regulatory agencies specifically designated in subsection (b)(4), and their use in the regulatory decisionmaking process;

(2) a review of the risk analysis research being carried out by Federal agencies specifically designated in subsection (b)(4), and the procedures within those agencies for linking this research to the regulatory decisionmaking process;

(3) for purposes of comparison with the findings to be made under paragraphs (1) and (2), a brief review of risk analysis and risk analysis research presently being carried out outside Federal agencies;

(4) identification of specific areas of emphasis for research conducted within Federal agencies, and recommendations for the funding of such research outside such agencies by the Federal regulatory agencies, the National Science Foundation, and the National Institutes of Health;

(5) recommendations for a coordinating mechanism to transmit and share research results among Federal agencies, between Federal agencies and other public agencies, and between Federal agencies and private and nonprofit corporations and institutions;

(6) a program plan for prototypical risk analysis demonstrations which shall be carried out within the Federal regulatory agencies specifically designated in subsection (b)(4);

(7) identification of the areas where the use of the results of a risk analysis is limited or prohibited by current law, regulation, or practice; and

(8) recommendations for increasing public awareness and understanding of risk.

RESEARCH

SEC. 6. (a) The Federal regulatory agencies specifically designated in section 5(b)(4) shall recommend to the Director research required to meet the objectives stated in section 5(a).

(b) The National Science Foundation, on the basis of work done by the National Academy of Sciences and other individuals and institutions both inside and outside the Federal Government, shall recommend to the Director a program of research directed at strengthening the basic and applied sciences required to support Federal agencies in utilizing risk analysis methods in regulatory decisionmaking. Such program shall include—

(1) research on new and improved methods for gathering data;

(2) research on new and improved methodologies for analyzing and utilizing such data; and

(3) research on the role of comparative risk analysis in regulatory decisionmaking.

(c) The Director shall establish a mechanism for coordinating the research programs of the Federal agencies pursuant to subsection (a) and of the research programs recommended by the National Science Foundation pursuant to subsection (b).

DEMONSTRATION PROJECTS

SEC. 7. (a) Each of the Federal agencies specifically designated in section 5(b)(4) shall undertake a prototypical risk analysis study. These studies should utilize presently available information and techniques, or new developments where available, and wherever appropriate should include the following elements:

(1) Comparison of risk of alternative courses of action.

(2) Delineation between scientific and policy judgments.

(3) Identification of specific assumptions and uncertainties.

(4) Identification of limitations placed on the analysis due to relevant organizational and statutory constraints.

(5) Identification of specific tradeoffs posed in the particular risk analysis.

(6) Suggestions of how additional information, or changes in statutory language and organizational structure, could change the strategy chosen to cope with this problem.

(7) Discussion of how comparative risk analysis could be utilized to make the public aware of the relevance of the decisions, including a consideration of factors such as voluntary versus involuntary nature of similar risks, manmade versus natural risks, and necessary versus unnecessary risks.

(8) Delineation of information concerning the different levels of risk to health and welfare among different groups within the population, including consideration of socioeconomic, location, and other pertinent factors, to assist in the equitable sharing of risks and for benefits to be realized from the regulatory process and the implementation of public policy.

(b) Such studies shall be completed within two years after the date of the enactment of this Act, and shall be available to experts in the field for critical peer review and to the public at large.

REPORT

SEC. 8. (a) The Administrator shall issue a report to the Congress within thirty months after the date of the enactment of this Act, which shall include—

(1) a summary of the findings made pursuant to section 5(c);

(2) a critical review of agencies' risk analysis procedures or capabilities as evidenced by the prototype studies prepared pursuant to section 7;

(3) recommendations for future research necessary to achieve the purposes and objectives of this Act;

(4) recommendations for legislation needed to implement and facilitate the use of risk analysis within Federal agencies;

(5) recommendations for nonlegislative changes, including organizational changes, to implement a policy of risk analysis within Federal agencies;

(6) recommendations that will result in the improved transfer of risk-related research and information between Federal agencies and private and nonprofit corporations and institutions; and

(7) recommendations for improving and increasing public understanding and appreciation of risk and regulatory decisions.

(b) In the preparation of the report the Administrator shall seek the advice and comment by organizations and representatives of both public and private interests, and any comments made shall be included in the final draft of such report submitted to Congress.

SEC. 9. Nothing in this Act shall constitute an authorization for the appropriation of funds from the Treasury of the United States.●

By Mr. MURKOWSKI (for himself, Mr. D'AMATO, and Mrs. HAWKINS):

S. 3007. A bill to amend the Federal Aviation Act of 1958; to the Commit-

tee on Commerce, Science, and Transportation.

FEDERAL AVIATION ACT AMENDMENTS

● Mr. MURKOWSKI. Mr. President, today I am introducing legislation which would liberalize current cabotage law and allow foreign air carriers to engage in interstate air transportation between Alaska and New York.

The legislative history of cabotage laws can be characterized as a progressive tightening of the terms and conditions under which the CAB will allow exemptions, and consequently the language incorporated in final statutes is very restrictive and quite narrowly defines the authority of the CAB. The only limited provision allowing cabotage, placed in the FAA Act by the International Air Transportation Competition Act of 1979, was an outgrowth of the debate over travel disruptions during 1979 following the United Airlines strike and the grounding of the DC-10. These situations demonstrated a need for statutory relief, under strict guidelines, which the CAB could confer under emergency circumstances. The bill I propose today would allow relief for one other circumstance under equally strict guidelines.

At present there is no nonstop domestic passenger carrier service from Alaska to the east coast of the United States. The route is available to domestic carriers but not flown. There are at least two foreign carriers who operate nonstop flights daily between Alaska and New York, but our cabotage laws preclude interstate transport of passengers between domestic points by foreign carriers.

This prohibition results in 11-hour or more flights on domestic carriers with one or more layovers, while foreign carriers fly a direct nonstop 6½-hour flight often with empty seats.

Section 416(b)(7) of the FAA Act of 1958 allows cabotage exemptions under unusual emergency conditions. This exemption is available only when all possible efforts to accommodate traffic by utilizing the resources of U.S. air carriers have been exhausted. In Alaska's case, there are no U.S. air carriers serving such a route. Since Alaska is so dependent on oil transportation, travel to and from Alaska is not ordinary or usual and should receive additional consideration. Remember that transportation to, from, and within the State of Alaska is unlike any other region in the United States in that Alaska is separated by a foreign country, Canada.

The State of Alaska is extremely dependent upon air service as a basic means of transportation. For example, the capital of the State, Juneau, is only accessible by sea or air. A traveler in Seattle, bound for Anchorage could opt for a direct 3-hour flight or a 5- to 6-day driving trip, which is the next fastest available means of transport. Furthermore, in terms of flight time and actual distance, the capital of Japan—Tokyo—is at least 4½ hours closer to Alaska than our own Nation's Capital here in Washington, D.C. Similarly, flights from Anchorage to London, Paris, and Copenhagen are at least 2½ hours shorter than existing flights between Alaska and Washington, D.C.

The geographic location and unique circumstances of travel to Alaska clearly necessitate that special consideration or relief be allowed for the public good.

To further illustrate the uniqueness of transportation in Alaska, I might add that Alaska has the highest per capita number of pilots and highest per capita number of private aircraft owners. Air travel is a part of every Alaskan's life. The use and ownership of aircraft in Alaska is similar to having a second car in the continental U.S. and is often out of necessity.

I am well aware of industry's longstanding opposition to the relaxation of these laws. Note however, that this bill is narrowly defined and allows cabotage between Alaska and New York only if the CAB finds that it is in the public interest and that no other domestic carrier is accommodating the public between such points. Hence, should a domestic carrier initiate similar service between Alaska and the east coast, the foreign carrier would not be allowed to continue its domestic passenger service.

The bill introduced to this body today is straightforward and proposes an exemption only under specific circumstances. It should not be construed as an opening wedge that would lead to additional exemptions in other areas in the future. It seeks consideration only for the State of Alaska due to its geographical location and the ujique circumstances and difficulties associated with travel to and from the State.●

By Mr. DOLE (for himself, Mr. GORTON, Mr. DURENBERGER, Mrs. KASSEBAUM, Mr. HATFIELD, Mr. PACKWOOD, Mr. ANDREWS, Mr. METZENBAUM, Mr. DANFORTH, Mr. PRESSLER, Mr. ROTH, Mr. LAXALT, Mr. GARN, Mr. HEINZ, Mr. COHEN, Mr. DOMENICI, Mr. D'AMATO, Mr. RUDMAN, and Mr. BAKER):

S. 3008. A bill to amend the laws of the United States to eliminate gender-based distinctions; to the Committee on the Judiciary.

ELIMINATION OF GENDER-BASED DISTINCTIONS

Mr. DOLE. Mr. President, today I am introducing omnibus legislation to cleanse the Federal Code of some 100 gender-based distinctions. This bill is aimed solely at statutes which discriminate on their face and therefore is limited in scope. I think we can all agree that with few exceptions, statutes which explicitly provide for different treatment of the basis of sex have no place in our Nation's laws. I think we can also all recognize that while a bill of this nature is only a small step, it is an important and necessary step, in our continuing efforts to achieve equality for women under the law.

BACKGROUND

Sex bias in the United States Code has been the subject of three comprehensive studies over the past several years: The first, "Sex Bias in the United States Code" was released by the U.S. Commission on Civil Rights in 1977; a second, more comprehensive report was completed by the Department of Justice's task force on sex discrimination in 1978, the most recent was completed last June by President Reagan's Task Force on Legal Equity for Women. The June report provided an extensive listing of discriminatory statutes which have been cured in recent years and those still remaining on the books, a listing which led to the development of this legislation.

WHAT THE BILL WOULD NOT DO

This bill would not cure all of the sex-biased statutes which have been identified by these various studies. For instance, because its focus is aimed at eradicating substantive discrimination, it would not cure all the sex-biased terminology in the code. It would also not amend several controversial code sections, such as the combat limitations and selective service provisions in title 10, and a few sections of the Social Security Act and Criminal Code. Any amendment which might be of a controversial nature was purposefully omitted, so that its sensitive nature would not imperil the fate of the remainder of the bill.

WHAT THE BILL WOULD DO

This bill would amend the vast majority of identified code sections which still explicitly provide for substantive sex discrimination. Most of these remaining provisions are of narrow application; some have already been held unconstitutional, and therefore are no longer followed. A few of the amendments would have some real impact. For instance, the bill would cure certain provisions of the Social Security Act and Railroad Retirement Act which, in very technical areas, still discriminate in the determination of benefits. But most of the amendments can properly be characterized as house cleaning. For instance under current law, widows but not widowers of deceased military personnel may use commissaries. The bill would cure this distinction.

In emphasizing the limitations of this legislation, I do not mean to trivialize its importance. In my opinion, sex discrimination, no matter how limited in application, has no place in our statutes, unless necessary to further

some compelling governmental interest. But I also want it to be understood that elimination of facial gender bias is just one small step in a long journey, and cannot be equated with the true achievement of full equality under the law.

OTHER STEPS WHICH MAY BE TAKEN

To truly achieve full equality, of course, we must not only cure those laws which facially discriminate, but also address those laws which, though neutral on their face, nevertheless allow for the discriminatory treatment of women. Laws, which in particular, relate to economic equity—pay equity, insurance discrimination, and pension reform—encompass the more burning issues of the day. With older women comprising the fastest growing poverty group in American society, I believe that pension reform, specifically, requires priority attention. I have instructed my staff to explore possible reforms in our laws dealing with both public and private pension plans, as well as social security benefits, and have resolved that this will be an issue before the Finance Committee next Congress. I do not expect comprehensive reforms to take place overnight, but there are needed changes which we can realistically begin to implement. For instance, the recently enacted tax bill effected one change of significant benefit to women, by reducing the vesting requirements for top heavy plans. But, I believe much more can be done to help women in the overall pension area.

PRESIDENT'S SUPPORT

I am happy to report that President Reagan has written me of his support for this effort to cleanse the code of most remaining, substantive gender bias. As I have previously mentioned, the President's Task Force on Legal Equity for Women has done much work in this area, and the President has welcomed this legislation as a complement to the task force's efforts. But the President also shares the feelings which I have expressed today about the scope of this legislation. Specifically, he states in his letter that:

As important as this is, all of us realize that it is only one step that must be followed by many others. But in the end, I hope we will be able to say that full equality before the law is not just an ideal, but a practical reality.

CONCLUSION

I do not expect, of course, that Congress will be able to act on this bill in this Congress. Rather, I hope that over the next few months, all interested parties will review this legislation, provide me with their comments, if any, and thus enable me to be in a position to push for swift action on the bill either in the lameduck session, or early next year. I reemphasize that I consider this bill to be primarily house cleaning—an important and necessary, but modest step, which we can quickly put behind us.

CREDITS

Before concluding, I would like to give credit to those in the Senate who have introduced legislation in this Congress containing proposals similar to those in this omnibus package. First, credit should go to Senators DURENBERGER, PACKWOOD, and HATFIELD, the three key sponsors of the Economic Equity Act. In this and past Congresses, the Economic Equity Act has contained amendments which would cure the gender-based distinctions in the Naval and Marine reserve promotion system, and in the priority lists used to distribute the effects of certain deceased military personnel: amendments which are incorporated into this bill. Credit should also go to Senator METZENBAUM, who has introduced a bill to remove gender-based references from the Social Security Act, some of which are similar to those contained in this legislation. I commend these Senators for their efforts and thank them for their cooperation.

Mr. President, cosponsoring this legislation are the following Senators: Mr. GORTON, Mr. DURENBERGER, Mrs. KASSEBAUM, Mr. HATFIELD, Mr. PACKWOOD, Mr. ANDREWS, Mr. METZENBAUM, Mr. DANFORTH, Mr. PRESSLER, Mr. ROTH, Mr. LAXALT, Mr. GARN, Mr. HEINZ, Mr. COHEN, Mr. DOMENICI, Mr. D'AMATO, Mr. RUDMAN, and Mr. BAKER.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a letter from the President dated September 27, 1982.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, September 27, 1982.

Hon. ROBERT DOLE,
U.S. Senate,
Washington, D.C.

DEAR BOB: Equality before the law has long been the cornerstone of the American constitutional system. I cherish that principle, and in my responsibilities as President, I have done my utmost to ensure that no person is discrimated against because of race, color, creed, national origin, or sex.

Last year I issued Executive Order 12336, which directed the Attorney General to complete the review of federal laws and regulations containing language that unjustifiably differentiates or discriminates on the basis of sex. The Order also created a Task Force on Legal Equity for Women which is responsible for implementing changes in regulations, policies, and practices ordered by me following review of the Attorney General's report. I am happy to report that the first stage of that process is underway, and I fully expect that when we are finished a significant contribution will have been made toward the achievement of full equality for women before the law.

The legislation which you will be introducing shortly seeks to remove or revise a number of statutes identified as sex biased in a June, 1982, Department of Justice report to me. I welcome your joining me in developing this effort. We will work closely with you and your staff to produce a bill and to see that it is enacted into law.

As importatnt as this is, all of us realize that it is only one step that must be followed by many others. But in the end, I hope we will be able to say that full equality before the law is not just an ideal but a practical reality.

Sincerely,

RON.

Mr. DOLE. Mr. President, I ask unanimous consent that a copy of the bill and a section-by-section summary of this bill be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—ARMED FORCES, SOLDIERS' HOME, COAST GUARD, LIGHTHOUSE SERVICE, AND MERCHANT MARINE

PART A—AMENDMENTS RELATING TO THE ARMED FORCES AND THE SOLDIERS' HOME

AMENDMENTS TO TITLE 10, UNITED STATES CODE, RELATING TO THE ARMY

SEC. 101. (a) Section 3683 of title 10, United States Code, is repealed.

(b) Section 3963 of such title is repealed.

(c) Section 4309(b) of such title is amended by striking out "males" and inserting in lieu thereof "persons".

(d) Section 4651 of such title is amended to read as follows:

"§ 4651. Arms, tentage, and equipment: educational institutions not maintaining units of R.O.T.C.

"Under such conditions as the Secretary of the Army may prescribe, such Secretary may issue arms, tentage, and equipment that such Secretary considers necessary for proper military training, to any educational institution at which no unit of the Reserve Officers' Training Corps is maintained, but which has a course in military training prescribed by such Secretary and which has at least 100 physically fit students over 14 years of age.".

(e) Section 4712(d) of such title is amended by striking out clauses (1) through (9) and inserting in lieu thereof the following:

"(1) A beneficiary named in the will of the deceased to receive the property.

"(2) The surviving spouse or legal representative.

"(3) A child of the deceased.

"(4) A parent of the deceased.

"(5) A brother or sister of the deceased.

"(6) The next of kin of the deceased.".

(f) Section 4713(a)(2) of such title is amended by striking out subclauses (A) through (I) and inserting in lieu thereof the following:

"(A) A beneficiary named in the will of the deceased to receive the property.

"(B) The surviving spouse or legal representative.

"(C) A child of the deceased.

"(D) A parent of the deceased.

"(E) A brother or sister of the deceased.

"(F) The next of kin of the deceased.".

AMENDMENTS TO TITLE 10, UNITED STATES CODE, RELATING TO THE NAVY

SEC. 102. (a) Section 5896(a) of title 10, United States Code, is amended—

(1) by striking out "male" each place it appears in subsection (a)(1);

(2) by striking out "male" each place it appears in subsection (a)(2);

(3) by striking out clauses (3), (4), (5), (6), (7), and (8) in subsection (a) and inserting in lieu thereof the following:

"(3) those eligible officers, including eligible officers appointed under section 5581 of this title before September 15, 1981, under consideration for promotion to the grade of commander or above in the Judge Advocate General's Corps, the Chaplain Corps, or the Medical Corps, the Dental Corps, or any other staff corps in the Medical Department of the Navy; and

"(4) those eligible officers, including eligible officers appointed under section 5581 of this title before September 15, 1981, under consideration for promotion to the grade of commander or above in the Judge Advocate General's Corps, the Chaplain Corps, or the Medical Corps, the Dental Corps, or any other staff corps in the Medical Department of the Navy";

(4) by striking out subsection (b); and

(5) by redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively.

(b) Section 5897 of such title is amended—

(1) by striking out clauses (1) through (8) in subsection (b) and inserting in lieu thereof the following:

"(1) Officers in the line of the Naval Reserve.

"(2) Officers of the Marine Corps Reserve.

"(3) Officers of the Naval Reserve in the Supply Corps.

"(4) Officers of the Naval Reserve in the Civil Engineer Corps.

"(5) Officers of the Naval Reserve in any staff corps in the grade of lieutenant or lieutenant commander or above."; and

(2) by striking out subsections (c) and (d) and inserting in lieu thereof the following:

"(c) A board convened under this chapter that recommends officers of the Naval Reserve including officers appointed under section 5581 of this title before September 15, 1981, in the grade of lieutenant or lieutenant (junior grade) in the Judge Advocate General's Corps, the Chaplain Corps, or the Medical Corps, the Dental Corps, or any other staff corps in the Medical Department of the Navy for promotion shall certify in its report that, in the opinion of a majority of the members of the board, the officers recommended are selected as fitted to assume the duties of the next higher grade.".

(c) Section 5898 of such title is amended—

(1) by striking out "(a)" at the beginning of subsection (a);

(2) by striking out "shall, except as provided in subsection (b) of this section," in the second sentence of subsection (a) and inserting in lieu thereof "shall"; and

(3) by striking out subsection (b).

(d) Section 5899 of such title is amended—

(1) by striking out "A male officer of the Naval Reserve, or a woman officer" in the first sentence of subsection (a) and inserting in lieu thereof "An officer of the Naval Reserve, including an officer";

(2)(A) by striking out "A male officer" in the first sentence of subsection (b) and inserting in lieu thereof "An officer"; and

(B) by striking out "any male officer" in such sentence and inserting in lieu thereof "any officer";

(3) by striking out subsections (c) and (d); and

(4) by redesignating subsections (e), (f), (g), and (h) as subsections (c), (d), (e), and (f), respectively.

(e) Section 6403 of such title is repealed.

(f) Section 7601 of such title is amended—

(1) in subsection (a) by striking out "widows" and inserting in lieu thereof "surviving spouses"; and

(2) in the first sentence of subsection (b)—

(A) by striking out "him" and inserting in lieu thereof "the Secretary"; and

(B) by striking out "he" each place it appears and inserting in lieu thereof in each such place "the Secretary".

AMENDMENTS TO TITLE 10, UNITED STATES CODE, RELATING TO THE AIR FORCE

SEC. 103. (a) Section 8683 of title 10, United States Code, is repealed.

(b) Section 8963 of such title is repealed.

(c) Section 9651 of such title is amended to read as follows:

"§ 9651. Arms, tentage, and equipment: educational institutions not maintaining units of A.F.R.O.T.C.

"Under such conditions as the Secretary of the Air Force may prescribe, such Secretary may issue arms, tentage, and equipment that such Secretary considers necessary for proper military training, to any educational institution at which no unit of the Air Force Reserve Officers' Training Corps is maintained, but which has a course in military training prescribed by such Secretary and which has at least 100 physically fit students over 14 years of age.".

(d) Section 9712(d) of such title is amended by striking out clauses (1) through (9), and inserting in lieu thereof the following:

"(1) A beneficiary named in the will of the deceased to receive the property.

"(2) The surviving spouse or legal representative.

"(3) A child of the deceased.

"(4) A parent of the deceased.

"(5) A brother or sister of the deceased.

"(6) The next of kin of the deceased.".

(e) Section 9713(a)(2) of such title is amended by striking out subclauses (A) through (I) and inserting in lieu thereof the following:

"(A) A beneficiary named in the will of the deceased to receive the property.

"(B) The surviving spouse or legal representative.

"(C) A child of the deceased.

"(D) A parent of the deceased.

"(E) A brother or sister of the deceased.

"(F) The next of kin of the deceased.".

REPEAL OF AUTHORITY TO MAKE TEMPORARY APPOINTMENTS AS OFFICERS IN THE ARMY

SEC. 104. The Act entitled "An Act to authorize temporary appointment as officers in the Army of the United States of members of the Army Nurse Corps, female persons having the necessary qualifications for appointment in such corps, female dietetic and physical-therapy personnel of the Medical Department of the Army (exclusive of students and apprentices), and female persons having the necessary qualifications for appointment in such department as female dietetic or physical-therapy personnel, and for other purposes.", approved June 22, 1944 (58 Stat. 324; 50 U.S.C. App. 1591 et seq.) is repealed.

AMENDMENTS RELATING TO ALLOTMENT OF PENSIONS OF INMATES OF THE SOLDIERS' HOME

SEC. 105. Section 4 of the Act entitled "An Act prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes.", approved March 3, 1883 (22 Stat. 564; 24 U.S.C. 52) is amended—

(1) in the first sentence—

(A) by striking out "wife" each place it appears and inserting in lieu thereof in each such place "spouse"; and

(B) by striking out "his" and inserting in lieu thereof "the inmate's";

(2) in the third sentence—

(A) by striking out "him" each place it appears and inserting in lieu thereof in each such place "the pensioner"; and

(B) by striking out "him";

(3) in the fourth sentence—

(A) by striking out "his" each place it appears and inserting in lieu thereof in each such place "the inmate's"; and

(B) by striking out "he" and inserting in lieu thereof "the pensioner"; and

(4) in the fifth sentence—

(A) by striking out "him" and inserting in lieu thereof "the pensioner"; and

(B) by striking out "his" and inserting in lieu thereof "the pensioner's".

TECHNICAL AMENDMENTS

SEC. 106. (a) The table of sections at the beginning of chapter 353 of title 10, United States Code, is amended by striking out the item relating to section 3683.

(b) The table of sections at the beginning of chapter 369 of such title is amended by striking out the item relating to section 3963.

(c) The table of sections at the beginning of chapter 573 of such title is amended by striking out the item relating to section 6403.

(d) The table of sections at the beginning of chapter 853 of such title is amended by striking out the item relating to section 8683.

(e) The table of sections at the beginning of chapter 869 of such title is amended by striking out the item relating to section 8963.

SAVINGS PROVISIONS

SEC. 107. (a) The repeal made by section 101(a) shall not apply in the case of any person who performed active service described in section 3683 of title 10, United States Code, as such section was in effect on the day before the effective date of such repeal.

(b) The repeal made by section 101(b) shall not apply in the case of any member of the Regular Army described in section 3963 of title 10, United States Code, as such section was in effect on the day before the effective date of such repeal.

(c) The repeal made by section 103(a) shall not apply in the case of any person who performed active service described in section 8683 of title 10, United States Code, as such section was in effect on the day before the effective date of such repeal.

(d) The repeal made by section 103(c) shall not apply in the case of any Air Force nurse or medical specialist described in section 8963 of title 10, United States Code, as such section was in effect on the day before the effective date of such repeal.

(e) The repeal made by section 104 shall not apply in the case of any officer in the Army appointed and assigned under the first section of the Act referred to in section 104, as such Act was in effect on the day before the date of enactment of this Act.

PART B—AMENDMENTS RELATING TO THE COAST GUARD, THE LIGHTHOUSE SERVICE, AND THE CREW OF THE MERCHANT MARINE

AMENDMENTS RELATING TO THE COAST GUARD

SEC. 108. (a) Section 371 of title 14, United States Code, is amended—

(1) in the second sentence of subsection (a) by striking out "male" each place it appears; and

(2) in subsection (c)(1)—

(A) by striking out "he agrees in writing that upon his" and inserting in lieu thereof "the person agrees in writing that upon"; and

(B) by striking out "he will" and inserting in lieu thereof "the person will"; and

(3) in subsection (c)(2) by striking out "he has the consent of his parent or guardian to his agreement" and inserting in lieu thereof "the person has the consent of the person's parent or guardian to the agreement".

(b) The first sentence of section 487 of such title is amended—

(1) by striking out "men" each place it appears and inserting in lieu thereof in each such place "members"; and

(2) by striking out "widows" and inserting in lieu thereof "surviving spouses".

AMENDMENTS RELATING TO THE LIGHTHOUSE SERVICE

SEC. 109. (a) The first section of the Act entitled "An Act to provide benefits for the widows of certain persons who were retired or are eligible for retirement under section 6 of the Act entitled 'An Act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes', approved June 20, 1918, as amended.", approved August 19, 1950 (64 Stat. 465; 33 U.S.C. 771) is amended—

(1) by striking out "he" in clause (1) and inserting in lieu thereof "that employee"; and

(2) by striking out clause (2) and inserting in lieu thereof the following:

"(2) the surviving spouse of such former employee was married to such former employee prior to the retirement of such former employee from the Lighthouse Service and has not remarried—"; and

(3) by striking out "widow, so long as she" in the flush material after clause (2) and inserting in lieu thereof "surviving spouse, so long as such surviving spouse".

(b) Section 2 of such Act (64 Stat. 466; 33 U.S.C. 772) is amended—

(1) by striking out clause (2) and inserting in lieu thereof the following:

"(2) the surviving spouse of such employee has not since remarried,"; and

(2) by striking out "widow, so long as she" in the flush material after clause (2) and inserting in lieu thereof "surviving spouse, so long as such surviving spouse".

AMENDMENTS RELATING TO THE CREW OF THE MERCHANT MARINE

SEC. 110. (a) Section 4509 of the Revised Statutes (46 U.S.C. 561) is amended—

(1) in the first sentence—

(A) by striking out "boys" and inserting in lieu thereof "youths";

(B) by striking out "his power" and inserting in lieu thereof "the power of such official";

(C) by striking out "boy" each place it appears and inserting in lieu thereof in each such place "youth"; and

(D) by striking out "he has attained" and inserting in lieu thereof "the youth has attained"; and

(2) in the third sentence by striking out "him" and inserting in lieu thereof "such official".

(b) Section 10(b)(1) of the Act entitled "An Act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade and for other purposes", approved June 26, 1884 (23 Stat. 55; 46 U.S.C. 599(b)) is amended by striking out "wife, sister" and inserting in lieu thereof "spouse, sibling".

TITLE II—ELIMINATION OF GENDER-BASED DISTINCTIONS UNDER THE OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM, RAILROAD RETIREMENT, AND THE WORK INCENTIVE PROGRAM

DIVORCED HUSBANDS

SEC. 201. (a)(1) Section 202(c)(1) of the Social Security Act is amended, in the matter preceding subparagraph (A), by inserting "and every divorced husband (as defined in section 216(d))" before "of an individual" and inserting "or such divorced husband" after "if such husband".

(2) Section 202(c)(1) of such Act is further amended—

(A) by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) in the case of a divorced husband, is not married, and"; and

(B) by striking out the matter following subparagraph (D) (as so redesignated) and inserting in lieu thereof the following:

"shall be entitled to a husband's insurance benefit for each month, beginning with—

"(i) in the case of a husband or divorced husband (as so defined) of an individual who is entitled to an old-age insurance benefit, if such husband or divorced husband has attained age 65, the first month in which he meets the criteria specified in subparagraphs (A), (B), (C), and (D), or

"(ii) in the case of a husband or divorced husband (as so defined) of—

"(I) an individual entitled to old-age insurance benefits, if such husband or divorced husband has not attained age 65, or

"(II) an individual entitled to disability insurance benefits,

the first month throughout which he is such a husband or divorced husband and meets the criteria specified in subparagraphs (B), (C), and (D) (if in such month he meets the criterion specified in subparagraph (A)),

whichever is earlier, and ending with the month preceding the month in which any of the following occurs:

"(E) he dies,

"(F) such individual dies,

"(G) in the case of a husband, they are divorced and either (i) he has not attained age 62, or (ii) he has attained age 62 but has not been married to such individual for a period of 10 years immediately before the divorce became effective,

"(H) in the case of a divorced husband, he marries a person other than such individual,

"(I) he becomes entitled to an old-age or disability insurance benefit based on a primary insurance amount which is equal to or exceeds one-half of the primary insurance amount of such individual, or

"(J) such individual is not entitled to disability insurance benefits and is not entitled to old-age insurance benefits.".

(3) Section 202(c)(3) of such Act is amended by inserting "(or, in the case of a divorced husband, his former wife)" before "for such month".

(4) Section 202(c) of such Act is amended by adding after paragraph (3) the following new paragraph:

"(4) In the case of any divorced husband who marries—

"(A) an individual entitled to benefits under subsection (b), (e), (g), or (h) of this section, or

"(B) an individual who has attained the age of 18 and is entitled to benefits under subsection (d), by reason of paragraph (1)(B)(ii) thereof,

such divorced husband's entitlement to benefits under this subsection shall, notwithstanding the provisions of paragraph (1) (but subject to subsection (s)), not be terminated by reason of such marriage.".

(5) Section 202(c)(2)(A) of such Act is amended by inserting "(or divorced husband)" after "payable to such husband".

(6) Section 202(b)(3)(A) of such Act is amended by striking out "(f)" and inserting in lieu thereof "(c), (f),".

(7) Section 202(c)(1)(D) of such Act (as redesignated by paragraph (2) of this subsection) is amended by striking out "his wife" and inserting in lieu thereof "such individual".

(b)(1) Section 202(f)(1) of such Act is amended, in the matter preceding subparagraph (A), by inserting "and every surviving divorced husband (as defined in section 216(d))" before "of an individual" and inserting "or such surviving divorced husband" after "if such widower".

(2) Section 202(f)(1) of such Act is further amended by striking out "his deceased wife" in subparagraph (D) and in the matter following subparagraph (F) and inserting in lieu thereof in each instance "such deceased individual".

(3) Paragraphs (3), (4), (6), and (7) of section 202(f) of such Act are each amended by inserting "or surviving divorced husband" after "widower" each place it appears.

(4) Section 202(f)(3) of such Act is further amended by striking out "his deceased wife" each place it appears and inserting in lieu thereof in each instance "such deceased individual", and by striking out "wife" each place it appears and inserting in lieu thereof in each instance "individual".

(5) Section 202(f)(4) of such Act is amended by striking out "remarries" and inserting in lieu thereof "marries", and by inserting "or surviving divorced husband's" after "widower's".

(6) Section 202(e)(3)(A) of such Act is amended by striking out "(f)" and inserting in lieu thereof "(c), (f),".

(7) Section 202(g)(3)(A) of such Act is amended by inserting "(c)," before "(f),".

(8) Section 202(h)(4)(A) of such Act is amended by inserting "(c)," before "(e),".

(c)(1) Section 216(d) of such Act is amended by redesignating paragraph (4) as paragraph (6), and by inserting after paragraph (3) the following new paragraphs:

"(4) The term 'divorced husband' means a man divorced from an individual, but only if he had been married to such individual for a period of 10 years immediately before the date the divorce became effective.

"(5) The term 'surviving divorced husband' means a man divorced from an individual who has died, but only if he had been married to the individual for a period of 10 years immediately before the divorce became effective.".

(2) The heading of section 216(d) of such Act is amended to read as follows:

"Divorced Spouses; Divorce".

(d)(1) Section 205(b) of such Act is amended by inserting "divorced husband," after "husband," and by inserting "surviving divorced husband," after "widower,".

(2) Section 205(c)(1)(C) of such Act is amended by inserting "surviving divorced husband," after "wife,".

REMARRIAGE OF SURVIVING SPOUSE BEFORE AGE 60

SEC. 202. Section 202(f)(1)(A) of the Social Security Act is amended by striking out "has not remarried" and inserting in lieu thereof "is not married".

ILLEGITIMATE CHILDREN

SEC. 203. (a) Section 216(h)(3) of the Social Security Act is amended by inserting "mother or" before "father" each place it appears.

(b) Section 216(h)(3)(A)(ii) of such Act is amended by striking out everything after "time" and inserting in lieu thereof "such applicant's application for benefits was filed;".

(c) Section 216(h)(3)(B)(i) of such Act is amended by striking out "daughter," at the end of clause (III) and all that follows and inserting in lieu thereof "daughter; or".

(d) Section 216(h)(3)(B)(ii) of such Act is amended by striking out "such period of disability began" and inserting in lieu thereof "such applicant's application for benefits was filed".

TRANSITIONAL INSURED STATUS

SEC. 204. (a) Section 227(a) of the Social Security Act is amended—

(1) by striking out "wife" each place it appears and inserting in lieu thereof in each instance "spouse";

(2) by striking out "wife's" each place it appears and inserting in lieu thereof in each instance "spouse's";

(3) by striking out "she" each place it appears and inserting in lieu thereof in each instance "he"; and

(4) by inserting "or section 202(c)" after "section 202(b)" each place it appears.

(b) Subsections (b) and (c) of section 227 of such Act are each amended—

(1) by striking out "widow" each place it appears and inserting in lieu thereof in each instance "surviving spouse";

(2) by striking out "widow's" each place it appears and inserting in lieu thereof in each instance "surviving spouse's";

(3) by striking out "her" each place it appears and inserting in lieu thereof in each instance "the"; and

(4) by inserting "or section 202(f)" after "section 202(e)" each place it appears.

(c) Section 216 of such Act is amended by inserting before subsection (b) the following new subsection:

"Spouse; Surviving Spouse

"(a)(1) The term 'spouse' means a wife as defined in subsection (b) or a husband as defined in subsection (f).

"(2) The term 'surviving spouse' means a widow as defined in subsection (c) or a widower as defined in subsection (g).".

EQUALIZATION OF BENEFITS UNDER SECTION 228

SEC. 205. (a) Section 228(b)(2) of the Social Security Act is amended—

(1) by striking out "the husband's benefit" and inserting in lieu thereof "each of their benefits";

(2) by striking out "$64.40" and inserting in lieu thereof "$48.30"; and

(3) by striking out everything after "section 215(i)" the first place it appears and inserting in lieu thereof a period.

(b) Section 228(c)(3) of such Act is amended to read as follows:

"(3) In the case of a husband or wife, both of whom are entitled to benefits under this section for any month, the benefit amount of each, after any reduction under paragraph (1), shall be further reduced (but not below zero) by the excess (if any) of (A) the total amount of any periodic benefits under governmental pension systems for which the other is eligible for such month, over (B) the larger of $48.30 or the amount most recently established in lieu thereof under section 215(i).".

(c) The Secretary of Health and Human Services shall increase the amounts specified in section 228 of the Social Security Act, as amended by this section, to take account of any general benefit increases (as referred to in section 215(i)(3) of such Act), and any increases under section 215(i) of such Act, which occur after June 1974.

FATHER'S INSURANCE BENEFITS

SEC. 206. (a) Section 202(g) of the Social Security Act is amended—

(1) by striking out "widow" each place it appears and inserting in lieu thereof in each instance "surviving spouse";

(2) by striking out "widow's" each place it appears and inserting in lieu thereof in each instance "surviving spouse's";

(3) by striking out "wife's insurance benefits" in paragraph (1)(D) and inserting in lieu thereof "a spouse's insurance benefit";

(4) by striking out "her" each place it appears and inserting in lieu thereof in each instance "his";

(5) by striking out "she" each place it appears and inserting in lieu thereof in each instance "he";

(6) by striking out "mother" each place it appears and inserting in lieu thereof in each instance "parent";

(7) by inserting "or father's" after "mother's" each place it appears;

(8) by striking out "after August 1950"; and

(9) by inserting "this subsection or" before "subsection (a)" in paragraph (3)(A).

(b) The heading of section 202(g) of such Act is amended by inserting "and Father's" after "Mother's".

(c) Section 216(d) of such Act (as amended by section 201(c)(1) of this Act) is further amended by redesignating paragraph (6) as paragraph (8), and by inserting after paragraph (5) the following new paragraphs:

"(6) The term 'surviving divorced father' means a man divorced from an individual who has died, but only if (A) he is the father of her son or daughter, (B) he legally adopted her son or daughter while he was married to her and while such son or daughter was under the age of 18, (C) she legally adopted his son or daughter while he was married to her and while such son or daughter was under the age of 18, or (D) he was married to her at the time both of them legally adopted a child under the age of 18.

"(7) The term 'surviving divorced parent' means a surviving divorced mother as defined in paragraph (3) or a surviving divorced father as defined in paragraph (6).".

(d) Section 202(c)(1) of such Act (as amended by section 201(a)(2) of this Act) is further amended by inserting "(subject to subsection (s))" before "be entitled to" in the matter following subparagraph (D) and preceding subparagraph (E).

(e) Section 202(c)(1)(B) of such Act is amended by inserting after "62" the following: "or (in the case of a husband) has in his care (individually or jointly with such individual) at the time of filing such application a child entitled to child's insurance benefits on the basis of the wages and self-employment income of such individual".

(f) Section 202(c)(1) of such Act (as amended by section 201(a)(2) of this Act) is further amended by redesignating the new subparagraphs (I) and (J) as subparagraphs (J) and (K), respectively, and by adding after subparagraph (H) the following new subparagraph:

"(I) in the case of a husband who has not attained age 62, no child of such individual is entitled to a child's insurance benefit".

(g) Section 202(f)(1)(C) of such Act is amended by inserting "(i)" after "(C)", by adding "or" after "223,", and by inserting at the end thereof the following new clause:

"(ii) was entitled, on the basis of such wages and self-employment income, to father's insurance benefits for the month preceding the month in which he attained age 65,".

(h) Section 202(f)(6) of such Act is amended by striking out "or" at the end of subparagraph (A), by adding "or" after the comma at the end of subparagraph (B), and by adding after subparagraph (B) the following new subparagraph:

"(C) the last month for which he was entitled to father's insurance benefits on the basis of the wages and self-employment income of such individual,".

(i) Section 203(f)(1)(F) of such Act is amended by striking out "section 202(b) (but only by reason of having a child in her care within the meaning of paragraph (1)(B) of that subsection)" and inserting in lieu thereof "section 202(b) or (c) (but only by reason of having a child in his care within the meaning of paragraph (1)(B) of subsection (b) or (c) as may be applicable)".

CREDIT FOR CERTAIN MILITARY SERVICE

SEC. 207. Section 217(f) of the Social Security Act is amended by striking out "widow" each place it appears and inserting in lieu thereof in each instance "surviving spouse", and by striking out "her" each place it appears in paragraph (2) and inserting in lieu thereof in each instance "his".

CONFORMING AMENDMENTS

SEC. 208. (a) Section 202(b)(3)(A) of the Social Security Act (as amended by section 201(a)(6) of this Act) is further amended by inserting "(g)," after "(f),".

(b) Section 202(q)(3) of such Act is amended by inserting "or surviving divorced husband" after "widower" in subparagraphs (E), (F), and (G).

(c) Section 202(q)(5) of such Act is amended—

(1) by inserting "husband's or" before "wife's" each place it appears;

(2) by inserting "he or" before "she" each place it appears;

(3) by inserting "his or" before "her" each place it appears;

(4) by striking out "woman" each place it appears and inserting in lieu thereof in each instance "an individual"; and

(5) in subparagraph (D), by inserting "widower's or" before "widow's", by inserting "wife or" before "husband" each place it appears, by inserting "wife's or" before "husband's" each place it appears, and by inserting "father's or" before "mother's".

(d)(1) Section 202(q)(6)(A)(i) of such Act is amended by striking out "or husband's insurance" in subdivision (I), and by inserting "or husband's" after "wife's" in subdivision (II).

(2) Section 202(q)(7) of such Act is amended, in subparagraph (B), by inserting "husband's or" before "wife's", by inserting "he or" before "she", and by inserting "his or" before "her", and in subparagraph (D) by inserting "or widower's" after "widow's".

(e)(1) Section 202(s)(1) of such Act is amended by inserting "(c)(1)," after "(b)(1),".

(2) Section 202(s)(2) of such Act is amended by inserting "(c)(4)," after "(b)(3),".

(3) Section 202(s)(3) of such Act is amended by inserting "(c)(4)," after "(b)(3),", and by inserting "(f)(4)," after "(e)(3),".

(f) The third sentence of section 203(b) of such Act is amended by inserting "or father's" after "mother's".

(g) The text of section 203(c) of such Act is amended to read as follows:

"(c) Deductions, in such amounts and at such time or times as the Secretary shall determine, shall be made from any payment or payments under this title to which an individual is entitled, until the total of such deductions equals such individual's benefits or benefit under section 202 for any month—

"(1) in which such individual is under the age of seventy and on seven or more different calendar days of which such individual engaged in noncovered remunerative activity outside the United States;

"(2) in which such individual, if a wife or husband under age sixty-five entitled to a wife's or husband's insurance benefit, did not have in his care (individually or jointly with his spouse) a child of such spouse entitled to a child's insurance benefit and such wife's or husband's insurance benefit for such month was not reduced under the provisions of section 202(q);

"(3) in which such individual, if a widow or widower entitled to a mother's or father's insurance benefit, did not have in his care a child of his or her deceased spouse entitled to a child's insurance benefit; or

"(4) in which such an individual, if a surviving divorced mother or father entitled to a mother's or father's insurance benefit, did not have in his care a child of his deceased former spouse who (A) is his son, daughter, or legally adopted child, and (B) is entitled to a child's insurance benefit on the basis of the wages and self-employment income of such deceased former spouse.

For purposes of paragraphs (2), (3), and (4) of this subsection, a child shall not be considered to be entitled to a child's insurance benefit for any month in which paragraph (1) of section 202(s) applies or an event specified in section 222(b) occurs with respect to such child. Subject to paragraph (3) of such section 202(s), no deductions shall be made under this subsection from any child's insurance benefit for the month in which the child entitled to such benefit attained the age of eighteen or any subsequent month; nor shall any deduction be made under this subsection from any widow's insurance benefits for any month in which the widow or surviving divorced wife is entitled and has not attained age sixty-five (but only if she became so entitled prior to attaining age sixty), or from any widower's insurance benefit for any month in which the widower or surviving divorced husband is entitled and has not attained age sixty-five (but only if he became so entitled prior to attaining age sixty).".

(h) Section 203(d) of such Act is amended by inserting "divorced husband," after "husband," in paragraph (1), and by inserting "or father's" after "mother's" each place it appears in paragraph (2).

(i)(1) Section 205(b) of such Act (as amended by section 201(d)(1) of this act) is further amended by inserting "surviving divorced father," after "mother,".

(2) Section 205(c)(1)(C) of such Act (as amended by section 201(d)(2) of this Act) is further amended by inserting "surviving divorced father," after "surviving divorced mother,".

(j) Section 216(f)(3)(A) of such Act is amended by inserting "(c)," before "(f)".

(k) Section 216(g)(6)(A) of such Act is amended by inserting "(c)", before "(f)".

(l) Section 222(b)(1) of such Act is amended by striking out "or surviving divorced wife" and inserting in lieu thereof ", surviving divorced wife, or surviving divorced husband".

(m) Section 222(b)(3) of such Act is amended by inserting "divorced husband," after "husband,".

(n) Section 222(b)(2) of such Act is amended by inserting "or father's" after "mother's" each place it appears.

(o) Section 222(d)(1) of such act is amended by inserting "and surviving divorced husbands" after "for widowers" in the matter following clause (iii).

(p) Section 223(d)(2) of such Act is amended by striking out "or widower" each place that term appears in subparagraphs (A) and (B) and inserting in lieu thereof in each instance "widower, or surviving divorced husband".

(q) Section 225(a) of such Act is amended by inserting "or surviving divorced husband" after "widower".

(r)(1) Section 226(e)(3) of such Act is amended to read as follows:

"(3) For purposes of determining entitlement to hospital insurance benefits under subsection (b), any disabled widow age 50 or older who is entitled to mother's insurance benefits (and who would have been entitled to widow's insurance benefits by reason of disability if she had filed for such widow's benefits), and any disabled widower age 50 or older who is entitled to father's insurance benefits (and who would have been entitled to widower's insurance benefits by reason of disability if he had filed for such widower's benefits), shall, upon application for such hospital insurance benefits be deemed to have filed for such widow's or widower's benefits.".

(2) For purposes of determining entitlement to hospital insurance benefits under section 226(e)(3) of the Social Security Act, as amended by paragraph (1) of this subsection, an individual becoming entitled to such hospital insurance benefits as a result of the amendment made by such paragraph shall, upon furnishing proof of such disability within twelve months after the month of enactment of this Act, under such procedures as the Secretary may prescribe, be deemed to have been entitled to the widow's or widower's benefits referred to in such section 226(e)(3), as so amended, as of the time such individual would have been entitled to such widow's or widower's benefits if he or she had filed a timely application therefor.

EFFECTIVE DATE

SEC. 209. Except as otherwise specifically provided in this title, the amendments made by the preceding provisions of this title apply only with respect to monthly benefits payable under title II of the Social Security Act for months after December 1982.

RAILROAD RETIREMENT

SEC. 210. (a) Section 2(c) of the Railroad Retirement Act of 1974 is amended—

(1) in subdivision (1)(ii)(C), by striking out ", in the case of a wife, has in her care (individually or jointly with her husband)" and inserting in lieu thereof "has in his or her care (individually or jointly with his or her spouse)";

(2) in subdivision (2), by inserting "or divorced husband" after "divorced wife" each place it appears;

(3) in subdivision (3)—

(A) by striking out "who (i)" and inserting in lieu thereof "who", and

(B) by striking out "husband; and (ii)" and all that follows and inserting in lieu thereof a period; and

(4) by amending subdivision (4) to read as follows:

"(4) The divorced wife (as defined in section 216(d) of the Social Security Act) or divorced husband (as defined in such section) of an individual, if—

"(i) such individual (A) is entitled to an annuity under subsection (a)(1) of this section, and (B) has attained age 62;

"(ii) such divorced wife or divorced husband (A) has attained age 65, and (B) is not married; and

"(iii) such divorced wife or divorced husband would have been entitled to a benefit under section 202(b) or 202(c) of the Social Security Act as the divorced wife or divorced husband of such individual if all of such individual's service as an employee after December 31, 1936, had been included in the term 'employment' as defined in such Act,

shall, subject to the conditions set forth in subsections (e), (f), and (h) of this section, be entitled to a divorced wife's or divorced husband's annuity, if she or he has filed an application therefor, in the amount provided under section 4 of this Act.".

(b) Section 2(d) of such Act is amended—

(1) in subdivision (1)(i), by striking out "and who, in the case of a widower" and all that follows and inserting in lieu thereof a semicolon;

(2) in subdivision (1)(ii), by inserting "or widower (as defined in section 216(g) and (k) of the Social Security Act)" after "a widow (as defined in section 216(c) and (k) of the Social Security Act)", and by striking out "her care" and inserting in lieu thereof "her or his care";

(3) by amending subdivision (1)(v) to read as follows:

"(v) the widow (as defined in section 216(c) of the Social Security Act), who is married, or has been married after the death of the employee, the widower (as defined in section 216(g) of the Social Security Act) who is married, or has been married after the death of the employee, the surviving divorced wife (as defined in section 216(d) of the Social Security Act), the surviving divorced husband (as defined in section 216(d) of the Social Security Act), the surviving divorced mother (as defined in section 216(d) of the Social Security Act), and the surviving divorced father (as defined in section 216(d) of the Social Security Act) if such widow, widower, surviving divorced wife, surviving divorced husband, surviving divorced mother, or surviving divorced father would have been entitled to a benefit under section 202(e), 202(f), or 202(g) of the Social Security Act as the widow, widower, surviving divorced wife, surviving divorced husband, surviving divorced mother, or surviving divorced father of the employee if all of the employee's service as an employee after December 31, 1936, had been included in the term 'employment' as defined in that Act. For the purpose of this paragraph—

"(A) the references in section 202(e)(3) and 202(g)(3) of the Social Security Act to an individual entitled under section 202(f) of that Act shall include an individual entitled to an annuity under paragraph (i) of this subdivision and an individual entitled to an annuity under paragraph (ii) of this subdivision,

"(B) the reference in section 202(f)(4) of the Social Security Act to an individual entitled under section 202(b) of that Act shall include an individual entitled to an annuity under subsection (c) of this section,

"(C) the reference in section 202(f)(4) of the Social Security Act to an individual entitled under section 202(e) or (g) of that Act shall include an individual entitled to an annuity under paragraph (i) of this subdivi-

sion and an individual entitled to an annuity under paragraph (ii) of this subdivision,

"(D) the reference in section 202(f)(4) of the Social Security Act to an individual entitled under section 202(h) of that Act shall include an individual entitled to an annuity under paragraph (iv) of this subdivision,

"(E) the reference in section 202(f)(4) of the Social Security Act to an individual entitled under section 202(d) of that Act shall include an individual entitled to an annuity under paragraph (iii) of this subdivision,

"(F) the reference in section 202(e)(3) and section 202(g)(3) of the Social Security Act to an individual entitled under section 202(d) or section 202(h) of that Act shall include an individual entitled to an annuity under paragraph (iii) or paragraph (iv) of this subdivision, and

"(G) the references in section 202(g)(3) and section 223(a) of that Act shall include an individual entitled to an annuity under subsection (a)(1) of this section."; and

(4) by amending subdivision (2)(B) to read as follows: "the last month for which the widow or widower was entitled to an annuity under paragraph (2) of subdivision (1) as the widow or widower of the deceased employee, or".

(c) Section 2(e)(5) of such Act is amended by inserting "or divorced husband" after "divorced wife" each place it appears.

(d) Section 2(f)(2) of such Act is amended by inserting "or divorced husband's" after "divorced wife's" each place it appears.

(e) Section 2(h) of such Act is amended by inserting "or divorced husband" after "divorced wife" each place it appears.

(f) Section 4(a)(1) of such Act is amended by inserting "or divorced husband" after "divorced wife" each place it appears.

(g) Section 4(f)(2)(iii) of such Act is amended to read as follows:

"(iii) the provisions of paragraphs (i) and (ii) of this subdivision shall not apply to the annuity of a widow, widower, surviving divorced wife, surviving divorced husband, surviving divorced mother, or surviving divorced father, who is entitled to such annuity on the basis of the provisions of section 2(d)(1)(v) of this Act.".

(h) Section 4(g)(5) of such Act is amended to read as follows:

"(5) This subsection shall not apply to the annuity of a widow, widower, surviving divorced wife, surviving divorced husband, surviving divorced mother, or surviving divorced father, who is entitled to such annuity on the basis of the provisions of section 2(d)(1)(v) of this Act.".

(i) Section 4(h)(2) of such Act is amended by striking out the first sentence thereof and inserting in lieu thereof the following: "Subdivision (1) of this subsection shall not apply to the annuity of a widow, widower, surviving divorced wife, surviving divorced husband, surviving divorced mother, or surviving divorced father, who is entitled to such annuity on the basis of the provisions of section 2(d)(1)(v) of this Act.".

(j) Section 4(i) of such Act is amended by inserting "or divorced husband" after "divorced wife" each place it appears.

(k) Section 5(c)(3) of such Act is amended—

(1) by inserting "or husband" after "wife" each place it appears in the first sentence thereof;

(2) by striking out "her care" and inserting in lieu thereof "her or his care"; and

(3) by inserting "or divorced husband" after "divorced wife" each place it appears in the second sentence thereof.

(l) Section 5(c)(6) of such Act is amended—

(1) by inserting "or widower" after "widow";

(2) by inserting "or he" after "she" each place it appears; and

(3) by striking out "her care" and inserting in lieu thereof "her or his care".

(m) Section 6(a)(3) of such Act is amended by inserting "or divorced husband" after "divorced wife" and by inserting "or divorced husband's" after "divorced wife's".

(n) Section 6(b)(2) of such Act is amended by inserting "surviving divorced husband," after "widower," the first place it appears.

(o) Section 6(c)(2) of such Act is amended by inserting "or divorced husband" after "divorced wife".

(p) Section 7(b)(2)(B) of such Act is amended by inserting "or divorced husband" after "husband".

(q) Section 7(d)(2)(i)(B) of such Act is amended by inserting "or divorced husband" after "divorced wife".

(r) The amendments made by this section shall be effective with respect to annuities payable for months after December 1982.

WORK INCENTIVE PROGRAM

SEC. 211. (a) Section 433(a) of the Social Security Act is amended by striking out all after the colon in the last sentence thereof and inserting in lieu thereof the following: "first, unemployed parents; second, dependent children and relatives who have attained age 16 and who are not in school or engaged in work or manpower training; and third, all other individuals so certified.".

(b) The amendment made by this section shall become effective on the date of the enactment of this Act.

TITLE III—AMENDMENTS TO UNITED STATES CODE

TITLE 5

SEC. 301. Section 2108(3) of title 5, United States Code, is amended by striking out subparagraphs (F) and (G) and inserting in lieu thereof the following:

"(F) any parent of an individual who lost his or her life under honorable conditions while serving in the armed forces during a period named by paragraph (1)(A) of this section, if—

"(i) such parent's spouse is totally and permanently disabled;

"(ii) such parent is widowed, divorced, or separated from the other parent and has not remarried; or

"(iii) such parent has remarried but is widowed, divorced, or legally separated when preference is claimed; and

"(G) any parent of a service-connected permanently and totally disabled veteran, if—

"(i) such parent's spouse is totally and permanently disabled;

"(ii) such parent is widowed, divorced, or separated from the other parent and has not remarried; or

"(iii) such parent has remarried but is widowed, divorced, or legally separated when preference is claimed;".

IMMIGRATION

SEC. 302. (a) The first sentence of section 283 of the Immigration and Nationality Act (8 U.S.C. 1353) is amended by striking out "wives" and inserting in lieu thereof "spouses".

(b) Section 340 of such Act (8 U.S.C. 1451) is amended—

(1) in subsection (a) by—

(A) striking out "his naturalization" and inserting in lieu thereof "his or her naturalization";

(B) striking out "his subversive" and inserting in lieu thereof "his or her subversive"; and

(C) striking out "his residence" and inserting in lieu thereof "his or her residence".

(2) in subsection (b) by—

(A) striking out "his residence" and inserting in lieu thereof "his or her residence"; and

(B) striking out "upon him".

(3) in subsection (d) by—

(A) striking out "his nativity" and inserting in lieu thereof "his or her nativity"; and

(B) striking out "his petition" and inserting in lieu thereof "his or her petition";

(4) in subsection (e) by—

(A) striking out "his certificate" and inserting in lieu thereof "his or her certificate"; and

(B) striking out "wife" and inserting in lieu thereof "spouse"; and

(5) in subsection (f) by—

(A) striking out "he may" and inserting in lieu thereof "he or she may"; and

(B) striking out "his citizenship" and inserting in lieu thereof "his or her citizenship".

(c) The first sentence of section 341 of such Act (8 U.S.C. 1452) is amended by striking out "husband" and inserting in lieu thereof "spouse".

(d) Section 357 of such Act (8 U.S.C. 1489) is amended—

(1) by striking out "woman" each of the two places it appears and inserting in lieu thereof "person"; and

(2) by inserting before "her" each of the two places it appears "his or".

(e) The Act entitled "An Act to further regulate interstate and foreign commerce by prohibiting the transportation therein for immoral purposes of women and girls, and for other purposes", approved June 25, 1910 (36 Stat. 826, chapter 395; 8 U.S.C. 1557) is amended—

(1) by amending the title to read as follows: "An Act to further regulate interstate and foreign commerce by prohibiting the transportation therein for immoral purposes of adults and youths, and for other purposes"; and

(2) by striking out "women and girls" each of the five places it appears and inserting in lieu thereof "adults and youths".

(f) Section 1 of the Act entitled "An Act Making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921", approved June 4, 1920 (41 Stat. 750, chapter 223; 22 U.S.C. 214) is amended by—

(1) inserting "or her" after "his" each place it appears; and

(2) striking out in the third sentence "widow" and inserting in lieu thereof "surviving spouse".

WALSH-HEALEY

SEC. 303. (a) Subsection (d) of the first section of the Act entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes" (commonly referred to as the Walsh-Healey Act), approved June 30, 1936 (49 Stat. 2036; 41 U.S.C. 35) is amended by striking out "no male person under sixteen years of age and no female person under eighteen years of age" and inserting in lieu thereof "no person under sixteen years of age".

(b) The first sentence of section 2 of such Act (49 Stat. 2037; 41 U.S.C. 36) is amended by striking out "each male person under sixteen years of age or each female person under eighteen years of age," and inserting in lieu thereof "each person under sixteen years of age".

AGRICULTURE

SEC. 304. Section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) is amended—

(1) by striking out "of working mothers" in the third sentence of subsection (c) and inserting in lieu thereof "from households in which both parents work or from single parent households in which the parent works"; and

(2) by striking out "his" in the third sentence of subsection (f) and inserting in lieu thereof "the Secretary's".

INDIAN AFFAIRS

SEC. 305. The Act entitled "An Act authorizing appropriations and expenditures for the administration of Indian affairs, and for other purposes" approved November 2, 1921 (42 Stat. 208, chapter 115; 25 U.S.C. 13) is amended by striking out "field matrons,".

SEC. 306. Section 3 of the Act of March 3, 1875 (18 Stat. 449, chapter 132; 25 U.S.C. 137) is hereby repealed.

SEC. 307. The Act entitled "An Act in relation to marriage between white men and Indian women" approved August 9, 1888 (25 Stat. 392; 25 U.S.C. 180 et seq.) is amended—

(1) by amending the title to read as follows:

"An Act in relation to marriage between non-Indians and Indians";

(2) in section 1 (25 Stat. 392; 25 U.S.C. 181) by—

(A) striking out "white man" and inserting in lieu thereof "non-Indian"; and

(B) striking out "woman";

(3) by repealing section 2 (25 Stat. 392; 25 U.S.C. 182); and

(4) in section 3 (25 Stat. 392; 25 U.S.C. 183) by—

(A) striking out "white man" and inserting in lieu thereof "non-Indian"; and

(B) striking out "woman".

SEC. 308. The Act of June 7, 1897 (30 Stat. 62, chapter 3) is amended—

(1) in section 1 (30 Stat. 90, chapter 3; 25 U.S.C. 184) by—

(A) striking out "white man" and inserting in lieu thereof "non-Indian";

(B) striking out "woman" each place it appears;

(C) striking out "her death" each place it appears and inserting in lieu thereof "his or her death"; and

(D) striking out "mother" and inserting in lieu thereof "Indian parent"; and

(2) in section 1 (30 Stat. 83, chapter 3; 25 U.S.C. 274) by striking out "girls as assistant matrons and Indian boys" and inserting in lieu thereof "youths as dormitory aids and".

SEC. 309. Section 11 of the Act of February 8, 1887 (24 Stat. 391, chapter 119) is hereby repealed.

SEC. 310. Section 5 of the Act of February 28, 1891 (26 Stat. 795, chapter 383; 25 U.S.C. 371) is amended by—

(1) striking out "husband and wife" and inserting in lieu thereof "spouses"; and

(2) striking out "father" and inserting in lieu thereof "parents".

TRANSPORTATION

SEC. 311. Section 1 of the Act entitled "An Act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes", approved June 19, 1886 (46 U.S.C. 331) is amended by striking out "boys" and inserting in lieu thereof "youths".

SEC. 312. Section 12 of the Act entitled "An Act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea", approved March 4, 1915 (46 U.S.C. 601) is amended by striking out the first proviso of the second sentence and inserting in lieu thereof "*Provided*, That nothing contained in this or any preceding section shall interfere with the order by any court regarding the payment by any master or seaman of any part of his or her wages for the support and maintenance of his or her spouse and minor children:".

TITLE 18

SEC. 313. (a) Section 3056(a) of title 18, United States Code, is amended—

(1) in the first sentence in the matter before the first semicolon by striking out "the members of his immediate family" and inserting in lieu thereof "the members of his or her immediate family";

(2) in the first sentence in the clause after the first semicolon by striking out "his wife during his lifetime, the person of a widow of a former President until her death or remarriage" and inserting in lieu thereof "his or her spouse during the former President's lifetime, the person of a surviving spouse of a former President until the surviving spouse's death or remarriage"; and

(3) in the first sentence in the clause after the eighth semicolon by striking out "his certificate" and inserting in lieu thereof "his or her certificate".

(b) Subsection (b) of section 245 of title 18, United States Code, is amended by adding after "race, color, religion", each place it appears, a comma and the following: "sex,".

(c) Section 1153 of title 18, United States Code, is amended by striking out "carnal knowledge of any female, not his wife, who has not attained the age of sixteen years" and inserting in lieu thereof "sexual abuse of a minor".

(d)(1) Section 2032 of title 18, United States Code, is amended by striking out "carnally knows any female, not his wife, who has not attained the age of sixteen years" and inserting in lieu thereof "engages in a sexual act with another person, who is not his spouse and in fact is less than sixteen years old".

(2) The heading for section 2032 of title 18, United States Code, is amended to read as follows:

"§ 2032. Sexual abuse of a minor".

(3) The table of sections for chapter 99 of title 18, United States Code, is amended by striking out the item for section 2032 and inserting in lieu thereof the following:

"2032. Sexual abuse of a minor.".

(e) Sections 2198, 2424, and 3614 of title 18, United States Code, are repealed.

PUBLIC LANDS

SEC. 314. Section 2287 of the Revised Statutes (43 U.S.C. 161) is amended—

(1) in the first sentence by striking out "Every person who is the head of a family, or who has" and inserting in lieu thereof "Every person who is married or who has one or more dependents or who has"; and

(2) by inserting after "his" each place it appears the following: "or her".

SEC. 315. Section 2290 of the Revised Statutes (43 U.S.C. 162) is amended in the matter before the first semicolon by striking out "the head of a family, or is over twenty-one years of age," and inserting in lieu thereof "is married, or has one or more dependents, or is over twenty-one years of age,".

SEC. 316. Section 2291 of the Revised Statutes (43 U.S.C. 164) is amended by—

(1) striking out "No certificate shall be given or patent issued therefor until the expiration of three years from the date of such entry; and if at the expiration of such time, or at any time within two years thereafter, the person making such entry, or if he be dead his widow, or in case of her death his heirs or devisee, or in case of a widow making such entry her heirs or divisee, in case of her death, proves by himself" and insert in lieu thereof "No certificate shall be given or patent issued therefor until the expiration of three years from the date of such entry; and if at the expiration of such time, or at any time within two years thereafter, the person making such entry, or if such enterer be dead, the surviving spouse, or in case of the surviving spouse's death the enterer heirs or divisee, or in case of a surviving spouse making such entry the surviving spouse's heirs or divisee, in case of the surviving spouse's death, proves by the enterer";

(2) striking out "he, she, or they" each place it appears and inserting in lieu thereof "they";

(3) striking out "entryman" each place it appears and inserting in lieu thereof "enterer";

(4) in the second proviso by—

(A) striking out "date of his death" and inserting in lieu thereof "date of his or her death"; and

(B) striking out "had he lived" and inserting in lieu thereof "had he or she lived"; and

(5) in the third proviso by—

(A) striking out "area of his entry" and inserting in lieu thereof "area of his or her entry"; and

(B) striking out "by him".

SEC. 317. Section 3 of the Act entitled "An Act for the relief of settlers on public lands", approved May 14, 1880 (21 Stat. 141; 43 U.S.C. 166) is amended—

(1) in the first sentence by—

(A) striking out "time to file his" and inserting in lieu thereof "time to file his or her";

(B) striking out "perfect his original entry" and inserting in lieu thereof "perfect original entry";

(C) striking out "and his right" and inserting in lieu thereof "and the right"; and

(D) striking out "if he settled" and inserting in lieu thereof "if the settler settled";

(2) in the matter before the first proviso in the second sentence by—

(A) striking out "unmarried woman" and inserting in lieu thereof "unmarried person";

(B) striking out "she" and inserting in lieu thereof "the person";

(C) striking out "her marriage" and inserting in lieu thereof "the marriage"; and

(D) striking out "her right" and inserting in lieu thereof "his or her right";

(3) in the first proviso by striking out "she does not abandon" and inserting in lieu thereof "the person does not abandon his or";

(4) by striking out the second proviso; and

(5) in the remaining provisos by—

(A) striking out "he" and inserting in lieu thereof "the settler"; and

(B) striking out "his" both places it appears and inserting in lieu thereof "his or her".

SEC. 318. The Act entitled "An Act providing that the marriage of a homestead entryman to a homestead entrywoman shall not impair the right of either to a patent after

compliance with the law a year, to apply to existing enterers", approved April 6, 1914 (38 Stat. 312; 43 U.S.C. 167) is amended to read as follows:

"The marriage of one homestead enterer to another after each shall have fulfilled the requirements of the homestead law for one year next preceding such marriage shall not impair the right of either to a patent, but if they choose to live together, they shall together elect on which of the two entries the home shall thereafter be made and residence thereon by both spouses shall constitute a compliance with the residence requirements upon each entry: *Provided*, That the provisions of this action shall apply to entries existing on April 6, 1914: *Provided further*, That in the administration of this section the term "enterer" shall be construed to include bona fide settlers who have complied with the homestead law for at least one year next preceding such marriage.".

SEC. 319. The Act entitled "An Act to provide for certificate of title to homestead entry by a female American citizen who has intermarried with an alien", approved October 17, 1914 (38 Stat. 740; 43 U.S.C. 168) is repealed.

SEC. 320. The Act entitled "An Act to provide for issuing patents for public lands claimed under the homestead laws by deserted wives", approved October 22, 1914 (38 Stat. 766; 43 U.S.C. 170) is amended—

(1) in the matter before the first proviso by—

(A) striking out "wife" both places it appears and inserting in lieu thereof "spouse";

(B) striking out "by her husband"; and

(C) striking out "in her name" and inserting in lieu thereof "in his or her name";

(2) in the first proviso by—

(A) striking out "wife" and inserting in lieu thereof "deserted spouse";

(B) striking out "herself" and inserting in lieu thereof "such deserted spouse"; and

(C) striking out "her husband" and inserting in lieu thereof "the enterer spouse"; and

(3) in the second proviso by—

(A) striking out "wife" and inserting in lieu thereof "spouse"; and

(B) striking out "husband" and inserting in lieu thereof "deserting enterer spouse".

SEC. 321. The Act entitled "An Act for the protection of homestead settlers who enter the military or naval service of the United States in time of war", approved June 16, 1898 (30 Stat. 473; 43 U.S.C. 240) is amended by—

(1) inserting after "his" each place it appears the following: "or her"; and

(2) inserting after "he" each place it appears "or she".

SEC. 322. The Act entitled "An Act to allow credit in connection with homestead entries to widows of persons who served in certain Indian wars", approved March 3, 1933 (47 Stat. 1424; 43 U.S.C. 243a) is amended by striking out "widow" and inserting in lieu thereof "surviving spouse".

SEC. 323. Section 2293 of the Revised Statutes (43 U.S.C. 255) is amended by—

(1) striking out "himself" and inserting in lieu thereof "himself or herself";

(2) striking out "he" and inserting in lieu thereof "the person"; and

(3) striking out "wife" and inserting in lieu thereof "spouse".

SEC. 324. Section 2305 of the Revised Statutes (43 U.S.C. 272) is amended—

(1) in the matter before the first semicolon by adding after "he" the following: "or she";

(2) in the clause after the first semicolon by striking out "his homestead for a period of at least one year after he shall have commenced his improvements" and inserting in lieu thereof "his or her homestead for a period of at least one year after the improvements were commenced";

(3) by striking out the provisos and inserting in lieu thereof the following:

"*Provided*, That in every case in which a settler on the public land of the United States under the homestead laws died while actually engaged in the Army, Navy, or Marine Corps of the United States as private soldier, officer, seaman, or marine, during the war with Spain or the Philippine insurrection the settler's survivors, if unmarried, or in case of the surviving spouse's death or marriage, then the minor orphan children or their legal representatives, may proceed forthwith to make final proof upon the land so held by the deceased soldier and settler, and that the death of such soldier while so engaged in the service of the United States shall, in the administration of the homestead laws, be construed to be equivalent to a performance of all requirements as to residence and cultivation for the full period of five years, and shall entitle the surviving spouse, if unmarried, or in case of the surviving spouse's death or marriage, then the minor orphan children or their legal representatives, to make final proof upon and receive Government patent for said land; and that upon proof produced to the officers of the proper local land office by the surviving spouse, if unmarried, or in case of the surviving spouse's death or marriage, then the minor orphan children or their legal representatives, that the applicant for patent is the surviving spouse, if unmarried, or in case of the surviving spouse's death or marriage, the orphan children or their legal representatives, and that such soldier, sailor, or marine died while in the service of the United States as hereinbefore described, the patent for such land shall issue.".

SEC. 325. Section 2307 of the Revised Statutes (43 U.S.C. 278) is amended by—

(1) striking out "his widow" and inserting in lieu thereof "the surviving spouse"; and

(2) striking out "entrywoman" and inserting in lieu thereof "enterer".

CIVIL RELIEF ACT

SEC. 326. (a) Section 503 of the Soldiers' and Sailors' Civil Relief Act of 1940 (54 Stat. 1187; 50 App. U.S.C. 563) is amended—

(1) in subsection (1) by striking out "his widow, if unmarried, or in the case of her death or marriage, his minor children, or his or" and inserting in lieu thereof "the surviving spouse, if unmarried, or in the case of the surviving spouse's death or marriage, the minor children, or"; and

(2) in subsection (2) by inserting after "he" the following: "or she".

(b) Section 504 of the Soldiers' and Sailors' Civil Relief Act of 1940 (54 Stat. 1187; 50 App. U.S.C. 564) is amended—

(1) by striking out "entryman" each place it appears and inserting in lieu thereof "enterer";

(2) by striking out "his" each place it appears and inserting in lieu thereof "his or her"; and

(3) by striking out "he" each place it appears and inserting in lieu thereof "he or she".

(c) Section 510 of the Soldiers' and Sailors' Civil Relief Act of 1940 (54 Stat. 1189; 50 App. U.S.C. 570) is amended—

(1) by striking out "entryman" each place it appears and inserting in lieu thereof "enterer";

(2) by striking out "his" each place it appears and inserting in lieu thereof "his or her"; and

(3) by striking out "he" each place it appears and inserting in lieu thereof "he or she".

MISCELLANEOUS

SEC. 327. Section 8 of the Act of March 22, 1882 (22 Stat. 31, chapter 47; 48 U.S.C. 1461) is repealed.

SEC. 328. Section 604(a)(7) of title 28, United States Code, is amended by striking out "widows" and inserting in lieu thereof "surviving spouses".

SEC. 329. Section 2 of the Act of August 16, 1941 (55 Stat. 623 chapter 357; 42 U.S.C. 1652) is amended in subsection (b) by—

(1) striking out "surviving wife" the first place it appears and inserting in lieu thereof "the surviving spouse"; and

(2) striking out "surviving wife" the second place it appears and inserting in lieu thereof "surviving spouse"; and

(3) striking out "his option" and inserting in lieu thereof "his or her option".

SEC. 330. Section 1981 of the Revised Statutes (42 U.S.C. 1986) is amended by—

(1) striking out "his legal representative" the first place it appears and inserting in lieu thereof "his or her legal representative"; and

(2) striking out "widow" each place it appears and inserting in lieu thereof "surviving spouse".

SAINT ELIZABETHS HOSPITAL

SEC. 331. (a) Section 4839 of the Revised Statutes (24 U.S.C. 165) is amended—

(1) by striking out "he" each place it appears in the second sentence;

(2) by inserting "or her" after "his" in the second sentence;

(3) by striking out "and, in the case of a male pensioner, his wife, minor children, and dependent parents, or, if a female pensioner, her minor children, if any," in the last sentence and inserting in lieu thereof "and the spouse, minor children, and dependent parents of the pensioner,";

(4) by striking out "shall if a female pensioner, be paid to her minor children, and in the case of a male pensioner, be paid to his wife, if living; if no wife survives him, then to his minor children; and in case there is no wife" in the last sentence and inserting in lieu thereof "shall be paid to the spouse of the pensioner, if living, or if no spouse survives the pensioner, then to the minor children of the pensioner; and in case there is no spouse".

(5) by inserting "or her" before "credit at said home" in the last sentence;

(6) by striking out "his said transfer" in the last sentence and inserting in lieu thereof "the transfer";

(7) by striking out "be transferred with him" in the last sentence and inserting in lieu thereof "also be transferred";

(8) by striking out "placed to his credit therein" in the last sentence and inserting in lieu thereof "placed to the pensioner's";

(9) by striking out "his return from said hospital" in the last sentence and inserting in lieu thereof "the pensioner's return from such hospital"; and

(10) by inserting "or her" before "credit at said hospital" in the last sentence.

(b) The third clause of section 4843 of the Revised Statutes (24 U.S.C. 191) is amended by striking out "Men" and inserting in lieu thereof "Persons".

FEDERAL MINE SAFETY AND HEALTH ACT OF 1977

SEC. 332. (a) Section 203 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 843) is amended—

(1) in subsection (a)—

(A) by striking out "commencement of his employment" in the second sentence and inserting in lieu thereof "the commencement of employment";

(B) by striking out "he" the first place it appears in the second sentence and inserting in lieu thereof "the worker";

(C) by inserting "or she" after "he" the second place it appears in the second sentence;

(D) by inserting "or her" after "his" in the fourth sentence; and

(E) by striking out "advise him of his rights" in the fifth sentence and inserting in lieu thereof "advise the miner of the miner's rights";

(2) in subsection (b)—

(A) by striking out "from his position" each place it appears in paragraphs (1) and (2);

(B) by striking out "him" in paragraph (3) and inserting in lieu thereof "the miner"; and

(C) by striking out "his" in paragraph (3); and

(3) by striking out "him" in the first sentence of subsection (c) and inserting in lieu thereof "the miner"; and

(4) by striking out "such miner" in the first sentence of subsection (d) and all that follows through the end of the sentence and inserting in lieu thereof "such miner, with the consent of the surviving spouse or, if there is no such surviving spouse, then with the consent of the surviving next of kin.".

(b) Section 402 of such Act (30 U.S.C. 902) is amended—

(1) in subsection (a)(2)—

(A) by inserting "or husband" after "wife" in the first sentence;

(B) by striking out "her" the first place it appears in the first sentence;

(C) by striking out "husband" in the first sentence and inserting in lieu thereof "spouse";

(D) by inserting "his or" before "her" each place it appears (after the amendment made by subparagraph (B));

(E) by inserting "or 'husband' " after "'wife' " in the second sentence; and

(F) by striking out "The term 'wife' also includes a 'divorced wife' " in the third sentence and inserting in lieu thereof "The terms 'wife' and 'husband' also include a 'divorced wife' and a 'divorced husband', respectively,";

(2) in subsection (e)—

(A) by striking out "The term 'widow' includes the wife" in the first sentence and inserting in lieu thereof "The terms 'widow' and 'widower' include the spouse";

(B) by striking out "his" each place it appears and inserting in lieu thereof "the miner's";

(C) by inserting "or 'widower' " after "'widow' " in the second sentence;

(D) by striking out "a 'surviving divorced wife' as defined in section 216(d)(2) of the Social Security Act" in the third sentence and inserting in lieu thereof " a 'surviving divorced wife' and a 'surviving divorced husband' as defined in paragraphs (2) and (5), respectively, of section 216 of the Social Security Act"; and

(E) by inserting "his or" before "her" each place it appears in the third sentence; and

(3) by striking out "widow" each place it appears in the third sentence of subsection (g) and inserting in lieu thereof "the miner's widow or widower".

(c) Section 411 of such Act (30 U.S.C. 921) is amended—

(1) in subsection (a)—

(A) by striking out "him" and inserting in lieu thereof "the Secretary"; and

(B) by striking out "his"; and

(2) in subsection (c)—

(A) by striking out "his" in paragraph (1) and inserting in lieu thereof "the";

(B) by striking out "his" in the first sentence of paragraph (2);

(C) by striking out "he" each place it appears in paragraph (3) and inserting in lieu thereof "the miner";

(D) by striking out "his" each place it appears in paragraph (3) and each place it appears in the first sentence of paragraph (4);

(E) by striking out ", widow's" in the first sentence of paragraph (4) (after the amendment made by subparagraph (D)) and inserting in lieu thereof "or the miner's widow's, widower's";

(F) by striking out "he" in the first sentence of paragraph (4) and inserting in lieu thereof "the miner";

(G) by inserting "or husband's" after "wife's" in the second sentence of paragraph (4);

(H) by striking out "he" in the third sentence of paragraph (4) and inserting in lieu thereof "the Secretary"; and

(I) by striking out "his" in the fourth sentence of paragraph (4) and inserting in lieu thereof "such miner's".

(d) Section 412 of such Act (30 U.S.C. 922) is amended—

(1) in subsection (a)—

(A) by striking out "his widow" in paragraph (2) and inserting in lieu thereof "the widow or widower";

(B) by striking out "he were" in paragraph (2);

(C) by striking out "his" each place it appears in the first sentence of paragraph (3);

(D) by inserting "or widower" after "widow" each place it appears in paragraph (3);

(E) by striking out "her" in the first sentence of paragraph (3) and inserting in lieu thereof "the widow's or widower's";

(F) by striking out "he" in the first sentence of paragraph (3) and inserting in lieu thereof "the child";

(G) by inserting "or she" after "he" in the proviso of the second sentence of paragraph (3);

(H) by striking out "his" the first place it appears in the first sentence of paragraph (5);

(I) by striking out "at the time of his death" each place it appears in the first sentence of paragraph (5) (after the amendment made by subparagraph (H));

(J) by striking out "a widow or a child" each place it appears in the first sentence of paragraph (5) and inserting in lieu thereof "a widow, widower, or child";

(K) by striking out "a widow, child, or parent" each place it appears in the first sentence of paragraph (5) and inserting in lieu thereof "a widow, widower, child, or parent";

(L) by striking out "at the time of his or her death" each place it appears in the first sentence of paragraph (5);

(M) by striking out "a brother only if he is—" in the fourth sentence of paragraph (5) and inserting in lieu thereof "a brother or sister only if the brother or sister is—"; and

(N) by striking out "him" in paragraph (6) and inserting in lieu thereof "the Secretary"; and

(2) by striking out "his widow," each place it appears in the first sentence of subsection (b) and inserting in lieu thereof "the miner's widow, widower,".

(e) Section 413 of such Act (30 U.S.C. 923) is amended—

(1) in subsection (b)—

(A) by striking out "he uses" in the first sentence and inserting in lieu thereof "used";

(B) by striking out "his wife's" in the second sentence and inserting in lieu thereof "the wife's or husband's"; and

(C) by striking out ", widow," in the ninth sentence and inserting in lieu thereof "or the miner's widow, widower,"; and

(2) by inserting "or her" after "his" in subsection (c).

(f) Section 414 of such Act (30 U.S.C. 924) is amended—

(1) in subsection (a)—

(A) by inserting "or widower" after "widow" in paragraph (1);

(B) by striking out "her husband" and inserting in lieu thereof "the miner" in paragraph (1); and

(C) by striking out "his" in paragraph (2)(C) and inserting in lieu thereof "the claimant's"; and

(2) in subsection (e)—

(A) by inserting "widower," after "widow," in the matter preceding clause (1); and

(B) by striking out "his" in clause (1) and inserting in lieu thereof "the miner's".

(g) Section 421 of such Act (30 U.S.C. 931) is amended—

(1) by inserting "widowers," after "widows," in subsection (a); and

(2) in subsection (b)(2)—

(A) by striking out "if he finds" in the matter preceding subparagraph (A) and inserting in lieu thereof "upon finding"; and

(B) by striking out "by him" in subparagraph (F).

TITLE IV—EFFECTIVE DATE

SEC. 401. Except as otherwise provided, the amendments made by this Act shall become effective upon the date of enactment.

SECTION-BY-SECTION SUMMARY—SEX DISCRIMINATION IN THE U.S. CODE REFORM ACT

MILITARY

Army

[1] 10 U.S.C. 3683 (Section 101(a)) applies to nurses, women medical specialists and similar employees of the Army Medical Department who received special appointments during World War II. It identifies various periods of service which are creditable for retirement eligibility and for computing retirement pay. It applies only to service completed before January 1, 1949. DOD has indicated that the section is probably obsolete because all personnel with service prior to 1949 should have retired by now. The Act would repeal Section 3683, but contains a grandparent clause in the event that there may be persons still on active duty.

[1] 10 U.S.C. 3963 (Section 101(b)) also applies to nurses, women medical specialists and similar employees of the Army Medical Department who received special appointments during World War II. It provides that personnel in these categories who served before July 1, 1946 in a higher active duty

[1] Women in these classes of service received appointments to higher grades during WWII, but were then demoted after the war was over. Sections 3683, 3963, 8683 and 8963 were necessary to restore benefits lost as a result of the demotion.

grade, can be retired in that grade. Again, DOD has indicated that the section is probably obsolete as anyone with service prior to 1946 should have retired by now. The Act would repeal Section 3963, but contains a grandparent clause in the event that there may be persons still on active duty.

10 U.S.C. 4309 (Section 101(c)) allows "members of armed forces and able-bodied males capable of bearing arms" to use rifle ranges operated by the the Secretary of the Army. The Act would amend Section 4309 by changing "males" to "persons".

10 U.S.C. 4651 (Section 101(d)) allows the Secretary of the Army to provide equipment to any school that does not have an ROTC unit but does have a course in military training and at least "100 physically fit male students". The Act would amend Section 4651 by deleting "male".

10 U.S.C. 4712(d) (Section 101(e)) contains the priority list for the disposition of effects of decreased military personnel by summary court martial. The list gives preference to a "son" over a "daughter" a "father" over a "mother" and a "brother" over a "sister". The Act would amend Section 4712(d) so that family members are treated on a sex-neutral basis.

10 U.S.C. 4713(a) (20 (Section 101(f)) contains the same priority list for the disposition of effects of certain deceased military personnel which have been held by the Army for three years after death. The Act would amend Section 4713(a) (2) so that family members are treated on a sex-neutral basis.

24 U.S.C. 52 (Section 105) allows the inmate of a soldier's home to have the inmate's pension paid to a "child, wife, or parent living". The Act would amend Section 52 by replacing "wife" with "spouse".

50 U.S.C. 1591-1598. (Section 104) All sections refer to P.L. 78-3509, which provided temporary appointment for Army Nurse Corp members, women medical specialists or similar employees of the Army Medical Department. They contain separate standards for these classes of female personnel in such areas as retirement grade and pay, computation of length of service, uniform allowance, rank, pay and travel allowances. P.L. 78-3509 was passed only for World War II and is now, therefore, obsolete. The Act would repeal these provisions, but contains a savings provision clarifying that the repeal is not in any way to affect the present status of women who received these appointments.

Navy

10 U.S.C. 5896-99, (Section 102(a)-(d)) generally provides separate promotion consideration for men and women among Naval and Marine Corps Reserve officers. A DOD Task Force charged with the responsibility of reviewing and proposing comprehensive reforms in the reserve system (ROPMA Study Group) has already recommended that such distinctions be eliminated. The Act would amend Section 5896-99 so that Naval and Marine Corps Reserve officers receive the same promotion consideration, regardless of sex.

10 U.S.C. 6403 (Section 102(e)) authorizes the Secretary of the Navy to eliminate women officers from active duty status in the Naval and Marine Corps Reserve. Again, the ROPMA Study Group has already recommended that this section should be repealed, so that women can be eliminated from active status only under the same conditions that would require men from being eliminated from the active list. The Act would repeal Section 6403.

10 U.S.C. 7601 (Section 102(f)) lists, among others, the "widows" but not the widowers of members of the Navy as persons who may use commissaries. The Act would amend Section 7601 by replacing "widows" with "surviving spouses".

Air Force

10 U.S.C. 8683 (Section 103(a)) applies to nurses, women medical specialists and similar employees of the Air Force Medical Department who received special appointments during World War II. It identifies various periods of service which are creditable for retirement eligibility and for computing retirement pay. It applies only to service completed before January 1, 1949. DOD has indicated that the section is probably obsolete because all personnel with service prior to 1949 should have retired by now. The Act would repeal Section 3683, but contains a grandparent clause in the event that there might still be persons on active duty.

10 U.S.C. 8963 (Section 103(b)) applies to nurses, women medical specialists and similar employees of the Air Force Medical Department who received special appointments during World War II. It provides that personnel in these categories who served before July 1, 1946 in a higher active duty grade, can be retired in that grade. Again, DOD has indicated that the Section is probably obsolete as anyone with service prior to 1946 should have retired by now. The Act would repeal Section 8963, but contains a grandparent clause in the event that there may still be a few persons on active duty.

10 U.S.C. 9651 (Section 103(c)) allows the Secretary of the Air Force to provide equipment to any school that does not have an ROTC unit but does have a course in military training and at least "100 physically fit male students". The Act would amend Section 9651 by deleting "male".

10 U.S.C. 9712 (Section 103(d)) contains the priority list for the disposition of effects of deceased military personnel by summary court martial. As is the case with the Army, it gives priority to male family members. The Act would amend Section 9712 so that family members are treated on a sex-neutral basis.

10 U.S.C. 9713 (Section 103(e)) contains the same priority list for the disposition of effects of deceased military personnel by a Soldier's home and would be amended so that family members are treated on a sex-neutral basis.

Coast Guard

(The Coast Guard now allows women to participate in all components of the Service.)

14 U.S.C. 371 (Section 108(a)) provides that only "male citizens . . . may be enlisted as" and "male enlisted members of the Coast Guard . . . may be designated as aviation cadets". The Act would amend Section 371 by deleting "male". (The Coast Guard no longer has aviation cadets. However, because the Coast Guard may wish to resurrect the program in the future, the Section should be amended, not repealed.)

14 U.S.C. 487 (Section 108(b)) lists, among others, the "widows" but not the widowers of members of the Coast Guard as persons who may use commissaries. The Act would amend Section 487 by replacing "widows" with "surviving spouses".

46 U.S.C. 599 (Section 110(b)) allows for the allotment of a portion of sailor's wages to "his grandparents, parents, wife, sister or children". The Act would amend Section 599 to permit allotment of wages to the "sailor's grandparents, parents, spouse, sibling, or children".

46 U.S.C. 561 (Section 110(c)) allows for the apprenticing only of "boys" to the sea service. The Act would amend Section 561 by replacing "boys" with "youths".

Benefits for Spouses and Families

5 U.S.C. 2108(3)(f) and (g) (Section 301) provide for benefits to be paid to "mothers" but not fathers of disabled veterans or other individuals who lost their lives during active duty under certain sets of circumstances. The Act would amend Section 2108(3)(f) and (g) so that both parents of the veteran would be eligible for benefits if they met the criteria specified in the statute.

30 U.S.C. 902(a) (Section 332) defines, for purposes of black lung benefits, a "dependent" as including "wife" and "widow" but not husbands and widowers. 30 U.S.C. 843(d), 902(e), 902(g), 921, 922(a), 922(b), 923(b), 924(a) and (e), 931, and 934 also contain the sex-based references of "wife" and "widow" as a result of this definition of "dependent". These sections would be amended so that "Husbands" and "widowers" are included as dependants as well. The Department of Labor has already so amended its regulations.

42 U.S.C. 1652 (Section 329) is a little used section of the Defense Base Compensation Act. It provides that compensation to "dependents" of aliens and nonnationals includes the "wife" but not the husband. The section would be amended by replacing "wife" with "spouse".

33 U.S.C. 771 & 772 (Sections 109 (a) & (b)) provide survivor's benefits for the "widows" but not the widowers of Lighthouse Service Personnel. The Act would amend Sections 771 & 772 by replacing "widows" with "surviving spouse". (The Lighthouse Service is no longer a separate service of the Coast Guard and the class of persons to whom Sections 771 & 772 applies is extremely small, if any.)

18 U.S.C. 3056 (Section 313) provides only for Secret Service protection of a former President's "wife" or "widow". The Act would amend Section 3056 by changing "wife" to "spouse" and "widow" to "surviving spouse".

28 U.S.C. 604 (Section 328) allows the Director of the Administrative Office of the U.S. Courts to regulate and pay annuities to "widows" of judges. P.L. 94-544 extended benefits to both the widows and widowers of judges on a sex-neutral basis, but failed to correct Section 604. The Act would amend Section 604 by replacing "widow" with "surviving spouse".

Immigration and Naturalization

8 U.S.C. 1557 (Section 302(e)) prohibits the transportation in foreign commerce of "women and girls" for the purposes of prostitution and debauchaery. The Act would amend Section 1557 by replacing "women and girls" with "adults and youths".

8 U.S.C. 1353 (Section 302(a)) authorizes payment of the transportation expenses of the "wives" and dependent children of employees of INS performing duties in foreign countries. The Act would amend Section 1353 by providing for the expenses of "spouses" of INS employees, consistent with current practice.

[2] 8 U.S.C. 1452 (Section 302(c)) provides procedures to procure certificates of citizen-

[2] These statutes are "protective" in nature. That is, they were designed to protect women from laws existing in the early part of the century in this

ship for persons who derived U.S. citizenship through the naturalization of a parent or "husband". The Act would amend Section 1452 by changing "husband" to "spouse".

[2] 8 U.S.C. 1451(e) (Section 302(b)) provides that the revocation of a person's citizenship or naturalization shall not affect any right or privilege of the person's "wife" or minor child which would have derived if the revocation had not occurred. The Act would amend Section 1451(e) by changing "wife" to "spouse".

[2] 8 U.S.C. 1489 (Section 302(d)) provides that notwithstanding any treaty or convention to the contrary no "woman" is to lose U.S. nationality because of marriage to an alien, or through residence abroad following such a marriage. The Act would amend Section 1489 by changing "woman" to "person".

22 U.S.C. 214 (Section 302(f)) excuses the payment of passport fees for a "widow" of a deceased member of the Armed Forces who is traveling abroad to visit the grave of a deceased. The Act would amend Section 214 by changing "widow" to "surviving spouse".

Social Security [3]

42 U.S.C. 402(b), (c), (e) & (f) (Section 201) provides for the payment of benefits to aged divorced wives and aged or disabled surviving divorced wives, but benefits are not provided for similarly situated men. These provisions have been held unconstitutional in a number of court decisions and benefits are currently also being paid to aged divorced husbands and aged surviving divorced husbands, based on their former wives' earnings. The Act would amend these Sections to conform to the court decisions.

42 U.S.C. 402(b) & (g), (Section 206) provides benefits for a mother who has in her care a child of her retired, disabled, or deceased husband. Benefits are not provided for similarly situated men. This distinction was held unconstitutional in *Weinberger* v. *Wiesenfeld,* 420 U.S. 636 (1975), other court decisions and subsequent administrative decisions. Currently a similarly situated father can also qualify for benefits based on his retired, disabled, or deceased wife's past earnings. The act would amend these Sections to conform to the court decisions.

42 U.S.C. 402(e) & (f) (Section 202) provides that widows and widowers who remarry before age 60 are treated differently with respect to their eligibility for benefits based on their deceased spouses' earnings. A woman may qualify for benefits as a surviving spouse, even though she has remarried, so long as she is not married at the time she applies for benefits. A man on the other hand, currently loses forever his eligibility as a surviving spouse of his deceased working wife if he remarries before age 60. This distinction was held to be unconstitutional in *Mertz* v. *Harris,* 497 F. Supp. 1134 (S.D. Tex. 1980) and benefits are now paid to widowers who have remarried but are not married at a the time of application. The Act would amend these Sections to conform to the court decisions.

42 U.S.C. 403 and 405 refer to benefit categories established by the preceeding sections and would be amended to conform to the amendments made to those sections.

42 U.S.C. 416 (Section 203) relates to benefits for illegitimate children. In general, the determination of one's status as a parent or child for purposes of the Social Security program is based upon the intestate succession laws of the state in which the insured individual is domiciled. However, an illegitimate child may be eligible for benefits based upon a man's earnings, without regard to the appropriate state intestate laws, if, among other things, the man has been decreed by a court to be the father of the child, or the man is shown by evidence satisfactory to the Secretary to be the father of the child. Similar provisions do not currently apply when an illegitimate child claims a benefit based upon his mother's earnings. The Act would amend this Section so that illegitimate children would be eligible for benefits based on their mother's earnings as they are currently for benefits based on their father's earnings.

42 U.S.C. 417 (Section 207) permits the widow of a veteran, under certain circumstances, to waive her right to a civil service survivor's annuity and receive credit for military service prior to 1957 for purposes of determining eligibility for, or the amount of, Social Security survivor's benefits. The Act would amend this Section to extend the same option to widowers.

42 U.S.C. 422, 425, and 426 refer to benefits categories established by Section 402 (listed above and would be amended to accordingly).

42 U.S.C. 427. (Section 204) Under this provision, certain workers who attained age 72 before 1969 are eligible for Social Security benefits under transitional insured status provisions which require fewer quarters of coverage than would ordinarily be required. Wives and widows of eligible male workers who reached 72 prior to 1969 also are eligible for benefits under this provision, but husbands and widowers of eligible female workers are not. The Act would amend this Section to extend transitional insured status to such husbands and widowers.

42 U.S.C. 428 (Section 205) authorize benefits for certain uninsured individuals who attained age 72 prior to 1972. In order for a couple to receive benefits under this section, both spouses must have attained age 72 prior to 1972. However, even though each spouse must meet the same eligibility requirements he or she would have to meet if not married, once the eligibility of both is determined, the couple is treated as if the husband were the retired worker and the wife were the dependent. The amount of the special payment of the couple is not divided equally between husband and wife. Rather, the payment is allocated so that the husband is paid two-thirds and the wife is paid one-third. The Act would amend these Sections so that the payment is equally divided between the two.

Welfare

42 U.S.C. 633 (Section 214(a)) gives priority for placement in the WIN program first, to unemployed fathers, and then to mothers. The Act would amend Section 633 by giving a uniform category of preference to "unemployed parents". (The priorities are a vestige of the Aid to Dependent Children Unemployed Fathers Program under 42 U.S.C. Section 607. The courts found the sex-based distinction unconstitutional in *Westcott* v *Califano,* 443 U.S. 76 (1979). As a result, that program is now the Unemployed Parents Program. Note: The Administration has recommended the termination of the WIN program, though the Congress may decide to continue funding.)

Department of Agriculture

42 U.S.C. 1773(c) (Section 304) concerns the priority to be given to the selection of schools for participation in the school breakfast program. One of the factors listed to consider is whether there is a special need to improve the dietary practices of children of working "mothers". The Act would amend Section 1773(c) by changing "mothers" to "households in which both parents work or from single-parent households in which the parent works".

Department of Transportation

46 U.S.C. 331 (Section 311) abolishes customs and other fees for certain services to U.S. vessels. One of these services is the apprenticing of "boys" to the merchant service. The Act would amend Section 331 by changing "boys" to "youths".

46 U.S.C. 601 (Section 312) prohibits the attachment of a sailor's wages unless attached pursuant to a court order regarding the payment of support and maintenance for the sailor's "wife and minor children". The Act would amend Section 601 by replacing "wife" with "spouse".

Bureau of Indian Affairs

25 U.S.C. 13 (Section 305) authorizes the Bureau of Indian Affairs to direct, supervise and expend monies for the benefit, care and assistance of Indians for a number of specified purposes, including the employment of "field matrons". This particular provision is obsolete. The Act would amend Section 13 by deleting "field matrons".

25 U.S.C. 137 (Section 306) was enacted in 1875 and authorizes an agent distributing supplies on an Indian reservation to require "able-bodied Indian males" to perform certain services for the benefit of a tribe. The Act would repeal Section 137.

[4] 25 U.S.C. 181 (Section 307(2)) provides that a white man may not acquire a right to tribal property by marrying an Indian woman. The Act would amend Section 181 by providing that no "non-Indian" may acquire a right to tribal property by marrying an Indian.

25 U.S.C. 182 (Section 307(3)) provides that an Indian woman who marries a U.S. citizen also becomes a U.S. citizen, but does not lose any tribal property rights. Section 182 was made obsolete by the Indian Citizenship Act. The Act would repeal Section 182.

[4] 25 U.S.C. 183 (Section 307(4)) specifies the type of evidence which is required to prove a marriage between a "white man" and "Indian woman". The Act would amend Section 183 by changing "white man" to "non-Indian" and deleting "woman".

[4] 25 U.S.C. 184 (Section 308(1)) provides that the children of a marriage solemnized prior to June 7, 1897, between a "white man" and an "Indian woman" shall have the same rights and privileges as other members of the "mothers" tribe. The Act would amend Section 184 so that the chil-

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country, and the customs and conventions of foreign countries, making the legal status of a woman dependent on that of her husband. Because there are no similar known laws, customs, or conventions affecting men, rephrasing the language of these statutes in sex-neutral terms will not bestow any additional citizenship rights, privileges, etc. that do not already exist under current law.

[3] A cost impact analysis of eliminating gender-based distinctions in the Social Security Act was done in late 1980. None of the proposed changes would have a cost-impact greater than ½ million dollars.

[4] Sections 181, 183, and 184 were all designed to protect Indian women from tribal customs giving the non-Indian spouse all her tribal property rights, and divesting the children of such marriages of tribal property rights. Because there are no similar tribal customs applying to men, extending the same protections to men by rephrasing the language of these provisions in sex-neutral terms will have no substantive impact.

dren of marriages between a "non-Indian" and an "Indian" will have the rights and privileges of the "parents" tribe.

25 U.S.C. 274 (Section 308(2)) authorizes the Commissioner of Indian Affairs to employ "Indian girls as Assistant matrons" and "Indian boys as farmers and industrial teachers". The Act would amend Section 274 by allowing the Commissioner to employ Indian "youths" as "dormitory aides" and "as farmers and industrial teachers", consistent with current practice.

25 U.S.C. 342 (Section 309) prohibits the removal of Southern Utes to a new reservation without the consent of the "adult male" tribal members. Section 342 is obsolete and would be repealed by the Act.

[5] 25 U.S.C. 371 (Section 310) provides that illegitimate Indian children are the legitimate issue of their father for the purpose of determining descent of land. The Act would amend Section 371 to provide that illegitimate children are the legitimate issue of both parents for such purposes.

Homesteading [6]

43 U.S.C. 161 and 162 (Sections 314 and 315) allows a citizen or a person intending to become a citizen, who has reached the age of 21, or who is "the head of a family" to be entitled to enter unappropriated public lands. Under state statutes, federal regulations and the common law, the "head of a family" customarily refers to the husband or the father. The Act would amend Sections 161 and 162 to clarify that either spouse or parent is entitled to entry.

43 U.S.C. 164 (Section 316) sets forth the rules for the issuance of certificates or patents. The provisions applicable when the enterer dies refer only to the "widow". The Act would amend Section 164 by replacing "widow" with "surviving spouse".

43 U.S.C. 166 (Section 317) provides that an unmarried female settler does not forfeit her rights to enter upon marriage so long as she does not abandon her residence. Section 166 also provides, however, that she forfeits her rights if the man she marries claims a separate tract under the homestead laws. The Act would amend Section 166 by eliminating the provision requiring the woman to forfeit her rights if her husband claims a separate tract, and extends to both sexes the requirement that they must continue to reside on the tract if they wish to make entry.

43 U.S.C. 167 (Section 318) provides that the marriage of two homesteaders does not impair either's right to a patent, but gives the husband the right to choose the family's domicile. The Act would amend Section 167 so that both husband and wife must elect together on which tract they wish to live.

43 U.S.C. 168 (Section 319) provides that the marriage of a female enterer to an alien does not impair the females entitlement to a certificate or patent. The provision was designed to protect women from the once prevalent legal doctrine that if a female citizen marries an alien she forfeits her citizenship. Since this legal doctrine no longer applies, Section 168 is obsolete and would be repealed by the Act.

43 U.S.C. 170 (Section 320) provides certain protections to the "wives" of enterers who are deserted. The Act would amend Section 170 to provide the same protections to either spouse if they have been deserted.

43 U.S.C. 240, 243(a), 255, 272, 278 and 50 U.S.C. 563, 564 and 570 (Section 321-326) permit service personnel and their families to count service time toward homestead entry requirements. All sections assume that service personnel are only male, referring only to the "wives" and "widows" of service personnel. The Act would amend the Sections by replacing "wife" with "spouse" and "widow" with "surviving spouse", and clarifying that service personnel includes persons of both sexes.

Department of Justice

42 U.S.C. 1986 (Section 330) creates a cause of action for damages resulting from a wrongful conspiracy. The section provides that if death results from the conspiracy, the deceased's legal representative can recover damages for the benefits of the "widow" and if there is no widow, to the "next of kin". The Act would amend Section 1986 by replacing "widow" with "surviving spouse".

Railroad Retirement Board

45 U.S.C. 231a(c)(1)(ii)(C) (Section 213) pertains to retirement benefits for the spouses of retired employees. Generally, the spouse of a retired employee will not be eligible for benefits unless the spouse has also reached retirement age. The exception is for a "wife" when the couple has dependent children in their care. The Act would amend this Section to also provide benefits to the husbands of female retired employees where the husband has not yet reached retirement age and the couple still has dependent children.

45 U.S.C. 231a(d)(1). This Section entitles a widow, surviving divorced wife, and surviving divorced mother to annuity benefits, but not to similarly situated males. These eligibility provisions are based on definitions contained in Section 216 of the Social Security Act, which, as previously mentioned, have been held unconstitutional. The Railroad Retirement Board currently pays benefits to widowers, surviving divorced husbands, and surviving divorced fathers. The Act would amend this Section to conform to current practice.

45 U.S.C. 231e(a)(2) was amended by the Omnibus Reconcilation Act in this Congress (P.L. 97-35) and the sex based distinction contained in it was simply a drafting error. A code section of the Social Security Act was used as a guide, even though the particular section used has been held unconstitutional. The section, as written, provides eligibility for lump-sum payments where an individual has died leaving no "widow, surviving divorced wife, or widower", but not requiring there to be no surviving divorced husband. The Act would amend this Section to include a requirement that there also be no surviving divorced husband.

Criminal Code

18 U.S.C. 2032 provides that whoever, within the special maritime and territorial jurisdiction of the United States "carnally knows any female, not his wife, who has not attained the age of sixteen years" shall, for a first offense, be imprisoned not more than fifteen years, and for a subsequent offense, be imprisoned not more than thirty years. The Act would replace the quoted language with the phrase "engages in a sexual act with another person who is not his spouse, who in fact, is less than sixteen years old". This language is identical to that proposed by S. 1630 (Section 1643). The Title of Section 2032 would also be amended to read "Sexual Abuse of a Minor".

18 U.S.C. 1153 makes a violation of Section 2032 (above) on Indian territory a federal offense. The gender based language would be amended in accordance with the amendments made to Section 2032.

18 U.S.C. 2198 makes it an offense to "seduce" a female passenger on an American vessel. Section 2198 would be repealed by the Act.

18 U.S.C. 3614 specifies the penalty for a violation of Section 2198 (above) and would also be repealed by the Act.

18 U.S.C. 2424 is an obsolete provision of the Mann Act which pertains to the filing of factual statements with the Immigration and Naturalization Service concerning "women and girls" who have been kept, maintained, controlled, etc., in this country for the purpose of prostitution or other immoral purposes. The Act would repeal Section 2424.

18 U.S.C. 245 prohibits interference with certain civil rights by force or threat of force. The Act would add "sex" as a protected category.

Miscellaneous

24 U.S.C. 165 (Section 331 (a)) provides that pensions of male inmates of St. Elizabeth's may be used for the benefit of their "wives and minor children," but pensions of female inmates may be used only for the benefit of "minor children". The Act would amend Section 165 by allowing pensions to be used for the benefit of both the "spouse and minor children" of female inmates.

24 U.S.C. 191 (Section 331 (b)) provides that St. Elizabeth's may admit insane civilians of the Quarter Master Corps and "men" who were insane while in military service and become insane again after discharge. The Act would amend Section 191 by replacing "men" with "persons".

48 U.S.C. 1461 (Section 327) provides that no polygamist or bigamist or woman cohabiting with the same may vote or hold office in a U.S. Territory. The provision is of questionable constitutionality and in any event no longer has any known substantive application. The Act would repeal Section 1461.

41 U.S.C. 35 and 36 (Section 303(a) & (b)) establish minimum age levels for persons able to enter into contracts with executive departments, independent agencies, etc. The minimum age for males is 16 but for females, 18. DOL has already amended its regulation to provide the same minimum age of 16 for both sexes. The Act would amend Sections 35 and 36 to conform to current practice.

CODE SECTIONS IDENTIFIED AS CONTAINING SEX BIAS WHICH WOULD NOT BE AMENDED BY THE ACT

A. Controversial Code Sections

Military

10 U.S.C. 6015 (Department of Navy) prohibits women in combat.

10 U.S.C. 8549 (Air Force) prohibits women in combat.

50 U.S.C. App. 453-456, 466 Selective Service Provisions.

Immigration and Naturalization

8 U.S.C. 1101(b)(1)(D), 1409, 1432 provide that children born out of wedlock are deemed to have acquired the nationality status of their mother, but not their father, and thus relates to the sensitive "Amerasian Children" issue. Separate legislation to address the problem is currently moving its way through the Senate.

[5] Under the applicable tribal customs and common law principles, illegitimate children are also deemed the legitimate issue of the mother. Thus, rephrasing the language of Section 371 in sex-neutral terms will have no substantive impact.

[6] The Homesteading provisions amended by the Act now only apply to the state of Alaska, and will no longer be effective after 1986.

8 U.S.C. 1101(a)(42), 1182(e), 1253(h)(1) all provide protections to aliens fleeing from countries because of persecution based on race, religion, nationality, etc. Sex is not a protected category. These Code Sections implement the U.N. Convention Relating to the Status of Refugees. (Adopted in 1951. U.S. became signatory in 1968.) The convention is not self-executing. To date, U.S., laws have been implemented and applied coextensively with the Convention, but have not gone beyond it. The legislative solution should entail a careful analysis of the policy implications of going beyond the convention, and resolution of the definitional problems arising as a result of including "sex" as a protected category.

Social Security

42 U.S.C. 202 (c) and (d) pertain to benefits for spouses of disabled workers and childhood disability beneficiaries. Currently, in general, if a childhood disability beneficiary or disabled worker beneficiary marries a person getting certain kinds of social security dependent or survivor benefits, the benefits of each individual continue. If the beneficiary is a male and he recovers or engages in substantial work and his benefits are terminated, his wife's benefits also end. If, however, the disabled beneficiary is a woman, her husband's benefits are not terminated when her disability benefits end. There is a significant difference in opinion as to whether benefits would be "equalized up" so that neither beneficiary loses benefits when the spouse recovers, or whether they should be "equalized down" so that either beneficiary loses benefits when the spouse recovers, the presumption being that the dependency situation on which the benefits were originally based no longer exists. The legislative solution should entail a careful analysis of the impact of each approach, and exploration of possible "middle-road" alternatives.

42 U.S.C. 411. This Section currently provides that in community property states, all income from a business owned or operated by a married couple is deemed, for purposes of Social Security, to be the husband's unless the wife exercises substantially all the mangement and control. In all other States, such self-employment income is credited to the spouse who owns or is predominantly active in the business. Simple deletion of the sex-based distinction, i.e., so that the self-employment income of a married couple in a community property state is treated the same as such income in non-community property state, may not be the most equitable solution, and in any event, would be inconsistent with the recent case of *Edwards* v. *Schweicker,* a nationwide class action suit, where the court ordered that a pro-rata share of the income should be credited to each spouse, depending upon the contributions of that spouse. The legislative solution to the problem should entail a detailed analysis of the *Edwards* order and evaluation of SSA's experience in complying with it.

Criminal Code

18 U.S.C. 2031 provides that "Whoever within the special maritime and territorial jurisdiction of the United States, commits rape shall suffer death, or imprisonment, for any terms of year of for life." Though the statute on its face contains no gender-based distinctions, it has been interpreted as incorporating the common law definition of rape, i.e., that it involves carnal knowledge of a female not the offender's wife by force or threat of bodily harm and without her consent. Every state in the Union now has a sex-neutral definition of the rape offense in their criminal codes. Unfortunately, efforts in Congress to cure this provision have met with opposition centered on such issues as the removal of the common law requirements that the victim and offender not be married, and that a victim's testimony must be corroborated.

18 U.S.C. 2421-2423, the Mann Act, is the principal federal statute dealing with prostitution. Section 2421 makes it an offense for a person to knowlingly transport in interstate or foreign commerce any "woman or girl" for the purpose of prostitution, debauchery, or other immoral purposes. Section 2422, a companion statute, makes it an offense for any person to knowingly pursuade, induce, entice, etc., any "woman or girl" to travel in interstate or foreign commerce for the purposes of prostitution, debauchery, etc. Section 2423, as amended by P.L. 95-225 is now phrased in sex-neutral terms and deals with the transportation of minors for prostitution purposes or to otherwise commercially exploit the sexual conduct of the minor.

As the Report on the proposed criminal code, S. 1630 states, in addition to being objectionable because of its sex-bias, the Mann Act is also defective because its focus is on the jurisdictional, rather than on areas where there is a true federal government interest, e.g., organized crime's involvement in prostitution businesses. As the report concludes, the Mann Act should be repealed and replaced with a sex-neutral offense of prostitution, which is not greared primarily toward inforcement against the female prostitute, a focus of many state prostitution statutes.

Note: Section 2424 of the Mann Act which is obsolete would be repealed by the Act.

B. Code Sections Already Cured or Containing No Facial Substantive Bias

Military

10 U.S.C. 3504 repealed P.L. 96-513, Title II, Section 210, 12/12/80.

10 U.S.C. 3848 (Separate Section for Women repealed 1960 P.L. 86-559.)

10 U.S.C. 3888 repealed P.L. 96-513 12/12/80.

10 U.S.C. 3927 repealed P.L. 96-513 12/12/80.

24 U.S.C. 44a repealed 94-454 10/2/76.

14 U.S.C. 373, 373 and 10 U.S.C. 6912, 6913 and 6915 provide benefits for aviation cadets. They contain no facial sex-bias. Presumably were listed because 14 U.S.C. 371 and 10 U.S.C. 6015 do not allow women to be aviation cadets, and therefore women would not be eligible for those benefits. (14 U.S.C. 371 would be cured by Act.)

33 U.S.C. 773, 774 and 775 contain no facial sex-bias.

Benefits for Spouses and Families

28 U.S.C. 375 repealed P.L. 96-504(1980).

Welfare

42 U.S.C. 602, 602(a)(19)(A), and 602(a)(19)(G)(iv) have all been cured in this Congress by P.L. 97-35 (Omnibus Reconciliation Act).

Department of Agriculture

7 U.S.C. 1923 was cured in this Congress by P.L. 97-98.

Department of Interior

43 U.S.C. 271, 278 contain no facial bias.

U.S. Congress

31 U.S.C. 97, 43(b) were cured in this Congress by P.L. 97-258.

Miscellaneous

31 U.S.C. 125 was cured in this Congress by P.L. 97-258.

42 U.S.C. 1395 mm(a)(3)(A)(iv) was cured in this Congress by P.L. 97-248.

Remedial

10 U.S.C. 8848(b) allows the Secretary of the Air Force to retain on active duty nurses, medical specialists and female line officers who are in the reserve grade of lieutenant colonel until the completion of 30 years of active service. Section 8848(b) is apparently remedial in nature as previously, these categories of female personnel were limited to 25 years (as opposed to 28 for their male counterparts).

By Mr. WARNER:

S. 3009. A bill to amend the tariff schedules of the United States to impose a one-tenth of 1 cent duty on apple and pear juice; to the Committee on Finance.

DUTY ON APPLE AND PEAR JUICE

Mr. WARNER. Mr. President, today I am introducing legislation to impose a duty of one-tenth of 1 cent per gallon on apple and pear juice entering this country.

Over the past 6 years, the quantity of apple juice imported into the United States has grown from 34.38 million gallons—single strength equivalent—in 1976 to 71.39 million gallons in 1981. The 1981 import quantity represents a quantity of 10.67 million bushels of apples, just about equal to the total apple production for the State of Virginia for last year and our expected crop for 1982.

Foreign apple juice is imported in concentrated form for reconstitution in this country. Thirty million gallons of this increase is from Argentina which shipped 18.86 million gallons in 1976 and 38.42 million gallons in 1981.

The dramatic increase in apple juice imports are a major concern to U.S. apple growers. Their concerns are magnified when we find that the government of an exporting nation is providing a substantial subsidy to the processors and exporters of that product. In meetings of apple growers, we find a willingness to compete with growers in other countries on a fair bases, but a resentment of having to compete with the government of their country.

Such is the case with Argentina. The Argentine Government is subsidizing its apple industry to develop exports at the expense of our domestic applegrowers.

According to information from the Foreign Agricultural Service, USDA, the following programs were in effect in Argentina during 1981 and are still in effect:

(1) About 12 concentrating plants are operating this year, however some are very small.

(2) About 65 percent of the apples for processing go to concentrated apple juice (CAJ).

(3) The country of destination for concentrated apple juice (CAJ) remains unchanged i.e. mostly to the U.S.

(4) a. The current export rebate for CAJ is 10 percent, plus 10 percent for shipments going through Patagonia port of Puerto Madryn. Reportedly, almost half of 1981 season shipments took advantage of shipping through Puerto Madryn.

b. CAJ is also eligible for an "additional" export rebate of 15 percent for the six month period ending next April 21.

c. Since late August, CAJ exporters have also been eligible for pre-export financing covering up to 60 percent of the export value, with interest at one percent per annum and a repayment term of 120 days.

d. The 10/90 percent financial/commercial exchange rate mix is still in effect for CAJ exports. Currently the financial rate has increased to almost 60 percent above the commercial rate level. (Financial rate is 11,000 pesos per US S, commercial rate is 6,942 pesos per US S). This increasing the export value edge over non-value added products such as fresh apples, by six percent.

e. Given the current situation, all plants which operated this year are expected to be in operation for 1982. Sources expected a normal to good year.

f. Current price levels range at about U.S. $6.60-6.90 per gal. CIF U.S. ports. Price prospects remain strong and local supplies are almost completely sold out.

g. Grower price sequence for this season is as follows: slanting price in March was about 80,000 pesos/mt of apples (U.S. $35, $1.60 per cwt.). In late May it reached 180-200,000 pesos/mt of apples (U.S. $60, $2.72 per cwt.). In September and October when most plants finished processing, about 300,000 pesos/mt of apples (U.S. $40, $1.81 per cwt.). This is clearly below cost of production of apples.

h. Sudden peso devaluations this year occurred as follows: Feb. 2-10 percent, April 1-30 percent, June 1-30 percent, June 22-30 percent; (the two-tier exchange rate system was applied only to the financial rate with a few exceptions, export transactions utilize the commercial rate). (If loans are available for CAJ shippers because of the devalued peso $180 U.S. per metric ton is available, no interest is charged and the loan is to be repaid within 10 years with a grace period of two years.) About $10 million U.S. worth of loans were utilized by the SAJ sector.

Over the past year, applegrowers across the Nation have been attempting to deal with the Argentine situation through the U.S. Commerce Department and the Foreign Agricultural Service of USDA. Their efforts have apparently reached a dead end through these channels.

It appears that the major problem confronting the U.S apple industry in this situation is the fact that the Tariff Schedules of the United States provides a zero duty on apple and pear juice imported from countries which enjoy the most-favored-nation designation. Argentina has been so designated. Imports of apple and pear juice from countries not enjoying most-favored-nation designation are subject to duty of 5 cents per gallon under TSUS Item No. 165.15. Interestingly, apple and pear juice are the only juice imports free of duty under MFN category.

They have been advised that since apple and pear juice enjoys a duty-free status in the Tariff Schedules of the United States, a petition to the International Trade Commission and proof of injury through their investigation and hearing process is the only route of seeking relief. The problem with this course of action is that Public Law 96-39 imposes certain constraints which preclude applegrowers from being the initiators of such petition.

Section 771(4)(A) states:

The term "industry" means the domestic producers as a whole of a like product, or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product.

Section 771(10) states:

Like product, the term "like product" means a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.

The "like product" definition in this instance is interpreted to mean juice, not the raw product apples. Because of that interpretation, they are told apple growers could not cause the petition to be brought before the International Trade Commission.

The major concerns are that there is no vehicle for imposition of counterveiling duties to offset the governmental subsidies being provided on apple juice imports because of the duty-free status for most favored nations.

To help find a solution to this growing unfair competition against U.S. apple growers, Mr. President, I have introduced this amendment to the tariff schedule. Enactment of this legislation would permit some flexibility to the Commerce Department in imposing a counterveiling duty against nations which do in fact provide export subsidies.

I urge my colleagues to join in this effort to allow our growers to compete with other growers and not other governments.

By Mr. CRANSTON:

S. 3010. A bill to amend certain Federal laws to prohibit mandatory retirement, eliminate barriers to the employment of older workers, and provide incentives for part-time and full-time employment of such workers; to the Committee on Finance.

EMPLOYMENT OPPORTUNITIES FOR OLDER AMERICANS

Mr. CRANSTON. Mr. President, I am today introducing S. 3010, the proposed Employment Opportunities for Older Americans Act of 1982, a comprehensive proposal aimed at promoting a new concept of retirement and eliminating those obstacles and disincentives that keep older Americans out of the work force.

BACKGROUND

Mr. President, each year thousands of older workers are driven into forced idleness because of mandatory retirement rules and fiscal disincentives in both public and private retirement programs. Underlying these rules and policies and continuing to permeate our employment policies is the myth protraying older workers as liabilities, rather than as assets, to the American work force. Numerous recent studies and articles have documented the extent to which older workers are forced out of their jobs or discouraged from continuing to work.

Mr. President, I believe that it is imperative that we begin now to reevaluate and replace these outdated policies regarding older workers. The Federal Government has a major role to play in helping to shape a new national policy regarding older workers.

Every public opinion poll conducted in recent years has demonstrated beyond a shadow of doubt that an overwhelming percentage of older workers would like to continue in the work force beyond the normal retirement age of 65. A significant majority of these older workers indicate that they would like to have the option of part-time work. For example, a Harris poll last year of current workers between the ages of 55 to 64 found that 79 percent said they would prefer part-time work to complete retirement. Surveys of current retirees demonstrate an equally strong desire, to continue to work, particularly in part-time positions.

Although economic factors, especially the double-digit inflation that has eroded the retirement income of millions of Americans, play a role in some of these responses, the desire to continue in the labor force is consistently expressed even when an adequate retirement income is assumed. It is clear that older Americans appreciate and seek the noneconomic benefits of employment—the sense of vitality and productivity that comes from continuing as active participants in the labor force.

Despite this data relating to these desires on the part of older workers to continue working in some fashion, their labor force participation has been steadily declining. Between 1950 and 1980, the portion of those 65 or older in the labor force fell from 24 percent to 13 percent.

The cause of this continual decline of older workers clearly lies with the retirement and employment policies that discourage remaining in the work force. Not only to these policies and practices deprive many older workers of the advantage of continued employment, but they are costly for society and will be increasingly more so in the years ahead.

Demographic trends indicate that the proportion of older Americans in our population will soon be rapidly increasing. In 1980, 1 in 9 , or 24 million

Americans were 65 years or older, compared to 1 in 12 in 1950. This population will increase only moderately over the next 25 years, but soon after 2010 its size will grow dramatically. It is projected that by 2030, nearly 1 in 5, or almost 56 million Americans will be 65 years or older.

If older workers continue to retire at the current rates, the increased costs for the social security system and the general reduction in revenues will be staggering. For each new retiree, social security average payout increases by about $4,800 and Federal income tax revenues drop by about $2,000. In addition, demographic data indicate that we will soon be entering an era when retention of older workers in the workforce will be essential to our national productivity. With today's unemployment statistics at an alltime high—10 million Americans unable to find jobs—it may be difficult to envision a time when we will face a shortage of workers.

Yet, all of the data indicate that the growth rate of the Nation's labor force is slowing dramatically. It is predicted that the number of 18- to 24-year-old entrants to the work force will fall by 16 percent in the next two decades, largely because of the drop in births during the 1970's. As the number of young workers declines, the need to provide opportunities for older workers to stay in the work force will increase.

Moreover, there is every indication that the new job slots that will need to be filled will be ones that are ideal for older workers. According to available employment projections, 74 percent of the increase in employment slots in the next two decades will be in wholesale or retail sales and in services industries—two industries which currently employ 60 percent of all workers age 65 or older. These data also indicate expanded opportunities for part-time employment for older workers over the same period since those industries and occupations projected to have the largest increased future employment needs are frequent users of part-time employees.

Mr. President, it is clear that this Nation is going to need the skills of older workers in the labor-scarce years ahead. It is equally clear that older workers want to stay in the work force, particularly in part-time employment. And it is just as clear from the standpoint of the social security system and Federal tax revenues that the Nation would benefit substantially from their continued employment. Our task is to remove the obstacles, policies, and practices which currently drive out of the work force those older workers who want to continue working.

REEVALUATING AND REVISING RETIREMENT CONCEPTS

Mr. President, if we are going to meet the challenges that are ahead, it is imperative that we begin now to reevaluate and revise our basic attitudes toward retirement. The concept of retirement in America today is one of abrupt, total withdrawal from the labor force. One day, an individual is engaged full time as a part of the labor force; the next, he or she is forced into total retirement, complete exclusion from the workplace. The economic costs of continuing these policies will be substantial. The human and societal costs are incalculable.

Substantial evidence exists to demonstrate that forced retirement has severe deteriorative impact upon the physical and psychological health of older individuals. Mandatory retirement policies often subject workers to sudden and sometimes strong negative reactions that affect mental attitudes, health and, eventually in many cases, longevity. These policies detract from the quality of life for many older Americans by taking away from them the sense of fulfillment and self-sufficiency that many workers gain from productive employment. They are left with forced idleness, a loss of meaning and worth in their lives, and often insufficient resources to maintain an adequate standard of living.

It is time for our Nation to begin to foster a new perspective on retirement and older workers. I believe that the new perspective should be premised upon a shift from the concept of an abrupt, total withdrawal from the labor force to one of gradual withdrawal where older workers are afforded the opportunity, if they choose, to reduce their work pace, shift to less demanding work roles, or participate in more flexible work schedules. In particular, part-time employment represents an appealing and practical way for older workers to remain in the work force and supplement their incomes, to fill the need for additional workers in the labor-scarce years ahead and, at the same time, to reduce their work pace.

Mr. President, efforts to develop new models of retirement options are already beginning as some leading corporations throughout America have begun programs that captalize on the skills and experience of older workers and promote hiring practices and work patterns that accommodate the needs and desires of these workers.

Hearings over the past several years in both the Senate and House have documented the extent to which major American corporations such as Xerox, Polaroid, GE, Grumman Aerospace Co., Bank of America, and the Travelers Insurance Co. have begun developing innovative ways of providing employment opportunities for older workers. Travelers Insurance Co. provides an excellent example. After learning that 85 percent of its employees over 55 were interested in some kind of paid employment after retirement, the company established a retiree job bank, offering flexible work options to retirees—options include temporary work either part- or full-time, from 1 day to 6 months or more; part-time permanent jobs, either 5 part-days or several full-days a week; and job sharing in which two or even three retirees share the same full-time job.

In order to encourage retirees to work. Travelers changed its pension rules to provide that retirees can work for the company 960 hours a year, nearly half time, with no reduction in pension benefits. Travelers has found the program to benefit both the retirees and the company itself as it retains the services of experienced employees. Out of the average of 60 temporary positions available at Travelers headquarters each day, 55 of those positions are filled by retirees familiar with the work. However, these companies have expressed concern about the continuation of Government policy which hinder and impede the development of these new programs.

NEED TO REVISE GOVERNMENT POLICIES WHICH HINDER FLEXIBLE RETIREMENT POLICIES

Mr. President, a successful implementation of an older worker's employment policy and a reversal of the existing restrictive concepts of retirement depends in large part upon the voluntary acceptance and promotion by American employers of this new approach to older workers. As I noted, many of our leading corporations are beginning to propose and implement these new policies.

But this task cannot be successful unless we begin, at the Federal level, to revise those Government policies that encourage early retirement, discourage delayed retirement, and inhibit employers from developing the type of flexible work arrangements that older workers need in order to encourage them to stay in the work force.

For example, the social security system—the major retirement program for the vast majority of Americans—contains serious disincentives to continued work for older Americans. The current adjustment schedule—the basis for computing benefit levels—for early and delayed retirement is unquestionably tilted to encourage early retirement. The social security earnings limitation provision is also a major impediment to continued work.

A person who continues to work after age 65 loses $1 in benefits for every $2 earned over the exempt amount, currently set at $6,000 a year. This is the equivalent of a 50 percent tax on that additional income. When this 50 percent tax is added to the current 6.7 percent social security payroll

tax imposed upon earned income, to the Federal income tax of at least 12 percent on taxable income, and to possible State and local taxes, it can easily amount to a tax rate over 70 percent on earnings above the $6,000 limitation until the entire social security benefit is forfeited.

Similarly, the Federal Government sanctions mandatory retirement at age 70 by limiting the applicability of the Age Discrimination in Employment Act and provides tacit approval under the Employee Retirement Income Security Act—ERISA—of private pension plans which penalize older workers by benefit forfeiture and elimination of pension accrual benefits for continued work beyond the "normal" retirement age.

Mr. President, the legislation I am introducing today is aimed at revising those Federal policies that are partly responsible for reduced employment of many older Americans and substituting policies designed to enhance the employment opportunities of those older Americans who can and choose to continue to work. This measure provides a blueprint for a new Federal policy to promote employment opportunities for older Americans.

DESCRIPTION OF S. 3010

Mr. President, as I indicated in my opening remarks, the legislation I am introducing today is a comprehensive proposal aimed at eliminating the obstacles and disincentives which tend to discourage employers from providing employment opportunities for older workers and discourage the older workers themselves from staying in the work force. The proposed Employment Opportunities for Older Americans Act of 1982 deals with a number of different statutes relating to these issues, and I would like to take a few moments to describe briefly the various provisions contained in this measure.

ELIMINATION OF MANDATORY RETIREMENT

Mr. President, the first step that must be taken to encourage older workers to stay in the work force is elimination of mandatory retirement.

Forcing older workers out of their jobs at some arbitrary age is an archaic, discriminatory, and unreasonable policy. It is a policy that robs society of the contributions and productivity of an increasingly important segment of our work force, and it robs these individuals of the dignity and self-sufficiency which comes from working. In 1978, we began to deal with the issue of mandatory retirement by abolishing it for Federal workers and by raising the age from 65 to 70 for most other workers. I supported the 1978 measure as an interim step toward total abolition of mandatory retirement. It is time now to finish the work we began in 1978 and to eliminate once and for all the mandatory retirement policies that force workers out of their jobs at an arbitrary age.

Mr. President, I am pleased to report that a number of my colleagues have come to agree with this view, and there is legislation pending in both the House and Senate which would eliminate the age 70 limitation from the Age Discrimination in Employment Act—ADEA—thereby prohibiting mandatory retirement policies for most American workers. I am a cosponsor of one of these measures, S. 2617, which was introduced last June by the distinguished chairman of the Select Committee on Aging, the Senator from Pennsylvania (Mr. HEINZ), and my good friend from Florida (Mr. CHILES), the ranking minority member of that committee. President Reagan has also publicly indicated his support for legislation to prohibit mandatory retirement. The bill I am introducing today would eliminate the age 70 provision as well as the two exemptions contained in the 1978 bill which denied tenured college professors and certain business executives the protection of the statute.

Mr. President, the 1978 amendments to the ADEA also directed the Department of Labor to conduct a study to determine the impact of raising the mandatory retirement age from 65 to 70 on both older and younger workers and upon employers and to determine the probable impact of total abolition of mandatory retirement. The interim report of the Department of Labor, submitted last year, estimated that raising the retirement age from 65 to 70 resulted in over 200,000 older workers being able to stay in their jobs. The report indicated that another 200,000 would continue working if mandatory retirement ages were abolished altogether.

This report also contains some very interesting data on the impact upon women, minorities, and younger workers of retaining older workers in their jobs. As my colleagues may recall, in 1978, the argument was made that raising the retirement age from 65 to 70 would adversely affect employment opportunities for younger workers, women, and minorities. Those arguments were forcefully rebutted by the testimony of a number of groups, such as the National Organization for Women and the National Caucus on the Black Aged, which pointed out that women and minority group individuals have a special interest in seeing the elimination of mandatory retirement since they often have the least resources in their retirement years and hence forced retirement often means relegating them to an existence below the poverty level.

Mr. President, in my view the Department of Labor report is particularly important because it conclusively and finally lays to rest the spurious argument that we must deny employment opportunities to older workers in order to protect other groups of workers. The report found that there was no significant job slot competition between older workers likely to continue in the work force and these other categories of workers.

Specifically, the report found that the additional over 65 workers would be potential competitors for less than one-quarter of 1 percent of all full-time workers ages 16 to 24; for less than one-half of 1 percent of all full-time black workers ages 16 to 59; and around for around one-tenth of 1 percent of all full-time female workers ages 16 to 59. The report also cited studies indicating that even a substantial increase in labor force participation by workers over 65—such as a 10-percent rise—would have insignificant impact upon the employment and promotional opportunities for younger workers.

Mr. President, elimination of mandatory retirement policies will give older workers the option—I stress, the option—of continuing in the labor force rather than being forced to retire when they reach some fixed chronological age. An older worker's ability to perform a job and the desire to continue working—not his or her birthdate—should be the determinative factors in retirement decisions. Elimination of mandatory retirement at a specified age is an essential prerequisite to the development of a comprehensive policy to encourage older workers to stay in the labor force.

PENSION DISCRIMINATION

Mr. President, it is estimated that one-half of the male retirees and one-third of the female retirees between 1979 and 1982 were eligible for a private pension. Discrimination in private pension plans against older workers is among the various factors which tend to discourage older workers from continuing in the work force.

A number of private pension plans discourage continued work past a set retirement age in two ways: First, many plans provide that an employer can refuse to credit the additional work years after retirement age to an employee's pension; and second, many plans provide for a total forfeiture of pension benefits if an employee continues working beyond a minimum amount in a particular industry or for a former employer.

According to a report published by the Congressional Budget Office, "Work and Retirement Options for Continued Employment of Older Workers," July 1982, 27 percent of the workers covered by private pension plans are subject to provisions that prohibit accrual of pension benefits entirely after the normal retirement age, and 22 percent are in plans that limit in some fashion pension benefit accrual after a particular age. Under

these plans, if a worker continues to work after the normal retirement age, he or she gets no or reduced additional pension credits for those additional work years. In effect, the older worker is denied this fringe benefit that younger workers receive automatically. The Department of Labor estimates that elimination of this discrimination in private pension programs against older workers would keep close to 70,000 more men in the work force after normal retirement age. No estimates are currently available on the number of female workers likely to continue working if these disincentives were eliminated.

The legislation I am introducing today would deal with this problem by amending the ADEA to state clearly that it is unlawful to treat older workers differently from younger workers with respect to the accrual of pension benefits. A companion amendment would prohibit plans under ERISA from containing this type of discrimination.

Mr. President, the second type of disincentive contained in private pension plans involves provisions requiring total forfeiture if an individual continues to work for the same employer or in the same industry after he or she becomes eligible for pension benefits. Prior to 1982, a pension could be withheld for any amount of work by a pensioner. According to one estimate, there are about 66,000 pensioners between the ages of 65 to 69 who did not work because of these forfeiture of benefit rules. Current Department of Labor regulations permit some work activity by pensioners but allow all benefits to be withheld from retirees who work more than 40 hours per month in prohibited employment.

The legislation I am introducing today would prohibit an employer from withholding pension benefits so long as the pensioner did not work more than 1,000 hours per year. This is roughly twice the current allowable amount and would enable a retiree to work approximately halftime before losing his pension.

Mr. President, I want to stress here that what we are trying to achieve is increased flexibility and opportunities for older workers to stay in the work force, particularly part time. We are rapidly approaching an era when our society is going to need the skills and contributions of these older workers. These part-time employees will be able to contribute to our national productivity, continue to be taxpayers, and increase their own standard of living in old age through continued work effort.

PART-TIME EMPLOYMENT INCENTIVES

Mr. President, a major purpose of this legislation is to promote the availability of part-time employment opportunities for older workers. Older Americans have repeatedly indicated that they are desirous of these part-time employment opportunities. In addition to the provision permitting part-time work without losing pension benefits which I just described, there are several other provisions in this legislation designed to have specific impact upon part-time employment opportunities.

First, this legislation would provide for cutting in half the FICA tax—commonly known as the social security payroll tax—imposed upon both the employee and the employer for workers over the age 65 with respect to wages that do not exceed one-half of the contribution and wage base established under the Social Security Act. Under current law, the employer is obligated to pay the full FICA tax for each employee, regardless of the fact that the employee may be part time. Thus, an employer faces a situation where the FICA tax on two part-time employees will exceed the tax which would have been paid to one worker performing the same job.

For the older worker, having to pay the full employee FICA tax on part-time employment creates an additional fiscal disincentive, particularly when the employee is already subjected to the equivalent of a 50-percent tax on earnings up to a certain level in excess of the social security earnings limitation. There have been proposals made to eliminate entirely FICA taxes on workers over 65. Consideration has also been given to providing for a pro rata reduction in the FICA tax. However, the administrative difficulties in applying a pro rata reduction would be enormous. Hence, the legislation I am proposing would simply cut the FICA tax in half for older workers and their employees for wages up to one-half of the applicable wage base provided under the Social Security Act.

Seond, this legislation would extend the existing targeted job tax credit to low-income older workers. As I will explain in a moment, this would result primarily in the creation of part-time jobs for older workers.

The targeted job tax credit provides employer with a tax credit equal to 50 percent of the first $6,000 in wages paid in the first year to workers in certain targeted categories, and 25 percent of the first $6,000 paid in the second year of employment. Between 1979 and 1981, 800,000 workers were benefited under the existing targeted categories which cover persons who are economically disadvantaged and are 18 to 24 years olds, Vietnam era veterans, or former convicts as well as youths 16 to 19 in cooperative educations programs, former CETA public service employment participants, vocational rehabilitation referrals, and welfare assistance recipients.

The Congressional Budget Office has estimated that 1.5 million older workers between the ages of 62 and 69 and 2.6 million who are 70 years and older would be eligible under the same income standards that are applied to the other categories under the existing credit. Costs of extending the credit to low-income older workers could range between $50 million per year in reduced revenues if 2 percent of the 1.5 million used the credit to $250 million if 10 percent used the credit. However, the Congressional Budget Office estimates that this cost would be partially offset by increased social security revenues ranging from $7 million to $25 million, by increased income taxes paid by the employer, and reduced social security benefits resulting from the work effort of these new employees.

The Congressional Budget Office has also indicated that because of the combined effects of the social security earnings limitation and the $6,000 limit in the existing offset for employers, the likely effect of extending the TJJC to this group would be primarily to create jobs paying under $6,000 likely to be part-time jobs. Thus, this provision would contribute to stimulating the availability of the part-time employment opportunities that older workers have repeatedly indicated they desire.

SOCIAL SECURITY PROVISIONS

Mr. President, the current social security law discourages older workers from delaying retirement and continuing in the work force in two major ways: First, the social security earnings limitation discourages continued work effort by imposing on those under 72 the equivalent of a 50-percent tax on earned income in excess of a specified amount—currently $6,000 per year—and second, the present adjustment factors in benefit levels for early or late retirement favor those who retire before age 65 and discourage those who delay retirement past age 65.

The social security limitation earnings limitation requires that a social security recipient lose $1 in social security benefits for every $2 in earned income over $6,000. This work disincentive is compounded by the fact that the social security benefits are not taxable while the earned income that may replace them under the earnings limitation provision is taxable. Thus, the social security recipient not only loses his or her social security benefits because of the earned income restriction, that earned income is then reduced by the applicable income tax.

In addition, it has been a continuing source of resentment that this earnings limitation applies only to earned income and not to other sources of income. Thus, the social security recipient who must work to supplement his or her social security benefit is penalized while the recipient who has income from other sources, for exam-

ple, investment income, is not penalized. Although arguments can be made to justify this distinction—it encourages savings for retirement years since there is no penalty for income from such sources—the basic provision clearly discourages working.

There have been various proposals to eliminate entirely the earnings limitation or to mitigate its adverse impact by raising the exempt amount. Although I am sympathetic to the desire to abolish the earnings limitation, efforts in that direction have been unsuccessful in major part because of the large cost entailed. It has been estimated that repeal of the earnings test would increase social security program costs by $6 to $7 billion in the first year and more in future years, and that most of the added benefits would go to individuals with higher incomes. At a time when the social security trust fund is subject to so many other difficulties, it is likely that a total repeal of the earnings limitation would be perceived as neither prudent or feasible.

The legislation I am introducing today, however, deals in a different manner with one aspect of the earnings limitation problem.

It includes a proposal made by the 1981 National Commission on Social Security for the creation of a partially refundable tax credit for people 65 and older who lose social security benefits under the earnings test. The purpose of this credit is to offset the additional income tax paid by these individuals on the earned income that replaced their nontaxable social security benefits. This credit would be equal to the lowest Federal income tax rate—currently 14 percent—multiplied by a specific factor based on the age attained in the year and then applied to the amount of social security benefits withheld during the tax year. The multiple would increase with age, so as to encourage people to work longer. Under this credit, if a 66-year-old worker earned $20,000 in 1982 and had his or her full social security benefit of $6,000 withheld under the earnings limitation provision, the income tax credit he or she would be eligible for would be computed as 14 percent times 0.7 multiplied by the foregone social security benefit of $6,000. The result would be a tax credit of $588, offsetting the taxation of the earned income.

Mr. President, this proposal by the 1981 National Commission on Social Security is a creative response to the earnings limitation problem and one that would not place an additional financial drain on the already strained social security trust fund.

Mr. President, the second proposal I have incorporated in this measure dealing with the social security disincentives to delayed retirement is also derived from the recommendations of the 1981 Commission. A number of individuals and organizations studying the problem have urged a change in the adjustment factors used in the social security program for delayed retirement. In order to create an incentive to delay retirement, larger increases in benefits for retirement after 65 have been urged. The 1981 Commission presented four different alternative schedules for early and delayed retirement. The legislation that I am introducing incorporates the alternative D schedule proposed by that Commission. An important feature of this alternative is that it incorporates the concept that there is no normal retirement age. Instead, it provides a range between 62 and 72 of actuarial equivalent benefits, rather than artifically setting the 100-percent benefit at age 65. The actuarial equivalent concept is based upon the notion that a person who retires early, being younger, can be expected to receive benefits for a longer period of time and, conversely, that those who retire late need to receive higher benefits because, being older, they can expect fewer years of benefit payments.

I ask unanimous consent that a table setting forth the four alternative schedules for benefit adjustment factors set forth in the 1981 National Commission on Social Security report be reprinted in the RECORD at this point.

There being no objection, the following table was ordered to be printed in the RECORD, as follows:

TABLE 5–4.—BENEFIT ADJUSTMENT FACTORS FOR AGE OF RETIREMENT

Age at retirement	Percent of full benefit payable under—					
	Present law	Actuarial equivalent	Alternatives			
			A	B	C	D
62	80	79.5	80	80	78.7	78
63	86.67	87.0	86.67	86.67	86.1	85
64	93.33	93.5	93.33	93.33	92.6	92
65	100	100.0	100	100	99.0	99
66	103	107.2	107	107	106.1	106
67	106	115.1	114	115	114.0	113
68	109	124.0	121	124	122.8	122
69	112	134.0	128	134	132.7	132
70	115	145.4	135	145	144.0	143
71	118	158.3	142	158	156.7	156
72	121	172.9	149	173	171.2	170
Estimated long range cost as percentage of taxable payroll		.09	.09	.11	0	−.03

Source: "Social Security in America's Future," final report of the National Commission on Social Security, Mar. 1981, p. 135.

Mr. CRANSTON. Mr. President, although I think that each of the four alternative schedules deserves consideration, alternative D has two advantages. First, it does not presume any particular age is the normal age for retirement, but establishes equal benefits at any age within the range of 62 to 72. Second, it would not increase the long-term costs of the social security system and, in fact, would slightly reduce the long-term deficit. Because this schedule would result in some, albeit slightly, reduction in rates for persons retiring before the age of 65, I have included a delayed effective date—1990—for those provisions because I strongly believe that we should not be proposing changes that would adversely affect—even mildly—anyone approaching retirement age without giving that person adequate opportunity to plan accordingly. In any event, these reductions would be minimal; for example, an individual retiring at the earliest possible age—62—who would receive a $400 a month benefit under current law, 80 percent of the benefit at age 65, would receive a monthly benefit of $390 or 78 percent of the benefit at age 65 under this proposal. The schedule would provide substantial increases for those retiring after age 65. For example, a person retiring at age 68 who would receive a benefit of $545 under current law would receive $610 under this formula. These increases would become effective almost immediately upon retirement.

Mr. President, the proposal in this alternative D would establish an actuarially based range of retirement options with incentives toward delayed retirement to replace the current adjustment factors which discourage delayed retirement. It would not assume any normal retirement age, but would allow individuals to choose any time between the ages of 62 and 72 for retirement and receive retirement benefits of equal value to those provided

and receive at any age within this range.

This formula is neutral as to the various proposals to raise the age of retirement from 65 to 68. It assumes no normal retirement age; should the Congress adopt one of the proposals to raise the age of retirement, this adjustment range could be shifted from the current 62 to 72, to 65 to 75 or whatever range might be established. I am very sympathetic to those proposals to raise the basic retirement age gradually over a long period of time, but the proposal I am introducing today stays within the existing range for retirement benefit adjustments. It would simply equalize benefits within that range so that those individuals who delay their retirement would not be penalized as they are under present adjustment factors.

APPRENTICESHIP PROGRAMS

Finally, Mr. President, the proposed Employment Opportunities for Older Americans Act of 1982 includes a provision in the National Apprenticeship Act to which would prohibit age discrimination in apprenticeship programs. A great number of apprenticeship programs which recruit entrants into the skilled trades apply upper age limits for aspiring workers. These policies reflect an attitude toward the productivity and longevity of older workers that is inconsistent with the demographic changes ahead in our work force. As the demand for older workers grows and older workers look at second careers, age barriers in apprenticeship and other job training programs must be reevaluated. A worker in the year 2000 is as likely to spend as many years in the work force after his 45th birthday as before that age. In many cases, older workers will be needed to transfer from heavy industrial jobs to lighter tasks. They will need to have access to training programs to make these transfers. Elimination of age discrimination in apprenticeship programs is one of the steps that should be taken as we attempt to reorient our attitude toward older workers.

CONCLUSION

Mr. President, I believe that this proposal represents a comprehensive approach to expanding the employment opportunities of older Americans who want to stay in the work force in some fashion after the normal retirement age. I hope that the introduction of this measure at this time will stimulate a dialog within the Congress that will contribute to a reevaluation and revision of our basic policies regarding retirement. The changes which have taken place in our society and will continue to take place in the coming decades demand that we discard our existing rigid concepts about retirement and replace them with a flexible range of options that will meet the needs of older workers, of American business, of our economy and of our society.

Mr. President, I ask unanimous consent that the full text of the bill that I am introducing today be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Employment Opportunities for Older Americans Act of 1982".

TITLE I—AMENDMENTS TO AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967

AGE LIMITATION

SEC. 101. (a)(1) Section 12(a) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 631(a)) (relating to age limitations) is amended by striking out "but less than 70 years of age".

(b) Subsections (c) and (d) of section 12 of such Act (29 U.S.C. 631 (c) and (d)) are repealed.

BENEFIT ACCRUAL BEFORE MAXIMUM NORMAL RETIREMENT BENEFIT

SEC. 102. Section 4(f)(2) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(f)(2)) (relating to prohibition of age discrimination) is amended—

(1) by striking out "and" after "hire any individual,"; and

(2) by inserting before the semicolon at the end thereof a comma and "and no employee benefit plan shall require or permit the suspension of an employee's benefit accrual or the reduction of the rate of an employee's benefit accrual because of age before accruing the maximum normal retirement benefit".

TITLE II—PENSION ACCRUALS FOR OLDER WORKERS

BENEFIT ACCRUAL BEYOND NORMAL RETIREMENT AGE

SEC. 201. (a)(1) Subsection (a) of section 204 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(a)) (relating to benefit accrual requirements) is amended to read as follows:

"(a) Each pension plan shall satisfy the requirements of subsection (b)(3), and—

"(1) in the case of a defined benefit plan, shall satisfy the requirements of subsection (b)(1); and

"(2) in the case of a defined contribution plan, shall satisfy the requirements of subsection (b)(2).".

(2) Section 204(b)(1) of such Act (29 U.S.C. 1054(b)(1)) is amended by adding at the end the following new subparagraph:

"(H) Notwithstanding the preceding subparagraphs, a defined benefit plan shall be treated as not satisfying the requirements of this paragraph if, under terms of the plan, an employee's benefit accrual is suspended or the rate of an employee's benefit accrual is reduced solely because of age before accruing the maximum normal retirement benefit.".

(3) Section 204(b) of such Act (29 U.S.C. 1054(b)) is further amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) An individual account plan satisfies the requirements of this paragraph if, under the plan, employer contributions to the employee's account are not suspended or reduced solely because of age.".

(b)(1) Section 411(b)(1) of the Internal Revenue Code of 1954 (relating to accrued benefit requirements) is amended—

(A) by striking out "GENERAL RULES.—" and inserting in lieu thereof "DEFINED BENEFIT PLANS.—"; and

(B) by adding at the end thereof the following new subparagraph:

"(H) CONTINUED ACCRUAL BEYOND NORMAL RETIREMENT AGE.—Not withstanding the preceding subparagraphs, a defined benefit plan shall be treated as not satisfying the requirements of this paragraph if, under the terms of the plan, an employee's benefit accrual is suspended or the rate of an employee's benefit accrual is reduced solely because of age before accruing the maximum normal retirement benefit."

(2) Section 411(b) of the Internal Revenue Code of 1954 is further amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) DEFINED CONTRIBUTION PLANS.—A defined contribution plan satisfies the requirements of this paragraph if employer contributions to the employee's account are not suspended or reduced solely because of age."

(3) The first sentence of section 411(a) of the Internal Revenue Code of 1954 (relating to minimum vesting standards) is amended by striking out "paragraph (2) of subsection (b), and" and all that follows down through the end thereof and inserting in lieu thereof "subsection (b)(3), and also satisfies, in the case of a defined benefit plan, the requirements of subsection (b)(1) and, in the case of defined contribution plan, the requirements of subsection (b)(2)."

EMPLOYMENT BEYOND NORMAL RETIREMENT AGE

SEC. 202. (a) Section 206 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1056) (relating to form and payment of benefits) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) If—

"(1) a participant or beneficiary is receiving benefits under a pension plan, or

"(2) a participant or beneficiary is separated from the service and has nonforfeitable rights to benefits,

a plan may not deny, suspend, or reduce the benefits of such a participant by reason of any increase in the income of the participant due to employment of the participant by any employer for less than 1,000 hours during a calendar year.".

(b)(1) Section 203(a)(3)(D)(v) of such Act (29 U.S.C. 1053(a)(3)(D)(v)) is amended by striking out "section 206(c)" and inserting in lieu thereof "section 206(d)".

(2) Section 211(b)(1) of such Act (29 U.S.C. 1061(b)(1)) is amended by striking out "206(d)" and inserting in lieu thereof "206(e)".

EFFECTIVE DATE

SEC. 203. The amendments made by this title shall apply with respect to plan years beginning after December 31, 1983.

TITLE III—FURTHER AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1954

CREDIT FOR EMPLOYMENT OF CERTAIN NEW EMPLOYEES

SEC. 301. (a) Subsection (d) of section 51 of the Internal Revenue Code of 1954 (relating to members of targeted groups) is amended—

(1) by striking out "or" at the end of subparagraph (H);

(2) by striking out the period at the end of subparagraph (I) and inserting in lieu thereof a comma and "or";

(3) by inserting after subparagraph (H) the following new subparagraph:

"(J) low-income older worker.";

(4) by redesignating paragraphs (11), (12), (13), and (14) as paragraphs (12), (13), (14), and (15), respectively, and inserting after paragraph (10) the following new paragraph:

"(11) LOW-INCOME OLDER WORKER.—The term 'low-income older worker' means an individual certified by the designated local agency as—

"(A) at least 65 years of age, and

"(B) a member of an economically disadvantaged family (as determined under paragraph (12)).".

(b) Paragraph (3)(A)(ii), paragraph (4)(C), and paragraph (7)(A) of such Code are amended by striking out "paragraph (11)" each place it appears and inserting in lieu thereof "paragraph (12)".

(c) The amendments made by this section shall apply to amounts paid or incurred after December 31, 1983, in taxable years ending after such date.

CREDIT FOR CERTAIN OLDER WORKERS

SEC. 302. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable against tax) is amended by inserting before section 45 the following new section:

"SEC. 44H. CREDIT FOR CERTAIN OLDER WORKERS.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual who has attained 62 years of age before the close of the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable percentage of the section 44H amount of such individual for such taxable year.

"(b) LIMITATION.—No credit shall be allowable under subsection (a) with respect to an individual who was eligible for an old-age insurance benefit under section 202 of the Social Security Act prior to January, 1979.

"(c) DEFINITIONS.—For purposes of this section—

"(1) APPLICABLE PERCENTAGE.—The term 'applicable percentage' means the product obtained (expressed as a percentage) by multiplying the lowest rate of tax imposed under the subsection of section 1 which is applicable to such individual for the taxable year by the following multiple:

If the age of the individual at the close of the taxable year is:	The multiple is:
62	0.3
63	.4
64	.5
65	.6
66	.7
67	.8
68	.9
69	1.0

"(2) SECTION 44H AMOUNT.—The term 'section 44H amount' means an amount equal to the amount by which old-age benefits otherwise payable to an individual under section 202 of the Social Security Act for a taxable year are reduced pursuant to section 203 of such Act for such taxable year on account of work by such individual.".

(b)(1) Subsection (b) of section 6401 of such Code (relating to excessive credits treated as overpayments) is amended—

(A) by striking out "and 43 (relating to earned income credit)," and inserting in lieu thereof "43 (relating to earned income credit), and 44H (relating to older worker credit),", and

(B) by striking out "39 and 43" and inserting in lieu thereof "39, 43, and 44H".

(2) Paragraph (2) of section 55 (b) of such Code (defining regular tax) is amended by striking out "39 and 43" and inserting in lieu thereof "39, 43, and 44H".

(c) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting before the item relating to section 45 the following new item:

"Sec. 44H. Credit for certain older workers.".

(d) The amendments made by this section shall apply to taxable yesrs beginning after December 31, 1983.

SEC. 303. REDUCTION IN EMPLOYMENT TAXES WITH RESPECT TO OLDER WORKERS.

(a) (1) Section 3101 of the Internal Revenue Code of 1954 (relating to rate of FICA tax on employees) is amended by adding at the end the following new subsection:

"(e) TAX WITH RESPECT TO OLDER WORKERS.—In the case of wages received during a calendar year by an individual who is 65 years of age or older, each rate of tax imposed by subsections (a) and (b) shall be, with respect to that portion of such wages which does not exceed one-half of the contribution and benefit base (as defined in section 230 of the Social Security Act) in effect for such calendar year, one-half of the rate otherwise applicable under such subsection.".

(2) Section 3111 of such Code (relating to rate of FICA tax on employers) is amended by adding at the end the following new subsection:

"(d) TAX WITH RESPECT TO OLDER WORKERS.—In the case of wages received during a calendar year by an individual who is 65 years of age or older, each rate of tax imposed by subsections (a) and (b) shall be, with respect to that portion of such wages which does not exceed one-half of the contribution and benefit base (as defined in section 230 of the Social Security Act) in effect for such calendar year, one-half of the rate otherwise applicable under such subsection.".

(b)(1) Section 3201 of such Code (relating to rate of Railroad Retirement Act tax on employees) is amended by adding at the end the following new subsection:

"(c)(1) In the case of compensation paid in any calendar month for services rendered by an employee who is 65 years of age or older, the rate of tax imposed on the income of such employee under subsection (a) for such month shall equal, with respect to that portion of such compensation which, when added to the compensation paid in the preceding months of the same calendar year to such employee, does not exceed one-half of the current maximum annual taxable 'wages' (as defined in section 3121), one-half of the rate of tax otherwise applicable under such subsection.

"(2) In the case of compensation paid in any calendar month for services rendered by an employee who is 65 years of age or older, the rate of tax imposed on the income of such employee under subsection (a) shall be increased—

"(A) with respect to the portion of such compensation described in paragraph (1), by each rate of tax specified in section 3101(e); and

"(B) with respect to the remainder (if any) of such income, by each rate of tax specified in subsection (b).".

(2) Section 3211 of such Code (relating to rate of Railroad Retirement Act tax on employee representatives) is amended by adding at the end of the following new subsection:

(c)(1) In the case of compensation paid in any calendar month for services rendered by an employee representative who is 65 years of age or older, the rate of tax imposed under subsection (a) shall be, with respect to the portion of such income described in section 3201(c)(1), one-half the rate of tax otherwise imposed under such subsection.

"(2) In the case of compensation paid in any calendar quarter for services rendered by an employee representative who is 65 years of age or older, the rate of tax imposed under subsection (a) shall be increased—

"(A) with respect to the portion of such compensation described in section 3201(c)(1), by the rates of tax specified in section 3101(e) and section 3111(d); and

"(B) with respect to the remainder (if any) of such compensation, by the rates otherwise applicable under such subsection.".

(3) Section 3221 of such Code (relating to rate of Railroad Retirement Act tax on employees) is amended by adding at the end the following new subsection:

"(e)(1) In the case of compensation paid in any calendar month by an employer for any services rendered to him by an employee who is 65 years of age or older, the rate of tax imposed on such employer under subsection (a) shall be, with respect to the portion of such compensation described in section 3201(c)(1), one-half the rate of tax otherwise imposed on such employer under such subsection.

"(2) In the case of compensation paid in any calendar month by an employer for any services rendered to an employee who is 65 years of age or older, the rate of tax imposed under subsection (a) shall be increased—

"(A) with respect to the portion of such compensation described in section 3201(c)(1), by the rates of tax specified in section 3111(d); and

"(B) with respect to the remainder (if any) of such compensation, by the rates of tax specified in subsection (b).".

(c) The amendments made by this section shall apply with respect to wages received and compensation paid after December 31, 1983.

TITLE IV—AMENDMENTS TO THE SOCIAL SECURITY ACT

CHANGE IN OLD-AGE INSURANCE BENEFIT AMOUNTS ON ACCOUNT OF EARLY OR DELAYED RETIREMENT

SEC. 401. (a)(1) Section 202(q)(1)(A) of the Social Security Act (relating to reduction of benefit amounts for certain beneficiaries) is amended by striking out "5/9 of 1 percent" and inserting in lieu thereof "0.5833 percent".

(2) Section 202(q)(9) of such Act (relating to definition of retirement age) is amended to read as follows:

"(9)(A) Except as provided in subparagraph (B), for purposes of this subsection, the term 'retirement age' means age 65.

"(B) For purposes of determining the amount (if any) by which an old-age insurance benefit shall be reduced under paragraph (1), the term 'retirement age' means age 65 and 2 months.".

(b)(1) Paragraph (1) of subsection (w) of section 202 of such Act relating to increase in old-age insurance benefit amounts on account of delayed retirement is amended by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following new subparagraphs:

"(A) 0.5 percent of such amount, multiplied by the number of the increment months (if any) of such individual ending after such individual attains age 65 and before such individual attains age 66; plus

"(B) 0.5833 percent of such amount, multiplied by the number of the increment months (if any) of such individual ending after such individual attains age 66 and before such individual attains age 67; plus

"(C) 0.75 percent of such amount, multiplied by the number of increment months (if any) of such individual ending after such individual attains age 67 and before such individual attains age 68; plus

"(D) 0.8333 percent of such amount, multiplied by the number of increment months (if any) of such individual ending after such individual attains age 68 and before such individual attains age 69; plus

"(E) 0.9166 percent of such amount, multiplied by the number of increment months (if any) of such individual ending after such individual attains age 69 and before such individual attains age 70; plus

"(F) 1.0833 percent of such amount, multiplied by the number of increment months (if any) of such individual ending after such individual attains age 70 and before such individual attains age 71; plus

"(G) 1.1666 percent of such amount, multiplied by the number of increment months (if any) of such individual after such individual attains age 71 and before such individual attains age 72.".

(2) Paragraph (2) of subsection (w) of section 202 of such Act is amended to read as follows:

"(2) For purposes of this subsection, the term 'increment month' means a month with respect to which an individual—

"(A) is a fully insured individual (as defined in section 214(a)), and

"(B)(i) is not entitled to an old-age insurance benefit, or

"(ii) suffers a deduction under section 203(b) or 203(c) in an amount equal to the amount of such benefit.".

(3) Paragraph (3) of subsection (w) of section 202 of such Act is amended to read as follows:

"(3) A determination shall be made annually of the amount by which the benefits of an individual are required to be increased pursuant to paragraph (1), and such amount shall be applied to the old-age insurance benefit payable to such individual without regard to this subsection, beginning with bendfits for January of the year following the year with respect to which such determination is made; except that the amounts applicable to the benefits of an individual who attains age 72 shall be determined through the month before the month in which such individual attains such age and shall be applicable to the old-age insurance benefit payable to such individual without regard to this subsection beginning with the month in which such individual attains such age.".

(d) (1) The amendments made by subsections (b) and (c) of this section shall apply with respect to increased benefit amounts payable under section 202 (w) of the Social Security Act for months after December 1983.

(2) The amendments made by subsection (a) of this section shall apply with respect to reduced benefit amounts payable under section 202 (q) of such Act for months after December 1989.

TITLE V—AMENDMENTS TO THE NATIONAL APPRENTICESHIP ACT

PROHIBITION OF AGE DISCRIMINATION IN APPRENTICESHIP PROGRAMS

SEC. 501. The first section of the Act of August 16, 1937 (50 Stat. 664, chapter 663; 19 U.S.C. 50) popularly known as the National Apprenticeship Act, is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b) In promoting labor standards for the welfare of apprentices under subsection (a) of this section, the Secretary shall ensure that no program of apprenticeship discriminates against any individual, because of the age of such individual, in admission to, or employment in, any such program.".

By Mr. SASSER:

S. 3011. A bill to amend the Disaster Relief Act of 1974 to increase the aggregate amount of grants which may be made under such act to any individual or family adversely affected by a major disaster; to the Committee on Environment and Public Works.

S. 3012. A bill to amend the Small Business Act to reduce the interest rate payable on the Federal share of certain disaster loans made under such act; to the Committee on Small Business.

REDUCTION OF INTEREST RATES FOR CERTAIN EMERGENCY ASSISTANCE AND AN INCREASE IN THE AGGREGATE AMOUNT OF CERTAIN EMERGENCY GRANTS

● Mr. SASSER. Mr. President, on September 28, I introduced legislation, S. 2962, which is aimed at easing the financial burdens of persons who take out certain disaster emergency loans. I am today continuing that effort by introducing two more bills, S. 3011 and S. 3012, which seek to achieve this same result.

S. 3011 follows closely the language in S. 2962 in reducing the interest payable on disaster loans. However, S. 3011 works this reduction for emergency loans taken under the Small Business Act.

The other measure I am introducing, S. 3012, provides a different form of assistance by increasing the aggregate amount of grants which may be made under the Disaster Relief Act of 1974 from $5,000 to $10,000.

Mr. President, I am again introducing these bills as companion bills to identical legislation introduced by Mr. GORE in the House.

I pointed out the need for this type of legislation of September 28. The arguments I raised at that time are equally valid for the bills I have introduced today.

Mr. President, I ask unanimous consent that the full text of S. 3011 and S. 3012 be printed in the RECORD following my remarks.

There being no objection, the ordered to be printed in the RECORD, as follows:

S. 3011

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 408(b) of the Disaster Relief Act of 1974 (42 U.S.C. 5178(b)) is amended by striking out "$5,000" and inserting in lieu thereof "$10,000".

SEC. 2. The amendment made by the first section of this Act shall not apply with respect to major disasters declared before June 1, 1982.

S. 3012

Be it enacted by the Senate and House of Representatives of the United States of American in Congress Assembled, That section 7(c)(4) of the Small Business Act (15 U.S.C. 636(c)(4)) is amended—

(1) in subparagraph (A) by striking out "8 per centum" and inserting in lieu thereof "5 per centum", and

(2) in subparagraph (C) by striking out "8 per centum" and inserting in lieu thereof "5 per centum".

SEC. 2. The amendments made by the first section of this Act shall apply with respect to the outstanding amount of the Federal share of any loan made on or after August 31, 1981.●

By Mr. McCLURE (for himself and Mr. SYMMS):

S. 3013. A bill to provide relief for certain desert land entrymen in Idaho; to the Committee on Energy and Natural Resources.

IDAHO ENTRYMEN

Mr. McCLURE. Mr. President, today I and Senator SYMMS are introducing a bill to reinstate desert land entries in two projects in Idaho and to permit the entrymen or their heirs to complete the requirements of the Desert Land Act in accordance with interpretations of that act adopted by the Department of the Interior and retroactively applied to those entries after those entries had been developed and final payment had been made to the United States.

This bill is necessary to eliminate the harsh and unfair results arising from the retroactive application of an interpretation of the Desert Land Act, 43 U.S.C. 329—the Act—by the Department of the Interior to transactions that were completed before the interpretation of the act was rendered. The authority of the Department of the Interior to retroactively apply such interpretation has been upheld by the U.S. courts on appeal in this matter. The result of this retroactive application by the Department of its interpretation of the act is forfeiture to the Government of the land and the money paid by the entrymen, despite that from as early as the 1800's and continuing to as late as 1964 or

beyond, the Department consistently held that desert land entries were controlled by interpretations in effect at the time the entries were made.

The subject two projects are located adjacent to the Snake River in Elmore County, Idaho. The Black Mesa project consists of 14 entries comprising approximately 4,400 acres, and the Sailor Creek project consists of 12 entries comprising approximately 3,700 acres. Both projects were initiated in 1963 and the applications for all the entries had been allowed by March of 1964. Development of the Sailor Creek project proceeded forward in 1964 and the lands were placed under irrigation and in production that year. Development of the Black Mesa project commenced in the summer of 1964 and was completed in time for irrigation and crop production in 1965. Final proof and final payment under the act were made for the Sailor Creek project in 1964 and for the Black Mesa project in 1965.

The Sailor Creek entries were farmed under 2-year leases, with two, 5-year renewals (one entry was leased originally only for 1964). The Black Mesa entries were farmed under 1-year verbal agreements, following cancellation of 10-year operating agreements that had been made in reliance on the BLM Director's 1964 decision in the Indian Hills case. At that time, the Department of the Interior had no regulations concerning leases or farming contracts for desert land entries. However, it did have a regulation expressly authorizing mortgages on desert entries. Decisions of the Department made between 1891 and 1910, and still in effect in 1964, stated that desert entries did not require residence or settlement, that all acts of improvement could be done by an agent instead of by the claimant in person, and that other parties could assist in financing the development of entries so long as there was no agreement for transfer of title to the person providing the financing. Accordingly, in both projects the farm operators received mortgages to secure payment of the development costs. As is amply shown in the administrative records of the Bureau of Land Management ("BLM"), the Sailor Creek entrymen were encouraged by BLM employees to lease their entries in order to insure sound farming operations and a successful project. The Black Mesa farm operating contracts were made only after the BLM issued a decision in 1964 approving long-term leases and mortgages for the development and farming of another desert entry project.

The basis for the cancellation of the entries on both projects was the 320-acre holding limitation set forth in the act. The first indication that the Department thought that the holding limitation applied to anything other than transfers of title came in an opinion issued by the Department Solicitor in April of 1965, several months after final payment had been made on the Sailor Creek entries and only 4 months before final payment was made and accepted by the United States on the Black Mesa entries. The Solicitor's opinion was followed by a decision by Secretary Udall in *U.S. v. Shearman* 73 I.D. 386, which interpreted the act as prohibiting leases and development arrangements. This interpretation made the holding limitation under the act applicable to leases by construing leases to constitute an effective transfer title under the act. The courts have upheld the Secretary's authority to make this interpretation and to apply it retroactively in this matter.

However, the entrymen were not advised that the new policy would be applied to their entries. Moreover, in another 1964 decision, *Raymond L. Gunderson*, 71 I.D. 477, 483-484, the Department had confirmed its policy that new interpretations of the public land laws would not be applied retroactively. There has even been confusion in applying the new policy set forth in UDALL'S decision in U.S. against Shearman, supra. For instance, in 1972, the Department issued two patents on two entries comprising 600 acres, even though all of the development work and farming was done under 5-year leases to a partnership.

In May, 1966, for Sailor Creek, and July, 1967, for Black Mesa, almost 2 years after final proof was submitted, the Idaho office of the BLM filed contest complaints against the entrymen on grounds that they had violated the holding limitation under the act. In the Sailor Creek matter, the administrative law judge who heard the testimony ruled in favor of the entrymen. However, that decision was overruled by the Interior Board of Land Appeals on the basis of its own interpretation of section 329. In a suit for judicial review, the U.S. District Court for Idaho held that, while the Department's interpretation of the act was a proper one, the Interior Board of Land Appeals was estopped from applying that interpretation retroactively to the entries and that the entrymen should have been given an opportunity to comply with that new interpretation. On appeal, the U.S. Court of Appeals for the Ninth Circuit reversed the district court and interpreted section 329 as permitting no latitude for modifying contractual arrangements to comply with the new interpretations. In the Black Mesa case, the administrative law judge and the Interior Board of Land Appeals ruled against the entrymen. On judicial review, the district court confirmed that the entries must be forfeited on the basis of the decision by the Ninth Circuit Court of Appeals in the Sailor Creek case. The district court decision in the Black Mesa case was affirmed on appeal to the ninth circuit.

The purpose of this bill is to provide relief to the entrymen from forfeiture of their entries resulting from the retroactive application of the subsequent interpretation of the act. The bill is designed to provide the entrymen with an opportunity to come into compliance with the new interpretations. Through the process of administrative evolution, the Department now has taken the position that an individual entryman must participate actively in the reclamation and cultivation of his entry. The function of this bill is to reinstate the entries and afford the entrymen or their heirs (three entrymen are now deceased) the opportunity to complete the reclamation and cultivation of their entries in accordance with the Department's newly adopted policy.

The relief provided in this bill is similar to that provided for a large number of desert entrymen in Imperial County, Calif., by the act of June 25, 1910, 36 Stat. 867. Many entries that had been made by dummy entrymen had been obtained by innocent purchasers, through assignments. Other entries had been assigned to persons who already held entries but not for the full 320 acres allowed by law. Technically, the entries were subject to cancellation for illegal inception or because the assignees were disqualified, just as the courts have held that the Sailor Creek and Black Mesa entries technically were subject to cancellation for failure to comply with the requirements of the law. Many of the innocent assignees had invested thousands of dollars to obtain the assignments and additional thousands of dollars to develop the entries. In the Sailor Creek and Black Mesa entries, the transactions were entered into innocently because the entrymen did not know that their development and farming arrangements would be interpreted as constituting holdings under 43 U.S.C. sec. 329. That lack of knowledge is emphasized by the BLM's 1964 decision in the Indian Hill case, which held that long-term leases and mortgages were a permissible method of development and farming and did not constitute violations of section 329.

The 1910 act provided relief by permitting the assignee to complete the entry, notwithstanding any contest that had been filed or that might later be filed against the entry, based upon a charge of fraud of which the assignee had no knowledge, or a charge that the assignee was disqualified. This bill relieves the entrymen of the harsh effect of an interpretation of the Desert Land Act of which they had no knowledge at the time they entered into the critical transactions, because the interpretation had not been developed at that time and, in fact, a con-

trary interpretation was in effect at the time.

In providing relief to these entrymen from the harsh effects of retroactive application of the new interpretation of the act, this bill will not affect the Department's present policy or affect any other desert entries. This bill is limited in its application to the desert land entries in the Sailor Creek and Black Mesa projects, the BLM serial numbers for which are set forth the bill. This bill does not amend the Desert Land Act nor any regulations promulgated thereunder; rather, it merely provides relief to these entrymen from retroactive application of new interpretations of the act and consequential forfeiture of their entries. The bill will give these entrymen a fair opportunity to comply with the law as now interpreted by the Department and it will prevent the wasting of several hundred thousands of dollars of material and energy resources that were used in the development of the projects and the construction of the two irrigation systems that serve the projects.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3013

SECTION 1. The Congress finds that the certain developed and productive desert land entries in Idaho made under the Desert Land Act of March 3, 1877, as amended, 43 U.S.C. §§ 321, *et seq.*, generally known as the Black Mesa and the Sailor Creek Projects, and specifically identified in Section 2 of this Act by Bureau of Land Management serial number, have been cancelled under the provisions of 43 U.S.C. § 329 as a result of the retroactive application of an interpretation of the holding limitation of 43 U.S.C. § 329; the Congress further funds that the retroactive application of the interpretation of the holding limitation was made approximately two years after final development and proof of and final payment for these desert land entries made several years after the entries were allowed, without giving the entrymen any opportunity to comply with the new interpretation; the Congress further finds that cancellation of the desert land entries under those circumstances was harsh, unfair and results in forfeiture to the government of the developed entries, and that such cancellation was not necessary for the proper operation and administration of the Desert Land Act; and the Congress further finds that the entrymen have fulfilled the requirements of the Desert Land Act in all respects other than the holding limitation and that the entrymen and the assignees hereinafter named are entitled to have their entries reinstated in order that they may comply with the new interpretation of the Desert Land Act and qualify for issuance of patents.

SEC. 2. The names of the entrymen and assignees, and the serial numbers of the desert land entries, to which this Act applies, are as follows:

A. Sailor Creek project desert entries:

Entryman (Idaho):	*BLM designated serial number*
G. Patrick Morris	013820
Joan E. Roth	013905
Elise L. Neeley	013906
Lyle D. Roth	013907
Vera M. Noble (now Baltzor)	014126
Charlene S. Baltzor	014128
George R. Baltzor	014129
John E. Morris (deceased)	014130
Juanita M. Morris	014249
Nellie Mae Morris (deceased)	014250
Milo Axelsen	014251
Peggy Axelsen	014252

B. Black Mesa project desert entries:

Golden Grigg	013917
LeFawn Grigg (now Ottley)	013918
Fred Baines	013919
Merthan G. Ellis, assignee of Otis H. Williams	013920
Vonnie E. Ellis, assignee of Kathryn Williams	013921
Lovell Taylor	013922
William A. Anderson	013923
Saragene Smith	013924
Thomas M. Anderson	013925
Bonnie Anderson	013926
Charles L. Taylor	013927
Darlene Baines (deceased)	013928
Lu Ann Hogg	013933
Paul R. Hogg	013934

SEC. 3. The desert land entries identified—in Section 2 of this Act are hereby reinstated, and the entrymen and above named assignees, or the heirs or devisees of any deceased entryman or above named assignee, are allowed six (6) months from the effective date of this Act to rescind any agreements they might now be party to which are prohibited by the Secretary of the Interior's current interpretation of 43 U.S.C. § 329, and are allowed until December 31 in the third year following the effective date of this Act to resubmit final proof of reclamation and cultivation of the land in accordance with the provisions of 43 U.S.C. § 329. Upon making satisfactory final proof, patents shall issue to the entrymen and the above named assignees or to their heirs or devisees, without further payment, final payment having been made by the named entrymen in 1964 and 1965.

SEC. 4. Notwithstanding any other provision of the desert land laws, the property right prior to issuance of patent to the lands of any entryman or his assignee identified in Section 2 of this Act, or the heirs or devisees of any such entryman or assignee, whose entry is reinstated in accordance with Section 3 of this Act, shall be a personal right, inheritable but not assignable; provided, however, that any such entry may be mortgaged in the manner permitted by the regulations issued by the Secretary of the Interior for the purpose of securing repayment of monies borrowed for development of the entry or for farm operating or crop production expenses.

SEC. 5. This Act is limited in scope and applies only to those certain desert land entries in Idaho identified above in Section 2 of this Act. The purpose of this Act is to provide relief unique to the entrymen and assignees listed above in Section 2 of this Act, and this Act does not amend or interpret or provide any change in interpretation of any provision of 43 U.S.C. § 329 or any other section of the Desert Land Act.

By Mr. DECONCINI:

S. 3014. A bill entitled the "Small Business Emergency Assistance Act of 1982"; to the Committee on Small Business.

SMALL BUSINESS EMERGENCY ASSISTANCE ACT OF 1982

Mr. DECONCINI. Mr. President, the financial crisis in Mexico is having serious repercussions in this country, especially the adjoining States. The dramatic devaluation of the peso since February of this year coupled with the imposition of exchange controls has disrupted normal patterns of trade and commerce and has compounded the depression-like conditions already prevalent in many of the border communities.

The southwestern border area, Mr. President, has never been noted for its great wealth and affluence. It has a history of chronic underdevelopment and suffers from national inattention to its special problems. Thus, the people who have settled there are used to hardship. They are tough, resourceful, and self-reliant. But the economic cataclysm of the last year exceeds even their capacity for coping. It has brought what by any fair and reasonable standard would have to be considered a full blown disaster.

Yet, the businesses in my State and the others along the border can, because of changes enacted in the administration's reconciliation bill of last year, no longer qualify for the small business disaster loan program. To be sure, the SBA has recently announced a so-called Peso Pack of loans, loan guarantees, and technical assistance to eligible businesses in border communities. The problem is that the minimum interest rate on the financial assistance included in the package is 14¾ percent. Firms that have been doubly devastated by both the deepening recession in this country and the massive devaluation of the peso simply cannot be expected to bear that kind of debt service burden. Most are in desperate straits already.

In Douglas, Ariz., for example, business activity has fallen 80 percent since the latest peso devaluation in August. In Nogales, Ariz., eight firms have already gone under and the volume of business is down 78 percent. Almost 50 percent of the local work force has been laid off. In July—the last month for which data are available—the unemployment rate in the border counties of my State was already extremely high. In Yuma County it was 19.2 percent, In Pima County it was 10 percent; in Santa Cruz County, 18.4 percent; and in Cochise County, 10.4 percent. It is a lot higher today and unless we act quickly, conditions can only get worse.

The bill I am introducing today is designed to address the situation in the most direct and expeditious manner possible under the circumstances. It would cut through the red-tape and make SBA loans available at the rates that apply to other types of disasters.

Now, Mr. President, I have here a copy of a letter from Mr. David Stockman, Director of the President's Office of Management and Budget, which outlines the administration's objections to certain provisions in the continuing resolution we have just passed. I ask that it be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., September 23, 1982.

Hon. MARK HATFIELD,
Chairman, Senate Appropriations Committee, U.S. Capitol, Washington, D.C.

DEAR MARK: As the Appropriations Committee begins its work on the Continuing Resolution for Fiscal Year 1983, I would like to share with you the Administration's concerns about operating under a Continuing Resolution in certain key areas.

As we have discussed on several occasions, the Administration believes that attempting to operate at current levels in the Department of Defense—for even a short period of time—would be highly detrimental to our Nation's security. In our view, the rate for the Department of Defense should conform as closely as possible with the FY 1983 Budget Resolution level. We believe the Department of Defense Appropriations Act schedule to be reported to the Senate generally achieves this objective. I strongly urge you to report the Resolution with this amendment.

Similarly, the levels for Foreign Operations provided in the House-passed Continuing Resolution make inadequate provision for program levels needed to enable the President to conduct foreign policy. First, the House-passed language falls short of actual current levels in two respects. The language fails to incorporate 1982 supplemental appropriations enacted by the Congress in establishing current levels. The language also restricts appropriations in those areas where budget estimates are lower than current rates.

In addition, the restrictions on foreign assistance program activities in the Resolution would prevent the timely implementation of key Administration initiatives in Namibia, and make no provision for startup of Radio Marti, which has been approved by the Senate Foreign Relations Committee. I strongly urge you to remedy these critical funding shortages.

In non-security areas, the House-passed Resolution incorporates a number of specific provisions which are highly troublesome. These are: Failure to provide for an Executive-level pay increase (section 101(e)); Technical defects in the treatment of blue collar pay (section 110); A prohibition of funding SLUC increases (section 111); exclusion of stockpile purchase authority from the limits for discretionary programs established by the Budget Resolution (section 112); insufficient flexibility in the Public Buildings Fund authority to manage the building program on a cost-effective basis (section 113); and provisions which, in effect, would dictate postal rates to the Postal Service in contravention of the authorizing legislation (section 115).

Your staff has been provided with a package of amendments needed to remedy these defects. I urge you to incorporate these amendments in the Resolution as reported by the Committee.

Similarly, the House-passed Continuing Resolution fails to provide for a number of situations where inaction in the Continuing Resolution would pose severe problems in the short term. These are:

Department of Defense.—Failure to include limitations on pay for DoD overseas school personnel;

Department of Commerce.—Failure to provide any funds for the continuation of the LANDSAT program under the Resolution;

Department of Housing and Urban Development.—Failure to provide appropriations for subsidized housing programs for which the House has deferred consideration;

Department of Health and Human Services.—Language (section 127) which would prevent the Administration from enforcing the conditions of the Child Support Enforcement program; failure to ensure that past-due claims under titles IV, XIX and XX of the Social Security Act, which have been barred by the Appropriations Committees since 1978, do not become payable.

Department of Transportation.—Failure to provide authority for the transition to Coast Guard funding of certain medical expenses of Coast Guard personnel; failure to appropriate funds for the pay increase for Air Traffic Controllers, as provided in S. 1912.

Veterans' Administration.—Failure to fund the 7.4 percent increase enacted for compensation to service-connected disabled veterans;

Small Business Administration.—Language in the House Commerce, State, Justice Appropriations Act which, if not overridden, would inhibit the ability of the SBA to cure defaults from the Business Loan and Investment Fund; and

Executive Office of the President.—Failure to provide fiscal year 1983 funding for the President's Foreign Intelligence Advisory Board and the President's Foreign Intelligence Oversight Board.

Your staff has been provided with a package of technical amendments needed to correct these oversights. I hope you will incorporate them in the Resolution as reported.

Thank you for this opportunity to clarify the Administration's concerns about the Resolution as passed by the House. I know you share the President's commitment to meeting essential national needs in a fiscally responsible manner. If we may be of any assistance in working with you to ensure that the Continuing Resolution reported to the Senate meets this essential standard, do not hesitate to let me know.

Sincerely,

DAVID A. STOCKMAN.

Mr. President, this letter is illuminating in several respects as to the sense of priorities that apparently guides this administration's policies. The third paragraph, for example, complains that the level of foreign aid funding in the House resolution—$9.8 billion—is inadequate. Interestingly, Mr. Stockman also objects to limitations on increases in the salaries of the highest paid Federal bureaucrats, himself included.

Now, Mr. President, if the administration can recommend increases in foreign aid and bureaucratic salaries, surely it is willing to extend a real helping hand to our border communities. That is what my bill would do. I urge its early passage and ask that it be reprinted in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3014

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Notwithstanding any other provision of law, the Administrator of the Small Business Administration in providing loans or loan guarantee assistance to businesses affected by the economic dislocation resulting from the 1982 devaluation of the Mexican peso shall make such assistance available at the rates prescribed in Section 7(c)(4)(C) of the Small Business Act, as amended.

By Mr. GOLDWATER:

S. 3015. A bill to amend the Tariff Act of 1930 to prohibit an allowance against the foreign market value of merchandise to offset the adjustment to the exporter's sales price of such merchandise required to be made by section 772(e)(2) of such Act, and for other purposes; to the Committee on Finance.

ALLOWANCE AGAINST FOREIGN MARKET VALUE

● Mr. GOLDWATER. Mr. President, I am introducing a bill containing two amendments to our trade law which will carry out the intent of Congress that the antidumping and countervailing duty laws be effectively enforced.

The first amendment is important to many domestic industries. It corrects a situation in which Congress has failed to deal specifically with what is known as the offset adjustment. Even though the Senate report on the 1979 Trade Act specifically said that Congress was not approving or disapproving current regulations or administrative practice regarding the application of the offset, the law in being interpreted in a way that guts antidumping enforcement and gives importers a license to dump.

Unfortunately, the antidumping law, which is supposed to measure and provide a mechanism to correct price discrimination, has become a game played by foreign firms after violation of the law has been established. Under the rules of this game, various accounting claims can be asserted by importers to explain away dumping margins without changing actual prices in the U.S. marketplace.

Under current practice, employees in the Commerce Department exercise broad discretion to adjust dumping margins downward based on claimed indirect costs incurred in the importer's home market. One of these adjustments is the so-called exporters sales price "offset."

The use of the offset defeats the congressional plan for determining the amount of price discrimination which is supposed to be neutralized by assessing an equivalent amount of antidumping duties. The offset allows an amount equal to the importers's U.S.

resale expenses to be deducted from the importers's selling price in the home market, even though the U.S. resale expenses are of a kind not incurred by the manufacturer in Japan, but are, instead, incurred by the manufacturer's wholesale customer. The effect is to defeat entirely the intent of Congress that an arms-length equivalent of a purchase price between unrelated exporter and importer be applied in determining the foreign market value.

The offset is used by the Commerce Department to adjust the real home market price to produce a theoretical price lower than that which was actually charged in the home market. The effect of that adjustment is to reduce or eliminate any dumping margin.

The exporters sales price offset is the most important of a number of discretionary adjustments of indirect expenses granted to importers, who, I would point out, have already been found guilty of violating the antidumping law, and I believe Congress must clarify its position that strict enforcement of our trade policy will not be frustrated by departmental fiat.

Also, I have included in the bill a provision removing from the Secretaries of Commerce and Treasury authority to settle or compromise assessments of antidumping duties and countervailing duties. For example, the Japanese television set dumping case was settled for an amount generally believed to represent a small fraction of the actual liability for antidumping duties. This practice frustrated the intended operation of statutes which are supposed to neutralize the harmful effects of unfair methods of import competition.

Mr. President, I believe strongly in the principle of open trade both ways. However, where this trade is unfair or illegal under international standards, we cannot stand idly by and allow the destruction of important American industries in the name of pure principle.

Therefore, I am seeking to improve the enforcement of our rules of fair trade in order to support the concept of free trade. Mr. President, I ask that the text of the bill may appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3015

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (a) of section 773 of the Tariff Act of 1930 (19 U.S.C. 1677b (a)) is amended by adding at the end thereof the following new paragraph:

"(5) TREATMENT OF SELLING EXPENSES.—Notwithstanding paragraph (4), for purposes of determining—

"(A) the foreign market value of merchandise, and

"(B) the amount (if any) by which the foreign market value of merchandise exceeds the exporter's sales price of such or similar merchandise,

no allowance shall be made for any selling expenses incurred by the exporter, manufacturer, or producer of such merchandise with respect to the sale of such merchandise by such exporter, manufacturer, or producer in the home market of the country of exportation, manufacture, or production.".

(b) Section 617 of such Act (19 U.S.C. 1617) is amended by inserting "(except a claim arising under section 701 or 731)" after "laws".●

By Mr. DIXON:

S. 3016. A bill to provide for the public financing of general elections for the U.S. Senate, and for other purposes; to the Committee on Rules and Administration.

PUBLIC FINANCING OF SENATE ELECTIONS

Mr. DIXON. Mr. President, although it is late in the session, I am today offering a bill calling for the introduction of public matching funds in general elections for U.S. Senators.

With the 1982 election upon us, there is no better time to consider this vital issue, especially when we see on all sides the extravagant expenditures by candidates and committees at all levels. The timeliness of reviewing campaign fundraising and spending with a view toward improving the entire process is self-evident in this crucial election year.

Similar proposals have been offered in recent years. Because of the success of public financing in the election of American Presidents, the idea of similar financing for congressional candidates will eventually become a reality. I, for one, am convinced that for this to happen sooner is far better than later.

Let me describe briefly, Mr. President, how this bill, which would be strictly voluntary for Senate candidates, would work in my home State of Illinois.

A candidate choosing to participate in Illinois would, with certain exceptions, be limited to a total maximum expenditure of $1,490,500 in the general election. This figure is arrived at through a formula using a base of $250,000 plus 15 cents multiplied by the voting age population of a State.

A candidate in Illinois would receive dollar for dollar matching funds for contributions up to $100 from individuals. In other words, the candidate could raise $745,250 from individuals and receive the same amount in matching funds.

If on the other hand, the candidate receives, for example, $50,000 in contributions from party and political action committees, the matching funds mechanism would not be triggered. In Illinois, the candidate would have to raise only $720,250 from individuals. This amount, coupled with $720,250 in matching funds and the $50,000 from party and political action committees, would bring the candidate up to the $1,490,500 spending limit.

I would like to reiterate, Mr. President, that this entire program is voluntary. A candidate can refuse public matching funds and his or her authorized committee can raise and spend as much money as it feels necessary.

But I feel the plan contained in this bill contains these positive elements: It encourages active participation by a broader spectrum of individual contributors, and it places a cap on expenditures by candidates opting for public financing. Both of these developments would result in favorably strengthening the electoral process through increased public involvement and reviving public confidence in the integrity of the workings of our Government. Our States, our Nation, and our citizens will all benefit.

It is my intention, Mr. President, to work assiduously for the adoption of this legislation. I expect to ask my distinguished colleague Senator MATHIAS, chairman of the Committee on Rules and Administration, to which I expect this bill to be referred, to hold hearings on this matter during our lame-duck session beginning November 29. I will be seeking support from everyone interested in the earnest hope that public financing for Senate elections will become as much a permanent fixture in American politics and Government as it now is in Presidential elections.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act May be cited as the "Senate General Election Reform Act of 1982."

SEC. 2. The Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER III—PUBLIC FINANCING OF SENATE GENERAL ELECTION CAMPAIGNS

"DEFINITIONS

"SEC. 501. For purposes of this subchapter—

"(1) the definitions set forth in section 301 of this Act apply to this subchapter;

"(2) 'general election' means any regularly scheduled or special election held for the purpose of electing a candidate to the United States Senate;

"(3) 'eligible candidate' means a candidate who is eligible, under section 502, for payments under this subchapter;

"(4) 'account' means the Senate General Election Campaign Account maintained by the Secretary of the Treasury in the Presidential Election Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1954; and

"(5) 'authorized committee' means, with respect to any candidate for election to the United States Senate, any political committee which is authorized in writing by such candidate to accept contributions or to make expenditures on behalf of such candi-

date to further the election of such candidate.

"ELIGIBILITY FOR PAYMENTS

"SEC. 502. (a) To be eligible to receive payments under this subchapter, a candidate shall agree—

"(1) to obtain and to furnish to the Commission any evidence it may request about the campaign expenditures and contributions of such candidate;

"(2) to keep and to furnish to the Commission any records, books, and other information it may request; and

"(3) to an audit and examination by the Commission under section 507 and to pay any amounts required under section 507.

"(b) To be eligible to receive payments under this subchapter, a candidate shall certify to the Commission that—

"(1) the candidate and the authorized committees of such candidate will not make campaign expenditures greater than the limitations set forth in section 315(b)(3) of this Act;

"(2) no contributions will be accepted by the candidate or the authorized committees of such candidate in violation of section 315(a) of this Act;

"(3) the candidate is seeking election to the United States Senate, and such candidate and the authorized committees of such candidate have received contributions for that campaign in a total amount of not less than the smaller of—

"(A) 20 percent of the amount of expenditures the candidate may make in connection with the campaign under section 315(b)(3) of this Act, or

"(B) $200,000; and

"(4) at least two candidates have qualified for the election ballot for election to the same seat in the United States Senate under the law of the State involved.

"(c) Agreements, certifications, and declarations under this section shall be filed with the Commission at the time required by the Commission.

"ENTITLEMENT TO PAYMENTS

"SEC. 503. (a) Every candidate who meets the eligibility requirements in section 502 is entitled to payments for use in such candidate's general election campaign in an amount equal to the amount of contributions such candidate and the authorized committees of such candidate receive for that campaign.

"(b) A candidate entitled to payments under subsection (a) shall be entitled to—

"(1) an initial payment in an amount equal to the contributions certified under section 502(b)(3); and

"(2) additional payments to be paid in—

"(A) multiples of $10,000 under section 506, if, with respect to each such payment, the eligible candidate and the authorized committees of such candidate have received contributions aggregating $10,000; and

"(B) a final payment under section 506 (designated as such by the candidate involved) of the balance of the entitlement of the candidate under this section.

"(c) In determining the amount of contributions received by a candidate and the authorized committees of such candidate for the purposes of subsection (a) of this section and section 502(b)(3)—

"(1) no contribution received by the candidate or any of the authorized committees of such candidate as a subscription, loan, advance, deposit, or as a contribution of products or services, shall be taken into account;

"(2) no contribution received from a political committee or any other organization shall be taken into account;

"(3) no contribution received from any individual shall be taken into account to the extent that such contribution exceeds $100 when added to the amount of all other contributions made by that individual to or for the benefit of such candidate in connection with the general election campaign of such candidate;

"(4) no contribution received from any individual who resides in a State other than the State in which the election is held shall be taken into account to the extent that such contribution when added to all other contributions received from such individuals exceeds 20 percent of the aggregate of contributions otherwise taken into account;

"(5) no contribution (A) which is received before September 1 of the year immediately preceding the year in which any general election is held and (B) which is not maintained in a separate account until the date on which such candidate qualifies under the law of the appropriate State for election, shall be taken into account;

"(6) no contribution maintained in such a separate account shall be used to make any expenditure until the date on which the candidate qualifies under the law of the appropriate State for election to the Senate; and

"(7) no contribution received after the date on which the election is held shall be taken into account.

"(d) Notwithstanding the provisions of subsection (a), no candidate is entitled to the payment of any amount under this section which, when added to the total amount of contributions received by such candidate and the authorized committees of such candidate and any other payments made to the candidate under this subchapter for such candidate's general election campaign, exceeds the amount of the expenditures limitation applicable to such candidate for that campaign under section 315(b)(3)(A) of this Act.

"WAIVER OF OVERALL EXPENDITURE LIMITATION; ADDITIONAL PUBLIC FINANCING FOR CERTAIN CANDIDATES

"SEC. 504. (a)(1) Not later than the date on which a candidate qualifies under the law of the appropriate State for election to the Senate of the United States, or 90 days before the date of any general election, whichever is earlier, each candidate for election to the Senate of the United States shall file with the Commission a declaration of whether such candidate intends to make expenditures in excess of the limitations on expenditures under section 315(b)(3) of this Act.

"(2) Not later than 60 days before the date of such general election, each candidate who has reason to believe that he may make expenditures in excess of such limitations shall notify the Commission to that effect, unless such candidate filed with the Commission a timely declaration that he intended to exceed such limitations, as provided in paragraph (1).

"(3) Each candidate for election to the Senate of the United States shall notify the Commission and each other candidate for the same election within 48 hours after such candidate, or any of the authorized committees of such candidate—

"(A) makes any expenditure, or incurs any obligation to make an expenditure, in excess of the limitation on expenditures contained in section 315(b)(3) of this Act; or

"(B) receives any contribution which, when added to the total amount of contributions received by such candidate and the authorized committees of such candidate, exceeds the amount of the limitation on expenditures contained in section 315(b)(3)(A) of this Act.

"(4) The Commission is authorized to determine, upon its own initiative or upon the request of any candidate for election to the Senate of the United States, whether any candidate has made expenditures or incurred obligations to make expenditures in excess of the limitations contained in section 315(b)(3) of the Act, or has received contributions in excess of the limitation contained in section 315(b)(3)(A) of this Act.

"(b) The limitation on expenditures contained in section 315(b)(3)(A) of this Act shall not apply to any candidate for election to the Senate of the United States if any other candidate in the same election—

"(1) fails to file with the Commission a timely declaration as provided in paragraph (1) of subsection (a); or

"(2) files with the Commission a notice as provided in paragraph (2) of subsection (a); or

"(3) is required to notify the Commission in connection with the making of expenditures or the receipt of contributions as provided in paragraph (3) of subsection (a).

"(c)(1) Any person who makes independent expenditures, as defined in section 301(17) of this Act, or incurs costs of communication, required to be reported under section 301(9)(B)(iii) of this Act, shall notify the Commission not later than 48 hours after such person first makes such independent expenditures or incurs such costs of communication aggregating more than $5,000, and thereafter shall so notify the commission each time such person makes any additional independent expenditure, or incurs any such additional costs of communication, aggregating $5,000 or more.

"(2) If, with respect to an election, independent expenditures, as defined in section 301(17) of this Act, are made, or costs of communication, required to be reported under section 301(9)(B)(iii) of this Act, are incurred, aggregating more than one-third of the limitation on expenditures in section 315(b)(3)(A) of this Act, the Commission shall, with respect to such election, suspend the limitation on expenditures established in such section 315(b)(3)(A) at the request of any candidate in such election who is eligible to receive payments under section 502, and who has received the benefit of no more than one-third of such independent expenditures or costs of communication.

"(d)(1) The provisions of section 503(d) shall not apply to a candidate who elects to receive payments under this subchapter if the expenditure limitation contained in section 315(b)(3)(A) of this Act is made inapplicable to such candidate under subsection (a), (b), or (c) of this section.

"(2) The additional amount to which a candidate is entitled under this subsection shall be based only upon the amount of contributions received after the date on which such expenditure limitation is made inapplicable, except that any contribution which is received from an individual after the date on which the limitation on expenditures is made inapplicable shall be considered as a contribution from an individual who has not previously made a contribution to such candidate.

"(3) The additional amount to which a candidate is entitled under this subsection shall not exceed 50 percent of the amount of the expenditure limitation under section 315(b)(3)(A) of this Act which would otherwise apply to such candidate.

"CERTIFICATIONS BY COMMISSION

"SEC. 505. (a) No later than 48 hours after a candidate files a request with the Commission to receive payments under section 506, the Commission shall certify the eligibility of such candidate to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled. The request referred to in the preceding sentence shall contain—

"(1) such information and be made in accordance with such procedures as the Commission may provide by regulation; and

"(2) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this subchapter.

"(b) Initial certifications by the Commission under subsection (a), and all determinations made by it under this subchapter, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 511.

"(c) Any candidate who knowingly and willfully submits false information to the Commission under this section shall be punished as provided in section 512.

"PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 506. (a) The Secretary of the Treasury shall maintain in the Presidential Election Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1954, in addition to any other accounts he maintains under such section, a separate account to be known as the Senate General Election Campaign Account. The Secretary shall deposit into the account, for use by candidates eligible for payments under this subchapter, the amount available after the Secretary determines that amounts in the fund necessary for payments under subtitle of the Internal Revenue Code of 1954 are adequate. The moneys in the account shall remain available without fiscal year limitation.

"(b) Upon receipt of a certification from the Commission under section 505, the Secretary of the Treasury shall pay the amount certified by such Commission out of the account to the candidate to whom the certification relates.

"(c) Payments received under this section shall be used only to defray election campaign expenses incurred with respect to the period beginning on the day after the date on which the candidate qualifies for the election ballot under the law of the State involved, and ending on the date of the election, or the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election, whichever occurs first. Such payments shall not be used (1) to repay any loan to any person, or (2) to make any payments, directly or indirectly, to such candidate or to any member of the immediate family (as defined in section 315(b)(3)) of such candidate.

"(d)(1) If the Secretary of the Treasury determines that the moneys in the account are not, or may not be, sufficient to pay the full amount of entitlement to all candidates eligible to receive payments, he shall reduce the amount to which each candidate is entitled under section 503 by a percentage equal to the percentage obtained by dividing (A) the amount of money remaining in the account at the time of such determination by (B) the total amount which all candidates eligible to receive payments are entitled to receive under section 503. If additional candidates become eligible under section 502 after the Secretary determines there are insufficient moneys in the account, he shall make any further reductions in the amounts payable to all eligible candidates necessary to carry out the purposes of this subsection. The Secretary shall, by registered mail, notify the Commission and each eligible candidate of the reduction in the amount to which that candidate is entitled under section 503.

"(2) If, as a result of such reduction, payments have been made under this section in excess of the amount to which such candidate is entitled, that candidate is liable for repayment to the account of the excess pursuant to procedures the Commission shall prescribe by regulation.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 507. (a) After each Federal election, the Commission shall conduct a thorough examination and audit of the campaign expenditures of all candidates for Federal office who received payments under this subchapter for use in campaigns relating to that election.

"(b)(1) If the Commission determines that any payment made to an eligible candidate under section 506 was in excess of the aggregate amount of the payments to which such candidate was entitled, the Commission shall notify such candidate, and such candidate shall pay to the Secretary of the Treasury an amount equal to the excess amount. If the Commission determines that any portion of the payments made to a candidate under section 506 to be used in such candidate's general election campaign was not used to make expenditures in connection with such campaign, the Commission shall notify the candidate of such determination and such candidate shall pay to the Secretary an amount equal to the amount of the unexpended portion. In making its determination under the preceding sentence, the Commission shall consider all amounts received as contributions to have been expended before any amounts received under this subchapter are expended.

"(2) If the Commission determines that any amount of any payment made to a candidate under section 506 was used for any purpose other than to defray campaign expenditures, it shall notify the candidate of the amount so used, and the candidate shall pay to the Secretary of the Treasury an amount equal to such amount.

"(3) No payment shall be required from a candidate under this subsection in excess of the total amount of all payments received by the candidate under section 506 in connection with the campaign with respect to which the event occurred which caused the candidate to have to make a payment under this subsection.

"(c) No notification shall be made by the Commission under subsection (b) with respect to a campaign more than 18 months after the day of the election to which the campaign related.

"(d) All payments received by the Secretary under subsection (b) shall be deposited by him in the account.

"OTHER POWERS AND DUTIES OF THE COMMISSION

"SEC. 508. (a) The Commission is authorized to conduct examinations and audits, in addition to the examinations and audits under sections 505 and 507, to conduct investigations, and to require the keeping and submission of any books, records, or other information necessary to carry out the functions and duties imposed on it by this subchapter.

"(b) The Commission shall consult from time to time with the Secretary of the Senate, the Clerk of the House of Representatives, the Federal Communications Commission, and other Federal officers charged with the administration of laws relating to Federal elections, in order to develop as much consistency and coordination with the administration of those other laws as the provisions of this subchapter permit. The Commission shall use the same or comparable data as that used in the administration of such other election laws whenever possible.

"REPORTS TO CONGRESS

"SEC. 509. (a) The Commission shall, as soon as practicable after the close of each calendar year, submit a full report to the Senate setting forth—

"(1) the expenditures incurred by each candidate, and the authorized committees of such candidate, who received any payment under section 506 in connection with an election;

"(2) the amounts certified by it under section 505 for payment to that candidate; and

"(3) the amount of payments, if any, required from that candidate under section 507, and the reasons for each payment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission shall submit, not later than March 1 of each year immediately following a year in which any Federal election is held, a special report to the Senate setting forth—

"(1) the amounts certified by it under section 505 of this subchapter and sections 9005, 9008, and 9036 of the Internal Revenue Code of 1954 for payments from the Presidential Election Campaign Fund;

"(2) the amount of money remaining in the fund at the end of the calendar year in which any Federal election is held;

"(3) an estimate of the amount of money which will be transferred to such fund during each of the four calendar years immediately following the year in which any Federal election is held; and

"(4) an estimate, to the extent practicable, of the amount of money necessary to make all payments to which eligible candidates and the national committees of each political party will be entitled with respect to the next two Federal elections to be held.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 510. (a) The Commission is authorized to appear in and defend against any action filed under section 511, either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) The Commission is authorized to appear, through attorneys and counsel described in subsection (a), in the district courts and other appropriate courts of the United States to seek recovery of any amounts determined to be payable to the Secretary of the Treasury as a result of any examination and audit made pursuant to section 507.

"(c) The Commission is authorized to petition the courts of the United States for declaratory or injunctive relief concerning any civil matter arising under this subchapter.

through attorneys and counsel described in subsection (a). Upon application of the Commission, an action brought pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal from the determination of such court shall lie to the Supreme Court of the United States. Judges designated to hear the case shall assign the case for hearing at the earliest practicable date, participate in the hearing and determination thereof, and cause the case to be in every way expedited.

"(d) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court of the United States for certiorari to review judgments or decrees entered with respect to actions in which it appears pursuant to the authoritty provided in this section.

"JUDICIAL REVIEW

"SEC. 511. (a) Any certification, determination, or other action by the Commission made or taken pursuant to the provisions of this subchapter shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court by any interested person. Any petition filed pursuant to this section shall be filed within thirty days after such certification, determination, or other action by the Commission.

"(b)(1) The Commission, the national committee of any political party, and any individual eligible to vote for a candidate for the office of Senator of the United States are authorized to institute an action under this section, including an action for declaratory judgment or injuctive relief, as may be appropriate to implement or construe any provision of this subchapter.

"(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this subsection and shall exercise such jurisdiction without regard to whether a person asserting rights under the provisions of this subsection shall have exhausted administrative or other remedies provided at law. Such proceedings shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court of the United States. Judges designated to hear the case shall assign the case for hearing at the earliest practicable date, participate in the hearing and determination thereof, and cause the case to be in every way expedited.

"PENALTY FOR VIOLATIONS

"SEC. 512. Violation of any provision of this subchapter is punishable by a fine of not more than $10,000, or imprisonment for not more than 5 years, or both.".

LIMITATIONS ON EXPENDITURES IN SENATE GENERAL ELECTION CAMPAIGNS

SEC. 3. (a) Section 315(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(b)) is amended—

(1) by striking out "and" at the end of paragraph (2)(A):

(2) by striking out the period at the end of paragraph (2)(B) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end of paragraph (2) the following:

"(C) expenditures made on behalf of any candidate (as determined under subparagraph (B)) for the office of Senator of the United States shall be considered to be expenditures made by such candidate.

"(3)(A) Except as otherwise provided in Section 504 of this Act, a candidate who receives payments for use in his general election campaign for the office of Senator of the United States, pursuant to section 506 of this Act may not make expenditure in such campaign in excess of $250,000 plus 15 cents multiplied by the voting age population, as certified under subsection (e), of the State in which the election is held.

"(B) For purposes of the limitation on expenditures contained in subparagraph (A), only that percentage of an expenditure by a candidate or the authorized political committees of such candidate for broadcasting time which represents the cost to such candidate or committees of transmitting the material broadcast to the State in which such candidate is seeking election shall be taken into account.

"(C) a candidate who receives payments under section 506 of this Act for use in his general election campaign for the office of Senator of the United States may not make expenditures in such campaign from his personal funds or from the personal funds of his immediate family in excess of $35,000. For the purposes of this subsection, the term 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate, and the spouses of such persons.".

(b) Section 315(c)(2)(B) of such Act (2 U.S.C. 441a(c)(2)(B)) is amended by inserting before the period a comma and "except that with respect to the limitation established by subsection (b)(3) the term 'base period' means the calendar year 1982".

EFFECTIVE DATE

Sec. 4. The amendments made by this Act apply to any campaign for election to the United States Senate for which the election is held after December 31, 1982.

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. There is authorized to be appropriated to the Federal Election Commission the sum of $900,000 for purposes of carrying out the provisions of this Act during the fiscal year 1983.

By Mr. PERCY (for himself, Mr. BAUCUS, and Mrs. HAWKINS):

S. 3017. A bill to provide for the temporary duty-free treatment of certain needlecraft display models, and for other purposes; to the Committee on Finance.

DUTY-FREE TREATMENT OF NEEDLECRAFT DISPLAY MODELS

Mr. PERCY. Mr. President, I am today introducing legislation with Senators BAUCUS and HAWKINS that would suspend for about 3 years—until June 30, 1985—the duty on imported needlecraft display models.

This legislation is identical to a provision that has been included in House-passed legislation, H.R. 6867. I would like to quote from the Ways and Means Committee report which succinctly describes the matter at hand:

Finished needlework is rarely sold commercially because the hand labor is too expensive. The primary business is in needlecraft kits whereby people provide their own labor to complete needlecraft articles. These kits contain all needed components such as matting, cloth, yarn, needles, etc. Needlecraft kits are sold at a variety of stores throughout the country. The supporters of this provision report that sales of kits improve greatly when a display model is made available at the display counter.

Reportedly, all of these display models are stitched abroad and imported with Haiti being the primary source. The duties prove to be a significant factor in the price of the display models with column 1 duty rates ranging from free (under GSP) to 39.7 percent ad valorem.

Haiti would be the primary country to benefit from a duty suspension. The items in question (except for one) are not eligible for duty-free treatment under the Generalized System of Preferences and, even if such an arrangement were made for needlecraft display models, Haiti would be disqualified after the first year because they supply an estimated 80 percent to 90 percent of the imports.

For the purposes of legislative history, it is intended that this provision does not cover any items which are imported under the TSUS items expressed, unless they are needlecraft display models.

Mr. President, I believe this states the need for this legislation in a nutshell.

Mr. Dennis Smith, national sales manager for Caron International/Columbia Minerva, Inc. and president of the National Needlework Association, testified last May before the Ways and Means Committee. I have read his remarks and was struck by his estimate that the wider availability of models would increase their retail sales by $8 million and would create 400 new jobs for the needlework kit manufacturers.

The administration supports this legislation and I urge my colleagues on the Finance Committee to act on it quickly when Congress returns after the elections.

Mr. President, I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the headnotes to subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) are amended by adding at the end thereof the following new headnote:

"5. For the purposes of items 906.10 and 906.12, the term 'mass-produced kits' includes only those which are designed to be sold in the customs territory of the United States exclusively in kit form.".

(b) Subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting in numerical sequence the following items:

	"Needle-craft display models, primarily hand stitched, of completed mass-produced kits:			
906.10	Articles provided for in items 355.16, 360.70, 360.78, 364.18, 364.23, 364.30, 365.78, 365.84, 365.86, 366.79, 367.34, 367.55, 367.60, 386.04, 386.06, 386.09, 386.50, 388.40, and 389.62 of schedule 3 (except shoe uppers and tents).	Free...	No change...	On or before 6/30/85.

906.12	Aprons and baby bibs (provided for in items 383.03, 383.08, 383.20 and 383.50 of schedule 3).	Free...	No change... On or before 6/30/85".

SEC. 2. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

By Mr. EAST:

S. 3018. A bill to reform the Federal judiciary and promote the separation of powers; to the Committee on the Judiciary.

JUDICIAL REFORM ACT OF 1982

Mr. EAST. Mr. President, for some time our Nation has been beset by serious abuses of power in the Federal courts. Many Federal judges—from Supreme Court to district court—have indulged in a jurisprudence which has led them to act more as infallible legislators, or perhaps even as platonic guardians, rather than as judges. Consequently, the rule of law has been compromised and the health of our Nation has suffered.

But the courts are not solely responsible for this predictment. Far more significant for our purposes, Congress has failed to discharge its duty under the Constitution to assist the Federal courts to perform their role properly. Congress has abdicated its responsibility to enact statutes which are susceptible of straightforward judicial interpretation. Congress has abdicated its responsibility to fashion rules for the courts which would render their proceedings more like orderly litigation and less like sessions of a legislature. In sum, Congress has abdicated its responsibility to study the work of judges and the judicial process and, in light of that study, to provide the guidance and structure necessary to the proper functioning of the Federal courts.

In an effort to rectify this grave abdication, I am introducing today the Judical Reform Act of 1982. The act is a unique and comprehensive measure designed to address the most serious systemic problems in the Federal courts. It comprises two titles. The first title, which concerns the authority and procedures of the Federal courts, includes chapters of the applicability of the Bill of Rights to the States, habeas corpus, section 1983 of title 42 of the United States Code, attorneys' fees and general Federal question jurisdiction. Among other things. it limits the role of the exclusionary rule and prohibits the implication of causes of action from Federal statutes. It also requires a three-judge panel if a Federal court is to enjoin a State. Furthermore, the rule on class actions is amended to prevent the many abuses of this improtant type of litigation. The second title pertains to judgeships and the structure of Federal courts. It includes chapters on the conduct of Federal judges and the composition of the Supreme Court. It also requires the President to appoint Federal magistrates.

Mr. President, the Judicial Reform Act of 1982, as this brief summary suggests, is a multifaceted proposal that looks toward major changes in the powers, procedures and jurisdiction of the Federal courts. It is a major reform effort, and I anticipate that it will serve as the principal focal point of attention of the Subcommittee on Separation of Powers in the months ahead.

Because the act addresses the problems of judicial activism from so many different perspectives, it is necessarily a very complicated measure requiring close study and careful examination. For these reasons I shall not burden my colleagues at this time with an item-by-item analysis of each and every provision of the act. At the appropriate time, however, I intend to explore with my colleagues, both in the Committee on the Judiciary and on the Senate floor, the many ramifications of this act and the need for its enactment.

For the present, I offer the Judicial Reform Act of 1982 for study and reflection. My hope is that it will prove useful to my colleagues in their analysis of the difficulties presented to the Congress by the present State of the Federal courts.

By Mr. HEINZ (for himself and Mr. HATFIELD):

S. 3019. A bill to direct the Secretary of Housing and Urban Development to undertake a program to demonstrate the feasibility of funding neighborhood development activities by providing Federal matching funds to private nonprofit neighborhood organizations on the basis of the voluntary contributions such organizations receive from individuals, businesses, and religious institutions in their neighborhood; to the Committee on Banking, Housing, and Urban Affairs.

NEIGHBORHOOD DEVELOPMENT DEMONSTRATION ACT

Mr. HEINZ. Mr. President, today I am introducing, on behalf of myself and Senator HATFIELD, the Neighborhood Development Demonstration Act. The objective of this act is to demonstrate the feasibility of a new mechanism for encouraging neighborhood development activities such as housing rehabilitation, job creation, new enterprise development and services improvement. The mechanism would provide Federal matching funds to nonprofit neighborhoods organizations which raise voluntary charitable contributions from individual businesses and charitable organizations in their neighborhoods.

In my home State of Pennsylvania, the city of Philadelphia already has an outstanding record of neighborhoods voluntarily organizing to address specific community needs. This bill would provide an additional incentive across the Nation for greater private sector partnerships with community groups for neighborhood revitalization. The Department of Housing and Urban Development would administer a 3-year demonstration project under which neighborhood groups would be selected competitively nationwide to receive a matching grant to locally raised funds.

The Neighborhood Development Demonstration Act would authorize up to 300 demonstration projects over 3 years in distressed areas. Selection of neighborhood groups would be based on geography, community population, size, and neighborhood economic conditions. Eligibility would require nonprofit status, and depend on a proven track record, a representative government board, location in "pockets of poverty," and a plan to coordinate with local government. The maximum grant would be $50,000 in 1-year seed money. The ratio of Federal money to match locally raised funds would vary according to need. It is foreseen that the first year's funding would be used to attract longer term financial support from local philanthropic and charitable organizations.

The ultimate purpose of my bill is to encourage voluntarism and public/private partnership on behalf of better neighborhoods. Several States—including Pennsylvania and Missouri—have enacted Neighborhood Assistance Act legislation which provides tax breaks for neighborhood development contributions by State businesses. This initiative at the Federal level would directly dovetail with those State programs and others aimed at improving neighborhoods.

This program would require an authorization of only $15 million for the entire 3-year demonstration. This is a small price tag for the improvement of a valuable national asset: the neighborhoods of our Nation's cities.

In closing, I would like to include in the RECORD letters of endorsement from Alan Beals, executive director of the National League of Cities and John Gunther, executive director of the U.S. Conference of Mayors.

I ask that the letters and the text of the bill be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONFERENCE OF MAYORS,
Washington, D.C., September 30, 1982.

Hon. JOHN HEINZ,
U.S. Senate, Russell Senate Office Building, Washington, D.C.

DEAR JOHN: On behalf of the membership of the U.S. Conference of Mayors, it is my pleasure to lend our support to the Neigh-

borhood Development Demonstration Act of 1982.

The demonstration program authorized by your bill is a sensible way to continue federal support of neighborhood-based development efforts which are designed to stimulate employment and housing in distressed cities. Strong neighborhoods are the backbone of healthy cities. Continued federal support as envisioned by your legislation will ensure that the efforts which have been growing in recent years do not wither now for lack of support.

We are especially pleased by the bill's provision for a certification from the chief elected official of the locality in which the neighborhood group is located, that the activities are consistent with the city's own development efforts. This guarantee of close cooperation between City Hall and neighborhood development groups is an important feature of the bill.

We look forward to participating further in the development of this legislation as it moves through the legislative process, and hope you will feel free to call on our staff for assistance for comment as the bill moves along.

Thank you for this opportunity to share our views on your legislative initiative.

Sincerely,

JOHN J. GUNTHER,
Executive Director.

NATIONAL LEAGUE OF CITIES,
Washington, D.C., September 30, 1982.

Hon. JOHN HEINZ,
U.S. Senate, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR HEINZ: On behalf of the National League of Cities I would like to express our support and commend you for your positive leadership in introducing the "Neighborhood Development Demonstration Act of 1982." We believe your bill recognizes the important role neighborhood organizations can play in conserving and improving the physical, economic, cultural and social opportunities in our distressed urban areas.

We are pleased that the legislation provides incentives for the leveraging of private sector resources by community groups in conjunction with local and federal efforts in community revitalization. These interactions and relationships are particularly critical during this period of limited budgets and scarce public resources. In addition, the requirement that city governments must certify that neighborhood development organization activities are consistent with and supportive of local government community and economic development plans and objectives is an important feature. Increased coordination and cooperation is necessary if local governments and neighorhood organizations are to supplement and support local revitalization activities rather than undercutting or competing with them.

Thank you for the opportunity to comment on the proposed "Neighborhood Development Demonstration Act." We look forward to working with you and Congress toward its enactment.

Sincerely,

ALAN BEALS,
Executive Director.

S. 3019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Neighborhood Development Demonstration Act of 1982".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that neighborhood development organizations have effectively contributed to the public welfare through their activities in housing rehabilitation, job training, service delivery, new enterprise development, and other areas. These efforts have been stimulated and assisted by the availability of Federal funds. The Congress therefore finds that it is in the national interest to maintain the availability of Federal funds to neighborhood development organizations and to develop improved mechanisms for providing such funds.

(b) The purpose of this Act is to demonstrate the feasibility of a new mechanism for providing Federal funds for neighborhood development. This mechanism would provide Federal matching funds to eligible neighborhood development organizations that raise voluntary contributions from individuals, businesses, and religious institutions in their neighborhoods. It would help organizations to generate a pool of funds which could be utilized to leverage additional private sector investment in neighborhood development.

DEFINITIONS

SEC. 3. For the purposes of this Act, the term—

(1) "Secretary" means the Secretary of Housing and Urban Development;

(2) "Council" means the Neighborhood Development Advisory Council established by this Act;

(3) "eligible neighborhood development organization" means—

(A) an entity organized as a private, voluntary, nonprofit corporation under the laws of the State in which it operates, as defined by 501(C)(3);

(B) an organization that is responsible to residents of its neighborhood through a governing body not less than 51 percent of the members of which are members of the area served;

(C) an organization that has conducted business for at least three years prior to the date of application for participation;

(D) an organization that operates within an area which meets the requirements for Federal Assistance under section 119 of the Housing and Community Development Act of 1974, as in effect on the date of enactment of this Act; and

(E) an organization which conducts one or more eligible neighborhood development activities, as defined in this Act, which have as their primary beneficiaries low and moderate income people; and

(4) "eligible neighborhood development activity" means—

(A) creating permanent jobs in the neighborhood;

(B) establishing or expanding new businesses within the neighborhood;

(C) developing or rehabilitating neighborhood housing stock;

(D) delivered essential services to the neighborhood; or

(E) planning, promoting, or financing voluntary neighborhood improvement efforts.

ESTABLISHMENT OF DEMONSTRATION PROGRAM

SEC. 4. (a) The Secretary shall carry out, in accordance with this Act, a three-year demonstration program to determine the feasibility of supporting eligible neighborhood development activities by providing Federal matching funds to eligible neighborhood development organizations on the basis of the monetary support such organizations receive from individuals, businesses, and religious institutions in their neighborhoods.

(b) The Secretary shall accept applications from eligible neighborhood development organizations for participation in the demonstration program. No more than 50 organizations shall be selected for participation in the first year of the program, no more than 100 organizations in the second year, and no more than 150 organizations in the third and final year of the program. Eligible organizations may participate in more than one year of the program, but shall be required to submit a new application and to compete in the selection process for each program year.

(c) From the pool of eligible neighborhood development organizations submitting applications for participation in a given program year, the Secretary shall select participating organizations in the appropriate number through a competitive selection process. The Secretary shall establish a Neighborhood Development Advisory Council for each program year to review and rank applications and to make recommendations for selection. The Secretary shall attach great weight to the recommendations of the Advisory Council. The Council shall consist of 15 representatives of eligible neighborhood organizations. No organization represented on the Council in a given program year shall be eligible to submit an application for participation. In selecting participating organizations, the Council and the Secretary shall strive to balance population size, economic condition, and geographic location of neighborhoods to provide the fullest and fairest test of the new mechanism for Federal funding.

OPERATION AND ADMINISTRATION OF DEMONSTRATION PROGRAM

SEC. 5. (a) The Secretary shall assign each participating organization a defined program year, during which time voluntary contributions from individuals, businesses, and religious institutions in the neighborhood shall be eligible for matching.

(b) Subject to paragraph (c), at the end of each three-month period occurring during the program year, the Secretary shall pay to each participating neighborhood development organization the product of—

(1) the aggregate amount of voluntary contributions which such organization certifies to the satisfaction of the Secretary it received during such three-month period; and

(2) the matching ratio established for such test neighborhoods under subsection (d).

(c) The Secretary shall pay not more than $55,000 under this Act to any participating neighborhood development organization during a single program year.

(d) For purposes of subsection (b)(2), the Secretary shall, for each participating organization, determine an appropriate ratio by which monetary contributions made to participating neighborhood development organizations will be matched by Federal funds. In determining that ratio, the Secretary shall take into account the economic conditions and the number of households and businesses in the neighborhood. The highest ratios shall be established for neighborhoods with the smallest number of households or the greatest degree of economic distress. In no case shall the ratio be set lower than three Federal dollars for every dollar

of voluntary contributions, nor higher than ten Federal dollars for every dollar of voluntary contributions.

(e) The Secretary shall insure that —

(d) Grants and other forms of assistance may be made available under this title only if the application contains a certification by the unit of general local government within which the neighborhood to be assisted is located that such assistance is consistent with, and supportive of the specific objectives of that unit of government including housing and community development, economic development, and neighborhood conservation or revitalization activities being carried out by such unit.

(2) eligible neighborhood development activities comply with all applicable provisions of the Civil Rights Act of 1964.

(f) To carry out this Act, the Secretary—

(1) may issue rules as necessary;

(2) shall utilize, to the fullest extent practicable, relevant research previously conducted by Federal agencies, State and local governments, and private organization and persons; and

(3) may undertake any other activity the Secretary deems necessary to carry out this Act, including the performance of research, planning, administration, and evaluation, either directly, or when in the Secretary's judgment such activity will be carried out more effectively, more rapidly, or at less cost, by contract or grant. Any such contract or grant may be made without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), and advance and progress payments may be made under any such contract or grant without regard to the second sentence of section 3648 of the Revised Statutes (31 U.S.C. 529).

REPORTS

SEC. 6. The Secretary shall submit to the Congress—

(1) not later than 3 months after the end of each fiscal year in which payments are made under section 5(a), an interim report containing a summary of the activities carried out under this Act during such fiscal year and any preliminary findings or conclusions drawn from the demonstration program; and

(2) not later than 1 year after the end of the last fiscal year in which such payments are made, a final report continuing a summary of all activities carried out under this Act and any findings, conclusions, or recommendations for legislation drawn from the demonstration program.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. For purposes of carrying out this Act there are authorized to be appropriated—

(1) not to exceed $2,500,000 for fiscal year 1983;

(2) not to exceed $5,000,000 for fiscal year 1984 and;

(3) not to exceed $7,500,000 for fiscal year 1985.

Any sum appropriated under this section shall remain available until expended.

EFFECTIVE DATE AND ADVANCE APPROPRIATIONS

SEC. 8. (a) This Act shall take effect on Ocotber 1, 1982.

(b) New spending authority, as defined in section 401(c)(2)(A) of the Congressional Budget Act of 1974 (31 U.S.C. 1351(c)(2)(A)), made available by section 5(b) of this Act shall be effective for any fiscal year only to such extent as is provided by appropriations Acts.

By Mr. JEPSEN:

S. 3020. A bill to establish a Presidential Advisory Panel for Coordination of Government Debt Collection and Delinquency Prevention Activities; to the Committee on Governmental Affairs.

PRESIDENTIAL ADVISORY PANEL FOR COORDINATION OF GOVERNMENT DEBT COLLECTION AND DELINQUENCY PREVENTION ACTIVITIES

Mr. JEPSEN. Mr. President, today I am introducing a bill to establish a Presidential Advisory Panel for Coordination of Government Debt Collection and Delinquency Prevention Activities. I am convinced that such a panel, composed of experts from the collection industry in the United States, will give the Government much needed advice in this area.

Over the years, numerous studies by the General Accounting Office, the Office of Management and Budget, and others, have described the Federal Government's poor performance in collecting overdue debts. As the GAO has noted, some 24 agencies—including the Department of Education, Veterans' Administration, Farmers Home Administration, Department of Housing and Urban Development, and the Treasury Department—have not rigorously collected billions of dollars owed to the Government. The revenue loss to the Nation's Treasury is overwhelming. Specifically, as of September 30, 1979, some $175 billion was owed to the United States by domestic and international borrowers. Of this, $25 billion represented delinquent or defaulted payments, and $13 billion of this represented tax delinquencies. The remaining $12 billion were delinquent or defaulted loans and other borrowings. More than $1 billion was written off in fiscal year 1979, and the GAO estimated that $6.3 billion would be written off by the Federal Government in future years.

It is simply unacceptable for the Government to ignore or to write off substantial, indeed, enormous sums at a time when the public expects and deserves to see the Government follow sound business practices and balance the budget.

Recommendations have been made but limited action has been taken to increase the Government's effectiveness in collecting debts. For example, in 1979, the GAO strengthened standards under the Federal Claims Collection Act of 1966 to provide guidance to agencies in debt collection activities. However, agencies have not fully implemented GAO recommendations, either because they are understaffed, or because they perceive legal impediments.

Senator PERCY's bill on debt collection, passed by the Senate, is a major step in the fight against uncollected debt since it will codify a number of key recommendations and remove legal hurdles. For example, among other important features, the bill would permit the disclosure of a debtor's IRS mailing address to private agencies for debt collection, and it will increase the interest rate charged on delinquent taxes.

It is noteworthy that in various studies of the debt collection problem there is a continuing theme that the Federal Government could do a better job if it followed practices of the commercial debt collection industry. For example, the GAO once compared costs of Federal and commercial debt collection and learned that several commercial firms found it cost effective to pursue collection to the point of obtaining a court judgment on debts as small as $25, while the Government did not seek judgment on debts of less than $600. The GAO also learned that one Federal agency spent an average of $8.72 to collect, write off, or refer a delinquent account, while a large retail firm reportedly spent less than $3.50 for the same activity. It was also reported that commercial collection agencies are able to pursue collection to the point of seeking a court judgment within 5 months, while the Government normally takes a year or longer.

The Government has recently begun to contract with private agencies to help collect delinquent accounts. For example, the Department of Education awarded three contracts to two private companies in November 1981 to collect delinquent student loans. While it is too soon to assess the results of these and other private-sector collection efforts, it is appropriate to receive advice from the private sector to assist the Government in its collection activities.

This bill will establish a panel of private sector experts who will share their experience and make recommendations to increase the Government's debt collection efficiency. The panel will be charged not only with providing advice on the development of uniform debt collection standards, but also with producing a manual of practical utility that will be used by Government personnel in collecting debts.

Mr. President, I believe that the panel, although operating for only 18 months, will have an opportunity to render significant advice to the President and the Congress in dealing with a most serious fiscal problem.

By Mr. JEPSEN:

S. 3021. A bill to amend part B of title IV of the Higher Education Act of 1965 to provide that the Higher Education Act of 1965 to provide that the guaranteed student loan program be available only to students having

need for such assistance; to the Committee on Labor and Human Resources.

GUARANTEED STUDENT LOAN ASSISTANCE AMENDMENTS OF 1982

Mr. JEPSEN. Mr. President, I am today introducing a bill that would amend the Higher Education Act of 1965 to provide that the guaranteed student loan program be available only for those students having and proving a need for that assistance.

This legislation would require any student seeking financial assistance in the form of a guaranteed student loan to qualify for that assistance under a uniform needs basis applied to all students. Students would become subject to the same uniform methodology of needs analysis currently approved and used for other title IV programs. Currently there are two methods of determining need, the cutoff point being a $30,000 income for the student's parents.

As pointed out by Iowa College Aid Commission Director Willis Ann Wolff, under current Department of Education rules, if a student is receiving need-based Federal aid under the supplementary educational opportunity grant, national direct student loan, or college work study programs, the school must use the same need analysis system to determine the student's eligibility for a guaranteed student loan. This system is the uniform methodology—ACT or CSS—which currently is in use for the campus-based programs, institutional financial aid, and for the State scholarship and grant programs. The uniform methodology takes into consideration family assets and many other factors that are not considered in the Federal schedule of family contributions. Under the Department's rules, the schools may use the Federal schedule of family contributions (see Federal Register, May 3, 1982) to establish eligibility for any student who is not receiving Federal campus-based aid.

The inequity develops because the uniform methodology is more restrictive and produces a higher level of family contribution in general than does the Federal needs test. As an example, a family of four with one student in college and income of $40,000 and net assets of $40,000 would be expected to contribute about $6,000 under the uniform methodology. If judged under the Federal needs test, this family would be expected to contribute $4,670.

Several of the college financial aid officers have stated that they find families at the $35,000 to $40,000 income level who are eligible for the need-based Pell grants, supplementary educational opportunity grant, national direct student loan, and college work study but are not eligible to borrow under the guaranteed student loan program. On the other hand, they report, it is not unusual at the higher cost college to find families with adjusted gross incomes of $60,000 or higher who are eligible for a guaranteed student loan but who would not qualify for campus-based aid.

Needless to say, this is unfair to all concerned. This legislation is intended to put all applicants on an equal footing in the application process.

By Mr. JEPSEN:

S. 3022. A bill to amend the Internal Revenue Code of 1954 and title IV of the Higher Education Act of 1965 to establish the collection of student loans in default; to the Committee on Finance.

COLLECTION OF STUDENT LOANS IN DEFAULT ACT OF 1982

Mr. JEPSEN. Mr. President, I am introducing a bill that would prohibit persons from receiving income tax refunds if they are delinquent or defaulted on student loans guaranteed by the Federal Government. The amount of their refund would, instead, be considered and used as a payment toward the outstanding part of the debt they owe to the Government.

Recently, similar legislation was passed into law in the State of Iowa. I am informed that other States already have statutes to this effect.

Commonsense dictates that the Government should not be paying out money to those who, in turn, actually owe the Government money. The public is, more and more, demanding that the Government adopt sound business practices in its various dealings. Every business man and woman in the United States, if they are to stay in business, must collect the outstanding debt owed to them and keep delinquencies at a minimum. The Government should do no less.

Those who have borrowed money under the guaranteed student loan program have entered into what should be a binding agreement. As I have pointed out before, those who have skipped out on paying back the Government for these loans are the very people who have helped to give this worthy program a bad news. It is time that they live up to their responsibilities. I believe that this legislation will send the necessary signal to them that the Government means business. While I firmly believe that the only proper function of the Internal Revenue Service is the collection of taxes, I also find it unconscionable to refund money for assistance which individuals have contracted to pay back.

By Mr. WALLOP:

S. 3024. A bill to amend the Internal Revenue Code of 1954 to promote transfers of real property interests to certain organizations for use for conservation purposes; to the Committee on Finance.

S. 3025. A bill to amend the act of July 15, 1968 (82 Stat. 356) Public Law 90-401 to include units of the National Forest System within the provisions of the act and for other purposes; to the Committee on Energy and Natural Resources.

THE NATURAL AREAS TAX PROTECTION ACT OF 1982

Mr. WALLOP. Mr. President, this Nation has achieved a record second to none in the preservation of her natural wonders and assets over the years. While we have suffered losses—the passenger pigeon, this gorge, that pass—we led the world in establishing the first national park, since expanded to an incredible National Park System imitated around the world. We put in place a vast system of forest conservations, a magnificent wildlife refuge system, other lands for recreation and conservation, and we have programs for virtually every phase of environmental protection. All in all, roughly one-third of our Nation is in Federal ownership, protected from indiscriminate use.

For the most part, our parks, refuges, and forests were historically carved out of the public domain. While we purchased great blocks of land, such as the 800,000 square mile Louisiana Purchase from France in 1803 for some $15 million, and 375 million acres of Alaska for a tidy $7.2 million, that purchase power has unfortunately gone the way of the buffalo. In 1978, Congress added a mere 48,000 acres to Redwoods National Park with an open-ended price tag—and we have already paid $330 million for approximately one-third of the acreage. Congress in recent years authorized the Santa Monica Recreation Area near Los Angeles at $125 million, but it may end up costing American taxpayers $1 billion or more before we are done buying.

The hard truth of the matter is that, while there are still many outstanding natural areas across America which merit protection, Uncle Sam can no longer afford to buy up everything worth protecting. Nor should we continue to enlarge Federal land holdings and take private lands out of private ownership and off local taxrolls. Furthermore, we have a heavy moral obligation to husband those lands which we already own. After a decade of unparalled expansion of our National Park System, and of authorizing $4 billion in future Federal acquisitions in this decade alone, the realization is growing that we must pause, take care of the land we already have, and find new and creative ways to protect others short of Government buyout. The Senate Interior Appropriations Committee hit the nail on the head in 1980 when it wrote that "too often Federal land acquisition is seized as a quick fix for recreation, resource conservation, preservation, and environmental protection." GAO reported several years ago that some Federal agencies had been following a general prac-

tice of acquiring as much private land as possible regardless of need, alternative land control methods, or impacts on private landowners. In response to these concerns, the Reagan administration has adopted a new land protection policy which requires Federal agencies to consider needs and look at alternatives before buying land outright.

It is clear we will continue to protect some lands by buying them, but we also need to look in other directions and find new, innovative ways to encourage private and public land protection. My father donated a conservation easement some years ago across part of our ranch in Big Horn, Wyo., and I know that scenic easements, land exchanges, new tax incentives, and other such ideas can promote preservation short of Federal land purchase.

It was in order to explore these kinds of less-than-fee land protection alternatives to help preserve our valuable recreational, open space, and scenic lands that I sponsored workshops in the Senate Public Lands and Reserved Water Subcommittee in 1981 and 1982, as well as a hearing in Jackson Hole, Wyo. Participants came from all walks of life, and all disciplines, with open minds and fresh ideas, and out of the forums came a wealth of suggestions for new policies and laws to protect lands.

I might add that I was privileged to have as moderators in the Washington, D.C. workshops three distinguished leaders in the conservation world: Emery Castle, president of Resources for the Future; Pat Noonan of the Conservation Resources Group and past president of the Nature Conservancy; and Bill Reilly, president of the Conservation Foundation. They and others were and have continued to be of invaluable assistance in reviewing and helping draft some of the legislative suggestions which came from those meetings. In addition George Siehl and Jeff Zinn of the Congressional Research Service have been invaluable helping organize the workshops and develop these proposals.

Mr. President, I am now pleased to announce some of the fruits of that labor. Today, as the initial product of all our work, I am introducing two bills to help promote land protection short of Federal and acquisition. The first, and by far the major effort, is the Natural Areas Tax Protection Act of 1982. This tax package, which incorporates sale, donation, and estate tax incentives for land protection, is designed to serve as the focal point for future deliberations on ways to use the code to more efficiently protect some of this country's most valuable areas. Realistically, I do not anticipate congressional action on this legislation before the end of the current session. But I would hope that all those who contributed to this package and those who have an interest in public lands acquisition alternatives would examine this legislation with a critical, yet constructive eye, so that in the first part of next year we can incorporate those thoughts in a solid piece of consensus legislation which can be guided through the Congress in a most expeditious manner.

Mr. President, I would like to take just a few moments to generally explain the key provisions of this tax legislation. As many Members in the Chamber will recall, it has been nearly 2 years since this Congress passed the Tax Treatment Extension Act of 1980. Passage of that act insured the deductibility of the donations of gifts of partial interests in land for conservation purposes. In addition, that legislation set out several important guidelines for the future. First, tax treatment was only provided with regard to carefully defined natural resource areas. Second, the Congress established that the gift of a partial interest in land must be for a conservation purpose. Third, Congress established that the recipient of the gift—which may be either a governmental unit or a publicly supported charity—must be qualified to manage the resource. The contributions had to be made to organizations which have the commitment and the resources to enforce the perpetual restrictions and to protect the conservation purpose. These basic principles are fundamental to the use of the Tax Code for conservation purposes in the future, and are incorporated in the legislation which I am introducing today.

The first section of this bill deals with a problem within the structure of the Tax Treatment Extension Act itself. The 1980 act provides that existing governmental conservation policies are an important criteria in establishing the deductibility of a contribution of a partial interest in land for conservation purposes. The act fails however to provide an effective means to implement that criteria. The authority to do so was left with the Treasury Department, which despite the pleading by myself and others, has failed to issue regulations to successfully implement the program. Treasury's inaction has brought the donations of conservation land interests to a virtual standstill. This bill will vest that authority with the Secretaries of the Departments of Interior and Agriculture who, by anyone's standard, are best equipped to identify those lands worthy of protection. It is my intent however, that the grassroots organizations at the State and local level, will have the opportunity to provide their input in that identification process.

Second, during the course of a hearing I held in Jackson Hole, Wyo., in August of last year, we heard from a longtime Jackson area rancher by the name of Rod Lucas. He noted that the pressures of development in the Jackson area have led to the loss of a great deal of open space, and he suggested the idea of tax credits for the donation of development rights on open space lands. That idea, in part, is incorporated in this legislation. Using the same criteria presently found in the Tax Treatment Extension Act, estate donations of interests in lands to the Government or conservation organizations will be eligible for an estate tax credit equal to the fair market value of the donation. This provision will be of particular importance to those landowners who wish to pass their land to their sons and daughters, but find that the cash necessary to pay their estate taxes requires that they sell much of their land.

The third major change found in this legislation recognizes the need for tax incentives for the sale and exchange of lands within areas that are identified as worthy of protection pursuant to the Tax Treatment Extension Act. Under the existing provisions of the Internal Revenue Code of 1954, there is no incentive to encourage a sale "exclusively for conservation purposes." There is need to recognize that a voluntary sale for such an established conservation purpose is again in the public interest and that such voluntary sales should be encouraged. I would hasten to note however, that those incentives should be provided for sales to organizations other than the Federal Government.

The first part of the sales provision takes an approach similar to the right to reinvest under a threat of condemnation consistent with section 1033 of the Internal Revenue Code. Proceeds from the sale to any qualified organization for the required conservation purpose will be provided the same reinvestment opportunities available as if the land were purchased by a governmental entity under threat of condemnation. No gain will be recognized so long as the proceeds are converted into property that is similar or related in service or use to the property that was sold.

Second, special capital gains treatment will be available to 10 areas designated jointly by the Secretaries of Interior and Agriculture. Under present law, 60 percent of the gain from long-term capital transactions is excluded from taxation. To provide an incentive for the sale of qualified conservation property to organizations committed to the perpetual protection of conservation lands, an additional 10 percent of the gain from such transaction would be excluded from taxation. My intent with this provision is that the Secretaries of Interior and Agriculture would look to identifying lands adjacant to existing parks, refuges, and recreation areas as being eligible

for this special sales incentive. I would also note, that both of the sales provisions are to sunset after 10 years to provide additional impetus for the present preservation of those lands.

The last area addressed in the tax legislation I am offering today concerns donations of qualifying conservation property. Current law imposes a 30 percent limitation on contributions of capital gain property. Because this limitation poses a frequent barrier to the full use of the tax benefits from substantial gifts, I am proposing a change in that limitation to 50 percent with respect to contributions of qualified conservation property. In addition, carryover of unused contributions deductions has been previously limited to 5 years. If the deductions were not used in that period of time they were lost. This legislation provides that contributions of qualified conservation property will be allowed an unlimited carryover. Because of the ravages of inflation in the past, the importance of this carryover provision has been significantly diminished. However, with the prospect of new found and continued control over the inflation spiral, the allowance of an unlimited carryover should be of considerable help and importance.

I would like to point out that, while the Tax Code provides a very efficient mechanism in implementing acquisition alternatives, there is still a cost involved to the Federal Government. Because of the recognized constraints with respect to Government expenditures, I would ask everyone who looks at this package to do so with the idea in mind that it may be necessary to prioritize its proposals. They should also keep that in mind in suggesting new ideas along these lines.

In addition to all of the suggestions for tax law changes which we heard during the workshops and hearings, we received a whole range of other, nontax suggestions stretching all the way from broad new laws and programs to more modest proposals. I am still looking at these, but there is one small but potentially useful change that I want to introduce this year. My second bill would amend current law to encourage the use of purchase sell-back/lease-backs. Existing Federal law authorizes the NPS to use these in many park units, but unfortunately this is not occuring. For those unfamiliar with this tool, purchase sell-back/lease-backs are an arrangement whereby a Federal agency purchases a tract of land in fee, and then sells or leases it back to private owners with a protective covenant restricting development attached. Under current law the former owner has a right of first refusal for 2 years at the highest bid price, in no case less than fair market value. This bill would remove the 2-year time limitation for the owner of record and extend his or her right indefinitely. If would also give the Forest Service the authority to use this tool. Finally, whereas proceeds under current law go into the General Treasury, my bill would credit them to the land management agency. This is designed to provide a financial incentive for land managers to use this tool. I might add that during our 1981 workshop both California and Maryland reported using sell-back/lease-backs with great success, and that we have added these same provisions to H.R. 861, a bill amending the National Trails Act.

Eastern religions have a saying that there is but one top to the mountain, yet many paths lead there. Our challenge, as we contemplate fashioning land protection policies to take use through the turn of the century, is not to gaze with tunnel vision at land acquisition as the only way to protect lands, but to seize hold of the opportunities that exist elsewhere to preserve portions of our Nation. This legislation provides a very real opportunity to tread new paths in land and resource protection, using outright acquisition as but one of many tools.

Mr. President, I ask unanimous consent that the text of these bills appear in the RECORD immediately following my remarks.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 3024

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "The Natural Areas Tax Protection Act of 1982".

SEC. 2. INCREASE AND CLARIFICATION OF DEDUCTION FOR CONTRIBUTIONS FOR CONSERVATION PURPOSES.

(a) INCREASE IN DEDUCTION FOR CONTRIBUTIONS FOR CONSERVATION PURPOSES.—Subparagraph (C) of section 170(b)(1) of the Internal Revenue Code of 1954 (relating to percentage limitations for individuals on deductions for charitable, etc., contributions and gifts) is amended by adding at the end thereof the following new clause:

"(v) For purposes of applying this subparagraph if the charitable contribution of capital gain property qualifies as a qualified conservation contribution under subsection (h) of this section—

"(I) clauses (i) and (ii) shall be applied by substituting '50 percent' for '30 percent', and

"(II) clause (ii) shall be applied by substituting 'each of the succeeding taxable years' for 'each of the 5 succeeding taxable years'.".

(b) CLEARLY DELINEATED GOVERNMENTAL CONSERVATION POLICY AND SIGNIFICANT PUBLIC BENEFIT DEFINED.—Paragraph (4) of section 170(h) of such Code (relating to qualified conservation contribution) is amended by adding at the end thereof the following new subparagraph:

"(C) CLEARLY DELINEATED GOVERNMENTAL CONSERVATION POLICY AND SIGNIFICANT PUBLIC BENEFIT.—For purposes of subparagraph (A)(iii), the preservation of open space by means of the contribution of a qualified real property interest shall be considered to be pursuant to a clearly delineated Federal, State, or local governmental conservation policy and to yield a significant public benefit if—

"(i) the qualified organization to which such interest is contributed is an agency or instrumentality of a governmental unit described in subsection (c)(1);

"(ii) the Secretary of the Interior or the Secretary of Agriculture certifies that such contribution—

"(I) is pursuant to a clearly delineated Federal, State, or local governmental conservation policy; and

"(II) will yield a significant public benefit; or

"(iii) such interest meets such qualifications as the Secretary may by regulation prescribe;

and the qualified organization which is the donee certifies that it will use such interest exclusively for conservation purposes, and, in the case of an interest described in paragraph (2) (C), that it will enforce such interest.".

SEC. 3. CREDIT ALLOWED AGAINST ESTATE TAX.

(a) IN GENERAL.—Part II of subchapter A of chapter 11 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by redesignating section 2016 as section 2017, and by inserting after section 2015 the following new section:

"SEC. 2016. CREDIT FOR CERTAIN QUALIFIED CONSERVATION CONTRIBUTIONS TO THE UNITED STATES.

"(a) IN GENERAL.—There shall be allowed as a credit against the tax imposed by section 2001 the amount of a qualified conservation contribution (as defined in section 170(h)) to the United States.

"(b) NO DOUBLE BENEFIT.—No credit shall be allowed under subsection (a) with respect to a contribution for which any deduction is allowed.".

(b) CLERICAL AND CONFORMING AMENDMENTS.—

(1) The table of sections for such part is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 2016. Credit for certain qualified conservation contributions to the United States.

"Sec. 2017. Recovery of taxes claimed as credit."

(2) Sections 6040(3), 6213(h)(2)(B), and 6501(c)(5) of such Code are each amended by striking out "2016" and inserting in lieu thereof "2017".

SEC. 4. ROLLOVER OF GAIN PERMITTED.

(a) IN GENERAL.—Part III of subchapter O of chapter 1 of the Internal Revenue Code of 1954 (relating to common nontaxable exchanges) is amended by adding at the end thereof the following new section:

"SEC. 1041. ROLLOVER OF GAIN FOR SALE OF REAL PROPERTY FOR CONSERVATION PURPOSES.

"(a) NONRECOGNITION OF GAIN.—If a taxpayer sells or exchanges real property to a qualified organization for use for conservation purposes, and within 2 years after the close of the first taxable year in which any part of the gain upon such sale or exchange is realized, real property for use for conservation purposes is purchased by the taxpayer, then gain on such sale or exchange shall be recognized only to the extent that the amount realized by the taxpayer on such

sale or exchange exceeds the taxpayer's cost of purchasing such real property.

"(b) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED ORGANIZATION.—The term 'qualified organization' has the meaning given to such term by paragraph (3) of section 170(h), except that such term shall not include the United States.

"(2) CONSERVATION PURPOSE.—

"(A) IN GENERAL.—The term 'conservation purpose' has the meaning given to such term by subparagraph (A) of section 170 (b)(4) (determined without regard to clause (iv) thereof).

"(B) CONSERVATION PURPOSE MUST BE PROTECTED.—A sale or exchange of real property shall not be treated as for conservation purposes unless the conservation purpose is protected in perpetuity.

"(c) ADDITIONAL REQUIREMENTS.—

"(1) GAIN MUST BE LONG-TERM CAPITAL GAIN.—Subsection (a)(1) shall not apply to any gain unless (without regard to this section) such gain would be long-term capital gain.

"(2) ENTIRE INTEREST MUST BE TRANSFERRED.—Subsection (a) shall not apply to the sale or exchange of any interest in property which consists of less than the taxpayer's entire interest in such property unless such sale or exchange—

"(A) is consistent with an authorized governmental conservation program for fish or wildlife conservation purposes, or

"(B) excludes the taxpayer's qualified mineral interest.

"(3) QUALIFIED MINERAL INTEREST.—The term 'qualified mineral interest' has the meaning given to such term by paragraph (6) of section 170(h).

"(4) SALE MUST NOT BE PURSUANT TO CONDEMNATION, ETC.—Subsection (a) shall not apply to any sale or exchange pursuant to any seizure, requisition, or condemnation of property.

"(d) RECAPTURE.—If a taxpayer who has claimed the benefit of subsection (a) in connection with the sale of real property for use for conservation purposes uses the property for use for conservation purposes purchased during the period described in subsection (a) for other purposes within the 5-year period beginning on the date of sale of such property, then there shall be included in the taxable income of the taxpayer for the taxable year an amount equal to the amount not recognized under subsection (a).

"(e) TERMINATION.—Subsection (a) shall not apply to any sale or exchange 10 years after the date of the enactment of this section unless such sale or exchange is of a taxpayer's entire interest remaining after a qualified conservation contribution (as defined in section 170(h)).".

(b) CLERICAL AMENDMENT.—The table of sections for such part is amended by adding at the end thereof the following new item:

"Sec. 1041. Rollover of gain for sale of real property for conservation purposes.".

SEC. 5. INCREASE IN CAPITAL GAINS DEDUCTION WITH RESPECT TO CONSERVATION PROPERTY.

Subsection (a) of section 1202 of the Internal Revenue Code of 1954 (relating to deduction for capital gains) is amended to read as follows:

"(a) DEDUCTION ALLOWED.—

"(1) IN GENERAL.—If for any taxable year a taxpayer other than a corporation has a net capital gain, there shall be allowed as a deduction from gross income an amount equal to the sum of—

"(A) 70 percent of the lesser of—

"(i) the net capital gain, or

"(ii) the qualified conservation property capital gain, plus

"(B) 60 percent of the excess (if any) of—

"(i) the net capital gain, over

"(ii) the amount of the net capital gain taken into account under subparagraph (A).".

"(2) QUALIFIED CONSERVATION PROPERTY CAPITAL GAIN.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The term 'qualified conservation property capital gain' means—

"(i) gain described in section 1222 (3),

"(ii) attributable to the sale or exchange of real property to a qualified organization for use for conservation purposes.

"(B) LIMITATIONS.—The term 'qualified conservation property capital gain' does not include any gain attributable to the sale or exchange of an interest in real property to a qualified organization for use for conservation purposes if—

"(i) such interest consists of less than the taxpayer's entire interest in such property unless such sale or exchange—

"(I) is consistent with an authorized governmental conservation program for fish or wildlife conservation purposes, or

"(II) excludes the taxpayer's qualified mineral interest; or

"(ii) such sale or exchange is pursuant to any seizure, requisition, or condemnation.

"(C) DEFINITIONS.—

"(i) QUALIFIED ORGANIZATION.—The term 'qualified organization' has the meaning given to such terms by paragraph (3) of section 170 (h), excluding the United States

"(ii) CONSERVATION PURPOSE.—

"(I) IN GENERAL.—The term 'conservation purpose' has the meaning given to such term by subparagraph (A) of section 170(h)(4) (determined without regard to clause (iv) thereof).

"(II) CONSERVATION PURPOSE MUST BE PROTECTED.—A sale or exchange of real property shall not be treated as for conservation purposes unless the conservation purpose is protected in perpetuity.

"(iii) QUALIFIED MINERAL INTEREST.—The term 'qualified mineral interest' has the meaning given to such term by paragraph (6) of section 170(h).

"(3) TERMINATION.—Subparagraph (A) of paragraph (1) shall not apply to any sale or exchange 10 years after the date of the enactment of such subparagraph unless such sale or exchange is of a taxpayer's entire interest remaining after a qualified conservation contribution (as defined in section 170 (h)).".

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to interest transferred after the date of the enactment of this Act, in taxable years ending after such date.

S. 3025

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 15, 1968 (82 Stat. 356) is hereby amended as follows: delete SEC. 5 and insert in lieu thereof a new SEC. 5;

(a) FREEHOLD AND LEASEHOLD INTERESTS; COMPETITIVE BIDDING.—With respect to any property administered by the Secretary of the Interior within a unit of the national park system or miscellaneous area, except property within national parks, or within national monuments of scientific significance, or administered by the Secretary of Agriculture within a unit of the national forest system, except property within a National Forest Wilderness area or national monument, the appropriate Secretary may convey a freehold or leasehold other interests therein, subject to such terms and conditions as will assure the use of the property in a manner which is, in the judgment of the appropriate Secretary, consistent with the purposes for which the area was authorized by the Congress. In any case in which the appropriate Secretary exercises his discretion to convey such interests, he shall do so to the highest bidder, in accordance with such regulations as the appropriate Secretary may prescribe, but such conveyance shall be at not less than the fair market value of the interest, as determined by the appropriate Secretary; except that if any such conveyance is proposed, he shall allow the last owner or owners of record of such property thirty days following the date of which they are notified by the appropriate Secretary in writing that such property is to be conveyed within which to notify the appropriate Secretary that such owners wish to acquire such interest. Upon receiving such timely request, the appropriate Secretary shall convey such intesest to such person or persons, in accordance with such regulations as the appropriate Secretary may prescribe, upon payment or agreement to pay an amount equal to the highest bid price.

(b) EXCHANGE OF LANDS; OTHER DISPOSAL; EQUAL LAND VALUES.—The Secretary of the Interior is authorized to accept title to any non-Federal property or interest therein within a unit of the National Park System or miscellaneous area under his administration, and in exchange therefor he may convey to the grantor of such property or interest any Federally-owned property or interest therein under his jurisdiction which he determines is suitable for exchange or other disposal and which is located in the same State as the non-Federal property to be acquired: Provided, however, That timber lands subject to harvest under a sustained yield program shall not be so exchanged. Upon request of a State or a political subdivision thereof, or of a party in interest, prior to such exchange the Secretary of his designee shall hold a public hearing in the area where the lands to be exchanged are located. The values of the properties so exchanged, either shall be approximately equal, the values shall be equalized by the payment of cash to the grantor from funds appropriated for the acquisition of land for the area, or to the Secretary as the circumstances require.

(c) PROCEEDS CREDITED TO LAND AND WATER CONSERVATION FUND.—The proceeds received from any conveyance under this section shall be credited to the appropriation bearing the cost of land acquisition for the affected area of the National Park or National Forest Systems.

By Mr. DECONCINI (for himself and Mr. DOMENICI):

S. 3026. A bill relating to the Navajo and Hopi Indian Tribes; to the Select Committee on Indian Affairs.

NAVAJO AND HOPI INDIAN TRIBES

Mr. DECONCINI. Mr. President, I am introducing proposed legislation to stop the forced relocation of those Navajo Indians who reside on what is now land that has been partitioned to the Hopi Indian Tribe. With the termination of the relocation process

there would no longer be the necessity for obtaining additional lands for the relocatees. Thus, this bill also repeals section 4 of Public Law 96-305 which transfers 250,000 acres of Bureau of Land Management land to the Navajo Tribe, and which permits the tribe to purchase up to 150,000 acres of private lands located near the reservation.

I have been on record as supporting repeal of Public Law 93-531 since being elected to the Senate in 1976. This law partitioned what is known as the former joint use area to the Hopi and Navajo Tribes. Those Navajos residing on the Hopi side of the partition are required to relocate, as were any Hopis residing on the Navajo side of the partition. Because the Navajos have traditionally subsisted by grazing sheep and the Hopis are more prone to live in established communities, many more Navajos than Hopis have resided on the former joint use area. It is my understanding that all of the Hopis who resided on what is now the Navajo side of the partition have been relocated. However, because of the large number of Navajos residing on the Hopi side of the partition, and the fact that these Navajos are the most traditional Navajos who are literally wedded to their land, many Navjos still must be relocated. Many of these Navajos speak no English. Most have no salable job skill. There are also many elderly who reside on the Hopi side. They have lived on this land for many years, as have their ancestors who are buried on this land. These Navajos simply do not want to be relocated. If they are relocated, many will be unable to continue to exist.

I say that many will be unable to exist because a substantial number of those already relocated have been provided living facilities in various communities just outside the boundaries of the reservation. Information just provided me by the Navajo and Hopi Indian Relocation Commission, the Federal agency responsible for relocation, shows that 31 percent of those relocated to communities near the reservation no longer own the homes provided by the relocation program. The Commission points out that there may be several reasons for this occurrence, but one reason has to be the lack of the ability to adapt to a life in a community off the reservation because of financial problems. The Navajos located on the Hopi side of the partition in all probability may experience more severe difficulties because of their more traditional way of life. Further, the mere act of relocation may severely impact those elderly Navajos who must relocate.

Not only do most of these Navajos not want to move, but the costs of this forced relocation will be enormous. Total cost estimates range from $200 million to $500 million. When all of these factors are considered—the harsh and negative impact relocation will have on most of the potential relocatees, the tremendous cost of the program, and the impact of relocation on the bordering communities—it seems to me that the Congress must reconsider its decision made during the 93d Congress.

The bill is designed to be the catalyst for congressional reconsideration of Public Law 93-531, as amended. It will permit those Navajos residing on the Hopi side of the partition to remain and continue in their tradtional way of life, while allowing those who may wish to relocate to do so if the relocation occurs within 180 days of enactment. Because those Navajos who choose not to relocate would be living on Hopi land, this measure calls for an annual rental fee to be paid to the Hopi Tribe by the Secretary of the Interior. The bill also assures those Navajos who remain that they will be able to maintain their traditional way of life. Further, any Hopi, Indian residing on the Navajo side of the partition will be assured similar rights.

Since there would be no necessity for any further relocation 180 days after enactment, the bill provides that at that time the Navajo and Hopi Indian relocation Commission would stop operations.

Additionally, the bill would repeal that part of the law that provides up to 400,000 acres to the Navajo Tribe for relocation purposes. The 400,000 acres includes the 250,000 acres that would be transferred from the bureau of Land Management to the tribe and the 150,000 acres of private land that the tribe may purchase. Because the relocation program will be terminated soon after enactment there will be no necessity for the tribe acquiring the 400,000 acres as this land was specifically earmarked for use by the relocatees.

In conclusion, Mr. President, I urge my colleagues to seriously focus their attention on this issue. I believe that the hearing process should begin during the lame duck session of Congress scheduled to begin at the end of November. The issues addressed by this measure are of significant importance to Indians and non-Indians alike in the northeastern portion of Arizona.

I ask unanimous consent that the letter from the Navajo and Hopi Indian Relocation Commission and the text of the bill be printed in the RECORD at this point.

There being no objection, the material was ordeed to be printed in the RECORD, as follows:

U.S. GOVERNMENT,
NAVAJO & HOPI INDIAN
RELOCATION COMMISSION,
Flagstaff, Ariz., September 24, 1982.

Hon. DENNIS DECONCINI,
U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

DEAR SENATOR DECONCINI: Thank you for your letter to me dated July 14, 1982, regarding the number of families who have relocated to certain communities in Arizona and New Mexico and the number of those families who no longer own or occupy the homes provided to them by the Commission.

During the period that we have been gathering this information, we have communicated tentative results to your legislative Assistant, John Mulkey. In response to the specific questions posed in your letter, the following information is provided:

	Number of homes purchased	Number of homes no longer owned
Arizona communities:		
Flagstaff	131	50
Page	19	2
Winslow	55	17
St. Johns	8	3
Holbrook	14	1
Subtotal (32 percent)	227	73
New Mexico communities:		
Albuquerque	4	1
Gallup	14	1
Farmington	7	2
Subtotal (16 percent)	25	4
Total (31 percent)	252	77

It is most important that certain information and basic facts be noted to place the information in the proper perspective. Of the 73 homes sold in Arizona, the average sales price is 7.6% higher than the original acquisition. Of the 77 homes sold in New Mexico and Arizona, the average period of ownership was one year and four months. It is impossible to draw firm conclusions from this study, but we believe that many of the homes were sold for the same reasons as the general public does; to find employment elsewhere, to seek education elsewhere, for military service, for investment purposes and to seek financial gain.

Additionally, we concluded that some of the homes were sold when the relocatee families were about to obtain homesite leases on-reservation and the proceeds from the sales were used to underwrite the costs of building new homes. Obviously, many of the homes were sold when the relocatee families had financial or other serious problems of adjustment in their new communicaties.

To further quantify this information, it would be necessary for us to conduct further investigation to determine the specific reasons on a case-by-case basis of why the homes were sold. A major problem is that most of the families have not maintained contact with the Commission. With our limited staff and resources, we do not believe it is feasible for us to continue this particular analysis. Comparisons of any kind are by their nature speculative and quite subjective.

For a number of years, we have been concerned with this particular problem. We have attempted to make changes in our housing acquisition program during the last year to address the root cause. We hope that we will be able to continue our cooperative agreement with the Navajo Tribe

through which homesite leases are provided to families wishing to remain on-reservation.

Additionally, the Commission has strengthened its counseling and consumer education seminars with a goal of improving the quality of choices made by Navajo and Hopi relocatees. It is my personal feeling that like much of the Indian population in Northern Arizona, families will continue to move to areas where employment and other opportunities might exist. This fact will result in a continued pattern of home sales. Recently, we have also adopted stronger housing acquisition standards that should result in the improved quality of the homes the government purchases for or builds for relocatees.

Senator, the acquisition of new lands is now and always has been the primary answer to many of the basic institutional problems we face in trying to conduct a workable program under the most difficult of circumstances. We share the same concerns. Meaningful cooperation from the Navajo Tribe in this regard can insure some measure of success for those families displaced as a result of the partitionment of the Former Joint Use Area.

If we can provide any additional information, we will try to do so.

Sincerely,

HAWLEY ATKINSON,
Chairman.

S. 3026

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, any Navajo or Hopi Indian who is residing on lands partitioned pursuant to the Act of December 22, 1974 (88 Stat. 1712), shall not be required to relocate. Such Navajo Indians residing on the Hopi side of the partition shall have a right to the use and occupancy of such lands as they have traditionally and customarily used and occupied. Such Hopi Indians residing on the Navajo side of the partition shall have equal rights to the use and occupancy of such lands as they presently use and occupy on the Navajo side of the partition. Neither the Navajo Tribe nor the Hopi Tribe shall enact any ordinance restricting such residents from following their customary daily practices or from receiving visitors or visiting off the partitioned area or from discriminating against members of the other Tribe or way of life of members of the other Tribe in any manner whatsoever.

(b) As soon as practicable following the date of the enactment of this Act, the Secretary of the Interior shall make a determination with respect to the amount of land affected by this Act and which is traditionally and customarily used by any such Navajo Indian or Hopi Indian. After such determination, the Secretary of the Interior shall pay to the Hopi Indian Tribe an annual rental, based on the fair market value of the interest involved, for the use by the Navajo Indians of the land affected by this Act, and shall pay to the Navajo Indian Tribe an annual rental based on the fair market value of the interest involved, for use by the Hopi Indians of the land affected by this Act.

SEC. 2. Effective upon the expiration of the 180-day period following the date of the enactment of this Act, the Navajo-Hopi Indian Relocation Commission shall cease to exist.

SEC. 3. All relocations pursuant to the provisions of the Act of December 22, 1974 (88 Stat. 1716), shall cease on the date of the enactment of this Act, except that any individual actually living in a dwelling on either side of the partition line may elect within 180 days following the date of the enactment of this Act to accept the housing and bonus benefits and relocate.

SEC. 4. Section 11 of the Act of December 22, 1974 (88 Stat. 1716), is repealed.

By Mr. HATCH:

S. 3027. A bill to amend the Bankruptcy Act regarding executory contracts, and for other purposes; to the Committee on Finance.

RIGHT-TO-USE BANKRUPTCY ACT

● Mr. HATCH. Mr. President, since the early 1970's an industrial phenomenon has swept throughout the United States. Americans finding the cost of full time ownership in resort and vacation accommodations too expensive have shifted to purchasing timeshares in resort condominiums, hotels, campgrounds, and various other real estate. The timeshare industry has grown from as few as eight resorts in 1972, into a $1.5 billion industry soon to have 825 resorts with more than 25,000 units. A timeshare is a right, which the purchaser buys, to use a property for a designated length of time each year. There are two broad categories of timeshares. One where the person buys an ownership interest in real estate—the building and common areas—and another where the person buys a right to use the living space for a specific number of years but does not have ownership interest in the real estate. This latter category has been given the title of right-to-use timeshares.

This rapid growth of the timeshare industry in a relatively short period of time has left some of our traditional real estate laws incompatible with timesharing.

Mr. President, today I wish to introduce a bill that specifically addresses one of these traditional laws and its incompatibility to timesharing. Section 365 of the Bankruptcy Code Provides that a trustee in bankruptcy or debtor-in-possession may "assume or reject an executory contract or unexpired lease of the debtor." Earlier this year in the case of *Sombrero Reef Club, Inc.* v. *Allman,* 18 B.R. 612 (Bkrtcy. S.D. Fla. 1982), the court held that the right-to-use timesharing contract used at Sombrero Reef were executory and allowed the debtor-in-possession to reject them. That holding presents significant problems for the consumer who is thereby relegated to the position of a general, unsecured creditor of the resort. A consumer would practically forfeit his investment permitting the resort to sale the property without obligation. In the case of the Somberero Reef Club, the consumer would lose their original purchase price of $1,000 to $3,000 plus a yearly fee of around $80.

The threshold question in a rejection case is if a contract is executory. The most widely accepted definition of an executory contract for bankruptcy purposes is a contract "under which the obligation of the bankrupt and other party is so far unperformed that the failure of either to complete performance would constitute a material breach excusing the performance of the other." The Sombrero Reef Club case clearly gave right-to-use contracts the status of executory. In other words, the courts ruling permits the resort to reject right-to-use contracts in bankruptcy cases.

Mr. President, in the interest of the consumer in this rapidly expanding industry my bill would do the following things:

First. Add section L to section 365 of the Bankruptcy Code providing for a separate treatment for timeshare situations.

Second. Clause 1 of section L would provide if the trustee rejects an executory contract of the debtor the purchaser may treat such contract as terminated and receive a lien on the interest in the timeshare for the price he has invested. In the alternative, the purchaser may continue to exercise his rights to use and occupy the timeshare premise to the extent provided for in the contract.

Third. Clause 2 of section L provides that the purchaser may offset payments if after rejection any damages occur due to the nonperformance of obligations of the debtor.

Fourth. Clause 3 of section L provides a definition of timeshare plan, timeshare interest, and timeshare premises.

Fifth. Amends section 365(f)(2) to provide in a situation where the trustee has assigned the contract to a third party that a purchaser may have the option to terminate his contract rather than participating with the assignee in the resort.

Sixth. Amends section 544(a)(3) to anticipate the argument that the trustee could attempt to void the contract containing the nondisturbance language as a transfer in real property, eliminating the protection preserved in section L(1).

Seventh. Makes the necessary amendment to section 365(a) for the insertion of (L) into the listed paragraph.

Mr. President I feel that my bill will update the Bankruptcy Code so that it may effectively handle this problem dealing with right-to-use timeshares. I feel it important to keep current with this rapidly growing industry so that the consumer and developers may be fully protected where traditional laws may not provide adequate protection.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.●

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3027

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 365 of title II, United States Code, is amended—

(1) by striking from subsection (a) "and (d)" and inserting in lieu thereof ", (d) and (l)".

SEC. 2. Section 365 of title 11, United States Code, is amended by adding after subsection (k) the following:

"(l)(1) If the trustee rejects an executory contract of the debtor for the sale of a timeshare interest in a timeshare plan under which the purchaser has not relinquished the right to occupy and use the timeshare premises, such purchaser may treat such contract as terminated and receive a lien on the interest of the debtor in the timeshare premises for the recovery of any portion of the purchase price that such purchaser has paid less any portion of the purchaser price attributable to years prior to the contract rejection. In the alternative, such purchaser may continue to exercise his rights to use and occupy the timeshare premises to the extent provided in the timeshare plan contract or applicable state law, so long as such purchaser continues to make all required installment and maintenance payments.

"(2) If such purchaser continues to use and occupy the premises, such purchaser may offset against any installment and/or maintenance payments any damages occurring after the date of the trustee's rejection caused by the nonperformance of any obligation of the debtor after such date, but such purchaser does not have any rights against the estate on account of any damages arising after such date from such rejection, other than such offset. The amount eligible for such offset shall be fixed as a sum certain after notice and hearing.

"(3) For the purposes of this section, "timeshare plan" means any arrangement, plan, scheme, or similar device, but not including exchange programs, whether by membership, agreement, tenency-in-common, sale, lease, deed, rental agreement, license, right-to-use agreement, by any other means, whereby a purchaser, in exchange for consideration, receives a right-to-use accommodations or facilities, or both, for a specific period of time less than a full year during any given year, but not necessarily for consecutive years, and which extends for a period of more than three years. A timeshare interest is that interest purchased in a timeshare plan which grants purchaser the right to use and occupy facilities or accommodations pursuant to a timeshare plan. Timeshare premises are those facilities and/or accommodations subject to a time share plan.".

SEC. 3. Section 365(f)(2) of title 11, USC, is amended by—

(1) striking out "and" at the end of subparagraph (A);

(2) striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following new subparagraph:

"(C) in the case of timeshare interest purchaser, the timeshare interest purchasers are given the option to treat their executory contracts as terminated pursuant to Section 365(l)(1) of this title".

SEC. 4. Section 544(a)(3) of title 11, United States Code, is amended by inserting after "exists" the following: "; however, nothing in this subsection shall be construed to grant the trustee the power to assert the rights and powers of a bona fide purchaser against the contractual or state-mandated rights of any timeshare interest purchase in a timeshare plan as defined in Section 365(l)(3)".

By Mr. METZENBAUM:

S. 3028. A bill to amend the Natural Gas Policy Act of 1978; to the Committee on Energy and Natural Resources.

NATURAL GAS POLICY ACT AMENDMENTS

● Mr. METZENBAUM. Mr. President, when Congress passed the Natural Gas Policy Act of 1978, the industry and its supporters promised that the price of natural gas to consumers would rise by only 12 percent a year. I and several of my colleagues challenged those claims but we were dismissed. Unfortunately, though, we have turned out to be right.

Four years ago, the average residential cost of natural gas was $2.63 per 1,000 cubic feet (Mcf). Today, it is $5.31, an increase of 98 percent—or nearly 25 percent a year. In Ohio, where the average residential consumer uses 110 Mcf per year, the typical annual gas bill has soared from $283 to $584.

There was some reason to hope that this winter would be different for our Nation's hard-pressed natural gas consumers. The natural gas market is experiencing a supply surplus. Demand is soft. By every economic theory and rule, prices should be falling. But the natural gas industry marches to its own economic beat.

So, instead of stable prices this winter, consumers across the country will be slammed with price hikes of staggering proportions. In my home State of Ohio, the East Ohio Gas Co., which serves more than 1 million consumers in northeast Ohio, predicts that consumers will find their gas bills 40-percent higher this winter than a year ago. In the West, the Southern California Natural Gas Co., is predicing a 70-percent increase. What ever happened to the 12-percent increase?

There are, of course, several reasons for the latest round of price increases. But many of them can be traced to a single provision in the NGPA—section 601(c). That provision provides that an interstate pipeline can passthrough to its retail customers all purchased gas costs, unless, in the words of section 601(c), those costs are excessive due to "fraud, abuse, or similar grounds."

Congress intended that section 601(c) be used by the Federal Energy Regulatory Commission to insure that interstate pipelines continue to meet their public obligations under the Natural Gas Act to provide their customers with reliable gas supplies at the lowest reasonable price. Congress did not intend for FERC to let the interstate pipelines, many of which own producing subsidiaries, run wild, purchasing new gas supplies at any price without regarded to the impact on the pipelines' retail customers.

But on February 4, FERC issued a statement of policy setting in print what had been FERC's informal policy for several months on the passthrough of purchased gas costs. That statement concluded that the phrase "fraud, abuse, or similar grounds" was meant to cover only fraudulent misrepresentation, negligent misrepresentation, and innocent misrepresentation. Under FERC's standard, then, passthroughs are automatic unless one of these three types of fraud is found.

Mr. President, that interpretation is indefensibly narrow. It ignores the plain meaning of the words is section 601(c), is contrary to congressional intent and, most importantly, is devastatingly harmful to consumers.

In defining "abuse, or similar grounds" as forms of fraud, FERC has turned the dictionary on its head. "Fraud" means one thing. "Abuse" means something else. And "similar grounds" means still a third thing. If Congress had meant to cover only fraud, it would not have written the law to reflect that intent. The fact that it included the additional words indicates that it had a much broader intent.

Mr. President, the legislation I am introducing today would simply insure that section 601(c) is interpreted as originally intended by Congress. It is necessary because FERC has made an improper and unauthorized effort to redefine the NGPA by severely restricting the scope of the passthrough standard.

I want to make it very plain that this bill does not reopen the debate over natural gas pricing. The bill does not impose any new controls on natural gas. It does not touch the NGPA's multiple pricing categories.

The bill would simply amend section 601(c) by striking the words "or similar grounds" and adding the following: "waste, imprudence, or similar grounds including action not in the public interest, in which case the commission shall take appropriate action under sections 4 and 5 of the Natural Gas Act, including but not limited to, the revision, annulment, or mandating of contract terms and provisions."

This bill would reaffirm Congress original intention that pipelines continue to have an obligation to provide reliable gas supplies at the lowest reasonable price. It underscores Congress desire that pipelines which engage in abusive pricing or purchasing practices at the expense of its retail customers not be permitted to pass excessively high priced gas through under section 601(c). And by approving this legislation the Congress would make clear to FERC that it should reconsider all of purchased gas adjustment proceedings

in which section 601(c) was erroneously interpreted. In additon to the provisions in this legislation, the remedies available to the Commission would, of course, include refunds to the retail customers of the interstate pipelines for all purchased gas costs the Commission found to be excessive.

Mr. President, this legislation deals with much more than a theoretical problem. It addresses very real and ongoing abuses. Indeed, today we are experiencing precisely the type of situation which Congress meant to prohibit by writing section 601(c).

There are many examples of interstate pipelines abusing the NGPA's pricing provisions. However, the case of Columbia Gas Transmission Co. (CGT), the interstate pipeline subsidiary of the Columbia Gas System, is an excellent example of what I am talking about.

A few years ago, Columbia Gas Transmission began purchasing massive amounts of new gas supplies. CGT undertook this purchasing program becauise it claimed its future gas needs would increase dramatically. The basis of CGT's claims, however, was not an independent study of the future needs of the system's customers. Instead, Columbia relied solely on the estimates its retail customers provided for purposes of establishing a curtailment plan. A pipeline's retail customers always inflate their demand estimates for curtailment purposes. The retail customers want to insure they will not have their supplies shut off during a shortfall.

With only these curtailment estimates in hand, CGT went forward and contracted for vast quantities of deregulated, high-priced section 107 gas from producers in the Southwest. In fact, according to Columbia's own records, section 107 has jumped from 3.5 percent of the pipeline's total gas mix in January 1981 to 11.4 percent in July 1982.

CGT has been paying astronomical prices for this section 107 deregulated Southwestern gas. The average price CGT paid in 1981 was more than $8 per Mcf. And that figure continues to rise. This price is far in excess of market cleaning levels. The alternative fuel for most of Columbia's industrial customers is high sulfur No. 6 fuel oil. The price for high sulfur No. 6, minus transportation and distribution costs, is approximately $3.25 per Mcf. That is market clearing price for CGT. In addition, that price is almost identical to the market clearing price assumed by FERC in it recent notice of inquiry regarding section 104 gas prices.

Thus, CGT is paying almost $5 per Mcf above market clearing levels for this costly section 107 gas and passing it on to its retail customers. In a competitive marketplace, CGT could never do that.

But that is only part of the story. Columbia continues to purchase more and more of this section 107 deregulated gas, even though CGT expects a systemwide surplus this year of 150 to 200 billion cubic feet. At the same time, Columbia has shut in more than 8,000 producing wells in Ohio and 20,000 wells throughout Appalachia. That gas sells, on average, for approximately $2.75 per Mcf.

CGT has refused this lower priced gas while continuing to take the high priced gas, in large part, because the company failed to protect itself with "market out" clauses. Other interstate pipelines such as Transco, United, and Michigan-Wisconsin, included "market out" clauses in their contracts with producer/suppliers. Those pipelines are now exercising those clauses to reduce the price they are willing to pay for section 107 deregulated gas to less than $5.50 per Mcf. Columbia, on the other hand, is continuing to purchase the deregulated gas at $8 per Mcf because it would have to pay for the volumes of gas in any event. The cheaper Appalachian gas, then, is being shut in to help lessen CGT's systemwide surplus created by CGT's grossly overestimated gas demand projections.

During the past 18 months Columbia has filed three purchased gas adjustment passthrough requests with FERC. Those three filings contain price increases totaling more than $1 billion. That translates into a 40-percent price for customers of Columbia Gas of Ohio, Dayton Power & Light, and Cincinnati Gas & Electric.

I am an intervenor protesting these three rate hikes, Mr. President. In each of three proceedings, CGT has claimed that these higher purchased gas costs are solely the result of CGT's producer/suppliers raising their prices in accordance with the NGPA's phased decontrol timeable.

Nothing could be further from the truth. GGT has used the NGPA's pricing provisions to enrich itself at the expense of its retail customers and at the expense of independent producers in the Appalachian region.

Let me give you two examples: First, the Columbia Gas System, in addition to owning CGT, Columbia Gas of Ohio and five other retail distribution companies, also owns a producing subsidiary, Columbia Gas Development. Columbia Gas Development negotiates all of CGT's supply contracts with Southwestern producers. On top of its duties as CGT's contracting agent, Columbia Gas Development also sells most of the gas it produces to CGT. CGT's two 1981 purchased gas adjustment filings show that Columbia Gas Development and CGT have negotiated at less than arm's length. In fact, CGT has been purchasing section 107 gas from Columbia Gas Development at prices higher than CGT is paying other Southwestern producers.

Second, in the Appalachian region, Columbia has no producing subsidiary. CGT, however, owns several hundred producing wells in Appalachia. The 1981 PGA filings also reveal that CGT is purchasing section 107 tight sands gas in the Appalachian region for prices higher than it is paying other producers.

Mr. President, I would argue that these two examples are also "abuses" of the NGPA's pricing and passthrough provisions. Clearly, Congress never intended an interstate pipeline to purchase gas from itself at prices higher than it pays other producers. Yet, once again, under FERC's statement of policy, Columbia's self-dealings will be passed through to its retail customers and ultimately paid for by consumers.

Ideally, perhaps, FERC's disastrous error could be changed through the legal process. Congressional intent is an issue in many of the major PGA proceedings before the Commission. The question of congressional intent may ultimately reach the Federal courts for resolution. In the meantime, consumers will be shelling out more and more money to heat their homes. Mr. President, consumers can not afford to wait for judicial resolution of this question. Consumers need relief now.

Furthermore, residential and commercial consumers may not have seen the worst of the increases. The average rolled-in price of natural gas is rising dangerously close to the price of alternative fuels. Several industrial users with fuel switching capability have already switched back to residual fuel oil. As prices continue to rise, many more will leave the retail gas distribution systems throughout the country. If so, the bills of residential, commercial, and captive industrial users will skyrocket as fixed costs are spread over fewer and fewer on-systems customers.

The best course, then, is for Congress to act now to reaffirm its intent regarding the scope and purpose of section 601(c). It is time for Congress to make clear what we meant regarding the passthrough of purchased gas costs and to correct FERC's seriously misguided policy statement. Otherwise, consumers will continue to face staggering price increases during a period of lower demand. At the same time, interstate pipelines such as CGT will continue to make hundreds of millions of dollars by using the NGPA in a manner Congress never intended.

Mr. President, I ask unanimous consent that the bill be reprinted in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3028

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 601 (c) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3301, 3431 (c)) is amended by deleting "or similar grounds." and inserting in lieu thereof "waste, imprudence, or similar grounds including action not in the public interest, in which case the Commission shall take appropriate action under sections 4 and 5 of the Natural Gas Act, including but not limited to, the revision, annulment, or mandating of contract terms and provisions.".●

By Mr. PROXMIRE:

S. 3029. A bill to promote the nuclear nonproliferation policies of the United States; to the Committee on Foreign Relations.

NUCLEAR NONPROLIFERATION POLICIES

Mr. PROXMIRE. Mr. President, today I am introducing the Nuclear Nonproliferation Policy Act of 1982. The purpose of this bill is to apply consistent restrictions on the export of fuel, equipment, and other nuclear related materials.

At the present time the export of such equipment and materials is licensed by the Nuclear Regulatory Commission. But there are no similar restraints on export procedures under the Department of Energy.

This legislation strengthens the congressional control over Department of Energy actions in the export of nuclear technology. It prohibits shipments to a nonnuclear weapons state that does not accept full-scope nuclear safeguards. And it would halt shipments to nations engaged in activities detrimental to full nonproliferation safeguards.

The United States appears to be encouraging a policy of unlimited business activity no matter what the consequences for nuclear proliferation. There may be, in fact I am certain there is no more foolhardy course of action that our Nation could engage in than an open ended race to export nuclear technology.

This legislation will help put the breaks on the headlong rush toward a nuclear disaster and I urge its earliest consideration.

By Mr. CHAFEE

S. 3030. A bill to amend the Internal Revenue Code of 1954 to allow an employer to provide participants in a defined benefit plan with supplemental retirement benefits through a defined contribution plan of the employer; to the Committee on Finance.

SUPPLEMENTAL RETIREMENT BENEFITS

● Mr. CHAFEE. Mr. President, today I am introducing, along with Senator BAUCUS, legislation to provide employers and their employees with increased ability to meet rising costs of living during retirement years. Our bill calls for a supplemental retirement benefit (SRB) program.

One of the serious problems facing this Nation is the impact of inflation on fixed retirement income. Traditional solutions such as the indexing of pensions have proven too costly for virtually all employers, except the Federal Government. And the ad hoc cost-of-living increases that some employers do occasionally provide for retirees are unpredictable since they are contingent on the firm's profitability.

Complex problems such as this require innovative solutions, like the one we are putting forward today. This legislation, which amends the Internal Revenue Code, would permit employers to share with an employee the cost of purchasing an annuity to supplement the company's retirement benefits. These annuities would be purchased from licensed insurance carriers and would be subject to the protections and safeguards of both the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code. More specifically, the SRB program would:

Permit employers to institute an annuity purchase program funded upon retirement through a tax-qualified defined contribution pension or profitsharing plan. The annuity would supplement the employers' pension program, by providing a compounded annual increase of up to 3 percent each year.

Permit employers to share the cost of the annuity with their employees by permitting the employers to make contributions at or after retirement.

Permit employees to use a portion of their account balances in a tax qualified plan or money from personal savings toward the purchase of such an annuity.

Permit an employee to take advantage of present law which defers income tax on the annuity until payments—supplemental retirement benefits—are actually received.

The initial cost of this program to the Treasury should be negligible. And any future cost would, to some extent, be recovered as program participants are taxed on the benefits they receive.

While I expect future hearings will fully explore the approach taken in this bill, let me take this opportunity to anticipate some of the questions that might arise:

Why is a supplemental retirement benefit program important?

Recent sustained periods of high inflation have eroded the value of retirement benefits. An SRB is intended to preserve the relative buying power of pension payments.

Why do employers not simply increase benefits payable under their defined benefit pension plan?

Most companies' defined benefit plans calculate the benefits payable to an employee at retirement as a percentage of final pay or or final average earnings. Provided an employer's salaries keep pace with inflation, the initial pension is generally adequate to meet a retiree's needs. However, once the pension is payable, its purchasing power can be rapidly eroded by even a modest rate of inflation. To simply raise the benefits payable at retirement in anticipation of cost-of-living increases or to index defined benefit pensions to inflation is itself inflationary and too expensive for most employers.

How have employers dealt with the effects of inflation on fixed retirement income in the past?

Most large employers cope with this problem by increasing the pensions payable to retirees through ad hoc adjustments, payable out of general corporate assets. Traditionally, these ad hoc payments have to be renewed on a year-to-year basis and are increasingly expensive and administratively burdensome. From a retiree's viewpoint, ad hoc payments are also unsatisfactory since, given their contingency on an employer's profitibility, the retiree cannot rely on either a continuation of the increments granted to his pension in previous years or the employer's decision to increase his or her pension in response to current inflation.

In spite of these drawbacks, why can employers not continue to increase basic pensions using ad doc payments?

The Employee Retirement Income Security Act of 1974 ("ERISA") requires essentially that these gratuitous ad hoc payments be treated as retirement payments which must be funded prior to retirement through a tax-qualified retirement plan and must be subject to vesting requirements applicable to retirement plans. In 1980 Congress amended ERISA to allow for nonretirement supplemental payments. However, neither the statute nor the proposed supplemental payment regulations issued by the Department of Labor permit a sustained annuity purchase program comparable to the SRB proposal.

How does an SRB program work?

A participant in both a defined benefit pension plan and a defined contribution plan maintained by the same employer will be allowed to use a portion of his account balance in the defined contribution plan—or from other sources, including personal savings—toward the purchase of an insured annuity. The cost of the annuity will be shared through a matching employer contribution made to the plan at the time of the participant's election. The annuity will provide a percentage increase in the pension payable under his employer's defined benefit pension plan each year.

What are the advantages to an employee of providing an SRB through a tax-qualified retirement plan?

Employer annuities purchased outside a tax-qualified plan on behalf of an employee result in immediate tax-

ation, to the employee, equal to the cash value of the annuity. Under our bill, however, an employer may contribute to the purchase of a nontransferable annuity on behalf of a participant in a tax-qualified plan without causing the participant to recognize tax on the distribution until he begins to receive payments under the annuity, and then only to the extent of employer-derived amounts actually received in a given tax year. Finally, the use of a tax-qualified plan as a vehicle to provide supplemental retirement benefits assures employees that the benefits will be distributed equitably and that past and current increases in pension benefits will be continued.

Why can a supplemental retirement benefit not be provided under current law?

The overall limitations on amounts allocated to a participant's account is limited to 25 percent of compensation, up to a maximum dollar amount. Since the cost of purchasing an SRB annuity is high, ranging from approximately 70 percent to 120 percent of final pay, employer contributions to fund an SRB will, in most cases, exceed the current applicable limits.

How is the employee who purchased an SRB annuity protected?

By requiring that the SRB be provided through an annuity purchased from a licensed insurance carrier and by further requiring that the annuity be fully funded prior to the commencement of supplemental benefits, the risk that the benefit will not be provided is practically nonexistent.

May the SRB annuity be provided through a profit-sharing plan?

Yes. Many employers use profit-sharing plans to supplement defined benefit plan benefits since the costs of such plans can be more easily controlled. Often, to encourage employee savings, such plans provide for employee contributions which are then matched by employer contributions. Under present law, employer contributions to profit-sharing plans must be contingent upon the existence of profits. Under the proposed legislation, an employer's contribution to purchase an SRB annuity could likewise be made contingent on profits; however, the legislation specifically provides that if the employer fails to make its contribution for any reason, the employee's contribution is to be returned at the employees's request. Furthermore, if an employee retires during a year in which the employer does not fund supplemental benefits, he may still elect to participate in the SRB program at such a time when the employer resumes its contributions. It should be reemphasized that once the annuity is purchased the SRB is guaranteed.

May the SRB benefit be limited to employees who retire from service with the employer maintaining the SRB benefit, as opposed to employees who terminate service with an employer prior to retirement with a vested benefit—terminated vested employees)?

Yes. Present law does not require an employer to provide the same benefits to both retirees and terminated vested participants. At the same time, employers have traditionally limited supplemental payments to retirees as both an incentive and a reward for faithful, long-term service.

Mr. President, I ask unanimous consent that this bill be printed in the CONGRESSIONAL RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 401 of the Internal Revenue Code of 1954 (relating to qualified pension, profit-sharing, stock bonus plans, etc.) is amended by inserting after subsection (1) the following new subsection:

"(m) QUALIFIED SUPPLEMENTAL BENEFIT ARRANGEMENTS.—

"(1) GENERAL RULE.—A defined contribution plan shall not fail to satisfy the requirements of this section merely because the plan includes a qualified supplemental benefit arrangement.

"(2) QUALIFIED SUPPLEMENTAL BENEFIT ARRANGEMENT.—For purposes of this subsection, the term 'qualified supplemental benefit arrangement' means an arrangement which is part of a defined contribution plan of an employer and which meets the requirements of paragraph (3)(B) and the following requirements:

"(A) IN GENERAL.—The arrangement provides that—

"(i) an eligible participant in a defined benefit plan of the employer may elect, in the earlier of the year in which—

"(I) the participant attains normal retirement age and retires, or

"(II) the primary retirement benefit of the participant begins,

to purchase a life annuity which commences not earlier than the year after the year in which the election is made,

"(ii) such annuity is provided through the purchase, on or before the date on which payments under the annuity begin, of an individual or group annuity contract (including a guaranteed investment contract or similar arrangement) from an insurance carrier licensed under the laws of any State to issue such contracts, and

"(iii) the employer and the participant each share the cost of such annuity.

"(B) ELIGIBILITY.—Each employee of the employer who—

"(i) is a participant in any defined benefit plan of the employer,

"(ii) is employed by the employer at the time the employee—

"(I) attained the earliest age at which a benefit may be paid under the defined benefit plan, or

"(II) became disabled, and

"(iii) is entitled to a benefit under the defined benefit plan at the time described in clause (ii),

must be eligible to participate in the arrangement.

"(C) AMOUNT OF SUPPLEMENTAL BENEFIT.—Any benefit payable under the arrangement for any year is computed as a percentage of the primary retirement benefit, except that the supplemental benefit may not exceed 3 percent of the primary retirement benefit, compounded annually from the date on which such benefit commences.

"(D) EMPLOYER MAY MAKE CONTRIBUTION CONTINGENT UPON PROFITS.—If the employer provides an arrangement under a profit-sharing plan, the employer may make any employer contribution for any year contingent upon profits for such year, except that any participant who elected to participate in the arrangement in the year described in subparagraph (a)(i) shall—

"(i) be reimbursed for any contribution made by him, and

"(ii) be eligible to participate in the arrangement in any subsequent year (for which profits are available) before any other participant who made such election after such participant.

"(3) APPLICATION OF DISCRIMINATION STANDARDS.—

"(A) IN GENERAL.—Any contributions under a qualified supplemental benefit arrangement shall not be taken into account under subsection (a)(4)

"(B) INTEGRATED PLANS.—If a plan fails to meet the requirements of subsection (a)(4) without taking into account contributions under chapter 2 (relating to tax on self-employment income), chapter 21 (relating to Federal Insurance Contributions Act), title II of the Social Security Act, or any other Federal or State law, then the arrangement must provide that the supplmental benefit amount with respect to any participant be determined as a percentage of the sum of—

"(i) the primary benefit amount of the participant under the defined benefit plan, plus

"(ii) the primary insurance amount with respect to the participant under title II of the Social Security Act.".

SEC. 2. (a) Section 415(c) of the Internal Revenue Code of 1954 (relating to limitation on defined contribution plan) is amended by adding at the end thereof the following new paragraph:

"(9) CONTRIBUTIONS TO QUALIFIED SUPPLEMENTAL BENEFIT ARRANGEMENTS.—Any contribution or addition with respect to any participant under a qualified supplemental benefit arrangement (within the meaning of section 401(m)(2)) shall, for purposes of paragraph (1), not be treated as an annual addition.".

(b) Section 404(a) of such Code (relating to deduction for contributions of an employer to an employees' trust, etc.) is amended by adding at the end thereof the following new paragraph:

"(11) SPECIAL RULE FOR CONTRIBUTIONS TO QUALIFIED SUPPLEMENTAL BENEFIT ARRANGEMENTS.—Notwithstanding the limitations under this section, there shall be allowed as a deduction for any taxable year an amount equal to the amount of the deductible employer contributions to a qualified supplemental benefit arrangement (within the meaning of section 401(m)).".

SEC. 3. (a) Except as provided in subsection (b), the amendments made by this section shall apply to taxable years beginning after December 31, 1982.

(b) The amendments made by section 2(a) shall apply to years beginning after December 31, 1982.●

By Mr. MOYNIHAN:

S. 3033. A bill to suspend until September 30, 1984 the duty on the radio

portion of certain clock radios; to the Committee on Finance.

CLOCK RADIO IMPORT DUTY

Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation to suspend until September 30, 1984, the duty on the radio portion of certain clock radios.

For nearly 20 years, all clock radios imported into the United States have been assessed two different duties: One for the clock component and one for the radio component. This bill will correct this cumbersome and expensive procedure by suspending duty until September 30, 1984. I would emphasize that there is no domestic production of the clock radios covered by this legislation.

This legislation is identical to section 135 of H.R. 6867, the House omnibus tariff bill. I am confident that when the Senate considers companion legislation, we will include a provision identical to the bill I am introducing today.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3033

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended—

(1) by adding at the end of the headnotes to such subpart the following new headnote:

"6. For the purposes of item 911.95, the term 'entertainment broadcast band receivers' means receivers designed principally to receive signals in the AM (530-1710 KHz) and FM (88-108 MHz) entertainment broadcast bands, whether or not capable of receiving signals on other bands such as aviation, television, marine, public safety, industrial, and citizens bands.:; and

(2) by inserting in numerical sequence the following new item:

"911.95	Entertainment broadcast band receivers valued not over $40 each (however provided for in schedule 6), incorporating timekeeping or time display devices, not in combination with any other article, and not designed for motor vehicle installation.	Free....	No change.....	On or before 9/30/84".

By Mr. CRANSTON:

S. 3034. A bill to amend title II of the Social Security Act to provide that the combined earnings of a husband and wife during the period of their marriage shall be divided equally and shared between them for benefit purposes, so as to recognize the economic contribution of each spouse to the marriage and assure that each spouse will have social security protection in his or her own right; to the Committee on Finance.

SOCIAL SECURITY EQUITY ACT OF 1982

Mr. CRANSTON. Mr. President, I am today introducing S. 3034, the proposed social security equity of 1982. This measure is aimed at correcting the inequitable and inadequate treatment of women under the social security system. It is similar to a proposal, H.R. 1513, introduced last year by Representative MARY ROSE OAKAR, who is the chair of the House of Representative's Select Committee on Aging's Task Force on Social Security and Women and has been a tremendous leader in the effort to reform the social security system in a manner that would adequately and equitably deal with the needs of older women.

OLD AGE AND POVERTY

Mr. President, to understand the need for reform, it is important to understand the conditions of poverty and dependency which face millions of older women in our society.

It is not an overstatement to say that the problem of poverty in old age is primarily a problem for women; 72 percent of the elderly in this Nation who live in poverty are women. Most of them live alone and majority of these women—60 percent—rely upon social security as their sole source of income. In contrast, 46 percent of unmarried male social security recipients and 29 percent of married couples receive no other income. Not only are women more likely to be totally dependent upon social security, their benefit levels are substantially below benefits received by men. The average social security income for all aged women in 1978 was $2,527 compared to $3,390 for men. The result is that 38 percent of unmarried women receiving social security benefits live below poverty whereas only 15 percent of the unmarried male recipients and 13 percent of couples live in poverty. One principal difference is that most elderly women—63 percent—are alone in old age.

In contrast, 75 percent of elderly men live with a spouse. Thus, men are likely to live in retirement with a combined social security benefit; women are likely to live only on their own inadequate benefit resulting in the fact that 72 percent of the 4.4 million older Americans in poverty are women.

In every category—private pensions, asset income, earnings, and social security benefits—older women have dramatically fewer resources and less income in old age than older men.

Mr. President, there are, of course, many factors which contribute to the economic hardships which face women in their retirement years. A major cause is that the social security system fails to take into account the changing roles and needs of American women.

HISTORICAL PERSPECTIVE

Mr. President, much of the problem lies in the fact that the social security system was developed in an era when the role of women in our society was far different from what it is today. In the 1930's when the social security program was created the typical American family consisted of a man who was a full-time worker and his wife who was a full-time, lifelong homemaker. The labor force participation of married women was less than 17 percent and fewer than 1 in 12 marriages ended in divorce. The social security benefit structure was thus established on the concept of a lifelong couple with one wage earner and a dependent spouse.

The situation has dramatically changed over the past 50 years and the typical family of the thirties and forties is not the typical family of today. Women have become a major part of America's work force, enriching the world of work with their contributions and productivity, despite continuing wage discrimination and employment barriers. The percentage of married women in the work force exceeds 50 percent and it has been estimated that 90 percent of all women spend some portion of their lives in the work force, many of them moving in and out of the roles of wage earners and homemakers as the needs of their families change. It is no longer true that women are likely to be either lifelong homemakers or lifelong wage earners; these roles are combined and interchanged throughout a lifetime.

Similarly, we must recognize, like it or not, that the status of marriage has changed dramatically over the past 50 years. Today, one in three marriages ends in divorce.

Mr. President, despite these massive changes in our society, the social security system has continued to operate on the basis of a philosophy designed for an era when most women did not work and when most women were part of a lifelong marriage. Consequently, the current system works well only for that very small number of women whose family and work patterns have not changed from the thirties and fourties. For the vast majority of women and families that no longer fits into that pattern, the system fails to provide either adequately or equitably for their needs.

Under the current system, a woman can receive benefits as a covered worker based upon her own earnings record or she can receive benefits as a dependent wife, widow, or ex-wife of a covered worker, but she cannot receive both benefits. If she is entitled to both a worker's benefit and a dependent spouse's benefit, she receives only the higher of the two benefits and loses the other.

A dependent spouse benefit is equal to 50 percent of the benefit of the working spouse. Because many women have gaps in their work history due to absences from the workplace for child-

care responsibilities and generally have much lower earnings records, many find that their benefits as a dependent spouse are greater than the benefits they would be entitled to receive on the basis of their own work history. Thus, many married women who enter the work force and make contributions to the social security system find that their years of work and contributions make little or no difference in their benefit levels. They are no better off than if they had never worked and never paid into the social security system.

Mr. President, the inequities of the current system can be even more acute for those women who have been full-time homemakers and are displaced from the role either by divorce of the death of a spouse. After years of work as a homemaker in a marriage, a divorced woman may find herself without any work record of her own and eligible for social security benefits only as a dependent spouse. Although she may be of retirement age, she cannot receive any social security benefits unless the marriage lasted 10 years and then not until her former spouse reaches age 62 and retires. If he elects to continue working, she receives no benefits at all until he retires or dies. Even if she is able to receive a spousal benefit, it is likely to be woefully inadequate. The level of the dependent spouse benefit—50 percent of the primary benefit—was geared toward the notion of women whose marriages do not end in divorce and who will be able to rely upon a combination of their husbands 100 percent benefit and the additional 50 percent spouse benefit. The spouse benefit may well be insufficient to live on alone.

A widow is equally vulnerable under the present system. Unless she has been able to establish a sufficient social security account in her own name, she will be dependent upon the work and earnings record of her deceased spouse. However, her ultimate social security benefit will be calculated on the basis of his wage record at the time of his death, not the equivalent value of that level at the time she reaches retirement age. If she loses her husband 5 or 10 years before she reaches retirement age, his earnings records will be years out of date. Unable to build up sufficient credits in her own account and unable to add his credits to her account to the extent of her earnings after his death, she is likely to be left with a benefit level that condemns her to entering retirement in poverty.

The current system also discriminates against intact families with two-wage earners as contrasted with one-wage earner families. Under the benefit calculation formula, a two-earner couple is likely to receive less benefits at retirement than a one-earner couple with exactly the same lifetime earnings. Thus, one family with average monthly earnings of $1,000 and one-wage earner can ultimately receive higher benefits from social security than another family with the exact same average earnings, but with two-wage earners contributing to the total family income. This occurs because of the dependent spouse benefit and because of the formula which is used to calculate benefits. This also means that a survivor of such a two-earner family will also get less benefits than a survivor of a one-earner family.

Mr. President, it is time that we begin the task of revising the social security system to recognize and reflect the changing roles and responsibilities of both men and women in our society and provide for a more equitable recognition of their contributions to a family unit.

Marriage, insofar as economics are concerned, should be viewed as an interdependent partnership in which each spouse makes a contribution—either in the paid work force or as a homemaker or in some combination of roles—and both ought to accrue social security protection equally.

The view of female dependency which is a foundation of the present social security system belongs to a bygone era. Women today are achieving the status of equal partnership with men in every facet of our society. The social security system needs to be updated to reflect that partnership.

EARNINGS SHARING—A CONCEPT FOR TODAY'S MARRIAGE PARTNERSHIP

Mr. President, the proposal I am introducing today would incorporate the concept of earnings sharing into the social security system. Basically, marriage for social security purposes would be regarded as a partnership; in order to compute social security benefits all of the earnings of a married couple would be combined and divided equally between the spouses upon retirement or divorce. Each member of the couple would have established for him or her an individual social security account. Earnings acquired before or after a marriage would go into this individual account along with whatever share each member acquired during marriage. The concept of dependency would be replaced by the concept of equality.

Although this is a major change from the current social security system of benefit accrual, it is a principle which is now applied in virtually every jurisdiction with respect to other assets acquired during a marriage. Upon the termination of a marriage, these other assets are generally divided equally between the husband and wife. Interests in other pension programs are now generally considered part of the assets acquired during the marriage and are considered in the division of property between the couple upon the termination of the marriage. The same would be true under the earnings sharing concept in the social security system.

There have, of course, been numerous proposals made to deal with the inequities and inadequacies of the current system. The earnings sharing concept, however, has numerous advantages. It would eliminate the current discrimination against two-wage earner families. They would no longer receive less benefits than one-earner families with identical earnings records. It would recognize the value of the contribution of a homemaker and accord her with a social security account in her own right. Upon divorce or death of a spouse, a woman could build upon the separate account created for her during her years of marriage, rather than be forced to start from scratch in establishing a social security account. Likewise, credits from earnings she receives prior to marriage will be able to be added to her account accrued during marriage. The same, of course, would be true for the husband. Women who enter and leave the work force to fill the necessary child-rearing roles would no longer be penalized by gaps in their social security coverage.

Finally, in this time when the social security system is facing major fiscal problems, the earnings sharing proposal would not generate any additional costs. It would simply divide more equally social security benefits between men and women and thereby lift the standard of living for the millions of elderly women who would otherwise be condemned to live out their retirement years in poverty.

TRANSITION PROBLEMS

Mr. President, this proposal calls for major restructuring of the social security benefit system to respond to the changing role and needs of women. Obviously, changes of this dimension and scope must be phased in over time so that individuals can make appropriate plans for their retirement years. The legislation I am introducing provides that it would not be effective with respect to anyone over the age of 50 in 1984 when this proposal would become effective under this bill. Those then under 50 would begin having social security accounts established and computed under this proposal at that time. Because no one under age 50 could reach the minimum retirement age of 62 before 1996, no one under age 50 in 1984 would actually begin receiving benefits under this system until 1996 at the earliest. Different transition provisions are provided for individuals who might become eligible for social security disability benefits during this phase in. In no case, would a person who became disabled during this period ever receive less benefits as long as that disability

continued than they would be entitled to under the old system.

Transition periods often give rise to unanticipated inequities and further provisions may be needed to relieve any hardships which may occur during this period.

One major problem with a phase-in approach is that none of the benefits of the new system would be realized by the millions of elderly women now living in poverty; nor would it provide any relief for those women over 50 who are rapidly approaching retirement. There are several proposals for limited changes in the social security system designed to help preretirement women, and I am committed to exploring fully these limited changes to help deal with the problems of these women who will not benefit from this new proposal. Some interim modifications would include allowing a divorced spouse entitled to a dependent spouse benefit to elect to receive benefits when she reaches retirement age regardless of whether her former spouse elects to retire and indexing of a deceased spouse's wage base for purposes of computing a widow's benefit.

Mr. President, I think it is important to stress that the earnings sharing concept in the bill is premised upon the assumption that most married women will be in the work force for a major part of their lives. These two-wage earner families will receive benefits which fully reflect both contributions. Conversely, the one-wage earner family will receive benefits based on the actual earning records rather than that record plus a dependent spouse benefit. Hence, as part of the implementation of this proposal it will be important to apprise the public of the full effect and implications of this proposal with respect to its relationship to actual earnings. Then families will be able to plan both their work patterns and retirement expectations accordingly. At the same time, it is critical that we begin to take the steps that are essential toward reforming the system in a major way to deal with these problems so that future generations of women will be adequately and equitably treated under the social security system.

CONCLUSION

Mr. President, this is basically a relatively simple concept of equitably sharing benefits created during a marriage. The actual implementation of such a proposal will naturally entail a great number of problems and issues that must be resolved. I am convinced that the basic concept is correct and reflective of the role and needs of women in our society today, and should be adopted.

Implementation of this proposal would go a long way toward resolving the current inequities in the social security system for future generations. It would also substantially improve the adequacy of social security benefits for women who will reach age 62 at the end of this century. It is elderly women who are in the greatest need of assistance from social security and the most likely to suffer from poverty in their old age under the current system.

The social security system is vital to the security and well-being of millions of Americans—current retirees and prospective retirees. We have an obligation to protect this system, to make sure that it is fiscally stable and provides benefits in an equitable and fair fashion to those who rely upon social security in their old age. I believe that this proposal moves us a major step in that direction, and I look forward to continuing to work toward that goal.

I ask unanimous consent that the text of this bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Social Security Equity Act of 1982".

SEC. 2. Title II of the Social Security Act is amended by adding at the end thereof the following new section:

"SHARING OF EARNINGS BY MARRIED COUPLES

"SEC. 234. (a)(1) For purposes of determining the eligibility of an individual and the spouse of such individual for old-age and disability benefits and the amount of such benefits to which each is or may become separately entitled, the combined earnings of such individual and such spouse shall, to the extent that earnings are attributable to the marriage period of such individual and such spouse (as determined under paragraph (2)), be divided equally between them and shared in accordance with this section.

"(2)(A) Except as provided in subparagraph (B), for purposes of this section, the term "marriage period" means the period—

"(i) beginning with the first day of the calendar year in which the marriage of an individual and the spouse of such individual occurs, and

"(ii) ending with the last day of the calendar year preceding the earliest calendar year in which such individual or such spouse dies, they are divorced, or one of them files application for old-age or disability insurance benefits.

"(B)(i) No marriage period shall begin for any individual and the spouse of such individual if their marriage occurs after such individual or such spouse has filed an application for old-age insurance benefits.

"(ii) No marriage period shall include a period for which such individual or such spouse is entitled to disability insurance benefits or the waiting period (as defined in section 223(c)(2)) with respect to such benefits.

"(iii) A marriage period shall include the 'earliest calendar year' referred to in clause (ii) of subparagraph (A) for purposes of recomputations for that year under section 215(f)(2), in any case where an individual or the spouse of such individual dies or they are divorced, unless the survivor (where one of them dies) or either of them (where they are divorced) is remarried later in the same year.

"(b)(1) Except to the extent otherwise provided in subsections (c), (d), and (e), an individual and the spouse of such individual shall each be credited for all of the purposes of this title with wages and self-employment income, for each calendar year for which either of them is credited with any wages and self-employment income without regard to this section during their marriage period, in an amount equal to—

"(A) 50 percent of the combined total of the wages and self-employment income otherwise credited to both of them for that year if (at the close of the month for which the benefit determinations involved are being made) they are both still living, or

"(B) 100 percent of such combined total, up to but not exceeding the maximum amount that may be counted for that year without exceeding the ceiling imposed for that year under section 215(e), if (at the close of such month) one of them has died.

"(2) Nothing in this section shall affect the crediting of wages and self-employment income to any individual for any calendar year not included in a marriage period of such individual; but to the extent that wages and self-employment income are credited pursuant to this section the other provisions of this title specifying the manner in which wages and self-employment income are to be credited shall (to the extent inconsistent with this section) not apply.

"(3) Except where the context requires otherwise, for purposes of this section, the term 'spouse' includes a divorced, a surviving spouse, and a surviving divorced spouse.

"(c) Subsections (a) and (b) shall not apply with respect to the crediting of wages and self-employment income for any calendar year, in the case of any individual and the spouse of such individual, if—

"(1) as a result of the application of such subsections with respect to that year such individual or such spouse would cease to be a fully insured individual (as defined in section 214(a)); or

"(2) such individual or such spouse is applying for disability insurance benefits (or for the establishment of a period of disability) and as a result of the application of such subsection with respect to that year would cease to be insured for such benefits under section 223(c)(1) (or for such a period under section 216(i)(3)).

"(d) Subsections (a) and (b) shall not apply for purposes of determining the amount of the benefit payable to any individual for any month if—

"(1) the total amount of the wages and self-employment income credited to such individual for a marriage period, as determined without regard to this section, is higher than the total amount of the wages and self-employment income credited to such individual's spouse for that period, as so determined; and

"(2) such individual's spouse (taking subsection (a) and (b) into account) has not filed application for old-age or disability insurance benefits by the close of such month.

"(e) Notwithstanding any of the preceding provisions of this section—

"(1) benefits payable under subsection (d) or (h) of section 202 on the basis of the wages and self-employment income of any individual, and benefits payable under subsection (b), (c), (e), (f) or (g) of such section 202 (on the basis of such wages and self-employment income) to any person other than a spouse who has shared in or been credited with a part of such individual's earnings

under subsections (a) and (b) of this section, shall be determined as though this section had not been enacted if—

"(A) the application of this section has changed such individual's primary insurance amount from what it would otherwise have been; and

"(B) the crediting of wages and self-employment income to such individual and the spouse of such individual without regard to this section would increase the amount of such benefits; and

"(2) in the application of section 203(a) (relating to maximum family benefits) with respect to benefits payable on the basis of the wages and self-employment income of any individual, where all or any part of the wages and self-employment income of such individual and the spouse of such individual was credited to them in accordance with this section, the primary insurance amount of such individual (and the crediting of such wages and self-employment income) shall be determined in accordance with this section but the benefits payable to any other person on the basis of the wages and self-employment income of such individual shall be determined without regard to this section.

"(f) Notwithstanding any other provision of this title, no wife's, husband's, widow's, or widower's insurance benefit shall be paid to any individual for any month under subsection (b), (c), (e), or (f) of section 202, and no individual shall be entitled to any such benefit, unless—

"(1) the period of such individual's marriage (to the spouse or former spouse on the basis of whose wages and self-employment income such benefit is payable) ended before the effective date of this section;

"(2) such individual is under the age of 62 (and is otherwise entitled to such benefit);

"(3) such benefit is payable without regard to age and solely by reason of such individual's having a child in his or her care; or

"(4) the application of this section to such individual is prevented by subsection (c) or (d) (or by clause (i) or (ii) of subsection (a)(2)(B)).

"(g) For purposes of subsections (a)(2) and (d), an individual's application for old-age or disability insurance benefits shall be deemed to have been filed on the first day of the first month for which (by reason of the operation of section 202(j) or 223(b)) such individual is entitled to such benefits.".

SEC. 3. (a) Section 202(b)(1) of the Social Security Act is amended by striking out "The wife" and inserting in lieu thereof "To the extent permitted by section 234(g), the wife".

(b) Section 202(c)(1) of such Act is amended by striking out "The husband" and inserting in lieu thereof "To the extent permitted by section 234(g), the husband".

(c) Section 202(e)(1) of such Act is amended by striking out "The widow" and inserting in lieu thereof "To the extent permitted by section 234(g), the widow".

(d) Section 202(f)(1) of such Act is amended by striking out "The widower" and inserting in lieu thereof "To the extent permitted by section 234(g), the widower".

(e) Section 205(c)(5) of such Act is amended—

(1) by striking out "or" at the end of subparagraph (I);

(2) by striking out the period at the end of subparagraph (J) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new subparagraph:

"(K) to reflect any changes in the crediting of wages and self-employment income which may be necessitated by section 234.".

(f) Section 215(b) of such Act is amended by adding at the end thereof the following new paragraph:

"(5) The determination of the wages and self-employment income to be credited to an individual under this subsection shall in all cases be made after the application of section 234.".

(B) the total benefits payable to all individuals on the basis of the wages and self-employment income of the individual upon whose disability such entitlement is based (determined without regard to the provisions of this Act) exceeds the total of benefits payable to all individuals on the basis of the wages and self-employment income of the individual upon whose disability such entitlement is based, and to the spouse of such individual, under the provisions of this Act;

the provisions of this Act shall not apply for the period during which the conditions of subparagraph (B) continue to be met and during which such individual (i) continues to be eligible for such benefit, or (ii) in the case of such an individual who continued to be eligible for such benefit until age 62, is entitled to an old-age insurance benefit.

SEC. 4. (a) Except as provided in subsection (b), the amendments made by this Act shall only apply to wages and self-employment income payable after December 31, 1983, to an individual who has not attained age 50 on or before such date, and only if—

(1) the spouse of such individual has not attained age 50 on or before such date; and

(2)(A) in the case of a benefit based upon the attainment by the wage earner of age 62, such individual and such spouse attain age 62;

(B) in the case of a benefit based upon the death of the wage earner, such death occurs after December 31, 1983 and the individual claiming such benefit attains age 62; and

(C) in the case of a benefit described in subparagraph (A) or (B) with respect to a divorced individual and spouse, the divorce occurs after December 31, 1996.

(b) In the case of a disability insurance benefit, and a widow's or widower's insurance benefit based upon disability—

(1) if an individual is entitled to such benefit before January 1, 1984, the provisions of this Act shall not apply—

(A) for the period for which such individual continues to be entitled to such benefit, and

(B) if such individual continues to be entitled to such benefit until age 62, for the period such individual is entitled to an old-age insurance benefit;

(2) if—

(A) an individual becomes entitled to such benefit after December 31, 1983, and before January 1, 1996.

By Mr. STEVENS (for himself, Mr. GORTON, and Mr. KASTEN):

S. 3038. A bill to admit a certain passenger vessel to the coastwise trade; to the Committee on Commerce, Science, and Transportation.

ENTRY OF A CERTAIN VESSEL INTO THE COASTWISE TRADE

Mr. STEVENS. Mr. President, today I am introducing a bill which would provide a Cunard America Line vessel, the *Cunard Princess*, with a waiver of section 27 of the Merchant Marine Act of 1920 to enable it to hire carriage in the coastwise trade for the purposes of transporting passengers between ports of the United States.

Mr. President, the United States has been unable to maintain a passenger carriage fleet due to the prohibitive cost of building such vessels in a U.S. shipyard.

My good friend, Senator INOUYE of Hawaii, last year introduced and secured passage of a bill that provides authority for two cruise ships that were taken out of the Jones Act trade to return to the U.S. fleet and participate in the cruise trade around Hawaii. I was happy to support Senator INOUYE's proposal and feel that we should stand behind efforts to rebuild a passenger vessel fleet under the U.S. flag in a manner that will provide American jobs and revenues to American companies as well as provide the service between ports of the United States.

Mr. President, no one understands better than I do the problems that confront the U.S.-flag passenger fleet. My home State of Alaska has operating through its waters over 40 cruise vessels of which none carry the U.S. flag. This is due to the prohibitive cost of building a new passenger vessel in the United States.

At present, the two vessels that I mentioned are the only U.S.-flag vessels operating in the coastal waters of the United States.

Mr. President, I could list a number of reasons why it is important to rebuild this U.S.-flag service. They include creating jobs for sea and shore personnel, generation of approximately $80 million annually per vessel in indirect services, development of the U.S. tourism industry, and further strengthening sealift capacity under the U.S. flag.

I should mention several restrictions that will apply following passage of this bill. This vessel will be limited to carriage of passengers solely, while including their accompanying baggage and personal property. The ownership requirements that exist in the U.S. law will be maintained, which means that the vessel will meet the U.S. ownership requirements of the Jones Act. Finally, the overhaul and maintenance work will all be performed in U.S. shipyards.

I urge the Senate to take this matter under serious consideration.

By Mr. THURMOND:

S.J. Res. 263. A joint resolution to authorize the President to issue a proclamation designating the week beginning on March 13, 1983, as "National Surveyors Week"; to the Committee on the Judiciary.

NATIONAL SURVEYORS WEEK

Mr. THURMOND. Mr. President, today I am introducing a joint resolution to authorize the President to

issue a proclamation designating March 13-19, 1983, as "National Surveyors Week."

This resolution recognizes the important contribution surveyors have made throughout the history of our Nation and focuses attention on the vital role the surveying profession plays in construction design, natural resource management, and protection of private property rights.

The history of surveying in the United States is very closely tied to the development of the Nation itself. Presidents Washington and Jefferson earned licenses to become county surveyors in the Colony of Virginia. In fact, Thomas Jefferson, who chaired a committee formed under the Articles of Confederation in 1784 to devise a plan for disposing of lands west of the Thirteen Colonies, is credited with developing the rectangular survey system still used today in 38 States and administered by the Bureau of Land Management. Abraham Lincoln and Millard Fillmore were also surveyors prior to their elections as President, and no less than two of our distinguished colleagues, the Senator from New Mexico (Mr. SCHMITT) and the Senator from Virginia (Mr. WARNER) have some surveying experience.

Today's surveyors utilize modern and sophisticated equipment and techniques to locate and define boundary lines; plan roads and highways, utilities, and railroad rights-of-way; navigate oceans, rivers, harbors, and the air; and locate and record natural resources.

The surveyor has special education, training, experience, and knowledge of the principles of mathematics, the related physical and applied sciences, and requirements of law for adequate evidence. Professional surveyors provide vital services that are critical to many aspects of the issues Congress addresses. Land surveying is utilized in land development and planning, natural resource management, and protection of property rights. Marine or hydrographic surveying is important to dredging and navigation, coastal barrier protection, and water resources. Engineering surveys are used to study and select sites for construction, utilities, and mining operations. Geodetic surveying, the precise positioning of points on the surface of the Earth and the determination of the exact size and shape of the Earth, is used by several Federal agencies for launching and landing long-range aircraft, missiles, and satellites.

The modern surveyor is a true professional whose judgment and expertise is needed by government at all levels and many fields in the private sector. I am pleased to offer this resolution and urge prompt action by the Senate.

Mr. President, I ask unanimous consent that this resolution appear in the RECORD immediately following my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 263

Whereas the Congress of the United States recognizes the valuable contributions of the surveying profession to history, development and quality of life in the United States of America;

Whereas the surveying profession requires special education, training, experience, and knowledge of the principles of mathematics, the related physical and applied sciences, and requirements of law for adequate evidence; and

Whereas since the early days of our Nation when many of our forefathers, including our first and third Presidents, were surveyors, the profession of surveying has continued to be uniquely qualified to determine and describe land and water boundaries for the management of our natural resources and the protection of private property rights; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the week beginning on March 13, 1983, as "National Surveyors Week" and to urge the people of the United States to observe such week with appropriate ceremonies and activities paying tribute to professional surveyors and their contribution to society.

By Mr. HEINZ (for himself, Mr. THURMOND, Mr. CRANSTON, Mrs. HAWKINS, Mr. SPECTER, Mr. DECONCINI, Mr. HOLLINGS, Mr. CANNON, Mr. MATSUNAGA, Mr. KASTEN, Mr. BURDICK, Mr. DIXON, Mr. BAUCUS, Mr. DODD, Mr. CHAFEE, Mr. LEVIN, Mr. DURENBERGER, Mrs. KASSEBAUM, Mr. GORTON, Mr. D'AMATO, Mr. DOLE, Mr. HAYAKAWA, and Mr. BOSCHWITZ):

S.J. Res. 264. Joint resolution to designate the week of March 13, 1983, through March 19, 1983, as "National Children and Television Month"; to the Committee on the Judiciary.

NATIONAL CHILDREN AND TELEVISION MONTH

Mr. HEINZ. Mr. President, on behalf of myself and my distinguished colleagues, Senators THURMOND, CRANSTON, HAWKINS, SPECTER, DECONCINI, HOLLINGS, CANNON, MATSUNAGA, KASTEN, BURDICK, DIXON, BAUCUS, DODD, CHAFEE, LEVIN, DURENBERGER, KASSEBAUM, GORTON, D'AMATO, DOLE, HAYAKAWA, and BOSCHWITZ, I am introducing a joint resolution to designate the week of March 13 to 19, 1983 as "National Children and Television Week."

In establishing a "National Children and Television Week," I hope to stimulate a national awareness and understanding of the issues involved in children's television programing. There are many groups and individuals dedicated to improving the quality of children's programing, whose efforts to involve educators, parents, and network executives, help children make more of their television viewing experiences.

Television is more than an innocuous form of entertainment; 98 percent of American homes have at least one television set; it teaches, molds, and influences our children. Children and adolescents watch an average of 22 to 27 hours of television every week. And, if there were any doubt about the massive impact of television viewing on children, a comprehensive report by the National Institute of Mental Health erases it. NIMH's report, "Television and Behavior," emphasizes that television viewing can foster imaginative play and socialization skills, cultivate good health care, and as parents already know, influence the eating and buying habits of children. The report also confirms the negative effects of violence on children.

If we take a look at the history of children's programing. Their heroes have moved from "Howdy-Doody" to "Wonder Woman" and the "Dukes of Hazard." The world has changed and television has changed with it. However, children have not changed—perhaps they exhibit a pseudosophiscation now, but preschoolers still cannot distinguish between fantasy and reality; children still depend on adults to help them interpret their environment; and adolescents, despite their apparent rebellion, need and want the guidance of adults.

A young child's universe at one time existed solely of his family and his immediate environment. Now it includes a host of TV characters and worlds. Children once imitated their parents, and now also imitate what characters they see on TV. Parents now not only have to watch what they themselves do and say, but they also have to monitor what their children watch and hear on television.

Consequently, children's television programing has become one of the most controversial aspects of the broadcasting medium.

Children are not born with critical viewing skills; they lack organizational, integrative, and interpretive skills. We have a duty to monitor and discuss with children what they watch, but we also have a duty to seek and stimulate excellence in TV on our children's behalf.

A number of groups and individuals strive to make television for children what it should be, a vehicle for promoting the well-being of our children and their families. Groups such as the National Council for Children and Television, the NEA, PTA, ACT, WATCH, PBS, CTW, and television writers, producers, and executives deserve recognition for their excellent work.

Mr. President, I am especially pleased to be joined in sponsoring this

important joint resolution by so many of my colleagues, who share my concern about our Nation's children.

Mr. President, I ask unanimous consent that the text of this joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 264

Whereas television can create an intellectual and emotional environment which can play a decisive role in shaping individual development and perception;

Whereas parents and other adults should be able to look to television to provide children with true pictures of the world and positive models for behavior;

Whereas many dedicated groups and individuals strive to improve the quality of television programing viewed by children and their families; and

Whereas this Nation has a continuing responsibility to provide appropriate, stimulating programing for children and adolescents: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of March 13, 1983, through March 19, 1983, is designated as "National Children and Television Week" and the President of the United States is authorized and requested to issue a proclamation calling upon all government agencies and the people of the United States to observe the week with appropriate activities supporting television programs which are attentive to the needs and interests of children.

By Mr. DENTON (for himself, Mr. BYRD of Virginia, Mr. HELMS, Mr. JEPSEN, Mr. MATTINGLY, and Mr. NICKLES):

S.J. Res. 265. A joint resolution to authorize and request the President to proclaim 1983 as the "National Year of Voluntarism"; to the Committee on the Judiciary.

NATIONAL YEAR OF VOLUNTARISM

Mr. DENTON. Mr. President, with my distinguished colleagues, Senators HELMS, BYRD of Virginia, JEPSEN, NICKLES, and MATTINGLY, I introduce a Senate joint resolution to designate 1983 as the "National Year of Voluntarism." The designation will demonstrate our support for the efforts of private citizens and private enterprise to seize the priceless opportunities that now exist for voluntary activity.

This joint resolution will reinforce the call of our country's leaders for a renewal of the spirit of voluntary action among the American people. Indeed, our country was built and continues to prosper because of the efforts of individuals working together in the common struggle for life, liberty, and the pursuit of happiness. A National Year of Voluntarism will remind our people that each of us must continue to be concerned for the well-being of all, and that all of us must see our civic and human duties as including assistance to our less fortunate compatriots. The Congress has an economic, social, and moral obligation to encourage private individuals and organizations to become more involved in helping those with special needs.

The National Year of Voluntarism is part of the effort to restore to our country those characteristics that made America great, unique in all the world and in all history. The characteristics of the American system have little to do with geography or resources, wealth or ethnic composition. Our Nation is fundamentally and strikingly unique because it has a pluralistic political system, an economy based on and driven by the individual desire for self-improvement, and a legal system rooted in the Judeo-Christian ethic as manifest in the Ten Commandments and the mandate to "Love thy neighbor as thyself."

I summarize this formula as "free enterprise times compassion." Without both free enterprise and compassion, it is not the American way of life.

By "free enterprise" I do not mean just an entrepreneurial economy. I mean as well the freedom to use personal enterprise to choose and practice one's religion, to express one's views, to select and enjoy one's leisure pursuits, to choose and work at one's vocation.

By compassion, I mean the tradition of preserving, respecting, and developing the individual, a fundamental concern for the well-being of each person.

The designation of a National Year of Voluntarism will bring national attention to the essential role that compassion must play in our country. More than ever, business and industry are called upon to serve the public interest as well as private profit. Individuals also must heed the call to voluntary action. There is a wealth of untapped resources among our private citizens. A 1979 Gallup poll found that 70 percent of Americans are willing to participate in community service projects. It is estimated, however, that only 25 percent of Americans do volunteer work. I am confident that, if more people perceive that their work and help are vital, they will become involved. That is one of the major aims of the Action agency and the President's Task Force on Private Sector Initiatives.

President Reagan has eloquently expressed the challenge we face:

We have an unprecedented opportunity in America in the days ahead to build on our past traditions and the raw resources within our people. We can show the world how to construct a social system more humane, more compassionate, and more effective in meeting its members' needs than any ever known.

It is my sincere hope that the Senate will join this effort by proclaiming 1983 as the National Year of Voluntarism.

By Mr. CRANSTON:

S.J. Res. 266. A joint resolution on the Declaration on Prevention of Nuclear War; to the Committee on Foreign Relations.

DECLARATION ON PREVENTION OF NUCLEAR WAR

Mr. CRANSTON. Mr. President, last Friday an extraordinary event took place. At the invitation of the Pontifical Academy of Sciences, leading scientists from more than 30 countries met in Rome to consider the dangers of nuclear war. These scientists included the presidents and leaders of the national academies of science of many countries, including the United States and the Soviet Union. They issued a unanimous declaration on the prevention of nuclear war.

I ask unanimous consent, that the text of the declaration appear in the CONGRESSIONAL RECORD at the conclusion of my remarks.

This declaration was the culmination of careful study, beginning with a meeting convened last February in Vienna by Cardinal Konig of Austria. The effort was initiated by Father Theodore Hesburgh, president of the University of Notre Dame, who saw the need to bring the light of science to bear on the issue of nuclear peace, for the benefit of the leaders of religion and of government and of people everywhere.

The scientists met again at the Royal Society in London and then at the Pontifical Academy last June. The meeting in Rome last week has been said to be the most stellar and respected assembly of scientists ever held on a public issue. Last Friday, Pope John Paul II went to their closing meeting to hear, receive, and welcome—and underscore the importance of—this declaration.

In November, Cardinal Konig is inviting leaders of all the world's major religions to Vienna to meet with the scientists to consider the declaration and its moral implications for the whole human race.

I say this to my Senate colleagues: I call your attention to the appeal in the declaration to national leaders "to take the initiative in seeking steps to reduce the risk of nuclear war."

I urge you to read the declaration and to consider the specific steps proposed in it.

Whether you or I agree with all or just some of the findings and recommendations in this declaration, I believe they are of transcendent importance. So I invite you to join me in sponsoring the following joint resolution.

The text of the joint resolution follows:

S.J. RES. 266

Whereas leading scientists from more than 30 countries, including presidents of the scientific academies in the United States and many other nations, have met in Rome in an assembly convened by the Pontifical

Academy of Sciences to consider the unprecedented threat of nuclear war;

Whereas these leading scientists on September 24, 1982, unanimously issued a Declaration on the Prevention of Nuclear War outlining the overwhelming dangers of nuclear destruction, including the possible annihilation of all civilization;

Whereas this Declaration, as the culmination of careful study of the threat facing the world, proposes a succession of steps to curb the development, production, testing and deployment of nuclear weapons systems, and to reduce them to substantially lower levels with the ultimate aim of their complete elimination; and

Whereas the Governments of the United States and the Soviet Union have never joined to make all-out, determined, creative effort that must be undertaken to prevent nuclear war: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States—

(1) declares and affirms that a central goal of United States international security policy should be to achieve a mutually verifiable agreement for the curbing of the development, production, testing and deployment of nuclear weapons and for their reduction and ultimate elimination so that no such weapon is ever again used on the face of the earth;

(2) requests the President of the United States to give special and urgent consideration to the facts presented and the specific steps recommended in the attached Declaration on Prevention of Nuclear War, and by March 1, 1983, to report to the Congress and to the American people whether he accepts, in whole or in part, the findings and recommendations in this Declaration, and, further, to report the reasons for such acceptance or rejection.

DECLARATION ON PREVENTION OF NUCLEAR WAR, SEPTEMBER 24, 1982

(Presented to His Holiness the Pope by an assembly of Presidents of Scientific Academies and other scientists from all over the world convened by the Pontifical Academy of Sciences.)

I. PREAMBLE

Throughout its history, humankind has been confronted with war, but since 1945 the nature of warfare has changed so profoundly that the future of the human race, of generations yet unborn, is imperilled. At the same time, mutual contacts and means of understanding between peoples of the world have been increasing. This is why the yearning for peace is now stronger than ever. Mankind is confronted today with a threat unprecedented in history, arising from the massive and competitive accumulation of nuclear weapons. The existing arsenals, if employed in a major war, could result in the immediate deaths of many hundreds of millions of people, and of untold millions more later through a variety of aftereffects. For the first time, it is possible to cause damage on such a catastrophic scale as to wipe out a large part of civilization and to endanger its very survival. The large-scale use of such weapons could trigger major and irreversible ecological and genetic changes, whose limits cannot be predicted.

Science can offer the world no real defense against the consequences of nuclear war. There is no prospect of making defenses sufficiently effective to protect cities since even a single penetrating nuclear weapon can cause massive destruction. There is no prospect that the mass of the population could be protected against a major nuclear attack or that devastation of the cultural, economic and industrial base of society could be prevented. The breakdown of social organization, and the magnitude of casualties, will be so large that no medical system can be expected to cope with more than a minute fraction of the victims.

There are now some 50,000 nuclear weapons, some of which have yields a thousand times greater than the bomb that destroyed Hiroshima. The total explosive content of these weapons is equivalent to a million Hiroshima bombs, which corresponds to a yield of some three tons of TNT for every person on earth. Yet these stockpiles continue to grow. Moreover, we face the increasing danger that many additional countries will acquire nuclear weapons or develop the capability of producing them.

There is today an almost continuous range of explosive power from the smallest battlefield nuclear weapons to the most destructive megaton warhead. Nuclear weapons are regarded not only as a deterrent, but there are plans for their tactical use and use in a general war under so-called controlled conditions. The immense and increasing stockpiles of nuclear weapons, and their broad dispersal in the armed forces, increase the probability of their being used through accident or miscalculation in times of heightened political or military tension. The risk is very great that any utilization of nuclear weapons, however limited, would escalate to general nucelar war.

The world situtation has deteriorated. Mistrust and suspicion between nations have grown. There is a breakdown of serious dialogue between the East and West and between North and South. Serious inequities among nations and within nations, shortsighted national or partisan ambitions, and lust for power are the seeds of conflict which may lead to general and nuclear warfare. The scandal of poverty, hunger, and degradation is in itself becoming an increasing threat to peace. There appears to be a growing fatalistic acceptance that war is inevitable and that wars will be fought with nuclear weapons. In any such war there will be no winners.

Not only the potentialities of nucelar weapons, but also those of chemcial, biological and even conventional weapons are increasing by the steady accumulation of new knowledge. It is therefore to be expected that also the means of non-nuclear war, as horrible as they already are, will become more destructive if nothing is done to prevent it. Human wisdom, however, remains comparatively limited, in dramatic contrast with the apparently inexorable growth of the power of destruction. It is the duty of scientists to help prevent the perversion of their achievements and to stress that the future of mankind depends upon the acceptance by all nations of moral principles transcending all other considerations. Recognizing the natural rights of humans to survive and to live in dignity, science must be used to assist humankind toward a life of fulfillment and peace.

Considering these overwhelming dangers that confront all of us, it is the duty of every person of good will to face this threat. All disputes that we are concerned with today, including political economic ideological and religious ones, are small compared to the hazards of nuclear war. It is imperative to reduce distrust and to increase hope and confidence through a succession of steps to curb the development, production testing and deployment of nuclear weapons systems, and to reduce them to substantially lower levels with the ultimate hope of their complete elimination.

To avoid wars and achieve a meaningful peace, not only the powers of intelligence are needed, but also the powers of ethics, morality and conviction.

The catastrophe of nuclear war can and must be prevented. Leaders and governments have a grave responsibility to fulfill in this regard. But it is humankind as a whole which must act for its survival. This is the greatest moral issue that humanity has ever faced, and there is no time to be lost.

II

In view of these threats of global nuclear catastrophe, we declare:

Nuclear weapons are fundamentally different from conventional weapons. They must not be regarded as acceptable instruments of warfare. Nuclear warfare would be a crime against humanity.

It is of utmost importance that there be no armed conflict between nuclear powers because of the danger that nuclear weapons would be used.

The use of force anywhere as a method of settling international conflicts can entail the risk of military confrontation of nuclear powers.

The proliferation of nuclear weapons to additional countries seriously increases the risk of nuclear war and could lead to nuclear terrorism.

The current arms race increases the risk of nuclear war. The race must be stopped, the development of new more destructive weapons must be curbed, and nuclear forces must be reduced, with the ultimate goal of complete nuclear disarmament. The sole purpose of nuclear weapons, as long as they exist, must be to deter nuclear war.

III

Recognizing that excessive conventional forces increase mistrust and could lead to confrontation with the risk of nuclear war, and that all differences and territorial disputes should be resolved by negotiation, arbitration or other peaceful means, we call upon all nations:

Never to be the first to use nuclear weapons;

To seek termination of hostilities immediately in the appalling event that nuclear weapons are ever used;

To abide by the principle that force or the threat of force will not be used against the territorial integrity or political independence of another State;

To renew and increase efforts to reach verifiable agreements curbing the arms race and reducing the numbers of nuclear weapons and delivery systems. These agreements should be monitored by the most effective technical means. Political differences or territorial disputes must not be allowed to interfere with this objective;

To find more effective ways and means to prevent the further proliferation of nuclear weapons. The nuclear powers, and in particular the superpowers, have a special obligation to set an example in reducing armaments and to create a climate conducive to non-proliferation. Moreover, all nations have the duty to prevent the diversion of peaceful uses of nuclear energy to the proliferation of nuclear weapons;

To take all practical measures that reduce the possibility of nuclear war by accident, miscalculation or irrational action.

To continue to observe existing arms limitation agreements while seeking to negotiate broader and more effective agreements.

Finally, we appeal:

1. To national leaders, to take the initiative in seeking to reduce the risk of nuclear war, looking beyond narrow concerns for national advantage; and to reject military conflict as a means of resolving disputes.

2. To scientists, to use their creativity for the betterment of human life, and to apply their ingenuity in exploring means of avoiding nuclear war and developing practical methods of arms control.

3. To religious leaders and other custodians of moral principles, to proclaim forcefully and persistently, the grave human issues at stake so that these are fully understood and appreciated by society.

4. To people everywhere, to reaffirm their faith in the destiny of humankind, to insist that the avoidance of war is a common responsibility, to combat the belief that nuclear conflict is unavoidable, and to labor uncreasingly toward the failure of generations to come.

PARTICIPANTS IN CONFERENCE ON NUCLEAR WAR—PONTIFICAL ACADEMY OF SCIENCES, 23-24 SEPTEMBER 1982

E. Amaldi, Italy; I. Badran, Egypt; A. Balevski, Bulgaria; A. Bekoe, ICSU; F. Benvenuti, Italy; C. Bernhard, Sweden; O. Bikov, USSR; B. Bilinski, Poland; C. Chagas, Brazil; E. De Giorgi, Italy; B. Dinkov, Bulgaria; G. hambraeus, Sweden; T. Hesburgh, USA; H. Hiatt, USA; D. Hodgkin, PUGWASH; S. Hsieh, Taipei; A. Huxley, England; S. Iijima, Japan; S. Isaev, USSR; P. Jacquinot, France; W. Kalweit, GDR; M. Kapi, Pakistan; S. Keeny, USA; K. Komarek, Austria; F. Konig, Austria; J. Labarbe, Belgium; J. Lejeune, France; L. Leprince-Ringuet, France; R. Levi Montalcini, Italy.

M. Lora-Tamayo, Spain; T. Malone, USA; G. Marini-Bettolo, Italy; M. Menon, India; G. Montalenti, Italy; M. Peixoto, Brazil; J. Peters, Belgium; G. Porter, England; F. Press, USA; G. Puppi, Italy; B. Rifai, Indonesia; W. Rosenblith, USA; P. Rossano, Italy; P. Rudomin, Mexico; B. Rysavy, Czechoslovakia; I. Saavedra, Chile; V. Sardi, Venezuela; T. Shin, Korea; E. Simpson, South Africa; J. Sirotković, Yugoslavia; L. Sosnovski, Poland; A. Stoppani, Argentina; J. Szentagothai, Hungary; S. Tanneberger, GDR; C. Townes, USA; E. Velikhov, USSR; W. Watts, Ireland; V. Weisskopf, USA.

ADDITIONAL COSPONSORS

S. 27

At the request of Mr. DOLE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 27, a bill to amend the Internal Revenue Code of 1954 to make permanent the allowance of a deduction for eliminating architectural and transportation barriers for the handicapped and to increase the amount of such deduction from $25,000 to $100,000.

S. 1342

At the request of Mr. ROTH, his name was added as a cosponsor of S. 1342, a bill to define the circumstances under which construction workers may deduct travel and transportation expenses in computing their taxable incomes for purposes of the Federal income tax.

S. 2357

At the request of Mr. LUGAR, the names of the Senator from Alabama (Mr. HEFLIN) and the Senator from Tennessee (Mr. SASSER) were added as cosponsors of S. 2357, a bill to prohibit export restrictions that interfere with existing contracts for the exportation of such commodities.

S. 2466

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of S. 2466, a bill to amend the Tariff Schedules of the United States to provide for rates of duty on imported roses consistent with those maintained by the European Economic Community on imports of roses from the United States and other nations.

S. 2619

At the request of Mr. TSONGAS, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 2619, a bill to amend the Energy Security Act to extend the financing authority of the Synthetic Fuels Corporation to include projects for district heating and cooling and for municipal waste energy recovery, and for other purposes.

S. 2702

At the request of Mr. ANDREWS, the name of the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of S. 2702, a bill to amend section 8(a) of the Small Business Act to treat businesses owned by Indian tribes as socially and economically disadvantaged small business concerns.

S. 2816

At the request of Mr. STAFFORD, the names of the Senator from Florida (Mrs. HAWKINS), the Senator from Indiana (Mr. QUAYLE), and the Senator from Maryland (Mr. SARBANES) were added as a cosponsors of S. 2816, a bill to amend chapter 89 of title 5, United States Code, to require nondiscriminatory health benefits plans for Federal employees.

S. 2901

At the request of Mr. DOLE, the name of the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 2901, a bill to establish a National Commission on Neurofibromatosis.

S. 2918

At the request of Mr. CHAFEE, the names of the Senator from Texas (Mr. TOWER), the Senator from Illinois (Mr. PERCY), the Senator from Nevada (Mr. CANNON), the Senator from Minnesota (Mr. BOSCHWITZ), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 2918, a bill to permit the investment of employee benefit plans in residential mortgages.

S. 2919

At the request of Mr. LUGAR, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2919, a bill to help insure the Nation's independent factual knowledge of Soviet bloc countries, to help maintain the national capability for advanced research and training on which that knowledge depends, and to provide partial financial support for national programs to serve both purposes.

S. 2948

At the request of Mr. DOLE, the name of the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of S. 2948, a bill to promote the development of nonanimal methods of research experimentation, and testing, and to insure humane care of animals used in scientific research, experimentation, and testing.

SENATE JOINT RESOLUTION 188

At the request of Mr. INOUYE, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of Senate Joint Resolution 188, a joint resolution to authorize and request the President to designate March 1, 1983, as "National Recovery Room Nurses Day."

SENATE JOINT RESOLUTION 190

At the request of Mr. BURDICK, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of Senate Joint Resolution 190, a joint resolution to authorize and request the President to designate "National Family Week."

SENATE JOINT RESOLUTION 200

At the request of Mr. GLENN, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of Senate Joint Resolution 200, a joint resolution to designate October 1982 as "National Car Care Month."

SENATE JOINT RESOLUTION 225

At the request of Mr. EAGLETON, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of Senate Joint Resolution 225, a joint resolution to provide for the designation of the week beginning on November 21, 1982, as "National Alzheimer's Disease Week."

SENATE JOINT RESOLUTION 231

At the request of Mr. JOHNSTON, the names of the Senator from Pennsylvania (Mr. HEINZ), the Senator from Washington (Mr. JACKSON), the Senator from Texas (Mr. BENTSEN), the Senator from South Carolina (Mr. THURMOND), the Senator from Florida (Mr. CHILES), the Senator from Maryland (Mr. MATHIAS), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of Senate Joint Resolution 231, a joint resolution to authorize and request the President to designate the week of October 11, 1982, through October 17, 1982, as "National Get High on Life Week."

SENATE JOINT RESOLUTION 237

At the request of Mr. CHILES, the names of the Senator from California (Mr. CRANSTON), the Senator from

Hawaii (Mr. INOUYE), the Senator from Rhode Island (Mr. PELL), the Senator from Oklahoma (Mr. BOREN), the Senator from Connecticut (Mr. WEICKER), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Texas (Mr. BENTSEN), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of Senate Joint Resolution 237, a joint resolution designating November 14, 1982, as "National Retired Teachers Day."

SENATE JOINT RESOLUTION 244

At the request of Mr. WARNER, the names of the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Minnesota (Mr. DURENBERGER) were added as cosponsors of Senate Joint Resolution 244, a joint resolution designating January 17, 1983, as "Public Employees Appreciation Day."

SENATE JOINT RESOLUTION 246

At the request of Mr. LONG, the names of the Senator from Alabama (Mr. DENTON), the Senator from Ohio (Mr. GLENN), the Senator from Ohio (Mr. METZENBAUM) were added as cosponsors of Senate Joint Resolution 246, a joint resolution to authorize and request the President of the United States to issue a proclamation designating the first week in October for the calendar years 1982, 1983, and 1984 as "National Port Week."

SENATE JOINT RESOLUTION 249

At the request of Mr. KENNEDY, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Nevada (Mr. LAXALT), the Senator from Illinois (Mr. PERCY), the Senator from South Carolina (Mr. THURMOND), the Senator from Georgia (Mr. NUNN), the Senator from Ohio (Mr. GLENN), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of Senate Joint Resolution 249, a joint resolution to provide for the designation of the month of October 1982 as "National Spinal Cord Injury Month."

SENATE CONCURRENT RESOLUTION 122

At the request of Mr. BURDICK, the name of the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of Senate Concurrent Resolution 122, a concurrent resolution relating to the processed product share of U.S. agricultural exports.

SENATE RESOLUTION 239

At the request of Mr. WARNER, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of Senate Resolution 239, a resolution disapproving the proposal to defer budget authority for Veterans' Administration health-care facility construction while the Administration "considers alternative methods for providing readily available quality medical care for eligible veterans."

AMENDMENT NO. 3621

At the request of Mr. METZENBAUM, the name of the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of amendment No. 3621 proposed to House Joint Resolution 599, a joint resolution making continuing appropriations for the fiscal year 1983, and for other purposes.

AMENDMENT NO. 3629

At the request of Mr. STAFFORD, the names of the Senator from Connecticut (Mr. WEICKER) and the Senator from Maryland (Mr. MATHIAS) were added as cosponsors of amendment No. 3629 intended to be proposed to H.R. 5203, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act.

AMENDMENT NO. 1310

At the request of Mr. METZENBAUM, the name of the Senator from Minnesota (Mr. DURENBERGER) was added as a consponsor of unprinted amendment No. 1310 proposed to House Joint Resolution 599, a joint resolution making continuing appropriations for the fiscal year 1983, and for other purposes.

AMENDMENT NO. 1376

At the request of Mr. THURMOND, the name of the Senator from Oregon (Mr. PACKWOOD) was added as a consponsor of unprinted amendment No. 1376 proposed to S. 2420, a bill to protect victims of crime.

AMENDMENT NO. 1384

At the request of Mr. SCHMITT, the names of the Senator from Delaware (Mr. ROTH), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of amendment No. 1384 proposed to S. 2375, a bill to extend by 5 years the expiration date of the Defense Production Act of 1950.

SENATE RESOLUTION 491—RESOLUTION RELATING TO DIFFERENTIAL EXCHANGE RATES IN MEXICO

Mr. DECONCINI submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 491

Resolved, That it is the sense of the Senate that the President should pursue all available diplomatic means to persuade the Government of Mexico to eliminate the system of differential foreign exchange rates it has recently instituted.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. DECONCINI. Mr. President, I am today submitting a sense of the Senate resolution calling on the administration to take advantage of diplomatic opportunities that now exist to seek the elimination of the system of dual exchange rates the Governemt of Mexico has recently instituted. Under that system, payments for essential imports and for external bank debts are converted at a rate of 50 pesos per dollar. The exchange rate for all other types of transactions is set at 70 pesos per dollar.

Now, Mr. President, anyone familiar with the full dimensions of the Mexican financial crisis can appreciate why that government would find such a structure useful or at least convenient. Economizing on the use of scarce foreign exchange reserves is understandably attractive under the circumstances. The flow of essential imports—however defined—must obviously be maintained, if economic growth and stability are to be restored. And with the highest external debt in the world—$80 to $85 billion—Mexico must, of course, be solicitous of the good opinion of its principal creditors, especially the private banks.

Having said this, though, the inescapable fact is that exchange rate differentials are fundamentally unsound. There is, in the long term, no economic justification for them. Indeed, they are counterproductive, inasmuch as they inevitably create distortions and dislocations. But—most important—differential exchange rates are inherently unfair. They discriminate on the basis of politically expedient criteria among foreign nationals with legitimate economic interests.

The Mexican case is a perfect example. What the current dual exchange system means in practice, Mr. President, is that those firms and/or individuals who can somehow get their products on the list of essential imports along with the international bankers, have an almost 30-percent advantage in terms of real economic resources. More to the point, individuals and firms who are not so favored, in effect are required to subsidize those who are by roughly this amount.

This is simply unfair and we should do all in our power to persuade the Mexican authorities to reevaluate their policy in this regard.

It is my understanding that the administration has raised this problem privately with the Mexican Government. I believe adoption of this amendment will help to strengthen the U.S. negotiating position on the issue and I hope my colleagues will join me in assuring its early passage.

SENATE RESOLUTION 492—RELATING TO CERTAIN CLAIMS INVOLVING THE SENATE

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution, which was placed on the calendar:

S. RES. 492

Resolved, That the Sergeant at Arms of the Senate, in accordance with regulations prescribed by the Attorney General and such regulations as the Committee on Rules and Administration may prescribe, may consider and ascertain and, with the approval of the Committee on Rules and Administration, determine, compromise, adjust, and settle, in accordance with the provisions of chapter 171 of title 28, United States Code,

any claim for money damages against the United States for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any Member, officer, or employee of the Senate while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred. The Committee on Rules and Administration may, from time to time, delegate any or all of its authority under this resolution to the Chairman. Any compromise, adjustment, or settlemant of any such claim not exceeding $2,500 shall be paid from the contingent fund of the Senate on a voucher approved by the chairman of the Committee on Rules and Administration.

SEC. 2. The Committee on Rules and Administration is authorized to issue such regulations as it may determine necessary to carry out the provisions of this resolution.

SENATE RESOLUTION 493—AUTHORIZING THE PRINTING OF PRAYERS BY THE CHAPLAIN OF THE SENATE

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution, which was placed on the calendar:

S. RES. 493

Resolved, That there be printed with an appropriate illustration as a Senate document, the prayers by the Reverend Edward L. R. Elson, S.T.D., the Chaplain of the Senate, at the opening of the daily sessions of the Senate during the Ninety-sixth and Ninety-seventh Congresses, together with any other prayers offered by him during that period in his official capacity as Chaplain of the Senate; and that there be printed and bound four hundred additional copies of such document for the use of the Joint Committee on Printing.

SEC. 2. The copy for the document authorized in section 1 shall be prepared under the direction of the Joint Committee on Printing.

SENATE RESOLUTION 494—RELATING TO RHODES TAVERN

Mr. MATHIAS submitted the following resolution, which was referred to the Committee on Energy and Natural Resources:

S. RES. 494

Whereas Rhodes Tavern, dating to 1799, is the oldest District of Columbia and National Register of Historic Places landmark, requiring preservation if possible, between the White House and the Capitol, and the last remaining example of the urban design standards for downtown Washington recommended by city planner Pierre L'Enfant and promulgated by Presidents George Washington and Thomas Jefferson;

Whereas citizens met at Rhodes Tavern, the city of Washington's first town hall, 1800-1808, to petition for an elected local government and representation in Congress soon after Congress withdrew the local franchise in 1801, and other meetings which resulted in the establishment of the first public schools, theater and marketplace in the city of Washington;

Whereas Rhodes Tavern was a polling place in the first municipal elections in the city of Washington on June 7, 1802;

Whereas Rhodes Tavern is associated with the civic life of James Hoban, White House architect, numerous Presidents and Members of Congress and is the only surviving early congressional boardinghouse;

Whereas Rhodes Tavern is the only building to remain on the inaugural route from the day that President Jefferson began the tradition of the inaugural parade;

Whereas the city of Washington needs a central landmark that for posterity will symbolize its local and national historic origins, continuity, and identity, and since Rhodes Tavern is of unquestionable historic value: Now, therefore, be it

Resolved, That the Senate expresses its strong interest and concern in preservation and restoration, for the benefit and inspiration of present and future generations, of Rhodes Tavern, a building of unique historical significance located in the District of Columbia near the White House, opposite the Treasury Department Building at the northeast corner of Fifteenth and F Streets, northwest; and encourages every effort be made by the National Trust for Historic Preservation, the National Capital Planning Commission, the Commission of Fine Arts, the Mayor and Council of the District of Columbia, and interested local and national organizations for the onsite preservation of Rhodes Tavern and its restoration to its original condition, or as near thereto as possible.

SEC. 2. The Secretary of the Senate shall transmit copies of his resolution to the National Trust for Historic Preservation, the National Capital Planning Commission, the Commission of Fine Arts, the Mayor and Council of the District of Columbia.

AMENDMENTS SUBMITTED FOR PRINTING

NONANIMAL METHODS OF RESEARCH

AMENDMENT NO. 3630

(Ordered to be printed and referred to the Committee on Labor and Human Resources.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill (S. 2948) to promote the development of nonanimal methods of research, experimentation, and testing, and to assure humane care of animals used in scientific research, experimentation, and testing.

● Mr. DOLE. Mr. President, today I am submitting an amendment to S. 2948, which would delete the mandatory accreditation requirement for research labs. Instead the Secretary of Health and Human Services would do a study of not more than 1 year to determine the impact of mandatory accreditation on research labs.

Following the study, the Secretary will issue mandatory regulations for implementing the lowest cost phases of accreditation and would establish goals and procedures for implementing the higher cost aspects of accreditation such as structural changes.

If the Secretary determines that accreditation costs are too high, he can waive the germane regulations. This amendment will satisfy the concerns of those who feel that costs of mandatory accreditation to research facilities will be too high. Yet it insures that proper and reasonable steps will be taken toward accreditation.

I also have two technical amendments. The first defines the term "large numbers of animals" and the second would delete language relating to the research background of the nonmember on the Animal Studies Committee.●

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT AMENDMENTS

AMENDMENT NO. 3631

(Ordered to be printed and to lie on the table.)

Mr. STAFFORD (for himself and Mr. WEICKER) submitted an amendment intended to be proposed by them to the bill (H.R. 5203) to amend the Federal Insecticide, Fungicide, and Rodenticide Act.

AMENDMENT NO. 3632

(Ordered to be printed and to lie on the table.)

Mr. STAFFORD (for himself and Mr. CRANSTON, Mr. PROXMIRE, Mr. WEICKER, Mr. MATHIAS, and Mr. BAUCUS) submitted an amendment intended to be proposed by them to the bill H.R. 5203, supra.

AMENDMENT NO. 3633

(Ordered to be printed and to lie on the table.)

Mr. STAFFORD (for himself and Mr. CRANSTON, and Mr. WEICKER), submitted an amendment intended to be proposed by them to the bill H.R. 5203, supra.

AMENDMENT NO. 3634

(Ordered to be printed and to lie on the table.)

Mr. STAFFORD (for himself, Mr. MATHIAS, and Mr. WEICKER), submitted an amendment intended to be proposed by them to the bill H.R. 5203, supra.

AMENDMENT NO. 3635

(Ordered to be printed and to lie on the table.)

Mr. STAFFORD (for himself, Mr. LEAHY, and Mr. WEICKER), submitted an amendment intended to be proposed by them to the bill H.R. 5203, supra.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT, 1983

AMENDMENT NO. 3636

(Ordered to be printed and lie on the table.)

Mr. RIEGLE submitted an amendment intended to be proposed by him to the bill (S. 2956) making appropriations for the Departments of Com-

merce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1983, and for other purposes.

Mr. RIEGLE. Mr. President, I am introducing today an amendment that would enable the Economic Development Administration (EDA) to continue providing business loans during the fiscal year that begins today.

As you know, Mr. President, the Regan administration has tried for almost 2 years to terminate EDA. Businessmen as well as State and local officials from across the country have protested and have pointed out to Congress that EDA grant, loan, and guarantee assistance has been vital to the expansion of employment and business in many distressed areas.

In response, Congress provided about $200 million to support EDA activities at a reduced level in fiscal 1982. Included in that amount, was authority to provide $30 million in business development loans. Unfortunately, when fiscal year 1982 ended at midnight last night, the administration had approved only $14.2 million in business loans; $15.8 million of the authority provided by Congress expired under existing law.

The House and Senate versions of the State, Commerce, Justice Appropriations Act, 1983 include $198.5 million for FDA programs; $168.5 million of that amount would be an appropriation of new budget authority; $30 million would be provided by making available funds in the economic development fund. However, no funds are now provided for business loans.

When the full Senate considers the State, Commerce, Justice Appropriations Act, I intend to offer an amendment that would make available from the revolving fund an additional $15.8 million for business loans in fiscal 1983.

This amendment would simply insure that business loan funds, which Congress has already appropriated, would remain available after the close of fiscal 1982. My amendment requires no fiscal year 1983 budget authority and no increase in fiscal 1983 outlays above the amounts that Congress has already decided to provide and has already anticipated in the first budget resolution for fiscal year 1983.

I know from direct experience that thousands of jobs could depend upon continuing to make these loan funds available, and I urge my colleagues to join in support of this amendment.

Mr. President, I ask unanimous consent to have the text of the amendment printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 3636

On page 18 line 10 strike "$30,000,000" and insert: "$45,800,000, of which $15,800,000 shall be available for new business loans".

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee will conduct a hearing on, "The Current Petroleum Marketing Practices and Their Impact on Small Business" on Tuesday, October 12, commencing at 10 a.m., in room 2541 Dirksen Federal Building, 219 South Dearborn Street, Chicago, Ill. For further information, please contact Jack Gleason of the Small Business Committee staff at 224-3794.

Mr. President, I would like to announce that the Senate Small Business Committee will conduct a second hearing on, "Obstacles to Exporting Faced by Small Businesses" on Thursday, October 21, 1982, commencing at 1:30 p.m., in the Spokane City Council Chambers, Spokane City Hall, 808 Spokane Falls Boulevard, Spokane, Wash. Senator SLADE GORTON will chair the hearing. For further information, please contact Anne Sullivan of the Small Business Committee staff at 224-3188.

SUBCOMMITTEE ON URBAN AND RURAL ECONOMIC DEVELOPMENT

Mr. WEICKER. Mr. President, I would like to announce that the Subcommittee on Urban and Rural Economic Development of the Senate Small Business Committee will conduct a second hearing on "The Future on Small Business in the Face of Urban Crime," on Monday, October 18, 1982, commencing at 10 a.m., in hearing room B of the Legislative Office Building of the State Capitol, Albany, N.Y. Senator ALFONSE D'AMATO will chair the hearing. For further information, please contact Mike Haynes of the Senate Small Business Committee at 224-5175.

Mr. President, I would like to announce that the Subcommittee on Urban and Rural Economic Development of the Senate Small Business Committee will conduct a third hearing on "The Future of Small Business in the Face of Urban Crime," on Monday, November 15, 1982, commencing at 10 a.m., in San Francisco, Calif. The location of the hearing room will be announced at a later date. Senator ALFONSE D'AMATO will chair the hearing. For further information, please contact Mike Haynes of the Senate Small Business Committee staff at 224-5175.

ADDITIONAL STATEMENTS

SOCIAL SECURITY DISABILITY REVIEW

● Mr. DURENBERGER. Mr. President, I am deeply concerned with the growing problems in our Social Security Administration's disability review process. Recent items in the Philadelphia Inquirer illustrate the problems beneficiaries are experiencing as a result of our present review process. The items support legislation introduced by my colleague from Pennsylvania, Senator HEINZ that would correct some of the present inequities within the system. I would like to commend Senator HEINZ for his contribution and leadership in this issue of disability review.

I ask the Senate to acknowledge, as the Philadelphia Inquirer has, the contribution of Senator HEINZ by printing these articles in the RECORD.

The articles follow:

[From the Philadelphia Inquirer, Sept. 24, 1982]

DISABILITY REFORMS ARE A SHAM

To the Editor: the Social Security Administration, as you recently reported on Page One, has announced "reforms" in its reviews of disability cases. They are a sham.

The decision not to send thousands of new cases to a number of state disability determination agencies for reviews during the month of September simply acknowledges that many states, like Pennsylvania, already have enormous backlogs. Tens of thousands of cases are piled up in the "in" boxes of state agencies that never would have been touched because of lack of staff.

The Social Security Administration, like the rogue elephant it has become, is still going ahead with plans to dump 600,000 new cases upon states for review this year. It must surely know that this flood will guarantee tens of thousands of unfair, superficially processed cessations of benefits. As experience has shown, this will also be followed by a reversal rate of 67 percent after appeals, which are settled months later, after needless suffering and more suicides.

What needs to be done immediately is to adopt Sen. John Heinz' idea in Senate Bill 2730, which calls for a complete halt to all cessations of benefits except in clear-cut cases until January 1983. This will allow sufficient time to correct the structural inequities in the system, and thereafter the spacing out of reviews over a much longer period of time.

The second "reform" of having face-to-face interviews with beneficiaries, to avoid publicized terminations of beneficiaries in iron lungs, is also inadequate because these interviews will occur only with local Social Security district office staff. They will not be held with the state disability adjudicators, who are the real decision-makers who will continue to review issues such as pain and the severity of mental and physical impairments without ever seeing the beneficiary.

The announced function of merely explaining the process to reduce "anxiety" is a clever public relations trick. The trick is to fend off the more important reform: precluding state agency adjudicators who sit in their Kafkaesque cubicles from making life and death decisions about people they never meet.

Beneficiaries have real reason to continue to feel anxious. They know that an arbitrary and punitive determinations process has not been materially altered.

It falls to Congress, in particular through the excellent proposals already introduced in the Senate by Sen. Heinz and others, to protect disabled people from the very agency established to maintain their safety-net.

SIEGLINDE SHAPIRO,
Pennsylvania Coalition of Citizens with Disabilities, Philadelphia.

[From the Philadelphia Inquirer, Nov. 18, 1982]

WIELDING AX IS NO WAY TO TRIM DISABILITY ROLLS

Her name was Kathleen Mitchell McGovern. She was 40 years old. For the past nine years, she had been in and out of hospitals, diagnosed as a paranoid schizophrenic. Because of her illness, she had been receiving $297 a month in Social Security disability payments.

Last January, she received a letter from the Social Security Administration, advising her that on the basis of "the medical evidence in your file . . . your condition would not prevent you from working." In May, an administrative law judge sent her a form letter that she interpreted to mean that her benefits were going to be cut off.

A few days later, Kathleen Mitchell McGovern, who had shown suicidal tendencies, was found dead in her room on Fifth Street near Reed in Philadelphia.

An unusual case? Last November, a former machine shop foreman, the father of three, killed himself with a shotgun outside the Social Security office in Lansing, Mich. He left a note to his family, saying, "They cut my Social Security. They are playing God. I can't live on welfare." A month later, an Iowa man with diabetes, heart problems and eye trouble, unable to work as a truck driver, killed himself after a year of trying to get disability benefits.

In yet another instance, a Michigan man, diabetic, a stroke victim and "blind for all practical purposes," according to a Social Security doctor who had given him a 15-minute examination, had his benefits cut off and died of a heart attack while appealing the decision.

Plainly, this is not what the Congress intended in 1980 when it directed the Social Security Administration to review the status of disabled beneficiaries at least once every three years.

Congress' goal, reasonable enough, was to trim the $18 billion a year disability program by removing from the rolls those able to work, not those unable. Coming into office, however, the Reagan administration interpreted the directive as a mandate to take an ax to the disability program and slash it wholesale. It has done so with such misplaced zeal that two-thirds of those whose benefits have been terminated have had them reinstated upon appeal—but appeals that have lasted for many months, during which the individuals have been deprived of the benefits owed them.

"The reviews," as Sen. William Cohen (R., Maine) declared, "have created chaos and inflicted pain that Congress neither envisioned nor desired when it enacted what was intended to be a sound management tool."

Now, reacting to congressional criticism, the Social Security Administration has announced a moratorium on new cases in a dozen states, including Pennsylvania, New Jersey and Delaware. That's a beginning, but it's not enough. In effect, the Social Security Administration is only telling states, snowed under by reviews, not to embark on any new ones until they dig themselves out.

What is needed is a comprehensive reform, as spelled out in legislation introduced by Sen. John Heinz (R., Pa.), Sen. Cohen and other senators on both sides of the aisle.

Such a reform must include, at a minimum, a requirement that disability payments are not to be cut off merely on the say-so of a bureaucrat who looks at the recipient's file. It must include face-to-face interviews, by the decision-makers, before any decision to terminate is made. Individuals must not have their benefits cut off before they have had a hearing before an impartial administrative law judge. The burden of proof that benefits should be discontinued must shift from the recipient to the government.

No one will quarrel with the aim of removing from the disability rolls those who are not eligible, but the way to get at them is not by swinging an ax that chops off the great majority who are truly disabled and worthy of help.●

TAIWAN RELATIONS ACT

● Mr. SYMMS. Mr. President, I ask that the following article from the summer issue of "International Security Review," entitled, "Divided China: The View From Taipei," by James C. Y. Soong, be printed in the CONGRESSIONAL RECORD. This article presents a very balanced discussion of the Taiwan Relations Act under both the Carter and the Reagan administrations. Although the article was written in early spring 1982 prior to the United States-People's Republic of China communique in August, it remains a highly relevant expression of the views of the Republic of China about relations with the United States. I believe that the Soong article contributes some important perspectives to the continuing controversy in the United States about the United States-People's Republic of China communique of August.

The article follows:

DIVIDED CHINA: THE VIEW FROM TAIPEI

(By James C. Y. Soong)

President Jimmy Carter's decision on December 15, 1978, to recognize communist China and terminate diplomatic and military ties with the Republic of China on Taiwan (ROC) carries in its wake far reaching strategic, political, economic, legal, and moral consequences. While the benefits accruing to the United States from its recognition of the Chinese communist regime remain speculative, some of the costs are quite concrete.[1] The U.S. Congress, in a bipartisan move to mend the damage done to the Republic of China's security and international political standing, and also to reaffirm American national interest in this part of the world, decided to intervene to at least partially restore the situation which had existed prior to the derecognition of the ROC government. Congress was also annoyed by the Administration's failure to consult Congress before taking such a momentous step.[2] Thus by its recognition of Peking solely on Peking's terms, the Carter Administration not only created ripples in the Taiwan Straits but also added to the general difficulty President Carter's foreign policies were having with the Congress. It was in this context that the Congress decisively rejected the arrangements proposed by President Carter for maintaining future relations with the ROC. The bill (S. 245) which was submitted by the Carter Administration set the guidelines for continuing commercial, cultural, and other relations between the people of the United States and the people of Taiwan. Unfortunately, however, it said nothing about the future security of the Republic of China, nor what U.S. policy would be toward helping preserve the independence and territorial integrity of its long-term ally. This omission, to which Congress strongly objected, was undoubtedly intended to avoid adverse reaction from Peking.

After weeks of heated and sometimes emotional debate between Administration representatives and Members of Congress, the Senate by a 90-6 vote and the House of Representatives by a 345-55 vote passed the Taiwan Relations Act (TRA) on March 29, 1979. The TRA (Public Law 98-6) contains provisions greatly superior to those of the original bill submitted by the White House. The improvement is particularly evident in Section 2, reaffirming continuing American interest in and concern for the security of Taiwan. It is significant that Section 2 defines America's interests in the security of Taiwan in rather broad and flexible terms. Some analysts have said this would give the United States a number of options in the event of a crisis threatening the security of Taiwan. Others have contended that the ambiguous wording of the security provisions might not have a deterrent effect on Peking, which has adamantly refused to renounce the use of force against Taiwan. That the security provisions have invoked wide speculation indicates that some major problems involved in the security of the ROC have not been resolved.[3]

Nevertheless, through the intervention of the Congress, a serious political crisis was averted in U.S.-ROC relations following the switching of American recognition from Tapei to Peking. The friendship between our two countries was preserved by the intent of the Congress and a large segment of the American people to place the new relationship between the two former allies on the right track. In the words of former Senator Jacob K. Javits, Republican of New York, most Members of Congress were prepared to scrap the arrangement with Peking unless the TRA contained an American obligation to help safeguard security and to assist the ROC to maintain defense capability. Put briefly, the Taiwan Relations Act established the basic principle and spirit that substantial relations between the United States and the Republic of China should continue without interruption and that formal recognition of communist China by the United States should not in any way jeopardize the existing relationship between Washington and Taipei. The significance of the TRA must be understood in this context. President Carter belatedly recognized this fact. Accordingly, although clearly he did not favor the passage of the Taiwan Relations Act, he did not veto it or even actively oppose it. Indeed, it seems likely that he realized that he had underestimated American feelings of friendship for the Republic of China and the Chinese people.[4]

THE TAIWAN RELATIONS ACT DURING THE CARTER ADMINISTRATION

In such "enabling legislation" as the Taiwan Relations Act, however, Congress

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Footnotes are at the end of article.

only stipulates the guiding principles and authorizes the President to prescribe such rules and regulations as he may deem appropriate to carry out the purposes of the Act.[5] Hence, the effective implementation of the TRA rests largely on the good faith of the Executive Office. Although Congress has the authority to monitor the implementation of the TRA, during the Carter Administration it was presented with a series of faits accompli which ran counter to both the letter and spirit of the Act. Failure to consult the Congress was undoubtedly due to the fact that decisions were made by a handful of high officials in the executive branch who were overly sensitive to any adverse reactions from Peking.[6] Thus, while both in substance and in spirit, the Taiwan Relations Act provides the legal basis for the Executive Office to carry on strong and substantial relations between the United States and the Republic of China, excessive sensitivity to even the slightest sign of protest from Peking led the Carter Administration to avoid even the appearance of a strong commitment to the legislation governing the relations between our two countries. Since the President is the chief executor of the Taiwan Relations Act, his action or inaction became crucial in facilitating or impeding implementation of the Act. This was especially important with regard to implementation of the security provisions.

President Carter's signing of the Executive Order on June 22, 1979 for implementation of the Taiwan Relations Act formally laid the legal basis for the new U.S.-ROC relationship. This arrangement for conducting "unofficial" U.S. relations with the ROC is unique in the annals of American diplomacy. Although the TRA provides a framework for strong and substantial relations between Washington and Taipei, the president and his chief advisers where determined not to impair the broad strategic and other "parallel interests" Washington had established with Peking. Given this viewpoint, it is not surprising that the American government took a series of actions in 1979 and 1980 which, in my opinion, were harmful to the security situation in East Asia and which naturally caused deterioration in relations between our two governments. For example:

Washington imposed a one-year moratorium on negotiation of arms sales to the ROC through 1979 despite the fact that the U.S.-ROC Mutual Defense Treaty remained in force during that year. When on January 3, 1980, the State Department announced the approval of arms sales to the ROC, it sanctioned only 6 of the 18 defense items that the ROC had requested. The remaining items were denied or a final decision was deferred until some unspecified time. The items denied to the ROC included sophisticated weaponary indispensable to update its aging arsenal: an advanced jet fighter to replace existing F-104s, F-5As, and F-5Es, the Harpoon missile, the Standard air defense missile, and armored personnel carriers.[7] The decision not to provide these items stemmed in large part from the Administration's determination to avoid a rebuff from Peking. The Senate Foreign Relations Subommittee on East Asian and Pacific Affairs, in a June 1980 fact-finding report, indicated that such an overriding concern over Peking's reactions conflicted with the intent of the Taiwan Relations Act.[8]

The American government terminated the U.S.-ROC Air Transport Agreement, signed on December 20, 1946, in Nanking, although the agreement was amended on December 20, 1950, and October 22, 1969, to apply only to the territory of Taiwan. Washington could have entered into an air agreement with Peking without terminating the air agreement with Taipei and replacing it with a new "unofficial" agreement[9] This action violated Section 4(D) of the TRA, which specifically stated that all existing agreements and treaties concluded prior to January 1, 1979, would remain in force.

The Carter Administration did not protest when the International Monetary Fund and the World Bank decided to expel the ROC in order facilitate Peking's admission to those organizations. It may have been beyond the capability of the United States to prevent the expulsion of the ROC from the two international financial institutions. An indication of American concern, however, would at least have reassurd Taipei of the Administration's intention to support the ROC's status in international organizations. Section 4(D) of the TRA states that the United States should not support the exclusion or expulsion of Taiwan from continued membership in any international financial institution or other international organization. Thus the American decision not to contest the decisions of the Fund and the World Bank clearly contradicted Congressional intent as expressed in the Taiwan Relations Act.

The State Department intervened with a letter to the U.S. Olympic Committee with regard to the decision of the International Olympic Committee concerning the ROC's eligibility for the 1980 Olympic games. When the ROC Olympic Committee filed suit to enter the Lake Placid games in New York with its traditional emblems, the Justice Department was asked by the State Department in intercede in appellate proceedings on grounds that the "Taiwan issue" was political rather than legal.[10] The ROC Olympic team was subsequently prohibited from participating. This action by the State Department did not conform to the provisions of Section 4(D) of the TRA.

In January 1980 the Department of State instructed the U.S. Customs Office that no commodities bearing the label "Made in Republic of China" would be admitted into the United States after August 1, 1980. As protests arose on Capitol Hill and the media focused on the issue, the State Department first extended the effective date for the embargo to December 1, 1980, and eventually rescinded the ruling. The action by the State Department was not only unnecessary but had it been carried out, it could have disrupted commerce and caused considerable hardship to both manufacturers and American distributors.[11] The action constituted a violation of Section 4(A) of the TRA.[12]

Section 10(B) of the TRA provides that "The President is requested to extend to the instrumentality established by Taiwan the same number of offices and complement of personnel as were previously operated in the United States by the goverment authorities on Taiwan recognized as the Republic of China prior to January 1, 1979." Contrary to this stipulation, the Carter Administration allowed only nine offices of the Coordinating Council for North American Affairs (CCNAA) to operate in the United States. The ROC had 15 consular offices in the United States prior to Washington's recognition of Peking. The reduction in the number of ROC offices in the United States has caused inconvenience to American businessmen, who relied on their services[13] and also inconvenienced American citizens and others planning to visit Taiwan.

Other problems arose during 1979 and 1980. These included: reduction of the personnel of the American Institute in Taiwan (AIT) to 55—half the size of the previous U.S. embassy and consular staff—despite increasing commercial, cultural and other relations between the two countries; the State Department refused to allow ROC military personnel to receive "professional training" in the United States (this could seriously handicap the ROC's future military capability, including the development of its own modern weaponry and the operation of sophisticated weapons purchased from the United States; because the "unofficial" relations between the United States and the Republic of China were interpreted in an extremely narrow sense, officials of AIT and CCNAA were barred from official contact, and American official's were discouraged from visiting Taiwan even in a private and unofficial capacity; and finally, approval of visa applications to AIT by the U.S. consulate general in Hong Kong cause an unnecessary delay of one to three days. Japan, Indonesia, and some other countries which have established "unofficial" arrangements with the ROC authorized approval of visas by their offices in Taipei.

In congressional testimony on U.S.-ROC relations since implementation of the Taiwan Relations Act, officials of the Carter Administration said the new arrangement "unexpectedly worked well" and that earlier fears about the security of Taiwan were unfounded. They also said the ROC had not only survived the shock of derecognition but had continued to thrive and prosper. Administration officials and their supporters tried hard to convince Congress that Peking's "peaceful" intentions had greatly reduced tensions in the Taiwan Straits to the lowest level in the three decades.[14] They asserted that the growth in the U.S.-ROC bilateral trade and American private investment in Taiwan gave clear indication that the "unofficial" arrangement had worked "very smoothly."

It is true that economic relations after derecognition have prospered. U.S.-ROC bilateral trade reached $9.1 billion in 1979, an increase of $1.6 billion, or 23 percent, over 1978. American exports to Taiwan in that year increased 40 percent, while U.S. private investment in Taiwan increased by 15 percent. The ROC's total trade with 120 countries reached $31 billion in 1979, an increase of 31 percent over the previous year. Foreign investment in the ROC reached $329 million in 1979, an increase of $116 million over 1978, and went on to a record $465 million in 1980. Travel from Taiwan to the United States registered a 60 percent increase in 1979. U.S.-ROC two-way trade during 1981 totaled U.S. $12,928.7 million, an increase of U.S. $1.494.9 million, or 13 percent, over 1980.[15] It has been conservatively estimated that U.S.-ROC trade will exceed U.S. $250 billion in the decade of the 1980's. Taiwan's energy production will double in the next ten years, while its industrial production may increase seven-fold.[16]

But the ROC's continued progress in the economic field and growth of U.S.-ROC commercial relations are attributable to factors quite unrelated to the implementation of the Taiwan Relations Act. Among these are ROC governmental policies, which foster economic growth while at the same time reducing economic inequalities among the population. In addition, Taiwan has a highly competent, technically-oriented labor force inbred with the traditional work ethic. Thus the international business com-

munity retains its confidence in the political stability, investment environment, and continued economic progress of Taiwan.

The ROC's sustained economic development, however, will depend on its ability to upgrade its defense capability and assure stability in the Taiwan Straits. The need to improve the ROC's defense strength has been made more urgent by the absence of military ties between the United States and the ROC. This was precisely where the Carter Administration was lukewarm, reflecting Peking's strong opposition to American arms sales to Taipei. The only strong supportive remark about the U.S. commitment to the security of Taiwan came at a White House Conference of Journalists on February 10, 1979. President Carter said the establishment of diplomatic relations with Peking "does nothing to prohibit a future president or a future congress from interposing the American Pacific fleet between the island of Taiwan and the mainland of China or from even going to war, if we choose, to protect the people of Taiwan."

AMERICAN POLICY UNDER THE REAGAN ADMINISTRATION

During the U.S. presidential campaign of 1980, the Republican platform and the Republican candidate, Ronald Reagan, focused criticism on the foreign and defense policy of the Carter Administration and promised a new policy based on strength. The Republican platform adopted on July 15, 1980, while reaffirming America's new relationship with communist China, declared that:

"We delplore the Carter Administration's mistreatment of Taiwan, our long-time ally and friend. We pledge that our concern for the safety and security of the 17 million people of Taiwan will be constant. We would regard any attempt to alter Taiwan's status by force as a threat to peace in the region. We declare that the Republican Administration, in strengthening relations with Taiwan, will create conditions leading to the expansion of trade and will give priority consideration to Taiwan's defense requirements.[17] "

Mr. Reagan did not conceal his "special feelings" for the Republic of China. His remarks of August 25, 1980, favoring an upgrading of U.S.-ROC relations, caused an uproar in Peking. His desire to implement both the spirit and the letter of the Taiwan Relations Act undoubtedly reflected the majority sentiment of the American people. Mr. Reagan's goodwill toward the ROC has been widely publicized.

Secretary of State Alexander Haig indicated the Reagan Administration's new foreign policy approach when he emphasized the need for credibility, flexibility, reliability, and consistency in the conduct of American diplomacy. With regard to the U.S.-ROC relations, Secretary Haig said Washington would not allow Peking to exericse a veto over American obligations and commitment to the Taiwan Relations Act. During Haig's visit to mainland China in June of 1981, the Secretary of State reaffirmed the U.S. commitment to sell arms to the Republic of China. Haig and his Chinese communist counterpart "agreed to disagree" on this issue. At a recent meeting with Chinese communist Premier Chao Tzu-yang at the Cancun Summit in Mexico, President Reagan reiterated his Administration's determination to carry out U.S. obligations to the ROC. The American chief executive bluntly told Chao that he rejected any idea of playing the "China card" or the "Moscow card."

It would be unrealistic to anticipate major changes in U.S. "China policy" under the Reagan Administration. The strategic and other factors which led three previous American presidents to establish the "Peking connection" are still present. Communist China will remain a factor in U.S. global strategy, especially as the Reagan Administration faces undiminished Soviet expansion worldwide. It is within the context of complex global geopoliticis that we must consider the dilemmas and policy options of the Reagan Administration with regard to its obligations to the ROC. The dilemma is that the Administration wishes to maintain the present relationship with Peking while fulfilling its commitment to the ROC. That commitment is embodied in public law—the Taiwan Relations Act.[18]

To cope with the dilemma and formulate policy options to improve the Washington-Taipei partnership will require courage and creativity on the part of the Reagan Administration as well as the Congress, which is the creator and guardian of the Taiwan Relations Act. President Reagan has indicated that his Administration will implement the TRA both in letter and spirit. Few people doubt his sincerity. The mood in Congress inclines toward a close U.S.-ROC relationship. There are indications that both the White House and Congress will consult closely to ensure that U.S.-ROC relations remain on a steady course. Close cooperation and sufficient consultation between the White House and Capitol Hill—lacking in the Carter era—would certainly be conducive to implementation of the TRA in a positive and creative way. It would allow the Executive to deal with the ROC strictly on the basis of American national interest. This is especially important with regard to the implementation of the security provisions of the TRA, which the previous Administration carried out only half-heartedly.

A poll taken in June 1981 among members of the U.S. Senate by the Washington-based American Council for Free Asia showed at least 51 senators on record in favor of selling FX (F-16-J79) aircraft to the ROC. Six senators were opposed to the sale, 32 were listed as undecided and 11 either did not express an opinion or did not respond to the poll.[19] During his visit to Taiwan in August of 1981, Representative Clement J. Zablocki, chairman of the House Foreign Affairs Committee, expressed confidence that the Reagan Administration would recommend such military supplies as were needed by the ROC and that Congress would approve.[20] Senator John Glenn, a member of the Senate Subcommittee for East Asian and Pacific Affairs, also reflected this mood of Congress when he said at a Taipei press conference on August 31, 1981, that "We want to continue our efforts on the Senate Foreign Relations Committee to see that the Taiwan Relations Act is implemented and that all provisions of it are carried out."[21] These are encouraging signs. How the Executive Office and Congress will eventually translate their good intentions into concrete actions remains to be seen.

Even in the post-Carter era, some Americans have continued to view implementation of the Taiwan Relations Act and U.S.-ROC relations within a complex strategic and geopolitical context. For example, several members of the House Foreign Affairs Subcommittee on East Asia and the Pacific held a series of hearings attended by State Department and Defense Intelligence Agency officials, then wrote a letter to President Reagan indicating that sale of advanced FX jets to the ROC would be a "mistake" and could seriously damage U.S. relations with Peking. The letter also stated that witnesses at the hearings agreed that military tensions in the Taiwan Straits were "at an all-time low" and that communist China had no present or immediately foreseeable intention of trying to resolve the Taiwan problem by force.[22] These are familiar and unconvincing arguments reminiscent of the Carter era. The merits of such arguments have been challenged by many qualified military and political analysts.[23] Of course, opponents of selling modern weapons to the ROC will continue to make their voices heard. We can only wait and see how much weight their opinions will have on decisions of the White House and the Congress., If the Reagan Administration and Congress stick to their pledge that Peking will not have a veto over implementation of the Taiwan Relations Act, there is no reason for pessimism.

The upgrading of the ROC's defense capability is one of the principal tests for the Reagan Administration. Other areas of U.S.-ROC relations needing improvement include: (1) a more flexible definition of "unofficiality' in order to improve and strengthen the relationship; (2) allowing ROC military personnel to receive professional and technical training in the United States to ensure the continued modernization of ROC military research and development; (3) permitting U.S. officials to visit Taiwan in a private capacity so they will be better informed on the ROC situation; (4) allowing the CCNAA to maintain the U.S. offices prescribed in Section 10(B) of the TRA so as to facilitate services to U.S. businessmen, tourists, and others; and (5) elevating the substantial relationship between the U.S. and the ROC to a more mutually satisfactory level.

BEYOND THE TAIWAN RELATIONS ACT

In an interview with Marvin Stone, editor of U.S. News & World Report in Taipei in September 1981, President Chiang Ching-kuo said that mutual trust is gradually being restored between the Republic of China and the United States, and that this improvement is expected to continue.[24] In the year and a half since President Reagan entered the White House, there have been signs of an improved U.S.-ROC partnership. This optimism is reinforced by President Reagan's determination to restore American leadership to the free world and to help troubled allies and friends of the United States. The government and civic leaders of the Republic of China are reassured by President Reagan's farsighted understanding of the danger of communism, which he has described as an aberration in the history of mankind. President Reagan's statement that communist China is not an ally of the United States, and that he rejects any idea of playing the "China card" or the "Russia card," could signal the beginning of a new direction in the Administration's China policy.

Relations beween the United States and communist China have yet to be fully "normalized" after three years of diplomatic ties. It is no secret that communist China has not normalized relations with many countries with which it has had diplomatic relations for a long time. Peking's inability—or lack of sincerity—in fully normalizing relations with the members of ASEAN, Japan, India, the Netherlands, and other countries provides cases in point. According to The New York Times, communist China

sought Secretary Haig's visit in June of 1981 to clarify the Reagan Administration's policy, lest there be "retrogression" in Washington-Peking relations.[25] But even after Secretary Haig's visit to Peking and the meetings between President Reagan and Chinese communist leaders in Mexico and in Washington, Peking's media have continued to complain about the shortcomings in the Washington-Peking relationship. Peking considers the U.S. commitment to the Taiwan Relations Act to be the greatest "obstacle" to satisfactory Washington-Peking relations.[26] It is clear that during Vice President Bush's recent trip to Peking that the communist leaders tried very hard to get the Reagan government to agree to cessation of arms sales to our country. We are, on the one hand, pleased that the United States has remained firm on this point. On the other hand, we have to say that we are disappointed that the Reagan Administration apparently hopes to foster closer relations with mainland China. And we do not understand why Washington still denies us an air-superiority fighter to maintain peace in the Taiwan Straits.

In considering policy options to strengthen the U.S.-ROC relationship, the Reagan Administration must look beyond the arrangement set forth in the Taiwan Relations Act and explore the opportunities as they present themselves. The positive role of the Republic of China in East Asia and the Western Pacific, and an emerging Asian-Pacific community that could have great significance for U.S. strategic, political, and economic interests in this part of the world, must be considered in assessing the U.S.-ROC partnership. The Asian-Pacific region has emerged as the new economic center of the world; its trade volume with the United States has begun to surpass that between Western Europe and America. In the decades ahead the free nations of the Asian and Pacific region are expected to play a greater role in international commerce, banking, communication and transportation. This will usher in a new era for the U.S.-Asian-Pacific partnership and change the economic, strategic, political and cultural map of the world. It will also present new challenges and opportunities for American policy.

Few would dispute the contributions of the Republic of China in helping create stable conditions in the Asian-Pacific region. So it is that Japan, Australia, New Zealand, the ASEAN countries, and other noncommunist nations of the region have considered it important to maintain mutually beneficial and substantial relations with the ROC even in the absence of diplomatic relations. The ROC has become one of the principal trading partners of ASEAN since the late 1970's. The harmonious relationship between the ROC and these countries must be attributed to the fact that their governments have not defined their "unofficial" relations with Taipei in a narrow sense.

As the free area of Northeast Asia and the Western Pacific undergoes a great transformation, it is necessary to reassess the role of the United States. This will include changes in the U.S.-ROC relationship going beyond the Taiwan Relations Act. Among the questions that need to be examined are these: (1) What policy will the United States adopt in light of the emergence of a U.S.-Asian-Pacific partnership and what will be the place of the ROC? (2) What will be the role of the ROC in the emerging U.S.-Asian-Pacific community to serve the best interests of both the ROC and the United States? (3) What should be the policy of the United States to strengthen the international status of the ROC and provide for the increased role of the ROC in the emerging U.S.-Asian-Pacific partnership? (4) Does the Taiwan Relations Act provide enough options to cope with regional changes in the next decade?

To raise these questions is to recognize the challenges as well as the opportunities in working toward a more viable U.S.-ROC partnership in the changing environment of this part of the world. Thorough implementation of the Taiwan Relations Act in letter and spirit would unquestionably lay the foundation for future readjustments and policy options required by the circumstances. The TRA should not be considered an end-product of U.S. policy. Politics is the art of the possible. It will require creativity, courage, and imagination to place the U.S.-ROC partnership in a much larger perspective. In this regard, it is important that the United States should not let others dictate its relationship with the ROC nor exercise a veto over American policy.

It is sad but true that, as has been said often in the past, nations do not have permanent friends but only permanent interests. In the final analysis, therefore, what we do here in the Republic of China on Taiwan will have a great bearing on our relations with the United States and other countries as well. We intend to continue to demonstrate that it is in America's national interest to maintain close relations with us. We are a strong and viable society, rapidly becoming a very significant economic partner of other free nations. The United States should not remain closely associated with us out of past sentimental ties; rather, we are now and will continue in the future to contribute significantly to the kind of world which the United States hopes will finally emerge in East Asia.

It cannot be denied that developing ties with Peking may confer certain tactical advantages on Washington in its struggle with the Soviet Union. What should be borne in mind, however, is that these alleged advantages are ephemeral—they cannot alter the fundamental reality that the communist and free world nations are pursuing antithetical goals. In contrast, our relations with America rest on the firmer ground of a shared vision of the future.

FOOTNOTES

[1] William R. Kintner and John F. Cooper, "A Matter of Two Chinas: The China-Taiwan Issue in U.S. Foreign Policy" (Philadelphia: Foreign Policy Research Institute, 1979), p 95.

[2] Senator Jacob K. Javits provides an excellent insider's account of why the U.S. Congress needed to rectify Carter's unilateral decision in his article "Congress and Foreign Relations: The Taiwan Relations Act," published in the Fall 1981 issue of Foreign Affairs.

[3] A thorough analysis of the problems involving the security of the ROC by Edwin K. Snyder, A. James Gregor, and Maria Hsia Chang can be found in "The Taiwan Relations Act and the Defense of the Republic of China" (Berkeley: Institute of International Studies, University of California, 1980).

[4] Javits, "Congress and Foreign Relations," p 56.

[5] Section 13 of the Taiwan Relations Act.

[6] Statement of J. Kenneth Fasick, director, International Division of the General Accounting Office, at the House Subcommittee on Asian and Pacific Affairs (May 14, 1980).

[7] Robert L. Dowen, "Washington-Taipei Relations Since 1979: A Benign Neglect," a paper presented at the 22nd Conference of the American Association for Chinese Studies at the University of Virginia, November 15-16, 1980, p 12.

[8] Ibid.

[9] A. James Gregor, "The United States, the Republic of China, and the Taiwan Relations Act," Orbis (Fall 1980), p 619.

[10] Dowen, "Washington-Taipei Relations Since 1979," p 17.

[11] Ibid, p 14.

[12] Section 4(A) of the Taiwan Relations A Act stipulates that "The absence of diplomatic relations or recognition shall not affect the applications of the laws of the United States with respect to Taiwan, and the laws of the United States shall apply with respect to Taiwan prior to January 1, 1979." According to one analyst, if Taiwan can no longer use the label "Made in ROC," the laws are obviously not being applied in the same manner as prior to January 1, 1979, when it could use such designation. See Chang King-yuh, "Partnership in Transition: A Review of Recent Taipei-Washington Relations," Asian Survey (June 1981), p 613.

[13] Testimony of David Kennedy, chairman of the Sino-American Economic Council, at the House Foreign Affairs Committee (October 24, 1979).

[14] Testimony of Richard C. Holbrooke, Assistant Secretary for East Asian and Pacific Affairs, at the House Subcommittee for East Asian and Pacific Affairs (June 11, 1980).

[15] China Post (October 8, 1981).

[16] Testimony of David Kennedy, chairman of the Sino-American Economic Council, at the House Affairs Committee (October 24, 1979).

[17] See the Committee on Resolution, "Republican Platform" (Detroit, MI: July 14, 1980), p 71.

[18] A. James Gregor, "The Reagan Administration China Policy Options," Sino-American Relations (Taipei), Summer 1981, p 17.

[19] China Post (June 25, 1981).

[20] China Post (August 21, 1981).

[21] China Post (September 1, 1981).

[22] China Post (June 22, 1981).

[23] Wang Chi-wu, "Military Preparedness and Security Needs: Perception from the Republic of China," Asian Survey (June 1981).

[24] U.S. News & World Report (October 5, 1981), p 91.

[25] The New York Times (June 5, 1981), pp A1-A6

[26] The September 7 and September 14, 1981, issues of the Beijing Review alleged that the Taiwan Relations Act is the greatest "obstacle" to normal relations between Washington and Peking.●

SECRETARY JAMES WATT

● Mr. LAXALT. Mr. President, just recently I had the opportunity to deliver some good news to President Reagan. Some recent polling back in my home State of Nevada indicated that his approval rating out there was 69 percent. Not bad, I told him, considering the tough decisions he has been making. However, despite the President's popularity, I had to level with him and tell him that he is running second to his own Secretary of the Interior, Jim Watt.

Those of us back here who are smothered by the eastern press tend to get the impression that the Secretary is a terrible political liability for the President. We keep hearing that Jim Watt is on his way out the door. Frankly, I am convinced that such talk represents little more than the wishful thinking of the liberal press and the chablis and brie crowd.

Jim Watt has been in Nevada this week campaigning for our Republican ticket. Let me tell you something: If he is a political liability, I only hope that I have such liability when I seek reelection.

The response that the Secretary received was tremendous. His message was straight and to the point. This administration is committed to restoring

balance to Federal management of natural resources and blending our human and natural resources to restore America's greatness. That message strikes a responsive chord in Nevada.

During his stay in Nevada, Secretary Watt addressed the National Public Lands Council. I insert the Secretary's remarks to that group to be printed in the RECORD.

EXCERPTS OF REMARKS BY SECRETARY WATT

Man, there is a lot of great country out here.

I keep reading in the liberal press about how Jim Watt is destroying the environment, but I checked personally and found that the rivers are still flowing, the wildlife is abundant, the sun is still shining, the Rockies are still standing.

I also have been reading about how Jim Watt is giving away the public lands and how the wide open spaces are disappearing. I keep searching for evidence that this is happening, but I can't find it.

Earlier this month I was up in Alaska and I flew over tens of millions of acres still ruled by grizzlies and caribou. One of our national parks up there—some 12 million acres—recorded a total of 226 visitors last year.

Last weekend I was in central Wyoming, and yesterday I was up in Elko with Nevada's great Governor, Bob List.

So I have seen some magnificent country this past month and especially this past week.

You may know that I grew up in Wyoming and spent many a day working on the family's homestead. Hauling hay and water to the cattle in times of drought. Dragging cattle out of snowdrifts and mudholes at other times.

Not that I had to face anywhere near the day-to-day trials and tribulations that my family had in settling the land.

But I had enough of a sampling of that life to appreciate the land and the necessity for us to care for that land so that it can continue to provide for us. Farmers and ranchers have to be the ultimate in conservationists. You can't exploit the resources of the land and then move on in this era. You have to care for the land today or you won't be in business tomorrow. So those of us whose families have owned and worked the same land, or leased the same land, for generation after generation are the practical, proven and successful conservationists.

Farmers and ranchers know that you have to manage resources to protect them.

Some of the Johnnies-come-lately to the environmental ethic confuse preservation with conservation. They think that the only way to protect the environment is to lock away the land so that it cannot be used—except by those with the time, money and good health to trample the wilderness in expensive hiking boots.

Some land should be locked away and protected from extensive public use, but those of us who have lived on the land and lived with the land know that most of the public land of America can be and must be for multiple use.

We believe in management—in sound management which promotes wise economic use of resources, which requires fair allocation of the resources, and above all, which protects the land and the environment.

Today I want to talk about our land management philosophy and several of our programs.

First, the President's asset management initiative.

Your program yesterday focused on this initiative. I want to emphasize some points and make sure we have cleared up some misunderstandings.

It is an asset management program.

It is not a privatization program.

We are not talking about any massive transfer of the public lands from the Federal Government to the private sector.

At various times in our history, the Federal Government has held title to about four-fifths of the Nation's gross area. Up to 1980, about 1.1 billion acres had been transferred to individual citizens, business, and non-Federal Government organizations—including 287 million acres which were homesteaded and 328 million acres granted to States.

Our new program is extremely small potatoes in comparison. It will not make a real dent in the one-third of the Nation still owned by the Federal Government. It certainly will not make much of a dent here in Nevada where the Feds control 60 million acres—87 percent of the land in the State.

Our goals are to improve management of the land and real property of the United States Government by:

1. Making thorough inventories of what we have so we know what it is we are supposed to manage.

2. Getting rid of that property which does not serve legitimate public purposes and that which is overly expensive to manage.

3. Using the revenue from the sale of these excess properties to help pay a portion of the national debt.

4. Through this process, to sell inefficiently managed Federal lands to States, or other government agencies, or to private parties, where that will result in higher and better use of the land.

You've all heard the examples of unneeded expensive properties which the Federal Government holds, which would be better utilized in private ownership. Let me point out some other examples of situations we need to correct.

In beginning the inventory ordered by the President, the BLM has discovered that we apparently own 8,000 or so acres in the State of Oklahoma rather that the 6,000 acres we used to think we had. One of the parcels of land we own in the Panhandle area is 2 and one-half feet wide and one mile long. It serves no good Federal purpose. Someone has suggested we sell it to a farmer who wants to grow spaghetti. This is only one of many odd, useless pieces of land we should dispose of.

We want to rid ourselves of small hard-to-manage parcels of land situated in the middle of large private land holdings—small parcels we may be leasing out for less revenue that it costs us to process the paperwork. Where we are going to dispose of such parcels, I believe we should give adjoining or surrounding property owners a fair opportunity to acquire the land. We are aware of the concern by some ranchers, and we do not want to do anything which will create intolerable situations for you.

Better management of public lands also can be achieved through consolidation of scattered tracts and checkerboard lands. It is difficult for Federal, State and private land managers to provide efficient management of such scattered land and its resources.

We want to provide breathing space and growing room for federally landlocked communities.

There has been some criticism of the asset management program by those who feel that we have some secret scheme going. Two points should be made here:

First, the Interior property being offered in the first round under the program is simply that property already identified under FLPMA and other appropriate Federal laws as excess. All Interior managed land in this first round already was headed for transfer or sale. And any future lands cannot be offered until after we have completed hearings and other public involvement procedures required by FLPMA. We are required to consider State and local planning, required to consult with State and local officials, required to seek public comment. It's the law!

Second, so far we have concentrated mainly on identifying those lands which will not be put up for sale. To date we have eliminated almost 400 million acres of Interior-managed lands which will be exempt. That 400 million is 13 times the size of Iowa. We will not sell any parkland, refuge land, wilderness or other conservation areas.

When we reach the point of asking "Should we consider selling this property?", then we will be seeking public involvement in the process. How can we discuss possible sales until we have possibilities to put on the table?

One thing we cannot do, however, is wait until we have completed a national inventory of every Federal acre before we move forward in this process. That would take decades, and would never be completed—we are constantly acquiring as well as disposing of land under various laws.

If you had a pickup truck you no longer needed for your ranch, you would not just park it and forget it. You would sell it once you had identified the truck as surplus to your needs.

That's what our asset management program is all about. Identifying what we have, what we need to keep, and what we need to get rid of so that we can use our limited resources in the better management of the Federal estate. Businesses do it, ranchers do it, and we do it in the wise management of our households. Why shouldn't the Federal Government do it?

Common sense management.

We're also bringing common sense management to the grazing program.

We have made it clear that from now on. grazing Environmental Impact Statements are to be prepared as instruments of analysis. The EIS is not to be the decision document itself.

This is in line with what we have been doing throughout the Department of the Interior to streamline the EIS process so that those with the responsibility for decisions will have the information needed in a usable form. We don't believe those drawing up the EIS should be making the decisions for us. That is a perversion of the process.

The new grazing EIS process is much fairer to the rancher by providing a fairer consideration of the permittees' or lessees' preference, previous year's licensed use, or average actual use.

This does not mean that we are going to forfeit our management responsibilities for grazing on the public lands. The BLM will still develop alternatives and where appropriate we will adopt alternatives.

What we are most interested in is results.

No grazing decisions will be issued which are based on one-point-in-time inventories.

We will monitor results to see whether forage is getting better or worse and made adjustments accordingly. Adjustments also can be made by mutual agreements.

Our range management and range investment programs were shaped in consultation with the people of the West who know these resources best. A special task force of western university economists advised us on how to ensure that the public funds available for rangeland investment are used in the most efficient and cost effective manner.

Under our new grazing policy we are moving rangeland management decisions to the district and area managers closest to the resource area. These managers are required to consult with individual operators, State and local agencies and other land users and the general public.

This is in line with our Good Neighbor policy of managing public lands in consultation with the people directly affected by our management decisions and actions.

It was this Good Neighbor spirit that gave birth to our water rights policy which recognizes the States' responsibility for administering nonreserved water rights on public lands. Several months after Interior implemented the policy, the Department of Justice issued an opinion extending the States' right provision to other land management agencies.

Our Good Neighbor policy has been overwhelmingly successful here in the West. That is because westerners understand that the many important policy changes we have instituted in the past 20 months are truly conservation measures which are in the best interest of both the people and the resources of the West.

Again, common sense management.

Management of resources to provide Americans with the food and fiber we need domestically and for the exports which are important to our economy.

Management of resources to provide the energy and minerals which are the basis for an industrial society, the basis for jobs.

Management of resources to strengthen our national security so that we will not have to rely upon unstable or even hostile foreign powers for energy or strategic minerals.

Management of resources to protect the environment.

Common sense management.

Common sense re-energizing of America.

President Reagan is re-energizing America. He has moved quickly to bring economic common sense to government; to return power to the States, the govenment closest to the people; to reduce costly bureaucratic red tape; to unleash the creative and productive power of the private sector; to bring balance to our natural resources program.

We must keep this drive going.

We must keep it going to bring America out of its current economic slump.

And we must keep it going to meet the tremendous needs of America in the coming decades and as we enter the 21st Century.

We do not have the luxury of sitting back and waiting; we must take action now if we are to remain a free and prosperous Nation as America approaches and enters the new century.

By the turn of the century, there will be some 40 to 45 million more Americans than there were in 1980. That means our country is going to grow in population almost as much in two decades as it did during its entire first century.

Our labor force will increase by some 24 million. There will be more than twice as many American workers as at the end of World War II.

We will need to build some 32 million new conventional housing units to provide for young people starting families and to replace deteriorating housing.

U.S. energy consumption in the year 2000 is expected to be 160 quadrillion Btus, twice the 1980 consumption. Coal production should double. We will need to increase total electric generating capability by 325-thousand megawatts, an amount equivalent to the Nation's total generating capacity as of 1970.

Even before the turn of the century we have to make massive repairs and replacement of infrastructure. For example:

Major repairs are needed on half of our 40-thousand mile interstate highway system and we must replace tens of thousands of miles of our State and local roadways;

Almost one-quarter million of the Nation's highway bridges are already deficient or obsolete;

An estimated one-half of our communities cannot expand because of water treatment systems that are at or near capacity; the aging muncipal water systems in many eastern cities are in critical need of repair; hundreds or perhaps thousands of existing dams should be repaired or replaced, many here in the West, where there also is urgent need to get on with the work of reclamation.

We desperately need to improve and expand public transit, our airports and waterways.

In our national parks, wildlife refuges and recreation areas, we must invest billions during these two decades to make up for past neglect, to protect the resources and to make it possible to meet the demands which will be put upon these areeas at the turn of the century.

One news magazine said it could cost an estimated $3 trillion to stop the decay and repair the ruin in our infrastructure.

People who believe in the "Brown-out" theory say it will be impossible for us to meet these demands. They say government's job now is the allocation of shortages.

I don't believe that we have come to that.

You don't believe that we have come to that.

President Reagan certainly doesn't believe we have come to that.

We believe that our new economic policies will get America moving again so that we will have the private capacity to meet these challenges.

We believe that the same blend of human and natural resources which made America great will restore America's greatness.

In all our natural resource programs—range management, predator control, wild horses, reclamation and on and on—we have restored balance to Federal management of natural resources.

We have listened to those of you who speak for the users of the public lands because you represent thousands of years of sound management experience. We have listened to State leaders such as Governor List. We have listened to responsible conservation leaders—those who truly care about resources, not those who only want to build membership rolls and organizational empires.

America was a hurting Nation when this Administration took control in January 1981. The hurt is still with us, but healing has begun.

Changes necessary to restore America to greatness are being made.

We are making these changes because people such as you demand change; because you support change; and because you know that these changes will work.

Thank you for your support and for giving me the opportunity to talk with you this morning.●

THE BECHTEL CONNECTION

● Mr. METZENBAUM. Mr. President, prior to the confirmation of Secretary of State George Shultz, I expressed concern that his former employer, the Bechtel Group, would have potential far-reaching influence in important policy decisions made by the Reagan administration.

This influence would stem from the presence in the administration of not only Mr. Shultz, but also two other former Bechtel executives, Secretary of Defense Casper Weinberger and Deputy Secretary of Energy W. Kenneth Davis.

I do not believe, as a matter of sound public policy, that any corporation, whether Bechtel, IBM, or AT&T, should have three persons in such critical—and interrelated positions—in the Government.

There are many ways the Bechtel influence can work. One is in the award of Government contracts or the granting of export licenses. A recent story by prize-winning reporters Joseph Albright and Andrew Alexander of the Cox Newspapers Washington Bureau offers graphic evidence of why I am concerned about the Bechtel influence in the Government.

The article, published in the Atlanta Constitution and other newspapers in the Cox chain, disclosed that Bechtel is seeking administration permission to build a nuclear fuel reprocessing plant in Japan.

It notes that both Mr. Shultz and Mr. Davis have vowed to recuse themselves from considering the application. But while that is reassuring, it in no way guarantees that their well-known involvement with Bechtel will not, even without any action on their part, influence the judgments of those who will make the decision. Indeed, there may be no way to be certain if there is such a subtle effect. And that is precisely why the situation involving Bechtel is of such concern to me.

Further, I would suggest that the very fact that two high-ranking officials must recuse themselves from considering a critical policy question ought to concern many Members of Congress. If our officials cannot be involved in some of the most pressing matters before them, what are they doing there? The question of nuclear fuel reprocessing ought to be decided at the highest levels of the Government. Yet, we have a situation where two individuals have opted out of that process.

In the next few months, there may well be several additional decisions affecting Bechtel. The Department of Energy, for example, has indicated an interest in allowing private firms to

run the Government's nulcear reprocessing plant in Barnwell, S.C., and DOE my also soon face a decision on who will receive the Government contract to run its uranium enrichment plant in Oak Ridge, Tenn. In both cases, Bechtel may be a prime candidate for the Government contracts.

I am determined to keep a close and watchful eye on the firm and its relationship with the Reagan administration. And I will closely monitor the performance of those Government officials with ties to the San Francisco construction giant.

The reporting by the Cox Washington Bureau suggests that the media are also focusing on the Bechtel connection. I commend them for it and I ask that the entire article be printed.

The article referred to follows:

BECHTEL SEEKS JAPAN NUCLEAR REPROCESSING PLANT

(By Joseph Albright and Andrew Alexander)

WASHINGTON.—The Bechtel group, renowned for its global engineering expertise and its Washington political connections, has asked permission from the Reagan Administration to explore building a large Japanese nuclear reprocessing plant capable of extracting 1,200 tons of plutonium a year.

If approved, it would be the first time the United States has ever allowed an American company to export the detailed chemical engineering technology required for the isolation of plutonium, the artificial element that can be used either for nuclear bombs or nuclear fuel.

Under 35-year-old atomic weapon energy statutes, no company can export sensitive nuclear technology without permission of the Department of Energy, the successor to the old Atomic Energy Commission. The law also requires that the State Department must concur in any export decision.

Secretary of State George Shultz, who until recently was president of the Bechtel Group Inc., will not participate in discussions of the case because he has formally disqualifed himself from hearing any specific matters involving Bechtel, State Department legal aide Knute Malmborg said Thursday. Malmborg said the question should be resolved by other senior department officials.

Kristy Machlanski, a Bechtel spokesperson in San Francisco, confirmed that the company wrote to the U.S. Department of Energy last December "asking whether it would be permissible for us to explore the business prospects in Japan."

The only known response was a letter to Bechtel from Deputy Assistant Secretary of State James Devine about four months ago saying the question was being studied.

Machlanski said Shultz "was aware that we had an interest in reprocessing work in Japan" prior to his nomination. He was not asked about the letter during the 13 hours of his confirmation hearing.

Bechtel outlined preliminary details of the proposed Japanese project last December in a letter from Harry Browne, a vice president of Bechtel National Inc., to John A. Griffin, director of the division of politico-military affairs of the Department of Energy.

According to informed sources, Browne explained in the letter that the company was interested in providing architect-engineering services to a Japanese firm that was planning to build a commercial-sized plant to reprocess spent—irradiated—fuel rods from Japanese nuclear power plants.

The new plant was described as a follow-on to the already-operating Tokai Mura reprocessing plant, a much smaller facility that was designed for Japan by French and British companies. As now envisioned, the new plant would have a capacity to separate 1,200 metric tons of plutonium from spent fuel, in contrast to the 210-ton nominal capacity of the Tokai Mura plant that went into operation in 1977.

The Bechtel letter came five months after President Reagan, breaking with the Carter Administration, announced that the U.S. government would no longer stand in the way of civilian reprocessing projects in foreign nations with advanced nuclear power programs "where it does not constitue a proliferation risk."

Tetsuhisa Shirakawa, first secretary for scientific affairs of the Japanese Embassy in Washington, said a private Japanese company, Japan Nuclear Fuel Service Company, is considering building that 1,200 ton plant to serve the reprocessing needs of Japanese nuclear power plants. The initial plans call for the facility to go into operation by 1990, but no site for the plant has been chosen, he said.

"It is too premature to discuss whether the Bechtel Corp. will be involved in the project," said Shirakawa, noting that the private Japanese owners may choose to replicate the technology in the existing Tokai Mura plant rather than importing any new technology.

Since the 1960s the U.S. government has made no effort to keep secret the basic chemical steps required to dissolve highly irradiated uranium fuel rods and to separate out the reusable plutonium from the intensely radioactive strontium, cesium and other nuclear waste isotopes created while the fuel rods were generating heat to make electricity.

But while the general principles are widely known, the detailed engineering requirements of a large, heavily shielded reprocessing plant are not freely available abroad.

Officials at the Department of Energy confirmed that the Bechtel letter was under consideration. But James Dewar, an official assigned to the matter, declined to comment on grounds that "there is no formal request from Bechtel."

A Department of Energy spokesperson, Carol Dawson, said that Deputy Secretary of Energy W. Kenneth Davis, a former Bechtel executive, would not take part in any discussions on the issue because he has formally recused himself from all matters involving Bechtel.

Japan has signed the nuclear Non-Proliferation Treaty pledging to refrain from developing nuclear explosives and agreeing to accept international inspection on all its nuclear facilities.

Officials said Japan hopes to recover plutonium for use in future breeder reactors. In theory, a plant that yields 1,200 kilograms of plutonium a year could provide enough plutonium to make at least 120 nuclear warheads.●

CHILD HEALTH DAY

● Mr. HATFIELD. Mr. President, I would like to bring to the attention of my esteemed colleagues of the Senate the fact that next Monday, October 4, has been designated Child Health Day. Our children's health is important now and in the future since the children of today become the active, adult members of society tomorrow. In honor of Child Health Day, I would like to recognize a group of individuals that contribute much to our children's health and well-being.

These individuals, who are greatly responsible for the quality of children's health in this country, are the school nurses in our elementary and secondary schools across the United States.

School nurses are highly trained professionals, applying their special knowledge to many facets of the education system. As an employee of a board of education, the schools nurse performs a variety of functions, ranging from analytical to administrative duties, all which enhance the total educational process of the student. The functions fall into three categories: health assessment, which is analysis of individual students' health and developmental histories; health education, providing direct health education and counseling to students, families and the community-at-large; and administrative, which includes maintaining student records, and participating in health-related policy formation at the school and district levels. A sample of a nurse's activities include: conducting standard tests for vision and hearing; coordinating school and community health activities; serving as a resource person for classroom teachers and administrators in health education; personal counseling for parents and children; organizing and assisting in implementation of immunization programs; and recommending and helping to modify present school programs to meet students' changing health needs.

The school nurse strengthens and facilitates the educational process by applying sound health concepts in the context of our schools. For this service to our children and the community, school nurses deserve recognition and the thanks of all of us.●

REMEMBERING ELEANOR ROOSEVELT

● Mr. CRANSTON. Mr. President, as we spend the waning hours of the 97th Congress striving for solutions to the tragedy of unemployment and poverty in our country, it is most fitting that we have set aside these moments to commemorate the forthcoming birthday anniversary of one of our Nation's most courageous advocates of human dignity: Eleanor Roosevelt.

During one of our country's hardest times, Eleanor Roosevelt brought courage and vision and compassion to the White House and throughout the country. She worked tirelessly to en-

courage equality and justice for everyone and to bring a lasting peace to the world. Her words and her works can be an inspiration for us today as we struggle to preserve the values of human rights and dignity—to insure that those unable to care for themselves are not left defenseless, that our senior citizens are not left alone to perish without any means of livelihood, that unemployment is kept at a minimum and those who cannot find work are not left adrift and without hope.

Mr. President, I would like to take this moment to join with my fellow Senators and citizens in remembering an outstanding humanitarian. And I would like to join you in recalling Eleanor Roosevelt's own words reflecting her concern for the world: "I wanted with all my heart a peaceful world, and I knew it could never be achieved on a lasting basis without greater understanding between peoples."

As Adlai Stevenson very justly said, "She would rather light a candle than curse the darkness. Her glow warmed the world."●

SOVIET EXPANSION IN SOUTHERN AFRICA

● Mr. SYMMS. Mr. President, a recent article by Cord Meyer, a former senior intelligence official of the CIA and a nationally syndicated columnist, should be studied by all who are interested in U.S. national security.

Namibia, a country about three times the size of my State of Idaho, with a population of only a million persons, is located on the southwest coast of the African Continent. It has deep water ports which could be used as bases for Russia's nuclear powered submarines to bisect the oil lifeline from the Middle East.

Moreover, Namibia has the largest uranium mine in the world and more than one-sixth of all the uranium reserves in the world. It also has vast mineral reserves of copper, tin, lead, silver, diamonds, lithium, cadmium, germanium dioxide, arsenic trioxide, oil and zinc.

Russia has been trying to seize control of Namibia for many years, through its usual device of financing, arming and supporting a local liberation group to do its dirty work. In this case, it is the South West Africa People's Organization (SWAPO), operating from bases in Marxist Angola just across the northern border of Namibia.

Namibia, a territory of the Republic of South Africa by reason of a 1920 League of Nations mandate, has been offered its independence. This depends upon a U.N. supervised election, so that Namibia's independence will be internationally acceptable and the new country will be recognized by other nations of the world.

The United States has been leading a group of Western countries—Canada, West Germany, England, France—in an effort to obtain a ceasefire and move toward a free and fair election. The United States, as well as South Africa, has insisted that the Cuban soldiers must be removed from Angola. The SWAPO terrorist leader refuses, on instructions from Moscow. If Soviet expansionism is able to gain another victory and drag Namibia behind the Iron Curtain, it will have accomplished another important step in its resource war to cut off the Western industrialized nations from the supply of strategic minerals in Africa and oil in the Mideast. It will be a grievous and irremedial foreign policy loss for the Reagan administration—which has enjoyed no victories to date, and is up against a losing game in Cuba, Central America, Afghanistan, and the Middle East, just to name a few.

Cord Meyer's article is worth study and reflection by all Americans who are interested in stopping Soviet expansionism in southern Africa. I ask that the article be printed in the RECORD.

The article follows:

[From the Washington Times, Aug. 6, 1982]

COMMENTARY—SOVIETS, CUBANS UNDERMINE NAMIBIAN ELECTIONS

(By Cord Meyer)

As the negotiations go down to the wire on the U.S. sponsored plan for settling Namibia's future through free elections under U.N. supervision, the Soviets and Cubans are trying to sabotage the entire undertaking by preventing any reasonable compromise for the mutual withdrawal of South African troops from Namibia and Cuban troops from Angola.

If Fidel Castro and Leonid Brezhnev can succeed in throwing this monkey wrench into the complex negotiating machinery that Assistant Secretary of State Chester Crocker has built, the Communist leaders can hope to save their strategic position in Africa. They can continue to train radicalized guerrillas for prolonged war in Namibia and South Africa.

Conversely, if the United States and the other Western powers with the indispensable help of the black frontline states can bring enough pressure to bear on South Africans and Cubans to go home, the way will be open for the peoples of Namibia and Angola to decide their own destinies.

So much is at stake in these last moves of the end game for southern Africa that Reagan officials are aware of the danger that the Soviets and Cubans might try anything from a palace coup to an assassination plot, if they thought the MPLA regime in Angola was about to request the departure of Cuban troops. In fact, there are already signs that the balance of power in Luanda is shifting against those MPLA leaders who want the Cubans out.

As first reported by the official Angolan radio, a number of black nationalist leaders in the government have recently been purged or threatened with dismissal, most prominently the secretary for production, Manuel Pacavira. These men who favor a U.N. settlement in Namibia and the removal of Cuban troops have been replaced by members of the Mestizo elite, who as Marxist "internationalists" are loyal to Moscow.

These personnel changes might be viewed as a purely internal affair, if it were not for clear evidence of Russian and Cuban intervention. For example, the Kremlin recently authorized the return to Angola of Iko Carreira, a prominent MPLA officer who has just completed a three-year training course for generals in the Soviet military academy. As the only Angolan officer with the rank of general, Carreira becomes the de facto military chief of the army and is likely to be reappointed minister of defense.

If they had not been sure of his loyalty, the Soviets would never have permitted the return at this crucial time of Carreira, a nearly white Mestizo. Presumably, he can be relied on to counterbalance the influence of the many black nationalist officers in the MPLA army who resent the Cuban troop presence and who are beginning to talk of an alliance with Jonas Savimbi's UNITA guerrillas as preferable to serving as Russian pawns.

For Castro, even more than for Moscow, the consequences of a Cuban troop withdrawal from Angola are disastrous. At a time when Cuba is in desperate need of hard currency, this expulsion of Cuban troops would be a severe blow. Castro would lose the $600 million that the Angolans now have to pay annually for the brotherly assistance of the 20,000 Cuban troops and 6,000 civilian advisers now in the country.

To the propaganda losses abroad of a highly publicized retreat would be added the morale effect at home of the stories told by disillusioned soldiers. Moreover, in the wake of the withdrawal from Angola, new questions would be raised in Africa about the role of the 15,000 troops in Ethiopia, and pressures would increase for their expulsion.

Rather than face these consequences, Castro has boldly moved to obstruct agreement on terms for the simultaneous withdrawal of South African and Cuban troops. After implying some weeks ago that he would pull out his troops whenever asked by the Angolan government, he took a much harder line in his July 26th speech in Cuba. He is now demanding that all South African troops be first withdrawn from Namibia behind the Orange River before it would be safe for Cubans to begin their departure. And he has added a new condition by demanding that all foreign assistance to Savimbi's guerrillas must first be terminated.

Since these Cuban conditions are unacceptable to the South Africans, Assistant Secretary Crocker is left with the difficult task of persuading the wavering Angolan President, Eduardo Dos Santos, to stand up against Soviet Cuban pressure. If the South Africans can remain silent, Crocker has a chance of convincing Dos Santos of the need for a more equitable schedule for mutual withdrawal.

Going for Crocker is the fact that by skill and fairness he has won the trust of the black front-line leaders and he might just succeed in stimulating such a unified African demand for reasonable Cuban withdrawal terms that Castro would have to agree.

Going against Crocker is the physical presence in Luanda of Cuban troops and KGB officers who can intimidate Dos Santos or remove him, if necessary.●

DR. ALEXANDER PARITSKY

● Mr. TSONGAS. Mr. President, I would again like to call to the attention of my colleagues the plight of Dr. Alexander Paritsky, a Soviet "refusenik." As you may remember, last year I raised the case of the Paritsky family on the Senate floor and spoke of the sad conditions and terrible struggle of the Paritsky family. A resolution calling for the release of Dr. Paritsky and an end to the harassment of the Paritsky family subsequently passed the Congress. Since that time, I have been actively involved in this humanitarian cause. I have participated in several press conferences with medical experts in Massachusetts, attempting to bring greater awareness to the struggle of the Paritsky family, but the Soviet Government has not relented to our call for Alexander's release.

My latest information indicates that the plight of the Paritsky family has considerably worsened. I have heard from several sources that Alexander Paritsky was recently held in solitary confinement for 2 weeks while serving his sentence of forced internal exile in Siberia. His living conditions have deteriorated and he has been unable to receive proper medical attention. He is also undernourished and lacks adequate clothing. Alexander's wife, Polina, has said that the prison will not even accept warm clothing brought in by relatives. Furthermore, Dr. Paritsky has a history of hypertensive crises and heart diseases. Without adequate treatment, the conditions under which the Soviet Government holds Dr. Paritsky could prove fatal. It is beyond me how he managed to survive even this long.

We have also been told that this wife Polina's access has been further limited, denying Alexander Paritsky's contact with one of his greatest life-sustainers, his family. There have been reports that Alexander does not receive his wife's letters, although he is reportedly able to write to her.

In light of these new developments in the continuing struggle of the Paritsky family, I ask my colleagues to again join me in calling upon the Soviets to provide proper medical attention to Dr. Paritsky, to again urge the Soviet Government to release Dr. Paritsky and his family from eternal exile and allow Dr. Paritsky, his wife, and their children to emigrate to the country of their choice. I urge my colleagues to join with me in this plea to end the tragic suffering and inhumane treatment of this courageous man and his family.●

A TRIBUTE TO HENRY L. AARON

● Mr. MATTINGLY. Mr. President, I rise today to pay tribute to and recognize the many accomplishments and abilities of Henry L. "Hank" Aaron, a man of impeccable character, an outstanding American, a superb baseball player, and a citizen from my State of Georgia.

Hank Aaron, with his unflamboyant manner as a baseball player, was seldom given his due as a hitter until it became evident that his extraordinary consistency was carrying him close to many lifetime marks.

His professional career began as a player for all-black teams in Mobile, Ala., and Indianapolis, Ind. At the age of 18 he signed with the Milwaukee Braves organization. At the age of 20 he reached the major league team and established himself as one of the greatest hitters and outfielders in baseball. As a right-handed hitter with unusually powerful wrists, Aaron won the National League's batting championship in 1956 and 1959 and its most valuable player in 1957. He led the league four times in home runs—1957, 1963, 1966, and 1967—and runs batted in—1957, 1960, 1963, 1966—and he received the Golden Glove Award for fielding in 1958, 1959, and 1960.

Mr. President, I would like to further point out that Aaron's achievements did not stop there. Over his 23 year career the records show that he has the most total bases 6,856 lifetime; most games played 3,298 lifetime; most runs batted in 2,297 lifetime; but the most noteworthy and outstanding accomplishment of his distinguished career was on April 8, 1974, when he hit home run No. 715 establishing a new lifetime record.

In August of this year after the required 5 years of retirement, the baseball writers and sportscasters voted overwhelmingly 406 out of a possible 415 for his induction into the Baseball Hall of Fame.

To further demonstrate the appreciation of Henry Aaron's contibution to America's favorite pasttime, the citizens of Atlanta, businesses, and individuals around the country raised funds to erect a bronze likeness of the all-time home run leader, displayed in front of the Atlanta-Fulton County Stadium, where the Braves play their home games. Mr. President, it is with a shared sense of pride that I join the Atlanta community and the State in honoring the dedicated career of Henry L. "Hank" Aaron.●

DR. HENRY ELLIS CHEANEY

● Mr. FORD. Mr. President, next month a distinguished educator and historian, Dr. Henry Ellis Cheaney, will formally mark the end of nearly a half-century of service to higher education in Kentucky.

Dr. Cheaney, who recently retired after 46 years on the faculty at Kentucky State University will be honored at a testimonial dinner in Frankfort on October 22. Many of his friends, colleagues, and former students are expected to attend and I want to express my appreciation to him for a long and successful career.

A professor of history at Kentucky State, Dr. Cheaney is a native of Henderson and a lifelong Kentucky resident. Dr. Cheaney earned his bachelor of arts degree from Kentucky State in 1936 and immediately joined the school's faculty. He remained on the faculty until his retirement at the end of the 1981-82 academic year.

Dr. Cheaney holds a master of arts degree in history from the University of Michigan and a doctorate of philosophy in history from the University of Chicago.

At one time or another, Dr. Cheaney literally has had a hand in nearly every aspect of university life at Kentucky State. By no means was his involvement limited to academics. He served as coach of the debate team, coach of the boxing team, director of college publicity, college alumni agent, and college chaplain.

Dr. Cheaney is a respected historian and he coauthored Kentucky's Black Heritage, a text used in the Commonwealth's public schools, and is now completing the definitive history of blacks in Kentucky since 1865.

He holds membership in the following organizations: American Historical Association, Southern Historical Association, Association for the Study of Afro-American Life and History, American Association of University Professors, Kentucky Association of Teachers of History, Alpha Kappa Mu Honor Society, Phi Beta Sigma Fraternity, the Kentucky Advisory Commission on Public Documents, member of the board of directors of the Kentucky Historical Society and of the University Press of Kentucky.

In 1981, he was awarded the A. Phillip Randolph Humanitarian Award, the highest honor accorded by the Phi Beta Sigma Fraternity, Inc., and, in 1982, he was honored with the Kentucky State University Distinguished Service Award.

Throughout his career he has touched countless lives in a positive way. He has had a powerful influence on the young men and women who attended Kentucky State. He dedicated his wisdom, talent, and self to the university. His many contributions to Kentucky State University and our Commonwealth are significant and they will be long remembered.●

MORE ALASKA HUNTING OPPORTUNTIES

● Mr. MURKOWSKI. Mr. President, my colleague from Alaska and myself introduced S. 2826, a bill to provide more hunting opportunities on lands closed by the Alaska National Interest Lands Conservation Act of 1980. We introduce the legislation with the purpose of apprising our colleagues of our

intent to move legislation during the 98th Congress which would amend the Alaskan Lands Act.

The bill would redesignate approximately 12 million acres of new national park lands as park preserves. The only difference between a park and park preserve is that sports hunting and trapping is allowed. No new uses, such as oil and gas exploration or road building, would be provided for in S. 2836. The land management would remain with the National Park Service. Game management would be conducted by the State of Alaska in conjunction with the Department of the Interior.

This is purely an issue of whether sports hunting which is seen as a legitimate wildlife management tool will be allowed on our lands. The October issue of Field & Stream contains an editorial that endorses the legislation introduced by Senator STEVENS, myself, and Congressman DON YOUNG. I ask unanimous consent that it appear in the RECORD immediately after my statement. This is an example of endorsements from hunting interests that I expect to see more of as this issue goes before the public. I hope we can act quickly next year in considering these amendments.

The editorial follows:

[From Field & Stream, October 1982]

THE RIGHT TO HUNT

Two identical bills were introduced in the United States Senate and the United States House of Representatives in August 1982 by Alaska Senators Ted Stevens and Frank Murkowski, and Alaska Congressman Don Young. These bills are of vital interest to all sportsmen—whether or not they are fortunate enough to hunt in Alaska.

The bills—S. 2826 and H.R. 6977—would open to hunting nearly 12 million acres of prime federally owned Alaska wilderness which was closed to hunting by Congress in 1980 as part of the Alaska National Interest Lands Conservation Act.

The legislation just introduced deals with the right to hunt, and therein lies its importance. The public lands in question had long supported sport and subsistence hunting. The lands were not closed for reasons of wildlife conservation, or to protect the habitat (mining, cutting, and drilling are not allowed on these lands), or for any other rational reason. They were closed because anti-hunting sentiment prevailed.

The lands to be opened include almost 7.5 million acres of prime Dall sheep habitat in Gates of the Arctic and Wrangell-Saint Elias Parks. These two areas, plus Katmai, Lake Clark, Denali, Kenai Fjords, Glacier Bay, and Aniakchak—a total of 11,780,000 acres—also provide good hunting for brown/grizzly bears, black bears, moose, caribou, and mountain goats.

Reopening these lands—which means amending the Alaska National Interest Conservation Act—requires an act of Congress. The legislation introduced by Messrs. Stevens, Murkowski, and Young would reclassify these areas from "Parks" to "Park Preserves." The only distinction is that hunting and trapping are allowed in Park Preserves, not in Parks.

The legislative campaign will begin in earnest in January 1983. This legislation will be the first major national confrontation on the subject of hunting, and it requires your continuing support.

The national lobbying campaign for this vital legislation will be spearheaded by the Wildlife Legislative Fund of America. Field & Stream will keep you updated on developments in this campaign to reopen some of the finest wilderness hunting in the world. For now, you should write your senators and congressman to support S. 2826 and H.R. 6977.

If you don't know the name of your senators and congressman, ask your local post office for a list, or contact the League of Women Voters (there's an office in most cities) or your local newspaper. You can write them at: U.S. Senate, Washington, D.C. 20510 and U.S. House of Representatives, Washington, D.C. 20515.●

VINE MEMORIAL BAPTIST CHURCH

● Mr. SPECTER. Mr. President, I wish to take this opportunity to commend the Vine Memorial Baptist Church, its pastor, the Reverend Senior James S. Allen, and its congregation on the celebration of its 50th anniversary.

In order to serve the spiritual needs of the community to foster fellowship, and to present a program of Christian education, the late Reverend Leonard George Carr met with a small group of devout Christians on September 15, 1932, and founded the Vine Street Baptist Church. As the membership of this institution increased, its vital contributions in the Philadelphia community became larger and more encompassing.

Today, the Vine Memorial Baptist Church sponsors such activities as a free child care clinic, daily vacation bible school programs, and a radio ministry. It has become indispensable not only to its congregation, but to the Philadelphia community as well.

Vine Memorial Baptist Church this month is celebrating its golden anniversary. I am proud to stand before the Senate to express my admiration, as well as congratulations, to this institution. Fortunately, it shows no signs of ceasing its important work. I know that Vine Memorial Baptist Church will continue its service with the spirit and dedication it has shown the Philadelphia community for the past 50 years.●

POSITION ON VOTE

● Mr. SASSER. Mr. President, on Friday, September 24, 1982, I was necessarily absent from the Senate during consideration of the bill H.R. 6956, the HUD-independent agencies appropriations bill for fiscal 1983, and for votes thereon. Had I been present, I would have voted for passage of the Armstrong amendment 1283, expressing the sense of the Senate with respect to human rights violations in connection with the construction of the trans-Siberian pipeline.●

THE INSANITY DEFENSE

● Mr. DURENBERGER. Mr. President, yesterday, we considered many of the problem areas in present criminal laws. One area we did not address was the insanity defense. Due to the topical nature of the insanity plea, and the fact there are many proposals pending in Congress to deal with this issue, I would like to call the attention of my colleagues to an article written by a distinguished scholar and a good friend of mine, Marshall Houts. The article is entitled "Let's Abolish the Insanity Plea Now." I am sure they will find it interesting and provocative. I ask that it be printed in the CONGRESSIONAL RECORD.

The article follows:

LET'S ABOLISH THE INSANITY PLEA NOW!

(By Marshall Houts, J.D.)

Right after the Jack Ruby trial eighteen years ago, I wrote an editorial entitled, "The Real Lesson of Jack Ruby," saying "It is this maudlin script, all 663 pages of its medical, psychological and psychiatric testimony, that screams out the real lesson of Jack Ruby, the clarion message that psychiatric testimony should never be permitted in the courtroom in criminal cases."

The Ruby jury was a superior jury; its members well-educated; they held responsible jobs and positions; if any group of laymen could handle the issue of "insanity," this jury should have been it; but "they suddenly found themselves excluded from any real participation by a babble of foreign tongues not subject to intelligible translation. They viewed a play within a play, the dialogue flowing and submerged in such phrases as focal paroxysmal discharge, larval seizures, weak ego structure, paranoid flavor of thinking, inadequate personality, paroxysmal burst, serial Theta discharge, ego dyscontrol, crofts, impinging the ego, ictal abnormality, doming, fugue state, aggressive and emotionally unstable, hypercondrical trends, episodic dysrhythmia, retrospective falsification, cyclothymic personality, agitation triggered an epileptic equivalent, mitten pattern, ruptured ego * * *."

My editorial continued: "When this lost group of bored and exhausted jurors was finally rediscovered in the wee small hours of a Saturday morning and sent on its mission, the wonder is not that they were out for such a short time, rather what took them so long * * *."

"I have the haunting feeling that a miscarriage of justice could have occurred in the Ruby case (I don't think it did) and will occur countless times in the future if we preserve the system and routine under which we now operate. It is the format that is at fault and not the performers within its framework * * *. The jury should never be saddled with the impossible onus of wrestling with the question of the defendant's mental status at the time the criminal act was committed * * *.

"We delude ourselves in an aura of wishful thinking when we castigate the M'Naghten Rule as the culprit and sublimely bask in our own self-righteousness by alleging that we have cured the malignancy by a poultice of Irrestible Impulse or Durham, Vermont or Currens, Smith, Brown, Jones or Williams. No rule will work that brings the psychiatrist into the court-

room; and this remains the real legacy of Jack Ruby * * *.

"We begin by abolishing the insanity defense in toto. This eliminates the need for the psychiatrist in the courtroom, for the only question before the jury will be one it can competently answer: Did the defendant commit the act complained of? * * *.

"We then rely heavily on the psychiatrist in two other phases of our procedure, both of which are out-of-court. If the defendant raises the question of his mental ability to stand trial, the court will order him examined by a panel of psychiatrists, who will have the authority to obtain psychological testing. We are interested only in his present mental status * * *.

"If the answer of the psychiatric panel is one of mental competence to stand trial, we proceed with the trial. If the jury finds the defendant not guilty, we are finished. If, on the other hand, the jury returns a guilty verdict, we then proceed to the psychiatrists once more; but again on an out-of-court basis. We are now at the punishment or treatment phase: What shall we do with our convicted criminal so that both his rights as an individual and those of society as a whole can best be served?

"Aye! That's the rub!

"It is here that the psychiatrists and psychologists can offer their greatest assistance to the judges who must ultimately evaluate the combined expert opinions and act upon them."

Sound familiar?

Something you read last week in Time, Newsweek, your morning paper, or watched on TV?

Only the names and numbers of the players have been changed. Today, we label it Hinckley instead of Ruby, Jones, Smith or French, repeat the same words, utter identical laments, and wait for public revulsion to cool off.

"The Real Lesson of John Hinckley" is exactly the same as "The Real Lesson of Jack Ruby": Psychiatric testimony should never be permitted in the courtroom in criminal cases.

How do we accomplish that goal without impinging the fundamental, historical rights of the accused, while giving peaceful citizens reasonable assurance that they will not be attacked in the sanctity of their own homes, on the streets, at work, in play or in the pursuit of happiness which used to be thought of as an inalienable American right? I suggest the following model statute to do just that:

ACT TO ABOLISH DEFENSE OF INSANITY

SEC. 1. Plea of Insanity Abolished.

In all criminal trials, the defense of insanity, whether called M'Naghten Rule, right-wrong test, rule of irresistible impulse, Durham Rule, American Law Institute (ALI) Rule, rule of diminished capacity, rule of substantial capacity, emotional distraction rule, or by any other name or combination, is hereby abolished.

The fact-finder, whether judge or jury, shall be asked to determine only the fact of whether the accused committed the criminal act compained of. Motive, the reasons why the accused committed the criminal act, or what caused his inability to control his conduct shall not be relevant in this determination of guilt or innocence.

SEC. 2. Insanity Plea May Be Raised As Part of Sentencing Procedures.

If the fact-finder determines that the accused committed the criminal act complained of, the convicted defendant may raise the issue of his sanity as part of the sentencing procedures, before the proper sentencing authority. He may then allege that mental illness or defect prevented him from forming the necessary criminal intent to commit the criminal act, or that it created in him an uncontrollable impulse to commit the act, or that it prevented him from conforming his conduct to the legal standards of the community.

These questions of the defendant's mental status at the time he committed the criminal act shall be taken into account by the sentencing authority to determine how the convicted defendant shall be dealt with, whether by medical treatment, imprisonment, or some combination of both, or otherwise.

The procedures followed by the sentencing authority shall be open, but may be formal or informal. It may call for and use any materials it thinks relevant; and it need not abide by the rules of evidence as required in a court trial.

SEC. 3. Minimum Sentence Must Be Served.

In any case where the defense of insanity is raised as part of the sentencing procedures, the defendant shall be held in some form of custodial care for at least the minimum sentence otherwise provided by law for the offense of which he stands convicted, so that a thorough, professional effort can be made to determine whether and when he can be returned safely to society.

SEC. 4. Determination of Mental Ability to Stand Trial Not Changed.

Nothing in this Act shall be construed to change in any way present law and procedures as they relate to the accused's mental ability to stand trial and participate effectively in his own defense.

Since Jack Ruby's trial in 1964, a number of states have changed their procedures for handling the insanity defense: "Guilty but mentally ill at the time of the crime" [Ind.]; "Guilty but mentally ill" [Mich.]; "Guilty but without the particular state of mind that is an essential element of the offense charged . . ." [Mont.]; "Guilty but insane" [some proposals]. A number of offerings are before the Congress, and are now the subject of Senator Arlen Specter's subcommittee hearings.

For the most part, they only play semantic games and do nothing to keep the psychiatrists out of the courtroom. Only outright abolition of the insanity plea will solve this bottom-line problem, and let us then use our psychiatrists affirmatively and where they can do real good: Helping us try to rehabilitate the convicted offender, mentally ill or otherwise, so that he has some chance of a future useful life within the framework of protection for society.

With those who will argue that this model statute does not deal adequately with the fundamental question of intent to commit the crime, I disagree. We take intent, or lack of it, into account in the sentencing phase rather than in the first courtroom step of determining guilt or innocence. This is where the whole idea of intent becomes totally relevant.

To those so-called civil libertarians who argue that the abolition of the insanity plea is "uncivilized," I ask: Is it compassionate to the accused to let his guilt or innocence be determined by little more than a flip of the coin, as is now the case when we bring psychiatrists into the courtroom to assert conflicting, paid opinions on the defendant's "sanity" at the time the act was committed? Is it not more sensitive to the accused's unfortunate lot to try to restore him to normalcy by proper treatment, using our psychiatrists outside the hostile, adversary environment of the courtroom where they admit they cannot function properly?

I also have no truck with those who say that the insanity issue is but "a tiny loophole in the law" and that the highly publicized case (Ruby and Hinckley) blow it out of all proportion. It's no tiny loophole to anyone caught up in the web of the legal madness of insanity, whether accused or victim; and even if it is a tiny loophole, it is one that shakes public confidence in our entire system of criminal justice in this country. Citizens are entitled to look at this whole mess and agree entirely with Dickens about the law being an ass.

The tumult and the shouting will likely die away before anything other than cosmetic changes in the insanity defense really take place. I hope my successor in title some eighteen years from now will remember Ruby and Hinckley when some other bizarre insanity verdict jars the nation.●

SAMUEL C. JACKSON

● Mr. MATHIAS. Mr. President, the death of Samuel C. Jackson this week was sad news for me, as I know it was for the many people who were priviledged to work with him as an outstanding corporate lawyer, a champion of civil rights, and a respected Government leader. Sam Jackson was a man of deep conviction and a source of wise counsel. He had much to give, and he gave freely of himself to his country and his fellow man. I am glad to have known Sam Jackson, both professionally and personally, and extend deep sympathy to his wife, Judy, and the members of her family.

I ask that an article from the Washington Post about Mr. Jackson's life be printed in the RECORD.

The article follows:

[From the Washington Post, Sept. 29, 1982]

SAMUEL C. JACKSON DIES; LAWYER, HIGH FEDERAL OFFICIAL

(By Richard Pearson)

Samuel C. Jackson, 53, a Washington lawyer who was respected for his knowledge of corporate law, a supporter of civil rights and minority causes, and a Republican from Kansas who held high office under presidents Johnson and Nixon, died of cancer Monday at Sibley Memorial Hospital.

Mr. Jackson, who had been a resident of Washington since 1965, was active in GOP politics on the local and national levels. Friends and associates said his approach to these endeavors, unlike some of his contemporaries, was to work from within organizations rather than meeting them in open confrontation.

Thus, in 1972, he helped organize and became chairman of the Black Council, a group of 40 top-level black government officials opposing a constitutional amendment to curb school busing. Because of his work through this organization and other activities, he was credited with having played a substantial role in persuading the Nixon administration to temper its opposition to school busing before the 1972 elections.

He also was a founder of the Council of 100, a national group of black Republican businessmen that has been influential in Republican politics.

In January 1981, President Reagan named him to the Blue Ribbon Commission on Housing, where he is said to have been an advocate of public housing programs.

As a resident of Washington, Mr. Jackson was a key supporter and campaign official for the Rev. Jerry Moore in 1974 when Mr. Moore, a Republican, first was elected to the D.C., City Council. In 1980, he was a D.C. delegate to the Republican National Convention and a backer of George Bush for the presidential nomination.

On hearing of his death, Vice President Bush said he was "deeply saddened by the loss of a good friend and an outstanding business and political leader who had done much for the Republican Party and to further the concept of two-party government among black Americans."

Benjamin Hooks, the national president of the NAACP, said, "It was my privilege to know and work with [Mr. Jackson] for almost 20 years. He was the type of black Republican that all blacks can be proud of. We shall miss this gallant warrior, especially at this critical time in our nation's history."

A speech Mr. Jackson made to a civic group in Reston in 1970 is characteristic not only of his independence as a Republican, but of his view of how to be effective in public life. He told this audience that he had decided to address them rather than attend a highly publicized rally organized by the Southern Christian Leadership Conference in Atlanta "because the problem is here in comfortable suburbia, white America."

"Just as enlightened leadership is essential at the local level," he said, "so will the frustration and division throughout the country be ended only by a national leadership whose commitment to social justice can clearly be seen in both its words and its deeds.

"People are dying in this country today. They die trying to make someone listen to them about the war, about proverty, about powerlessness, about injustice."

Mr. Jackson's own national service began in June 1965 when President Johnson appointed him one of the five original commissioners of the U.S. Equal Employment Opportunity Commission. He served three years. From 1968 to 1969, he was vice president of the American Arbitration Association and director of its Center for Dispute Settlement.

In 1969, President Nixon named him assistant secretary of Housing and Urban Development for metropolitan development, the third-ranking official in the department.

Mr. Jackson helped develop and implement basic policies for the federal government's housing and planning programs. He also served as general manager of the New Communities Development Corporation.

In 1973, he resigned to become a partner in the Wall Street law firm of Stroock & Stroock & Lavan. He practiced in its Washington office until his death. His specialty was corporation law.

Throughout his legal career, Mr. Jackson, like many of the best members of his profession, found time to serve community interests as well as those of his clients. He had been a national trustee of the NAACP special contributions fund since 1968 and was a former NAACP board member and a member of its national legal committee.

Other clients outside of his corporate practice included Operation PUSH, the self-help organization founded in Chicago by the Rev. Jesse Jackson, and the Church of God in Christ, of which he was general counsel and a lifelong member.

Mr. Jackson was born in Kansas and earned bachelor's and law degrees from Washburn University in Topeka. He served in the Air Force, directed the Topeka office of the NAACP and was deputy general counsel of the Kansas Social Welfare Department. He moved to Washington when Johnson appointed him to the equal Employment Opportunity Commission.

One of the first civil rights cases on which Mr. Jackson worked resulted in the landmark 1954 *Brown* v. *Board of Education* decision, in which the U.S. Supreme Court held that segregation in public schools was illegal.

Mr. Jackson's survivors include his wife, Judith, of Washington; two daughters, Brenda, also of Washington, and Marica Sandels of Topeka, and seven brothers and sisters.●

A TRIBUTE TO CECIL BRADDEN WORD

● Mr. HEFLIN. Mr. President, I rise today to mourn the loss of a great Alabamian and American, and a close personal friend.

For many years, Cecil Bradden Word was not only a prominent businessman in Scottsboro, Ala., but also a loyal citizen who placed a high priority on civil duty.

Cecil was president of W. J. Word Lumber Co., and director of the First National Bank of Scottsboro and the Alabama Chamber of Commerce when he recently passed away at the age of 76.

Always eager to serve his neighborhood, city, and State, Cecil played an active role in local politics, serving 7 years as a member of the Scottsboro City Council.

He served on the State Board of Education for 12 years, and, during his tenure, Cecil was instrumental in helping to establish Northeast Alabama State Junior College, on the Jackson-DeKalb County line.

Cecil was a driving force behind conservation efforts in Alabama serving as director of the Alabama Forestry Association, Southern Pine Association, and the Alabama Conservation Service. In appreciation for his outstanding efforts in this field, Cecil received the Alabama Conservation Service Award in 1974.

Cecil had a deep concern for the handicapped. He was a director of the Alabama Society of Crippled Children and Adults, and he served as Jackson County chairman of the Crippled Children's Association from 1944 to 1980.

Cecil was an honorary member of the Scottsboro firemen, the Scottsboro Lions Club, and the Scottsboro Jaycees. A life-long sports enthusiast, he was a member of the board of governors of the Alabama Sports Hall of Fame.

Cecil Word's many accomplishments, together with his years of work in public service and the high esteem in which he was held, serve as testimony that we have indeed lost a great American. He will be sorely missed by all who knew him, as the sadness of his passing is overshadowed only by the magnitude and noble nature of his accomplishments.

Mr. President, I ask that the newspaper articles from the Scottsboro Daily Sentinel and the Huntsville Times be inserted in the RECORD.

The articles follow:

[From the Huntsville (Ala.) Times, Sept. 21, 1982]

CECIL WORD DEAD AT 76

SCOTTSBORO.—Cecil Bradden Word, prominent Scottsboro businessman and leader of many local, state and regional organizations, died Monday at Huntsville Hospital at the age of 76.

The funeral will be Wednesday at 3 p.m. at Scottsboro First United Methodist Church with Dr. Morris Pepper, Dr. Rudder Knox and the Rev. Bill Alsion officiating. Burial will be in Cedar Hill Cemetery with Scollsboro Funeral Home directing.

Mr. Word, president of W.J. Word Lumber Co. here, served on the Scottsboro City Council from 1942 to 1949 and on the State Board of Education for 12 years. In the latter post he was instrumental in helping to establish Northeast Alabama State Junior College on the Jackson-DeKalb County line.

He was a past director of the Alabama Chamber of Commerce, Alabama Forestry Association, Southern Pine Association and the Alabama Conservation Service, and he received the Alabama Conservation Service Award in 1974.

He also was a past director of the Alabama Society of Crippled Children and Adults and served as Jackson County chairman of the Crippled Children's Association from 1944 to 1980.

Mr. Word was a member of the board of governors of the Alabama Sports Hall of Fame, director of the Alabama Safety Council, director of the First National Bank of Scottsboro since 1944, and charter member of the Scottsboro Quarterback Club. He was an honorary member of the Scottsboro Firemen, the Scottsboro Lions Club and the Scottsboro Jaycees.

Survivors include his wife, Mrs. Cecil Fox Word of Scottsboro; three daughters, Mrs. Betty Whatley of Huntsville, Mrs. Peggy Holland and Mrs. Stella Benson, both of Scottsboro; four brothers, Rupert Word, Hal Word and Robert Word, all of Scottsboro, and Claude Word of Manchester, Tenn.; a sister, Mrs. Ruby Branum of Scottsboro; 11 grandchildren and 1 great-grandchild.

[From the Scottsboro (Ala.) Daily Sentinel, Sept. 21, 1982]

CECIL WORD DIES AT 76

Cecil B. Word, prominent Scottsboro businessman and humanitarian died early Monday morning in a Huntsville hospital. He was 76.

Mr. Word was President of the W. J. Word Lumber Company of Scottsboro, and was a partner in other building supply firms in Rainsville, Fort Payne, and Manchester, Tennessee.

He was a member of the Alabama Sports Hall of Fame Board of Directors, and was recently reappointed to that Board for another nine years by Governor Fob James.

He was personal friends with many outstanding sports figures.

Mr. Word had headed Word Lumber Company for over 50 years. The firm celebrated its 90th Anniversary this past summer.

He also served on the Alabama Board of Education for several years, and the Crippled Children's Clinic in Birmingham.

Funeral services will be conducted at 3 p.m., Wednesday at First United Methodist Church, with Dr. Morris Pepper, Dr. Rudder Knox, and Reverence Bill Allston officiating.

Burial will be in Cedar Hill Cemetery with Scottsboro Funeral Home directing. The body will lie in state at the Church from 2 to 3 p.m., Wednesday. Visitation at the Funeral Home will be after 2 p.m., Tuesday.

Surviving are the wife, Mrs. Cecil Box Word, three daughters, Mrs. Betty Whatley of Huntsville, Mrs. Peggy Holland and Mrs. Stella Benson, both of Scottsboro, eleven grandchildren, one great-grandchild, one sister, Mrs. Ruby Branum of Scottsboro, and four brothers, Rupert Word, Hal Word, and Robert Word of Scottsboro, and Claude Word of Manchester, Tennessee.●

JAPANESE GOVERNMENT RESTRICTS U.S. CIGARETTE IMPORTS

● Mr. HELMS. Mr. President, the Wall Street Journal of yesterday, September 30, carried a timely article describing the manner in which the Japanese Tobacco & Salt Corp. (JTS) intends to undermine U.S. cigarette sales in Japan. The JTS is a government-owned monopoly that maintains exclusive control over distribution of all tobacco products in Japan.

Urban C. Lehner, the Wall Street Journal's correspondent in Tokyo and the author of the article, obtained a document from the JTS that provided firsthand evidence in Japanese of attempts to reduce sales of foreign products.

Among the steps ordered by the JTS to limit foreign cigarette sales were curb the stocking of imported cigarettes in vending machines and remove displayed point of purchase (POP) promotion items for imported cigarettes in prominent locations.

Reportedly, many Japanese retailers have told representatives of American cigarette manufacturers that JTS salesmen tear down posters and other promotional materials for foreign cigarettes. However, these same retailers are reluctant at best to publicly state these actions by the JTS because they depend on the JTS for licenses to do business and for a continued supply of tobacco products. The Brown & Williamson Tobacco Corp.'s representative in Tokyo, Mr. Joel Silverstein, says, "there is no way your principal competitor (JTS) is going to help you."

A JTS spokesman in response to press announcements of the JTS document claimed, "it is unlikely" that JTS representatives would tear down promotional material or change brands in vending machines "without the retailers consent."

Quite frankly, Mr. President, when one considers the very large surplus that Japan has in their merchandise trade account with the United States, it is difficult to understand the need or reason for this kind of trade practices.

The world recognizes, as do the Japanese, that the United States market is essentially open to all Japanese products for which they are competitive in this market. It remains a point of concern in our relations with Japan that the United States does not receive equitable treatment in terms of access.

The Japanese cigarette market is a $5 billion market of which foreign cigarettes only have a 1.4 percent share. United States brands are very popular in Japan and, with reduced restrictions on consumption, could realize sizable increases in dollar sales. "If American-made cigarettes were allowed to gain just 10 percent of the Japanese market" according to a Philip Morris representative, "the imbalance in trade could be reduced by half a billion dollars."

Mr. President, I ask that a copy of Mr. Lehner's article in the Wall Street Journal be printed at the end of my remarks along with a copy of a letter I have written to Prime Minister Suzuki on this subject.

The material follows:

[From the Wall Street Journal, Sept. 30, 1982]

How Japan Tries to Shut Out Foreign Goods

(By Urban C. Lehner)

A document from a Japanese government-owned corporation has surfaced in business circles here that provides rare, firsthand evidence in writing of Japanese attempts to shut out foreign products—something foreign businessmen and officials have long alleged but have rarely been able to prove. Indeed a broader look at the controversy underlying the document provides a case study of the kind of elaborate web of restrictions the Japanese can weave when they're determined to have their domestic market to themselves.

The document came out of the Japan Tobacco & Salt Corporation (JTS), a government-owned monopoly that exercises exclusive control over all tobacco-products distribution in Japan. U.S. officials and the three American tobacco makers who sell here through the JTS have long believed and have at times formally complained to the Japanese government that the monopoly tries to obstruct foreign cigarette sales.

The document could well become a *cause celebre* in the ongoing efforts of the U.S. and Europe to persuade Japan to open its market to foreign products. The Japanese government has been trumpeting the claim that it's doing everything possible in that respect. But the document, a six-page battle plan detailing how one of JTS's local offices in Tokyo was to carry out its sales and promotion activities last July, specifically orders steps to squelch foreign cigarette sales.

"Curb stocking of imported cigarettes in vending machines," the document says at one point, indicating further that no foreign brands should appear in small machines containing fewer than 10 columns of cigarettes.

RETAILERS WON'T TESTIFY

"Remove displayed POP (point-of-purchase promotion) items for imported cigarettes in prominent locations," it says. (The American makers say many Japanese retailers have told them that JTS salesmen tear down posters and other promotional materials for foreign cigarettes. But they say the retailers won't testify to that because they depend on the JTS for licenses to do business and for a continuing supply of tobacco products.)

A JTS official involved in drawing up the battle plan confirmed that the document is authentic. A JTS spokesman declined direct comment because he hadn't seen the document. But he said "it's unlikely" that JTS would tear down promotional material or change the brands in vending machines "without the retailers" consent.

The document emerges at a time when officials in Washington are showing increasing displeasure at what they regard as Japanese foot dragging in carrying out earlier promises to open their market. The Japanese government earlier this year announced two packages of measures aimed at removing obstacles to foreign products, and missions of Japanese Dietmen have come to the U.S. to tout the measures. But U.S. officials say most of the measures that Japan announced with such fanfare have yet to be carried out. And a reading of the JTS document and talks with the American tobacco companies suggest that in the case of the JTS at least, new "impediments" are being thrown in the path of imported tobacco products every day.

Promoting the success of cigarette sales here is especially important to Washington, because cigarettes are one product that U.S. officials believe could easily make a significant dent in Uncle Sam's enormous ($18 billion last year) trade deficit with Japan. Cigarette sales come to a staggering $5 billion a year here, and U.S. cigarettes have proved very competitive in other foreign markets. Moreover the JTS, sole manufacturer of Japanese domestic cigarettes, is hardly a tower of business strength; there are moves afoot in the Japanese government to dismantle the monopoly because of its inefficiency.

"If American-made cigarettes were allowed to gain just 10 percent of the Japanese market," argues Philip Morris International, one of the American makers, in a position paper, "the imbalance in trade would be reduced by half a billion dollars."

But as it stands, foreign cigarettes claim only 1.4 percent of the Japanese market. They're hindered in getting a bigger share by innumerable legal restrictions—even forgetting about such underhanded measures as those outlined in the JTS document. For example, under Japanese law and JTS regulation, foreign cigarette makers:

May sell their products through only 20,035 of the 247,801 Japanese retailers licensed to sell tobacco products. (As one of the measures announced earlier this year, that number is scheduled to rise to 40,041 by next March 31 and to all of the retailers by March 31, 1986. But the American makers say JTS is carrying out the measure in a way designed to minimize foreign sales as long as possible.)

Sell their products subject to a 35 percent tariff and to a tax and pricing formula, which combined with the tariff causes for-

eign cigarettes to sell at a retail price 60 percent above domestic Japanese brands. That's true even though the price of American cigarettes when they land in Japan is about the same as the factory price of the Japanese cigarettes.

Are sharply limited in their ability to advertise and test-market their products.

Must distribute their products solely through their chief competitor—the monopoly JTS. "There's no way your principal competitor is going to help you," says Joel Silverstein, Japan representative for Brown & Williamson Tobacco Corp., another of the American makers.

John Sandor, who runs Philip Morris's operations locally, complains that JTS never seems to have enough of Philip Morris's products in stock to meet orders from retailers. For example, he says, when retailers order Lark, Japan's best-selling foreign brand (Japanese smokers favor "charcoal filters" like the one Lark features), "The monopoly will normally indicate that a sufficient number aren't in the warehouse and a competing domestic product in the case of Lark, Cabin—will be partially substituted."

The JTS internal document suggests that the monopoly uses a variety of subtle tricks to hold down foreign sales. For July in Tokyo's Sumida ward, the document ordered special emphasis on sales of five domestic brands. One of them was Marlboro (though a Philip Morris brand, it has been produced by JTS under license here for over 10 years). According to Tsuyoyuki Asaka, one of the JTS officials who helped draw up the document, Marlboro was chosen because it's considered an effective domestic "rival brand to counter imported brands."

Then there are the not-so-subtle tricks, like tearing down or stopping the posting of foreign posters, advertising displays or the electrically lit "light boxes" placed on top of a vending machine displaying the name and logo of a brand. R. J. Reynolds Tobacco International, a subsidiary of R. J. Reynolds Industries Inc., complained several months ago to the new ombudsman's office that JTS salesmen were telling retailers they weren't legally allowed to display promotional material for foreign brands. The case was settled when JTS agreed to inform retailers in writing that such materials could be displayed.

Then in early August a retailer in Tokyo's Shibuya section informed an American maker that a JTS salesman appeared to have taken away the retailer's "light box" atop the vending machine. But when Japanese government investigators acting on a complaint from the maker that didn't name the retailer, blanketed the area to interview retailers, no one mentioned the JTS. Missing light boxes were blamed on other causes—one was said to have blown away in a typhoon. The moral the investigators drew was that Americans make reckless allegations without proof.

U.S. officials and cigarette makers drew a different conclusion: Retailers are so vulnerable to the JTS pressure, explicit or implicit, that they can't afford to testify against the monopoly. There is at least some evidence that JTS doesn't shrink from using pressure to get its way with retailers.

Some retailers themselves make the same point. "Sure there's pressure (not to use foreign cigarette posters)," says Hinako Nakajima, a tobacco-shop owner in Nagoya. "The government hasn't abolished the monopoly system." Asked if JTS salesmen have ever forcibly removed posters from her shop, she will say only "please don't make me answer that question."

BLITHELY UNCONCERNED OFFICIALS

David Guilfoile, R.J. Reynolds's Japan country manager, says Reynolds's agents talk at least once a month to a large percentge of the 4,300 retailers in Tokyo licensed to sell foreign brands, "and the most common problem is the retailer will say, I can't allow you to put up that (poster or light box) because the JTS will get upset." Mr. Guilfoile says Reynolds hesitates even to complain about such abuses to the government because "we end up getting the retailer we're trying to develop as customers into trouble."

Japanese officials, for their part, seem blithely unconcerned with the tobacco question. Before one of the Dietmen's missions went to the U.S. a few months ago, one of the Dietmen was asked about tobacco at a special press conference for foreign correspondents. He replied that Japan's cigarette maker was "completely free" and thus there was nothing to discuss with the U.S. government.

Nonetheless, in the second package of measures the Japanese did come up with some tobacco concessions. They agreed that the U.S.-Japan "study group," which had been scheduled under the November 1980 Japan-U.S. tobacco agreement to be formed by March 31, 1983, will convene instead next month, an acceleration of six months. It isn't clear what scope the study group will have, however. U.S. officials say the Japanese have agreed to put the tariff question "on the agenda" but haven't agreed to negotiate a lower tariff.

It also isn't clear how meaningful the other concession in the second package—the increase in the number of retail outlets—will prove in the short run. U.S. officials and makers complain, for example, that all the outlets the Japanese have unilaterally selected to be included in the increase to take effect next March are outside the two regions of Japan where 60% of the foreign cigarettes are currently sold. That means the foreign makers won't be able to get more bang out of the sharply limited television advertising dollars they're allowed to spend, which by necessity are concentrated in those two regions.

"That isn't the way you'd do it if you were operating in the spirit" of opening the market, Mr. Silverstein contends.

U.S. SENATE,
COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY,
Washington, D.C., September 24, 1982.

Hon. ZENKO SUZUKI,
Prime Minister of Japan, Tokyo, Japan

DEAR MR. MINISTER: I take the liberty of writing directly to you on a matter of serious concern to the future of trade relations between our two nations.

For some years, the U.S. tobacco industry has sought the opportunity to compete in Japan in a fair and equitable way. Despite repeated representations by U.S. Government authorities and the industry, highly discriminatory practices remain in force—a punitive tariff system, as well as severe restrictions on the distribution of U.S. manufactured cigarettes by the Japan Tobacco and Salt Public Corporation.

The combined effect of the import duty and price formula (which includes a 56.5 percent domestic tax) significantly hampers market penetration by effectively raising the duty rate to 103 percent on the U.S. product. Consequently, our market share amounts to a paltry 1.4 percent—extremely low by any comparable Free World standard.

It is my belief that import tariff on cigarettes in Japan should be eliminated. As long as U.S. cigarette companies are prohibited from manufacturing within Japan, there is no legitimate reason to impose a tariff against a primary U.S. industry.

Regarding the matter of distribution, I would like to draw your attention to the fact that while the JTS has recently agreed to increase distribution on imported products, they claim it will take until 1986 to fully implement distribution. Frankly, I feel this is more a matter of will than ability, and respectfully suggest that you give the matter serious consideration with a view to shortening or eliminating this period entirely.

My primary interest in this matter is to ensure that the U.S. and Japan will both continue to prosper through free trade. You are also no doubt aware of the fact that I represent North Carolina, where the tobacco industry is a vital economic matter and a Proud Tradition.

Sincerely,

JESSE HELMS,
Chairman●

NATIONAL PORT WEEK

● Mr. HEFLIN. Mr. President, I am delighted to join with the distinguished Senator from Louisiana, (Senator LONG), in sponsoring Senate Joint Resolution 246, which would designate the first week of October as National Port Week.

For more than 300 years, the seaports of the United States have been, in countless ways, an integral cornerstone of the Nation—the first population centers, the gateways to expansion, the essential building blocks of first local, then State and regional econmic development.

For farmers and manufacturers, ports have been the points of embarkation to the trading markets of the world. To millions of newcomers to America, they have been havens of comfort, safety, and promise.

In every war in which our Nation has ever engaged, our port system was a vital, if often ignored, element of overall defense strategy. I say often ignored because seaports are taken for granted—they are always there, always ready to be of service, and not noticed except on those rare occasions when that service is suddenly not available.

Those services, and the seaports which provide them, should not be taken for granted, however, for if the American port system were to ever shut down, the national economy would grind to a sudden stop, and the Nation itself would shut down. In times of conflict, United States and allied forces overseas would be isolated, without supplies and reinforcements, except for the thin trickle that might be flown in by air. Those of us who participated in World War II realize this importance. It is true today, just as it was then.

Overall, it has been stated that 1 out of every 7 American jobs in manufacturing depends upon our export performance, and that performance is, naturally, dependent on the ability of our seaports to handle their volume of foreign trade.

Our deep water ports are indeed a major national industry—they provide employment for some 1,250,000 persons. In addition, the Commerce Department has estimated that the present volume of American import and export tonnage will double over the next 20 years, reaching more than 600 million tons annually.

Clearly, the economic importance of our seaports to the United States speaks for itself.

There is yet another reason that our seaports are important to our country. As we have all seen through the events of the past decade, our Nation is only as secure as our energy security.

To the extent that we are able to provide our allies with a reasonable and reliable source of coal, they will become less vulnerable to economic and military blackmail by foreign energy suppliers. We must recognize that few greater threats to peace exist than the dangers that are born of energy instability.

As we well know, coal is the energy source of the future. We can, and, in fact, we ought to supply a substantially large portion of the world's energy needs. It is predicted by the International Energy Agency that the United States will have to export 100 million tons of coal by 1990, and 300 million tons by the year 2000 to meet world energy needs. These goals are hopelessly unreachable without the continued growth, expansion, and prosperity of our ports.

I would be sadly remiss if I did not mention the outstanding port located in my home State of Alabama, Mobile. Alabama has tremendous agricultural resources, and nearly one-tenth of the coal in the United States is located here, in coal reserves with a life expectancy of about 1,000 years. Needless to say, Mobile will play a vital role, for years to come, in the continuing contributions seaports make to our country. It is certainly a city of which all Alabamians are proud.

Mr. President, I have mentioned here only a few of the reasons that ports are of vital interest to the United States; the litany could go on almost endlessly.

I am honored to be a cosponsor of this resolution, for I think it is far long overdue for us to properly recognize the contributions ports make to our country. I hope each of my colleagues will join in cosponsoring this resolution, and we can all celebrate "National Port Week."●

JOHN W. MEGOWN, OF MARION, IOWA

● Mr. GRASSLEY. Mr. President, John W. Megown, of Marion, Iowa, has long been one of Iowa's finest authorities on the vital issues of agriculture. He served 11 years as chairman of the Iowa Agriculture Promotion Board of the Iowa Department Commission and for several years produced the syndicated "Food for Thought" radio show broadcast around North America from over 700 radio stations. Recently, he was nominated by the Reagan administration to serve on the Agricultural Technical Advisory Committee on Trade of Grain and Feed.

Mr. Megown has long actively supported the development of new markets and uses for farm products. I would like to share with my colleagues the keen insight that this gentleman holds for the potential of moving ahead in these areas. The following is a copy of a speech Mr. Megown presented at the Annual Fall Festival of the Iowa Poultry Association. I believe my colleagues will find his thoughts very interesting and helpful.

The remarks follow:

PROBLEMS AND POSSIBILITIES FACING AGRICULTURE DURING THE 1980'S

(By John W. Megown)

"Twenty-Four Turbulent Months" was the title of a book that was published in June of 1980. It consisted of a collection of one hundred of my "Food for Thought" radio commentaries, news backgrounders and interviews.

The period covered was April of 1978 to April of 1980, and this we all know was a very turbulent and topsy-turvy period for America's farmers and agri-business people.

As I began to put together today's speech, I looked through this book once again, and it was like reliving recent agricultural history. It brought back both good and not-so-good memories.

The first commentary, which was broadcast only on WMT-Radio in Cedar Rapids, was entitled, "Bureaucrats Are Listening." In it, I pointed out that the bureaucrats in Washington were apt to take note of what farmers think, if they were willing to speak out about their problems. And this, they certainly learned to do in recent years. And I'm glad they did!

Later, I talked about some of agriculture's new allies, like the Consumer Alert Council and the Great Plains Legal Foundation. These two organizations were of great help to us with several issues.

Time after time, the controversial cholesterol issue was discussed, and new research was presented showing that eggs and red meat are actually the "good guys." Included was an interview with Dr. Margaret Flynn of the University of Missouri.

One of the other early interviews was with Doug Getter, Research Director of the Iowa Development Commission. The IDC's gasohol marketing study was only 3 weeks along, but it already looked like gasohol would be a big success. Today, some 30 percent of all gasoline sales in Iowa fall into the gasohol category!

Several of my commentaries and interviews were related to the great nitrite controversy. We won this battle, but it was very time-consuming and expensive!

This should be remembered as a classic case of some Federal bureaucrats in the USDA and FDA becoming completely carried away with their authority, and hurting American agriculture unnecessarily.

The USDA's ridiculous and unfounded regulation on the use of nitrite in bacon cost the livestock industry well over $5 million. The direct cost to taxpayers for USDA enforcement of the 1978 regulation has been almost $1 million.

The positive effect of the nitrite fiasco is that America's farmers learned how to defend themselves against unreasonable regulations. They learned how to work together and to communicate the facts to Congress and the public.

The antibiotics-in-feed issue also received considerable attention, and it looks like it will keep reappearing from time to time; with some consumer activists trying to ban their use.

I also talked about the future of the family farm, about the need for more innovative farm financing, about inheritance taxes, about the problems young farmers were having in getting started, and about the problems caused by overregulation. I also talked about how the USDA was rapidly moving away from its traditional role of serving America's farmers.

Interestingly, the pendulum has apparently swung almost completely back to the per-Carter era at the USDA . The September 5 issue of the Sundy Des Moines Register carried a front-page story entitled, "USDA Focus Shifts Back to Farmers." George Anthan started his story this way, "President Reagan, in fulfilling his 1980 campaign pledge to return control of the U.S. Department of Agriculture to farmers, may have sown the seeds of the venerable agency's ultimate destruction."

He pointed out that the political power of American farmers has fallen, along with their numbers. He said that experts across the country agree that if the USDA is to maintain some semblance of influence in Washington and continue to represent the interest of farmers, "It must broaden its scope and at least give equal billing to the 97 percent of American's who aren't farmers."

The biggest bone of contention appears to be in the area of nutrition, food, and consumer programs—the areas that caused agricultural people so much concern during the Carter years. Some of the consumer and dietary activists feel that these programs are now being deemphasized—and maybe they well should be! I, for one, got very tired of some of the bureaucrats, like Carol Tucker Forman, telling me what I should, or should not, eat!

I am very glad that I had the opportunity to do the "Food for Thought" radio shows. Doing them provided me with a unique vantage point to observe what was happening to agriculture in America. Each week I was able to talk to millions of listeners, and to try to set the record straight about an issue.

Some of the problems I commented on are no longer burning issues—like the nitrite mess and overregulation—but some others—like the cholesterol controversy and the farm animal welfare movement are still with us—and others are appearing as we move deeper into the 1980's.

Some of these other problem areas, include: The erosion of our soil; the decline in farm exports; the energy cost-supply situation; the negative effects of high interest rates; the lack of sufficient cash flow for many farmers; the decline in total number

of farms; the declining proportion of medium-size family farms; the great difficulties faced by young people trying to get started farming; and the continuing attacks by social and dietary activists—one of the worst being the animal welfare issue.

All of these problems will constitute developing threats to America's agricultural industry. The 1980's will be a time of unparalled challenge to all of us involved with agriculture and food production.

A young lady from near Iowa City by the name of Mary Wall won the 1981 Iowa Farm Bureau Essay Contest. Here's what Mary had to say about the present decade, "the 1980's are a decade of challenges, challenges to find alternative energy sources, fight inflation and obtain world peace. The 1980's represent noteworthy challenges for agriculture. We must feed the increasing population, make a profit and yet not lose or destroy the soil for future generations."

In that single paragraph Mary spelled out very clearly what the 1980's are all about for America's farmers.

The total number of U.S. farms will decline significantly by the year 1990, from 2.48 million in 1978 to only 2.09 million in 1990. There will be a large proportion of small farms, an ever-increasing proportion of large farms, and a declining proportion of medium-size farms.

It was on the medium-size farm—the family farm—that this country was built.

For your information, the medium-size farm has a gross income in the range of $20,000 to $99,999.

The USDA now predicts that almost two-thirds of agricultural production will come from the largest 50,000 farms by the year 2000. Al Swegle, farm editor of the Cedar Rapids Gazette, told me that an economist at Kansas State University had told him that there would be only about 200,000 farms by the turn of the century. That sure does supply some food for thought, doesn't it?

Yes, things are changing rapidly down on the family farm, and many of the changes are making it much harder for farmers to prosper and even survive—and much harder for younger people to get started in farming.

A USDA study says that "the number of new farmers under 35 years of age will shrink from 475,000 from 1964-74 down to 284,000 from 1994-2004, a 40 percent drop in numbers.

Last year, Vernie Glasson, director of national affairs, American Farm Bureau Federation, told a House subcommittee that "the backbone of U.S. agriculture—the farms that depend solely on income from sales of commodities—is now substantially threatened by inflation and failure of national monetary and fiscal policies."

Mary Wall, in her essay, had this to say about the survival of the family farm, "preserving the family farm is a problem that has been getting more and more attention. Higher production costs are driving some of the family farms out. Family farms are what this country was brought up on and their importance shouldn't be overlooked."

It would now appear that survival will be the overriding challenge of the 1980s. All other issues and problems will relate directly to the farmer's ability to survive.

It would also appear that agricultural production costs will continue their escalating spiral in the months ahead, but at a slower rate.

In 1981, Warren Melles, a Northrup King vice president, looked back over the previous 7 years at what had happened with production costs.

The whole price of diesel fuel rose 370 percent. A $1,500 fuel bill in 1974 was up to $5,500.

Country bankers charged 12-percent interest on production borrowing in January of 1974; 7 years later it was about 17 percent—a 42 percent jump.

If a farmer needed $25,000 in working capital in 1974, he needed at least $50,000 in 1981. So besides needing twice as much money, farmers has to pay 42 percent more for it.

Corn sold for $2.62 per bushel in 1974. The price was only $3.25—7 years later. Soybeans rose from $5.92 per bushel to $7.29. Just for those two crops, prices increased by a meager 23 percent.

Here's a footnote to this: In September of 1982, corn is selling at only about $2.25 per bushel and soybeans are about $5.50 per bushel.

American industry averages a return on investment of about 16 percent. But the average U.S. farmer in 1981 eked out a living with an average return of only about 3.6 percent.

Net income for U.S. farmers is projected at about $19 billion in 1982, down a whopping 24.3 percent since 1981, according to the USDA.

So, even with inflation in production expenses slowing somewhat and livestock prices showing improvement, the farm income situation is not good this year.

It would appear that production expenses will increase only 2 percent over 1981. In 1981, they rose 9 percent.

One of the negative factors involved with the current farm income situation is the decline in farm exports. It looks like exports will decline this year by 8 percent; the first decline since 1969.

There are some serious problems and maybe some interesting possibilities associated with our agricultural exports.

We obviously have a serious overproduction problem. All through the 1970's, farmers expanded production, increasing the amount of land under cultivation from 289 million acres in 1972 to 413 million today.

They expanded production because our Government urged them to do so. When OPEC decided in 1973 to raise oil prices, it forced us to sell more grain abroad to earn dollars to help pay for the high-priced imported oil.

Then later, came the Carter grain embargo, which indicated to our foreign customers that we were not a very reliable supplier of grain.

Another problem involves foreign subsidies. Other nations routinely subsidize agricultural overproduction, and these subsidies make it very tough for U.S. agricultural producers who want to develop export markets.

The poultry industry, and particularly the egg producers, are very much aware of how this works and how it hurts us. The European Economic Community recently increased its egg subsidies 1 cent. The subsidies now total 11½ cents per dozen eggs.

United Egg Producers has petitioned the USDA seeking relief from unfair trade practices of other countries.

We'll all want to watch this closely for developments to see how the USDA handles this problem. It could establish precedents.

To quickly review this, some of the biggest problems relating to exports seem to be overproduction (which keeps our prices too low to be very profitable), being known as unreliable supplier, and the use of some unfair trade practices by foreign competitors (from our viewpoint).

Some of the possibilities with exports include: (1) Better organized and coordinated efforts to promote and export all types of agricultural commodities, like the "Farm Marketing Board" recently proposed by UEP president Al Pope; (2) the trading of commodities for oil and other things we need, or, as some call it, bartering; (3) in the case of Iowa exports, the establishment of an international office in Asia, like the one we have in West Germany; (4) the promotion and export of more processed agricultural products, thus adding greater value to our agricultural products and increasing employment in this country.

Our State and Federal Governments, as well as our State and national agricultural commodity organizations, are going to have to become much more committed to developing and maintaining our foreign markets. Our greatest possibilities during the 1980's lie in the international market.

That's enough about exports. Let's go on to another problem—the farm animal welfare issue. I'll just hit this briefly because it will be covered in detail later today.

I first heard about this in October of 1980, and did a commentary on it in December of that year. During a speech in June of 1981, I asked for a show of hands by people who had heard about it. Only six people out of about 200 had heard of it. The problem is that still too few people understand the implications.

My point today is, "Don't become too complacent about the farm animal welfare issue, because if you do, it might cost you plenty!"

For example, American egg producers would be faced with a cost of $800 million to convert to standards of caged layer equipment recently adopted by the European Parliament Agriculture Committee.

"If, under pressure from the animal welfare lobby, laws should be passed requiring mandatory requirements similar to those recommended for Europe, the cost would be catastrophic for the American producer," said a Feedstuffs article dated June 28, 1982. It went on to point out that there would be little chance for these costs to be absorbed by increased egg prices.

You might wonder why I am warning you about complacency. Well, I am very concerned that the low-keyed tactics of the animal welfarists are lulling many aggies to sleep, and this is exactly what they want to do.

Here's a very good example of how some key policy makers are still unaware of what this movement is all about.

During President Reagan's recent trip to an Iowa farm, a farmer asked him about this issue. Here's the reply, as reported by the Cedar Rapids Gazette, "Somebody mentioned something about that to me, but at the time it didn't register with me," the President said. "I don't remember such a thing being a problem. What is it? Is this a new regulation?"

Right now, many people feel that this isn't really a serious problem, and that it will go away.

If we aren't ready to combat their future challenges with the facts, we could easily lose this one to the farm animal welfare activists.

Speaking of activists, we're also going to continue to have to face their challenges in regard to the diet-health issue.

Earlier this year, a committee of the National Academy of Sciences issued a report

recommending that we eat less food high in saturated and unsaturated fat in order to reduce intake from the present 40 percent to 30 percent of calories. This was in relation to cancer risks.

This was just one more in a long line of dietary reports coming out of Washington, starting back in January 1978, when Senator George McGovern's dietary goals' report was issued. It advised people to eat less meat and to cut down on eggs and butter fat. This was the beginning of the cholesterol controversy.

This type of thing is what the famous scientist, Dr. Thomas Jukes, calls "coercive nutrition." He refers to the process by which some bureaucrats, some dietary activists and some Members of Congress have been attempting to impose their recipe as to exactly what Americans should eat and not eat.

For your information, the egg industry escaped untouched in the latest NAS report. But, again, I must say, "Don't become too complacent. The next report just might do you some harm, like the first one did."

One of the top leaders in the poultry and egg industry suggested to me the need for much closer cooperation between the poultry and egg people and the dairy and red meat producers in developing the facts about food products and the diet.

I do want to compliment the UEP on their brochure, "Diet & Health: Answers to Consumer Questions." It illustrates a positive approach to solving a difficult problem.

Speaking of positive approaches, I want to briefly touch on another important possibility. This is the area of promotion and development of new markets and new uses for farm products.

In 1970, the Iowa Development Commission started the "Fine Iowa Meats" program, which continues to be very successful. Later, we developed the "Iowa Chop".

Because of this experience, I believe very strongly in promoting agricultural food products and in conducting research to adapt them to new uses, and to seek out new markets.

One of the most intersting new possibilities in this area involves the use of egg whites in pizza. Work at Cornell University has shown that new pizza dough can be made using up to 85 percent egg albumin and about 13 percent flour, among other ingredients.

They call it "egg pizza," but maybe it should be called "Lo-Cal" or "light" since it contains two-thirds fewer calories than the traditional flour-based pizza.

It tastes as good and is as chewy as any conventional pizza, and it doesn't become soggy, even if reheated in a microwave oven.

I would think one, or more, of the pizza chains would leap at the chance to offer a low calorie pizza.

What is now needed is more applied research of this type to develop new food technology to help develop new markets for eggs and poultry.

Since the Federal Government is reducing its research budgets, it's going to be up to the commodity organizations to finance the needed research.

I understand that the egg producers are in the middle of a national referendum to determine if they will increase the assessment for the American Egg Board by 2½ cents per 30-Dozen case.

It is not my place to tell any of you how to vote, but I do urge you to study the proposal very carefully. You could be deciding on the industry's future and your own.

As I have traveled around the country, I have talked to several poultry and egg people, as well as some farm media editors. We bounced some wild ideas off the walls about how to promote the consumption of poultry and eggs.

Al Swegle of the Cedar Rapids Gazette suggested a chain of delicatessens offering only egg and poultry dishes. Someone else came up with the idea of an "eggiteria," serving all sorts of the basic, as well as the exotic egg delicacies.

Someone came up with the slogan, "Eggs aren't just for eggheads." When I asked for an explanation, he said, "Many highly informed people already know that eggs can help reduce cholesterol. Now, we have to get the story out to everyone."

The suggestion that intrigued me the most, I call the "Reese's pieces precept." It goes this way: If you are willing to put your product in front of a large audience in a clever and/or attractive way, and to spend the money necessary to continue and to broaden its exposure, you just might be very successful.

This was certainly the case with Reese'e pieces due to their exposure in the movie, "E.T." The continuing well-designed promotion has made this candy one of the best known and an all-time best seller.

Too seldom today are attractive foods, like baked chicken or roasted turkey, or eggs benedict or mouth-watering omelets, shown in movies or television shows. These days, we see people gobbling junk foods or unappetizing fast-food meals.

Maybe a concerted effort should be made with movie and TV producers and directors to urge them to utilize attractive egg and poultry foods in scenes where people are dining. If this is accomplished, then you can build a promotion based of it.

The purpose of discussing these unusual promotional possibilities is to stimulate each of you to think of exciting new ways to market your products. Then, working together, you can use them to sell more poultry and eggs.

My purpose today has been to supply you with some food for thought about agriculture in general and about your own industry. Hopefully, I have set the stage for some of the other speakers.

I want to end this by quoting one of your fellack of confidence. If each of us could develop a little more confidence, we could turn the economy around."

Thank you for listening.●

INTERNATIONAL WEHRKUNDE CONFERENCE

● Mr. GLENN. Mr. President, for almost two decades, the International Wehrkunde Conference in Munich, Germany, has provided a forum for original thinking on issues of concern to the North Atlantic Treaty Organization. Our congressional delegations, led by the distinguished senior Senator from Texas, have been fortunate, indeed, to have had the opportunity to participate in these gatherings.

Mr. Geoffrey E. Pattie is a regular at the Wehrkunde conferences, and his presentations are always a major attraction since they provide valuable insights into the problems confronting the alliance. Mr. Pattie was elected to the British Parliament in 1974 where he is vice chairman of the Conservative Parliamentary Defence Committee.

In a paper he presented at the 19th International Wehrkunde Conference in Munich, February 13-14, 1982, Mr. Pattie describes the conspicuous failure by NATO and its member governments to convey to the Western World a convincing picture of the alliance's deterrent strategy. This failure in turn has led to a lack of public support for NATO, and, if continued, could result in eroding the very foundations of NATO itself. Mr. Pattie is particularly convincing in his description of NATO as the only credible peace movement.

I ask that Mr. Pattie's paper "Public Opinion and Alliance Strategy," be inserted in the RECORD.

The paper follows:

PUBLIC OPINION AND ALLIANCE SECURITY

(By Geoffrey E. Pattie)

A distinguished strategic analyst has suggested: "Security, like electricity, must be on hand when you need it. But also like electricity, it is almost impossible to store, and every generation must make its own."[1] It is axiomatic that no security policy can be sustained for very long within the free societies of the West without the general support of the populations concerned.

Quite apart from the pressures exerted on governments of democratic societies by the discipline of the ballot box, the maintenance of the security policy of a nation hinges critically upon the willingness of at least some of its people to carry it out—in the most tangible form, the members of its armed forces. If a nation's populace were not well disposed toward its security policy, it is unlikely that sufficient men and women would be found willing to serve in its forces. Apart from the inclinations of the potential recruits themselves, the social pressures against military service would be enormous if the security policy did not command a broad measure of acceptance by the population at large. These considerations are, of course, more pressing for a nation with all-volunteer forces, but the United States' experience of draft-dodging in the Vietnam era shows that conscription cannot automatically guarantees the effective means to carry out a security policy if public support falters.

Vietnam holds other lessons. In speaking of the necessity of "broad support" for a security policy if it is to be sustained, one must remain mindful that the support of a simple numerical majority of the population-at-large is not always enough. Relatively small groups of extremely vociferous dissenters can sometimes succeed in challenging a policy to the extent of rendering it unsustainable. This latter point is particularly relevant, and worrisome, in the context of the current debate over the role of nuclear weapons in NATO's strategy.

OPINION TRENDS IN THE ALLIANCE

The United States International Communication Agency (USICA) sponsored an opinion poll in July 1981 in five West European countries (the Netherlands, West Germany, France, the United Kingdom and Italy). The summary of the poll's findings reported: "Support for NATO continues to predominate in West Germany, the U.K. and the Netherlands. Italians are almost evenly divided between NATO and neutrali-

[1] Professor Laurence Martin in the 1981 Reith Lectures (BBC Radio).

ty, while a French plurality, in a reversal since March, prefers neutrality to 'belonging to the Western Alliance'."

On the face of it, these findings could be described as positive from NATO's point of view. But the figures are less reassuring. Of those polled, support for NATO membership ran at 56 per cent in the Netherlands, 64 per cent in the FRG, 59 per cent in the United Kingdom and 49 per cent in Italy (the figure for France is excluded in this context). And, perhaps even more significantly, the poll found that neutralist sentiments, although held by minorities (except in France), appeared to have increased between March and July 1981. That rise was on the order of 10 per cent, except in the FRG, where it ran at 4 per cent.

Thus, while the poll showed general support for NATO in the countries polled, those in favor of Alliance membership were by no means a large majority in any country, and neutralist sentiment seemed to be on the increase. In order to better grasp the roots of the problem, it is useful to consider some of the other findings of this poll. Majorities in Italy (65 per cent), the United Kingdom (64 per cent), France (58 per cent) and the Netherlands (54 per cent) preferred that their governments did "everything possible to stay out of disputes between the United States and USSR, even if they involved their country's important interests." West Germans were divided on the issue, with 41 per cent preferring to stay out of superpower disputes and 45 per cent wanting their government to side with the United States.

Among neutralists, a number of separate strands of thought emerged. Lack of confidence in NATO's ability to defend Western Europe was one of several factors strongly related to a preference for neutralism over NATO. Others were the desire to avoid superpower disputes, the belief that deployment of modernized long-range theater nuclear forces (LRTNF) made a Soviet attack on Europe more likely, a desire for unilateral force reductions and a preference for capitulation rather than making war.

Underlying all these currents of thought in the neutralist position seems to be one simple belief: that NATO's strategy of deterrence will not succeed in keeping the peace. It is only on the supposition that deterrence is likely to fail that one can believe, for example, that the presence of Pershing-2 and cruise missiles in Europe will make an attack on it more likely, or that superpower confrontation, which would draw the European members of the Alliance into conflict, is in some way inevitable.

This, of course, begs the question whether a policy of neutralism is in any way more likely to avert oppression or to preserve Western freedoms. However, before considering how it is that we have reached the sorry state in which such large numbers of the populations of NATO's European members nurture such grave misgivings about the Alliance's strategy, it is useful to touch at least briefly upon a related, but separate, problem of public opinion within the Alliance as a whole.

Increasing attention has been focused in the informed media on both sides of the Atlantic on "the health of the Alliance." The attitudes expressed in discussion of the topic, quite naturally, differ in Europe and the United States. Some European commentators who express doubt over the continuing cohesion of the Alliance cite in evidence what they portray as an overbearing (or naive) U.S. Administration determined to impose its own vision as to the best way forward on a reluctant Europe. By contrast, some in the United States believe that the European members of the Alliance have "gone soft" and are no longer willing to accept the risks and burdens involved in the collective commitment to mutual defense. Some even go so far as to question whether it is still worthwhile for the United States to continue to make such a predominant contributin the defense of Europe.[2]

In the eyes of the less informed, and particularly in those of a number of "peace" movements which have sprouted in Europe in recent years, the United States now seems to be preparing to fight and win a nuclear war against the Soviet Union—and to do so, initially at any rate, within the European continent. And in the European "peace" movements the December 1979 decision to modernize NATO's long-range theater nuclear forces is seen as striking evidence of such plans, ensuring that the superpower confrontation will be resolved by proxy in the cockpit of Europe.

Reaction in the United States to such protestations is understandably aggrieved. The LRTNF modernization program is designed precisely to achieve the reverse of what is claimed by these critics: it is intended to avoid any "decoupling" of the American strategic guarantee; it was requested by the Europeans, and not forced upon them.

The problem of public opinion within the Alliance, then, seems to be at least twofold. There are doubts in Europe as to whether the Alliance's policies are the best way of preventing war on that continent, together with doubts as to the intentions of the United States. And there is a potential trans-Atlantic split, with some in the United States fearing that Europe has lost the will to contribute significantly to its own defense, and is therefore no longer worth defending.

U.K. OPINION ON NUCLEAR WEAPONS

There is no doubt that one of the major causes of concern within the publics of the European members of the Alliance has been fear of a nuclear arms race in general and in particular of a nuclear war confined to Europe. The upsurge in anti-nuclear sentiment in Europe resulted in large part from the December 1979 decision; in retrospect we must conclude that the public presentation of the rationale for this decision was less than a conspicuous success.

Some experience in the United Kingdom may be cited to provide some pointers as to how the Alliance might improve public perceptions of its policies in general. An October 1981 opinion poll in the United Kingdom for *The Observer* reported that 53 per cent of those questioned believed that U.S. bases should be removed from their country. Yet, in the same poll more than two-thirds (67 per cent) of those questioned favored the retention by the United Kingdom of an independent nuclear deterrent. In considering these results, it is worth bearing in mind that the most prominent anti-nuclear campaigning organization in the United Kingdom has had two major planks to its platform: unilateral disarmament by the U.K. and closure of American nuclear bases in the country (including the abandonment of plans for the stationing of cruise missiles in the U.K.).

As always, different polls yield different results. Another poll in the U.K. in November 1981 (commissioned by the BBC) reported that only 31 per cent of those questioned believed that U.S. nuclear weapons should be stationed in the United Kingdom, but that 52 per cent believed the United Kingdom should retain her nuclear deterrent.

The conclusion that can be drawn from the results of these polls is that, while the anti-nuclear campaigners have directed their attacks against both American bases in the country and Britain's nuclear deterrent, their views are reflected by a larger proportion of the population in the first case than in the second. The United Kingdom's own nuclear weapons are more acceptable to its population than those of the United States.

Such a conclusion may seem less than surprising: it is perhaps entirely understandable that one tends to put more trust in one's own armed services than those of an ally, however long the association with that ally might have been. And yet, even if understandable, such a reaction to the presence of U.S. nuclear-capable forces in the United Kingdom—and indeed on the territories of the other European members of the Alliance—is disturbing.

A number of factors no doubt underlie the swelling anti-American sentiment in Europe. First, there is the fact that those who point out the dangers we face are never the most popular of friends, particularly when their prescription is that we should, collectively, spend more of our scarce resources in order to prevent the potential dangers from ever becoming actual. Second, and intimately connected with this, is the heritage of the free countries of the West. As Laurence Martin has said: "Conditioned by its ideals to feel guilty about the use of force, democratic opinion is addicted to crusades: if not against some foreign foe, on whom we project all the blame for our being in conflict, then against the idea of armed force itself."[3] In its role as the leader of the Western Alliance, the United States finds itself, however unwillingly, cast in the role of the villain. It is the United States that comes to be seen to stand for a policy in favor of the use of armed force.

THE NUCLEAR FACTOR IN PUBLIC OPINION

Yet, these somewhat parochial and instinctive anti-American reactions are not the sole determinants of public opinion within the Alliance. It must be recognized that there has been a lamentable failure to put across to the publics of the Alliance the *purpose* of nuclear weapons within the deterrent strategy.

A major stumbling block to the successful presentation of this strategy is the basic paradox of deterrence itself—that in order successfully to deter war, one must make clear to the potential aggressor that one has both the means and the resolve to withstand any aggression on his part. The primary role of nuclear weapons, as of any weapons in the armory of a defensive alli-

[2] A particularly strident example of this tendency is contained in an article by Justin Galen in Armed Forces Journal International, November 1981, entitled "Theater Nuclear Weapons and the Crisis in Europe's Leadership." A typical passage is "We [the United States] do not exist as a nation to help the Prime Minister of Germany maintain his coalition; to help Belgium and the Netherlands decide on their respective national identities; or to protect the British Labor Party from its more lunatic left wing. We do not exist to try to help you make up for the failure to explain to your students, your clergy and your political activists the reasons for the NATO Alliance, and how they can best sustain your deterrence and defense."

[3] Martin, op. cit.

ance, is the contribution they can make to deterrence. The use to which they would be put in any conflict resulting upon the failure of deterrence is essentially secondary. But the paradox of deterrence, when considering nuclear weapons, is made the more stark simply by the appalling destructive power they could unleash. It is therefore very tempting to allow emotion to becloud thinking when considering the role that nuclear weapons play in NATO's deterrent posture. And it is upon this emotion that the anti-nuclear movements play.

There is no difference in principle between the role of nuclear weapons and of any other weapon in the deterrent strategy of the Alliance. In order not to have to use them, we need to keep a potential aggressor persuaded that we are both ready and willing to use them. In order that they should be able to do this, governments must at the very least make it clear that they have not ruled out the possibility of the use of nuclear weapons in any circumstances. In consequence, their servicemen must be equipped, trained and prepared to use nuclear weapons. When they receive a properly authenticated order to release their nuclear weapons, they must do so. Were they to waver, or to be thought likely to waver, the deterrent effect of those nuclear weapons would be in danger of being lost.

At the same time, it must be recognized that the adoption of the strategy of deterrence, carrying with it as it does the preparedness to use nuclear weapons in the defense of the Alliance, is very easily misrepresented in public. A salient example is the December 1979 decision to modernize the Alliance's long-range theater nuclear forces by the introduction of Pershing-2 ballistic missiles and ground-launched cruise missiles (GLCMs) in Europe. In light of the fact that this decision, and its subsequent characterization by its opponents to the publics of the European members of the Alliance, seems to have been one of the major causes of the recent upsurge in anti-American and anti-nuclear sentiment within the Alliance, it cannot remotely be described as a public relations success for the NATO nations. What went wrong?

The nomenclature of the long-range "theater" nuclear force modernization program was perhaps entirely understandable from the point of view of the experts concerned with the development of the program itself. It must be remembered that this program was largely a response to European fears about the "decoupling" of the American guarantee from the European theater. In retrospect, however, the characterization of the program as a modernization of the long-range nuclear forces to be deployed within the "theater" of the continent of Europe has been less than happy. For those within Europe who are not familiar with the jargon of the strategic analysts, the term "theater" carries the wrong connotations. The "theater" involved embraces the western parts of the Soviet Union, the remainder of the Warsaw Pact and the European members of NATO; it excludes the North American members of the Alliance. The impression gained currency that the LRTNF modernization program was a way for the United States to use the "theater" of Europe as a battlefield in which a conflict with the Soviet Union might be contained.

The second and related problems the NATO European countries encountered in communicating the LRTNF modernization program to their publics lay in the failure to explain sufficiently that the retention of the ability to strike the Soviet homeland with nuclear weapons from Europe was an essential part in the Alliance's capability to respond flexibly, and did not in some way represent a surrogate for a strategic exchange. Again the opponents of NATO's nuclear policy made capital. They claimed that the United States and the Soviet Union would attempt to export a nuclear war beyond their own countries—they would hope to fight it in Europe by proxy without involving their own homelands. Cruise and Pershing missiles were characterized as "first-strike" weapons. By some opponents the modernization program was entitled "Eurostrategic," and the implication of an American intention to fight a "limited nuclear war" in Europe was underlined.

The Alliance has learned perhaps some part of the lesson from this episode. The LRTNF program is now called the "Intermediate Nuclear Force" program. European members of the Alliance are beginning to make some progress in getting across the message to their constituencies that, far from being an easy way of allowing the superpowers to fight a sub-strategic nuclear war within Europe, the modernization program is designed precisely to ensure that the Soviets do not believe that such a war is conceivable, let alone one which could be won.

Nevertheless, we must recognize that any progress in explaining the rationale behind the LRTNF (INF) modernization program has only been to recapture some of the ground that was lost. The question remains as to why so much ground was lost in the first place.

SOVIET PROPAGANDA AND DISINFORMATION

Without doubt, the Soviet propaganda machine has been instrumental in driving wedges between the countries of the Alliance. In freedom of the press, television and other media resides one of the most precious values of the Western world. Yet, this freedom brings with it some major problems. In a recent article smuggled out of the closed Russian city of Gorky, the exiled dissident Andrei Sakharov characterized the pluralistic nature of Western democracies as both a strength and a weakness when confronted by the totalitarian, expansionist East. He noted: "How easily pro-Soviet propaganda initiates massive, one-sided campaigns against the basing of American rockets in Europe at a time when in this part of the world a breach of the military balance, including nuclear missiles, is quite obvious."

There is no doubt that the "peace" movements in Europe have gained substantial public support. This would not have been secured without the extensive coverage that they have received in the media of the Free World. The West, by contrast, has no opportunity to put its own view before those living behind the Iron Curtain.

Sakharov, more than most, has good reason to know the techniques of propaganda and distortion practiced by the Soviet leadership. And the government of the Alliance should remain constantly mindful of the huge resources that the Soviets devote to securing broad coverage of their views in the free media of the West.

A prominent funnel for these efforts is the World Peace Council (WPC) based in Helsinki. This is the leading Soviet-controlled international front organization, the activities of which were endorsed by President Brezhnev at the 26th Soviet Communist Party Congress in February 1981. The WPC was founded in Paris in 1949 as the World Committee of Partisans for Peace. In 1951 it was expelled from Paris by the French Government for "fifth-column activities." It moved first to Prague and then to Vienna, until banned by the Austrian Government in 1957 for "activities directed against the interests of the Austrian State," although it continued to operate in Vienna until 1968 under cover of the International Institute for Peace (IIP). In 1968 it moved to Helsinki, leaving the IIP behind in Vienna as a WPC subsidiary. The WPC is perhaps too transparent a front organization. It is now generally known among informed observers that it is "in the hands of the International Department of the Central Committee of the Soviet Communist Party."[4]

The WPC's campaigns against Western defense efforts have been relentless. In the 1950s it led the opposition to the rearmament of the Federal Republic of Germany. In March 1950 the WPC launched the first Stockholm Appeal demanding an absolute ban on the atomic bomb—a ban which the Soviet leadership had effectively prevented in 1948 by opposing a resolution in the United Nations General Assembly for total nuclear disarmament under international auspices, while continuing its own nuclear weapons program.

The text of the New Stockholm Appeal, launched in June 1975 under the slogan, "To make detente irreversible, stop the arms race!," indicated its one-sided nature: "The arms race, the stockpile of weapons in the hands of the imperialists, incite and encourage the forces of aggression, militarism and fascism, colonialism and racism. . . ." In 1977 the WPC mounted a major campaign against the deployment by NATO of modernized LRTNF. Subsequently the Nordic Peace Conference in Aalborg, Denmark, in May 1981 (convened by the Danish WPC affiliate), advocated tht Scandinavia become a nuclear weapons-free zone, a proposal which the Soviet delegate said his country and its allies "would fully support."[5] That avowal lost some of its luster with the incursion of the nuclear-armed Whiskey-class submarine into Swedish waters in 1981.

Notwithstanding its role as a thinly disguised instrument of Soviet propaganda and disinformation, the World Peace Council still manages to operate with some effect. Thus, the WPC secured extensive coverage in the Western media for such items as the "appeal" by five NATO ex-generals calling for arms control negotiations and questioning the need for the NATO LRTNF modernization program. The fact that three of these generals had formal connections with the WPC did not receive equal coverage.

Another communist front organization is the World Federation of Trade Unions, which organizes meetings such as the "World Trade Union Conference on Socio-Economic Aspects of Disarmament" that convened in Paris in December. But there are also covert weapons in the Soviet propaganda armory. The expulsion from Denmark in November 1981 of Vladimir Merkulov, a Second Secretary at the Soviet Embassy in Copenhagen, drew attention to extensive Soviet involvement with peace organizations in that country—an involvement that was particularly directed toward those opposing Denmark's NATO membership and favoring a "Nordic nuclear-free zone." Following similar activities in the Nether-

[4] India Today, January 1-15, 1980.
[5] Peace Courier, June 1981.

lands, in April 1981 the Dutch Government withdrew the residence permit and press card of the Tass representative, Vadian Vasilyevich Leonov. According to an interview, Leonov, believed to be a KGB officer, said that his most important task had been maintaining contact with leading personalities in the Dutch anti-nuclear movement.[6]

Many other examples could be cited of Soviet propaganda campaigns which take advantage of the free media of the West. The Soviets clearly are determined to lose no opportunity to put forward views in their favor on the whole range of security issues facing the world. The media of the West provide them with an ideal vehicle for the dissemination of these views. At the same time, total state control of their own media insulate the populations of the communist countries against the echoes of the themes propagated in the West.

Against this background, it is relatively easy to see how the Soviets have achieved such a substantial propaganda advantage vis-a-vis NATO. A number of their claims have been taken up by the anti-NATO and anti-nuclear movements in Western Europe, and the growth of anti-Americanism has certainly been fostered by the agitation emanating from Moscow and its sympathizers. But we must also be alive to the problems of public presentation which the Alliance has itself caused, or allowed to be caused, within the media of the West.

THE PROBLEM OF DIFFERENT PERCEPTIONS IN THE ALLIANCE

Thus far, we have looked at the less than perfect way in which the Alliance has put forward its own policies, particularly its nuclear policies, and the potential and means which Soviet propaganda can call upon to exploit the differences. But it is not only in the "set-piece" presentations of NATO policy that the Alliance's case has been less than well served. Attempts by commentators, official and unofficial, to explain the Alliance's policies to its populations do not always result in resounding success.

A significant number of cases where such attempts have gone awry result from insufficient attention being paid to the dynamics of public opinion throughout the Alliance. In the more than three decades of the Alliance's existence, surely we should have learned the lesson that public perspectives, and public reactions, differ markedly among countries separated by the Atlantic.

To the average American citizen, the Soviet Union may seem a remote, mysterious and sinister nation which seems determined to match, if not outstrip, American power and influence throughout the world. The Warsaw Pact, and Eastern Europe in general, appear as no more than a collection of puppet states under Soviet domination.

To a citizen of the Federal Republic of Germany, by contrast, the Warsaw Pact is composed of a number of countries with which his country has had extremely long historical associations—sometimes amicable and sometimes inimical ties, but always contact of some sort. The citizen of the Federal Republic is also very conscious of his own country's geographical position. He knows that if the Soviet Union were even to contemplate aggression against NATO, his country would in all probability witness scenes of terrible destruction.

The West German citizen's confidence in NATO's strategy of deterrence may not be reinforced by such items as the recent CBS television program, "The Defense of the United States," in which soldiers were portrayed planning the number, and yield, of the nuclear weapons that might be used against a picturesque Bavarian village which has, presumably, been overrun by Warsaw Pact troops. His confidence may, indeed, be shattered when the camera moves away from the model of the Bavarian village the soldiers are using in their exercise to a scene of the actual village, including young children in the school playground. He may well gain the impression that NATO, and the United States in particular, fully intend to turn his country, and that of his neighbors in the German Democratic Republic, into a nuclear wasteland. He decides he wants no more of a security policy which encourages such a possibility.

In the eyes of the average American citizen, by contrast, the soldiers in that same film may have been doing no more than showing proper military preparedness—preparedness which is necessary if deterrence is to be maintained. That same American may regard the citizen of the Federal Republic as having "gone soft." He may ask: Is it worth continuing to pay the price of defending such people?

The contrast may be overdrawn from a single example; nevetheless, the main point to be made is that, recognizing the paradox upon which deterrence is based, we should take more care to put over the message of the Alliance in terms appropriate for the particular audience addressed at any one time. At the same time, mindful of the power of modern means of mass communication and of the enormous interest the media have shown and will doubtlessly continue to show in matters of nuclear policy, we should remain constantly aware that a message designed for one specific audience cannot be guaranteed to receive no further circulation.

Let us take a hypothetical case. A senator from the southern United States, speaking in the sort of language he believes will make the issues plain to his constituents, may say that the U.S. Administration is determined to ensure that the Soviet Union could not prevail in any war, conventional or nuclear. For that reason, steps were being taken to ensure that the United States could make an effective response to an attack at any level. At about the same time, a minister in a West European government makes a speech saying that all war, worst of all nuclear war, is horrific, and our aim must therefore be to take every possible step to prevent its occurrence.

Now, it is quite possible that the media will pick up both of these statements, and headlines could well appear alleging that the United States is preparing to fight and win a nuclear war and that the publics of the European members of the Alliance are being lulled into a false sense of security by their own governments. And, as we have so often experienced in the recent past, European ministers will have to spend a great deal of time and effort explaining that the two statements are entirely consistent: that the United States senator was saying that the U.S. Administration was determined to show the Soviet Union that it could not hope to gain anything from starting a war and that the cost to itself would be unacceptable—and that in this way the United States and the Alliance as a whole are mounting a deterrent to war.

Such a "damage-limitation" exercise in public relations may have some success, but experience suggests that on each occasion that the publics of the European members of the Alliance are exposed to such sensational headlines, some irretrievable damage is done. And on each occasion, anti-nuclear and anti-American sentiments in Europe are increased, and the anti-nuclear campaigners are given further encouragement in their endeavors. Such disarray and alarm are fully exploited by the Soviet Union and its allies.

SOME BASIC GROUND RULES OF PRUDENCE

It needs to be made clear that what is being advocated here is not some sort of supranational Alliance mechanism by which the policy of deterrence can be explained in context, and in measured terms, to the publics of the member nations. Each government obviously has a duty, indeed a right, to present its policies, and those of an Alliance of which it is a constitutent part, to its own people in its own way. Nevertheless it is encumbent upon all supporters of the Alliance, in whatever country, to take the utmost care before making speeches and policy statements—first, to ensure that these are set firmly against the background of Alliance policy as a whole, and, second, to pay due regard to the sensitivities of their partners. Even a small matter such as the precise timing of an announcement can have significant repercussions on public reactions.

Above all, there is an increasing need for the European and American members of the Alliance to be careful to take full account of the likely impact on public opinion on both continents of statements primarily designed for consumption in only one. This may seem a simple enough precept, but it is one that admittedly is very difficult to put into practice. One need only look at the variations in public perceptions within nations, for example, to realize how many potential sensitivities can be involved in a given issue. In the United Kingdom, for example, a significant number of Scotsmen who live near the Clyde submarine base are less than happy about the basing of Britain's strategic deterrent force in their vicinity.

Similarly, the utmost care must be practiced in answering questions about Alliance policy, particularly with regard to nuclear weapons. As has already been noted, the media are only too keen to seize upon one isolated sentence—one phrase even—which can, out of context, provide a headline-grabbing story. Despite the fact that such stories almost always distort the sense of the remarks, they nevertheless make news, sell newspapers and generate severe headaches for those whose task it is to justify, explain and defend the policies of the Alliance. As a politician himself, this writer is naturally reluctant to admit that politicians could be the main culprits in this respect. Indeed, while accepting that on occasion the political presentation of the Alliance's policies has not always been as deft as would be ideal, it needs also to be pointed out that senior military men have not always proved to be the best exponents of the strategy of flexible response and of the role that nuclear weapons play within that strategy.

Mention of the role of the military invokes yet another dimension of the problem; namely, the failure of the Alliance and its members in explaining adequately the doctrinal aspects of NATO's possession of nuclear weapons to the fighting men who, should deterrence ever fail, would be called upon to use them. And in attempting to convince public opinion of the soundness of

[6] Reported in Reformatorisch Dagblad, July 15, 1981.

NATO's security policy of deterrence—within which rests the firm conviction that in a nuclear war there would be no winners—we may have neglected to ensure that the military personnel who might actually have to be called upon to operate nuclear delivery systems grasp the role that those weapons play within the deterrent strategy as a whole.

In explaining the Alliance's strategy, both to the populations within the Alliance and to those who serve on their behalf in the armed services, we face another major hurdle. The problem is succinctly reflected in the following statement in the United Kingdom Government's Defence White Paper of 1981: "An enormous literature has sprung up around the concepts of deterrence in the nuclear age. Much of it seems repugnant." [7] The political authorities in the Alliance have to be able to explain NATO policies in terms that are readily understandable by the layman and that demonstrate that the leaders, too, share the concern at any prospects of war and its horrors. This is not easy, but the effort must be made in order that the "peace" movements do not come to be seen to embody a monopoly of concern for humanity.

The very idea of using nuclear weapons is, of course, appalling, and those who cry "Better Red than Dead" no doubt have at the forefront of their minds the devastating horror which the use of nuclear weapons would invoke. The third course—of maintaining deterrence while seeking to reduce arms, both nuclear and conventional, on both sides—is unfortunately less eye-catching. Yet we have in recent months witnessed initiatives by the United States on arms control: in particular, President Reagan's "Zero Option" proposal has shown to the world that the United States and the Alliance are intent upon ensuring mutual security between East and West at lower levels of armaments, especially nuclear armaments. Notwithstanding Soviet and Soviet-inspired counter-propaganda, this initiative has been recognized as sincere throughout the world. It has helped to demonstrate to the publics of Europe, and of the Alliance as a whole, that NATO's policy is not based on unrealistic concepts of fighting and winning a nuclear war against the Soviet Union.

The stated intention of the United States to seek negotiations to achieve a significant reduction in strategic arms on both sides has been a further reassurance to public opinion in the Alliance. Taken together, these initiatives have demonstrated clearly that NATO is determined to achieve arms control rather than an arms race. Every step must be taken to continue this improvement.

NATO AS A PEACE MOVEMENT

To recapitulate: the upsurge of an anti-nuclear and anti-American sentiment within the publics of the NATO nations is perhaps the most important problem confronting the Alliance today. And the fact that the opponents of NATO's current strategy are still in the minority gives little cause for comfort; we have seen in the past how strident minorities can undermine aspects of a nation's security policy.

Soviet propaganda has no doubt played its part, but the Alliance itself must take the major share of the blame in that it has signally failed to communicate to its peoples the basic aim of its strategy of deterrence—the maintenance of peace as well as freedom. Above all, the Alliance has failed to convey the message that every part of its security policy, and every weapon in its armory, be it nuclear or conventional, is designed with the aim of contributing to deterrence and preventing war—and that the Alliance sees a military balance as a basis for arms control, not as the starting-line for an arms race.

Even after thirty-three years of the Alliance, member nations are still not sufficiently attuned to the contrasting effects on public opinion in different countries which apparently innocent statements may perpetrate. We must take more care to think before we speak, particularly when we are to speak about nuclear weapons. But we must continue to speak on matters of security policy: we need, through the process of public education, to try and recover some of the ground we have lost. If we do not succeed, we may find that we have lost the foundation of the security policy which has kept the peace in Europe for over thirty years.

I should like to end with a suggestion, which is not put forward entirely in a spirit of frivolity. We must make it clear that NATO is the only credible peace movement. To this end, we could do far worse, when opening any speech or article about nuclear deterrence, than borrow the opening of Vice President George Bush's recent address to the Massachusetts Institute of Technology. He began his remarks: ". . . I am here to announce our policy on nuclear war. We're against it." [8]●

[7] "Nuclear Weapons and Preventing War," Statement on the Defence Estimates 1981.

[8] "Restoring the Nuclear Balance of Power in the European Theater," Address by Vice President George Bush at the Massachusetts Institute of Technology, Cambridge, Mass. Oct. 30, 1981.

IMPRO PRODUCTS AGAINST USDA

● Mr. GRASSLEY. Mr. President, I rise to ask that a recent court decision be inserted in the CONGRESSIONAL RECORD. That decision is Impro Products against USDA which was rendered by the U.S. District Court in the District of Columbia on September 2, 1982.

The plaintiff in this case, Impro Products, challenged the validity of a test conducted by the U.S. Department of Agriculture during 1966-67. This test was used as the basis for the denial of a license for Impro to market a product, "Whey Blend," throughout the United States. The court found that USDA deviated from the mutually agreed upon outline for the tests by using different procedures and seeking different goals. The tests were not conducted in a controlled environment and some of the records were found to be inaccurate and incomplete. As a result of these tests, USDA found that Impro's product did not result in increased milk production, as Impro had claimed. Unfortunately, these test results were later published in the American Journal of Veterinary Research and copies of this article were released by USDA to interested parties, including nonscientists. As a result of this court decision, Impro successfully stopped USDA from further disseminating this information adjudged by the court to be false and misleading.

Why do I bring this 16-year-old controversy to the attention of my colleagues? One reason is to assist USDA in their efforts to correct the misinformation they previously distributed about Impro's product. Another reason to focus on this controversy is to stess the need for careful agency research and testing of products. Not only was my constitutent involved in a long and expensive court battle to protect its rights, USDA was forced to devote precious resources to defend their test results rather than devote them to a positive use which would benefit all farmers.

We should redouble our efforts to encourage all Federal agencies to be aggressive in protecting the health and welfare of our citizenry, yet we should insist that these determinations by Federal agencies be grounded in accurate scientific tests.

The following is the text of the district court's decison as well as a copy of the memo that USDA is circulating in conjuction with the court order:

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Civil Action No. 81-1284

IMPRO PRODUCTS, INC., PLAINTIFF, *v.* JOHN R. BLOCK, SECRETARY OF AGRICULTURE OF THE UNITED STATES, DEFENDANT

MEMORANDUM AND ORDER

In this action plaintiff originally challenged the validity of a test conducted in 1966-67 by the Department of Agriculture (USDA or Agriculture) to assess the efficacy of certain animal biologics produced by the plaintiff and as to which plaintiff sought a license to distribute in interstate commerce. Since the action was filed, extensive discovery has been conducted by both sides and numerous pretrial motions have been presented and decided. By a series of earlier rulings, the issues have been refined and narrowed [1] to a sole remaining issue *viz.* whether a certain article, prepared by scientists at Agriculture, published in the August, 1970 issue of the American Journal of Veterinary Research (AMVR Article or Article), and released by Agriculture to any inquiring party, accurately reports the results of that test.

A hearing was held July 12-16, 1982 to clarify the underlying factual issues. The parties have submitted extensive briefs including proposed findings of fact and conclusions of law. The matter is now ripe for decision.

Upon consideration of the submissions of the parties and the relevant portions of the record herein, the Court concludes that the AMVR does contain several false or misleading statements, and that the release of the article by Agriculture in its present form constitutes arbitrary and capricious action and an abuse of discretion.

[1] See *Impro Products* v. *Block*, C.A. No. 81-1284 (D.D.C. Apr. 7, 1982), *further disposition* (D.D.C. May 5, 1982), *further disposition* (D.D.C. June 25, 1982), *further disposition* (D.D.C. July 9, 1982), *further disposition* (D.D.C. July 28, 1982).

I. BACKGROUND

The background of this case has been discussed in some detail in our earlier rulings, *See* Rulings cites fn. 1, *supra*, and therefore only a brief review is required here.

Plaintiff is a manufacturer of products used in connection with animal and human health. In 1965, it applied to Agriculture for a license, under the Virus, Serum and Toxins Act of 1913, 21 U.S.C. §§ 151-158 ("VST Act"), for a product which later became known as "Whey Antibody Blend" ("Whey Blend"). Whey blend is produced from the milk of cows, the udders of which have been infused with specific disease antigens. Plaintiff claims that injection of the product 5-7 days prior to freshening [calving] will improve the health and milk production of cows.

After reviewing plaintiff's application, the Veterinary Biologics Division of Agriculture ("VBD") issued plaintiff a temporary license to market Whey Blend. That license expired in September, 1967. To date Agriculture has denied all further applications for a license to market Whey Blend submitted by plaintiff. Plaintiff has never challenged the denial of its license applications.

After plaintiff applied for a license, scientists with the USDA's Agriculture Research Service ("ARS") became interested in plaintiff's products. Upon review of plaintiff's application, they concluded that the data supporting plaintiff's claims of increased health and milk production were inadequate. They determined that, in the interest of scientific research, and to facilitate further evaluation of plaintiff's license application, ARS would conduct a controlled scientific study of the efficacy of the Whey Blend.

The ARS scientists met with plaintiff's representatives on several occasions and developed a project outline, or protocol, defining the goals and methods to be used in the test. (Plaintiff's Exhibit 249-1, 249-2, 249-3). The protocol stated that the objective of the test was "to determine whether or not injection of 55 c.c. of [Whey Blend], 5-10 days prior to calving, will increase milk production." *Id.* at 1. Approximately 500 cows, divided into two groups with relatively equal milk production capacities, were to be used in the study. One group was to be given a placebo, while the other would be administered Whey Blend. The effects on milk production and the health of the cows were to be recorded. The test data was to be gathered and analyzed as quickly and efficiently as possible.

The test began in October, 1966 and was completed in December, 1967. The procedures actually utilized in the test varied somewhat from those outlined in the protocol. The number of cows was reduced from 500 to 400. The cows were derived from nine distinct herds. Each herd was divided into 2 groups, with relatively equal milk production capacity. In four herds, the Whey Blend was tested against 0.9% NaCl, a scientifically accepted placebo. In the remaining herds, the Whey Blend was tested against natural whey, derived from the milk of the subject herds. The comparison of Whey Blend to natural whey was added to the test to determine if the whey produced from udders infused with antigens, the method by which the Whey Blend is produced, would increase milk production more than natural whey.

The goals of the test, as conducted, also deviated from the project outline. During the course of the study, the ARS scientist decided to evaluate the effect of the Whey Blend on the breeding efficiency and general health maintenance of cows. They did so by gathering data concerning instances of mastitis, retained placenta and other aspects of the test cows' health. (Testimony of Dr. Plowman, Hearing Transcript 405-415, Testimony of Dr. Smith, Hearing Transcript 525-526). ("H.Tr. —").

No change in the schedule for injecting cows with Whey Blend was made, despite the fact that the recommended times for injection to produce these health benefits, differed from the recommended injection times for increasing milk production.

The test did not attempt to approximate the accuracy and controlled conditions of an experiment conducted in a laboratory. Rather, it was conducted as a field study which attempted to evaluate the efficacy of the Whey Blend when used "under the same conditions that would be used in the future by dairymen." (Testimony of Dr. Plowman, H.Tr. at 349). Therefore, although the plaintiff's instruction recommended that Whey Blend be administered by a veterinarian, the dairymen whose herds were used in the test were asked to inject their cows with the Whey Blend. The responsibility for recording the data essential to the test, *viz.* time of injection, time of calving, milk production yields, etc., was left to these same dairymen.

The dairymen did not pay meticulous attention to detail in the conduct of the test. Some of their records were incomplete, while others were inaccurate. More importantly, the recommended time for injection was not closely followed. Fewer than one-third of the cows in the study were actually injected with the Whey Blend during the recommended 5-10 day period prior to calving. (Plaintiff's Exhibits 263 p. 6; 265; 267-D; Testimony of Dr. Smith H.Tr. 557-560).

The test, as conducted, did not support plaintiff's claims of increased milk production. The test data, as analyzed by the ARS scientists, failed to demonstrate a significant increase in milk production attributable to the Whey Blend. Nor did the test results show any increase in breeding efficiency or improvements in the general health of the cows.

The results of the test were summarized in an article authored by the ARS scientists and published in the August 1970 issue of American Journal of Veterinary Research. *Am. J. Vet. Res.*, Vol. 31, No. 8, pp. 1485-1488 (August, 1970). (A copy of the article is appended to this Order.) The article reviewed the materials and methods utilized in the test and concluded: "Under the conditions of the experiment, the whey antibody preparation did not cause any increase in milk production. There was no evidence that the preparation reduced the occurrence of mastitis, retained placenta, or uterine infection; nor that it reduced the average number of services per conception." *Id.* at 1488.

Copies of the article have regularly been released by Agriculture to any interested parties. Since 1971, Agriculture has responded to inquiries regarding plaintiff's products by sending the inquiring party a copy of the article, together with a statement that plaintiff has no license to sell the Whey Blend in the interstate market. Although the article was published in a scientific journal intended for use by persons well versed in veterinary science, Agriculture has not restricted release of the article to scientists. Copies of the article have been sent not only to veterinarians and state agricultural offices, but also to dairymen and distributors of agricultural products.

Plaintiff contends that the article contains numerous false and misleading statements, and that release of the article by Agriculture has injured its business. Thus, plaintiff requests that we enjoin Agriculture from the further release of the article.

For the reasons stated below, we agree with the plaintiff that, because it contains false and misleading information, further release by Agriculture of the article in its present form must be prohibited.

II. DISCUSSION

The authority under which Agriculture tested the Whey Blend and released the test results is codified at 7 U.S.C. § 430 as follows:

"The Secretary of Agriculture may purchase in the open market from applicable appropriations samples of all . . . serums . . . or analogous products, . . . sold in the United States, for the detection, prevention, treatment, or cure of diseases of domestic animals, test the same, and disseminate the results of said tests in such manner as he may deem best."

This generous grant of authority permits Agriculture considerable discretion in the manner in which tests of animal biologics are conducted. In an earlier ruling, we held that this authority was sufficiently broad as to foreclose judicial review of the methodology utilized in conducting such tests. *Impro Products v. Block*, C.A. No. 81-1284 (D.D.C. July 28, 1982). Thus, plaintiff may not challenge the propriety of Agriculture's actions in conducting the test on grounds that Agriculture deviated from the agreed protocol. Agriculture was free to conduct the test in any manner it deemed fit. It was not bound by the project outline developed prior to the conduct of the test. *Id.*

Although plaintiff may not challenge the manner in which the test was conducted, it may challenge the manner in which the test results were disseminated. The standard of review applicable to such a challenge is whether the release of the test results is "arbitrary, capricious, or an abuse of discretion." *Id.* at 6. Although our review under this standard is limited, the release of inaccurate information cannot be justified even under this deferential standard. While Agriculture's discretion in the release of test results is broad, it is not free to release information which is false or misleading.

We find the article contains several statements which we deem false or misleading. For example:

(1) The most glaring inaccuracy refers to the manner in which Whey Blend was administered to the subject cows. The article states that "[i]n accordance with instructions provided by the manufacturer, each treated cow was innoculated subcutaneously with 50 ml. of the whey antibody preparation 5 to 7 days before the anticipated date of calving." *Am J. Vet. Res.*, Vol. 31, No. 8, p. 1486 (August, 1970). This statement is in error in two aspects. First, the manufacturer's instructions recommended injections not only 5 to 7 days prior to calving, but also again during the lactation period whenever milk production was below normal. None of the cows in the test were reinjected when milk production was below normal. Thus, the Whey Blend was not administered "in accordance with" manufacturer's instructions as the article states. Second, and more importantly, fewer than ⅓ of the treated cows were acutally injected 5 to 7 days prior to calving. Thus, the statement that "*each treated cow* was innoculated . . . 5 to 7 days before the anticipated date of calving" (Emphasis added) is clearly inaccurate.

In an attempt to justify these inaccuracies, Agriculture argues that variations in the time and manner of injection do not impede the effectiveness of the Whey Blend. Whatever the merit of this argument,[2] the fact remains that the article does not accurately report the manner in which the treated cows were administered Whey Blend. If the ARS scientists assumed that the time of injection was unimportant, the article should have so stated.

(2) The article also reports inaccurately that the test methodology was developed in conjunction with the plaintiff. It states "[t]he design of the experiment was agreed to by the representatives from Impro Products, Inc., and Veterinary Biologics Division, ARS, USDA." *Id.* at 1486, fn. c. While it is true, as noted above, that plaintiff agreed to the preliminary project outline, that outline was not followed during the course of the test. Agriculture was free to deviate from the agreed upon protocol during the course of the test. However, once it chose to alter the test procedures and goals without plaintiff's agreement, it was not free to report that the "test design was agreed to by [plaintiff]."

(3) The article does not reveal that the data from two distinct herds was combined in the final data analysis. The test was performed on 8 private cooperator herds and on the ARS herds at Beltsville, Maryland. At the time of the study, the Beltsville facility had two distinct herds: the North Herd and the Breeding Herd. When the test data was analyzed, the data from these two herds was combined. This combination of data is significant for two reasons. First, there is general agreement amongst the scientists involved here that between-herd comparisons are not valid in tests such as this. Yet, the combination of data from the North Herd and the Breeding Herd effected such a between-herd comparison. Second, the combination masked evidence of the effectiveness of the Whey Blend. The data showed that Whey Blend provided a significant increase in milk production in the Breeding Herd. But, when the data from the two herds was combined, the increase in the Breeding Herd was offset by the decrease in the North Herd. Thus, the apparent benefit of the Whey Blend to the Breeding Herd was never revealed or discussed.

(4) The article does not reveal that crossbreeds were used in the study. The use of crossbred cows is significant because they are generally considered unpredictable and are rarely used as subjects in tests such as the instant test. Moreover, there are no Mature Equivalent Factors ("ME Factors") for crossbreeds.[3] Although no accepted ME Factors are available for crossbreeds, the ARS scientists translated the milk production levels of the crossbreeds in the study to their expected mature production levels. The factors utilized in this translation were developed by the ARS scientists from their own data on crossbreeds. Concededly, the ARS scientists were free to use crossbreeds in the study and to utilize milk production factors generated from their own data, but the use of crossbreeds and the application of such self-generated factors should have been noted when the test results were released.

Agriculture attempts to justify these misleading statements by noting that the article was published in a scientific journal, intended for use by an audience acquainted with the problems inherent in scientific research. In its view, a scientist reading the article, aware of the difficulties involved in a field study, would expect some deviation from the protocol and problems with data analyis. The Scientist-reader would evaluate the content of the article in light of these difficulties. In short, the scientist would read into the article the problems inherent in a field study and would evaluate the results of the study accordingly.

Whatever the merit of this argument, it has no force where the article is released to laymen. A scientist may be able to evaluate a study in light of its deficiencies, but we do not believe a layman is equipped to do so. A layman does not have a working knowledge of the problems inherent in scientific research. A layman most likely will accept the results of the test as reported, without qualification based on the difficulties involved in the study. Thus, when a report of a scientific study is released to a layman, extra care must be taken to ensure that the methodology and results of the study are accurately reported.

III. CONCLUSION

The AMVR article does not accurately report the results of the study. Thus, its continued release must be prohibited. Agriculture is free to release the results of the test to the public, but it must do so in a manner which fairly and accurately recounts the methodology and the problems involved in the study and the conclusions reached therein.

IV. ORDER

In accordance with the foregoing, it is this day of September, 1982

Ordered that the United States Department of Agriculture is hereby enjoined from releasing copies of the article, published in the August 1970 issue of the American Journal of Veterinary Research, *Am. J. Vet. Res.*, Vol. 31, No. 8, pp. 1485-1488, discussing the test of plaintiff's product conducted by the Veterinary Research Service in 1966-67; and it is

Further ordered that any report of the test released by Agriculture must contain a fair and accurate account of the problems involved in the conduct of the test, including, but not limited to: the variations in time of injection from the manufacturer's suggested time of injection, the use of crossbred cows in the study, and the apparent benefit of the product evidenced in the Breeding Herd data; and it is

Further ordered that each side shall bear its own costs; and it is

Further ordered that this action is hereby dismissed.

U.S. DEPARTMENT OF AGRICULTURE,
Washington, D.C., September 30, 1982.

Subject: Impro Products, Inc., Plaintiff v. John R. Block, Secretary of Agriculture of the United States. Civil Action in the U.S. District Court for the District of Columbia.

To: H. C. Cox, Regional Administrator, WR; P. J. Fitzgerald, Regional Administrator, NCR; R. F. Barnes, Acting Regional Administrator, SR; G. E. Vanden Berg, Acting Regional Administrator, NER; and T. J. Army, Deputy Administrator, NPS.

The judge in the above trial has ordered "that the United States Department of Agriculture is hereby enjoined from releasing copies of the article, published in the August 1970 issue of the American Journal of Veterinary Research, *Am. J. Vet. Res.*, Vol, 31, No. 8, pp. 1485-1488, discussing the test of plaintiff's product conducted by the Veterinary Research Service in 1966-67; and it is further ordered that any report of the test released by Agriculture must contain a fair and accurate account of the problems involved in the conduct of the test, including, but not limited to: the variations in time of injection from the manufacturer's suggested time of injection, the use of crossbred cows in the study, and the apparent benefit of the product evidenced in the Breeding Herd data; and it is further ordered that each side shall bear its own costs, and it is further ordered that this action is hereby dismissed." (The title of the article is "Whey Antibody Preparation: Effects of Prepartum Injection on Milk Production in Dairy Cows.")

This memo is to inform you of the order and to instruct you to comply with it. Please distribute this instruction.

JOHN R. VICTOR
(For T. B. Kinney, Jr., Administrator).

[Appendix A]

WHEY ANTIBODY PREPARATION: EFFECTS OF PREPARTUM INJECTION ON MILK PRODUCTION IN DAIRY COWS

(J. W. Smith, Ph. D.; C. A. Kiddy, Ph. D.; R. D. Plowman, Ph. D.; W. D. Schultze, Ph. D.; N. W. Hooven, Jr., M.S.)

SUMMARY

The efficacy of inoculating cows with a whey antibody preparation just before they calved was evaluated in 8 private cooperator herds and in the herd at Beltsville, Md. The cows in each herd, due to calve between October, 1966, and March, 1967, were allotted to 2 groups according to lactation number and milk yield. In each herd, 1 group was given 50 ml. of the whey antibody preparation and the other was designated control. In 4 of the herds, the control group was given 50 ml. of 0.9 percent NaCl solution, and in the other 5 herds, the control group was given 50 ml. of whey obtained from bulk milk from the herd at Beltsville, Md. According to Dairy Herd Improvement Association (DHIA) production records and to the health and breeding information recorded by the dairymen, there were no significant differences between the cows given whey antibody preparation and controls. There was no indication that the whey antibody preparation increased milk production or reduced health problems.

Colostrum contains high concentrations of antibodies which provide the newborn calf with some protection against disease organisms in the first few weeks of its life. Speculation and controversy have arisen

[2] Throughout this litigation, the plaintiff has maintained that the time of injection is critical to the effectiveness of the Whey Blend. Nevertheless, some variation in the time of injection apparently is acceptable. Plaintiff agreed to an expansion of the injection time period from 5-7 days to 5-10 days when the project outline was developed. However, in plaintiff's view, any additional deviation in the injection time frame will diminish the effectiveness of Whey Blend. (Testimony of Robert Collins, H.Tr. 30-31).

[3] The milk production capacity of cows varies with age. A ME Factor is a factor utilized to translate a cow's present milk production capacity to that it will achieve when it reaches maturity—its years of maximum production. The factors are essential for analyzing data in a milk production study.

over the proposal that milk from cows immunized by intramammary infusions might be used orally to treat specific diseases in individuals past the neonatal stage of life. There is general agreement that specific antibodies appear in a cow's milk in response to infusion of her mammary gland with antigens. The controversy is: where are the antibodies produced and can such antibodies be absorbed from the intestine of adults and subsequently provide passive protection against disease organisms.

Theoretically, specific antibodies derived from milk could provide protection against a specific organism when the antibodies are injected, as opposed to being fed. Thus commercial products were developed. The product used in this study was produced by infusing the udder of healthy, pregnant cows with bacterial antigen. Beginning 3 weeks prior to parturition, each cow was given a 5-ml. intramammary infusion once a week until one week after parturition. Individual cows may have been given antigen derived from one or more heatkilled organisms. The colostrum from the inoculated cows was discarded and, beginning 5 days after parturition, approximately 400 kg. of milk was collected from each cow. Whey was prepared and was pooled with whey from other cows; this was clarified and bottled for distribution. The products were made available for injecting cows to protect them against, or to treat, a number of diseases and to increase lactation milk yield. The product used in the study reported here was derived from cows inoculated with a mixture containing *Staphylococcus spp., Streptococcus spp., Pseudomonas sup., Aerobacter aerogenes, Proteus spp., Klebsiella pneumoniae,* and *Escherichia coli.* The manufacturer's printed material indicated that use of the preparation resulted in increases in milk production as great as 1,00 kg./year. The data provided by the manufacturer in support of this statement were inadequate; it was apparent that other factors may have been responsible for the increased milk yields attributed to the product. All of the data seemingly concerned herds in which the product was administered by veterinarians treating specific herd problems. In several instances, all cows in a given herd were treated, and the total change occurring during the ensuing year was attributed to the product. In a few herds, comparisons were made between treated and untreated cows in the same herd. In some of these herds, cows which had retained fetal membranes, breeding difficulties, mastitis, or other conditions resulting in low milk production were treated before their next lactation. Other cows in the same herd were considered controls. Efficacy of treatment then was evaluated on the basis of production changes in succeeding lactations for both groups. Since cows in the treated group had problems in the preceding lactation, they were almost certain to have improved milk production, more than the control cows, in the subsequent lactation. Since there were not controlled experiments, the present study was done as a large/scale field evaluation on using the whey antibody preparation to increase milk production.

MATERIALS AND METHODS

The whey antibody preparation was provided by the manufacturer for testing. In accordance with instructions provided by the manufacturer, each treated cow was inoculated subcutaneously with 50 ml. of the whey antibody preparation 5 to 7 days before the anticipated date of calving. Two control groups were defined. In the 1st group of herds, control cows were inoculated with 50 ml. of saline solution (0.9 percent NaCl); in the 2nd group of herds, control cows were given 50 ml. of filtered whey obtained from milk produced by the herd in Beltsville, Md. (herd 8). The object was to compare the results of using the commercial product with those using sham treatment (saline solution) and those using a naturally occurring whey preparation. The 3 inoculums were supplied to the cooperating dairymen in bottles labeled with only the numbers 1, 2, or 3 for saline solution, filtered whey, and commercial whey antibody preparation, respectively.

Each cooperating dairyman was visited by at least one of the authors and on the basis of the DHIA records and breeding information, cows in each herd were allotted to 2 comparable groups. In making these allotments, cows due to calve between October, 1966, and March, 1967, were paired as closely as possible on the basis of number of lactations, production in the previous lactation, and date of expected calving. First-lactation heifers were paired by sire and expected calving date. One of the groups was selected at random to be given the whey antibody preparation (inoculum 3), and the other was designated control (given either saline solution or filtered whey). Each dairyman was provided a list of the cows assigned to each treatment number, a supply of the inoculums, and sterile disposable 50-ml. syringes and needles. The cooperating dairymen were instructed that they were evaluating 2 of 3 products, 1 of which was a commercially available product that might increase milk production. However, the dairymen were not given the identities of the inoculums. Each dairyman was instructed to administer 50 ml. of the designated inoculum subcutaneously 5 to 7 days before a given cow calved and to record the date and the number of the inoculum (1, 2, or 3) which was administered. Each dairyman was also provided with forms for recording abnormalities such as dystocia and mastitis.

Production information was obtained from DHIA records. The comparisons are based on 305-day mature (ME) production. Records of cows which were not given the designated injections or which were removed from the herd before milking at least 150 days were deleted before the data were analyzed. Production records for all cows removed from the herd for any reason after 150 days' lactation were extended to a 305-day basis, using DHIA extension factors. Complete lactation records of less than 305 days were used without extension. One of the herds in which the controls were given saline solution was sold and transferred from the area before the study was completed. Because of this, production records of 32 saline solution-inoculated cows (av. 239 days' lactation) and 32 whey antibody preparation-inoculated cows (av. 241 days' lactation) were extended. In addition, records of 4 saline solution-inoculated cows (av. 178 days' lactation) and 4 whey antibody preparation-inoculated cows (av. 188 days' lactation) were extended because individual cows were removed from the herd. In the herds in which controls were given filtered whey, records of 7 filtered whey-inoculated cows (av. 239 days' lactation) and 15 whey antibody preparation-inoculated cows (av. 216 days' lactation) were extended.

During the experiment, it was suggested that we evaluate the breeding efficiency of the respective groups. This evaluation was based entirely on data from the herd records prepared by the dairymen.

RESULTS

The number of cows and the 305-day ME production for each group are shown (Table 1). The differences in production in herds for the groups given saline solution vs. those given whey antibody preparation and groups given filtered whey vs. those given whey antibody preparation were not significant, as determined by analysis of variance. Valid direct comparisons cannot be made between controls given saline solution (inoculum 1) and those given filtered whey (inoculum 2) because the groups were in different herds. Status of health and reproduction data are summarized (Table 2). The recorded instances of mastitis, retained placenta, and uterine infection were slightly higher in the cows treated with whey antibody preparation than in either the controls given saline solution or the controls given filtered whey. The differences were very small, however, and must be considered as chance occurrences. The services per conception for cows which conceived were very similar for whey antibody preparation-treated cows and controls in each comparison.

TABLE 1.—COMPARISON OF MILK AND FAT PRODUCTION FOR COWS INJECTED WITH 0.9 PERCENT NACL. WHEY, OR WHEY ANTIBODY PREPARATION

Herd	No. of cows	Mean 305-day me (kg.)	
		Milk	Fat
0.9 percent NaCl:			
1	42	6,265	237
2	19	6,005	252
3	19	4,457	225
4	48	6,552	248
Group means		6,081	241
Group total	128		
Whey antibody preparation:			
1	45	6,275	234
2	18	6,087	258
3	22	4,477	200
4	41	6,789	261
Group means		6,101	240
Group total	126		
Whey:			
5	13	6,871	265
6	9	6,451	241
7	17	6,118	235
8	20	7,205	268
9	14	7,027	163
Group means		6,716	255
Group total	73		
Whey antibody preparation:			
5	11	6,473	256
6	9	5,796	216
7	23	5,742	215
8	20	7,380	285
9	14	7,019	252
Group means		6,512	246
Group total	77		

TABLE 2.—SUMMARY OF HEALTH AND REPRODUCTIVE INFORMATION FOR COWS INJECTED WITH 0.9 PERCENT NACI, WHEY, AND WHEY, ANTIBODY PREPARATION

Item	0.9 percent NaCl vs. whey antibody preparation	Whey vs. whey antibody preparation
Number of cows having:		
Mastilis	23 vs. 24	24 vs. 26.
Retained ploncics	4 vs. 4	1 vs. 5.
Utarine infection	1 vs. 3	4 vs. 5.
Reproductive performance:		
Number of cows diagnosed pregnant:	102 vs. 106	83 vs. 59.
Average number of services per conception.	2.15 vs. 2.21	1.75 vs. 1.78.

DISCUSSION

Similarity of production averages in the group given saline solution vs. the group given whey antibody preparation and in the group given filtered whey vs. the group given whey antibody preparation clearly indicates that there were no differences which could be attributed to treatment. Statistical analysis confirmed this conclusion. On theoretical grounds, the results are not surprising. Although passive immunization is of proved value in treating some diseases, it is usually on the basis of specific antibodies for particular pathogens. In the present experiment, antibodies against a collection of specific pathogens isolated in one area at one point in time were used in anticipation of possible infection of the treated cows. The failure of the whey antibody preparation treatment to influence production or affect health status, as measured in the present experiment, could be attributed to 1 or more of the 3 main reasons:

(1) Pathogens encountered by the treated cows were not reactive with any of the antibodies in the whey antibody preparation.

(2) Whey antibody preparation was absorbed and eliminated from the body too soon after it was injected to be effective.

(3) Antibody content of the whey antibody preparation may have been too low to be effective. In the present experiment, an attempt was not made to determine what was in the whey antibody preparation. The product was accepted as presented and was assumed to contain antibodies.

Under the conditions of the experiment, the whey antibody preparation did not cause any increase in milk production. There was no evidence that the preparation reduced the occurrence of mastitis, retained placenta, or uterine infection; nor that it reduced the average number of services per conception.

SENATE STEEL CAUCUS PRODUCTIVE GROUP

● Mr. RANDOLPH. Mr. President, it was my responsibilty to join with other colleagues in founding the Senate Steel Caucus. I commend Senator HEINZ, our present chairman and the other members of the Steel Caucus, on the effecting effort they have contributed in the caucus since its inception in 1977. I have been activly involved in our activities on behalf of the American steel industry, and over the years, our caucus, which now numbers 47 Senators, has helped begin the process of revitalization for our Nation's steel industry through its predominant impact on the development of our country's steel policy.

I recall when the caucus was first founded: we were instrumental in persuading President Carter to call to the White House the key leaders of the industry—labor and management—as well as House and Senate leaders—to consider carefully the crisis in the industry and to develop a program for action. That effort ultimately produced the Solomon Report and the Trigger Price Mechanism.

In the years since Senator HEINZ and caucus members have been extensively involved in all issues important to steel, we have often met and negotiated with the Environmental Protection Agency. We have proposed changes in tax policy. We have developed a loan guarantee program vital to Wheeling-Pittsburgh Steel, among others. We worked successfully with the Steel Tripartite Advisory Committee, and have made a strong request with the administration for its restoration. We also have tackled the tough import problem.

Senator HEINZ was one of the first to work for legislation to change our trade laws and strengthen our Buy Amercian laws to require aggressive enforcement against unfairly imported products, such as steel. I commend his efforts in 1979; America now has new laws to fight dump and subsidized imports.

We have continued to closely monitor the import dilemma. As the weaknesses of the trigger price mechanism became apparent in 1980 and 1981, Senator HEINZ fought for a strengthened TPM and then for greater administration initiative in enforcement. In the fall of 1981, Senator HENIZ and caucus members asked the Commerce Department to take the unprecedented step of initiating complaints against European producers instead of waiting for the domestic industry to begin the action. The Department took the caucus' advice, and at our meeting of November 5, 1981, made the historic announcement that it would self-initiate cases.

Cases have developed and been superseded by broader petitions filed by the industry. The caucus has maintained its vigilance in monitoring the law, the import data, and administration actions to insure that the strongest possible enforcement posture is maintained within the parameters of the law.

Two of our most active years in the life of the Steel Caucus, Mr. President, have occurred during the chairmanship of Senator HEINZ in 1981 and 1982. I have been happy to serve in those years, as associate chairman, and to have chaired the caucus in its formulative period, starting in 1977. Its membership is at the highest point ever. The caucus has held nine meetings and has taken strong actions to pursue its objectives. But beyond the written record, it is also important to note with unwritten record the many individual efforts each active caucus member, particularly Senator HEINZ, has taken to press the administration in different ways, many of them private, to act forcefully to defend the American industry's interests. And we have made some progress in that regard.

Mr. President, the administration initially maintained a strong position against European dumping and subsidizing and pressing the European Community hard for an agreement. Unfortunately, they accepted one which was far too weak, and which the American industry has had the good sense to reject. They have, however, made the effort and have continued their efforts to toughen that agreement, with the caucus pushing them all the way. We will continue to push them, Mr. President, until health has been restored to the American steel industry and the unemployed have been put back to work. The caucus is united on that objective under the leadership of Senator HEINZ and Senator GLENN. With them, and others, we will continue and strengthen our efforts.

Mr. President, I ask that a list of Steel Caucus activities including those of Senator HEINZ on steel matters during this Congress, be printed at this point in the RECORD.

The list follows:

STEEL CAUCUS ACTIVITIES

MEETINGS

February 5, 1981.—Industry leaders.

May 20, 1981.—Treasury Under Secretary Norman Ture on tax policy.

October 7, 1981.—Industry leaders.

November 2, 1981.—Industry leaders.

November 5, 1981.—Secretary and Under Secretary of Commerce.

February 10, 1982.—Industry trade experts with Caucus staff.

May 17, 1982.—Executive committee staff with EPA.

June 16, 1982.—On closing of the Crucible plant, Midland, Pa. (with House Caucus).

August 11, 1982.—Secretary and Under Secretary of Commerce.

ACTIONS

July 23, 1980.—Caucus leadership letter to President on steel policy issues.

October 14, 1980.—Caucus leadership letter to President on including specialty steel in Trigger Price Mechanism.

November 14, 1980.—Caucus letter to President on including specialty steel in Trigger Price Mechanism.

October 6, 1981.—Caucus leadership letter to IRS on evasion of Trigger Price Mechanism.

October 15, 1981.—Caucus leadership letter to Secretary of Commerce urging self-initiation of trade complaints.

October 29, 1981.—Heinz letter to Secretary of Commerce on conditions in specialty steel industry.

November 18, 1981.—Heinz/Gaydos letter to Secretary of Commerce on self-initiation of trade complaints.

December 10, 1981.—Caucus leadership letter to U.S. Trade Representative urging acceptance of specialty steel section 301 petition on unfair trade practices.

December 14, 1981.—Heinz letter to International Trade Commission in support of steel industry trade complaints.

January 5, 1982.—Heinz hearing on specialty steel problems, Brackenridge, Pa.

January 13, 1982.—Heinz meeting with U.S. Trade Representative on section 301 petition.

February 3, 1982.—Heinz testimony at International Trade Commission on steel unfair trade complaints.

February 26, 1982.—Heinz meeting with U.S. Trade Representative on section 301 petition.

April 13, 1982.—Caucus letter to President urging restoration of Steel Tripartite Advisory Committee (21 signers).

April 13, 1982.—Heinz testimony before U.S. Trade Representative's 301 Committee in support of specialty steel petition.

April 28, 1982.—Heinz letter urging retroactive imposition of penalties on steel imports (to Commerce).

May 13, 1982.—Heinz/R. Byrd floor amendments to retain tough limitations on procurement of foreign specialty steel.

May 24, 1982.—Heinz letter urging retroactive imposition of penalties on steel imports (to Customs Service).

May 26, 1982.—Heinz introduction of resolution urging prompt action against unfair steel imports (S. Con. Res. 100—26 sponsors).

June 22, 1982.—Senate passage of resolution.

June 30, 1982.—Heinz letter urging retroactive imposition of penalties on steel imports (to Commerce).

July 26, 1982.—Heinz introduction of two bills providing import relief to the specialty steel industrial (S. 2770, S. 2771).

July 27, 1982.—Caucus letter to Secretary of Commerce urging continuation of strong stand on steel imports (23 signers).

August 4, 1982.—Heinz letter urging retroactive imposition of penalties on steel imports (to Commerce).●

IT IS NOT AN ATTEMPT TO END FOOD STAMPS

● Mr. HAYAKAWA. Mr. President, I would like to call the attention of my colleagues to a most instructive article written by the distinguished chairman of the Committee on Agriculture, Nutrition, and Forestry, Senator JESSE HELMS of North Carolina.

The article, which appeared in the Washington Post last weekend, outlines some very good reasons why the Congress should adopt legislation passed by the Senate earlier this year to establish a State option block grant for nutritional assistance. Under the proposal, a State could opt to receive its food stamp allotment for the year in the form of a block grant. The State would then be responsible for determining the mode of operation of the program, the benefits levels, and eligibility. Along with this responsibility would come the incentive, currently not in existence, for States to run a cost-efficent program.

All too often, those of us who point to the failures of existing programs are characterized as wanting to abolish such programs. This was the case with a recent Washington Post editorial which prompted Senator HELM'S response. Interestingly enough, since the Senate passed the Helms proposal, it can be inferred that the Post was charging the U.S. Senate with trying to abolish the food stamp program. This is an incredible charge to say the least.

Furthermore, unless improvements are made to loosely run and wasteful programs, such programs will be threatened by the voters. A recent nationwide poll showed that of all Federal programs, food stamps is among the three which Americans would most like to see cut. Through Senator HELM'S innovative and constructive proposal, the food stamp program will be made more efficient; and thus more palatable to the public. Only with public support will this program be able to continue to deliver nutritional assistance the truly needy.

I have been honored and pleased to serve with Senator HELMS on the Agriculture Committee during my tenure in the Senate. This article is further testimony to his farsighted approach to the problems posed by the current food stamp program.

I ask that the article, "It Is Not an Attempt To End Food Stamps," be printed in the RECORD at the conclusion of my remarks.

The article follows:

[From the Washington Post, Sept. 18, 1982]

IT IS NOT AN ATTEMPT TO END FOOD STAMPS

(By Jesse Helms)

Contrary to The Post's assertion ["Nickels and Dimes From the Poor," editorial, Aug. 12], I have not advocated the elimination of the food stamp program. I have been and continue to be, concerned about certain characteristics of participation in the program and by the skyrocketing of costs from $2.1 billion to $11.3 billion during my nearly 10 years in the Senate.

A few points:

The dollars "saved" through the budget reconciliation process represent less than 5 percent of projected program costs during the next three years.

Approximately one food stamp household in four contains able-bodied individuals. It has long been my view that such households should be required to perform public service work—"workface"—in exchange for their benefits.

Unlike Medicaid and AFDC, food stamp benefits are 100 percent federally funded. Hence, there has been little incentive for states to operate cost-efficient food stamp programs.

According to verified data from the Department of Agriculture, at least 10.5 percent of all food stamp benefits were overissued last year; thus, over $1 billion was lost to fraud.

Almost one American in 10—that is, 22 million people—are receiving food stamps each month.

Countless state and local officials have reported to me over the years that they believe they could do a better job of administering a nutritional assistance program. Does The Post doubt this? If so, why?

Last year, Congress enacted a mandatory block grant for the Commonwealth of Puerto Rico, which took effect July 1 of this year. Under the legislation, Puerto Rican officials were left to determine the eligibility, benefit levels and other considerations surrounding their $825 million annual appropriation.

That prompted the state option block grant that I introduced earlier this year—subsequently approved by the Senate. Under this option, a state would be permitted to receive for the upcoming fiscal year the same percentage of funding that it received for the year ending March 31, 1982. My home state of North Carolina, for example, received approximately 2.78 percent of total food stamp funds (excluding Puerto Rico funding) during that period; thus North Carolina could opt to receive 2.78 percent of the fiscal year 1983 appropriation as its allotment for nutritional assistance.

The Senate bill contains protections to ensure (1) proper auditing of funds, (2) that discrimination is prohibited, (3) that funds may not be used for construction purposes, and (4) other safeguards. The state would be granted the flexibility to establish the criteria for eligibility, benefit levels and so forth that were appropriate within the state. It would require that the funds be used for low-income nutritional assistance.

The Post's editorial suggested that states would replace food stamps with cash, but there is no requirement in the bill that states adopt cash as the method of payment to recipients. While that is the method employed by Puerto Rico, the matter is entirely subject to state option. Other options would surely include a state form of food coupons and the direct distribution of commodities. But each participating state would make that decision for itself.

It is important to note that many experts believe there is a negligible difference in total food purchase/consumption whether you distribute cash or food stamps. Already many food stamps are not used for food, but are exchanged, almost as second currency, for non-food items. It is likely that recipients who use food stamps for food would continue to use cash for food, when and if a state opts to use cash.

The proposal is unique in several respects. Participation is totally optional at the discretion of each state. The funding formula is such that neither block grant states nor those remaining in the food stamp program would be discriminated against. Funding for nutritional assistance—whether in the form of food stamps or through a block grant—would continue to be provided by the federal government. As with all sound federalism programs, those states with exemplary programs likely would be emulated by other states. Experimentation likely would result in improved administration and assistance to the poor.

In providing nutritional assistance to needy Americans, we need not be bound by the methods of the past. Certainly we have a duty to prevent, in any proper way, a ripoff of the taxpayers who, after all, are being forced to foot the bill.●

THINKING ABOUT NATIONAL DEFENSE

● Mr. GLENN. Mr. President, last month we spent long hours on this floor in consideration of the defense authorization bill. We even managed to touch—although all too briefly—on serious issues of national defense.

Reconstructing our debate, it seems to me that the most serious discussion centered around the authorization for nuclear aircraft carriers. But the true issue was not just the carriers. The carriers were a symbol of a fundamental question of whether we should be purchasing greater numbers of cheaper and technologically simpler weapons.

At first blush, this is an argument of great appeal. But it falls apart on careful analysis. This Nation could make no greater mistake than to embrace uncritically such an approach. The advocates of this "smaller-is-simpler-is-cheaper-is-better" school fail to stack their recommendations up against the

most crucial measure of validity; namely, the nature of the opponent's armed forces. Almost totally lacking from reformist arguments is the stark fact that the Soviet Union has been embarked on the greatest peacetime arms buildup since the days of Hitler's Germany. And the results of this buildup are being seen in improved quality as well as increased quantity of sophisticated weapons.

While American critics of practical advanced technology oppose the F-15 and F-18, and advocate a return to a simple "fair weather" fighter, the Soviets are fielding massive numbers of all weather fighters capable of engagements at extended ranges. And while we hear claims that conventionally powered small aircraft carriers will be better able to survive on the high seas of the future, the Soviets are busy building large-deck carriers that are nuclear powered.

One of the best and most articulate arguments I have read to date on the "Quality versus Quantity" issue has been written recently by Dr. William Perry. Dr. Perry was one of the most distinguished and thoughtful men to serve as the Under Secretary of Defense for Research and Engineering. He points out the basic fact that the reason that the Soviet Union has been able to field so much high-quality weaponry is not that U.S. procurement is in the hands of simpletons in the Pentagon, but simply that the Kremlin has been—and still is—spending twice as much on equipment as is the United States.

I highly recommend Bill Perry's article to my colleagues and their staffs. I ask that Dr. William Perry's article, "Fallows' Fallacies" be inserted into the RECORD.

The article follows:

[From International Security, May 4, 1982]

FALLOWS' FALLACIES

(A review essay by William Perry)

("National Defense" by James Fallows"

James Fallows' book, "National Defense," has much to recommend it. First of all, it is lucidly written. I appreciated his prose style as I read the book; I envied it as I committed to writing my own ideas on defense. More importantly, Fallows sets a high goal—to focus the defense debate on issues that are significant, to discuss what American defense objectives should be, and what policies and programs can most efficiently achieve these objectives. This is a refreshing change from the narrow debates on specific weapons, or from the partisan cries that the United States is spending too little or too much on defense. Unfortunately, the substance of the book is not equal to its literary merit. Fallows' treatment of defense problems often fails to grasp the key underlying issues; as a result, the solutions he offers tend to be simplistic.

The best part of "National Defense," in my view, was the first chapter, where Fallows presents the "realities" on which his analysis—or any analysis—of defense issues must depend. This is an excellent beginning and the "realities" he chooses—U.S. economic limits, the unpredictable nature of the "threates" an American defense must accommodate, and the importance of intangible qualities (weather, human error, etc.) in warfare—all are significant and his treatment of them effective. Inasmuch as his analysis flows from these "realities," it is clear that his conslusions can only be as good as his perceptions of which realities are significant. Inexplicably, he left out two major realities which have a driving effect on the whole defense issue, and this omission in his first chapter flaws the analysis which follows in subsequent chapters.

He omits the fundamental point that the effectiveness of U.S. forces must be measured realtive to those of the Soviet Union. American forces may face less challenging tasks, but the United States must design them so that they could prevail in combat with the forces the Soviets actually have or are likely to have in the future. It is misleading to imply that one fighter airplane is better than another because it is simpler or cheaper if it could be readily defeated by its counterpart Soviet fighter. The reality is that modern Soviet fighter aircraft are complex and effective fighting machines (probably more complex and costly than their U.S. counterparts) and could not be successfully engaged by the simpler aircraft envisaged by Fallows in later chapters of his book.

Fallows also omits the fundamental point that the defense competition between the United States and the Soviet Union is profoundly influenced by the fact that the Soviet Union has remarkably cheap labor compared to America's affluent society. A number of critical facts flow from this. One is tha the United States spends more than half of its defense budget on manpower while the Soviets—with twice the manpower—spend only a fourth of theirs on manpower. As a result, they can devote half of their budget to equipment procurement while we devote less than a quarter of ours to equipment. This leads us then to a "reality" of overriding importance—that even with equal defense budgets, the Soviets can—and do—spend twice as much on equipment procurement as the United States. This fundamental and overwhelming advantage—which has led to the Soviets' outproducing the United States in quantities of military equipment—seems to have escaped Fallows' attention while he searches for devils in the U.S.'s inefficient procurement system. God knows, our procurement system could stand improvement (so could that of the Soviets, I suspect), and every new administration sets out to make those improvements with an abundance of helpful suggestions from journalists and Congressmen. But it is incredibly myopic to suggest that this is the reason the Soviets build two to three times as much military equipment as the United States when the real reason is staring us in the face.

Fallows then describes the failures of the "managerial" approach to defense, citing its one-dimensional analysis which leads to an overreliance on technology and an underemphasis on the intangibles of leadership and esprit. The distinguishing feature of modern American defense, he says, has been the pursuit of the "magic" weapon since research and engineering came to "dominate" the Pentagon. He argues that the technological imperative leads the United States to put more and more useless gadgets on its weapons at a greater and greater cost leading to fewer and fewer weapons. He compares the United States unfavorably with the Soviets who, he believes, build large quantities of simpler and cheaper but effective weapons. This situation is allowed to continue, argues Fallows, because people in the Pentagon and the defense industry have been "corrupted" by the "culture of procurement." He gives many horror stories that have resulted from this corruption: the TOW (anti-tank) missile "is likely to litter the ditches of the first battlefield where it is really used"; the F-15 "is a costly unmaintainable system"; the Trident submarine is "a senseless step down in effectiveness"; the XM-1 tank is a "cripple"; modern command and control systems are "useless when they don't work and may be actually harmful when they do." But these are mere glancing blows. He devotes an entire chapter to case histories of the M-16 rifle and F-16 aircraft. The M-16 "was perverted by bureaucratic pressures into a weapon that betrayed its users in Vietnam." The F-16 was designed as an "austere" airplane which the Air Force bureaucracy modified, leading to "defects and compromises which raised costs and degraded its performance as a fighter."

These three chapters just summarized, "Managers," "Magicians," and "Two Weapons," correctly point out the overemphasis on one-dimensional cost-effectiveness analysis, and the underemphasis on leadership qualities. Fallows' major point is that the United States uses technology to offset its numerical inferiority, but that this costly technology is the very reason for American numerical inferiority. The United States has fewer tanks and planes than the Soviet Union "because American planners have chosen to build fewer." He says, "Are they building 2,000 tanks a year to our 1,000? If planners concentrated on building a tank for $800,000 instead of $2 million, then it would cost $1.6 billion to match the Soviet output and $3.2 billion to double it." This argument is at the same time wrong and naive. It is wrong because it implies that the Soviets outproduce us because they build cheaper weapons. In fact, most of their modern weaponry (e.g., MiG-27 aircraft, T-64 tanks, SS-18 missiles, Typhoon submarines, Typhoon missiles) are at least as complex and expensive as their U.S. counterparts. The Soviets build twice as many units because they spend twice as much on equipment procurement. That may not make as good a story, but it is a fact. Secondly, the argument is naive because it simply fails to consider how the United States would man the 4,000 cheap tanks a year he envisions, or that the operating and manning costs of those tanks would far outweigh their building costs. In fact, his "solution" would only aggravate the problem which led us to numerical inferiority of equipment—namely, the high cost of American manpower relative to that of the Soviets.

Fallows then pivots to a discussion of the "employees"—the officers and men (and women) of the armed services. He argues that the effectiveness of the U.S. military depends on "bonds within the military and between the military as a whole and the nation it represents." These bonds, he believes, have been imperiled by the managerial ethic in the military—a lack of professional values. Most seriously, the nation undermines these bonds by its "willful blindness to the failures of the volunteer force." He describes the intangible but critical role of leadership in the military and its erosion by "careerism" with its related emphasis on managerial values. He believes that the all-volunteer force is a disaster. It has led to "civilianization" of the military services and

it has led to "an army of the poor" which is not representative of the citizenry and is viewed by citizens with "indifference, shading into contempt." He calls for a return to the draft and describes ways it might be implemented.

This entire section is provocative and thoughtful, and makes a real contribution to the national debate on defense. In Fallows' treatment of personnel issues, unlike his treatment of procurement issues, he seems to have perceived their real complexities and offered constructive views of how to deal with them.

Fallows then turns to the "theologians," who study and plan America's nuclear (strategic) forces, concluding that "no one really knows what he's talking about." He gives a brief summary of the arguments made by various advocates for the different ways of modernizing American strategic forces and describes some of the problems in achieving strategic arms control.

This chapter includes a 9-page discussion on missile accuracy and bias which is confused and confusing and which ends with the suggestion that the whole issue of surprise attack is academic because it could be avoided by going to "launch-on-warning." This detailed treatment of missile accuracy followed by an almost casual endorsement of "launch-on-warning" is inexplicable. If any subject in the nuclear field is worth a critical view, it is the dangerous and destabilizing notion that we (and the Soviets, presumably) should put our respective nuclear forces on a launch-on-warning "hair trigger." In this same chapter, he recommends augmenting American strategic forces by building slow, low-flying airplanes to avoid radar detection. To support this, he observes that the U.S. air defense command never tracked the low-flying A-1 aircraft between the late-1940s and early-1960s; but Fallows fails to recognize that "look-down" radars developed in the 1970s are now quite capable of tracking such airplanes. The objective he seeks, however, can be accomplished by "stealth" aircraft, which he does not mention, possibly because the public announcement of stealth occurred shortly before his book was released for publication.

Fallows ends his book with a chapter on the changes that are needed to (1) restore the military spirit; (2) stop the progression toward more costly and complex weapons; 3) apply hard-headed reason to nuclear issues; and 4) establish the condition for "cohesion" in defense choices. The first objective, he believes, requires a restoration of the draft. The second objective requires the United States to "exorcise the culture of procurement from the Pentagon," to introduce more competition in procurement, and to make it a criminal offense for military officers and defense officials (upon retiring) to accept a job with a defense contractor. The third objective would be enhanced, he believes, by limiting or banning missile tests so that the leaders of the superpowers could not be sure how accurate their missiles were. The fourth objective is elusive, he agrees, but it is important to keep discussions of defense from coming "unmoored from the facts," at the expense of attention to real military values.

Aside from fundamental deficiences already treated in the underlying assumptions of the book, there are several flaws in execution. The book suffers from an apparent imbalance in the sources used by the author. There flows throughout the book the points of view of the mavericks who "lost the argument." Every major defense system gathers a cluster of supporters and detractors who argue their cause during the decision process. When the decision is finally made, there are inevitably "winners" and "losers." Some of the losers then make a career out of arguing that their point of view was correct—every problem experienced during the program execution phase is represented as vindication of their judgment. I would not argue that every weapon decision made in the Defense Department was correct, nor that the mavericks who fought the decisions have no wisdom to impart. (I have been one myself on occasion.) But I cannnot accept that all the wisdom lies in the mavericks, nor that the decisions are always made by boobs. (I have made a few of them myself, so I may not be totally objective.) (It is difficult to read Fallows' chapter without concluding that all the decision-makers in the Pentagon are stupid or, to use his word, "corrupt." For example, Fallows' view on fighter aircraft is a restatement of the case made by Franklin Spinney, which was briefed repeatedly in the Pentagon. Every major decision-maker heard it and at least some of them rejected it for reasons that they thought had some intellectual basis. That basis, not presented anywhere in Fallows' book even in outline form, is presented in substantial detail in a number of defense reports available to Fallows. Harold Brown's Defense report articulates the necessity for a "countervailing strategy" in the face of Soviet numerical superiority. Fallows does not refer to this report except to quote approvingly one paragraph which simply repeats a paragraph of Spinney's report. My own Posture Statement [1] discusses in some detail the reasons for Soviet numerical superiority and the strategy for dealing with it. This report seems to have escaped Fallow's attention even though he considered the "Research and Engineering division of the Pentagon the power center for decisions about new weapons . . ." (page 19). He did mention my views on two occasions in the book, both times stating (incorrectly) what someone said I had said, rather than bothering to quote me, although my opinions on these subjects are documented in thousands of pages of Congressional testimony, four volumes of Posture Statements, and countless interviews.

The United States is faced, as Fallows asserts, with a serious problem because the Soviets produce more than twice as much military equipment as does the U.S. But the problem is more difficult that Fallows apparently realizes and therefore the solution is not as simple as he suggests. There has been a "technology inflation" since World War II, as indicated by the data Fallows presents. Fighter aircraft, for example, have increased in cost about six percent per year the last three decades, excluding inflation. But performance of military significance has increased proportionally to the cost increase. That is, the extra cost was not being used for "bells and whistles," as suggested by Fallows; it was used to achieve real military capability. Perhaps even more important is a point entirely missed by Fallows—that the Soviets have followed this same cost-performance curve, although a few years behind the United States in many weapons (for instance in fighter aircraft). Therefore, if the United States elects to get off this rising cost-performance curve as a way of reducing equipment cost, we would soon be surpassed in performance by the Soviets. This leads to a problem which I perceive as basic and which Fallows does not perceive at all: the Soviets have not achieved their numerical advantage because they have opted for simple cheap equipment; they have achieved it by spending twice as much on military equipment as the United States spends, so they can overwhelm the U.S. with numbers while at the same time try to compete with the U.S. with numbers while at the same time try to compete with the U.S. in performance. The Soviets do not have to trade off between quantity and quality; because of their cheap manpower, they are able to choose both. And that poses what Leonard Sullivan, Jr. has aptly called America's "Quantity/Quality Quandary." The United States has a quandary because we are not able to trade off between quantity and quality. We cannot lower our quality because the Soviets are trying to compete with us in quality—they already are equal to us in some areas and are not far behind in others. Therefore, lowering U.S. quality would lead us to become inferior in performance in addition to being outnumbered. At the same time, the United States cannot increase its quantity significantly because of the high cost of American manpower relative to the Soviets'. This quandary is real and any purported solution to American defense problems must deal with it.

Fallows, however, largely ignores the Quantity/Quality Quandary, arguing simply that the United States should build cheaper equipment and more of it. He seriously underestimates the performance level of modern Soviet equipment, and therefore does not realize that the simpler weapons he advocates would be markedly inferior in performance to their Soviet counterparts. And he overlooks the very substantial cost to the United States of manning larger larger quantities of equipment, which would only aggravate the problem that caused the numerical disadvantage in the first place.

I take the Quantity/Quality Quandary seriously, but I cannot describe a simple solution to this quandary, nor a certain one. The conditions in the Soviet Union that cause it—cheap labor, high priority for the military, and high priority for technology—are not under our control. I can describe some actions open to the United States which are not solutions. Cutting the cost of American equipment in half, as advocated by Fallows, is not a solution, for reasons I have described. At the same time, increasing the performance of American fighter aircraft, tanks, and ships is not a solution. The United States is already designing these systems close to the "knee" in the cost-performance curve. Therefore, from where we now are, large increases in unit cost would give us only small improvements in performance, which would not measurably offset the two-to-one numerical disadvantage the United States faces.

The United States, as I see it, has only three ways of dealing with the Quantity/Quality Quandary. First, we should take maximum advantage of the geopolitical factors in our favor—geography, allies, economic strength, and political stability. Armament cooperation in NATO, for example, is exceedingly difficult to implement, but necessary. If the United States is to offset the Soviets' advantage of cheap labor, we must

[1] See, for example, The Fiscal year 1981 Department of Defense Program for Research, Development & Engineering, Statement by the Honorable William J. Perry, Undersecretary of Defense for Research & Engineering, to the 96th Congress, First Session, 1980 (Washington, D.C.: USGPO, 1980).

exploit the relative advantage of having allies who are economically strong and technically advanced.

Second, we should take advantage of our better motivated and better trained manpower. Fallows points out all too clearly that we are not doing that today—that we are failing to exploit one of our greatest potential advantages. Turning that around is perhaps more important than anything else the United States can do to upgrade its defense capability. Fallows makes an important contribution by describing American problems with military personnel so that the layman can understand them; he also gives us the outlines of possible solutions. Third, we should use our technological advantage selectively to offset Soviet numerical advantages by finessing them whenever that is possible.

That does not mean trying to use American technology to build a tank 20 percent or 50 percent better than the Soviets' tank. This is a hopeless task, since their tanks have good performance characteristics and they have four times as many as the United States. It means trying to finesse the Soviet tank advantage by developing ultra-effective anti-tank weapons, which our superior microelectronics capability permits us to do. It also means leapfrogging over the Soviet air defense advantage by introducing highly effective stealth technology and countermeasure technology into U.S. aircraft and missiles. And it means offsetting the Soviet numerical advantage in submarines by developing ultra-sensitive detection systems, which our superior computer capability allows us to do. This, in addition to quieter American submarines, gives the United States a significant tactical advantage over Soviet submarines, since we can detect them at several times the range at which they detect us.

But technology, besides giving the United States a vital edge in performance, also offers the U.S. its best hope for increasing equipment reliability and decreasing equipment cost. In particular, the selective application of microelectronics technology can achieve both of these desirable results. Anyone who has operated a hand-held calculator and is familiar with the electromechanical desk calculator it replaced realizes that the difference is not just a performance advantage. Ease of operation, ease of maintenance, reliability, and durability are all significantly improved in the modern microelectronic calculators. The same comparison can be made between mechanical watches and electronic watches, or between tube radios and transistor radios. Interestingly, most applications of microelectronic technology are "transparent" to the user. A Ph.D. in electrical engineering, for example, is not required to successfully play a video game, even though these games incorporate very sophisticated technology. And the notion that technology per se increases equipment costs has no basis in reality; it is complexity, not technology that is the culprit. It is electromechanical equipment that is rising in cost, not microelectronics equipment. For example, a car purchased in 1950 for $1,000 would cost $10,000 today; houses have gone from $10,000 to $100,000. Almost every category of our consumer purchases have experienced a tenfold increase in the last few decades—except electronics. In the 1950's a black and white television set cost more than $500; the equivalent set today can be purchased for $100. Even the more sophisticated color set can now be bought for approximately $500. Similarly, the cost of a calculator has been reduced from $1,000 for the electromechanical model down to $10 for the solid state model. And computers have gone from $1 million to a few tens of thousands for one with an equivalent capability. Electronics is the only field where costs have been decreasing by factors of 10 to 1,000 in the last few decades, and it is clear that the judicious application of microelectronics is the key to reducing defense costs, while at the same time increasing performance.

In summary, Fallows raises significant questions on important issues, but generally misses the mark on treating these issues. His treatment of defense management is flawed because of inadequate research and because of a failure to grasp the fact that the Soviet Union numerical advantage is caused by the Soviet's cheap manpower, and not by the ineptness in the American procurement process. His treatment of nuclear forces does not make a useful contribution but confuses the issue by sloganizing.

In his treatment of the role of technology in defense, he raises the right question but draws the wrong conclusion because he treats complexity and technology as synonymous. This lack of insight confuses the whole book. The real question is how to use technology selectively to gain the benefits of cost reduction as well as the benefits of improved performance. On a more positive note, his treatment of personal problems raises important questions on the adequacy of the all-volunteer force and frames the issue for useful debate.

While I believe that Fallow's book is fatally flawed, I concluded that more in sorrow than in anger. He has gotten started on an important subject, he asks some of the right questions, and he has a lucid style. In short, he has the potential for writing a meaningful book on defense which could make a significant contribution to the American national debate. This is not such a book, but I hope he tries again.●

INTERDEPENDENCE AND EAST-WEST RELATIONS

● Mr. GARN. Mr. President, I would like to bring to the attention of my colleagues an interesting article written by Jock Finlayson and Paul Marantz.

This article, entitled "Interdependence and East-West Relations," provides useful insights into East-West economic relations and the degree to which they have an impact on Soviet foreign policy. Ten years of experience with the economic policies of détente would seem to support the authors' thesis that interdependence falls far short of providing the West with a useful tool to counter Soviet foreign policy adventurism.

I think it is particularly important to note the implications for the U.S. national security policy of the following observations:

In short, then, the entire Soviet experience, from prerevolutionary days up to the present, reinforces the tendency to view power—and especially military power—as the essence and the lifeblood of politics. In Soviet eyes, recent changes in the international arena—the growing interconnectedness of the members of the global village—in no way alter this fundamental truth.

The Soviets recognize the essential importance of military strength in the conduct of foreign policy. It certainly behooves us to keep this point in mind as we work our way through the final steps of reviewing the administration's national security budget request.

Mr. President, I ask that Messrs. Finlayson's and Marantz's article be printed in the RECORD.

The article follows:

INTERDEPENDENCE AND EAST-WEST RELATIONS

(By Jock Finlayson and Paul Marantz)

This article examines the relevance of the concept of interdependence for an understanding of contemporary Soviet foreign policy. International relations scholars increasingly are adopting an analytical perspective that tends to discard many of the precepts associated with the older, "realist" model of world politics. We ask: To what extent are the assumptions and approaches used by analysts employing an "interdependence" framework useful to the study of Soviet foreign policy and East-West relations? More specifically, we are interested in discovering to what extent Soviet foreign policy might be constrained by that country's economic relations with the West.

We will first examine briefly the concept of interdependence and then discuss five major reasons for believing that interdependence has not served as a serious constraint on Soviet foreign policy: (1) the low level of Soviet economic interchange with the West; (2) the absence of Western unity in dealing with the Soviet Union; (3) the unitary nature of the Soviet state as reflected in the weakness of Soviet interest groups; (4) the continued Soviet belief in the utility of military power and force; and (5) the nature of Soviet foreign policy priorities.

That the world is becoming increasingly interdependent is a basic assumption of much contemporary political analysis. One reflection of this belief among students of international relations is that traditional peace and security issues have been replaced by the politics of international economic and environmental relations as the most popular topics for scholarly inquiry. As a result of this trend—which grew more noticeable through the 1970s—the major intellectual questions addressed by the discipline of international relations appear to have changed, or, at the very least, to have greatly increased in number.[1]

There can be little doubt that interdependence, particularly economic interdependence, has grown for many countries since the late 1940's.[2] Increased econmic interconnectedness is manifested by larger foreign trade sectors in national economies, frequent and massive movements of capital, heightened mutual sensitivity of exchange and interest rates, rapid diffusion of technological knowledge, and other indicators.[3] These trends are especially apparent for the Western countries, some of which now derive close to half their GNP from international trade.[4]

For many scholars, this growing international interdependence challenges the validity of the older, "realist" model for the study of world politics. According to these scholars, an important change in the very nature of the international political system has occurred during the past thirty-five years. As one skeptical observer has noted,

[1] Footnotes at end of article.

much of the interdependence literature claims that: "interdependence is more than a quality or condition that can be measured by looking at transaction flows. Interdependence involves a new type of international politics that cannot be understood or described by using the concepts and categories of traditional international relations analysis." [5]

Scholars sympathetic to the interdependence approach to world politics argue that heightened mutual sensitivity, especially in regard to economic trends and forces, has transformed the agenda of world politics, and that the former hierarchy of issues—with security imperatives at the top and economic issues classified as "low politics"—should no longer obtain, either for the policymaker or the political analyst.[6] Thus, a central assumption of Morgenthau and the realist school is held to be vitiated by much of the contemporary reality of world politics.

Closely related to this proposition is the view that military force is no longer a viable policy instrument for many realms of interaction in international politics. As a result, it is increasingly difficult to ascertain which states have how much effective power in particular issue areas, especially since the overall balance of military power is an unreliable indicator of relative influence. Stanley Hoffmann suggests that the "elusiveness" of power in the modern era makes effective application of it more problematic than the realist model assumes.[7] One scholar goes so far as to argue that the defining characteristic of the contemporary world is "the paradox of the impotence of power—the limited ability of nation states, even the most powerful, to make direct and efficient use of power, be it military, technological, or economic, to serve their interests." [8]

Another proposition put forth by the interdependence school is that it is becoming far more difficult for states to define their national interest because of the influence of transnational and transgovernmental actors.[9] "Multiple channels" now connect most societies to one another and the outside world generally, and thus another assumption of the realist model—that states are "coherent units"—must fall by the wayside.[10] This fact takes on added significance in the light of the growing political prominence of economic issues as sources of global conflict.

In short, the interdependence literature suggests that much of the contemporary reality of world politics calls for a radical change in the traditional assumptions concerning the nature of international relations. It is argued by a growing number of scholars that for many aspects of international relations, a model of "complex interdependence" is more valid for depicting and analyzing reality. Interestingly, the assumptions that underlie such a model are almost exactly the converse of those associated with the realist approach: in the world of complex interdependence, "multiple channels" connect societies, and nonstate actors wield enormous influence; no clear hierarchy of issues exists; power ceases to be fungible across issue areas to a large degree; and military force loses much of its effectiveness both as a policy instrument and as an indicator of relative influence in world affairs.[11]

Two of the leading exponents of the interdependence approach, Robert Keohane and Joseph Nye, have cautioned that a model of "complex interdependence" is not appropriate for the study of all aspects and relationships in international relations.[12] Nonetheless, despite these prudent warnings, the concept of an "interdependent world" and its associated assumptions appear to have moved to the center of the discipline, as is reflected, for example, in the tenor of many undergraduate textbooks in international relations.[13] This poses the question of whether global interdependence is sufficiently pervasive to warrant discarding the realist approach as the central model for the analysis of world politics. In particular, it is worth asking how useful the assumptions, models, and prescriptions put forth in the interdependence literature are for understanding East-West relations, surely the most important "relationship" in contemporary world politics.

The belief that increasing international interdependence and the growing importance of global economic issues more generally would serve as constraining influences on Soviet foreign policy was one of the central assumptions of the Western policy of détente in the first half of the 1970s. Henry Kissinger of course played a key role in articulating and advocating the doctrine of détente. It is difficult to know just what Kissinger actually believed during this period, but it is quite clear that he took it upon himself to "sell" détente to an often skeptical public. Kissinger explicitly stated that closer Western economic relations with the Soviet Union would enhance the prospects for moderation in Soviet conduct. In a widely quoted statement before the Senate Foreign Relations Committee in 1974, he suggested: "Over time, trade and investment may leaven the autarkic tendencies of the Soviet system, invite gradual association of the Soviet economy with the world economy, and foster a degree of interdependence that adds an element of stability to the political equation." [14] More specifically, Kissinger spoke optimistically of using economic ties "as a tool to bring about or to reinforce a more moderate orientation of foreign policy and to provide incentives for responsible international behavior." [15]

Thus, the concept of "linkage" was born. According to this view, by multiplying the number and heightening the intensity of the Soviet Union's economic connections with the West—that is, by increasing Soviet economic interdependence with the external world—fundamental changes in the behavior of the Soviet political beast could gradually be elicited. This belief that closer integration of the Soviet Union into the international economic system would have salutary consequences in terms of East-West political relations exercised an enormous influence on many Western observers of international affairs.

Samuel Pisar, prominent international legal expert specializing in East-West trade, suggested that expanded economic ties presaged major alterations in the Soviet social system itself:

"If they are prepared to build automobiles, highways, filling stations, parking lots, motels and roadside restaurants, it is in our interest to help them along. With time, they can be expected to become a more mobile, more complex and more peaceful society. The benefits of our cooperation will go to their system's midriff rather than to its biceps." [16]

Nor were certain American business leaders slow to recognize the political import of greater East-West economic interdependence. The chairman of the board of the company producing Pepsi-Cola could barely contain his optimism and went so far as to claim that "the opening of the Soviet market to a product like ours is very significant in terms of what the headline writers call détente." [17]

More generally, it appears that many international relations scholars came to interpret détente and growing East-West economic linkages as aspects of a trend toward a radically changing international system. Building on some of the major assumptions concerning complex interdependence outlined earlier, these scholars suggested that all states, including the most powerful, would be increasingly constrained by the strengthening of "new forces" unleashed by the modernization of international economic and social relations. Central to this orientation was a perception that states were losing some of their status as the major actors in world politics and that security issues and dilemmas were less and less important in international affairs. The emphasis, on the part of Kissinger and other leading Western policymakers, on détente in East-West relations and increased interdependence among all states fit perfectly into the perspective of these scholars and in fact exerted some influence over their thinking.[18]

From the vantage point of the 1980s, many of these expectations seem rather naive or at the very least inordinately optimistic. Yet it is always easier to appear wise after the fact. We should not forget that even though the hope that growing East-West economic ties would induce Soviet moderation has not been fulfilled, there were nonetheless good reasons for cautiously entertaining such hopes in the early 1970s.

At that time, it was becoming increasingly apparent that growing deficiencies in the Soviet economy could not be ignored by that country's leadership. Declining growth rates, chronic agricultural shortages, and an inadequate pace of technological innovation demanded some action. Apparently, only two stark alternatives existed. Either fundamental domestic economic reform would have to be instituted or the Soviet Union would have to turn to the West as the source of badly needed goods, technology, and capital.

The latter alternative clearly was not without risk for the Soviet leadership, but the former was even more unpalatable to them. Their fear was that economic decentralization and liberalization would soon lead to unwanted demands for political liberalization. For them, this was the clear lesson of the 1968 events in Czechoslovakia. Thus it appeared to Western analysts that the Soviet leadership had little choice but to increase its economic dependence upon the West.[19]

The rapid growth in East-West trade in the late 1960s and early 1970s lent further support to this view. The Soviet Union eagerly sought massive credits, Western assistance in the building of mammoth factories, and Western participation in the development of the energy resources of Siberia. Crop failures in 1972 and 1975 forced the Soviet Union to import huge amounts of grain. In addition, the Kremlin's decision to increase significantly the amount of meat available to Soviet people meant that there would be an indefinite reliance upon the West for the feed grains that could not be produced in sufficient quantity in the Soviet Union (because of climatic and other factors).[20] The Soviet Union's ninth Five-Year Plan, for 1971-1975, envisaged a 35 per cent increase in foreign trade, yet the actual

figure achieved was 186 per cent (reaching a level of approximately $70 billion in 1975).[21] The Soviet Union's previous disengagement from the world economy appeared to be coming to an end.

Most striking of all, there were strong indications that the Soviet leadership's desire for Western technology, as an alternative to unacceptable economic reform, was already causing it to adopt a more conciliatory policy. Linkage was not just a hypothetical construct, but a growing reality—or so it seemed at the time. In search of most-favored-nation status from the United States, the Soviet Union allowed an unprecedented increase in Jewish emigration beginning in 1971. In 1973, more than 34,000 Jews were allowed to leave the Soviet Union, far more than the total number for the entire period of 1950 to 1970.[22] In 1973 the Soviet Union also bowed to international protest, swallowed its pride, and abandoned a punitive exit tax that had been imposed upon departing Jews the previous year.[23]

The treatment of dissidents was also clearly influenced by foreign public opinion. When the National Academy of Sciences in the United States threatened to cut off scientific exchanges with the Soviet Union, the growing campaign of vilification against Andrei Sakharov was abruply terminated.[24] Scores of dissidents (Solzhenitsyn being the most prominently) who otherwise would have wound up in Siberian exile were allowed to emigrate to the West instead. Most dramatic of all, while the world held its breath, the Soviet Union ignored the United States' 1972 escalation of the Vietnam conflict (which included the bombing of Hanoi and the mining of Haiphong harbor) and went ahead with the planned Moscow summit meeting of Nixon and Brezhnev.[25]

The period of 1972 to 1973 was the high point of East-West détente, and it appeared to many that the Soviet Union's ever-growing economic dependence upon the West was likely to induce further moderation in the years to come. Yet, as we are only too aware, this is not what came to pass. The invasion of Afghanistan, the Soviet Union's unprecedented use of Cuban troops in Angola and Ethiopia, the continuation of the steady Soviet military build-up despite its deleterious effect on Western opinion, and the heightened repression of dissidents all demonstrated just how unconstrained Moscow was by its economic ties with the West. What had gone wrong? In particular, what does the Soviet Union's bold and assertive behavior of the mid and late 1970s suggest about the utility of the interdependence perspective for the understanding of East-West relations?

We are definitely not dealing here with interdependence theory as it might apply to the relations between developed Western states or to North-South relations. Whatever its inadequacies for explaining East-West relations, the concept may still have value in other issue areas. Moreover, as we will argue below, the problem is not so much that interdependence theory was disproved by the deterioration of East-West relations as that it was never really put to the test. The preconditions for genuine interdependence had not been met even at the apogee of détente in the early 1970s. The crucial fact is that the Soviet Union never had a high level of economic dependence upon the West, and consequently it did not have that much to fear from the disruption of East-West economic relations. The incentives for modernization were relatively weak. Had they been stronger, had Soviet dependence on the West been greater, it is not inconceivable that Soviet behavior might have been more effectively circumscribed—though, as we indicate below, there are good reasons for believing that the leadership would never have allowed such a situation to develop.

THE LIMITS OF INTERDEPENDENCE

First and foremost, it must be acknowledged that the Soviet Union never allowed itself to become significantly dependent upon the West economically. In the early 1970s, many Westerners were mesmerized by the pace (in percentage terms) at which East-West trade was growing or by the absolute dollar amounts, which, since they ran to tens of billions of dollars, seemed immense. What was forgotten was that as large as this trade might seem to be or promise to become eventually, it still represented only a small amount for the Soviet economy with its GNP of some 1,200 billion U.S. dollars.[26]

For example, Samuel P. Huntington, who served on the staff of the National Security Council during 1977-1978, vigorously argued for a coordinated Western policy that used trade as a bargaining lever to induce greater Soviet restraint. In support of this policy, Huntington noted that the Soviet Union relied on the West as the source for approximately $18 billion worth of machinery that it imported during the mid 1970s.[27] This amount seems quite large until it is realized that it constituted only about 3 to 5 per cent of total Soviet investment in machinery during this same period.[28] While it is exceedingly difficult to arrive at precise figures for the contribution of Western technology to Soviet growth, two Western economists have suggested that the importing of this Western machinery would have had only a marginal impact, potentially increasing the growth of the Soviet GNP by less than 0.1 per cent per year.[29]

Soviet foreign trade increased rapidly during the 1970s. Nonetheless, as a percentage of Soviet GNP it was still only in the 5 to 8 per cent range at the end of the decade.[30] (By way of contrast, for the major trading nations of Western Europe such as West Germany, the United Kingdom, and Italy, the comparable figures are approximately 40 per cent.)[31] Moreover, Soviet trade with the developed Western countries compromises less than one-third of its total foreign trade.[32] What this means is that even by the late 1970s, total Soviet imports from the West constituted less than 1.5 per cent of its GNP. Thus, Soviet insularity and relative autarky may have diminished, but Soviet dependence upon the West, as measured in concrete economic terms, was not very high.

It is true that dependence is not just an objective, quantifiable phenomenon, however; it has a subjective dimension as well. For example, the leaders of a particular nation may think that they are deriving more benefit from an economic relationship than they actually are, and for this reason they may value that relationship (and fear its disruption) more than they should. Or they might value a relationship because they believe that the future payoff will be much greater than the initial rewards.

It appears that this was indeed the case with the Soviet leadership in the early 1970s. What many in the West warned against, the Soviet leaders optimistically anticipated: the possibility that the introduction of advanced Western technology, often embodied in large factories built from start to finish under Western supervision, would enhance the quality, sophistication, productivity, and diversity of Soviet industry.[33] The Kremlin hoped that the most useful components of Western technology would be disseminated throughout the Soviet economy and would thus enable Soviet industry to overcome its backwardness and inefficiency. This perception that Western technology was especially important to economic progress in this era of "scientific and technological revolution" was, then, a not insignificant factor contributing to Soviet moderation in the early 1970s.

By the latter part of the decade, however, Soviet hopes—and Western fears—concerning the impact of Western technology on the Soviet economy were seen to be in need of drastic revision. While some benefits were certainly achieved, the overall results were rather modest. It turned out that the basic structural features of the Soviet economy could not be altered easily. When Western technology was introduced into the Soviet Union, it operated with far less efficiency than it did in Western Europe or North America. (The efficiency of the same technology in the Soviet Union generally was less than 40 per cent of that achieved in the West.)[34] Moreover, this new technology could not easily be disseminated from one factory to another. For many years, the main problem in the Soviet Union has not been the level of scientific knowledge, for this is often quite high, but the difficulty of shifting new technology from the laboratories and scientific institutes to the factory bench. This problem was not solved by the introduction of Western technology.[35] Thus there can be little doubt that the results of the opening to the West were disappointing to the Soviet leadership. For this reason, the Soviet sense of dependence on the West, which was never very great even in the early 1970s, was further diminished by the end of the decade. This low level of economic dependence on the West, both in a concrete economic sense and in terms of Soviet perceptions of the anticipated economic benefits, was one reason Soviet foreign policy was not seriously constrained.

A second reason Soviet foreign policy was relatively unconstrained is that the leadership did not believe that the West had either the will or the ability to use East-West economic ties as an effective lever for pressuring the Soviet Union. Based upon both past experience and Marxist-Leninist ideology, the Soviet view has long been that the policies of Western governments would respond to the demands of powerful capitalist interests that put the quest for immediate profit before considerations of long-term political strategy. Rivalry and competition between the capitalists of diferent nations would allow the Soviet Union to play off one nation against another and would preclude united action by the West.

It must be admitted that there is a good deal of truth to this view. With all the talk in the West during the 1970s of Soviet dependence upon East-West trade, it was often forgotten that trade and dependence form a two-way street. What was evolving was not just Soviet dependence on the West, but interdependence, whereby at least some Western countries were at least as dependent upon trade with the Soviet Union as the Soviet Union was on trade with the West. The prime example of growing economic dependence upon the Soviet Union is West Germany, and this clearly has been one of the factors motivating the rather restrained German response to the Soviet invasion of Afghanistan and the imposition of martial

law in Poland, which in turn has caused serious strain in relations between the United States and West Germany.

West Germany has become the Soviet Union's largest non-communist trading partner. It exports large quantities of machinery to the Soviet Union, and this has made specific sectors of the German economy especially dependent upon trade with the Soviets. It has been estimated that some 50,000 German jobs are a direct result of exports to the Soviet Union.[36] At the present time, approximately 16 per cent of Germany's natural gas is imported from the Soviet Union, and if the massive pipeline connecting Western Europe to the Yamal Peninsula is built, this figure could reach 30 per cent by the late 1980s.[37] Expressed as a percentage of the German and American GNPs, Soviet-German trade is more than ten times as great as Soviet-American trade.[38] All this obviously creates a strong economic incentive for the Germans to try to preserve what is left of the tattered remains of détente.

This economic interest in détente is further reinforced by the special circumstances of Germany's political position. Détente is pursued as a domestically popular alternative to the receding dream of a reunified Germany and as a means of improving the conditions for the hard-pressed people of East Germany. In a relaxed international climate, the security of West Berlin is strengthened, increased emigration from East Germany is permitted, living conditions improve in the East, and family visits between the two Germanies (which have numbered some 15,000,000 in recent years) are more numerous.[39] East-West relations as seen from Bonn are clearly quite different from Washington's perspective, and the Soviet Union can continue to assume that in the absence of an especially threatening Soviet move (such as an invasion of Poland), the possibilities for a coordinated Western economic policy are very limited.

Even with this Western disunity, the Soviet Union would still need to exercise restraint if it were highly dependent upon any one Western nation, such as the United States, for particularly important imports. However, such dependence does not appear to exist. Most of what the Soviet Union buys from the United States is also available from other Western nations. Even the oil-drilling equipment that the Soviet Union needs to import in order to prevent a sharp decline in its petroleum production can be obtained elsewhere.[40] The one commodity that the Soviet Union needed from the United States is grain, but because the Soviet Union assumed—as did most knowledgeable Western observers—that a grain embargo was precluded by the strength of the farm lobby in the United States, this situation did not confer any significant leverage upon the United States.[41] In short, Soviet perceptions of Western irresoluteness and disunity—perceptions that were often quite accurate—further vitiated the political consequences of Soviet economic reliance upon the West.

Yet another factor that has worked to diminish the constraints of interdependence is the highly centralized nature of political power in the Soviet Union. In elaborating their model of "complex interdependence," Keohane and Nye have suggested that in the analysis of at least some issue areas it is no longer productive to view the state either as a coherent entity or as the sole international actor. This may very well be the case for Canadian-American bargaining over fisheries or in the negotiations over the law of the sea, but it is difficult to apply this perspective in Soviet foreign policy.

The Soviet state is in little danger of being "dissolved" from either above or below.[42] While Soviet policymakers are not totally insulated from the changing content of the international agenda (for example, the emergence of the North-South dialogue, the debate over the law of the sea, the pressures of resource scarcity), they are still relatively unencumbered by transnational pressures when framing their policies. The Soviet Union is not a member of the International Monetary Fund or the General Agreement on Tariffs and Trade. Foreign multinational corporations have only a minimal presence on Soviet soil. The Soviet Union has turned a largely deaf ear to the North-South dialogue, and it has tenaciously clung to its own narrowly self-interested positions on such matters as world population policy, international food resources, and the demands of the Third World for more favorable terms of trade.[43]

Even though Soviet society has become more differentiated and heterogeneous in the post-Stalin period, interest groups remain exceedingly weak, and the Soviet state is still very much a coherent unit. Even the most optimistic observers of the Soviet scene can find little more than the most tentative stirrings of incipient pluralism. For all the change that the world has witnessed in recent decades, no one is likely to dispute the proposition that the Soviet state of the 1980s is far more coherent and unitary than were the major Western states in the 1950s (when the "billiard ball" approach of the realist school of international relations was generally considered the most useful one).

Proponents of détente have often argued that a prologed relaxation of international tension would alter the parameters of Soviet policymaking. Peter Peterson, former U.S. secretary of commerce, has stated that one of the objectives of increased Soviet-American trade is "to build in both countries a vested economic interest in the maintenance of an harmonious and enduring relationship."[44] Similarly, Giovanni Agnelli, chairman of the board of Fiat, stated in Foreign Affairs that "experience tells us that the growth of trade strengthens forces and individuals inside Soviet society which are recognizably committed to détente with the West and to peaceful policies."[45]

It is perhaps possible that during a time span of some decades—as opposed to a briefer period of a few years—such a tendency might to some extend manifest itself. Buy thus far little movement or change has occurred. No doubt the Soviet political system is now more penetrable than it was even a decade ago. The jamming of Western radio broadcasts has been curtailed, and foreign broadcasts are now a major source of information for the Soviet people. More than 250,000 Soviet citizens have been allowed to emigrate, and their letters and telephone calls to relatives still in the Soviet Union have become an important factor lessening Soviet insularity. The increased presence of Western tourists, businessmen, and journalists has a similar effect, and Soviet workers in factories built by Western firms (such as the huge Kama River truck factory or the Togliatti car factory) are able to see with their own eyes the superiority of Western technology, workmanship, and even higher wage levels.[46] Nonetheless, whatever long-term impact this may eventually have on Soviet attitudes, the immediate political consequences of this very partial opening of Soviet society are minimal.

Developments such as these certainly do not necessitate the search for a new paradigm to explain Soviet foreign policy. On the contrary, political power in the Soviet Union still remains tightly concentrated at the top, and the leadership is quite able to ignore the wishes of various subgroups in Soviet society. For example, as a result of the turmoil in Iran in 1978-1979, shipments of natural gas from Iran to Soviet Georgia and Armenia were cut off. Alternative sources of supply were unavailable, and the Armenians and Georgians froze through one of the coldest winters in decades.[47] Yet in framing policy toward Iran, the Soviet leadership did not have to give great weight to the "votes" of these people. Clearly the position of the Soviet state and Soviet foreign policy vis-a-vis the shivering people of Armenia and Georgia is not remotely comparable with the position of the U.S. government vis-a-vis aggrieved fishing interests in the New England states (which have forced a renegotiation of the Canadian-American fisheries agreement).

This is not to say that the Soviet leadership is totally unmindful of popular welfare. The recent events in Poland are a vivid reminder to the Soviet Union's rulers that economic stagnation and distress can have serious political consequences. But Soviet consumers are a patient and long-suffering lot, and as long as certain minimal expectations are met, the Soviet leadership can be confident that public order will be maintained and that they will have a relatively free hand in the framing and execution of foreign policy.

Even without powerful pressures from below, there certainly can be important differences of opinion within the Politburo on foreign policy questions. We know of past instances of profound differences, and even now in all probability some members of the Politburo lean toward restraint while others are attracted to a harder line.[48] Compared with the other major international actors, however, the Soviet state is still highly cenralized and tightly organized, and the scope for interest-group politics—especially on matters of foreign policy—is extremely limited. Even if some groups with a vested interest in détente do exist, their ability to influence Soviet foreign policy is minimal.

This, then, is yet another reason the Soviet Union's increased involvement in the international economic system has not seriously constrained the conduct of Soviet foreign policy. If such groups as Soviet consumers, intellectuals, scientists, the foreign trade bureaucracy, sectors responsible for the production of consumer goods and foodstuffs, young people seeking access to foreign travel, among others, had a greater impact on Soviet policymaking, then the economic cost of occupying Afghanistan, expanding into Africa, or escalating the arms race would be a weightier factor in Soviet policy deliberations. As long as Moscow retains its present degree of centralization and authortarian control, however, the moderating effects of interdependence will be severely limited.[49]

Another factor that lessens the impact of interdependence on Soviet foreign policy is the Soviet view of the role of force in international politics. According to some of the more optimistic Western proponents of the interdependence paradigm, force is losing much of its previous utility. The definition and measure of power is becoming more elusive, and even the world's superpowers are

said to be finding it more difficult to apply their power in a politically meaningful manner (as Washington discovered in Vietnam, in dealing with Iran over the hostages, and in its inability to affect the course of the war between Iran and Iraq).

For many in the West, the elusiveness and recalcitrance of power has been accepted as a fundamental feature of the international system of the last quarter of the twentieth century. The crucial point, however, is that this perception is not shared by the Soviet leadership. For the Kremlin, the use of force—or at least the ability to threaten credibly its use—is the linchpin of Soviet power. It lies at the heart of Soviet leaders' perceptions of the country's past, present, and future. In the eyes of the Soviet leadership, the Soviet Union has become what it is today largely because it successfully built up and effectively utilized its military establishment. As they look at past events, the central lesson they draw is not of the irrelevance of force, but of its absolute indispensability. It was Soviet military might that allowed that country to defeat Hitler's armies and to expand Soviet power throughout Eastern Europe in the 1940s, to crush resistance in Hungary and Czechoslovakia in the 1950s and 1960s, and to spread Soviet power to Angola, Ethiopia, South Yemen, and Afghanistan in the 1970s. To find graphic proof of the importance of military power, one need only look at the African continent, where recent Soviet successes contrast dramatically with Soviet impotence (because of the lack of long-range transport capabilities) during the Congo crisis of 1960.

Paradoxically, the blossoming of détente in the mid 1970s served to strengthen rather than undercut this perception. If in the West the development of détente has often been viewed as reflecting the declining importance of military power in world affairs, the Soviet perspective has been just the reverse. The official Soviet view is that the United States came to accept détente only because it was compelled to do so by the growing might of the socialist camp. The Soviet Union's attainment of strategic parity is viewed as having had a sobering impact on U.S. political leaders, forcing them to acquiesce in the Soviet Union's growing role in international affairs. The thawing of East-West relations in the 1970s is thus seen as just one part of the dividend accrued by the Soviet Union on its costly investments in the military sphere.[50]

So too does the role of military power loom large in the Soviet leadership's nervous contemplation of the future. The Soviets see the possession of a massive military establishment as vital to the achievement of Soviet goals—both defensive and offensive—in the years ahead: the deterring of China, the discouraging of active opposition to Soviet hegemony in Eastern Europe, the counterbalancing of U.S. military mighty, and the pursuit of a greater Soviet role in the Third World. As Soviet weaknesses along the other dimensions of power become increasingly pronounced, the enhancement of the military establishment becomes the Soviet Union's single most important means of maintaining its status as a global superpower.

Economically, the productive capacity of the Soviet Union and its allies remains vastly inferior to that of the developed West. (For example, the combined GNP of the United States, Japan, and the European Economic Community (EEC) is approximately three to four times that of the Soviet bloc.)[51] In addition, the trends of the 1980's (with decling growth rates, continued technological backwardness, potential energy shortages, and possible consumer unrest) are highly unfavorable to the Soviet Union.[52] Ideologically, the Soviet Union has lost its mystiques as the supposed homeland of international revolution, and the attractive force of Marxism-Leninism has been very much diminished, to the point that it holds little genuine appeal even to radicalized groups in the West and the Third World. Politically, Soviet diplomacy has often been inept and heavy-handed, and the Soviet Union has alienated many of the key states vital to its international standing (for example, China, Japan, and Egypt). By process of elimination, this leaves military power as by far the most reliable and productive means of maintaining and extending Soviet global influence.

In short, then, the entire Soviet experience, from prerevolutionary days up to the present, reinforces the tendency to view power—and especially military power—as the essence and lifeblood of politics. In Soviet eyes, recent changes in the international arena—the growing interconnectedness of the members of the global village—in no way alter this fundamental truth.

Put another way, it can be said that the traditional hierarchy of issues in international politics—with security concerns at the top and economic problems at the bottom—is not breaking down for Soviet leaders, whatever changes may be taking place in Western scholarly and policymaking circles. On the contray, for the Soviet leadership other objectives (whether regulating the law of the sea, increasing consumer satisfaction in the Soviet Union, or keeping Armenians and Georgians warm) take a definite backseat to the central goal of maintaining and expanding Soviet world power. Thus, even if the Soviet leadership has fully anticipated all the harmful economic consequences of its military occupation of Afghanistan, this probably would not have deterred them from going ahead. From their perspective, the costs imposed by the cut-backs in East-West trade, the American grain embargo, the expense of fighting Afghan insurgents, and the loss of foreign exchange as a result of the partial boycott of the Olympics are minor in comparison with the political and strategic stakes involved.

The Soviet leadership has a highly competitive view of international relations. It believes that the forces of American imperialism are tirelessly seeking to strengthen their positions throughout the world and that the Soviet Union must do the same. This competitive view of international politics leads, in turn, to a strong tendency to put short-term gains and interests ahead of more long-term perspectives. In recent decades, the Soviet regime has moved away from the narrow zero-sum perspective of the Stalin period, but Soviet foreign policy is still characterized by opportunism and the eager exploitation of targets of opportunity.

Whether it be nuclear proliferation, the population explosion, the lack of a world agricultural reserve, international terrorism, or the taking of American hostages in Iran, there is little evidence of Soviet willingness to subordinate the prospect of making immediate gains to collaborative efforts to strengthen world order. Nor should this come as a surprise to the West. After all, the Soviet Union sees itself as an emerging global power that has only just begun to find its deserved place in the international hierarchy. The international status quo is not acepted as legitimate by the Soviet Union, and the United States is viewed as having at present an illegimate excess of power (as in areas close to Soviet borders, such as the Midddle East and Japan).[53] Instability, disorder, hunger, and unsatisfied grievances are welcomed by the Soviet Union since they threaten the status quo and provide a potential entry wedge for the expansion of Soviet influence.

On occasion, Soviet spokesmen do pay lip service to the rhetoric of global interdependence.[54] But most of these statements are clearly made for foreign consumption.[55] The dominant theme of Soviet pronouncements is that the concept of interdependence is a transparent sham, concocted and peddled by bourgeois ideologues in an attempt to shore up the existing international system and to mask the continuation of imperialist exploitation of the Third World.[56]

For many in the West, the emergence of world interdependence, the global village, the "technetronic age," represents a golden opportunity for humanity, a chance to replace the irrational rigidities of the Cold War and the economic wastefulness of the arms race with a new commitment to the genuine needs of mankind. In contrast, the Soviet leadership has much to fear from a fundamental shift in the rules of the game. Genuine global interdependence would, at the very least, put the Soviet Union at a severe disadvantage in the competition for world power, since Soviet economic might is vastly inferior to the West's, and its rigid state-run enterprises are no match for the restless, ever-expanding multinational corporation.

We are currently living in a period in which the spotlight is on Latin America. During my 16 years in the Senate, I cannot recall a time when so many different Latin American issues have been so continually on our agenda. We have dealt with important regional issues before—such as the Panama Canal Treaties—but never before have we seen the variety and complexity of the political, security, and economic questions that require our attention today.

The Hemispheric issues that we are concerned about today in Congress can be considered in three separate but related categories.

First, the attention of the Congress is focused on the evolving crisis in Central America.

Second, Congress must be sensitive to the tensions created in United States-Latin American relations in the aftermath of the Falklands/Malvinas war.

And third, the economic crisis being faced by Latin America's most economically powerful countries is a new cause for considerable concern.

I will discuss all three of these issues in turn.

CENTRAL AMERICA

Beginning with Central America, internal strife continues despite American efforts to bring peace to the region. I fear that, unless our efforts are successful soon, violence may spread across borders and engulf the states of the region in wars with one another. We must, therefore, rededicate our efforts to find peace, but with as much firm and quiet diplomacy as possible.

Carried to its logical extreme, genuine interdependence would eat away at the closed nature of the Soviet system as it presently exists. One has only to list some of the potential consequences of a close intertwining of the economies of East and West to

appreciate the basis for Soviet anxieties: (1) The Soviet Union would become less autarkic and more vulnerable to Western economic pressure. (2) The ideological commitment of the Soviet people would be weakened by their increased exposure to people and ideas from the West. They would become better informed about the disparity between the Soviet and Western standards of living, and they would learn more about Western political institutions and social conditions. (3) The pressure for major Soviet economic reform, to make the Soviet Union more competitive in world markets, would be intensified. Demands for fundamental political change would increase, thus calling into question the existing distribution of political and economic power in the Soviet Union. (4) The Soviet economy's vulnerability to the effects of Western economic cycles would be increased. (5) The Soviet Union, through its increased trade with the West, would be helping to buttress the economic and political systems of its capitalist adversaries. (6) As the countries of Eastern Europe expanded their trade with the West, Eastern European dependence upon the Soviet Union would be lessened, and Western influence in the Comecon countries would grow. (7) The sharpness of East-West cleavages would be blurred, thereby providing increased scope for independent Eurocommunist parties and further eroding what is left of the Soviet Union's revolutionary image in the Third World. (8) The Soviet Union would be at a disadvantage in the Third World to the extent that economic development (with its need for advanced technology, access to Western markets, and demands for better terms of trade) assumed priority over local and regional conflict.

Clearly, all this adds up to a situation in which the Soviet Union has little reason to value and work toward a world of genuine interdependence. The Soviet leadership would like the benefits of increased trade with the West without accepting any of its costs or constraints. It would seem that thus far they have been highly successful in achieving precisely this result.

CONCLUSION

The major arguments of this paper have been: first, that the conduct of Soviet foreign policy in the late 1970s and early 1980s has not been significantly constrained or moderated by the growth of the Soviet Union's economic ties with the West; second, that one of the main reasons for this is that even with the rapid increase in East-West trade in the 1970s, the overall level of Soviet economic interchange with the West has remained relatively low; and third, that even if the Soviet economy had been more closely interconnected with the international economic system, the constraining influence of these economic ties would still have been relatively limited because of such factors as the disunity of the West, the relative weakness of interest groups in the Soviet Union, the Soviet leadership's continued belief in the utility of military power, and the determination of that leadership to secure what they see as the Soviet Union's rightful share of global power. On this basis, it was concluded that the model of "complex interdependence" does not have a great deal to offer to students of East-West relations.

Direct economic constraints on Soviet foreign policy arising from the Soviet Union's commercial ties with the West are likely to remain quite weak for the foreseeable future. Nevertheless, one potential development in the years ahead should be mentioned: the possible consequences for Soviet foreign policy of the increased ties between Western Europe and the nations of Eastern Europe, such as Poland, Hungary, and Rumania. The Soviet Union and the United States, as two of the world's largest and most populous nations, each possessing a vast diversified resource base of continental scope, are able to remain comparatively detached from the world economy. This is why Soviet foreign trade as a percentage of GNP is much lower than the comparable figures for its Comecon allies, just as foreign trade is much less significant for the United States than it is for the nations of the EEC.

Therefore, the place to look for the impact of economic relations on foreign policy is in the conduct of countries other than the Soviet Union and the United States. As we have noted above, West Germany's policies are already being influenced by its well-developed economic ties with the Soviet bloc. Similarly, countries such as Poland and Hungary are becoming increasingly vulnerable to any disruption of their economic relations with the West.

Moreover, it can be conjectured that the economic ties between the countries of Eastern and Western Europe will eventually exert at least some influence on Soviet calculations and conduct. Various mechanisms and linkages suggest themselves: (1) In a time of deteriorating East-West relations, East European leaders, fearful of the consequences of a new cold war for their economies, will urge the Soviet Union to pursue a moderate policy. (2) Even if the direct costs for the Soviet Union of a disruption of East-West trade would be quite manageable, the economic consequences for the nations of Eastern Europe would be far more serious. The Soviet Union would have a strong interest in avoiding this situation, fearing that economic dislocation in Eastern Europe could easily trigger either a political explosion or the initiation of political reforms unacceptable to the Soviet Union (as in Czechoslovakia in 1968 or in Poland during 1980–1981). (3) Should a major disruption of East-West trade severely damage the economies of Eastern Europe, the Soviet Union would be called upon to bail them out, and this it can ill afford to do given its own economic difficulties. (4) While growing Eastern European dependence upon the West creates dangers for the Soviet Union, the corresponding Western European dependence upon Eastern Europe also opens up opportunities for Soviet foreign policy. Western dependence on trade with Eastern Europe gives the Soviet Union greater scope for trying to drive a wedge between the United States and its allies. Yet to take advantage of this opportunity, the Soviet Union must act with a certain degree of moderation, and it would have to maneuver carefully and take into account European sensitivities. Thus, what in one sense is an opportunity for the Soviet Union is also a complicating factor adding complexity to its choice of policy options. All this suggests, then, that to the extent that the constraints of interdependence do affect the Soviet Union and the United States in the future, the main mechanism may not be direct economic ties between the superpowers, or even their own economic dependence on the other camp, but their ties to their own allies who, in turn, are very much affected by the economic links between East and West.[57]

In appraising East-West relations, it is important to maintain a sense of balance and to avoid the extremes of bleak pessimism or unrealistic optimism. A brave new world of harmonious interdependence is clearly not on the immediate horizon, and for the foreseeable future, East-West relations will remain highly competitive. But this need not rule out efforts aimed at the gradual improvement of U.S.-Soviet relations.

We have argued that the Soviet Union's economic ties with the West have not constrained and will not seriously constrain the conduct of Soviet foreign policy. Having said this, however, we do not mean that a complete absence of parallel interests exists between East and West, interests that may serve to promote a degree of restraint on the part of the Soviet Union. We have already mentioned the constraining factor of economic ties between Western and Eastern Europe. In addition, the Soviet Union has a strong interest in avoiding nuclear war, establishing some degree of crisis management (as in the Middle East), trying to prevent a full Sino-American rapprochement (especially in the military area), and avoiding an all-out arms race with an economically superior United States. Parallel interests exist alongside deeply divergent perceptions, interests, ideologies, goals, and domestic political systems, and it is for this reason that East-West relations are characterized by elements of both cooperation and conflict.

Judging by past experience, the level of East-West tension is likely to fluctuate widely in the years ahead. Even during the times of greatest East-West cordiality, however, it would seem that the realist model of international relations, with its stress on national interest, conflict, and the quest for power is a more effective tool than the interdependence perspective for comprehending and managing the complexities of this relationship.

FOOTNOTES

[1] K. J. Holsti, "A New International Politics?," International Organization, Spring 1978.

[2] Richard Rosecrance et al., "Whither Interdependence?," International Organization, Summer 1977; Peter Kaztenstein, "International Interdependence," International Organization, Autumn 1975.

[3] Richard Cooper, The Economics of Interdependence (New York: McGraw-Hill, 1968); Rosecrance, "Whither Interdependence?"

[4] Council on International Economic Policy, International Economic Report of the President, (Washington: GPO, January 1977), tables 1, 18, 19.

[5] Holsti, "A New International Politics?," p. 520. Also see David Baldwin, "Interdependence and Power: A Conceptual Analysis," International Organization, Fall 1980, pp. 471–506.

[6] Robert O. Keohane and Joseph S. Nye, Power and Interdependence: World Politics in Transition (Boston: Little Brown, 1977), pp. 26–27; Richard Cooper, "Trade Policy is Foreign Policy," Foreign Policy, Winter 1972–1973.

[7] Stanley Hoffman, "Note on the Elusiveness of Modern Power," International Journal, Spring 1975.

[8] Harold van B. Cleveland, "Modes of International Economic Organization," in David Calleo, ed., Money and the Coming World Order (New York: New York University Press, 1976), p. 3.

[9] Keohane and Nye, Power and Interdependence, pp. 25–26.

[10] Ibid., p. 21; Werner J. Feld, International Relations: A Transnational Approach (Sherman Oaks, Calif.: Alfred, 1979).

[11] Keohane and Nye, Power and Interdependence, p. 25. Also see the excellent article by David Baldwin, "Power Analysis and World Politics," World Politics, January 1979.

[12] Keohane and Nye, Power and Interdependence, pp. 25–29.

[13] See, for example, Feld, International Relations; Richard Sterling, Macropolitics: International Relations in a Global Society (New York: Knopf, 1974); Edward L. Morse, Modernization and the Transformation of International Relations (New York: Free Press, 1976). See also Walter C. Cle-

mens, Jr., The U.S.S.R. and Global Interdependence (Washington: American Enterprise Institute for Public Policy Research, 1978). Our critique of the model of "complex interdependence" as applied to East-West relations should not be seen as an attack on the work of Keohane and Nye. On the contrary, their work is especially valuable in at least two respects. First, it represents one of the clearest and most cogent discussions of interdependence. Second, their analysis is exceptionally well balanced and thoughtful, and it explicitly recognizes the need for a diversity of approaches in the study of international politics. All they claim is that the perspective of "complex interdependence" may be more useful than the traditional realist paradigm in certain cases. Moreover, it is clear from their discussion that they recognize that the study of East-West relations—as opposed to relations among developed Western countries—is not one such case. The caveats of Keohane and Nye have often been ignored, and scholars and policymakers have at times overestimated the extent to which international politics in general, and Soviet foreign policy in particular, has been transformed by the growth in international economic transactions and the emergence of new economic-political issues.

[14] Cited in G. Warren Nutter, Kissinger's Grand Design (Washington: American Enterprise Institute for Public Policy Research, 1975), p. 78.

[15] Cited in Theodore Draper, "Appeasement and Detente," Commentary, February 1976, p. 29.

[16] Samuel Pisar, "Let's Put Detente Back on the Rails," in Fred Warner Neal, ed., Detente or Debacle (New York: Norton, 1979), p. 7.

[17] U.S. Congress, House of Representatives, Committee on Foreign Affairs, 93rd Congress, 2nd Session, Detente, Hearings, May-July 1974 (Washington: GPO), p. 105.

[18] See Seyom Brown, "The Changing Essence of Power," Foreign Affairs, January 1973, pp. 286-299; Seyom Brown, New Forces in World Politics (Washington: Brookings, 1974); and Morse, Modernization and the Transformation of International Relations. All of these works represent in a very explicit way the emphasis on nonstate actors and the lack of concern with security question that lie at the heart of this new tradition.

[19] Wolfgang Leonhard, "The Domestic Politics of the New Soviet Foreign Policy," Foreign Affairs, October 1973, pp. 59-74.

[20] Marshall I. Goldman, "Will the Soviet Union Be an Autarky in 1984?," International Security, Spring 1979, p. 27.

[21] Lawrence T. Caldwell, "The Future of Soviet-American Relations," in Lawerence T. Caldwell and William Diebold, Jr., Soviet-American Relations in the 1980s (New York: McGraw Hill, 1981), pp. 52, 53.

[22] Soviet Jewry Action Newsletter (New York), February 1974.

[23] William Korey, The Soviet Cage (New York: Viking, 1973), pp. 312-321; the New York Times, April 20, 1973.

[24] Time, September 24, 1973, p. 40.

[25] Joseph L. Nogee and Robert H. Donaldson, Soviet Foreign Policy Since World War II (New York: Pergamon, 1981), pp. 246-247.

[26] Caldwell, "The Future of Soviet-American Relations," p. 45.

[27] Samuel P. Huntington, "Trade, Technology, and Leverage," Foreign Policy, Fall 1978, pp. 68-69.

[28] Philip Hanson, "Western Technology in the Soviet Economy." Problems of Communism (1978), p. 22.

[29] Franklyn Holzman and Richard Portes, "The Limits of Pressure," Foreign Policy, Fall 1978, pp. 83-84. Simple quantitative measures of dependence (such as foreign trade as a percentage of GNP) may not fully indicate the degree to which a nation benefits from its economic relations with other countries. By importing a crucial commodity that alleviates major bottlenecks in the productive process (for example, oil drilling equipment) or has a multiplier effect on production (such as chemical fertilizers), a great benefit may be achieved. Even taking these effects into account, most observers nonetheless conclude that Soviet imports of Western technology and goods in the 1970s had only a very limited impact on overall Soviet growth rates. See Hanson, "Western Technology in the Soviet Economy," pp. 28-30; Gary K. Bertsch, "West-East Technology Transfer," Problems of Communism (1980), pp. 74-78; and Mark E. Miller, "The Role of Western Technology in Soviet Strategy," ORBIS, Fall 1978, pp. 553-559.

[30] Caldwell, "The Future of Soviet-American Relations," pp. 45, 53; Giovanni Agnelli, "East-West Trade," Foreign Affairs, Summer 1980, p. 1021; Alec Nove, East-West Trade, the Washington Papers no. 53 (Beverly Hills, Calif.: Sage, 1978), p. 30.

[31] International Economic Report of the President, tables 1, 18, 19.

[32] Caldwell, "The Future of Soviet-American Relations," p. 53.

[33] Philip Hanson, "The Import of Western Technology," in Archie Brown and Michael Kaser, eds., The Soviet Union Since the Fall of Khrushchev, 2nd ed. (London: Macmillan, 1978), pp. 19-23; Bertsch, "West-East Technology Transfer," p. 75.

[34] Marshall I. Goldman, "Soviet Trade Policy," Current History, October 1980, p. 86.

[35] Holzman and Porters, "The Limits of Pressure," pp. 82-86.

[36] Otto Wolff von Amerongen, "Economic Sanctions as a Foreign Policy Tool?" International Security, Fall 1980, P. 164.

[37] Time, February 16, 1981, p. 57.

[38] World Bank, World Development Report, 1980 (Washington: World Bank, 1980), pp. 111, 125; UNCTAD, Handbook of International Trade and Development Statistics, Supplement 1980 (New York: UN, 1980), table A-1; OECD, Statisitics of Foreign Trade, Series B (Paris: OECD, 1979).

[39] Willy Brandt, "From the Perspective of Survival," Trialogue Quarterly, Winter 1980-1981, p. 9.

[40] Marshall I. Goldman, "Is There a Russian Energy Crisis?," The Atlantic, September 1980, p. 63; Holzman and Portes, "The Limits of Pressure," pp. 86-90.

[41] Soviet leaders clearly miscalculated in assuming that the U.S. government would not embargo grain shipments to the Soviet Union. In a broader sense, however, they were quite correct in minimizing the significance of such an action. This is indicated by the fact that: (1) the embargo was lifted unconditionally after less than sixteen months; (2) even while the embargo was in force, the Soviet Union was able to import more than thirty million tons of grain in 1980, an amount greater than that imported in any previous year. Robert L. Paarlberg, "Lessons of the Grain Embargo," Foreign Affairs, Fall 1980, pp. 144-162.

[42] R. Harrison Wagner, "Dissolving the State: Three Recent Perspectives on International Relations," International Organization, Summer 1974, pp. 435-66.

[43] Robert H. Donaldson, "The Second World, the Third World, and the New International Economic Order," in Robert H. Donaldson, ed., The Soviet Union in the Third World (Boulder, Colo.: Westview, 1981), pp. 358-383.

[44] Cited in Franklyn Holzman and Robert Legvold, "The Economics and Politics of East-West Relations," International Organization, Winter 1975, p. 300.

[45] Agnelli, "East-West Trade," p. 1031.

[46] Alexander Dallin, "The Fruits of Interaction," Survey, no. 100-101 (1976), pp. 42-46; Boris Rabbot, "Detente: The Struggle Within the Kremlin," the Washington Post, July 10, 1977.

[47] Goldman, "Soviet Trade Policy," p. 86.

[48] Alexander Dallin, "The United States in Soviet Perspective," Adelphi Papers, no. 151 (London: International Institute for Strategic Studies, Summer 1979), pp. 13-21; Morton Schwartz, Soviet Perceptions of the United States (Berkeley: University of California Press, 1978), pp. 147-169.

[49] Since the mid 1060s, many Western scholars have explored various aspects of an interest-group approach to the analysis of Soviet politics. While significant differences of opinion still exist on many questions, most Western observers would agree that: (1) Soviet interest groups (with the possible exception of the military) are significantly weaker than their Western conterparts; (2) those groups most likely to have an input into foreign policy decisionmaking are not those favoring moderation (such as the foreign trade bureaucracy or the scientific community), but rather more hardline elements such as the military, the KGB, and the ideologically conservative party apparatus. The seminal work on Soviet interest groups is H. Gordon Skilling and Franklyn Griffiths, eds., Interest Groups in Soviet Politics (Princeton: Princeton University Press, 1971).

[50] Seweryn Bialer, Stalin's Successors (Cambridge: Cambridge University Press, 1980), pp. 241-267; Dimitri K. Simes, "Deterrence and Coercion in Soviet Policy," International Security, Winter 1980-81, pp. 80-103.

[51] Caldwell, "The Future of Soviet-American Relations," p. 44; Nogee and Donaldson, Soviet Foreign Policy Since World War II, p. 291.

[52] Bialer, Stalin's Successors, pp. 283-305.

[53] Robert Legvold, "The Super Rivals," Foreign Affairs, Spring 1979, pp. 762-767.

[54] For example, see the statements cited in Clemens, The U.S.S.R. and Global Interdependence, pp. 21-31. See also N. I. Lebedev, A New Stage in International Relations (Oxford: Pergamon, 1976), pp. 122-148.

[55] A prime example is the interview given to a West German newspaper by Valentin Falin, the first deputy chief of the Central Committee's International Information Department. The text is translated in Foreign Broadcast Information Service, Daily Report (Soviet Union), April 23, 1980, pp. CC4-CC7.

[56] Y. Fyodorov, "The Worthless Recipes of Bourgeois Political Science," International Affairs (Moscow), February 1979, pp. 95-196; A. Kokoshin, "Vzaimozavisimost'," SShA (January 1977), pp. 11-22.

[57] One should note that the relationship between heightened economic dependence and improved political relations may often be just the opposite of the one assumed by enthusiastic proponents of greater East-West trade. Far from promoting an improvement in relations, increased interdependence may impose an additional strain on relations. To the extent that one nation's fortunes are acutely and directly affected by another country's policies—internal or external—another cause for concern arises (for example, Western anxieties over potential Soviet oil shortages or the fears of international bankers provoked by Poland's faltering economy). A decoupling of the economies of East and West may thus be more conducive to better relations than increased interdependence. See Kenneth Waltz, "The Myth of Interdependence," in Charles Kindleberger, ed, The International Corporation (Cambridge, Mass.: MIT Press, 1970).●

RESULTS OF SURVEY OF AMERICAN NOBEL PRIZE WINNERS CONCERNING FEDERAL FUNDING FOR RESEARCH

AMERICA'S RISE TO SCIENTIFIC PROMINENCE

● Mr. GLENN. Mr. President, in the first quarter of the 20th century the most important sources of scientific and technological innovation in the United States were the industrial research laboratories run by private companies and occasionally affiliated with a university. These laboratories existed to develop new products and processes and to solve scientific and technical problems for the companies that sponsored them. This focus on specific products or processes plus the essential absence of any Federal support for basic research produced a situation wherein scientific progress was dominated by European activity. From 1901 to 1926, U.S. scientists won only 3 of the 69 Nobel prizes awarded in physics, chemistry, physiology, and medicine. During the same period the Germans won 19 prizes, the British won 10, and the French won 9.

Many refugee scientists escaping nazism and fascism prior to World War II helped to shift the focus of scientific activity toward the United States. Massive Federal expenditures for scientific reseach during the war coupled with the mobilization of scientific talent toward the resolution of problems at the scientific and technological frontier enabled the United States to emerge from the war as the unchallenged leader in electronics, telecommunications, atomic energy,

computer science, aviation, and medicine.

This success prompted the establishment of a civilian apparatus for the support of scientific research beginning in 1950 with such support rising spectacularly starting in the late fifties with the development of the space program. Advances in the American standard of living were being produced from the introduction of new technologies and new materials. An American techological revolution was being spearheaded by advances in optics, materials, information processing and transmission, semiconductor technology, and biomedicine that raised the U.S. standard of living to unprecedented heights.

THE DOWNTURN IN SUPPORT FOR SERVICE

More recently the picture has become somewhat disturbing. The U.S. ratio of R&D to GNP peaked in 1964 at 2.96 and generally declined throughout the 1970's reaching a low of about 2.2 in 1978, a decline of 25 percent. During the same period the R&D to GNP ratio in Japan and Germany rose substantially, with Germany's ratio in 1978 being 2.37. The estimated ratio for the Soviet Union for 1978 is 3.4, more than 50 percent higher than that of the United States.

We are also having science and engineering manpower problems. In recent years employment in science and engineering has grown at a lower rate (2.5 percent per year) than that of total U.S. employment and GNP (4 percent per year). In addition, there has been a decine in the percentage of scientists and engineers working in their profession. There are declining employment opportunities for young doctorate holders in academia. From 1973 to 1979 the proportion of doctoral scientists and engineers under 35 years of age in educational institutions declined by 30 percent.

Although support for basic research is frequently cited as an indicator of the national generosity toward research, the fact is that between 1969 and 1975 Federal constant dollar basic research funding declined at an annual rate of about 2 percent. From 1975 through 1979 basic research spending showed steady growth that averaged 4.4 percent annually in real terms. However, 1981 saw a return to a decline of support in real terms. It is important to note that the Federal Government is the primary supplier of basic research funds, providing 69 percent of the total support in 1979. The Government's support of basic research has been largely responsible for the increases in basic research funding since 1975. Thus the Federal sector has assumed major responsibility for supporting basic science as a means of producing a future knowledge base. It is apparent that the private sector, for various reasons, is unwilling or unable to pick up whatever slack might occur as a result of cutbacks in Federal support.

Our national laboratories are in difficulty and the research instrumentation in our universities has either reached or is rapidly approaching obsolescence. A major national effort would be required to alleviate this situation.

Finally, and perhaps most importantly, there is a growing scientific and technological illiteracy in our country. Shortages of qualified science and mathematics teachers at the precollege level have become critical. Student achievements are markedly down, and, except for a small upturn this past year, have been declining steadily for a period of 10 years. The declining emphasis on science and mathematics in our school systems is in marked contrast to other industrialized societies. Japan, Germany, and the Soviet Union all provide rigorous training in science and mathematics for their young people. Despite this, funds for science education through the National Science Foundation which were 20 percent of the NSF budget in 1970 have been eliminated in the President's fiscal year 1983 budget except for graduate fellowship funds.

THE IMPORTANCE OF BASIC RESEARCH AND FEDERAL SUPPORT

It is important that the American public and its leaders understand how vital science education, training, and basic research are to our national enterprise. Dr. Edwin Mansfield, a well-known economist at the University of Pennsylvania has shown that, all other things being held constant, the investment by a firm in long-term basic research is correlated to that firm's rate of productivity increase. In like manner our Government investment in basic research has produced similar dividends for the average U.S. citizen's standard of living. The development of the agricultural, aerospace, and nuclear industries, as well as advances in communications, fluidics, computers, and medicine have all come through the support of basic research by U.S. Government agencies. By one measure, in the biomedical area alone every dollar invested in research has won a return of $15. Non-health-related applications of biomedical research is boosting GNP by $37 billion annually. Yet, while the United States spends $300 billion annually on health care, some consider the expenditure of $1.5 billion on health related basic science to be excessive.

There are some who say that the problem is not support of basic research but rather getting research results to the stage of commercialization. It is frequently pointed out that the Japanese have managed their remarkable economic rise without spending a lot of money on basic research, money that they were able to save because the basic research community worldwide does not attempt to hide the results that it produces. Incredibly, the lesson that some people have gleaned from this is that we can afford to cut back on our basic research efforts as long as we provide additional incentives for the private sector to exploit research which has already been done for the purpose of bringing new products to the marketplace. In my view, following this short-term bottom-line advice would be a prescription for future economic disaster in the United States. If we are not as strong as we should be in the commercialization area, then we should certainly do what we can to shorten the time between discovery, application, and manufacture. But no industrialized country can long maintain a position of economic leadership only by feeding off the scientific discoveries of others. The most recent information suggests that the Japanese realize this and are now investing much larger sums of money in basic research than they ever have in the past.

Those who question the value of U.S. Government support for basic research and who suggest that the Government can cut back its efforts and turn the responsibility over to private industry should examine the historical record. Does anyone seriously want to go back to the situation we were in at the beginning of this century? Isn't it clear that cutbacks in the Federal effort will result in our handing the Europeans, the Japanese, and perhaps others, our mantle of leadership in this area?

THE GLENN SURVEY OF NOBEL LAUREATES

The value of the Federal basic research support effort can be measured in many different ways. Unfortunately, the communication of its benefits to the Nation have been submerged by simplistic political slogans that "Government is the problem," and by the publicity given to disparaging "awards" presented in speeches in the Halls of Congress, creating the mistaken impression that the expenditure of Federal money for basic research is a ripoff of the taxpayer. To help redress this imbalance I undertook a survey of the level and importance of Federal funding for the American winners of the Nobel Prize for physics, chemistry, physiology, and medicine during the years 1967-81, a 15-year period during which the United States has been clearly dominant in the winning of such prizes in contrast to its position at the beginning of the century. Forty-eight scientists—89 percent of those written to—responded. The results show that better than 83 percent of these Nobel Prize winners for science during the years 1967-81 had substantial direct support from the U.S. Government. Indeed, more than 60 percent of the respondees received 90 to 100 percent of the financial support

for their research from the Government. This category includes six scientists who are full-time Government employees. With only two exceptions, all the scientists who received substantial direct Federal support indicated that those Federal funds were vitally necessary to the work for which they received the prize.

While it is true that the winning of Nobel Prizes does not necessarily guarantee industrial or economic success, it is also true that significant industrial and technological applications, and improvements to human health and longevity, have come out of federally supported Nobel Prizes winning discoveries.

Below are listed selected examples of important applications that have stemmed from the research of some of the federally funded Nobel Prize winners covered by this survey. The list, both from the point of view of research as well as applications, is not meant to be exhaustive, but only illustrative.

Today's recombinant DNA industry is based upon the work done by several U.S. scientists who received Nobel Prizes in the years 1968, 1975, 1978, and 1980. Work on recombinant DNA has implications for producing vaccines, insulin, interferon, and hormones which are used in battling various diseases.

The discovery of the hepatitis B virus and the hepatitis vaccine—1976 Nobel Prize—has led, by one estimate, to the saving of several billion dollars in hospital and medical fees and time lost from work.

The development of the radioimmunoassay technique which uses radioactivity to detect substances in the body—1977 Nobel Prize—has led to the development of new and powerful medications.

Discoveries concerning the structure of antibodies—1972 Nobel Prize—and the body's immune process—1980 Nobel Prize—have led to better understanding of how the body fights infection with applications in the treatment of cancer and greater success in the transplant of organs.

Certain advances in the field of microelectronics have been made possible through the development of a theory explaining superconductivity—1972 Nobel Prize.

The mass production of hundreds of pharmaceutical and industrial chemicals has resulted from basic discoveries in the chemistry of boron and phosphorus—1979 Nobel Prize.

The extension of earlier work on lasers into the area of spectoscopy—1981 Nobel Prize—has found applications in the detection of pollutants, poison gases, and radioactive leakage in the atmosphere as well as the measurement of extremely small signs of surface corrosion on metals.

It should be pointed out that, beyond the question of specific applications, the international recognition accorded the United States through the winning of Nobel Prizes is important in its own right because it provides a stimulant to scientific, technological, and educational activity across the board through the motivation of science-minded young people and the national pride that we all feel from being first in the world.

The results of my survey show that the success of the United States in science clearly stems from the Federal Government's heavy involvement in the support of basic research—support that began when there was a consensus among the people and among America's leaders that basic research was fundamental to our country's long-term success.

Because some years normally must pass before international recognition of the value of a scientist's work becomes sufficiently widespread to make him or her eligible for the prize, we have yet to see the full impact of the downturn in basic research support during the 1970's on the awarding of Nobel prizes to Americans—or on the health of the U.S. scientific and technological enterprise. We can survive a series of stumbles. But we must not let our present economic difficulties cause us to lose our balance entirely. Basic research must be generously supported as an investment in our own future.

Our pursuit of excellence in science and technology is a reflection of our character as a people who believe in giving man the freedom and the resources to use his ingenuity to find a better way. That is an ideal to which our commitment should be steadfast.

ACKNOWLEDGMENT

I wish to commend the persons on my staff who suggested and carried out this project:

Dr. Leonard Weiss, my science and technology policy adviser; and Ms. Karen McCartan, an intern and student at Princeton University.

I ask that the results be printed in the RECORD.

The results of the survey follow:

RESULTS OF SURVEY OF AMERICAN NOBEL PRIZE WINNERS CONCERNING FEDERAL FUNDING FOR RESEARCH

Letters requesting data were sent to 54 Nobel Laureates representing all the living Americans who won the Prize in Physics, Chemistry, or Physiology and Medicine during the years 1967-1981. Twenty-nine scientists responded by letter, and nineteen responses were obtained by telephone. Six scientists did not respond. The total response rate was 89 percent.

Scientists were asked if they had received federal support in the course of their research that led to their receipt of the Nobel Prize, and if so, to offer a brief summary of the type of support received. Furthermore, they were asked to indicate the importance of the role that federal financial support played in the conduct of their research.

Respondees fell into two distinct categories: Those who received at least half their research support from the federal government and those who received little or no direct support.

TABLE 1.—STRENGTH OF FEDERAL SUPPORT [1]

	Substantial direct support (50–100 percent of funds from Government	Little or no direct support
Percent	83.3	16.7
Number	[2] [3] 40/48	[4] 8/48

[1] Summary of data on support from Federal Government for Nobel Prize winning research (for awards granted during the period 1967–81).

[2] Of this number, 29 scientists (60.4 percent of respondees) received from 90 to 100 percent of the financial support for their research from the Government. Among these are 6 scientists who are full time government employees; 4 are employed by NIH, and 2 are employed by the Veterans Administration.

[3] Besides the Government employees, this category includes 1 industrial scientist (at IBM) and 5 scientists working at independent, nonprofit research laboratories. The remainder are university scientists.

[4] Of the 8 scientists in this category:

(a) Four scientists were industrially supported; 3 work for Bell Laboratories (AT&T) the fourth works for General Electric. Two industrially supported scientists stressed that they received indirect Federal support through the use of federally funded facilities or through reliance on previously conducted research of other scientists who had been federally funded. Another scientist offered the opinion that he would be unable to duplicate his research today without Federal funds.

(b) Two scientists had carried out most of their prize-winning research prior to World War II when Federal funds for research were not available.

(c) One scientist started his prize-winning work before coming to the United States and continued it here as a "hobby."

(d) The prize-winning work of 1 scientist was indirectly related to his main research efforts (which were federally funded).

NECESSITY OF FEDERAL SUPPORT

Federally funded scientists were asked to evaluate the necessity of federal financial support to the conduct of their research. Thirty-eight of the forty scientists who received substantial direct federal support indicated that federal funds were vitally necessary to their work.

SOURCES OF FEDERAL FUNDS

Although scientists were not requested to do so, many federally funded respondees mentioned specific agencies as sources of their support. This information is tabulated below.

TABLE 2.—SOURCES OF FEDERAL FUNDS [1]

	NIH	NSF	DOD	AEC-DOE	PHS	V.A.
Total times mentioned: [2]						
Percent	62.5	30.0	32.5	7.5	7.5	5.0
Number	25/40	12/40	13/40	3/40	3/40	2/40
Mentioned as sole source of funds:						
Percent	32.5	2.5	17.5	2.5	2.5	2.5
Number	13/40	1/40	7/40	1/40	1/40	1/40

[1] Exhibits the percentages of federally funded scientists who mentioned any of the following sources of funds as financially instrumental in their research.

[2] More than one agency was mentioned by some respondees.

CATEGORIZATION OF COMBINED SOURCES

	NIH-NSF	NSF-DOD	NIH-PHS	NIH-VA	Energy-DOD
Percent	15.0	10.0	5.0	2.5	2.5
Number	6/40	4/40	2/40	1/40	1/40

Note.—This categorization exhibits percentages of scientists who mentioned the given combined sources of federal funding.

U.S. SENATE, COMMITTEE ON GOVERNMENTAL AFFAIRS, SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION AND GOVERNMENT PROCESSES,

Washington, D.C., May 5, 1982.

NAME,
Street Address,
City, State.

DEAR ——— ———:

I am quite concerned about the health of U.S. science and technology, both in the

present and for the future, and have been communicating my concerns to my colleagues and to the public at large (see enclosures). One important aspect of my concern is the financial support that the Federal Government provides in many areas of science and technology. Because the Nobel laureates have made significant contributions to science and medicine, I am asking those Americans who have received the prize in these areas over the last fifteen years to provide me with their perspectives on Federal support of science and technology. I would greatly appreciate receiving your views on this subject.

In addition, I would find it particularly useful if you would be willing to provide me with a brief summary of the Federal financial support which you received for the conduct of the research which led to your receiving the Nobel Prize. I believe that such information would provide both myself and the public with additional insights into the importance of Federal support for science and technology today and in the coming years.

Could you also include a statement as to whether you believe that Federal support was critical to the conduct of your work or whether sources of alternative funding were available or potentially available to you?

I share your interest in the strength of U.S. science and technology and look forward to hearing from you on this matter.

Best regards.

Sincerely,

JOHN GLENN,
U.S. Senator.

LIST OF AMERICAN NOBEL LAUREATES IN PHYSICS, CHEMISTRY, PHYSIOLOGY, OR MEDICINE, 1967–81

Dr. Luis W. Alvarez, University of California, Berkeley, Calif.

Dr. Philip W. Anderson, Bell Laboratories, Murray Hill, N.J.

Dr. Christian Boehmer Anfinsen, National Institutes of Health, Bethesda, Md.

Dr. Julius Axelrod, Alcohol, Drug Abuse, and Mental Health Administration, Bethesda, Md.

Dr. David Baltimore, Massachusetts Institute of Technology, Cambridge, Mass.

Dr. John Bardeen, University of Illinois, Champaign, Ill.

Dr. Baruj Benacerraf, Harvard University, Boston, Mass.

Dr. Paul Berg, Stanford University, Stanford, Calif.

Dr. Hans A. Bethe, Cornell University, Ithaca, N.Y.

Dr. Nicolaas Bloembergen, Harvard University, Cambridge, Mass.

Dr. Baruch S. Blumberg, Institute for Cancer Research, Philadelphia, Pa.

Dr. Herbert C. Brown, Purdue University, West Lafayette, Ind.

Dr. Leon Cooper, Brown University, Providence, R.I.

Dr. A. M. Cormack, Tufts University, Medford, Mass.

Dr. James W. Cronin, The University of Chicago, Chicago, Ill.

Dr. Max Delbruck,* California Institute of Technology, Pasadena, Calif.

Dr. Renato Dulbecco, The Salk Institute, La Jolla, Calif.

Dr. Gerald M. Edelman, The Rockefeller University, New York, N.Y.

Dr. Leo Esaki, IBM—T.J. Watson Research Center, Yorktown Heights, N.Y.

Dr. Val L. Fitch, Princeton University, Princeton, N.J.

Dr. Paul J. Flory, Stanford University, Stanford, Calif.

Dr. Daniel C. Gaujdusek, National Institutes of Health, Bethesda, Md.

Dr. Murray Gell-Mann, California Institute of Technology, Pasadena, Calif.

Dr. Ivar Giaever, General Electric, Schenectady, N.Y.

Dr. Walter Gilbert, Harvard University, Cambridge, Mass.

Dr. Sheldon L. Glashow, Harvard University, Cambridge, Mass.

Dr. Robert C. L. Guillemin, The Salk Institute, San Diego, Calif.

Dr. Haldan K. Hartline, The Rockefeller University, New York, N.Y.

Dr. Alfred D. Hershey, Retired, Syosset, N.Y.

Dr. Roald Hoffman, Cornell University, Ithaca, N.Y.

Dr. Robert W. Holley, The Salk Institute, San Diego, Calif.

Dr. David H. Hubel, Harvard University, Boston, Mass.

Dr. Har Gobind Khorana, Massachusetts Institute of Technology, Cambridge, Mass.

Dr. William N. Lipscomb, Harvard University, Cambridge, Mass.

Dr. S. E. Luria, Massachusetts Institute of Technology, Cambridge, Mass.

Dr. Stanford Moore, The Rockefeller University, New York, N.Y.

Dr. Daniel Nathans, The Johns Hopkins University, Baltimore, Md.

Dr. Marshall W. Nirenberg, National Institutes of Health, Bethesda, Md.

Dr. George Emil Palade, Yale University, New Haven, Conn.

Dr. Arno A. Penzias, Bell Laboratories, Holmdel, N.J.

Dr. James Rainwater, Columbia University, New York, N.Y.

Dr. Burton Richter, Stanford University, Stanford, Calif.

Dr. Andrew V. Schally, Veterans Administration, New Orleans, La.

Dr. Arthur L. Schawlow, Stanford University, Stanford, Calif.

Dr. John Robert Schrieffer, University of California, Santa Barbara, Calif.

Dr. Hamilton O. Smith, The Johns Hopkins University, Baltimore, Md.

Dr. George D. Snell, The Jackson Laboratory, Bar Harbor, Maine.

Dr. Roger Sperry, California Institute of Technology, Pasadena, Calif.

Dr. Howard M. Temin, University of Wisconsin, Madison, Wis.

Dr. Samuel C. Ting, Massachusetts Institute of Technology, Cambridge, Mass.

Dr. George Wald, Harvard University, Cambridge, Mass.

Dr. Steven Weinberg, Harvard University, Cambridge, Mass.

Dr. Torsten N. Wiesel, Harvard University, Boston, Mass.

Dr. Robert W. Wilson, Bell Laboratories, Holmdel, N.J.

Dr. Rosalyn S. Yalow, Veterans Administration, Bronx, N.Y.

* Deceased.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

● Mr. WALLOP. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD this notice of Senate employees who propose to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Mr. Edward Furtek of the staff of Senator GLENN to participate in a program sponsored by the Center for Strategic and International Studies of Georgetown University and the Konrad Adenauer Foundation to be held in Bonn and West Berlin, Federal Republic of Germany, from September 26 to October 2, 1982.

The committee has determined that participation by Mr. Furtek in this program is in the interest of the Senate and the United States.●

U.S. POPULATION

● Mr. PACKWOOD. Mr. President, I wish to report that according to the latest U.S. Census Bureau approximations, the total population of the United States on October 1, 1982, is 232,090,275. This represents an increase of 218,475 since September 1, 1982. Since this time last year, our population has grown by an additional 2,217,480.

In 1 short month we have added enough people to our population to more than fill the city of Corpus Christi, Tex. Over the past year, our population has increased enough to fill the city of St. Louis, Mo., more than four times.●

DEPOSITORY INSTITUTIONS AMENDMENTS OF 1982—CONFERENCE REPORT

● Mr. TSONGAS. Mr. President, I would like to take a moment to acknowledge all of my colleagues who gave their unanimous support of the Depository Institutions Amendments of 1982 as agreed to by the conference committee. This bill represents the hard work of many people over an extended period of time. The parties affected by this legislation have widely different interests, and treating all of them fairly and responsible has been a great challenge. I believe the members of the Banking Committees of both Houses are to be commended for their success in meeting that challenge in a forward-thinking and responsible manner.

All interests represented in this bill have been joined in a common acknowledgement that the financial industry is undergoing a period of great challenge. Technological change is dramatically altering the manner in which the American public takes care of its banking needs. While the industry tries to accommodate this changing technology, it has been struck as

has the rest of the economy by the trauma of high interest rates. The result is a changing competitive environment in which many institutions have been blocked in their efforts to respond by the burden of high interest rates.

The challenge confronted in constructing this legislative package has been to help these institutions in the short term so that they might make the long-term changes necessary to compete. At the same time, it tries to acknowledge the need for a changing financial industry in a fair and equitable fashion. The bill has not solved all of the problems. It does represent an important step in accepting the need for change and accommodating it in a responsible fashion.

Importantly, the bill contains strengthened instructions to the Depository Institutions Deregulation Committee to hasten the phaseout of regulation Q, the limit on interest paid on deposits. It calls upon the committee to adopt a more competitive deposit instrument with which banks and thrifts can compete for deposits with money market funds. These changes are important for the long-term health of both commercial banks and thrifts.

Removing the limits on interest paid on deposits is also important in another sense. The limits on interests paid to the depositor have been a barrier to incentives to save. At a time when our capital needs are so great, it makes no sense to retain a regulatory barrier limiting the return to savings.

The bill includes many provisions necessary to assist the many thrifts caught in a grim liquidity crunch. It calls for more flexibile authority for bank regulators to respond to the needs of institutions hard hit by poor earnings caused by the current high interest rates. It provides capital assistance to shore up the net worth of banks and thrifts to help them engage in a long-term restructuring of their lending activities. Most importantly for long-term health, the bill contains expanded commercial lending authority for thrifts. This is a major accomplishment. It is the key to allowing these institutions to make the management decisions necessary to find their niche in the changing financial marketplace.

I am particularly pleased that the conference has agreed to allow the participation of State-insured institutions in the capital assistance plan created by the bill. There are over 560 State-insured institutions in the United States. They hold the deposits of approximately 6½ million people totaling more than $22 billion. These institutions have their deposits insured by State insurance funds created by State legislatures. Such institutions exist in Massachusetts, Ohio, North Carolina, Maryland, Pennsylvania, and Rhode Island.

Failure to include these State-insured institutions would have represented a large hole in the safety net Congress is designing to assure the soundness of our banking system. By covering these institutions we avoid the risk of undermining public confidence in all types of deposit institutions if a panic were to result from the failure of an institution which could not participate in the program.

Some Federal regulators have objected to such participation by State-insured institutions. I feel the regulators' concerns are adequately addressed by the method adopted in this bill. The State insurance funds will continue to stand behind any losses incurred by the Federal insurance funds from the participation of a State-insured bank or thrift. Each State-insured institution will participate at the same cost as all other federally insured institutions.

I would also like to take this opportunity to thank the chairman of the Senate Banking Committee, Senator GARN, and the ranking minority member, Senator RIEGLE, for the manner in which they have conducted the crafting of this bill on the Senate side. It has been a truly bipartisan effort, and I feel they have been most responsive to the interests and concerns of other Members. I would also like to acknowledge the equally thoughtful treatment these concerns have received from the Members of the House.

This bill is still only a first step. There are many provisions not included here that were contained in the larger financial deregulation bill introduced in the Senate, the Financial Institutions Restructuring Act of 1981, introduced by Senator GARN, of which I am a cosponsor. The willingness demonstrated by my colleagues and the financial community to cooperate in passing this legislation makes me hopeful that we can continue the process. It remains crucial that we make the changes necessary to guarantee that the American public enjoys first-rate banking services, and that the entire economy has a reliable and efficient supply of credit to finance the many critical needs which exists.

I call upon all of my colleagues to begin work on the next step now.●

STATEMENT OF SENATOR PERCY ON LATIN AMERICA

● Mr. HELMS. Mr. President, the distinguished chairman of the Senate Foreign Relations Committee (Mr. PERCY), delivered an address on September 30, 1982, before the Inter-American Press Association in Chicago regarding U.S. relations with Latin America.

As chairman of the Western Hemisphere Subcommittee, I believe that the comments of the senior Senator from Illinois and his perspectives on Latin America would be of great interest to my colleagues. The Senator points out that we must work to reestablish relations that were frayed during the Falkland/Malvinas conflict. It is essential that we join other nations in helping to maintain the networks of constructive relationships that are necessary for peace.

I particularly hope that my colleagues will take note of Senator PERCY's stand against the stationing of Soviet nuclear weapons in Cuba, and in favor of resisting efforts by Cuba to extend its Marxist-Leninist political system in the hemisphere by force. Although some of us may disagree on the details of how to implement this worthy objective, I applaud the distinguished Senator's stand.

Like Senator PERCY, I too, wish to reaffirm to the Latin people my commitment to seek to preserve the independence and freedoms of all the countries of Latin America and insist that others do likewise. The United States has an opportunity to play a constructive role in helping these countries shape a better future.

I commend Senator PERCY's address to my colleagues' attention, and I ask that the text of his remarks be printed in the RECORD.

The statement follows:

ADDRESS BY SENATOR CHARLES H. PERCY

It is a pleasure and an honor to be with you tonight. I thank John McCutcheon of the Tribune for his cordial invitation to share with you some of my thoughts on relations in the Hemisphere and the role of Congress in U.S.-Latin American affairs.

It was 160 years ago that the United States Congress first became involved in a significant way in the affairs of Latin America. In 1822, Congress appropriated $100,000 to finance U.S. diplomatic missions to the newly independent nations of Latin America. Those missions resulted in the United States being the first nation outside of Latin America to recognize the independence of many of our fellow American states. A year later, President Monroe declared his now-famous Doctrine, which was intended to protect the independence for which Latin American nations had fought so hard. I wish we could find as productive a use for $100,000 in 1982.

During the past 160 years, U.S. relations with Latin America have gone through periods of excessive intervention and harmful neglect. Relatively speaking, however, I believe we have good neighbors and, compared with other parts of the world, we in this Hemisphere have had unique relationships.

Problems in the region are the result of differences over redistribution of once-concentrated political power and economic wealth, complicated by an aggressive Cuban foreign policy which seeks to use these new opportunities to spread its own repressive form of government. We in the Congress have sought to deal with both causes of this

bloody strife and, thus, bring peace to the region.

With regard to the first cause, Congress has supported political and economic reforms—especially in El Salvador—and has dealt successfuly with the foreign aid portion of the President's Caribbean Basin Initiative.

The first significant Congressional action concerning reform in El Salvador became Section 728 of the International Security and Development Cooperation Act of 1981, which made U.S. assistance to El Salvador contingent upon the Presidential certifications that El Salvador:

Is making a concerted and significant effort to comply with internationally recognized human rights;

Is achieving substantial control over all elements of its armed forces, so as to bring an end to the indiscriminate torture and murder of Salvadoran citizens by these forces;

Is making continued progress in implementing essential economic and political reform, including the land reform program;

Is committed to holding free elections at an early date, and

Is making good faith efforts to investigate and prosecute the murderers of six United States citizens in El Salvador.

I believe the United States has the right, and in this case the obligation, to set such conditions for foreign aid, just as a bank has the right to set conditions for loans. The President has made two such certifications thus far and several more are required. I also believe that these conditions have had a moderating impact in El Salvador. Progress is being made in many of these areas, and since this legislation passed Congress, elections have been held in El Salvador.

The second significant congressional action concerned the specific question of land reform in El Salvador. Earlier this year, the land reform program appeared to be endangered because of actions of the El Salvador Constituent Assembly. The Foreign Relations Committee decided to freeze aid to El Salvador at last year's level until it becomes clear that the land reform program is back on track. Since our Committee's action, and possibly because of that action, renewed progress has been made in the El Salvador land reform program. I believe that land reform is crucial if the people of El Salvador are to be convinced that the government provides them with a viable alternative to the Cuban supported guerrilla movement.

A third congressional action intended to deal with the economic problems of Central America was agreed to a few weeks ago when Congress voted to override the President's veto on the supplemental appropriations bill and thus voted to provide $355 million in economic aid to the Caribbean Basin. Consideration of this measure on the Senate floor provided a difficult decision for me because in order to assure that these vital funds reach the region in time, I had to offer an amendment to the appropriations bill which had the effect of limiting the jurisdiction of my own authorizing committee. I decided that the President's effort in this region was too important to be blocked by concerns over committee jurisdiction and so my amendment was adopted, paving the way for these funds to be released to the Caribbean Basin. The situation in the Caribbean is also extremely important to William Hewitt, our new Ambassador to Jamaica, who recenlty chose to give up his position as Chairman and Chief Executive Officer of John Deere and Company so that he could help the President implement these policies.

The major portion of the President's Caribbean Basin Initiative relating to trade and investment incentives also has my full support. It remains frozen in the Finance Committee, however, and I believe a strong personal effort on the President's part will now be required to enact that legislation.

Congress has also acted to restrain Cuba's efforts to use economic and political problems in Central America to its own advantage. In August, I introduced a Committee amendment reaffirming the United States' determination to prevent the stationing of Soviet nuclear weapons in Cuba and to resist efforts by Cuba to extend its Marxist-Leninist political system in the Hemisphere by force. My amendment modernized and updated another introduced by Senator Symms which I believed went beyond a warning to Cuba and constituted an authorization for the use of military force against Cuba. The Senate adopted the Symms amendment, but after an extended debate, also accepted by a vote of 97-2 the provision of my amendment making clear that Congress was not authorizing the use of force against Cuba at this time. In addition, the Committee has sent an additional warning to Castro by authorizing Radio Marti.

With this combination of economic assistance to the region and warnings to Castro in place, the United States must now encourage all legitimate parties in the Salvadoran conflict to begin good-faith negotiations for the purpose of bringing an end to the hostilities and achieving a peaceful and democratic solution to that conflict. I am particularly pleased at the Costa Rican initiative to open communications between the government of El Salvador and political forces aligned with the guerrillas, negotiations which show some signs of progress.

RELATIONS AFTER THE FALKLAND/MALVINAS CONFLICT

The second fundamental problem that we face is to re-establish relations that were frayed during the Falkland/Malvinas conflict. I supported the U.S. decision to denounce the initial use of military force by Argentina on the islands and in fact I helped manage the Senate resolution which almost unanimously declared that the United States could not stand neutral on this issue. The Senate took this position because of the strong belief that international disputes should not be settled by force. But I do recognize that our policy did damage relations with many Latin American countries. These relations are now in need of repair, but I believe the damage is limited and repair is possible. Many Latin leaders still recall the heroic efforts of former Secretary of State Alexander Haig to prevent bloodshed. In addition, Argentina's military leadership itself has recently rejected those who led Argentina to war. It is my hope that Britain will now be more accommodating on the question and that both sides can agree to reopen meaningful negotiations to find a speedy resolution to this territorial dispute.

The United States must seek to strengthen its relations with not just the governments, but also with the people of Latin America. To do this, I believe we must develop an adequate program of economic assistance to the region, provide sufficient but not provocative levels of military assistance to individual countries, and maintain our strong position against human rights violations from whatever source.

The Congress has taken action in all three areas to encourage better Hemispheric relations. With regard to foreign aid, in 1980 the Senate Foreign Relations Committee authorized the entire amount of the most recent Inter-American Development Bank replenishment—$2.8 billion in capital stock and $700 million for the Fund for Special Operations. When the Congress unwisely cut some of those funds, I successfully worked to restore all the cuts in 1981. At the same time, we have approved bilateral economic assistance to Latin America of roughly $400 million in fiscal 1982, not counting the CBI.

With regard to U.S. arms sales, the Reagan Administration is clearly prepared to provide Latin American countries with sufficient weapons to meet their legitimate needs. I believe, however, that some restraint must be exercised. The Declaration of Ayachucho and the Treaty of Tlatelolco are just two examples of Latin America's own desire not to become embroiled in a regional arms race. U.S. arms sales policy must be sensitive to this desire. Therefore, the Foreign Relations Committee carefully reviewed and some Senators were critical of the F-16 sale to Venezuela. I believe the proposed sale of F-16/79 aircraft to Peru—as reported in the press—will also be carefully reviewed.

Another aspect of U.S.-Latin American relations that will be particularly important in the coming years in human rights policy. United States concern over human rights is a fundamental aspect of our foreign policy and is clearly defined in our legislation. If used too bluntly, we have seen this policy become counter-productive. If used carefully, it can promote the democratic process and save lives. Legislation in this area should attempt to provide incentives for appropriate behavior; and that is what Congress did last year when it agreed to lift the arms embargoes against Chile and Argentina if the President determines that the human rights situation in those countries has significantly improved.

THE ECONOMIC CRISIS

I turn now to the third issue that I listed at the outset, the growing economic crisis among Latin America's most financially powerful countries. In the past month Americans have read not only about Latin American political issues in the front section of the newspaper, but also about Latin American financial problems in the business section. The economic crisis in Mexico came as a shock to many. Americans had only recently begun growing accustomed to the idea that Mexico was an oil-rich country on whom we were becoming rapidly dependent for our oil imports. Now we are suddenly faced with a neighbor that has run out of money.

The troubles in Mexico have called attention to the large amount of external debt held by the United States from the entire Latin American region. In fact, the United States holds a bit more than one-third of the $250 billion Latin Americans owe the rest of the world.

The major debtor countries are of course Mexico and Brazil, which each have debts of over $80 billion, of which in both cases roughly $20 billion is owed to the United States. Argentina owes another $37 billion in debts, of which about $10 billion is held by the United States. It is thus not surprising that our business community is con-

cerned. While some journalists have focused primarily on the exposure of our major international commercial banks, it is noteworthy that in the case of Mexico more than 1,000 United States banks have lent money to Mexico. Thus, any indication that Mexico might have trouble meeting its obligations will send tremors not only down Wall Street, but down the Main streets of many small towns across this country.

We obviously have a strong interest in making sure that no calamity occurs, not only because of our immediate financial interests, but, more importantly, because of our long-term interest in seeing Latin America become a more prosperous, politically stable region. The United States has always been a major source of capital for Latin America. In the early Sixties, the Alliance for Progress resulted in a major increase in assistance to other larger Latin American countries. As their economies grew stronger, we decreased concessional assistance, but, at the same time, commercial bank lending increased sharply. Meanwhile, we have concentrated our official assistance on the poorer Latin American countries, particularly in Central America and the Caribbean.

I certainly believe the United States must continue to provide both commercial lending, and, where necessary, concessional assistance to Latin American countries. Our Government must facilitate commercial lending and provide concessional assistance. For this reason I have strongly supported such institutions as the International Monetary Fund, the World Bank and the Inter-American Development Bank. While there may be differences of opinion as to whether the IMF always prescribes the right medicine for the patient, it is clear that without some tough internal economic measures such as those usually required by the IMF before agreeing to a standby, commercial lending will also dry up. And it is also true that institutions such as the World Bank and Inter-American Development Bank have played important roles in helping build the infrastructure and social institutions needed for sustained growth. During the past week, the Committee has held two hearings to probe the magnitude of these financial problems and to assess the ability of existing financial institutions to deal with these problems. I anticipate that there will be a series of consultations between the Administration and the Congress from now through the Spring as the Executive Branch formulates its position on how to increase the resources of the IMF and on the size of the Seventh Replenishment of the International Development Association (IDA VII).

There is, of course, another dimension to our economic relations, and that is investment. I realize foreign investment has been a controversial issue in Latin America. Latin American countries and United States companies suffered through some stormy times in the Fifties and Sixties, as both countries and companies tried to adjust to new conditions. Now, however, many countries in Latin America have learned that they can benefit substantially from foreign investment, and many American companies have adapted to new conditions and requirements of contemporary Latin America.

I believe that increased equity investment in Latin America, in which investors tie their future to the long-run future of their host countries, is one important alternative to the short-term commerical borrowing too many countries have relied on to finance long-term development objectives. For that reason I have urged that the Caribbean Basin Initiative sponsored by the President have a strong private sector focus. I strongly encouraged our Agency for International Development to respond positively to an initiative taken by the Chicago Board of Trade to work with AID in stimulating United States investment in the Caribbean region, and I am pleased that their project is being favorably received by AID.

CONCLUSION

All three of the themes that I have discussed this evening have a common principle, and that is the principle, recognized by the United States 160 years ago, of respect for the independence of all the Republics of the hemisphere. We seek to maintain the independence and freedoms of all the countries of Central America and insist that others do likewise. We must restore the confidence that existed between the United States and the independent nations of Latin America before the Falklands/Malvinas war. And we must assist with the economic and social development of Latin American countries so they may become full and independent partners in the world economic system.

In reviewing United States-Latin American relations, it is clear that our problems are many and complex. Yet solutions exist. I am relatively optimistic about relations in the Hemisphere because I believe steps are being taken to find these solutions.●

SALE OF FEDERAL LAND

● Mr. TSONGAS. Mr. President, yesterday the Conservation Law Foundation and two other environmental groups filed suit in Federal district court against the Reagan administration's massive new land sale program. This initiative by the administration is an attempt to change radically the Government's policy toward our public lands.

The program's purpose is to sell up to 35 million acres of Federal land, most of it to private interests. Discounted transfers to State and local governments and other eligible bodies would virtually cease. Proceeds for the land sales would be used solely to reduce the national debt.

This land grab could result in private ownership of a resource which is every American's heritage; the public lands. It will benefit developers and large land-owning interests. It will not benefit the average American who can now use public lands for recreation, camping, fishing, nature observation, and aesthetic enjoyment. Local communities will no longer be able to buy much-needed open space at affordable prices. And the proceeds will no longer be used to buy more parkland. Our limited resources are simply too scarce to squander for short-term monetary gain.

The program would be especially detrimental to Massachusetts and New England. Twelve New England parcels have already been targeted for sale, including 756 acres in Hingham abutting Wompatuck State Park and Whitney Woods. This is the 13th largest tract currently targeted and its sale could have an enormous detrimental impact on what is now a large undeveloped area easily accessible to many urban dwellers.

Neither the environmental, the cultural, nor the social impacts of this program have been analyzed. I urge the Reagan administration to undertake these essential analyses before proceeding with this drastic policy change.●

PROMOTION OF A. ERNEST FITZGERALD

● Mr. HATCH. Mr. President, the Air Force announcement yesterday to promote celebrated whistleblower A. Ernest Fitzgerald to the highest Government service level, that of GS-18, is to be applauded by all of us who firmly believe that truth in Government should always prevail. Air Force Secretary Vernon Orr assured me in meetings this spring, he would personally review this case. This he has done, and more. Significantly, he has had the courage to go beyond what was required and arrived at the conclusion that Mr. Fitzgerald's input into cost savings and accounting should be given the credibility clearly deserved. Secretary Orr did not simply do what was required, he promoted a valued expert to his proven position.

The Reagan administration, particularly Air Force Secretary Vernon Orr, is to be commended for this unmistakable signal it has sent thundering through Air Force's entrenched bureaucracy. This November will mark the 14th anniversary of Mr. Fitzgerald's battle with the military and civilian hierarchy, through four previous administrations, that have stubbornly and arrogantly refused to enforce or honor the findings of the Civil Service Commission and the courts to fully reinstate him to his post as Deputy for Management Systems, the chief cost-evaluation post.

In November of 1968, Mr. Fitzgerald properly testified before a congressional committee, identifying an estimated $1 billion in unnecessary cost-overruns by the defense contractor of the C-5A military transport. His offense of "committing truth" set in motion a frenzied reaction by those Pentagon officials threatened or embarrassed by the disclosure. First in illegal and secret investigation by the Air Force into Mr. Fitzgerald's character that ironically produced a clean bill of health. When that failed, a scheme was hatched to eliminate his job through a bogus reorganization that would conveniently result in the loss of one position; A. Ernest Fitzgerald's. That firing was found by the Civil Service Commission, in a 1973 ruling, to be "punitive, improper, and for reasons personal to him." That ruling prevailed in spite of outrageous

attempts by Air Force officials to influence the Commission's ruling.

These blatantly sordid events did not end with this civil service ruling. When Mr. Fitzgerald was reinstated it was in a considerably diminished capacity.

Mr. Fitzgerald fought back in a long series of civil suits which resulted in the court ordering the Air Force to fully reinstate him. Again, the military and civilian Air Force officials stubbornly chose to ignore a Federal judge.

Secretary Orr's personal intervention and thorough review has finally shocked open the Air Force's "blue curtain" revealing all the lead actors and bit players on record the past 14 years in covering up and perpetrating these improper and illegal activities.

Secretary Orr not only fully reinstated Mr. Fitzgerald, a few months ago, but has since found merit in promoting the most celebrated cost cutter to the highest level, clearly demonstrating the administrations' commitment to eliminating waste from Federal spending.

Mr. President, there is, however, one final matter that we should pursue to fully explain to the American public the saga of A. Ernest Fitzgerald. The court's orders, the Civil Service Commission's rulings, and Secretary Orr's reversal of previous Air Force conduct bring into focus serious questions regarding the Justice Department's judgment, during the same period, to competently or earnestly investigate allegations of conspiracy involving Government officials. Not until all of their actions are reviewed by a panel from this body or possibly a special prosecutor can this matter be judged truly closed. It is my hope that we can expect the same courageous commitment from the Attorney General as that demonstrated by Secretary Orr.●

BALANCED BUDGET

● Mr. MOYNIHAN. Mr. President, today the House of Representatives has defeated the proposal to amend the U.S. Constitution to require annual balanced budgets. My views on this measure, Senate Joint Resolution 58 as passed by this body last August 4, are well known. I did not then nor do I now consider it responsible or prudent.

We all share similar deep concerns about the need to restore fiscal discipline and reduce the deficits that threaten to strangle American economic growth. The only question is how best to achieve a goal we all share. Many of us have grave reservations about using the U.S. Constitution, our most basic political document, to advance an economic policy goal. Laws, administrations, and economic theories come and go. The Constitution must endure as a statement of individual rights and collective responsibilities applicable to all circumstances and all periods. The action by the House today will help keep it so.

Another concern commanded my attention as well in our debate on this measure. The proponents of Senate Joint Resolution 58, like us all, want to stabilize our economy. But evidence accumulated suggesting that their approach would, in practice, make economic growth and stability even more elusive. The Nation's most prominent economists have been nearly unanimous in their public opposition to Senate Joint Resolution 58, including 6 American Nobel laureates in economic science, 4 former chairmen of the President's Council of Economic Advisers, and 12 past presidents of the American Economic Association.

No edict of the Constitution, they point out, can override the natural rhythms of the business cycle. More than 100 years of economic analysis, however, has demonstrated that the Government can to some degree moderate the impact of these cycles. The mechanism is not perfect. But its application over the last 40 years has enabled our economy to avoid a devastating depression of the type which periodically gripped the Nation throughout the 19th century and in the first four decades of this century.

An OMB internal staff report to David Stockman in March of this year made this point succintly:

> An inflexible annual balanced budget policy rule may not be compatible with the business cycle "facts of life" which tend to produce automatic, large deficits during recessions . . . consensus opinion for several decades has held that recession-induced deficits are either desirable or at least tolerable.

In cooperation with the staff of the Joint Economic Committee last July, I arranged for one of the Nation's most prominent economic forecasting firms, Wharton Econometrics, to test this proposition. Permit me to remind this body once again of some of the results.

If Senate Joint Resolution 58 had gone into effect when President Reagan's tax and spending reforms were passed in July 1981, the United States today would be in the grips of a major depression.

The Nation's gross national product would have been reduced by some $423 billion this year and by another $566 billion in 1983—a 2-year loss of nearly $1 trillion to the American economy below the current recession-depressed levels.

The Nation's real GNP would have declined by 8.7 percent this year—in contrast to Wharton's projection without Senate Joint Resolution 58 of a 0.65-percent decline.

The Nation's unemployment rate this year would have averaged 13.6 percent—nearly 15,000,000 Americans, as a yearly average, jobless this year.

Americans' real disposable income would have plunged 6.3 percent this year under Senate Joint Resolution 58—instead of rising 2.5 percent, according to the most recent Wharton projection.

Wharton reported more disquieting news about the impact of Senate Joint Resolution 58. The steep economic decline triggered by the abrupt reduction in Federal expenditures necessary to achieve budget balance under the conditions of Senate Joint Resolution 58 would have significantly depressed Federal revenues, driving down the level at which budget balance would have had to have been achieved. Based on the Wharton Econometrics analysis, Congress would have had to reduce Federal operations by another $191 billion this fiscal year and by $207 billion in fiscal year 1983—reductions in addition to those already achieved under the concurrent budget resolutions for fiscal year 1982 and fiscal year 1983.

Congress would have faced two alternatives: make drastic reductions in the two largest programs—national defense and social security—or slash every other Federal program by an average 61.6 percent this year and 71.1 percent in fiscal year 1983.

The action by the House today, then, will help avert such calamity.

During the Senate debate of this measure, a new provision spsonsored by Senators ARMSTRONG, HOLLINGS, BOREN, and QUAYLE was added. This new section 6 would freeze the Federal public debt limit and stipulate that any future increase would require a three-fifths vote of all Members of both Houses.

I had the most serious reservations about this new provision, and asked whether it might not shake confidence in the U.S. dollar, endangering the stability of the world monetary and banking systems. So concerned was I about these prospects, that on August 9 I solicited advice on this matter from some of the Nation's leading economists. I wrote:

> In the course of Senate debate, one change was made in S.J. Res. 58. A new section 6, sponsored by Senators William Armstrong, Ernest Hollings, David Boren and Dan Quayle, freezes the federal public debt limit and stipulates that any future increase shall require a three-fifths vote of all members of both Houses.
>
> I spoke to this issue on the Senate floor August 4, and in these remarks (also enclosed) asked if this provision might not shake confidence in the dollar as an international reserve currency. Permit me to point out that only once in the last five years have both Houses of Congress raised the debt ceiling by a three-fifths vote. As you well know, however, exogenous events often force the Federal Government into unexpected new indebtedness. Simply put, we face the prospect that two or three times a year from here on out, the question will arise whether a three-fifths vote can be mustered in time to prevent a default on the

debt of the United States. Given that the Government's word and credit provide the only formal backing for the United States dollar, and given also that three-fourths of all western central bank reserves today are held in dollars, might not this provision pose a threat to the stability of the world money system? At the least, the recognition that, by virtue of a constitutional straitjacket, the Government's ability to meet all its obligations may be less certain than previously, could add a new "risk premium" to the interest rate for Treasury securities.

Do you agree that these are matters of concern? I would be most gratified to know you views.

Permit me to share with you their replies.

Prof. Kenneth J. Arrow, Nobel laureate in economic science and the Joan Kenney, professor of economics at Stanford University, replied that he considered section 6 "a compounding of an already serious mistake," and warned that:

The possibility that a debt increase will not be passed will certainly diminish the credit of the United States, removing one of the last remaining certainties in an uncertain world.

With Professor Arrow's permission, I submit his statement for the RECORD.

The statement follows:

STATEMENT OF KENNETH J. ARROW

The proposed consitutional amendment on budget balancing and spending limits will impose a straitjacket on economic policy. A constitution is intended to set conditions for a long time into the future, to control a future which is inherently unpredictable. We cannot tell now what conditions will prevail even a decade from now, let alone in the far future, and the specific limits imposed in the amendment may prove to be diastrous. The American Constitution has survived and adapted to a world vastly different from that of the Founding Fathers because they had the wit to avoid burdening it with high specific restrictions which merely impose the wisdom of the moment on future generations.

Actually, the severe constraints of the amendment will lead most likely to clever evasions rather than handcuffing. An expenditure may in many cases be described alternatively as a credit against a tax; indeed, a considerable volume of expenditures are so disguised now. We may find an increase in disguises of this type, which will only make rational budget-making even more difficult.

To the extent that the limits are effective, they will produce easily foreseeable conflicts. Consider indeed a very present situation, an increase in military spending judged desirable by at least many knowledgeable individuals. A spending limit means that any increase beyond the increase in national income will have to come at the expense of other programs, most likely social security and medical expenditures. Of course, if we really need more military expenditures, something else has to give. In principle, every other kind of expenditure, public or private, should be reduced somewhat. There is no reason to single out just those items which receive public support. More military expenditures should be as much at the expense of private consumptions of luxuries as at that of the old or the sick.

One of the worst consequences of the proposal is that an automatic political opposition to the satisfaction of new needs is created by the presently existing beneficiaries.

The balanced budget requirement is not seriously defended by any significant number of economists. Milton Friedman has expressed publicly an old view of his, that there should be deficits in recessions; it is certainly incorrect by anyone's standards to raise tax rates when collections are reduced by lowered incomes. It is quite clear that advocates of the balanced budget are really requiring that forecasts of revenues equal planned expenditures; the implication is that the forecasts will become simply whatever is needed to satisfy the formal requirement of a balanced budget, in short an invitation to deception.

The fact of the present budget imbalance when the government is the most fiscally conservative since Hoover's own budgetary history is a case in point. We cannot insure balanced budgets in recessions without severe damage to the economy; in fact, we probably cannot insure balanced budgets at all.

The need for an extraordinary majority to permit an increase in the debt limit, voted by the Senate, is a compounding of an already serious mistake. Since revenues are incompletely predictable, the need for additional debt can always arise. The United States government should not and in many cases cannot default on its obligations. But the possibility than a debt increase will not be passed will certainly diminish the credit of the United States removing one of the last remaining certainties in an uncertain world. Further, it exacerbates an existing problem; it opens the debt increase process to the possibility of political blackmail, as amendments are piled on to cover extraneous issues to pay for the votes needed to keep the government of the United States operating.

Mr. MOYNIHAN. Prof. Paul A. Samuelson, Nobel laureate in eonomic science and institute professor at the Massachusetts Institute of Technology, replied that:

The proposal for a three-fifths majority (to increase the debt limit) maximizes the danger to the future credit of the United States abroad and at home while achieving only a modicum of the needed tax and expenditure discipline.

With Professor Samuelson's permission, I submit for the RECORD his entire letter.

The letter follows:

MASSACHUSETTS INSTITUTE OF TECHNOLOGY, DEPARTMENT OF ECONOMICS,
Cambridge, Mass., August 17, 1982.

Senator DANIEL PATRICK MOYNIHAN,
U.S. Congress,
Washington, D.C.

DEAR SENATOR MOYNIHAN: I write to express concern over the risks for the nation that may be entailed by the proposal to require a three-fifths vote of all members of both houses of Congress to raise the federal debt limit.

I agree that devices are needed to enable Congress to control its own tendency toward fiscal imprudences. But in devising optimal new mechanisms, one must try to minimize the costs and contingent risks while maximizing the fiscal discipline. The proposal for a three-fifths majority maximizes the danger to the future credit of the United States abroad and at home while achieving only a modicum of the needed tax and expenditure discipline. A knowledge of American economic history over the last few decades reveals a number of occasions when, if this proposal had been in effect, serious consequences would have emerged for the stability of the exchange rate and of the money market. Risks like these should not be exacerbated wantonly. Only if the measure had fiscal merits assuredly large in themselves and demonstrably better than all alternatives—conditions that informed observers will find lacking in the new proposal—could Congress conscientiously accept the implied new riskiness.

As you know, Senator, the zeal to promote fiscal conservatism can backfire and actually undermine the stability of the financial system if that zeal is not controlled by an informed balance sheet of risks and benefits.

I would hesitate to state these warnings so emphatically were it not that consultation with a number of my experienced colleagues has confirmed that those across a wide spectrum of political views share these misgivings.

Sincerely,

PAUL A. SAMUELSON,
Institute Professor.

Mr. MOYNIHAN. Prof. Herbert A. Simon, Nobel laureate in economic science and professor at Carnegie-Mellon University, replied:

It would be irresponsible for the legislature to shackle itself, and all of us, by imposing additional crippling constraints on itself that would prevent it from dealing forthrightly with the problem of the day as they arise. In a crisis that could have most disastrous consequences.

I submit for the RECORD Nobel laureate Simon's entire letter.

The letter follows:

CARNEGIE-MELLON UNIVERSITY,
DEPARTMENT OF PSYCHOLOGY,
Pittsburgh, Pa., August 18, 1982.

Senator DANIEL P. MOYNIHAN,
U.S. Senate,
Washington, D.C.

DEAR PAT: Thank you for your letter of August 9, and the enclosed pages from the Congressional Record. I support strongly your opposition to the proposed freeze on the federal public debt limit.

The first task of the United States government is to govern—to deal thoughtfully with the many problems that face us at home and in the world today. The Constitution contains numerous and adequate safeguards against the legislative and executive branches of our government exerting excessive control over our lives and freedom. It would be irresponsible for the legislature to shackle itself, and all of us, by imposing additional crippling constraints on itself that would prevent it from dealing forthrightly with the problems of the day as these arise. In a crisis, that could have most disastrous consequences.

With respect to the specific restraint in question, I should observe that the national debt is, in fact, no larger in relation to GNP than it was twenty years ago. What makes that debt embarrassing to the public economy of today are the high interest rates imposed on the government as a result of the misguided economic policies of the Administration and the Federal Reserve Board. Let's change these policies instead of water-

ing down the power of the legislative body to govern prudently.

Sincerely yours,

HERBERT A. SIMON.

Mr. MOYNIHAN. Prof. Gardner Ackley, former Chairman of the President's Council of Economic Advisers and current president of the American Economic Association, replied:

I believe that you are quite right to stress in your remarks to the Senate on August 4, the additional danger to the economic health and stability of the Nation's economy—and, as you point out, to the World economy—caused by the addition on the floor of the Senate before the passage of S.J. Resolution 58 of section 6, which would freeze the public debt limit, and require that any future increase in it should necessitate a three-fifths vote in each House of Congress.

I submit for the RECORD the remainder of Professor Ackley's wise advice.

The material follows:

Were the House to approve the Joint Resolution in this form, and were a sufficient number of States to ratify the Amendment, this additional provision could intensify the potential damage which the "balanced-budget-amendment" already carried to the national interest. We all know that problems associated with the necessary renewal of the Government's borrowing authority have, on occasion in the past, caused considerable embarrassment, as well as budgetary cost (from higher interest rates) and disturbances in financial markets, and have allowed individual members of Congress in effect to blackmail their colleagues on matters quite extraneous to the borrowing reqirement.

As you correctly point out, the occasion for new Federal borrowing can originate entirely independently of Federal legislation on expenditures and tax revenues—for example in borrowing by the States to pay unexpected costs of unemployment insurance. More generally, unexpected recession in the private economy might require added Federal borrowing quite apart from the rights of the States to borrow from the Federal Treasury, and even though all substantive provisions of the Amendment had been fully met.

The possible consequences of such an event—if a three-fifths vote were needed—are far more serious, indeed quite incalculable. And they are not limited to the United States but could, as you correctly indicate, involve the stability of the world economy.

As you know, I am one of a large number of economists who strongly oppose any form of balanced-budget Constitutional Amendment. I thereby strongly approved and welcomed your remarks in the Senate on July 30, opposing the Amendment in its earlier form. I believe that the points you made as to the damaging effects of such an amendment, and as to the invalidity of the arguments in its support, were sound and relevant, and I congratulate you for the eloquence of your opposition.

I, and most professional economists whom I know—who include at least six of the ten American Nobel Prize winners in economics, and at least 12 of the living ex-Presidents of the American Economic Association—firmly oppose such an Amendment in any form. I am not aware of any substantial support for such an Amendment among economists, and particularly among economists who specialize in Government fiscal policy and related matters.

Mr. MOYNIHAN. Prof. William Baumol, former president of the American Economics Association, replied that,

* * * it is the section 6 proposal which above anything else, constitutes a threat to the public interest and the health of the Nation's economy in the longrun.

With Professor Baumol's permission, I submit for the RECORD the rest of his insightful analysis.

The material follows:

The point is that without Section 6 the amendment may perhaps be interpreted as a vague admonition urging Congress and the Administration to do what they can to avoid budget deficits. But Section 6 really constitutes a straightjacket which can all but immobilize fiscal policy, for the amendment may effectively prevent any increase in the debt even when it is absolutely urgent for stabilization of the economy, or increase in debt is avoidable only by total dismantling of vital public services.

You are right in suggesting that this measure can leave the government helpless to deal with unforeseeable events which impose indebtedness upon it. This in turn can have serious effects upon the value of the dollar and can increase dramatically the amplitude and frequency of fluctuations in its exchange value. That in turn will cause problems for trade by hampering the use of the dollar as a reserve currency. It would cause all sorts of problems for the operations of the Treasury.

However, there is even more at stake. Despite all of the recent difficulties which have beset our economy and those of other countries, even a cursory glance at the GNP data from, say, 1900 to World War II, and comparison with the postwar figures will show how much superior the more recent performance has been. Long depressions have been replaced by relatively mild recessions of fairly brief duration, and economic growth has outstripped its past performance. In all of this fiscal policy has played an important role, a role which the amendment proposes to circumscribe severely or even to eliminate altogether. Surely, if one wished to limit the country's growth and prosperity, it would be hard to imagine a more effective measure.

Support of balanced budgets is no doubt attractive politically and permits one to proclaim allegiance to virtue and fiscal responsibility. But those who vote for it now will have cause to regret it later, and later generations will pay heavily for the illusory protection from the burden of debt that it promises them.

Warmest regards,

WILLIAM J. BAUMOL.

Mr. MOYNIHAN. Prof. Raymond F. Mikesell, the W. E. Miner professor of economics at the University of Oregon, replied that,

I can think of no great calamity, short of a world war, to the entire economic structure of the United States and of the world than for the U.S. Government to be unable to meet its debt obligations, even for a short time.

With Professor Mikesell's kind permission, I submit for the RECORD his entire letter.

The letter follows:

UNIVERSITY OF OREGON,
Eugene, Oreg., September 7, 1982.

Hon. DANIEL P. MOYNIHAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MOYNIHAN: Your letter of August 9, 1982 relating to the Balanced Budget Amendment arrived while I was on vacation, but I want you to know that I am in whole-hearted agreement with your statement and I appreciate your placing the Economists Open Letter opposing the amendment and our names in the CONGRESSIONAL RECORD for July 30, 1982.

I can think of no greater calamity, short of a world war, to the entire economic structure of the United States and of the world than for the U.S. Government to be unable to meets its debt obligations, even for a short time. Even the threat of such an event could be extremely harmful and might trigger a whole series of chaotic developments in the financial structure that would have serious consequences for savings, investment, and international transactions. You are quite right in suggesting that the passage of the Balanced Budget Amendment would pose such a threat.

Sincerely,

RAYMOND F. MIKESELL.

Mr. MOYNIHAN. Similar analysis and advice came from every economist from whom I have heard.

From Walter S. Salant, senior fellow emeritus in economic studies at the Brookings Institution:

THE BROOKINGS INSTITUTION,
Washington, D.C., August 23, 1982.

Hon. DANIEL PATRICK MOYNIHAN,
Washington, D.C.

DEAR SENATOR MOYNIHAN: I am writing in response to your letter of August 9 in which you asked whether the proposal of Senators Armstrong, Hollings, Boren, and Quayle, to add a new Section 6 to Senate Resolution 58 would not shake confidence in the dollar as an international reserve currency. This proposed Section, as you noted would freeze the federal public debt limit and require a three-fifths vote of all members of both Houses of Congress to authorize any future increase.

I agree that enactment of such a proposal might well have an adverse effect on the stability of the international monetary system, at least in the sense of making dollars a less desirable asset to hold than they would otherwise be. This adverse effect is not certain to occur but it certainly is a possibility. If it did occur, it would not be confined to official holdings of monetary reserves; the effect on private asset-holding would probably be even greater.

Probably the effect would be caused not so much by the proposed amendment to the resolution or even by the resolution itself as by the tendencies in American fiscal programs that make people think a constitutional amendment is necessary, i.e., by the persistence of large and growing budget deficits and the so-far-apparent failure of the U.S. Government to oppose this tendency successfully. To deal with the budget deficits and the consequent increases in the public debt by constitutional amendment does not overcome this failure. Rather, it confirms the unwillingness of the Congress to make a serious effort to overcome it. This, I think, is what could make Senate Resolution 58 and the proposed new Section 6 a threat to maintaining the dollar as a

component of official reserves and of private holdings of liquid assets. I oppose both.

Sincerely,

WALTER S. SALANT.

Similarly, from two distinguished professors of economics at the Massachusetts Institute of Technology.

Prof. Robert M. Solow wrote back:

MASSACHUSETTS INSTITUTE OF TECHNOLOGY,
Chilmark, Mass., August 26, 1982.

Senator DANIEL PATRICK MOYNIHAN,
Washington, D.C.

Thank you for taking up the cudgels against the Balanced Budget Amendment.

You are entirely right that the provision freezing the debt limit and requiring a three-fifths vote for its increase is both silly and bad. At best it will lead to creative accounting and convoluted financing, which is hardly the way to responsible fiscal policy. At worst, it could call into question the Government's capacity to meet its obligations, including interest payments on its own debt. Why should we take a step toward turning the United States into a banana republic at a time when there is no great demand for bananas?

Sincerely,

ROBERT M. SOLOW.

And Prof. Carl Kaysen of MIT, also the director of MIT's program in science, technology, and society, replied:

MASSACHUSETTS INSTITUTE OF TECHNOLOGY,
Cambridge, Mass., August 17, 1982.

Hon. DANIEL P. MOYNIHAN,
U.S. Senate,
Washington, D.C.

DEAR PAT: I am responding to your letter of August 9th to all who signed the economists' letter on the balanced budget amendment. I am glad to express my concurrence in your concerns about the additionally disastrous effect of adding a federal debt freeze into the language of the amendment.

I will be happy to have you list me as opposed on any list you put into the Congressional Directory.

Cordially,

CARL KAYSEN.

And Prof. Paul Davidson of Rutgers University, also editor of the Journal of Post Keynesian Economics, replied:

JOURNAL OF POST KEYNESIAN ECONOMICS,
New Brunswick, N.J., September 13, 1982.

Senator DANIEL P. MOYNIHAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MOYNIHAN: I believe that your comments on both the Balanced Budget Admendment and the new Section 6 sponsored by Armstrong, Hollings, et al are exceedingly well taken.

Given the tremendous strains already imposed on both the U.S. and world economies by the Reagan Administration and the Federal Reserve, it is hard to believe that Congress could seriously consider the balanced budget as an important piece of legislation. It is as if Congress fiddles, while the world burns! Or even worse, Congress is attempting to throw gasoline on the conflagration.

It is little consolation that history will prove us right (as it did the 1028 economists whose letter to Hoover in 1930 was ignored).

Sincerely,

PAUL DAVIDSON.

Warning from men of such eminence, and on a matter of such dire importance, can be ignored only at the Nation's peril. I am gratified that the House of Representatives has taken proper notice and today put a stop to this dangerous nonsense.

Now we can all turn together to the serious and pressing business of restoring the Government's fiscal responsibility and this Nation's economic prosperity.●

UKRAINIAN INSURGENT ARMY

● Mr. LEVIN. Mr. President, October 14 will mark the 40th anniversary of the founding of the Ukrainian Insurgent Army (UPA) and is an important date in the history of the struggles of subjugated peoples for independence and statehood.

The UPA was created in response to a momentous event in the history of Ukraine. On June 30, 1921, in a move spearheaded by the Organization of Ukrainian Nationalists (OUN), Ukrainian nationalists boldly and with right and justice on their side, declared their independence and issued a proclamation of the restoration of independence. Defiantly throwing off the yoke of oppression, the UPA launched a national liberation struggle against Hitler's Germany on one front and Stalin's Soviet Union on another.

The UPA's struggle to recapture their independence was a light in the Ukrainian story that was bright but all too brief. It was darkened by the German occupation forces—the Proclamation of Independence was negated and the Ukrainians' proclaimed prime minister, Yaroslaw Stetsko, was forced into a concentration camp.

Later, the Red army took control and to this day, the Soviet Union maintains an oppressive government in Ukraine which persistently tries to obliterate all dreams of regaining independence. It saddens, and at the same time angers, freedom-loving people everywhere to see that where the Ukrainian spirit of independence once soared without restraint, it now is in the stranglehold of the Soviets—another "captive nation."

Mr. President, during the first half of October, the Ukrainian community throughout the United States will be commemorating the founding of the UPA and its heroic actions. In Michigan, the Southeastern Michigan Branch of the Ukrainian Congress Committee of America will mark the event with a special program on October 3. I lend my voice to the chorus in commemorating the 40th anniversary of the creation of the UPA and in honoring their outstanding courage and determination.●

SOVIET USE OF CHEMICAL AND TOXIC WEAPONS

● Mr. QUAYLE. Mr. President, the issue of Soviet use of chemical and toxic weapons continues to be very disturbing to me. One of the most perplexing aspects of this issue is the reluctance of most of the international community to call the Soviets to account for its gross violations of international law. Despite very substantial evidence of "yellow rain" attacks on defenseless Laotians and Afghans, even our own State Department appears to be unwilling to confront the Soviet Union.

The Wall Street Journal of Wednesday, September 29, 1982, contains an editorial, "How Much More Yellow Rain?", which I commend to the attention of my colleagues. The same issue has an article by Daniel Henninger and Manuela Hoelterhoff, "The Art of a People on the Run," which provides a poignant description of the H'mong people of Laos—one of the victims of Soviet "yellow rain."

Mr. President, I ask that these two articles be printed in the RECORD.

The articles follow:

[An editorial from the Wall Street Journal, Sept. 29, 1982]

HOW MUCH MORE YELLOW RAIN?

The 37th session of the United Nations General Assembly opened last week and the thorniest issue on its lengthy agenda is doubtlessly "yellow rain." The evidence continues to mount that the Soviet Union and its allies are committing atrocities using biochemical weapons in Southeast Asia and Afghanistan in violation of international law (see the nearby article on the horrors inflicted on the Hmong people). Yet many Western governments, which are said to have independently examined the charges, and a apparently even the State Department, would seemingly prefer to see the issue evaporate.

A notable exception is the Canadian government, which has just submitted a new report to the U.N. giving eyewitness accounts of "yellow rain" attacks on four villages in Laos last April. Four young Hmong men tell of a "yellow substance," dropped by planes, that felt "hot like chilles" on the skin. Victims showed the typical "yellow rain" symptoms—skin blistering, dizzinesss, convulsions and bloody diarrhea and vomiting. Eighty persons, including many women and children, died. The report includes color photographs of the survivors' skin lesions. Blood samples showed traces of the mycotoxins found in "yellow rain" but Canadian scientists said the results weren't conclusive. The samples were necessarily taken a number of days after the attacks, however, making it unsurprising that the results were inconclusive.

"The duration of time over which interviews have been taken—six years—and their consistency tends to substantiate the charges that some sort of chemical agent is being used in Southeast Asia," Canada's Department of External Affairs concluded. "This report underlines the urgent requirement to improve international verification and control procedures related to chemical and/or biological weapons use."

Help in obtaining medical evidence about "yellow rain" may soon be forthcoming from a medical team set up under the auspices of the Cambridge-based Institute for Foreign Policy Analysis. Led by a former U.S. Foreign Service officer who has worked

on "yellow rain," the team will screen, diagnose and treat victims. It plans to make the first systematic collection of medical data on the effects of mycotoxins—field research that the U.S. government has yet to do.

Meanwhile, valuable information on Soviet biochemical weapons use has emerged from Afghanistan. A Soviet Red Army deserter, now in the hands of the Afghan resistance, told a group of Western journalists earlier this month of seeing chemical weapon stockpiles at two major Soviet air bases in Afghanistan and identified three different types of agents. One, possibly "picric acid," affected the eyes, skin and respiratory system, and another was an asphyxiation gas. Both of these, he said, were fired from aircraft rockets and gave off a "dense, yellowish" cloud. The third agent, called "smirch," caused 100% mortality and had the peculiar effects of causing flesh to turn black and decompose rapidly and limbs to fall off. His descriptions of the effects of "smirch" tally with other reports from doctors working in Afghanistan with resistance fighters.

Despite the mounting evidence of gross Soviet violations of the Geneva Protocol of 1925 and the Biological Weapons Convention of 1972, the Reagan administration hasn't lived up to its *own* obligations under international law. Specifically, the 1972 treaty obliges the U.S. to charge the Soviet Union before the U.N. Security Council and to call an emergency meeting of the 111 signatories to the convention. But the State Department feels such steps are too undiplomatic. Instead, these officials are casting around for another country, say Sweden, to assume America's responsibilities.

State's behavior is hard to fathom, even if you take into account the natural tendencies of diplomats to seek accommodation rather than confrontation. The staff at the U.S. mission to the U.N. would at least like to put a mild resolution before the General Assembly calling on anyone who just might be using poison gas to stop. State apparently would prefer a statement congratulating the U.N. on its "fine work" on "yellow rain," a ploy that would seem more appropriate after we know whether the U.N. has done any fine work, or more to the point, wants to make any of it public.

By refusing to confront the Kremlin, the U.S. is plainly sidestepping its responsibilities under international law. It has offered no plausible explanation of this behavior other than an occasional hint that the evidence is not yet strong enough for an open fight. If more evidence is needed, the Soviets appear willing to supply it, since their attacks on defenseless Laotians and Afghans continue. We wonder how many more victims will be needed to compel the U.S. and its allies to take bolder action.

[From the Wall Street Journal, Sept. 29, 1982]

THE ART OF A PEOPLE ON THE RUN

(By Daniel Henninger and Manuela Hoelterhoff)

The artists who created the exhibition now at the Museum of Natural History in Denver came a long way to show their work. They walked down from the high mountains of Laos and through its jungles, floated on pieces of bamboo across the Mekong River, spend months or years in the refugee camps of Thailand, eventually climbed aboard planes and—some of them, at least—ended up in Denver. These refugee artists are the "yellow rain people." It is they who were initially attacked in Laos with the chemical and biological agents that the U.S. government has accused the Soviet Union of deploying in violation of two international treaties barring the use of poison weapons.

Their exhibition, "Hmong and Yao: Mountain Peoples of Southeast Asia," will be on view there through Oct. 10. More than 30,000 residents of Denver have attended. The work they are seeing is quite extraordinary.

The small exhibition rooms pulsate with dramatically colored, intricately patterned textiles. In their own country, the Hmong and Yao have no need for museum walls; they wear their art and have done so for centuries, stitching and embroidering garments with abstracted vegetable blossoms, peacock eyes, stars and snails. We see baby hats as delicately worked as a filigreed crown; skirts folded into a hundred pleats, belts that would serve nicely wrapped around a royal waist; and sophisticated wall hangings decorated with a maze-like pattern called "dreaming."

But the Hmong (the "h" is silent) have had little occasion for the comfort of dreams these last few years. Their art is on view in Denver because daily life for many Hmong has become a nightmare.

There are now some 50,000 Hmong people in the U.S. They are here because in 1962 they decided to ally themselves with the U.S. against the army of North Vietnam. The Hmong are the largest of many culturally distinct Lao mountain minorities. They have always feared Vietnam's historical claims to their land, so they fought with the French and later with the U.S., primarily interdicting movements of North Vietnamese materiel through Laos into the south. They also rescued U.S. pilots downed over Laos.

Like their U.S. allies, the Hmong lost. Unlike the U.S., the Hmong stayed. And sometime between 1975 and 1976, the Communists in Southeast Asia began to kill them.

VERY UNPLEASANT CONSEQUENCES

In the year since the U.S. raised the issue, "yellow rain" has to a certain extent become one factor in the abstract calculus of arms control. but the Hmong are the people who were sprayed with the stuff. And the "stuff" is not the sort of thing one buys at a garden-supply store to spray on the front lawn. After much research and argument, U.S. scientists have identified one of these biological weapons as an extremely lethal form of mycotoxin, a poison derived from plant fungus. The Hmong accuse the Communist Vietnamese and Laos of dropping clouds of it onto them from airplanes. When these toxins are inhaled, they attack the nervous system and body membranes, with consequences that are as unpleasant as one might imagine.

U.S. diplomats stationed in Southeast Asia continue to file reports of chemical and biological weapons attacks in Laos (the most recent occurred through this summer) and by Soviet forces against insurgents in Afghanistan.

Against this background of lurid and apparently unstoppable killing, one finds in Denver, Colo., the irony of an exhibition of beautiful and delicate folk art produced by a people on the run. The show itself exists because of the anger and frustration of an American journalist named Jane Hamilton-Merritt, who covered the Vietnam War from 1966 to 1972.

While visiting a Thai refugee camp in 1977, she heard reports that the Lao mountain people were being attacked and killed with chemical or biological agents. She interviewed the Hmong and photographed some of their worst external injuries. She returned to the U.S. thinking that a magazine or newspaper article would cause an uproar. She was wrong. Her story and her pictures were not published.

"I have to admit that at first I couldn't believe it either," Miss Hamilton-Merritt says now. "I couldn't imagine what it (the weapon) was." She called U.S. government agencies to ask about the symptoms she'd seen but got nowhere. She called cheiical companies, drug companies, biochemists at universities here and abroad. Finally she called some veterinarian researchers, who said her description sounded familiar. Miss Hamilton-Merritt says they told her: "We don't know anything about humans, but we know there is fungus, animals can eat and get sick."

She made the rounds of magazines, expecting to find one that would publish both her article and pictures. there were no takers. "I just never thought I would hit a dead end on this, she says. "I thought, "Who is going to record all this? I had notebooks and notebooks of Hmong testimony about the air attacks."

In desperation, she more or less tore a page out of the environmental movements' strategy manual: "I chose what I thought would be a non-threatening approach. And that was to offer a look at the art of an unknown people, whose art and very existance were in jeopardy. I knew that the Hmong art would be appreciated in this country because it's quite extraordinary."

The first exhibition of art by the Hmong and Yao people opended in November 1979 at the Bethel Galley in Connecticut. The show has been seen since at galleries and museums in Washington, D.C.; Calgary, Alberta; New Haven, Conn.; Martha's Vineyard, Mass.; Minneapolis and now in Denver. As designed by Miss Hamilton-Merritt, it is an exhibition that shows visitors images of great and remarkable beauty and of great and remarkable horror.

Particulary striking are the complex appliques done by the White Hmong (a tribal subdivision). Their color and maze-like designs hit the eye with psychedelic impact. The women who do these works map out the entire design in their heads, and the finished piece—which can take months to complete—can have an intellectual precision and technical splendor one doesn't always encounter in museums of modern art.

Only a few pieces are antiques. The harsh and arduous exit route means minimal luggage. Western relief workers in Thailand often foolishly encourage the Hmong and Yao to put on their Western shirts and leave behind their tribal dress. But in the camps, many Hmong continue to fashion their centuries-old designs.

One of the most spectacular pieces in the exhibition is a White Hmong wedding dress made in the Ban Vinai camp in Thailand. The elaborate, silver-looking necklace incorporates old French coins and tin from soda cans. Once the Hmong carried their wealth around their necks because they had no currency. Now they turn refuse into memories of silver.

The horror is only a few feet away in the show. In a corner at the end of the exhibition, one sees photographs of people who have been gassed and driven out. One picture shows an emaciated man holding up a small diary detailing yellow-rain attacks he witnessed. Another photograph shows par-

ents holding sick children who died long before the exhibition opened.

One of Miss Hamilton-Merritt's pictures probably accounts in no small part for her publication problems. It is of a baby who is being breast-fed. The baby is burned across its eyes and forehead in such a way that the child very much resembles a person who was burned at Hiroshima. Most people who see it turn away from the child.

Miss Hamilton-Merritt includes these photographs in lectures she gives in conjunction with the exhibition—often to the discomfort of sponsoring organizations. She is usually asked to eliminate particularly unsettling images. But the disturbing contrasts are most germane to Miss Hamilton-Merritt's undertaking: She is trying to say that some terrible thing is happening to the people of Southeast Asia and has been doing so the past three years by telling her story to one roomful of people after another. And in Minneapolis and Denver, she has had some effect.

SOVIETS ARE SOURCE OF WEAPONS

Next Tuesday a nonprofit gallery shop will open in Minneapolis to sell the Hmong's textile art. The shop is the work of Gloria Congdon and Lucy Hartwell, who became interested after seeing the museum show. "The gallery is an attempt to develop an outlet for the art, with the money going directly back to the women who make the textiles," says Gloria Congdon. Local businessmen have begun to find jobs for the Hmong. And one has put up money to publish a brief color catalog, which effectively depicts who the Hmong were and what they have become.

There is evidence of a similar pattern of community involvement emerging in Denver. The shop at the Denver museum has sold $7,500 of Hmong textiles.

Miss Hamilton-Merritt also found a publisher. In its October 1980 issue, Reader's Digest ran a long article on chemical-biological warfare in Southeast Asia after sending her back to Thailand to update the story. The Digest also published a follow-up article by her in August 1981.

Miss Hamilton-Merritt was by no means the only person chasing the story. In 1981, Sterling Seagrave published his book, "Yellow Rain," detailing the use of these agents in Southeast Asia. Barry Wain, a reporter for The Asian Wall Street Journal, described the plight of those fleeing Southeast Asia's new Communist governments in his book, "The Refused." And in September 1981, then Secretary of State Alexander Haig said in a speech in Bonn that the Soviet Union was the source of these forbidden weapons. In the wake of Mr. Haig's resignation, however, the government's yellow-rain initiative is in disarray.

Despite some measure of progress, Miss Hamilton-Merritt appears to live with this subject in a state of perpetual indignation and rage. "It has been most difficult," she says evenly. "The Hmong are not making it here." Besides Denver and Minneapolis, the Hmong have settled in Chicago; Seattle; Portland, Ore.; Boston; Providence, R.I.; and Orange County, Calif.

The Hmong now living in America have in many ways become another manifestation of this century's relentlessly absurd tragedy. They were once a tough, self-sufficient people, who rolled into the pit of Vietnam. They are now in the U.S., a preliterate and impoverished Asian mountain people whose women sit for hours with dazzling textile art slowly spilling from their hands. And they say they are here because the Communists' planes and helicopters showered them with a "yellow rain" that hurt and killed them. It all seems so unlikely. That, Jane Hamilton-Merritt says, is precisely the problem.●

PREVENTING A SECOND WAR IN CENTRAL AMERICA

● Mr. KENNEDY. Mr. President, I call the attention of my colleagues to a recent initiative of the Presidents of Mexico and Venezuela to prevent a second war in Central America.

For all too many months, we have seen the civil war in El Salvador cost untold lives and destruction as the policy of the United States remained steadfast in opposition to a negotiated political settlement. That war continues unabated, whether or not we see its evidence on the front pages of our newspapers.

There is now a growing danger of a second war in Central America, based on growing conflicts between Honduras and Nicaragua. There has been an unprecedented military buildup in Nicaragua. The United States has provided increasing military aid and support to Honduras—which in turn has not only supported the military in El Salvador but has aided and abetted more frequent and larger scale attacks across the borders with Nicaragua by military bands identified as former members of General Somoza's National Guard.

I have been deeply concerned by the military buildup and increasing repression and violations of human rights in Nicaragua, as in other parts of Central America, and I have expressed these concerns repeatedly to the Nicaraguan Government. Unfortunately, the actions of the Reagan administration have made it even more difficult to achieve political changes in Nicaraguan policies. Instead, this administration has pursued a hostile and self-defeating policy which appears to be aimed at the destabilization of the Nicaraguan Government. The instruments of that policy apparently now include attacks across the Honduran border.

The increased frequency of those attacks comes in the wake of a doubling of U.S. military aid to Honduras in 1982, a substantial increase in the number of U.S. military advisers assigned to Honduras, a joint U.S.-Honduran military exercise transferring a Honduran combat battalion close to the Nicaraguan border, and a proposal for expanding and improving runways in southern Honduras to permit larger, and presumably American, warplanes to land and refuel.

In the face of rising war fever in both countries, the Presidents of Mexico and Venezuela have written to the Presidents of the United States, Honduras, and Nicaragua urging a diplomatic alternative to the seriously growing risk of war. Their letter of September 15 stresses the need to jointly (explore) the paths that are still open in order to stop the actual and worrying escalation, the increasing tension and the general and dangerous expectations generated from its outcome.

It is important to understand that the proposal from Mexico and Venezuela is supported by numerous other Latin American governments and by many of our close NATO allies.

Presidents Herrera Campins and Lopez Portillo have demonstrated wisdom and statemanship in this initiative aimed at joint discussions and a diplomatic solution. I hope that the Reagan administration will seriously consider their recommendations, and respond quickly and positively. Not only might the process of dialog avoid the spread of violence and war in Central America, but it could also serve as the first opening to a political resolution of the Salvadoran conflict as well.

My concerns are reinforced by the recent allegations of a former senior Honduran military officer, Col. Leonides Torres Arias, that key members of the Honduran military leadership are intent on pursuing military actions against Nicaragua. These actions in turn have led the Nicaraguan Government to build up its forces further along the Honduran border, to declare a state of emergency within that country, and to express serious concern that a massive military invasion from Honduras may be forthcoming.

The elected civilian government of President Roberto Suazo Cordova will likely find its already difficult economic situation exacerbated by the increased resources being demanded by the Honduran military. And if Honduran military involvement in El Salvador and Nicaragua increases, there is little question that it would pose an additional threat to the barely year-old democratic government of that country.

An excellent account of the rising tensions in Central America appeared recently in the Wall Street Journal. I ask that both this account, by Lynda Schuster, and the text of the Mexican/Venezuelan announcement of their extremely important diplomatic initiative, appear at this point in the RECORD.

The materials referred to follow:

[From the Wall Street Journal, Sept. 28, 1982]

HONDURAS IS BECOMING A NEW BATTLEGROUND FOR CENTRAL AMERICA

[By Lynda Shuster]

TEGUCIGALPA, HONDURAS.—Just a year ago, all was serene here in this lovely capital, where buses jump the curb to take hairpin turns around narrow, cobblestone streets. Hardly a soldier was in sight, about the loudest noise breaking the sleepy mountain air was a car backfiring and people thronged downtown at night.

Today, the tension is razor-sharp. Police uncover a new terrorist hideout just about

every week, soldiers swarm the city and cause mammoth traffic jams with roadside checkpoints, telephones used by anyone with sensitive information are tapped, and downtown is deserted after dark.

The sudden changes here illustrate how Honduras is fast turning into the new battleground for a regional war in Central America. It had been mostly spared the political violence ripping through the area—a leftist revolution in Nicaragua and the continuing battles against leftist rebels in El Salvador and Guatemala. Political experts figured that Honduras didn't have the same problems as its neighbors because it doesn't have the same lopsided distribution of wealth or history of repression.

CRUCIAL GEOGRAPHY

It does have strategic position, however. Sandwiched among countries in turmoil, Honduras is being used more and more by the major players, the U.S. and Nicaragua. As a result, terrorism now afflicts its cities, and battles with leftists rage along two frontiers. The latest incident ended last Saturday, when leftist guerrillas, who had captured more than 100 officials and businessmen and held some of them hostage for eight days in San Pedro, Sula, flew out of the country after dropping their demands for the release of 60 prisoners, among other things. And as tension mounts, many here fear that the U.S. and Cuban-backed Nicaragua are sucking Honduras into a deadly showdown from which it can only emerge a loser.

"My country is being turned into the Lebanon of Central America, a battlefield where the superpowers can fight out their battles by proxy," says Carlos Roberto Reina, a politically moderate attorney, "but our army isn't strong enough to fight the Nicaraguans, and I wonder how willing the U.S. public would be to send in the Marines."

Mr. Reina is alarmed because the posturing between the U.S. and Nicaragua has taken on explosive proportions. Worried by the greatly expanded Nicaraguan army, the U.S. is asking Congress for millions of dollars to lengthen landing strips in Honduras for larger aircraft, and it is beefing up its presence here. At the same time, it is doing little to quash rumors of an impending CIA-backed invasion of Nicaragua, which the U.S. says is aiding Salvadoran rebels and is trying to infect the entire region with the Marxist virus.

HEAVY TOLL SEEN

In response, Nicaragua is using the U.S. presence and alleged threats of war to build up its army even more and to make frequent forays over the Honduran border to distract attention from its own growing political and economic problems. This brinkmanship as many see it, can lead only to war.

Besides the tragic human toll of such a confrontation, there clearly would be economic and political casualties as well. Honduras is the second-poorest nation in this hemisphere, after Haiti, and its economy can ill afford the effects of increased uncertainty, let alone the increased expenses of bankrolling a war. Just as worrisome is the effect of heightened militarization on the fledgling democratic government that took over last January after a decade of military rule.

To be sure, some people here, including the military, think a war is necessary because, they say, Honduras and the rest of Central America will never have peace with the Sandinists' Marxist government in nearby Nicaragua. But military experts here think that certain ranking officers also are eager for battle because it would greatly strengthen the army's hand. The civilian government already is being hampered in its efforts to find a political solution by the army's race to fortify borders.

"The higher up you go in this army, the more conservative you get," says a former army officer who is still very close to the military. "And the guys at the top want a war with U.S. help, because they aren't ready to go back to the barracks yet."

Like some other countries in this region, Honduras has a history of on-again, off-again military rule. In the 161 years since it became independent from Spain, Honduras has had 385 armed rebellions, 126 governments and 16 constitutions. But unlike its neighbors, this desolately beautiful country never cultivated the greedy, land-grabbing oligarchy nor the accompanying right-wing para-military goon squads that seem indigenous to the region. There are wealthy landowners here, of course, but this Ohio-sized nation of 3.7 million people is so wild and underpopulated that just about everyone has remained poor.

Therefore, there wasn't the same violent backlash by landowners here as in El Salvador when redistribution of mostly fallow lands was started back in 1973. Although only about 43,000 of the expected 150,000 families received land before the program fizzled out, "it's one of the things that has kep violence away from Honduras by lowering their pressure cooker," says Manuel Acosta Bonilla, a former treasury and economy minister. The other factor, he says, is the development of trade unions, which are among the strongest in the region.

So, Honduras seemed blessed, in a backward sort of way, when the lid started to blow in Central America, first with the 1979 Sandinist revolution in Nicaragua, then with escalating guerrilla wars in El Salvador and Guatemala. John Negroponte, the U.S. ambassador here, says the generals then in power looked the other way as guerrillas used Honduras to transport guns and supplies to El Salvador from Nicaragua across borders that he calls "sieve-like" (the Sandanists have repeatedly denied aiding the Salvadoran rebels). Mr. Negroponte says there was a "tacit understanding" by the Honduran government that all would remain peaceful here in exchange for unmolested passage by the guerrillas.

All that changed, however, when President Roberto Suazo Cordova was installed last January to replace the military government. The Honduran army started cracking down along the Nicaraguan and Salvadoran borders, presumably at U.S. insistence, and also helped the Salvadoran army in a sweep against rebels in the northeastern sector of that country. Soon after, rebels blew out part of a power station that left much of Tegucigalpa without electricity for 48 hours, and police started finding rebel "safe houses" full of guns, ammunition and leftist literature.

A Western diplomat here says the rise in urban terrorism is clearly a response to the Honduran army's new tough-guy approach. He says the guerrillas who used to have free transit through Honduras now are retaliating for the curtailment of their movements. The literature found in the safe houses indicates that the terrorists are "imported, not locally grown," the diplomat says. "These guys are trying to start a shooting war inside Honduras to destabilize it. They are well organized, sophisticated and dangerous as hell."

FEARFUL POPULACE

Whatever their aim, the terrorists have rattled people here. A mother of five who lives in San Pedro Sula shakes her head with relief that her daughter just left to study at a university in Florida. A young manager of a plastics plant in the north says he has just come back from Panama, where he made a "big" withdrawal from his dollar account. "It's all in here," he says, hugging a light-brown attache case. "Two tickets to New Orleans for my wife and son. And money—just in case. I guess we are getting a little scared."

It's even worse down by the Nicaraguan border. In Palo Verde, a tiny mountain hamlet of thatched mud huts and hungry-looking dogs, the sounds of trucks rumbling through Santo Tomas on the Nicaraguan side waft back over. Mercedes Madira says she woke up a few Saturdays ago to the crash of shells coming over from the Nicaraguan side at about 6 a.m. A bit later, she says, about 30 Nicaraguan soldiers charged into the village and kidnapped a resident.

"This happens all the time," she says in a toothless spray of Spanish. "We can't work, we can't eat and we can't live like this because we're scared. Something has to be done."

DIFFERING PERCEPTIONS

Both sides in the conflict are reacting to sharply differing perceptions. Honduras and the U.S. see a Nicaragua with about 28,000 full-time soldiers and up to 80,000 reserve militia, compared with Honduras's 17,000-man force. Nicaragua will spend about $125 million on defense this year, against Honduras's 1982 defense budget of $45 million. Nicaragua also has an estimated 2,000 Cuban and East European military advisers. And, according to Honduras and the U.S., it is hellbent on exporting its own brand of Marxism to the rest of Central America.

The Sandinists, on the other hand, see an ever-growing and ominous U.S. presence here. U.S. military assistance to Honduras doubled this year to $20.6 million, and the Reagan administration has asked Congress for $21 million for the expanded landing strips. The embassy here now has about 120 employees, inordinately large for a country this size. (An embassy insider says the departments that have increased the most are the Agency for International Development and the Central Intelligence Agency.) The 40 U.S. military "trainers," as the embassy calls them, are supplemented regularly with extras, and earlier this year, their numbers reached 96—far more than in El Salvador.

But what really agitates the Sandinists is the rumor of an impending invasion. It has been reported that President Reagan approved $19 million for a covert CIA operation to train an anti-Sandinist group to invade Nicaragua, although Carlos Flores Facusse, the minister to the Honduran president, denies that any counterrevolutionaries are at work inside Honduras. But well-placed Honduran and U.S. sources here keep whispering about a November or December invasion, and Ambassador Negroponte refuses point-blank to confirm or deny that the U.S. is financing anti-Sandinists in Honduras.

BORDER RAIDS LIKELY

But the former army officer says the 2,500 or so counterrevolutionaries said to be in Honduras are too few to invade Nicaragua. What they can do, he says, is to harass the Sandinists with border raids, as a group did recently in Choluteca Province. They

claimed that 35 people were killed or wounded in the Nicaraguan town of San Francisco del Norte.

He says high-ranking Honduran army officers have told him that the plan is to keep Nicaragua feeling so threatened that it comes down even harder on the growing internal opposition. In the most recent outburst there, at least three people were killed in a demonstration in the town of Masaya. The more repressive the Sandinists become, the greater the opposition, the former officer says. First you destabilize the Nicaraguans, then you get them to come charging over the border to divert attention from internal problems, and then you ask for U.S. troops to help, he says. (Gen. Gustavo Alvarez Martinez, the head of the Honduran armed forces has said he welcomes U.S. intervention if there isn't any other way to defend his country.)

While the U.S. embassy here declines to comment on the plan. Tomas Borge Martinez, Nicaragua's interior minister, recently said "a real state of war" exists along the Honduran border. And Benjamin Villaneuva, an economist here, believes that the military is trying to prepare Honduras psychologically for a war that he says the Nicaraguans are trying to provoke. He says it's just like 1969, when Honduras fought El Salvador over a soccer game. "I hear the same sort of patriotic stuff on the radio about we have to defend our freedom and liberty," he adds.

But Mr. Acosta Bonilla, the former minister, still sees options other than war. "Let's assume the Sandinistas are using the alleged presence of counterrevolutionaries to build up their army," he says. "Then why not go looking for them, kick them out if they are here, and get rid of Nicaragua's excuse for belligerence? Then we could see if they are sincere about trying to improve relations."

PEACE PLAN OFFERED

The Honduran government apparently tried that last March, when Foreign Minister Edgardo Paz Barnica introduced a six-point peace plan at the Organization of American States meeting in Washington. The plan called for regional disarmament and joint border patrols, among other things. Mr. Paz Barnica says that he got "good response" from other South American countries but that Nicaragua said it wanted a bilateral, not international, accord. (The Nicaraguan ambassador here, Guillermo Suarez Rivas, stresses, however, that his country wants to improve relations.) So far, nothing has come of the initiative.

A leading newspaper editor here says the government didn't push very hard for the peace initiative because it is afraid to annoy the army, "considering that Gen. Alvarez has already gone to war against Nicaragua," he says, with a wry smile. He thinks that the U.S. has a two-fisted, seemingly contradictory policy of pushing for democratic elections while shoring up the military—the result, he adds, of an incoherent foreign policy for the region. And this emphasis on the military, he believes, is hampering the transition to democratic rule in Honduras. "I think this civilian government doesn't want war, but I think it's powerless to do anything because the army and U.S. are pushing us into it," he says.

All this uncertainty is helping to squeeze the last gasps out of an already-ailing Honduran economy. Hit with lower prices for its main agricultural exports, a practically nonstop flight of capital out of the country and an almost-total cutoff in foreign credit, the gross domestic product will probably decline this year. Bankruptcies are rising, about 15% of the population is out of work, and Mr. Villanueva, the economist, sees little hope of attracting desperately needed foreign capital with the threat of war hanging over Honduras. "We can hardly survive in peace," he says, "but a war would be the end of us."

PRESS RELEASE ISSUED BY THE EMBASSIES OF VENEZUELA AND MEXICO IN WASHINGTON

The Embassy of Venezuela and Mexico in Washington inform that Luis Herrera Campins, President of Venezuela, and Jose Lopez Portillo, President of Mexico, have sent letters, jointly signed, to the President of the United States of America, Ronald Reagan, to the President of Honduras, Roberto Suazo Cordova, and to the Coordinator of the Junta for National Reconstruction of Nicaragua, Commandant Daniel Ortega, concerning the deterioration of Central America's situation.

In their letters the two Latin American Presidents emphasize the seriousness of the recent events that have taken place between Honduras and Nicaragua. The heads of state of Venezuela and Mexico also have reference to the need of jointly exploring the paths that are still open in order to stop the actual and worrying escalation, the increasing tensions and the general and dangerous expectations generated from its outcome.

In Washington, Marcial Perez-Chiriboga, Ambassador of Venezuela, and Bernardo Sepulveda, Ambassador of Mexico, delivered today the letter addressed to President Reagan.

WASHINGTON, D.C., *September 15, 1982.*●

RILEY CHILDERS, A TRUE PUBLIC SERVANT

● Mr. BAUCUS. Mr. President, I deeply believe there is no measure of success greater than the measure of service to your fellow man and the public good. I invite the Senate's attention to a Montanan who has, indeed, achieved a fair measure of success over a very productive life.

At the beginning of last month, Riley Childers retired as executive vice president of the Montana Associated Utilities (MAU) and executive vice president of the Montana Telephone Association of Independent Co.

Riley had been working on behalf of Montana farmers and rural families long before he joined MAU in 1963. Indeed, I understand that even while he was still in high school, he spent long hours working to pull together an electric cooperative for his home town, Galata.

I doubt if all Members of the Senate understand just how important rural cooperatives have been to many areas of the country. These days we take for granted services that only a few years ago only a few people, mostly city people, were able to have. The rural electrification movement meant not just access to electricity for rural Americans, but, in truth, access to a whole new way of life.

It meant freeing housewives from washing the clothes by hand and freeing farm families from poverty and bare subsistence. The electricity that had been reserved for city-based industry was, with the rural cooperative movement, harnessed to pump the water that irrigates thousands of family farms.

Land that could produce little or nothing now produced much. This enriched the whole country and has helped feed the world. It is no exaggeration to compare this achievement to the great irrigation network of the Romans and the grain storage system of the Egyptians.

In all of these cases, a tremendous engineering feat accompanied a tremendous social change. The electric cooperative movement enabled the American family farms to succeed in the 20th century, and it has enabled millions of people throughout the world to avoid starvation.

So, when I say Riley Childers has succeeded in a life of public service, I mean it in the truest sense. Since his high school effort in 1938 he has worked to build today's complex network of family farms connected to one another and to the new power of the electric age. And it is this network that produces a living for these families and food for millions of families more.

Mr. President, Marty Erickson, editor of the Montana Rural Electric News, wrote an article in its August issue that eloquently expresses the dedication and joy of Riley's life and service. With gratitude to Riley for this service, I ask that this article be printed in the RECORD at the conclusion of my remarks as a small tribute of the Nation's gratitude for Riley's work and for the great service given our country by the builders of America's rural cooperative network.

The article follows:

FROM THE EDITOR'S NOTEBOOK . . .

I only wrote one speech for Riley Childers, and then he didn't use it. It was shortly after I came on board as editor of what was then the Montana Rural Electric News. I wrote the speech in my style which wasn't necessarily Riley's style.

Riley had his own unique style.

Coming back to Montana from the big city of Seattle and a job in corporate public relations, it took me a while to readjust to that good old Montana down home twang.

Riley never got away from it. It served him well.

His roots were in the Hi Line country not far from the Sweetgrass Hills. Windy, arid, rutted-road country. You could almost always count on the wind to dry up the promise of a wet spring. Next year country.

Galata is 10 miles south of the home place. Once a major cattle shipping point on the Great Northern Railroad, its glory dwindled down through the years to grandiose reminiscences of 50 years ago. The town dried up but not the spirit of the people. Stubborn, hard working, always taking one more rock out of the field people.

The graduating class of 1938 at Galata High School saw Riley Childers as valedicto-

rian. The purple velvet-covered graduation certificate listed the names of all four seniors that year. Riley was surprised when he looked at it a couple of weeks ago. He was sure there had been six or seven students in the class.

That was the year he began a life long involvement with cooperatives. While still a senior in high school, he began knocking on rural doors to gather support for organizing a rural electric cooperative.

He put in 20 years (1940-1960) on the Galata Union Elevator Board. In 1944 he was appointed to a rural electric cooperative feasibility study board. In 1945 he became a charter member of the board of directors of Marias River Electric Cooperative in Shelby and served on the board until 1950.

Another feasibility study and more organizational work—this time for the rural telephones—led to the organization of Northern Telephone Cooperative in Sunburst. He helped them obtain their charter in 1954 and served as board chairman until 1957.

And so it went—organizing, serving on the board of this cooperative and that cooperative—a lifetime involvement. Secretary-treasurer of the cooperative oil station in Devon, board member of the Galata Cooperative, helped organize and served as executive secretary of the Montana Council of Cooperatives, MAU. Most of it is in the books—on the record.

What is not on the record is Riley Childers the person.

Riley the music lover who played (and played well) the piano, organ, guitar and mouth harp. He sang with a passable baritone voice through the years when his group had a gig at a country dance. A couple of years ago we put together the Riley Childers' Song Book—the profit from the sales went to ACRE, the political action group for rural electric cooperatives.

Riley the father and grandfather whose grandchildren wrote and sang a song for his retirement party.

Riley the farmer-rancher who sang "The Green, Green Grass of Home" maybe because there were many years when the home place withered under the high plains sun, when the green, green grass was last year's memory.

Riley the spokesman for cooperatives who knew everybody and his brother in government, agriculture, education—uptown people, down home folks—and yet was surprised at the turnout of his friends at his retirement party.

And, last, but maybe most important from my viewpoint—Riley the boss who allowed me the freedom, the latitude to do this magazine my way. He sometimes questioned the miles I travel to interview people, but accepted that it just couldn't be done over the telephone. It is a matter of the human element—the land and the people—and Riley is a part of both. I grew because I was allowed to grow. Thank you, Riley.

Keep your guitar in tune.●

ANNIVERSARY OF NIGERIAN INDEPENDENCE

● Mr. KENNEDY. Mr. President, this year October 1, the 22d anniversary of Nigeria's independence from colonial rule, is a special day for that country and for its friends who recognize its achievements, its promise, and its continuing importance to the United States.

For the first time the Federal Government is holding its official celebrations in the new capital now being built in Abuja, in the center of the country. Honoring a commitment made in 1976 by its military predecessors, the present civilian democracy, under the leadership of President Shehu Sagari, has continued work on that capital.

Nigeria's decision to move its capital from Lagos on the coast to Abuja in the interior represents a deliberate step to strengthen the nation. Other new capitals as far back as Washington, D.C., were conceived with the same goal in mind. By moving the capital to the country's geographic center, the National Government will be brought within easy reach of greater numbers of Nigerians. For that reason—and because of the detailed research around the world which accompanied this decision—Nigerians hope to avoid the pitfalls that have beset other countries which have moved their capitals.

The same kind of systematic international study which led to Nigeria's decision on its capital, led also to its previous critical decision on the constitution of the Second Nigerian Republic. We Americans can take pride that Nigerians chose a constitution which bears strong resemblance to our own. That similarity reflects the Nigerians' belief that they share with the United States many of the same challenges of size, complexity, and diversity. However, in one of several differences, Nigeria's Constitution provides for 4-year terms for all its legislators, Federal and state, as well as for the President and state governors.

A year from today Nigeria will be inaugurating the victors chosen in the first elections held, since military rule, under totally civilian auspices. In a continent where skeptics point to the small number of states with free elections and more than one party, we cannot underestimate the importance of vibrant, multiparty democracy in Nigeria which governs over 80 million people, one-quarter of Africa's population.

Nigerians do not see their democracy as positioned on one side or the other of an East-West ideological struggle, just as they have never supported casting Africa's problems into an East-West mold. From our perspective, the United States has a far greater interest in Nigeria's commitment to freedom and democracy than in Nigeria's siding with us on a particular aspect of the East-West dispute. That commitment will remain important not only in its own right, but as an essential contribution to stability in Nigeria and throughout Africa. Nigeria is of great importance in that continent's struggle to gain independence for Namibia, an end to the abhorrent racist system of apartheid in South Africa, and sovereignty and liberty for all nations on the African continent.

We in the United States have much in common with Nigeria and can have more in common in the years ahead, developing a strong and close relationship founded on mutual respect. But the way to achieve that is neither to take Nigerians for granted nor to seek to enter them on "our" side of a polarized ledger. The attitude of the present administration reveals both of those characteristics, thus eroding the good will among Nigerians that is born of the wide range of attitudes and interests they share with the people of the United States.

As we congratulate our Nigerian friends on the 22d anniversary of their independence, let us resolve to work closely with them in pursuit of freedom, economic progress and social justice for all peoples in Africa and throughout the world.●

OIL AND GAS LEASING IN WILDERNESS

● Mr. KENNEDY. Mr. President, for more than a year, the integrity of our fragile and irreplaceable wilderness areas has been threatened by Secretary of the Interior James Watt's unprecedented policy of opening wilderness areas to oil and gas leasing and development. These areas contain less than 2 percent of the potentially recoverable oil and gas in the United States. Yet Secretary Watt says that is where we ought to drill.

Wilderness protection legislation, which would prevent the senseless destruction of wilderness encouraged by Secretary Watt, has passed the House of Representatives by an overwhelming margin. Similar legislation pending in the Senate has 52 cosponsors, including myself. The broad support for this legislation is further illustrated by the following editorials, which are but a handful of the endorsements which have appeared in newspapers across the country. I request that these editorials be printed in the CONGRESSIONAL RECORD, and urge my colleagues in the Senate to pass S. 2801, the Wilderness Protection Act of 1982, before the Congress adjourns in December.

The editorials follow:

[From the Houston Post, Aug. 18, 1982]

WILDERNESS SHIELD

The House has overwhelmingly approved a bill that puts designated wilderness areas off-limits to leasing for oil, natural gas and some minerals—except in a national emergency. Those last five words mark the difference between the House position and that of Interior Secretary James Watt. Watt took office with the expressed determination to explore and exploit wilderness acreage immediately and as rapidly as possible, whether or not the need was apparent.

The original Wilderness Act of 1964 allowed leasing until 1984. Watt acted on the

premise that Congress had mandated leasing by 1984. The original intent of the act was permission, not compulsion. But under his own compelling drive, Watt announced his plan to reverse the policy, despite the sharp protests of both Republican and Democratic congressmen.

Now the House had made its opposition specific. The bipartisan bill sent to the Senate on a 340-58 vote would eliminate the provision allowing continued lease applications until 1984. It would ban all further leasing for oil, natural gas, oil shale, coal, phosphate, potassium and sulfur and for geothermal facilities. The bill would not change the provision that hardrock prospecting and mining for gold, silver, copper, cobalt and lead may go on until 1984.

By a margin of more than 2 to 1, the House also defeated an amendment that would have allowed the use of explosives for seismic testing in the wilderness. The House measure, which would affect about 1,000 pending applications on 3 million acres of wilderness, is expected to clear the Senate. Congress is to be commended for making the wilderness sacrosanct except in "an urgent national emergency." This is a proper use of priorities.

[From the News & Observer, Raleigh, N.C., Aug. 24, 1982]

WATT LOST IN THE WILDERNESS

A poetic passage in the Bible refers to the mountains leaping about and clapping their hands for joy. Figuratively, the North Carolina mountains could well join environmentalists in rejoicing. The occasion: a resounding House defeat for Interior Secretary James G. Watt's proposal for oil and gas drilling in the nation's wilderness areas.

The recent 340-to-58 House vote has barred extensive exploratory drilling in 34.4 million acres unless Congress and the president agree to open these areas again. In this vote, the House responded to clear voter concern over Watt's development policies. It did not escape congressmen's attention, in an election year, that a recent Lou Harris poll found that 85 percent of Americans surveyed favor strong enforcement of environmental laws.

Among the estimated 1,000 applications from industry for oil, gas and mineral leases are several that would permit exploration and drilling in the wilderness of Linville Gorge, in the Shining Rock area in Haywood County and in the Joyce Kilmer-Slickrock forest areas in Western North Carolina and Eastern Tennessee. By sustaining the House vote, the Senate could protect these environmentally sensitive areas from everything except the non-destructive gathering of information on mineral deposits. It would be in the interest of their state for Senators Helms and East to vote to sustain the House position.

Watt saw this House train gathering speed and got off the track in the nick of time. He took no position officially on the merits of the bill. But it's clear that members saw through Watt's earlier maneuver to prevent leasing only until the year 2000. That would have opened all wilderness areas thereafter for exploitation. Many western congressmen who are regarded as Watt supporters deserted him on this issue.

This legislative victory offers impressive evidence that public concern for the environment remains high and that environmental groups have their lobbying act together. How can the White House now doubt that Watt is a growing political liability? The country will be better off when the administration gets out of the wilderness and Watt gets out of the administration.

[From Newsday, Long Island, N.Y. Aug. 21, 1982]

SAVING WILDERNESS FROM WATT

Wilderness . . . is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain.

When those words were written into the Wilderness Act 18 years ago, Congress intended to keep a part of the land "forever wild." In officially designated wilderness areas, which now make up about 1 per cent of the lower 48 states, human visitors aren't even allowed to travel by trail bike or snowmobile, so as not to disturb the permanent residents—animals and plants.

So it's hardly surprising that Congress got upset when Interior Secretary James Watt, was ready to let an oil exploration company set off 5,700 charges containing 270,000 pounds of explosives in a Montana wilderness last year. That application is one of more than 1,000 awaiting action before the "window" for prospecting closes on Dec. 31, 1983.

Even though the Wilderness Act allows the interior secretary to grant mineral leases, only a handful had been issued until Watt came along. Given the vehement opposition he faced, Watt agreed that Congress should have an opportunity to change the law. Last week the House did its part, by a 340-to-58 vote. Also included in the House's proposed ban on exploration and development are millions of acres either under consideration or recommended for wilderness designation. The president would be able to open wilderness lands to leasing, but only by declaring an overwhelming national need and only with the consent of Congress.

Banning wilderness exploitation may not be as popular in the Republican-controlled Senate, but prodevelopment members should take note that most House Republicans supported the ban. Of the Long Islanders, only Gregory Carman (R-Farmingdale) voted against it, and he's giving up his seat.

Keeping some lands in their natural state for future generations to enjoy is important even to millions of Americans who may never set foot in a wilderness area. The Senate would be prudent to recognize that and send the prospectors elsewhere.

[From the Great Falls Tribune, Great Falls, Mont., Aug. 27, 1982]

A GROWING CHORUS ON WATT

Idaho Republican James McClure may hold the key to allowing timely Senate consideration of wilderness leasing legislation, but Montana's Sen. John Melcher can play an important role in the matter, too.

First Melcher needs to declare his support for the bill, introduced by fellow Democrat and fellow member of the Senate Energy Commitee, Henry Jackson of Washington.

Then, Melcher can join the chorus of protest that threatens to hamper Interior Secretary James Watt in his effort to lease in the nation's wilderness areas.

Already at least 51 senators have joined Jackson as co-sponsors of his bill. That's more than half of a Republican-dominated Senate. An identical measure passed the House earlier this month by an impressive 340-58 vote. Clearly, the sentiment in Congress is that Watt needs to be reined in on his mineral leasing policies in wilderness and wilderness potential areas.

After pressure from the House last year, Watt agreed not to issue any more oil and gas leases in wilderness until the end of this year. But under the 1964 Wilderness Act, protected lands are open to leasing until the end of 1983. When his "moratorium" ends, Watt would have a year to issue leases; and there's every likelihood he would act with dispatch. There now are 1,000 lease applications pending on wilderness lands.

In past years only a handful of leases was issued under the Wilderness Act allowances; those cases were scrutinized closely. But Watt has insisted that federal agencies have no discretion in denying lease applications solely on the basis they involved wilderness.

As he does with many of his public lands policies, Watt insists he is acting in the nation's best energy-security interests. However, wilderness areas at most would contain between 1 and 4 percent of the total oil and gas reserves in the country. If the United States is ever reduced to dependency on that energy contribution, it will indeed be in severe straits—probably as a result of shortsighted energy policies that disregard the potential of non-traditional, renewable energy supplies. The bill does let the president open areas for leasing and exploration if he or she declares an overwhelming national need and Congress consents.

Idaho's McClure chairs the Senate Energy Committee and is known for not letting any wilderness measures through the current Congress. He would not have to work hard to bottle the wilderness leasing bill up in committee. Remaining congressional days are short this year.

Yet that's no excuse for Montana senators, who hail from a state with some of the premier wilderness areas in the country, to withhold support for the measure. Sen. Max Baucus is one of the 51 co-sponsors. Melcher, as a western Democrat who sits on the very committee that has jurisdiction over the wilderness bill, ought to join in and help send an important message to Watt.

[From the Great Falls Tribune, Great Falls, Mont., Aug. 18, 1982]

HOUSE WILDERNESS VOTE WAS NO SURPRISE

Some news reports called the recent House approval of a measure forbidding the sale of oil and gas leases in wilderness areas "surprisingly lopsided."

The vote, however was no surprise—if you remember that most Americans, as has been indicated steadily in nationwide polls, don't think the environment should be sacrificed unnecessarily and do support the wilderness system.

And it was no surprise if you recall the storm Secretary of Interior James Watt caused when he announced that federal agencies which control wilderness areas had no discretion in denying lease applications solely on the ground they involved wilderness.

Under the 1964 Wilderness Act, mining and mineral exploration are allowed in federally protected wilderness areas until 1984. After then, no new leases can be issued but claims filed before the deadline can be pursued.

In the years since the act was passed, only a handful of leases have been issued. Watt turned that policy a0 wilderness leases. As a result, a moratorium was placed on issuing new leases until the end of the current congressional session.

Finally, the House vote was no surprise when it is noted that the probable amount of oil and gas in wilderness areas in pitifully small—somewhere between 1 and 4 percent of the total oil and gas reserves in the country.

Even conservative columnist George Will has debunked the energy-national security argument that habitually is presented in favor of allowing exploration in wilderness areas. In a recent Newsweek column, he said: "There are 80 million acres of designated wilderness, 56 million of them in Alaska. Only 1.2 percent of the 'lower 48' states is wilderness; only 4 percent could ever be so designated. Surely the nation's vitality and security are not so marginal as to depend on that 4 percent . . . It would be a pity to damage an irreplaceable asset for a few weeks' worth of oil.

Indeed, last week's House vote was lopsided and it was bipartisan. Of the Republicans who voted on the measure, nearly half favored it in the 340-58 tally. While Montana's Pat Williams supported the bill eastern district Republican Ron Marlenee unfortunately opposed it. He said the bill would be a negative influence on further consideration of wilderness. And he argued the nation needed an inventory process to know what there is in wilderness areas, and planning and study areas.

Williams points out, with reason, that once certain areas are explored, the very qualities that make them candidates for wilderness have been destroyed.

Under the bill the House approved, the president can open wilderness areas for exploration, if there is a national emergency and additional mineral exploration is needed. But the president must declare an overwhelming national need; and he must get the consent of Congress.

Oil industry spokesmen said the bill's passage sent a clear signal to oil exporting countries that the United States is not serious about developing its own energy sources.

That's not quite the case. Under the Reagan administration, the energy message this country has sent the rest of the world is that we will continue to be dependent on nonrenewable energy sources like oil, rather than develop alternative, renewable sources.

Instead, House passage of the bill sent the president and Secretary Watt a clear signal that there are values in wilderness which are much greater than the dollars and cents that come from potential energy development.

[From the Chicago Sun-Times, Aug. 17, 1982]

SCORE ONE FOR WILDERNESS

Wilderness 1, Watt 0.

That's a bit of an overstatement, of course. The Senate has yet to act on the strong wilderness protection bill that passed the House so overwhelmingly last week.

Yet the House's action—approving the bill, unamended, by 340-58—is a powerful message to Interior Secretary James G. Watt that lawmakers won't swallow his deceptions about oil and gas development in protected federal lands. It further shows they won't hestitate to exercise their legal right to reaffirm what protection is all about.

Watt's record on wilderness is wretched. Though he refers to such lands as if they were locked up from energy exploration, the Wilderness Act of 1964 specifically allows prospecting and other activities to determine the extent of mineral and other resources—and orders Interior to conduct such surveys.

But the key lies in how they're done. Watt recommended last year that oil companies be allowed to lease wider areas for drilling, at a pace sharply faster than under previous administrations, and to set off research blasts in some. (In one case last year, an exploration company proposed detonating some 270,000 pounds of explosives in Montana's pristine Bob Marshall Wilderness Area.)

Those activities just aren't consistent with Congress' declaration that designated wilderness continue "as an area where the earth and its community of life are untrammeled by man." And, after strong congressional opposition, Watt said he's put off pending mineral lease applications until the end of this year, to let the lawmakers speak.

Speak they did, shouting no. Still, they showed they're not simple obstructionists. The measure they approved would let the President open lands for mineral exploration—if he declares an overwhelming national need and Congress concurs. Significantly, the bill protects land that is being considered for formal wilderness designation as well as already-protected lands.

The bill may face tougher going in the Republican-controlled Senate, where Watt has significant support on the key Energy and Natural Resources Committee. But the House has sent a reminder—to Watt, President Reagan and the Senate—that America's commitment to conservation must not weaken. We hope the recipients are listening.

[From the Chicago Sun-Times, Sept 13, 1982]

STAND FIRM ON WILDERNESS PROTECTION

Illinoisans can be proud that both their senators—Charles H. Percy (R) and Alan J. Dixon (D)—have signed on as co-sponsors of a strong wilderness-protection measure.

They and 52 other co-sponsors have given a strong signal to the Reagan administration that the development plans of Interior Secretary James G. Watt must be weighted carefully against environmental damage. They also seconded a strong vote in the House, where the measure passed 340-58 last month.

But all that will come to naught if the measure is amended to limit federal wilderness designations to areas selected by a specific deadline. The House wisely rejected such a measure—and that threatens an impasse if the Senate OKs the amendment.

That could be disastrous: Watt has promised to hold off on development plans only until Congress adjourns.

Percy, Dixon and their colleagues should stand firm for the unamended bill.

[From the Atlanta Constitution/Journal, Sept. 11, 1982]

SENATE MUST ACT TO STOP WATT

The U.S. Senate should act quickly to keep oil and natural-gas drillers out of America's beautiful national wilderness areas.

Secretary of the Interior James Watt wants to let exploratory drilling rigs spout in the national wildernesses, including Georgia's Cohutta Wilderness and three pending wilderness areas in the Chattahoochee National Forest. And he can do so beginning in January, if the Senate doesn't stop him.

A bill is in the offing—S. 2801, the Wilderness Protection Act of 1982. An identical measure was passed last month by the House, 340-58. The Senate bill was introduced by Sen. Henry Jackson, D-Wash., with 53 co-sponsors—but, despite the bill's majority support, its Senate passage faces major perils.

Opponents of the bill—those who, like Watt, want private industry to have a free hand in despoiling and polluting the nation's great treasure of public lands and wildernesses—are expected to try to stall it in committee, and to weaken it with amendments.

Foremost among amendments is an expected effort to attach a "hard release" amendment. "Hard release" is a perfect example of Watt's destructive tendencies. It would bar additions to the national wilderness systems. The wilderness areas we have now would be all we would ever have. No more, forever.

Even lands that currently are being studied would be released for private uses.

Time is working against the effort to block Watt. Congressional elections are Nov. 2, and Congress plans to adjourn no later than mid-October. If the Senate doesn't act before then, there would be no time for a second attempt at legislation. Watt would be free to start raping our wildernesses, come the first of the year.

An argument, which ought to be compelling enough in its own right, can be made against leasing wildernesses for oil and gas drilling simply on the grounds of natural preservation. But for those like Watt who only understand dollars, private and public studies show that only about 1 percent of our potential onshore oil and natural gas reserves are in wilderness areas, a trivial economic advantage—if any.

The Wilderness Protection Act of 1982 permits the president and Congress to open wilderness areas to exploration in the event of a national emergency. America's Wilderness areas—a precious heritage for the ages—should be the last lands, not the first, destroyed in search of oil and natural gas.

[From the Los Angeles Times, Aug. 16, 1982]

THE MESSAGE GOES OUT

The word is out Democrats and Republicans alike have joined to send an overwhelming message to the Administration in general and to the Department of the Interior in particular: The public lands deserve better.

By a margin of 340 to 58, with 128 Republicans among the majority, the House of Representatives voted to ban oil and gas leasing in federally protected wilderness areas in the lower 48. The vote flies in the face of the Administration's current drive to develop as much as possible as soon as possible—and never mind either conservation or economic logic. The bill itself is not radical. What it would do is shorten the 20-year period provided by the Wilderness Act of 1964 for the distribution of mineral leases by one year—not much, but enough to limit the substantial destructive abilities of Secretary of the Interior James G. Watt.

Although the measure passed by the House would cover 36.2 million acres, it was a compromise. As such, it would leave that same land open to hard-rock mining while neglecting additional wilderness areas in Alaska and land under study for wilderness designation in the lower 48 altogether. Until Dec. 31, 1983, when the Wilderness Act halts leasing on wilderness lands (but allows the development of claims already granted), Watt is free to lease to his heart's content on these unprotected lands.

Nonetheless, opponents of the bill raise the familiar cry that it would "lock up" resources. They ignore the bill's provision to allow the President, with the consent of Congress, to open the land to mineral exploration if there is "urgent national need."

And they ignore the 137 million acres currently under lease in the lower 48, the additional 100 million acres that are available for leasing, and the 1 billion acres that are to be opened to offshore drilling in the next five years.

Given these facts, the mild nature of the bill and this Administration's reckless plans for the exploitation of natural resources, the Senate must now follow the House's lead. Americans, of whatever political stripe, must show their concern for the little wilderness that is left.

[From the Lewiston Tribune, Aug. 10, 1982]

A STERN WARNING ON WILDERNESS

The U.S. House of Representatives has told Secretary of the Interior James Watt, in a loud voice, to leave the wilderness areas alone. By a vote of 340-58, the House Thursday disapproved Watt's move to open designated wilderness to mineral exploration. It was a victory for conservation and a rebuff to the administration's pell-mell rush to get the federal government out of the business of protecting the American heritage.

The president and Secretary Watt had better take this vote seriously. It means the American people want wilderness preserved. It also suggests that the administration had better rethink its policy of selling off the public lands and quickly leasing billions of acres for offshore drilling, as it is planning to do. If Thursday's House vote is a fair indicator of national sentiment, the administration will have little public support for those policies. The people evidently want their national forests and grasslands, as well as their wilderness areas, kept intact and they see no economic logic in selling oil and gas leases in such massive numbers that they depress the market.

An example of this reckless waste: Leases on the National Petroleum Reserve on Alaska's North Slope raised only $70 million this year instead of the half billion the leases were worth and would have brought into the treasury had they been sold prudently over a period of time. In Wyoming, the government is selling coal mining leases for almost nothing because there is no competition; the country is in the middle of a coal glut. Then why not wait until prices are better and the leases can be sold for what they are worth? Because the administration's policy has been to sell these public properties just to get rid of them.

The House has now told the administration, in effect, that it had better slow down, that the people are not willing to squander this patrimony. And if the administration doesn't listen, it will find itself in deep trouble.

[From the Idahonian, Aug. 25, 1982]

WILDERNESS OIL NOT NEEDED

Moscow and Pullman residents need look only as far as their nearest gas pump to realize that there's no gasoline shortage. That's why Secretary of the Interior James Watt's proposals to open U.S. wilderness areas up to oil and gas exploration and drilling make so little sense.

Gasoline prices have dropped as much as 10 cents a gallon at some stations on the Palouse in recent months, partly because of competition but mainly because of a worldwide petroleum glut. With OPEC in disarray over pricing policies and Mexico hoping the U.S. will buy more of its oil, a steady supply of foreign oil looks almost certain. At the same time, many experts say this country has ample mineral and gas reserves if it taps those areas already identified and leased by energy companies.

Why, then, the rush to drill in protected wilderness areas and wilderness study areas?

That's what a majority of members of Congress are asking, too. The House on Aug. 12 passed a bill 340-58 to remove that land—some 34 million acres—from mineral leasing.

The Senate is ready to consider the same bill, and despite its support from 51 of 100 senators, its passage isn't assured. That's because it must first get past the Senate Energy and Natural Resources Committee chaired by Idaho's James McClure, who in the past has been a strong supporter of Watt's polices who often shares Watt's philosophy on land and energy issues.

McClure, whose state contains some of the largest wilderness areas outside of Alaska, ought to be among the first to realize the folly of opening them up to oil exploration as long as supplies are adequate from elsewhere. He needs to be reminded that his constitutents don't agree with Watt's here today-gone tomorrow approach to resource exploitation.

[From the Boston Globe, July 9, 1982]

TREATING WILDERNESS WITH CIVILITY

Congress is moving slowly toward a rational program for fully indentifying and preserving the nation's remaining wilderness areas. It should avoid pitfalls that threaten to undercut a sensible program arrived at through careful compromise.

The compromise was sparked in part by a plan floated last winter by Interior Secretary James Watt that would have imposed a drilling and mining ban in wilderness for the balance of the century except in cases where the President perceived an overriding national interest in favor of development.

Efforts at compromise were worked out in the House Interior and Insular Affairs Committee, led by Rep. Manuel Lujan (R-N.M.) and Rep. John Seiberling (D-Ohio). It would permit, among other things, some "hard-rock" mineral leasing while protecting wilderness areas from the more damaging impacts of oil and gas development.

The bill does contain a provision allowing a President to reopen wilderness areas for oil and gas development in the case of "urgent national need," but avoids the looser language Watt proposed that would have given wider latitude to a President.

The compromise has won support from environmentalists like the Wilderness Society. The danger is that the bill will be amended either on the floor of the House or in the Senate in ways that would either make development easier or would freeze the amount of identified wilderness land.

The latter of these two dangers is a matter of some concern in New England, where several promising tracts in the White Mountains have not yet achieved wilderness status that would protect not only themselves but neighboring tracts as well.

The principal argument for devloping wilderness areas for their oil and gas potential is that the nation is still dependent on imports, and it makes no sense to exclude potential energy sources from development. Environmentalists counter with studies estimating the potential contribution of wilderness areas at no more than 2 percent of the nation's total energy supply. They suggest that the areas be opened only when all others have been exploited—by which time other sources may have become available or, at any event, new techniques for minimizing the impact of development might offer additional protection to wildernesses.

The Lujan-Seiberling bill is a rational plan for preserving irreplaceable national assests and protecting them from headlong development that would deprive the nation of unique natural treasures. Congress should resist the temptation to squander these assets in search of transitory and proportionally small mineral energy sources.●

SENATOR ROTH COSPONSORS S. 1342

● Mr. ROTH. Mr. President I wish to add my name as a cosponsor of S. 1342.

This legislation sponsored by Senator MELCHER will provide much needed relief to construction workers who currently are unable to deduct their transportation expenses at temporary job sites.

Under present law construction workers who are away from their permanent homes at a temporary job site for more than a year are not permitted a tax deduction for their every-day travel expenses to and from the job site.

To take a typical example: A construction worker has lived and worked in a particular community for many years. He has a home in that community; his children go to school there; he and his wife vote and pay taxes there. Solely because of the nature of the construction industry, construction work becomes temporarily unavailable in the local area. The worker has two choices—he can look for work at distant jobs until work becomes available closer to home, or he can remain unemployed. If he takes work at a distant job, he must either move his family to that job or he can drive to the job each day—often 50 or 60 miles each way—or he can rent a room near the job.

The first option—moving his family to the job—is simply not a realistic option.

Accordingly, the travel expenses are clearly necessary to the conduct of the taxpayer's business—since the worker must incur those expenses if he is to practice his trade. Nevertheless, the IRS has been automatically disallowing these expenses as deductions.

Under this legislation construction workers will be deemed to be temporarily away from home for their first 2 years of employment at any job site more than 15 miles from their home.●

SHIPYARD'S SUCCESS HOLDS OFF RECESSION IN BATH

● Mr. COHEN. Mr. President, perhaps no other defense contractor has as fine, and deserved, a reputation as Bath Iron Works.

The shipbuilding firm, located in Bath, Maine, is known for its record of delivering ships to the Navy "ahead of schedule and under budget." The people of Bath Iron Works can take

great pride in the quality of their workmanship and their record of achievement.

In today's Washington Post, an article discusses the success Bath has had in recent years. The piece, "Shipyard's Success Holds Off Recession in Bath," tells of Bath's strong record of saving taxpayer money and delivering ships to the fleet ahead of the scheduled delivery date.

The result of this excellent record is that the company is growing. It is Maine's largest employer, and its work force has grown from 5,500 to nearly 8,000 since April.

The article details how Bath has achieved success by hard work and pride in craftsmanship. The Navy dictum, "Bath-built is best-built," is one which is well deserved.

I commend the piece to the attention of my colleagues.

The article follows:

SHIPYARD'S SUCCESS HOLDS OFF RECESSION IN BATH

(By Robert M. Knight)

BATH, MAINE.—Hundreds cheered and clapped when USS Klakring slid into the blue water of the Kennebec estuary. For many at last month's launching the ship represented steady employment.

For the shipbuilder, Bath Iron Works, Klakring became the 15th guided missile frigate to be launched since the prototype, USS Oliver Hazard Perry, hit the water in 1977. Eight are still to be constructed before Bath converts from frigate production to what the company hopes will be an ambitious chunk of the U.S. Navy's sophisticated Aegis cruiser program.

Meanwhile, Bath keeps popping out frigates to the rhythm of the descriptive phrase "ahead of schedule and under budget." The 11th frigate, USS Aubrey Fitch, is to be delivered to the Navy Oct. 9, behind a dais that is to support Vice President Bush, among others, and Bath says it, too, will qualify for that testimonial.

"The Fitch will bring the total number of production weeks saved for the taxpayer to 142," Bath spokesman James McGregor says.

No one is providing dollar amounts because Bath's biggest customer, the Navy, doesn't want such numbers open to scrutiny. But before Bath stopped counting, the company was cutting production budgets an average of about $7 million per ship. To the skeptic who might ask if the budgets were too high to begin with, Bath officers say they won the frigate contracts because they bid low enough.

When Beverly Bohen of Napa, Calif., broke a champagne bottle across the bow of USS Klakring in honor of her uncle, World War II hero Thomas Klakring, on Sept. 21, she helped continue a tradition of productivity that Bath Iron Works people say began in the early days of the English colonies. Colonists built the first European ship in North America at Popham Beach, five miles from Bath on the Atlantic Coast. And it was a Bath built yacht that J. P. Morgan was referring to when he said, "if you want to know how much it costs you can't afford it."

John F. Sullivan chief executive officer and chairman of Bath, attributes the company's productivity to modular planning and Yankee pride. Planning takes shape in "preoutfitting" the 16 modules of a frigate on dry land before they are welded together to form a ship. Pride becomes part of the process in the energy and craftsmanship for which New Englanders are known, he says, referring to the Navy dictum, "Bath-built is best-built."

"Large manufacturers in New York or Philadelphia or even Seattle-Boeing devote such a small part of their overall efforts to shipbuilding that they don't get people's attention. Here people have made fortunes in shipbuilding back to the time of the sailing ships so they have a lot of pride. We're saying 'it's you, the people, who are making it work.' We're not saying 'what a great management team,'" says Sullivan, who was credited with making Bath profitable after being installed by the company's parent, Congoleum Corp., in 1975.

Frigate production has been most visible this year. Klakring was the fifth launched at Bath in 1982 and another is expected in December. BIW, Maine's largest private employer, says its employment has risen from 5,500 to nearly 8,000 since April. The company is anxious to finish the FFGs and get on with the cruisers, which are expected to increase employment even more.

In May, the company announced it has been designated, as the second source for the high-technology cruisers supporting RCA's battle-directing AEGIS systems. This so far has resulted in the award to BIW of a $300 million contract to build a single Ticonderoga-class cruiser by 1988.●

NOMINATION OF GARY JONES TO BE UNDERSECRETARY OF THE DEPARTMENT OF EDUCATION

● Mr. KENNEDY. Mr. Chairman, I am opposed to the nomination of Gary Jones to be Undersecretary of the Department of Education. Let me emphasize that I do not take this position easily nor do I base it on simple policy differences. There is no question that I strongly disagree with the policy of this administration toward education and seriously question its commitment to obtaining a quality education for our country's students.

My opposition to Mr. Jones' nomination is based on his proven inadequacy as a decisionmaker and administrator during his tenure as Deputy Undersecretary for Policy and Planning in the Department of Education. He has consistently flouted congressional intent. He has consistently distorted or undermined education legislation. He has consistently exhibited no understanding of the needs and problems of urban school systems.

Mr. Jones was instrumental in developing regulatory changes and enunciating policy differences that undermined legal provisions or violated congressional intent. For example, he helped originate the regulatory changes for the Handicapped Education Act, Public Law 94-142. These changes if they became effective would, in fact, gut the legislation. During the committee hearings, Mr. Jones said that—

In many instances the (handicapped education) law can stand on its own or with little elaboration within regulations.

But without adequate regulations to implement the act, its protections will not be effective.

Mr. Jones has publicly stated that the regulations implementing chapters 1 and 2 of the ECIA were transmitted to Congress as a "courtesy" and that the Department had "learned its lesson" and would not make that "mistake" again. I would say to Mr. Jones that the Department's submission was required by law under the General Education Provisions Act—it was not a "courtesy." The Congress had a legal right to veto the regulations. It exercised that right and must be allowed to do so in the future. Mr. Jones' statements and the attitude they represent are simply unacceptable.

Mr. Jones has made it absolutely clear that he does not understand the needs and problems of the urban school districts. It is equally clear that he does not particularly care about them. He makes the absurd statement—several times—that reducing the amount of money available for these programs will improve the quality of the programs. I cannot support a policymaker who expects local education programs to improve while they are starved for funds. Particularly where that policymaker has no trouble rejecting that same philosophy when it relates to private schools and tuition tax credits.

Put simply, Mr. Jones' view of urban education is one of benign neglect. His attitude to the laws of this land and to congressional intent is one of contempt. I do not believe that Mr. Jones is qualified to be the Undersecretary of Education. I believe our laws would suffer. But more important even than that—I believe our children would suffer because their education would suffer.●

EDUCATION OF THE HANDICAPPED

● Mr. BOSCHWITZ. Mr. President, I wish today to clarify and reiterate a provision in the Senate committee report on the continuing resolution pertaining to section 625 of the Education of the Handicapped Act for regional postsecondary programs for the deaf. The purpose of this provision is twofold: First, to insure that there continues to be four contract awards to programs serving the deaf; and second, that those contract awards receive the same portion of funding as in previous years.

The three initial grantees under the regional education program were the California State University at Northridge (CSUN), the Seattle Community College, and the St. Paul (Minnesota) Technical Vocational School. In 1975,

Delgado College in New Orleans was added. The four original programs: Delgado, CSUN, St. Paul TVI, and Seattle Community College cover the spectrum of types of postsecondary institutions. Delgado is a college, CSUN is a university, St. Paul TVI is a technical vocational institute and Seattle is a community college. These four regional education programs taken together serve a national constituency. Students have been served from every State, including Alaska and Hawaii, the District of Columbia and several territories.

As much as I would like to see that these four programs be guaranteed continued funding I understand the necessity of competition for these contract awards to help insure that the best possible programs are serving deaf students. I am confident that these programs will fare well in a competitive situation.

However, I am concerned that the funding for these contract awards could be diluted if many more awards are made under section 625 and that deaf students would not be as well served if the money is spread too thinly. Therefore, while postsecondary institutions will compete for the contract awards to serve deaf students under section 625 our intent is that four contract awards be made and those four awards receive the same portion of the available funds under section 625 as in fiscal year 1982.

I would like to thank Senators WEICKER and SCHMITT for their help in protecting postsecondary educational opportunities for deaf students. I also would like to ask them if what I have just said corresponds with their intention in including this provision in the committee report?

Mr. WEICKER. Mr. Chairman. As chairman of the Handicapped Subcommittee of the Labor and Human Resources Committee and as a member of the Labor and Human Resources Subcommittee of the Appropriations Committee, I want it made clear that we are seeking to insure that postsecondary educational programs for the deaf under section 625 receive four contract awards in fiscal year 1983 and that those awards for programs that serve the deaf be the same portion of the section 625 funding as in fiscal year 1982.

Mr. SCHMITT. The committee's intention was correctly outlined by my colleagues Senator WEICKER and Senator BOSCHWITZ. While allowing for competitive awards under section 625 of the Education of the Handicapped Act, we want to insure that there continue to be four contract awards to programs serving the deaf and that at least the same amount of money will be spent on the awards that are made.●

STRENGTHENING THE UNITED NATIONS

● Mr. KENNEDY. Mr. President, the 37th session of the United Nations General Assembly convened September 21 in New York. The world body should be playing an increasingly central role as the only forum where rich and poor, East and West, nuclear powers and neutral nations can come together to air their grievances, influence international opinion, and find ways to resolve disputes without resort to force.

This year's General Assembly has before it Secretary General Javier Perez de Cuellar's provocative first report on the United Nations work, which raises extremely important questions about the organization's capacity to keep the peace and serve as a forum for negotiations. The Secretary General believes that we now have potentially better means to solve the problems facing humanity than ever before, but he is concerned over our persistent failure to make adequate use of them. Instead, there is an increasing tendency to resort to confrontation, violence, and war in pursuit of what are perceived as vital interests. The Secretary General sees the world as perilously close to a new international anarchy.

Warning that there now exist enough nuclear weapons to destory life on this planet, the Secretary General calls on United Nations member states not to ignore nuclear protestors, who remind us of the standards and duties set out in the U.N. Charter. He believes we have strayed far from the charter in recent years, and points to serious erosion of the authority and status of world and regional institutions.

Recalling that the U.N. itself was born in the wake of world targedy, the Secretary General urges member governments to make a conscious recommitment to the charter and to work together to strengthen international institutions. He advocates adoption of new and imaginative approaches to the prevention and resolution of conflicts, the protection of human rights, and the promotion of social, and economic development.

Secretary General Perez de Cuellar concludes that our most urgent goal is to reconstruct the charter concept of collective action for peace and security, and to build a United Nations system in which governments can have real confidence.

Mr. President, the Secretary General's summons to all of us to rally once again around the standards of the United Nations Charter is a call which we ignore at our peril. The United Nations deserves America's continuing, wholehearted support. I ask that the full text of the Secretary General's historic report be printed at this point in the RECORD.

The text referred to follows:

REPORT OF THE SECRETARY-GENERAL ON THE WORK OF THE ORGANIZATION

The past year has seen an alarming succession of international crises as well as stalemates on a number of fundamental international issues. The United Nations itself has been unable to play as effective and decisive a role as the Charter certainly envisaged for it. Therefore, in this, my first annual report to the General Assembly, I shall depart from the usual practice of surveying the broad range of the work of the United Nations; instead I shall focus on the central problem of the Organization's capacity to keep the peace and to serve as a form for negotiations. I shall try to analyse its evident difficulties in doing so, difficulties related to conflicts between national aims and Charter goals and to the current tendency to resort to confrontation, violence and even war in pursuit of what are perceived as vital interests, claims or aspirations. The general international divisions and disorder which have characterized the past year have unquestionably made it even more difficult than usual for the Organization to be, as it was intended to be, a centre for harmonizing the actions of nations in the attatinment of common ends.

The problems faced by the United Nations in fulfilling its mission derive in large measure from the difficulties which Governments appear to have in coming to terms, both within and outside the Organization, with the harsh realities of the time in which we live. This question is, of course, highly relevant to the use, misuse or non-use of the United Nations as an instrument for peace and rational change.

I am of the view that we now have potentially better means to solve many of the major problems facing humanity than ever before. For this reason I retain, in the last analysis, a sense of optimism. This basic optimism, however, is tempered by our apparent inability to make adequate use of these means. Instead we sometimes appear still to be in the grip of the dead hand of a less fortunate past. As a result we often lack the vision to differentiate between short-term advantage and long-term progress, between politically expedient positions and the indispensable objective of creating a civilized and peaceful world order. While such attitudes do not affect the validity of the ideals of the Charter, they seriously impair the proper utilization of the machinery of the United Nations for the purposes for which it was set up.

We live today in the presence of a chilling and unprecedented phenomenon. At the peak of world power there exist enough nuclear weapons to destroy life on our planet. It seems evident that nothing worthwhile would survive such a holocaust, and this fact, above all else, contains the nuclear confrontation—for the time being at least.

In the middle level of world power there exist vast quantities of sophisticated, so-called conventional weapons. Indeed we have seen some of them in devastating action this very year. These weapons are, by comparison with those of former times, immensely destructive, and they are actually being used. They are also the objects of a highly profitable international trade.

At yet another level we have the poverty of a vast proportion of the world's population—a deprivation inexplicable in terms either of available resources or of the money and ingenuity spent on armaments and war. We have unsolved but soluble

problems of economic relations, trade, distribution of resources and technology. We have many ideas and plans as to how to meet the growing needs or the large mass of humanity, but somehow such human considerations seem to take second place to the technology and funding of violence and war in the name of national security.

It is for these reasons that our peoples, especially the young, take to the streets in their hundreds of thousands in many parts of the world to proclaim their peaceful protest against the existing situation and their deep fear of the consequences of the arms race and nuclear catastrophe. Who can say that these gentle protesters are wrong or misguided? On the contrary, they recall us to the standards and the duties which we set ourselves in the Charter of the United Nations. The States Members of this Organization should not ignore the significance of what they are trying to say.

What in reality is the role and the capacity of the United Nations in such a world? Our Charter was born of six years of global agony and destruction. I sometimes feel that we now take the Charter far less seriously than did its authors, living as they did in the wake of a world tragedy. I believe therefore that an important first step would be a conscious recommitment by Governments to the Charter.

Certainly we have strayed far from the Charter in recent years. Governments that believe they can win an international objective by force are often quite ready to do so, and domestic opinion not infrequently applauds such a course. The Security Council, the primary organ of the United Nations for the maintenance of international peace and security, all too often finds itself unable to take decisive action to resolve international conflicts and it resolutions are increasingly defied or ignored by those that feel themselves strong enough to do so. Too frequently the Council seems powerless to generate the support and influence to ensure that its decisions are respected, even when these are taken unanimously. Thus the process of peaceful settlement of disputes prescribed in the Charter is often brushed aside. Sterner measures for world peace were envisaged in Chapter VII of the Charter, which was conceived as a key element of the United Nations system of collective security, but the prospect of realizing such measures is now deemed almost impossible in our divided international community. We are perilously near to a new international anarchy.

I believe that we are at present embarked on an exceedingly dangerous course, one symptom of which is the crisis in the multilateral approach in international affairs and the concomitant erosion of the authority and status of world and regional intergovernmental institutions. Above all, this trend has adversely affected the United Nations, the instrument that was created specifically to prevent such a self-destructive course. Such a trend must be reversed before once again we bring upon ourselves a global catastrophe and find ourselves without institutions effective enough to prevent it.

While I do not propose here to review in detail specific situations and developments, it is, of course, my deep concern about them which leads me to examine the underlying deficiencies of our present system. The tragedy of Lebanon and the imperative need to resolve the problem of the Middle East in all its aspects, including the legitimate rights of the Palestinians and the security of all States in the region; the war between Iran and Iraq; the political situation relating to Afghanistan; the prevailing convulsion of Central America; questions relating to Kampuchea; the failure hitherto to reach a settlement in Cyprus; the situation in Western Sahara and in the Horn of Africa—these and other potential conflict situations, although often differing widely in their nature, should all be responsive to a respected international system for the peaceful settlement of disputes. Even in the sudden crisis over the Falkland/Malvinas Islands, despite the intensive negotiations which I conducted with the full support and encouragement of the Security Council and which endeavoured to narrow the differences between the parties, it nevertheless proved impossible in the end to stave off the major conflict.

Yet in all of these cases, all of the parties would have gained immeasurably in the long run from the effectiveness of a system for the peaceful settlement of disputes. In the case of Namibia we now see some signs of the possibility of a solution after many setbacks. Let us hope that this will prove a welcome exception to the general rule. But the lesson is clear—something must be done, and urgently, to strengthen our international institutions and to adopt new and imaginative approaches to the prevention and resolution of conflicts. Failure to do so will exacerbate precisely that sense of insecurity which, recently, cast its shadow over the second special session of the General Assembly devoted to disarmament. Despite present difficulties, it is imperative for the United Nations to dispel that sense of insecurity through joint and agreed action in the field of disarmament, especially nuclear disarmament.

I must mention here some of the other main sides of our work. There is the promotion and protection of human rights throughout the world, to which I intend to devote, as a matter of high priority, the attention that is called for by the Charter and made all the more imperative by the current state of world affairs. There are the great humanitarian challenges, often involving large numbers of refugees and displaced persons, whose plight in many parts of the world is the tragic reflection of political strife and economic distress. There is the grave and as yet unsolved problem of apartheid. There is, furthermore, the whole spectrum of issues related to social and economic development, which so vitally affect both present conditions and future prospects. My statement to the Economic and Social Council on 7 July of this year provided an opportunity to review the latter, to call for action and to express my concern on the stalemate in the North-South dialogue and the difficulties encountered in furthering global negotiations and measures to promote world economic recovery.

In our endeavour to carry out this extremely wide and demanding range of tasks, a fundamental requirement is the continued dedication, integrity and professionalism of the international civil service. I expect the highest standards from the staff of the Secretariat and, for my part, am determined to protect their independence and to ensure that performance and merit are the essential criteria for professional advancement. I have already defined as one of my first priorities the attainment of enhanced efficiency in the Secretariat, which must be worthy of the full confidence of Member States. I will continue to devote every effort towards an improved, unified and coherent administration.

It seems to me that our most urgent goal is to reconstruct the Charter concept of collective action for peace and security so as to render the United Nations more capable of carrying out its primary function. It was the lack of an effective system of collective security through the League of Nations that, among other factors, led to the Second World War. Although we now face a vastly changed world situation, Governments in fact need more than ever a workable system of collective security in which they can have real confidence. Without such a system, Governments will feel it necessary to arm themselves beyond their means for their own security, thereby increasing the general insecurity. Without such a system, the world community will remain powerless to deal with military adventures which threaten the very fabric of international peace, and the danger of the widening and escalation of local conflicts will be correspondingly greater. Without such a system there will be no reliable defence or shelter for the small and weak. And without such a system all of our efforts on the economic and social side, which also need their own collective impetus, may well falter.

There are many ways in which Governments could actively assist in strengthening the system prescribed in the Charter. More systematic, less last-minute use of the Security Council would be one means. If the Council were to keep an active watch on dangerous situations and, if necessary, initiate discussions with the parties before they reach the point of crisis, it might often be possible to defuse them at an early stage before they degenerate into violence.

Unfortunately there has been a tendency on the part of Member States to avoid bringing critical problems to the Security Council, or to do so too late for the Council to have any serious influence on their development. It is essential to reverse this trend if the Council is to play its role as the primary role authority for international peace and security. I do not believe that it is necessarily wise or responsible of the Council to leave such matters to the judgement of the conflicting parties to the point where the Council's irrelevance to some ongoing wars becomes a matter of comment by world public opinion.

In recent years the Security Council, has resorted increasingly to the valuable process of informal consultations. However there is sometimes a risk that this process may become a substitute for action by the Security Council or even an excuse for inaction. Along the same line of thought, it may be useful for the Council to give renewed consideration to reviewing and streamlining its practices and procedures with a view to acting swiftly and decisively in crises.

Adequate working relations between the permanent members of the Security Council are a sine qua non of the Council's effectiveness. Whatever their relations may be outside the United Nations, within the Council the permanent members which have special rights and special responsibilities under the Charter, share a sacred trust that should not go by default owing to their bilateral difficulties. When this happens, the Council and therefore the United Nations are the losers, since the system of collective security envisaged by the Charter presupposes, at the minimum, a working relationship among the permanent members. I appeal to the members of the Council, especially its permanent members, to reassess their obligations in that regard and to fulfil them at

the high level of responsibility indicated in the Charter.

There is a tendency in the United Nations for Governments to act as though the passage of a resolution absolved them from further responsibility for the subject in question. Nothing could be further from the intention of the Charter. In fact resolutions, particularly those unanimously adopted by the Security Council, should serve as a springboard for governmental support and determination and should motivate their policies outside the United Nations. This indeed is the essence of the treaty obligation which the Charter imposes on Member States. In other words the best resolution in the world will have little practical effect unless Governments of Member States follow it up with the appropriate support and action.

Very often the Secretary-General is allotted the function of following up on the implementation of a resolution. Without the continuing diplomatic and other support of Member States, the Secretary-General's efforts often have less chance of bearing fruit. Concerted diplomatic action is an essential complement to the implementation of resolutions. I believe that in reviewing one of the greatest problems of the United Nations—lack of respect for its decisions by those to whom they are addressed—new ways should be considered of bringing to bear the collective influence of the membership on the problem at hand.

The same consideration applies to good offices and negotiations of various kinds undertaken at the behest of the Security Council. Very often a Member State or group of Member States with a special relationship to those involved in such negotiations could play an extremely important reinforcing role in promoting understanding and a positive attitude.

In order to avoid the tendency of the Security Council to become involved too late in critical situations, it may well be that the Secretary-General should play a more forthright role in bringing potentially dangerous situations to the attention of the Council within the general framework of Article 99 of the Charter. My predecessors have done this on a number of occasions, but I wonder if the time has not come for a more systematic approach. Most potential conflict areas are well known. The Secretary-General has traditionally, if informally, tried to keep watch for problems likely to result in conflict and to do what he can to pre-empt them by quiet diplomacy. The Secretary-General's diplomatic means are, however, in themselves quite limited. In order to carry out effectively the preventive role foreseen for the Secretary-General under Article 99, I intend to develop a wider and more systematic capacity for fact-finding in potential conflict areas. Such efforts would naturally be undertaken in close coordination with the Council. Moreover, the Council itself could devise more swift and responsive procedures for sending good offices missions, military of civilian observers or a United Nations presence to areas of potential conflict. Such measures could inhibit the deterioration of conflict situations and might also be of real assistance to the parties in resolving incipient disputes by peaceful means.

Peace-keeping operations have generally been considered to be one of the most successful innovations of the United Nations, and certainly their record over the years is one of which to be proud. They have proved to be a most useful instrument of de-escalation and conflict control and have extended the influence of the Security Council into the field in a unique way. I may add that United Nations peace-keeping operations have traditionally shown an admirable degree of courage, objectivity and impartiality. This record, which is a great credit to the Organization, is sometimes overlooked in the heat of partisanship.

The limitations of peace-keeping operations are less well understood. Thus when, as happened recently, a peace-keeping operation is overrun or brushed aside, the credibility both of the United Nations and of peace-keeping operations as such is severely shaken.

It is not always realized that peace-keeping operations are the visible part of a complex framework of political and diplomatic efforts and of countervailing pressures designed to keep the peace-keeping efforts and related peace-making efforts effective. It is assumed that the Security Council itself and those Member States is a position to bring influence to bear will be able to act decisively to ensure respect for decisions of the Council. If this framework breaks down, as it did for example in Lebanon last June, there is little that a United Nations peace-keeping force can by itself do to rectify the situation. Indeed in such circumstances it tends to become the scapegoat for the developments that follow.

Peace-keeping operations can function properly only with the co-operation of the parties and on a clearly defined mandate from the Security Council. They are based on the assumption that the parties, in accepting a United Nations peace-keeping operation, commit themselves to co-operating with it. This commitment is also required by the Charter, under which all concerned have a clear obligation to abide by the decisions of the Council. United Nations peace-keeping operations are not equipped, authorized, or indeed made available, to take part in military activities other than peace-keeping. Their main strength is the will of the international community which they symbolize. Their weakness comes to light when the political assumptions on which they are based on ignored or overridden.

I recommend that Member States, especially the members of the Security Council, should again study urgently the means by which our peace-keeping operations could strengthened. An increase in their military capacity or authority is only one possibility—a possibility which may well give rise in some circumstances to serious political and other objections. Another possibility is to underpin the authority of peace-keeping operations by guarantees, including explicit guarantees for collective or individual supportive action.

In recent months, two multinational forces were set up outside the framework of the United Nations to perform peace-keeping tasks, because of opposition to United Nations involvement either within or outside the Security Council. While understanding the circumstances which led to the establishment of these forces, I find such trend disturbing because it demonstrates the difficulties the Security Council encounters in fulfilling its responsibilities as the primary organ for the maintenance of international peace and security in the prevailing political conditions.

We should examine with the utmost frankness the reasons for the reluctance of parties to some conflicts to resort to the Security Council or to use the machinery of the United Nations. The fact is that the Council too often finds itself on the sidelines at a time when, according to the Charter, its possibilities should be used to the maximum. Allegations of partisanship, indecisiveness or incapacity arising from divisions among Member States are sometimes invoked to justify this side-tracking of the Council. We should take such matters with the utmost seriousness and ask ourselves what justifications, if any, there are for them and what can be done to restore the Council to the position of influence it was given in the Charter.

This last problem also applies to other organs of the United Nations and brings me to the question of the validity and utility of the United Nations as a negotiating forum. We have seen, in the case of the law of the sea for example, what remarkable results can be achieved in well-organized negotiations within the United Nations framework, even on the most complex of issues and even though there was no unanimous agreement. On the peace and security side, the Security Council has shown and continues to show that it is often capable of negotiating important basic resolutions on difficult problems. The General Assembly also has to its credit historic documents negotiated in that organ and in its subsidiary organs, not only on the political but also on the economic and social side.

But in spite of all this I am concerned that the possibilities of the United Nations, especially of the Security Council, as a negotiating forum for urgent international problems are not being sufficiently realized or used. Let us consider what is perhaps our most formidable international problem—the Middle East. It is absolutely essential that serious negotiations on the various aspects of that problem involve all the parties concerned at the earliest possible time. Far too much time has already elapsed, far too many lives and far too many opportunities have been lost, and too many *faits accomplis* have been created.

I feel that the Security Council, the only place in the world where all of the parties concerned can sit at the same table, could become a most useful forum for this absolutely essential effort. But if this is to be done, careful consideration will have to be given to what procedures, new if necessary, should be used and what rules should govern the negotiations. I do not believe that a public debate, which could well become rhetorical and confrontational, will be enough. Other means will have to be used as well if negotiations on such a complex and deeply rooted problem are to have any useful outcome. The devising of such means is certainly well within the ingenuity and capacity of concerned Member States.

A related question to which we should give more consideration concerns what are productive and what are counter-productive approaches to the different aspects of our work. Obviously, a parliamentary debate may generate rhetoric, and sometimes even a touch of acrimony. But negotiations and the resolution of urgent problems require a different approach. Debate without effective action erodes the credibility of the Organization. I feel that in the United Nations, if we wish to achieve results, we must make a more careful study of the psychological and political aspects of problems and address ourselves to our work accordingly. It is insufficient to indulge in a course of action that merely tends to strengthen extreme positions.

The United Nations is now 37 years old. It has survived a period of unprecedented

change in almost all aspects of human life. The world of 1982 is vastly different from that of 1945, and that difference is reflected in the United Nations. In other words, the Organization has had to adapt to new circumstances to a quite unexpected extent. But it is not enough for the United Nations merely to reflect change or conflicts. The Organization was intended to present to the world the highest common denominator of international behaviour and, in doing so, to develop a binding sense of international community. It was to that end that Governments drafted and ratified the Charter. Amid the various perils that now threaten the orderly progress of humanity, I hope that we can rally once again to the standards of the Charter, beginning with the peaceful settlemant of disputes and steadily branching out towards the other objectives of that prophetic document.

Finally let me appeal to all Governments to make a serious effort to reinforce the protective and pre-emptive ring of collective security which should be our common shelter and the most important task of the United Nations. The will to use the machinery of the Charter needs to be consciously strengthened, and all Governments must try to look beyond short-term national intersts to the great possiblilities of a more stable system of collective international security, as well as to the very great perils of failing to develop such a system. For these reasons I would suggest that consideration be given to the usefulness of holding a meeting of the Security Council at the highest possible level, one object of which might be to discuss in depth some of the problems I have mentioned.

Member States will, I hope, understand if I end this report on a personal note. Last year I was appointed Secretary-General of this Organization, which embodies the noblest hopes and aspirations of the peoples of the world and whose functions and aims under the charter are certainly the highest and most important ever entrusted to an international institution. This year, time after time we have seen the Organization set aside or rebutted, for this reason or for that, in situations in which it should, and could, have played an important and constructive role. I think this tendency is dangerous for the world community and dangerous for the future. As one who has to play a highly public role in the Organization, I cannot disguise my deep anxiety at present trends, for I am absolutely convinced that the United Nations is indispensable in a world fraught with tension and peril. Institutions such as this are not built in a day. They require constant constructive work and fidelity to the principles on which they are based.

We take the United Nations seriously when we desperately need it. I would urge that we also seriously consider the practical ways in which it should develop its capacity and be used as an essential institution in a stormy and uncertain world.

RED CHINA—AN UNSTABLE "ALLY"

● Mr. GOLDWATER. Mr. President, it is well known that I feel the joint communique with Communist China is a terrible mistake. In previous statements in this Chamber, I have given the reasons why I believe there is a direct and serious conflict between the communique and the commitments to Taiwan that the United States has made in the Taiwan Relations Act.

Today I wish to discuss another aspect of the communique and that is the false reasoning used by the people in the State Department who have misled the President into issuing the communique. These people have fooled themselves into believing that Red China is a dependable and stable regime that would be on the side of the United States in a crisis involving the Soviet Union. I wonder if these pundants ever considered what will happen on mainland China after the death of Deng Hsiao Ping?

How long will any semblance of stability last after Deng is removed from the scene? Have the bright thinkers in the State Department ever considered that mainland China may well revert to warlordism?

Are the Soviets cleverly waiting for the day when they can see mainland China broke into different protectorates, some of them, such as the Sinkiang area and Manchuria, becoming Soviet puppets? Of how much value would Red China be to the United States in any contest with the Russians if this development occurs?

It is much in Russia's interest to carve up China and make parts of it into puppet areas, just as they have in Afghanistan, Poland, Hungary, and other satellites.

One may ask what value the State Department China card will be if the Soviets should succeed in establishing buffer areas of this nature in China.

Also, we should recognize it is not impossible Russia will achieve its goal. The fatal weakness of Red China rests in the great instability of a totalitarian society in which a cohesive unity depends on the dictator of the moment. The Chinese Communists themselves are not blind to their own weaknesses. It is the State Department who has been fooled.

Actually, Red China wants and needs U.S. technology as well as a quasi-defense alliance.

Yet, some group within the State Department is willing to sacrifice the word and honor of the United States and the survival of millions of free people on Taiwan for the sake of a transitory relationship with a tyrant regime, whose internal stability is much in doubt and who needs our support far more than we need theirs.●

THE CONSEQUENCES OF LEGISLATIVE HOLDS

Mr. STEVENS. Mr. President, I noticed that the Senator from Ohio early this afternoon released a press bulletin outlining his struggle to intercede and stop the Senate from taking action on a number of what he terms "special interest giveaways." Mr. President, I would like to outline, for the record, what the consequences of holding up some of this legislation are.

Holding up the Bankruptcy Act will:

One, cause White Motors in Cleveland to close its doors;

Two, cause farmers to lose control of grain stored in bankrupt elevators;

Three, allow drunk drivers to declare bankruptcy to escape the consequences of their actions; and

Four, raise prices for all consumers who must pay for the unpaid bills of their fellow citizens.

Holding up the reciprocity bill will:

One, cost over 300,000 jobs in Ohio alone dependent upon export trade which this bill enhances;

Two, jeopordize additional agriculture exports critical to the farmers of Ohio; and

Three, prevent effective actions against recalcitrant trading partners such as Japan. By the way, the Senator from Ohio is a cosponsor of this legislation.

Holding up the Shipping Act (S. 1593) further delays the revitalization of the American flag fleet. The Senator from Ohio objects to the limited antitrust exemption which allows carriers to collectively aggregate cargo for maximum efficiency. The act applies soley to international liner traffic. Domestic trade is not covered by the act. The bill will provide a basis for American competition in international trade.

Ohio is directly affected by the legislation. The port of Cleveland strongly supports the bill, as do the local maritime unions.

Holding up the omnibus rail bill (H.R. 6308) hurts more than the State of Alaska. A number of railroads are affected. The Alaska railroad is one of those railroads referred to in the Bill and it is important to my State.

The Alaska Railroad runs for almost 500 miles essentially between Seward on the Gulf of Alaska north through Anchorage to Fairbanks. It is the only major commercial railroad in our State and serves communities in which by far the majority of our citizens reside. It is a vital link in interstate commerce with the Lower 48, and provides at least some of the movement for most of the goods shipped into our State. It also serves, often by special branch lines, a number of major and strategically important military installations. As you can imagine, it is absolutely critical that a transportation facility of this import continue to operate. What is questionable is whether it should continue to do so under Federal auspices and at considerable Federal expense.

As many of my colleagues are aware, the Alaska Railroad, despite the critical role it plays in the economy of our State, remains a marginal proposition. Indeed, we have annually appropriated funds to provide for maintenance and other capital activities. At a time

when we are reevaluating the appropriateness of many Federal activities and, as well, we are particularly conscious of the need to reduce Federal spending, the possibility of providing for the continued operation of the Alaska Railroad through the State seems attractive. The State appears willing to assume this responsibility under the terms and conditions provided in Alaska Railroad transfer title. A cornerstone of the understanding reached during the last 2 years between the State and the FRA has been that the railroad would be transferred to the State without direct monetary compensation to the United States. Because questions have been raised about this aspect of the transfer, allow me to assure my colleagues that the transfer is hardly cost-free to the State.

The State is obligated to continue to operate the railroad. Unless it does so, it must either surrender unused property to the Federal Government or pay for it. It also must operate the railroad as a common carrier fully regulated by the Interstate Commerce Commission. As a Federal railroad, the Alaska Railroad has been subject to ICC oversight at the consent of the Government, but has not really been a fully-regulated carrier. This change is important to consumers, shippers and competitors alike, but will also entail every real compliance costs. The State-owned railroad also is obligated by the title to assume substantial Federal liabilities in addition to acquiring the railroad's assets. It also is obligated to provide extensive employee protections including maintenance of employment, salary and benefits.

To further elaborate, Mr. President, the State, in assuming the ownership and operation of the Alaska Railroad, will be inheriting a carrier which hardly has been gold-plated over the years, appropriations notwithstanding. Railroad records indicate that the State inherits some 58 million—in 1977 dollars—in deferred maintenance. This includes deferred rail replacement, tie renewal, roadbed and ballast work, and the rehabilitation of rolling stock and locomotives. Additionally, because capital expenditures must come either from appropriated funds or revenue—the Federal railroad has no capacity to finance through bonding or other means—a number of capital improvements which would reduce maintenance costs in the long run have not been undertaken. These projects include a new communication system, welded rail installation, realignments and rolling stock replacement. Conservative estimate for these improvements exceed $100 million. Another category of capital expenditures the State will have to make as the railroad emerges from its protected Federal status is those projects necessary to bring the railroad into compliance with the rail safety laws and the Occupational Safety and Health Act of 1970 (OSHA). Alaska Railroad records suggest that these liabilities could be as high as $70 to $90 million. The State is committed and will be bound to bring the railroad into compliance with OSHA and it will make a good faith effort to achieve compliance in all deliberate speed. It is expected, however, that responsible officials will be patient with the State and allow it a reasonable time to bring the railroad into compliance.

In addition to the capital requirements of the Alaska Railroad, the costs associated with the requirements that the State operate a fully regulated carrier, provide the employee protection prescribed in the title, and assume Federal liabilities must be considered in the context that the Alaska Railroad is actually a marginal operation. Its fortunes are totally dependent upon the State's economy, which is among the more volatile in the Nation. Neither its passenger nor freight operations have made money, historically. Indeed, the railroad has operated in the black during only three of the past dozen Federal fiscal years. Although recent balance sheets suggest a trend toward profitability, the railroad remains dependent upon appropriations. Even if mineral development or other activities were to generate increases in traffic for the railroad, the deteriorated condition of its physical plant would require immediate investment to support heavier usage.

In sum, Mr. President, the State is relieving the Federal Government of a costly responsibility in acquiring the Alaska Railroad. I believe the United States has driven a hard but fair bargain with the State, since we simply could not afford to lose this carrier or see it deteriorate further.

Mr. President, the title also provides guidance for the transition of the Alaska Railroad to a carrier fully and formally regulated by the Interstate Commerce Commission. It clearly is intended that the Alaska Railroad be regulated on the same basis as comparable carriers at the earliest possible date. It also is intended, however, that the FRA and the ICC take a problem-solving approach to achieving that objective. For instance, the ICC is obligated to establish an expedited proceeding to grant the State-owned railroad a certificate of public convenience and necessity similar to the summary proceeding utilized to facilitate the creation of other publicly-owned railroads formed as a result of the bankruptcies of the Rock Island and Milwaukee Railroads. The agencies also are required to conform the railroad's accounting and reporting systems to ICC standards. A 2-year period is provided prior to formal valuation which will form the basis for future rate review. In the meantime, it is intended that the railroad's rates be subject to review, but certainly without upsetting the current regime or tightening the regulatory environment in which the railroad currently functions.

One final subject deserves mention, Mr. President. It is the intent of the title that the State acquire a functioning railroad. The definition of the property to be transferred is broad and all-encompassing, except for funds or items specifically required to satisfy residual Federal obligations. These will be specifically identified in a closing report which will be submitted to the Congress within 6 months of enactment. This includes the Alaska Railroad revolving fund and its personal and real property, including property such as leased vehicles provided to the railroad for its use by other agencies. The title is comprehensive in this respect in order to insure that the State-owned railroad receives everything that is necessary to insure continued operation of the railroad. In this regard, special attention has been focused on insuring transfer of the right-of-way itself. The scope of the transfer notwithstanding, care also has been taken to respect existing Federal land laws, particularly with respect to possible expansion of the railroad and the granting of future rights-of-way across Federal lands.

Delaying passage of the timber bill (S. 2805) will cause over 100 small to medium sized companies to face potential bankruptcy. Bill allows for termination of contracts—bids were based upon good economic assumptions that have not come about. A 5-year adjustment period to allow for mixing high priced timber with their lower bids to reduce losses.

Ohio impact; No significant timber sales. Timber values are much below the current contracts—this crushes industry, an industry that provides the material which builds houses in Ohio. You may wonder why the housing industry is slumping, it may be in large part due to bankruptcy of timber suppliers.

This is unemployment due to bad Government policy—unlike the fake work legislation that Senator METZENBAUM has been supporting recently, this legislation supplies real jobs and lower cost timber for the housing industry.

Holding up passage of the oil shale legislation (S. 1484) demonstrates a severe myopia in natural resource planning and management, Ohio will be hurt because Ohio is one of the largest energy consuming States in the Union. Although there is no significant Federal leasing of oil shale in Ohio, that State stands to gain the most and lose the most from oil shale development. Senator METZENBAUM

supported direct Federal subsidy for the program through the Synfuels Corporation. He does not now seem willing to allow for floor debate on a measure that will allow for a reasonable leasing policy. The market has told us that before we have a synfuels program that is effective, we must have such a policy.

Delaying passage of the Community Sports Protection Act (S. 2784) hurts football fans across the country—including Ohio.

The bill allows the NFL to enforce its franchise and revenue-sharing rules without the fear of these rules being challenged by antitrust actions. Congress has granted a limited television revenue antitrust exemption in the past. This bill would greatly benefit many Ohio football fans because it will insure that professional teams can continue to exist in small market areas.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, Is there any further business to come before the Senate?

Mr. ROBERT C. BYRD. Will the acting majority leader yield to me?

Mr. STEVENS. I am happy to yield to my good friend.

EXPRESSION OF THANKS

Mr. ROBERT C. BYRD. Before the acting majority leader moves the adjournment resolution, I just want to express my appreciation to the majority leader (Mr. BAKER) and to the acting majority leader (Mr. STEVENS) for the courtesy and understanding that has been shown to the minority. It has been a pleasure to work with both of these gentlemen. I know that I share the feelings of my colleagues when I say that we could not have been treated with greater deference than we have been shown by these two gentlemen.

I also wish to say that without the very able and dedicated assistance of Abby Reed, Charles Kinney, and Marty Paone on this side of the aisle, Elizabeth Baldwin, John Tuck, and Howard Greene on the other side of the aisle, our work would have been made extremely difficult, if not impossible. As a matter of fact, I know that we could not have handled the business of today without the assistance of these very able, loyal, and dedicated people.

There are others whose names I will not mention at this time, but when we return on November 29 we will have an opportunity when we wrap up the work of the Senate for the session to acknowledge the assistance given the leadership on both sides by all of these wonderful people.

Mr. STEVENS. Mr. President, I thank the distinguished minority leader for his comments. I join him in thanking those who have worked with us. I note the presence of the Secretary of the Senate, who is here to the end with us. In addition, I would like to express my appreciation to those who have worked with us, including Howard Greene, John Tuck, and Elizabeth Baldwin. Abby, Charles and Marty have also done a commendable job on the other side of the isle. The majority leader and I are particularly grateful to my good friend, the minority leader, and to the Democratic whip, Senator CRANSTON. This is going to be a long recess. We will come back after Thanksgiving, So I wish the Senator a happy Thanksgiving.

Mr. President, there is no question that the 97th Congress has been a very interesting Congress. We will have a period of time from November 29 to December 17 which will be intensive. It is my understanding that the majority leader intends to start off upon our return on the first day with bills that are ready for consideration. We will have a full calendar, as has been demonstrated here tonight by the items that have been passed over and not enacted this evening.

But, I do believe that the Senate has done a substantial amount of work today. We have removed the roadblock from a considerable number of the bills that previously had been delayed, and I do believe that the items that we have moved to the House of Representatives will enable them to consider some Senate measures as we have considered so many of the House-passed bills here this evening.

Mr. ROBERT C. BYRD. Mr. President, let me add my words of commendation to those that have been spoken by the acting majority leader with respect to the Secretary of the Senate, the Sergeant at Arms, and all the people who work at the desk, the pages, the officers of the Senate, the security personnel, and everyone who has made it possible for the Senate to function as it should to serve the people.

HOUSE CONCURRENT RESOLUTION 421—ADJOURNMENT OF THE TWO HOUSES OF CONGRESS

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate House Concurrent Resolution 421.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 421) providing for an adjournment of the two Houses from Friday, October 1, or Saturday, October 2, to Monday, November 29, 1982.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The concurrent resolution (H. Con. Res. 421) was considered and agreed to.

The concurrent resolution reads as follows:

S. CON. RES. 421

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Friday, October 1, 1982, or on Saturday, October 2, 1982, pursuant to motions made by their Majority Leaders, or their designees, in accordance with this resolution, they stand adjourned until 12 o'clock meridian on Monday, November 29, 1982.

ADJOURNMENT TO MONDAY, NOVEMBER 29, 1982

Mr. STEVENS. Mr. President, in accordance with the provisions of House Concurrent Resolution 421, I now move that the Senate stand in adjournment until the hour of 12 noon on Monday, November 29, 1982.

The motion was agreed to; and at 2:12 a.m., Saturday, October 2, 1982, the Senate adjourned until Monday, November 29, 1982, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate October 1, 1982:

THE JUDICIARY

Reginald W. Gibson, of Illinois, to be a Judge of the U.S. Claims Court for a term of 15 years, vice a new position created by Public Law 97-164.

DEPARTMENT OF JUSTICE

Edward M. Camacho, of Guam, presently U.S. Marshal for the district of Guam, to be also U.S. Marshal for the district of the Northern Mariana Islands for a term expiring September 14, 1986, vice Juan G. Blas.

Romolo J. Imundi, of New York, to be U.S. Marshal for the southern district of New York for the term of 4 years vice George V. Grant, term expired.

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Crawford A. Easterling, xxx-... xxx-xx-x.../1310, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Henry C. Schrader, Jr., xxx-xx-x... xxx-.../1110, U.S. Navy.

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

The following-named persons to be Members of the Board of Regents of the Uniformed Services University of the Health Sciences for the terms indicated:

For the term expiring May 1, 1983:

Francis Carter Coleman, of Florida, vice Philip O'Bryan Montgomery, Jr., term expired.

For a term expiring May 1, 1987:

Perry Albert Lambird, of Oklahoma, vice Lt. Gen. Leonard D. Heaton, U.S. Army, retired, term expired.

David I. Olch, of California, vice David Packard, term expired.

James F. X. O'Rourke, of New York, vice Francis D. Moore, term expired.

EXECUTIVE OFFICE OF THE PRESIDENT

William Poole VII, of Rhode Island, to be a Member of the Council of Economic Advisers, vice Jerry L. Jordan, resigned.

DEPARTMENT OF THE TREASURY

Manuel H. Johnson, Jr., of Virginia, to be an Assistant Secretary of the Treasury, vice Paul Craig Roberts, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 1, 1982:

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Jay F. Morris, of Maryland, to be Deputy Administrator of the Agency for International Development.

PEACE CORPS

Edward A. Curran, of Maryland, to be Deputy Director of the Peace Corps.

FEDERAL COMMUNICATIONS COMMISSION

Stephen A. Sharp, of Virginia, to be a Member of the Federal Communications Commission for a term of seven years from July 1, 1982.

DEPARTMENT OF EDUCATION

Gary L. Jones, of Virginia, to be Under Secretary of Education.

Harry M. Singleton, of the District of Columbia, to be Assistant Secretary for Civil Rights, Department of Education.

Elizabeth Helms Adams, of California, to be a Member of the National Museum Services Board for a term expiring December 6, 1984.

Alice Wright Algood, of Tennessee, to be a Member of the National Museum Services Board for a term expiring December 6, 1984.

Anne Carroll Badham, of California, to be a Member of the National Museum Services Board for a term expiring December 6, 1984.

Fucheng Richard Hsu, of New Jersey, to be a Member of the National Museum Services Board for a term expiring December 6, 1985.

Craig C. Black, of Pennsylvania, to be a Member of the National Museum Services Board for a term expiring December 6, 1986.

Ann Duncan Haffner, of Virginia, to be a Member of the National Museum Services Board for a term expiring December 6, 1986.

Dorothy J. Tyson, of California, to be a Member of the National Museum Services Board for a term expiring December 6, 1986.

Lawrence F. Davenport, of Virginia, to be Assistant Secretary for Elementary and Secondary Education, Department of Education.

Gary L. Bauer, of Virginia, to be Deputy Under Secretary for Planning and Budget, Department of Education.

Charles L. Heatherly, of Virginia, to be Deputy Under Secretary for Management, Department of Education.

NATIONAL COUNCIL ON THE HANDICAPPED

Robert V. Bush, of New Mexico, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1982.

Joseph Dusenbury, of South Carolina, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1982.

Hunt Hamill, of Illinois, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1982.

Henry Viscardi, Jr., of New York, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1982.

H. Lathem Breunig, of Virginia, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1983.

Michael Marge, of New York, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1983.

Sandra Swift Parrino, of New York, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1983.

Alvis Kent Waldrep, Jr., of Texas, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1983.

Marian North Koonce, of California, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1984.

Justin W. Dart, Jr., of Texas, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1984.

John S. Erthein, of California, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1984.

Roxanne S. Vierra, of Colorado, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1984.

Robert V. Bush, of New Mexico, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1985.

Joseph Dusenbury, of South Carolina, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1985.

Hunt Hamill, of Illinois, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1985.

Henry Viscardi, Jr., of New York, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1985.

Carmine R. Lavieri, of Connecticut, to be a Member of the National Council on the Handicapped for the remainder of the term expiring September 17, 1983.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

William Arthur Webb, of Pennsylvania, to be a Member of the Equal Employment Opportunity Commission for the term expiring July 1, 1987.

NATIONAL MEDIATION BOARD

Walter C. Wallace, of New York, to be a Member of the National Mediation Board for the term expiring July 1, 1984.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Elinor M. Hashim, of Connecticut, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 1986.

COMMODITY FUTURES TRADING COMMISSION

Fowler C. West, of Texas, to be Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 1987.

NATIONAL COUNCIL ON THE HUMANITIES

Jeffrey Hart, of New Hampshire, to be a Member of the National Council on the Humanities for a term expiring January 26, 1988.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

THE JUDICIARY

George G. Fagg, of Iowa, to be U.S. circuit judge for the eighth circuit.

EXPORT-IMPORT BANK OF THE UNITED STATES

James Ernest Yonge, of Florida, to be a Member of the Board of Directors of the Export-Import Bank of the United States.

Rita M. Rodriguez, of Massachusetts, to be a Member of the Board of Directors of the Export-Import Bank of the United States.

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

Alfred J. Fleischer, Sr., of Missouri, to be a Member of the Board of Directors of the National Corporation for Housing Partnerships for the term expiring October 27, 1982.

Alfred J. Fleischer, Sr., of Missouri, to be a Member of the Board of Directors of the National Corporation for Housing Partnerships for the term expiring October 27, 1985.

HOUSE OF REPRESENTATIVES—*Friday, October 1, 1982*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Give us, O God, the virtues that allow us to be the people You would have us be and give us the fortitude to act with honesty and earnestness for the good of all people. May we not only express our faith in words of prayer and praise, but may our actions testify to our faith. Help us to speak the truth in ways that honor Your name, let us practice respect in spite of differences, and let us act and speak with patience and grace, that justice will roll down as waters, and righteousness like an everflowing stream. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WALKER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 331, nays 26, answered "present" 4, not voting 71, as follows:

[Roll No. 385]

YEAS—331

Akaka	Bennett	Broyhill
Albosta	Bereuter	Burgener
Alexander	Bethune	Burton, Phillip
Anderson	Bevill	Byron
Andrews	Biaggi	Campbell
Annunzio	Bingham	Carman
Anthony	Bliley	Chappie
Archer	Boland	Cheney
Ashbrook	Bolling	Clinger
Aspin	Boner	Coats
AuCoin	Bonior	Coelho
Bailey (MO)	Bonker	Coleman
Bailey (PA)	Bouquard	Collins (IL)
Barnard	Bowen	Conable
Barnes	Brinkley	Conte
Bedell	Brodhead	Conyers
Benedict	Brooks	Corcoran
Courter	Hollenbeck	O'Brien
Coyne, James	Holt	Oakar
Coyne, William	Hopkins	Obey
Craig	Horton	Oxley
Crane, Daniel	Howard	Panetta
Crane, Philip	Hoyer	Parris
Crockett	Hubbard	Pashayan
D'Amours	Huckaby	Patman
Daniel, R. W.	Hughes	Patterson
Dannemeyer	Hunter	Pease
Daschle	Hyde	Pepper
Daub	Ireland	Perkins
Davis	Jeffords	Petri
de la Garza	Jeffries	Peyser
Deckard	Jenkins	Pickle
Dellums	Jones (OK)	Porter
Derrick	Jones (TN)	Price
Derwinski	Kastenmeier	Pritchard
Dicks	Kazen	Quillen
Dingell	Kemp	Rahall
Donnelly	Kennelly	Railsback
Dougherty	Kildee	Rangel
Dowdy	Kindness	Ratchford
Downey	Kogovsek	Regula
Duncan	Kramer	Reuss
Dunn	Lagomarsino	Rhodes
Dwyer	Lantos	Rinaldo
Dymally	Latta	Ritter
Dyson	Leach	Roberts (KS)
Eckart	Leath	Roberts (SD)
Edgar	LeBoutillier	Robinson
Edwards (AL)	Lee	Rodino
Edwards (CA)	Lehman	Rogers
Emery	Leland	Rose
English	Lent	Rostenkowski
Erdahl	Levitas	Roth
Erlenborn	Livingston	Roukema
Evans (DE)	Loeffler	Rousselot
Evans (IN)	Long (LA)	Roybal
Fary	Long (MD)	Rudd
Fazio	Lott	Russo
Fiedler	Lowery (CA)	Sawyer
Findley	Lowry (WA)	Scheuer
Fish	Lujan	Schneider
Flippo	Luken	Schulze
Florio	Lundine	Schumer
Foglietta	Lungren	Seiberling
Foley	Madigan	Sensenbrenner
Fountain	Markey	Shamansky
Fowler	Marlenee	Shannon
Frenzel	Marriott	Sharp
Frost	Martin (IL)	Shaw
Fuqua	Martin (NC)	Shumway
Gaydos	Martin (NY)	Shuster
Gephardt	Matsui	Simon
Gilman	Mavroules	Skeen
Ginn	Mazzoli	Skelton
Glickman	McClory	Smith (AL)
Gonzalez	McCollum	Smith (IA)
Gore	McCurdy	Smith (NE)
Gradison	McDade	Smith (NJ)
Gramm	McDonald	Smith (OR)
Green	McEwen	Smith (PA)
Gregg	McGrath	Snowe
Guarini	McHugh	Snyder
Gunderson	Michel	Solomon
Hagedorn	Mikulski	Spence
Hall (OH)	Miller (CA)	St Germain
Hall, Ralph	Minish	Stangeland
Hall, Sam	Mitchell (NY)	Stanton
Hamilton	Moakley	Staton
Hammerschmidt	Mollohan	Stenholm
Hance	Montgomery	Stokes
Hansen (ID)	Moore	Studds
Hansen (UT)	Moorhead	Stump
Hartnett	Mottl	Swift
Hatcher	Murtha	Synar
Hawkins	Myers	Tauke
Heckler	Napier	Tauzin
Hefner	Natcher	Taylor
Hendon	Neal	Thomas
Hightower	Nelligan	Traxler
Hiler	Nelson	Udall
Hillis	Nichols	Vander Jagt
Holland	Nowak	Vento
Volkmer	Whittaker	Wright
Walgren	Whitten	Wyden
Wampler	Williams (OH)	Wylie
Watkins	Wilson	Yatron
Weaver	Winn	Young (MO)
Weber (MN)	Wirth	Zablocki
Weber (OH)	Wolf	Zeferetti
White	Wolpe	
Whitley	Wortley	

NAYS—26

Broomfield	Evans (IA)	Mitchell (MD)
Brown (CO)	Fields	Molinari
Butler	Gejdenson	Murphy
Clay	Gingrich	Roemer
Coughlin	Goodling	Sabo
Dickinson	Harkin	Schroeder
Dorgan	Jacobs	Walker
Dreier	Johnston	Yates
Emerson	Miller (OH)	

ANSWERED "PRESENT"—4

Fenwick	Ottinger
Hutto	Roe

NOT VOTING—71

Addabbo	Ertel	Mica
Applegate	Evans (GA)	Mineta
Atkinson	Fascell	Moffett
Badham	Ferraro	Morrison
Bafalis	Fithian	Oberstar
Beard	Ford (MI)	Paul
Beilenson	Ford (TN)	Pursell
Blanchard	Forsythe	Rosenthal
Boggs	Frank	Santini
Breaux	Garcia	Savage
Brown (CA)	Gibbons	Shelby
Brown (OH)	Goldwater	Siljander
Burton, John	Gray	Solarz
Carney	Grisham	Stark
Chappell	Heftel	Stratton
Chisholm	Hertel	Trible
Clausen	Jones (NC)	Washington
Collins (TX)	LaFalce	Waxman
Daniel, Dan	Lewis	Weiss
DeNardis	Marks	Whitehurst
Dixon	Martinez	Williams (MT)
Dornan	Mattox	Young (AK)
Early	McCloskey	Young (FL)
Edwards (OK)	McKinney	

□ 1010

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3963. An act to amend the Contract Services for Drug Dependent Federal Offenders Act of 1978 to extend the periods for which funds are authorized to be appropriated; and

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

89-059 O-86-15 (Pt. 20)

H.R. 6056. An act to make technical corrections related to the Economic Recovery Tax Act of 1981, the Crude Oil Windfall Profit Tax Act of 1980, and the Installment Sales Revision Act of 1980.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3963) entitled "An act to amend the Contract Services for Drug Dependent Federal Offenders Act of 1978 to extend the periods for which funds are authorized to be appropriated," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. THURMOND, Mr. MATHIAS, Mr. LAXALT, Mr. HATCH, Mr. DOLE, Mr. BIDEN, Mr. KENNEDY, and Mr. LEAHY to be the conferees on the part of the Senate.

□ 1020

REQUESTING SENATE TO RETURN S. 1210, ENVIRONMENTAL QUALITY IMPROVEMENT ACT OF 1970 AMENDMENTS

Mr. HUGHES. Mr. Speaker, I offer a privileged resolution (H. Res. 605) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 605

Resolved, That the Clerk of the House of Representatives request the Senate to return to the House the bill (S. 1210), an Act amending the Environmental Quality Improvement Act of 1970, together with accompanying papers.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROPOSING AN AMENDMENT TO THE CONSTITUTION ALTERING FEDERAL BUDGET PROCEDURES

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 604 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 604

Resolved, That upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 350) proposing an amendment to the Constitution altering Federal budget procedures, and the first reading of the joint resolution shall be dispensed with. After general debate, which shall be confined to the joint resolution and to the amendments made in order by this resolution and shall continue not to exceed two hours, to be equally divided and controlled by a Member in favor of the joint resolution and a Member opposed, the joint resolution shall be considered as having been read for amendment under the five-minute rule. No amendment to the joint resolution shall be in order in the House or in the Committee of the Whole except the following amendments which shall be considered only in the following order and which shall not be subject to amendment but shall be debatable as provided herein:

(1) an amendment in the nature of a substitute printed in the Congressional Record of September 30, 1982, by, and if offered by, Representative Alexander of Arkansas, and said amendment shall be debatable for not to exceed one hour, to be equally divided and controlled by Representative Alexander and a Member opposed thereto; and

(2) an amendment in the nature of a substitute consisting only of the text of H.J. Res. 350 as introduced if offered by Representative Conable of New York, and said amendment shall be debatable for not to exceed one hour, to be equally divided and controlled by Representative Conable and a Member opposed thereto, and said amendment shall be in order even if the amendment designated (1) above has been adopted. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House, but only the last amendment adopted shall be considered as having been finally adopted and reported back to the House. The previous question shall be considered as ordered on the joint resolution and on the amendment if adopted to final passage without intervening motion except one motion to recommit.

SEC. 2. The resolution (H. Res. 450) providing for the consideration of the joint resolution (H.J. Res. 350) proposing an amendment to the Constitution altering Federal budget procedures is hereby laid on the tale.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield the usual 30 minutes to the gentleman from Ohio (Mr. LATTA), and pending that I yield myself 20 minutes.

Mr. Speaker, this is a very unusual situation for me. I am usually comfortable on the House floor and comfortable in the proceedings of the House, but I am not today. I am more upset about what is going on now than I have been since those sort of private times when I tried to influence policy decisions on the Korean war and the Vietnam war. Incidentally, I was virtually never successful.

I am terribly worried about this performance because I have, as the Members will see as I try to explain what I am saying, the deepest respect for two of the people who are heavily involved in this. First, I am very sad that this is happening this way, and I say this not with any lack of sympathy for the Republican Members of the House. I have witnessed the same kind of thing going on the Democratic side, particularly when Lyndon Johnson was the President, when the White House presumed to take over the whole process.

I do not mean to be unkind to anybody on the Republican side, but it is very clear that the timing, especially with regard to the great push to bring up this particular matter at this particular time, was masterminded by the White House, and perhaps some Members of the House that I do not know, but certainly not the leadership, in such a way that it would have an overwhelming political smell.

I am not sensitive about politics. You know, I know about it, and I have played legislative politics as well as substantive politics most of my career, but this is really an extraordinary example. It is an example of a party that had had a very strong program which went astray, and then the party had the good sense to modify it somewhat. That has happened in the last, roughly, 20 months, I guess it is.

I am not going to go into any detail, but it is very hard—it is very, very hard—to come to a conclusion, any other conclusion than that the timing on this is a diversion. I would not be worried about it if the principal actors in this were only the President and Jim Baker and Ed Meese and the other White House operators.

□ 1030

The only sad thing about it is that a man whom I admire enormously and think would make a quite good President—and I hope I am not hurting him when I say this—has apparently been the hit man on this: the Vice President. I hope that is not true. I hope it is the others, because I have come to expect that from them.

Even including Lyndon Johnson and Richard Nixon, this is the most political White House I have ever dealt with. It is so much a political White House that it sort of frightens me because it does remind me of a combination of Johnson and Nixon, and if that does not frighten people, we have a problem. That is why I am sad, and I am quite serious about this.

I have great admiration for the Republican Party and many of its members. I am also sad because one of my best friends on the Republican side of the aisle and one of the men I admire the most is the author of the base resolution. I have a strong feeling that I understand why he is in that position. He just got so fed up with the Democrats that he thought anything was better than what they were doing. And I do not even blame him; from his point of view it makes sense—not from my point of view. I have almost gotten in that situation a couple of times and never quite made it. But I do not belong to his party. I am not trying to be funny. I am telling you why I am concerned.

But the bottom line of why I am concerned is the substance. The gentleman from New York (Mr. CONABLE) crafted the best possible bad resolution, and the fundamental thing that is wrong with that resolution is that it demonstrates that he has truly given up on the essential democratic process. He puts certain things in his resolution—even though much more wisely drafted than most of the ones I have seen and many of those resolutions have been created by Democrats—which would require supermajorities

to decide that there will be an unbalanced budget. Some very estimable people on the Republican side, again whom I admire, have made the point that we already have a supermajority, that we have a supermajority in the two-thirds required to override a veto.

But, dear God, does not anybody understand that in a government, cleverly and carefully crafted to separate the powers so that no one power would become the tyrant, that the veto override process is the great clash in the American political process between a convinced Executive and a convinced Congress? That simple two-thirds requirement is the only one. And here we are not talking, thank God, and thank Mr. CONABLE, about anything quite as bad as a two-thirds supermajority.

I can bring this rule to the floor only because I am convinced that it is the best rule we could possibly have for a completely outrageous situation that should never come up at this time in the flow of Congress. There can be all kinds of arguments made that the Democrats prevented it from coming up any other time. That is simply not true. If the "Big Five" were going to put the heat on people, some of whom are directly opposed to this proposition, they could have done it earlier. If they had really wanted to generate the steam—and they did generate the steam—it could have been done practically anytime, even earlier this year.

Now, what is political about this? It is inescapable to me that it is a diversion. It is inescapable to me that the timing is a diversion. The substance is not, but the timing is a diversion.

Now, why is it upsetting me? Why am I worried? My worry is very minor. It has to do with me. I am worried that I will not present this as well as it could be presented. I am upset because I fear we are going to do grave damage to the Republic and its processes.

I have been one of the earliest people to recognize that we must have a responsible process, a budget process that gives us a rational approach. I have been defeated by my party on occasions, by both parties on occasion, in seeking that opportunity.

The bill that we have been operating under for a number of years I crafted to a large degree, and when I presented it to the House, which voted virtually unanimously for it, I tried to make it clear that it was not a very good bill, that it needed a lot of change, and that its future depended entirely on the will of the membership.

One of the tragedies of our time has been that in this institution we were unable to achieve what was achieved in the Senate. Until very recently the budget resolutions have been a totally partisan matter. I have no intention of trying to lay the blame for that.

There cannot be a partisan budget approach. Many of the Democrats have never understood this. What you do in your fight over a budget resolution is fight out the alternatives and come to a conclusion, and then, if you really believe in a budget process, you have some responsibility that it functions, and even if you do not win, you need to vote for the process.

That may be a strange idea to some of you who have never looked at process as being that complicated and that restrictive, but that is the way you are going to deal with these major problems, if you ever do.

There are a lot of Democrats who need to learn this lesson that we must have the process. If we do not have a process which deals with the macroeconomic situation in the United States, we will revert to the boom and bust of the period prior to World War II. Administrations of great variety for years gave us a relatively steady approach to macroeconomic problems. It is something that has to be done, and it has to be done by this institution along with others.

We are dealing with the greatest single issue that faces the society, the free world, and all the democratic countries, because none of them, even the parliamentary ones, have successfully dealt with it. In this approach to using the Constitution as the vehicle, we crush the proper approach, which is that we must have the will to pass legislation that will deal with economic problems and then we have the character, the courage, and the wisdom to deal with it in a bipartisan fashion.

I do not believe there is any future for this country literally if we think that one point of view by itself can prevail. I do not think the Democratic Party by itself can prevail with the policies that we must have. I do not believe that the Republican Party can prevail with its policies alone.

I am deeply committed to the notion that the only way we can function together and survive together is by coalitions of the unlike. I am convinced that the good things that were done in a period of political chaos in the late 1940's were done in that fashion by a great coalition of the country that put together the policies that made us live very well.

Mr. Speaker, I think this is exactly the wrong way to go, and I think we should defeat all the proposals for a constitutional amendment. I think then we should return to an effort to see to it that we have an adequate budget process, adequately supported by all of us and not in a narrow political way.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) has consumed 14 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. CONABLE).

□ 1040

Mr. CONABLE. Mr. Speaker and friends, I am touched by the expression of respect from my friend from Missouri (Mr. BOLLING) which I think applies mostly to other circumstances than the ones in which we find ourselves today, judging from the burden of his remarks.

Let me say that the respect is mutual. He has had a great career in the Congress and the Congress will be diminished by his impending retirement. We are proud of him as a constitutional and legislative scholar. We are proud of him in his role as one of the mentors of the House.

Mr. Speaker, the distinguished gentleman from Missouri said he feared that grave damage would be done to the Republic by what we are doing today. May I say as a person whose name is on this proposal that I come here with considerable reluctance but with some fear that we have already done irreparable damage to the Republic in 17 of the 18 years I have served here, and that it is time that we created a presumption in favor of greater fiscal discipline.

That is what this amendment is intended to do. It is not a straitjacket.

It is, as the gentleman says, carefully crafted in protracted negotiations.

As to the timing, it could have been brought out of the Judiciary Committee in this form or any other form the Judiciary Committee wished in the 4 years that it has been pending and bottled up in this Congress.

I hope we will have an earnest and substantive debate, that we will leave out the words of fear and we will deal with the issue as it is presented.

This debate is a historic opportunity for the country to focus on its fiscal procedures.

But remember that all that is intended is a presumption. Such a presumption is necessary if this Congress has not historically exercised the judgment that is required to keep the country in a sound condition.

Congress should be a place of judgment. When judgment is not wisely exercised it is appropriate that we put some limitations on that exercise of judgment and that is what the Constitution does in many cases.

Necessity is clear; necessity overcomes reluctance. It is time this issue should be elevated to a constitutional level.

Mr. LATTA. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, let me join the gentleman from New York (Mr. CONABLE) in bestowing accolades on our chairman

of the Rules Committee, not only for his service in this Congress but for his service in past Congresses. Certainly we are going to miss him.

We have had our disagreements in the past and we have them today. We have a difference of philosophy, but I have tremendous respect for him.

Let me address these differences quickly. First of all let me say thank God for the rules of the House, as the gentleman from New York has already pointed out, this legislation has been bottled up in the Judiciary Committee for months and months and months and the odds of its getting it out were nil.

So under the rules of the House, 218 Members from both sides of the aisle, while the House was in session, marched up here and signed a discharge petition to bring this matter to the floor.

What could be more democratic? What procedure could be more democratic than the procedure that we used to bring this matter to the floor?

I am saddened by the fact that the committee that had jurisdiction over this matter did not read the will of the House more clearly and the will of the country more clearly and respond by bringing this out under the normal procedure. It did not do so. And we are here today only because of the discharge procedure.

Let that discharge procedure remain in the rules. It is needed. It will be needed in the future as it was needed in this particular instance.

Let me also respond to a couple of other issues which have been raised.

We have heard about taxes, that for some unknown reason the tax bill that we passed last year has gotten us into the economic situation that we are in.

Let me examine that. Let me examine that because I noticed one of our Democratic friends this morning on nationwide TV trying to point out to the American people that because we reduced income taxes last year we had this dip in the economy and we have a larger deficit.

Now, look, who are we trying to fool with statements like that? It was not until October 1 last year that the first income tax reduction took place. That was a measly 5 percent which meant over the entire year a 1.25 percent reduction in the income taxes of the people of this country. This meant that the spenders in the Congress were not going to spend that little 1.25 percent but we were going to let the people spent it.

A 1¼-percent reduction in the tax burden made the deficit? No.

When did the next reduction in those income taxes take place? We got a 10 percent added to the 5 percent on July 1 of this year. So let us not try to blame the fact that we are letting the people spend a little bit more of their own money as the reason for the dip in the Treasury receipts and the cause of an increased deficit.

I notice that the big spenders say nothing about all of those programs that they enacted in years past which are suddenly exploding all over the place and costing billions that they never told the American people they were going to cost. That is the trouble, primarily. That is the trouble.

So let us not blame that measly little reduction that we have given the American people to date on their income taxes as the real culprit.

Oh, I know there are those Members that want to take the 10 percent that is due the taxpayers next July 1 away from them so Government can spend more of the taxpayers' money here in Washington. I do not think the American people are going to permit that and they will probably say so in this election.

Mr. Speaker, I am a cosponsor of this resolution. However, I am not a Johnny-come-lately in introducing such an amendment. As a matter of fact, I had the office go back and check the first time that I introduced a balanced budget constitutional amendment and it was back in 1972. I introduced H.R. 16306 calling for a balanced budget constitutional amendment 10 years ago.

So I believe in what we are doing here today and the reason I believe more strongly today than I did back then is because of the tremendous debt that we now have in this country—$1,300,000,000,000 is now the debt ceiling in this country.

□ 1050

And cranked into our budget for fiscal year 1983, is $113 billion just for interest on that debt in 1 single year. That is more than the total cost of Government was in the second year of President Kennedy's term of office.

This is what brings us here today. We have got to be able to discipline ourselves, and we have shown through our actions that we have not been able to do that, because the proclivity around this place to spend and spend and spend has not been dampended. We have people around here who take the well and argue for every single spending program that comes down the line so that they can run back home and say to this group, "Look what we have done for you," without saying what they have done to you. They say to another group, "Look what we have done for you." And to another group, "Look what we have done for you." Oh, I know that that makes good politics, but it does not make very good statemanship because we have our grandchildren and their grandchildren now burdened with this tremendous debt—and it keeps going up, up, and up, as do the interest rates as the Federal Government is out there borrowing money to finance that debt.

This is what brings us here today, along with something else that scares me considerably. Thirty-one States have now petitioned for a constitutional convention. Only three more need to petition. Then we are going to have a convention, and the door will be open. The door will be open to all sorts of amendments to that Constitution.

Oh, I know that the constitutional lawyers disagree as to the extent that you can amend the Constitution in a convention. But most of them say that the door will be open, and the Constitution can be amended beyond this one amendment should one be called. That scares me because all of the political groups and the power groups in this country will be in for their pound of flesh at such a constitutional convention. Unless this House takes action today and passes this resolution, I am predicting now that you are going to have those three States needed for that convention petitioning for a convention. And you are going to have a tremendous problem on your hands trying to resolve the turmoil which will come about as a result of attempts to amend our Constitution in ways that you and I certainly could not support.

So the potential for danger to our Constitution exists by turning down this resolution today.

Let me say that every Member takes an oath of office to adhere to and to support the Constitution. But they will be doing a tremendous disservice to the Constitution by voting against this resolution. I cannot urge too strongly, for that reason and that reason alone, that you support this resolution, which is a bipartisan resolution. All you have to do is take a look at the list of names of the Members who have signed the discharge petition to prove this.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to my friend, the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding.

Mr. Speaker, persons have deplored the process under which we bring this issue to the floor today. Let me say that we have had 14 days of hearings in the Judiciary Committee, and I do not want the reflection on the Judiciary Committee to reflect on the minority. We have been trying to get a markup on this all-important issue, bring it here in an orderly fashion, under a rule with the Judiciary Committee in control, with opportunities to present the best possible proposal to this body.

Let me just say that I reluctantly signed the discharge petition, but it is the only opportunity that I had, and it is the only way, it is the final alternative, the final manner in which this important public issue on which the

people are demanding we act can come before this body.

Mr. LATTA. I thank the gentleman for his comments.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Missouri (Mr. TAYLOR).

Mr. TAYLOR. Mr. Speaker, House Resolution 604 is the rule under which the House will consider the bipartisan balanced budget and tax limitation amendment to the Constitution.

The vote allows for votes on two proposals. It is fair to both sides. I commend the distinguished chairman of the Committee on Rules for this. It gives those of us who support the Conable-Jenkins proposal a golden opportunity to say to the American people, "We are ready to restore fiscal responsibility here in the Congress if the American people are willing to amend the Constitution."

As a sponsor of House Joint Resolution 350, as a signator to the petition that discharged the consideration of this matter from the Committee on Rules, and as a member of the Committee on Rules, I come to the well today to talk for a moment about courage.

For too long the Congress has displayed a lack of will to actually balance the Federal budget. For too long we have seen spending grow and grow. For too long we have piled up larger and larger deficits. And for too long we have forced higher and higher taxes on the American public.

The Federal budget has been balanced only once since 1960. This fiscal year, the fiscal year that starts today, the taxpayers will pay over $100 billion in interest on the national debt alone. Our national debt, debt created by the Congress, reached the trillion dollar mark last fall—and it is still growing.

Mr. Speaker, we all know that the Congress has the power right now to balance the budget; but we have not done so. We have not done so in the past and there is substantial doubt that we will do so in the future—unless the Constitution is amended to require that fiscal responsibility and fiscal discipline be the rule here in Congress rather than the exception.

This amendment is fairly understandable. It limits the power of Congress in order to free the American people from higher and higher taxes. It places restraints on our ability to spend money in ways that have not been placed upon us before. It allows the American people to give us a new tool, because we have failed so miserably to use the tools that have been at our command.

Mr. Speaker, the proposed amendment to the Consititution made in order by this rule, the one to be offered by the gentleman from New York (Mr. CONABLE), is, I believe, absolutely necessary to restoring fiscal discipline to the Congress. It requires the Congress to adopt a statement of planned expenditures and receipts prior to each fiscal year. The planned spending could only exceed the expected receipts when a three-fifths majority of both the House and Senate approve the specific amount for such a deficit. It would limit the growth of future taxes by setting a ceiling on the level of receipts in proportion to the national economy no greater than the last calendar year. This means that taxes in 1986 would be limited to the calendar year of 1984 income. This ceiling could be overcome only by an absolute majority in both Houses of Congress.

Simply put, actual spending by the Congress could not exceed the statement of planned spending. The statement of planned spending could not exceed planned receipts. And planned receipts would not be allowed to grow at a rate faster than the economy itself.

Mr. Speaker, the proposal of the gentleman from New York would require the Congress to prepare its budget statement without the luxury of deficit spending unless we expressly vote by a three-fifths majority for more red ink.

Although the ratification process may not be as smooth a road in the various legislatures as some would think, I have no doubt that our passage today of this amendment will, in and of itself, be the quickest way for us to begin the journey toward financial responsibility.

The eyes of the American people are on this Chamber on this historic day. Let us not be afraid to begin that journey. Let us have the courage here today to take the first step.

□ 1100

Mr. BOLLING. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Speaker, I hesitate to take the floor at this time, after the most eloquent and I believe outstanding speech that the chairman of the Rules Committee delivered to this House. I think it will go down as one of the major speeches that he has made in his career, and one of the major speeches that has been made on the floor of this House at any time.

But, Mr. Speaker, I want to talk and direct myself to Democrats. Because frankly, the Republican side of the aisle in dealing with this matter has already sacrificed principle for political expedience. And I do not want to see the Democrats do the same thing.

We are dealing with several matters here today, Mr. Speaker, that would drastically affect the future of this country and the whole Democratic process.

One of the basic things is we are beginning to have the tendency in this administration, probably more than ever before, to use the Constitution as a vehicle, as though it were simply another amendment to some legislation that was coming to the floor. When there is a problem developing that the administration sees as a highly political one, they move for an amendment to the Constitution.

The administration has already suggested two, one on abortion and one on school prayer, both of them by a Republican Senate have been rejected. And now we are coming up with a constitutional amendment on the budget that in the future years would lock in the operation of this Congress and could absolutely devastate this country.

I wonder what the proponents would say on either side, Democrat or Republican, if today we were faced with a balanced budget by constitutional amendment. And here we have the President who has given us the biggest deficit this country has ever had, has the nerve to come to this Hill yesterday and say, what we need is a balanced budget.

My friend from Ohio said who do we think we are fooling. Well, I agree with him. We are not fooling the American people. The American people recognize this as nothing more than a political ploy at their expense and at the expense of this whole democracy. And it is not worth it, let me tell the Members.

I wish the President would be willing to come out among the people, even in my new district in Rockland, Westchester, Orange, and Sullivan Counties, and come out and let him try to give this kind of doubletalk and double meanings of what this is all about directly to the people. And I think he would find a reaction that amazed him. The people want the democratic process that has guided this country over the years to continue, and the only way it is going to continue is by defeating both the Democratic amendment and the Republican amendment, and defeating it decisively.

Mr. BOLLING. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Speaker, on November 14, 1980, I, as one of the original sponsors of a balanced budget amendment, wrote a letter to President-elect Reagan requesting his support.

I received a letter from one of his transition people about 4 weeks later saying I would receive a letter from the President himself as soon as he took office.

Three weeks after the President took office, I received a letter from one of his aides saying I would hear from the President within 10 days. I have not heard from the President yet. Although I did read in Newsweek

magazine about 5 weeks after that, that the President and the administration were opposed to a constitutional balanced budget amendment.

I fervently believe it is necessary to have one. I equally fervently believe that those of us who have labored so hard for this point of view did not do so to provide a figleaf for the administration that has proposed the highest budget deficit in the history of the country. "None is so chaste as those who have just sinned."

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Speaker, adopting this rule and the constitutional amendment it makes in order will now allow us to decide whether or not this Nation shall have the opportunity to achieve a real balanced budget; not a phony trumped-up balanced-budget bill but a real operative balanced-budget law.

This is not an issue held by the White House or the Republican Party for this moment for a political purpose. It was in fact held by the Democrats in committee so their party would not have to face up to this issue. They played politics with something the American people overwhelmingly want and now have the audacity to cry foul when their clever tactics did not work. Why? Because the leadership of the Democratic Party is opposed to balanced budgets, period.

Look at the record of this Congress. The Democrats have criticized deficits but regularly proposed deficits larger than those of the Republicans. When called upon to implement the law of the land now requiring a balanced budget the majority of Democrats have regularly voted against obeying that law. In fact, on one vote they even considered building a monument to Franklin Roosevelt as having a higher priority than a balanced budget.

I note with some sorrow the gentleman who I understand will offer the Democratic alternative here today voted precisely that way.

We have shown over a period of years that even in the best of times we are incapable of disciplining ourselves on spending.

That is why we must pass a constitutional amendment. That is why the American people have come to the commonsense judgment that we must do so.

That is why this House must do as the other body has done—put this Nation back on the track toward financial sanity.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Wyoming (Mr. CHENEY).

Mr. CHENEY. Mr. Speaker, I rise in strong support of House Joint Resolution 350, which would amend the U.S. Constitution to limit Federal taxes and require a balanced national budget.

Nearly 80 percent of the American people favor such an amendment according to recent polls. Thirty-one State legislatures have gone on record is support of the idea. The President of the United States strongly advocates such an approach. And the Senate has already passed their own balanced-budget amendment.

In the House, some 228 Members, a clear majority, representing both political parties—have cosponsored House Joint Resolution 350, which was introduced in the House by Representatives CONABLE and JENKINS. Until now, the House resolution has been languishing in the Judiciary Committee because the House Democratic leadership refused to bring this issue to the floor of the House for debate.

But the discharge petition which has been circulating these past few weeks has now obtained 218 signatures and we are going to have to debate it in full view of the American people.

If proof is needed that now is the time to discuss this issue, we should point to American's trillion-dollar national debt, a monument to decades of irresponsible spending and failure to equate expenditures with income.

Even in these times of economic hardship, when the overwhelming sentiment of the country is that spending and deficits must be reduced, Congress has demonstrated its continued unwillingness and inability to respond. After considering nine different budget proposals in the House, the best we could offer to the people for 1983 was a budget that will put the country more than another $100 billion in debt.

The Conable-Jenkins amendment would limit Government spending by requiring that the national budget be balanced, each and every year, unless three-fifths of Congress was willing to vote to the contrary, publicly and on the record.

The proposed amendment would also limit taxation by tying the rate of Federal spending to the rate of growth of the national economy. Federal spending could not continue to consume an ever-greater portion of the gross national product.

If enacted by Congress, the amendment would have to be ratified by three-fourths of the 50 States, and it is designed to take effect in time for Congress to get its house in order and prepare for the implementation of this amendment.

This is an issue whose time has come. The Conable-Jenkins amendment would result in the kind of accountability which the American people deserve from their elected representatives, and which our forefathers took for granted when they drafted the Constitution. Had they perceived that future leaders would jeopardize the economic health and security of the Nation by their fiscal irresponsibility, they most certainly could have included in the Constitution the kind of provision we are talking about today.

Mr. Speaker, I urge adoption of this amendment.

Mr. BOLLING. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SHARP).

Mr. SHARP. Mr. Speaker, I rise in opposition to this rule. There is perhaps no one in the Chamber who I respect more in terms of his dedication to making the representative process work and this institution work than the chairman of the Rules Committee, the gentleman from Missouri (Mr. BOLLING). And so it is with great reluctance that I differ with the rule that is before us today.

But we are here to talk about amending our Constitution. Some of us think that is a very serious proposition, as does the gentleman from Missouri, and do some of the leaders who are proposing the amendment before us.

But the rule before us comes at a highly charged time in our electoral process, and it does not allow us to really consider alternatives or changes in the proposals before us. And I do not think that is in the highest tradition of dealing with our Constitution.

Mr. Speaker, I do not know what is going to happen today here on the House floor. But I do think the people of this country expect us to take this issue very seriously, and do more than just play politics with it. I think we should defeat this rule. I think as a bare minimum, we should come back next week, give it more time under an open rule, or at least a rule that allows for considerably more alternatives than we will have this afternoon.

□ 1110

Mr. HUGHES. Mr. Speaker, will the gentleman yield?

Mr. SHARP. I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Speaker, I want to commend the gentleman from Indiana. I could not agree with him more. The rule does not provide sufficient time to consider this most important and profound issue. I am most distressed that the rule does not accord us an opportunity to vote upon a statutory approach to balancing the budget. That is what we should be doing—amending our own budget process to force fiscal restraints and responsibility.

I would like to associate myself with the gentleman's remarks, for I too intend to vote against the rule so this Congress might work its collective will.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gemtleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I have listened with interest to the chairman of the Rules Committee about the process, he stated "we must have process."

I agree that procedure must be supported, but we must feel, Mr. Speaker, that we have been able to participate meaningfully in the process to feel we need to sustain it. Willingness to allow meaningful participation and interaction or sharing, if you will, in the process is what will sustain that process. When narrow political decisions define the arena in which that process unfolds, respect for that process necessarily diminishes. Frustration mounts and change such as that before us today is desired.

The responsibility for those narrow political decisions that define the arena that produced this frustration I lay at the feet of the Speaker and at the feet of the chairman. Process is important, but so is substance.

Mr. BOLLING. Mr. Speaker, I yield myself 1 minute, sort of reluctantly.

I find that a statement that—well, I will not use the word, but let us say an uninformed statement.

The major efforts that I have been involved in on process were a committee on committees some time ago which dealt with the organization of the committee structure. At my behest, it was composed of an equal number of Democrats and Republicans. With the approval of the leadership on both sides, there is a task force of the Rules Committee which is now dealing with the budget process, which is not totally bipartisan, but includes Members of Congress who are not members of the Rules Committee who are Republicans. It is much more close to bipartisanship than any other.

The gentleman is perfectly entitled to his point of view and he is perfectly entitled to have it, but I just think it is important that the gentleman has some awareness that my spirit might be a little different than the gentleman implies.

Mr. LATTA. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I thank the gentleman from Ohio for yielding.

I appreciate the bipartisan spirit of the chairman of the Rules Committee, but if the gentleman will add up who can make the final decision, even on the committee, he uses as an example it is four Democrats and two Republicans. It is a 2-to-1 ratio.

When I talk about process, I talk about process broadly, in terms of the Budget Committee, the Ways and Means Committee, the Appropriations Committee, those key committees that make the decisions that shape the budget and the narrow political decisions defining the ratios between Democrats and Republicans on those committees which create that frustration.

Mr. BOLLING. Mr. Speaker, I yield myself another 30 seconds. I understand the gentleman's problem. I would like to share with him the notion that I have about as much frustration as he does.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. JENKINS).

Mr. JENKINS. Mr. Speaker, I want to take this 1 minute to try to diffuse some of the statements that have previously been made.

I want to make sure that the body understands, as I support this amendment and this rule, that the political aspects of it have nothing to do with Reagan.

This amendment was introduced by me and by the gentleman from New York (Mr. CONABLE) while Carter was the President in 1979, long before this President was ever even nominated.

Now, I too have a reluctance to amend the Constitution. I would prefer to do it in another way, but I am very honest and very sincere with you in that I truly believe that if we fail to act with this flexible approach, the most flexible that we could draft, but if we do not act, I truly and sincerly believe that the States are going to act. I think that in and of itself would be more detrimental to this Nation than anything we could do.

I would hope that we could pass this amendment today. I believe that it is workable. I believe that it is something that we as an institution can live with.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LUNGREN).

Mr. LUNGREN. Mr. Speaker, I rise in support of this rule rather reluctantly, because one of the arguments used against us discussing this important issue now is that we do not have enough time. That is why you have Members coming down here with snippets on 1, 2, 3, and 5 minutes. It makes it very difficult to bring forward a full argument dealing with the constitutional question.

I also rise reluctantly because I am a member of the Judiciary Committee and I wish we had had an opportunity for the full Judiciary Committee to discuss this. I have served on that committee for 4 years. This subject has never been brought on our agenda to the full committee, so we have not had that opportunity. The only opportunity we have is using the extraordinary proceedings that have taken place now.

It seems a little strange to criticize those of us who use the extraordinary proceedings, when that was all that was left to us.

The real question here is very much like the question facing the California Legislature about 6 years ago. Time and time again were trying to figure out what to do with the surplus they had because of the tax rates that went higher and higher, and they fiddled whole California burned.

Finally, the people of California decided to take it in their own hands and passed proposition 13 which started that prairie fire which has swept across this Nation and which has changed the face of this Nation.

The problem we face here is somewhat like that, but different in one major respect. If we do not act, the people can directly act, in a fundamentally different way. All we need is two or three more State legislatures to pass the legislation necessary to bring us to a constitutional convention. Those who are so sincerely concerned about the process, I would ask you, would you be more concerned about the process if we had a runaway constitutional convention?

I would mention that we have never had a constitutional convention other than the original one. We do not even have the rules by which such a constitutional convention would go forward. We do not know who would be selected. We do not know the extent and nature of such a convention. So I would say to those people who are concerned about the Constitution and about the process, this is within the bounds of the Constitution. We should act now or the people are going to act very, very soon.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, in a few moments we are going to take the first step of a most historic debate. During the debate, the word "political" and the word "principle" have been used repeatedly in opposition to the resolution at hand.

I, too, as the gentleman from Missouri, am somewhat uncomfortable with the issue before us, but after a year and a half of serving in this Congress I am convinced that this body does not have the self-discipline or the political honesty to come forward and say what we can afford, to come forward by a simple majority vote and decide what is best for this country in dealing with deficits.

What can be less responsible or less politically honest than spending the public's money and then mortgaging its future, leaving our bills for many programs that were ill conceived, to future generations?

There are many States, as the gentleman from California stated, who have constitutional provisions in their own State governments to live within their own means. These governments, as my own State of Florida, have not mortgaged their futures.

I think the gentleman from New York (Mr. CONABLE) adequately described this. This is not a straitjacket,

but it is a provision that we will be asked to put into the law by constitutional amendment process which will require greater than just a simple majority to mortgage the future of your children and my children.

Mr. Speaker, I urge adoption of the rule and the ultimate adoption of the resolution.

□ 1120

The SPEAKER. The gentleman from Ohio (Mr. LATTA) has 2½ minutes remaining.

Mr. BOLLING. Mr. Speaker, I yield 7 minutes to the gentleman from Wisconsin, (Mr. OBEY).

Mr. OBEY. Mr. Speaker, in pushing this proposal to the floor today, this administration is giving hypocrisy a bad name. This administration pretends that it is fighting for a balanced budget. If it is losing that battle, it is losing that battle to itself.

This administration, over the past 2 years, has sought and won total control over economic and budget policy. It won that control and used that control on the floor of this House to push through budgets with the highest deficits in the history of the Republic.

From World War II to 1980, some 33 years, the national debt has increased by about $700 billion. The administration's own budget recommendations will do that again in 4 years.

If the President really believes that we need a balanced budget, he has the constitutional obligation and a moral obligation to present that budget to the Congress every year, not just in the hereafter. This proposal does nothing that the President cannot do now except that with its 60-percent provision, it adopts the constitutionally repugnant idea that a minority ought to be able to govern policy on economics.

I have talked to at least 20 Members on that side of the aisle, and more Members on this side of the aisle. I have asked them how they could sign this discharge petition and how they can vote for this today, including members of the Judiciary Committee. They have hung their heads, and they have said, "Well, I know, I hate to do it, but I just cannot go home and explain it to my people."

I would suggest that it goes with the territory. I did not know that, when we took our oath to defend the Constitution, that we did it with our fingers crossed. I thought we really meant it. I thought this place, and virtually every Member in it, was really on the level.

If Members are not willing—and I say that to those of my colleagues who have a private opinion which will be different than the public vote they cast today—if Members are not willing to go home to their own districts and tell them what their honest beliefs are about something as crucial as this, then you do not belong here.

I would ask Members to do their duty, to defend that Constitution from election year gimmickry, from election year smoke shoveling. I would ask Members to explain to their constituencies that no set of words in a Constitution will ever be a substitute for political will.

Do not come in here and cut taxes by record amounts; do not come in here and increase military spending by record amounts and then pretend that you have a higher commitment to a balanced budget.

I ask Members to do what they know is right, do what they know is honest, defend that Constitution, vote no, and then get about the business of restoring financial responsibility to the actions of this Congress and this Government the only way it can be done, one day at a time, one year at a time, one budget at a time now, not in the hereafter.

The SPEAKER. The gentleman from Ohio (Mr. LATTA) has 2½ minutes remaining.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. LIVINGSTON).

Mr. LIVINGSTON. Mr. Speaker, you followed through; you promised that we would have an opportunity to vote on the amendment for a balanced budget if we got sufficient names on the discharge petition, and now we have that opportunity with this rule, and I rise in support of it.

The American people may be able to have enacted a sanction that they have wanted to place on the U.S. Congress for a very long time.

Oh, I know there are detractors for this remedy; they say it will not work, that it may be too rigid, that it may be ineffective.

Well, now, I ask you, Mr. Speaker, what else will keep the Congress from constantly spending more than it receives? What else will keep our Members from endowing their consituents with largesse beyond our means to pay for it? What alternative is there to the irresponsible policies of the last 22 years in which we balanced the budget in only one lone, single, brief year?

For the financial solvency of this Nation, this Conable-Jenkins amendment must be adopted. There is no alternative. We have no choice.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Speaker, I rise in favor of the rule and in favor of the amendment, House Joint Resolution 350.

There are other provisions in the U.S. Constitution which provide protection for the people against the Government or win a majority. This would not be the only one. There are many places in the Constitution where the majority is not going to win over the basic rights protected by the Constitution. There are basic rights involved here. This will just put in another such protection there, which I think is very important.

I do not approach this matter politically at all. Years ago, I think it was probably 10 years ago, I introduced the first constitutional amendment that I have introduced on this subject. We were frustrated by the legislative committee. We had to have an ad hoc committee. Mr. Ichord chaired the ad hoc committee of which I was a member. We had Burns and other people come before us and testify to the virtue of this approach.

States have had this procedure; it has worked. There is no reason it cannot work with our U.S. Constitution. It is consistent with what our forefathers did in the original Constitutional Convention when the Constitution was originally drafted.

There is here no great departure from the basic philosophy of our Government.

I very much support this and I hope that it will pass overwhelmingly.

The SPEAKER. The gentleman from Ohio (Mr. LATTA) has one-half minute remaining.

Mr. LATTA. Mr. Speaker, I yield myself that one-half minute.

Mr. Speaker, poll after poll shows that the American people support this effort.

Let me read from a Gallup poll of June 13 of this year:

> Nationally, 74 percent of the American people support a constitutional amendment to balance the budget.
>
> Only 17 percent stated that they opposed it, and 9 percent had no opinion.

So I think it is high time that this House does something in an area where the American people are demanding action and they are demanding it now.

So let us approve this rule and approve the resolution.

□ 1130

Mr. BOLLING. Mr. Chairman, despite my views on the constitutional amendment, I think this is the time to deal with it. Therefore, I am strongly in support of the rule, and I hope that virtually every Member will vote for it.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 604, the House resolves itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 350) proposing an amendment to the Constitution altering Federal budget procedures.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution, House Joint Resolution 350, with Mr. BOLAND in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. Pursuant to the rule, the first reading of the joint resolution is dispensed with.

Is the gentleman from Illinois (Mr. McCLORY) in favor of the joint resolution?

Mr. McCLORY. Mr. Chairman, yes, I favor House Joint Resolution 350.

The CHAIRMAN. The gentleman qualifies.

Is the gentleman from New Jersey (Mr. RODINO) opposed to the joint resolution?

Mr. RODINO. I am opposed, Mr. Chairman.

The CHAIRMAN. The gentleman qualifies.

The gentleman from Illinois (Mr. McCLORY) will be recognized for 1 hour, and the gentleman from New Jersey (Mr. RODINO) will be recognized for 1 hour.

The Chair now recognizes the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased that at long last this House will have a chance to vote on a balanced budget-tax limitation amendment to the Constitution. After years of discussion and debate in the Judiciary Committee, we can now act to give the American people the kind of responsible government they want. My years of analysis of this issue have only strengthened my conviction that necessary fiscal restraint can only be achieved by amending the Constitution.

If there was any principle that proponents and opponents agreed upon in the 14 days of hearings, it was that the status quo presents a bias—a tilt—in favor of spending for special interests and against balancing the budget. Perhaps the most illuminating aspect of the hearings is that it made clear that the "big spenders" of the past do not support a balanced budget for the future. In my opinion, this bias must be corrected, yet cannot be corrected by statutory means. We all know that balanced budgets are already required by statute. But that means little. For one Congress by statute or by rule cannot bind the next. In fact, the same Congress cannot bind itself from one day to the next. The rule we just adopted set aside the discharge procedure established by House rule just as simply as our unbalanced budgets and excessive appropriations impliedly, but effectively, set aside the statutory rule that budgets must be balanced.

When all the rhetoric is scrutinized, the only constraint that we cannot ignore is that of the Constitution. I do not accept the notion that Congress will ignore the mandate of the Constitution if House Joint Resolution 350 is proposed and ratified. Congress has made good faith efforts to obey the Constitution throughout its history. While it may have been mistaken about the constitutionality of its legislation, I cannot accept that its errors were willful. I am confident that the Members of the Congress will obey the strictures of a constitutional mandate of fiscal discipline. In fact, it is my observation that Members would prefer to be so constrained than to be free to be unduly pressured by special interests.

In drafting a constitutional amendment, it is important to seek an appropriate balance between the rule of balancing the budget and limiting taxes and exceptions to the rule. House Joint Resolution 350 provides that balance. An unbalanced budget could be enacted only by three-fifths of both Houses. A tax increase which is greater than the rate of increase in national income can only be enacted by a special vote requiring 218 votes in the House and 51 votes in the Senate, regardless of the number voting.

In contrast, the Alexander substitute imposes no real constraint on the Congress. It basically constitutionalizes the current process. By declaring a "National Emergency" by a simple majority vote, Congress could do whatever it wishes. I do not know if capitalizing the term "National Emergency" has constitutional significance (I am quite doubtful); but, capitalized or not, the term hardly offsets the tilt toward excessive spending that most perceive in our present process.

It is clear to me that the Alexander substitute would not be proposed but for the present context. Its purpose is to give the big spenders a haven to hide, a chance to vote for a constitutional reform without institutional change, a cynical attempt to endorse a slogan but no more.

The Alexander substitute is clearly a political document. It requires, without any exception for any reason, the President—because today he is Republican—to submit a balanced budget while it allows the Congress—because today this House is Democratic—to do whatever the majority desires. Thus even during a declared and hostile war, the President is required to submit a balanced budget; yet during peacetime, the Congress could declare that a 4-percent unemployment rate is a tragedy and therefore a national emergency and adopt an unbalanced budget. The obviously uneven treatment of the President and the Congress should inform every Member of the political purpose of the Alexander substitute.

Yet so poorly is the Alexander substitute drafted that it is ineffective in limiting the President or the Congress. For whereas House Joint Resolution 350 expressly excludes from the concept of receipts those receipts derived from borrowing, the Alexander substitute does not. Thus the Alexander substitute would allow the budget to be balanced with borrowed money. It would only require that the Government pay its bills—as it does today in the face of huge deficits by borrowing money. We do not need a constitutional amendment to tell us to do that, do we?

In contrast House Joint Resolution 350 would create a mechanism of fiscal restraint. It would establish a norm of a balanced budget and tax limitation. It would also allow flexibility but not by simple majority vote. It is not a partisan proposal. It is not a proposal designed to hamstring the President while allowing the Congress to go on its merry way, spending and spending. It is not a meaningless proposal, one which would allow the books to be balanced with borrowed money. Rather, it is a bipartisan proposal. It recognizes that it is the Congress that enacts the laws and that it is the Congress that must balance the budget and limit taxes. It is a thoroughly considered proposal, which avoids the silly mistakes I have noted and which has stood the test of several months of careful scrutiny.

By no means am I suggesting that everybody loves House Joint Resolution 350. But the long list of opponents that Chairman RODINO found to testify against the proposal only caused me to appreciate it all the more. The fact that the big spenders—welfare groups, labor unions, liberal economists, and politicians—were so afraid that House Joint Resolution 350 would be enacted merely proved to me that House Joint Resolution 350 would be effective in its purpose of achieving fiscal discipline with a proper balance between restraint and flexibility.

House Joint Resolution 350, if proposed and ratified, would allow the American people to regain control of their government. Huge deficits cause inflation or unemployment depending on the monetary policy. But whether it be inflation or unemployment, we cannot afford either. We cannot proceed on the present course of mounting deficits, with Government out of control.

The Constitution's central purpose is to define the relationship between the people and their government. By adopting House Joint Resolution 350 we would be underscoring the unique contribution of the American experience to political science—that by restraining Government you set the people free.

As I have said before in this well, Mr. Chairman, the Founding Fathers,

the framers of the Constitution, felt that such a provision in the Constitution would be superfluous. They felt that the Congress would, of course, provide for balancing its budget by limiting its expenditures to the extent of the Federal revenues and thus make unnecessary an amendment to the Constitution. As a matter of fact, the principle of a balanced budget and reducing the Federal debt has been the policy of virtually every administration and an issue in every political campaign down to the 1930's.

So this is an issue whose time has come. The people are demanding it, and I am confident that the House today will by a two-thirds majority offer an opportunity to the American people to ratify a constitutional amendment to require a balanced Federal budget.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, this morning we are facing a very, very critical decision. I believe it is important for the Members of this body to recognize what the choices may be.

We have heard the gentleman from Missouri, Mr. BOLLING, a very respected Member of this Chamber, who is certainly known to us as a guardian of the Constitution and a fair-minded individual, tell of how disturbed he was this morning.

The gentleman from New York (Mr. CONABLE) who is the author of this amendment, spoke to us of his reluctance in bringing up this proposal. The ranking minority member of the Committee on the Judiciary, the gentleman from Illinois (Mr. MCCLORY), spoke of the many hours and the many months and indeed the number of years that we have spent in deliberating and carefully studying the possibilities of writing a constitutional amendment which would address this very complex issue.

And I might say that after all of the objective and overwhelming evidence was presented to the committee over a period of some 3 years—and as recent as August—whether they were scholars of the Constitution, whether they were economists, Nobel laureates, whether they had been advisers to Presidents, Republican or Democrat, all of them advised and warned against going this route. All of them advised against tampering with the Constitution of the United States and dealing with an economic policy in this fashion.

So, I now state my objection, and careful objection, to the proposition that is before us today.

Mr. Chairman, I rise to urge this body to reject House Joint Resolution 350, the so-called balanced budget amendment.

The objectives of this proposal may be sound and valid. The concern about the record-shattering deficits that loom from here to the horizon is genuine. But hearings conducted over 3 years by the Judiciary Subcommittee on Monopolies and Commercial Law have convinced me that the proposal is unwise and unworkable and that implanting this proposal in the Constitution would trivialize the document that guarantees fundamental rights and provides the framework for the orderly function of Government.

That, too, is the consensus of distinguished experts from across the political and economic spectrums.

Listen to Dr. Paul Samuelson, winner of the Nobel Prize for Economics:

> It is an act of arrogant folly to try to specify constitutional formulas applicable for the infinite future.

Hear the words of Paul A. Volcker, current Federal Reserve Board Chairman:

> The Constitution cannot, and should not, be changed lightly to meet considerations or situations that are transient in nature, nor to "lock in" a particular economic doctrine.

And, Dr. Alan Greenspan, Chairman of the Council of Economic Advisers under President Ford:

> Most economists, myself included, do not favor such an amendment. . . . The Congress cannot readily control the actual budget in the short run—say, a year.

And, Charles L. Schultze, Chairman of the Council of Economic Advisers under President Carter:

> In my view a constitutional amendment . . . runs counter to the basic structure of our Constitution, because it attempts to enshrine for all time, in the fundamental law of the land, a very particular economic policy that may happen to fit the needs of today.

And this was the plea of Murray Weidenbaum, until recently Chairman of the Council of Economic Advisers under President Reagan:

> The President's economic program would accomplish all of the objectives that are sought in the many proposals to balance the budget via Constitutional change. But it would do so without the many drawbacks, such as encumbering the Constitution with matters that more appropriately belong in the policy arena or attempting to rule on matters of technical fiscal administration.

That was the appeal of the now departed Mr. Weidenbaum a little more than a year ago. But now President Reagan has embarked on a public relations campaign to cajole the Congress into doing the very thing Mr. Weidenbaum told us the President's economic program would render unnecessary.

President Ford has said this proposal would raise false hopes. The conservative columnist George Will has called it a hoax. The Wall Street Journal has labled it a constitutional copout.

This crusade by the President for this constitutional amendment comes at the same time his economic programs are bringing us mammoth deficits that 2 years ago were truly unimaginable. This contradiction has not gone unnoticed. It has been the butt of a number of jokes and the cause of much political fingerpointing.

Amending the Constitution is not a joke. It is not to be taken lightly. Our Constitution is a magnificent legacy of generations past to all of us alive today. We should think and debate long and hard before we graft onto the Constitution a controversial theory that would bind generations unborn to an economic doctrine that is not valid for all times and all conditions. A proposal without precedent, in that its purported constitutional requirements can be waived by the Congress. If there is not cynical circumvention by the Congress, there could be Government paralysis and economic disaster. In the end, the courts would have to be the final arbiter—year after year—of tax and spending decisions that are properly the province of the political branches.

Is this proposal what we wish to bequeath to future generations?

Let us not take this historic step without full consideration of all that it implies. Let us not try to fool ourselves or our fellow citizens. Let us not fall for the selling of a constitutional amendment through a publicity campaign one might use for the selling of soap or home appliances.

House Joint Resolution 350 has two major provisions:

First, it would prevent Congress from adopting any budget with a planned deficit except by a three-fifths vote of the whole number of both Houses.

Second, it would limit revenue growth to the rate of growth of national income in the previous calendar year, except if an ordinary majority of the whole membership of both Houses votes to raise taxes beyond that rate.

Both provisions could be waived if war has been declared.

This amendment is a subversion of a basic principle of our Constitution—rule by the majority. A President and a "superminority" of Congress—41 percent of one House—in the exercise of the constitutional mandate to insure that outlays do not exceed receipts, might kill or maim any program they did not like—social security, environmental, defense—so long as the President could hold the support of 41 percent of the Members of one House of Congress.

This proposal is an attack on our commitment to majority rule. The Constitution now requires two-thirds majorities of those voting for a very limited number of decisions. Even declaration of war requires only a simple

majority. But, to sanctify a deficit, a three-fifths majority of the whole number of both Houses of Congress would be required. This would allow 41 Senators or 175 Members of this body to thwart the will of the majority.

House Joint Resolution 350 does not require a balanced budget. If a President could not command that superminority, a three-fifths vote would approve a deficit. And the Congress is required to do nothing if a deficit results from actual receipts falling short of those anticipated. The Congress could make very rosy economic assumptions and, when the numbers prove wrong, nothing would have to be done to balance the budget. In other words, a planned deficit would require a three-fifths majority, but a deficit resulting from forecasts that are unrealistic, devious, or just plain wrong can just happen. Even the most sincere economic projections are but guesses at what income and outlays will be a year from the time they are made. The Constitution, with this amendment, would require the Congress to do something it cannot: forecast accurately receipts and outlays.

This raises the question of what set of numbers the Congress would choose. We have already had three sets from OMB for the current fiscal year: A $93 billion deficit, a $104 billion deficit, and a $114 billion deficit. To make matters worse, the Congressional Budget Office sees a deficit from $140 to $160 billion.

House Joint Resolution 350 could hurt national security interests. It permits a deficit for defense by majority vote only in event of declared war. Formal declarations of war are rare in today's world. Incurring deficits to build and maintain our national security, however, is a necessity, even in time of peace. Under this proposal, such a deficit would require a three-fifths vote of approval. In addition, in economic crises, defense outlays could be a prime target for prehaps unwise reductions.

The exception in the event of a declaration of war has been of concern to the Reagan administration itself which has expressed a preference for the words "in time of national emergency." However, even that could prove to be a legal thicket. What is a national emergency? A recession? An inability of Government to meet its obligations? A breakdown of U.S. industry? A poor harvest? A bountiful harvest? A Mount St. Helens? A hurricane? A flood? A drought? An earthquake? All could be unforeseen; all could require greatly increased Federal outlays. The three-fifths requirement might be a dangerous roadblock to congressional enactment of emergency programs to deal with such situations.

House Joint Resolution 350 could lead to significant enforcement problems and confrontation among the branches of Government. The amendment gives no clue as to how the requirement to insure that outlays do not exceed receipts shall be enforced.

A host of questions will wind up with the courts. Terms and definitions will be challenged. What is meant by "outlay?" Does it include off-budget items? How do we define "national income?" What is meant by a three-fifths of the whole number of both Houses? Does this mean that a vote of 321 House Members to approve a deficit would make a Senate vote against a deficit worthless? Does the command that the President "shall insure" that outlays do not exceed receipts enable him to impound funds? The veracity of economic forecasts might also be challenged. These issues will come before the courts, because there is no other mechanism for enforcement. What do the courts do then? Write the budget? Appropriate the money? Order arrests? I think this prospect might give pause to those of us who have often expressed distaste for alleged judicial activism.

House Joint Resolution 350 would have absolutely no effect on our current economic problems or those that loom in the immediate years ahead. Ratification could take 7 years; implementation another 2. In the meantime, this amendment would not put one person to work, cut one point off interest or inflation, take $1 off the deficit, stop one bankruptcy, prevent one mortgage foreclosure. Only current congressional decisions can do anything about these problems.

Since the adoption of our Constitution, there have been 9,400 proposals to amend it. But it has been revised only infrequently. Twenty-four of the amendments were enacted to correct flaws in the original document or to protect and extend individual rights. Of the other two, one was the disastrous effort to outlaw alcoholic beverages. The other—the repeal of this error—came along 14 years later.

Let not this Congress, just for political expediency, make a second constitutional mistake and send forward for ratification an unwise and unenforceable amendment. The 18th amendment did not stem the flow of whisky; this amendment will not stem the flow of red ink. The latter responsibility lies with everyday policy decisions of the Congress and the executive branch. We will not solve these problems by tampering with the Constitution.

The Constitution should be our majestic, paramount law. It must not be treated, in the words of one Supreme Court Justice, "as if it were a rubber ball so that each succeeding child may play with it according to varying inclinations."

And Hamilton, in the Federalist Papers, arguing against constitutionally controlling legislative discretion on the issue of peacetime armies, cautioned against writing mere parchment provisions into the Constitution and warned that—

> Nations pay little regard to rules and maxims calculated in their very nature to run counter to the necessities of society.

He counseled:

> Wise politicians will be cautious about fettering the government with restrictions that cannot be observed, because they know that every breach of the fundamental laws, though dictated by necessity, impairs the sacred reverence which ought to be maintained in the breast of rulers towards the constitution of a country, and forms a precedent for other breaches where the same plea of necessity does not exist at all, or is less urgent and palpable.

I hope that we will keep that counsel in mind and not rush impetuously into amending the Constitution in these waning hours.

This proposal would demean the Constitution. The Constitution is a document that guarantees fundamental rights and freedoms and provides for the orderly operation of Government. This amendment is a constitutional guarantee of nothing. It provides for a balanced budget—except sometimes: When three-fifths of Congress says otherwise; when revenues fall below estimates; in time of declared war; when Congress cannot agree on cutting spending; when Congress cannot agree on raising taxes. It could be an invitation to fiscal gimmickry or a prescription for paralysis of Government, for confrontation among the branches, for economic chaos.

The Constitution is a stately document, beautiful in its simplicity and straightforwardness. It states clearly the goals and ideals of a free people. It provides the framework for reaching those goals. Let us not clutter it. Let us not trivialize it. Americans have fought and died to protect the sanctity of the greatest political document ever authored. All of us and each of us individually are responsible for the integrity of this document, and all of us and each of us must do what we can to preserve it. Let us leave the Constitution as unimpaired as it has been left to us.

Mr. Chairman, I strongly urge rejection of House Joint Resolution 350.

□ 1200

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Pennsylvania.

Mr. WALKER. The gentleman has made a very fine statement. But I wonder if the gentleman could tell us how he has voted during the course of this Congress on enforcing the balanced budget law that is now a part of this body of law of this land passed by the Congress.

Has the gentleman voted to enforce that particular law?

Mr. RODINO. The gentleman in the well has voted his good conscience in the interest of what he believed would best serve the Nation and its constituency. And it may differ from the way the gentleman from Pennsylvania votes, but I think the issue at hand is whether we now clutter the Constitution with some unworkable, unenforceable instrument.

Mr. WALKER. If the gentleman will yield further, it seems to me that one of the real questions here is whether or not we can exercise the kind of fiscal discipline that the Nation needs.

The gentleman for instance, if my records are correct—and the gentleman is free to correct me if I am wrong—voted, for example, that a higher priority in his mind was building a Franklin Roosevelt Memorial than balancing the budget. Now, that is exactly the kind of spending problem that we have in this country and the reason why we are forced to deal with the problem through a constitutional amendment.

Mr. RODINO. May I say to the gentleman that I believe what the gentleman has been saying and what those who have been the proponents of this proposal have been arguing, and with great emphasis, is that the Congress lacks discipline, that the Congress ought to forsake its constitutional responsibilities and use this instrument as a magic wand which it waves and then be able to say, "I am absolved and because of this instrument I will be guided by it."

I am saying that individuals who come here have a responsibility, each of us has a responsibility, and when that responsibility is met, if it is to meet a balanced budget or if it is to meet a national emergency, then such individuals must vote accordingly.

Mr. McCLORY. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. GRAMM).

Mr. GRAMM. I thank the gentleman for yielding.

Mr. Chairman, we have two choices before us today, and they are about as clear as any two choices could be. Over 4 years ago, an effort started that produced House Joint Resolution 350. House Joint Resolution 350, a bipartisan resolution, has been debated in colleges and universities all over this country. It has been attacked, defended, discussed, dissected, and it has had the kind of analysis that is needed to produce a serious effort to amend the Constitution of the United States. It was written by legal scholars. It was written by a Nobel Prize-winning economist. That is the choice on the one hand.

The choice on the other hand is a makeshift amendment that was written last night in some office here in the Capitol. It is an amendment written by people who have consistently opposed every effort that we have made in the last 15 years to stop this spending spree. It was written by people who did everything in their power to prevent us from discharging this balanced budget amendment and bringing it to the floor for a vote today. It was written by people who continue to stand here on the floor and criticize Ronald Reagan for deficits but yet every day they vote to make those deficits bigger.

□ 1210

I think the choice could not be clearer.

The Alexander amendment is a sham, it is a politically motivated document with only one objective, and that is to derail the balanced budget amendment concept and effort and to give an escape to those who say at home they are for balancing the budget but do not want to vote to do it here in Washington.

I want to tell my colleagues I do not believe that escape is going to work, because I do not think the American people are going to be fooled.

The distinguished chairman of the Judiciary Committee has talked about discipline here. And I would like to address discipline.

We consistently vote to spend beyond the budget. Why? Because every time we vote, those who want something from the Federal Government are looking over our right shoulder, sending letters back home telling people whether PHIL GRAMM cares about the old, the sick, the tired, the bicycle rider.

In the last Congress, the average bill we voted on with amendments cost about $50 million. There are 100 million taxpayers. That is 50 cents a head. The average beneficiary got $500. You do not have to have studied economics at Texas A&M to know that somebody is willing to do more to get $500 than somebody is willing to do to prevent spending 50 cents.

In my 4 years in Congress, I have never seen a spending bill defeated because it cost too much money. I have seen them defeated because people opposed them but never on the dollar issue. The only time we ever pass an economy vote in this body is on a big issue like budget reconciliation where we can get the American people involved in the debate. The prospending interests dominate, and it does not matter whether you are talking about conservatives or liberals. When the American people are not involved and not informed on day-to-day votes, spending will always win out.

This is a perfect example of where a constitutional constraint on elected officials is required. It may be that the Congress would protect the first amendment rights without the first amendment having been written. But the American people have seen fit in their wisdom not to trust Congress with those powers. And I think we should remove the power of Congress except under extraordinary circumstances to spend more than we take in.

Those who oppose this amendment oppose it for one basic reason: They do not want to be forced to set priorities in the Federal budget and tell people no. They want to be given a freedom which no American has in his household, his business, or his church, and that is year after year to spend beyond his means.

We are going to take a historic vote here on the floor of the House. And the American people, thanks to the fact that we got 218 people to sign the discharge petition, will know who is and who is not serious about balancing the budget.

If the Members want to force on Congress a mandate that will force us to set priorities, that will force us to make hard decisions, that will force us to tell people no, that will force us to provide an economic environment in which we can have stable prices and economic growth, then the Members want to vote down the Alexander substitute and vote for the Conable-Jenkins resolution.

Finally, let me say that it has been charged here today that this is an attempt to divert attention away from the problem. Exactly the opposite is true. The problem is deficits, high interest rates, and unemployment, and nothing we could do today could do more to bring down long-term interest rates than to adopt a real balanced budget amendment to the Constitution. It would immediately change expectations about future inflation rates and future deficits and future interest rates, and would do for long-term rates what the budget tax passage 2 months ago did for short-term rates.

So if the Members want to get on with the job of producing jobs here at home, jobs now, let us change this psychology of a spending treadmill that we have been on and adopt a balanced budget amendment to the Constitution.

Mr. McCLORY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. Mr. Chairman, we will shortly have the privilege of voting on two particular proposals for amending the Constitution to require a balanced Federal budget, the Alexander substitute and the Jenkins-Conable amendment.

The first one, if adopted, would amount to business as usual. With all due respect to the distinguished gentleman from Arkansas, this amendment represents a cruel hoax on the American people under the guise of imposing a control on runaway Federal spending, because of two crucial dis-

tinctions from the Jenkins-Conable proposal.

Under the Alexander proposal, we would be able to unbalance the budget by a simple majority vote declaring that a "national emergency" exists. Jenkins-Conable requires three-fifths—60 percent.

Second, Alexander has no limitation on estimated receipts from year to year whereas Jenkins-Conable stipulates that the rate of increase in receipts may not exceed the rate of increase in national income.

Quite simply, under the Alexander amendment, it would be much easier to raise taxes to cover spending rather than to live within our means.

There are compelling reasons why we should support House Joint Resolution 350 in its original form, the Jenkins-Conable amendment.

First, it will greatly assist both the housing and the auto industries, two mainstays of our economy which have been particularly hard hit by high interest rates. According to economist Irwin Kellner of the Manufacturers Hanover Bank, using Federal Reserve data, Federal borrowing consumed 78.8 percent of total savings in this country in 1981, a direct consequence of high deficits fueling high interest rates.

The importance of balancing the budget can be seen from a poll conducted by Oppenheimer & Co.—member, New York Stock Exchange—among institutional investors. Among the results:

(1) What effect would passage of a Balanced Budget Amendment have on interest rates?

[In percent]

	Long-term (rates)	Short-term
Significantly downward	49	43
Modestly downward	46	43
Total	95	86

Note: Remainder replied upward, no change, or no opinion.

(2) How quickly can we expect results?

[In percent]

	Long-term (rates)	short-term
1 to 2 mo	26	40
Within 6 mo	31	37
Within 1 yr	23	6
Total	80	83

Note: Remainder replied longer periods, no change, or no opinion.

Second, passage will secure for the American people a chance to force the Federal Government to live within its means, something it has been unable or unwilling to do on its own. And public sentiment is overwhelmingly in favor of pursuing this route.

A Market Opinion Research poll taken in June indicated 79 percent approval for a balanced budget amendment versus 15 percent in opposition. A Gallup survey in July revealed that, among those who were aware of the constitutional amendment, 74 percent were in favor of it. And a July Harris poll showed that 90 percent of Americans believe that the budget deficits which have been projected pose serious problems for our national economy.

Those who are languishing and lament having to traverse the constitutional route in order to shut off the magic money machine must realize that this would not be necessary had we shown the courage earlier in the year to reduce spending by more orthodox means. On May 25, this body turned thumbs down on the Rousselot amendment to the first concurrent resolution on the budget for fiscal year 1983. One hundred and eighty-two Members voted in favor, which although insufficient for passage, was second only to the Latta substitute in number of "yea" votes.

Both the vote on the Rousselot amendment and the signatures on the discharge petition which finally freed House Joint Resolution 350 for consideration before the House dramatize the clear juxtaposition of the major parties on this issue; 137 of 191 Republicans voted for the Rousselot balanced budget amendment—71.7 percent—but only 45 of 242 Democrats—18.6 percent. And 172 of 192 Republicans signed the discharge petition—89.6 percent—as opposed to 46 of 241 Democrats—19.1 percent. Should the final vote on House Joint Resolution 350 reflect the same disparity, it will certainly reveal to the American public—for once and for all—which party is more likely to practice what it preaches about fiscal responsibility.

Mr. McCLORY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. WHITE).

Mr. WHITE. Mr. Chairman, for at least three terms I have introduced a resolution for a balanced budget. The theory that Congress can and should totally shoulder the responsibility for balancing the budget is inspiring and high sounding. But the reality is 44 of the last 53 Federal budgets have been deficit budgets. Only one in the last 20 years had been balanced.

A balanced budget was the keystone of American economic thinking. After 142 budgets, the Federal deficit at the end of 1930 totaled $15.8 billion, and that was caused during the World War I era.

The fact is that Congress has become incapable of exercising the necessary budget restraint and discipline except under constitutional restrictions. Even statutory restraint is inadequate, since a simple majority can circumvent such restraints.

As our economy worsens, and the concern of budget deficits do not restrain Congress, the polls have demonstrated that Americans want a constitutional restraint. If this Congress does not submit a constitutional amendment to balance the budget for referendum to the States, then the people of this country will seize this issue.

Thirty-one States, as has been stated before on this floor, have called for a constitutional amendment convention. Only three more are needed. And then it is possible the entire Constitution would be up for review and revision. And that is how we have the present Constitution under which we operate now.

Mr. McCLORY. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. MCCOLLUM).

Mr. McCOLLUM. Mr. Chairman, the public debt of the United States in 1946 was $269 billion. From 1946 to 1960, we added $17 billion to that debt. From 1960 to 1970, we added another $85 billion. From 1970 to 1980, in that short 10-year period, we added $460 billion to the public debt. And in the last 2½ years, we have gone to a public debt of $1,109,000,000,000.

Now, that is the kind of irresponsibility that this Congress and past Congresses of recent years have been adding to that public debt. That is the kind of deficit spending we have had.

I submit unless we defeat the Alexander amendment, which is nothing more than a farce as far as the balanced budget is concerned, and pass the Conable-Jenkins amendment to the Constitution, we will be doing a disservice to the taxpayers of this country.

Those who favor Conable-Jenkins favor a position for lower Government spending and lower taxes. And those who oppose Conable-Jenkins favor either increased taxes or continued irresponsible spending, higher inflation, higher interest rates, and recession after recession as we have had over the past.

Mr. Chairman, I suggest there is no need to go through the annual congressional and bureaucratic battling when the Federal budget for the following year is drawn up. A far better way to resolve our differences is to abide by a constitutional amendment that automatically determines the maximum level of taxing and spending in any given year.

Granted, Congress would not be Congress if its Members did not debate over how Federal money should be spent. But with a constitutional amendment in force, the ultimate decision of how much—the real time consumer of the whole budget process—would be determined automatically.

Stated briefly, House Joint Resolution 350 provides that:

Each year, outlays by the Federal Government—both budget and off-budget expenditures—will be limited to estimated receipts for that year. A super-majority vote would be required for expenditures to exceed estimated revenues.

Even if Congress does not estimate revenues accurately, receipts may not increase at a rate greater than the year-to-year increase in national income. Because outlays are tied to receipts, Federal spending is thereby restrained. If Congress wants to spend more, it must approve a specific tax increase, which is subject to Presidential veto.

The limits may be set aside in time of declared war. Nobel Laureate economist Milton Friedman, has remarked on the farsighted nature of the balanced budget amendment:

I have always said that the two places in the country where you have the shortest sight, where people look the shortest period ahead, are Wall Street and Washington. In Wall Street, you look to what is going to happen next week. But at least in Washington, you look to the next Congressional election, which is a little longer, but not much.

Dr. Friedman explained the need for a constitutional amendment, as opposed to every year passing budget resolutions, even with the best of intentions:

This is the year 1981. 1982 comes, 1983 comes, 1984 comes. The reason we . . . have been fighting for a Constitutional amendment is because we recognize how difficult it is to cut government spending through statutory means by taking one program after another. We recognize that for each individual program there is a big constituency that wants to cut government spending at someone's else's expense . . . It's a terrible thing to have to face this fight each year, year after year.

The most permanent fixture of the U.S. Government is its Constitution, and the Founding Fathers deliberately made it a document difficult to amend in order to preserve its integrity and to prevent it from falling prey to political expediency or passing political factionalism. But just as they did not foresee the problems of representation that later gave rise to the 14th and 23d amendments, so our forefathers would not have believed that taxation and Government spending would grow to such alarming levels.

Mr. Chairman, I believe it is time to end the annual budgetary brawl. It is time to pass House Joint Resolution 350, the Tax Limitation/Balanced Budget Amendment authored by Congressmen CONABLE and JENKINS.

□ 1220

Mr. McCLORY. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. KRAMER).

Mr. KRAMER. Mr. Chairman, in 1970 the budget deficit of this country was $382 billion. When I first ran for Congress some 4 years ago, it had risen to $750 billion, almost a 100-percent increase.

In the 5 short years between the time I first ran for Congress and the end of fiscal year 1983, the national debt will have gone up over half a trillion dollars, as much as the amount accumulated in the first 200 years of our history.

Because of the debt which runaway and out-of-control spending has created, we have had two disastrous choices. We either print paper money to account for the difference between what we spend and revenues, which causes inflation and debases our currency, or the Government borrows in the private capital markets, where it competes against every American who wants credit to buy the products—be it housing or automobiles—or otherwise whose manufacture would keep Americans employed.

We are at a crossroads in our history. Either we put our economic house in order, or we go over the cliff. A balanced budget is the single most important step we can take to economic recovery.

The Conable amendment will rekindle the American dream—a job for everyone who wants to work, the control of inflation which hurts all of our citizens but especially those on fixed incomes, and the restoration of the hope of homeownership for young adults.

Vote to rekindle the American dream.

Mr. McCLORY. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. COATS).

Mr. COATS. Mr. Chairman, there are many reasons to support this constitutional amendment to balance the budget. I think two reasons stand out above all the rest.

First, despite all the talk and all the rhetoric and all the attempts to reform the budget process, none of us here can escape the reality that this body has failed in 18 of the last 19 years to do what we all say we need to do and that is match revenues with spending.

We have not exercised budget discipline, and without a constitutional amendment we probably never will exercise that discipline.

Like a drunken sailor in need of Alcholics Anonymous, Congress desperately needs a constitutional amendment to control its addiction to excessive spending.

I think the second reason is equally persuasive. Those who oppose this amendment on philosophical or other grounds presume that it is our decision and ours alone. But the Constitution says that the matter is finally to be determined, not by Congress, but by ratification of three-fourths of the States through their elected representatives.

In the final analysis, it is the people's choice and I think we clearly have an obligation to let the people express their will on this issue.

Mr. RODINO. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. Mr. Chairman, I rise in opposition to House Joint Resolution 350 and the Conable substitute and in support of the Alexander substitute.

Nearly a year ago, I cosponsored the House Joint Resolution 350 because I agreed with its intent. I still do. Balancing the Federal budget is a goal to which we all should be committed. However, I cosponsored the resolution with the full expectation that it would be refined through the normal legislative process. The need for refinements and modifications became even more evident as the Senate debated this amendment. Unfortunately, the version of the amendment which they adopted did not rectify the problems which I felt their debate made clear.

House Joint Resolution 350 and the Senate-passed amendment leave open the possibility—in fact, the likelihood—that we could end up with the Federal budget being written by unelected Federal judges, not by the people's elected representatives and President. I do not want to be a party to creating that kind of scenario.

I say to my conservative colleagues, House Joint Resolution 350 and the Senate-passed amendment would require the Congress to approve balanced budgets. They leave the President free and clear to do whatever he or she might want. The budget-making process is supposed to be a cooperative one between the executive and legislative branches. We should not destroy that balance. These proposals would.

House Joint Resolution 350 would not allow a shifting of responsibilities to the States without providing them with payments to cover the costs. Since our Federal system was established, there has been an ongoing shifting of responsibilities between various levels of government. The President's proposed New Federalism program would make significant changes in those responsiblities. That could very well be stopped dead in its tracks if this amendment or the Senate language were added to the Constitution.

In sum, House Joint Resolution 350 and the Senate-adopted amendment are flawed, and we are talking about the Constitution of the United States here. Once it is amended, it is not a simple process to correct mistakes. Only once in our history has an amendment to the Constitution been exorcized, and that was a lengthy process.

We do a lot of things around here out of symbolism; in fact, more than I think we should. But we cannot let our desire to show our symbolic support

for a balanced budget tempt us into approving an amendment to the basic law of our land that we know full well is faulty. Fortunately, our colleague from Arkansas, BILL ALEXANDER, will be offering a much-improved amendment which will achieve the same important end but in a way that does not disrupt the checks and balances which the framers of our Constitution carefully crafted.

As far as I am concerned, if we were to pass House Joint Resolution 350 or the Conable substitute, then we have a solution that is worse than the problem. You do not use nuclear bombs to kill the roaches in your house; you do not use a sledgehammer to tack in a loose tack in a chair; you also do not amend the Constitution willy-nilly to correct our budget deficits.

Some have argued that if we do not pass House Joint Resolution 350, then a constitutional convention will be called by the States, which could conceivably open up the entire Constitution to review. While I do not want to see a constitutional convention come about, it is no justification to amend our Constitution under threat of such a convention being convened.

Mr. RODINO. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. SEIBERLING).

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Chairman, I rise in support of the Alexander substitute and in opposition to the amendment offered by Mr. JENKINS and Mr. CONABLE.

Mr. Chairman, all of us here today support the notion of a balanced budget and greater fiscal restraint. Most of us, including me, believe we need improved control on Federal spending. It is a tragedy that neither the President nor the Congress has demonstrated the courage to make the tough decisions essential to getting Federal spending under control.

But the real issue before us today is whether or not we will approve a constitutional amendment that is workable. In this regard, the Alexander substitute is, in my opinion, far preferable to the measure sponsored by Messrs. JENKINS and CONABLE.

Mr. Chairman, it is important that we clarify the provisions of each measure. Both proposals are offered as amendments to the Constitution. Both would require the Congress to adopt a balanced budget, and each would allow for further tax increases if approved by a simple majority in the Congress. But they differ in key respects.

Under the Jenkins-Conable amendment, the balanced budget requirement could be waived in the event of a formal declaration of war; or the requirement could be circumvented with the approval of 60 percent of the Members of both the House and the Senate. The Alexander substitute provides for a waiver of the balanced budget requirement in the event of a "national emergency," such as a war—including an engagement such as the Korean or Vietnam conflicts—a severe recession, a major natural disaster, and so on.

The Alexander substitute—and only the Alexander substitute—would also require that the President submit a balanced budget to the Congress. And only the Alexander substitute would prohibit the President—any President—from exercising any authority to impound funds or veto even the smallest "line item" in appropriation bills. Clearly, the Jenkins-Conable amendment would give future Presidents this wholly discretionary, dictatorial authority. Such discretionary authority could be subject to the greatest abuse by any President, whether he be conservative or liberal.

Many have pointed to the fact that a number of States have a balanced-budget provision as a part of their Constitution, and that apparently these restrictions impose the necessary fiscal restraint on these States. What often is not mentioned is that each of these States also has a separate budget for capital improvements undertaken by those States. If the Federal Government had such a dual accounting system—if the Federal Government had a separate budget for funding roads, buildings, dams, land purchases, and so on—Federal deficits would not exist as we know them today.

I am a lifelong small businessman, and I came to the Congress with the pledge that I would do what I can to see that the Congress operates with the same efficiency and the same fiscal restraint followed by business. As a businessman, I did not pay cash for the buildings and large machinery purchased for my company; I did not charge, as a current expense, the full cost of these purchases in the year they were made. Like the vast majority of other businesses, I borrowed the money to expand, and I paid off the loan and recognized the value of these purchases over a number of years. But the indebtedness of my business did not prevent its very successful operation.

Mr. Chairman, I fully respect those of my constituents who desire that the Federal Government balance its checkbook, just as they must balance their household accounts. But I also ask them to recognize that, just as they do not view their household checkbook as out of balance because they owe several thousands of dollars on a home mortgage, so too do I hope that they recognize the current flaw in Government accounting that recognizes as immediate expenses those outlays for military installations, highways, sewers, flood control, national parks, prisons, courtrooms, and other expenditures which most people recognize as essential.

Mr. Chairman, I am not contending that a separate capital budget for Federal spending would solve our deficit problems or in itself impose the necessary spending restraint on the President and the Congress. We will still face the tough choices on spending for entitlement programs, defense, and Government operations—but we will have to continue to make these decisions regardless of which amendment is approved here today. Yet, it is my understanding, that only the Alexander substitute would allow for the Federal Government to adopt this separate capital budget.

Mr. Chairman, make no mistake about it, I view the current Federal deficit, and the horrendous deficits projected for future years, as the single greatest impediment to sustained economic recovery. There is no way that the Federal Government can continue this deficit financing, during this period of restrained growth in the money supply, without absorbing most of the available credit, thus crowding out private business and keeping interest rates high. But neither amendments before the House today offer the final solution for our tough decisions on spending, and they do not address, because of the leadtime necessary for their implementation, the immediate unemployment, high interest rate, and Federal deficit problems currently strangling our economy. A constitutional amendment that does not take effect for several years does little to solve our current problems.

Mr. Chairman, last year we were told—we were promised—that there were simple, immediate, and painless answers to the basic problems facing our country. As those promises are replaced with excuses, finger pointing, and requests for patience, I hope that the public will recognize that there are no immediate miracles available, and that the proposed amendments, with their various exemptions, still leave us with the hard choices for resolving our immediate problems.

Mr. Chairman, I urge adoption of the Alexander substitute, and I renew my pledge to make the continued, balanced reductions in Federal deficits necessary to put our country back on its feet.

Mr. SEIBERLING. Mr. Chairman, of course, everyone these days wants a balanced budget, in theory. One is certainly entitled to ask, however, if President Reagan is so supportive of a balanced budget, why has he not submitted one to the Congress? In fact, his two budgets have had the largest peacetime deficits in our history.

The Judiciary Committee, on which I serve, has, as the chairman himself

has pointed out, actually been holding hearings on this subject for years. We have heard from many of the Nation's most outstanding constitutional lawyers, economists, political scientists, and so forth, including conservative Republicans, I might add.

At the start, I thought the idea was worth pursuing, but as a result of the hearings, I concluded that despite its simple language, an amendment along the lines of the one that is the subject of the discharge petition would create more problems than it would solve and would be absolutely unworkable.

The amendment is being presented as a solution for the problems we are facing today, yet, because of the time required for ratifying and putting it into effect, which could be up to 9 years, the amendment will have no effect on our current budget problems, either today or for years to come.

Yet we should come to grips with those problems today. So it is obvious that the proposed amendment is a copout.

However, it is worse than a copout. Under the amendment, Congress would have to base the Federal budget on economists' estimates of inflation, unemployment, and interest rates, all of which could affect the anticipated spending and revenues. If there were another OPEC price rise, for example, or a business slow down, Government tax receipts could fall as a result or expenditures rise.

Congress would not even know if it had violated the law until the fiscal year was over and it was too late for Congress to do anything about it. At that point the courts would be injected into the budgeting process with unforeseeable, but undoubtedly chaotic consequences.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. Yes, I will yield.

Mr. WALKER. Well, I thank the gentleman for yielding.

Mr. Chairman, I wonder why the gentleman would not vote to enforce the balanced budget law of the land that is now there, given the gentleman's questioning of the President's motives?

Mr. SEIBERLING. Let me respond to that. I have voted to cut $89 billion out of spending in this Congress alone. I have voted against over $300 billion of spending bills, in this Congress alone. So my record is absolutely clear.

Mr. WALKER. Well, if the gentleman would yield further, that does not answer my question, because the gentleman voted, for instance, not to balance the budget, even on something like voting for the Franklin Roosevelt Memorial.

Mr. SEIBERLING. I voted against the Franklin Roosevelt Memorial bill.

Mr. WALKER. But the gentleman voted not to balance the budget to have it comply with Public Law 95-435, which is the balanced budget law of the land.

Mr. SEIBERLING. The gentlemans amendment's would accomplish nothing. There are only two legislative ways to cut spending either to vote for amendments that make specific cuts in spending bills or to vote against the passage of the bills themselves. If my votes had counted, we would have a balanced budget today, I say to the gentleman.

Mr. WALKER. Well, that would be true of this gentleman, too. I have voted in terms of spending for balanced budgets, but I also think when we pass a balanced budget law we should be willing to vote to enforce that law.

Mr. LAFALCE. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. Yes, I am happy to yield.

Mr. LAFALCE. Mr. Chairman, of what relevance is it how the gentleman from Ohio voted on the Franklin D. Roosevelt Memorial resolution to the issue of whether or not we should have a balanced budget as a part of our Constitution? Can we not deal with the relevance of this matter?

Mr. WALKER. Well, Mr. Chairman, will the gentleman yield further?

Mr. SEIBERLING. I am happy to yield.

Mr. WALKER. Mr. Chairman, I would say to the gentleman that one of the problems that we have here is that people are saying that we cannot have a constitutional amendment, but we should have a law. We have a law that is not being obeyed.

The CHAIRMAN pro tempore. The time of the gentleman from Ohio (Mr. SEIBERLING) has expired.

Mr. RODINO. Mr. Chairman, I yield 1 additional minute to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, even if an economic slump made deficit spending desirable, it would take a 60-percent super majority in Congress to authorize it. This requirement could actually produce greater deficits by giving special interests greater bargaining leverage.

The amendment would likewise restrict the ability of Congress to increase revenues by eliminating tax loopholes, thereby further stacking the deck in favor of wealthy and powerful special interests which benefit from these subsidies.

The sad thing is that there is a simpler way of accomplishing the objective than a constitutional amendment. During this year, several alternative budget resolutions were offered. One of them, offered by Congressman GEORGE MILLER of California, called the pay-as-you-go plan, would have realistically moved us toward a balanced budget within 3 years, not 9 years as the Conable amendment would do.

The fact is that those who will vote for the Conable amendment are ducking the painful decision of voting to balance the budget now. This amendment is going to separate the men from the boys and show whether you are for doing it now, or for forcing some other Congress to do it sometime in the vast, vague, unpredictable future.

Mr. McCLORY. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. Mr. Chairman, off and on since 1972 I have watched this Congress engage in an orgy or fiscal and monetary irresponsibility. During that time many Federal programs have been escalated beyond all reason. Food stamp program outlays have increased 20,000 percent. Subsidized housing outlays, for instance, have increased 1,500 percent.

The urge to appear to provide all good things for all of our citizens has proven to be irresistible to the Members of this House. We have simply lost control of the fiscal process.

I have heard it said in this Chamber today that if this resolution passes, we will bring down the Government. I agree that its adoption will bring down the perception held by a number of my Democrat liberal friends of what our Government ought to be. To that I say, it is just in time, just before this Nation careens over the brink of economic disaster in an irreversible exercise in self-destruction, with Members of this Congress leading the charge.

□ 1230

We must adopt some structure of fiscal constraint in this Congress in order to preserve the future of our Nation and of the free world.

I urge support for and adoption of this resolution.

Mr. McCLORY. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. DAUB).

Mr. DAUB. Mr. Chairman, we have an opportunity in this House today to signal the end of ruinous spending practices that threaten to undermine our Nation. One would assume that reasonable men and women viewing the economic carnage of nations that refused to acknowledge simple economic truths would act responsibly in ordering our own activities—but that is not the case.

This year, we will spend $100 billion on interest for the accumulated national debt. With an amount that large, we could have avoided the recent tax increase, eliminated the Federal deficit for the year, and seen interest rates plummet, or devoted more to worthwhile Government activities to help the aged, the handicapped, and the needy. But instead, we spent that money for best service and then plunged into deeper debt.

There are those in this House who claim that this debt is meaningless. They claim that our needs today mandate these deficits and that to refuse to borrow $100 billion is evidence of a mean spirit that ignores suffering and need. But I would ask these people what about tomorrow. Those who come after us next year, in the next decade and even into the next century will have needs that have to be met, people they will want to help but to a large degree—their efforts will be restricted because they will be paying the bills for what we insisted had to be done today. There will be less available for them because we were unable to allocate our resources responsibly.

There will always be an infinite number of ways to spend money. No matter how great our resources, this world will present more places to utilize them than we can afford. The real question is whether the people's elected representatives have the wisdom, the maturity, and the far-sightedness to decide among priorities. To this point in history—they have not.

The American people have made clear their preference for this amendment. To a large degree, we are responsible for that preference because this Congress had made it very clear to them that it is incapable of handling their public finances without this amendment. I do not fear for a minute that it will unduly restrict this body just as it has not restricted the legislature in Nebraska—which has lived within its means for decades. What it will do is provide the American people with the prospect of a brighter future.

The makers of our Constitution realized that changing circumstances might require amendments and made the process amendable to change only when the urgency was great and the people overwhelmingly agreed to change. There can be no greater urgency than the economic stability our country and the amendment process demands that the people's consent be both broad and deeply based.

On a final note, I would like to respond to those who claim this is an effort to divert attention from our current economic difficulties. It is not but is instead a timely and essential response to those difficulties. Some who oppose this amendment have no motive other than a desire to enhance their reelections as they have in years past by spending billions on vote-buying schemes with contemptible disregard for the future of this Nation and the people whose labor must pay the bills.

I was proud to cosponsor this amendment, I was proud to sign the petition to bring it to the House floor so that the people's will could no longer be ignored by the leadership of the House, and it is today the vote I am most proud of in my first term in this House because I know I am representing my constituents both today and tomorrow.

In closing, I would like to quote Calvin Coolidge—who was known for his economy with words. Not only did Coolidge state the solution to the problem but the feelings that would accompany that solution. He said, "There is no dignity quite so impressive and no independence quite so important, as living within our means."

It is our obligation in Congress to react to the overwhelming will of the American people and to pass this amendment so that the States can have the opportunity to decide this important issue.

Mr. McCLORY. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas (Mr. BETHUNE).

Mr. BETHUNE. Mr. Chairman, this is a different moment for me because I rise in opposition to the constitutional amendment to balance the budget.

Mr. Chairman, the House of Representatives should reject the proposed constitutional amendment to balance the budget because it would not work, and there is a better way to restore fiscal order.

Conservatives, who generally believe Government should give natural forces a chance to work, ought to be leading the opposition. Those who regularly espouse the maxim "people should be free to choose" will man the ramparts when the free market is under attack or when Congress tries to enlarge the reach of a Government regulatory agency. When you couple that with the usual incantations about the sanctity of the Constitution, it is perplexing to find so many conservatives in the vanguard of a movement which will constrain political freedom. While the metamorphosis is not too hard to figure out, it helps to analyze the amendment beginning with the question of whether or not it would work.

A number of technical arguments have been raised against the proposal. Most of them contend it will not work because there are too many loopholes. For instance, it has been said: "Congress will finagle the definition of 'national income'," "the politicians will jigger the numbers," or Congress will "stretch the meaning of the declaration of war exception." The doubts continue to grow in number.

Against that backdrop, supporters of the constitutional amendment argue that they can make it work, but an indispensable element of their case rests on the fallacious assumption that budgeteers can accurately calculate one indispensable, exalted number—the deficit—which will tell us whether we are winning or losing the battle for a rational fiscal policy.

Nothing could be further from the truth. The congressional budget process does a reasonably good job of tracking taxing and spending, but it is far from accurate due to the unpredictable nature of our economy. The current recession, which almost no one expected, has nearly doubled the deficit as rising unemployment triggers more Government spending.

Moreover, the effort to keep up with runaway Federal lending activity is embryonic and untested. We may eventually learn how to control Government credit assistance programs, but for the moment they are growing faster than spending, and much of the activity results in off-budget deficits which were in the neighborhood of $20 billion for 1982.

Finally, and most significantly, the means for quantifying and controlling Federal regulatory activity is anemic.

In December 1981, creative politicians—ever eager to please applicants for Federal assistance—proved their ability to bestow favors which do not show up in the Federal budget. In record time Congress repealed a regulation which prohibited the Alaska natural gas pipeline companies from prebilling consumers for the cost of a pipeline before it was finished. The special interests who supported the pipeline showered Congress and key political party committees with campaign donations just before the vote. Congress willingness to curry favor shifted a contingent liability of up to $10 billion from the pipeline companies, the big banks, and the financiers who should have been taking the risk, to hard-pressed consumers. This sordid episode of proof positive that Congress can and will shift national resources from one group of people to another without reporting the transaction under the existing budget process. The pipeline deal was no different than passing a tax on consumers and handing it to the pipeline companies as a grant, and it was all done outside the budget.

The principal lesson is that the budget does not begin to reflect the many ways in which the Government can and does impact our Nation's economy. Surely the deficit calculation produced by such an incomplete process should not be used as the exclusive measure of national economic policy. This conclusion, strong enough on its own, is fortified by the fact that the predicted deficits for 1983, which are uncomfortably large, are not without precedent. In 1976, when interest rates and inflation were way down, the deficit was $66 billion. In today's money, or as a percentage of the budget, or as measured against gross national product, the 1976 deficit is in the range of the 1983 budget deficit.

The deficit, therefore, is an important number. But, under our rather elementary budget process, it should not be the sole determinant for evaluating fiscal policy. And, given its flaws, it

certainly should not have frightened Senators to the point where they were willing to bugger up a Constitution which has survived more than one economic crisis.

Most people who understand the congressional budget process know that the amendment is so complex and untested that it will create more problems than it will solve. In fact, proponents admit that the proposal may not work. The fiscal imbroglio which is sure to develop will not be resolved by the people or their elected representatives, but by the most insensitive, unresponsive branch of our Government: Federal judges.

We should realize that the offered panacea—a balanced-budget amendment to the U.S. Constitution—may turn out to be a placebo which dangerously diverts our attention from the broad, complicated fiscal and monetary problems which we must solve.

Besides that, there is a better way.

For most of our Nation's history we have had balanced budgets. American financial policy was predicated on the belief that an annually balanced budget was essential in time of peace. That notion produced an extraordinary budgetary record during the long period from 1789 to 1920. In that time, on the rare occasion when deficits were incurred, they were generally rather small. On the other hand, since 1920, peacetime deficits have been the rule rather than the exception. Since the Constitution has never required a balanced budget, it must be conceded that it did not give us the budgets that were in balance, nor did it cause the ones that were out of balance.

In support of the amendment, the Senate Judiciary Committee published a wordy finding that Congress is plagued with an institutional "spending bias." They concluded that politicians will not case "politically disadvantageous votes" to restrain spending, and that a constitutional amendment is the only way to overcome such a disease.

That may be so under the circumstances we can see today, but there is nothing new in the Senate findings. These same problems have plagued democratic governments since the origin of man. The strained analysis, however, basically comes down to a contention that the people at large are too stupid and indifferent to know how to correct the problem or that Senators and Representatives now in Congress are too weak to act responsibly.

The Senate analysis is half wrong. There is nothing wrong with the people. In the last election they demanded and have now received relief from an ever-increasing tax burden. They also demanded and have now received spending restraints which were heretofore regarded as impossible. The people seem to intuitively know that it is better to cut spending than to raise taxes, since the latter tends to stifle economic growth in the American enterprise system. Now, as we approach the 1982 elections, the paramount concern of voters is to reduce the Federal deficit.

So, things are changing. Thus, the politically disadvantageous vote in today's climate, contrary to the Senate's findings, is a vote for new spending or a vote which does nothing to restrain the growth of spending.

In addition, there is more evidence that the people intend to get what they want. In 1980, they ousted a sufficient number of Democrats from the U.S. Senate and gave control to the Republicans. They have pressured the House of Representatives to the extent that the Democrats, who enjoy a 241-to-192 vote margin, have been reduced to a nominal majority by an emerging conservative coalition. The people mean business, and they are not going to be dissuaded by gobbledegook arguments of guilty politicians that the problem can only be corrected by amending the U.S. Constitution.

If the Senate analysis was half wrong, it was also half right—the root cause of our problem is indeed a lack of political will by weak representatives.

But, the idea that timid representatives will be influenced or constrained to balance the budget out of respect for the spirit and force of constitutional mandate is highly suspect. Just 18 days after the proposed amendment passed the U.S. Senate, the House of Representatives demonstrated its total disregard for constitutional mandate. Article 1, section 7 of the Constitution clearly provides that all bills raising revenue must originate in the House of Representatives. This provision is based on the American tradition that there should be no taxation without representation—a tenet that would seem to be sacrosanct.

Nevertheless, the House of Representatives, in the alleged interest of efficiency and practicality bypassed the spirit and perhaps the letter of the Constitution by permitting the Senate to originate a $98 billion tax bill which was said to be the largest peacetime tax increase ever passed. The Congress simply ignored unmistakable language which has been enshrined in the Constitution since it was drafted and which is backed up by 200 years of custom. Given that display of insensitivity to the mandate of organic law, it must be concluded that Congress would not hesitate to dance around a newfangled contraptive device which is shot full of holes.

In short, if Congress does not have the will to balance the budget, the amendment will not work; and if Congress does have the will to balance the budget, you do not need the amendment.

Some people argue that they have tried changing Congressmen, and we are no closer to a balanced budget. There is some truth to that argument. But, modern politics is not a struggle of men; it is a struggle of forces. As already observed, things have changed dramatically in the last 2 years, and they are changing because the people are very interested, and strong new political forces are forming. The change that took place when control of the Senate shifted from one political party to another has not gone without notice. Committee chairmen were changed. The liberal mindset of the legislative body, perpetuated by ensconced staffers and lobbyists, was broken, making way for fresh faces and new ideas. But, this simple, fundamental technique for rectifying institutional bias was not well understood. Most Americans are simply too young to remember how it worked when it was last tried in 1954.

Now that the "forgotten remedy" has been remembered, the political parties are competing intensely on the basis that one is better equipped than the other to bring a balanced budget. This competition, which you can see here today, will, in time, prove to be an important factor.

Thus, the force for a balanced budget and reduced levels of Federal spending and taxing is just now redeveloping. It has yet to reach maturity. We must be patient. When it does reach full bloom, Congress—which responds more to pressure than logic or reason—will produce a balanced budget.

If we have not fooled ourselves in the meantime by substituting a palliative for the admittedly more difficult and painful cure, we will have a balanced budget before the laborious ratification process could be completed.

Some legislators, who oppose the amendment, have pushed for a statutory scheme. Their argument suggests that we can accomplish our goal by fashioning a set of rules which would be enacted by Congress but not be a part of the Constitution. They advance their idea by demeaning the constitutional amendment as "a figleaf for those who are feeling political guilt over the failure to produce a balanced budget." Unfortunately, their legislative scheme is nothing more than a small fig leaf for those who do not wish to wear the big one.

If the underlying problem is a lack of political will, and if an amendment would not work for the reasons that have been presented, then a fortiori, a mere statute would not work. The only positive thing that can be said for the legislative scheme is that when it failed, it would not be as damaging to the Republic since no one would have expected it to work in the first place.

Finally, we are in the throes of a wrenching political, social, and economic transition. Congress is only just now beginning to understand the inadequacy of its budget system. We need comprehensive budget reform to go beyond adding up the ins and outs, which is about all that is done at this time. The legislative and executive branches of our Government must move into the 20th century and develop the means to give an honest accounting of the many ways that the Federal Government is affecting our national economy. Only then will we begin to shape an economic policy that will produce the growth we must have if we are ever going to have prosperity and a balanced budget.

More than that, the people must elect a Congress with the discipline and political will essential to rational and responsible fiscal policy.

□ 1240

Mr. Chairman, the people out there really do not have much confidence in those of us who are in this Chamber today. We are privileged to be here, but the people do not have a lot of confidence in us. They do not have a lot of confidence in the Democratic Party, and they do not have a lot of confidence in the Republican Party. In fact, one might argue that they have no trust in political parties, period.

They do trust, however, in our system of Government. They believe in and they love the Constitution. They trust the Constitution.

If we pass an amendment which is destined to fail out of complexity, which is destined to cause more problems than it solves, we are going to set up a situation where we will shake the confidence that the people have in the one thing that they do trust in, and that is the U.S. Constitution.

Mr. McCLORY. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, the issue before us today is clear: Will this Congress heed the will of the American people and pass the Conable-Jenkins amendment mandating a balanced budget and limiting tax increases or will we once again collapse in the face of pressure from the special interests who would have us continue the tax-and-spend policies of the last 30 years? That is the question, and that is the only question, regardless of the rhetoric we are hearing on the floor today. This House cannot constrain itself. We represent 435 voting districts and many Members vote parochial interests and rarely concern themselves with the Nation as a whole. Thus, we have excesses.

Now, the Constitution was created to protect people—and in large measure to protect them from the excesses of government. Nothing could be more appropriate, then, than to use a constitutional amendment as the vehicle to protect all Americans from the fiscal excesses that have become—for all practical purposes—institutionalized over the last decades—regardless of President, regardless of policy, and in spite of good intentions.

And if we are to take this action that the American people and the States are demanding, we must take it by passing Conable-Jenkins. It is the only option before us that the other body will accept and it is the only option that will do the job. By forcing a three-fifths vote on deficit spending and a majority vote on large tax increases, Conable-Jenkins forces each and every Member of Congress to be accountable—accountable to his or her constituents by open and recorded vote.

The Democratic alternative is no alternative at all. It is simply another scam, at attempt to fool the American people into thinking that Congress will finally clean up its fiscal house. Unlike Conable-Jenkins, however, this so-called alternative would allow Congress to waive its balanced-budget requirement by a simple majority vote, provides no definition of outlays or receipts, and would encourage Congress to balance the budget by increasing taxes.

Our distinguished majority leader is quoted today as terming Conable-Jenkins "a rabbit run across the trail of a fox to distract the dogs." Well, I submit that his party's alternative is nothing more than an attempt to collar a skunk and run it across the trail of the liberals, hoping the American people would not notice the skunk for the smell.

Mr. Chairman, my State of South Carolina has a balanced-budget constitutional amendment. As a former member of the State house and senate, I saw our legislature time and time again bring appropriations to the floor that exceeded the limit. But you know what? Time and again I also saw that constitutional requirement for a balanced budget force us to balance outlays with revenues.

It works in South Carolina, Mr. Chairman. It will work for our Nation. I urge adoption of the Conable-Jenkins amendment.

Mr. Chairman, the issue is clear: Are you for balancing the budget and having the Constitution make sure that it is done, or are you against it?

Mr. McCLORY. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. JENKINS).

Mr. JENKINS. Mr. Chairman, as one of the original sponsors of this resolution, I want to speak for just a few moments as to why I believe this amendment is necessary.

First of all, the simple fact is that despite continual efforts to limit spending, the Federal budget is simply out of control. The tremendous increases in Federal spending have outstripped the growth of both inflation and real output by a wide margin.

The simple facts are that this Nation cannot long survive in absence of either this action or something very similar. If this spending spree was a temporary aberration it might be concluded that the passage of time could cure the problem. But, unfortunately, a quick look at the situation tells us that a more reliable control mechanism is needed if we are truly to survive.

I know that there are people who are well intended, very sincere people, who oppose it and who do not want to touch the Constitution, and they say that the prohibition amendment is a good example of what we do wrong. Well, that analogy seems to me to say that we are drunk on Federal spending, and there is nothing we can do about it, so the best thing to do is to continue the drunk spending from now on. I do not believe that the Nation wants that to happen.

We talk about the Constitution and what other people have said or done about it. Thomas Jefferson first stated, "The public debt is the greatest of dangers to be feared by a Republican government."

Alexander Hamilton felt the same way. Harry Truman made similar statements. This is not a partisan issue. This was introduced long before this President became President. It is a bipartisan debt that has been created through the years.

There are conservatives who are pro-defense-minded in this House who will never vote against any defense expenditure, regardless of the amount. They are partially responsible for the tremendous deficits. One the other side, there are people who will never vote against any increase in social spending. They too are responsible. It is bipartisan.

Now is the time to act if we are going to, and I urge the Members to vote for the joint resolution.

Mr. Speaker, the concept of a balanced budget is as old as our Republic. Throughout our history, the goal of balancing the Federal budget under normal economic conditions has been part of our "unwritten constitution."

For example, Thomas Jefferson stated:

> The public debt is the greatest of dangers to be feared by a republican government.

Alexander Hamilton, who shaped early American economic policy more than any other individual, noted:

> As the vicissitudes of nations begat a perpetual tendency to the accumulation of debt, there ought to be a perpetual, anxious, and unceasing effort to reduce that which at any time exists, as fast we shall be practicable, consistent with integrity and good faith.

In his inaugural address, President John Adams state:

> The consequences arising from the continual accumulation of public debts in other countries ought to admonish us to be careful to prevent their growth in our own.

President James Madison asserted that one of the primary goals of his administration would be "to liberate the public resources by an honorable discharge of public debts."

President James Monroe held a similar position, saying that:

> After the elimination of the public debt, the Government would be left at liberty . . . to apply such portions of the revenue as may not be necessary for current expenses to such other objects as may be most conductive to the public security and welfare.

In the 20th century, President Wilson argued on behalf of balanced peacetime budgets, declaring that—

> Money being spent without new taxation and appropriation without accompanying taxation is as bad as taxation without representation.

In his 1948 budget message, President Truman observed:

> As long as business, employment, and national income continue high, we should maintain tax revenues at levels that will not only meet current expenditures but also leave a surplus for retirement of the public debt.

President Eisenhower went even further in his 1957 budget message, declaring:

> We strengthen our financial position by a balanced budget. We must make sure that we do not undermine our financial strength by laying the groundwork for future budget deficits.

However, in the past two decades, the Federal Government has run deficits in all but a single year. The deficits have occured in good times and bad. They have come from Presidents who pledged balanced budgets and those who did not. They have come from Presidents of both parties.

For the first 143 years of Federal budgetary history—from 1789 to 1932—balanced budgets or surplus budgets were the norm. During the second period, from 1932 to 1960, the rule of balanced budgets gave way to a policy in which balanced budgets remained an objective but in which deficit spending was viewed as a useful tool to achieve certain economic results. In the most recent period, from 1960 to the present, deficit spending has reigned supreme while balanced budgets have been ignored an almost forgotten.

It is time, Mr. Speaker, to reinstall the concept of balanced budgets and limited Federal spending. I do not say this out of any feelings of nostalgia for a dim and never-to-return past, but because the period of the last 20 years, when we did not seek to balance the budget and restrain spending, has been one of prolonged and severe economic difficulty for the people and institutions of this great Nation.

The simple fact is that despite continual efforts to limit spending, the Federal budget is out of control. The tremendous increases in Federal spending has outstripped the growth of both inflation and real output by a wide margin and the simple facts are that this Nation cannot long survive in the absence of action the kind we are considering today. If this spending spree were a temporary aberration, it might be concluded that the passage of time could cure this problem. But, unfortunately, a look at the situation tells us that a more reliable control mechanism is needed.

I believe that the Jenkins-Conable amendment addresses the problem.

Let me conclude by explaining the provisions of this proposal.

EXPLANATION OF SENATE JOINT RESOLUTION 58 AND HOUSE JOINT RESOLUTION 350

The key provisions are contained in sections 1 and 2. These sections must be read as provisions that operate in conjunction with one another.

Section 1 of the proposed amendment establishes, as a fiscal norm, that the Federal budget be balanced. It does so by requiring that Congress adopt a "statement" or budget of planned receipts and outlays prior to each fiscal year in which planned outlays do not exceed planned receipts. If, in its judgment, circumstances warrant, the Congress may adopt an amended statement of receipts and outlays for the fiscal year—provided that outlays do not exceed receipts—at any time during the fiscal year. By a recorded vote of three-fifths of the membership of each House of Congress, a statement may be adopted containing a specific level of deficit. Any amended statements containing a deficit would require a three-fifths vote only if such deficit was greater than the deficit in the previous statement.

Section 1 also mandates that actual Federal outlays not exceed the planned level of outlays set forth in the statement. Both Congress and the Executive would have continuing responsibilities to insure that this limit is not breached. Thus, actual outlays cannot exceed statement outlays which cannot exceed statement receipts which cannot grow faster than the economy. At the same time, actual receipts may fall below planned receipts without requiring congressional or Executive action as, for example, when an unanticipated recession caused revenues to decline below expectations during the course of a fiscal year.

Section 2 of the proposed amendment establishes, as a fiscal norm, that Federal receipts should grow no more rapidly than the growth of the economy from which they are derived. The balanced budget in section 1 should not be balanced at levels of receipts and outlays that consume an increasing proportion of the national economy. It achieves this by requiring that receipts reasonably expected to be received by the Government not increase by a percentage greater than the percentage increase in the national income during the last calendar year ending prior to the beginning of the fiscal year. If, in its judgment, circumstances warrant, the Congress may permit a more rapid growth in receipts only by a recorded vote of a majority of the membership of both Houses to modify existing statutes to generate additional tax receipts.

Under its system of taxation, Federal tax receipts grow more rapidly than national income during either periods of real growth or periods of nominal growth caused by inflation. Stabilizing the share of that income available to the Federal Government—As provided by section 2—would require Congress to enact annual tax cuts or to "index" the tax system, unless it was prepared to vote annually for tax increases that would increase the Federal Government's share of the economy.

Sections 1 and 2, in conjunction, establish a linkage between the growth of the economy and the growth of Federal outlays, as —. Since receipts cannot grow faster than the economy—section 2—and outlays cannot exceed receipts—section 1—Senate Joint Resolution 58 would also establish, as a fiscal norm, that Federal outlays cannot grow faster than the economy—sections 1 and 2.

The relationship between the growth of income during the prior calendar year and the growth of receipts during the following fiscal year provides the Congress with reasonably precise guideposts in its budgeting process, minimizing the necessity for estimations. Under current practices, reasonably precise estimates of the growth in national income are available by mid-July prior to the beginning of the fiscal year. Prior to that, reasonably good estimates are available as early as the January prior to the fiscal year. The mid-July estimates, therefore, should cause only marginal revisions in the "statement" or budget for the coming fiscal year. The Congress is free to choose any of a number of estimates of national income as a benchmark for growth; for example, gross national product, national income, and so forth.

The relationship between the growth of income during the prior calendar year and the growth of receipts also establishes the Federal budgetary process as a mildly "countercyclical" instrument of fiscal policy. The 21-month lag between the midpoint of the prior calendar year and the midpoint of the fiscal year leads to receipts being able to grow more rapidly than the fiscal year national income during periods of recession, thus mod-

erating downturns in the economy, and more slowly than the fiscal year national income during period of expansion, thus moderating the economy.

Section 3 would authorize Congress to waive any of the requirements imposed upon it by this amendment for a fiscal year in which a declaration of war is in effect.

Section 4 would insure that Congress could not circumvent the limitations imposed by this amendment upon its spending and taxing authority by passing on new, unreimbursed costs to the States. This section is generally consistent with present constitutional restrictions in this regard.

Section 5 is a definitional section that clarifies the intent of this amendment to define receipts and outlays in the broadest possible manner. The exceptions in the definitions for "receipt" and "outlays" are consistent with traditional budget and accounting procedures.

Section 6 establishes as the effective date of this amendment the second fiscal year beginning after its ratification. The requirement of this amendment would, in their entirety, be applicable to such fiscal year.

Mr. RODINO. Mr. Chairman, I yield 1 minute to the gentlewoman from Colorado (Mrs. SCHROEDER).

Mrs. SCHROEDER. Mr. Chairman, large deficits are bad economics. When the Government spends more than it raises, it is forced to borrow in the capital market. By increasing demand for capital, the laws of supply and demand result in a higher price, in the form of higher interest rates. High interest rates retard investment and, as a result, reduce employment. So, continued deficit spending is a prescription for economic suicide.

Worst still is the effect of deficits on our freedom. When I am in debt, I know that my personal freedoms and options are reduced. Similarly, when a nation is in debt, it jeopardizes its own freedom. I cannot give up the battle to control Federal spending when the cost of not doing so is to mortgage our freedoms and liberty.

We need to balance the budget. The best way to do that is for the President of the United States and each Member of Congress to resist the temptations of increased spending. In every area of the budget, but most particularly in the defense function, there are low-priority programs which could, should, and must be eliminated. You do not eliminate those pockets of waste by amending the Constitution. You eliminate waste by having political courage. Over the years I have opposed bills because they wasted the taxpayers' money that were not always easy to oppose: some water projects in my own State, tax giveaways for the rich, the proposed consumer protection agency, the Department of Education, and the bailouts of New York City and Chrysler.

I have had the courage to vote to eliminate wasteful spending. According to the National Taxpayers Union 1981 congressional spending study, I voted against Federal spending more often than 81 percent of my colleagues. This is higher than the score achieved by the leadership of the Republican Party, Mr. MICHEL and Mr. LOTT. I have offered amendments to reduce our defense obligations by $30 billion this year. I asked that we reevaluate our commitment to NATO.

These efforts have not been enough. We are in a coin-operated Congress: all any interest group has to do is insert enough coins—although checks are acceptable—and we produce any goodie desired. We all campaign against Government spending but forget our own rhetoric when we insert our little plastic cards into the machine. We justify additional millions of spending by saying that we are already $160 billion in hock this year so what difference does a few million more make.

Put in context, House Joint Resolution 350 is like cottage cheese which a dieter orders with a fattening meal to create the impression that the diet is real. You do not lose weight by supplementing spaghetti with yogurt and you do not balance the budget by supplementing big defense spending today with a constitutional amendment which takes effect 4 or 6 years from now.

I agonize when I hear my colleagues say that a balanced budget requirement does not belong in the Constituion, because my view of how this Government should work tells me they are right. Yet, legislative exhortations have not worked. I have cosponsored the balanced budget constitutional amendments for 4 years because the danger of mortgaging our freedoms by deficit spending is great and the legislative process has been a bust in balancing the budget. I will vote for the Alexander proposal because it is a balanced budget amendment that steers clear of the pitfalls of the Conable-Jenkins proposal. It creates a presumption against deficit spending without radically changing the balance of power or handcuffing the Congress.

It has been pointed out that civilized people should not watch while either sausage or laws are made. We do pass a lot of poorly drafted laws around here. And, routinely, we pass "technical amendments" and "revisions" to correct our mistakes. Amending the Constitution of the United States, the fundamental covenant of our Nation, is a different matter. We have no opportunity for correction. That is why the Founders of the Nation made it so difficult to amend the Constitution. Two-thirds of each House of Congress and three-fourths of the States must approve exactly the same language. The presumption against constitutional amendments is strong and should be so.

I cosponsored House Joint Resolution 350 because I want to force the Congress and the President to balance the budget. Hearings in the Judiciary Committee and public debate has revealed numerous defects in the proposal, defects which are dealt with in the Alexander proposal. The intense discussion about House Joint Resolution 350 in the last few months have convinced me that adoption of this proposal will not make a balanced budget any more likely in the next 5 years. The Conable-Jenkins proposal suffers from the following flaws:

Government spending and revenue levels are limited by an arbitrary formula. Such a rigid formula could lead to economic chaos.

In a deceptive way, the proposal seems to grant the President the unilateral right to impound appropriated funds or withhold entitlements. This would alter, in an unprecedented way, the balance of power between the executive and the legislative branches of Government. Indeed, it might force the judicial branch to mediate spending disputes.

The proposal would essentially place rules of congressional procedure in the Constitution. Immutable, these rules could make it impossible for Congress to do its job.

I am as committed as ever to a balanced budget. Unfortunately, our Judiciary Committee deliberations on this amendment have revealed the fact that House Joint Resolution 350 in its current form will not help balance the budget and, as a result, I am voting for the Alexander proposal.

Mr. McCLORY. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware (Mr. EVANS).

Mr. EVANS of Delaware. Mr. Chairman, I signed the discharge petition and rise in support of the constitutional amendment to require our Government to operate with a balanced budget.

For too long, the agencies and departments of the Federal Government have been enjoying a long and gaudy night on the town. Now in the cool, gray light of the morning after, it is time to assess the costs, pay our bills, and get our fiscal house back in order.

Just as every American family knows, you simply cannot forever spend more than you take in—and this applies to Government as well. For too many years, the Federal Government has been on a wild spree, spending money it just did not have. The result is multibillion-dollar budget deficits that have driven our economy into recession. People are hurt and not helped when the Federal Government is out of control.

The measure offered by the gentleman from New York (Mr. CONABLE) will bring a much-needed element of control that will force Congress to toe the line, and mandate that our expenditures match our revenues. If that means we have to be more prudent in defense spending, then so be it.

While it is true that unemployment is unacceptably high, our economic problems do not stem from shortcomings in the economic recovery plan now in place, but rather from years and years of following the bankrupt policies of the past. Decades of tax and tax and spend and spend and spend programs passed by Congress have driven our economy to its knees. And now, we are paying for those mistakes.

Today's doomsayers wring their hands and pound the table, but they offer no constructive alternatives, only the same tired old policies that put us here in the first place.

We have to make sure we do not fall into those old traps, and the way to do that is pass this balanced-budget amendment. Frankly, I wish we did not need a constitutional amendment to force Government to live within its means. Unfortunately, we do. There simply is not enough self-discipline in Congress, and, like many State governments, we need a balanced budget mandated by law.

This measure will not suddenly turn things around, but then, nothing will. There are no magic formulas or quick-fix solutions to our economic problems. They took years of mismanagement to develop, and they will not go away overnight. There is, however, a plan in place that, in time, will work. We are already seeing the beginnings of improvement, Earlier this year, we saw what a dramatic impact the tax equity bill had on the financial markets. We need to send a similar signal to the Nation to demonstrate long-term stability in our financial planning. This will stimulate the investment so essential to creating desperately needed jobs in all sectors of the economy.

This balanced budget amendment is an important factor in staying the course toward recovery, and in the long run, in keeping us there.

□ 1250

Mr. McCLORY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. LOEFFLER).

Mr. LOEFFLER. Mr. Chairman, today we address the final and most critical challenge of the 97th Congress. Through the successful efforts of a bipartisan coalition in this body, we have ushered in a new era in American political history. With proper action today, we can favorably conclude our joint efforts.

Working together, Members on both sides of the aisle have reduced the growth of Federal spending, lowered taxes, pursued a policy of reduced regulatory intrusion, and supported a moderate but steady growth in the supply in money. The successes of the bipartisan coalition have not come easily. In fact, we have learned that it is absolutely essential that more rigorous fiscal discipline must be adhered to. Even this Congress, a Congress of restraint, not a Congress totally out of control, has demonstrated that even we cannot exercise essential self-restraint and stand up to economic reality.

I view these votes today as some of the most important votes I will ever cast. House Joint Resolution 350, the Conable-Jenkins amendment, can finally provide a responsible and adequate handle on fiscal policy.

Why am I concerned? Why should we act today? It is very simple. During the first 200 years of our Nation's existence we ran up a national debt of $500 billion, and in the subsequent 7 years alone we added yet another $500 billion to that total.

Mr. Chairman, this incredible drain on our Nation's financial resources must be stopped.

Mr. McCLORY. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. BEARD).

Mr. BEARD. Mr. Chairman, I cannot believe that we are sitting here and hearing this. I have heard people say that the constitutional amendment for a balanced budget would hamstring the Government. We have tried for 30 to 40 years to have bigger and bigger spending and bigger and bigger government, and what do we have to show for it?

I am not saying that this constitutional amendment will be the Utopia we are looking for, but I just say, let us look at what we have been doing. We have a $1 trillion debt. This year the third largest item in our budget is $120 billion just to pay the interest on the debt.

Just 20 years ago people were screaming under Lyndon Johnson because our total Federal budget was going to hit $100 billion. We have experienced a 700-percent growth, and I say it is time we stopped mortgaging the future of our children and our grandchildren. We have tried it the other way.

The people out in my district and in my State are saying, "Government, you start living within a budget like we have to do."

So I would only hope that this body would have the courage, whereas they have not had the courage in the past, to live within a budget and to look at all the entitlements and all the motherhood and apple pie programs and have the courage to establish priorities.

I would hope, finally, that we would have the courage, Mr. Chairman, to set some type of rules and regulations to help discipline this body.

Mr. RODINO. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. SAM B. HALL, JR.).

Mr. SAM B. HALL, JR. Mr. Chairman, I would like to make one comment about this whole endeavor. Neither one of these amendments will be a Utopia to solve all the problems that we have in this country. I have only been here for 6 years, but during that period of time I have seen this Congress vote extended deficits and continue to spend more than we take in, and frankly, I believe that the American people are tired of it.

I represent the First District of Texas, and I was given this morning a constituent mail figure that has been sent to my office dealing with this House Joint Resolution 350. These are the people who have elected me. These are the people who believe, I think, as a majority of the American people believe.

Here is what they say: 1,218 people have written or contacted me stating that they are in favor of House Joint Resolution 350, and 12 people have said they are against House Joint Resolution 350.

Mr. Chairman, to me that means something. It indicates that the American people are not going to allow us as a body to set priorities; That do not take into consideration fiscal restraints. These restraints must come by reason of a constitutional amendment.

Mr. McCLORY. Mr. Chairman, I yield 1 minute to the gentlewoman from Nebraska (Mrs. SMITH).

Mrs. SMITH of Nebraska. Mr. Chairman, I am proud to rise today with so many of my distinguished colleagues to voice my support for the proposed balanced budget amendment. Since all our attempts at balancing the Federal budget have failed except once in the last 22 years, I cosponsored House Joint Resoluton 350, and I signed the discharge petition to bring it to the floor. This resolution before us today is the culmination of years of preparatory work, bipartisan cooperation, dedication, and represents the views and criticisms of a wide variety of legal and economic experts.

Most importantly, House Joint Resoluton 350 is an appropriate, although long overdue, response to the majority of American people who have expressed their support for a balanced budget and a constitutional amendment to insure it. Recent opinion polls show over 80 percent of the public in favor of a balanced budget amendment. From my own district, I receive more mail on this subject than anything else. We only have to look as far as the 50 State legislatures, 31 of which have now applied to Congress for a constitutional convention to pro-

pose a balanced budget amendment. There is no question that the public is demanding action from its servants in Congress.

For the last two decades, taxpayers have watched Congress spend and spend, tax and tax, and the deficit grow out of control. And while taxpayers watched a Federal budget more than triple in just 11 years, they listened to the rhetoric from the Halls of Congress about the need to regain control of the budget. They watched the resolve of fiscal conscious Members crumble under pressure from special interests. They watched one Congress after another put a statute in place requiring a balanced budget only to watch the next Congress break the law with an even bigger budget deficit.

President Reagan has put it so well, so often. We can no longer tolerate this business as usual. A vote today for the balanced budget amendment will communicate to the American people that we are ready to put in practice all our promises.

Amending our Constitution is a serious step, and I know that none of the cosponsors of House Joint Resolution 350 take the issue lightly. Nor do we see a balanced budget amendment as a panacea for the economic problems we face today. These must be solved by ultimately reducing and eliminating the huge deficits now confronting us. But, even if by some miracle we are successful, we will be faced with the same problems in future years. Only by taking the first step today toward a constitutional amendment requiring a balanced budget can we secure a political environment in which fiscally responsible policies are a day-to-day, year-to-year reality.

The resolution before us would finally put in writing the principle that has governed our budget decisions for three-fourths of the country's history—that we live within our means. It does not turn over the budget process to the Federal courts, it does not dictate the specifics of future spending and taxing, it merely incorporates into the Constitution broad, basic, and fundamental concepts of fiscal responsibility and open and accountable fiscal decisionmaking.

I urge my colleagues to put aside party differences, to bury the campaign hatchets, and to vote today for their constituents and for the future integrity of this body. I urge an "aye" vote on this resolution.

Mr. McCLORY. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. BLILEY).

Mr. BLILEY. Mr. Chairman, the United States is now experiencing a state of crisis—a crisis of responsibility. The Congress has failed to live up to its responsibility to the American people by not balancing the Federal budget. Americans everywhere suffer because of the inability of the Congress to act appropriately.

It is time for decisive action to end this crisis. The words of that great Virginian and that great American, Thomas Jefferson are most fitting at this time. Jefferson said:

> I am not an advocate for frequent changes in laws and constitutions, but laws and institutions must go hand in hand with the progress of the human mind * * *. With the change of circumstances, institutions must advance also to keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy as civilized society to remain ever under the regimen of their barbarous ancestors.

Mr. Chairman, it is time for a change—a change to end the crisis of responsibility and amend the Constitution for the good of the American people.

Mr. RODINO. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. HOLLAND).

Mr. HOLLAND. Mr. Chairman, somebody—I guess it was President Kennedy—said that, "we don't discharge our obligations by the expression of lofty intent." I have no quarrel with my friends on both sides of the aisle who are today attempting to pass a resolution of lofty intent to solve this Nation's economic problems.

I was kind of amused that my colleague, the gentleman from Georgia, mentioned the prohibition amendment. I think it is correct to say that that amendment was enacted and ratified in the year 1917, and you would have thought that the whole country was going to sober up and become clear eyed, never again to touch "Old Demon Rum."

But that was not the case, I say to my friends, if they will recall. For 17 years this Nation went on a drunken binge, drinking bathtub gin, the bootleggers and traders in illicit whiskey got rich, the politicians got rich, the country experienced a wave of lawlessness, and nobody sobered up.

That is exactly what this thing is here today. I look on the prohibition amendment as a concrete block set into the fine marbled mural of this Nation's constitutional history. As you recall, the 21st amendment repealed prohibition, and I guess today if we pass the 27th amendment, no later than the 30th, some other Congress will be back repealing what some people want to do here today.

I do not think it is the right approach. I think we are walking through the majestic, marbled, intellectual colonnades of this Nation's history, and we should tread lightly. We should not amend the Constitution in this manner.

I wish I could join my Democratic leadership and support the Alexander substitute, but I cannot. I would like to join my conservative friends on both sides of the aisle and politically pass this amendment today, but I am not running for reelection.

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I understand the problems of those of you who are.

It is an easy answer, it is an expression of lofty intent.

It will solve nothing. It manifests this Congress only real problem that I have discovered in 8 years here. If you want to amend the Constitution, give yourself a 4-year term. Then the 2-year ordeal of running for reelection, the immediate commands to "spend, spend, spend," the immediate commands of "campaign, campaign" and shortsighted political rhetoric will be solved.

Otherwise, leave the Constitution alone today. Tread lightly because you are dealing with the fabric that has made this country great.

Mr. McCLORY. Mr. Chairman, I yield myself 30 seconds merely to say that this will be the final Congress in which I serve. I cannot think of any nobler or more important act than to cast a vote in support of a balanced budget constitutional amendment, the vote that I expect soon to cast in this body.

May I say that while we have endeavored to handle this subject by way of statutory amendment, we could say the same about other subjects that are dealt with in the Constitution. But who would suggest that freedom of speech or freedom of religion or freedom of the press are not important enough to embody in the Constitution, that we can deal with these subjects by statute.

Balancing the Federal budget is important, too, it seems to me, and may be dealt with appropriately in the Constitution.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. COURTER).

Mr. COURTER. Mr. Chairman, when I first came to the Congress 4 years ago, I, too, was against a constitutional amendment to balance the budget for many of the same reasons that have been articulated here:

First, that we would be inviting the Supreme Court to participate in the budget process;

Second, that Congress already had the power to balance the budget;

Third, that if Congress was unwilling or unable to do that, the people would, through the democratic process, elect representatives that would make the tough decisions necessary to act responsibly on spending measures; and

Fourth, that all amendments proposed were flawed in some respect and imperfect. But Mr. Chairman, I have changed my mind on this matter.

We live in an imperfect world and no proposed amendment would be with-

out flaw for the vast majority of this institution. I believe the better amendment would be the one that simply required deficit spending measures to be passed by two-thirds of this body. To require then, perfection in constitutional amendments as in all legislation is to guarantee that nothing is ever done, nothing is ever ventured, and nothing is ever gained.

To say that the elective process will result in a Congress different in makeup which will behave differently on spending measures is to hope for the impossible. Its not been done before and its not going to happen now. The pressures to spend more than we have now is too great for this institution. We regrettably cannot govern without some outside discipline and restraint in the form of a constitutional spending bundary. Indeed, as I look at the coming elections, it is those Members who want to spend more, as opposed to those that want to spend less, that have the greatest likelyhood of success at the polls.

And so now we must do something different, we must recognize our own limitations, we must descipline ourselves in this way if our children are ever going to be free from the bondage of an oppressive debt, if this Republic is going to survive.

Mr. Chairmman, I yield such time as he may consume to the gentleman from Virginia (Mr. TRIBLE).

Mr. TRIBLE. Mr. Chairman, I rise in support of the resolution.

To amend the Constitution of the United States is a step to be taken with the utmost seriousness. The problem we face is equally as serious.

Federal spending remains out of control, and the consequences for our economy are devastating. It has led to numerous interest rates, economic decline, and unemployment.

The rekindled interest in restraining Federal spending has underscored a number of significant facts.

Our Nation has had only one balanced budget in the last 20 years.

Since 1950, our national debt has quadrupled from $250 million to $1.1 trillion.

In the past 5 years, the national debt had jumped $259 billion. Almost one-half of the national debt has been increased in the last 5 years. Borrowing has been an important way to cover shortfalls. The result has been an accumulation of massive public debt and rising rates of inflation induced by rapid monetary growth.

For fiscal year 1982, the national debt will surpass $1 trillion. This sum is equal to $4,400 for every man, woman, and child in America, or $17,600 for a family of four. Interest on this debt alone is projected at $100 billion, or $440 per capita. Interest payments comprise the third largest item in the Federal budget, consuming about a dime of every budget dollar. A good deal of these budget deficits are financed the politically easy way by creating new money at the Fed, with the inevitable effect of more subsequent inflation.

Prof. Allan Meltzer, noted—

> The greater amount of money issued to finance the deficit, the higher the subsequent inflation. The principal reason deficits lead to inflation is that the deficits are often financed by printing money.

In short, Federal budget deficits have fueled inflationary increases in the money supply. Between 1947 and 1967, an era of modest budget deficits, the inflation rate averaged just 1.6 percent in contrast, the average rate from 1967 to 1977 was 7 percent, accelerating to 9 percent in 1978. In the last 2 calendar years, inflation has run at 13.3 and 12.4 percent, respectively, the first time in 60 years we have endured double-digit inflation in back-to-back years. An additional consequence of deficits is that borrowing by the Treasury to finance them to some extent usurps funds from private financial markets.

Thus, in the absence of an effective limitation on Government taxing and spending, we can say that our political processes contain a strong systematic bias to increase those amounts. It is relatively easier to accede to new demands for spending than to cut back on existing programs. Inflation coupled with progressive taxation has provided the revenues to finance more spending.

Until 1973, the growth in Government spending and taxing was accompanied by a steady rise in real, after-tax income. Since 1973, growth in real private income has fallen off dramatically. As a result, the public is increasingly concerned about its rising tax burden.

It is clear that a majority of the Congress cannot resist the pressure for greater Government spending no matter how disasterous the impact on the economy.

We cannot maintain a productive and growing economy while allowing uncontrolled spending and ballooning budget deficits.

It is for these reasons, that we must constitutionally require a balanced budget.

A balance between taxing and spending means that our Government must live within its means. We all know the consequences for a firm or a family that incurs continuing deficits. What we have discovered is the consequences for the Federal Government are similar.

To reverse these effects, we need a balanced budget amendment.

The effects of this amendment would be dramatic and enduring.

We would effectively frustrate the forces of Government expansion.

We would take the Government out of the credit markets, leaving the Nation's savings available for productive investment.

We would reduce the murderous pressure of Government borrowing on interest rates—and bring homebuilders, automakers, and durable goods producers back from the brink of catastrophe.

Finally, we would remove the pressure from the Federal Reserve to create too much money, reducing inflationary forces substantially, and drive down interest rates.

It is equally important that we achieve a balanced Federal budget by reducing spending—not by increasing taxes. The amendment provides that tax increases will go in effect only if explicitly approved by a three-fifths vote of the full membership of both Houses.

Automatic tax increases will be eliminated. Taxes will not be able to grow faster than the growth of national income. The continuing windfall that the Federal Government achieves from inflation will be abolished.

It is a truism that our taxes are not too low, the problem is that the Federal Government spends too much. This amendment will directly address this problem.

When the Constitution was framed some 200 years ago, it went without saying that our Nation should live within its means. That principle is as vital today as was for our Forefathers.

We have, for 30 years, denied this principle and we have paid a tremendous cost. It is time to act, to restore policies of fiscal responsibility required by our Nation.

I urge my colleagues to support this resolution.

Mr. McCLORY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. LENT).

Mr. LENT. Mr. Chairman, as an original cosponsor I rise in support of House Joint Resolution 350 and against the Alexander substitute. I have long worked for a constitutional amendment requiring a balanced Federal budget. I have served for 12 years in the House of Representatives. For each of those 12 years, there have been Federal deficits, which in recent years have grown to horrendous proportions. As a result our national debt today stands at $1.3 trillion. The cost of interest is $113 billion—in excess of the total Federal budget during the second year of the Kennedy administration.

The cumulative effect of year after year of deficit spending is at the root of the economic problems we are attempting to solve today. These recurrent deficits have had an avalanche effect upon our economy that is truly frightening. That is why I am supporting the balanced budget requirement.

For the first time since we launched our fight for a constitutional amendment requiring a balanced budget, the full House of Representatives is being given a chance to vote on this issue. Our Nation desperately needs the fiscal responsibility this amendment would force upon the executive departments and upon us in the Congress. Most State governments now are required to conduct their operations with an annual balanced budget. New York is one such State. Such States have benefited from the discipline it imposes. Our Federal Government, with the biggest budget of all, a budget replete with waste and extravagance, would benefit most of all from such a discipline.

I call upon my colleagues to vote for this resolution, and join the U.S. Senate in sending the consitutional amendment to the States for ratification. Such action would be the strongest we could take to help our country out of the economic doldrums in which it is now languishing.

Mr. McCLORY. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. PORTER).

Mr. PORTER. Mr. Chairman, it is interesting to have viewed for 3 years the voting record of a substantial majority on the opposite side of the aisle and then listen today to the hypocrisy emanating from that same location.

At least you are consistent. You are big spenders, serving every special interest and new program in sight, and you are opposed to any method that has any possibility of preventing you from continuing to do more of the same in the future.

But ladies and gentlemen of the far left, you are the problem. The stagnation and unemployment we are suffering today you have caused. Not President Reagan. Not supply-side economics. Not tax cuts. You. You have voted year after year to spend more than our economy can produce to support your proflagacy. The Government, every year, has had to borrow the difference. So, increasingly it went to the money markets to borrow, crowding out private investment, destroying the productive base to pay for more spending, pushing up interest rates and the cost to everyone to buy a house or a car or anything on credit. And the Fed, in order to help cover this huge borrowing binge, created new money to buy the Government's bonds and notes, devaluing and debasing our currency and pushing up even further the cost of everything our people buy.

As more and more borrowing became necessary with more and more of your mindless spending, greater and greater portions of the Federal budget went to borrowing costs. Finally, with the Consumer Price Index in double digits, the prime rate at 21½ percent, our economy on a roller coaster of stagnation and funny-money induced false prosperity, the American people called a halt to all this stupidity.

The new administration—supported by the Fed—stopped spewing out worthless dollars and turned the screws on inflation. The President attempted to cut off business-as-usual—tax and spend—by attacking the huge increases in spending and, at the same time, cutting down the future tax flow on which this irresponsibility has been, together with borrowing, fueled.

Now, we are at the ramparts of throwing out all of the big spending hypocrites on whose doorstep can be directly laid the economic misery and unemployment we are experiencing and correcting 20 years of fiscal and monetary irresponsibility in Washington.

It can be argued that a balanced budget amendment should not be necessary in an educated nation such as ours. But the political experts tell us, unfortunately, that the spend-and-elect politicians are still likely to be elected and some say will be back in the House in even greater numbers next year.

If the Conable amendment is finally adopted, maybe the same hypocrisy that has led us to this low level will also under the intent and spirit of this measure. Perhaps the spenders will find ways around the will of the people and continue to perpetuate themselves in office. Perhaps we are doomed to economic failure and nothing can be done.

But, Mr. Chairman, I cannot sit on the sidelines and say there is no answer. I believe we should put before the people a standard by which the profligate can be judged and allow the people to discover who puts his own election ahead of the future of our country. Let us put the importance of fiscal responsibility at the high place it deserves in our national consciousness, before it is truly too late.

Mr. McCLORY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. FIEDLER).

Ms. FIEDLER. Mr. Chairman, we are not here through an accident of circumstance. We are here because over a period of decades there has been an unwillingness on the part of this Congress to restrain the growth of the Federal budget and the demand on the American taxpayer.

We took steps in California in order to restrain the growth of our budget in our State through proposition 13. The identical situation happened there. We found that those people in the legislature who had been spending our money come up with a substitute amendment called proposition 8. That amendment was discredited in the voting process just as the Alexander substitute will be today.

Proposition 13, which was brought by the people to solve their problems because the legislative process has not done so, was passed overwhelmingly.

I hope the Members of this House will support the Conable substitute, a true balanced budget amendment; which is brought before us today as a result of the discharge petition and which will help us to solve the fiscal problems that this Congress has been unwilling to solve without it.

Mr. McCLORY. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of the Conable/Jenkins constitutional balanced budget amendment, House Joint Resolution 350. As an original cosponsor of this measure, who has since been joined by 230 Members of this House—more than a majority—as cosponsors, I am delighted that we are finally going to get a chance to vote on this measure on the House floor. It is unfortunate that it took a discharge petition to force the measure out of committee where it has languished for so long, particularly in view of the overwhelming support which it enjoys, both in Congress and elsewhere.

Mr. Chairman, I come from a State which has had a constitutional requirement for a balanced budget for over 100 years. In fact, in California, it takes a two-thirds majority to pass the budget, or for that matter any bill which costs money. California has prospered under that arrangement, and I dare say, it has been prevented on numerous occasions from going down into that bottomless pit of public debt—now exceeding $1 trillion at the national level—precisely because of that provision. As a member of the California State Senate for over 12 years, I can testify to the workability of such an arrangement, which insures that only programs and budgets which enjoy bipartisan majority support will be enacted.

There are those who will argue that the State government is not the Federal Government, and that the Federal Government has extraordinary needs and should not have its hands tied in this way. Well the Federal Government does have greater responsibilities that the State, and this amendment recognizes that, allowing for suspension of the requirement in time of war. For specific programs requiring immediate attention, Congress can exceed the budget under this amendment, but only by a three-fifths vote and only on that issue.

This amendment does not tie Congress hands—it merely requires us to raise them visibly when we vote to burden future generations and taxpayers with deficits.

Congress has shown that it is incapable of putting together a balanced budget unless it is required to. We

have even adopted laws requiring us to balance the budget, as we did 2 years ago—yet these laws go unenforced and ignored. We have had a deficit budget in 20 of the last 21 years. The only way to quarantee a balanced budget is through a constitutional amendment.

And a balanced, no-deficit budget is the only way we are ever going to finally keep down interest rates, keep down inflation, and create the new jobs this country will need in the future.

Mr. Chairman, I will make one further comment, and then sit down. I will simply point out to my colleagues that if we do not take this step today, the consequences could be more far-reaching than you can imagine. I am talking about the fact that we are only three States short of having a constitutional convention imposed upon us from without. If we shirk our duty today, the job will still be done, but it will be done by someone else.

I urge the House to follow the lead of the Senate, and vote to present this matter to the States for their consideration as a constitutional amendment. Your children will thank you for it, your grandchildren, and the voters.

Mr. McCLORY. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. RUDD).

Mr. RUDD. Mr. Chairman, one way or another, today, we are going to make history; either we will respond to the voice of the American people and pass a constitutional amendment requiring the Congress to balance the budget, or we will reject the sound advice of the people, and, instead, for the first time in history, allow the Constitution to be pried open. For, with only three States needed to call for a constitutional convention, a balanced budget amendment—along with who knows what else—will come about through the convention process. The American people want a balanced budget amendment, and they will get it, one way or another.

The time to face reality is upon us—we have the opportunity today to craft an amendment which will serve this Nation and its people well, by building fiscal responsibility into the spending process.

Let us face facts. As a result of the profligate spending practices of Congress over the last two decades, we face a debt of over $1 trillion. If we were to pass a balanced budget for this year and every year hereafter, and somehow add an additional $10 billion to the Treasury each year we would still be paying off the debt.

You and I will not be here to endure this burden, but our children's children will. The youth of America are already keenly aware of this fact. They are questioning why, since they and their children did not make the decisions which amassed this debt, nor benefit from the unbridled spending sprees, they should be forced to shoulder the financial burden we have created for them. And why should they not question this? A future free from overburdening taxes is as much their right as free speech or the right to vote. There rises out of this issue the very distinct possibility that future generations just might decide to renege on the financial liabilities which were thrust upon them by our generation. I do not even have to describe to you the kind of economic chaos which would result if this did occur—it would be exactly the opportunity which the Communist forces which oppose freedom are looking for in order to subjugate our people and our land to their totalitarian regimes. If our children renege, it will destroy liberty and freedom in America, which we say we cherish. But do we.

That is why it is incumbent upon us today to take this step toward assuring fiscal responsibility. Americans are the most hardworking and determined people in the world—our history proves that. We know how to weather storms and hard times. If we pass this measure today, we provide hope that a standard of frugality will prevail in Congress, instead of an unbridled spend-thrift attitude. I urge my colleagues to join with me in supporting this crucial Jenkins-Conable measure which holds the promise of continued freedom and prosperity to future generations of Americans.

If we, in Congress had the moral courage we would have been operating on a balanced budget as our forefathers did. If we had the moral courage we could balance the budget in 2 years. We have demonstrated we are not able to achieve the discipline to operate under a balanced budget, hence the need for the Jenkins-Conable amendment.

Mr. McCLORY. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. MOORHEAD).

Mr. MOORHEAD. Mr. Chairman, today the simple truths of Adam Smith are coming back to haunt us. We have long known from his "Wealth of Nations" that financial health and stability hinges upon resourcefulness, productivity, self-reliance, and ingenuity. Prosperity does not come by fiat, by law, or by platitude. It is time then that Congress learn the economic facts of life. You do not get something for nothing. Somewhere, somehow, someone pays. But with 20 years of deficit spending Congress is none the wiser for it. We are staring at a trillion dollar deficit that would not go away. Next year we are likely to add more than $100 billion to that figure. I refuse to speculate on what it will be the year after that. Interest alone on the deficit could feed not a country but a continent.

Mr. Chairman, our profligate past has caught up with us. There is ony so much of our future that we can mortgage. We have sold out not only on this generation, but also the next two. Compassion is a fraud when you spend money you do not have. The economic and financial crossroads that we face today is a blessing in disguise. We have to be honest with ourselves and honest with our constituents. We have to let them know that we are prepared to balance the budget and make it the law of the land. By making fiscal responsibility part of the Constitution we give evey citizen the satisfaction and security of knowing that no matter how complicated, how obscure or how convoluted our budget process is, that in the end the debits match the credits.

This concept is so strong, so fundamental, and so appealing that more than 90 percent of the American public is on record as favoring the balanced-budget amendment. Failing this we file for bankruptcy.

I firmly believe that the American public is asking for the discipline, the hardship, and the rewards of a Government that comes to grips with reality. Mr. Chairman, we fought this battle several years ago in the State of California when the people of the State adopted proposition 13. The State has been living within its means for several years. It works and it has instilled a new respect for Government and I firmly believe that we can do the same.

Mr. McCLORY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. FIELDS).

Mr. FIELDS. Mr. Chairman, as a Member of this body for 22 months, I cannot believe what I am hearing from the Democratic side of the aisle in thie debate.

In fact, I am ashamed—because I hear Members on the Democratic side of the aisle saying that this constitutional amendment is a charade—a political gimmick—that the Constitution should not be amended, that we can solve our budgetary problems through legislation and debate in this August body.

Well, I say to the Speaker, to the chariman of the Judiciary Committee, and others of the like persuasion that they are the ones attempting to pull a charade—they are the ones who are deceptive and attempting to mislead the American people.

But, you know, I can understand why the Speaker, the chairman of the Judiciary Committee, and other liberal Members want this constitutional amendment defeated—if this amendment is not defeated, then their time-worn policies of spend and spend even if you do not have the revenues are ended—their grand scheme for a redistribution of wealth in this country

with all of its ivory tower connotations is over, forever.

Those big spenders have not realized that the American people are not dupes, not stooges—in fact, they are wise to your old policies. Policies that have given us a trillion dollar national debt, policies that force us to borrow from private financial markets over $100 billion a year to finance the interest on that national debt, policies that have increased Federal spending in the last 20 years 700 percent, policies that now have the Federal Government consuming 24 percent of all goods and services produced in this country.

So, to the big spenders in Congress, I say your time is come; your policies have failed regardless of all your rhetoric, today we either fundamentally alter our Government for the future and for the better or we continue the policies of the past.

And, if you think that the American people are not smart enough to discern what your true motives are—you are sadly mistaken, and I look forward to working with your replacement next year.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. FLORIO).

Mr. FLORIO. Mr. Chairman, as the House of Representatives prepares to debate the administration's idea for a balanced budget constitutional amendment, it is important that we and all Americans understand the likely result of the proposal.

Supporters of the amendment believe that it is a reasonable response to the public's legitimate demand for restraint in Government spending and an end to Federal deficits. In the Congress I have frequently joined my colleagues in voting for legislation to produce budget surpluses, and place our Government back on a sound financial footing. My support for these balanced budget plans and other measures to reduce spending deficits, is based on judgments that they would help put Americans back to work, provide a fairer tax system, while retaining our commitments to the elderly and disadvantaged.

I find it ironic that this administration, which seeks to leave its successor with a balanced budget constitutional amendment, has 2 years in a row strongly opposed congressional legislation to balance the budget. Instead the administration persuaded the Congress, over my opposition, to enact a program which will add $700 billion to the national debt by 1984. By cutting taxes three times faster than spending, the administration has created record deficits and interest rates, destroying all incentives for economic expansion, and prolonging our national recession. The administration is now trying to disguise the failure of their economic program by seeking a constitutional barrier to future deficit spending.

If the balanced budget constitutional amendment gains speedy approval in the Congress and among the States, what effect would it have if enforced in 1985? Under present projections, the House Budget Office reports that it would require at least $215 billion of spending cuts to pass a balanced budget in 1985.

These cuts would have to come from either social security or national defense, which account for two-thirds of the budget, or from virtually eliminating most other functions of the Federal Government.

For example, in 1985 social security, national defense, and a rudimentary Federal Government will cost about $675 billion under current policies. If these programs were not reduced, the required $215 billion in cuts to balance the budget would have to come from the $262 billion that is left in the budget for all other areas. This means an 82 percent reduction in most Government programs, including law enforcement, housing, education, highways, aid to the handicapped, job training, research and development, small business aid, care for the poor, and disaster assistance.

If no programs were protected, an across-the-board cut of 23 percent in each Government program would be required to balance the budget. This would reduce national defense by $70 billion, social security and medicaid by $60 billion, $6 billion reduction in both unemployment compensation and veterans' programs, and sizable cuts in everything else.

I do not believe that my constituents, and our Nation, support these alternatives.

I am concerned that the administration's support for a balanced budget constitutional amendment is a thiny veiled threat to dismantle the social security system as we know it. Federal discretionary programs, which make up most of Government's structure, have already taken the majority of the enacted cuts, with $75 billion cut in the last 2 years. Furthermore, the administration is opposing all attempts to reduce its $1.6 trillion, 5-year defense buildup. If the administration will not support needed cuts in defense, and most other Government programs have been substantially reduced, social security is the only program large enough where cuts could approach satisfying a constitutional amendment to balance the budget.

Constantly the administration tells the American people that it will not cut social security. But it was only 1 year ago when the administration proposed cutting early retiree's benefits by 40 percent, disability benefits by 30 percent, and everybody else's pensions by 20 percent. This past spring the administration endorsed legislation to immediately reduce social security benefits by $40 billion. Fortunately, the Congress has succeeded in blocking these radical attacks on social security.

The passage of a balanced budget constitutional amendment, however, would create greater leverage to enact drastic social security benefit cuts and push millions of elderly into poverty. I urge my colleagues to consider this issue closely.

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. HUGHES).

Mr. HUGHES. Mr. Chairman, no one can blame the American people—after decades of deficit spending, after electing consecutive Presidents who promised to balance the budget, and after enduring very poor economic conditions over these past few years—for demanding the strongest possible medicine to require balanced budgets.

The proposed amendments before us today holds out the hope that, at long last, the Congress and Executive will be forced to exercise the same prudence in planning the national budget as most people do in planning their family or business budgets.

As simple and forthright as that appeal may be, it will prove to be not only a false hope, but a grievously misplaced one.

First, none of the proposed constitutional amendments before us presents a guarantee that the budget will be balanced any time soon. Indeed, it may be 1985, 1987, 1989, or beyond before an amendment is ratified. In the meantime, under current budget projections, we will see one record deficit heaped upon another, year after year, meaning more Federal borrowing, more Federal debt, more high interest rates, and an even larger and more crushing burden of debt on our children and their children.

Second, there is no guarantee that a constitutional amendment will ever be ratified—especially when the legislatures of the States realize that the amendment will require more than $200 billion in spending cuts if it were in effect in 1985, and that programs that are important and helpful to the States are most likely to be the first to be eliminated to achieve that savings.

Indeed, that amendment would require an across-the-board cut of more than 20 percent in 1985. If we are more realistic, and assume that defense, social security, veterans, and other politically sensitive programs will not be cut, it will require cuts of over 80 percent—that means a reduction of over four-fifths—in the remaining areas, such as mass transportation, highways, wastewater treatment, health, low-income assistance, housing, education, and revenue sharing. When State legislators across the

Nation begin to study these numbers and consider their impact, we may very well see the balanced budget juggernaut come to a screeching halt.

Third, even if the amendment is ratified, it may prove to be either unworkable or unenforceable. In the words of columnist George Will, the amendment could prove to be "98 percent loophole," being the economic equivalent of requiring lobsters to grow on elm trees.

In a not entirely successful effort to be terse, the authors of the proposed constitutional amendment have created more questions than they have answered about how the process will work. Moreover, since the economy by its nature is highly fluid, difficult to forecast, and subject to unforseen emergencies, it would seem that any effort to render economic law—if indeed there is any such thing as economic law—with constitutional clarity is doomed to end in frustration. Many current scholars believe that a truly effective balanced budget amendment would be longer than the original Constitution, and would defy understanding by the average citizen of this country.

And if the language of the amendment proves faulty or inadequate, it can be cured only by retracing the long ratification process which requires a two-thirds vote of both Houses and subsequent approval by legislatures of three-fourths of the States. That could mean months or years of trying to make Government work under an unworkable process.

But last, and most importantly, adoption of a constitutional budget amendment creates the very real danger that the unelected judiciary will be forced to arbitrate the politics of revenue and spending. Do we really believe that judges—who are life tenured and removable from office only by impeachment—should be called upon to decide such purely political questions as levels of taxes, defense spending, food stamps, or social security benefits? Let there be no doubt in this chamber we are making a major restructuring of our system of government. We are realigning power among the three branches.

Should we abrogate to the judicial branch one of the Congress most fundamental responsibilities?

Certainly the framers of our Constitution—Benjamin Franklin, John Madison, George Washington, and others among our greatest political thinkers—would not have thought so. To the contrary, they developed a system of checks and balances among the three great departments of Government and reserved to the elected Congress the political decisions which the courts are ill-equipped to make. Nor did they ever intend for this great document—our Constitution—to become a vehicle for addressing transitory social or economic issues. This is especially true of issues such as balancing the budget where the Constitution itself does not present an obstacle to placing into statutory law the consensus of the American people.

That concensus of the American people is that the budget should be balanced, and that is something we can do now—not 4 or 7 or 10 years from now.

The American people want us to accept our responsibility to get the Nation's fiscal house in order—not pass the buck to some future Congress or administration.

I find it ironic that among the strongest supporters of this amendment are the very same people who have developed and supported the largest deficits in the history of our country. They are the same people who control the White House and ideological majorities in both Houses. I ask you, what is stopping us? What is stopping us from balancing the budget, here, today? It is certainly not the Constitution.

I will tell you what it is that is stopping us. It is reality that is stopping us. We have not been honest with the American people. The American people have been told that we can greatly increase defense spending and slash taxes—with absolutely no compromise on those issues—and still balance the budget. Deficits have been blamed on runaway spending on social programs, when in fact the elimination of all social spending outside of social security would not erase the types of deficits that are now projected for 1985 and beyond.

The balanced budget amendment is not old wine in a new bottle. It is not even new wine in an old bottle. To call it snake oil would be too kind. It is just an empty bottle—an empty promise, a fraud on the American people.

With the housing and automobile industries today in a virtual depression, other business troubled by near-record bankruptcies, 10-percent unemployment, and our Nation's farmers gasping in an economic dustbowl, this is no time for empty and ineffective remedies.

We have an alternative—even if we fear that Congress will never have the discipline to pass a balanced budget—we can enact an amendment to the Budget Act to require balanced budgets on the same terms set forth in the proposed constitutional amendment. I, along with my colleague from Illinois, Mr. HYDE, have proposed such a bill, as have others among our colleagues.

That legislation can be enacted far sooner, be far more comprehensive, and be far more effective, than an uncertain, vague, and possibly unenforceable constitutional amendment could ever be.

Unlike other transient efforts to legislatively require a balanced budget, our proposal has teeth. Because it is an amendment to the Budget Act, just one Member of the House and Senate with an objection would be sufficient to block consideration of an unbalanced budget.

I hope my colleagues will reject this deceptive, dishonest and potentially destructive constitutional amendment.

I know that it will take some courage, because the elections are just a few short weeks away, and the American people have been told that this amendment will solve the problems of our economy that all of us have been struggling with.

But you know better. In your heart, you know that even if this amendment is approved and works, we will still see years and years more of deficit spending—years that we could change if we have the courage.

Over 200 years ago, Edmund Burke described our role. he said:

> Your representative owes you, not his industry only, but his judgment; and betrays you instead of serving you if he sacrifices it to your opinion.

Let us not betray the American people. Let us vote this amendment down, and then get on with the tough decisions that are required here and now, not years from now.

□ 1310

Mr. RODINO. Mr. Chairman, I yield 30 seconds to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Chairman, I am firmly committed to reductions in in Government spending and have an established record of voting strongly in favor of fiscal responsibility. A balanced budget is desirable. However, I am not supporting the vehicle of a constitutional amendment.

Congress and the President presently have the full contitutional authority to balance the budget; and it is my strong belief that economic policies should be decided by the process which is already part of the constitution, where the majority consensus rules. History shows that the amendment process has almost always been used to correct discovered faults or to protect against Government infringement of fundamental rights. The only exception was the 18th amendment imposing prohibition which was later repealed by the 21st amendment. If the concern is with spendthrift Members of Congress, the appropriate remedy is not a change in the constitution but more self-disciplined elected officials.

Second, the proposals under consideration today ignores the fact that the Government does not know its "income" until all taxes are paid at the end of the year; yet "bills" must be regularly paid during the year.

Third, this proposal specifically allows for overriding the balanced

budget if a three-fifths percentage of the Congress agrees. In my judgment, a rule which requires such careful attention to its "exceptions" should not be made a part of our Constitution. Put another way, a minority of 174 will determine fiscal policy. If such a super majority were to be required, for example, the President's programs could not have been adopted. There are many circumstances where this same minority could paralyze the fiscal policymaking process.

In addition, such an amendment could shift budgetmaking authority from the legislative and executive branches to the judiciary. My colleague (Mr. HUGHES) has made this case most cogently. Judiciary now has virtually no role in raising taxes and allocating revenues. However, judiciary would invariably be pushed into the budgetary process to enforce an amendment in the event of congressional failure to comply. I maintain that not only is judiciary not equipped to intervene in this area, but it would serve to gravely undermine the congressional lawmaking process.

Finally, I am reluctant to support such an amendment because there is every possibility that the Congress would budget by regularly increasing taxes with simple majority.

Rudolph G. Penner of the American Enterprise Institute, a well-respected Conservative Research Institute, said it best when he testified before the Judiciary Subcommittee:

> If the political will to limit budget growth does not exist, constitutional limits will not do much good and they could do a great deal of harm. If the political will to limit budget growth does exist, constitutional amendments are not required.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. BARNES).

Mr. BARNES. I thank the distinguished chairman of the Judiciary Committee for yielding me this time. Mr. Chairman, I rise in strong opposition to House Joint Resolution 350, the Conable-Jenkins constitutional amendment, and also in opposition to the Alexander substitute. A constitutional amendment is not the proper way to deal with the fiscal policy of the United States. We cannot lock certain economic assumptions and formulas—which may be popular today—into the basic governing document of our country. These kinds of decisions are properly made through strict enforcement of a budget process which, while it has demonstrated weaknesses, can be corrected to bring about greater discipline and responsibility from Congress and the President.

The Jenkins-Conable constitutional amendment is a totally irresponsible legislative vehicle which would not only fail in its basic intent of balancing the budget, but would create a drastic realinement in our basic constitutional system by letting the courts decide basic matters of economic policy and giving the President an item veto on legislation passed by the Congress. The Alexander constitutional amendment moves in a much more constructive direction, such as requiring the President to submit a balanced budget, and requiring Congress to enact one as well. But its provisions are much better suited to a balanced-budget statute which could be enacted promptly by the Congress and signed into law by the President, without the delays a constitutional amendment entails of waiting for ratification by three-fourths of the States. I regret that the gentleman from Arkansas felt it necessary to couch his proposal in its present form, which merely counters one misguided constitutional amendment with another.

I am a cosponsor of H.R. 7123, a balanced budget statute introduced by Budget Committee Chairman JIM JONES of Oklahoma, which I think is the kind of proposal Congress needs to take up quickly next year. It strengthens the Budget Act and uses the rules of the House and Senate to strengthen budget discipline by requiring a three-fifths vote to waive agreed-on spending and revenue levels. It allows the flexibility that Congress and the President need in responding to changing circumstances.

There are other constructive balanced budget statute proposals pending before the Congress. It is high time to reject the political posturing behind these phony constitutional amendments and enact a statute which will actually work to accomplish the goal we all want—better control of the Federal budget.

Mr. RODINO. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. REUSS).

Mr. REUSS. Mr. Chairman, ordinarily a Congress can do things on its last day which may be foolish, but which have no long-term ill-effect. They can always be repealed by the next Congress in a few months.

But that is not true of the balanced budget amendment now before us. If two-thirds of the House follows President Reagan and votes to pass it today, the Senate has indicated that it is geared in and will wave it through. It then goes to the 50 States for ratification by three-fourths of them. Perhaps ratification will be accomplished within a few months. Perhaps it will take 3 or 5 or 8 years. Perhaps never.

But one thing is clear. If we pass this amendment today, we are forging a "Sword of Damocles" which will hover over and threaten the United States all through the rest of the 1980's. From here on out, it will always be an imminent possibility through the decade that—an almost impossible 60-percent majority vote excepted—Congress can respond to a recession only by making it worse. The present deficit is caused in the main by a recession. Under the amendment, this recession, or a successive recession and its resulting superdeficit, could be met only by raising taxes and lowering expenditures, which would have the effect of increasing the recession and the deficit, requiring further tax raising and spending lowering, a worsened recession and a worsened deficit, and so on ad infinitum until this great democracy, by the free act of its elected representatives, finally sinks forever beneath the waves.

What will happen if we pass the balanced-budget amendment today? I will tell you.

After a weekend of champagne toasts and mutual congratulation by the proponents the sober businessmen and bankers who operate our Nation's economy will take a look at the unguided missile we have launched. Businessmen will reasonably enough observe that in a climate where at any moment Congress may be forced to turn a recession into a depression, expansion, and capital investment are futile, and retrenchment is the only course. Bankers will reasonably observe that long-term lending in such a climate is risky, and the Nation's credit should therefore concentrate on short-term credit to the speculators.

The recession, instead of improving, will deepen. The 7 years of euphoria to which proponents of the amendment confidently look, will turn into a lost weekend, followed by a splitting hangover which will begin, next Monday morning.

Do not say I did not warn you.

Mr. McCLORY. Mr. Chairman. I yield 1 munite to the gentleman from Florida (Mr. BAFALIS).

Mr. BAFALIS. Mr. Chairman, I have waited almost 10 years for this moment, because it was almost 10 years ago when I came to this body and was appalled to find that we had a national debt of some $457 billion. The very first legislative action that I took in this Chamber, the very first measure that I drafted, was a constitutional amendment to prohibit deficit spending. Since that time the national debt has gone from $457 billion to $1,100,000,000,000 on the 27th of September of this year. And it is an increasing debt that will continue unless we pass this resolution.

I have listened to my colleagues on the other side of the aisle talking about this Congress setting priorities. This Congress has failed to set priorities during the 10 years that I have been here because we are not required to restrict our overindulgence. We never have to say no to those people who come and petition this Congress. We say yes and yes and yes, and then we go home for election and we say,

"We supported your bill and your appropriation and the money that you wanted," and we get reelected time after time.

The time has come to tell America that we are really serious about bringing about sensible spending to this Nation. After all my years in the Congress, I am convinced this resolution is the only real hope for fiscal sanity in America.

□ 1320

Mr. McCLORY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. COLLINS).

Mr. COLLINS of Texas. Mr. Chairman, the last time that our country had a balanced budget we were spending about $184 billion. That was about 12 years ago. But the interesting thing was that with a balanced budget the country only had 3½ percent unemployment.

Well, now we are spending $750 billion, and we have about 10 percent unemployment. And what happened is that as Congress puts more and more of the Nation's money into the Government operations, we have less and less capital money available for private enterprise to create jobs. What America needs today is to let more money go into private business, private enterprise, to create more jobs for America.

And the way you can do that is when America has a balanced budget. Balancing the budget is the most essential, the top priority that faces Congress today.

I stand in strong support of the balanced budget amendment. The Congress has been unable to discipline itself and its spending habits over the last 20 years as evidenced by the fact that we have not come close to a balanced budget since 1969. The Federal budget has been balanced twice since 1960 and during that time our deficits have accumulated to an amount equaling half our national debt which has exploded over $1 trillion.

It is clear that the current budget process is inadeqaute to keep the Congress from spending this country into bankruptcy. The American people are tired of reckless Federal policy that deflates their doliars and causes their interest rates to soar. People in Texas see that Federal spending rose from $92 billion in fiscal year 1960 to projected outlays of $769.8 billion in fiscal year 1983. The jump in Federal outlays between 1970 and 1980 alone amounted to an increase of 194.7 percent. In my travel around Texas, people tell me they are tired of working for the Government from January through June just to pay their taxes. It is time to balance the budget—the way to do it is House Joint Resolution 350.

Let us talk about why we need the balanced budget amendment. House Joint Resolution 350 does two things. First, it requires a balanced budget—Congress cannot engage in deficit spending unless three-fifths of both Houses agree to a specific excess of outlays over receipts. Second, the amendment controls the growth of Federal spending by requiring that outlays not exceed receipts. The Heritage Foundation describes the effects of the lack of a spending limitation on Congress in the following way:

> Without a spending limitation, Members of Congress can accommodate one spending interest and gain political capital without reducing other spending programs and facing political disadvantages. The political costs of excessive spending are deferred, resulting in high inflation (if the debt is monetized), huge deficits, and higher taxes, while the political benefits of the spending are immediately appreciated by those affected by the program and the Congressmen who support it. By the time the negative effects are visible, it is possible that those responsible for the harm may have already left office. A similar process occurs through the progressive tax structure, because inflation and economic growth automatically generate more revenue without the need for a potentially unpopular tax increase.

We need the discipline of the balanced budget amendment because of what budget deficits are doing to average Americans. For instance, uncontrolled spending and giveaways has driven food stamp outlays up almost 20,000 percent from 1970 to 1983. HUD subsidized housing outlays increased over 1,517 percent in the same period. Federal outlays soared from $195.7 billion in 1970 to $731 billion this year. Those outlays increased over 10 percent in the last year alone. Look at what this spending has done to the deficit—which drives up interest rates as the Government borrows money in private markets to finance its overspending. The deficit has zoomed from $2.8 billion in 1970 to over $100 billion this year. Continual spending has driven the United States' debt from $382.6 billion in 1970 to $1.1 trillion today. The debt increased 139 percent between 1970 and 1980 alone and was up 13.3 percent this year from last. Taxes have also gone up to the point of breaking Americans' backs to finance the free-spending Congress. Individual Federal income taxes increased from $90.4 billion in 1970 to $244 billion in 1980 and will be $298.6 billion this year. Total taxes—capital taken out of productive use—have grown from $192.6 billion in 1970 to $631.7 billion this year. People have had it and are ready for this Congress to rein itself in so they can continue to make ends meet, to say nothing of pursing the American dream.

Let us look at what free spending in Congress has done to the financial position of average Americans. The tax burden on individuals and families has grown out of control to finance the Federal budget. The two-wage earner family of four with a median income has seen their tax liability more than double from $1,074 in 1970 to $2,717 this year. Those taxes increased 133.7 percent between 1970 and 1980 alone. The President brought taxes down for the first time in years this year—by 4.2 percent—in his administration's attempt to bring this country back to economic health.

Interest rates, which are driven up by hugh Federal deficits, are killing people: homeowners, farmers, small businessmen—everyone. Interest rates are kept high as the Government goes into the capital markets to finance itself and then has to go back to the markets for money to pay its interest on the gigantic debt it continues to pile up and saddle on the American people. Interest rates rose from 6½ percent in 1976 to 21½ percent in 1980. The President's economic recovery is beginning to cause the rates to moderate—they stand around 13 percent and must still be brought down. During the free-spending years of the 1970's interest rates went up 150 percent. They are down 37.2 percent from last year, however, as we begin to turn the trend toward big Government around.

High interest rates have just about killed average homeowners and made it nearly impossible for young people to buy a home. In 1970, when rates were around 8 percent, the monthly mortgage payment on a $21,000 loan was only $169.00. By 1980, interest rates had soared to 12.5 percent. With such a rate, a $48,400 loan now required to buy a price-inflated home resulted in a monthly mortgage payment of $523.69 for 26 years. This year, that mortgage payment would have been $615 a month. We must control spending with a balanced budget amendment to bring these rates down permanently.

Farmers, too, have been hard hit by interest rates caused by congressional red ink. They cannot afford to purchase equipment, buy fertilizer, and even keep their land to retain their farms. In a recent phone-in to Members of Congress sponsored by a major agricultural organization, farmers told of how the economy was affecting them. Seventy-four-percent reported cutbacks in equipment purchases, 49 percent were cutting back on fertilizer, 42 percent were reducing fuel consumption and 39 percent were buying less pesticides and other chemicals. We must not allow Federal deficit spending to crush American agriculture.

It is often argued that a constitutional amendment is unnecessary to achieve budgetary control. These critics say that a statutory requirement would be sufficient. They are wrong. The Federal Budget Control Act of 1974 required a balanced budget in 1981, yet there was a deficit of $57.9 billion that year. The liberal spenders

have already targeted the provision in last year's tax bill that requires the indexation of tax rates to eliminate bracket creep. Big spenders can always repeal statutes; what we need is a binding spending limitation.

I urge my colleagues to join me in working for the relief of Americans who are fed up with deficit spending and expect Congress to be as responsible with the Federal budget as they must be with their own.

I am hopeful we can achieve swift action on House Joint Resolution 350.

Mr. RODINO. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. DOWNEY).

Mr. DOWNEY. Mr. Chairman, it has been asked before, and it needs to be asked again. Mr. President, where is your balanced budget? When he was here not 2 months ago with a rally in the Capitol he said this is an emergency situation, we need a balanced budget right away, but not during his administration, because what he is doing is giving us the biggest deficits in the history of the Republic.

There are four principal reasons why one should vote against this. One, it has been talked about ad nauseam, this is not going to work. It is too cumbersome, it can be gotten around. No. 2, yesterday we saw the leading economic indicators were going down. On October 8, the worst kept secret in America will be news for all Americans, and that is we will have 10.1 or 10.2 percent unemployment.

Now, the President does not want people on election day focusing on the failure of Reaganomics. I do not blame him. I would not want to campaign just on hope. That runs out after a while. He would prefer some billowing smoke, the smoke of this amendment, to obscure the reality of what his economic plan is doing.

Do not be fooled. Economically there is another very good reason to vote against this.

We have goals in this country for our economy, full employment, stable prices, economic growth. That is achieved sometimes with a balanced budget and sometimes without a balanced budget. Let us not obscure the goals with one of the tools of economic policy.

And lastly, if anything is important to us in this Chamber, it should be the Constitution of this country. It is the foundation of the Republic. To chip away at that foundation for partisan political gain in an election year is worse than demagoguery. Let us reject it. There are a lot of good reasons. And let us have this October 1 be recorded as the day when the American people were served well by their Representatives in Congress.

Mr. McCLORY. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. SILJANDER).

Mr. SILJANDER. Mr. Chairman, the ability to change the Constitution is what has allowed America to grow, and to survive.

As Thomas Jefferson said:

> Some men look at the Constitution with sanctimonious reverence, and deem it like the Ark of the covenent, too sacred to be touched. They ascribe to the men of the preceding age a wisdom more than human and suppose what they did to be beyond amendment. * * * I am certainly not an advocate for frequent and untried changes in laws and constitutions. But, I know also, that laws and institutions must go hand in hand with the progress of the human mind. As it becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also and keep pace with the times.

It is not important whether we change or amend our Constitution as long as we never change or amend the spirit of intent behind the founding of our Nation.

They had not way of seeing these deficits, nor did they fortell of the individual income tax, but they did know that big government, and a government that taxes at a confiscatory rate was a danger to a free society. Economic conditions have proved their fear of big government correct.

Let us not hesitate to change our Constitution to maintain the strength and spirit intended by our Founding Fathers and pass this constitutional amendment.

Mr. Chairman, a number of knowledgeable publications and journalists have expressed their support of House Joint Resolution 350 the tax limitation-balanced budget constitutional amendment. For example, Barron's editorialized "that the balanced budget amendment would be a long overdue check to the 16th amendment, which spawned the income tax. As a political device * * * the amendment would give the House and the Senate a reason to say no to powerful constituencies calling for more and more spending."

William Safire, the distinguished columnist of the New York Times, wrote that with the amendment in place:

> The fear of whopping deficits will be replaced by a constitutional requirement to eliminate any deficit, whopping or not. The classic battle between the Welfare State and the Skinflint State will be fought out as a matter of course each year, bringing a long-over due discipline to what is now a chaotic process.

William Murchison, columnist for the Dallas Daily News, commented that—

> When something works, you leave it alone. But when it doesn't work—as the budgetary process doesn't, else we wouldn't have perennial and growing deficits, then you change it.

Robert Walters, nationally syndicated columnist for the Newspaper Enterprise Association, called the amendment an "eminently sensible concept" and "an idea whose time has come."

Walter Williams, the noted economist and author, commented in his syndicated column:

> The long run solution for our problems is a constitutional amendment limiting government spending. What we really need for next year is a hard and fast limit of say $600 billion on federal spending. That way Congress will have a bottom line, and the spending constituencies can fight it out.

The Wheeling (West Virginia) Intelligencer editorialized:

> We don't like tampering with the U.S. Constitution. But it has reached the point here where a constitutional amendment may be the vehicle necessary to ensure a stable economic future for the United States.

The Springfield (Missouri) News editorialized:

> If a Constitutional Amendment requiring a balanced budget is necessary to get the job done, then let it be done. If the Congress is ready, it's a safe bet the states are ready.

In 1924, Treasury Secretary Mellon said:

> In so far as this government is concerned, its policy has been to keep its own house in order, to maintain the gold standard unimpaired, to balance the budget and to carry out a reasonable program for the orderly liquidation of the war debt.

Barron's pointed out, each of these tenets was abandoned:

> Gold money was replaced by irredeemable paper, a balanced budget by chronic imbalance and the paying down of debt by its constant expansion. This year the voice of the people can be heard in Washington. It is saying: Enough.

Mr. McCLORY. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. HILER).

Mr. HILER. Mr. Chairman, in 1789, our country adopted the Constitution of the United States. Its purpose was to limit the scope and power of the Federal Government in order to preserve the rights of its citizens. It was drawn from a philosophy that cherished freedom.

One hundred and ninety-three years later, we are debating a resolution that seeks to limit the powers of this Government to inhibit our economic freedom through unrestrained spending and taxation. We discuss this in the shadow of a $1 trillion debt that will be the burden of several generations. We discuss it in view of a level of taxation that denies the rights of our workers to use their wages as they so choose. We will vote on it recognizing that past economic policies have devastated our economy with high inflation, high interest rates, and low productivity.

The line that divides political and economic freedom is barely perceptible. To allow the economic policies of a centralized government to control the allocation of dollars others earn;

to control the dollars of future generations because of unreasonable debt, is to limit the free choice of us all. Our country has everything to do with free choice, Mr. Chairman, and should have nothing to do with centralized control. That is why we have a Constitution and that is why this resolution to balance the budget is appropriate.

Less than 2 years ago, we began the long, hard process of restoring our economy so that our citizens could again be free to participate in it as they saw fit. We did so by seeking to curb the Govenment's involvement in the free market system by its insistence on deficits and taxes. The signs of our success are apparent, and so are the hardships of past policy failures. Yet, our return to a free and prosperous economy has begun and will continue if we adopt the resolution that is before us today and that has been endorsed by 31 States. It is not a cure-all, but it is an important limitation.

Mr. McCLORY. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. COLEMAN).

Mr. COLEMAN. Mr. Chairman, today marks a historic moment for our Nation. After years of struggling to bring a constitutional amendment to balance the Federal budget to the floor of the House of Representatives, we have finally arrived at this important juncture. When the debate on this resolution ends and the fiscal vote is counted, I believe we will have taken the all important first step in the constitutional amendment process.

There are some who say we should not pass any constitutional amendment to require a balanced budget today—or any day. The question is not "if" but "when" we will have such an amendment and in "what" form. Let me remind my colleagues that if we do not act there is a very great possibility of enough States calling for a Constitutional Convention. What kind of product would emerge from a Convention? What other issue would the Convention delve into?

It's very simple. We, the elected Members of Congress have our jobs to do.

We should take the responsibility.

We should draft an amendment.

We should pass it.

We should submit it to the States for ratification.

To those of you who still question the need for this resolution, please take a look at our Nation's sorry record of deficit spending over the past two decades. This fact alone stands as ample evidence that this constitutional amendment is long overdue.

Many economic experts agree that our present economic problems are the direct result of the imprudent fiscal policy of the past. Deficit spending year in and year out has dug our Nation's economy into a deep hole out of which we are presently struggling to remove ourselves. The average American realizes this only too well. It is no coincidence that three out of four Americans believe that the balanced budget principle must be written into the constitution.

The amendment we are presently considering has been the subject of careful and deliberate study. It is drafted in a responsible manner. It purposely closes loopholes which might have led to it being ignored. Yet, at the same time, this resolution provides the safeguards and flexibility needed to protect our Nation during times of true national emergency. Because of this, I feel that any attempt to water it down here on the floor must be defeated.

House Joint Resolution 350 provides the much needed fiscal discipline that our Government has for so long lacked. For this reason alone it deserves our support. Therefore, I urge my colleagues to join me in supporting this measure which puts the Government back on the road of fiscal responsibility.

Mr. McCLORY. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CLAUSEN).

Mr. CLAUSEN. Mr. Chairman, I rise in support of the bipartisan supported balanced budget-tax limitation constitutional amendment, House Joint Resolution 350. I am an original cosponsor of this joint resolution and joined my colleagues on both sides of the aisle in signing the discharge petition which succeeded in bringing this measure to the floor of the House today.

This amendment is not a panacea for the economic problems of this Nation and there are many differing prescriptions for overcoming these problems—however, it is my firm belief that the persistent high rate of unemployment, the still unacceptably high rates of interest and escalating public debt are directly or indirectly related to the fiscal policies and practices of the Federal Government. This proposed amendment addresses a serious spending bias in the present fiscal process—it would restore the traditional link between spending and revenues—it will provide the safeguards which are necessary to prevent the balance from being achieved on the backs of the taxpayer or the State and local governments.

Mr. Chairman, the American people strongly support a balanced budget amendment—we have had only one balanced budget in the last 22 years. The Federal budget is out of control and unless this amendment is approved, the States will take the matter in their own hands. Thirty-one States have already adopted resolutions calling for a Constitutional Convention to consider a balanced budget amendment if we fail to respond.

House Joint Resolution 350 represents both responsible economic policy and responsible constitutional policy. Passage of this resolution would constitute an appropriate response by the Congress to the adopted resolutions by nearly two-thirds of the States for a Constitutional Convention on this issue. Adoption of this amendment as a part of our Constitution is imperative to the future economic well-being of this great Nation—it is constructive, credible, and commonsense.

The CHAIRMAN. The Chair will inform the gentleman from Illinois (Mr. MCCLORY) and the gentleman from New Jersey (Mr. RODINO) that both have 11½ minutes remaining.

PARLIAMENTARY INQUIRY

Mr. McCLORY. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. McCLORY. Mr. Chairman, will the final time be allocated for the proponents on this side?

The CHAIRMAN. The final time will be allocated to the gentleman from New Jersey (Mr. RODINO).

Mr. McCLORY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. LUNGREN).

Mr. LUNGREN. Mr. Chairman, there has been a lot of talk now about the amendment being a smoke screen, something we ought to be afraid of. It has almost become the political bogieman. So I made sure we have a chart here that expresses word for word what we are talking about, so that no Member can go home and say when this debate is over, "I didn't have an opportunity to know what I was voting on."

It is rather discouraging to find in the debate that has gone on that we have had three Members here castigate the idea of having a constitutional amendment to a balanced budget, when those three Members have been cosponsors of this provision for some time.

What does that say? Do we become cosponsors without looking at it? Can the excuse be that it has been so changed since first introduced that we no longer support it?

Well, of course we know that is not true, because this is word for word, paragraph for paragraph, period for period, as it was originally introduced.

□ 1330

I would suspect that those who are not supporting it now will have to explain why they have had a change of faith here.

One point that was just made by one of the previous speakers is extremely important and that is this. Do we think that the Constitutional Convention that will surely come about if we do not pass this amendment will do a better job than we can do, than the

U.S. Senate and the House of Representatives can do? That is the real issue before us.

You know we only need two or three more States to tell us to go to the Convention and we go to the Convention. We have no rules to govern such a convention. We have no idea who will be there. We have no idea what the form is going to be.

So the question is: not really do you think we need a constitutional amendment. The people are demanding it. The people are going to require us to go to the Convention.

The question is: Will we do our duty now and come up with the best vehicle as we see fit, or will we give up on it and say to the people, "Don't trust us in the House and the U.S. Senate. Go to a Constitutional Convention to do the job that you think must be done."

That is the real question that must be answered today.

Mr. RODINO. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Mr. Chairman, it is regrettable, but I think appropriate, that we are taking this up on the last day of the session before the elections.

It is symbolic, I think, of the legislative shortcuts we have taken during the session, and the failure to deal with the economy in real terms, instead of trying to find simple answers to very complex problems.

It is symbolic of our disregard of our own legislative duties in carefully considering proposals that come to the floor.

And I think it is symbolic of an attitude that says that we can fool all the American people all the time.

The public must wonder how serious are we about trying to deal with their problems now. We are debating an amendment that if ever ratified will not go into effect for 8, 9 or 10 years. They need answers now.

They are worried about record unemployment now.

They are worried about record bankruptcies now.

They are worried about record deficits in this country now, not 9 or 10 years down the road.

They are tired of promises. They are tired of simple answers. They are tired of the snake oil. They want us to roll up our sleeves, make the tough decisions and get to work.

Balancing budget proposals are old chestnuts in the budget process. The prior administration promised a balanced budget in 1982. It did not happen.

This administration promised a balanced budget in 1984. It did not happen.

This amendment promises a balanced budget sometime within the next 8 or 9 years. It is not going to happen then.

There are ways around this kind of amendment through the use of capital budgets and taking whole sections of the budget and putting them off budget.

We know that to deal with these problems it takes courage on day-to-day votes. That is where the answer lies. It takes courage for a President to offer a proposal to this Congress that balances the budget. That is where courage lies. That is where the answer lies.

We are not fooling anybody. There are, and I will introduce into the RECORD, hundreds of editorials from across this country that denounce this amendment as a fraud. They are from Texas and from North Carolina and from New York and from papers in small towns across this country. They can see through this.

I know that in an election year there is a tendency for us to act like a lynch mob, to try to find somebody to hang, to blame somebody; but very frankly, what the people want today is for us not to find somebody to blame, but to find the courage to try to make the tough decisions that will produce a budget that is responsible for this country now.

Mr. McCLORY. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Chairman, I thank my colleague from Illinois for yielding to me.

Mr. Chairman, the issue of amending the Constitution of the United States is the most important the Congress can address. Unlike normal legislation, amendments to the Constitution alter the fundamental structure of the Government and its relation to the people.

Therefore, I believe that we should pause in the heat of this debate and think very clearly about an amendment which would, in the words of my distinguished colleague from New York, "create the presumption of a balanced budget." We should pause to consider the implications of this amendment upon the Constitution and the Government of the United States.

To begin with, there are three fundamental questions which we must answer. First, is a balanced budget a proper goal of economic policy? Second, is a constitutional amendment the proper manner for achieving a balanced budget? And third, what are the merits, if any, of this particular amendment?

Is balancing the budget—all other things being equal—a desirable goal? Of course it is. The idea that the Government should make good its debts is a good one. Many have commented that during our greatest periods of national progress we have had a balanced budget. I agree. I submit, however, that balanced budgets are the result of proper economic policy—not the reverse. Therefore, those who earnestly desire a balanced budget must also provide the means for achieving it. I submit that it was the broader economic policies of a stable currency, and low tax rates, and fiscal prudence that brought about the prosperity which in turn balanced the budget during our periods of national prosperity.

I ask my colleagues to remember that a budget be balanced with the Fedeal Government absorbing anywhere from zero to 100 percent of the Nation's annual resources. Moreover, in a $3.5 trillion economy, a deficit of $100 billion means one thing if the total Federal claim on resources is $800 billion, and another thing if this claim is $600 billion. My point is that a misleading accounting balance is not the overriding goal of public policy.

Second, is a constitution amendment the proper manner in which to achieve a balanced budget? Our constitution sets forth the basic principles of our people and the fundamental rules by which they will be governed. In essence, it provides the basic goals and framework for governimg the Nation and leaves the choice of individual tools to the wisdom of those elected by the people.

The Founding Fathers believed very much in fiscal responsibility. They dealt with the same issues we are dealing with. But they did not write a balanced budget into the Constitution. Why not? Because they did not believe the Government should never borrow—but, rather that the Government, when it did borrow, should do so for a useful purpose, and should repay its creditors in full.

We do not write into the Constitution the exact level of national resources to be used or directed by the Federal Government, even if we have very strong ideas about it. We do not set out the mix of purposes to which these resources are to be put. We do not do this because to do so would make positive change and flexibility a virtual impossibility. There is no question that by not specifying these things, we leave the discretion of Congress open to abuse. But this is unavoidable if we are to leave discretion for the public good.

Placing a balanced-budget limitation within the Constitution is no different from prescribing these other economic constraints. If we as a nation are so weak as to need a constitutional straitjacket to prevent abuse, then we are too weak to benefit from such a straitjacket. If we were ever to reach that point, budgetary imbalance would not be the greatest of our problems.

Third, we are not dealing with the question in the abstract. We are not called upon to vote upon whether it is desirable to balance the budget, nor whether a constitutional amendment is the best method. We are asked to

cast our votes about a specific plan. Let us consider how this plan would work.

According to the amendment, Congress must first adopt a budget resolution in which outlays equal receipts. An unbalanced resolution can be adopted by three-fifths of all Members in both Houses—not just those present, which means it takes 261 votes in the House, rather than a majority of 218.

Next, the amendment says:

> The Congress and the President shall, pursuant to legislation, or through the exercise of powers under the first and second articles, ensure that actual outlays do not exceed outlays set forth in such statement.

This has raised some serious questions about the executive power or impoundment.

Next, the amendment says, total receipts must not increase faster than national income. The problem is that national income is not defined, so that monkeying with the definition could create all sorts of problems.

It mentions outlays, but not borrowing and off budget loan authority—this I believe is a fatal mistake in the budget process of the amendment.

To raise taxes faster than the rate of increase in national income requires a majority vote of both Houses, on a bill directed solely to approving a tax increase. To raise outlays over receipts needs three-fifths.

Consider some flaws in the way this would work.

In making outlays equal receipts in the resolution, the numbers depend enormously on economic assumptions. One of the easiest things to do is to change the economic assumptions, or not to change them when the economic outlook changes. We have seen a lot of that lately. Even if this is not the case, the odds of being on target with economic predictions, as we have repeatedly seen, are very slight.

If outlays exceed receipts, Congress will face a showdown vote. But actual spending—outlays—is the last step in a long process which includes legislating entitlements, signing contracts, and so on. The outlay crisis is likely to arise in the last month of the fiscal year. At that point, the alternatives will be few and unfortunate. Shutting off entitlement programs, or shutting down other programs, for a month will not be practical.

The most likely alternatives, therefore, are: First, shutting down defense outlays; or second, raising taxes. Defense will account for more than three-quarters of discretionary outlays by fiscal year 1986, and the easiest thing to do is hold off payment and delivery on replacement equipment, ammunition, and so on. The Carter administration pulled that frequently, with disastrous results.

Raising taxes would be faster. As a rule, revenue changes can be effected more quickly than outlays. So the showdown vote might well be between raising taxes or voting for a deficit. And on this crucial point, under the amendment, it would take 44 fewer votes to pass a tax increase—more than the margin of difference on most budget votes.

This hardly exhausts the constitutional, economic and technical implications of the amendment vote. To place the total debate in its full perspective for the long term. I would like to set forth a number of these for my colleagues.

The amendment could result in a massive transfer of power to the Federal courts in the spending area, since important terms, such as national income, are not defined in the amendment. The possibility of last-minute reductions in entitlement programs at the end of the year would virtually guarantee that the Federal courts would be brought into deciding Federal spending issues.

The balanced budget amendment makes the deficit the primary focus of fiscal policy. In the past few years we have made extraordinary gains in restoring economic growths to its rightful place among the goals of the Nation. In the 1980 election, the American people showed their overwhelming support for policies leading to investment, job creation, and increased real incomes. To accomplish these goals they were willing to take the risk of some short-term deficits—deficits largely created by the built-in spending requirements of past Congresses—in order to increase the ability of the Nation to support the Government.

Many people are concerned particularly with deficit spending at present because of the high level of nominal and real interest rates. However, we now have come to realize the large role of the present monetary policy in this condition; and the attention of Congress needs to be focused on monetary policy if there is to be any hope of reducing interest rates. Passage of the balanced budget amendment will take the focus of monetary policy as the primary problem with the financial markets and interest rates.

By making it easier to raise taxes than to run a deficit, the amendment is contrary to how economic theory would teach us to structure incentives. Taxes can be raised by a majority vote while a deficit requires a 60 percent vote. In the House it would take 44 fewer votes to pass a tax increase.

Federal borrowing to cover a deficit is bad for the economy because it diverts a portion of private savings away for capital formation to enabale the Government to gain command over a portion of its current output. Taxing also enables the Government to have at its disposal a portion of current output. Both borrowing and higher taxes come directly out of private savings. However, while taxation reduces the resources available for capital formation, it also reduces private savings and produces disincentives which adversely affect future output.

While the amendment presumably includes off-budget expenditures in total outlays, the impact of the amendment is limited to direct Federal outlays. It does not limit Federal loans or loan guarantees. It also ignores direct expenditures mandated through Federal regulation.

The amendment may result in more credit programs and more expenditures for the private and State and local sectors through regulation. This is a more harmful form of spending since it is concealed from the American people. It is also much harder to measure these mandated expenditures and the harm they do to the economy. The big spenders are too clever to let themselves be shackled by this amendment.

The amendment only requires the Congress to adopt—a balanced budget. This has been done before in the regular budget process, for example in 1980. But by the end of the fiscal year we have had large deficits. Mild economic fluctuations can have a major impact on the deficit. There is no way to anticipate accurately.

With personal income tax rates indexed for inflation, it is highly likely that Federal spending commitments will outstrip revenues as much of our current spending programs were designed with inflation induced revenue increases in mind. At the beginning of each fiscal year an unbalanced budget would likely lead to a long series of tax increases regardless of the economic situation faced by the economy. The economic harm done by these tax increases would place the Nation in a never ending spiral of spending and taxing which would be locked into the Constitution.

In the current year, a major part of the deficit has come from the recession, both from reduced revenues and increased spending. Much of the deficit was unexpected at the beginning of the fiscal year. Under the amendment, which requires that outlays not exceed the original estimate the Congress would have been forced to reduce spending in the current year. This would pose a terrible dilemma.

Federal spending which is both appropriated and spent in the current year is spending for transfers to individuals either as salaries or benefits. It is unimaginable that social safety net spending would be reduced in the face of recession. The majority of Federal personnel costs are for military personnel and cannot be reduced without impairing national security.

Other Federal outlays occur as the result of longer term commitments. To

reduce these outlays would require breaking of legal obligations, international agreements or other firm commitments. While this course could conceivably be taken, it would be only with grave damage to the prestige of the U.S. Government. Moreover, by the time the amendment could be in effect, 76 percent of all discretionary Federal spending will be for national defense. Thus, enactment of the amendment would place national security at the mercy of economic forecasting and fluctuations.

As I mentioned earlier, major technical error in the amendment is the omission of any control on Federal credit activity. The Congress has been particularly adept at hiding Federal spending off the budget in the guise of credit programs. These occur both as direct loans, usually at rates of interest below those paid by the Treasury, and as loan guarantees which alter the pecking order for credit assigned by the marketplace. Moreover, in some cases, such as guarantees to the World Bank, these credit allocations are removed even from the nonbinding credit budget. Under the proposed amendment these hidden expenditures would surely become the lions share of Federal spending.

The amendment could inhibit necessary defense buildups. Although the amendment allows the Congress to waive the provision for a balanced budget in any fiscal year in which a declaration of war is in effect, it would not allow such a waiver in the hostile climate before a war when a crash buildup may be necessary. It particularly would work to inhibit a quick defense buildup at the same time as the economy were in a recession (such as before World War II). It gives control of the defense posture of the Nation to 40 percent of the Congress. President Reagan has often said himself he would accept a deficit if it was required to help rebuild our Nation's defenses.

CONCLUSION

Mr. Chairman, I wish that I could join with my colleagues who support this amendment. I agree with them that the Federal Government should balance its budget. Our only difference is the means to the goal. I realize that emotion is on the side of the amendment and that I am swimming against the tide, but as a fiscal conservative I beg my colleagues to go beyond the surface issue and look at the ramifications of this amendment.

Economic growth brought about by correct monetary and fiscal policy and a wise use of Government regulation is the only path to a balanced budget. Balancing the budget will not bring higher incomes to American taxpayers. Economic growth will bring them higher real incomes and an increase in Federal revenues. We need jobs—jobs for all Americans and if this Nation achieved the full employment and price stability so vital to our future, the budget will be balanced.

The economic decline which has occurred over the past few years has placed American industry a full $600 billion below its productive capacity. Economic policies which would return to us the use of these resources would add $100 billion to Federal revenues and reduce substantially Federal payments for unemployment and basic needs.

To my friends who support this amendment I simply say, the way to balance the budget is to continue the budget cuts, tax rate reduction and regulatory relief efforts begun under President Reagan and begin to reform our monetary policy so as to give the American economy and people what is most needed—an honest, stable currency and low interest rates for a healthy free-enterprise system.

Mr. McCLORY. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey (Mr. RINALDO).

Mr. RODINO. Mr. Chairman, I also yield 1 minute to the gentleman from New Jersey (Mr. RINALDO).

Mr. RINALDO. Mr. Chairman, I have listened attentively to the debate today and want to express my deep concern at what I have seen.

I believe in a balanced Federal budget. I have voted to reduce excessive Government spending; to weed out inflationary regulations, to establish Inspectors General in Government departments to eliminate fraud and waste, to revise Federal procurement procedures to make more efficient us of limited funds, and I have proposed a number of ways of reducing the deficit through revised contracting procedures, elimination of low-priority programs, and "sunset" legislation that would help Congress to eliminate agencies that have outlived their usefulness.

But we are not debating substance today. We are not witnessing an effort to balance the budget. This is a political tug of war in which the leaders of our two parties are calling one another's bluff on a very serious issue.

Congress should not consider amending the Constitution in this type of atmosphere. We are talking about the most fundamental law of the land. Yet we have seen this resolution hastily scheduled in direct violation of the rules of the House of Representatives for politics—pure and simple.

Mr. Chairman, I agree with my distinguished colleague from New York (Mr. KEMP) that this amendment in its present form may compel Congress to raise taxes so massively in order to balance the budget, that we will be destroying any hope for an economic recovery. Therefore, under these conditions, it is possible that this amendment will do the very opposite of what its proponents hope it will accomplish.

We must have the benefit of expert testimony in hearings and much more profound and extensive debate than we can have in this atmosphere today. Therefore, I intend to vote "no."

□ 1340

Mr. McCLORY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, we have listened to extensive debate. I think anyone who takes this subject lightly, anyone who suggests that those serious minded and thoughtful, studious, intellectual persons who have recommended that we should have a constitutional amendment, are engaged in gimmickry, or fiddling with the Constitution, and such changes are, themselves, irresponsible.

This is serious business. We are talking about fiscal management of the Federal Government, and the management of the fiscal business of the Government in recent years has been very poor. The people are demanding that we do something about it.

Thirty-one State legislatures are demanding that we convene a Second Constitutional Convention in order to take care of the subject of providing better fiscal management of the Government's business.

Now, it seems to me it is high time, this is the final hour in the Congress, for us to take action. I supported the establishment of a Congressional Budget Office. That was my first action here when I came to the Congress 20 years ago. I am disappointed that the Congressional Budget Office has been unable to fulfill this goal, this dream of providing for responsible management of the Government's fiscal business, but they have not fulfilled that goal.

We have tried to discipline ourselves by statute and in other ways, but the demands upon us come in, the special interests demand that we spend more than we take in. We are the ones who need the discipline. This constitutional amendment that has been proposed in a bipartisan way by Mr. JENKINS and Mr. CONABLE provides the mechanism through which we can regain control of Federal receipts and expenditures, and thus go on with the important business of the Government.

Several Members have argued that this amendment grants to the Federal courts the power to impose a balanced budget along the lines they see fit. This is a legitimate and important objection, for, if it were true, this amendment would surrender the most cherished right of a free people and the supreme prerogative of this House to an appointed elite, unanswerable to the people. This argument deserves an answer, and, fortunately, a satisfactory answer exists.

The Supreme Court has time and again made plain that it will not interfere in political questions. Even the most activist Justices have adhered to this limitation on their power. Writing for the Court in *Baker* v. *Carr*, 369 U.S. 186, 217 (1962), Justice William Brennan said:

> Prominent on the surface of any case held to involve a political question is found a textually demonstrable constitutional commitment of the issue to a coordinate political department. . . .

The text of this constitutional amendment clearly commits the enforcement of spending limitations to the Congress and the President. The existing Constitution already forbids the courts from ordering revenue increases, because those measures must originate in this House. If the Court is true to the doctrines announced by its own most adventuresome members, it may not use this amendment as an excuse to reduce spending or increase taxes.

There is, of course, the risk that the Court will exceed the limitations placed upon it by the Constitution. Indeed, there is a risk in having Federal courts at all, and many of our ancestors opposed adoption of the Constitution for precisely that reason. We take a similar risk every time we pass a law, for every law is capable of being misunderstood. Nevertheless, insofar as the English language can protect against willful misinterpretation and usurpation of power, the language of this amendment does so. If judges choose to interfere in the budgetary process, then they will have violated their oaths, and the Constitution already affords us a remedy for that.

If we look at other nations, with regard to borrowing funds from our Nation, we look at them and if they have unbalanced budgets, if they have large deficits, we say, "No, put your economic house in order."

Well, how about putting our economic house in order? This is the time and this is the hour.

I never signed a discharge petition before. It is my committee that is being discharged, but this is the only way, the only vehicle by which we can vote upon this issue. The people are demanding it, and an overwhelming number of Members of this body, the 218 who signed the discharge petition, and more, are demanding we take action.

The hour has come. Today is the day. We have a chance to regain control of our fiscal business in this body and to see that our Government moves forward responsibly.

Mr. RODINO. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. Mr. Chairman, I rise in strong opposition to the constitutional amendment.

It is not wrong for us to balance our budget, but it is more important today for us to balance the priorities within that budget. All of the gentlemen and congressional Members on both sides of the aisle who have said, "Why cannot the Federal Government act like a business? Why does not the Federal Government act like each of the States in balancing its budget," forget one basic principle, that we operate with a unified budget.

We do not separate out our capital expenditures from our operating expenditures; we do not fund the new investments we make in ourselves over a 20- or 30-year period. We do not make critical investments carefully and we do not adequately maintain existing capital investments. We pay cash for new veterans' hospitals, for Tennessee Tombigbee Waterways, for central Arizona projects, and we put those capital investments that we make in the Nation into our unified budget, and of course it looks out of balance.

What we ought to be doing here at this moment, when we have a $2.5 to $3 trillion infrastructure that we need to make in this Nation, is not to be talking about a constitutional amendment to balance the budget, but to be looking at ways, in the unified budget, to separate out capital expenditures from operating expenditures like every State and like every business does, and make sure that when we put new items into the Federal budget, we know how we are going to be fiscally responsible in caring for those items over their life expectancy.

I am amused at how many Members on both sides of the aisle jump and stand up and talk about a balanced budget amendment to the Federal Constitution but who are not hesitant to support the Clinch River breeder reactor pork-barrel water projects, tobacco subsidies, and excessive spending for pet weapons projects without looking at priorities or how we are funding essential maintenance over a period of time.

The Wharton School of Business in Philadelphia says that the trillion-dollar debt that we carry is not necessarily bad, in and of itself. The United States has carried a debt since 1790, and the Constitution itself specifically authorizes Congress to borrow money. What is bad is that we do not pay the principal and the interest off so we can continue, 20 years from now, to continue to make investments which represent the mortgage we must carry in order to have a healthy and growing economy at full employment.

This Nation needs an investment, not meddling with the Constitution.

I have introduced legislation (H.R. 6591, the National Capital Investment Budget Act) designed to address the "hidden crisis" found in many States and localities, urban and rural, throughout the Nation. I refer to the critical decay of our public infrastructure—the vast, vital network of roads, bridges, tunnels, water lines, and transit systems—which we have neglected through shortage of funds, inadequate maintenance, and porkbarrel decisionmaking and at our future peril. Infrastructure represents the economic foundation of any modern industrial society. If these foundations are neglected, our prospects for economic recovery and growth will remain only a dream.

The decline in investment in public capital stock has occurred in virtually every public works activity. Today, one-quarter of our 42,500-mile Interstate Highway System is worn out and needs rebuilding. One-half of Conrail's rails and roadbeds are seriously decayed. Half of all the communities in the country cannot expand because their water treatment plants are at or near full capacity. Boston continues to lose 20 percent of its water supply through leaky pipes each day, while Houston loses up to 30 percent of its purified water daily through inadequate pipes. And one-fifth of all bridges have deteriorated to the point that they are either restricted or closed.

Indeed, the decay and deterioration of our basic public infrastructure is beginning to thwart the recovery of our national economy. As a number of recent studies have shown, private sector investment decisions are strongly influenced by the location and availability of reliable public facilities. They are usually a more important locational consideration than are local tax incentives or the availability of revenue bond financing.

Yet, the current practices of the Federal Government in both the executive and legislative branches only serve to exacerbate this problem. Budgeting for public works programs still happens on a piecemeal, project-by-project basis. In fact, most capital expenditures are made in the absence of even the most basic information and policies. The Federal Government has no inventory of its physical investments; no assessments of the condition or capacity of its existing facilities; and no plan for maintenance, repair, rehabilitation, and new construction.

It is for these reasons—to reform the fragmented approach to public works decisionmaking—that Representative BILL CLINGER and I recently introduced the "Federal Capital Investment Budget Act" (H.R. 6591). The present Federal budget can be characterized as a unitary budget in which no distinction is made between operating and capital expenditures. H.R. 6591 requires the Federal Government to do what most State and local governments and private businesses do—present separate capital and operating budget plans each fiscal year.

This change would allow the Federal Government to bring together in one place—for the first time—an inventory of its investment in buildings, roads, bridges, water, and transit systems. It would provide a clear picture of our national assets, how much they cost to build and maintain, and what sources of revenue they draw upon.

Adoption of such a capital budget system would significantly enhance the structure and the accountability of the budget process. But it would not alter the Congressional Budget Act in any way. Instead, it would amend the authority from which the President makes his annual budget submission to Congress. Only the Office of Management and Budget (OMB) currently has the manpower and resources necessary to prepare a comprehensive Federal capital budget. Specifically, H.R. 6591 would require a special analysis of our capital investments to be included with the fiscal 1984 budget, and a full capital budget to be prepared for fiscal year 1985. In addition, it would call for an annual inventory and needs assessment of our Nation's public facilities.

But this concept of capital budgeting is neither new nor unique. Whether or not the Federal Government should have a capital budget has been the subject of debate for many years. Nearly 24 years ago, Senator Hubert H. Humphrey called upon Congress to establish a Federal capital budget. His message to the Nation was clear:

Mr. President, it has been my observation that discussions of the budget engender more emotional outbursts than rational thought. One of the main reasons is that our annual budget report does not reveal an accurate fiscal picture. No business would think of lumping current expenditures in with its investments; yet that is just what our federal government does under the present bookkeeping system.

I say it is time that we put our bookkeeping system in order. It is time that we adopted a modern, up-to-date capital budget.* * * Until we do, there will be all kinds of heat, thunder, and fury about budgets, but very little light and constructive information and return.

Senator Humphrey's words, in large part, ring true today. The adoption of a Federal capital budget continues to be one of the most important procedural reforms for improving the conduct of the business of the Federal Government, for setting an example for better program planning at all levels of government, and for casting off the blinders of the single fiscal year point of view in favor of longer range financial planning.

I feel very strongly that this Nation will have to come to a capital budget if we are to rebuild our economy and improve the quality of life of our citizens. The capital budget is a tool for looking ahead, for raising our sights to take into account the needs of generations to come.

The provisions of this bill are a moderate and constructive first step in making the Federal budget procedures more understandable and meaningful—both to Congress and to the public—and for providing a more orderly and coordinated program of capital expenditures. Having said this, I must again say that this is a bill of fundamental importance and I fully recognize that its consideration will require a great deal of discussion. I welcome that process and I hope that there will be plenty of constructive criticism of the proposal, particularly from those versed in the technical aspects of budgetmaking, economic policy, and public administration.

While supporters of the balanced budget amendment have been playing political tricks and trying to fool the voters about the economic hard times we face, I have been working with Members from both parties who are truly dedicated to finding a way out of the present mess. I hope we defeat this deceptive amendment so we can face up to the true task of rebuilding the United States and providing economic growth and jobs.

Mr. RODINO. Mr. Chairman, I yield 1½ minutes to the Delegate from the District of Columbia (Mr. FAUNTROY).

Mr. FAUNTROY. Mr. Chairman, after 12 years on Capitol Hill, I have learned that if you want to turn people on, talk nonsense; if you want to turn people off, talk sense.

This constitutional amendment proposal is nonsense. The irony is that the very President and the very Members of the Congress who are responsible for the largest deficit in the history of this country, who will go down in history as the biggest spenders of this country, have the nerve to come to the American people and say, "If you are going to keep us from doing it to you, pass a law to keep us from doing it to you."

If we want to balance the budget, then what this country needs to do, what this Congress needs to do, is adopt the Congressional Black Caucus constructive alternative budget which not only gave us a balanced budget but a $7 billion surplus, that gave us $2 billion more in tax relief than was given by this House, but it gave it to the middle-income people of this country, the small businesses of this country that can give us the kind of economic leadership that will make us world competitive in the businesses and industries of the world.

If we want to balance the budget, cut the military budget.

If we want to balance the budget, cut the $1.7 trillion expenditures over the next 5 years on the military, more in 5 years than one can spend if one spent $1 million a day since Jesus was born.

To my colleagues in the Republican Party, the party of Lincoln, I say be guided by his wisdom.

You can fool some of the people all of the time and all of the people some of the time, but you cannot fool all of the American people all of the time.

Cut out this nonsense.

Mr. McCLORY. Mr. Chairman, I yield 4 minutes to the principal cosponsor of House Joint Resolution 350, the gentleman from New York (Mr. CONABLE).

□ 1350

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the distinguished minority leader.

Mr. MICHEL. Mr. Chairman, I rise in support of this measure. I think it is important before we vote to set politics aside for a moment and talk about the merits of such an amendment.

This Government has been wading in a river of red ink for so long, hardly anyone in this House remembers what it is like to walk on dry land.

There have been all kinds of attempts to balance the budget, but most of those efforts were for political reasons, not fiscal ones.

I cannot help but recall the balanced budget submitted by President Carter and the impassioned plea our distinguished majority leader made on behalf of that phony document on the floor of this House. That supposedly balanced budget resulted in a deficit of $60 billion, but it was good politics.

Then, too, I remember the law we passed requiring this Congress to come up with a balanced budget by next year.

We all recall the balanced budget amendment efforts of our friend and colleague from California, Mr. ROUSSELOT. I think for a couple of years running, his economic assumptions were closer to the mark, than either the CBO's or the administration's.

This year Mr. ROUSSELOT again proposed a balanced budget, and I had to come to the very difficult conclusion not to vote for it, only because I knew it was impossible of achievement this year.

That is our dismal record on deficits and balanced budget.

We have set goals, we have adopted rules, we have passed laws, and we have even passed balanced budgets, but we have ony been able to actually produce one in the past 25 years.

The reason is simple, the Congresses of the past have never demonstrated the will to do what it takes to enact a balanced budget.

We have gone as far as we can with the balanced budget issue in this Congress.

It is time to turn it over to the American people. It is time to give them the issue. It is time to say simply

to the people that your Congress cannot come to terms with it, you decide, you tell us what to do.

We know full well that a balanced budget is several years away. We were in error last year thinking it was possible by 1984. We knew full well the depth and the breadth of a 20-year spending spree.

It was wrong to assume we could just change the course of Government overnight, change attitudes, policies, practices, and the politics of favoritism that had become so engrained in the legislative process.

If we have made any mistake in the last 2 years, it was underestimating the damage that had been done to this country's economy and overestimating our ability to turn it around on a dime.

What, after all, is our goal? It is to live within our means.

Surely this is not a radical notion. And we have the President's words to guide us. In his Inaugural address he said this about his economic program:

Through this program of action we address ourselves to putting our own national house in order and making income balance outgo.

"Make income balance outgo." The President's words are clear and unmistakable.

Perhaps I should tell you that the President I have just quoted is not Ronald Reagan, but Franklin Delano Roosevelt on March 4, 1933.

Is it not time we begin to redeem this pledge? It has been almost 50 years.

We know now the magnitude of the problem and we know now that no ordinary course of action will suffice in solving it.

Insuring the fiscal security of the Government, providing for the responsible management of American tax dollars in future years will require nothing less than a change in the basic framework of the law of our land.

That is what we sought to accomplish through the indexing of our tax system: Providing a long-term safeguard for the American taxpayer against the midnight raids on his paycheck.

That is what we seek to accomplish through this amendment: a safeguard against future irresponsibility and a goal that we are obligated to achieve.

It has been said that the amendment would not work. That is wrong. It will. The reason is that it will be founded on public mandate and public decree, not political whim.

Public mandates work. When the people speak, we do listen.

Those who oppose this amendment simply do not want the people to speak. They do not want to hear. They do not want to obey the voice of the people.

But the people have spoken. They want this opportunity to rule. If we do not heed their voices today, we are unworthy of the sacred trust they have placed in us.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I rise in support of the Conable resolution.

Mr. Chairman, I stand in support of House Joint Resolution 350 calling for a Federal balanced budget through a constitutional amendment

Approving an add-on debts to the already enormous Federal deficit escalates inflation and interest rates and decreased the earning power of America's working taxpayers. It crowds out investment and production and cripples the ability of individuals and the private sector to save, invest, expand, and develop new resources and techologies. This is what stimulates our economy and creates the permanent, meaningful jobs that our Nation is seeking. We can balance the budget by reining in wasteful spending and by expanding the tax base by maintaining the present economic recovery program that sparks economic growth.

The 1978, Senator WILLIAM PROXMIRE joined me in criticizing the excessive deficits that are added to the Federal budget year after year. In the additional views to the Joint Economic Committee report of 1978 he said:

I believe that both the President's proposed $500 billion budget and this Committee's estimate of expenditures of $500 to $505 billion are too high. These expenditures represent an enormous burden on American taxpayers. They should be cut by a minimum of $25 billion and better, yet by $35 billion in order to provide a freeze on Federal outlays of about $165 billion as the distingushed financial expert Henry Kaufman proposed before the House Committee on the Budget.

Further, as one who has routinely examined the budgets of numerous Government agencies as a member of the Senate Appropriations Committee, I assert without fear of contradiction that there is not a single general Government function where a 5 to 7 percent cut of the funds could not result in a more efficient or less wasetful program combined with better services to the American public. One can name the function . . . and know from experience that the budget could be cut without harming the function.

The ever-increasing deficits like those recommended by the majority constitute a trend so ominous that even many of the liberal economists are claiming that we are deficit-addicted. They admit that deficits are no longer stabilizing to the concomy and that, rather than simply acting as an occasional stimulus, deficits have occurred in greater magnitude and regularity every year. The weakness of our past economic policies is that it removes the discipline of the balanced budget. Further, politically popular, but economical unproductive expenditures, can be easily clothed in the virtue of deficit-creating stimulus packages.

It is time to place restraints on increases in spending. While many of the chairmen of various House committees have lamented about the deficit that is facing us, they are at the same time recommending increases of more than $50 billion in spending. Apparently, the philosophical difference is that they want more and more spending and more and more taxes. I believe we should have less spending, less taxes and more prosperity.

There has been some good economic indications in the news recently. Inflation has all but disappeared as a major issue. Housing starts were up in February by 6 percent from January and nearly 12 percent from the October low. Building permits for privately owned housing units were up 16 percent in February from October, indicating more future increases in housing starts. The Industrial Production Index increased 1.6 percent in February, the first rise since last July. A near-record 57 percent of the working-age population is employed. The record is 59 percent. Income from wages and salaries rose $7.7 billion in the period from January to February. The deficit for the first 5 months of this fiscal year is $2 billion less than the deficit for the same period in fiscal year 1981. And, finally, interest rates, though still unacceptably high, have taken a drop in the past year. The prime rate, which was over 20 percent last summer, has dropped to 16.5 percent.

There are signs of economic recovery. The U.S. economy is entering the early stages of a recovery. The consumer price index has declined for the first time in 17 years. Air travel, which traditionally signals a change in consumer sentiment, is picking up and the sales of U.S.-made autos managed to increase 6.1 percent for the middle 10 days of April compared with the same period last year. The semiconductor industry, one of the last sectors of the economy to cave in, is showing signs of being about the first to rebound.

The time is now for this Congress to take action to balance the Federal budget and to place our Nation on an economically sound basis.

I want to say that I recognize the hard work of the members of the Budget Committee and the difficulties that they have faced. But the appalling fact is that, even after all their hard work, all the difficult choices, they continue to bring to the floor of the House budget resolutions which project deficits exceeding $100 billion. That means, Mr. Speaker, that if we continue to pass these resolutions a majority of the U.S. House of Representatives must go on record as stating that the deficits which are appropri-

ated for this year, or the next, or the one after that, are OK.

That is hogwash. Perhaps a majority of you here can cast such a vote by supporting the out-of-balance committee budgets, I certainly am convinced that a majority of the American people would not cast any such vote. I certainly cannot.

I support the President's economic recovery program. Because the President has shown the determination to control rampant Federal spending I have continued to not only support, but to advocate many of his restraints proposed for Government spending.

But coupled with that we have huge deficits—deficits which are now apparent to us all, but which also have put a hamstring on the control of Federal spending.

If we are to have any hope of getting on a sound economic basis, if we are to reduce interest rates, if we are to encourage job-creating economic growth, if we are to continue to hold down inflation, then I believe the present budget process must be substantially reshaped. Whenever Congress funds this deficit spending with increased revenues it means higher and higher taxes for our constituents. Revenues are too high.

The projected deficits are too alarming to be permitted to stand.

I do not contend that these deficits can be cut without discomfort, but the longer we put off getting on a sound economic basis the more difficult it will be for everybody—the rich and poor alike.

The Defense Department must be aware, for example, that while a strong national defense is essential, it cannot be maintained in the long run without a sound economy and soundly based financial structure. Entitlement programs cannot be exempt from reductions, except where we are awaiting the report of the committee which is not studying the entire scope of the social security program, with the mission of preserving its solvency.

We must have a credible program of deficit reduction—otherwise, the critical element of business and consumer confidence will be lacking, and a sound based and sustainable economic recovery will not be forthcoming.

I have discussed this subject with many prominent and noted economists and they overwhelmingly agree that while the seeds of recovery are in the ground—it does not insure a bumper crop. What is needed to tend to these seeds, the necessary nutrients and water and sunshine, is a drop, a substantial drop in interest rates. These economists all agree that an elimination of the Federal deficit would be just what the farmer ordered for these seeds.

What remains to be seen are the strength, the scope, and the duration of any such recovery. And the determination of that will depend to a significant extent on what is done by the Congress in acting on the budget.

The immediate and actual consequences of our budgetary decisions are considerable. But the psychological effects are even greater.

In summary, I must support the balanced budget amendment before us today for two basic reasons: One, spending is too high and, two, the deficits are too great.

For the past 11 years I have offered my balanced budget substitute resolution. The need for this resolution is even more pressing this year. It is imperative that the Congress send a signal—and a strong one—to Wall Street and the business community.

The deficits incurred by the rampant Federal spending of previous years is affecting the economy of this country. A lot of people lend money or have money loaned to them by others. They know about deficits and they know we have got to somehow do something about it. If not, we will have another period of superinflation. The Federal Reserve is going to be forced to loosen money enormously to prevent a disaster unless we have fiscal restraint here in the Congress.

Any approach that does not substantially reduce deficits will not be credible to those that lend money. Interest rates will not come down if large deficits are passed by the Congress. People have become educated about our deficit. Our colleague on the Senate side, Senator DOMENICI, has stated on the floor of the Senate that the budget process, for all its shortcomings, has finally convinced people that they ought to look at the budget for a few years into the future, make some projections and say, "something is wrong," or "gee, things are great."

Can you imagine, Mr. Chairman, how the business community would respond if we told them we had a balanced budget? I can tell you—they would say that interest rates would go down. That this is the signal that Wall Street has been waiting for.

Now, Mr. Chairman, can you imagine what these same lenders will say if we produced a budget with the deficits skyrocketing or even camouflaged with a social security budget shifted to the side? Surely, interest rates would not be lowered. It is now time to solve these deficit problems.

It is unrealistic to expect interest rates to come down when a $100 billion 1983 Federal deficit coupled with Federal off-budget borrowing will consume 80 percent of the personal savings of Americans.

As the Federal Government borrows more and more money, it leaves only a tiny residue of savings which can be used for personal and business loans. That scarcity of available savings keeps interest rates high. And if we do not bring interest rates down dramatically, and I am talking not 2 to 4 but 6 to 8 percentage points, we will face higher unemployment, ever greater numbers of bankruptcies, and the prospect of a return to double-digit inflation as pressures mount to increase the money supply to finance Federal borrowing.

Courage is what is needed here today. The American people want to go back to work. A balanced budget amendment will help accomplish this. Otherwise, we will have a weak economy, high unemployment, and further deficit spending.

Let us bear in mind that while reducing the interest rates—we will be putting Americans back to work.

While balancing the budget is not easy—and by no means politically popular in all circles—it is necessary. It is a budget that can initiate action and a budget that will show Americans that we mean action and can do it in a limited timeframe.

Judging by our current fiscal policy, the Congress has no intention of balancing the budget through an expanding economy. Today's high interest rates are wiping out all the economic gains that we could be making in response to the tax cuts that were enacted last year, 1981.

Day by day, inflation is increasing the tax burden levied on labor and capital. In so doing, it is virtually guaranteeing a recession. Inflation is a monetary phenomenon, and until we start trading tobacco leaves in the economy, as our forefathers did, inflation will continue to be a monetary phenomenon—caused by too much money chasing too few goods. If we are trying to slow down inflation, we should slow down the Federal Reserve's printing presses, not the productive economy, and the only way feasible to do this is to eliminate deficit spending.

Despite all the myths, we must face the cold facts as to what budget deficits are, and are not. Budget deficits represent an obligation that the Government has to those citizens from whom it has borrowed. It is an obligation to levy taxes on the general citizenry upon the maturity of the debt. In some instances the budget deficit is financed via the Federal Reserve bank's printing presses and this can be inflationary. Historically, the Fed's role in financing the debt has been partly to blame for our current high interest rates. The real problem with running budget deficits is that in most cases they are simply an expedient way of redistributing earnings from one segment of our society to another segment by forcing future generations to pay for the tab.

Unfortunately, today's generation of taxpayers is already paying part of the tab. With deficits growing, the Federal Government's obligation to increase

tax rates has also been growing. As a consequence, our Nation's financial managers have been systematically turning down high risk projects with paybacks too far off in the future. The bottom line has been that investment has been dropping off over a period of years and along with it productivity. The only reason investment has not fallen completely out of bed is because of the tax cuts we enacted last session.

Mr. Chairman, there can be no doubt of the need to balance the Federal budget. Large deficits associated with increased Federal spending either contribute to inflation or serve only to stifle investment because of the expectation of higher taxes in future years. Nor can there be any doubt that the drafters of our Constitution ever intended to provide the Congress with a free ride to spend to their heart's content by virtue of inflation and higher taxes. They adopted provision to limit the Federal Government—but adoption of the 16th amendment has lead to the emergence of powerful special interest groups in society who are competing for larger and larger shares of a growing Federal spending pie.

The Congress is in need of a new set of fiscal rules which automatically limits the growth and the size of the Federal pie by constraining the power to raise taxes either through inflation or by direct vote. Ironically, the more the Federal Government has spent, the less productive our economy has become.

Congress must renavigate its fiscal course and reduce the size and scope of Federal Government. We must put an end to the unconscionable Federal intrusions into the workings of our national economy. Congress has the power to restrain Federal Government spending and balance the budget.

But, do they have the courage?

If they do, they will face that tough decision and vote for a balanced budget amendment.

Mr. Chairman, the balanced budget substitute I have offered in previous years has experienced growing support among the Members of the House of Representatives. In 1975, when I first introduced it, it received 95 aye votes. In 1978 it received 170 aye votes. And in May 1980 this balanced budget resolution received 191 ayes to 218 noes—only a 27 vote margin. The reason?

The reason is simple. The balanced budget substitutes are based on an economic model which soundly stresses the interrelationships between large deficits and low productivity, high tax rates and low productivity, and high interest rates, caused by excessive money growth and Federal borrowing, and increasing tax rates. Together these factors influence our tax revenues and rate of economic growth. Unfortunately, the interrelationships of these factors is not well understood by some of the Members of this body.

Large deficits and higher tax rates will impede our Nation's economic development. The Members of this House have a chance to vote on a Balanced Budget Constitutional Amendment which does incorporate the interrelationship of these factors.

A yea vote will be for less Government, lower taxes, no deficits, less inflation, lower interest rates, and more productivity and greater employment opportunities. A nay vote will be for more Government, bigger deficits, more inflation, higher interest rates, less productivity and more unemployment.

The people of America will be watching with great interest how the Members vote on the reasonable balanced budget amendment.

Mr. Chairman, I will vote for this amendment and I hope that my colleagues will follow the lead of Mr. CONABLE and the 218 individuals that have signed the discharge petition in support of this proposal and cast their vote—and the vote of their constituents—for a Federal budget that will be balanced in future years.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Chairman, I thank my colleague and my friend, Mr. CONABLE, of New York, for yielding to me. I strongly support this amendment. I regret that it had to come to the floor in this manner. A discharge petition, especially when in involves a constitutional amendment is not the proper and best way to consider such an important matter. And it is regrettable that the Congress of the United States has not shown the courage to discipline itself without holding a constitutional provision over our heads. If that is what it takes however, I am going to support it. We must take whatever means it takes to live within our means.

Mr. CONABLE. Mr. Chairman, we are now at the end of this general debate. We are about to move on to the discussion of the specific proposals. I would like to suggest to my colleagues that one way or another, we are going to have a constitutional amendment which will inhibit our total freedom of action to go on spending indefinitely as though there were no tomorrow. It may not be exactly in this form. It may not pass today, but we are going to have it.

The people expect it and are aware that it is in this body that our problems arise. Now, I have listened to the debate so far. There have been all kinds of efforts to discredit the constitutional amendment that is before us—ridicule; people who say it cannot be done; people who want to argue that we ought to have different priorities and therefore we could cut back on some of our major spending; people who deplore the timing of this as though it were political, even though those people themselves have more control over the timing than those who brought the petition of discharge.

Now, if we do not get it here as a result of our careful deliberations, as a result of negotiations between the House and Senate, over a period of 4 years, we are going to get it in a constitutional convention. We are very close to that now. I wish I could tell the Members that next year the peril is past, but next year we are going to be under great fiscal pressure again, and next year is the time when all the legislatures are going to be meeting again, and they are going to be pointing with alarm at what is happening in the Federal Government because of the avalanche of fiscal difficulty that rolls down our uncontrolled slopes.

Now, one way or another we are going to have it. The question is, Are we going to have it here as a result of our own work, or let it be taken away from us by people in a constitutional convention who do not have to live with the results of what they do? We know we have to live with those results, and this amendment is crafted so that we can live with it and so that we will nonetheless find ourselves operating in an environment where there is a considerably greater presumption in favor of fiscal discipline.

That should be our goal rather than a straitjacket. What comes out of a constitutional convention, assuming it can be successfully carried off, is very likely to be a straitjacket crafted by people who do not have to live with the results.

I have heard people ask that if President Reagan wants a balanced budget, why does he not come forward with it? We all know the condition that faces us right now. This House itself can dare President Reagan to submit a balanced budget, but it would not be supported, and we all know it. We know it would tear the social fabric were we to try to force it in 1 year.

One of the advantages of the proposal before us is that it gives plenty of notice to all involved that within a reasonable period of time we are going to have to live with this measure, elevated to a constitutional measure. It is a procedural change, not a substantive change, and as such it starts us down a road leading ultimately to the goal we all seek; namely, a budgetary process the American people can live with.

I hope, Mr. Chairman, that reason will prevail today. If it does not, mark my words, we will have it in some other way, in some other form, and quite possibly at a time and under circumstances that will be very much an embarrassment to the American people and to us.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

The gentleman from New Jersey (Mr. RODINO) has 3 minutes remaining.

Mr. RODINO. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. MCHUGH).

Mr. McHUGH. Mr. Chairman, there are times when it is vital for the interests of our country that the Congress put responsible government above all other considerations, including narrow political ones. This should always be the case, of course, but it is essential when we are considering an amendment to the Constitution of the United States.

The Constitution is the fundamental law of our land. It embodies the basic precepts and values our people hold by consensus. It is the political compact which binds together past, present, and future generations of Americans. It must not be dealt with lightly.

Both proposals before us today would amend the Constitution and, for the first time, include therein a particular budget policy. Serious and responsible legislators must ask whether this unprecedented action is necessary and appropriate. I believe it is neither, Mr. Chairman, and I urge my colleagues to vote against these amendments.

A constitutional amendment is not necessary to balance the budget. In those years when a balanced budget is sound economic policy, the President and Congress have the means available to achieve that goal. It is, and always has been, a question of whether they have the political wisdom and will to do so.

The passage of a constitutional amendment will not provide wisdom or will. If those qualities are absent, ways can be found to get around the constitutional mandate. More spending can be put off-budget, or a separate capital budget can be established, to cite just two obvious examples. Thus, a constitutional amendment gives no assurance that future budgets will be balanced, but merely gives the illusion that its proponents are doing something about deficits. This may be good politics, but it is irresponsible government.

It is particularly ironic that the most vigorous supporters of a constitutional amendment, including President Reagan, are the very people who have given us the largest budget deficits in our history. If they are serious about a balanced budget, let them produce one. They do not need to fiddle with the Constitution to do so.

But it is clear that they are not serious. They have presented no balanced budget or anything close to one. Rather than deal with the wreckage of their current economic programs, they seek to divert attention by proposing a constitutional amendment which, under the best of circumstances, would have no effect for some years in the future.

This country faces serious economic problems today. We are experiencing the worst record of bankruptcies and unemployment since the Depression—today. We have the worst budget deficits in our history—today. Let the President and Congress deal with these problems today, not at some undetermined date in the future.

The people of our country want honesty and leadership from their representatives, not misleading and hypocritical rhetoric. Mr. Chairman, I agree with the Washington Post editorial of June 21, 1982, which said:

> It is grotesque for Senators and a President who cannot get their current deficit under $100 billion to support, piously, constitutional language putting it at zero.

The basic point, Mr. Chairman, is that constitutional language alone will not assure sound economic policies. Only sensible tax and spending decisions can do that. Tampering with our Constitution is no guarantee that such decisions will be made, and if the political wisdom and will exist to make them, no constitutional mandate is required.

In a very real sense, therefore, a constitutional amendment is not necessary. Beyond that, it is inappropriate and in certain circumstances even dangerous. I would agree with most economists who say that in good economic times when we have full employment, we should have our budgets in balance. I also agree that Congress has not been sufficiently diligent about this in the past. However, this is no argument for a fundamentally flawed constitutional amendment. It is an argument for greater diligence, wisdom, and political will year to year.

The constitutional amendment is flawed and even dangerous because it will preclude Congress from responding appropriately to changing economic conditions. There are times when economic conditions require some deficit spending. In a recession, for example, higher Government expenditures are inevitable and indeed necessary. People who are unemployed must rely upon unemployment benefits, medicaid, food stamps, and other support programs to survive. Tax revenues also decline at such times. If a balanced budget were mandated by the Constitution, Congress would either have to raise taxes or cut spending programs deeply. In many cases, this would impose intolerable hardships or deepen the economic crisis, or both. Congress must retain the flexibility to deal with these economic conditions.

The proponents of the amendment argue that in such cases a three-fifths majority of Congress could vote to suspend the balanced budget requirement. Experience teaches, however, that such a majority is difficult to achieve even on less controversial matters. In effect, a determined minority of Congress could thwart what would clearly be in the interest of the majority of Americans.

Mr. Chairman, we must not allow political expediency to override responsible government. The Constitution is not the place to write economic policy or enshrine a rigid economic formula. Let us deal wisely with our current economic problems, but let us not put future legislators in a straitjacket which could prevent them from dealing with future economic circumstances in a way which they think necessary.

I urge my colleagues to reject these constitutional amendments.

Mr. RODINO. Mr. Chairman, I yield 30 seconds to the gentleman from Iowa (Mr. HARKIN).

Mr. HARKIN. Mr. Chairman, I rise in opposition to House Joint Resolution 350 and in support of the Alexander substitute.

Mr. Chairman, I rise in opposition to House Joint Resolution 350 and in support of the substitute offered by the gentleman from Arkansas (Mr. ALEXANDER). I have many problems with House Joint Resolution 350.

First of all is that it would involve the courts, and certainly the Supreme Court, in writing the budget of the United States. For example in section 1 of the proposed constitutional amendment it says:

> SECTION 1. Prior to each fiscal year the Congress shall adopt a statement of receipts and outlays for that year in which total outlays are no greater than total receipts.

My question is; Who determines what a fiscal year is? We must rely upon the report of the Senate Judiciary Committee on its balanced budget amendment which is about the same as House Joint Resolution 350. On page 44 of that report, it defines fiscal year as follows:

> Fiscal year is intended as a term defined by statute, and as such, is to have no constitutional standing apart from its statutory definition . . . the amendment does not require an immutable definition of fiscal year; other fiscal years could be defined without straining the intent.

So there you have it. We could have a 12-month fiscal year, or a 15-month fiscal year, or a 24-month fiscal year. And who would be the final arbiter of this? The courts. This could create all kinds of problems for future Congresses.

The second problem I have with this proposed amendment is in the statement concerning "national income" in section 2. That is the section that says that tax receipts could not increases any faster than the rate of increases of national income during the previous calendar year. What is national income? Give me 10 economists and I can give you 10 different definitions. Again I refer to the Senate report, on page 49, which states that:

The precise concept of the national income is intended to remain subject to the discretion of the Congress. Currently reported concepts include Gross National Product, Net National Product, National Income, Personal Income, Disposable Personal Income, and Gross Domestic Product. Any of these may be chosen, as might some new measure determined by the Congress.

So again there you have it. If some future Congress were to get in trouble and needed to increase taxes at a greater rate, they would simply redefine "national income" and again you invite the courts in to decide the question.

The third problem I have with this proposed amendment is section 3, which provides for a waiver of a balanced budget when a declaration of war is in effect. We spent a lot of money in the years 1939-41 to help our allies before we ever declared war on Nazi Germany. There might be, in fact there probably will be, instances in the future when we wish to assist our allies in defeating totalitarianism, but we may not wish to have a formal declaration of war in effect. This section is particularly onerous and would not allow for flexibility in meeting international crises.

The fourth problem I have with this proposed amendment is that it focuses entirely on Congress. However, in the last 39 years, the President of the United States has requested more money than Congress has spent in all but two of those 39 years. Just think of it, Congress appropriated less money than President Eisenhower requested. Congress even appropriated less money than Richard Nixon requested. So as the leader of our country, the Chief Executive ought to be required to also pay attention to a balanced budget.

It is for these reasons that I will support the substitute offered by Representative ALEXANDER. While it also is not perfect, it certainly is a good deal better than House Joint Resolution 350.

First, the Alexander substitute specifically does not involve the courts in determining our budgets in the future. Second, the Alexander substitute does not require some algebraic determination of national imcome to be made by the Congress or by the courts.

Third, the Alexander substitute recognizes that we may wish to meet a national emergency without a declaration of war and thus wisely allows an unbalanced budget in case Congress determines national emergency exists. This is wise. The voters could then decide whether or not their elected representative should have voted to declare a national emergency or not, and thus decide whether to hold that representative accountable or not for voting for an unbalanced budget. It would not require a formal decaration of war.

But most importantly, the Alexander substitute involves the Chief Executive, our President, in this process by holding our future Presidents' feet to the fire also. Section 1 of the Alexander substitute states:

The President shall, no later than the 15 days after the Congress convenes, submit to the Congress a proposed statement of receipts and outlays for the next fiscal year in which total outlays are no greater than total receipts.

This is most important because as our country's leader, the focus should be on the President's determination of priorities, and by mandating the President to submit a balanced budget, the people of this country will know very clearly what their Chief Executive wants during that President's term in office.

The Alexander substitute provides the kind of clear, simple, and straightforward statement of basic principles which is appropriate for inclusion into the U.S. Constitution. Unlike House Joint Resolution 350, it does not mandate specific procedures, economic formulas, and open the floodgates for judicial intervention. The basic system of separation of powers put into the Constitution by our forefathers should not be so lightly tampered with. The judicial branch has no business being involved in a legislative process.

The Alexander substitute also properly requires that the President share responsibility for balancing the budget. After all, he is the Chief Executive, and the Chief Executive of this country like the chief executives of any private business or corporation, must be involved in setting the course and the priorities for this country.

So I support the Alexander substitute as the best possible constitutional amendment. However, I remain firm in my conviction that if the Congress were to act responsibly and adopt the pay-as-you-go budget offered this year by Representative GEORGE MILLER, it would be the best solution to this problem of burgeoning deficits. Remember the Miller budget was the only one, I repeat, the only one of the budget votes this year that, according to the nonpartisan Congressional Budget Office, would have guaranteed a budget surplus by 1985.

This budget proposal received 181 votes, the second highest number of all the budgets we voted on. This proposed constitutional amendment, either the Alexander substitute or House Joint Resolution 350, may not even go into effect for the next 10 years. But we will be broke by then, and I really mean broke, unless we change our ways. That is why we must adopt the pay-as-you-go budget.

If the financial markets of this country knew that we would have a balanced budget by 1985, interest rates would plummet, farmers' incomes would rise, homebuilders would be back at work, and we would truly be on the road to economic recovery.

I have the feeling that most people who are pushing this constitutional amendment feel they may not be here 10 years from now when it would take effect, but they will be here between now and 1985 and they do not want to make the hard decisions that the Miller pay-as-you-go budget would require. So this whole hoopla about this constitutional amendment I see as just another attempt by many Members to shirk their responsibility and to push off into the future these hard choices. So while I will support the Alexander substitute as the best one presented, I will continue to push for and fight for adoption of the pay-as-you-go budget which will really bring our budget into balance and introduce a concept that may be somewhat strange to many Members: The concept of responsibility.

I just want to read for the Members and for those who may read this the text of the Alexander substitute:

SECTION 1. The President shall, no later than the fifteen days after the Congress convenes, submit to the Congress a proposed statement of receipts and outlays for the next fiscal year in which total outlays are no greater than total receipts.

SECTION 2. Prior to each fiscal year the Congress shall adopt a statement of receipts and outlays for that year in which total outlays are no greater than total receipts, except that the Congress may, by declaration of National Emergency, adopt a statement of receipts and outlays in which total outlays are greater than total receipts.

SECTION 3. The Congress shall implement this Article by appropriate legislation.

SECTION 4. This Article shall not be deemed to provide any person with any legal right or cause of action not otherwise provided by this Constitution or the laws of the United States.

SECTION 5. This article does not provide any powers to the President to enforce its provisions other than any powers which may be established by law.

SECTION 6. This article shall take effect for the second fiscal year beginning after its ratification.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. WILLIAM J. COYNE).

Mr. WILLIAM J. COYNE. Mr. Chairman, I suspect that most of my colleagues, like myself, are distressed by the trillion-dollar national debt and the unprecedented deficit confronting us this year.

I doubt, however, that most are yet aware that the balanced budget-tax limitation amendment is a delusion.

Something called a balanced budget amendment will rule out unbalanced Federal budgets in the future, right? Wrong. The amendment itself contains language permitting Congress to continue to vote for deficits.

This amendment is supported by those who, having exhausted all existing means to balance the budget, now

turn in desperation to the Constitution, right? Wrong. President Reagan pleads for public support for this amendment without so much as a whisper that his own budget proposals comprised the biggest budget-busting operations ever witnessed on Capitol Hill.

While I shall not provide the charts and shrinking dollar bills that President Reagan finds so helpful in describing the reasons for his economic decisions, let me share with you some rather stark facts about the administration which asks that we adopt a balanced budget amendment:

Even with the adoption of the recent $98 billion tax increase, the Federal deficit is expected to average $143 billion a year over the 4 years of the Reagan administration.

By the end of President Reagan's term of office, the total national debt is expected to reach $1.7 trillion. This administration alone will have amassed 41 percent of that debt.

Despite President Reagan's contention that the economic ills of our country must be laid at the door of the previous administration, the smallest deficit of the Reagan administration, $112 billion, is nearly twice as large as the largest deficit of the Carter administration, $60 billion.

Those of us in Congress who tried to restore budget sanity last year and this year were overwhelmed by the White House. Every Democratic alternative budget considered this year, it should be noted, would have produced lower deficits cumulatively over 3 years than any Republican proposal, including the administration's.

Some would suggest the balanced budget amendment is supported by those who put the Nation's fiscal well-being ahead of personal interest and social philosophy. Wrong again. Major proponents of this amendment include those who consistently oppose social programs for the underprivileged while championing the cause of the military-industrial establishment. It is more than curious in this connection that social programs typically are financed out in the open through the budget process, while many of the programs which aid the wealthy and giant corporations are provided through the back door through tax loopholes that never appear as budget items.

The arguments in favor of this amendment are more ideological than fiscal. Few believe that the administration and its allies would, if the amendment were in effect this year, press for decreases in military spending or for changes in some of the income tax cuts adopted last year. Based on every indication to date, the administration would try to cut housing, mass transit, social security, welfare, health, and other social programs.

Mr. Chairman, the question of the hour for the Nation is not whether we balance the budget. It is whether this Congress, and this administration, will employ the unemployed. I ask the sponsors of this amendment the question that thousands of Pennsylvanians would ask about any measure considered in the final hours of this session: What will this bill do for new jobs?

It will, of course, do nothing. Moreover, by straitjacketing the Congress in the midst of a severe recession, it could prevent the necessary decisions which could forestall economic calamity. The Reagan administration's economic policies have caused our economy to go into a state of shock. A balanced budget amendment could make it comatose.

A vote or statement for the balanced budget amendment may ease some consciences and fool some of the public for a short time. It is not a substitute for biting the bullet in the hard decisions in setting the Nation's spending and tax priorities.

Amendments to the Constitution do not balance budgets. That is the function of the elected representatives. Our actions are appropriately judged by the people at election time. That is how we have conducted the affairs of this Nation for more than 200 years. I see no reason, politically attractive though a balanced budget may be in an election year, to alter our Constitution, and our budgetmaking process, in so radical a manner.

I urge my colleagues to defeat this resolution.

Mr. RODINO. Mr. Chairman I yield such time as he may consume to the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, One of the true signs of genius among the Nation's Founders lay in the nature of the document they produced under which to operate our democracy.

Simple, straightforward, and flexible.

The Founders also made it difficult to amend.

And for good reason.

Were it easy, they reasoned, transitory political pressures or some temporary social attitude might suddenly be enshrined in our most organic and basic political document.

A lengthy process, requiring an extra majority would be sufficient to allow for a reasoned examination, a dispassionate review and deliberate judgment.

Could it be that the Founders had in mind the vacuous sophistry that is embodied in the probalanced budget amendment; the antiabortion amendment; the proschool prayer amendment; the antischool busing amendment?

The Constitution was not designed to freeze permanently in concrete answers to sensitive social and economic issues that this Congress should be addressing every day that we are in session.

This Congress must squarely confront the Nation's problems without resorting to putting the Constitution on the rack, torturing and distorting it to provide a quick fix for the perceived problems of the moment.

Mr. Speaker, the balanced budget amendment proposed by the President is nothing more than a diversionary tactic aimed at deflecting the growing public perception that it is the President who is responsible for the state of our economy; it is the President who is to blame for soaring unemployment rates and painfully high interest rates; and it is the President who is responsible for a recession that continues to bankrupt American busineses at a higher annual rate than at any time since the Great Depression.

Worse than a mere diversion, the Republican balanced budget amendment would dangerously trivialize the Constitution. Our Constitution has served us nobly for two centuries unchanged in the beauty of its form, structure, balance and symmetry. Let us resist the impulse to tinker and meddle. Let us get on with the job of bringing sanity and rationality to the management of the fiscal affairs of our Government.

We are paid to fulfill this responsibility, we are competent to meet this challenge. Let us get on with it, without further ado or diversionary sallies

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS) a member of the committee.

Mr. CONYERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, today we are debating a constitutional amendment to require a balanced budget for the Federal Government. The President has forced Congress to vote on the measure. In so doing, the House is being asked to vote on a fundamental issue without any thorough debate. It is doing so on the last day before the election recess, hardly a method for judicious consideration of such a weighty matter.

The Nation today is in the throes of a major economic crisis, a national economic depression, as I see it, a severe recession, for the euphemistically inclined.

The crisis today is one of intolerable unemployment and economic collapse, especially in the industrial sector. A balanced budget, desirable as it may be in principle, is not the answer to our problems. It will not and cannot provide the magical solution that its proponents promise. Balancing the Federal budget will not create any new jobs, or make American industry more competitive with Japan and others, or increase factory orders so that industry, now operating at roughtly two-

thirds capacity, can return to full production. Without addressing ourselves to these issues, there is no hope to turn the economy around.

The constitutional amendment to balance the Federal budget is a gigantic smokescreen, plain and simple, to divert attention from the real problems of the economy and the real faults of current economic policy. Sadly, a great many citizens have bought the alibi of a balanced budget since their President, one of the great symbolmakers of recent years, has thrust it before them.

Citizens are understandably upset and frightened about economic conditions. In the past few years they have heard the administration promise a dramatic turnabout only to find that matters went from bad to worse. Nor have citizens reason to depend on Congress to solve the economic problem. Our track record in the recent past is not laudable.

The Constitution is not the proper place for making economic policy, just as it was not the place for prohibition or other social and moral measures in the past.

Recently, over 400 economists, many of them among the most distinguished in the Nation, urged Congress to defeat a balanced budget amendment. They warned that such an amendment would rob Congress of any flexibility in dealing with changing economic conditions and economic emergencies. They warned that such an amendment would probably force Congress to cut taxes whenever the economy is strong, which would only fuel inflation, or cut spending when the economy is on its knees, which only would make matters even worse.

A recent study of the economic impact of a balanced budget amendment shows that the unemployment rate would be even higher today, and the economic growth rate, even lower, if we had in place a constitutional amendment mandating a balanced budget. This study indicated that in the 1974-75 recession, under a balanced budget, the jobless rate then would have been above 12 percent, rather than the actual 8.5 percent, and real GNP would have plunged by 12 percent rather than the 2.5 percent, as was the case back then.

It simply does not make sense to require Congress to cut Federal spending in the throes of a severe recession, which the constitutional amendment would require. That was tried in the late 1920's under Herbert Hoover, and the result was the Great Depression.

Can this body, without any serious debate, at the last possible moment, and working under the gun, render a prudent decision on this basic issue? Of course, not. Are we about to repeat the experience of last year, when the President forced Congress to vote on a budget resolution, which few Members had any time to digest or understand, and which led to such regrettable results? I hope not.

Congress and the Nation should concentrate now on reviving the Nation's economy, not straitjacketing the Federal Government through a constitutional amendment requiring a balanced budget.

What the Nation needs today is a full employment policy, a policy that places job creation as the top Federal priority. We need also a framework for intelligent, long-range, democratic community and national economic planning. A good start, but a small one, was recently made in fashioning a major new job training program. Congress should also return to the framework proposed in the Full Employment and Balanced Growth Act of 1978—which is the law, and yet has been so completely disregarded by the past two administrations.

● Mr. BROWN of California. Mr. Chairman, we have before us today an "apple pie" issue—an issue which, on the surface—appears logical and reasonable. In the best of all possible worlds, House Joint Resolution 350 to provide for a balanced budget amendment to the Constitution might be ideal. But this is not the best of all possible worlds. On such a momentous decision we must not only be pragmatic, but apolitical.

This morning's Washington Post reported that the Congressional Budget Office has warned against the consequences of forcing a balanced budget. Other nonpartisan economic analysts have issued similar warnings. To balance the budget by fiscal year 1985 would require higher taxes and more spending cuts that "would add up to $170 billion, or 4 percent of GNP." Such governmental fiscal policy could plunge our Nation into further recession—a recession which is already the worst since World War II. And with a deepening recession comes further losses in revenues. It has been estimated that for each percentage point of unemployment, the Federal Government loses $25 to $40 billion in lost revenue and increased costs. In addition, should a national emergency arise, whether economic, political, or natural, the Congress hands would be tied under this amendment.

Mr. Chairman, the Congress, along with the executive branch, has the responsibility to formulate a solid fiscal policy. But a balanced budget amendment to the Constitution, the most sacred of U.S. political documents, is not the proper approach. Instead, Congress—and the executive branch—should concentrate its efforts toward improving the economy, providing more productive jobs, eliminating wasteful governmental programs, and preparing our Nation for a more competitive international marketplace. By supporting a balanced budget amendment as outlined in House Joint Resolution 350 with its severe restrictions, Congress will be abdicating its fiscal responsibility; and such a measure could actually exacerbate our economic problems.

Mr. Chairman, after careful consideration and with some reservations, I shall support the substitute offered by Mr. ALEXANDER. I will support this measure because, one, it recognizes the shared fiscal responsibility of the executive and legislative branches by requiring the President to submit to Congress a balanced budget; and two, the Alexander substitute would allow Congress to define a national emergency. Many of us here today might consider a national unemployment rate creeping over 10 percent a national emergency. Many of us here might consider a major natural disaster, such as a great earthquake, a national emergency. Many of us here might consider the widespread deterioration of our industrial base—the failures we have seen in our steel and auto industry—as a national emergency. I am one Member who is not willing to abdicate this responsibility.

Congress has had for nearly 200 years the responsibility for providing a fiscal policy for this country. I cannot say that I have always agreed with its policies, but I will not abdicate it. Nor will I abdicate my responsibility to provide for the citizenry of this nation in times of emergency. Resolving these two responsibilities can, at times, be difficult, but it is part of the job we have been elected to do. Let us be permitted to do that job.●

● Mr. HILLIS. Mr. Chairman, it has been a long road to bring the House of Representatives to the point we now find ourselves. Clearly, we have waited too long to respond to the desires of the majority of the American people and to the economic problems created by huge Federal deficits.

No rational person can examine the fiscal state of the Federal Government and not come to the conclusion that a balanced budget amendment is needed. Earlier this year the Federal Government surpassed the trillion-dollar debt figure. We now have an annual deficit in excess of $100 billion. The interest alone in fiscal year 1983 to finance the public debt will be $113 billion. We simply cannot continue to allow these deficits to go unabated.

I realize there are some who will argue that a balanced budget amendment is unnecessary. Some seem to believe that if the Congress and the President had the same desire to produce a balanced budget, any amendment to the Constitution would be rendered moot.

That position neglects to recognize the realities of the world in which we live. We currently have a President who would deeply love to see the Fed-

eral budget balanced. President Carter before him, and President Ford before him, shared in that desire. Further, I am reasonably sure that well over a majority of both the House and Senate would like to see the fiscal year 1983 Federal budget balanced. And yet the deficit for fiscal year 1983 will probably be over $100 billion. Obviously, the Congress and the President lack the institutional tools to overcome the political pressures to spend more than we should.

There are some Members of the House who rightfully worry that chaos would result if we were forced to operate under a balanced budget. I would say to those Members that before coming to Congress in 1971, I served 4 years in the Indiana General Assembly. Then, as now, Indiana had a constitutional requirement that the State budget be balanced. Chaos did not result, fiscal responsibility resulted. Indiana does not have to finance a debt and is in much better condition than most States because of that balanced budget requirement.

Earlier today I heard some Members question the timing of this resolution. If someone did not know the history of this issue, one could conclude that the fact we are only a month away from an election might have had something to do with the timing of this debate.

For anyone who might draw that conclusion, consider the fact that House Joint Resolution 350 was introduced in October 1981. The leadership of the House has had numerous opportunities to bring this measure before the House for a full debate and vote. Earlier this year we spent months meeting but 1 or 2 days a week.

The only reason we find ourselves debating this most important issue before the Nation today, on the last day we meet before the election, is that leadership's hand was forced into action by the discharge petition. It would have been preferable to have had this amendment before us in the summer like the Senate did. Then there would have been a much better opportunity to study the substitute amendment offered by the gentleman from Arkansas.

No one who supports House Joint Resolution 350 takes amending the Constitution lightly. Any amendment to the Constitution should be very carefully studied. We should all be reluctant to support a proposed amendment until we are convinced of its merits. Notwithstanding some of the claims that this particular amendment has been poorly drafted or brought before the House in a hurried manner, this amendment is the result of considerable effort and study. Its provisions have been carefully drafted to insure that it is the best possible amendment which can be brought before the House. It allows by a vote of 60 percent of both Houses of Congress for deficit spending when a national emergency exists which would necessitate additional spending.

We should also keep in mind that passage of this amendment, even if the other body concurs in our action, does not ratify the amendment. It will still have to be ratified by 33 States before it becomes operable. Further, the Congress will have 2 years to prepare itself for whatever changes in rules and procedure may be necessary after the 33 States have ratified the amendment.

This is good legislation. It is good policy. It is what the American people want. It is the only realistic opportunity we have to save our children and grandchildren from crippling deficits and interest rates. House Joint Resolution 350 is the only hope we have to force the Congress to act in a fiscally responsible manner. We have tried to change the budget process, most recently with the Budget Act of 1974. We have passed laws requiring balanced budgets. We have tried zero based budgeting. We seem to have tried almost everything and nothing has worked. We must have a constitutional amendment if we are to be successful.

I urge defeat of the Alexander amendment and passage of House Joint Resolution 350.●

● Mr. ROBERTS of South Dakota. Mr. Chairman, as an original cosponsor of House Joint Resolution 350, I rise in strong support of the resolution calling for a balanced budget constitutional amendment.

I think it is clear that the people of this country are demanding that Congress take a more responsible approach to dealing with the enormous task of putting together the Federal budget.

In essence, this voting card which we use is the public's credit card. Our constituents have given us the use of their credit card, and it is up to us to see that we do not exceed the credit limit. The Congress has not done a good job in meeting that fiscal responsibility. Congress has consistently used the public credit card to charge more than America's taxpayers could cover.

The citizens of this country are tired of the reckless spending that has become a way of life here in Washington. They want a balanced budget, and they know that the only way to insure that this Congress meets that directive is to have a constitutional amendment mandating that balanced budget.

Those who have determined that we should represent them here in Congress are urging us to meet the challenge of fiscal responsibility.

I plan to meet that challenge by voting in favor of the resolution calling for a balanced budget constitutional amendment, and I would urge my colleagues to do the same.●

● Mr. MAVROULES. Mr. Chairman, I rise in opposition to the balanced budget amendment proposal.

Excessive Federal spending has cast a dark shadow over this Nation's economic prospects.

Today Federal deficits are making it difficult for every American to plan for his future. School loans are harder to come by, as a result. So are homes.

Over 17,000 small businesses went bankrupt last year; 25,000 are expected to go bankrupt this year. And of course, we have over 10 million unemployed Americans—the result of the ill conceived economic program now in place.

We cannot afford to wait any longer. The Federal Government must confront the problems generated by its fiscal policy head on.

But a constitutional amendment to balance the budget, for all its political appeal, is a copout.

It would effectively handcuff Government from dealing in a meaningful way with our recession. Second, a constitutional amendment would let us all off the hook.

A constitutional amendment would essentially put the economy on automatic pilot, usurping Congress authority to use its taxing and fiscal powers to address national needs during time of economic urgency.

I believe this administration and Congress can balance the budget responsibly, effectively—and fairly—without resorting to snake oil, and what at first blush is an extremely attractive idea.

Instead, what is needed to balance the budget is a moral commitment and the courage on the part of Congress to bite the bullet and strike a balance now between revenues and spending.

During earlier budget considerations this summer, we had the opportunity to force Congress to meet its responsibilities head on and make the hard choices.

First proposed by the gentleman from California, GEORGE MILLER, the pay as you go method presents a commonsense approach to meeting our fiscal responsibilities.

It is not based on radical, punitive domestic cuts. Or unreasonable tax increases. Or massive deficits.

It is based on the notion that what we want, we pay for—either by voting for the revenues in the clear light of day, or voting for the budget cuts that would now fund the programs we want.

It treats all programs, all interests and all constituencies as equals. And sends a message to Congress and the President that when a new program is proposed or an existing one expanded, we must demonstrate the courage of our conviction to stand up and pay for that spending.

Using this approach, the Congressional Budget Office projects a budget surplus of over $27 billion by 1985. All other budget plans still leave us in the red.

Time is running out on all of us. Let us face up to our responsibilities and address head on our problems.

A constitutional amendment to balance the budget would not do this, but the pay as you go scheme does exactly that for those of us who make budget decisions each day.●

● Mr. FRENZEL. Mr. Chairman, I have been a reluctant supporter of the balanced budget amendment. I sponsored it. I signed the discharge petition. But, I have never felt it is anything near a good solution to the problem.

The problem is not the Constitution. It is the Congress. A responsible Congress would drive all thoughts of constitutional amendment from the minds of the most flinthearted.

We have the power to control spending now. We have always had it. We are just unwilling to act responsibly, so the people of this country have begun to demand a constitutional restraint device to keep our greedy little fingers out of their Treasury.

Will it work? Nobody knows, not even its most enthusiastic backers. Will it do any harm? We do not know that, either, but it is certainly not without heavy risk.

But one stark fact dominates the discussion, and forces all others into the background. That is, there is no other way to bring the Congress into the world of reality. The status quo of continuous deficits is unacceptable.

We have talked about the difficulties of the constitutional amendment for years. It may be draconian in time of recession. It may simply drive taxes up to their real levels, rather than having people pay both taxes and inflation tribute. It may jolt us back to chiseling on budget estimates as we did in the earlier years of the budget process. The courts will surely have a field day with it.

Those are real problems, but they do not overshadow the fact that we have no other weapon to attack our own weakness.

For years, I have pushed for a balanced budget law. It would be a great way to get a little practice, or to work the lumps out of an amendment, if one should still be needed. But, our spenders, led by our Speaker, have repeatedly stifled that approach. They wanted no limits on their ability to dispense largesse, and in a real sense, their willfullness has spawned today's confrontation. They could have worked the problem. They chose to stonewall it.

It takes two-thirds of this body to pass a constitutional amendment. That is unlikely to be achieved today. But I think the balanced budget amendment is the only two by four left. To attract the attention of the congressional mule, the people must use it, although it is admittedly a blunt instrument, to continue battering their profligate representatives until they do achieve discipline.

There is one other less persuasive reason to vote for the amendment. It is the only sane way to forestall the growing momentum for a Constitutional Convention, which, in my judgment, is worth avoiding.

Therefore, I shall vote for the balanced budget amendment, not with powerful enthusiasm, nor with a strong hope of passing it today, but with security in the knowledge that there is no other way to attack the fiscal problem which will destroy us if we do not solve it.●

● Mr. SMITH of Iowa. Mr. Chairman, I oppose both of these so-called balanced budget amendments that are before the House today. The Constitution of the United States is the fundamental law of the land. It has served this country very well for two centuries and only in one instance has it been changed in a way that the people would not want to last for an indefinite period of time—perhaps hundreds of years. It is not an instrument to be used to create a national referendum for temporary political convenience and should never be amended with provisions that could not carry out the purpose of the amendment.

Even if one were to be for an amendment to the Constitution to require a balanced budget, neither one of these amendments would meet the test because neither one really requires a balanced budget. They only require that receipts and assets be balanced and do not require that capital assets even be considered. For example, to spend more than is taken in in receipts would only require selling some gold out of Fort Knox or a few million acres of timber or some of the Federal Government's oil and gas inventories or cleaning out the reserves of agricultural products. Since deficits are most likely in times of recession, these sales would be made at the very time when the supply was already in excess of demand and the products would bring the least amount of money and create the maximum amount of additional unemployment and economic difficulty.

Another way to avoid outlays exceeding receipts would be to merely estimate that they will not do so. This is what the administration did last year. They estimated that receipts would be high enough so that there would be a $37 billion deficit even though econometric projections of several sources were estimating that it would be $108 billion which it turned out to be. So a mere phony estimate is all that would be required to get around it.

What we really need is a statute requiring that we use a capital assets budget separating capital assets from ordinary expenditures instead of continuing to consider money spent for investments the same as money spent for salaries or expendable items. If the big growth companies of the United States which are considered the most successful were to keep books like we do under the present budget and like what would be locked in under these budget amendments, they would appear to be in very bad condition because most of them have outlays exceeding receipts but they also have increases in net worth exceeding the amount by which outlays exceed receipts. In other words, they are increasing their investments and their ability to earn in the future. If either of these constitutional amendments were to pass, they would take effect in about 1992. They would act merely as a shield to distract attention from our present problems and take the pressure off doing something about them now. Passage of either of these amendments to take effect in 1992 is not a substitute for keeping military spending under control or for revising the way we keep books or for getting more discipline into our budget system today; and, under no condition should we garble up the Constitution of the United States for a temporary political convenience ever.

From time to time since I have been in public life, there has been an increase or decrease in the extent to which people trust government officials, the media, unions, businesses, and other institutions in our society but there has been no time that I can remember when people did not trust the Constitution of the United States as the basic long-term document which would prevent excesses and would assure a method of overcoming whatever problem we may have. It would be a drastic mistake to clutter up the Constitution with either of these meaningless amendments or deceptive amendments and I urge Members to vote against both of these proposals today.●

● Mr. GONZALEZ. Mr. Chairman, it is a terribly sad thing to see, for the first time in history, a President who throws the Constitution itself into the vortex of last-minute electioneering. What we have here is an attempt to write a campaign slogan into the Constitution, notwithstanding the universal judgment of thoughtful minds that the amendment is likely to do more harm than good, that it could indeed wreck Government and the economy alike, and that at best it will either be evaded or rendered meaningless.

All of this is done at the insistence of those who authored, demanded, and won the 1981 tax bill, which has aptly been called "the single most irrespon-

sible fiscal act of all time." That is a judgment confirmed this year, when much of that tax giveaway had to be rescinded.

All of this is done at the insistence of those who authored, fought, and won a program that has brought about the greatest economic crisis in 50 years, and a program that moreover makes fiscal sanity all but impossible to achieve. They do not accept responsibility for what they have done, but today seek to immunize themselves by proclaiming their fidelity to balanced budgets.

Where was their fidelity to balanced budgets last year, and where was it this year? Where was their fidelity to balanced budgets when they accepted doctored projections, designed to prove that the Reagan program would produce all the miracles that it could not ever do? Where were they this year when they demanded yet again that the Congress accept phony projections designed to hide the depth of the Republican failure?

The hypocrisy is astonishing. These authors of the greatest of all deficits now say that they want a balanced budget. They want to outlaw their own deeds.

They are like a certain former President who proclaimed, "I am not a crook." They want to proclaim, "I am fiscally responsible." How sad it is to see this kind of posturing by the very authors of the great economic disaster that haunts the land today.

They are not concerned with the merits of either proposal before the House today. They only want a quick vote on a slogan that they can use this year.

Their shame is evidenced, not just by the hypocrisy of this last-minute maneuver, but by the fact that we are supposed to vote on a constitutional amendment with the benefit of only a few hours' debate. We are to vote on a document that few have studied, few have reflected on, and that no one can explain in its practical, real terms.

This is an amendment, had it been in place, that would have outlawed the Reagan program that the very authors of the amendment supported.

This is an amendment that in its concept, was characterized by the gentleman from New York (Mr. CONABLE) as "a meat ax approach that would take fiscal discretion out of the hands of the President and Congress." Yet he authors it.

This is an amendment that in its application will make it extremely difficult for Congress to respond in any appropriate way to economic crisis, or even to approaching national security dangers, by making it impossible to adopt a deficit budget except with a huge majority—meaning that fiscal policy will be effectively in the hands of a few radicals, who will be able to veto sensible programs in the name of whatever ideology that bedevils them at the time.

This is an amendment that would have outlawed not only the 1981 Reagan tax cut, it would have outlawed the 1982 Reagan tax increase. Yet he is its chief apostle. Those who author and support this amendment do not have any idea how it would be implemented, or even if it could be. Mr. Reagan himself, for all his devotion to the amendment, does not dream of submitting a balanced budget. Should this not tell us something of the dangers that we are confronting here? If the chief advocate of this amendment is in fact the same person who does not and will not ever have to live with its requirements, the same person who incurred the greatest deficits of all time, the same person whose every economic move has been a disaster, should we not be forewarned?

The Constitution is not meant for election year politics, and it cannot be reduced to slogans. It cannot be reduced from organic law to ordinary statute, without destroying its integrity and meaning. Yet, that is what the pending amendment would do.

The purposes of the authors could be embodied in ordinary law, yet they have offered no such bill. They could achieve their stated goals by use of the ordinary budget processes, but they have not done so—in fact, their every move has been to increase the deficits they claim to abhor. They simply want to be able to say in this election year, "It is not my fault." They seek the same absolution as the man who said, "I am not a crook." Their claims are of the same order. They deserve the same contempt.

Anyone who understands the meaning of the Constitution, anyone who is concerned about reason and good order, anyone who cares about the future good of the Nation, would be shocked and shamed by this proceeding today. How sad, how terribly sad, that the very Constitution has been thrust into the arena of political imagery. If the proponents really believed in this amendment, they would have offered ordinary bills embodying its purpose, but they have not done so. If they really believed in this amendment, their every major action in this Congress would have been different.●

● Mr. FUQUA. Mr. Chairman, I rise today in strong support of the concept of a constitutional amendment to mandate a balanced Federal budget. Ever since 1976 I have had before this body my own proposal to require a balanced budget. This is the first time that the issue has reached the floor of the House of Representatives and I intend to cast a vigorous aye vote.

In 1929, we had a budget surplus of some $734 million. Basically, we have been going downhill ever since. As a matter of fact, the last time we had a balanced Federal budget was the last budget under President Lyndon Johnson when we had a budget surplus of $3.2 billion. In the Nixon-Ford years we ranged from deficits of $2.8 billion in 1970 to a deficit of over $66 billion in 1976. The Carter administration reduced deficits for several years but we never achieved our objective of balancing the budget.

Now, under President Reagan's latest budget, we face a deficit in excess of $100 billion—a staggering amount. Fiscal sanity must regain control and we absolutely must lower spending levels for domestic and military programs.

We can balance the budget without doing undue harm to older Americans and those living below the poverty line. We have made these commitments and we must stick to them. To do otherwise would be to betray the trust of the American people. There are, however, many, many areas of Federal spending that can be reduced. We must rely more on the taxing powers of the States and communities. The Federal Government simply cannot afford to fund every worthwhile project and program. Each State and community must make internal funding decisions without resorting to the National Treasury for the money.

There are some who would say that we in Congress have failed. I disagree. We have lived up to the expectations of the people and funded those programs that needed and deserved Federal support. The time has come, however, to listen to the voice of the people. The people recognize that huge budget deficits mean the Government is in the money markets borrowing money that would otherwise be utilized in the private sector. This drives up interest rates and lessens the chances for economic recovery. The Government just cannot continue to borrow money to pay its bills. We already have a national debt of over $1 trillion. A massive amount that is difficult to comprehend.

Fiscal responsibility and commonsense must rule in this House today and we must take the action expected of us by the American public. There is an overwhelming clamor for a balanced budget amendment and we should submit this proposal to the States for possible ratification and inclusion in our national Constitution.

I am not unaware of those who oppose this effort. I say to them that it is far preferable for Congress to submit this amendment to the States rather than face the alternative of a constitutional convention as called for by over 30 State legislatures. Such a convention could actually rewrite our entire Constitution and do irreparable damage to our form of government.

The document before us today is not perfect. I would have preferred it to

contain a clause contained in my proposal which would require a two-thirds vote to unbalance the budget rather than the three-fifths vote called for in this measure. I believe the tougher standard is important and I would have wanted the opportunity to amend this proposal if that were possible. Unfortunately, it is not permitted and I must accept this as the only game in town today.

We cannot look upon this amendment as a panacea for all the economic ills afflicting our Nation. It may take years to ratify and, in the meantime, we still must press ahead with efforts to reduce overall Government spending. I am very sensitive to the growing unemployment throughout our land. It is shocking to realize that approximately 10 percent of the American people cannot find work. This amendment, taking effect in a number of years, will not get those people back to work tomorrow. It is up to the Federal Government to come forth with programs and initiatives to encourage employment in the private sector. This amendment will not solve our balance of trade troubles and will not reduce the price of oil.

While not a panacea, this amendment is a good starting point. It will make us reduce spending in the coming years to prepare for the time when it takes effect. It will demonstrate to Wall Street and the world alike that we are serious about getting the Federal Government out of the money markets. It is needed, it is necessary, and it is an idea who's time has come.

I have made a commitment, Mr. Chairman, to the people of the Second Congressional District of Florida. I have told them that I support the concept of a constitutional amendment to require a balanced budget and I shall not break my bond with them.●

● Mr. FORD of Michigan. Mr. Chairman, I rise in opposition to the proposed balanced budget amendment to the Constitution. Like most Americans, I believe in a balanced budget. However, there is little doubt that a constitutional amendment is the wrong way to achieve this goal. The lead editorial in today's New York Times concisely and eloquently spells out the arguments against this fraudulent approach to solving our economic problems. I am pleased to insert it at this time.

[From the New York Times, October 1, 1982]

THE RAINMAKERS RIDE AGAIN

The "balanced budget amendment" has sprung back to life for a tawdry purpose—to improve Republican chances in next month's Congressional election. On the day he closed out a fiscal year with a deficit of about $110 billion, President Reagan and his allies sought to drown out this news with the irresponsible promise that the amendment would, someday, protect the economy.

They may not even care about passing it. Daring House Democrats to oppose it in mid-campaign was the first order of business. "It will be hard to go back home right before the election and explain a 'no' vote on this one," says Representative Trent Lott. And indeed, Speaker O'Neill feels compelled to minimize the risks by bringing the amendment up for the quickest possible vote—today.

Anything could happen in the parliamentary melee. The worst would be passage of this constitutional restraint on deficits and taxing authority. It is a phony and potentially damaging restraint; the arguments against it bear repeating.

The amendment can do nothing for current economic problems. Its ratification by the states would take years. Even then it could have only negligible effect. It permits Congress to waive the restraint on deficits by a three-fifths vote and on taxes by a simple majority. It does not in any case prevent Congress from pushing spending off the budget, as it has done for years.

Then again, if future Congresses take the amendment seriously the result could be paralysis. The three-fifths requirement on outlays that exceed expected revenues could tie up the lawmakers for months; conflicts with the White House over enforcement could even lead to constitutional crisis. And compliance would depend on unreliable forecasts up to 18 months into the future.

Read seriously, the amendment is also bad economics. Balanced budgets are not always wise; a rigid ban on deficit spending can prolong recession. That is precisely why Mr. Reagan secretly welcomes the present deficit; had the amendment he champions been in effect over the last year, the nation's predicament might be even worse.

But the White House, it seems, is alarmed above all at the prospect of losing seats in the House and of more bad news about unemployment before Election Day. It prefers to impress voters with false religion and an absurd claim that passage of the amendment would impress the financial markets.

To vote yes, in sum, is to participate in a blatant fraud for campaign advantage. To vote no is to express faith in the voters' intelligence, and in a lean and principled Constitution.

Frankly, Mr. Chairman, in my 18 years in Congress, I cannot recall a piece of legislation more damaging to our economy. Should this political gimmickry be allowed to become law, I shudder to think of the consequences. I do not exaggerate when I say it could lead us into the darkest economy hole ever imagined in modern times.

Sadly, the American people are being tricked into thinking that this is sound economic policy—that it will cure all our economic ills.

That this reckless idea could gather any popular support is a tragic commentary on the depths of the Republican-engineered recession.

It is human nature that in times of great suffering and uncertainty people will be tempted to reach out for any line that is thrown to them, heedless of what is at the other end.

The author H. L. Mencken, who had a keen understanding of American politics, once said that "for every problem there is a solution that is simple, neat and wrong."

This is truly the case here. The idea of an amendment to force a balanced budget is appealing because it seems so simple. But it would be so terribly wrong.

It is indeed ironic that the proposal comes from a President who continues to chalk up the biggest deficits in the history of our country. For the fiscal year that begins today, that deficit will be more than $150 billion. This is 2½ times the last Carter deficit.

We have this horrendous red ink not because of past Democratic big spending, as the President says, but because Reaganomics has failed, because supply-side economics has proven to be a colossal blunder.

It was apparent from the beginning that we could not have the biggest tax cut in history and the biggest defense buildup in history without having, as well, the biggest deficit in history.

Now Mr. Reagan wants to divert attention from that costly failure that has caused the worst recession since the Great Depression with unemployment that is almost certain to pass the 10-percent mark in a few days.

This is not economic policy, it is political chicanery. The very President who created the biggest deficit in the 206-year history of our country wants to trick the American people into believing that he is the foremost champion of fiscal integrity—that he has a simple solution.

Let us look at what enormous problems this measure would create:

It would deny the Federal Government flexibility in dealing with ever-changing economic conditions. It would put us in an economic straitjacket the likes of which we have never seen. Government would be helpless in dealing with periods of recession and unemployment. It could not, for instance, pass laws to put people to work and get the economy moving if that meant a deficit.

Federal courts would be given an unintended and dangerous role in setting economic policy. Take a situation where Federal law says that so much money must be spent on a specific program—such as social security—and where meeting this obligation would be in conflict with a balanced budget amendment to the Constitution. Federal judges would do the deciding. We would, in effect, have government by the judiciary.

It would immobilize the congressional fiscal power to meet national needs by adjusting tax and spending levels. The Federal Reserve Board, an elected body, would gain increased power to use monetary policy to control the Nation's well-being. Millions of American workers now are suffering from the present economy. As I have said before and will say again, balancing the budget during a recession only aggra-

vates the downturn and has devastating effects.

It would guarantee the kind of economic roller coaster that is characterized by depressions and booms. We would be prevented from shifting funds from the public to the private sector in the form of unemployment benefits and payments if this would mean a deficit. In times of boom, it would also worsen inflation since Congress, under the tax limitation requirement, would be obliged to cut taxes during inflationary periods when tax receipts tend to rise. Thus, inflation would be fueled by pumping money into the economy at the very worst of times.

If this proposed amendment had been in force last year, we would have had far deeper budget cuts. And this would have resulted in a much more serious recession.

This is a fact that surely has not escaped the attention of the President and his zealous budget cutters. And it may well be at the very heart of what the President is trying to do.

The third step of the President's historic tax cut for wealthy corporations and individuals comes next July. The defense buildup will continue. This is certain to result in huge new deficits.

Under the proposed amendment, such a deficit would not be allowed. The only alternative would be wholesale slashing of entitlement programs—social security, unemployment compensation, welfare, medicare, student loans among them.

This, it seems to me, is the real strategy behind what is portrayed as a way of restoring economic order. In fact, it is a way of guaranteeing economic disaster.

What the President is proposing can be likened to a family making a firm decision not to spend more than its income regardless of what tragedies it may encounter. Then there is a catastrophic illness or the furnace needs to be replaced. If the family sticks to its decision, the consequences will be disastrous. But, of course, it would not. The Federal Government, under this proposal, however, would have no choice. It could spend beyond its income only in case of a declared war, and it seems we have about outgrown that option in today's complex and dangerous world, or by a vote of three-fifths of the entire membership of Congress. Today's difficulty in getting a majority to agree to measures to deal with the present recession reveals how hard it would be to muster a three-fifths vote.

In cases of depression, inflation, natural disaster, foreign entanglements, and other crises, Congress would probably be paralyzed.

President Reagan paid Congress a visit yesterday to stump for the amendment, warning that Democrats may try to sabotage it. The truth is that both Democrats and Republicans should defeat this preposterous scheme to save the American people from certain calamity in the future.

In the 206 years of our Nation, the Constitution has been changed only 26 times to deal with fundamental shifts in our society. The Founding Fathers carefully wrote the document to preserve it from political expedience and whim. It was not intended that it be used to deal with problems of a temporary nature.

To tamper with it now to deal with a problem that has a political solution would set a dangerous precedent.●

● Mr. AuCOIN. Mr. Chairman, the Constitution is not defective. The economic policies of this administration are defective. What we need to change is the economic plan of this administration—not the basic law of the land.

It strikes many of us in this Chamber as pretty strange—as it should the American people—that an administration which has succeeded in running up the highest budget deficits in history should now be urging the Congress to adopt a constitutional amendment to require a balanced budget.

Thanks to this administration and its allies, this year's budget deficit will exceed $100 billion. Under the administration's economic program, next year's budget deficit will certainly exceed $100 billion, and so will the deficit the year after.

Now they are saying we have got to have a constitutional amendment to stop these deficits. Out of one side of their mouth they are defending a reckless economic program that has produced these deficits, while arguing out of the other side of their mouth that what they have done ought to be against the law.

Mr. Chairman, it is a sham, a bald attempt to dupe the American people and escape accountability for their actions, and the taxpayers of this country will not be taken in by it.

It is a sham because the amendment will not do anything to eliminate or even reduce the deficits being inflicted on the economy now, and the deficits that will be inflicted next year and the year after that by their economic program. The problem is now. Any amendment will take years to ratify. Without a change in "Reaganomics," the Government could go bankrupt by that time.

If providentially the Nation is spared a full-scale economic catastrophe in the interim, what happens on the day the amendment is ratified as part of the Constitution? What happens if by that day the economy has not made the robust recovery the administration keeps predicting, but is still bumping along the bottom? How shall Congress discharge its constitutional responsibility on that day to balance the budget? Will it push through a massive tax increase, as Herbert Hoover, did in 1932? Or will it end unemployment assistance or slash social security benefits? Unless the Nation happens to be at war on that day, those are the basic choices the Congress will be limited to making.

Mr. Chairman, many people wonder how this amendment would be enforced. Section 1 of the amendment says only that "the Congress and the President shall insure that actual outlays do not exceed the outlays set forth" in a statement of receipts and outlays adopted by Congress prior to each fiscal year. The powers of Congress are clear enough. But what powers would be conferred upon the President to discharge his responsibility under section 1? Clearly the President would be able to impound funds already appropriated. It would give him line-item veto power over those parts of budget or appropriations bills he does not like.

Congress took away the power of the President to impound funds in 1974, precisely because of the abuse of that power in the Nixon administration. Shall the power of impoundment now be given back?

It is chilling to imagine how that power might be exercised today by the Reagan administration. In my region of the country, vital fish hatcheries would today be shut down; millions of dollars in public and private investment made in the Portland metropolitan area on the basis of prior Federal commitments for transportation assistance would be going down the drain; the Coast Guard would be floundering.

Are we going to cede to the executive branch of Government sole authority to decide what our national budget priorities are going to be? If we do, we might as well declare one-man rule.●

● Mr. AKAKA. Mr. Chairman, I rise in opposition to the balanced budget amendments offered today. Such amendments, no matter what form they take, will not work the fiscal magic claimed by their supporters.

The U.S. Constitution is the fundamental document of this Republic. It lays out the rights and freedoms of the people and defines the parameters and responsibilities of the three branches of Government. This fundamental structure of our Government was carefully crafted by our Founding Fathers. Our Constitution is not a document that should dictate any one economic theory or policy. It is not a document to be shaped by economic theories currently in vogue.

The amendments to balance the Federal budget would alter the fundamental nature of this Government's structure. The current language of the Constitution states that Congress has the "Power to lay and collect Taxes, Duties, Imports and Excises, to pay

the Debts and provide for the common Defense and general Welfare of the United States." Thus, under the Constitution it is the Congress, a body of duly elected individuals, which makes the decisions on how to operate the Federal Government. If a balanced budget amendment were adopted, this fundamental responsibility of Congress would be abrogated. The Federal courts composed of judges appointed for life would be drawn into the budget process. Federal judges would make decisions controlling the tax system and could dictate the manner in which outlays were distributed among budgetary items vying for funding. Furthermore, a constitutional link would be established between the conduct of foreign policy and the constraints of economic policy. Except in times of war, the President would be restricted in his foreign policy decisions by the amendment's requirement that the Federal budget be in balance every year. The Congress would not be able to vote for foreign aid in response to a Presidential request and thus, our foreign policy would be severely handicapped, our national security interests compromised.

Under the terms of these amendments, one Congress will be allowed to bind successive Congresses to certain economic policies—this kind of bondage is something the original framers of the Constitution would certainly have disagreed with. Under the Constitution, the Congress is given the right—

To make all laws which shall be necessary and proper for carrying into Execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or in any other Department or officer thereof.

Thus, any balanced budget amendment would detract from the right of Congress to set its own rules for budgeting in each fiscal year.

Under a balanced budget amendment, current economic realities would force our Government to adhere to a "cash and carry" policy which no one in this modern day world practices. The argument that individuals only purchase what they can afford ignores the long-term debt that most individuals carry in order to make big purchases such as a home or a car. The Federal Government, too, must make those types of expenditures for long-term capital investments. How else could we maintain our highways and pay for sophisticated weapons systems? Of course, the Congress could simply drop the unified budget system and adopt the capital accounting procedure used by many States. In fiscal year 1983, we would have a budget surplus of $25 billion if the capital accounting procedure were used. Adoption of the balanced budget amendment would make conformance to this particular accounting system almost irresistable. The balanced budget amendment uses words such as outlays, receipts, debts, and national income. Adoption of either balanced budget amendment offered today would require the Congress to adopt implementing legislation defining exactly what these terms mean. There is, however, no consensus among economic experts on the specific definitions of these terms. The terms are useful as general concepts to explain economic behavior but are impossible to reduce to specific definitions of certain actions and activities in the economy.

Adoption of either balanced budget amendment would have a profound affect upon the relationship between the Federal Government and the States. There would be a shift in debt burdens from the Federal Government to the States. In those States that have adopted balanced budget amendments, an Associated Press survey found that 18 States have either cut spending and/or raised taxes or simply settled for deficits; 20 States have raised taxes and 20 States have laid off State workers. Given this record of experience with balanced budget amendments, the Federal Government should not be quite so eager to bind itself to one peculiar economic theory.

Had a balanced budget amendment been part of the Constitution this year, the loss to the States in most cases would average over $200 a person. In order to maintain the level of services in these States, all State taxes would have to be raised by an average of 37.5 percent in 1982 and again by 38.6 percent in 1983.

Even if the supporters of a balanced budget amendment believe that the Federal Government has no business redistributing the income of this Nation, they cannot believe that the Federal laws promoting uniformity for the protection of the environment and the health and education of its citizenry should be abolished. For example, many Federal laws set out minimum standards to promote clean air or clean water or special education for certain groups of the population—groups such as the handicapped or disadvantaged adults and children. Without the monetary incentive to set up these programs to protect the environment, to promote the health and education of the people, most States would just not agree to be bound by a uniform Federal law. We would all lose if uniform laws were no longer applied in a majority of States. There would be a proliferation of disparate laws regulating the environment and affecting business and individuals.

I favor a balanced budget. But, the budget will only be balanced by making the daily decisions to cut back on Government programs. Those decisions are difficult to make; during the past 2 years, this Congress has made those tough decisions. The Congress has responded to constituent concern about the increases in Federal spending. The system is working. Clearly, there is a continuing need to refine the budget process and be alert to excess expenditure, waste, fraud, and abuse. We in Congress are responsible individuals. I have confidence that we will continue to meet the demands of the people of this Nation for a responsible Government.●

● Mr. MITCHELL of Maryland. Mr. Chairman, I rise in strong opposition to House Joint Resolution 350, to amend the Constitution to require a balanced budget. I will not support this measure.

I submit to my colleagues that I am truly saddened and resentful that, while our national unemployment level hovers near 10 percent, we are literally ignoring the problem by debating the enactment of an initiative which is neither economically feasible nor practically applicable in most national economic situations. It is most distressing to realize that the administration and those Members who support House Joint Resolution 350 have led the American people to believe that the enactment of this constitutional straitjacket will provide, among other things, tax relief, an end to unscrupulous Government spending, and an answer to such critical problems as inflation and unemployment.

My colleagues, it is also ironic that the balanced-budget amendment is based upon, among other things, a presumption of an extremely strong relationship between high deficits and high inflation. Ironically, we are willing to ignore economists after economists who stress that no such close correlation is confirmed and the data do not substantiate such a contention.

On another note, the issue of a balanced budget has been so sensationalized that we must wonder if this purported mandate from the people is clouded by the rhetoric of its proponents that Government spending as a percent of the GNP is the sole culprit in our Nation's economic ills. Again, we would rather prophetically allude to the positiveness of putting severe restraints on the ability of the Government to do its job than face the fact that econometric models have confirmed that such spending restraints would boost unemployment, and fail to have a significant effect on inflation—econometric models from CRS with use of economic assumptions and models from the Urban Institute.

Mr. Chairman, the proponents of the balanced budget amendment, to include the present administration, are feeding the American people some fantastic lies. They are leading these constituents to believe that the enactment of this initiative will provide the panacea for the solving of our critical

economic problems. These proponents are well aware that such contentions are just unfounded.

Mr. Chairman, I must mention that one optimistic member of the National Taxpayers Union contends that with the enactment of a balanced budget amendment, such marginal spending as that targeted for the wasteful Clinch River breeder project might be eliminated. The proponent also envisions that such a restraint will finally move us toward attacking and eliminating wasteful defense spending. While I do wish that I could share this optimism, I must be realistic enough to maintain that it will not be the pork-barrel projects or the defense budget spending, but rather the vital human services programs which will be jeopardized. If the Government is restricted in its expenditures and outlays, it will make the same choices it does under the present administration—the defense budget will remain sacrosanct, and the elderly, unemployed, students, children, minorities, and the poor will just have to suffer.

I emphatically urge defeat of House Joint Resolution 350.●

● Mr. VENTO. Mr. Chairman, it is time for Members to face the facts today. Amending our Constitution surely should not be accomplished in the waning days of session. Clearly, the careful consideration that this proposed amendment merits has been sacrificed to the political sloganeering that has characterized this issue. The budget amendment is a sham and a mockery that will fracture the basic framework that has held our country together throughout history. Trumpeted by the Reagan administration, this initiative appears to be a cynical attempt to divert attention from its own embarassingly bankrupt economic policies and raging deficit. All of us have seen reelection grandstanding before, but never have I seen an administration and a Congress willing to exact the price that this initiative extracts levies on our Nation.

It is bad enough that this Congress turned the legislative process on its head to pass the reconciliation measures that have thrown millions of Americans out of work. These actions while regrettable are still possible to correct. However, if the balanced budget amendment were to be adopted, the damage to our form of government and to the majority's ability to establish national policy, and the damage to our Nation's ability to act responsibly to improve the condition of our existence will be permanent and grave. This Congress and the President may not accept the credit for the consequence of their actions or choose to address the problems of the American people, but what right have we as a Congress to impose, to handicap the tools of future administrations and Congresses and their rights to address such serious issues and priorities.

I hope that the experience with our journey into never never land economics would give Members pause to consider what they are asked to vote for today. It is my hope that Members will not respond to the deficiencies of the current economic program by imposing an unrealistic discipline on some future Congress and President. We cannot justify this travesty by imposing future restrictions which we now refuse to accept directly or indirectly. As Members of Congress we have a responsibility to lead as well as to reflect the wishes of our constituents. I sincerely believe that the vast majority of Americans would reject this amendment if they were exposed to a sustained national debate on the issue rather than just the bumper sticker arguments made by the amendment's proponents.

It is our responsibility as national leaders to instigate this national debate. We will not be acting responsibly if we vote in favor of this amendment in order to provide ourselves or our constituents with an easy answer to the very difficult questions of our economy and the raging national deficits.

Our democracy has been so stable and successful in part because our Constitution speaks only to basic fundamental issues. These issues include: An absolute guarantee of certain individual rights; the relationship between three equal branches of Government; the relationship between the Federal Government and the States; and the method for electing the people's representatives.

The size of a Federal budget is a very different type of question than the issues historically addressed in the Constitution. Whether a budget is balanced or whether it exceeds a specific percentage of gross national product is an economic question, not a question of Federal responsibilities of individual liberties. The size and nature of the Federal budget must be determined in view of the economic situation at that time and the needs and political desires of the American people. For these reasons, I feel it is inappropriate to amend our most basic document to require adherence to a specific economic and budgetary philosophy.

In addition to the questionable appropriateness of placing a purely economic consideration in the Constitution we must also consider the economic policy that would be required by this amendment. In testimony before the House and Senate Committees, it was clear that economists from all schools except perhaps the cocktail napkins school of economics oppose without qualification a balanced budget requirement. There are economic conditions, other than a state of war, when it is essential to have the flexibility to use deficit spending to meet extraordinary demands. A balanced budget must be our goal but a constitutional amendment is not needed to accomplish this. Indeed, if President Reagan or congressional supporters of this amendment really believe in a balanced budget they should propose such a budget and if they can gather a majority of Congress to agree, a balanced budget will be adopted.

I certainly and seriously question the ability of this amendment to produce a balanced budget. It is rather the type of action that would result in a constitutional crisis and a breakdown of powers divided between the judiciary, the administration, and Congress. In addition, it is likely to be a final straw with many people who would completely lose confidence in Congress. We need no further fuel to cause disillusionment and estrangement of our National Government from the people we represent and indeed this measure will add significant fuel to that fire.

The legislation requires the adoption of a budget in which expenditures do not exceed receipts. Aside from questions about the definition of these terms and the inevitable explosion of off-budget spending that could result from this measure, our ability to accurately forecast Federal revenues and expenditures is very limited. Currently, the Government is required, by law, to enact a budget which establishes Federal revenues, expenditures, and any deficit or surplus. President Reagan's fiscal year 1982 budget established a deficit of $38 billion. Even though President Reagan's budget was followed scrupulously, the actual Federal deficit for fiscal year 1982 is projected at $115 billion. This explosion in the deficit was a result of experimental economics, phony economic assumptions, a deepening recession, record unemployment and high interest rates. No Congress or President can predict with 100-percent certainty that unemployment will not increase, that farm prices will be adequate or that the price of oil will not rise dramatically. Each of these factors, to name a few, decrease the amount of Federal revenues, and increase Federal spending. During periods of economic crisis, the amendment would bar the Government from fulfilling its essential role in our economy at precisely the moment when stability and certainty would be most desperately needed.

Finally, the amendment has no specific enforcement mechanism. Without this provision, one has to assume that the Federal courts would have to enforce the spending and tax requirements. Considering the controversial history of the courts on other issues, I

am very hesitant to invest in them such an awesome and poorly defined economic and political responsibility.

All too often, Congress votes for spending programs but is very reluctant to support the taxes necessary to maintain the spending without a deficit. This free-lunch approach must come to an end. I can well understand the frustration of the people we represent when the 1982 deficit is $115 billion, the 1983 deficit is nearly $200 billion and the future deficit, as far ahead as the forecasters can project, is at $150 billion plus. The National Government needs answers today as well as tomorrow. In proper perspective, this is an attempt by the Republicans to take the focus, light, and heat off the affect and facts and focus on rhetoric better suited for political campaigning than the thoughtful management of our national economy.

This so-called balanced budget amendment may be the political slogan that will serve the reelection needs of some Members today. But it is too high a price to pay. The price will cripple our National Government tomorrow. This measure before the House today deserves a "no" vote.●

● Mr. FOUNTAIN. Mr. Chairman, I will be brief. America needs for the Congress to pass House Joint Resolution 350, the balanced budget amendment.

I, for one, do not take the U.S. Constitution lightly. Our Founding Fathers put together a beautiful and powerful document which has stood the test of time. And it should only be amended when events make it absolutely necessary, not at whim. Getting the Federal budget deficit under control is absolutely necessary.

Indeed, Government officials and the American people alike just have to realize that the U.S. Government cannot continue to spend more money than it takes in. The results of such spending policies have been disastrous in the past and will continue to cripple our economy unless we bring spending in line with revenues.

The balanced budget amendment will not solve our economic problems overnight, but its passage would be a big step in the right direction—the direction America must follow if we are to avoid economic ruin in the future.

If we are ever to get a handle on Government borrowing, inflation, excessively high interest rates, and if we are to encourage renewed economic growth, we must act boldly here today.

Passage of House Joint Resolution 350 would demonstrate to the American people a long-term congressional commitment to fiscal responsibility. We all talk a great deal about curbing Government spending, about doing some fiscal belt-tightening. Today we have the opportunity to put our money where our mouth is and pass House Joint Resolution 350.

I strongly urge my colleagues to support House Joint Resolution 350. It is a vote for fiscal responsibility.●

● Mr. YOUNG of Florida. Mr. Chairman, I rise in support of House Joint Resolution 350, an amendment to the Constitution requiring a balanced Federal budget.

The Constitution of the United States is a simple, all-inclusive, and highly flexible document that has served as the cornerstone of our Government for more than 200 years.

The fact that it has been amended just 16 times since the Bill of Rights was adopted in 1791 is further proof that our forefathers authored a document that has withstood the test of time and has provided stability to our Nation.

For this reason, I believe amending the Constitution must be approached cautiously, with a great deal of thought and debate, and should be reserved for those matters for which there is no other legislative recourse.

The legislation we consider today would amend the Constitution to require the Congress to adopt a balanced Federal budget, except in time of war or when three-fifths of the Members of the House and Senate find it necessary to authorize a budget in which outlays exceed receipts.

As an elected public official for the past 22 years, I have always believed in fiscal responsibility, including balanced State and Federal spending. Unfortunately, too few in Government share my views, and as a result, our national debt now exceeds $1 trillion.

For years, many of us have warned that a day of reckoning was approaching when the Federal Government's persistent habit of spending more money than it had would result in economic havoc throughout our Nation. Faced with the specter of a trillion dollar debt and more than $115 billion in annual interest payments to finance that debt, I am afraid our day of reckoning has arrived.

The idea of an amendment requiring a balanced budget is not new. However support has grown recently because many of my colleaugues now realize the penalties that are being paid as a result of decades of financial neglect and irresponsibility.

It has always been my belief that if the required two-thirds of the Members of the House and Senate supported an amendment to balance the budget, then there already should be enough support to actually have a balanced budget, with the simple majority votes needed to accomplish such a goal through a normal legislative process. If there was a genuine interest in Congress to insure fiscal responsibility, an amendment requiring a balanced Federal budget would not be needed.

Unfortunately, the budgets of the past 30 years graphically illustrate a lacking commitment to controlled Federal spending, so it has become obvious that an amendment to the Constitution is the only avenue available to guarantee responsible budgeting in the future. The people of Pinellas County, who I represent, agree, as more than 70 percent of those who responded to my latest congressional questionnaire said they support a constitutional amendment to require a balanced Federal budget.

Mr. Speaker, as I cautioned earlier, amending the Constitution should be reserved only for those matters where no other legislative recourse exists. This is such a case however, and you can be sure that as a cosponsor of the resolution, I am sure this amendment to the Constitution has been given the same careful thought and foresight that our Founding Fathers used in drafting our guideline for democracy.●

● Mr. MILLER of Ohio. Mr. Chairman, I am pleased that at long last the proposed balanced budget constitutional amendment is being considered in the House of Representatives. I am a cosponsor of House Joint Resolution 350. I was an early signer of the discharge petition which was intitiated to force this measure out of committee and bring it up for debate and a vote on the floor of the House of Representatives. I watched with anticipation as the number of signatures on this discharge petition increased. Yet even when we had over 200 signatures, the Judiciary Committee refused to report the measure out for House action.

The other body has passed a balanced budget constitutional amendment. Thirty-one of our State legislatures called for a constitutional convention to provide for a balanced budget constitutional amendment. Still, this measure remained bottled up in committee. It began to look as though this Congress would come to a close without this important issue even being brought up for consideration here in the House of Representatives. It was a discouraging prospect for those of us who have long been worried that this Nation was heading toward national bankruptcy.

But I am happy to say that opponents of this measure have failed in their attempt to deny us the opportunity to consider this measure here in the House of Representatives. This constitutional amendment is being debated on the floor of the House today because the people want us to take action on this matter. They made their will known to enough of their Representatives, and we finally obtained the necessary 218 signatures on the discharge petition.

The people understand that we cannot go on year after year piling up deficit upon deficit, adding billions to the already staggering national debt. When that national debt passed the

trillion dollar mark last fall, Americans all across the land knew were in trouble. They began to look at how that debt had accumulated, and they learned that over half of it had been added in the last 8 years. It took us over 180 years to accumulate a national debt of half a trillion dollars. It took us less than a decade to double that amount.

The American people looked at Washington and saw a spending machine out of control. They knew that something had to be done to put the brakes on this runaway spending machine. That is why the American people want a balanced budget constitutional amendment. And they are right. We need it.

There are those who say that an amendment like this does not belong in the Constitution. They say that if Congress would exercise the necessary self-restraint, we would not need this constitutional amendment. Of course, the key word is "if." It is true that if Congress would exercise the necessary self-restraint, we would not need this constitutional amendment. But look at the record. Congress has failed to keep spending under control. In the last 20 years, only once have we had a balanced budget. Do we wonder why the suggestion of congressional self-discipline rings hollow? Do we wonder why the American people are calling for stronger measures? There is no point in talking about what Congress could do, if the record clearly shows that Congress is not doing it. The constitutional amendment is necessary in order to force Congress to do what it is clearly failing to do on its own. It is time to stop living in the world of wishful thinking about what Congress could do, or might do. It is time to take the strong action that will require that we will in fact finally bring the runaway spending under control. I urge my colleagues to support House Joint Resolution 350, the original balanced budget constitutional amendment.

The substitute is about as effective as a watchdog without bark or bite. The American people are tired of phony gestures. They want effective action. House Joint Resolution 350 is the measure with real teeth in it. I urge my colleagues to reject the phony substitute, and support House Joint Resolution 350.●

● Mr. LEE. Mr. Chairman, colleagues, I want to record my most enthusiastic support for the Conable-Jenkins balanced budget substitute before this House today.

Since the first day I entered this Chamber, I have taken every opportunity to speak on behalf of, to cosponsor, and to actively support this straightforward approach to our national budget. I take great pride in my association with this amendment. It is a solid proposal which can be a most positive addition to our Constitution.

I reject the arguments of those who say it belongs in statute instead of the Constitution. Each of us in this Chamber knows how easily Congress subverts the laws which have gone before. We need the bonds that would be created by the addition of this element to our Constitution for our own good and for the Nation's.

I also reject those, primarily on the other side of our House aisle, who would cast off this amendment as purely symbolic. In the first place, the Conable-Jenkins substitute is a dynamic and workable frame for fiscal commonsense in Government. In the second place, consider that we might just need a symbol.

Historically, the Constitution of the United States of America has itself served as a symbol, the paper-borne embodiment of the very precepts of this Nation: truth, freedom, equality, and justice. We may, individually, bicker over the meaning of the words but we do not disagree over the meaning of the ideas and the promises made by our Constitution.

I consider this amendment to be a precise reflection of the Founding Fathers' hopes and intentions for this Nation. While it is true that something as critical as balancing the national budget was not included in the original Constitution, it's equally true that the document's original draftsmen probably never thought the problem would be presented. For most of the first century of this Nation's existence, taxes were nonexistent, and the national debt was inconsequential.

Gentlemen and ladies of the 97th Congress, we have the opportunity today to make a difference, a real difference. The instrument for that is the Conable-Jenkins proposal, not the plastic imitations, not high-sounding rhetoric. The people of the United States—the same ones who sent us here in the first place and are responsible for making out the return ticket next month—believe in and want this amendment passed.

We must abide by their wishes. I urge your support of the Conable-Jenkins substitute balanced budget amendment.●

● Mr. LUNDINE. Mr. Chairman, I rise in opposition to House Joint Resolution 350, proposing an amendment to the Constitution to balance the Federal budget.

While I strongly agree with the need for a balanced Federal budget, I cannot support a constitutional amendment as the means for achieving this goal. I believe my voting record illustrates my concern with fiscal responsibility. I have voted against most of the budgets since I came to the House because they did not embody sufficient fiscal discipline, nor the appropriate budget priorities.

However, I do not believe that imposing rigid constitutional requirements will result either in greater fiscal discipline or in a balanced budget. We in New York certainly know that constitutional provisions are no guarantee of fiscal responsibility. Both new York City and New York State have long operated under provisions requiring balanced budgets. Yet this has not prevented serious fiscal difficulties at the State level, nor did it prevent New York City from balancing on the brink of bankruptcy.

A constitutional amendment also cannot address the essential problem confronting Congress on the question of Government spending. An amendment cannot be ratified and in place to assure a balanced budget until at least 1985 or 1986. The problem is that Congress must confront the task of reducing deficit spending, and do so today.

Congress must begin to resist providing new funds for questionable "big ticket" budget items. We must begin to reduce excessive defense expenditures that perpetuate high interest rates. We must resist continuing to spend billions annually on traditional "pork barrel" projects. And we must act to keep entitlement programs from growing out of control. Only when each Member of Congress is prepared to face up to these responsibilities, can we even begin to have a hope of balancing the Federal budget.

I am disappointed that we are letting the politics of this debate direct our attention away from more practical and more immediate solutions to our budget problems. I refer specifically to the proposal of my colleague from California (Mr. MILLER) that offers what I believe to be a workable compromise on the budget issue. This so-called "Pay As You Go" plan would permit increases in spending above prior levels only if Congress specifically votes to increase taxes or make equal and offsetting spending cuts to pay for the increase. This plan could be put into effect immediately and, according to estimates by the Congressional Budget Office, could produce a sizeable budget surplus by 1985.

When legislative solutions are available for what are essential economic and political problems, I see no need to clutter the Constitution with matters that are irrevelant to its fundamental purpose. The Constitution clearly is not the place for rigid and complicated solutions to economic and budgetary problems.

The purpose of the Federal budget is to provide accurate estimates of future Government revenues and spending based on reliable assessments of economic conditions. The proposal we are considering today, I fear, will only encourage the continued manipulation of this essential data for political purposes. Budget estimates for fiscal year

1983, for example, originally placed the deficit at $43 billion. As the fiscal year begins, this figure has risen to nearly $150 billion, and will possibly go higher.

The Constitution is too essential to our basic liberties, and the Federal budget too important to our economic well-being, to permit both to be politically manipulated in the manner proposed by this amendment. This is not the appropriate answer to our current budget problems and I urge my colleagues to reject it.●

● Mr. FITHIAN. Mr. Speaker, I rise in support of the Alexander substitute to House Joint Resolution 350.

The Alexander substitute provides the kind of clear, simple, and straightforward statement of basic principles which is appropriate for inclusion in the U.S. Constitution.

As many other speakers today have noted, the Federal budget has been balanced in only 8 of the 35 years since the Second World War and only once since 1961. During the 1970's budget deficits increased substantially. Since the Reagan administration took over in January 1981, we've seen a veritable orgy of deficit spending. According to the Congressional Budget Office, the size of the Federal debt will increase by half before the end of the Reagan administration's 4-year term of office.

These budget excesses are the reason a constitutional amendment for a balanced Federal budget has won the overwhelming support of the American people. According to recent public opinion polls, such an amendment has the support of more than three-fourths of our people.

In recent years specific proposals for constitutional amendments to balance the budget have abounded, some of them good, some of them bad. I myself offered one such proposal, House Joint Resolution 181. The Alexander substitute incorporates many of the most positive aspects of my bill, unlike the other proposal we are presented with today, the Conable-Jenkins substitute.

The Alexander substitute recognizes that action by Congress to balance the Federal budget must start with a Presidential budget request that is, itself, balanced. I think that this is a particularly important point to remember in view of the current administration's fiscal policies, policies which will leave us with a $140 billion deficit next year. I note with dismay that the Conable-Jenkins substitute imposes no such requirement.

The Alexander substitute provides for a waiver of the balanced budget requirement only in the event of a national emergency. The Conable-Jenkins proposal allows the proposed constitutional requirement for a balanced budget to be waived on a three-fifths majority in each House. Such an arrangement poses no barrier to fiscal excesses by the Congress. A review of the CONGRESSIONAL RECORD shows that every appropriations bill passed by the House this year passed by a margin exceeding the proposed three-fifths margin. Had such a rule been applied to any of these bills, not one penny would have been saved.

Perhaps most important of all, from a constitutional point of view, the Alexander substitute states specifically that it confers no new powers on the President. Conable-Jenkins, if it became the supreme law of the land, would direct the President to exercise the type of arbitrary budget powers denied him in article II of the constitution and by the Budget Act.

The Alexander substitute, in short, is the type of balanced budget resolution I've been working for in Congress for the past 8 years. The Conable-Jenkins substitute is not, in my view, worthy of being called a balanced budget resolution. That is why I will support Alexander and oppose Conable-Jenkins.●

● Ms. FERRARO. Mr. Chairman, I strongly oppose the Conable-Jenkins constitutional amendment to require a balanced Federal budget. I equally strongly believe that this country cannot afford the deficits the Reagan administration's policies have caused, and I am prepared to work to bring those deficits under control so that a balanced budget will be achievable.

Frankly, the Conable-Jenkins proposal is all smoke and no fire. While its supporters, including President Reagan, maintain that the amendment is the way out of the fiscal crisis we are in, the facts are contrary to that view.

Fact: The proposed amendment would not take effect until at least 1986. This means that in 1983, 1984, and 1985, when Federal deficits could reach $450 billion, this amendment would not even be in place.

Fact: A study prepared by a leading economic forecasting firm found that if the amendment had been in place last year, there would have been virtually no Federal funds left after paying for social security, defense, veterans programs, medicare, and interest on the national debt. That means all Federal education, housing, law enforcement, transportation, and pollution control programs would simply end.

Fact: The same study reported that the amendment would have resulted in unemployment increasing to almost 14 percent, putting 4.5 million more Americans out of work.

Fact: The amendment would have required the elimination of all Federal aid to cities and States. In New York, the result could be tax increases of $1,360 per year for a family of four just to provide services now supported with Federal funds.

Fact: The amendment does not specify how it would be enforced. If the President and Congress failed to produce a balanced budget, could citizens bring court action to enforce the amendment? Would the courts rewrite the budget?

Far from being a cure for our Nation's economic ills, this proposed constitutional amendment is a formula for economic disaster and constitutional crisis. It is also a blatant attempt by the administration and those who have supported its economic policies to divert attention from the failure of those policies, and especially from the historic deficits they have created.

It is terribly hypocritical for an adminstration which has given us deficits exceeding $100 billion, and which has at no time submitted anything even close to a balanced budget, to call for a constitutional amendment to balance the budget. If the President wants to balance the budget, he should find $140 billion in budget cuts and tax increases and propose them to Congress.

The President has, instead, taken the politically easy course. It is easy to go before the television cameras and criticize Congress and say the answer is to amend the Constitution. It sounds good, and it allows the President to duck responsibility for his deficits.

But we are not on television. We have to face the consequences of our action today. We have to face the fact that if we amend the Constitution to require a balanced budget, we will either have to destroy programs that millions of Americans depend on, and in the process wreck the economy, or we will have to ignore the Constitution.

Today's vote is not a free ride. Do not vote for a constitutional amendment with the idea that you can go home and tell your people you are doing something about the budget deficits, and that that will be the end of it. It will not be the end of it. It will go to the States for ratification, and if they ratify it, we will have to live with an economic straitjacket.

There are alternative proposals to deal with the problem of rising Federal deficits which allow greater consideration of competing Federal responsibilities and which do not involve burdening the Constitution with economic policy. I support those efforts. I hope we will defeat the constitutional amendments before us today and move on to consider more practical means of achieving the goals we all share.●

● Mr. DREIER. Mr. Chairman, as we all know, this country is disillusioned with Congress. We hear time and time again that Congress is ineffective; that Congress is incapable of dealing with our economic problems; and that Con-

gress is out of touch with the people we are elected to serve.

Today, we can prove our critics wrong. We have an opportunity to return home to our constituents and say: "Yes. We did it. Yes, we are on the road to restoring the health of our economy."

You know, as well as I do, that people across this Nation are suffering from high interest rates. You know that high interest rates are stifling economic growth. And you also know that until we put an end to deficit spending, our economy may never fully recover from this recession.

I do not like the idea of tampering with the Constitution, Mr. Chairman, unfortunately, decades of profligate spending by the democratic majority give us no alternative.

A constitutional amendment to balance the budget is the only way to put deficit spending to rest. The Jenkins-Conable substitute is not a charade. It is not a smokescreen. It has been debated and tested for months. And of the two alternatives today, it alone is flexible enough to be enacted and firm enough to be effective. But as long as we go on arguing about a constitutional amendment, instead of actually passing one, we once again fail to live up to the expectations of the people of this country. We have more than just our conscience to answer to. We must answer to the people of this country who are expecting and demanding a balanced budget.

Will we prove our critics wrong and act decisively to pass an amendment that this Nation demands? Or will we wait for a constitutional convention to act for us. I urge my colleagues to vote in favor of this necessary amendment.●

● Mr. COUGHLIN. Mr. Chairman, I rise in support of House Joint Resolution 350, the proposed balanced budget and tax limitation constitutional amendment. As a cosponsor of this amendment, I believe it is necessary to restore fiscal responsibility from which Congress has strayed over the past several decades. The lack of fiscal restraint and increasingly large budget deficits over the years have been disastrous for our economy, resulting in double-digit inflation, prohibitively high interest rates, unemployment, and economic stagnation.

While it is easier and often politically popular in the short-run to spend more and more borrowed money, we cannot forever postpone taking the difficult steps to balance the Federal budget. There is little evidence to suggest that Congress will do so unless it is required by the Constitution.

It should be noted that the proposed amendment would not likely be ratified by the required number of States for at least several years when a balanced budget is a realistic possibility. Furthermore, while establishing a balanced budget as the norm, the proposed amendment would allow Congress the necessary flexibility to respond to unusual circumstances by permitting the balanced budget requirement to be set aside by a three-fifths vote of the whole number of both Houses of Congress. The amendment could be waived by Congress during wartime.

In addition, the proposed amendment is carefully constructed to protect the American taxpayer against efforts to cover budget deficits by routinely raising taxes. Revenues under the amendment could not increase faster than national income rose the previous year unless Congress specifically approved the additional receipts.

Mr. Chairman, House Joint Resolution 350 is not an instant solution to our economic problems nor is it a substitute for political courage and resolve. What the proposed amendment represents is a sound and reasonable response to chronic Government overspending, one that makes the balance of Federal receipts and expenditures standard policy to be overruled only when extraordinary considerations of national importance warrant.

On this the first day of a new Federal fiscal year, I urge this body to undertake a new commitment to fiscal responsibility by approving the balanced budget and tax limitation constitutional amendment.●

● Mr. FOGLIETTA. Mr. Chairman, I rise to oppose House Joint Resolution 350, the balanced budget amendment to the U.S. Constitution. I want to say at the outset that I support balancing the Federal budget. In fact, last year I voted in favor of alternative budget proposals which would have balanced the budget in 1982. This year I supported three alternatives which would have produced lower deficits than the Reagan budget which this body adopted.

I am opposed to the balanced budget amendment for many of the same reasons so persuasively presented by my distinguished colleagues. As a matter of principal, I feel that the Constitution should be respected. It should not be amended lightly to provide the appearance of action on an issue Congress has proved incapable or resolving through the appropriate constitutional processes. I agree that the amendment could totally disrupt the separation of powers which is one of the strengths of our system of government by making the courts the final arbiters of the budget process. I can also see how the amendment could lead to paralysis of Government, undermine our national security, and deprive Congress of the fiscal tools to modulate economic downturns.

In reaching decisions on important issues I often invoke the following maxim: Look at the worst case, and if you are prepared to accept the consequences, then, go ahead. I find this analysis particularly appropriate here, since we are considering a constitutional amendment which would govern our process in the worst, as well as the best years.

Let us imagine, for the moment, a year of economic decline in which anticipated receipts under the current tax laws are insufficient to support the costs of maintaining Government functions at the minimal level which the administration and a majority of Congress consider essential. In short, a year like this year. Let us suppose that the budget balancing mechanisms—increasing revenue or cutting expenditures—have been ruled out. Increasing taxes would worsen the economic downturn. Social programs have been cut to the bone, and there is no consensus for defense reductions significant enough to achieve the needed savings. This is the situation which the amendment anticipates and provides for by permitting a waiver of the balanced budget requirement by a three-fifths vote of both Houses of Congress.

We have already seen in this Congress how expensive it can be to build the consensus necessary to pass a budget by a simple majority vote. The practice of adding funds for favored programs or public works which benefit a Member's district to secure a needed vote is a major problem contributing to deficit spending. The three-fifths requirement would only serve to increase the number of Members of Congress and Senators whose concurrence would be necessary to pass a budget. There is nothing in the amendment which imposes any limit upon the size of the deficit, once the waiver is acted upon. Consequently, the amendment could produce "Christmas tree" budgets the likes of which this Nation has never seen.

The three-fifths requirement will make it more difficult for Congress to adopt a budget with deficit spending. But I feel that it will also tend to exaggerate the amount of deficit spending in years in which the waiver is invoked. Shall we vote to violate the principal of majority rule to achieve this likely, though unintended result? I think the risk is too great, and the price too high, to justify the symbolic gesture the amendment would represent.●

● Mr. GREEN. Mr. Chairman, today I will vote against both measures offered in the House to amend the Constitution to require a balanced budget. While I support the concept of a balanced budget and believe that Federal spending needs to be restrained, neither the amendment offered by Mr. CONABLE nor the amendment offered by Mr. ALEXANDER addresses the concerns I have in regard to amending the

Constitution to require a balanced budget.

The Conable amendment leaves the fate of the Nation in an emergency to a minority of the Members of Congress. Congress would be able to breech a balanced budget only if 60 percent of the Members agreed. This need for a "super" majority is ironic, as a simple majority is required to declare war. The "super" majority requirement alters the constitutional principle of majority rule and creates the potential of tyranny by a minority. Congress could decide to go to war or respond to an emergency and not be able to raise the funds to do so. I think this would send a message with serious implications to our potential enemies and allies. Our resolve could be called into question. I do not believe we should place our country in such a tenuous position, even though I agree we need to limit Government growth. Not only could a minority deny Congress the ability to exempt itself from a balanced budget in time of emergency, it could, if it so chose, to extract concessions from the majority totally unrelated to the emergency at hand as a price for its support. The goal of House Joint Resolution 350 is commendable. However, I am troubled by its provisions and cannot support it.

Mr. ALEXANDER'S constitutional amendment simply requires the President to submit a balanced budget and gives Congress the right to reject such a balanced budget by a simple majority and adopt its own version. Essentially, this is the situation as it exists now. The President can submit a balanced budget any year he chooses and Congress can reject it. I see no reason to adopt such an amendment to the Constitution. It simply reaffirms that which already exists and does not address the problems that exist with our budget process.

Mr. Chairman, I thank you for the opportunity to express my views on these two amendments to the Constitution. While I will vote against both these amendments, I want to urge my colleagues to continue to work cooperatively on approaches to our budgetary problems that will reduce the deficit and slow Government spending. I think the American people want this to happen. I also think that they want such changes to be fair. If domestic spending is to decrease, we cannot expand our military budget at a record rate at the same time. We must incorporate these considerations, as well as those which I raised earlier in my statement regarding the ability to respond to an emergency, if we are to solve our budgetary problems successfully.●

● Mr. GILMAN. Mr. Chairman, I rise to express my opposition to House Joint Resolution 350, legislation providing a constitutional amendment to balance the budget. This was an extremely difficult vote for many of us to make because, along with a number of my colleagues, I agree with the intent of this legislation—to have this Government live within its means as closely as possible for the health of our economy and society. However, it is the manner in which we would attempt to accomplish the goal of fiscal restraint and discipline that causes me to cast my vote in opposition. The Constitution of this United States has been the basis of our democracy for over 200 years. I am wary of placing an inflexible economic formula in this great document at a time when the future economic picture is so uncertain. We are facing huge deficits at the present time and into next year. We must bring them down as rapidly as possible. We have been working on trimming Federal spending, and yet some programs we have cut to the bare bones already. The prospect of having to suddenly apply this formula in the future when we are unsure about the deficit could result in severe budget cuts and increased taxes to stay within the formula or a waiver of the balanced budget requirement.

We must assure the American public that we in the Congress share the goal of getting our economy going again and getting the millions of unemployed back to work. We must not shirk our responsbiility in reducing the Federal deficit so that we can have a direct impact on lowering those interest rates and lowering taxes. We have very difficult decisions to make in controlling many areas of Government spending, and I believe that the vote on this amendment today will demonstrate that we will make certain that this is done in a fair way. Today's vote also demonstrates that the Congress will continue our jurisdiction and our power set out in the Constitution over raising and spending revenues. To relinquish this to other branches of the Government would be a violation of the basic principle that this Government is of the people, by the people and for the people because we as the elected representatives are the people's voice in taxation and spending matters.

I understand the impatience of many Americans burdened with increasing taxes to fund an increasing Federal deficit and how that frustration has translated into the balanced budget amendment as a last-ditch effort to stop this deficit financing once and for all. To our hard-working Americans I say today that this vote does not indicate that the Members of Congress will be at the beck and call of particular interest groups for increased funding, but rather that we will take the support shown for the constitutional amendment as a further mandate to reduce the deficit for the good of the whole country now. We will all benefit from the thorough debate of this issue that we have had on the floor of the House today. We have come through difficult times in our Nation's past and we will do so now. But we must bear in mind that the Congress must have the flexibility within which to act in representing the various problems facing our constituents. We have the mandate, and we will reduce the deficit without harming the well-being and the quality of life of all of our citizens. If I believed that the balanced budget amendment could have guaranteed a balanced budget without severe economic and social consequences, I would have embraced it. The Constitition is meant for guarantees and to be firmly complied with. We must be firm in our commitment to bring about an economic recovery through our efforts here; about that we are not flexible. We have the discipline to do it, and I am confident that we will do it.●

● Mr. STUMP. Mr. Chairman, I rise in support of the amendment. The people of the Third Congressional District of Arizona elected me to this body with the understanding that I would work toward cutting Federal spending, reducing the national debt, and balancing the budget.

However, Congress has continually demonstrated its inability to cut spending and seriously work toward balancing the budget. The current politics, personalities, and philosophies of the Members of Congress apparently make this task unachievable through existing procedures.

That is why I believe some strict institutional limits are necessary to restrain Federal spending and taxing.

This amendment provides a reasonable amount of constitutional restraint while also allowing the flexibility needed to deal with extreme situations. Without it, I only foresee increased spending, larger deficits, and no progress at all on the national debt.●

● Mr. GRAY. Mr. Chairman, I rise in opposition to House Joint Resolution 350, an amendment to the U.S. Constitution to balance the budget.

Mr. Chairman, I believe most Members of this body strongly support the need to balance the Federal budget—and to exercise fiscal restraint and responsibility in the spending of the taxpayers' money.

However, Mr. Chairman, it is my firm belief that the proposed constitutional amendment is not the way to achieve the responsible fiscal restraint we all seek. In short, I believe that this proposal is defective—deceptive—and detrimental to the future of the United States.

Mr. Chairman, the proposed amendment is defective in a number of areas. First, any growth in Federal expenditures and receipts would be limited and tied to the growth in "national

income" of the previous year. However, as our current administration has so amply exemplified, measurements such as "national income" are subject to radical change and are imprecise. Thus, the validity of any budget resolution passed this Congress under the auspices of this constitutional amendment would be minimal at best.

Second, the amendment contains no specific language which would allow for the adjustment of the mandatory and entitlement accounts in the budget. And, as evidenced this year, Federal budgetary expenditures are quite sensitive to changes in economic conditions. As an example, the net effect on the Federal budget resulting from a single percentage point rise in unemployment is upward of $30 billion. Because of these mandatory payments, unless the Congress, by a three-fifths vote, choose to increase revenues—which would be unlikely—other discretionary programs, including defense I might add, would have to be cut significantly to make room for these additional money.

Third, the proposed constitutional amendment is defective because it severely limits one of the two options available to the Congress to actually balance the budget, namely that of raising taxes.

In reality, Mr. Chairman, this amendment is nothing more than a diversionary tactic—and totally deceptive to the American public. It permits many Members of Congress, who coincidentally supported the President's record setting deficit for fiscal year 1983, a politically expedient vote to take home this month. And yet at the same time, defers the severe consequences of its passage for future Congresses, future Presidents, and future taxpayers. It allows Members of this body to support an ideally popular cause, without having to admit that one of the root causes of our current situation rests in this administration's excessive defense spending and tax decreases. Notwithstanding, there already exists four statutes—on the books—which require a balanced budget. I ask you, where were the Members of this body who signed the discharge petition, when we voted on and unfortunately passed the President's budget.

Finally, Mr. Chairman, it is my belief that the Constitution of this land should only include provisions that will withstand the test of time. This country has already learned a costly lession from putting temporal issues in the Constitution: the 18th (prohibition) and 21st (repeal of prohibition) should make this clear. The Constitution is not the place to implement economic policy. If it had, I would dare say that the Founding Fathers would not have given the Congress the authority to borrow and incur debt to meet national needs. To limit the flexibility embodied in the Constitution, with a permanent fiscal policy—sets a dangerous precedent—one which I feel will ultimately be detrimental to the future of the United States.

Mr. Chairman, for these and other reasons that time will not allow me to explain, I reiterate my opposition to the amendment and urge my colleagues to vote against this proposal.●

● Mr. OTTINGER. Mr. Chairman, I rise today to urge my colleagues to reject any amendment to the Constitution requiring Congress to pass a balanced budget. Unquestionably, Congress should curb wasteful Government spending and the resulting deficits. In a statement in the CONGRESSIONAL RECORD of April 1, 1982, I have specified $130 billion of expenditure cuts, including tax expenditures, that should be made. The balanced budget amendment, however, would put the Government in a straitjacket that could well spell economic disaster in times of recession such as we have today.

It is ironic that the greatest deficit spender in our history, Ronald Reagan, would call for such a proposal. A recent article in the New Republic puts such a proposal into the proper perspective.

> Congress and the President are playing the role of the confessed boozer who can't keep away from that demon deficit and claims to be turning over a new leaf. It's as if W. C. Fields were to announce that from now on, in order to lick his drinking problem, he would wear a bag over his head at cocktail time. It wouldn't stop the drinking, of course, and it would probably look silly besides. . . . Despite all the evidence to the contrary, fiscal winos like Ronald Reagan and Orrin Hatch stand there, red nosed, insisting that the bag is just the cure they need.

According to a report prepared for Senator MOYNIHAN by the Wharton Economic Forecasting Associates, if the balanced budget had taken effect after Ronald Reagan was sworn into office, along with the rest of his ill-conceived economic programs—and given the President's proclaimed "untouchable" outlays for defense, veterans, social security, and medicare—on which he has already welched, proposing cuts of $84 billion in social security and enacting $13.7 billion of cuts in medicare and $164 million in veteran benefits—

> There wouldn't be enough money left over to pay unemployment compensation to the estimated 15 percent of the work force that would be jobless. Federal courts and the White House would have to close down, as well as the Postal Service, law enforcement agencies, energy, transportation, education, and housing programs.

Most important, if the balanced budget amendment were ratified by the States before October 1983, its provisions would become effective for fiscal year 1985. This would mean spending cuts and tax increases, based on current CBO estimates, that together would add up to between $163 and $178 billion, or, as much as the Government now spends on all discretionary programs like education, jobs, health care, and so forth.

We have seen under the ill-conceived fiscal policies of the Reagan administration what a severe reduction in employment and income can do. The effect on the economy of another drastic shift in taxing and spending in 1985 would be even more severe. The initial reduction in incomes of taxpayers, entitlement recipients, and firms with Government contracts would set off an unprecedented chain of declining purchases, reductions in industrial output, and widespread unemployment. Such action would forgo any hope of economic recovery for years to come.

It seems totally hypocritical that the President, who is largely responsible for the outrageous deficit which confronts us today, would call for an amendment to balance the budget. It appears that Mr. Reagan is making an effort to draw attention away from the chronic economic chaos he has perpetuated and would have us all believe that all our budget problems can be cured in one grand wave of this balanced budget wand.

The fact is that we will never have a balanced budget without prosperity. Every 1 percent of unemployment adds $30 billion to the deficit. We have only had a balanced budget when the economy was going full tilt—when full employment had all workers paying taxes and corporations making profits.

In the long run, bound by the constraints of a balanced budget amendment, Congress would lose flexibility in setting fiscal policy. While that would be tolerable for moderate swings in the economy, it could create tremendous problems in times of economic slump. For example, if an unanticipated recession reduced tax revenues and drove up unemployment payments, and thereby caused an outlay overrun, the amendment would require Congress to make additional offsetting budget cuts. Such cuts would serve only to deepen an ongoing recession. In such instances, the amendment designed to rid us of our economic hardships, would serve only to worsen economic conditions.

Furthermore, implementation of the amendment would require significant revisions in the budget process. Because of the difficulty in interpreting and implementing the amendment, it will augment the bureaucracy and further promote economic instability. I thought that is what the President was striving to prevent.

I urge all my colleagues to reject this and any other dangerous amendment to the Constitution requiring a

balanced budget. The Constitution is the wrong place to experiment with untested economic theories—theories that I feel can only lead us down the road to disaster.●

● Mr. PATTERSON. Mr. Chairman, I rise in support of a constitutional amendment to balance the budget. I am frustrated by the inability of the Congress and the President to restore balance to our Federal budget, and have come to the conclusion that it is only through the impostion of this constitutional requirement that we can begin to bring about the budget control our economy so urgently needs and our Nation's citizens deserve.

I would like to urge my colleagues to vote in favor of the Alexander amendment which states that the President must propose and the Congress must enact budgets in which outlays are no greater than total receipts. The Alexander amendment is the kind of clear, simple, and straightforward statement of an enduring fundamental principle that is appropriate for inclusion in the U.S. Constitution.

Unlike the Conable amendment (H.J. Res. 350), which President Reagan supports, the Alexander amendment does not attempt to mandate specific congressional procedures, economic formulas, or other details which should not be made a permanent part of our Nation's charter document. Instead, it leaves these matters to implementing legislation which can be altered to keep pace with changing circumstances.

Furthermore, the Alexander amendment includes the two components I believe are essential for this amendment. First, it imposes budget restrictions on both branches of Government responsible for formulating the Nation's budget. Second, it provides the flexibility necessary if the Congress and the President are to be able to respond to unforeseen national emergencies as well as meet our Federal Government's commitment to defense and social insurance.

Conversely, the Conable amendment (H.J. Res. 350) is perilously flawed. First of all, the Conable amendment does not require the President to prepare and send to the Congress a balanced budget. Yet the amendment requires the Congress to adopt a balanced budget. This is a significant flaw in that the amendment ignores the fact that Federal budgets are always prepared by the President who is the Chief Executive in charge of all Government administration. An often forgotten fact is that only twice since 1947 has the Congress appropriated more money than the President requested; in every other case, the Congress cut back the budget as proposed by the President.

Second, the Conable amendment does not provide the necessary flexibility for our Federal Government to meet its commitment to social insurance and national defense. For example, there is no safeguard to protect social security. This program should not be included in the balanced budget calculations since social security is an independently funded income security system. Yet, under the Conable amendment, "all" outlays, including social security, would be included in the determination of budget balance.

Additionally, our Nation's defense could be imperiled by the Conable amendment in that there is a double bias against defense spending. One bias is that the only way to incur a deficit for defense by majority vote is in the event of a formal declaration of war by Congress. But such declarations are extreme and rare, and in the case of contemporary threats and emergencies affecting our national security interests, are inappropriate. So, in the absence of a declaration of war, efforts to respond to national security emergencies will have to be funded by a tax increase—which is prohibited by this amendment—or by budget cuts. This is where the second bias occurs, the first target for any such cuts will likely be the controllable outlays, and most of these controllables are defense outlays.

Third, any budget is a compilation of estimates of future expenditures and revenues. Any President, or the Congress, could misrepresent the estimates. For example, when the President requested his fiscal year 1982 budget to the Congress, he projected a budget deficit of $45 billion. Now we know that the deficit will exceed $110 billion. And this is the case even though the President was successful in obtaining all of the major economic initiatives he proposed.

A fourth flaw with the Conable amendment is that it includes language fundamentally inappropriate for the Constitution. Specifically, it restricts spending and revenue to a rigid formula that attempts to measure growth in U.S. national income. Such a measurement is inherently imprecise and subject to rapid change and should not be placed in our Nation's Constitution which has endured 200 years of history and hopefully will guide us through another 200 years. Furthermore, this inappropriate language could have the unintended effect of preventing tax reform. The amendment's restrictions on revenue raising could easily preclude Congress from repealing unfair loopholes and other provisions—such as the outrageous tax leasing provisions trimmed back in this year's tax bill—because such reform would constitute raising of revenues.

The President's strong support for House Joint Resolution 350 is merely a smokescreen tactic to distract public attention from the dismal failure of his administration's supply-side economics. The President's so-called program for economic recovery instead of moving us closer to a balanced budget would, in his one 4-year term, nearly double the size of the total debt accumulated in our Nation's 206-year history. The economic consequences of this program have been and continue to be severe. Corporate profits have fallen 34 percent. Business bankruptcies are at their highest rate since 1932. Housing construction starts are more than 55 percent below the level in 1978. Long-term interest rates have skyrocketed and they remain very high and will continue to act as a deterrent to investment in housing and business plant and equipment. Unemployment is 10 percent nationwide, the highest since 1941.

In closing, I would like to again urge my colleagues to support the Alexander amendment. The fundamental enduring principle that our Government live within its means must be incorporated into our Nation's Constitution. The Alexander amendment is clear and workable language which would assure that this goal of a balanced budget is actually achieved.●

● Mr. UDALL. Mr. Chairman, I am opposed to House Joint Resolution 350, the constitutioinal amendment that is before us today. I oppose it for several reasons.

First, I do not believe this amendment will achieve its stated objective of balancing the Federal budget. Sooner or later, the discipline that it seeks to impose on Congress will break down. There are any number of ways in which its mandate can be ignored. The amendment itself provides for an override of the balanced budget requirement by a three-fifths vote. Beyond that there are various means by which actual outlays can be hidden and not counted for purpose of determining whether the budget is in balance. Congress already has pushed many items of expenditure off budget in an effort to improve the appearance of the Federal balance sheet. But most importantly, there is no established mechanism for enforcing a balanced budget, if expenditures for programs like social security should unexpectedly rise or if revenues should fall short of expectations.

Second, I believe that the Constitution has three basic functions. Allocating powers between the three branches of government; establishing the machinery of government; and protecting the most fundamental rights, such as life, liberty, and property, free speech, fair trials, and equal justice. House Joint Resolution 350 does not serve any of those fundamental purposes.

Third, I believe as Oliver Wendell Holes once said, "A Constitution is not intended to embody a particular economic theory." I have long felt that

defifict spending—particularly in the economic climate of the past few decades—has been harmful. I felt that way during the Johnson administration. That is why I urged early on that President Johnson impose a tax surcharge to pay for the costs of the Vietnam war. I continue to feel that way; that is why I opposed the President's tax bill last year. But as much as I abhor deficit spending, I do not think we should bind future generations to a balanced budget requirement, even if it could be enforced.

Nor do I believe that constitutions should contain such arcane language as "the rate of increase in national income." The Constitution is intended to be statement of principles, not a technical manual.

Finally, I am concerned that House Joint Resolution 350 raises some unanswerable constitutional questions. What happens if the balanced budget mandate is ignored? Former Watergate prosecutor Archibald Cox warns that it could "thrust the Supreme Court of the United States, the lower Federal courts and even the State courts into the heart of fiscal policy, appropriations, and expenditures." Constitutional and fiscal chaos could result.

Beyond these objections to the amendment, let me make some other observations.

Even if someday ratified, the amendment that is before us today will do nothing about our present circumstances. At the very earliest, it would not be effective until fiscal year 1985. More likely, it would not go into effect until 1987 or beyond.

Given our present economic troubles, it is difficult not to think of this proposal as a political smokescreen. When the President campaigned for office in 1980, he promised the American people a balanced budget for the fiscal year that begins today. Instead, he has given us a record setting deficit estimated at $155 billion and a constitutional amendment that would not require a balaced budget for years to come.

If a balanced budget amendment is to be adopted, it should at the very least impose upon the President an obligation to submit a balanced budget. This amendment House Joint Resolution 350, fails to impose that obligation. If a balanced budget mandate is required, let it be a general charge to Congress and the President, one that would reserve unto them the flexibility to deal with emergencies without resort to constitutional mischief.

House Joint Resolution 350 is not an answer to our economnic difficulties. As an editorial in the Arizona Republic recently editorialized, it is a "phoney amendment * * * politicians should stop playing games with an amandment that obviously is meaningless. They should stop pretending they are doing somwthing about balancing the budget, and get down to work at reducing the horrendous deficits. A constitutional amendment will not balance the budget. A conscientious effort expenditures will."●

● Mr. WOLF. Mr. Chairman, I rise in support of House Joint Resolution 350, the balanced budget amendment to the U.S. Constitution. As an original cosponsor of this legislation and as a signer of the discharge petition to allow this measure to be considered by the full House of Representatives, I believe that this is a measure whose time has come. We must act to arrest Federal spending and end excessive demands on Federal credit caused by growing deficits.

This amendment would limit Govenment spending by requiring that the Federal budget be balanced each and ever year, uless three-fifths of Congress voted to deficit spend or in times of war. It also would eliminate taxation by tying the rate of growth of Federal to the rate of growth of the national economy.

In 1980 and prior to that, I said, emphatically, that I was opposed to the balancd budget amendment. At that time, I said Congress should be able to work within the budget process to achieve a balanced budget. After seerving in Congress, however, and now having a firsthand understanding of that process, I have grave reservations that a majority can be assembled to deal with the fiscal problems we face, and have come to the conclusion that more structure, more discipline is needed in the budget process. I wish that it was necessary to force this discipline upon the Congress, which should be prepared to act rsponsibly and make the tough decisions to bring the Federal budget into balance. But until this amendment, Members will be forced to stand up and be counted on the questions of reducing spending, finding more sources of revenue and more equitable tax laws. Our current system lacks such pressure and diecipline.

I believe in our consideration of this amendment it is also important to note that 31 State legislatures have gone on record in support of this amendment, coming to the same conclusion about the consequences of dificit spending. These States have adopted resolution convention on the balanced budget amendment. Convention proponent as need only three more States to convene a convention and when the State legislatures meet early next year, it is entirely conceivable that number will be reached. As this drive nears success, I believe it is crucial that the Congress submit to the States a proposed amendment crafted in this branch of government, thus obviating the need for a constitutional convention which could prove to be a chaotic situation open to consideration of a number of changes proposed to the Constitution.

Reducing Federal spending is no easy task. We all know the special interest pressures of the present budget process. We can no longer ignore the enormity of the problem of deficit spending and the record of failure in past decades in trying to limit spending growth. The American taxpayer pays for Government which lives beyond its means through higher inflation, higher interest rates, higher unemployment, and higher taxes for future generations.

I urge my colleagues today to go on record, to send a clear signal to the American people that this Congress has the courage to meet its responsibility to balance the tax-spending and tax-paying interests of this Nation.●

● Mr. FLORIO. Mr. Chairman, as the House of Representatives debates the administration's idea for a balanced budget constitutional amendment, it is important that we and all Americans understand the likely result of the proposal.

Supporters of the amendment believe that it is a reasonable response to the public's legitimate demand for restraint in Government spending and an end to Federal deficits. In the Congress I have frequently joined my colleagues in voting for legislation to produce budget surpluses, and place our Government back on a sound financial footing. My support for these balanced budget plans and other measures to reduce spending deficits, is based on judgments that they would help put Americans back to work, provide a fairer tax system, while retaining our commitments to the elderly and disadvantaged.

I find it ironic that this administration, which seeks to leave its successor with a balanced budget constitutional amendment, has 2 years in a row strongly opposed congressional legislation to balance the budget. Instead the administration persuaded the Congress, over my opposition, to enact a program which will add $700 billion to the national debt by 1984. By cutting taxes three times faster than spending, the administration has created record deficits and interest rates, destroying all incentives for economic expansion, and prolonging our national recession. The administration is now trying to disguise the failure of their economic program by seeking a constitutional barrier to future deficit spending.

If the balanced budget constitutional amendment gains speedy approval in the Congress and among the States, what effect would it have if enforced in 1985? Under present projections, the House Budget Office reports that it would require at least $215 billion of spending cuts to pass a balanced budget in 1985.

These cuts would have to come from either social security and national defense, which account for two-thirds of the budget, or from virtually eliminating most other functions of the Federal Government.

For example, in 1985 social security, national defense, and a rudimentary Federal Government will cost about $675 billion under current policies. If these programs were not reduced, the required $215 billion in cuts to balance the budget would have to come from the $262 billion that is left in the budget for all other areas. This means an 82-percent reduction in most Government programs, including law enforcement, housing, education, highways, aid to the handicapped, job training, research and development, small business aid, care for the poor, and disaster assistance.

If no programs were protected, an across-the-board cut of 23 percent in each Government program would be required to balance the budget. This would reduce national defense by $70 billion, social security and medicaid by $60 billion, $6 billion reduction in both unemployment compensation and veterans' programs, and sizable cuts in everything else.

I do not believe that my constituents, and our Nation, support these alternatives.

I am concerned that the administration's support for a balanced budget constitutional amendment is a thinly veiled threat to dismantle the social security system as we know it. Federal discretionary programs, which make up most of Government's structure, have already taken the majority of the enacted cuts, with $75 billion cut in the last 2 years. Furthermore, the administration is opposing all attempts to reduce its $1.6 trillion, 5-year defense buildup. If the administration will not support needed cuts in defense, and most other Government programs have been substantially reduced, social security is the only program large enough where cuts could approach satisfying a constitutional amendment to balance the budget.

Constantly the administration tells the American people that it will not cut social security. But it was only 1 year ago when the administration proposed cutting early retiree's benefits by 40 percent, disability benefits by 30 percent, and everybody else's pensions by 20 percent. This past spring the administration endorsed legislation to immediately reduce social security benefits by $40 billion. Fortunately, the Congress has succeeded in blocking these radical attacks on social security.

The passage of a balanced budget constitutional amendment, however, would create greater leverage to enact drastic social security benefit cuts and push millions of elderly into poverty. I urge my colleagues to consider this issue closely.●

● Mr. STARK. Mr. Chairman, we have been asked to vote on a balanced budget constitutional amendment. I do not think there is a person here that would be against balancing the budget, but that desire has been turned into a political move designed to smokescreen the fact that the President's economic program is a total disaster.

Many true conservatives oppose this constitutional amendment. George Will calls it a sham, a confession of political incompetence and a trivialization of the Constitution. It is all of those and more—and most of all it is an amendment which is so full of loopholes that it will not work.

It is particularly ironic to me that the same President whose 4 years of deficits will exceed the total deficits of the 1960's and 1970's is the one up here urging this body to adopt a constitutional amendment to balance the budget. President Reagan submitted a budget to us, which passed, that the CBO estimates will have a deficit of over $155 billion. The Reagan budget deficits are estimated at between $140 and $180 billion over the next 3 years. The facts speak for themselves:

NATIONAL DEBT ACCUMULATED UNDER POSTWAR PRESIDENTS

[Dollars in billions]

President and fiscal years	Debt at end of term		Amount accumulated during term	Percent of total 1985 debt
	Amount	Percent of GNP		
World War II and before, through 1946	$269	130.3	$269	15.9
Truman, 1947–53	266	73.9	[1] −3	[1] −.2
Eisenhower, 1954–61	293	57.5	27	1.6
Kennedy, 1962–64	317	51.2	24	1.4
Johnson, 1965–69	367	40.3	50	3.0
Nixon, 1970–75	544	36.8	177	10.5
Ford, 1976–77	709	38.0	165	9.8
Carter, 1978–81	1,004	35.1	295	17.4
Reagan,[2] 1982–85	1,696	42.3	692	40.8

[1] This includes only the postwar portion of President Truman's term, beginning in fiscal year 1947.
[2] Figures for President Reagan represent the latest CBO projections.

AVERAGE BUDGET DEFICITS AND SURPLUSES SINCE WORLD WAR II

[Dollars in billions]

President and fiscal year	Not adjusted for inflation	Adjusted for inflation [1]	Percent on GNP
Truman, 1947–53	+$1.6	+$6.3	+0.8
Eisenhower, 1954–61	−2.0	−5.7	−.4
Kennedy, 1962–64	−5.9	−16.1	−1.0
Johnson, 1965–69	−7.2	−17.4	−.9
Nixon, 1970–75	−19.0	−33.8	−1.5
Ford, 1976–77	−55.7	−79.9	−3.2
Carter, 1978–81	−48.5	−54.8	−2.0
Reagan,[2] 1982–85	−143.0	−122.0	−4.1
Republican average:			
Including Reagan administration	−40.6	−44.8	−1.8
Excluding Reagan administration	−15.1	−25.5	−1.2
Democratic average	−12.4	−16.3	D−.5

[1] Expressed in 1981 dollars.
[2] Deficit figures for the Reagan administration represent the most recent CBO projections.

Note.—The fiscal years shown for each administration do not correspond exactly to the calendar years during which each administration was in office. This is because fiscal years begin during the previous calendar year (for example, fiscal year 1947 began in July 1946), and fiscal years have been assigned in this table to the President who was as in office when the budget was prepared and adopted and when the fiscal year began, rather than to the President who was in office when the fiscal year ended.

I support an alternative balanced-budget proposal, authored by my friend Congressman GEORGE MILLER. Termed the "pay-as-you-go" proposal, the CBO estimates this alternative would create a surplus of $27 billion by 1985. That is real budget balancing, not political maneuvering.

I would like to add that I have been supporting budgets which would have narrowed these staggering deficits faster. Time after time, the budget alternatives supported by most Democrats—and which failed to be enacted—would have given us less red-income spending. They would have brought interest rates down faster—they would have ended this depression sooner. Again, the facts, as prepared by the nonpartisan Congressional Budget Office, speak for themselves:

DEFICITS/SURPLUSES UNDER ALTERNATIVE BUDGETS

[In billions of dollars]

	Fiscal year—			3-year total
	1983	1984	1985	
Democratic alternatives:				
House Budget Committee (Jones) I	−110.2	−80.2	−42.0	−232.4
House Budget Committee (Jones) II	−113.9	−85.6	−49.0	−248.5
Representative Miller	−109.4	−57.4	+27.5	−139.3
Representative Obey	−108.9	−50.6	−1.3	−160.8
Congressional Black Caucus	−92.8	−60.1	+18.7	−134.2
Bipartisan alternative:				
Representatives Aspin and Pritchard	−104.7	−79.8	−43.4	−227.9
Republican alternatives:				
House Republicans (Latta) I	−109.9	−85.1	−57.2	−252.2
House Republicans (Latta) II	−109.8	−87.6	−61.8	−259.2
Senate Republicans (Domenici)	−114.2	−91.1	−64.2	−269.5
Republican budget—as passed	−116.4	−104.6	−92.7	−313.7
Republican budget—Reestimated	−155.0	−152.0	−152.0	−459.0

Note.—All figures (except for the "Republican budget—reestimated") represent CBO estimates made at the time the various budget proposals were considered by Congress. They do not reflect the most recent CBO projections, which indicate that deficits under the "Republican budget—as passed" will be much higher than initially projected due to recent economic developments. These most recent projections appear in the table as "Republican budget—reestimated."

Let us quit talking about constitutional amendments and simply do what has to be done—reduce deficits, so we can get interest rates down and keep them down, so that Americans can get back to work.●

Mr. RODINO. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, all time has expired.

Pursuant to the rule, the joint resolution is considered as having read for amendment under the 5-minute rule. No amendments are in order except the following amendments, which shall not be subject to amendment and shall be considered in the following order:

(1) An amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD of September 30, 1982, by, and if offered by, Representative ALEXANDER;

(2) An amendment in the nature of a substitute consisting of the text of House Joint Resolution 350 as introduced if offered by Representative

CONABLE, and said amendment shall be in order even if the amendment designated number (1) above has been adopted.

The text of the joint resolution (H.J. Res. 350) is as follows:

H.J. RES. 350

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Prior to each fiscal year, the Congress shall adopt a statement of receipts and outlays for that year in which total outlays are no greater than total receipts. The Congress may amend such statement provided revised outlays are no greater than revised receipts. Whenever three-fifths of the whole number of both Houses shall deem it necessary, Congress in such statement may provide for a specific excess of outlays over receipts by a vote directed solely to that subject. The Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

"SECTION 2. Total receipts for any fiscal year set forth in the statement adopted pursuant to this article shall not increase by a rate greater than the rate of increase in national income in the last calendar year ending before such fiscal year, unless a majority of the whole number of both Houses of Congress shall have passed a bill directed solely to approving specific additional receipts and such bill has become law.

"SECTION 3. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect.

"SECTION 4. The Congress may not require that the States engage in additional activities without compensation equal to the additional costs.

"SECTION 5. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for repayment of debt principal.

"SECTION 6. This article shall take effect for the second fiscal year beginning after its ratification.".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ALEXANDER

Mr. ALEXANDER. Mr. Chairman, I offer an amendment in the nature of a substitutue.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. ALEXANDER: Strike out all after the resolving clause and insert in lieu thereof:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intends and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratifications.

ARTICLE

SECTION 1. The President shall, no later than the fifteen days after the Congress convenes, submit to the Congress a proposed statement of receipts and outlays for the next fiscal year in which total outlays are no greater than total receipts.

SECTION 2. Prior to each fiscal year the Congress shall adopt a statement of receipts and outlays for that year in which total outlays are no greater than total receipts, except that the Congress may, by declaration of National Emergency, adopt a statement of receipts and outlays in which total outlays are greater than total receipts.

SECTION 3. The Congress shall implement this Article by appropriate legislation.

SECTION 4. This Article shall not be deemed to provide any person with any legal right or cause of action not otherwise provided by this Constitution or the laws of the United States.

SECTION 5. This article does not provide any powers to the President to enforce its provisions other than any powers which may be established by law.

SECTION 6. This article shall take effect for the second fiscal year beginning after its ratification.

The CHAIRMAN. Pursuant to the provisions of House Resolution 640, the gentleman from Arkansas (Mr. ALEXANDER) will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

Is the gentleman from New York (Mr. CONABLE) opposed to the amendment?

Mr. CONABLE. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The gentleman qualifies.

The gentleman from New York (Mr. CONABLE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. ALEXANDER).

□ 1400

Mr. ALEXANDER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, we are here today because the American people have demanded a debate on a constitutional amendment to balance the budget. In fact, about 35 State legislatures have petitioned the Congress of the United States to propose a balanced budget amendment. Accordingly, I am offering a proposed amendment to the Constitution to provide for a balanced budget. The issue is critically important to the economic well-being of our Nation, which is entrusted to us by the Constitution.

The Constitution vests in the House and the Senate authority to levy and collect taxes and to provide for the general welfare, and so it is not only timely but appropriate for us to address ourselves to the balanced budget amendment.

The amendment which we propose is simple and direct. It, in keeping with the tenor and substance of both the Constitution and the first 26 amendments, announces a principle, and design for the Government to be implemented by appropriate legislation.

It does not, and it should not, unduly bind or restrict either the President or the legislature in carrying out its mandate.

If one thing is clear in the history and jurisprudence of our Nation, it is that the Constitution, as the grand design for Government, speaks in spirit, as well as by letter and embodies the fundamental concepts of the democratic process, not necessarily the excruciating detail of its execution.

This is left, as it should be, to the minions upon whom the framers placed great responsibility—the Congress and the President.

This brings me to an outline of the proposed amendment. It provides that the President shall, no later than 15 days after the Congress convenes, submit to Congress a proposed statement of receipts and outlays for the next fiscal year in which total outlays are not greater than total receipts.

The amendment makes the President a full partner in this process, as he should be, and must be, for the Constitution and existing law require the President to transmit the budget to the Congress, to submit information to the Congress on the state of the Union, and to recommend measures in furtherance of the national welfare which he deems necessary and expedient.

So it is crucial that the President play an integral and coequal part in the budget-making process.

However, while the President has a responsibility to formulate a balanced budget, the Constitution provides that the Congress levy taxes and appropriate funds. The power to enforce that budget must rest with the Congress, not the Executive.

In this respect my amendment differs fundamentally from the Jenkins-Conable amendment. In section 1 of Jenkins-Conable, it is stated that "Congress and the President shall insure that actual outlays do not exceed the outlays set forth in such statement", referring to the statement of receipts and outlays.

In section 5 of my amendment, it states: "This Article does not provide any powers to the President to enforce its provisions other than any powers which may be established by law."

Second, Mr. Chairman, my amendment requires Congress to adopt a balanced budget, except when Congress declares a national emergency. Here we have necessarily departed from the rigid and inflexible design of the Jenkins-Conable amendment, which recognizes only a declaration of war as an exception.

This, I believe, is bad policy. We cannot anticipate all the contingencies, whether they be war, national disasters, like a massive crop failure, droughts, floods, and other extreme emergencies, including a depressed economy and high unemployment.

Third, the amendment provides the Congress with authority to implement the amendment by legislation. This is consistent with all previous efforts to amend the U.S. Constitution.

As Hamilton stated in the famous Federalist Papers, No. 85, the last essay that he wrote on the Constitution: "Experience must guide their labor; time must bring it to perfection, and the feeling of inconveniences must correct the mistakes which they inevitably fall into their first trials and experiments."

Likewise, we must insure that we bring experience to our labors should the balanced budget amendment require fine-tuning and adjustment in the event that it does not work as it is envisioned to work.

Fourth, the amendment makes clear that it provides no legal right or cause of action not otherwise provided in the Constitution or laws of the United States. This is essential, given the expanding modern concepts of standing and justiciability if we are to reserve the power conferred by the amendment to the elective branches, the President and the Congress, and not inadvertently transfer this process to the courts.

My balanced budget amendment guarantees to our people the protection from a Federal budget imposed upon them by nonelected, lifetime-appointed Federal judges. The other proposals before us today do not so protect our people from Federal budget tyranny of the Federal courts.

Finally, the amendment makes clear that no powers are conferred upon the President by the amendment except those which the Congress may establish by law.

It seems to me that the basic failure of the Jenkins-Conable amendment lies in its complexity and its detail, and this stands in the way of its ultimate success.

Indeed, its failure can be measured by the length of the explanation contained in the Senate report, which goes on for fully 17 pages merely to define the key terms of the amendment.

My amendment is broad, not vague, and clearly no broader than scores of other mandates written into the Constitution, whether it be the mandate to insure "due process of law" or to see that the "laws shall be faithfully executed" to provide for the "common defense" or to pass laws "necessary and proper" to implement our policies. The Constitution speaks in broad terms, and my amendment is consistent with this tradition—a tradition which is the very strength of the fundamental law of our land.

In addition, we have omitted a requirement that the Congress, when it is forced by compelling national emergency to deviate from the balanced budget, do so by a supermajority. We must, as legislators and like our forefathers who drafted the Constitution, be practical and realize the clear and certain danger of failing to obtain a three-fifths vote.

If past is prolog, Mr. Chairman, we know that in the House, in only 14 of the last 55 instances in which Congress was forced to raise the debt ceiling, have we attained a supermajority of two-thirds. In times of severe recession, with rising unemployment, the Congress and the President must be able to respond to the needs of the Nation. We must not cripple the Nation by binding the institutions of the people with procedural redtape.

Finally, unlike Jenkins-Conable, which tries to freeze into the Constitution one untried economic theory, we want a workable amendment which, if ratified by the States, will not force upon the American people another riverboat gamble.

Mr. Chairman, I offer this balanced budget amendment because the people of this Nation have demanded it—and because the resolution passed by the other body is so inflexible as to be unachievable and inconsistent with the spirit and the content of the Constitution which has served our people so well for nearly two centuries.

Any balanced budget amendment to the Constitution must be a positive and constructive response to the demand our people have made for such an amendment—an amendment that does not rob our people through their freely and democratically elected Congress, of the ability to deal with our Nation's economic problems.

The other body, with the resolution it has passed has said to our people that 11 million unemployed Americans are not a national problem. It has said that unemployment is not a national problem because the other body requires a supermajority in order for our people, through the Congress they elect, to make exceptions in times of national emergency—in times of national crisis.

The balanced budget amendment that I propose does not require a supermajority for our people, working with their Congress, to deal with national emergencies.

The other body, through its resolution, has said that the depression that is tearing at the guts of our farming industry is not a national problem—that it is another problem to be dumped on the backs of the State and local governments.

One-third of my farmers are busted. That is a national problem. The Members of the other body may not know that the economic disaster in the farming community is a national problem, but I do. And, I am convinced the majority of this House does, also.

I have a long memory. It is certainly long enough for me to know that neither the State nor the local governments came to the aid of our farmers in the Hoover Great Depression or in any of the farm crisis years that have occurred since that economic catastrophe a half century ago. That job was left to the Federal Government. The resolution of the other body could make it impossible for our farmers' Government to help our farmers survive.

By passing the resolution it did, the other body has said to the small business operators the economic collapse of tens of thousands of small businesses is not a national problem. The other body has said that this is yet another problem to be dumped in the laps of the State and local governments.

But, like the unemployed, like our farmers, our small business people know well that it has not been the State governments, it has not been the local governments—it has been the Federal Government that has provided the assistance that is vital to their ability to stave off bankruptcy or forced liquidation.

The resolution of the other body could make it impossible for our small businesses to get the Federal help they have needed, now need, and may need in the future, to survive. The balanced budget amendment that I propose would not rob our small business people of that chance for survival.

In formulating a balanced budget amendment to the Constitution, our responsibility as guardians of the constitutional rights of our people to demand that all provisions of the Constitution protect the moral, ethical, legal right of our people to have the flexibility to deal with national problems—with national emergencies.

The balanced budget amendment that I propose today guarantees that our people continue to have the constitutional right to deal with national emergencies in an orderly and timely fashion. The resolution adopted by the other body does not do that.

The balanced budget amendment to the Constitution that I propose guarantees to the American people the right to demand that the President propose and the Congress adopt a balanced Federal budget. Neither the resolution passed by the other body, nor the other proposal before us today guarantees that right to our people.

As I have already said, my balanced budget amendment guarantees our people protection from a Federal budget imposed on them by nonelected, appointed-for-life, Federal judges. The other proposals before us today do not so protect our people from Federal budget tyranny of the Federal courts.

My balanced budget amendment proposal guarantees the American people protection from Federal budget iron rule exercised by one person. The

other proposals before us would rob our people of the sure protection against the iron budget hand of one person, a protection that has been the sure right of our people for nearly two centuries.

I offer my balanced budget amendment proposal because the majority of our people say they want a balanced budget amendment. Despite the fact that our people have increased their personal, private debt by more than 1,500 percent they say they want to live within their personal income. And, they tell us they want the Federal Government to live within its income.

I offer my balanced budget amendment because the majority of our State legislatures have voted support for a balanced budget amendment. Our States say they want the Federal Government to operate within a balanced budget. The State governments say they want a balanced budget amendment despite the fact that more than 20 percent of the money State and local governments spend comes from the Federal budget. The State governments hold this position despite the fact that State and local governments have increased their debt by more than 1,200 percent.

I propose my balanced budget amendment because many of our corporate business and industrial leaders say to the Congress and the American people that the Federal Government should operate on a balanced budget. These corporate industry and business leaders say the Federal Government budget must be balanced despite the fact that they have increased corporate business and industry debt by more than 1,400 percent.

I offer my balanced budget amendment proposal because our President has persuaded our people that the Federal Government must operate on a balanced budget. President Reagan has persuaded our people that this is the course we must take despite the fact that he has told the American people and the Congress that his own Federal budget proposals will give the Nation the four highest Federal deficits in the history of our Nation or any nation.

There are those who would have our people believe Federal budget deficits are the invention of the past 20, or 40, or 50 years. But, the historian—the economist—the Federal official—who wants to play fair and honest with our people will make the record speak for itself.

And, the record says our Federal budget began in deficit two centuries ago and have been in deficit far more years than Federal budgets have been in balance. Not by the more than $100 billion deficits of President Reagan—true. Not by the historic record deficit set by President Ford—true. Not even by the peacetime deficit record set by President Nixon. But, the Federal budget has run in the red more often over the past two centuries than it has in the black.

Now, our people tell us they want a balanced budget provision in the Constitution that has been our fundamental law for nearly two centuries. My balanced budget amendment would put into the Constitution the provision our people tell us they want.

My balanced budget amendment is consistent with our Constitution as fundamental law. It establishes in the Constitution the concept of a balanced budget just as the Bill of Rights establishes the Constitution the basic American concepts of freedom of speech and freedom of religion. And, like the Bill of Rights, my balanced budget amendment guarantees to present and future generations of our people the right to control—every step of the way—the present and future laws that may relate to the making of a balanced budget. The other proposals before us today do not so protect the rights of our people.

My balanced budget amendment does not—as the other proposals before us could—hand over to the Federal courts the power to tell our people what the Federal budget will be.

Nor does my balanced budget amendment hand over to the President—as the other proposals before us could—the power to cut payments under social security—or veterans programs—or farmer price support programs without hearing the views of our people or their Congress.

We, as the elected Representatives of our people, are the guardians of the Constitution. We must not abandon our responsibilities to our workers, to our farmers, to our small business operators, to our senior citizens, to any of our citizens. My balanced budget amendment proposal is the only one before us that guarantees that by adopting it we do not abandon our people—that we do not rob them of their rights—that we conduct ourselves morally, legally, ethically, and honorably as guardians of our Constitution.

□ 1410

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. HARTNETT).

Mr. HAGEDORN. Mr. Chairman, will the gentleman yield?

Mr. HARTNETT. I yield to the gentleman from Minnesota.

Mr. HAGEDORN. Mr. Chairman, I rise in support of House Joint Resolution 350, the Conable-Jenkins amendment. I feel this amendment is crucial to stop the exorbitant spending by this body of Congress. If we continue to spend at the levels we have been recklessly doling out, we are going to double our national debt in less than 10 years.

We simply cannot merrily lead this country down the path to economic ruin and let the next generation worry about it. The prospect of paying off a trillion dollar debt scares most of us silly—what about double that figure?

With all due respect to my colleague, Mr. ALEXANDER, the proposed alternative does nothing to prevent this body its past indulgences. A majority vote has approved outrageous deficits in years past and it certainly will continue to do so. A national emergency could mean hundreds of different circumstances and we cannot afford to bend to the whims of hundreds of different needs. That is precisely why we are where we are today.

I cannot support a balanced budget amendment which places no limitation on revenue increases. I was sent to Congress to lower Government spending not raise taxes. I sincerely believe that would be the first step toward a balanced budget under the Alexander amendment. God knows the 31 States which have called for a constitutional amendment to balance the budget, certainly are not clamoring for higher taxes.

Is there really much that is new to say about this debate? How many times this year have we discussed the inability of this Congress to control the deficit, the lack of discipline we have in denying our special interest groups. There has been much hoopla on the drastic cuts of the past year. In effect, the cuts have been few and far between. We spent more in 1982 than we did in 1981. True, it was difficult not to increase these programs, and it will be difficult not to increase them in years to come.

But this amendment will certainly help make that decision easier. We will have no choice. I believe this body desperately needs these limitations. The American people believe we need these limitations.

Let us not pass another piece of legislation with no substance. This has been a balanced budget only once since 1960. I believe that statistic speaks for itself. We need this amendment.

Mr. HARTNETT. Mr. Chairman, many of you along with millions of your constituents have seen on television the popular advertisement where some prominent personality displays this little green card and says, "You know me. If not, I carry this wherever I go, my credit card, and you know me by my card."

Those of us in Congress, in a different sense, have been given another credit card by the people from the district we represent. It is this little plastic card, our voting card.

In a greater sense this is how we are known. In a greater sense still, this is a credit card. But this credit card has unlimited spending. This credit card

allows us to run up bills that not only will have to be borne by us throughout our lifetimes but by our children, their children, and their children's children's children if we continue to spend the way we are spending.

So each of you have been given a credit card by your constituents. It is called your voting card. That allows you to not only spend your own resources but the resources of countless future generations of your fellow Americans.

We have already saddled those countless generations of future Americans with a burden so large that they in their lifetimes will hardly be able to pay the interest.

Just as we prudently and wisely use this credit card because we are responsible for its bills, we should prudently and wisely use this voting credit card. But since many of us in this Congress do not exercise prudence in using this credit card it has become necessary for the American people to say to us, "Ladies and gentleman of the Congress, we insist on spending limitations on that credit card that we have issued you as our Representative. We intend to do that by means of a constitutional amendment prohibiting you to spend in excess of what you take in."

The gentleman from Arkansas is a great leader in this House and he is looked upon by many of his constituents and many of his party for leadership. But he knows, my friends, that this red herring which he has dragged before us today is nothing more than a sham. It is a sham and an imposter and would do nothing to place those spending restraints on this credit card.

Ladies and gentleman of the House, I urge you to lay aside partisan politics because these people now who are proposing this spending limitation constitutional amendment are the same ones that have brought us to the point where we have to, in fact, respond to our constituents by passing a constitutional amendment to restrict the spending of this august body.

I urge you to vote down the Alexander substitute.

Mr. ALEXANDER. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma (Mr. JONES).

Mr. JONES of Oklahoma. Mr. Chairman, as most of you know, I have spoken out strongly against House Joint Resolution 350 for several reasons.

The language, economic theories and definitions are decidedly unworthy of the document which is the basic foundation of our system of law.

Second, the new, seemingly unlimited powers granted to Federal courts and the President could made revolutionary changes in the checks and balances of our Federal system. Constitutional scholars who have testified on this amendment say that it will give broad new powers to the Federal courts to determine Federal spending policy. Further they state that the President could have new line item veto powers, something which in their wisdom the framers of our Constitution refused to grant. And so, the effect of this amendment would be to make the people's branch—the Congress—subservient to, not equal, to the judicial branch, to judges who are appointed, not elected, and who are appointed for life. I do not think such a fundamental change in our Government is either wise or warranted.

Frankly, I would have much preferred to enact a statutory amendment which could have taken effect immediately not 7 or 8 years down the road. A statutory approach would have required both the President and Congress to submit balanced budgets next year in 1983 not in 1987 or 1989 or later. In fact, as former President Ford said when he came out against the constitutional amendment to balance the budget, a major flaw is that it would not take effect for several years and the temptation in the meantime will be to spend wildly in a way that could absolutely ruin our economy.

President Reagan has now stated in his budget submissions that he could not balance the budget during his term in office. But the great value of a statutory amendment, particularly if we had a statutory amendment with teeth in it and not the kind that is on the books now, it would have forced all of us, the President and Congress alike, to focus our attention on the need to reduce the growth in spending now and not at some distant time in the future.

Apparently, however, most Members wanted a chance to vote on a constitutional amendment as an alternative. Given that circumstance, the Alexander proposal is without question the preferable approach.

In the first place, the language is written as if it had been considered by one of the framers of the Constitution—not by some theory spouting economist. In other words, it is constitutional language, not a bunch of vague economic theories and rigid regulations.

Second, the Alexander proposal clearly states that this article does not expand the present powers of the Federal courts or of the President. In other words, the traditional constitutional balance of powers remains firmly intact.

Finally the Alexander amendment recognizes that national emergencies can be both military and economic and does not require that a state of war be declared before Congress and the President can legitimately have a deficit.

So if we cannot vote on a statute today and, if a constitutional amendment is required, very clearly the Alexander proposal is the preferable approach in order to keep the integrity of the Constitution intact.

But let me repeat what I have said many times during this Congress, especially during the budget debates of the past 2 years, and that is that no law, no constitutional amendment, no pious speech can substitute for raw courage and intellectual honesty by the individual Member of Congress. That was what was missing again and again during the 97th Congress when so many gave blind faith to an economic theory whose numbers for balancing the budget simply did not add up. What those votes created during this 4-year period was 41 percent of the total national debt created in the history of this country. Let me repeat, the economic decisions made in this Congress and projected over the 1981-85 period created $693 billion of new Federal debt, 41 percent of the entire Federal debt created in the history of the country. Perhaps this constitutional amendment is an attempt to atone for those fiscal sins of the past 2 years.

Whatever, the purpose, I implore my colleagues not to be panicked by election pressures so much that you pass something that would cheapen the basic foundation of our Nation—our Constitution. I urge you to support the Alexander balanced budget proposal and reject the Conable-Jenkins approach.

□ 1420

Mr. GINGRICH. The Alexander substitute is the liberal leadership's politics-as-usual, film-flam as usual, pull-the-wool-over-the-people's-eyes substitute.

This substitute, in fact, will be studied by political scientists as an example of the kinds of jokes politicians play on the people.

The 218 Members did not sign a discharge petition in order to play practical jokes. And actually the Alexander substitute is a liberal impractical joke. The liberal leadership first tried to bottle up the Conable-Jenkins balanced budget amendment. Now the people have spoken, and 218 Members signed the discharge petition to bring out the balanced budget amendment.

Having failed to bottle up a serious constitutional amendment that would balance the budget, the liberal leadership is now trying to mislead and deceive people by offering a snake oil substitute that would have no impact on balancing the budget.

The fact is simple. We do need raw courage in this body. We obviously do not have enough of it. The very gentlemen who have been asking us to vote for the Alexander substitute are among the leaders in not having the courage to balance the budget. And consistently this afternoon those people who vote for the Alexander

substitute and those people who vote against Conable-Jenkins by a high margin will be precisely the people who have consistently voted for large deficits, for big spending and for inflation.

Some will speak of the sanctity of the Constitution. But the simple fact is that the Founding Fathers called the Constitutional Convention because they were frightened by Shay's Rebellion and they were frightened by inflation, and they were frightened by the willingness of some State governments to print paper money and destroy the faith of the people.

I suspect virtually every member of the original Constitutional Convention would applaud an effort to amend that document to provide for stable government, for stable money, for stable prices. The Conable-Jenkins amendment is in fact precisely in the tradition of Madison, of Jay, of Hamilton and of Washington in fighting for a conservative government, conservative in the sense of not spending money you do not have, conservative in the sense of not frivolously paying off political debts at your children's expense by piling more and more debts.

And no one should make the mistake of thinking that there is an easy out by voting for the Alexander substitute. It ranks between frivolous and dangerously misleading among the things that we have offered this year. It will be clearly seen by the Nation for what it is, a shallow attempt at the last minute to avoid a real vote on a real amendment, an effort to hide from the fact that we have not been able to control ourselves.

Mr. ALEXANDER. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. FROST).

Mr. FROST. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Arkansas (Mr. ALEXANDER). Amendments to the Constitution should be adopted only in unusual circumstances and then in a carefully crafted manner consistent with the spirit of our Constitution.

The amendment offered by Mr. ALEXANDER addresses the legitimate concern of a large number of the people of the United States—the desire to limit Federal spending to Federal revenues in all but extreme situations. I support the Alexander amendment rather than the Jenkins-Conable approach because of its simplicity, its directness and the responsible manner in which it addresses this very real problem.

The Alexander amendment requires the President to submit a balanced budget and Congress to adopt a balanced budget in all years except those when Congress declares a national emergency. It does not confer on the President disputed powers such as a line item veto or impoundment and it permits the Congress to implement the amendment by appropriate legislation.

The Jenkins-Conable amendment, on the other hand, seeks to write into the Constitution requirements inconsistent with the spirit of the Constitution which could hamstring Congress rather than solving the economic problems of the Nation. Specifically, the Jenkins-Conable amendment imposes a super majority of 60 percent to suspend its requirements; imposes a super majority of all Members of both Houses, rather than a simple majority of those present and voting, to raise taxes; provides the President with line-item veto and impoundment authority; and gives a preferred position to new State grants-in-aid program, placing them in line ahead of social security and national defense.

Let us go to the heart of the matter. The Jenkins-Conable amendment stands first and foremost for the proposition that majority rule is evil. It permits a minority of the Congress to stand in the way of a declaration of national emergency and it permits a minority of the Congress to prevent us from raising taxes. This is directly contrary to the intent of our Founding Fathers who enshrined majority rule in our Constitution in all but the most unusual situations.

A distrust of majority rule is a very serious matter. It means that those who support the Jenkins-Conable approach simply do not believe in the integrity of their colleagues in Congress. I say integrity because I believe that my colleagues will honor the balanced budget proviso once it is written into the Constitution and will not lightly disregard it. It grieves me that some of my colleagues so distrust the Members of this House that they seek to undermine majority rule.

It is a sad day when we must consider writing a supermajority into the Constitution because we do not trust Congress to execute its duties faithfully. We take an oath to uphold the Constitution of the United States and I for one do not believe that a majority of this House will lightly disregard that oath.

James Madison in No. 58 of the Federalist Papers spoke eloquently of this very point when he said:

> It has been said that more than a majority ought to have been required for a quorum; and in particular cases, if not in all, more than a majority of a quorum for a decision. . . . In all cases where justice or the general good might require new laws to be passed, or active measures to be pursued, the fundamental principle of free government would be reversed. It would be no longer the majority that would rule: the power would be transferred to the minority.

Alexander Hamilton made a similar point in No. 75 of the Federalist Papers in discussing treaty ratification:

> If two thirds of the whole number of members had been required it would, in many cases, from the nonattendance of a party, amount in practice to a necessity of unanimity. And the history of every political establishment in which this principle has prevailed is a history of impotence, perplexity, and disorder. Proofs of this position might be adduced from the examples of the Roman Tribuneship, the Polish Diet, and the States-General of the Netherlands.

The Alexander amendment accomplishes the goal that many of us seek and does so in such a way that is wholly consistent with the Constitution and traditions of our country. I urge its adoption and urge my colleagues to reject the antidemocratic approach embodied in the Jenkins-Conable amendment.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas (Mr. BETHUNE).

Mr. BETHUNE. Mr. Chairman, I have already spoken once here in opposition to the balanced budget amendments. I am for a balanced budget, but I just happen to think that this approach of amending the Constitution will not work and that there is a better way to do it, which I have spoken of earlier.

But I must say this: At least the Conable approach seems to be a serious attempt to amend the Constitution through a balanced budget amendment; and I know, from all of the conversations I have had over the years, that those who are advocating the passage of that amendment are well intentioned in what they are trying to do. We disagree, but I know they are well intentioned.

The approach that is before us now, I think it is clear, is nothing more than politics. On the face of it, you can see that it restates the themes we have heard so much. The first thing it requires is for the President to submit a balanced budget. This President was hit with a recession which would have made that virtually impossible under the spending and revenue trends that we have. Everyone knows that.

Next it opens the window a little further for the exceptions to the mandate. The Conable approach on "declaration of war" is extended to "national emergencies," which, of course, would just make more work for the judges if this substitute were to pass.

I remember a good point that was made in the discussion in the other body, when they were wanting to substitute a statutory scheme for the balanced-budget amendment scheme. The people over there were saying that the balanced-budget amendment was just a figleaf for those who have some guilt about the great deficits that are being run.

But it seems to me that this approach, like the statutory scheme, is just a smaller figleaf for those who do not want to wear the larger one. I think the question before us really, as I have said before, is a question of po-

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litical will. If we are ever going to balance the budget and get those lines to converge so that we will have a reduction in deficits, we are going to have to have the political will to do it. That is central to the whole question.

□ 1430

I think on this last day of the Congress that those Members here who either advocate passage of the amendments or who oppose the amendment like myself ought to demonstrate to the people that we do have political will and that we can speak our piece and cast our votes without hiding and ducking and running. That would be the kind of action that would give confidence to the people.

So on this final day it occurs to me that if you are really for a balanced-budget amendment, then say so. Join those who are well intentioned. Join those who are really trying to advance that cause.

On the other hand, if you are like myself, if you are opposed to the approach of an amendment to the Constitution, then say so, and do not take the lesser of evils as just window dressing or a charade to fool the people and get by this political issue.

Mr. CONABLE. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois (Mrs. MARTIN).

Mrs. MARTIN of Illinois. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the phrase "balanced budget" has provided wonderful political rhetoric. But today the House of Representatives finally has the long denied opportunity to truly work the people's will and act upon this rhetoric. Do the people of this country want a continuation of high taxation, high interest rates, high unemployment—or do they want a fiscally responsible Government? I believe the people expect the Federal Government to function as they do—within its means.

It has been argued we do not need a constitutional amendment, that the Congress can stay within its means if it so chooses. Indeed that would be ideal but in light of Congress track record on deficit spending, I do not believe that argument to be credible. My short experience in Congress has proven that Congress has a built-in bias to spend.

House Joint Resolution 350, the constitutional amendment to balance the budget, provides the necessary discipline to insure Congress abides by such a mandate. Unlike the Democratic alternative offered today, it is a carefully drafted, well-thought-out amendment. Unlike the Democratic alternative offered today, it has "teeth" to assure a balanced budget. Unlike the Democratic alternative offered today, it has more than 200 supporters. It is the balanced budget amendment of the people.

I strongly urge my colleagues to put aside the free flowing political rhetoric and think where our spending habits are leading us. Can we afford $150 billion deficits? Can we afford mortgaging our tomorrows? Can we afford putting parochial interests ahead of our national economic interests?

It is time to ask ourselves, as Representatives of the people, these questions. The American people deserve answers.

The choice is simple—work the people's will or continue business as usual.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Georgia (Mr. JENKINS), my colleague in this effort.

Mr. JENKINS. Mr. Chairman, I am always highly impressed with the ability of my colleagues in the Congress on important issues. Today in this debate I think that every argument that could ever be thought of to evade the issue has been used. And many times with a great deal of plausibility.

I must say that the arguments that are used simply avoid whether or not we really want to address the serious issue that we are attempting to address.

My colleague from Arkansas has his substitute that will be offered, and I must say that if you are against balancing the budget, if you are against fiscal restraint, in my opinion this would be an approach that you could support, because it will do absolutely nothing.

If you want to pass this and still have whatever deficits you want, you simply include the statement that we have a "national emergency." You can do that in the budget resolution, you can do it in anything you want to, because it simply says a statement from the Congress, and you have violated the very purpose of a balance-the-budget amendment.

So really, the simple decision for this body to make is this: If we do not sincerely believe that the Constitution ought to be tampered with by any amendment, certainly you do not want to vote for the Alexander approach or the Jenkins-Conable approach. But if you are attempting to vote for the Alexander approach, to try to show that you believe that the budget ought to be balanced, and that you are simply preferring that one over the other, the substance of the two amendments will certainly not bear out the results that you are attempting to arrive at.

Now, there have been a great deal of arguments made from both sides of the spectrum on this as far as what the Jenkins-Conable bill will do as far as balancing the budget.

Let me say this. In a recession, when the receipts go down under the Jenkins-Conable bill, there is no mandate that there be a balanced budget. When the receipts go down because of a recession, after the initial statement has been issued, there is no mandate that any further action be taken.

We recognize the need for flexibility in any amendment.

Certainly the most simple amendment would simply say outlays shall always equal income. But all of you will say that that is too harsh, too inflexible, because there will be times when we will probably have to have a deficit because of severe recessions or war or whatever.

So we have attempted in this amendment to be flexible enough to take care of the realities that we do face in recessions, trying to encourage the restraint of additional increases in outlays in good years and at the same time attempting to always recognize that an amendment must be broad enough to serve future generations.

I urge my colleagues to vote against Alexander and for the Jenkins-Conable.

Mr. CONABLE. Mr Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, I rise in opposition, as I am sure it is no surprise, to the Alexander amendment. I do support the Conable-Jenkins amendment to the Constitution.

As one who has offered and attempted many times on this floor (some 13 times) to get the Members of this House to spend no more than the Federal Treasury takes in, I am very familiar with efforts to confuse Members about a legislative balanced budget. It should be clear to all that many here today who are advocating Mr. ALEXANDER'S amendment, are trying to seek shelter in this leaky boat of my good colleague from Arkansas. I call it a leaky boat amendment, because there are just all kinds of holes in it, and I am sure he knows it.

Members should be aware that this was drafted some time in the last couple of days. In a hurried manner and it is just mimeograph sheet that we have. In contrast the Conable-Jenkins constitutional amendment has been before the Judiciary for some time; it has been debated there; there have been extensive hearings on the Conable-Jenkins constitutional amendment.

Now, I would like to comment briefly on a major weakness that I see in the Alexander proposal.

My colleague is shoveling all the responsibility over to the President of the United States. He says, "You come up with a balanced budget; we ain't got the time to do it; you do it." And then what do we do with it when we get it? Nothing.

This constitutional amendment recommended by my colleague would keep us exactly where we are now—"no place." Congress would have little or no responsibility to balance the budget or just simply live within our means.

The first section of my colleague's amendment puts all the responsibility on the President and says, "We are going to go fishing; we do not care what you recommend," There is absolutely no responsibility on Congress to do anything about what the President might recommend in the way or a balanced budget.

Of course, we already know what this Congress had done, as a majority, in recommendations when President Reagan has suggested reducing outrageous spending. We fumbled the ball badly, substantially. We have not brought spending down.

Mr. MARTIN of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from North Carolina.

Mr. MARTIN of North Carolina. I thank the gentleman for yielding.

Do I understand my colleague from California to be saying that if the Alexander amendment is adopted as a substitute, and the President complied by proposing a balanced budget, the Congress could ignore the President's proposal?

Mr. ROUSSELOT. Totally ignore it.

Mr. MARTIN of North Carolina. Amend it?

Mr. ROUSSELOT. Anything they want to do with it.

Mr. MARTIN of North Carolina. Continue to tax and tax and spend and spend.

Mr. ROUSSELOT. They will tax and tax, and spend and spend.

Mr. MARTIN of North Carolina. And bleat and bleat?

Mr. ROUSSELOT. Yes. Well, I think my colleague from North Carolina has expressed it pretty well. This is the leaky boat amendment that is now before us, and they will bleat and bleat, just like sheep.

Mr. ALEXANDER. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. SIMON).

Mr. SIMON. Mr. Chairman, we have two questions. One, do we need a constitutional amendment? And if so, which is preferable? The second question is.

Since my first days in Congress I have sponsored and cosponsored a constitutional amendment of one variety or another. I have done it because I feel fiscal self-discipline is lacking, and an increasing percentage of our tax dollar is going for interest rates than goods and services. Whether you are a conservative, liberal, or what you are, that does not make sense.

The first budget I voted on, worked on, was fiscal year 1976. We spent 9.5 percent of our budget on interest. The fiscal year which ended yesterday, 13.7 percent. Fiscal year 1984, CBO says interest will be 15.6 percent. Or an increase from 1976 to 1984 of 64.2 percent in the interest function.

There is no other function in the budget, including even defense, that is at anywhere near that kind of an increase in the percentage of the budget that it takes.

And I say to my colleagues on this side of the aisle, those of us who believe in social programs are seeing that revenue base eroded by interest payments, making much-needed social programs less likely. We have to face up to that.

□ 1440

I would add, if we had had the Alexander amendment in place, President Reagan could not have come in with the kind of tax cut he did in 1981, nor the kind of defense spending that he requested. We need the restraints of a constitutional amendment.

The second question is which one?

I took the trouble this morning to read the Constitution. I would urge some of those who talk glibly and applaud easily who may not have read it just recently to read it and compare the two documents with the Constitution.

From a constitutional language point of view, the much finer document is the Alexander document. Clearly.

We must remember we are writing a constitution, not a statute. The Conable-Jenkins amendment does not recognize that, for it contains the details of a statute rather than the principles of a constitution.

Mr. CONABLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Idaho (Mr. CRAIG).

Mr. CRAIG. Mr. Chairman, a constitutional amendment to balance the budget, is it needed? George Washington presided over Federal spending of $14,031 per day during each day of his Presidency. Abraham Lincoln spent an average of $2.4 million per day during his wartime Presidency. Among 20th-century Presidents, Theodore Roosevelt spent $1.7 million; Franklin Roosevelt spent $82.7 million; John Kennedy spent $210.5 million; and Jimmy Carter spent $1.3 billion.

It took 186 years to raise the annual Federal spending to a level of $100 billion. It then took only 9 more years to double that figure to $200 billion. Four years later Federal spending reached $300 billion, and in just 2 more years it reached the $400 billion mark. Federal outlays exceeded $500 billion in fiscal year 1980, $600 billion in fiscal year 1981, and are projected to exceed $700 billion in fiscal year 1982.

If this is not enough to convince the Members of Congress that a balanced budget is needed, then maybe the realization that Washington now spends $22,000 every second of the day will convince those Members who do not favor a balanced-budget amendment. The very fact that the amount of Federal spending per average household increased 46 percent during the 4 years of the Carter administration—from $5,026 in fiscal year 1976 to $7,329 in fiscal 1980 is alarming and not acceptable to the American taxpayer.

Without a spending limitation, Members of Congress can accommodate one spending interest and gain political capital without reducing other spending programs and facing political disadvantages. The political costs of excessive spending are deferred, resulting in high inflation, huge deficits, and higher taxes, while the political benefits of the spending are immediately appreciated by those affected by the program and the Congessmen who support it. A similar process and economic growth automatically generate more revenue without the need for a potentially unpopular tax increase.

Taxpayers are the losers under the present system. Unlike the pressure groups, the taxpayers are woefully unorganized and have varying interests. When programs are examined on an individual basis, the cost to each taxpayer is barely noticeable, but when the costs of all the programs are added, the impact is severe. The requirements of balancing the budget and limiting the growth in spending will give the taxpayers an equal opportunity to influence spending discussions through the ballot box.

Under the balanced-budget amendment, Congressmen will be forced to remain aware of public opinion because the votes for deficit spending and tax increases will be voted directly on those issues. This should result in an examination of priorities when programs are considered. The spending limitation will force Congress to make choices, which should lead to more efficient government.

The American people are demanding that Congress balance the budget. Today, we have the opportunity to carry out the will of the people and this is one Congressman who will be voting to support the people of this country.

It is clear that the American budget process is seriously deficient. It is also apparent that the public is concerned about Federal spending and is willing to use the constitutional means to change the system. In a September 1981 Gallup poll, 67 percent of those surveyed favored a constitutional amendment to balance the budget and restrict spending; only 19 percent were opposed. This support cut across traditional political lines. The ultimate question, then, is not whether a constitutional amendment should be adopt-

ed, but whether this is the best one possible.

House Joint Resolution 350 possesses economic and political virtues vital to the health of the American system. The elimination or sharp reduction in deficit spending and the limitation on spending will reduce inflationary monetary policies and allocate more financial resources to the private sector. The provisions that would force open votes in the Congress on deficit spending and tax increases will significantly reduce the budget process bias toward spending by increasing individual accountability. The amendment, moreover, provides enough flexibility to allow for the smooth running of Government, as well as political disincentives to prevent violation.

Excessive Federal spending and deficits have become so ingrained in Government today that a constitutional amendment is necessary to limit this spending. The opponents of the balanced-budget amendment argue that it will hamstring the ability of Government to function efficiently. What will hamstring the ability of Government to expand is the balanced-budget amendment and I will argue, that this will help the Government to operate more efficiently not less.

The American taxpayer deserves to be heard and the Federal Government needs imposed discipline. The balanced-budget amendment, House Joint Resolution 350 should be passed and those who are really for a strong America, for jobs, and reducing a runaway Federal budget will vote for House Joint Resolution 350.

Mr. CONABLE. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. GRAMM).

Mr. GRAMM. Mr. Chairman, we have had a lot of discussion here about majority rule and about fear of this constitutional amendment offered by the gentleman from New York (Mr. CONABLE) and the gentleman from Georgia (Mr. JENKINS) binding the Congress, limiting the will of the majority.

We just had a gentleman talk about reading the Constitution today.

The first point I would like to make is that the Constitution was written for one and only one purpose in terms of amendments and the Bill of Rights and that was to limit the will of the majority. What the Bill of Rights says is that we do not let 51 percent of the Congress or the people limit freedom of speech or religion. We do not let the majority oppress certain rights that are guaranteed in the Constitution.

What we are saying is we want to protect the rights of the people to an economy in which they can make their plans, in which they can balance their budgets, in which they can have their families grow up and prosper. That is what the amendment is about.

We have heard references all day to prohibition and how unwise that was, but I make the point that prohibition was an attempt to deviate from the constitutional pattern by limiting the freedom of people. The Constitution was written to limit the freedom of Government and this amendment fits perfectly within that pattern, because it limits the freedom of Government to engage in the process of destroying this economy year after year by spending more than we take in and by imposing the cruelest tax of all, an inflation tax, which falls most heavily on the shoulders of the old, the poor, and the sick.

The Alexander amendment was written by people who oppose a balanced budget, people who have fought this effort from the beginning because they know that a requirement to balance the budget, which is in fact binding, will mean that we will have to set priorities, that we will have to tell political constituencies no, and it will destroy the bulk vote in America and that is where the source of opposition comes from. It comes from those who know that in a binding constraint, the programs that cannot stand the test of efficiency and competition will be denied.

The Alexander amendment is absolutely meaningless. It will allow us to declare a national emergency and waive this amendment, just as we do on virtually every appropriation when we waive the requirements of the budget.

This amendment is a sham and a fraud, with two objectives: First, to try to derail a legitimate effort which has been ongoing for 4 years to bring an amendment which has been well thought out and well debated and which will deal with the problem to give the American people the vote they want.

Second, it has been written to allow those who claim to be conservative back home, who claim they are for a balanced budget back home, to cast a vote here today so they can go back home and try to confuse the people again in an election year.

There is no doubt about the fact that the objective of offering this amendment has a second purpose. That purpose is to try to adopt this amendment so that those who have cosponsored the only amendment being voted on today that has any meaning whatsoever can get off the hook and say that they were for a legitimate balanced budget amendment, but now this one was adopted and they decided that it would do the job better.

I ask my conservative friends on the Democratic side of the aisle not to contribute to this fraud, not to cast a vote that will simply allow a legitimate effort to be derailed.

As a final point, I would like to say this. For 4 years the vast majority of the Members of this body have worked hard to get a vote on a balanced budget amendment. Let us not make that a sham here today by bringing to the floor this amendment and dignifying it by having it adopted by a majority vote.

I urge my colleagues not to take an action which will derail an effort which the American people support. That, I think, is the issue. That is why we need to say no on the Alexander substitute and why we need to say yes on the Conable-Jenkins amendment.

Mr. ALEXANDER. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I thank the gentleman for yielding.

I rise, Mr. Chairman, in opposition to the Alexander amendment.

As I said earlier in my statement in opposition to House Joint Resolution 350, what we are attempting to do here, as has been argued all along by conservatives and liberals, is to exercise discipline. It is to exercise that kind of discipline which has been said has been lacking and this has resulted in the kind of deficit spending we have.

The gentleman from Arkansas has made a valiant effort trying to preserve at least some of those constitutional obligations that Congress is charged with, but nonetheless he misses the mark. We learned during our deliberations and our studies by checking with the legislative reference service of the Library of Congress that it would take almost 12 pages to try to write these kinds of safeguards and protections and guarantees into a constitutional amendment.

I would urge my colleagues who are interested in preserving the Constitution to reject this attempt as well.

Mr. CONABLE. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. MCCLORY).

Mr. MCCLORY. Mr. Chairman, I thank the gentleman for yielding. I think I can say quite forthrightly that the genesis of the Alexander substitute was in the 1 day or partial day of markup in the subcommittee of the Judiciary Committee when we undertook to try to mark up a proposed constitutional amendment.

The principal body of the Alexander amendment consists of amendments that were offered to the Conable-Jenkins amendment by those who were opposed to the constitutional approach to this subject, so that what you have in the body of the substitute that is being proposed here is the expression of the opponents. These opponents want to kill the opportunity that we can and should have to vote on a constitutional amendment that could for the first time enable the

Americans to ratify a constitutional amendment to compel the Congress to exercise its responsibilities to manage the fiscal business of the Government responsibly.

Mr. ALEXANDER. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi (Mr. BOWEN).

Mr. BOWEN. Mr. Chairman, some of the those who have spoken earlier are opposed to any kind of a balanced budget amendment. That is not true in my case. For the last 4 years I have cosponsored the balance the budget amendment here, and I am, in fact, a cosponsor of House Joint Resolution 350. That amendment is, of course, an imperfect vehicle, and it does have a number of flaws. It has been my hope that it would be perfected, and I am delighted that my good friend from across the Mississippi River in Arkansas (Mr. ALEXANDER) has offered a much better constitutional amendment to balance the budget.

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It is better for a lot of reasons, including making the President share part of the responsibility, rather than simply passing the buck to the Congress.

It also requires that a national emergency be determined before we can depart from the balanced-budget concept, and it preserves intact the legislation that we passed in 1974 to protect us against impoundments by the executive branch. Finally it does not bestow upon the President the item veto, which some legal experts feel can be assumed under House Joint Resolution 350.

Back in the Confederate States of America, there was an item veto in its Constitution, but I do not think we should enshrine that in the U.S. Constitution.

It is my hope that we can pass a balanced budget amendment here today, and I believe the Alexander amendment is clearly the better of the two. I urge support for that amendment, Mr. Chairman.

Mr. CONABLE. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. COATS).

Mr. COATS. I thank the gentleman for yielding to me.

Mr. Chairman, there are those here today who argue that we do not need a constitutional amendment to balance the budget because we should trust the integrity of our colleagues to exert fiscal discipline in this body. Others say the only real way to deal with the problem is to elect people with philosophical purity or the political will to exercise fiscal discipline.

Both of these arguments ignore reality. We are human beings here. The temptations to yield to special interests and to bend principles to political expedients overtake us all.

What we are saying here today is not "Republicans who support this amendment, save us from the Democrats," or "Democrats who support this amendment, save us from the Republicans." What we are saying here today is "Save us from ourselves, save us from those special interests that say 'Give me, give me, give' and from those political forces in our districts that say 'Give us this project and we will send you back to Congress.' "

Save us from ourselves by giving us something to support constitutionally.

Mr. ALEXANDER. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma (Mr. WATKINS).

Mr. WATKINS. Mr. Chairman, I have long supported sending to the State legislatures an amendment to allow them the opportunity to ratify or not to ratify a constitutional amendment to balance the budget.

Today we have two such amendments to send to the State legislatures, and my preference is the Alexander amendment. Why? For two reasons.

First, our Constitution is our sacred document that has governed our Nation longer than any document for any country. It has survived because the wording of the U.S. Constitution provides the needed flexibility to allow the statutory law to support such amendments to the Constitution. In my opinion the Alexander amendment comes closer to providing that language.

Second, in a survey of my constituents over 75 percent felt the President should summit to Congress each year a balanced budget. The Alexander amendment provides such wording and the Jenkins-Conable wording does not.

This President has provided the Congress with a budget that has doubled the deficits in just 2 years to a history record-breaking high.

Mr. CONABLE. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. I thank the gentleman for yielding to me.

Mr. Chairman, I stand in strong opposition to the Alexander amendment, which is nothing but a fake substitute. It is not even a good counterfeit copy of what we are talking about today. What the American people want is a true balanced budget amendment.

Let us look for a minute at the rhetoric of the speakers who have come to the well today. Those who are most opposed to the balanced budget, the true balanced budget amendment, are those who have created the problem and have shown the true need for a real balanced budget amendment to the Constitution of the United States.

I have noted that those coming to the well, the leadership on the majority side of this House, have started their remarks by being critical of the tremendous amount of deficits that we have run up in recent years, and then turn around and defy logic and come out against the balanced budget amendment.

How can one do that? Support of the Alexander substitute is opposition to the true balanced budget amendment. The American people know that, you know that, we all know that.

Mr. CONABLE. Mr. Chairman, I yield 1 minute to the gentleman from Maine (Mr. EMERY).

Mr. EMERY. Mr. Chairman, I rise in strong support of the constitutional amendment to balance the budget.

This could be one of the most important weapons in our economic arsenal and, in fact, it could be the lever that helps get our economy back on track.

All of us know that huge budget deficits cause inflation, unemployment, and high interest rates, and these things have destroyed our economy in recent months. Many of our problems come about from lack of congressional discipline, right here, when we failed year after year to control our tendencies to spend and spend, tax and tax.

Mr. Chairman, I believe in this constitutional amendment because I believe it can help us to find the discipline that we have not been able to muster.

I am in strong support of this constitutional amendment, and oppose the Alexander amendment.

Mr. CONABLE. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina (Mr. NAPIER).

Mr. NAPIER. Mr. Chairman, I rise in opposition to the Alexander substitute and in favor of the bipartisan Jenkins-Conable resolution of which I am an original cosponsor.

Simply stated, the substitute has no teeth and is not binding—it is full of loopholes. The substitute is a political shenanigan.

The Jenkins-Conable resolution is setting forth for the country rules that every small businessman and family knows—you simply cannot continue to spend more than you take in year after year and expect anything other than the economic condition we find ourselves in today.

We need the Jenkins-Conable approach. Unless we adopt such an approach, the House will never have the political aria to do the job that must be done to bring runaway spending and Federal growth under control.

Mr. CONABLE. Mr. Chairman, I now yield 3 minutes to the distinguished gentleman from Mississippi, the Republican whip (Mr. LOTT).

Mr. LOTT. I want to thank the gentleman for yielding to me.

Mr. Chairman, I saw a quote not long ago which I think is most applicable here today. It is a quote from Thomas Jefferson. He said:

Hear no more of the faith of men but bind them down with the chains of the Constitution.

The Federal budget has not been balanced but once since 1960. It is time we do something about it.

Yes, amending the Constitution is indeed very serious business and I approach it with hesitation. But it would not be necessary if we had the will and the gumption to do the job here on our own.

It is clear to me we are not going to balance the budget until the chains of the Constitution are placed upon us. It comes down to this: We have been paying a lot of lipservice around here about, "Oh, yes; yes, we are for a balanced budget, some day, somewhere out there." But the time is now to show the American people whether we are for it or "agin" it.

Mr. Chairman, I watched the other day with a lot of interest as the Rules Committee waited to see when we would meet and on what. I had assumed that the debate was on "What will the rule be?" But I found it was not really the rule; what was at stake there was "Hey, what are we going to do? What are we going to make in order? Is it going to be a bill, a couple of bills, a constitutional amendment? Which one, Jones or some other one? Will it be Frost?"

It was none of the above. It was the Alexander substitute. And what does it do? Not a whole heck of a lot. All the amendment says is that the President shall submit and the Congress shall adopt a statement that our receipts and expenditures are in balance.

Mr. Chairman, much of what has been said already here today against any constitutional amendment certainly does apply to the Alexander amendment, but not to the Conable amendment. I agree with those who have urged us not to trivialize the Constitution by amending it for light or transient causes or in a frivolous manner. I certainly agree with Chief Justice Marshall that the Constitution is "intended to endure for ages to come." The framers of that Constitution hoped that document would insure that our Republic would endure for ages to come. In so doing they made provision for that document to be amended if two-thirds of both Houses propose an amendment and three-fourths of the State legislatures.

As Chief Justice Marshall said in another of his famous opinions: "The people made the Constitution, and the people can unmake it. It is the creature of their own will, and lives only by their will." We should keep this clearly in mind as we make our decisions here today. Nearly two-thirds of the States have already petitioned for a constitutional convention for the specific purpose of drafting a meaningful constitutional amendment to require a balanced budget. Public opinion polls show the American people overwhelmingly support such an amendment.

Mr. Chairman, public opinion polls have consistently shown strong support for a balanced budget constitutional amendment. Polls dating back to the 1930's have invariably revealed an American public in favor of placing permanent limits on the ability of Congress to spend in excess of available revenues. Moreover, a May 1982 poll by Market Opinion Research, Detroit, Mich., found that 79 percent of voters, in all income, educational, and geographic categories surveyed, gave an affirmative response to the question, "Do you generally favor or oppose an amendment that would require Congress to plan a balanced budget each year?"

This is consistent with an ongoing sampling of some recent polls on this issue:

SUPPORT FOR CONSTITUTIONAL AMENDMENT

[In percent]

Poll	Favor	Oppose	No opinion
Gallup 1980 (informed) [1]	75	16	9
Gallup 1980 [1]	67	13	20
Roper 1979 [5]	65	22	13
Gallup 1979 [2]	78	12	10
Gallup 1978 [2]	81	11	8
New York Times/CBS [3]	73	16	11
AP/NBC [4]	70	18	12

[1] Gallup (1980)—"A proposed amendment to the Constitution would require Congress to approve a balanced Federal budget each year. Government spending would have to be limited to no more than expected revenues unless a ⅗ majority of Congress voted to spend more than expected revenue. Would you favor or oppose this amendment to the Constitution? (Informed poll was taken of those who have heard or read about proposals.)

[2] Gallup (1978–79)—"Would you favor or oppose a constitutional amendment that would require Congress to balance the Federal budget each year—that is keep taxes and expenditures in balance?"

[3] New York Times/CBS—"Would you favor or oppose a constitutional amendment requiring a balanced national budget except in times of emergency?"

[4] AP/NBC—"Would you favor or oppose a constitutional amendment which would require the Federal Government to balance the budget?"

[5] "Considering both the possible advantages and possible drawbacks, would you like to see a constitutional convention called to consider an amendment to limit Federal spending, or wouldn't you be in favor of such a convention?"

The New York Times/CBS poll concluded that the "proposed budget-balanced amendment had a remarkably uniform level of support across the country and demographically." This seems to be true of all such polls. Over 70 percent of those identifying themselves as Democrats, Republicans, conservatives, and liberals favored the amendment.

The 1979 Gallup poll also found that 84 percent of all respondents favored and only 5 percent opposed a constitutional amendment on this issue if provisions were made for emergency circumstances.

There is a philosophical as well as an economic impetus behind the support for the amendment. A poll commissioned by the National Tax Limitation Committee last summer discovered a strong current of financial morality in the American people. People feel that it is right to live within one's means and wrong to spend beyond one's means. But, people said, it is a natural consequence of human nature to spend more than one should when there is no requirement to match spending with income.

The most recent May 1982 poll by Market Opinion Research found that 73 percent of those surveyed answered affirmatively to the question, "Would you be more or less likely to vote for a candidate for Congress if you learned that he or she supported a constitutional amendment requiring Congress to plan a balanced budget each year?

The conclusion, Mr. Chairman, is obvious to the American people and to supporters of House Joint Resolution 350. Resolutions, statutes, assurances, promises, vows and pledges, no matter how well-intentioned and sincere, will not suffice. We need a constitutional amendment to guarantee permanent limits on Federal taxing and spending.

How can we, the people's representatives, be blind or deaf to such popular sentiment to require a meaningful balanced budget amendment to the Constitution which is supposed to be the creature of their will?

Mr. Chairman, as much as I respect the gentleman from Arkansas (Mr. ALEXANDER) as a gentleman and a very astute politician, I think he has underestimated the sophistication of the American people in proposing his alternative balanced budget amendment. At a time when the American people are asking the Congress to bite the bullet of fiscal discipline and responsibility with a meaningful constitutional amendment, he is attempting to spoon-feed them with partisan, political pablum and expects them to swallow it as some great gourmet delight.

If anything would trivialize the Constitution in a frivolous manner it is the Alexander amendment which does absolutely nothing to help insure a balanced budget. All that amendment says is that the President shall submit and the Congress shall adopt a statement that our receipts and expenditures are in balance. Anytime the budget falls into imbalance, a majority of Congress need simply declare, "Oh, it must have been a 'national emergency,'" Well, I would agree that deficit spending is a national emergency, but simply calling it that does nothing to put us back in the black. What enforcement provisions are in the Alexander amendment to insure a balanced budget? None. Oh, there is a section that says Congress "shall implement this Article by appropriate legislation," but all that means is that we can enact a law that says the President shall submit a balanced budget and Congress shall adopt a statement before each fiscal year that we want one. It does absolutely nothing to require us to remedy things when that statement of balance proves false later in the fiscal year.

Mr. Chairman, a meaningful and enforceable balanced budget amendment

as proposed by the gentleman from New York (Mr. CONABLE) is anything but trivial. It recognizes that the very future of our Republic and its economic system is at stake, and that we have not had the will under existing processes to restore that system to soundness. How can anyone claim that such a goal and the discipline required through an enforceable constitutional amendment is trivial? Are the health and growth of our economy trivial? Are the assurances of jobs and prosperity and a decent standard of living for future generations of Americans trivial? I think not. Are the more perfect union, domestic tranquility, blessings of liberty, and general welfare envisioned for our Republic in the preamble of the Constitution trivial? I think not.

Mr. Chairman, the Alexander amendment is trivial because it does nothing to insure its stated goal of a balanced budget. The Conable amendment is not trivial because it has teeth, it is enforceable, and it is deserving, indeed essential, to be enshrined as part of our Constitution.

Do you want a balanced budget here or not? That is what is at stake. Do not ever forget it. If you want one, if you want a balanced budget amendment, do not play games; if you want to submarine this issue into the deep, dark hole of a conference, never to be heard of again, then go ahead and vote for the Alexander substitute. But there will be no hiding. Everybody will know in the next month how we voted on this one.

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Mr. ALEXANDER. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. ROSTENKOWSKI).

Mr. ROSTENKOWSKI. Mr. Chairman, I rise in strong opposition to both amendments.

The full tax, budget, and economic implications of this amendment on Congress and, in particular, the Committee on Ways and Means, are unknown; but I want to underscore the aspects that I consider the most objectionable.

According to the Congressional Budget Office, there is a projected total deficit of $170 billion for 1985—the first year the amendment might be in effect. This estimate already assumes policies in the first budget resolution, like Federal pay increases below inflation, and no increase in nondefense discretionary spending.

Thus, we will be confronted with several painful options. If we were forced to erase a deficit of $170 billion in 1 year, our options become as economically absurd as they are socially immoral.

We could increase taxes by $170 billion. To achieve this level, we would have to raise individual income tax rates by 50 percent, or corporate income taxes by 370 percent, or payroll taxes by 63 percent.

Or, we could go after tax loopholes and tax expenditures. We could barely reach our $170-billion goal by the sum of the following: the elimination of the mortgage interest deduction, the charity deduction, the oil depletion allocance, the favorable treatment of capital gains, and accelerated depreciation on equipment other than leased property; taxation of all social security benefits; the complete inclusion of employer contributions to medical and pension plans; and no reduced corporate tax rates for the first $100,000 of income for small business.

However, before the authorizing committees or the appropriating committees would know how much revenue to count on, the tax increase would have to be signed into law. We could not simply pass a budget resolution which planned on certain tax increases. This puts the tax-writing committees on the spot, or in the driver's seat, with respect to the budget process.

Under the proposal, these tax increases must be agreed to by a majority of the whole number of both Houses. Someone who is absent is effectively a "no" vote.

The other options to confront the projected $170-billion deficit in 1985 would be to reduce spending dramatically or convince 60 percent of the whole number of both Houses to allow an "unbalanced" budget.

The Committee on Ways and Means has jurisdiction over approximately one-third of the budget, not including interest. To reach the goal in 1 year by across-the-board reductions would imply a $50-billion cut in social security and medicare. Let me remind you that the cuts we made in social security and medicare programs over 3 years in both the Reconciliation Acts of 1981 and 1982 were about $17 billion.

To achieve a $50-billion savings over the next 3 years, we would have to completely eliminate the COLA for 1983, 1984, and 1985, and place a 15- to 20-percent copayment on the elderly for all days spent in a hospital. Obviously, the effect of such an action on the elderly of this country would be devastating.

The impact of such dramatic domestic cuts would send us back into a recession. The initial reduction in incomes of taxpayers or social security recipients or a firm selling goods and services to the Government would set off a chain of declining purchases, reductions in output, and increasing unemployment.

The effect of the section "that Congress may not require that the States engage in additional activities without compensation equal to the additional costs" are equally onerous.

Conservatives in Congress have diligently forced States to engage in additional activities to weed out waste and fraud in programs such as food stamps, AFDC, and medicaid. If States are not successful in carrying out those activities, they are assessed a penalty. I do not know whether or not this example is affected by the clause. What I do know is that all such questions—and there are many—would have to be decided by the courts.

Passage of the amendement would prevent enactment of legislation such as:

Improvements in our income maintenance programs. Mandating that States pay a minimum AFDC payment, as eight former Secretaries of HEW recently recommended, would be, for example, be unconstitutional unless the Federal Government pays 100 percent of the cost. This implies that States who had already implemented such a provision would lose Federal dollars relative to States with low benefit payments.

Section 1 of the proposed constitutional amendment states that the Congress and the President shall insure that actual outlays do not exceed the outlays set forth in the annual balanced budget statement. There is some question whether this constitutional mandate would override other legal restrictions on impoundments or rescissions.

It is difficult to believe that the authors of this proposal intend to give an aggressive President new authority to impound congressionally appropriated funds. Remember the result of such impoundments before the 1974 Budget and Impoundment Act was passed.

The discretionary authority granted to the President in this amendment may well be much too broad. If the President feels the Congress is not fulfilling its obligation to insure that outlays do not exceed those adopted in the annual statement, this provision would at the least provide a basis for time-consuming delays. The courts would need time to determine whether actions such as impoundments, rescissions, or other denials of congressionally approved expenditures are allowed without any statutory restrictions because of this language in the Constitution. In a recession year, actual outlays will exceed planned outlays. Does this mean that cost-of-living adjustments on social security can be ignored? What authority would the President be given to override congressional intent?

The President should share responsibility for developing a balanced budget. However, we must avoid upsetting the balance of power between the legislative and executive branches.

There are many problems in interpreting the language of these amendments and would inevitably draw the judicial branch into shaping economic policy.

Section 2 of the proposed amendment requires that total receipts, as set forth in the statement of receipts and outlays for the fiscal year, "shall not increase by a rate greater than the rate of increase in national income in the last calendar year ending before such fiscal year, unless a majority of the whole number of both Houses of Congress shall have passed a bill directed solely to approving specific additional receipts and such bill has become law." There are several important implications of this language that need to be considered by the Members.

First, the language of section 2 requires tax legislation to be enacted before consideration of a budget resolution if receipts are to increase more rapidly than the prior year's increase in national income—which is quite natural. Such action would have to be taken before the Congress as a whole can express itself on the desired level of receipts and outlays. In forcing tax-writing committees to move, they largely determine the direction of the budget process.

Receipts are extemely sensitive to business conditions. During a period of recovery from a recession, receipts grow more rapidly than national income. This more rapid growth is essential to achieve budget balance—yet it is a phenomenon quite separate from the impact of inflation on receipts. During periods of rapid real growth business profits recover, unemployment is reduced, and the income of workers tends to increase with longer hours and more overtime pay. Receipts are bound to grow more rapidly than national income in the prior year. Whether the budget were in balance and passed by a simple majority, or whether a super majority of three-fifths agree to an unbalanced budget, the language of section 2 would require the Congress to pass and the President to sign a bill "directed solely to approving additional receipts." But in the situation I have described, where additional receipts are the result of the then current tax system being applied against higher real incomes, the Congress would be required to pass legislation. Would we repeal some tax provisions and enact new, offsetting ones? Would we have to reenact existing provisions in order to meet a constitutional mandate?

This situation will occur in the recovery phase of every business cycle. Again let me point out that this has nothing to do with inflation and bracket creep though bracket creep appears to be the impetus for the language of section 2. But, let me remind Members that the bracket creep problem has been solved by the indexing of the individual income tax system enacted as part of the Economic Recovery Tax Act of 1981. Indexing will go into effect in 1985. This provision of the 1981 act was not modified in any way by the recently enacted tax bill.

Second, I want to point out the vagueness of the term, "receipts," as used in the proposed amendment. If the amendment is adopted, opportunities for definitional game playing would be provided to future Congresses. The concept of receipts which is used so freely in our discussions of fiscal and budgetary policy, is the product of accounting conventions that are not immutable, and have evolved over time. These accounting conventions are likely to continue to evolve. Should the term, "receipts," become part of the constitutional language, the accounting conventions take on air of importance that, in the extreme, may mean the minority rule.

Receipts as we use the term today, do not include all deposits of money into the Treasury. Proceeds from borrowing are not the only excluded items. The term "receipts," for example, rightly excludes tax refunds and money deposited with the Treasury which are held for the account of others, such as State income taxes withheld from Federal employees. In particular, certain proprietary receipts received from the public, such as user fees and proceeds from stockpile and land sales or from offshore oil leases, are treated as negative outlays rather than receipts. A majority—convinced that an unbalanced budget was in the best interests of the country but thwarted by a minority of 40 percent—might be tempted to redefine certain payments as negative outlays rather than receipts.

A budget could be proposed that called for substantial increases in those items in order to achieve a balance. But under the proposed contitutional amendment no vote for the increase in negative outlays would be required because those items were no longer defined as receipts. If, for purposes of the constitutional amendment, receipts are to be defined some different way, then we need to know it in advance. To avoid the case just described, the items currently treated as negative outlays might be included in the definition.

If those were the rules, then the executive branch, which controls such items as offshore oil leases, asset sales, and the like, could, by planning increases in these items, bring the requirement of section 2 into play. Receipts so defined would increase faster than prior year national income and the Congress would be forced to pass a bill specifically to increase receipts. This would presumably result even if the expectations of the executive branch are not in fact realized.

Third, section 2 calls for a comparison of the rate of growth of receipts with the rate of growth of national income, another one of those concepts that is not immutable but is the product of accounting conventions. Here there is a double problem. Not only is the conceptual framework of our national income accounts changed from time to time, but measures of national income are continually revised. We are most familiar with this when quarterly estimates of real GNP growth are revised several times. Our system of national income accounting has served us well over the years. But when changes in these accounting conventions and revisions of estimates make the difference between majority and minority rule, as they could under the terms of the proposed amendment, I fear that national income accounting will become a political football.

The Senate in their version of the proposed constitutional amendment seems to have recognized the problem presented by section 2 of House Judicial Resolution 350 by changing the term "rate of increase in national income in the last calendar year ending before such fiscal year" to "the rate of increase in national income in the year or years ending not less than 6 months nor more than 12 months before such fiscal year." Under this language, presumably any set of years could be selected to make the required measurement. Our national income accounts go back to 1929. The possible rates of increase under the Senate language include 7.6 percent, the average annual rate for 1951 to 1981, to 11.6 percent for 1980–81. Which measure is selected will be crucial. How is a choice to be made?

Fourth, constitutional restraint on receipts and outlays are likely to lead the Congress to expand credit programs and tax expenditures. Important parts of Federal credit programs are not reflected in the budget. Loan guarantees are an example. Progress has been made in controlling the so-called credit budget. Credit programs may be adopted by a congressional majority that are less efficient and more damaging to the private economy than direct spending programs in order to circumvent a minority roadblock in the budget process.

When receipts are expected to increase faster than prior year national income, the framers of the balanced budget amendment wish to have taxes cut rather than permit outlays to increase as a fraction of national income. But if a congressional majority is convinced that additional Federal activity is desirable, the temptation will be to turn to tax expenditures. Instead of cutting tax rates, the Congress may choose to introduce new credits, deductions or other provisions designed to address some particular social or economic problem. Tax expenditures are often less efficient methods of accomplishing desired goals. Moreover, expanded use of tax expenditures involves the tax-writing

committees in areas more properly in the jurisdiction of other committees.

I urge the House to reject both amendments.

Mr. ALEXANDER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FAZIO).

Mr. FAZIO. Mr. Chairman, there are many of us here who have served at the State or local level, and have worked with the strictures of the requirement for a balanced budget. I know many of us feel that it is appropriate that this Congress do the same thing. As we compare the two alternatives today, it is important for those of us with local and State backgrounds to look at the differences between them. There are two very significant failings in the Conable-Jenkins proposal.

First of all, what State government absolves the executive branch of the responsibility of proposing a budget submission? What executive is absolved from the process of having to present a balanced budget to his legislative body? It is obvious that we have a responsibility to keep that budget in balance, to set priorities, and determine the details of the appropriations process, but we do not and cannot absolve the executive.

Mr. Chairman, the debate over the constitutional amendment to require a balanced budget also obscures the fact that the budget of the United States mixes expenditures for Government salaries and goods that are purchased for immediate use with capital spending on long-term investments such as bridges, research, and education.

In most of the major industrial countries, budgetary expenditures are divided into current and capital items. Japan, Germany, France, Great Britain, Sweden, and Denmark have all used some type of capital budgeting for many years. Canada has followed the practice of a capital budget since its confederation in 1867. In 45 States and many municipalities we also distinguish between current and capital expenditures.

Capital budgets are the rule for major corporations. When corporations purchase a piece of capital equipment, only a portion of the cost of a new machine or building is charged against current earnings each year. If corporations did not follow the practice of depreciating their equipment over time, many of them would be operating in deficit and virtually all would show a sharp drop in earnings.

If AT&T followed Government accounting practices, its 1981 profits before taxes would have been cut from $19 billion to $9 billion.

In the case of IMB, before tax profits would have been reduced from $9 billion to $2 billion.

The idea of a capital budget is not new. In fiscal year 1948, the budget submitted to the Congress distinguished between capital spending on infrastructure and operating expenditures. The Hoover Commission proposed the adoption of a capital budget in 1949. The Committee for Economic Development made a similar proposal in 1959.

Mr. Chairman, I am not saying that overall spending totals or Federal deficits are unimportant. They are. What I am saying is that different kinds of spending have quite different implications for the U.S. economy. Investing in roads, bridges, education, and basic research will lead to long-run stable growth. A banker does not tell you never to borrow—lending after all is his business. But he does ask you what you are going to do with the money. That is the question we should ask of the Federal budget—not whether it is mindlessly and mechanically in balance each and every year.

The Alexander proposal provides a framework from which we can derive a statutory approach consistent with balanced budget provisions across our country. It is flexible and in keeping with historic practice. It meets the public demand and we should put partisan rhetoric aside and adopt it.

[From the Washington Post, June 28, 1982]

TOWARD A CAPITAL BUDGET

The editorial "Budget Questions: Reform" [June 14] dismisses the idea of a capital budget as a "scheme" that addresses procedure rather than substance. The Post could hardly be further off the mark.

Substance is the very essence of capital budgeting. A capital budget would bring together in one place—for the first time, believe it or not—an inventory of the government's investment in buildings, roads, bridges, tunnels, dams, water and transit systems, parks and other physical facilities. It would give us at last a clear picture of our national assets, how much they cost to build and maintain, and what sources of revenue they draw upon.

Critics of government spending often charge that no business or family could operate the way the federal government does, laying out more money than it takes in. But as Norton Simon chairman David J. Mahoney noted in The Post ["We're Cheating Ourselves," op-ed, June 13], no business budgets its capital investments in the same way as current expenses (salaries, supplies, etc.), as the federal government does. Rather, they distribute the cost of such projects over their full expected life.

Nor do successful businesses or families neglect the cost of maintaining their investments after they have been made. One of the significant shortcomings of federal policy-making, and of the current congressional budget process in particular, is its failure to assess the long-term construction and maintenance needs of the nation's vast public infrastructure.

Over the remainder of this decade, the United States must spend $2.5-$3 trillion to maintain existing levels of service on public facilities. Yet, at present expenditure levels, less than a third of these needs will be met.

Capital budgeting would allow the Congress to examine more closely the real costs of new projects, in terms of construction and maintenance, economic impact and efficiency and financing—such as how much interest expense should be attributed to a project when the government runs a deficit. This might reduce the amount of pork that gets stuffed into the federal barrel each year and direct resources instead to construction of essential projects and repair and rehabilitation of existing facilities.

Late last year, 20 members of Congress, ranging from Speaker Tip O'Neill to supply-sider Jack Kemp, wrote to President Reagan asking that he direct the Office of Management and Budget to explore the capital budget idea.

Recently, I joined in introducing H.R. 6591, which would require a special analysis of capital investments to be submitted with the fiscal 1984 budget, and a full capital budget to be prepared for fiscal 1985. Sen. Christopher Dodd of Connecticut has introduced similar legislation.

Adoption of a capital budget would make the budget process far more accountable and comprehensible than it is now—an objective we all share.

ROBERT W. EDGAR,
U.S. Representative of Pennsylvania.
WASHINGTON.

[From the Washington Post, Sept. 26, 1982]

THE PAINLESS BALANCED BUDGET

(By Norman J. Ornstein)

It's time that we stopped all the foolish talk about how difficult it would be to balance the federal budget.

If we should ever adopt a constitutional amendment to that end, the deed could be done without any noticeable pain—except perhaps to those who believe that editing the Founding Fathers would produce some wrenching fiscal changes.

The fact is that a quite legitimate and painless way not only to balance the budget but to create a multibillion-dollar surplus has been sitting under President Reagan's nose. All he has to do is flip through the authoritative works of David Stockman's Office of Management and Budget to an entry, for fiscal 1983, called "Special Analysis D."

"Special Analysis D" conveniently divides the federal budget into two categories, one for "current" outlays—otherwise known as day-to-day operating expenses—and another for "capital" programs with longer-term payoffs, such as those for highways or research and development.

The president will see immediately that by removing Stockman's "capital" budget of $155.3 billion, he can transform this year's estimated deficit of about $140 billion into a surplus of about $15 billion. Presto, Washington's first black ink in ages.

The notion of a separate capital budget is by no means unusual. The president should be exceedingly familiar with it, since he had one as governor of California. Indeed, as many as 45 states—including most of those that have called for a constitutional convention on the federal balanced-budget idea—keep their ledgers looking good this way.

In nearly all these states, capital spending is excluded from the regular budget. Capital programs are viewed not as expenses but as investments, and they are funded separately, largely through bonds or other borrowing devices. Without this accounting device, most states that have pointed piously to their own budgetary black ink would have been knee-deep in deficits for years.

Doing this at the national level as well might strike some as phony accounting designed to camouflage deficits, not reduce them, there certainly is some merit to this claim (as accountants for New York City in

past decades would be the first to suggest). But the capital budget idea also has substantive merit.

There is a difference between money spent to yield future benefits and money laid out for current expenses. By making the distinction explicit, we could not only instantly balance the budget—we could also focus the federal spending debate more properly on the relative need and rationale for spending in various areas.

For example, with bridges, highways, subways and dams decaying and cracking beneath our feet, massive federal spending to rebuild these structures will be required in the coming decades. Indiscriminate rhetoric about slashing federal spending does the public a great disservice, since it is clear that some areas will require—and quite properly—more, not less, federal capital.

Similarly, a balanced-budget drive that decimates federal research and development outlays could easily have the perverse effect of stunting our future technological growth, reducing or removing a major American advantage worldwide and shrinking our economic growth.

But let's leave all this weighty substance aside and focus on the psychological effect. A separate capital budget would remove from our shoulders the tremendous weight of staggering deficits now and through the rest of the 1980s. It would free us from worry about how Congress could possibly cope with a constitutional commandment to balance the budget. We would simply redefine the meaning of budget. The capital budget is worth it for those reasons alone.

As for details, any two people might quibble over precisely which federal programs belong on the investment side of the ledger. But why not just take David Stockman's view on this?

OMB defines capital, or "investment-type," programs as those which "yield benefits in future years through the acquisition of physical or financial assets, or through expenditures for less tangible long-term benefits such as education. They include: the construction, rehabilitation and acquisition of physical assets: education, training and vocational rehabilitation; research and development; international development and financial investments such as loans."

Buying the Stockman formula we can in one fell swoop create that $15-billion surplus, remove the need for a constitutional amendment, painlessly balance the budget if an amendment should be adopted and end the balanced-budget clamor of Wall Street and the hinterland. I would sleep a lot more peacefully knowing that we had solved this nettlesome problem once and for all.

[From Across the Board, May 1982]

THE FEDERAL BUDGET SHOULD BE REBUILT FROM THE GROUND UP

(By Albert T. Sommers)

Among all the measures of economic conditions that bear on the deplorable state of business in early 1982, the present and prospective deficits in the Federal budget are far and away the most widely discussed, and the most generally blamed. The rising trajectory of Federal financing requirements is said to have driven up interest rates, threatened the thrift institutions with total destruction, interrupted planning for urgently needed investment in plant and equipment, drastically lowered the rate of housing construction, multiplied bankruptcies among smaller companies, and precipitated near panic on Wall Street. The prolonged period of extremely high interest rates, attributable in considerable degree to the prospective borrowing requirements of the Federal government, has contributed to a general recession that is costing hundreds of billions of dollars in lost output. All this, only a year after Congress passed and the President signed an immense tax-reduction bill that reduces Federal receipts by about $700 billion over the next several years. The tax reduction was supposed to be associated with a balanced budget by fiscal 1984; but the deficit is now at an annual rate in excess of $100 billion, and rising. A balanced budget by 1984, or for that matter in any foreseeable future, has disappeared beyond the horizon.

Budget experience in the past several years has been spectacularly irrational. Forecasts, still dutifully assembled each year, as required by law, have become a subject for grim humor. Federal budgeting itself, unencumbered by any real agreement on what it all means, is being made in an analytical vacuum. Opinions about the proper direction of the budget, absent logical restraint, drift randomly, attracted only by political pulls; it is an unfunny paradox of 1982 that a conservative Administration is defending massive deficits, while liberals urge measures to reduce the deficits. At a time of sharp recession, almost all parties agree that it is necessary to reduce spending and raise taxes—the precise flip side of the Keynesian consensus that prevailed in the United States only a half-dozen years ago; but there are no widely accepted guides to where the spending reductions should be made, or what a tolerable deficit would be.

The Federal budget is simply out of control; worse, there is no longer any consensus on what budget outcomes really mean, and what kind of outcomes can rationally be sought in a modern democratic society characterized inevitably by large government responsibilities. The budget projections calculated by altogether responsible sources clearly require action.

But what kind of action? The conflicting responses to this question reflect conceptual doubts about what Federal budget outcomes really mean, and a seriously flawed accounting system from which budgetary conclusions must be drawn. The time-honored conventional view leads us to strive for a literally balanced aggregate Federal budget as the only "fiscally responsible" outcome; but it virtually guarantees that the goal will be missed by a mile, even while we underspend on precisely the things we need government to buy for us. The budget projections say that budgetary restraint is now unequivocally necessary. But if restraint requires a further round of spending reductions, it is desperately important for us to rationalize the criteria by which we appraise the course of Federal spending, and to improve the accounting structure by which the government plans and records its own operations.

The conceptual structure of Federal accounting is woefully inadequate in many respects, but most seriously in its failure to distinguish a capital account from its ongoing operations. Under present accounting practice, the Federal government makes no distinction between one expenditure and another. Unlike a business, it treats its capital outlays as ordinary expense, including their purchase in its operating statement, setting up no depreciation reserve for their replacement, and calculating no net worth as the security against the government's debt. While special analyses in the budget identify some spending as of a capital nature, the analyses are retrospective, and have no apparent influence on the planning of government outlay. A purchase of long-term assets adds to the deficit; a sale of assets reduces the deficit. If the same accounting practices were pursued by businessmen, the fastest growing and potentially most successful businesses—those that are investing more than their depreciation charges—would show a deficit or markedly lower profits, while declining businesses that are investing less than their depreciation charges would show higher profits.

For AT&T, for instance, conversion to government accounting would have reduced 1981 profits before taxes from $19 billion to $9 billion; for IBM, the reduction would have been from $9 billion to $2 billion. Both companies would have had to cut their capital outlay by about 50 percent to achieve their 1981 reported profits before taxes. Most small, fast-growing, high-technology companies would report totally illusory deficits year after year. In such an accounting structure, a company that sells a subsidiary, even at far below its book value, would show a tidy profit on the transaction. The Federal deficit is conceptually equivalent to the change in its outstanding debt. By this measure, AT&T has run a sizable deficit in every recent year.

To order its priorities and stabilize its finances, the Federal Government needs a captial budget; that is, it should separate expenditures into current operating costs financed by current income, and capital outlays financed by debt issuance when necessary. Discussions of capital budgeting for the Federal government have always been heated, because the proposal seems to imply a loss of control over spending, and a legitimization of continuing deficits. The risk is real; adoption of a capital budget would admittedly alter the constraints over government spending, in that it would compromise the simple, moralistic argument that government should "live within its means" and would stop the growth of its outstanding debt.

But the presumed virtues of a balanced aggregate Federal budget and zero growth in Federal debt rest on highly imperfect analogies to private-sector institutions—the corporation, and the family. And even these institutions are not expected to be (nor are they) virtuous in the rigid and inflexible way we seek to impose on government. (Until very recent years, business debt and personal debt have risen far faster than Federal debt.) There is a powerful commonsense case for capital budgeting; it should not be rejected for reasons of misapplied moralisms. Nor should it be rejected because prospective deficits are intolerable; those prospects reflect the dwindling relevance of a dying budget orthodoxy.

Capital budgeting would recognize the unalterable fact that modern governments, like modern corporations, confront substantial investment needs. Capital budgeting would not encourage a larger aggregate public deficit than we in fact experience. Its immediate consequence would be to strengthen legislative attitudes to withstand political demands for still further growth of current transfer payments, which are absorbing a larger share of Federal outlay, even in the Reagan budgets. Because it would direct attention to the long-run development and efficient use of the U.S. asset base, it should achieve more success with inflation than the dedication (always unfulfilled in fact) to an aggregate budget balance.

Capital budgeting would thus respond to the two largest economic problems confronting the United States in the 1980s—how to restore a high rate of private and public fixed investment, and how to control inflation. If we are serious about solving these problems, and we should be, we would do well to free the Federal government from the futile aphoristic economics by which it is now constrained, so that it can participate in the effort.

To reap the benefits of capital budgeting, however, a wholly new view of the role of the Federal government in the economic system, and a wholly new set of accounting principles, will be required. The fact that the Federal accounting system includes no capital budget has an obvious bearing on the size of the officially measured "budget deficit," and the consequences that flow from its interpretation. For an understanding of the forward step that capital budgeting offers, it is necessary to examine—objectively, nonmoralistically, nonideologically—the fundamental principle on which conventional budgetary policy still rests: namely, that a total balance of total revenue and total expenditure is the only "fiscally responsible" budgetary outcome.

While long-term budget projections under Democratic and Republican Administrations alike always look toward a future balance, the actual budget has been in deficit in 24 of the last 30 years, and in every year since 1970; in the last seven years the deficit has averaged about $50 billion annually. It is revealing that virtually every developed Western economy has had the same budgetary experience. In fact, the U.S. deficit this year, expressed as a percentage of national output, is likely to be among the smallest of the OECD countries. In 1979, both the total public-sector deficit (including state and local governments) and the Federal government deficit, expressed as a percentage of GNP, were at half the level of West Germany's. In Japan, the relative deficit was three times ours, and the deficit of the total public sector more than five times ours, as calculated by the Bank for International Settlement.[1]

In the U.S., as in virtually all Western economies that have shared in our political and cultural experience, a conventionally balanced Federal budget no longer appears to be consistent with high employment, and may be impossible to sustain at any level of employment, unless substantial government responsibilities acquired over the past two decades are largely abandoned.

There are at least two basic reasons for this developing experience. In the first place, transfer payments now dominate Federal budgets; and transfers are not nearly so stimulative to private activity, and hence to the broadening of the tax base, as real government purchases from the private sector. Such real purchases—for bridges, roads, ports, mass transit—produce a stream of jobs and incomes, and hence tax revenues, the transfers, which feed directly into consumption, have much smaller and only indirect effects on jobs and the tax base. In the days when government was much smaller and Federal outlays contained a high percentage of direct purchases, it was difficult to run a Federal deficit for any length of time. (The immense deficits of World War II were the result of deliberate suppression of the tax base and of consumption by wage, price, credit and production controls.) At present, in the U.S. as well as throughout the West, it is almost impossible to avoid one. Restraining transfers, and expanding real outlays, would contribute to a reduction of the deficit; capital budgeting would help in that effort.

Second, the dedication to a balanced aggregate budget fails to comprehend the long postwar development of debt formation. In the early postwar decades, private debt was rising rapidly in the United States. Historically, total public and private debt rose along with total GNP and the energy provided by the recovery of private debt helped to maintain the system near high employment with no help from public debt formation.

In the decade ending in 1957, the budget was actually in surplus more than half the time (the deficit years were mainly those of the Korean War; wage and price controls again). But the debt-carrying capacity of the private sector has been leveling off for more than a decade, and the withdrawal of energy has induced the growth of public debt—probably inevitably, but also as a consequence of deliberate efforts to keep the system near full employment. In the 1970s most Western economies arrived at a great postwar conjuncture; the simultaneous presence of large government, and a mature debt burden in the private sector.

In the last 10 years, efforts to stop arbitrarily the growth of public debt have periodically weakened the system, and augmented recessions. All of the last three recessions occurred in the presence of a brief near-balance in the aggregate Federal budget; the ensuing recessions drove down private activity and hence tax receipts, and hence led to an augmented deficit in succeeding periods. Wild swings in the aggregate budget position, from close to neutral to deep recession-induced deficit, have been characteristic of the system's performance ever since the late 1960s, and have imparted to it a destructive instability in demand, and in interest rates, that impairs the private sector's ability to plan long-term investment. There is absolutely no evidence that the political dedication to an aggregate balance in the Federal budget, under present accounting, has had any effect at all on the average budget deficit over the past decade. And under present accounting, there is very little likelihood that any Administration will balance the total budget, for any significant period, in the foreseeable future.

Not only is a general budgetary balance most unlikely—it should not even be sought by the Federal government, any more than by successful corporations serving a growing market. It is the wrong target, and the error is greviously costly. The burden is borne heavily by U.S. business, which has had to do its long-range planning in an unpredictable and unstable financial environment, periodically featuring prohibitive capital costs, and in the presence of deteriorating public facilities.

In the absence of an accepted distinction between Federal expenditures with long-run importance and ordinary operating outlays, the futile effort to balance the budget disastrously misdirects the attention of both spending and tax policy. Given the fact that many of the ordinary outlays, including transfers, are mandated by existing legislation, the effort to curtail expenditures in the direction of a budget balance is inevitably deflected toward precisely the public capital programs that are urgently needed as infrastructure for the private sector's investment (not to mention the private sector's quality of life). Lacking an accounting protection for capital outlay, the Federal effort to control deficits is producing a disguised and unintended liquidation of the public infrastructure, a continuous accumulation of deferred maintenance that is grossly apparent everywhere in our public sector—including, of course, in our defense establishment.

Public capital formation has now subsided to about its lowest share of total output at any point in the postwar years. School construction has slowed—appropriately enough, with the decline in the school-age population. But the misdirected pressures to economize account for a 10-year liquidation of much of the U.S. defense system. Even if schools and defense are excluded from capital outlay, the remaining nondefense public-capital formation has taken less and less of our GNP. Outlays for highway construction fell after the completion of the interstate system several years ago, understandably; now the system is deteriorating again.

The remaining programs—mass transit, general institutional construction, urban rehabilitation, bridges, parks, water and sewage systems, ports—have suffered. In current dollars (not adjusted for inflation), the investment-type programs identified in recent budgets have been growing at a 1.5 percent annual rate; the growth in current operations has been at a 14 percent annual rate. A Commerce Department study indicates that through much of the 1970s, Federal spending on "public works" fell short of depreciation, even with the depreciation calculated, with an understatement, on an original-cost basis. For state and local investment outlays, the rate of net investment has also declined, despite the same understatement of depreciation and despite growth in grants-in-aid.

Now that the Federal grants are falling, further decline in such investments is inevitable. Calculated on a replacement-cost basis, these figures would reveal a gross liquidation of the stock of public capital, probably much faster than the equally regrettable liquidation of private capital to which businessmen properly invite attention. Caught between rising transfer payments on the one hand, and efforts to seek both tax reduction and a conventionally balanced budget on the other hand, American public facilities financed by both Federal and local governments are threatened with continuing, progressive disintegration.

The failure to recognize a capital component in Federal spending, and to account meaningfully for the accumulation of public assets (financial, as well as real) over time, also contributes to a naive conception of the Federal debt, and its significance for Federal financial policy. In the household sector, we are accustomed to relating outstanding debt to the level of personal income; in the business sector the level of debt is normally related to other relevant measures, such as current and prospective earnings, and net worth. Only for the public sector do we bemoan an increase in debt measured absolutely as financial obligation. No part of the system—not the business sector, nor the consumer sector, nor the government sector—balances its budget by Federal accounting procedures; all of the sectors experience a continuing rise in outstanding debt.

Such a naive way of reviewing the Federal debt, without benefit of any investment perspective, gives rise to excessive alarm (given the present deficit projections, some alarm is certainly warranted) over the level of the

[1] In seven major industrial countries budget deficits now average 4 percent of GNP.

debt, and even simplistic exhortations to "pay it off." In fact, the relationship of Federal debt to the GNP from which the Federal government generates its revenues has been generally declining throughout the postwar years (whereas it has been rising, although from a much lower base, in both Japan and West Germany; their lower bases are attributable to the repudiation of their public debt by the new governments installed by the Allies at the end of World War II). The government's sovereign power to command its income out of the GNP is limited, of course, by the effects of taxation on incentives in the private sector, where the government's revenue is generated, but in addition to this power, it has a balance sheet as well as an operating statement. To ignore the assets in its balance sheet is to distort the significance of its debt.

Capital budgeting would thus add an essential dimension of realism to Federal spending policy and tax policy. While it would vacate the fallacious and unachievable objective of an overall balance in the Federal budget and an end of all growth in Federal debt, it would by no means provide a warrant for abandon in either spending or debt. Indeed, it would require current financing of current costs, including depreciation—a balance or a surplus in the operating budget. It would provide the controls for effective restraint on all expenses of the government, including the transfers; it would say, loud and clear, that more current operating outlays (including transfers) mean more taxes. Such an operating statement, if available last spring, would have made it thoroughly evident that we could not afford the gross dismantling of our revenue base that was accomplished by the tax reduction, unless it were to be accompanied by an equally gross curtailment of current outlay.

One of the reasons that the transfer programs have grown so uncontrollably is that the option existed to offset their growth by reduction in public capital outlay; removing this opportunity through separate accounting for capital outlay would restrain the transfers; and the higher level of private job creation in publicly financed investment would reduce the requirements for transfers. A capital budget would alert the public as a whole to the dangers of aggregate underinvestment, undersaving and overconsumption. It would provide the information basis for practical spending and taxing decisions, and for programmed reinvestment in the system in good times as well as bad. It would free us from the classic cyclical entrapment of public investment (it is not needed as a stimulus in good times, and in bad times the stimulus provided by it will come too late). Public capital investment is necessary; it is not just a cyclical toy.

The debt formation that would proceed in the capital account is not, as is often argued, a regrettable absorption of real savings that should be made available to the private sector. This argument ignores the fact that modern governments have substantial investment requirements of their own (including defense investment), of a significance no different from the significance that attaches to uses of capital in the private sector. Government, as well as business, requires a call on national savings; it is the debt financing of the expenses of government, not of its investment, that is a misuse of savings capital.

A revision of Federal accounting to incorporate capital budgeting would require considerable study, looking toward the construction of satisfactory accounting definitions and concepts. Both the Treasury and Comptroller General's office, as well as other public and private bodies with an interest in Federal accounting, have some work in progress for the improvement of the system, including the development of capital outlay, depreciation and net-worth definitions. The definition of "investment" is critical to the effort: a continuously expanding definition would admittedly pose the threat of unmanageable deficits. But this is not an incremental risk: our experience today makes it perfectly clear that the present system is regrettably efficient in the production of unmanageable deficits.

Apart from the capitalization and depreciation of physical assets, capital budgeting would offer opportunities for rationalizing government activities in financial markets. The bewildering and disorderly array of Federal subsidies, secondary-mortgage market activities, developmental capital programs and loan guarantees, interest-rate subsidies, capital availabilities to small business and to depressed areas, even, perhaps, Federal programs for the improvement of human capital—all growing areas of government interest—might be organized and controlled and restrained together. Some of the so-called "tax expenditures" (the selective foregoing of revenue, commonly to encourage investment: for example, the investment tax credit) might be redefined, and those with a measurable prospect of stimulating future growth in the private economy and the tax base might conceivably be capitalized as investment. What appear to be useful opportunities for capital partnership between the public and private sectors would be encouraged by the provision of an orderly accounting structure.

In this and other respect, capital budgeting would foster cooperation between business and government in the renewal of our private and public capital stock. Handled with vigor and restraint, it would do all of these things without adding a dollar to the total deficit, while at the same time imposing necessary limits on the consumption-directed spending of government. It would provide clearer and more stable fiscal information for the use of the Federal Reserve in setting monetary policy. And it would assist in rebuilding the government's reputation, now badly damaged, as an essential contributor to the nation's future growth. All in all, there would be a large reward for relinquishing the antiquated moralisms by which we now define fiscal responsibility.

Mr. ALEXANDER. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. GEPHARDT).

Mr. GEPHARDT. Mr Chairman, I rise in support of the substitute amendment proposed by the gentleman from Arkansas (Mr. ALEXANDER).

I have deep concern about the proposition of requiring a balanced budget under the Constitution. I do not believe the Constitution is the proper vehicle for implementing economic policy. It is not designed to be flexible and responsive to volatile conditions like the economy. It has been and should continue to be a statement of fundamental principles on which our Nation is based and on which our Government can operate.

The substitute before us at this time, in my view, offers a far more appropriate constitutional provision. Briefly, Mr. Chairman, let me summarize the advantages the Alexander substitute offers over the proposed Jenkins-Conable constitutional amendment.

Mr. Chairman, there has been a lot of talk today about will, political will, and how to put together a set of rules that would give us the will to do things that I think most of us agree we need to do. I think if we look at economic history, we find that it is kind of hard to write rules that actually work. Often, we talk about mandatory wage and price controls. Sounds good. Often it is seen as magic to solve the problems, but when they are put in place, they often do not work and they have to be changed and they have to be modified and they have to be shaped so that they will work.

There are lots of other instances where we sought a set of rules that would get human nature to act the way we wanted it to act. That is what we are talking about today. What we are saying in the Jenkins-Conable amendment is that that set of rules is magic, it will work; no doubt about it, there is no way it can go wrong. I do not think that is the way we want to deal with the Constitution.

For 195 years in this country the Congress did not even have a set of budget rules. Now we have them. They are beginning to work. I suggest to the Members that they are working very well. They can be improved, they should be improved. There is a long way to go, but let us not today try to say that we know exactly how they should work.

I think the Alexander amendment is a preferable approach.

First and foremost, the amendment offers flexibility. It is strong, but a simple statement of principle that the budget should be balanced every year unless extraordinary circumstances dictate otherwise. It leaves open the opportunity for the Congress to determine how that broadly accepted principle will be implemented. It will not lock us into any specific fiscal policies that might be inappropriate if there is a depression or uncontrolled inflation or other economic disruptions, due to events beyond our control like an oil boycott.

Second, the Alexander amendment would not write specific legislation through the Constitution. This fundamental document is not a set of regulations. It is not the Federal Register. Previous amendments have refined the basic rights and principles established by the original work of our Founding Fathers, but they have not attempted to define how those doctrines will be implemented. For example, the 16th amendment instituted the Federal income tax. It did not, however, identify what types of income would be taxed or at what

rate. That concept has been implemented by separate legislation. The Alexander amendment not only leaves open to Congress the opportunity to enact such legislation, it requires statutory action to implement and enforce the balanced budget. We have had a number of important proposals in the last few months along this line—Obey-Jones. Under Jenkins-Conable, too much is specified, but in a confusing manner. It will inevitably lead to the courts determining economic assumptions and writing the Federal budget, a seemingly ludicrous but thoroughly unavoidable situation.

Third, the substitute preserves and reinforces the separation of powers established by the original framers of the Constitution, by calling on the Congress to implement the amendment. It does not leave the executive branch with extraordinary, and previously unconstitutional, powers to control the Government's purse strings. We will permit no line-item veto or impoundment by the President. We will assure continued congressional determination of fiscal policy.

Finally, the Alexander amendment will bring the President into the effort to achieve our goal of a balanced budget, by requiring him to submit such a proposal to the Congress each year. To critics of the substitute who claim it has no teeth, I would say it provides for stronger and far-more-appropriate enforcement than Jenkins-Conable. It clearly states how a balanced budget will be achieved—by statute. It does not include a few vague and confusing provisions, some of which cloud the separation of powers while others tie the Government's hands in assuring a balanced budget. The Alexander substitute paves the way for a strong and effective budget process and it declares simply and very effectively the important guiding principle that budgets should be balanced more often than not.

For those who believe that requiring a three-fifths majority is necessary to prevent deficit spending, the statutory implementation required by the Alexander amendment can easily include such a provision.

Mr. Chairman, the bottom line here is that we are entering uncharted waters and we are experimenting with the Constitution—the very foundation of our federal system. We are still experimenting with a budget process that is only 5 years old and changes every year.

I think Professor of Economics Hendrik Houthakker summed it up best before the House Judiciary Committee in August of this year when he said:

> I agree that the Federal Government spends too much and thereby contributes to inflation. If nevertheless I come out against the (Jenkins-Conable) amendment, it is because I foresee that the amendment will not accomplish its stated purposes, that the false hopes it raises will soon be followed by disappointment and possible repeal, and that in the meantime the budgetary process will become even more complicated. My profound belief in the Constitution as the foundation of our democratic way of life leads me to question the wisdom of using it for experiments whose final outcome is so uncertain.

The Jenkins-Conable amendment is an unwise experiment, the Alexander amendment is a far preferable alternative.

Mr. CONABLE. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. LEWIS).

Mr. LEWIS. Mr. Chairman, I rise in support of the only reasonable balanced budget proposal before us and in opposition to the Alexander proposal.

Mr. Chairman, I rise in support of the only meaningful amendment to balance the budget before us and to oppose the Alexander substitute.

Mr. Chairman, we are gathered today to decide whether or not the House of Representatives will send to the people of the various States a proposition to place within our Constitution the requirement of a balanced budget—a requirement that our national family live within our means.

Because I hold in reverence the divine inspiration that is our Constitution, it was only after serious contemplation and grave reservation that I have come to the conclusion that we should propose this amendment and send to the people this question: "Should we or should we not amend our Constitution to require the Congress to live within a balanced budget?"

The collective genius of our Founding Fathers was not without flaw—not without need for subsequent finishing touch. How quickly after its adoption did the people respond to the first 10 amendments—the Bill of Rights? Who among us would suggest that the Bill of Rights had contributed anything other than strength to the original document. The question of women's sufferage brought about revolutionary change. Who among us would suggest that amendment has not strengthened our representative democratic system?

Mr. Chairman, let me suggest that our Founding Fathers must be turning over in their collective graves in amazement of the point to which we have arrived today. Never my colleagues—never in their wildest dreams would they have imagined that one day the Congress would find itself at the end of a spending binge that would find our Republic in debt in excess of $1 trillion.

No, Mr. Chairman, never in their wildest dreams. The Constitution which originally fashioned our Republic—clearly recognized that the people cannot each travel from the far reaches of our land to sit in the forum themselves. Thus, it established a process whereby Representatives are selected to sit in that forum—to participate in the debate, and finally to cast their votes to reflect the best interest of their individual constituents as well as the Nation.

The Founding Fathers were most reserved about the prospect of expanding central Government. They recognized that Government growth would require taxes and that to tax was to take people's property. Never in their wildest dreams would they have imagined that the Congress would come to the point where they were taking not only high percentages of the productive value of today's citizens—but placing in debt the property and productive potential of their children and grandchildren as well.

Mr. Chairman, I suggest it is absolutely reasonable to let the people decide whether or not in the future there shall be required by the Constitution an extra majority of the Congress before it can budget beyond our means. There shall be required a 60-percent vote before the Congress would extend or expand programs that inevitably lead to more taxes—taxes that literally take away the property and the productive potential of future generations.

During the years I have served in the Congress I have felt both frustration and bewilderment as those who control the House pay lip service to fiscal responsibility—yet continue their pattern of exploding Government programs—expanding the numbers of our citizens totally dependent upon Government—thus obtaining their votes and securing political control. It is a process known as "Tax and spend—spend and elect"—a process designed to cynically procure and extend pure power.

The Alexander substitute to the balanced budget amendment is the produce of those who would continue that con game. It is the hastily grafted design of those whose policies have brought us to this point of budgetary crisis. The Alexander substitute is the ultimate filmflam. It would allow those who pay lip service to fiscal responsibility to once again get off the hook in time for election and then come back next year and continue down the road of fiscal insanity.

Mr. CONABLE. Mr. Chairman, I yield myself my remaining time.

The CHAIRMAN. The gentleman from New York is recognized for 3 minutes.

Mr. CONABLE. Mr. Chairman, I wish to announce to the Members that if the Alexander amendment is defeated it is my intention under the rule not to offer the Conable-Jenkins amendment, but to go immediately to final passage of House Joint Resolu-

tion 350 in order to save the Members time and because I think a two-thirds vote can settle the matter without further debate.

Mr. Chairman, I have heard the words "fraud" and "cruel hoax" used about the Alexander amendment, and I do not agree with those characterizations. If that were the case, it would require that somebody be fooled by it, and I do not believe anybody is fooled.

This impulsive vehicle was put together last night, in all probability, some time between the White House barbecue and the Democratic gala, and in my opinion it is sufficiently transparent so that the moonbeams shine through it undiminished. It seems to me, then, that we can set it aside as an effort to forestall, to divert, and to obfuscate a serious effort at a constitutional amendment which would in fact improve the fiscal climate of this body, and reassure the American people.

Let me just offer a few words of contrast between the two. The Alexander amendment requires a simple equation of receipts and outlays without further protection. It could continue our current practice under the Budget Reform Act of entering into major debate about the assumptions and the estimates. In other words, it seems probable to me that were we to adopt the Alexander amendment, we would spend a great deal of time arguing about whether the country was going to have 5 or 10 percent real growth, or whether estimates are correct, rather than actually doing the things which would require us to take action to cut expenditures or to raise taxes.

The Conable-Jenkins amendment, on the other hand, is anchored to the past fiscal year and is based on the sound statistics of growth of national income during that period of time.

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And so there is no uncertainty, no estimate, no assumption about it.

The Alexander amendment also involves the words "national emergency." Unless I miss my guess, we were in a national emergency from the beginning of the Korean war until very late in the Vietnamese war, and Mr. Chairman, that long period of time would have seen a "national emergency" waiver of the Alexander amendment. There is no such provision in the Conable-Jenkins amendment, and it is a safeguard that I think we need.

Mr. Chairman, I urge opposition to the Alexander amendment.

The CHAIRMAN. The time of the gentleman from New York (Mr. CONABLE) has expired.

The Chair recognizes the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Chairman, I yield such time as he may consume to the gentleman from North Dakota (Mr. DORGAN).

Mr. DORGAN of North Dakota. Mr. Chairman, I rise in support of the Alexander amendment.

Mr. Chairman, we do need more economy in government. We do need to stop the growth of the staggering debt we are loading onto future generations. We do need to heed Jefferson's warning that public debt leads to misery.

But when we amend the U.S. Constitution, we must do so with great caution.

If we really want to balance the Federal budget, then it doesn't take a constitutional amendment to do it. And if we are not really willing to balance the budget, then even a constitutional amendment isn't going to do a bit of good.

Back in the sixties, New York City was operating under a legal requirement that its budget be balanced. What happened? Accounting sophistry rose to a fine art.

Still, a constitutional amendment might do some good.

But it should be the right kind of amendment. We should not clutter up our Constitution with complicated economic formulas. There is a difference between our founding document, and the Federal Register.

The strength of that document lies in large measure in its simplicity. We should keep our Constitution as simple as possible.

We should also maintain the separation of powers which Jefferson considered a cornerstone of democratic government. We should not give constitutional license to Presidential impoundments of funds.

We should not invite the U.S. Supreme Court into the Federal budget process. And that is what would happen under at least one of the proposals before us today.

For these and other reasons I believe that the Jenkins-Conable version of a constitutional amendment is seriously flawed. It is too complicated. It would drag the Supreme Court into the Federal budget process. It grants broad new powers to the President, powers that alter the separation of powers in an adverse manner.

However, I do support the constitutional amendment proposed by Mr. ALEXANDER. It is simple and straightforward. It keeps the Supreme Court out of the budget process. It leaves the Congress some flexibility to deal with national emergencies. But it does constitutionally require a balanced budget, and I support that.

Mr. Speaker, this amendment will not solve all our Nation's economic problems. It will not.

I support this amendment because I think we need to establish more restraint in the Federal budget.

This is not just a matter of spending. It is also a matter of where and how we commit the resources of this Nation. The Alexander amendment will move us in the direction of fiscal responsibility without tearing up the fabric of the U.S. Constitution by enacting a careless amendment. The choice today is a careful amendment or a careless amendment. I choose the Alexander amendment—a careful, constitutional step forward toward a balanced budget.

Mr. ALEXANDER. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I rise in opposition to the Conable amendment and in support of the Alexander amendment.

Mr. Chairman, I rise in opposition to House Joint Resolution 350, and applaud the efforts of the gentleman from Arkansas (Mr. ALEXANDER). I ask unanimous consent to revise and extend my remarks.

Mr. Chairman, the most effective way for Congress to balance the Federal budget is to put the 13 million unemployed Americans back to work. A full employment economy will balance the budget and rescue the social security system. A constitutional amendment will not.

It is an affront to the Constitution, to the tradition of the Founding Fathers, who so carefully crafted that remarkable document, for the House to take up this proposed constitutional amendment in the closing hours of this Congress; in the rush to adjourn; under pressure by the President, the Vice President and the rest of his administration, artificially creating an atmosphere of urgency where no urgency exists.

There is not adequate time in these closing hours before adjournment for us properly and thoughtfully to give the careful, deliberate consideration an amendment to the Constitution deserves. The only discussion in the debate so far today that approaches the depth, the wisdom and the obviously careful throught process of the Federalist Papers was the learned discourse by the gentleman from Missouri, the chairman of the Rules Committee (Mr. BOLLING). This body needs, and the country deserves, a great deal more deliberation than the 2 to 4 hours of general debate provided under the rule governing floor consideration of the amendment. Such limited time is hardly adequate to give thoughtful and responsible consideration to any proposal to modify the oldest written Constitution in the world.

It was suggested in remarks from the other side of the aisle that poll after poll shows that the American people favor a constitutional amendment to balance the budget. Aside from doubting the validity of those polls and questioning the extent of in-

formed judgment those polled have brought to bear on the issue, I think it would be sheer folly to amend the Constitution by wetting our finger and holding it to the wind. The men who wrote the Constitution did not intend that it should be easy to change that document and they surely did not intend that it should be changed to suit the shifting moods of public opinion.

The driving force behind the discharge petition to propel this amendment to the House floor just prior to election is political and was engineered in the White House. The timing is blatantly political—an attempt by the administration and the leadership on the other side of the aisle to divert the public's attention from the crushing burden of recession, the disastrous levels of unemployment, the 1-every-5-minute rate of business failures, the continuing downward spiral of capacity utilization in industry and the numerous other ills of our society brought on by the abject failure of the administration's economic program. The discharge petition and this amendment represent the ultimate politicizing of the constitution and manipulating of the amending process.

I am not suggesting that politics has no place in this House. It does, but only in the highest sense of the root of that word: "polis," matters relating to the well-being of the community of man. But partisan political manipulation of the Constitution and its amending process has no place in this House during these serious times.

Let us characterize this maneuver for what it so unmistakably is: a brazen attempt by the administration to embarrass Members in marginal districts who, in good conscience, cannot support this proposed amendment.

The Founding Fathers, in the articles of the Constitution, established a rigorous procedure for amending the U.S. Constitution. They did so because they wished to discourage hasty and capricious amendments. They had completed a monumental task in writing the Constitution. They recognized the threat that ill-considered or shortsighted attempts to amend the Constitution would pose.

Let us look at the history of constitutional amendments in the 20th century. The Constitution has been amended 11 times in the past 100 years. The majority of those amendments have dealt with the rights of citizenship or the electoral process.

The exceptions are the 18th amendment, which authorized prohibition, and the 21st amendment, which repealed the 18th amendment, and the 16th amendment, which established the power of Congress to levy the income tax.

The other amendments included in our Constitution this century have been:

The 17th amendment: Providing for the popular election of U.S. Senators, rather than election by the State legislators.

The 19th amendment: Providing for the right of women to vote.

The 20th amendment: Providing for changes in the date for commencement of Presidential terms.

The 22d amendment: Two-term limitation on Presidential terms.

The 23d amendment: Providing three electoral votes for the District of Columbia.

The 24th amendment: Abolition of the poll tax.

The 25th amendment: Providing for a Presidential succession.

The 26th amendment: Providing for voting at the age of 18.

The pattern that emerges from that historical record is one of amendments to strengthen or expand individual rights, important matters relating to the electoral process and to the mechanical operation of the executive branch.

This amendment, however, departs from that tradition by attempting to establish in the Constitution a statement of economic principle, which was never intended to be included in the Constitution by the Founding Fathers. It is more in the nature of legislation that should properly be enacted by the Congress and which, in fact, can be, and indeed is being, managed through the congressional budget process.

I am deeply troubled by another aspect of the proposed amendment. Constitutional experts who have analyzed House Joint Resolution 350 advise that it will have the effect of allowing the President a line-item veto on appropriations bills. Such authority would be a major reversal of the progress Congress has made in the last 10 years of reestablishing parity with the executive branch in budget matters.

Prior to enactment in 1974 of the Budget and Impoundment Control Act, the executive branch had, for more than three decades, vastly expanded its power over the budget and the appropriations process. The pendulum of economic power in the Federal Government had swung heavily to the side of the President beginning with the days of the New Deal.

The Budget Act was an attempt to redress that imbalance; to restore the position of Congress as a coequal in the process of setting economic priorities and managing the Federal fiscal affairs. This proposed constitutional amendment would erase the progress we have made in the last decade by shifting enormous economic power back to the President and thereby removing such power from the people.

The Founding Fathers had a deep mistrust of the Executive and curbed his authority significantly in the Constitution. Our entire Revolution of Independence was fought against the principle of overwhelming, arbitrary executive power. This amendment reflects a major and unwise departure from that tradition—one that the Congress and the American people will regret should it be adopted. I urge the House to place the Constitution and the best interests of the American people above short-term political gain and reject House Joint Resolution 350.

We should also appreciate that this amendment will do nothing to alleviate the Nation's current economic woes nor will it eradicate the inescapable Reagan deficits predicted to total more than $500 billion in the four fiscal years including fiscal year 1982.

This constitutional amendment will not give us the reduced deficits that the American people are demanding now. This proposed amendment will do nothing to revise the provisions of the 1981 tax legislation which has brought us to the point of record deficits. This amendment will do nothing to provide responsible limits on the increases in defense spending proposed by the Reagan administration.

This amendment is a smoke screen to cover the failures of the administration's economic policy. Today will be a day of shame if this House approves the proposed constitutional amendment.

Two hundred years ago, the people of this country fought for political independence, for a philosophy of government based upon equality of men and women under the law. For 200 years, the American people have fought to maintain the ideals of that constitutional government. If we tamper with the Constitution, as is proposed today, we make a mockery of two centuries of American history.

I urge my colleagues to have the political courage and the intellectual honesty to say today that we will not defile the Constitution by approving this proposal.

Mr. ALEXANDER. Mr. Chairman, I yield such time as he may consumer to the gentleman from South Dakota (Mr. DASCHLE).

Mr. DASCHLE. Mr. Chairman, I rise in reluctant opposition to the Alexander amendment and in support of the Jenkins-Conable balanced budget amendment. Passage of the balanced budget constitutional amendment has been among my highest and most important legislative priorities.

On February 22, 1979, I introduced House Joint Resolution 218, a balanced budget constitutional amendment. At the beginning of the 97th Congress, I renewed my support for the balanced budget amendment by introducing House Joint Resolution 180 on February 19, 1981. During 1982, I continued to seek approval of the balanced budget constitutional amend-

ment by introducting House Joint Resolution 439 on March 16, 1982, and by sending a letter to President Reagan on May 6, 1982, in support of the passage of the balanced budget constitutional amendment.

Today, the House of Representatives can approve a reasonable balanced budget constitutional amendment. Federal fiscal restraint and responsibility can be restored. I encourage my colleagues to join with me today in voting for the Jenkins-Conable balanced budget constitutional amendment.

Mr. ALEXANDER. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut (Mr. MOFFETT).

Mr. MOFFETT. Mr. Chairman, it has been quite interesting to sit here today and listen to some of my colleagues suggest that this is the most important vote they will ever cast.

On the contrary, in a place that does a lot of work with mirrors, this is one of the biggest charades any of you will ever be involved in.

We all know that there are times when Congress, rather than dealing squarely with a problem, resorts to creating an illusion of action.

The balanced budget amendment is an illusion of action. Those of you who voted for Reaganomics went on an irresponsible splurge. You shamelessly pushed wasteful defense budgets through here. You pushed a tax cut through that even many of it proponents now say went way overboard.

Now you supply-side soldiers, who should be laying down your arms and waving the white flag, have another idea. Let us pretend, you say, that we really didn't put the country in this mess after all.

Let us try and make the people think that we are really for a balanced budget. Let us try and keep them in the dark so they will not know that we set the economic house on fire last year.

Some of you actually think you can get away with this. You think the Reagan unemployed will not know. You think the Reagan bankrupt small businessmen will not notice.

This is such an outrageous attempt to cover up the damaging behavior of last year that the people will see through it.

Over the next 5 weeks, it is apparently the intention of the President to criticize the Democratic Party for "50 years of gross mismanagement." If this is going to be the tactic, I will urge my party to take the blame.

We should take the blame for creating the social security system.

We should take the blame for ending the Great Depression.

We should take the blame for winning the Second World War.

We should take the blame for medicare, medicaid, and the guaranteed student loan program.

We should take the blame for electing a President who dreamed that men would walk on the Moon; for a President who dreamed that here on Earth black men and women would be able to live in a more equal society.

In all candor, we are guilty in one respect: we have not used every ounce of energy available to oppose this prejudiced, fictional, and deeply flawed economic policy that the President and his party has thrust upon this country.

We Democrats share some of the responsibility for letting the fantasy get this far.

We fell down in our obligation to stop supply-side economics. We permitted the virtual elimination of the corporate income tax, which has produced a net decrease in business investment. We permitted senseless and mean-spirited budget cuts which have produced neither a surplus nor preserved the so-called safety net.

We encouraged a fiscal shellgame to reduce the deficit by shifting Federal burdens on the fiscally stooped shoulders of the States. And, we have done little to stop the wanton spending spree by the Pentagon which will make us less safe and bankrupt economically.

What is the record thus far? We face average budget deficits of $143 billion over the next 3 years. Budget cuts have devastated our most important health and feeding programs; 10.8 million Americans are unemployed. Poor people are reduced to waiting in lines for cheese. They want jobs, not cheese, and that is an issue which the President refuses to address.

Rather than changing course—a move that is long overdue—we are standing on the precipice. We are now asked to attack the one lasting national treasure, our Constitution. We are asked to enshrine forever this radical and biased economic philosophy that has crushed the dreams of so many, and enriched the bank accounts of a lucky few.

If this amendment goes through, it will be a fatal blow to what remains of our social service structure. James Baker admitted, on "Face the Nation" not too long ago, that the deficit would still be with us, even if all social service spending was eliminated.

Last December, the policymakers sang a different song. At the American Enterprise Institute, Murray Weidenbaum said, "It is untrue that deficits mean government cannot get its fiscal house in order." At the same gathering, William Niskanen said, "the simple relationship between deficit and inflation is as close to being empty as can be perceived."

But, with the election 5 weeks away, there is a new game-plan. For strictly political reasons, we are asked to climb into the fiscal straitjacket, lock ourselves into a future that can only mean massive budget cuts, and emasculate the Constitution for some transitory partisan benefit.

To the poor, the message is clear. Those who vote for the amendment are cutting you loose. They are asking the poor to wait for the rich to spend our way out of the recession; and, if you are lucky, the benefits of the program will fall to the floor like crumbs from the plate.

It is not going to happen. Enactment of this amendment will punish the vulnerable, break the backs of the States, and plunge our country back into the darkness of social inequality.

But it will do more. It will sentence our Nation to a future of unmet needs. That is terribly shortsighted.

With this amendment in place, how will we build the bridges, fix the roads, educate our children, guarantee the retirements of the elderly, or keep our air and water clean? It cannot be done.

I would urge my colleagues, particularly those on the Democratic side, do not do it. Show the political courage necessary to vote this amendment down. Do not despoil our Constitution. Do not burden the future generations with this final insult that represents the mischevious political legacy of Reaganomics.

Mr. ALEXANDER. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I rise in strong opposition to House Joint Resolution 350. I will defer to others on the macroeconomic and constitutional issues—which in and of themselves reveal fatal flaws in this proposal. But I want to speak to the impact of the proposal on our Federal health programs and the people they serve.

Simply stated, House Joint Resolution 350 would decimate our Federal health programs.

If we were to balance the budget in the fiscal year that begins today by cutting all programs—including defense—across the board, Federal spending for health programs would be slashed by $14 billion.

If defense is not subject to such a cut—as many Members and our President advocate—then health programs would have to be cut by $19.5 billion.

Let us look at the specific programs.

Social security's medicare program would be cut by $10 to $14 billion in 1983 on top of the $2.9 billion cut we just enacted. You may all remember the budget debate on the first Michel-Latta budget earlier this year, when a groundswell of bipartisan opposition arose against the deep medicare cuts in that resolution.

Well, that budget would have cut medicare by $4.85 billion. Now we confront an amendment that would translate into a cut two—three times that high. So, if you support this amend-

ment, you are voting to cut social security's medicare program for the aged and disabled by $10-$14 billion.

Medicaid would be slashed by $2.6-$4.9 billion in fiscal year 1983 on top of the cuts of more than $1 billion we have already made in that program. That size cut slashes funds to every State in the Nation. Our States simply cannot afford these cuts, and health care for the poor would be harshly reduced or eliminated.

Discretionary health programs would be slashed by $1.4 to $1.9 billion. That means direct reductions in maternal and child health, disease prevention and control, and health research.

Just yesterday, we all discussed how much we wanted to increase NIH funding, with the only question being how much to increase—7 or 11 percent. Now, we face an amendment that would means a cut of 18-25 percent.

So let us be clear. A vote for Conable-Jenkins is a vote against the elderly; against the disabled; and against poor children.

If the Federal Government turns its back on these populations, who will take responsibility? The States and counties and cities? The marketplace?

A vote for Conable-Jenkins is a vote to dismantle the Federal programs that now meet essential health needs of these vulnerable populations, by cutting these programs by $14 to $20 billion this fiscal year alone.

A vote for Conable-Jenkins is a vote to slash social security's medicare program for the aged and disabled.

A vote for Conable-Jenkins is a vote to saddle the States with the medicaid costs of the Nation's poor.

Finally, a vote for Conable-Jenkins is a vote to abandon the Federal responsibilities for the Nation's public health.

The following tables illustrate the impact that this proposal would have on our health programs and on the States, if implemented today.

I urge my colleagues to vote against this proposal.

IMPACT OF BALANCED BUDGET ON HEALTH PROGRAMS

If the budget were balanced with proportional cuts in all Federal spending, Federal spending would have to be cut as follows:

[By fiscal years, in billions of dollars]

	1983	1985
Medicare cut	−9.9	−11.1
Medicaid cut	−3.6	−3.8
Public health cut	−1.4	−1.1
Total health spending cut	−14.1	−15.2

If defense spending were protected, as many advocate, Federal health spending would have to be cut further:

[By fiscal years, in billions of dollars]

	1983	1985
Medicare cut	−13.7	−16.1
Medicaid cut	−4.9	−5.5
Public health cut	−1.9	−1.6
Total health spending cut	−19.5	−22.0

IMPACT OF BALANCED BUDGET ON FEDERAL HEALTH PROGRAMS CUTS IN FEDERAL MEDICAID FUNDS TO STATES, FISCAL YEAR 1983

If the budget were balanced through proportional cuts in all programs, medicaid spending would be cut as follows in fiscal year 1983:

Federal medicaid funds would be cut by $3.6 billion if all programs, including defense, were cut proportionally.

Federal medicaid funds would be cut by $4.9 billion if defense spending were not cut and all other programs were cut proportionally.

The following table details the potential State-by-State impact of those cuts and shifts of costs to the States, assuming that the cuts were proportionally allocated among the States.

[In thousands of dollars]

	Cut in Federal medicaid funds to States assuming—	
	Defense cut proportionally	Defense spending not cut.
Alabama	48,813	66,440
Alaska	5,519	7,511
Arizona	0	0
Arkansas	45,993	62,602
California	403,117	548, 687
Colorado	26,748	36,406
Connecticut	44,132	60,069
Delaware	6,233	8,484
District of Columbia	20,732	28,218
Florida	70,582	96,070
Georgia	80,625	109,739
Hawaii	14,033	19,101
Idaho	8,759	11,922
Illinois	145,553	198,113
Indiana	62,499	85,068
Iowa	31,831	43,326
Kansas	24,528	33,386
Kentucky	56,095	76,352
Louisiana	81,042	110,308
Maine	27,093	36,877
Maryland	54,863	74,675
Massachusetts	128,579	175,010
Michigan	149,377	203,319
Minnesota	87,630	119,275
Mississippi	46,513	63,309
Missouri	57,368	78,084
Montana	11,179	15,216
Nebraska	16,651	22,664
Nevada	9,193	12,512
New Hampshire	11,826	16,097
New Jersey	97,036	132,076
New Mexico	15,673	21,332
New York	642,788	874,905
North Carolina	79,946	108,815
North Dakota	9,740	13,258
Ohio	138,290	188,228
Oklahoma	48,536	66,063
Oregon	22,529	30,664
Pennsylvania	192,003	261,338
Rhode Island	21,675	29,503
South Carolina	43,310	58,950
South Dakota	9,560	13,012
Tennessee	80,102	109,027
Texas	156,361	212,824
Utah	15,977	21,746
Vermont	10,652	14,498
Virginia	52,673	71,693
Washington	43,007	58,537
West Virginia	20,358	27,709
Wisconsin	120,317	163,765
Wyoming	2,363	3,217
Total	3,600,002	4,900,000

Mr. ALEXANDER. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut (Mr. RATCHFORD).

Mr. RATCHFORD. Mr. Chairman, I have lived through four American crises in my 48 years: I was born in the throes of the Great Depression; I grew up in the midst of World War II; I served in Connecticut professional life and politics during the agony of the Vietnam war; and I continued my public career through the bitter and divisive scandal of Watergate.

The United States has survived all four of these crises, and has become a better nation by learning from its mistakes. And as terrible as these periods of turmoil have been, America did not seek a revision of the Constitution in order to solve them.

In fact, the Government instead sought to redouble its efforts to enforce the long-standing principles already in the Constitution. To promote the general welfare and to pull the American economy out of an unprecedented slump, Congress during the depression adopted programs that became known as the New Deal. After Vietnam, it enacted the war powers legislation to curb unchecked Presidential power in conducting foreign policy. And in the wake of Watergate, we adopted new ethics in government and campaign reform laws.

Now we are in the midst of a serious economic crisis. Unemployment hovers around 10 percent, businesses are failing at a rate of about 650 per week, and inflation has moderated largely because of a temporary oil glut and a depression in the farming industry.

We have an administration that campaigned 2 short years ago on the promise of a balanced budget by 1984, and now predicts deficits well over $100 billion—a dubious national record—for the immediate past and current fiscal years as a result of its economic recovery program. Although too few of us here in this Chamber will admit it, the irony of record deficits from an administration that promised fiscal responsibility is not lost on anyone.

So today we are considering altering the Constitution to require a balanced Federal budget. Supporters say that a simple statutory change will not work, that we need the force of the Constitution to insure that Congress adopts—and to insure that the President submits—a balanced budget.

The amendment offers no real means of achieving a balanced budget. It requires a result, but it offers no way to reach it. It offers a Band-Aid when surgery is required.

Mr. Chairman, the economic crisis our Nation faces should not be further clouded by an amendment which promises a lot but offers very little. The key to solving our economic prob-

lems does not lie in adding to the Constitution an amendment that is really no more than a superficial way to gloss over our real problems. Rather, the key lies in putting some discipline into the system we already have. It lies in adopting a budget and revenue program that cuts the deficit. It lies in enacting a budget system like the pay as you go proposal offered by our colleague, GEORGE MILLER, which would balance the budget by 1985 by requireing that the unpopular choices of cutting other programs or raising revenues be made at the same time Congress approves any new spending. It lies in looking at real budget reform proposals that some of us have been working on.

It is politically convenient, Mr. Chairman, to support this toothless amendment. But is it good for our country? I think anyone who reads the contents of the amendment would realize that it is an empty document, a "paper tiger." It would take too long to approve, ratify and implement when we need action on the economy now. Even assuming this amendment were passed, and ratified by the required 38 State governments by, say, 1 year from today, the amendment would not take effect until October 1, 1985, because section 6 of the amendment states that it "shall take effect for the second fiscal year beginning after its ratification." Is that the kind of economic program we need to solve the problems we face here and now? Clearly, the answer is that it is not.

Let us not kid the American people with this charade. Let us work for a specific budget which eliminates the deficits that plague us. Let us adopt a concrete, responsible program that shows fiscal restraint. Let us ignore the siren of the simple solution and, instead of accepting this gimmick, get to work on the tough choices we must make.

All that glitters is not gold, Mr. Chairman. I urge my colleagues to reject what may be politically expedient but is really no answer to our problems.

Mr. ALEXANDER. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. SHARP).

Mr. SHARP. Mr. Chairman, I regret the rules adopted this morning do not allow any opportunity to consider and make changes in House Joint Resolution 350. I believe a constitutional amendment deserves greater attention than we give it under these circumstances, especially an amendment intended to bring greater fiscal responsibility to the Congress.

The rush to consideration means we have only one alternative to the Conable-Jenkins proposal. That alternative was quickly put together last night, hardly a way to deal seriously with our Constitution.

Fortunately more serious thought has been given to House Joint Resolution 350; but regrettably the resolution contains grave shortcomings.

It is clear that the amendment will overhaul the traditional system of checks and balances; but it is unclear the full extent of the changes. Consequently we will have major new disputes over the powers of the courts and the President with the likelihood that unelected judges will be called upon to make major policy decisions on taxation and expenditures.

It is clear that the requirement for 60-percent majorities in both Houses of Congress can lead to paralysis of our Government at times when action is needed to protect our national security and our economic security.

It is, however, not at all clear that the amendment will lead to greater fiscal responsibility, let alone a balanced budget. Critics have listed numerous ways that Congresses and Presidents can evade the intended restraints on deficit spending. Indeed, the 60-percent requirement can lead on occasion to the perverse result that spending will be higher, rather than lower.

It is these and other deficits that have lead distinguished conservative commentators such as George Will to describe the amendment as a hoax and distinguished conservative economists like Rudolp Penner to call it nonsense.

This amendment is a false promise.

Each of us took an oath to uphold the Constitution. Not to cheapen it. Not to play politics with it. Out of respect for our constitutional heritage, out of respect for the people we represent, we must reject House Joint Resolution 350 today.

Mr. ALEXANDER. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Chairman,

I rise in opposition to the measure that is before us, and I do so with my support for this balanced budget concept as a matter of record. I intend to vote against House Joint Resolution 350 because, however valid its objectives may be, a constitutional amendment is not a wise and workable way to reduce Federal spending.

Given the great variations that characterize this Nation, it is indeed rare that every Member of Congress can agree on an issue. I feel I can safely say, however, that none of my colleagues would dispute the need to hold down the level of Federal spending and close the gap between outlays and revenues. The situation we face is one of huge projected deficits—deficits of an unprecedented magnitude—during the years ahead. If we do not act to change this forecast, we will extend the longevity of high interest rates and diminish the likelihood of economic recovery. Democrats and Republicans from both Houses of Congress concur that we cannot go further down this path.

House Joint Resolution 350, the constitutional amendment for a balanced budget, has a clear and simple rationale: If we amend the U.S. Constitution so that Congress is required to adopt a balanced Federal budget each year, we will, in effect outlaw deficits. As attractive as cure-all measures seem, however, they seldom provide realistic answers to economic problems.

It is easy to see why proponents of this legislation have turned to the Constitution for a solution. Throughout our history as a nation, we have looked to the Constitution in the midst of even the most difficult controversies and decisions. Some of our most significant advances in individual rights, civil liberties, and representational government have been realized through constitutional amendment. When our Founding Fathers established the country, they constructed the Constitution as a broad framework for keeping our society, and our government, on the right course. The U.S. Constitution balances the powers of Government among the three branches and between the Nation and the States. It balances public concerns with the rights of the individual.

We honor and support the Constitution, however, because it is confined to the most enduring fundamentals. It upholds the essence on which we are all agreed. It has been amended only 26 times in two centuries. An amendment that reflects current economic policy is irrelevant to this basic tradition and does not belong enshrined in the Constitution. As Abraham Lincoln warned us, the power to change the Constitution is an awesome one, and "no slight occasion should tempt us to touch it."

Now, I am not trying to say that record high deficits comprise a "slight occasion." What I am saying is that House Joint Resolution 350 outlines a budgetary policy that may be wise under a different set of circumstances but that is wholly unsound when proposed as a permanent amendment to the Constitution. The amendment proposed by this legislation does not serve the timeless, fundamental purposes. In fact, the amendment itself provides that the policy it declares may be ignored whenever three-fifths of Congress choose to waive it.

The Constitution is meant to keep us on course as a nation, not to give us detailed directions on how to get us where we are going. Specific policy is for statutes to set, and for the electorate to shape with their ballots in November.

My voting record in Congress shows my commitment to working within the budget and appropriations process for the kind of fiscal restraint needed to

achieve soundness. The 1982 Tax Act—a measure that closed off many of the unintended benefits that can be reaped under the Tax Code—is a fair and appropriate step. In addition, I support efforts to amend the Congressional Budget Act with instructions and requirements for keeping expenditures within the limits of revenues.

The Constitution is the supreme law of the land. Firm political resolve, not a constitutional amendment, is what is needed to set a responsible course of action. I urge my colleagues' rejection of the pending legislation, and call for their partnership in the correct efforts.

● Mr. O'NEILL. Mr. Chairman, when we assume office as Members of this body we take an oath of allegiance. That oath of allegiance is not to a man, not to a flag, not to a religion, no, not even to a country.

That oath is to a document.

That document is the Constitution of the United States.

We swear that we will "support and uphold the Constitution of the United States."

That Constitution is in the words of Woodrow Wilson "the vehicle of life" of this country. It is written and specific. It separates legislative, executive, and judicial power.

It establishes a federal system.

It guarantees individual rights.

It insures the freedom of all Americans by limiting and balancing the power of each branch of government.

It gives to the Congress and the States the right to amend. It gives to the Judiciary the task to interpret and it compels the President to take an oath to "preserve, protect, and defend it."

Because of it we are a "government of laws not men." And because of it we are now and have been for nearly 200 years a nation of liberty and equality.

Because of it, what we decide to do today with this amendment is a very serious matter. Alexander Hamilton referred to it as "a solemn and authoritative act."

The Constitution requires extraordinary majorities in this House for only the most important actions we consider. Overriding a presidential veto, expulsion, and amending the Constitution itself.

The Founding Fathers clearly chose to check the power of Congress in these matters. History has shown that these checks were wise and prudent.

Necessity is the issue that we face today.

Proponents of this amendment maintain it is necessary to amend the Constitution of the United States and shift spending power from the Congress to the President and to the Supreme Court.

If enacted the courts will have a right to review our appropriation and spending process.

If enacted the President will be given authority he is currently denied under article I, section 7 to thwart the will of Congress through impoundment or a line item veto.

A year ago a new President promised that if his plan was enacted we would have a balanced budget by 1984. He promised that lower taxes would increase revenues. It has not happened.

Because of the failure of that plan to live up to its promises we are voting on an amendment to the Constitution.

President Wilson wrote that "the President is at liberty, both in law and conscience to be as big a man as he can."

This President, any President, can be a big enough man to balance a budget.

This President more often than not got his way with Congress.

It is not the Constitution's fault that there are budget deficits. Eliminating deficits is a political not constitutional decision.

And the fact is if the political will is not there a constitutional amendment will not be a suitable substitute.

We all know we face a budget crises now and we need a solution now. This amendment will not have effect for at least 4 years.

I do not dispute that there is political advantage to be gained by seeking this amendment and that political costs may be suffered by opposing it.

I do not dispute that huge budget deficits and record unemployment have this Nation in the worst economic crisis since the Great Depression.

But I do dispute that this amendment will end the crisis.

On the contrary it is bound to add to it by making us choose between gutting national defense and gutting social security, between gutting medicare and gutting aid to education.

Fifty years after its ratification President Andrew Jackson said that "our Constitution is no longer a doubtful experiment."

Today nearly 200 years after its ratification we can proudly state that it is the greatest framework for democracy ever devised.

Let us keep it that way.

I ask that you vote against this resolution because it is unwise, unworkable, and most of all unnecessary.●

Mr. ALEXANDER. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. FOLEY) to close debate.

Mr. FOLEY. Mr. Chairman, it is generally to be assumed that the Members who support the Conable-Jenkins amendment are acting in good faith. Few people have questioned their motives, which most people think are well intentioned, if wrong.

When it comes to the gentleman from Arkansas (Mr. ALEXANDER), however, opponents of his amendment, in order to advance their own vehicle, would have us believe that it is offered as a diversion and is without serious intent. Rather than showing him the same courtesy and consideration given the other side, opponents have been very glib, easy and quick in assessing his motives, a dangerous practice at any time, but particularly so when dealing with the intentions of their colleagues in the House.

In his remarks the gentleman from Illinois (Mr. SIMON), indicated that in considering the extremely critical issues at hand he first read the Constitution and then the two documents before us now, the Alexander amendment and the Jenkins-Conable amendment. Given the profound consequences of what we are being asked to decide, I think this is excellent advice. If Members were to follow the example of the gentleman from Illinois, I believe they would find that the amendment the gentleman from New York (Mr. CONABLE) and the gentleman from Georgia (Mr. JENKINS) have offered is far from the traditional language and spirit of the Constitution. Instead, it is part budget act, part House procedure and reorganization, part constitutional amendment, and part economic theory.

The Alexander amendment, in contrast, is very much in the tradition of our Constitution and of our forefathers who recognized that this sacred organic document cannot assume, understand, and reveal all the conditions and circumstances which might arise. Throughout our long, proud history and countless amendments to the Constitution, we have wisely tried to avoid being too specific or so omniscient that we write narrow, nagging, procedural rules into our basic constitutional document. It is in keeping with the proven wisdom of that tradition that the Alexander amendment sets forth the principle that the budget, outlays and revenues should be in balance; that it provides the terms and conditions under which this should be done; and that it relies on legislation to insure proper implementation.

While this approach has served our Nation well over the more than 200 years of its existence, the suggestion that we can trust neither the wisdom of our forefathers, the judgment of the electorate, or congressional will with respect to implementation of this particular constitutional amendment can only be viewed as a serious and direct attack on the fundamental principle of majority rule.

At the same time, proponents of Conable-Jenkins would strangely absolve the President from virtually all responsibility for helping to achieve a balanced budget and assign him no apparent role in this process. Given what I know to be the political and economic philosophy of the amendment's sup-

porters and the President's endorsement of it, I find it especially ironic that the present occupant of the highest office in the land would have been precluded from offering his economic program under the terms of their constitutional amendment, had it been in effect. This suggests something about the amendment, the program itself, or perhaps both.

Mr. Chairman, I hope that all Members will consider the alternatives and support the Alexander amendment.

The CHAIRMAN. The time of the gentleman from Washington (Mr. FOLEY) has expired.

Under the rule, all time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Arkansas (Mr. ALEXANDER).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ALEXANDER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 77, noes 346, not voting 9, as follows:

[Roll No. 386]

AYES—77

Albosta	Foley	Natcher
Alexander	Fowler	Oakar
Anderson	Frost	Panetta
Anthony	Gaydos	Patterson
Applegate	Gephardt	Pease
Aspin	Gibbons	Perkins
Bedell	Glickman	Roe
Bevill	Gonzalez	Rose
Boner	Gore	Scheuer
Bonior	Hamilton	Schroeder
Bonker	Harkin	Seiberling
Bowen	Heftel	Shamansky
Brodhead	Howard	Simon
Brown (CA)	Jones (NC)	Skelton
Coelho	Jones (OK)	Synar
D'Amours	Jones (TN)	Traxler
de la Garza	LaFalce	Udall
Dicks	Long (LA)	Volkmer
Dorgan	Long (MD)	Walgren
Dyson	Luken	Watkins
Eckart	Martinez	Whitten
Ertel	Mattox	Wright
Evans (IN)	Mica	Yatron
Fazio	Minish	Young (MO)
Fithian	Mollohan	Zablocki
Flippo	Mottl	

NOES—346

Addabbo	Bolling	Coleman
Akaka	Bouquard	Collins (IL)
Andrews	Breaux	Collins (TX)
Annunzio	Brinkley	Conable
Archer	Brooks	Conte
Ashbrook	Broomfield	Conyers
Atkinson	Brown (CO)	Corcoran
AuCoin	Brown (OH)	Coughlin
Bafalis	Broyhill	Courter
Bailey (MO)	Burgener	Coyne, James
Bailey (PA)	Burton, John	Coyne, William
Barnard	Burton, Phillip	Craig
Barnes	Butler	Crane, Daniel
Beard	Byron	Crane, Philip
Beilenson	Campbell	Crockett
Benedict	Carman	Daniel, R. W.
Bennett	Carney	Dannemeyer
Bereuter	Chappie	Daschle
Bethune	Cheney	Daub
Biaggi	Chisholm	Davis
Bingham	Clausen	Deckard
Bliley	Clay	Dellums
Boggs	Clinger	DeNardis
Boland	Coats	Derrick
Derwinski	Kazen	Regula
Dickinson	Kemp	Reuss
Dingell	Kennelly	Rhodes
Dixon	Kildee	Rinaldo
Donnelly	Kindness	Ritter
Dornan	Kogovsek	Roberts (KS)
Dougherty	Kramer	Roberts (SD)
Dowdy	Lagomarsino	Robinson
Downey	Lantos	Rodino
Dreier	Latta	Roemer
Duncan	Leach	Rogers
Dunn	Leath	Rosenthal
Dwyer	LeBoutillier	Rostenkowski
Dymally	Lee	Roth
Early	Lehman	Roukema
Edgar	Leland	Rousselot
Edwards (AL)	Lent	Roybal
Edwards (CA)	Levitas	Rudd
Emerson	Lewis	Russo
Emery	Livingston	Sabo
English	Loeffler	Santini
Erdahl	Lott	Savage
Erlenborn	Lowery (CA)	Sawyer
Evans (DE)	Lowry (WA)	Schneider
Evans (GA)	Lujan	Schulze
Evans (IA)	Lundine	Schumer
Fary	Lungren	Sensenbrenner
Fascell	Madigan	Shannon
Fenwick	Markey	Sharp
Ferraro	Marks	Shaw
Fiedler	Marlenee	Shelby
Fields	Marriott	Shumway
Findley	Martin (IL)	Shuster
Fish	Martin (NC)	Siljander
Florio	Martin (NY)	Skeen
Foglietta	Matsui	Smith (AL)
Ford (MI)	Mavroules	Smith (IA)
Ford (TN)	Mazzoli	Smith (NE)
Fountain	McClory	Smith (NJ)
Frank	McCollum	Smith (OR)
Frenzel	McCurdy	Smith (PA)
Fuqua	McDade	Snowe
Garcia	McDonald	Snyder
Gejdenson	McEwen	Solarz
Gilman	McGrath	Solomon
Gingrich	McHugh	Spence
Ginn	McKinney	St Germain
Goodling	Michel	Stangeland
Gradison	Mikulski	Stanton
Gramm	Miller (CA)	Stark
Gray	Miller (OH)	Staton
Green	Mineta	Stenholm
Gregg	Mitchell (MD)	Stokes
Grisham	Mitchell (NY)	Stratton
Gunderson	Moakley	Studds
Hagedorn	Moffett	Stump
Hall (OH)	Molinari	Swift
Hall, Ralph	Montgomery	Tauke
Hall, Sam	Moore	Tauzin
Hammerschmidt	Moorhead	Taylor
Hance	Morrison	Thomas
Hansen (ID)	Murphy	Trible
Hansen (UT)	Murtha	Vander Jagt
Hartnett	Myers	Vento
Hatcher	Napier	Walker
Hawkins	Neal	Wampler
Heckler	Nelligan	Washington
Hefner	Nelson	Waxman
Hendon	Nichols	Weaver
Hertel	Nowak	Weber (MN)
Hightower	O'Brien	Weber (OH)
Hiler	Oberstar	Weiss
Hillis	Obey	White
Holland	Ottinger	Whitehurst
Hollenbeck	Oxley	Whitley
Holt	Parris	Whittaker
Hopkins	Pashayan	Williams (MT)
Horton	Patman	Williams (OH)
Hoyer	Paul	Wilson
Hubbard	Pepper	Winn
Huckaby	Petri	Wirth
Hughes	Peyser	Wolf
Hunter	Pickle	Wolpe
Hutto	Porter	Wortley
Hyde	Price	Wyden
Ireland	Pritchard	Wylie
Jacobs	Pursell	Yates
Jeffords	Quillen	Young (AK)
Jeffries	Rahall	Young (FL)
Jenkins	Railsback	Zeferetti
Johnston	Rangel	
Kastenmeier	Ratchford	

NOT VOTING—9

Badham	Daniel, Dan	Goldwater
Blanchard	Edwards (OK)	Guarini
Chappell	Forsythe	McCloskey

□ 1530

Messrs. WOLF, LUNDINE, MARRIOTT, OBERSTAR, AUCOIN, WYLIE, LATTA, OTTINGER, BIAGGI, YOUNG of Alaska, and ENGLISH changed their votes from "aye" to "no."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. RODINO. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RODINO. Mr. Chairman, in view of the fact that the Alexander amendment has been voted down, what is the status now of the joint resolution, House Joint Resolution 350?

The CHAIRMAN. The Chair will state that under the rule the gentleman from New York (Mr. CONABLE) has the opportunity to offer his amendment.

Mr. RODINO. I have a further parliamentary inquiry, Mr. Chairman. In the event that the gentleman from New York (Mr. CONABLE) declines to take his time, what will be the status of those who were in opposition and who had intended to speak in opposition to House Joint Resolution 350?

The CHAIRMAN. No further amendment is in order, and the Committee will rise if the gentleman from New York (Mr. CONABLE) does not offer his amendment.

Mr. RODINO. Mr. Chairman, would it then be in order to make a unanimous consent request?

The CHAIRMAN. The answer is, yes, but it must be by unanimous consent.

Mr. RODINO. Mr. Chairman, I then ask unanimous consent that in the event the gentleman from New York (Mr. CONABLE), the author of House Joint Resolution 350, declines to take his time, the majority leader and the Speaker, who had requested time of the chairman of the Committee on the Judiciary, be allowed 10 minutes, and that the other side be allowed 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. CAMPBELL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Does the gentleman from New York (Mr. CONABLE) wish to offer an amendment?

Mr. CONABLE. Mr. Chairman, I elect not to offer my amendment.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLAND, Chairman of the Committee of the Whole House on the

State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 350) proposing an amendment to the Constitution altering Federal budget procedures, pursuant to House Resolution 604, he reported the joint resolution back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. CONTE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. CONTE. I am opposed to the joint resolution, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CONTE moves to recommit the joint resolution, House Joint Resolution 350, to the Committee on the Judiciary.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the joint resolution.

Mr. FOLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Under the Constitution, a two-thirds vote is required for passage.

The vote was taken by electronic device, and there were—yeas 236, nays 187, not voting 9, as follows:

[Roll No. 387]

YEAS—236

Anderson	Coats	Evans (GA)
Andrews	Coleman	Evans (IA)
Anthony	Collins (TX)	Fenwick
Applegate	Conable	Fiedler
Archer	Corcoran	Fields
Ashbrook	Coughlin	Findley
Atkinson	Courter	Fish
Bafalis	Coyne, James	Flippo
Bailey (MO)	Craig	Fountain
Barnard	Crane, Daniel	Frenzel
Beard	Crane, Philip	Fuqua
Benedict	Daniel, R. W.	Gibbons
Bennett	Dannemeyer	Gingrich
Bereuter	Daschle	Ginn
Bevill	Daub	Goodling
Bliley	Davis	Gradison
Boner	de la Garza	Gramm
Bouquard	Deckard	Gregg
Bowen	Derrick	Grisham
Breaux	Derwinski	Gunderson
Brinkley	Dickinson	Hagedorn
Broomfield	Dornan	Hall, Ralph
Brown (CO)	Dowdy	Hall, Sam
Brown (OH)	Dreier	Hammerschmidt
Broyhill	Duncan	Hance
Burgener	Dunn	Hansen (ID)
Butler	Dyson	Hansen (UT)
Byron	Eckart	Hartnett
Campbell	Edwards (AL)	Hatcher
Carman	Emerson	Hefner
Carney	Emery	Hendon
Chappie	English	Hightower
Cheney	Erdahl	Hiler
Clausen	Erlenborn	Hillis
Clinger	Evans (DE)	Holt
Hopkins	Michel	Shumway
Hubbard	Miller (OH)	Shuster
Huckaby	Mitchell (NY)	Siljander
Hunter	Molinari	Skeen
Hutto	Montgomery	Skelton
Hyde	Moore	Smith (AL)
Ireland	Moorhead	Smith (NE)
Jacobs	Morrison	Smith (NJ)
Jeffries	Mottl	Smith (OR)
Jenkins	Myers	Snowe
Johnston	Napier	Snyder
Jones (NC)	Natcher	Solomon
Jones (TN)	Neal	Spence
Kazen	Nelson	Stangeland
Kindness	Nichols	Stanton
Kramer	O'Brien	Staton
Lagomarsino	Oxley	Stenholm
Latta	Parris	Stump
Leach	Pashayan	Tauke
Leath	Patman	Tauzin
LeBoutillier	Paul	Taylor
Lee	Petri	Thomas
Lent	Pickle	Trible
Levitas	Porter	Vander Jagt
Lewis	Pursell	Volkmer
Livingston	Quillen	Walker
Loeffler	Railsback	Wampler
Lott	Regula	Watkins
Lowery (CA)	Ritter	Weber (MN)
Lujan	Roberts (KS)	Weber (OH)
Lungren	Roberts (SD)	White
Madigan	Robinson	Whitehurst
Marlenee	Roemer	Whitley
Marriott	Rogers	Whittaker
Martin (IL)	Rose	Whitten
Martin (NC)	Roth	Williams (OH)
Martin (NY)	Rousselot	Wilson
McClory	Rudd	Winn
McCollum	Santini	Wolf
McCurdy	Sawyer	Wortley
McDonald	Schulze	Wylie
McEwen	Sensenbrenner	Young (AK)
McGrath	Shaw	Young (FL)
Mica	Shelby	

NAYS—187

Addabbo	Fary	Lowry (WA)
Akaka	Fascell	Luken
Albosta	Fazio	Lundine
Alexander	Ferraro	Markey
Annunzio	Fithian	Marks
Aspin	Florio	Martinez
AuCoin	Foglietta	Matsui
Bailey (PA)	Foley	Mattox
Barnes	Ford (MI)	Mavroules
Bedell	Ford (TN)	Mazzoli
Beilenson	Fowler	McDade
Bethune	Frank	McHugh
Biaggi	Frost	McKinney
Bingham	Garcia	Mikulski
Boggs	Gaydos	Miller (CA)
Boland	Gejdenson	Mineta
Bolling	Gephardt	Minish
Bonior	Gilman	Mitchell (MD)
Bonker	Glickman	Moakley
Brodhead	Gonzalez	Moffett
Brooks	Gore	Mollohan
Brown (CA)	Gray	Murphy
Burton, John	Green	Murtha
Burton, Phillip	Hall (OH)	Nelligan
Chisholm	Hamilton	Nowak
Clay	Harkin	Oakar
Coelho	Hawkins	Oberstar
Collins (IL)	Heckler	Obey
Conte	Heftel	Ottinger
Conyers	Hertel	Panetta
Coyne, William	Holland	Patterson
Crockett	Hollenbeck	Pease
D'Amours	Horton	Pepper
Dellums	Howard	Perkins
DeNardis	Hoyer	Peyser
Dicks	Hughes	Price
Dingell	Jeffords	Pritchard
Dixon	Jones (OK)	Rahall
Donnelly	Kastenmeier	Rangel
Dorgan	Kemp	Ratchford
Dougherty	Kennelly	Reuss
Downey	Kildee	Rhodes
Dwyer	Kogovsek	Rinaldo
Dymally	LaFalce	Rodino
Early	Lantos	Roe
Edgar	Lehman	Rosenthal
Edwards (CA)	Leland	Rostenkowski
Ertel	Long (LA)	Roukema
Evans (IN)	Long (MD)	Roybal
Russo	Solarz	Weaver
Sabo	St Germain	Weiss
Savage	Stark	Williams (MT)
Scheuer	Stokes	Wirth
Schneider	Stratton	Wolpe
Schroeder	Studds	Wright
Schumer	Swift	Wyden
Seiberling	Synar	Yates
Shamansky	Traxler	Yatron
Shannon	Udall	Young (MO)
Sharp	Vento	Zablocki
Simon	Walgren	Zeferetti
Smith (IA)	Washington	
Smith (PA)	Waxman	

NOT VOTING—9

Badham	Daniel, Dan	Goldwater
Blanchard	Edwards (OK)	Guarini
Chappell	Forsythe	McCloskey

□ 1550

The Clerk announced the following pair:

On this vote:

Mr. Chappell and Mr. Badham for, with Guarini against.

So (two-thirds not having voted in favor thereof) the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

The SPEAKER. Pursuant to the provisions of House Resolution 604, House Resolution 450 is laid on the table.

GENERAL LEAVE

Mr. RODINO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered, and I ask unanimous consent that the Speaker's remarks which were to be included during the course of the address be included in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Does the gentleman from California (Mr. ROUSSELOT) object?

Apparently the Chair hears no objection.

There was no objection.

PERSONAL EXPLANATION

Mr. GUARINI. Mr. Speaker, I was unavoidably detained in New Jersey so that I was unable to vote on House Joint Resolution 350. Had I been present, I would have voted against the Alexander amendment in the nature of a substitute and against House Joint Resolution 350 on final passage.

CONFERENCE REPORT ON S. 1018, COASTAL BARRIER RESOURCES ACT

Mr. JONES of North Carolina submitted the following conference report and statement on the Senate bill (S. 1018) to protect and conserve fish and

wildlife resources, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 97-928)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1018) to protect and conserve fish and wildlife resources, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

SEC. 1. SHORT TITLE.

This Act may be cited as the "Coastal Barrier Resources Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) coastal barriers along the Atlantic and Gulf coasts of the United States and the adjacent wetlands, marshes, estuaries, inlets and nearshore waters provide—

(A) habitats for migratory birds and other wildlife; and

(B) habitats which are essential spawning, nursery, nesting, and feeding areas for commercially and recreationally important species of finfish and shellfish, as well as other aquatic organisms such as sea turtles;

(2) coastal barriers contain resources of extraordinary scenic, scientific, recreational, natural, historic, archeological, cultural, and economic importance; which are being irretrievably damaged and lost due to development on, among, and adjacent to, such barriers;

(3) coastal barriers serve as natural storm protective buffers and are generally unsuitable for development because they are vulnerable to hurricane and other storm damage and because natural shoreline recession and the movement of unstable sediments undermine manmade structures;

(4) certain actions and programs of the Federal Government have subsidized and permitted development on coastal barriers and the result has been the loss of barrier resources, threats to human life, health, and property, and the expenditure of millions of tax dollars each year; and

(5) a program of coordinated action by Federal, State, and local governments is critical to the more appropriate use and conservation of coastal barriers.

(b) PURPOSE.—The Congress declares that it is the purpose of this Act to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damage to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf coasts by restricting future Federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers, by establishing a Coastal Barrier Resources System, and by considering the means and measures by which the long-term conservation of these fish, wildlife, and other natural resources may be achieved.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) The term "undeveloped coastal barrier" means—

(A) a depositional geologic feature (such as a bay barrier, tombolo, barrier spit, or barrier islands that—

(i) consists of unconsolidated sedimentary materials,

(ii) is subject to wave, tidal, and wind energies, and

(iii) protects landward aquatic habitats from direct wave attack; and

(B) all associated aquatic habitats, including the adjacent wetlands, marshes, estuaries, inlets, and nearshore waters;

but only if such feature and associated habitats (i) contain few man-made structures and these structures, and man's activities on such feature and within such habitats, do not significantly impede geomorphic and ecological processes, and (ii) are not included within the boundaries of an area established under Federal, State, or local law, or held by a qualified organization as defined in section 170(h)(3) of the Internal Revenue Code of 1954, primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes.

(2) The term "Committees" refers to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(3) The term "financial assistance" means any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, or any other form of direct or indirect Federal assistance other than—

(A) general revenue-sharing grants made under section 102 of the State and Local Fiscal Assistance Amendments of 1972 (31 U.S.C. 1221);

(B) deposit or account insurance for customers of banks, savings and loan associations, credit unions, or similar institutions;

(C) the purchase of mortgages or loans by the Government National Mortgage Association, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation;

(D) assistance for environmental studies, planning, and assessments that are required incident to the issuance of permits or other authorizations under Federal law; and

(E) assistance pursuant to programs entirely unrelated to development, such as any Federal or federally assisted public assistance program or any Federal old-age survivors or disability insurance program.

Effective October 1, 1983, such term includes flood insurance described in section 1321 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4028).

(4) The term "Secretary" means the Secretary of the Interior.

(5) The term "System unit" means any undeveloped coastal barrier, or combination of closely related undeveloped coastal barriers, included within the Coastal Barrier Resources System established by section 4.

SEC. 4. THE COASTAL BARRIER RESOURCES SYSTEM.

(a) ESTABLISHMENT.—(1) There is established the Coastal Barrier Resources System which shall consist of those undeveloped coastal barriers located on the Atlantic and Gulf coasts of the United States that are identified and generally depicted on the maps that are entitled "Coastal Barrier Resources System", numbered A01 through T12, and dated September 30, 1982.

(2) Any person or persons or other entity owning or controlling land on an undeveloped coastal barrier, associated landform or any portion thereof not within the Coastal Barrier Resources System established under paragraph (1) may, within one year after the date of enactment of this Act, elect to have such land included within the Coastal Barrier Resources System. This election shall be made in compliance with regulations established for this purpose by the Secretary not later than one hundred and eighty days after the date of enactment of this Act; and, once made and filed in accordance with the laws regulating the sale or other transfer of land or other real property of the State in which such land is located, shall have the same force and effect as if such land had originally been included within the Coastal Barrier Resources System.

(b)(1) As soon as practicable after the enactment of this Act, the maps referred to in paragraph (1) of subsection (a) shall be filed with the Committees by the Secretary, and each such map shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in each such map may be made. Each such map shall be on file and available for public inspection in the Office of the Director of the United States Fish and Wildlife Service, Department of the Interior, and in other appropriate offices of the Service.

(2) As soon as practicable after the date of the enactment of this Act, the Secretary shall provide copies of the maps referred to in paragraph (1) of subsection (a) to the chief executive officer of (A) each State and county or equivalent jurisdiction in which a system unit is located, (B) each State coastal zone management agency in those States which have a coastal zone management plan approved pursuant to section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455) and in which a system unit is located, and (C) each appropriate Federal agency.

(c) Boundary Modifications.—(1) Within 180 days after the date of enactment of this Act, the Secretary may make such minor and technical modifications to the boundaries of system units as depicted on the maps referred to in paragraph (1) of subsection (a) as are consistent with the purposes of this Act and necessary to clarify the boundaries of said system units; except that, for system units within States which have, on the date of enactment, a coastal zone management plan approved pursuant to section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455)—

(A) each appropriate State coastal zone management agency may, within 90 days after the date of enactment of this Act, submit to the Secretary proposals for such minor and technical modifications; and

(B) the Secretary may, within 180 days after the date of enactment of this Act, make such minor and technical modifications to the boundaries of such system units.

(2) The Secretary shall, not less than 30 days prior to the effective date of any such boundary modifications made under the authority of paragraph (1), submit written notice of such modification to (A) each of the Committees and (B) each of the appropriate officers referred to in paragraph (2) of subsection (b).

(3) The Secretary shall conduct, at least once every five years, a review of the maps referred to in paragraph (1) of subsection (a) and make, in consultation with the appropriate officers referred to in paragraph (2) of subsection (b), such minor and technical modifications to the boundaries of system units as are necessary solely to reflect changes that have occurred in the size or location of any system units as a result of natural forces.

(4) If, in the case of any minor and technical modification to the boundaries of system units made under the authority of this subsection, an appropriate chief executive officer of a State, county or equivalent jurisdiction, or State coastal zone management

agency to which notice was given in accordance with this subsection files comments disagreeing with all or part of the modification and the Secretary makes a modification which is in conflict with such comments, or if the Secretary fails to adopt a modification pursuant to a proposal submitted by an appropriate State coastal zone management agency under paragraph (1)(A), the Secretary shall submit to the chief executive officer a written justification for his failure to make modifications consistent with such comments or proposals.

SEC. 5. LIMITATIONS ON FEDERAL EXPENDITURES AFFECTING THE SYSTEM.

(a) Except as provided in section 6, no new expenditures or new financial assistance may be made available under authority of any Federal law for any purpose within the Coastal Barrier Resources System, including, but not limited to—

(1) the construction or purchase of any structure, appurtenance, facility, or related infrastructure;

(2) the construction or purchase of any road, airport, boat landing facility, or other facility on, or bridge or causeway to, any System unit; and

(3) the carrying out of any project to prevent the erosion of, or to otherwise stabilize, any inlet, shoreline, or inshore area, except that such assistance and expenditures may be made available on units designated pursuant to section 4 on maps numbered S01 through S08 for purposes other than encouraging development and, in all units, in cases where an emergency threatens life, land, and property immediately adjacent to that unit.

(b) An expenditure or financial assistance made available under authority of Federal law shall, for purposes of this Act, be a new expenditure or new financial assistance if—

(1) in any case with respect to which specific appropriations are required, no money for construction or purchase purposes was appropriated before the date of the enactment of this Act; or

(2) no legally binding commitment for the expenditure or financial assistance was made before such date of enactment.

SEC. 6. EXCEPTIONS.

(a) Notwithstanding section 5, the appropriate Federal officer, after consultation with the Secretary, may make Federal expenditures of financial assistance available within the Coastal Barrier Resources System for—

(1) any use or facility necessary for the exploration, extraction, or transportation of energy resources which can be carried out only on, in, or adjacent to coastal water areas because the use or facility requires access to the coastal water body;

(2) the maintenance of existing channel improvements and related structures, such as jetties, and including the disposal of dredge materials related to such improvements;

(3) the maintenance, replacement, reconstruction, or repair, but not the expansion, of publicly-owned or publicly-operated roads, structures, or facilities that are essential links in a larger network or system;

(4) military activities essential to national security;

(5) the construction, operation, maintenance, and rehabilitation of Coast Guard facilities and access thereto; and

(6) any of the following actions or projects, but only if the making available of expenditures or assistance therefor is consistent with the purposes of this Act:

(A) Projects for the study, management, protection and enhancement of fish and wildlife resources and habitats, including, but not limited to, acquisition of fish and wildlife habitats and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.

(B) The establishment, operation, and maintenance of air and water navigation aids and devices, and for access thereto.

(C) Projects under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460-4 through 11) and the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

(D) Scientific research, including but not limited to aeronautical, atmospheric, space, geologic, marine, fish and wildlife and other research, development, and applications.

(E) Assistance for emergency actions essential to the saving of lives and the protection of property and the public health and safety, if such actions are performed pursuant to section 305 and 306 of the Disaster Relief Act of 1974 (42 U.S.C. 5145 and 5146) and section 1362 of the National Flood Insurance Act of 1968 (42 U.S.C. 4103) and are limited to actions that are necessary to alleviate the emergency.

(F) The maintenance, replacement, reconstruction, or repair, but not the expansion, of publicly owned or publicly operated roads, structures, or facilities.

(G) Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore natural stabilization systems.

(b) For purposes of subsection (a)(2), a channel improvement or a related structure shall be treated as an existing improvement or an existing related structure only if all, or a portion, of the moneys for such improvement or structure was appropriated before the date of the enactment of this Act.

SEC. 7. CERTIFICATION OF COMPLIANCE.

The Director of the Office of Management and Budget shall, on behalf of each Federal agency concerned, make written certification that each such agency has complied with the provisions of this Act during each fiscal year beginning after September 30, 1982. Such certification shall be submitted on an annual basis to the House of Representatives and the Senate pursuant to the schedule required under the Congressional Budget and Impoundment Control Act of 1974.

SEC. 8. PRIORITY OF LAWS.

Nothing contained in this Act shall be construed as indicating an intent on the part of the Congress to change the existing relationship of other Federal laws to the law of a State, or political subdivision of a State, or to relieve any person of any obligation imposed by any law of any State, or political subdivision of a State. No provision of this Act shall be construed to invalidate any provision of State or local law unless there is a direct conflict between such provision and the law of the State, or political subdivision of the State, so that the two cannot be reconciled or consistently stand together. This Act shall in no way be interpreted to interfere with a State's right to protect, rehabilitate, preserve, and restore lands within its established boundary.

SEC. 9. SEPARABILITY.

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

SEC. 10. REPORTS TO CONGRESS.

(a) IN GENERAL.—Before the close of the 3-year period beginning on the date of the enactment of this Act, the Secretary shall prepare and submit to the Committees a report regarding the System.

(b) CONSULTATION IN PREPARING REPORT.—The Secretary shall prepare the report required under subsection (a) in consultation with the Governors of the States in which system units are located and with the coastal zone management agencies of the States in which System units are located and after providing opportunity for, and considering, public comment.

(c) REPORT CONTENT.—The report required under subsection (a) shall contain—

(1) recommendations for the conservation of the fish, wildlife, and other natural resources of the System based on an evaluation and comparison of all management alternatives, and combinations thereof, such as State and local actions (including management plans approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)), Federal actions (including acquisition for administration as part of the National Wildlife Refuge System), and initiatives by private organizations and individuals;

(2) recommendations for additions, to, or deletions from, the Coastal Barrier Resources System, and for modifications to the boundaries of System units;

(3) a summary of the comments received from the Governors of the States, State coastal zone management agencies, other government officials, and the public regarding the System; and

(4) an analysis of the effect, if any, that general revenue sharing grants made under section 102 of the State and Local Fiscal Assistance Amendments of 1979 (21 U.S.C. 1221) have had on undeveloped coastal barriers.

SEC. 11. AMENDMENTS REGARDING FLOOD INSURANCE.

(a) Section 1321 of the National Flood Insurance Act of 1968 (42 U.S.C. 4028) is amended to read as follows:

"UNDEVELOPED COASTAL BARRIERS

"SEC. 1321. No new flood insurance coverage may be provided under this title on or after October 1, 1983, for any new construction or substantial improvements of structures located on any coastal barrier within the Coastal Barrier Resources System established by section 4 of the Coastal Barrier Resources Act. A federally insured financial institution may make loans secured by structures which are not eligible for flood insurance by reason of this section.".

(b) Section 341(d)(2) of the Omnibus Budget and Reconciliation Act of 1981 (Public Law 97-35) is repealed.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Department of the Interior $1,000,000 for the period beginning October 1, 1982, and ending September 30, 1985, for purposes of carrying out sections 4 and 10.

And the House agree to the same.

From the Committee on Merchant Marine and Fisheries:

WALTER B. JONES,
JOHN B. BREAUX,
GERRY E. STUDDS,
WILLIAM J. HUGHES,
GENE SNYDER,
EDWIN B. FORSYTHE,
THOMAS B. EVANS, Jr.,

From the Committee on Public Works and Transportation:

ROBERT A. ROE,
BOB EDGAR,
JOHN G. FARY,

DON H. CLAUSEN,
JOHN PAUL HAMMERSCHMIDT,
Managers on the Part of the House.
ROBERT T. STAFFORD,
JOHN H. CHAFEE,
SLADE GORTON,
JENNINGS RANDOLPH,
DANIEL P. MOYNIHAN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1018) to protect and conserve fish and wildlife resources, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SECTION-BY-SECTION ANALYSIS

Section 1. Title

The short title of this bill is the "Coastal Barrier Resources Act."

Section 2. Findings and Purpose

Section 2 of the Conference substitute contains the findings and purpose of the Act. Section 2(a) adopts the "Findings" provision appearing in the House amendment. Section 2(b) of the Conference substitute combines provisions appearing in both the Senate bill and the House amendment. The provision declares that it is the purpose of the Act to minimize the loss of human life, wasteful expenditure of Federal revenues, and damage to fish, wildlife, and other natural resources associated with coastal barriers along the Atlantic and Gulf coasts. This will be accomplished by restricting Federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers and by considering the means and measures by which the long-term conservation of these fish, wildlife and other natural resources may be achieved.

Section 3. Definitions

Section 3 of the Conference report adopts provisions appearing in both the Senate bill and the House amendment. The House amendment exempted general or special revenue sharing grants made to the states from the definition of "financial assistance". The Conferees agreed to delete the language regarding special revenue sharing grants and make the exemption applicable only to general revenue sharing grants made under Section 102 of the State and Local Fiscal Assistance Amendments of 1972 (31 U.S.C. 1221). Although general revenue sharing funds may be spent on undeveloped coastal barriers, the Conferees are concerned about the possible impact it may have in those areas. Therefore, the Conferees instructed the Department of the Interior to examine, in its report to Congress pursuant to Section 10 of S. 1018, the effects, if any, of general revenue sharing on the Coastal Barrier Resources System.

Both the Senate and the House reports stated that the term "financial assistance" was not intended to restrict funds on undeveloped coastal barriers for programs entirely unrelated to development such as the Social Security Program, the Food Stamp Program, the Medicaid and Medicare Programs or other social programs. The Conferees agreed to amend the definition of financial assistance to further clarify this intent.

The definition of "financial assistance" specifically incorporates flood insurance issued under the National Flood Insurance Act of 1968. However, in keeping with the language of Section 1321 of that Act, the flood insurance prohibition under the Conference report will not become effective until October 1, 1983. After that date, any new construction or substantial improvement of a structure located on an undeveloped coastal barrier identified in Section 4 of the Act, will be ineligible for Federal flood insurance.

Section 4. The Coastal Barrier Resources System

Section 4(a) establishes the Coastal Barrier Resources System consisting of those undeveloped coastal barriers depicted on the maps entitled "Coastal Barrier Resources System" numbered A01 through T12. There were differences between the Senate and the House maps. The Conferees agreed to resolve the differences between the Senate and the House maps in the following manner:

Texas

Sea Rim—T01—Senate map.
High Island—T02—Senate map.
Bolivar Peninsula—T03—Senate map.
Follets Island—T04—Senate map.
River Complex—T05—Senate map.
Sargent Beach—T06—Senate map.
Matagorda Peninsula—T07 (2 maps)—Senate maps.
San Jose Island Complex—T08 (2 maps)—Senate maps.
North Padre Island—T10—Senate map.
South Padre Island—T11—House map.
Boca Chica—T12—Senate map.

Louisiana

Sabine—S11—House map.

Mississippi

Belle Fountaine Point Unit—R01A—House map.
Cat Island—R03—Senate map.

Alabama

Mobile Point Unit—Q01—Senate map.

Florida

Guana River—P04—Senate map.
Usinas Beach—P04A—House map.
Coconut Point—P09A—Senate map.
Blue Hole Unit—P10A—House map.
Hutchison Island—P11—House map.
Keewaydin Island—P16—House map.
Lover Key—P17—House map.
Sanibel Island—P18—House map.
Casey Key Complex—P22—Senate map.
Mandalay Point Unit—P24A—House map.
Four Mile Village—P31A—House map.
Moreno Point—P32—Senate map.

Georgia

St. Catherine's Island—N02—Unit deleted.
Little Cumberland Island Unit—N05—House map.

South Carolina

Pawleys Inlet—M03—Senate map.
Captain Sam's Inlet—M08—House map.

North Carolina

Hatteras Island—L03—Conference map.
Wrightsville Beach—L08—House map.

Virginia

No differences.

Delaware

Broadkill Beach Complex—H00—Conference map.

New Jersey

Stone Harbor Point—G01—Unit deleted.
Cape May Complex—G02—Unit deleted.

New York

Old Field Beach—F05—Senate map.
Southhampton Unit—F12—Senate map.

Connecticut

No differences.

Rhode Island

Little Compton Ponds—D01—Senate map.
Card Ponds—D03—Senate map.
Green Hill Beach—D04—Senate map.
East Beach—D05—Senate map.
Quonochontaug Beach—D06—Senate map.

Massachusetts

West Head Beach—C01C—House map.
Rexham—C03A—House map.
Lewis Bay Unit—C13A—House map.
Buzzards Bay—C19A (3 maps)—Interior map and House maps.
Squibnocket Complex—C29 (2 maps)—Interior map and House map.
West Sconticut—C31A (2 maps)—Interior map and Senate map.
Cedar Cove Unit—C34A—House map.

Maine

Sprague Neck Bar—A02—Unit deleted.
Grassy Point—A02A—Unit deleted.
Rogue Bluffs Beach—A03A—Unit deleted.
Head Beach—A05B—House map.
Starboard Unit—A10—House map.
Popplestone Beach/Roque Island—A11—House map.
Bailey's Mistake—A12—House map.
Jenks Landing/Waldo Point—A13—House map.

Section 4(c) of the Act outlines the process by which the Secretary may make minor boundary modifications. The Conferees agreed to accept an amendment offered and agreed to on the Senate Floor which gives a very limited role to the State coastal zone management agencies in making minor boundary modifications. Under the provisions of the Senate bill, State coastal zone management agencies may submit proposals for such modifications. The Conferees agreed to modify this provision by shortening the 180-day period for these comments to 90 days. If the Secretary fails to adopt such proposals, he must give the agency a written justification for his failure to make modifications consistent with such proposals. This language does not change the intent of the original provisions of the Senate bill or the House amendments. Section 4(c) of S. 1018 and H.R. 3252 instructed the Secretary to consider making minor and technical boundary modifications to the Coastal Barrier Resources System unit maps which are *"consistent* with the purposes of the Act *and necessary* to clarify the boundaries of said system units . . ." (emphasis added). This dual standard is maintained despite the provision giving a limited role to the State coastal zone management agencies—boundary modifications must be minor and technical changes consistent with the Act and limited to those necessary to

clarify boundaries. It is not the intent of the Conferees or the Congress to permit the Secretary of the Interior to rework the Coastal Barrier Resources System to add areas that have been deleted from the maps during the deliberations concerning this legislation or to delete areas that Congress has included.

With respect to additions, deletions or major modifications to the System, the Conferees note the possible need for substantive changes to the Coastal Barrier Resources System. This is addressed in a separate section of this legislation. Section 10 of the bill requires the Secretary to prepare a report within three years of enactment concerning "recommendations for additions to, or deletions from, the Coastal Barrier Resources System. . .". These recommendations will then be considered by the appropriate Congressional Committees and, if appropriate, an amendment to the legislation may be acted upon by the Congress.

There is one exception to this approach. The Conferees agreed to an amendment added to the Senate bill during initial Floor consideration. Section 4(a)(2) allows for additions to the Coastal Barrier Resources System at the request of those who own appropriate areas. As explained when introduced, this provision is a straight-forward attempt to deal with a difficult situation. Quite simply, it permits landowners to join the system even though they may not technically qualify. This provision is not designed to serve as a vehicle to stop an otherwise eligible Federal project through the purposeful inclusion of an area not specifically included by the Congress within the Coastal Barrier Resources System.

Section 5. Limitations on Federal Expenditures Affecting The System

Section 5 specifies the limitations on new Federal financial expenditures or assistance. The Conferees agreed to provisions appearing in both the Senate bill and the House amendment and modified a provision of the House amendment concerning stabilization and erosion control projects in Louisiana. As modified, section 5(a)(3) provides a limited exception to the prohibition of expenditures for stabilization projects. Expenditures for such projects are permissible within the units designated pursuant to Section 4 on maps numbered SO1 through SO8 if such projects are for purposes other than encouraging development and, within all units, in cases where an emergency threatens life, land, and property immediately adjacent to the unit in question.

The limitations contained in Section 5 apply to areas within the Coastal Barrier Resources System as well as certain other facilities that may extend into a System unit, such as a bridge or a causeway. There need not be a showing that the expenditure would stimulate development. Except as provided in the Section 5(a)(3) exception, the fact that a particular project may be designed to benefit a non-coastal barrier is not significant.

Section 6. Exceptions

Section 6 of the Conference report outlines the specific exceptions to the general prohibition on new Federal expenditures or financial assistance.

Under Section 6(a) of the Senate bill the appropriate Federal officer would be authorized to make those specific Federal expenditures after providing written notification to the Secretary. The Conferees agreed to accept the House provision which requires the appropriate Federal officer to consult with the Secretary before making any Federal expenditures or financial assistance available under the provisions of Section 6.

Section 6(a)(1) provides an exception for energy projects in or adjacent to coastal areas. Both the Senate bill and the House amendment contained similar provisions and the Conferees agreed to adopt the House language. Federal assistance or expenditures may be made available for "any use or facility necessary for the exploration, extraction, or transportation of energy resources which can be carried out only on, in, or adjacent to coastal water areas because the use or facility requires access to the coastal water body."

Section 6(a)(3) of the Conference report contains a provision included in the House amendment which provides an exception for the maintenance, replacement, reconstruction, or repair of publicly owned or publicly operated roads, structures or facilities that are essential links in a larger network or system.

Section 6(a)(4) exempts military activities essential to national security from the general prohibition of Federal expenditures or financial assistance under Section 5. The Conferees agreed that the determination as to whether military activities are essential to national security must be made in accordance with existing law and procedure.

The Conference report adopts the exception for Coast Guard facilities which was included in the House amendment and requested by the Coast Guard. Section 6(a)(5) allows expenditures or financial assistance for the construction, maintenance, operation and rehabilitation of Coast Guard facilities.

The Senate bill contained an exemption for certain programs and projects for fish and wildlife conservation so long as such projects were consistent with the purposes of the Act. The House amendment contained a similar provision but such projects did not have to be consistent with the purposes of the Act. The Conferees agreed to accept the House language. However, under the language in Section 6(a)(7)(A), such projects must be consistent with the purposes of the Act.

The House amendment contained an exception for projects under the Coastal Zone Management Act—a provision not included in the Senate bill. The Conferees agree to adopt the House provision which is incorporated in Section 6(a)(6)(C) of the Conference report.

The House amendment provided an exception for assistance for emergency actions essential to the saving of lives and the public health and safety. The Senate bill contained a similar provision but limited the exception to those actions necessary to alleviate the immediate emergency. The Conference report adopts a modified provision in Section 6(a)(6)(E) which permits assistance for emergency actions if such actions are performed pursuant to sections 305 and 306 of the Disaster Relief Act of 1974 and section 1362 of the National Flood Insurance Act of 1968 and are limited to actions that are necessary to alleviate the emergency. Section 305 of the Disaster Relief Act authorizes the President, in a declared emergency, to provide any or all of the assistance available under the Act as the President deems appropriate.

Section 7. Certification of Compliance

Section 7 adopts provisions appearing in both the Senate bill and the House amendment.

Section 8. Priority of Laws

Section 8 of the Conference report adopts a provision of the Senate bill. This section assures that this Act will not interfere with the current delicate balance between other Federal laws operating with regard to coastal barrier areas and State and local laws. Additionally, this section protects local interests by providing that this Act is not intended to preempt State or local laws unless there is a direct conflict.

Section 9. Separability

Section 9 of the Conference report adopts a provision of the Senate bill not contained in the House amendment. This section is a standard separability provision. It provides that each provision and application of this law will be judged on its own merits.

Section 10. Reports to Congress

This section adopts a provision that appeared in both the Senate bill and the House amendment. The Conferees agreed to adopt the Senate language and to add a requirement that the Secretary's report include an analysis of the effect, if any, that general revenue sharing grants have had on undeveloped coastal barriers.

The Secretary's report will also include recommendations for additions to or deletions from the Coastal Barrier Resources System. While the conferees do not intend that areas developed after the date of the Act should be recommended for deletion for development reasons, they recognized that in a few areas further study may reveal possible errors. In particular, the conferees are aware that there is a dispute regarding the geological composition of Coconut Point, Florida. There is also a dispute regarding the development status of approximately 114 acres of the Wilfurt Woods property on the west end of the Island of Sanibel, Florida. These 114 acres are part of a planned unit development which has been approved in a settlement agreement between the owners of the property and the Sanibel-Captiva Conservation Foundation. Finally, there is a question regarding the conservation status of an area included in the Casey Key, Florida, map. The conferees intend that the Department of the Interior study these areas and report to the appropriate committees as soon as practicable to insure that any errors may be addressed legislatively. The Conferees intend that any reports transmitted by the Secretary under this section, as well as any maps and notifications of boundary modifications under Section 4, shall also be submitted to the Committee on Public Works and Transportation of the House of Representatives.

Section 11. Amendment Regarding Flood Insurance

Section 11(a) adopts the House language amending Section 1321 of the National Flood Insurance Act of 1968. Section 11(b) adopts the Senate language amending Section 341(d)(2) of the Omnibus Budget and Reconciliation Act of 1981.

From the Committee on Merchant Marine and Fisheries:

WALTER B. JONES,
JOHN B. BREAUX,
GERRY E. STUDDS,
WILLIAM J. HUGHES,
GENE SNYDER,
EDWIN B. FORSYTHE,
THOMAS B. EVANS, Jr.,

From the Committee on Public Works and Transportation:

ROBERT A. ROE,
BOB EDGAR,

JOHN G. FARY,
DON H. CLAUSEN,
JOHN PAUL HAMMERSCHMIDT,
Managers on the Part of the House.
ROBERT T. STAFFORD,
JOHN H. CHAFFEE,
SLADE GORTON,
JENNINGS RANDOLPH,
DANIEL P. MOYNIHAN,
Managers on the Part of the Senate.

MAKING IN ORDER AT ANY TIME HEREAFTER CONSIDERATION OF CONFERENCE REPORT ON S. 1018, COASTAL BARRIER RESOURCES ACT

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that it may be in order at any time hereafter to consider the conference report on the Senate bill (S. 1018) to protect and conserve fish and wildlife resources, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

CONFERENCE REPORT ON S. 734, EXPORT TRADING COMPANY ACT OF 1981

Mr. RODINO submitted the following conference report and statement on the Senate bill (S. 734) to encourage exports by facilitating the information and operation of export trading companies, export trade associations, and the expansion of export trade services generally:

CONFERENCE REPORT (H. REPT. NO. 97-924)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 734) to encourage exports by facilitating the formation and operation of export trading companies, export trade associations, and the expansion of export trade services generally, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

TITLE I—GENERAL PROVISIONS

SHORT TITLE

SEC. 101. This title may be cited as the "Export Trading Company Act of 1982".

FINDINGS; DECLARATION OF PURPOSE

SEC. 102. (a) The Congress finds that—

(1) United States exports are responsible for creating and maintaining one out of every nine manufacturing jobs in the United States and for generating one out of every seven dollars of total United States goods produced;

(2) the rapidly growing service-related industries are vital to the well-being of the United States economy inasmuch as they create jobs for seven out of every ten Americans, provide 65 percent of the Nation's gross national product, and offer the greatest potential for significantly increased industrial trade involving finished products;

(3) trade deficits contribute to the decline of the dollar on international currency markets and have an inflationary impact on the United States economy;

(4) tens of thousands of small- and medium-sized United States businesses produce exportable goods or services but do not engage in exporting;

(5) although the United States is the world's leading agricultural exporting nation, many farm products are not marketed as widely and effectively abroad as they could be through export trading companies;

(6) export trade services in the United States are fragmented into a multitude of separate functions, and companies attempting to offer export trade services lack financial leverage to reach a significant number of potential United States exporters;

(7) the United States needs well-developed export trade intermediaries which can achieve economies of scale and acquire expertise enabling them to export goods and services profitably, at low per unit cost to producers;

(8) the development of export trading companies in the United States has been hampered by business attitudes and by Government regulations;

(9) those activities of State and local governmental authorities which initiate, facilitate, or expand exports of goods and services can be an important source for expansion of total United States exports, as well as for experimentation in the development of innovative export programs keyed to local, State, and regional economic needs;

(10) if United States trading companies are to be successful in promoting United States exports and in competing with foreign trading companies, they should be able to draw on the resources, expertise, and knowledge of the United States banking system, both in the United States and abroad; and

(11) the Department of Commerce is responsible for the development and promotion of United States exports, and especially for facilitating the export of finished products by United States manufacturers.

(b) It is the purpose of this Act to increase United States exports of products and services by encouraging more efficient provision of export trade services to United States producers and suppliers, in particular by establishing an office within the Department of Commerce to promote the formation of export trade associations and export trading companies, by permitting bank holding companies, bankers' banks, and Edge Act corporations and agreement corporations that are subsidiaries of bank holding companies to invest in export trading companies, by reducing restrictions on trade financing provided by financial institutions, and by modifying the application of the antitrust laws to certain export trade.

DEFINITIONS

SEC. 103. (a) For purposes of this title—

(1) the term "export trade" means trade or commerce in goods or services produced in the United States which are exported, or in the course of being exported, from the United States to any other country;

(2) the term "services" includes, but is not limited to, accounting, amusement, architectural, automatic data processing, business, communications, construction franchising and licensing, consulting, engineering, financial, insurance, legal, management, repair, tourism, training, and transportation services;

(3) the term "export trade services" includes, but is not limited to, consulting, international market research, advertising, marketing, insurance, product research and design, legal assistance, transportation, including trade documentation and freight forwarding, communication and processing of foreign orders to and for exporters and foreign purchasers, warehousing, foreign exchange, financing, and taking title to goods, when provided in order to facilitate the export of goods or services produced in the United States;

(4) the term "export trading company" means a person, partnership, association, or similar organization, whether operated for profit or as a nonprofit organization, which does business under the laws of the United States or any State and which is organized and operated principally for purposes of—

(A) exporting goods or services produced in the United States; or

(B) facilitating the exportation of goods or services produced in the United States by unaffiliated persons by providing one or more export trade services;

(5) the term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands;

(6) the term "United States" means the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands; and

(7) the term "antitrust laws" means the antitrust laws as defined in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that section 5 applies to unfair methods of competition, and any State antitrust or unfair competition law.

(b) The Secretary of Commerce may by regulation further define any term defined in subsection (a), in order to carry out this title.

OFFICE OF EXPORT TRADE IN DEPARTMENT OF COMMERCE

SEC. 104. The Secretary of Commerce shall establish within the Department of Commerce an office to promote and encourage to the greatest extent feasible the formation of export trade associations and export trading companies. Such office shall provide information and advice to interested persons and shall provide a referral service to facilitate contact between producers of exportable goods and services and firms offering export trade services.

TITLE II—BANK EXPORT SERVICES

SHORT TITLE

SEC. 201. This title may be cited as the "Bank Export Services Act".

SEC. 202. The Congress hereby declares that it is the purpose of this title to provide for meaningful and effective participation by bank holding companies bankers' banks, and Edge Act corporations, in the financing and development of export trading companies in the United States. In furtherance of such purpose, the Congress intends that, in implementing its authority under section 4(c)(14) of the Bank Holding Company Act of 1956, the Board of Governors of the Feder-

al Reserve System should pursue regulatory policies that—

(1) provide for the establishment of export trading companies with powers sufficiently broad to enable them to compete with similar foreign-owned institutions in the United States and abroad;

(2) afford to United States commerce, industry and agriculture especially small and medium-size firms, a means of exporting at all times;

(3) foster the participation by regional and smaller banks in the development of export trading companies; and

(4) facilitate the formation of joint venture export trading companies between bank holding companies and nonbank firms that provide for the efficient combination of complementary trade and financing services designed to create export trading companies that can handle all of an exporting company's needs.

INVESTMENTS IN EXPORT TRADING COMPANIES

SEC. 203. Section 4(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)) is amended—

(1) in paragraph (12)(B), by striking out "or" at the end thereof;

(2) in paragraph (13), by striking out the period at the end thereof and inserting in lieu thereof "; or"; and

(3) by inserting after paragraph (13) the following:

"(14) shares of any company which is an export trading company whose acquisition (including each acquisition of shares) or formation by a bank holding company has not been disapproved by the Board pursuant to this paragraph, except that such investments, whether direct or indirect, in such shares shall not exceed 5 per centum of the bank holding company's consolidated capital and surplus.

"(A)(i) No bank holding company shall invest in an export trading company under this paragraph unless the Board has been given sixty days' prior written notice of such proposed investment and within such period has not issued a notice disapproving the proposed investment or extending for up to another thirty days the period during which such disapproval may be issued.

"(ii) The period for disapproval may be extended for such additional thrity-day period only if the Board determines that a bank holding company proposing to invest in an export trading company has not furnished all the information required to be submitted or that in the Board's judgment any material information submitted is substantially inaccurate.

"(iii) The notice required to be filed by a bank holding company shall contain such relevant information as the Board shall require by regulation or by specific request in connection with any particular notice.

"(iv) The Board may disapprove any proposed investment only if—

"(I) such disapproval is necessary to prevent unsafe or unsound banking practices, undue concentration of resources, decreased or unfair competition, or conflicts of interest;

"(II) the Board finds that such investment would affect the financial or managerial resources of a bank holding company to an extent which is likely to have a materially adverse effect on the safety and soundness of any subsidiary bank of such bank holding company, or

"(III) the bank holding company fails to furnish the information required under clause (iii).

"(v) Within three days after a decision to disapprove an investment, the Board shall notify the bank holding company in writing of the disapproval and shall provide a written statement of the basis for the disapproval.

"(vi) A proposed investment may be made prior to the expiration of the disapproval period if the Board issues written notice of its intent not to disapprove the investment.

"(B)(i) The total amount of extensions of credit by a bank holding company which invests in an export trading company, when combined with all such extensions of credit by all the subsidiaries of such bank holding company, to an export trading company shall not exceed at any one time 10 per centum of the bank holding company's consolidated capital and surplus. For purposes of the preceding sentence, an extension of credit shall not be deemed to include any amount invested by a bank holding company in the shares of an export trading company.

"(ii) No provision of any other Federal law in effect on October 1, 1982, relating specifically to collateral requirements shall apply with respect to any such extension of credit.

"(iii) No bank holding company or subsidiary of such company which invests in an export trading company may extend credit to such export trading company or to customers of such export trading company on terms more favorable than those afforded similar borrowers in similar circumstances, and such extension of credit shall not involve more than the normal risk of repayment or present other unfavorable features.

"(C) For purposes of this paragraph, an export trading company—

"(i) may engage in or hold shares of a company engaged in the business of underwriting, selling, or distributing securities in the United States only to the extent that any bank holding company which invests in such export trading company may do so under applicable Federal and State banking laws and regulations; and

"(ii) may not engage in agricultural production activities or in manufacturing, except for such incidental product modification including repackaging, reassembling or extracting byproducts, as is necessary to enable United States goods or services to conform with requirements of a foreign country and to facilitate their sale in foreign countries.

"(D) A bank holding company which invests in an export trading company may be required, by the Board, to terminate its investment or may be made subject to such limitations or conditions as may be imposed by the Board, if the Board determines that the export trading company has taken positions in commodities or commodity contracts, in securities, or in foreign exchange, other than as may be necessary in the course of the export trading company's business operations.

"(E) Notwithstanding any other provision of law, an Edge Act corporation, organized under section 25(a) of the Federal Reserve Act (12 U.S.C. 611–631), which is a subsidiary of a bank holding company, or an agreement corporation, operating subject to section 25 of the Federal Reserve Act (12 U.S.C. 601–604(a)), which is a subsidiary of a bank holding company, may invest directly and indirectly in the aggregate up to 5 per centum of its consolidated capital and surplus (25 per centum in the case of a corporation not engaged in banking) in the voting stock of other evidences of ownership in one or more export trading companies.

"(F) For purposes of this paragraph—

"(i) the term 'export trading company' means a company which does business under the laws of the United States or any State, which is exclusively engaged in activities related to international trade, and which is organized and operated principally for purposes of exporting goods or services produced in the United States or for purposes of facilitating the exportation of goods or services produced in the United States by unaffiliated persons by providing one or more export trade services.

"(ii) the term 'export trade services' includes, but is not limited to, consulting, international market research, advertising, marketing, insurance (other than acting as principal, agent or broker in the sale of insurance on risks resident or located, or activities performed, in the United States, except for insurance covering the transportation of cargo from any point of origin in the United States to a point of final destination outside the United States), product research and design, legal assistance, transportation, including trade documentation and freight forwarding, communication and processing of foreign orders to and for exporters and foreign purchasers, warehousing, foreign exchange, financing, and taking title to goods, when provided in order to facilitate the export of goods or services produced in the United States;

"(iii) the term 'bank holding company' shall include a bank which (I) is organized solely to do business with other banks and their officers, directors, or employees; (II) is owned primarily by the banks with which it does business; and (III) does not do business with the general public. No such other bank, owning stock in a bank described in this clause that invests in an export trading company, shall extend credit to an export trading company in an amount exceeding at any one time 10 per centum of such other bank's capital and surplus; and

"(iv) the term 'extension of credit' shall have the same meaning given such term in the fourth paragraph of section 23A of the Federal Reserve Act.".

SEC. 205. On or before two years after the date of the enactment of this Act, the Federal Reserve Board shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives the Board's recommendations with respect to the implementation of this section, the Board's recommendations with respect to the implementation of this section, the Board's recommendations on any changes in United States law to facilitate the financing of United States exports, especially by small, medium-size, and minority business concerns, and the Board's recommendations on the effects of ownership of United States banks by foreign banking organizations affiliated with trading companies doing business in the United States.

GUARANTEES FOR EXPORT ACCOUNTS RECEIVABLE AND INVENTORY

SEC. 206. The Export-Import Bank of the United States is authorized and directed to establish a program to provide guarantees for loans extended by financial institutions or other public or private creditors to export trading companies as defined in section 4(c)(14)(F)(i) of the Bank Holding Company Act of 1956, or to other exporters, when such loans are secured by export accounts receivable or inventories of exportable goods, and when in the judgment of the Board of Directors—

(1) the private credit market is not providing adequate financing to enable otherwise creditworthy export trading companies or exporters to consummate export transactions; and

(2) such guarantees would facilitate expansion of exports which would not otherwise occur.

The Board of Directors shall attempt to insure that a major share of any loan guarantees ultimately serves to promote exports from small, medium-size, and minority businesses or agricultural concerns. Guarantees provided under the authority of this section shall be subject to limitations contained in annual appropriations Acts.

BANKERS' ACCEPTANCES

SEC. 207. The seventh paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 372) is amended to read as follows:

"(7)(A) Any member bank and any Federal or State branch or agency of a foreign bank subject to reserve requirements under section 7 of the International Banking Act of 1978 (hereinafter in this paragraph referred to as 'institutions'), may accept drafts or bills of exchange drawn upon it having not more than six months' sight to run, exclusive of days of grace—

"(i) which grow out of transactions involving the importation or exportation of goods;

"(ii) which grow out of transactions involving the domestic shipment of goods; or

"(iii) which are secured at the time of acceptance by a warehouse receipt or other such document conveying or securing title covering readily marketable staples.

"(B) Except as provided in subparagraph (C), no institution shall accept such bills, or be obligated for a participation share in such bills, in an amount equal at any time in the aggregate to more than 150 per centum of its paid up and unimpaired capital stock and surplus or, in the case of a United States branch or agency of a foreign bank, its dollar equivalent as determined by the Board under subparagraph (H).

"(C) The Board, under such conditions as it may prescribe, may authorize, by regulation or order, any institution to accept such bills, or be obligated for a participation share in such bills, in an amount not exceeding at any time in the aggregate 200 per centum of its paid up and unimpaired capital stock and surplus or, in the case of a United States branch or agency of a foreign bank, its dollar equivalent as determined by the Board under subparagraph (H).

"(D) Notwithstanding subparagraphs (B) and (C), with respect to any institution, the aggregate acceptances, including obligations for a participation share in such acceptances, growing out of domestic transactions shall not exceed 50 per centum of the aggregate of all acceptances, including obligations for a participation share in such acceptances, authorized for such institution under this paragraph.

"(E) No institution shall accept bills, or be obligated for a participation share in such bills, whether in a foreign or domestic transaction, for any one person, partnership, corporation, association or other entity in an amount equal at any time in the aggregate to more than 10 per centum of its paid up and unimpaired capital stock and surplus, or, in the case of a United States branch or agency of a foreign bank, its dollar equivalent as determined by the Board under subparagraph (H), unless the institution is secured either by attached documents or by some other actual security growing out of the same transaction as the acceptance.

"(F) With respect to an institution which issues an acceptance, the limitations contained in this paragraph shall not apply to that portion of an acceptance which is issued by such institution and which is covered by a participation agreement sold to another institution.

"(G) In order to carry out the purposes of this paragraph, the Board may define any of the terms used in this paragraph, and, with respect to institutions which do not have capital or capital stock, the Board shall define an equivalent measure to which the limitations contained in this paragraph shall apply.

"(H) Any limitation or restriction in this paragraph based on paid-up and unimpaired capital stock and surplus of an institution shall be deemed to refer, with respect to a United States branch or agency of a foreign bank, to the dollar equivalent of the paid-up capital stock and surplus of the foreign bank, as determined by the Board, and if the foreign bank has more than one United States branch or agency, the business transacted by all such branches and agencies shall be aggregated in determining compliance with the limitation or restriction.".

TITLE III—EXPORT TRADE CERTIFICATES OF REVIEW

EXPORT TRADE PROMOTION DUTIES OF SECRETARY OF COMMERCE

SEC. 301. To promote and encourage export trade, the Secretary may issue certificates of review and advise and assist any person with respect to applying for certificates of review.

APPLICATION FOR ISSUANCE OF CERTIFICATE OF REVIEW

SEC. 302. (a) To apply for a certificate of review, a person shall submit to the Secretary a written application which—

(1) specifies conduct limited to export trade, and

(2) is in a form and contains any information, including information pertaining to the overall market in which the applicant operates, required by rule or regulation promulgated under section 310.

(b)(1) Within 10 days after an application submitted under subsection (a) is received by the Secretary, the Secretary shall publish in the Federal Register a notice that announces that an application for a certificate of review has been submitted, identifies each person submitting the application, and describes the conduct for which the application is submitted.

(2) Not later than 7 days after an application submitted under subsection (a) is received by the Secretary, the Secretary shall transmit to the Attorney General—

(A) a copy of the application,

(B) any information submitted to the Secretary in connection with the application, and

(C) any other relevant information (as determined by the Secretary) in the possession of the Secretary, including information regarding the market share of the applicant in the line of commerce to which the conduct specified in the application relates.

ISSUANCE OF CERTIFICATE

SEC. 303. (a) A certificate of review shall be issued to any applicant that establishes that its specified export trade, export trade activities, and methods of operation will—

(1) result in neither a substantial lessening of competition or restraint of trade within the United States nor a substantial restraint of the export trade of any competitor of the applicant,

(2) not unreasonably enhance, stabilize, or depress prices within the United States of the goods, wares, merchandise, or services of the class exported by the applicant,

(3) not constitute unfair methods of competition against competitors engaged in the export of goods, wares, merchandise, or services of the class exported by the applicant, and

(4) not include any act that may reasonably be expected to result in the sale for consumption or resale within the United States of the goods, wares, merchandise, or services exported by the applicant.

(b) Within 90 days after the Secretary receives an application for a certificate of review, the Secretary shall determine whether the applicant's export trade, export trade activities, and methods of operation meet the standards of subsection (a). If the Secretary, with the concurrence of the Attorney General, determines that such standards are met, the Secretary shall issue to the applicant a certificate of review. The certificate of review shall specify—

(1) the export trade, export trade activities, and methods of operation to which the certificate applies,

(2) the person to whom the certificate of review is issued, and

(3) any terms and conditions the Secretary or the Attorney General deems necessary to assure compliance with the standards of subsection (a).

(c) If the applicant indicates a special need for prompt disposition, the Secretary and the Attorney General may expedite action on the application, except that no certificate of review may be issued within 30 days of publication of notice in the Federal Register under section 302(b)(1).

(d)(1) If the Secretary denies in whole or in part an application for a certificate, he shall notify the applicant of his determination and the reasons for it.

(2) An applicant may, within 30 days of receipt of notification that the application has been denied in whole or in part, request the Secretary to reconsider the determination. The Secretary, with the concurrence of the Attorney General, shall notify the applicant of the determination upon reconsideration within 30 days of receipt of the request.

(e) If the Secretary denies an application for the issuance of a certificate of review and thereafter receives from the applicant a request for the return of documents submitted by the applicant in connection with the application for the certificate, the Secretary and the Attorney General shall return to the applicant, not later than 30 days after receipt of the request, the documents and all copies of the documents available to the Secretary and the Attorney General, except to the extent that the information contained in a document has been made available to the public.

(f) A certificate shall be void ab initio with respect to any export trade, export trade activities, or methods of operation for which a certificate was procured by fraud.

REPORTING REQUIREMENT; AMENDMENT OF CERTIFICATE; REVOCATION OF CERTIFICATE

SEC. 304. (a)(1) Any applicant who receives a certificate of review—

(A) shall promptly report to the Secretary any change relevant to the matters specified in the certificate, and

(B) may submit to the Secretary an application to amend the certificate to reflect the effect of the change on the conduct specified in the certificate.

(2) An application for an amendment to a certificate of review shall be treated as an application for the issuance of a certificate. The effective date of an amendment shall be the date on which the application for the amendment is submitted to the Secretary.

(b)(1) If the Secretary or the Attorney General has reason to believe that the export trade, export trade activities, or methods of operation of a person holding a certificate of review no longer comply with the standards of section 303(a), the Secretary shall request such information from such person as the Secretary or the Attorney General deems necessary to resolve the matter of compliance. Failure to comply with such request shall be grounds for revocation of the certificate under paragraph (2).

(2) If the Secretary or the Attorney General determines that the export trade, export trade activities, or methods of operation of a person holding a certificate no longer comply with the standards of section 303(a), or that such person has failed to comply with a request made under paragraph (1), the Secretary shall give written notice of the determination to such person. The notice shall include a statement of the circumstances underlying, and the reasons in support of, the determination. In the 60-day period beginning 30 days after the notice is given, the Secretary shall revoke the certificate or modify it as the Secretary or the Attorney General deems necessary to cause the certificate to apply only to the export trade, export trade activities, or methods of operation which are in compliance with the standards of section 303(a).

(3) For purposes of carrying out this subsection, the Attorney General, and the Assistant Attorney General in charge of the antitrust division of the Department of Justice, may conduct investigations in the same manner as the Attorney General and the Assistant Attorney General conduct investigations under section 3 of the Antitrust Civil Process Act, except that no civil investigative demand may be issued to a person to whom a certificate of review is issued if such person is the target of such investigation.

JUDICIAL REVIEW; ADMISSIBILITY

SEC. 305. (a) If the Secretary grants or denies, in whole or in part, an application for a certificate of review or for an amendment to a certificate, or revokes or modifies a certificate pursuant to section 304(b), any person aggrieved by such determination may, within 30 days of the determination, bring an action in any appropriate district court of the United States to set aside the determination on the ground that such determination is erroneous.

(b) Except as provided in subsection (a), no action by the Secretary or the Attorney General pursuant to this title shall be subject to judicial review.

(c) If the Secretary denies, in whole or in part, an application for a certificate of review or for an amendment to a certificate, or revokes or amends a certificate, neither the negative determination nor the statement of reasons therefor shall be admissible in evidence, in any administrative or judicial proceeding, in support of any claim under the antitrust laws.

PROTECTION CONFERRED BY CERTIFICATE OF REVIEW

SEC. 306. (a) Except as provided in subsection (b), no criminal or civil action may be brought under the antitrust laws against a person to whom a certificate of review is issued which is based on conduct which is specified in, and complies with the terms of, a certificate issued under section 303 which certificate was in effect when the conduct occurred.

(b)(1) Any person who has been injured as a result of conduct engaged in under a certificate of review may bring a civil action for injunctive relief, actual damages, the loss of interest on actual damages, and the cost of suit (including a reasonable attorney's fee) for the failure to comply with the standards of section 303(a). Any action commenced under this title shall proceed as if it were an action commenced under section 4 or section 16 of the Clayton Act, except that the standards of section 303(a) of this title and the remedies provided in this paragraph shall be the exclusive standards and remedies applicable to such action.

(2) Any action brought under paragraph (1) shall be filed within two years of the date the plaintiff has notice of the failure to comply with the standards of section 303(a) but in any event within four years after the cause the action accrues.

(3) In any action brought under paragraph (1), there shall be a presumption that conduct which is specified in and complies with a certificate of review does comply with the standards of section 303(a).

(4) In any action brought under paragraph (1), if the court finds that the conduct does comply with the standards of section 303(a), the court shall award to the person against whom the claim is brought the cost of suit attributable to defending against the claim (including a reasonable attorney's fee).

(5) The Attorney General may file suit pursuant to section 15 of the Clayton Act (15 U.S.C. 25) to enjoin conduct threatening clear and irreparable harm to the national interest.

GUIDELINES

SEC. 307. (a) To promote greater certainty regarding the application of the antitrust laws to export trade, the Secretary, with the concurrence of the Attorney General, may issue guidelines—

(1) describing specific types of conduct with respect to which the Secretary, with the concurrence of the Attorney General, has made or would make, determinations under sections 303 and 304, and

(2) summarizing the factual and legal bases in support of the determinations.

(b) Section 553 of title 5, United States Code, shall not apply to the issuance of guidelines under subsection (a).

ANNUAL REPORTS

SEC. 308. Every person to whom a certificate of review is issued shall submit to the Secretary an annual report, in such form and at such time as the Secretary may require, that updates where necessary the information required by section 302(a).

DISCLOSURE OF INFORMATION

SEC. 309. (a) Information submitted by any person in connection with the issuance, amendment, or revocation of a certificate of review shall be exempt from disclosure under section 552 of title 5, United States Code.

(b)(1) Except as provided in paragraph (2), no officer or employee of the United States shall disclose commercial or financial information submitted in connection with the issuance, amendment, or revocation of a certificate of review if the information is privileged or confidential and if disclosure of the information would cause harm to the person who submitted the information.

(2) Paragraph (1) shall not apply with respect to information disclosed—

(A) upon a request made by the Congress or any committee of the Congress,

(B) in a judicial or administrative proceeding, subject to appropriate protective orders,

(C) with the consent of the person who submitted the information,

(D) in the course of making a determination with respect to the issuance, amendment, or revocation of a certificate of review, if the Secretary deems disclosure of the information to be necessary in connection with making the determination,

(E) in accordance with any requirement imposed by a statute of the United States, or

(F) in accordance with any rule or regulation promulgated under section 310 permitting the disclosure of the information to an agency of the United States or of a State on the condition that the agency will disclose the information only under the circumstances specified in subparagraphs (A) through (E).

RULES AND REGULATIONS

SEC. 310. The Secretary, with the concurrence of the Attorney General, shall promulgate such rules and regulations as are necessary to carry out the purposes of this Act.

DEFINITIONS

SEC. 311. As used in this title—

(1) the term "export trade" means trade or commerce in goods, wares, merchandise, or services exported, or in the course of being exported, from the United States or any territory thereof to any foreign nation,

(2) the term "service" means intangible economic output, including, but not limited to—

(A) business, repair, and amusement services,

(B) management, legal, engineering, architectural, and other professional services, and

(C) financial, insurance, transportation, informational and any other data-based services, and communication services,

(3) the term "export trade activities" means activities or agreements in the course of export trade,

(4) the term "methods of operation" means any method by which a person conducts or proposes to conduct export trade,

(5) the term "person" means an individual who is a resident of the United States; a partnership that is created under and exists pursuant to the laws of any State or of the United States; a State or local government entity; a corporation, whether organized as a profit or nonprofit corporation, that is created under and exists pursuant to the laws of any State or of the United States; or any association or combination, by contract or other arrangement, between or among such persons,

(6) the term "antitrust laws" means the antitrust laws, as such term is defined in the first section of the Clayton Act (15 U.S.C. 12), and section 5 of the Federal Trade Commission Act (15 U.S.C 45) (to the extent that section 5 prohibits unfair methods of competition), and any State antitrust or unfair competition law,

(7) the term "Secretary" means the Secretary of Commerce or his designee, and

(8) the term "Attorney General" means the Attorney General of the United States or his designee.

EFFECTIVE DATES

SEC. 312. (a) Except as provided in subsection (b), this title shall take effect on the date of the enactment of this Act.

(b) Section 302 and section 303 shall take effect 90 days after the effective date of the rules and regulations first promulgated under section 310.

TITLE IV—FOREIGN TRADE ANTITRUST IMPROVEMENTS

SHORT TITLE

SEC. 401. This title may be cited as the "Foreign Trade Antitrust Improvements Act of 1982".

AMENDMENT TO SHERMAN ACT

SEC. 402. The Sherman Act (15 U.S.C. 1 et seq.) is amended by inserting after section 6 the following new section:

"SEC. 7. This Act shall not apply to conduct involving trade or commerce (other than import trade or import commerce) with foreign nations unless—

"(1) such conduct has a direct, substantial, and reasonably foreseeable effect—

"(A) on trade or commerce which is not trade or commerce with foreign nations, or on import trade or import commerce with foreign nations; or

"(B) on export trade or export commerce with foreign nations, of a person engaged in such trade or commerce in the United States; and

"(2) such effect gives rise to a claim under the provisions of this Act, other than this section.

If this Act applies to such conduct only because of the operation of paragraph (1)(B), then this Act shall apply to such conduct only for injury to export business in the United States.".

AMENDMENT TO FEDERAL TRADE COMMISSION ACT

SEC. 403. Section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)) is amended by adding at the end thereof the following new paragraph:

"(3) This subsection shall not apply to unfair methods of competition involving commerce with foreign nations (other than import commerce) unless—

"(A) such methods of competition have a direct, substantial, and reasonably foreseeable effect—

"(i) on commerce which is not commerce with foreign nations, or on import commerce with foreign nations; or

"(ii) on export commerce with foreign nations, of a person engaged in such commerce in the United States; and

"(B) such effect gives rise to a claim under the provisions of this subsection, other than this paragraph.

If this subsection applies to such methods of competition only because of the operation of subparagraph (A)(ii), this subsection shall apply to such conduct only for injury to export business in the United States.".

And the House agree to the same.

That the House recede from its amendment to the title of the Senate bill.

For title I of the House amendment and modifications committed to conference:

CLEMENT J. ZABLOCKI,
JONATHAN BINGHAM,
DENNIS E. ECKART,
DON BONKER,
HOWARD WOLPE,
WM. BROOMFIELD,
ROBERT J. LAGOMARSINO,
ARLEN ERDAHL,
BENJAMIN A. GILMAN,
MILLICENT FENWICK,

For title II of the House amendment and modifications committed to conference:

FERNAND J. ST GERMAIN,
FRANK ANNUNZIO,
JOE MINISH,
JOHN J. LAFALCE,
DOUG BARNARD,
J. W. STANTON,
CHALMERS P. WYLIE,
STEWART B. MCKINNEY,
JIM LEACH,

For title III of the House amendment and modifications committed to conference:

PETER W. RODINO,
BILL HUGHES,
ROBERT MCCLORY,
M. CALDWELL BUTLER,

Managers on the Part of the House.

JAKE GARN,
JOHN HEINZ,
WILLIAM ARMSTRONG,
JOHN H. CHAFEE,
JOHN C. DANFORTH,
DON RIEGLE,
BILL PROXMIRE,
CHRISTOPHER J. DODD,
ALAN DIXON,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 734) to encourage exports by facilitating the formation and operation of export trading companies, export trade associations, and the expansion of export trade services generally submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the text of the bill struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I

SHORT TITLE

The committee of conference agreed to the House provision: "The Export Trading Company Act of 1982".

FINDINGS

The House amendment contains Congressional findings with respect to the impact of exports on U.S. jobs, the role of service-related industries in U.S. exports, the effects of trade deficits on the value of the dollar, and the responsibilities of the Department of Commerce in export promotion, which are not contained in the Senate bill.

The Senate bill contains findings with respect to the role of the United States as an exporter of agricultural products, and the need for exporters to achieve greater economies of scale, which are not in the House amendment. Other Senate and House findings are similar or identical.

The committee of conference agreed to a combination of the House and Senate provisions, all the findings in the House amendment and an amended version of the Senate finding with respect to agricultural exports.

PURPOSE

The statement of the bill's purpose in the House amendment includes references to the creation of an export trading company promotion office in the Department of Commerce, investment by certain banks in export trading companies, and modification of antitrust laws with respect to export trade, references which are not contained in the Senate bill.

The committee of conference agreed to the House provision with an amendment adding reference to the Edge Act and Agreement corporations as being eligible to invest in trading companies if those corporations are subsidiaries of bank holding companies.

DEFINITIONS

A. The committee of conference agreed and reaffirmed that the definitions contained in title I of the bill apply only to the provisions of title I, and not to the other titles of the bill. To the extent possible, however, the definitions recommended by the committee of conference in title I conform with the definitions recommended in other titles.

The Senate bill defines "goods produced in the United States" as those containing no more then 50% (by value) imported components or materials.

The House amendment contains no such definition.

The committee of conference deletes this definition.

Specific consideration was given to the status, under this and other definitions in the bill, of fish harvested by U.S. flag vessels within the United States fish conservation zone and sold at sea or in a foreign port without having otherwise been landed or processed in the United States. The committee of conference agreed that fish so harvested and sold should be regarded as goods produced in the United States, and their sales as constituting export trade within the meaning of this title and other titles of the bill.

B. The definition of "services produced in the United States" in the Senate bill and the definition of "services" in the House amendment are similar, except that the Senate bill includes some services not mentioned in the House provision, and contains the additional requirement that at least 50% of the value of such services be attributable to the United States.

The committee of conference agreed to the House provision with an amendment to include additional specific services contained in the Senate bill.

C. The definition of "export trade services" in the Senate bill includes "product research and design", which is not specified in the House amendment.

The committee of conference agreed to the Senate provision.

D. The definition of "export trading company" in the Senate bill includes nonprofit organizations, which is not contained in the House amendment. The definition in the House amendment requires export trading companies to be operated principally for the export of U.S. goods, *or* for facilitating such exports by unaffiliated persons, while the Senate bill requires both.

The committee of conference agreed to a compromise of the Senate and House provisions which includes nonprofit organizations, but permits export trading companies to perform only one of the two functions contained in both the House and Senate provisions.

E. The House amendment includes definitions of "export trade association" and "State."

The Senate bill has no such provision.

The committee of conference adopted the Senate position.

E. The Senate bill includes a definition of "Secretary", as meaning the Secretary of Commerce.

The House amendment contains no such definition.

The committee of conference agreed with the House position.

F. A definition of "company" contained in the Senate bill, but not in the House amendment, is incorporated in the definition of "export trading company" adopted by the committee of conference.

The conference substitute includes a definition of "anti-trust laws" contained in title III of the Senate bill, but not contained in the House bill, with an amendment deleting reference to section 6 of the Federal Trade Commission Act.

ISSUANCE OF REGULATIONS

The Senate bill authorizes the Secretary of Commerce by regulation to further define terms contained in title I.

The House amendment contains no such authorization.

The committee of conference agreed to the Senate provision.

OFFICE OF EXPORT TRADE

The House amendment directs the Secretary of Commerce to establish an office in that Department to promote and assist export trade associations and export trading companies.

The Senate bill similarly directs the Secretary to promote export trading companies, but does not require the establishment of a Commerce Department office for that purpose.

The committee of conference agreed to the House provision.

TITLE II—BANK EXPORT SERVICES ACT

The Senate receded to the House insofar as the basic statutory framework within which bank-affiliated export trading companies (ETCs) will operate. By placing the ETC within the bank holding company structure rather than within the bank, as the Senate bill provided, the conferees believe that adequate safeguards will continue to exist to minimize potential risk to the bank or banks within the holding company structure and that adequate separation will exist between a bank's involvement in export trade activities and its deposit taking function. The decision to accept the bank holding company structure carried with it to a large extent the utilization of existing regulatory provisions in effect in connection with existing bank holding application practices and procedures except where modified to insure an adequate but yet a minimal regulatory presence. The House, consequently, receded to the Senate to ensure a streamlined application process with respect to basic definitional matters such as what an ETC is and what activities it can engage in, and on a number of ancillary matters such as the authorization for Export-Import Bank loan guarantees. In addition, definitive guidance is provided to the Federal Reserve Board on how to implement this new statute in a way that will insure the rapid growth of ECTs consistent with the purposes of this Act without unnecessary regulation.

REGULATORY FRAMEWORK

S. 734, as a free standing statute, would have permitted a wide variety of banking institutions to invest in ETCs. Inasmuch as these institutions are regulated by a number of different governmental agencies, S. 734 required a number of general regulatory provisions. H.R. 6016, reported by the House Committee on Banking, Finance and Urban Affairs, on the other hand, elected to restrict banking institution investment in ETCs to bank holding companies and bankers' banks, and therefore constructed its version of this legislation as an amendment to the Bank Holding Company Act of 1956 (treating bankers' banks as holding companies for purposes of this Act). As a result, the various constraints on bank holding company activities already in the Bank Holding Company Act would also automatically apply to invest in ETCs, and it was not necessary to repeat them in the House version of the legislation. Similarly, the restriction on investment to bank holding companies allowed the House to dispense with much of the regulatory complexity of the Senate bill.

In conference, the managers on the part of the Senate, recognizing the House's preference for channeling risks of this kind through holding companies rather than through banks directly, agreed to recede to the House on most basic structural issues, with certain modifications.

As a result, the provisions of the House amendment relating to the amount of bank holding company capital and surplus which can be invested in or loaned to an ETC, the 60-day disapproval procedure on the part of the Federal Reserve Board for such proposed investments, including the notification provision, and the exemption from Section 23A of the Federal Reserve Act are all incorporated in the conference agreement. Similarly, the Senate provisions relating to judicial review, rulemaking authority, state banking laws, and protection of the safety and soundness of the bank, are all deleted, largely because they are covered by various sections of the Bank Holding Company Act which will now apply to investment in ETCs by virtue of the conferees' decision to accept the House approach of placing ETC within that Act. The Senate also receded to the House and agreed to eliminate the restriction on an ETC having the same name as its bank organization parent.

There were, however, several areas where the conferees made significant modifications in the approach of the House amendment.

GUIDANCE TO THE FEDERAL RESERVE BOARD

Most important in that regard is the decision of the conferees to provide additional guidance to the Federal Reserve Board in administering this Act through the addition of a new Section 202 at the beginning of Title II. This section declares it to be the purpose of Title II to provide for meaningful and effective participation by bank holding companies in the financing and development of export trading companies, and that, specifically, the Board should pursue regulatory policies that:

(1) provide for the establishment of export trading companies with powers sufficiently broad to enable them to compete with similar foreign-owned institutions in the United States and abroad.

(2) afford to United States commerce, industry and agriculture, especially small and medium-size firms, a means of exporting at all times;

(3) foster the participation by regional and smaller banks in the development of export trading companies, and

(4) facilitate the formation of joint venture export trading companies between bank holding companies and nonbank firms that provide for the efficient combination of complementary trade and financing services designed to create export trading companies that can handle all of an exporting company's needs."

These objectives, along with the purpose set forth in Title I of the Act, if properly pursued by the Federal Reserve Board, will guarantee the development of effective, "full-service" trading companies with bank holding company involvement that will effectively and aggressively market American products and will not be disadvantaged or limited in competing with foreign-owned export trading companies or with ETCs owned by nonbank firms.

The new section 4(c)(14)(A)(iv) of the Bank Holding Company Act created by the conference substitute provides for disapproval of proposed investments in an export trading company only if the Board determines:

(1) such disapproval is necessary to prevent unsafe or unsound banking practices, undue concentration of resources, decreased or unfair competition, or conflicts of interest;

(2) the Board finds that such investment would affect the financial or managerial resources of a bank holding company to an extent which is likely to have a materially adverse effect on the safety and soundness of any subsidiary bank of such bank holding company; or

(3) the bank holding company fails to furnish the information required by Board regulations.

The second criterion above is a modification proposed by the Senate conferees and accepted by the House. The original language of the House amendment referred only to the "financial or managerial resources of the companies involved." However, the legislative history of that amendment suggested a narrower intent, i.e., "risk to the bank".

In order to reach the intent of the amendment more closely, the conferees agreed on revised wording to clarify the expectation that the Board will focus on risk to the bank, as opposed to other affiliates, and on the specific impact the proposed investment will have on the bank.

DEFINITION OF EXPORT TRADING COMPANY

It is clearly the purpose of both the House and Senate to stimulate the establishment of export trading companies to improve U.S. export capabilities with corresponding favorable effects on American balance of trade, economic growth and employment. The major public benefit sought by enactment of export trading company legislation is jobs for Americans through the promotion of exports.

The necessity of export expansion has never been more obvious. The House amendment to S. 734 would require that a bank-affiliated export trading company be operated "exclusively" for purposes of exporting goods and services produced in the United States and would have permitted importing that was incidental to export activities—that is an import agreement that enhanced export activities would be acceptable. The use of the term "exclusively" was designed to ensure the export promotion

and job creation character of the legislation.

The House, however, receded to the Senate by adopting the Senate's use of the term "principally" in defining the purposes of a bank-affiliated export trading company. This is no way implies a reduced commitment to the bill's purpose: U.S. export promotion. On the contrary, while it is understood that ETCs will periodically have to engage in importing, barter, third party trade, and related activities, the managers intend that such activity be conducted only to further the purposes of the Act. The managers do not expect the preponderance of ETC activity to involve importing.

ETC affiliation with banks represents a breach of the traditional separation of banking and commerce and has necessitated provision for a minimal but adequate regulatory presence. It is the intent of the managers that the regulatory authority, in addition to facilitating bank-related investments in ETCs, examine, supervise, and regulate ETCs in such a way as to assure that bank-affiliated ETCs operate in a manner consistent with the Congressional intent: that ETCs promote, increase, and maximize U.S. exports.

PRODUCT MODIFICATION

The conferees retained the prohibitions on manufacturing and agricultural production that were included in both the Senate bill and the House amendment. The export trading company is intended to be a service-providing organization and not the producer of the products it is exporting. The Senate, however, receded to the House amendment permitting the ETC to undertake incidental product modification, including repackaging, reassembling or extracting byproducts, as is necessary to enable U.S. goods or services to conform with foreign country requirements or to facilitate their sale in foreign countries. The ETC would also be permitted to provide any service deemed necessary to protect it from the additional risk incurred by such product modification.

JOINT VENTURES

The conferees intend that this title not affect the ability of individuals and organizations to form ETCs. State and local government entities, including port authorities, industrial development corporations, and other non-profit organizations, could be an important source of overall export expansion and of the development of innovative export programs keyed to local, state, and regional needs. In addition, other organizations, for example, agricultural cooperatives, have similar experience and needs. This title in no way affects the ability of such organizations to continue these efforts including their ability to organize, own, participate in or support ETCs. This title addresses only the question of whether banking organizations should be authorized to invest in ETCs and, if so, the restrictions which would be placed on ETCs sponsored by such banking organizations.

The conferees that this title does not preclude a banking organization that is authorized to invest in an ETC from engaging in a joint venture, partnership or other cooperative arrangement with other authorized banking organizations or other nonbanking firms to organize an ETC. Such cooperative arrangements are in fact to be encouraged. There are numerous firms and organizations which may want to form an ETC but feel that they lack either investment capital or expertise. A banking organization may well be able to provide such assistance through a joint venture or partnership arrangement with these other firms. The ETC so supported, however, would be subject to the restrictions contained in this legislation inasmuch as a banking organization is investing in that ETC.

PERMITTED SERVICES

Both the Senate bill and the House amendment contained a list of services which a bank-affiliated export trading company is permitted to provide. Those lists were identical except for three elements: (1) the Senate bill used the phrase "including, but not limited to" to make clear the list is a non-exclusive one; (2) the House amendment contained an explicit reference to "taking title"; and (3) the Senate bill's list included "insurance".

The House by receding to the Senate on the first issue, insured that the list of permitted services is a non-exclusive one. With regard to the second issue, "taking of title", the Senate receded to the House. The Senate bill would have implicitly permitted such an activity. To eliminate any possible ambiguity, the explicit authority contained in the House version was adopted.

Regarding "insurance", the House receded to the Senate with an amendment. The conferees determined it to be appropriate to permit bank holding companies to provide insurance on risks resident or located, or activities performed, outside of the United States. Since a large proportion of cargos moving overseas originate at a point that is located away from the port of shipment, it has become customary for insurance carriers providing insurance for such cargos to endorse their policies to cover cargos for export from the point of their origin in final transit to their destination, including ordinary delay and storage. Such ocean cargo "warehouse to warehouse" coverages provide insurance protection for all risks related to the land, air, or water transportation of the cargo in the United States as well as during the overseas transportation. In addition to permitting export trading companies to provide insurance on risks outside of the United States, therefore, the conferees determined that it would facilitate the provision of export trade services for export trading companies to provide ocean cargo "warehouse to warehouse" insurance as well, and accordingly amended the definition of insurance activities permitted in support of export trade services, reflecting the conferees' decision.

The conferees also considered the possibility of expanding the range of institutions eligible to invest in ETCs to include Edge Act Corporations. This proposal was included in the Senate bill because the expertise and experience of Edge Act Corporations in international trade matters made it logical to encourage their involvement in ETCs. On the other hand, the conferees were also concerned about the added potential risk to a bank if an ETC were formed by an Edge Act Corporation that was a subsidiary of a bank. It was the strong view of the House that the best protection for the bank and its depositors was to channel all trading company activity through the bankers' bank and bank holding company structures. Accordingly, the conferees agreed that Edge Act Corporations that are subsidiaries of bankholding companies are eligible to invest in ETCs. The inclusion of bankers' banks as eligible investors—a provision of both the Senate bill and the House amendment, will also facilitate the involvement of smaller banks in ETCs.

The conferees also discussed whether the mechanism for Board approval of a proposed investment should apply only to investments that would give the holding company control of the ETC, as in the Senate bill, or whether the standard in the Bank Holding Company Act requiring Board consideration of any investment constituting over 5 percent of an export trading company should apply.

In this case, the conferees, recognizing the newness of this concept, opted for the stricter House approach contained in the Bank Holding Company Act. In doing so, however, the conferees stressed their intent that the Board, as soon as possible, both decentralize this review process to the level of the Federal Reserve District Banks and consider providing guidelines for smaller investments (those that would result in a controlling interest for the holding company) that would minimize the review process and reduce the regulatory burden on the Board.

SECTION 23A

The Senate receded to the House on the exemption of bank-affiliated export trading companies from the provisions of Section 23A of the Federal Reserve Act. During the start-up phase in an effort to encourage maximum bank participation in export trading company activities, the conferees believe that the overall limitation of ten percent of the consolidated capital and surplus of the bank holding company, on extensions of credit to an affiliated export trading company, would adequately protect affiliated banks from excessive risks, and that the exemption from the collateral requirement of existing law is necessary in view of the type of assets most ETC's would have. The conferees, however, intend to review the decision in connection with an imminent major revision of 23A either as part of a possible conference on legislation separately passed by the Senate or at such time as revisions to 23A receive final consideration by the Congress.

REPORTS

Section 205 of the substitute contains the Senate bill's provision calling for a report by the Federal Reserve two years after the enactment of this Act on the implementation of the banking provisions, recommendations for further changes in U.S. law to facilitate the financing of U.S. exports, and recommendations on the effects of ownership of U.S. banks by foreign banking organizations affiliated with trading companies doing business in the United States.

EXPORT-IMPORT BANK

The House receded with an amendment to the Senate on the latter's provision establishing a program of Export-Import Bank guarantees for loans extended by financial institutions or other creditors to ETCs or other exporters, where such loans are secured by export accounts receivable or inventories of exportable goods. The House amendment to the Senate provision clarifies the eligibility of public creditors (port authorities, agencies of state and local governments, and governmental instrumentalities) as well as private creditors for Export-Import bank guarantees.

BANKERS' ACCEPTANCES

The conferees want to emphasize strongly that the adoption of this long overdue liberalization of the present limits on bankers' acceptance in on way is intended to impinge upon or restrict the inherent powers of the Federal Reserve Board to issue appropriate regulations to prevent circumvention of the

new liberalized limits through the imprudent use of participation agreements. The conferees have been advised of an ongoing analysis by the Federal Financial Institutions Examination Council on the proper treatment of participation of bankers' acceptances, preparatory to the development of a proposed united policy approach by each Federal regulatory agency. The conferees encourage this action to the extent it is consistent with and in furtherance of the language, history, and purposes of this legislation or demonstrable safety and soundness concerns. In this regard, the conferees require that the Council report to the respective Committees of jurisdiction within 18 months after the date of enactment, the results of its analysis, a summary of any individual regulatory agency action viewed as needed, and any legislative recommendations relating to safety and soundness considerations. In the meantime, however, the conferees stress that no action should be taken, either by regulation or other requirement to preclude the use of bankers' acceptances through the use of participations, as contemplated by this legislation, by the widest number of American banks.

TITLE III—EXPORT TRADE CERTIFICATES OF REVIEW

The House and Senate Conferees agreed upon a substitute amendment for Title III of S. 734 which incorporates elements from both S. 734 and the House Amendment to S. 734.

Section 301 is a statement that the purpose of this Title is to promote U.S. export trade by affording U.S. business an export trade certificate of review process.

Section 302 provides the procedures a person must follow to apply for a certificate of review. To obtain a certificate of review, any individual, firm, partnership, association, public or private corporation, or other legal entity, including a public or private body, submits a written application to the Secretary of Commerce. The Secretary of Commerce shall forward applications and other specified information to the Attorney General within 7 days of receipt. All applications must be in a form and contain all information required by regulation.

Within 10 days of receiving the application, the Secretary of Commerce shall publish in the Federal Register a notice identifying the applicant and describing the conduct for which certification is sought.

Section 303(a) provides that a certificate shall be issued to a person who establishes that its proposed conduct will (1) result in neither a substantial lessening of competition or substantial restraint of trade within the United States nor constitute a substantial restraint of the export trade of any competitor of the applicant; (2) not unreasonably enhance, stabilize, or depress prices within the United States; (3) not constitute unfair methods of competition against competitors engaged in the export trade of goods or services exported by the applicant; and (4) not reasonably be expected to result in the consumption or resale in the United States of goods or services exported by the applicant. The Conferees intend that the standards set forth in this subsection encompass the full range of the antitrust laws.

Section 303(b) provides that within 90 days, the Secretary must determine whether the applicant's export trade, export trade activities, and methods of operation meet the standards of Section 303(a). The Secretary shall not issue the certificate without the concurrence of the Attorney General that the standards of Section 303 are met. The certificate must specify the export trade, export trade activities, and methods of operation certified, the person to whom the certificate is issued, and any terms and conditions deemed necessary by the Secretary or the Attorney General to assure compliance with the standards of subsection (a).

Section 303(c) provides for expedited certification where necessary; however, no certificate may issue before 30 days from the date of publication of the Federal Register notice, whether or not the application is expedited.

Section 303(d)(1) provides that the Secretary shall notify the applicant of an adverse determination and the reasons therefore.

Section 303(d) permits an applicant to request reconsideration of the Secretary's decision. The Secretary, with the concurrence of the Attorney General, shall respond within 30 days.

Section 303(e) provides for the return of documents submitted in connection with an application upon written request of an applicant whose certificate of review has been denied.

Section 303(f) provides that any aspect of a certificate procured by fraud is void ab initio.

Section 304(a) provides that the holder of any certificate of review is obligated to report to the Secretary changes relevant to the matters contained in the certificate and may seek an amendment to the certificate to reflect any necessary change. An application for amendment is to be treated as an application for the issuance of a certificate.

Section 304(b)(1) provides that the Secretary shall, at his own initiative or at the request of the Attorney General, seek information from a certificate-holder to resolve any uncertainty concerning compliance. Failure to comply with such a request is grounds for modification or revocation of the certificate pursuant to subsection (b)(a).

Section 304(b)(2) provides that the Secretary of Commerce, at his own initiative or at the request of the Attorney General, may seek revocation of the certificate.

Section 304(b)(3) is intended to assure that the Attorney General investigate persons other than the certificate-holder through use of the civil investigative demand as set forth in the Antitrust Civil Process Act as amended (15 U.S.C. 1311 et seq.) regarding activities which may not be in compliance with the standards in section 303(a). If, upon an investigation, the Attorney General determines that the export trade activities or methods of operation of the certificate-holder no longer comply with section 303(a) standards, he shall advise the Secretary who then must initiate a revocation or modification proceeding under subsection (b)(2).

Section 305(a) provides that a review of a grant or denial of an application for a certificate or an amendment thereto or revocation or modification thereof of any person aggrieved by such determination if such suit is brought within 30 days of the determination. Normally, the administrative record shall be adequate so that it will not be necessary to supplement it with additional evidence.

The Senate bill required, prior to revocation or modification of a certificate, a hearing as appropriate under the circumstances. The House bill did not require a hearing. In following the House approach, the Conferees understood that, should the Secretary nevertheless establish a hearing procedure, S. 734 would not require use of the procedures of the Administrative Procedures Act.

Section 305(b) provides that no action by the Secretary or Attorney General under this title, except for an action under Subsection 305(a), is subject to judicial review.

Section 305(c) makes explicit that any denial by the Secretary, in whole or in part, of a proposal for issuance of a certificate, or amendment thereto, or any determination by the Secretary to revoke the application, or reasons therefor, is not admissible in evidence in any administrative or judicial proceeding in support of a claim under the antitrust laws as defined in this title.

Subsection 306(a) protects a certificate-holder from criminal and civil antitrust actions, under both federal and state laws, whenever the conduct that forms the basis of the action is specified in, and complies with, the terms of the certificate. Conduct which falls outside the scope of, or violates the terms of, the certificate is ultra vires and would not be protected. Such conduct would remain fully subject to criminal sanctions as well as both private and governmental civil enforcement suits under the antitrust laws.

The Conferees agreed that the protections conferred by a certificate extend to all members of a certified entity provided that each member is listed on the certificate.

Section 306(b)(1) permits persons injured by the conduct of a certificate-holder to bring suit for injunctive relief and single damages for a violation of the standards set forth in Section 303(a). Pursuant to section 306(b)(2), any such suit must be brought within two years of the date the plaintiff has notice of the violation. Section 306(b)(3) accords a presumption of legality to persons operating within the terms of conduct specified in a certificate. Subsection (b)(4) permits a certificate holder to recover the cost of defending the suit (including reasonable attorneys fees) if the claimant fails to establish that the standards of section 303(a) have been violated.

Section 306(b)(1) provides that all procedures applicable to antitrust litigation, including laws and rules to expedite a proceeding or to prevent dilatory tactics, apply to actions brought under this title. The standards under section 303(a), the remedies under this subsection, as well as the provisions concerning the statute of limitations, a presumption of validity, and the awarding of costs to the certificate holder, including attorneys fees, remain the exclusive provision governing actions under this Act. Moreover, section 16 of the Clayton Act, so far as it pertains to injunctive actions for threatened (as opposed to actual) injury or to violations of the antitrust laws such as sections 2, 3, 7, and 8 of the Clayton Act, are inapplicable to actions authorized by section 306 of this Act.

Section 306(b)(5) permits the Attorney General, notwithstanding the limitations in section 306(a)(1), to bring suit pursuant to Section 15 of the Clayton Act (15 U.S.C. 25) to enjoin conduct threatening clear and irreparable harm to the national interest.

Both the House and Senate versions contemplated the promulgation of guidelines to assist applicants, potential applicants, and the public in understanding the issuing authority's interpretation of the certification criteria. The Conferees agreed upon section 307, which is similar to the House version, except that the Secretary issues the guidelines. Under section 307, the Secretary, with the concurrence of the Attorney General, may publish guidelines that describe conduct with respect to which determinations have been made or might be made,

with a summary of the factual and legal bases underlying the determinations. The guidelines may be based upon real or hypothetical cases. Because the purpose of this section is to disseminate information, the Secretary is not required to use rulemaking procedures, although he may if he so chooses.

The Conferees agreed upon section 308, which tracks the Senate version of a similar provision. Under section 307, every person to whom a certificate has been issued shall submit to the Secretary an annual report, in such form and at such time that he may require, that updates, where necessary, the information required by section 302(a).

The Conferees agreed upon section 309, which tracks version in the House. Under subsection 30.9(a), all information submitted by a person in connection with the issuance, amendment, or revocation of a certificate of review is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. § 552. In addition, under subsection (b)(1), no officer or employee of the United States shall disclose commerical or financial information submitted in connection with the issuance, amendment or revocation of a certificate of review if the information is privileged or confidential and if disclosure of the information would cause harm to the person who submitted the information. This limitation is subsect to six exceptions, contained in subparagraph 309(b)(2). The first exception in subsection 309(b)(2)(A), covers requests of Congress or a committee of Congress. This provision would not authorize release to an individual Member of Congress, but would authorize release to a Chair acting for the Committee or Subcommittee. The Conferees understand that Committees will exercise appropriate care to protect confidential information. The second exception, subparagraph 309(b)(2)(B), permits disclosure in a judicial or administrative proceeding subject to an appropriate protective order; the third exception, subparagraph 309(b)(2)(C), permits disclosure with the consent of the submitting party; the fourth exception, suparagraph 309(b)(2)(D), permits necessary disclosures in making determinations on applications; the fifth exception, subparagraph 309(b)(2)(E), permits disclosure in accordance with statute; and the final exception, subparagraph 309(b)(2)(F), permits disclosure to agencies of the United States and the States if the receiving agency will agree to the limitation contained in subparagraph (A) through (E).

Both the House and Senate versions contemplated the issuance of implementing rules. The Conferees agreed on section 310, which directs the Secretary, with the concurrence of the Attorney General, to promulgate rules and regulations necessary to carry out the purposes of the Act.

Both the Senate and the House versions defined important terms. The Conferees agreed to include, in section 311, a definition section which adopts elements from both versions as well as certain additional definitions necessary to ensure proper interpretation of Title III.

The Conferees agreed upon section 312, which is similar to the effective date provision in the House version. Under subsection 312(a), all provisions except sections 302 and 303 take effect immediately upon enactment of the legislation. Under subsection 312(b), sections 302 and 303 the application and issuance provisions, take effect 90 days after the rules are promulgated under section 310.

TITLE IV—FOREIGN TRADE ANTITRUST IMPROVEMENTS

The House and Senate Conferees agreed upon a new Title IV which supplements the antitrust certification provisions (Title III).

The new title incorporates two sections from H.R. 5235, passed by the House on August 3, 1982. These sections modify the Sherman Act and Section 5 of the Federal Trade Commission Act to require a "direct, substantial, and reasonable foreseeable" effect on commerce in the United States, or on the export commerce of a U.S. resident, as a jurisdictional threshold for enforcement actions.

For title I of the House amendment and modifications committed to conference:

CLEMENT J. ZABLOCKI,
JONATHAN BINGHAM,
DENNIS E. ECKART,
DON BONKER,
HOWARD WOLPE,
WM. BROOMFIELD,
ROBERT J. LAGOMARSINO,
ARLEN ERDAHL,
BENJAMIN A. GILMAN,
MILLICENT FENWICK,

For title II of the House amendment and modifications committed to conference:

FERNAND ST GERMAIN,
FRANK ANNUNZIO,
JOE MINISH,
JOHN J. LAFALCE,
DOUG BARNARD, JR.
J. W. STANTON,
CHALMERS P. WYLIE,
STEWART B. MCKINNEY,
JIM LEACH,

For title III of the House amendment and modifications committed to conference:

PETER W. RODINO,
BILL HUGHES,
ROBERT MCCLORY,
M. CALDWELL BUTLER,
Managers on the Part of the House.

JAKE GARN,
JOHN HEINZ,
WILLIAM ARMSTRONG,
JOHN H. CHAFEE,
JOHN C. DANFORTH,
DON RIEGLE,
BILL PROXMIRE,
CHRISTOPHER J. DODD,
ALAN DIXON,
Managers on the Part of the Senate.

□ 1600

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I take this time for the purpose of inquiring of either the Chair or the distinguished majority leader the balance of the program, at least as currently scheduled.

I am happy to yield to my friend from Texas, the distinguished majority leader.

Mr. WRIGHT. I thank the gentleman for yielding.

In response to the distinguished minority leader, it is the purpose of the Chair at this time to take unanimous-consent requests which have been cleared on both sides and on which there is no controversy.

As we understand it, there are some four that fit in that category.

Immediately following those unanimous-consent requests, it is the purpose of the Chair to recognize the gentleman from Mississippi (Mr. WHITTEN), the chairman of the Committee on Appropriations, in order that he may bring up the conference report on the continuing appropriations.

Then other available conference reports will follow. There may be some conference reports that would be ready for our consideration.

Mr. MICHEL. Mr. Speaker, I thank the distinguished majority leader.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2330) entitled "An act to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House with amendments to bills of the Senate of the following titles:

S. 2273. An act to amend section 7 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) to extend authorizations for appropriations, and for other purposes;

S. 2420. An act to protect victims of crime; and

S. 2577. An act to authorize appropriations for environmental research, development, and demonstrations for the fiscal year 1983, and for other purposes.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1018) entitled "An act to protect and conserve fish and wildlife resources, and for other purposes," agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STAFFORD, Mr. CHAFEE, Mr. GORTON, Mr. RANDOLPH, and Mr. MOYNIHAN to be the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1371. An act to amend section 12 of the Contract Disputes Act of 1978;

H.R. 3467. An act to authorize appropriations under the Arms Control and Disarmament Act, and for other purposes;

H.R. 6204. An act to provide for appointment and authority of the Supreme Court Police, and for other purposes; and

H.R. 6946. An act to amend title 18 of the United States Code to provide penalties for certain false identification related crimes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 6946) entitled "An act to amend title 18 of the United States Code to provide penalties for certain false identification related crimes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. THURMOND, Mr. LAXALT, Mr. HATCH, Mr. SIMPSON, Mr. HUMPHREY, Mr. BIDEN, Mr. DECONCINI, and Mr. HEFLIN to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 2574. An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes;

S. 2671. An act to provide for the establishment of a Commission on the Bicentennial of the Constitution;

S. 3002. An act to increase the authorization of appropriations for the Allen J. Ellender fellowship program, and for other purposes;

S.J. Res. 228. Joint resolution to provide for the designation of the week beginning on October 24, 1982, as "National Tourette Syndrome Awareness Week";

S.J. Res. 236. Joint resolution to designate the week of October 24 through 28, 1982, as "National Water Resources Week";

S.J. Res. 237. Joint resolution designating November 14, 1982, as "National Retired Teachers Day";

S.J. Res. 260. Joint resolution to designate the period commencing January 1, 1983, and ending December 31, as the Tricentennial Anniversary Year of German Settlement in America";

S.J. Res. 261. Joint resolution to designate "National Housing Week"; and

S.J. Res. 262. Joint resolution to designate the month of November 1982 as "National Christmas Seal Month."

The message also announced that the Secretary of the Senate be directed to return to the House of Representatives, pursuant to House Resolution 605, the bill (S. 1210) entitled "An act amending the Environmental Quality Improvement Act of 1970," together with all accompanying papers.

PREFERENTIAL TREATMENT IN ADMISSION OF CERTAIN CHILDREN OF U.S. CITIZENS

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1698) to amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of U.S. citizens, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. FISH. Mr. Speaker, reserving the right to object, and I do so only with great joy that we are here at this point, to ask the chairman of the Subcommittee on Immigration, Refugees, and International Law of the Committee on Judiciary if he would explain S. 1698.

Mr. MAZZOLI. Mr. Speaker, will the gentleman yield to me?

Mr. FISH. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Speaker, let me say to my friend from New York, the ranking member on our subcommittee, that what the gentleman from Kentucky is going to do in a few more legislative steps is to bring to the attention of the House the so-called Amerasian bill in order that, before we leave for the pre-election recess, we will have passed and made a matter of law a method by which these young children in Southeast Asia, fathered by U.S. citizens, will be able to come to this country.

Mr. FISH. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by inserting at the end thereof the following new subsection:

"(h)(1) Any alien claiming to be an alien described in paragraph (2) of this subsection (or any person on behalf of such an alien) may file a petition with the Attorney General for classification under section 201(b), 203(a)(1), or 203(a)(4), as appropriate. After an investigation of the facts of each case the Attorney General shall, if he has reason to believe that the alien is an alien described in paragraph 2 of this subsection, approve the petition and forward one copy to the Department of State.

"(2) The Attorney General may approve petitions under paragraph (1) of this subsection if he has received an acceptable guarantee of financial support as described in paragraph (4) of this subsection and if he has reason to believe that—

"(a) the alien was born in Korea, Vietnam, Laos, Kampuchea, or Thailand after 1950; and

"(B) the alien was fathered by a United States citizen.

"(3) In considering petitions filed under paragraph (1), the Attorney General shall—

"(A) consult with appropriate governmental officials and officials of private voluntary organizations in the country of the alien's birth in order to make the determination described in subparagraphs (A) and (B) of paragraph 2; and

"(B) consider the physical appearance of the alien and any evidence provided by the petitioner, including birth and baptismal certificates, local civil records, photographs of, and letters or proof of financial support from, a putative father who is a citizen of the United States, and the testimony of witnesses, to the extent it is relevant or probative.

"(4)(A) A guarantee of financial support for an alien described in paragraph (2) must—

"(i) be signed in the presence of an immigration officer or consular officer by an individual (hereinafter in this paragraph referred to as the 'sponsor') who is twenty-one years of age or older and is a citizen of the United States or alien lawfully admitted for permanent residence, and

"(ii) provide that the sponsor agrees to furnish, during the five-year period beginning on the date of the alien's acquiring the status of an alien lawfully admitted for permanent residence, or beginning on the date of the alien's acquiring the status of an alien lawfully admitted for permanent residence and ending on the date on which the alien becomes twenty-one years of age, whichever period is longer, such financial support as is necessary to maintain the family in the United States of which the alien is a member at a level equal to at least 125 per centum of the current official poverty line (as established by the Director of the Office of Management and Budget, under section 673(2) of the Omnibus Budget Reconciliation Act of 1981 and as revised by the Secretary of Health and Human Services under section 652 of such Act) for a family of the same size as the size of the alien's family.

"(B) A guarantee of financial support described in subparagraph (A) may be enforced with respect to an alien against his sponsor in a civil suit brought by the Attorney General in the United States district court for the district in which the sponsor resides, except that a sponsor of his estate shall not be liable under such a guarantee if the sponsor dies or is adjudicated a bankrupt under title II, United States Code.".

AMENDMENTS OFFERED BY MR. MAZZOLI

Mr. MAZZOLI. Mr. Speaker, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. MAZZOLI:

Page 2, lines 9 and 10, strike out "(h)(1)" and "(2) of this subsection" and insert in lieu thereof "(g)(1)" and "(2)(A)", respectively.

Page 2, beginning on line 14, strike out "if" and all that follows up to the comma on line 16 and insert in lieu thereof "if the conditions described in paragraph (2) are met".

Pate 2, line 17, strike out "Department" and insert in lieu thereof "Secretary".

Page 2, amend lines 18 through 25 to read as follows:

"(2) The Attorney General may approve a petition for an alien under paragraph (1) if—

"(A) he has reason to believe that the alien (i) was born in Korea, Vietnam, Laos, Kampuchea, or Thailand after 1950 and before the date of the enactment of this subsection, and (ii) was fathered by a United States citizen;

"(B) he has received an acceptable guarantee of legal custody and financial responsiblity described in paragraph (4); and

"(C) in the case of an alien under 18 years of age, (i) the alien's placement with a sponsor in the United States has been arranged by an appropriate public, private, or State child welfare agency licensed in the United States and actively involved in the intercountry placement of children and (ii) the alien's mother or guardian has in writing irrevocably released the alien for emigration.

Page 3, amend lines 6 and 7 to read as follows: "determinations described in subpara-

graphs (A) and (C)(ii) of paragraph (2); and".

Page 3, line 15, and page 4, line 16, strike out "financial support" and insert in lieu thereof "legal custody and financial responsibility".

Page 3, line 20, insert ", is of good moral character," after "older".

Page 3, line 23, insert after "agrees" the following: "(I) in the case of an alien under 18 years of age, to assume legal custody for the alien after the alien's departure to the United States and until the alien becomes 18 years of age, in accordance with the laws of the State where the alien and the sponsor will reside, and (II)".

Page 4, line 1, insert "during the period" after "or".

Page 4, lines 20 and 22, strike out "of his estate" and "title II" and insert in lieu thereof "or his estate" and "title 11", respectively.

Mr. MAZZOLI (during the reading). Mr. Speaker, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. MAZZOLI. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New Jersey (Mr. RODINO) the chairman of the Committee on the Judiciary.

Mr. RODINO. Mr. Speaker, I rise in support of the request being made by the gentleman from Kentucky (Mr. MAZZOLI). I know that the gentleman from New York (Mr. FISH) who has cosponsored the bill, along with the gentleman from Connecticut (Mr. MCKINNEY) believe this is a worthwhile endeavor and I am sure it will have the support of the whole House.

Mr. Speaker, I am pleased that we are able to consider this matter in this rather extraordinary fashion.

The Committee on the Judiciary just this week favorably reported a similar measure to the House as a part of a comprehensive immigration reform bill (H.R. 6514).

Some of the provisions contained in the committee version of this legislation are now contained in the amendment which has been proposed by the gentleman from Kentucky (Mr. MAZZOLI), the chairman of the Judiciary Subcommittee on Immigration, Refugees, and International Law.

Enactment of this legislation is certainly long overdue and it responds in an effective and practical manner to a most difficult humanitarian problem. In my judgment, it recognizes a moral responsibility that we have to these children who have been fathered by Americans abroad.

The purpose of this amendment is to insure the safety and well-being of these children after they immigrate to the United States. There is certainly a consensus that every possible step should be taken to insure that the sponsorship process is legitimate. The committee amendment accomplished this by requiring the involvement of State child welfare agencies as well as other public and private agencies who are familiar with the process of intercountry adoption and the intercountry placement of unaccompanied minors, orphans, and other similarly situated children.

The potential for exploitation must be addressed and the amendement embodies some of the precautions that have been taken in recent years with regard to the intercountry adoption of children and the process of admitting refugees who are unaccompanied minors from various countries of first asylum in Southeast Asia.

As noted in a recent Washington Post editorial the committee's action with respect to the Amerasian legislation "preserves the spirit of the bill and eliminates some possible problems."

Because of the unique nature of this legislation, it is the committee's intent that the Attorney General should closely monitor the implementation of this legislation and report to the Judiciary Committee on a regular basis concerning the sponsorship process and the progress that is made under this legislation. In fact, the Attorney General is directed to file specific reports to the Committee on the Judiciary on this matter, as well as on the impact that the legislation has had on existing family relations abroad, particulary in view of my concern that some family separation and dislocation will result from this bill. The committee also expects that the Attorney General issue regulations to specifically implement these safeguards and it is anticipated that close consultation with the Judiciary Committee is an essential requirement in that process.

Once again, the protective provisions contained in the amendment are essential in insuring that these children will be properly treated after arrival here and I certainly concur in the following recommendations made by the Children's Committee on Amerasian Children and Youth of the American Council of Voluntary Agencies for Foreign Service, Inc.:

> The placement of Amerasian chidren and young adults in the United States should be carried out by well qualified child welfare agencies. Different alternatives such as family reunification, adoption, foster care or group placement should be considered according to individual cases.

It is also pointed out by that same committee that Amerasian children will indeed have special needs based on the severe social and economical hardships that they have experienced over the years because of their mixed heritage.

It is evident that these individuals, once admitted to the United States, will require special counseling and other social services leading to their assimilation into American society. It is the committee's hope that adequate resources will be made available to insure that these social services are properly and effectively delivered to these Amerasian children.

In summary, this is indeed extremely meritorious legislation and I urge my colleagues support of this bill and the amendment that is now under consideration.

Mr. FISH. Mr. Chairman, will the chairman of the subcommittee yield to me?

Mr. MAZZOLI. I yield to my friend, the gentleman from New York, Mr. FISH, the ranking minority member of the subcommittee.

Mr. FISH. Mr. Speaker, I am pleased to speak in support of House passage of S. 1698, legislation that will permit children born in certain Asian countries and fathered by Americans to come at long last to the United States.

The gentlemen from Connecticut (Mr. MCKINNEY) deserves great credit for his untiring efforts in this body to champion the cause of these forgotten sons and daughters of Americans. He has served as the conscence of the Congress on a matter of great humanitarian concern and has brought the plight of these children to the forefront of public attention.

The Immigration Reform and Control Act of 1982, which has been reported favorably by the House Committee on the Judiciary, also includes relief for persons often referred to as Amerasians. The recent passage by the Senate of S. 1698, however, gives us a vehicle to address this problem in the current session. Amerasians have waited many years to come home to the land of their fathers. Further delay would be unconscionable.

A humane people cannot consign their sons and daughters to live lives as outcasts in other lands. The heartrending accounts of the struggles of these children to hold onto some measure of dignity—vividly described in testimony before the House Immigration Subcommittee—convince me beyond doubt of the need for this legislation.

The United States will be a better country as a result of what we are about to do today.

Mr. MAZZOLI. Madam Speaker, I yield to my friend, the gentleman from Connecticut (Mr. MCKINNEY).

Mr. MCKINNEY. I thank the chairman of the subcommittee.

Madam Speaker, it is with great pleasure that I join with my colleagues in passing S. 1698, the Senate companion to H.R. 808, the Amerasian Immigration Act. As the legislation now states, it will allow individuals born to U.S. citizens and Asian mothers in Korea, Vietnam, Laos, Thailand, and Cambodia (Kampuchea) to immigrate to the United States under their proper preference—as sons and daugh-

ters of U.S. citizens. The passage of the legislation will finally allow these individuals the opportunity to live a life where they are not forever condemned as outcasts.

The long and arduous legislative effort over the past 4 years could not have been successfully carried through without the assistance of the many citizen groups, private voluntary agencies, interested individuals and those in Congress who persisted throughout the legislative malaise. These include Father Alfred Keane and Friends of Children who first brought the plight of the Amerasians to my attention, Jodie and Dick Darragh of Americans for International Aid who coordinated and kept the public interest going strong, Senator JEREMIAH DENTON and Senator CARL LEVIN who introduced and carried the Amerasian legislation through the Senate and finally to the 274 cosponsors of my legislation in the House who garnered the support to finally bring the bill up for House consideration. To all these people I give my deep thanks.

Mr. MAZZOLI. Madam Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. MCCLORY).

Mr. McCLORY. I thank the gentleman from Kentucky for yielding to me.

Madam Speaker, this is important remedial legislation designed to assist certain neglected sons and daughters of U.S. citizens. The hearing record before the Subcommittee on Immigration, Refugees, and International Law on H.R. 808, a similar bill introduced by the gentleman from Connecticut (Mr. MCKINNEY), amply documents the necessity of providing opportunities for Amerasians to come to the United States.

Relief for Amerasians is part of the comprehensive immigration bill that has been reported favorably by the Committee on the Judiciary. I had hoped that the Immigration Reform and Control Act of 1982 would be brought before us and passed during this session. It is not going to happen before we adjourn today, but I am happy that this bill relating to Amerasians will be acted upon favorably at this time.

I join with my colleagues in commending the gentleman from Connecticut (Mr. MCKINNEY) for his extraordinary work in building a broad bipartisan consensus in this body for the action we are about to take today.

Mr. MAZZOLI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the bill before the House today, S. 1698, a bill to provide immigration benefits to Amerasian children represents all that is good and humane about our country.

This is truly a landmark piece of legislation.

The Amerasian children, those half-Asian, half-American children fathered by Americans while serving our country in Asia, have suffered greatly because of their mixed heritage. In Vietnam, they are known as the "dust children," often living in the streets without any food or shelter.

The legislation we are considering will allow these Amerasians to come to the United States where they can live rich and fulfilling lives. Many of them will be reunited with fathers they have not seen in many years. Others will be adopted or sponsored by generous Americans who want to help these young people lead happy lives.

The discrimination these Amerasians suffer has been documented in hearings before the Subcommittee on Immigration, Refugees, and International Law. Recently, Gen. John Vesey, Chairman of the Joint Chiefs of Staff came to my office to put in his own personal views on behalf of the Amerasian children who he has seen during his tours of duty in Southeast Asia.

I will be offering an amendment to the bill which makes various technical corrections in the Senate passed version. It also tightens the sponsorship system for these Amerasians so that we can be sure that they can be placed with proper sponsors when they come to our country.

This legislation has widespread support across our land. I am proud of all those American people who have taken the time to write or telephone on behalf of this important legislation. I also want to pay tribute to my colleagues STEWART MCKINNEY and BARNEY FRANK and to Senators JEREMIAH DENTON and CARL LEVIN who have worked so diligently on this bill.

I also want to thank Chairman PETER W. RODINO, JR., Congressman HAMILTON FISH, my Senate counterpart Chairman Senator AL SIMPSON, and the Speaker of this House, all of whom have worked to pass this important bill.

This legislation is strongly supported by the administration. Religious organizations and voluntary agencies across the country support it.

This is a good and important bill, and I urge its adoption with the amendments that I will offer.

Madam Speaker, at this point I yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. I want to thank the gentleman from Kentucky (Mr. MAZZOLI) and commend him, and particularly the gentleman from Connecticut (Mr. MCKINNEY).

Madam Speaker, I am very pleased to have the chance at last to speak on floor of this House in favor of the bill to bring our Amerasian children home. I believe it is a matter of simple justice for us in the United States to welcome those children who were fathered by American servicemen in various Asian countries. It has been well documented that these children suffer severe discrimination in the countries of their birth, for no reason other than their mixed parentage. It would be unworthy of a great nation like the United States to refuse to rescue these young people from lives of torment and abuse. Obviously, there are limits to what any nation can absorb in terms of foreign immigration. But we are talking here about a relatively small number of people. And more important, we are talking about not only young people but vulnerable young people who were brought into this world as a result of American military people who were stationed overseas.

I first learned of this measure when my colleague from Massachusetts (Mr. DONNELLY) asked me to see Father John Keane, of Milton, Mass., in Mr. DONNELLY's district. I listened with great interest and growing concern to Father Keane's information about the plight of these young people, with whom he had become very familiar in this work in South Korea on their behalf. From that point on, as a member of the Subcommittee on Immigration, I made passage of this legislation a high priority.

I want, in particular, to express my appreciation to the gentleman from Connecticut, Mr. MCKINNEY, for the tenacity and skill he has shown in bringing this issue to the attention of our colleagues, and in bringing it to final passage. I have been pleased to work with him on this important cause. The American economy will not be affected by the small number of people to be admitted under this bill; nor will the job market for Americans. What will be affected are the lives of these young people. We have today taken an action that will open the doors of America to people who have been mistreated by no fault of their own.

I am proud to be a Member of the House that accomplishes this purpose.

Mr. MAZZOLI. Madam Speaker, at this time I yield such time as he may consume to the gentleman from Michigan (Mr. SAWYER), a member of the committee.

Mr. SAWYER. Madam Speaker, I thank the gentleman from Kentucky.

I just want to congratulate the gentleman's subcommittee for this bill. I think it is long overdue. It acknowledges, and I acknowledge, the work of the gentleman from Connecticut (Mr. MCKINNEY) who has made this kind of his project, and the gentleman from Kentucky for seeing it through.

I think it does equity where equity should have been done. I think this is a very, very fine piece of legislation

and I congratulate all Members who have worked on it.

Mr. MAZZOLI. Madam Speaker, I yield very briefly to my friend, the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. I thank the gentleman for yielding to me.

Madam Speaker, we are very fortunate to live in this country, so fortunate, I am afraid, that we do not always comprehend the extent to which our political and social system differ from those in other countries.

It is simply a fact that, in many countries in which the U.S. military has had a significant presence those societies place a premium on racial purity. Racial purity, Mr. Speaker, with all the consequences of prejudice, discrimination, and cruel exclusionary practices that implies.

The children fathered by our overseas personnel in such nations are regarded as nonpeople, denied the opportunity to go to school or hold jobs, denied even the right to a last name, because last names are given by the father. If these children were worthy, the reasoning goes, their fathers would claim them.

But we, the land of their fathers, have refused to claim them.

It is not suprising, then, that in such desperation these young people turn to lives of crime and prostitution; no other avenues are open to them.

Madam Speaker, this bill would not increase the numbers of people entering the United States each year as immigrants; it would not increase the number of people on welfare; it would not cost the taxpayers anything. It would simply remove an unreasonable impediment in our existing law.

Madam Speaker, I believe that if my colleagues were fully aware of how little this bill requires of the U.S. Treasury, and how profoundly it would alter for the better the lives of these children, not one of my colleagues would vote in opposition of it, and I urge all of my colleagues to vote for this long overdue bill.

Mr. MAZZOLI. Madam Speaker, I yield at this time to the gentleman from California (Mr. PHILLIP BURTON).

Mr. PHILLIP BURTON. Madam Speaker, I would like to commend the committee and our colleague, Mr. MCKINNEY, on this legislation. I am very pleased to be a coauthor of this bill—it is in the finest tradition of our American values.

The House has faced a clear moral challenge for our Nation. The immigration of Amerasian children is a problem which has lingered too long without resolution. These children, who were fathered by American soldiers in the Korean and Vietnam wars, often are confronted with hostile conditions in their native lands. They have the right to emigrate to our country. Today we have given them that right.

Mr. MAZZOLI. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. MINETA).

Mr. MINETA. Madam Speaker, I thank the gentleman for yielding. I commend the chairman of the subcommittee for this legislation, and the gentleman from Connecticut (Mr. MCKINNEY) for their perseverance in this matter.

Madam Speaker, I rise today in earnest support of the Amerasian Immigration Act.

The argument for this bill is simple and straightforward. It rests on the basic principles of compassion, justice and responsibility.

Madam Speaker, as we all know, this legislation deals with the heartbreaking problem of the children American servicemen left behind in Southeast Asia.

These children have committed no crime. These children have done no wrong. Yet they are in a sad and unhappy state.

This legislation before us today takes a major step toward resolving that unhappy situation. The legislation is modest, well reasoned, and long overdue.

This is a nation of fairness, a nation that knows right from wrong. In recognition of this problem, and in acceptance of our responsibilities, I am confident we in this Congress will pass this legislation today. We can do no less.

Madam Speaker, in passing this legislation today we should note with pride the hard work Mr. MCKINNEY of Connecticut has devoted to this effort for several years now. Without him, we would not be taking this action today. Mr. MAZZOLI, the chairman of the Subcommittee on Immigration, Refugees, and International Law has also earned our gratitude for moving this legislation along.

● Mr. DASCHLE. Madam Speaker, I rise in strong support of the Amerasian bill. This legislation. which gives first preference under our immigration law to Amerasian children, is long overdue. I cosponsored this bill in both the 96th and 97th Congress and have been pleased to see the growth of interest in these sons and daughters of American citizens. Congressman MCKINNEY is to be particularly commended for his tireless efforts to publicize this issue and to bring this legislation to the House floor.

The war in Southeast Asia has done much long-lasting damage, both at home and abroad, and it is heartening to see us finally take this obvious action to right some of the wrong that has been perpetrated upon these children. From letters I have received, people I have spoke with, and from what I have seen and read in the media, there appears to be very strong support for granting Amerasian children their rights. I look forward to these children being received with open arms and understanding hearts by their parents and others in this country.●

● Mr. GILMAN. Madam Speaker, I rise in support of S. 1698, which will give preferential admission to the United States to the children of U.S. citizens and Asian mothers. I congratulate Senator SIMPSON for his work in getting this bill through the Senate and the gentleman from Connecticut (Mr. MCKINNEY) for his determination in making certain that we as a nation meet our responsibility to these children. These children have been denied the dignity and rights of true citizenship in their countries of birth—Korea, Vietnam, Laos, Thailand, and Cambodia. In these lands these children have roamed the streets and been treated as worthless in the eyes of those responsible for the administration of justice, education, and other basic rights of citizenship.

It is a sincere privilege to welcome these children to their true homeland by passing this legislation, which will give them No. 1 category status under our immigration laws for admission to this country. To these children we say, your fatherland embraces you, and to those who have worked so diligently in seeing that this legislation becomes a reality I say, well done. Today we as a nation live up to the high standards we are reminded of every time we fly into New York over the mighty lady of the harbor—only this time we are asking for our tired and poor who yearn to be free.●

● Mr. DONNELLY. Madam Speaker, in Korea and Indochina, there may be as many as 80,000 children of Asian women, fathered by American servicemen. This legislation before us today recognized that they are not only the children of American soldiers, they are the children of America. As a nation, we sent their fathers to Asia in our country's service, and we share the responsibility for these youngsters.

Tragically, many of these children are outcasts. The Vietnamese term for them translates to "the dust of life." In Korea, they are denigrated as "halfbreeds." Today, we can act to end that tragedy for thousands of these sons and daughters of America.

I congratulate the gentleman from Connecticut (Mr. MCKINNEY) for his persistent efforts to see this legislation through the Congress. The chairman of the Judiciary Committee, Mr. RODINO, the chairman of the Immigration Subcommittee, Mr. MAZZOLI, and the Speaker also deserve credit for their assistance in bringing this important bill before us.

It is in no way to diminish the credit those gentlemen deserve to say the tireless devotion of Father Alfred V. Keane to the cause of the Amerasian children is largely responsible for our action here today. Father Keane is a Maryknoll missionary from Milton, Mass., who has worked for a quarter of a century with the children of Korea.

Father Keane has kept the issue of the Amerasian children before us and before the public. It is his unflagging faith that ours is, indeed, one nation under God, with liberty and justice for all, that has touched the conscience of this institution and brought us to acknowledge our responsibility.●

The SPEAKER pro tempore (Ms. FERRARO). The question is on the amendments offered by the gentleman from Kentucky (Mr. MAZZOLI).

The amendments were agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAZZOLI. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

TRAINING OPPORTUNITIES FOR EMPLOYEES UNDER OFFICE OF ARCHITECT OF THE CAPITOL AND THE BOTANIC GARDEN

Mr. FORD of Michigan. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5145) to amend title 5, United States Code, to provide training opportunities for employees under the Office of the Architect of the Capitol and the Botanic Garden, and for other purposes with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, after line 3, insert:

SEC. 3. (a) Sections 8332(c)(1)(A), 8332(j)(2)(A), and 8334(j)(1) of title 5, United States Code, as amended by title III of the Omnibus Budget Reconciliation Act of 1982, are each amended by striking out "month" and inserting in lieu thereof "period".

(b) Section 8332 (c)(1)(B) of such title 5 (as so amended) is amended to read as follows:

"(B) the service of an individual who first becomes an employee or Member on or after October 1, 1982, shall include credit for—

"(i) each period of military service performed before January 1, 1957, and

"(ii) each period of military service performed after December 31, 1956, and before the separation on which the entitlement to annuity under this subchapter is based, only if a deposit (with interest, if any) is made with respect to that period, as provided in section 8335(j) of this title.".

(c) Section 8334(e)(3) of such title 5 (as so amended) is amended by striking out "calendar" the second and third times such term appears and inserting in lieu thereof "fiscal".

(d) Section 8334(h) of such title 5 (as so amended) is amended by striking out "and (d)" and inserting in lieu thereof ", (d), and (j)".

(e)(1) Section 8334(j)(1) of such title 5 (as so amended) is amended by striking out "within 90 days after the effective date of this subsection", and by striking out all that follows "December 1956" and inserting in lieu thereof a period and the following: "The amount of such payments shall be based on such evidence of basic pay for military service as the employee or Member may provide, or if the Office determines sufficient evidence has not been so provided to adequately determine basic pay for military service, such payment shall be based upon estimates of such basic pay provided to the Office under paragraph (4).".

(2) Section 306(g) of the Omnibus Budget Reconciliation Act of 1982 is amended by striking out the period and inserting the following: "; except that any employee or Member who retired after the date of the enactment of this Act and before October 1, 1983, or is entitled to an annuity under chapter 83 of title 5, United States Code, based on a separation from service occurring during such period, or a survivor of such individual, may make a payment under section 8334(j)(1) of title 5, United States Code. Regulations required to be issued under section 8334(j)(1) of title 5, United States Code, shall be issued by the Office of Personnel Management within 90 days after such effective date.".

(f) Section 8342(a)(1)(B) of such title 5 (as so amended) is amended by striking out "such position" and inserting in lieu thereof "such a position".

(g) Section 8348(a)(1)(B) of such title 5 is amended by inserting after "title" the following: "and in withholding taxes pursuant to section 3405 of title 26".

(h)(1) Section 301(d)(1) of the Omnibus Budget Reconciliation Act of 1982 is amended by inserting after "such position" the following: ", in accordance with regulations issued by the Office of Personnel Management," and by inserting after the first sentence the following: "For purposes of the preceding sentence, the amount of any increase in any individual's retired or retainer pay which takes effect during any fiscal year shall be determined on the basis of the additional amount such individual receives after the application of the preceding provisions of this section and section 5532(b) and (c) of title 5, United States Code.".

(2) Section 301(d)(4) of such Act is amended by striking out "reduction in" and inserting in lieu thereof "deduction from".

(3) Section 301(d) of such Act is amended by adding at the end thereof the following new paragraph:

"(5) The Secretary of Commerce, the Secretary of Defense, the Secretary of Health and Human Services, or the Secretary of Transportation, as appropriate, shall furnish such information to employing agencies, the Secretary of the Senate, and the Clerk of the House of Representatives as may be necessary for the administration of this subsection."

(i) Section 302(c) of such Act is amended in paragraph (1) by striking out ", and shall apply with respect to individuals retiring on or after such date" and in paragraph (3) by inserting after "who" the following: "is separated from employment as a technician on or after October 1, 1982. Such subsection (h) shall also apply to any technician".

(j)(1) Section 303(d)(1) of such Act is amended by striking out "made" and inserting in lieu thereof "for which application is received by either the employing agency or the Office of Personnel Management" and by adding at the end thereof the following: "Notwithstanding the preceding two sentences, the amendments made by subsection (a) shall apply in the case of any deposit for military service under section 8334(j) of title 5, United States Code (as added by section 306(d) of this Act), regardless of whether such military service was performed before or after October 1, 1982.".

(2) Section 8344(a) of such title 5 is amended in the second sentence by inserting after "pay" the following: "unless the individual elects to have such deductions withheld under subparagraph (A)", in subparagraph (A), by inserting before "his annuity" the following: "deductions for the Fund may be withheld from his pay (if the employee so elects), and", and, in the eighth sentence, by inserting after "Fund" the following: "(to the extent deposits or deductions have not otherwise been made)".

(k)(1) Section 307(a) of such Act is amended by inserting after "this Act" the following: "or who is entitled to an annuity based on a separation from service occurring on or before such date of enactment".

(2) Section 307(b) of such Act is amended by striking out "insurance benefits under section 202(a)" and inserting in lieu thereof "or survivors' insurance benefits under section 202" and by inserting after "such old-age" the following: "or survivors' ".

(3) Section 307(d)(1) of such Act is amended by striking out "insurance benefits under section 202(a)" and inserting in lieu thereof "or survivors' insurance benefits under section 202".

(l) Section 310(b)(1) of such Act is amended by inserting "pay periods beginning in" before "fiscal years" and by striking out "under the General Schedule" and inserting in lieu thereof "as defined in section 5504(b) of title 5, United States Code".

(m) Section 351 of such Act is amended—

(1) by striking out subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d),

(2) in subsection (c), as so redesignated—

(A) by striking out "The" and inserting in lieu thereof "(1) Except as provided in paragraph (2), the", and

(B) by adding at the end thereof the following new paragraph:

"(2) The amendments made by this section shall not apply to any employee who is serving a tour of duty at a post of duty in Alaska or Hawaii on the date of the enactment of this Act during—

"(A) such tour of duty, and

"(B) any other consecutive tour of duty following such tour of duty.", and

(3) by striking out "subsections (c) and (d)" in subsection (d), as so redesignated, and inserting in lieu thereof "subsection (c)".

(n) The amendments made by this section shall take effect as of the date of the enactment of the Omnibus Budget Reconciliation Act of 1982.

Page 3, after line 3, insert:

SEC. 4. (a) The Office of Personnel Management shall determine the amount by which the Government contribution under section 8906(b) of title 5, United States Code, for the 1983 contract year is less than the Government contribution which would have been determined under such section 8906(b) for such contract year if the Government contribution had been calculated by using the two employee organization plans which in 1981 satisfied the standard set forth in section 8906(a)(3) of such title.

(b) The Government shall pay the amount of the difference determined under subsection (a) to the contingency reserves of all health benefits plans for contract year 1983 in proportion to the estimated number of individuals enrolled in such plans during 1983. Such payments shall be paid by the appropriate agencies (including the Postal Service and the Postal Rate Commission) from the appropriations referred to in section 8906(f) and (g) of title 5, United States code, in the same manner as if such payments were Government contributions, and in amounts determined appropriate by the Office of Personnel Management.

Page 3, after line 3, insert:

SEC. 5. (a) Subparagraph (B) of section 3595(b)(3) of title 5, United States Code, is amended by inserting "(i)" after "entitled" and by inserting after "that position" the following: "or (ii) be detailed by the Office to any vacant Senior Executive Service position for which the Office deems the employee to be qualified in any agency for a period not to exceed 60 days, and be placed in such position by the Office after the period of such detail, unless the head of the agency determines that the carreer appointee is not qualified for such position.".

(b) Paragraph (3) of section 3595(c) of such title is amended to read as follows:

"(3) in the event the career appointee is not placed under subsection (b)(3) of this section—

"(A) whether the Office of Personnel Management took all reasonable steps to achieve such placement, and

"(B) the decision of an agency under subsection (b)(3)(B) of this section that the career appointee is not qualified to be placed in a position.".

(c)(1) Except as provided in paragraph (2), the amendment made by this section shall take effect on the date of the enactment of this Act.

(2) The amendments made by this section shall apply to an individual who is a career appointee on or after September 30, 1982, except that any individual who is a career appointee on September 30, 1982, and who is described in section 3595(b)(3) of title 5, United States Code, may not be removed before December 15, 1982 due to a reduction in force unless the removal is under section 3595 (b)(4)(A) of such title on the grounds the individual declined a reasonable placement offer.

Mr. FORD of Michigan (during the reading). Madam Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. FORD of Michigan. Madam Speaker, the first Senate amendment consists of a series of technical amendments to title III of the Omnibus Budget Reconciliation Act of 1982. Most of these amendments were suggested by the Office of Personnel Management and are necessary to clarify the applicability of certain provisions, correct certain effective date provisions, and facilitate the administration of certain provisions. No policy changes are reflected in any of these amendments.

The second Senate amendment instructs the Office of Personnel Management to allocate a portion of the amount appropriated to the Federal employees health benefits program for fiscal year 1983 to the contingency reserves of all health benefit plans. This amendment does not authorize the appropriation of any additional amount to the health program. The amendment merely provides additional protection for the various health plans in the event of financial difficulty.

The final Senate amendment strengthens the Senior Executive Service's reduction-in-force provisions which were enacted last year. The amendment provides the Office of Personnel Management with an additional tool to locate new positions for senior executives who are scheduled to be separated from Government service.

● Mrs. SCHROEDER. Mr. Speaker, I rise in support of the bill and the Senate amendment. The bill merely extends legal authorization to the Architect of the Capitol to provide training to the employees he oversees.

The Senate added a number of amendments. One provided additional protections for career members of the Senior Executive Service who face loss of their positions through a reduction in function or money. In the Omnibus Reconciliation Act of 1981, we added procedures to insure that the Government does not rashly discard these people who are, after all, one of the Government's most precious assets. The administration opposed this section because it wanted to have complete freedom to fire whichever career civil servants it wanted.

Through incompetent management at the Office of Personnel Management, the administration has subverted this provision of law. It has failed to place any significant number of the displaced senior executives.

The Senate decided to tighten up the provisions on senior executives to give the Office of Personnel Management less opportunity to gut the law. I support their effort.

I believe it would be useful to insert in the RECORD a letter I wrote last week to Office of Personnel Management Director Donald J. Devine on this issue:

COMMITTEE ON POST OFFICE
AND CIVIL SERVICE,
SUBCOMMITTEE ON CIVIL SERVICE,
Washington, D.C., September 21, 1982.

Hon. DONALD J. DEVINE,
Director, Office of Personnel Management,
Washington, D.C.

DEAR DR. DEVINE: You have sent four letters in the last two weeks to the Committee on Post Office and Civil Service certifying your inability to place career members of the Senior Executive Service in new positions, following their being declared surplus by their own agencies. According to these letters, 17 career executives will be separated from the Federal service. Because the Office of Personnel Management has done a sadly inadequate job in placing these executives, I ask that you withdraw your certification, maintain these individuals on the rolls, and try again to seek suitable placement for these individuals.

As you know, section 1704 of the Omnibus Budget Reconciliation Act (P.L. 97-35) established procedures for the placement of career members of the Senior Executive Service who were declared surplus by their own agencies. On December 30, 1981, you wrote the Committee certifying your inability to place seven executives from the Community Services Administration. On March 9, 1982, I wrote you expressing my concerns about the adequacy of your placement efforts. On April 14, you responded that, while your efforts may have been largely unsuccessful, they were not inadequate under the law.

On May 25, 1982, you certified OPM's inability to place two executives from the Federal Mediation and Conciliation Service. In that instance, six were declared surplus by the agency, four requested placement assistance, and two got placed (albeit one was reassigned by FMCS). On September 9, you certified your inability to place one executive from the Appalachian Regional Commission. On September 14, you certified your inability to place one executive from the U.S. Metric Board. Finally, on September 17, you certified your inability to place 14 executives from the Department of Energy, and pointed out that another four had declined placement assistance, while three were placed.

The figures alone demonstrate a placement record which can only be described as pathetic. Further, the information you supply to the Committee is wholly inadequate to assess the reasonableness of the placement efforts. For example, you say that you selectively freeze vacancies, but no where on the computer sheets for each individual does it state what positions were frozen on behalf of the individual. There is no indication as to how many SES positions have been filled during the 120-day period since the agency sent notice to the employee. There is no indication of why individuals were declared technically unqualified for positions.

As disturbing is the fact that OPM seems to do nothing to monitor the legitimacy with which the employing agency has implemented the law. In the case of the Department of Energy, the Committee has received numerous allegations of failure to follow the law or regulations. OPM should not certify that these individuals can be removed until it is certain that the agency involved has fully followed the law.

When Congress passed the Omnibus Budget Reconciliation law, it fully stated its intent to preserve to the government one of its most precious resources, its senior career

service. The weak efforts of the Office of Personnel Management coupled with questionable activities of agencies separating members of the Senior Executive Service, has made a mockery of congresssional intent. I request that you hold up the separations of all career senior executives until you have fully complied with the law.

With kind regards,

Sincerely,

PATRICIA SCHROEDER,
Chairwoman.●

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Michigan?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FORD of Michigan. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the Senate amendments to H.R. 5145 just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION FOR COMMITTEE ON POST OFFICE AND CIVIL SERVICE TO HAVE UNTIL MONDAY, OCTOBER 4, 1982, TO FILE REPORT ON H.R. 7044

Mr. FORD of Michigan. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service may have until 5 p.m., Monday, October 4, 1982, to file a report on the bill H.R. 7044.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

□ 1610

Mr. WALKER. Madam Speaker, reserving the right to object, I do so to ask the gentleman what bill this report refers to.

Mr. FORD of Michigan. It is referred to as the mail fraud bill. It is to enlarge the enforcement powers of the Postal Service in mail suits, scams particularly.

It comes originally from the Pepper committee; that has been passed on the Senate side, and it passed our committee I think with only one dissenting vote.

Mr. WALKER. Further reserving the right to object, Madam Speaker, has it been cleared with the minority, this late filing?

Mr. FORD of Michigan. I am sure it has; yes. The staff director is right there.

Mr. WALKER. We have no information on this side at this point that it has been cleared over here. That is my problem, further reserving the right to object.

Mr. FORD of Michigan. If we cannot file the report on the bill, we will not be able to take it up until we come back in November. If the gentleman wants to hold up the mail fraud bill, we will do it.

Mr. WALKER. Further reserving the right to object, it is not the gentleman's intention to hold up anything. It is the gentleman's intention to be assured of what the House is doing at the last moment.

Madam Speaker, it is my understanding that the staff says that it has been cleared.

I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

DRUG DEPENDENT FEDERAL OFFENDERS ACT AMENDMENT OF 1981

Mr. HUGHES. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3963) to amend the Contract Services for Drug Dependent Federal Offenders Act of 1978 to extend the periods for which funds are authorized to be appropriated, with the Senate amendment thereto, and disagree to the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO HAVE UNTIL MIDNIGHT, OCTOBER 7, 1982, TO FILE REPORT ON H.R. 1856, AUTHORIZING ADMINISTRATOR OF GENERAL SERVICES TO DONATE CERTAIN FEDERAL PERSONAL PROPERTY

Mr. BRINKLEY. Madam Speaker, I ask unanimous consent that the Committee on Armed Services have until midnight, October 7, 1982, to file a report on the bill (H.R. 1856) to authorize the Administrator of General Services to donate to State and local governments certain Federal personal property loaned to them for civil defense use, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

PERMISSION FOR COMMITTEE ON SCIENCE AND TECHNOLOGY TO HAVE UNTIL TUESDAY, OCTOBER 5, 1982, TO REPORT ON H.R. 7130, NATIONAL ENGINEERING AND SCIENCE MANPOWER ACT OF 1982

Mr. WALGREN. Madam Speaker, I ask unanimous consent that the Committee on Science and Technology may have until midnight Tuesday, October 5, 1982, to file a late report on the bill, H.R. 7130, the National Engineering and Science Manpower Act of 1982.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AUTHORIZING APPROPRIATIONS FOR CERTAIN INSULAR AREAS OF THE UNITED STATES

Mr. PHILLIP BURTON. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5139) to authorize appropriations for certain insular areas of the United States, and for other purposes, with Senate amendments to the House amendment to the Senate amendment thereto, and concur in the Senate amendments to the House amendment to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendments to the House amendment to the Senate amendment as follows:

Page 1, line 5, of the House engrossed amendment, strike out "487" and insert "387".

Page 9, after line 14, of the House engrossed amendment,

(e) Nothing in this section shall be construed as requiring the Governor of the Northern Mariana Islands to submit any statement or report to the High Commissioner of the Trust Territory of the Pacific Islands.

Page 9, line 15, of the House engrossed amendment, strike out "204. (a)" and insert "204.".

Page 9, line 18, of the House engrossed amendment, after "Code" and insert "with respect to claims which accrued no more than two years prior to the effective date of this Act".

Page 9, of the House engrossed amendment, strike out lines 19 and 20.

Page 12, of the House engrossed amendment, strike out all after line 6 over to and including line 8 on page 13.

Page 13, line 9, of the House engrossed amendment, strike out "306" and insert "305".

Page 13, line 12, of the House engrossed amendment, strike out "307" and insert "306".

Page 13, line 17, of the House engrossed amendment, strike out "308" and insert "307".

Page 14, line 16, of the House engrossed amendment, strike out "309" and insert "308".

Page 14, of the House engrossed amendment, strike out lines 17 and 18.

Page 14, line 19, of the House engrossed amendment, strike out "(b)" and insert "(a)".

Page 15, line 3, of the House engrossed amendment, strike out "(c)" and insert "(b)".

Page 15, of the House engrossed amendment, strike out lines 6 and 7.

Page 15, line 8, of the House engrossed amendment, strike out "(e)" and insert "(c)".

Page 15, line 10, of the House engrossed amendment, strike out "(f)" and insert "(d)".

Page 15, line 12, of the House engrossed amendment, strike out "(g)" and insert "(e)".

Page 15, line 17, of the House engrossed amendment, strike out "(h)" and insert "(f)".

Page 15, of the House engrossed amendment, strike out lines 19 and 20.

Page 15, line 21, of the House engrossed amendment, strike out "(j)" and insert "(g)".

Page 15, line 23, of the House engrossed amendment, strike out "310" and insert "309".

Page 21, of the House engrossed amendment, strike out all after line 8 over to and including line 2 on page 22 and insert:

"(c) Notwithstanding any other provision of law, sums allotted to the Commonwealth of Puerto Rico under section 205 of this Act for fiscal year 1981 shall remain available for obligation for the fiscal year for which authorized and for the period of the next succeeding twenty-four months. Such sums and any unobligated funds available to Puerto Rico from allotments for fiscal years ending prior to October 1, 1981, shall be available for obligation by the Administrator of the Environmental Protection Agency only to fund the following systems: Aguadilla, Arecibo, Mayaguez, Carolina, and Camuy Hatillo. These funds may be used by the Commonwealth of Puerto Rico to fund the non-Federal share of the costs of such projects. To the extent that these funds are used to pay the non-Federal share, the Commonwealth of Puerto Rico shall repay to the Environmental Protection Agency such amounts on terms and conditions developed and approved by the Administrator in consultation with the Governor of the Commonwealth of Puerto Rico. Agreement on such terms and conditions, including the payment of interest to be determined by the Secretary of the Treasury, shall be reached prior to the use of these funds for the Commonwealth's non-Federal share. No Federal funds awarded under this provision shall be used to replace local governments funds previously expended on these projects."

Mr. PHILLIP BURTON (during the reading). Madam Speaker, I ask unanimous consent that the Senate amendments to the House amendment to the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. LAGOMARSINO. Madam Speaker, reserving the right to object, will the gentleman briefly explain the Senate amendments?

Mr. PHILLIP BURTON. Madam Speaker, I rise at the request of the distinguished chairman of the Subcommittee on Insular Affairs, Representative TONY WON PAT.

Representative WON PAT has masterfully guided this omnibus insular areas assistance bill to this point. But since he had to return to his home island of Guam a few days ago, our colleague has asked me to substitute for him.

H.R. 5139, as it is before us, is a wise and fair compromise with the administration. It was produced by Delegate WON PAT's subcommittee after extensive hearings and other work.

These efforts included consultation with the insular areas themselves, the Executive and our counterparts on the other side of the Capitol, who are responsible for the amendments I suggest we concur in today.

In addition to Chairman WON PAT, several other Members of this House are responsible for this measure. They should be recognized.

Delegate DE LUGO was a principal contributor of much of this bill.

Delegate SUNIA of American Samoa provided us with sensitive policy counsel.

Resident Commissioner CORRADA conducted the complex negotiations which resulted in the critical amendment before us relating to Puerto Rico.

The distinguished ranking minority member of the subcommittee, Mr. LAGOMARSINO, was extraordinarily dedicated to the many matters addressed by this bill over the many months that we have worked on it.

And our esteemed colleague from California, Mr. CLAUSEN, as well as our capable colleague from Nebraska, Mr. BEREUTER, also played a pivotal role in the development of this legislation.

Approval of the amendments suggested by the Senate would culminate legislative action on this measure, the basis of which initially passed this House last December 11.

The Senate passed our bill's original provisions May 10, with the exception of one that was no longer needed. It also added other worthwhile provisions.

September 9, this House then incorporated all aspects of the Senate amendment—save one—into a substitute. It added as well the product of other work by the subcommittee.

I am greatly disappointed that the strenuous objections of the administration compelled us to delete that one provision. It would have properly reimbursed Guam and the Virgin Islands for some of the unintentional, but devastating, losses in local revenues they are suffering due to the administration's income tax rate reductions, enacted last year.

However, we reluctantly agreed to drop this reasonable compensation in the spirit of cooperation with the administration.

Our sincere determination to craft insular areas assistance legislation acceptable to the administration is also the motivation for the principal Senate amendments to our substitute.

The amendment to section 101 corrects a typographical error in the original Senate amendment.

The amendments to sections 203, 204, and 309 were requested by the Justice and Interior Departments. They are technical in nature.

Section 305 was dropped at the request of the Senate Committee on the Environment and Public Works. It would have permitted the exemption of rum refining in the Virgin Islands from Water Pollution Control Act effluent discharge requirements in specified circumstances. The provision is needed to continue operations by the territory's big rum producer which (directly and through rebated rum excise taxes) is a major contributor to its treasury.

The amendment to section 501 was requested by the Environmental Protection Agency. It is a substitute with a similar intent to that of our original provision. The amendment permits the loan of any unexpended fiscal year 1981 grants to Puerto Rico for waste water treatment plant construction, for use in subsequent fiscal years. This is needed to prevent a loss of these grants and continue the construction program now, when budgetary shortfalls are making it impossible for Puerto Rico to contribute its matching share of the project cost.

If these amendments are adopted, H.R. 5139 would contain provisions as follows:

TITLE I—GUAM

Section 101 provides for initiative and referendum for the recall of Guam elected officials.

Section 102 authorizes $6.052 million for essential capital improvements on Guam. It would fund the full cost of the Apra harbor commercial dock and related work and build pipelines needed to bring water to the south.

Section 103 redefines the $10 million 1977 Guam health facilities authorization to permit needed improvements to the Guam Memorial Hospital and provide a health clinic for the northern part of the island, now remote from health care facilities.

Section 104 transfers the audit authority and staff of the comptroller for Guam to Interior's inspector general. It also requires the local government to prepare an annual comprehensive financial report and to report on actions taken pursuant to Federal audit recommendations.

TITLE II—TRUST TERRITORY OF THE PACIFIC ISLANDS

Section 201 transfers Trust Territory government property to the local Micronesian governments 90 days after trusteeship termination, rather than October 1, 1982, as currently provided by statute.

Section 202 provides exemption from Federal taxation for the Bikini-Enewetak nuclear testing victim trust funds.

Because the establishment of these funds neglected to exempt their proceeds from Federal taxation, it has not been possible to invest them to produce the optimum assistance for the beneficiaries.

Section 203 transfers the audit authority and staff of the comptroller for the Northern Mariana Islands and the Trust Territory to Interior's inspector general. It also requires the local governments to prepare an annual comprehensive financial report and to report on actions taken pursuant to Federal audit recommendations.

Section 204 clarifies the applicability of the Federal Tort Claims Act to claims arising in the Northern Mariana Islands with retroactivity limitations suggested by the Department of Justice. It was originally recommended by the Northern Mariana Islands Federal Laws Commission.

Section 205 requires the Park Service to inventory and study the natural, historical, cultural, and recreational resources of the Trust Territories, if requested by the local governments. The findings would be submitted to the Congress within 2 years of enactment.

TITLE III—VIRGIN ISLANDS

Section 301 authorizes $150,000 to plan the proposed Caribbean Center at the College of the Virgin Islands endorsed in the President's Caribbean Basin Initiative. We hope that funding will be provided expeditiously from technical assistance moneys already appropriated to the Office of Territorial and International Affairs.

Section 302 directs the Customs and Postal Services to assist the Virgin Islands in the collection of its import excise taxes, so long as such assistance is desired.

Section 303 authorizes $10 million for Virgin Islands water and power improvements. The deficiencies in that infrastructure now impede economic self-sufficiency and impair the quality of life to a degree that should be unthinkable in modern-day America. This would fund the first phase of a 4-year program.

Section 304 authorizes $3 million to build two juvenile pretrial detention centers in the Virgin Islands. Because of a lack of facilities, youths suspected of committing a majority of the territory's serious crimes must now often be released to the streets when apprehended.

Section 305 repeals obsolete provisions of the Revised Organic Act of the Virgin Islands. They relate to a study of the applicability of Federal laws and the printing of the Virgin Islands Code, which have already been accomplished.

Section 306 substitutes "legislative" for "legislative assembly" in the continuing provisions of the 1936 Organic Act of the Virgin Islands, as warranted by the change in the legislative branch of the territorial government made by the Revised Organic Act.

Section 307 repeals the provisions of the 1936 Organic Act of the Virgin Islands which have become obsolete or have been zeplaced by subsequent legislation.

Section 308 repeals earlier provisions of law pertaining to the Virgin Islands which have become obsolete or have been replaced by subsequent legislation.

Section 309 transfers the audit authority and staff of the comptroller for the Virgin Islands to Interior's inspector general. It also requires the local government to prepare an annual comprehensive financial report and to report on actions taken pursuant to Federal audit recommendations.

TITLE IV—AMERICAN SAMOA

Section 401 equalizes the clerk-hire allowance of the Delegate from American Samoa to that of other Members of this House.

Section 402 transfers the audit authority and staff of the comptroller for American Samoa to Interior's inspector general. It also requires the local government to prepare an annual comprehensive financial report and to report on actions taken pursuant to Federal audit recommendations.

TITLE V—PUERTO RICO

Section 501 permits the loan of any unexpended fiscal year 1981 grants to Puerto Rico for waste water treatment plant construction for use through fiscal year 1983. It is needed to prevent a loss of these funds due to the current inability of the local government to provide the required local match. It will protect the substantial Federal investment in the ongoing construction program under the Water Pollution Control Act.

TITLE VI—MISCELLANEOUS

Section 601 eliminates the necessity of the Secretary of Interior's approval of the deficit elimination plans provided for in Public Law 96-597. It would, therefore, enable their two governments to seek the authorized budget management assistance, including appropriation of the deficit elimination grants.

Mr. Speaker, the Constitution assigns the Congress special responsibility for the Nation's territories. The Federal Government rightly over the years has assumed additional obligations toward the peoples of the insular areas.

This history mandates that we address needs which, in the case of the States, can be handled at other levels of government. The situation of the insular areas requires the sensitive application of national policy as well as the construction of territorial policy.

We primarily attend to the assignment through omnibus insular areas assistance legislation, such as this bill developed by Mr. WON PAT's subcommittee.

In doing so in this Congress, the constraints of the current budgetary situation have compelled us to limit our assistance to the modest provisions we take final action on today. They comprise the absolute minimum we feel must be provided, in addition to measures taken apart from this, the Americans and others of our insular areas.

As I have indicated previously, we offer this as a good faith compromise with the administration between the many other sorely needed forms of assistance we would like to provide and what we believe will be acceptable to the Executive. Its cost is substantially below that which initially passed the Senate. We have sought to remove all major objectionable provisions. I, therefore, urge my colleagues to join me in concurring in the Senate amendments to this House's bill. Further, I earnestly recommend that the President approve what would be the major insular areas legislation of the 97th Congress to date.

Mr. LAGOMARSINO. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PHILLIP BURTON. Madam Speaker, I ask unanimous consent that I may be permitted to revise and extend my own remarks, and that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 599, CONTINUING APPROPRIATIONS, 1983

Mr. WHITTEN. Madam Speaker, pursuant to the order of the House of yesterday, I call up the conference report on the joint resolution (H.J. Res. 599) making continuing appropriations for the fiscal year ending September 30, 1983, and for other purposes, and I ask unanimous consent that the statement of the managers be read in lieu of the conference report.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of Thursday, September 30, 1982.)

Mr. WHITTEN (during the reading). Madam Speaker, I ask unanimous consent to dispense with further reading of the statement.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. WHITTEN) will be recognized for 30 minutes, and the gentleman from Massachusetts (Mr. CONTE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. WHITTEN).

GENERAL LEAVE

Mr. WHITTEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislature days within which to revise and extend their remarks on the conference report on House Joint Resolution 599 and amendments in disagreement, and that I may include extraneous tabular matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Madam Speaker, I yield myself such time as I may require.

May I say to my colleagues that I hope we will avoid this type of proceeding in the coming year. As Members will recall, this is the second consecutive year that the Congress has been faced with the necessity to have a continuing resolution providing for nearly the entire Government. We have had problems at times because our friends on the other side of the Capitol were not able to get to consideration of appropriations bills. Then, we have had other problems such as delay in adopting a budget resolution for one reason or another.

Even though most of the Appropriations Subcommittees finished hearings in May and June of this year it was not possible for us to get the appropriations bills before the body until after passage of the budget resolution. Despite that fact, I think the committee has done a good job within the limited time that we have.

I call the Members' attention again to the fact that a continuing resolution is a hybrid. It is both legislation and an appropriation, and for that reason if we had not handled it as we have, we would have had many problems on our side and we would have had problems on the other side of the Capitol.

May I say that when we met in conference the Senate had adopted a total of 100 amendments to the House-passed bill. All 13 subcommittees were involved. Thirty-one of the Senate amendments changed dollar figures totaling a net increase over the House, which was some $33.2 billion. Fifty-four of the Senate amendments were language changes, and 15 of the Senate amendments were technical in nature.

I do want to say for the record that our friend, Senator HATFIELD, chairman of the committee on the Senate side, and his associates were most cooperative in the conference that we had. I think we have learned somewhat from experience, because it is about the second straight year we have been faced with this. This year, the senior members of the House committee met in advance and agreed we would try to hold the line because we realize not only that there is a need to hold the line, but we also had a need to stay within the budget resolution. In our conference yesterday, each subcommittee dealing with the subjects in which it was interested and had jurisdiction met separately, while we went ahead with those that were ready. I think we finished in about 4 hours, which is quite something under the conditions that existed.

I want to say that the bill we bring to you—while we cannot vouch for the outlays entirely because the rate of outlays is largely under the control of the executive branch—is well within the committee's section 302 allocation under the budget resolution.

FEATURES OF THE CONTINUING RESOLUTION

As I stated, this resolution is comfortable with the budget resolution. It generally follows the format of prior years. It expires December 17, 1982. Instead of December 15 as proposed by the House and December 22 as proposed by the Senate. The provisions of the continuing resolution automatically disengage when regular annual appropriations bills are enacted.

RATES UNDER THE CONTINUING RESOLUTION

Section 101(a) of the resolution provides for 5 bills at the rate of the House bill or the Senate bill, whichever is lower.

The five bills under this section are: Agriculture; Commerce-Justice-State-Judiciary; District of Columbia; Transportation and related agencies; and Treasury-Postal Service and general government.

Section 101(b) provides for the Labor-HHS-Education and related agencies and Interior and related agencies.

Section 101(c) provides for defense at an annual rate of operations not to exceed $228.7 billion, and contains several provisions which address various defense activities.

Section 101(c) provides for foreign assistance at the rate of last year's bill or the budget estimate, whichever is lower.

The legislative branch is provided for in section 101(e) as in the House reported bill for House items and as in the Senate reported bill for Senate items. The existing pay cap is extended through the termination date of the resolution. Other items are provided for the full fiscal year.

Section 101(f) provides such amounts as may be necessary for projects or activities provided for in the Military Construction Act, 1983 (H.R. 6968), at a rate for operations and to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference as filed in the House of Representatives on September 30, 1982, as if such act had been enacted into law.

Section 101(g) provides for the energy and water development appropriation bill at the current rate of operations.

The HUD-Independent Agencies Appropriation Act, 1983, was signed into law yesterday, September 30, 1982, and thus is not provided for in the resolution.

The resolution extends the 1982 provisions and limitations on abortion and school prayer.

□ 1620

Let me say again, in case some of the Members do not know, that the deadline or the end of this continuing resolution is December 17, 1982. I personally do not know when the House will reconvene or when it may adjourn sine die. I do not know that. But the general impression is that we will be back here, soon after Thanksgiving, and we will continue under this resolution to operate until December 17 unless of course a bill comes out from under it by being enacted into law.

So I say again that we feel we have done a good job and have had a hard test. I also repeat that it was made necessary to meet some deadlines in a timely way, which enabled us to bring the conference report to the House today.

So I just say to the Members that we are under the budget. We have a resolution which we hope the administration will find acceptable. It was a good conference. We have, I think, only one matter that is in true disagreement. That concerns the FAA air traffic controllers. We were able to reach agreement on the other 99 amendments.

So I hope that we can bring this to an end speedily. Let us provide for the orderly continuation of the Government for a temporary period. I am hopeful that when we return in November the Congress will be able to send many of the regular annual appropriations bills to the President so they will disengage from this resolution.

Madam Speaker, at this point in the RECORD I will insert a letter which I received today from the Comptroller General which addresses an action

taken by the Appropriations Committee in Public Law 97-92.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C. October 1, 1982.

Hon. JAMIE L. WHITTEN,
Chairman, Committee on Appropriations, House of Representatives.

DEAR MR. CHAIRMAN: This letter addresses the issue of whether section 140, Pub. L. 97-92, which places a restriction on pay increases to Federal judges and Justices of the Supreme Court, is permanent legislation.

Section 140 provides:

"Sec. 140. Notwithstanding any other provision of law or of this joint resolution, none of the funds appropriated by this joint resolution or by any other Act shall be obligated or expended to increase, after the date of enactment of this joint resolution, any salary of any Federal judge or Justice of the Supreme Court, except as may be specifically authorized by Act of Congress hereafter enacted: *Provided*, That nothing in this limitation shall be construed to reduce any salary which may be in effect at the time of enactment of this joint resolution nor shall this limitation be construed in any manner to reduce the salary of any Federal judge or of any Justice of the Supreme Court."

That provision was introduced for the stated purpose of precluding the annual cost-of-living increase which a Federal judge or Justice of the Supreme Court would otherwise receive on October 1 of any year in which a cost-of-living salary adjustment is made to the General Schedule under 5 U.S.C. 5305. CONGRESSIONAL RECORD, Senate S13373, November 13, 1981. Absent section 140, the adjustment for Federal judges and Justices of the Supreme Court is mandated by law. See, for example, 28 U.S.C. 5, id. 461 as to increases for Justices of the Supreme Court; 28 U.S.C. 44, id. 461 for circuit judges and 28 U.S.C. 135 id. 461 for district court judges.

We have held that a provision contained in an annual appropriation act may not be construed to be permanent legislation unless the language used therein or the nature of the provision renders it clear that such was the intent of the Congress. We believe that the language of section 140 when construed together with the nature of the provision results in a clear showing of a congressional intent to enact permanent legislation.

Standing alone, the language of section 140 "by any other act * * * after the date of enactment of this resolution" is not persuasive as to permanency. However, the additional phrase "except as may be specifically authorized by Act of Congress hereafter enacted" does lead us in that direction. Moreover, to view section 140 as not being permanent legislation would strip the section of any legal effect. Section 140 was included in a continuing resolution which was enacted on December 15, 1981, and which expired on September 30, 1982. The next applicable cost-of-living pay increase under existing law for judges would be effective October 1, 1982, after the expiration of the continuing resolution. Thus, if section 140 were not held to be permanent legislation, the section will have had no legal effect since it would have been enacted to prevent increases during a period when no increases were authorized to be made.

Accordingly, we conclude that section 140 is permanent legislation and precludes the use of appropriated funds to pay cost-of-living pay increases to Federal judges and Justices of the Supreme Court unless such increases are specifically authorized by the Congress.

Sincerely yours,

CHARLES A. BOWSHER,
Comptroller General of the United States.

Mr. BOLAND. Mr. Speaker, I am happy to report that last night the President signed H.R. 6956, the 1983 HUD-Independent Agencies Appropriation Act. That act is the first regular appropriations bill signed into law before the start of the fiscal year in 3 years—since the 1st session of the 96th Congress.

The 1983 HUD-Independent Agencies Appropriation Act was cleared for the White House on September 29. Because Senator GARN and I had been informed that the President would sign the bill as soon as he received it, reference to the HUD-Independent Agencies Act was dropped from this continuing resolution.

Mr. CONTE. Madam Speaker, I yield myself such time as I may require.

Madam Speaker, I support the conference report on House Joint Resolution 599, which continues appropriations for the 1983 fiscal year.

Your conferees disposed of 100 Senate amendments. The conference agreement covers 12 of the 13 appropriation bills for fiscal 1983, as well as several substantive issues which we all recognize should be handled in substantive legislation, but were given to us because the basic legislation has not been enacted.

Some of these issues are within the jurisdiction of the Committee on Ways and Means. I hope my colleagues on that committee will recognize that we did not initiate or seek these issues. They were thrust upon us.

Personally, I am not at all confortable dealing with issues such as steel import licenses, and the International Coffee Agreement. The members of the Committee of Jurisdiction are the experts on such questions.

But the facts of life are that when the legislative committees are not able, for whatever reason, to resolve highly controversial issues, Congress will find some other way, which is usually appropriation bills.

We are not shopping for problems, but we cannot avoid them once the House or the Senate amends one of our bills. The termination date of the resolution is December 17, which was a simple compromise, with no special significance, between the House date of December 15, and the Senate date of December 22.

The rates for individual bills are as follows: Five bills are covered under section 101(a): Agriculture, Commerce-Justice-State-Judiciary, D.C., Transportation, and Treasury.

The rate for project and activities which would be funded in those appropriation acts for 1983, and which were conducted in fiscal 1982, is the House or the Senate rate, whichever is lower, and under the more restrictive authority. A bill which has been reported to the House or the Senate is considered to have been passed by that House.

No new general provision shall take effect unless included in identical form in the House and Senate bills.

Where an item is included in only the House or the Senate bill, the rate is the rate provided by the one House, under the 1982 terms and conditions.

The legislative branch is continued under section 101(e) for the full year at the rate provided in the Senate reported bill, with several specific provisions.

The conference agreement includes a pay cap on upper level Federal employees, including Members of Congress.

Two bills, Labor-HHS and Interior, are continued under section 101(b), which covers activities provided for in the 1982 bill, under the 1982 conditions, at a rate to maintain current operating levels. Section 101(b) also contains language specifically including the off-budget activities of the strategic petroleum reserve.

The Department of Defense is covered under section 101(c), at a rate of $228.7 billion for projects and activities conducted in 1982, and provided for in the 1982 Defense Appropriations Act.

We include several limitations, including no new starts, no initial production of the MX, no long lead procurement or initial production of the second nuclear carrier, and the "buy-America" provision for the Defense Department which covers specialty metals, food, and textiles.

Foreign Assistance activities are covered under section 101(d), which continues activities funded in the 1982 Foreign Assistance Act at the rate provided in that act, or the budget estimate, whichever is lower, and under the more restrictive authority.

Aid to Israel is at the 1982 level.

Activities funded in the Energy and Water Development Act for 1982, which were conducted in 1982, are funded at the current rate. New starts are prohibited unless approved by the Committee on Appropriations, and DOE employment levels are not to be "significantly" reduced below the levels in effect on September 30, 1982.

Military Construction activities are continued at the rate and in the manner provided in the conference report as filed in the House.

Although I cannot cover all of the Senate amendments, I will try to highlight some of the most important special provisions.

We accept the Senate amendments regarding steel import licenses and imported steam, and extending the International Coffee Agreement.

We provide that 75 percent of mass transit funds shall be apportioned using 1980 census data, and 25 percent

will be based on 1970 census data. The Senate amendment would have required that all funds be apportioned using the 1980 figures.

Senate language which provides for payments to air traffic controllers is reported in disagreement, but I support the Senate language, and will support a motion to be offered later to accept the Senate language.

The conferees agreed to $85 million to be available, but not required to be spent, for the purchase of copper for the national stockpile.

The conferees agreed to restrictions on the Legal Services Corporation which would limit the presumptive right to refunding, place certain restrictions on lobbying, retain House language on the allocation of funding, and restrict the use of funds for aliens. The conference agreement also restricts the initiation of class action suits, and requires certain qualifications of recipients.

Mr. Speaker, these are the highlights of the conference agreement.

I did not agree with all of the conference agreements. But we are operating on borrowed time. The new fiscal year has started. The executive branch is cooperating by keeping the Government running so that we can act today.

Let us pass this conference report and go home.

COMMERCE, JUSTICE, STATE AND JUDICIARY

The conferees agreed to fund the programs of the Departments of Commerce, Justice and State, the Judiciary and related agencies at the lower of House or Senate reported bills for fiscal year 1983. The House had tied the rates to the House reported bill or the fiscal year 1982 levels, whichever are lower. The Senate bill was reported subsequent to House action on the continuing resolution.

The conferees agreed to earmark small business development centers at $14 million, as provided by the House. The Senate had reduced this earmark to $11 million.

Compromise amounts were reached for certain programs of the U.S. Information Agency, including $67.3 million for the Fulbright and international visitors program, $2.6 million for Humphrey fellowships, and $7.1 million for private sector programs.

The conferees provided the full Senate amount of $7.6 million for the U.S. Travel and Tourism Administration. The House bill included $5.033 million for this agency.

House conferees also agreed to the Senate addition of $13.5 billion for Landsat, which will allow this important resource to continue operations in fiscal year 1983. Due to a delay in certain authorizing legislation, the National Oceanic and Atmospheric Administration faced the prospect of assuming responsibility for the operation of Landsat without the necessary funds to do so.

The conference agreed to Senate language authorizing the use of $50 million from existing funds from U.N. peacekeeping activities for a new United Nations Transition Assistance Group (UNTAG) in Namibia, subject to Presidential determination that an agreement has been achieved among the parties to the dispute in that country. The authority for this money in the continuing resolution is necessary in case there is a resolution of the negotiations during the election recess. The total U.S. contribution to this non-U.S. force is estimated at $135 million, including $10 million for refugee assistance.

The conference agreement provides an annual rate of $241 million for the Legal Services Corporation, along with restrictive language regarding aliens, lobbying, presumptive right to refunding, minimum access, qualifications of recipients and class action suits.

FOREIGN OPERATIONS

The conferees agreed in most instances to the House funding levels for foreign assistance, providing a total of $9.8 billion. This is $1.3 billion below the Senate amount, $1.8 billion below fiscal year 1982 appropriations, and $1.7 billion below the President's fiscal year 1983 request. The international financial institutions are funded at Senate levels because of a separate provision adopted by the conference.

The Export-Import Bank is limited to $3.83 billion in direct lending and $8 billion in guarantees, compared to $4.4 billion and $9.22 billion, respectively, in the Senate bill and fiscal year 1982. The amounts in the continuing resolution are the same as the President's request for fiscal year 1983. Israel would receive the same amounts in the continuing resolution, and under the same conditions, as in fiscal year 1982; that is, $785 million in economic support funds as a grant and $1.4 billion in foreign military sales credits, $550 million of which is forgiven. The amount for economic support funds is the same as the President's request for fiscal year 1983, although the President would provide two-thirds of the money as a grant and one-third as a loan. The request for foreign military sales credits for fiscal year 1983 is $1.7 billion, $300 million higher than the amount provided in the continuing resolution, with $500 million forgiven, $50 million less than the amount forgiven in the continuing resolution.

UNICEF receives $26 million under the continuing resolution, $15.5 million below the Senate amount and below the fiscal year 1982 appropriation. The United Nations Development Program receives $106.8 million, $21.4 million below the Senate amount and the amount provided in fiscal year 1982.

Significant reductions below fiscal year 1983 budget requests and needs are made in such accounts as the economic support fund, American schools and hospitals abroad, the Peace Corps, military assistance, peacekeeping activities in the Sinai, the Export-Import Bank and the international financial institutions. No funding at all is provided for the International Fund for Agriculture Development, which is a mistake. It is obvious that these shortfalls will have to be addressed by Congress during the postelection session.

The conferees accepted language in the House bill extending a regional health delivery project in West and Central Africa for 3 years at an estimated cost of $2 million per year. This highly successful project, directed under AID contract by Boston University, had been threatened with termination, and this language will avoid that prospect.

LEGISLATIVE BRANCH

The conferees agreed to include for the entire fiscal year a compromise version of the legislative branch appropriations for fiscal 1983. All House items and all Senate items reported previously in H.R. 7073 and S. 2939 are included in the conference agreement, and dollar differences in several joint items were split.

The pay cap for Federal executive, judicial, and legislative officials, which was included in both the House and Senate bills, is retained by the conference for the duration of the continuing resolution.

A House provision limiting reimbursements for Senators' travel within their home States was dropped by the conference.

DEFENSE

The defense section provides a rate of $228.7 billion dollars, but with some specific restrictions. None of the funds may be used to initiate or resume projects or activities for which funds or authority were not available in fiscal 1982. There is a specific prohibition against starting production of the MX missile and the second nuclear-powered aircraft carrier. Long lead only can continue, as was approved last year, for one carrier. Defense is directed to consult with the Appropriations Committees of the House and Senate in every instance where there is any question on proceeding, and I can assure you we mean exactly that.

We fully expect to have a defense bill before the House shortly after we return from the election recess, and we can resolve these issues at that time. But for the continuing resolution, there are no new starts, no MX, and no carrier production, with full consultation with the committee on any questionable item. I am comfortable with the defense section.

ENERGY AND WATER

The continuing resolution provides that the rate of operations for energy and water programs will generally be at the current rate, modified to require prior approval of the Committee on Appropriations for the initiation or resumption of any project or activity for which appropriations, funds, or other authority were not available in fiscal year 1982.

The House receded to a Senate amendment that would prohibit the use of funds for the purpose of conducting studies relating to changing from the currently required "at cost" to a "market rate" method for pricing hydroelectric power by Federal public power authorities.

HUD INDEPENDENT AGENCIES

The conference agreement removes funding for the programs of the Department of Housing and Urban Development and Independent Agencies from under the continuing resolution since both the House and Senate have already adopted the conference report to H.R. 6956, making fiscal year 1983 appropriations for HUD/Independent Agencies.

The conference agreement does include language offered by the Senate to extend the construction start deadline for financial adjustment factor (FAF) eligible housing projects from October 1, 1982, to January 1, 1983. The conference agreement does not include language proposed by the Senate to postpone the effective date of tenant rent contributions regulations.

LABOR-HHS-EDUCATION

For the Departments of Labor, Health and Human Services, Education and Related Agencies, the conference report establishes funding levels under the continuing resolution at current operating levels and under current terms and conditions. This is the same provision as was passed by the House when it considered House Joint Resolution 599 for the first time. Current operating level is meant to include all supplemental appropriations and is meant to continue all current programs through the period of the continuing resolution.

The Senate added 19 amendments on its side, 7 of them increasing funding for particular programs by about $100 million. The two largest of these increases, $50 million for vocational education and $19 million for older Americans title V, were not appropriate for consideration in this short-term, continuing resolution, because they established funding levels for forward-funded programs that would not be obligated until next July. The conference report strikes these two amendments, without prejudice to their consideration in the regular 1983 labor-HHS-education bill.

Another four money amendments provided relatively small amounts to a number of important programs, and in the interest of reaching an agreement with the Senate and keeping the Government from shutting down, the House receded to the Senate. These increases were runaway youth, $7.5 million; family medicine, $7.2 million; childhood immunization, $4.4 million; nursing research, $1.6 million.

The last funding amendment provides $9 million to endow a center at Tuskegee University in honor of the Nation's first and only black four-star general in the U.S. Air Force. This was requested by the administration and is contained in the regular 1983 House bill.

The Senate added a number of language amendments as well.

Probably the amendment that has caused the most interest concerns the matter of prior year State social security claims. This is a complicated matter with a long history, but I want to make it clear that this amendment keeps the door open for the States that have obtained a court decision in their favor.

No money would be provided in fiscal year 1983 while the battle continues in the courts, but provided they obtain a favorable judgment, the States would be eligible for payments over a 3-year period starting in 1984.

The conference report contains a number of other language provisions as well, including extending the moratorium on nursing home regulations by 120 days; adopting the sense-of-the-Senate resolution in opposition to a medicare means test; continuing the allocation of community service block grant money under current terms and conditions; permitting the funding for jobs training to be obligated under the terms of the transition provision contained in the conference report of the jobs training bill.

All in all, the provision relating to the Departments of Labor, Health and Human Services, and Education keep the continuing resolution close to the original concept of continuing the programs as they are operating currently, which gives the opportunity and the incentive to consider funding these programs as part of the regular labor-HHS-Education bill during the lame duck session.

TRANSPORTATION

The continuing resolution provides that the rate of operations for transportation programs will generally be the lower of the House-passed or Senate reported bill. For items that are contained in one bill and not in the other, funding will be provided at the lower of the level provided in that bill or the fiscal year 1982 level.

One exception is the provision for the Department of Transportation's interstate transfer grants, for which the continuing resolution provides $518 million for highways and $365 million for transit projects.

The allocation of these funds is to be in accordance with the higher of the House or Senate report on the fiscal year 1983 transportation appropriations bill, which will permit the funding of the many important and much needed projects listed in the House report.

For urban and nonurban formula grants the Senate had proposed to apportion and allocate these funds using 1980 census data. Under the conference agreement, 75 percent of these funds would be apportioned using 1980 data, while 25 percent of the funds would continue to be apportioned on the basis of the 1970 census.

Mr. Speaker, the controversial question of the pay increase for air traffic controllers was reported back in true disagreement. The Senate amendment provided for an average 6.6 percent pay increase for working air traffic controllers—an increase that is well deserved and long overdue.

The House passed this measure in last November's continuing resolution, only to see it die with the President's veto.

At the appropriate time, there will be a motion made to recede and concur in the Senate amendment. I will have further remarks on this subject at that time, but at this point would urge my colleagues to agree to that motion and defeat an amendment that would mandate the rehiring of fired striking controllers.

The continuing Resolution provides that programs and activities of the Department of Interior and Related Agencies shall be continued at a rate to maintain current operating levels.

Six amendments in disagreement were considered by the conferees relating to the programs and activities of the Department of Interior and Related Agencies. The managers on the part of the House have agreed to the Senate provision providing the budget request for the strategic petroleum reserve so that there will be no disruption in our efforts to fill the reserve. The House also agreed to Senate language further conforming to the House-passed Wilderness Protection Act provisions contained in the House-passed continuing resolution to prohibit the use of funds for activities relating to leasing in wilderness and wilderness study areas. The conference agreement also provides $36.5 million for the construction of the south quadrangle project by the Smithsonian. The funds are made available subject to certification by the Chancellor on behalf of the Board of Regents of the Smithsonian that the required private matching funds are available.

The conferees also agreed to provide $190,000 for the expenses of the Native Hawaiians Study Commission, approved the transfer of $5.2 million in salaries and expense money to the

matching grants program within the National Endowment for the Humanities, and deleted Senate language which would have transferred all resources involving cadastral survey work in the national forest system from the Department of Interior to the Department of Agriculture.

Mr. WHITTEN. Madam Speaker, I yield such time as he may require to the gentleman from California (Mr. FAZIO) a member of the committee.

Mr. FAZIO. Madam Speaker, I rise in support of the conference report.

Madam Speaker, the conference report includes funding for the operations of the legislative branch for the 1983 fiscal year. The continuing resolution references the levels set in S. 2939, the fiscal year 1983 legislative branch appropriation reported to the Senate on September 22, 1982, together with certain exceptions. This conference agreement, Madam Speaker, represents a reasonable compromise between H.R. 7073, the Legislative Branch Appropriation Act reported to the House on September 9, 1982, and S. 2939.

At this point in the RECORD under permission which I have already obtained, I will insert a tabulation detailing the conference agreement on legislative branch items in comparative form:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—LEGISLATIVE BRANCH: CONTINUING RESOLUTION, FISCAL YEAR 1983 (H.J. RES. 599)

	Fiscal year 1982, enacted	Fiscal year 1983, request	House	Senate	Conference
TITLE I—CONGRESSIONAL OPERATIONS					
SENATE					
Compensation and mileage of the Vice President and Senators and expense allowances of the Vice President, the leaders, and whips of the Senate:					
Compensation and mileage of the Vice President and Senators	6,932,000				
Mileage of the Vice President and Senators		60,000		60,000	60,000
Expense allowances of the Vice President, President pro tempore, majority and minority leaders and majority and minority whips:					
Vice President	10,000	10,000		10,000	10,000
President pro tempore of the Senate	10,000	10,000		10,000	10,000
Majority leader of the Senate	10,000	10,000		10,000	10,000
Minority leader of the Senate	10,000	10,000		10,000	10,000
Majority whip of the Senate	2,500	2,500		2,500	2,500
Minority whip of the Senate	2,500	2,500		2,500	2,500
Total, expense allowances	45,000	45,000		45,000	45,000
Total, Vice President and Senators	6,977,000	105,000		105,000	105,000
Salaries, officers and employees:					
Office of the Vice President	991,000	991,000		991,000	991,000
Office of the President pro tempore	133,000	147,000		133,000	133,000
Offices of the majority and minority leaders	717,100	780,000		717,000	717,000
Floor assistants to the majority and minority leaders	115,000	134,000		117,000	117,000
Offices of the majority and minority whips	278,600	308,000		279,000	279,000
Conference committees	875,700	968,000		876,000	876,000
Offices of the secretaries of the conference of the majority and the conference of the minority	150,100	166,000		150,000	150,000
Office of the Chaplain	80,640	80,000		80,000	80,000
Office of the Secretary	5,296,000	5,702,000		5,660,000	5,660,000
Administrative, clerical, and legislative assistance to Senators	90,996,000	90,996,000		90,996,000	90,996,000
Office of Sergeant at Arms and Doorkeeper	24,542,000	28,470,000		27,378,000	27,378,000
Offices of the secretaries for the majority and minority	710,000	717,000		710,000	710,000
Agency contributions and longevity compensation	15,971,000	17,024,000		16,705,000	16,705,000
Total, salaries, officers and employees	140,856,140	146,483,000		144,792,000	144,792,000
Office of the legislative Counsel of the Senate: Salaries and expenses	1,086,600	1,255,000		1,155,000	1,155,000
Office of Senate Legal Counsel: Salaries and expenses	508,000	525,000		508,000	508,000
Expense allowance for the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and secretaries for the majority and for the minority of the Senate		8,000		8,000	8,000
Contingent expenses of the Senate:					
Senate procedure	5,000				
Senate policy committees	1,633,700	1,803,000		1,634,000	1,634,000
Automobiles and maintenance	75,000	111,000		90,000	90,000
Inquiries and investigations	43,199,500	47,524,000		43,199,500	43,199,500
Folding documents	134,000	134,000			
Miscellaneous items	33,507,168	39,066,000		37,900,500	37,900,500
Postage stamps	9,000	11,000		11,000	11,000
Stationery (revolving fund)	43,000	31,000		131,000	131,000
Total, contingent expenses of the Senate	78,606,368	88,680,000		82,966,000	82,966,000
Total, Senate	228,034,108	237,056,000		229,534,000	229,534,000
HOUSE OF REPRESENTATIVES					
Payments to widows and heirs of deceased Members of Congress: Gratuities, deceased Members	121,325		60,663	60,663	60,663
Compensation and mileage for the Members:					
Compensation of Members	29,382,000				
Mileage of Members	210,000	210,000	210,000	210,000	210,000
Total, compensation and mileage for the Members	29,592,000	210,000	210,000	210,000	210,000
House leadership offices:					
Office of the Speaker	673,000	676,000	676,000	676,000	676,000
Office of the Majority Floor Leader	551,000	555,000	555,000	555,000	555,000
Office of the Minority Floor Leader	610,000	617,000	617,000	617,000	617,000
Office of the Majority Whip	465,000	470,000	470,000	470,000	470,000
Office of the Minority Whip	406,000	408,000	408,000	408,000	408,000
Total, House leadership offices	2,705,000	2,726,000	2,726,000	2,726,000	2,726,000
Salaries, officers and employees:					
Office of the Clerk	11,543,000	11,787,000	11,787,000	11,787,000	11,787,000
Office of the Sergeant at Arms	16,028,000	16,284,000	16,284,000	16,284,000	16,284,000
Office of the Doorkeeper	5,937,000	5,938,000	5,938,000	5,938,000	5,938,000
Office of the Postmaster	1,622,000	1,769,000	1,769,000	1,769,000	1,769,000
Office of the Chaplain	58,000	59,000	59,000	59,000	59,000
Office of the Parliamentarian	495,000	495,000	495,000	495,000	495,000
Office of the Parliamentarian	(305,000)	(305,000)	(305,000)	(305,000)	(305,000)
Compilation of precedents of the House of Representatives	(190,000)	(190,000)	(190,000)	(190,000)	(190,000)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—LEGISLATIVE BRANCH: CONTINUING RESOLUTION, FISCAL YEAR 1983 (H.J. RES. 599)—Continued

	Fiscal year 1982, enacted	Fiscal year 1983, request	House	Senate	Conference
Office of the Law Revision Counsel	554,000	716,000	716,000	716,000	716,000
Office of the Legislative Counsel	2,527,000	2,601,000	2,601,000	2,601,000	2,601,000
House Democratic Steering Committee and Caucus	508,000	511,000	511,000	511,000	511,000
House Democratic Steering Committee	(390,000)	(391,000)	(391,000)	(391,000)	(391,000)
House Democratic Caucus	(118,000)	(120,000)	(120,000)	(120,000)	(120,000)
House Republican Conference	508,000	511,000	511,000	511,000	511,000
6 minority employees	343,000	352,000	352,000	352,000	352,000
Other authorized employees	858,000	936,000	936,000	936,000	936,000
Technical assistant, Office of the Attending Physician	(40,000)	(40,000)	(40,000)	(40,000)	(40,000)
L. B. J. interns and former Speakers' staff	(734,000)	(812,000)	(812,000)	(812,000)	(812,000)
Miscellaneous items	(84,000)	(84,000)	(84,000)	(84,000)	(84,000)
Total, salaries, officers and employees	40,981,000	41,959,000	41,959,000	41,959,000	41,959,000
Committee employees: Professional and clerical employees (standing committees)	31,180,000	32,035,000	32,035,000	32,035,000	32,035,000
Committee on Appropriations (studies and investigations): Salaries and expenses	3,701,000	3,750,000	3,750,000	3,750,000	3,750,000
Committee on the Budget (studies): Salaries and expenses	218,000	276,000	276,000	276,000	276,000
Members' clerk hire: Clerk hire	143,715,000	143,953,000	143,953,000	143,953,000	143,953,000
Contingent expenses of the House:					
Allowances and expenses:					
Official expenses of Members	49,036,000	49,791,000	49,791,000	49,791,000	49,791,000
Supplies, materials, administrative costs and Federal tort claims	11,970,000	8,337,000	8,337,000	8,337,000	8,337,000
Furniture and furnishings	1,670,000	1,250,000	1,250,000	1,250,000	1,250,000
Reporting hearings	1,511,000	700,000	700,000	700,000	700,000
Reemployed annuitants reimbursement	2,300,000	2,300,000	2,300,000	2,300,000	2,300,000
Government contributions	18,988,000	18,988,000	18,988,000	18,988,000	18,988,000
Miscellaneous items	563,000	500,000	500,000	500,000	500,000
Total, allowances and expenses	86,038,000	81,866,000	81,866,000	81,866,000	81,866,000
Special and Select Committees: Salaries and expenses	42,135,000	43,600,000	42,000,000	42,000,000	42,000,000
Total, contingent expenses of the House	128,173,000	125,466,000	123,866,000	123,866,000	123,866,000
Total, House of Representatives	380,386,325	350,375,000	348,835,663	348,835,663	348,835,663
JOINT ITEMS					
Contingent expenses of the Senate:					
Joint Economic Committee	2,305,000	2,375,000	2,375,000	2,230,000	2,327,000
Joint Committee on Printing	816,000	951,000	816,000	816,000	816,000
Total, contingent expenses of the Senate	3,121,000	3,326,000	3,191,000	3,046,000	3,143,000
Contingent expenses of the House: Joint Committee on Taxation	3,136,000	3,405,000	3,405,000	2,860,000	3,233,000
Office of the Attending Physician: Medical supplies, equipment, expenses, and allowances	603,000	633,000	633,000	633,000	633,000
Capitol Police:					
General expenses	887,000	945,000	945,000	945,000	945,000
Capitol Police Board (reappropriation)	628,000				
Total, Capitol Police	1,515,000	945,000	945,000	945,000	945,000
Education of pages: Education of congressional pages and pages of the Supreme Court	255,000	271,000	271,000	271,000	271,000
Official mail costs: Expenses	75,095,000	55,196,000	55,196,000	55,196,000	55,196,000
Capitol Guide Service: Salaries and expenses	734,000	734,000	734,000	734,000	734,000
Statements of Appropriations: Preparation	13,000	13,000	13,000	13,000	13,000
Total, joint items	84,472,000	64,523,000	64,388,000	63,698,000	64,168,000
OFFICE OF TECHNOLOGY ASSESSMENT					
Salaries and expenses	12,169,000	13,900,000	12,575,000	12,575,000	12,575,000
CONGRESSIONAL BUDGET OFFICE					
Salaries and expenses	13,226,000	16,352,000	14,200,000	15,450,000	14,825,000
ARCHITECT OF THE CAPITOL					
Office of the Architect of the Capitol:					
Salaries	3,897,000	4,540,000	4,261,000	4,326,000	4,301,000
Contingent expenses	210,000	210,000	210,000	210,000	210,000
Total, Office of the Architect of the Capitol	4,107,000	4,750,000	4,471,000	4,536,000	4,511,000
Capitol Buildings and Grounds:					
Capitol Buildings	10,330,000	11,814,000	9,056,000	9,998,000	9,998,000
Capitol Grounds	2,480,000	5,608,000	4,921,000	4,921,000	4,921,000
Acquisition of property as an addition to the Capitol Grounds		4,500,000	4,500,000	4,500,000	4,500,000
Senate office buildings	15,051,000	34,883,000		20,308,000	20,308,000
Senate garage	99,000	104,000			
House office buildings	20,099,000	20,814,000	20,367,000	20,367,000	20,367,000
Capitol Power Plant (operation)	22,222,000	24,060,000	23,100,000	23,100,000	23,100,000
Total, Capitol Buildings and Grounds	70,281,000	101,783,000	61,944,000	83,194,000	83,194,000
Total, Architect of the Capitol (except items in title II)	74,388,000	106,533,000	66,415,000	87,730,000	87,705,000
LIBRARY OF CONGRESS					
Congressional Research Service: Salaries and expenses	31,605,000	37,109,000	33,851,000	33,851,000	33,851,000
GOVERNMENT PRINTING OFFICE					
Congressional printing and binding	84,843,000	90,247,000	81,747,000	81,747,000	81,747,000
Total, title I—Congressional operations	909,123,433	916,095,000	622,011,663	873,420,663	873,420,663
TITLE II—OTHER AGENCIES					
BOTANIC GARDEN					
Salaries and expenses	2,351,000	1,827,000	1,827,000	1,827,000	1,827,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—LEGISLATIVE BRANCH: CONTINUING RESOLUTION, FISCAL YEAR 1983 (H.J. RES. 599)—Continued

	Fiscal year 1982, enacted	Fiscal year 1983, request	House	Senate	Conference
LIBRARY OF CONGRESS					
Salaries and expenses	121,676,000	129,657,000	126,803,000	126,803,000	126,803,000
Authority to spend receipts	−6,500,000		−6,500,000	−6,500,000	−6,500,000
Net, salaries and expenses	115,176,000	129,657,000	120,303,000	120,303,000	120,303,000
Copyright Office, salaries and expenses	14,627,000	15,515,000	15,477,000	15,477,000	15,477,000
Authority to spend receipts	−5,000,000		−5,000,000	−5,000,000	−5,000,000
Net, Copyright Office, salaries and expenses	9,627,000	15,515,000	10,477,000	10,477,000	10,477,000
Books for the blind and physically handicapped, salaries and expenses	33,221,000	35,478,000	33,384,000	33,384,000	33,384,000
Collection and distribution of library materials (special foreign currency program):					
Payments in Treasury-owned foreign currencies	3,976,000	3,976,000	3,976,000	3,976,000	3,976,000
U.S. dollars	429,000	462,000	462,000	462,000	462,000
Total, collection and distribution of library materials	4,405,000	4,438,000	4,438,000	4,438,000	4,438,000
Furniture and furnishings	1,089,000	1,563,000	1,226,000	1,226,000	1,226,000
Total, Library of Congress (except Congressional Research Service)	163,518,000	186,651,000	169,828,000	169,828,000	169,828,000
ARCHITECT OF THE CAPITOL					
Congressional cemetery			300,000	300,000	300,000
Library Buildings and Grounds: Structural and mechanical care	8,785,000	5,137,000	5,071,000	5,071,000	5,071,000
COPYRIGHT ROYALTY TRIBUNAL					
Salaries and expenses	487,000	556,000	606,000	556,000	606,000
Authority to spend receipts			−157,000		−157,000
Net, salaries and expenses	487,000	556,000	449,000	556,000	449,000
GOVERNMENT PRINTING OFFICE					
Printing and binding	17,888,000	16,591,000	12,791,000	12,791,000	12,791,000
Office of Superintendent of Documents, salaries and expenses	27,120,000	28,889,000	27,291,000	27,291,000	27,291,000
Total, Government Printing Office (except Congressional printing and binding)	45,008,000	45,480,000	40,082,000	40,082,000	40,082,000
GENERAL ACCOUNTING OFFICE					
Salaries and expenses	236,000,000	255,014,000	245,300,000	244,250,000	244,900,000
Total, title II—Other agencies	456,149,000	494,665,000	462,857,000	461,914,000	462,457,000
Grand total, New budget (obligational) authority	1,365,272,433	1,410,760,000	1,084,868,663	1,335,334,663	1,335,697,663
RECAPITULATION					
Title I—Congressional operations	909,123,433	916,095,000	622,011,663	873,420,663	873,240,663
Title II—Other agencies	456,149,000	494,665,000	462,857,000	461,914,000	462,457,000
TITLE I—CONGRESSIONAL OPERATIONS					
Senate	228,034,108	237,056,000		229,534,000	229,534,000
House of Representatives	380,386,325	350,375,000	348,835,663	348,835,663	348,835,663
Joint items	84,472,000	64,523,000	64,388,000	63,698,000	64,168,000
Office of Technology Assessment	12,169,000	13,900,000	12,575,000	12,575,000	12,575,000
Congressional Budget Office	13,226,000	16,352,000	14,200,000	15,450,000	14,825,000
Architect of the Capitol (except Library buildings and grounds, and Congressional Cemetery)	74,388,000	106,533,000	66,415,000	87,730,000	87,705,000
Congressional Research Service, Library of Congress	31,605,000	31,109,000	33,851,000	33,851,000	33,851,000
Congressional printing and binding, Government Printing Office	84,843,000	90,247,000	81,747,000	81,747,000	81,747,000
Total, title I—Congressional operations	909,123,433	91,095,000	622,011,663	873,420,663	873,240,663
TITLE II—OTHER AGENCIES					
Botanic Garden	2,351,000	1,827,000	1,827,000	1,827,000	1,827,000
Library of Congress (except Congressional Research Service)	163,518,000	186,651,000	169,828,000	169,828,000	169,828,000
Architect of the Capitol (Library buildings and grounds, and Congressional Cemetery)	8,785,000	5,137,000	5,371,000	5,371,000	5,371,000
Copyright Royalty Tribunal	487,000	556,000	449,000	556,000	449,000
Government Printing Office (except congressional printing and binding)	45,008,000	45,480,000	40,082,000	40,082,000	40,082,000
General Accounting Office	236,000,000	255,014,000	245,300,000	244,250,000	244,900,000
Total, title II—Other agencies	456,149,000	494,665,000	462,857,000	461,914,000	462,457,000
Grand total, new budget (obligational) authority	1,365,272,433	1,410,760,000	1,084,868,663	1,335,334,663	1,335,697,663

There is one point I want to clarify, Madam Speaker. In enacting the change to title 44 contained in section 305 of S. 2939, a change which will probably save the international exchange program from closing down, the new language in section 1719 of title 44 specifies those documents that are exempt from the program because of national security, limited public interest or educational value, and related reasons. With respect to these exempt publications, the law speaks for itself, and there is no additional discretion implied in the law or in the accompanying House and Senate reports that outline the new legislation.

Madam Speaker, Senator MATTINGLY, my counterpart chairman in the other body, and I and the other members of the conference committee feel that this is the best compromise that can be reached. The legislative branch budget is $29,574,770 below the amount enacted for fiscal year 1982 and it is $75,062,337 under the amount requested for fiscal year 1983. In other words, we have produced a legislative branch budget that is 2 percent less than the 1982 level, while the entire Federal budget is projected to increase by almost 6 percent for the same period of time. Once again, the legislative branch is showing the way in these times that require fiscal restraint on the part of all levels of Government.

Every Member of this House and this Congress can be proud of this budget, Madam Speaker. The legislative branch budget shows that the Congress, in its own operations, has been more than a willing partner in the effort to bring fiscal policy in line with the need for prudent public expenditures.

□ 1630

Mr. CONTE. I yield 3 minutes to my good friend, the gentleman from Ohio (Mr. KINDNESS).

Mr. KINDNESS. I rise, Madam Speaker, to voice some discomfort about the conference report which I cannot in good conscience support because I share the belief of two of our colleagues, members of the Appropriations Committee, that it incorporates an unconstitutional delegation of authority to the Appropriations Committee.

Last week when the House first considered House Joint Resolution 599 the gentleman from New York (Mr. GREEN) and the gentleman from Oklahoma (Mr. EDWARDS) both brought to the attention of the House a provision which is as outrageous as it is illegal and illegitimate.

That provision is the one which deems those general appropriation measures which have simply been reported from the Appropriations Committee to be considered as passed by the full House.

I share their view that that is an impermissible delegation of authority.

One of the results of this provision, however, is more troublesome. It would appear to effectuate a legislative rider contained in the appropriations bill on Treasury, Postal Service and Related Agencies, H.R. 7158, which was reported on September 22, 1982. That rider purports to restrict interference by OMB in the regulatory activities of the regulatory agencies.

I do not think it means anything and it has no legislative effect. But some of these conditions that are put in appropriation measures and are given false life by the continuing resolution need to be examined by this House, by this body, before they are given some sort of a semilegal status.

In the absence of any further legislative language to define what is meant by "interference" it is worth remembering that the courts presume that agencies are properly conducting their activities.

The report language accompanying this provision does not specify any examples of what is meant by "interference" and thus at most this provision imposes no further restrictions upon the activities of the Office of Management and Budget than otherwise existed.

Then their ability to carry out their statutory duties under the Paperwork Reduction Act of 1980 and under Executive Order 12291 having to do with regulatory oversight continue in effect and are not touched by this.

If there is any different interpretation that should be placed upon that I would invite anyone to do that in order for the RECORD to be made clear.

Mr. WHITTEN. Madam Speaker, I yield 4 minutes to the gentleman from Florida (Mr. LEHMAN).

Mr. LEHMAN. Madam Speaker, I rise in support of the House Joint Resolution 599 conference agreement. I would like to highlight several of the major items in this bill as they pertain to transportation.

First and foremost, the conference agreement stipulates that the rate of spending for most transportation items be limited to the rates specified in either the House-passed or Senate-reported transportation appropriations bills, whichever is lower.

The one major exception to this requirement is amendment No. 89 which appropriates $518,000,000 for Interstate transfer grants—highways, and $365,000,000 for Interstate transfer grants—transit. The amendment also specified how these funds are to be allocated. That distribution is as follows:

Interstate transfer—highways

Pennsylvania	$34,800,000
Washington, D.C	30,000,000
Hartford-New Britain	40,000,000
Oregon	60,000,000
Tucson	12,600,000
Northeast Illinois	150,000,000
Denver	25,000,000
New York State	18,000,000
Minneapolis	8,500,000
Twin Cities	11,000,000
New Jersey	40,000,000
Cleveland	25,000,000
Omaha	12,000,000
Memphis	18,400,000
Duluth-Superior	13,000,000
Baltimore	10,000,000
Indianapolis	5,700,000
Iowa	4,000,000
Total	518,000,000

Interstate transfer—transit

Boston	$105,000,000
New Jersey	30,000,000
Washington, D.C	45,000,000
Oregon	56,000,000
Sacramento	18,400,000
Northeast Illinois	56,000,000
Baltimore	37,000,000
Duluth	600,000
Hartford-New Britain	6,000,000
Indianapolis	11,000,000
Total	365,000,000

Other major transportation related provisions in the House Joint Resolution 599 conference agreement include a requirement to apportion and allocate one-quarter of all mass transit formula grants on the basis of the 1970 census, and a provision allowing the Secretary to spend fiscal year 1982 carryover airport development contract authority. This will permit the Secretary to make discretionary grants, equal to the amounts of apportioned authority which were not obligated during fiscal year 1982 but were carried forward to future years. The conferees intend that discretionary grants equal to apportioned authority not used during fiscal year 1982 be made in October 1982. These and other grants in fiscal years 1982 and 1983 will be subject to an obligation ceiling of $1.05 billion.

We also have brought back in disagreement the Senate's amendment to give air traffic controllers a pay increase. More will be said on this issue later.

I urge adoption of the conference agreement.

Mr. YATES. Madam Speaker, will the gentleman yield?

Mr. LEHMAN. I yield to the gentleman from Illinois.

Mr. YATES. Madam Speaker, first I would like to congratulate the gentleman from Florida (Mr. LEHMAN) on becoming the new chairman of the Appropriations Subcommittee for the Department of Transportation. He has done a superb job as a member of that committee for a number of years and his excellent handling of this bill bodes well for his tenure as chairman of that subcommittee as well.

Madam Speaker, I rise in support of House Joint Resolution 599.

I would like to engage the distinguished chairman of the Transportation Appropriations Subcommittee (Mr. LEHMAN) in a brief colloquy.

Am I correct in understanding section 101(a)(3) of this joint resolution to mean that, where an amount is appropriated in the bill of only one House, the applicable rate of expenditure for that item shall be the rate permitted by the action of the one House, or the current rate, whichever is lower?

And, therefore, the $15 million appropriated in the Transportation appropriations bill for Chicago commuter rail needs which is contained in the House bill under the heading "Commuter Rail Service," but is not contained in the Senate bill, should be made available upon enactment of this bill since $15 million is less than the $20 million provided for this purpose in fiscal year 1982?

Mr. LEHMAN. The gentleman is correct.

There should be absolutely no problem in interpreting the intent of section 101(a)(3) as it applies to the appropriations we made for commuter rail service. We expect the Department of Transportation to make available $60 million for commuter transition needs in the Northeast and $15 million for commuter rail subsidies for the Chicago RTA. Further, we expect the Department to allocate the $60 million for transition according to the distributions specified on page 61 of House Report No. 97-783.

Mr. MINETA. Madam Speaker, will the gentleman yield?

Mr. LEHMAN. I yield to my friend, the gentleman from California.

Mr. MINETA. I would like to commend the House conferees for the excellent job they have done.

But I do have a question on amendment No. 100, on which the House will offer a motion to recede and concur with the Senate amendment with an amendment.

Under that provision, fiscal year 1982 airport grant funds which might otherwise be lost, could be obligated in

the coming weeks. That is something that I fully support. But can the gentleman tell me, did the conferees agree, or would this House agree by adopting this provision, that all or part of these funds should be earmarked for any particular location, or are they to be distributed pursuant to the objective criteria in the authorizing statute adopted by this Congress just 1 month ago?

Mr. LEHMAN. We have agreed to no earmarking of any of these funds, and they should be distributed pursuant to existing statue.

Mr. CONTE. Madam Speaker, I yield myself 1 minute.

Mr. ROUSSELOT. Madam Speaker, will the gentleman yield?

Mr. CONTE. I yield to my friend from California.

Mr. ROUSSELOT. I appreciate my colleague yielding.

Was there not some defense spending in here someplace?

Mr. CONTE. Yes, there was. The House figure is $4.7 billion below the Senate figure. Our figure is $228 billion plus and the Senate figure was $233 billion plus.

So the House figure is about 5 billion below the Senate figure.

Mr. ROUSSELOT. $5 billion?

Mr. CONTE. $5 billion.

Mr. ROUSSELOT. That is a real savings.

Mr. CONTE. Yes. We did a good job here.

I do not know if the gentleman was in the Chamber when I mentioned that the young slasher has notified that he expects the President is going to sign this bill and he is going to recommend that the President sign this bill.

Mr. ROUSSELOT. That is certainly good news. You mean the Government can go on?

Mr. CONTE. The Government can go on and all of you folks can go back home and campaign.

Mr. ROUSSELOT. I intend to do that.

Mr. CONTE. And I hope to see you all back here after November 29.

Madam Speaker, I reserve the balance of my time.

Mr. WHITTEN. Madam Speaker, I yield 3 minutes to the gentleman from Pennsylvania, (Mr. EDGAR).

Mr. EDGAR. I thank the chairman for yielding and want to commend the committee on their conference report, particularly in deleting the language possessed by the Senate relating to the Water Resources Council.

I would, however, like to request of the chairman of the Subcommittee on Water and Power if he might answer a question relating to amendment 99 in the bill.

I am concerned about why the House has accepted the language offered by Senator SASSER to prohibit funding of studies and pricing policies for hydroelectric power. Can the gentleman indicate to us the reasoning behind the acceptance of the language contained in amendment No. 99?

Mr. BEVILL. Madam Speaker, will the gentleman yield?

Mr. EDGAR. I am happy to yield to the gentleman from Alabama.

Mr. BEVILL. I am glad to answer the gentleman's question.

The other body, of course, placed this into the bill and this came up in conference and the conference adopted it unanimously.

The purpose, of course, as the gentleman knows, for example, the TVA has in the law that it is required that they charge enough to cover all costs and this is an investigation to look into the possibilities of raising those rates.

Right now there is not much sympathy for that position and it is something, though, that if it looks like it has some merit in it, when we come back or when we get into the next year, when we have regular hearings, if it looks like it justifies a hearing we will certainly hold a hearing on it and go into it.

But this is a matter that came up on short notice in the conference committee and, as I say, the other body felt very strongly they had to look into it. We had not. But the members felt unanimously that this should be provided and it should be looked into more thoroughly before any such action is taken.

Mr. EDGAR. I thank the gentleman for his explanation. I find it difficult to understand why we would not permit the Energy Department to do a study on the market rate pricing for hydroelectric power and make legitimate changes that need to be made in reforming the pricing policies, whether it is the TVA or any other authority.

I find that that language in amendment 99 is inappropriate for this continuing resolution.

I understand the gentleman's problem because it was a Senate side provision and there has to be a little give and take.

□ 1649

I would have preferred this continuing resolution not have this language and allow the energy agencies to proceed with its approach in looking at market rate pricing.

I thank the gentleman for his explanation in clarifying this.

Mr. BEVILL. If the gentleman will yield further, as the gentleman notices, it does not in any way interfere with the Federal Energy Regulatory Commission which looks into these matters.

Mr. CONTE. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I regret that it is again necessary to invite the body's attention to what only can be described as a total lack of control in our rules, procedures, and discipline in this body.

The end of any legislative session is never any event to inspire confidence in the hearts of the governed. Due solely to our own unwillingness to manage our affairs responsibly, we pass most of our legislation in the last week. What passes is done hastily, without regard to proper procedures of safeguard and scrutiny. The result is bad procedure and bad law. Almost nobody knows what is being passed, and nobody at all can assess the risk of what is being passed.

In the name of expediency, we have rolled all of our appropriations into a single foul-smelling lump. We deny amendments; we limit discussion; then we tell people we had to do it or the Government would close down. We do not tell them that we could have passed the appropriations bills previously.

Worse, when our odious lump passes to the other body, it falls into a worse sinkhole of failed discipline. Committees and individuals there merrily attach nongermane, nonsensical, nonuseful, nonstudied, nondebated amendments as a matter of courtesy each to the other. It is of course an odd form of courtesy that uses the taxpayers' money to pander to specific greeds, most of which have no broad public purpose, and many of which are counterproductive to widely accepted social goals.

I do not propose to reform the other body. Far abler people than I have broken their picks on that rock. I do, however, accuse this body and its leadership of encouraging irresponsible deportment in the other body by accepting the frivolous, unnecessary, unknown, nongermane amendments from the other body.

Those amendments are not for fun. They become law, ladies and gentlemen. Those laws generate expenses and deficits and regulation and create needs for more bureaucrats in our Government.

Let us get to the case in point. In this resolution, I am told, there are 50 Senate amendments of various kinds and descriptions that are beyond my ability to describe.

When we put our resolution together for some reason we do not want to pass appropriations bills we rolled all the spending plans up into one. We gathered together all of our wildest current spending dreams into another malodorous lump. Parenthetically, while we are still waiting for the real bills, we probably ought to slow spending down to 85 percent to give us an incentive to pass our real appropriations. Instead, we managed to accelerate the spending in this resolution.

Then the other body did its usual number. During its committees' show-and-tell session, it added 100 amendments. In conference, our intrepid defenders of good order and discipline accepted about half of them. Which half, I do not know. I do not want to take a quiz on the contents of this resolution, and I doubt if many of the conferees would like to either.

The chairman of the other body's Appropriations Committee was quoted in this morning's paper as follows: "I admit we probably added a lot of garbage in it."

Now, most of us would agree with that statement, but everyone who votes for this resolution today accepts that garbage as his or her personal responsibility, because you are ratifying those actions.

I want to just note a couple of the items which, contrary to our rules, invade the jurisdictions of other committees in this body. I again have not had a chance to analyze this resolution, and will not have an opportunity for the next couple of days, but I imagine that most of the committees in this body have had their jurisdictions invaded.

We are going to spend $85 million to buy copper from a stockpile which everybody knows we do not need, which they cannot give away. And yet we are going to saddle the taxpayers with that.

We are going to begin a system of import licensing of steel, which has never had a hearing, which will add enough regulation in at least two major departments to delight the printers of the Federal Register for generations to come and require regular supplemental appropriations for more bureaucrats.

Now, just a few minutes ago we debated the balanced budget amendment. Our orators blasted away on all cylinders for fiscal discipline. And that is wonderful. I am for it. But I wonder how many of our colleagues who stood so tall for discipline on balanced budgets are going to cave into the lack of discipline, the undisciplined anarchy of this bill. I will not, Mr. Speaker.

I cannot tell my constitutents that I seek order and discipline in budgeting unless I seek it in the appropriations process and in the general procedures. I shall not vote for this continuing resolution or anything like it.

The bill is a substitute for honest work. It is a convenience over discipline. Regrettably, it will probably pass, but I will not be responsible.

Finally, I know this is a difficult, imperfect, fragile system, requiring comity, sensitivity and compromise. There is none so naive, not even I, that he does not expect a little give and take. But you, Mr. Speaker, have not given us give and take. You have given us a circus.

My negative vote will be cast both in anger and sorrow. I am enraged at our acceptance of the total breakdown of orderly procedure and angered at the shame that is consequently reflected in this institution.

Mr. WHITTEN. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. ROSTENKOWSKI), the chairman of the Ways and Means Committee.

Mr. ROSTENKOWSKI. Mr. Speaker, I would like to address the distinguished chairman of the Committee on Appropriations for the purpose of clarifying the intent of amendment No. 65 in the conference report. This amendment modified Senate language related to State claims for Federal reimbursement for payments made under AFDC, medicaid, title XX social services, and other Social Security Act programs.

Because of a large backlog of old outstanding State claims, in 1980 Congress enacted section 306 of the Adoption Assistance and Child Welfare Act of 1980 (Public Law 96-272). This section established procedures for the disposition of State claims for AFDC, medicaid, and title XX social service payments made before October 1979. Also, in order to prevent a similar backlog from developing in the future, States were required to submit future claims under these Federal/State matching fund programs within 2-years following the State expenditure.

It is my understanding that the Department of Health and Human Services, on the basis of languages contained in subsequent appropriations bills, has imposed a 1-year time limit on the filing of both past and current claims. The retroactive imposition of a 1-year filing period requirement made it impossible for States to obtain reimbursement for millions of dollars of valid claims for payments made in previous years. However, in July of this year, a U.S. court of appeals said the 1-year filing period restriction was not valid with regard to claims for expenditures made prior to October 1978, and directed the Department to pay all legitimate pre-1978 State claims.

Amendment No. 65, contained in the conference agreement before the House today, does restrict the payment of pre-1978 during fiscal 1983. It provides that all such claims determined to be valid by the courts would have to be paid during fiscal years 1984 through 1986 according to a procedure to be established under the Social Security Act.

It is my understanding that this amendment is not intended to prejudice in any way any court case pertaining to these claims.

With regard to State claims for expenditures made since fiscal year 1981, it is my understanding that there is nothing in this amendment that allows HHS to go beyond or be more restrictive than the requirements and procedures contained in section 306 of Public Law 96-272.

Does the distinguished chairman of the Committee on Appropriations agree with my understanding of the intent and implications of this amendment?

Mr. WHITTEN. Mr. Speaker, may I turn to my colleague, the chairman of the subcommittee which deals directly with this matter, the gentleman from Kentucky (Mr. NATCHER).

Mr. NATCHER. Mr. Speaker, the language agreed to in amendment No. 65 affects only those State expenditures which occurred prior to October 1, 1978, and which were not submitted by the States within 1 year. Language prohibiting payment of these claims was included in the 1980, 1981, and 1982 appropriations bills. As you know the validity of these appropriation limitations is at the heart of the case currently before the courts. This language does not prejudice the outcome of this case nor does it affect payment of any claims for State expenditures after fiscal year 1978. It merely provides that if a final judgment is rendered against the Government that payment of the judgment will be spaced out over a 3-year period of time beginning in fiscal year 1984.

Mr. Speaker, I would say to the chairman of the Ways and Means Committee that he is correct.

Mr. ROSTENKOWSKI. I thank the gentleman.

□ 1650

Mr. WHITTEN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I intend to vote against this conference report, and this provision, the provision we have been discussing here dealing with amendment No. 95 presented by Senator HEINZ of the Senate, because it was sneaked through. It never had any proper consideration. The administration colluded in sneaking it through. It is going to be very costly. It sets a dangerous precedent. It provides for the steel industry, a sick industry with the highest wages in the world, the highest labor costs in the world, a protection that other struggling industries in this country are not entitled to.

It, in effect says that because you are in the steel industry you can get extraordinary protection from this Government, without proving injury. That is a dangerous precedent. It is something, if it had ever received any consideration in the other body, I am sure it would not have been passed.

The debate over there does not reflect that it was ever accurately described by Senator HEINZ, the Senate if there had been anyone on the floor,

and I do not know if there was more than two or three present.

It is a very poor precedent. I regret that our House conference saw fit to adopt it.

I hope it will not be too expensive for the United States. It is going to cost a lot of money to administer this program, and it is going to be costly in price increases.

Mr. Speaker, I oppose the motion to recede and concur in the Senate amendment. The Senate amendment would authorize the Secretary of the Treasury to regulate imports of steelmill products in order to monitor and enforce foreign export restraints enacted pursuant to an agreement between the United States and a foreign government. The purpose of this provision is to give the administration authority to enforce a cartel-type restraint arrangement. The administration is currently negotiating such an agreement with the European Economic Community in order to settle pending unfair trade practice cases. Let me explain my reasons for opposing this amendment.

First, the effect of passing this measure will almost certainly be to authorize immediate curtailment of steel imports. This will have an impact on customs revenues of potentially significant proportions. The Congressional Budget Office today advised the Ways and Means Committee in writing that if the Secretary exercises his authority as contemplated by the amendment it would have an impact on tariff revenues in fiscal year 1983. It is clear, therefore, that this constitutes revenue legislation which should not be considered in the context of an appropriations measure.

Second, and more important, this provision would establish a dangerous precedent, because it would allow the President to conclude restrictive bilateral restraint agreements without any of the safeguards and procedural requirements contemplated by existing law. Section 201 of the Trade Act of 1974 currently permits the President to negotiate and carry out a bilateral restraint agreement with a foreign government, but not until there is a finding by the International Trade Commission that imports are a substantial cause of serious injury. The Congress has traditionally been unwilling to delegate broad Presidential authority to restrict imports without attaching very clear conditions such as those laid down in the Trade Act. The Senate amendment would therefore represent a fundamental change in U.S. trade policy which will establish a precedent for other industries seeking such treatment. By passing such authority exclusively for the steel industry, we are telling other industries that we adopt special rules for those with political muscle, but others must simply live with the law the way it is.

Third, and most troubling of all to me, this measure was never considered by the appropriate committee, either in the House or in the Senate—where it began as a last minute floor amendment. The administration has not taken a unified position on this major revision in our trade policy. No hearings have been held to examine how this would affect the domestic economy. It could be that such hearings would reveal a need to amend our unfair trade law to provide some kind of general settlement authority. I think we should examine that issue. But we should not hastily and covertly authorize a special deal for one industry and in doing so change established trade policies. I, therefore, urge Members to reject the conference report.

Mr. CONTE. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Speaker, legislation that affects the entire Government frequently has undesirable side effects and this conference report is no exception. I want to express my concern about one of those consequences: the potential impact of this measure on the Office of Management and Budget.

H.R. 7158, the Treasury, Postal Service, and General Government Appropriations Act for fiscal year 1983, includes funding for the Office of Management and Budget. As reported by the Appropriations Committee, the bill contains this restriction on OMB's actions during fiscal year 1983:

Provided, That none of the funds made available by this Act may be used by the Office of Management and Budget to interfere with the rulemaking authority of any regulatory agency.

The companion Senate bill, S. 2916, as reported by committee, contains no comparable restriction.

Although neither of these bills has passed its House, and neither is even expected to be considered before the October recess, the continuing resolution has elevated them for the period from October 1 to mid-December to the status of bills which have passed their respective Houses.

The resolution further provides that when, as in this case, the bills have in effect passed the two Houses in different forms, an activity which would be funded by the legislation shall be continued under the more restrictive authority. Because the House's authority for OMB is more restrictive, it will become law once the continuing resolution is enacted.

What is the "interference with rulemaking authority" that OMB will be precluded from doing, and what is a "regulatory agency"? The second part of the question is simpler; it seems reasonable to conclude that a "regulatory agency" is any agency which issues regulations. The first has been the subject of more discussion. I have heard some speculation that this proviso is intended to prevent OMB from carrying out its responsibilities under Executive Order 12291, entitled "Federal Regulation," and the Paperwork Reduction Act of 1980.

As the ranking minority member of the Committee on Government Operations, which has both legislative and investigative jurisdiction over OMB, I have devoted considerable attention to examining the work of that agency. I can assure the House that the restriction contained in H.R. 7158 does not affect OMB's legitimate exercise of authority because the agency does not interfere with rulemaking authority under either of these laws.

Executive Order No. 12,291 is intended—

To reduce the burdens of existing and future regulations, increase agency accountability for regulatory actions, provide for Presidential oversight of the regulatory process, minimize duplication and conflict of regulations, and insure well-reasoned regulations. (Exec. Order No. 12,291, preamble; 46 Fed. Reg. 13193 (Feb. 17, 1981)).

The Paperwork Reduction Act is designed to minimize the Federal paperwork burden for individuals, small businesses, State and local governments, and other persons; to minimize the cost to the Federal Government of collecting, maintaining, using, and disseminating information, (44 U.S.C. 3501).

And accomplish other purposes.

These laws require all Federal agencies to fulfill certain duties, and OMB to exercise central management authority to insure that those functions are performed in a consistent manner.

Both of these laws are clearly reasonable exercises of authority under the Constitution's directive that the President "take Care that the Laws be faithfully executed. . . ." (Article II, section 3). This mandate was given fuller explanation by the Supreme Court in the case of Myers against United States:

The ordinary duties of officers prescribed by statute come under the general administrative control of the President by virtue of the general grant to him of the executive power, and he may properly supervise and guide their construction of the statutes under which they act in order to secure that unitary and uniform execution of the laws which Article II of the Constitution evidently contemplated in vesting general executive power in the President alone. (272 U.S. 52, 135 (1926)).

For more than 40 years, Presidents have chosen to exercise that power to secure unitary and uniform execution of the laws by vesting the Office of Management and Budget and its predecessor with the authority to coordinate the activities of executive agencies. Franklin Roosevelt, for example, transferred that Office from the Treasury Department to the Executive Office of the President to insure that the Government as a whole could perform "promptly, effectively, without waste or lost motion." (84 CONGRESSIONAL RECORD 4741 (1939)). Richard

Nixon gave the Office additional managerial duties, saying that—

The President must . . . have a substantially enhanced institutional staff capability in (more) areas of executive management—particularly in program evaluation and coordination. (116 Cong. Rec. 7088 (1970)).

Both these actions were taken in reorganization plans to which the Congress assented.

Executive Order No. 12,291 and the Paperwork Reduction Act are merely two recent expressions of this historical development. The Executive order is carefully crafted to protect each agency's ability to issue its own rules under the Administrative Procedure Act and other statutes, subject only to additional administrative requirments and consideration of advice from the Presidential Task Force on Regulatory Relief and the Director of OMB. The Paperwork Reduction Act simply restates, in clearer and more detailed terms, a function which since 1942 has been considered a normal part of the procedure for issuing forms. At most, the prohibition on interference is simply a caution that OMB not go beyond its legitimate authority in carrying out the two laws.

● Mr. BROOKS. Mr. Speaker, I rise in support of the conference report and commend Chairman WHITTEN and members of the Appropriations Committee for the diligent and careful though that went into this measure. However, it is my understanding that H.R. 7158, the Treasury, Postal Service and General Government Appropriations Act for fiscal year 1983, contains a provision which prohibits OMB from expending any funds "to interfere with the rulemaking authority of any regulatory agency." I also understand that this provision may be taken by some as a prohibition against OMB in carrying out its responsibilities under the Paperwork Reduction Act of 1980 (Public Law 96-511). I do not believe that is the effect the Appropriations Committee intended this provision to have. Under Public Law 96-511, OMB is responsible for insuring that agencies, in developing rules and regulations, use efficient methods to collect, use, and disseminate needed information. Clearly, the provisions contained in H.R. 7158 does not change or in any way modify OMB's authorities under the Paperwork Act. Further, no reference was made to the Paperwork Act in the bill. Since Public Law 96-511 does not authorize OMB to interfere with the rulemaking authority of regulatory agencies, a prohibition against such activities would have no effect on the paperwork legislation.●

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is easy to take the well and lambast the Committee on Appropriations. But these amendments were not instigated or begun by the Committee on Appropriations on the House side. Neither were they instigated or adopted here in the House of Representatives.

This argument should be over in the other side. It was the other side that put these amendments in.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to my good friend from Florida.

Mr. GIBBONS. I thank the gentleman for yielding.

I realize amendments were not put in over here. I cast no reflections upon any member of the House conference. I am reflecting severely upon the presenter of the amendment in the Senate. He did not accurately describe it. And I do not know who else was on the floor. There has been no request from the administation to ever take up anything like this. They deliberately bypassed the House.

There are plenty of vehicles over in the Senate for dealing with subject matter like this that they could have attached this amendment to. They just used the Appropriations Committee because they figured that they had a situation in which they could take advantage of the fact that the Government would have to close down. And there was no consideration of this matter.

And I realize the gentleman is a very conscientious man, and he does not like to obfuscate, and he is not obfuscating. But there was plenty of it on the other side of the Capitol.

Mr. CONTE. Well, I appreciate the explanation of the gentleman from Florida. They are not the only ones that use the Appropriations Committee. This House has used us time and time again because they cannot get a certain bill out of legislative committee, and then comes the Appropriations Committee on the floor of the House after months of hard work and out comes an amendment saying no funds shall be spent for this or no funds shall be spent for that.

Mr. GIBBONS. If the gentleman will yield further, I want to make it perfectly clear, the Ways and Means Committee was in no way derelict on this. We have never received a request to have a hearing, to entertain the motion by any Member of the House. There has been no bill presented in the House on this subject. This one was plainly and clearly sneaked through the Senate by the administration and by the Senators who colluded in it.

Mr. CONTE. I have a letter written by the Secretary of Commerce to Senator HEINZ on September 29, in regard to the steel amendment. He said,

This amendment would facilitate the implementation and enforcement of the arrangement on steel with the European Community in settlement of the current antidumping and countervailing debt cases. The proposed provision, narrow as it is in product coverage, duration, and prerequisites for application, makes it consistent with the administration policy and approach to our efforts to resolve the steel trade issue.

I might go back to the first paragraph, and in the last line of that paragraph, he says, "I support this amendment."

So, that is what we have before us.

Mr. GIBBONS. If the gentleman will yield further, I will try to be brief. That letter was never sent to any House Member. There are plenty of bills in the Senate that this amendment could have been attached to, and we could have had a discussion of it. Some of our bills have been lying in the Senate, noncontroversial bills, for a year and a half—for a year and a half. And, for some reason, the Senate has never been able to even move them over there. They are noncontroversial bills, bills that affect many Members of this House, bills that passed here by unanimous consent, that they could have connected them to, but they just chose this vehicle.

They took advantage of the gentleman. I am sorry they did, because the gentleman is an honorable man. And the gentleman should not have been imposed on like that.

Mr. CONTE. Wait a minute, now. There is 10 percent unemployment, steel mills closing all over the country. This is not a protectionist measure. This is an antidumping measure. With people out there on the unemployment lines and the soup lines, we should start taking care of our American workers.

Mr. GIBBONS. I agree with that, but we must look after the welfare of all Americans—not just a few at the expense of all other Americans.

Mr. MYERS. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Indiana, he knows a little bit about steel.

Mr. MYERS. I thank the gentleman for yielding.

It is too bad we had to do it this way. I am not sure who is right in this issue. But to attack this committee, when we went over with the Senate with over 100 amendments, and you should have seen this bill. If Members do not like it now, they should have seen it before we cleaned it up. It was a conference. We had to concede in some issues.

What the gentleman from Massachusetts says is absolutely right. Maybe this is not the bill that should have been amended. But would the Members disagree about what we are trying to do for American labor, to protect and keep them on the job? Maybe this is not the right vehicle, but it is the only one available right now. Maybe the other body was wrong in adding it. Maybe we should have made a greater fight. But it was a conference, and you have to give and take

in a conference. The gentleman from Florida has been in many conferences.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield briefly to the gentleman from Florida.

□ 1700

Mr. GIBBONS. I agree with the gentleman. I want to make it perfectly clear, I am not attacking any Member of the House, and that, of course, includes this Appropriations Committee and this conference committee.

Mr. CONTE. I appreciate that.

Mr. GIBBONS. But I want to say again, there are many bills over in the Senate that they could have easily attached this to. We have been having conferences with the Senate all week on a number of bills. No one ever mentioned this, but that is the truth. That is all that happened. They took advantage of the lateness of the hour—and the urgency of the appropriation process to the operation of our Government.

Mr. CONTE. Mr. Speaker, I yield to my good friend, the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding.

I think it ought to be clear, as to what this does. The Commerce Department has brought actions on dumping. It is negotiating a settlement of these cases with the other countries on a country-to-country basis. In order to keep accurate control of what is happening, this provision was requested.

It is not a protectionist issue. It is a matter of administering the existing dumping laws. The administration needs the ability to request export licenses from the country of origin so it can have a control to implement the agreement that is not being worked out to stop the dumping of foreign steel into the American markets.

Of course, we have on the books many statutes to prohibit dumping, but to adequately implement them this is needed.

I understand the gentleman's concern about the procedure on this language, but I think it is a very important issue because Commerce is in the process right now of negotiating these cases and the administration needs the ability to request an export license for steel coming into the United States.

Mr. CONTE. Mr. Speaker, I want to thank the gentleman from Ohio for his explanation.

Mr. WHITTEN. Mr. Speaker, I yield myself 3 minutes.

May I say, the problem stops here, it rests at the steps of your Appropriations Committee, it does not start here. When this Congress provided that we could not move appropriation bills after May 15, but rather until we finally agreed upon a budget ceiling, that is what put us into this situation here.

I spent about an hour before the Rules Committee urging that whatever they did about the Budget Act, either make the budget resolutions conform to the deadlines of the act or at least let us, the Appropriations Committee, go ahead with our work and bring bills to this floor in a timely manner so we can avoid the need for continuing resolutions such as this one.

My testimony went into detail, and I felt the need for it. As all of my colleagues know, I was cochairman of the study committee that recommended the creation of the Budget Act and I support it; but this matter that the Congress cannot move until they reach a final conclusion months beyond the deadline just ties us in knots.

Mr. Speaker, the Senate did not pass this resolution until late Wednesday night. We were not able to go to conference on the 100 amendments of the Senate until midafternoon yesterday. We were under heavy pressure and the situation was most critical. The House members of the conference did an excellent job and we appreciate the cooperation of Chairman HATFIELD of the Senate Appropriations Committee in finding solutions in a timely manner.

In this connection, Mr. Speaker, I wish to pay special tribute to all the staff of the committee. The preparation of the report required a great deal of competence. This resolution included financing for all the Government, it involved all subcommittees, and therefore all the staff shared responsibility.

It was possible through a determined effort by the staff to file this report by midnight last night so that it would be available for consideration by the House today so that essential functions of Government might continue.

Mr. Speaker, especially since I have been chairman of the committee, I have been impressed by the dedication of our staff. They take pride in their work and I must say I have never seen another group which constantly demonstrates such smooth teamwork. They always try to do their best for the committee on both sides, and for the House.

Last year I think we worked 72 hours, two nights we stayed up trying to get through the myriad amendments. Last year we did a good job, and again this year we have done a good job. I understand this conference agreement will be signed.

Your committee on the House side had a very tight bill moneywise and otherwise, and we did refrain from most of those things that under the rules of the other body are permissible on a resolution of this kind.

So I just want to say we did our best; but the point is that we are here because of that requirement that we could not move on with our bills until other actions were taken.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HANCE).

Mr. HANCE. Mr. Speaker, I have a question to be directed to the chairman or one of the subcommittee chairmen.

According to the Washington Post and also the report from the other body, there was a fund of some $500,000 to be provided in 1983, to provide housing for a chimpanzee colony. It reportedly would house 60 animals. I think that kind of monkey business will offend a lot of people. The cost is over $8,000 per monkey. I just would like to know what happened to it in conference.

Mr. NATCHER. Mr. Speaker, will the gentleman yield to me at this time?

Mr. HANCE. I am very glad to yield.

Mr. NATCHER. Mr. Speaker, the matter that the gentleman from Texas discusses was not germane insofar as the conference is concerned and it was not discussed.

Mr. HANCE. I appreciate the gentleman's answer and I am glad the conferees pointed out that it was not germane and it was not included in the conference report.

Mr. WHITTEN. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Speaker, I thank the chairman for yielding.

I would direct my inquiry to the gentleman from Iowa, the distinguished chairman of the subcommittee.

Amendment No. 88 in the conference report deals with the addition of what amounts to a private immigration bill to this continuing resolution for appropriations.

I commend, first, the chairman for having added the statement that it does not constitute a precedent and that it is a highly unusual procedure.

I wonder if the gentleman might help me, though, by perhaps adding to the legislative record on that.

The gentleman from Kentucky is chairman of the subcommittee and deals with these private bills and, of course, wonders about the procedure where they come back attached to an appropriation bill.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. MAZZOLI. I certainly will.

Mr. SMITH of Iowa. To start with, I take a very dim view of these kinds of bills.

First, we determined that a bill had been approved by the Judiciary Committee. Had that not been the case, we would not even have considered it.

Next we were told that the two individuals, the bill was for a mother and her son, and does not involve a general immigration bill, would have to leave the country by October 10. In addi-

tion, I understand that the woman's husband had cancer, and had come to this country, accompanied by his family, for treatment and had recently died. So there were some very unusual circumstances. We made it very clear that although in this one instance we were including a private bill in a continuing resolution, it is to be considered an exception and not a precedent, and we only did it after we found out that the Judiciary Committee had approved the bill.

Mr. MAZZOLI. I understand. I thank the chairman for that explanation. It helps me, because, of course, the subcommittee takes pride in the deliberations that it conducts on all the hundreds of private bills introduced by Members, and it, of course, wants to proceed on the basis of an orderly legislative process.

I thank the chairman for his explanation.

Mr. DAUB. Mr. Speaker, it is again time to emphasize the Federal responsibility to compensate those local school districts which are heavily impacted with families who live and/or work on military bases. These families are exempt from paying local property taxes—those taxes which principally fund the operating budgets of local public schools. Military dependents were the original justifications for the Federal impact aid reimbursement, and nothing has changed to make them any less deserving.

It is unjustifiable that those school districts which are impacted with military children should undergo financial difficulties as a result of Congress inability to appropriate funds in a timely manner.

The continuing resolution passed by the House provided funding of the impact aid program at current fiscal year 1982 levels. My support of this resolution reflected my desire that the current level of $437 million for fiscal year 1982 be sustained for fiscal year 1983. However, the continuing resolution presented to the Senate would have allowed only those school districts that showed "undue hardship" to receive preliminary payments. These preliminary payments are necessary because school districts need these funds for cash flow purposes.

An amendment was offered to allow schools where at least 20 percent of the students' parents either work or live on Federal property to receive preliminary payments of 75 percent of their 1982 funding level. All other school districts would receive 50 percent of their 1982 funds in preliminary payments. The distribution of additional impact aid funding would be decided upon in the regular appropriations bill for education programs.

This amendment has been agreed upon by House and Senate conferees. This amendment provides an acceptable means to insure that cash flow problems for impacted school districts are minimized, if not eliminated. At the same time, total funds for fiscal year 1983 are made by the appropriation subcommittee.

● Mrs. SCHROEDER. Mr. Speaker, enactment of this conference report will result in Congress passing two rather different approaches to dealing with the same problem, both on the same day. Section 124 of House Joint Resolution 599 authorizes Government agencies to offset the salaries of Government employees where there has been a court decision holding that the employee is indebted to the Government. Section 5 of H.R. 4613, the Debt Collection Act, provides for an offset following an agency determination of indebtedness, but provides for a due process administrative hearing in front of an independent official before the offset can take place. House Joint Resolution 599 says up to 25 percent of gross pay can be withheld to satisfy the debt. H.R. 4613 only permits the withholding of 15 percent of disposable pay.

The provisions of these two bills are not exactly contradictory, but they do go after the same problem in differing ways. The language in the continuing resolution is really a remnant from earlier in the process which should have been discarded in conference. Somehow, the word of final action on H.R. 4613 did not get through to the conferees. The final days of any session bring anamolies of this sort. In the lameduck session, we should repeal section 124 of the continuing resolution.

I take this time to suggest a means of dealing with these two provisions. Section 5 of H.R. 4613 should be used as the primary debt collection mechanism. It is better from the point of view of the Government because it spares the Government of the huge cost of seeking a court order in every case. It is better from the point of view of the employee since the employee will have an independent official in front of whom the employee can argue about the existence and amount of the debt as well as the repayment of schedule. Further, it limits the maximum offset amount to a reasonable level. I cannot imagine where the use of Section 124 of House Joint Resolution 599 would be the preferred course.

One other point. If an agency pursues the administrative route from H.R. 4613 and is not satisfied with the results, I think it is obvious that a Federal court should and would give stare decisis effect to the administrative proceeding, just as a Federal agency could not reconsider a negative decision reached by a Federal court. In other words, the Government should be limited to the pursuit of one and only one of the two mechanisms. I would think that the H.R. 4613 route would be the only one taken.●

● Mr. STARK. Mr. Speaker, I supported initial passage of this continuing resolution. But the bill which has come back from conference has little resemblance to the bill we passed. A Dr. Jekyll has become a Mr. Hyde.

Basically, the House passed bill would have provided for Defense spending at a level of about $205 billion. The Senate passed bill would have provided $233.4 billion. The "compromise" settles at $228.7 billion.

To paraphrase the words of a current, popular country western tune, "the Pentagon got the goldmine and we got the shaft."

Mr. Speaker, $228.7 billion in a budget which cuts major social programs is simply too much.

I vote no.●

● Mr. FIELDS. Mr. Speaker, as we stand here today to consider this final piece of legislation before adjourning for the elections, I feel compelled to bring to the attention of my colleagues a provision in the continuing resolution which is of great concern to me.

In the House-passed version of the continuing resolution, the urban mass transit formula grants were to be apportioned on the basis of half 1970 census figures and one-half 1980 census figures. The Senate on the other hand, in their version of the continuing resolution mandated the use of the latest available census figures as required by the underlying authorizing legislation. The use of outdated census figures represents a potential loss of $1.5 million to my own city of Houston.

During conference, I along with several of my fellow colleagues from Texas worked hard to restore the use of the latest available census figures. A compromise was struck in the conference which requires only 25 percent of the urban mass transit grants to be allocated on the basis on 1970 census figures and 75 percent apportioned on the basis of 1980 figures. Although this compromise will translate into an additional $750,000 for the city of Houston in badly needed transit moneys, I nonetheless remain concerned about the equity of this entire situation.

Mr. Speaker, the legitimate needs of growth areas in the South and West can no longer be ignored or overlooked. We, in Congress must meet these needs just as we met the needs of those areas in our country which are declining in population. Mr. Speaker you can be sure that I will continue to work in this Congress and in future Congresses to assure that the growth areas in our country are fairly represented.

Mr. Speaker, I would like to submit for the RECORD a copy of my letter to the chairman of the Appropriations Committee expressing my strong

desire that the conferees adopt a mass transit formula which uses only the latest available census figures.

Thank you Mr. Speaker.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 29, 1982.

Hon. JAMIE L. WHITTEN,
Chairman, Committee on Appropriations, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In your capacity as Chairman of the House Appropriations Committee and as a member of the House-Senate Conference Committee on the Continuing Resolution for fiscal year 1983, we are writing to call your attention to a provision in this legislation which is of critical importance to us.

As you are aware, under the Urban Mass Transportation Act of 1978, the formula grants for section 5 and section 18 are authorized to be appropriated on the basis of population, as determined by the latest available census figures. This formula would be continued in H.R. 6211, the Surface Transportation Act of 1982, a bill reauthorizing the major highway and transit programs for fiscal year 1983.

Unfortunately, H.R. 7019, the Transportation Appropriations for FY 1983 does not carry out this legislative mandate. Although P.L. 97-102, the transportation appropriations for FY 1982 directed the use of 1970 census figures during the first six months of the year for these programs pending the completion of the 1980 census, this was clearly understood to be a temporary measure and can no longer be justified since 1980 figures are now available.

As representatives from a state which has experienced tremendous growth in the past decade, we are extremely concerned that the continued use of 1970 census figures as provided for in H.R. 7019 as passed by the House, will cost our State of Texas almost $4.8 million next year. Many other southern and western states will experience comparable losses in vitally-needed federal transit funds. Attached is a list of some of the states and cities which will be unduly penalized through the use of these outdated census figures.

During the House-Senate Conference Committee on the Continuing Resolution, we urge your consideration of section 147 of H.J. Res. 599 as passed by the Senate. In short, this section would restore legislative equity by requiring the use of 1980 census figures for the entire fiscal year as previously and presently mandated by the Congress. We hope you will give this issue careful and serious consideration during the course of your deliberations.

Thank you for your attention.

Sincerely,

JACK FIELDS,
TOM LOEFFLER,
KENT HANCE,
RALPH M. HALL,
BILL PATMAN,
CHARLIE WILSON,
BILL ARCHER,
CHARLIE STENHOLM,
JACK HIGHTOWER,
MARVIN LEATH,
SAM B. HALL, JR.

Examples of States and Cities Unfairly Treated By Use of 1970 Census Data for Mass Transit Formula Grants: Net Amounts Lost

Oregon	$931,000
Portland	580,000
Eugene	176,000
North Dakota	354,000
Bismarck-Maudan	202,000
Florida	9,458,000
Miami	1,930,000
Orlando	705,000
Tampa	313,000
Idaho	306,000
Boise City	112,000
Texas	4,761,000
Dallas	1,150,000
Houston	1,489,000
Austin	310,000
Hawaii	1,134,000
Honolulu	724,000
South Carolina	992,000
Columbia	151,000
Charleston	142,000
Florence	165,000
Utah	743,000
Salt Lake City	446,000
Vermont	226,000
Burlington	232,000
Louisiana	596,000
Baton Rouge	152,000
New Orleans	149,000
Houma	186,000
California	11,373,000
Los Angeles	4,642,000
San Diego	1,529,000
San Jose	926,000
Colorado	1,640,000
Denver	753,000
North Carolina	1,173,000
Raleigh	139,000
Virginia	861,000
Norfolk	225,000
South Dakota	137,000
Rapid City	166,000
Sioux City	2,000
Mississippi	525,000
Hattiesburg	161,000
Jackson	50,000
Pascagoula-Moss Point	183,000
Alaska	87,000
Anchorage	82,000
Georgia	904,000
Atlanta	506,000
Augusta	187,000
Athens	188,000
Nevada	863,000
Las Vegas	688,000
Arkansas	363,000
Little Rock	100,000
Fayetteville-Springdale	167,000
Arizona	2,748,000
Phoenix	1,791,000
Tuscon	469,000
Tennessee	767,000
Knoxville	138,000
Jackson	144,000
Johnson City	221,000
New Mexico	668,000
Las Cruces	174,000
Albuquerque	337,000
Santa Fe	154,000
New Hampshire	299,000
Nashua	47,000
Portsmouth-Dover-Rochester	231,000
Manchester	8,000
Alabama	246,000
Mobile	39,000
Washington	1,441,000
Seattle-Everett	252,000

Note: Figures based on funding levels reommended in H.R. 7019, fiscal year 1983 DOT appropriations bill as passed by the House.●

Mr. WHITTEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 290, nays 123, not voting 19, as follows:

[Roll No. 388]

YEAS—290

Addabbo	Dymally	Jones (NC)
Akaka	Dyson	Jones (TN)
Albosta	Early	Kazen
Alexander	Edwards (AL)	Kemp
Andrews	Edwards (CA)	Kennelly
Annunzio	Emery	Kogovsek
Anthony	Erdahl	Kramer
Applegate	Erlenborn	LaFalce
Aspin	Evans (DE)	Lagomarsino
Atkinson	Evans (IA)	Lantos
Bafalis	Evans (IN)	Leach
Bailey (PA)	Fary	Leath
Barnard	Fascell	Lehman
Barnes	Fazio	Lent
Beard	Fenwick	Levitas
Benedict	Ferraro	Livingston
Bethune	Fiedler	Loeffler
Bevill	Fields	Long (LA)
Biaggi	Findley	Long (MD)
Bingham	Fish	Lott
Bliley	Fithian	Lowery (CA)
Boggs	Flippo	Lujan
Boland	Florio	Luken
Bolling	Foglietta	Lundine
Boner	Foley	Madigan
Bonker	Ford (MI)	Markey
Bouquard	Ford (TN)	Marks
Bowen	Fountain	Marlenee
Breaux	Fowler	Marriott
Brinkley	Frost	Martin (IL)
Brodhead	Fuqua	Martin (NY)
Brooks	Garcia	Mattox
Brown (CA)	Gaydos	Mavroules
Brown (OH)	Gejdenson	Mazzoli
Burgener	Gilman	McClory
Byron	Gingrich	McDade
Campbell	Ginn	McEwen
Chappell	Gonzalez	McHugh
Cheney	Gore	McKinney
Clausen	Gradison	Mica
Clinger	Green	Michel
Coelho	Gunderson	Mikulski
Coleman	Hagedorn	Miller (OH)
Conte	Hall (OH)	Mineta
Corcoran	Hall, Ralph	Minish
Coughlin	Hall, Sam	Mitchell (MD)
Courter	Hammerschmidt	Mitchell (NY)
Coyne, James	Hansen (ID)	Moakley
Coyne, William	Hartnett	Moffett
Craig	Hatcher	Molinari
Crockett	Hawkins	Mollohan
Daniel, R. W.	Heckler	Montgomery
Daschle	Hefner	Moore
Davis	Heftel	Morrison
de la Garza	Hendon	Murtha
Deckard	Hightower	Myers
DeNardis	Hillis	Napier
Derrick	Holland	Natcher
Derwinski	Hollenbeck	Nelligan
Dicks	Holt	Nelson
Dingell	Hopkins	Nichols
Dixon	Howard	Nowak
Donnelly	Hoyer	O'Brien
Dougherty	Huckaby	Obey
Dowdy	Hutto	Ottinger
Downey	Ireland	Oxley
Duncan	Jacobs	Parris
Dunn	Jeffords	Pashayan
Dwyer	Jenkins	Patterson

Pease	Santini	Udall
Pepper	Scheuer	Vander Jagt
Perkins	Schneider	Walgren
Peyser	Schumer	Wampler
Price	Seiberling	Watkins
Pursell	Shamansky	Waxman
Quillen	Shannon	Weber (OH)
Railsback	Shaw	White
Rangel	Simon	Whitehurst
Ratchford	Skeen	Whittaker
Regula	Smith (AL)	Whitten
Rhodes	Smith (IA)	Williams (MT)
Rinaldo	Smith (NE)	Williams (OH)
Ritter	Smith (NJ)	Wilson
Roberts (KS)	Smith (PA)	Winn
Roberts (SD)	Snowe	Wirth
Robinson	Solarz	Wolf
Rodino	Spence	Wortley
Roe	St Germain	Wright
Roemer	Stangeland	Wylie
Rogers	Stanton	Yates
Rose	Stokes	Yatron
Rosenthal	Stratton	Young (AK)
Rostenkowski	Swift	Young (FL)
Roth	Synar	Young (MO)
Roukema	Tauzin	Zablocki
Roybal	Taylor	Zeferetti
Rudd	Trible	

NAYS—123

Anderson	Goodling	Panetta
Archer	Gramm	Patman
Ashbrook	Gray	Paul
AuCoin	Gregg	Petri
Bailey (MO)	Grisham	Pickle
Bedell	Hamilton	Porter
Bennett	Hance	Pritchard
Bereuter	Harkin	Rahall
Bonior	Hertel	Reuss
Broomfield	Hiler	Rousselot
Brown (CO)	Horton	Russo
Broyhill	Hubbard	Sabo
Burton, John	Hughes	Savage
Burton, Phillip	Hunter	Sawyer
Butler	Hyde	Schroeder
Carman	Jeffries	Schulze
Carney	Johnston	Sensenbrenner
Chappie	Jones (OK)	Sharp
Clay	Kastenmeier	Shelby
Coats	Kildee	Shumway
Collins (IL)	Kindness	Shuster
Collins (TX)	Latta	Siljander
Conable	LeBoutillier	Skelton
Conyers	Lee	Smith (OR)
Crane, Daniel	Leland	Snyder
Crane, Philip	Lewis	Solomon
Dannemeyer	Lowry (WA)	Stark
Daub	Lungren	Staton
Dellums	Martin (NC)	Stenholm
Dornan	Matsui	Studds
Dreier	McCollum	Stump
Eckart	McCurdy	Tauke
Edgar	McDonald	Thomas
Emerson	McGrath	Vento
English	Miller (CA)	Volkmer
Evans (GA)	Moorhead	Walker
Frank	Mottl	Washington
Frenzel	Murphy	Weaver
Gephardt	Neal	Weber (MN)
Gibbons	Oakar	Wolpe
Glickman	Oberstar	Wyden

NOT VOTING—19

Badham	Dorgan	Martinez
Beilenson	Edwards (OK)	McCloskey
Blanchard	Ertel	Traxler
Chisholm	Forsythe	Weiss
D'Amours	Goldwater	Whitley
Daniel, Dan	Guarini	
Dickinson	Hansen (UT)	

□ 1720

Messrs. CONYERS, WOLPE, CARMAN, HUNTER, GRAY, WASHINGTON, PORTER, WYDEN, VOLKMER, and EMERSON, Mrs. COLLINS of Illinois, Mr. LELAND, and Mr. OBERSTAR changed their votes from "yea" to "nay."

Messrs. FINDLEY, VOLKMER, and ERDAHL changed their votes from "nay" to "yea."

Mr. VOLKMER changed his vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 734) entitled "An act to encourage exports by facilitating the formation and operation of export trading companies, export trade associations, and the expansion of export trade service generally."

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5447. An act to extend the Commodity Exchange Act, and for other purposes.

REMOVAL OF NAME OF A COSPONSOR OF H.R. 6467

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 6467.

The SPEAKER pro tempore (Mr. MINETA). Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 599, CONTINUING APPROPRIATIONS, 1983

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Clerk designate Senate amendments reported in disagreement in lieu of reporting such amendments.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. The Clerk will designate the first amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 15: Page 7, line 25, after "Act" insert: ": *Provided*, That whenever the amount which would be made available or the authority which would be granted in this subsection is different from that which would be available or granted under such Act for each pertinent project or activity, as reported to the Senate on September 22, 1983, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority.".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 15 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ": *Provided*, That notwithstanding the foregoing provision of this paragraph and notwithstanding any other provision of this joint resolution, such amounts as may be necessary for projects or activities provided for in the Military Construction Act, 1983 (H.R. 6968), at a rate for operations and to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference as filed in the House of Representatives on September 30, 1982, as if such Act had been enacted into law".

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 30: Page 13, line 7, strike out all after "resolution," down to and including "acquisition" in line 25 and insert "for acquisition of strategic and critical materials and for transportation and other incidental expenses related to such acquisitions, $320,000,000, which shall be derived from moneys received in the National Defense Stockpile Transaction Fund established by section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h), as amended by Public Law 97-35 (95 Stat. 381), and shall remain available until expended: *Provided*, That of this amount $200,000,000 shall be obligated for the purchase of domestic copper mined and smelted in the United States after September 30, 1982.".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 30 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "moneys deposited into the National Defense Stockpile Transaction Fund under section 9(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)) are hereby made available, subject to such limitations as may be provided in appropriation Acts and in section 5(a)(1) of such Act, until expended for the acquisition of strategic and critical materials under section 6(a)(1) of such Act (and for transportation and other

incidental expenses related to such acquisition). This paragraph applies without fiscal year limitation to moneys deposited into the fund before, on, or after October 1, 1982: *Provided*, That during the fiscal year ending on September 30, 1983, not more than $120,000,000 in addition to amounts previously appropriated, of which not to exceed $85,000,000 shall be available only until the termination of this joint resolution for the purchase of domestic copper mined and smelted in the United States after September 30, 1982, may be obligated from amounts in the National Defense Stockpile Transaction Fund for the acquisition of strategic and critical materials under section 6(a)(1) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(a)(1)) and for transportation and other incidental expenses related to such acquisition.".

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 33: Page 14, strike out lines 89 to 20, inclusive

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that House recede from it disagreement to the amendment of the Senate numbered 33 and concur therein with an amendment, as follows: Restore the matter striken by said amendment, amended to read as follows:

SEC. 114. (a)(1) Funds provided by this joint resolution for costs to continue the implementation of provisions contained in the District of Columbia Statehood Constitutional Convention Initiative (D.C. Law 3-171) shall be applied first toward ensuring voter education on the proposed constitution by (A) printing, by the Statehood Commission, of the proposed constitution together with objective statements both for and against its provisions as expressed by the Convention delegates taking such positions, (B) mailing of this information to the registered voters of the District of Columbia by October 22, 1982, and (C) preparing for publication as a public document a comprehensive legislative history of the proposed constitution.

(2) None of the funds provided by this joint resolution may be used to pay for the publication of any information or materials by the Statehood Commission which fail to present objective arguments for and against the provisions of the proposed constitution.

(b) Notwithstanding section 102, the paragraph under the heading "LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND" in the District of Columbia Appropriation Act, 1982 (Public Law 97-91; 95 Stat. 1175) is amended—

(1) in the second proviso, by striking out "payments of prizes" and inserting in lieu thereof "payment of fees to ticket agents, fees to contractors supplying gambling paraphernalia or services, and prizes";

(2) in the third proviso, by striking out "payments of prizes" and inserting in lieu thereof "payment of such fees and prizes";

(3) in the fourth proviso, by striking out "prizes and administration of the Board shall not exceed resources available to the Board from appropriated authority or revenues" and inserting in lieu thereof "administration of the Board shall not exceed resources available to the Board from appropriated authority: *Provided, further*, That the annual expenses for fees and prizes shall not exceed revenues"; and

(4) in the fifth proviso, by striking out "for prize money" and inserting in lieu thereof "for fees and prize money".

(c) Notwithstanding any other provision of this resolution, the Superior Court of the District of Columbia may continue to operate the Volunteer Attorney Program and the Community Workers Program, and may implement the hearing commissioner program, from existing resources and position authority. Upon passage of the fiscal year 1983 appropriation Act, full year program funding will be available to pay, retroactively, for program services performed on or after October 1, 1982.

(d) The Washington Convention Center may proceed at an annual rate of operation which does not exceed $5,275,000.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 57: Page 19, after line 2, insert:

SEC. 125. Notwithstanding any other provision of law or this joint resolution, except section 102, an amount for those International Financial Institutions referred to in title I of Public Law 97-121, the Foreign Assistance and Related Program Appropriations Act, 1982, as is equal to the total for such institutions in that title, may be allocated by the President among those institutions in a manner which does not exceed the limits established in authorizing legislation.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion. The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 57 and concur therein with an amendment, as follows: In lieu of the section number 125 named in said amendment, insert "129".

The motion was agreed to.

A motion to reconsider was laid on the table.

□ 1730

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 59: Page 19, after line 2, insert:

SEC. 127. Sections 308(g) and 308a(c) of title 37, United States Code, are amended by striking out "September 30, 1982" and inserting in lieu therof "March 31, 1983".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 59 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

SEC. 131. Sections 308(g) and 308a(c) of title 35, United States Code, are amended by striking out "September 30, 1982" and inserting in lieu thereof "December 17, 1982".

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 69: Page 19, after line 2, insert:

SEC. 137. Notwithstanding section 5(b)(2) of the Act of September 30, 1950 (Public Law 874, 81st Congress), not later than thirty days after the beginning of the fiscal year, the Secretary of Education shall, on the basis of any application for preliminary payment from any local educational agency which was eligible for a payment during the preceding fiscal year on the basis of entitlements established under section 2 or 3 of such Act, make to such agency a payment of not less than—

(1) in the case of a local educational agency described in section 3(d)(1)(A) of such Act, 75 per centum of the amount that such agency received during such preceding fiscal year; and

(2) in the case of any other local educational agency, 50 per centum of the amount that such agency received during such preceding fiscal year.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 69 and concur therein with an amendment, as follows: In lieu of section number 137 named in said amendment, insert "140".

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 73: Page 19, after line 2, insert:

SEC. 141. Section 93 of title 14, United States Code, is amended by (1) striking out "and" at the end of subsection (p); (2) striking out the period at the end of subsection (q) and inserting in lieu thereof "; and"; and (3) adding at the end thereof the following new subsection: "(r) provide medical and dental care for personnel entitled thereto by law or regulation, including care in private facilities.".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 73 and concur therein with an amendment, as follows: In lieu of the section number 141 named in said amendment, insert "143".

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 75: Page 19, after line 2, insert:

SEC. 143. Notwithstanding any other provision of this joint resolution, the head of any department or agency of the Federal Government in carrying out any loan guarantee or insurance program shall enter into commitments to guarantee or insure loans pursuant to such program in the full amount provided by law subject only to (1) the availability of qualified applicants for such guarantee or insurance, and (2) limitations contained in appropriation Acts.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 75 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 145. Notwithstanding any other provision of this joint resolution, the head of any department or agency of the Federal Government in carrying out any loan guarantee or insurance program shall enter into commitments to guarantee or insure loans pursuant to such program in the full amount provided by law subject only to (1) the availability of qualified applicants for such guarantee or insurance, and (2) limitations contained in appropriation Acts.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 76: Page 19, after line 2, insert:

SEC. 144. Notwithstanding any other provision of law or this joint resolution no change in the regulations subject to the moratorium required by section 135 of Public Law 97-248 shall be promulgated in final form until one hundred and twenty days after the expiration of the moratorium, during which period the Department of Health and Human Services shall seek public review and comment on any such proposed regulations and consult with the appropriate Committee of Congress.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion. The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 76 and concur therein with an amendment, as follows: In lieu of the section number 144 named in said amendment, insert "146".

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 78: Page 19, after line 2, insert:

SEC. 146. Notwithstanding any other provision of this joint resolution or any other provision of law, appropriations for urban and nonurban formula grants authorized by the Urban Mass Transportation Act of 1964 (49 U.S.C. 1601 et seq.) shall be apportioned and allocated using data from the 1980 decennial census.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 78 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

SEC. 147. Notwithstanding any other provision of this joint resolution or any other provision of law, appropriations for urban and nonurban formula grants authorized by the Urban Mass Transportation Act of 1964 (49 U.S.C. 1601 et seq.) shall be apportioned and allocated using data from the 1970 decennial census for one-quarter of the sums appropriated and the remainder shall be apportioned and allocated on the basis of data from the 1980 decennial census.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 83: Page 19, after line 2, insert:

SEC. 151. (a) Section 4109 of title 5, United States Code is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding subsection (a)(1) of this section, the Administrator, Federal Aviation Administration, may pay an individual training to be an air traffic controller of such Administration, during the period of such training, at the applicable rate of basic pay for the hours of training officially ordered or approved in excess of forty hours in an administrative workweek.".

(b) Section 5532 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f)(1) Notwithstanding any other provision of law, the retired or retainer pay of a former member of a uniformed service shall not be reduced while such former member is temporarily employed, during the period described in paragraph (2) or any portion thereof, under the administrative authority of the Administrator, Federal Aviation Administration, to perform duties in the operation of the air traffic control system or to train others to perform such duties.

"(2) The provisions of paragraph (1) of this subsection shall be in effect for any period ending not later than December 31, 1984, during which the Administrator, Federal Aviation Administration, determines that there is an unusual shortage of air traffic controllers performing duties under the administrative authority of such Administrator.".

(c)(1) Chapter 55 of title 5, United States Code, is amended by inserting after section 5546 the following new section:

"§ 5546a. Differential pay for certain employees of the Federal Aviation Administration

"(a) The Administrator of the Federal Aviation Administration (hereafter in this section referred to as the 'Administrator') may pay premium pay at the rate of 5 per centum of the applicable rate of basic pay to—

"(1) any employee of the Federal Aviation Administration who is—

"(A) occupying a position in the air traffic controller series classified no lower than GS-9 and located in an air traffic control center or terminal or in a flight service station;

"(B) assigned to a position classified not lower than GS-09 or WG-10 located in an airway facilities sector; or

"(C) assigned to a flight inspection crewmember position classified not lower than GS-11 located in a flight inspection field office,

the duties of whose position are determined by the Administrator to be directly involved in or responsible for the operation and maintenance of the air traffic control system; and

"(2) any employee of the Federal Aviation Administration who is assigned to a flight test pilot position classified not lower than GS-12 located in a region or center, the duties of whose position are determined by the Administrator to be unusually taxing, physically or mentally, and to be critical to the advancement of aviation safety.

"(b) The premium pay payable under any subsection of this section is in addition to basic pay and to premium pay payable under any other subsection of this section and any other provision of this subchapter.".

(2) The analysis of chapter 55 of such title is amended by inserting after the item relating to section 5546 the following new item:

"5546a. Differential pay for certain employees of the Federal Aviation Administration.".

(d) Section 5546a of title 5, United States Code (as added by section 152(c) of this joint resolution), is amended by adding at the end thereof the following new subsections:

"(c)(1) The Administrator may pay premium pay to any employee of the Federal Aviation Administration who—

"(A) is an air traffic controller located in an air traffic control center or terminal;

"(B) is not required as a condition of employment to be certified by the Administrator as proficient and medically qualified to perform duties including the separation and control of air traffic; and

"(C) is so certified.

"(2) Premium pay paid under paragraph (1) of this subsection shall be paid at the rate of 1.6 per centum of the applicable rate of basic pay for so long as such employee is so certified.

"(d)(1) The Administrator may pay premium pay to any air traffic controller of the Federal Aviation Administration who is assigned by the Administrator to provide on-the-job training to another air traffic controller while such other air traffic controller is directly involved in the separation and control of live air traffic.

"(2) Premium pay paid under paragraph (1) of this subsection shall be paid at the rate of 10 per centum of the applicable hourly rate of basic pay times the number of hours and portion of an hour during which the air traffic controller of the Federal Aviation Administration provides on-the-job training.

"(e)(1) The Administrator may pay premium pay to any air traffic controller or flight service station specialist of the Federal Aviation Administration who, while working a regularly scheduled eight-hour period of service, is required by his supervisor to work during the fourth through sixth hour of such period without a break of thirty minutes for a meal.

"(2) Premium pay paid under paragraph (1) of this subsection shall be paid at the rate of 50 per centum of one-half of the applicable hourly rate of basic pay.

"(f)(1) The Administrator shall prescribe standards for determining which air traffic controllers and other employees of the Federal Aviation Administration are to be paid premium pay under this section.

"(2) The Administrator may prescribe such rules as he determines are necessary to carry out the provisions of this section.".

(e) Section 5547 of title 5, United States Code, is amended by adding at the end thereof the following: "The first sentence of this section shall not apply to any employee of the Federal Aviation Administration who is paid premium pay under section 5546a of this title.".

(f) Section 8339(e) of title 5, United States Code, is amended by inserting before the period "unless such employee has received, pursuant to section 8342 of this title, payment of the lump-sum credit attributable to deductions under section 8334(a) of this title during any period of employment as an air traffic controller and such employee has not deposited in the Fund the amount received, with interest, pursuant to section 8334(d) of this title".

(g) Section 8344 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(h)(1) Subject to paragraph (2) of this subsection, subsections (a), (b), (c), and (d) of this section shall not apply to any annuitant receiving an annuity from the Fund while such annuitant is employed, during any period described in section 5532(f)(2) of this title or any portion thereof, under the administrative authority of the Administrator, Federal Aviation Administration, to perform duties in the operation of the air traffic control system or to train other individuals to perform such duties.

"(2) Paragraph (1) of this subsection shall apply only in the case of any annuitant receiving an annuity from the Fund who, before August 3, 1981, applied for retirement or separated from the service while being entitled to an annuity under this chapter.".

(h)(1) The amendments made by subsections 152 (b), (c), (e), and (g) of this joint resolution shall take effect at 5 o'clock ante meridian eastern daylight time, August 3, 1981.

(2) The amendments made by the subsection 152(a) and subsection 152(d) of this joint resolution shall take effect on the first day of the first applicable pay period beginning after the date of the enactment of this joint resolution.

(3) The amendment made by subsection 152(f) of this joint resolution shall take effect on the date of the enactment of this joint resolution.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House insist on its disagreement to the amendment of the Senate numbered 83.

PREFERENTIAL MOTION OFFERED BY MR. COUGHLIN

Mr. COUGHLIN. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. COUGHLIN moves that the House recede from its disagreement to the amendment of the Senate numbered 83 and concur therein.

Mr. FORD of Michigan. Mr Speaker, I demand a division of the question.

The SPEAKER pro tempore. The question will be divided.

The Chair will state that the gentleman from Mississippi (Mr. WHITTEN) has the time. Does the gentleman wish to use his time for debate now?

Mr. WHITTEN. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. COUGHLIN).

The SPEAKER pro tempore. If the gentleman from Mississippi does not seek to control debate time, the Chair will put the question on receding.

The question is, will the House recede from its disagreement to Senate amendment No. 83?

The House receded from its disagreement to Senate amendment No. 83.

The SPEAKER pro tempore. For what purpose does the gentleman from Michigan (Mr. FORD) seek recognition?

PREFERENTIAL MOTION OFFERED BY MR. FORD OF MICHIGAN

Mr. FORD of Michigan. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. FORD moves that the House concur in Senate amendment numbered 83 with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SEC. . (a)(1) The Administrator of the Federal Aviation Administration (hereinafter in this section referred to as the "Administrator") may pay premium pay to any eligible employee of the Federal Aviation Administration for service as such an employee between August 3, 1981, and October 1, 1984. Any such premium pay shall be at the applicable rate determined under paragraph (3).

(2) For purposes of this subsection, an employee is an eligible employee if—

(A) the individual occupies a position the duties of which are determined by the Administrator to require the individual to be directly involved in or responsible for the operation or maintenance of the air traffic control system, and the position—

(i) is in an air traffic control center or terminal or in a flight service station, and is classified at a GS-9 level or higher in the air traffic control specialist series,

(ii) is in an airway facility sector and is classified at a GS-9 or WG-10 level or higher, or

(iii) is in a flight inspection field office and is a flight inspection crewmember position that is classified at a GS-11 level or higher;

(B) the individual occupies a flight test pilot position—

(i) the duties of which are determined by the Administrator to be unusually taxing and critical to the advancement of aviation safety, and

(ii) which is in a region or center and is classified as a GS-12 level or higher; or

(c) the individual occupies a position at the Federal Aviation Administration Academy, Oklahoma City, Oklahoma, the duties of which are determined by the Administrator to require the individual to be actively engaged in or responsible for training employees to be air traffic controllers, and the position is classified at a GS-13 level or higher.

(3) Premium pay under this subsection shall be—

(A) at 5 percent of the applicable rate of basic pay, for periods after August 3, 1981, and before October 1, 1983; and

(B) at 3 percent of the applicable rate of basic pay, for periods after September 30, 1983, and before October 1, 1984.

(4) Premium pay under this subsection is in addition to any other premium pay to which the individual involved may be entitled.

(5) Any eligible employee who, before the date of the enactment of this section, separated, or otherwise ceased to be an eligible employee, due to a disability shall not be disqualified from receiving premium pay under this subsection for such service.

(b)(1) Title 5, United States Code, is amended by inserting after section 5546 the following new section:

"§ 5546a. Air traffic controllers; premium pay for providing training

"(a) the Administrator of the Federal Aviation Administration may pay premium pay to any air traffic controller of the Federal Aviation Administration assigned to provide on-the-job training to another controller of the Administration while such other controller is actively engaged in the separation and control of air traffic.

"(b) Premium pay under this section for any controller providing on-the-job training shall be paid at the rate of 10 percent of the basic pay payable for the periods of time the controller provided such training.

"(c) Premium pay under this section is in addition to any other premium pay to which the individual involved may be entitled.".

(2) The analysis of chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5546:

"5546a. Air traffic controllers; premium pay for providing training.".

(c)(1) The Secretary of Transportation shall take all practicable steps to assure that the Federal air traffic control system is

at full capacity not later than April 30, 1983. The Secretary shall promptly certify to the Committee on Post Office and Civil Service of the House of Representatives and the Committee on Governmental Affairs of the Senate whenever—

(A) the air traffic allocation system of the Federal Aviation Administration ceases to be in effect, and

(B) the Federal Aviation Administration has employed adequate civilian personnel to operate, on a continuing basis, the Federal air traffic control system at full capacity.

(2) For purposes of this subsection, the term "full capacity" means the capacity to safely handle, on a daily basis and on a peak-hour basis, air traffic levels equal to those which existed during the 12-month period ending July 31, 1981, with workweeks and duty assignments comparable to those in effect during that period.

(d)(1) Title 5, United States Code, is amended by inserting after section 3385 the following new section:

"§ 3386. Personnel management improvement in the Federal Aviation Administration

"(a) For the purpose of this section—

"(1) 'Administration' means the Federal Aviation Administration;

"(2) 'Administrator' means the Administrator of the Federal Aviation Administration; and

"(3) 'employee' means any employee of the Federal Aviation Administration.

"(b) As soon as practicable after the date of the enactment of this section, the Administrator shall develop and thereafter implement a personnel management improvement program within the Administration. The program shall include the following elements (or elements which would provide similar results):

"(1) Improvement of communication in the Administration between employees and management and among various levels of management (A) through the services of individuals who have the demonstrated ability to improve such communications and (B) through the use of management-employee committees.

"(2) Planning for major technological changes which (A) permits and encourages employee participation and (B) takes into account the major personnel factors associated with implementing such changes, such as retraining, relocation, and organizational restructuring.

"(3)" Use of part-time employees, overtime, duty assignments, temporary seasonal transfers, or other comparable means to respond to variations in air traffic levels in a manner which is cost-efficient.

"(4) Periodic employee surveys to determine employee attitudes and opinions with respect to (A) the conditions within the organization which generally affect job performance, including organizational communications, coordination, and duty assignment methods, (B) the quality of supervisory leadership, (C) the quality of interaction among employees, and (D) the degree of employee teamwork, job satisfaction, and motivation.

"(5) Modification of criteria used for selection of supervisors to assure that selection occurs not merely on the basis of technical knowledge and proficiency but also on the basis of the respect accorded the individuals by other employees and the individuals' demonstrated management skills or potential.

"(6)" Modification of criteria used for performance appraisals of supervisors and managers to include (A) the extent to which employees have been kept informed of matters affecting employees, (B) the degree of participation by employees in appropriate decisions, (C) demonstrated employee teamwork, (D) employee morale and job attitudes, and (E) the general quality of the work environment.

"(c)" The Administrator shall annually report to the Congress, the Secretary of Transportation, and the National Transportation Safety Board on the implementation of such program. Such report shall include for the annual period covered by such report—

"(1) a summary of the results of the employee surveys conducted under subsection (b)(4) of this section; and

"(2) relevant personnel statistics indicative of the success of the personnel management program established under subsection (b) of this section, including number of employee grievances filed, extent of sick leave usage, and number of resignations and other separations.".

(2) Section 3384 of title 5, United States Code, is amended by inserting "preceding" before "provisions of this subchapter".

(3) The analysis for chapter 33 of title 5, United States Code, is amended by inserting after the item relating to section 3385 the following new item:

"3386. Personnel management improvement in the Federal Aviation Administration.".

(e) During the period beginning on the date of the enactment of this section and ending 180 days after the date of certification under subsection (c)(1) of this section, no employee of the Federal Aviation Administration who is an eligible employee (as defined in subsection (a)(2)) shall be subject—

(1) to furlough under subchapter II of chapter 75 of title 5, United States Code, or

(2) to any reduction-in-force action under action 3502 of title 5, United States Code.

(f) Air traffic controllers whose employment was terminated on account of the strike of air traffic controllers which began on or about August 3, 1981, shall not, as a class, be considered unsuitable for reinstatement or appointment to any position in the Federal Aviation Administration. Determinations of suitability for reinstatement or appointment to any such position shall be made on a case-by-case basis by the Office of Personnel Management in accordance with part 731 of title 5 of the Code of Federal Regulations (as in effect on January 1, 1982).

(g)(1) Except as provided in paragraph (2), this section shall take effect on the date of the enactment of this section.

(2)(A) Subsection (a) (relating to differential premium pay) shall take effect October 1, 1982.

(B) Subsection (b) (relating to on-the-job training premium pay) shall take effect on the first applicable pay period which begins after the date of the enactment of this section.

Mr. CONTE (during the reading). Mr. Speaker, I ask unanimous consent that the preferential motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. Since the house has receded, the gentleman from Mississippi's original motion has been preempted and he did not seek to control time therefore the gentleman from Michigan (Mr. FORD) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. COUGHLIN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. FORD).

Mr. FORD of Michigan. Mr. Speaker, the amendment I have offered gives Members a choice between two different roads which are both marked "road to a revitalized air traffic system." Unfortunately, one of these roads, the one proposed by the administration, is a dead end. The other, the one proposed by my amendment, may have some potholes due to a hard winter, but should the Secretary of Transportation proceed carefully, he will eventually achieve the goal of a revitalized system.

My colleagues know that I think the fired controllers should be rehired. In my view, the real problem is an intransigent administration which refuses to recede from a hastily arrived at and ill-conceived decision to fire over 11,000 employees. That decision, and the administration's refusal to change it, is forcing the Government to spend over $1 billion to train new controllers with the result that we will have a raw, inexperienced work force for years to come.

If I could pass a bill to accomplish rehiring I would. But the votes are not here. That is a political fact, and I recognize it. The amendment I have offered would not require that anyone be rehired; nor would it entitle any fired controller to a job. Those are the facts. The amendment simply would permit the administration to rehire former controllers in the future, should it decide it wishes to do so.

Unfortunately, the administration is misleading many Members of this House concerning my proposal. It claims my proposal would prevent fired controllers from being disqualified for employment on suitability grounds; it claims it would be forced to rehire all the fired employees; it claims courts would overturn its decisions not to rehire particular controllers. All of these claims are unfounded, unsupported, and untrue.

For months I have been pressing the Secretary and his General Counsel for any legal authority to support these claims. On August 26 I wrote the Secretary asking for any legal opinion or memorandum supporting these claims. I have received nothing. Not a single sheet of paper has been provided. Not a single case or statute cited.

I have authority to support my position that my amendment gives the administration all the discretion it could possibly want, should it decide to begin rehiring. My authority is the law, title 5 of the Code of Federal Reg-

ulations. My amendment overrules the President's suitability bar against controllers as a class and requires case-by-case suitability determinations. And here is what the Code says about these determinations:

§ 731.201 Authority.

Subject to Subpart C of this part OPM may deny an applicant examination, deny an eligible appointment, and instruct an agency to remove an appointee when OPM determines this action will promote the efficiency of the service.

§ 731.202 OPM determination.

(a) General. In determining whether its action will promote the efficiency of the service, OPM shall make its determination on the basis of:

(1) Whether the conduct of the individual may reasonably be expected to interfere with or prevent effective performance in the position applied for or employed in; or

(2) Whether the conduct of the individual may reasonably be expected to interfere with or prevent effective performance by the employing agency of its duties and responsibilities.

(b) Specific factors. Among the reasons which may be used in making a determination under paragraph (a) of this section, any of the following reasons may be considered a basis for disqualification:

(1) Delinquency or misconduct in prior employment;

(2) Criminal, dishonest, infamous or notoriously disgraceful conduct;

* * * * *

(c) Additional considerations. In making its determination under paragraph (a) of this section, OPM shall consider the following additional factors to the extent that these factors are deemed pertinent to the individual case:

(1) The kind of position for which the person is applying or in which the person is employed, including its sensitivity;

(2) The nature and seriousness of the conduct;

(3) The circumstances surrounding the conduct;

(4) The recency of the conduct;

* * * * *

How much more discretion does the administration believe it needs? What are they afraid of?

I think we all know that these unsupported claims of the administration are just a smokescreen thrown up to obscure its real problem. The real problem is that this administration, like all other administrations before it, does not want the Congress to correct its errors. It does not want the Congress to reverse the President's suitability bar. I think we should heed the words of the distinguished minority leader explaining his break with the administration over the Soviet pipeline sanctions. As the minority leader wrote, sometimes you have to provide "a way out for the President from a policy which is counterproductive."

My amendment contains other provisions to promote speedy recovery of the air traffic system. Specifically, it:

First, provides a 5-percent pay differential (retroactive to August 3, 1981) to be phased out by fiscal year 1985.

Second, provides a 10-percent OJT differential.

Third, directs the Secretary of Transportation to take all practicable steps to return the system to full capacity by April 30, 1983.

Fourth, insures implementation of the personnel management recommendations of the Jones' task force.

Fifth, prohibits RIF's or furloughs of essential employees during the rebuilding period.

The administration's proposal does nothing to speed recovery. And it presents the following significant problems:

Five-percent permanent pay differential (retroactive to August 3, 1981) for over 25,000 FAA employees—less than 10,000 are working controllers. This is a bad precedent which distorts the pay and classification system, and hurts morale of other Federal employees who are capped at 4 percent).

Civilian and military retirees employed by FAA can receive both full pay and full pensions (double dipping).

No provision insuring implementation of the Jones' report or to improve morale.

No provision to expedite rebuilding of the system.

I ask unanimous consent to insert in the RECORD at this point a full explanation of my amendment.

I should address one other argument the administration is making—that the House has once before passed its proposal. It is true that the House, by a 30-vote margin, passed the administration proposal last November. But a lot of things have changed since then. The training academy's dismal performance has continued for almost a year, and a Federal grand jury is investigating grade-fixing charges at the academy. Morale has deteriorated. The National Transportation Safety Board supported my committee's findings that the administration's rebuilding schedule was unrealistic. A special task force appointed by the Secretary of Transportation delivered a scathing attack on FAA management finding that poor personnel management was a major factor leading to the strike.

□ 1740

My amendment addresses these matters which have arisen over the last year. The administration's original proposal is unchanged and ignores these important developments.

I have seen "Dear Colleague" letters and I have seen handouts here that truly astound me because there would be, indeed, no compromise before us if they were truthful and they in fact represented what is in my amendment.

I see the gentleman from Illinois (Mr. DERWINSKI) and I took up with him a few moments ago a "Dear Colleague" that he sent to the Members which states, among other things, that my amendment would deny the people who stayed on the job during the strike their pay increase.

I would like to ask the gentleman if he would clarify the statement in his "Dear Colleague" letter at this point.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Illinois.

Mr. DERWINSKI. A clarification is in order.

The gentleman's, at this time and politely I use the word compromise; would provide the same retroactive pay and then the pay for fiscal year 1983 proposed by the administration. It is from that point on, fiscal year 1984 and 1985, where the pay differential becomes an issue.

Mr. FORD of Michigan. I thank the gentleman for that clarification.

It is important that you understand that the substitute that I am offering is virtually everything that the administration has asked for. The difference is that the administration bill attached to this continuing resolution makes a permanent change in law with respect to the pay of 25,000 employees of the Federal Aviation Administration not just air traffic controllers.

A year ago when this same proposal was considered people were misled on this floor into believing that all it did was pay some overtime to the loyal workers who stayed on the job. But we were paying the overtime anyhow because Federal employees are covered by the Fair Labor Standards Act and we are required to pay, by law, overtime to people who work overtime just as private corporations are.

That confusion certainly should not exist in anybody's mind at this point.

What this proposal purports to do is revitalize the entire air traffic control system by giving all of the employees of the FAA a different GS pay schedule than all other Federal employees. Both Senator STEVENS on the other side and I have been concerned about the precedent of having a separate pay system.

Every argument that has been made for a better pay schedule from the top to the bottom of the FAA can certainly be made for the Department of Justice. No one would argue that the FAA has more professional people employed that they are trying to retain than the Department of Justice, the IRS, or NASA.

Our committee reported a bill, as an alternative to the administration bill, that would have given all of the employees who stayed on the job a 10-percent bonus calculated on their total pay from August 3, 1981, to January 3, 1983.

Where did the January 1983 date come from? That was the date that was promiscuously being thrown around the country by which the air

traffic control system would be back in full operation and everything would by hunky-dory, and if we were paying these people for the extra work that they are now faced with because we are short of air traffic controllers, and woefully short, then it was my feeling that that pay ought to be more generous than 5 percent. But it ought to be related to the people who were on the job on August 3, and not all future employees of the FAA.

We gave up on that. Now we have come around to the administration's point of view that they ought to give everybody in the FAA a 5-percent pay increase instead of a 10-percent bonus.

However, the difference between my proposal and the administration's is this: The administration makes it a permanent pay change so that for all time the pay structure in the FAA will be different than the pay structure of all of the rest of the civil service.

My alternative is to give every dollar and every penny to every employee that the FAA wants covered, but to sunset it by fiscal year 1985 on the theory that surely, if they were going to have the system up by January of 1983, they will have the system back to normal in 1985, and there is no further reason for this extraordinary treatment of these 25,000 employees out of the millions of Federal employees.

By contrast, the other day we had a considerable amount of discussion on the floor over the military pay increase. I am going along reluctantly with the administration to give all of the employees of the FAA this year a 9-percent increase while we give the military and civilian employees of every other agency of Government a 4-percent increase.

That is indeed generous. But unfortunately it is not going to buy us anything.

My substitute provides that the bar against hiring former controllers who struck will be removed. In short, any fired controller could now come in and apply for employment with FAA, as they now can, incidentally, with every other agency of the Government.

We are no longer punishing the strikers. We are punishing the American taxpayers and we are punishing the employees on the job. We still have people working 48 hour weeks. We have people on assignments away from their homes. We have retirees who have been called back.

There is nothing in my alternative that mandates the hiring of a single person who is a former controller and, indeed, it spells out specifically that they can refuse on a case-by-case basis to employ anyone who is found to be unsuitable.

Mr. JOHN L. BURTON. Mr. Speaker, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from California.

Mr. JOHN L. BURTON. I rise in strong support of the gentleman's motion.

I think by following through on the current practice we are not only punishing the American taxpayer and those workers who have gone out on strike but I think we are also punishing the air traffic safety system of this Nation.

I do not believe that air traffic control has come up to the safety standards that existed prior to the firing of all of the air traffic controllers.

It takes years of training, education, and work experience to have a safe traffic control system. From my experience on our subcommittee that is sadly lacking at this time.

I believe the gentleman's approach, which is just allowing the people to apply and allowing a determination to be made on an individual case-by-case basis is at least a half a step back toward getting our system where it was prior to that.

I think those who are concerned about a wholesale type of amnesty, as some of us would have preferred, should find at least this approach as a good compromise and I commend the gentleman for that.

Mr. FORD of Michigan. I thank the gentleman.

Of course I would like to pass a bill to accomplish the rehiring of all of the employees who lost their jobs. But I think I know the temper of the Congress well enough to know that that would be futile and I have made no attempt to do that although my actions have been characterized in that fashion by people, for whatever purposes.

□ 1750

Mr. JEFFORDS. Mr. Speaker, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Vermont.

Mr. JEFFORDS. As I understand the gentleman's amendment, then, this is no threat to anyone who now holds a job in the FAA, but merely allows those people who were, in a sense, let go or fired because they belonged to unions, to come in and apply, as anyone off the street, and then to fend for the jobs, as they may be able to, using whatever expertise they might have; is that correct?

Mr. FORD of Michigan. That is correct.

Mr. JEFFORDS. If it would appear that the hiring of an individual would cause disruption, it would not be required to hire that individual, is that correct?

Mr. FORD of Michigan. As a matter of fact, the regulations with respect to suitability specifically authorize the OPM to take into account any information about disruptive activites or disruptive action by that person applying for work in previous Government employment.

Mr. JEFFORDS. I commend the gentleman for his amendment. I think it is a very reasonable answer to a very difficult problem and, in my mind, cures what is counterproductive overkill.

Mr. FORD of Michigan. I thank the gentleman.

Mr. JEFFORDS. Mr. Speaker, on December 6, 1981, I introduced House Resolution 309, which asked for the relaxing of limitations placed upon the hiring of fired air traffice controllers. Obviously, I applaud Mr. FORD's hard work on this amendment. I feel as strongly now that the controllers have a right to apply for—not receive—their jobs back, as I did this past December. I feel as strongly today as I did in December that those controllers who worked all these months under adverse conditions deserve a pay increase and differential beyond that of the other controllers.

Mr. FORD's amendment is a simple and congenial way to honorably resolve the air traffic controller problem we now face. The air traffic control system of this country has not returned to normal in over a year's time. The people presently controlling the planes are overworked. Years will pass before the newly trained replacements will be qualified to guide aircraft alone. Pay increases promised to men and women who kept our airlanes open after the strike have not been forthcoming. These same workers, most of them supervisors, are still solely responsible for guiding out heavy air traffic. The economy has suffered because of the limitations imposed upon the strained and overworked system. Because of the difference in the type of work, and due to the heavy demand placed upon them by dual duty, the military controllers assigned to help guide civilian traffic have not been as great an asset as was hoped. I agree that the air traffic control system is safe, but the system is far from healthy.

I supported the President's action in ending the PATCO strike, and I would support it again today. But I do not believe—and I am certain neither do my colleagues here on the floor—that these highly trained, capable, and dedicated workers should be punished any longer. What the Professional Air Traffic Controllers Organization did was wrong. The courts of the United States agreed it was wrong. I say, it will be wrong to not allow those members of that decertified union, who request and who qualify, to be reinstated. The amendment before us does not force the Government to take back fired controllers. All it states is that a case-by-case review of controllers wishing to return to work is in order. The Ford amendment allows those controllers now working, to receive a 5-percent pay differential above and beyond

that of other controllers, to be phased out by fiscal year 1985. Workers who serve their Nation as selflessly as those controllers who stayed on the job have, during less than desirable conditions, should be rewarded for their efforts. I support a pay increase for these people.

As I have said, the time has come to restore the normal system of controlling our air traffic. Air traffic controllers who walked off the job over 1 year ago deserve the right to ask for their jobs back. They have paid enough.

Thank you.

Mr. FORD of Michigan. Mr. Speaker, I just want to point out one other difference between their approach and ours. You remember the horrendous fight that we went through here this year on what we were going to do about Federal pensions. And there seems to be abroad in the land the idea that we have to get ahold of runaway Federal pensions.

Now, one of the things that probably irritates people when they hear about it, more than anything else, is the idea that you can get a Federal pension and a Federal paycheck at the same time, a practice called double-dipping. The administration proposes in their version of this bill to allow retired controllers to come back to work for the Government and receive their full pensions plus their full pay. And we would now, after the blood that was shed here over 4 percent adjustments this year, be going back and saying, "Except for one particular class of employees, any employee who was formerly an employee of the FAA, who is now retired, can come back, be employed and receive both pension and pay." Now, I cannot go for that, and I do not believe that Senator STEVENS and his people on the other side want it. We should not put the stamp of approval, I believe, on the idea of a new form of double-dipping.

Those are the basic differences between the bills.

In closing, I urge the Members to put aside the misleading statements of the administration and do what is right for rebuilding the air traffic control system. No administration likes to have Congress correct its ways, but sometimes the Congress must to discharge faithfully its responsibilities. This is such a case. I urge you to support my amendment.

Mr. LEVITAS. Mr. Speaker, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Georgia.

Mr. LEVITAS. I thank the gentleman for yielding.

Mr. Speaker, I have discussed this whole problem of the air traffic controller situation with the gentleman on a number of occasions, in my capacity as chairman of the Investigations and Oversight Subcommittee of the Committee on Public Works and Transportation, and I know the gentleman's genuine concern about the problem. We have certain differences about how I think it ought to be approached, different from those of the gentleman, but I think we are agreed on where we need to end up.

The provision in the gentleman's amendment that I would like to ask him about, however, relates to the significance of directing the Secretary of Transportation to take all practicable steps to return the system to full capacity by April 30, 1983.

In hearings which we had, in which Administrator Helms testified, it is my recollection that it was going to be 1984 before the system would be back in full capacity, using their phased-in program.

Now, if this language is adopted, would it not necessarily require the Administrator to rehire controllers who went out on strike in order to make that target date realistic?

Mr. FORD of Michigan. Well, I would just reply to the gentleman that there is nothing mandatory in that provision. It just said, "Get moving," He appointed the Jones Task Force, which I am sure the gentleman is familiar with. And, incidentally, that task force recommended against any pay increase for the employees, saying it was a vain and useless act, it would not produce any benefits. What is wrong in FAA is that it is notoriously poor in its management practices. This is not something invented by this Secretary, it has been a problem for years. We have reports and reports and reports selecting out the FAA as a poorly managed agency, from a personnel point of view.

The Jones Task Force recommended that the only thing that could be done is improve the quality of management. We are asking them to do that. There is no mandate in the April 30, 1983, provision. But I can assure the gentleman that at least by that date next year I will have the Secretary and the Administrator of the FAA in to ask them what they are doing. I will want to know, after they get this pay raise, "What are you doing to make things different than they were before?"

The Jones Task Force tells us that with or without a pay raise, unless there are serious changes made in the FAA, other workers are going to walk. The conditions that were intolerable in the past remain. And they are not being improved. The FAA has not kept pace with its ambitious plans for up-to-date equipment, and so on, and the gripes are still there.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Georgia.

Mr. GINGRICH. I thank the gentleman for yielding.

Mr. Speaker, I just want to make two points: One, is that in the earlier colloquy with the gentleman from Vermont, I was concerned lest someone misunderstand the situation. I believe the gentleman from Vermont suggested that there were people who happened to be fired for belonging to a labor union. The reality is, you could easily belong to a labor union and be employed. In fact, a number of professional traffic controllers stayed on the job and are still working. The people who were fired were specifically fired for illegally breaking the law and endangering the system. I think it is important just to make that point clear.

Second, I would ask the gentleman: I happen to agree with almost everything the gentleman just said about the need of the FAA to clean up its house in midmanagment, the fact that the Jones report is not being heeded adequately, the fact that we have potential future problems. But most of the controllers I talked to—in fact, virtually without exception—who are currently working and who stayed on the job for the last year had indicated that while they would be willing to have very, very carefully selected rehiring of a very few, there is virtually no support under any circumstance for the scale of rehiring that the gentleman's amendment would direct. I would simply ask this question——

Mr. FORD of Michigan. Wait a minute. Where in my amendment? I just got through explaining it. Now, do not try to mischaracterize this thing further. There is no mandate or direction to hire anyone. Not one. Now, let us keep the record straight as long as we can. All I do is let them apply for employment. It does not direct the reemployment of anybody.

Mr. GINGRICH. It is our understanding that it directs the Secretary of Transportation to take all practical steps to return the system to full capacity by April 30.

Mr. FORD by Michigan. Yes. But what practical steps he takes is entirely his decision. All practical steps. Is that an unreasonable request?

Mr. GINGRICH. Let me pose this question, then: Should the Secretary of Transportation decide that the most practical step, given personnel considerations inside the system among currently operating air traffic controllers, is to keep in force the current ban, would you not then file suit?

Mr. FORD of Michigan. He does not have to keep in force the current ban. He can just not rehire any of them. He does not have to rehire anyone.

You see, I have been the insulation for the Secretary for almost a year. Once we pass either my amendment or the administration proposal, he loses me as protection, because right now he tells the airlines that the reason that the thing is not working well is because Congressman FORD, Chairman FORD, is holding up his legislation.

Now, I do not know what he is going to tell them by summer. And maybe by summer he is going to have to look around for other excuses. I want to give him all of the flexibility in the world. I do not want the Secretary to have to make a deliberate decision that he is forgiving somebody for striking or that he is hiring strikers. We are protecting him against that by simply saying that there is no ban against these people as a class.

Mr. GINGRICH. If the gentleman will yield one last time, I agree with the gentleman on his diagnosis about the concern about management and morale problems. I do think there will be morale problems after they receive the pay raise. I do not think that is a solution. But let me just suggest that in fact if you are serious about the Secretary's legal power to continue the ban, you already have a Secretary who is telling you that he will continue the ban, then surely in your position as chairman——

Mr. FORD of Michigan. I have a Secretary who tells me in direct conversation that the ban is not of his choosing.

Mr. GINGRICH. It seems likely that his President will continue the ban. Let me phrase it that way.

Mr. FORD of Michigan. That is exactly right. Let there be no question about that at all. It is the White House that is telling the Secretary not to hire these people back. And it may continue to do that. And if this Secretary wants to make that more important than getting the system back up, that is his choice.

Mr. GINGRICH. If next summer that Secretary decides that you are correct, then as chairman of that committee, you could surely report out an appropriate vehicle within a matter of 24 hours, so there is no need at this moment to do that.

Mr. FORD of Michigan. I must reclaim my time. The gentleman from Massachusetts has already started laughing. You have got to be pulling my leg. I did not come here last term. Are you talking about bringing out a bill containing only the provision the administration opposes. I did not fall off the tree yesterday, Mr. GINGRICH. That is almost insulting to suggest that to me.

Mr. GINGRICH. No one has accused you of that, Mr. FORD.

Mr. FORD of Michigan. Mr. Speaker, I reserve the balance of my time.

□ 1800

The SPEAKER pro tempore. The gentleman from Michigan (Mr. FORD) has consumed 23 minutes.

Mr. COUGHLIN. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, on November 2, 1981, the Secretary of Transportation forwarded to the Congress legislation which would provide an average 6.6 percent pay increase to working controllers.

This same legislation, which will provide necessary tools to the FAA to rebuild the air traffic system and fairly compensate controllers for the outstanding work they do, passed the House last November 22 by a vote of 213 to 183 part of House Joint Resolution 357. Unfortunately, however, we have not yet been able to enact this measure into law to see that our Nation's controllers are recognized for their exceptional performance.

Enactment of this legislation is critically needed. We asked the controllers who honored their oaths of office to help keep our air traffic system going not only immediately following the air traffic control strike but while it was being rebuilt to former capacity levels. They have done just that. In fact, today's system is operating at about 90 percent of the nationwide prestrike commercial traffic levels. These dedicated employees have worked tirelessly to keep our air traffic system operating safely and efficiently; many have made personal sacrifices to accept relocations to facilities where greater staffing was necessary. In short, they have done everything we could possibly have asked of them. So far the Congress recognition of these exceptional efforts has consisted of rhetoric rather than money. It is important to remember that adoption of this package will not increase Federal expenditures. The cost will be absorbed by the FAA's fiscal year 1983 budget.

I ask my colleagues today to support the enactment of the Senate controller and select personnel benefit pay package which recognizes, although long overdue, the outstanding services that FAA controllers and related employees have performed on behalf of the American traveling public and oppose the amendment of the gentleman from Michigan.

SEPTEMBER 21, 1982.

Subject: Pay legislation for Air Traffic Controllers.

HOUSE OF REPRESENTATIVES,
Washington, D.C.

DEAR REPRESENTATIVE: The undersigned organizations representing all segments of the aviation community—airlines, general aviation, airports, pilots—strongly urge your support for long-delayed compensation legislation for working air traffic controllers.

The pay legislation recognizes the vital job performed by controllers and related air traffic control personnel and will insure that these men and women are fairly compensated for the work they do. For more than a year, these FAA employees have been promised the increased benefits contained in the proposed pay package.

We urge you go support legislation identical to that which was passed by the House and Senate last year and approved by the Senate again during 1982. We hope you will join efforts to have the matter brought up and favorably voted on prior to adjournment in October.

The pay package approved by the House and Senate last year is fair, equitable and long-overdue. We are grateful for the professionalism and dedication demonstrated by working controllers and other air traffic control personnel who are serving the nation with loyalty and distinction. The promised benefits are well-deserved and should be promply approved.

Thank you for your consideration and support.

Sincerely

S. L. Wright, Aerospace Industries Association; Paul R. Ignatius, Air Transport Association; John L. Baker, Aircraft Owners and Pilot Association; J. J. O'Donnell, Airline Pilots Association International; Donald Reilly, Airport Operators Council International; Edward Simpson, General Aviation Manufacturers Association; Frank L. Jensen, Jr., Helicopter Association International; Clifton F. von Kann, National Aeronautics Association; L. L. Burian, National Air Transportation Association; John Winart, National Business Aircraft Association; Duane Ehulabe, Regional Airlines Association.

Mr. FORD of Michigan. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Speaker, I just have to defend the people who stayed on the job. The gentleman is suggesting they stayed on the job in expectation of being paid for it. They stayed on the job because they were good Americans and refused to break the law. We were here a year ago, and that was the reason. Now the gentleman is telling me they only stayed on the job because they were waiting for this pay raise. That is a terrible insult to the working controllers.

Mr. CONTE. No; they stayed on the job because they were obeying the law. But at the same time you are not going to deny them pay because they obeyed the law. You are going to take it away from them because they are law-abiding citizens. That is wrong.

Let me read from a letter.

The pay package approved by the House and Senate last year is fair, it is equitable, it is long overdue. We are grateful for the professionalism and dedication demonstrated by the working controllers and the other air traffic control personnel who are serving the Nation with loyalty and with distinction. The promised benefits are well deserved and should be promptly approved.

Signed by the Aerospace Industries Association. Signed by the Air Transport Association. Signed by the Aircraft Owners and Pilots Association. Signed by the Airline Pilots Association International. Signed by the Airport Operators Council International. Signed by the General Aviation Manufacturers, the Helicopter Association, the National Aeronautics Association, the National Air Transport Association.

Mr. COUGHLIN. Mr. Speaker, I yield 8 minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, this amendment is described as a compromise, but it is basically a rewording of proposals the Federal Aviation Administration could not live with. The amendment takes the same old position to ignore public opinion and rehire the strikers who have inflicted damage on themselves and the Nation. We have here the same old position to deny loyal air traffic controllers the permanent raise negotiated by PATCO to which the administration remains committed. This repeats the same same old confusion of getting back to prestrike capacity by a date deliberately set to force rehiring of at least some strikers; and the false implication, without real evidence, that the FAA is not taking all practicable steps to restore full capacity without compromising safety standards.

What this amendment does is statutorily reverse the President's decision that striking controllers are unsuitable for reemployment by the Federal Aviation Administration. Loyal air traffic controllers have made it clear that they do not want the strikers returned to their jobs. To permit such a situation could create administrative chaos. Furthermore, the selective case-by-case rehiring which the amendment permits is impractical. Different standards applied in different regions would lead to substantial legal challenges by former controllers who do not get rehired.

Most public officials at every level—State, county, township, and city—applauded the President's decision in dealing with the air traffic controllers who went out on an illegal strike on August 3, 1981. The fact that they were misled by their union leaders does not diminish the fact that they violated their no-strike oath. We have to keep faith with the public which expects its public servants to obey the law.

The so-called compromise proposal would deny the administration's pay commitment to loyal air traffic controllers by providing for only temporary pay increases, then phase them down. The loyal men and women who remained on the job deserve to receive the pay package which was promised them despite the ill-advised strike.

Actually I apologize to the House for taking any time, because after the eloquent words of the gentleman from Massachusetts, which probably will go down as one of the more immortal House debates, nothing else really should have to be said.

But just in case he did not make his point completely, I would like to run through some items, and in the process remind the Members of some of the points made earlier by my good friend from Michigan (Mr. FORD).

First, let me explain that there is no real reason why we should have a problem in this continuing resolution. We passed a bill out of committee in May, a bill unacceptable to the administration, basically the same bill that my good freind, the gentleman from Michigan (Mr. FORD) proposes now as a so-called substitute.

The Senate passed their version on May 27 and incorporated that basic language into the continuing resolution.

So that is why we are in the legislative situation that we are.

Now, basically what we are trying to do is live up to the commitment made at the time of the negotiations prior to the strike, when the administration proposed a pay package to PATCO, which was accepted in negotiations by their leaders, and then rejected by the rank and file.

That basically is why we have to go back to August 3, 1981, the purpose being to then provide to those individuals who remained on the job, who did not engage in an illegal strike, to provide them with the pay package that at that time was available to them and to their misdirected——

Mr. FORD of Michigan. Mr. Speaker, will the gentleman yield on that point?

Mr. DERWINSKI. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Speaker, I just want to correct that. That is one of the most common misconceptions that floats around this place. We heard it so many times, and heard people deny it that we now have an analysis.

For example, that pay package that was agreed to by the representatives of the union and the Secretary but then turned down by the union members, agreed to pay controllers time and a half after 36 hours during a normal 40-hour week. It agreed to change——

Mr. DERWINSKI. Just a minute. Let me reclaim my time. We are speaking of two different points here.

Mr. FORD of Michigan. The point is there are three major things that FAA gave to the employees in the agreement turned down that are not now in the administration bill. How does the gentleman claim that this is just what they promised them before?

Mr. DERWINSKI. One of the points I was about to get to was the fact there was an implication that this was a budgetary problem because there were not the same degree of increases for the military. This item has been properly budgeted. This was the intent.

When I speak of the pay package, I am talking about the costs, the financial costs.

In the last 13 months you have had fewer people manning the airlanes and evidently doing so in a safe fashion. I hate to be personal, but I noticed our dear friend from California (Mr. JOHN L. BURTON) provided a valuable comment early in the debate. I had not noticed the gentlemen around for a few days. It is obvious he had to fly back from somewhere. So he was in the safe hands of the present personnel of the air traffic system.

Mr. JOHN L. BURTON. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from California.

Mr. JOHN L. BURTON. Mr. Speaker, my plane was delayed an hour and a half because of a slow down because they do not have enough competent controllers running the air traffic control system. And every Member of the Congress who has had a flight, every flight they have taken go on time like they used to before the strike, should vote with the gentlemen from Illinois. If the flights have been delayed, the Members know I am telling the truth.

□ 1810

Mr. DERWINSKI. I feel my point has been well made, because first of all, those of you who have any memory of the years you have been flying, that you have had fewer delays in the last 13 months than you had prior to that if you have a delay at the present time, it is for your safety.

Again I say, I am so pleased that my dear friend, the gentleman from California, is back with us to give me the support that he perhaps does not realize he is, but down deep in his heart he knows I am right.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. Yes.

Mr. HYDE. Mr. Speaker, I cannot help but think, for our dear friend from California, that hour and a half delay may have taken them that long to strap him in the seat.

Mr. DERWINSKI. I just hope that we keep referring to our dear friend from California. We remember that he comes from northern California. He is not a Hollywood celebrity, so his ego is not yet out of control.

But I would like to point out, and this is something that is inherent in this entire debate that present data shows that the air traffic system is now operating at 90 percent of the prestrike level.

I reemphasize, the safety factors are being carefully maintained.

One of the points that the so-called substitute or compromise addresses, is that it sets an arbitrary date, the end of April 1983, for compliance. I do not think we should do anything like that. I do not know when the exact compliance will occur, whether it will be May, June, or July. The gentleman from Michigan is right. There has been a public relations factor in some of the statements, but the facts are that very methodically, very carefully, very properly, we are approaching 100-percent functioning of the system.

But what is the real issue? The real issue is that, on April 3, 1981, there was an illegal strike. The goal was to bring the Nation's airlines system to its knees. The President properly responded by keeping the airlines flying. When he did so, he had overwhelming public support. He also, I might add, had the support of State, local and township government officials, who recognized that this was a challenge to the very legality and authority of the government, when there was a no-strike provision that that law be maintained.

Now, the concern over the people who struck, may be justified. I think they were badly misled by their leaders. The point is that they violated their oath and they conducted an illegal strike. The courts have so ruled and we are at the point today, and this is going to be the key vote, and this is what you are voting on. You are voting to provide proper compensation as promised to those men and women who continued to legally meet their obligation as Federal Government employees. That is really the issue.

Do you want to reward the people who served legally or do you want to have your vote interpreted as associated with those illegal strikers who performed a disservice, not just to themselves, but to the Nation. That is the real issue before us. The real issue is shall we now once and for all rectify, clarify, properly meet the responsibility to the loyal Americans who served the public, who met their oath of office, who in a responsible fashion kept the airlines moving when they were faced with a deliberate, illegal strike. That is the issue before us.

Mr. COUGHLIN. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. LEVITAS).

Mr. LEVITAS. Mr. Speaker, I rise to oppose the proposal of the gentleman from Michigan and support the proposal that has been added by the other body to the appropriations bill.

My interest in this matter is totally and essentially directed to the safety of the air control system, the safety of the airways. When the air controllers, the PATCO organization, went on an illegal strike in August of last year, it was believed that the system could not be maintained with the remaining controllers who stayed on the job and that the economic problems and chaos that would result would soon bring the Government to its very knees. That did not occur. Steps were taken. Controllers stayed on the job, military controllers were brought in, and a tremendous effort was made by everyone connected with the air control system and it has functioned and it has been rebuilding right along.

But the gentleman from Michigan is correct in several points that he made and there are certain features, by the way, of his proposal that have merit, but essentially the gentleman is correct. There are problems in the air control system. There are problems that are going to increase and many of them are related to the morale of those controllers who have been dedicated and stayed on the job, have worked extra hours, have made that extra effort and feel that they have been doublecrossed by their Government, who made certain commitments to them. Those problems of morale, not all of which are going to be addressed through keeping that commitment to them, but some of them will be, that problem of morale is going to get worse and, indeed, it could get worse to the point were the safety of the air control system, which is now I think in good condition, could rapidly and dangerously deteriorate.

I am not speaking hypothetically. I have had countless conversations with working controllers. Our committee staff has gone all over the country and spoken with those people. They are dedicated, but they feel like someone has welched on their agreement, and that someone is Uncle Sam.

I think it is our responsibility today to rectify that.

I would like to say one other thing. There are other changes that have to be made and I have discussed with Secretary Lewis and Administrator Helms some management changes that have to be brought in or else you are going to have another situation like existed before August 3, where there was bad morale and poor communication between management and the employees. Some of that is beginning to be manifested again and the Jones report, to which the gentleman from Michigan referred, has demonstrated that; but the first step is for the Government to keep its commitment to those people who stayed on the job, who have put out that extra effort. Many of them have told me that on August 3, 1981, when the strike began, the trouble walked out of the control room. The troubles that were plaguing the air control system were many of the dissatisfied and the disaffected members of PATCO. They left.

The system is running well now and it would be a disaster to create a situation where many of those problems were brought back into the control room.

Let us be frank about it, and the gentleman from Michigan has made no bones about it.

The SPEAKER pro tempore. The time of the gentleman from Georgia (Mr. LEVITAS) has expired.

Mr. COUGHLIN. Mr. Speaker, I yield 1 additional minute to the gentleman.

Mr. LEVITAS. I thank the gentleman.

The heart and soul of the gentleman's amendment are the provisions that first would permit the striking controllers to be rehired, which standing alone may not be such a bad idea on a case-by-case basis, but taken in conjunction with the April 30, 1983, date to get the system back to full capacity, it is simply saying that there would have to be a mass rehiring of the striking controllers who violated the law, many of whom were the problems that created the difficulties that led to that situation on August 3, 1981.

We cannot permit that to happen, but we should keep Uncle Sam's commitment to those controllers who have worked and I think many of the problems that we are now beginning to see will be eliminated and then we can get on with the rest of it and return the system to full capacity with improved morale on the part of the controllers.

I urge support of the Senate provision.

Mr. FORD of Michigan. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. LEHMAN).

Mr. LEHMAN. Mr. Speaker, I rise in support of the motion offered by my colleague from Michigan (Mr. FORD), the chairman of the Committee on Post Office and Civil Service.

I agree that our air traffic controllers are dedicated, hard-working employees. They have put forth an extraordinary effort during the past 14 months as our air traffic control system is being rebuilt. Clearly, they deserve a pay raise for these efforts.

Under the compromise motion offered by Mr. FORD, they would receive a pay increase and this increase would cover the time period during which the system is being rebuilt. It would not, however, establish a permanent, separate pay scale for these employees.

Those of you who are interested in balancing the budget in fiscal year 1984 and beyond should support the Ford compromise. It is clearly a less costly alternative and it is better legislation.

Mr. Speaker, I urge the House to support the Ford compromise motion.

□ 1820

Mr. COUGHLIN. Mr. Speaker, I yield 4 minutes to the gentleman from Kentucky (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, I rise in opposition to the motion of the gentleman from Michigan and support of the administration's proposal to increase the pay of those air traffic controllers who did not, like so many of their colleagues, go on strike last August. I believe the time has finally come for us in the Congress to recognize the outstanding contributions made by those controllers and to compensate them for their faithful and dedicated service rendered during a most difficult period.

As the ranking minority member of the Aviation Subcommittee, I am very well aware of the problems that have resulted from the controllers strike. Countless flights had to be canceled and airlines and general aviation alike have found access into our major cities extremely difficult. However, I would like to remind my colleagues that if it were not for the exemplary service rendered by those supervisors and journeyman controllers who did not strike, the disruptions would have been far more severe and widespread.

I will not repeat all of the provisions of the administration's proposal. Suffice it to say that the major element involves a 5-percent pay increase for all working controllers, as well as flight service station specialists, and the payment of various premiums for controllers who take on additional responsibilities.

The administration plan is essentially the same one which was adopted back in November by this House by a vote of 213 to 183. Most of you supported it then and almost a year later I submit to you that the reasons for your support are even more compelling today.

As you are aware, the gentleman from Michigan, the chairman of the Post Office and Civil Service Committee, has opposed the administration's plan and has attempted to encourage the administration to return the striking controllers to their jobs.

While I would like nothing more than to see the system at full capacity tomorrow, I also realize that if we were to rehire the controllers that did strike, we would only increase the tensions at ATC facilities throughout the country. Moreover, the Ford proposal provides for a smaller pay increase than does the administration's proposal and could require the FAA to rehire striking controllers if this were necessary to return the system to full capacity by April of 1983.

The FAA will achieve this full capacity but it may take somewhat longer before it believes the system can absorb the additional traffic. I, for one, would not want to create any incentive for the administration to rush the system back to full capacity.

When the FAA believes this can be accomplished, it will be done and, until then, capacity will be increased on an incremental basis as the new controllers are brought on line.

Adoption of the administration's plan would be better policy. It gives those controllers who stayed on the job what was promised to them before the strike and does not reward those who deserted the air traffic system and violated their oaths. Moreover, it continues to let FAA decide when the system is ready to return to full capacity—without creating any incentives to do this before the additional traffic can be safely accommodated.

Let me add this—I have personal friends who, within days of the strike, realized the error of their ways and sought to repent. I really would like to see them rehired for personal reasons. I hope the FAA can find a way to do that. However, I sincerely believe that for Congress to suggest this, as the gentleman from Michigan would do, is to invite other Federal employees to follow the PATCO course, relying on this action today as the precedent that Congress will give their tacit approval to striking against our Government. This we must not do.

Mr. FORD of Michigan. Mr. Speaker, will the gentleman yield?

Mr. SNYDER. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Speaker, I am compelled to respond to the gentleman from Kentucky. He is obviously not current with the situation, and I am certain he did not mean, by implication, to be repudiating—the President's action.

The President has announced to the American public that there is nothing inherently wrong with these people who went on strike; that they indeed can be employed by any agency of the Federal Government, as long as they do not go back to work for the agency for which they were trained to work. We have over $200,000 in training costs invested in each one of these people. The Post Office is hiring them. The Defense Department was the first Federal agency that started hiring the former strikers. The Department of Defense was the first to start putting them in jobs where they could use their controller's training.

Other agencies of the Government have been hiring these people since last summer when the President ordered that. So please do not repudiate that action by him. The President does not say they should not work for the Government; he says they should not work for the FAA.

All we are saying is that as a class they should not be barred, and the FAA ought to be able to pick the good ones that they would like to have back.

Mr. SNYDER. Mr. Speaker, I just want to say that the gentleman ought to appreciate the goodness of the heart of the President of the United States, because under the law that they violated, they could well all be behind bars, which they are not. He has been most gracious, and to now say that you now want to give them encouragement to hire them back to their old jobs is to encourage every other Federal employee in this Government to take the same action which would shut down the whole Government, not just the airlines.

Mr. FORD of Michigan. Mr. Speaker, if the gentleman can explain the logic of taking people and spending a quarter of a million dollars apiece to train, and then employing them in other Federal agencies but not employing them for the job for which they were trained because they committed an illegal act, I would like to follow that.

And tell me who is being punished. We are talking about $1.4 billion. We are all paying that to replace these people. We are not punishing a union. The union has gone out of existence. We are no longer punishing controllers; we are punishing the American taxpayers. We are going to spend $1.4 billion to train people for whom we have a surplus of the same people, the jobs.

I remind the gentleman that at the President's press conference the other night, when he sought to clear up what he thought was a misimpression created last year when he talked about the 54 pages of want ads in the New York Times, he said he was misunderstood last year because people thought that he was denigrating the importance of unemployment. He said, "What I really wanted to point out is that we have to find a way to train people for the jobs that are out there."

Now here is the reverse side of the coin: We have spent money to train people to do these jobs, and we are going to prove what to whom by not hiring them back? Whom are we proving anything to? What are we doing to save taxpayers' money? What are we doing to make the system safer?

I do not know really what the point of all this is. The gentleman from Kentucky just said that his personal desire would be for the Secretary to be able, if he wanted to, to hire some of them back. I am trying to make it possible for the Secretary, if he wants to do that, to do so, and I suggest the gentleman, therefore, should vote for my substitute.

Mr. COUGHLIN. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. Mr. Speaker, this is a very complicated issue. There may not be much logic in either position, but on balance I think I am going to support the position of the gentleman from Pennsylvania (Mr. COUGHLIN) and oppose the motion by the gentleman from Michigan (Mr. FORD).

Mr. Speaker, we are completely rebuilding the air traffic control system in America. My subcommittee on the Science Committee has been responsible for the enormously complex process of designing new hardware, new software for this system. Never before, in a non-defense-related function, has our Government bought and managed a computer system of the size and scope we are now proceeding on.

It looks to me as if we need a cadre, a group of air traffic controllers, who are happy in their jobs and desirous of

cooperating in the managing and putting on line of that new system which will revolutionize the American air traffic system.

So, therefore, while I am not totally satisfied, and I have mixed feelings about opposing the proposal of my friend from Michigan, I think that the happiness, the morale, and the system of moving people in airplanes in America is better served by the proposal suggested by the Secretary of Transportation. If the Ford motion prevails there will be a potential for unhappiness among existing air traffic control personnel and, that could lead to difficulties in properly integrating this new, multibillion-dollar equipment into the system. The taxpayers would not be well served by such a problem.

□ 1830

So, I would urge a "no" vote on the motion of the gentleman from Michigan (Mr. FORD).

Mr. COUGHLIN. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. GINGRICH).

Mr. GINGRICH. Mr. Speaker, I think that the gentleman from Kansas has begun to carry us toward the bottom line on this issue. Rather than get involved in an extremely complicated situation that has all sorts of labor-management overtones, legal overtones, carries us back to the complexity both of the air traffic system we are trying to build, and also the complexity of relationships; it goes back to the illegal strike of last year—we have a chance by rejecting the amendment of the gentleman from Michigan to have a clean, simple, straightforward process.

Those men and women who obeyed the law, who served their country, who held together the air traffic system, who did the job, who put up with 6-day weeks and a lot of overtime, being away from their families, those people will get a little, small, tiny, little reward for all that long effort, and the simple way to get that done tonight is to vote no on the proposal of the gentleman from Michigan.

By voting no on the proposal of the gentleman from Michigan, we assure no complexity with the Senate, no complexity with the President. It is a simple, straightforward yes. It is saying that we are grateful to the men and women who stayed up long hours, stayed on their jobs, who obeyed the law, who did what they were supposed to do.

Now, everything the gentleman from Michigan has said may or may not be accurate. We can take that up in the special session. As chairman of the committee, he can bring forward a bill at the appropriate time. He has many sorts of redress in the legislative process, but for tonight on this bill, the correct vote, I believe, is to vote no on the amendment of the gentleman from Michigan.

Mr. COUGHLIN. Mr. Speaker, I yield one-half minute to the gentleman from Illinois (Mr. DERWINSKI).

(Mr. DERWINSKI asked and was given permission to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Speaker, as a young man I admired Al Smith. He used to say, "Let's look at the record."

The record should show that the Defense Department does not have any problem with air safety, despite any implication. But, here is the real point of the record: Mr. Jones, whose report was referred to by my good friend, Mr. FORD, testified before our committee on March 21. He was asked about his opinion of bringing back the striking controllers. He said, "This would be another blow to the air traffic control system. To rehire them would not be constructive."

So, I reemphasize a no vote against the pending motion is in order.

Mr. FORD of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I believe that there is no possible way to be legislating something as complex as this. The gentleman from Georgia just said, but he did not, I think, mean to say what he said, we should not be here on a continuing resolution on the last day of a session discussing something that is frought with as many implications with respect to the policy of the personnel of the Federal Government as this bill is. That is what is wrong with legislating on an appropriations bill. That is why we try not to do it this way.

When a committee has difficulty coming to agreement with an agency—and I have been negotiating with the Secretary of Transportation for months, with an open offer to take any kind of suggestion he has that would lead us toward a solution and legislate in the regular way, and then we would have the members of my committee, some of whom have spent years on this; I would like to suggest that I am sure no one over there thinks the Post Office and Civil Service Committee is bereft of people who are concerned for the welfare of the Federal employees. I think that it is the greatest collection of protectors of the rights of Federal employees to be found in the House, on both sides of the aisle, including the gentleman from Illinois who just spoke, who is "notorious" for his support of Federal employees and their organizations, and they find him attractive as a result thereof.

So, what we are doing here is passing a major piece of legislation. We are authorizing about $70 million in the coming fiscal year programs, retroactive pay to August 3, 1981, so we have got two fiscal years involved, about $60 million and $70 million.

It is no small piece of change, this little amendment that was just tacked on by the Senate. If Members want to teach the Senate that it is all right to run around the legislation, never compromise with the House, but just stick it on in the last minute like this, this is the way to do it. I guarantee the Members that when the next Congress is adjourning we will have five major pieces of legislation on a continuing resolution instead of one, so if for no other reason we ought to send it back.

The SPEAKER pro tempore. All time of the gentleman from Michigan (Mr. FORD) has expired.

The gentleman from Pennsylvania (Mr. COUGHLIN) has 3½ minutes remaining.

Mr. COUGHLIN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the motion of the gentleman from Michigan is being billed as a compromise motion. It is hardly a compromise—it is hardly a compromise. According to its own sponsor, the President's bar on rehiring controllers who violated the no strike provisions of the law would be lifted. That is no compromise. That lifts the President's ban on rehiring those who violated the no strike provisions.

It says here that this does not require any rehiring of air traffic controllers; does not require it. It directs the Secretary—directs the Secretary to take all practicable steps to return the system to full staffing by April 2, 1983. What is that requiring, but the Secretary to rehire these people? Who would he rehire? There would be lawsuits as to which one might be rehired and which not rehired.

The jobs are no longer there. Rehiring would mean two people on the job. We are almost back to full staffing now.

What kind of pay increase would the gentleman from Michigan provide? It is called a disappearing pay increase. Have the Members ever heard of a disappearing pay increase? It would be 5 percent, then going down to nothing by fiscal year 1985; not the 6.6-pay increase that was agreed to be given to the controllers.

Let me reiterate once more to my colleagues, this is the same pay package which passed the House last year by a vote of 213 to 183. The implementation of this proposal fulfills the Government's commitment to the nonstriking air traffic controllers who have kept the system operating safely since August 1981. The 6.6-percent improvement equals the tentative contract which was agreed to in the original negotiation with the controllers in June 1981. The package will not increase Federal expenditures. The cost will be absorbed by the FAA's operating budget. The nonstriking air traffic controllers deserve the benefits of this

package for their loyalty and dedication of keeping the airways safe.

My colleagues, vote no on the Ford amendment. Vote no, let us finish up this continuing resolution and let us go home.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. COUGHLIN. I yield.

Mr. MONTGOMERY. Mr. Speaker, I have been totally confused on this today. What do the air traffic controllers want, the ones that stayed on the job? Do they want Mr. FORD's resolution or do they want the proposal that the gentleman is making?

Mr. COUGHLIN. They do not want Mr. FORD's resolution. We want a no vote on that resolution and a yes vote on concurring with the Senate amendment.

Mr. MONTGOMERY. I thank the gentleman.

● Mr. GOLDWATER. Mr. Speaker, I rise in support of the controller pay package and urge my colleagues to join me in seeing that key FAA safety employees receive the overdue pay benefits they so richly deserve.

Much of my life has been spent in aviation. Along with many of my colleagues on both sides of the aisle, I have had many occasions to use the air traffic and other safety services provided by FAA employees. I have also spent many hours visiting FAA towers and centers. You cannot help but be impressed by the enormous responsibilities placed on controllers and by the dedication with which they assume those responsbilities. There is no question in my mind that the pay raise called for by this legislation is well deserved, particularly in light of the tremendous efforts we have seen put forth by our Nation's controllers following the strike of August 1981.

The 6.6-percent pay raise provided by this legislation is no more than what was promised the controllers' union before the strike, and is no less than what the loyal controllers who honored their oaths of office should expect.

Although long overdue, it is not too late for the Congress to send a positive signal, in the form of this legislation, to controllers and related FAA employees that we recognize the superb efforts they have made on behalf of the American traveling public.●

● Mr. WOLF. Mr. Speaker, I rise in support of the continuing appropriations conference report and the Senate amendment providing a pay raise for air traffic control personnel.

I would urge my distinguished colleagues to vote yes on this measure which includes a pay package for the Nation's air traffic controllers. I am especially concerned about this measure due to the large numbers of controllers in the 10th Congressional District. This is the same pay package which the administration offered last year before the PATCO strike. The men and women who did not violate their oaths and walk off in an illegal strike called by PATCO deserve no less than what they were offered before the strike.

I would remind my distinguished colleagues of the importance to the economy and to the Nation of the aviation industry.

I would also remind my colleagues that all segments of the aviation industry—from the airline pilots to the weekend pilot and 11 aviation organizations—are supporting the administration's pay package for the controllers.

All of us, I am sure, regret the action of PATCO. But all of us, I am equally sure, applaud the men and women who stayed in the control towers and centers to keep this vital transportation link functioning.

The system now is almost at prestrike levels, and before many months, will be at prestrike capacity.

It is just and right that we support this 6.6-percent pay increase. I do so without hesitation, and hope my fellow Members will also support this measure.●

● Mr. FRENZEL. Mr. Speaker, last night, the conference committee decided to throw out the air traffic controllers pay and benefit package from the continuing resolution, and force the issue to first be voted on individually as an item of dispute. By removing the pay package from the continuing resolution we have potentially eliminated one of the really meritorious components in an otherwise disorderly piece of legislation.

Actually, this item should never have been part of the continuing resolution. It should have been voted on and passed long before today. Instead, the House, specifically the leadership of the Post Office and Civil Service Committee, has chosen to politicize what should be a nonpolitical issue, in order to satisfy the desires of certain individual Members who apparently think the strike was a good idea.

I agree that the issue of the fired controllers is a problem that should be dealt with by the administration. Those who lost their jobs have been away for well over a year now, and there may be some cases in which rehiring is a good idea. However, rehiring the fired controllers is not the issue at hand. If the Ford motion is passed it will serve only to further delay what has already been postponed for far too long.

All of us have been dependent on the U.S. air system at some time in the last year. We are all indebted to the controllers who have maintained the airways in an efficient, and more importantly, safe, manner. These men and women have served their country in an exemplary fashion during a time of difficult challenge. We owe these individuals our respect and admiration, but more importantly, we owe them just, promised compensation for their extraordinary efforts.

The benefits package should not be considered a bonus, rewarding those controllers who remained on the job. Instead, what we are considering merely provides the working controllers and associated personnel with the benefits they were offered by the Government in the summer of 1981. Last summer they deserved it. Now, after over a year of 6-day weeks, canceled vacations, and added shifts, they deserve it even more.●

● Mr. MINETA. Mr. Speaker, there are few issues that have been as divisive as the issues flowing from the ill-advised strike on August 3, 1981, by air traffic controllers.

The Chairman of the Post Office and Civil Service Committee has done an outstanding job in advocating his position and I commend him for the job he has done.

But whatever the issues of the strike, whatever sympathy or opposition each of us may feel toward those who struck, we now have an obligation to look at the men and women who have made such extraordinary efforts over the past 14 months to keep the system operating. No matter what our feelings on these other issues, we owe these men and women some extra recognition for the sacrifices they have made far above the call of duty.

As long as we continue the debate, as we have over the past year, these on-the-job controllers are not getting the compensation they deserve. I think the time has come to recognize that this debate can be ended in only one way, and that it is by concurring in the Senate amendment.

I will therefore oppose the motion to concur with an amendment and support the motion to concur.●

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the preferential motion offered by the gentleman from Michigan (Mr. FORD).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. FORD of Michigan. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 128, nays 267, answered "present" 1, and not voting 36, as follows:

[Roll No. 389]

YEAS—128

Addabbo	Frank	Panetta
Akaka	Frost	Patterson
Albosta	Garcia	Pease
Annunzio	Gaydos	Pepper
Applegate	Gejdenson	Peyser
AuCoin	Gephardt	Pickle
Bailey (PA)	Gilman	Price
Barnes	Gonzalez	Rahall
Bedell	Hagedorn	Rangel
Biaggi	Heckler	Ratchford
Bingham	Heftel	Reuss
Bolling	Hertel	Rinaldo
Bonior	Hollenbeck	Rodino
Bonker	Hoyer	Rosenthal
Brodhead	Jacobs	Roybal
Brooks	Jeffords	Sabo
Brown (CA)	Kastenmeier	Savage
Burton, John	Kennelly	Scheuer
Burton, Phillip	Kildee	Schneider
Clay	Kogovsek	Schumer
Collins (IL)	LaFalce	Seiberling
Conyers	Lantos	Shannon
Coyne, William	Lehman	Sharp
Crockett	Leland	Smith (IA)
Daschle	Long (MD)	Solarz
Dellums	Lowry (WA)	Stark
DeNardis	Luken	Stokes
Dicks	Lundine	Studds
Dingell	Markey	Swift
Dixon	Matsui	Synar
Donnelly	Mavroules	Udall
Downey	McHugh	Vento
Dwyer	Mikulski	Washington
Dyson	Miller (CA)	Waxman
Early	Mitchell (MD)	Weaver
Eckart	Moakley	Whitten
Edwards (CA)	Murphy	Williams (MT)
Evans (IN)	Murtha	Wirth
Fary	Nowak	Wolpe
Fascell	Oakar	Wyden
Fithian	Oberstar	Yates
Foley	Obey	Young (MO)
Ford (MI)	Ottinger	

NAYS—267

Alexander	Coyne, James	Gradison
Anderson	Craig	Gramm
Andrews	Crane, Daniel	Green
Anthony	Crane, Philip	Gregg
Archer	Daniel, R. W.	Grisham
Ashbrook	Dannemeyer	Gunderson
Aspin	Daub	Hall, Ralph
Atkinson	Davis	Hall, Sam
Bafalis	de la Garza	Hamilton
Bailey (MO)	Deckard	Hammerschmidt
Barnard	Derrick	Hance
Beard	Derwinski	Hansen (ID)
Benedict	Dorgan	Harkin
Bennett	Dornan	Hartnett
Bereuter	Dougherty	Hatcher
Bethune	Dreier	Hawkins
Bevill	Duncan	Hefner
Bliley	Dunn	Hendon
Boggs	Dymally	Hightower
Boland	Edgar	Hiler
Bouquard	Edwards (AL)	Hillis
Bowen	Emerson	Holland
Breaux	Emery	Holt
Brinkley	English	Hopkins
Broomfield	Erdahl	Horton
Brown (CO)	Erlenborn	Howard
Brown (OH)	Evans (DE)	Hubbard
Broyhill	Evans (GA)	Huckaby
Burgener	Evans (IA)	Hunter
Butler	Fenwick	Hutto
Byron	Fiedler	Hyde
Campbell	Fields	Ireland
Carman	Findley	Jeffries
Carney	Fish	Jenkins
Chappie	Flippo	Johnston
Cheney	Florio	Jones (NC)
Clausen	Foglietta	Jones (OK)
Clinger	Fountain	Jones (TN)
Coats	Fowler	Kazen
Coelho	Frenzel	Kemp
Coleman	Fuqua	Kindness
Collins (TX)	Gibbons	Kramer
Conable	Gingrich	Lagomarsino
Conte	Ginn	Latta
Corcoran	Glickman	Leach
Coughlin	Goodling	Leath
Courter	Gore	LeBoutillier
Lee	Nelson	Smith (NE)
Lent	O'Brien	Smith (NJ)
Levitas	Oxley	Smith (OR)
Lewis	Parris	Smith (PA)
Livingston	Patman	Snowe
Loeffler	Paul	Snyder
Long (LA)	Perkins	Solomon
Lott	Petri	Spence
Lowery (CA)	Porter	St Germain
Lujan	Pritchard	Stangeland
Lungren	Pursell	Stanton
Madigan	Quillen	Staton
Marlenee	Railsback	Stenholm
Marriott	Regula	Stratton
Martin (IL)	Rhodes	Stump
Martin (NC)	Ritter	Tauke
Martin (NY)	Roberts (KS)	Tauzin
Mazzoli	Roberts (SD)	Taylor
McClory	Robinson	Thomas
McCollum	Roemer	Trible
McCurdy	Rogers	Vander Jagt
McDade	Rose	Volkmer
McDonald	Rostenkowski	Walker
McGrath	Roth	Wampler
Mica	Roukema	Watkins
Michel	Rousselot	Weber (MN)
Miller (OH)	Rudd	Weber (OH)
Mineta	Russo	White
Minish	Santini	Whitehurst
Mitchell (NY)	Sawyer	Whittaker
Molinari	Schulze	Williams (OH)
Mollohan	Sensenbrenner	Wilson
Montgomery	Shamansky	Winn
Moore	Shaw	Wolf
Moorhead	Shelby	Wortley
Morrison	Shumway	Wright
Mottl	Shuster	Wylie
Myers	Siljander	Yatron
Napier	Simon	Young (AK)
Natcher	Skeen	Young (FL)
Neal	Skelton	Zablocki
Nelligan	Smith (AL)	Zeferetti

ANSWERED "PRESENT"—1

Schroeder

NOT VOTING—36

Badham	Fazio	Mattox
Beilenson	Ferraro	McCloskey
Blanchard	Ford (TN)	McEwen
Boner	Forsythe	McKinney
Chappell	Goldwater	Moffett
Chisholm	Gray	Nichols
D'Amours	Guarini	Pashayan
Daniel, Dan	Hall (OH)	Roe
Dickinson	Hansen (UT)	Traxler
Dowdy	Hughes	Walgren
Edwards (OK)	Marks	Weiss
Ertel	Martinez	Whitley

□ 1850

The Clerk announced the following pairs:

On this vote:

Mr. Guarini for, with Mr. Badham against.

Mr. Moffett for, with Mr. Dickinson against.

□ 1850

Messrs. ZEFERETTI, HOLLAND, LONG of Maryland, and PERKINS changed their votes from "yea" to "nay."

Messrs. WIRTH, SCHEUER, LONG of Maryland, and BONKER changed their votes from "nay" to "yea."

So the preferential motion was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is, Will the House concur in Senate amendment No. 83?

The House concurred in Senate amendment No. 83.

PERSONAL EXPLANATION

Mr. HAGEDORN. Mr. Speaker, this evening on roll call 389, I am recorded as voting "yea." In fact Mr. Speaker, I voted "nay."

□ 1900

(By unanimous consent, Mr. LEVITAS was allowed to proceed for 1 minute out of order.)

H.R. 746, REGULATORY PROCEDURE ACT OF 1982

Mr. LEVITAS. Mr. Speaker, I asked for this time in order to engage in a colloquy with the distinguished majority leader.

A number of Members have spoken to me during the afternoon and evening of yesterday and today with respect to H.R. 746, the regulation reform bill which has a great deal of support, and which was in the midst of hearings before the Rules Committee yesterday at the time the balanced budget issue came up, and as a result of that and that alone, I am told further proceedings were suspended on the regulation reform bill rule.

The distinguished chairman of the Rules Committee, the gentleman from Missouri (Mr. BOLLING), this afternoon informed me that it was his intention to resume the hearings on the regulation reform bill during the lameduck session in a timely manner so that there would be adequate time to consider such a rule.

And my question to the distinguished majority leader is what would the intentions be of the leadership with respect to consideration of that bill.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, I would like to point out that the bill to which the gentleman refers was scheduled by the leadership for consideration in the House this week subject to the granting of a rule. I know of no Member in the House who has been more diligent than the gentleman from Georgia in pursuit of that bill, and in the promotion of that legislation.

It is my understanding that due in large part to the diligence of the gentleman from Georgia many of the misunderstandings and concerns that earlier existed now have been resolved.

It still is the purpose of the leadership to schedule that bill upon the granting of a rule. If the understanding of the gentleman from Georgia is correct, assuming the granting of a rule, after this Congress returns in late November, it had been and will be the purpose of the leadership to schedule it for consideration in the House.

Mr. LEVITAS. I thank the majority leader for that information.

PERMISSION TO PRINT REMARKS OF PRESIDENT AND VICE PRESIDENT HONORING THE HONORABLE JOHN J. RHODES

Mr. RUDD. Mr. Speaker, on September 28, under a previous order of the House, it was my great pleasure to speak on the great accomplishments of my colleague, JOHN RHODES, who is retiring upon the completion of this Congress.

I have now received the comments of the President and the Vice President of the United States and I ask unanimous consent that these remarks be included in my special order of September 28 in the permanent RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

THE WHITE HOUSE,
Washington, October 1, 1982.

Hon. ELDON RUDD,
House of Representatives,
Washington, D.C.

DEAR ELDON: I appreciate your invitation to join with your colleagues in recognizing the numerous contributions and accomplishments of John J. Rhodes during his thirty years of service to the residents of Arizona's 1st District, which he so ably represented, and the people of the United States.

As the first Republican ever to be elected to the House of Representatives from Arizona, as Chairman of the 1976 and 1980 Republican National Conventions, and as the House Republican Leader from 1974 to 1981, John has won the respect and admiration of private citizens and public officials.

His thirty years of experience cannot be easily replaced. We Republicans are losing an able and faithful friend; the House is losing a skilled, veteran legislator; and the citizens of the 1st District are losing a dedicated Representative.

We all owe a great debt of gratitude to John for his loyal and unselfish service to our nation. His service is a badge of honor that shines with integrity and esteem.

Nancy and I extend to Betty and John our very best wishes for the future.

Sincerely,

RONALD REAGAN.

THE VICE PRESIDENT,
Washington, October 1, 1982.

Congressman ELDON RUDD,
House of Representatives,
Washington, D.C.

DEAR ELDON: I appreciate this opportunity to recognize John Rhodes' tremendous service to the Republican Party and to our country. John has served with the highest distinction and utmost dedication in the House since 1952. His exemplary record is one which serious legislators will both study and follow.

John served as minority leader in the House from 1973 through 1980 and earned the respect and admiration of colleagues on both sides of the aisle. Today, the Republican Party is strong and effective because of the decency and integrity of men like John Rhodes. While John's skills and experience will be missed in the House, I will always cherish his friendship and know full well that his service to country will continue beyond his public service.

Sincerely,

GEORGE BUSH.

PERMISSION FOR COMMITTEE ON SMALL BUSINESS TO HAVE UNTIL MONDAY, NOVEMBER 1, 1982, TO FILE INVESTIGATIVE REPORTS

Mr. MITCHELL of Maryland. Mr. Speaker, I ask unanimous consent that the Committee on Small Business have until November 1, 1982, to file two investigative reports with the Clerk of the House notwithstanding the adjournment date of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. WALKER. Mr. Speaker, reserving the right to object, I do so only to inquire of the gentleman whether or not this has been cleared with the minority.

Mr. MITCHELL of Maryland. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. Yes, this has.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5133

Mr. WINN. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of the bill, H.R. 5133.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 599, CONTINUING APPROPRIATIONS, 1983

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 85: page 19, after line 2, insert:

SEC. 153. Title IV of the Tariff Act of 1930 (19 U.S.C. 1401 et seq.) is amended by adding after section 625 the following new section:

"SEC. 626. (a) In order to monitor and enforce export measures required by a foreign government or customs union, pursuant to an international arrangement with the United States, the Secretary of the Treasury may, upon receipt of a request by the President of the United States and by a foreign government or customs union, require the presentation of a valid export license or other documents issued by such foreign government or customs union as a condition for entry into the United States of steel mill products specified in the request. The Secretary may provide by regulation for the terms and conditions under which such merchandise attempted to be entered without an accompanying valid export license or other documents may be denied entry into the United States.

"(b) This section applies only to requests received by the Secretary of the Treasury prior to January 1, 1983, and for the duration of the arrangements.".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 85, and concur therein.

Mr. CONTE. Mr. Speaker, I seek recognition.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I thank the distinguished ranking minority Member from Massachusetts for the recognition.

Mr. Speaker, I take this time to discuss briefly amendment No. 85, which was the nongermane Senate amendment offered in the other body by the senior Senator from Pennsylvania relating to a whole new system of steel import licensing. Of course, there have been no hearings and I think most Members of this body and probably of the other have no idea what it is all about.

The amendment was offered in the other body by its sponsor as a technical amendment. And it was mumbled through that body without what I would consider to be any kind of significant description.

The authority addresses the ability of the President under our antidumping and countervailing duty law to come to an agreement with a foreign government to eliminate the injurious effects of dumped or subsided products subject to an investigation by the Commerce Department.

The problem is the Senate amendment does not limit the authority to those products subject to a CVD or dumping investigation where a preliminary determination of injury has been made by the ITC. Therefore, a voluntary restraint agreement could be accepted on products not covered by a case and where no injury determination has been made.

The President has no authority to negotiate restraints in order to eliminate the injurious effects of dumping and subsidies not covered by cases, yet the authority to implement restraint agreements contained in the Senate amendment is so broad that the Customs Service would be able to monitor and thereby implement voluntary restraints on products not subject to cases, or having proved injury.

If implementing authority under our CVD and dumping laws is inadequate, these laws should be changed on an

overall basis—not on an ad hoc, case-by-case or product-by-product basis.

Every other sector in the United States that has any kind of a grievance can seek similar treatment after this outrageous example. Those sectors should be able to expect voluntary restraints to be easily imposed whether they have filed a case or proven injury at all.

Mr. Speaker, the cost of implementing and monitoring the voluntary restraints under this Senate amendment could be outrageously high. Nobody can estimate how many new customs agents we will have to put to work to examine the shipments coming into this country.

The worst of it, of course, is that we are singling out a special industry which is in a difficult situation but has done very little to improve its own lot other than ask for protection. As a matter of fact, its negotiating posture through the past year with the EEC and with Commerce Department has been described by some observers as uncooperative.

To make this complicated system go into force and effect, an agreement will have to be negotiated between the United States and the European Community before January 1. I think if this provision is going to pass, and I am not going to ask for a vote on it, the eyes of the world are going to be on our steel industry to see how it cooperates in those negotiations. If it does not do better, there is not going to be any agreement and it is not going to deserve an agreement.

Since we are determined to embark on this unwise policy. I hope that there will be an agreement, and that our steel industry will begin to work itself out of its problem. I am disappointed that we will adopt this bad policy, but we will make the best of it. I am far more ashamed of the procedure that produced it.

I want to assure this body that I shall monitor the progress, or lack thereof, in these matters, and keep all parties advised.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. WHITTEN).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 86: Page 19, after line 2, insert:

SEC. 154. (a) Subpart J of part I of schedule 5 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting after item 522.51 the following new item:

"522.53 Steam ..... Free ..... Free".

(b) The amendment made by this section shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date which is fifteen days after the date of enactment of this joint resolution.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 86, and concur therein.

Mr. CONTE. Mr. Speaker, I seek recognition.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts.

□ 1910

Mr. CONTE. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, we have another incursion on committee jurisdiction here for a duty-free importation of steam from the Senate.

It is fair to note that the Senate has received from the House of Representatives 59 of these duty suspension bills in which we try to suspend or eliminate the tariff to take care of special distress conditions in the United States for our Members. We go to great pains to take hearings, to pass bills that make some sense, that have some economic justice to them and do not hurt our economy.

The Senate, however, of those 59 bills, has returned only one. That means that there are hundreds of House Members who have a much better case than the Member who has submitted this bill, at least in the sense of a more timely filing. But they are not going to get their bills. Their constituents' needs are not going to be met despite vaild bases although the Senate would take only one of our 59 bills, our intrepid defenders on the Appropriations Committee have saluted that Senate behavior by accepting the one bill that the Senate wants.

So I just want every Member in here who has got a duty suspension bill, who is not going to get it, to know why you are not going to get it. It is wholly because our Appropriations Committee gives the Senate its bills and apparently does not care what happens to House Members' bills.

Mr. Speaker, I yield to the distinguished gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, first, I want to commend the gentleman from Minnesota for telling it like it is and telling it very effectively like it is.

What the Senate has done to the House is atrocious. The Senate has had House bills over there for a year and a half, relatively noncontroversial, but certainly important pieces of legislation.

Many Members of this body on both sides of the aisle and the industries in their districts are vitally affected by this legislation and the Senate has sat like a bunch of prima donnas over there and not even considered the bills, despite the fact that we have asked them to consider them, written them letters to consider them, and for the 20 years that I have been in Congress they have passed all these bills. They add something and they take something away and we have worked them out, but not this Senate. They have done nothing. They have hurt American industry. They have hurt America's competitive position and they have not done anything, but in the middle of the night, without any discussion, at the urging of the Secretary of Commerce, they have sneaked the steel cartel authorization through.

Now, there are lots of bills over in the Senate that they could have added it to, but they did not do it. They took advantage of the Senate by not fully explaining the position. They took advantage of the deadlines that this Congress faces and the closing down of the Government.

Our conference, our House Members and our appropriation members sent to the Senate a bill that did not have anything other than appropriation matters on it and in the middle of the night some hundred amendments were added. I do not know whether every Senator got 1 or some got 2 or 3 or something, but they added 100 of them to it.

Now, our conferees did the best they could. They did not want to close down the Government. They did not have time to consider these amendments.

The Ways and Means Committee at the same time was engaged in two conferences with the Senate Finance Committee, but nobody even said boo about these things to us.

Now, that is the way the House has been trampled on.

The gentleman from Minnesota is not going to ask for a vote. I am not going to ask for a vote and I do not want to delay the proceeding any further, but somewhere along the line, you know, enough is enough.

Mr. FRENZEL. Mr. Speaker, I thank the gentleman.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the distinguished chairman.

Mr. WHITTEN. Mr. Speaker, I just would like to agree with my colleagues here.

I would like to explain the situation we are in, because we need to prevent this from happening again.

Yesterday our friends on the other side had 100 amendments offered, on the Senate floor they finally just took them all so we could try to go to conference and get this through by midnight, so I am told.

So we have tried to do the best we can. We did fix it where we could have passed it by midnight last night.

So I just agree with the gentleman and hope we can do a better job in the future, but I hope above all we do not get put into this fix again.

Mr. CONTE. Mr. Speaker, I yield 1 additional minute to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I thank the distinguished chairman for his contribution.

I do not expect perfection from this House, and I know we have difficulty dealing with the other body.

I will say, however, that next year when we have our 80 duty-suspension bills that the Members need, shall we send them to the Appropriations Committee? Do you want to do the hearings on them and take care of them?

Well, I hope that in the future you will think about that a little bit when you are working with the Senate.

Mr. Speaker, I do not intend to request a vote. The gentlewoman from Maine, who is going to be affected by this, has every reason to have her bill passed, but so do all the other Members of the House who are going to be denied their relief.

Mr. CONTE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maine (Mrs. SNOWE).

Mrs. SNOWE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased to rise today in support of the motion to recede and concur and agree with the Senate action on this important amendment. This amendment would amend tariff schedules to allow duty-free importation of steam energy to a Madawaska wood pulp plant.

Fraser Paper Co. expects to complete a unique project this fall in which steam created during the pulping process in Fraser's Edmundston, New Brunswick, plant would be piped across the border and used to power the paper drying process at the company's Madawaska plant. The U.S. Customs Service has notified the company that an import tax of as much as $1 million per year could be levied on the steam.

If this amendment were not to pass then the Federal Government would be penalizing Fraser Paper Co. for having planned an inventive method of conserving energy through this project, and, in fact, the project could save as much as 400,000 barrels of oil annually. Furthermore, Fraser's plans would raise the company's thermal self-sufficiency in the Madawaska-Edmundston complex to 80 percent, up from 27 percent. The steam also would be used to heat the Madawaska plant. The efforts that Fraser has made to reduce its dependence on petroleum products and to employ new energy-saving techniques are commendable.

The bill which I introduced is embodied in this amendment, and not only can solve Fraser's problem, but also encourages other companies to explore similar technology for conserving energy. Therefore, Mr. Speaker, for all of these reasons, I urge the passage of this amendment.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. WHITTEN).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 88: Page 19, after line 2, insert:

SEC. 156. For the purposes of the Immigration and Nationality Act, Tessie and Enrique Marfori shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this joint resolution, upon payment of the required visa fee. Upon the granting of permanent residence to such aliens as provided for in this joint resolution, the Secretary of State shall instruct the proper officer to reduce by the required number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 88 and concur therein with an amendment, as follows: In lieu of the section number 156 named in said amendment, insert "155".

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment read as follows:

Senate amendment No. 89: Page 19, after line 2, insert:

SEC. 157. There is appropriated $518,000,000, to remain available until expended, for Department of Transportation Interstate Transfer Grants—Highways, and $365,000,000, to remain available until expended, for Department of Transportation Interstate Transfer Grants—Transit: *Provided*, That, allocations of these funds shall be distributed in accordance with House Report 97-783 or Senate Report 97-567, whichever is higher.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 89 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

SEC. 156. Notwithstanding any other provision of this joint resolution, there is appropriated $518,000,000, to remain available until expended, for Department of Transportation Interstate Transfer Grants—Highways, and $365,000,000, to remain available until expended, for Department of Transportation Interstate Transfer Grants—Transit: *Provided*, That allocations of these funds shall be distributed in accordance with House Report 97-783 or Senate Report 97-567, whichever is higher.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 90: Page 19, after line 2, insert:

SEC. 158. Since the United States Congress established the Social Security system in 1935 to provide for the general welfare by establishing a system of Federal old-age benefits; and

Since Medicare was made part of the Social Security system by Act of Congress in 1965 to provide for the general welfare through a system of health benefits for the aged; and

Since Medicare is an insurance program in which working Americans contributed their Social Security payroll taxes and in which the elderly and disabled pay health insurance premiums in order to receive health benefits promised under this insurance plan; and

Since proposals to limit eligibility for Medicare health benefits to lower-income persons would profoundly alter the character of health insurance for the aged and disabled by removing the insurance principle from the Medicare program.

It is the Sense of the Senate that the Congress should reject any proposal to impose a "means test" on eligibility for the Medicare program or benefits provided by the Medicare program.

SEC. 159. The Senate finds that:

a. Wars are raging in several parts of the world inflicting incalculable loss of human lives and property, with unbearable human suffering and grief; and

b. The presence of huge nuclear arsenals in the world present an ever present threat to the survival of mankind; and

c. Though war in a very troubled and divisive world is an ever present possibility and threat, the United States has been at peace since the end of Vietnam conflict; and

d. The benefits of peace and the value of life should be ever present in the thoughts of all people; and

e. A day should be set aside for the American people to reflect on the values of peace and the horrors of war; and

f. The President should proclaim a day of peace and call on the people of the country

to commemorate it with such ceremonies and activities as are appropriate and in keeping with an expression of gratitude for living in a great, free Nation at peace.

In view of these findings, it is the sense of the Senate that October 10, 1982, should be designated as "National Peace Day" and that the President of the United States should issue a proclamation calling upon Federal, State, and local government agencies, interest groups, organizations, and the people of the United States, to observe that day by engaging in appropriate activities and programs, thereby showing their commitment to peace.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 90 and concur therein with an amendment, as follows: In lieu of the section number 158 named in said amendment, insert "157" and in lieu of the section number 159 in said amendment, insert "158".

Mr. CONTE. Mr. Speaker, I seek recognition.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I yield to the gentleman from Illinois (Mr. PHILIP M. CRANE).

Mr. PHILIP M. CRANE. Mr. Speaker, I thank the distinguished gentleman for yielding.

Mr. Speaker, I rise in opposition to the motion. It is my intent if the motion is defeated, to introduce an amendment that preserves the existing section 158, which would, I gather, be redesignated as 157 and would otherwise strike the section 159 which is to be redesignated 158.

Mr. CONTE. Mr. Speaker, I have no further requests for time.

Mr. WHITTEN. Mr. Speaker, this is a matter involving the Senate. It is not a regular appropriations matter under our jurisdiction. Acting as chairman of the committee, I have offered a motion.

Mr. Speaker, I move the previous question on the motion.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. WHITTEN).

The motion was rejected.

MOTION OFFERED BY MR. PHILIP M. CRANE

Mr. PHILIP M. CRANE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PHILIP M. CRANE moves that the House recede from its disagreement to the amendment of the Senate numbered 90 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SECS. 157-158. Since the United States Congress established the social security system in 1935 to provide for the general welfare by establishing a system of Federal old-age benefits; and

Since medicare was made part of the social security system by Act of Congress in 1965 to provide for the general welfare through a system of health benefits for the aged; and

Since medicare is an insurance program in which working Americans contribute their social security payroll taxes and in which the elderly and disabled pay health insurance premiums in order to receive health benefits promised under this insurance plan; and

Since proposals to limit eligibility for medicare health benefits to lower income persons would profoundly alter the character of health insurance for the aged and disabled by removing the insurance principle from the medicare program.

It is the Sense of the Senate that the Congress should reject any proposal to impose a "means test" on eligibility for the medicare program or benefits provided by the Medicare program.

Mr. PHILIP M. CRANE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. PHILIP M. CRANE) is recognized for 30 minutes.

Mr. PHILIP M. CRANE. Mr. Speaker, I will not take more than 60 seconds of the busy time of the House.

Mr. Speaker, it is simply a desire to expedite the business this evening. I think this is a noncontroversial amendment that I have proposed. It deals with striking a sense of the Senate resolution, which I think is extraneous and does not deal with the sense of the Congress. Since there seems to be no great controversy involved, I will not occupy any further time.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

□ 1920

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. PHILIP M. CRANE).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 93: Page 19, after line 2, insert:

SEC. 162. Section 2 of the International Coffee Agreement Act of 1980 (19 U.S.C. 1356k) is amended by striking out "October 1, 1982" and inserting in lieu thereof "October 1, 1983".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 93 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

SEC. 161. Section 2 of the International Coffee Agreement Act of 1980 (19 U.S.C. 1356k) is amended by striking out "October 1, 1982" and inserting in lieu thereof "the expiration of this joint resolution".

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 100: Page 19, after line 2, insert:

SEC. 169. Section 508 of the Airport and Airway Improvement Act of 1982 is amended by adding at the end thereof the following new subsection:

"(e) USE OF CERTAIN APPORTIONED FUNDS FOR DISCRETIONARY PURPOSES.—(1) Subject to paragraphs (2) and (3), if the Secretary determines, based upon notice provided under section 509(e) or otherwise, that any of the amounts apportioned under section 507(a) will not be obligated during a fiscal year, the Secretary may obligate during such fiscal year an amount equal to such amounts at his discretion for any of the purposes for which funds are made available under section 505.

"(2) The Secretary may make obligations in accordance with paragraph (1) only if the Secretary determines that the total of obligations for such fiscal year for purposes of section 505 will not exceed the amount authorized for such fiscal year under section 505(a) and if the Secretary determines that sufficient amounts are authorized under section 505(a) for later fiscal years for obligation for such apportioned amounts which were not obligated during such fiscal year and which remain available under section 508(a).

"(3) For purposes of amounts apportioned for fiscal year 1982, the Secretary may make the determinatons under paragraphs (1) and (2) on or before October 30, 1982. For purposes of any limitation on obligations imposed by law, amounts obligated in accordance with this subsection on or before October 30, 1982, shall be deemed to have been obligated during fiscal year 1982 to the extent that such amounts, when added to amounts obligated on or after October, 1, 1981, and before October 1, 1982, for purposes of section 505, do not exceed $450,000,000.".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 100 and concur therein with an amendment, as follows: In lieu of

the matter inserted by said amendment, insert the following:

SEC. 167. Section 508 of the Airport and Airway Improvement Act of 1982 is amended by adding at the end thereof the following new subsection:

"(e) USE OF CERTAIN APPORTIONED FUNDS FOR DISCRETIONARY PURPOSES.—(1) Subject to paragraphs (2) and (3), if the Secretary determines, based upon notice provided under section 509(e), or otherwise that any of the amounts apportioned under section 507(a) will not be obligated during a fiscal year, the Secretary may obligate during such fiscal year an amount equal to such amounts at his discretion for any of the purposes for which funds are made available under section 505.

"(2) The Secretary may make obligations in accordance with paragraph (1) only if the Secretary determines that the total of obligations for such fiscal year for purposes of section 505 will not exceed the amount authorized for such fiscal year under section 505(a) and if the Secretary determines that sufficient amounts are authorized under section 505(a) for later fiscal years for obligation for such apportioned amounts which were not obligated during such fiscal year and which remain available under section 508(a).

"(3) For the purposes of carrying out this subsection—

"(A) None of the funds provided in the joint resolution providing continuing appropriations for the fiscal year 1983 shall be available for the planning or execution of programs the commitments for which are in excess of $1,050,000,000 for the two fiscal years ending prior to October 1, 1983, for grants-in-aid for airport planning, noise compatibility planning and programs, and development; and

"(B) Section 506(e)(4) of this Act shall not in any manner whatsover impair the limitation established by this paragraph."

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The motion was agreed to.

The motion to reconsider was laid on the table.

A motion to reconsider the votes by which action was taken on the conference report and the several motions was laid on the table.

AUTHORIZING THE MAKING OF A CERTAIN CORRECTION IN ENROLLMENT OF HOUSE JOINT RESOLUTION 599, CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1983

Mr. WHITTEN. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 420) authorizing that a certain correction be made in the enrollment of House Joint Resolution 599, making continuing appropriations for the fiscal year 1983, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 420

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives is hereby authorized and directed, in the enrollment of the joint resolution (H.J. Res. 599), making continuing appropriations for the fiscal year 1983, to make the following correction: In section 101(c) of the joint resolution, in the second proviso after the word "Jamming" insert "Systems, $14,500,000; NATO Seasparrow Ordalt Kits, $33,000,000; continue".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 6968, MILITARY CONSTRUCTION APPROPRIATIONS, 1983

Mr. GINN. Mr. Speaker, I call up the conference report on the bill (H.R. 6968) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1983, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of Thursday, September 30, 1982, at page 26272.)

Mr. GINN (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia.

There was no objection.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINN) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. REGULA) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Georgia (Mr. GINN).

Mr. GINN. Mr. Speaker, I yield myself such time as I may consume. We are presenting today the conference report on H.R. 6968, providing for military construction for the fiscal year 1983. The conference agreement provides $7.043 billion, which is $1.169 billion below the President's request, $56.668 million below the Senate recommendation, and $42.791 million above the amount recommended by the House. Additionally, the agreement is approximately $427 million below the fiscal year 1983 section 302 budget allocation.

Although I have just noted various reductions, the military construction conference agreement provides for one of the largest expenditures for defense construction ever recommended by Congress. The wide range of military construction projects funded in this agreement represents a confirmation of our commitment to provide the necessary resources for the men and women in our military and for the overall defense of the country.

The conference agreement reflects a series of changes to the House bill, but we have been able to bring the bill back to the House below the President's budget request and still keep intact the majority of the initiatives and concerns of the House. I will highlight some of the major proposals included in the conference agreement:

Quality of life in the military. The conferees agreed to fund almost $100 million in quality of life projects that had been deleted by the Senate. We felt that these projects were an essential portion of our emphasis to improve the working and living conditions for people in the military.

Ras Banas, Egypt. After debating for the past year the issue of whether to proceed with a rapid deployment base in Egypt, the conferees agreed to a compromise position. The Department will have available $91 million of the $178 million requested in fiscal year 1983 to proceed with a true bare base at this location. However, the Department is to provide further assurances on the use of the base, enter into negotiations with our NATO allies and Japan for direct or indirect offset funding, and reduce the scope of construction to a total of $350 million.

Europe. The conferees agreed to restore almost $100 million in projects cut by the Senate in Europe. We felt strongly on this side that it was important to take care of long neglected facilities that are for our own people overseas.

MX missile program. The conferees have not funded any construction for the basing of the MX missile. Also, we have agreed to retain the provision in the House bill that prohibits any site-specific design for an MX basing mode to proceed prior to fulfilling the requirements of the National Environmental Policy Act.

Domestic projects. The conferees have agreed to fund projects and family housing in the United States totaling in excess of $3.5 billion. This will provide direct and indirect job opportunities for more than 200,000 in the construction and construction-related businesses.

The conferees approved all language contained in the report of one body but not addressed by the other body. Thus, in the case of the consolidated space operations center at Peterson Air Force Base, Colo., the additional

requirements imposed by the Senate must be met.

Funding through savings. The conference agreement recommends that all congressional initiatives recommended by the House be funded through the use of savings that have been generated from the good domestic and foreign bidding climate.

Mr. Speaker, the conference agreement before us provides for the highest priority military construction projects in a well-balanced program. This program reflects the top requirements of the Department of Defense and the priorities and initiatives of Congress. I recommend, therefore, approval of the conference report.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY

	New budget authority—				Conference compared with—				
	Enacted	Estimates	House	Senate	Conference	Enacted	Estimates	House bill	Senate bill
Military construction:									
Army	943,701,000	1,100,200,000	941,570,000	982,810,000	929,720,000	−13,981,000	−170,480,000	−11,850,000	−53,090,000
Navy	1,451,393,000	1,208,300,000	1,120,813,000	1,047,040,000	1,080,750,000	−370,643,000	−127,550,000	−40,063,000	+33,710,000
Air Force	1,558,451,000	2,081,800,000	1,420,825,000	1,657,457,000	1,551,414,000	−7,037,000	−530,386,000	+130,589,000	−106,043,000
Defense agencies	306,490,000	408,900,000	289,145,000	305,143,000	339,770,000	+33,280,000	−69,130,000	+50,625,000	+34,627,000
Transfer, not to exceed	(20,000,000)					(−20,000,000)			
North Atlantic Treaty Organization infrastructure	345,000,000	375,000,000	325,000,000	325,000,000	325,000,000	(−20,000,000	−50,000,000		
Military construction:									
Army National Guard	67,658,000	51,100,000	54,958,000	51,100,000	54,958,000	−12,700,000	+3,858,000		+3,858,000
Air National Guard	105,140,000	106,800,000	127,900,000	106,800,000	127,900,000	+22,760,000	+21,100,000		+21,100,000
Army Reserve	64,703,000	42,800,000	41,800,000	42,800,000	41,800,000	−22,903,000	−1,000,000		−1,000,000
Naval Reserve	36,000,000	25,200,000	25,200,000	25,200,000	25,200,000	−10,800,000			
Air Force Reserve	37,400,000	35,600,000	35,600,000	35,600,000	35,600,000	−1,800,000			
Reserve components generally	470,000					−470,000			
Total, military construction	4,916,406,000	5,435,700,000	4,382,811,000	4,578,950,000	4,512,112,000	−404,294,000	−923,588,000	+129,301,000	−66,838,000
Family housing, Army	899,400,000	1,091,963,000	1,054,610,000	995,040,000	1,005,220,000	+105,820,000	−86,733,000	−49,390,000	+10,180,000
Portion applied to debt reduction	−39,465,000	−38,534,000	−38,534,000	−38,534,000	−38,534,000	+931,000			
Total, family housing, Army	859,935,000	1,053,419,000	1,016,076,000	956,506,000	966,686,000	+106,751,000	−86,733,000	−49,390,000	+10,180,000
Family housing, Navy	613,943,000	796,844,000	741,400,000	736,230,000	736,300,000	+122,357,000	−60,544,000	−5,100,000	+70,000
Portion applied to debt reduction	−26,158,000	−28,007,000	−28,007,000	−28,007,000	−28,007,000	−1,849,000			
Total, family housing, Navy	587,785,000	768,837,000	713,393,000	708,223,000	708,293,000	+120,508,000	−60,544,000	−5,100,000	+70,000
Family housing, Air Force	800,268,000	989,085,000	929,271,000	897,171,000	897,171,000	+96,903,000	−91,914,000	−32,100,000	
Portion applied to debt reduction	−63,265,000	−57,535,000	−57,535,000	−57,535,000	−57,535,000	+5,730,000			
Total, family housing Air Force	737,003,000	931,550,000	871,736,000	839,636,000	839,636,000	+102,633,000	−91,914,000	−32,100,000	
Family housing, Defense agencies	12,923,000	18,321,000	14,233,000	14,393,000	14,313,000	+1,390,000	−4,008,000	+80,000	−80,000
Homeowners assistance fund, Defense	2,000,000	4,000,000	2,000,000	2,000,000	2,000,000		−2,000,000		
Grand total, new budget (obligational) authority	7,116,052,000	8,211,827,000	7,000,249,000	7,099,708,000	7,043,040,000	−73,012,000	−1,168,787,000	+42,791,000	−56,668,000

Mr. ADDABBO. Mr. Speaker, will the gentleman yield to me?

Mr. GINN. I yield to the gentleman from New York.

Mr. ADDABBO. I thank the chairman of the subcommittee for yielding to me.

Mr. Speaker, I want to take this opportunity to express my sincere respect and affection for the gentleman from Georgia, The chairman of the Military Construction Subcommittee. Bo GINN will not be rejoining us next year and I shall miss him in a keenly personal way. We have served together on the Military Construction and Defense Subcommittees. He has worked hard and well for his country and for his people of Georgia. I wish him Godspeed. I know that he will continue to do his best in whatever he undertakes in the future. I thank you, Bo. I hope we will continue to have many opportunities to share our thoughts and our friendship in the days and years ahead.

Mr. GINN. Mr. Speaker, I would say to my distinguished friend from New York that I appreciate his kind and generous and gracious comments. I also say to him what a distinct pleasure it has been to serve on the committee of which he has been such a great chairman.

Mr. WHITTEN. Mr. Speaker, will the gentleman from Georgia yield to me?

Mr. GINN. Yes, I yield to the distinguished chairman of the full committee, the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Speaker, I would like to join with my friend from New York and say that we all regret the retirement of our friend, the gentleman from Georgia. He has been one of the finest Members of Congress. His contributions to the Committee on Appropriations and to the House would be hard to measure.

Mr. Speaker, I just say to the gentleman that we wish him well. We hope you will continue to remain close with all of your friends here in the House, and we are proud of the record that you leave here.

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Mr. GINN. Mr. Speaker, I must thank my distinguished full committee chairman, my dear friend from Mississippi (Mr. WHITTEN) and thank him for the many, many ways in which he has befriended me as a Member of the House, and certainly for the great leadership he has provided me when I served as chairman of the subcommittee.

Mr. Speaker, before yielding to the ranking minority member, the gentleman from Ohio (Mr. REGULA), I want to personally thank all my colleagues, the members of the Subcommittee on Appropriations. I could not have asked for greater cooperation or a greater spirit of togetherness.

In particular I must thank Mr. REGULA for the advice and concern and spirit of cooperation which he has shown to me.

Also, I would like to point out that there is another member of the subcommittee who will be retiring at the conclusion of this Congress. That is CLAIR BURGENER of California. He has served with great distinction on the Subcommittee on Military Construction. He has been a strong supporter of national defense, and he has been a great source of expertise on the subject of military construction. I want to say on behalf of the subcommittee how much we value his service and his friendship.

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I echo the remarks about the distinguished chairman of the subcommittee, but I do want to add an additional comment. That is this: Both the taxpayers of the United States and those who serve in our uniformed services owe a great debt to my colleague from Georgia. Thanks to the leadership and the dedication of our colleague, we have been able in this appropriation measure to go considerably below the President's request; considerably below the budget recommendations that were allocated by this body. The taxpayers owe him a great

debt for his cost-effective analysis of the bills that are presented to us by way of budget numbers.

Secondly, the service men and women of our Nation owe the chairman a great debt because he instituted a new program as chairman of the committee whereby we brought in enlisted people and gave these individuals an opportunity to discuss the quality of life issues.

I have been on this committe for several years, and I want to commend the chairman for bringing to the attention of the subcommittee the idea that we should hear from those who use the facilities we construct. Certainly, one of the key elements in reenlistments of our service people is providing a good quality of life both in the workplace as well as in the quarters we provide. The chairman has been a leader in insuring that this happened.

We will miss him a great deal, but we wish him well. I certainly would say for all the members of the subcommittee that he has been an outstanding chairman and an outstanding leader.

Mr. Speaker, Chairman GINN has covered the facts pretty well. I might add just a couple of things. This bill is $1 billion in budget authority under the budget adopted by this House. It is $140 million under the budget adopted by this House in outlays. I daresay that in percentage of being below budget, it will be as good as any appropriations bill that comes before the House in this session. It reflects a lot of hard work on the part of the subcommittee and particularly the chairman.

One last comment: The original appropriation bill passed by a vote of 322-34. I think this reflected the confidence of this body in the leadership of the chairman. There have been very few changes in the conference report, and I would certainly urge the Members to support this conference report.

As the chairman pointed out, we greatly reduced the amount of money that the Senate had put in for Ras Banas in Egypt. Also we put in very strong language at the insistence of the House Members requiring our NATO allies and Japan to make a far greater contribution to securing the oil supply of the Middle East. I think that this is a very important feature of the bill, and I certainly urge all the Members to support it.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. LOEFFLER), a member of the subcommittee.

Mr. LOEFFLER. Mr. Speaker, I thank my distinguished ranking Member for yielding to me. I join as well in endorsing this conference report. We have provided adequate moneys for proper and appropriate construction to occur for the Department of Defense as well as providing the opportunity for the enhancement of the quality of life for those who serve in our military, along with their families.

In addition, Mr. Speaker, it is my pleasure this evening to thank our distinguished subcommittee chairman, the gentleman from Georgia, Mr. GINN, for being a great individual as well as a great leader and a great chairman of our subcommittee. He is a man who is fair, honest, aboveboard, working in a collegial manner with all members of the subcommittee as well as this body.

From a Texas perspective, he truly is the epitome of what we call a southern gentleman. From my perspective, and speaking for my side of the aisle, we will miss you, Mr. Chairman, and we thank you for what you have done for our country.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. LOEFFLER. I will be happy to yield to my colleague.

Mr. KAZEN. Let me as a member of the authorizing Committee on Military Construction join with the members of this committee in commending the gentleman from Georgia for the way he has followed through on the authorizations that we have brought him from the Armed Services Committee; and to the members of this committee let me tell them how grateful I am, and particularly to my distinguished friend from Texas on this committee, for obtaining the appropriations that were authorized in our bill, particularly for the training of the personnel and the housing projects that we so badly need in the State of Texas.

Mr. LOEFFLER. I thank my distinguished colleague from Texas, who along with me, also represents part of San Antonio. The gentleman from Georgia as well as our ranking Republican have been very kind and saw as well the need for this additional construction.

With that, again I thank the gentleman from Ohio for yielding to me, and wish you well, Mr. Chairman. We look forward to seeing you soon.

Mr. REGULA. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. HILLIS), a member of the Armed Services Committee.

Mr. HILLIS. Mr. Speaker, I thank my friend and colleague from Ohio (Mr. REGULA) for yielding time to me.

Mr. Speaker, I would like to take a few minutes here to compliment the Department of Defense, the Appropriations Committee, and the Armed Services Committee for the fine work that is being done in improving the living conditions for some of our military personnel.

Last night, the Congress passed the conference report on S. 2586, the Military Construction Authorization Act for fiscal year 1983. The bill contained $3.67 million for the alteration and modernization of two unaccompanied enlisted personnel dormitories and a data processing facility at Grissom Air Force Base. The conference report before us now appropriates the funds authorized.

With the approval of these projects, the inadequate lighting, poor insulation and sound attenuation, obsolete electrical and mechanical systems, and central latrines will be upgraded and modernized to correct the substandard living conditions that presently exist at the base for the enlisted force.

Because of limitations imposed by the first concurrent resolution on the budget with respect to defense spending, certain adjustments to the authorization process had to be made in order to include a number of vitally needed "quality of life" projects such as the projects at Grissom. Budgeted projects were given first priority and were authorized for appropriation of funds. Unbudgeted projects were added to the authorization bill, such as the dormitories at Grissom, were authorized for construction with savings that are expected to be generated as budgeted and authorized projects are put under contract. Experience to date in fiscal year 1982 has shown that savings from the amounts authorized for projects, based upon bids received from the construction industry, have ranged from 12 to 15 percent.

In addition to the savings expected as a result of good bids, savings resulting from project cancellations and savings from prior years are also sources of funds for construction of the unbudgeted projects.

This procedure enabled the Congress to honor the national commitment to improve the quality of life for the men and women in uniform while at the same time fulfilling a commitment to the taxpayers to balance the budget and reduce the deficit facing our country.

I think both the authorizing and appropriations committees deserve to be congratulated for their work in this area.

Mr. REGULA. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I rise in support of the conference report on H.R. 6968, the military construction appropriation bill for fiscal year 1983.

I would like to use this time to establish a little bit of legislative history, very briefly.

I am particularly pleased with what the subcommittee has recommended with respect to Senate amendment No. 8 in disagreement, and I would mention, of course, that Public Law 94-241 with respect to the Northern Marianas provides for and encourages leasing ar-

rangements. I would ask if it would be the intention of the subcommittee to maximize subleasing of this area back for agriculture and other purposes consistent with military uses. I would ask the gentleman from Ohio if he has any reaction to that.

Mr. REGULA. Mr. Speaker, I would respond to the gentleman by saying that we brought this issue up in the conference, and we will put a great effort into encouraging the military to sublease and use this land in the most efficient manner possible, particularly to help the people in the Marianas to become more self-sufficient.

Mr. BEREUTER. I thank the gentleman.

I would ask the chairman if he has any reaction to that.

Mr. GINN. Yes; I believe leaseback agreements are within the context of the lease.

Mr. BEREUTER. I thank the gentleman.

Mr. Speaker, as a member of the Subcommittee on Insular Affairs, I am particularly pleased that this legislation directs that $33 million will be appropriated in order to acquire for national security purposes a 50-year lease (with a 50-year renewal option at no additional cost) on approximately 18,000 acres in the Northern Mariana Islands (NMI).

Last January, I had the opportunity to discuss the strategic significance of these NMI lands with military field commanders in Guam and Honolulu. As a result, I am totally in concurrence with the Secretary of Defense, Mr. Caspar W. Weinberger, whose message to the other body described the importance of the NMI lease as follows:

These lands have great strategic value to our posture in the Pacific. Funding the lease is a political statement of this Nation's unflagging commitment to remain a Pacific power through the next century, and will do much to assuage regional fears of shrinking U.S. commitment in the face of increasing Soviet presence in Southeast Asia. It sends a clear and unmistakable signal of our resolve to protect U.S. national interests in the region.

Public Law 94-241, The Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, authorized the acquisition of the military land lease in the NMI. In recognition that some of these acres will only be required to meet future military contingencies, section 803(d), Public Law 94-241 stipulates:

From the property to be leased to it in accordance with this covenant, the Government of the United States will lease back to the Government of the Northern Mariana Islands, in accordance with the Technical Agreement, for the sum of $1 per acre per year, approximately 6,458 acres . . . on Tinian Island and approximately 44 acres . . . at Tanapag Harbor on Saipan Island, which will be used for purposes compatible with their intended military use.

I am in full accord with this provision if the leaseback acres can be used for such purposes as agricultural and grazing purposes. The NMI Commonwealth—like most insular areas—is experiencing severe problems in meeting its balance of payments. One of the most effective means of correcting such imbalances is to increase food production, initially for domestic consumption and later for export. I therefore call upon the Government of the Northern Marianas to take advantage of section 803(d) in order to augment its agricultural potential, including livestock production and serve notice to the Defense Department that we expect leasing for compatible agricultural uses to be maximized in accordance with the actual military usage of the leased area. Over cautious use of leaseback procedures is strongly discouraged.

Accordingly, Mr. Speaker, in this legislation we have a provision that not only provides for the national defense but also stimulates local economic development. Such a double-barreled impact should not be forgone. Consequently, I urge my colleagues to lend their full support in its passage.

Mr. REGULA. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. KRAMER).

Mr. KRAMER. Mr. Speaker, I thank the gentleman for yielding.

I would just like to take a few moments, if I may, to extend my appreciation to the gentleman from Georgia, the chairman of the subcommittee, and the gentleman from Ohio, the ranking minority member, for their kind efforts in making sure that an adequate job was done with many of the construction projects that are funded in this bill, but especially one in our own district.

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We still have some problems associated with that project but we are well on our way I think to resolving those favorably.

The committee's guidance and the chairman and ranking minority member's guidance and counsel and wisdom on this matter are greatly appreciated. I wanted to just extend my thanks to both of them for all of the courtesies they have extended to me.

Mr. REGULA. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. I thank the gentleman for yielding.

I take just a few moments to express my appreciation to the chairman and ranking member for the good work that they have done on this bill and the leadership they have provided.

This bill comes in under budget at about $1.2 billion, as I recall, which is in the tradition of the Appropriations Committee. I was thinking here a minute ago, as we were discussing the amounts of funds that were saved by the good work of the chairman and the leadership of the chairman, what a stark contrast the work of the Congress is from the rhetoric of the politics in Washington. It is a shame that the American people do not know more clearly of the work of the Congress, as demonstrated by the chairman of this subcommittee.

I observed that there is one member of the press in the gallery to be distinguished from a gallery filled with members of the press just a few hours ago when we were debating a constitutional amendment on a balanced budget.

The gentleman from Georgia (Mr. GINN) has certainly done his part to lower the budget by coming under the President's request by over $1.2 billion.

Additionally, I would like to say as a member of this subcommittee what a pleasure it has been to serve with the chairman during his leadership. I wish the chairman all of the best as he leaves the Congress and engages in life after Congress. I look forward to seeing him during the years ahead.

Mr. REGULA. Mr. Speaker, I yield back the balance of my time.

Mr. GINN. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I want to commend the chairman and the ranking Republican for another excellent bill on military construction. My good friend from Georgia and I have had some differences on other issues in other bills but I want to commend him for the job he has done here. He has always been fair. I am going to miss him. I am going to miss his work, his leadership in the military construction area.

I just wish him well and want to say how much the people of the 6th District of the State of Washington appreciate the work that he has done for all Americans.

Mr. GINN. Mr. Speaker, I thank the gentleman from Washington and all of the other Members who have had such kind and generous things to say about my service as chairman.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 1: Page 2, line 3, strike out "$941,570,000" and insert "$982,810,000".

MOTION OFFERED BY MR. GINN

Mr. GINN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. GINN moves that the House recede from its disagreement to the amendment of the Senate numbered 1 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$929,720,000".

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 8: Page 3, line 24, strike out "$289,145,000" and insert "$305,143,000".

MOTION OFFERED BY MR. GINN

Mr. GINN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. GINN moves that the House recede from its disagreement to the amendment of the Senate numbered 8 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$339,770,000".

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will report the final amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 32: Page 13, after line 5, insert:

SEC. 117. Pursuant to 10 U.S.C. 2394 and section 201 of the Military Construction Authorization Act, 1983, the Navy is authorized (a) to construct and operate a refuse derived fuel-fired electric power generating plant and (b) to contract for fuel supplies at the Norfolk Naval Ship Yard (NNSY). Any electric power and fuel supplies produced in excess of the needs of the Navy may be sold: *Provided, however,* That any proceeds from such sales, adjusted for costs related thereto, shall be credited to the Treasury as miscellaneous receipts.

Mr. GINN (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

MOTION OFFERED BY MR. GINN

Mr. GINN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. GINN moves that the House recede from its disagreement to the amendment of the Senate numbered 32 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 119. Pursuant to 10 U.S.C. 2394 and section 201 of the Military Construction Authorization Act, 1983, the Navy is authorized (a) to construct and operate a refuse derived fuel-fired electric power generating plant and (b) to contract for fuel supplies at the Norfolk Naval Shipyard (NNSY). Any electric power and fuel supplies produced in excess of the needs of the Navy may be sold: *Provided, however,* That any proceeds from such sales, adjusted for costs related thereto, shall be credited to the Treasury as miscellaneous receipts.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. GINN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the matters discussed in connection with the conference report on the bill just considered, and to include certain statistical matter.

The SPEAKER pro tempore. Is there any objection to the request of the gentleman from Georgia?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2375. An act to extend the Defense Production Act of 1950; to amend section 719 of such act to transfer the authorities and functions of the Cost Accounting Standards Board; to establish a Commission on Strategic and Critical Materials Stock Piling Needs; and to establish a White House Conference on Productivity.

CONFERENCE REPORT ON H.R. 5890, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ACT, 1983

Mr. FLIPPO. Mr. Speaker, I call up the conference report on the bill (H.R. 5890) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of Wednesday, September 29, 1982.)

Mr. FLIPPO (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER pro tempore. The gentleman from Alabama (Mr. FLIPPO) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. WALKER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alabama (Mr. FLIPPO).

Mr. FLIPPO. Mr. Speaker, I yield myself 2 minutes.

Mr. FLIPPO. Mr. Speaker, the committee of conference for the bill H.R. 5890, authorizing funds for the National Aeronautics and Space Administration for fiscal year 1983 has successfully concluded its work.

The conference report on H.R. 5890, authorizing appropriations for the National Aeronautics and Space Administration, was filed on Wednesday, September 29, and is included in the RECORD of that day, the conference report before you includes the disposition of differences in eight research and development-program line items, construction of facility program funding, the reseach and program management line item, as well as a number of language amendments.

The NASA budget request for fiscal year 1983 was $6,612,900,000. The action of the House/Senate conference would authorize $6,772,900,000 which is $160 million more than the budget request.

The conference action before us represents a fair compromise between the action of the two Houses. The conference action is $124.9 million more than the House action and $160 million more than the Senate action. Although the total authorization agreed to in conference is more than the authorization passed by either House, the action by the conferees is within the scope of the conference because the bill language is not specific with regard to the total authorization.

The conference action would authorize NASA to begin production of the fifth Shuttle orbiter, the need for which has been supported repeatedly in testimony before the Subcommittee on Space, Science and Applications by both NASA and the Air Force. The conference restored $281 million of the Senate reduction in space flight operations for Space Shuttle operations costs related to launch of defense payloads. The conference action also provides for small but important augmentation in space science, applications, and space technology activities.

The most controversial issue in the conference involved a new section 5 in the Senate language which would have required the Secretary of Defense to transfer to the Administration of NASA such funds as necessary to cover the full costs of launching defense payloads into orbit. The committee of conference agreed to a substitute provision directing the Administrator of NASA to charge such prices as necessary to recover the fair value

of placing Department of Defense payload into orbit by the Space Shuttle.

The amount by which the conference action exceeds the NASA budget request is roughly equivalent to the additions made in the Shuttle/Centaur upper stage program and the aeronautical research and technology activities. On May 13, 1982, the House voted to increase the authorization for aeronautical research and technolgy activities by $35.1 million. The conference agreement would authorize an increase of $48 million for these activities. We also had a vote in the House on September 15 to sustain funding in the HUD/Independent Agencies Appropriation bill for the Shuttle/Centaur upper stage development activities.

I would also point out that wording relating to the conference action on the Shuttle/Centaur was inadvertedly omitted from the statement of managers. The statement of managers relating to the second point in disagreement—space flight operations—should read as follows:

The committee of conference authorizes $1,699,000,000 for the Space Flight Operations program including $77.4 million for Development, Test, and Mission Support/Engineering and Technical Base activities; $120 million for Shuttle/Centaur related activities; $5 million for Advance Shuttle Upper State studies; and $1,286.1 million for Space Transportation Systems Operations Activities. The amount for Space Transportation Systems Operations activities reflects a $128 million reduction in authorization of appropriation for Shuttle operations costs related to the launch of defense and national security payloads.

In other actions the conferees adopted minor modifications to NASA reprograming provisions; adopted Senate language to require the Director of the Federal Emergency Management Administration to reserve such funds as are appropriated for functions of FEMA pursuant to the Federal Fire Prevention and Control Act of 1974, including activities of the U.S. Fire Administration and the U.S. Fire Academy. The conferees also adopted title II of the House lanugage to authorize NOAA Landsat activities with the following modifications:

First, provided that the authority to plan and provide for management and operation of the civil land remote sensing satellite system would expire September 30, 1984;

Second, included 30 day notification provision in lieu of legislative veto provision; and

Third, required various studies and analyses be submitted to the Congress.

I am including in the RECORD a summary of the action taken by the committee of conference.

I want to acknowledge the efforts of the House conferees on both sides of the aisle in completing this conference.

I urge the support of my colleagues for this conference report.

SUMMARY OF ADJUSTMENTS TO H.R. 5890—NASA FISCAL YEAR 1983 AUTHORIZATION

	Budget request	House action	Senate action	Committee of conference
Research and Development:				
Space shuttle	$1,718,000,000	$1,706,500,000	$1,808,000,000	$1,798,000,000
Space flight operations	1,707,000,000	1,699,000,000	1,448,000,000	1,699,000,000
Expendable launch vehicles	42,800,000	42,800,000	42,800,000	42,800,000
Physics and astronomy	471,700,000	463,500,000	491,700,000	473,700,000
Planetary exploration	154,600,000	177,600,000	194,600,000	177,600,000
Life sciences	55,700,000	55,700,000	55,700,000	55,700,000
Space applications	316,300,000	330,300,000	336,300,000	336,300,000
Technology utilization	4,000,000	9,000,000	9,000,000	9,000,000
Aeronautical research and technology	232,000,000	267,100,000	296,000,000	280,000,000
Space research and technology	123,000,000	128,000,000	133,000,000	128,000,000
Tracking and data acquisition	508,900,000	498,900,000	508,900,000	503,900,000
Total	5,334,000,000	5,378,400,000	5,324,000,000	5,504,000,000
Construction of facilities	100,000,000	100,000,000	110,000,000	100,000,000
Research and program management	1,178,900,000	1,168,900,000	1,178,900,000	1,168,900,000
Grand total	6,612,900,000	6,647,300,000	6,612,900,000	6,772,900,000

□ 1950

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. FLIPPO. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, the gentleman from Alabama (Mr. DICKINSON) and I were appointed as conferees to the NASA authorization conference to join our colleagues from the Science and Technology Committee and the Intelligence Committee for consideration of section 5 of the Senate amendment to the House bill. Mr. DICKINSON and I were designated conferees so that the views of the Armed Services Committee would be represented at the conference table since section 5 would have required the Department of Defense to pay the full cost of all Space Shuttle launches carrying Department of Defense payloads.

While on the surface section 5 may have seemed reasonable, it in reality did not acknowledge the total contribution that the DOD has and continues to make to the Shuttle program. Over the next decade, under the existing cost sharing arrangement between NASA and the DOD, the DOD will pay roughly one-third of the total cost of the Space Shuttle program and will ride the Shuttle roughly one-third of the time. Now that sounds fair, does it not?

NASA and DOD jointly negotiated the current agreement which reflects DOD's unique position in the Shuttle program as assigned by the Congress and by previous administrations: that is, a partner with NASA in the development of the Shuttle, a partner with NASA in the operation of the Shuttle and a major user of the Shuttle. The existing policy divides the cost of a DOD Shuttle flight into two major areas: Hardware and manpower. DOD pays to NASA the cost of the hardware for each launch at rates equal to those paid by any other user. The cost of manpower is traded between NASA and DOD. NASA contributes the manpower at Kennedy and Johnson Space Center. DOD contributes the manpower at Vandenberg Air Force Base and the consolidated space operations center. In that way the manpower contribution that DOD makes to the national space transportation system is credited to the DOD.

The rising cost of Space Shuttle hardware had been recognized and is the subject of ongoing negotiations between NASA and DOD. NASA and DOD have already tentatively agreed to increase the hardware payment. That increase will require DOD to pay nearly $2 billion more over the next 5 years. Neither NASA nor DOD wish, however, to alter the manpower trade. Does "fair" require that Congress impose a solution different from the one desired by NASA and DOD? I do not think it should: But that is exactly what section 5 would have mandated.

Mr. Speaker, over the objections of Mr. DICKINSON and myself, the conferees agreed to accept a watered down version of section 5 that in essence requires the Administrator of NASA to charge the DOD the "fair value" of Shuttle launch services. Mr. DICKINSON and I objected to the inclusion of this provision because it is unnecessary and conveys the impression that DOD is not now paying its fair share of Shuttle costs. For these reasons,

Mr. DICKINSON and I chose not to sign the conference report.

In concluding, I would like to point out to the Members that a provision was included in the fiscal year 1983 DOD Authorization Act that addresses DOD's payment of Shuttle costs. Section 1106 of that act states:

Notwithstanding any other provision of law, during fiscal year 1983 the Secretary of Defense shall not transfer funds to the Administrator of the National Aeronautics and Space Administration to pay any part of the cost of placing Department of Defense payloads into orbit by means of the Space Shuttle except in accordance with laws in effect on July 1, 1982, and interagency agreements made pursuant to such laws.

In including this provision in the defense authorization bill, it was not the intent of the conferees to preclude a revision of existing DOD/NASA interagency ageements as they might relate to Space Shuttle pricing arrangements. However, it was the intent to insure that such pricing arrangements will be arrived at only in accordance with interagency agreements negotiated by the DOD and NASA.

In conclusion, Mr. Speaker, I do not intend to oppose the entire NASA conference report, but I want the record to clearly show that the Armed Services Committee does not support the inclusion of section 106.

Mr. WALKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report to S. 2604. The conference report represents an increase of $160 million over the administration request; however, this is also $34 million less than the amount that was appropriated on September 15.

Repeatedly throughout the NASA authorization hearings, and when the authorization bill was brought to the House floor, I opposed any funding over the administration request. I again opposed the appropriations' move to add $194 million to the NASA budget, for which $140 million was slated for the high energy, upper stage, Centaur.

Despite these reservations, I rise in support of the conference report because I feel that it is important for NASA to have an authorization bill for fiscal year 1983.

Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. ROBINSON).

Mr. ROBINSON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I commend the gentleman from Florida (Mr. FUQUA), the gentleman from Alabama (Mr. FLIPPO), and the gentleman from Kansas, (Mr. WINN) for bringing this conference report to the House. They and the Science and Technology Committee have worked very hard and they have done a good job.

Mr. Speaker, I served on this conference committee representing the House Permanent Select Committee on Intelligence for consideration of section 5 of the Senate amendment which has resulted in section 106 of the conference report. The Senate amendment would have required the Secretary of Defense to transfer about $400 million in fiscal year 1983 to NASA as an increased payment for Shuttle launch services. The amendment was based on a concept of payment which would try to recover the full cost of all Shuttle services. The House objected to the amendment and agreed instead to direct the Administrator of NASA to charge the fair value for launch services.

Individual conferees held differing views of how much the Department of Defense should pay for Shuttle services Mr. STRATTON has explained. There were also differing views on what formula, or cost basis, should be applied for determining the launch price to DOD. The term "fair value" was ultimately agreed to and it was agreed further that this term does not relate to any specific dollar figure or to any particular formula. The gentleman from Alabama (Mr. FLIPPO) stated, "Fair value is a matter of negotiation and they will negotiate." He further likened "fair value" to a bargain struck "between a willing buyer and a seller." I agree with those views and I believe that the record of the conference is clear that those comments accurately represent the interpretation of the conferees as to the agreement which was reached on this issue.

Mr. Speaker, I also want to point out that the statement of managers, in explaining a related section of the bill, says:

The amount for "Space Flight Operation" activities reflects a $128 million reduction in authorization of appropriation or Shuttle operations costs related to the launch of defense and national security pay loads.

What should be made clear is that the $128 million shortfall in authorization is a result of a limitation of the scope of the conference and had to be related to reduction in funds for defense launches because that was an element of the Senate amendment. The statement should not be thought to be tied to the term "fair value" in section 106. NASA and DOD may negotiate a Shuttle launch price which is lower or which is higher.

Mr. Speaker, I urge adoption of this conference report.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Florida.

Mr. GIBBONS. I just wanted to point out that the failure of the Senate to act on tariff bills that are over in the Senate, noncontroversial tariff bills, is costing NASA in their current year $700,000.

Mr. WALKER. I thank the gentleman.

Mr. BOLAND. Mr. Speaker, I wish to associate myself with the remarks of the gentleman from Virginia (Mr. ROBINSON) and I compliment the committee on bringing this conference report to the House.

I too was a conferee regarding section 5 of the Senate amendment. I accept the agreement that was reached and would add one point of explanation. The gentleman from Virginia has pointed out that section 106 of the conference agreement does not imply any specific dollar figure or formula for determining the price of a Shuttle launch.

Further, I would close by noting that in my remarks on the HUD-independent agencies appropriations conference report, any reference by me to the figure of $128 million was not intended in any way to endorse the transfer of that particular figure from DOD to NASA.

Any agreement regarding Shuttle launch must be the subject of negotiations between those two agencies.

● Mr. HOLLENBECK. Mr. Speaker, I rise in support of the conference report of H.R. 5890. The conference report represents a fair solution to the differences between the House and Senate. Granted, the authorization for NASA is $160 million over the administration request; however, it is still within the scope of our conference and some $34 million less than the amount that the House overwhelmingly appropriated to the civilian space agency on September 15. The authorized funds will provide for the programs that will assure a strong civilian space program and supports important work in aeronautics, planetary exploration, a fifth Space Shuttle orbiter, and the 30/20 gigahertz advanced communications satellite.

I urge adoption of this conference report.●

Mr. WALKER. Mr. Speaker, I yield back the balance of my time.

Mr. FLIPPO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appear to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 284, nays 83, not voting 65, as follows:

[Roll No. 390]

YEAS—284

Addabbo	Foley	Murphy
Akaka	Ford (TN)	Murtha
Albosta	Fountain	Napier
Alexander	Fowler	Natcher
Anderson	Frank	Neal
Annunzio	Frost	Nelligan
Anthony	Garcia	Nelson
Applegate	Gaydos	Nowak
Archer	Gejdenson	O'Brien
Atkinson	Gephardt	Oakar
AuCoin	Gibbons	Panetta
Bafalis	Gilman	Parris
Bailey (PA)	Gingrich	Patman
Barnard	Ginn	Patterson
Barnes	Glickman	Pease
Beard	Gonzalez	Pepper
Bedell	Gore	Perkins
Benedict	Gradison	Petri
Bennett	Gray	Peyser
Bethune	Green	Pickle
Bevill	Guarini	Porter
Bingham	Hall, Ralph	Price
Bliley	Hall, Sam	Pritchard
Boggs	Hamilton	Quillen
Bonior	Hammerschmidt	Rahall
Bonker	Harkin	Railsback
Bouquard	Hatcher	Rangel
Bowen	Hawkins	Ratchford
Breaux	Heckler	Regula
Brinkley	Hendon	Rhodes
Brodhead	Hertel	Rinaldo
Brooks	Holland	Roberts (SD)
Broomfield	Hollenbeck	Robinson
Brown (CA)	Holt	Roemer
Brown (OH)	Hopkins	Rogers
Burton, Phillip	Howard	Rostenkowski
Butler	Hoyer	Roukema
Byron	Huckaby	Sabo
Campbell	Hunter	Santini
Carman	Hutto	Savage
Carney	Hyde	Sawyer
Chappie	Jeffords	Scheuer
Clausen	Jenkins	Schneider
Clay	Jones (NC)	Schroeder
Clinger	Jones (TN)	Schulze
Coelho	Kastenmeier	Seiberling
Coleman	Kazen	Shamansky
Collins (IL)	Kemp	Shannon
Conte	Kennelly	Sharp
Corcoran	Kildee	Shaw
Courter	Kogovsek	Shelby
Coyne, James	Kramer	Siljander
Coyne, William	LaFalce	Skeen
Crockett	Lagomarsino	Smith (IA)
Daniel, R. W.	Leach	Smith (NJ)
Daschle	LeBoutillier	Snowe
Davis	Leland	Solarz
de la Garza	Lent	Spence
Deckard	Levitas	St Germain
DeNardis	Livingston	Stanton
Derrick	Long (LA)	Stokes
Derwinski	Long (MD)	Studds
Dicks	Lott	Swift
Dingell	Lowery (CA)	Synar
Dixon	Lowry (WA)	Tauzin
Donnelly	Lujan	Thomas
Dorgan	Luken	Trible
Dornan	Lundine	Udall
Dougherty	Markey	Vander Jagt
Downey	Marks	Walgren
Duncan	Marlenee	Walker
Dwyer	Marriott	Wampler
Dymally	Martin (IL)	Washington
Dyson	Martin (NY)	Watkins
Early	Matsui	Waxman
Eckart	Mattox	Weber (OH)
Edgar	Mavroules	White
Edwards (CA)	Mazzoli	Whitehurst
Emery	McClory	Whitten
English	McCollum	Williams (MT)
Erlenborn	McCurdy	Williams (OH)
Evans (DE)	McGrath	Wilson
Evans (GA)	McHugh	Winn
Evans (IA)	McKinney	Wirth
Evans (IN)	Mica	Wolf
Fary	Mikulski	Wolpe
Fascell	Mineta	Wortley
Fenwick	Minish	Wright
Fiedler	Mitchell (NY)	Wylie
Fields	Moakley	Yatron
Fish	Molinari	Young (AK)
Fithian	Montgomery	Young (MO)
Flippo	Moore	Zablocki
Florio	Moorhead	Zeferetti
Foglietta	Morrison	

NAYS—83

Ashbrook	Hansen (ID)	Roberts (KS)
Bailey (MO)	Hartnett	Roth
Bereuter	Hiler	Roybal
Biaggi	Hillis	Russo
Brown (CO)	Jacobs	Schumer
Broyhill	Jeffries	Sensenbrenner
Cheney	Johnston	Shumway
Coats	Jones (OK)	Shuster
Conable	Kindness	Simon
Coughlin	Latta	Smith (AL)
Craig	Leath	Smith (NE)
Crane, Daniel	Lewis	Smith (OR)
Crane, Philip	Loeffler	Snyder
Dannemeyer	Lungren	Solomon
Daub	Madigan	Stangeland
Dellums	Martin (NC)	Stark
Dreier	McDonald	Staton
Dunn	Michel	Stenholm
Emerson	Miller (OH)	Stratton
Erdahl	Myers	Stump
Findley	Oberstar	Tauke
Frenzel	Obey	Taylor
Goodling	Ottinger	Vento
Gramm	Oxley	Weaver
Gregg	Pashayan	Weber (MN)
Grisham	Paul	Whittaker
Gunderson	Pursell	Wyden
Hagedorn	Ritter	

NOT VOTING—65

Andrews	Ferraro	Miller (CA)
Aspin	Ford (MI)	Mitchell (MD)
Badham	Forsythe	Moffett
Beilenson	Fuqua	Mollohan
Blanchard	Goldwater	Mottl
Boland	Hall (OH)	Nichols
Bolling	Hance	Reuss
Boner	Hansen (UT)	Rodino
Burgener	Hefner	Roe
Burton, John	Heftel	Rose
Chappell	Hightower	Rosenthal
Chisholm	Horton	Rousselot
Collins (TX)	Hubbard	Rudd
Conyers	Hughes	Skelton
D'Amours	Ireland	Smith (PA)
Daniel, Dan	Lantos	Traxler
Dickinson	Lee	Volkmer
Dowdy	Lehman	Weiss
Edwards (AL)	Martinez	Whitley
Edwards (OK)	McCloskey	Yates
Ertel	McDade	Young (FL)
Fazio	McEwen	

□ 2010

Messrs. STUMP, STENHOLM, MADIGAN, KINDNESS, and CHENEY changed their votes from "yea" to "nay."

Mr. CARMAN changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FLIPPO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 5890.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

ENVIRONMENTAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT OF 1983

Mr. SCHEUER Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2577) to authorize appropriations for environmental research, development, and demonstrations for the fiscal year 1983, and for other purposes, with a Senate amendment to the House amendments, and concur in the Senate amendment to the House amendments.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendment to the House amendments, as follows:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

SHORT TITLE

SEC. 1. This Act may be cited as the "Environmental Research, Development, and Demonstration Act of 1983."

GENERAL AUTHORIZATIONS

SEC. 2. (a) There are authorized to be appropriated to the Environmental Protection Agency for environmental research, development, and demonstration activities:

(1) $55,685,000 for fiscal year 1983 and $59,026,000 for fiscal year 1984 for activities authorized under the Clean Air Act:

(2) $40,790,000 for fiscal year 1983 and $43,237,000 for fiscal year 1984 for activities authorized under the Federal Water Pollution Act;

(3) $25,906,000 for fiscal year 1983 and $27,460,000 for fiscal year 1984 for activities authorized under the Safe Drinking Water Act;

(4) $31,579,000 for fiscal year 1983 and $33,474,000 for fiscal year 1984 for activities authorized under the Solid Waste Disposal Act;

(5) $6,469,000 for fiscal year 1983 and $6,857,000 for fiscal year 1984 for activities authorized under the Federal Insecticide, Fungicide, and Rodenticide Act;

(6) $1,586,000 for fiscal year 1983 and $1,681,000 for fiscal year 1984 for radiation activities authorized under section 301 of the Public Health Service Act;

(7) $13,770,000 for fiscal year 1983 and $14,602,000 for fiscal year 1984 for interdisciplinary activities;

(8) $28,149,000 for fiscal year 1983 and $29,838,000 for fiscal year 1984 for activities authorized under the Toxic Substances Control Act;

(9) $53,530,000 for fiscal year 1983 and $56,742,000 for fiscal year 1984 for energy activities which—

(A) $20,128,000 in fiscal year 1983 and $21,336,000 in fiscal year 1984 is for the Energy Control Technology Research Program;

(B) $6,889,000 in fiscal year 1983 and $7,302,000 in fiscal year 1984 is for the Energy Health Effects Research Program;

(C) $11,484,000 in fiscal year 1983 and $12,173,000 in fiscal year 1984 is for the Energy Ecological Effects Research Program;

(D) $3,000,000 in fiscal year 1983 and $3,180,000 in fiscal year 1984 is for the Energy Monitoring Research Program; and

(E) $12,029,000 in fiscal year 1983 and $12,751,000 in fiscal year 1984 is for the Acid Rain Research Program; and

(b) There are authorized to be appropriated to the Environmental Protection Agency, Office of Research and Development, $9,721,000 for fiscal year 1983, and

$10,304,000 for fiscal year 1984, for program management and support.

(c) When the Administration of the Environmental Protection Agency finds it in the public interest, the Administrator may utilize funds authorized in subsection (a) or (b) for the purpose of conducting appropriate scientific and professional reviews of research and development grant, contract, and cooperative agreement applications and to enter into cooperative agreements to conduct such reviews.

(d) Funds may be transferred between the categories listed in subsections (a) and (b) except that no funds may be transferred to any particular category listed in subsection (a) or (b) from any other category or categories listed in any such subsection if the total of the funds so transferred to that particular category would exceed 10 per centum thereof, unless—

(1) a period of thirty legislative days has passed after the Administrator of the Environmental Protection Agency or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate a written report containing a full and complete statement concerning the nature of the transfer involved and the reason therefor; or

(2) each committee of the House of Representatives and the Senate having jurisdiction over the subject matter involved before the expiration of such period, has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

(3) No funds authorized for appropriation pursuant to this Act may be used for any activities other than those authorized by this Act.

(e)(1) The Administrator shall establish a separately identified program of continuing, long-term environmental research and development for each activity listed in subsection (a) of this section. Unless otherwise specified by law, at least 20 per centum of the total funds appropriated to the Administrator for each activity listed in subsection (a) of this section shall be obligated and expended for such long-term environmental research and development under this subsection.

(2) The Administrator shall prepare an annual report on the performance of the program established under paragraph (1) of this subsection and shall submit the report to appropriate legislative and appropriation committees of the Senate and House of Representatives at the time the President's budget is submitted to Congress. The report shall include—

(A) a list of funded long-term research projects in each activity listed in subsection (a),

(B) the nature, status, and major results of funded long-term research projects,

(C) how the results of funded long-term research projects are likely to be used and what steps are being taken to foster their use, and

(D) any other pertinent information on the performance of the program established under this subsection.

(f) Appropriations made pursuant to the authority provided in section 2 of this Act shall remain available for obligation and expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

(g) At least thirty days prior to issuing any general notice of major reduction in force in any fiscal year, the Administrator shall inform the appropriate legislative and appropriation committees of the Senate and House of Representatives in writing of the reasons for the reduction and the impact of the reduction on carrying out the provisions of this Act.

ENVIRONMENTAL MONITORING

SEC. 3. (a) Of the funds authorized to be appropriated to the Administrator of the Environmental Protection Agency for environmental research and development under section 2, $43,253,000 for fiscal year 1983 for $46,030,000 for fiscal year 1984 are authorized for environmental monitoring activities which are authorized under the Federal environmental statutes and which support development of a continuing national environmental monitoring program. The Administrator, in consultation and cooperation with the heads of the National Bureau of Standards, the United States Geological Survey, the National Institutes of Health, the National Oceanic and Atmospheric Administration, and other Federal and State agencies involved in environmental monitoring activities, shall take such actions on a continuing basis as may be necessary and appropriate to ensure that the national environmental monitoring program called for in this subsection is comprehensive and national in scope and will allow effective and efficient implementation of the Federal environmental statutes, valid assessments of environmental quality in all media, and accurate determination of the impact of environmental protection programs on environmental quality.

(b) The Administrator shall proceed with the development of the national environmental monitoring program called for in subsection (a) by first developing a national monitoring program for air quality, the features of which shall be applied, where appropriate and useful, to monitoring programs for other media. The Administrator shall prepare, in consultation and cooperation with the heads of appropriate Federal and State agencies involved in environmental monitoring activities, a plan for the design and implementation of the monitoring program called for in this subsection. The plan shall—

(1) include a statement of objectives for the program which conform with and are supportive of the goals of such a program as set forth in subsection (a), steps to achieve these objectives, measures of program performance, program participants and their responsibilities and activities in support of the program, and any other pertinent information which may be necessary for successful implementation and appropriate evaluation of the program;

(2) be reviewed by the National Academy of Sciences, with the results of the review being included in the plan along with the Administrator's response to this review; and

(3) be submitted to the appropriate legislative committees of the Senate and House of Representatives one year after the enactment of this Act, and thereafter biannually, following review and update of the plan by program participants, the National Academy of Sciences, and the Environmental Protection Agency.

(c) On the last day of fiscal year 1984, the Administrator shall issue a report on the state of air quality and the factors affecting air quality based on data gathered through the monitoring program established under this section. The report shall be updated and reissued on the last day of each subsequent fiscal year.

(d) The Administrator shall take such actions on a continuing basis as may be necessary or appropriate—

(1) to promote the development and use of accurate and reliable procedures for gathering environmental data of verifiable accuracy; and

(2) to ensure that any environmental datum which is included in the data base of the environmental monitoring programs established pursuant to subsections (a) and (b) has been subjected to validated quality assurances procedures.

ENERGY RESEARCH

SEC. 4. (a) Appropriations authorized for energy research under section 2(a)(9) shall be used for environmental research associated with (1) synthetic fuels production; (2) the extraction, processing, transportation, and combustion of coal, oil, natural gas, and other fossil fuels; and (3) other energy development activities and their related problems, including indoor air pollution, that may pose a threat to public health and environmental quality.

(b) In complying with subsection (a) the Administrator is directed—

(1) to establish and thereafter maintain a long-term health and ecological effects research program on energy-related pollutants whose aim shall be to identify those pollutants most harmful to public helath and environmental quality and to elucidate, for those pollutants found most harmful, the relationship between exposure and health effects;

(2) to take whatever steps are necessary and appropriate to ensure that the research program called for in paragraph (1) is effectiviely coordinated with related research programs of the National Institutes of Health, the Department of Energy, the Department of Commerce, and other Federal agencies involved in such research;

(3) to establish and thereafter maintain a monitoring program on energy-related pollutants which conforms with the requirements set forth in section 3;

(4) to include in the report on air quality required under section 3(c) a section reporting the emission and dispersion of energy-related air pollutants based on the data gathered from the monitoring program established under paragraph (3).

(c) The Administrator shall continue to be responsible for conducting, and shall continue to conduct, development and demonstration of energy-related pollution control technologies as necessary to fulfill the requirements of the Clean Air Act, the Federal Water Pollution Control Act, and other pertinent pollution control statutes.

(d) Energy-related environmental research projects authorized to be administered by the Environmental Protection Agency under this Act shall not be transferred administratively to any other Federal or State agency or reduced through budget amendment.

RESEARCH PROGRAM CONCERNING INDOOR AIR QUALITY

SEC. 5 (a) The Congress finds, on the basis of reports prepared by the General Accounting Office and the National Academy of Sciences, that due to the absence of a statutory mandate for a single Federal agency to undertake and coordinate research, development, and demonstration efforts concerning indoor air pollution—

(1) Federal programs in this field are fragmented and underfunded; and

(2) an adequate information base concerning potential indoor air quality problems is

not being developed by the Federal Government.

(b) The Administrator shall carry out a research program under this section with respect to indoor air quality. Such program shall be designed to (1) gather data and information on all aspects of indoor air quality in order to contribute to the understanding of health problems associated with the existence of air pollutants in the indoor environment, and (2) coordinate Federal, State, local and private research, development, and demonstration efforts relating to the improvement of indoor air quality.

(c) The Administrator may establish such committees, comprised of individuals representing Federal agencies concerned with various aspects of indoor air quality, and such advisory groups, comprised of individuals representing the scientific community, industry, and public interest organizations, as may be necessary to assist the administrator in carrying out the research program required by this section. The Administrator shall also consult and coordinate with state and local officials and other interested parties having concerns related to the program carried out under this section.

(d) The research program required under this section shall include, but not be limited to—

(1) research, development, and demonstration concerning the identification, characterization, and monitoring of indoor air pollution sources and levels (including research, development, and demonstration relating to (A) the measurement of various pollutant concentrations and their strengths and sources, (B) high-risk building types, and (C) instruments for indoor air quality data collection);

(2) research relating to the effects of indoor air pollution on human health;

(3) research, development, and demonstration relating to control technologies to prevent or abate indoor air pollution (including the development, evaluation, and testing of individual and generic control devices and systems); and

(4) the dissemination of information to assure the public availability of the findings of the Administrator pursuant to the research, development, and demonstration activities under this section.

(d)(1) Not later than one year after the date of the enactment of this Act, the Administrator shall submit to the Congress a plan for the implementation of the research program required under this section.

(2) Not later than thirty-six months after such date of enactment, the Administrator shall submit a progress report, including an assessment of future research needs.

(3) Not later than fifty-four months after such data of enactment, the Administrator shall submit to the Congress a final report setting forth the results of the program, assessing the state of knowledge concerning the risk to human health associated with indoor air pollution, assessing the need for further research, and making such recommendations as may be appropriate.

(4) The progress report and the final report submitted under this subsection shall be submitted to the National Academy of Sciences within a reasonable period before the dates required for submittal to the Congress and, when submitted to Congress, such reports shall contain any comments provided by the National Academy of Sciences.

(e) Nothing in this section shall be construed to authorize the Administrator to carry out any regulatory program or any activity other than research, development, and demonstration and the related reporting, information dissemination, and activities specified in this section. Nothing in this section shall be construed to limit the authority of the Administrator or if any other agency or instrumentality of the United States under any other authority of law.

(f) Of the funds appropriated pursuant to the authorization contained in section 2(a)(9) of this Act for each of the fiscal years 1983 and 1984, the sum of $4,000,000 is authorized to be appropriated to carry out this section.

SENIOR ENVIRONMENTAL ASSISTANCE PROGRAM

SEC. 6. (a) To carry out the purposes of this Act, the Administrator of the Environmental Assistance Program is directed to develop a Senior Environmental Assistance Program designed to assist Federal, State, and local environmental agencies in carrying out programs authorized under this Act.

(b) In providing assistance under subsection (a), the Administrator shall utilize, to the fullest extent possible, existing older American employment programs as provided for in Sec. 105(b)(4) of Public Law 95-478.

(c) The Administrator shall not make any grant to, or enter into any agreement with, any State or local environmental agency for funding of any activity under this section unless such agency certifies that such activity will supplement and not supplant any existing jobs.

SEC. 7. Of the funds appropriated from the Hazardous Substance Response Trust Fund for fiscal year 1983 and fiscal year 1984, $15,000,000 may be expended for research and development activities for each fiscal year. It is the sense of the Congress that the costs of those research and development activities associated with or necessitated by the actual or threatened release of hazardous substances, as those terms are defined under Public Law 96-510, be paid for out of that fund created by Public Law 96-510, the Comprehensive Environmental Response Compensation and Liability Act of 1980.

SCIENCE ADVISORY BOARD

SEC. 8. (a) Section 8(b) of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (Public Law 95-155) is amended to read as follows:

"(b)(1) The Board shall be comprised of at least nine members appointed by the Administrator from nominees recommended to the Administrator by a nominating committee. The nominating committee shall include representatives of Federal research agencies including but not limited to the National Institute of Occupational Safety and Health, National Institute of Environmental Health Sciences, National Cancer Institute, National Science Foundation and the National Academy of Sciences and the Executive Director and representative members and former members of the Science Advisory Board. The nominating committee shall be chaired, in consultation with the Administrator, by the National Institute of Environmental Health Sciences. The nominating committee shall solicit from the general public, through notice in the Federal Register, candidates for nomination to the Board. The Administrator may require such information from the nominees to the Board as the Administrator deems necessary, and the Administrator shall publish in the Federal Register the name, address and professional affiliation of each nominee.

"(2) Each member of the Board and nominee to the Board shall be qualified by education, training, and experience to evaluate scientific and technical information on matters referred to the Board under this section. The Administrator shall select persons nominated for the Board to ensure that Board membership is fairly balanced in terms of the points of view represented and the functions to be performed by the Board. In order to provide this balance, the Board membership must represent the States, industry, labor, academia, consumers, and the general public; and the nominating committee established under paragraph (1) shall make certain that this requirement is met when selecting nominees to the Board which in turn are recommended to the Administrator for selection as members of the Board.

"(3) The terms of the members of the Board shall be one to three years, and shall be staggered so that the terms of no more than one-third of the total membership of the Board and its committees shall expire within a single fiscal year. Each member of the Board shall serve the full length of that member's term unless that member is unable, for involuntary reasons, to discharge his or her duties as set forth in this section or has violated the regulations promulgated pursuant to paragrapth (5).

"(4) If a vacancy on the Board is not filled by the Administrator within ninety days of the occurence of that vacancy, the nominating committee established under paragraph (1) shall meet and appoint, within sixty days, a member of the Board to fill that vacancy from the list of nominees recommended to the Administrator under paragraph (1) in accordance with the selection criteria set forth in paragraph (2).

"(5) In order to ensure the objectivity of the Board, the Administrator shall promulgate, within one hundred and twenty days after the date of the enactment of this paragraph, regulations regarding conflicts of interest with respect to the members of the Board.".

(b) Section 8(e)(2) of such Act (Public Law 95-155) is amended by adding at the end thereof the following: "The Board's advice and comments and the response of the Administrator shall be included in the record with respect to any proposed rule and published in the Federal Register in accordance with the requirements of the environmental statutes and the authority of the Administrator.".

(c) The provisions of this section relating to the qualifications, appointments, and terms of members of the Board shall take effect upon the expiration of the terms of members serving on the Board as of the date of enactment of this Act.

Mr. SCHEUER (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment to the House amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. CARNEY. Mr. Speaker, reserving the right to object, I do so only for the purpose of requesting that the chairman of the subcommittee explain the intent of the Senate amendment and how this differs from H.R. 6323, which was passed by this body on August 17 of this year.

Mr. SCHEUER. Mr. Speaker, will the gentleman yield?

Mr. CARNEY. I yield to the gentleman from New York.

Mr. SCHEUER. Mr. Speaker, on August 17, the House considered the EPA research authorization bill, H.R. 6323, and passed it by an overwhelming margin of 314 to 94. At that time, the Senate counterpart bill, S. 2577, was amended by substituting the House-passed bill. The Senate responded on September 29 with a Senate amendment to the House amendments to S. 2577. The motion I have offered would concur in the Senate amendment and clear this legislation for the President's signature.

With respect to the substance of the Senate amendment, I want to inform my colleagues that it represents a compromise negotiated with the Senate that is most favorable to us. This amendment is such that most of the provisions and intent of the House-passed bill are retained. These provisions include the House-passed authorization of $267.2 million for fiscal year 1983 and $283.3 million for fiscal year 1984 for EPA research activities. Excluded from this authorization is new funding for Superfund; that is, hazardous waste research. We accept the Senate position that these activities can appropriately be supported with money out of the trust fund established under Superfund legislation.

In addition, the House-passed provisions pertaining to environmental monitoring, energy research, indoor air quality research, senior citizen assistance, and the EPA Science Advisory Board are retained with slight technical modifications. Other House passed provisions, however, would be more substantially changed by the Senate amendment. These changes, which I believe are acceptable, would relax the restrictiveness of language related to the transfer of funds, reduction-in-force actions, and long-term environmental research.

Overall, the Senate amendment is most compatible with the House position on this legislation. It is a responsible amendment which is widely supported and I urge its adoption.

I want to express my deep appreciation to the distinguished chairman of the committee, DON FUQUA, and the ranking member of the committee, LARRY WINN, and subcommittee, BILL CARNEY, for their support and efforts on this legislation.

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Mr. CARNEY. Mr. Speaker, I thank my colleague the gentleman from New York.

Having no objection to the explanation of the subcommittee chairman or to the Senate amendment, Mr. Speaker, I withdraw my reservation of objection and join the chairman of the Committee on Science and Technology, as well as the subcommittee chairman, in supporting the adoption of the Senate amendment to the House amendment to the Senate bill, S. 2577.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CONFERENCE REPORT ON H.R. 4717, MISCELLANEOUS REVENUE ACT OF 1982

Mr. ROSTENKOWSKI submitted the following conference report and statement on the bill (H.R. 4717) to delay for 1 year the effective date of certain provisions recognizing gain on certain dispositions of LIFO inventories, to make adjustments in the net operating loss carryback and carryforward rules for the Federal National Mortgage Association, and to require information returns with respect to safe harbor leases:

CONFERENCE REPORT (H. REPT. No. 97-929)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 4717) to delay for one year the effective date of certain provisions recognizing gain on certain dispositions of LIFO inventories, to make adjustments in the net operating loss carryback and carryforward rules for the Federal National Mortgage Association, and to require information returns with respect to safe harbor leases, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its desagreement to the amendment of the House to the amendment of the Senate and agree to the same with amendments as follows:

In lieu of the matter proposed to be inserted by the House amendment to the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1954 CODE

(a) SHORT TITLE.—This Act may be cited as the "Miscellaneous Revenue Act of 1982".

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

TITLE I—TAX PROVISIONS

SEC. 101. REDUCTION OF LIFO RECAPTURE AMOUNT WITH RESPECT TO CERTAIN PLANS OF LIQUIDATION ADOPTED DURING 1982.

Subsection (b) of section 403 of the Crude Oil Windfall Profit Tax Act of 1980 (relating to effective date for recognition of gain on certain dispositions of LIFO inventories) is amended by adding at the end thereof the following new paragraph:

"(4) PLANS OF LIQUIDATION ADOPTED DURING 1982.—

"(A) IN GENERAL.—If—

"(i) a corporation adopts a plan of liquidation during 1982, and

"(ii) such liquidation is completed before January 1, 1984,

then the LIFO recapture amount taken into account with respect to such liquidation under the amendments made by paragraphs (1) and (2) shall be reduced (but not below zero) by $1,000,000.

"(B) MORE THAN 1 PLAN OF LIQUIDATION.—If a corporation (or group of corporations treated as 1 corporation under subparagraph (C)) has more than 1 liquidation which qualified under subparagraph (A), the dollar amount under such subparagraph shall apply to all such liquidations in the order in which the distributions, sales, and exchanges occur until such dollar amount is used up.

"(C) APPLICATION TO MEMBERS OF CONTROLLED GROUP.—

"(i) IN GENERAL.—For purposes of this paragraph, all corporations which are component members of the same controlled group of corporations at any time after December 31, 1981, and before January 1, 1984, shall be treated as 1 corporation.

"(ii) CORPORATIONS MEMBERS OF MORE THAN 1 GROUP.—For purposes of this subparagraph, if (but for this clause) a corporation would be a component member of more than 1 controlled group of corporations during the period described in clause (i)—

"(I) if such corporation is a component member of a controlled group on October 1, 1982, such corporation shall be treated only as a component member of such group, or

"(II) if subclause (I) does not apply, such corporation shall be treated as a component member of only the first such controlled group.

"(iii) CONTROLLED GROUP OF CORPORATIONS DEFINED.—For purposes of this subparagraph, the term 'controlled group of corporations' has the meaning given such term by section 1563(a) of the Internal Revenue Code of 1954, except that—

"(I) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a)(1) of such Code, and

"(II) the determination shall be made without regard to subsections (a)(4), (b), and (e)(3)(C) of section 1563 of such Code.

"(D) TREATMENT OF DEEMED LIQUIDATIONS UNDER SECTION 338.—If an election under section 338 of the Internal Revenue Code of 1954 is made during 1982 with respect to any qualified stock purchase (within the meaning of such section 338), the requirements of clauses (i) and (ii) of subparagraph (A) shall be treated as met with respect to the target corporation for purposes of applying section 338 of such Code. For purposes of this paragraph, an election to which subparagraph (A) applies by reason of this subparagraph shall be treated as a sale and a liquidation."

SEC. 102. ADJUSTMENTS TO NET OPERATING LOSS CARRYBACK AND CARRYFORWARD RULES FOR FEDERAL NATIONAL MORTGAGE ASSOCIATION.

(a) 10-YEAR CARRYBACK AND 5-YEAR CARRYFORWARD FOR LOSSES OTHER THAN MORTGAGE DISPOSITION LOSSES.—Paragraph (1) of section 172(b) (relating to net operating loss carrybacks and carryovers) is amended by redesignating subparagraphs (H) and (I) as subparagraphs (I) and (J), respectively, and by inserting after subparagraph (G) the following new subparagraph:

"(H) In the case of a net operating loss of the Federal National Mortgage Association for any taxable year beginning after December 31, 1981—

"(i) such loss, to the extent it exceeds the FNMA mortgage disposition loss (within the meaning of subsection (i)), shall be—

"(I) a net operating loss carryback to each of the 10 taxable years preceding the taxable year of the loss, and

"(II) a net operating loss carryover to each of the 5 taxable years following the taxable year of the loss, and

"(ii) the FNMA mortgage disposition loss shall be—

"(I) a net operating loss carryback to each of the 3 taxable years preceding the taxable year of the loss, and

"(II) a net operating loss carryover to each of the 15 taxable years following the taxable year of the loss."

(b) RULES RELATING TO FNMA MORTGAGE DISPOSITION LOSS.—Section 172 is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection:

"(i) RULES RELATING TO FNMA MORTGAGE DISPOSITION LOSS.—

"(1) FNMA MORTGAGE DISPOSITION LOSS DEFINED.—

"(A) IN GENERAL.—For purposes of subsection (b)(1)(H) and this subsection, the term 'FNMA mortgage disposition loss' means for any taxable year the excess (if any) of—

"(i) the losses for such year from the sale or exchange of mortgages, securities, and other evidences of indebtedness, over

"(ii) the gains for such year from the sale or exchange of such assets.

"(B) FNMA MORTGAGE DISPOSITION LOSS CANNOT EXCEED THE NET OPERATING LOSS FOR THE YEAR.—The amount of the FNMA mortgage disposition loss for any taxable year shall not be greater than the net operating loss for such year.

"(C) FORECLOSURE TRANSACTIONS NOT INCLUDED.—In applying subparagraph (A), any gain or loss which is attributable to a mortgage foreclosure shall not be taken into account.

"(2) COORDINATION WITH SUBSECTION (b)(2).—In applying paragraph (2) of Subsection (b), a FNMA mortgage disposition loss shall be treated in a manner similar to the manner in which a foreign expropriation loss is treated."

(c) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 172(b)(1) is amended by striking out "(H), and (I)" and inserting in lieu thereof "(H), (I), and (J)".

(2) Subparagraph (B) of section 172(b)(1) is amended by striking out "and (I)" in the second sentence and inserting in lieu thereof "(H), and (J)".

(3) Subparagraph (i) of section 172(b)(1), as redesignated by subsection (a), is amended by striking out "subsection (i)" and inserting in lieu thereof "subsection (j)".

(4) Paragraph (3) of section 172(j), as redesignated by subsection (b), is amended by striking out "subsection (b)(1)(H)" each place it appears and inserting in lieu thereof "subsection (b)(1)(I)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to net operating losses for taxable years beginning after December 31, 1981.

SEC. 103. ROLLOVER OF GAIN ON CERTAIN SALES UNDER FCC ORDER WHERE NEWSPAPERS ARE BOUGHT.

If—

(1) a corporation was ordered by the Federal Communications Commission in January 1975 to divest itself of its newspaper operations or its broadcasting operations,

(2) after the conclusion of the appellate process, the order was again issued in October 1979,

(3) the corporation sold its broadcasting operations before 1982, and

(4) on October 15, 1981, the corporation acquired 100 percent of the stock of a publishing company,

then the second sentence of section 1071(a) of the Internal Revenue Code of 1954 shall be applied with respect to sales and exchanges by such corporation before January 1, 1982, which are related to such order as if such second sentence treated stock of any corporation the principal business of which is operating newspapers and related printing operations in the same manner as stock of a corporation operating a radio broadcasting station.

SEC. 104. TREATMENT OF CERTAIN SHALE OIL PROPERTY AS ENERGY PROPERTY.

(a) IN GENERAL.—Paragraph (7) of section 48(l) is amended by striking out "but does not" and all that follows and inserting in lieu thereof "; except that such term does not include equipment for hydrogenation, refining, or other process subsequent to retorting other than hydrogenation or other process which is applied in the vicinity of the property from which the shale was extracted and which is applied to bring the shale oil to a grade and quality suitable for transportation to and processing in a refinery."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to periods beginning after December 31, 1980, and before January 1, 1983, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1954.

SEC. 105. ANNUITIES FOR SURVIVORS OF TAX COURT JUDGES.

(a) COMPUTATION OF ANNUITIES.—Subsection (m) of section 7448 (relating to computation of annuities) is amended—

(1) by striking out "5 consecutive years" and inserting in lieu thereof "3 consecutive years", and

(2) by striking out "37½" and inserting in lieu thereof "40".

(b) COST-OF-LIVING ADJUSTMENTS.—Section 7448 (relating to annuities to surviving spouses and dependent children of judges) is amended by redesignating subsection (s) as subsection (t), and by inserting after subsection (r) the following new subsection:

"(s) INCREASES ATTRIBUTABLE TO INCREASED PAY.—Whenever the salary of a judge under section 7443(c) is increased, each annuity payable from the survivors annuity fund which is based, in whole or in part, upon a deceased judge having rendered some portion of his or her final 18 months of service as a judge of the Tax Court, shall also be increased. The amount of the increase in such an annuity shall be determined by multiplying the amount of the annuity, on the date on which the increase in salary becomes effective, by 3 percent for each full 5 percent by which such salary has been increased.

(c) CATCHUP FOR SURVIVORS ANNUITIES IN PAY STATUS ON DATE OF ENACTMENT.—If an annuity payable under section 7448(h) of the Internal Revenue Code of 1954 (relating to entitlement to annuity) to the surviving spouse of a judge of the United States Tax Court is being paid on the date of the enactment of this Act, then the amount of that annuity shall be adjusted, as of the first day of the first month beginning more than 30 days after such date, to reflect the amount of the annuity which would have been payable if the amendment made by subsection (a) applied with respect to increases in the salary of a judge under section 7443(c) of such Code taking effect after December 31, 1963.

(d) EFFECTIVE DATE.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to annuities payable with respect to judges dying after the date of the enactment of this Act.

(2) SUBSECTION (b).—The amendment made by subsection (b) of this section shall apply with respect to increases in the salary of judges of the United States Tax Court taking effect after the date of the enactment of this Act.

SEC. 106. TAX COURT PROCEDURES.

(a) DISPUTES INVOLVING CERTAIN EXCISE TAXES.—

(1) IN GENERAL.—Subsection (a) of section 7463 (relating to disputes involving $5,000 or less) is amended—

(A) by striking out "or" at the end of paragraph (2),

(B) by adding "or" at the end of paragraph (3), and

(C) by inserting after paragraph (3) the following new paragraph:

"(4) $5,000 for any 1 taxable period (or, if there is no taxable period, taxable event) in the case of any tax imposed by subtitle D which is described in section 6212(a) (relating to a notice of deficiency),".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to petitions filed after the date of the enactment of this Act.

(b) ORAL FINDINGS OF FACT OR OPINIONS.—Subsection (b) of section 7459 (relating to inclusion of findings of fact or opinions in report) is amended by adding at the end thereof the following new sentence: "Subject to such conditions as the Tax Court may by rule provide, the requirements of this subsection and of section 7460 are met if findings of fact or opinion are stated orally and recorded in the transcript of the proceedings."

(c) HEARINGS AND OPINIONS BY COMMISSIONERS IN CASES INVOLVING DEFICIENCIES OF $5,000 OR LESS.—

(1) Section 7456 (relating to administration of oaths and procurement of testimony) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d) PROCEEDINGS WHICH MAY BE ASSIGNED TO COMMISSIONERS.—The chief judge may assign—

"(1) any declaratory judgment proceeding,

"(2) any proceeding under section 7463, and

"(3) any other proceeding where neither the amount of the deficiency placed in dispute (within the meaning of section 7463) nor the amount of any claimed overpayment exceeds $5,000,

to be heard by the commissioners of the court, and the court may authorize a commissioner to make the decision of the court with respect to any such proceeding, subject

to such conditions and review as the court may by rule provide."

(2) Subsection (c) of section 7456 is amended by striking out the last sentence.

(d) DESIGNATION OF JUDGES WHO ARE RECEIVING RETIRED PAY.—Subsection (b) of section 7447 (relating to retirement) is amended by adding at the end thereof the following sentence: "Any judge who retires shall be designated 'senior judge'."

SEC. 107. WITHOLDING STATEMENTS FOR TERMINATED EMPLOYEES.

(a) IN GENERAL.—Subsection (a) of section 6051 (relating to receipts for employees) is amended by striking out "on the day on which the last payment of remuneration is made" and inserting in lieu thereof "within 30 days after the date of receipt of a written request from the employee if such 30-day period ends before January 31".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to employees whose employment is terminated after the date of the enactment of this Act.

SEC. 108. WITHHOLDING OF STATE INCOME TAX FROM THE WAGES OF CERTAIN SEAMEN.

Section 12 of the Act of March 4, 1915 (38 Stat. 1169; 46 U.S.C. 601), is amended by inserting before the period at the end of the second proviso the following: ", but nothing in this section shall prohibit any such withholding of the wages of any seaman who is employed in the coastwise trade between ports in the same State if such withholding is pursuant to a voluntary agreement between such seaman and his employer".

SEC. 109. WAGERING PERMITTED UNDER STATE LAW.

(a) TAX ON WAGERS.—Subsection (a) of section 4401 (relating to wagers) is amended to read as follows:

(a) WAGERS.—

"(1) STATE AUTHORIZED WAGERS.—There shall be imposed on any wager authorized under the law of the State in which accepted an excise tax equal to 0.25 percent of the amount of such wager.

"(2) UNAUTHORIZED WAGERS.—There shall be imposed on any wager not described in paragraph (1) an excise tax equal to 2 percent of the amount of such wager."

(b) OCCUPATIONAL TAX.—Section 4411 (relating to imposition of tax) is amended to read as follows:

"SEC. 4411. IMPOSITION OF TAX.

"(a) IN GENERAL.—There shall be imposed a special tax of $500 per year to be paid by each person who is liable for the tax imposed under section 4401 or who is engaged in receiving wagers for or on behalf of any person so liable.

"(b) AUTHORIZED PERSONS.—Subsection (a) shall be applied by substituting '$50' for '$500' in the case of—

"(1) any person whose liability for tax under section 4401 is determined only under paragraph (1) of section 4401(a), and

"(2) any person who is engaged in receiving wagers only for or on behalf of persons described in paragraph (1)."

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall take effect on January 1, 1983.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall take effect on July 1, 1983.

TITLE II—OTHER PROVISIONS

SEC. 201. UNEMPLOYMENT BENEFITS PAID TO EX-SERVICE MEMBERS.

(a) ELIGIBILITY REQUIREMENTS.—Paragraph (1) of section 8521(a) of title 5, United States Code, is amended to read as follows:

"(1) 'Federal service' means active service (not including active duty in a reserve status unless for a continuous period of 180 days or more) in the armed forces or the Commissioned Corps of the National Oceanic and Atmospheric Administration if with respect to that service—

"(A) the individual was discharged or released under honorable conditions (and, if an officer, did not resign for the good of the service); and

"(B)(i) the individual was discharged or released after completing his first full term of active service which the individual initially agreed to serve, or

"(ii) the individual was discharged or released before completing such term of active service—

"(I) for the convenience of the Government under an early release program,

"(II) because of medical disqualification, pregnancy, parenthood, or any service-incurred injury or disability,

"(III) because of hardship, or

"(IV) because of personality disorders or inaptitude but only if the service was continuous for 365 days or more;"

(b) PERIOD FOR WHICH BENEFITS PAYABLE.—Section 8521 of such title 5 is amended by adding at the end thereof the following new subsection:

"(c)(1) An individual shall not be entitled to compensation under this subchapter for any week before the fifth week beginning after the week in which the individual was discharged or released.

"(2) The aggregate amount of compensation payable on the basis of Federal service (as defined in subsection (a)) to any individual with respect to any benefit year shall not exceed 13 times the individual's weekly benefit amount for total unemployment."

"(d) EFFECTIVE DATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to terminations of service on or after July 1, 1981, but only for purposes of determining eligibility for benefits for weeks of unemployment beginning after the date of the enactment of this Act.

"(2) TRANSITIONAL RULE.—The amendments made by this section shall not apply to the extent that such amendments would (but for this paragraph) reduce the amount of compensation payable in the case of benefit years established before the date of the enactment of this Act.

SEC. 202. COMPENSATION PAID TO EX-SERVICE MEMBERS CHARGED TO DEPARTMENT OF DEFENSE.

(a) GENERAL RULE.—

(1) Subsections (b) and (c)(1) of section 8509 of title 5, United States Code, are each amended by striking out "subchapter" each place it appears and inserting in lieu thereof "chapter".

(2) Section 8509 of such title 5 is amended by adding at the end thereof the following new subsection:

"(h) For purposes of this section, the term 'Federal service' includes Federal service as defined in section 8521(a)."

(b) EFFECTIVE DATE.

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on October 1, 1983.

(2) TREATMENT OF PREVIOUSLY APPROPRIATED FUNDS.—All funds appropriated which are available (on October 1, 1983) for the making of payments to States under chapter 85 of title 5, United States Code, on the basis of Federal service (as defined in section 8521(a) of such title 5) or for the making of payments under such chapter on the basis of such service in States which do not have in effect an agreement under such chapter, shall be transferred on such date to the Federal Employees Compensation Account established by section 909 of the Social Security Act. On and after such date, all payments described in the preceding sentence shall be made from such account as provided by section 8509 of such title 5.

SEC. 203. EXCLUSION OF CERTAIN SERVICES FROM THE FEDERAL UNEMPLOYMENT TAX ACT.

Subsection (b) of section 822 of the Economic Recovery Tax Act of 1981 is amended by striking out "during 1981" and inserting in lieu thereof "after December 31, 1980, and before January 1, 1983".

SEC. 204. ELIGIBILITY REQUIREMENTS FOR TRADE ADJUSTMENT ASSISTANCE.

Section 2514(a)(2)(A) of the Omnibus Budget Reconciliation Act of 1981 (95 Stat. 889) (relating to the effective date of amendments relating to group eligibility requirements for adjustment assistance for workers under the Trade Act of 1974) is amended by striking out "the 180th day after the date of the enactment of this Act" and inserting in lieu thereof "October 1, 1983".

And the House agree to the same.

Amend the title so as to read: "An Act to reduce the amount of LIFO recapture in the case of certain plans of liquidation adopted during 1982, to make adjustments in the net operating loss carryback and carryforward rules for the Federal National Mortgage Association, and for other purposes."

And the House agree to the same.

DAN ROSTENKOWSKI,
SAM M. GIBBONS,
C. B. RANGEL,
PETE STARK,
HAROLD FORD,
BARBER B. CONABLE,
JOHN J. DUNCAN,
BILL FRENZEL,
Managers on the Part of the House.

BOB DOLE,
BOB PACKWOOD,
MALCOLM WALLOP,
RUSSELL B. LONG,
HARRY F. BYRD, JR.,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

I. EXPLANATION OF PROVISIONS

A. Tax Provisions

1. ONE-YEAR POSTPONEMENT OF EFFECTIVE DATE FOR LIFO RESERVE RECAPTURE RULE (SEC. 102 OF THE HOUSE BILL, SEC. 101 OF THE SENATE AMENDMENT, AND SECS. 336(B) AND 337(F) OF THE CODE)

Present law

Under provisions enacted in P.L. 96-223 (Crude Oil Windfall Profit Tax Act of 1980), a corporation which distributes its LIFO inventory to its shareholders as part of a partial or complete liquidation generally must "recapture" (recognize as ordinary income) an amount equal to its LIFO reserve (Code sec. 336). (The LIFO reserve is the difference between the cost of inventory valued by the LIFO method and the cost of inventory valued by the FIFO method.) Also, a corporation which sells its LIFO inventory in the course of a 12-month liquidation must recapture an amount equal to its LIFO reserve (sec. 337(f)). These rules apply to distributions and dispositions made pursuant to plans of liquidation adopted after December 31, 1981.

House bill

The House bill postpones for one year the effective date of the LIFO reserve recapture rule as enacted in P.L. 96-223. Thus, the new LIFO reserve recapture rule will apply only to distributions and dispositions made pursuant to plans of liquidation adopted after December 31, 1982.

Senate amendment

Same as House bill.

Conference agreement

The conference agreement follows the House bill and Senate amendment with the following modifications. The LIFO reserve recapture rule will apply, with respect to a corporation, to distributions and dispositions made pursuant to plans of liquidation adopted after December 31, 1981, and before January 1, 1983, only to the extent that the LIFO reserve to be recaptured by that corporation is greater than $1 million, (i.e., the amount of the recapture otherwise required would be reduced by up to $1 million). However, in order to qualify for this exemption, the liquidation pursuant to the plan must be completed before January 1, 1984. For this purpose, the rules applicable under sections 333 and 337 shall apply in determining when a liquidation is completed. If a corporation has more than one qualifying sale or liquidation, then the $1 million shall apply to the sales or liquidations in the order in which the distributions, sales or exchanges occur until the $1 million is used up.

For purposes of the $1 million exemption of LIFO recapture, all corporations which are members of a controlled group any time in 1982 will be treated as one corporation. For this purpose, a controlled group of corporations is determined under section 1563 except that "more than 50 percent" is substituted for "at least 80 percent." Where, under this rule, a corporation is a member of more than one controlled group in 1982, the corporation will be treated as a member of the controlled group of which it was a member on October 1, 1982, or, if it was not a member of a controlled group on October 1, 1982, then it will be treated as a member of the first controlled group of which it was a member in 1982.

Where an election is made under section 338 in 1982, the conference agreement provides a rule which automatically qualifies the election for the $1 million LIFO exemption. Under this rule, the section 338 election is treated as the adoption of a plan of liquidation in 1982, followed by a sale of its assets during 1982 in a transaction to which section 337 applies, and then followed by a complete liquidation in 1982.

2. MODIFICATION OF NET OPERATING LOSS RULE FOR THE FEDERAL NATIONAL MORTGAGE ASSOCIATION (SEC. 103 OF THE HOUSE BILL, SEC. 102 OF THE SENATE AMENDMENT, AND SEC. 172 OF THE CODE)

Present law

Under provisions enacted in the Economic Recovery Tax Act of 1981, taxpayers may carry back a business net operating loss (NOL) against income for the 3 taxable years preceding the loss year and carry forward any remaining unused losses to the 15 years following the loss year (Code sec. 172(b)).

In an exception to this general carryover rule, present law provides a 10-year carryback and a 5-year carryforward for NOL's of banks and certain other financial institutions. Since the Federal National Mortgage Association (FNMA) is not such a financial institution, it is not eligible for the 10-year carryback treatment, and thus must use a 3-year carryback and a 15-year carryforward.

House bill

The House bill provides a 10-year carryback and 5-year carryforward of the NOL of the FNMA to the extent the amount of the NOL exceeds the FNMA mortgage disposition loss.

The FNMA mortgage disposition loss is the net loss from the sale or exchange of mortgages, securities (not including stock), and other evidences of indebtedness to the extent that such net loss is not greater than the NOL for the taxable year. Gains and losses attributable to mortgage foreclosures will not be taken into account in determining the amount of an FNMA disposition loss. The FNMA mortgage disposition loss will continue to have a 3-year carryback and a 15-year carryforward, as under present law.

The provision is effective for NOL's incurred in taxable years of the FNMA beginning after 1981. Thus, for example, an NOL for its taxable year beginning in 1982 in excess of the FNMA mortgage disposition loss could be carried back as far as its taxable year beginning in 1972.

Senate amendment

Same as House bill.

Conference agreement

The conference agreement is the same as the House bill and the Senate amendment.

3. AWARD OF REASONABLE LITIGATION COSTS WHERE TAXPAYER PREVAILS AND GOVERNMENT POSITION WAS UNREASONABLE (SEC. 104 OF THE HOUSE BILL, SEC. 301 OF THE SENATE AMENDMENT, AND SEC. 6673 AND NEW SEC. 7430 OF THE CODE)

Present law

Award of Litigation Costs

Under the Equal Access to Justice Act (P.L. 96-481), a taxpayer who prevails in civil tax litigation in the Federal courts (other than the U.S. Tax Court) may be awarded reasonable attorney fees and other litigation costs, unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust.

Damages for Delay in Tax Court

Under present law, if a Tax Court proceeding has been instituted by the taxpayer merely for delay, the Court may award damages to the United States in an amount not to exceed $500 (Code sec. 6673).

House bill

1. General rule.—A taxpayer who prevails in civil tax litigation in the Federal courts, including the U.S. Tax Court, may be awarded reasonable attorney fees and other ligitation costs.

2. Dollar limitation on award.—$50,000 (no special rule for multiple actions which involve the same taxpayer or which could be joined).

3. Prerequisite for recovery.—The taxpayer may recover litigation costs only if the position of the United States in the case was unreasonable.

4. Special rule for charities.—In litigation where the deductibility of contributions by a taxpayer to a charitable organization is the most significant issue, the organization (as well as the taxpayer) may recover costs incurred by it in the litigation if the taxpayer prevails, even though the charity is not a party to the action.

5. Effective date.—The House litigation costs provision applies to U.S. Tax Court cases begun after 1982, and to other Federal tax cases pending on, or begun after, October 1, 1981.

6. Termination date.—The House litigation costs provision will not apply to cases begun after September 30, 1984.

7. Damages for delay in Tax Court.—If U.S. Tax Court proceedings have been brought by a taxpayer primarily for delay, or if the taxpayer's positon in a case is frivolous or groundless, the Court may award damages to the United States of up to $5,000, effective for Tax Court cases begun after 1981.

Senate amendment

1. General rule.—Same as House bill.

2. Dollar limitation on award.—$25,000 (special rule for multiple actions which involve the same taxpayer or which could be joined).

3. Prerequisite for recovery.—Same as House bill, except that the Senate amendment provides explicitly that the taxpayer has the burden of establishing that the government's position was unreasonable.

4. Special rule for charities.—None (but under the Senate amendment, a taxpayer could recover costs incurred by a third party on behalf of the taxpayer).

5. Effective date.—The Senate litigation cost provision applies to civil tax litigation, including U.S. Tax Court cases, begun after May 31, 1982.

6. Termination date.—The Senate litigation cost provision will not apply to cases begun after May 31, 1987.

7. Damages for delay in Tax Court.—Same as House bill, except that the maximum damages awardable to the United States are $2,500 and that the provision is effective for Tax Court cases begun after May 31, 1982.

Conference agreement

The provision was deleted from this bill because a similar provision was included in the Tax Equity and Fiscal Responsibility Act of 1982 (P.L. 97-248).

4. MODIFICATION OF RULES AS TO ACCELERATION OF ACCRUAL OF TAXES (SEC. 105 OF THE HOUSE BILL AND SEC. 461(d) OF THE CODE)

Present law

Under the accrual method of accounting, an expense generally is deductible for the taxable year in which all the events which determine the fact of the liability have occurred and the amount of the deduction can be determined with reasonable accuracy.

However, present law also provides that, if a taxing jurisdiction changes the date for imposing a deductible tax so that the tax would be deductible in an earlier period under the general rule, an accrual-basis taxpayer may not deduct the tax in the earlier period. Instead, the taxpayer may deduct the tax in the period that the tax otherwise would have been deductible as if the taxing jurisdiction had not accelerated the date for imposing the tax (Code sec. 461(d)).

House bill

Under the House bill, an accrual-basis taxpayer may accrue a deduction for taxes on the liability date of the tax, even if that date has been accelerated by the taxing jurisdiction. The taxpayer is not allowed to take two deductions for taxes for a taxable year in which the liability date is changed, and must account for the disallowed deduction by establishing a suspense account.

The provision applies to changes in tax liability dates that occur after the date of enactment. However, in the case of a State franchise tax based on income the assessment date of which has been changed, a

taxpayer which first accrued such tax after the date of the change and which has consistently accrued the deduction for the tax on the new liability date could continue to accrue the deduction on the date used, without complying with the suspense account requirements under the provision.

Senate amendment

No provision.

Conference agreement

The conference agreement does not include the House provision.

5. TREATMENT OF CERTAIN LENDING OR FINANCE BUSINESSES FOR PURPOSES OF THE TAX ON PERSONAL HOLDING COMPANIES (SEC. 106 OF THE HOUSE BILL, SEC. 103 OF THE SENATE AMENDMENT, AND SEC. 542 OF THE CODE)

Present law

Certain types of corporations, actively engaged in a trade or business which produces income that usually would be considered passive investment income, are excluded from the personal holding company tax provisions (Code sec. 541). Present law excludes from this tax a corporation actively engaged in a lending or finance business if the corporation has qualifying business expense equal to 15 percent of the first $500,000 of ordinary gross income from its lending or finance business, plus 5 percent of such ordinary gross income from $500,000 to $1 million. The term "lending or finance business" is defined to include the business of making loans with maturities of not more than 60 months.

House bill

Effective for taxable years beginning after 1980, the House bill increase the 60-month loan maturity limitation of present law to 144 months and amends the definition of a lending or finance business qualifying for the tax exclusion to include the business of making loans in indefinite maturity credit transactions.

Effective for taxable years beginning after 1981, the House bill also modifies the business expense test of present law, to require a lending or finance company qualifying for the tax exclusion to have qualifying business expenses equal to 15 percent of the first $500,000 of ordinary gross income from the lending or finance business, plus 5 percent of such ordinary gross income in excess of $500,000. Thus, 5 percent of ordinary gross income in excess of $1 million will be added to the qualifying business expense test of present law.

Senate amendment

Same as House bill.

Conference agreement

The provision was deleted from this bill because it was included in the Tax Equity and Fiscal Responsibility Act of 1982 (P.L. 97-248).

6. ADDITIONAL REFUNDS RELATING TO REPEAL OF THE EXCISE TAX ON BUSES (SEC. 107 OF THE HOUSE BILL, SEC. 401 OF THE SENATE AMENDMENT, AND SEC. 231(C)(2) OF THE ENERGY TAX ACT OF 1978)

Present law

P.L. 95-618 (the Energy Tax Act of 1978) repealed the prior 10-percent manufacturers excise tax on the sale of buses, effective for buses sold after November 9, 1978. The Act also allowed a credit for or refund of the excise tax paid on buses sold after April 19, 1977 and before November 10, 1978, if the manufacturer (1) possessed evidence of sale and reimbursement of tax to the ultimate purchaser; (2) filed a claim for credit or refund with the Treasury Department before September 5, 1979; and (3) reimbursed the ultimate purchaser for the tax paid before September 5, 1979.

House bill

The House bill modifies the requirements for obtaining credits for or refunds of excise taxes paid on buses sold after April 19, 1977 and before November 10, 1978.

Under the bill, the date before which the ultimate purchaser must have been reimbursed is extended from September 5, 1979, to January 1, 1983. Also, the bill relaxes the present law requirement that the manufacturer must possess evidence of reimbursement of the tax to the ultimate purchaser. Under the bill, the manufacturer may make reimbursement at the same time it receives the refund, provided that the plan is satisfactory to the Treasury.

The provision is effective on the date of enactment.

Senate amendment

Same as House bill.

Conference agreement

The provision was deleted from this bill because it was included in the Tax Equity and Fiscal Responsibility Act of 1982 (P.L. 97-248).

7. ALLOWANCE OF REGULATED INVESTMENT COMPANY STATUS TO CERTAIN SMALL BUSINESS DEVELOPMENT COMPANIES (SEC. 104 OF THE SENATE AMENDMENT AND SEC. 851(a) OF THE CODE)

Present law

Under present law, a regulated investment company (commonly called a "mutual fund" or "money market fund") is treated, in essence, as a conduit for tax purposes. This treatment is achieved by allowing a regulated investment company a deduction for dividends paid to its shareholders. To qualify as a regulated investment company under the Code, a company that is an investment company under the Investment Company Act of 1940 must be registered under that Act with the Securities and Exchange Commission (Code sec. 851(a)).

Under the Small Business Incentive Act of 1980 (P.L. 96-477), certain investment companies providing capital and management assistance to small businesses (called "business development companies") may elect an alternative form of regulation in lieu of registration under the Investment Company Act. A business development company which elects this alternative form of regulation is precluded from qualifying as a regulated investment company under the Code, because the company did not register with the SEC under the Investment Company Act.

House bill

No provision.

Senate amendment

A business development company will qualify as a regulated investment company for tax purposes if it could qualify for registration under the Investment Company Act of 1940, but elects to be regulated under the Small Business Incentive Act of 1980. The provision applies to taxable years ending after the date of enactment.

Conference agreement

The conference agreement does not include the Senate amendment.

8. ROLLOVER OF GAIN ON FCC-ORDERED DISPOSITION OF BROADCAST PROPERTY (SEC. 105 OF THE SENATE AMENDMENT AND SEC. 1071 OF THE CODE)

Present law

Under present law, gain realized on the sale or exchange of property (including stock in a corporation) is not recognized if the sale or exchange is certified by the Federal Communications Commission (FCC) as necessary or appropriate to effectuate a change in policy or adoption of a new policy with respect to the ownership and control of a radio or television station or newspaper and the taxpayer elects to treat the sale or exchange as an involuntary conversion or to reduce basis in depreciable assets.

If the taxpayer elects involuntary conversion treatment, gain is not recognized to the extent the taxpayer purchases replacement property that is similar or related in service or use to the property sold or exchanged (sec. 1033). For purposes of this provision, however, stock in a corporation operating a radio broadcasting station, whether or not such stock represents control, is treated as property similar or related in service or use to the property sold or exchanged even if it would not be so classified under section 1033.

The Internal Revenue Service has ruled (in a private letter ruling) that nonrecognition treatment is not available under this provision when a corporation, in an FCC-certified sale or exchange, divests itself of a television station and reinvests in stock of a corporation operating a newspaper. The Service concluded that reinvestment in a newspaper company did not constitute an investment either in property similar or related in service or use to the television station sold or exchanged, or investment in the stock of a radio broadcasting station.

House bill

No provision.

Senate amendment

The Senate amendment amends section 1071 to provide nonrecognition of gain in FCC-certified divestures where the taxpayer reinvest in stock of a corporation operating a newspaper after June 24, 1981.

Conference agreement

The conference agreement provides for a non-Code provision of law which fixes the right to nonrecognition treatment on the reinvestment in the stock of a newspaper corporation after the FCC-certified sale of broadcast properties. Four criteria must be met, however. First, the corporation must have been ordered by the Federal Communications Commission in January 1975 to divest itself of its newspaper operations or its broadcasting operations. Second, the corporation must have gone to court, and after the conclusion of the appellate process, the FCC order must have been reissued in October 1979. Three, the corporation must have sold its broadcasting operations before 1982. Four, on October 15, 1981, the corporation must have acquired 100 percent of the stock of a publishing company. If all four criteria are met, then the second sentence of section 1071(a) of the Internal Revenue Code of 1954 will be applied as if such second sentence treated stock of any corporation, whether or not representing control of such corporation, the principal business of which is operating newspaper and related printing operations (such as an advertising circular business) in the same manner as stock of a corporation operating a radio broadcasting station, where the FCC-certified sale or ex-

change occurs before January 1, 1982. Thus, for example, if a radio or televison broadcasting corporation makes one or more FCC-certified sales or exchanges of radio broadcasting property (including stock in a corporation) in 1981 and made at least one qualified reinvestment on October 15, 1981, then all such 1981 sales or exchanges will be treated as involuntary conversions (subject to the 2 year reinvestment rule) under section 1033 at the taxpayer's election.

9. EXCLUSION OF CERTAIN RESEARCH EXPENSES FROM CAPITAL EXPENDITURE LIMITATION FOR SMALL ISSUE INDUSTRIAL DEVELOPMENT BONDS (SEC. 106 OF THE SENATE AMENDMENT AND SEC. 103(b)(6) OF THE CODE)

Present law

Interest on certain "small issue" industrial development bonds is exempt from Federal income tax if the aggregate amount of outstanding exempt small issues and capital expenditures (financed otherwise than out of the proceeds of an exempt small issue) made over a six-year period does not exceed $10 million (Code sec. 103(b)(6)).

Under present law, research or experimental expenditures incurred in connection with a taxpayer's trade or business are taken into account for purposes of determining if the small issue limitation of $10 million is exceeded, whether or not the taxpayer elects (under Code sec. 174(a)) to deduct currently such research expenses.

House bill

No provision.

Senate amendment

Under the Senate amendment, expenditures for research wages or for research supplies (as defined in secs. 44F(b)(2)(A)(i) or (ii)) which the taxpayer elects to deduct currently (under sec. 174(a)) are not taken into account for purposes of the $10 million capital expenditure limitation on tax-exempt small issue industrial development bonds. The provision applies to research wage and supply expenditures made after the date of enactment.

Conference agreement

The provision was deleted from this bill because it was included in the Tax Equity and Fiscal Responsibility Act of 1982 (P.L. 97-248).

10. EXPANSION OF OIL SHALE TAX CREDITS FOR 1981 AND 1982 (SEC. 107 OF THE SENATE AMENDMENT AND SEC. 48(l) OF THE CODE)

Present law

The Energy Tax Act of 1978 provided a 10-percent energy investment tax credit for "shale oil equipment", defined for this purpose to mean equipment for producing or extracting oil from oil-bearing shale rock (Code sec. 48(l)(7)). Under present law, the statute expressly excludes equipment for hydrogenation, refining, or other processes subsequent to retorting from the definition of qualifying shale oil equipment.

House bill

No provision.

Senate amendment

The Senate amendment expands the definition of shale oil equipment for purposes of the energy investment tax credit to include equipment used in hydrogenation or other similar processes subsequent to retorting that are necessary to bring about the chemical change in the hydrocarbons necessary to make the shale oil less viscous and to remove contaminants such as sulphur and arsenic so that it may be transported to the refinery. The amendment does not expand the definition of shale oil equipment to include equipment, including hydrogenation equipment, used to refine shale oil.

The provision applies to periods beginning after December 31, 1980, and before January 1, 1983.

Under present law, the energy investment credit for shale oil equipment generally is available after 1982 and before 1991 if specified affirmative commitments are undertaken with respect to qualified property that involves long-term projects of two years or more. This special affirmative commitment rule under present law does not apply to hydrogenation equipment made eligible as oil shale property under the amendment. Thus, the credit for hydrogenation equipment under the Senate amendment will not apply to any construction or acquisition after December 31, 1982.

Conference agreement

The conference agreement follows the Senate amendment with technical modifications. As modified, the provision refers to equipment rather than property. This change is necessary to maintain consistency with present law. In addition, the agreement clarifies that only equipment for processes located within the vicinity of the property from which the shale was extracted (i.e., within 50 miles) qualifies for the credit, provided that such processes are applied to bring the shale oil to a grade and quality suitable for transportation to and processing in a refinery.

11. MODIFICATION OF RESIDENTIAL ENERGY TAX CREDIT SUBSIDIZED FINANCING RULES (SEC. 108 OF THE SENATE AMENDMENT AND SEC. 44C(C)(10) OF THE CODE)

Present law

Under present law (Code sec. 44C(c)(10), expenditures financed by Federal, State, or local grants which are exempt from Federal income tax are not eligible for the residential energy tax credit for conservation and renewable energy source expenditures. Further, any portion of qualified expenditures financed by subsidized energy financing is not eligible for the credit. Also, the expenditure limits for energy conservation expenditures $2,000) and for renewable energy source expenditures ($10,000) are reduced by any portion of expenditures which is financed by subsidized energy financing or by nontaxable government grants.

Subsidized energy financing means financing provided under a government program if a principal purpose of the program is to provide subsidized financing for projects designed to conserve or produce energy. The term includes the direct or indirect use of bonds which are exempt from Federal income tax and which provide funds under such a program. Subsidized energy financing, however, does not include loan guarantees.

House bill

No provision.

Senate amendment

The Senate amendment provides an exception to the definition of subsidized energy financing applicable to the residential energy credit. Specifically, subsidized energy financing will not include loans under a program which provides a State tax credit to a financial institution in order to provide residential energy loans to individuals at a below-market rate of interest. Thus, an individual who receives financing made after December 31, 1980 under such a loan program will be eligible for any applicable Federal residential energy tax credit.

Conference agreement

The conference agreement does not include the Senate amendment.

12. DEFERRED COMPENSATION PLANS FOR STATE JUDGES (SEC. 109 OF THE SENATE BILL AND SEC. 457(e) OF THE CODE)

Present law

Compensation deferred by an employee under an unfunded eligible State deferred compensation plan generally is excluded from the employee's income until paid or made available to the employee under the plan. However, if an unfunded deferred compensation plan fails to meet the requirements of an eligible plan, then all compensation deferred under the plan is includible in income currently unless the amounts deferred are subject to a substantial risk of forfeiture, or is includible in the first taxable year in which there is no substantial risk of forfeiture.

House bill

No provision.

Senate amendment

Participants in an unfunded qualified State Judicial plan will not be subject to the rule requiring participants in an ineligible plan to include plan benefits in gross income merely because there is no substantial risk that the benefits will be forfeited.

A State's unfunded retirement plan for the exclusive benefit of its elected or appointed judges or their beneficiaries will be a qualified State judicial plan if (1) the plan has been in existence since December 31, 1978; (2) all judges eligible to benefit are required to participate and to contribute the same fixed percentage of compensation; and (3) a judge's retirement benefit under the plan is a percentage of the compensation of judges of the State holding similar positions.

In addition, the plan may not pay benefits with respect to a participant which exceed the limitations on benefits permitted under tax-qualified plans, and may not provide an option to plan participants as to contributions or benefits the exercise of which would affect the amount of the participant's currently includible compensation. Further, the plan will not be qualified if judges participating in the plan are also eligible to participate, on the basis of their judicial service, in any eligible State or local government deferred compensation plan.

The provision applies to taxable years beginning after 1978.

Conference agreement

The provision was deleted from this bill because a similar provision was included in the Tax Equity and Fiscal Responsibility Act of 1982 (P.L. 97-248).

13. DECLARATORY JUDGMENT FOR CURRENT USE VALUATION (SEC. 201 OF THE SENATE AMENDMENT AND NEW SEC. 7479 OF THE CODE)

Present law

If certain requirements are met, family farms and real property used in other closely held businesses may be valued for estate tax purposes at the property's current use value, rather than at its full fair market value, provided that the gross estate may not be reduced by more than a specified amount (Code sec. 2032A). If, within 10 years of the decedent's death, the property is disposed of to non-family members or ceases to be used for such purposes, estate tax benefits obtained by virtue of the reduced valuation are recaptured by means of a special "additional estate tax" imposed on

the qualified heir. A special lien is imposed on the real property for the amount of the additional estate tax (sec. 6324B).

To compute the amount of the reduction in estate tax value from current use valuation and, thus, the maximum amount of the potential "additional estate tax," both the current use value and the fair market value of the qualified property must be established as of the date of death. Since the issue of the fair market value of specially valued property may not affect any presently assessable amount of tax if it is the only unresolved issue in an estate, there is no opportunity for judicial review of the issue under present law unless the entire use valuation election is disallowed.

House bill

No provision.

Senate amendment

In general, the Senate amendment provides for Tax Court review of Treasury Department determinations of the fair market value of specially valued property. The amendment permits an executor to request the Treasury Department to examine the fair market value of the specially valued property and, thereby, finally determine that value for all purposes. The amendment further provides that the Treasury can initiate such examinations without the executor's request.

If the Treasury Department determines the fair market value of the specially valued property is different from that value as reported by the executor (either pursuant to an examination requested by the executor or an examination initiated by the Treasury), a notice of the Treasury's determination is to be sent to the executor by registered or certified mail. If the executor and the Treasury agree on the fair market value after the notice is sent, that value is binding on all parties in future actions. If the executor does not agree with the Treasury Department's determination, the executor has 90 days from the date on which notice of the Treasury's determination is sent to petition the Tax Court to review the fair market value of the property. A decision of the Tax Court is binding on all parties in future actions in which the fair market value of the specially valued property on the date of the decedent's death is at issue. The decision of the Tax Court is reviewable in the same manner as other decisions of that court. In cases where the examination is requested by the executor and the executor fails to petition the Tax Court within the 90-day period, the value as determined by the Treasury Department is binding on all parties in any further action where that value is an issue.

Because the fair market value of the specially valued property determines the maximum amount of the recapture tax for which a qualified heir is personally liable, the heir is granted a right to intervene in any action before the Tax Court brought by an executor.

In cases where the executor does not request the Treasury Department to examine the fair market value of specially valued property, if (1) the Treasury does not determine that the fair market value of the property is different from that value as reported by the executor on the decedent's estate tax return, within the period of limitations for assessment of estate tax, or (2) the executor fails to agree to the value as determined by the Treasury Department or to petition the Tax Court within the time provided, the value as reported by the executor is not binding on the executor, the qualified heirs, or the Treasury Department in any future actions involving any matters arising under the use valuation provision, the special lien under section 6324B, or with respect to the qualified heir's income tax basis in the specially valued property.

If, however, the executor requests a Treasury Department examination of the fair market value of specially valued property and the Treasury fails to make that examination, that value as shown on the decedent's estate tax return is binding on all parties in any future actions in which it is an issue.

The amendment is effective for estates of decedents dying after December 31, 1981.

Conference agreement

The conference agreement does not include the Senate amendment.

14. DECLARATORY JUDGMENT FOR INSTALLMENT PAYMENT OF ESTATE TAXES (SEC. 202 OF THE SENATE AMENDMENT AND NEW SEC. 7480 OF THE CODE)

Present law

If the value of an interest in a closely held business exceeds 35 percent of the adjusted gross estate, estate taxes attributable to the interest may be deferred for up to 14 years (annual interest payments for four years, followed by up to 10 annual installments of principal and interest) (Code sec. 6166). If certain events occur during the extended payment period, payment of the entire unpaid tax (plus accrued interest) is accelerated. A special four-percent interest rate applies to deferred tax on the first $1 million of value of an interest in a closely held business (sec. 6601(j)).

An administrative determination that interests in an estate do not meet the conditions for installment payment of estate tax, or that payment of remaining installments must be accelerated under certain rules, is not subject to judicial review under present law because no tax deficiency is involved in such determination.

House bill

No provision.

Senate amendment

The Senate amendment establishes a procedure for obtaining a declaratory judgment in the U.S. Tax Court with respect to (1) the extent to which an estate is eligible for extended payment of estate taxes attributable to an interest in a closely held business, and (2) whether there is an acceleration of the extended payments. Under this provision, for example, the Tax Court can determine whether a proprietorship, partnership, or corporation, all or part of the value of which is included in the decedent's estate, is carrying on a trade or business within the meaning of the installment payment provision.

Because this declaratory judgment procedure only applies where there is an actual controversy, no declaratory judgment will be available prior to decedent's death (with respect to eligibility for the installment payment provision) or prior to a transaction involving dispositions or withdrawals of an interest in a closely held business (with respect to whether there is an acceleration). Jurisidction to issue a declaratory judgment is limited to the United States Tax Court, and the determination of that court is final and conclusive and is not reviewable by any other court.

This remedy is available only if the petitioner (i.e., the executor of the decedent's estate) has exhausted all available administrative remedies within the Treasury Department. Thus, the executor must demonstrate that the Internal Revenue Service has acted adversely to the decedent's estate, that he has appealed any adverse determination by a district office to the appeals division of the Internal Revenue Service, and has obtained through the District Director technical advice of the National Office. To exhaust his administrative remedies, a party must satisfy all procedural requirements of the Service.

In addition, no petition to the Tax Court may be filed after 90 days from the date on which the Secretary or his delegate sends notice to the executor of his determination as to the estate's eligibility for the installment payment provision or the occurrence of an accelerating event.

In the case of controversies concerning an estate's eligibility for installment payment of estate tax, the amendment applies to estates of decedents dying after December 31, 1981. In the case of controversies concerning acceleration of unpaid tax, the amendment applies to transactions occurring after December 31, 1981 as they relate to section 6166 as amended by ERTA, sections 6166 or 6166A as they existed before ERTA, or section 6166 as it existed prior to the Tax Reform Act of 1976.

Conference agreement

The conference agreement does not include the Senate amendment.

15. CHANGE TO SECTION 6166 "SECOND DEATH" PROVISION (SEC. 203 OF THE SENATE AMENDMENT AND SEC. 6166 OF THE CODE)

Present law

If the value of an interest in a closely held business exceeds 35 percent of the adjusted gross estate, estate taxes attributable to the interest may be deferred for up to 14 years (annual interest payments for four years, followed by up to 10 annual installments of principal and interest) (Code sec. 6166). A special four-percent interest rate applies to deferred tax on the first $1 million of value of an interest in a closely held business (sec. 6601(j)).

The remaining unpaid tax balance is accelerated if there is a disposition of a specified fraction of the value of a decedent's interest in the business. The transfer of the decedent's interest in a closely held business from the estate to the decedent's heirs is not considered a disposition, whether or not the interest passes to family members.

For transfers made after 1981, the Economic Recovery Tax Act of 1981 provides that the transfer of an interest in a closely held business from an heir (or subsequent transferee) at the heir's (or subsequent transferee's) death to a family member of the heir (or subsequent transferee) is not considered a disposition.

House bill

No provision.

Senate amendment

The Senate amendment further expands the exception from the acceleration rules for subsequent transfers caused by the death of an heir or subsequent transferee, by eliminating the requirements that the interest in a closely held business must pass to a family member of the heir or subsequent transferee. Under the amendment, any transfer of an interest in a closely held business caused by the death of the heir (or subsequent transferee) is not considered a disposition resulting in acceleration of the unpaid tax.

The provision applies to transfers occurring after 1981.

Conference agreement

The conference agreement does not include the Senate amendment.

16. ANNUITIES FOR SURVIVORS OF TAX COURT JUDGES (SEC. 302 OF THE SENATE AMENDMENT AND SEC. 7448 OF THE CODE)

Present law

Under the survivors annuity plan for U.S. Tax Court judges (Code sec. 7448), the annuity payable to a surviving spouse is equal to a percentage (generally 1¼ percent) of the average annual salary (whether judge's salary or compensation for other allowable Federal service) for the five consecutive years for which the judge received the largest average annual salary, multipled by the sum of the judge's years of judicial or other allowable Federal service. However, under present law, the annuity for the surviving spouse cannot exceed 37½ percent of such average annual salary. The amount of annuity payable to a surviving dependent is based on the amount payable to a surviving spouse, subject to certain dollar limits.

House bill

No provision.

Senate amendment

The annuity amount payable from the Tax Court survivors annuity fund with respect to a judge dying after the date of enactment generally will be increased by (1) basing such amount upon the judge's average annual salary for the three (rather than five) consecutive years for which the judge received the largest average annual salary, and (2) increasing the maximum annuity for a surviving spouse to 40 percent (rather than 37½ percent) of the judge's average annual salary.

Subject to certain limitations, such annuity amount will also be adjusted for cost-of-living increases by increasing the amount of the annuity when the salary of Tax Court judges is increased. A survivor annuity payable with respect to a judge who rendered some portion of his or her final 18 months of service as a Tax Court judge will be increased by three percent for each five percent by which the salary of the judges is increased. (A salary increase of less than five percent is disregarded in computing increases for current and future annuities.) These cost-of-living adjustment provisions will apply with respect to salary increases taking effect after the date of enactment, except that a survivor annuity in pay status on the date of enactment will be immediately increased to reflect post-1963 salary increases.

Conference agreement

The conference agreement follows the Senate amendment.

17. MODIFICATION OF CERTAIN TAX COURT PROCEDURAL RULES (SEC. 303 OF THE SENATE AMENDMENT AND SECS. 7447, 7456, 7459, AND 7463 OF THE CODE)

Present law

The chief judge of the U.S. Tax Court may assign "small tax cases" (i.e. certain cases in which the deficiency is not more than $5,000) and certain declaratory judgment actions to commissioners (special trial judges) for hearing and decision (Code sec. 7456(c)). Special procedural rules to apply to small tax cases (sec. 7463).

The findings of fact and opinion in a Tax Court case must be reported by the judge in writing (sec. 7459).

House bill

No provision.

Senate amendment

The Senate amendment provides that commissioners (special trial judges) may also hear and decide regular cases (i.e. cases that are not small tax cases) if the deficiency is not more than $5,000. In addition, subject to the $5,000 limitation, the category of small tax cases is expanded to individual retirement accounts, (2) the excise taxes relating to public charities, private foundations, qualified pension, etc. plans, and real estate investment trusts, and (3) the crude oil windfall profit tax.

The amendment also provides that a Tax Court judge may in appropriate cases orally state and record in the transcript of the proceedings, the findings of fact or opinion in the case.

Under the amendment, a retired judge of the Tax Court will be designed as a senior judge.

The provision which allows cases involving certain excise taxes to be treated as small tax cases in effective with respect to Tax Court cases begun after the date of enactment. The other provisions are effective on enactment.

Conference ageement

The conference agreement generally follows the Senate amendment, except that the chief judge of the Tax Court may assign any declaration judgement action under the Internal Revenue Code to a special trial judge for hearing and decision. In addition, the conferees intend that, if findings of fact or opinion are orally stated and are recorded in the transcript of the proceedings, then those pages of the transcript which record the findings (or a written summary of the findings) will be provided to the parties free of any otherwise applicable charges. Also, the transcript of the proceedings (or the written summary) provided to the parties is to include all findings of fact or opinion, not merely the Court's final determination in favor of the taxpayer or the Commissioner.

18. TIME FOR FURNISHING FORM W-2 TO TERMINATED EMPLOYEE (SEC. 304 OF THE SENATE AMENDMENT AND SEC. 6051 OF THE CODE)

Present law

Present law generally requires an employer to provide an employee with a Form W-2 no later than January 31 of the year following the year in which wages are paid. However, in the case of an employee whose employment terminates during the year, Code section 6051(a) provides that a Form W-2 must be supplied to the employee with the final payment of wages. (Treasury Regulations generally have taken the position that the employer may furnish a Form W-2 to an employee whose employment terminates prior to the close of the calendar year at any time after the termination but not later than January 31 of the following year, except where the employee requests earlier receipt.)

House bill

No provision.

Senate amendment

The Senate amendment requires the employer of an employee whose employment terminates during the year to furnish the employee with a Form W-2 no later than January 31 of the following year, unless the employee requests earlier receipt. If the employee makes a written request for early receipt, then the employer must furnish the Form W-2 no later than 30 days after receipt of the request.

The provision applies to employees whose employment terminates after the date of enactment.

Conference agreement

The conference agreement follows the Senate amendment.

19. WITHHOLDING OF STATE INCOME TAX FROM SEAMEN'S WAGES ON A VOLUNTARY BASIS (SEC. 305 OF THE SENATE AMENDMENT AND SEC. 601 OF 46 U.S.C.)

Present law

Present law requires employers to withhold Federal employment taxes from wages paid to employees. Also, employers generally are permitted (and may be required by State law) to withhold State income taxes from wages paid to employees. However, withholding of State income taxes from the wages of seamen or fishermen is prohibited by Federal law (46 U.S.C. sec. 601).

House bill

No provision.

Senate amendment

The Senate amendment provides that a seaman or fisherman employed in the coastwise trade between ports in the same State may enter into a voluntary agreement with employers for withholding from wages of amounts as State income taxes. The provision is effective on enactment.

Conference agreement

The conference agreement follows the Senate amendment.

20. FINANCING OF THE REFORESTATION TRUST FUND (SEC. 403 OF THE SENATE AMENDMENT AND SEC. 303(b)(1) OF PUBLIC LAW 96-451)

Present law

Receipts from lumber and plywood import duties are appropriated to the Reforestation Trust Fund to supplement appropriations for reforestation and timber stock improvement on publicly owned national forests. The Secretary of the Treasury is required to transfer receipts from these tariffs to the Reforestation Trust Fund in amounts up to $30 million for each fiscal year during the six-year period from October 1, 1979 through September 30, 1985.

For each of fiscal years 1981 through 1985, appropriations have been authorized from the trust fund, but only to the extent these estimated costs exceed amounts appropriated out of the general fund for these purposes.

House bill

No provision.

Senate amendment

Instead of transferring $30 million to the trust fund from lumber and plywood tariff receipts, the Secretary of the Treasury will be required to transfer the same amount from 65 percent of the amounts received from sales of trees or forest products located on National Forest System lands. Existing commitments for uses of these funds will not be affected. The provision takes effect January 1, 1982.

Conference agreement

The conference agreement does not include the Senate amendment.

21. DUE DATE FOR ENERGY TASK FORCE STUDY ON OIL SUPPLY DISRUPTION (SEC. 405 OF THE SENATE AMENDMENT)

Present law

An interagency task force is understood to be studying the threat of a petroleum supply disruption on the Nation's economy and ways of limiting the effects of any such

disruption. There is no provision in current law, however, which would require this task force to submit a report on its study to the Congress at any particular date.

House bill

No provision.

Senate amendment

The Senate amendment directs the Secretary of the Treasury to submit to the Congress by June 15, 1982, the report of the interagency task force evaluating the alternative fiscal policies which could be used to help mitigate the adverse economic effects of an oil supply disruption. The provision is effective on the date of enactment.

Conference agreement

The conference agreement does not include the Senate amendment.

22. DELAY OF BANKRUPTCY TAX ACT EFFECTIVE DATE RELATING TO DISCHARGE OF INDEBTEDNESS (SEC. 406 OF THE SENATE AMENDMENT AND SEC. 7(a)(2) OF THE BANKRUPTCY TAX ACT OF 1980)

Present law

The Bankruptcy Tax Act of 1980 (P.L. 96-589) was a comprehensive revision of the income tax rules for bankruptcy, insolvency, and debt discharge, following the 1978 repeal by the Congress of the former tax rules.

The 1980 Act provides that no amount is included in gross income by reason of a debt discharge in a bankruptcy case or insolvency. Under the Act, the amount of debt discharge first reduces net operating losses or certain other tax attributes of the debtor company before reducing basis in assets. To provide flexibility, the Act allows the debtor instead first to reduce basis of depreciable property (Code secs. 108, 1017).

In general, the Act's provisions on debt discharge apply to bankruptcy cases beginning after 1980, and to other discharges (outside bankruptcy) occurring after 1980. However, the rule requiring that the amount of debt discharge in bankruptcy or insolvency must first be applied to reduce NOL's, or basis in depreciable assets, was postponed (for one additional year) until bankruptcy cases beginning after 1981 or, in the case of an insolvent debtor outside bankruptcy, where the discharge occurred after 1981.

House bill

No provision.

Senate amendment

The Senate amendment postpones, for an additional three months, the 1980 Act rule relating to the tax consequences of debt discharge in bankruptcy cases or insolvency. Thus, the new rule would apply to bankruptcy cases commencing on or after April 1, 1982, and in the case of a debtor outside bankruptcy which is insolvent at the time of the debt discharge, to debt discharges occurring on or after April 1, 1982.

Conference agreement

The conference agreement does not include the Senate amendment.

23. AMENDMENTS TO THE MORTGAGE SUBSIDY BOND TAX ACT (SEC. 408 OF THE SENATE AMENDMENT AND SECS. 103(b)(4) AND 103A(i) OF THE CODE)

Present law

The Mortgage Subsidy Bond Tax Act of 1980 was enacted generally to direct the subsidy from the use of tax-exempt bonds for housing to those individuals who have the greatest need for the subsidy, to increase the efficiency of the subsidy, and to reduce the overall revenue loss to the Federal Government from the use of tax-exempt bonds for housing.

Present law provisions affected by H.R. 4717 are summarized below.

Single-family Mortgage Bonds

Arbitrage limitations on mortgage investment.—The effective interest rate on mortgages financed with tax-exempt mortgage bonds may not exceed the yield on the issue by more than one (1.0) percentage point.

Loss on reserve liquidations.—The dollar amount of reserves must be reduced as mortgages are paid off, since higher reserves no longer are needed to secure the repayment of debt service on the issue.

Industrial Development Bonds for Multi-family Rental Projects

Definition of "low or moderate income".—Tax-exempt industrial development bonds may be used for multi-family rental projects only if 20 percent of the units (15 percent in targeted areas) are occupied by individuals of "low or moderate income", as defined in section 8 of the United States Housing Act of 1937.

Duration of targeting requirement.—The 20-percent requirement (15 percent in targeted areas) must be met for 20 years with respect to any obligations issued before January 1, 1984.

House bill

No provision

Senate amendment

Single-family Mortgage Bonds

Arbitage limitations on mortgage investments.—The 1.0 percent limit is replaced by a limit which varies with the size of the issue, beginning at one and one-sixteenth (1 1/16) percentage points but not to exceed one and one-eighth (1 1/8) percentage points. The limitation is 1.0625 percentage points plus 0.01 percentage point (not to exceed 1.125 percentage points) for each $10 million that the aggregate face amount of the issue is less than $100 million.

Loss on reserve liquidations.—The rule requiring liquidation of nonmortgage investments with a yield higher than the issue yield will not apply to the extent that it would require disposition of any nonmortgage investment resulting in a loss in excess of the amount which could be earned from investments in qualified mortgages. However, the rule will continue to apply if the sale of such nonmortgage investments would not result in a loss when the investments are sold to meet the liquidation rule. Similarly, the rule will apply if loss assets appreciate so that they would not result in such loss.

Industrial development bonds for multi-family rental projects

Definition of "low or moderate income".—The Senate amendment provides a separate definition of "low or moderate income", by adopting the definition of "low or moderate income" under the section 8 program except that the applicable percentage will be 80 percent of area median income (regardless of the percentage used under section 8 program).

Duration of targeting requirement.—The Senate amendment also provides that the requirement that 20 percent of the rental units (15 percent in targeted area) must be occupied by individuals of low or moderate income applies from the date that the first unit in the project is occupied and continues until the later of (1) 10 years after one-half of the units in the project are first occupied, (2) a date when 50 percent of the maturity of the bond has been exceeded, or (3) the date on which any section 8 assistance terminates.

Effective Date

The provision is effective as if it had been included in the Mortgage Subsidy Bond Tax Act of 1980.

Conference agreement

The provision was deleted from this bill because a similar provision was included in the Tax Equity and Fiscal Responsibility Act of 1982 (P.L. 97-248).

24. REDUCTION IN EXCISE TAX ON WAGERS AND OCCUPATIONAL TAX ON WAGERING IN STATES AUTHORIZING WAGERING (SEC. 409 OF THE SENATE AMENDMENT AND SECS. 4401 AND 4411 OF THE CODE)

Present law

Under present law, a two-percent excise tax is imposed on the amount of wagers which are (1) placed with a person in the business of accepting wagers on the outcome of a sports event or contest, (2) with respect to a sporting event or contest placed in a wagering pool conducted for profit, or (3) placed in a lottery conducted for profit (including the numbers game, policy, and similar types of wagering). The tax applies to "off-track" betting authorized by State law. However, the tax is not imposed on (1) wagers placed with a parimutuel wagering enterprise licensed under State law, (2) wagers placed in coin-operated gaming devices, such as slot machines, or (3) State-conducted wagering, such as sweepstakes and lotteries (Code secs. 4401-4405, 4421-4424).

Under present law, an occupational tax of $500 per year is imposed on each person who is in the business of accepting wagers and on each person who is engaged in receiving wagers for or on behalf of such person (secs. 4411-4414).

House bill

No provision.

Senate amendment

The Senate amendment reduces the two-percent excise tax on certain wagers to 0.25 percent for wagers authorized by State law. Also, under the amendment, the $500 occupational tax is reduced to $50 in the case of persons authorized by State or local law to accept wagers in a wagering business authorized by State law. In States where wagering is illegal, the two-percent excise tax and $500 occupational tax will continue to apply.

The provision applies to taxable periods beginning after 1981.

Conference agreement

The conference agreement follows the Senate amendment, except for the effective dates. Under the conference agreement, the reduction in the excise tax on certain wagers is effective on January 1, 1983, and the reduction in the occupational tax is effective on July 1, 1983.

25. LIMITATION ON USE OF SMALL ISSUE INDUSTRIAL DEVELOPMENT BONDS (SEC. 410 OF THE SENATE AMENDMENT AND SEC. 103(b)(6) OF THE CODE)

Present law

As an exception to the general rule of taxability of interest paid on industrial development bonds, present law provides an exemption for interest on issues of up to $1 million if the proceeds are used for the acquisition, construction, or improvement of land or depreciable property. The limitation may be increased to $10 million for projects where the aggregate amount of outstanding

exempt small issues and capital expenditures (financed otherwise than out of the proceeds of an exempt small issue) made over a six-year period does not exceed $10 million (Code sec. 103(b)(6)).

Under present law, there are no restrictions on the types of facilities or purposes for which the proceeds of qualified "small issues" of industrial development bonds may be used, other than the requirement that the proceeds be used for land or depreciable property and not for residential real property for family units. In addition, there are no general requirements for reporting information concerning the issue to the Treasury Department.

House bill

No provision.

Senate amendment

Under the amendment, interest on small issue industrial development bonds is subject to Federal income tax if any portion of the proceeds is to be used for any private or commercial golf course, country club, massage parlor, tennis club, skating facility (including roller skating, skateboard, and ice skating), ski resort, racquet sports facility (including handball and racquet ball courts), hot tub facility, suntan facility, or racetrack. The Senate amendment does not affect the present-law exemption of interest on industrial development bonds where the proceeds are used for certain exempt facilities (sec. 103(b)(4)), including sports facilities available on a regular basis for public use.

Also, under the amendment, the issuer of any tax-exempt small issue industrial development bond must report the following to the Treasury: any purchaser of more than 25 percent of the face value of the issue, (2) the underwriter (if any), (3) the interest rate, (4) the issue's rating (if any), (5) the face amount, (6) a description of any facility to be financed from the proceeds of the issue and its location, (7) each user of a facility financed from the proceeds of the issue, (8) bond counsel, and (9) any other information the Treasury determines appropriate.

The provision applies to obligations issued after the date of enactment.

Conference agreement

The provision was deleted from this bill because a similar provision was included in the Tax Equity and Fiscal Responsibility Act of 1982 (P.L. 97-248).

B. Other Provisions

1. USE OF CERTAIN AMOUNTS TRANSFERRED TO STATE UNEMPLOYMENT FUNDS—REED ACT (SEC. 201 OF THE HOUSE BILL, SEC. 501 OF THE SENATE AMENDMENT, AND SEC. 903(C) OF THE SOCIAL SECURITY ACT)

Present law

Section 903 of the Social Security Act, commonly referred to as the Reed Act, provides for the transfer of any excess Federal Unemployment Tax Act (FUTA) receipts to the individual State accounts in the unemployment trust fund. Each State's share is proportionate to its share of wages subject to FUTA taxes. Excess funds have accrued only three times since the passage of the Reed Act—in 1956, 1957, and 1958. Current unobligated State Reed Act account balances total some $25 million.

Reed Act funds may be used by the States either to pay unemployment benefits or for administrative purposes. However, under present law, authority to use funds credited in 1956 and 1957 for administrative purposes expired on July 1, 1981; and authority to use funds credited in 1958 for administrative purposes will expire on July 1, 1983.

House bill

The House bill extends for 10 years the authority for States to use Reed Act funds for administrative purposes. Also, the bill permits States that have used such funds to pay unemployment benefits to reestablish a Reed Act account.

Senate amendment

Same as House bill.

Conference agreement

The provision was deleted from this bill because a similar provision was included in the Tax Equity and Fiscal Responsibility Act of 1982 (P.L. 97-248).

2. REMOVAL OF AGE LIMITATION FOR EXCLUSION FROM FUTA OF WAGES PAID TO STUDENT INTERNS (SEC. 202 OF THE HOUSE BILL, SEC. 502 OF THE SENATE AMENDMENT, AND SEC. 3306(C)(10(C) OF THE CODE)

Present law

Under current law, wages paid to a student under age 22 who is enrolled full-time in a work-study or internship program are exempted from the Federal unemployment tax (FUTA) if the work performed is an integral part of the student's academic program (Code sec. 3306(c)(10)).

House bill

The House bill exempts from FUTA tax any wages paid to student interns, regardless of age, for work that is an integral part of the student's academic program, effective for service performed after the date of enactment.

Senate amendment

Same as House bill.

Conference agreement

The provision was deleted from this bill because a similar provision was included in the Tax Equity and Fiscal Repsonsibility Act of 1982 (P.L. 97-248).

3. EXTENSION OF EXCLUSION FROM FUTA OF WAGES PAID TO CERTAIN ALIEN FARMWORKERS (SEC. 203 OF THE HOUSE BILL, SEC. 503 OF THE SENATE AMENDMENT, AND SEC. 3306(C)(19) OF THE CODE)

Present law

Under the Immigration and Nationality Act, residents of foreign countries who do not intend to abandon such residency may be admitted to the U.S. to work for a temporary period of time during peak agricultural crop seasons. Prior to 1982, wages paid to such alien farmworkers were excluded from Federal unemployment (FUTA) taxes.

House bill

The House bill extends for two years—from January 1, 1982 to January 1, 1984—the provision of prior law that excluded wages paid to certain alien farmworkers from FUTA taxes.

Senate amendment

Same as House bill.

Conference agreement

The provision was deleted from this bill because a similar provision was included in the Tax Equity and Fiscal Responsibility Act of 1982 (P.L. 97-248).

4. UNEMPLOYMENT BENEFITS PAID TO EX-SERVICE MEMBERS (SEC. 204 OF HOUSE BILL AND SEC. 2405 OF P.L. 97-35)

Present law

Section 2405 of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) established new requirements for the payment of benefits to ex-Servicemembers under the Unemployment Compensation for Ex-Service members (UCX) program. Under the new rules, benefits are limited to individuals who (1) have 365 or more days of military service; (2) were discharged or released under honorable conditions; (3) did not resign or voluntarily leave the service (i.e., they were not eligible for reenlistment); and (4) were not released or discharged "for cause" as defined by the Department of Defense. These new requirements apply to individuals who left Federal military service on or after July 1, 1981, but only for weeks of unemployment that began on or after August 13, 1981, the date of enactment of P.L. 97-35.

House bill

The House bill subsitutes for the requirements enacted in P.L. 97-35 new Federal unemployment compensation eligibility requirements for individuals separated from the military. The provision (1) limits unemployment benefits to ex-Servicemembers who have served 730 or more continuous days in the military and who have been discharged under other than dishonorable conditions; (2) requires a four-week waiting period between the week in which the individual is separated and the week in which he or she first becomes entitled to compensation; and (3) limits an eligible ex-Servicemember's benefits to 13 weeks. The provision would be effective for separations on or after July 1, 1981, but only for benefits payable after the date of enactment.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill with the following modification: Federal unemployment benefits would be payable to unemployed ex-service members who (1) were separated under honorable conditions (and, in the case of officers, did not resign for the good of the service); and, (2) had completed the first full term of active service they agreed to serve. Ex-service members who were separated prior to completing their initial term of active service could qualify for unemployment benefits if they were separated under honorable conditions (a) for the convenience of the Government under an early release program, (b) because of medical disqualification, pregnancy, parenthood, or any service-incurred injury or disability, (c) because of hardship, or (d) if they had served for 365 continuous days, because of personality disorders or inaptitude. Also, effective October, 1, 1983, current law would be amended to ensure that Federal unemployment benefits paid to ex-Service members would be charged to the Department of Defense in the same manner as Federal benefits paid to former civilian Federal employees are charged to other Federal agencies.

5. CHANGE IN SSI ACCOUNTING PERIOD (SEC. 205 OF THE HOUSE BILL AND SEC. 1611(C) OF THE SOCIAL SECURITY ACT)

Present law

Under the Supplemental Security Income (SSI) law in effect through March 1982, computation of SSI eligibility and amount of benefits are based on the income and resources for the current calendar quarter.

The Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) requires that, after March 1982, the computation period for determination of eligibility and amount of SSI benefits will be on a monthly basis. Benefits, generally, will be determined on a

monthly retrospective basis. That is, the amount of the SSI benefit for any month will be determined on the basis of the individual's or couple's income, resources, and other circumstances in the preceding month. The SSI payment received in June 1982, for example, will not reflect the amount of any other income the recipient had in June; rather, it will reflect the amount of any such income the person received in April.

House bill

Under the House bill, a one-month "prospective" accounting period in SSI is substituted for the "retrospective" account period required by P.L. 97-35 to go into effect in April. The provision is effective with respect to months after the first calendar quarter which ends more than two months after the month in which the provision is enacted.

Senate amendment

No provision.

Conference agreement

The conference agreement does not include the House provision because the issue was dealt with in the Tax Equity and Fiscal Responsibility Act of 1982 (P.L. 97-248).

6. TREATMENT OF UNNEGOTIATED CHECKS UNDER THE SSI PROGRAM (SEC. 206 OF THE HOUSE BILL AND SEC. 1631(A)(1)(2) OF THE SOCIAL SECURITY ACT)

Present law

More than one-half of the States have agreements with the Social Security Administration to include State-funded supplementation of the Federal SSI benefit in the check issued by the U.S. Treasury. The Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) amended title XVI (SSI) of the Social Security Act to establish a process for crediting States with their share (included as State supplementation) of benefit checks remaining unnegotiated for more than 180 days. It is not clear whether this legislation applies to SSI checks which are entirely State financed.

Some SSI recipients have social security or other income which exceeds the Federal SSI level, so that they qualify only for a State supplementation of the Federal SSI benefit standard. That is, the benefits in such instances are entirely State financed, even though paid by Treasury check.

House bill

The House bill clarifies the authority to credit States for unnegotiated SSI benefit checks which are "State supplementation only" checks. The provision will be effective on October 1, 1982.

Senate amendment

No provision.

Conference agreement

The conference agreement does not include the House provision because a similar provision was included in the Tax Equity and Fiscal Responsibility Act of 1982 (P.L. 97-248).

7. COLLECTION OF ADMINISTRATIVE COSTS FOR NON-AFDC CHILD SUPPORT ENFORCEMENT (SEC. 207 OF THE HOUSE BILL AND SEC. 454(19) OF THE SOCIAL SECURITY ACT)

Present law

States are required to provide child support collection services to non-AFDC families requesting assistance. Prior to the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35), States had the option of charging non-AFDC families a reasonable fee and then retaining a portion of any child support collection to pay for administrative expenses not covered by the fee. Under the Reconciliation Act provisions, States retain the option of charging non-AFDC recipients a reasonable application fee, but are required to charge a fee equal to 10 percent of the support collected. The 10 percent fee must be charged against the absent parent and added to the amount to be collected.

House bill

The House bill repeals the provisions enacted in P.L. 97-35 which would require States, in cases involving non-AFDC families, to charge any absent parent who is obligated to pay child support through the State Child Support Enforcement Agency a fee equal to 10 percent of the child support payment. The House bill restores the law in effect prior to P.L. 97-35 which allows States to charge a reasonable fee for a non-AFDC collection and retain from the amount collected an amount equal to administrative costs not covered by the fee. The House bill also retains, as a State option, the authority to collect from the parent who owes child or spousal support an amount to cover administrative costs, in addition to the child support payment. The provision is effective as of October 1, 1981.

Senate amendment

No provision.

Conference agreement

The conference agreement does not include the House provision because the issue was dealt with in the Tax Equity and Fiscal Responsibility Act of 1982 (P.L. 97-248).

8. TECHNICAL AMENDMENTS TO CHILD SUPPORT ENFORCEMENT PROVISIONS IN P.L. 97-35 (SEC. 208 OF THE HOUSE BILL)

Present law

Several inaccurate references were included in the child support enforcement provisions of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

House bill

The House bill makes several technical corrections in the child support enforcement provisions contained in P.L. 97-35, including the correction of inaccurate references. The provision is effective as of October 1, 1981.

Senate amendment

No provision.

Conference agreement

The conference agreement does not include the House provision because it was included in the Tax Equity and Fiscal Responsibility Act of 1982 (P.L. 97-248).

9. TECHNICAL AMENDMENTS TO SOCIAL SERVICES AND FOSTER CARE PROVISIONS IN P.L. 97-35 (SEC. 209 OF THE HOUSE BILL AND SECS. 471(A)(10), 1101, 1108, and 2003(B) of the social security act)

Present law

1. The Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) unintentionally repealed the authority for Puerto Rico, Guam, the Virgin Islands, and the Northern Mariana Islands to finance social services from funds received under the cash assistance titles, and provided that these territories are eligible for funds for social services only under the title XX social services block grant.

2. The formula for allocating funds to the States and territories under the title XX social service block grant program could be interpreted in such a way that a portion of the funds are not avaialable for allocation to any jurisdiction.

3. There are inconsistencies between titles XI and XX of the Social Security Act as to jurisdictions eligible for title XX funds.

4. P.L. 97-35 incorrectly referenced child day care instead of foster care standards in the requirements that States have standards for foster family home or child care institutions under their title IV-E foster care program.

House bill

The House bill makes the following technical corrections:

(1) Restores the option to Puerto Rico, Guam, the Virgin Islands, and the Northern Mariana Islands to utilize funds available under the cash assistance titles for social services.

(2) Insures that all the title XX funds under the ceiling are available for allotment to the States and other jurisdictions.

(3) Makes the title XI definition of the term "State," as it pertains to title XX funding, consistent with the list of jurisdictions cited in title XX as eligible for funds under the allotment formula.

(4) Incorporates into the title IV-E foster care law the same standards for foster care as were previously required by reference to the standards in title XX which were in effect prior to P.L. 97-35.

The provision is effective as of October 1, 1981.

Senate amendment

No provision.

Conference agreement

The conference agreement does include the House provision because similar provisions were included in the Tax Equity and Fiscal Responsibility Act of 1982 (P.L. 97-248).

10. ONE-YEAR EXTENSION OF EXISTING ONE-YEAR FUTA EXEMPTION FOR CERTAIN FISHERMEN (SEC. 402 OF THE SENATE AMENDMENT AND SEC. 3306(C) OF THE CODE)

Present law

Services performed by members of the crew on boats engaged in catching fish or other forms of aquatic animal life are exempt from FICA tax if their remuneration is a share of the boat's catch (or cash proceeds from the sale of a share of the catch) and if the crew of such boat normally is made up of fewer than ten individuals. In addition, the remuneration received by those fishing boat crew members whose services are exempt for purposes of FICA is not considered to be wages for purposes of income tax withholding. Furthermore, the Economic Recovery Tax Act of 1981 (P.L. 97-34) provided that wages paid during 1981 to certain fishing boat crew members who are self-employed for purposes of FICA are not subject to FUTA taxes.

House bill

No provision.

Senate amendment

The Senate amendment extends for one year (through 1982) the FUTA tax exemption for wages paid to fishermen whose remuneration is exempt for purposes of FICA. The provision applies to remuneration paid during 1982.

Conference agreement

The conference agreement follows the Senate amendment.

11. ELIGIBILITY REQUIREMENTS FOR TRADE ADJUSTMENT ASSISTANCE (SEC. 404 OF THE SENATE AMENDMENT AND SEC. 2514(a)(2)(A) OF P.L. 97-35)

Present law

Under prior law, workers could be certified eligible to apply for benefits under the trade adjustment assistance program if increased imports "contributed importantly" to worker layoffs and production/sales declines of the firm. Pursuant to the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) the causation standard was strengthened to require that increased imports be a "substantial cause" of such layoffs and declines, defined as a cause which is "important and not less than any other cause." The new test applied to petitions filed on or after February 9, 1982.

House bill

No provision.

Senate amendment

The Senate amendment amends Public Law 97-35 to restore the "contributed importantly" standard through September 30, 1983, the statutory termination date of the program. The provision is effective on date of enactment.

Conference agreement

The conference agreement follows the Senate amendment.

12. MEDICARE ENROLLMENT PERIOD FOR INDIVIDUALS FORMERLY ELIGIBLE FOR BENEFITS UNDER THE PUBLIC HEALTH SERVICE ACT (SEC. 407 OF THE SENATE AMENDMENT AND SEC. 322(A) OF THE PUBLIC HEALTH SERVICE ACT)

Present law

Individuals who voluntarily choose to enroll in the Supplementary Medical Insurance (Part B) portion of the Medicare program may enroll during one of two periods: (1) their initial enrollment period, which is based on the date when such individuals meet the eligibility requirements for enrollment, or (2) during a general enrollment period, during which persons who failed to enroll during their initial period or whose enrollment has been terminated may first enroll or re-enroll. Individuals who elect to enroll after their initial opportunity to do so, or who re-enroll after a termination of coverage, are required (with certain minor exceptions) to pay increased monthly premiums for delinquent enrollment of 10 percent for each 12 months of delay in enrollment or re-enrollment.

House bill

No provision.

Senate amendment

The Senate amendment establishes a special Part B enrollment period from April 1, 1982 through December 31, 1982 for certain individuals (generally elderly merchant seamen) who were formerly eligible for benfits under section 322(a) of the Public Health Services Act (between March 10, 1981 and through September 30, 1981) and who were eligible but not enrolled in the Medicare Part B program. No portion of any period during which such persons were entitled to benefits under the Public Health Service Act counts in determining any increase in monthly premiums for delinquent enrollment. The provision is effective on the date of enactment.

Conference agreement

The provision was deleted from this bill because a similar provision was included in the Tax Equity and Fiscal Responsibility Act of 1982 (P.L. 97-248).

II. ESTIMATED BUDGET EFFECTS

ESTIMATED BUDGET EFFECTS OF H.R. 4717 AS AGREED TO BY THE CONFERENCE COMMITTEE, FISCAL YEARS 1983-1986

[In millions of dollars]

Provision	1983	1984	1985	1986
A. Tax Provisions:				
One-year postponement of effective date for LIFO reserve recapture rule	−56	(2)	(2)	(2)
Modification of net operating loss rule for the Federal National Mortgage Association	−14	14		
Rollover of gain on FCC-ordered disposition of broadcast property	(1)	(1)		
Expansion of oil shale tax credits	(2)			
Annuities for survivors of Tax Court judges (outlays)	(3)	(3)	(3)	(3)
Modification of certain Tax Court procedural rules				
Furnishing of Form W-2 to terminated employees				
Withholding of State income tax from seamen's wages				
Reduction in excise taxes on wagering	−8	−14	−16	−17
Total, tax provisions*	−89	−11	−22	−23
B. Other Provisions:				
Unemployment benefits paid to ex-service members (outlays)**	90	70	60	55
Eligibility requirements for trade adjustment assistance (outlays)	(4)	(4)	(4)	(4)
One-year extension of existing FUTA exemption for certain fishermen	(5)			

[1] Loss of less than $10,000,000.
[2] Loss of less than $5,000,000.
[3] Increases outlays by less than $50,000.
[4] Increases outlays by indeterminate amount.
[5] Revenue loss of less than $1,000,000.
* For budget scorekeeping purposes, totals include $3 million for each figure shown as "less than $5 million" and $5 million for each figure shown as "less than $10 million."
**Preliminary estimate supplied by the Congressional Budget Office.

DAN ROSTENKOWSKI,
SAM M. GIBBONS,
C. B. RANGEL,
PETE STARK,
HAROLD FORD,
BARBER B. CONABLE,
JOHN J. DUNCAN,
BILL FRENZEL,
Managers on the Part of the House.

BOB DOLE,
BOB PACKWOOD,
MALCOLM WALLOP,
RUSSELL B. LONG,
HARRY F. BYRD, Jr.,
Managers on the Part of the Senate.

Mr. ROSTENKOWSKI. Mr. Speaker, I call up the conference report on the bill, H.R. 4717, to delay for 1 year the effective date of certain provisions recognizing gain on certain dispositions of LIFO inventories, to make adjustments in the net operating loss carryback and carryforward rules for the Federal National Mortgage Association, and to require information returns with respect to safe harbor leases, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. CONABLE. Mr. Speaker, reserving the right to object, I do so for the purpose of exploring the meaning of this particular proposal as it has come from conference, with my distinguished chairman.

Mr. Speaker, I would like to ask him if he has an explanation of the provisions of this measure.

Mr. ROSTENKOWSKI. Mr. Speaker, will the gentleman yield to me?

Mr. CONABLE. I yield to the gentleman such time as he may consume, pursuant to my reservation of objection.

Mr. ROSTENKOWSKI. I thank the gentleman for yielding so that I may explain the conference report.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report presently being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, the House and Senate conferees have reached agreement on H.R. 4717, the Miscellaneous Revenue Act of 1982. I rise today to ask the House to apporove the conference agreement.

The most significant provision of the bill would delay the effective date of the LIFO reserve recapture rule enacted in Public Law 96-223 for 1 year. This provision was included in both House and Senate bills. The conferees have agreed that this deferred effective date will apply to the first $1 million of LIFO reserves for liquidations occurring on or before December 31, 1983.

The conference agreement also includes the modification of the net operating loss rule for the Federal National Mortgage Association as contained in both House and Senate versions of the bill

The other provisions of the conference agreement relate to provisions added by the Senate Finance Committee. These include any expansion of oil shale credits for 1981 and 1982 tax years, a reduction in gambling excise and occupational taxes in States where gambling is authorized by State law, a modification of the nonrecognition rules for a certain FCC-ordered disposition of broadcast property, revisions to the procedural rules of the Tax Court, and increases in the survivors' annuities of Tax Court judges. Two other minor and noncontroversial changes to withholding provisions are also included.

The conference agreement also contains two unemployment compensation related amendments. First, under present law, individuals who leave the military at the end of a term of enlistment are not eligible for Federal unemployment benefits if they had the opportunity to reenlist. In effect, this provision prevents most ex-service members who cannot find civilian jobs immediately after leaving the military from receiving unemployment benefits. The conference agreement substitutes new eligibility requirements for those under present law. Under the conference agreement, 13 weeks of

Federal benefits would be payable, after a 4-week waiting period, to unemployed ex-service members who had completed their first full term of active service. Certain individuals separated from the military because of hardship, disability, for the convenience of the Government or other reasons could receive benefits even though they have not completed their first full term of service. The fairness that this amendment brings to the treatment of unemployed ex-service members reflects the great effort that our distinguished colleague from Pennsylvania, DON BAILEY, has continuously made on their behalf. Throughout his service on the Committee on Ways and Means, DON BAILEY has worked tirelessly on behalf of issues such as this, and as chairman, I want to thank him for his constant dedication and diligence.

Second, the Economic Recovery Tax Act of 1981 (Public Law 97-34) provided that wages paid during 1981 to certain fishing boat crew members who are self-employed for purposes of social security taxes are not subject to the Federal unemployment tax (FUTA). The conference agreement extends this FUTA exemption for an additional year.

Finally, the conference agreement includes a Senate amendment which revises the eligibility requirements for trade adjustment assistance for workers by restoring the "contributed importantly" standard for certification through September 30, 1983, which is the statutory termination date of the program.

Mr. Speaker the conference agreement before us represents a good compromise, and I recommend its adoption by the House.

Mr. CONABLE. Mr. Speaker, further reserving the right to object, this is a difficult matter involving several provisions. It has been pending and in conference since the end of last year.

For the purpose of further explanation of a provision of this measure, which has already been described in some detail by the chairman of the committee, and subject to my reservation, I now yield to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, one provision of this report dealing with unemployment compensation to ex-service personnel, is a troubling one. As agreed to in conference, this provision liberalizes last year's reform of the so-called UCX program. Current law limits benefits to individuals who did not resign or voluntarily leave the service. The conference provision would pay benefits to those who quit the service voluntarily after serving 2 years, even if they declined an offer to reenlist.

In fiscal year 1981, thousands of military personnel who were discharged under honorable or general conditions would not be allowed to reenlist. Personnel were discharged for drug abuse, unsuitability, misconduct, discreditable incidents, shirking, failure to support dependents, sexual perversion, fradulent enlistment, and prolonged unauthorized absence. Thousands more were discharged in lieu of court-martial. Such individuals most certainly cannot be held faultless for such discharges, and this provision would actually pay benefits to personnel who failed to perform in a responsible manner during their tours of duty.

The historic philosophy of our unemployment insurance program calls for paying benefits to those who lose jobs through no fault of their own. The UCX provision in H.R. 4717 openly contradicts the purpose of unemployment compensation. It simply cannot be justified. Additionally, the whole point of the 1981 UCX reform was to stop paying benefits to those who quit the military voluntarily or who were released for cause. The conference provision would provide UCX to those who quit the service voluntarily after serving 2 years, even if they declined an offer to reenlist. A civilian who declined an offer of suitable work would not be eligible for unemployment compensation. How can we in good conscience grant the privilege of benefits to the military while denying civilians of equal treatment? Further, if a civilian employee were involved in some of the activities for which military personnel receive honorable or general discharges, they would be fired and therefore ineligible for benefits.

In addition, recruitment standards for the military have been raised as national unemployment has increased. Under H.R. 4717, benefits would be paid to individuals who willingly quit military service in a job-scarce economy. Many civilians do not have the luxury of leaving unsatisfactory jobs to collect unemployment compensation while searching for more favorable employment. It is again evident that this provision fosters a double standard for American workers.

Further, in a time of scarce resources for the deserving and needy segments of society, we are considering a provision which would increase 1983 outlays by more than $100 million above the President's request. Over a 5-year period, CBO estimates this provision would cost an additional $359 million.

I have objected to the UCX program, since we started discussing it 2 years ago. I still think it is an unwise program.

Even though I am not satisfied with the conclusion of this conference report on UCX, but it should not be used to hold up the other half-dozen provisions in this bill.

The conference committee, over a 10-month period, has worked very hard and done its best. We cannot make any more out of it than what we have now so I signed the conference report. I reluctantly support the package.

Mr. CONABLE. Further reserving the right to object, Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. KINDNESS).

Mr. KINDNESS. I thank the gentleman from New York for yielding to me.

Mr. Speaker, I asked for this time just to direct a question to the gentleman from Illinois (Mr. ROSTENKOWSKI), the chairman of the Ways and Means Committee.

I understand that it was not timely or appropriate to get relief in this legislation for State tax commissioners, who brought to our attention the requirement of section 313 of the tax bill passed earlier this year, imposing a very considerable additional cost on States to send out an extra report to people who receive refunds of State or local income taxes.

We require under section 313 of the tax bill that report be sent out to people in January. Most States send it out earlier, along with the refund. I would certainly ask that the Ways and Means Committee act before next year, which is when that requirement will go into effect, so that we do not have, in the case of California, unnecessary postage alone which is going to be $2.5 million extra, and in the case of the State of Ohio, the total cost the extra reports including postage is something in that same neighborhood, and among all the States it would be considerable. But if we just changed that requirement to make it necessary for the States to report by the end of January, it would relieve them of that extra reporting responsibility and would be very much welcomed by the States.

I would hope that could be considered in the near future by the Ways and Means Committee.

Mr. ROSTENKOWSKI. Mr. Speaker, will the gentleman yield to me?

Mr. CONABLE. I yield to the gentleman from Illinois.

Mr. ROSTENKOWSKI. I thank the gentleman for yielding.

Mr. Speaker, the gentleman points out a potential problem here, but it is certainly unrelated to this legislation. However, it was complex legislation that we passed last August, and we probably will review much of it early next year.

Mr. KINDNESS. I thank the gentleman from Illinois.

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Mr. CONABLE. Mr. Speaker, further reserving the right to object, I be-

lieve there are other provisions that should be discussed, at least modestly, and I would like to add something to the explanation of the chairman, if I may.

For instance, the LIFO provisions have drawn some controversy in this particular measure. The LIFO is, in the measure, delayed until January 1, 1983, the effective date of changes in the tax treatment of LIFO accounting which were enacted as part of the Crude Oil Windfall Profit Tax Act of 1980 and which are scheduled to take effect January 1, 1982.

LIFO stands for the "last-in, first-out" method of accounting for inventory profits. It is LIFO accounting in inflationary times because it reduces what would otherwise be artifically high nominal profits. Part of LIFO accounting includes the establishment of a reserve account which represents deferred inventory profits and is ultimately captured.

Under the normal corporate tax rules, no gain or loss is recognized in a liquidation where there is an exchange of assets for stock held by the shareholders. The Crude Oil Windfall Profit Tax Act provided that beginning January 1, 1982, the corporate liquidation of LIFO inventory assets generally will be a taxable transaction. That is, the LIFO reserve will be taxed as ordinary income. H.R. 4717 postpones the effective date of this change until January 1, 1983.

This gives us some idea as to how long this matter has been pending and how many taxpayers are concerned about it.

The extent to which LIFO reserves may come into play under this extension is limited, and this undoubtedly will come as less than good news to many businesses. However, it became clear in the conference that the limitation, up to $1 million of those LIFO reserves, was the best obtainable. This is obviously a subject to which the Committee on Ways and Means can be expected to return in the relatively near future.

Mr. Speaker, there also is a net operating loss carryover and carryback provision which gives Fannie Mae a status similar to that at other banks. Fannie Mae as it presently stands is much in the same relationship to the mortgage market that banks are, and it should have the same net operating loss carryovers and carrybacks that banks do. If we do not give Fannie Mae this power, it will affect Fannie Mae's ability to finance the purchase of additional mortgages. This has been pending also for all too long a time.

We are also taking a few comparatively modest amendments added by the Senate, in one of which I have an interest only because it affects New York State. It involves the compulsory divesture under the Federal Communication Commission rules of a television station and a tax free acquisition of a newspaper. And that incidentally has been taken care of on a very limited basis. The measure generally represents a good balance, and I intend to support it.

Unless there are other requests for time, Mr. Speaker, I believe this matter has now been adequately explained.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that the statement of the managers be read in lieu of the report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see prior pages of today's proceedings of the House.)

Mr. ROSTENKOWSKI (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

SUBCHAPTER S REVISION ACT OF 1982

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6055) to revise subchapter S of the Internal Revenue Code of 1954—relating to small business corporations—with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 8, strike out lines 15 to 24, inclusive and insert:

"(B) MANNER AND TIME OF ELECTION.—

"(i) SEPARATE ELECTION WITH RESPECT TO EACH S CORPORATION.—An election under this paragraph shall be made separately with respect to each S corporation the stock of which is held by the trust.

"(ii) ELECTIONS WITH RESPECT TO SUCCESSIVE INCOME BENEFICIARIES.—If there is an election under this paragraph with respect to any beneficiary, an election under this paragraph shall be treated as made by each successive beneficiary unless such beneficiary affirmatively refuses to consent to such election.

"(iii) TIME, MANNER, AND FORM OF ELECTION—Any election, or refusal, under this paragraph shall be made in such manner and form, and at such time, as the secretary may prescribe.

Page 9, strike out all after line 15 over to and including line 4 on page 10, and insert:

"(C) the terms of which require that—

"(i) during the life of the current income beneficiary there shall be only 1 income beneficiary of the trust,

"(ii) any corpus distributed during the life of the current income beneficiary may be distributed only to such beneficiary,

"(iii) the income interest of the current income beneficiary in the trust shall terminate on the earlier of such beneficary's death or the termination of the trust, and

"(iv) upon the termination of the trust during the life of the current income beneficiary, the trust shall distribute all of its assets to such beneficiary.

Page 14, strike out lines 4 to 21, inclusive, and insert:

"(3) Where passive investment income exceeds 25 percent of gross receipts for 3 consecutive taxable years and corporation has subchapter C earnings and profits.—

"(A) TERMINATION.—

"(i) IN GENERAL.—An election under subsection (a) shall be terminated whenever the corporation—

"(I) has subchapter C earnings and profits at the close of each of 3 consecutive taxable years, and

"(II) has gross receipts for each of such taxable years more than 25 percent of which are passive investment income.

"(ii) WHEN EFFECTIVE.—Any termination under this paragraph shall be effective on and after the first day of the first taxable year beginning after the third consecutive taxable year referred to in clause (i).

"(iii) YEARS TAKEN INTO ACCOUNT. A prior taxable year shall not be taken into account under clause (i) unless—

"(I) such taxable year began after December 31, 1981, and

"(II) the corporation was an S corporation for such taxable year.

Page 27, after line 11, insert:

"(3) REDUCTION IN PASS-THRU FOR TAX IMPOSED ON EXCESS NET PASSIVE INCOME.—If any tax is imposed under section 1375 for any taxable year on an S corporation, for purposes of subsection (a), each item of passive investment income shall be reduced by an amount which bears the same ratio to the amount of such tax as—

"(A) the amount of such item, bears to

"(B) the total passive investment income for the taxable year.

Page 33, after the matter which follows line 8, insert:

"Sec. 1375. Tax imposed when passive investment income of corporation having subchapter C earnings and profits exceeds 25 percent of gross receipts.

Page 39, after line 24, insert:

"SEC. 1375. TAX IMPOSED WHEN PASSIVE INVESTMENT INCOME OF CORPORATION HAVING SUBCHAPTER C EARNINGS AND PROFITS EXCEEDS 25 PERCENT OF GROSS RECEIPTS.

"(a) GENERAL RULE.—If for the taxable year an S corporation has—

"(1) subchapter C earnings and profits at the close of such taxable year, and

"(2) gross receipts more than 25 percent of which are passive investment income,

then there is hereby imposed a tax on the income of such corporation for such taxable year. Such tax shall be computed by multiplying the excess net passive income by the highest rate of tax specified in section 11 (b).

"(b) DEFINITIONS.—For purposes of this section—

"(1) EXCESS NET PASSIVE INCOME.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'excess net passive income' means an amount which bears the same ratio to the net passive income for the taxable year as—

"(i) the amount by which the passive investment income for the taxable year exceeds 25 percent of the gross receipts for the taxable year, bears to

"(ii) the passive investment income for the taxable year.

"(B) LIMITATION.—The amount of the excess net passive income for any taxable year shall not exceed the corporation's taxable income for the taxable year (determined in accordance with section 1374(d)).

"(2) NET PASSIVE INCOME.—The term 'net passive income' means—

"(A) passive investment income, reduced by

"(B) the deductions allowable under this chapter which are directly connected with the production of such income (other than deductions allowable under section 172 and part VIII of subchapter B).

"(3) PASSIVE INVESTMENT INCOME; ETC.—The terms 'subchapter C earnings and profits', 'passive investment income', and 'gross receipts' shall have the same respective meanings as when used in paragraph (3) of section 1362(d).

"(c) SPECIAL RULES.—

"(1) DISALLOWANCE OF CREDIT.—No credit shall be allowed under part IV of subchapter A of this chapter (other than section 39) against the tax imposed by subsection (a).

"(2) COORDINATION WITH SECTION 1374.—If any gain—

"(A) is taken into account in determining passive income for purposes of this section, and

"(B) is taken into account under section 1374, the amount of such gain taken into account under section 1374 shall be reduced by the portion of the excess net passive income for the taxable year which is attributable (on a pro rata basis) to such gain.

Page 43, strike out lines 9 to 19, inclusive, and insert:

"(3) STOCK ACQUIRED BY REASON OF DEATH, GIFT FROM FAMILY MEMBER, ETC.—

"(A) IN GENERAL.—For purposes of paragraph (2), if—

"(i) a person acquired stock in the corporation after December 31, 1982, and

"(ii) such stock was acquired by such person—

"(I) by reason of the death of a qualified transferor,

"(II) by reason of a gift from a qualified transferor who is a member of such person's family, or

"(III) by reason of a qualified buy-sell agreement from a qualified transferor (or his estate) who was a member of such person's family,

then such stock shall be treated as held on December 31, 1982, by the person described in clause (i).

"(B) QUALIFIED TRANSFEROR.—For purposes of subparagraph (A), the term 'qualified transferor' means a person—

"(i) who held the stock in the corporation (or predecessor stock) on December 31, 1982, or

"(ii) who acquired the stock in an acquisition which meets the requirements of subparagraph (A).

"(C) FAMILY.—For purposes of subparagraph (A), the term 'family' has the meaning given such term by section 267(c)(4).

"(D) QUALIFIED BUY-SELL AGREEMENT.—For purposes of subparagraph (A), the term 'qualified buy-sell agreement' means any agreement which—

"(i) has been continuously in existence since September 28, 1982, and

"(ii) provides that on the death of any party to such agreement, the stock in the S corporation held by such party will be sold to surviving parties to such agreement who were parties to such agreement on September 28, 1982.

Page 70, line 14, strike out "provided in subsection (b)" and insert "otherwise provided in this section".

Page 71, after line 5, insert:

(3) NEW PASSIVE INCOME RULES APPLY TO TAXABLE YEARS BEGINNING DURING 1982.—In the case of a taxable year beginning during 1982—

(A) sections 1362(d)(3), 1366(f)(3), and 1375 of the Internal Revenue Code of 1954 (as amended by this Act) shall apply, and

(B) section 1372(e)(5) of such Code (as in effect on the day before the date of the enactment of this Act) shall not apply.

Page 71, line 9, strike out June 23 and insert "September 28".

Page 73, after line 7, insert:

(3) CERTAIN CORPORATIONS WITH OIL AND GAS PRODUCTION.—

(A) IN GENERAL.—In the case of any qualified oil corporation—

(i) the amendments made by this Act shall not apply, and

(ii) subchapter S (as in effect on July 1, 1982) of chapter 1 of the Internal Revenue Code of 1954 shall apply.

(B) QUALIFIED OIL CORPORATION.—For purposes of this paragraph, the term "qualified oil corporation" means any corporation if—

(i) as of September 28, 1982, such corporation—

(I) was an electing small business corporation, or

(II) was a small business corporation which made an election under section 1372(a) after December 31, 1981, and before September 28, 1982,

(ii) for calendar year 1982, the combined average daily production of domestic crude oil or natural gas of such corporation and any one of its substantial shareholders exceeds 1,000 barrels, and

(iii) such corporation makes an election under this subparagraph at such time and in such manner as the Secretary of the Treasury or his delegate shall prescribe.

(C) AVERAGE DAILY PRODUCTION.—For purposes of subparagraph (B), the average daily production of domestic crude oil or domestic natural gas shall be determined under section 613A(c)(2) of such Code without regard to the last sentence thereof.

(D) SUBSTANTIAL SHAREHOLDER.—For purposes of subparagraph (B), the term "substantial shareholder" means any person who on July 1, 1982, owns more thn 40 percent (in value) of the stock of the corporation.

Page 73, line 8, strike out (3) and insert "(4)".

Page 74, after line 7, insert:

(d) TREATMENT OF EXISTING FRINGE BENEFIT PLANS.—

(1) IN GENERAL.—In the case of existing fringe benefits of a corporation which as of September 28, 1982, was an electing small business corporation, section 1372 of the Internal Revenue Code of 1954 (as added by this Act) shall apply only with respect to taxable years beginning after December 31, 1987.

(2) REQUIREMENTS.—This subsection shall cease to apply with respect to any corporation after whichever of the following first occurs:

(A) the first day of the first taxable year beginning after December 31, 1982, with respect to which the corporation does not meet the requirements of section 1372(e)(5) of such Code (as in effect on the day before the date of the enactment of this Act),

(B) any termination after December 31, 1982, of the election of the corporation under subchapter S of chapter 1 of such Code, or

(C) the first day on which more than 50 percent of the stock of the corporation is newly owned stock within the meaning of section 1378 (c) (2) of such Code (as amended by this Act).

(3) EXISTING FRINGE BENEFIT. For purposes of this subsection the term "existing fringe benefit" means any employee fringe benefit of a type which the corporation provided to its employees as of September 28, 1982.

Page 74, after line 7, insert:

(e) TREATMENT OF CERTAIN ELECTIONS UNDER PRIOR LAW.—For purposes of section 1362(g) of the Internal Revenue Code of 1954, as amended by ths act (relating to no election permitted within 5 years after termination of prior election), any termination under section 1372(e) of such Code (as in effect on the day before the date of the enactment of this Act) shall not be taken into account.

Mr. ROSTENKOWSKI (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. CONABLE. Mr. Speaker, reserving the right to object, I ask the distinguished chairman if he would wish to explain this measure so that the Members can understand what it is about.

Mr. ROSTENKOWSKI. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Illinois.

Mr. ROSTENKOWSKI. Mr. Speaker, on September 20, the House passed H.R. 6055, the Subchapter S Revision Act of 1982. This is a very important tax bill for small business corporations. As I noted during House consideration of H.R. 6055, the bill simplifies and updates the tax rules in the Internal Revenue Code that permit certain small businesses to incorporate and operate without the imposition of tax at both the corporate and shareholder level. This legislation is the result of a collegial effort within and without the Congress. The original bill was cosponsored by the chairman and ranking minority members of the House and Senate tax-writing committees. It represents literally a decade of work by the respective tax staffs in cooperation with the Treasury Department, the professional tax bar, accounting groups and small business reepresentatives.

Mr. Speaker, a long and considered effort went into making this legislation a consensus product. The smooth

sailing this bill has had in the House and Senate testifies to that. Where differences over the details arose, they were modest and have been resolved by careful compromise.

Yesterday, the Senate passed H.R. 6055 with several amendments developed in the Senate Finance Committee consideration of the legislation. I would like to summarize the principal Senate amendments for the Members of the House.

The major Senate amendment to the House-passed bill involves the passive investment income limitation. The House bill repealed the subchapter S limitation for most small business corporations but retained it in the case of subchapter C corporations that have accumulated earnings and profits and then elect subchapter S treatment. In short, the outright repeal of the 20-percent passive income test would have presented tax bailout opportunities in such cases. The Senate bill has modified the House bill by raising the passive income limit to 25 percent and applying a corporate level tax to the investment income in excess of that amount instead of having a corporation lose its subchapter S status. Only firms exceeding the limit for 3 consecutive years would have their subchapter S election terminated. The general repeal of the passive income limitation and the new 3-year provisions would be effective beginning in 1982.

The Senate amendments also included a rule that would allow existing subchapter S corporations to continue corporate tax treatment of existing employer-provided fringe benefits through 1987. Under the provision in the House bill, subchapter S corporations would be treated as partnerships beginning in 1983.

The Senate also provided that, upon enactment of these new subchapter S provisions, any termination of an election under prior law, which ordinarily bars subchapter S status for the next 5 years, would not be taken into account. This would permit small business corporations that terminated their subchapter S status under old law to qualify for the new rules beginning with the general effective date of 1983. The Senate amendments further conformed the effective date rules for old-law treatment of certain subchapter S DISC's and foreign subsidiaries to the date of Senate Finance Committee action. Finally, the Senate amendments included several amendments of a purely technical nature.

Mr. Speaker, I recommend that the House concur in the Senate amendments to H.R. 6055. The Senate's modest amendments to the House version are generally fair compromises and, in the case of the technical amendments, further simplify the subchapter S system and remove additional traps for unwary taxpayers. It is very late in this Congress. We now have an opportunity to bring to a successful conclusion over a decade of hard work on a major protaxpayer simplification project. Enactment of H.R. 6055 will be a major congressional contribution to the small business sector of the economy. The bill should be passed in time to speed its implementation by the IRS and taxpayers in 1983. In closing, it would be remiss of me to fail to call to the attention of the House the hard work and support this project has received from its cosponsors: Senator DOLE and Senator LONG in the other Chamber, and Mr. CONABLE, the ranking minority member of the Committee on Ways and Means. Also, Mr. STARK should be congratulated for the many hours spent perfecting this legislation in the Subcommittee on Select Revenue Measures.

Mr. CONABLE. Mr. Speaker, further reserving the right to object, this bill is long overdue, and I want to congratulate the chairman for finally bringing it to the floor, because it is a good bill and the amendments of the Senate are an improvement over our own work. That is not always the case.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Speaker, I also want to congratulate the conference committee for making it a better bill, particularly with respect to the passive income test.

Mr. CONABLE. Mr. Speaker, if I may explain some of the changes very briefly, because the chairman has already gone into it, the Senate amendments liberalize H.R. 6055, as passed by the House, and make it easier for families to retain ownership in subchapter S corporations. One of the difficulties there has been the irreversibility of elections made as part of subchapter C and subchapter S corporations.

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Specifically, the Senate amendments first liberalize the passive income tax test by raising the allowable amount of passive income to 25 percent from 20 percent.

Second, it allows certain transfers of stock to be made between family members without requiring the corporation to lose its subchapter S status.

Third, it continues the current treatment of fringe benefits for 5 years, something that was not included as originally passed in the House measure.

Fourth, it allows certain corporations which currently cannot do so to reelect subchapter S status. Thus, in some cases, the election can be reversed.

Other technical changes are made that in no way vitiate the corrective effects of this measure.

In my judgment, as passed by the Senate, this is a better bill than we passed previously and the conference report should be approved.

Mr. CONABLE. Mr. Speaker, I know of no other requests and, therefore, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Illinois?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the measure just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REQUEST FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 6056, TECHNICAL CORRECTIONS ACT OF 1982

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6056), to make technical corrections related to the Economic Recovery Tax Act of 1981, the Crude Oil Windfall Profit Tax Act of 1980, and the Installment Sales Revision Act of 1980, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. FRENZEL. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

● Mr. PICKLE. Mr. Speaker, since the gentleman from Minnesota has already objected to the consideration of H.R. 6056, the Technical Corrections Act of 1982, I will not further impose on the time of the House this evening. It had been my intent to reserve the right to object and to ask the gentleman from Illinois, my committee chairman, if that legislation contained a Senate amendment which would allow an airline, in a bankruptcy proceeding, to sell an aircraft to a foreign carrier without running the risk of recapture of any foreign tax credits.

Mr. Speaker, assuming these were the facts, the effect of this amendment would be to insulate companies entering into safe harbor lease transactions from the risk of losing a portion of the tax benefit because of a

possible bankruptcy. This is tantamount to a Federal guarantee.

We already have provided, as part of the recently passed tax bill, generous transitional rules that permit one or two airline carriers to use the old safe harbor leasing rules rather than the new restrictive ones. We should not further expand this unfair advantage by way of an amendment to the technical corrections bill.

Further, it is my understanding that this amendment would allow assets which have had the benefit of investment credit treatment to be sold to a foreign person for use in a foreign country and continue to have that tax advantage. This, I think, is unchartered territory and deserves an extensive review.

While it had been my intent to object to the consideration of H.R. 6056 on the basis of this amendment, I now place this statement in the RECORD so that Members might know of the unfair nature of that provision.●

REQUEST FOR CONSIDERATION OF H.R. 3197, AUTHORIZING APPROPRIATIONS FOR CERTAIN HIGHWAY CONSTRUCTION

Mr. HOWARD. Mr. Speaker, I call up the bill (H.R. 3197) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, to amend the Highway Safety Act of 1966, to authorize appropriations, and for other purposes, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. ROSTENKOWSKI. Mr. Speaker, reserving the right to object, I would ask the gentleman from New Jersey to explain the bill.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. ROSTENKOWSKI. I yield to the gentleman from New Jersey.

Mr. HOWARD. Mr. Speaker, the measure which we bring before the House today is the result of enormous effort and determination on the part of the Committee on Public Works and Transportation to keep at least a minimal highway program going.

Starting early in this session, we moved a major, 4-year highway, safety and transit bill consistent with the needs of the country, but which would have required a revenue increase that failed to materialize.

Then we moved with a scaled-down, 1-year bill that still contained a number of policy changes and other provisions which we thought worthwhile, and also provided authorizations for transit as well as highways and safety. Delays not of our making have made it no longer possible to pursue that measure at this late date—partly because no public transportation bill has emerged from the Senate and partly because of differences between the two Houses on highway legislation.

Now we are down to the wire on the closing day of the regular session, and incidentally the date by which the Federal Highway Administration has told us that some 30 States are out of money for a number of our basic programs. For this reason, we offer the House what is the final opportunity to keep the highway program going without disastrous disruption.

Despite the hour, this measure does have the virtue of having been worked out in advance with the Senate Commerce Committee on Environment and Public Works, which is prepared to accept it as is in lieu of S. 2474 which was passed on the Senate floor today. It can pass and pass today. I particularly want to offer some assurances to Members who might be concerned over the fact that this compromise package, which was only agreed to earlier today, has not been available for examination.

It is well within the budget totals assigned to highway direct spending by the budget resolution; in fact, our committee is well within its direct spending authority for all programs. Policy changes contained in both H.R. 6211 and H.R. 6965 have been held to a minimum.

The bill authorizes $8.865 billion in contract authority from the Highway Trust Fund, of which the bulk goes for the basic Federal-aid programs: Interstate construction, $3.3 billion; interstate 4-R, $1 billion; primary highways, $1.5 billion; bridges, $1 billion; secondary highways, $400 million, and urban highways, $800 million. These represent either increases over existing law or continuation at existing levels.

The remainder of contract authority programs are generally at current levels or somewhat reduced. The same is generally true of appropriated programs for which appropriations are required, whose direct spending authority is allocated to the Committee on Appropriations.

Also contained in this package, which we are bringing up for consideration under unanimous consent, is a basic 1-year extension of the Highway Trust Fund which is needed to continue the authorized programs for 1 year. Essentially an extension of existing law, it does contain language to provide iron-clad assurance—if any be needed—that authorizations in the future cannot exceed the ability of the trust fund to finance without threat of insolvency.

The Byrd amendment in existing law provides as absolute assurance against the trust fund's being oversubscribed, and it has not been invoked in more than 20 years. It certainly would not be triggered by this measure before the House, or any measure which the Committee on Public Works and Transportation intends to bring to the floor in the future.

However, to provide additional assurance to anyone with concerns over this matter, our language also provides that a point of order may lie against floor consideration of any authorization measure which, if enacted, would trigger the Byrd amendment.

Mr. Speaker, this bill represents a compromise: A compromise with budget considerations, a compromise with the Senate, a compromise with those who claim the trust fund needs greater protection, and a compromise with the clock.

I do not ask that it be enacted for the sake of the committee, or in deference to our labors on surface transportation this year. I ask that it be enacted in the interest of the country, the people, the communities, and the industries served by the highway system in this country—a system that is in trouble.

I would like to lend my support and make clarifications on several projects which have been mentioned by several colleagues on this side of the aisle and the other.

Congressman JOHN BREAUX has a project in this legislation which could clear up a severe problem at the intersection of College Drive and Interstate 10 in East Baton Rouge, La. I agree with my colleague that this project should be given expeditious consideration.

In section 116(b), there is a project intended to demonstrate the latest state-of-the-art highway technology. It is stated in this section, among other criteria, that this project should close a gap of not more than 10 miles and connect both highway construction using current technology and older completed highway construction. I agree with my colleague, Mr. SHUSTER, of Pennsylvania, that this project should be given priority consideration and that a segment of route 220 from East Freedom, Pa. south to the Blair County/Bedford County line qualifies for all the specific criteria in this section and shall be eligible for this demonstration project and shall be funded.

In regard to discretionary bridges, I would like to make reference to those bridges mentioned by the committee in House Report 97-555. I agree with my colleagues that these bridges should be given priority consideration.

I also want to make it clear that the committee intends that the relevant legislative history in House Report 97-

555, including sections 105, 107, 118, 120, 127, 133, and 137, concerning special concerns and priorities apply to the appropriate provisions in our 1-year substitute.

I also want to note that the committee will be publishing a revised table of priority primary routes. This table will include the state of Franklin Road in the vicinity of Johnson City, Tenn. This matter was brought to our attention by the distinguished gentleman from Tennessee, JAMES QUILLEN, and I am most pleased that we have been able to take care of this important matter.

I would wholeheartedly agree with my colleague from California, Mr. CLAUSEN, that the Russian River Bridge near Cloverdale, Calif., receive priority funding under the discretionary bridge program and priority consideration should be warranted as referenced in section 122(b).

In addition, I would agree with ROBERT MICHEL, the distinguished minority leader, that the Franklin Street Bridge in Peoria, Ill., should be given priority in the allocation of discretionary bridge funds. The Franklin Street Bridge is in serious need of replacement because it is a narrow two-lane bridge serving 12,000 vehicles daily and has been closed frequently for repairs.

Congressman TRENT LOTT has also expressed his concern about two critical projects in Mississippi. I agree with Mr. LOTT that the Fort Bayou Bridge and the Moss Point-Escatawpa Bridge qualify under the discretionary bridge program and should be given priority consideration. The Fort Bayou Bridge would need $10.3 million and the Moss Point-Escatawpa Bridge would need $27 million.

This bill omits the provision contained in section 133 of H.R. 6965 requiring an investigation by the Comptroller General into competitive bidding practices with respect to highway and mass transit construction in this country. Our sole reason for dropping this provision is that it has proven to be unnecessary, This is because, since the time our highway legislation was first developed this past spring, the study has been requested and is now under way.

The deletion has been discussed by both the House and Senate sides with full agreement that, whether initiated by statute or otherwise, this investigation is urgently needed, has the support of both the House and Senate committees, and should be completed expeditiously.

The purpose of the language in section 108, dealing with resurfacing standards under section 109 of title 23, United States Code, is to assure that enhancement of highway safety result from the carrying out of any project for the resurfacing, restoring, or rehabilitation of any highway. The intent of this provision, morever, is to provide some flexibility to the States in the degree of safety improvement which reasonably can be required in the circumstances of a given project. It is explicitly not the intent of the committee, for example, that new construction standards necessarily be applied in every case.

During the discussions which led to the negotiation of this bill by both House and Senate committees, it was agreed that this would be the case.

One final point on this provision: It is further the intent of both sides that adequate opportunity for public participation be provided as standards mandated under this provision are developed to the point of approval by the Congress.

Congressman JACK BRINKLEY has been instrumental in calling to the committee's attention, the 13th Street viaduct bridge in Columbus, Ga. The bridge is a vital link in an east-west transportation corridor which facilitates the movement of interstate and intracity traffic. Replacement of the bridge is essential for two reasons. The bridge is in a state of disrepair resulting from 57 years of service. If the bridge were to be declared unsafe and placed out of service, the disruption to traffic flow and the progress of commerce would be severe. Second, the existing viaduct no longer meets the necessary traffic capacity standards. Traffic volume presently exceeds 20,000 vehicles per day. The Columbus-Phenix City transportation study calls for additional reliance on the 13th Street corridor for east-west traffic movement. A multilane replacement of the existing viaduct is imperative to provide necessary traffic capacity. The existing 13th Street viaduct bridge has a sufficiency rating under 50 and an estimated replacement cost of $13.8 million. The committee believes it should receive priority consideration under the discretionary bridge program.

Similarly, the Green Bridge in Manatee County, Fla., qualifies under the discretionary bridge program. It has a sufficiency rating of 28.7, and will cost $16.1 million to replace. It is structurally deficient, functionally obsolete, and yet vitally important to surface transportation in the county. The Green Bridge should receive priority consideration when discretionary bridge funds are distributed. The committee wishes to thank Congressman IRELAND for his tireless efforts on behalf of this project.

Chairman ANDERSON and Congressman SHAW have expressed a great concern over the availability of section 402 funding for safety projects related to motorcycle, bicycle, and pedestrian safety. It should be made quite clear that the States may apply for such funds. We are concerned, though, that the States may be laboring under the false impression that these programs are not eligible for funding despite the fact that they have proven successful and effective, and are certainly eligible for funding under requirements set forth in the Code of Federal Regulations.

Congressman GEORGE MILLER has worked hard to make this committee and the Federal Highway Administration aware of funding problems associated with the 24/I-680 interchange in California. The committee believes that the Federal Highway Administration should review its earlier decision to drop funding from this project as eligible under the interstate construction program, and are sympathetic to presentations made by Mr. MILLER that this project is eligible.

Mr. Speaker, I have also discussed with Mr. ANDERSON, Mr. SHUSTER, and Mr. CLAUSEN a number of other projects and policy concerns of other Members which Mr. SHUSTER has agreed to cover on his time. I want the record to show I concur with my colleagues from California and Pennsylvania concerning the intent of the committee and wish to state we are in agreement.

Mr. HOWARD. Mr. Speaker, the measure we intend to bring to the House at this time is a 1-year highway bill so that we can keep a minimal highway program going. It would require only a 1-year extension of the highway trust fund.

I understand the chairman of the Ways and Means Committee is going to object.

Mr. ROSTENKOWSKI. Further reserving the right to object, I would like to inquire of the gentleman from New Jersey whether or not the tax provisions as reported by the Ways and Means Committee are attached to the bill the gentleman is presently offering. Are his tax provisions the same provisions that were approved by the Ways and Means Committee or are they different?

Mr. HOWARD. If the gentleman means the exemption of the taxicab from it, I believe that they are not. It is a 1-year extension of the trust fund, a straight 1-year extension of the trust fund with an added provision that would make it not in order for either the House or the Senate Public Works Committee to bring to the floor of the House a highway bill which would trigger the Byrd amendment, meaning having obligations which could not be met by the funds coming to the trust.

Mr. ROSTENKOWSKI. If the gentleman will answer my question, is the text of the Ways and Means Committee bill included in the provisions offered by the gentleman?

Mr. HOWARD. The answer is no.

Mr. ROSTENKOWSKI. Mr. Speaker, I had hoped to offer the text of H.R. 7092, as reported by the Committee on Ways and Means, as a revenue

title to the legislation of the House Committee on Public Works and Transportation (H.R. 6211 and its substitute, H.R. 6965) which provides highway authorizations for fiscal year 1983.

Under present law, the transfer of highway excise tax revenues to and expenditure authority from the highway trust fund expire after September 30, 1984. The highway excise taxes are scheduled to be reduced or expire after that date. H.R. 7092 would provide a 1-year extension through September 30, 1985, of the highway trust fund and its related excise taxes.

This extension would have permitted the full amount of the fiscal year 1983 trust fund authorizations proposed by the Committee on Public Works and Transportation to be apportioned without triggering the present Byrd amendment. The Byrd amendment was included in the 1956 Highway Revenue Act to insure that the highway trust fund could not operate in a deficit position. This provision requires that, if the trust fund balance plus projected revenues are insufficient to fund existing unpaid authorizations plus the authorizations for the fiscal year in question, apportionments out of the trust fund must be proportionately reduced. Specifically, the current trust fund balance plus estimated revenues for fiscal years 1983 and 1984 are insufficient to cover the outstanding authorizations of $19 billion plus the new authorizations of $9.5 billion in the Public Works Committee's bill. Thus, H.R. 7092 would provide an additional year's revenues—those from fiscal year 1985—in order to fully fund the fiscal year 1983 authorizations.

H.R. 7092 also would transfer the highway trust fund provisions into the trust fund code of the Internal Revenue Code. Presently, the highway trust fund provisions are uncodified and may be found only in a note to section 120 of title 23 of the United States Code. Last year, the Committee on Ways and Means established a trust fund code in the Internal Revenue Code and began transferring the provisions of trust funds within the committee's jurisdiction into this code. Two funds, the black lung disability trust fund and the airport and airway trust fund, have already been transferred.

In transferring the highway trust fund provisions, certain modernizing and conforming changes would have been made—none of which was intended to have substantive effect. For example, the trust fund code provisions in the Internal Revenue Code contain general provisions applicable to all funds on transfers of revenues, required reports and fund investment policies. Therefore, separate provisions for each trust fund are not necessary.

Further, in transferring the highway trust fund provisions that govern expenditures from the fund, certain conforming and updating changes would be made. The present language has not been changed in many years, and still refers to the Federal-Aid Road Act of 1916 and the administrative expenses of the Bureau of Public Roads, The committee's bill would revise this provision to delete these archaic references,

Finally, the bill would provide that expenditures may be made out of the trust fund for all existing authorizations and for those authorizations approved by the Committee on Public Works in the present bill, H.R. 6965. This approach conforms to that presently used in the other trust funds, including the airport and airway trust fund, whereby the Committee on Ways and Means must make a conforming, updating change to the trust fund expenditure provisions when new authorization bills are approved by the Committee on Public Works and Transportation.

Let me emphasize that no substantive change to the legislative jurisdiction of the Committee on Ways and Means or the Committee on Public Works and Transportation would be made or is intended. The Committee on Public Works and Transportation has, and would fully retain, the ability to authorize spending out of the highway trust fund for specified purposes and for specific sums. The Committee on Ways and Means has and would retain the ability to review the overall authorizations so that conforming changes to the trust fund provisions and any adjustments to the trust fund taxes could be made as are necessary to insure the trust fund's continued solvency. Clearly, if authorization levels were significantly increased by the Committee on Public Works and Transportation, it would be the responsibility of the Committee on Ways and Means to raise highway taxes or extend the present taxes for longer periods of time. Clearly, if new authorizations from the trust fund were approved by the Committee on Public Works and Transportation to expand its purposes beyond Federal-aid highways, such as for mass transit operating purposes, the Committee on Ways and Means should review this decision and consider the trust fund ramifications of such a change. Simply stated, the Committee on Ways and Means has no jurisdiction over or interest in specific aspects of highway authorizations reported by the Public Works Committee. We do need to review the overall package to insure that trust fund revenues are sufficient to cover the authorizations and that the broad purposes of the authorizations are consistent with the purposes for which the trust fund was established or has been extended to cover.

Finally, H.R. 7092, would extend for 2 years the present exemption from the fuels excise taxes for fuel used by certain taxicabs, the present expiration date of December 31, 1982, would be extended through December 31, 1984. The committee has not had an opportunity to examine this issue and accordingly agreed to a limited extension. The committee expects to consider this matter next year during a comprehensive review of the highway trust fund.

Since the gentleman's unanimous-consent request does not include the carefully crafted language unanimously developed by our committee, I am unfortunately constrained to object at this time to his request to consider the full year highway bill. I understand the gentleman will bring up a shorter term bill for which there are highway trust fund moneys still available. I hope he proceeds with that effort and that we can resolve the longer term issue when Congress returns on November 29. We share a common goal for continuing the highway program, particularly for refurbishing what needs to be done, but we must proceed not only with a commitment to the authorizations that this work requires but also with a willingness to support the taxes that are necessary to pay for this most important work.

Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

FEDERAL-AID HIGHWAY ACT OF 1982

Mr. HOWARD. Mr. Speaker, I call up the Senate bill (S. 2574) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. ROSTENKOWSKI. Mr. Speaker, reserving the right to object, I do this really, wondering whether or not there are any excise tax provisions in the present legislation the gentleman is offering.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. ROSTENKOWSKI. I yield to the gentleman from New Jersey.

Mr. HOWARD. In the legislation I offer at this time there are no tax provisions whatsoever I say to the gentleman.

Mr. Speaker, I offer this highway extension, which in essence is an authorization version of a continuing resolution, as the only conceivable means

available to keep any sort of highway program going.

This authorization of the basic programs at or near current levels for fiscal year 1982, would tide the program over until the postelection session and the possibility of moving a regular authorization.

Why is this necessary, Mr. Speaker? It is necessary because it has been absolutely impossible to bring up a regular authorization, even a 1-year bill to which the Senate has agreed to take in conference or back to the Senate floor for final passage.

This in turn is due to our inability to obtain from the Committee on Ways and Means a simple extension of the highway trust find or 1 year, which is all that would be necessary to extend the program authorizations for 1 year.

We requested such an extension from the Committee on Ways and Means but were confronted instead with a 1-year extension that was accompanied by a substantial rewrite of the Highway Revenue Act. It would have made it impossible for the Committee on Public Works and Transportation to exercise its authorizing jurisdiction—with respect either to amounts or purposes—affecting expenditures of funds from the highway trust fund.

Any substantive amendment to the highway program would have required an amendment to the Internal Revenue Code, which naturally would have to originate in the Committee on Ways and Means.

This would have disrupted a partnership which has prevailed ever since enactment of the Highway Revenue Act of 1956 and in effect reconstituted the Committee on Ways and Means as the authorizing committee for the Federal-aid highway program.

We do not believe the House would intend such a radical restructuring of committee responsibilities; not without adequate notice, not without hearings, not without a vote of the full House under an open rule when alternatives could at least be considered.

We therefore requested the Rules Committee to grant a modified open rule on the Ways and Means Committee's proposal, making possible the offering of a genuine, simple, 1-year extension of the trust fund. This we requested in lieu of the closed rule sought by the Committee on Ways and Means. In the absence of a compromise between the two committees, the Committee on Rules declined to grant any rule whatever.

Since that time, we have attempted to work out a compromise, with the Committee on Ways and Means, which disclaims any designs on our jurisdiction. Its principal concern, we have been told, is over the aggregate amounts that could be authorized out of the highway trust fund. But, if you read the Ways and Means language—just read the language of H.R. 7092 as reported and for which a closed rule was formally requested—you'll quickly disabuse yourself of that notion.

We have been absolutely unable to reach a compromise with the Committee on Ways and Means, which has continued to insist on language which is unacceptable, and should be unacceptable, to supporters of the highway program in this House or out in the country.

Substantively and procedurally, such a measure has no place in a 1-year extension.

We have worked out an agreement on highway authorizations which the Senate has agreed to take instantly. But, we need an extension of the trust fund to do this. We offered such an extension, with language assuring that the trust fund will be protected, and there is objection. Therefore, there is no alternative to the measure we place before the House. All I can say for it is that it is better than nothing.

This provision extends authorizations for the interstate construction program for 1 year at a level of $3.225 billion. Interstate 4R is continued, also for 1 year, by existing law at $800 million.

We also approve the apportionment factors for the Interstate System, without which no funds can be apportioned for the new fiscal year.

Also in the bill are authorizations at current funding levels for the following programs: Primary, secondary, urban, forest highways, public lands highways, economic growth centers, great river road, and priority primary.

This measure also extends other programs at current funding levels through December 15, 1982: bridge replacement and rehabilitation, hazard elimination, rail-highway crossings, and discretionary bridges. Existing Buy America provisions also are extended.

It is to be regretted that the legislative process has been frustrated by this last minute problem with what should have been a simple, 1-year extension of the trust fund. Let us not compound the problem by allowing the program virtually to come to a halt on the spot.

I urge the enactment of the bill.

Mr. ROSTENKOWSKI. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2574

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal-Aid Highway Act of 1982".

REVISION OF AUTHORIZATION FOR APPROPRIATIONS FOR THE INTERSTATE SYSTEM

SEC. 102. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1984," and inserting in lieu thereof the following: "the additional sum of $3,300,000,000 for the fiscal year ending September 30, 1984,".

APPROVAL OF INTERSTATE COST ESTIMATE

SEC. 103. The Secretary of Transportation shall apportion for the fiscal year ending September 30, 1984, the sums authorized to be apportioned for such year by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of the committee print numbered 97-53 of the Committee on Public Works and Transportation of the House of Representatives.

OBLIGATION LIMITATION AND ALLOCATION FORMULA

SEC. 104. (a) Notwithstanding any other provision of law, the total of all obligations for Federal aid highways and highway safety construction programs for fiscal year 1983 shall not exceed $8,200,000,000. This limitation shall not apply to obligations for emergency relief under section 125 of title 23, United States Code, and section 9 of the Federal-Aid Highway Act of 1981, except chapter 3 of the Urgent Supplemental Appropriations Act of 1982 (Public Law 97-216), and obligations with respect to Union Station under Public Law 97-125. Obligation constraints shall be placed upon any ongoing emergency project carried out under section 125 of title 23, United States Code.

(b) For the fiscal year 1983, the Secretary shall distribute the limitation imposed by subsection (a) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned to each State for such fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned to all the States for such fiscal year.

(c) During the period October 1 through December 31, 1982, no State shall obligate more than 35 per centum of the amount distributed to such State under subsection (b), and the total of all State obligations during such period shall not exceed 25 per centum of the total amount distributed to all States under such subsection.

(d) Notwithstanding subsections (b) and (c), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code.

(2) after August 1, 1983, revise a distribution of the funds made available under subsection (b) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year; and

(3) not distribute amounts authorized for administrative expenses and forest highways.

(e)(1) Section 1106(b) of the Omnibus Budget Reconciliation Act of 1981 is repealed.

(2) Section 1106(c) of the Omnibus Budget Reconciliation Act of 1981 is amended to read as follows:

"(c) For the fiscal year 1982, the Secretary of Transportation shall distribute the limitation imposed by subsection (a) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned to each State for such fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned to all the States for such fiscal year.".

(3) Section 1106(d) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "periods" and inserting in lieu thereof "period" and by striking out "and October 1 through December 31, 1982,".

(4) Section 1106(c)(2) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "and after August 1, 1983,".

AUTHORIZATIONS

SEC. 105. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas, including the extensions of the Federal-aid primary system in urban area, and the priority primary routes, out of the Highway Trust Fund, $1,500,000,000 for the fiscal year ending September 30, 1983. For the Federal-aid secondary system in rural areas, out of the Highway Trust Fund, $425,000,000 for the fiscal year ending September 30, 1983.

(2) For the Federal-aid urban system, out of the Highway Trust Fund, $775,000,000 for the fiscal year ending September 30, 1983.

(3) For Indian reservation roads and bridges, $83,000,000 for the fiscal year ending September 30, 1983.

(4) For carrying out section 215(a) of title 23, United States Code—

(A) for the Virgin Islands, not to exceed $5,000,000 for the fiscal year ending September 30, 1983;

(B) for Guam, not to exceed $5,000,000 for fiscal year ending September 30, 1983; and

(C) for American Samoa, not to exceed $1,000,000 for the fiscal year ending September 30, 1983.

Sums authorized by this paragraph shall be available for obligation at the beginning of the period for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

(5) For the Commonwealth of the Northern Mariana Islands, not to exceed $1,000,000 for the fiscal year ending September 30, 1983. Sums authorized by this paragraph shall be expended in the same manner as sums authorized to carry out section 215 of title 23, United States Code. Sums authorized by this paragraph shall be available for obligation at the beginning of the period for which authorized in the same manner and to the same extend as if such sums were apportioned under chapter 1 of title 23, United States Code.

(6) For the forest highways, out of the Highway Trust Fund, $33,000,000 for the fiscal year ending September 30, 1983.

(7) For public lands highways, out of the Highway Trust Fund, $16,000,000 for the fiscal year ending September 30, 1983.

(8) For economic growth center development highways under section 143 of title 23, United States Code, out of the Highway Trust Fund, $29,000,000 for the fiscal year ending September 30, 1983.

(9) For the Great River Road, out of the Highway Trust Fund, $19,000,000 for the fiscal year September 30, 1983, for construction or reconstruction of roads on a Federal-aid highway system.

(10) For access highways under section 155 of title 23, United States Code, $15,000,000 for the fiscal year ending September 30, 1983.

(b)(1) For each of the fiscal years 1984, no State, including the State of Alaska, shall receive less than one-half of 1 per centum of the total apportionment for the Interstate System under section 104(b)(5)(A) of title 23, United States Code. Whenever amounts made available undr this subsection for the Interstate System in any State exceed the estimated cost of completing that State's portion of the Interstate System, and exceed the estimated cost of necessary resurfacing, restoration, rehabilitation and reconstruction of the Interstate System within such State, the excess amount shall be eligible for expenditure for those purposes for which funds apportioned under paragraphs (1), (2), and (6) of such section 104(b) may be expended.

(k) In the case of priority primary routes, $125,000,000 of the sums authorized for the fiscal year ending September 30, 1983, by subsection (a)(1) of this section for such routes, shall not be apportioned. Such $125,000,000 of such authorized sum shall be available for obligation on the date of apportionment of funds for such fiscal year, in the same manner and to the same extent as the sums apportioned on such date.

(d) Section 163(p) of the Federal-Aid Highway Act of 1973 is amended by inserting after "September 30, 1982," the following: "and $50,000,000 for the fiscal year ending September 30, 1983,".

INTERSTATE RESURFACING

SEC. 106. Section 105 of the Surface Transportation Assistance Act of 1978 is amended by striking out "and not to exceed $800,000,000 for the fiscal year ending September 30, 1984." and inserting in lieu thereof "not to exceed $1,000,000,000 for the fiscal year ending September 30, 1984.".

HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION

SEC. 107. (a) Subsection (e) of section 144 of title 23, United States Code, is amended by striking "and September 30, 1982," and inserting in lieu thereof "September 30, 1982, and September 30, 1983,";

(b) Subsection (g) of such section is amended by striking "and September 30, 1982," each place that it appears and inserting in lieu thereof "September 30, 1982 and September 30, 1983"; and

(c) Section 202(6) of the Surface Transportation Assistance Act of 1978 is amended by striking "and $900,000,000 for the fiscal year ending September 30, 1982." and inserting in lieu thereof "$900,000,000 for the fiscal year ending September 30, 1982, and $1,000,000,000 for the fiscal year ending September 30, 1983.".

SAFETY CONSTRUCTION AUTHORIZATIONS

SEC. 108. Section 202(8) of the Surface Transportation Assistance Act of 1978 is amended by striking "and $200,000,000 for the fiscal year ending September 30, 1982." and inserting in lieu thereof "$200,000,000 for the fiscal year ending September 30, 1982, and $200,000,000 for the fiscal year ending September 30, 1983.".

RAIL-HIGHWAY CROSSINGS

SEC. 109. Subsection (b) of Section 203 of the Highway Safety Act of 1973 as amended by the Highway Safety Act of 1978 is amended by striking "and September 30, 1982." and inserting in lieu thereof, "September 30, 1982, and September 30, 1983.".

ENERGY IMPACTED ROADS

SEC. 110. (a) Section 105 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) In preparing programs to submit in accordance with subsection (a) of this section, the State highway departments may give priority to projects for the reconstruction, resurfacing, restoration, or rehabilitation of highways which are incurring a substantial use as a result of transportation activities to meet national energy requirements and which will continue to incur such use, and in approving such programs the Secretary may give priority to such projects.".

(b) Section 120 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(k) Notwithstanding any other provision of this section, the Federal share payable on account of any project under this title to reconstruct, resurface, restore, and rehabilitate any highway which the Secretary determines, at the request of any State, is incurring a substantial use as result of transportation activities to meet national energy requirements and will continue to incur such use is eighty-five per centum of the cost of such project.".

SEC. 111. Section 10526(a) of title 49, United States Code, is amended—

(1) by striking "or" at the end of paragraph (12);

(2) by striking the period at the end of paragraph (13), and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following:

"(14) transportation of broken, crushed or powdered glass.".

SEC. 112. Section 508 of the Airport and Airway Improvement Act of 1982 is amended by adding at the end thereof the following new subsection:

"(e) Use of Certain Apportioned Funds for Discretionary Purposes.—(1) Subject to paragraphs (2) and (3), if the Secretary determines, based upon notice provided under section 509(e) or otherwise, that any of the amounts apportioned under section 507(a) will not be obligate during a fiscal year, the Secretary may obligated during such fiscal year an amount equal to such amounts at his discretion for any of the purposes for which funds are made available under section 505.

"(2) The Secretary may make obligations in accordance with paragraph (1) only if the Secretary determines that the total of obligations for such fiscal year for purposes of section 505 will not exceed the amount authorized for such fiscal year under section 505(a) and if the Secretary determines that sufficient amounts are authorized under section 505(a) for later fiscal years for obligation for such apportioned amounts which were not obligated during such fiscal year and which remain available under section 508(a).

"(3) For purposes of amounts apportioned for fiscal year 1982, the Secretary may make the determinations under paragraphs (1) and (2) on or before October 30, 1982. For purposes of any limitation on obligations imposed by law, amounts obligated in accordance with this subsection on or before October 30, 1982, shall be deemed to have been obligated during fiscal year 1982 to the extent that such amounts, when added to amounts obligated on or after October 1, 1981, and before October 1, 1982, for purposes of section 505, do not exceed $450,000,000.".

SEC. 113. (a) Section 127 of title 23, United States Code, is amended by adding at the end thereof the following: "Notwithstanding any other limitation relating to vehicle widths contained in this title, a State may permit trucks or combinations thereof having a width of not more than 102 inches to operate over interstate highways, National Defense Highways, or any other qualifying Federal-aid highway as designated by the Secretary of Transportation, with traffic lanes designed to be a width of 12 feet or more.".

(b) The width limitation described in the preceding subsection shall be exclusive of safety-related appendages, such as rear view mirrors, turn signal lamps, marker lamps, steps and handholds for entry and egress, flexible fender extensions, mud-flaps and splash and spray suppressant devices, load-induced tire bulge, energy conservation devices or designs, refrigeration units or air compressors, which the Secretary of Transortation may interpret as necessary for safe and efficient operation of commercial motor vehicles.

(c) No State may enact or enforce any law denying reasonable access to commercial motor vehicles subject to title 23, United States Code, to and from the Interstate Highway System and the Federal-aid primary system and terminals and facilities for food, fuel, repairs, and rest.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HOWARD

Mr. HOWARD. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. HOWARD:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Federal-Aid Highway Act of 1982".

SEC. 2. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of $3,625,000,000 for the fiscal year ending September 30, 1984," and inserting in lieu thereof the following: "the additional sum of $3,225,000,000 for the fiscal year ending September 30, 1984,".

SEC. 3. The Secretary of Transportation shall apportion for the fiscal year ending September 30, 1984, the sums authorized to be apportioned for such year by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of the committee print numbered 97-53 of the Committee on Public Works and Transportation of the House of Representatives.

SEC. 4. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums (multiplied by a factor determined by dividing the maximum number of days in the fiscal year ending September 30, 1983, for which funds are appropriated by a joint resolution making continuing appropriations for such fiscal year, by 365 days) are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas, including the extensions of the Federal-aid primary system in urban areas, and the priority primary routes, out of the Highway Trust Fund, $1,500,000,000 for the fiscal year ending September 30, 1983. For the Federal-aid secondary system in rural areas, out of the Highway Trust Fund, $400,000,000 for the fiscal year ending September 30, 1983.

(2) For the Federal-aid urban system, out of the Highway Trust Fund, $800,000,000 for the fiscal year ending September 30, 1983.

(3) For the forest highways, out of the Highway Trust Fund, $33,000,000 for the fiscal year ending September 30, 1983.

(4) For public lands highways, out of the Highway Trust Fund, $16,000,000 for the fiscal year ending September 30, 1983.

(5) For economic growth center development highways under section 143 of title 23, United States Code, out of the Highway Trust Fund, $50,000,000 for the fiscal year ending September 30, 1983.

(6) For the Great River Road, out of the Highway Trust Fund, $25,000,000 for the fiscal year ending September 30, 1983, for construction or reconstruction of roads on a Federal-aid highway system.

(b) For fiscal year 1984, no State, including the State of Alaska, shall receive less than one-half of 1 per centum of the total apportionment for the Interstate System under section 104(b)(5)(A) of title 23, United States Code. Whenever amounts made available under this subsection for the Interstate System in any State exceed the estimated cost of completing that State's portion of the Interstate System, and exceed the estimated cost of necessary resurfacing, restoration, rehabilitation, and reconstruction of the Interstate System within such State, the excess amount shall be eligible for expenditure for those purposes for which funds apportioned under paragraphs (1), (2), and (6) of such section 104(b) may be expended and shall also be available for expenditure to carry out section 152 of title 23, United States Code.

(c) In the case of priority primary routes, $125,000,000 (multiplied by the factor determined under subsection (a) of this section) of the sums authorized for the fiscal year ending September 30, 1983, by subsection (a)(1) of this section for such routes, shall not be apportioned. Such $125,000,000 (multiplied by such factor) shall be available for obligation on the date of apportionment of funds for such fiscal year, in the same manner and to the same extent as the sums apportioned on such date, except that such $125,000,000 (multiplied by such factor) shall be available for obligation at the discretion of the Secretary of Transportation only for projects of unusually high cost or which require long periods of time for their construction. Any part of such $125,000,000 (multiplied by such factor) not obligated by such Secretary on or before the last day of such fiscal year shall be immediately apportioned in the same manner as funds apportioned for the next succeeding fiscal year for primary system routes, and available for obligation for the same periods as such apportionment.

SEC. 5. (a) The following sums are hereby authorized to be appropriated:

(1) For bridge replacement and rehabilitation under section 144 of title 23, United States Code, out of the Highway Trust Fund, $900,000,000 (multiplied by the factor determined under section 4(a) of this Act) for the fiscal year ending September 30, 1983.

(2) For projects for elimination of hazards under section 152 of title 23, United States Code, out of the Highway Trust Fund, $200,000,000 (multiplied by the factor determined under section 4(a) of this Act) for the fiscal year ending September 30, 1983.

(b) Section 203(b) of the Highway Safety Act of 1973, as amended, is amended by striking out "and $190,000,000" and inserting in lieu thereof "$190,000,000" and by inserting after "September 30, 1982" the following: ", and $190,000,000 (multiplied by the factor determined under section 4(a) of the Federal-Aid Highway Act of 1982) for the fiscal year ending September 30, 1983".

(c)(1) Section 144(e) of title 23, United States Code, is amended by striking out "and September 30, 1982" and inserting in lieu thereof "September 30, 1982, and September 30, 1983".

(2) Section 144(g) of title 23, United States Code, is amended by inserting after the third sentence the following new sentences: "Of the amount authorized for the fiscal year ending September 30, 1983, by paragraph (1) of section 5(a) of the Federal-Aid Highway Act of 1982, all but $200,000,000 (multiplied by the factor determined under section 4(a) of such Act) shall be apportioned as provided in subsection (e) of this section. $200,000,000 (multiplied by such factor) of the amount authorized for such fiscal year shall be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date except that the obligation of such $200,000,000 (multiplied by such factor) shall be at the discretion of the Secretary and shall be only for projects for those highway bridges the replacement or rehabilitation cost of each of which is more than $10,000,000, and for any project for a highway bridge the replacement or rehabilitation costs of which is less than $10,000,000 if such cost is at least twice the amount apportioned to the State in which such bridge is located under subsection (e) of this section for the fiscal year in which application is made for a grant for such bridge.".

SEC. 6. Section 401(a) of the Surface Transportation Assistance Act of 1978 is amended by inserting after "or by any Act amended by this Act" the following: "or, after the date of enactment of this Act, any funds authorized to be appropriated to carry out this Act, title 23, United States Code, or the Urban Mass Transportation Act of 1964".

Mr. HOWARD (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, was this a unanimous-consent request made to bring up this bill?

The SPEAKER pro tempore. There was a unanimous-consent request made, and no objection was heard.

Mr. FRENZEL. And that is the procedure we are operating under now?

The SPEAKER pro tempore. That is correct.

Mr. FRENZEL. Further reserving the right to object, may I inquire as to the chairman's intentions?

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman.

Mr. HOWARD. I will state to the gentleman, as you may know, we had a 1-year extension of the highway bill. We have gone to the Ways and Means Committee asking, as is routine and normal, a 1-year extension of the highway trust fund to be able to cover the amount of money in this legislation.

As you know, the Ways and Means Committee passed a resolution and went to the Rules Committee with it which would not only extend the trust fund for 1 year but would take the entire jurisdiction of authorizing highway legislation away from the Public Works and Transportation Committee and vest it in the Ways and Means Committee.

This caused an impasse because the Public Works and Transportation Committee, which has been working this program very well, fiscally responsibly, never having a dollar due when a dollar was not there to pay for it, felt we should not, by an amendment from the Ways and Means Committee, give our jurisdiction up to the Ways and Means Committee.

I previously asked unanimous consent to be able to bring up a 1-year bill because, as you know, there was no highway money in the continuing resolution just passed and this caused a great deal of difficulty around the Nation because the program died this morning.

We find that as of this morning 31 States in this Nation are without funding for various items such as interstate, primary, secondary, urban, or bridge programs in their States.

So the chairman of the Ways and Means Committee just objected to us having a 1-year bill. So what I am attempting to bring before the House now is what amounts to perhaps a 6-month bill or a 3-month bill, depending upon the payout, which does not require the Ways and Means Committee to extend the trust fund at all, which again shows how fiscally responsible we have been in Public Works, because we have gone 3 to 6 months now without any additional increase and have enough money in the funding to take care of it.

So all we are attempting to do now is to try and get by for a few more months because what the Ways and Means Committee did has caused a tremendous disruption in the highway programs of at least 31 States. So this is the second bill, a short-term measure.

□ 2050

Mr. FRENZEL. I thank the gentleman.

Further reserving the right to object, I am overwhelmed by the financial responsibility. I wonder if the gentleman would tell me about section 6. You are extending current "buy America" requirements that are now in the law, without extension or addition?

Mr. HOWARD. The gentleman is correct. That is in section 6.

Mr. FRENZEL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey (Mr. HOWARD) that the amendment in the nature of a substitute be considered or read and printed in the RECORD?

Mr. WALKER. Mr. Speaker, reserving the right to object, can we have some description as to what this amendment does?

Mr. HOWARD. If the gentleman will yield, this is a short-term continuation of the basic elements of the highway program, interstate, primary, secondary, bridge, urban, for a short time, to stay within the funding that will be available, without any extension of the highway trust fund, so that when we come back in the lameduck session, perhaps, we will then have to address this problem once more. But it at least will permit the programs to go on during this interim period for the States.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey (Mr. HOWARD) that the amendment in the nature of a substitute be considered as read and printed in the RECORD?

Mr. SHAW. Mr. Speaker, reserving the right to object, I would like to inquire of the chairman concerning the highway beautification provision.

Mr. HOWARD. Gone.

Mr. SHAW. Particularly the provision as to billboards and the compensation by the States?

Mr. HOWARD. Absolutely gone. This is a basic, barebones bill. The other policy changes that our committee had voted out are gone. There were 40-some Members who had special needs in their districts for special projects, justifiable needs that were in the legislation, most of which would have been in the 1-year bill that was just objected to. They are all gone also. We are going to have to come back to this at some other time. This is just the barebones continued funding for the major portions of this legislation.

Mr. SHAW. I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey (Mr. HOWARD) that the amendment in the nature of a substitute be considered as read and printed in the RECORD?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. HOWARD).

The amendment in the nature of a substitute was agreed to.

Mr. CLAUSEN. Mr. Speaker, I rise in support of this extension and urge its prompt adoption. Like the bill we had hoped to offer along with trust fund extension but were prevented from offering by objection, this one can be taken up quickly by the Senate and passed.

It is absolutely vital that we authorize the basic, noninterstate programs funded by the trust fund, and I would emphasize that these can be funded from existing resources without any extension of the fund. It is also essential that we approve the table V apportionment factors for the interstate program to permit this important construction work to go forward.

Also provided in this measure is extension of the bridge replacement, hazard elimination, rail-highway crossing, and discretionary bridge programs.

The only further comment I would have at this late hour on the last day of the session is this: My fellow members of the committee leadership, Chairman HOWARD of the full committee, Chairman ANDERSON of the Surface Transportation Subcommittee, and the gentleman from Pennsylvania, Mr. SHUSTER, the ranking minority member of the subcommittee, have been unsparing in their efforts to get at least a 1-year highway bill with a 1-year extension of the highway trust fund enacted into law.

This was not to be and it should be no mystery to any Member of this body where the problem lies. Partisanship aside, the November elections aside, if any of these gentlemen is subjected to criticism for the outcome of the trust fund fiasco, he will find me in this corner. I want the record to show that there could not have been a greater demonstration of good faith, diligence, reason, and responsibility in the handling of this difficult matter than was exhibited by my colleagues from New Jersey, Pennsylvania, and California. I will be standing with them when we come back for the lame-duck session—and I very much hope in the next Congress—to renew and continue the fight for a highway program worthy of this Nation and in

keeping with the problems it faces. The issue is not the defense of narrow committee interests but the viability of the program itself.

I urge enactment of the bill.

Mr. ANDERSON. Mr. Speaker how nice it would have been if I could have stood here and enthusiastically asked our colleagues to support us in passing a 1-year highway bill. But now, I cannot do that. I cannot say that the Public Works Committee is bringing you a good bill that you can be proud of. I cannot say that we are responsibly helping to fulfill this Nation's highways needs.

I can say, that given the circumstances, we have no choice but to approve a bill that continues our vital highway programs for a few months. If we do not do this, of course, the programs expire. That would be tragic. That is something we absolutely must not do.

We will not leave here tonight knowing that we have done something good for our constituents. In truth, we are doing nothing to address the deteriorating highways in our districts.

But we must not hasten their deterioration by doing nothing tonight. We must pass this bill.

I am not a medical doctor, Mr. Speaker. But I understand that members of that profession have a motto. If you can do no good, at least do no harm.

Our patient is the Nation's highway system. We will do no good for it tonight. But we must not kill it.

I urge support for this legislation.

● Mr. SHUSTER. Mr. Speaker, I rise in support of this simple 3-month extension of the Federal-aid highway program, but I am deeply disappointed that obstacles were laid in our way to prevent a 1-year authorization of this legislation. It is bad policy and bad precedent to fund this program for only 3 months because during the lameduck session, we will have to come back for another authorization. The States have enough serious problems with Congress issuing different signals every year, let alone every 3 months.

Let me inform my colleagues that this 3-month extension was the absolute last course we wanted to take. The 1-year extension, which we were prepared to offer, had been cleared by the Senate and could now be on its way to the White House. That 1-year bill was a barebones measure that deferred all major policy decisions until next year but provided increased funding for maintenance of our interstate system and for bridges, critical areas of concern.

I am disappointed that significant roadblocks kept us from taking the best course for the highway program in this country. However, I urge my colleagues to support this simple extension of existing law and call for your support in the lameduck session for a further authorization to get the program through fiscal year 1983.●

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4441) entitled "An act to amend title 17 of the United States Code with respect to the fees of the Copyright Office, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1018) entitled "An act to protect and conserve fish and wildlife resources, and for other purposes."

CONFERENCE REPORT ON H.R. 6267, NET WORTH GUARANTEE ACT

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 603 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 603

Resolved, That upon the adoption of this resolution it shall be in order, clause 2 of rule XXVIII to the contrary notwithstanding, to consider the conference report on the bill (H.R. 6267) to revitalize the housing industry by strengthening the financial stability of home mortgate lending institutions and ensuring the availability of home mortgage loans, said conference report shall be considered as having been read when called up for consideration, and all points of order against said conference report for failure to comply with the provisions of clauses 3 and 4 of rule XXVIII are hereby waived.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Mississippi (Mr. LOTT), pending which I yield myself such time as I may consume.

Mr. Speaker, the resolution (H. Res. 603) is the rule providing for the consideration of the conference report on the bill (H.R. 6267) to revitalize the housing industry by strengthening the financial stability of home mortgage lending institutions and insuring the availability of home mortgage loans.

This is extraordinarily important legislation and the rule provides the only method by which the House can deal with this matter within the difficult time contraints we face at this moment.

The rule provides waivers of points-of-order under certain rules of the House which otherwise would lie against the conference report (H. Rept. No. 97-899).

It waives clause 2 of rule XXVIII, the 3-day layover requirement, which would prevent consideration of this conference report until December, under the present schedule. It also waives clause 3 of rule XXVIII, relating to scope of conference reports, which would prevent consideration of the conference report at all. To the best of my knowledge, there is no controversy over these two waivers.

However, there is some controversy over the waiver of clause 4 of rule XXVIII. This general waiver, applied to a conference report, is similar to a closed rule, and there is a body of thought within the House that there should be separate votes in the House on some provisions.

The Committee on Rules recommends that the rule be waived based on the difficult political and parliamentary situation.

To explain the situation, I would note that the Senate took the original Net Worth Guarantee Act, which had overwhelmingly passed the House May 20th by a vote of 272 to 91, and added substantial new matter. Although there has been some criticism of this procedure, it is the constitutional prerogative of each House to determine the form in which it will act, and go to conference, on bills from the other House.

The managers on the part of the House included the able and knowledgeable gentleman from Rhode Island (Mr. ST GERMAIN), the gentleman from Wisconsin (Mr. REUSS), the gentleman from Illinois (Mr. ANNUNZIO), the gentleman from Ohio (Mr. STANTON), and the gentleman from Ohio (Mr. WYLIE). Our managers acted with caution, skill, and integrity to present to the House a conference report which is limited substantially to propositions which were either contained in the original House bill or in related bills on which the House has acted in recent sessions.

I think there is general agreement that this bill addresses, creatively and responsibly, the most pressing issues threatening the viability of depository institutions.

The opposition to this rule centers on the desire to obtain a separate vote on a provision of the bill which is central to the survival of thrift institutions. The opposition is not to the provision itself but to its applicability in conjunction with problems in the laws of certain States.

These problems, Mr. Speaker, are better addressed in those State capitols than by endangering the enactment of one of the most important bills before this Congress.

The opponents of the rule will argue that they only want a separate vote on this one little provision. But I would like to make clear that a vote on the provision would kill the conference agreement, a measure of vital importance to preserving a crucial segment of our economy.

Mr. Speaker, the conference report will permit the Federal Government to assist small thrift institutions in maintaining their capital viability through the net worth guarantee program.

There is some criticism of provisions which permit thrift institutions to divert a small portion of their loan portfolio in shorter term investments. The survival of the housing industries depends of the viability of the thrifts and this modest flexibility will greatly strengthen the stability of these institutions.

The conference agreement will make it possible to create a banking instrument competitive with money market funds. This will permit money now benefiting private investment interests to return to the banking community where it will be available to strengthen housing, small business expansion, and consumer purchasing.

There are a wide number of minor provisions of vital importance to improving the flexibility, management, and strength of all banking institutions and supervisory authorities.

The conference agreement is a sound and reasonable approach to one of the greatest problems now facing the country. The rule provides the only method by which the House can deal with this matter and I urge the adoption of the resolution.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say right up front that I have no objections to this rule. This rule makes in order the consideration of the conference report on H.R. 6267, the depository institutions bill. It waives clause 2 of rule 28, which requires a 3-day waiting period before a conference report can be considered. In 3 legislative days, we would be gone and this legislation is needed now. The rule also waives clauses 3 and 4 of rule 28, which is necessary because the conference report is beyond the scope of the legislation committed to conference and the conferees agreed to provisions which would not have been germane to the House bill.

Mr. Speaker, I realize some of the issues have not been debated by this House. But these are not new issues. They have been debated before Congress for decades. The difference is that now there is a need as there has never been before. This need is felt by all, including the administration which strongly supports expeditious passage of this legislation.

Mr. Speaker, without such a rule, this badly needed legislation could not be considered. Why is this legislation badly needed? That can be summed up in three words—Penn Square Bank. Not only was its failure felt in Oklahoma, but also right here in Washington in the House of Representative's own Federal credit union. This "ripple effect" was felt to some degree in every State in the Union. This cannot be allowed to happen again.

Mr. Speaker, we promised this country after the Depression of the 1930's that they would never again have to live through the terror-filled days of bank failure. This bill would help us keep that promise.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, I take this time very sadly and with great regret. It certainly has never been my posture to oppose a rule. Moreover, I certainly think all Members want to do something to assist the ailing thrift industry, the savings and loans. But this rule is an outrage.

We passed a bill which would have saved the savings and loans. But our bill did not invite the takeover of small banks throughout the United States by big banks. It did not promote monopolies. It went over to the Senate, and title III, an entirely different bill that had passed the Senate, a monopolistic bill which invades the rights of States, invites big banks to do branch banking across State lines, was embodied as title III of this bill, without any consideration on the part of the House—no consideration whatever.

Normally, Mr. Speaker, I would be sorely constrained against opposing a rule. Unfortunately, those of us to whom this grave problem had been called by small individual bankers throughout the United States tried our earnest best to implore the Rules Committee to separate these issues. Let us take action on the vitally needed rescue work for the savings and loans, but not leave the small independent banks victims to the greedy takeover of the biggest.

I want to ask every one of you to look around your States. Are you not familiar with the rapid rate at which local independently owned banks are being gobbled up today?

What has built America? What has built the small towns of America? What has permitted young Americans to go into business for themselves? It has been the locally owned banks, it has been somebody in that bank who knows you, somebody who understands you as a human being. That is going to go out the window. It is rapidly going out the window today. It is not the small banks who need any help that would be provided in this bill. They are not the ones who have loaned money to Mexico. They are not the ones who have loaned money to foreign countries that cannot repay.

Now, if you want a bailout for the big banks, that is one thing—and I might support it. But I do not think we are doing the right thing, coming in here at the last minute, asking Members of the House to swallow a proposition that is monopolistic by its very nature, and it swallows up small independent banks at an ever-accelerating pace throughout the United States.

□ 2100

I wish it had been possible for us to have come in here united, to support that bill which was passed by the House, to help the savings and loans. They need that help. But I cannot in good conscience sit idly by and swallow this kind of a raid upon the very basis of free enterprise as it has existed in towns and small cities throughout America.

For that reason, Mr. Speaker, I am constrained to ask for a vote against the previous question and the rule.

Mr. MINISH. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from New Jersey.

Mr. MINISH. I thank the majority leader for yielding.

If I understood what the majority leader said, he believes that the big banks are gobbling up small banks today. And if they are doing that, what is the difference whether we pass the bill or not. They are still doing it. And I do not stand here as a proponent of the large banks. I think the majority leader knows that. But I am interested in the future health and viability of the Nation's savings and loans.

Mr. WRIGHT. Well, I am too. And I think the difference is that this Garn bill as it passed the Senate, and I do not think its provisions are well known here.

The SPEAKER pro tempore. The time of the gentleman from Texas (Mr. WRIGHT) has expired.

Mr. MOAKLEY. Mr. Speaker, I yield 3 additional minutes to the gentleman from Texas.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Michigan.

Mr. DINGELL. I thank the distinguished majority leader.

I have served in this body for a few years. I have observed a lot of things. One of the things I have observed has been that on the night of adjournment a lot of curious things tend to happen, because everybody is in a hurry, they want to get out of here, there are matters of concern at home, elections pending. And I am not aware of any reason why this matter has to be decided tonight. I am not aware of any strong reason why the bill has to be considered essentially under a closed rule, why all of its parts cannot be voted on and considered in an orderly fashion, why the debate cannot take place in a forum, in a climate where it can be more serenely and properly considered.

And I am not aware of any urgent reason why the House should be denied an opportunity to consider all the parts of this bill separately, and why the House should be denied the opportunity to consider language which has come from the Senate, which was not adopted in the House, and which is at wide variance with the actions which were taken by the House.

And I think that simply putting the rule over would perhaps obviate that. I am aware my good friend, the gentleman from Massachusetts, has presented the rule. I am satisfied he wants a vote on it. It always pains me to differ with him, because he is a valuable Member of the body. But I do think this is a matter that could be voted down and a more carefully crafted rule brought forward to afford the House an opportunity to consider this matter at a more appropriate time.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Rhode Island (Mr. ST GERMAIN), the chairman of the Committee on Banking, Finance and Urban Affairs.

Mr. ST GERMAIN. Mr. Speaker, I listened very attentively to the gentleman from Texas, our respected majority leader. I cannot, would not ever dare to trade with or to attempt to oppose him oratorically. He is the master.

However, just as I would not compare myself to him oratorically, at this point I would not accede to him when it comes to knowledge of legislation that I bring to the floor.

He and I have been friends for many years, and he is still my friend and will be after this evening. I am rather disappointed, however, that in many instances in the past, when he needed help, he came to me and we discussed the legislation, and how I could help him with legislation in my committee.

This time not word one until I asked him to chat a few moments earlier today, when I heard he would oppose the rule.

Frankly, what he said is absolutely accurate as to the conclusion. But unfortunately, his premise does not exist. Nothing in title III of this bill does anything like he stated. Title III of the bill basically gives to the savings and loans and the mutuals, the thrift industry of this country, commercial lending powers.

The Congress of the United States over the years mandated that the thrifts do nothing but real estate lending, and so they lent short and they built America, built housing. They were responsible for the realization of the American dream.

In so doing, they now stand with long-term mortgages in their portfolios, 5, 6, 9½ percent.

We all know what the interest rates are that you have to pay today in order to attract money into an institution. They are all in trouble. We passed legislation earlier in the House—net worth guarantee and the regulators bill. The regulators bill is the one that has to do with mergers, and we have strengthened that. If we had had the legislation that we will vote on tonight, adopted 3, 4, 6 months ago, Citicorp would not have been able to go to California and take over the California Fidelity.

And unless we adopt this legislation tonight, everything the gentleman from Texas said would happen will happen, because absent this legislation thrifts are going bankrupt by the dozens per week, and they will be acquired by the commercials, and if we do not adopt this legislation, that which he says will happen, will happen.

So I say to the Members of this House, this rule is essential to save the thrift industry of this country. It is not a big bank bill. It is not a small bank bill. It is a bill for the future of the financial industry of this country. And if those small banks in Texas want to keep their heads in the sand, they are going to see Sears and Roebuck, Prudential, and others roll over them. There will not be a one of them left.

This bill is the only salvation for the thrift industry, for the independent banker, and for the people of this country. And for that reason, I ask that we do indeed adopt this rule by an overwhelming vote.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. DORGAN).

Mr. DORGAN of North Dakota. Mr. Speaker, I think it is important to point out that all of us share a common goal of wanting to help the thrift institutions in this country.

Our No. 1 goal is to help the thrifts. But No. 2, we ought to make certain we are not tearing down interstate banking prohibitions that now exist in some States in this country.

□ 2110

The fact is a State like North Dakota that has a network of community banks will be disadvantaged by this kind of legislation. I'm not opposed to the provisions that help the thrifts, but this bill goes much further.

The fact is that Citicorp, a money center bank, recently purchased a chain of savings and loans in the State of California. That purchase was approved by the Federal Reserve Board.

It is a further fact that expanding the authorities of savings and loans in this country and allowing them to be purchased by money center banks allows money center banks to avoid interstate branch banking prohibitions and operate in States like North Dakota.

Again, I am for saving the thrifts. I want to pass legislation to help the thrifts in this country, but I do not want this kind of legislation to pass in this form if it poses any threat at all to the independent banks of America.

Mr. AUCOIN. Mr. Speaker, will the gentleman yield?

Mr. DORGAN of North Dakota. I am happy to yield to the gentleman from Oregon.

Mr. AUCOIN. Mr. Speaker, I appreciate the gentleman yielding and I respect him on his positions almost all the time; but I must say to the gentleman, my understanding of the bill is not at all what the gentleman has described.

My understanding is that if you have a failing institution in Oregon, for example, and you cannot find a bank within that State to merge with it in order to keep that institution alive, that it would be possible under the terms of this bill to allow a prosperous bank in Washington State to make a merger and only in those conditions. The alternative would be failure.

Mr. DORGAN of North Dakota. Mr. Speaker, reclaiming my time, we are not talking about the banks in Oregon. We are talking about saving the savings and loan organizations in this country and the question whether money center banks can operate banking operations through savings and loans that they might purchase in States like North Dakota.

I listened to the debate in the Rules Committee yesterday. The gentleman from Texas (Mr. GONZALEZ) made a good presentation, but it was ignored by the committee decision.

Majority Leader WRIGHT made an excellent presentation tonight. They are right on point.

I think the danger does exist and I think this rule should be defeated.

Mr. LOTT. Mr. Speaker, I just would like to inquire at this point, I thought this was going to be a rule that we could handle in 2 or 3 minutes.

Does the gentleman have more requests for time?

Mr. MOAKLEY. Actually, I discovered that all the time I have is allotted.

Mr. LOTT. Well, we are enjoying the debate over here.

Mr. MOAKLEY. I wonder if the gentleman from Mississippi could make some of his time available to this side?

Mr. LOTT. Well, let us just see how the debate goes. Maybe we can wrap this up pretty quickly.

Mr. MOAKLEY. Mr. Speaker, I yield one minute to the gentleman from California (Mr. PHILLIP BURTON).

Mr. PHILLIP BURTON. Mr. Speaker, one of the advantages of meeting at this late hour of the evening and this late time in the session is that those of us who have a very clear view of how we want to cast our votes have some difficulty being able to apply that philosophical concern to the fact circumstances.

Now, my question initially stated is this: If this legislation becomes law, would it permit Citicorp to take over the Fidelity Savings & Loan in our State? If so, I am opposed to it.

Mr. ST GERMAIN. Mr. Speaker, will the gentleman yield?

Mr. PHILLIP BURTON. Yes.

Mr. ST GERMAIN. Mr. Speaker, had this legislation been adopted 4 or 5 months ago, we probably would not have had Fidelity in the condition it was in. There would have been a different pecking order established by statute, not by the regulatory agencies, and I feel very strongly that Citicorp would not have gotten that approval 2 days ago by the Federal Reserve to take over.

Mr. PHILLIP BURTON. The gentleman was not responsive. I respect my distinguished colleague, the gentleman from Rhode Island, very much, but in the absence of me being convinced, if we do not countervene State banking laws and we permit the massive eastern seaboard conglomerates from taking over the financial institutions in the rest of the country, I am going to vote against this rule. I want to help the savings and loans, but I am not going to permit what I fear may be the consequences of this rule.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, I hope the rule is adopted. I do not usually like closed rules, but Members ought to understand that we are dealing here with an interconnected set of propositions. We are being asked, I think correctly, to provide a net worth guarantee to the thrift institutions. I think it would be foolhardy to guarantee them if we were not also prepared to broaden their powers. To guarantee institutions which would be doomed to fail by a constricted lending authority would not be a proper use of our funds; so to give them the one without the other does not seem to me sensible.

Second, let me address the question of interstate banking, as I understand it still.

I would ask the gentleman from California and others if I could respond this way. This bill does not add one iota to the power now existing to order interstate banking. In cases of banks failing right now, the regulators have allowed interstate mergers. If the bill passes, it will be the same thing legally, only if a bank is failing and the FDIC or somebody has to step in will they be able to consider an interstate merger. They are doing that now.

As the chairman of the committee points out, what this bill does is impose some order on that and asks that priority be given, not to interstate mergers of the sort the gentleman from North Dakota was opposed to.

So in summary, under existing law, the regulators are ordering the kind of interstate mergers that people are worried about.

This bill does not create that power. It leaves in existence the situation where only a failing bank in another State could be acquired and then only if there was no similar bank in that State willing and able to take it over.

Finally, I think the closed rule is justified because this is an interconnected set of propositions. To offer a net worth guarantee to the thrift institutions without simultaneously allowing them broader lending power is to tie our guarantee power to a set of institutions which will not be able to earn their way out of their current problems.

Mr. LOTT. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. STANTON).

Mr. STANTON of Ohio. Mr. Speaker, this might be a good time to put in perspective this bill and perhaps lay to rest any objections outside perhaps the State of Texas to the rule.

In this great country of ours in round figures, if you consider the credit unions, the savings and loans, the commercial banking industry, fundamentally you have roughly 40,000 separate financial institutions in this country. It is a fair assumption to say that of the 40,000 institutions, in my humble opinion, probably about 38,500 are for this legislation.

In addition, there are in this country approximately 4,500 savings and loan institutions. Of these institutions, approximately 1,200 of the 4,500 have net worth of less than 3 percent.

The Federal regulators and the Home Loan Bank Board have been pleading for this legislation for 2 years and if you do not have in your district, including the State of Texas, a savings and loan institution that does not need relief under this particular bill, then you vote against the rule.

The second point I would like to make is that our chairman was absolutely right. The opposition to this rule has come primarily from the three main speakers from the State of Texas. Let me explain that.

The independent bankers, which are the majority of the small bankers in Texas, are totally opposed to the idea of giving additional power to the savings and loans.

Now, what do you have in the State of Texas? A rather unique situation. You have a State in which 70 percent of the savings and loans in the State of Texas are State chartered. The objection to this bill from the State of Texas is that it gives commercial lending power to the savings and loans up to a maximum of 10 percent of their assets. The 70 percent of the savings and loans that are chartered in the State of Texas already have the 10-percent commercial lending power. So that is where the main objection is.

I respect the national leader that the majority leader is, but I also respect the fact that he protects the small interests in the State of Texas.

Mr. BARNARD. Mr. Speaker, will the gentleman yield?

Mr. STANTON of Ohio. I am happy to yield to my friend.

Mr. BARNARD. Well, Mr. Speaker, you know, unfortunately tonight a smoke screen has been put before us. This matter of acquisition by banks and by big savings and loans is taking place today. It is taking place without this law. Who is it being done by? It is being done by the regulators.

It is my opinion that I would rather see this House and this Congress make the laws as we want them made, and this is what this law does, it regulates how these mergers and these acquisitions will take place and this House has already passed that bill.

Mr. STANTON of Ohio. Mr. Speaker, I thank the gentleman for his contribution.

Let me just clear up one thing. This certainly has nothing to do with title III, as the chairman says. Down in title II, the regulators asked for a system upon which they could count in law to solve the problem of failing institutions. This is not a question of branching across State lines, the Douglas Act or the McFadden Act.

Let me say what this bill does. First of all, it applies to thrift institutions and banks that are in a failing condition. They have to certify, No. 1, that they are failing.

Second, for all this worry about mergers across State lines and so forth, this bill applies only to banks of $500 million or more.

□ 2120

It is limited to approximately about 100 banks in our country.

So fundamentally that argument is not right. Let me say what we do have here in this rule, though. We have crafted an agreement fundamentally by the savings and loan industry of our country, 95 percent of the commercial banking interests in our country, and 100 percent of the credit unions—and do not forget there are a lot of authorities and powers for the credit unions in our country that are adamantly waiting for this legislation.

The SPEAKER pro tempore. The time of the gentleman from Ohio (Mr. STANTON) has expired.

Mr. LOTT. Mr. Speaker, I yield 2 additional minutes to the gentleman from Ohio (Mr. STANTON).

Mr. STANTON of Ohio. I thank the gentleman for yielding this additional time to me.

Mr. Speaker, if we wait, we hurt the failing savings and loan institutions. Second, what we do is give the banks and savings and loans a competitive instrument in order to compete with the money market funds.

This is an extremely important thing, and I am telling my colleagues in my little town of Painesville, Ohio, I do not know of a banker, an S&L or anyone else that has not begged for years either to do away with money market funds or to put reserve requirements on them or to do something to the securities interests. But no, we have done the positive thing, and that is to give to the commercial banking industry and the S&L's a competitive money market instrument and we have ordered the depository institutions deregulation committee to give this new instrument to these institutions within 60 days.

Mr. Speaker, I really and truly think I will be really personally disappointed if this is not an overwhelming "aye" vote on this rule.

Mr. ST GERMAIN. Mr. Speaker, will the gentleman yield?

Mr. STANTON of Ohio. I will be glad to yield to the chairman.

Mr. ST GERMAIN. Mr. Speaker, I know the gentleman would not mention this, but there is a title VI in this bill that the insurance agents of America have been waiting for, for years and years and years. I know he would not mention it, but they want that as well.

Mr. STANTON of Ohio. I am sorry, but I fought for one bank holding company against the independent insurance agents, but if you have not heard from your independent insurance agents 100 percent to vote for this rule and this bill, then you had better go back and check on him, because he is not a member of the association.

Mr. LEACH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. STANTON of Ohio. I would be glad to yield to the gentleman from Iowa.

Mr. LEACH of Iowa. I thank the gentleman for yielding.

Mr. Speaker, I would like to stress this point about the money market mutual fund certificate which does imply the ability of small banks to keep their money at home instead of having it swept into money center banks that are squandering it so rapidly in this country today.

Second, from the small bank perspective, there is an ending of the differential within 15 months, something small bankers desperately aspire to.

Third, there is greater power.

Fourth, I would like to ask the gentleman: Does the administration support this bill?

Mr. STANTON of Ohio. The administration strongly supports this bill.

Mr. LEACH of Iowa. Fifth, would the gentleman say that our financial structure is in such tremendously difficult straits today that we should not be playing around with our financial authority?

The SPEAKER pro tempore. The time of the gentleman from Ohio (Mr. STANTON) has again expired.

Mr. LOTT. Mr. Speaker, I yield 1 additional minute to the gentleman from Ohio in order that he may respond to the question.

Mr. STANTON of Ohio. I thank the gentleman for yielding.

Mr. Speaker, let me say in conclusion, the gentleman is absolutely right.

As the gentleman from Iowa pointed out, it was a point that none of us alluded to, and that is for the additional powers that we give to the S&L's, these small independent banks have argued, at least to this Congressman, and more, and I am sure to every one of my colleagues, that the most unfair thing in the world is this ¼ percent differential that the S&L's enjoy over the commercial banks.

What this bill does for giving the S&L's that additional power, and this is why it is a package deal, it works so that differential on January 1, 1984 is eliminated. Do not make a mistake. The Garn-St Germain bill is a tremendously major piece of legislation that is going to affect favorably, as I say, at least 40,000 depository institutions.

Mr. AUCOIN. Mr. Speaker, will the gentleman yield to me?

Mr. STANTON of Ohio. I yield to the gentleman from Oregon.

Mr. AUCOIN. I thank the gentleman for yielding.

Is it not true that as of December 31 of this year, many of the community banks are going to lose a large number of deposits because of the expiration of the all-savers certificate? And if they do lose them, are we not going to see a further drain of resources out of community banks, which we are trying to help, into the money market mutual funds—because we will be denying our local banks, if we do not pass the legislation, a competitive depository instrument? Is that not true?

Mr. STANTON of Ohio. The gentleman is absolutely correct.

Mr. AUCOIN. And is not that why we have a large degree of urgency here?

Mr. STANTON of Ohio. Just read today's paper, the full-page ads from the S&L's are asking for these deposits.

The SPEAKER pro tempore. The time of the gentleman from Ohio (Mr. STANTON) has again expired.

Mr. LOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. I thank the gentleman from Mississippi for yielding to me.

Mr. Speaker, I think it is unfortunate that there have been some misrepresentations as to what this bill provides, and I think those misrepresentations were not intentional, certainly not on the part of the majority leader. But it is a fact that the Independent Bankers Assocation has been against this bill from the outset or has been against any change in the law, as we now find it.

Now, one would say why would the Independent Bankers Association be against it? They get money market fund powers under this bill, there is going to be a deregulation of regulation Q, which ought to satisfy them.

But the independent bankers, the small banks, the only bank in a one-bank town, has done very well in the high interest rate regulated atmosphere in which we find ourselves today. They have been able to charge as high interest rates as they want. They have been able to say, "We cannot pay any more than 5¼ percent because of regulation Q."

Now let us see this bill does, to summarize.

First of all, it does provide for orderly mergers to assist troubled financial institutions. It is in this respect similar, very similar, to a bill passed in this House early last year. The net worth assistance is identical in concept to a substitute which I offered and which the chairman of the committee has now agreed with.

Banks are given authority to issue money market-type certificates to compete with nondepository institutions, a power which they have sought and wanted and needed and should have had a long time ago.

Thrifts get commercial lending powers, which they have wanted for some time, and which will help them to compete in the marketplace.

The credit unions get broadened mortgage lending powers. The independent insurance agents, as the gentleman from Ohio, (Mr. STANTON),

mentioned a little earlier, got their way on restricting bank holding companies from selling insurance.

College students got their way on student loans vis-a-vis the truth-in-lending-laws.

The realtors are happy about the due-on-sale language. The homebuilders and mortgage bankers are happy.

In short, we crafted a very good piece of legislation which satisfied everybody except the members of the Independent Bankers Association, and I do not understand why they were not satisfied. This is a great piece of legislation, I submit, which will benefit financial institutions and consumers alike, and I encourage adoption of the rule and suggest that we ought to adopt the legislation.

Mr. COUGHLIN. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. I thank the gentleman for yielding to me.

Mr. Speaker, I associate myself with the remarks of the gentleman from Ohio (Mr. WYLIE).

Mr. Speaker, the hour is late not only for this season but for the thrift industry which has waited for many difficult months for Congress to provide it with some much-needed assistance.

H.R. 6267, the Garn-St Germain Depository Institutions Act of 1982, is not perfect but I believe it represents an important step toward shoring up financially troubled savings and loans while at the same marking progress toward deregulation that will allow depository institutions to compete with each other on a more competitive basis than in the past.

This legislation stands as a package with carefully balanced benefits for different sectors of the banking industry. For beleaguered thrift institutions, there are net worth guarantees, provisions for orderly mergers, and new authority to make some commercial loans and offer money market-type accounts. For banks, there is also the authority to offer money market-type accounts and the elimination of regulation Q. For credit unions, there is expanded mortgage lending authority.

Mr. Speaker, no change in our complex and interrelated banking system is going to please everyone and the many changes by H.R. 6267 are no exception. However, on balance, I believe it is a good bill that will result in strengthening our banking system, making depository institutions more competitive and responsive to the needs of the public they serve.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, I have not had occasion to read the bill and know very little about what is in the bill. But it does seem to me to be very strange to have a bill where we are trying to restructure the whole banking system on the floor on the last evening of the session, calling for a closed rule.

□ 2130

We are all interested in doing away with the higher interest rates, but it seems to me we are very likely perpetuating higher interest rates in this legislation. Higher interest rates are stifling our economy. Traditionally bankers have been content to charge interest a point a two above the rate of inflation, for some years, however, bankers have been charging 4, 6, 8, 10 percent above the rate of inflation. Farmers are unable to pay these rates. They cannot afford to borrow the money needed to buy the machinery and supplies to operate their farms. Small businesses cannot borrow money for working capital and merchandise. Industry cannot get the money to modernize plant and equipment. Consumers resist buying autos and other large items because of the heavy burden of interest. Home mortgage rates of 17 and 18 percent have literally killed the home building industry. Unemployment is rising and the economy is skidding into a depression. The U.S. economic situation and high interest rates are driving the world economy into a depression.

But we are not addressing these issues tonight. We are restructuring the banking system. We are apparently encouraging more mergers—big banks gobbling up small banks—and interstate mergers and banking.

But we cannot be sure because there is total disagreement as to what is in this bill. Very likely it perpetuates high interest rates—but we don't know, because we don't know what is in this bill.

We ought to vote down this rule until we can take a good look at this legislation, none of us knows what it does.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. MATTOX).

Mr. MATTOX. Mr. Speaker, I am pleased to get to this point about this. There are some very important things I think the Members ought to know. When we pressed the Net Worth Guarantee Act, H.R. 6267, at that time I was deeply afraid that this exact thing was going to happen, so I took the floor and Mr. GONZALEZ took the floor, and we got an unequivocal commitment from the chairman of this committee that he would not bring back a bill from conference that had been Christmas treed with this sort of provision. Members can look at the record, to the unequivocal commitment, because we knew this was going to happen.

It is wrong just to come in here and restructure the whole banking industry of this country in the closing hours of this session under a closed rule. I would ask the Members to go back and look at the record, and ask the membership to take time to study these provisions. They will see that it is wrong to restructure the banking system of this country in the closing hours of the session. It is wrong, and I say it again, it is wrong.

I would ask the Members to vote down this rule.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. WIRTH).

Mr. WIRTH. Mr. Speaker, I thank the distinguished member of the Rules Committee for yielding. We have, as has been explained by the gentleman from Kentucky and many others, a real procedural problem here; much more than just what is being done here in the last minutes of the session. The public interest is not being served when we do not have a report on the bill, and we have not seen the legislation, title 3 on.

This is not a Texas issue or a California issue or a Colorado issue; it is an issue of what we want our financial institutions to be.

Do we want a decentralized system as we have in the past? Do we want to have a very centralized financial system? Do we want interstate banking? What is the relationship between the securities industry and the banking industry? These are the issues that are underlying this discussion, and have never been addressed at all.

All we have done on the House side is to vote on a relatively narrow piece of legislation focused on something that most people share, that we have to save the S&L's. Yes, we do, but where have we gone from there? Nobody has any idea.

Who was involved in the conference? Not members of the Banking Committee overall—two or three people. Not members of the Commerce Committee involved in the securities industry. What are the implications of that? There is no discussion of what it is that we want our financial system overall in the country to be, and that industry is changing dramatically.

Here we are in the closing hours, making an extraordinarily important set of decisions. What we have to do is vote down this rule so that Members can go back and understand what is in the bill, and what the implications of legislation are going to be to their small banks back home to all of our financial institutions, and to the securities industry. This is a tangle, and we should not get into it tonight.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. WIRTH. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I thank my friend. I commend him. There is

nothing so pressing that we should write legislation with a bag on our heads tonight. Let us find out what is involved in here. Let us bring this forward under a sensible rule at a sensible time and consider the manner in a sensible fashion. Let us not foreclose ourselves.

The SPEAKER. The gentleman from Mississippi (Mr. LOTT) has 18 minutes remaining.

Mr. LOTT. Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut (Mr. MCKINNEY).

Mr. MCKINNEY. I certainly did not expect to speak on this rule, Mr. Speaker. I have prided myself on never having wasted the time of this House in speaking on a rule in 12 long years in this House, but I have never in 12 years in this House heard so much misinformation, so many misstatements, and I quite frankly would like to address one subject.

Are we dealing with this subject in the last moment? Nonsense. We have sat in this House and watched the banking business of this Nation and the thrift industry fall apart for the last 6 years. I remember that on this very floor we stayed up for 38 hours, and I walked around to many Members that are here with a first attempt to try and straighten out the catastrophe that was coming, and everybody had an objection to point 1, an objection to point 2, an objection to point 3, and we ended up with about 4 out of 40 issues, and nothing happened, again the last moment.

With all due respect to my good friend from Texas, a man who I have worked with and will always admire and respect, I would urge that the independent bankers have been against every single thing we have tried to do to straighten out the banking industry since I got on the committee. What are we doing? Why is there a crisis? There is a crisis because the judges and the regulators are running the financial institutions of the United States of America. Not you and I, the Representatives of the people.

Where did NOW accounts come from? They came from a judge in Massachusetts because a clever lawyer found out that he could go to court. So, then we had the great New England experiment—and that is no insult to the State of Massachusetts, by the way—but to change the entire banking industry of the United States because of one judge's action in one State is a mistake, be he the brightest judge in the entire world.

Why did Fidelity get taken over? Because there was not an orderly system in law of how a financial institution going into collapse should be taken over. What does the bill say? The bill says that a similar institution in that State—intrastate—should have the first right to take over if it can, then, it says, No. 2, a dissimilar institution in that State should have the right to take over; again, intrastate. Then it moves on and goes out, it gets pretty broad. Similar institutions outside, dissimilar institutions outside. The fact of the matter is the institution is broke and outside this is only the taxpayer and the full faith and credit of the United States.

The fact of the matter is that thrifts are in terrible trouble, and I have heard a lot about how the small banks are not in trouble, and it just gives the big banks an option to gobble them up. I would suggest that if a bank is not in trouble, nobody is really going to bother to buy it, and they may not be in trouble, I say to my good friend, if in fact they are in oil leases or gas or something else, but in my part of the country where small banks in small cities have huge mortgage portfolios which commercial banks normally do not have, they are in every bit as much trouble as the thrift institutions.

Why? The small bank in the small town in the Midwest or Northeast or almost anywhere has had a long history of family service, has had a long history of being friendly, has had a long history of helping small business. They are well overextended in their mortgage portfolios for a commerical bank. They do not have a terrible lot of room to roam.

□ 2141

I have looked at seven of them very recently and found out that 50-odd percent of each one of the seven mortgage portfolios were paying less than 7 percent.

The SPEAKER pro tempore. Time of the gentleman from Connecticut has expired.

Mr. LOTT. Mr. Speaker, I will yield the gentleman 1 more minute but we have been discussing the substance here for almost an hour. I wonder if we could not vote favorably for the resolution and then talk about the substance.

Mr. MCKINNEY. I would wrap up that they have a commitment to the hardware stores, the grocery stores in hard times and they are making bad loans after bad loans that followed the good loans over the history.

If we do not do something about a unified industry and do it all together you are going to see chaos brought about by the regulators, by the judges, and not by the representatives of the people of this country.

Mr. GRAMM. Mr. Speaker, will the gentleman yield?

Mr. MCKINNEY. I yield to the gentleman from Texas.

Mr. GRAMM. I do not disagree with what the gentleman is saying. I know the gentleman to be a very thoughtful individual who cares deeply about legislation.

I think the thing that many of us are deeply concerned about is looking at the clock here it is 15 minutes to 10 o'clock at night. It seems to me to be rather shortsighted in the closing hours of the session to be considering a bill that is going to restructure the whole industry.

I think many of the changes that are in this bill should be made. But do you not think that we should have time to look at it and perhaps offer some amendments on it, and a closed rule, do you not think that is wrong?

Mr. LOTT. Mr. Speaker, I just yield myself a little more time just to say that as far as how long this is being considered, this has been around here for at least 2 years and probably 6 years, this subject and related subjects and the various parts of the bill that have been considerd.

So I would hope that somebody would clear that up maybe from the committee.

I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Speaker, the conference report before us today is a major bill on banking and financial institutions and, therefore, is particularly distressing to me because of what it does not do.

In Arkansas, indeed in 16 States of the Nation, we have a crisis with regard to the usury issue. The committees that have dealt with this legislation are aware of this critical usury problem. They have been aware of this for months, indeed for years. Yet, in this bill before us, they have done nothing to help our retail merchants; our automobile dealer; our banks, particularly our small banks; or our savings and loans to overcome this usury problem. This bill is totally inadequate in this respect.

It is my understanding that in Arkansas, alone, 260 of our 262 banks oppose passage of this legislation because it is so inadequate in the area of usury.

A study by the University of Arkansas estimates that between $600 million to $700 million has flowed out of our State of Arkansas because of the usury problem. This money is not available to our people for purchases at our retail stores, our automobile dealers, our building contractors, our residential areas, and on and on. This money is lost to us, at least under existing usury conditions insofar as investing in Arkansas' present and future is concerned.

Further, it is my understanding that with regard to the first three sections of this bill its provisions are fatally flawed because while it may aid the giants among the saving and loan industry, it does not—in realistic, real

world terms—provide the aid to the smaller savings and loan associations that it appears, on its face, to promise to make available.

Although I had wanted to vote for this conference report, the flaws in this proposition before us are such that I have been forced to rethink my position in the interests of the majority of our people in Arkansas.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. MINISH.)

Mr. MINISH. Mr. Speaker, I have listened to people come up here and speak and say the hour is late.

The hour really is late for the savings and loans. A year ago we had about 4,500 thrifts. Today we have 3,700 and 1,200 have severe net worth problems.

And I want to remind you that there are the institutions that built the homes for the little people in America. So what are we talking about here?

Do you want to help business? Do you want to help the carpenters? Do you want to help people own a home?

The savings and loans are in deep trouble, 1,200 are problems. That is why we are here at this hour.

If you do not do this, that must mean you are spending too much here and not enough time listening to the people who cannot find a mortgage, the builder who cannot find construction funds.

Mr. MOAKLEY. Mr. Speaker, the opponents of this rule will tell the House that they only seek a separate vote on one of the provisions of the bill. I wish to respond that the Committee on Rules has recommended a general waiver because the parliamentary situation would otherwise provide for votes on any provision, no matter how small. The rejection of even a single word of this conference report would have a catastrophic effect on the eve of an adjournment.

Mr. Speaker, I wish to quote from clause 4(d) of rule XXVIII, so that every Member will be aware of just what would happen in such a case, "If any such motion to reject has been adopted * * * the conference report shall be considered as rejected."

At that stage, the House would have to request a new conference, the other body would have to set aside their action yesterday in passing the conference report and agree to the new conference, and conferees would have to be appointed in each House. Then the managers would have to meet, agree to, write, and file a new conference report. The new conference report would again be subject to a 3-day layover and to separate votes on any single provision of six of the eight titles.

The rule prevents this and allows to stand on its merits a bill of vital and immediate importance to commercial banks, thrift institutions, and credit unions. But the bill is of equal importance to home buyers, builders, realtors and all segments of the economy dependent on the survival and viability of our depository institutions.

Indeed, Mr. Speaker, I would note the comments of my able friend from New Jersey (Mr. MINISH) and warn the House that a "no" vote on the rule would delay enactment of this vital legislation and doom a number of smaller financial institutions to failure before the Congress returns.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WRIGHT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 294, nays 59, not voting 79, as follows:

[Roll No. 391]

YEAS—294

Akaka	Derwinski	Hawkins
Anderson	Dicks	Heckler
Andrews	Donnelly	Heftel
Annunzio	Dornan	Hendon
Anthony	Downey	Hertel
Atkinson	Dreier	Hiler
AuCoin	Duncan	Hillis
Bafalis	Dunn	Holland
Bailey (MO)	Dwyer	Hollenbeck
Bailey (PA)	Dymally	Holt
Barnard	Dyson	Hopkins
Barnes	Early	Howard
Beard	Eckart	Hoyer
Bedell	Edgar	Huckaby
Benedict	Edwards (AL)	Hughes
Bennett	Edwards (CA)	Hunter
Bereuter	Emerson	Hutto
Bevill	Emery	Hyde
Biaggi	Erdahl	Jeffords
Bingham	Erlenborn	Jones (OK)
Bliley	Evans (DE)	Jones (TN)
Bonior	Evans (GA)	Kastenmeier
Bonker	Evans (IA)	Kemp
Bouquard	Evans (IN)	Kennelly
Bowen	Fary	Kildee
Breaux	Fascell	Kindness
Brinkley	Fenwick	LaFalce
Brodhead	Fiedler	Lagomarsino
Brooks	Findley	Leach
Broomfield	Fithian	LeBoutillier
Brown (CA)	Florio	Lehman
Brown (OH)	Ford (TN)	Lent
Broyhill	Fountain	Levitas
Butler	Frank	Lewis
Campbell	Frenzel	Livingston
Carman	Garcia	Long (LA)
Carney	Gaydos	Long (MD)
Chappie	Gejdenson	Lott
Cheney	Gephardt	Lowery (CA)
Clausen	Gibbons	Lowry (WA)
Clinger	Gilman	Lujan
Coats	Gingrich	Luken
Coelho	Glickman	Lundine
Coleman	Goodling	Lungren
Collins (IL)	Gore	Madigan
Conable	Gradison	Marks
Corcoran	Gray	Marlenee
Coughlin	Green	Marriott
Courter	Gregg	Martin (IL)
Coyne, James	Grisham	Martin (NC)
Coyne, William	Guarini	Martin (NY)
Craig	Gunderson	Mavroules
Daniel, R. W.	Hagedorn	Mazzoli
Dannemeyer	Hall (OH)	McCollum
Daschle	Hansen (ID)	McCurdy
Daub	Harkin	McDade
DeNardis	Hartnett	McGrath
Derrick	Hatcher	McHugh
McKinney	Ratchford	Snyder
Mica	Regula	Solarz
Michel	Rhodes	Solomon
Mikulski	Rinaldo	Spence
Miller (OH)	Ritter	St Germain
Mineta	Roberts (KS)	Stangeland
Minish	Robinson	Stanton
Mitchell (MD)	Roemer	Stark
Mitchell (NY)	Rogers	Staton
Moakley	Rose	Stokes
Molinari	Rostenkowski	Stratton
Montgomery	Roth	Studds
Moorhead	Roukema	Stump
Morrison	Roybal	Swift
Murtha	Russo	Synar
Myers	Sabo	Tauke
Napier	Santini	Taylor
Natcher	Sawyer	Thomas
Neal	Scheuer	Trible
Nelligan	Schneider	Vento
Nelson	Schulze	Walgren
Nowak	Schumer	Walker
O'Brien	Seiberling	Wampler
Oakar	Sensenbrenner	Weaver
Oberstar	Shamansky	Weber (MN)
Obey	Shannon	Weber (OH)
Ottinger	Sharp	Whitehurst
Oxley	Shaw	Whittaker
Panetta	Shelby	Whitten
Parris	Shumway	Williams (OH)
Patterson	Shuster	Winn
Pepper	Siljander	Wolf
Petri	Simon	Wolpe
Peyser	Skeen	Wortley
Pickle	Smith (AL)	Wyden
Porter	Smith (IA)	Wylie
Price	Smith (NE)	Yatron
Pritchard	Smith (NJ)	Young (AK)
Quillen	Smith (OR)	Young (MO)
Rangel	Snowe	Zablocki

NAYS—59

Alexander	Gonzalez	McDonald
Archer	Gramm	Moore
Ashbrook	Hall, Ralph	Murphy
Bethune	Hall, Sam	Pashayan
Boggs	Hammerschmidt	Patman
Brown (CO)	Hubbard	Paul
Burton, Phillip	Jacobs	Pease
Byron	Jeffries	Perkins
Clay	Johnston	Rahall
Crane, Daniel	Kazen	Roberts (SD)
Crane, Philip	Kogovsek	Schroeder
de la Garza	Latta	Stenholm
Dellums	Leath	Tauzin
Dingell	Lee	Washington
Dorgan	Leland	Watkins
English	Loeffler	White
Fields	Markey	Wilson
Foglietta	Matsui	Wirth
Foley	Mattox	Wright
Frost	McClory	

NOT VOTING—79

Addabbo	Ertel	Mollohan
Albosta	Fazio	Motti
Applegate	Ferraro	Nichols
Aspin	Fish	Pursell
Badham	Flippo	Railsback
Beilenson	Ford (MI)	Reuss
Blanchard	Forsythe	Rodino
Boland	Fowler	Roe
Bolling	Fuqua	Rosenthal
Boner	Ginn	Rousselot
Burgener	Goldwater	Rudd
Burton, John	Hamilton	Savage
Chappell	Hance	Skelton
Chisholm	Hansen (UT)	Smith (PA)
Collins (TX)	Hefner	Traxler
Conte	Hightower	Udall
Conyers	Horton	Vander Jagt
Crockett	Ireland	Volkmer
D'Amours	Jenkins	Waxman
Daniel, Dan	Jones (NC)	Weiss
Davis	Kramer	Whitley
Deckard	Lantos	Williams (MT)
Dickinson	Martinez	Yates
Dixon	McCloskey	Young (FL)
Dougherty	McEwen	Zeferetti
Dowdy	Miller (CA)	
Edwards (OK)	Moffett	

□ 2200

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. ST GERMAIN. Mr. Speaker, pursuant to the provisions of House Resolution 603, I call up the conference report on the bill (H.R. 6267) to revitalize the housing industry by strengthening the financial stability of home mortgage lending institutions and insuring the availability of home mortgage loans.

The Clerk read the title of the bill.

The SPEAKER. Pursuant to House Resolution 603, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 30, 1982.)

The SPEAKER. The gentleman from Rhode Island (Mr. ST GERMAIN) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. STANTON) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Rhode Island (Mr. ST GERMAIN).

Mr. ST GERMAIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the report on this legislation was printed in the CONGRESSIONAL RECORD that was delivered to everybody's office this morning. We have had substantial debate on the substance of the legislation during consideration of the rule.

The hour is late. The legislation is important.

I trust that the membership will allow me to expedite consideration of this legislation.

Mr. Speaker, today, the House is considering a conference report on legislation which represents another milestone in the development of our financial system. For almost two decades the Congress and the public have been debating and studying the statutory and regulatory framework of the Nation's financial system. The Hunt Commission report and the Commission on Money and Credit each recommended major changes in the framework within which our depository institutions should operate. The House Banking Committee's extensive hearings and report on the "FINE (Financial Institutions in the Nation's Economy) Discussion Principles" helped to shape developments which have occurred in the last several Congresses.

In the 96th Congress legislation providing a major first step in the process of deregulating the operations of our depository institutions began. That legislation recognized that competition and freedom from governmentally imposed restraints on the amount of interest depository institutions could pay to their customers was necessary. In doing so, that legislation also provided some flexibility for banks, savings and loans, savings banks, and credit unions to operate with more flexibility on the asset side of their balance sheets as well. This bill is a further step in that process.

During this Congress the House and Senate Banking Committees have held extensive hearings on the matters contained in this legislation. The House has passed several separate bills which are contained in the conference report. These are the Net Worth Guarantee Act (H.R. 6267), The Deposit Insurance Flexibility Act (H.R. 4603) and the Reserve Requirements Reform Act of 1982. In addition, the committee during hearings on these bills, on monetary policy, on competition in the marketplace for deposits, heard witnesses from the executive departments, the agencies, and the public testify on the need for and description of the powers that depository institutions and the depository institution regulatory agencies need for the years to come.

Coming away from those hearings and from our work in producing the bills which came to the House, I am convinced that we must provide the FDIC and the FSLIC with better tools to handle the problems so clearly evident in the financial system today; we must provide banks and thrifts with a deposit instrument which will allow them to compete with unregulated financial institutions and to offer the consumer, the small saver, with a further opportunity to receive a market rate on his deposits. In addition depository institutions must also have more flexibility to generate earnings on the assets side of their balance sheets to be able to pay higher rates on their deposits. This conference reported bill addresses each of these concerns.

The House and Senate conferees have met and considered the differences between the two bills and have developed legislation which addresses the real needs of our insuring agencies and of depository institutions both in the short and the long term. The product is a bill supported by the vast majority of the members of the House and Senate Banking Committees. It is a bill supported by the Federal Reserve Board, the FHLBB, the FDIC, the Comptroller of the Currency, the Department of the Treasury, NCUA, and every trade group affected except the Independent Bankers Association. The administration is fully supportive of this legislation and considers it to be a priority item.

The IBAA opposition centers primarily on the granting of commercial and agricultural lending authority to savings and loan associations and to the establishment of a deposit instrument for depository institutions which will allow them to compete effectively against nonregulated financial intermediaries. The conferees believe that the fears expressed by the IBAA are unfounded. This legislation addresses directly the major problems our depository institutions face in today's adverse economic climate. The compromise reached in the legislation is the product of months of work involving the insuring agencies and the affected industries. Extensive legislative consideration by both Banking Committees and the Congress have thoroughly explored all of the items in this bill. The FINE study, an exhaustive study of depository institution activities which was conducted in 1976, thoroughly explored the concept of providing thrifts with commercial lending authority and with liberalization of commercial bank operations. Numerous reports by executive agencies and administrations have recommended liberalization of thrift investment powers, creation of truly competitive deposit instruments, and deregulation of commercial bank authorities. Depository institution legislation on many of these subjects was considered in the 94th, 95th, 96th, and present Congresses. During numerous hearings conducted by the committee during this Congress witnesses including the Federal Home Loan Bank Board, the Treasury Department, FDIC, and various public witnesses all discussed rather thoroughly and made recommendations regarding this legislation. Other examples of the thorough consideration of these issues come to mind. Title 6 of the bill, for example, was passed by the House in the 95th and 96th Congresses. Most recently, the reserve requirement provisions passed the House on the Suspension Calendar.

If enacted this bill will help to stabilize our financial system; it will provide our insuring agencies with the flexibility they need to address the very real problems that they have; and it will strike a balance between the banking and thrift industries in this country.

All depository institutions have to have more flexibility in their operations. The bill provides this for banks and for thrifts. For the thrifts, new lending authority, including a limited basket of commercial lending authority, will provide them with the tools they need to restore their earnings and to weather business cycles. With respect to commercial authority, let us put this in perspective. Commercial banks have unlimited commercial lending authority. In terms of portfolio characteristics, many banks have 40 percent or more of their loans in commercial loans. This bill only provides thrifts with a 10-percent basket. Banks and thrifts alike will have a deposit instrument they need to compete in today's marketplace. Banks are given more flexibility in their operations to meet the needs of their customers.

The bill contains several titles including:

TITLE I—DEPOSIT INSURANCE FLEXIBILITY ACT

This title expands FDIC and FSLIC powers to assist troubled depository institutions and, when appropriate, to arrange interstate and cross-industry acquisitions of such institutions. At this point I would like to clarify one point concerning the bill approved in conference. When H.R. 4603, the predecessor to Title I of the conference-approved bill, was passed by the House, it contained a provision clarifying that for purposes of the thrift merger provisions, mutual and stock savings banks were to be considered as the same type of institutions as savings and loans under the provision's priority arrangement. During conference we were advised by counsel that such a clarification of the status of savings banks was unnecessary, and the conference-approved bill does not contain the language that had been in the House-passed version. Out of caution, however, I take this opportunity to reiterate that for purposes of the thrift merger priorities in Title I of the bill approved in conference, savings banks are considered to be the same type of institution as savings and loans. It also broadens the National Credit Union Administration's authority regarding the merger of financially distressed credit unions. This title also authorizes a savings bank to convert from State to Federal charter and continue to be FDIC insured.

TITLE II—NET WORTH CERTIFICATES

This title establishes a program whereby the FDIC and FSLIC may purchase net worth certificates from troubled depository institutions in exchange for promissory notes. The certificates will be considered capital and therefore increase the net worth of the assisted institutions.

TITLE III—THRIFT INSTITUTIONS RESTRUCTURING

This title broadens the lending and investment powers of thrift institutions and facilitates the conversion of thrifts from State to Federal charter and from mutual to stock form. This title also includes a provision directing the Depository Institutions Deregulation Committee to authorize depository institutions to offer a new deposit account within 60 days of the bill's enactment that would be "directly equivalent with money market mutual funds * * *".

TITLE IV—PROVISIONS RELATING TO NATIONAL AND MEMBER BANKS

This title amends various statutory provisions primarily affecting commercial banks to revise certain lending and borrowing limits, and, revise lending limits on transactions affecting bank holding companies and their subsidiaries. The title also exempts from reserve requirements the first $2 million in reservable deposits for all depository institutions thereby exempting small institutions with total deposits of around $5 million.

TITLE V—AMENDMENTS TO THE FEDERAL CREDIT UNION ACT

This title amends the act to simplify the organization process for credit unions, broaden their mortgage lending powers, and clairfy and make technical modifications to numerous provisions of the act.

TITLE VI—INSURANCE ACTIVITIES OF BANK HOLDING COMPANIES

This title restricts the insurance selling activities of bank holding companies.

TITLE VII—MISCELLANEOUS

This title amends the Truth-in-Lending Act relating to student loans and real estate agents, amends various provisions affecting commercial bands and bank holding companies, and extends a 6-year phase-in for certain commercial banks that withdrew from the Federal Reserve during the period while Congress was considering the Monetary Control Act of 1980.

TITLE VIII—ALTERNATIVE MORTGAGES

This title preempts State law for all non-federally chartered housing lenders to authorize them to make alternative mortgages pursuant to Federal regulations. The States have 3 years to reestablish State law in this area.

Several provisions of the legislation I have just summarized establish effectives by referring to the Depository Institutions Amendments of 1982. The short title of the bill has been changed to the "Garn-St Germain Depository Institutions Act of 1982", though the various cross-references in the legislation were not changed to conform. I would like to make clear that references in the bill to the "Depository Institutions Amendments of 1982" should be considered as references to the "Garn-St Germain Depository Institutions Act of 1982".

Mr. Speaker this bill is needed and it is needed now. The Senate has approved the conference report, and I urge each of my colleagues to vote for this report. The Nation's financial structure needs the changes which this legislation provides in order for it to provide the services that the public—business and individuals alike-demand today.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I rise in support of the conference report.

Mr. Speaker, there are many very important provisions in this legislation. Especially important is the regulators legislation and the Net Worth Guarantee Act. At the same time, I am troubled about a trend evident in this legislation which I fear may lead to less residential mortgage lending by thrift institutions. However, on balance, this is a workable piece of legislation and it demonstrates the legislative skill of the Banking Committee chairman, Mr. ST GERMAIN.

I am especially pleased to note the inclusion of section 410 in H.R. 6267, the Banking Affiliates Act of 1982. This act is substantially the same as H.R. 5198 which I introduced on December 11, 1981. The bill liberalizes certain provisions which unduly restrict transactions between banks and their affiliates while still protecting a bank from adverse transactions with affiliates. Currently, section 23A of the Federal Reserve Act requires that bank loans or extensions of credit to affiliates be secured by stock, bonds, debentures and other such obligations. This collateral must equal at least 100 percent of the loan made by the bank to its affiliate. This narrow class of assets which can be used as collateral severely limits the flexibility of the operations of bank affiliates which leads to inefficient use of resources.

Section 410 widens the class of assets that can be used as collateral to include such assets as U.S. Government securities and real and personal property. As a result, bank affiliates will be able to operate more freely. However, the banks depositors will not be at risk, because the loans will still be fully collateralized.

Mr. Speaker, I am confident that the revisions to section 23A of the Federal Reserve Act will contribute to the growth of our Nation's economy. I urge my colleagues to support H.R. 6267 which has so many worthwhile, yet little noticed provisions.

Mr. ST GERMAIN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. LAFALCE), a member of the committee.

Mr. LAFALCE. Mr. Speaker, I rise in support of the legislation.

Mr. Speaker, as a member of the House Banking Committee and a participant in the Financial Institutions Subcommittee review of the financial aid package that is now before us, let me first commend the efforts of the members and staff who have devoted themselves untiringly to the work of this legislation. We are all aware of the unprecedented losses experienced by mortgage lending institutions in this country—losses that have been a byproduct of restrictive regulation and an economy beset with the ills brought on by recordbreaking deficits and high interest rates. As a Member of Congress from the State of New York, I have seen the necessity of mergers and acquisitions entered into to protect the assets of depositors. I have seen the failure of the housing industry and the dislocation and distress that has resulted. And I have been actively working to promote action to address these problems.

In our efforts to come to terms with the problems at hand we sometimes become overzealous—we turn to quick fixes and instant answers. I am happy to say that today, with this legislative

package, we are attempting to solve both the current difficulties faced by our financial institutions and the more fundamental problems within the system itself. We are providing emergency powers to the regulators and deposit insurers to address the short-term crisis in the thrift industry. At the same time, we are providing the tools of expanded asset powers so that the industry can grow and compete in what we have come to regard as the new financial marketplace. We are continuing and abetting the process of deregulation begun in this Congress 2 years ago. By insisting on an early phaseout of the differential and the creation of a fund to be competitive with money market mutual funds we are insuring that the new financial marketplace will be open to the benefits of competition—equal competition between the participants in the marketplace.

The Congress is dealing with a multifaceted bill. We have considered a number of issues and we are addressing a wide range of concerns and possibilities. Several other important issues have been set aside for later consideration, and it is my intent to bring those questions up immediately upon the convening of the new Congress.

Mr. ST GERMAIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. BARNARD), a prominent member of the committee.

Mr. BARNARD. Mr. Speaker, before I begin, I would like to express my appreciation to both my distinguished chairman, and to Mr. STANTON, the ranking member, for their hard work on this legislation.

They have made the hard decisions that had to be made, and without their leadership, we would not have been able to come up with this compromise package.

Mr. Speaker, this conference report is more than just a restructuring of the thrift industry. It is also a major step toward the preservation of small and community banks.

For the past several years, I have heard from institution after institution that has told me of their loss of deposits to money market mutual funds. Bankers have repeatedly told me about how their best and biggest customers have been emptying their accounts into Merrill Lynch or another of the nonbank financial institutions.

These funds from their area have been swept up by big city institutions and taken to the money centers and overseas. As a result, money for small businesses and farmers is not as available as it was.

The problem has been that the smaller institutions simply could not compete. They could not match the interest the money funds could pay because of regulatory handcuffs put on them by Congress. Their plea has been to let them compete. They were not afraid to compete with anyone, these bankers told me, but with the law as it was, small banks simply could not match the rates or services of the giants.

This legislation corrects this problem. It will give small banks a new account without interest restrictions or other limits so that, for the first time they can compete. What is more, this account will be fully insured by the FDIC up to $100,000. This is a feature the mutual funds cannot match.

With this legislation, we will begin to reverse the flow of money away from our smaller communities and pull it back to be used for the needs of the community—for the farmers, small businessmen and others.

Mr. Speaker, I was a banker in a State chartered bank for many years, and I have no fears that small banks will be hurt by this legislation.

Small banks have known how to compete for decades. They have strong ties with their communities that no equal competitor can break. With this bill, they will be able to compete with money market mutual funds head on, and I have no doubt that they will be able to more than hold their own.

Mr. ST GERMAIN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Ms. OAKAR), a member of our committee, and a very valuable one at that.

Ms. OAKAR. Mr. Speaker, I rise in support of the conference report.

I would like to pay special tribute to our chairman and also to the minority leader of our Committee on Banking, Finance and Urban Affairs, who has had such a distinguished career in this House, and since this is one of the last banking bills of which he has been one of the molders and shapers, I think all of us ought to acknowledge the very excellent work of the gentleman from Ohio, Mr. BILL STANTON. Truly he has been one of the finest public servants from northeast Ohio and indeed the country.

The SPEAKER. The Chair wants to publicly acknowledge the remarks of the gentlewoman from Ohio (Ms. OAKAR) and he subscribes to them in the fullest.

One of the greatest and finest gentleman that I have ever met in the 30 years I have been in the Congress of the United States. As he commences a new life with his beautiful wife, Peggy, we want to wish him happiness.

Mr. ST GERMAIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Hawaii (Mr. AKAKA).

Mr. AKAKA. Mr. Speaker, I rise in support of the conference report on H.R. 6267, the Depository Institutions Amendments of 1982. There can be no doubt that this legislation to assist the ailing savings and loan industry is absolutely crucial. Of course this legislation will not provide a miraculous cure for the industry. But it represents a positive step toward putting the entire industry on a more solid basis.

I am particularly pleased that the House conferees included several provisions to grant banks greater powers in order that they may compete with the nonregulated financial organizations. It is the threat from these nonregulated financial conglomerates that we should be most concerned with. These nonregulated financial corporations pose a very real threat to our decentralized banking system. I am unwilling to see the demise of our small banks and savings and loans. It is these institutions which have provided loans for the people to build homes and start new businesses.

Mr. Speaker I urge the Members to support this much needed legislation.

Mr. ST GERMAIN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Maryland (Mr. MITCHELL), a member of the committee.

Mr. MITCHELL of Maryland. Mr. Speaker, I commend the members of the committee and the House for passing a piece of legislation that is desperately needed. S&L's have to be saved. This does help them.

Mr. ST GERMAIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, there is much in this bill that I can support. I can support measures to assist institutions that have fallen into difficulty because of unforeseen and unforeseeable economic events. What I cannot support is legislation that vastly changes banking, legislation that has had no genuine debate or consideration either in the House or in its Banking Committee.

Earlier this year, the House was assured that there would not be comprehensive banking law tacked onto its original and very limited bill to strengthen failing institutions. This conference agreement, however, is precisely the kind of broad legislation that we were assured would not be added to our bill. I can understand that circumstances may change, but I do not believe that conditions now prevailing warrant the kind of extraordinary procedure that has been the case with this bill.

As it happens, the changes embodied in this bill have a special impact on the financial community of my State. For example, it grants vast new powers to savings institutions. In Texas, savings institutions have branching powers, but banks do not. The consequence of the bill is almost certainly that the State will have to abandon its unit banking rule. The concentration of bank resources in

Texas is already very great, but this bill will accelerate that concentration, in ways and with consequences that no one can really predict.

The bill further changes the financial landscape by making savings institutions very close to commercial banks, insofar as their powers go. Yet those institutions do not operate under the same kinds of tax and reserve rules, do not operate under the same kind of regulatory framework, and serve in every case, markets that overlap. No one can predict what the result of the coming competition will be, but one thing is certain: Institutions that had for decades served distinct and specialized functions now operate in the same arena. Savings institutions will no longer exist just to provide mortgage money; they will henceforth concentrate on other areas. No one can really say where mortgage money will come from.

I understand that the shape of the financial world has changed markedly, as a result of the seeming permanence of astronomic interest rates. Yet we should not so lightly and with so little debate, and with so little real understanding, abandon the concept of specialized financial institutions. We are abandoning a structure, without any idea of how to provide for the services that it was erected to deliver.

This bill will open the way for interstate megabanks. We can already see the outlines of these institutions. American Express operates everything from credit cards to realty companies. Sears operates in real estate, insurance, and a whole range of financial services. Citibank has already acquired a major savings and loan a continent away from its headquarters. Savings and loans are converting to banks, and other savings and loans are coming under interstate ownership. Who can say what all the consequences of this will be? What is distressing is that hardly anyone seems to have tried to discover the answer. For myself, the pyramiding of financial power is something to fear. The interest of megabanks will be quick and maximum profit, not service. We have already seen how industrial conglomerates, with their emphasis on quick profit, have been responsible for the loss of innovative capacity and ultimately the loss of American markets to foreign firms that are able to show patience, able to play the long and more rewarding game. Surely this is not an example to follow. Yet this bill lays the ground for a vast acceleration of the growing concentration of this Nation's financial powers.

It can truthfully be said that this conference report embodies the most important banking law in decades. Yet there are not a dozen Members of the House who will have had time to read the conference report that was printed in the RECORD only today, let alone digest it. There are not a dozen who will have had more than a few minutes, or even more than a few seconds, to judge its merits. The bill satisfies, for the moment, the powerful interests that control the major financial lobbies in town and so it appears to be without much controversy. That is unfortunate, because even I, as a senior member of the Banking Committee, have had no real opportunity to study this report. I would like to have that opportunity, and thought that the House had been assured of it.

There are, as I said at the outset, parts of this bill that I have supported, and continue to support. But there is more in it that I have strong doubts about, and I do not believe it is wise for the House to adopt a bill that so profoundly changes banking law, with no opportunity for debate and none for consideration of the many serious issues covered. Nor do I believe that we should act in such great haste when we know so little of the likely results. The results are likely to be good for the already powerful financial institutions, but not good for people who seek home mortgages, hope for assistance at a locally owned bank, or would like to see the survival of a diverse financial industry that is not dominated by a few remote and omnipotent—perhaps omnivorous—megabanks. I cannot support this bill.

Mr. ST GERMAIN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. PATTERSON), a member of the committee.

Mr. PATTERSON. Mr. Speaker, I rise in support of the conference report.

Mr. ST GERMAIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. ANNUNZIO), the ranking member of the subcommittee.

Mr. ANNUNZIO. Mr. Speaker, I would like to have the gentleman answer a question.

In considering the Senate amendment to the definition of creditor, we weighed the value of truth-in-lending disclosures against the need to take action that might facilitate home sales in a terribly depressed housing market. We do not want to take any action that might discourage real estate brokers from attempting to assist home buyers in locating or arranging financing for the purchase of a home. With real estate sales at record low levels, we do not want to do anything that might prevent a single home purchasers from buying a home that they desire. The intent of the legislation is to protect persons who help home buyers and home sellers arrange mutually satisfactory financing of the home sales.

It is my understanding that this amendment will not prohibit the Federal Reserve Board from enforcing the Truth in Lending Act in regard to persons who locate or extend credit in connection with home improvements of the consumer's dwelling independent of financial institutions. Is that understanding correct?

Mr. ST GERMAIN. Mr. Speaker, if the gentleman will yield. The gentleman is absolutely correct. The intent is to facilitate home sales. Loan brokering not connected to home sales would not be exempted from disclosures under the Truth in Lending Act.

Mr. ST GERMAIN. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. MINISH).

Mr. MINISH. Mr. Speaker, I rise in strong support of the bill and the conference report.

Mr. AuCOIN. Mr. Speaker, will the gentleman yield?

Mr. ST GERMAIN. I yield to the gentleman from Oregon.

Mr. AuCOIN. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the bill. The survival of the savings and loan associations of America is at stake here. The ability of our local banks to attract deposits to in turn be invested in local business and economic growth is at stake here.

If my colleagues want to prevent a massive wave of banking and savings and loan failures, there is only one vote of this bill—an "aye" vote.

I disagree with those tonight who have said the House has no business bringing this bill up tonight. The problem is immediate, it is urgent, and it would be irresponsible for the Congress to adjourn without passing this bill right now.

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Mr. ST GERMAIN. Mr. Speaker, I yield to the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, I would like to ask the distinguished chairman if there are any interstate banking provisions that will permit interstate banking in this bill?

Mr. ST GERMAIN. The provisions in this bill are designed to provide procedures and standards developed by the Congress to determine when and how mergers involving failing institutions will be allowed. These standards will go far toward establishing order in our financial system.

Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. LOWRY).

Mr. LOWRY of Washington. Mr. Speaker, I thank the gentleman for yielding. I rise in support of the conference report and congratulate the chairman and the ranking minority member on a fine job.

I would ask if the chairman would yield for a short colloquy.

Mr. Chairman, am I correct in assuming that under the provisions of the bill giving the FDIC more flexible authority to approve mergers of distressed institutions and resolving the question of insurance responsibility for Federal savings banks, the conferees expect the FDIC to act in an expeditious and orderly manner in carrying out its responsibilities under title I, and in particular under section 112(D) in cases involving mergers of distressed savings banks?

Mr. ST GERMAIN. Mr. Speaker, the gentleman's assumption is correct. We expect the FDIC, indeed, to act in an expeditious and orderly manner in those cases.

Mr. LOWRY of Washington. Mr. Speaker, I thank the gentleman.

Mr. ST GERMAIN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Louisiana (Mrs. BOGGS).

Mrs. BOGGS. Mr. Speaker, I rise to recognize the impressive efforts of Chairman ST GERMAIN and the members of the committee to develop legislation which would extend a helping hand to the ailing savings and loan industry and which would be responsive to the new challenges facing financial institutions in our country. As a former member of the House Banking Committee and a participant in the FINE study conducted by the committee in 1975 and 1976, I see this legislation as an important part of the process of adapting our financial institutions to present day realities—a process which has both national and international implications. Although I admit to sharing the concerns of the independent bankers about some items in the package, I recognize the achievement that this package represents in bringing together the divergent interests of the various financial institutions in an effort to address the current crisis situation.

I am particularly pleased to note that the conference report contains the text of H.R. 6477, a bill I had introduced with Congressmen LIVINGSTON, MONTGOMERY, LOTT, BARNARD, BOWEN, and DOWDY to authorize national banks to hold certain real estate consistent with the law applicable to State-chartered banks in the State where the national bank is located. The need for the legislation was explained last year when the Congress included in Public Law 97-25 a moratorium on enforcement of a provision of the National Bank Act of 1864 which limited national banks to a 5-year holding period for real estate which had been acquired, but not used in the conduct of normal banking operations. After some 50 years of nonenforcement, the Office of the Comptroller of the Currency began several years ago to require national banks to divest themselves of such holdings—regardless of market conditions and of the ability of many State-chartered institutions to continue to hold such real estate. Senator TOWER had introduced the same bill in the Senate. It was included in the Senate-passed version of this banking legislation and accepted by Chairman ST GERMAIN in Conference. I would like to express to the chairman my appreciation for his leadership in the inclusion of this important provision in the conference report.

Mr. ST GERMAIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. ANNUNZIO).

Mr. ANNUNZIO. Mr. Speaker, I am in strong support of the conference report on H.R. 6267.

I am proud to the House that the House conferees were successful in removing from the Senate version of the legislation a provision that would have cost American farmers and businessmen billions of dollars in extra interest rates.

The Senate version would have continued to remove State-imposed loan ceilings on business and agricultural loans until April 1, 1984. That loan ceiling removal was scheduled to expire on April 1, 1983.

In place of the loan ceiling, farmers and businessmen would have to pay a sliding-scale rate based on the Federal Reserve's discount rate plus 3 percent plus any surcharges which are leveled on the discount rate. That formula saw farmers and businessmen paying interest rates as high as 22 percent earlier this year.

The House conferees were insistent that they would not stand still for any additional mandated high-interest rates, and that provision was stricken from the bill. That means that on April 1 of next year, farmers and businessmen will once again be governed by State loan ceilings rather than artificially high federally imposed ceilings.

I want every Member of this House to know that when you go back to your districts and you are asked what you have done to bring down those interest rates, you can cite this conference report as an example of what the House of the people has done to protect the pocketbooks of the people.

Mr. ST GERMAIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Speaker, I rise in support of this legislation. It means a great deal to the different institutions in banking and savings in Mississippi.

Also, Mr. Speaker, for years some of us have been trying to pass legislation that would protect insurance agents from large bank holding companies writing controlled insurance through their holdings.

Under this conference report one title gives the insurance agents this protection.

I ask my colleagues to support this conference report.

Mr. STANTON of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I believe that the minority can finish this bill within about 4 minutes.

Mr. Speaker, I rise in strong support of the conference report on H.R. 6267.

This legislation represents several, significant steps forward on the evolutionary path of banking legislation. Originally, H.R. 6267—Chairman ST GERMAIN's Net Worth Guarantee Act—began its legislative journey in our own Committee on Banking, Finance and Urban Affairs, and was sent on its way by the House earlier this year. It is noteworthy that we return to this Chamber today at the end of that journey to give the conference report on H.R. 6267 our final stamp of approval.

The Garn-St Germain bill ranks as one of the top two or three acts—with the Bank Holding Company Act Amendments of 1970 and the Depository Institutions Deregulation and Monetary Control Act of 1980—reported by the Banking Committee during my congressional career. Briefly, this legislation does the following:

Titles I and II give the regulatory agencies the flexibility, the tools, and the capital instruments necessary to "preserve the safety, soundness and continued viability of financial institutions in this country," to quote Chairman Bill Isaac of the FDIC.

Title III grants thrift institutions limited commercial lending authority, a small increase in consumer lending powers, and augmented investment capabilities. This will allow thrifts to diversify their portfolios, strengthen their institutions and maintain their traditional commitment to home mortgage lending.

Title IV provides commercial banks, large and small, with truly competitive instrument to challenge the $200 billion money fund industry. Broad new authorities contained in the bank service corporation section and the revised lending and borrowing limits should be of particular benefit to small banks.

Finally, credit unions gain almost a total exemption from reserve requirements under the Monetary Control Act in addition to broader mortgage lending powers.

Mr. Speaker, the legislative package before the House today passed the Senate yesterday by a voice vote. It represents a balanced, bipartisan effort in the best interest of our depository institutions.

The Garn-St Germain bill is the product of several years worth of work by Congress. For example, the fore-

runner of title I—the so-called regulators' bill—was first introduced by former Chairman REUSS, Chairman ST GERMAIN, CHALMERS, WYLIE, and myself on April 16, 1980. Since then, we have worked closely with Federal Reserve Chairman Volcker, FDIC Chairman Isaac, Federal Home Loan Bank Board Chairman Pratt, all of the affected industries, and the members of the Banking Committee to mold this provision. Similarly, title II represents a blended version of the capital assistance programs of my friend from Rhode Island, Mr. ST GERMAIN, and my friend from my home State of Ohio, Mr. WYLIE, the ranking Republican member of the Financial Institutions Subcommittee. The resulting net worth certificate program is a promising compromise to materially aid troubled institutions.

If my predictions come true—that we have taken several steps forward today—then I must also state my strong conviction that we are taking an unfortunate step backward at the same time. Title VI—restricting the already limited insurance activities of bank holding companies—is this backward step. It is anticompetitive. It is anticonsumer. It will only increase the cost which our constituents will have to pay for these financial services.

More importantly, this is the first time that Congress has stepped into the Federal Reserve's decisionmaking process to determine what financial services are "closely related to banking" as far as section 4(c)(8) of the Bank Holding Company Act is concerned. In 1970, Congress wisely decided not to define those financial services which are closely related to banking and those that are not. We did this so the Federal Reserve would exercise the necessary flexibility to keep bank holding companies competitive as financial markets mature and expand. The reversal of our 1970 decision which is contained in title VI is a serious mistake. At best, this is an incongruous step for us to take when we profess to want to deregulate our depository institutions to compete more effectively and better serve the public interest.

Mr. Speaker, I do not begrudge nondepository financial institutions—the money funds, Sears Roebuck, American Express, and all the others—their competitive powers. But, where does it stop? In the great State of Ohio, Kroger Foods has set up Kroger Financial Center, a one-stop shopping place for home, auto, or life insurance, money funds, IRA's, and check cashing. If this is not encroaching upon the business which traditionally has been considered to be banking, then I have wasted a great deal of my time serving on the Banking Committee.

Let me stop at this point and clarify several provisions before I conclude. First, during the conference, I proposed that the holders of the new money market deposit in section 327 be permitted "three transfers to third parties" per month, as well as three preauthorized or telephonic transfers per month. It is my intention that these three transfers will allow account holders, either individuals or businesses, to write three checks per month. Such accounts for individuals will, of course, be reservable at the level for personal time deposits, that is, zero percent, while such business accounts will be reservable at the 3-percent level for nonpersonal time deposits.

Second, in our conference with the Senate on Wednesday, we agreed to accept the Senate's provision preempting state due-on-sale restrictions with two amendments. One of the reasons for congressional action on this matter was the recent Supreme Court decision in Fidelity Federal Savings and Loan Association against De La Cuesta, upholding the right of Federal savings and loan associations to enforce due-on-sale clauses, which significantly disadvantages State-chartered institutions, national banks, and other lenders, and created uncertainty among home buyers and sellers regarding the enforceability of due on sale. The preemption of State due-on-sale restrictions contained in this bill is, therefore, primarily aimed at placing all lenders on a more competitive footing, and eliminating the confusion surrounding enforceabililty of due-on-sale clauses.

In light of our desire to achieve clarity on this matter, I thought that the language of the conference report was quite straightforward on this matter.

In agreeing to recede to the Senate, it was our judgment, Mr. Speaker, that the Senate's statutory language and its accompanying report were clear in their intention and scope of legislative relief. We should have a concern for enacting laws that will, to the maximum degree possible, eliminate confusion. Toward this objective, Senate Report 97-536 contained particularly instructive language from the Supreme Court's De La Cuesta case as to the threshold date of the window period. Specifically, the Supreme Court in De La Cuesta stated that—

> For the purpose of identifying the beginning date of the window period, especially where numerous court cases address the due-on-sale issue, the Committee finds instructive the following analysis by the Supreme Court on California law: Not until Wellenkamp was decided in 1978 was a lender's right under California law to accelerate a loan in response to an outright transfer limited to cases where the security was impaired. The California Supreme Court's prior cases, which forbade the automatic enforcement of due-on-sale provisions when the borrower further encumbered the property securing the loan, *La Sala v. American Savings & Loan Association*, 5 Cal. 3d 864, 489 P. 2d 1113 (1971), and when the borrower entered into an installment land contract covering all or part of the security property, *Tucker v. Lassen Savings & Loan Association*, 12 Cal. 3d 629, 526 P. 2d 1169 (1974), permitted the unrestricted exercise of due-on-sale clauses in cases of outright transfers of the security. See 5 Cal. 3d, at 880, 489 P. 2d, at 1123; 12 Cal. 3d, at 637-638, 526 P. 2d, at 1174-1175.

Clearly, the courts are always the final arbiters of our laws. But, Congress does not serve the public or the judiciary by not being as clear and forthright as we possibly can as to our legislative intent, and since the Supreme Court has already given us some judicial guidance in this matter, I suggest that our body, in agreeing to the Senate provision, felt bound not only by the conference report, but also by the Senate report explaining due on sale.

Having said this, Mr. Speaker, let me reiterate my support for the Garn-St Germain Depository Institutions Amendments of 1982. Titles I and II will help get troubled institutions through their current difficulties. Titles III, IV, and V should poise depository institutions in a somewhat more favorable position to meet the challenges of the financial marketplace in the decade ahead. I commend the members and committee staff who have devoted so much of their time and their thought in the past weeks and months in trying to preserve and strengthen our depository institutions. I encourage all of my colleagues to support this much needed legislation.●

Mr. Speaker, we do have to have a colloquy with the chairman on four or five questions that have been worked out. The staff has asked us to clarify these things, so I would appreciate the attention of the chairman as I go down these very quickly.

First, I understand the conferees' directive to the DIDC is that it establish within 60 days of enactment an account which is "directly equivalent to and competitive with money market mutual funds." Obviously, it is of tremendous importance to our Nation's depository institutions that the DIDC create such an account as expeditiously as possible.

So as to assure myself and others that this new account is to be truly competitive with money market mutual funds, I would like to direct a question to the Chairman, if I may.

Mr. Chairman, people fortunate enough today to have deposited funds in money market mutual funds have access to their funds any time they wish by simply drawing an ordinary everyday check against their account. In turn, they may issue this check to any third party for the payment of goods or services. Is this not correct?

Mr. ST GERMAIN. The gentleman is indeed correct. That is the reason why the conferees have directed the DIDC to allow such accounts to have up to three preauthorized or automat-

ic transfers and three third-party transfers per month.

Mr. STANTON of Ohio. So, when the chairman states that such an account will allow three preauthorized or automatic transfers and three third-party transfers per month, does he mean that the account holder could draw ordinary checks against this account and issue them to third parties the same as money market mutual fund account holders can do today?

Mr. ST GERMAIN. Absolutely. A new account without this feature would clearly not be "directly equivalent to and competitive with money market mutual funds" and for DIDC to create such an account without this feature would be totally inconsistent with the conferees' explicit directive to the Committee.

Mr. STANTON of Ohio. Thank you very much Mr. Chairman. Now, if I may, Mr. Chairman, follow up with one additional question concerning those eligible to open this new account to be created by DIDC.

We are aware that anyone—private individuals, partnerships, corporations, business organizations, public units, and so on—are eligible to open a money market mutual fund account.

There are no limitations or restraints imposed as to who can own a money market mutual fund account. In light of this, Mr. Chairman, I would again presume that it is the intent of the conferees that the DIDC, in authorizing this new account which is to be "directly equivalent to and competitive with money market mutual funds," should recognize that there are not to be any restrictions, limitations, or prohibitions imposed as to who is eligible to hold this new account.

Mr. ST GERMAIN. Once again, the gentleman is precisely right. It is the conferees' clear intent that the DIDC is not to impose any limitations as to who is eligible to open this new account.

Mr. STANTON of Ohio. Finally, Mr. Chairman, with respect to the reserve level for this account, it is my understanding that the account for individuals will be reservable at the level for personal time deposits, that is zero percent; while the business accounts will be reserveable at the level for nonpersonal time deposits, that is 3 percent. Am I correct on that?

Mr. ST GERMAIN. Again, the gentleman is correct. The nonpersonal reserve level applies only to business accounts.

Mr. STANTON of Ohio. Lastly, Mr. Chairman, I will appreciate the chairman's taking the time to clarify a point concerning title II of this bill. I have heard that there is some question concerning the effect of enactment on merger agreements which some troubled thrift institutions may have signed. Do you share my understanding that this legislation will have no effect on the validity of these agreements?

Mr. ST GERMAIN. The gentlemen is correct in his interpretation. A thrift institution which, before this legislation becomes law, agreed to a merger resolution or in some other way entered into a binding agreement concerning its continued operations must abide by the terms of its agreement. A merger resolution or other binding agreement is a contract enforceable under the terms of applicable law and H.R. 6267 will not change the enforceability of such a contract. Officials of the Federal Home Loan Bank Board inform me that the availability of net worth assistance under title II will not terminate the effectiveness of outstanding agreements. I thank the gentleman for raising this question.

Mr. STANTON of Ohio. Mr. Speaker, I thank the gentleman.

I yield such time as he may consume to my colleague from the committee, the gentleman from Florida (Mr. MCCOLLUM).

Mr. McCOLLUM. Mr. Speaker, I would like to ask a question for point of clarification.

In the conference report in title I, section 123, paragraph 2(b) is a discussion of the priorities of merger in the potential merger considerations. It states in there the need to minimize the cost of financial assistance to the maintenance of the funds in the corporation is a consideration, and also indicates that the priorities are a consideration.

In our initial House version, there was language which said that the two would be given equal consideration, the priorities and the need to maintain the financial status of the corporations.

Am I to understand, am I correct, that the change in language here is not significant, that the priorities are not to be given any lesser consideration in this bill, in the conference report, than the need to minimize financial loss to the corporation; am I correct in that?

Mr. STANTON of Ohio. I would say to my friend, we could elaborate on this point, but the chairman has taught me to say, that is correct.

Mr. McCOLLUM. Is that a correct interpretation of the gentleman from Rhode Island, may I ask?

Mr. ST GERMAIN. I concur in the correctness.

Mr. McCOLLUM. Mr. Speaker, I thank the gentleman.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. STANTON of Ohio. Certainly.

Mr. PERKINS. I would like to ask the gentleman from Ohio if we have any open doors to interstate banking in this bill?

Mr. STANTON of Ohio. My answer to that would be to the chairman that there is written into the language of the report that there is nothing in this legislation that would mean to misinterpret the present rules and regulations of the Glass-Steagall Act or the McFadden Act. The McDouglas Act would control across interstate merger lines; so my answer to that question is there is nothing.

What it does do in title I is spell out the procedure for order, where there are institutions in trouble, and it sets up a procedure to follow.

Mr. PERKINS. Mr. Speaker, I thank the gentleman.

Mr. STANTON of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, I rise in opposition to this conference report.

I wish to call to the attention of my colleagues a larger picture; that is, the relationship of this conference report to the future soundness of the dollar.

It was mentioned in the debate on the rule by the gentleman from Kentucky that this bill could cause high interest rates. It certainly will indirectly, because this bill is inflationary. It is based on the creation of new money to bail out old investments and bad investments in the system.

The problem is inflation. We cannot solve our problem with inflation.

We have a massive amount of malinvestment in the system and a massive amount of debt sitting there to be liquidated one way or the other, either by deflation or massive inflation.

We are choosing today the massive inflation.

We have a sick economy based on the false hopes and the false dreams of inflation.

Samuel Johnson in the Rambler many years ago said that the reigning error of mankind is that we are not content with the conditions on which the goods of life are granted. That is what inflation is all about. It is a false hope and a false dream.

This conference report is an open-ended guarantee of hyperinflation. Its first paragraph zeads:

> The [FDIC] is authorized, in its sole discretion and upon such terms and conditions as the Board of Directors may prescribe, to make loans to, to make deposits in, to purchase the assets of, or to make contributions to, any insured bank. . . .

Not only is the FDIC given unlimited power to act unilaterally, its actions may include loans, deposits, exchanges, and gifts to any of the 15,000 insured banks that the FDIC chooses. The bailouts of Chrysler and Lockheed were mere gratuities compared to what this legislation would permit.

But I have quoted only the first paragraph of title I. The later para-

graphs compound the potential for hyperinflation. For example:

The FDIC is authorized, in its sole discretion and upon such terms and conditions as the Board of Directors may prescribe to purchase any such assets [of insured institutions] or assume any such liabilities, to make loans or contributions to, or deposits in, or purchase the securities of, such insured institution or the company which controls or will acquire control of such insured institution; to guarantee such insured institution or the company which controls or will acquire control of such insured institution against loss. . . .

This paragraph obviously expands the universe of institutions which the FDIC may subsidize to include not only insured banks, but companies that control those banks in the future. It also allows the FDIC, in addition to making gifts and loans indiscriminately, to assume liabilities, and to guarantee against loss. This conference report makes clear exactly what "lender of the last resort" means. It means that the Government stands ready to print any amount of paper money or create credit for anyone, at anytime, in order to keep a financial institution open.

Some may object that the insurance reserves of the FDIC are only 1 percent of the insured deposits, which is, of course, accurate. The FDIC has about $11 billion in reserves and insures deposits totaling over $1 trillion. But that is not really important any longer.

Last March, the Congress passed House Concurrent Resolution 290, pledging the full faith and credit of the U.S. Government to deposits in insured institutions. It is not any longer simply a matter of using up $11 or $12 billion. The Government has made a moral obligation to bail out everyone, everywhere, to the tune of $1 trillion. Long before that sum is reached, our economy will be in total collapse, caused by our policy of subsidizing everyone with paper dollars.

There is far more at stake here than insuring depositors against all losses, as important as that type of insurance is to any policy of inflation. This conference report bails out owners, stockholders, and managers, regardless of their stupidity or greed in the making of bad loans to bankrupt enterprises and governments. By this conference report, we are shielding a whole sector of the economy from the effects of its folly.

The banking system in this country due to our present inflation has long been encouraged to make dubious loans to shady characters and even shadier governments, and the financial chickens are now coming home to roost. The press reports that Third World and Communist external debt totals $850 billion, at least five nations are already in default, and a dozen more are threatening default. In this interdependent world, those bad international loans affect many domestic banks. This conference report will result not only in bailing out the makers of these bad loans, but also the foreign governments that have been enriched by them.

In one stroke, the American taxpayer will be sheared in order to save our banks from their folly and to reward foreign dictators who are quickly changing loans into gifts. It was Herbert Spencer who said that the ultimate effect of shielding men from their folly is to fill the world with fools. This legislation guarantees the ascendancy of fools as well as the inevitability of hyperinflation.

As if all the above were not enough, title I of this conference report further exempts all subsidized insured banks from State and local taxes based on deposits held or interest paid, so long as the subsidies continue.

But the ways in which the taxpayers will be subsidizing these institutions are far from exhausted. Title II provides that—

The FDIC, in its sole discretion and on such terms and conditions as it may prescribe, is authorized to increase or maintain the capital of a qualified institution by making periodic purchases of capital instruments to be known as net worth certifi cates. . . .

These net worth certificates, which are, in fact, debt instruments, will be regarded as capital instruments, reflecting a new twist in creative financing. The desperate efforts of the bureaucrats to patch together a paper system lead to all kinds of creativity.

There are, of course, good points about the conference report. The same could be said of virtually any bill that comes before this Congress. The Monetary Control Act of 1980 is a good analogy. There was deregulation in that bill, as there is in this one. But for the past year the Banking Committee has been considering several bills designed to correct a few of the defects of the monetary Control Act. In that case also we legislated in haste, and now are correcting our mistakes at leisure. With this conference report, though, I am not sure we will have enough time to correct all the mistakes before they cause chaos in our monetary system.

Mr. STANTON of Ohio. Mr. Speaker, I yield 1 minute to our distinguished colleague, the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, I rise in enthusiastic support of this bill.

It is my firm belief that this legislation will do a great deal to bolster public confidence in the future of our depository institutions.

H.R. 6267 expands and more clearly defines the powers of the Federal regulators of depository institutions, in consultation with the State regulators, to arrange mergers of troubled thrift institutions and of troubled commercial banks larger than $500 million, and to provide assistance to facilitate them. Mergers are expected to be a last resort. However, when mergers must be arranged, every effort will be made to preserve the specialized character of these institutions as providers of credit to housing and to the local economy.

The likelihood that mergers will be necessary is drastically reduced by the net worth assistance provisions for depository institutions which have encountered difficulties as a result of their efforts on behalf of housing. The program is modeled after the alternative to the House bill which the Federal Home Loan Bank Board developed and which I offered on the floor with the support of the administration. Institutions with net worth of 3 percent of assets or below will receive "net worth certificates" from the FDIC or FSLIC in exchange for promissory notes. Consistent with the objectives which I sought to achieve when the House considered this legislation, the net worth certificates may be treated as net worth, consistent with generally accepted accounting principles. Moreover, since the extent of coverage of an institution's losses varies according to its net worth—70 percent for institutions with net worth of 0-1 percent, 60 percent for institutions with net worth of 1-2 percent, and 50 percent for institutions with net worth of 2-3 percent. This preserves an incentive for managements to control losses and to return to profitability. Institutions will not be required to sign merger agreements or to replace management if they have net worth greater than 0.5 percent after receiving assistance and have reasonable prospects for long-term viability.

The recent decline in interest rates has been of tremendous value to thrift institutions struggling to survive. The likelihood that institutions will ever have to be merged or have to avail themselves of net worth assistance is further reduced as a result of the array of new powers which the bill provides to depository institutions, both on the liabilities side and on the assets side. As a representative of Columbus, Ohio, which has been in the forefront of changes in the financial services market, with the introduction of the cash management account by Merrill Lynch and Bank One and with the recent introduction of financial services in a Kroger supermarket in Grove City, I have been acutely aware of the need for depository institutions to have a depository instrument with which to compete. Under this bill, both commercial banks and thrift institutions will be permitted to offer a new deposit instrument designed to enable them to compete with money market mutual funds and with the other competitors I mentioned. Although the full details must be deter-

mined by the Depository Institutions Deregulation Committee, the bill calls for an instrument which could have a maturity as long as 5 years, with a minimum denomination no higher than $5,000 and no interest rate ceiling or differential. Reserves would be set at only 3 percent, and liquidity would be assured by permitting up to three preauthorized payments and up to three checks each month. In addition, the bill authorizes thrift institutions to offer checking accounts to customers with whom they have business relationships and permits depository institutions to offer NOW accounts to State and local governments.

On the assets side, thrift institutions will be permitted for the first time to have up to 10 percent of their assets in commercial loans by January 1, 1984. Numerous other new asset powers are provided, and management is given authority to arrange portfolios to suit the needs of individual institutions, rather than forced to maintain specific "baskets" with severe restrictions. These new powers are designed to give thrift institutions the opportunity to improve their earnings and solidify their market positions in order to continue to provide financing for housing. In addition, the bill clarifies the status of "due-on-sale" provisions in residential mortgages, by establishing cutoff dates after which institutions may enforce these clauses and a "window period" during which it will be up to the States to determine enforceability. Thus, a major source of uncertainty has been removed from the mortgage market, and commercial banks, thrift institutions, and realtors should be poised to resume lending when housing demand and long-term interest rates improve further. The bill also contains an amendment which I offered extending from April 1 to July 1, 1983, the period during which the Federal Home Loan Mortgage Corporation will refrain from requiring institutions to enforce due-on-sale clauses on mortgages sold to it.

It is also noteworthy that the bill significantly augments the authority of commercial banks to invest in service corporations, by permitting them to conduct any activities through service corporations which they may conduct either through the banks themselves or through subsidiaries of bank holding companies. I believe it is important to note that the administration has expressed great concern over the prospect that this particular new authority may permit banks to engage in activities, such as underwriting and dealing in securities, which would blur the traditional distinctions between banking and commerce established under the Glass-Steagall Act. I share the administration's concern that this development should not occur until Congress has had an opportunity to examine fully the public policy issues raised by the continuing erosion of the separation between banking and commerce. This same concern is reflected in the statement of managers, which calls upon the Federal Home Loan Bank Board to "withdraw and take no further action on" its proposed regulations which would authorize savings and loan service corporations to engage in the securities business and in other heretofore prohibited activities. Perhaps the study of deposit insurance provided under this bill will provide a forum for early consideration of appropriate means to assure the continued safety and soundness of depository institutions and to provide protections for consumers against conflicts of interest which are inherent in the engagement of a single entity in both banking and commerce. I am also gratified that the bill also contains a provision designed to restrict the further expansion of property and casualty insurance activities by bank holding companies.

H.R. 6267 also provides credit union managers with needed authority to modernize their operations and provides relief for officials of commercial banks from onerous and unrealistic restrictions upon their ability to borrow from their own institutions to meet personal needs.

May I say while I am on my feet, Mr. Speaker, it has been a real privilege to have worked on this legislation with the very able chairman of our Banking Committee and with my distinguished colleague, the gentleman from Ohio, my very good friend and the ranking minority member of the House Banking Committee, Hon. WILLIAM STANTON.

BILL has apparently participated in his last House-Senate conference. I regret this deeply, because BILL has provided outstanding leadership to the Banking Committee and BILL has made a lasting mark in the annals of our Nation which will be favorably noted in the years to come.

I thank the gentleman for the time.

● Mrs. HECKLER. Mr. Speaker, thrift institutions in our Nation are in trouble. These institutions need all the help we in Congress can provide—to enable them to survive while they undergo restructuring to approach total deregulation. H.R. 6267, the Depository Institutions Amendments of 1982, provides this help.

This bill would provide capital assistance and expended lending powers for the Nation's thrift institutions. For the commercial banks, it would authorize the issuance of insured accounts that are fully competitive with moneymarket funds. H.R. 6267 represents a consensus effort of depository institutions and real estate interests to provide comprehensive financial reform. But perhaps the most important respect of this legislation is its potential impact on the ailing housing industry. A resurgence of housing finance could be an important first step toward a total economic recovery. Expanding the powers of the thrifts will allow them to become profitable again, and this profitability will insure the availability of home mortgage money.

This is the appropriate time to act—this bill is the appropriate vehicle for congressional action. I fully support this bill.●

● Mr. WORTLEY. Mr. Speaker, I rise in support of the conference report to accompany the bill H.R. 6267, the Depository Institutions Amendments of 1982.

In every respect, the legislation is a compromise. No one setment of the financial services industry is entirely happy with the conference report, yet under the circumstances, I believe it addresses many of the pressing concerns confronting the industry.

The most urgent problem, of course, is the health of the thrifts. Titles I and II of the bill are close to what the House approved as separate legislation. It is imperative that we act now to grant the regulators of these financial institutions the additional powers they need to provide the necessary capital infusion and merger authority on a clearly defined basis.

The conference report we are asked to approve is not meant to solve all the problems facing either the thrift industry or other segments of the financial community. In fact, there are glaring omissions in this legislation.

The conference report is curiously silent about Glass-Steagall, the landmark law separating the banking and securities business. Surely the time has come to review the 1933 act with an eye for bringing it up to date. I hope that by approving the conference report today we will be in a less pressured position and one that will lead to the eventual reassessment of Glass-Steagall in the 98th Congress. I hope that my colleagues on the Banking Committee share that view and will be willing to proceed with dispatch as soon as possible on that issue so that the course begun in 1980 toward eventual deregulation of the banking industry may be completed.●

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Mr. ST GERMAIN. Mr. Speaker, I yield myself such time as I might consume—and it will be brief. However, if I may have the attention of the membership, we are about to dispose of this legislation.

We have no further requests for time on our side, but I think it is necessary to take a few moments to pay tribute to a gentleman that I have known for 18 years, whom I have worked with, who sat by my side for these 18 years.

In the area of housing, in the area of assistance to our communites, in the

area of financial institutions, he has been a moderating force and a great contributor.

His 18 years here have been productive ones for our Nation and for our Nation's economy and for our monetary system.

I regret his departure, because these past 2 years we have worked together so well to discharge the duties conferred upon our committee.

So I say to you, BILL, thanks for you friendship, thanks for your help, and tonight's legislation is a tribute, once again, to the manner in which you were able to work in a bipartisan manner, and for that I am most greatful to you.

Mr. STANTON of Ohio. Mr. Speaker, I know it is a habit around here to kill a lot of time waiting for a conference report in this House, but this is getting ridiculous.

When I came to this body, my grandmother died shortly thereafter, and before she died, she said the biggest thrill of her life was, having come over from Ireland in steerage and having worked as a maid for a very wealthy family on the outskirts of Cleveland for 38 years, to see her grandson come to the Congress of the United States.

I think of her, Mr. Speaker, because of my Irish background in which I think we respect, as all Americans do, the independence of thought that the world envies.

I do not have the eloquence—and I have often sat in the back watching so many who do—but I think of the outstanding people we have served with and I would like to express from the bottom of my heart the privilege that is ours to serve the people of this Nation and the world.

I cannot help but think that I should leave one word of warning, and that is, when I see the sense of partisanship become so strong, so needlessly.

As we have observed tonight with the passage of this historic legislation, it only comes about through grudgingly, perhaps, but willingly, on the other hand, the compromise of the majority with the minority, that we have the best of legislation.

I also, Mr. Speaker, want to speak of you and your predecessor, John McCormack, our beloved former Speaker. He wielded this House with such fairness and in all matters he had the ability, when things seemed to get out of hand, to wield that power that was necessary to make each individual Member, including the newest freshmen on our side of the aisle, feel that he was indeed a Member of the House of Representatives.

You have carried on so eloquently that great tradition of your chair.

Lastly, let me express to all of you that as you go home to campaign, I know you are all human and the last week or two you hate the person you are running against—it is part of the business; you have to do that, I guess—but win or lose, we will always maintain the rich traditions that have been in this House, that it has been my privilege to share for 18 years, and that is that above all else, there is one final goal, and that is what is best for the majority of our fellow citizens.

That is what I have observed in the final analysis that this House has acted upon in the majority of cases.

I would say in conclusion that I thank you all for the great privilege that has been mine to work with all of you.

And, Mr. Speaker, the chairman has allowed me to say that we yield back all the balance of our time.

The SPEAKER. Peggy would be so proud, BILL.

Mr. ST GERMAIN. Mr. Speaker, the gentleman yielded on behalf of both of us.

Mr. FRENZEL. Mr. Speaker, This bill has been a long time in coming. A couple of weeks ago, it was dead. Now it has been reborn with the benediction of nearly all associations representing financial institutions with the notable exception of independent bankers' groups.

In addition it has gained support of such other groups as the insurance agents.

It is an emergency bill. It is a closing central effort aimed at saving thrift institutions now in trouble without unnecessary rearrangement of competitive relationships.

I would have preferred a longer term solution, but, as noted earlier, I am really surprised to get any kind of a solution. I look with some hope, and some trepidation, the creation of the new money market accounts.

I wish the bill could have been made to satisfy the independents. The bill is sufficiently important, however, that it must be passed notwithstanding more objections.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

REQUEST FOR CONSIDERATION OF S. 2375, DEFENSE PRODUCTION ACT AMENDMENTS OF 1982

Mr. ST GERMAIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2375) to extend the Defense Production Act of 1950; to amend section 719 of such act to transfer the authorities and functions of the Cost Accounting Standards Board; to establish a Commission on Strategic and Critical Materials Stockpiling Needs; and to establish a White House Conference on Productivity, and ask for its immediate consideration with an amendment which I will offer.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill, as follows:

S. 2375

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—EXTENSION OF DEFENSE PRODUCTION ACT OF 1950

SEC. 101. The first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking out "September 30, 1982" and inserting in lieu thereof "December 31, 1982".

TITLE II—COST ACCOUNTING STANDARDS

SHORT TITLE; TABLE OF CONTENTS

SEC. 201. This title may be cited as the "Defense Production Act Amendments of 1982".

TABLE OF CONTENTS

Sec. 201. Short title; table of contents.
Sec. 202. Findings and purpose.
Sec. 203. Transfer of Cost Accounting Standards Board functions.

FINDINGS AND PURPOSE

SEC. 202. (a) The Congress hereby finds that—

(1) the Cost Accounting Standards Board has fulfilled its mandate to establish cost accounting standards for defense contractors;

(2) there are continuing functions required to be performed in maintaining the standards, including the amendment or modification of standards, granting of waivers for individual contracts, and establishing exemptions; and

(3) it is necessary to transfer the authority to exercise these functions and the authority to maintain, interpret, and administer these standards.

(b) Therefore, it is the purpose of this title to transfer the authorities and functions of the Cost Accounting Standards Board which are necessary to maintain, interpret, and administer the standards to the Director of the Office of Management and Budget.

TRANSFER OF COST ACCOUNTING STANDARDS BOARD FUNCTIONS

SEC. 203. Section 719 of the Defense Production Act of 1950 (50 U.S.C. App. 2168) is amended to read as follows:

"COST ACCOUNTING STANDARDS

"SEC. 719. (a) Cost accounting standards shall be used by all relevant Federal agencies and by defense contractors and their subcontractors in estimating, accumulating, and reporting costs in connection with the pricing, administration, and settlement of all negotiated prime contract and first-tier subcontract national defense contracts with

the United States in excess of $500,000, other than contracts or subcontracts where the award is based on (1) established catalog or market prices of commercial products, (2) prices set by law or regulation, or (3) adequate competition.

"(b) All standards, rules, and regulations issued by the Cost Accounting Standards Board, and in effect on the day prior to the effective date of the Defense Production Act Amendments of 1982, shall remain in effect and be subject to the provisions of this section. These standards, rules, and regulations shall have the force and effect of duly promulgated regulations.

"(c) All exemptions, waivers, and other actions by the Cost Accounting Standards Board in connection with any function transferred by this section, and in effect at the time of the transfer, shall remain in effect to the same extent as if such transfer has not occurred, until amended or rescinded by the Director of the Office of Management and Budget.

"(d) The Director of the Office of Management and Budget (hereinafter referred to as the 'Director') shall have the authority to take such action as the Director determines necessary to ensure—

"(1) that the standards, rules, regulations, and interpretations issued by the Cost Accounting Standards Board are consistent with sound accounting principles and provide for accurate, fair, and equitable cost determinations; and

"(2) that such standards, rules, regulations, and interpretations conform to procurement policies, regulations, procedures, or forms promulgated pursuant to the Office of Federal Procurement Policy Act and other Government procurement authorities. In performing such function, the Director is authorized to amend or rescind the standards, rules, regulations, or interpretations issued by the Cost Accounting Standards Board.

"(e)(1) Prior to the amendment or rescission of any standard, rule, or regulation under this section, the Director shall publish in the Federal Register notice of the action proposed to be taken, together with a report concerning such proposal. All parties affected thereby shall be afforded a period of not less than ninety days after such publication in which to submit their views and comments with respect to the proposed action.

"(2) The Director shall give full consideration to the views and comments submitted before making any final amendment or rescission. A final amendment or rescission may not become effective prior to the expiration of ninety days after final publication in the Federal Register.

"(f) The publication required by subsection (e)(1) shall contain, with respect to the proposal—

"(1) a full description of such proposal;

"(2) a summary of the reasons for such proposal; and

"(3) an assessment of the probable costs of implementation relative to the probable benefits of such proposal, including an analysis of—

"(A) the effects of such proposal on inflation;

"(B) the advantages and improvements in the pricing, administration, and settlement of contracts which will result from such proposal; and

"(C) the effect of such proposal on contract prices.

"(g) The Director is authorized to exempt from the requirements of this section such classes or categories of defense contractors or subcontractors under contracts negotiated in connection with national defense procurements as the Director determines, or the basis of the size of the contracts involved, nature of the contractor's business, or otherwise, are appropriate, consistent with the purposes sought to be achieved by this section.

"(h) The Director is authorized to waive the requirements of this section.

"(i) For the purpose of determining whether a defense contractor or subcontractor has complied with duly promulgated cost accounting standards and has followed consistently his disclosed cost accounting practices, any authorized representative of the head of the agency concerned or of the Comptroller General of the United States shall have the right to examine and make copies of any documents, papers, or records of such contractor or subcontractor relating to compliance with such cost accounting standards and principles.

"(j) With respect to any function that may be transferred by this section and exercised after the effective date of this section, reference in any other Federal law or regulation to the Cost Accounting Standards Board shall be deemed to mean the Director.

"(k) The assets, liabilities, contracts, property, and records of the Cost Accounting Standards Board are hereby transferred to the Director.

"(l) The standards, rules, and regulations made effective under this section shall be incorporated into a single, Governmentwide procurement regulation not later than September 30, 1984. When such regulation becomes effective, the provisions of this section shall terminate.".

TITLE III—WHITE HOUSE CONFERENCE ON PRODUCTIVITY

SHORT TITLE

SEC. 301. This title may be cited as the "White House Conference on Productivity Act".

FINDINGS

SEC. 302. The Congress finds that—

(1) the United States traditional annual productivity improvement rate of approximately 3 per centum has fallen drastically in recent years to a negative one-half of 1 per centum;

(2) if our traditional productivity improvement rate has been maintained, the average household would have received nearly $5,500 in additional real income each year;

(3) the decline in productivity has inflated the cost of goods and services produced in the United States relative to the goods and services of nations with higher productivity rates;

(4) improved productivity will enhance our international competitiveness, which will expand foreign market opportunities and jobs;

(5) productivity improvement can be restored in the United States through the application of policies and management techniques which have brought substantial productivity gains on a broad scale in other countries and in some businesses within the United States;

(6) when adequate protections are provided, productivity improvement techniques can bring great benefits to labor as well as management; and

(7) the United States must act immediately to reverse our productivity decline and to restore our annual productivity improvement.

DEFINITIONS

SEC. 303. For purposes of this title—

(1) the term "conference" means the White House Conference on Productivity;

(2) the term "Director" means a Director of the White House Conference on productivity who shall be appointed by the Secretary of Commerce and who shall be paid at the rate of basic pay provided for level V of the Executive Schedule pursuant to section 5316 of title 5, United States Code.

(3) the term "productivity" means output per paid employee hour of all employees in the private sector; and

(4) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

ESTABLISHMENT AND DUTIES OF THE WHITE HOUSE CONFERENCE ON PRODUCTIVITY

SEC. 304. (a) The President shall conduct a White House Conference on Productivity (hereinafter referred to as the "Conference") not later than one year after the date of enactment of this title in order to develop recommendations to stimulate the Nation's productivity improvement rate.

(b) For the purpose of ascertaining facts and developing recommendations concerning the improvement of productivity, the Conference shall bring together individuals who are experts in the field of productivity, employees, and representatives of business, associations, labor organizations, academic institutions, and Federal, State, and local government.

(c) The Conference shall consider the following policy options with regard to their role in improving national productivity:

(1) reorganization of the Federal Government so that it can best promote productivity improvement in the private and public sectors;

(2) bringing to the attention of American businesses, labor organizations, and Government officials the benefits which result from implementing productivity improvement techniques;

(3) improving the general training and skill level of American labor;

(4) redirecting Government efforts to inform American businesses of foreign technological developments;

(5) encouraging Government agencies to share with industry new discoveries and processes that improve productivity;

(6) establishing annual Presidential awards of recognition for those businesses and industries which accomplish outstanding improvement in productivity and establishing similar awards at the State and district levels;

(7) revising the tax laws to encourage companies to take actions to improve productivity;

(8) reviewing the effect of the antitrust laws on efforts to improve productivity;

(9) reviewing the patent laws to determine if changes are needed to encourage more productive use of American patents;

(10) improving the accuracy and reliability of data gathered by the Bureau of the Census and other Government statistical collection centers which measure American productivity; and

(11) revising Federal civil service laws to improve the productivity of Government workers and encouraging similar action at State and local levels.

REPORT OF THE CONFERENCE

SEC. 305. A final, report of the Conference on Productivity shall be submitted to the President not later than one hundred and twenty days following the date on which the Conference is called and the findings and recommendations included therein shall be immediately made available to the public. The President shall, within one hundred and twenty days after submission of such final report, transmit to the Congress his recommendations for the administrative action and legislation necessary to implement recommendations contained in such report with which he concurs.

ADMINISTRATION

SEC. 306. (a) In administering this title the Director shall—

(1) request the cooperation and assistance of the Office of Management and Budget and the Departments of Labor and the Treasury and such other Federal departments and agencies as may be appropriate in carrying out the provisions of this title;

(2) render all reasonable assistance, including financial assistance to groups and organizations which are conducting district, State, or regional productivity conferences in preparation for the Conference;

(3) prepare and make available background materials for the use of delegates to the Conference which are deemed necessary, and prepare and distribute any report of the Conference as may be necessary and appropriate;

(4) engage such additional personnel as may be necessary to carry out the provisions of this title without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; and

(5) enter into contracts only to such extent and in such amounts as are provided in appropriation Acts, with organizations with particular expertise in productivity to conduct preparatory and followup work for the Conference.

(b) Personnel engaged under subsection (a)(4) shall be compensated at a rate not to exceed the rate equal to the maximum rate for GS-15 of the General Schedule under section 5332 of title 5, United States Code.

TITLE IV—COMMISSION ON STRATEGIC AND CRITICAL MATERIALS STOCK PILING NEEDS

SEC. 401. This title may be cited as the "Strategic and Critical Materials Stock Piling Study Act of 1982".

SEC. 402. The Congress hereby finds that—

(1) the availability of adequate supplies of strategic and critical industrial materials continues to be essential for national security, economic well being, and industrial production;

(2) research, development, and technological innovation are important factors which contribute to and affect the availability and use of such materials;

(3) there is concern that the Federal Government may not fully possess, or is not adequately exercising, the authority and responsibility for establishing critical policies on such materials and for coordinating and implementing those policies; and

(4) the importance of strategic and critical industrial materials to many national policies requires review of the organizational means for the coordination of policies on strategic and critical materials within the Federal Government.

SEC. 403. (a) There is established a commission to be known as the Commission on Strategic and Critical Materials Stockpiling Needs (hereafter referred to in this title as the "Commission") to study the management, needs, and operations of current national strategic stockpiles.

(b) The Commission shall be composed of five members who shall be appointed by the President from among persons who, as a result of training, experience, and achievement, are exceptionally qualified to carry out the duties and functions of the Commission. In selecting persons for appointment to the Commission, the President shall give particular consideration to persons whose training, experience, and achievement is in fields relating to materials policy, defense policy, or materials science and engineering. The members of the Commission shall serve at the pleasure of the President. The President shall appoint the members of the Commission within 60 days after the date of enactment of this Act.

(c) The President shall designate one of the members of the Commission to serve as Chairman.

SEC. 404. (a) Within six months after the date of appointment of the members of the Commission, the Commission shall transmit to the President and to interested Committees of the Congress a report on the findings, conclusions, and recommendations of the Commission on the needs, management, and operations of the National Defense Stockpile and the system of stockpiling strategic and critical materials. The report shall include—

(1) recommendations for improvement of the current system of management of strategic and critical materials programs and stockpiles of strategic and critical materials and for development and implementation of research and development policies relating to strategic and critical materials, including recommendations on the advisability of centralizing such management, development, and implementation in one new agency and on the structure and control of such agency;

(2) recommendations regarding the funding and funding structure needed to implement a sound strategic and critical materials program and policy;

(3) recommendations for a coherent national policy on strategic and critical materials consistent with other Federal Government policies and recommendations on the actions necessary to implement such a policy;

(4) a discussion of the actions necessary to develop coordinated Federal Government policies, programs, and research and development activities on materials, including strategic and critical materials;

(5) a review and evaluation of the various programs and activities of the Federal Government carried out in accordance with the policy and directions set forth in the National Materials and Minerals Policy, Research and Development Act of 1980 (94 Stat. 2305; 30 U.S.C. 1601 et seq.), and a determination of the extent to which such programs and activities are contributing to the achievement of such policy and directions;

(6) recommendations of policies designed to improve conditions affecting the minerals and materials needs and resources of the United States and to meet the social, economic, and national security goals of the United States; and

(7) a description of domestic and foreign trends in the availability of strategic and critical materials and the quality of the available materials, the implications of such trends for the economies of the United States and the world and for national security, and the probable effects of such trends on domestic industries.

SEC. 405 (a) The Commission shall adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations and its organization.

(b) Three members of the Commission shall constitute a quorum.

(c) Any vacancy in the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(d) Each member of the Commission who is from private life, while serving on the business of the Commission away from such member's home or regular place of business, shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons intermittently employed in the Government service.

(e)(1) The Commission or any member authorized by the Commission may, for the purpose of carrying out this section, hold such hearings and sit and act at such times and places, take such testimony, have such printing and binding done, enter into such contracts and other arrangements (with or without consideration or bond, to such extent or in such amounts as are provided in appropriation Acts, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)), make such expenditures, and take such other actions as the Commission or such member may consider advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such member.

(2) The Commission is authorized to secure directly from any officer, department, agency, establishment, or instrumentality of the Government such information, suggestions, estimates, and statistics as the Commission may require to carry out this title. Each such officer, Department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman.

(3) Upon request of the Commission, the head of any Federal agency is authorized to make any of the facilities and services of such agency available to the Commission or to detail any of the personnel of such agency to the Commission, on a reimbursable basis, to asssit the Commission in carrying out its duties under this section, unless the head of such agency determines that urgent overriding reasons will not permit the agency to make such facilities, services or personnel available to the Commission and so notifies the Chairman in writing.

(4) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) No offices or agency of the United States shall require the Commission to submit any report, recommendation, or other matter to any such officer or agency for approval, comment, or review before submitting such report, recommendation, or other matter to the Congress or to the President.

The SPEAKER. Does the gentleman from Rhode Island (Mr. ST GERMAIN) have an amendment?

Mr. ST GERMAIN. I do, Mr. Speaker.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ST GERMAIN.

Mr. ST GERMAIN. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. ST GERMAIN: Strike out all after the enacting clause and insert in lieu thereof the following:

"TITLE I—EXTENSION OF DEFENSE PRODUCTION ACT OF 1950

"SEC. 101. The first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking out 'September 30, 1982' and inserting in lieu thereof 'June 30, 1983'."

TITLE II—WHITE HOUSE CONFERENCE ON PRODUCTIVITY

SHORT TITLE

SEC. 201. This title may be cited as the "White House Conference on Productivity Act".

FINDINGS

SEC. 202. The Congress finds that—

(1) the United States traditional annual productivity improvement rate of approximately 3 per centum has fallen drastically in recent years to a negative one-half of 1 per centum;

(2) if our traditional productivity improvement rate has been maintained, the average household would have received nearly $5,500 in additional real income each year;

(3) the decline in productivity has inflated the cost of goods and services produced in the United States relative to the goods and services of nations with higher productivity rates;

(4) improved productivity will enhance our international competitiveness, which will expand foreign market opportunities and jobs;

(5) productivity improvement can be restored in the United States through the application of policies and management techniques which have brought substantial productivity gains on a broad scale in other countries and in some businesses within the United States;

(6) when adequate protections are provided, productivity improvement techniques can bring great benefits to labor as well as management; and

(7) the United States must act immediately to reverse our productivity decline and to restore our annual productivity improvement.

DEFINITIONS

SEC. 203. For purposes of this title—

(1) the term "conference" means the White House Conference on Productivity;

(2) the term "Director" means a Director of the White House Conference on Productivity who shall be appointed by the Secretary of Commerce and who shall be paid at the rate of basic pay provided for level V of the Executive Schedule pursuant to section 5316 of title 5, United States Code.

(3) the term "productivity" means output per paid employee hour of all employees in the private sector; and

(4) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the trust Territory of the Pacific Islands, and the Northern Mariana Islands.

ESTABLISHMENT AND DUTIES OF THE WHITE HOUSE CONFERENCE ON PRODUCTIVITY

SEC. 204. (a) The President shall conduct a White House Conference on Productivity (hereinafter referred to as the "Conference") not later than one year after the date of enactment of this title in order to develop recommendations to stimulate the Nations's productivity improvement rate.

(b) For the purpose of ascertaining facts and developing recommendations concerning the improvement of productivity, the Conference shall bring together individuals who are experts in the field of productivity, employees, and representatives of business, associations, labor organizations, academic institutions, and Federal, State, and local government.

(c) The Conference shall consider the following policy options with regard to their role in improving national productivity:

(1) reorganization of the Federal Government so that it can best promote productivity improvement in the private and public sectors;

(2) bringing to the attention of American businesses, labor organizations, and Government officials the benefits which result from implementing productivity improvement techniques;

(3) improving the general training and skill level of American labor;

(4) redirecting Government efforts to inform American businesses of foreign technological developments;

(5) encouraging Government agencies to share with industry new discoveries and processes that improve productivity;

(6) establishing annual Presidential awards of recognition for those businesses and industries which accomplish outstanding improvement in productivity and establishing similar awards at the State and district levels;

(7) revising the tax laws to encourage companies to take actions to improve productivity;

(8) reviewing the effect of the antitrust laws on efforts to improve productivity;

(9) reviewing the patent laws to determine if changes are needed to encourage more productive use of American patents;

(10) improving the accuracy and reliability of data gathered by the Bureau of the Census and other Government statistical collection centers which measure American productivity; and

(11) revising Federal civil service laws to improve the productivity of Government workers and encouraging similar action at State and local levels.

REPORT OF THE CONFERENCE

SEC. 205. A final report of the Conference on Productivity shall be submitted to the President not later than one hundred and twenty days following the date on which the Conference is called and the findings and recommendations included therein shall be immediately made available to the public. The President shall, within one hundred and twenty days after submission of such final report, transmit to the Congress his recommendations for the administrative action and legislation necessary to implement recommendations contained in such report with which he concurs.

ADMINISTRATION

SEC. 206. (a) In administering this title, the Director shall—

(1) request the cooperation and assistance of the Office of Management and Budget and the Departments of Labor and the Treasury and such other Federal departments and agencies as may be appropriate in carrying out the provisions of this title;

(2) render all reasonable assistance, including financial assistance to groups and organizations which are conducting district, State, or regional productivity conferences in preparation for the Conference;

(3) prepare and make available background materials for the use of delegates to the Conference which are deemed necessary, and prepare and distribute any report of the Conference as may be necessary and appropriate;

(4) engage such additional personnel as may be necessary to carry out the provisions of this title without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; and

(5) enter into contracts only to such extent and in such amounts as are provided in appropriation Acts, with organizations with particular expertise in productivity to conduct preparatory and followup work for the Conference.

(b) Personnel engaged under subsection (a)(4) shall be compensated at a rate not to exceed the rate equal to the maximum rate for GS-15 of the General Schedule under section 5332 of title 5, United States Code.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

Mr. BETHUNE. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman reserves the right to object.

PARLIAMENTARY INQUIRIES

Mr. BETHUNE. I would state a parliamentary inquiry: Does the gentleman's unanimous consent request mean that if his unanimous-consent request is agreed to that his amendment would be pending?

The SPEAKER. The gentleman is correct.

Mr. BETHUNE. Mr. Speaker, further reserving the right to object, I would ask the chairman if he would state what the amendment would do.

Mr. ST GERMAIN. Mr. Speaker, the amendment, No. 1, would extend for 9 months, and in addition would include the productivity amendment that we discussed that I think was authored by the gentleman from New York (Mr. LAFALCE) to which I believe the gentleman had agreed.

□ 2230

Mr. LAFALCE. Mr. Speaker, if the gentleman will yield, the amendment is not the exact same as the amendment I have drafted on the White House Conference on Productivity, but it is very, very close, and certainly is most acceptable to me.

PARLIAMENTARY INQUIRY

Mr. BETHUNE. Mr. Speaker, further reserving the right to object, I would address another parliamentary inquiry.

Does the gentleman's unanimous-consent request involve the offering of just the amendment that the gentleman has described?

The SPEAKER. It is just considered with the one amendment.

Mr. BETHUNE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

Mr. BRODHEAD. Mr. Speaker, reserving the right to object, I reserve the right to object in order to propound a question to the chairman of the committee.

We have on the House calendar H.R. 5540, which contains a large number of amendments to the Defense Production Act. This bill has been debated and discussed and voted on, amendments thereto, on the House floor, and it is eligible for consideration and could be considered during the lameduck session. I fail to understand why at this time it is necessary to consider some new amendments when we have a piece of legislation pending before us. I fail to understand why it is necessary to do other than what the other body did, which is to extend it for 90 days only to give the Congress time to consider this other piece of legislation.

Mr. ST GERMAIN. Mr. Speaker, will the gentleman yield?

Mr. BRODHEAD. I yield.

Mr. ST GERMAIN. My understanding is that the other body extended it for 90 days, but that the amendments they were to consider were not the amendments that were being considered in the House. I have a little concern about whether or not the House can indeed complete the legislation that has to be done in the lameduck session. I think it is important we not let the act expire. This is why the request for the 9-month extension, because I have been told that the minority would indeed object to a 90-day extension, so I am sort of caught in a dilemma.

Mr. BRODHEAD. Well, I am sympathetic to the problem that the gentleman has and would like to be cooperative with him, but it seems to me that if we extend the thing beyond 90 days we are effectively precluding the option of considering this other piece of legislation, and I fail to see why, at this late hour of the night, in the waning hours of the session, we should have some new amendments and new legislation before us when it certainly is necessary to extend this legislation because it has expired, and I certainly want to be cooperative with the gentleman in that respect.

But, I am not inclined to believe we ought to extend the act for 9 months since we have H.R. 5540 on the House calendar.

Mr. ST GERMAIN. If the gentleman will yield further, all I can say is that there is only one amendment, the productivity amendment, that goes along with the 9-month extension. If there is objection, then we can only try for 90 days. If that is objected to, it is just up in the air, and we can hope something happens in the lameduck session.

Could the gentleman yield to a member of the Subcommittee on Economic Stabilization, the gentleman from New York?

Mr. BRODHEAD. I yield.

Mr. LUNDINE. Mr. Speaker, I appreciate the gentleman yielding. I have been involved in rather extensive discussions with Members on both sides of the aisle with regard to the absolute, essential extension of the Defense Production Act. Let me briefly say that two-thirds of all the contracts of the Defense Department are made subject to this act, and if someone should object tonight and this legislation is terminated, it would have a severe adverse effect on the liability of the United States for defense contracts.

I would like to further point out that the other body has attached three amendments, including very complicated matters on cost accounting and that, to this extension. Now, I would not personally in any way object to a 90-day extension, but I know there are others in this body who would.

I would request that the gentleman from Michigan consider the fact that a 9-month extension of the Defense Production Act does not preclude reconsideration of H.R. 5540 or any other legislation. It simply authorizes this act to continue until the end of next June in the event that it is unamended.

I thank the gentleman for yielding.

Mr. BRODHEAD. Further reserving the right to object, Mr. Speaker, I am sympathetic to what the gentleman says and certainly do not want to take any action that would force the Defense Production Act to expire, but I think we can all understand that the reasoning, the purpose behind the amendment, I think, to extend the act for 9 months is to do exactly that, to preclude the consideration of H.R. 5540. If the concern here is the extension of the Defense Production Act, I am perfectly prepared to go along with that, and would not object, but I would be constrained to object to any extension of the act beyond 90 days, and will object.

Mr. LAFALCE. Mr. Speaker, will the gentleman yield?

Mr. BRODHEAD. I yield.

Mr. LAFALCE. We are really on the horns of a dilemma here. The act expires tonight. We have got to extend it. What are we going to do? We have got two different groups of people, those who really dislike the bill that Congressman BLANCHARD brought forth and want to see it defeated at all costs, and I also think the overwhelming majority of the Senate falls into that category, and the President of the United States. We have to face up to that fact whether we like it or not.

There are individuals here who would simply like to see it extended with no additional amendments much longer than 9 months, maybe a 2-year extension, but just as is. We are ready to go with either the 9-month extension, which would be acceptable to forces I think clearly stated, led by Mr. BETHUNE. We are also willing to go with a 90-day extension or a 3-month extension, yet forces sympathetic with the point of view of Congressman BLANCHARD are ready to object to that.

If we do not iron this out, we are just going to have an absolute collapse of the contract system within the Department of Defense, and I think it is fair to say that the members of the subcommittee and full committee are ready to go with either extension, but we have got two different groups of objectors and we have got to resolve this.

We have come to the conclusion here that it is best to cooperate with the prevailing sentiment as we perceive it throughout the entire Congress, and that includes the Senate and also the White House; and therefore we have decided to go forth now with a 9-month extension, and we hope that we can prevail upon those with whom we are most sympathetic to come with us, and then we will have a better chance in the 98th Congress, I think we can all agree, in the year 1983 to achieve our mutual goals.

Mr. BRODHEAD. Further reserving the right to object, I am again willing to be cooperative in any amendments the committee wants to adopt with the sole exception that I will object to any extension beyond 90 days.

Mr. ST GERMAIN. Mr. Speaker, I would ask unanimous consent to change the request from a 9-month to a 90-day extension, with the same amendment.

The SPEAKER. Will the gentleman withdraw the request and protect the amendment in a new resolution?

Will the gentleman from Rhode Island withdraw his request?

Mr. ST GERMAIN. Mr. Speaker, I withdraw the request just made for 9 months, and we have an alternate with the same amendment for 90 days.

Mr. BETHUNE. Mr. Speaker, will the gentleman yield?

Mr. ST GERMAIN. I yield to the gentleman.

Mr. BETHUNE. I thank the gentleman for yielding. I just wanted to indicate to the gentleman that for several days, as he knows, and as has already been expressed here, we have worked carefully to try to come up with something that would get through the House, and that something we settled on, at least most of us I think around

here, was a 9-month extension of the act and the Productivity Council that Mr. LAFALCE has worked on very hard, and which I congratulate him for, and to delete the other items the other body had put in, the cost accounting standards which are so complex as to defy description in less than a week, and a stockpiling study.

□ 2240

So far as I know there is only a minimum of objection to that. I would hope that that position would prevail. I think it is important that it do prevail.

I cannot see the wisdom in extending beyond, I cannot see the wisdom in making a 90-day extension so that we have to come back and deal with this again in a lameduck session. If it is that important it could be dealt with in the lameduck session by an amendment to what we would do here tonight under an agreement that I have just described.

So I am going to be constrained to object.

The SPEAKER. If we can move along, as I understand, the gentleman from Arkansas (Mr. BETHUNE) is objecting to the gentleman withdrawing his request.

Does the Chair understand that the gentleman from Michigan (Mr. BRODHEAD) objects to the original request of the gentleman from Rhode Island?

Mr. BRODHEAD. Mr. Speaker, I reserve the right to object. I have not yet objected.

The SPEAKER. If the gentleman will state, does the gentleman object?

Mr. BRODHEAD. I will object, Mr. Speaker.

The SPEAKER. Objection is heard.

Will the gentleman kindly present a new request?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ST GERMAIN

Mr. ST GERMAIN. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. ST GERMAIN: Strike out all after the enacting clause and insert in lieu thereof the following:

"TITLE I—EXTENSION OF DEFENSE PRODUCTION ACT OF 1950

"SEC. 101. The first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking out 'September 30, 1982' and inserting in lieu thereof 'December 31, 1982.'"

TITLE II—WHITE HOUSE CONFERENCE ON PRODUCTIVITY

SHORT TITLE

SEC. 201. This title may be cited as the "White House Conference on Productivity Act".

FINDINGS

SEC. 202. The Congress finds that—

(1) the United States traditional annual productivity improvement rate of approximately 3 per centum has fallen drastically in recent years to a negative one-half of 1 per centum;

(2) if our traditional productivity improvement rate had been maintained, the average household would have received nearly $5,500 in additional real income each year;

(3) the decline in productivity has inflated the cost of goods and services produced in the United States relative to the goods and services of nations with higher productivity rates;

(4) improved productivity will enhance our international competitiveness, which will expand foreign market opportunities and jobs;

(5) productivity improvement can be restored in the United States through the application of policies and management techniques which have brought substantial productivity gains on a broad scale in other countries and in some businesses within the United States;

(6) when adequate protections are provided, productivity improvement techniques can bring great benefits to labor as well as management; and

(7) the United States must act immediately to reverse our productivity decline and to restore our annual productivity improvement.

DEFINITIONS

SEC. 203. For purposes of this title—

(1) the term "conference" means the White House Conference on Productivity;

(2) the term "Director" means a Director of the White House Conference on Productivity who shall be appointed by the Secretary of Commerce and who shall be paid at the rate of basic pay provided for level V of the Executive Schedule pursuant to section 5316 of title 5, United States Code.

(3) the term "productivity" means output per paid employee hour of all employees in the private sector; and

(4) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

ESTABLISHMENT AND DUTIES OF THE WHITE HOUSE CONFERENCE ON PRODUCTIVITY

SEC. 204. (a) The President shall conduct a White House Conference on Productivity (hereinafter referred to as the "Conference") not later than one year after the date of enactment of this title in order to develop recommendations to stimulate the Nation's productivity improvement rate.

(b) For the purpose of ascertaining facts and developing recommendations concerning the improvement of productivity, the Conference shall bring together individuals who are experts in the field of productivity, employees, and representatives of business, associations, labor organizations, academic institutions, and Federal, State, and local government.

(C) The Conference shall consider the following policy options with regard to their role in improving national productivity:

(1) reorganization of the Federal Government so that it can best promote productivity improvement in the private and public sectors:

(2) bringing to the attention of American businesses, labor organizations, and Government officials the benefits which result from implementing productivity improvement techniques;

(3) improving the general training and skill level of American labor;

(4) redirecting Government efforts to inform American businesses of foreign technological developments;

(5) encouraging Government agencies to share with industry new discoveries and processes that improve productivity;

(6) establishing annual Presidential awards of recognition for those businesses and industries which accomplish outstanding improvement in productivity and establishing similar awards at the State and district levels;

(7) revising the tax laws to encourage companies to take actions to improve productivity;

(8) reviewing the effect of the antitrust laws on efforts to improve productivity;

(9) reviewing the patent laws to determine if changes are needed to encourage more productive use of American patents;

(10) improving the accuracy and reliability of data gathered by the Bureau of the Census and other Government statistical collection centers which measure American productivity; and

(11) revising Federal civil service laws to improve the productivity of Government workers and encouraging similar action at State and local levels.

REPORT OF THE CONFERENCE

SEC. 105. A final report of the Conference on productivity shall be submitted to the President not later than one hundred and twenty days following the date on which the Conference is called and the findings and recommendations included therein shall be immediately made available to the public. The President shall, within one hundred and twenty days after submission of such final report, transmit to the Congress his recommendations for the administrative action and legislation necessary to implement recommendations contained in such report with which he concurs.

ADMINISTRATION

SEC. 106. (a) In administering this title, the Director shall—

(1) request the cooperation and assistance of the Office of Management and Budget and the Departments of Labor and the Treasury and such other Federal departments and agencies as may be appropriate in carrying out the provisions of this title;

(2) render all reasonable assistance, including financial assistance to groups and organizations which are conducting district, State, or regional productivity conferences in preparation for the Conference;

(3) prepare and make available background materials for the use of delegates to the Conference which are deemed necessary, and prepare and distribute any report of the Conference as may be necessary and appropriate;

(4) engage such additional personnel as may be necessary to carry out the provisions of this title without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; and

(5) enter into contracts only to such extent and in such amounts as are provided in appropriation Acts, with organizations with particular expertise in productivity to conduct preparatory and followup work for the Conference.

(b) Personnel engaged under subsection (a)(4) shall be compensated at a rate not to exceed the rate equal to the maximum rate for GS-15 of the General Schedule under section 5332 of title 5, United States Code.

Mr. ST GERMAIN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

Mr. BETHUNE. Mr. Speaker, reserving the right to object, I wonder if this matter could be resolved by something in between the two points of contention. For instance, a 6-month extension.

Mr. ST GERMAIN. Mr. Speaker, will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman from Rhode Island.

Mr. ST GERMAIN. Mr. Speaker, I think perhaps if the gentleman objects to this we ought not do anything.

Mr. BETHUNE. I am constrained to object, Mr. Speaker.

Mr. ST GERMAIN. With an objection to the 9 months, I think we will just have to go without a Defense Production Act until the lameduck session.

The SPEAKER. Objection is heard.

The Chair would advise the gentleman as chairman of the committee to see if he can expedite the matter, if he can get all parties together and bring it back later on.

Mr. ST GERMAIN. I thank the Speaker.

EARTHQUAKE HAZARDS REDUCTION ACT AMENDMENTS

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2273) to amend section 7 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) to extend authorizations for appropriations, and for other purposes, with Senate amendments to the House amendments thereto, concur in the Senate amendments numbered 1 and 3 through 8, and concur in Senate amendment numbered 2 with an amendment.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendments to the House amendments and the House amendment to Senate amendment numbered 2, as follows:

Page 1, lines 10 and 11, of the House engrossed amendment, strike out ", and such sums as may be necessary for the fiscal year ending September 30, 1984".

Page 1, line 13, of the House engrossed amendment, after "inserting ";" insert "and".

Page 1, lines 14, 15, and 16, of the House engrossed amendment, strike out "; and such sums as may be necessary for the fiscal year ending September 30, 1984".

Page 2, line 2, of the House engrossed amendment, after "inserting ";" insert "and".

Page 2, lines 3, 4, and 5, of the House engrossed amendment, strike out "; and such sums as may be necessary for the fiscal year ending September 30, 1984".

Page 2, line 7, of the House engrossed amendment, after "inserting ";" insert "and".

Page 2, lines 8, 9, and 10, of the House engrossed amendment, strike out "; and such sums as may be necessary for the fiscal year ending September 30, 1984".

Page 2, line 14, of the House engrossed amendment, strike out ", September 30, 1983, and September 30, 1984". ". and insert "and September 30, 1983".".

House amendment to Senate amendment No. 2: At the end of the Senate amendment, insert the following: "; and on page 1, line 13 of the House engrossed amendment, strike out '$33,843,000' and insert in lieu thereof '$31,843,000' ".

Mr. BROWN of California (during the reading). Mr. Speaker, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROWN of California. Mr. Speaker, S. 2273 extends authorizations of appropriations for the Earthquake Hazards Reduction Act of 1977 and for the multihazard research, planning and mitigation program. The bill passed the House on September 14, 1982, under Suspension of the Rules. On October 1, 1982, the Senate amended the House version of the bill. The Senate amendments change the authorization for the earthquake program from 2 years to 1 year.

In total, the amount of funding authorized by the House bill was $3,939,000 above the President's request, whereas the original Senate bill was right at the President's request.

In this amendment, which is a House-Senate compromise, it is proposed to keep less than half of the House add-on, $1,939,000, to be exact. This add-on includes $1 million of the $3 million proposed to be added on for an operational earthquake prediction system in southern California and all of the $939,000 proposed to be added on for the emergency first response program at the U.S. Fire Administration.

The SPEAKER. Is there objection to the original request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 2036, JOBS TRAINING PARTNERSHIP ACT

Mr. HAWKINS. Mr. Speaker, I call up the conference report on the Senate bill (S. 2036) to provide for a job training program and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 28, 1982.)

The SPEAKER. The gentleman from California (Mr. HAWKINS) will be recognized for 30 minutes, and the gentleman from Vermont (Mr. JEFFORDS) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. HAWKINS).

Mr. HAWKINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield for a question?

Mr. HAWKINS. I yield to the gentleman from Ohio for the purpose of asking a question.

Mr. SEIBERLING. Does this bill contain any Senate amendments dealing with other subject matter than the subject matter of the bill?

Mr. HAWKINS. No, the bill does not.

Mr. SEIBERLING. Mr. Speaker, I thank the gentleman.

Mr. HAWKINS. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Education and Labor Committee, the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, I rise in support of the conference report on S. 2036.

It has been 20 years since this body began to deal comprehensively with the problem of disappearing job opportunities.

Twenty years ago the concern of this body was the displacement of thousands of farmers by larger and more mechanized farm operations.

It was of concern that the automatic elevator, automatic mining equipment, and newly developed construction and excavating equipment were taking the place of thousands of people who looked to work in these fields as a lifelong means of supporting themselves and their families.

At that time, this body dealt with the need to retrain and thus provide new opportunities for workers displaced by automation by the enactment of MDTA, the Manpower Development and Training Act, which was signed by President John F. Kennedy March 15, 1962.

Since its enactment by the 87th Congress, the Manpower Development and Training Act has been reviewed and updated from time to time, having a name change in 1973 to the now wrongfully discredited acronym of CETA, the Comprehensive Employment and Training Act. The basic concern to Congress in the late fifties and early sixties in the congressional studies, which led up to the enactment of MDTA, was the devastating effect that automation was having on jobs.

In the accelerated pace of technological development in the seventies and eighties, the character of the work-

place, whether it be on the farm or factory, in processing, in transportation or in the office, is undergoing dramatic change.

These changes make it absolutely essential that there be provided not only training for the economically disadvantaged who otherwise have no chance to compete for jobs, but also retraining programs for persons whose education, experience, and skill no longer fit into the jobs that are available today.

The seriousness of the current deep recession dictates a much stronger approach to the problems of rising and continuing unemployment than S. 2036 provides.

Even though this conference report represents a barebones approach to the needs of the unemployed, to the retraining needs of millions of Americans, I urge its adoption, because it is the best that we can secure, given the posture of the present administration and the differences we encountered in the House-Senate conference and the lateness of the hour.

This 1982 jobs bill is more than just a name change for CETA. This is largely the case because it does not have a jobs creation program. Public service employment will no longer be provided for the unemployed who cannot be placed in the private sector.

Many frowned upon the public service employment program as a subsidy to local government or a concealed form of revenue sharing.

I disagree. Neither of these objections outweigh the need to give a man a job in providing essential local public services, local conservation, or local public facilities maintenance when there is no job for him in the private sector.

With exception of the Job Corps, the final language of the bill as contained in the conference report is silent with respect to levels of funding which the conferees and ultimately the Congress expects in these training programs—training programs which are at this time the only bridge between the unemployed and a job.

The national unemployment rate is now approaching 10 percent. In my State, the unemployment rate had already reached 11.2 percent in July. But national figures, even State figures, do not provide a complete picture of the depth of the economic deprivation with which many people are now confronted.

In most of the counties of the congressional district which I am privileged to represent in the Congress, unemployment rates are much higher than the State or national figures.

At this point, Mr. Speaker, I ask unanimous consent that the Kentucky Labor Force Estimates for July 1982, the most recent month that county data has become available, be inserted in the RECORD:

KENTUCKY LABOR FORCE ESTIMATES—PRELIMINARY JULY 1982

County	Civilian labor force	Employment	Unemployment	Unemployment rate
Total	1,647,609	1,463,628	183,981	11.2
1. Adair	7,582	6,751	831	11.0
2. Allen	7,224	6,434	790	10.9
3. Anderson	6,323	5,664	659	10.4
4. Ballard	4,847	4,448	399	8.2
5. Barren	18,638	16,858	1,780	9.6
6. Bath	4,137	3,426	711	17.2
7. Bell	13,036	11,343	1,693	13.0
8. Boone	22,538	20,333	2,205	9.8
9. Bourbon	11,121	10,182	939	8.4
10. Boyd	22,413	19,615	2,798	12.5
11. Boyle	12,915	11,729	1,186	9.2
12. Bracken	2,590	2,112	478	18.5
13. Breathitt	7,459	6,454	1,005	13.5
14. Breckinridge	6,867	6,220	647	9.4
15. Bullitt	20,317	18,390	1,927	9.5
16. Butler	3,599	2,997	602	16.7
17. Caldwell	5,888	5,070	818	13.9
18. Calloway	12,036	11,006	1,030	8.6
19. Campbell	40,929	36,955	3,974	9.7
20. Carlisle	2,231	1,993	238	10.7
21. Carroll	4,764	4,474	290	6.1
22. Carter	8,642	6,969	1,673	19.4
23. Casey	6,441	5,784	657	10.2
24. Christian	23,839	21,310	2,529	10.6
25. Clark	17,060	14,862	2,198	12.9
26. Clay	8,319	6,940	1,379	16.6
27. Clinton	3,679	2,966	713	19.4
28. Crittenden	4,127	3,640	487	11.8
29. Cumberland	4,469	3,690	779	17.4
30. Daviess	40,100	36,366	3,734	9.3
31. Edmonson	2,988	2,433	555	18.6
32. Elliott	2,947	2,548	399	13.5
33. Estill	6,239	5,218	1,021	16.4
34. Fayette	114,353	107,132	7,221	6.3
35. Fleming	5,119	4,564	555	10.8
36. Floyd	16,288	13,750	2,538	15.6
37. Franklin	20,864	19,035	1,829	8.8
38. Fulton	3,868	3,454	414	10.7
39. Gallatin	1,853	1,606	247	13.3
40. Garrard	4,181	3,678	503	12.0
41. Grant	5,349	4,801	548	10.2
42. Graves	14,849	12,700	2,149	14.5
43. Grayson	10,677	9,497	1,180	11.1
44. Green	5,680	5,105	575	10.1
45. Greenup	17,074	13,827	3,247	19.0
46. Hancock	3,849	3,478	371	9.6
47. Hardin	25,320	23,044	2,276	9.0
48. Harlan	13,868	11,061	2,807	20.2
49. Harrison	7,524	6,834	690	9.2
50. Hart	5,655	4,987	668	11.8
51. Henderson	19,777	18,160	1,617	8.2
52. Henry	5,411	4,824	587	10.8
53. Hickman	2,258	2,011	247	10.9
54. Hopkins	21,143	18,945	2,198	10.4
55. Jackson	3,992	3,268	724	18.1
56. Jefferson	323,325	290,531	37,794	11.5
57. Jessamine	15,023	13,986	1,037	6.9
58. Johnson	8,392	7,208	1,184	14.1
59. Kenton	66,810	60,792	6,018	9.0
60. Knott	5,440	4,125	1,315	24.2
61. Knox	11,660	10,152	1,508	12.9
62. Larue	5,447	4,847	600	11.0
63. Laurel	19,032	17,309	1,723	9.1
64. Lawrence	3,755	3,184	571	15.2
65. Lee	2,019	1,620	399	19.8
66. Leslie	4,580	3,831	749	16.4
67. Letcher	7,480	5,442	2,038	27.2
68. Lewis	5,001	4,277	724	14.5
69. Lincoln	7,121	6,016	1,105	15.5
70. Livingston	4,684	3,977	707	15.1
71. Logan	10,002	8,824	1,178	11.8
72. Lyon	3,469	3,130	339	9.8
73. McCracken	31,969	28,559	3,410	10.7
74. McCreary	4,947	4,157	790	16.0
75. McLean	4,800	4,340	460	9.6
76. Madison	25,024	23,011	2,013	8.0
77. Magoffin	6,105	5,197	908	14.9
78. Marion	7,455	6,579	876	11.8
79. Marshall	8,475	6,645	1,830	21.6
80. Martin	8,352	7,893	459	5.5
81. Mason	9,602	8,637	965	10.0
82. Meade	6,822	6,023	799	11.7
83. Menifee	1,514	1,086	428	28.3
84. Mercer	9,209	8,421	788	8.6
85. Metcalfe	4,424	3,894	530	12.0
86. Monroe	5,213	4,480	733	14.1
87. Montgomery	8,771	7,514	1,257	14.3
88. Morgan	4,624	3,891	733	15.9
89. Muhlenberg	13,801	12,205	1,596	11.6
90. Nelson	12,328	10,476	1,852	15.0
91. Nicholas	3,071	2,808	263	8.6
92. Ohio	10,768	9,713	1,055	9.8
93. Oldham	11,903	11,004	899	7.6
94. Owen	3,813	3,494	319	8.4
95. Owsley	1,905	1,601	304	16.0
96. Pendleton	5,086	4,225	861	16.9
97. Perry	13,180	11,022	2,158	16.4
98. Pike	33,563	28,548	5,015	14.9
99. Powell	4,364	3,556	808	18.5
100. Pulaski	20,370	18,148	2,222	10.9

KENTUCKY LABOR FORCE ESTIMATES—PRELIMINARY JULY 1982—Continued

County	Civilian labor force	Employment	Unemployment	Unemployment rate
101. Robertson	760	554	206	27.1
102. Rockcastle	6,065	5,350	715	11.8
103. Rowan	8,635	7,698	937	10.9
104. Russell	4,285	3,570	715	16.7
105. Scott	12,556	11,446	1,110	8.8
106. Shelby	11,468	10,603	865	7.5
107. Simpson	6,404	5,453	951	14.9
108. Spencer	2,248	2,001	247	11.0
109. Taylor	10,314	9,533	781	7.6
110. Todd	4,314	3,777	537	12.4
111. Trigg	5,155	4,607	548	10.6
112. Trimble	1,976	1,793	183	9.3
113. Union	9,732	9,250	482	5.0
114. Warren	36,543	33,357	3,186	8.7
115. Washington	4,676	4,081	595	12.7
116. Wayne	8,624	7,569	1,055	12.2
117. Webster	7,015	6,431	584	8.3
118. Whitley	9,896	8,220	1,676	16.9
119. Wolfe	2,104	1,688	416	19.8
120. Woodford	9,885	9,328	557	5.6

Note: U.S. Comparable Rate—9.8, Sept. 7, 1982.

My colleagues will note from the previously referred table that Bath County, Ky., has an unemployment rate of 17.2 percent; Bracken, 18.5 percent; Carter, 19.4 percent; Greenup, 19 percent; Knott, 24 percent; and Letcher 27 percent.

These stark figures not only reflect the impact on the coal mining industry, the railroad industry and small manufacturing, but also reflect the serious depression of the farm economy.

Mr. Speaker, I have indicated that the language of the bill in the conference report does not reflect the conferees and, of course, ultimately the Congress anticipated levels of funding for this most important program.

I would hope, therefore, that in the budgetary and appropriations processes for the fiscal year 1983 and the years beyond, that we appropriate sufficient funds so that this legislation does not become a simple token but will be meaningful in bridging the gap between unemployment and jobs.

In this regard, the Congress appropriated for predecessor training programs $10 billion, 378 million in fiscal year 1979; $7 billion, 807 million in 1980; $7 billion, 637 million in 1981. In 1982, we drastically reduced the Federal support for job training to $3 billion, 27 million as a result of the Gramm-Latta substitute.

The conference agreement avoids the disruption of our most effective program for training the hardest-to-employ youth by extending the authority for the Job Corps without major amendments.

The conference report makes clear that the Job Corps is to continue as a distinct national program, and preserves its essential residential character by requiring that nonresidential enrollment not exceed 10 percent of total enrollment in any year.

The conference report also mandates the payment of allowances to Corps members to meet their needs during participation in the program.

New activities are authorized which would encourage the broader dissemination of information gained from successful Job Corps experience to other training and related programs. Also, jointly developed Department of Defense/Job Corps pilot projects are authorized to help youth who so desire to qualify for military service.

In addition, with respect to the Job Corps, the conference report extends most technical provisions which are contained in current law. For example, the existing provisions which exempt the transactions of Job Corps contractors who are carrying out Federal functions on behalf of the Secretary of Labor from State gross receipts, sales, excise and similar taxes is extended in this conference agreement.

I do think that the legislation preserves some of the fundamental elements needed for job training programs. Among these are:

First, that the training opportunities are meaningless unless the unemployed worker is provided some sort of allowance and supplemental services that will enable attendance and participation in the program;

Second, a fund allocation formula which fairly and equitably provides funds for all service delivery areas in all States;

Third, continues special status of rural concentrated employment programs established to meet the needs of special rural populations;

Fourth, contains recognition of the importance of work experience in those areas where the ratio of the work force to private sector employment is disadvantageous to the unemployed;

Fifth, maintains national scope and policy direction and accountability;

Sixth, preserves local discretion in program development;

Seventh, preserves experience and expertise developed at local levels in predecessor training programs;

Eighth, preserves the longstanding role of public education and vocational education institutions in the provision of training;

Ninth, provides separate authority for Job Corps and summer youth programs without significant modification; and

Tenth, places special emphasis on the provision of training to unemployed youth.

Mr. Speaker, the bill brought back from conference differs from existing training legislation in the following respects.

A new performance-based focus for the employment and training system to replace the burdensome process requirements of past programs. Programs meeting or exceeding performance goals will receive incentive funding and those which fail without justification will be replaced;

A new dislocated worker program run by the States to train those who have lost their jobs permanently as the result of structural and technological changes in the economy or foreign competition for new jobs in stable or emerging industries;

A broader role for the States in coordinating training programs with related activities in each State and in monitoring local programs;

An expanded role for the private sector at the local level to bring the local business community into a partnership with chief elected officials so as to insure that training programs meet local skill needs; and

A restructured grant process, based on a single grant, uniform eligibility criteria and a simplified plan, which will reduce paperwork requirements and administrative overhead.

Mr. Speaker, before I conclude, I particularly want to thank GUS HAWKINS, chairman of the Subcommittee on Employment Opportunities, and JIM JEFFORDS, ranking minority member of that subcommittee, for their tireless efforts in designing this legislation and piloting it through a very difficult process this year. I also want to recognize the ranking minority member of the Education and Labor Committee, JOHN EHRLENBORN, for his considerable efforts in support of this bill. I can say without hesitation, that without the work of these men and their dedicated staffs, this conference report would not be before us today.

Mr. Speaker, I urge my colleagues to adopt the conference report on S. 2036.

The SPEAKER pro tempore (Mr. BROWN of California). The Chair recognizes the gentleman from Vermont (Mr. JEFFORDS).

Mr. JEFFORDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. SPEAKER. I speak in strong support of the Job Training Partnership Act S. 2036, and its conference report.

I want to commend the chairman of the conference committee, Mr. PERKINS, for his leadership during the hours of discussion between the House and the Senate regarding the differences between the two bills. Mr. HAWKINS, the chairman of the Employment Opportunities Subcommittee, deserves substantial praise for his dedication to the concepts embodied in a job training bill. He was willing to accommodate varying opinion to assure that a new job training bill becomes a reality. The ranking Republican member of the Education and Labor Committee, Mr. ERLENBORN has increased his credibility throughout the employment and training community by his ability to isolate the issues and deal with them directly. His efforts both during floor debate and conference enabled us to bridge the differences between the two bills.

The efforts on the part of the Senate conferees were equally laudable. Mr. HATCH, Mr. QUAYLE, Mrs. HAWKINS, Mr. KENNEDY, and Mr. METZENBAUM represented their colleagues with wisdom and vigor.

The bill we have before us symbolizes a decade of learning, development, evolution and demonstration surrounding the previous employment and training programs. For at least the past 18 months, Members of both the House and the Senate have been reviewing and analyzing the employment and training policy of this Nation in an attempt to bring together a rational system for job training. We have heard from experts and practitioners in the field and we have made onsite visits to operating programs. With this base of experience, each legislative body introduced separate authorizing legislation and successfully passed job training bills that in their own right were well-developed, sound pieces of legislation.

S. 2036 as it appears before us is the merging of these two proposals. In resolving the differences between our two bills, the Senate and the House, the Republicans and the Democrats, joined in a single purpose. The effort was, and continues to be, bipartisan. The question of turf does not exist. We drew from what we learned had worked in the past; modified what did not necessarily work well, but held potential to work better; and discarded what we knew did not work at all. Our guide was to derive a bill that addressed the training needs of millions of Americans. We had to overcome many obstacles, but the overall need of the unemployed, untrained, and under-employed kept us on course.

This bill is not a compilation of individual programs, but a statement of national policy, a reinforcement of a Federal role in employment and training programs. This is legislation that taken as a whole, is better than either of the two bills taken separately.

There are three basic functions that this legislation must fulfull:

First, occupational skill training for those who desire to work but lack specific job skills;

Second, job search assistance for those who possess occupational skills and are willing to work, but do not know how to obtain a job; and

Third, basic skills training for those who need remedial education assistance in order to obtain a job.

These functions vary in the amount of responsibility that the private sector or governmental agencies should assume. Each would be accomplished more efficiently through cooperation of the two. S. 2036 strives to bring the private sector into a policy-partnership role with local and State governments.

This bill additionally addresses specific issues that I have stressed in the past as essential to a job training bill. These issues include, a clear definition of the Federal, State, and local governmental roles; establishment of specific performance goals, that drive the system rather than being a system controlled by process; creation of a balance between adult and youth programs, and between programs for the disadvantaged and the dislocated; coordination with other training programs for a more effective use of scarce resources; coordination of job training programs with established education programs; and the emphasis of the provision of training rather than income maintenance.

A few provisions in the bill need some clarification regarding their legislative intent. One is the issue of defining what portion of the funds will be devoted to the direct provision of training services. This division of funds was one of the most difficult issues that the conferees had to resolve. S. 2036 provides that within certain limitations, 70 percent of the funds that are allocated to service delivery areas will be for training. The remaining 30 percent is restricted to administrative costs, costs associated with supportive services, and costs attributed to wages and allowances.

During debate in the House, examples of the types of services provided under each of the categories was presented. Such clarification is useful again. Training is defined as those services that are designed to increase or enhance a participant's ability to attain and/or retain employment including such services as intake, testing, job development, and vocational exploration. If the purpose of job training is to move participants into unsubsidized jobs, the cost of services that facilitate this transition should be included as training.

Supportive services are well defined in the bill as those costs without which the participant could not take part in the program, such as transportation, meals and child care. Except under certain circumstances, these costs are not included in the definition of training costs.

Administrative costs are those that are linked to activities which are necessary to comply with the act, such as auditing and financial management. Administrative costs are not directly related to training. Cost attributable to the provisions of direct training services to participants should be considered as training costs including evaluation and assessment, if such evaluation or assessment is of the participant not of the program.

What must be kept in mind regarding the 70-30 split of funds is the tremendous pressure we are placing on the 30 percent. First, S. 2036 allows for up to 15 percent of the funds to be used for administrative costs. That is, up to half of the 30 percent can be used for administrative costs. Currently, approximately 20 percent is being spent for administration of job training programs. As a result of the 30-percent limitation, we are immediately requiring a 25-percent reduction in administrative costs.

The costs for wages, allowances and support services costs, which account for about 50 percent of the costs under the current job training program, are limited to the remaining 15 percent. It may be unrealistic for us to expect that a reduction of this magnitude is possible. Given these restrictions, I encourage that if during the development of regulations there is a question about the placement of a cost category into either the 70- or 30-percent limitations, the benefit of the doubt be given to placing it under the 70 percent or training category. The debate surrounding these costs accounted for a significant portion of the time spent during the conference. I am sure that this debate will continue.

A further issue that I would like to highlight is the inclusion of language to clarify legislative intent regarding States that serve as the sole service delivery area. Because the Governor is both the chief elected official of the service delivery area and is authorized to approve program plans for all service delivery areas within a State, it was necessary to assure that there would be no conflict of authority within the bill. I believe that the resolution reached regarding this concern maximizes flexibility, retains the integrity of the bill structure and minimizes duplication of council membership and paperwork in States that are typically small in population, and often rural.

Finally, I would like to discuss an issue that has been a concern of mine for years. That is, programs for unemployed youth and the coordination between job training and education. Youth unemployment provides the most serious long-term consequences for our economy. The most recent unemployment rate for youth was 24 percent with that for black youth exceeding 50 percent. To allow these high rates of unemployment to continue for our youth relegates an entire generation to low productivity and dependency on the Federal Government. If people remain largely unemployed for the first 10 years of their working life, it is exceedingly difficult for them to develop stable employment patterns. Early joblessness is associated with permanent labor market difficulties, including lower probability of employment in the short term and lower wages throughout the individual's working life resulting frequently in high social costs.

S. 2036 includes provisions that recognize the extraordinary needs of our youth. Although in the strictest sense, the minimum percentage of funds that the bill directs toward youth under the age of 22 has been reduced from 50 percent in the House bill to 40 percent in the conference agreement, the separate authorization of the summer youth program assures that unemployed youth will nevertheless be afforded meaningful employment and skill training opportunities. That is, by limiting the age to 22 and separating the authorization for the summer youth program from the general youth activities, this structure actually provides for at least the current funding level for youth programs, if appropriations remain constant. There is no intent on the part of the conferees to reduce support for youth programs; instead we believe that the balance struck reflects the varying needs of the total population.

There has been much discussion over the descriptiveness of the youth programs as they are included in this bill. For at least 4 years, demonstration programs for youth have been operated with documented results. The programs included within this legislation build upon what we know to be successful methods of intervention with youth. These programs have yet to become institutionalized within the employment and training system, therefore requiring a greater legislative detail than is included in other portions of the bill. I must emphasize that these provisions are not mandated, but rather should serve as a guide in the development of such services for youth.

Further, this bill continues to forge coordination between education and training programs. I continue to hope that through legislation such as this that we can leverage the education system in this country to work more closely with the dropouts and to recognize its responsibility to meet the needs of these youth. We must find a means by which young people are encouraged to stay in school, develop the basic skills, acquire employability skills, and gain their initial experience in the labor market. I believe that this bill makes strides in those directions, particularly through inclusion of youth tryout employment.

One of the requirements of tryout employment is that the employer hire the youth upon completion of the tryout period. The expectation is that the youth will be hired for a significant and comparable period of time. Merely to hire the youth for a brief period upon completion of the tryout period does not fulfill the intent of this legislation.

I consider this bill to be a significant legislative achievement in the evolution of a national employment and training policy. It contains many of the reforms that I have worked for over the past 8 years as a member of

the Education and Labor Committee. I predict that these reforms will be greeted as vast improvements over the problem-plagued programs of the past. I urge the Members of this body to support this legislation and to vote affirmatively for the conference report.

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Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. Mr. Speaker, I rise in support of the conference report on the Job Training Partnership Act. The need has never been greater for a comprehensive training program. Today more than 1 million of this country's citizens are unemployed. The tragic costs of unemployment are numerous, including poverty, divorce, and despair. With this piece of legislation, we take a significant step toward providing the unemployed with the skills that will allow them to obtain employment in the developing industries of this country.

During the past week, I have been in touch with many of New Jersey's dedicated citizens with personal involvement in employment training programs. These citizens represent a wide variety of interests, including local government, State government, and private industry. They all have one thing in common—they are excited about this piece of legislation. They are excited because we have succeeded in developing a program that promotes the efficient delivery of services yet retains local initiative and flexibility. Most importantly this legislation provides for the substantive role of the private sector so that we train people for jobs where there are jobs. In addition, this legislation specifically targets training toward three groups of citizens who especially need it; youths, the economically disadvantaged, and displaced workers—an increasing number of whom have recently lost their jobs due to overall trends in certain declining industries.

I would be remiss in my praise if I did not mention the efforts of my colleagues on the conference committee. In particular, Mr. PERKINS, Mr. HAWKINS, Mr. ERLENBORN, and Mr. JEFFORDS have contributed a tremendous amount of time and energy toward this legislation. I am impressed with their knowledge and expertise in employment training, their open mindedness, and their ability to compromise. There were many diverging proposals concerning the funding distribution for this program. All members of the conference had hoped for more for their individual States; New Jersey, for example, did not fare as well as I had wanted. However, I am pleased that the conference report provides more funds for New Jersey than the original House bill.

Passage of this conference report proves that Congress cares about the unemployed of this country. Just as importantly, it proves that Congress can learn from the mistakes of programs of the past, and use that knowledge to develop efficient programs for the future. The Job Training Partnership Act is a most significant step on the road to full employment and economic recovery.

Mr. JEFFORDS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Speaker, I have a question for either the gentleman from Vermont (Mr. JEFFORDS) or the chairman of the committee.

When this bill left this House, the House had successfully adopted my amendment which prohibited any young man who was in violation of the Draft Registration Act from participating in any of these job training programs, and we subsequently instructed the conferees. My question is: I have not come across the conference report, and I want to know if the amendment was upheld in this legislation.

Mr. JEFFORDS. Mr. Speaker, I can assure the gentleman that his amendment was contained in the bill as it came out of the conference committee. I believe that word is sufficient. It is word for word as put forth by the gentleman from New York.

Mr. SOLOMON. I thank the gentleman.

Mr. JEFFORDS. Mr. Speaker, if I could indulge the chairman of the committee in a colloquy, the gentleman from Kentucky (Mr. PERKINS), it is my understanding that the permissible types of job activities in this bill include vocational student organizations. Am I correct in this interpretation?

Mr. PERKINS. That is my understanding. The gentleman is correct.

Mr. JEFFORDS. I thank the gentleman.

Mr. Speaker, I intend to ask for a vote on this because I have had a request from a number of Members for that. I just want to warn the body of that.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I rise in strong support of S. 2036, the Job Training Partnership Act. This legislation is desperately needed by our Nation for our current and future economic competitiveness and well-being.

While the conference report is not as strong as the original House passed bill, H.R. 5320, it is significantly improved over the Senate version. I would like to commend the chairman and the members of the conference committee for their fine work on this measure.

Mr. Chairman, the administration has only recently come to realize the role of the Government in job training and job stimulus programs and the value of a strong Federal voice. Unfortunately this realization comes after the implementation of policies which have led to record high unemployment rates rapidly approaching 10 percent and a dismantling of the Federal commitment to vocational education and job training.

The conference agreement which we are now considering goes a long way to reinvigorating our job training efforts. My colleagues are all aware of the problems associated with the previous program. It was clear to us all that midcourse corrections were needed. But what was not needed and what must be avoided is a full-scale retreat by the Federal Government away from this important educational function.

Mr. Chairman, this bill is an important first step. But I must underline the fact that it is only a first step. While the bill does provide Federal assistance for job training and does provide for up to 250 hours of on-the-job training for youth, we must look at it as a long-term investment. This bill will not bring a dramatic drop in the unemployment rate tomorrow.

Indeed, this bill, if we are sincere in its intent, must be part of a comprehensive, commonsense economic policy designed to reinvigorate our economy and provide private sector jobs for the Americans we will train through passage of this legislation.

Components of this package must include prompt passage of the Defense Production Act, the Young Adult Conservation Corps, fair trade policies, and a housing/jobs stimulus program.

Mr. Chairman, I commend the committee for their leadership on this issue and for producing the best possible product under severe constraints. I am pleased that the administration has been converted on this issue but I still must ask, "What good are trained Americans, if there is no work?"

Mr. HAWKINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Job Training Partnership Act before you for final action today is the product of extensive negotiations and compromise between the House and the Senate. I would like to commend my colleagues on both the House and Senate sides for their tireless efforts to reach agreement and to develop a workable and effective job training program. This final product is not the bill I would have preferred, nor, I believe, does it meet the Senate's first choice. But, I believe it is a workable compromise which preserves the basic tenets embodied in the House bill.

First, the bill preserves the essential role of local governments in the plan-

ning and implementing of job training policy in their areas. While the Governor is given increased administrative responsibility for assuring compliance with the act and for improving coordination among employment-related programs in the State, the Governor cannot impose policy requirements on local communities, nor does the Governor run local programs or have discretion on how funds are to be distributed within the State.

Second, the conference agreement keeps the equal partnership between business and local government and allows the parties to work out at the local level what form the partnership will take. The conference agreement requires that both the private industry council and local elected officials in the service delivery areas approve the local job training plan and agree on how the plan will be developed, and what entity will administer the program and be the grant recipient.

Third, the conference agreement preserves the Federal Government's responsibility for setting overall policy and for establishing performance standards for the program. The Secretary of Labor has the responsibility for imposing sanctions on local programs found in violation of the act. The Secretary is also given appeal authority for plan disapproval as well as any findings of noncompliance.

Finally, the conference agreement preserves the House bill's flexibility to provide wages in connection with training activities and to give participants allowance payments and supportive services necessary for participation. Local communities may waive the limitation on supportive services, wages, and allowances if they can demonstrate that they meet certain criteria, such as areas of high unemployment or service to participants in need of exceptional supportive services such as handicapped individuals or single heads of household with dependent children.

Mr. Speaker, there has been considerable confusion over the past week on just what this bill provides and how it relates to other vitally needed employment legislation. I would like to set the record straight on these matters. Although I am pleased that the President has finally endorsed this measure in spite of the Labor Department's recommendation to veto the compromise agreement, it is important to point out the differences between the conference agreement and the administration's initial proposal. The administration would have restricted eligibility for job training to welfare recipients and school dropouts. The conferees wisely recognized that the need for training and retraining is not limited to these groups and provided authority to serve a broad range of participants including older workers, veterans, in-school youth, dislocated workers, handicapped persons and many other categories of individuals in need of training who would not have been served under the administration's proposal.

The administration gave a block grant to the Governor to determine what areas would be served and how local job training needs would be met. As I have already stated, the conference agreement preserves the local communities right to receive funds and to operate its programs according to local needs. The administration would have limited local government involvement to those areas over 500,000 population disqualifying 85 percent of those communities currently eligible to operate job training programs. The conference agreement would retain eligibility for two-thirds of those communities.

The administration's proposal would have given private industry total authority to make decisions on the use of public funds. Local elected officials would have had only a token say in these decisions. The compromise preserves an equal partnership between the public and private sector.

The administration's proposal would have prohibited the use of funds for wages, allowances or subsistence payments to low-income individuals in training programs. The conferees wisely recognized that many individuals may be prevented from participation in a training program due to the additional expenses incurred as a result of that participation. The conferees provided broad authority to permit the payment of allowances and supportive services and also allowed the payment of wages in connection with training.

The administration's proposal would have provided training for less than 600,000 persons not the 1 million the President is now claiming credit for. In fact, fewer persons would have been served because in reality the administration was planning to spend less than half the amount requested in the President's budget for fiscal year 1983.

Finally, I believe it is essential to differentiate between the purposes of this job training proposal and the need to respond to the devastating levels of unemployment existing in the Nation today. While this job training program is vitally needed to provide job skills necessary to compete in a changing economy, it is not the solution to the 11 million jobless in the Nation today. The provisions of this proposal will not even go into effect until fiscal year 1984. Not one job will be created as a result of this job training proposal's enactment. Thus, it is essential we begin now on job creation programs. The House-passed public works jobs bill which the President opposes would have created a modest 200,000 jobs in needed repair and rehabilitation of essential public facilities. Much more than this must be done and done in the private sector. Both training and jobs are necessary to get us out of this unemployment quagmire. Even the President's own people recognize this. A New York Times article on September 24 quoted one Reagan aide as saying, "We have got to talk about creating jobs, especially if we go above 10 percent unemployment next month." The President is either misinformed about the purposes of this job training bill or he is misleading the American public about its impact on present unemployment. This, however, is a critical challenge to the President's own views on the need to create jobs.

Since his inauguration, the President has consistently used jobs as an issue and a main argument to obtain approval of his tax concessions to business enterprises, his deregulation efforts and his upside down budget priorities. None of which has created jobs; only unemployment.

At the same time, however, he has opposed every single jobs program without exception: Whether private or public, permanent or temporary, emergency or long range. The harmful effects have fallen on every structural group: The youth and our senior citizens, rural and urban inhabitants, veterans and draft evaders, minorities and displaced workers, and scientists as well as laborers.

The President discontinued job programs successfully operating when he took office without offering a single replacement incorporating improvements he claimed to support. Since then he has reduced or eliminated every one he could reach including the Job Corps, WIN, and senior citizens programs under the Older Americans Act.

Some, such as the housing jobs bill and the senior citizens jobs he vetoed after the Congress approved them with bipartisan support.

Others, such as the recently House-passed supplemental appropriations for emergency jobs he opposed as being "only temporary jobs, make work, and too few"—only 200,000 jobs—ignoring the fact he did not support any other jobs either and regardless of number.

The explanation for this bizarre performance is rooted in a blind allegiance to the discredited tradeoff theory that unemployment is the way to decrease inflation. Therefore, it logically follows from this false base, that increasing unemployment is good in the President's economics, which ignores the empirical evidence, the social consequences, and the moral implications. It is this dogma of the twenties that created the Great Depression to which he would have us return to face the technological age of the eighties.

I call on the President to support our efforts to put millions of Americans back to work with the same enthusiasm as he is now supporting our efforts to train the work force. We have met him half way; let him now take a few steps in our direction. Mr. Speaker, a summary of the provisions of the conference agreement follows:

SUMMARY OF CONFERENCE AGREEMENT ON S. 2036, THE JOB TRAINING PARTNERSHIP ACT

I. AUTHORIZATION

Authorizes such sums as are necessary for fiscal year 1983 and thereafter except that $618 million is authorized for the Job Corps for 1983 and such sums as are necessary thereafter.

II. TRANSITION

The provisions of the Comprehensive Employment and Training Act apply through fiscal year 1983. Provisions of the Job Training Partnership Act become effective fiscal year 1984. After June 30, 1984, funds will be available on a program year basis—July 1-June 30—to facilitate coordination with education and other state and local employment-related programs.

III. SERVICE DELIVERY STRUCTURE

Funds are allotted to the States by a formula providing one-third on the basis of areas of substantial unemployment (areas above 6.5%), one-third excess unemployment (above 4.5%) and one-third on the basis of number of economically disadvantaged persons.

Funds are allocated to service delivery areas within the State on the same basis.

Service delivery area designation

The Governor designates service delivery areas within the state based on recommendations of the State Job Training Coordinating Council. The Council also establishes criteria for coordinating job training programs with other employment-related programs in the state. Areas which are automatically entitled to be designated service delivery areas are:

(1) units of general local government with population of 200,000 or more;

(2) voluntary consortia of contiguous units of local government with aggregate population of 200,000 or more;

(3) Concentrated Employment Programs operating in rural areas under the Comprehensive Employment and Training Act.

Private industry councils

Private Industry Councils are established in each service delivery area. The chief elected official or officials in the area select the members of the Council. A majority of the council must be representative of business and industry in the areas and the Chairperson of the council must be a business representative. The remaining members are representative of education, labor, community based organizations, rehabilitation agencies, economic development agencies and the public employment service. In partnership with local government, the Private Industry Council has the responsibility to provide policy guidance for, and exercise oversight with respect to, job training activities in the areas.

IV. LOCAL JOB TRAINING PLAN DEVELOPMENT AND APPROVAL

Private industry council/local government role

The PIC and local government must reach agreement on how the plan will be developed, on the entity to administer the program, and on the grant recipient for local job training funds. The Private Industry Council and the chief elected official(s) must jointly approve the job training plan and submit the plan to the governor.

Governor's role

The Governor may disapprove a local job training plan only if it is not in compliance with a specific provision of the Act or Department of Labor regulations or if it is not in compliance with the state's coordination criteria. The coordination criteria may not limit local discretion in the selection of service providers or the selection of eligible participants. The Governor's disapproval of any job training plan may be appealed to the Secretary.

Monitoring, compliance and sanctions

The Govenor monitors local program compliance with the Act and may issue notice of intent to revoke approval for all or a portion of the plan in the event of noncompliance. A Governor's notice of intent to revoke all or part of the plan may be appealed to the Secretary and shall not become effective until time for appeal has expired.

Performance standards

The Secretary establishes performance standards based on increased employment and earnings of participants and reductions in welfare dependency. The Governor may prescribe variations in the standards within parameters established by the Secretary based upon specific economic, geographic and demographic factors in the State. If a local program fails to meet its performance goals for two consecutive years, the Governor imposes a reorganization plan which may include selection of an alternate entity to administer the program for the service delivery area. The Governor's action is appealable to the Secretary.

V. PROGRAM AUTHORITY

Disadvantaged adult and youth programs

The Conference agreement authorizes a broad range of training activities including on-the-job training, institutional and classroom training, remedial education and basic skills training, exemplary youth programs and other activities to prepare economically disadvantaged adults and youths for unsubsidized employment. At least 40% of the funds, adjusted according to the proportion of youth in the eligible population, must be used to serve youth. A separate part authorizes summer youth employment and training programs.

Eligibility—(1) 90% of the participants must be economically disadvantaged; up to 10% of the participants may not be economically disadvantaged if they have other barriers to employment such as displaced homemakers, offenders, teenage parents, older workers, etc.

(2) Eligible youth are aged 16 through 21, except that youth aged 14 or 15 may be served in summer youth programs.

Employment and training assistance for dislocated workers

The conference agreement authorizes a program of assistance to long-term unemployed workers or those who have been terminated or have received a notice of termination as a result of a permanent closure of a plant or facility. Such assistance includes job search assistance, retraining, relocation assistance, and supportive services to such dislocated workers.

Funds under this program must be matched with non-federal funds including the direct cost of services provided under non-federal programs. The program is administered by the state, but requires review by local private industry councils and local governments for programs operated in a service delivery area and requires consultation with affected labor organizations. The matching requirement is adjusted downward in accordance with the State's rate of unemployment relative to the national unemployment rate.

Job Corps

The Conference agreement preserves and strengthens the Job Corps program authorized under CETA essentially without change of the major provisions. The Conference agreement places a 10% limit on non-residential programs and requires the Secretary to pay allowances to corps-members while in the program.

Native American and migrant programs

Authority for nationally-run employment and training programs for Native Americans and Migrant and Seasonal Farmworkers is retained with minimal change.

Other national programs

The Conference agreement also authorizes 5% of the national program funds (excluding Job Corps) for veterans programs, and authorizes multi-state programs, research and demonstration, pilot projects, evaluation and Labor Market Information. The National Commission for Employment Policy is reconstituted as a non-governmental commission.

VI. LIMITATION ON CERTAIN COSTS

The Conference agreement requires 70% of the funds to be spent on training which may include 50% of the cost of work experience meeting certain criteria and try-out employment for youth. Not more than 15% can be spent for the cost of administration; and not more than 15% may be spent for the costs of supportive services, allowances or wages not included in the 70% category.

Waiver

The Governor shall waive the 15% limitation on nonadministrative costs if the request for excess costs is initiated by the PIC and the justification for such excess is included in the job training plan, if the administrative cost limitation is met and if one or more of the following conditions are met:

Unemployment 3 percent higher than the national average in the service delivery area or area within which services are to be provided;

The plan proposes to serve a disproportionately high number of participants in need of supportive services;

The cost of providing necessary child care exceeds one-half the 15% limit;

The cost of providing necessary transportation exceeds one-third the 15% limit;

A substantial portion of participants are in training programs of 9 months duration or more.

Excess costs may not be allowed to the extent that supportive services duplicate services available without cost in the area.

The cost limitations do not apply to rural CEP's.

VII. AMENDMENTS TO OTHER STATUTES

The Conference agreements amends the Wagner-Peyser Act authorizing the public employment service by (1) establishing a formula for distribution of funds, two-thirds on the basis of civilian labor force and one-third on the basis of unemployment; (2) providing for funding on a program year basis and (3) providing for local coordination with job training programs.

The Conference agreements amends Part C of Title IV of the Social Security Act (WIN) to authorize job search assistance and require coordination of WIN activities with activities provided in a service delivery area under the Job Training Partnership Act.

The Conference agreement amends the Social Security Act to provide for a limited disregard of the income of any dependent child for calculation of family eligibility and the amount of benefits for AFDC.

□ 2300

Mr. PEYSER. Mr. Speaker, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from New York.

Mr. PEYSER. I thank the gentleman for yielding.

I want to reemphasize the importance of what the gentleman said on the misunderstanding that has been created in the country today.

Just last night, in addressing a group, talking about the job situation, a member of the audience said, "Well, I heard the President say last Saturday that he was supporting and that the Congress was passing a new jobs program to attack the unemployment problem."

And that is exactly the message really that the President conveyed to the public last Saturday.

I think it is very important that the point the gentleman has made, that to the best of my knowledge there is not one new job in this bill. And this is not going to put anybody to work. But it is an excellent training program.

Now, one question I would like to ask: Does this conference report include the provision for a stipend payment while training?

Mr. HAWKINS. Yes; as the gentleman knows, the original request of the President was to prohibit stipends, allowances, and wages being paid in connection with this program. That was eliminated in the conference.

We do provide for such payments. There is some limitation on it. But we do have liberal waiver provisions so that I think it is workable, and such allowances can and will be paid under certain protected conditions.

Mr. PEYSER. I thank the chairman.

Mr. HAWKINS. In connection with the question, however, may I repeat again that under this bill, the provisions of this bill will not become effective until October of 1983.

Now, assuming that there is a training period, then it is pretty obvious that this program will not provide a single job nor even the training until October of 1983. So that there is a long period of time in which we have got to devote to the problem of job creation, because this is not a program that is going to be immediately instituted.

Mr. JEFFORDS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. KEMP).

Mr. KEMP. I thank the gentleman for yielding.

I strongly support this bill. I want to commend the gentleman from Vermont and the gentleman from California. I hope we do not make it so partisan. There was a real strong effort by both parties, both on the Senate side and on the House side, to work out a job training bill that all of us could support or most of us.

And I want to compliment again the gentleman from Vermont, our colleagues in the Senate, particularly Mr. QUAYLE, who had so much to do with this, and the gentleman from California (Mr. HAWKINS). I hope that the partisanship does not sublimate the very important statement that the gentleman made earlier, that unemployment is indeed no answer to inflation. We also learned in the seventies that inflation is no solution to unemployment. Indeed, inflation causes unemployment.

But as the gentleman pointed out, unemployment indeed is inflationary, because it reduces the potential of people to contribute, not only to the economy of the country, but to their own economy.

And I want to compliment the gentleman for helping work this compromise out. And again I only rise because I thought it was turning into a little more partisan than it really should because there has been tremendous cooperation from both sides of the aisle.

I want to compliment the gentleman and ask it be unanimously supported.

Mr. JEFFORDS. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. ERLENBORN), the ranking Republican on the full committee.

Mr. ERLENBORN. Mr. Speaker, not quite 2 months ago this body was debating the merits of a job training bill. I said then that the bill was one of the most important pieces of legislation of the 97th Congress. I believe that that statement still holds true.

Mr. Speaker, I want to take this opportunity to commend the House conferees for their persistence and concern in the development of their legislation. The House has been fortunate to have enjoyed throughout bipartisan support of the bill. This support and spirit of cooperation continued during the conference.

Of particular note must be the roles of the gentleman from California (Mr. HAWKINS), and the gentleman from Vermont (Mr. JEFFORDS). They were able to resolve many of the basic differences early in the process, so that our efforts were not spent in arguing desparate positions but rather in closing the narrow differences of view.

Mr. Speaker, the chairman of our committee, the gentleman from Kentucky (Mr. PERKINS), as usual, was instrumental in working toward the resolution of the differences between the House and the Senate. His direction as chairman of the conference was welcomed and appreciated.

Also our counterparts in the Senate, Mr. HATCH, Mr. QUAYLE, Mrs. HAWKINS, Mr. KENNEDY, and Mr. METZENBAUM, deserve recognition for their hard work.

Mr. Speaker, we have been waiting all day for this conference report to be called up. We thought it would be called up yesterday. We were advised it would be called up earlier today. It has been delayed and delayed and delayed. And I wondered why. I observed to some of my colleagues earlier that there must be no committee in the House with less influence than ours, that our conference report would be put off so late.

I finally discovered why this is. I did not understand that the gentleman from California (Mr. HAWKINS) was waiting for prime time television on the west coast to make the political speech that he made a moment ago.

So now we understand why the delay. I thought he did not have any influence and obviously he had a good deal more than I believed.

Mr. Speaker, I am sorry that we had this political speech here tonight. We have had a good spirit of bipartisanship in our committee, on the floor, in the conference, and that seems to have been broken with this political speech.

Mr. Speaker, I think there is obviously a basic difference of opinion between the gentleman from California (Mr. HAWKINS) and those of us on this side. We on this side believe that you attack unemployment by finding real meaningful jobs in the private sector, long-term jobs, not dead end makework short-time jobs in public service employment.

Now, I guess the gentleman from California (Mr. HAWKINS) is right when he says we have not attacked unemployment. If he considers the only way you can attack unemployment is to have people in these 6-month jobs, to qualify them for more unemployment compensation when they are fined—we do not think that is enough.

We would like to have them in training for 6 months, so they can work for a lifetime.

Mr. Speaker, I think this bill does exactly that. I am proud of the bipartisan spirit in which we fashioned it, and the bipartisan spirit in which it will be adopted tonight.

Mr. JEFFORDS. Mr. Speaker, I yield back the balance of my time.

Mr. HAWKINS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Mr. Speaker, I rise in support of this legislation, but I do not think it goes nearly far enough. I think we have to realize that we are going through a revolution here in the

United States. It is a technological revolution. We are becoming a technological society as opposed to an industrial society. We are becoming a service society as opposed to an industrial society.

Over the next 10 to 15 years or so, we probably will lose about 10 to 15 million jobs in the manufacturing sector. Some people can argue with that fact. But I think most experts would say that.

We have to engage in a massive job retraining program. This bill is a start in that direction, but it does not go nearly far enough.

Further, the educational system that we have in the United States today in the primary and the secondary level is not equipped to train our young people for the jobs of the future.

□ 2310

We must begin to address ourselves to the educational curricula.

Mr. HAWKINS. Mr. Speaker, I will take only 1 minute in closing, but I would like to at least make the record clear that I have never advocated solving the unemployment problem by temporary part-time make-work jobs. I think to even insinuate or to imply that is a disservice certainly to the cause of trying to work in a bipartisan manner.

Certainly there are those of us who believe and I think it is strongly imbedded in the training proposal and in many of the jobs programs we have passed that we believe in the private sector, that we believe in private jobs in the private sector.

I think that certain radio addresses made by those in high places that the jobs we advocate are only temporary, that they are make work and that they are dead end, is a poor excuse for those whose records indicate that in 2 years of operation they have produced 3 million unemployed persons.

Now, certainly if I were advocating temporary part-time jobs it would be far better than being unemployed. I think what we should challenge and what we should fight against is the consistent record of those in public office who have not supported any type of jobs program. They have not produced one. They have not offered one. They have not supported one.

I think the time has come for them to either put up or simply to say that they are supporting unemployment.

I think it is a sad day in the tragic efforts of this administration that that is the only policy that seems to dominate.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. HAWKINS. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Speaker, I do thank my chairman for yielding.

I really think we ought to draw the attention of the House to a simple fact. A lot of things have caused the tragic unemployment that we see, but we have unemployment, in fact, in every industrialized Western country in this world.

Mr. Reagan and his policies are not responsible for 13-percent unemployment in Britain or 16 percent in Ireland. This is a worldwide problem and there is no use blaming it perhaps even on the Democrats.

Mr. PETRI. Mr. Speaker, I rise to support the conference committee report on job training legislation. With this bill, Congress finally comes to grips with our long-term unemployment problems by developing new and vital job training legislation.

We are in a situation where more Americans want to work than ever before. Employment is at a record high. Yet, since a higher percentage of Americans are in the work force than at any time in the past, we do have a serious unemployment problem.

Our problem is not simply a lack of jobs. It is also a mismatch between our unemployed citizens, and the jobs which are out there but which are going begging due to a shortage of qualified applicants.

This is why the current job training legislation is so important. This bill will help train over 1 million unemployed workers each year for permanent, meaningful jobs in the private sector.

It is no secret that because of rapid advances in technology, the job market is undergoing fundamental changes. As time passes, it will become more and more evident that a decent job is a skilled job. To maintain an average, American standard of living it will No longer be possible to rely simply on hard work. Smart work will also be necessary. And that means education.

If we really want to help the unemployed, then we should do more for them than offer them a temporary, deadend position. We should hold out opportunity to them and give them a chance to meet the challenges of the future.

This bill will be a major stride in the right direction. It will provide 70 cents of each dollar spent for job training, compared to the 20 cents out of each dollar which we have spent for training previously.

Also, this bill will strengthen the role of local officials and local business representatives in the management of the program. This will help to guarantee that more people will be trained for jobs which actually do exist locally. In giving local people more flexibility as to the types of training they will offer, we will be doing far more for the unemployed than we would if we tried to mandate all the details from Washington.

Admittedly, this is expensive legislation. But rather than throwing money down the make-work rathole, Congress will be making an investment in the future through its support of this bill.

This investment is necessary.

It is worth it.

I am proud to be a part of it.

And I ask for your support.

● Mr. BIAGGI. Mr. Speaker, I rise to join with my colleagues to express my full and favorable support for the conference report before us today, the Jobs Training Partnership Act—critical legislation to replace our expiring CETA program after this year.

As New York's senior member of the House Education and Labor Committee and a member of the conference committee which fashioned this legislation, I believe that this bill represents a true compromise between the variety of interests which shaped the initial versions of this legislation in the House and in the Senate. I first wish to commend my colleague, GUS HAWKINS, chairman of the subcommittee, for his tireless dedication to seeing this bill through its completion. Our chairman, CARL PERKINS, must also be hailed for his commitment to this compromise bill and his long-standing leadership in our employment and training programs for the disadvantaged.

Passage of this legislation comes at a critical time when unemployment nationwide is peaking at 10 percent—meaning that 1 out of every 10 workers does not have a job. It further means that economic recovery for our Nation is stagnating—and that the ravages of budget cuts in Federal programs are making themselves felt, in a very real way, in cities and towns across this country as unemployment lines are not getting any shorter and industry is not able to expand in a fashion to combat these lines and provide more jobs.

In my own city of New York, the unemployment rate is especially critical. As a result of massive budget cuts in public sector programs under CETA during the past 2 years, we have lost a total of $178 million—or 11,500 jobs. This is a tragic testimony to the lack of compassion in the Reagan economic agenda and further demonstrates the pressing need to pass a job training bill today before we adjourn.

While I applaud the bipartisan support which this legislation has received, including the support of President Reagan, it is my sincere hope that this bipartisan effort can be carried through into the appropriations process so that this bill can adequately meet the real need that is out there. At the current funding level of $3.7 billion, this bill will provide New York City with $109.6 million to train 70,450 workers. These workers will be provided training opportunities that will give them marketable skills that will allow

them to compete for jobs in a rapdily changing labor market.

The major provisions in this legislation which I believe merit mention include the establishment of service delivery areas for population areas above 200,000 or corsortia that serve the same size population;

The establishment of a private industry council—a true partner in the development and the implementation of the job training plan within States. This council will serve as a critical and important link with private industry—a link which must be established and maintained if we are to provide meaningful and substantial job training opportunities for disadvantaged workers that will lead to real jobs in both the private and the public sectors;

The targeting of 70 cents of every $1 for actual training—a vast improvement over the current program which provides a mere 20 cents per dollar for these same types of activities—and the retention of stipends and allowances for trainees;

The retention of the role of the local elected official in the training programs, sharing joint power with the PIC while also expanding the role of the Governor, as the recipient of funds and as the primary coordinator for training activities throughout the State. Such a role will provide an important system of service delivery which will address legitimate local needs. The Governor will also facilitate coordination between programs authorized under this legislation and other Federal, State, and local programs.

I am also supportive of the all-important Job Corps programs, which we have retained in this legislation as well as the strong labor standards provisions under the Davis Bacon Act and the Fair Labor Standards Act, which were not included in the Senate bill. In addition, we retained the employment service program authorized under the Wagner-Peyser Act, so we can achieve close coordination between the service and job training programs authorized under this bill.

Finally, I would be remiss if I did not mention the first-time acknowledgment of a need for special employment opportunities for those populations which have experienced severe problems in finding employment and training opportunities. Under this legislation, our veterans are given special emphasis by the provision under title IV which directs the Secretary to set up programs to meet their employment and training needs. These programs are administered by the Assistant Secretary for Veterans' Employment, in coordination with the Administrator of Veterans' Affairs.

I am especially pleased that the conferees accepted the provision in the Senate bill which retains the 3-percent set-aside for older worker programs. This clearly is a long-overdue acknowledgment of the fact that older worker unemployment is a growing issue. By providing these dollars—which the Congressional Budget Office estimates will be $70 million nationwide—we will begin to sensitize officials to the fact that the needs of this group differ from youth and differ from other displaced workers. As an original member of the Select Committee on Aging, I have maintained an active and ongoing interest in this area and intend to monitor the implementation of this provision very closely to insure that this well-intentioned commitment is carried out to its fullest.

In sum, Mr. Speaker, this is a bill which deserves our support. I commend it to my colleagues and urge its adoption.●

● Mr. CORRADA. Mr. Speaker, I rise in support of the conference agreement on S. 2036, the Job Training Partnership Act, and urge my colleagues to join me in approving this modest approach to Federal employment training policy.

I want to commend my colleagues GUS HAWKINS for his hard work and persistence in nurturing this bill through extended hearings and complicated negotiations. I also want to say that Chairman PERKINS played an instrumental role in defending the House opposition in our conference with the Senate and that without his leadership this conference agreement would reflect a much weaker policy.

Mr. Speaker, I fully support S. 2036, as amended, although I feel it does not go far enough. When employment rates are reaching 9.8 percent it seems logical that provisions be made to give workers jobs, not just training for jobs that do not exist. I do expect, however, that this legislation will provide skills training and job search assistance to a substantial number of disadvantaged individuals, and urge my colleagues to support its provisions.●

● Mr. RITTER. Mr. Speaker, I rise in strong support of the conference report to S. 2036, the Job Training Partnership Act. Employment is the cornerstone of a healthy society. Over the past several years, the CETA program placed a great deal of manpower and money into public-service job program which were often poorly administered and died when the funds ran out. This program simply did not achieve the results for which all of us had hoped. Too often under the old CETA program, our youth and unemployed did not develop marketable skills that provided long-term employment opportunities.

This legislation emphasizes private sector employment by setting up a partnership with our local governments, business communities, and labor organizations. That is the kind of partnezship that will work for my Lehigh Valley Congressional District. By promoting local involvement in training, communities and area businesses can begin to establish the kind of job training structure most suitable to their needs.

It is this type of approach that will be helpful to industrial areas with heavy manufacturing, such as the 15th District of Pennsylvania with steel, autos, cement, and other industries not only somewhat older but also hard hit by foreign imports. And this approach will provide individuals with new hope for long-term employment in challenging areas. This legislation benefits not only those unemployed who need training, but also expanding businesses seeking qualified employees. It will help make our Nation a more productive one that can meet the growing challenges of competition form abroad. I urge all my colleagues to support this legislation.●

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. JEFFORDS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 339, nays 12, not voting 81, as follows:

[Roll No. 392]

YEAS—339

Akaka	Burgener	Dornan
Alexander	Butler	Downey
Anderson	Byron	Dreier
Annunzio	Campbell	Duncan
Anthony	Carman	Dunn
Atkinson	Carney	Dwyer
AuCoin	Chappie	Dymally
Bafalis	Cheney	Dyson
Bailey (MO)	Clausen	Early
Bailey (PA)	Clay	Eckart
Barnard	Clinger	Edgar
Barnes	Coats	Edwards (AL)
Beard	Coelho	Edwards (CA)
Bedell	Coleman	Emerson
Benedict	Collins (IL)	English
Bennett	Conable	Erdahl
Bereuter	Corcoran	Erlenborn
Bethune	Coughlin	Evans (DE)
Bevill	Courter	Evans (GA)
Biaggi	Coyne, James	Evans (IA)
Bingham	Coyne, William	Evans (IN)
Bliley	Craig	Fary
Boggs	Daniel, R. W.	Fascell
Boland	Dannemeyer	Fenwick
Bonior	Daub	Fiedler
Bonker	de la Garza	Fields
Bouquard	Deckard	Findley
Bowen	Dellums	Fithian
Breaux	DeNardis	Florio
Brinkley	Derrick	Foglietta
Brodhead	Derwinski	Foley
Brooks	Dicks	Ford (MI)
Broomfield	Dingell	Fountain
Brown (CA)	Dixon	Frank
Brown (OH)	Donnelly	Frenzel
Broyhill	Dorgan	Frost

Garcia	Lowry (WA)	Rostenkowski
Gaydos	Lujan	Roth
Gejdenson	Lundine	Roukema
Gephardt	Lungren	Roybal
Gibbons	Madigan	Russo
Gilman	Markey	Sabo
Gingrich	Marlenee	Santini
Glickman	Marriott	Savage
Gonzalez	Martin (IL)	Sawyer
Goodling	Martin (NC)	Scheuer
Gore	Martin (NY)	Schneider
Gradison	Matsui	Schulze
Gray	Mattox	Schumer
Green	Mavroules	Seiberling
Gregg	Mazzoli	Sensenbrenner
Grisham	McClory	Shamansky
Guarini	McCollum	Shannon
Gunderson	McCurdy	Sharp
Hagedorn	McDade	Shaw
Hall (OH)	McGrath	Shelby
Hall, Ralph	McHugh	Shumway
Hall, Sam	McKinney	Shuster
Hammerschmidt	Mica	Siljander
Hance	Michel	Simon
Hansen (ID)	Mikulski	Skeen
Harkin	Miller (CA)	Smith (AL)
Hartnett	Miller (OH)	Smith (IA)
Hatcher	Mineta	Smith (NE)
Hawkins	Minish	Smith (NJ)
Heckler	Mitchell (MD)	Snowe
Heftel	Mitchell (NY)	Snyder
Hendon	Moakley	Solarz
Hertel	Molinari	Solomon
Hiler	Montgomery	Spence
Hillis	Moore	St Germain
Holland	Moorhead	Stangeland
Hollenbeck	Morrison	Stark
Hopkins	Murphy	Staton
Howard	Murtha	Stenholm
Hoyer	Myers	Stokes
Hubbard	Napier	Stratton
Huckaby	Natcher	Studds
Hughes	Neal	Swift
Hunter	Nelligan	Synar
Hutto	Nelson	Tauke
Hyde	Nowak	Tauzin
Jacobs	O'Brien	Taylor
Jeffords	Oakar	Thomas
Johnston	Oberstar	Trible
Jones (OK)	Obey	Udall
Jones (TN)	Oxley	Vento
Kastenmeier	Panetta	Walgren
Kazen	Parris	Walker
Kemp	Pashayan	Wampler
Kennelly	Patman	Washington
Kildee	Pease	Watkins
Kindness	Pepper	Waxman
Kogovsek	Perkins	Weaver
Kramer	Petri	Weber (MN)
LaFalce	Peyser	Weber (OH)
Lagomarsino	Pickle	White
Latta	Porter	Whittaker
Leach	Price	Williams (MT)
Leath	Pritchard	Williams (OH)
LeBoutillier	Quillen	Wilson
Lee	Rahall	Winn
Lehman	Rangel	Wirth
Leland	Ratchford	Wolf
Lent	Regula	Wolpe
Levitas	Rhodes	Wortley
Lewis	Rinaldo	Wright
Livingston	Ritter	Wyden
Loeffler	Roberts (KS)	Wylie
Long (LA)	Roberts (SD)	Yatron
Long (MD)	Robinson	Young (AK)
Lott	Roemer	Young (MO)
Lowery (CA)	Rogers	Zablocki

NAYS—12

Archer	Crane, Philip	McDonald
Ashbrook	Gramm	Paul
Brown (CO)	Holt	Smith (OR)
Crane, Daniel	Jeffries	Stump

NOT VOTING—81

Addabbo	Burton, John	Daschle
Albosta	Burton, Phillip	Davis
Andrews	Chappell	Dickinson
Applegate	Chisholm	Dougherty
Aspin	Collins (TX)	Dowdy
Badham	Conte	Edwards (OK)
Beilenson	Conyers	Emery
Blanchard	Crockett	Ertel
Bolling	D'Amours	Fazio
Boner	Daniel, Dan	Ferraro
Fish	Luken	Rosenthal
Flippo	Marks	Rousselot
Ford (TN)	Martinez	Rudd
Forsythe	McCloskey	Schroeder
Fowler	McEwen	Skelton
Fuqua	Moffett	Smith (PA)
Ginn	Mollohan	Stanton
Goldwater	Mottl	Traxler
Hamilton	Nichols	Vander Jagt
Hansen (UT)	Ottinger	Volkmer
Hefner	Patterson	Weiss
Hightower	Pursell	Whitehurst
Horton	Railsback	Whitley
Ireland	Reuss	Whitten
Jenkins	Rodino	Yates
Jones (NC)	Roe	Young (FL)
Lantos	Rose	Zeferetti

□ 2330

Mr. FIELDS changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report on S. 2036.

The SPEAKER pro tempore (Mr. BROWN of California). Is there objection to the request of the gentleman from California?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 420. Concurrent resolution authorizing that a certain correction be made in the enrollment of House Joint Resolution 599, making continuing appropriations for the fiscal year 1983.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 599) entitled "Joint resolution making continuing appropriations for the fiscal year 1983, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 15, 30, 33, 57, 59, 69, 73, 75, 76, 78, 88, 89, 90, 93, and 100 to the above-entitled bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2457) entitled "An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 5470. An act to amend the Internal Revenue Code of 1954 with respect to the tax treatment of periodic payments for damages received on account of personal injury or sickness;

H.R. 5536. An act to authorize the Secretary of the Interior to engage in a feasibility study of water resource development and for other purposes in the Central Platte Valley, Nebraska;

H.R. 6458. An act to amend the Public Health Service Act and related laws to consolidate the laws relating to the Alcohol, Drug Abuse, and Mental Health Administration, the National Institute of Mental Health, the National Institute of Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse, and for other purposes; and

H.R. 7140. An act to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to improve forfeiture provisions and strengthen penalties for controlled substances offenses, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 7140) entitled "An act to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to improve forfeiture provisions and strengthen penalties for controlled offenses, and for other purposes," assigned to by the House, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. THURMOND, Mr. LAXALT, Mr. HATCH, Mr. BIDEN, and Mr. DECONCINI to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 6458) entitled "An act to amend the Public Health Service Act and related laws to consolidate the laws relating to the Alcohol, Drug Abuse, and Mental Health Administration, the National Institute of Mental Health, the National Institute of Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse, and for other purposes," disagreed to by the House, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HUMPHREY, Mr. HATCH, Mr. DENTON, Mr. MATSUNAGA, and Mr. RIEGLE to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 534. An act for the relief of Frank L. Hulsey;

S. 1088. An act to promote the goal of economic and social self-sufficiency for American Indians, Hawaiian Natives, and Alaskan Natives;

S. 1510. An act for the relief of Apolonio P. Tumamao and others;

S. 2297. An act to amend title 11, United States Code, to improve the protections for shopping centers and their tenants under the Bankruptcy Code;

S. 2552. An act to protect the safety of intelligence personnel and certain other persons; and

S.J. Res. 257. Joint resolution to designate the month of November 1982, as "National Diabetes Month."

DIRECTING SECRETARY OF SENATE TO MAKE CORRECTIONS IN ENROLLMENT OF S. 2036

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 127) directing the Secretary of the Senate to make corrections in the enrollment of S. 2036, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. JEFFORDS. Mr. Speaker, reserving the right to object, I do so solely for the purpose of allowing the chairman to explain the nature of the Senate concurrent resolution.

Mr. HAWKINS. Mr. Speaker, if the gentleman will yield, this is merely to correct the cross references that are in the two bills. It does nothing other. It is just a technical correction to correct cross references so that they will made compatible.

Mr. JEFFORDS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. KAZEN. Mr. Speaker, reserving the right to object, as I understand the gentleman's motion, it is to take the Senate bill, S. 2036, off the table. Is that what it is?

Mr. HAWKINS. No; that is not. This is merely a method of correcting cross references that are in the bill.

Mr. KAZEN. Does the gentleman have reference to S. 2036?

Mr. HAWKINS. Yes; we do.

Mr. KAZEN. Well, further reserving the right to object, Mr. Speaker, I am told that under the formula in that bill and the one that just passed, the conference report that we just agreed to, that there are certain States that will lose quite a few positions under the training bill, Texas losing 115 positions, while other States are gaining; and further, that performance factors were eliminated from funding formulas; is that correct?

Mr. BROOKS. Yes.

Mr. HAWKINS. No; there is hold harmless of 90 percent in the bill to protect the States the gentleman speaks of.

Mr. KAZEN. Further reserving the right to object, Mr. Speaker, I am told that, for instance my State now, Texas, receives 37 cents in return for each employer-paid FUTA tax dollar, with the remainder going to other States, and the conference report on these two bills reduces that figure even further; is that correct?

Mr. HAWKINS. The formula is based on unemployment and the civilian labor force, and under that formula it is my understanding, plus the hold harmless clause, that no State will be disadvantaged.

Mr. KAZEN. Well, is the chairman telling me that no State is going to lose jobs under the conference report?

Mr. HAWKINS. Well, there is a possibility of losing some, but we are talking about a 90-percent hold harmless, so that consequently there is a possibility that some States will lose some, that is true. Now, may I further answer the gentleman by stating that it relies heavily on the appropriation that is made.

Assuming that we get the appropriation that is anticipated, it is highly possible that no loss will be incurred. It is only if there is an inadequate appropriation, less than what is anticipated.

Mr. KAZEN. Further reserving the right to object, does the chairman recall whether the International Association of Personnel in Employment Security endorsed the gentleman's bills?

Mr. HAWKINS. It is the gentleman's understanding that the executive board of the association referred to does support the bill.

Mr. KAZEN. Mr. Speaker, I thank the distinguished chairman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 127

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 2036), to provide for a job training program and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 121(a)(1), strike out "section 7(a)" and insert in lieu thereof "section 8".

(2) In section 122(b)(2), strike out "State job training report" and insert in lieu thereof "Governor's coordination and special services plan".

(3) In section 125(a), after "section 202(b)(4)" insert "and section 461(b)".

(4) In section 141(c), insert "unless" immediately before "such relocation".

(5) In section 141(p), strike out "a job training plan" and insert in lieu thereof "part B of this title or part A of title II".

(6) In section 164(d), strike out "subsection (d)" and insert in lieu thereof "subsection (e)".

(7) In section 202(a)(2)(A), strike out "excess".

(8) In section 203(b)(1), strike out "paragraphs (2) and (3)" and insert in lieu thereof "paragraph (2)".

(9) In section 205(e)(3), insert "be" after "may".

(10) In section 305, strike out "therefore" and insert in lieu thereof "therefor".

(11) In section 481(a), strike out "sections 105(c)(1), 202(a)(1), and 212(a)(1)" and insert in lieu thereof "sections 203(a)(1), 401, and 402".

(12) In section 481(b)(1), strike out "section 103" and insert in lieu thereof "section 102".

(13) In the second sentence of section 462(e), insert "soon as" after "as".

(14) In section 402(e), strike out "Native Americans" and insert in lieu thereof "migrant and seasonal farmworker's".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PROVIDING FOR ADJOURNMENT OF THE TWO HOUSES FROM FRIDAY, OCTOBER 1, 1982, OR SATURDAY, OCTOBER 2, 1982, TO MONDAY, NOVEMBER 29, 1982

Mr. WRIGHT. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 421) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows;

H. CON. RES. 421

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Friday, October 1, 1982, or on Saturday, October 2, 1982, pursuant to motions made by their majority leaders, or their designees, in accordance with this resolution, they stand adjourned until 12 o'clock meridian on Monday, November 29, 1982.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS AND APPOINT COMMISSIONS, BOARDS, AND COMMITTEES NOTWITHSTANDING ANY ADJOURNMENT OF THE HOUSE

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Monday, November 29, 1982, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON DECEMBER 1, 1982

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday, December 1, 1982, may be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ARMS CONTROL AND DISARMAMENT AMENDMENTS ACT OF 1981

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3467) to authorize appropriations under the Arms Control and Disarmament Act, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "Arms Control and Disarmament Amendments Act of 1982".

SEC. 2. (a) Section 49(a) of the Arms Control and Disarmament Act (22 U.S.C. 2589(a)) is amended to read as follows:

"SEC. 49. (a) To carry out the purposes of this Act, there are authorized to be appropriated—

"(1) for the fiscal year 1982, $18,268,000,

"(2) for the fiscal year 1983, $19,893,852, and

"(3) such additional amounts, for each such fiscal year, as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law,

Amounts appropriated under this subsection are authorized to remain available until expended.".

SEC. 3. Section 45(a) of the Arms Control and Disarmament Act (22 U.S.C. 2535(a)) is amended by inserting the following new sentence after the second sentence thereof: "In the case of persons detailed from other Government agencies, the Director may accept the results of fullfield background security and loyalty investigations conducted by the Department of Defense or the Department of State as the basis for the determination required by this subsection that the person is not a security risk or of doubtful loyalty."

SEC. 4. Section 31(c) of the Arms Control and Disarmament Act (22 U.S.C. 2571) is amended by inserting "and of all aspects of antisatellite activities" immediately before the semicolon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. LOTT. Mr. Speaker, reserving the right to object, I just want to inquire of the gentleman if a member of the minority has approved this.

Mr. ZABLOCKI. Mr. Speaker, if the gentleman will yield, the minority is in total agreement. The House passed the bill last year by unanimous consent. There is no controversy, and as I say, the minority is in total agreement.

Mr. Speaker, I rise in support of H.R. 3467, as amended by the Senate.

H.R. 3467, as amended, represents a fair compromise and authorizes very modest sums for the agency with the monumental task of coordinating U.S. arms control policy.

The major elements of the House bill as amended are as follows: The House bill as amended provides an authorization of $18,268,000 for fiscal year 1982 as passed by both Houses. The bill also provides $19,893,852 in authorization for fiscal year 1983 as originally passed by the House, instead of the open-ended Senate language of "such sums as may be necessary." The $19,893,852 is a modest authorization to provide funds to sustain the complex ongoing START, INF, and MBFR negotiations which are in progress.

The money should also be spent in support of the agency's verification and monitoring activities which the President has stated are essential to supplement current reliance on national technical means of verifying arms control treaties. In addition, the authorization is in support of external research in nuclear nonproliferation and in the maintenance of a personnel ceiling of 175 staff. Adequate personnel is critical to support the complicated work of backstopping these important arms control initiatives. Adequate funding must be provided to the agency to continue these vital efforts.

Initially, the executive branch had requested that the $19 million authorization for the agency include the transfer of a $4.8 million Department of Energy program. The House Foreign Affairs Committee and the Senate Foreign Relations Committee fully support the DOE reduced enrichment in research and test reactor (RERTR) program as the research conducted under this program to search for new ways to develop low enriched uranium is vital to sustain our nuclear nonproliferation objectives. However, the committee believes that at this time the program should remain in the Department of Energy. The committee has been given assurances that the program will continue to enjoy the full support and funding of its traditional authorization and appropriation committees. If the Congress should concur with the dismantling of the Department of Energy, this committee will conduct full and complete oversight hearings on this program and will carefully evaluate the transfer of the RERTR program at that time to ACDA.

The amended bill deleted a provision in the House bill which would have changed the name of the agency to the "Arms Control Agency." The members of both committees felt that this was not a propitious time to change the name of the agency and concurred with the Senate on this program.

Finally, H.R. 3467 as amended, included a Senate provision which encourages the Director of ACDA to pursue research, development, and other studies in anticipation of negotiations on antisatellite activities. This is a highly desirable inclusion to the House bill and was fully supported by my colleagues.

In conclusion, Mr. Speaker, each Member should carefully consider the ACDA authorization in the context of the increased attention and public interest in arms control matters. The bill before us, H.R. 3467 as amended, enables the Arms Control Agency to carry out its responsibilities over the next 2 fiscal years in a fiscally responsible and effective manner. At a time when the President has finally resumed negotiations on limiting strategic arms, this Congress must wholeheartedly endorse the authorization for the agency responsible for such a complex and difficult task.

In brief, Mr. Speaker, I would like to reemphasize that this bill is noncontroversial and was passed by the House on June 8, 1981, by a unanimous voice vote. Furthermore, it has enjoyed complete bipartisan support. I would like to also pay tribute to the ranking minority member of the committee, my colleague and very good friend, the gentleman from Michigan (Mr. BROOMFIELD) for his continued support for this measure and my deep appreciation to him for his assistance.

● Mr. BROOMFIELD. Mr. Speaker, the legislation we have before us today provides the Arms Control Agency with an authorization of appropriations which will allow the Agency to improve nuclear safeguard programs, support verification and monitoring activities, provide research in nuclear nonproliferation, and, most importantly, sustain critical arms control negotiations. Now that the President and his negotiators are involved in the limitation of strategic nuclear weapons, it is my hope, as well as Chairman ZABLOCKI's that the Congress would especially support this authorization.

In particular, the bill, as amended by the Senate, encourages the Director of the Arms Control Agency to pursue research and development in regard to possible arms control negotiations concerning antisatellite activities. Also, the legislation recommends that money be spent in support of the Agency's verification and monitoring activities which are crucial to verifying arms control treaties.

In this regard, I believe that the bill contributes to our national and international security, especially in the areas of arms control verification and nuclear nonproliferation, and I urge my colleagues to support the legislation.●

Mr. LOTT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks, and that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

□ 2340

APPPOINTMENT OF CONFEREES ON H.R. 6946, FALSE IDENTIFICATION CRIME CONTROL ACT OF 1982

Mr. HUGHES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6946) to amend title 18 of the United States Code to provide penalties for certain false identification related crimes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey? The Chair hears none and, without objection, appoints the following conferees: Messrs. RODINO, HUGHES, KASTENMEIER, CONYERS, GLICKMAN, SAWYER, FISH, KINDNESS, and HYDE.

There was no objection.

CONFERENCE REPORT ON S. 734, EXPORT TRADING COMPANY ACT OF 1982

Mr. BROOKS. Mr. Speaker, I call up the conference report on the Senate bill (S. 734) to encourage exports by facilitating the formation and operation of export trading companies, export trade associations, and the expansion of export trade services generally, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of today October 1, 1982.)

Mr. BROOKS (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. BROOKS) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. MCCLORY) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the conference report on S. 734, the Export Trading Company Act.

I am pleased that the conferees agreed to include in this legislation most of the provisions of H.R. 5235, the Foreign Trade Antitrust Improvements Act. These provisions are, I believe, far more important to providing exporters certainty with respect to the antitrust laws than any certification procedure.

I also am pleased that the certification procedure agreed to by the conferees is a balanced one. It includes protection for the certified exporter—no treble damage suits may be brought against an exporter for conduct within the terms and conditions of a certificate—but it also protects competitors and consumers from injury caused by anticompetitive conduct.

The Attorney General retains his right to investigate conduct of certified exporters. The Attorney General may also require the Secretary of Commerce to revoke the certificate when the Attorney General determines that the conduct of the export association is not consistent with the standards set forth in the act. And when certified conduct threatens clear and irreparable harm to the national interest, the Attorney General may bring suit under section 15 of the Clayton Act to enjoin the conduct. Finally, a certified exporter remains fully subject to public or private suit for any conduct that falls outside the terms and conditions of the certificate.

Mr. Speaker, I urge my colleagues to support the conference report.

Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Foreign Affairs Committee, the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Speaker, I would first like to commend my fellow committee chairmen—Mr. RODINO of the Judiciary Committee and Mr. ST GERMAIN of the Banking Committee—for their diligence in moving this legislation through their committees and through the conference committee. I should also recognize the efforts of the House author of the legislation, Representative DON BONKER, and of Representative JONATHAN BINGHAM, who has shepherded the legislation through his subcommittee and through the full Foreign Affairs Committee.

The Export Trading Company Act takes important steps toward giving the appropriate priority to encouraging exports through clarifying the antitrust laws with respect to export trade associations and by permitting bank participation in export trading companies.

This legislation will not solve the unemployment problem in the United States. In the short run it will not even make a dent in our 10 percent unemployment rate. But, in the long run, if the business community takes advantage of the opportunities offered by this act, it could play a significant role in increasing U.S. exports and thereby contributing to the U.S. balance of trade and to domestic employment.

The State of Wisconsin sees this legislation as a useful mechanism to bring small- and medium-sized firms in my State into the exporting field; the same potential exists in many other States.

I urge the Members to support this conference report which represents a reasonable approach to encouraging the formation of export trading companies and associations.

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. LAFALCE) on behalf of the Committee on Banking, Housing and Urban Affairs.

Mr. LAFALCE. Mr. Speaker, I rise in support of the conference report on S. 734, the Export Trading Company Act of 1982. In the interest of time, I will limit my remarks to title II of the conference report. This title sets out the involvement of banking institutions in export trading company activities.

Mr. Speaker, as adopted by the conferees, title II is virtually identical to the House backed bill, which after extensive hearings and full participation by committee members, was reported out by a vote of 40 to 0 and passed the House on July 27, by voice vote. I am pleased that the conferees accepted the provisions of the House passed act virtually without change.

A primary concern of the House Banking Committee was how the traditional separation of banking from commerce could be breached without undue risk to participating banking institutions and at the same time provide a reasonable incentive for either bank investment in or ownership of export trading companies. The conferees adopted the concept of H.R. 6016 by insulating the risk to banks by the use of the bank holding company structure. In this way we insured a continuing regulatory presence through the Federal Reserve Board, minimal but fully adequate.

Mr. Speaker, on May 8, 1980, I introduced the first export trading compa-

ny legislation. My goal then was, as it is now, to see legislation signed by the President that would make a healthy start at addressing the problems of our trade imbalance. This legislation is designed to provide new export opportunities for small- and medium-sized businesses and in so doing create new jobs for communities across the Nation. The magnitude of the possibilities of this bill are reflected in a study conducted by Chase Econometrics that estimates that by 1985, export trading companies could increase GNP by $27 to $55 billion, increase employment by 320,000 to 640,000 workers, and reduce the Federal deficit by $11 to $22 billion. These figures take on an additional dimension with the report this week that August figures show a record $7.1 billion deficit in our merchandise trade balance. The deficit reflects a 20.2-percent increase in imports and a 2.9-percent drop in exports. While the ETC bill is not meant as a panacea for this country's formidable export problems, it is a very important step toward formulating and implementing a comprehensive export promotion policy.

In order to meet the goals of this legislation it is essential that the newly formed trading companies are truly export trading companies. As author of the original export trading company legislation, I stressed the meaning of export by requiring companies formed under the provisions of the bill to operate "principally," for purposes of exporting goods or services produced in the United States or for purposes of facilitating the export of goods or services produced in the United States. By "principally" I meant that trading companies refrain from importing except when essential to a particular contract for export. Use of the word "principally" recognizes that ETC's will have to, on occasion, engage in importing, barter, third party trade, and related activities in order to gain access to export opportunities. In most instances, this occasional importing shall be incidental to and necessary to effectuate the primary export transition.

I want to make it very clear that my intent in introducing and supporting the ETC bill is that companies are formed in such a way as to promote the exclusive purpose of the legislation: Export promotion. It is intended that the great preponderance of ETC activity will not require importation of goods and services, and that the total annual dollar volume of U.S. exports arranged by ETC's will vastly exceed the total annual dollar volume of imports so arranged. An export company is not one that receives 49 percent of its revenues from import activities; it is not one that receives 30 percent or 20 percent or even 10 percent of its revenues from importing. An export company is one that imports only when importing is incidental to and necessary for an export effort.

Mr. Speaker, I plan to make it my mission to follow the formation of ETC's, to study the results of their operation, and to analyze the relationships that develop between the export and import of goods or services by ETC's. There is no question that should I find that trading companies are promoting importing or import services, I will be back on this floor demanding a revocation of the privileges contained in the bill now before us. Too much rests on efforts in this country to improve our export performance—too much to allow the creation of a vehicle to allow individual profiteers to ignore the intent of this legislation.

As a longtime supporter of the concept of trading companies, I am happy to see the fruition of the efforts of many people spending many hours to bring us to the point of final approval of this legislation. I am privileged and grateful to have been able to work with so many, as we have, in a strong spirit of bipartisan cooperation. We are all looking forward to the purpose and fruit of this legislation—enhancement of national exports and jobs for American workers.

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Speaker, the Export Trading Company Act of 1982, which at last is before us for final approval, is a worthwhile piece of legislation which should be helpful both to industry and labor by improving our ability to export. With exports, of course, come jobs, and so this legislation can contribute in a small way at least to the economic recovery for which we all are striving.

Companies which produce no goods themselves but which specialize in marketing goods and services in foreign markets are essential to effective exporting, and exports in turn are essential to a strong U.S. economy. The fact is that foreign markets—particularly those in the developing countries—are generally growing and expanding more rapidly than our own. To the extent that we fail fully to take advantage of those markets we restrict our own economic growth and employment. These markets are varied and complex. They require imaginative marketing, financing, and other services to penetrate. Even many large and well-staffed firms do not have sufficient expertise to penetrate the wide variety of foreign markets. Other firms are too pressed and preoccupied with meeting domestic demand to concentrate attention and resources on foreign markets.

Effective export trading companies are a useful stimulant to the export side of the economy. They can provide a real service to American manufacturers and distributors who are not otherwise able fully to explore and meet foreign market demands.

To be effective, export trading companies particularly need financing, both to meet their own overhead, which in this age of computers and telecommunications can be considerable, and to finance inventories and sales. The major contribution of this legislation, I believe, is in making it easier for export trading companies to obtain bank financing through actual bank investment in such companies. Through the very careful efforts of the members of the congressional Banking Committees, that result has been achieved very effectively in this bill without endangering the financial stability of the banks themselves, and therefore with minimum risk to depositors. Investment is limited to bank holding companies, bankers' banks, and the Edge Act corporations which are subsidiaries of banking holding companies. Such entities, however, have the kind of capital that is needed to better finance trading company operations, and this legislation provides both the legal authority and the encouragement in the form of congressional endorsement of such bank investments. I hope that the banking community will take full advantage of the possibilities provided here.

It is important to point out, too, Mr. Speaker, that other firms with access to large amounts of capital, like insurance firms and manufacturers themselves, may be in a good position to invest in trading companies. This legislation does not deal with that because there are not the kinds of legal prohibitions to such investments as there have been with respect to bank investment.

This bill, Mr. Speaker, is not a panacea for our export trade deficit. It cannot overcome the effects of unwise U.S. Government policies which lead to recession and a near depression in the U.S. economy and, in turn, to much of the rest of the world. When the U.S. economy is as severely depressed as it is today, foreign markets become as slack as our own, and other developed countries with whom we compete in international markets are pressed to offer subsidies and other export incentives which we are reluctant to provide to U.S. firms. In such circumstances, it takes much more than effective trading companies to improve our export balance. It will take fundamental changes in our national economic policies—changes that will bring interest rates down, stimulate consumer confidence, and generally restore jobs and business expansion in our own economy. Only then will world markets revive and offer needed

opportunities for sales which trading companies can be effective in meeting.

Mr. Speaker, I take some pride in the fact that the subcommittee which I have the honor to chair, the Subcommittee on International Economic Policy and Trade of the House Foreign Affairs Committee, was the first committee in the House to take favorable action on this legislation in both the 96th and 97th Congresses. Several members of the subcommittee took a strong interest in the legislation, but particularly the gentleman from Washington (Mr. BONKER) who has worked tirelessly to bring this legislation to enactment. I urge the House to adopt this conference report. It represents a workable compromise between the Senate and House bills, which has been worked out among several committees, and is fully supported by the Committees on Banking, Judiciary, and Foreign Affairs. I urge adoption of the conference report on the Export Trading Company Act of 1982.

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, I am pleased to rise in strong support of the Export Trading Company Act of 1982.

This has been one of my highest legislative priorities in this Congress. We need to keep American exports competitive in a world economy which has changed drastically in the last few years. Small businesses, in particular, have been placed at competitive disadvantage by new international trade realities.

This is a very sensible and practical measure which will allow, in a very reasonable way, businesses to work together to promote and enhance American export trade. It is a very wise use, I believe, of our antitrust laws. It is very sound legisation which, I hope, will spur new economic growth and with it, business activity and jobs.

I urge my colleagues to support this vital legislation.

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. BONKER.).

Mr. BONKER. Mr. Speaker, I rise in support of this legislation.

The Export Trading Company Act will allow the formation of Japanese-style export trading companies.

The Department of Commerce has estimated that there are 20,000 firms in this country that are prepared to export products and that they have a facility to do so.

Chase Econometrics has estimated that this bill will create anywhere between 320,000 to 640,000 new jobs. If we are going to experience economic recovery, we have to have a more aggressive export program. This bill will help accommodate that goal.

I would like to commend the chairman of the full Committee on the Judiciary, Mr. RODINO, for his cooperation, and the chairman of the Subcommittee on Foreign Affairs, Mr. BINGHAM, and the others who have had a great role in bringing this conference report to the floor today.

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. BARNARD).

Mr. BARNARD. Mr. Speaker, I would like to engage in a colloquy with the gentleman from New York (Mr. LAFALCE) pertaining to some of the language in the conference report.

The Export Trading Company Act amends the Bank Holding Company Act, but mention is made in the bill of bankers' banks and Edge Act corporations also. Is my understanding accurate that bankers' banks, Edge Act corporations, and bank holding companies are all subjected to identical approval, examination, supervision, and regulatory treatment for purposes of export trading company investments?

Mr. LAFALCE. Mr. Speaker, will the gentleman yield?

Mr. BARNARD. I yield to the gentleman from New York.

Mr. LAFALCE. That understanding is absolutely and completely correct.

Mr. BARNARD. Mr. Speaker, today we are completing action on a landmark legislative effort that will both provide hundreds of thousands of new jobs, and begin to adapt financial institutions to the changing marketplace.

The credit for this advance must go to the chairman of the Banking Committee, Mr. ST GERMAIN, who took a stalled effort and guided it to completion. Through his leadership, we are here today to allow American companies to compete in export markets on an equal footing with foreign companies.

Export trading companies will be major vehicles for presenting American goods and services to the world markets. Although American companies have always exported, we have not had any real policy to encourage exports. Instead, we have often inadvertently made it more difficult to export. As a result, our overseas sales, while significant, have not been as great as they should be. Many commercial opportunities that would have provided jobs for the unemployed, new industries for blighted areas, and incentives to innovate because there was no vehicle for smaller firms to use to increase foreign sales.

Export trading companies will fill this void. They will be able to provide services to the smaller and medium-sized exporter that are currently available only to huge corporations. Utilizing the expertise and foreign presence of banks, they will be able to package export services ranging from marketing surveys to finding buyers, from arranging shipping to product modification, and from financing payment to arranging barter transactions. In all cases, these are services that presently are available only to those exporters who are able to devote the time and money to search them out.

I am proud to say that S. 734 contains a provision that I originally introduced, expanding the limitations on bankers acceptances. Since Congress created the U.S. acceptance market in 1913, they have become an essential part of financing trade. However, the law this body passed almost 70 years ago has not been significantly revised since then.

One of the major revisions has been to place all banks, foreign and domestic, on an equal footing and under the same legal requirements. This means that a foreign-owned bank doing business in this country will not have an unfair advantage in this market, as they too will be covered by this law. For the first time, they will also be subject to the limitations of this act, which will be based on their worldwide capital and surplus, just as it is for a domestic bank.

Under the language of this bill, acceptances will for the first time be available to smaller and medium-sized exporters. In the past, the restrictions on the amount of acceptances that could be outstanding limited them to only the largest exporters, but in this legislation, we have increased the amount that can be outstanding. As a result, smaller firms will, for the first time, have access to this low-cost form of export finance.

Even more importantly, for the first time, we are allowing smaller banks to offer their customers access to export financing. They will be able to both purchase shares of any acceptances issued in behalf of their larger customers, and to originate them for their smaller customers through the mechanism of acceptances.

This committee has worked long and hard to come up with the best way to give these banks and exporters access to this type of trade financing, and has allowed them to be participated through other banks. We have been very specific about how these acceptances should be written, and have come to the conclusion that only the name of the issuing bank needs to be placed on the acceptance.

As this conference report states, we did not do this to impinge or restrict the inherent powers of the Federal Reserve to prevent circumvention of these requirements through imprudent use of acceptances. However, we have also made it very clear that we will not accept either regulatory or other restrictions that would unduly limit the use of bankers acceptances

and participations by the widest number of American banks.

This means that we expect the method detailed in the House report on H.R. 6016 to be implemented without major regulatory interference. We make note of the study being conducted by the Federal Financial Institutions Regulatory Council, and if, after a period of actual use, there are problems with this method, we expect them to report to us any individual regulatory action that would affect the general use of participations before it is taken, except for major emergencies.

In my own personal view, this expansion of acceptance financing will prove a major advance for thousands of small- and medium-sized exporters. By making them available through smaller banks, we are confident that the cost of exporting will be lowered, and that exporters will be able to increase sales and employment.

Mr. Speaker, this legislation is a major beginning not only in expanding foreign trade, but in modernizing our system of financial institutions. However, much else remains to be done next year. For far too long, banks and thrifts have been unable to give their customers the services they need and desire because of outdated laws of another era. We took another major step already today by providing assistance to thrift institutions.

However, we cannot afford to sit back now and think that we have completed our work. There is still a great deal to do in the next Congress. We still need to reexamine outdated legislation such as the Glass-Steagall Act. This bill is a major step along a road that we still have many miles to travel on.

This act, S. 734, is a major step to both increasing foreign trade and to allowing financial institutions to compete, and I urge my colleagues to support it.

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. I thank the gentleman.

I would like to say first of all that this is a very important bill and, what is more, it represents a major departure from the scheme of the antitrust laws that have been in effect now since 1890.

While I will support this legislation, I think Members ought to understand what it does. It may well be that it will help our export trade and on that basis the Judiciary Committee reported it out and we are now considering the conference report.

However, the other body made some changes in it which I think need to be explained and basically what we have done is to say that a group that wants to form a trading company for export trade must apply to the Secretary of Commerce who must, with the concurrence of the Attorney General, certify that that company meets four standards that are set forth in section 303 of the bill.

The problem I have with this is that those four standards are not the same as the antitrust laws; namely, the Sherman Act, the Clayton Act, and the Federal Trade Commission Act. Therefore, there might be some construction that maybe a trading company does not need to get a ruling that the antitrust laws, as amended by other provisions of this bill, actually apply but merely that these four standards must be met.

Those may be somewhat different in particular situations than the antitrust laws and might produce injury to other businesses that are in the export trade.

The bill goes on to say that if a person is injured but the injury is within the scope of the certificate which must conform with the four standards then, instead of being able to collect treble damages under the antitrust laws for the injury sustained, that competitor can only obtain single damages plus attorneys' fees and court costs.

So this is a very significant departure from the scheme of antitrust laws that has stood us in good effect for over three-quarters of a century.

I just want everyone to understand that.

I would now like to engage in a colloquy with the acting chairman in order to clarify what I think is a needed clarification in this legislation. If you will bear with me for just a minute I will do that.

Will the gentleman continue to yield for that purpose additionally?

Mr. BROOKS. I certainly yield to my friend from Ohio.

Mr. SEIBERLING. I would like to ask the acting chairman about the intent of section 306(b)(1) of the bill which reads as follows:

> Any person who has been injured as a result of conduct engaged in under a certificate of review may bring a civil action for injunctive relief, actual damages, the loss of interest on actual damages and the cost of suit, including a reasonable attorney's fee for the failure to comply with the standards of section 303(a). Any act commenced under this title shall proceed as if it were an action commenced under section 4 or section 16 of the Clayton Act except that the standards of section 303(a) of this title and the remedies provided in that paragraph shall be the exclusive standards and remedies applicable to such action.

Mr. Speaker, as I understand it, this language would give a right to sue under this bill but not under the antitrust laws, so long as the conduct which is the basis of the suit was in accordance with the certificate. The certificate, of course, must be based on the standards set forth in section 303(a).

I also understand the conferees intend that the standards of section 303(a) be as broad as the existing antitrust laws. However, if and to the extent that they are not, it would appear that the existing antitrust laws would still apply.

Is that correct?

Mr. BROOKS. Yes.

Mr. SIEBERLING. So conduct that is not within the scope of the certificate would still be subject to the antitrust laws, is that correct?

Mr. SIEBERLING. What if the Secretary of Commerce and the Attorney General have issued a certificate that erroneoulsy covers conduct that is in violation of the antitrust laws. Would such conduct still be subject to suit?

Mr. BROOKS. Such conduct would still be subject to suit under section 306(b)(1) for injunction and actual damages. The Attorney General could also require the Secretary to revoke the certificate.

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Mr. SEIBERLING. I thank the gentleman.

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. SHAMANSKY).

Mr. SHAMANSKY. Mr. Speaker, I would like to follow up with the remarks made by the gentleman from Ohio and point out that when the Secretary of Commerce testified before our International Policy and Trade Subcommittee of the House Foreign Affairs Committee I asked him if the law was intended to exempt a certificate holder from the operation of the antitrust laws within this country, if they should happen, shall we say, slop over some overseas activities, and he said, oh, that was not the intent at all. His general counsel also said the same thing.

In fact, it seems to me we have a major revision. And if there are other lawyers in this House besides me, you have a prescription for getting around the antitrust laws—get one of these certificates. And what you do internally, within the United States, is down to single damages instead of treble damages.

I think we have to understand that this really is not vital or necessary to the export trading aspect. The pretext for the bill is to permit these companies to operate overseas without having our domestic antitrust laws apply to them overseas.

Unfortunately, what we have here is a license to violate the antitrust laws within the United States, and the penalty would only be single damages.

Mr. BROOKS. Mr. Speaker, I reserve the balance of my time.

Mr. McCLORY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as is typical in most House-Senate conference agreements, there is some give and some take. This is true of the antitrust provisions of S. 734. the Members of this body will be pleased to hear that most of the provisions of H.R. 5235, the Foreign Trade Antitrust Improvements Act, were included in the very form passed by the House on August 3, 1982. The one fatality was the provision exempting joint ventures limited to export trade and foreign trade from coverage of section 7 of the Clayton Act. I regret the loss of this provision, which I attribute more to our hurried conference negotiations than to insuperable substantive objections on the part of the Senate. I hope that this issue can be addressed at some future time.

But we can be pleased that we did win provisions directly amending the Sherman Act and the Federal Trade Commission Act to place jurisdictional limits on these laws so that they will not apply to our export trade or to purely foreign trade unless the conduct in question has a "direct, substantial, and reasonably foreseeable" anticompetitive effect on our domestic commerce or on the commerce of exporters in the United States. These provisions will benefit all American exporters whether or not they apply for certification.

The compromise certification procedure contained in the conference agreement is good legislation. While the House had placed this procedure in the Department of Justice, the compromise agreement places the procedure in the Department of Commerce but retains veto authority in the Department of Justice. This veto authority was very important to the House since the matters to be decided when an exporter applies for a certificate of review are essentially antitrust matters. The arrangement agreed upon in conference thus gives the primary administrative responsibility to the Department of Commerce without interfering with the mission of the Department of Justice to enforce the antitrust laws.

The most important issue regarding the antitrust title of S. 734 concerned remedies to be accorded persons injured by certified conduct. The normal rule is that victims of antitrust violations are accorded treble damages. The Senate version would have accorded zero damages to an injured party—even to a U.S. exporter, even to a U.S. exporter holding a certificate of review. The House version itself was a compromise, according the injured party single damages plus interest in lieu of treble damages for a violation of the antitrust laws.

The conference agreement retains the House version on single damages but does not retain the standard of the "antitrust laws" as such. Instead, it adops the Senate approach of substituting specific standards for the general "antitrust laws" standard. But I wish to assure the Members of the House that these specific standards, four in number, which are contained in section 303(a), in no way compromise the purpose of the House version.

First of all, the joint statement of managers makes clear that the general "antitrust laws" standard of the House version is contained within the four specific standards agreed to. The difference is that the specific standards are easier to understand and—this is important—they are broader than the general "antitrust laws" standard. Thus under the conference agreement, single damages could be assessed against a certificate holder for the reintroduction in this country of exported goods. While such reintroduction may, in fact, be procompetitive and, thus consistent with our antitrust laws, a court could find that this violates the fourth standard of section 303(a) and could subject the violator to single-damage liability.

Also, it should be noted that the third standard embraces unfair methods of competition. Today, damages cannot be awarded for violations of this standard—a standard generally agreed by antitrust experts to be broader than the provisions of the Sherman Act, for violations of which damages do lie. Under the conference agreement, certificate holders are subjected to this broader standard.

Finally, it should be noted that the first and second standard may also be broader than antitrust prohibitions. For prices may be enhanced and competition may be lessened, even substantially, without necessarily violating the antitrust laws. The terms of these two standards are not exact antitrust terminology and thus some period of refinement will be necessary. But with respect to all four of them, the House should be assured that they are at least as broad in their coverage as the antitrust laws. How much broader, the Antitrust Division, the Commerce Department, and the courts will have to hammer out over time.

Since the conferees agreed to adopt these four specific standards in lieu of the general "antitrust laws" standard, it was necessary to adopt other provisions to make clear that the disposition of these cases, which will otherwise be antitrust cases, proceed on the same procedural basis as antitrust cases. It was also necessary to make clear the applicability of the Antitrust Civil Process Act to possible antitrust violations of the section 303(a) standards.

Other minor changes were made. But, in general, the compromise agreement follows the format of the House version. The House position has been ably defended in conference. The four antitrust conferees voted for the House bill signed the conference report. I recommend that this report be adopted. I am confident that this legislation will greatly facilitate the growth of U.S. export trade.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Speaker, I wish to emphasize my strong support for this legislation, S. 734.

The Congress has been studying the concept of export trading companies for years. It is a momentous occasion to finally have legislation to make it a reality.

I believe export trading companies, as promoted by this legislation, will greatly encourage small and medium-sized businesses to pool their resources and expertise to take advantage of the thousands of overseas markets where there is demand for American products. Since these firms would not be able to export on their own, or have been reluctant to do so, the incentives offered in this bill of banking participation and greater certainty in being able to act under U.S. antitrust laws should increase America's export capability and, at the same time, increase the number of jobs available for Americans.

I strongly support the provisions of S. 734 which are designed to promote the development of exports of American goods and services. I am pleased we have finally concluded the lengthy and arduous process of consideration of this legislation and can now get on with the actual realization of its merits. I withdraw my objection.

Mr. McCLORY. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CLAUSEN).

Mr. CLAUSEN. Mr. Speaker, I rise in strong support of this Export Trading Act legislation now pending before this House. It is timely. It is comprehensive and I believe it could be one of the more significant pieces of legislation we will pass in this Congress.

The basic thrust of this legislation is to increase the job potential for all Americans through the promotion of exports.

For those of us who represent coastal communities and have harbor and port facilities, we have been advocating a more dynamic export policy as a means of promoting and enhancing our economic and social well-being.

Being from California, we are most anxious to promote exports and take advantage of the overseas markets of the Pacific Basin community.

The potential for bank participation in trading companies and the basic structure for groups desiring to form an export trading company is a major step forward and I am personally very excited about the ultimate free enterprise potential of this bill.

The President and the administration, the Secretary of Commerce strongly support this measure because, as I do, they see an unprecedented opportunity for the export of our farm products and also some of our small business entrepreneurs that have heretofore not been able to effectively participate or compete in the developing countries expanding markets.

This is a great day for America and I commend my colleagues on the committee for their efforts and thank them for the time and consideration they have given to me and my input.

I hope the legislation passes overwhelmingly.

Mr. McCLORY. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, I want to join my colleagues in strong support for this important measure. The chairman of our committee deserves a great deal of credit for devising a more workable approach to bank ownership of export trading companies than that devised by the Senate. It is a testimony to his hard work and understanding of this issue that the Senate accepted 90 percent of the House language for the bank ownership provisions.

I am very pleased that we are taking final action on this bill before we adjourn. This bill provides solutions to two of the most vexing problems facing our economy. On the one hand, it should lead to a dramatic increase in U.S. exports. Everyone should be aware that our trade imbalance reached an economic high only last month. On the other hand, this bill should provide important new job opportunities to American workers. The Commerce Department projects that every additional billion dollars in exports generates between 40,000 and 60,000 new jobs. The Department of Commerce estimates it could create 500,000 new jobs. All this at no cost to the taxpayer. This is the American free enterprise system to Government-subsidized export trade from other countries.

I commend the leaders from both sides of the aisle in our three House committees involved for their spirit of compromise and their hard work on this issue. I urge my colleagues to support the bill.

Mr. McCLORY. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. DAUB).

Mr. DAUB. Mr. Speaker, I rise in strong support of this act, particularly for its help for small business and for farmers.

● Mr. BROOMFIELD. Mr. Speaker, I wish to call to the attention of my colleagues the significant accomplishment represented by final approval of the export trading companies bill.

At a time when unemployment is a major concern for the Nation, this legislation is a welcome contribution toward increasing the number of jobs for Americans by increasing America's export capability.

Thousands of small- and medium-sized businesses have products and services which are in demand in overseas markets. But these American firms often do not have the capital or the experience to undertake export trade on their own. The export trading company legislation offers a solution to that problem.

Export trading companies will enhance the competitiveness of U.S. firms by providing a full range of export services, such as developing comprehensive market surveys, experience in developing new markets, established distribution networks and broadening of export risk due to the volume of business and the number of products. Moreover, U.S. exporters will now be able to draw on the resources and experience of the U.S. banking system.

With all the advantages export trading companies offer, I am confident America's export performance will improve and thousands of new jobs will be created for Americans. I am proud to support this legislation.●

Mr. McCLORY. Mr. Speaker, I reserve the balance of my time.

Mr. BROOKS. Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

VICTIM AND WITNESS PROTECTION ACT OF 1982

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2420) to protect victims of crime, with a Senate amendment to the House amendments, and concur in the Senate amendment to the House amendments.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendment to the House amendments, as follows:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

That this Act may be cited as the "Victim and Witness Protection Act of 1982".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds and declares that:

(1) Without the cooperation of victims and witnesses, the criminal justice system would cease to function; yet with few exceptions these individuals are either ignored by the criminal justice system or simply used as tools to identify and punish offenders.

(2) All too often the victim of a serious crime is forced to suffer physical, psychological, or financial hardship first as a result of the criminal act and then as a result of contact with a criminal justice system unresponsive to the real needs of such victim.

(3) Although the majority of serious crimes falls under the jurisdiction of State and local law enforcement agencies, the Federal Government, and in particular the Attorney General, has an important leadership role to assume in ensuring that victims of crime, whether at the Federal, State, or local level, are given proper treatment by agencies administering the criminal justice system.

(4) Under current law, law enforcement agencies must have cooperation from a victim of crime and yet neither the agencies nor the legal system can offer adequate protection or assistance when the victim, as a result of such cooperation, is threatened or intimidated.

(5) While the defendant is provided with counsel who can explain both the criminal justice process and the rights of the defendant, the victim or witness has no counterpart and is usually not even notified when the defendant is released on bail, the case is dismissed, a plea to a lesser charge is accepted, or a court date is changed.

(6) The victim and witness who cooperate with the prosecutor often find that the transportation, parking facilities, and child care services at the court are unsatisfactory and they must often share the pretrial waiting room with the defendant or his family and friends.

(7) The victim may lose valuable property to a criminal only to lose it again for long periods of time to Federal law enforcement officials, until the trial and sometimes the appeals are over; many times that property is damaged or lost, which is particularly stressful for the elderly or poor.

(b) The Congress declares that the purposes of this Act are—

(1) to enhance and protect the necessary role of crime victims and witnesses in the criminal justice process;

(2) to ensure that the Federal Government does all that is possible within limits of available resources to assist victims and witnesses of crime without infringing on the constitutional rights of the defendant; and

(3) to provide a model for legislation for State and local governments.

VICTIM IMPACT STATEMENT

SEC. 3. Paragraph (2) of rule 32(c) of the Federal Rules of Criminal Procedure is amended to read as follows:

"(2) REPORT.—The presentence report shall contain—

"(A) any prior criminal record of the defendant;

"(B) a statement of the circumstances of the commission of the offense and circumstances affecting the defendant's behavior;

"(C) information concerning any harm, including financial, social, psychological, and physical harm, done to or loss suffered by any victim of the offense; and

"(D) any other information that may aid the court in sentencing, including the restitution needs of any victim of the offense.".

PROTECTION OF VICTIMS AND WITNESSES FROM INTIMIDATION

SEC. 4. (a) Chapter 73 of title 18 of the United States Code is amended by adding at the end the following new sections:

"§ 1512. Tampering with a witness, victim, or an informant

"(a) Whoever knowingly uses intimidation or physical force, or threatens another person, or attempts to do so, or engages in misleading conduct towards another person, with intent to—

"(1) influence the testimony of any person in an official proceeding;

"(2) cause or induce any person to—

"(A) withhold testimony, or withhold a record, document, or other object, from an official proceeding;

"(B) alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding;

"(C) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or

"(D) be absent from an official proceeding to which such person has been summoned by legal process; or

"(3) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings;

shall be fined not more than $250,000 or imprisoned not more than ten years, or both.

"(b) whoever intentionally harasses another person and thereby hinders, delays, prevents, or dissuades any person from—

"(1) attending or testifying in an official proceeding;

"(2) reporting to a law enforcement officer of judge of the United States the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings;

"(3) arresting or seeking the arrest of another person in connection with a Federal offense; or

"(4) causing a criminal prosecution, or a parole or probation revocation proceeding, to be sought or instituted, or assisting in such prosecution or proceeding; or attempts to do so, shall be fined not more than $25,000 or imprisoned not more than one yer, or both.

"(c) In a prosecution for an offense under this section, it is an affirmative defense, as to which the defendant has the burden of proof by a preponderance of the evidence, that the conduct consisted solely of lawful conduct and that the defendant's sole intention was to encourage, induce, or cause the other person to testify truthfully.

"(d) For the purposes of this section—

"(1) an official proceeding need not be pending or about to be instituted at the time of the offense; and

"(2) the testimony, or the record, document, or other object need not be admissible in evidence or free of a claim of privilege.

"(e) In a prosecution for an offense under this section, no state of mind need be proved with respect to the circumstance—

"(1) that the official proceeding before a judge, court, magistrate, grand jury, or government agency is before a judge or court of the United States, a United States magistrate, a bankruptcy judge, a Federal grand jury, or a Federal Government agency; or

"(2) that the judge is a judge of the United States or that the law enforcement officer is an officer or employee of the Federal Government or a person authorized to act for or on behalf of the Federal Government or serving the Federal Government as an adviser or consultant.

"(f) There is extraterritorial Federal jurisdiction over an offense under this section.

"§ 1513. Retaliating against a witness, victim, or an informant

"(a) Whoever knowingly engages in any conduct and thereby causes bodily injury to another person or damages the tangible property of another person, or threatens to do so, with intent to retaliate against any person for—

"(1) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or

"(2) any information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceeding given by a person to a law enforcement officer;

or attempts to do so, shall be fined not more than $250,000 or imprisoned not more than ten years, or both.

"(b) There is extraterritorial Federal Jurisdiction over an offense under this section.

"§ 1514. Civil action to restrain harassment of a victim or witness

"(a)(1) A United States district court, upon application of the attorney for the Government, shall issue a temporary restraining order prohibiting harassment of a victim or witness in a Federal criminal case if the court finds, from specific facts shown by affidavit or by verified complaint, that there are reasonable grounds to believe that harassment of an identified victim or witness in a Federal criminal case exists or that such order is necessary to prevent and restrain an offense under section 1512 of this title, other than an offense consisting of misleading conduct, or under section 1513 of this title.

"(2)(A) A temporary restraining order may be issued under this section without written or oral notice to the adverse party or such party's attorney in a civil action under this section if the court finds, upon written certification of facts by the attorney for the Government, that such notice should not be required and that there is a reasonable probability that the Government will prevail on the merits.

"(B) A temporary restraining order issued without notice under this section shall be endorsed with the date and hour of issuance and be filed forthwith in the office of the clerk of the court issuing the order.

"(C) A temporary restraining order issued under this section shall expire at such time, not to exceed 10 days from issuance, as the court directs; the court, for good cause shown before expiration of such order, may extend the expiration date of the order for up to 10 days or for such longer period agreed to by the adverse party.

"(D) When a temporary restraining order is issued without notice, the motion for a protective order shall be set down for hearing at the earliest possible time and takes precedence over all matters except older matters of the same character, and when such motion comes on for hearing, if the attorney for the Government does not proceed with the application for a protective order, the court shall dissolve the temporary restraining order.

"(E) If on two days notice to the attorney for the Government or on such shorter notice as the court may prescribe, the adverse party appears and moves to dissolve or modify the temporary restraining order, the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

"(F) A temporary restraining order shall set forth the reasons for the issuance of such order, be specific in terms, and describe in reasonable detail (and not by reference to the complaint or other document) the act or acts being restrained.

"(b)(1) A United States district court, upon motion of the attorney for the Government, shall issue a protective order prohibiting harassment of a victim or witness in a Federal criminal case if the court, after a hearing, finds by a preponderance of the evidence that harassment of an identified victim or witness in a Federal criminal case exists or that such order is necessary to prevent and restrain an offense under section 1512 of this title, other than an offense consisting of misleading conduct, or under section 1513 of this title.

"(2) At the hearing referred to in paragraph (1) of this subsection, any adverse party named in the complaint shall have the right to present evidence and cross-examine witnesses.

"(3) A protective order shall set forth the reasons for the issuance of such order, be specific in terms, describe in reasonable detail (and not by reference to the complaint or other document) the act or acts being restrained.

"(4) The court shall set the duration of effect of the protective order for such period as the court determines necessary to prevent harassment of the victim or witness but in no case for a period in excess of three years from the date of such order's issuance. The attorney for the Government may, at any time within 90 days before the expiration of such order, apply for a new protective order under this section.

"(c) As used in this section—

"(1) the term 'harassment' means a course of conduct directed at a specific person that—

"(A) causes substantial emotional distress in such person; and

"(B) serves no legitimate purpose; and

"(2) the term 'course of conduct' means a series of acts over a period of time, however short, indicating a continuity of purpose.

"§ 1515. Definitions for certain provisions

"As used in sections 1512 and 1513 of this title and in this section—

"(1) the term 'official proceeding' means—

"(A) a proceeding before a judge or court of the United States, a United States magistrate, a bankruptcy judge, or a Federal grand jury;

"(B) a proceeding before the Congress; or

"(C) a proceeding before a Federal Government agency which is authorized by law;

"(2) the term 'physical force' means physical action against another, and includes confinement;

"(3) the term 'misleading conduct' means—

"(A) knowingly making a false statement;

"(B) intentionally omitting information from a statement and thereby causing a portion of such statement to be misleading, or intentionally concealing a material fact, and

thereby creating a false impression by such statement;

"(C) with intent to mislead, knowingly submitting or inviting reliance on a writing or recording that is false, forged, altered, or otherwise lacking in authenticity;

"(D) with intent to mislead, knowingly submitting or inviting reliance on a sample, specimen, map, photograph, boundary mark, or other object that is misleading in a material respect; or

"(E) knowingly using a trick, scheme, or device with intent to mislead;

"(4) the term 'law enforcement officer' means an officer or employee of the Federal Government, or a person authorized to act for or on behalf of the Federal Government or serving the Federal Government as an adviser or consultant—

"(A) authorized under law to engage in or supervise the prevention, detection, investigation, or prosectuion of an offense; or

"(B) serving as a probation or pretrial services officer under this title; and

"(5) the term 'bodily injury' means—

"(A) a cut, abrasion, bruise, burn, or disfigurement;

"(B) physical pain;

"(C) illness;

"(D) impairment of the function of a bodily member, organ, or mental faculty; or

"(E) any other injury to the body, no matter how temporary.".

(b) The table of sections at the beginning of chapter 73 of title 18 of the United States Code is amended—

(1) so that the item relating to section 1503 reads as follows:

"1503. Influencing or injuring officer or juror generally."; and

(2) by adding at the end the following:

"1512. Tampering with a witness, victim, or an informant.

"1513. Retaliating against a witness, victim, or an informant.

"1514. Civil action to restrain harassment of a victim or witness.

"1515. Definitions for certain provisions.".

(1) in the heading of such section, by striking out ", juror or witness" and inserting of lieu thereof "or juror";

(2) by striking out "witness" the first place it appears after "impede any" and all that follows through "or any grand" and inserting "grand" in lieu thereof; and

(3) by striking out "injures any party or witness" and all that follows through "matter pending therein, or".

(d) Section 1505 of title 18 of the United States Code is amended by—

(1) striking out paragraphs (1) and (2);

(2) striking out "such" the first place it appears in the fourth paragraph and inserting in lieu thereof "any pending";

(3) striking out "such" the second place it appears in the fourth paragraph and inserting in lieu thereof "any"; and

(4) striking out "such inquiry" in the fourth paragraph and inserting in lieu thereof "any inquiry".

(e) Section 1510(a) of title 18 of the United States Code is amended—

(1) by striking out the comma immediately following "bribery" and all that follows through "thereof";

(2) by striking out the semicolon immediately following "investigator" the first place it appears and all that follows through "Shall be fined" and inserting "shall be fined" in lieu thereof.

RESTITUTION

SEC. 4. (a) Chapter 227 of title 18 of the United States Code is amended by adding at the end the following:

"§ 3579. Order of restitution

"(a)(1) The court, when sentencing a defendant convicted of an offense under this title or under subsection (h), (i), (j), or (n) of section 902 of the Federal Aviation Act of 1958 (49 U.S.C. 1472), may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to any victim of the offense.

"(2) If the court does not order restitution, or orders only partial restitution, under this section, the court shall state on the record the reasons therefor.

"(b) The order may require that such defendant—

"(1) in the case of an offense resulting in damage to or loss or destruction of property of a victim of the offense—

"(A) return the property to the owner of the property or someone designated by the owner; or

"(B) if return of the property under subparagraph (A) is impossible, impractical, or inadequate, pay an amount equal to the greater of—

"(i) the value of the property on the date of the damage, loss, or destruction, or

"(ii) the value of the property on the date of sentencing,

less the value (as of the date the date the property is returned) of any part of the property that is returned;

"(2) in the case of an offense resulting in bodily injury to a victim—

"(A) pay an amount equal to the cost of necessary medical and related professional services and devices relating to physical, psychiatric, and psychological care, including nonmedical care and treatment rendered in accordance with a method of healing recognized by the law of the place of treatment;

"(B) pay an amount equal to the cost of necessary physical and occupational therapy and rehabilitation; and

"(C) reimburse the victim for income lost by such victim as a result of such offense;

"(3) in the case of an offense resulting in bodily injury also results in the death of a victim, pay an amount equal to the cost of necessary funeral and related services; and

"(4) in any case, if the victim (or if the victim is deceased, the victim's estate) consents, make restitution in services in lieu of money, or make restitution to a person or organization designated by the victim or the estate.

"(c) If the court decides to order restitution under this section, the court shall, if the victim is deceased, order that the restitution be made to the victim's estate.

"(d) The court shall impose an order of restitution to the extent that such order is as fair as possible to the victim and the imposition of such order will not unduly complicate or prolong the sentencing process.

"(e)(1) The court shall not impose restitution with respect to a loss for which the victim has received or is to receive compensation, except that the court may, in the interest of justice, order restitution to any person who has compensated the victim for such loss to the extent that such person paid the compensation. An order of restitution shall require that all restitution to victims under such order be made before any restitution to any other person under such order is made.

"(2) Any amount paid to a victim under an order of restitution shall be set off against any amount later recovered as compensatory damages by such victim in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of that State.

"(f)(1) The court may require that such defendant make restitution under this section within a specified period or in specified installments.

"(2) The end of such period or the last such installment shall not be later than—

"(A) the end of the period of probation, if probation is ordered;

"(B) five years after the end of the term of imprisonment imposed, if the court does not order probation; and

"(C) five years after the date of sentencing in any other case.

"(3) If not otherwise provided by the court under this subsection, restitution shall be made immediately.

"(g) If such defendant is placed on probation or paroled under this title, any restitution ordered under this section shall be a condition of such probation or parole. The court may revoke probation and the Parole Commission may revoke parole if the defendant fails to comply with such order. In determining whether to revoke probation or parole, the court or Parole Commission shall consider the defendant's employment status, earning ability, financial resources, the willfulness of the defendant's failure to pay, and any other special circumstances that may have a bearing on the defendant's ability to pay.

"(h) An order of restitution may be enforced by the United States or a victim named in the order to receive the restitution in the same manner as a judgment in a civil action.

"§ 3580. Procedure for issuing order of restitution

"(a) The court, in determining whether to order restitution under section 3579 of this title and the amount of such restitution, shall consider the amount of the loss sustained by any victim as a result of the offense, the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant's dependents, and such other factors as the court deems appropriate.

"(b) The court may order the probation service of the court to obtain information pertaining to the factors set forth in subsection (a) of this section. The probation service of the court shall include the information collected in the report of presentence investigation or in a separate report, as the court directs.

"(c) The court shall disclose to both the defendant and the attorney for the Government all portions of the presentence or other report pertaining to the matters described in subsection (a) of this section.

"(d) Any dispute as to the proper amount or type of restitution shall be resolved by the court by the preponderance of the evidence. The burden of demonstrating the amount of the loss sustained by a victim as a result of the offense shall be on the attorney for the Government. The burden of demonstrating the financial resources of the defendant and the financial needs of the defendant and such defendant's dependents shall be on the defendant. The burden of demonstrating such other matters as the court deems appropriate shall be upon the party designated by the court as justice requires.

"(e) A conviction of a defendant for an offense involving the act giving rise to restitution under this section shall estop the defendant from denying the essential allegations of that offense in any subsequent Federal civil proceeding or State civil proceed-

ing, to the extent consistent with State law, brought by the victim.".

(b) The table of sections at the beginning of chapter 227 of title 18 of the United States Code is amended by adding at the end the following new items:

"3579. Nature of order of restitution.
"3580. Procedure for issuing order of restitution.".

FEDERAL GUIDELINES FOR FAIR TREATMENT OF CRIME VICTIMS AND WITNESSES IN THE CRIMINAL JUSTICE SYSTEM

SEC. 5. (a) Within 270 days after the date of enactment of this Act, the Attorney General shall develop and implement guidelines for the Department of Justice consistent with the purposes of this Act. In preparing the guidelines the Attorney General shall consider the following objectives:

(1) SERVICES TO VICTIMS OF CRIME.—Law enforcement personnel should ensure that victims routinely receive emergency social and medical services as soon as possible and are given information on the following—

(A) availability of crime victim compensation (where applicable);

(B) community-based victim treatment programs;

(C) the role of the victim in the criminal justice process, including what they can expect from the system as well as what the system expects from them; and

(D) stages in the criminal justice process of significance to a crime victim, and the manner in which information about such stages can be obtained.

(2) NOTIFICATION OF AVAILABILITY OF PROTECTION.—A victim or witness should routinely receive information on steps that law enforcement officers and attorneys for the Government can take to protect victims and witnesses from intimidation.

(3) SCHEDULING CHANGES.—All victims and witnesses who have been scheduled to attend criminal justice proceedings should either be notified as soon as possible of any scheduling changes which will affect their appearances or have available a system for alerting witnesses promptly by telephone or otherwise.

(4) PROMPT NOTIFICATION TO VICTIMS OF MAJOR SERIOUS CRIMES.—Victims, witnesses, relatives of those victims and witnesses who are minors, and relatives of homicide victims should, if such persons provide the appropriate official with a current address and telephone number, receive prompt advance notification, if possible, of judicial proceedings relating to their case, including—

(A) the arrest of an accused;

(B) the initial appearance of an accused before a judicial officer;

(C) the release of the accused pending judicial proceedings; and

(D) proceedings in the prosecution of the accused (including entry of a plea of guilty, trial, sentencing, and, where a term of imprisonment is imposed, the release of the accused from such imprisonment).

(5) CONSULTATION WITH VICTIM.—The victim of a serious crime, or in the case of a minor child or a homicide, the family of the victim, should be consulted by the attorney for the Government in order to obtain the views of the victim or family about the disposition of any Federal criminal case brought as a result of such crime, including the views of the victim or family about—

(A) dismissal;

(B) release of the accused pending judicial proceedings;

(C) plea negotiations; and

(D) pretrial diversion program.

(6) SEPARATE WAITING AREA.—Victims and other prosecution witnesses should be provided prior to court appearance a waiting area that is separate from all other witnesses.

(7) PROPERTY RETURN.—Law enforcement agencies and prosecutors should promptly return victim's property held for evidentiary purposes unless there is a compelling law enforcement reason for retaining it.

(8) NOTIFICATION TO EMPLOYER.—A victim or witness who so requests should be assisted by law enforcement agencies and attorneys for the Government in informing employers that the need for victim and witness cooperation in the prosecution of the case may necessitate absence of that victim or witness from work. A victim or witness who, as a direct result of a crime or of cooperation with law enforcement agencies or attorneys for the Government, is subjected to serious financial strain, should be assisted by such agencies and attorneys in explaining to creditors the reason for such serious financial strain.

(9) TRAINING BY FEDERAL LAW ENFORCEMENT TRAINING FACILITIES.—Victim assistance education and training should be offered to persons taking courses at Federal law enforcement training facilities and attorneys for the Government so that victims may be promptly, properly, and completely assisted.

(10) GENERAL VICTIM ASSISTANCE.—The guidelines should also ensure that any other important assistance to victims and witnesses, such as the adoption of transportation, parking, and translator services for victims in court be provided.

(b) Nothing is this title shall be construed as creating a cause of action against the United States.

(c) The Attorney General shall assure that all Federal law enforcement agencies outside of the Department of Justice adopt guidelines consistent with subsection (a) of this section.

PROFIT BY A CRIMINAL FROM SALE OF HIS STORY

SEC. 6. Within one year after the date of enactment of this Act, the Attorney General shall report to Congress regarding any laws that are necessary to ensure that no Federal felon derives any profit from the sale of the recollections, thoughts, and feelings of such felon with regards to the offense committed by the felon until any victim of the offense receives restitution.

BAIL

SEC. 7. Section 3146(a) of chapter 207 of title 18, United States Code, is amended in the matter preceding paragraph (1)—

(1) by inserting after "judicial officer," the second place it appears the following: "subject to the condition that such person not commit an offense under section 1503, 1512, or 1513 of this title,"; and

(2) by inserting after "impose" the following: "a condition of release that such person not commit an offense under section 1503, 1512, or 1513 of this title and impose".

EFFECTIVE DATE

SEC. 8. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b)(1) The amendment made by section 2 of this Act shall apply to presentence reports ordered to be made on or after March 1, 1983.

(2) The amendments made by section 4 of this Act shall apply with respect to offenses occurring on or after January 1, 1983.

Mr. BROOKS (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment to the House amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. McCOLLUM. Reserving the right to object.

Mr. Speaker, I support S. 2420 and urge its adoption by the House. The bill takes a variety of steps to improve the lot of the victims and witnesses within the Federal criminal justice system. The bill, in addition, emphasizes the availability of restitution as an option for the sentencing judge.

By clarifying current statutes on victim-witness protection and raising the penalties associated with those offenses, the bill encourages participation in the nationwide law enforcement effort.

In addition, the bill requires that the impact of a crime on the victim be assessed in the presentence report that every Federal judge receives before determining how to sentence the defendant. Resititution would become a sentence that could, in and of itself, be imposed. The judge would, in fact, have to explain on the record why he did not utilize it when sentencing the defendant.

The bill would institute a procedure whereby a victim or witness could be protected from harassment by means of a temporary restraining order.

S. 2420 would require the Attorney General to develop guidelines for the fair treatment of crime victims and witnesses and also to report to the Congress on the desirability of legislation to deprive criminals of literary profits they might gain from memoirs and recollections of their crime.

This legislation does not intend that restitution become a substitute for civil damages by directing sentencing courts to refrain from utilizing restitution in cases where it would unduly complicate the sentencing procedure. Restitution, under the bill, does not apply in the area of regulatory offenses which are really not appropriate considering the breadth of civil penalties and liabilities already available.

Mr. Speaker, the bill takes a short but sure step toward the ultimate goal of crime reduction and deserves our support.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, I want to join the gentleman from Texas (Mr. BROOKS) and the gentleman from Florida (Mr. McCOLLUM) in strong support of S. 2420, the Victim and Witness Protection Act of 1982. As the ranking minority member of the full Judiciary Committee, I have long been of the

opinion that the Federal Government ought to address the needs of persons who have been victimized by the criminal element in this society. S. 2420 is a commendable effort to redress the grievances of crime victims, without imposing additional fiscal burdens on the innocent taxpayer.

As my colleagues are aware, the Reagan administration has provided outstanding leadership in this area. In August of last year, the Attorney General's Task Force on Violent Crime urged the Attorney General to "take a leadership role in insuring that the victims of crime are accorded proper status by the criminal justice system." The task force made several recommendations, including one relating to the adoption of Federal standards for the fair treatment of victims of serious crime. More recently, President Reagan himself appointed a Presidential Task Force on Victims of Crime which is currently in the process of holding hearings throughout the country. I understand that the Department of Justice recently gave a strong endorsement of H.R. 7191, the House version of the bill which is before us.

S. 2420 contains many improvements which ought to have been made long ago. Some were endorsed when our committee reported Criminal Code reform legislation 2 years ago, but that bill has been held hostage ever since. S. 2420 mandates victim-impact statements and authorizes restitution for all appropriate offenses. I commend the sponsors of S. 2420 for their wisdom in confirming restitution to title 18 and skyjacking offenses. Its application in connection with regulatory offenses would be most unwise because it would unduly complicate and prolong the sentencing process.

Mr. Speaker, I am also pleased to see that S. 2420 would impose a mandatory condition on the release of defendants prior to trial and pending sentencing or appeal that the defendant refrain from committing victim harassment offenses. Unfortunately, legislation which would correct the fundamental deficiencies in the Bail Reform Act of 1966, and thus provide for increased protection of crime victims and witnesses, has been bottled up in the Judiciary Committee despite strong support on the part of a vast majority of my colleagues and the administration. The limited provision contained in this bill will at least insure that defendants will be warned about the consequences of engaging in that type of activity and will provide a basis for the revocation of release if harassment takes place.

Mr. Speaker, again I commend the members of our committee who have put so much work and effort into the legislation which is before us today. The gentleman from New York (Mr. FISH) has demonstrated remarkable leadership on this issue. I congratulate them and my other colleagues who have cosponsored the bill and I hope the President will sign it so that these protections can take effect at the earliest possible date.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. KINDNESS. Mr. Speaker, reserving the right to object, and I shall not object at this point except to point out what a lousy way this is to legislate.

This bill provides for it to be an offense to make an attempt to use a threat to do harm to physical property. Not bodily harm; just damage to physical property.

This bill could have been more carefully crafted if it had gone through hearings and the usual markup procedures. The Justice Department wanted it in a hurry at the end of this session. It has been accommodated. I hope we can straighten it out in the future.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BROOKS. Mr. Speaker, The Senate amendment makes a number of changes that clarify and strengthen the House-passed bill but do not go into topics that the House-passed bill did not deal with.

The basic document is the House-passed bill, and most of it is unchanged or changed only in phrasing by the Senate amendment. In addition, however, the Senate amendment:

Adds a statement of findings and purposes that fairly and accurately describes the reasons for, and purposes of, the legislation.

Strengthens the provisions of the victim and witness intimidation and retaliation offenses by providing that persons who commit the most serious forms of those offenses—such as inflicting death or serious bodily injury—can receive greater punishment; and

Adds language to the restitution provision that will further encourage Federal courts to require convicted defendants to make restitution to any victims of their offenses.

The changes made by the Senate amendment were the result of consultation and negotiation with the managers of the legislation in the other body. In addition, victims groups, the Justice Department, and the American Civil Liberties Union were involved in working out the changes.

I find the Senate amendment completely acceptable. Its changes make this bill better legislation.

● Mr. RODINO. Mr. Speaker, the legislation before us constitutes a substantial step forward in improving the protection and treatment of Federal crime victims and witnesses. It will also be an example for State and local governments to refer to when preparing their own victim and witness legislation.

This legislation has been carefully worked out in a spirit of bipartisan cooperation by Members of both Houses. It has been drafted in consultation with victims groups—The National Organization for Victim Assistance and the National Coalition Against Sexual Assault—the Department of Justice, the American Bar Association and the American Civil Liberties Union. This, indeed, is legislation that all of us can be proud of supporting.

After substituting the text of H.R. 7191 for the text of S. 2420, the House sent S. 2420 back to the other body. The other body has returned S. 2420 with an amendment to the House amendment. The Senate amendment, although cast in the form of a substitute, actually makes only a limited number of changes in the House-passed version. Much of the House-passed version is carried forward intact, and many of the changes are changes in phrasing. I recommend concurring in the Senate amendment. The following is an analysis of the Senate amendment and the changes made in the House-passed bill:

SHORT TITLE

Section 1 of the Senate amendment provides that the short title of the legislation is the "Victim and Witness Protection Act of 1982". The short title of the House-passed version is the "Comprehensive Victim and Witness Protection and Assistance Act of 1982".

FINDINGS AND PURPOSE

Section 2 of the Senate amendment sets forth findings and purposes. Section (2)(a) sets forth the findings, which are drawn from S. 2420 as originally passed by the Senate with a few modifications in phrasing. Section (2)(b) sets forth the principal purposes of the legislation. They are (1) to enhance and protect the role of crime victims and witnesses in the criminal justice system; (2) to ensure that the Federal government makes a maximum effort (within the limits of available resources) to assist Federal crime victims and witnesses without infringing on constitutionally-protected rights of those accussed of crime; and (3) to serve as model legislation for State and local governments.

VICTIM IMPACT STATEMENT

Section 3 of the Senate amendment amends Rule 32 of the Federal Rules of Criminal Procedure to provide for a victim impact statement as a part of a presentence report. The Senate amendment makes two changes in the House-passed version, both of a clarifying nature. The House-passed version requires that the presentence report contain information concerning "any harm" done to the victim. The Senate amendment specifies that the phrase "any harm" includes "financial, social, psychological, and physical harm". Second, the House-passed version provides that the presentence report contain "any other information that may aid the court in sentencing." The Senate amendment specifies that "any other infor-

mation" includes "the restitution needs of any victim of the offense."

PROTECTION OF VICTIMS AND WITNESSES FROM INTIMIDATION

The Senate amendment (like section 3 of the House-passed version) adds 4 new provisions to chapter 73 ("Obstruction of Justice") of title 18 of the United States Code.

New 18 U.S.C. 1512. The Senate amendment includes several changes in phrasing (such as adding "victim" to the section catchline). The offense in subsection (a)(2) of the House-passed version makes it an offense to interfere with another person with intent to cause or induce any person to do any of 3 things. The Senate amendment adds a fourth—"be absent from an official proceeding to which such person has been summoned by legal process". The House-passed version would reach such conduct through new section 1512(a)(2)(A) because being absent from a proceeding will result in testimony (or a record, document, or other object) being withheld. The Senate amendment's change will remove any possible ambiguity on the matter.

There are 4 other noteworthy changes made by the Senate amendment. First, the maximum imprisonment for the offense described in subsection (a) is increased from 5 years (the level in the House-passed bill and in current law, 18 U.S.C. 1503, 1505, 1510) to 10 years. This will permit the court to impose a greater penalty when sentencing someone who has committed a particularly aggravated form of the offense (such as where the offense causes the death of, or serious bodily injury to, a witness).

Second, the Senate amendment adds a new subsection describing a misdemeanor offense of intentionally harassing another person and thereby intentionally preventing any person from attending or testifying in an official proceeding, reporting a possible Federal criminal violation to a law enforcement officer, seeking the arrest of another person for a Federal offense, or causing a Federal criminal prosecution or a Federal parole or probation revocation proceeding to be sought or instituted. The Senate language will reach thinly-veiled threats that create justifiable apprehension in a victim or witness. It does not reach mere annoyance, however, nor does it reach conduct, for example, that is not intended by the defendant to prevent the witness from testifying in an official proceeding.

Third, the Senate amendment adds a new subsection providing that an official proceeding need not be pending or about to be instituted at the time of the offense, and that the testimony, or the record, document or other object, need not be admissible in evidence or free of a claim of privilege. The same result was reached in the House-passed version inasmuch as description of the offense did not require that an official proceeding be pending or that the testimony or object be admissible.

Finally, the Senate amendment adds language that provides for extraterritorial jurisdiction over an offense under section 1512. See House Report No. 96-1396, at 21-22.

The language of the Senate amendment carries forward the format, conventions, and techniques used in the House-passed bill. See House Report No. 96-1396, at 12-13, 15-20, 30-36. Thus, for example, the convention that the state of mind applicable to conduct also applies (unless otherwise provided) to any circumstances or results required by the offense. See id. at 34.

New 18 U.S.C. 1513. The Senate amendment makes phrasing changes in the House-passed version (such as changing "punish" to "retaliate against"). The maximum prison term authorized is raised from 5 years in the House-passed version (and current law) to 10 years. The higher penalty will enable courts to impose greater punishment on persons convicted of particularly aggravated forms of the offense (such as where the offense causes the death of, or serious bodily injury to, the witness).

Finally, the Senate amendment adds language that provides for extraterritorial jurisdiction over an offense under section 1512. See House Report No. 96-1396, at 21-22.

The language of the Senate amendment carries forward the format, conventions, and techniques used in the House-passed bill. See House Report No. 96-1396, at 12-13, 15-20, 30-36. Thus, for example, the convention that the state of mind applicable to conduct also applies (unless otherwise provided) to any circumstances or results required by the offense. See id. at 34.

New 18 U.S.C. 1514. The Senate amendment makes only one change in the House-passed version. That change corrects a grammatical error.

New 18 U.S.C. 1515. The Senate amendment changes the House-passed version by deleting the definitions of the terms "intentional" and "knowing". The definitions were dropped because it was felt unnecessary explicitly to define "intentional" and "knowing". I am confident that the definitions of those terms in the House-passed bill will be adopted in applying sections 1512 and 1513, and the other definitions in section 1515.

RESTITUTION

The Senate amendment carries forward the restitution provisions of the House-passed version with mainly minor changes. There are, however, several noteworthy changes. The Senate amendment requires that the court state on the record the reasons for not ordering restitution or ordering only partial restitution. The House-passed version requires a statement of reasons only when the court declines to order restitution. The Senate change is an improvement.

The House-passed version of new 18 U.S.C. 3579(c) authorizes the court not to order restitution if the procedures necessary to determine whether to order restitution (or the amount of such restitution) would unduly complicate or prolong the sentencing process. The Senate amendment would require the court, when considering whether and to what extent to order restitution, to consider both fairness to the victim and whether the process will unduly complicate or prolong the sentencing process. Thus, a court may find that ordering full restitution would unduly prolong the sentencing process, but that ordering partial restitution would not. In such a situation, the court would be able, under the language of the Senate amendment, to order partial restitution. The Senate language improves the bill. The goal of the legislation is to ensure that Federal crime victims receive the fullest possible restitution from criminal wrongdoers. The Senate change will help achieve that goal.

The Senate amendment also authorizes the court to order restitution to a person or organization designated by the victim. The House-passed version had no similar provision. This change, too, improves the bill. A victim may not want to receive any money from the wrongdoer but would prefer that the money go, for example, to a charitable organization. Ordering that the restitution be paid to the charity is fully consistent with the purposes of restitution. See Huggett v. State, 266 N.W.2d 403, 407 (1978).

The Senate amendment provides that the court can order the convicted defendant to pay restitution to a third party who has paid all or part of the victim's loss. Thus, the court can, for example, order the defendant to make restitution to an insurance company that has reimbursed the victim for doctor and hospital bills paid by the victim. Likewise, the court can order the defendant to make restitution to the parents or a friend of the victim if the parents or the friend paid the doctor and hospital bills directly to the doctor and hospital on behalf of the victim. Similarly, the Senate amendment specifies that, where the victim is deceased, the court can order that restitution be made to the victim's estate. Both of these changes are fully consistent with the purposes of restitution. See id.

Finally, the Senate amendment requires that payment of restitution be a condition of probation whenever an order of restitution under 18 U.S.C. 3579 is a part of the sentence of probation. If the person ordered to make restitution fails to comply with the order, probation can be revoked. The House-passed version had a similar provision with respect to parole. (The Senate amendment also covers parole.) Because of the importance of restitution and the purposes it serves, this change is salutary.

Finally, the Senate amendment adds a provision that was not in the House-passed version dealing with the collateral effect of a conviction where restitution is ordered. The Senate language provides that a conviction of a defendant for an offense involving the act that gives rise to restitution under 18 U.S.C. 3579 estops the defendant from denying the essential allegations of that offense in (1) any subsequent Federal civil proceeding brought by the victim or (2) any subsequent State civil proceeding brought by the victim (to the extent that such estoppel is consistent with state law).

The Senate amendment carries forward, with only a conforming change, the provision of the House-passed version that amends the table of sections for chapter 227 of title 18 of the United States Code.

GUIDELINES FOR FAIR TREATMENT OF FEDERAL CRIME VICTIMS AND WITNESSES

Section 5 of the Senate amendment deals with guidelines for the fair treatment of Federal crime victims and witnesses. The changes made from the House-passed version are principally stylistic, with some changes in phrasing and emphasis. The Senate amendment adds language directing the Attorney General to assure that Federal law enforcement agencies other than the Department of Justice adopt such guidelines.

PROFIT BY A CRIMINAL

Section 6 of the Senate amendment is the same as the comparable provision of the House-passed bill, with only one technical change.

BAIL

Section 7 of the Senate amendment deals with bail and is identical to section 7 of the House-passed bill.

EFFECTIVE DATE

Section 8 of the Senate amendment sets forth the effective dates for the various sections of the bill and is identical to section 8 of the House-passed bill.

Mr. Speaker, as I mentioned previously this has been a cooperative effort involving Members of both Houses. I would particularly like to single out for special praise and recognition my colleague from New York, Mr. FISH, who has been a driving force behind the legislation in this House. The principal sponsors of the legislation in the other body, Mr. HEINZ and Mr. LAXALT, likewise deserve special commendation. Their staff people—Catherine Milton and Jock Nash—and staff from the Senate Judiciary Committee, particularly Paul Summitt, were most helpful in the work on the legislation.

In addition, Mr. Speaker, I would like to recognize the contributions to the drafting of the legislation that were made by the representatives of the Justice Department: Deputy Assistant Attorney General Ron Gainer and Roger Pauley; the American Bar Association, Laurie Robinson and Susan Hillenbrand; and the American Civil Liberties Union, John Shattuck, David Landau, and Marty Michaelson. Finally, I would like to commend John Stein of the National Organization for Victim Assistance and Mary Ann Largen of the National Coalition Against Sexual Assault for their extraordinary efforts on behalf of crime victims and this legislation.

This legislation, Mr. Speaker, is fair and balanced. It provides for additional protections for, and assistance to, Federal crime victims and witnesses without infringing upon the constitutional rights of persons accused of crime. It is deserving of support from each of us.●

● Mr. FISH. Mr. Speaker, I am proud to rise in support of S. 2420, the Victim and Witness Protection Act of 1982. As a victim of violent crime myself, I became painfully aware early in this Congress of the problems encountered by victims in our criminal justice system. Based on my own experience and the input which I have received in my own district and as president of the National Victims of Crime, I concluded long ago that the enactment of Federal legislation in this area must one of the highest priorities of the 97th Congress.

This legislation is identical in many respects to the bill introduced by the gentleman from New Jersey (Mr. RODINO) and myself, which was unanimously passed by the House last night. It contains several improvements based on our discussions with the other body, in which I strongly concur. It retains the essential elements relating to victim impact statements, improved harassment offenses, civil restraints against harassment, restitution, and fair treatment guidelines.

Mr. Speaker, I have said on this floor many times in the last year that it is time for this Congress to show the compassion to victims of Federal crime that they deserve and have a right to expect. I congratulate my colleagues for their assistance in this important undertaking and I urge the President of the United States to sign this legislation as soon as possible. This is a landmark first step toward redressing the imbalance in our criminal justice system which nearly ignores the rights of innocent victims. I am proud to be associated with it.

Mr. Speaker, S. 2420 contains many long-overdue improvements in current law which bear repeating at this point. These include the following:

First. Victim impact statement: Judges must receive information describing harm done to or loss suffered by the victim in the presentence report.

Second. Intimidation offenses: Witness tampering and retaliation offenses are clarified and expanded to cover activity directed at third parties, such as relatives of witnesses, and to cover retaliation for reports of violations of probation, parole, and release conditions. The fines are also increased.

Third. Civil restraint: The Government will be authorized to request from the court a temporary or permanent restraining order prohibiting harassment of a Federal victim or witness.

Fourth. Restitution: Federal courts will be authorized to order restitution to a victim as a penalty for an offense under title 18 or for a skyjacking-related offense. Restitution may include compensation for property loss, medical expenses, lost income, and funeral expenses.

Restitution must be as fair as possible to the victim, but may not unduly prolong or complicate the sentencing process, nor is it permitted where the victim receives compensation from another source. Compliance with a restitution order is a condition of parole.

Fifth. Guidelines for fair treatment of crime victims: The Attorney General is required to implement guidelines for the fair treatment of crime victims and witnesses after considering specified objectives, including:

Providing information about available victim assistance programs;

Notification of victims of proceedings that they must attend;

Obtaining victim views about the disposition of the case;

Prompt return of property held for evidence; and

Victim assistance education for law enforcement officers.

Sixth. Son-of-Sam report: The Attorney General must report to Congress on the desirability of legislation to insure that felons not profit from the sale of thoughts relating to the offense until victims receive compensation.

Seventh. Bail condition: Federal courts are required to impose as a condition of release prior to trial or pending sentencing or appeal the requirement that the person not commit a tampering or retaliation offense.●

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Texas?

There was no objection.

A motion to reconsider was laid on the table.

□ 2400

CONTRACT DISPUTES ACT OF 1978 AMENDMENTS

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1371) to amend section 12 of the Contract Disputes Act of 1978, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 8, after "thereof" insert ", without regard to the date of certification of the contractor's claim pursuant to section 605(c)(1)".

Page 2, line 1, strike out "1981" and insert "1983".

Page 2, line 2, strike out "1981" and insert "1983".

Mr. SAM B. HALL, JR. (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. KINDNESS. Reserving the right to object, Mr. Speaker, and I shall not object, as a matter of fact, I am overjoyed that well after over a year the other body has finally acted on this legislation which comprises technical amendments to the Contract Disputes Act. It is sorely needed.

I would ask the gentleman to explain the amendment.

Mr. SAM B. HALL, JR. Mr. Speaker, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from Texas.

Mr. SAM B. HALL, JR. Mr. Speaker, the bill H.R. 1371, as it passed the House, provided for an amendment to the Contract Disputes Act to clarify the existing authority of the Secretary of the Treasury to fix the rate of interest applicable to contract claims. The Senate amendment merely inserts language which implements the explanation contained in the House report to the effect that the period for which interest is payable for an approved claim begins from the date that the contracting officer receives the claim and not from the time of certification. The original law as passed in 1978 provided for interest to begin from the date the claim was filed with the contracting officer because this filing con-

stituted notice to the Government of the existence of the claim. Of course this interest would only be payable after the claim is found to be valid after administrative review or in a judicial proceeding in the U.S Claims Court.

Mr. KINDNESS. Further reserving the right to object, Mr. Speaker, I would simply add not only is it about time the other body acted on this matter, but in this instance they actually improved the bill in so doing. I would urge approval of the motion to concur in the Senate amendments.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas (Mr. SAM B. HALL, JR.)?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Texas?

There was no objection.

A motion to reconsider was laid on the table.

NATIONAL CHRISTMAS SEAL MONTH

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 262) to designate the month of November 1982 as "National Christmas Seal Month," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 262

Whereas chronic diseases of the lung afflict well over 18 million Americans, cause more than 202,000 deaths annually, and cost the Nation more than $45 billion each year in lost wages, productivity, and in direct costs of medical care;

Whereas diseases such as emphysema, chronic bronchitis, and lung cancer are responsbile for 340,000 premature deaths a year;

Whereas lung cancer is shortly expected to surpass breast cancer as a cause of death in American women, emphysema and other chronic obstructive pulmonary diseases have been the fastest rising cause of death in the United States in the last 14 years, and over six million Americans, including 2 million children, suffer from asthma;

Whereas, the American Lung Asssociation, the Nation's first voluntary health organization providing services to communities with funds raised through private contributions, was founded in 1904 to combat tuberculosis when this lung disease was known in nearly every American family;

Whereas tuberculosis has been subdued, though not eradicated, and in this 100th anniversary year of the discovery of the tubercle bacillus, the American Lung Association, with other national and international health organizations, is pledged to eliminate tuberculosis from this country in the next decade; and

Whereas the American Lung Association now uses Christmas Seal dollars to support pulmonary research, advanced education of doctors and nurses in pulmonary medicine, and to provide services to thousands of Americans in their own communities: Now, therefore, be it *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the month of November 1982 is designated as "National Christmas Seal Month" and the President of the United States is authorized and requested to issue a proclamation calling upon all government agencies and the people of the United States to observe the month with approprate activities supporting the Christmas Seal program.

Mr. GARCIA. Mr. Speaker, Senate Joint Resolution 262 proclaims November 1982 as "National Christmas Seal Month." Chronic diseases of the lung afflict well over 18 million Americans, cause more than 200,000 deaths annually, and cost the Nation more than $45 billion each year in lost wages, productivity, and in direct costs of medical care. Lung cancer is shortly expected to surpass breast cancer as a cause of death in American women; emphysema and other chronic obstructive pulmonary diseases have been the fastest rising cause of death in the United States in the last 14 years, and over 6 million Americans, including 2 million children, suffer from asthma. Christmas Seal dollars are used to support pulmonary research, advanced education of doctors and nurses in pulmonary medicine, and to provide services to thousands of Americans in their own communities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL DIABETES MONTH

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 257) to designate the month of November 1982, as "National Diabetes Month," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate Joint resolution, as follows:

S.J. RES. 257

Whereas diabetes kills more Americans than all other diseases except cancer and cardiovascular diseases;

Whereas eleven million Americans suffer from diabetes and five million seven hundred thousand of such Americans are not aware of their illness;

Whereas $9,700,000,000 annually are used for health care costs, disability payments, and premature mortality costs due to diabetes;

Whereas up to 85 per centum of all cases of non-insulin-dependent diabetes may be preventable through greater public understanding, awareness, and education; and

Whereas diabetes is a leading cause of blindness, kidney disease, heart disease, stroke, birth defects, and lower life expectancy, which complications may be reduced through greater patient and public understanding, awareness, and education: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November 1982 is designated as "National Diabetes Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL HOUSING WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 261) to designate "National Housing Week," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 261

Whereas Congress has repeatedly reaffirmed the national goal of a decent home and a suitable living environment for every American family;

Whereas millions of Americans, particularly young families, are finding the opportunity for homeownership and decent housing out of their reach;

Whereas excessive and duplicative government regulations at the Federal, State and local level have increased the cost of housing throughout the country;

Whereas the Nation's housing industry has been a major contributor to the national economy by creating jobs and generating revenue;

Whereas homeownership and decent housing promotes pride and contributes to the stability of the family in America;

Whereas it is appropriate to reaffirm our Nation's historic commitment to housing as a national priority to preserve the American dream: Now, therefore, be it

Resolved, That October 24-31, 1982, be declared "National Housing Week" and that the President of the United States be authorized and requested to issue a proclamation calling upon all people of the United

States to observe this week with appropriate ceremonies and activities.

Mr. GARCIA. Mr. Speaker, Senate Joint Resolution 261 designates October 24-31, 1982, as "National Housing Week." Millions of Americans, particularly young families, are finding the opportunity for homeownership and decent housing out of their reach. The Nation's housing industry has been a major contributor to the national economy by creating jobs and generating revenue. Homeownership and decent housing promotes pride and contributes to the stability of the family of America. It is appropriate to reaffirm our Nation's historic commitment to housing as a national priority to preserve the American dream.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the Senate joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CONFERENCE REPORT ON S. 1018, COASTAL BARRIER RESOURCES ACT

Mr. BREAUX. Mr. Speaker, pursuant to the order of the House entered into earlier today, I call up the conference report on the Senate bill (S. 1018) to protect and conserve fish and wildlife resources, and for other purposes, and I ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of October 1, 1982.)

Mr. BREAUX (during the reading). Mr. Speaker, I ask unanimous consent that the statement of the managers be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. BREAUX) will be recognized for 30 minutes, and the gentleman from Delaware (Mr. EVANS) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. BREAUX).

Mr. BREAUX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1018 is a relatively straightforward piece of legislation. It is aimed at preserving undeveloped coastal barrier beaches and islands by prohibiting Federal financial assistance for new development. Under this legislation, Federal assistance for roads, bridges, and sewer systems would not be available for areas that are identified as undeveloped coastal barriers on maps that are referenced in the legislation. Financial assistance in the form of VA and FHA loans would also be precluded. Finally, this legislation would continue the policy of restricting the issuance on new Federal flood insurance policies in these areas after October 1, 1983. This policy was adopted by Congress in section 341(d) of the Omnibus Budget Reconciliation Act of 1981.

The legislation contains exceptions that allow for Federal activities in support of energy development or for those activities relating to national defense or coast guard operations. Maintenance of channels and navigation facilities, enhancement of fish and wildlife habitat and shoreline stabilization activities in certain areas of extreme coastal erosions would also be allowed.

Coastal barriers buffer the mainland and associated wildlife-rich aquatic areas—such as lagoons, marshes, and estuaries—from the direct attack of ocean waves, storms, and hurricanes, and are generally among the most unstable of land forms.

Mr. Speaker, despite their value and unstable nature, these coastal barriers are being developed at a fantastic rate. The legislation before us is designed to cease Federal encouragement of such development. It will also have a major effect on private property owners along the Atlantic and gulf coasts. Because of this major impact, my committee proceeded with caution in considering this legislation. It was considered in hearings by two subcommittees over a period of a year. Our staff worked with the Interior Department in their development of maps under the Omnibus Budget Reconciliation Act provision dealing with flood insurance and they met with just about every person who expressed an interest in any of the areas involved not once but several times, including the staffs and Members of Congress from these coastal areas. As a result of these meetings, additions and deletions were made to correct inequities that would result from a narrow reading of the legislation.

Mr. Speaker, after the House and Senate passed their individual bills, each area where there were differences—and in most instances these differences were not major—was thoroughly reconsidered. Every effort has been made to make this legislation fair and equitable. The maps adopted in the conference report maintain a strong barrier island bill while addressing the major concerns of the coastal residents. I believe S. 1018 represents a legitimate compromise which we can all support.

The major differences between the House amendment and the conference substitute are as follows:

First, the conferees agreed to amend the definition of "financial assistance" to clarify that the restrictions on Federal expenditures on undeveloped coastal barriers are entirely unrelated to those programs which do not pertain to development. In other words, Federal public assistance programs such as old age, survivors, or disability insurance, student loans, or other similar social programs would in no way be restricted in the coastal barrier resources system by passage of this legislation.

Second, the report includes a Senate provision which allows for the addition of new areas to the coastal barrier resources system at the request of those who own such areas. it permits landowners to join the system even though they may not technically qualify under the definition of undeveloped coastal barriers.

Third, the conferees adopted a Senate provision which gives a limited role to State coastal zone management agencies in making minor boundary modifications. Under this provision, State CZM agencies may submit proposals for such modifications. If the Secretary fails to adopt such proposals, he must give written justification to the agency.

Finally, the conference report has several changes to the maps designating "undeveloped coastal barriers" compared to the House amendment. The major additions to the House amendment are:

Rhode Island: Very small expansions to the House maps on: Little Compton Ponds; Card Ponds; Green Hill Beach; East Beach; and Quonochontaug Beach.

Delaware: Broadkill Beach (new area).

North Carolina: Hatteras Island (new area).

Florida: Coconut Point (New area); Casey Key (an expansion of the House map); and Moreno Point (an expansion of the House map).

Mississippi: A portion of Cat Island (new area).

Deletions from the House maps are:

Maine: Three units deleted (two are State parks, one a naval facility): Sprague Neck Bar; Grassy Point; and Rogue Bluffs Beach.

New York: Small boundary adjustments to: Southhampton Beach and Oldfield Beach.

South Carolina: Pawley's Inlet (boundary adjustment).

Alabama: Mobile Point (boundary adjustment to exclude existing development).

Mr. Speaker, our coastal barrier resources represent a wealth of natural resources which are disappearing at an alarming rate. Past efforts to preserve these valuable areas were aimed at placing them in Federal preserves and prohibiting private property. This is a more moderate approach. It does not prevent any private property owner from developing his property. It simply says the Federal Government will not be a financial partner in such development. It protects natural resources while saving the taxpayers money and I urge all of my colleagues to join me in supporting the conference report which will make this worthwhile effort a reality.

Mr. Speaker, I would like to say the gentleman from Delaware (Mr. EVANS) has been one of the leading sponsors in the House on this legislation and has worked tirelessly, and I would also say without his efforts in pushing the committee, I think the bill would not be brought up this evening. He is to be commended for his work.

Mr. EVANS of Delaware. Mr. Speaker, let me say that the first shall be last, and the last shall be first, and I guess that holds true tonight—one of the last pieces of legislation that we consider in this session. It is an excellent piece of legislation. It has been supported by an overwhelming majority of the House of Representatives.

The companion piece of legislation introduced by our good friend, Senator JOHN CHAFEE from Rhode Island in the Senate. I think we have a very balanced bill, balanced between developmental and environmental interests. Very rarely do we find a bill where a gentleman like the gentleman from Massachusetts (Mr. STUDDS), and the gentleman from Louisiana (Mr. BREAUX), myself, and the Secretary of the Interior, Mr. Watt, all have unanimity of opinion.

The reason they do is because this legislation does combine the twin objectives of fiscal responsibility and environmental concern. It does protect our environment. It does protect some vital wetland areas along the Atlantic and the gulf coast that are essential to the spawning of fish and shellfish, that are vital to our coastal States' economies, and to jobs.

It does protect and help narrow the budget deficit that we have sorely needed to do.

Mr. Speaker, I will take no further time except to say that I appreciate tremendously the support that this bill has been given by the National Wildlife Federation and those associated with the Barrier Islands Coalition, by the National Taxpayers Union, by the American Red Cross, and others who are concerned about saving the environment, saving lives, and narrowing the budget deficit.

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Speaker, I would like to commend the committee on its hard work and dedication in reaching an agreement on this legislation. However, it has come to my attention in the past few days that there are certain difficulties with the maps drafted by the Department of Interior for the Bolivar Peninsula in southeast Texas. Under the proposed rules issued August 16, 1982, by the Department, no area was to be designated as removed from eligibility for Federal flood insurance coverage unless it had at least one-quarter of a mile of shoreline. In addition, if there is large intrusive development in the area, the break in development line can be moved, thereby eliminating some areas with more than one-quarter of a mile shoreline. On certain portions of the Bolivar Peninsula neither of these criteria appears to have been met, and I believe that a closer examination of those areas designated as ineligible for flood insurance protection coverage is certainly warranted.

□ 2410

Mr. BREAUX. Mr. Speaker, I will be happy to respond to the gentleman from Texas. Our bill and maps were developed over a year's time and all our information led us to believe that the maps were correct and fair. However, in the last day or so, new information has come to light on this area described by the gentleman from Texas.

It is not the intent of the conferees to treat any area unfairly nor to penalize the citizens who live on an area which is in fact developed. I can assure the gentleman that the committee will immediately followup the questions raised on this area. If this area is treated unfairly or inequitably by the present maps, the committee leadership will seek to resolve that problem when we return in November by legislation, if that is the necessary remedy.

Mr. BROOKS. Mr. Speaker, I thank the gentleman.

● Mr. CLAUSEN. Mr. Speaker, I rise in strong support of the conference report on S. 1018, the Coastal Barrier Resources Act.

This important environmental legislation, the House version of which I am pleased to have coauthored, enjoys strong and widespread support. Only 3 days ago, the House barrier island bill, H.R. 3252, passed on this floor by the overwhelming vote of 399 to 4. Five days earlier, the Senate's counterpart bill was passed in a similarly resounding fashion.

There is good reason for this. Our Atlantic and gulf coast barrier islands provide invaluable environmental and resource protection functions. At the same time, these same barrier islands offer unique attraction to States and others who view these islands and their use in different terms than those who desire to keep them in an undeveloped State.

The conference report we bring to the floor today strikes a balance between the competing values underlying these positions. This legislation allows continued development of the islands which are a part of the new Coastal Barrier Resources System. However, it also establishes a significant new policy under which new Federal subsidies for development on these storm-vulnerable areas will be prohibited.

Mr. Speaker, this Coastal Barrier Resources Act is environmentally responsible because it provides for strong new protections for the undeveloped barrier islands covered in the legislation. It is fiscally responsible because it will save our taxpayers large sums of money—billions of dollars, potentially—by avoiding disaster relief and erosion control expenditures. And it allows those who desire to pursue developmental objectives to do so, but at their own risks.

Our conferees are to be complimented on the rapid and successful negotiations that they were able to enter into. As one of those conferees, it was a personal pleasure for me to see the reasonableness and dedication that my colleagues on both sides of the aisle and on both sides of the Capitol were led by in agreeing to the compromise that is embodied in this conference report. This is excellent legislation that we will take pride in for years to come, and I strongly urge my colleagues to join me in voting to send it to the President for his signature.●

● Mr. HOWARD. Mr. Speaker, I rise in support of the conference report on S. 1018, the Coastal Barrier Resources Act.

I wish to commend the conferees on this legislation for developing a bill which reflects the positions of both the House and Senate.

This bill is an important step forward in protecting our coastal barriers along the Atlantic and gulf coasts. Through the limitation of Federal financial assistance for certain programs, development of undeveloped coastal barriers will be discouraged. At the same time, the bill recognizes the need to maintain and repair existing beach erosion and navigation projects as well as roads, structures, and facilities that are essential links in a larger network or system.

Our coastal barriers provide important habitats for birds and other wildlife and are essential spawning, nurs-

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ery, nesting, and feeding areas for finfish, shellfish, and other aquatic organisms. It is important that these areas be protected and I urge support of the conference report.●

● Mr. ROE. Mr. Speaker, I rise in support of the conference report on S. 1018, the Coastal Barrier Resources Act.

The conferees on this bill have acted speedily and responsively to come up with legislation which represents a reasonable compromise between the Senate and House provisions. The bill, a similar version of which passed the House just a few days ago by an overwhelming margin, is designed to minimize the loss of human life, wasteful expenditure of certain revenues, and damage to fish, wildlife and other natural resources associated with the coastal barriers along the Atlantic and gulf coasts. It will do this through the restriction of future Federal expenditures and financial assistance which have the effect of encouraging development of presently undeveloped coastal barriers.

This is a significant piece of environmental legislation and I urge my colleagues to support it.

● Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in full support of the conference report on S. 1018, the Coastal Barrier Resources Act. I want first to commend the conferees for their swift and thoughtful resolution of the numerous issues concerning this legislation. The compromise regarding both the maps and statutory requirements provide a workable program which will provide both fiscal and environmental benefits to the American people.

Federal investments have, in the past, helped encourage development on coastal barrier areas. Such sections of the Nation's Atlantic and gulf coasts are quite unstable and subject to severe storm damage. This creates the potential for significant Federal expenditures in Federal disaster relief, flood insurance, and other programs. There are important environmental values which are protected by leaving some of these areas in their natural state.

I would stress again that this legislation does not affect previously developed barrier islands. In addition, development on lands which are within the coastal barrier system will not be prohibited, but those developing will have to do so at their own risk. Those persons whose homes are already in these areas will also be provided the existing protections of the Federal Government. The legislation is aimed at new construction on the coastal barriers within the boundaries of the coastal barrier resources system.

Again, Mr. Speaker, I congratulate the conferees from the House Committees on Merchant Marine and Fisheries and Public Works and Transportation, as well as the Senate Committee on Environment and Public Works for so rapidly reaching a resolution on this important environmental legislation.●

Mr. EVANS of Delaware. Mr. Speaker, I yield back the balance of my time.

Mr. BREAUX. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BREAUX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

MASHANTUCKET PEQUOT INDIAN CLAIMS SETTLEMENT ACT

Mr. UDALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6612) to provide for the settlement of land claims of the Mashantucket Pequot Indian Tribe of Connecticut, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

Mr. MARRIOTT. Mr. Speaker, reserving the right to object, will the gentleman briefly tell us what is involved in the bill?

Mr. UDALL. Mr. Speaker, if the gentleman will yield, this legislation has been reported by the Committee on the Interior. It follows the general pattern of other legislation which resolved certain land claims in the eastern part of the United States. This measure will provide a reasonable settlement of the claims of the Mashantucket Pequot Indian Tribe of Connecticut.

Mr. GEJDENSON. Mr. Speaker, I am pleased to provide the Mashantucket Pequot Indian Claim Settlement Act of 1982 for the House of Representatives consideration. This bill settles the first outstanding Indian land claim in the State of Connecticut. The entire congressional delegation from Connecticut is cosponsoring this legislation as a reaffirmation of Connecticut's policy which upholds the constitutional rights of the Pequots to negotiate this settlement with the property owners of Ledyard, Conn. The delegation feels that this proposed settlement is equitable, amicable, and is a precedent for our State.

The Mashantucket Pequot Tribe has held title to their present State reservation of 220 acres for over 250 years. Before that, their control extended to a much greater domain. In the course of their recorded history, successive generations have derived their living from this reservation. It is not surprising that the present leadership of the tribe should seek to continue this policy of self-sufficiency and negotiate a land settlement that is least disruptive to all involved.

In 1976, the Mashantucket Pequot Tribe brought a suit against certain property owners in Ledyard, Conn. The basic claim raised by the tribe is that past transfers of land to private homesteaders were invalid because the U.S. Congress failed to approve these transfers in accordance with the nonintercourse provision of the Indian Trade and Intercourse Act of 1790. The essential element of this claim remains that allegation that the failure of the United States explicitly to approve the transfers renders the prior land transfers invalid.

The settlement reached between the property owners and the tribe is an agreement to transfer approximately 800 acres of undeveloped land to the Mashantucket Pequot Tribe. All the property owners have agreed to this arrangement, and they still reserve the right to not sell their property if they so choose. The Mashantucket Pequot Indian Claims Settlement Act establishes a Federal trust for the purpose of land acquisition by the tribe as agreed to in the settlement. As a federally recognized tribe, the Pequots would then be entitled to all the rights and privileges which accompany such recognition. This bill extinguishes all aboriginal title to land and subjects the tribe to the laws of the United States regarding Indians. This agreement, to be legal and valid, requires this implementing legislation by the Congress.

In my opinion, this legislation satisfies the four criteria by which settlements of this nature should be judged. First, is the claim credible? Yes, the courts agree that the claim is credible. The Pequots have been a State-recognized tribe since 1667 and their claim to prior land holdings is legitimate. Second, is the settlement reasonable? Yes, not one homeowner will be displaced. The 800-acre land transfer is a compromise figure that will satisfy the future needs of the Pequots and is a reasonable acreage size to the property owners. The cost remains well below that of other claims. Third, has the State of Connecticut contributed its fair share? Yes, Connecticut, as

well as Maine, is the only New England State to have consistently provided monetary aid and inkind services to its State tribes. Since 1935, the State of Connecticut estimates that $150,000 has been spent on tribal government administration, health and educational services and direct appropriations from the State general assembly to the tribe. In addition, the State recently has granted the Pequots 20 acres of their ancient burial ground as part of the negotiated settlement. This property, considered prime real estate, is currently valued at $50,000. The State has shown its commitment to the tribe in encouraging their economic development and in recognizing their contribution to the general community. Fourth, is there a consensus among all the parties? Yes, all the parties agree to and support the resolution of the settlement. The entire congressional delegation, the Governor, the attorney general, and the general assembly support the concept and the enactment of this bill. Most importantly, the Ledyard property owners agree to this settlement and still maintain the prerogative to not sell their landholdings. The tribe supports the approach of this legislation and looks forward to ending years of litigation.

The essential concept of this bill is that minorities must always be afforded their rights under the Constitution. Majorities will always rule the way in a democratic process, but the laws of the Constitution uphold and guarantee the rights of minorities to due process and the right to be treated as equals in any legal claims. This bill, as introduced with unanimous support by the congressional delegation, uphold the rights of the Mashantucket Pequots to receive land entitled to them, to negotiate a settlement with property owners, and to become a federally recognized tribe.

This legislation is a precedent for our State. Parties involved with similar claims in the State will be persuaded that the proper course toward resolution is an out of court negotiated settlement, not protracted litigation where all parties are potentially losers. Property owners have rights to their land too, though legal injustices befell them years before they purchased their land. Compromise is the key direction we would like to follow.

It is time to settle this matter once and for all. In the 1970's and 1980's, the Mashantucket Pequots took steps to continue their self-sufficiency. They developed a tribal center, a wood harvesting industry, a maple syrup industry, attractive housing and an agribusiness centering around a hydroponic greenhouse. The tribe has become one of the principle employers of its membership. In the future, plans call for an expansion of these and other activities which will enhance, not only tribal employment, but provide jobs for others. The Pequots present a dynamic example of an Indian tribe, self-reliant, autonomous over its internal affairs, and contributing to the general community.

I urge the adoption of the bill and thank the Members for their support.

Mr. MARRIOTT. Mr. Speaker, I withdrew my reservation of objection and support the approval of this legislation.

The SPEAKER pro tempore. Is there objection.

There was no objection.

The Clerk read the bill, as follows:

H.R. 6612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Mashantucket Pequot Indian Claims Settlement Act".

CONGRESSIONAL FINDINGS

SEC. 2. The Congress finds that—

(1) there is pending before the United States District court for the District of Connecticut a civil action which involves Indian claims to certain public and private lands within the town of Ledyard, Connecticut;

(2) the pendency of this lawsuit has placed a cloud on the titles to much of the land in the town of Ledyard, including lands not involved in the lawsuit, which has resulted in severe economic hardships for the residents of the town;

(3) the Congress shares with the State of Connecticut and the parties to the lawsuit a desire to remove all clouds on titles resulting from such Indian land claims; and

(4) the parties to the lawsuit and others interested in the settlement of Indian land claims within the State of Connecticut have executed a settlement agreement which requires implementing legislation by the Congress of the United States and the legislature of the State of Connecticut;

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) the term "Tribe" means the Mashantucket Pequot Tribe (also known as the Western Pequot Tribe) as identified by chapter 832 of the Connecticut General Statutes and represented, as of the date of the enactment of this Act, by the Mashantucket Pequot Tribal Council;

(2) the term "land or natural resources" means any real property or natural resources, or any interest in or right to any real property or natural resources, including minerals and mineral rights, timber and timber rights, water and water rights, and hunting and fishing rights;

(3) the term "private settlement lands" means (A) the eight hundred acres, more or less, of privately held land which are identified by a red outline on a map filed with the Secretary of State of the State of Connecticut in accordance with the settlement agreement referred to in section 2(4) of this Act, and (B) the lands known as the Cedar Swamp which are adjacent to the Mashantucket Pequot Reservation as it exists on the date of the enactment of this Act;

(4) the term "public settlement lands" means the lands described in sections 2(a) and 3 of the Act to Implement the Settlement of the Mashantucket Pequot Indian Land Claim as enacted by the State of Connecticut and approved on June 9, 1982;

(5) the term "settlement lands" means private settlement lands and public settlement lands;

(6) the term "Secretary" means the Secretary of the Interior;

(7) the term "transfer" means any transaction involving any change of title to or control of any land or natural resources or any right or interest in any land or natural resources, including any sale, grant, lease, allotment, partition, or conveyance, or any transaction or treaty, compact, or statute of any State which results in a change of possession or control of land or natural resources; and

(8) the term "reservation" means the reservation of the Tribe as defined by chapter 824 of the Connecticut General Statutes.

CONNECTICUT INDIAN CLAIMS SETTLEMENT FUND

SEC. 4. (a) As compensation to the Tribe for the extinguishment of any claim under section 5 of this Act, there is established in the United States Treasury a fund to be known as the Connecticut Indian Claims Settlement Fund. This fund shall be held in trust by the Secretary for the benefit of the Tribe and administered in accordance with this Act.

(b)(1) The Secretary shall spend, at the request of the Tribe, the principal of the fund and any income accruing to the fund to acquire land or natural resources for the Tribe or for similar purposes which promote the economic development of the Tribe.

(2) Lands or natural resources acquired under paragraph (1) which are located within the settlement lands shall be held in trust by the United States for the benefit of the Tribe.

(3) Lands or natural resources acquired under paragraph (1) which are located outside of the settlement lands shall be held in fee by the Mashantucket Pequot Tribe, and the United States shall have no further trust responsibility with respect to such lands and natural resources. Such lands or natural resources shall not be subject to any restriction against alienation under the laws of the United States or the State of Connecticut.

(c) For the purpose of subtitle A of the Internal Revenue Code of 1954, any transfer of private settlement lands to which subsection (b)(2) applies shall be deemed to be an involuntary conversion within the meaning of section 1033 of such code.

(d) There is authorized to be appropriated $900,000 to be deposited in the fund.

APPROVAL OF PRIOR TRANSFERS; EXTINGUISHMENT OF INDIAN ABORIGINAL TITLES AND INDIAN CLAIMS

SEC. 5. (a) Any transfer before the date of enactment of this Act from, by, or on behalf of the Tribe or any of its members of land or natural resources located anywhere within the United States and any transfer before the date of enactment of this Act from, by, or on behalf of any Indian or nation, tribe, or band of Indians of land or natural resources located anywhere within the town of Ledyard, Connecticut, shall be deemed to have been made in accordance with the Constitution and all laws of the United States specifically applicable to transfers of land or natural resources from, by, or on behalf of any Indian, or nation, tribe, or band of Indians. Any such transfer shall be deemed to have been made with the consent and approval of the Congress as of the date of such transfer.

(b) Any aboriginal title held by the Tribe or any member of the Tribe, or any other Indian or nation, tribe, or band of Indians, to

any land or natural resources the transfer of which was consented to and approved in subsection (a) shall be considered extinguished as of the date of such transfer.

(c) Any claim (including any claim for damages for trespass or for use and occupancy) by the Tribe or any member of the Tribe or by any other Indian or nation, tribe, or band of Indians (including any predecessor or successor in interest of any such Indian, or nation, tribe, or band of Indians) against the United States, any State or subdivision thereof, or any other person which is based on—

(1) any transfer of land or natural resources which was consented to and approved in subsection (a), or

(2) any aboriginal title to land or natural resources the transfer of which was consented to and approved in subsection (a),

shall be considered extinguished as of the date of any such transfer.

(d)(1) This section shall take effect upon the appropriation of $900,000 as authorized under section 4(d) of this Act.

(2) The Secetary shall publish notice of such appropriation in the Federal Register when the funds are deposited in the fund.

JURISDICTION OVER RESERVATION

SEC. 6. Notwithstanding the provision relating to a special election in section 406 of the Act approved April 11, 1968 (25 U.S.C. 1326), the reservation and the settlement lands are declared to be Indian country subject to State jurisdiction to the maximum extent provided in title IV of such Act.

LIMITATION OF ACTIONS; FEDERAL COURT JURISDICTION

SEC. 7. (a) Notwithstanding any other provision of law, the constitutionality of this Act may not be drawn into question in any action unless such question has been raised in—

(1) a pleading contained in a complaint filed before the end of the one-hundred-and-eighty-day period beginning on the date of enactment of this Act, or

(2) an answer contained in a reply to a complaint filed before the end of such period.

(b) Notwithstanding any other provision of law, exclusive original jurisdiction of any action in which the constitutionality of this Act is drawn into question is vested in the United States District Court for the District of Connecticut.

(c) Any action to which subsection (a) applies and which is brought in the court of any State may be removed by the defendant to the United States District Court for the District of Connecticut.

RESTRICTION AGAINST ALIENATION

SEC. 8. (a) Subject to subsection (b), lands within the reservation and any settlement lands which are held by the Secretary for the benefit of the Tribe at any time after the date of enactment of this Act shall be subject to the laws of the United States relating to Indian lands, including section 2116 of the Revised Statutes (25 U.S.C. 177).

(b) Notwithstanding subsection (a), the Tribe may lease lands for any term of years to the Mashantucket Pequot, Housing Authority or any successor in interest to such Authority.

EXTENSION OF FEDERAL RECOGNITION AND PRIVILEGES

SEC. 9. (a) Notwithstanding any other provision of law, Federal recognition is extended to the Tribe. Except as otherwise provided in this Act, all laws and regulations of the United States of general application to Indians or Indian nations, tribes, or bands of Indians which are not inconsistent with any specific provision of this Act shall be applicable to the Tribe.

(b) Notwithstanding any other provision of law, the Tribe and members of the Tribe shall be eligible for all Federal services and benefits furnished to federally recognized Indian tribes as of the date of enactment of this Act.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute: Strike our all after the enacting clause and insert:

SECTION 1. That this Act may be cited as the "Mashantucket Pequot Indian Claims Settlement Act."

CONGRESSIONAL FINDINGS

SEC. 2. The Congress finds that—

(1) there is pending before the United States District court for the District of Connecticut a civil action which involves Indian claims to certain public and private lands within the town of Ledyard, Connecticut;

(2) the pendency of this lawsuit has placed a cloud on the titles to much of the land in the town of Ledyard, including lands not involved in the lawsuit, which has resulted in severe economic hardships for the residents of the town;

(3) the Congress shares with the State of Connecticut and the parties to the lawsuit a desire to remove all clouds on the titles resulting from such Indian land claims;

(4) the parties to the lawsuit and others interested in the settlement of Indian land claims within the State of Connecticut have reached an agreement which requires implementing legislation by the Congress of the United States and the legislature of the State of Connecticut;

(5) the Western Pequot Tribe, as represented as of the time of the passage of this Act by the Mashantucket Pequot Tribal Council, is the sole successor in interest to the aboriginal entity generally known as the Western Pequot Tribe which years ago claimed aboriginal title to certain lands in the State of Connecticut; and

(6) The State of Connecticut is contributing 20 acres of land owned by the State of Connecticut to fulfill this Act. The State of Connecticut has provided special services to the members of the Western Pequot Tribe residing within its borders. The United States has provided few, if any, special services to the Western Pequot Tribe and has denied that it had jurisdiction over or responsibility for said tribe. In view of the provision of land by the State of Connecticut and the provision of special services by the State of Connecticut without being required to do so by federal law, it is the intent of Congress that the State of Connecticut not be required to further contribute directly to this claims settlement.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) the term "Tribe" means the Mashantucket Pequot Tribe (also known as the Western Pequot Tribe) as identified by chapter 832 of the Connecticut General Statutes. The Mashantucket Pequot Tribe is represented, as of the date of the enactment of this Act, by the Mashantucket Pequot Tribal Council;

(2) the term "land or natural resources" means any real property or natural resources, or any interest in or right to any real property, including minerals and mineral rights, timber and timber rights, water and water rights, and hunting and fishing rights;

(3) the term "private settlement lands" means (A) the eight hundred acres, more or less, of privately held land which are identified by a red outline on a map filed with the Secretary of the State of Connecticut in accordance with the agreement referred to in section 2(4) of this Act, and (B) the lands known as the Cedar Swamp which are adjacent to the Mashantucket Pequot Reservation as it exists on the date of the enactment of this Act. Within 30 days of the enactment of this Act, the Secretary of the State of Connecticut shall transmit to the Secretary a certificate copy of said map;

(4) the term "settlement lands" means the lands described in sections 2(a) and 3 of the Act to Implement the Settlement of the Mashantucket Pequot Indian Calim as enacted by the State of Connecticut and approved on June 9, 1982 and private settlement lands.

(5) the term "Secretary" means the Secretary of the Interior;

(6) the term "transfer" means any transaction involving a change of title to or control of any land or natural resources or any right or interest in any land or natural resources, and any act, event, or circumstance that resulted in a change in title to, possession of, dominion over, or control of land or natural resources including any sale, grant, lease, allotment, partition, or conveyance or any transaction, treaty, compact or statute of the State of Connecticut which results in a change of possession or control of land or natural resources; and

(7) the term "reservation" means the existing reservation of the Tribe as defined by chapter 824 of the Connecticut General Statutes and any settlement lands taken in trust by the United States for the Tribe.

APPROVAL OF PRIOR TRANSFERS; EXTINGUISHMENT OF ABORIGINAL TITLES AND INDIAN CLAIMS

SEC. 4. (a) Any transfer before the date of enactment of this Act from, by or on behalf of the Tribe or any of its members of land or natural resources, located anywhere within the United States, and any transfer before the date of enactment of this Act from, by, or on behalf of any Indian, Indian nation, or tribe or band of Indians of land or natural resources located anywhere within the town of Ledyard, Connecticut, shall be deemed to have been made in accordance with the Constitution and all laws of the United States specifically applicable to transfers of land or natural resources from, by, or on behalf of any Indian, Indian nation, or tribe or band of Indians including the Trade and Intercourse Act of 1790 Act of July 22, 1790 (ch. 33, Sec. 4, 1 Stat. 137, 138) and all amendments thereto and all subsequent reenactments and versions thereof, and Congress hereby does approve and ratify any such transfer effective as of the date of said transfer.

(b) Any aboriginal title held by the Tribe or any member of the Tribe or any other Indian, Indian nation, or tribe or band of Indians, to any land or natural resources the transfer of which was consented to and approved in subsection (a) shall be considered extinguished as of the date of such transfer.

(c) Any claim (including any claim for damages for trespass or for use and occu-

pancy) by, or on behalf of, the Tribe or any member of the Tribe or by any other Indian, Indian nation, or tribe or band of Indians, or any predecessor or successor in interest thereof, against the United States, any State or subdivision thereof or any other person which is based on

(1) any transfer of land or natural resources which was consented to and approved in subsection (a) or

(2) any aboriginal title to land or natural resources the transfer of which was consented to and approved in subseciton (b), shall be considered extinguished as of the date of any such transfer.

(d)(1) This section shall take effect upon the appropriation of $900,000 as authorized under subsection 5(e) of this Act.

(2) The Secretary shall publish notice of such appropriation in the Federal Register when the funds are deposited in the fund established under subsection 5(a) of this Act.

MASHANTUCKET PEQUOT SETTLEMENT FUND

SEC. 5. (a) As compensation to the Tribe for the extinguishment of any claim under section 4 of this Act, there is established in the United States Treasury a fund to be known as the Mashantucket Pequot Settlement Fund. This fund shall be held in trust by the Secretary for the benefit of the Tribe and administered in accordance with this Act.

(b)(1) The Secretary is authorized and directed to expend, at the request of the Tribe, the fund together with any and all income accruing to such fund for the purpose of acquiring land or natural resources for the Tribe.

(2) Not less than $600,000 of the fund shall be available until January 1, 1985, for the acquisition by the Secretary of private settlement lands. Subsequent to January 1, 1985, the Secretary shall determine whether and to what extent an amount less than $600,000 has been expended to acquire private settlement lands and shall make that amount available to the Tribe to be used in accordance with the economic development plan approved pursuant to section 5(b)(3).

(3) The Secretary shall disburse all or part of the fund together with any and all income accruing to such fund excepting the amount reserved in section 5(b)(2) according to a plan to promote the economic development of the Tribe. (A) The Tribe shall submit an economic development plan to the Secretary and the Secretary shall approve such plan within 60 days of its submission if he finds that it is reasonably related to the economic development of the Tribe. If the Secretary does not approve such plan, he shall, at the time of his decision, set forth in writing and with particularity, the reasons for his disapproval. (B) The Secretary may not agree to terms which provide for the investment of the fund in a manner not in accordance with section 1 of the Act of June 24, 1938 (52 Stat. 1037), unless the Tribe first submits a specific waiver of liability on the part of the United States for any loss which may result from such an investment. (C) The tribe may, with the approval of the Secretary, alter the economic development plan subject to the conditions set forth in subsection 5(B)(3)(A).

(4) Under no circumstances shall any part of the fund be distributed to any member of the Tribe unless pursuant to the economic development plan approved by the Secretary under section 5(b)(3).

(5) As the fund or any portion thereof is disbursed by the Secretary in accordance with this section, the United States shall have no further trust responsibility to the Tribe or its members with respect to the sums paid, any subsequent expenditures of these sums, or any property or services purchased with these sums.

(6) Until the Tribe has submitted and the Secretary has approved the terms of the use of the Fund, the Secretary shall fix the terms for the administration of the portion of the fund as to which there is no agreement.

(7) Lands or natural resources acquired under subsection (5)(b) which are located within the settlement lands shall be held in trust by the United States for the benefit of the Tribe.

(8) Land or natural resources acquired under subsection (b) which are located outside of the settlement lands shall be held in fee by the Mashantucket Pequot Tribe, and the United States shall have no further trust responsibility with respect to such land and natural resources. Such lands or natural resources shall not be subject to any restriction against alienation under the laws of the United States.

(9) Notwithstanding the provisions of section 1 of the Act of August 1, 1888 (25 Stat. 357), as amended, and section 1 of the Act of February 26, 1931 (46 Stat. 1421), the Secretary may acquire land or natural resources under this section from the ostensible owner of the land or natural resources only if the Secretary and the ostensible owner of the land or natural resources have agreed upon the identity of the land or natural resources to be sold and upon the purchase price and other terms of sale. Subject to the agreement required by the preceding sentence, the Secretary may institute condemnation proceedings in order to perfect title, satisfactory to the Attorney General, in the United States and condemn interests adverse to the ostensible owner.

(c) For purposes of subtitle A of the Internal Revenue Code of 1954, any transfer of private settlement lands to which subsection (b)(2) applies shall be deemed to be an involuntary conversion within the meaning of section 1033 of such code.

(d) The Secretary may not expend on behalf of the Tribe any sums deposited in the fund established pursuant to subsection (a) of this section unless and until he finds that authorized officials of the Tribe have executed appropriate documents relinquishing all claims to the extent provided by sections 4 and 10 of this Act including stipulations to the final judicial dismissal with prejudice of its claims.

(e) There is authorized to be appropriated $900,000 to be deposited in the fund.

JURISDICTION OVER RESERVATION

SEC. 6. Notwithstanding the provision relating to a special election in section 406 of the Act approved April 11, 1968 (25 U.S.C. 1326), the reservation of the Tribe is declared to be Indian country subject to state jurisdiction to the maximum extent provided in title IV of such Act.

LIMITATION OF ACTIONS: FEDERAL COURT JURISDICTION

SEC. 7. (a) Notwithstanding any other provision of law, the constitutionality of this Act may not be drawn into question in any action unless such question has been raised in—

(1) a pleading contained in a complaint filed before the end of the one-hundred-and-eighty-day period beginning on the date of the enactment of this Act, or

(2) an answer contained in a reply to a complaint before the end of such period.

(b) Notwithstanding any other provision law, exclusive jurisdiction of any action in which the constitutionality of this Act is drawn into question is vested in the United States District Court for the District of Connecticut.

(c) Any action to which subsection (a) applies and which is brought in the court of any state may be removed by the defendant to the United States District Court for the District of Connecticut.

(d) Except as provided in this Act, no provision of this Act shall be construed to constitute a jurisdictional act, to confer jurisdiction to sue, or to grant implied consent to any Indian, Indian nation, or tribe or band of Indians to sue the United States or any of its officers with respect to the claims extinguished by the operation of this Act.

RESTRICTION AGAINST ALIENATION

SEC. 8. (a) Subject to subsection (b), lands within the reservation which are held in trust by the Secretary for the benefit of the Tribe or which are subject to a federal restraint against alienation at any times after the date of the enactment of this Act shall be subject to the laws of the United States relating to Indian lands, including section 2116 of the Revised Statutes (25 U.S.C. 177).

(b) Notwithstanding subsection (a), the Tribe may lease lands for any term of years to the Mashantucket Pequot Housing Authority, or any successor in interest to such authority.

EXTENSION OF FEDERAL RECOGNITION AND PRIVILEGES

SEC. 9. (a) Notwithstanding any other provision of law, federal recognition is extended to the Tribe. Except as otherwise provided in this Act, all laws and regulations of the United States of general application to Indians or Indian nations, tribes or bands of Indians which are not inconsistent with any specific provision of this Act shall be applicable to the Tribe.

(b) The Tribe shall file with the Secretary a copy of its organic governing document and any amendment thereto. Such instrument must be consistent with the terms of this Act and the act to Implement the Settlement of the Mashantucket Pequot Indian Land Claim as enacted by the State of Connecticut and approved June 9, 1982.

(c) Notwithstanding any other provision of law, the Tribe and members of the Tribe shall be eligible for all federal services and benefits furnished to federally recognized Indian tribes as of the date of enactment of this Act.

OTHER CLAIMS DISCHARGED BY THIS ACT

SEC. 10. Except as expressly provided herein, this Act shall constitute a general discharge and release of all obligations of the State of Connecticut and all of its political subdivisions, agencies, departments, and of the officers or employees thereof arising from any treaty or agreement with, or on behalf of the Tribe or the United States as trustee therefore.

SEVERABILITY

SEC. 11. In the event that any provisions of section 4 of this Act is held invalid, it is the intent of Congress that the entire Act be invalidated. In the event that any other section of provision of this Act is held invalid, it is the intent of Congress that the remaining sections of this Act shall continue in full force and effect.

Mr. UDALL (during the reading). Mr. Speaker, I ask unanimous consent that the bill and the committee

amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENDING LEASE TERMS OF CERTAIN FEDERAL OIL AND GAS LEASES

Mr. UDALL. Mr. Speaker, I ask unanimous consent that the Committee on the Interior and Insular Affairs be discharged from further consideration of the Senate bill (S. 2146) to extend the lease terms of Federal oil and gas leases, W66245, W66246, W66247, and W66250, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, I wonder, are we sweeping out the broom closet here?

I certainly was not informed that all these things were coming up. Are these bills of great emergency which must be dealt with right now?

I yield to the gentleman from Arizona.

Mr. UDALL. Well, I suppose nothing is absolutely necessary, but these are bills that have been processed by the Interior Committee, cleared by the minority. It takes just a few minutes to handle them in this fashion. We are trying to legislate in an orderly way.

I must say, we are not the only committee that is here tonight trying to finish up a year's work on some of these matters.

Mr. FRENZEL. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Mississippi (Mr. LOTT).

Mr. LOTT. Mr. Speaker, I would like to take up that comment. Now, dadgummit, it is 12:15 and things keep appearing here. I do not want to drag this out, but I would like to know how many of these we are going to go through like this.

Mr. FRENZEL. Mr. Speaker, further reserving the right to object, I yield to the distinguished minority whip to inquire how long we are going to be engaged here tonight?

We were given a list of things. We have exceeded that by severalfold.

I yield to the distinguished gentleman from Washington (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, a slight correction. The title is majority whip. I know the gentleman misspoke himself.

Mr. FRENZEL. It was a Freudian slip. I apologize.

Mr. FOLEY. I thank the gentleman. It is my understanding that there are very few matters that remain on the calendar.

Mr. UDALL. Mr. Speaker, if the gentleman will yield further, we have this and one other bill. This one is authored by the gentleman from Utah (Mr. MARRIOTT) who can explain it, I am sure, very well.

The gentleman from Ohio (Mr. SEIBERLING) from our committee has another three unanimous-consent requests that deal with our Interior Committee's business.

Mr. FRENZEL. Mr. Speaker, further reserving the right to object, I am going to remove my reservation, but I have been very upset by the procedures throughout this whole week.

I find some committees never bring a bill to order under the normal procedures. I think most of the Members would prefer to handle things in the regular order.

At the conclusion of what has been described here, I think we should probably have no more.

Mr. FOLEY. Mr. Speaker, will the gentleman yield one more time?

Mr. FRENZEL. Further reserving the right to object, I yield to the gentleman from Washington.

Mr. FOLEY. I cannot speak in absolute terms, but I am sure, if the gentleman will yield further, that the matters that are slated to be taken up should be disposed of within 10 minutes.

I think the House is within 10 or 15 minutes of an adjournment.

Mr. FRENZEL. Mr. Speaker, I thank the gentleman for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2146

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to extend United States oil and gas leases issued under section 17 of the Mineral Lands Leasing Act of 1920, as amended, designated "W66245, W66246, W66247, and W66250", and presently known as the Toledo Unit in Lincoln County in the State of Wyoming, and which would otherwise expire forty-eight days after the termination of United States Department of the Interior administrative suspension of operations and lease terms currently in effect, until two years after the effective date of this Act or the termination of the period of suspension, whichever comes later, and so long thereafter as oil or gas is produced in paying quantities as defined under the Mineral Lands Leasing Act: *Provided, however,* That except as specifically modified herein as to such leases, all other provisions of the Mineral Lands Leasing Act of 1920, as amended, shall be applicable as to such lease: *And provided further,* That the Secretary of the Interior is authorized, at the request of the Secretary of Agriculture, to modify the lease stipulations to insure the protection of enviromentally sensitive areas.

SEC. 2. The effective date of this Act shall be the date the leases specified in section 1 would have expired by operation of law, but for the passage of this Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR REINSTATEMENT AND VALIDATION OF U.S. OIL AND GAS LEASE NUMBERED W-24153

Mr. UDALL. Mr. Speaker, I ask unanimous consent that the Committee on the Interior and Insular Affairs be discharged from further consideration of the bill (H.R. 5826) to provide for the reinstatement and validation of U.S. oil and gas lease numbered W-24153, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

Mr. MARRIOTT. Mr. Speaker, reserving the right to object, could the gentleman just give us a brief description of this legislation?

Mr. UDALL. Mr. Speaker, if the gentleman will yield, this bill is very similar to the one we just passed, authored by the gentleman from Utah (Mr. MARRIOTT). It was favorably reported by our committee. It involves an oil and gas lease terminated by operation of law for which an equitable remedy is in order. This situation is not covered by a broader bill, H.R. 5121, previously approved by the House.

This has been passed by the Senate and there is no objection from the administration.

Mr. MARRIOTT. Mr. Speaker, we have reviewed this bill. We agree with the explanation.

Mr. Speaker, I withdraw my reservation of objection and urge the House to pass the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona (Mr. UDALL)?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5826

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law or regulation, United States oil and gas lease numbered W-24153 shall be held not to have terminated by operation of law or otherwise on or about May 31, 1980, but shall be deemed to have been duly communized on such date with United States oil and gas

lease numbered W-47820 and shall be deemed otherwise to continue in full force and effect in accordance with its terms so long as oil or gas is produced in paying quantities from the unit so constituted: *Provided,* That, within sixty days of the effective date of this Act, the last recordholder of lease numbered W-24153 and the recordholder of lease numbered W-47820 shall file an agreement in due form with the Secretary or his delegate evidencing the communitization of said leases which agreement shall be approved by the Secretary or his delegate retroactively to a date prior to May 31, 1980. *And provided further,* That within thirty days after the receipt of written notice from the Secretary or his delegate of the amount of any rental then accrued to the United States under lease numbered W-24153 and unpaid by the last recordholder of said lease, said recordholder shall tender payment of said amount of rental. Such notice shall be given by the Secretary within thirty days after the effective date of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 4441, FEES SUBMITTED TO COPYRIGHT OFFICE IN THE LIBRARY OF CONGRESS

Mr. KASTENMEIER submitted the following conference report and statement on the bill (H.R. 4441) to amend title 17 of the United States Code with respect to the fees of the Copyright Office, and for other purposes.

CONFERENCE REPORT (H. REPT. NO. 97-930)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4441) to amend title 17 of the United States Code with respect to the fees of the Copyright Office, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SECTION 1. Section 708 of chapter 7 of title 17 of the United States Code is amended—

(1) by striking out subparagraphs (1) and (2) of paragraph (a) in their entirety and inserting in lieu thereof the following:

"(1) on filing each application for registration of a copyright claim or a supplementary registration under section 408, including the issuance of a certificate of registration if registration is made, $10;

"(2) on filing each application for registration of a claim to renewal of a subsisting copyright, in its first term under section 304(a), including the issuance of a certificate of registration if registration is made, $6;" and

(2) in paragraph (c), by striking out everything in the last sentence following the word "section" the first time it appears therein and inserting a period in lieu thereof.

SEC. 2. This Act shall take effect thirty days after its enactment and shall apply to claims to original, supplementary, and renewal copyright received for registration in the Copyright Office on or after the effective date. Claims to original, supplementary, and renewal copyright received for registration in acceptable form in the Copyright Office before the effective date shall be governed by the provisions of section 708(a) (1) and (2) in effect prior to this enactment.

SEC. 3. That section 110 of title 17 to the United States Code is amended; (1) by adding at the end thereof the following new paragraph: "(10) notwithstanding paragraph 4 above, the following is not an infringement of copyright: performance of a nondramatic literary or musical work in the course of a social function which is organized and promoted by a nonprofit veterans' organization or a nonprofit fraternal organization to which the general public is not invited, but not including the invitees of the organizations, if the proceeds from the performance, after deducting the reasonable costs of producing the performance, are used exclusively for charitable purposes and not for financial gain. For purposes of this section the social functions of any college or university fraternity or sorority shall not be included unless the social function is held solely to raise funds for a specific charitable purpose."

SEC. 4. Title 35, United States Code, Section 3 is amended by adding the following new subsection:

"(d) The Commissioner of Patents and Trademarks shall be an Assistant Secretary of Commerce and shall receive compensation at the rate prescribed by law for Assistant Secretaries of Commerce."

And the Senate agree to the same.

ROBERT W. KASTENMEIER,
JACK BROOKS,
PAT SCHROEDER,
BARNEY FRANK,
TOM RAILSBACK,
M. CALDWELL BUTLER,
HAROLD S. SAWYER,
Managers on the Part of the House.

STROM THURMOND,
CHARLES MCC. MATHIAS, JR.,
PAUL LAXALT,
DENNIS DECONCINI,
EDWARD ZORINSKY,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4441) to amend section 110 of title 17 of the U.S. Code relating to copyright royalty payments, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommend in the accompanying conference report:

The House recedes from its disagreement to the amendment of the Senate.

The purpose of the amendment to section 110 of title 17 U.S. Code is to provide an exemption for nonprofit veteran's and fraternal organizations from the requirement of paying certain performance royalty fees for musical works which are used for charitable fundraising.

It is the feeling of the conferees that the invitees for the organizations are not to be considered the general public, if they are the guests of members.

It is the intention of the conferees to provide an exemption to copyright act to college and university fraternities and sororities only for those specific events that are held to raise funds for a specific charitable purpose. Events held by these groups that are merely social in nature are not intended to be covered.

The House bill did not contain any provision relating to the title of Commissioner of Patents and Trademarks. The Senate amendment upgraded the present position of Commissioner of Patents and Trademarks to the Assistant Secretary of Commerce. The House receded from its disagreement to the amendment of the Senate and agreed to the same. It is the intent of the conferees to upgrade this office at this time because the Commissioner of Patents and Trademarks is the chief governmental spokesman for the delegation representing the United States at the third Session of the Diplomatic Conference on the Revision of the Paris Convention for the protection of industrial property which will take place in Geneva, Switzerland in October 1982. Industries and intellectual property involves billions of dollars in exports and thousands of U.S. jobs. This session is of critical importance to the United States and the representatives from our government to this conference should come from the highest levels of our government. This will provide the President and the Secretary of Commerce with an authoritative advisor on a wide variety of intellectual property issues confronting the nation.

ROBERT W. KASTENMEIER,
JACK BROOKS,
PAT SCHROEDER,
BARNEY FRANK,
TOM RAILSBACK,
M. CALDWELL BUTLER,
HAROLD S. SAWYER,
Managers on the Part of the House.

STROM THURMOND,
CHARLES MCC. MATHIAS, JR.,
PAUL LAXALT,
DENNIS DECONCINI,
EDWARD ZORINSKY,
Managers on the Part of the Senate.

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 4441) to amend title 17 of the United States Code with respect to the fees of the Copyright Office, and for other purposes, and that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of today, October 1, 1982.)

Mr. KASTENMEIER (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 30 minutes.

□ 2420

Mr. KASTENMEIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a simple and uncontroversial matter. The original House-passed bill simply clarified an ambiguity in existing law with regard to the power of the Register of Copyrights to retain the $10 application fee in situations where an applicant for copyright registration failed to complete processing of an application. It will save the taxpayers about $400,000 per year.

The Senate passed the bill with an amendment similar to a bill, H.R. 2007, pending in the House. The amendment provided for an exemption form copyright liability for public performance of copyrighted music by veterans' and fraternal groups. Rather than process the House bill separately, we agreed to consider the issue of the copyright exemption for veterans' and fraternal groups in the context of a conference of H.R. 4441. After consultation with representatives of our Nation's veterans' and fraternal organizations as well as representatives of copyright owners we have reached a fair compromise. It is supported by the veterans' and fraternal groups involved.

In addition we have accepted a Senate amendment to upgrade the status of the Commissioner of Patents. All House and Senate conferees have agreed to the report. I know of no opposition.

Mr. BUTLER. Mr. Speaker, we on the minority side concur in all the remarks of the gentleman from Wisconsin and ask for the immediate adoption of the conference report.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 2457, AUTHORIZATION FOR INCREASED FEDERAL PAYMENTS TO THE DISTRICT OF COLUMBIA

Mr. DELLUMS submitted the following conference report and statement of managers on the Senate bill (S. 2457) to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia:

CONFERENCE REPORT (H. REPT. No. 97-931)

The committtee of conference on the disagreeing votes of the two Houses on an amendment of the House to the bill, S. 2457, an act to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

RONALD V. DELLUMS,
WALTER E. FAUNTROY,
MICKEY LELAND,
STEWART B. MCKINNEY,
TOM BLILEY,
STAN PARRIS,
Managers on the Part of the House.

CHARLES MCC. MATHIAS, JR.,
WARREN B. RUDMAN,
TOM EAGLETON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2457) submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Conference Committee has agreed to strike the provisions of the House amendment, hereinafter referred to as the Parris amendment, pursuant to an agreement between the District of Columbia and the District of Columbia Retirement Board.

S. 2457 authorizes an increase in the federal payment to the District of Columbia for fiscal year 1983 and beyond. In the House, the bill was amended to require that of any funds appropriated for the federal payment in fiscal year 1983, not less than $14.3 million were to be paid to the District of Columbia Retirement Board to eliminate deficits in the District of Columbia Teachers' Retirement Fund and the District of Columbia Police Officers and Fire Fighters' Retirement Fund.

In order to avoid the necessity of earmarking the federal payment in the manner contemplated by the Parris amendment, the Mayor of the District of Columbia and the Chairman of the District of Columbia Retirement Board (on the approval of the full Board) have come to an agreement regarding the funding of the retirement funds deficits. That agreement is contained in a letter sent to the chairman of the House District Committee.

The letter reads as follows:

THE DISTRICT OF COLUMBIA,
Washington, D.C., September 29, 1982.

Hon. RONALD V. DELLUMS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DELLUMS: Today, a House/Senate Conference Committee will consider Federal Payment authorization legislation for the District of Columbia. Both of the bills provide Federal Payment authorization of $361 million. The House version requires that $14.3 million of the $24.4 million increase in the Federal Payment be set aside to repay prior year pension shortfalls.

The Mayor met with the D.C. Retirement Board in an effort to avoid the Federal Payment earmarking. We are pleased to report to you that we have been able to reach agreement, and we jointly support the removal of the Federal Payment set aside for pensions. The agreement we have reached in substitution therefore is as follows:

(1) The District will pay to the pension funds, the FY 1981 shortfall of $14.3 million plus interest of $1.4 million. Principal payments of $4.75 million will be made in three successive fiscal years, beginning in FY 1983. Interest payments of $475,000 will be made in three successive years beginning in FY 1984;

(2) The District will pay the estimated FY 1982 shortfall of $6.8 million, without interest. Payments of $2.25 million will be made in three successive fiscal years beginning in FY 1984; and

(3) The District agrees to pay from the General Fund the sum of $425,000 toward administrative expenses of the Board and supports the Board's request for seven positions as part of the appropriated budget for FY 1983 now pending in Congress.

The parties request the Conferees to sustain the legislative provisions recommended by the House Committee on Appropriations contained in the Limitations and Legislative Provisions section of House Report 97-849.

The payments cited in this agreement will be made on October 1 or when the District receives its first quarter Federal Payment allocation whichever is later or as provided in a Joint Resolution continuing the District's Appropriations.

In reaching this agreement, the Executive Branch has committed itself to include the D.C. Retirement Board in the Amendment and Supplemental Budget review process of the District of Columbia beginning in FY 1983 and the parties have further agreed to take every reasonable step to avoid shortfalls in the future and to create a formal process for examination of any that do occur.

We are pleased to have been able to resolve this matter satisfactorily, and we request your ratification of our agreement as a substitute for the earmarked Federal Payment.

Sincerely yours,

MARION S. BARRY, Jr.,
Mayor.

FRANK HIGGINS,
Chairman, Retirement Board.

Pursuant to the agreement, as set forth in the above letter, the District of Columbia agrees to make the following payments to the District of Columbia Retirement Board:

In fiscal year 1983:

A principal payment of $4.75 million on the fiscal year 1981 shortfall.

In fiscal years 1984 and 1985:

A principal payment in each of the years of $4.75 million on the fiscal year 1981 shortfall;

An interest payment in each of the years of $475,000 on the fiscal year 1981 shortfall;

And a $2.25 million payment in each of the years on the fiscal year 1982 shortfall.

In fiscal year 1986:

An interest payment of $475,000 on the fiscal year 1981 shortfall;

And a $2.25 million payment on the fiscal year 1982 shortfall.

In addition, the City agrees to pay from the General Fund the sum of $425,000 toward the administrative expenses of the Board, and supports the Board's request for funding of seven administrative positions. The City agrees to pay all of the principal and interest payments on October 1 of each year, or when the District receives its first quarter federal payment allocation, whichever is later, or as provided in a Joint Resolution continuing the District of Columbia's appropriation.

In addition to the above payments to the Board the conferees support the legislative provisions addressing the D.C. Retirement Board recommended by the House Committee on Appropriations contained in the Limitations and Legislative Provisions section of House Report 97-849; to include the D.C. Retirement Board in the Amended and Supplemental Budget review process of the District of Columbia beginning in FY 1983; to take every reasonable step to avoid shortfalls in the future; and to create a formal process for the examination of any shortfall that might occur in the future.

The Mayor and the Chairman of the D.C. Retirement Board intend that the agreement contained in the above letter be an enforceable agreement, and that if one of the parties to the agreement breaches the agreement, the other party may bring suit against the breaching party to enforce the agreement.

In light of the foregoing, it is no longer necessary for the federal payment monies to be earmarked. Thus, the Committee of the Conference agrees to strike the Parris amendment.

RONALD V. DELLUMS,
WALTER E. FAUNTROY,
MICKEY LELAND,
STEWART B. MCKINNEY,
TOM BLILEY,
STAN PARRIS,
Managers on the Part of the House.

CHARLES MCC. MATHIAS, JR.,
WARREN B. RUDMAN,
TOM EAGLETON,
Managers on the Part of the Senate.

Mr. DELLUMS. Mr. Speaker, I call up the conference report on the Senate bill (S. 2457) to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that the statement of the managers be read in lieu of the report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see prior proceedings of the House of today.)

Mr. DELLUMS (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. DELLUMS) is recognized for 30 minutes.

Mr. DELLUMS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conference committee on the bill S. 2457, a bill to increase the amount to be authorized to be appropriated as the annual Federal payment to the District of Columbia, has come to an agreement: That the House recede from its amendment.

The conference committee agreed to strike the provisions of the House amendment pursuant to an agreement between the District of Columbia and the District of Columbia Retirement Board. This agreement, which forms part of this conference report, includes a commitment on the part of the District to make up fiscal year 1981 and fiscal year 1982 shortfalls in payments to the District of Columbia Retirement Board over the fiscal year 1983-86 period. A total of $22.425 million is involved in the agreement.

This agreement addresses not only the fiscal year 1981 shortfall, the concern of the House amendment, but also includes the fiscal year 1982 shortfall and all relevant interest payments.

Mr. PARRIS. Mr. Speaker, will the gentleman yield?

Mr. DELLUMS. I yield to my distinguished colleague, the gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. I thank the gentleman for yielding to me.

Mr. Speaker, I simply want to say to my colleagues that I would like to congratulate the Mayor and the Retirement Board for reaching a compromise essentially the equivalent of the action taken by overwhelming vote in the House previously.

I thank my chairman for his cooperation with regard to this legislation.

Mr. Speaker, I am delighted to report that in this conference report a great victory has been won for the District of Columbia police officers, firefighters, and teachers. Their retirement pensions, in jeopardy because of an unpaid District of Columbia government liability, are now more secure. As a result of passage of an amendment which I introduced on August 12 of this year the appropriate District of Columbia authorities have reviewed the existing problem which prior to congressional involvement had been inadequately addressed.

In a recent meeting with Mayor Marion Barry, the Disrict of Columbia Retirement Board worked out an agreement so that an existing 1981 pension fund deficit of $14.3 million be resolved. Negotiations between the Retirement Board and the District of Columbia administration have brought about a binding agreement amicable to all parties. That agreement has been signed by both the Mayor and the Chairman of the Retirement Board directing the District of Columbia government to pay principal and interest payments covering the $14.3 deficit and also enforcing additional payments to the board for shortages occurring in 1982.

I would like to bring to the attention of my colleagues certain terms of the agreement that provide that beginning in fiscal year 1983 the District of Columbia Retirement Board will be included in the budget review process of the District of Columbia; that every reasonable step will be taken to avoid shortfalls in the future; and that a formal process will be created to examine any possible shortfall that might occur in the future. I know this will be welcome news to my colleagues who overwhelmingly voted for my amendment in order to protect the future viability of retired firefighters, police officers, and teachers pension funds and to prevent a more serious financial crisis in the future by ultimately placing the burden on the American taxpayer.

I believe a number of positive, long-term solutions have been developed and I congratulate the District of Columbia Retirement Board and the District of Columbia on their resolution.

I hope my colleagues will support the conference report.

Mr. DELLUMS. I thank the gentleman from Virginia.

Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

WHITE HOUSE CONFERENCE ON PRODUCTIVITY

Mr. LAFALCE. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs be discharged from further consideration of the bill (H.R. 7292) to establish a White House Conference on Productivity, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. BETHUNE. Mr. Speaker, reserving the right to object, I ask the gentleman to state the content of the bill that he would call up now.

I yield to the gentleman for that purpose.

Mr. LAFALCE. I thank the gentleman for yielding.

Mr. Speaker, earlier yesterday we had an attempt to bring up the De-

fense Production Act and there was one amendment to the Defense Production Act and that amendment would have created a White House Conference on Productivity. That passed the Senate. There was no objection to it in the House whatsoever. Everybody had signed off. OMB had signed off.

Because we had difficulties with the Defense Production Act, though, the primary dispute being whether it should be extended for 3 months or 9 months, and because we could not resolve that difficulty, the Defense Production Act expired yesterday, and it shall expire.

This does nothing at all with it. What I did was take the amendment that everybody had agreed upon in the Senate and in the House and also at OMB regarding the White House Conference on Productivity, and I am now calling that up as a separate bill.

In effect, what I am doing is calling up as a separate bill the amendment which everyone agreed to. It does nothing with the Defense Production Act. There is no money in this bill, either. Any money would either have to be appropriated or found by OMB.

Mr. BETHUNE. Mr. Speaker, I thank the gentleman for the explanation. He has worked hard on this measure and is to be complimented.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill, as follows:

H.R. 7292

WHITE HOUSE CONFERENCE ON PRODUCTIVITY

SHORT TITLE

SEC. 101. This title may be cited as the "White House Conference on Productivity Act".

FINDINGS

SEC. 102. The Congress finds that—

(1) the United States traditional annual productivity improvement rate of approximately 3 per centum has fallen drastically in recent years to a negative one-half of 1 per centum;

(2) if our traditional productivity improvement rate has been maintained, the average household would have received nearly $5,500 in additional real income each year;

(3) the decline in productivity has inflated the cost of goods and services produced in the United States relative to the goods and services of nations with higher productivity rates;

(4) improved productivity will enhance our international competitiveness, which will expand foreign market opportunities and jobs;

(5) productivity improvement can be restored in the United States through the application of policies and management techniques which have brought substantial productivity gains on a broad scale in other countries and in some businesses within the United States;

(6) when adequate protections are provided, productivity improvement techniques can bring great benefits to labor as well as management; and

(7) the United States must act immediately to reverse our productivity decline and to restore our annual productivity improvement.

DEFINITIONS

SEC. 103. For purposes of this title—

(1) the term "conference" means the White House Conference on Productivity;

(2) the term "Director" means a Director of the White House Conference on Productivity who shall be appointed by the Secretary of Commerce and who shall be paid at the rate of basic pay provided for level V of the Executive Schedule pursuant to section 5316 of title 5, United States Code.

(3) the term "productivity" means output per paid employee hour of all employees in the private sector; and

(4) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

ESTABLISHMENT AND DUTIES OF THE WHITE HOUSE CONFERENCE ON PRODUCTIVITY

SEC. 104. (a) The President shall conduct a White House Conference on Productivity (hereinafter referred to as the "Conference") not later than one year after the date of enactment of this title in order to develop recommendations to stimulate the Nation's productivity improvement rate.

(b) For the purpose of ascertaining facts and developing recommendations concerning the improvement of productivity, the Conference shall bring together individuals who are experts in the field of productivity, employees, and representatives of business, associations, labor organizations, academic institutions, and Federal, State, and local government.

(c) The Conference shall consider the following policy options with regard to their role in improving national productivity:

(1) reorganization of the Federal Government so that it can best promote productivity improvement in the private and public sectors;

(2) bringing to the attention of American businesses, labor organizations, and Government officials the benefits which result from implementing productivity improvement techniques;

(3) improving the general training and skill level of American labor;

(4) redirecting Government efforts to inform American businesses of foreign technological develoment;

(5) encouraging Government agencies to share with industry new discoveries and processes that improve productivity;

(6) establishing annual Presidential awards of recognition for those businesses and industries which accomplish outstanding improvement in productivity and establishing similar awards at the State and district levels;

(7) revising the tax laws to encourage companies to take actions to improve productivity;

(8) reviewing the effect of the antitrust laws on efforts to improve productivity;

(9) reviewing the patent laws to determine if changes are needed to encourage more productive use of American patents;

(10) improving the accuracy and reliability of data gathered by the Bureau of the Census and other Government statistical collection centers which measure American productivity; and

(11) revising Federal civil service laws to improve the productivity of Government workers and encouraging similar action at State and local levels.

REPORT OF THE CONFERENCE

SEC. 105. A final report of the Conference on Productivity shall be submitted to the President not later than one hundred and twenty days following the date on which the Conference is called and the findings and recommendations included therein shall be immediately made available to the public. The President shall, within one hundred and twenty days after submission of such final report, transmit to the Congress his recommendations for the administrative action and legislation necessary to implement recommendations contained in such report with which he concurs.

ADMINISTRATION

SEC. 106. (a) In administering this title, the Director shall—

(1) request the cooperation and assistance of the Office of Management and Budget and the Departments of Labor and the Treasury and such other Federal departments and agencies as may be appropriate in carrying out the provisions of this title;

(2) render all reasonable assistance, including financial assistance to groups and organizations which are conducting district, State, or regional productivity conferences in preparation for the Conference;

(3) prepare and make available background materials for the use of delegates to the Conference which are deemed necessary, and prepare and distribute any report of the Conference as may be necessary and appropriate;

(4) engage such additional personnel as may be necessary to carry out the provisions of this title without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; and

(5) enter into contracts only to such extent and in such amounts as are provided in appropriation Acts, with organizations with particular expertise in productivity to conduct preparatory and followup work for the Conference.

(b) Personnel engaged under subsection (a)(4) shall be compensated at a rate not to exceed the rate equal to the maximum rate for GS-15 of the General Schedule under section 5332 of title 5, United States Code.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REQUEST FOR CONSIDERATION OF H.R. 6655, SMALL BUSINESS SALVAGE TIMBER SALES ACT OF 1982

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of the bill (H.R. 6655) to require the Secretary of the Interior to offer to sell exclusively to small business concerns not less than 30 percent of the quantity of salvage timber which is harvested from land managed by the Bureau of Land Management and offered for sale in any fiscal year, and

for other purpose, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, we do not have anybody here from the Committee on Agriculture. We do not have any order here. We do not know what is going on here.

I yield to the gentleman from Ohio (Mr. SEIBERLING) to tell us what in heaven's name this is.

Mr. SEIBERLING. I thank the gentleman for yielding.

Mr. Speaker, this is a bill which has been reported out by the House Committee on Interior and Insular Affairs and released by the Committee on Agriculture.

I am informed by the gentleman from Oregon (Mr. WEAVER) who is the chairman of the subcommittee of the Committee on Agriculture, that there has been agreement on both sides of the aisle in the Committee on Agriculture. Otherwise, I would not be bringing it up.

Mr. FRENZEL. Further reserving the right to object, Mr. Speaker, I advise the gentleman that our side does not have a clearance on it. I would ask him to withdraw it.

Mr. WEAVER. Mr. Speaker, will the gentleman yield?

MR. FRENZEL. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Oregon.

Mr. WEAVER. I thank the gentleman for yielding.

Mr. Speaker, this has been agreed to unanimously by Congressman YOUNG of Alaska, Congressman MARLENEE of Montana, Congressman LUJAN of New Mexico, everyone, Congressman WAMPLER from the Committee on Agriculture. Everyone agrees to it.

Mr. FRENZEL. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

□ 2430

REQUEST FOR CONSIDERATION OF S. 1540, REVISING BOUNDARIES OF SARATOGA NATIONAL HISTORICAL PARK IN THE STATE OF NEW YORK

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Senate bill (S. 1540) to revise the boundaries of the Saratoga National Historical Park in the State of New York, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. WEAVER. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

REQUEST FOR CONSIDERATION OF H.R. 6882, REVISING BOUNDARIES OF CUMBERLAND ISLAND NATIONAL SEASHORE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6882) to revise the boundaries of the Cumberland Island National Seashore and to provide compensation for certain facilities on the seashore, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, has this bill been reported from any known committee?

I yield to the gentleman.

Mr. SEIBERLING. It has been reported by the House Committee on Interior and Insular Affairs.

Mr. FRENZEL. May I further inquire as to whether that committee has ever passed a bill through here before under regular procedures?

Mr. SEIBERLING. Yes, we pass a lot of bills through here under regular procedures. We pass about 20 percent of the public bills passed in the House. However, this is a very minor bill. It is noncontroversial. It just seemed to me that this is an appropriate time to take it up.

Mr. FRENZEL. Mr. Speaker, reserving the right to object, I am advised that there is an objection, and I do object.

The SPEAKER. Objection is heard.

DEFERRALS OF FISCAL YEAR 1983 FUNDS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 97-245)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

(For message, see proceedings of the Senate of today, October 1, 1982.)

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER laid before the House the following communication from the chairman of the Committee on Veterans' Affairs, which was referred to the Committee on Appropriations:

COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., September 28, 1982.

Hon. THOMAS P. O'NEILL,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: On May 12, 1982, I forwarded to you the major construction resolution of the Committee on Veterans' Affairs for Fiscal Year 1983. This resolution is required by Section 5004, Title 38, United States Code.

The Administrator of Veterans' Affairs has recently advised the Committee of an additional major construction project for Fiscal Year 1983 at the VA Medical Center, Murfreesboro, Tennessee. The Administration has also requested that we add it to our previously adopted construction resolution.

In accordance with this request and pursuant to Section 5004, Title 38, United States Code, I transmitted the prospectus and cost estimate to the Members of the Committee on September 22, 1982. The majority of the Committee Members have approved the addition of this major construction project to the May 12, 1982 resolution transmitted to you. There is, therefore, attached a copy of the resolution of the Committee on Veterans' Affairs, the estimated cost by fiscal year, and the project prospectus.

Sincerely,
G.V. (SONNY) MONTGOMERY,
Chairman.

REQUEST FOR CONSIDERATION OF H.R. 6655, SMALL BUSINESS SALVAGE TIMBER SALES ACT OF 1982

Mr. SEIBERLING. Mr. Speaker, I again ask unanimous consent that the Committee on Agriculture be discharged from further consideration of the bill (H.R. 6655) to require the Secretary of the Interior to offer to sell exclusively to small business concerns not less than 30 percent of the quantity of salvage timber which is harvested from land managed by the Bureau of Land Mangement and offered for sale in any fiscal year, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. HARTNETT. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the amendments of the House with amendments to a bill of the Senate of the following title:

S. 625. An act to revise the boundary of Voyageurs National Park in the State of Minnesota, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3787. An act to amend sections 10 and 11 of the Act of October 21, 1970 (Public Law 91-479; 16 U.S.C. 460x), entitled "An Act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes";

H.R. 5238. An act to amend the Federal Food, Drug, and Cosmetic Act to facilitate the development of drugs for rare diseases and conditions, and for other purposes; and

H.R. 6758. An act to authorize the sale of defense articles, defense sevices, and unclassified defense service publications to U.S. companies for incorporation into end items to be sold to friendly foreign countries.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5238) entitled "An act to amend the Federal Food, Drug, and Cosmetic Act to facilitate the development of drugs for rare diseases and conditions, and for other purposes," disagreed to by the House; requests a conference with the House on the disagreeing votes of the two Houses thereon; and appoints Mr. HATCH, Mr. QUAYLE, Mrs. HAWKINS, Mr. KENNEDY, and Mr. METZENBAUM to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 675. An act to establish a Federal Jurisdiction Review and Revision Commission;

S. 596. An act for the relief of Dennis L. Dalton and James Edward Dalton;

S. 1444. An act to authorize the Administrator of General Services to donate to State and local governments certain Federal personal property loaned to them for civil defense use, and for other purposes.

S. 2580. An act to establish the Christopher Columbus Quincentenary Jubilee Commission.

S. 3037. An act to amend the Bankruptcy laws regarding farm produce storage facilities, and for other purposes;

S.J. Res. 246. Joint resolution to authorize and request the President of the United States to issue a proclamation designating the week of October 3, 1982, through October 9, 1982, as "National Port Week"; and

S.J. Res. 249. Joint resolution to provide for the designation of the month of October 1982, as "National Spinal Cord Injury Month."

□ 0040

LEGISLATION ESTABLISHING COMMISSION TO ASSESS NATION'S PUBLIC FACILITIES

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. CLAUSEN) is recognized for 60 minutes.

● Mr. CLAUSEN. Mr. Speaker, next week we will be returning to our districts to exchange ideas with the people who elected us. They will be evaluating our contribution during this past Congress and helping us to establish national priorities for the future.

According to most polls the main issue on the minds of the American public today is the national economy. And their concern is justified, the basic facilities that underpin our economy are crumbling. Years of deferring the maintenance of vital public facilities—highways, bridges, ports, water, and sewer facilities and public transportation systems—have caught up with us.

One quarter of the Interstate Highway System is worn out and needs resurfacing. One-half of Conrail's rails and roadbeds are seriously decayed. Half of all American communities cannot expand because their water treatment systems are at or near capacity. One-fifth of the Nation's bridges are so dangerously deficient they are either restricted or closed.

Unless we squarely face these critical needs, national economic recovery which is still in its infancy, will be crippled. Right now between one-half and two-thirds of this Nation's communities cannot support modernized development because they lack the basic facilities necessary for growth.

Cover stories in such major news magazines as Newsweek and U.S. News & World Report are focusing on the "Decaying of America." (Newsweek, August 2, 1982) We owe it to our constituents to heed this warning and act in their behalf to stop the corrosion of America's potential for economic development.

The ultimate solution lies in shifting Federal spending away from counterproductive giveaway programs and toward job-creating programs which will rebuild America's deteriorating infrastructure. In order for the legislative changes of the magnitude necessary for such a policy shift to occur a series of well-coordinated and carefully planned interim measures must be enacted.

The first step is to take stock of our public facilities; next we must assess their condition. Finally, we must provide the local communities with information on what sort of Federal assistance and what level of Federal assistance they can expect, so that they can best use the resources at their disposal.

I am introducing legislation today which establishes a commission to inventory and assess our Nation's water and sewer systems, bridges, highways, and roads, public transit systems, airports and port facilities. With this information the Commission will prepare a plan for restoring the Nation's public facilities, including recommendations as to specific revisions in Federal laws, regulations, and policies to reverse the current pattern of disinvestment.

The Commission would have 2 years and a budget of $5 million, drawn from existing appropriations, to complete its work. No new spending would be required and no increase in the level of total Federal employment is permitted. Within 180 days of the submission of the Commission's recommendations, the Senate Environment and Public Works Committee and House Public Works and Transportation Committee must hold hearings and report legislative proposals to both bodies.

The concept of capital budgeting, which will be considered by the Commission, offers one possible approach to addressing the need for increased capital investment.

Recently the Committee on Public Works and Transportation held 4 days of hearings on the Federal Capital Investment Budget Act, H.R. 6591. During the course of those hearings strong support for some type of national capital budgeting was voiced by representatives of the business community as well as local, State, and Federal officials.

It has always been my strong belief that the local communities can best establish their own priorities and make their own decisions. For this reason I have grave reservations regarding the establishment of National priorities which could be construed as license for the Federal Government to dicate local policies. This aspect of the capital budget concept needs to be carefully considered and modified to assure that no erosion of local decision making could result from enactment of this legislation.

I have cosponsored H.R. 6591 with the intention of participating in the revision process which will take place as the Public Works and Transportation Committee, on which I serve as ranking Republican, further considers this legislation during the next Congress.

Because of the complexity and seriousness of the problem of deteriorating public facilities, the Public Works and Transportation Committee must carefully consider every possible approach to revitalize the Nation's capital investments. It has long been my feeling that this committee has the capacity to coordinate the various infrastructure components to form a cohesive and balanced approach to national economic development through a carefully coordinated plan of action that involves all the partners of our Federal system.

Concepts contained within the two bills I have referred to today, particularly the inventory and assessment of public facilities, when refined, can serve as a good first step in the development of a well-planned and well-coordinated approach to the task of building and rehabilitating our Nation's capacity to support a healthy, growing economy.●

PRODUCTS LIABILITY ACT OF 1982

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. SHUMWAY) is recognized for 30 minutes.

● Mr. SHUMWAY. Mr. Speaker, product liability is rapidly becoming a problem of acute concern to our Nation's businesses and the consuming public. Consider several cases.

For example, a man, while drunk on wine, raped his neighbor for which he was sentenced to 10 years in prison. The man's wife unsuccessfully sued the wine manufacturer, wholesaler, and retailer, seeking to recover $150,000 in compensatory damages and $10,000,000 in punitive damages. She had claimed that the wine had a deceptively sweet taste providing a false sense of sobriety, and accounted for the personality changes in her husband.

Or the case of the 16 year old who sued his school district for $500,000 incompensatory damages when hit in the eye by a circular cookie thrown in a school cafeteria. His three-count suit included a claim that by selling the cookie—which could be thrown in a manner similar to a discus and with great force and velocity—the school district had negligently sold hazardous materials. This count was dismissed at the preliminary stages, despite the cookie's aerodynamic properties.

Outrageous cases like these abound throughout the courts. While in most of these cases defendants ultimately prevail, it is only after spending countless hours of wasted time, and incurring substantial legal costs.

Moreover, in a few cases, plaintiff-lawyers have succeeded in arguing propositions that defy all notions of commonsense and fairness. For example, the highest court of New Jersey determined that a manufacturer may be liable because it failed to warn product users of a potential harm, notwithstanding the scientific impossibility of knowing that the product could cause that harm. Similarly, courts in several States have held that a manufacturer may be liable for injuries caused by a product despite the lack of proof that it actually made the product.

The defendants—virtually all of whom made or sold their products for profit—pass costs of defending these suits, the costs of product liability insurance, and costs of any claims and/or settlements paid out of pocket on to all of us as consumers. Thus, each of us is paying the price for the excesses currently prevailing in our product liability tort system.

But not all costs can be passed on. As a result, the law in its present form unreasonably threatens the continued existence of many manufacturers. Moreover, it places American businesses at a competitive disadvantage with foreign competitors who are not faced with the burdens of excessive product-liability exposure in their home markets. If unabated, product liability may potentially jeopardize the viability of a major portion of the American manufacturing community.

Mr. Speaker, it was to correct this increasingly pressing problem that, last December, I introduced H.R. 5214, the Products Liability Act of 1982. This bill would provide federally preemptive product liability rules that make sense, in place of the chaos that now exists. H.R. 5214 was drafted in large part by one of America's leading product liability experts, Prof. David Owen, from the University of South Carolina Law School.

While H.R. 5214 as written has sustantial support, I nonetheless believed that input into this remedial legislation should not be confined to the ivory towers of academia; rather, input from the constituencies most affected is necessary. Therefore, I requested one of the bill's principal proponents, the Coalition for Uniform Product Liability Law, to review the legislative proposal and to make recommendations to me on how it might be improved. The Coalition for Uniform Product Liability Law is an ad hoc group of almost 120 manufacturing companies.

In response, the coalition established a Technical Advisory Committee consisting of more than a dozen of its members. Over recent months, this committee has met five times and engaged in substantial correspondence and debate, wherein it carefully debated and reviewed the bill line by line. The Technical Advisory Committee included manufacturers of capital and consumer goods spanning the spectrum of manufacturing endeavors. As a result each of its members was able to bring to bear its unique perspectives in arriving at the committee's recommendations.

The resulting recommendations—which are reflected in the bill I am introducing today together with Messrs. BLILEY, GRAMM, FRENZEL, LAGOMARSINO, and PORTER—do not change the essential substance of H.R. 5214; nonetheless, while perhaps technical, these revisions substantially improve the earlier proposal.

I am thus delighted to reintroduce the Product Liability Act of 1982 with these technical amendments and request that a section-by-section analysis be printed at the conclusion of my remarks.

I would like to take a few moments to review several significant developments that have occurred since I introduced H.R. 5214 last December.

First and foremost, President Reagan has stated once and for all that his administration supports the adoption of a Federal product liability law. This welcome development signals the Reagan administration's recognition that the uncertainty and inequity in the existing product liability legal system are problems of acute concern to the American business community, and especially the small business sector.

The President's decision did not extend to specific support for any of the various approaches now pending in the House or in the other body. The determination of acceptable approaches was left to the Departments concerned.

Since that time, the Cabinet Council on Commerce and Trade, charged by the President with responsibility for the executive branch's review of product liability tort legislation, was requested to review S. 2631, the Product Liability Act—with revisions suggested by staff—now pending in the other body. In many respects, the Senate bill is similar to H.R. 5214, and that which I am introducing today.

On behalf of the Cabinet Council, the Secretary of Commerce stated with regard to S. 2631:

> On the whole, the draft thoroughly and equitably balances the rights and obligations of all interested parties and should contribute significantly to ending the product liability crisis currently facing so many companies. By establishing clear and uniform standards of responsibility and by placing liability on the party best able to protect against the harm, it shoud increase predictability, insure that injured persons receive fair compensation, promote safety and reduce transaction costs.

Nonetheless, the Cabinet Council "did identify a number of areas * * * which the administration believes should be clarified, modified, or deleted"; however, the Secretary of Commerce did not go into the particulars.

I too believe that clarification and modification of some of the approaches taken in S. 2631 are warranted and appropriate. These include the significance of Government regulatory standards and Government contract specifications; the statute of repose; punitive damages; and the proper anti-Sindell rule.

Mr. Speaker, if we are to fashion an appropriate solution to the complex product-liability problems which we are now facing, it must be done in the eye of the public, and it must provide both Members of Congress and their constituencies with an opportunity to provide input into the decisionmakeing.

I offer my bill today as such an attempt, which itself reflects input from the constitutents of many of the Members of this body.

I urge the support or my colleagues, and would in particular like to encourage Chairman WAXMAN of the House Energy and Commerce Subcommittee on Health and the Environment, which has juicadiction over product liability, to hold hearings early next session.

SECTION-BY-SECTION SUMMARY OF H.R. 5214 AS PROPOSED TO BE AMENDED

SECTION 1

The title of the Act is the "Products Liability Act of 1982."

Proposed amendments

The title has been restyled "Product Liability Act of 1982."

SECTION 2

This section provides findings and purposes underlying the need for this legislation.

Proposed amendments

These amendments would delete matter which was either difficult to substantiate empirically or which placed an undue emphasis on the insurance aspects of the problem.

Additionally, the purposes of the Act would be amended to include the equitable allocation of responsibility for harm among those responsible.

SECTION 3

This section defines certain terms used throughout the Act.

Subsection (1) defines "commerce" to comply with the Commerce Clause of the Constitution.

Subsection (2) defines "State" to include all possessions, territories of the United States.

Subsection (3) defines "person" very broadly (*e.g.*, individuals, corporations, partnerships) and includes any Federal, State or local governmental entity.

Subsection (4) defines "product" to mean any "object capable of delivery" including components. This definition expressly excludes human tissue, organs, or blood and its components.

Subsection (5) defines a "products liability action" to mean any claim or action brought by a claimant against a product seller for harm caused by a product. This expression is defined to include actions previously based on strict liability in tort, negligence, breach of warranty, misrepresentation, concealment, or nondisclosure (whether intentional, neglient or innocent), manufacturer's liability, products liability, or otherwise.

Subsection (6) defines "claimant" to include persons harmed and their legal representatives.

Subsection (7) defines "harm" to include damage to property (other than product itself), personal physical injuries (including death), and pain or mental harm resulting from personal physical injuries. It expressly excludes commercial loss.

Subsection (8) defines "manufacturer" to include any wholesaler, distributor or retailer who "plays a significant role" in designing, producing, making, assembling, fabricating, constructing, altering, modifying, or remanufacturing the aspect of the product which injures claimant. The definition of "manufacturer" excludes one who merely distributes a product, and who also assembles, services, or otherwise prepares the product as authorized by the person who manufactured it.

Subsection (9) defines "product seller" in broad terms. However, it excludes sellers of realty (except if the person is engaged in the mass production and sale of standarized dwellings), providers of professional services, and persons acting only in a financial capacity who are not manufacturers, wholesalers, distributors or retailers.

Subsection (10) defines "representation" to mean explicit statements, affirmations, promises or descriptions.

Subsection (11) defines "feasible" as practicable within available technical and scientific knowledge which has been adequately demonstrated and economically feasible, at the time of manufacture.

Subsection (12) defines "preponderance of the evidence" to require proof establishing that it is more probable than not that a fact occurred.

Subsection (13) defines "clear and convincing evidence" to require proof to produce a firm conviction as to the allegations sought to be established. This provision provides that the requisite proof is greater than that required by preponderance of the evidence, but is less than that required for proof beyond a reasonable doubt.

Proposed amendments

These amendments add two definitions. Subsection (14) defines the expression "unreasonable dangerous" to mean an unacceptable likelihood of causing harm; and subsection (15) defines the terms "know," "knowledge," and "notice," for persons other than individuals to mean that a natural person in a position to assess the significance of the information and to act on it was aware of the information. Other amendments technically clarify existing provisions.

SECTION 4

This section provides for the Act's preemption of state law and clarifies that Federal jurisdiction is not created.

Subsection (a) provides that the Act supersedes Federal and State law to the extent such law is inconsistent with Act.

Subsection (b) provides that the Act does not create a new Federal cause of action nor vest subject matter jurisdiction in any Federal district court where it does not already exist.

Proposed amendments

No susbstantive changes.

SECTION 5

This section provides for standards of responsibility for manufacturers.

Subsection (a) provides that for liability to obtain against a manufacturer, the claimant must prove by a preponderance of the evidence one of the following:

1. the product was unreasonably dangerous in construction;

2. the product was unreasonably dangerous in design;

3. the product was unreasonably dangerous because of a failure to provide adequate warnings, or instructions; or

4. the product was unreasonably dangerous because it did not conform to manufacturer's representation.

The subsequent subsections provide the principles to be used to determine whether a product was unreasonably dangerous. Additionally, claimant must prove that the unreasonably dangerous aspect of the product was the proximate cause of harm; and that the defendant manufactured the product. This subsection also provides that generally, any matter that must be established cannot be proved by showing the outcome of a previous lawsuit.

Subsection (b) provides that for a product to be unreasonably dangerous in construction, it must be shown to deviate from the manufacturer's design or performance standards or from otherwise identical units.

Subsection (c) provides that for a product to be unreasonably dangerous in design, it must be shown that an alternative design was available, which on balance would have been "better" than the chosen design (defined to mean safer, both as to the alleged hazard and as to overall safety; neither more expensive nor less useful or desirable unless warranted by the added safety benefits; and not in violation of statutes, regulations, or mandatory safety standards), and which would have been capable of preventing claimant's harm.

Subsection (d) provides that for a product to be unreasonably dangerous because of a failure to provide adequate warnings or instructions, it must be shown that danger or safety information was available to the manufacturer; was "reasonably necessary" (which is defined to refer to information concerning significant dangers which would be useful to persons likely to use the product other than information with respect to obvious or known dangers; trivial dangers; uses other than those that would be reasonably expected of an ordinary person; or uses associated with alterations or modifications that would not be expected of an ordinary person); or was not effectively provided to an "appropriate person" (defined to mean the product user, if feasible; a person reasonably expected to pass them on to the product user; in the case of certain products, an expert licensed to use them; in the case of products used in a work place, the employer or person having custody of the product; in the case of components, raw materials or bulk products, the manufacturer's immediate vendee); and if provided, the warnings would have prevented the claimant's harm.

Subsection (e) provides that for a product to be unreasonably dangerous because it did not conform to the manufacturer's representation, it must be shown that claimant relied on an untrue representation. Negligence or fraud need not be shown.

Proposed amendments

Subsection (a). These amendments add a provision, similar to that contained in the Kasten bill, requiring that expert scientific or technical testimony be corroborated by substantial objective evidence. The amendment also makes technical changes regarding limitations on the use of the doctrine of collateral estoppel.

Subsection (b). These amendments would require that, as a condition to establishing liability for a construction defect, the claimant also must prove that the deviation (from specifications, performance standards, or otherwise identical units of the manufacturer's same product line) created an unreasonable risk of harm.

Subsection (c). These amendments would provide that a manufacturer is not liable for an aspect of the product which is not feasible of being made safe without materially impairing the product's usefulness. Also, they clarify that a manufacturer should not be liable for an alteration or a modification which it could not reasonably prevent or control.

Subsection (d). These amendments clarify that the manufacturer's duty to warn or instruct pertains only to dangers which it knew, or, which based on substantial support in a scientific, technical or medical community, it should have known. Also, they would clarify that warnings or instructions are reasonably necessary only if they are useful in preventing injury of the type suffered by claimant. And finally, they include language adapted from the Kasten bill regarding the person to whom warnings must be provided if involving a product that can only be used by a class of supervising

experts. This last feature requires only that the manufacturers use a means "reasonably calculated to make the warnings or instructions available", rather than actual, personal notice to the expert.

Subsection (e). These amendments clarifying that for liability to ensue under this subsection, the representations must relate to some characteristic of the product or a lack thereof which would have prevented or significantly reduced the risk of claimant's injury.

SECTION 6

This section provides for standards of responsibility for product sellers other than manufacturers.

Subsection (a) provides that a product seller may be liable only if preponderance of evidence shows that the product was the proximate cause of the claimant's harm, and that the product seller failed to use reasonable care with respect the product. However, for liability to obtain, the product seller must have known of the danger that harmed claimant or have had reason and an opportunity to inspect the product, which inspection would have revealed the danger.

Subsection (b) provides that a product seller may be liable for its own representations if it is shown that claimant relied on an untrue representation.

Subsection (c) provides that a product seller will be strictly liable for defects arising in the product while under its control or under the control of a prior product seller other than a manufacturer.

Subsection (d) provides that a product seller may be liable if the manufacturer cannot be located or is probably not subject to process, or if the court determines that a judgment against the manufacturer will probably be unenforceable.

Subsection (e) provides that generally, any matter that must be established cannot be proved by showing the outcome of a previous lawsuit.

Proposed amendments

These amendments would include "anti-*Sindell*" language and a requirement that expert scientific or technical testimony be corroborated. Both of these provisions correspond to the treatment provided under Section 5.

Also, the amended bill deletes subsection (c).

SECTION 7

This section provides the effect of government standards and contract specifications on liability.

Paragraph (1) of subsection (a) provides that if a product seller did not comply with mandatory state or federal government standards, the product will be considered unreasonably dangerous unless it is proved by clear and convincing evidence that such failure was reasonably prudent conduct under the circumstances.

Paragraph (2) of subsection (a) provides that if a product seller proves compliance with mandatory state or federal government standards, the product will not be considered unreasonably dangerous unless the claimant proves by clear and convincing evidence that such standards were unsound.

Paragraph (1) of subsection (b) provides that if a product seller proves compliance with mandatory government contract specifications, the product shall not be deemed unreasonably dangerous; and paragraph (2) of this subsection provides that if claimant proves lack of compliance with such standards, the product shall be deemed unreasonably dangerous.

Subsection (c) provides that the principles set out in subparagraphs (a) and (b) are applicable to failures to warn or instruct.

If under this section a product is determined to be unreasonably dangerous, liability of the product seller will not ensue unless claimant established that the product was the proximate cause of the harm, and, in the case of a manufacturer, that it manufactured the product.

Proposed amendments

These amendments limit the application of this section to mandatory federal safety standards, rather than mandatory federal or state safety standards as had previously been the case.

Additionally, since non-compliance with a government contract specification does not necessarily indicate that the product was defective, the amendments delete paragraph (1) of subsection (b).

Finally, the amendments add language to paragraph (2) of subsection (b) which parallels that contained in the second Kasten draft. This excludes products that are manufactured commercially from the ameliorative provisions of compliance with government contracts specifications.

SECTION 8

This section provides that evidence of actions taken after the date of manufacture are not admissible as evidence, except to impeach a witness who denies the feasibility of precautionary measures.

Proposed amendments

This Section would be technically rewritten so as not to preclude a manufacturer from introducing evidence of precautionary measures it may have taken.

SECTION 9

This section provides principles of comparative responsibility in the apportionment of damages. The trier of fact determines the total amount of damages claimant has sustained, and apportions this amount among all persons responsible (including claimant and non-parties). A *de minimis* rule excepts persons with trivial responsibility from apportionment.

This section also provides a special rule where workers' compensation is involved: In such case, the total damages to be apportioned are reduced by the greater of

(1) the employer's or co-employee's responsibility; or

(2) the amount of workers' compensation benefits.

Judgment is to be entered severally against all parties liable; upon subsequent motion of claimant, uncollected obligations may be reallocated among joint tortfeasors.

Proposed amendments

These amendments would clarify that the concept of comparative responsibility applies only to compensatory damages; it does not apply in the case of punitive damages.

Additionally, the amendments add a provision which sets forth the conduct to be taken into account in making determinations of comparative responsibility. Such conduct would include misuse of a product, alteration or modification of a product, improper maintenance of a product, and use of a worn out product. Each of these terms has been defined.

Finally, these amendments clarify the circumstances under which co-defendants could be jointly liable and severally liable. It accords with the current treatment provided under *Restatement (Second) of Torts.*

SECTION 10

This section provides the effect of workers' compensation benefits on liability. Damages otherwise recoverable in a products liability action are to be reduced by workers' compensation benefits. No subrogation, indemnity, contribution or lien may be had by an employer or its insurer against a product seller absent an agreement to the contrary. This section also contains a provision for adjusting damages where a products liability action is decided prior to adjudication of a workers' compensation claim.

Finally, no third-party action over against an employer is permitted. However, the employer's (or co-employer's responsibility will reduce the overall damage award in accordance with section 9.

Proposed amendments

These amendments would clarify the validity of contractual agreements whereby an employer agrees to indemnify or hold harmless a manufacturer for liability.

Additionally, the amendments add a provision contained in the Kasten bill which forecloses product liability suits against employers on a theory of dual capacity.

SECTION 11

This section provides rules concerning punitive damages. After a determination of the product seller's liability for actual damages and the amount thereof, on motion, the court may determine whether punitive damages should be awarded, and the amount thereof. Punitive damages shall be awarded only if a product seller acted with a flagrant indifference to consumer safety and if its actions were an extreme departure from accepted practice. In determining punitive damages, the court shall consider the likelihood that serious harm would arise; the extent of the product seller's awareness of such likelihood; the profitability of the misconduct; the duration of the misconduct and any concealment thereof; the attitude and conduct of the product seller's officers upon discovery of the misconduct; the financial condition of the product sellers; the total effect of other punishment imposed on the product seller; and whether claimant acted in reckless disregard of his own safety.

Punitive damages for any one claimant shall not exceed twice the amount of actual damages and in no event shall exceed $1 million. With respect to all claimants, punitive damages and prior fines shall not exceed 5% of net worth. Notwithstanding this aggregate limitation, a claimant shall always be able to recover the lesser of twice compensatory damages or his litigation expenses including reasonable attorneys fees.

Proposed amendments

The bill has been technically amended to adapt from the Kasten bill language indicating the circumstances under which a product seller manifested a "flagrant indifference" to the safety of persons harmed.

Additionally, the amendments clarify how the limitation on punitive damages would apply to a "single" claimant in cases of derivative claims and class actions.

Finally, the amendments remove the exception to the aggregate limitation on liability.

SECTION 12

This section provides limitations concerning the time in which an action must be brought.

Subsection (a) provides that a claim must be brought within three years of the time it

was discovered or should have been discovered.

Subsections (b) to (d) provide a further limitation on the rule in subsection (a). All actions must be commenced within 10 years from the date the product was first sold. However, in the event that the manifestation of the harm is delayed, or in the event of intentional misrepresentation by a product seller, the action may be commenced within 15 years from the date of first sale. These time limitations may be extended by a product seller in writing.

Proposed amendments

The time of limitation in Subsection (a) has been reduced from three years to two years to comport with the Kasten bill.

SECTION 13

This section provides that if any provision of the Act is determined to be invalid, the remaining provisions of the Act shall be unaffected.

Proposed amendments

No change.

SECTION 14

This section provides that the Act shall be effective for actions commenced on or after January 1, 1983.

Proposed amendments

These amendments add language from the Kasten bill which would make the Act effective 60 days after enactment, and applicable to all product liability actions commenced on or after that date. However, if any provision of the Act would shorten the time during which any person now has to bring an action, such person would be able to commence an action within one year from the effective date.●

WHAT THE FED HAS DONE WRONG

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 60 minutes.

● Mr. KEMP. Mr. Speaker, in October 1979, the Federal Reserve Board began a radical experiment in directly regulating the money supply. This is the first time in our history this policy has been attempted, and we have had a series of credit crunches, sky-high interest rates and, for the first time in the history of the business cycle, two back-to-back recessions in 1980–81.

In 1980, President Carter increased taxes, increased Government spending, and increased Government regulations. In 1981, President Reagan decreased taxes, spending, and regulations—yet both years we had credit crunches and double-digit interest rate recessions.

We have to look for a constant in the two approches to economic policy and that constant can be found in the monetarist experiment being pursued by the Fed.

The main thing to realize is that there is nothing that arcane or bewildering about what the Fed is doing to the U.S. dollar or economy. The monetarist experiment is simply an extreme attempt at Government regulation.

The Fed's Governors are trying on a week-to-week and month-to-month basis to determine how much money each individual American needs in his or her pocket to conduct normal business transactions. Of course, no one can really do this because no one can control the demand for money in the marketplace.

What they are doing, however, is crunching down on the money supply when they deem it too loose, and gunning the money supply when they deem it too tight. The result? Gyrating interest rates, alternating inflation, deflation, and contraction. In fact, the worst bankruptcy rates since the Great Depression, with tragically high unemployment and rapidly expanding deficits.

It is hard to see how anyone can say this policy is working. It has been a failure, and it is time to put monetarism in the museum, once and for all.

It is no great leap forward to propose a reform of our monetary system with a price rule target. Throughout our history we have conducted monetary policy, with brief exceptions during the Revolutionary and Civil Wars, by working to stabilize the value of the dollar. Not until the 1970's did we abandon a price rule policy and begin conducting monetary policy by Government fiat.

As difficult as it is to believe, this has historically been the goal of monetary policy—to maintain the value of the dollar so it can serve as a stable store of value and a reliable medium of exchange or unit of account.

Instead of having the philosopher-kings at the Fed and the Treasury guessing at the desired future supply of money and letting interest rates rise to infinity, we should let the market itself find the equilibrium between the supply of money and the demand for it. We should institutionalize a price rule which will lower interest rates and help get our economy moving again.

The marketplace itself will signal the Fed, through movement up or down in the price index, such as the spot commodity index, whether too much or too little money is being created. If the Fed is inflating then the index will rise, signaling too much money is being created. If the Fed is deflating then the index will fall, signaling that the marketplace demands more liquidity to conduct normal business transactions.

Under the Balanced Monetary Policy and Price Stability Act, the Fed will use its normal operating procedures to stabilize the value of the dollar and maintain real interest rates at normal historical levels—about 1 to 4 percent.

The present monetarist policies are wreaking havoc with the greatest economy in history. And the Carter experiment is rapidly becoming a threat to the Reagan-Republican reforms for economic renewal. We have the responsibility to work for a modest yet dramatic change in Fed policy, and the Balanced Monetary Policy and Price Stability Act is a bold initiative to open up the flow of credit and capital at the financial desert which is todays economy and once again maintain the value of the dollar while bringing down interest rates.

The private sector demand for sound, honest money, lower interest rates, and more jobs will not be denied, and we had better start moving before it is too late. At this point in the RECORD I include the following:

ANSWERS TO OBJECTIONS AGAINST ABANDONING MONETARISM

The Balanced Monetary Policy and Price Stability Act (HR7218) has that title for two good reasons. First, instead of the current practice of targeting of the money supply at any cost, the bill directs the Fed to take a more balanced approach in recognizing what goes on in the real world; specifically, the Fed would be concerned with achieving historical levels of real (inflation-adjusted) interest rates, economic growth, stable prices, and stable foreign exchange rates. Second, the "Price Stability" aspect comes from the fact that the bill establishes price stability as the overriding objective of monetary policy.

A number of objections have been raised to bills on monetary policy, which would also involve targeting interest rates, introduced in the Senate by Senator Byrd and in the House by Congressman Wright. The Balanced Monetary Policy and Price Stability Act avoids these problems because it differs from the other bills in at least two important respects. First, instead of directing the Federal Reserve to target short-term real interest rates (as the Byrd bill does)—something which the Fed has said it would find difficult to define, let alone target—HR7218 directs the Fed to do what it already does: target a monthly range of short-term market interest rates, such as the important Federal Funds rate. Second, unlike the other bills, HR7218 instructs the Fed that in setting these targets, price stability will take precedence (as measured by some index of prices, such as a commodity price index).

Informational note: What kind of price index could the Fed use? It would have to be fairly sensitive, quickly available, yet reasonably stable in the long run. The CPI and GNP deflator are comprehensive, but often respond to policy with a considerable lag, and are reported some time after the fact; so they can only be considered general guides. A number of useful indexes are possible. The Bureau of Labor Statistics (BLS) spot commodity index is an index containing 22 basic commodities; it was for years maintained by the BLS, but is now gathered by the Commodity Research Bureau, an independent research organization based in New York. In addition, the CRB still maintains a current index of commodity futures prices, based on 27 commodities. Besides this, there is the Dow Jones commodity price index, which is available daily, although it contains some volatile food items. Other possibilities include the index of industrial commodities used by the BLS in computing producer prices, or precious metals, or even a new index could be devised.

The following comments are from objections which have actually been raised against the Byrd and Wright bills, and which may be raised against HR 7218. Answers are provided.

1. "Real interest rates are not clearly identifiable; they can only be measured against the expectations of the public about inflation over the period ahead, and those expectations are neither directly measurable nor stable. Even in the past various inflation measures differ."

Answer: This objection is partly satisfied by the fact that HR 7218 directs the Fed to target nominal rather than real interest rates—which are something the Fed can control with reasonable success. One way to measuring real interest rates is to subtract the change in the GNP deflator from the current Federal funds rate. In any event, HR 7218 directs the Fed to consider other goals besides historical levels of real interest rates: sustained economic growth, stable prices and stable exchange rates. The Fed would not have to slavishly follow some arbitrary measure of real interest rates from month to month. Instead, it could view the goal of achieving historical levels of real interest rates over the course of a year—subject, of course, to the goal of price stability.

2. "Passage of the bill will fuel inflationary expectations. A requirement that the Federal Reserve set explicit interest rate targets is bound to be interpreted as an effort to speed up money growth in the face of large budget deficits."

Answer: The Fed already sets monthly targets for short-term interest rates: The Federal Open Market Committee sets a monthly range for the Federal fund{ rate. Also, the targets would not be cast in concrete; they could be changed from month to month to be consistent with the goals outlined above. So, there would be no real change in the Fed's operating tools; the change would be in the targets of monetary policy, from the quantity of money to the state of the economy. Most important, the requirement of price stability would prevent the Fed from monetizing deficits in an inflationary manner. Commodity prices (for example) cannot remain stable while the central bank is causing inflation.

3. "Interest rate targets are bound to conflict at times with money targets, leading to more confusion and uncertainty, not less."

Answer: While the bill permits the Fed to continue publishing targets for the quantity of money, these targets would have to be consistent with the other objectives. In the event of a conflict, it is clear that the monetary aggregates should give way to a targeting procedure involving economic and price stability.

4. " 'Targeting' interest rates could lead directly to 'pegging' interest rates and result in inappropriate changes in the supply of money and credit."

Answer: Once again, there are two safeguards against this. First, interest rates are not "pegged" forever; they would be set on a monthly basis, as they are now. Second, the interest rate targets would be subject to the overriding goal of stable prices, as measured by an index of current prices.

"The bill would expose the Federal Reserve to greater political pressure and erode its independence—and its credibility."

Answer: The bill does not alter the independence of the Fed, which is in any event a creature of Congress. On the contrary, by officially endorsing the overall goal of price stability—a stable value for the currency—as its ultimate objective, the bill fortifies the Fed against attack from reflationists. For example, it removes the potential threat which exists in the Byrd and Wright bills, that interest rates might be lowered at the expense of higher inflation.

[From the Wall Street Journal, Oct. 1, 1982]

LET THE SUN SHINE

Congress is starting to peer into the deep shadows of monetary policy. Senate Minority Leader Byrd has a bill directing the Federal Reserve to target the real rate of interest. Our contributor Paul McCraken calls this the "Joshua complex"—a proposal to order the sun to stand still.

This week Representatives Jack Kemp and Trent Lott came forth with a Republican alternative. Those untutored in monetary policy, which is to say nearly everyone in the capital, are running aroung saying the Republican bill is the same as the Byrd bill, except that if the goal of lower interest rates conflicts with price stability the latter should take precedence. And except for the shining sun, day is the same as night.

Any congressional proposal on monetary policy will of course cause loud grumbling at the Fed, and there is indeed much to be said for an independent central bank. But the basic thrust of the Kemp-Lott bill is sensible and moderate: We want the Fed to bring us all sorts of goodies: low inflation, high employment, low interest rates, stable exchange rates, moderate growth in the monetary aggregates and so on. But if forced to choose among all these good things, the Fed should but the emphasis on price stability.

The Fed currently operates under a congressional mandate established by a 1975 joint resolution and the 1978 Humphrey-Hawkins "full employment" act. Drawn in the hey-day of monetarism, this mandate puts the emphasis on the monetary aggregates. The law specifically instructs the Fed to report to Congress on its target ranges for monetary and credit aggregates.

This emphasis now seems misplaced. Monetarism of course still has its adherents, and surely the monetary aggregates tell us something. But last year M1 told one story and M2 told the opposite. The definition of "money" has needed repeated readjustments. The need for a few additional navigational beacons is hard to dispute.

Beyond that, the recent era of high and volatile interest rates clearly does date to October 1979, when the Fed changed its operating procedures to move the emphasis from interest rates to monetary aggregates. It's certainly plausible to suspect that these new, more-monetarist procedures have a bias toward high interest rates.

What it to be done is not so clear. The old nominal interest-rate targets had proved an engine of inflation. Targeting real rates, as the Byrd proposal suggests, is not possible technically or logically. As a practical matter, the Fed has not rigidly been following its monetarist mandate. Monetary policy has been flying by the seat of Chairman Volcker's pants.

Chairman Volcker, in our book, has done quite well, thank you. but he will not be chairman forever, and there is also a question of how a central bank wins the political support necessary for a degree of independence. We think that, given all that we've been through, this is likely to require a cogent policy framework clearly explained. So we would hope that the Fed would be able to distinguish between congressional proposals likely to be unhelpful and those likely to be helpful.

The Kemp-Lott bill would put the emphasis directly on prices, which is in any event the Fed's long-term goal. Short-term targets of sensitive prices seem a reasonable next experiment. Indeed, our guess is that the principal effect of this bill would be to create a legal mandate for what Mr. Volcker, in his private retreats, is doing already.●

FED ACCOUNTABILITY ACT OF 1982

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 5 minutes.

● Mr. CORCORAN. Mr. Speaker, I am introducing a bill to improve the lines of communication between the Federal Reserve Board and the President and thus improve the effectiveness and accountability of our national fiscal and monetary policies. Quite simply, I propose that the Secretary of the Treasury be made a member of the Federal Reserve Board.

This is not a new proposal. Under the Federal Reserve Act of 1913, the act which created the Federal Reserve System, both the Secretary of the Treasury and the Comptroller of the Currency were members of the Board. In 1935, though, due to fears of administrative tyranny, another act of Congress excluded both officials from Board membership. I feel the time has come to reconsider the 1935 change.

The lack of harmony between the actions taken by the Fed and the policies advocated by the administration has become conspicuous at a time when unity and the strength of a team effort are needed more than ever. However, the Board and the President cannot possibly be expected to present a united front without an intermediary to mesh the monetary priorities of the Board with the fiscal priorities of the administration and the Congress. My proposal would require that the next vacancy on the seven-member board be filled by the Secretary of the Treasury and that the Secretary of the Treasury shall thenceforth be an ex officio member, whose term on the Board would expire with the expiration of his or her term as Secretary.

Mr. Speaker, I urge you and my colleagues to join me in support of this effort to synchronize the actions and attitudes of the administration and the Federal Reserve Board.●

CHICAGO'S COLUMBUS DAY PARADE OF 1982

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, the Italian navigator Christopher Columbus discovered America 490 years ago on October 12, 1492, and Chicagoans

will celebrate this monumental event in the history of the world with a gigantic parade on Monday, October 11.

We shall be honored to have Chicago's new archbishop, Joseph L. Bernardin, with us on that day, in addition to Hon. Rinaldo Petrignani, Italian Ambassador to the United States, Chicago's Mayor Jane Byrne, Illinois' Gov. James R. Thompson, U.S. Congressman MARTY RUSSO, U.S. Senator ALAN DIXON, and many other civic and political dignitaries, as well as myself. To be televised live for 2 hours by WGN-TV, the parade will be watched by about 30 million persons, and about 1 million more are expected to attend the parade in person.

Christopher Columbus, the father of all immigrants, continues to inspire all of us for his individual initiative, imagination, and resourcefulness—traits which have distinguished the American character. The voyage of Columbus symbolizes the many great contributions of Italian Americans to our beloved America, including their culture, history, and traditions so fundamental to Western civilization.

The theme of Chicago's Columbus Day Parade this year, "Leaders in Commerce and Industry: The Italian American Experience," is a tribute to Americans of Italian descent who became leaders in business, and helped our Nation to become the largest and most generous economic power in history. Some 50 leaders in these fields will be featured, and many will attend the parade in person, including Vincent Marotta, the founder of Mr. Coffee.

Mr. Speaker, the President of the United States, the Honorable Ronald Reagan; the Governor of Illinois, the Honorable James R. Thompson; and the mayor of Chicago, the Honorable Jane M. Byrne; have all issued proclamations in celebration of the Columbus national holiday in 1982, and copies of those proclamations follow:

[A Proclamation by the President of the United States of America]

COLUMBUS DAY, 1982

Nearly five centuries ago, an Italian navigator in the service of Spain opened the way to the founding of these United States. In this historic feat, Christopher Columbus embodied for us the qualities which we Americans hold dear and which are representative of us as a people: daring, determination, vision, and the courage to pursue a dream.

Although Columbus undertook his epic voyage long ago, his adventurous spirit continues to inspire us. As we reflect on the elements which made this journey one of the finest moments in history, it is fitting that we rededicate ourselves to our search for new horizons, ever mindful of Christopher Columbus and those brave seafarers on the Nina, the Pinta, and the Santa Maria.

In tribute to the achievement of Columbus, the Congress of the United States, by joint resolution, approved April 30, 1934 (48 Stat. 657), as modified by the Act of June 28, 1968 (82 Stat. 250), asked the President to proclaim the second Monday in October of each year as Columbus Day.

Now, therefore, I, Ronald Reagan, President of the United States of America, do hereby designate Monday, October 11, 1982, as Columbus Day; and I invite the people of this Nation to observe that day in schools, churches and other suitable places with appropriate ceremonies in honor of the great explorer.

I also direct that the flag of the United States be displaced on all public buildings on the appointed day in memory of Christopher Columbus.

In witness whereof, I have hereunto set my hand this 8th day of Sept. in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and seventh.

PROCLAMATION—STATE OF ILLINOIS

Every American knows what historic event occurred in 1492, for in that year the history of the world took a dramatic leap. The voyage of Columbus, which spurred further exploration of the New World, is celebrated annually throughout the land.

Columbus and many other distinguished Italians have contributed to the growth of civilization. The Italian community is joined by Americans of every ethnic background in recognizing Columbus Day.

Italian-American residents in Illinois will be sponsoring their 26th annual Columbus Day Parade to honor their native hero.

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 11, 1982, to be Columbus Day in Illinois.

PROCLAMATION—MAYOR OF CHICAGO

Whereas the Joint Civic Committee of Italian Americans is sponsoring its annual Columbus Day parade on Dearborn Street on October 11, 1982; and

Whereas, the Joint Civic Committee of Italian Americans was formed for the purpose of making the public more aware of the contributions of Italian Americans to the political, social, cultural and economic history of America; and

Whereas, the parade is held each year in tribute to Christopher Columbus, the intrepid Genovese navigator-explorer and the event is a highlight of the Fall season in Chicago; and

Whereas, the JCCIA, under the leadership of President James L. Coli, has performed an outstanding service to the community for many years and the organization has Richard Parrillo as its 1982 parade chairman and Joseph Marchetti as grand marshal:

Now, therefore, I, Jane M. Byrne, Mayor of the City of Chicago, do hereby proclaim October 11, 1982, to be Columbus Day in Chicago and urge citizens to be cognizant of the events held in connection with this worthwhile observance in appreciation of the heritage provided to all by this great navigator-explorer.

Mr. Speaker, the all-day Columbus Day celebration will begin with a concelebrated mass at Our Lady of Pompeii Church at 9 a.m., and presiding will be the Archbishop of Chicago, Joseph L. Bernardin. The concelebrants of the mass will include: Rev. Valerio Baggio, Very Rev. Angelo Calandra, C.S., Rev. Joseph Colletti, Rev. Lawrence Cozzi, C.S., Rev. Angelo Cugnidoro, Rev. Vincent Cutrara, C.S., Rev. Dino Dai-Zovi, Rev. Salvatore DeVita, C.S., Rev. John V. Dolciamore, Rev. Charles Fanelli, Rev. Florian Girometta, C.S., Father Nicholas Marro, Father Leonard Mattei, Rev. Louis Palazzola, Rev. Edward Pellicore, Rev. Ronald Scarlata, Father Robert Tonelli, Father Vincent Zarlenga, Father Peter Sordi, C.S., Rev. Giuseppe Rabbiosi, Mccj., and Father Angelo Garbin.

Special wreath-laying ceremonies will take place at 10:30 a.m. at the Columbus statue in Arrigo Park, conducted by the Order Sons of Italy, the Joint Civic Committee of Italian Americans, and the Italian American War Veterans.

The main event of our celebration, Chicago's great Columbus Day Parade, will begin at 1 p.m. and over 200 floats, bands, and marching units depicting the theme of the parade will participate. In addition to the native costumes from the various regions of Italy worn by women and children, hundreds of young people in school bands, corps of marchers, and drum and bugle corps will also participate. One of the lead units will be a contingent of costumed musicians and flagthrowers from the "Calcio in Costume" association in Florence, Italy. The musicians include trumpeters, who along with drummers provide rhythmical accompaniment for the synchronized maneuvers of the flagthrowers marching in precision. The Florentine contingent will wear costumes dating back to the days of Columbus, and was brought to Chicago for the parade by Amaretto di Saronno.

Mrs. Frank R. Petrone, the parade's theme coordinator; Ann Sorrentino, chairperson of the authentic Italian costume subcommittee; and Lawrence Spallitta, float personnel subcommittee chairman, have devoted their talents and energy again this year, and their dedicated work will contribute to another successful and splendid parade. Christopher Columbus, the discoverer of the New World, will be portrayed this year by Paul Sparacio, 2340 South 60th Court, in Cicero, Ill.

In addition to our guests of honor, general parade chairman, Richard Parrillo; grand marshal, Joseph Marchetti; Hon. George W. Dunne, president, Cook County Board of Commissioners; Dr. Claudio Ferrari, Consul General of Italy; James L. Coli, president of the JCCIA; and many other political dignitaries, civic leaders, members of the judiciary, businessmen from the community, and labor leaders will kick off the parade.

Each year the Joint Civic Committee of Italian Americans, comprised of more than 40 Italo-American civic organizations in the Chicagoland area, sponsors the Columbus Day Parade and other related activities. Many local groups cooperate with the Joint

Civic Committee in this community wide tribute to Columbus, and Anthony Sorrentino, consultant, is helping to coordinate the many varied activities as he so many years in the past has done with devotion and dedication.

One of the highlights of Chicago's Columbus Day celebration is the selection of the queen of the parade. This year, Susanne J. Guillardo Willardo, 8712 Idelwild, Highland Park, Ind., was chosen to reign as queen of the Columbus Day Parade.

Judged on her beauty, poise, and personality, Susanne, as winner of the Columbus Day Queen Contest, won $1,000 from the Joint Civic Committee of Italian Americans, $100 from Dr. Claudio Ferrari, Consul General of Italy; dinner for two at the Como Inn Restaurant, courtesy of Joseph Marchetti, parade grand marshal; and dinner for two at Gino's East, courtesy of Fred Bartoli.

The members of the queen's court are Rose M. Campanella, 9804 North Grace, Niles, Ill.; Tanya Karbowski, 1200 North Oak Park Avenue, Oak Park, Ill.; Ruth DiCristofano, 1041 South Mason Avenue, Chicago; and Rhonda Lee Frederick, 10400 South Kenton, Oak Lawn, Ill.

The chairman of the Queen Contest was Fred Mazzei, cochairperson Josephine Bianco, and the judges of the contest included Joseph Caliendo, a fur fashion designer and 5th term president of the Chicagoland Fur Club; Gilbert Cataldo, commissioner, Chicago Department of Housing; James De Leo, administrative assistant to the chief judge of traffic court; Barbara Drammis, personnel manager at the regional transportation authority; Dr. John J. Drammis, cosmetic surgeon; Rose Farina, manager of civic center events for the Chicago Council on Fine Arts; Paul A. Fosco, executive vice president of Consultants & Administrators, Inc.; Robert Franch, vice president of the First Commercial Bank; Joseph Lizzadro, past parade chairman and chairman of the board of Meade Electric Co.; Peggy Lombardo, former educator and model; the Honorable Philip Romiti, judge of the Illinois appellate court; and Laura M. Spingola, assistant commissioner for international business of the Chicago Department of Economic Development.

In addition to those watching the parade personally, millions of persons are expected to enjoy the parade via television, which this year is being sponsored by Dominick Di Matteo, of Dominick's Finer Foods: Anthony Terlato of Paterno Imports; Ron Turano, of Turano Bakeries; George and Lou Marcucci, of Gonnella Baking Co.; Joseph Marchetti, the Como Inn; Joe Rizza, Rizza Ford; Phil Stefani's; Joe Mondelli, of Kelly Mondelli's; George Miceli, of Fontana D'Or; Michael Notaro, of the Statistical Tabulating Co.; as well as Sherlock's Home and Jacques French Restaurant. The telecast of the parade will be narrated by Dominic Di Frisco and Vince Lloyd, and the reviewing stand commentators will include James L. Coli, Louis Farina, and Jerome Zurla.

Our grand Columbus Day celebration will close with a reception at the Como Inn Restaurant, 546 North Milwaukee Avenue, in Chicago, in honor of our guests, all the officers, subcommittee chairmen, and members who are participating in making the 1982 Columbus Day Parade a memorable success. Leaders of the Italo-American organizations from Illinois will also be present as well as officials from our State and city governments.

I am honored to participate as honorary parade chairman in the Columbus Day Parade. The members of the Joint Civic Committee of Italian Americans are to be commended for their continuing and dedicated hard work and the imaginative creativity that goes into the planning of a grand event such as the Chicago Columbus Day Parade. Our community and our city are proud of these citizens and of the work they are so successfully completing.

Mr. Speaker, the names of the officers and members of the 1982 Chicago Columbus Day Parade committee follow:

LIST OF OFFICERS AND MEMBERS OF CHICAGO COLUMBUS DAY PARADE

COLUMBUS DAY PARADE COMMITTEE

Richard Parrillo, General Chairman 1982; Congressman Frank Annunzio, Honorary Parade Chairman; and Joseph Marchetti, Grand Marshal.

HONORARY CHAIRPERSONS

Hon. Jane Byrne, Mayor, City of Chicago; Hon. Jerome A. Cosentino, Treasurer, State of Illinois; Dr. Claudio Ferrari, Consul General of Italy; Congressman Martin Russo; Hon. James R. Thompson, Governor, State of Illinois.

JCCIA OFFICERS

James L. Coli, President; Jerome N. Zurla, 1st Vice President; Charles C. Porcelli, 2nd Vice President; Carl DeMoon, 3rd Vice President; Anthony Terlato, 4th Vice President; Fred Bartoli, 5th Vice President; Anthony Morizzo, Treasurer; Charles Carosella, Secretary, Sam Cerniglia, Sgt.-at-Arms.

BOARD OF TRUSTEES

Richard Parrillo, Chairman; Congressman Frank Annunzio, Vice Chairman, Michael Anneca, Sam V. P. Banks, Fred Bartoli, Tony Bertuca, Doug Buffone, Rep. Ralph Capparelli, Commissioner Gilbert Cataldo, Michael Coccia, James E. Coli, James L. Coli, Senator John D'Arco, Jr., James De Leo, Pat De Leo, Dominick Di Matteo, Commissioner John L. Donovan, Nello Ferrara, Anthony J. Fornelli, Paul Fosco, Peter J. Fosco, Jr., Dr. James F. Greco, Joseph Lizzadro, Jr., Nick Lombardi, Steve Lombardo, Charles Loverde, Joseph Marchetti, Pat Marcy, Jr., Michael Notaro, Mayor John C. Porcelli, Dr. Mario O. Rubinelli, John Serpico, Joseph Spingola, Anthony Terlato, Joseph Tolitano, and Jerome N. Zurla.

CHAPLAIN

Reverend Armando Pierini, C.S.

TELEVISION SPONSORS

Pat Marcy, Jr.

THEME COORDINATOR

Theresa Petrone.

RELIGIOUS PROGRAM AND ORGANIZATIONS

Rev. Lawrence Cozzi, C.S., Chairman; Rev. Armando Pierini, C.S., Advisor; Nick Bianco, John De Bella, Michael Palello, Elvira Panarese, Chief Anthony Pilas, Anthony Pope, John Spatuzza, and Lawrence Spallitta.

AUTHENTIC ITALIAN COSTUMES

Ann Sorrentino, Chairperson; Elena Frigoletti, Mary Spallitta, and Pauline Jo Cusimano.

FINANCE AND SOUVENIR BOOK

Mayor John C. Porcelli, Chairman; Sam Cerniglia, Ann Sorrentino, and Angeline Annunzio.

BUSINESS AND PROFESSIONAL

Jack Cerone, Chairman; Carl De Moon, Vincent Lucania, Mathew J. Alagna, Anthony Apa, Charles Carosella, John Curielli, Marino Mazzei, Louis Ranieri, Michael R. Rosinia, Dr. Mario O. Rubinelli, Amedeo Yelmini, and Jerome N. Zurla.

BANDS, MARCHERS, AND TRANSPORTATION

Louis H. Rago, and Marie Palello.

LABOR COMMITTEE

John Serpico, Chairman; Tom Crivellone, Angelo Fosco, Charles Loverde, Tony Judge, Armando Fosco, and Chuck Spranzo.

PROGRAM AND ARRANGEMENTS

Dominic Di Frisco, Co-Chairman; Theresa Petrone, Co-Chairperson; James L. Coli, Louis Farina, and Charles C. Porcelli.

LIAISON WITH CITY DEPARTMENTS

John L. Donovan and Gilbert Cataldo.

QUEEN CONTEST

Fred Mazzei, Chairman; Josephine Bianco, Co-Chairperson; Anita Louise Bianco, Norma Battisti, Sam Bruno, Ange Tufano, Marie Palello, Mike Palello, and Joseph Mollica.

FLOATS

Marie Palello, Chairman.

FLOAT PERSONNEL

Lawrence Spallitta, Chairman.

PARADE MARSHALS

Marco De Stefano, Chairman; Alex Batinich, Larry Battisti, Rocco Bellino, John De Bella, Nick Bianco, Pasquale Caputo, Ettore Di Vito, Anthony Finley, Neil Francis, Mario Lombardi, Robi Neri, Mike Palello, Joseph Pantaleo, Anthony Pilas, and Louis Rago.

RECEPTION COMMITTEE

Ange Tufano, Chairperson; Naomi Serpico, Co-Chairperson; and Joe Mollica.

STAFF PHOTOGRAPHER

Sam Bruno.

WOMEN'S DIVISION

Ange Tufano, President.

WEST SUBURBAN WOMEN'S DIVISION

Naomi Serpico.

YOUNG ADULT DIVISION

Joseph Mollica.●

TOXIC VICTIMS COMPENSATION ACT

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. LAFALCE) is recognized for 30 minutes.

● Mr. LAFALCE. Mr. Speaker, today I am introducing the Toxic Victims Compensation Act. My bill embodies, in large part, the recommendations contained in the report to the Congress prepared by the Superfund 301(e) study group. The study group, created by the Superfund Act of 1980, was directed to report to the Congress on the adequacy of existing common law and statutory remedies for compensating toxic victims.

The 301(e) study group has concluded that there are many substantive and procedural barriers to recovery and that existing causes of action will allow recovery in only a few highly selected cases.

Victim compensation remains the singlemost important hazardous waste issue which has not been forcefully addressed by the Congress. The Toxic Substance Control Act, RCRA and Superfund all deal directly with the problem of environmental degradation. All are founded on the presumption that people will be protected through sound management of hazardous products and the cleanup of abandoned and inactive hazardous waste sites. In no instance do these regulatory schemes provide relief for the physical and emotional suffering of the toxic victim.

If we shift our examination from the toxic victim to the workplace, we can easily see the roots of this oversight. With the exception of black lung compensation, workers who suffer occupationally related diseases have had to overcome monumental barriers to receive some degree of compensation. The Department of Labor has estimated that perhaps as few as 2 to 5 percent of workers who have actually suffered from occupationally related diseases receive workers compensation. This is largely a function of the latency factor. Workers first experience symptoms of occupationally related illnesses several years after exposure, and, in many cases, after the worker has left the threatening work environment.

The two major barriers to compensation for toxic victims are proving causality, and the long latency period of environmentally induced diseases. In some States the statute of limitations can knock off many claims by itself. In others, the difficulty of establishing causality can be insurmountable.

Clearly, statutes of limitations serve justifiable purposes. However, in toxic substances related injuries, their operation may create a special handicap due to the latency period of so many potential injuries. It is now believed that environmentally induced cancers may take as long as 20 or 30 years to develop, extending far beyond most State statutes of limitations.

Those statutes of limitations which do not begin to run until the injured party is able or should reasonably be able to ascertain a causal connection between the injury and an exposure to an environmental hazard—the discovery rule—are, of course, advantageous to toxic victims. Such statutes are especially useful since toxic injuries may be characterized by unknown, multiple, or indeterminate causes. However, the discovery rule is, as the 301(e) study group notes, not widely applied.

Of all the types of tort actions, the toxic victim's claim represents the most troubling and overwhelming burdens of proofs. The most difficult obstacle is establishing a connection between exposure to hazardous substances and an illness or injury.

In the case of toxic torts, the obstacles are not only legal, but they are founded in the failings of science. The state of scientific knowledge and the art of medical diagnosis do not always permit legal or scientific conclusions about the causes of a particular disease. Indeed, the rigors of the scientific method itself, requiring repetition and peer review, may prevent the timely generation of proof needed to support the evolution of common law remedies.

In short, the toxic victim suing for compensation confronts difficulties proving the exact nature of the injury and the connection, both physical and temporal, between those injuries and exposure to a hazardous substance. In most States the law has not yet advanced to the point where preliminary statistical evidence establishing a causal nexus between exposure to a substance and disease is sufficient to satisfy a toxic victims burden of proof.

The law has not yet developed adequate mechanisms to protect the toxic victim. We are, I believe, confronted with two choices. We can let toxic tort law evolve through our judicial system, which I predict will take at least 20 years, or the Congress can confront the issue head on by enacting legislation which embodies the 301(e) study group's recommendations.

I have been attempting to prod Congress into action since 1978 when I introduced a Superfund bill that included a toxic victims compensation title. The bill I am introducing today was drafted over 1 year ago. I have withheld introducing the bill pending the outcome of the 301(e) study group's report. After reviewing the report, I am convinced that this bill is an appropriate response to the problems identified by the study group.

My proposal addresses the human problems caused by exposure to toxic substances. The salient features are as follows: Creates a nonexclusive Federal cause of action for toxic victims; establishes an independent office within the Environmental Protection Agency (EPA) to compensate victims of pollution related diseases and injuries regardless of fault; directs EPA to study the relationship between exposure to toxic substances and human disease and authorizes EPA to make a requisite nexus finding; modifies the proof and limitation requirements which claimants must meet, permitting the use of the presumption based on EPA's requisite nexus finding; and subrogates EPA to the rights of injured parties, thereby enabling EPA to seek reimbursement from a neglient party.

The most important element of my proposal is the establishment of the requisite nexus, or cause and effect determination, between exposure to a toxic substance and possible health effects from that exposure.

Under my proposal, three conditions must be met to establish a rebuttable presumption of guilt. These conditions include evidence of exposure to a hazardous substance, evidence that exposure can cause injury, illness, or damage, and evidence that the exposure may have been sufficient to cause injury, illness, or damage suffered by the toxic victim.

Of equal importance is the provision which establishes a 3-year statute of limitations for any such action starting on the date the illness, injury, or damage was first known to exist or should reasonably have been known to exist.

Mr. Speaker, I strongly believe, as does the 301(e) study group—that our response to the toxic waste problem will not be complete in the absence of an effective victims compensation scheme. Effective compensation cannot only ease the pain of those who have already suffered, but it will serve as a strong disincentive for generators, handlers, transporters, and disposers of toxic wastes to comply with the letter and the spirit of the laws enacted by the Congress to protect human health and the environment from the consequences of neglect and, in many cases, willful negligence.

Release of the 301(e) report lays the problem and the challenge squarely at our door, Mr. Speaker. Despite the lateness of the hours, I urge our colleagues in the 97th Congress to carefully review the bill I am introducing today. I fully intend to address and promote this issue in the 97th Congress by reintroducing the Toxic Victims Compensation Act and working for a final legislative product that incorporates the thrust of the recommendations of the 301(e) study group addresses the pain and suffering of the toxic victim.

Thank you.

TEN QUESTIONS ON THE ADMINISTRATION'S ENTERPRISE ZONES, AND A BETTER ALTERNATIVE

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WILLIAM J. COYNE) is recognized for 10 minutes.

● Mr. WILLIAM J. COYNE. Mr. Speaker, the administration has not been reluctant to express its view that Federal aid to urban areas is less than productive. In the recent Housing and Urban Development Policy Report, Federal programs designed to rebuild our cities are depicted not as part of the solution to our urban ills, but as part of the problem.

The administration is far less clear on how urban enterprise zones—the keystone of its urban aid effort—would work. These zones, according to an administration factsheet, would "create a free-market environment in depressed areas through relief from taxes, regulations and other Government burdens, privatization of some city services and involvement of private, neighborhood organizations."

Many cities, including my own city of Pittsburgh, are devising enterprise zone proposals in anticipation that the zones may be the only game in town. In view of the sharp reductions in urban aid the administration has brought about in a short 18 months, this is a wise calculation on the part of the cities.

But before we abolish existing urban aid programs such as the Economic Development Administration, before we start changing the ground rules for cities, we should take a much closer look at how these zones will work.

There are at least 10 big questions that need to be answered before we make enterprise zones the flagship of urban policy.

First, how much will the zone program cost? The answer appears to be: No one knows. While the administration estimates that 75 zones could cost nearly a billion in lost tax revenue by 1986—roughly double the amount we now spend on the highly effective urban development action grant program—a recent General Accounting Office report suggests this may be understating the actual cost.

According to the appropriately titled GAO report, Revitalizing Distressed Areas Through Enterprise Zones: Many Uncertainties Exist, revenue losses in some zones could be many times higher than those anticipated in the Treasury estimates. The GAO report also warns that:

> The Congress may not, as with a program based on appropriated funds, be able to adjust the amount spent on enterprise zones in subsequent years, as the effectiveness of the program is assessed, or as the country's fiscal climate changes. According to the CRS taxation report, tax expenditure programs may remain beyond their useful life because tax provisions are not periodically reviewed through the budget process as are direct expenditures.

Second, who benefits from the zones? Many critics, not surprisingly those representing organized labor, argue that the zones will have the effect of lowering wages while subsidizing capital investment. Even those who generally support the zone concept are skeptical of some proposed benefits. Fort Wayne, Ind., Mayor Winfield Moses told the Senate Finance Committee in April of this year that if the administration zone proposals are adopted:

> The result may be investment in labor-saving machinery, which translates into a net loss of jobs or the "selling-out" by firms which have been in the area a long time and decide to avail themselves of the capital gains incentives.

Third, will enterprise zones actually create jobs? A distinguished urban scholar, Roger Ahlbrandt, doubts that they will. His criticism, coming shortly after his service as HUD Deputy Assistant Secretary of Urban and Community Studies in the Reagan administration, is worth considering:

> There is no reason to expect enterprise zones to create a significant number of new jobs. Many studies of business investment decisions show that tax incentives are of only minor importance in the expansion or location decisions of private companies. Most mayors, city development directors and private developers are skeptical about the zone concept and would prefer grants to stimulate private investment.

Fourth, do enterprise zones actually address the needs of small business? Most new jobs come from small business. Tax problems, however, are not the No. 1 headache of most small businesses. A survey by the National Federation of Independent Businessmen indicates that adequate financial support, initial sales and managerial competence are much bigger priorities for entrepreneurs than taxes, yet this bill addresses none of those needs.

Herbert Liebenson, president of the National Small Business Association, aptly describes the situation in many urban areas:

> Most small firms are hanging on by their fingernails just trying to survive. Money's what's needed, not tax deductions.

Fifth, would enterprise zones favor one business at the expense of another? Zone proponents argue that the reduction in direct Federal aid and regulations in zone areas constitutes greenlining. Far too little thought has been given to what may develop into the brown edge around a zone, the area in which businesses faced with very similar economic conditions are unable to reap the benefits of competitors within the zone.

There is surprising agreement between business and labor as to the seriousness of this problem. According to the GAO report:

> A spokesperson for the American Federation of Labor and the Congress of Industrial Organizations said a firm outside the zone, employing many zone residents, would receive no benefit. This would lead to inequitable situations and powerful incentive for shutdowns, relocations and counterproductive competition.
>
> The Chamber of Commerce of the United States expressed the opinion that geographically bounded tax incentives are inherently inequitable and discriminatory and, therefore, inconsistent with sound federal tax policy.
>
> An official of the National Federation of Independent Business said his association is concerned that if service or retail businesses are successful in an enterprise zone, they will probably just be taking business away from firms outside a zone.

Sixth, how will the Federal Government prevent a shell game, in which an existing business enters, or perhaps leaves, a zone solely to take advantage of tax benefits—not to create new jobs?

The legislation authorizing the Economic Development Administration wisely prevents the Federal Government from subsidizing footloose businesses which add little to the new net job figure. The adminstration's enterprise zone legislation does not.

Answering a query by the GAO on this subject, the administration adopts a less than concerned attitude to a potentially serious problem. The administration says:

> While relocation in this sense is not as purely beneficial as the stimulation of an entirely new activity, bringing such economic development to the Nation's distressed areas has important social benefits and would, therefore, still be an advantageous result of the program.

Seventh, what guarantees against involuntary displacement of current zone residents—the planned beneficiaries of the legislation—are contained in the administration proposal? If the enterprise zones work according to theory, land values can be expected to rise rapidly, with the possible result that low income residents could be forced out of their homes.

The Uniform Relocation Act now offers some protection for citizens forced to move as a result of a federally-initiated project. While enterprise zones, according to their sponsors, will be a key Federal program, no such protection is included in the administration proposal. Without strong antidisplacement guarantees, enterprise zones could be a modern version of the people removal aspect of urban renewal which was so roundly criticized in the 1950's and 1960's.

Eighth, will the enactment of enterprise zone legislation open a Pandora's box, with communities competing to eliminate local health and safety codes in the hope that an antiregulatory HUD will designate a zone in their city?

William W. Goldsmith, a Cornell University professor of city and re-

gional planning, describes that possibility in a recent New York Times article:

The Administration proposes multiple zones across the country, and it encourages states to innovate with their own laws. The states, if left to their own devices, might declare wholesale war on labor's 20th century gains. One bill authorizing zones passed both houses in Illinois before being vetoed by Governor James R. Thompson, under pressure from labor and civic groups. Early versions of the bill would have eliminated building codes, minimum wages, property taxes, and general state aid; would have weakened laws protecting health, safety and the environment; and would have enforced right to work laws in specified urban zones.

Ninth, how will the passage of the Reagan administration tax act of 1981 affect the enterprise zone tax incentives?

The GAO report, while noting that the zone tax advantages may be attractive to some businesses, makes it clear that:

By reducing business taxes nationwide, the Economic Recovery Tax Act may reduce the attractiveness of business tax incentives proposed for enterprise zones.

The GAO investigators note that:

A spokesperson for the National Association of Manufacturers told us that the proposed enterprise zone tax incentives may not be substantial enough to attract manufacturers because proposed enterprise zone incentives have been mitigated by the recently passed Economic Recovery Act.

The 10th, and perhaps most important question is: Are enterprise zones the direction Federal urban policy should be taking?

Ed Humberger, of the Washington, D.C.-based Urban Development Collaborative, raises a serious question as to the direction Federal urban policy may be headed if enterprise zones are to be the key Federal program:

If no start-up capital is to be provided in this bill, what types of businesses would, in fact, be created? Are we talking about "mom and pop" stores, sweatshops, and delivery repair services that can be started with minimal capital from savings or family and friends? If the ultimate benefit of the enterprise zone proposal and, by extension, national urban policy, lies in exempting the corner candy story from taxes and the minimum wage, then we have come a long way from any vision of long term economic development in distressed areas.

Congresswoman SHIRLEY CHISHOLM expressed what I believe is a most pragmatic criticism in her testimony before the House Economic Stabilization Subcommittee. She said:

I must say of the President's enterprise zone proposal: its delayed unveiling, its unambitious scope, its minimal allocation of federal resources and its simplistic faith in the private sector are all stark commentaries on the apparent disinterest of the White House in dramatic urban revitalization. However, to repeat an old saying, "What you see is what you get."

Crafting an enterprise zone proposal makes good sense to a city in desperate need of some sort of economic revitalization assistance. What they see may well be all they get from this administration. Enterprise zones are not, however, the last word on urban development. There are other new and better ideas on rebuilding our cities, ideas premised on economic need, not academic theory.

Rebuilding our cities could be the growth industry of the 1980's and 1990's. But it will take a big capital investment—bigger than most of our urban areas can now afford.

In the short term as well as the long term, I am convinced that an investment in the repair of our cities streets, roads, bridges, public lighting, and water systems will pay off in the creation of far more jobs than will enterprise zones. The advocates of the administration's zones overlook one very important point about commerce: In order for a business to be successful, the surrounding environs must be conducive to trade. As long as our cities deteriorate, these conditions will not be met.

A proposal advanced by the International Association of Machinists lays the groundwork for a rethinking of the way we use the Federal Financing Bank so that we can use it to make long-term loans to our cities—loans which are essential if we are to tackle our massive infrastructure repair problems.

Since 1973, the Federal Financing Bank's only customers have been Federal agencies which sell their obligations to it at a lower cost than they would be able to sell on the open market, in large part because the financing bank borrows its money from the U.S. Treasury. The bank is also authorized to borrow up to $15 billion in the private capital market.

Now may be the time to allow the Federal Financing Bank to make loans through an appropriate conduit to certain local governments which develop a comprehensive aid program aimed at distressed areas. Like the enterprise zones, the assistance would be relatively targeted. Unlike the enterprise zones, it would allow local governments the breathing space to make the long range planning decisions necessary for a healthy business and residential environment. Specifically, a city could arrange for a low interest, long-term loan through the financing bank, at rates similar to the Treasury's cost of funds, to make needed infrastructure repairs.

The proponents of enterprise zones have rendered this Congress a service by focusing debate on the need for targeted urban development. In their concentration on capital-intensive approaches to revitalization, however, I believe that labor-intensive and community-oriented alternatives have received too little attention. Our colleague, Representative PARREN MITCHELL of Maryland, has begun to craft an alternative measure which recognizes the need for community planning and participation as well as the development of jobs in, for, and by the community which is designated as a distressed area. I commend the gentleman from Maryland for his leadership in this area, and I look forward to working with him on his proposal.

Mr. Speaker, in the rebuilding of our distressed neighborhoods through large scale reinvestment in public facilities, the Federal Government has not been part of the problem, as some would contend, but part of the solution. In program after program—community development block grants, urban development action grants, the Economic Development Administration—the Federal Government has played a critical role as a partner in community efforts to reverse neighborhood decline.

I am among those who favor increased targeting of Federal urban programs. To the extent that enterprise zones accomplish this, I will support the proposals. To the extent that they contribute to a reduction of direct Federal aid to urban areas, I shall oppose them.●

TAX LEGISLATION TO PROTECT COASTAL BARRIER AREAS

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

● Mr. STARK. Mr. Speaker, major efforts are underway, both legislatively and administratively, to prevent unwise construction on the Nation's undeveloped coastal barrier islands and lands.

The barriers are critically important to the Nation's wildlife and marine industries. Moreover, they are breakwalls, blunting the impact of fierce gulf and eastern seaboard storms and hurricanes, and thus protecting the interior and more developed areas.

Construction on these islands endangers their ability to support wildlife and marine breeding grounds. The humans who build on these islands also place themselves in danger because of the frequency of killer hurricanes and winter storms.

Obviously, the public should not pick up the cost of repairing damage to structures unwisely built on the shifting sands of these islands. And last year's budget reconciliation bill includes a provision requiring the Department of the Interior to deny flood insurance to structures built on many of the previously undeveloped lands. The Interior Department recently released for public comment its map of areas to be denied insurance. The draft map involves some 188 areas in 16 States that should be defined as undeveloped coastal barriers.

Even if an area is identified as ineligible for insurance, however, a private developer can still construct housing on it—and hope for the best.

My colleague from Delaware, Mr. EVANS, has led an effort, along with 126 cosponsors, to prohibit Federal assistance in the construction of highways, bridges, and sewage treatment facilities on these barriers. This bill passed the House on September 28 by a vote of 399-4. It passed the Senate earlier and is currently in a House-Senate conference. The congressional statement of purposes on that legislation makes an eloquent explanation of the importance of protecting these barriers:

(a) FINDINGS.—The Congress finds that—

(1) habitats which are essential spawning, nursery, nesting, and feeding areas for migratory birds, aquatic organisms, and other wildlife are provided within the coastal barriers along the Atlantic and gulf coasts of the United states and the adjacent wetlands, marshes, estuaries, inlets, and near shore waters;

(2) these fish and wildlife resources and their habitats are being irretrievably damaged and lost due to development on, among, and adjacent to, such coastal barriers;

(3) certain actions and programs of the Federal Government have subsidized and encouraged such development; and

(4) a program of coordinated action by Federal, State, and local governments is critical to the more appropriate use and conservation of fish and wildlife resources and habitats within the coastal barriers.

(b) PURPOSE.—The Congress declares that it is the purpose of this Act to minimize the damage to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and gulf coasts by restricting future Federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers, by establishing a Coastal Barrier Resources System, and by considering the means and measures by which the long-term conservation of these fish, wildlife, and other natural resources may be achieved.

Therefore, in an effort to compliment these efforts, as chairman of the Ways and Means Select Revenue Measures Subcommittee, I am today introducing a bill to deny interest expenses for loans used to finance the purchase of dwelling units on the lands which will be included in the final version of H.R. 3252/S. 1018. Since the exact areas will not be known for a while—but since it is important to slow development on these barriers—I am introducing this legislation before the end of the 97th Congress.

It is my intent to discourage further construction on areas which most parties know will be included in Interior's coastal barrier resources system. The bill would apply to construction which begins on or after January 1, 1983.

This will be the same date I will use in reintroducing the bill in the 98th Congress.

I hope that this legislation will contribute to the preservation of these barriers which are so important to the Nation's ecology and natural resources.●

WHERE THE NATION'S CREDIT GOES: $5.6 BILLION IN BANK CREDIT TIED UP IN BENDIX TAKEOVER

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

● Mr. REUSS. Mr. Speaker, late last night I received a letter containing previously secret documents from the Securities and Exchange Commission which indicate that $5.6 billion in lines of credit were made available by no fewer than 28 major American banks and 11 foreign banks to the 4 corporations participating in the bizarre takeover attempts involving Martin Marietta and Bendix.

This record shows that 20 domestic and 5 foreign banks lent Bendix Corp. $675 million to finance its purchase of 15.8 million shares of Martin Marietta.

The record shows that 13 banks, all domestic, lent Martin Marietta up to $930 million to purchase 11.9 million shares of Bendix.

The SEC record shows that 14 domestic and 8 foreign banks stood ready to provide United Technologies with up to $2 billion in credit to finance its offer to buy Bendix.

The record—in this case, press accounts—shows that Allied Corp. had another $2 billion in bank credit pledged to back its offer for Bendix and Martin Marietta.

While neither United Technologies nor Allied drew on their credit lines, this $4 billion was tied up for the entire month of September and was therefore not available to other companies, small businesses, or individuals who could have used the credit for more productive uses.

The record also shows that some of these banks were allocating the Nation's scarce credit to more than one of the competing cannibals. For example, 15 banks lent to at least 2 of the 4 companies—including Ameritrust Co., Irving Trust Co., Manufacturers Hanover Trust Co., Mellon Bank N.A., the National Bank of Detroit, the First National Bank of Boston, the First National Bank of Chicago, the Wells Fargo Bank N.A., Bank of America N.T.S.A., Citibank N.A., and Continental Illinois National Bank & Trust Co. of Chicago—while 3 banks made credit available to all 3 companies for which we have records—Bankers Trust Co., Chemical Bank, and Morgan Guaranty Trust Co. of New York. A number of the banks who got burnt on Penn Square and Drysdale and who are in trouble for their foreign lending are also on this list.

The Securities and Exchange Commission requires that corporate tender offer statements list all sources of borrowed funds that will be used in a takeover attempt. I commend the SEC for making available to me, late last night, the material I have been requesting.

But did anyone in the administration raise a finger to prevent the diversion of $5.6 billion in scarce credit to the Martin Marietta-Bendix debacle? Not as far as I can see.

Indeed, the Federal Reserve—to which Congress has delegated authority for regulating our financial system—refuses to monitor or regulate bank lending for corporate takeovers. As recently as last week, when the Federal Reserve Bank presidents appeared before the House Committee on Banking, Finance and Urban Affairs, I asked these questions:

What has the Federal Reserve done in recent years to tone down the wave of unproductive corporate mergers and acquisitions that have nothing to do with new investment and of which the current example is the Bendix-Martin Marietta extravaganza?

What have the Federal Reserve Banks done to take some of the starch out of the credit-wasting Bill Agees and the rest of the lot?

And the answer of the Federal Reserve was:

The Fed traditionally has felt that the market mechanism for allocating credit was a more efficient mechanism, that it was very difficult for administering authorities to make decisions as to which credit uses are more productive.

This embarassing scene of four corporations all trying to gobble each other up, financed by some of the largest banks in the country, comes on the heels of such predacious corporate takeovers in 1981 as the takeover of Conoco by duPont, after a public battle involving Texaco, Mobil, and Seagrams, the takeover of Marathon Oil by U.S. Steel, after a public battle with Mobil, and the attempted takeover of Grumman by LTV.

Millions of ordinary Americans are not amused by this spectacular misuse of their savings by the corporate world and the banking system.

In our 1982 annual report, the Joint Economic Committee recommended that our banking system should practice credit conservation in order to channel credit into productive uses:

The Administration and the Federal Reserve should encourage the banking system to develop an effective means to deter destabilizing bursts of bank-financed lending for unproductive purposes such as large corporate takeovers and speculation in commodities, collectibles, and land. Such measures will have the effect of conserving scarce credit resources in times of need for the use of small business, farmers, housing, automobile financing, and productive capital investment.

The Allied-Bendix-Martin Marietta entanglement makes this recommendation appropriate today.

Under section 13(d)(1)(B) of the Securities Exchange Act of 1934, the names of banks extending lines of credit for corporate takeovers are to be kept confidential to prevent the contesting parties from exerting economic pressure upon banks making legitimate loans in takeover contests. The SEC fulfilled this requirement of the act. Now that both Martin Marietta and Bendix have completed their purchases of stock under their tender offers, there is no further need to maintain this secrecy.

I attach the September 30 letter to me of the Securities and Exchange Commission:

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., September 30, 1982.

Hon. HENRY S. REUSS,
Chairman, Joint Economic Committee, Congress of the United States, Washington, D.C.

DEAR CONGRESSMAN REUSS: This is in response to your letter of September 28, 1982 on behalf of the Members of the Joint Economic Committee in which you request the identities of the banks, both foreign and domestic, or other financial institutions which provided credit to Martin Marietta Corporation ("Martin Marietta") and the Bendix Corporation ("Bendix") in their recent tender offers.

I have attached for the Committee's information a listing of the identities of the banks disclosed to the Commission by Martin Marietta and Bendix in their requests for confidential treatment. As you are undoubtedly aware, Section 13(d)(1)(B) of the Securities Exchange Act of 1934 (the "Exchange Act") prohibits the Commission from making available to the public the names of certain banks of certain banks that make loans in the ordinary course of their business to finance acquisitions of securities reported on Schedule 13D if their names are provided the Commission and the person filing the statement requests that such names not be made available to the public. The legislative history of this prohibition indicates that its purpose was to prevent the contesting parties from exerting economic pressure upon banks making legitimate loans in takeover contests.

To implement the provisions of Section 13(d)(1)(B) in tender offer filings, the Commission adopted Item 4(c) of Schedule 14D-1. The provisions for bank name confidentiality set forth in Item 4(c) are identical to those set forth in Section 13(d)(1)(B). Accordingly, upon receipt of the request for confidentiality of the identities of the banks participating in the financing of the two offers, the Commission granted confidential treatment to this information.

As mentioned above, Section 13(d)(1)(B) prohibits the Commission from making available to the public the identity of lending banks in the circumstances described in that section. In making this information available to you, we request that you take section 13(d)(1)(B) into account in considering any further use you might make of it.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

Enclosure.

REPORT OF THE DIVISION OF CORPORATION FINANCE, THE BENDIX CORP.

The following are the domestic banks with which Bendix had entered into Revolving Credit Agreements or had received oral commitments for the financing of its tender offer:

Ameritrust Company, Bank of Tokyo Trust Company, Bankers Trust Company, Chemical Bank, Crocker National Bank, Detroit Bank and Trust, Fidelity Union Bank.

Irving Trust Company, Manufacturers Hanover Trust Company, Manufacturers National Bank of Detroit, Marine Midland Bank, N.A., Mellon Bank, N.A., Morgan Guaranty Trust Company of New York, National Bank of Detroit.

Security Pacific National Bank, The First National Bank of Atlanta, The First National Bank of Boston, The First National Bank of Chicago, The First National Bank of Maryland, The Northern Trust Company, Wells Fargo Bank, N.A.

The following are the domestic banks and life insurance companies from which Bendix obtained waiver of certain negative covenants which might have impaired the ability of Bendix to effect Martin Marietta's becoming a subsidiary:

Citibank, N.A., Manufacturers Hanover Trust Company, Manufacturers National Bank of Detroit, Mellon Bank, N.A., Metropolitan Life Insurance Company, The Travelers Insurance Company.

MARTIN MARIETTA CORPORATION

The following are the domestic banks which were the source of the borrowed funds pursuant to the Credit Facility described in the Schedule 14D-1:

Ameritrust Company, Bank of America National Trust and Savings Association, Bankers Trust Company, Chemical Bank, Citibank, N.A., Continental Illinois National Bank and Trust Company of Chicago.

Manufacturers Hanover Trust Company, Maryland National Bank, Mellon Bank, N.A., Moran Guaranty Trust Company of New York, Seattle First National Bank, Toronto Dominion Bank New York Agency, Wachovia Bank and Trust Company, N.A.

ADDITIONAL BANKS EXTENDING CREDIT TO BENDIX AND UNITED TECHNOLOGIES, AS LISTED IN TENDER OFFER STATEMENTS FILED WITH THE SEC

I. BENDIX, FOREIGN BANKS

Bank of Montreal, Dresdner Bank, Banque De L'Indochine Et De Suez, Societe Generale, Midland Bank, Ltd.

II. UNITED TECHNOLOGIES, DOMESTIC BANKS

Citibank, N.A., The Chase Manhattan Bank, N.A., Morgan Guraranty Trust Co. of N.Y., Bank of America, N.T.S.A., Bankers Trust Company, Chemical Bank, Manufacturers Hanover Trust Co.

The First National Bank of Boston, Wells Fargo Bank, N.A., The Bank of New York, Irving Trust Company, The First National Bank of Chicago, Continental Illinois National Bank and Trust Company of Chicago, National Bank of Detroit.

III. UNITED TECHNOLOGIES, FOREIGN BANKS

Credit Lyonnais, Societe Generale, Commerzbank Akteingesellschaft, Dresdner BankAktiengesellschaft, Lloyds Bank International Ltd., The Royal Bank of Scotland, Ltd., The Sumitomo Bank, Ltd., Union Bank of Switzerland.●

A REFORM TO PROVIDE NONPROFIT HELP TO THE NEEDY

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I am today introducing legislation to remedy what I believe is a serious deficiency in the supplemental security income (SSI) program.

As you know, Mr. Speaker, the SSI program was established in 1974 to provide a federally guaranteed minimum income for the elderly, the blind, and the disabled. It operates under very strict guidelines as to the levels of income and assets allowed its beneficiaries. These limitations are designed to restrict the program to serving only the most desperately needy of our citizens, those who are unable to work, who have no assets to fall back on, and whose benefits from other Federal social programs are not sufficient to allow them even the most basic of existences. I believe that SSI plays a central role in the Federal Government's commitment to meeting the needs of the disadvantaged: By guaranteeing a minimum living standard, it prevents its recipients from falling through the gaps in our network of social service programs.

In 1976, an important change was made in the law to allow contributions to SSI recipients from State and local government agencies. Under this provision, assistance provided by States and localities which is based on need is not counted toward the income limitation. This allows recipients to receive extra help from non-Federal Government social programs without losing anything from their Federal benefits.

The legislation I am introducing today would simply extend this provision to include assistance from private, nonprofit organizations which is determined by the appropriate State agency to be based on need. In most circumstances, SSI recipients now lose a dollar of Federal support for every dollar of private assistance they receive. Under this provision, if a charitable group wished to help some of these elderly or blind or disabled individuals and was certified by the State to be providing that help on the sole basis of the individuals' need, it could do so without the recipient's suffering a corresponding loss in Federal aid.

Mr. Speaker, I believe this change in the SSI program is long overdue. Particularly now, when Federal social programs of all kinds are being cut back and we hear much talk of private sector voluntarism moving in to fill the gaps, we must not discourage private charitable organizations from providing whatever assistance they can. It is most appropriate for the Federal Government to guarantee a floor income for these most needy and

most vulnerable members of our population. However, it is counterproductive to allow that guarantee to prevent the private sector from raising them above that minimum-level existence. This provision would allow more flexibility in the program without altering its fundamental purpose: To insure that no American is prevented by age, blindness, or disability from achieving a basic, decent minimum standard of living.

In addition, this change would not add significantly to either the Federal bureaucracy or the Federal budget deficit. By having the States rather than the Federal Government set the standards for private aid, this bill avoids any major increase in either Federal administrative costs or Federal involvement in the operations of private charitable organizations. Moreover, this provision would add to the direct costs of the SSI program only insofar as individuals now receiving private assistance became eligible for SSI or saw their SSI benefits increase once that assistance was no longer counted toward the income limitation. Since private organizations have as a rule been discouraged from aiding SSI recipients or potential recipients—the very problem this legislation is designed to correct—this group is likely to be relatively small.

I would like to close by giving my colleagues two examples of the difficulties that have arisen under present law:

Independent Living for the Handicapped, a nonprofit organization operating in my own congressional district, uses donations from private sources to help disabled individuals establish themselves in independent living situations rather than being forced to depend on others for their most basic needs. However, any aid they provide to SSI recipients is offset by a dollar-for-dollar decrease in the SSI benefit.

Several years ago, a church in rural Virginia, the Mount Pleasant Church of the Brethren, formed a committee on the needs of the elderly to determine how best to aid the poor and elderly residents of their area. The committee decided to assist some of these residents with monthly cash payments to be used toward their rent, but again found their assistance offset by decreases in SSI benefits. As the committee members wrote to their Representative in Congress, "We as a country give the elderly enough assistance to allow them to survive and then stop * * *. And when others wish to help, to allow them some dignity as well as quality to life, our hands are bound."

Mr. Speaker, this legislation would give this church and other groups like it the freedom to help those around them who they can see are in need, who can survive with the aid of Government benefits but can do little else. I have included below the full text of the bill—a simple one, as you will see—and I would urge all Members to support it.

H.R. 7279

A bill to amend title XVI of the Social Security Act to provide that assistance based on need which is furnished to an individual by a private nonprofit organization shall be excluded from such individual's income in determining his or her eligibility for SSI benefits or the amount thereof

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1612(b)(6) of the Social Security Act is amended by inserting before the semicolon at the end thereof the following:", or which (as determined by the appropriate State agency) is based on need and furnished by a private nonprofit organization".

SEC. 2. The amendment made by the first section of this Act shall apply with respect to benefits for months after the month in which this Act is enacted.●

PERSONAL EXPLANATION

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. EDGAR) is recognized for 5 minutes.

● Mr. EDGAR. Mr. Speaker, due to urgent business in my district I was not recorded on the last two rollcalls on Wednesday, September 29, rollcall Nos. 379 and 380. Had I been present and voting I would have voted "yea" on H.R. 6838, as amended, the termination of export control on pipeline equipment for the Soviet Union and "yea" on H.R. 5543, the Ocean and Coastal Resources Act.●

TELEVISION PROGRAMING FOR CHILDREN

The SPEAKER. Under a previous order of the House, the gentleman from Colorado (Mr. WIRTH) is recognized for 5 minutes.

● Mr. WIRTH. Mr. Speaker, today, I am introducing a resolution to help bring national attention to the problem of television programing for children.

By the time the average child graduates from high school he or she will have spent more time in front of the television than in classes.

The influence of television on our children has been well established. A 1972 study of the National Commission on Causes and Prevention of Violence concluded that "In a fundamental way, television helps to create what children expect of themselves and others, and what constitutes the standards of civilized society." And a report released just last month by the National Institute of Mental Health states that "almost all the evidence testifies to television's role as a formidable educator whose effects are both pervasive and cumulative."

National attention must continue to be focused on this vital matter. I am therefore introducing a resolution which would designate the week of March 13–19, 1983, as "National Children and Television Week" to encourage individuals, groups, and corporations to make efforts on behalf of better television programing for children.

Senators CRANSTON and HEINZ have introduced the resolution in the Senate. I urge my colleagues to join me in support of this important resolution.

H.J. RES. 623

Joint resolution to designate the week of March 13, 1983, as National Children and Television week

Whereas television can create an intellectual and emotional environment which can play a decisive role in shaping individual development and perception;

Whereas parents and other adults should be able to look to television to provide children with true pictures of the world and positive models for behavior;

Whereas many dedicated groups and individuals strive to improve the quality of television programming viewed by children and their families; and

Whereas the Nation has a continuing responsibility to provide appropriate, stimulating programming for children and adolescents: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of March 13, 1983, is hereby designated as "National Children and Television Week," and the President of the United States is authorized and requested to issue a proclamation calling upon the elected officials and people of the United States to observe such week through activities supporting television programs which are attentive to the needs and interests of children and those who care for them.●

U.S. COURT OF APPEALS DECISION INVOLVING THE FORMER HON. JOHN E. MOSS

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. DINGELL) is recognized for 5 minutes.

● Mr. DINGELL. Mr. Speaker, I am pleased to inform the House of a recent decision by the U.S. Court of Appeals for the Ninth Circuit involving our former colleague, the Honorable John E. Moss, my predecessor as chairman of the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce.

In October of 1981, Chairman Moss, a man well-known for his belief in the constitutional rights of the Congress, was cited for contempt of court by the U.S. District Court for the Eastern District of California. Chairman Moss subjected himself to this inglorious treatment rather than allowing a private civil litigant, and a single Federal judge, to compel him to answer questions concerning certain investigatory activities of our committee.

Chairman Moss, who was represented by counsel to the Clerk of the House pursuant to procedures adopted by this House in rule 50 of our rules, had refused to answer certain questions propounded to him by a plaintiff in a civil libel suit brought against the Seattle Post-Intelligencer. Rather than provide Chairman Moss with an opportunity to present the court with the constitutional arguments and judicial precedents which properly insulate a Member of Congress from being subjected to questioning regarding his official actions the district court, at the behest of the private civil litigant placed Chairman Moss in contempt of court.

This week the Court of Appeals for the Ninth Circuit reviewed the actions of the district court and reversed the district court's decision. A three judge panel of the court of appeals unanimously remanded the case to the district court with instructions that the order holding Chairman Moss in contempt be vacated. The court of appeals noted that: "We conclude that the district court erred in holding Moss in contempt." The court found that: "Moss was in violation of no court order," and that, by appearing and testifying he had complied with the subpena served upon him to the extent necessary to render the district court's action improper.

The appellate court also stated that it agreed with Chairman Moss' contention that the district court had denied him the required and proper opportunity to present his explanation for refusing to answer certain questions.

While I applaud the action of the court of appeals in rectifying the wrong that was done by the district court I am deeply concerned, as I am sure all Members of the House are, that a Federal judge could, in such a cavalier fashion, mistreat a respected former Member of this body.

I would also like to take this opportunity to commend you, Mr. Speaker, and the leadership on both sides of the aisle, who have in this and many other occasions joined together in a nonpartisan fashion to vigilantly protect the rights of this institution.

I recommend to all Members of the House to read this court of appeals opinion which I am inserting in the RECORD at this point.

[U.S. Court of Appeals for the Ninth Circuit—No. 81-4567, USDC No. S-81-144]

FREMONT ENERGY CORPORATION, ET AL., PLAINTIFFS, *v.* THE SEATTLE POST INTELLIGENCER, THE HEARST CORPORATION, ET AL., DEFENDANTS, JOHN E. MOSS, CHAIRMAN, MOVANT-APPELLANT

OPINION

Argued and Submitted: June 18, 1982.

On Appeal from the United States District Court for the Eastern District of California Honorable Raul A. Ramirez, Presiding

Before: Merrill and Hug, Circuit Judges, and Brown,[1] District Judge.

Merrill, Circuit Judge:

John E. Moss appeals from an order of the district court for the Eastern District of California adjudging him in contempt of court for failure adequately to respond to the directions of a subpoena duces tecum.

Moss is a former member of Congress and the former chairman of the Subcommittee on Oversight and Investigation of the House Committee on Interstate and Foreign Commerce. In December 1978, that subcommittee issued a report on uranium lode mining claims on federal lands. The report apparently was critical of the activities of the Fremont Energy Corporation, and two articles in the Seattle Post Intelligencer reporting that criticism are the subject of a libel suit brought by Fremont against that newspaper in the Western District of Washington. Through its discovery efforts in that case Fremont learned that Dan Seligman, a reporter for the Post Intelligencer, had telephoned Moss concerning the report on January 23, 1979, some three weeks after Moss's final term in Congress had expired. Fremont thereupon secured the issuance of a subopena duces tecum by the Clerk of the District Court for the Eastern District of California, which subpoena was served upon Moss in Sacramento, California. It called on him to appear at the offices of the Sacramento Deposition Reporters of Sacramento, California to testify on behalf of plaintiffs. He was further instructed to bring with him "any and all reports, records, files, notes, memoranda, correspondence or other documents pertaining to certain remarks and comments more specifically described in attachment A" to the subopena.

The attachment identified five items as follows:

1. Certain remarks made by Moss to Seligman on or about January 23, 1979.

2. An official report compiled and issued by the subcommittee chaired by Congressman Moss—identified by plaintiff as the "Moss Report," also known as a Report on Uranium Lode Mining Claims on Federal Lands.

3. The subcommittee hearings on which the Moss Report was based.

4. Certain comments made to Seligman by a member of the subcommittee staff concerning Fremont Energy Corporation, the Moss Report, or the subcommittee hearings.

5. The procedures and rules of the subcommittee and of Congress during the course of the subcommittee hearings.

On March 4, 1981, in the District Court for the Eastern District of California, Moss moved to quash the subpoena claiming that its subject was privileged by the Speech or Debate Clause of the Constitution. On May 6, the court granted the motion insofar as the subpoena related to Moss' legislative activities (items 2, 3, and 5 of the attachment to the subpoena), and entered a protective order to that effect. As to the conversations with Seligman (items 1 and 4 of the attachment to the subpoena), however, the court denied the motion finding that they were not "part and parcel or essential to the deliberative process." This court dismissed Moss' appeal from the court's order for lack of finality.

Fremont conducted its deposition of Moss on August 26, 1981. Moss failed to bring to the deposition any documents meeting the specifications of items 1 and 4 of the subpoena and refused on Speech or Debate grounds to answer virtually all of Fremont's more probative questions. Fremont then applied for an order to show-cause why Moss should not be held in contempt. The court issued the requested order and scheduled a show cause hearing for October 19, 1981. At that hearing the court held Moss in contempt and ordered that he be committed to the custody of the United States Marshall "until such time as he should see fit to comply with and obey the specifics and mandate of that subpoena duces tecum." The court also awarded to Fremont the costs and attorneys fees it had incurred in taking the fruitless deposition and in pursuing the contempt order. The court stayed incarceration pending the outcome of this appeal. We conclude that the district court erred in holding Moss in contempt.[2]

We note first that because Moss was in violation of no court order, if he is in contempt, it is for failure to comply with the demands of the subpoena duces tecum. In this respect, Rule 45(f), Fed.R.Civ.P., provides:

"*Contempt.* Failure by any person without adequate excuse to obey a subpoena served upon him may be deemed a contempt of the court from which the subpoena issued."

The subpoena served on Moss directed him to appear and testify at a deposition. This Moss did. The subpoena did not direct Moss to answer any of the specific questions propounded by Fremont. If he is to be held in contempt for failure to answer questions, then, it must be pursuant to Rule 37(b)(1), Fed.R.Civ.P., which provides:

"*Sanctions by Court in District Where Deposition is Taken.* If a deponent fails to be sworn or to answer a question after being directed to do so by the court in the district in which the deposition is being taken, the failure may be considered a contempt of that court."

Since there was no such court direction,[3] Moss cannot be adjudged in contempt for failure to answer questions.

The subpoena also directed Moss to produce all documents meeting the specifications stated by Freemont. Whether any such documents actually exist, however, the record does not show. Without such a showing, we cannot be certain that a violation of the subpoena has occurred, and therefore cannot affirm the imposition of sanctions.

On a related point, Moss argues that the district court denied him an opportunity to show "adequate excuse" for any non-compliance with the subpoena and that such opportunity is required by Rule 45(f). We agree. At the contempt hearing, Moss offered to provide an explanation (which he termed "defenses") for his failure to produce. The court rejected this offer stating that it was interested only in the discussion of sanctions.

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[1] Honorable Wesley E. Brown, Senior United States District Judge for the District of Kansas, sitting by designation.

[2] Participating as amicus curiae, the Seattle Post Intelligencer argues that the information Fremont seeks from Moss is not relevant to Fremont's libel suit under Washington law, and accordingly that we need not reach the merits of the contempt order. In this forum ancillary to the underlying libel action, we decline to pass judgment on the relevancy question. See *Horizons Titanium Corp.* v. *Norton Co., 290 F.2d 421, 425 (1st Cir. 1961).*

[3] The court's May 6 order granting in part and denying in part Moss's motion to quash the subpoena did not constitute an order "direct[ing]" him to answer specific questions. Indeed, as the court acknowledged, the order left the scope of permissible questioning far from clear.

Reversed and remanded with instructions that the order holding appellant in contempt be vacated.

MR. ROD O'CONNOR CHIEF OF VOLUNTARY SERVICES RECOGNIZED FOR OUTSTANDING SERVICE TO VETERANS AT THE ALBANY VA HOSPITAL

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. STRATTON) is recognized for 10 minutes.

Mr. STRATTON Mr. Speaker, it is my distinct honor to bring to the attention of my colleagues in the House the many accomplishments of my constituent Roderick J. O'Connor, Chief of Voluntary Service/Public Relations at the Albany, N.Y., Veterans' Administration Medical Center.

In recent weeks Rod has been honored by the New York State Legislature for his many years of service to veterans throughout the capital district area.

I think his achievements are monumental enough that Congress would want to be aware of them.

Rod O'Connor has been deeply involved in promoting the cause of our veterans in the Albany area for over 30 years. He has helped to nurture the Albany Veterans' Administration facility from its early days to the top-notch medical center it is today.

In my own experience I have dealt with Rod on numerous occasions in which he has gone out of his way to deal with the problems of individual veterans and follow them through to a successful conclusion. I have never seen any individual give so much of himself to help others.

After Navy service in World War II, Rod settled in Albany and began the very successful career that has led to the respect and support he has today in the Albany VA Medical Center as well as within the community at large. He has been honored by numerous veterans' organizations for his untiring efforts over a long period of time. These awards include the National Disabled American Veterans Award for Distinguished Service and the National American Legion Service Award for Outstanding Service to Hospitalized Veterans. The list goes on, but one can certainly see from the significance of these awards that the respect and admiration for the job Rod O'Connor does is universal.

I am honored to be able to bring Rod's accomplishments to the attention of my colleagues and hope that we in the Albany area will continue to benefit from his service for years to come.

RIGHTS OF AMERICAN CITIZENS OF ARMENIAN DESCENT MUST REMAIN INVIOLATE

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. PHILLIP BURTON) is recognized for 5 minutes.

● Mr. PHILLIP BURTON. Mr. Speaker, we have been hearing disturbing rumors recently that foreign agents may be dispatched to our shores to seek out and abduct citizens of the United States of Armenian ancestry.

We must send a message to the Turkish Government that we vigorously condemn any effort to go outside the bounds of international cooperation in searching out those who attacked Turkish diplomats. The rights of American citizens of Armenian descent must remain inviolate. We must not allow the summary justice of another nation to be visited upon our own citizens.●

NATIONAL SPINAL CORD INJURY MONTH

Mr. FOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 249) providing for the designation of the month of October 1982 as "National Spinal Cord Injury Month," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 249

Whereas spinal cord injuries now paralyze over 500,000 Americans;

Whereas there are 20,000 new spinal cord injuries per year;

Whereas most spinal cord injuries involve young people and are thesult of motor vehicle accidents, sports and recreational activities, or of service in our Nation's Armed Forces;

Whereas lifetime costs to sustain a person with a spinal cord injury are between 1 and 5 million dollars, representing a major and expensive medical problem for this country;

Whereas research advances have permitted scientists to predict that we will be able to prevent and cure paralysis for hundreds of thousands of people;

Whereas the general public is unaware of the staggering costs and personal consequences of spinal cord injury; and

Whereas programs of the National Spinal Cord Injury Association, the Paralyzed Veterans of America and other similar organizations are dedicated to funding research and helping all paralyzed persons; and

Whereas an increase in the national awareness of the problem of spinal cord injuries may ease the burden of the victims and families of victims and may stimulate interest in increased research for the cure of spinal cord injury paralysis; Now, therefore be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the month of October is designated as "National Spinal Cord Injury Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DEPOSITORY INSTITUTION ACT

The SPEAKER. Under a previous order of the House, the gentleman from Washington (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, earlier today on the adoption of the conference report on H.R. 6269, which was adopted by voice vote, I had opposed the adoption of the rule because of circumstances which I felt indicated the rule should be in a slightly different form.

This is the Depository Institution Act.

I would like to at this point state my very strong support for the conference report on the depository institutions legislation (H.R. 6267).

As someone who supported the various House bills that were considered as part of the conference, I feel very strongly that the conference report merits the support of every Member in this Chamber. I should point out that I voted against the rule to the conference report on H.R. 6267 not because I had any reservations regarding the content of the conference report, which I just stated I emphatically did not, but because I believe that the rule, particularly with its closed provision that was the subject of debate during the consideration of the rule, was unwarranted and denied my colleagues the opportunity to reflect certain very specific concerns that are strongly felt in their States.

However, let me again state that I fully support the conference report on depository institutions and would like to commend the conferees for their thoughtful work on this much needed legislation. It is my firm belief that it will be of great benefit and assistance to the thrift industry in the Pacific Northwest and to the entire country.

LEGISLATIVE PROGRAM

(Mr. UDALL asked and was given permission to address the House for 1 minute.)

Mr. UDALL. Mr. Speaker, could the distinguished majority whip tell us something about the program for the last week in November?

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to the gentleman.

Mr. FOLEY. I will be delighted to inform the gentleman from Arizona that we have adopted today an adjournment resolution which calls for the House to return at noon on November 29.

At that time one of the earliest bills that will be considered, it is my understanding, is the nuclear regulatory legislation that was scheduled for this week and which unfortunately, because of the constraint of time, could not be considered before adjournment very shortly.

But the gentleman from Arizona, who has devoted so much time to that legislation and has made such strenuous and important contributions to it, along with some of the other Members and other committees as well as the Interior and Insular Affairs Committee, I think should be assured that the Speaker has cleared that legislation for the earliest possible consideration on the week of our return.

□ 0050

Mr. STRATTON. Mr. Speaker, will the distinguished majority whip yield?

Mr. FOLEY. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, I am delighted to know that the Speaker has indicated that that conference report will be the first order of business when we return. I think in all fairness I should advise the leadership that, unfortunately, the conference report, as it came out of the other body, is very seriously flawed. There are three sections in the bill which are nongermane, which would have been ruled out of order had that particular item been proposed to the bill in the House. As the representative of the Armed Services Committee which has a very profound interest in matters nuclear, I will be constrained to raise those points of order at the appropriate time. It does not come as any surprise to my friend, the gentleman from Arizona, but I have enjoyed the opportunity of remaining here until the last moments so that we might share this thought together.

Mr. UDALL. We will work with the gentleman, if the gentleman will yield, between now and the time that it is brought up. I think the Armed Services Committee very properly has some very serious questions. We think we can resolve them or at least satisfy the gentleman from New York about some of them before we bring it to the floor.

REQUEST TO CONSIDER H.R. 6655, SMALL BUSINESS SALVAGE TIMBER SALES ACT OF 1982

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of the bill (H.R. 6655) to require the Secretary of the Interior to offer to sell exclusively to small business concerns not less than 30 percent of the quantity of salvage timber which is harvested from land managed by the Bureau of Land Management and offered for sale in any fiscal year, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. HARTNETT. Mr. Speaker, I reserve the right to object.

Mr. FOLEY. Mr. Speaker, will the gentleman from South Carolina yield?

Mr. HARTNETT. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, it is my understanding that if we could ask the gentleman from Ohio to call up the legislation dealing with Wolf Trap and have it considered at this time, the other bills which the gentleman has asked to have considered would subsequently be brought up without objection.

Is my understanding correct on that.

Mr. HARTNETT. That is my understanding. If you would go ahead and consider the Wolf Trap bill, I would have no objection. I could not understand the reason for the change in order, anyway.

Mr. FOLEY. If the gentleman will yield, Mr. Speaker, I wonder if I could ask the gentleman from Ohio (Mr. SEIBERLING) if he would consider at this time bringing before the House the legislation dealing with Wolf Trap.

Mr. HARTNETT. Further reserving the right to object, Mr. Speaker, I would appreciate, if the gentleman has no specific objection to the order in which the bills are brought up, if he would help me help my friend by talking about Wolf Trap first. I would be indebted to the gentleman.

Mr. SEIBERLING. If the gentleman will yield, I have no objection to taking them up in that order.

Would the gentleman then assure me that he would not object?

Mr. HARTNETT. I will assure the gentleman that, yes.

Mr. SEIBERLING. That is perfectly all right with me. I was just going in the same order that I started out with.

Mr. HARTNETT. Mr. Speaker, further reserving the right to object, there seems to be some pride of authorship, and I just thought that since Wolf Trap is so important to the Nation, it ought to come first.

Mr. SEIBERLING. Well, let us get ourselves out of the Wolf Trap.

Mr. Speaker, I withdraw my unanimous consent request.

PROVIDING FINANCIAL ASSISTANCE TO WOLF TRAP FOUNDATION FOR THE PERFORMING ARTS

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 7293) to provide financial assistance to the Wolf Trap Foundation for the Performing Arts for reconstruction of the Filene Center in Wolf Trap Farm Park, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill, as follows:

H.R. 7293

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for the establishment of the Wolf Trap Farm Park in Fairfax County, Virginia, and for other purposes", approved October 15, 1966 (16 U.S.C. 284-284b), is amended by adding at the end the following new sections:

"SEC. 4. (a) The Secretary is authorized to make available to the Foundation, in the form of a grant, $9,000,000 to be used for the reconstruction of the Center, subject to the provisions of this section. Such grant shall be made available in increments as needed for such purpose and only if the Foundation has agreed under terms and conditions satisfactory to the Secretary to provide, from non-Federal sources, sufficient contributions on a timely basis to complete the reconstruction of the Center.

"(b) The Secretary may make loans to the Foundation to the extent needed to complete the reconstruction of the Center and to provide for noise mitigation measures, including those on adjacent public property, in an amount equal to twice the amount of non-Federal contributions received, and provided, by the Foundation for such reconstruction work. The total amount of such loans may not exceed $8,000,000. Loans made under this subsection shall be repaid in full, with interest on any unpaid obligation at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketing obligations of the United States with remaining periods to maturity comparable to the maturity of the loan, plus such additional charge, if any, as the Secretary may determine, for the purpose of covering other costs of servicing the loan. In determining the terms and conditions governing any loan, the Secretary shall fix a term of not more than five years from the date the loan agreement is executed.

"(c) No grants or loans may be made under this section unless the Secretary has entered into a written agreement with the Foundation under which the Foundation agrees—

"(1) to expend all funds for the reconstruction of the Center (and for construction or reconstruction of any related structures or fixtures) only in accordance with circulars published by the Office of Management and Budget applicable to Federal grants to nonprofit organizations, and in accordance with the provisions of the Davis-Bacon Act (40 U.S.C. 276a-a7);

"(2) to comply with such other terms and conditions as the Secretary deems appropriate; and

"(3) to maintain, during the term of the cooperative agreement described in section (5), and at the Foundation's expense, insurance on the Center respecting such risks, in such amounts, and containing such terms and conditions, as are satisfactory to the Secretary. Any repairs or reconstruction carried out with Funds obtained from the

receipt of the proceeds of any such insurance shall be subject to the approval of the Secretary.

"(d) The Secretary shall be responsible for overseeing the reconstruction and shall have final approval over the plans for, and location and design of, the Center, and the Foundation shall be responsible for managing the construction activities, including the selection (in accordance with the requirements referred to in paragraphs (1) and (2) of subsection (c)) of persons to perform architectural, engineering, construction, and related services.

"(e) No grants or loans may be made under this section unless the Secretary has received what the Secretary deems to be adequate written assurance from the Administrator of the Federal Aviation Administration that any easement granted to the Commonwealth of Virginia by the Administrator for construction of the Dulles Toll Road will contain noise standards ("A" weighted energy average sound level of 52 to 54 dB) and other standards set forth in the Final Environmental Impact Statement for the Dulles Airport Access Road Outer Parallel Toll Roads, prepared by the Federal Aviation Administration and issued in May of 1982, legally enforceable by the Administrator and by the Secretary which are adequate to protect the Center from undue noise pollution and other environmental degradation attributable to such toll road both during and after its construction, and will also contain legally enforceable assurances that the Commonwealth of Virginia will promptly take measures to achieve the noise levels specified in the easement. Such measures may include a partial or total ban on truck traffic on the toll road or other mitigation recommended by the Secretary and the Administrator.

"(f) The Secretary may also provide support services, as requested by the Foundation, on a reimbursable basis, for purposes of reconstruction of the Center.

"SEC. 5. (a) The Secretary is authorized and directed to enter into a cooperative agreement with the Foundation respecting the presentation of performing arts and related educational and cultural programs at the Center, and in such other areas of the park as may be agreed to. The Secretary may provide technical and financial assistance under such a cooperative agreement for such purposes, pursuant to such terms and conditions as he deems appropriate.

"(b) As a condition of entering into a cooperative agreement under this section, the Secretary shall require that—

"(1) the Foundation maintain the insurance described in section 4(c)(3) of this Act; and

"(2) the Foundation maintain its status as an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 and exempt from taxation under section 501(a) of such Code.

"(c) A cooperative agreement under this section shall provide that—

"(1) the Secretary and the Comptroller General of the United States or their duly authorized representatives shall have access to any pertinent books, documents, papers, and records of the Foundation to make audits, examinations, excerpts, and transcripts;

"(2) the Foundation shall prepare an annual report to the Secretary, which shall also be submitted to the appropriate committees of the United States House of Representatives and the United States Senate, summarizing the activities of the previous year (together with a comparison of goals and objectives with actual accomplishments) and presenting a plan for the forthcoming year; and

"(3) such cooperative agreement may be terminated at the convenience of the United States if the Secretary determines that such termination is required in the public interest.

The cooperative agreement shall contain such other terms and conditions as the Secretary deems appropriate. Until such cooperative agreement is entered into, nothing in this section shall be construed to affect or impair the validity of the agreement between the National Park Service and the Foundation dated September 16, 1980. Such agreement shall remain in force and effect until terminated under the terms and conditions of such agreement or until an agreement is entered into under this section. Nothing in this section shall be construed to affect the authority of the Secretary under any other provison of law to enter into a contract or an agreement, not conflicting with the cooperative agreement described in this section, with any other organization or entity with respect to the administration of the park.

"SEC. 6. All right, title and interest in the Center shall be vested in the United States. Nothing in this Act shall be construed to provide that the Foundations shall be considered to be a Federal agency or instrumentality for purposes of applying any law or regulation of the United States or any State.

"SEC. 7. Following disbursement of any grant under this Act for the reconstruction of the Center, the Secretary shall submit quarterly reports to the appropriate committees of the United States House of Representatives and the United States Senate setting forth the progress of the reconstruction, any present or anticipated problems of any type, the financial projections for remaining work, and the progress made by the Foundation in raising funds for purposes of the reconstruction. The report shall set forth quarterly goals respecting the reconstruction of the Center and shall compare the performance during the prior quarter to the goals set forth for that quarter.

"SEC. 8. (a) The Secretary shall cooperate with, and seek cooperation from, other Federal, State, and local agencies (including the Federal Aviation Administration) to protect the park from undue noise intrusions, air pollution, and visual degradation.

"(b) The Secretary shall monitor noise pollution which is associated with the Dulles road corridor (including the airport access and toll roads) and shall notify the Federal Aviation Administration, the Commonwealth of Virginia, and the appropriate committees of Congress if, after conferring with the Administrator of the Federal Aviation Administration, the Secretary finds that such noise pollution is exceeding the standards set forth in section 4(e). Within sixty days after any such notification, the Administrator of the Federal Aviation Administration shall take steps to reduce noise pollution so as to conform to such standards. The Secretary or the Foundation may bring an action in the United States District Court for the District of Columbia to enjoin any violation by the Commonwealth of Virginia of the easement referred in section 4(e).

"SEC. 9. A general management plan for the park shall be prepared and periodically revised in a timely manner in accordance with the provisions of section 12(b) of the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a through 1a-7). Such plan shall be submitted to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States no later than January 1, 1984, and such revisions shall be submitted to such committees of the Congress in a timely manner.

"SEC. 10. There is authorized to be appropriated not more than $17,000,000 to carry out sections 4 to 5 of this Act. No authority under this Act to enter into contracts or to make payments shall be effective except to the extent and in such amounts as provided in advance in appropriations Acts.

"SEC. 11. As used in this Act, the term—

"(1) 'Secretary' means the Secretary of the Interior.

"(2) 'Park' means the Wolf Trap Farm Park established under this Act, including the Center.

"(3) 'Center' means the Filene Center in the Park. Such term includes all real property and fixtures which are within or directly related to the Filene Center.

"(4) 'Foundation' means the Wolf Trap Foundation for the Performing Arts organized pursuant to the District of Columbia Nonprofit Organization Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SMALL BUSINESS SALVAGE TIMBER SALES ACT OF 1982

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of the bill (H.R. 6655) to require the Secretary of the Interior to offer to sell exclusively to small business concerns not less than 30 percent of the quantity of salvage timber which is harvested from land managed by the Bureau of Land Management and offered for sale in any fiscal year, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill, as follows:

H.R. 6655

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Small Business Salvage Timber Sales Act of 1982".

SALES OF SALVAGE TIMBER TO SMALL BUSINESS CONCERNS

SEC. 2. (a) Of the aggregate quantity of salvage timber which is harvested from land managed by the Bureau of Land Management and which is offered for sale by the Secretary in any fiscal year, not less than 30 per centum shall be offered for sale by the Secretary to small business concerns in the manner specified in subsection (b).

(b)(1) Any offer made by the Secretary under subsection (a) to sell salvage timber to small business concerns shall provide that the Secretary will sell such salvage timber to any person who, not later than the expiration of the forty-five-day period beginning on the date such offer is made—

(A) certifies, in the manner specified by the Secretary, that such person is a small business concern, and

(B) submits a bid to buy such salvage timber the amount of which—

(i) exceeds the amount of any other bid to buy such salvage timber submitted during such period by any other person properly certified as a small business concern, and

(ii) is not less than the fair market value of such salvage timber.

(2) If, before the expiration of such period, the Secretary does not receive a bid to buy such salvage timber the amount of which is not less than the fair market value of such salvage timber from a person properly certified as a small business concern, then the Secretary may offer to sell such salvage timber to any person.

SALES OF SALVAGE TIMBER AND LAND AND RESOURCE MANAGEMENT PLANS

SEC. 3. Any sale of salvage timber harvested from land managed by the Bureau of Land Management made by the Secretary shall be consistent with any applicable land and resource management plan, especially with regard to wildlife managment.

DEFINITIONS

SEC. 4. For purposes of this Act—

(1) the term "Secretary" means the Secretary of the Interior,

(2) the term "small business concern" means any person who—

(A) is primarily engaged in the logging or forest products industry,

(B) is not owned or controlled by any other person, and

(C) does not employ more than ten individuals, and

(3) the term "salvage timber" means trees which are dead, dying, damaged, or down.

SCOPE OF APPLICATION

SEC. 5. Section 2 of this Act shall not apply to offers to sell salvage timber in any fiscal year beginning before the date of the enactment of this Act.

COMMITTEE AMENDMENTS

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 2, line 5, after the word "Management" insert "(exclusive of any such timber which is incidental to the normal annual timber sale offering)".

Page 2, line 6, strike "shall" and in lieu thereof insert "may".

Page 2, lines 12 and 13, strike "forty-five-day" and in lieu thereof insert "fifteen-day".

Page 3, line 15, after "Interior," insert "except that in section six such term means the Secretary of Agriculture,".

Page 3, line 20, strike paragraph (B) and in lieu thereof add a new paragraph as follows:

"(B) is not owned or controlled by any other person, or corporation which is not a small business as defined in this Act, and".

Page 3, line 22, strike "ten" and in lieu thereof insert "twenty-five".

Page 3, strike line 25, and in lieu thereof insert "are insect-infested, dead, damaged, or down, and associated trees.".

Page 4, line 4, after the period add a new sentence as follows:

"The requirements of this Act may be waived by the Secretary in cases of catastrophic timber losses resulting from wind, fire, earthquake, volcanic eruption, mass soil movement, or other emergencies when the Secretary determines that salvage timber must be removed in such quantities or in such limited periods of time that application of such requirements would be impracticable or would result in significant waste of salvage timber.".

Page 4, line 4, insert a new section as follows:

"SEC. 6. (a) Not withstanding any other provisions of law, the Secretary of Agriculture, referred to in this section as "the Secretary", may sell individual trees or small numbers of trees located on National Forest System lands which are determined by the Secretary to be dead, diseased, damaged, dying, or down, as low volume per acre sanitation timber harvests under the following conditions:

(1) the appraised value of the sale is less than $10,000;

(2) the appraised value of the sale is equal to or greater than the estimated costs associated with the sale; and

(3) the sale is determined by the Secretary to be consistent with multiple use management.

(b) Sales under this section need not be subject to advertising or competitive bidding but may be made pursuant to negotiations with persons who have located an indicated an interest in purchasing timber described in subsection (a).

(c) (1) The Secretary shall establish and administer a special small salvage fund into which all proceeds from the sale of trees under this section shall be deposited. To the extent provided by appropriations acts, amounts in the fund shall be available to the Secretary for payment of all expenses related to such sales.

(2) The Secretary shall periodically transfer any amounts in the fund in excess of $1,000,000 to the Secretary of the Treasury to be credited to miscellaneous receipts.

(d) the Secretary shall issue such regulations as may be necessary to carry the provisions of this section.

(e) the provisions of this section shall become effective on October 1, 1982.".

page 4, after line 4, insert a new section as follows:

"SEC. 7. The Secretary of the Interior may convey, without consideration, to any person claiming to have been deprived of title to any portion of real property in Lane County, Oregon, as a result of the Bureau of Land Management survey entitled" Resurvey and Subdivision of Section 31, Township 21 South, Range 1 West", dated June 27, 1957, all right, title, an interest of the Untied States in and to such portion of real property if application therefor, accompanied by such proof of title, description of land, and other information, as the Secretary of the Interior may require, is received by such Secretary within 5 years after the date of enactment of this Act.".

Mr. SEIBERLING (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendments be considered as read, printed in the RECORD, and that they be considered en bloc.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Secretary of the Interior to offer to sell exclusively to small business concerns not less than 30 percentum of the quantity of salvage timber which is harvested from land managed by the Bureau of Land Management and offered for sale in any fiscal year, and for other purposes."

A motion to reconsider was laid on the table.

REVISING BOUNDARIES OF SARATOGA NATIONAL HISTORICAL PARK IN THE STATE OF NEW YORK

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1540) to revise the boundaries of the Saratoga National Historical Park in the State of New York, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. In order to preserve certain lands historically associated with the Battle of Saratoga and to facilitate the administration and interpretation of the Saratoga National Historical Park (hereinafter in this Act referred to as "the park"), the boundary of the park is hereby revised to include the area generally depicted on the map entitled "Saratoga National Historical Park," numbered 80,001, and dated March 23, 1979.

Sec. 2. (a) Except as provided in subsection (b), within the boundary of the park, the Secretary of the Interior (hereinafter in this act referred to as the "Secretary"), is authorized to acquire lands and interests therein by donation, purchase with donated or appropriated funds, or exchange. Except for the tract identified on the aforesaid map as tract number 01-132, which was authorized to be acquired by section 115 of the Act of March 5, 1980 (94 Stat. 71), The Secretary may not acquire (except by donation) fee simple title to those lands depicted on the map as proposed for less than fee acquisition. The map shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior.

(b)(1) Appropriated funds may not be used to acquire lands or interests therein within the park without the consent of the owner except when—

(A) the Secretary determines that such owner is subjecting, or is about to subject, the property to actions which would significantly degrade its value as a component of the park; or

(B) the owner fails to comply with the provisions of paragraph (2).

The Secretary shall immediately notify the owner in writing of any determination under subparagraph (A). If the owner immediately ceases the activity subject to such notification, the Secretary shall attempt to negotiate a mutually satisfactory solution prior to exercising any authority provided by subsection (a) of this section.

(2) If an owner of lands or interests therein within the park intends to transfer any such lands or interest to persons other than the owner's immediate family, the owner shall notify the Secretary in writing of such intention. Within 45 days after receipt of such notice, the Secretary shall respond in writing as to his interest in exercising a right of first refusal to purchase fee title or lesser interests. If, within such 45 days, the Secretary declines to respond in writing or expresses no interest in exercising such right, the owner may proceed to transfer such interests. If the Secretary responds in writing within such 45 days and expresses an interest and intention to exercise a right of first refusal, the Secretary shall initiate an action to exercise such right within 90 days after the date of the Secretary's response. If the Secretary fails to initiate action to exercise such right within such 90 days, the owner may proceed to otherwise transfer such interests. As used in this subsection with respect to a property owner, the term "immediate family" means the spouse, brother, sister, parent, or child of such property owner. Such term includes a person bearing such relationships through adoption and a stepchild shall be treated as a natural born child for purposes of determining such relationship.

(c) Subsection (b) shall not apply with respect to tract number 01-142.

(d) When an owner of property within the park desires to take an action with respect to his property, he shall request, in writing, a prompt written determination from the Secretary as to the likelihood of such action provoking a determination by the Secretary under the provisions of subsection (b)(1)(A). The Secretary is thereupon directed to promptly issue such owner a certificate of exemption from condemnation for such actions proposed by the owner which the Secretary determines to be compatible with the purposes of the park.

(e)(1) An owner of improved property which is used solely for noncommercial residential purposes, or for commercial agricultural purposes found to be compatible with the General Management Plan, on the date of its acquisition by the Secretary may retain, as a condition of such an acquisition, a right of use and occupancy of the property for such residential or agricultural purposes. The right retained may be for a definite term which shall not exceed twenty-five years, or in lieu thereof, for a term ending at the death of the owner. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value, of the term retained by the owner.

(2) Except for tract number 01-142, paragraph (1) shall not apply to property which the Secretary determines to be necessary for the purposes of administration, development, access, or public use.

(f) Any owner of lands or interests therein within the park who desires to have such lands or interests acquired by the Secretary may notify the Secretary in writing of such desire. It is the intention of the Congress that, upon receipt of such notification, and on the condition that such acquisition will transpire at fair market value and in accordance with other conditions acceptable to the Secretary, the Secretary shall endeavor to acquire such lands or interests therein within six months of the date of receipt of such notice from the owner.

SEC. 3. Section 2 of the Act approved June 22, 1948 (62 Stat. 571; 16 U.S.C. 159d), is amended to read as follows:

"SEC. 2. The Secretary of the Interior is authorized to accept all or any portion of the General Philip Schuyler Mansion property, real and personal, situated at Schuylerville, New York, comprising approximately fifty acres.".

SEC. 4. There are hereby authorized to be appropriated after October 1, 1983, such sums as may be necessary, but not to exceed $1,000,000 for the acquisition of lands and interests therein, to carry out the purposes of this Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REVISING BOUNDARIES OF CUMBERLAND ISLAND NATIONAL SEASHORE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 6882) to revise the boundaries of the Cumberland Island National Seashore and to provide compensation for certain facilities on the seashore.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill, as follows:

H.R. 6882

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any other provision of law, the Secretary of the Interior shall reimburse the Okefenoke Rural Electric Membership Corporation for the cost incurred by such corporation in installing transmission lines, transformers, and electric meters on Cumberland Island in the State of Georgia before the date of the enactment of this Act. Such reimbursements shall provide for payment of only the costs of so much of such facilities as are used for purposes of supplying electric energy to that area on Cumberland Island which is within the Cumberland Island National Seashore at the time such payment is made. The amount of such payment shall be reduced by an amount equal to the sum of all reimbursement for such facilities paid by any governmental or nongovernmental source to the Okefenoke Rural Electric Membership Corporation before the date on which payment is made under this Act.

(b) There is authorized to be appropriated to carry out the provisions of subsection (a) not more than $338,000.

SEC. 2. Section 1 of the Act of October 23, 1972 (86 Stat. 1066), is amended by striking out "numbered CUIS 40,000D" and substituting "numbered CUIS 40,000E".

AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. SEIBERLING. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. SEIBERLING:

Strike out all after the enacting clause and substitute:

That (a) notwithstanding any other provision of law, the Secretary of the Interior shall reimburse the Okefnoke Rural Electric Membership Corporation for the cost incurred by such corporation in installing transmission lines, transformers, and electric meters which serve the administrative needs of the Federal Government within Cumberland Island National Seashore in the State of Georgia. No such payment shall be made unless—

(1) the Corporation has entered into a written agreement with the Secretary which provides for—

(A) the continued adequate provision of electrical service by the Corporation at reasonable rates to satisfy the administrative needs of the Seashore, as determined by the Secretary; and

(B) the prompt repayment to the Secretary of any amounts paid by the Secretary under this Act, plus interest, in the event of the Corporation's future failure to provide electrical service under terms provided pursuant to paragraph (A); and

(2) the Secretary has performed an audit of the Corporation's records to determine the amount appropriately due the Corporation under the terms of this Act, which amount so determined by the Secretary shall constitute the maximum amount to be paid.

The amount so determined by the Secretary shall be reduced by an amount equal to the sum of all reimbursement for such facilities paid to the Corporation by any governmental or non-governmental source before the date on which payment is made by the Secretary under this Act.

(b) There is authorized to be appropriated to carry out the provisions of subsection (a) not more than $338,000.

SEC. 2. Section 1 of the Act of October 23, 1972 (86 Stat. 1066), is amended by striking out "numbered CUIS 40,000D" and substituting "numbered CUIS 40,000E".

Mr. SEIBERLING (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER. The question is on the amendment in the nature of a substitute offered by the gentleman from Ohio (Mr. SEIBERLING).

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 7293, H.R. 6655, S. 1540, and H.R. 6882.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDING SECTIONS 10 AND 11 OF THE ACT TO ESTABLISH SLEEPING BEAR DUNES NATIONAL LAKESHORE IN THE STATE OF MICHIGAN

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3787) to amend sections 10 and 11 of the act of October 21, 1970 (Public Law 91-479; 16 U.S.C. 460x), entitled "An act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes," with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 9, line 15, strike out all after "(c)." down to and including line 19, and insert "If the Secretary and such willing seller are unable to agree to a fair purchase price, that question may, by mutual consent be submitted to the appropriate United States District Court for adjudication.".

Page 10, strike out line 24 and all that follows over to and including "condemnation" in line 4 on page 11, and insert "If the owner does not accept such offer, the Secretary may file for condemnation".

Mr. SEIBERLING (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. BROWN of Colorado. Reserving the right to object, Mr. Speaker, I would like to inquire of the gentleman from Ohio what the change in the bill is.

Mr. SEIBERLING. If the gentleman will yield, the change in the bill was, first, to drop out a special fund which we provided from the proceeds of land sales; second, to drop out the arbitration clause, which the Senate objected to; and, third, to impose a ceiling, a specific ceiling, on the authorizations for land acquisition.

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Mr. BROWN of Colorado. Does the measure, as amended, provide for expenditures during fiscal 1983?

Mr. SEIBERLING. No.

Mr. BROWN of Colorado. I thank the gentleman, and Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Ohio?

There was no objection.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would advise the Members that we are waiting for the defense measure to come back from the Senate. We are waiting for the Senate to approve the adjournment resolution.

In the meantime we understand that there is a compromise on the Defense Production Act. That will be the only piece of legislation.

LEGISLATIVE PROGRAM

(Mr. FOLEY asked and was given permission to address the House for 1 minute.)

Mr. FOLEY. Mr. Speaker, this is the time of year when Members are about to depart to their respective districts for the purpose of discussing with their constituents the issues of this political season.

As we await the final action of the Defense Production Act and the adjournment resolution from the Senate, I am sure all of us on this side of this aisle, members of the leadership and members of the Democratic Party would like to wish our colleagues on the other side of the aisle a happy, a pleasant, if not totally successful recess, at least one in which they will have an opportunity to discuss the issues and to meet the challenges of the period.

We do seriously want to thank our colleagues for their cooperation on the matters that have been brought forth before the House tonight. I know it has been late. One that sometimes tries the patience of Members. But we have disposed of a number of important issues and matters.

We have only one or two left, at which time I think we can look forward to the adjournment resolution.

The parties who have previously discussed the Defense Production Act are attempting now to arrange a compromise on the extension of that act for a 6-month period, and following that it is my understanding that the Senate will take up the adjournment resolution and complete that matter, and that is the only other matter that stands betwen our own adjournment.

DEFENSE PRODUCTION ACT AMENDMENTS OF 1982

Mr. PATTERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2375) to extend the Defense Production Act of 1950; to amend section 719 of such act to transfer the authorities and functions of the Cost Accounting Standards Board; to establish a Commission on Strategic and Critical Materials Stock Piling Needs; and to establish a White House Conference on Productivity, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. BRODHEAD. Reserving the right to object, Mr. Speaker, I do so for the purpose of clarifying with the gentleman from Arkansas (Mr. BETHUNE) and with the majority whip, that an agreement has been reached that the House will have an opportunity to consider H.R. 5540 during the upcoming lameduck session. Is that understanding correct?

Mr. BETHUNE. Mr. Speaker, will the gentleman yield?

Mr. BRODHEAD. I yield to the gentleman from Arkansas.

Mr. BETHUNE. Of course we have considered H.R. 5540 for some 10 hours, and had exhaustive debate on it. I have no objection whatsoever to reconsidering that at any time. I believe in bringing bills to the floor and discussing them, and would certainly have no objection to that.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, it is our understanding that with this colloquy between the gentleman from Arkansas and the gentleman from Michigan the matter will be scheduled for further consideration during the period of the postelection session.

With that understanding, I believe that the parties are agreed to proceed now with the consideration of an extension of the Defense Production Act.

Mr. BRODHEAD. Mr. Speaker, based on those assurances from the gentleman from Arkansas (Mr. BETHUNE) and the gentleman from Washington (Mr. FOLEY), I shall not object.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the text of the Senate bill, S. 2375.

(For S. 2375, see prior proceedings of the House today.)

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. PATTERSON

Mr. PATTERSON. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. PATTERSON: Strike out all after the enacting clause and insert in lieu thereof the following:

That the first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking

out "September 30, 1982" and inserting in lieu thereof "March 31, 1983."

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. PATTERSON

Mr. PATTERSON. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. PATTERSON: Amend the title to read "A bill to extend the expiration date of the Defense Production Act of 1950."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

REQUEST FOR CONSIDERATION OF S. 2398, PROVIDING FOR INCREASED PARTICIPATION BY UNITED STATES IN AFRICAN DEVELOPMENT FUND

Mr. PATTERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Senate bill (S. 2398) to provide for increased participation by the United States in the African Development Fund and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. WYLIE. Reserving the right to object, Mr. Speaker, I do so to ask the gentleman from California to explain the provisions of the bill.

Mr. PATTERSON. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from California.

Mr. PATTERSON. I thank the gentleman for yielding.

I would indicate to the gentleman that this bill was passed by the subcommittee that I chair with full participation, all Members voting, and it was passed on a voice vote without exception on the full Committee on Banking, Finance and Urban Affairs.

The bill has also been passed by the Senate. And the President has written all Members of Congress in support of this legislation. It would essentially provide for up to $50 million per year for a period of 3 years of participation in the African Development Fund. The United States has honored that commitment for a number of years. This completes the cycle. This is included in the budget. This has been recommended by the President, by the Secretary of State and the Secretary of Treasury.

Appropriation of these funds would be authorized for appropriation at the rate of $50 million a year for the fiscal years 1983, 1984, and 1985. Outlays would lag considerably beyond the approval of the participation. The U.S. contribution will come to about 14.2 percent of the total replenishment.

The President requested this legislation, has written to both the Speaker, the minority leader, and Members of Congress to ask for its prompt consideration. Efforts to get it on the calendar over the past few weeks have been unsuccessful because of the press of House business. Now we have an opportunity this evening to pass this legislation, and I would urge the House to do so.

Mr. WYLIE. Mr. Speaker, further reserving the right to object, and I will not object, I will say that the President has requested that this legislation be enacted and the Secretary of State has suggested that it should be passed before the lameduck session.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California (Mr. PATTERSON).

Mr. BROWN of California. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Florida (at the request of Mr. MICHEL) for today and yesterday, on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MOLINARI) to revise and extend their remarks and include extraneous matter:)

Mr. LEACH of Iowa, for 60 minutes, today.

Mr. SHUMWAY, for 30 minutes, today.

Mr. KEMP, for 60 minutes, today.

Mr. COLLINS of Texas, for 30 minutes, today.

Mr. CORCORAN, for 5 minutes, today.

(The following Members (at the request of Mr. YOUNG of Missouri) to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. LAFALCE, for 30 minutes, today.

Mr. WILLIAM J. COYNE, for 10 minutes, today.

Mr. FORD of Michigan, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. REUSS, for 30 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. EDGAR, for 5 minutes, today.

Mr. WIRTH, for 5 minutes, today.

Mr. DINGELL, for 5 minutes, today.

Mr. BROWN of California, for 20 minutes, today.

Mr. STRATTON, for 10 minutes, today.

Mr. PHILLIP BURTON, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. MURTHA, for 60 minutes, November 30.

Mr. GAYDOS, for 60 minutes, November 30.

Mr. RAHALL, for 60 minutes, November 30.

Mr. MURTHA, for 60 minutes, December 1.

Mr. GAYDOS, for 60 minutes, December 1.

Mr. MURTHA, for 60 minutes, December 2.

Mr. GAYDOS, for 60 minutes, December 2.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DAUB, to insert remarks before vote on Senate amendment No. 69 in disagreement (impact aid).

Mr. FOLEY, to revise and extend his remarks immediately prior to the vote on H.R. 6267, Depository Institution Act of 1982.

Mr. RITTER, to revise and extend his remarks immediately prior to the vote on S. 2036.

(The following Members (at the request of Mr. MOLINARI) and to include extraneous matter:)

Mr. FRENZEL.

Mr. SCHULZE.

Mr. ROTH.

Mr. CLAUSEN.

Mr. MCCOLLUM.

Mr. ARCHER.

Mr. LEACH of Iowa in three instances.

Mr. DREIER in two instances.

Mrs. HECKLER in three instances.

Mr. MADIGAN.

Mr. BROOMFIELD in two instances.

Mr. HAMMERSCHMIDT in three instances.

Mr. LAGOMARSINO.

Mr. KEMP in four instances.

M*** BAD MAG TAPE ***r. WYLIE.

Mr. HILER.

Mr. BROWN of Ohio.

Mr. MARTIN of North Carolina.

Mr. PARRIS.

Mr. PHILIP M. CRANE.

Mr. YOUNG of Alaska.

Mr. WHITEHURST.

Mr. PURSELL.

Mr. WINN.

Mr. LENT.

Mr. COURTER.

Mr. CONTE.

Mr. GUNDERSON.

Mr. COLLINS of Texas in three instances.

Mr. HUNTER.

Mr. LEBOUTILLIER.

Mr. BEREUTER.

Mr. DORNAN of California.

Mr. OXLEY.

Mr. GREEN.

Mr. BENEDICT.

Mr. ROGERS.

Mr. JAMES K. COYNE in two instances.
Mr. RITTER.
Mr. SENSENBRENNER.
Mr. HANSEN of Idaho in five instances.
Mr. DANNEMEYER.
Mr. YOUNG of Florida in two instances.
Mr. GILMAN.
Mr. WORTLEY in 10 instances.
Mr. COLEMAN.
Mr. LUNGREN.
Mr. MCCOLLUM.
Mr. WOLF.
Mr. MCDADE.
Mr. BUTLER.
Mr. NAPIER in two instances.
Mrs. SCHNEIDER.
Mr. MOORE.
Mr. MICHEL in five instances.
(The following Members (at the request of Mr. YOUNG of Missouri) and to include extraneous matter:)
Mr. BARNES in five instances.
Mr. STOKES in three instances.
Mr. GAYDOS in five instances.
Mr. RODINO.
Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. ROSENTHAL in 10 instances.
Mrs. BOUQUARD in fivm instances.
Mr. HAMILTON in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. JONES of Tennessee in 10 instances.
Mr. BONER of Tennessee in five instances.
Mr. STARK in 10 instances.
Mr. EDWARDS of California.
Mr. GORE in two instances.
Mr. WHITE.
Mr. MILLER of California in two instances.
Mrs. KENNELLY.
Mr. ST GERMAIN in two instances.
Mr. YATRON in two instances.
Mr. HERTEL.
Mr. FAZIO in two instances.
Mr. WAXMAN.
Mr. ROE in five instances.
Mr. DE LA GARZA in 10 instances.
Mr. OBEY in five instances.
Mr. CORRADA.
Mr. FRANK in two instances.
Mr. ROSE in two instances.
Mr. PANETTA in six instances.
Mr. STUMP.
Mr. MOTTL in five instances.
Mr. WYDEN.
Mr. MINETA.
Mr. RODINO.
Mr. YOUNG of Missouri.
Mrs. CHISHOLM.
Mr. RANGEL in two instances.
Mr. TRAXLER in two instances.
Mr. WIRTH in five instances.
Mrs. SCHROEDER in two instances.
Mr. HUBBARD.
Mr. MOAKLEY.
Ms. OAKAR in two instances.
Mr. DIXON.
Mr. PEPPER.
Mr. DINGELL in five instances.
Mr. MONTGOMERY.
Mr. MOFFETT.
Mr. RATCHFORD.
Mr. BRINKLEY.
Mr. BAILEY of Pennsylvania.
Mr. SOLARZ in five instances.
Mr. DASCHLE.
Mr. WEAVER.
Mr. FORD of Michigan.
Mr. LAFALCE.
Mr. LONG of Maryland.
Mr. HOWARD.
Mr. HEFTEL.
Mr. CLAY in two instances.
Mr. WASHINGTON.
Mr. WATKINS.
Mr. HARKIN in three instances.
Mr. SIMON.
Mr. DONNELLY.
Mr. MCDONALD.
Mr. CONYERS.
Mr. BARNARD.
Mr. STOKES in two instances.
Mr. ZABLOCKI.
Mr. BONKER.
Mr. WAXMAN.
Mr. PICKLE in three instances.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 534. An act for the relief of Frank L. Hulsey; to the Committee on the Judiciary.

S. 1088. An act to promote the goal of economic and social self-sufficiency for American Indians, Hawaiian Natives, and Alaskan Natives; to the Committee on Interior and Insular Affairs.

S. 1510. An act for the relief of Apolonio P. Tumamao and others; to the Committee on the Judiciary.

S. 2297. An act to amend title 11, United States Code, to improve the protections for shopping centers and their tenants under the Bankruptcy Code; to the Committee on the Judiciary.

S. 2552. An act to protect the safety of intelligence personnel and certain other persons; to the Committee on the Judiciary.

S. 2671. An act to provide for the establishment of a Commission on the Bicentennial of the Constitution; to the Committee on Post Office and Civil Service.

S. 3002. An act to increase the authorization of appropriations for the Allen J. Ellender Fellowship program, and for other purposes; to the Committee on the Education and Labor.

S.J. Res. 228. Joint resolution to provide for the designation of the week beginning on October 24, 1982, as "National Tourette Syndrome Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 236. Joint resolution to designate the week of October 24 through 28, 1982, as "National Water Resources Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 237. Joint resolution designating November 14, 1982, as "National Retired Teachers Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 246. Joint resolution to authorize and request the President of the United States to issue a proclamation designating the week of October 3, 1982, through October 9, 1982, as "National Port Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 260. Joint resolution to designate the period commencing January 1, 1983, and ending December 31, as the Tricentennial Anniversary Year of German Settlement in America"; to the Committee on Post Office and Civil Services.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills and joint resolution of the Senate of the following title:

S. 188. An act to authorize the Secretary of Agriculture to convey certain lands in the Gallatin National Forest, and for other purposes;

S. 1777. An act relating to the establishment of a permanent boundary for that portion of the Acadia National Park as lies within the town of Isle au Haut, Maine;

S. 2586. An act to authorize certain construction at military installation for fiscal year 1983, and for other purposes.

S. 2874. An act to amend the act of March 16, 1934, as amended, to credit entrance fees for the migratory-bird hunting and conservation stamp contest to the account which pays for the administration of the contest;

S.J. Res. 197. Joint resolution to provide for the designation of the week of October 17 through October 23, 1982, as "Myasthenia Gravis Awareness Week"; and.

S.J. Res. 235. Joint resolution to proclaim March 21, 1983, as "National Agriculture Day."

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2035. An act to authorize certain employees of the U.S. Department of Agriculture charged with the enforcement of animal quarantine laws to carry firearms for self-protection and to improve the quality of table grapes for marketing in the United States;

H.R. 5930. An act to extend the aviation insurance program for 5 years;

H.R. 6422. An act to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain land previously conveyed to the State of Connecticut;

H.R. 6782. An act to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans, to increase the rates of dependency and indemnity compensation for surviving spouses and children, and to modify and improve the educational assistance programs administered by the Department of Labor; and for other purposes; and

H.J. Res. 599. Joint resolution making continuing appropriations for the fiscal year 1983, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following title:

On September 30, 1982:

H.R. 4623. An act to amend titles 10, 14, 37, and 38, United States Code, to codify recent law and to improve the Code.

On October 1, 1982:

H.R. 3881. An act to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain lands conveyed to the Arkansas Forestry Commission, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such lands to such Commission;

H.R. 5154. An act to amend the Lanham Trademark Act to prohibit any State from requiring that a registered trademark be altered for use within such State, and to encourage private enterprise with special emphasis on the preservation of small business;

H.R. 6133. An act to authorize appropriations to carry out the provisions of the Endangered Species Act of 1973 for fiscal years 1983, 1984, and 1985, and for other purposes;

H.R. 6168. An act to amend title 18, United States Code, to provide a criminal penalty for threats against former Presidents, major Presidential candidates, and certain other persons protected by the Secret Service, and for other purposes;

H.R. 6454. An act to amend title 18, United States Code, to clarify the applicability of offenses involving explosives and fire;

H.R. 6956. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1983, and for other purposes; and

H.J. Res. 207. Joint resolution to require the Secretary of the Interior to place a plaque at the U.S. Marine Corps War Memorial honoring Joseph Rosenthal, photographer of the scene depicted by the memorial.

RECESS

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the House stand in recess subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. MICHEL. Mr. Speaker, reserving the right to object, and I shall not object, I would like to have the assurance that given our assent to that unanimous-consent request, there would be clear understanding that there would be no legislative business and we would simply be in recess awaiting the adjournment resolution.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Washington.

Mr. FOLEY. There would be no legislative business considered except the awaiting of the report of the adjournment resolution by the Senate.

Mr. MICHEL. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Washington (Mr. FOLEY)?

There was no objection.

The SPEAKER. The House stands in recess. There will be no other business remaining. We will reconvene as soon as the House is aware of the fact that the Senate has passed the adjournment resolution. We will recall the House and adjourn the House until November 29, 1982.

In the event the Speaker is not in the chair, he wants to wish everybody a successful election and a happy Thanksgiving.

□ 0230

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FOLEY) at 2 o'clock and 32 minutes a.m., Saturday, October 2, 1982.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 421. Concurrent resolution providing for an adjournment of the two Houses from Friday, October 1, or Saturday, October 2, to Monday, November 29, 1982.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 1964. An act to designate certain lands in the Mark Twain National Forest, Mo., which comprise about 17,562 acres, and known as the Irish Wilderness, as a component of the National Wilderness Preservation System;

S. 1965. An act to designate certain lands in the Mark Twain National Forest in Missouri, which comprise approximately 6,888 acres, and which are generally depicted on a map entitled "Paddy Creek Wilderness Area," as a component of the National Wilderness Preservation System;

S. 2052. An act for the relief of Raul M. Melgar, Maria Cristina Rey de Melgar, Steven Marcelo Melgar, and Serrana Ivon Melgar;

S. 2116. An act for the relief of Carols Mebrano Gatson;

S. 2710. An act to establish the Charles C. Deam Wilderness in the Hoosier National Forest, Ind.;

S. 3039. An act to provide for the use of certain fees collected from visitors to Grand Canyon National Park, and for other purposes; and

S.J. Res. 268. Joint resolution congratulating the American Public Transit Asssociation.

ADJOURNMENT

Mr. YOUNG of Missouri. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the House concurrent resolution, the Chair declares the House adjourned until Monday, November 29, 1982, at 12 o'clock noon.

Thereupon (at 2 o'clock and 33 minutes a.m., Saturday, October 2, 1982), pursuant to House Concurrent Resolution 421, the House adjourned until Monday, November 29, 1982, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4887. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact of U.S. readiness of the Army's proposed sale of certain defense articles to Japan (Transmittal No. 82-89), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

4888. A letter from the General Counsel, Department of Defense, transmitting a copy of Executive Order 12383, "Amendments to the Manual for Courts-Martial, United States," pursuant to article 36(b) of the Uniform Code of Military Justice, 10 U.S.C. 836(b); to the Committee on Armed Services.

4889. A letter from the Acting Secretary of Defense (Health Affairs), transmitting a review of the special pays for military health professionals for the period July 1, 1980, to June 30, 1982, pursuant to Public Law 96-284; to the Committee on Armed Services.

4890. A letter from the Assistant Secretary of Defense (Facility Requirements and Resources), transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken by the Air Force Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

4891. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the keypunch function at the naval shipyard, Norfolk, Va., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4892. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the administrative telephone service function at the naval shipyard, Norfolk, Va., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4893. A letter from the Chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee, and insurance transactions supported by Eximbank

during July 1982 to Communist countries; to the Committee on Banking, Finance and Urban Affairs.

4894. A letter from the District of Columbia Auditor, transmitting a report entitled: "The Washington Convention Center," pursuant to section 455(d) of Public Law 93-198; to the Committee on the District of Columbia.

4895. A letter from the Acting Assistant Secretary on Indian Affairs, Department of the Interior, transmitting reports on the status of tribally controlled community colleges, the needs of tribally controlled community colleges, and the existing and planned physical facilities of tribally controlled community colleges, pursuant to section 106(e), 107(c)(2), and 111 of Public Law 95-471; to the Committee on Education and Labor.

4896. A letter from the Secretary, Federal Trade Commission, transmitting a proposed trade regulation rule concerning governing funeral industry practices, pursuant to section 21(a)(1) of the Federal Trade Commission Improvements Act of 1980; to the Committee on Energy and Commerce.

4897. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Committee's annual report covering the period from October 1, 1980, through September 30, 1981, fiscal year 1981; to the Committee on Energy and Commerce.

4898. A letter from the General Counsel, Department of Energy, transmitting notice of a meeting relating to the international energy program to be held on October 6, 7, 8, 1982, in San Francisco, Calif.; to the Committee on Energy and Commerce.

4899. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting a report covering the period April through June 1982 on imports of crude oil, residual fuel oil, refined petroleum products, natural gas, and coal; reserves and production of crude oil, natural gas, and coal; refinery activities; and inventories; together with data on exploratory activity, exports, nuclear energy, and electric power, pursuant to section 11(c)(2) of the Energy Supply and Environmental Coordination Act of 1974; to the Committee on Energy and Commerce.

4900. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense articles and services to Japan (Transmittal No. 82-89), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4901. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions of Ambassador-at-Large-designate Richard Thomas Kennedy, pursuant to section 304(b)(2) of Public Law 96-465; to the Committee on Foreign Affairs.

4902. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report of items proposed for removal from the U.S. munitions list that no longer warrant export controls under section 38, pursuant to section 38(f) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4903. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of a proposed license for the export of defense articles or services sold commercially under a contract to Australia (Transmittal No. MC-16-82), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4904. A letter from the Administrator, Agency for International Development transmitting the determination to continue assistance in support of the Opportunities Industrialization Centers International Project in Ghana during fiscal year 1982, pursuant to section 123(e) of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

4905. A letter from the Secretary of the Interior, transmitting notice of the receipt of an application for a loan under the Small Reclamation Projects Act of 1956 from the Fallbrook Public Utility District, California pursuant to section 10 of the act; to the Committee on Interior and Insular Affairs.

4906. A letter from the Chief Judge, U.S. Court of Appeals, transmitting notice that the Judicial Council of the First Circuit passed a resolution in order to maintain the orderly processing of bankruptcy case in the wake of *Northern Pipeline* and the impending cessation of the Supreme Court's stay on October 4, 1982, pursuant to 28 U.S.C. 332(d); to the Committee on the Judiciary.

4907. A letter from the Secretary of Transportation, transmitting a report on an application by the First American Bulk Carrier Corp. to construct two bulk/container vessels in a foreign shipyard and its effect on the shipyard mobilization base, pursuant to section 615 of Public Law 97-35; to the Committee on Merchant Marine and Fisheries.

4908. A letter from the Secretary of Transportation, transmitting a report on an application by the United States Lines, Inc., to reconstruct one barge carrier in a foreign shipyard and its effect on the shipyard mobilization base, pursuant to section 615 of Public Law 97-35; to the Committee on Merchant Marine and Fisheries.

4909. A letter from the Secretary of Transportation, transmitting a report on an application by the Aeron Marine Shipping Co. to acquire a maximum of two new bulk ships in a foreign shipyard and its effect on the shipyard mobilization base, pursuant to section 615 of Public Law 97-35; to the Committee on Merchant Marine and Fisheries.

4910. A letter from the Secretary of Transportation, transmitting a report on an application by the Ogden Marine, Inc., to Construct two dry bulk ships in a foreign shipyard and its effect on the shipyard mobilization base, pursuant to section 615 of Public Law 97-35; to the Committee on Merchant Marine and Fisheries.

4911. A letter from the Secretary of Transportation, transmitting a report on an application by Delta Steamship Lines, Inc., to construct up to 10 containerships in a foreign shipyard and its effect on the shipyard mobilization base, pursuant to section 615 of Public Law 97-35; to the Committee on Merchant Marines and Fisheries.

4912. A letter from the Secretary of Transportation, transmitting a report of an application by Equity Maritime, Inc., to construct a maximum of six ore/bulk/oil carriers in a foreign shipyard and its effect on the shipyard mobilization base, pursuant to section 615 of Public Law 97-35; to the Committee on Merchant Marine and Fisheries.

4913. A letter from the Secretary of Transportation, transmitting a report on an application by Moore McCormack Bulk Transport to retrofit three tankers in a foreign shipyard and its effect on the shipyard mobilization base, pursuant to section 615 of Public Law 97-35; to the Committee on Merchant Marine and Fisheries.

4914. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a Corps of Engineers report on Four River Basins, Fla., in response to resolutions adopted December 30, 1969, by the U.S. Senate Committee on Public Works, and a similar resolution adopted July 14, 1970, by the Committee on Public Works and Transportation of the House of Representatives; to the Committee on Public Works and Transportation.

4915. A letter from the Chairman, U.S. International Trade Commission, transmitting the Commission's 31st quarterly report on trade between the United States and the nonmarket economy countries, pursuant to section 410 of the Trade Act of 1974; to the Committee on Ways and Means.

4916. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's 1984 budget submission, pursuant to section 304(b)(7) of Public Law 93-633; jointly, to the Committees on Appropriations, Energy and Commerce, and Public Works and Transportation.

4917. A letter from the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, transmitting reports on the adequacy of existing common law and statutory remedies in providing legal redress for harm caused by release of hazardous substances into the environment, pursuant to section 301(e) of Public Law 96-510; jointly, to the Committees on the Judiciary and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on Government Operations. Report on unauthorized and excessive fees charged to small business for loan packaging, insurance, and legal work on SBA guaranteed loans. (Rept. No. 97-915). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on problems with Small Business Administration financial assistance to franchises (Rept. No. 97-916). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on improving the financial management and auditing of Federal assistance programs: The "single audit" concept (Rept. No. 97-917). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on management of the end stage renal diseases program (Rept. No. 97-918). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on Postal Service electronic mail: The price isn't right (Rept. No. 97-919). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on Small Business Administration's variable interest rate and prime rate loans policies: Negative impact on small business (Rept. No. 97-920). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on Military Assistance to civilian narcotics law enforcement: An interim report. (Rept. No. 97-921). Re-

ferred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on maintaining the network: Rural telephone service and FCC actions (Rept. No. 97-922). Referred to the Committee of the Whole House on the State of the Union.

Mr. ST GERMAIN: Committee on Banking, Finance and Urban Affairs. Report pursuant to section 302(b) of the Congressional Budget Act of 1974 (Rept. No. 97-923). Referred to the Committee of the Whole House on the State of the Union.

Mr. RODINO: Committee of conference. Conference report on S. 734 (Rept. No. 97-924). Ordered to be printed.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 6882. A bill to revise the boundaries of the Cumberland Island National Seashore and to provide compensation for certain facilities on the seashore; with an amendment (Rept. No. 97-925). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. S. 1540. An act to revise the boundaries of the Saratoga National Historical Park in the State of New York, and for other purposes; with an amendment (Rept. No. 97-926). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 6655. A bill to require the Secretary of the Interior to offer to sell exclusively to small business concerns not less than 30 percent of the quantity of salvage timber which is harvested from land managed by the Bureau of Land Management and offered for sale in any fiscal year, and for other purposes; with amendments (Rept. No. 97-927, Pt. I. Ordered to be printed.

Mr. JONES of North Carolina: Committee of conference. Conference report on S. 1018 (Rept. No. 97-928). Ordered to be printed.

Mr. ROSTENKOWSKI: Committee of conference. Conference report on H.R. 4717 (Rept. No. 97-929). Ordered to be printed.

Mr. KASTENMEIER: Committee of conference. Conference report on H.R. 4441 (Rept. No. 97-930). Ordered to be printed.

Mr. DELLUMS: Committee of conference. Conference report on S. 2457 (Rept. No. 97-931). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, the following action was taken by the Speaker:

The Committee on Ways and Means discharged from the further consideration of the bill H.R. 5133; H.R. 5133 referred to the Committee on the Whole House on the State of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 7256. A bill to provide that the Commissioner of the Administration on Aging shall administer title V of the Older Americans Act of 1965 (relating to community service employment for older Americans) and title II of the Domestic Volunteer Service Act of 1973 (relating to national older American volunteer programs); to the Committee on Education and Labor.

By Mr. CARMAN:

H.R. 7257. A bill to amend title 28, United States Code, to establish a separate judicial district for the counties of Nassau and Suffolk, N.Y.; to the Committee on the Judiciary.

By Mr. CLAUSEN:

H.R. 7258. A bill to create a National Commission on the Rebuilding of America which will conduct an inventory of our Nation's water and sewer systems, airport and port facilities, bridges, highways and roads, public transportation systems, develop a 10-year investment plan to rebuild the public improvements essential to economic development; make recommendations concerning changes in Federal laws and regulations that influence the pattern of Federal expenditures for public improvements; and for other purposes; to the Committee on Public Works and Transportation.

By Mr. CONYERS (for himself, Mr. EDWARDS of California, Mr. SEIBERLING, and Mr. CROCKETT):

H.R. 7259. A bill to modify the insanity defense in the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. DANNEMEYER:

H.R. 7260. A bill to amend the Internal Revenue Code of 1954 to repeal an unnecessary limitation on the performance of certain hospital services in order for such services not to be treated as an unrelated trade or business; to the Committee on Ways and Means.

By Mr. DASCHLE:

H.R. 7261. A bill to amend the Energy Policy and Conservation Act to provide for a strategic alcohol fuel reserve; to the Committee on Energy and Commerce.

Mr. DOUGHERTY:

H.R. 7262. A bill to require that members of the Armed Forces on active duty residing in a State and dependents of such members be treated as in-State residents for purposes of tuition and fees charged at public educational institutions in that State; to the Committee on Armed Services.

By Mr. DORNAN of California:

H.R. 7263. A bill to amend the Tax Equity and Fiscal Responsibility Act of 1982 to repeal the subtitle which requires withholding on payments of interests and dividends; to the Committee on Ways and Means.

By Mr. ERTEL (for himself, Mr. MURTHA, Mr. EDGAR, Mr. MURPHY, Mr. LUNDINE, Mr. LATTA, Mr. SNYDER, Mr. FRANK, Mr. LAFALCE, Mr. APPLEGATE, Mr. WEBER of Ohio, Mr. FISH, Mr. ROE, Ms. OAKAR, and Mr. YATRON):

H.R. 7264. A bill to amend the Natural Gas Policy Act of 1978 to provide that interstate pipelines be subject to a prudence standard for their natural gas purchases in order to pass through the cost of such purchases to their customers if the pipelines are not subject competition for sales to their customers; to the Committee on Energy and Commerce.

By Ms. FERRARO:

H.R. 7265. A bill to create a National Commission on the Rebuilding of America which will conduct an inventory of our Nation's water and sewer systems, bridges, highways and roads; develop a 10-year investment plan to rebuild the public improvements essential to economic development; make recommendations concerning changes in Federal laws and regulations that influence the pattern of Federal expenditures for public improvements; and for other purposes; to the Committee on Public Works and Transportation.

By Mr. HAMMERSCHMIDT:

H.R. 7266. A bill to amend the Agricultural Act of 1970, to prohibit restrictions on the export of certain agricultural commodities; jointly, to the Committees on Agriculture and Foreign Affairs.

By Mr. HARTNETT:

H.R. 7267. A bill to suspend temporarily the duty on certain menthol feedstocks until July 1, 1986; to the Committee on Ways and Means.

By Mr. HEFTEL (for himself, Mr. PICKLE, Mr. FOWLER, Mr. ROUSSELOT, and Mr. MATSUI):

H.R. 7268. A bill to amend the Internal Revenue Code of 1954 to extend the energy tax credit for investments in certain classes of energy property, and for other purposes; to the Committee on Ways and Means.

By Mr. HOLLAND (for himself, Mr. JENKINS, and Mr. FOWLER):

H.R. 7269. A bill to amend the Tax Reform Act of 1976 to extend, for an additional 4 years, the exclusion from gross income of the cancellation of certain student loans; to the Committee on Ways and Means.*** BAD MAG TAPE ***

By Mr. KOGOVSEK:

H.R. 7270. A bill to convey full title for lands granted to the town of Olathe, Colo., by act of Congress, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LAFALCE (for himself, Mr. CONABLE, Mr. HORTON, Mr. KEMP, and Mr. NOWAK):

H.R. 7271. A bill to reenact the Emergency School Aid Act; to the Committee on Education and Labor.

By Mr. LEACH of Iowa (for himself and Mr. SCHUMER):

H.R. 7272. A bill to amend the Federal Reserve Act to require prior notification to the Federal Reserve Board of certain financing by commercial banks; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MARLENEE:

H.R. 7273. A bill to amend the Internal Revenue Code of 1954 to make permanent the exclusion from gross income of interest received from all-savers certificates, to increase the maximum dollar amount of such exclusion, and for other purposes; to the Committee on Ways and Means.

By Mr. NEAL:

H.R. 7274. A bill to amend the Tax Equity and Fiscal Responsibility Act of 1982 to repeal the increase in tax on cigarettes; to the Committee on Ways and Means.

By Ms. OAKAR:

H.R. 7275. A bill to amend the Federal employee health benefit plan provisions of chapter 89 of title 5, United States Code, to increase the Government contribution rate, to extend coverage for employees who are separated due to reductions in force, to require carriers to obtain reinsurance of stop-loss insurance, to assure adequate mental health benefit levels and otherwise limit benefit reductions, to mandate an open season each year, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. OBERSTAR:

H.R. 7276. A bill to amend the Railroad Retirement Act of 1974 to provide that remarried widows who elected a residual lump-sum payment may rescind that election, repay the lump sum, and receive an an-

nuity in certain instances; to the Committee on Energy and Commerce.

By Mr. OBEY:

H.R. 7277. A bill to amend the Federal Election Campaign Act of 1971 to limit contributions by nonparty multicandidate political committees in election campaigns for the House of Representatives, to provide for financing of general election campaigns for the House of Representatives, and for other purposes; to the Committee on House Administration.

By Mr. O'BRIEN:

H.R. 7278. A bill to provide for the establishment of the Illinois and Michigan Canal National Heritage Corridor, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PANETTA:

H.R. 7279. A bill to amend title XVI of the Social Security Act to provide that assistance based on need which is furnished to an individual by a private nonprofit organization shall be excluded from such individual's income in determining his or her eligibility for SSI benefits or the amount thereof; to the Committee on Ways and Means.

By Mr. PARRIS:

H.R. 7280. A bill to require the Attorney General to submit to the Congress a report on the economic and logistic feasibility of moving the Lorton Reformatory from Lorton, Va., into the District of Columbia; to the Committee on the Judiciary.

By Mr. RINALDO:

H.R. 7281. A bill to amend the Inspector General Act of 1978 to establish Offices of Inspector General in the Department of Defense, the Department of Justice, and the Department of the Treasury, and for other purposes; to the Committee on Government Operations.

By Mrs. SCHNEIDER (for herself, Mr. BETHUNE, Mr. JEFFORDS, Mr. JONES of North Carolina, Mr. DENARDIS, Mr. ERDAHL, Mr. LANTOS, Mr. DAVIS, Mr. WEBER of Minnesota, Mr. D'AMOURS, Mr. HILLIS, Mrs. MARTIN of Illinois, Mr. GINGRICH, Mr. GUNDERSON, Mr. LOWERY of California, Mrs. SNOWE, Mr. PURSELL, Mr. MAVROULES, Mr. DOUGHERTY, Mr. DAUB, Mr. ROBERTS of South Dakota, Mr. MCKINNEY, Mr. HEFNER, Mr. WHITTAKER, Mr. FISH, Mr. DELLUMS, Mr. DREIER, Mr. PETRI, Mr. BEREUTER, Mr. CHENEY, Mr. PRITCHARD, Mr. LUJAN, Mr. TAUKE, Mr. ROGERS, Mr. SCHEUER, Mr. RHODES, Mr. BROWN of California, Mr. SMITH of Oregon, Mr. PHILIP CRANE, Mr. LEWIS, Mr. ROUSSELOT, Mr. HARTNETT, Mr. DANNEMEYER, Mr. BROYHILL, Mr. SMITH of New Jersey, Mr. BROWN of Colorado, Mr. WORTLEY, Mr. BENEDICT, Mrs. HECKLER, Mr. GILMAN, Mr. LENT, Mr. BONIOR of Michigan, Mr. STARK, Mr. BIAGGI, Mr. SEIBERLING, and Mr. KINDNESS):

H.R. 7282. A bill to require the Administrator of General Services to take certain actions to improve the management of Federal procurement programs; to the Committee on Government Operations.

By Mr. SCHULZE:

H.R. 7283. A bill to provide for the retirement of all U.S. notes for the denomination of $100 and their replacement with new notes in such denomination; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SHUMWAY (for himself, Mr. BLILEY, Mr. GRAMM, Mr. FRENZEL, Mr. LAGOMARSINO, and Mr. PORTER):

H.R. 7284. A bill to provide for a uniform product liability law; to the Committee on Energy and Commerce.

By Mr. SIMON:

H.R. 7285. A bill to amend title 38, United States Code, to provide for service-connected compensation to be paid to veterans and their families who were exposed to nuclear radiation or to toxic chemicals and who are suffering from radiological or chemical disabilities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. STARK:

H.R. 7286. A bill to amend the Internal Revenue Code of 1954 to deny the deduction for interest on loans incurred to acquire dwelling units in certain coastal barrier areas; to the Committee on Ways and Means.

By Mr. VENTO:

H.R. 7287. A bill to amend the Internal Revenue Code of 1954 to make certain local organizations of police and firefighters exempt from taxation; to the Committee on Ways and Means.

By Mr. WALGREN:

H.R. 7288. A bill to restore retirement benefits for Veterans' Administration nurses to the level in effect before the enactment of Public Law 97-72; to the Committee on Veterans' Affairs.

By Mr. WHITE:

H.R. 7289. A bill to provide for the awarding of gold medals to the families of Lt. Comdr. John C. Waldron, U.S. Navy, Lt. Comdr. Eugene E. Lindsey, U.S. Navy, and Lt. Comdr. Lance E., Massey, U.S. Navy, in recognition of the heroic actions taken by these men during the Battle of Midway; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WYDEN:

H.R. 7290. A bill to amend the Internal Revenue Code of 1954 to provide tax incentives for capital formation and earnings retention by small businesses; to the Committee on Ways and Means.

By Mr. FOLEY:

H.R. 7291. A bill to amend the Congressional Budget Act of 1974 to strengthen the budget process, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. LAFALCE:

H.R. 7292. A bill to establish a White House Conference on Productivity; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WOLF:

H.R. 7293. A bill to provide financial assistance to the Wolf Trap Foundation for the Performing Arts for reconstruction of the Filene Center in Wolf Trap Farm Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BUTLER:

H.R. 7294. A bill to reform the Federal court system, to eliminate diversity jurisdiction, to expand and make permanent the system of U.S. trustees, to establish bankruptcy courts under article III of the Constitution, and for other purposes; to the Committee on the Judiciary.

By Mr. CORCORAN:

H.R. 7295. A bill to amend the Federal Reserve Act to make the Secretary of the Treasury an ex-officio member of the Board of Governors of the Federal Reserve System; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DANIEL B. CRANE (for himself, Mr. PHILIP M. CRANE, and Mr. HENDON):

H.R. 7296. A bill to provide for congressional review of annual congressional pay adjustments, and for other purposes; jointly, to the Committees on Post Office and Civil Service and Rules.

By Mr. GARCIA (by request):

H.R. 7297. A bill to amend title 13 of the United States Code to transfer to the Secretary of Commerce responsibility for preparing the quarterly financial report which is currently performed by the Federal Trade Commission; to the Committee on Post Office and Civil Service.

By Mr. HUNTER:

H.R. 7298. A bill to expand Japan's market for U.S. agricultural products; to the Committee on Ways and Means.

By Mr. JEFFRIES:

H.R. 7299. A bill to prohibit the use of Federal financial assistance for political advocacy; to the Committee on Government Operations.

By Mr. LAFALCE (for himself and Mr. ALBOSTA):

H.R. 7300. A bill to provide for liability and compensation for personal injury, illness, and economic loss resulting from releases of hazardous substances into the environment; jointly, to the Committees on Education and Labor, Energy and Commerce, and the Judiciary.

By Mr. ROSE (for himself, Mr. ANDREWS, Mr. HATCHER, Mr. HEFNER, Mr. JONES of North Carolina, Mr. NEAL, Mr. NICHOLS, and Mr. WHITLEY):

H.R. 7301. A bill to amend the Soil Conservation and Domestic Allotment Act to provide that the number of local committees selected under such act shall be not less than the number of such local committees on December 31, 1980, and to amend the Agricultural Adjustment Act of 1938 to provide that the members of local, county, and State committees selected under the Soil Conservation and Domestic Allotment Act shall be paid travel expenses; to the Committee on Agriculture.

By Mr. GORE (for himself, Mr. ASPIN, Mr. DOWNEY, and Mr. PRITCHARD):

H.J. Res. 620. Joint resolution calling on the United States and the Soviet Union to give first priority in START to eliminating the fear of a nuclear first strike; to the Committee on Foreign Affairs.

By Mr. PANETTA:

H.J. Res. 621. Joint resolution to designate October 9, 1982, as "Asbestos Victims of America Day"; to the Committee on Post Office and Civil Service.

By Mr. STARK:

H.J. Res. 622. Joint resolution to require the President to include with the budget transmitted to the Congress for fiscal year 1984 a statement identifying for fiscal years 1982, 1983, and 1984 the amounts expended or estimated to be expended for the purchase, operation, and maintenance of nontactical motor vehicles, to reduce the total amount expended by executive agencies for motor vehicle operations, and for other purposes; to the Committee on Government Operations.

By Mr. WIRTH:

H.J. Res. 623. Joint resolution to designate the week of March 13, 1983, as "National Children and Television Week"; to the Committee on Post Office and Civil Service.

By Mr. CONABLE:

H.J. Res. 624. Joint resolution proposing an amendment to the Constitution altering Federal budget procedures; to the Committee on the Judiciary.

By Mr. ATKINSON (for himself, Mr. RITTER, Mr. BAILEY, of Pennsylvania, Mr. DANIEL B. CRANE, Mr. LEBOUTIL-

LIER, Mr. WALGREN, Mr. DWYER, Mr. DORNAN, of California, Mr. WOLF, Mr. MICA, and Mr. MOFFETT):

H. Con. Res. 422. Concurrent resolution expressing the sense of the Congress that the Government of the United States should denounce the continuing persecution of, and discrimination against, individuals and groups on the basis of religion by governments of member states of the Warsaw Pact, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BARNES:

H. Con. Res. 423. Concurrent resolution expressing the full support of the Congress for the Republic of Costa Rica and its democratic institutions as that country responds to the current economic crisis, and for Costa Rica's efforts to contribute to the peaceful resolution of conflicts in Central America; to the Committee on Foreign Affairs.

By Mr. BETHUNE (for himself, Mr. COURTER, Mrs. ROUKEMA, Mr. LEACH, of Iowa, and Mrs. FENWICK):

H. Con. Res. 424. Concurrent resolution expressing the sense of the Congress concerning bilateral negotiations on chemical weapons; to the Committee on Foreign Affairs.

By Mr. FOGLIETTA:

H. Con. Res. 425. Concurrent resolution to express the sense of the Congress concerning Americans missing in action in Laos; to the Committee on Foreign Affairs.

By Mr. LELAND:

H. Con. Res. 426. Concurrent resolution expressing the sense of the Congress that the Secretary of Commerce should not license the export to South Africa of any hot isostatic presses; to the Committee on Foreign Affairs.

By Mr. RITTER (for himself, Mr. MURTHA, Mr. HAMILTON, Mr. CHAPPEL, Mr. BAILEY of Pennsylvania, Mr. LEVITAS, Mr. BROOMFIELD, Mr. PRITCHARD, Mr. DERWINSKI, Mr. KEMP, Mr. LEBOUTILLIER, Mr. SMITH of New Jersey, Mr. FOUNTAIN, Mr. CAMPBELL, Mr. ROE, Mr. FRANK, Mr. DANIEL B. CRANE, Mr. GOODLING, Mr. ALEXANDER, Mr. LAGOMARSINO, Mr. WHITEHURST, Mr. LANTOS, Mr. COURTER, Mr. LEACH of Iowa, Mr. HAGEDORN, Mr. BLILEY, Mr. BIAGGI, Mr. SILJANDER, Mr. WINN, Mr. CORCORAN, Mr. PETRI, Mrs. FENWICK, Mr. COELHO, and Mr. STRATTON):

H. Con. Res. 427. Concurrent resolution declaring the support of the United States for the people of Afghanistan in their struggle to be free of foreign domination; to the Committee on Foreign Affairs.

By Mr. RANGEL:

H. Res. 606. Resolution condemning the Department of Commerce for granting licenses for the export of shock batons to South Africa in violation of provisions of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

By Mr. LOTT:

H. Res. 607. Resolution providing for the consideration of the joint resolution (S.J. Res. 58) proposing an amendment to the Constitution altering Federal budget procedures; to the Committee on Rules.

By Mr. PEYSER:

H. Res. 608. Resolution expressing the sense of the House that all bottles or containers of any kind which are used in the sale of nonprescription medicines must be packaged with a seal to clearly guarantee that the container has not been tampered with; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 7302. A bill to authorize the conveyance of the Liberty ship *John W. Brown* to the John W. Brown preservation project; to the Committee on Merchant Marine and Fisheries.

By Mr. PANETTA:

H.R. 7303. A bill for the relief of Althea Williams Self McQueen; to the Committee on the Judiciary.

H.R. 7304. A bill for the relief of Wayne Greenfield; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 769: Mr. FAZIO, Mr. WYDEN, and Mr. YATES.

H.R. 1513: Mr. YATES.

H.R. 1514: Mr. YATES.

H.R. 1515: Mr. YATES.

H.R. 1516: Mr. YATES.

H.R. 1517: Mr. YATES.

H.R. 1968: Mr. ANTHONY and Mr. SMITH of New Jersey.

H.R. 2331: Mr. BRODHEAD, Mr. WIRTH, Mr. MARKEY, and Mr. JAMES K. COYNE.

H.R. 2333: Mr. MCEWEN.

H.R. 2493: Mr. FITHIAN.

H.R. 2936: Mr. SEIBERLING.

H.R. 3396: Mr. YATES.

H.R. 3597: Mr. FOGLIETTA.

H.R. 4147: Mr. SMITH of Oregon.

H.R. 4454: Mr. HOWARD.

H.R. 4498: Mr. RANGEL.

H.R. 4562: Mr. DOWNEY.

H.R. 4588: Mr. RATCHFORD.

H.R. 4710: Mr. LANTOS and Mr. YATES.

H.R. 4808: Mr. OXLEY.

H.R. 4931: Mr. CARMAN, Mr. WEBER of Minnesota, and Mr. BROOMFIELD.

H.R. 5082: Mr. RITTER, Mr. NELLIGAN, Mr. LUNGREN, and Mr. TAUKE.

H.R. 5600: Mr. APPLEGATE, Mr. BARNARD, Mr. DREIER, Mr. EDWARDS of Oklahoma, Mr. FITHIAN, Mrs. HECKLER, Mr. MCKINNEY, and Mr. WILLIAMS of Ohio.

H.R. 5705: Mr. PHILLIP BURTON, Mr. JOHN L. BURTON, Mr. COELHO, Mr. JAMES K. COYNE, Mr. LEBOUTILLIER, and Mr. LOWERY of California.

H.R. 5717: Mr. SOLOMON, Mr. DECKARD, Mr. ENGLISH, Mrs. BOUQUARD, Mr. NELLIGAN, Mr. HORTON, and Mr. DE LUGO.

H.R. 5727: Mr. HOWARD.

H.R. 5818: Mr. HUBBARD.

H.R. 6009: Mr. BEARD.

H.R. 6054: Mr. HARTNETT and Mr. MARLENEE.

H.R. 6073: Mr. DANIEL B. CRANE and Mr. LATTA.

H.R. 6135: Mr. ENGLISH.

H.R. 6165: Mr. HOWARD.

H.R. 6371: Mr. DANIEL B. CRANE.

H.R. 6386: Mr. WHITEHURST, Mr. EDGAR, and Mr. FLORIO.

H.R. 6418: Mr. PAUL.

H.R. 6430: Mr. MCCOLLUM and Mr. WOLF.

H.R. 6492: Mr. BURGENER, Mr. GINGRICH, and Mr. WYLIE.

H.R. 6529: Mr. DASCHLE.

H.R. 6531: Mr. OBERSTAR.

H.R. 6538: Mr. GINGRICH, Mr. LUNGREN, Mr. GEPHARDT, Mr. BIAGGI, Mr. SHAW, Mr. ECKART, and Mr. DAVIS.

H.R. 6591: Mr. CLAUSEN.

H.R. 6716: Mr. WEBER of Ohio and Mr. DANIEL B. CRANE.

H.R. 6779: Mr. TRAXLER, Mr. WILLIAMS of Montana, Mr. YOUNG of Alaska, Mrs. CHISHOLM, Mr. OBERSTAR, Mr. ENGLISH, Mr. SIMON, Mr. CLINGER, Mr. SYNAR, and Mr. FRENZEL.

H.R. 6868: Mr. FISH.

H.R. 6876: Mr. OBERSTAR, Mr. SABO, and Mr. HAGEDORN.

H.R. 6880: Mr. DYSON and Mr. COURTER.

H.R. 6928: Mr. ROSENTHAL, Mr. JEFFORDS, Mr. RODINO, Mr. PRICE, Mr. DOWNEY, Mr. ZEFERETTI, Mr. ST GERMAIN, Mr. EDWARDS of California, Mr. KRAMER, Mr. BINGHAM, Mrs. SCHNEIDER, Mr. CONYERS, and Mr. MINETA.

H.R. 6932: Mr. PEYSER, Mr. DYSON, and Mr. PATMAN.

H.R. 6950: Mr. GINGRICH, Mr. LAFALCE, Mr. PEASE, and Mr. WEAVER.

H.R. 6979: Mr. BOLAND, Mr. DAVIS, Mr. EDWARDS of Alabama, Mrs. HECKLER, Mrs. HOLT, Mr. LUKEN, Mr. MCEWEN, and Mr. MOFFETT.

H.R. 6985: Mr. CORRADA, Mr. MITCHELL of Maryland, Mr. MITCHELL of New York, Ms. FERRARO, Mr. MINETA, Mrs. CHISHOLM, Mr. KILDEE, Mr. EVANS of Iowa, Mr. STARK, Mr. SCHEUER, Ms. OAKAR, and Mr. WASHINGTON.

H.R. 7000: Mr. STANTON of Ohio, Mr. BEVILL, Mr. GINGRICH, and Mr. SOLOMON.

H.R. 7010: Mr. HANSEN of Idaho, Mr. MCDONALD, Mr. EDWARDS of Oklahoma, Mr. SMITH of Oregon, Mr. LENT, Mr. DAUB, Mr. SCHULZE, Mr. LAGOMARSINO, and Mr. JEFFRIES.

H.R. 7013: Mr. WASHINGTON.

H.R. 7021. Mr. STARK, Mr. PORTER, and Mr. KINDNESS.

H.R. 7043: Mr. SMITH of New Jersey, and Mrs. SCHNEIDER.

H.R. 7063: Mr. BONKER, Mrs. BOUQUARD, Mr. ANDERSON, Mr. DREIER, Mr. EVANS of Iowa, Mrs. HECKLER, Mr. MCEWEN, Mr. ROUSSELOT, Mr. SMITH of Alabama, Mr. WINN, Mr. SANTINI, Mr. WEBER of Minnesota, and Ms. OAKAR.

H.R. 7066: Mrs. KENNELLY.

H.R. 7068: Mr. VOLKMER.

H.R. 7098: Mr. WILLIAMS of Montana, and Mr. RANGEL.

H.R. 7108: Mrs. SCHNEIDER and Mr. DENARDIS.

H.R. 7110: Mr. EDGAR and Mr. FITHIAN.

H.R. 7122: Mr. MICHEL, Mr. BROYHILL, Mr. CORCORAN, Mr. TAUKE, Mr. MARKS, Mr. RINALDO, Mr. KINDNESS, Mr. REGULA, Mr. WEBER of Ohio, Mr. HOPKINS, Mr. NOWAK, Mr. BEREUTER, and Mr. MILLER of Ohio.

H.R. 7123: Mr. HARKIN.

H.R. 7128: Mr. GINGRICH.

H.R. 7131: Mr. JONES of Tennessee, Mrs. BOUQUARD, and Mr. BONER of Tennessee.

H.R. 7146: Mr. EDGAR.

H.R. 7161: Mr. STUDDS, Mr. BOLAND, Mr. EARLY, Mr. SHANNON, Mr. MAVROULES, Mr. MARKEY, Mr. MOAKLEY, and Mr. DONNELLY.

H.R. 7165: Mr. ROTH, Mr. ALBOSTA, Mr. KINDNESS, Mr. YATRON, Mr. CORCORAN, Mr. DAVIS, and Mr. ROBERTS of South Dakota.

H.R. 7170: Mr. EDGAR, Mr. FITHIAN, and Mr. LAFALCE.

H.R. 7178: Mr. DANNEMEYER, Mr. RATCHFORD, Mr. MCDONALD, and Mr. SANTINI.

H.R. 7188: Mr. AUCOIN, Mr. BENEDICT, Mr. BROWN of Colorado, Mr. BURGENER, Mr. JOHN L. BURTON, Mr. COATS, Mr. DANIEL B. CRANE, Mr. DASCHLE, Mr. DENARDIS, Mr. DOUGHERTY, Mr. DREIER, Mr. EDGAR, Mr. EDWARDS of Oklahoma, Mr. EVANS of Delaware, Mr. FISH, Mr. FLIPPO, Mr. FRANK, Mr. GILMAN, Mr. GREGG, Mr. HAGEDORN, Mr. HANSEN of Idaho, Mrs. HOLT, Mr. HORTON,

Mr. HUTTO, Mr. HYDE, Mr. KEMP, Mr. LAGOMARSINO, Mr. LEBOUTILLIER, Mr. LOEFFLER, Mr. LONG of Louisiana, Mr. LOWERY of California, Mr. LUNGREN, Mr. MARKEY, Mr. MARLENEE, Mr. MARTIN of New York, Mr. MOFFETT, Mr. MONTGOMERY, Mr. PEPPER, Mr. RAILSBACK, Mr. RATCHFORD, Mr. RUDD, Mr. SHELBY, Mr. SMITH of New Jersey, Mr. SPENCE, Mr. STARK, Mr. SWIFT, Mr. TRIBLE, Mr. WALGREN, Mr. WHITEHURST, Mr. WINN, Mr. WYDEN, Mr. SIMON, Mrs. HECKLER, Mrs. KENNELLY, and Mr. MINETA.

H.R. 7194: Mrs. HECKLER, Mr. CRAIG, Mr. SOLARZ, Mr. PEPPER, Mr. BEREUTER, and Mr. HAMMERSCHMIDT.

H.R. 7218: Mr. HAGEDORN, Mrs. HOLT, Mr. SHUSTER, Mr. MCEWEN, Mr. QUILLEN, Mr. ROBERTS of South Dakota, and Mr. EVANS of Iowa.

H.R. 7231: Mr. JONES of Tennessee, Mrs. BOUQUARD, and Mr. BONER of Tennessee.

H.R. 7232: Mr. JONES of Tennessee, Mrs. BOUQUARD, and Mr. BONER of Tenessee.

H.R. 7234: Mr. BAFALIS and Mr. YOUNG of Florida.

H.R. 7243: Mrs. SCHNEIDER and Mr. HOWARD.

H.R. 7249: Mr. STOKES and Ms. OAKAR.

H.R. 7251: Mr. COLEMAN and Mr. BEREUTER.

H.J. Res. 102: Mr. SABO.

H.J. Res. 144: Mr. PASHAYAN and Mr. ZABLOCKI.

H.J. Res. 172: Mr. DAVIS and Mr. MARRIOTT.

H.J. Res. 183: Mr. OBERSTAR, Mr. HANSEN of Utah, Mr. ANDERSON, Mr. TAUKE, Mr. NELLIGAN, and Mr. PEPPER.

H.J. Res. 513: Mr. STUMP.

H.J. Res. 556: Mr. STUDDS and Mr. DYMALLY.

H.J. Res. 563: Mr. NEAL, Mr. BENNETT, Mr. ANTHONY, Mr. HIGHTOWER, Mr. AKAKA, Mr. STOKES, Mr. BREAUX, Mr. MARTIN of New York, Mr. MOFFETT, Mrs. SCHNEIDER, Mr. ATKINSON, Mr. JENKINS, Mr. BAILEY of Pennsylvania, Mr. MONTGOMERY, Mr. HUTTO, Mr. FASCELL, Mr. GINGRICH, Mr. MARTINEZ, Mr. FORD of Tennessee, Mr. WILLIAMS of Ohio, Mr. OBERSTAR, Mrs. COLLINS of Illinois, Mr. STUMP, Mr. ERDAHL, Mr. VENTO, and Mr. ASPIN.

H.J. Res. 564: Mr. CLAY and Mr. WHITTAKER.

H.J. Res. 565: Mr. ROSENTHAL, Mr. STOKES, Mr. ROSE, Mr. APPLEGATE, Mr. MCCLORY, Mr. EDGAR, Mr. HORTON, Mrs. SCHNEIDER, Mr. WIRTH, Mr. ATKINSON, Mr. MCEWEN, Mr. DORNAN of California, Mr. GINGRICH, Mr. LEHMAN, Mr. CARNEY, Mr. WYLIE, Mr. FAZIO, Mr. FISH, Mr. STUMP, Mr. BROWN of Colorado, Mr. WILLIAM J. COYNE, and Mr. PORTER.

H.J. Res. 583: Mr. EMERY, Mr. WOLF, Mr. MOFFETT, Mr. CRAIG, Mr. FAZIO, Mr. CAMPBELL, Mr. HOLLAND, Mr. ERDAHL, Mr. BOWEN, Mr. HEFNER, and Mr. RHODES.

H.J. Res. 585: Mr. STUMP.

H.J. Res. 591: Mr. BLILEY, Mr. HAMILTON, Mr. SMITH of Oregon, and Mr. STUMP.

H.J. Res. 592: Mr. WASHINGTON and Mr. FOGLIETTA.

H.J. Res. 594: Mr. MINISH and Mr. RUSSO.

H.J. Res. 603: Mrs. SNOWE.

H.J. Res. 604: Ms. MIKULSKI, Mr. EMERY, Mr. NELLIGAN, Mr. JONES of North Carolina, Mr. MARTIN of North Carolina, Mr. HEFNER, Mr. NEAL, Mr. STOKES, Mr. WHITLEY, Mr. PEPPER, Mr. ROE, Mr. QUILLEN, Mr. FRENZEL, Mr. FISH, Mr. ST GERMAIN, Mr. ANDREWS, Mrs. HECKLER, Mr. LONG of Maryland, Mr. BROYHILL, Mr. MOLLOHAN, Mr. VENTO, and Mr. MINISH.

H.J. Res. 607: Mr. WYDEN and Mr. EDWARDS of California.

H.J. Res. 614: Mr. WHITEHURST, Mr. O'BRIEN, Mr. ROTH, Mr. SHUSTER, Mr. LAGOMARSINO, Mr. OTTINGER, Mr. PEPPER, Mrs. HOLT, Mr. CHENEY, Mr. FRANK, Mr. ERDAHL, Mr. STENHOLM, Mr. SCHEUER, and Ms. FERRARO.

H.J. Res. 616: Mr. ERTEL, Mr. HYDE, Mr. HEFNER, Mr. WINN, Mr. VENTO, Mr. DUNCAN, Mr. HIGHTOWER, Mr. EDGAR, Mr. SWIFT, Mr. MAVROULES, Mr. EVANS of Iowa, Mr. GEJDENSON, Mr. HORTON, Mr. ZEFERETTI, Mr. LANTOS, Mr. DINGELL, Mr. STOKES, Mr. STANGELAND, Mr. EDWARDS of Alabama, Mr. KAZEN, Mrs. COLLINS of Illinois, Mr. YATES, Mr. DAUB, Mr. HUTTO, Mr. DWYER, Mr. MOLLOHAN, Mr. TRAXLER, Mr. ERDAHL, Mr. CONYERS, Mr. STUMP, Mr. SCHEUER, Mr. JEFFORDS, Mr. LOEFFLER, Mr. PANETTA, Mr. DYMALLY, and Mr. UDALL.

H.J. Res. 618: Mr. CHAPPIE, Mr. O'BRIEN, Mr. HOYER, Mr. ROE, Mr. SIMON, Mr. KILDEE, Mr. WORTLEY, Mr. OBERSTAR, Mr. WEISS, Mr. NICHOLS, Mr. NEAL, Mr. SCHEUER, Mr. BARNES, Mr. WOLF, Mr. BLILEY, Mr. LAGOMARSINO, Mr. PEPPER, Mr. EVANS of Georgia, Mr. MARKEY, Mr. MOFFETT, Mr. WEAVER, Mr. FRENZEL, and Mr. SMITH of Iowa.

H. Con. Res. 355: Mr. KOGOVSEK.

H. Con. Res. 410: Mr. PEPPER, Mrs. SCHROEDER, and Mr. MAVROULES.

H. Con. Res. 411: Mr. BURGENER.

H. Con. Res. 413: Mr. OXLEY, Mr. HANSEN of Idaho, Mr. FAZIO, Mr. YATRON, Mr. MATSUI, Mr. WON PAT, Mr. PANETTA, Mr. FOGLIETTA, Mr. ROE, Mr. JACOBS, Mr. BAILEY of Pennsylvania, Mr. FRENZEL, and Mr. LONG of Maryland.

H. Res. 268: Mr. MAVROULES, Mr. SWIFT, Mr. SHAMANSKY, Mr. SYNAR, Mr. UDALL, Mr. STUDDS, Mr. SOLARZ, Mr. LELAND, Mr. MARTINEZ, Mr. CROCKETT, Mr. ANDERSON, Mr. CLAY, Mr. VENTO, Mr. SIMON, Mr. MOLLOHAN, Mr. COUGHLIN, Mr. D'AMOURS, Mr. EVANS of Iowa, Mr. EVANS of Delaware, Mr. ROSE, Mr. RINALDO, Mr. NELLIGAN, Mr. HERTEL, Mr. STOKES, Mr. PICKLE, and Mr. LUNDINE.

H. Res. 483: Mr. ROBERTS of Kansas, Mr. WHITEHURST, Mr. STENHOLM, and Mr. MADIGAN.

H. Res. 598: Mr. DYMALLY.

H. Res. 600: Mr. ROTH, Mr. ALBOSTA, Mr. KINDNESS, Mr. YATRON, Mr. DAVIS and Mr. ROBERTS of South Dakota.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5133: Mr. WINN.
H.R. 6467: Mr. LANTOS.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

632. By the SPEAKER: Petition of the Steuben County Board of Supervisors, Bath, N.Y., relative to medicaid costs; to the Committee on Energy and Commerce.

633. Also, petition of the City Council, Virginia Beach, Va., relative to the exemption of muncipal corporations from Federal antitrust laws; to the Committee on the Judiciary.

634. Also, petition of the Conference of delegates of the California State Board, California, relative to U.S. immigration laws; to the Committee on the Judiciary.

635. Also, petition of the Governing Board, the First Presbyterian Church of Grand Forks, N. Dak., relative to tuition tax credits; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 746

By Mr. FLORIO:

(Amendment to the amendment in the nature of a substitute.)

—Page 6, after line 22, insert the following:

" (E) a rule relating, in whole or in part, to the control of toxic or hazardous pollutants, substances, or wastes;".

H.R. 6514

By Mrs. SCHROEDER:

(Substitute for employer sanctions.)

—Page 3, strike out line 8 and all that follows through page 4, line 23, and insert in lieu thereof the following:

"SEC. 274A. (a)(1)(A) It is unlawful for a person or other entity to hire for employment in the United States an unauthorized alien (as defined in paragraph (3)) and to fail to comply, with respect to that alien's employment, with the terms of the National Labor Relations Act (29 U.S.C. 151 et. seq.), the Fair Labor Standards Act of 1938 (29 U.S.C. 203 et. seq.), and the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et. seq.).

" (B) The Secretary of Labor shall notify the Attorney General whenever an employer has been determined by the Secretary to have failed to comply with a term of the Fair Labor Standards Act of 1938 or the Occupational Safety and Health Act of 1970, and the Chairman of the National Labor Relations Board shall notify the Attorney General whenever an employer has been determined by the Board to have failed to comply with a term of the National Labor Relations Act. For purposes of subparagraph (A), a person or other entity is deemed to have failed to comply with a term of the respective Act if the Attorney General is notified under this subparagraph of the person's or entity's failure to comply with that term of that Act.

"(C) Upon notification under subparagraph (B), the Attorney General may initiate an investigation to determine whether a violation of subparagraph (A) has occurred. If the Attorney General determines that such a violation has occurred, the Attorney General shall commence an administrative proceeding under subsection (b) with respect to that violation.

"(2) Whenever the Attorney General has a reasonable cause to believe that a person or entity has engaged in a pattern or practice of hiring, recruiting, or referring for employment in the United States unauthorized aliens after the date of the enactment of this section, the Attorney General may commence a proceeding under subsection (b).

Page 4, line 24, strike out "(6)" and insert in lieu thereof "(3)".

Page 5, after line 4, insert the following:

"(4) Unless otherwise provided by Act of Congress, this subsection shall not apply to the hiring, recruiting, or referring of individuals for employment on or after the end of the three-year period beginning on the date of the enactment of this section.

"(b)(1) The Attorney General shall commence any proceeding under this subsection by filing a notice of proposed violation with an administrative law judge. The person or entity named in such notice of proposed violation shall be provided an opportunity for a hearing before the judge within 30 days after the date of receipt of the notice.

"(2) In a proceeding initiated against a person or entity pursuant to subsection (a)(1), if the judge determines by a preponderance of the evidence that the person or entity has violated that subsection with respect to an unauthorized alien, the judge shall enter an order imposing on the person or entity a civil penalty of $5,000 for each such unauthorized alien.

"(3)(A) In a proceeding initiated against a person or entity pursuant to subsection (a)(2), if the judge determines by a preponderance of the evidence that the person or entity has violated that subsection, the judge shall enter an order—

"(i) requiring the person or entity to cease and desist from hiring, recruiting, or referring for employment in the United States any alien whom the person or entity knows to be an unauthorized alien with respect to that employment, and

"(ii) prohibiting the person or entity from hiring (during a period of three years from the effective date of the order) for employment in the United States any individual without complying with the requirements of subsection (c) with respect to each individual hired or considered for such employment.

"(B) A person or entity that fails to comply the terms of an order issued under subparagraph (A) shall be subject to a civil penalty of $1,000 for each such failure. Such penalty shall be assessed by an administrative law judge after notice and opportunity for a hearing.

"(C) The Attorney General shall review each order issued under subparagraph (A) for its effectiveness two years after the date of its issuance and may terminate such order at such time.

"(4)(A) If a person or entity against whom a civil penalty is assessed under this section fails to pay the penalty within the time prescribed in such order, the Attorney General shall file a suit to collect the amount in any appropriate district court of the United States. In any such suit or in any other suit seeking to review an administrative law judge's determination or order under this section, the suit shall be determined solely upon the administrative record upon which the determination or order was based and the judge's findings of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

Page 5, amend lines 5 through 9 to read as follows:

"(c) The requirements referred to in subsection (b)(3)(A)(ii) are, in the case of a person or other entity hiring an individual for employment in the United States, that—

Page 5, line 13, strike out "is eligible" and all that follows through "(a)(1)(A)" on line 15 and insert in lieu thereof "is not an unauthorized alien".

Page 6, beginning on line 19, strike out ", recruited, or referred".

Page 6, beginning on line 25, strike out ", recruiting, or referral".

Page 7, beginning on line 2, strike out "in the case of the hiring of the individual" and insert in lieu thereof "if later".

Page 7, strike out line 8 and all that follows through page 11, line 15.

Page 11, lines 16 and 23, strike out "(e)" and "(f)", respectively, and insert in lieu thereof "(d)" and "(e)", respectively.

Page 12, strike out line 3 and all that follows through page 13, line 22, and insert in lieu thereof the following:

"(f) Within three years after the date of the enactment of this section, the President shall prepare and transmit to Congress a comprehensive report concerning the implementation and enforcement of this section, including the assessment of the President as to whether the implementation of this section has resulted in—

"(1) a decline in the number of employment opportunities for unauthorized aliens,

"(2) a decline in the number of violations of protective labor laws,

"(3) a pattern of unlawful discrimination against United States citizens and aliens, other than unauthorized aliens, or

"(4) has created an unnecessary regulatory burden on employers,

and whether the provisions of this section have otherwise been carried out satisfactorily.".

(2)(A) The amendment made by paragraph (1) shall apply to the hiring, recruiting, and referring of individuals for employment in the United States on and after the date of the enactment of this Act.

Page 13, line 23, strike out "(D)" and insert in lieu thereof "(B)".

Page 14, strike out lines 9 through 13.

Page 15, beginning on line 5, strike out "the first day of the seventh month beginning after".

(Three-year sunset to employer sanctions.)

—Page 5, after line 4, insert the following:

"(7) Unless otherwise provided by Act of Congress, this subsection shall not apply to the hiring, recruiting, or referring of individuals for employment on or after the end of the three-year period beginning on the date of the enactment of this section.".

—Page 12, line 17, strike out the closing quotation marks and the period that follows them.

Page 12, after line 17, insert the following:

"(h) The President and the United States Civil Rights Commission shall each monitor and report to Congress, not later than 30 months after the date of the enactment of this Act, as to whether or not the implementation of this section has resulted in discrimination in employment other than on the basis of an individual's being an unauthorized alien. If either reports that such implementation has resulted in such discrimination, unless otherwise provided by Act of Congress, this section shall not apply to the hiring, recruiting, or referring of individuals for employment on or after the end of the three-year period beginning on the date of the enactment of this section.".

(Change in continuous employment sanction.)

—Page 3, beginning on line 19, strike out "subsequent to the date of the enactment of this Act and in accordance with paragraph (1)".

(Modification of employer penalty provision.)

—Page 8, strike out line 15 and all that follows through page 11, line 15, and insert in lieu thereof the following:

"(d)(1) Whenever the Attorney General has reasonable cause to believe that a person or entity has or is engaged in a violation of paragraph (1) or (2) of subsection (a), the Attorney General shall provide such person or entity with notice and the opportunity to request a hearing respecting the violation within 30 days after the date of receipt of such notice. Any hearing so requested shall be conducted before an administrative law judge in accordance with section 554 of title 5, United States Code.

"(2) If the administrative law judge determines by a preponderance of the evidence that the person or entity has violated paragraph (1) or (2) of subsection (a), the Attorney General shall issue and cause to be served on such person or entity an order to cease and desist from such violation. The Attorney General shall review such order for its effectiveness two years after its date of issuance and may terminate such order at such time.

"(3) If a person or entity fails to comply with an order of the Attorney General under paragraph (2), the Attorney General may commence proceedings in any district".

(Deleting H-2 provisions.)

—Strike out section 211 (that is, page 67, line 11, through page 75, line 20), and strike out the corresponding item in the table of contents and redesignate succeeding sections (and cross references thereto) accordingly.

EXTENSIONS OF REMARKS

TRIBUTE TO L. H. FOUNTAIN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1982

● Mr. BIAGGI. Mr. Speaker, At the conclusion of this session of Congress, we have the sad task of saying farewell to one of our best friends and most respected colleagues, L. H. FOUNTAIN, the gentleman from Tarboro, N.C.

Since his election to the 83d Congress, L. H. FOUNTAIN has represented with great distinction and pride the people of the Second Congressional District of the Tar Heel State. L. H. is a proud native son of North Carolina having been born in the small village of Leggett. Before his election to Congress, he had a distinguished career in State government in North Carolina including a term in the State senate and a stint as the reading clerk of the senate during the years 1936 to 1941.

In the House, L. H. has served with unique distinction as a member of the Government Operations and House Foreign Affairs Committee. L. H., as the chairman of the Subcommittee on Intergovernmental Relations and Human Resources, is clearly the resident expert in the House on the workings of the various branches of our intergovernmental system

In 1959, L. H. was the author of a landmark bill which established the Advisory Commission on Intergovernmental Relations (ACIR). L. H. has served as a member of the ACIR since its inception. In addition, he is a member of the Presidential Advisory Committee on Federalism.

L. H. FOUNTAIN has been my friend throughout my 14 years in this House. We have worked together on several projects including helping my home city of New York during its troubled fiscal days in the late 1970's. I sought and benefited from his counsel and knowledge and hope that all is well for him in his return to private life. He will be sorely missed by the House, as he has been one of our most effective Members over the past three decades. While we lament over his decision to retire, we know his wife and family are probably very pleased and can take pride in all that L. H. FOUNTAIN did for the people of North Carolina and the Nation in his career.●

CONNECTICUT JUSTICE FOR CHILDREN COLLABORATION

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. MOFFETT. Mr. Speaker, at the forum on the effects of the New Federalism on the children of Connecticut, we heard from a distinguished advoate for children and their families. Mr. David Cunningham, executive director of the Connecticut Justice for Children Collaboration, offered cogent, thoughtful insights on the field of juvenile justice and the role of service providers in their communities. I commend the following statement to you all:

STATEMENT OF DAVID W. CUNNINGHAM

(The Collaboration is a statewide membership organization designed to service and support over 500 community-based children and youth serving agencies across Connecticut.)

I have been asked to address specifically the topic of Juvenile Justice; to do that is to point out that total federal allocation nationwide for Juvenile Justice services is only $70 million and for Connecticut is only $1.1 million. Over the past several years, one-half to two-thirds of that money in Connecticut has been directed towards community-based services for status offenders and has funded several model programs: the Emergency Shelter Services, Crisis Intervention Services, and Networkers for children's services on a regional basis. A very small amount of money, a dramatic payoff. Like the other services discussed this morning, they work.

Children and Youth Service Providers have labored hard and long over the past three years so that—

The law has been changed so that status offenders are no longer considered delinquent

Community services are assuming responsibility for servicing this population . . .

Detention is not being used . . . police, schools, courts, youth service bureaus, Department of Children and Youth Services are working together to better service this population, as well as the serious offender population

All of this is being done in a climate where three main criticisms are being leveled against the field. One that we cost too much; two, the services do not have an impact; and three, that they break apart families. In this climate each year, an attempt is made to sweep away the millions of dollars for children's programs including the $70 million for Juvenile Justice. The end result is this:

Professionals in the Juvenile Justice field and all children's service professionals, as the self-appointed dragon slayers of today's society's many woes, hold a firm conviction that the "human condition" must change, and that the cause is so great that they are willing to devote their lives to the purpose of helping others in need.

Today this group of people appear held back and constrained. There are economic and political restrictions that prevent them from doing the job they want to do. The profession lacks prestige; some argue that it is unnecessary. The work load is most often enormous, intrusive, and all consuming. They suffer from a lack of high quality training, and indeed feel poorly equipped to slay the dragon. To further compound their discomfort, human service professionals are being called upon to articulate policy to legislators, bureaucrats and citizens before they are clear what that policy is. It is indeed a frightening and discouraging time. It is difficult to be an exciting, vibrant, reforming group of people; they are, however, determined in every positive sense of the word entrenched.

Drug abuse, juvenile crime, suicide, unemployment are all crises faced in our society today which seem imponderable. Solving these problems is to date a matter of hope. Despite millions of dollars and man hours invested, there is no community in this nation which can claim that its children are not being abused, its teenagers are not running away, its babies are not being born to adolescent mothers. One concern rises above the others and that is the children are out of control. That is declared by parents, politicians, professionals, and children themselves. What appears to be true is that people, our society as a whole, feel out of control of their children. In sharing the responsibility of resolving these problems, there is little sense of commitment or integrity. We speak of sharing responsibility as if it were a choice. It is not a choice. Everyone is responsible. The interrelatedness is clear—The child who commits a crime is in fact part of a family of which a child commits a crime; and part of a community of which a family of which a child commits a crime; and part of a state of which a community of which a family of which a child commits a crime; and part of a nation of which a state of which a community of which a family of which a child commits a crime. At the same time a nation at war is certainly a state of war is community at war is a family at war. It is all interrelated. And yet, historically when the child has been out of control of his or her parents, the community service system was called in to fill that role. When the community could not control the child, the state system clearly set controls through the use of courts, detention and commitment processes. Indeed at either community or state level temporary controls could be placed on the child. It was demonstrated time and again, however, that when those controls were terminated the child either returned to out-of-control behavior and became involved in more serious behavior or made it on his or her own, separate from family.

It could not be demonstrated that a significant change had been made in the way that the child's family was able to support him or her. Temporary improvements in the child's condition were sometime evident, thus service providers have been reinforced and have felt basically as if they were on

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

the right track. However, the results have been temporary, questionable, and costly and often separated the child from the family hence the criticisms we cost too much, we don't have an impact and we break apart families.

Therefore, the Juvenile Justice field in particular, and the children's service field in total is being called upon to change. Most certainly, we are still being asked to control the child. We have learned that to control a child means that the family must be involved in the nurturing, respecting, and supporting the child. We have also learned that when families are under stress they cope through mechanisms which surprise us. When there is a little stress a family will cope by holding family meetings, placing new rules, and getting outside counseling, etc. When the family is under a lot of stress in order to cope members of the family will do such outrageous things as abusing their children, running away from home, etc. We have come to realize that these are all attempts, no matter how outrageous, to help the family survive. It is clearly because the children are the most courageous, the least inhibited, and consider themselves to be absolutely dependent upon their families for survival that they often serve as the messengers of this problem.

It is the children to whom we turn our attention and it is the children to whom we have delivered the antidote. However, just like the child has difficulty being healthier than the family, and the family has responsibility for nurturing its children, and the community service system has a responsibility to nurture its families. In order to believe that these problems can be solved, this nation must pull together and support the community services which are supporting these families. Trying is not doing, Hoping is not doing, Doing is doing. Community services are doing what is needed, and must be supported.

In order to meet the challenge, community services are changing. We are working with families as whole units, supporting the natural functions of families. We have learned that families must have certain structure and certain functions in order to be healthy, and we are willing to apply that technology to our own field, though we are often unsupported for doing it.

We have learned to be more cost-effective. We are training ourselves as managers, we are in fact moving into the field of retrenchment planning and teaching ourselves how to cut budgets effectively.

We are committing ourselves to a continuum of care and embracing residential programs and preventive services both as essential components of a service delivery system working together to make sure that children don't fall through the cracks.

We are strengthening our relationship with the community at large working more closely with business to identify common concerns. Also knowing that if we want to ask businesses for contributions to our organizations (which is not new for us, we have been doing that for many years) that we must be as concerned as they are about where their money comes from and we must respect the profit motive. A business which does not have a profit cannot give that profit to private, non-profit agencies.

We are working more closely with legislators. This year, for the first time in Connecticut, we will be offering training to all legislative candidates in order to provide them with information before they actually hold office to both enhance their campaign and to enhance their hopeful tenure as legislators. We are also willing to look at revenue sources with legislators. Historically, we have been willing to negotiate appropriations and have not paid much attention to finance and revenue committees. Our dialogue with them is increasing and we are willing to contribute ideas as to where the money should come from that should pay for these needed services.

We have made a decision not to compete for funds. Through the Committee on Public Expenditures for Connecticut's Children, a broad range of children's services have come together and said that one children service is not more important than the other. They will not go to the legislature in a competitive position, rather they will commit themselves to a continuum of care.

All the presentations made today will point out the many crises these families can face. The Juvenile Justice field is just one field addressing these family needs but just like the child who needs support and nurturance from the family and the family which needs support and nurturance from the community, the community service system needs support and nurturance from this nation.

We are not the enemy, we are the messengers, and for that we often get punished. If we accept that we are community leaders and toward the cause of improving community supports for families to nurture their children, we are willing to be the front runners. We can deliver; we will make it work; we will need your support.

I would like to close with a poem written anonymously for the women's movement which I think is certainly relevant to the children's movement as well:

I swear it
I swear it on my common woman's head
I am common as a common loaf of bread
And will rise.

Thank you.●

PROGRESS MADE IN DEVELOPING SAFER PESTICIDES

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. BROWN of California. Mr. Speaker, during this session the Department Operations, Research, and Foreign Agriculture Subcommittee, which I chair, has spent considerable time and effort in oversight and legislative activities involving pesticide regulation. During 5 days of oversight hearings and innumerable meetings and negotiating sessions involving legislative proposals, questions concerning the impact of the Federal Insecticide, Fungicide, and Rodenticide Act on pesticide industry innovation repeatedly arose. Industry representatives voiced concern that the regulatory system and public disclosure requirements in the FIFRA statute might be discouraging long-term private sector commitment to pesticide research and development activity.

In developing legislation, passed by the House on August 11 of this year, amending the FIFRA, an effort was made to resolve many of the regulatory and administrative problems which industry was able to document during the course of the subcommittee's deliberations. While no party to the protracted process of negotiation is completely satisfied with the end result, I am convinced that real progress was made toward a balanced yet accountable regulatory system.

I am pleased to note several recent articles and announcements regarding the discovery of new, safer pesticides. These products are the first commercial results of research programs begun several years ago by leading private sector firms. Many scientists have suggested that even better, more effective compounds are on the horizon, products which will help farmers in their perennial battle with bugs, weeds, and plant diseases. The distinguishing feature of most new pesticide products is their biological selectivity. At far lower rates of application, most new pesticides are more efficacious and less hazardous to the environment. This is good news for everyone.

As the Department Operations, Research, and Foreign Agriculture Subcommittee continues its oversight activities, in the next Congress, close attention will be directed to the impact of the EPA's pesticide regulatory program on the commercialization of new, scientifically advanced pesticides and control technologies. Right now, it looks like the innovative process is basically healthy and perhaps ready to enter a phase of even more significant breakthroughs.

But we must guard against becoming overconfident and relaxing our research efforts. I am deeply distrubed by the deep cuts which have been made in the research budget at the Environmental Protection Agency and will continue to work toward restoring the unwise reductions which have already been made. Many of the coming breakthroughs in this field are the result of years of research programs funded by the Federal Government. While I applaud the private sector work in bringing these research discoveries to commericalization, I want to point out that these new technologies did not spring forth suddenly simply due to private sector efforts.

I hope that my colleagues take the time to read the following article from the Journal of Commerce.

The article follows:

[From the Journal of Commerce, Sept. 14, 1982]

NEW PRODUCTS LOOMING IN AGRICHEMICAL INDUSTRY

(By C. A. Carpenter)

KANSAS CITY, MO.—After 20 years of experience with the environmental movement, the agrichemical industry appears to be on the brink of a major explosion in new products that could mean the difference between feeding or starving the world, accord-

ing to a research scientist in the United States Department of Agriculture.

Herbicides will dominate pesticide chemistry over the next decade, said Philip C. Kearney, research chemist with the USDA Pesticides Degradation Laboratory in Beltsville, Md. Mr. Kearney made the opening speech for the 184th national meeting of the American Chemical Society. He is the recipient this year of the 13th Burdick and Jackson International Award for Research in Pesticide Chemistry, given for his outstanding contributions in pesticide research over the 20 years he has been with the USDA.

The amounts and kinds of pesticides used in American agriculture over the last two decades have changed dramatically. In 1962, for example, 63 percent of the pesticides were insecticides, or roughly 460 million pounds of insecticides were produced out of a total of 730 million pounds of pesticides, Mr. Kearney said.

But as a result of the environmental movement and subsequent formation of various government regulatory bodies that placed severe restrictions on the use of certain insecticides and policies that emphasized safety and environmental compatability, the United States today has become largely a herbicide-producing nation. Herbicides make up about 55 percent of the U.S. pesticides market today, or roughly 800 million pounds of herbicides are produced annually out of a total 1.46 billion pounds of pesticides. The sale value has risen to well over $4 billion from about $340 million in 1962, Mr. Kearney.

While the herbicides market grew, more research on toxicology and environmental effects of pesticides resulted in major blows for the insecticide in market. Twenty years ago the chlorinated hydrocarbon insecticides, primarily DDT, aldrin, dialdrin, endrin, heptachlor and chlordane, predominated. Since then, events resulting from the growing concern over pesticide safety led to either cancellation or restrictions on their use.

U.S. production of fungicides, by comparison with the herbicides, has grown modestly from 117 million pounds to 156 million pounds a year. Fungicide imports have increased, amounting to over $24 million in 1980—up about 60 percent in one year.

Now after two decades of research in the chemistry of plants, soils, water and air, the herbicides industry is increasingly introducing new compounds.

New herbicides appearing in the marketplace include a new generation of pyridinyl oxy phenoxy propanates that are used for selective control of pests on grass weeds in a number of broadleaf crops. The Du Pont Co.'s recent introduction of Gleen, which cost the company over $35 million just for development, is one example. In addition, there are a number of new sulfonyl urea-based herbicides that are active in small quantities. While the immediate future for this new series is in small grain production, Mr. Kearney said its ultimate potential is unlimited.

Genetic engineering is expected to take on significant importance in the development of new herbicides. By providing the potential to modify the plant, genetic engineering "will allow us to extend the life of many compounds with long records of safety into new cropping systems," he said. Progress in this field is already taking shape with compounds called striacines.

As Mr. Kearney examined future pesticide chemistry, he said: "Our research will still be directed towards solving applied problems in global agriculture in the areas of production and conservation with both applied and basic research. What do we face as a nation with regard to the future of agricultural research? Productivity and conservation must be two of our important goals. Pesticide chemistry will play an important role in meeting" these goals.●

ENERGY-EFFICIENCY RATINGS FOR HOMES OFFERED UTILITIES, SPECIAL LOANS OFFERED BY LENDERS FOR ENERGY-SAVING HOMES

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. OTTINGER. Mr. Speaker, this October an exciting experiment gets underway in Massachusetts that will offer unusually attractive loans to buyers of energy-efficient homes and make such homes accessible to consumers who could not otherwise afford them. The experiment grows out of a concept presented last year at a hearing on "Energy Efficiency Labels for Buildings" before the Subcommittee on Energy Conservation and Power, which I chair.

At that hearing, the subcommittee learned that home buyers who are interested in buying energy-efficient houses may be penalized because they are unable to qualify for the mortgage on a more expensive, but more efficient home. Because a house that is well insulated and contains other energy-saving features often carries a higher price tag than a similar home without such improvements, lenders may be reluctant to grant a mortgage for the more expensive house to a buyer with a modest income. Lenders may not take into consideration the fact that the more efficient home requires lower fuel costs, thus making it easier for the home buyer to meet higher monthly mortgage payments.

The Federal Home Loan Mortgage Corporation ("Freddie Mac"), which buys from primary lenders a large number of the home loans made in this country, testified at our hearing that it was willing to consider purchasing loans with more lenient guidelines over the buyers' income, if the home contained energy-efficient features. In its testimony, Freddie Mac noted that it is often difficult for the lending community, however, to judge accurately the likely energy costs of a house. The Mortgage Corporation suggested that a nationwide energy rating system be developed which could provide the housing and finance industry with a method by which energy-efficient properties could be identified. Freddie Mac, among other witnesses from the building and lending industry, suggested that utilities might be the institution best qualified to provide energy-efficiency ratings. Utilities could easily determine the rating as part of the energy audit they currently offer to residential customers under the Residential Conservation Service, Freddic Mac suggested. Under the federally mandated RCS program, utilities offer to inspect a customer's home and recommend energy-saving devices and measures.

I am delighted to report that the innovative concept proposed at our hearing is currently being applied on an experimental basis in Massachusetts, primarily through the enthusiasm and cooperation of utilities, lenders, and real estate agents in that State. Starting next month, Mass Save, a nonprofit organization formed by Massachusetts utilities to conduct RCS audits, will offer energy-efficiency ratings to 600 homes throughout the State as an additional component of the audits.

The project, which was initiated by the Alliance to Save Energy and Energyworks with funding from the Department of Energy, has developed a simple, standardized energy rating that would enable all users—whether consumers, lenders, real estate agents or appraisers—to compare the energy efficiency of different properties.

As part of the project, numerous lenders in Massachusetts have agreed to make loans with higher-than-usual ratios of debt to the borrower's income for homes considered energy-efficient by the Mass Save rating. In addition, in cases where buyers would like to make energy-efficiency improvements, Massachusetts lenders have agreed to augment the house mortgage to provide long-term financing for those improvements. The lenders expect that the annual fuel savings from these improvements will offset the additional loan payments. Finally, loans that use the Mass Save rating as documentation for a more generous debt-to-income ratio, will be accepted both by Freddie Mac and the other major purchaser of home mortgages, the Federal National Mortgage Association or Fannie Mae.

If the project is considered successful, it is expected that Mass Save would offer the rating on a statewide basis as part of the RCS audits. In addition, a successfully applied rating could be of enormous use to other States and localities interested in providing improved information to homeowners, homebuyers, and local lenders about energy efficiency.

Although this rating system was developed for existing homes, it would be equally applicable to new houses. As we discovered at our hearing, homebuilders often have little incentive to build efficient homes with higher first costs because they fear that such homes will be beyond the reach of many prospective buyers. A credible

efficiency rating would be a boon to such builders, as well as to home buyers.

It is important to note that the energy efficiency rating was developed in consultation with both lenders and utilities and drew upon the impressive results of energy conservation research funded by the Department of Energy. This project is an excellent example of how the Department of Energy can support the private sector in developing information that is useful to consumers as well as to the industries most closely associated with home buying. I would particularly like to commend the Massachusetts utilities for their interest and imagination in providing accurate information and improved lending conditions to their residential customers.

I will be following the results of the Massachusetts labeling program with great interest. I look forward to inviting the participants in the project to testify on their experience before the Subcommittee on Energy Conservation and Power next year.●

EDWARD RODRIGUEZ

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. COELHO. Mr. Speaker, I rise today to bring to the attention of my colleagues a man whose energy and dedication to his community and church merits praise, Mr. Edward Rodriguez. Throughout his lifetime, Mr. Rodriguez has exemplified the kind of citizen that America can be proud of. He has spent many long and hard hours assisting in church-related projects, school activities, club functions, and community development. Although his list of accomplishments is lengthy, I would like to especially commend his efforts in getting the Stratford I.D.E.S. Hall renovated, a building which for the last 60 years has remained the same. I would also like to commend his active membership with the Western Dairymen's Association and the Knights of Columbus, two worthy organizations with which he has shared his time and energy. It is indeed rare to encounter an individual who possesses the high level of concern and commitment to his community that Mr. Rodriguez does and I am proud to have someone of his integrity and worthiness in California.

Mr. Rodriguez is being honored at a dinner in Stratford, Calif., on October 9, for serving as the 1982 State supreme president for the I.D.E.S. Supreme Council and for his outstanding contributions to the life and spirit of his church and community. I am pleased to be among those who applaud his accomplishments, and I wish him all the best in the years ahead.●

ANWAR EL SADAT

HON. BOB SHAMANSKY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. SHAMANSKY. Mr. Speaker, this is a critical time in the Middle East, a time when the region is poised between the chance for a true and lasting peace on the one hand and further conflict on the other. I believe that it is particularly appropriate that, given this situation, we honor the memory of Anwar Sadat.

President Sadat's foresight and concern for his people enabled him to recognize and make peace with Israel. In return, he was able to secure for Egypt the return of the Sinai.

I was in Egypt as a private citizen when Sadat returned from his historic visit to Jerusalem. The Egyptian leaders, including President Sadat, had had enough of war. They decided to do what was best for Egypt and her people—to negotiate peace with Israel. The Camp David accords followed soon thereafter.

President Sadat's courageous decision set an example that his Arab brethren have been reluctant to emulate. This pathfinder of peace risked everything for his people, and he succeeded in his efforts on their behalf. Peace with Israel is possible, if a leader is bold enough to seek it.

I pray that the other Arab leaders will place the needs of their people for peace above all else.●

MONTANA, GATEWAY TO THE OLYMPICS

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. WILLIAMS. Mr. Speaker, in 1988, the Winter Olympics will be held in Calgary, Alberta, Canada.

The Olympics is one of the world's most acclaimed sports events. The Winter Olympics in Calgary will draw visitors from all over the world. Many of these visitors will also undoubtedly visit the United States. We can look forward to a healthy surge in the tourism industry as a result of these Olympics. Montana is particularly looking forward to this increase in visitors—our tourism industry is the third largest industry in our State.

The entire southern border of Alberta, Canada, is contiguous to the State of Montana. Anyone traveling overland to Calgary from the United States will pass through Montana. Montana looks forward to hosting all visitors to the 1988 Winter Olympics with our beautiful scenery, exciting snowmobiling and fine skiing.

Mr. Speaker, today it gives me great pleasure to offer the following concurrent resolution declaring Montana the official gateway to the 1988 Winter Olympics. My resolution recognizes that all potential visitors traveling by land from the United States to Canada for the games will receive a warm welcome in Montana. The resolution is as follows:

CONCURRENT RESOLUTION

To declare Montana, "The Official United States Gateway to the 1988 Calgary Olympics".

Whereas the 1988 Winter Olympics will be held at Calgary, Alberta, Canada;

Whereas United States citizens by the thousands will be journeying to Calgary to join the festivities with our Canadian neighbors;

Whereas Montana is contiguous with the entire southern border of Alberta and is a natural passageway to the Winter Olympics in Calgary;

Whereas the State of Montana and the Province of Alberta have long been friendly neighbors; and

Whereas Alberta can be entered from the United States, traveling by land, only by way of Montana: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Montana is declared the "Official United States Gateway to the 1988 Calgary Olympics".●

SOVIET JEWRY IMMIGRATION SHOULD BE TOPIC OF SHULTZ/GROMYKO TALKS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. MARKEY. Mr. Speaker, when U.S. Secretary of State George Shultz meets for the first time with Soviet Foreign Minister Andrei Gromyko, I feel it is imperative that Secretary Shultz discuss the plight of Soviet Jews with him.

Throughout my tenure in Congress, I have made it a priority to speak out for the human rights of Soviet Jews and other oppressed minorities in the Soviet Union. Today, a truly tragic situation exists due to the deteriorating numbers of Soviet Jews who are granted permission to emigrate from the U.S.S.R.

Since the State Department is now conducting a review of its position vis-a-vis the Soviet Union, and Secretary Shultz is meeting with his counterpart from the Soviet Union, I believe the time is ideal for a discussion of this abrogation of the Helsinki accords.

The facts are that, one, emigration of Soviet Jews has fallen to an alarmingly low rate; approximately 200 people per month have been allowed to leave recently, rather than the thousands we saw leaving in the mid

to late 1970's. Two, Hebrew and Jewish cultural classes have been broken up with threats, intimidation and arrests. Three, more than 65 Soviet Jewish scientists have been stripped of their degrees and made nonpersons in their professions due to their desire to emigrate from the U.S.S.R. Fourth, prisoners of conscience are suffering more deprivation than is usual even in the harsh Soviet labor camp system. And fifth, the arrest of all but a few of the unofficial Helsinki accord monitors has led to the recent dismantling of the group.

For all these reasons, Mr. Speaker, I would like to strongly urge the issue of human rights in the Soviet Union be brought up in the meetings held with Soviet officials.●

TRIBUTE TO HON. JOHN RHODES

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1982

● Mr. BIAGGI. Mr. Speaker, it is an honor for me to join with many of my colleagues on both sides of the aisle in paying tribute to a great man—JOHN RHODES.

For the past 30 years, the people of the First District of the State of Arizona have been provided with the highest quality of representation by JOHN RHODES. JOHN, despite many time-consuming legislative and leadership duties on the minority side, prided himself for his constituent service in his vast congressional district.

The date December 6, 1973, will be remembered by JOHN RHODES and by those who compile the history of the House of Representatives. It was on that date that JOHN was elected the minority leader. He was reelected in the 94th, 95th, and 96th Congresses, to this important position. While minority leader, JOHN established an enduring reputation as a great leader and a fair man. The years during which JOHN was minority leader were turbulent ones in our Nation's history—difficult ones at times for the Republican Party. Yet JOHN, undaunted by events, provided his party and this House with exceptional leadership service and dedication which no one who had the pleasure to serve with him will ever forget.

In this Congress, JOHN has served on the Rules Committee and has remained an important leadership figure. His decision to retire saddens us in the sense that we are losing a good colleague. Yet we are happy for JOHN as a person for he can resume living his life the way he wants to. I am sure his wife Betty and his four children will welcome the newfound accessibility to JOHN.

It was my distinct privilege to have known JOHN as a friend these past 14 years. In my eyes and in those of many of my colleagues, JOHN has always been a man of great stature. He is textbook material for anyone writing about this institution and how to be effective in it. I wish JOHN a most pleasant return to private life and hope that all his days are happy and productive in whatever way he sees fit.●

NATIONAL SPINAL CORD INJURY MONTH

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. WALGREN. Mr. Speaker, I deeply appreciate the support of my colleague, Mr. FORD of Michigan, and the help of the House leadership yesterday in bringing to the full House, House Joint Resolution 598, my bill to designate October 1982 as "National Spinal Cord Injury Month." I am pleased that the House approved the bill.

House Joint Resolution 598, cosponsored by 44 Members of the House, has also been introduced as Senate Joint Resolution 249 in the Senate by Senator KENNEDY. The House cosponsors are as follows:

LIST OF COSPONSORS

Mr. Waxman, Mr. Leland, Ms. Mikulski, Mr. Hammerschmidt, Mr. Weiss, Mr. Tauzin, Mr. Bailey of Pennsylvania, Mr. St Germain, Mr. Gradison, Mr. George Brown of California, Mr. Santini, Mr. Lagomarsino, Mr. Dunn, Mr. Rudd, Mr. Roe, Mr. Frost, Mr. Stark, Mr. Fauntroy, Mr. Sunia, Mr. Fascell.

Mr. Synar, Mr. James Hansen, Mr. Whitehurst, Mr. Wylie, Mr. Barnes, Ms. Oakar, Mr. Frenzel, Mr. Edgar, Mr. Scheuer, Mr. Winn, Mr. Martinez, Mrs. Heckler, Mr. Vento, Mr. Stokes, Mr. Hughes, Mr. Matsui, Mr. Ford of Tennessee, Mr. Marriott, Mr. Montgomery, Mr. Hendon, Mr. DeNardis, Mr. Pepper, Mr. Coleman, Mr. Hyde.

Spinal cord injury and the resulting paralysis is one of the most serious and most expensive medical problems of our time. It is not a remote condition or rare disease. Over 500,000 Americans are now paralyzed because of spinal cord injuries. It can happen to anyone at any time—particularly from sports accidents or home accidents like falling off a ladder. Most of the newly injured are young men, from motor vehicle accidents and athletics.

Spinal cord injury is a traumatic occurrence. Louise McKnew, the mother of a spinal-cord-injured son, put it this way:

It's more than just being stuck in a wheelchair. It's an ongoing trauma, an insatiable consumer of energy, time and psychological strength. The emotional hurt is relentless—and it gets harder, not easier.

It requires major life adjustments and major expenses.

It is estimated that for the Federal Government, the annual costs for the support and care of spinal-cord-injured persons is approximately $3 billion. On top of that is another $3 billion in private expenditures. And as treatments improve and people with spinal cord injuries live longer, costs will rise even more.

For the individual, costs are staggering. A modified van can cost $25,000. Wheelchair batteries can be $80 to $90 each. Then there are the costs for nurses and aides, physical therapy, rehabilitation, and other medical expenses.

Clearly, this Nation must do more, conduct more medical research, provide more education, and training opportunities, expand rehabilitation programs, improve housing and accessibility to buildings, and improve tax policies.

This resolution is but one small step to bring public awareness to the problem and may serve as an impetus to accelerate research into cures of spinal cord injury and paralysis. It is the least this Congress can do.

I am particularly grateful for the help of the Paralyzed Veterans of America and the National Spinal Cord Injury Association for their support and help.

I hope my colleagues will join me in approving House Joint Resolution 598.●

THE ACCOMPLISHMENTS OF DANA SHEESLEY

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. COELHO. Mr. Speaker, I would like to draw the attention of my colleagues to the outstanding accomplishments of one of my constituents, Dana Sheesley. At the age of 18, Dana has received more awards and honors than many of us obtain in a lifetime. Just recently, she was selected as one of the 4-H Club's 1982-83 Diamond Star winners. This award is the highest award attainable for 4-H involvement in the State of California, and I would like to personally commend her on this achievement. However, I would also like to voice my admiration of all the hours Dana has spent, not just with the 4-H club, but in community involvement, assisting voluntarily with such worthy organizations as Muscular Dystrophy, the Heart Fund, church organizations, and the PTA to name a few. She exemplifies the finest qualities of America. Her spirit of voluntarism, her devotion to her community and to her nation serve as examples for each of us to follow. We would

do well to have more citizens like her. I am pleased to applaud Dana's accomplishments, and I extend my best wishes to her for a long, happy, and successful future.●

A TRIBUTE TO PETER ASIAF

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. DONNELLY. Mr. Speaker, 11 days before he assumed the Presidency of the United States, John F. Kennedy addressed this admonition to the Massachusetts Legislature:

When an some future date the high court of history sits in judgment on each of us, recording whether in our brief span of service we fulfilled our responsibilities to the State, our success or failure, in whatever office we hold, will be measured by the answers to four questions: First, were we truly men of courage . . . Second, were we truly men of judgment . . . Third, were we truly men of integrity . . . Finally, were we truly men of dedication?

In the legislature that day was Peter Asiaf, who 2 years earlier had succeeded his late brother John as State representative from Brockton and Avon. This year, as Peter retires after a long and distinguished career in the Massachusetts House of Representatives, he can take satisfaction in knowing that all four tests posed by the wise young President-elect can be answered with an unqualified "yes."

The district Peter has represented has undergone many changes over the past two decades, yet every 2 years Peter has been reelected virtually by acclamation. To natives and newcomers alike, he is known affectionately as "Uncle Peter." His career of legislative service has had many highlights, to numerous to itemize here. His crowning achievement, though, is Massasoit Community College. Massasoit has grown into a vital part of the greater Brockton community and one of the outstanding institutions in the Massachusetts community college system. It owes its existence and its success to Peter's tireless efforts on its behalf in the legislature.

Peter's legislative accomplishments are considerable, but they represent only a fraction of his contributions. He has worked closely with entertainer Danny Thomas in the founding and continuing support of the St. Jude Children's Research Hospital. He was a founder of the Lebanese-American Federation and served as its president for five terms. He was founder and first president of the Lebanon-American Club, and a founder of the World Lebanese Union. In 1973, the Government of Lebanon honored by inducting him in the National Order of the Cedar, with the rank of chevalier. He has been active in virtually every local charitable organization and fundraising drive. Typical of his involvement was his service as general chairman of the drive to construct St. Theresa's Church in Brockton.

Peter's distinguished public service began many years before he was elected to the legislature, and we can be sure it will not cease with his retirement from the legislature.

Five members of the Massachusetts delegation in this House, Representatives EARLY, FRANK, MARKEY, MOAKLEY, and I, have had the privilege of serving alongside Peter Asiaf in the Massachusetts House of Representatives. His example of committed representation of his constituents has been a model to us all. I am sure my colleagues join with me in saluting him for his accomplishments and in wishing him well on his retirement.●

A TRIBUTE TO JAMES A. WILLIAMS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. FLORIO. Mr. Speaker, we must all agree that labor is the backbone of this country and that labor leaders must be individuals with foresight and understanding in order to deal with our rapidly changing economic environment.

It is my pleasure to take this time to pay tribute to James A. Williams whose dedication to the Glaziers union and his leadership qualities have brought him the Salute to Labor Award from his local chapter of Unico National on October 16.

It was not too long before Jim's leadership abilities surfaced and he was elected president of Glaziers Union Local 252 in 1975. Then just a few years later, he was named business agent for 2 years before being elected business manager of local 252.

In addition to the position of responsibility Jim has attained, he is active as a member of the COPE committee of the Atlantic City, N.J., Building Trades Council. He is an executive board member and trustee of funds for his local, and Vice President of the Eastern States Conference of Glaziers.

And in his community, Jim gives of his time and energy to such organizations as the Variety Club, Vietnam Veterans Committe, the Mercy Vocational School, and Muscular Dystrophy.

I would like to ask the House to join me in congratulating James A. Williams for being honored and given an award he obviously deserves. Thank you, Mr. Speaker.●

GIVE COAL PIPELINES A CHANCE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. ROSENTHAL. Mr. Speaker, I wish to bring to the attention of the House an editorial which appeared in the August 28 edition of Newsday entitled "Give Coal Pipelines a Chance." I do so to illustrate a growing concern that America must not be lulled into the belief that energy insufficiency is a bad dream of the past.

Since the administration has, in its infinite wisdom, decreed that competitive energy industries are America's only salvation from the stranglehold of oil producing nations, we must also insure that methods of transporting our domestic energy resources remain in a competitive framework. According to the Consumer Federation of America, "on average, one-half of the price of coal is due to transporation costs", and as utilities shift to coal-fired generating stations, it is obvious that the consumer is going to foot the bill. Coal slurry pipelines deserve a chance to compete for the transportation of that coal and ease the consumers' burden.

One final note, Mr. Speaker. I find it interesting in view of the rail industry's objections to this bill, that the only existing coal slurry pipeline in this country is operated by a railroad. Obviously, they recognize the cost benefits of this form of coal transportation.

The Newsday article follows:

[From Newsday, Aug. 28, 1982]

GIVE COAL PIPELINES A CHANCE

Railroad lobbylists are crying poverty in Washington in an attempt to stop legislation that would make it easier to carry coal by pipeline from the mines to the industries and utilities that burn it.

The railroads would have Congress believe that coal-slurry pipelines might drive them out of business. But their arguments are fraught with inconsistencies and irony.

Most freight railroads are doing fine, due in no small measure to deregulation during the Carter administration. Burlington Northern posted earnings of $419 million last year; Union Pacific made $572 million—and neither paid federal income taxes because of a variety of write-offs and breaks. Even the beleaguered Conrail made money.

Railroads now ship two-thirds of the nation's coal to market, and their rates have risen by 50 per cent since early 1979. Slurry pipelines, which carry coal granules mixed with water or oil, could provide competition. But they would have to run under some of the rails that crisscross the country, and the railroads don't want to allow them to do that.

A bill now before Congress would grant pipeline companies the power of eminent domain. The railroads decry the measure as a giveaway to special interests, but the charge rings hollow in view of their own history. Without eminent domain, they

wouldn't be where they are today. And the safeguards proposed in the pipeline bill should prevent the horrendous abuses perpetrated by the railroads in the 1800s and early 1900s.

There are potential problems with slurry pipelines. Most of them have to do with water, which is scarce in much of the West, where many pipelines would originate. And the water that remains at the other end of the pipe after the coal has been removed would be far from clean.

But the water problems stand apart from the right-of-way question. They would have to be resolved for each pipeline, based on state and interstate water laws and environmental constraints. Unless Congress grants the pipelines the power of eminent domain, however, those issues may never even be explored.●

OUR ECONOMIC DIFFICULTIES

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. ADDABBO. Mr. Speaker, I would like to take this opportunity to share with my colleagues an article written by my good friend, Irving Zuckerman. Irving is the former Assistant Director for Planning and Budget, Office of Coal Research, Department of Interior, and has proven himself as an astute observer of our economic difficulties. I trust that my colleagues will be interested in this enlightening article.

The article follows:

VITAL CAPITAL STRUCTURE CLARIFICATION

(By Irving Zuckerman)

My tax accountant recently pointed to opinions that differ as to whether recovery is or isn't taking place. Several of his clients have gone out of business, and several more are teetering on the edge. "Why do we dangle in uncertainty?", he asks in desperation. So our discussion resumed:

Me: Well, suppose we were walking along the beach, and there is a man drowning, and . . .

Him: For heavens sakes, why can't economists give direct answers?

Me: Hold on there. My reference to the beach and the drowning man is real. I was getting to the life-guard who thought that there are lots of bathers on the beach who should be expected to volunteer to save the drowning man.

Him: In other words, the life-guard in the story represents the do-less approach of government, the life-guard being government. And the drowning man is the economy, I take it. So you are opposed to a voluntary economic policy? You think it is the job of government . . .

Me: I simply mean that when shifting public policy, government still has a positive part to play, not merely for emergency but also for reform of laws.

Him: Let's get back to the "drowning economy". Assume that you are a major decisionmaker with a magic wand to carry out what you have in mind. What is to be done?

Me: Should I first describe the situation, and then describe how I would choose the objectives, and how I would aim for accomplishing the objectives? If I begin with proposed actions you might judge them on the basis of you own, instead of on the basis of what I have in mind to accomplish.

Him: What would your first action be? Simple question.

Me: With other actions to follow, with reform programs and recovery programs also in mind, the first action would be a suspension of foreclosures of farms and homes. That action would be part of a package of actions. I basically have in mind to concentrate at this time on corporate and other business debt, across the board. Corporate debt, particularly of non-financial corporations. The capital structure on the whole is quite sick in that debt-financing has been over-used under the stimulus of the deduction of interest payments, and the added stimulus for debt-financing from a long period of inflation. It would have been nice if we had had a law requiring all bonds to have a standard provision to make them convertible after 5 or 7 years or so.

Him: Would you now apply such a law to all existing corporate bonds as well as to new financing? Or would it be a gradual application to existing bonds?

Me: A sudden avalanche of conversions into common stock could destabilize Boards of Directors of the corporations. I would provide some alternatives in the process of conversion to give those directors control over the conversion operation. There could be an operation to convert bonds to preferred stock, with those preferred dividends made as deductible as interest payments. Preferred stock is non-voting. Also, the corporations can defer preferred dividends cumulatively in emergency periods. Also, there would be a lowering of the break-even points, since a capital cost would have been converted to a share of profit, which is what it really is.

Him: In other words, you would be converting loans into investments, and removing the need for repayments. It would pool the present capital-contributors in the capital structure, all of whom should be investors.

Me: If you add current interest payments for the U.S. and current dividend payments for the U.S., the economy is doing quite OK. That total of earnings for capital provided has been stable even during the recent confused years of the economy. It is when we treat interest payments as a cost rather than as a distribution to capital that problems are intensified—like difficulty to compete in foreign markets well enough. Also, product prices now need to cover high fixed costs before the equity interests can have earnings.

Him: If I understand you, those who now have interest incomes from the corporations would be receiving preferred dividends from the corporations in the same amounts. There would be no maturity date for the preferred stock as normally. The holder of the preferred stock would recover investment by selling the preferred stock in the open market instead, the same as he would with a bond, but he would lose something probably in market value, wouldn't he?

Me: Probably, but bonds are not holding their own in the open market in any event, and if the economy is improved in general he participates in the improvement. The special preferred stock would provide a special preferred dividend that would be as taxable as the interest income he would have received from the bond.

Him: What about the corporation after the substitution of equity for debt?

Me: There are many corporations with little or no long-term debt. Such a company does not fear economic fluctuations much. It would seem that stable companies would be more attractive to investors.

Him: What about taxes. Without the deduction for interest payments, the corporation would have a larger tax on profits, unless the special dividend is made as deductible as the interest payments. But the right to that special dividend on the special preferred stock could be passed and accumulated, and it does not call for repayment because it has no maturity date.

Me: I would like to allow corporations to buy their own bonds and preferred stocks in the securities markets without paying income taxes on any profits of such purchase. I might also consider allowing the corporation a partial tax deduction to encourage a gradual conversion over the years toward making the preferred stocks convertible to common. When a corporation would buy its own bonds and preferred stocks in open market, it could be for ready cash or with cash resulting from issuance of common stock.

Him: Assuming it would be good for the economy as a whole to have a law for converting bond-financing to stock-financing, is it really necessary to go for 100 percent equity financing? Why not a 50 percent like we now have when stocks are purchased on margin in the securities markets?

Me: This is a simplified version I am describing, so as to emphasize the essentials. But there is a lot to be said for simplifying our system so that it can be better understood. So when I look at it from the standpoint of the economy as a whole it would seem that needless complications should be avoided.

Him: I am inclined to like provisions in new corporation financing resembling the home mortgages, in that each year's payment of interest, which would still be as a bond for the first 5 years of so, would be accompanied by an installment of debt-principal.

Me: As a general principal it is doubtful that it is economically healthy to have bonds longer than 10 years. We need more pay-as-you-go economic practices. We have been pushing too many of our industrial finance costs into the future, and then the future has to carry its own costs as well as those of the past.

Him: We already have accountancy standards involving soundness, and I can see that my clients would be better off now if that *had* been a law providing for sound financing practice from the standpoint of the economy as a whole.●

THE PRESIDENT AND PUBLIC HOUSING

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. AuCOIN. Mr. Speaker, recently, in prefacing his announcement of a new public housing project in New Jersey, the President said,

In spite of all our cuttings, there are things that government has to do and should do.

I have no problems with providing needed housing assistance in the district of the distinguished lady from New Jersey, MILLICENT FENWICK. But I do have problems with the President's intellectual honesty.

If the President really believes that one of the things Government should do is provide decent housing for the poor and the elderly, he failed to get the word out to his Budget Director, David Stockman. Because the truth is that the President sent Congress a subzero housing budget, requesting excessive rescissions in public housing programs and proposing cancellations of hundreds of thousands of commitments for new or rehabilitated units, already approved. Every attempt the Congress has made to mitigate the effects of and human misery caused by such policies has been resisted by the President.

I strongly object to the President's housing charade. The administration does not care about the housing needs of the low income and elderly in our urban and rural areas unless, apparently a few of the remaining crumbs can be dropped in a way that will insure the administration tighter political control of a Senate that will further decimate housing assistance programs.●

SALUTE TO MEMORIAL DAY NURSERY, PATERSON, N.J.

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. ROE. Mr. Speaker, on Friday, October 15, the residents of the city of Paterson, my congressional district and State of New Jersey will assemble in commemoration of the 95th anniversary of the Memorial Day Nursery, the first specially planned and designed children's day care center in our Nation; nestled in the city of Paterson, the first industrial city of our Nation; in the State of New Jersey, the cradle of industry and research in our Nation. I know that you and our colleagues here in the Congress will want to join with me in extending our heartiest congratulations to the supporters, officers and faculty of the Memorial Day Nursery on this most noteworthy occasion.

At the outset let me commend to you the diligence and foresight that has been extended by the people of Paterson who have participated in its founding and operations throughout the past 95 years. I particularly commend to you the founders and members of its board of managers responsible for the establishment and administration of the Memorial Day Nursery. The current officers of the board of managers are, as follows: Emma L. Conlon, president; Richard Ward, first vice president; Gordon Meyer, second vice president; Joan White, recording secretary; Bertha O'Donnell, corresponding secretary; Walter A. Lindell, treasurer; and Georgette Hauser, director of the nursery.

Mr. Speaker, over the past half century a great change has been taking place in the social and economic structure of the United States: mothers have been joining the labor force in ever-increasing numbers. At the present time, over half of all the children in America have mothers who work outside the home. More than 43 million women are now employed in every area of public and private employment and are continuing to develop new opportunities. They have made, and continue to make, increasingly important contributions to our Nation. Of these 43 million working women, over 18 million simultaneously perform the vitally important role of mother.

America's children represent new life and new hope for the future of our Nation and the world. They are regarded as our Nation's most precious resource and are our future's productive citizens and responsible leaders of tomorrow.

Back in October 1887, 95 years ago, in the city of Paterson working mothers achieved a safe and positive environment for day time assistance and supervision of their children through the establishment of a so-called pioneer children's day nursery which has flourished over the years to become a most valuable quality day care center for the children of working mothers: The Memorial Day Nursery.

Mr. Speaker, with your permission I would like to insert at this point in our historic journal of Congress a profile on the history of the Memorial Day Nursery which has intertwined the industrial activities, love of parents, and quality care for children that have spanned almost a century of growth in our Nation. This brief history compiled from the writings of two distinguished citizens from the northeastern region of our country, the Honorable Dorothy Patterson Rude, an outstanding news correspondent in the Paterson area, and the Honorable Emma T. Conlon, president of the board of managers of the Memorial Day Nursery, is, as follows:

THE MEMORIAL DAY NURSERY, PATERSON, N.J.

On October 1887, the Children's Day Nursery of Paterson, now the Memorial Day Nursery, was born out of the compassion of a handful of ladies and a church organization.

The City of Paterson was a booming industrial center in those days. "Lyons of America"—"The Silk City"—"Locomotive Capitol of the World"—"The Colt Revolver" were a few of its proud titles.

Paterson was a vital, dynamic city. It was the mecca for immigrants from all over Europe who had come to America to seek a better life for themselves and their families in a new land.

There were jobs; lots of them. So many, in fact, that the mill owners couldn't get enough men to keep the machinery running, so they began to recruit women to work in their industrial complex.

Wives and mothers for the most part were happy for the chance to add a few dollars to their meager incomes. But there was one obstacle. What to do with their children? Older children were left to fend for themselves and for many of the little ones, a neighbor, family friend, or elderly grandmother were called upon to take care of them during the day while their mothers were at work.

This was disturbing to the wives of the mill owners. They talked about it over tea and at club meetings, and the idea emerged to set up a program of day care.

The City Mission Auxiliary of the Society for Church Work of the Church of the Redeemer, one of the city's most elite parishes, moved to adopt it as a project.

On October 1, 1887, a number of its members met to form the Children's Day Nursery of Paterson. Its specific purpose; "dispensing daily care to the children of working mothers."

The good ladies saw themselves as only doing their duty, certainly not as pioneers. But they were pioneers, breaking ground for what was to become the present-day day care movement that is now accepted and demanded as one of the "rights" in a democratic society.

A rented house at 399 Straight Street in Paterson, New Jersey was the Day Nursery's first home.

Here mothers brought their children any time beginning at six o'clock in the morning and returned to pick them up, sometimes as late as seven o'clock at night. For this they paid five cents, a nickel a day. And it wasn't long before the House on Straight Street was being called, "the nickel house."

Then as now, a program little changed over its 95-year history, the nursery provided the children with breakfast, lunch and snacks, provided recreation, training and all the elements of early childhood education. There were, also, and still are, generous helpings of tender, loving care.

From the beginning, the Day Nursery had to race to keep up with the demand.

The "nickel house" soon grew too small.

A larger house up the street was made available by one of its donors. It was the mansion of the late Mayor Beckwith, and it looked like it might have the accommodations for a permanent home. This was early in 1901, but on the last day of that year, there came the announcement that Mrs. Garret A. Hobart, one of the nursery's early supporters, and widow of the Vice President, was donating a tract of land at Grand and Hamilton Streets, and a $25,000 contribution toward a new and permanent home for the nursery. It was a memorial gift, in memory of her daughter, Fannie Beckwith Hobart.

Miss Hobart was only 17, when she was stricken with diphtheria and died while at school in Switzerland. Although just a teenager, she had already demonstrated an interest and a willingness to involve herself with needy children, and the memorial was considered most fitting.

In gratitude the Nursery Board voted to change the nursery's name to the present, Memorial Day Nursery of Paterson.

The cornerstone for the new building was laid on September 29, 1903, and the new Memorial Day nursery opened its doors on October 15, 1904. This was the first building in the State of New Jersey which had been planned and designed for a day care center.

Again, a pioneering spirit was reflected.

On the platform for the dedication ceremonies were the Reverend David Magie, Pastor of the Presbyterian Church of the Redeemer, of which Mrs. Hobart was a member, and the Very Reverend Dean McNulty of St. John's Roman Catholic Cathedral. Benediction was given by the Reverend Dr. David Hamilton of St. Paul's Episcopal Church.

This was long before the ecumenical movement was even dreamed of. Yet it was symbolic of the commitment of the nursery from its beginnings to "care for children of all nationalities, color and creed."

That the Day Nursery was ahead of its time was demonstrated also in another of its ancillary services. This was the Babies' Dairy, a forerunner of today's government-funded nutrition program.

Infants who were brought to the Day Nursery were given thorough medical examinations before admission. Those who showed nutritional deficiencies or problems were put on a formula developed to meet their individual nutritional needs. The formulas were prepared in the nursery's diet kitchen by a registered nurse-dietitian. They were then placed in sterile bottles and packed into zinc-lined containers, surrounded by ice. A 24-hour supply was given to each mother each day, and the next morning she would bring back the bottles for a refill.

Babies as young as four months and occasionally younger were accepted for care, and children up to age nine. School age children attended nearby School 3, and returned to the nursery for lunch and after school snacks to await their parents.

Attendance at the nursery during the first month, October 1887, began with 4 children. It quickly moved to 62 children from 45 families for an aggregate of 1844 days of care during its first year.

Last year, 130 children ages 2 years to 9 years were enrolled at the nursery, and the waiting list is 150 names long.

Through depression and recession, in boom times and inflation, times of war and interludes of peace, the Memorial Day Nursery has continued to serve the working mothers of the community. Although federal programs and controls are now a part of the overall operation, the support now, as from the beginning, has come from those dedicated and committed individuals who give generously of themselves and their resources.

In its darkest hours, it was these good people who come forward with the help and support needed to keep the nursery program alive.

"And there always will be." stated Mrs. Frank T. Conlon, president of the present Board of Managers. Other officers are Mr. Richard Ward, 1st Vice President, Mr. Gordon Meyer, 2nd Vice President, Joan White, Recording Secretary, Bertha O'Donnell, Corresponding Secretary, and Mr. Walter A. Lindell, Treasurer. Mrs. Peter H. Hauser is Director of the Nursery.

On October 14, 1904, Mr. Hobart Tuttle, brother of Mrs. Hobart, the donor, in his dedicatory address spoke these words prophetic in retrospect:

"Today the Building is completed, the work goes on." The work of the Memorial Day Nursery, now 95 years old, goes on!

Mr. Speaker, It is indeed appropriate that we reflect on the deeds and achievements of our people who have contributed to the quality of life here in America. In commemorating the 95th anniversary of the founding of the Memorial Day Nursery, I appreciate the opportunity to present the foregoing to you and seek this national recognition of the magnificient efforts manifested by the foresight and expertise of the people of the city of Paterson and the lasting achievements that can be attained with people working together in a common endeavor.

We commend the supporters and administrators of the Memorial Day Nursery throughout these past 95 years with special commendations to the founders of the nursery and especially Mrs. Garret A. Hobart whose contribution of land and funds provided the necessary foundation to establish a quality day care center which truly serves as a lasting memorial to her daughter, Fannie Beckwith Hobart. They have sought and achieved a quality of excellence in our community which bespeaks the pioneering efforts of our forefathers and the traditions of a freedom-loving people dedicated to the American principles of democracy and a good family life for themselves and future generations to enjoy. We do indeed salute the officers and members of the Memorial Day Nursery of Paterson in observance of the 95th anniversary of its founding.●

NATURAL GAS PRICES SEEN RISING

HON. ROBERT A. YOUNG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. YOUNG of Missouri. Mr. Speaker, throughout this Congress I have been working to protect residential and commercial consumers against unreasonably high prices for natural gas. Since the enactment of the Natural Gas Policy Act (NGPA) of 1978, natural gas prices have escalated rapidly and have increased at a rate greater than the Consumer Price Index. Continued rising natural gas prices for essential residential, commercial, agricultural, and industrial uses will impose severe economic dislocations and hardships, and will adversely affect commerce.

Mr. Speaker, as you may know, there are predictions for a very cold winter and energy costs are due to skyrocket. I have introduced legislation aimed toward promoting the economic well-being of the United States and its citizens by eliminating certain natural gas price increases that are unrelated to the costs of producing such natural gas. My two bills, H.R. 6531, the Natural Gas Consumer Relief Act and H.R. 6850, the Natural Gas Fair Pricing Act would affect the NGPA in an expressed desire to control the rise of natural gas prices, yet, at the same time, provide incentives for further exploration and development of gas supplies.

Mr. Speaker, the Laclede Gas Co. in St. Louis has informed me that since the enactment of the NGPA prices for the energy consumption for an average size home, using about 900 therms annually for space heating has more than doubled in 5 years. These prices will continue to rise unless the NGPA is amended. It will be the residential consumers that will bear an increasing share of the burden of unreasonably high prices for natural gas in the future.

Mr. Speaker, I would like to include in the RECORD today data supplied to me by the Laclede Gas Co. that compares the energy consumption of an all-gas home versus electric energy consumption for the same domestic appliances, that is, space heating, water heating, cooking, and clothes drying. Additional electric consumption for lighting, radio, television, et cetera, is not included in this cost comparison study. This is data for a home using about 900 therms annually for space heating and an additional 420 therms for other domestic uses. The gas data graphically illustrates the impact of the Natural Gas Policy Act on the cost of gas since its enactment in October 1978. During this period, the commodity cost of gas to the Laclede Co. from its supplier has escalated from 15 cents per therm to 40 cents presently. This is a 66-percent increase.

I urge my colleagues to take a look at these figures as an example of the severe impact on gas consumers the NGPA has had. Higher prices are a tough problem for consumers, particularly in this period of prolonged economic recession.

Year at Jan. 1	Electric cost	Gas cost
1977	$451	$307
1978	457	338
1979	545	397
1980	616	492
1981	715	505
1982	801	652

Note.—This data is for an average size home using about 900 therms annually for space heating and an additional 420 therms for other domestic uses.●

COMMUNITY ECONOMIC PLANNING

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. CONYERS. Mr. Speaker, the General Oversight Subcommittee of

the Banking, Finance and Urban Affairs Committee is currently holding hearings on the desirability of establishing a national development bank. These hearings have examined the Reconstruction Finance Corporation, a national investment bank that operated successfully during the 1930's. I can think of few economic inquiries as vital as the subcommittee's hearings on a development bank.

In this connection, I wish to bring to the attention of my colleagues an article on community economic planning and development banking written by Dr. Derek Shearer, director of urban studies at Occidental College. Dr. Shearer ably served as a director of the National Co-op Bank during the Carter administration. Along with Martin Carnoy of Stanford University, he authored a major work on the U.S. economy, its prospects and needs, entitled, "Economic Democracy: The Challenge of the 1980's."

Shearer's article, "Popular Planning," illustrates the success that certain communities across the Nation have had in creating their own development plans and banking institutions. Certainly these examples are replicable in other localities. The article appeared originally in the New York Times, March 16, 1982. The article follows:

[From the New York Times, March 16, 1982]

POPULAR PLANNING

(By Derek Shearer)

SANTA MONICA, CALIF.—As the economic renaissance promised by Reaganomics fails to appear, calls for economic planning will be heard from leading businessmen and politicians. Will such planning, when it inevitably comes, be participatory?

The investment banker Felix G. Rohatyn and the economist Lester Thurow advocate a system of top-down national planning whereby financial experts, appointed Government officials, and a few labor leaders spend public money to prop up the economy. Neither Reaganomics nor Mr. Rohatyn's top-down planning addresses the legitimate complaints most Americans had when they supported candidate Ronald Reagan's call for local control and a reduced national bureaucracy.

Santa Monica's city government, elected in 1981 on a platform of economic democracy, is striving to be an exemplar of locally controlled planning. The City Council and other officials believe that President Reagan's "new federalism" should be built on principles of participation, not royalism. For example, the city required one developer to include 100 units of affordable rental housing, a day-care center, a public park, and incentives to use public transit. In another development, a proposed 12-story office building downtown was reduced to three stories in which offices, apartments, and food stores are mixed.

Like most cities, Santa Monica, which is surrounded on three sides by Los Angeles, faces both reduced growth in local revenues and drastic cutbacks in funds formerly received from the Federal and state governments. At the same time, high interest rates make the bond market increasingly inaccessible to Santa Monica, and other cities.

Santa Monica's new government will be struggling just to find enough revenues to maintain the city's roads and sewers. The City does not have the capital resources necessary for extensive economic planning. Reaganomics, offered as a stimulus to business and a return of power to local government, is wreaking havoc on local economies and reducing the ability of citizens to control their own lives.

Some national planning will be necessary. The Federal Government should take an equity position in key industries—for example, steel, cars, energy, finance—and then require board representation for union and community leaders. A genuine "safety net"—a decent, guaranteed family income—should replace the maze of welfare payments. With a system of real economic security and greater participation in corporate decisionmaking, workers would be more willing to plan jointly with management for the equitable short-term sacrifices needed to revitalize industry.

Local democratic planning would begin with neighborhood-based programs that privide residents with technical help to come up with an assessment of the goods and services needed by their community. This might include public amenities like parks and street repairs, and private needs like particular kinds of stores or, simply, jobs for the unemployed.

Most important, cities would obtain capital to plan for new jobs and neighborhood improvements from municipally owned banks that would loan funds and provide equity for development projects.

In Santa Monica, democratic local planning is heading in this direction:

A neighborhood organization includes a new supermarket in its assessment of needs. The city planning staff does a feasibility study, then the city development bank provides the loan. The store is set up as a cooperative, owned and managed by neighborhood residents; jobs are provided for youth in the area, and residents gain a local market that includes day-care facilities and a nutrition center.

The city development bank might also make loans to small-scale manufacturing businesses in, say, new technology, but insist that the firms be organized as employee-owned enterprises, have profit-sharing plans, or at least employ Santa Monica residents. The city could form joint ventures with private developers and take a piece of the action in return for loans or startup capital. Santa Monica might do this on its municipal peir. Instead of turning over redevelopment to a private firm, the city would act as its own innovative developer.

Nationally, local development banks and planning commissions could stimulate development of new enterprises and balanced growth by fostering a mixture of enterprises—some employee-owned, especially in communities hard-hit by plant closings

A system of public investment and democratic planning would not solve all of America's ills overnight, but it would call on the millions of Americans from neighborhoods to shop floors who are currently excluded from economic decision-making.●

MR. ENTREPRENEUR JOE HRUDKA

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. MOTTL. Mr. Speaker, in 1965, a 26-year-old Joe Hrudka took $50 worth of materials down to the basement of his Parma home to develop a better auto exhaust gasket. He did. Hrudka started a business making gaskets called Mr. Gasket which he sold in 1971 for $17 million. At the age of 32, he retired.

Now, a restless Hrudka is back in business again.

A graduate of John Marshall High School in Cleveland, Hrudka got his first taste of the business world helping his father run a neighborhood bar.

An article carried in the Cleveland Press, before it stopped the presses this year dealt with the inspiring Hrudka success story:

Hrudka attended Bowling Green for one semester before leaving college for good. "I thought if the professors were as smart as they were supposed to be, they would be out there making a fortune," he said.

He tried a number of ventures including running a car wash and drag racing before inventing the gasket that brought him fame and fortune. He had set out to improve the gasket being used in race cars because they often blew out at high temperatures.

"I never thought I would be coming back. I wasn't looking for something to do," Hrudka said. "But some of the old people were discharged over the years, and my brother left the company and we started thinking about developing a little line to compete with Mr. Gasket.

"When W. R. Grace & Co. (purchaser of Mr. Gasket in 1971) heard of our plans, they said, 'Rather than go in business against your old company, why not buy it back?' That probably was one of the quickest deals W. R. Grace ever made."

"We would be the first company in the country to go public twice," that is if the stock is again offered in Mr. Gasket, Hrudka said. "That seems like a fun thing to do. Life is like a book and this is a chapter that I didn't know was coming up."

Mr. Gasket is now a subsidiary in Hrudka's American Industries Inc. The other four subsidiaries are Hayes Inc., Lakewood Industries, Blackjack and Hickey Enterprises. All are in the auto aftermarket, the business of manufacturing parts for auto repair and service.

He finds that field "one of the most exciting and fast growing" and projects that sales will reach $200 to

$300 million in the next couple of years.

"I didn't just buy this company to get back," he said. "I want it to grow and be profitable."

Hrudka always wanted to be in business for himself. "I just felt that if you could work for yourself, you would have a much nicer life."

Hrudka spent 3 of his 10 retirement years restoring his home, Roundwood Manor, the former Van Sweringen estate in Hunting Valley's Daisy Hill. He also had a home in Palm Springs, Calif., which was featured on "60 Minutes," and in Palm Beach, Fla. That house was formerly owned by Perry Como. The out-of-town properties have since been sold.

A framed aerial view of the Roundwood estate hangs on a wall in Hrudka's office. "Sometimes I walk around it, and I still can't believe I live there."

At one time he owned 110 cars, but he has sold most of them. "I still have the finest collection of '57 Chevys," he said. "I own 16 of them. That car was the backbone of the industry. It still looks good, and it's still one of the most favored cars among collectors."

As the Cleveland Press article would imply, Joe Hrudka is still a favorite in the automotive parts business and his return has been heralded by representatives in the industry.

Hrudka's business is in the 23d district as is the home where he got his start. I want to express the thanks of the 23d district for not only the jobs Hrudka generated, but also for giving us all an inspirational story of his dynamic career with many more successful chapters to write.

You can bet your '57 Chevy on it.

THE ADMINISTRATION'S "DIRTY WATER AGENDA"

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. HOWARD. Mr. Speaker, it is with considerable concern that I call the attention of our colleagues to the enclosed communication by Mr. Jack Lorenz, executive director of the Izaak Walton League, which appeared in the September 21 edition of the New York Times.

Mr. Lorenz, in his letter, calls attention to articles which appeared in the Times on September 12 and 13, detailing the administration's plans to weaken controls on water pollution from textile mills and sewage treatment plants. These article produced an immediate reaction in my home State of New Jersey, and particularly in my congressional district. Ours is a coastal district where the condition of the ocean waters determines the condition of our resort economy. Obviously any weakening of water pollution control enforcement works to the detriment of my constituency. As a direct result of these articles, our distinguished colleague, Congressman BOB ROE, chairman of the Subcommittee on Water Resources from Dr. John Hernandez, Deputy Administrator of the Environmental Protection Agency. We let Dr. Hernandez know that the House of Representatives will not tolerate any weakening of our water pollution standards and pledged that, if events prove it necessary, we will introduce whatever amendment may be necessary to strengthen the act.

Mr. Speaker, I submit herewith Mr. Lorenz' letter as it appeared in the Times.

[From the New York Times, Sept. 21, 1982]

THE ADMINISTRATION'S "DIRTY WATER AGENDA"

To the Editor:

Two recent news articles (Sept. 12 and 13) detailed the Reagan Administration's plans to weaken controls on water pollution from textile mills and sewage treatment plants. While these articles begin to explore the problem, they don't go far enough in indicating just how severely the Administration's actions would undercut progress in attaining clean water.

The implementation of uniform, nationwide industrial pollution-control standards, required by Congress in the Clean Water Act of 1972 and 1977, has led to the recovery of some of our most polluted waters. But despite the Environmental Protection Agency's assertions of its commitment to the existing clean-water program (news story Sept. 15), that agency is working to systematically eliminate those uniform, nationwide standards in favor of the less restrictive—and far less effective—case-by-case pollution-control approach.

Ironically, at the same time that the Administration is trying to return to case-by-case pollution controls, it is preparing proposals to weaken the very state water-quality standards on which that approach is based.

While this is the most fundamental change in the clean-water program being undertaken by the Administration, it is not the only one. The Administration's approach, or "dirty water" agenda, also includes:

Budget cuts: In fiscal years 1982 and 1983, funding for the construction of municipal sewage-treatment plants has been reduced by 28 percent, and E.P.A.'s Water Program funds, needed for enforcement, monitoring, compliance, research and strengthening regulations, have been reduced by 40 percent.

Administration-sponsored legislation: H.R. 6670 and S. 2652, would delay, for up to six years, reductions of toxic pollutants discharged directly into rivers and lakes; would practically eliminate Federal controls on toxic pollutants discharged into municipal sewage treatment plants that are not designed to remove them, and would weaken controls on pollution from power plants, from new sources of industrial pollution and from Federal facilities.

Regulations: E.P.A. is expected to require little additional cleanup over the next few years from many of the industrial polluters that discharge such poisonous substances as lead, mercury and PCB's. Also, the agency is considering regultory proposals that would allow and encourage states to weaken their existing water quality standards—standards that in many states are already inadequate, and remove many of the environmental protections of Section 404 of the Clean Water Act that protects what remains of our vital wetlands.

Since Congress is well aware, in this election year, that recent polls show over 90 percent of the American people in favor of a Clean Water Act as strong or stronger than the present one, passage of weakening legislation is unlikely. Instead, the Administration is attempting to undo the protections of the Clean Water Act through less visible budget cuts and weak regulations.

Toxic substances—the "silent killers"—continue to flow into our lakes and rivers and are a threat to the health and safety of people, fish, wildlife and the environment. Americans are demanding water that is both clean and free of deadly substances.

President Reagan should not ignore the American people's mandate for clean water. If the Administration has its way, it will turn back the clock on pollution control—undermining the progress of an entire decade.

JACK LORENZ,
Executive Director,
Izaak Walton League.

TRIBUTE TO A GREAT PARTY LEADER

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1982

● Mr. O'NEILL. Mr. Speaker, JOHN RHODES and I took the oath of office together in 1952. He was the first Republican elected to the U.S. House of Representatives from the State of Arizona. As freshman Members of the 83d Congress, JOHN and I served under Speaker Joseph Martin—a Republican from Massachusetts. That was 30 years ago.

JOHN RHODES became one of the great Republican party leaders of all time. He is the toughest opponent I have faced in my years in party leadership.

Our political philosophies have been diametrically opposed and we have bitterly fought against each other's position—but at the end of the day, we found that our differences were confined to the means—that we agreed upon the goal. We share a great love for America and JOHN and I have found a deep personal friendship.

These past 2 years, JOHN has given valuable service to the Republican party as senior statesman here in the House. I know that his colleagues derive great benefit from his wise advice and counsel.

As he begins his new life in Arizona, Millie and I hope that he and his gracious and lovely wife, Betty, will visit us here in Washington as often as possible. We wish both of these wonderful people every happiness.●

A BILL TO IMPROVE AND STRENGTHEN THE CONGRESSIONAL BUDGET ACT OF 1974

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. MINETA. Mr. Speaker, today I am introducing legislation which improves and strengthens the budget process. As chairman of the House Budget Committee Task Force on the Budget Process for the past 4 years, I have conducted several oversight hearings on the Budget Act, and the bill I am introducing today is a compilation of changes to the Budget Act which experience has shown are needed to improve the budget process.

Since its inception in 1975, the budget process has been faced with a series of challenges, but none of these challenges were as difficult as those presented in the past 2 years. In February 1981, President Reagan proposed a broad economic initiative which included massive cutbacks in taxes and Federal spending.

The administration unexpectedly used the budget process to achieve not only these economic goals but also to implement a series of philosophical changes. Despite this misuse, the somewhat battered congressional budget process did manage to survive the trials of the past 2 years, and I am going to work to make sure that it continues to survive.

This country faces unprecedented large budget deficits for the next several years, and Congress will be forced to make extraordinarily difficult budget choices. If used correctly, the budget process can assist us in making these difficult choices and in producing a suitable Federal budget.

In my view, the budget process does work. Congress has adhered to the basic outline of the Budget Act and has used its inherent flexibility to adopt new procedures to deal with emerging problems. The objectives behind enactment of the Budget Act were quite diverse, and criticisms of the act have resulted because the different expectations of Members and interest groups have not been met. Self-discipline is always uncomfortable. Ordering priorities is difficult, and saying "no" is unpopular. But the alternative of uncontrolled Federal spending is vastly worst. The budget process is necessary. This country cannot afford to return to the practice of uncontrollable Federal spending.

I believe that Congress has made remarkable progress in the way it acts on the Federal budget. The budget process is now an accepted part of the congressional legislative process. By most assessments, the budget process has been very successful.

Before the adoption of the Budget and Impoundment Control Act of 1974, Congress was ill-equipped to take an overall look at the economic environment. The only budget was the President's budget and it served as a basis for all fiscal policy discussion and for some legislative action.

Under the Budget Act, Congress has a set of procedures which provide order, guidance, and information in assessing the relative merits of Federal spending with the overall needs of the economy. To this end, the budget process has basically proven to be a procedural and informational success. It is now, however, being tested as a fiscal policy tool, and there is some dissatisfaction that Congress is not exerting effective budgetary control. Many of those dissatisfied with the budget process have claimed that adopting a constitutional amendment to balance the budget will resolve our fiscal problems. I believe that to achieve fiscal and budgetary control Congress needs a strong and enforceable budget process, not a politically inspired constitutional amendment that has no enforcement mechanisms and no provisions for economic stability.

The budget process is still evolving as a fiscal policy tool, and after almost 8 years of experience with the budget process, the time is right for examining it and for considering ways in which it might be strengthened and improved. Congress should incorporate changes that experience has shown are needed to improve the process, and steps should be taken to expand the coverage of the Budget Act.

Congress has avoided amending the Budget Act for fear of opening up Pandora's box. The fear is that opening up the act for amendments would allow Members who have been unhappy with the budget process to damage or even dismantle the Budget Act. Until now I have also refrained from introducing comprehensive legislation to amend the Budget Act. The budget process has been flexible enough to meet the increasing demands placed upon it. Many changes to the budget process have been tried on a trial basis through provisions of section 301(b)(2) of the Budget Act. This provision allows in a first budget resolution "any other procedure which is considered appropriate to carry out the purposes of the act." However, given the current balance budget craze, I fear that if the Budget Act is not amended carefully in order to strengthen and improve the budget process, we may see the Budget Act ignored and possibly replaced with a toothless balanced budget constitutional amendment.

After years of review and study of the budget process through my work as chairman of the Budget Process Task Force, and more importantly, after 6 years of experience with the budget process as a member of the Budget Committee, I have several recommendations for improving and expanding the Budget Act. The legislation which I am introducing today includes the following provisions:

Binding first budget resolution: Make the budget aggregates of the first budget resolution binding and eliminate the need for a second budget resolution unless significant change occurs in the economic outlook or unforseen needs arise for legislative action.

Reconciliation in the first resolution: If reconciliation is needed, it should be used in the first budget resolution to allow committees sufficient time to achieve legislative savings. In addition, procedures for using reconciliation need to be established.

Appropriations process reform: On September 15, the Appropriations Committees begin to work on an omnibus appropriations bill which contains the following: First, the appropriations bills reported by the committees but not enacted by the Congress; second, the appropriations bills not reported by the Appropriations Committees; and third, the appropriations bills which are held at the desk because they exceed their committee, section 302(b), allocations.

Credit budget: One of the most important steps Congress can take to improve the Budget Act would be to make the credit budget a required part of the budget process.

Off-budget agencies: To improve the coverage of the Budget Act, off-budget agencies should be made a part of the unified budget.

Binding multiyear budget totals: Expand Congress planning horizon by making the outyear targets in the budget resolution binding.

Capital budget: To allocate scarce funds for our Nation's infrastructure in the most efficient way possible, Congress needs a capital budget providing information on the condition of existing infrastructure and estimates of future infrastructure needs.

Entitlement control: Congress may want to consider directing the Joint Economic Committee to review and make recommendations for controlling the growth of entitlement programs.

Impoundment control: Certain technical changes to the Impoundment Control Act are necessary to clarify the intent of the act. In addition, impoundment control should be extended to direct loans and loan guarantees.

With careful review and revision, the budget process can be not only a successful procedural and informational tool, but also a successful fiscal policy tool. Utilizing the experience gained in the past 8 years under the Budget Act, Congress should now take actions to improve and strengthen the budget

process. I hope that my bill will serve as a vehicle for discussion as Congress begins to consider changes to the Budget Act.●

A TRIBUTE TO RUDY DE ANGELO AND THE HUDSON CHAPTER OF THE PACK MEDICAL FOUNDATION FOR CANCER RESEARCH AND GRADUATE TEACHINGS

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. GUARINI. Mr. Speaker, I would like to take this opportunity to praise the unique organization in my area which is celebrating its 15th anniversary this month.

The organization I speak of is the Hudson Chapter of the Pack Medical Foundation for Cancer Research and Graduate Teachings. This group, which has raised well over $300,000, started as a one-man organization by one individual, namely Rudy De Angelo.

Rudy, a dynamic man, originated the Hudson chapter after he was aided as a cancer patient recovering from surgery. Rudy and a handful of his friends in gratitude to the excellent medical care received, initiated the Hudson County chapter and have conducted vigilant campaigns to aid cancer patients and their families.

In addition to the funds being raised for research, the group has assisted more than 250 patients overcoming obstacles and disadvantages while seeking help for their illness. Not 1 cent has ever been charged for any medical service patients have received through the Pack Foundation volunteers.

The foundation honors Dr. George T. Pack, now deceased.

In addition to operating a leading cancer clinic and performing sophisticated surgery, Dr. Pack traveled widely, lecturing and serving on many international medical organizations, and contributed to more than 450 scholarly articles and books.

His interest in cancer control extended back to his youth. When a high school student, he found there was little attention paid to the treatment of burns. He read everything available on the subject and by the time he reached medical school was recognized as an expert.

Dr. Pack's work on burns, and a 1927 Curie Foundation Fellowship at the Institute of Radium in Paris, led him to study cancers that occurred in burn scars, particularly radiation burns.

Shortly after, he became one of the first three Rockefeller Fellows at the Memorial Center for Cancer and Allied Diseases. He joined the staff in 1931 and remained there as attending surgeon until his retirement.

Dr. Pack was born in Antrim, Ohio, on May 14, 1898. He graduated from Ohio State University in 1920 and received a medical degree cum laude from Yale University in 1922. Then he served an internship at New Haven Hospital and a surgical residency at the New York Lying-In Hospital

He was vice president for North America of the International Union Against Cancer, an honorary life director of the American Cancer Society and a special consultant to the National Cancer Institute. He held seven honorary degrees.

In addition to his medical career, Dr. Pack was a dairy farmer. He owned 20 farms in Pennsylvania and had won blue ribbons at the National Dairy Congress.

Each year the funds are raised at a dinner-dance and through the sale of red embroidered roses which have been worn on the lapels of tens of thousands who have donated to the foundation.

Rudy, a veteran of World War II, is married to Josephine Volders, a Belgian girl who became the first war bride to enter the United States after the war.

Rudy, born in the "Village" section of downtown Jersey City, was struck with a malignant cancer several years ago and after an initial operation was given 3 months to live. He then contracted Dr. George Pack, of the Pack Foundation for Cancer Research and Graduate Teachings in New York City, who performed a second operation.

In addition to his need for surgery for cancer, Rudy was forced to have open heart surgery at Deborah Hospital in Browns Mills, N.J.

To look at Rudy DeAngelo today, one would never believe he has had such serious physical problems. He is employed in the engineering department of the Jersey City Department of Public Works, and is involved in many community affairs, but he gives priority to the Hudson County Chapter of the Pack Foundation.

As an inspiration to persons afflicted with cancer, the Hudson County Chapter of the Pack Health Foundation for Cancer Research and Graduate Teachings awards each year a courage award to an individual who is having a problem with the dreaded disease and is putting up a valiant fight to overcome it.

In the past the following persons have been given the courage award by the Pack Foundation: Dr. Michael Conti; Anthony Venutolo; Christine Delmonico; Melissa Ann Beards; John Luzzi, Sr.; Walter McDermott; Rudy De Angelo; Walter Sheil; Lenny Martelli; Rev. Charles Christell; John "Twinny" Guaimano; Leo Di Terrlizzi; Anthony Commandatore; James Henneson, Jr.; Pat Statile; Peter Kenny; Frank Fanuzzi; Edward Scala; and Lou La Villa (Lu Lu Hoppe).

This award was established because "Hope awakens courage, and the best physician of all is the individual who can implant courage in a human soul."

Rudy, on many occasions, has expressed the feeling of Eleanor Roosevelt, who wrote:

> You gain strength, courage and confidence by every experience in which you really stop to look fear in the face. You are able to say to yourself, "I lived through this horror. I can take the next thing that comes along . . . You must do the thing you think you cannot do.

And believes:

> To live with fear and not be afraid is the final test of maturity.

Each one of the persons of courage named above firmly believe as John Ruskin wrote:

> He only is advancing in life whose heart is getting softer, whose blood warmer, whose brain quicker, whose spirit is entering into living peace.

I am grasping this opportunity to praise Rudy De Angelo, who indeed is praised and hailed by his fellow man. He craves no honors. He seeks no titles. He just wants to live his life doing for others.

Rudy modestly says:

> This is my way of saying "thank you" to a force more powerful than anything on earth.

I am asking my colleagues to join in this salute to Rudy and all the members of the Hudson County Pack Foundation, who indeed, in the immortal words of President John F. Kennedy:

> Ask not what your country can do for you—ask what you can do for your country.●

A TRIBUTE TO BOY SCOUT TROOP 203 OF BURBANK

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. MOORHEAD. Mr. Speaker, I would like to take a moment to pay tribute to a special group, Boy Scout Troop 203 of Burbank.

The Scouts and counselors of troop 203 and their sponsors, American Legion Post 150, will celebrate the 60th anniversary of the troop with a special court of honor on November 6.

Troop 203 is the oldest in the Verdugo Hills Council and the oldest troop in the Thunderbird District. The troop, its former members and all of its many friends, will celebrate their special history with special ceremonial activities at the American Legion Post in Burbank.

I am pleased to play a small part in that celebration and to recognize all of those people who have played far more significant roles in the activities,

growth, and success of troop 203 over the last 60 years.

I am grateful to the troop and its supporters for their high standards, for their many fine achievements and for their many contributions to the community and the country.●

EQUAL PAY

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mrs. SCHROEDER. Mr. Speaker, USA Today devoted its entire editorial page to the issue of pay equity for women. Its lead editorial is worthy of the attention of my colleagues. I ask that it be printed in the RECORD at this point.

[From USA Today]

FOR WOMEN, 59¢ IS STILL A LONG WAY FROM $1

No more intelligence, education or muscle is needed to drive a truck than to work in a commercial laundry. Personnel studies show the two jobs require about equal skills and talents.

But the average truck driver makes $1,493 a month, the laundry worker only $884. If the jobs are equal, then why on earth should the laundry worker's job pay less? Isn't the laborer worthy of the hire? Not if the laborer is a woman.

In market after market across the United States the record is clear: In Louisiana women are paid 49.8 cents for every dollar paid men; in the District of Columbia they get 78.4 cents. In Minnesota women get 58.2 cents; in Georgia, 61.8; in Maryland, 62.2 cents for every dollar paid men. Despite gains, the inequity exists—the average wage for women in 1980 was $11,197. For men, it was $18,612.

This is pertinent because equity in the work place is the point of hearings today before the House Subcommittee on Human Resources. Equity, like brotherhood, is something everybody favors. And if you are only talking about equal pay for men and women in identical jobs, everybody supports that "in principle."

It gets more complicated when you try to equate equal pay for 'comparable work"—The truck driver and the laundry worker. The laws of supply and demand, the financial viability of different industries and even the tax structure for local governments would have to be considered when comparing wages of welders and nurses, or meter readers and teachers.

Industry leaders as well as government officials don't want to address the issue of what work is "comparable." They know, of course, that the laundry worker isn't the only "woman's work" affected. Nurses, teachers, librarians and secretaries—all highly skilled and socially valuable professions—are also in traditionally "woman's work"—and are traditionally underpaid.

And while committees of Congress struggle with a legal definition of "comparable work," there are women, holding the same jobs as men, struggling for something that is simple to define: equal pay for "equal work."

Twenty years after the Equal Pay Act and the Civil Rights Act barred discrimination in employment, women still have not achieved anything that approaches fairness.

Nationally, male typists are paid $15,566, female typists $10,615. Male computer specialists are paid $24,563, female only $16,437. The jobs are the same. The pay is disgracefully unfair.

Before Congress tackles the complex issue of equal pay for comparable work, this nation must admit it is badly abusing the rights of the wives, mothers and daughters who make up 42 percent of the work force.●

SURFACE MINING ACT

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. RAHALL. Mr. Speaker, today, I am introducing legislation which will provide for a program to stimulate coal mining and construction industry jobs through the reclamation of abandoned mine lands. This legislation will further the lofty goals of the landmark Surface Mining Control and Reclamation Act of 1977 while at the same time put coal miners, construction and related industry workers back to work. In essence, my proposal address the socioenvironmental problems being experienced by coal mining regions through the enhancement of the current abandoned mine lands program contained in Public Law 95-87.

The surface mining act contains a program which seeks to ameliorate environmental harm caused by past mining practices. This program is paid for by the coal industry through a 35-cent-per-ton of mined coal tax paid into the Abandoned Mine Reclamation Fund. Fifty percent of the fund is reserved for the States who may utilize these moneys once they have received regulatory primacy from the Department of the Interior over surface coal mining activities within their boundaries. At present, most coal States have approved surface mining programs and may use their portion of the fund. The other 50 percent of the fund is to be used by the Federal Government—in the form of discretionary additional grants to the States—for reclamation work on abandoned coal mine land as authorized and described in title IV of Public Law 95-87.

The bill I am introducing does not affect the State share of the fund but rather seeks to stimulate the use of the large untapped Federal share. Under the "Coal Mining and Construction Job Stimulus Act of 1982," Federal funds used to reclaim abandoned coal mine land would allow for the hiring of unemployed coal miners and construction workers, to the extent practicable, to undertake such work. This program is temporary in nature and would expire at the end of fiscal year 1983. Eligible participants must be unemployed coal miners, construction workers and those in related industries who have worked for at least 1 out of a 2 year period preceding the date of their unemployment. Included under the definition of unemployed coal miner are those who have worked at coal preparation plants and in coal mine construction activities.

Since the abandoned mine lands program was implemented, $269 million has accrued in the Federal share of the fund. This money should, and can, be used to reclaim land scarred by past mining practices and the opportunity exists through my proposal to gain additional benefits from this program by hiring unemployed coal miners to do this work. I ask that the text of the bill be printed following these remarks.

H.R. —

A bill to provide for a program to stimulate coal mining and construction industry jobs through the reclamation of abandoned mine lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Coal Mining and Construction Job Stimulus Act of 1982".

SEC. 2. (a) The Congress finds and declares that—

(1) coal mining, construction and related industry unemployment is having severe adverse impacts on communities and regional economies;

(2) opportunities exist to reduce the unemployment roles of the coal mining, construction and related industries and at the same time promote environmental goals through title IV of the Surface Mining Control and Reclamation Act of 1977;

(3) the coal industry, through a reclamation fee of 35 cents per ton of coal, has contributed to an Abandoned Mine Reclamation Fund, with 50 percent of such funds reserved for the States and 50 percent authorized to be utilized at the discretion of the Secretary of the Interior, notwithstanding funds allocated to the States;

(4) the States are rapidly gaining Federal approval of their title IV programs;

(5) the Secretary of the Interior has not released title IV funds under section 402(g)(3) of the Surface Mining Control and Reclamation Act of 1977 to the States; and

(6) damage created by past mining practices still exists and the Department of the Interior must move forthwith in achieving the intent and purposes of the title IV program.

(b) It is the purpose of this Act to provide for—

(1) an accelerated effort to reduce coal mining, construction and related industry unemployment through the Abandoned Mine Reclamation program; and

(2) further environmental goals with respect to abandoned coal mine lands.

SEC. 3. Section 402(g)(3) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(g)(3)) is amended—

(1) by striking out "The" after "(3)" and inserting in lieu thereof "(A) Except as provided in subparagraph (B), the"; and

(2) by adding at the end a new subparagraph as follows:

"(B)(i) With respect to the period beginning on the date of enactment of this subparagraph and ending on September 30, 1983, such balance of funds collected shall

be expended by the Secretary, to the extent practicable only in support of a program or programs which provide for the hiring of unemployed coal miners or unemployed construction workers for the purpose of performing abandoned mine reclamation work described under this title.

"(ii) As used in this subparagraph, the term 'unemployed coal miner' means any individual who is unemployed and has worked for at least 52 of the 104 weeks immediately preceding the date such individual became unemployed in or around a coal mine or coal preparation facility in the extraction or preparation of coal, including any individual who has worked in coal mine construction.

"(iii) As used in this subparagraph, the term 'unemployed construction worker' means any individual who is unemployed and has worked for at least 52 of the 104 weeks immediately preceding the date such individual became unemployed in the construction, alteration, repair, design or engineering of new or existing structures, roads, or other industrial sites.".●

URGENT HELP FOR U.S. RETAILERS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. HUBBARD. Mr. Speaker, I have received an excellent letter from one of my constituents in western Kentucky, Mark W. Kanipe of Henderson, Ky. Mark is in the retail business, marketing a range of office machinery. Unfortunately, his business is suffering because of the advantages being held by foreign manufacturers. Representative. BILL ALEXANDER has introduced legislation (H.R. 4009), the Retail Dealers Agreement Act, which is urgently needed. I believe my colleagues will be interested in my constituent's concerns and I would like to share his September 15 letter with them. The letter follows:

SEPTEMBER 15, 1982.

Hon. CARROLL HUBBARD, Jr.,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HUBBARD: I have never written my Congressman before, but I do so now because of a matter of great urgency. This issue has direct impact on my livelihood and I wish to bring it to your attention.

I am in the office machine business as a retail dealer, marketing a range of products manufactured primarily by foreign suppliers. Unfortunately for small dealer businesses in the office machine industry like mine, the manufacturers of these products, particularly the foreign ones, have begun to take advantage of their dealers. These manufacturers have acquired a superior bargaining position over several years. We now find our assets eroding and our profit margins narrowing as a result of unreasonable quotas, arbitrary cancellations, untested equipment, exhorbitant delays in parts and so on. Dealers, as a group and individually, have tried to direct negotiations, but to no avail.

Rep. Bill Alexander has introduced a bill in Congress (H.R. 4009) which deals with our problem. I urge you to support it, and to cosponsor it.

If I can provide you with additional information on this measure, I would be happy to do so. I appreciate your assistance.

Sincerely,

K & W OFFICE EQUIPMENT, INC.
MARK W. KANIPE.●

THE 1982 WORLD REFUGEE REPORT

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. SOLARZ. Mr. Speaker, the U.S. Committee for Refugees recently published its annual survey on the plight of refugees throughout the world in 1982. I would like to commend this publication to my colleagues and all who are interested in obtaining a realistic appraisal of the conditions and forces which compel people to flee their homes and countries and seek protection and aid in another land.

This timely report describes the major issues, concerns, and activities of the international organizations and the private voluntary organizations which seek to assist these refugees and displaced people and wherever possible aid them to return to their homelands. Among the issues reported on are asylum, refugee protection, and statistics on refugee populations and durable solutions to the refugee problem.

Roger Winter, a former Director of the Office of Refugee Resettlement at the Department of Health and Human Services, has a most timely article on "Who Is A Refugee" in this 1982 report. Commenting on the historical evolution of the term "refugee," Mr. Winter, who is now the associate director for public affairs of the American Council for Nationalities Services, notes that the first Convention on Refugees was only prepared in 1951 and ratified in 1954. That document limited its description of refugees to those who were suffering due to the impact of World War II. The current U.N. Convention and Protocol relating to the status of refugees and removed the time limit in the definition has been signed by 90 governments, but several countries of first asylum, including Thailand have not ratified it.

Mr. Speaker, I ask that Mr. Winter's article "Who Is a Refugee" be reprinted in today's RECORD and I commend the chairman of the ACNS, Mr. David Cogan, and Benjamim Gim, the current president of ACNS for their effort to prepare and publish this excellent report.

WHO IS A REFUGEE?

(By Roger P. Winter)

One modern dictionary defines "refugee" as a "person who flees to find refuge; especially one who escapes invasion, oppression, or persecution." Colloquially the term is often used interchangeably with "migrant," "immigrant," "asylum seeker" or even "illegal alien." There are many characteristics that refugees share with other migrating people, but there are also important distinctions recognized by international law. Because people's lives and futures are frequently at stake in refugee emergencies, it is important that it be clear who is a refugee and who is not. With this knowledge and understanding, appropriate responses to the world's refugee situations can be formulated.

The meaning of the term refugee evolved over a 60-year period from specific to generic. Until 1951 most nations considered refugees in terms of a specified group of people fleeing a specific country or group of countries for reasons of belief or status. In 1951 the Convention Relating to the Status of Refugees was adopted by a conference of plenipotentiaries of the United Nations. On April 21, 1954, the convention was adopted by the required minimum of six nations and went into effect.

The convention provided the first international "bill of rights" for refugees. It provided for travel documents for refugees; set forth the principle of non-refoulement, which states that a refugee cannot be returned by force to the country from which he fled; and stated that refugees are entitled to the same basic human rights enjoyed by nationals of the asylum country. The definition of refugee put forth by the convention is:

"A person who as a result of events occurring before January 1, 1951, and owing to well-founded fear of being persecuted for reasons or race, religion, nationality, membership in a particular social group, or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country."

The four key elements of the convention's definition were its time limitation—refugees, it implies, were generated by the effects of World War II; its fundamental reliance on the concept of a "well-founded fear of being persecuted;" its specification of forms of persecution which could qualify one for refugee status; and its limitation to persons outside their country of nationality.

Over time the international community grew to recognize that protection for individuals other than those covered by the convention's time period was a necessity. As a result, the General Assembly produced the Protocol Relating to the Status of Refugees which became effective on October 4, 1956. States which bind themselves to the protocol fundamentally agree that the substantive provisions of the convention will be applied generically to refugees without reference to the 1951 date, although individuals declared to be refugees under prior international agreements would be blanketed in. International protection of and assistance to refugees, and administration of the convention and protocol were assigned by the statute to the UN High Commissioner for Refugees. (Parties which have acceded to the convention or protocol are listed on the next page.)

The U.S. did not statutorily adopt the UN definition of refugee until enactment of the Refugee Act of 1980 (Public Law 96-212). Prior to that act, the U.S. defined refugees in ad hoc legislative enactments, exclusively in an anti-communist context. As enacted, the act went further than the protocol to include as a refugee "any person who is within the country of such person's nation-

ality . . . who is persecuted or has a well-founded fear of persecution . . ." under special conditions.

The determination of refugee status is normally the responsibility of the nation in whose territory the individual is located at the time he applies for recognition of his status. Recognition of a person's status as a refugee does not make him a refugee, but declares him to be one. However, until recognized as a refugee, a person is not normally included in refugee statistics nor does he receive UNHCR assistance. In a nation which has not acceded to the convention or protocol, a person can be determined by UNHCR to be a refugee and receive its protection. Thus, even among competent authorities, there can be differences in whether or not a particular individual is considered a refugee.

There are persons in the world who are refugees who have not been formally declared such for one reason or another, and there are persons who are in refugee-like situations who technically do not meet the protocol's definition strictly applied. One major reason for this phenomenon is that such refugeelike persons are often still within the borders of their homeland. Those individuals are often labeled "internally displaced" persons. It should be noted, however, that since no single international authority has responsibility for such persons, authoritative figures on the internally displaced are difficult to gather and frequently are imprecise.

In a personal rather than legal sense, refugees are ordinary people in extraordinary circumstances. Refugees, like other migrating people, generally want to better their lives and the lives of their families. They sometimes immigrate to an industrialized society such as the U.S. or Western Europe. They frequently are poor, not because they had no resources but because they lost their belongings when they fled their homeland. Refugees often have experienced the loss of or separation from members of their families as a result of their flight. All have lost their homeland and are removed from the centers of their cultures and traditions. Their disaster is not natural; it is man-made.

What most clearly distinguishes a refugee from other migrants is specified in international and U.S. law: their motive for departure is fear of specific forms of persecution. For members of the Baha'i faith fleeing Iran, for example, it is fear of that nation's organized attempt to exterminate members of that religious group. For many Poles, it is fear of the Polish government's program of erasing political opposition. For the Hmong of northern Laos, it is fear of a regime's effort to eliminate a group previously associated with the U.S. involvement in that nation. For Ethiopians, it is fear of the government's actions to destroy Ethiopia's middle class and the remaining political opposition. For Afghans, it is fear of the Soviet-dominated government's war on Afghanistan's own people for political and religious reasons.

Throughout this year's World Refugee Survey, a theme recurs that represents a pressing concern of the international community. It is that efforts by nations offering immediate asylum to people fleeing persecution are both most compassionate and complex. "First asylum" countries, like Pakistan, Thailand, and numerous African nations, offer "temporary" haven which may extend for months and years. Implications of such assistance for the receiving countries, potential resettlement countries, and the world community are far reaching, especially when the numbers seeking asylum are not few but massive, as has often been the case recently. The part played by first asylum countries must be appreciated. The capability and willingness of other nations to serve in this all-too-necessary role need also to be examined.

The rescue and protection of refugees is in some ways an ideological effort—not in the sense of East versus West, but in a context of protecting human rights and fostering individual freedom. And that is why Americans, who above all other peoples claim to value these principles, cannot afford to consider all foreigners in a single category.

The U.S. Committee for Refugees considers it in this nation's best interest and traditions to assist with refugee relief and protection around the world. And, for that fraction of the world's refugees who have no viable alternative but to seek resettlement in a country such as ours, it is in our interest to continue to admit our fair share. Of all the prople who want or need to start life anew in a free society, the needs and claims of refugees are unique.

SIGNATORIES TO THE UN CONVENTION AND PROTOCOL RELATING TO THE STATUS OF REFUGEES

Algeria, Angola, *Argentina, Australia, Austria, Belgium, Benin, Bolivia, *Botswana, Brazil, Burundi, Canada, Central African Republic, Chad, *Chile, Colombia, Congo, Columbia, Congo, Costa Rica, Cyprus, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, *Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany (Federal Republic of), Ghana, Greece, Guinea, Guinea-Bissau, Holy See, Iceland, Iran, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, *Kenya, **Lesotho, *Liberia, Liectenstein, Luxembourg, Mali, Malta, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Panama, Paraguay, Philippines, *Portugal, Rwanda, Sao Tome and Principie, Senegal, Seychelles, Sierra Leone, *Somalia, Spain, Sudan, Surinam, Sweden, Switzerland, Togo, Tunisia, Turkey, Uganda, United Kingdom, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.*

Signatories to the Convention Only: Madagascar, Monaco, Peru.

Signatories to the Protocol Only: Swaziland, United States.●

CONCERNS ABOUT AN OLD FRIEND: TURKEY

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. SIMON. Mr. Speaker, I have followed events in Turkey with real mixed feeling. I understand the desire of the military to have greater stability in that country which has some severe economic problems.

And while I consider myself a good friend of Greece, I also consider myself a good friend of Turkey. And I cannot forget that during the Korean war, Turkey was one of the few countries that stood strong with the United States.

But I have read with increasing concern the prosecution and imprisonment of former Prime Minister Bulent Ecevit.

But he is a democratic leader who understands what democracy is all about and who has had the courage to criticize military rule in Turkey.

Our friends in Turkey must understand that while the United States does not want to interfere in internal matters of Turkey, the harassment of former Prime Minister Ecevit simply for expressing opinions does not set well with the American public and with those of us who represent the American public.●

*Became signatory to convention and protocol after January 1, 1981.

**Became signatory to protocol after January 1, 1981.

ARMAND BOURASSA NAMED SONS OF ITALY "MAN OF THE YEAR"

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mrs. HECKLER. Mr. Speaker, it is with the greatest pleasure that I bring to your attention Mr. Armand Bourassa of Natick, Mass., who has been named "Man of the Year" by the Sons of Italy in Natick.

Mr. Bourassa has been actively involved with the Sons of Italy for 10 years and his record of participation and involvement show that he is well deserving of this award and recognition. Not only has Mr. Bourassa served as a member in this organization, but for the past 3 years, he has held the position of venerable. In addition, Mr. Bourassa holds the titles of grand deputy of the Milford and Marlboro Sons of Italy lodges and is the commissioner of the grand lodge for membership.

Mr. Bourassa deserves congressional recognition for his distinguished record of accomplishment in the community. He is a dedicated husband and father of two children, a diligent worker, and a devoted citizen. His services and outstanding achievement to his community and the Commonwealth of Massachusetts must not go unnoticed as men of his caliber, talent, and character serve as testimony to this tribute.

Mr. Bourassa is my long-time friend and I am very proud to have been able to recognize and praise his achievements.

ARMAND BOURASSA NAMED SONS OF ITALY "MAN OF THE YEAR"

Wife's name is Catherine.

Children's name and ages are: Paul (17), Joanne (15).

Armand has been involved with the Sons of Italy for 10 years. For the last three years he has held the position of venerable. He has also been the assistant venerable.

Other titles with the Sons of Italy that he holds are: Grand deputy to the Milford Sons of Italy Lodge; grand deputy of the Marlboro Sons of Italy Lodge.

He is also the commissioner of the grand lodge for membership (means that he travels throughout the State recruiting men and women to join the order).

His occupation is: Custodian for the 7-Up Bottle Company in Needham. Off and on, he is a barber too.

Community work that Mr. and Mrs. Bourassa do: March of Dimes—works on the scholarship program. Muscular Dystrophy—has worked for the "Jerry Lewis Telethon."●

EXILE TRAINING CAMPS AND U.S. OBLIGATIONS

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. BARNES. Mr. Speaker, the issue of U.S. acquiescence in the existence of Cuban and Nicaraguan exile training camps in this country has dropped out of the news, but the camps still exist and still constitute an irritant in our relations, particularly with Nicaragua.

A constituent of mine, who is the editor of the Harvard Law Review, recently published an analysis in the Review which concludes as follows: First, the apparent acquiescence of the administration in reported activities of Nicaraguan exiles in the United States who aim to destabilize the current regime in Nicaragua violates the U.S. obligations under international law; second, an Executive policy condoning such activities flies in the face of the Neutrality Act, one of the fundamental congressional enactments in the field of foreign policy, and indeed encroaches on the constitutional role of Congress in foreign affairs; and third, to the extent that the administration is unwilling to alter its current policy, there are effective steps which Congress could take to remedy the situation.

I want to congratulate my constituent, Mr. Jerald S. Howe, Jr., on his article and to urge my colleagues to give it careful attention. The article follows:

NONENFORCEMENT OF THE NEUTRALITY ACT: INTERNATIONAL LAW AND FOREIGN POLICY POWERS UNDER THE CONSTITUTION

[Footnotes omitted]

Recent news reports reveal that armed camps of Latin American exiles are training within the United States in preparation for insurrectionary action against the incumbent government of Nicaragua.[1] Reportedly tied to larger exile parmilitary forces that are based in Honduras and that operate actively along the Nicaraguan border,[2] these exile groups claim already to have sent trained recruits to carry out military operations against Nicaragua.[3] Nicaragua has objected strenuously through diplomatic channels to the existence of the exile camps.[4]

Initially, the United States government announced that it did not condone, but was not investigating, the paramilitary activities,[5] and claimed that the exiles would not violate any law "as long as they [did not] hurt anybody and as long as they [did not] actually conspire to invade in a specific way."[6] Secretary of State Alexander Haig subsequently proposed that enforcement of United States domestic law to protect Nicaragua from attacks by exile groups based in the United States be negotiated through diplomatic channels,[7] a proposal that acknowledged that the exiles were in fact acting in violation of United States law. This Note argues that the Executive has not only the power, but also the duty to prevent the exiles' operations.

Even the threat that private paramilitary force might be launched from United States territory violates the international and domestic laws that have been invoked throughout American history against private expeditions aimed at toppling unstable foreign regimes.[8] Part I of this Note establishes the duty of the national government to take preventive action under both conventional and customary international law. Part II shows that, under the Neutrality Act, the United States has the domestic legal power to halt such expeditions. Part III demonstrates that the Neutrality Act was designed both to ensure that the national government would comply with its international duties and to guard the congressional power to declare war. Part IV argues that executive nonenforcement of the Act undercuts these congressional policies and impinges on Congress' role in the control of foreign affairs. Finally, Part V suggests ways Congress can exert political pressure on the Executive in order to ensure strict enforcement of the Act.

I. THE DUTY OF THE UNITED STATES UNDER INTERNATIONAL LAW

Toleration of the continued existence of the exile camps by the United States violates current conventional international law, which establishes the responsibility of a state for expeditions and acts originating within its territory and directed against other nations. Moreover, past adjudications at customary international law and the commentaries of leading publicists[9] specifically prohibit the Executive's failure to take action against the exile camps.

A. Conventional International Law

The centerpiece of conventional international law is the United Nations Charter, which establishes in article 2 a clear, yet quite general, norm of nonintervention: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state . . ."[10] The United Nations General Assembly has given this norm more specific content in the Declaration on Friendly Relations:

Every State has the duty to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts, when the acts referred to in the present paragraph involve a threat or use of force.[11]

This clause of the Declaration makes clear that a state cannot achieve indirectly, through acquiescence in the preparation of private armed expeditions within its borders, objectives that it is prohibited from achieving directly.[12] Such acquiesence therefore violates the United Nations Charter.[13]

B. Customary International Law

Leading commentators agree that customary international law imposes on governments a duty not to permit their territories to be used as a base for hostile expeditions.[14] This duty, which has evolved historically as part of an elaborate system of rights and duties of belligerent and neutral parties in warfare,[15] is correlative to the universally recognized interdiction that hostile parties not launch military operations from neutral territory.[16]

A state must exercise "due diligence" to prevent the embarkation of private hostile expeditions from its territory. For instance, the *Alabama Claims* arbitration of 1871,[17] which arose out of British aid to Confederate ships during the Civil War, recognized that Britain had such a duty to prevent the arming or departure of any vessel that it had grounds to believe was intended to enter hostilities against a nation with which Britain was at peace.[18] Similarly, the United States Supreme Court has long recognized the national government's duty of due diligence under international law to prevent wrongs perpetrated against another country through acts committed in the United States.[19] Opinions of the Attorney General have extended this duty to the prevention of private hostile expeditions.[20] Moreover, the state's responsibility has been strictly defined: upon allegations that the assassination of King Alexander of Yugoslavia in 1934 had been planned within Hungarian territory, the League of Nations resolved that a state must "do all in its power to prevent and repress"[21] terrorist acts planned within the state's territory but intended to be committed elsewhere.

State responsibility for hostile expeditions may ensue from a variety of governmental acts or omissions: active participation in the hostile activities, acquiesence, neglecting to prosecute, or failing to cooperate with officials of the target country.[22] Setting forth these potential grounds for liability, the American-Mexican Claims Commission in *Texas Cattle Claims*[23] held Mexico responsible for Indian raids in which the government merely acquiesced, as well as for cross-border raids made by outlaws and military personnel with the approval of the Mexican government. The decision implies that any one of the enumerated acts or omissions violates international law.[24] Similarly, the League of Nations resolved that Hungary may have incurred, through negligence alone, responsibility for the assassination of King Alexander;[25] in *Alabama Claims*, the knowledge attributable to Britain, combined with that country's omissions and ineffective efforts at prevention, sufficed to establish liability.[26] Whatever the government's degree of neglect, moreover, the continuity of private hostile activities increases the magnitude of state responsibility;[27] in finding violations the *Texas Cattle Claims* tribunal emphasized the continual nature of the cross-border raids.[28]

The absence of affirmative response by the United States to the current paramilitary activities of the Latin American exiles constitutes a violation of its international legal duties. The existence of the exiles' camps has been openly acknowledged by the government, particularly in its proposals that United States protection of Nicaragua from attacks by exiles within the United States be a subject of negotiation.[29] Even without direct involvement or approval by the United States, the government's failure to prevent or punish the activities incurs

United States responsibility, inasmuch as acquiescence in the continued existence of the camps violates obligations under the United Nations Charter and breaches the customary duty of due diligence. Furthermore, knowledge of the camps and continued failure to act must eventually merge into intentional disregard of international law.

Yet establishing the existence of a violation does not ensure the availability of a commensurate remedy, for enforcement of international law generally depends on the consent of sovereign states.[30] International judicial relief is especially unlikely to be available in the current situation. Although Nicaragua might bring an action in the International Court of Justice against the United States for violation of the United Nations Charter,[31] the United States could effectively bar exercise of the Court's jurisdiction by invoking the Connally Amendment, which enables the United States to reserve matters that it determines to be essentially within its domestic jurisdiction.[32] The International Court of Justice would undoubtedly respect such an invocation and dismiss for lack of jurisdiction.[33] International relief would then be available only through diplomatic channels [34] or in the political bodies of the United Nations [35] and other international organizations.

II. THE NEUTRALITY ACT: DOMESTIC POWER TO ENFORCE INTERNATIONAL LAW

Corresponding to its duties under international law, the Executive has legal power, by virtue of the Neutrality Act,[36] to curb the paramilitary activities of the Latin American exiles. Enacted under Congress' constitutional power to "define and punish . . . Offenses against the Law of Nations," [37] the Act prohibits private expeditions against nations with which the United States is at peace:

Whoever, within the United States, knowingly begins or sets on foot or provides or prepares means for or furnishes the money for, or takes part in, any military or naval expedition or enterprise to be carried on from thence against the territory or dominion of any foreign prince or state, or of any colony, district or people with whom the United States is at peace, shall be fined not more than $3,000 or imprisoned not more than three years, or both.[38]

The statute was conceived in the midst of diplomatic difficulties encountered by the United States during the French Revolution.[39] In April 1793, President Washington issued an executive neutrality proclamation instructing federal officers to prosecute "all persons, who shall, within the cognizance of the courts of the United States, violate the law of nations, with respect to the Powers at war." [40] Shortly thereafter, Congress passed the Neurality Act to make organizing or carrying out hostile expeditions a violation of federal criminal law.

Courts have adopted a policy of "vigilant enforcement" [41] in construing the Neutrality Act. The statute applies to all persons regardless of their nationality [42] and thus reaches foreign exiles within United States territory. Within the Act's protection are all nations with which the United States "is at peace,[43] not only those that are recognized as belligerents in some conflict or to which the United States accords diplomatic recognition.[44] All expeditions begun or prepared within the United States are prohibited, whether or not the final attack is staged from a third country,[45] and the Supreme Court has defined "military expedition" broadly, by focusing on the soldierly character of a company and its "specific warlike purpose." [46] Likewise, little is needed to perfect the offense. The expedition need not have set out for its destination,[47] concerted action, such as raising funds or seeking recruits, suffices to indicate the beginning of an expedition [48] and to establish the intent required under the statute.[49]

Defendants who maintain that their actions merely "anticipate" the outbreak of a declared war [50] cannot overcome the statutory prohibition. In response to such a defense, Chief Justice Marshall held that "[n]o citizen is at liberty to . . . anticipate his government" and that even a high probability of war would not excuse a violation of the Neutrality Act.[51] Similarly, in an early construction of the Act, a federal court rejected the defense that a de facto war with the target country existed at the time of the expedition.[52] Moreover, claims of presidential or executive approval are no defense: "the president of the United States cannot control the statute, nor dispense with its execution[,]" because "it is the exclusive province of congress to change a state of peace into a state of war." [53] Executive knowledge, approval, or acquiesence may incur governmental responsibility under international law,[54] but does not bear on the culpability of criminal defendants under the Act.

The government is therefore incorrect in contending that only a conspiracy to invade "in a specific way" [55] constitutes a violation of the Neutrality Act. Established judicial construction requires the conclusion that, even without the claimed launching of troops, the extent of organization and preparation evident in the funding, maintenance, and training activities of the exiles' camps violates the statute. Thus, commensurate with the nation's duty under international law to take preventive steps, the Executive has the legal power to prosecute the exiles under domestic criminal law.[56]

III. THE NEUTRALITY ACT IN CONCEPT AND PRACTICE

The Neutrality Act might be viewed merely to empower the Executive to restrain those private hostile expeditions of which the Executive politically disapproves. Yet the constitutional origins and historical application of the statute lead to a different conclusion: the Act is a principled attempt by Congress to remedy palpable deficiencies in the enforceability of international law. Congress' incorporating into domestic law the international prohibition of hostile expeditions restricts executive discretion to overlook violations of international law and guards Congress' own role in foreign affairs.

A. The Constitutional Logic of the Neutrality Act

Congress' authority to enact the Neutrality Act as a limitation on the Executive's ordinary discretion in matters of foreign policy arises from the constitutional separation of power over foreign affairs. The Constitution provides no explicit substantive constraints on the conduct of foreign affairs.[57] Rather, it extends "an invitation to struggle" [58] over the control of foreign policy: the President and Congress concurrently share sovereign power,[59] the distribution of which, in practice is uncertain and shifting.[60] In foreign affairs, Congress may broadly delegate part of its power to the Executive [61] or may tacitly approve certain executive practices by not challenging them.[62] On the other hand, Congress can limit the Executive in formulating foreign policy by means of the legislature's exclusive authority to declare war, control of the budget, and oversight of executive departments. Most significantly for the purposes of this Note, Congress has the power to enact legislation such as the Neutrality Act to define and punish offenses against international law in order to ensure the nation's adherence to international duties.

Political discourse leading to passage of the Neutrality Act reveals the joint intention of the Executive and Congress to ensure the national government's compliance with international law. The Cabinet that drafted the Neutrality Act [63] believed itself obligated under the law of nations [64] to meet the nation's recognized international duty to take preventive measures against hostile expeditions.[65] Thus, President Washington's neutrality proclamation and the act itself were "declaratory of the conduct enjoined by the law of nations" [66] The government, moreover, considered itself responsible for the acts of its subjects and hence assumed a duty to restrain them from injuring foreign powers.[67] Further, unauthorized hostilities were thought inconsistent with civil society,[68] inasmuch as private individuals were bound not to disrupt the nation's officially established relations with foreign countries.[69] In this light, unchecked hostile expeditions would have amounted to private usurpation of the public power, vested in Congress, to declare war and issue letters of marque and reprisal.[70]

By domesticating an existing international legal norm under its power to define and punish offenses against international law, Congress sought to ensure that the government would comply with duties otherwise, enforceable only through diplomatic channels.[71] In transferring the prohibition of hostile expeditions from sphere of foreign affairs, in which the Executive has broad inherent powers,[72] to the domestic sphere, in which executive authority derives from that of the legislature,[73] Congress acted to eliminate the Executive's discretion to overlook violations of international law posed by private hostile expeditions, and thus sought to promote routine compliance with international law.[74] Coupled with the President's constitutional responsibility to "take Care that the Laws be faithfully executed," [75] the Neutrality Act necessarily curtails the discretion of the national government to acquiesce in private hostile expeditions. At the same time, Congress' exclusive power to declare war is protected from usurpation by private parties and from impairment by administrations that might choose to condone such activities.[76] Congress thus intended to restrain all hostile expeditions, rather than only those that the Executive might find politically objectionable.

B. The Neutrality Act in Practice

Past enforcement of the Neutrality Act, particularly in the periods of American history in which private hostile expeditions were relatively common, confirms the foregoing conception of the statute: the Executive has consistently maintained that it was bound to strict enforcement of the Act. In addition to bringing prosecutions, the Executive has repeatedly indicated its commitment to vigorous enforcement by seeking reinforcing amendments to the legislation [77] and by issuing presidential proclamations [78] and opinions of the Attorney General warning against potential expeditions.[79] In contrast, the occasional lapses in enforcement can be attributed to the inability and reluctance of the federal government to restrain some filibusters undertaken in the spirit of

"manifest destiny." [80] Moreover, the Bay of Pigs invasion of 1961 [81] demonstrates the danger of executive failure to prosecute violations of the Neutrality Act when that failure results from pursuit of more particularized foreign policy objectives. Shortly before the invasion, Attorney General Robert Kennedy disparaged the continuing vitality of the Neutrality Act:

First. . . the neutrality laws are among the oldest laws in our statute books . . . Clearly they were not designed for the kind of situation which exists in the world today.

Second, the neutrality laws were never designed to prevent individuals from leaving the United States to fight for a cause in which they believed. There is nothing in the neutrality laws which prevents refugees from Cuba from returning to that country to engage in the fight for freedom.[82]

Although the Attorney General went on to acknowledge that the law indeed prohibits organized military expeditions embarking from the United States to attack a nation with which the United States is at peace.[83] his initial remarks seem to condone hostile expeditions against Cuba. This governmental approval of the Cuban invasion, founded on publicly expressed skepticism about the Act, contributed to the Bay of Pigs debacle. The Kennedy Administration later reversed its position and declared that attacks against targets in Cuba were "neither supported nor condoned by this Government. . . . [We] are [not] prepared to see our own laws violated with impunity, or to tolerate activities which might provoke armed reprisals. . . ."[84]

IV. WHEN PRACTICE DIVERGES FROM CONCEPT: FOREIGN POLICY POWERS AND EXECUTIVE DISCRETION UNDER THE NEUTRALITY ACT

The failure of the United States to prosecute the Nicaraguan exiles' violations of the Neutrality Act raises two questions, whether the government ought to abide by recognized international law, and whether the Executive alone should be allowed to make that decision, particularly in the face of a statute strongly limiting its discretion to do so.

a. Executive Discretion in Foreign Policy

The Neutrality Act's underlying policy of nonintervention, which is compromised when the Executive neglects to enforce the statute, retains validity today: both in formal subscription to international organization and law [85] and in policy pronouncements,[86] the United States recognizes principles of nonintervention in the internal disputes of other nations. Though the *realpolitik* of global ideological struggles and political terrorism has subjected noninterventionist principles to increasing stress,[87] few would argue for altogether abandoning norms of nonintervention. Moreover, the growing temptation for administrations to disregard norms of nonintervention in pursuit of more particular policies emphasizes the need for full political accountability in the formulation and control of foreign policy.

The Neutrality Act does not confer on the Executive the discretion to advance its own foreign policy objective through selective nonenforcement of the Act. On the contrary, Congress intended that the Executive be obliged to comply with the government's international legal obligation to prevent hostile expeditions in all instances. Yet recent government apprehension and prosecution of Neutrality Act offenders who aim to topple regimes that are not out of diplomatic favor [88] raise the prospect of selective enforcement based on political considerations.[89] Widspread reports that the United States government is engaged in covert activities designed to harass and destabilize the Nicaraguan regime [90] further suggest that nonenforcement might be part of a larger, concerted policy.

In this light, the United States' position that enforcement of domestic law against the exile groups is negotiable through diplomatic channels [91] is highly ironic. In constraining the Executive's discretion to overlook hostile expeditions, Congress certainly did not intend to provide the Executive with an additional bargaining chip, the nonenforcement of domestic law, in diplomatic negotiations. Rather than securing routine compliance with international law, the Neutrality Act's incorporating a norm of nonintervention into domestic law seems to have infected the domestic law with the malaise of unenforceability prevalent in international law.

Furthermore, executive acquiescence in private hostile expeditions encroaches on Congress' exclusive power to declare war and to issue letters of marque and reprisal authorizing private groups to carry on hostilities, a power that Congress sought to protect in passing the Act.[92] Even if American intervention against Nicaragua were strategically required and otherwise legally defensible, executive acquiescence in the operations of private armies based within United States territory constitutes an adoption of means not within legitimate executive authority.[93]

B. Prosecutorial Discretion

Nonetheless, it seems that Congress cannot fully guarantee government compliance with international law and guard its own role in foreign affairs solely by incorporating into domestic criminal law the international legal prohibition of hostile expeditions. Although the Neutrality Act is strictly drafted, it has failed to achieve its underlying purposes. The reason for this failure is the existence of a residual source of executive discretion. Drawing an international legal norm into the domestic sphere succeeds in narrowing executive discretion in foreign policy, yet the notion of prosecutorial discretion may remain a formidable obstacle [94] to congressional policy. By determining, under claim of exercising its legitimate prosecutorial discretion, whether and how consistently to prosecute violations of domestic criminal law, the Executive may ignore statutory language and undercut congressional purpose.

The policies that give rise to prosecutorial discretion, however, do not justify the current nonenforcement of the Neutrality Act. First, statutory overinclusiveness may often warrant overlooking facial violations that fall outside the legislative policy, but the Latin American exiles' activities are precisely the type of operations that Congress sought to prohibit. Second, although in general the Executive may justifiably seek through its enforcement decisions to advance policies not relevant to a particular statute, the exercise of such discretion is not legitimate in the instant context. Congress' exact purpose in enacting the statute—that the United States comply with its international legal duty to prevent private hostile expeditions—precludes selective nonenforcement based on the Executive's particularized foreign policy considerations.

Third, the Executive generally requires discretion to allocate scarce prosecutorial resources; [95] Neutrality Act violations, however, are relatively infrequent, discrete, and easily identifiable.[96] Finally, although the Executive necessarily requires factfinding discretion to investigate activities and determine whether indictable offenses have occurred,[97] such a justification must fail in the face of public reports of the activities of the exile groups, their open claims of returning trained recruits to fight against the incumbent government of Nicaragua, and executive acknowledgement of such information. In sum, these general rationales simply do not apply to nonenforcement of the Neutrality Act, and the notion of prosecutorial discretion ought not to cloak executive inaction with a presumption of legitimacy.

V. TOWARD COMPLIANCE WITH INTERNATIONAL LAW: REASSERTING THE CONGRESSIONAL ROLE IN FOREIGN POLICY

When the Executive chooses not to prosecute Neutrality Act violations, is there an effective mechanism by which to force its hand? Congress' ability to restrict prosecutorial discretion is the most likely source of such compulsion. Congress has much at stake as an institution whose role in the formulation and conduct of foreign relations is threatened by current executive neglect to enforce the Act. Moreover, the dispute over the exercise of discretion is between the executive and legislative branches of the government, and judicial intrusion would generally be considered inappropriate.[98]

Retaining the Neutrality Act as the core element in its approach. Congress can secure United States compliance with international law and guard its own foreign policy role by exerting political pressure on the Executive to enforce the Act strictly.[99] Budgetary powers and oversight over executive departments might be used to call the Executive to account for its inaction,[100] but the episodic invocation of such powers cannot bring any continuous pressure to bear. Instead, to overcome the difficulty inherent in remedying an executive omission, Congress must systematically shift the burdens of initiative and justification onto the Executive. Institutionalizing political pressure would continuously require the Executive to account for its prosecutorial decisions.

The choice of legislative mechanism to constrain executive discretion depends on the amount of political pressure required to achieve the degree of enforcement Congress desires. Statutory reporting requirements would force the Executive to disclose to Congress the factual findings and legal reasons behind nonprosecution of suspected hostile expeditions; this process would facilitate effective oversight by the appropriate committees and would compel the Executive both to reconsider the legal bases of its prosecutorial decisions and to bear the political consequences of its policies. Formalization of such requirements would further encourage the Executive to build the prospect of adverse political exposure into its initial prosecutorial calculus.

To be most effective, the statutory scheme must require the Executive to report each decision not to prosecute. Designing a consistently reliable reporting trigger is difficult, however, when Congress confronts executive omissions rather than actions; statutory reporting requirements in foreign affairs are typically triggered by an affirmative act, such as the commitment of troops [101] or the expenditure of appropriated funds for a certain purpose.[102] To overcome this problem, Congress could require the Executive to report at the request of

any of a number of committees or subcommittees, or if even greater regularity is desired, to report upon receipt of any information indicating a potential statutory violation.[103] The self-activating trigger could also require follow-up reports, consisting of detailed factual and legal finding.[104] Particularly if the Executive chooses not to prosecute.[105]

Congress could secure even stricter enforcement of the Act by withholding funds or powers from the Executive. Although such linkage could be achieved through strightforward political bargaining, certification is a more reliable mechanism: Congress could condition executive expenditure of certain appropriated funds, for example, on certification by the Executive that no facts within its knowledge evidence any volation of the Neutrality Act.[106] Though a certification requirement would not directly compel executive action, it would shift the burden of initiative and thus force the Executive to alter its decision not to prosecute, to justify that decision, or to forgo some congressionally selected benefit.

Perhaps the most serious step Congress could take would be the enactment of a "special prosecutor" statute requiring the Attorney General to delegate prosecutorial power to a subordinate office with specified responsibility. Under its limited power to fix the point of control of prosecutorial discretion within the executive branch,[107] Congress might require that the Executive first investigate possible violations upon discovery of any information that such violations exist, and then either appoint a special prosecutor or present a rigorous a rigorous accounting of the factual finding and legal bases behind its decision that no prosecution is warranted.[108]

VI CONCLUSION

Executive failure to curb private hostile expeditions organized within the United States directly violates recognized international law and negates the congressional purpose of the Neutrality Act. Moreover, executive acquiescence in private hostile expeditions encroaches on Congress' exclusive power to declare war and issue letters of marque and reprisal. Thus, the Executive's decision not to prosecute Neutrality Act violations, or to treat enforcement policy as a bargaining chip to be used in diplomatic negotiations, threatens Congress' role in the formulation and conduct of foreign policy. Congress has much at stake in the current situation and has good reason to take corrective action. The Executive has laid down to Congress an "invitation to struggle" over control of foreign policy. In a system of shifting concurrent powers, the last word is not easily had: the branch that wants to prevail must speak up.●

TRIBUTE TO L. H. FOUNTAIN

HON. THOMAS P. O'NEILL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1982

● Mr. O'NEILL. Mr. Speaker, 30 years ago, the Honorable L. H. FOUNTAIN and I first took our seats here in the House of Representatives as Members of the freshman class of the 83d Congress.

When L. H. made the decision earlier this year that he would not seek reelection to the Congress, I was saddened. I know his legislative accomplishments and his outstanding contributions to his district, to his beloved State of North Carolina, and to this country have been detailed by many others. I simply want to take this opportunity to say that my association with L. H. spans three decades and his departure from this Congress will be felt by me in a special way—I will lose a colleague with whom I have shared my life here in Congress since the beginning of our mutual service.

Millie and I wish the very best to L. H. and his dear wife, Christine. God Bless you.●

A DEMOCRATIC DIRECTION FOR THE EIGHTIES

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. LONG of Louisiana. Mr. Speaker, on September 21, the Caucus Committee on Party Effectiveness of the House Democratic Caucus issued a major document entitled, "Rebuilding the Road To Opportunity: a Democratic Direction For The 1980's". As chairman of the caucus, I would like to call the attention of the House to the magnificent job that was done by the seven chairs of the task forces and the 37 members of the caucus committee who worked for 20 months on this project.

The seven papers that have been issued from the caucus are designed to chart a new course for the Democratic Party in the present decade. They do not represent an effort to impose any doctrine on our party or to be a statement of inflexible dogma. They are the product of a remarkably diverse group of House Democrats who represent every area of our country and whose philosophies differ greatly. What these colleagues of ours have in common is a devotion to the Democratic Party and their participation in this effort is an eloquent rebuttal to those who assert that American politics is nothing more than the pursuit of individual advantage.

Mr. Speaker, the process by which these policy statements were developed is explained in detail in my introduction. I believe it should be of interest to Members on both sides of the aisle concerned about the future of the two party system in our country. I ask unanimous consent that it be included in the RECORD at this point.

PREFACE

(By Rep. Gillis W. Long, Chairman, House Democratic Caucus)

Recently, I posed the following question to my fellow Democrats: "Can we develop from the many philosophies and interests in our party, general consensus positions on the most important national issues that form the thread that gives our party meaning, that tell our constituents where our party stands on the most important issues of our time?"

The Democratic policy statements in this volume entitled, Rebuilding the Road to Opportunity: A Democratic Direction for the 1980s, provide overwhelming evidence that the answer to my question is "yes."

These policy positions—on which I believe most Democrats can agree—do not encompass every issue of concern to every faction within our party. But, taken together, they can give the American people a clear view of where Democrats stand as a party, of where we want to lead our country, and of where we differ from the Republicans.

At the outset, let me make clear, that these documents do not represent "official" positions of the Democratic Party. They are not ironclad positions which every Democrat must follow in lockstep.

Rather, they represent the ideas of a broad-based group of House Democrats, reflective of all the political philosophies within our Caucus (the organization of all House Democrats). All were developed, with the support of the House Leadership, by special task forces of the Caucus. In most instances, the task forces sought the advice of outside experts—in the case of housing and environment, that expertise came through formally constituted advisory committees.

All the task force reports were considered in great detail and subsequently approved by the Committee on Party Effectiveness, a committee of more than 30 Members who represent every philosophy and region in our caucus. The Committee on Party Effectiveness is, in itself, an unprecedented body within our Caucus. It was formed at the beginning of this Congress to respond to the desire of many Democratic Members to reassess the direction in which our party was headed in the wake of its losses in the 1980 election. Rarely have I seen a group of Members who have worked with more diligence and dedication.

The Caucus Committee has met, without fanfare or publicity, virtually every week, and sometimes twice a week, for the past 20 months to discuss ways to unify and strengthen our Caucus. What has made this effort so unusual is that Members representing the diverse philosophies under the Democratic tent have worked side by side toward those common goals. For the past five months, the committee has labored over these policy statements.

The policies the committee endorsed reflect a new Domocratic Party—a party loyal to our tradition, proud of our achievements, but prepared to respond to new challenges, a party that demonstrates both the compassion to care and the toughness to govern.

In these papers, we renew our commitment to the fundamental principles of the Democratic Party—to equal opportunity, to economic growth and full employment, and to a strong national defense.

But the proposals we make represent a break with the policies of the past. They are a recognition that if Democrats are to continue to be a force for justice and progress—if we are to remain loyal to our tradition of being at the cutting edge of change—our policies must change—because our country and the world have changed.

In charting this new direction for our party, we have made it clear that our paramount concern is the economic personal, and national security of our people.

We believe that a steadily growing, non-inflationary economy is the key to America's economic security. And the key to bringing about sustained, real economic growth is in the investments we make today.

We understand the need to control federal spending and control the growth of government. We know that to have the resources necessary to meet new priorities, we must reduce the federal deficit, eliminate wasteful or outdated spending, and take a critical look at all federal programs from the defense budget to entitlement programs, to reduce spending wherever we can.

We share the national concern for cutting spending, but we believe we must make investments now—both private and public—that will pay off in the years ahead in economic growth and greater opportunity for our people. We believe dollars we spend today to build new plants and equipment, to discover and develop new technologies, to educate and train workers, to build transportation systems essential for economic expansion, will bring a return many times over in future prosperity.

Economic security is, of course, fundamental to the personal security of every citizen and to the national security of our country. But a prosperous economy will not, by itself, guarantee safe neighborhoods or deter foreign threats to our freedom.

For that reason, we have proposed an intensified, long-term commitment to reduce crime. We believe that freedom from fear and freedom to walk the streets in one's own neighborhood are fundamental to a free society. And we know that tough rhetoric about crime, without actions to back it up up, will not reduce crime.

Similarly, we believe we must strengthen our defenses against foreign adversaries. A weakened America is a vulnerable America. But our defense program should be strategically constructed. Experience has taught that throwing money at problems—whether social or military—is wasteful and ineffective. Moreover, we believe that controlling nuclear weapons is as important to our national security as building new weapons systems.

These issues are discussed in this volume as are our concerns for reviving the housing industry, rekindling the entrepreneurial spirit in small businesses, expanding opportunities for women in our economy and society, and protecting our environment.

Clearly this volume does not outline a Democratic position on every issue of interest to Members of our Caucus. Rather, it demonstrates that we can focus our attention on a few important national issues and that, while proud of our tradition and past successes, we are developing promising, new solutions to our nation's problems. It presents a clear vision of where we want to lead our country.

We have entitled this volume Rebuilding the Road to Opportunity: A Democratic Direction for the 1980s because we believe that expanding opportunities is fundamental to our American way of life. We believe that the job of government is not to confer happiness, but to give people the opportunity to work out happiness for themselves. And we stand ready to make the investments now that will pay off in greater opportunity for our people.

We seek opportunity not for our generation alone; we are determined to establish the foundation of opportunity for generations yet unborn. The 21st Century, like the 20th, will be American. American thought will dominate it; American genius will give it shape and direction, and American deeds will make it illustrious.

This volume is the culmination of nearly two years' effort by the Caucus task forces and the Committee on Party Effectiveness. I am deeply indebted to the Members who served on the task forces and to those who put in countless hours of deliberations in the committee, to the outside advisors and the staff who helped prepare the statements and to the House Leadership which supported this effort every step of the way.

In the months ahead, the ideas we have developed will be debated in House Committees and in other forums. Many will be converted into legislative initiatives. So we must view the publication of these position papers, not as an end it itself, but as an important step in fashioning a bold, new policy direction of our party and our country.●

TUITION TAX CREDITS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. PAUL. Mr. Speaker, public debate regarding the proposals for tax credits to citizens who send their children to private schools has reached across the Nation to all States. While the issue is being discussed, I believe some questions being asked and statements being made by opponents of tuition tax credits need a few clarifying remarks.

First: "Granting tax credits to parents who send their children to private schools would only undermine the public school system."

The intent of tuition tax credits is not to undermine the public school system either directly or indirectly. What would occur would be enhanced competition between the public and private systems. The top-heavy, overstaffed administration of the public schools would probably be eliminated as a result.

It is a well-know fact that talented men and women are leaving the teaching profession in droves because of bureaucratic meddling in teaching by administrators, many of whom have never spent more than a year within a classroom.

Second: "Tuition tax credits would benefit the rich and hurt the poor."

This is utter nonsense. One of the purposes of tuition tax credits would be to help especially the lower income groups. Presently, lower income families are captives of the public school system. Many lower income parents believe their children are not receiving a proper education; they would like to send their children to a private school, but they cannot afford to. What is also noteworthy is the fact they are compelled to pay taxes that support public schools, and are denied the ability to have any effective voice in operations of the school system. To be sure, a citizen can go to the board of education meetings and participate in parent-teacher conferences, but this is not likely to result in any effective change. But a customer's ability to take his business elsewhere is.

Third: "Instead of tuition tax credits for private schools, shouldn't we consider giving more money to the public schools?"

No. More money has been spent on public schools and the problems only seem to get worse. The cost of public education has increased from $449.2 million in 1960 to $14.2 billion in 1980. We are spending more money on public schools while the student population has been decreasing. Throwing money at a problem will not solve the problem. A former public school teacher in Chicago who opened a private school with modest fees and a humble facility, Mrs. Marva Collins, proves that point.

Fourth: "Why should we subsidize those who send their children to private schools?"

A tuition tax credit is not a subsidy; no money changes hands. The question should be: Why do we charge people for a service for which they have no use? Would any rational person pay a neighborhood boy to cut his lawn if he had no lawn? Why should those who do not use public schools be forced to pay for them?

Fifth: "Shouldn't parents who send their kids to private schools pay for it?"

They already do, and in addition they pay for the public school system as well. This is unfair; no one should be forced to pay for a service they do not need.

Sixth: "Shouldn't all people feel a certain responsibility to support our public schools?"

No, not if a parent doesn't feel that the public school system is fulfilling its duty, and many parents do not.

Vice President Bush's wife, Barbara Bush, reported that since the 1950's the United States has dropped from the 18th most literate nation in the United Nations to the 49th; 60 million Americans cannot read or write, or are functional illiterates—which means they can only read and write at the fifth grade level. The overwhelming majority of illiterates and functional illiterates are products of our public schools system. There can be no doubt that the quality of public education has deteriorated through the years and any responsible parent would quite understandably be concerned.

Enlightened parents realize that throwing money at the problem will not help. As a result of the decline in quality of public education, many parents have given a vote of no confidence and are placing their children in private schools. It is only fair to allow them to use the funds they pay for public education elsewhere.

I might add that when all the questions are put aside, the real issue at trial is: Do we as a free nation believe that parents ought to have the right to choose between public and private schools without being financially penalized? To say no, is to deny the very liberties upon which this Nation was founded.

To say no, is to say that we are not a free people and that Government should decide what is good for us and what kind of education our children ought to have.

I truly believe the majority of Americans are a fair people and overwhelmingly support tuition tax credits; it is the only position which reaffirms our dedication to freedom of choice.●

YOM KIPPUR

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. LEHMAN. Mr. Speaker, Temple Israel of Greater Miami has been my temple for 40 years, and I sat with my fellow Jews over the years and have listened to the outstanding rabbis of our times. This Yom Kippur eve, our new rabbi, Rabbi Haskell M. Bernat, gave to us some disturbing insights and begged his congregation's forgiveness if it was offended by his words. I do the same to my colleagues in placing this sermon in the RECORD, for he poses painful questions which, especially on Yom Kippur, we must ask about our world, and about ourselves.

TEMPLE ISRAEL OF GREATER MIAMI

(By Rabbi Haskell M. Bernat, Sept. 26, 1982)

I have been writing this sermon for 9 weeks; I have been rewriting the sermon for 4 weeks. I wrote it literally until the last moments before I ascended this pulpit. I found it one of the most difficult sermons in my entire career in the rabbinate—I want you to know that. At least 3 times in the past 2 days I had decided not to preach it at all. Some people who care for me very much and want me to be liked by you suggested that I either "can" it or radically alter it. I have done neither, because it would be cowardice not to preach this sermon. There are times when a rabbi chooses a sermon, and there are other awesome moments when the sermon chooses the rabbi. If I offend you tonight, please forgive me. If I embarrass you, transcend your embarrassment and try to visualize the truths as they have gripped me. For this is a sermon not so much to you, but rather about you, as you have been perceived for 1,800 years by Western civilization.

Preach it with me and pray for me as you hear it and respond with the eloquence of your being. My Rosh Hashana eve service emerged from the values of my mind, my Rosh Hashana morning sermon out of the faith of my soul, tonight's sermon out of the anguish of my heart.

Some years ago, Simon Weisenthal, that intrepid Nazi hunter, wrote a novelette called "The Sunflower." It wasn't really a novel at all, it was about a single event in his life, and it is woven of those threads that so precariously bind heaven and earth together. They are of those issues that shake the very foundations of eternity. It is called "The Sunflower" because sunflowers were planted on the graves of dead Nazi S.S. men while their Jewish victims were buried in a pit. The Nazi S.S. men, even in death had a link to life through that flower, the Jew was cast into the anonymity of the pit. Simon inexplicably is taken from the slave-labor detail of his concentration camp and removed to a makeshift hospital near the town of Lemburg, and ushered in total silence to a forbidding room. There lying on the cot in the makeshift infirmary was an S.S. lieutenant who had been ravaged by the war. Simon could not see his face for it was swarthed completely in bandages. All he could sense was the hand that feverishly gripped his own, his ears were penetrated with a story from hell in which the S.S. man told Simon that he had herded all the Jews of a village into a single barn and then ignited the barn and burnt them all alive. He further told simon that as a child he had had a Catholic education that he was a server of the mass in church and he feared now for his immortal soul. He was afraid to die unshriven. Simon was to be the Jew-priest to give him absolution. Simon is torn between revulsion and compassion for a dying man, even brushes at a fly that was annoying the dying man, takes a glass of water and raises it to the parched lips. And then, in an instant he turns on his heel and marches out of the room.

He troubled by it and he share the incredible experience with his compatriots in the concentration camp. Josek another Katzenika, tells him, "I feared at first that you had really forgiven him. What people have done to yourself, you can, if you like, forgive and forget; but would not the dead people from that village come to you and ask: 'who gave you the right to forgive our murderer?" Simon responds: "I have failed to carry out the last wish of a dying man." Josek: "There are requests that one cannot and dare not grant. He ought to have sent for a priest of hs own church. They soon would have come to an agreement."

Years later, Weisenthal is still burdered by the event and after scrivening the last page of the account, he sends it to some of the leading contemporary intellectuals in both the Christian and Jewish world and asks them what they would have done. Their responses form a symposium at the end of the book. Graham Greene explains the Catholic idea of hell: No longer that medieval sight of endless conflagration; instead, an eternal separation from God. "Let the S.S. man die unshriven. Let him go to hell; sooner the fly to God than he." Cynthia Ozick comments: "The S.S. man had a Catholic education? As a boy he was a server in church? Should not a sentence like, 'the S.S. man had a Catholic education' be so thoroughly a contradiction of its own terms that the words come out jabberwocky?" She concludes, "The words do not come out jabberwocky. The S.S. man did have a Christian education!"

Why do I burden you this night with this account? Because it is impossible to live as a Jew in our world and not to feel the impact of a Christian-educated West. Jules Isaac, the famous French historian, after he finished his multitomed history of the world, applied himself to precisely this issue, and he called it, "Eighteen Centuries of the Teaching of Contempt." It colors not only how each of us is perceived individually, but how Israel is perceived and portrayed, and twisted.

These months of summer, Weisenthal's story and Ozick's response are of epic importance. Yes, the S.S. man had a Christian education: thousands of S.S. men had a Christian education. It is the religious foundation of the Western World, and it dies hard. It dies very hard. Eighteen years cannot wipe out 18 centuries of the teaching of contempt. I say 18 years because it has been 18 years, high years, since one of the most noble Christians who ever lived, Pope John XXIII, assembled a Vatican Council in whose agenda it was to rid the Jew of any infamy that 18 centuries had placed upon him. This was a Pope of noble vision, of countenance and character, of purity and of love. But the Church still is influenced by its own history, as all of us are influenced by our own history. And it was exemplified 2 weeks ago when the present pope invited Yassir Arafat to the Vatican.

What were the motives? Oh, I know the overt pietistic mumblings were, "Well, we welcome the sinner in order to transform him." Too naive—from one of the most sophisticated and ancient institutions in the world. What motivates this pope? It is my opinion that the Vatican is playing its Palestinian card in the hopes that it will eventuate into a shrinking Israel and a de-Judification of Jerusalem. It has been the agenda of the Vatican since 1967 to see Jerusalem de-Judified, or as it is put politely in the language of diplomacy, internationalized. But why? Because the contemporary State of Israel is a theological embarassment; it is a refutation of the Church's ancient doctrine that we are destined to wander the earth unto eternity because we have been rejected by God, for we have rejected Christianity. How else explain that the Vatican has diplomatic relationships with every emergent African and Asian, South American country, some of the most repressive regimes in the world, and does not recognize the legitimacy of the State of Israel. The State of Israel is the ultimate statement to the world: No more is the Jew a wanderer. Once the state was created, none of us are in Galut. Did you know that until 1948, even the Jews in what was then called Palestine were in Gulles, in exile. But once the state was created—no Jews in exile, just as no Irish-American is in exile, or Italian-American or Latin American, or American Jew. It is a theological embarassment and refutation to the ancient doctrine. Israel says the image of the Jew as wanderer is dead now for eternity.

But there are other images of the Jew that emerge from the history of Christianity—particularly, the formative one that was born when Christianity itself was born. And that is the image of the Jew as the man on the cross; for Christianity is founded on the belief of Jew on the cross who suffers and who dies so that the world can be redeemed; implanted in the depth psychology of the Western world therefore is that Jewish suffering is redemptive. And if you don't know what it means, that means "good for the world." Now, I'm not talking about your neighbors; your neighbors do not look at you as myths, as objects of theology. But I'm talking about the collective unconscious of the entire Western world, of which the psychologist Jung spoke; that implanted in the psychology of nations and civilizations, not only individuals, are ideas that are almost impossible to uproot. If you think that this is a singular or extravagant analy-

sis, let me disabuse you. One of Chagall's most magnificent masterpieces is of the Holocaust. On it, within its frame, is a man wearing the streiml and the kapot of a Chassid. And this Chassid is the symbol of the six million, and this Chassid is nailed to a cross. This was Chagrall's way of depicting the Jew in the mind-consciousness of Western civilization. Do you know what the State of Israel is? It is the Jew climbing off the cross . . . the Jew rejecting forever the mythological drama that he has played out unwittingly with the Church for eighteen centuries; the State of Israel is the climbing off the cross of suffering and exile of the Jew onto the stage of real history, the history of nations; it is the reach for normality—normality of nations with power and its pitfalls, with governments that are often of wise counsel and also of blunders. Yes, Israel is a real nation. It's not a nation of myths. And it has governments that are creative and it can have governments that blunder, even blunders of moral grievance. And this is what we have seen during this past week. It was a blunder not to realize that the Christian Phalangist is not the moral Israeli soldier; that the Christian Phalangist is still a primitive who bears the scars of seven thousand of his own kind slaughtered in one day in Damour. It was a blunder to think that these soldiers would only rout out terrorists and not avenge the deaths of their own wives and children. It was Israel's responsibility to recognize it, and this moral culpability is the bitter price any nation pays for normality in power. But the alternative is far worse. To relinquish power in a Western world which gives a religious education to S.S. men, to relinquish power in that kind of a world is to climb back on the cross. Never again!

We were heartened and reassured, thank God, this Friday when we heard of Israel's government's decision to open the path to an inquiry. The inquiry hasn't been held yet because the Chief Justice declined it. He declined it because there are already two suits by individuals before the Supreme Court—that the Supreme Court initiate an inquiry into the culpability of the present administration. Do you know that more than ten percent of the State of Israel, 400,000 people, demsontrated the other day. I was asked today by television if that embarrassed me, and I said "Embarrass me? It delights me!" Because once again, Israel has demonstrated that it is not only a Judenstat, as Hertzl called it—A state for Jews; but a Judischestat, a Jewish state. Where, where in the world can 10 percent of the population protest the government? In Egypt? In Syria, where Assad slaughtered 20,000 competing Shitte Moslems in one week? And who called for an inquiry then? In Lebanon? In the United States? Where have you seen a government in recent times so immediately responsive to letters from its friends. It received a letter from its moral, loving friends of Israel—congressmen asking the government there to open an inquiry (and I'm proud to say that our own Bill Lehman was one of its signatories), and it responded to its own inner call for conscience. How moral Israel is! Willing to recognize (and the facts have not yet emerged) that there are blunders that adhere to being real human beings. . . . Off, out with mythological miconceptions of the Jew.

The State of Israel is the Jewish reach for normality. There is a third image of the Jew born in the bosom of Christianity that comes from the medieval period, and that is the Jew not as victim on the cross, but the Jew as Demon . . . the Jew who is the poisoner of the wells, the eater of matzohs made of the blood of Christian children. Now if you think that's only a medieval notion, let me remind you that in two great cities of the world in 1913—in Kiev and in Atlanta—there were two Jews being tried for that very conception of the Jew. Mendel Baylis in Kiev and Leo Franck in Atlanta. Mendel Baylis was acquitted and fled to Israel; Leo Franck was found guilty, pardoned and then lynched. It is this third image of the Jew, as demon, that I believe prevailed over the media in its depiction of all the events of this last summer. You remember how it was lie after prevarication by a scandalous and mendacious public media (and by the way, it happened to me again today; a snippit of news, a snippit of an Interview on Channel 4 taken out of context of a 20-minute interview in which the main thrust of my talk was that Israel's demonstrations were testimony to its morality. And what was left . . . only the end where I mourned the deal—as if indicting Israel. An editor chose, once again, how this rabbi would appear as a condemnor of Israel. If it were not so tragic, it would be a delicata.

When we came back from Sidon, Damhur and Beirut, our group met with Ariel Sharon in full glare of all the major networks of the world; and I asked him the following question: "Why was Israel so savaged by the press?" And he turned to the cameras and said, "Answer the rabbi; answer the rabbi." Of course the cameras were mute, and so he began his answer, and he said: "The world used to make a distinction between you and us; we were Israelis and you were Jews. We were blond and brave, the Ari Ben Canaan image of Exodus; Israel had Israelis and the rest of the world had Jews. But somewhere along the line, during the last ten years, they started to view us as we had always viewed ourselves—as Jews who are citizens of Israel and I wouldn't have it any other way." By this, I took it to mean that he felt that all the theological and all the mythological baggage that the Jew carries on his back had finally been heaped upon Israel, and now Israel as the victorious nation cannot be the victim, and therefore it must be a demon. And this is precisely how she was construed in the press. In one single edition of the newspapers, what did we see: Arafat tenderly holding a baby contrasted with the picture of the phantasm of mentally—retarded children made to suffer by a Jewish army only to be rescued by a Christian savior, Mother Teresa. The press played out completely the mythology of the Jews.

I want to make it perfectly clear that Christian ethics are beautiful and noble, they share with us completely in the prophetic heritage. But the Church has a basic flaw. You know, the ancient Greeks felt that everybody has a flaw, and that flaw they explored in all their tragedies. It's called harmatia, the tragic flaw. And that tragic flaw is the church's inability to see the Jew as a human being, but rather as part of her theology. Do you know what Antisemitism is at its core? It's not the hatred of the Jew; in order to hate someone, you have to have a reason. Antisemitism is the inability to see the Jew as a human being. Shakespeare understood this. Yes, I used to think that the Merchant of Venice was an antisemitic book; no, it's anti-antisemitism. How does he portray Shylock? First as the demonic Shylock demanding the pound of flesh closest to the heart; and then Shylock, the victim, reduced to poverty, diminished in status, losing his daughter to conversion to Christianity. He portrays the mythology of the Jew, and then what does he do? He puts into Shylock's mouth one of the most magnificent speeches in the English language. "I am a Jew. Hath not a Jew eyes? Hath not a Jew hands? Organs? Dimensions? Senses, affections, passions? Fed with the same food, hurt with the same weapons, subject to the same diseases, healed by the same means, warmed and cooled by the same winter and summer as a Christian is? If you prick us, do we not bleed? If you tickle us, do we not laugh? If you poison us, do we not die?" It is the ultimate plea for normality. Shakespeare, although he had never met a Jew in his life, perceived, as the bard always perceived, the truth of the human psyche, that what the Jew wanted was only to be a human being! And what is the State of Israel? The State of Israel is history's response to that speech; for the State of Israel restores humanity and normality to the Jew. The Talmud, when it speaks of Jewish destiny, says that the only difference between our times and the messianic age is the utter destruction of the oppressive kingdoms. What is the messianic age to this statement of the Talmud? Territoriality, sovereignty, normality. But it will become a Mercaz Ruhani, a spiritual center for all the world. We have not given up our hope of the saintly Rev. Kook that Jerusalem can only be redeemed through ahavat hinom: freeflowing love.

There are millions and millions of Christians in this world who, out of love for the central figure of their religion, love us, his blood brothers and sisters; for our sakes and for their sakes, we must make Israel strong and even stronger—materially and spiritually—for only a strong, powerful, enduring Israel will make the Western world forget that we are not figments of mythology and theology, but real human beings, and then the Western world will become human. Israel is our best hope and the world's best hope. Oh, I know that there are times that try men's souls; that there are governments in Israel whom some of us may prefer not to have, and I'm not making a personal preference. For it is not for the American president to decide who shall be Prime Minister in Israel, but for the Israeli people to decide; and our love for Israel is unequivocal. It is a love, an ultimate love of family, no matter who is administering the household. By bonding to Israel, we link ourselves with normality. Remember how it was before 1948; the back was not so straight. See how in a Nazi-like way, the press savaged her. Think of what could happen to us without her!

I believe that the day will come, because of a strong and continuing moral Israel, when Jews and Arab will embrace . . . an embrace absent of deceit and stealth. I believe in the day that all Christians in the world and all Jews in the world will embrace, an embrace of forgiveness and love, in which embrace all the world will be redeemed. Mythologies will fall, ideals will rise, and everyone of us will know the blessings of God.●

MEDICARE CUTS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. SKELTON. Mr. Speaker, during the past several weeks, there has been rampant speculation that the administration will recommend that the elderly be required to demonstrate financial need as a condition of receiving benefits under the medicare program. I want to take this opportunity to oppose this recommendation which would be a breach of faith with the American public.

One of the greatest fears of all Americans is the thought of becoming ill and not having enough money to pay the hospital bills. Recognizing the right of our citizens to quality health care, Congress approved legislation establishing the medicare program in 1965. Today, approximately 26 million aged and 3 million disabled people are covered by medicare. Medicare is the most important and basic health care program in the United States. Yet, last year, medicare cuts increased what senior citizens and their families pay for medicare premiums and deductables by 27 percent. Then again this year, the administration endorsed another $23 billion in medicare cuts over 3 years. And now, we learn that the administration's Office of Management and Budget is toying with the idea of changing the most basic philosophical underpinnings of the medicare program from an insurance program to a welfare program. Their strategy is obvious, and it is destined to cause severe financial hardship for senior citizens in my congressional district if it is allowed to continue.

The elderly and disabled have already paid in advance for medicare hospital insurance—over $188 a year is contributed by the average annual worker. This payment is designed to meet the costs of hospital, skilled nursing, and home health care when they reach 65, or earlier should they become totally disabled. The elderly have contributed throughout their working years by paying social security taxes, with the expectation that this program would cover their health care needs. If a means test is instituted, workers will be paying for medicare coverage with no guarantee that they will qualify for the program when they retire. Additionally, how can the administration expect those on limited incomes to be able to meet the rising costs of private health insurance coverage which is driven by ever increasing medical care costs. Most elderly and disabled people already find it a strain to cover the part of medical costs that is not covered by medicare. Many would surely fall between the cracks under such a program.

Social security and medicare are sacred trusts between American workers, employers, the Government, and the elderly. That trust should not be violated by attempts to turn these programs into political football in a game to make the rest of the economy look better. I want the people in my district, the people of our Nation, to have a social security and medicare system that they can count on.●

SURVIVING A NUCLEAR WAR

HON. DONALD J. MITCHELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. MITCHELL. Mr. Speaker, during the recent House debate on civil defense we heard a great deal about the attitude of the Physicians for Social Responsibility toward civil defense.

Though it is a very vocal and highly visible group, only 5 percent of the physicians in the United States belong to this organization. The main thrust of their message is that a civil defense program for the United States is useless, because nuclear war is unsurvivable.

They seem to suggest we surrender in the event of a confrontation with the Soviets that might involve the use of nuclear weapons. Their message implies the only choice—should the Soviets during a period of heightened tension, begin walking from their cities—is that of becoming a "Red" or "dead."

Dr. Robert L. Cruit, one of the 95 percent of physicians in the United States who do not belong to the Physicians for Social Responsibility, has written a book urging people to prepare themselves for the possibility of nuclear war. The book is entitled, "Survive the Coming Nuclear War: How To Do It.

I am pleased to make part I of a series based on his book entitled, "Why Bother? What's the Use?" available to my colleagues. This article appeared recently in the Alexandria Gazette.

The text of the article follows:

SURVIVING A NUCLEAR WAR—AUTHORS TELL HOW TO DO IT

(This week the Alexandria Gazette is publishing excerpts from the book, "Survive The Coming Nuclear War: How To Do It," by Ronald L. Cruit and Robert L. Cruit, M.D.)

PART I.—WHY BOTHER? WHAT'S THE USE?

Imagine this scenario: A blinding flash outside your home is followed by a blast that shatters every window in the house and that literally knocks the front door off its hinges. You are dazed, shocked and possibly cut by flying glass. The rest of your family also has suffered only minor injuries. You now try to attend to your wounds and to figure out what has happened.

You turn on your television or radio and may or may not receive any information about the nuclear warhead that has detonated about 20 miles from your home. It's going to be at least a few minutes before the authorities can begin public broadcasting, even under the best conditions. And we're assuming that you still have electrical power.

Managing to pull yourself together, you listen to the instructions that are now coming over the emergency broadcast system. After listening to a long list of fallout shelters, you finally catch the location of the one that is relatively close to you.

Congratulations! You have just lived through the blast, fire and heat from a nuclear attack. There's one problem though—you're dead. By the time you've logically and calmly done what we have just described, the deadly early radioactive fallout will be descending on you. If any of your family is at school or work, each of them is probably in the same situation. If you had only planned, you all would have known exactly what to do in those few minutes following the blast, and you easily could have saved yourselves.

A nuclear war with the Soviets is more likely today than ever before. Two nations armed to the teeth, diametrically opposed and in constant conflict, have little chance of forever avoiding a major collision. The Russians backed down in the Cuban missile crisis—they had to. They won't have to back down next time. The Soviets would now fare much better than we in a nuclear exchange.

Some people believe that being prepared for a nuclear war would make the event more likely. Apparently, if we were adequately prepared, we would no longer fear such a war as much. That's like saying that if you lock the doors to your home you are more likely to be robbed, because you are less frightened of burglars. While such an idea is misguided when applied to the country as a whole, it is absolutely ridiculous when applied to an individual. The preparations that you make for yourself and your family are not going to set off World War III.

By knowing what to expect and making preparations now, you can increase by many times your chances of surviving a nuclear attack. The single most important factor affecting your safety in such a war is you.

Don't want to live through a nuclear war? Wouldn't want to be around after it's all over? That's a common attitude. Think that it will be easier to just sit calmly and let yourself be vaporized in an instant, never knowing what hit you? Sorry, you don't have that option. Only the Soviets can decide if you will be vaporized in an instant.

You can plan on dying if you so choose, but it won't be a calm death, and it probably won't be painless or instantaneous. Let's say that you haven't prepared at all. In the Hiroshima atomic explosion of World War II, thousands of people died from burns received when the bomb exploded. Many of these victims turned to stare at the large fireball, knowing no better, and were blinded or had their eyes literally melted out of their heads. Though many of the victims died right away, most took a day or longer to succumb. Those burned less severely suffered a long, painful recovery.

If you escape being burned or blinded, the effects of the blast and the shock wave can certainly do you in. That's not a desirable way to go; your chances of suffering severe injuries and taking quite a while to die are very high.

Now we encounter radioactive fallout. If you're still alive, or at least not critically injured (and most people will not be), fallout will be your biggest worry. It definitely can kill you and your entire family but, again, it's an especially unpleasant way to die. Acute radiation sickness leads to a horrible, painful death, and it can take weeks to kill you. Since radiation sickness affects the very young and the very old much more than other people, you could end up watching your children die from a dose of radiation that only makes you slightly ill. If that happens you can bet you'll wish you'd done some planning and made some preparations.

Someone we know used to be very calm about tornadoes. Having a house with no basement, he figured that if one came along, it came; nothing he could do about it, so why worry? About 15 minutes after voicing that opinion to his wife one evening, he heard a report over the radio that placed a tornado about two miles from his house, headed in his direction. Fifteen minutes later he was huddled under a mattress in his center hall, no longer nonchalant about tornadoes.

You'll feel the same way when you think that you're in actual danger from a nuclear missile—you'll be damn scared. You'll suddenly be ready to do anything to save yourself and your family. No longer will you be willing to sit and hope to be killed instantly. The sad part is that for millions of people who suddenly discover that they want to live, it will be too late. But most of these people could have saved themselves with just a little planning.

There are many possible scenarios for a nuclear war. An all-out, throw-all-the-weapons-at-once type of attack is only one of many possiblities. What this means to you is that your chance of living through an initial attack is better than it was, since the Soviets' strike might be directed mainly at priority military targets. Of course, you may subsequently be killed by the resulting radioactive fallout.

The experts can argue forever about which scenario is most likely, but we really don't know what will happen—and neither do those experts. The nuclear missile that's targeted on your area may have a mechanical problem, go off course, fall into the ocean, or be delayed. Nuclear missiles are fantastically complex; there's a lot that can go wrong with them. That missile may very well be blown up by our weapons before it ever gets off the launching pad.

It will make no basic difference to you how many missiles are thrown at us—they won't all hit us. You're only going to be affected initaially by the two or, at most, three that hit your area.

The subways in the larger Russian cities can double as blast shelters. The ones in Moscow, Leningrad and Kiev are 120 feet below ground level and have blast doors 1½ feet thick. The subway in Moscow alone is estimated to be capable of sheltering more than 200,000 people. The Russians have 100,000 people working full time on civil defense.

In the early '60s, the United States policy of Mutual Assured Destruction evolved. This said that if the United States and Russia were both able to wipe out each other if the other attacked, there would be no attack, and thus no need for civil defense. It's interesting to note that most of the people who are sitting around deciding that you don't need shelter protection have blast shelters for their own use. Washington is ringed by such places for the government to move into in an emergency. That's great, but what about the rest of us?

Though we personally believe in government sponsored civil defense and shelters, we are not lobbying here for that cause. We want to tell you how you can prepare yourself and your family to live through a nuclear attack with what little help you have and under whatever conditions you confront.

(Excerpted from "Survive The Coming Nuclear War: How to Do It" by Ronald L. Cruit and Robert L. Cruit, M.D. Copyright 1982 Ronald L. Cruit and Robert L. Cruit, M.D. Published by Stein and Day Publishers.)●

TRIBUTE TO VINITA E. RAMSEY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. SKELTON. Mr. Speaker, it was with great sadness that I recently learned of the death of Vinita E. Ramsey. Mrs. Ramsey was a dedicated public servant who worked for the last 30 years in the Missouri State Senate. For the last 10 years she was the secretary of the senate, a position which she held by unaminous vote since 1971.

Mrs. Ramsey had become a living legend in the State senate, and her competence, concern, and compassion were qualities which helped this legend to arise. Her brightness and optimism, even in times of trouble, made her loved by all who knew her. She will be deeply missed, especially by those who had the pleasure and honor of working with her.●

PUBLIC PARTICIPATION FUNDING IN NRC PROCEEDINGS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. GILMAN. Mr. Speaker, along with my distinguished colleague from New York (Mr. FISH) I have introduced today legislation to provide for public participation funding in NRC proceedings. This bill would authorize and direct the NRC to use available appropriations to make awards to qualifying parties for all or part of the costs, including fees for experts, consultants, and attorneys, incurred by those parties as a result of their participation in a Nuclear Regulatory Commission proceeding. Our legislation provides conditions under which a party would be eligible for awards and for which the Commission would decide whether a party qualified under those standards. Awards would be made at the conclusion of the proceeding, unless the Commission determined that an advance or interim award was necessary.

I believe this bill gives sufficient authority to the Commission to determine eligibility for and the amount of such awards, while it assures that affected parties are compensated. An investigatory hearing on the safety of Indian Point, a nuclear power facility in close vicinity to many residents in my congressional district, had been underway for approximately 1 month when further testimony was suspended by a Commission revised order restricting the scope of the hearings. The new order, which placed limitations on the kind of testimony that witnesses could present, along with subsequent hearings held by the chairman of the House Subcommittee on Energy Conservation and Power, the gentleman from New York (Mr. OTTINGER), convinced us of the need for this kind of legislation. The Commission and the licensees in these kinds of proceedings have adequate funding and experitise to present testimony and pose questions without severe hardship, unlike private citizens or citizen representatives. Referring to this wide difference, in his testimony before the House Subcommittee on Energy Conservation and Power on September 24, 1982, Judge Louis Carter (the former chairman of the Atomic Safety and Licensing Board Panel holding the Indian Point safety hearings) stated that the licensees as opposed to the intervenors in terms of technical and legal expertise were like "the New York Jets against your local high school team." I can speak firsthand, after appearing twice before the Atomic Safety and Licensing Board holding the hearings on the safety of Indian Point, that our local citizens have valuable information to offer and crucial questions to ask in these proceedings. Yet without some kind of allowance to provide funding for these people, we effectively deny them the right to fully present their cases.

Where the safe administration of nuclear power is involved, we have a duty to make certain that the most thorough record possible is developed in any proceeding involving the Commission. If we start with the assumption that our citizens have important contributions to make to the safe administration of nuclear power, we must be certain that we provide them a channel through which to move. I believe this bill will provide the means for those with important contributions to make to be heard and to pose questions. The result should be the fairest and most thorough proceeding possible, which will ultimately serve the goal of us all—the best protection possible of the public health and safety. I urge my colleagues to join us in supporting this bill, which I insert in the RECORD at this point.

H.R. 7230

A bill to authorize public participation funding in proceedings under the Atomic Energy Act of 1954

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Chapter 19 of the Atomic Energy Act of 1954 is amended by inserting the following new section after section 275:

"SEC. 276. PUBLIC PARTICIPATION FUNDING.—a. The Commission is authorized and directed to establish a program under this section for funding public participation in Commission proceedings.

"b. Upon application, and subject to the provisions and criteria established pursuant to this section and regulations promulgated under this section, the Commission (or an officer designated by the Commission) shall—

"(1) determine whether an applicant is eligible for an award of all or part of the costs (including fees for experts, consultants, and attorneys) of participation in any Commission proceeding;

"(2) determine whether such applicant, if eligible, shall receive such award, and, when appropriate, determine the amount of such award; and

"(3) make such awards, if and when appropriate.

"c. A person is eligible to receive an award under this section for participation in a Commission proceeding if he—

"(1) has presented or will present a view or interest which is not adequately presented by another participant in the proceeding, and which contributes substantially to the full and fair consideration of any relevant fact or issue in the proceeding.

"(2) does not have sufficient resources available to participate effectively in the proceeding without an award under this section; and

"(3) has not been found by the Commission to have improperly harassed any participant in the proceeding, acted in bad faith, or sought to participate primarily for the purpose of delaying or obstructing the proceeding.

"d. The Commission may make an advance or interim award under this section upon making a finding of need or a finding that an eligible person's participation is likely to be substantially impaired without such advance or interim award. Other awards under this section shall be made at the conclusion of the proceeding.

"e. The costs of public participation awarded under this section for a particular proceeding shall be based upon the appropriations available and the prevailing rates for the kind and quality of services furnished, except that no expert, consultant, or attorney shall be compensated at a rate in excess of the highest rate of compensation for experts, consultants, or attorneys paid by the Commission.

"f. Whenever applications for payment under this section are submitted by more than one eligible person, the Commission may require consolidation of duplicative presentations, select one or more effective representatives to participate, offer compensation only for certain categories of expenses, or jointly compensate persons representing identical or closely related viewpoints.

"g. Any decision of the Commission made pursuant to this section shall be subject to review in court to the same extent as any other Commission decision, notwithstanding the fact that such decision may be interlocutory in nature, except that—

"(1) the courts of the United States shall have no jurisdiction to stay, restrain, or otherwise enjoin the proceedings of the Commission based on an alleged violation of this section, and

"(2) the courts of the United States shall not have jurisdiction to reverse, remand, or otherwise require reconsideration of any other Commission decision on the basis of a Commission decision under this section.

"h. The Commission shall, within ninety days after the date of enactment of this section, propose regulations to carry out the provisions of this section. Such regulations shall be adopted by the Commission and take effect no later than one hundred and eighty days after the date of enactment of this section.".

(b) TABLE OF CONTENTS.—The table of contents for such chapter 19 is amended by inserting the following new item after the item relating to section 275:

"Sec. 276. Public participation funding.".●

POSTHUMOUS CITIZENSHIP TO WLADYSLAW STANISZEWSKI

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. DONNELLY. Mr. Speaker, I would like to share with my colleagues the following action of the 83d National Convention of the Veterans of Foreign Wars of the United States. This resolution was submitted by the Veterans of Foreign Wars, Massachusetts Department, which adopted it at its own State convention earlier this year.

I commend both the Massachusetts Department of the VFW and the National Convention for their active support for H.R. 4086, conferring citizenship posthumously on Cpl. Wladyslaw Staniszewski, USMC.

RESOLUTION NO. 109—EXTEND CITIZENSHIP TO WLADYSLAW STANISZEWSKI

Whereas, Wladyslaw Staniszewski came to the United States in 1964 at the age of 16, he followed his parents to Brockton, Massachusetts with high hopes for a full and free life in this country; and

Whereas, Wladyslaw dearly loved his new country, he dreamed of the day he could call himself a citizen of the United States of America; and

Whereas, at eighteen, Wladyslaw volunteered to serve our country in the Marine Corps; and

Whereas, Wladyslaw was killed in action in Vietnam on July 7, 1967, two weeks after his twentieth birthday; and

Whereas, he never lived to fulfill his dream of becoming an American citizen, a bill H.R. 4086 has been filed in the Congress of the United States to recognize him posthumously as a citizen of the country he gave his life to serve; and

Whereas, passage of this bill will, in a small way, acknowledge our country's gratitude; now, therefore

Be it resolved, by the 83rd National Convention of the Veterans of Foreign Wars of the United States, that we urge the adoption of H.R. 4086 by the Congress of the United States and extend citizenship posthumously to Wladyslaw Staniszewski.

Adopted by the 83rd National Convention of the Veterans of Foreign Wars of the United States held in Los Angeles, California, August 13-19, 1982.●

TRIBUTE TO L. H. FOUNTAIN

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1982

● Mr. STOKES. Mr. Speaker, I would like to thank the gentleman from the 10th District of North Carolina, Mr. BROYHILL, for taking this special order so that Members of the House can salute one of our most distinguished statesmen—Congressman L. H. FOUNTAIN. Mr. Speaker, I categorize Congressman FOUNTAIN as a statesman because of the indelible mark he has made on legislation since his first election in 1952. As we all know, Congressman L. H. FOUNTAIN will be retiring at the end of the 97th Congress. As we move closer to that date, we all shall miss the leadership and commitment to public service that he has brought to the Congress.

Mr. Speaker, Congressman FOUNTAIN has worked diligently for 30 years to serve the best interests of the people of the Second Congressional District of North Carolina and the Nation. By virtue of his seniority in Congress and from the State of North Carolina, he has appropriately earned the title of "dean" of the delegation. In this role both within the North Carloina congressional delegation and amongst other Members of Congress, Congressman FOUNTAIN has been a guiding force as we attempted to address major issues facing this Nation.

I personally take this opportunity to commend our distinguished colleage and honoree for the work he has accomplished in the Congress. I especially cite his work on consumer-oriented issues through his chairmanship of the House Government Operations Subcommittee on Intergovernmental Relations and Human Resources. To say anything less than the fact that Congressman FOUNTAIN has been a champion and resident expert on consumer-oriented issues would be an understatement. In this particular area, he has been a source of information for Members on both sides of the aisle. He has had a major role in many of the consumer-oriented actions taken by the Congress in the past.

Mr. Speaker, as the subcommittee chairman, Congressman FOUNTAIN pursued the Food and Drug Administration through the 1960's and 1970's, forcing policy changes on birth control pills, recalls of pesticides, removal of cyclamates and a ban on the use of the cancer-causing hormone, DES.

He was at the forefront of the fight for the creation of the first, independ-

ent, Presidentially appointed Inspector General in the former Department of Health, Education, and Welfare and worked for the appointment of Inspectors General in every key Federal department and agency.

Mr. Speaker, Congressman FOUNTAIN's work on issues like this have reaped him accolades from many different groups and appointments to various commissions. One commission of which he is particularly proud was his service as a member of the Advisory Commission on Intergovernmental Relations. This commission was established by virtue of legislation introduced by Congressman FOUNTAIN in 1959.

Additionally, Mr. Speaker, Congressman FOUNTAIN has gained an international reputation for his role in formulating our foreign policy as the second ranking Democrat on the House Foreign Affairs Committee. On that committee, he serves as a member of the International Security and Scientific Affairs Subcommittee and the Europe and the Middle East Subcommittee.

Mr. Speaker, in my estimation, there are few other Members who have earned the respect and admiration of their peers as Congressman FOUNTAIN has done. The mark he has made on critical legislation considered by the Congress during his 30-year tenure shines as a lasting testimony to his commitment to public service.

It is a great honor and privilege to join with Mr. BROYHILL, the members of the North Carolina delegation and my colleagues in saluting Congressman L. H. FOUNTAIN.●

CALVARY TEMPLE CELEBRATES 65TH ANNIVERSARY

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. RITTER. Mr. Speaker, I would like to share with my colleagues a very special event that will be happening in the Lehigh Valley of Pennsylvania on Sunday, October 10. The event is the celebration of the 65th anniversary of the Calvary Temple of Allentown, but the celebration will be much more than just that. While ministers of the church, parishioners, and people from our community will be thanking God for 65 years of solid growth and contributing toward the betterment of society, we will be looking ahead toward new endeavors.

The story of Calvary Temple is the classic story of a group of dedicated people brought together by the word of the Lord and determined to create a living memorial to their work. It was a small beginning in January 1917 as 10 believers began meeting in their homes to pray. Soon the number grew to 35 and it was realized that a building was needed for the worshippers. An area was found and a builder contracted. The new buiding was dedicated on January 21, 1923 and the group had become organized and was officially known as the Pentecostal Prayer Band—Assembly of God.

The new building only fueled this group's desire to grow. Soon a Sunday school was begun in addition to afternoon and evening services. Missionaries were sent to other parts of the world, such as India and China, to spread the message. The church's growth continued and by 1955, the church had outgrown its surroundings and a new location was sought. With a new location obtained, the new church was built with the dedication ceremonies on July 29, 1955.

Again, unprecedented growth took place with increase youth programs, more community outreach programs. A men's fellowship was organized and begun and the church purchased its first parsonage. Then in 1963, the First Assembly Church, as it had become known, received a new minister, Chester Jenkins.

Pastor Jenkins approached his job with the vigor and zeal that has earned him a reputation of outstanding leadership and community involvement unparalled by any of his predecessors. Under Pastor Jenkins the church added a two-story educational building to its domain and has increased its congregation. Pastor Jenkins also changed the name of the church to its present name of Calvary Temple. He implemented weekly radio and television broadcasts, began a summer camp for children, increased the ministry by hiring a youth director and an assistant minister, and helped to form a Christian school. And, again, the church found its growing size dictating the need for a larger structure.

Groundbreaking on the new structure was done in 1975 and the construction continued until its dedication on November 24, 1977, Thanksgiving Day, with ceremonies carrying over to December 4. With the new and much larger church now in use, the congregation has been working to get their message to more of the Lehigh Valley. Using television, the potential viewing audience for Sunday broadcasts approach 1 million people.

The story of Calvary Temple is a story of growth and a story of people dedicated to furthering their beliefs. On Sunday, October 10, I will have the honor of joining with the congregation of Calvary Temple in celebrating the 65 anniversary of their founding. Their hard work, not only in the Lehigh Valley, but also their missionary work around the world stands as a shining example to all people who endeavor to do good. It is my fervent hope that their work and success carry them through many more happy years in the Lehigh Valley.

Indeed, if we are to work toward a better society, then we must pray these and groups like them are successful.●

WELCOME TO OUR NEWLY NATURALIZED AMERICANS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. GILMAN. Mr. Speaker, it is with sincere pleasure that I congratulate the Orange, Rockland, and Ulster County residents of New York's 26th Congressional District who have recently chosen to become citizens of the United States, and all of the privileges, freedoms, and responsibilities that American citizenship entails.

Our Hudson Valley region in New York State is proud of its newest citizens, and I invite my colleagues to join in welcoming the following newly naturalized Americans and extending to them our best wishes for a happy and prosperous life in their new homeland:

Joseph Vattasseril Abraham, Eva Esther Acevedo, Gabriele Adelheid Adler, Walter Michael Adler, Marta Yolanda Ahumada, Persal Akat, Joseph Victor Allard, Richard Ameris, Khalid Mumtaz Ansari, Mamta Arya, Marie Flore Auguste, Pascal Joseph Auguste, Andreas Eracleous Avraamides, Ubol Sribahamart Bailey, Tow Bartleson, George Ladiona Baruc, Irene Bates, Jean Ronald Beauvais, Eleanore Belizaire, Nellie Bencosme, Beluis Bernabe, Sushil Bhardwaj, Mordechai Biener, Abraham Bikel, Talbert Howard Binns, Carlos Alfredo Blanco, Glen Roy Bogle, Orlando Bolanos, Paul Bonnard, and Monica Clara Boorboor.

Josepha Maria Borosch, Yumi Kim Boulanger, Thea Rani Brauer, Marie Sofia Brooks, Concettina Maria Bruni, Hilda Bueno, Elia Celina Burgarelli, Dulce Marie Cabrera, Alastair Ian Cameron, Jr., Ralph Cassagnol, Marie Ange Castor, Rachelamma Chacko, Ernesto Dacanay Chan, Lil-Chuan Chan, Aw-Chen Chang, Azucena Dasalla Chang, Clara Hsiao Chih Cheng, Sung Min Choi, Yung Sik Choi, Ching Paul Chow, Judy Coyukiat Chu, Renata Ippoliti Cizik, Philemon Augustus Clarke, Yvonne Fern Clarke, Rafael Antonio Corea, Marie Cornish, Bruno Cosentino, Apolinar Cruz, Ben-Zion Davidovitz, and Erminia Maria Pia DePasquale.

Josue Defino, Elza Delice, Angela Luisa Diaz, Mila Ti Du, Ruben Feliz Edgard, Shalom Meir Ekstein, Cynthia Tempongko Eliazo, Ethelwoldo Eviota Eliazo, Billy Falceso Fasjiculay, Milagros Falceso Faju, Aurelia La Torre Falconieri, Joseph Raymy Felix, Marino Flores, Sergio Flores, Mirlene Florestal, Diego Yves Fontayne, Hubert Westley Foster, Kan Nan Frasier, Dora Galandaver, Itamar Tuvya Galandaver, Josefina Gatdula, Danielle Gentile, Jennifer Kathleen Gentile, Annamma George, Fortunata Maria Gesualdo, Francesco Gesualdo, Domenick Giovanniello, Ashley Kim Glass, Hinde Reizl Gottesman, and Dolores Carmen Graham.

Edward George Grant, Myong Ok Gregg, Tarah Reagan Grippo, Donald Nikolaus Grogan, Lazar Grunhut, Raffaeline Guerrierio, Haysun Audrey Hahn, Steven Yoo-Hyun Hahn, Susan Yvonne Hancock, Christian Steen Hansen, Silvia Hermann, James Higgins, Ngoc Thi Khanh Hoang, Alice Hovsepian, Frances Fung Sen Hsu, Lusia Kwswei Yul Lu Hsu, Evan Meiling Huang, Salvador Miguel Ibarra, Connie Inzirillo, Marie Nelba Irias, Evelyn Vera Isaac, Dennis Roy Jackson, Ketty Jean, Marie Yvette Jean, Samuel Guillard Jean-Francois, Devaraj Jeyamitra, Barry Weleslie Johnson, Ann Marie Jones, Julia Dorothy Jones, and Jose Kalayathin Joseph.

Michel Joseph, Christopher Kahlenborn, Abraham Kaufman, Chana Kaufman, Rachel Kenig, Jamal Kibria, Shoshana Kind, David Klein, Judah Klein, Anna Kodersha, Amruta Rao Kodukula, Vasantha Rao Kodukula, Minia Korenshtein, Zev Korenshtein, Jos Simon Lasano, Pierre Lebrun, Anna Gerarda Lecher, Elizabeth Leddy, Francis Leddy, Lih-Chyun Lee, Mordechai Lefkowitz, Myrla De Leon, Abby Lee Lincoln, Sevando Benito Reyes Malaban, Takis Malivitsis, Jona Mandel, Rizaldy Gatdula Marasigan, Marie Isabel Marin, Samuel Markovitz, and Ana Merceded Martinez.

Fernando Augusto Martinez, Mauricio Martinez, Mayra Mercedes Martinez, Ruben Martinez, Gorgonia Gomez Masbad, Maria Gilda Gomez Masbad, Raymundo Gomez Masbad, Jr., Raymundo Moreno Masbad, Jorge Eliecer Maury, Kathleen McCartin, Cassel Canute McKenzie, Hatsue Hayashi Meeks, Hansa Nagin Mehta, Nagin Gordhandas Metha, Philomene Leroisie Mehu, Libia Maria Mendez, Chun Hwa Miller, Lam Moffitt, Immacula Mompoint, Mercedes Antonia Montiel, Sabas Eucario Montiel, Adolfo Jamolague Morales, Pelagia Duero Morales, Antonio Mugnano, Marcia Amparo Muller, Jakob Nagler, Heidemarie Neuhaus, William Joseph O'Brien, Master William Joseph O'Connell, and Jacob Oppenheim.

Micheline Orelien, Gerda Erna Orr, Fulvio Arcadio Ortega, Jr., Konstantionos Panagiotopoulos, Reynaldo Mana-ay Paniza, Sabitri Pantoja, Annamarie Papke, Kaushik Parel, Eugenio De Pasquale, George Stelian Pavel, Marie Pavel, Ilhan Latif Pere, Juan Ponce, Marie Pongracz, Demosthenis Prekas, Ekaterini Prekas, Nikitas Prekas, Navinchandra Pujara, Mahlubi Barney Qhobosheane, Alfredo Sison Quintans, Jr., Arlene Tan Quintans, Roger David Prokosch Ramjug, Prakashchandra Madhava Rao, Andres Manuel Rego, Elizabeth Anne Rhyne, Sergio Riccitelli, Rosaio Rizzuto, Cesar Augusto Rodriguez, Oscar Jacinto Levine Rodriguez, and Rita Irma Dora Rohland.

Werner Paul Rohland, Farokh Joseph Sadri, Keivan Saghafi, Nahid Saghafi, Shohreh Saghafi, Nestor Montecillo Sagullo, Marlene Sainte, Lucila Victoria Salcedo, Thephi Adassa Salmon, Alvaro Venustiano Sanchez, Susan Samson Sanchez, Jocelyn Andaya Santos, John Andaya Santos, Sefa Ismail Saribeyoglu, Lydia Schmoockler, Mark Schmoockler, Helmut Johann Scholz, Gloria Schultz, Antonio Scielzi, Fatechand Ambalal Shah, Carmel Mary Shamieh, Erika Sillivan, Pengam Silva, Jaswant Singh, Eitan Soffer, Ezra Soffer, Ruth Soffer, Jittanard Somberg, Indu Soni, and Chava Spielman.

Samuel Spielman, Shlomo Lazar Spielman, Kalliope Stamatiadis, Karl Steiner, Jackie Stevenson, Franz Nelson Stuppard, Martha Sturm, Christina Tsay Sun, Jean Mario Surin, Elizabeth Veronica Yvonna Szechter, Robert Leon Szechter, Martha Tamburrini, Eleazar Febela Tarife, Elvira Gunabon Tarife, Saramma Panyalakal Tavancoor, Valerie Elizabeth Del Terzo, Ramani Thiagrarajan, Marlene Letellier Thomas, Mathew Thomas, Spiro Thomopoulos, George Kizhakkemuri Travancoor, Romon Verasiculay, Violette Vincent, Irena Walczyk, Reginald Charles Warren, Master David Perry Watkins, Ann Marie Weekes, Julia Wessell, Marcelle Christine Whiteman, Rosemarie Williams, Winsert Oliver Williams, Soren Jacob Winger, and Jane Chen Yau.●

SHORTAGE OF SCIENTISTS, ENGINEERS, AND OTHER TECHNICALLY TRAINED PERSONNEL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. SKELTON. Mr. Speaker, as you know, I have been attempting to draw my colleagues' attention to the urgency of a situation which will determine the destiny of our Nation: specifically a growing shortage of scientists, engineers, and other technically trained personnel. Without adequate personnel in these areas, our international supremacy in commerce, agriculture, and defense is jeopardized. Today we are failing to graduate enough personnel in these areas to meet demand. What is more threatening, however, is an even sharper decline in supply which is predicted if we fail to provide more science and mathematics teachers at the elementary and secondary school levels.

Mr. Willard H. McGuire, president of the National Education Association has put the problem in perspective in a recent article which appeared in Newsweek magazine. I would like to take this opportunity to submit Mr. McGuire's comments for the RECORD, and urge my colleagues to head his warnings.

WHAT OUR CHILDREN DON'T KNOW CAN DESTROY US

(By Williard H. McGuire)

Ten years ago, automobiles, tape recorders, televisions, and computer chips were virtually synonomous with "Made in U.S.A." Today, Japan is the emerging world leader. Ten years ago, there was a massive gap between United States and Russian technology. Today, the Soviet Union is narrowing it.

All Americans are concerned over our country's lagging performance in the defense, industrial, and technological races. But these critical races must be won at the starting line—in the classrooms.

The problem is, we are doing remarkably well in some areas, and with some students, but we aren't doing enough. Though our public high schools are graduating potential scientists, engineers, and technicians of the quality our country needs, they are failing to graduate enough of them. This failure could destroy us as a major power.

The average Soviet high school graduate completes five years of physics, five years of biology, four years of chemistry, two years of calculus and solid geometry, and one of astronomy.

Japanese high school students take six years of science and math, one year of calculus, and six years of English. And, the Japanese educate twice as many engineers as we do, with half the total population. Compare this to the United States, where half of all high school graduates take no 11th- or 12th-grade math or science, only 16 percent take one year of chemistry, nine percent one year of physic, and seven percent one year of calculus.

Though America has achieved the world's highest literacy rate, we are in danger of becoming ill-equipped for technological competition.

We have the ability, we simply aren't delivering the product. Ever since the Land Ordinance Act of 1785 set aside land for public schools, public education has been a national priority. But today, particularly in science and mathematics, that commitment is in more serious danger of eroding than any time since the pre-Sputnik 1950's.

During the 1970's, we trained 77 percent fewer math teachers and 65 percent fewer science teachers than in the past. Many others have left teaching for better-paying jobs.

In 1980, the supply of qualified beginning math teachers met less than 80 percent of the demand. Thirty states reported "great difficulties" in filling math vacancies.

Today, there are only 10,000 physics teachers for the nation's 16,000 school districts—an average of fewer than one physics teacher per district.

For our own survival, we need more scientists and mathematicians, physicists, and engineers, more data processors and technicians. But we can't have the tens of thousands more professionals we need without the teachers to train them.

This costs money. More money than local property taxes can support, but not as much as many Americans expect. Conservative columnist James J. Kilpatrick admits, "In the context of [Federal] budgets that will range . . . from $750 billion to a trillion dollars, the sums [for education] are insignificant."

But winning the education race requires more than public money. It even requires more than the passage of public laws, like the American Defense Education Act, which would be a first step toward a national commitment to improved instruction in science, mathematics and technology. It requires public commitment—from every segment of the public.

It requires more parents to take an active part in their children's schools; businesses to take as much interest in the quality of local schools as they do in the reliability of local utilities; stronger instruction in math and science, better curricula and materials in all disciplines, more required courses, and more and better trained teachers to make all this available to the students.

The 1.7 million members of the National Education Association believe a strong America needs strong public schools. Education has always been America's best investment. Every dollar we spend on education returns six dollars to the Gross National Product. And, according to a Brookings Institution study, improved education produced two-thirds of our economy's increased growth from 1948 to 1973.

We ignore education only at our peril, for America's future is our children. They must have the opportunity every generation of Americans before them has had—to improve

themselves and continue to build a strong, just nation.

Americans have dealt with crisis before; in fact, it is the way in which we've confronted and surmounted crises that has made our nation great. Now it is time for us to commit ourselves to confronting this crisis in education. We must meet the challenge; we have no choice. Our children's future and our own survival depend upon it.●

THE 40TH ANNIVERSARY OF UKRAINIAN INSURGENT ARMY

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. RITTER. Mr. Speaker, I would like to share with my colleagues an event recently held at St. Nicholas Ukrainian Home Association in Northampton on Sunday, September 25. The occasion was that 200 Ukrainian-Americans from throughout the Lehigh Valley gathered to honor the heroes of Ukraine.

The ceremony marked the 40th anniversary of the formation of the Ukrainian Insurgent Army. And, it marked another milestone in man's determination to achieve freedom. Forty years have passed, yet the memories are still vivid of small groups of partisans fighting armored legions, of a people rising spontaneously to the call of liberty, of a nation fighting for its existence. The Ukrainian Insurgent Army was alive again and one could not help but feel its presence.

I was honored to have been the main speaker and it was a moving experience for me. It was an honor, because I believe that someday Ukraine will again be free. However, the real honor I felt was sharing with those people the story of a nation that has suffered—it was etched in their faces. As I looked upon their faces, and heard the beautiful language of Ukraine, I knew that someday this country and this people would be free.

Another and perhaps the most touching part of the day's ceremonies was paying tribute to local veterans of the Ukrainian Insurgent Army. Three members who live in the Lehigh Valley, Dmytro Gudz of Allentown, Peter Homko of Walnutport, and John Morkowczuk of Whitehall were present and were honored. These men, at one time, were part of an army that numbered 300,000 and fought both Nazi and Soviet occupation forces. Despite their large numbers they conducted their operations from strategic hiding places throughout Ukraine. Although World War II ended in 1945, the Ukrainian Insurgent Army continued to carry out operations against Soviet forces for several years after the war until they were brutally crushed by Soviet troops.

Forty years have passed since the formation of the Ukrainian Insurgent Army, yet their spirit is still alive today. Their suffering and bloodshed has given inspiration to countless new patriots, who despite the most severe methods of torture employed by the Soviet KGB, continue to send their messages to the West. The Soviet occupation of Ukraine has proven one thing, and one thing only: That no one can stop the spirit of Ukrainian nationalism. We must never forget the heroes of Ukraine past or present. Those who sit in prison cells in Mordovia, Taishet, or Norilsk have sacrificed what little freedom they have so that a nation's culture and heritage may not vanish—so that the Sovietization of Ukraine will never be successful. In the Lehigh Valley and throughout the United States, Ukranian-American groups, such as the one that gathered in Northampton, will continue the spirit of their past heroes. They will not allow the bloodshed by the Ukrainian Insurgent Army to have been in vain. And, their children will be taught the Ukrainian language and their heritage so that each generation can continue to struggle until good triumphs over evil.●

TRADE WITH JAPAN

HON. EUGENE JOHNSTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. JOHNSTON. Mr. Speaker, I would like to bring the following editorial from today's Wall Street Journal to the attention of my colleagues. Mr. Lehner has exemplified the situation we face when trading with Japan in a most descriptive manner. This article certainly deserves the consideration of my colleagues.

[From the Wall Street Journal, Sept. 30, 1982]

HOW JAPAN TRIES TO SHUT OUT FOREIGN GOODS

(By Urban C. Lehner)

A document from a Japanese government-owned corporation has surfaced in business circles here that provides rare, firsthand evidence in writing of Japanese attempts to shut out foreign products—something foreign businessmen and officials have long alleged but have rarely been able to prove. Indeed a broader look at the controversy underlying the document provides a case study of the kind of elaborate web of restrictions the Japanese can weave when they're determined to have their domestic market to themselves.

The document came out of the Japan Tobacco & Salt Corporation (JTS), a government-owned monopoly that exercises exclusive control over all tobacco-products distribution in Japan. U.S. officials and the three American tobacco makers who sell here through the JTS have long believed and have at times formally complained to the Japanese government that the monopoly tries to obstruct foreign cigarette sales.

The document could well become a *cause celebre* in the ongoing efforts of the U.S. and Europe to persuade Japan to open its market to foreign products. The Japanese government has been trumpeting the claim that it's doing everything possible in that respect. But the document, a six-page battle plan detailing how one of JTS's local offices in Tokyo was to carry out its sales and promotion activities last July, specifically orders steps to squelch foreign cigarette sales.

"Curb stocking of imported cigarettes in vending machines," the document says at one point, indicating further that no foreign brands should appear in small machines containing fewer than 10 columns of cigarettes.

RETAILERS WON'T TESTIFY

"Remove displayed POP (point-of-purchase promotion) items for imported cigarettes in prominent locations," it says. (The American makers say many Japanese retailers have told them that JTS salesmen tear down posters and other promotional materials for foreign cigarettes. But they say the retailers won't testify to that because they depend on the JTS for licenses to do business and for a continuing supply of tobacco products.)

A JTS official involved in drawing up the battle plan confirmed that the document is authentic. A JTS spokesman declined direct comment because he hadn't seen the document. But he said "it's unlikely" that JTS would tear down promotional material or change the brands in vending machines "without the retailers' consent."

The document emerges at a time when officials in Washington are showing increasing displeasure at what they regard as Japanese foot dragging in carrying out earlier promises to open their market. The Japanese government earlier this year announced two packages of measures aimed at removing obstacles to foreign products, and missions of Japanese Dietmen have come to the U.S. to tout the measures. But U.S. officials say most of the measures that Japan announced with such fanfare have yet to be carried out. And a reading of the JTS document and talks with the American tobacco companies suggest that in the case of the JTS at least, new "impediments" are being thrown in the path of imported tobacco products every day.

Promoting the success of cigarette sales here is especially important to Washington, because cigarettes are one product that U.S. officials believe could easily make a significant dent in Uncle Sam's enormous ($18 billion last year) trade deficit with Japan. Cigarette sales come to a staggering $5 billion a year here, and U.S. cigarettes have proved very competitive in other foreign markets. Moreover the JTS, sole manufacturer of Japanese domestic cigarettes, is hardly a tower of business strength; there are moves afoot in the Japanese government to dismantle the monopoly because of its inefficiency.

"If American-made cigarettes were allowed to gain just 10 percent of the Japanese market," argues Philip Morris International, one of the American makers, in a position paper, "the imbalance in trade would be reduced by half a billion dollars."

But as it stands, foreign cigarettes claim only 1.4 percent of the Japanese market. They're hindered in getting a bigger share by innumerable legal restrictions—even forgetting about such underhanded measures as those outlined in the JTS document. For example, under Japanese law and JTS regulation, foreign cigarette makers:

May sell their products through only 20,035 of the 247,801 Japanese retailers licensed to sell tobacco products. (As one of the measures announced earlier this year, that number is scheduled to rise to 40,041 by next March 31 and to all of the retailers by March 31, 1986. But the American makers say JTS is carrying out the measure in a way designed to minimize foreign sales as long as possible.)

Sell their products subject to a 35 percent tariff and to a tax and pricing formula, which combined with the tariff causes foreign cigarettes to sell at a retail price 60 percent above domestic Japanese brands. That's true even though the price of American cigarettes when they land in Japan is about the same as the factory price of the Japanese cigarettes.

Are sharply limited in their ability to advertise and test-market their products.

Must distribute their products solely through their chief competitor—the monopoly JTS. "There's no way your principal competitor is going to help you," says Joel Silverstein, Japan representative for Brown & Williamson Tobacco Corp., another of the American makers.

John Sandor, who runs Philip Morris' operations locally, complains that JTS never seems to have enough of Philip Morris' products in stock to meet orders from retailers. For example, he says, when retailers order Lark, Japan's best-selling foreign brand (Japanese smokers favor "charcoal filters" like the one Lark features), "The monopoly will normally indicate that a sufficient number aren't in the warehouse and a competing domestic product—in the case of Lark, Cabin—will be partially substituted."

The JTS internal document suggests that the monopoly uses a variety of subtle tricks to hold down foreign sales. For July in Tokyo's Sumida ward, the document ordered special emphasis on sales of five domestic brands. One of them was Marlboro (though a Philip Morris brand, it has been produced by JTS under license here for over 10 years). According to Tsuyoyuki Asaka, one of the JTS officials who helped draw up the document, Marlboro was chosen because it's considered an effective domestic "rival brand to counter imported brands."

Then there are the not-so-subtle tricks, like tearing down or stopping the posting of foreign posters, advertising displays or the electrically lit "light boxes" placed on top of a vending machine displaying the name and logo of a brand. R.J. Reynolds Tobacco International, a subsidary of R.J. Reynolds Industries Inc., complained several months ago to the new ombudsmen's office that JTS salesmen were telling retailers they weren't legally allowed to display promotional material for foreign brands. The case was settled when JTS agreed to inform retailers in writing that such materials could be displayed.

Then in early August a retailer in Tokyo's Shibuya section informed an American maker that a JTS salesman appeared to have taken away the retailer's "light box" atop the vending machine. But when Japanese government investigators acting on a complaint from the maker that didn't name the retailer, blanketed the area to interview retailers, no one mentioned the JTS. Missing light boxes were blamed on other causes—one was said to have blown away in a typhoon. The moral the investigators drew was that Americans make reckless allegations without proof.

U.S. officials and cigarette makers drew a different conclusion: Retailers are so vulnerable to the JTS pressure, explicit or implicit, that they can't afford to testify against the monopoly. There is at least some evidence that JTS doesn't shrink from using pressure to get its way with retailers.

Some retailers themselves make the same point. "Sure there's pressure (not to use foreign cigarette posters)," says Hinako Nakajima, a tobacco-shop owner in Nagoya. "The government hasn't abolished the monopoly system." Asked if JTS salesmen have ever forcibly removed posters from her shop, she will say only "please don't make me answer that question."

BLITHELY UNCONCERNED OFFICIALS

David Guilfoile, R. J. Reynolds' Japan country manager, says Reynolds' agents talk at least once a month to a large percentage of the 4,300 retailers in Tokyo licensed to sell foreign brands, "and the most common problem is the retailer will say, I can't allow you to put up that (poster or light box) because the JTS will get upset." Mr. Guilfoile says Reynolds hesitates even to complain about such abuses to the government because "we end up getting the retailers we're trying to develop as customers into trouble."

Japanese officials, for their part, seem blithely unconcerned with the tobacco question. Before one of the Dietmen's missions went to the U.S. a few months ago, one of the Dietmen was asked about tobacco at a special press conference for foreign correspondents. He replied that Japan's cigarette maker was "competely free" and thus there was nothing to discuss with the U.S. government.

Nonetheless, in the second package of measures the Japanese did come up with some tobacco concessions. They agreed that the U.S.-Japan "study group," which had been scheduled under the November 1980 Japan-U.S. tobacco agreement to be formed by March 31, 1983, will convene instead next month, an acceleration of six months. It isn't clear what scope the study group will have, however. U.S. officials say the Japanese have agreed to put the tariff question "on the agenda" but haven't agreed to negotiate a lower tariff.

It also isn't clear how meaningful the other concession in the second package—the increase in the number of retail outlets—will prove in the short run. U.S. officials and makers complain, for example, that all the outlets the Japanese have unilaterally selected to be included in the increase to take effect next March are outside the two regions of Japan where 60% of the foreign cigarettes are currently sold. That means the foreign makers won't be able to get more bang out of the sharply limited television advertising dollars they're allowed to spend, which by necessity are concentrated in those two regions.

"That isn't the way you'd do it if you were operating in the spirit" of opening the market, Mr. Silverstein contends.●

THE REAL VOICE OF ISRAEL

HON. BENJAMIN ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. ROSENTHAL. Mr. Speaker, I would like to bring to the attention of my colleagues an insightful commentary delivered on Monday, Yom Kippur, by ABC anchorman Frank Reynolds.

Mr. Reynolds brings up a point that must not be lost in the turmoil of recent incidents in the Middle East: That the people of Israel have demonstrated in no uncertain terms that in a viable democracy the voice of the people shall be heard.

One-tenth of the population of Israel stood up and were counted Saturday in a protest rally in Tel Aviv. A few days later, the Israeli Cabinet ordered a complete inquiry into all aspects of the massacre in West Beirut. In a sense the Israeli press has been conducting an open inquiry all along. They have been allowed to exercise press freedoms only dreamed of in most countries of the world.

Even traditional detractors and outspoken critics of Israel have been moved by this outflowing of emotion from the populace of this fiercely democratic state.

Following is Mr. Reynolds' statement:

FRANK REYNOLDS: One more note on the Middle East. While it is clear the Reagan administration would not be unhappy to see Menachem Begin retire, perhaps you've noticed that every statement by officials here—the President, the Vice President, the Secretary of State and others—includes a strong reminder of this country's special relationship with Israel; a relationship based primarily on moral grounds and this at a time when the morality of official Israeli policy or of certain officials of Israel is questioned legitimately by the massacre in Beirut.

In conversations with senior officials of the Government here what has come through, through all the shock and horror is both relief and pride; pride because of how the people of Israel have reacted; 350,000 demonstrating in Tel Aviv the other night. No press has been more diligent in seeking the truth than the Israeli press. No people have been more shocked and sickened than the Israeli people. It is felt here that in their darkest hour the people of Israel have justified the faith their friends have always had in them. In the face of worldwide criticism, Israelis have not banded together to repel attacks by, as Begin does, waving the flag of antisemitism. No they have come together to deplore what has been done in their name.

Out of this nightmare there is coming not a new Israel, but the old one demanding a return in practice to those ancient values that make a people righteous and not merely self-righteous. And that is why Washington even as it struggles and haggles with Jerusalem is more than ever determined not to break faith with the people of Israel who have shown us again they will not break faith with themselves.●

A FALL RIVER FIRST

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mrs. HECKLER. Mr. Speaker, as the Representative of Fall River, Mass., and as the senior woman Member of this body, it is with great pleasure that I share with my colleagues an article from the Fall River Herald on this year's Chamber of Commerce Outstanding Citizen Award. This year's honor was given to Loretta George, the first woman president of the Fall River Chamber and the first woman to receive the group's prestigious Roger Valcourt Memorial Outstanding Citizen Award. Having known Loretta for many years, I can personally attest to her outstanding service and dedication to the entire Fall River community. An able businesswoman and a tireless volunteer for numerous worthwhile causes, she is an exemplary citizen. I am proud to have this opportunity to share her accomplishments with the Members of this House.

LORETTA GEORGE: YEAR'S OUTSTANDING CITIZEN

Miss Loretta George, with a community reputation of being a doer who can translate the ordinary into the extraordinary, became the first woman Tuesday night to receive the Chamber of Commerce's Roger Valcourt Memorial Outstanding Citizen Award.

The presentation was made at the Chamber's 71st annual dinner at Venus de Milo.

Miss George, an executive at Aluminum Processing Corp. in the Industrial Park, is also known as the "million dollar baby." The designation was assigned to her a year ago when she led the United Way to a record $1 million campaign.

As the Chamber's first woman president a few years ago, she proposed and aggressively pursued the idea of the Chamber having its own building, an idea that is now a reality.

Many other of her impressive achievements were cited at the dinner by Atty. Manual Kyriakais who made the presentation to Miss George on behalf of the award committee. She is the 16th recipient that has been awarded each year since 1968. Recipients automatically become members of the award election committee.

Miss George, in accepting the award, said she was proud of her Lebanese heritage, spoke feelingly of her affection for St. Anthony of the Desert Parish and said she is extremely proud of being part of Fall River's revitalization effort. She also referred obliquely to Lebanon, from where her parents emigrated. "Like its cedars, the country from which my parents came will survive adversity and endure," she said of the troubled tiny Mideast nation.

"I love Fall River. I love its people. I love the city's spirit and determination to become a prize model for Massachusetts, a leader in growth and development," she said.

State Sen. Mary L. Fonsoce presented a state citation to Miss George.

Comments were also offered by retiring Chamber president Otto A. Wahlrab and his successor, Mr. Gilbert Vincent.

Dennis C. Orvis, the Chamber's executive vice president, who has been the agency's chief spokesman for 13 years, focused on its gradual growth in the past decade.

As of Friday, he noted, the Fall River Chamber of Commerce will be in the black for the first time in 15 years. It now has a membership of 1,300 and budget of $396,000, goals that seemed unrealistic just 15 years ago.

Orvis expressed optimism about the city's economic future, especially if the EG&G energy park plan becomes a reality. "There will be problems. But they are not insurmountable. EG&G will change Fall River beyond its fondest dreams," said Orvis.●

VETERANS' DAY

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. APPLEGATE. Mr. Speaker, as Veterans' Day approaches I would like to take this opportunity to draw to the attention of the Members of the House of Representatives the outstanding patriotic contribution made by the Oliver family of Leetonia, Ohio, to our Nation during the Second World War and the occupation of Germany. Between August 1942 and July 1953 seven brothers in three branches of the armed services contributed a total 15½ years of service to the Nation, earning nine decorations and honors. George Richard, John James, Edwin Gerald, James William, Francis Michael, Robert Francis, and Lawrence Edward were stationed in such diverse places as Normandy, Saipan, Namur, the Rhineland, Guadalcanal, Roi, Australia, Manus Island, Germany, Kwajalein, Austria, Atoll Tinian, and the United States. They served in a variety of capacities in the Army, Navy, and Marines, attaining ranks ranging from private first class to coxswain, technician fifth grade, seaman first class, and corporal. During their period of service to the Nation four of the brothers were decorated, Edwin Gerald "Bud" receiving the E.A.M.E. and a theater ribbon with four bronze stars; George Richard the Victory Medal, Asiatic and Pacific Campaign Medal, and Philippine Liberation Ribbon; John James the Asiatic Pacific Area Ribbon and World War II Victory Ribbon; and Lawrence Edward the Occupational Medal for Germany and Good Conduct Medal.

As chairman of the Subcommittee on Compensation, Pension and Insurance of the House Veterans' Affairs Committee I am acutely aware of the sacrifices which our veterans have made on behalf of this Nation, and the apparant lack of recognition for these sacrifices which many of them perceive today. When Congress first established November 11 as a national holiday in 1983 it proclaimed Armistice Day as a "day to be dedicated to the cause of world peace." Since that time we have renamed this holiday "Veterans Day" in honor of those individuals who have given their time, talents, energies, and often their lives in the defense of our country.

It is altogether appropriate and fitting that we set aside this day to reflect upon the contributions which our veterans have made to this Nation, but mere reflection and contemplation are not enough. We, as legislators, are capable of making more tangible our recognition of these contributions through legislative action. All of us are capable of making more tangible this awareness by simply expressing our thoughts with a sincere and heartfelt "thank you," two words which appear grossly inadequate to express the honor, recognition, and thanks which are due our veterans, but two words which, when uttered, can at least begin to make known our appreciation. I urge my colleagues in the House, therefore, to join me not only in recognizing the contributions of George, Edwin, James, Francis, and Robert Oliver, and in honoring the memories of John and Lawrence Oliver, but in acknowledging the contributions which all of our veterans throughout history have made in the name of the United States of America as well.●

WE CAN DO BETTER FOR OUR DISASTER VICTIMS

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. GORE. Mr. Speaker, in my home county in Tennessee, Smith County, many years were spent building homes, farms, and businesses. But it only took a matter of hours for those same homes, farms, and businesses to wash away. And two lives were lost.

The morning rains of August 16 swept across a several county area of Tennessee with an intensity beyond recall, even in an area where rising and treacherous creeks are not uncommon. It was a terrible and tragic day.

But, the citizens of the area had hope of modest help in their recovery. A nearby area had been assisted 4 years before by the Federal Government.

There, when nature's wrath had subsided, low interest loans were made available. Homes were rebuilt. Businesses were reestablished. Farms were made productive again after being virtually wiped out.

But, 1982 is a different time from 1978. We are in a new era.

Now, there is more redtape. There are more delays. There are more ques-

tions that burden small businesses and small farmers.

Some changes were made in 1978 and 1980 to improve the effectiveness and lower the cost of the disaster programs. Not all of these early changes were unwise. They were simply adjustments which attempted to improve the programs.

Unfortunately however, the current administration saw some statutory latitude, a legal toehold, an open window. And, it moved.

First, by rewriting regulations to deny benefits to thousands of homeowners and farmers who once were eligible. Some restrictions were thwarted by Congress, even against the new tide. but unfortunately, additional restrictions were added to the statutes by the 1982 budget reconciliation bill.

The administration in May of 1981 moved to unilaterally cut the coverage of the Farmers Home Administration to only 60 percent of losses. Congress forced this to a minimum of 80 percent.

But the reconciliation bill also raised the interest rates. And the reconciliation bill denied access to credit to most people in favor of the private sector.

This administration's monetary and credit policies have exacerbated this situation even more than they have disrupted the farm economy nationwide. Farmers can hardly afford conventional interest rates, even without natural disasters. Interest rates are a disaster of their own.

The whole purpose of the disaster loan program was to help relieve the immediate impact of losses and help diffuse the burdens over a period of a few years.

Can we not afford to care for our own in a genuine, relatively modest way?

Tennessee has suffered some of the most severe flooding of recent times over the last 6 weeks. It all began with the Upper Cumberland region. But, there have been other floods since the disaster programs changed, and there have been additional severe floods in Tennessee in the last month.

Dozens of families, proud families, with long traditions, looked to the Government for a helping hand. These are not ordinary circumstances, but circumstances where individuals are victimized beyond their control. These are not cases of optional searches for credit; in case after case there is no choice.

This is the situation that has spawned my legislative efforts. Part of my initiative is already underway. Many of you have seen H.R. 7131 and have heard me speak before.

Today I issue yet another plea. Today I am introducing additional legislation.

My legislation would lower the maximum interest rates on Small Business Administration and Farmers Home Administration loans to 5 percent for those hard pressed to find credit. Others would find interest standardized for SBA and FmHA at the Federal funds rate formula now in use. This is still unfortunately high, but we can at least offer a little relief on interest rates.

Second, a new category of loan would be created for those with serious losses and cash flow problems. Small amounts of very low interest funds would be available based on agency estimated losses. To ease the initial economic shocks that can occur with disasters, up to $5,000 at 3 percent would be offered.

The amount is small because it is generally the small farmer who is most burdened by sudden financial strains. He may not be able to wait until the end of a crop year to precisely determine his loss, as at present. He may need funds for balloon notes, for private roads, or for equipment for remedial repairs on a short-term basis. The current system is sometimes too slow.

Third, the eligibility level for the individual and family assistance grants would be increased from $5,000 to $10,000. Where the need is genuine, $5,000 is no longer sufficient to provide food, shelter, clothing, and other material need for the poor. That level has remained since 1974. How much housing can be paid for today with $5,000?

I propose also that we take a very serious look at the various administrative methods that this administration has employed to constrict the flow of aid to those in need. We once suffered from a lack of proof of loss; we are now awash in a sea of documentation and procedures.

It is time we straightened out our priorities in our disaster relief programs.

Mr. Speaker and my colleagues, we have to make this program work again.●

SENATOR STROM THURMOND

HON. JOHN L. NAPIER

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. NAPIER. Mr. Speaker, many words have been said about a man and a subject which I want to address today. Senator STROM THURMOND represents a model statesman and a true gentleman. He is held in the highest esteem by his constitutents and colleagues.

Just as the Senator from South Carolina is renowned in the world of politics and government leadership, likewise, he is well-known for his compassionate nature and his affinity for all individuals.

This attitude toward his fellow man is reflected throughout the State, in those he serves, and it is evident among his office staff.

Several people who have had the rare opportunity to work inside the Senator's office—who are usually the first to attest to the Senator's good nature—are the pages and interns.

At a time when perhaps an unjustifiable air of question has been ill-placed around this system, the Senator's pages and interns are quick to firmly establish the educational benefits they have gained while working in Senator THURMOND's office. The Senator proves that the merits of this system, which allows young people the opportunity to experience how the Government functions from a firsthand point of view, far outweigh any questions.

I want to share with you two articles from the Clinton, S.C., Chronicle and the State which discuss Senator THURMOND and the young people who have been so fortunate to be able to work as interns or pages in his office:

[From the State, Aug. 14, 1982]

S. C. SENATE INTERNS WELL TENDED

As South Carolinians, we are blessed to be represented by one of the finest men ever to sit in the U.S. Senate. I refer to Sen. J. Strom Thurmond, president pro tempore.

During July, I had the honor and privilege of serving as a college intern in Washington for this gentleman. Senator Thurmond continually displayed limitless energy as he debated on the Senate floor, conducted meetings of the Judiciary Committee (of which he is chairman), and attended various functions.

All the while, he did not neglect taking time to meet with his interns to discuss not only political and governmental issues, but also to give us some fatherly advice about health and virtue, issues which he clearly holds in the highest importance.

My stay in the capital was most enlightening. As an intern, I was able to attend many important meetings, briefings and conferences. Not all Senators watch after their interns so well.

STEVEN T. MOON.

[From the Clinton, S.C., Chronicle, Aug. 19, 1982]

PAGING SENATOR THURMOND

Congress can take a lesson from U.S. Sen. Strom Thurmond (R-SC) when considering its page system.

Amid controversial charges of drug abuse and sex scandals involving the pages, Congress is taking a new look at the way its page system is operated. Congressional pages are young people, usually teenagers, who are brought to Washington to live while serving as pages, primarily running errands and deliverying messages in the House and Senate. The jobs are considered to be political plums and are good opportunities for the young people to see first-hand how our government works.

One of the major complaints about the system is that there is little or no supervision over the young people during their off-hours. The young people make their own living arrangements and there usually is no adult supervision. Washington is a city of many temptations.

Sen. Strom Thurmond has an interim system in which he brings young people in to work in his office, usually for one month at a time. He has one of the best staffed, most efficient offices in Washington and he finds time to spend with the interns.

A "Letter to the Editor" in Sunday's State newspaper from Steven T. Moon, who served as an intern for Thurmond in July, speaks highly of the experience and says, ". . . he did not neglect taking time to meet with his interns to discuss not only political and governmental issues, but also to give us some fatherly advice about health and virtue, issues which he clearly holds in the highest importance."

Mr. Moon concludes his letter, ". . . Not all senators watch after their interns so well."

Other congressmen are going to have to realize that the pages and interns are their responsibilities and they're going to have to do more than just give the young people the opportunity to go to Washington and work in Congress. We hope some system of supervision will emerge from the current controversy.●

A TRIBUTE TO RALPH E. SCHEY

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. MOTTL. Mr. Speaker, I take this opportunity to pay tribute to Mr. Ralph E. Schey, one of the leading business executives and and civic leaders in Cleveland. He has lead the Scott & Fetzer Co. into great financial success since becoming chairman and C.E.O. in 1974.

He has contributed greatly to the city of Cleveland in numerous ways. He has helped to turn around our city's image with his contributions to such organizations as the Ohio University development fund, the visiting committee of the Case Western Reserve University Graduate School of Management, the Cleveland Clinic Foundation and the Harvard Business School Club of Cleveland.

Mr. Schey was born in Celevland in 1924 and attended Cleveland city schools, until attending Ohio University and receiving his B.S. degree in 1948. He then received his M.B.A. from Harvard Business School in 1950.

He rose from operations analyst to executive vice president with the Clevite Corp., form 1951 to 1969. He then spent 3 years with Joseph, Mellen & Miller, Inc., as president. From 1971 to 1974 as manager-owner, he operated and managed several small companies, arranged proper financing, reorganized, and trained management personnel to profitably operate the business, before coming to his present position with the Scott & Fetzer Co.

Mr. Speaker, Cleveland is proud of this exceptional man who has lived in and served the area so well. I ask my colleagues in the House of Representatives to join with me in my salute of this remarkable man.●

MULTIEMPLOYER PENSION PLANS

HON. KEN HOLLAND

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. HOLLAND. Mr. Speaker, today I am pleased to introduce a bill which addresses some of the more serious retirement income problems facing our Nation. This bill would correct many of the problems which are facing multiemployer pension plans as a result of the Multiemployer Pension Plan Amendments Act of 1980. Without this relief the future for multiemployer plans, the workers covered by such plans and employers who contribute to them could best be described as dismal.

Currently, more than 8 million American workers rely on multiemployer pension plans to provide their pension benefits. Typically, these employees work for small businessmen who could not provide pension coverage in a cost efficient manner were it not for the vehicle provided by multiemployer pension plans. Multiemployer plans provide many advantages to contributing employers and covered employees, not the least of which is increased security and financial stability resulting from the plan's broad contribution base of dozens, hundreds, or even thousands of employers. These plans have historically been the prime example of the positive results management and labor achieve by striving together.

In the 2 years since enactment of the 1980 multiemployer amendments much of this has changed. Covered workers are now finding that their pensions are much less secure as new employers avoid contributing to multiemployer plans resulting in a gradual erosion of the plans' contribution base. Many plans find themselves embroiled in complex litigation further depriving participants of assets which could be used to improve benefits. The 1980 amendments which were intended to rectify many problems confronting multiemployer plans may prove instead to the death knell for many such plans and the employers who continue to contribute to them.

One of the key provisions of the 1980 multiemployer amendments was the establishment of "employer withdrawal liability." During the period after the enactment of the employee Retirement Income Security Act of 1974 (ERISA), some employers were abandoning multiemployer plans both as a result of declining industries and to avoid any possible additional liability as a result of the plan termination provisions of ERISA. The broader application of employer withdrawal liability was intended to stem this growing tide and to assure that employers who left a multiemployer plan paid a share of accrued unfunded vested benefits. Unfortunately, employers have found that this "share of withdrawal liability" can range as high as $20 million.

There can be no doubt that employer withdrawal liability has had a positive effect of slowing the number of employers voluntarily leaving multiemployer plans. It has, however, also caused almost total disruption of the day-to-day business activities of employers contributing to such plans. It is important for my colleagues to understand the magnitude of the potential withdrawal liability being faced by contributing employers. A recent survey revealed that in the construction industry alone more than $3.1 billion in unfunded vested benefits were maintained by a sample of only 200 multiemployer plans. This figure does not include the more than $5 billion in unfunded vested benefits maintained by the two large trucking industry plans. These huge dollar amounts represents benefits which the plans have promised to workers, benefits they are obligated to pay at some future date, and benefits for which there are currently no funds available to pay.

Many employers contributing to multiemployer plans are being hit with enormous withdrawal liability solely as a result of normal, day-to-day business transactions, many of which are even beyond their control. In one case, the loss of a competitive bid contract brought $15 million in withdrawal liability; in another the closing of a plant due to reduced product demand caused a withdrawal. Other employers have had trouble selling their businesses or have been assessed employer withdrawal liability after bargaining to impasse with a union. Often, the withdrawal liability is so great that it threatens the continued economic viability of the business concern. Frequently, the liability far exceeds the total contributions made by the employer, and it is not unusual for the amount to exceed his entire net worth.

In addition to driving some contributing employers out of business, resulting in a loss of thousands of badly needed jobs, the 1980 multiemployer amendments are also discouraging participation by new employers in multiemployer plans. Small businesses, comprising the vast majority of multiemployer plan contributors, are justifiably reluctant to risk more than their entire net worth playing a hunch as to whether or not they will have withdrawal liability from multiemployer plans. They are instead searching for other retirement income alternatives for their workers or, worse yet from a public policy perspective, providing no pension protection. In any event, the vital lifeline for multiemployer plan—new contributing employers to replace

those who go out of business or leave the plan—has been badly damaged, if not totally severed.

Mr. Speaker, the legislation I am introducing today is designed to reverse this situation and restore multiemployer pension plans to their status as one of the most efficient, secure retirement income systems available. In general, the bill, entitled the Multiemployer Retirement Income Protection Act, is designed to correct those problems created by the 1980 amendments that threaten workers' pensions and disrupt the daily operation of America's small businesses. It is important to note at the outset that this bill not only maintains the PBGC insurance system, but strengthens it. In addition, adequate safeguards have been maintained to prevent a mass rush of employers leaving multiemployer plans. Withdrawal liability will still serve as a deterrent to employers wishing to leave poorly funded plans.

The cornerstone of this bill is a provision which would require that a multiemployer plan be well-funded before any past service benefit increase or past service credit is granted. A well-funded or fully funded plan in and of itself provides the best protection for the pensions of covered employees. This bill requires that a certain level of plan assets in relation to vested benefits be maintained.

Recent research into the financial status of multiemployer plans reveals that such an approach is necessary to rein in the nearly uncontrollable urge of some plan trustees to increase benefits without increasing contributions sufficiently or insuring that adequate plan assets are available. The survey previously referred to revealed that over 60 percent of the 200 sample construction industry plans were well funded (that is, a ratio of plan assets to vested benefits of 0.9 or greater). This and other information leads one to believe that most multiemployer plans in most industries are well-funded. The problem is that 25 to 35 percent of plans that have indiscriminately increased benefits or been faced with an unpredictable, uncontrollable decline in covered workers. This proposal is directed at these plans and will require them to improve their funding before increasing benefits on a retroactive basis.

Our bill is also directed at encouraging better funding of multiemployer plans as well as strengthening the PBGC insurance system by implementing a risk-related premium system. Currently, all plans covered by the Pension Benefit Guaranty Corporation's (PBGC's) multiemployer plan termination insurance pay the same annual premium—$1.40 per participant. This flat rate does not vary regardless of potential risk of loss to PBGC, so that well-funded plans pay the same premium as do poorly funded plans. ERISA authorizes PBGC to implement a risk-related premium, but the corporation has yet to do so.

In this regard, this bill contains a provision to vary the rate of the premium paid to PBGC in accordance with the funding level of the plan. The better funded a plan is, the less risk to PBGC and the lower will be the annual premium. The more poorly funded, the higher the premium. The potential for the reduced PBGC premium should serve as a further inducement to improve plan funding and thereby reduce the level of unfunded vested benefits.

Another important goal of this bill is to reduce the impact of employer withdrawal liability under unusual situations or situations which are totally beyond the control of the employer. Eliminating liability in these instances will reduce much of the anxiety currently felt by employers who are considering joining multiemployer plans. Under our proposal, various events which would be considered employer withdrawals under the 1980 amendment would be exempted. These include a cessation of contributions caused by a natural disaster, loss of a bid contract, and the untimely death of a small businessman. Thus the most egregious examples of withdrawal liability imposition would be eliminated.

A fourth provision of the bill would improve the current rules relating to sales of assets. The current unworkable requirement that a bond or escrow fund be provided has been replaced by a requirement that a letter of credit covering any secondary withdrawal liability which the seller might have, be provided. Also, the seller's secondary liability is reduced by 20 percent each year until it is eliminated 5 years after the sale. The bill contains an additional provision which imposes no withdrawal liability on the seller (primary or secondary) if certain safeguards are present.

The bill would also eliminate the retroactive application of the 1980 multiemployer amendments to withdrawals which occurred prior to the enactment date. This retroactive application is currently being challenged in dozens of lawsuits questioning its constitutionality. The provision contained in this bill is intended to resolve those disputes and remove an enormous burden from our already overcrowded court system

The bill also requires PBGC to promulgate actuarial assumptions to be used by plans in calculating withdrawal liability. This provision would provide a needed degree of standardization.

The current statutory provisions regarding dispute resolution are also improved by streamlining the procedure, shortening the timeframes, and further balancing the standards of proof on which the arbitrator will reach a decision. It will also clarify that no withdrawal liability payments are due until 15 days after the arbitrator's decision.

Current provisions which might induce a union to terminate a multiemployer plan are also tightened to prevent the "dumping" of plan liabilities on contributing employers. The bill provides for a reduction in benefits for any underfunded plan which terminates. Benefits of retirees and participants within 5 years of normal retirement age would, however, be protected and no changes would be made to the current provisions covering mass withdrawal terminations.

The bill will also clarify the transfer of assets and liabilities when employees change pension plans as a result of an agreement between the union and the employer, a change in bargaining representative, or a decertification. A multiemployer plan would be required to transfer appropriate assets and liabilities to either the new multiemployer or single-employer plan. The old multiemployer plan must then reduce the amount of the employer's withdrawal liability by a corresponding amount.

Finally, the bill would provide some technical improvements to prevent the assessement of withdrawal liability when a plan is fully funded, and to limit the increase in employer contributions under a plan in reorganization. The bill would also require more certain and comprehensive notification to employers of significant plan information regarding funding and employer withdrawal liability.

Mr. Speaker, the principles reflected in this bill are supported by a broad-based coalition of more than two dozen employers and trade associations in the meat-packing, wholesale and retail grocery, construction, printing, apparel manufacturing, food-processing, maritime, wholesale-distributor, and vending industries. This bill is the result of months of compromise, discussion, and hard work and represents the only proposed modification to the 1980 multiemployer amendments to receive such widespread support. I anticipate that many more employers and associations will soon be adding their support for this bill.

The bill represents an effort to insure the renewed growth of multiemployer plans and to protect the safety of millions of workers' retirement income. I ask that my colleagues give this matter their serious consideration. Mr. Speaker, I ask unanimous consent that the text of the bill be printed at the conclusion of my remarks.●

PACIFIC NORTHWEST HOUSING AFFORDABILITY AND ENERGY CONSERVATION ACT OF 1982

HON. JAMES WEAVER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. WEAVER. Mr. Speaker, today with my distinguished colleague from the neighboring State of Washington, MIKE LOWRY, I an introducing the Pacific Northwest Affordability and Energy Conservation Act of 1982. This bill will provide a much-needed boost to new housing construction in the Northwest. It will promote energy conservation, and it will not cost the Federal Government a dime.

The bill authorizes the Bonneville Power Administration (BPA) to finance the installation of energy conservation features in new home construction. Under the bill, BPA would give loans of up to $15,000 per house for the purchase and installation of energy efficient systems. All payments on these loans would be deferred for 10 years. This BPA deferred loan would pay for such standard energy saving features as storm windows, insulation, and heat pumps, as well as for solar and wind energy systems and other less frequently used devises. The loans authorized by the bill would, in effect, amount to a second downpayment, giving homebuyers additional cash up front and reducing their monthly mortgage payment. This bill will clearly make new housing much more affordable in the Northwest. If $15,000 worth of approved energy saving features are installed in a home with a total cost of $70,000 monthly mortgage payment costs would be reduced from $927 to $713. This is a 27-percent decrease in mortgage payment costs.

Such reductions in new homeownership costs will greatly stimulate the construction of new housing, thus providing a tremendous boost to our devastated housing and forest products industries.

Further, this bill addresses the Bonneville Power Administration's statutory mandate to make energy conservation a first priority. Such a program should not require legislation, but as numerous congressional hearings have shown, the BPA is reluctant to pursue energy conservation measures on its own. This bill will require the BPA to meet its mandate.

The housing and forest products industries are crippled, in shock and dying as a result of the worst housing depression our Nation has faced in 35 years. The crisis is particularly acute in Oregon and the rest of the Pacific Northwest, where unemployment is skyrocketing and each day more and more of our mills are shutting their doors.

The bill that we are introducing today will have a significant and positive impact on the Northwest's economy. Since the BPA is an independent, self-sustaining agency, this legislation would not increase the Federal deficit—indeed, it would not cost the Government anything at all. The bill is strongly supported by the Oregon State Home Builders Association and the Oregon Savings and Loan Associations. I urge you to give this bill swift and positive consideration.

Thank you.●

ONE MAN CAN MAKE A DIFFERENCE

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. DE LUGO. Mr. Speaker, too many times people allow their feelings of helplessness to become barriers in making the necessary changes to improve the quality of life. However, this certainly is not the case with Stanley Selengut.

The people of the U.S. Virgin Islands are extremely grateful that Stanley Selengut had the courage to overcome these barriers. Stanley has come to the Virgin Islands and made a difference by improving the quality of life in our community.

Stanley, a civil engineer and builder, came to the U.S. Virgin Islands 5 years ago with a vision. He wanted to build an ecological campsite resort without any of the embellishments. He found 14 acres on St. John and began to construct the resort called Maho Bay. The vacation spot was completed in an untouched section of St. John and 16 x 16 tent sites were scattered throughout the grounds. The Federal Government, realizing the intrinsic value of this project, joined in promoting and supporting the Maho Bay project. It has been an excellent example of the private and public sectors joining forces for the common good—and many people have enjoyed the fruits of this labor.

While enjoying the creation of Maho Bay, Stanley made another contribution to improve the quality of life for visitors and Virgin Islanders alike. Two people were playing a flute and guitar respectively at Maho Bay, and a crowd began to gather to listen to the music. Stanley saw the enjoyment created by this impromptu outdoor concert and expanded upon the idea. Out of this, the St. John Festival of the Arts was born. The festival brings in quality performers who volunteer their time and talents for a vacation at Maho Bay in lieu of payment. I myself had the privilege and pleasure of hearing several excellent musicians from the 1982 festival. They included: Maeretha Stewart, coloratura soprano; James Javore, baritone; Susan Poliacik, cellist; and, Norman Carey, pianist. It should be noted here that all concerts for the festival are free to the public. Helping Stanley to make this arts festival possible are other fine truly community-minded people, like Sandy Berman of First Charter Corp., who arranged for all the travel.

Making a difference is not new to Stanley Selengut. He is noted for his work in the craft industry—especially for his endeavors in reviving patchwork. He has worked on Indian reservations and in Appalachia. Additionally, Stanley made learning materials for children and some of these are exhibited in the Smithsonian.

Stanley Selengut has given his time and love to the people of the Virgin Islands. Speaking for my community, we appreciate him greatly and wanted to share his work with the Nation. Stanley is a true example that one man can make a difference.●

J. WALKER OWENS' 20TH ANNIVERSARY AS EXECUTIVE VICE PRESIDENT OF THE TORRANCE CHAMBER OF COMMERCE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. ANDERSON. Mr. Speaker, on October 3 the many friends of J. Walker Owens will gather to honor him on his 20th anniversary as manager and executive vice president of the chamber of commerce in Torrance, Calif.

Born in South Carolina, Walker graduated from Clemson University and received a masters degree from Columbia University. During the summer months of the past 20 years, he has served on the faculty of several institutes for organization managment—sponsored by the U.S. Chamber of Commerce. Also, he has served as chairman of the board of regents for the western institute and has been on the faculty or a class advisor for over 20 years.

Walker is a past president of the Southern California Association of Chamber of Commerce Executives; past president of the California Association of Chamber of Commerce Executives; and, served two terms as vice chairman of the American Chamber of Commerce Executives.

Prior to his current duties in Torrance, Walker served in the following positions: manager, chamber of commerce, Myrtle, Beach, S.C.; executive director, Coastal Empire Development Council, Savannah, Ga.; manager, chamber of commerce, Sallsbury, N.C.; executive vice president, chamber of

commerce, Charleston, S.C.; general manager, association of commerce, Lake Charles, La.; executive vice president, chamber of commerce, Odessa, Tex.; and executive vice president, association of commerce, Elmira, N.Y. Walker served during World War II as a pilot and as a staff officer in the Air Intelligence Division of the U.S. Army Air Corps, achieving the rank of lieutenant colonel.

It should be noted that Walker has been awarded the title certified chamber executive, the highest honor given by the American Chamber of Commerce executives. He holds this distinction with only 11 others in the State of California and less than 200 in the entire United States.

In concert with his professional career, Walker has found the time to donate his services to the following organizations: American Industrial Development Council; Western Alliance Convention & Travel Institute; Council of Western Retail Associations; National Municipal League; Internal City Managers' Association; Rotary Club of Torrance; Los Angeles—Torrance Civic Center Authority—past president; and, Torrance/South Bay Arts Alliance director).

Mr. Speaker, Walker is a man who is admired and respected by all those who have the pleasure in working and being associated with him. Without hesitation, it can be said that Walker's career in working with the community is a model of citizenship all should follow. He has extended himself, working tirelessly as few people have for the benefit of others. His wide arena of activity keeps him in touch with all that is happing in the entire South Bay area.

My wife, Lee, joins me in congratulating Walker on this his 20th anniversary with the Torrance Chamber of Commerce. His contributions to the betterment of the community are many and are deeply appreciated. We wish him and his wife, Dorie, and their four sons Timmy, Randy, Ricky and Terry continued success in all their future endeavors.●

ROLLCALL OF HEROES

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. GOLDWATER. Mr. Speaker, every year, it has been my sad, but proud duty to honor before my colleagues those law enforcement officials who gave their lives during the past year in the performance of their duty.

Ever faithful in his responsibility to insure full recognition of those who gave their lives protecting us, former national chaplain of the Fraternal Order of Police, Virgil D. Penn, Jr., has once again written the U.S. Congress. His letter is enclosed. Also enclosed is a list of his fallen comrades. Their names are recorded in glory, as we thank them for the complete sacrifice they made. Our thoughts and prayers go to their families and friends. Chaplain Penn has also shared with us his 1982 national police prayer, and I share his words with you now, as I present the "Rollcall of Heroes":

According to reports from the F.B.I. and other sources Ninety-one Law Enforcement Officers were slain in the performance of their duties during 1981. Although we are grateful to report that this is 13 less than in 1980, it is still a tragic toll. It gives little comfort to the survivors of the brave officers who lost their lives. In our never-ending battle against crime we must take the necessary steps to lower these fatal statistics. We must seek further knowledge in training and education and also supply our officers with advanced equipment to ensure their safety. Many communities throughout America have banded together in supplying their Police Departments with bullet proof vests. In Philadelphia, Pennsylvania the citizens donated thousands of dollars to provide this protection. Many other areas are following suit. The lives of many of our officers have been saved as of a result of this action.

Firearms proved to be the most devastating causes of death. Ninety-five percent of these fatalities were caused by this manner. Sixty-nine officers were killed through the use of hand guns. Fifty-eight percent of the victims were city officers. County, State and Federal Officers were victims all over the United States and territories. Death recognized no ranks as the supreme sacrifices were made by the latest recruit to the highest ranking Officers.

We the Law Enforcement Officers of America are grateful to the entire United States Congress and especially to Congressman Barry M. Goldwater, Jr. for his untiring efforts in bringing the sacrifices of our brother officers to the attention of all America. We wish God's Blessings on all of you.

Respectfully submitted,

VIRGIL D. PENN, JR.,
Former National Chaplain,
Fraternal Order of Police.

ROLLCALL OF HEROES

1981 LIST

May 1: New York City, Officer John G. Scarangella.

May 2: Lake County, Calif., Sheriff's Dept., Sgt. Richard J. Helbush.

May 4: New York Housing Authority, New York City, Lieutenant Jan Brinkers.

May 8: Redwood City, Calif., Detective Sgt. Leon G. Garrett.

May 10: Philadelphia, Pa., Officer James N. Mason.

May 12: Memphis, Tenn., Lieutenant Clarence P. Cox, Jr.

May 17: St. Louis County, Mo., Officer Robert T. Jordan.

May 19: McAllen, Tex., Patrolman Rosalin Suarez, Jr.

May 24: Jacksonville, Fla., Sheriffs Dept., Patrolman Thomas J. Szafranski.

May 28: Jacksonville, N.C., Detective William T. Whitehead.

May 31: Darien, Conn., Patrolman Kenneth Bateman.

June 6: San Diego, Calif., Officer Harry K. Tiffany, Officer Ronald R. Ebeltoff.

June 9: Essex County Sheriff's Department, New Jersey, Dept. Chief William J. McGuirk.

June 10: Anderson County Sheriff's Office, Tennessee, Aux. Dept. Ray Brown.

June 26: Charleston, W. Va., Patrolman Eddie R. Duncan, Lieutenant Delbert J. Roush, Sr.

June 27: Aurora, Colo., Officer Debra Sue Corr; Oakland, Calif., Officer Michael J. Faulkner.

July 11: Highway Patrol, Kansas, Trooper Ferdinand F. Pribbenow.

July 12: Waterloo, Iowa, Patrolman Wayne R. Rice, Patrolman Michael W. Hoing.

July 20: Baltimore, Md., Officer Ronald L. Tracey.

July 24: Tampa, Fla., Officer Gerald A. Rauft.

Aug. 1: Sacramento County District Attorney's Office, California, Investigator Grant L. Wilson.

Aug. 5: Memphis, Tenn., Lieutenant Ronald D. Oliver.

Aug. 7: Kentucky State Police, Detective Darrell L. Phelps.

Aug. 11: Gary, Ind., Lieutenant George Yaros.

Aug. 13: Holliston, Mass., Patrolman John E. Johnson.

Aug. 25: Minneapolis, Minn., Patrolman Richard P. Miller.

Sept. 2: Miami, Fla., Officer Nathaniel Broom.

Sept. 25: Lexington, Tenn., Chief of Police Charles R. Carrington.

Sept. 29: Deputy of Public Safety, Tex., Trooper David I. Rucker.

Sept. 30: Wellston, Mo., Sergeant Jesse Henderson.

Oct. 1: Bessemer, Ala., Officer Tommy L. Thedford.

Oct. 2: California Highway Patrol, Officer Johnny R. Martinez.

Oct. 7: Los Fresnos, Tex., Patrolman Enrique Carrisalez.

Oct. 13: Puerto Rico, Officer Justico Santiago Surillo.

Oct. 14: Atlantic City, N.J., Patrolman Peter F. Egnor.

Oct. 20: Nyack, N.Y., Sergeant Edward O'Grady, Officer Waverly Brown; East Brunswick, N.J., Brinks Guard, Peter Paige.

Oct. 21: Cleveland, Ohio, Officer Anthony J. Johnson.

Oct. 22: Youngstown, Ohio, Deputy Sheriff John Litch, Jr.

Oct. 29: Itasca County, Minn., Deputy Sheriff Robert R. Lawson.

Nov. 4: Lancaster County, Va., Deputy Sheriff Donald C. Benson.

Nov. 23: Hendersonville, N.C., Patrolman Dennie Q. Enevold; Charlotte, N.C., Patrolman Edmond C. Cannon.

Nov. 26: Troy, Ala., Patrolman George S. Watkins.

Dec. 1: Chickasaw County, Miss., Deputy Sheriff Robert L. Kirby.

Dec. 2: Puerto Rico, Officer Jose Luis Troche-Vagas.

Dec. 7: Warren County, Ill., Deputy Sheriff George U. Darnell.

Dec. 9: Philadelphia, Pa., Officer Daniel Faulkner.

Dec. 12: East Baton Rouge, La., Deputy Sheriff Corp. Michael Wayne Ritchie.

Dec. 14: Huntington, W. Va., Patrolman Paul J. Harmon.

Dec. 15: Hillsborough County, Fla., Sheriff's Office, Corp. Lemon Harvey.

Dec. 21: New Jersey State Police, Trooper Phillip J. Lamonanco.

Dec. 23: Milwaukee, Wis., Patrolman John Alan Machajewski, Patrolman Charles S. Mehlberg.

Dec. 27: Virginia Beach, Va., Patrolman Daniel Thomas Maloney.

Dec. 31: Highway Safety Patrol, Mississippi, Patrolman Billy Morris Langham.

1982 LIST

Jan. 5: Montgomery, Ala., Investigator Mary Pearl McCord.

Jan. 7: North Little Rock, Ark., Patrolman Jerry Claude Davis.

Jan. 8: Buena Vista, Va., Lieutenant William D. Oyler.

Jan. 11: Milwaukee, Wis., Patrolman Sydney C. Snow, Jr.

Jan. 13: Salt Lake City, Utah, Sergeant Ronald L. Heaps.

Jan. 14: Memphis, Tenn., Patrolman Larry Paul Childress.

Jan. 21: Marysville, Union County, Ohio, Sheriff Harry L. Wolfe.

Jan 29: Clayton, N.C., Officer William Rayvon Gilmore, Jr.

Feb. 4: Cheatham County, Ashland, Tenn., Deputy Charles Frank Jordan.

Feb. 5: Chicago, Ill., Patrolman James E. Doyle.

Feb. 7: Pennsylvania State Police, Trooper Herbert Wirfel.

Feb. 8: Prince Georges County, Md., Officer Raymond Hubbard.

Feb. 9: Michigan State Police, Trooper Craig A. Scott; Chicago, Ill., Patrolman Richard J. O'Brien.

Feb. 10: Chicago, Ill., Patrolman William P. Fahey.

Feb. 11: New York City Housing Authority, Officer James G. Carragher.

Feb. 14: Northern Mariana Islands, Saipan, Public Safety Dept., Captain Justino T. Arriola.

Feb. 18: Tucson, Ariz., Patrolman Jeffrey Hugh Ross.

Feb. 21: New York City, Officer George J. Werdann.

Feb. 25: Detroit, Mich., Officer Frank X. Siemion.

Mar. 6: Grant County, Oreg., Deputy Edward A. Morrow.

Mar. 17: Pocahontas, Ark., Sergeant James Ray Hand.

Mar. 25: San Joaquin County, Calif., Dept. Sheriff Michael Arthur Coleman.

Mar. 29: Detroit, Mich., Officer William Green.

Mar. 30: Huron, S.D., Sergeant Thomas Lloyd Callies.

Apr. 3: Alaska State Police, Trooper Rowland Chevalier.

1982 NATIONAL POLICE PRAYER

Almighty and most merciful God, we ask Thee to bless all Law Enforcement Officers who have payed the supreme sacrifice in the performance of their duties. They have bestowed upon us all an example of devotion and selflessness by their brave actions.

Comfort, we beseech Thee Merciful Father, the fathers, mothers, children and friends of our fallen brothers. Lift up their spirits and give them peace and understanding to bear the loss of their loved ones.

We commend the souls of our brother officers to Thy everlasting care and pray You will give them eternal rest until the blessed day of Resurrection. This we pray in His name to whom be glory both now and forever more, Amen.

VIRGIL D. PENN, Jr.,
Former National Chaplain,
Fraternal Order of Police.●

INTRODUCTION OF A BILL TO EXTEND IMPOUNDMENT CONTROL TO FEDERAL CREDIT PROGRAMS

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. MINETA. Mr. Speaker, today I am introducing legislation which extends the impoundment control provisions of the Congressional Budget and Impoundment Control Act of 1974 to Federal credit programs. The Impoundment Control Act currently fails to address impoundment control of loan guarantees and some direct loans. The Reagan administration has used the credit budget as a tool for implementing budgetary control by making large reductions in loan commitments and direct loan obligations. One of the main features of President Reagan's September 24, 1981, announcement of a budget reduction package was $21 billion decrease in new Federal loan guarantee commitments for fiscal year 1982. In fact, the loan guarantee reduction was the only part of the President's package which was actually implemented because the loan guarantee reductions were achievable primarily through executive actions.

Under current law, it appears that the administration can indeed implement reductions in loan guarantees without congressional approval. Although Congress had adopted program levels for many of the loan guarantees eventually reduced by the administration, there was nothing to prevent the administration from restricting commitments even if there were qualified borrowers. Whenever the administration proposes a smaller credit program than the limit approved by Congress, we can expect the administration to allow only their lower limit to occur.

My bill also clarifies impoundment control of direct loans. Even though direct loans require budget authority, and budget authority is currently covered by the existing Impoundment Control Act, a majority of direct loan programs are funded from indefinite budget authority. The Agricultural Credit Insurance Fund, for example, makes direct loans from a fund that receives a limited appropriation and receipts from revolving operation—interest payments, loan repayments, and the sale of certificates of beneficial ownership to the Federal Financing Bank. The Congress has frequently set limitations on direct loan obligations which are higher than the level of funds appropriated to the programs. Without requiring impoundment control for direct loans, the administration is immune from any congressional action for not making obligations up to the required limit.

To correct the weakness in congressional control of direct loans and loan guarantees, Congress needs to expand the provisions of the Budget Act's impoundment controls to include direct loans and loan guarantees. My bill amends the Congressional Budget and Impoundment Control Act of 1974 to resolve the impoundment control inadequacies by requiring impoundment control for Federal credit activities.●

MR. AND MRS. JAN NOWAK

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1982

● Mr. LeBOUTILLIER. Mr. Speaker, today I would like to bring to the attention of my distinguished colleagues in Congress Mr. and Mrs. Jan Nowak, two of the truly heroic and courageous figures of our time.

Mr. Nowak and his wife Greta are Polish resistance fighters. They are not contemporary resistance fighters; their particular fight is over. But their actions and their very lives defy limitations of time and space. They resisted the Nazi occupation of their beloved Poland, but their fight continues today, both in Poland and, in a greater sense, wherever people are subjugated against their will. As Greta Nowak has said, "Time doesn't matter. What is time? We were just doing (it) because it is our will. Not our duty, our will."

Recently, an article by Mr. Paul Hendrickson appeared in the Washington Post concerning Jan and Greta Nowak. I commend it to my colleagues' attention.

Jan and Greta Nowak have, through their lives, taught us an old and important lesson. They have shown us the unyielding will of men in resistance to oppression and subjugation, and through this resistance, that freedom and liberty are truly fundamental to humanity. The Nowaks honor us with their presence in our country. Their stubborn courage and staunch beliefs have made them two of the truly heroic figures of our time and of history itself.

SORROWS OF ANOTHER POLAND

JAN AND GRETA NOWAK, FAR FROM HOME

(By Paul Hendrickson)

They are Polish resistance fighters living in a brick split-level in Annandale. There is a silver Dasher in the drive, and flowers on the back knoll, and Jan and Greta Nowak will probably never see their homeland again. It is as if everything flows outward from this sorrow.

"I am 68," Jan Nowak says, "and when I hear Chopin now, I get a lump in my throat, I see once more my countryside."

It is a countryside of dark glowering winters, of green valleys and two rivers rising in the southern mountains. In the villages and towns of the Polish countryside, the voice of Jan Nowak, like the music of Chopin, would

be instantly recognizable. You could even play a tape of his voice for the successor of St. Peter and he would know.

"You see this picture?" Jan Nowak says, pointing to a photograph of himself and Pope John Paul II. It is sitting on a shelf in a booklined den. "I saw him in April of this year. Already it was my second visit. He invited me to his private chapel. You see how he's holding my arm with two hands? Both of us are feeling something deep. The holy father tells me, 'Ah, your voice is quite familiar to me. For years, every morning, when I'm shaving, I listen to you on Radio Free Europe.' I tell you, something comes from this Pope you cannot describe."

"Courage, ha," says Greta Nowak, as if to seethe at the word. She is Jan Nowak's wife, and she is standing by a table in the dining room, head tilting upward. Her gray hair, the color of scouring pads, catches slants of afternoon light. She has socket-deep eyes.

"I will tell you what is courage. I lost my brother in Poland, my sister. My sister was killed by a German sniper during the rising. With dumdum bullets. And my father, when he is 80, already he is getting up at 5 o'clock in the morning to queue for a piece of bread."

A fist strikes the table, not so much in anger, maybe, as resolve, "If you cannot have your own country, well, you just make . . . yourself another Poland." She points around the room—at paintings, icons, fine rugs, treasures stowed carefully in glass cabinets. "This is independent Poland. Here within these four walls."

Cry for the beloved country. And weep for the sorrows beyond remembering. They are not the children of Solidarity. Theirs was another struggle, in another time. But the current winters of Poland's sorrow, playing out to an onlooking and mostly helpless global village, are seeded deep in earlier resistances, of other wars and other days. Jan and Greta Nowak, who have been together for four decades, fought the good and earlier fight. Jan Nowak has written a book, partially about that time, partially about his other World War II experiences, called "Courier From Warsaw."

Both Nowaks (pronounced Novak) worked in the Polish underground of World War II—he as a courier, surreptitiously crossing back and forth over enemy lines; she as a liaison in the Home Army. "What I was doing, never mind," she says. "But I tell you this: If I had been caught by the police, I would be shot the next day, or next hour." The events Nowak and his wife witnessed led ultimately and sadly to the splitting of Europe, the domination of Poland by the Soviet Union, the Cold War.

Once, Nowak secretly crossed Nazi Germany itself, to Switzerland and France. In all, he made five trips between Warsaw, neutral Stockholm, and London, when the fate of the "Polish question" seemed to be hanging in the balance. As an emissary, he delivered messages to Churchill and Anthony Eden in a failed effort to get Allied support for Poland against Stalin's intentions of subjugation. In his missions he would hide microfilm and coded messages in a cigarette holder, a religious statue, a door key. Before one of his missions, Greta sewed a narrow strip of paper into his hatband. The message was simple: I'll be waiting.

The will to resist, whether it be Nazi stormtroopers or Soviet subjugators or even, at present, their own dictatorial countrymen, is inherent in the Polish character, the Nowaks would say. It is Poland's "will to be." You can trace it as a continuous line—from the '44 uprising to Lech Walesa and the shipyards of Gdansk. You can trace it decades and even centuries beyond Solidarity. For this is a country, like Ireland, that has too long lived under the heel of the oppressor, partitioned and pawned, though not defeated.

"We never once, during the whole struggle, look at the time," says Greta Nowak. "Time doesn't matter. What is time? We were just doing because it is our will. Not our duty, our will." She is a thin, intense woman who can hold a cigarette as regally as Ingrid Bergman. In a way, the Nowaks' lives seem a little like Victor Laslo's and Ilsa's in "Casablanca." Only theirs is no movie. The Nowaks have no children; there was probably too little time.

Jan and Greta Nowak were married in a ruined church late one afternoon in September 1944. It was the 37th day of the rising. Greta traded a tin of meat for a pair of copper wedding bands. Her husband borrowed petunias from a window-box. The ceremony took seven minutes. They crunched to the altar on broken glass. The Germans were 300 yards away.

"You see, it is very difficult for an American to understand these things," Greta says. "It was four or five years of occupation. When we part in the morning, we are never sure we see each other again that night."

To probably anyone but a Pole, the Warsaw Rising, which occurred between August and October 1944, may seem like a musty piece of history now. But to Jan and Greta Nowak, and to millions of other Poles, the rising is important to understanding the Poland of 1982. It amounted to 63 bloody days in the streets when the Polish patriotic forces tried unsuccessfully to oust the German army and take control of the city before it was seized by the invading Soviet army. The uprising's failure essentially permitted the pro-Soviet Polish administration, rather than the Polish government-in-exile in London, to take control of Poland. And an iron curtain came down.

"What is fear but your imagination?" Jan Nowak says. Where she is intense, he seems relaxed. He is a smooth-faced bulky man, and age has now caught him. The stems of his spectacles are hooked on his index finger and he swings them now like a pendulum. He is sitting in a rich red chair. He could be a prince of the Holy Roman Church. "If you have no time to think, you will not get scared. If you once imagine yourself in a dungeon, then of course you become afraid."

"It doesn't matter," she says, shaking her head. Her hands are jammed in a blue cotton skirt.

"Our last secret trip was the most difficult," he says. "If I had been traveling alone, I would have been arrested. But a young couple creates a kind of alibi. Our papers were badly forged. All we had was each other and our determination. We made fantastic distance. We started after 2 a.m. at night and didn't stop until the next day at 3 a.m. We covered about 70 kilometers."

"Through mountains," she says.

"We could do it because of nervous tension. And at one point, my wife said, 'I cannot walk any more.' So I am desperately looking for the border. I was afraid she wouldn't be able to stand up. And you know what she said? She said, 'with you, Janek, always.' And that was more important to me than what we said on our wedding day."

"Ah, we had many great adventures, Janek."

For years after the war, the Nowaks lived as exiles in Europe. He worked for the BBC and then directed the Polish Service of Radio Free Europe. He became a kind of Eastern European Edward R. Murrow.

The Nowaks came to America in late 1977, after they had worked on his book in the Austrian Alps. (They had a cottage with no telephone; after a day's writing they would take long walks in the snow.) Eventually his mother came over, too. At immigration in New York, they turned her back until she could produce X-rays showing she wasn't tubercular. She died in a Polish neighborhood in Chicago. She was 95.

Jan Nowak is now the national director of the Polish American Congress. In the Carter administration, Zbigniew Brzezinski appointed him a consultant to the National Security Council. He remains a consultant to the NSC in the Reagan administration. These days, Greta is a housewife. "Don't worry, it's full-time job. Look at those flower beds out there. And look at this dust. Yeech."

The American edition of Nowak's autobiography is about to be published. The Book of the Month Club has chosen "Courier" as an alternate selection late this fall. "Now I will make the media tour," he says. If the line sounds a trifle funny, out of key, perhaps it is because of the European accent with which it is uttered and the distance, both in space and time, the speaker has come. Brzezinski has written the foreword to Nowak's book. "In Poland, he is after the pope," Nowak says. He and Brzezinski are more acquaintances than friends.

The book has already been published in Polish in London and has also been reprinted illegally and circulated widely in Poland itself, causing the printer and publisher to go on trial. The publisher, Miroslaw Chojecki, served time in prison and then received a suspended sentence. One of the reasons Nowak wants to publish the book in America, he says, is to show historically how it is possible for Poland to "deviate from the Soviet model."

"Nobody could challenge a fact," he says. "Well, there was one little error."

"But, Janek, you have 70 pages of documentation," his wife says.

From the outside, almost nothing about this upper-middle-class home tucked in a somnolent subdivision called Sleepy Hollow Woods would give hint to the proudly defiant Eastern European world within. (There is a small Solidarity sticker on the front door knocker.) But once inside, everything is Polish, in sensibility and subject. There are dark paintings on the walls by Polish artists. The books on the shelves are mostly by Polish authors. The mementos in the den are Polish mementos.

(Presently, there will be an elegant three-course European meal. The wine will be served with a napkin knotted at the bottle's neck. The wife will be solicitous of her guest and affectionately nagging to her husband, "Janek! Serve yourself," he will say. "Janek, your napkin." In Polish, Jan means "John." Janek is the diminutive: "Johnny.")

"Yes, it is true," Jan Nowak says, "we have become very bourgeois here in a very rich country. If Poland would be free, we would immediately go home. But I realize that we would not have the same well-being . . ."

He goes over now to trip a tiny light in the back of a cabinet. He opens the cabinet and picks up a tarnished pewter spoon, resting it lovingly in his palm. "This belonged to a 17th-century Polish king." He puts it down and picks up an ornate sash. Then an ancient bottle with a Polish crest on it. "Phys-

ically, we have left Poland, but in our hearts, never. These treasures would not amount to much, but to us they are priceless. They remind us of home, help to ease—how would you say?—our burden."

He takes out a bottle of Dry Sack. He holds its burlap sack in one hand, the bottle in the other. The bottle is three-quarters empty and he is finishing it up on his guest. When the bottle has been emptied, he goes over to a table where some faded letters and documents lay. He picks up a passport. "This was one of many documents I used. The date of birth and place of birth have been altered. But not my name. We did it to confuse the Gestapo."

"Ha," Greta says. She is over by a table winding an old clock with a huge key. A plague be on the Gestapo.

"And this is a certificate of work," he says, pointing at a small orange card.

"Yes, a protection against being deported," Greta says. "You see, it was a customary thing to be rounded up—taken from a bus or a streetcar—to see if you had your work certificate. If you did not have it, you were liable for immediate deportation."

"As in Russia, old people are not useful to the government," he says.

"Ah, it was macabre," she says.

He holds up another forged document, "I got it from a special unit that did nothing but falsify."

How would the unit have gotten access to the document in the first place?

"Nothing at all," Greta answers. "It would have been some Pole who probably worked in a German office. He would have gladly given his life to get this document to the right courier."

It was all so long ago. And now, life in America. It is . . . so different. But they like it here, and they are quick to emphasize it. They see no conflict in keeping the fight alive from the American shore. Poles have a long history in America: Kosciusko built West Point and Pulaski founded the U.S. cavalry. The Nowaks keep in touch with their countryman via new arrivals. Jan has a special short-wave radio to pick up European broadcasts. They have access to secret Solidarity printings.

"I am very dedicated to this country," he says. "I cannot forget that if it were not for Churchill and Mr. Roosevelt, we would have been burned in the chambers of gas. The Nazis were expanding the chambers at Auschwitz to accommodate the Poles."

"And yet, Roosevelt and Churchill became accomplices of Stalin in the later stages of the war," she says. "If they had had the will to resist that repulsive man, we would be in Europe today."

For just an instant she looks sad—instead of defiant. "They took away the town where I was born. Incorporated it into Russia. You know, in my village, we celebrate the birth of Christ when the first star appears. We would have a feast with 32 or 38 dishes. And then everyone in the family goes to mass.

"So they have taken away my town and my family. But my memories they can never have."●

DR. KU CHENG-KANG ADDRESSES CAPTIVE NATIONS MEETING

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. PHILIP M. CRANE. Mr. Speaker, Dr. Ku Cheng-kang is an old and dear friend of many in this Chamber. His perceptive analysis of the world Communist movement and his wise counsel have given us much assistance through the years.

In that spirit, I would like to share with my colleagues an address which Dr. Ku delivered in Taipei recently. His words stand as a beacon of hope and determination for captive peoples throughout the world.

GLOBAL CAMPAIGN FOR DEMOCRACY TO DEFEAT MARXISM-LENINISM

Premier Sun, Distinguished Guests, Ladies and Gentlemen: A sacred task of all men is to protect and promote freedom. A fundamental requirement of the task is salvation of captive peoples. More than 1 billion people of the world are in chains under Communist tyranny, and the freedom of the free world is seriously threatened by expansionist Communists. This Captive Nations Week Meeting today is to make freedom-loving people the world over bring forth their strength for freedom against Communism so as to enhance the freedom of the free and wipe slavery off the other half of the world.

I. ULTIMATE VICTORY OF FREEDOM AND DEMOCRACY

All indications are that the present dark period of man's history is about to be over. Forces of freedom and democracy are rising vigorously as the main stream of the age.

Communist rule is suffering insuperable crises, as testified by the heroic Polish struggle and by the Chinese mainland situation that has forced the Peiping regime to call for learning from Taiwan. The Afghans and Salvadoreans are bravely hitting back at the Communists.

The march of the Chinese in the name of the Three Principles of the People against Peiping's Marxist-Leninist-Stalinist-Maoism is the most forceful proof that those who stand for freedom and democracy will ultimately trimph over all Communists.

II. RED UNITED FRONT SCHEMES

The Communists are bent on world communization and human enslavement. There is no possibility whatsoever of their peaceful coexistence with freedom and democracy. We must not entertain the wishful hope that we may through negotiation maintain the balance needed for coexistence with Communists.

Nevertheless, the Communists have kept launching peace offensives, proffering baits of peace possibilities. Such united front moves are to spiritually disarm free democratic forces, weaken the free world defense, and create conditions for armed aggression.

The Soviets have since World War II used negotiations as covers for their positive development of nuclear weapons and missiles, and of naval and air strength.

The Chinese Communists are pushing their peace talk united front schemes. Their attempt is to hoodwink international circles, deceive and force the United States into stopping arms sale to the Republic of China, weaken and isolate the ROC, then use force for their venture across the Taiwan straits.

Free nations must know well that this is not the first time the Chinese Communists are pushing peace talk united front designs. They had on three occasions in the past half century relied on such offensive for expansion. They repeatedly said that Communism did not suit the Chinese environments, that the Three Principles of the People should be implemented, and that they would not resort to rioting and other tactics of communization. Away from the conference table, however, they augmented their strength through treacherous means and rose to usurp the Chinese mainland power. These bitter lessons must be remembered by all, not just by the Chinese but by all the free people of the world. We must blast all such Communist united front schemes. We should never allow the Communists to wreck the morale and unity of the free democratic camp.

III. IDEALS OF CAPTIVE NATIONS WEEK

Observance of the Captive Nations Week is to promote assistance to the struggle for freedom, democracy, and human rights waged by those held captive behind the Iron Curtain. Communist tyranny over them should never be regarded as an unchangeable fact.

Truly praiseworthy are President Reagan's Captive Nations Week Proclamation of July 16 and the speech he made, in a tone fully reflecting his righteous spirit and moral courage, at that first public signing of the annual proclamation. We strongly support Mr. Reagan's call for the renewal of "our sacred resolve that someday all the people of the earth will enjoy the God-given rights of free men and women," and for the reaffirmation of "our faith over the rule of force and coercion which denies human rights to many other parts of the world today." The President also said: "We renew especially our hope that those countries of Eastern Europe, Asia, Africa, and Latin America now under Communist domination will someday regain their national sovereignty and, again, enjoy the dignity of their own national tradition." This should be taken earnestly by all as the sacred goal of the "Captive Nations Week" campaign today.

The lofty ideals of Captive Nations Week observance must be held high. If free nations were to reconcile with the Communists and let them continue human enslavement, masses of people behind the Iron Curtain of the East and the West would be grievously disappointed in the free democratic forces outside.

The lofty ideals of Captive Nations Week observance must be fully attained. All the people of the free world must rise and squarely face the crises provoked by the expansionist Red slavemasters. Unity and action must be enhanced against them. Efforts must continue for the return of freedom and independence to captive peoples and nations.

IV. RESPONSE TO PRESIDENT REAGAN'S CALL

When addressing Members of Parliament in London on June 8, President Reagan called for a global march of democracy to leave Marxism-Leninism on the ash heap of history.

As we respond to that call, we must emphasize that a global campaign for democracy requires first of all a clear demarcation

between friend and foe, and that all the Marxist-Leninist regimes should be dealt with. We must stand against Soviet Russia, against the Chinese Communists, and against all other Red regimes. As a tyrannical regime with persistence in Marxism-Leninism written into its constitution, Peiping should be a primary target of the campaign. The Marxist-Leninist regimes of Peiping and Moscow must both be left on the ash heap of history. Fundamentally, anti-Marxism-Leninism does not allow any double standard permitting cooperation with the Chinese Communists for opposition to the Russians.

A strong stand against Marxism-Leninism on the Chinese mainland is the effective first step against Marxism-Leninism in the Soviet Union. Once the 1 billion Chinese are freed from the Marxist-Leninist yoke, peace and security can be assured in the entire Asian-Pacific region. Once the 1 billion people are added to the free democratic camp, the Marxist-Leninist Russian expansionists certainly will be checked.

A global campaign for democracy requires full implementation of President Reagan's stand for peace through strength. In other words, all the free democratic nations must first be able to effectively defend their freedom and security. A global campaign for democracy must start with the U.S. extending assistance to those free democratic nations requiring help against Red aggression.

V. REQUIRED ANTI-COMMUNIST STEPS TODAY

We fully concur in President Reagan's outstanding view that the nature of the struggle between freedom and slavery "is ultimately one that will be decided, not by military might, but by spiritual resolve and confidence in the future of freedom, especially in the face of the decaying and crumbling dreams of Marxism-Leninism."

A prerequisite of anti-Communism is that the free world should not be eager about peace through power balance as to sacrifice captive peoples or damage the rights and interests of any free democratic nation.

The focus of the "Captive Nations Week" campaign in the present stage should be fully in line with the calls President Reagan issued in his latest historic speech. The weapon in our hand that is much stronger than conquest, deception, and sabotage is the strength of truth. We must fully inject this strength into Iron Curtain campaigns for freedom and into a global alliance for peace.

The U.S. Government must immediately translate into action the clear-cut, forceful calls of President Reagan. The first step should be rejection of the contradictory tactics of cooperation with the Chinese Marxist-Leninists for opposition to the Marxist-Leninist Russians.

As proven by facts, rapport with the Marxist-Leninist Chinese can only spur the expansionist moves of Marxist-Leninist Russians into the Western Pacific, South Asia, Latin America, and Africa. The United States must refrain from creating another strong Marxist-Leninist force by helping the presently confused and backward Chinese Communists.

What if the Chinese Communists really grow? The better they become able to confront Moscow, the greater the possibility will be of reconciliation between the two Marxist-Leninist regimes. The danger of American association with Peiping is either walking into the regime's trap where the U.S. will find itself at war with the Soviets, or prompting Moscow and Peiping to rejoin hands for a joint world communization drive.

To avert such dangers, the United States must stop befriending the Marxist-Leninist Chinese, sternly reject their interference, faithfully implement the Taiwan Relations Act, and help the Republic of China enhance its military strength for the defense of freedom and democracy. Support to the ROC is also to facilitate China's free democratic unification. That is the only way to end Marxism-Leninism in China. That also is the only effective way to blot Marxism-Leninism out of Russia.

Ladies and gentlemen: Communist challenges to man's freedom are unprecedented. Now is the time for all the free democratic forces to unite strongly and deal blows at Marxist-Leninist forces of enslavement. We should urge all the free democratic nations to respond to President Reagan's call for a global campaign for democracy. We should see to it that free nations convene a conference on anti-Marxism-Leninism. All those who stand for democracy, irrespective of race, nationality, political background, diplomatic connection, and religious belief, should forge a strong unity and carry out these three major tasks:

First, development of the "Captive Nations Week" Movement into a global campaign for the elimination of Marxism-Leninism and enslavement, and for the establishment of a great alliance for freedom, democracy, and peace.

Second, establishment of a global anti-Communist strategy that joins the regional defense organizations and expand them into a global common security system for freedom and democracy.

Third, positive support to the anti-tyranny struggle everywhere behind the Iron Curtain and to the struggle of threatened nations to safeguard their freedom. Spiritual resolve and strength of truth must be fully brought forth for a thorough destruction of the Marxist-Leninist stronghold.

Ladies and gentlemen: At this turning point of history, all the Chinese should, together with all other freedom-loving people of the world, enhance unity and redouble efforts for a thorough defeat of Marxism-Leninism, and for a decisive victory of freedom and democracy.●

BETHEL BLACKHAWK BAND, THE NATION'S BEST

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. GAYDOS. Mr. Speaker, on November 13, citizens of Bethel Park Borough in Pennsylvania will gather to honor the Bethel Park High School Blackhawk Marching Band.

The event will be a twofold observance. First, to mark the 50th anniversary of the organization and, second, to call public attention to the fact the band is one of the outstanding musical organizations in the Nation. In fact, it is reputed to be the first and only band to achieve a national championship in national/international music festival competition three consecutive years.

In recent years, the Blackhawk Band traveled extensively to compete against units from all over the country. Its performance in these competitions has brought national recognition to the band, the Bethel Park music program and to the community itself.

The Blackhawks has won the Sweepstakes Award, symbolic of the overall championship, in 1980, 1981 and 1982. During that period, the organization won first place each year in marching band, symphonic band, stage band, majorette and orchestra competition. The Bethettes received two first place awards and one second; the wind ensemble, one first and two seconds, and in parade competition.

In 1981, Downbeat magazine selected the unit's symphonic band as the best high school band in the United States from over 200 competitors. The Bethel Park Stage Band was second in that competition.

Trips to enter the competitions are financed by a variety of activities, sponsored by an active Bethel Park Band boosters group and supported by the community. One of the most successful projects is the annual sale of 50,000 "hoagies," a huge sandwich made by high school students.

This year's organization is comprised of 185 musicians, 10 majorettes and 36 Bethettes. The student director is Rich Kocur; the head majorette, Lynn Higgins; Bethette captains are Dana Morrow and Debbie Dymond and the drum line captain is Kurt McNaught.

Mr. Speaker, the Bethel Park Blackhawk Marching Band has been the recipient of numerous awards over the years and I take great pleasure, on behalf of my colleagues in the Congress of the United States, to extend our congratulations to this outstanding musical organization.

C. Dean Streator, the Bethel Park Band director for the past 15 years, is particularly deserving of special recognition. He, perhaps more than any other individual has been responsible for the success of the Blackhawk Band. But, credit must also be given supporters of the organization: Dr. Edwin T. Merritt, superintendent of schools; Mayor Reno Virgili; the officers and members of the boosters club and the citizens of Bethel Park Borough.●

EDUCATION OF HANDICAPPED CHILDREN

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BARNES. Mr. Speaker, I am pleased to submit for the RECORD the testimony of the Commission on Handicapped Individuals of Montgomery County, Md., concerning proposed regulatory changes in the law governing the education of handicapped chil-

dren. I believe that this testimony states as well as anything I have read on the subject the importance of these rules to our society and the dangers of retreating from a national commitment to the education of children with handicaps.

The testimony follows:

ORAL TESTIMONY TO DEPARTMENT OF EDUCATION, SEPTEMBER 9, 1982, PUBLIC LAW 94-142

Mrs. WILSON. Secretary Bell and Panel: Good afternoon. My name is Joan Wilson. I am addressing you today as the Chairperson of the Commission on Children and Youth of Montgomery County, Maryland. With me is Sara Milner, Vice-Chairperson of Montgomery County's Commission on Handicapped Individuals. Also with us is Arna Mickelson, the parent of Adam Mickelson, a handicapped child.

These two Commissions have been mandated by state and local legislation to advise these governments and to provide a voice for the many citizens we represent. For us, this is a landmark occasion because it is the first time our two groups have joined efforts for action around a common concern. Obviously, the proposed rules for Public Law 94-142, Assistance to States for Education of Handicapped Children, are very important to us and to those individuals we represent.

We believe that education of children with handicaps is important to all our children and youth. It has implications for their education now and for the society in which they will live and govern in the future.

We believe, as you do, that education is central to insuring that all handicapped individuals will have opportunities to realize their potentials and to be accepted and contributing members of our society.

Our purposes today are to emphasize some principles and to highlight some concerns we have about both the proposed rules as a whole and certain aspects of them. At a later date, we will submit more detailed written testimony with specific recommendations.

We appreciate that the purpose of the proposed revisions is to improve process by reducing regulatory details, paperwork, and costs. We, too, would prefer to have funds directed to providing educational services rather than red tape. In fact, it is hoped that we never permit our society to do away with the rights and privileges for the quality of life for all our citizens because of inconvenience experienced. We caution that the proposed revisions do just that. Please remember that membership in the dominant group is, in this instance, indeed tenuous. One cannot be assured that a highway accident would not place a loved one in need of the protections afforded by Public Law 94-142.

In addition, it is important not to lose sight of basic principles in this effort. Among the principles that must be preserved are:

1. Protection of the rights of all Americans (including, and maybe especially, handicapped Americans) is a responsibility of all citizens and our government.

2. All children have a right to a free and appropriate public education.

3. Parents, as their children's primary caregivers and primary educators, must retain key roles in determining the educational placement and programs for their children.

4. All children whenever possible should be placed in the educational setting nearest their homes.

5. Children with special educational needs should be integrated into classrooms with other children whenever it is possible to meet educational needs in that way.

6. Reasonable accommodations should be made to meet the individual needs of each student in a classroom in order to enhance educational opportunities for all.

7. Services should be directed, to the greatest degree possible, to children as whole beings rather than as a sum of their categorical needs.

8. To insure adherence to these principles, related rules and procedures must be defined precisely with clearly delineated accountability.

There is a potential harm in these proposed regulations that is a subtle message: We are not serious about these rights, we will back down when implementation seems too difficult or too costly.

Mrs. MILNER. [As an aside, it was mentioned to me that the restrooms here are not accessible to handicapped people in the audience today.]

These are the concerns we have about the proposed revisions as a whole:

We need the federal government to protect the rights of four million disabled American school-aged children. We question the advisability of decentralizing controls. While we respect the aim of restoring federal controls to states and localities, we sincerely believe it would be wrong to reduce federal controls at this time. Until recently, the disparities between the states, and even within the states, in educational services to children with handicaps constituted a poor record of responsibility. In some places, services are so new that they might easily disappear without strong federal mandates. We hope that, someday, we will all have grown so accustomed to including children with handicaps in our classrooms that federal controls will no longer be essential. Unfortunately, someday is not now.

What worries us most is the distinct possibility that the revisions as written and justified could be interpreted as a withdrawal from a national commitment to children with handicaps. Too many people worked too long and too hard to assert the rights of these children to allow them to slip in the case of expedience.

We question, too, whether new regulations are necessary to simplify procedures, to allow for desirable flexibility, and to improve accountability. Much of this might be accomplished by reworking procedures, clarifying existing rules, and refining funding responsibilities. In process of clarifying, rather than changing, the needs and rights of children with handicaps might stay more visible.

Within the context of our general concerns, we could take exception to a number of proposed regulations and will do so later in written testimony. Five aspects strike us as particularly disturbing.

Parent Rights and Involvement. (300.125, 300.145-300.152):

Our concerns here are:

Reducing parent notice procedures;

Deleting prior notification and available advocacy services;

Closing hearing proceedings;

Deleting firm timelines;

Adding a vague standard of "reasonable attempts"; and

Deleting prior parental consent to evaluations.

[Imagine how you would feel if your child was evaluated and placed in a special education program without your knowledge.]

The proposed regulations appear to systematically weaken due process by which parents can insure and be a party to their child's appropriate education. These regulations will result in less informed and thereby less involved parents. As most of us in this room know, it has been the involvement of parents that has helped to ensure adequate services for our children.

Timelines are a real problem. (300.122, 300.123, 300.141): The proposed regulations would eliminate the timelines for IEP completion, completion of placement and frequency of re-evaluations. [Just think if you didn't know when the process would be completed and your child placed and no new evaluations although your child is changing rapidly.] Leaving deadlines to states and localities would promote unnecessary delays, inappropriate placements, and undue anxieties. Even now, uncertainties about timelines are among the most common problems faced by families. It is possible to deal with unavoidable delays and changes in deadlines without totally relaxing timelines.

Related Services is an area of difficulty. (300.04): The proposed regulations would replace requirements that services such as medical and social services, be provided by educational agencies with unclear definitions of services for which these agencies might not be responsible. As written, the regulation would increase the possibilities that children might be removed from an appropriate educational setting. In some cases, school systems have been shouldering too much of the burden of related services. It would be wise to look at creative funding and service resources in addition to those of school systems. However, services needed for a child to attend and benefit from an appropriate educational program must be assured. A child should not be excluded because he needs these services.

Home School and Additional Activities. (300.113, 300.160, 300.161):

The proposed regulations would:

Remove the requirement that children with handicaps be placed in their neighborhood schools unless contraindicated; and

Remove requirements that handicapped children be given opportunities to participate in nonacademic and extra-curricular activities with their non-handicapped peers.

These regulations would minimize opportunities for handicapped children to develop wholesome and meaningful relations with other children and to benefit from important role models. The impact of these regulations is to needlessly perpetrate the isolation of a portion of our population.

Disciplinary Actions. (300.114): We have particular problems with this revision as it refers to "disciplinary sanctions" (e.g. punishments) only, rather than considering the full range of alternate methods that may be required to help a child adapt his behavior to a classroom and to help a class adapt to the child. As written, this proposed regulation heightens the possibilities for excluding some children from any meaningful educational placement or for placing them in unnecessarily isolated and restrictive environments. For children with special needs, immediate discipline which is negative or inappropriate often will have longterm consequences which are difficult to mitigate.

In closing, we urge you to consider the longterm impact of these proposed regulations that would likely compromise the handicapped child's chance of receiving the most appropriate education. We also urge that any revisions be written with great deal

of clarity to save costs to schools and families for lawyers to interpret the "legalese."

I would like to introduce Arna Myer Mickelson, the parent of a handicapped youngster, who will share with you a more personal note.

Mrs. MICKELSON. My child Adam is a 7 year old boy with handicaps. At the time of this first evaluation he was a disruptive, tantruming child who was newly recovering from a hearing loss that was surgically corrected. Because his hearing loss had been corrected, he could not be placed in a hearing impaired class, but had all the severe emotional problems that can be associated with the sensory deprived, highly frustrated child. Throughout his initial labeling and placement, we as parents played a strong advocacy role for our child, which is allowed and prescribed under the present law and limited under the proposed changes. The beginning placement recommendation for Adam was for placement in a very restrictive school for the emotionally disturbed. Adam was then 5 years old and the only other primary age child at that school was coming from 6 months on a locked ward in a state institution. It was our feeling as parents, from our knowledge of Adam, that this placement and other restrictive placements offered were inappropriate for him and may very well in fact, have damaged him and prevented the association with "Normal" children which he so desperately needed as role models.

Under the current law we were allowed expert advice and unrestricted parental advocacy in his placement. We were able to see that he was placed in a special education class within a normal school. Re-evaluations took place on schedule with changes made accordingly. The present laws prescribed and allowed the combination of advocacy, a partnership between school and family, that provided a winning ticket for our son. Adam, although still overcoming some serious problems, has now been additionally labeled gifted and will return next fall to his home school. The happy ending might not have occurred under the prescribed changes. The restriction of parental advocacy, the time table changes for the writing of the IEP, the provision that disabled children may be excluded if their participation might disrupt the educational program of other children, would have spelled disaster for our child and our family. It is my very strong recommendation that the regulations of Public Law 94-142 not be changed as proposed. In Adam's case, this actually has meant the least investment for the greatest benefit. My concern is for families that will not be informed as we were and will not be given the opportunity for involvement in their child's education decisions.●

CHAMBER HONORS CHET TWARDZICKI

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mrs. HECKLER. Mr. Speaker, legislative business kept me in Washington this week as the North Attleboro-Plainville Chamber of Commerce celebrated its 25th anniversary Tuesday evening. I wanted to share with my colleagues not only the celebration of this anniversary but also to show how an effective local chamber of commerce can contribute to the betterment of the community. As their Representative in the Congress, I have been able to work with this chamber on various activities. They have accomplished much through their present able president, Mark Fisher, and through many past presidents. Industrial development and retail projects, public information services including consumer guides and adult education workshops, and downtown redevelopment is to cite only a few of the chamber's activities.

This particular event held this week was even more special, however, because the chamber chose to honor a good friend, an able leader, and an involved citizen: Chet Twardzicki. Chet has dedicated himself with a rare strong commitment to the area's businesses and indeed all its people. Involved in so many aspects of the community, such as the United Way and the Industrial Development Commission, I have had the pleasure to work with Chet on many occasions. The North Attleboro Industrial Park is in part a testament to Chet's ever-diligent efforts on behalf of the chamber of commerce and indeed many other community projects bear his mark. A loving husband and father as well, there could be no finer citizen than Chet Twardzicki.●

CASTRO AND THE BANKERS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. LAGOMARSINO. Mr. Speaker, in a recent report published by the Cuban-American National Foundation, Inc. entitled "Castro and the Bankers: The Mortgaging of a Revolution," its authors, Ernesto Betancourt and Wilson Dizard III, point out that Castro's dependency on Western banks is fast approaching a crisis state. Since his 1959 takeover, Castro has managed to increase his Government's debt by more than 200 times giving Cuba the largest per capita debt in all of Latin America, three times that of Mexico, even with its current troubles.

Fortunately, unlike Poland or Mexico, United States private banks are not among those left holding the bag. While some still argue that if we would only open our doors and pockets to Castro, he would behave himself, it is clear that such action not only does not work but compromises one's ability to respond. At the old saying goes, if you are broke and owe the bank $100 you are in trouble. However, if you are broke and owe the bank $100 million then the bank is in trouble.

I commend this thoughtful report to your attention. For your information, I have included the conclusion of the report as well as a recent news report from the Financial Times of London, dated September 1, 1982, on this subject as well as a recent editorial from the Washington Times of September 22, 1982.

FIDEL CASTRO AND THE BANKERS: THE MORTGAGING OF A REVOLUTION

(By Ernesto F. Betancourt and Wilson P. Dizard III)

WHAT NOT TO DO

Some suggest Cuba's present financial predicament creates an opportunity for rapproachment. By making it easier for Cuba to trade with the United States and help solve Cuba's financial difficulties, the U.S. could mollify Castro's hostile stance.

The record for the second half of the 1970's does not support that hypothesis. At the Organization of American States—and in Europe—as part of the detente effort, the same argument was used to justify giving credits to the Cubans and lifting the sanctions imposed at the request of Venezuela in 1964.

As a result of this easing of tensions the following shift in trade took place:

Years	Overseas trade balance	Socialist		Market economies
		U.S.S.R.	Other	
1959-74	−4,197	−3,560	−43	−594
1975	−166	411	−15	−562
1976	−488	148	78	−174
1977	−521	205	−92	−634
1978	−141	178	−106	−203
Total	−5,513	−2,618	−178	−2,719

Source: Carmelo Mesa-Lago, op. cit., table 21, p. 96; the figures do not add due to rounding. Figures in millions of pesos.

As the table shows, up to 1974 there was a negative trade balance with socialist economies and it is in 1975 that it became positive. The cumulative deficit was reduced from 3560 to 2618 for the USSR and it had a small increase for other socialist economies. This shift and the additional total deficit was compensated by trade with the market economies whose cumulative deficit increased from 594 to 2719 in four years.

Since Cuba does not earn much hard currency from trade with the Soviet bloc, these deficits with the West were financed by credit extensions by Western banks which brought the debt to US$2.6 billion. There is no evidence that this lending made Cuba more friendly to Europe and Latin America. It is also clear that these funds were not effectively used to improve the living standards and productive aspects of Cuba. Indeed, some were probably used to finance Castro's interventionism in Africa and Central and South America.

In summary, present funding sources for Cuba's failing economy are drying up. The well orchestrated propaganda campaign on rapprochement with Havana seems to be an effort to have U.S. banks and investors close the gap left by other Western banks. The ultimate goal of this effort is to secure government insured U.S. investment in Cuba, thereby saddling the U.S. taxpayer with the responsibility for the Cuban debt—as in the recent Polish rescheduling. Cuba may even try to rejoin the IMF and the World Bank as part of a package deal.

It would be unwise to absolutely refuse to engage in negotiations. However, it would be short-sighted for the United States to ease the financial burden of Castro's overseas

military activities, as the Western banks seem to have been doing in the past few years. There are other political and economic arguments that could be marshalled against rapprochement with Cuba. But, as long as Castro continues his military adventurism, the overriding consideration is that Cuba will continue to be a threat to its neighbors and no real benefit will accrue to the Cuban people.

[From the Financial Times (London) Sept. 1, 1982]

CUBA ASKS BANKS FOR DEBT DEFERRAL

(By Peter Montagnon and Hugh O'Shaughnessy)

Cuba has asked Western commercial banks to defer for up to 10 years repayments of principal due between now and the end of 1985 on its hard currency foreign debt on around $3bn.

The request, contained in a telex to its main bank creditors, follows the sharp fall in world sugar prices, the drying up of new loans and economic hardships caused by the U.S. trade embargo.

The Cuban move came as little surprise to commerical bankers who have been aware of financial strains developing for several months. Yesterday, however, they said they would need time to consider the the request, partly because of a scarcity of detailed information on Cuba's foreign debt.

U.S. banks do not lend to Cuba for political reasons. Much of Havana's borrowing tends to be denominated in D-Marks as an alternative to dollars, and the main bank lenders are believed to be Japanese, French and Canadian institutions.

In an uncharacteristically frank and sombre assessment of the island's economic situation, the National Bank announced that Cuba stood to lose $1.5bn "in the 1982/3 period" because of high interest rates, hardening terms for foreign borrowing, a drop in demand for its main export commodities, rising import prices and a drop in foreign credits.

Washington's trade embargo, it added, cost Cuba some $9bn, "almost three times the total foreign debt of the country in convertible currency."

Despite this, the bank said, the balance of payments in hard currencies showed a surplus last year which is increasing this year.

The bank nevertheless says that foreign lenders have been cutting their commitments to Cuba. Since September 1981 foreign credits decreased "without interruption," amounting to a total reduction of more than $500m over the year. This is equivalent to the value of 3.5m tons of sugar in the free market or 1½ times the export quota Cuba enjoys in the International-Sugar Organizations.

As a consequence Cuba is seeking agreement within 90 days for the postponement of all payments on principal due on loans from Western banks for the rest of this year and until 1985. These would be met over a 10-year period including a three-year grace period.

Short-term loans would not be included in this operation—provided, the bank hints, that foreign banks co-operate in maintaining them at their present level.

In the trading field the central bank appealed to correspondent banks not to demand collateral deposits for letters of credit issues, that Cuba's foreign earnings and assets be respected, that foreign suppliers do not demand payment through letters of credit confirmed by foreign banks.

Export credit agencies were asked to maintain coverage for exports to Cuba and foreign suppliers to continue ensuring basic supplies for exporting industries and the minimum needs of the Cubans.

Full disclosure of Cuba's convertible currency position is promised "in a short time." The president of the National Bank, a member *ex officio* of the Cuban cabinet, is available to visit foreign creditors "at the shortest possible time."

Cuba's situation is complicated by the fact that in 1986 it was due to start repaying to the Soviet Union over a period of 25 years more than $5bn of interest-free loans.

William Hall writes; Cuba ranks well down the list of countries in debt to the world's international banks and the amount it owes is a fraction of that owed by countries such as Mexico, Argentina and Poland.

According to the latest Bank for International Settlements figures, Cuba owed banks $1.1bn at the end of March. This compares with $46.3bn owed by Mexico, $16.4bn by Argentina and $13.3bn by Poland. The BIS figures do not cover all banks but they are the most comprehensive available and give a broad indication of international banks' exposure to debtor countries.

[From the Washington Times, Wednesday, Sept. 22, 1982]

CASTRO'S CURRENCY CRUNCH

Anyone who says trade sanctions aren't useful weapons should look at what's happening to Cuba.

Apologists for Fidel Castro were embarrassed by his recent announcement to western bankers that he doesn't have enough money to pay his debts to them. He asked them to wait until 1985 for any repayment on principal, followed by payments stretched over the next 10 years.

Cuba's per capita debt is the largest in Latin America—three times that of Mexico's, and nearly 200 times what it was before the island fell to communism in 1959. Castro owes $2.6 billion to non-communist countries, primarily Canada, West Germany, France, Japan, and some Arab nations. This includes $1.1 billion due western commercial banks within a year.

In addition, he owes the Soviet Union nearly $7 billion—and repayment on that is also due in the next few years. Although the Soviets aren't likely to press Castro, they're also not expected to help bail him out. Declines in oil and gold prices, two major Soviet exports, and the costs of waging war in Afghanistan and Angola (through Cuban proxies) have created foreign exchange problems for the U.S.S.R., itself.

No U.S. banks are directly affected by Castro's announcement, thanks to a trade embargo by the U.S. since the early 1960s. Those who now argue in favor of normalization would like to see government-insured U.S. investment in Cuba in order to help Castro solve his economic dilemma.

That, of course, would saddle the American taxpayer with partial responsibility for the Cuban debt and help clear the way for Castro to rejoin the IMF and World Bank, two other channels of U.S. tax money to foreign governments.

What caused Castro's currency crunch? Again, his friends blame forces beyond his control—high oil prices and dropping sugar prices. True—but only to a degree. Through subsidies and barter from the U.S.S.R. and its Council for Mutual Economic Assistance, Castro can sell his principal export, sugar, for the equivalent of seven times the current world price and can buy his oil for about half the price other countries have to pay.

In addition to high interest rates, Cuba's other big problem has been a shortage of new foreign credits. Washington's trade embargo, according to the National Bank in Havana, has cost Cuba some $9 billion, "almost three times the total foreign debt of the country in convertible currency."

Washington can do still more to squeeze Castro. It can reimpose sanctions on foreign subsidiaries of U.S. companies dealing with him. It can maintain the ban on U.S. tourist travel to the island. It has still other options.

But one that Washington should not consider is rapprochement. This would only ease the financial burden on Castro of his overseas military adventure. Sources of finances for Cuba's failing economy are drying up. Let's help the process along.●

KEEPING DRUNK DRIVERS OFF OUR ROADS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BROWN of California. Mr. Chairman, alcohol and its related problems cost society over $100 billion annually in lost labor productivity, health and medical costs, highway accidents, criminal prosecutions, treatment, and welfare. Drunk drivers killed over 50,000 Americans last year, and maimed 2 million more.

Over the last couple of years, many States and the U.S. Government have finally realized the extent of this problem, and have attempted to resolve it with some success. In Maryland, for example, alcohol-related traffic deaths are down 20 percent; Maine has reduced its alcohol-related deaths by 47 percent. I encourage this progress, and urge my colleagues to review an article by William Plymat, executive director of the American Council on Alcohol Problems, which, I believe, can guide us toward an even saner policy regarding drunk driving.

[From the Christian Science Monitor, Sept. 17, 1982]

A PROGRAM FOR GETTING DRINKING DRIVERS OFF THE ROAD

(By William N. Plymat)

Everyone says our primary mission it to "get the drunk driver off the road." We should all recognize that those who are guilty of illegal drinking-driving should be punished; but we also know that court actions are often slow, due to large volumes of cases before courts, as well as the inability of the court systems to respond promptly in an adequate way. What is needed is what has been called by others a two-track system. One track should deal administratively with the license and the getting of drinking drivers off the road quickly, while the other track deals with punishing offenders in the courts.

We need three elements of an adequate program to "get the drinking drivers off the road."

Laws should provide for a "pre-arrest breath test" to be followed by a test on a professional breath-testing machine, and an immediate administrative revocation of the driver's license if the tests show that the driver had more than the legal limit in the blood.

In this connection consideration should be given to changing state laws to lower the legal limit from the usual .10 percent [alcohol in the blood] to .05 percent as is the case in Sweden and other foreign countries.

Laws should provide a severe penalty for driving after revocation or suspension.

It is well known that many who have had licenses suspended or revoked proceed to drive without a license. They plan to be careful not to violate the law so they will not be found without a license. But if the penalty for driving without a license is not severe, they may decide they can stand the penalty; if caught.

In Iowa the law was changed to increase the penalty for driving without a license from a fine of $100 and a possible 30-day jail sentence to a maximum fine of $1,000 and a possible jail term up to one year.

This penalty should be well-publicized so that all citizens will know about it. It is important not only to reach the minds of persons under suspension or revocations but also those who consider what might happen to them if they drink and drive and then get licenses suspended or revoked.

Newspapers should report names, addresses, ages, and times of arrest of all persons arrested; also those having had licenses suspended or revoked.

We believe the Cedar Rapids Gazette (Cedar Rapids, Iowa) pioneered in this. The St. Louis Globe-Democrat began this practice in December 1981.

A person may think he can get away with driving without a license; but if he sees his name in the newspaper and knows the public has been advised of his suspension, he will know that people in his area, perhaps the police, will observe him. Some concerned citizens may report to the police that he is driving without a license. This in turn may cause the police to undertake surveillance and arrest. This will help to create the necessary deterrence.

The effect of this total program is to force the drinking-driving decision to the period before drinking, rather than allow this decision to be made after drinking but before driving.

There are many other actions which could be taken as well:

ROADBLOCK TESTING

While there have been some constitutional problems with this in the U.S., it appears that under some circumstances this can be done.

Roadblocks make apprehension a matter of chance, beyond the ability of the driver to control or reduce. They provide deterrence—an acceptable excuse for allowing another person to drive because, as Dr. Robert B. Voas puts it in his report about such a person: ". . . even though I am unaffected by drink, I might be stopped and required to take a breath test which could be positive."

RESPONSE TO THE YOUTH PROBLEM

It is well known that young persons are overrepresented in the drinking-driving category, considering their numbers. Three effective actions can be taken—two legislative and one educational.

There is much evidence that where legal drinking ages were lowered from 21 there was a great increase in youth drinking and driving. Then when they were raised to 20 and 21, such as in the case of Michigan and elsewhere, there was a reduction. It would be helpful if there could be a uniform age of 21 across the country.

The other legislative approach to the youth problem would be that which was taken by the New York legislature. It has required a lower blood alcohol level (.05 percent) for teen-age drivers.

About the educational approach: We all know the effectiveness of a recovered alcoholic working with an unrecovered alcoholic to persuade such a person to go for sobriety. We know about negative peer pressure to drink among teen-agers. Recently in Massachusetts an educational experiment has proven the effectiveness of positive peer pressure to avoid drinking and driving.

All teen-agers seeking a license to drive should be properly educated. There could be a requirement of a special test to be given administratively to youth about the effects of alcohol on driving. We now test all applicants for drivers' licenses about various aspects of traffic safety—about speed and other laws governing driving. Why not include aspects of the problems of drinking and driving?

INCREASED FINES AND PENALTIES LARGELY COUNTERPRODUCTIVE

There is great temptation to adopt severe penalties for drinking-driving offenses, especially in the case of repeat offenders. It should be recognized that the more severe the penalty, the more unlikely it is that it will be imposed. The more severe the sentence or penalty, the greater is the bargaining power of the accused and the likelihood that he will be charged with a lesser offense. Defendants are more likely to hire lawyers, plead innocent and require trials. They are also more apt to ask for jury trials than to simply go before a judge. All these factors place more pressures upon the judicial system and increase costs.

SUPPORT FOR ADDITIONAL NEEDED ENFORCEMENT

We need more patrolmen to work at apprehending drinking drivers. This may be funded by a possible surcharge on fines levied or supplying part of fine money to local enforcement activities.●

DRUG ABUSE—A NATIONAL PROBLEM

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BARNES. Mr. Speaker, drug abuse continues to be a major national problem. Despite the fact that drug abuse continues to grow, the Federal Government has demonstrated a lack of commitment to attack this grave situation. And I have been repeatedly told by the law enforcement officials from my district, Mongtomery County, Md., that drugs are by far the biggest reason for crime in our community.

One of my constituents, Marvin Leibstone, recently wrote an article which once again dramatizes why the Federal Government must act to end the flow of illicit narcotics into the United States. So that my colleagues can see Mr. Leibstone's work, I am including the article for their consideration.

The article follows:

[From the Washington Times, Sept. 23, 1982]

DRUGS—THE OTHER PIPELINE

(By Marv Leibstone)

Illegal drugs from foreign sources retail in the United States at $79 billion annually. Almost 10 metric tons of heroin, 100 of cocaine and 24,000 of marijuana reach 27 millions users—more than one-fifth of America's population—every two years. A half-million are heroin addicts, enough people to comprise a U.S. city.

Since 1972, the federal government has spent over $9.5 billion—nearly $1 billion annually—to curb drug abuse, but there are as many heroin users today as then, plus 4 million persons using cocaine more than casually. Moreover, a network of organizations with proliferating costs has had to develop, in addition to the Drug Enforcement Administration, anti-drug programs now involve the Departments of State, Defense, Agriculture, Justice and the FBI, Transportation, the Treasury, Commerce, Human Services, and the CIA. Fiscal maintenance of this complex is in the millions before any use of operational funds.

There is also an opium glut. Of the 1,700 illegal metric tons produced in 1981, only a few hundred were needed to supply the world's addicts. Because authorities are unsure where the unused opium is, it can be assumed sellers have it packaged and stored and can thus choke or open the flow of opium and control prices, meaning too that crop destruction has little immediate impact on sellers.

The opium used for heroin in the U.S. comes from Mexico, Laos, Thailand, Burma, Iran, Afghanistan, Pakistan. It is transformed into heroin in European and Latin American laboratories and brought to America covertly past several thousand customs and local law enforcement agents who can't possibly monitor the many thousand miles of border terrain and seashore completely.

If foreign sources for illicit hard drugs were to dry up, illegal American operators would not be able to supply more than 9 percent of the current U.S. addict population for at least a decade.

If drug abuse in America, then, is indeed an import, one wonders why only $40 million out of $1 billion is allocated annually by Congress for U.S. government international drug control efforts, especially when over 90 percent of illicit drugs used by Americans comes from foreign sources.

Around 4,000 Americans die each year from drug-overdoses. To heroin addicts via burglaries and muggings the general public loses over $1 billion in a 10 month period. Also, according to the National Institute on Drug Abuse and Congress' Select Committee on Narcotics, the cost to the U.S. economy *en toto*, for, that is, federal, state and local law-enforcement, treatment and educational anti-drug abuse activities, is more than $100 billion per year—nearly that of the upcoming deficit and practically one-third of our budget. It seems the fight against drug abuse is of the magnitude of a war we'd underwrite with billions in less than six months. . . . In less than three years from now, U.S. deaths from drug overdoses will equal more than two-thirds of the

Vietnam war soldiers killed list for a comparable period.

It is not that our assistance to foreign countries for crop eradication, crop alternatives, and pilots flying low aircraft along our borders, is ineffective, it is, say analysts, that more of these actions are required if we are to make a serious cut in the export problem.

Are our actions against foreign countries from which heroin and cocaine originate ever tough enough? It was regarding Turkey in the early 1970s, the Nixon administration told the Turkish government if illegal opium exports were not sharply curtailed, America would end significant aid to that country. Today, Turkey is no longer the largest opium exporter.

America provides Burma, Laos, Thailand and Mexico almost $100 million unconditionally each year for economic development. Afghanistan and Iran are, of course, out of reach, Pakistan, receiving $20 million, is not. . . . Our efforts to shrink drug products from these lands consists mainly of crop manipulations and law-enforcement assistance; however, stopping plant growth in one area has, in most cases, resulted in crops elsewhere, and police training has not broken through social factors that foster the corruption of officials. It is known that cocaine-sending Bolivia and Colombia are diseased with top government officials on the take.

Experts estimate that twice the money used now to combat illegal drug-producing overseas is needed to help create a significant drop in the U.S. addict population. Presently, $350 million of the federal government's annual $1 billion effort is for treatment and prevention programs in our larger cities. Future state and local adoption of some of these efforts could free monies for the difficult task of weakening illicit drug pipelines at their overseas source points.●

PROCLAMATION OF COMMENDATION FOR THE CALIFORNIA BLACK CORRECTIONAL COALITION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. CONYERS. Mr. Speaker, I would like to place in the public record a proclamation concerning the California Black Correctional Coalition commending them for their work in the California correction system.

PROCLAMATION

Whereas the California Black Correctional Coalition is one of the nation's largest black criminal justice organizations.

Whereas the California Black Correctional Coalition since its establishment in 1973 has worked toward increasing the effectiveness of the criminal justice system in the United States.

Whereas the California Black Correctional Coalition has supported equal opportunity and the greater utilization on minority practitioners within the correctional system, and

Whereas the California Black Correctional Coalition has greatly improved the quality of life for inmates as well as that of the residents of the minority community,

Now therefore be it resolved that a Proclamation of Commendation be awarded to the California Black Correctional Coalition for its commitment to outstanding service within the criminal justice system thereby contributing significantly to the betterment of American society.●

IN HONOR OF FRANK CIANCIO

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. WIRTH. Mr. Speaker, on October 12, people from all walks of life in Colorado will be honoring the 80th birthday of a truly great citizen of our State, Frank Ciancio.

For his entire life, Frank Ciancio has worked to help others in his community, from his years of service as president of the Colorado Vegetable Growers' Association to his current service as president of the Adams County Housing Authority, and his membership of Gov. Richard Lamm's labor board.

Frank Ciancio has been an effective advocate in the political realm for projects ranging from improvements to the South Platte River to protect the area from annual floods, to securing funding necessary to develop a regional park. Over the years, he has helped immigrants weave themselves into the fabric of the society around them, advised a host of elected officials, and made life for his neighbors better in ways too numerous to list.

I am inserting an article—from the Welby, Colo., Sentinel of January 8, 1976—about Frank Ciancio, his wife, and his wonderful family in the RECORD, and ask that my colleagues join with me in honoring him on his birthday.

[From the Welby (Colo.) Sentinel, Jan. 8, 1976]

FRANK AND MARY CIANCIO

(By Joe Peifer)

If there is such a person as a "godfather" in Adams County, it has to be Frank Ciancio Sr.

"Heck, I'm always being introduced that way, wherever I go," he said with a certain amount of pride.

No one is prouder of his involvement in politics—and particularly Democratic politics in Adams County—than the 72-year-old small-grocer-turned-restaurateur.

His influence—real or imaginary—in county, state and, sometimes, national politics is legendary in these parts.

Today's Democratic Central Committee may say ". . . but what have you done for us lately?" Yet there is little doubt, even today, that if an aspiring Adams County candidate hopes to ascend the political ladder a blessing from F. C. wouldn't hurt a bit.

Perhaps there is something prophetic in his name.

Being of strong Italian ancestry, any son born of those Adams County pioneers, Carmen and Louisia Ciancio, who happened to be born on Columbus Day by all odds would be named "Cristoforo" or perhaps even "Colombo."

His parents were a step ahead of the oddsmakers, however. They named him "Francisco Amerigo Vespucci" after the man who "godfathered" the Columbus discovery.

Some wags have said that Frank Ciancio at one time or other controlled everything in Adams County except the weather.

Maybe he even tried that, because in the Dan Thornton governorship, he was appointed to the legislative weather control board to see what could be done to increase the rainfall. "But it didn't work very good," Ciancio said.

Although Ciancio is a died-in-the-wood Democrat, all his state-level appointments seem to have come from Republican governors.

John Love, another Republican, for instance, named him to the judiciary committee of the First Judicial District.

"No Democrats ever appointed me to anything" he sighed, "And I've been friendly with every governor since Alva Adams."

He's had some nice jobs, though, He's served on the Selective Service board ever since it came into being.

He also has served on the Colorado panel for the Miss America selection and prides himself on the selection of Marylin Vanderbur as Miss Colorado. Later she became a Miss America.

He sponsored Golden Gloves boxing teams and was "Corky" Gonzales' sponsor when he won the championship.

He has been urged to run for almost every political post in the county and half those in the state over the years. But he never ran for political office for himself.

The closest he's ever been to an elected position was as the "mayor" of Welby, a title earned by reputation rather then by the ballot box.

"One time a guy did get two votes for 'mayor' of Welby," Frank said, "and it took six months to find out who voted for him."

Frank was born in Welby and attended Cline School there. After graduation he went to live with an older brother in east Denver to get a high school education.

Even his courtship and subsequent marriage to Mary Yashvin had a political aura about it.

After graduating from Manual Training High School, he went to work at the Denver courthouse Benjamin F. Stapleton was mayor and Mary was secretary to the chief deputy assessor and part-time secretary to Stapleton. It was there they met and romanced.

In 1926 the young couple packed their few possessions and their newborn son into a basket, moved from Denver back to Welby and took up residence in the very modest frame store-home combination at E. 78th Ave. and York St.

They took over the Welby Merchantile Co., a tiny grocery store owned by Frank's brother, Bill, for $500 Oct. 1, 1926, and remained at the same corner 43 years.

"I voted in the same precinct all those years until we moved to Westminster in 1969," Frank said. "I have never missed an election of any kind—whether the water, school, fire districts, improvement districts, bonds, general elections or primaries."

When Prohibition was repealed, the Ciancios built a tavern next to the grocery store.

"Practically every candidate that ever came to Adams County stopped at my place at one time or another," Ciancio boasted. "I've had 'em all from presidential candi-

dates and counts from Italy down to the little orphans from St. Cajetan's."

For, if there is anything else in the makeup of Frank Ciancio besides politics, it is his love for kids.

For years he sent a bus down to St. Cajetan's to bring "all the kids who never tasted turkey" out to his restaurant for a holiday dinner.

"But they seemed to like the spaghetti and meatballs better," his wife Mary interjected.

There's a lot more that goes into the makeup of Frank Ciancio than just kids and politics, however.

For one thing, he's an avid sports fan. One of his points of pride is that he has been feeding the Denver Broncos ever since he opened the Via Venice Restaurant just north of the Bronco practice field and headquarters.

The only Broncos home game Frank ever missed was the Philadelphia game this year. He also averages three out-of-town games a season.

"But I'm really a baseball nut," he said. "I have gone to 15 World Series in a row."

He's also made a lot of conventions.

He was president of the Colorado Licensed Beverage Assn. four years and served two years as treasurer of the National Licensed Beverage Assn., a 40,000-member trade group.

He even owned his own bus line for a while—one that ran from Denver to Thornton. But it lost $50 a day and he sold it to Sam Hoffman, the developer who created the City of Thornton (Ciancio suggested naming the town after the governor, Dan Thornton).

Ciancio attended his first national political convention in Philadelphia in 1948, the year Dewey "defeated" Harry Truman.

"I could have become a millionaire if I had taken bets on that one," he said. "I should have known. Everyone was telling me that Truman didn't have a prayer, but at the same time everyone was telling me they were going to vote for him anyway."

When it comes to national politics, Frank said, "I was always for the wrong person, even when Jack Kennedy was nominated. I was for Stuart Symington." Ciancio is a Catholic.

He was the sergeant-at-arms in the 1952 national Democratic convention and in 1954 chauffeured Adlai Stevenson during his Denver campaign stop.

The Ciancios are a tight-knit family. Frank and Mary have three sons. Their only daughter, Carol, was married to Andy Lucas, one-time state representative and Senator who purchased land from developer Ron Blanding and put up what is today the Silo Building at 181 E. 56th Ave. At the time of construction and until it was sold it was known as the Andy Lucas building. The Venice Restaurant still occupies the main floor of the building.

Carol, who was a schoolteacher in Adams County and in Denver, died of cancer in February 1974 at the age of 34.

Don, the eldest son, known as "Black Don" to distinguish him from a cousin with the same name, presently runs "The Ranch" on E. 120th Ave. Frank Jr. (Buddy) and Gene Ciancio are lawyers.

When the Ciancio's celebrated their 50th wedding anniversary last October, with a wing-ding at the Denver Merchandise Mart, which more than 400 attended, one of the special tributes came from Gov. Richard Lamm, who proclaimed Oct. 14, 1975, "Frank and Mary Ciancio Day" in Colorado.

Lamm noted, "Their extracurricular activities of politics and community service alone were numerous enough to keep the average persons busy without anything else to do."

Frank's heyday as a political figure may have waned somewhat over the past few years, but he still "studies Adams County politics every day."

He's convinced that the "young fellows" (who he feels still have lots to learn) will come out of it.

He said there have been scandals in the past just as there is talk of them today. "We've had Bob Roberts, the Adams County sheriff some years ago. And we also had Ben Shearston Jr., who was a deputy treasurer under his father.

"If people try to get away with things and get caught, that's all right. That means the people will be watching just that much closer and that's fine."

"Corruption doesn't know party lines," he said. "And perhaps this thing in our county just like the Watergate thing in Washington, is going to get people to vote less along party lines and more for the man."

Ciancio said he doesn't know who the Democratic candidate for the presidency will be but it is his belief that whoever it is will win.

"People just don't forget. The voting public will get their first chance to let the nation know what it thinks about Watergate in next November's election," he said.

Back to county politics, Ciancio said "what happens when one of these boys goes wrong is that they get elected and right away they think they've got to live like Frank Ciancio."

If an elected official gets $15,000 a year and has three, four kids, there's no way he can come out. Sometimes they feel that once they get in ofice they've got to get money some way or another. If they got a worthwhile salary right from the start there wouldn't be a lot of this stuff going on.

"The trouble with too many young fellers is they don't want to work any more and they want to start at the top.

"Back when I was in the clerk and recorder's office, we got $100 a month and put in 8 to 12 hours a day, six days a week. There were no coffee breaks back then. I have no objection to coffee breaks and nothing against 40-hour weeks, if people would just get their work done."

If Ciancio has any of the "godfather" in him, it might be more in the field of lobbying than in the field of a political machine.

Ciancio knows the ropes when it comes to getting things done in the political arena.

One of his major accomplishments was the development of the Denargo Market back in the days when he was president of the Colorado Grocers Public Market Assn.

"I fought the city administration and five railroads to get that market," he said. "Only Union Pacific was with us—they loaned us the money and in 1938 when the market was built the president of UP was there to help us open it. In 10 years time we had it paid off, too.

"And that's not bad for a little county bartender from Adams County. And I never got a nickel for it.

Another side of Frank is seen in connection with the grocers association. During World War II he helped U.S. Atty. Gen. Tom Morrissey in a pet project to furnish 10,000 decks of playing cards for the nation's fighting men. Grocers from the market, under Frank's prodding, raffled bushels of peas to raise money for the cards.

The first time Frank did any national lobbying in Washington was when Senator Ed C. (Big Ed) Johnson (D-Colo.) was in office.

Frank had been Johnson's campaign manager and had helped him get elected first as governor and then a senator.

With Johnson's help, Ciancio got the river banks of the South Platte riprapped from the Denver city limits to Brighton.

"Before that, Welby and the whole area used to have a flood every year," Ciancio said.

As chairman of the Adams County WPA during the Depression, he hired all the workers and got the job done.

Another lobbying effort, this time done with the help of his friend, then Rep. Donald Brotzman (R-Colo.), he helped get the funding necessary to develop Rotello Park, a county regional park just down the street from his "headquarters" at E. 78th Ave. and York St.

Frank was also the first chairman of the Adams County zoning board. He has kept his finger in the pie ever since, although he has long since left the board.

When asked why liquor licenses, sometimes difficult to obtain from county officials, just seem to come easy to the Ciancios or someone related to them, he answered, "Can I help it if we have a large family? If we've got 10 people in the family, there's no law saying we cannot get 10 licenses if we can prove our case."

In every instance, he contends, each license has been judged on its merits. "We present our case and they vote on it yes or no just like for anyone else.

"Sometimes, the application just has to be turned down. The law is specific. Applications are granted only if the applicant can prove there is a want and a need for another liquor outlet for the neighborhood."

Back in the days when he was one of a few in Welby with a high school education and he had to be interpreter, banker and father-confessor to the immigrants who farmed the land, Frank Ciancio and his grocery store (and later his restaurant) was the hub of power in Democratic circles in the county. After all, he "carried" many customers when he couldn't afford beans.

Today, much of that power has been dissipated by the influx of suburbanites and the rising from the ranks of younger and (today) more vigorous politicans.

Is Frank jealous? Far from it. "It's their turn now. They've got a lot to learn, but they'll do all right."

When asked where the political power was today in Adams County, he said: "The young fellows. And they are needed. But if they would still come around to ask advice they'll come out of it okay."

Frank also believes that temporarily the women are gaining the upper hand in county politics, but he feels it is just that—temporary.

"I don't think they'll even run it the way we were able to run things in the past," he said.

Floyd Marks? "He has a following," Frank said. "A DA always has a chance to be a little boss. Take the JFK dinner. I tried to sell tickets, and did pretty good, too. But Floyd will sell 100 tickets in just a few minutes.

Who else has political power in the Democratic party in Adams County these days? Ciancio was asked.

"Bert Johnson," he said without hesitation. "He's got a good following, too. He reminds me of Ed Johnson. The minute he gets elected he starts working on the next

campaign. As sheriff, of course, he has an edge, just like the district attorney does. Lots of people work for those two men."

In concluding, Frank said, "I have great faith in this country. We will overcome both Watergate and the depression we're in.

"The polls will take care of Watergate," he said.

"As far as the economy is concerned, if anyone thinks that we can come out of it by laying off people they have another think coming. The New York layoffs is no way to solve the problem. People have to be given an incentive and to make it possible to have them pay their share of taxes. That's what will get things rolling again.

"And that's the basic difference between Democratic and Republican mentality and always has been."

What is so typical Frank Ciancio's involvement in Adams County, political or otherwise, is his "retirement."

A few years ago he decided to sell the Via Venice restaurant and retire. At the time he sold to John and Bertha Pfeffer, he agreed to stay with them 40 days to "show them the ropes" even though they had owned their well known German restaurant for years in Brighton.

The Pfeffer's took over on Jan. 1, 1972—four years ago.

And, yes, you guessed it. Frank is still there, big as life, majordomoing the eatery and still playing the hale-fellow-well-met to the dignitaries and near-dignitaries that frequent the place.

Before the new interstate and other highways sprang up in the northern metro area, all roads led to Ciancio's restaurant and bar—and home in Welby.

Today the patterns may have changed. But there's still a well-beaten path to the Ciancio door.●

CASE FOR THE RELIEF OF WAYNE GREENFIELD

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. PANETTA. I am introducing a bill for the relief of a constituent of mine, Mr. Wayne Greenfield, of Pacific Grove, Calif., who I believe is entitled to compensation for losses he has suffered as a result of actions of the Bureau of Land Management in the Department of the Interior.

On October 25, 1965, Mr. Greenfield purchased 22¼ acres of land from a private party. The boundaries of the purchased property were established by a Bureau of Land Management survey in 1963 and were duely recorded in the appropriate county courthouse in California. On October 21, 1974, Mr. Greenfield purchased 42½ acres of land by bid from a superior court sale of private property. Again, the boundaries of the property were based on the 1963 Bureau of Land Management survey. In 1979, the Bureau of Land Management resurveyed the property in question which resulted in the loss of approximately 4 acres of Mr. Greenfield's property. This lost property had a value of about $20,000, including timber and land value, and the value of two active springs. As a result of the same survey, Mr. Greenfield acquired some additional acres of land. However, these acres were worth only $5,000, leaving Mr. Greenfield with an unfair loss in land value of about $15,000.

I believe that Mr. Greenfield's loss is due to the results of mistaken actions by the Bureau of Land Management. I believe that his case warrants the pursuit of private legislation. I urge my colleagues to grant him the necessary relief.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Wayne Greenfield of Pacific Grove, California, the sum of $15,000 in full settlement of all claims of Wayne Greenfield against the United States for damages caused by an incorrect survey by the Bureau of Land Management of the Department of the Interior.●

PEACE IN THE MIDDLE EAST

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. WALGREN. Mr. Speaker, events move so quickly in the Middle East that a statement made at the beginning of the week is often irrelevant by the end of the week.

A couple of weeks ago I began to draft a statement on President Reagan's peace initiative in the Mideast. Since that time the world has witnessed the tragedy of the Beirut killings, where hundreds of innocent men, women, and children were gunned down by rightwing Christian militiamen in Israeli-controlled West Beirut. The full story of what happened and how it happened is still unfolding. Perhaps the most encouraging sign is the fact that the Begin government will honor the deeply felt reaction by the people of Israel that a full-scale independent investigation of that tragedy is critical. The essence of a democracy is the ability of its people to hold any government accountable for the execution of the trust and responsibility government leaders are given. On that level, Israel is showing—once again—the depth of its commitment to democracy. Where else would we see 15 percent of the population—roughly equivalent to 30 million Americans—turn out in peaceful demonstration in support of a thorough, independent investigation of government policy.

The contrast of the effect of democracy in Israel compared to the authoritarian states elsewhere should not be lost on U.S. policymakers and public opinion. It is this democratic spirit, so deeply rooted in Judaic tradition, that I believe makes Israel respected by so many of us in America and the Western World. The reaffirmation of that democratic spirit this week in Israel is a strong indication that our trust is not misplaced.

My support for the State of Israel and the right of its people to live within safe and secure borders has been well demonstrated in the time I have served in the House of Representatives. Because I believe fundamentally in the right of Jewish people to have a homeland in the Middle East, I have opposed every effort to undermine Israel's security—even when I might personally disagree with the particular policy or approach of the party in power in Israel. Regardless of the policy differences with particular Israeli administrations, America must never undermine the ability of our democratic ally to defend itself in a hostile region of the world.

Strong support for Israel is certainly not inconsistent with strong support for the overall Camp David process. A lasting peace, in the best interests of Israelis, Palestinians, and the Arab people, can only be found through moderation and compromise on the part of all parties in the Mideast. The primary goal should be peace, for there can be no militarily imposed solution in the long run.

While American foreign policy must provide essential support for Israel, we must also recognize our interests in promoting stability and good relations with the Arab world. As a member of the Energy and Commerce Committee, I have worked hard to promote America's energy independence through Government encouragement of alternatives to Mideast oil. Regrettably, this administration does not share my view, preferring instead to let the market influence supplies. In my view, energy independence would lessen the threat that Arab countries might use oil as a weapon against the United States. But it would not lessen America's interest in cultivating friendly relations with all the nations of this important region of the world—if only to check the Soviet Union.

Peace in the Mideast means both peace for Israel and its Arab neighbors and good diplomatic relations between the United States and all the countries of this region. And the time is long overdue for countries like Jordan and Saudi Arabia to follow Egypt's example and recognize the State of Israel as a permanent presence in the Mideast.

The first victims of war in the Mideast, as elsewhere, have been the civilians. The death of one Israeli child from a PLO mortar shell or the death of one Lebanese child from an Israeli bomb is, in both cases, still two deaths too many.

All of us must take proper account of the fact that the loss of innocent civilian life has far-reaching consequences: It creates new generations of hatred that condemn others now living to death. Those Israelis who have lost sons and daughters in vicious terrorist attacks and those Palestinians whose sons and daughters were killed in the rubble of Beirut may never be reconciled to living in peace together. Violence begets violence, in a never-ending cycle.

What will it take to achieve peace in the Mideast?

Sometimes I despair that the Mideast and peace are mutually exclusive. I suspect even the wisdom of Solomon could not solve the problem. Yet if there is a common link in the Bible, the Torah, and the Koran, it is the moral imperative that man must struggle to be a peacemaker.

Certainly peace in the Mideast is impossible without a recognition, first, that Israel has a right to exist in peace within secure borders recognized by its neighbors; second, that the Palestinian Arabs, just like the Jewish people, have a right to a homeland in Palestine; and third, that a peace settlement must be mutually and directly negotiated with compromise by all parties essential to the peace process.

In that context, it remains to be seen whether President Reagan's peace initiative will prove to be a positive contribution to the process so well established by President Carter at Camp David. Clearly the West Bank and Gaza are not Israeli territory to be annexed unilaterally—and clearly a wholly independent Palestinian State in that region would threaten Israel's security. The proposals, such as those suggesting an autonomous Palestinian area—with borders to be negotiated and security for Israel guaranteed—should be welcomed from whatever source. In fact, Israel's democratic process has already resulted in broad support within Israel for proposals along this line such as that put forward by the Labor Party.

Whatever the final product of a comprehensive peace, there are limits to the U.S. role in the process. While the United States should make every effort to bring all the parties to the negotiating table, it really must remain to those who live in the Mideast to work out the details of a peaceful solution to that region's problems. And, of course, the United States must speak out strongly against terrorism and the loss of innocent life.

Mr. Speaker, my mail underlines the agony of the Mideast. Letters from Lebanese Americans who fear the safety of their families in Beirut and letters from Jewish Americans who fear for the safety of their families in Israel. Is that not a tragic common denominator which can serve to bring people together? I truly hope so.

The most serious obstacle to peace in the Mideast is blind passion, uncompromising emotionalism, and closed minds.

The tragedy of the Mideast must be able to be resolved peacefully, if people of good will would step forward in the spirit of peace, moderation, and compromise. I know too many decent people on all sides of this tragedy who are deeply troubled by the deaths and whose desire for peace is unquestioned. Surely their cousins in the Mideast are no less moved by this tragedy.●

ARMENIAN TERRORISTS

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. PASHAYAN. Mr. Speaker, government leaders in Turkey have recently made statements that they intend to seek out and return to Turkey all alleged Armenian terrorists who have directed a series of attacks on their diplomats throughout the world. I should like to state that should this effort be launched by the Turkish Government that it should be within the bounds of international law.

Mr. ROUSSELOT wholeheartedly joins me in this matter, important to all Americans.●

LORTON TALKING POINTS

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. PARRIS. Mr. Speaker, as you know, I have been working for some time to develop a comprehensive plan to relocate Lorton Prison from Virginia to the District of Columbia. We have asked the General Accounting Office to look into that possibility. We have also talked with the General Services Administration and the Federal Bureau of Prisons about the feasibility of relocating this outdated and overcrowded prison facility—the only prison in the Nation located outside the jurisdiction of where the crimes of the inmates were committed.

I am personally convinced that as long as that prison remains on Virginia soil—particularly in view of the apparent inability of District officials to manage it properly—that the people of my district are not safe.

I cannot think of a better indication of that threat to safety than what happened yesterday in Alexandria. Two police officers, performing their duty, were shot down by a convicted murderer who escaped from Lorton more than 4 months ago—escaped by walking away—the simple act of walking away.

According to my information, Michael A. Miller, the escapee who was himself shot and killed yesterday in the Alexandria gun battle, was able to walk out of Lorton prison last June by walking with a group of visitors who were leaving the prison facility. The simple escape attempt was executed despite the fact that Miller had a long, long history of violent crime and was serving a 20-year-to-life sentence for murder.

According to the FBI, Miller was photographed this summer by hidden cameras as he robbed the National Bank of Washington. He is also believed to have committed a number of other bank robberies in the metropolitan area since his escape in June.

And the FBI advises me that on one occasion he was even in custody locally but was released because local officers had not been advised by the District of Columbia Department of Corrections that he was an escaped murderer.

We must stop this madness. We must stop it now before more officers are shot or killed. I intend to do what I can to protect the people of Virginia and area police officers from this kind of revolving-door justice.

Therefore, I am introducing today legislation that will require the Attorney General of the United States to direct the Federal Bureau of Prisons to conduct a study on the feasibility of moving Lorton from Virginia into the District of Columbia. My legislation requires that a report on this matter be delivered to the Congress not later than 6 months from the date of enactment.

I have asked the chairman of the House District Committee for early hearings on this legislation and I will press for its enactment during the special session that Congress plans later this fall.●

H.R. 6514—IMMIGRATION AND CONTROL ACT OF 1982

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mrs. SCHROEDER. Mr. Speaker, GAO recently released a report requested by Senator ALAN SIMPSON, on the effectiveness of laws in 19 countries prohibiting employers from hiring illegal aliens. GAO found that although each country had laws penalizing employers of illegal aliens, such laws were not an effective deterrent to the hiring of illegal workers for primarily two reasons: First, employers either were able to evade responsibility for illegal employment or, once apprehended, were penalized too little to deter such acts. Second, the laws gen-

erally were not being effectively enforced because of strict legal constraints on investigations, noncommunication between Government agencies, lack of enforcement resolve, and lack of personnel.

I urge my colleagues to read the GAO report. There is a possibility that H.R. 6514, the Immigration and Control Act of 1982, may come before us in the lameduck session. Please, don't let our concern to do something about immigration overcome our obligation to pass responsible and effective immigration laws. We all agree that immigration reform is needed. However, I believe that it is not enough to change our immigration policy—we must improve it. H.R. 6514 does not improve immigration policy.

H.R. 6514 is a highly controversial bill. It barely survived a motion to recommit it to the House Subcommittee on Immigration, Refugees, and International Law. The bill, broader in scope than any immigration reform proposal that has been before Congress in this decade, has only been before Congress for 6 months. It needs further debate. H.R. 6514 makes for a good starting point, but a bad end product. I urge my colleagues to read following dissenting views on the bill:

DISSENTING REMARKS OF THE PATRICIA SCHROEDER

Although I must respectfully dissent from the Committee's action in reporting H.R. 6514, I would like to commend the Subcommittee on Immigration, Refugees, and International Law and its Chairman, Romano Mazzoli for its sincere effort to deal with the problems of immigration.

I agree that our current immigration "policy" is badly in need of an overhaul. However, it is not enough merely to change our immigration policy. Above all we have to improve our laws. I voted to recommit the bill to the Subcommittee because I believe that while H.R. 6514 changes our immigration policy, it doesn't improve it.

I fear that the provisions of H.R. 6514 may cause problems for Hispanics, labor, employers, and American foreign policy that the bill's supporters do not foresee nor desire. Moreover, it is unlikely that any mistakes we make in this attempt at comprehensive reform of our immigration laws will be corrected quickly.

The flow of undocumented workers to the United States has been an issue of concern to Congress for years. Congress has studied immigration reform proposals since the 92nd Congress, including a meritorious proposal introduced by Chairman Peter Rodino in the 94th Congress, to deal specifically with curbing the flow of undocumented workers into the American economy. However, H.R. 6514 is Congress's most ambitious attempt at completely overhauling our immigration policy, making changes in the control of both legal and illegal immigration. It is broader in scope than any immigration reform proposal that has been before Congress this decade.

However, while immigration has been exhaustively studied in theory, Congress has had only 6 months to examine the dynamics of the bill's unique combination of employer sanctions, an expanded H-2 temporary worker program, and legalization of aliens. What is the practical application of all this theory? Exactly how will all these new elements be enforced and fit into place?

Currently, H.R. 6514 simply expresses the sense of Congress that enforcement and border patrol activities of the Immigration and Naturalization Service should be stepped up, and states that Congress intends to provide adequate funding for enforcement. As we have seen in other instances, there can be many a slip between Congress's sense of what should be done and the funds that are available to carry out that intent. Unless H.R. 6514 includes a firm commitment to upgrade INS, its legalization provisions will only contribute to our immigration dilemma.

This lack of commitment to enforcement brings home my most serious concern with H.R. 6514: many of its provisions will be totally unenforceable. Has the INS prepared any draft regulations? How would enforcement work? How much would it cost? I think the answers to these questions will be crucial to the debate on this bill.

H.R. 6514 ignores two important premises. First, immigration is not solely a domestic issue. We cannot discuss immigration realistically in a vacuum devoid of foreign policy considerations. To do so with a country such as Mexico, with whom we share a 2000 mile border and who is our third largest trading partner, would be short-sighted.

The second premise the bill ignores is that American businesses and American workers have indirectly benefited from illegal immigration. Management theorist Peter F. Drucker explains this premise better than I could in his book "Managing in Turbulent Times."

My major diagreements with H.R. 6514 are focused on the sections dealing with employer sanctions and the H-2 temporary worker program. I offered amendments before the committee on these two issues.

Undocumented workers make for a reservoir of willing, easily exploitable workers who are easy prey for businessmen who want to ignore U.S. protective labor laws. My amendment would have helped all workers because it advocated vigorous enforcement of protective labor laws, recognizing that employers hire undocumented workers to avoid conforming with such laws.

These undocumented workers are concentrated in industries that employ large numbers of menial workers, such as restaurants, agribusiness, and the garment industry. It's in these areas that most labor violations are found. for example, in a three year investigation in California, state investigators found that of 2,835 Los Angeles restaurants, 65 percent of them were breaking wage laws. A U.S. Department of Labor survey of Chicago area restaurants revealed that 91 percent were underpaying their workers. A U.S. Department of Labor survey completed in 1980 found that 5 percent of U.S. businesses paid less than the minimum wage and that 21 percent failed to give time-and-a-half for overtime hours.

Those who are involved in hiring of undocumented workers through smuggling and underground labor market should be targeted for such abuses and sanctions. My amendment focused the attention of the Attorney General's enforcement efforts on those employers who repeatedly violate protective labor and immigration laws.

The committee rejected my substitute despite its following advantages:

1. Allows the Department of Justice and Labor to focus its enforcement efforts on the most serious offenders;

2. Reduces the quantity of paperwork required of employers and employees;

3. Eliminates the need for an expensive and potentially abusive identification card system; and

4. Removes the incentive for most employers to subject Hispanic or other minority job applicants to special discriminatory scrutiny.

My proposal was narrower in scope than the employer sanctions in H.R. 6514. It reduced the unreasonable burden that sanctions place on employers and decreased the possibility that employers would turn away all Hispanic applicants in order to protect themselves from inadvertently hiring undocumented workers. Under my substitute, an employer who complied with applicable labor laws, such as the National Labor Relations Act and the Fair Labor Standards Act, would not be liable at all and would therefore have no reason to subject minority job applicants to any special scrutiny. The proposal, therefore, would have had the beneficial effect of encouraging employers to ensure that they are in compliance with laws intended to protect their employees.

I also offered an amendment to strike Section 211 of the bill dealing with the H-2 program and to restore existing laws and regulations governing H-2 temporary worker provisions of the Immigration and Nationality Act.

H.R. 6514 establishes a formal codified temporary worker program that goes against the philosophy of the H-2 program: to provide employers with temporary foreign labor only during unique and emergency situations. By codifying the program, it is not flexible enough to fluctuate with the market and the need for workers. H.R. 6514 takes a giant step toward making the H-2 program a permanent on-going guest worker program. American workers have a lot to lose if this happens.

One of the most important tools that the Department of Labor uses to protect American workers is the Adverse Effect Wage Rate (AEWR), a state-by-state hourly earnings floor intended to offset the depressant impact of the influx of foreign workers. The H-2 provision of H.R. 6514 would dilute the effectiveness of this tool. Let's not kid ourselves, one of the major harms of an increased H-2 program is how the influx hurts our domestic workers' wages. During the last 14 years DOL has taken the position that the use of H-2 workers in significant numbers inevitably depresses local wages unless an AEWR is imposed. Yet, H.R. 6514 deletes the requirement that DOL prevent any adverse effect wage rate effect on similarly employed workers "in the United States", rather than "in the area of intended employment." This could destroy the DOL current wage rate that is set on a state-wide basis.

The H-2 provision of H.R. 6514, does not establish a limit to the number of H-2 workers that could be allowed in the United States. Under the current program, we have been able to keep the number of temporary workers down. For example, from 1973 to 1976, H-2 admissions have averaged a little more than 30,000 workers annually (12,000 were agricultural workers). In 1977 and 1978, the numbers dropped below the 30,000 average to 28,000 in 1977 and 23,000 in 1978. We have been able to keep the numbers down because the current program is largely one of regulations. It is flexible enough to fluctuate with the market and the need for workers. The new H-2 program would be

much more rigid. It would allow workers in whether we explicitly need them or not.

An expanded H-2 program also works against H.R. 6514's intent to stop the flow of undocumented workers. By establishing a statutory temporary worker program, allowing thousands of foreign workers to enter, we may be inviting enforcement problems that my colleague Congressman Hughes, spoke of during debate on the bill. If we look at the history of temporary worker programs, we see that fear of such problems is wellfounded.

We saw this problem in the temporary worker program of the 1920's. Because of a lack of adequate enforcement, many workers deserted their contracts and presumably found higher paying jobs in other sectors of the economy. According to the Bureau of Immigration's Annual Report of 1921, a total of 72,862 temporary workers had been admitted from 1917 to 1921, of which 21,400 deserted their employment and disappeared.

A dramatic increase in Mexican migration followed the institution of the 1917 program. By the 1920's, Mexican immigration, both legal and illegal had reached unprecedented levels—from 221,915 in 1910 to 890,746 in 1926.

We also found that the Mexican bracero program did not stem the flow of undocumented workers into the country. In fact, illegal entry continued unabated as U.S. employers continued to hire undocumented workers to protest the terms of the bracero program. During the 22 year history of the program, 4.5 million workers came in as braceros but 5 million were apprehended as illegal immigrants.

It makes no sense to try to stem the flow of undocumented workers through tough employer sanctions, while at the same time creating a temporary worker program that has no limits. From the European guestworker experience we found that while the guestworker program was designed like our H-2 program to simply meet the narrowly conceived manpower needs of the postwar era, these guestworker programs generated a continued flow of foreign labor and an unexpected national dependence upon that labor.

While the new H-2 program has the potential to hurt American workers, one segment of our society is especially vulnerable—the American migrant farmworker. Farmworkers are the victims of poor wages, bad working conditions and limited educational opportunities. Farmworker wages are low and often represent the combined efforts of an entire family, not just the individual worker. Debate on H.R. 6514 would be incomplete if it overlooked the bill's effect on this segment of American workers.

Immigration reform should be a deliberative process. It is imperative to consider all possible ramifications this reform may have. I commend the Chairman of the Subcommittee, Romano Mazzoli, and the Chairman of the Judiciary Committee, Peter Rodino, in providing Congress with a bill and the opportunity to begin this deliberative process. However, I think we need more debate on this particular immigration reform proposal. The close vote on the motion to recommit the bill is good indication of the need for further debate on H.R. 6514. While the bill makes for a good starting point, but a bad end product. I must, therefore, repectfully dissent.●

SITE PREPARATION BEGINS ON A MAJOR NATIONAL PROJECT, THE CLINCH RIVER BREEDER REACTOR

HON. MARILYN LLOYD BOUQUARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mrs. BOUQUARD. Mr. Speaker, on September 21, 1982, the 11th U.S. Circuit Court of Appeals in Atlanta overturned a lower court ruling that has impeded the start of site preparation work on the Clinch River breeder reactor.

On behalf of the Nation as well as my constituents, I applaud this long overdue decision that has allowed ground breaking to begin—a decision, I might add, whose 5-year delay has cost the taxpayers in excess of $800 million, according to the Department of Energy Inspector General's recent audit of the project.

No longer can the opponents charge that "not one spade of dirt has been turned." According to Mr. Benjamin's September 23 article in the Washington Post, the first work began on Tuesday evening, the day of the higher court's ruling. It is important to note that the U.S. Court of Appeals found there to be no basis in fact for the project opponents' thesis that an adequate environmental impact analysis had not been implemented by project authorities.

Contrary to the claims of these opponents, the Clinch River breeder reactor is truly a national project and not a so-called Tennessee pork-barrel project. More than 3,000 people in 30 States are directly engaged in activities related to the CRBR. About one-third of these are specially qualified technical personnel whose skills are essential to the U.S. breeder reactor development program. Of the total number, 28 percent are employed in California, 21 percent in Pennsylvania, 17 percent in Tennessee and 16.5 percent in New Jersey.

These are contractor employed personnel, not Federal Government employees. Contracts with a total value of $2.3 billion are presently in force on the Clinch River project. This figure is exclusive of about $1 billion of contracts yet to be implemented for actual plant construction. Of this $2.3 billion total—in past, present and future commitments—38 percent goes to companies in California, 34 percent to Pennsylvania-based companies, about 9 percent to businesses located in New Jersey, with less than 10 percent going to firms in Tennessee.

Other States with appreciable contractual involvement include Alabama, $24 million: Illinois, $23 million: Massachusetts, $32 million: New York, $60 million; and Ohio, $33 million. Clearly, then, from an economic perspective the Clinch River project is truly a national project. Technically, the CRBR is acknowleged, both here and abroad, as one of the most advanced designs in the world. This demonstration plant is a milestone in the U.S. breeder reactor development program. From its unique heterogeneous core design to the design of its steam generator components, more than 1,000 new technology innovations have been incorporated into the final plant design.

It is time to get on with this essential project. The court decision of September 21 is a major step toward bringing this crucial project to fruition, thereby assuring this Nation's energy future.●

ACID RAIN IN NORTHERN WISCONSIN

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. OBEY. Mr. Speaker, it is disturbing to note that one of the most pressing environmental problems we face today was not even recognized as a problem little more than a decade ago. Acid rain is now threatening many of our Nation's lakes and rivers; it is damaging, perhaps significantly, the growth of our forests and may eventually have a significant impact on our agricultural crop yields. It is eating away at many of our public buildings and monuments.

One area of the United States that is being severely threatened by acid rain is northern Wisconsin. Since I represent a very big portion of that area, I have spent a good deal of time looking into the issue and reporting what scientific data is available on it, particularly as it relates to the acidification of lakes in Wisconsin and the Upper Midwest to people in my district.

The following statement is excerpted from some of the weekly newsletters I have recently written to the district on that subject.

It is important for the Members of Congress to be aware of the kind of impact which this type of pollution can have in some regions. A majority of the 18 counties in my district are heavily dependent on tourism as a source of jobs and economic stability. In several counties, one third of all jobs are directly involved in tourism. That tourism is largely based around our beautiful lakes and superb fishing. We have 2,880 lakes in the Seventh Congressional District, nearly one-twentieth of the total lakes in the United States. About half of them have very low levels of calcium or other alkilating agents which means they will probably be able to handle only small amounts of acid before turning rapidly more acidic. The rain

that is now falling in northern Wisconsin is considerably more acid than any fish found in the State could live in.

ACID RAIN DANGER

Our lakes are of tremendous importance to us in northern Wisconsin. Even when we can not be on or near our favorite lake most of us probably spend a little time every weekday dreaming about the big one we might catch or the swimming and boating we like to do.

But our lakes mean a lot more than just fun and recreation. They are also immensely important in our economy. A recent study indicates that more than 24,000 jobs in the Seventh Congressional District are directly related to tourism and a very major portion of that tourism is related to our lakes.

Given the importance of this resource it is surprising how little is being done to monitor our lakes to see the extent to which they are being damaged by what many scientists believe is a major hazard, acid rain.

The State department of natural resources in cooperation with the University of Wisconsin Extension Service made one effort. They have tested water from many of the lakes in northern Wisconsin to determine the susceptibility of the lakes to damage from acid rain. The farther north you go in Wisconsin the less likely you are to find significant amounts of limestone in the Earth. Because limestone neutralizes acid it protects lakes from acid rain damage.

This survey found that large percentages of lakes in many northern Wisconsin counties would be sensitive to acid rain. The number of sensitive lakes compared to the total lakes in each Seventh District county follows:

	Total lakes	Sensitive-lakes
County:		
Ashland	76	27
Barron	111	52
Bayfield	318	162
Burnett	216	78
Chippewa	193	121
Douglas	154	83
Iron	214	118
Lincoln	137	78
Marathon	58	17
Oneida	408	212
Polk	172	23
Portage	72	9
Price	156	80
Rusk	74	40
Sawyer	246	94
Taylor	86	41
Washburn	146	4
Wood	9	0

In this study one sample was taken in many lakes in northern Wisconsin, with the DNR compiling the data. This was a broad-ranging look, but it was only considering the potential of a lake to become acidified. To determine what is actually happening, a more thorough study would be needed, looking at the lake conditions each day and over the period of a year. In addition, we ought to be looking at plant growth and what is happening to the fish. Another study has been under way in cooperation between the EPA and DNR which is looking at all these factors on a selected group of 275 lakes.

SUSCEPTIBLE LAKES

Because only slight yearly increases in acidity can, over time, destroy all fish life in a lake, and since acid levels is a lake may fluctuate with the time of day, the season of the year and perhaps even on cycles that extend over a period of several years or a decade, detecting a significant change that is brought about by rain and is clear evidence of long term deterioration is a very difficult job.

Northern Wisconsin was left one extremely valuable resource for documenting the impact of acid rain. Two researchers at the University of Wisconsin, Dr. Birge and Dr. Juday, using WPA workers as assistants, came to Oneida and Vilas counties in the 1930's and 1940's and studied a total of 518 lakes, using very sensitive and sophisticated techniques, particularly for that era. It is now hoped that duplication of their measurements and careful study of the watersheds, groundwater, and precipitation that feed these lakes will make it possible for us to determine with some accuracy the impact of acid rain on all Wisconsin.

In the summer of 1979 a team of researchers from the Wisconsin Department of Natural Resources began looking at many of the same lakes studied by Birge and Juday, using funds provided by the Federal Environmental Protection Agency. They looked at 275 lakes in Oneida, Langlade, Lincoln, and Vilas counties. They took 10 different measures from each lake, including tests for water color, the number of particles in suspension in the water, the acidity of the water and the amount of calcium. Each lake was tested only one time.

In 1980 they narrowed their sample down to 60 lakes, but some were tested as many as 10 times during the year in order to get a better understanding of seasonal variability. In 1981 and 1982 they have continued to monitor most of these same 60 lakes.

It may be years before all of this research is pulled together and a clear picture of the changes taking place in the lakes emerges. One finding which has emerged already is the type of lake which is most susceptible to damage. Such a lake gets virtually all of its water directly from rainfall into the lake. In other words, it is a lake which is not spring fed and which has very little inflow of surface water. It is estimated that more than half of all lakes in northern Wisconsin are of this type, and the studies indicate that these lakes have very little capacity to neutralize acid rain. If the rain that falls continues to be acidic, these lakes are very likely to reach a point where they can no longer neutralize the rain and will begin a process of deterioration that some scientists fear could be quite rapid.

ACID LEVELS IN RAIN

Many of the chemical compounds in the world we live in tend to be either acidic or alkaline. Both acids and alkalines are chemically reactive or in other words, tend to combine with other compounds. Weak acids such as tomato juice are far less chemically reactive than strong acids such as sulfuric acid which in concentrated form will rapidly eat through human flesh.

Scientists have devised a scale for measuring alkalinity and acidity known as the pH scale. It ranges from 0, the most acid, to 14, the most alkaline. Milk is slightly acidic but very close to 7. Ammonia is quite alkaline and is measured at about 12 on the scale while battery acid would be measured at close to 1.

It is believed that before the industrial revolution several hundred years ago, rainwater was exactly neutral on the pH scale with a value of 7. Since then Earth's air has caused rain to become more acid. We now consider rain with a pH of 5.6 as "normal." Although the records we have on the acidity of rain during the 1950's and 1960's are not complete, they indicate that rain over northern Wisconsin was around 5.6. An area of the United States stretching from the Ohio Valley up through New England was getting rain considerably more acid, with a pH reading of about 4.5. Michigan was getting rain that was about 5.

By 1972-73 the pH level in the Ohio Valley had dropped from 4.5 to 4.2 and the line marking the area of the United States getting rain more acid than the so-called normal level of 5.6 was moving rapidly westward. The area included all of Wisconsin. The eastern border of our State, from Door County to Milwaukee, was getting rain which on the avereage was more acid than 5.0.

Today we have 11 monitoring stations across the State of Wisconsin. In northern Wisconsin they are located at a site near Spooner in Washburn County, Trout Lake in Vilas County north of Woodruff, Round Lake near Gordon in Douglas County, and Cornucopia on Lake Superior in Bayfield County, with new stations being opened this year at Lake Dubay Dam near Wausau and Legend Lake in Menominee County.

These stations indicated that by 1979 the eastern border of Wisconsin was getting rain close to 4.4 on the pH scale: The central portion, as measured at Trout Lake in Vilas County, was at 4.6. Based on data gathered in Minnesota it is believed that rain falling on extreme western Wisconsin. including Barron and Polk Counties, was consid-

erably less acid with pH counts at around 5. The stations between Trout Lake and the Minnesota border, including Cornucopia, Spooner, and Round Lake, averaged about 4.8.

No rain or snowfall is likely to have exactly the same level of acidity as the last. A frontal system blowing out of western Canada, for instance, is likely to produce precipitation that is far less acid. Trout Lake has recorded some rain during the last several years with a pH as high as 6.0. But when a weather system from the Ohio Valley is recirculated up into Wisconsin we get rain that is more like vinegar. Another rainfall recorded at Trout Lake in recent years had a pH of 3.2.

When a yearly average is established, we find a dramatic increase in acidity over the last several decades and a marked difference in acidity when we move from west to east. The rain falling in Barron and Polk Counties in 1979 was according to DNR calculations four times as acid as the rain that was falling anywhere in Wisconsin in the 1950's. But the rain falling in some portions of extreme eastern Wisconsin was 15 times as acid as what fell in the 1950's. While those on the western side of the State can take some comfort in the fact that they currently face less of a problem than those in eastern Wisconsin, every indication is that the acid levels being experienced in Green Bay and Milwaukee in 1979 will be the acid levels in Superior, Spooner, Grantsburg, and Frederic by the middle of this decade or even before.

Already the levels of acidity found in most of the State are as high as those which occurred in Sweden prior to the time that nearly one-third of their lakes lost practically all fish and animal life from acidification. Very few species of fish could live or reproduce in water that is as acid as that which is falling now in virtually all parts of the State. The survival of the fish appears to be solely dependent on the capacity of our lakes and streams to neutralize the acid falling from the skies, and as we have discussed earlier, that is in many instances, quite limited.

SOURCES OF ACID RAIN

If we are going to stop the acid rain threat, the next logical question would seem to be: Where is the acid in our rain coming from and how is it getting there?

First, acid rain is precipitation that contains unnaturally high amounts of sulfuric and nitric acid. These acids are formed when sulfur dioxide and nitrogen gases emitted from sources on the ground are chemically changed to acid in the atmosphere. These gases can stay high in the air for days and be carried hundreds, even thousands of miles. For instance, some of the acid rain in Europe is believed to come from smokestacks in the United States.

The exact source of the sulfur dioxide and nitrous oxides contained in any one weather system is understandably quite difficult to pinpoint. One clue is provided by looking at the levels of acidity in rain at various geographic points across the country. This indicates that the acid level of rain has been the highest in an area extending from Ohio up through Pennsylvania, upstate New York, and into Canada. That pattern is basically in line with what would be expected, given the west to east movement of weather systems and the concentration of high sulfur coal-burning powerplants in the Ohio River Valley and eastern Great Lakes. Surrounding that region is a second area with rainfall slightly less acid that extends from Michigan to most of extreme eastern Canada and most of the eastern United States. Another area surrounding that region has rain which again is somewhat less acid, and beyond that there are other areas with rain of still lower acidity.

In other words, if you start at the powerplants on the Ohio River and go in any direction other than downwind, you find a steady decline in the acidity of the rain.

A second clue is provided in the amount of sulfur dioxide and nitrous oxide pumped into the air State by State. A study by the Environmental Protection Agency showed that while Wisconsin pumped 0.7 million tons of sulfur dioxide into the air each year and Minnesota pumped only 0.3, other States in the region contributed far more. Michigan was responsible for 1.2 million tons, Illinois 1.6, Indiana 1.7, and Ohio a whopping 3.1 million tons.

The most thorough and complex study of the sources of acid rain pollution, however, has been conducted by the Province of Ontario's Ministry of Environment. This recently completed research involved the computerization of all data on weather systems over a period of years along with emission levels of sulfur dioxide and nitrous oxides from various sources over the same time period. It correlated those with acid levels measured at various monitoring stations such as the six now operating in northern Wisconsin. According to testimony delivered in Madison last month by the scientistis in charge of this research, more than 90 percent of the sulfuric acid in all acid rain that falls on Wisconsin comes from sources outside of the State.

Given the particular vulnerability of our area to both environmental and economic damage by acid rain, we ought to limit sulfur and nitrous oxide emissions in our State whenever possible. But it is clear that any important progress toward reducing the acidity of rain will come from our ability to place pressure on polluters in other States. That is why we need a strong Clean Air Act.

EFFECTS ON FISH

It does not take a long yarn to tell the story of fishing in northern Wisconsin: More than 50 percent of northern Wisconsin adults fish sometime during the year. About 90 percent of those residents fish on a lake; 53 percent of the lakes in Wisconsin are in the 17th Congressional District.

If you are one of those fishermen, you believe that the lunker is there, waiting to take the hook. The hope of finding that prize fish makes many an hour on a lake worthwhile and is the foundation of one of our most important industries.

It is hard to imagine our favorite fishing lake without that big one. But as I pointed out is a previous newsletter on acid rain virtually no species of fish found in Wisconsin could survive in the rainwater now falling on the lakes in our State.

Acidity can affect fish in three ways. The first effect is on organisms in the lake that provide food for fish. Many key organisms in the food chain of a lake can be affected by water that is very mildly acid. If you measure acidity from 0 (the most acid) to 7 (nonacid) we find numerous key organisms affected at about 5.8. For example, two major sources in most lakes for lake trout, the fathead minnow and the opposum shrimp, die at a pH of 5.8 or slightly higher.

Second, acid has a direct effect on fish tissue and the even more sensitive tissue of fish eggs. The eggs of smallmouth bass and walleye appear to be particularly sensitive and are damaged at levels of acidity between 5.5 and 6.0. The fish themselves are damaged at levels of acidity between 5.5 and 4.5. The minnows are the first to go, then the trout, then bass, then walleye, northern, and muskie, and, as you get below 5.0, the sunfish and rockbass. The last survivor is the yellow perch, which dies as you approach 4.5.

A survey of 350 lakes in northern Wisconsin showed that 15 or more than 4 percent had an acidity level of between 4.5 and 5.5, the level at which fish are killed, and 25 or about 7 percent had an acid level of 5.5 to 6.0—the level at which certain fish stop reproducing and certain organisms in the food chain die. It should be noted that we do not know whether these lakes have always been this acid or whether their acidity was brought on by acid rain. We only know that they are that acid today.

The final way in which acid rain affects fish is probably the most frightening. The sulfuric and nitric acids which are created in the atmosphere as a result of pollution are highly reactive chemicals and have a strong tendency to combine with certain metals.

These metals, virtually all of which are poisonous, are then washed into the lakes where they can become part of the food chain. That is why a strong Clean Air Act is important to northern Wisconsin.

CONCENTRATION OF TOXIC METALS

Acids, particularly strong acids, react very readily with virtually all metals. Scientists have discovered that rain which is acidic picks up tiny particles of metal as it runs across the ground and off into streams or lakes. Living organisms ranging from those that can only be seen under a microscope, to fish, to human beings are generally not able to get rid of metals once they have been absorbed into their system. As metals such as lead, mercury, aluminum, and cadmium are washed into lakes by acid rain some of those metals are absorbed by microscopic organisms in the lakes and many of those are eaten by larger organisms which are in turn eaten by fish. A fish that is 5 years old will have imbedded in its flesh most of the metal that was in anything it had eaten during its entire lifespan. A human that eats that fish will get most of the metal and will retain it for his or her entire life.

Most metals are poisonous, particularly as they become more and more concentrated in the body. The fish of the Adirondack Mountain lakes in upstate New York that were completely wiped out by acid rain during the last two decades were not killed by the acidity of the water. Long before the water in the lakes became acid enough to kill fish, aluminum contained in the granite along the shores of the lakes was leached from the rocks and washed into the lakes by the sulfuric and nitric acid contained in the rain. Eventually the aluminum became so concentrated in the food chain of the lake that virtually every living animal was killed.

While we do not have very much aluminum in Wisconsin we do have significant amounts of other metals including mercury, cadmium, and lead.

Researchers from the Columbia National Fisheries Research Laboratory of the U.S. Fish and Wildlife Service in LaCrosse recently took a look at fish in a sampling of Wisconsin lakes. The researchers chose six lakes with an almost neutral acid count and six more that have a high acid count. We do not know that the six lakes with high acid counts were necessarily made acid by rainfall. It could be possible that they are naturally acid. Nonetheless they give an indication of what will happen to fish in Wisconsin given the type of soil and minerals we have, if our lakes begin getting more acidic.

The researchers found the more acidic lakes to differ in a number of respects:

Walleye that were studied for mercury were found to have elevated levels. One-third had levels in excess of what the Food and Drug Administration will permit in fish that is sold commercially.

Bluegill examined for cadmium and lead were found to have elevated levels of minerals.

Relatively fewer minnows of a particular species of fish than adults of that species and very few adult fish of certain species.

In general the researchers found the level of toxic metals in fish from remote, supposedly clean and unpolluted northern Wisconsin lakes where acid levels were high comparable to the amount of such metals found in fish taken from polluted rivers in the Eastern United States. They concluded that in addition to the fact that acid rain washes toxic metals into the lakes, a lake which is itself more acid will permit far more of these toxic metals to be absorbed into the plant and animal life of the lake.

Another study now being conducted by the Wisconsin Department of Natural Resources will look at metal content in a much wider variety of fish and in more than 25 northern Wisconsin lakes.●

SALUTE TO TODD PACIFIC SHIPYARDS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. ANDERSON. Mr. Speaker, I rise to pay tribute to Todd Pacific Shipyards Corp., Los Angeles Division, our Nation's preeminant shipbuilder, and winner of the 1982 "Salute to Industry" award, presented by the Los Angeles' Harbor Association of Industry and Commerce (HAIC).

HAIC presents this prestigious award to the Los Angeles Harbor industry whose sustained presence in the community has contributed the most to the civic and economic progress of the Los Angeles Harbor area. With this award, Todd joins such distinguished company as the McDonnell Douglas Co., the Union Oil Co., and the L.A. Department of Water and Power, which have been the award's previous recipients.

Mr. Speaker, today I would like to congratulate Todd Pacific Shipyards, not only for their accomplishments over this past year that led to this award, but also for the contribution that Todd Pacific has made to the Nation's economy and to the Nation's security throughout the firm's existence. I applaud Todd Shipyards for its inventive and forward-thinking management that has resulted in such innovations as the Syncrolift Land Level Ship Transfer Facility, scheduled for completion in November 1983, which will allow simultaneous work on up to five dry-docked ships, and the incorporation of computers and robotics on the production line to a degree never before attained. The skilled and dedicated workers at Todd are especially deserving of commendation, for they have been essential to the firm's past and future success in consistently meeting or surpassing time and budget targets, where other shipyards have floundered. Finally, I applaud Todd Pacific Shipyards for its good sense and community conscience, as evidenced by the over 50 percent minority work force employed in Todd's yard.

In conclusion, Mr. Speaker, I am confident that Todd's role in building and repairing our Nation's combatant and commercial ships will continue to serve as a model to our Nation's shipyards; in fact, to every American firm. Truly, Todd Pacific is a leader in its field.●

SANCTIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Foreign Affairs Newsletter for September 1982 into the CONGRESSIONAL RECORD:

SANCTIONS

Economic sanctions have been a feature of American foreign policy for years, but their use has become a critical issue in recent months.

Because of martial law in Poland, President Reagan decided in December of 1981 to bar American companies from participation in the construction of a pipeline to carry natural gas from Siberia to Western Europe. Early in 1982, he lobbied hard in Europe for a restriction on the flow of credit and exports to the Soviet Union, noting that the lifting of the sanctions depended on progress in Poland. Then, in June of 1982, he barred foreign affiliates of American companies from execution of contracts for pipeline construction signed before the Polish crisis. This extension of sanctions caught the allies by surprise. They said that the President pushed the extension on them without consultation or even notification. The decried the American tendency to take unilateral action inimical to the unity of the Western Alliance.

The President gave several reasons for his decisions. The pipeline will increase European dependence on the Soviet Union and thus will raise the chance of diplomatic blackmail. The sanctions express our disapproval of events in Poland. The President argued that we must reassert ourselves as leaders of the Western Alliance. If we cannot stop the pipeline, at least we can delay it and cause the Soviet economy trouble. By denying the Soviet Union the hard currency it needs, we can restrain its military effort. Some people in the Reagan Ad-

ministration want to end all American commerce with the Soviets because it enhances the Soviet standard of living and improves the Soviet military posture. These people see the Soviet Union about to collapse, and they believe that pressure will alter its conduct.

In part because they have a fundamentally different view of how to deal with the Soviet Union, Europeans see important benefits in the pipeline. It will lessen their dependence on energy supplies in the Middle East and will prolong the life of natural gas fields in Europe. Better, they argue, to accept a small degree of dependence on Moscow than to continue near-total reliance on precarious sources of energy in the Middle East. Europeans point out that only 5 percent to 10 percent of the energy consumed in West Germany, Italy, and France will come through the pipeline. Dependence on Soviet natural gas will not rise enough to allow the Soviets to affect European attitudes on East-West relations. Faced with high inflation and unemployment, Europeans are counting on the pipeline to provide jobs and save troubled companies. They argue that existing contracts should be honored. They do not believe that the Soviet economy is about to collapse. They see no sign that the Soviet aggression can be checked by economic means. In response to the argument about hard currency, Europeans say that depriving Moscow of foreign exchange will not force it to spend less on weapons because weapons always have priority with the Soviets. Naturally, they are nettled by our decision to keep selling grain to the Soviets. To them, it strains our credibility. The President must be brought to understand that the issuance of orders is not leadership.

Europeans are quick to point out that the emphasis damaging the Soviet Union as an end in itself runs counter to longstanding allied policy, which seeks to maintain a balance of power by confining the Soviet Union and developing ways of living together peacefully. The basic concept is that peace is possible as long as neither side threatens the other's vital interest. Fundamentally, it is this view of how to deal with the Soviet Union which makes Europeans say that the sanctions will harm the Western Alliance more than the Soviets. The great peril of the pipeline fight is that it will split the Western Alliance and offer the Soviet Union a chance to draw Western Europe away from the United States.

The President estimates that the delay for the Soviets will be two or three years, but some experts say that the Soviets may meet the 1984 deadline. For Europe and the United States, the costs are more easily totaled. European companies will lose at least $1.2 billion; American companies will lose about the same in immediate contracts and billions more in follow-up contracts. However, the greatest cost—harm to the Western Alliance—cannot be measured materially. The sanctions have caused anger and division in the Western Alliance. Further, the dispute may spill over into areas such as defense and trade. The Western Alliance is already embroiled in numerous internal quarrels. Exacerbating the differences invites political disarray.

I believe that the President made several errors in applying the sanctions. He invoked American law both after the fact and outside our borders. He did not develop a consensus in the country, the Congress, or the Western Alliance. His sanctions hit hard at Europe at a time of economic recession. His varied justifications for the sanctions caused confusion. He did not see that sanctions fail unless they are backed by all.

There is a clear need for more effective consultation in the Western Alliance because a strong alliance remains a primary goal of our foreign policy. Trust is the cement of any alliance, but trust on both sides of the Atlantic is now low. If the pipeline is not a good idea, then we should urge our allies to drop it; if we fail to make our case, then we should not use economic coercion to prevent them from carrying out their own decisions. While it is essential to pressure the Soviet Union because of the situation in Poland, we should not pursue policies which harm us and our friends more than our enemies.

My view is that we should make every effort to end the fight within the Western Alliance. In return for relaxation of our opposition to the pipeline, the allies might cut the flow of credit and high-technology goods to the Soviet Union.

I suspect that questions about economic sanctions will be part of the foreign policy debate for years. Since the limits of military action are apparent, policy makers will turn to other instruments of foreign policy, especially economic ones, to change the conduct of others.●

WHITE HOUSE CONFERENCE ON AGING

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. PEPPER. Mr. Speaker, I am pleased to bring to my colleagues' attention an analysis of the final report of the 1981 White House Conference on Aging by the Older Women's League. This critique is informative and gives a particularly incisive analysis of the philosophical orientation evident in the report. I commend it to my colleagues.

The text of the final report follows:

THE "PAYOFF STAGE OF LIFE" FOR OLDER WOMEN: A CRITIQUE OF THE WHITE HOUSE CONFERENCE ON AGING FINAL REPORT

Last December an article on the White House Conference on Aging appeared in the New York Times with the headline: "Older Women: No Longer Invisible." The release of the administration's Final Report of that conference now has many people wondering if the visibility was only a temporary aberration, or if its authors were wearing blinders.

The picture on the covers of the three-volume, 459-page report sets the tone—a retired white male professor. Where are women? Where are minorities? Where are the aged poor? Their presence and needs are evident neither on the cover nor inside. The Final Report is supposedly "built on the comments, findings, and recommendations that emerged from the 1981 White House Conference on Aging and are appropriate to a national policy on aging for the next decade." [1] Volume 1, which purports to be that National Policy on Aging and is described as the "centerpiece" of the document, completely ignores women and the recommendations of Committee 11, on the Concerns of Older Women. Apparently those recommendations—dealing with Social Security, pensions, employment, housing, health care, and other issues affecting women—were not seen as "appropriate to a national policy on aging."

A lengthy analysis would be required to document fully the distortions, omissions, and unwarranted inclusions of material and recommendations in the report. This critique will primarily address the omission of women's concerns, but cannot ignore its most fundamental flaw: the Final Report is based on the political and social ideology of the Reagan administration. Thus the report includes themes and recommendations not supported by delegates, either at the conference or in post-conference surveys, and it ignores recommendations around which there was consensus.

Delegate deliberations at the White House Conference on Aging resulted in about 620 recommendations hammered out in 14 committees, whose reports were accepted by the entire group at the end of the conference. Committee 11, the Concerns of Older Women, produced 47 recommendations, and seven other committees passed a dozen more, specifically dealing with the unique problems and needs of older women. Later the delegates' views on these recommendations were surveyed by the White House Conference on Aging staff, and separately by the Senate Special Committee on Aging and the American Association of Retired Persons.

The Final Report contains 53 recommendations on the economy, retirement income, health, social services, and research. The report states that these recommendations are "the result of a careful process which considered more than 600 recommendations produced by the delegates . . . and the results of the post-conference survey." [2] Despite this claim, there is little resemblance between the delegate recommendations and those appearing in the "National Policy on Aging." (Could this be why Volume 1, the policy statement and recommendations, was printed separately from the delegate recommendations and survey results?).

In both post-conference surveys, for example, delegates clearly repudiated the "inflation-fighting" recommendations of Committee 1 (such as balancing the budget, reducing federal budget outlay growth, and other macro-economic policies), as well as recommendations to foster competition in the Medicare/Medicaid programs. Yet both of these issues are prominently featured in 10 of the 53 recommendations in the final Report. At the same time, two top priority concerns of the delegates—preservation of current social security benefits, and the expansion of health care benefits—are not addressed in the Final Report.

As required by law, implementation steps for each of the 53 recommendations were developed to accompany the report sent to the President and to Congress by the Secretary of Health and Human Services. Here the shoddiness of the entire process and its transparent political manipulations are fully exposed. The suggested implementations are at best trivial and at worst cynical distortions of the intent of delegates. A few examples:

[1] *Final Report of the 1981 White House Conference on Aging, Vol. 1, A National Policy on Aging, p. 12. (Italic ours).*

[2] Implementation Report, p. 1.

Recommendation: The rate of growth in Federal Budget outlays must be reduced to avoid neutralizing the positive effects of increased private savings.

Implementation: The Congress should adopt the principles inherent in the President's program for economic recovery.

Recommendation: Private sector firms should show all feasible restraint under existing circumstances to limit price increases.

Implementation: Private firms, by restraining price increases will help keep inflation under control.

Recommendation: Public and private agencies serving the aging should be cognizant of the particular needs of minority populations, including Blacks, Hispanics, Asian Pacific Americans, and Native Americans.

Implementation: Letters should be sent to governors, organizations of State legislators, and executive directors of local government groups to convey this recommendation for their consideration.[3]

While disregarding individual recommendations in shaping the Final Report is a distortion of the White House Conference on Aging, disregarding the work of an entire committee is a disgrace. The most careful reader will not find the influence of Committee 11, Concerns of Older Women. This report quite literally ignores "women." The word appears on 17 pages of Volume 1, all but three of them inconsequential references. Of the 53 recommendations, two include the phrase "older men and women." That is the complete extent to which older women and their special needs are recognized in this "national policy on aging," in a country where older women constitute nearly ¾ of the aged poor, and outnumber men two to one in the older age categories.

Here is the full text of the significant, although in the first two cases undeveloped, treatment of older women in Volume 1.

"The vast majority of the very old are women, and a large proportion of them have not had the same access to the workforce as men and therefore have not had the opportunity to accumulate pension rights and other retirement benefits.

"Sixty-six percent of the adult recipients (of SSI) are women.

"The institutionalized elderly person today tends to be a woman who has outlived her husband. Prior to institutionalization she was poor and lived alone. She was unable to purchase the services she needed and had no one at home to provide for her. She was admitted to a nursing home from a hospital. Another person with the same medical condition, but with money or a caregiver, might never require a nursing home. The first patient would require considerably more assistance to avoid institutionalization than the second.[4]"

The following analysis compares, issue by issue, the recommendations of Committee 11 and those of the Final Report of the White House Conference on Aging.[5]

DEMOGRAPHIC RECOGNITION

The very existence of Committee 11, the Concerns of Older Women, called for a recognition of their special problems and needs. The committee identified women as the majority of the aged (59 percent) and a disproportionate majority of the aged poor (73 percent). Examined were median annual incomes of those over 65 (men—$7,342, women—$4,226, in 1980 when the poverty level was $3,941), and poverty rates (five times greater for black women than white men). Also recognized were differences in marital status (85 percent of surviving spouses are female, and unmarried women over 65 outnumber unmarried men 4 to 1), and in the pay scales and retirement benefits for women's traditional work.

The Final Report does not recognize, as a beginning point, that women make up the majority of those over 65, and that half of them are very near or below the poverty level. It tries to debunk the "misperception" or "myth" that "masses of the elderly suffer from inadequate income" (p. 8, 96). In order to design "a sensible and effective National Policy on Aging," states the report, "we need information on the number and nature of the elderly now and in the future" (p. 109). With highly relevant data essentially ignored, how could the causes or the solutions to poverty among older women be addressed adequately?

SOCIAL SECURITY

Recognizing that Social Security is the sole source of income for large numbers of older women, Committee 11 called for the restoration of minimum benefits, the safeguarding of current eligibility standards and benefits, including cost-of-living adjustments, and an increase in below-poverty benefit levels for SSI.

The Final Report ignores a clear "no benefit cuts" mandate from a majority of the committees, and calls for unspecified short and long range solutions to Social Security financing, while recommending the elimination of "disincentives of the Social Security program to continued employment" (p. 65). The report casually notes that under Social Security, women "can expect to receive better benefit/contribution ratios than men" because "as a group (they) have longer life expectancies" (p. 55). Neglected is the fact that as a group, women have substantially lower lifetime earnings (and therefore benefits) because of lower wages and years out of the labor force for child rearing.

PENSIONS

Since such a high proportion of women are "pension losers", Committee 11 passed very specific resolutions dealing with regulatory and legislative changes in public and private pension policy that would help them gain access to pension income in retirement. (Their most detailed recommendation, proposing changes in ERISA dealing with survivor benefit decisions, vesting requirements, and break-in-service provisions, was omitted from the compilation of Committee actions, and thus from any further consideration).

The Final Report speculates that ERISA requirements "probably contributed" to the reduced growth rate of private pensions since 1974, blandly recommends that "employer pensions be fostered by public policy," and warns against "possibly counterproductive public regulation of employer pensions" (p. 43, 65, 63).

EMPLOYMENT

Committee 11 and three other focused on employment as critical to the pensions and personal savings older women must have to be economically self-sufficient. Seven conference recommendations called for education and training programs for older women entering the paid labor force after years devoted to family responsibilities, and for jobs programs that recognize the transferability of skills developed in homemaking. They also urged full enforcement of age discrimination, equal pay, minimum wage, and other legislation that could help women overcome the compounding effects of age and sex discrimination.

The Final Report calls for increased "employment opportunities for older men and women" through the development of part-time, temporary, shared time, and flex-time jobs by employers (p. 65). A related recommendation, and the second to mention women, suggests that educators and job placement officials examine their current practices to see if educational programs are available "to older and men and women . . . to provide skilled training, job counseling, and job placement" (p. 105). There is no mention of the need for specialized counseling and supporting services for older women, particularly displaced homemakers, nor any commitment of national employment and training resources. Although women over 40 have been the fastest growing segment of the labor force, the report dismisses the increased labor force participation of older women as a "phenomenon related to the overall increase in female labor force participation" (p. 19), choosing instead to concentrate on the declining labor force participation of older men. Thus it seems to be taking aim at early retirement benefits under Social Security as one way of "enhancing increased labor force participation by older workers" (p. 35), without recognizing that most women elect early retirement because they cannot find work to support themselves, or because they are no longer able to work. Finally, the report places great emphasis on eliminating mandatory retirement (p. 11, 20, 42, 104), without a parallel concern for enforcing compliance with existing laws prohibiting age, sex, and race discrimination in hiring as well as firing; such discriminatory hiring practices are a major impediment to midlife and older women's employment.

HEALTH ISSUES

As the basis for meeting the special health needs of the elderly, Committee 11 recommended a comprehensive national health program emphasizing preventative care. Its delegates joined those of other committees in calling for the extension of Medicare/Medicaid coverage to include such items as prescriptions, equipment, dental care, eye and ear care, and transportation to obtain services. Concerned that a major portion of Medicaid money is spent on care in nursing homes, where most residents are elderly women, Committee 11 called for Medicare/Medicaid coverage of less restrictive and less costly forms of care, such as home health care, adult day care, and foster care.

In the Final Report, the health care emphasis of the National Policy on Aging is anti-regulatory, and would shift more of the health cost burden to the elderly by providing "economic incentives" for decreased use in lower cost settings. The use of Medicare vouchers is one option recommended to accomplish this. Another is encouragement of and the removal of disincentives to "the role that spouse and family can and should play" in long term care (p. 87). The goal of targeting limited public resources to "those who are poor or who have no family left to help provide care" (p. 88) might be helpful if the ultimate aim is not to curtail services to others who need them. The discussion on long term care—indeed, the entire chapter on health care—never identifies those most in need as women. Older women constitute a very high percentage of the frail elderly, suffer more from chronic deseases, and are

[3] Implementation Report, pp. 4, 3, and 16.

[4] Final Report, pp. 10, 46, and 111.

[5] In the sections that follow, all page references are to Volume 1.

more likely to be poor and alone. Nor does the report recognize that most primary caregivers in the home are women, and that because 85% of surviving spouses are women, most older men have a spouse to care for them, while most older women do not.

COMMUNITY AND SOCIAL SERVICES

The Committee on Concerns of Older Women highlighted the need they have for housing alternatives, energy assistance, legal services, transportation, and other services that will help them live independently in the community as long as possible. They took special note of the substantially more difficult circumstances of minority and rural elderly women, and recommended that social services be specially targeted to them.

The Final Report questions the very existence of "a substantial problem in the area of social benefits and services for the elderly" and if existing, whether "it requires a government solution" (p. 96). The need for legal services is simply ignored, and it is recommended that the appropriate role of the federal government in housing for the elderly is "to explore housing options" including the "analysis of innovative financing, construction, and living arrangements" (p. 105). Readers are assured that "the free market system provides the best mechanism to meet many of the needs of the elderly" (p. 103). Nothing is said of the private sector's willingness to provide services if the elderly can't pay for them.

CONCLUSION

Perhaps the most chilling aspect of the administration's Final Report of the 1981 White House Conference on Aging is the philosophy that "individuals have numerous opportunities to prepare for a comfortable and secure old age, if they are able to use them" (p. 100). Rugged individualism applied to the aged has crucial public policy implications. For all the caveats that not all the elderly who find themselves in difficulty in old age were improvident earlier in life, the implication is that many were. Consider the logical conclusions women must draw from the following Final Report statement:

"The choices individuals make are the most important factors in determining what kind of old age they will have. Most elderly persons who are independent took steps to prepare themselves for old age and preserved their health when they were younger, although it is true that not all old people who need help failed to take such steps. . . . Old age is a payoff stage of life, when decisions made and patterns adopted earlier in life begin to produce dividends or exact their price.[6]

If old age is the payoff, most women have been making extraordinarily poor investments. The administration's message to women is unmistakable: find a well-paying job, and make it your top priority . . . begin a careful program of personal financial investments . . . forget about unpaid labor in the home (no pension and no benefits), forget about staying at home to care for children or elderly family members (more zero years under Social Security) . . . the society in which you've traditionally invested is no longer paying dividends, and the price that's being exacted for continued investment is too high.

How might advocates for older women respond to this report?

Should we dismiss it as a "library document" that few people will read, and fewer still act on? (As one ob{erver noted, "How many people do you know who have and refer to a copy of the 1971 or 1961 conference reports?").●

[6] Final Report, p. 98.

H.R. 6156

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. WIRTH. Mr. Speaker, following House passage of H.R. 6156, a question has arisen involving the status of certificates of deposit under the Investment Company Act of 1940 and the Investment Advisors Act of 1940. The purpose of H.R. 6156 is to resolve jurisdictional questions involving the Securities and Exchange Commission and the Commodity Futures Trading Commission. The language of the bill indicates that options on certificates of deposit are to be treated as securities for purposes of the Investment Company Act and the Investment Advisers Act, regardless of their status under other securities laws.

Although case law leaves the status under the Investment Company Act of certificates of deposit uncertain, as a matter of administrative practice the SEC and its staff have consistently adhered to the view that certificates of deposit are securities under the Investment Company Act. H.R. 6156, which is designed to resolve jurisdictional questions only, is an inappropriate vehicle in which to address the status of certificates of deposit. Therefore, it should be emphasized that the purpose of the language contained in sections 4 and 5 of H.R. 6156 was to leave the prevailing judicial and administrative interpretations intact, and thus to leave the status of certificates of deposit under the Investment Company Act and the Investment Advisers Act unchanged. Accordingly, no inference should be drawn with respect to the inclusion or noninclusion of certificates of deposit in the definition of security under these two statutes.●

SPACE: THE HIGH FRONTIER IN PERSPECTIVE

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. MOAKLEY. Mr. Speaker, Daniel Deudney of Worldwatch Institute has put together an excellent report entitled "Space: the High Frontier in Perspective." The report deals with the future utilization of space. In particular, Mr. Deudney addresses an issue which is beginning to generate a great deal of discussion—the issue of "War or Peace in Space." I would like to submit this chapter of his report in the RECORD for the benefit of all my colleagues.

WAR OR PEACE IN SPACE

The desire to gain military advantage originally drove people to use outer space. The first use of space—to rain bombs on distant countries—created an environment of unprecedented tension and insecurity. Then reconnaissance satellites reduced tensions and made verifiable arms control agreements possible. Now, however, the military use of space has entered a third phase. Whereas the military programs of the sixties and the seventies used space for information and communication, the superpowers have begun a race—for the first time—to place weapons of destruction in orbit. Unchecked, these developments could largely cancel out the positive benefits of space, divert funds from civilian programs with great scientific and commercial potential and increase the likelihood of thermonuclear war.

Since their almost simultaneous creation during World War II, the technologies of atomic fission and rocket propulsion have been closely linked. Missiles and rockets differ only in where they are aimed and what they carry. For the last 30 years, the balance of power between the United States and the USSR has centered on the inventories of nuclear-tipped missiles. Perhaps the most telling—but least discussed—indication of the motivation behind acquiring space launch capability is the almost perfect correspondence between the "nuclear club" and the "space club." Of the six nations that have built space launchers, only Japan does not also possess nuclear explosives. The two most recent entrants in the space club—India and China—are the last two nations to explode nuclear weapons. All indications are that Pakistan is next in line to both explode a nuclear bomb and build its own space launcher. And it is surely no accident that Libya's well-known quest for atomic weapons was paralleled by a less well-publicized effort to lure German missile scientists to that country.

The military activities of the superpowers have been and continue to be the dominant use of space. The U.S. Congressional Research Service estimated in 1981 that the Soviet Union has successfully launched 858 military and 392 civilian missions, while the United States has sent up 420 military and 327 civilian payloads. These numbers are only approximations because some flights are dual-purpose and because the Soviet Union reveals little about the intent of its launches. As in overall space budgets, the Soviet lead in military missions is not a reflection of a menacing "space gap" but of the longer lives of U.S. satellites. In the late seventies the U.S. military space budget finally surpassed the civilian; the military's share is still on the rise due to diminished spending for civilian programs and the breakdown of détente. Counting the share of the space shuttle's cost assignable to military missions, 20 to 27 percent of the budget of NASA (the government's civilian agency) may really be for military purposes, so the military accounts for close to 75 percent of U.S. space spending. (See Figure 1.) Similar budgetary trends—less visible because of the organizational unity of the Soviet space program—are occurring in the USSR. The U.S. Department of Defense estimates that 70 percent of Soviet space spending is directly military in nature, with a further 15 percent of combined civilian and military purpose.

Cloaking military programs or the development of a technology with high military potential under the veil of the peaceful use of outer space is a common practice of the superpowers. The centerpieces of their civilian space programs in the seventies—the space shuttle and the Salyut stations—serve important military functions and would probably not have been funded had it not been for military value. In the Salyut stations, cosmonauts carry out both photo reconnaissance and surveillance. The space shuttle, redesigned to meet military needs, was funded due to the military's political clout and is likely to serve the military more than any other user.

By far the most beneficial military use of space is for reconnaissance and surveillance. Since the early sixties the United States and the Soviet Union have used orbiting cameras to observe in detail military activities deep within each other's territory. Since as a closed society the Soviet Union is able to keep its military activities secret, these missions are of greatest benefit to the United States. In 1961 satellite photographs of Soviet missiles and bomber facilities exploded the idea of a U.S.-Soviet "missile gap" and averted an expensive U.S. crash catch-up program. After viewing satellite photos one leading Senate advocate of the "missile gap" theory admitted he had been 99.9 percent inaccurate. Several years later, President Johnson claimed that the $34 billion to $40 billion spent on the space program had saved ten times as much by reducing arms expenditures. For the first time since the atomic age began, an advance in technology helped to constrain the rapid spiral of destructive capability.

During the seventies, the value of military space reconnaissance and surveillance to peacekeeping grew still further. Abandoning their early claim that observation satellites were "spies" committing "espionage," the Soviet Union began to build systems similar to those of the United States. The superpowers felt secure enough to negotiate and sign agreements limiting the numbers of strategic weapons. Without such satellites to verify compliance with the treaties, it is extremely doubtful that either country would have entered into these pacts. Reflecting the importance of the satellites, the SALT I Treaty explicitly outlaws attempts to interfere with "national technical means of verification."

Satellites have further enhanced global political stability by enabling leaders to monitor crises, watch for remote nuclear weapons tests and communicate with each other quickly. To monitor compliance with the Nuclear Non-Proliferation Treaty of 1970 and Limited Test Ban Treaty of 1963, the United States has placed observation statellites in high, large vista orbits to scan continuously the remote regions of the earth as well as near space for nuclear detonations. In 1977, the Soviet Union spotted a nuclear test facility under construction in a remote area of South Africa. After intense diplomatic pressure, South Africa dismantled the test site. This early satellite warning of an impending test is widely credited with averting a profoundly destabilizing addition to the "nuclear club." Reconnaissance satellites have been used to monitor regional conflicts that could draw the superpowers into military confrontation with each other. Intense reconnaissance satellite activity was reported during the 1971 Indian-Pakistani war, the 1967 and 1973 Arab-Israeli wars and 1980 turmoil in Iran. Linked by the satellite-based, "hot line," U.S. and Soviet leaders can be in direct contact with each other in a matter of minutes—which may someday prevent an ambiguous situation from turning into a war. By reducing mistrust based on misinformation and by allowing leaders to communicate as rapidly as they can retaliate, satellites have added a much-needed element of stability to the volatile international political situtation.

The exact capabilities of U.S. and Soviet reconnaissance and surveillance satellites are, of course, tightly guarded state secrets. Yet from a variety of anecdotal evidence and from the steps the U.S. Air Force took to design MX shelters that could deceive Soviet satellites, it is clear that the observational power of these systems is awesome. The oft-reported claim that these satellites can read a license plate is probably not far from the truth. The backbone of the U.S. "sky spy" system since the early seventies has been "Big Bird," a satellite 50 feet long and 10 feet in diameter, weighing 10 tons. From its 100-mile high orbit, Big Bird can scan every spot on earth in daylight every other day, sending a constant stream of TV images and periodically dropping canisters of high-resolution film into the atmosphere where they are recovered by specially designed aircraft as they parachute to the ground.

To broaden the use and availablity of surveillance satellites from peace-keeping and treaty monitoring, Howard Kurtz, founder of War Control Planners, Inc., has promoted for a decade the idea of establishing a network of satellites run by the United Nations. This idea gained offical support in 1978 when France proposed an International Satellite. Monitoring Agency (ISMA). As outlined by then President Giscard d'Estaing before the U.N. General Assembly, ISMA would extend the benefits of surveillance satellites to nations without space capability, would permit the Security Council to monitor crises and border disputes and would lay the groundwork for monitoring compliance with the treaties banning chemical and biological warfare and environmental modification. Depending on whether ISMA obtained technology from the superpowers, a basic monitoring system would cost between $1 billion and $2 billion a year, more than the entire U.N. budget. The United States has strongly opposed ISMA, arguing that sensitive issues of data interpretation would be impossible for an agency operating by majority rule. Support for ISMA has been strong, of course, among the many countries that are not likely to soon have their own sophisticated observational satellites. The first question to resolve is who would have access to the data generated by the satellites.

The hard-line opposition of the United States to ISMA—quietly shared by the Soviet Union—reflects a desire to continue monopolizing the political advantage of satellite technology. This opposition however, may be shortsighted since the U.S. stands to lose most from a breakdown of the "open skies." Unless its benefits are more widely dispersed, this technology could come to be widely seen as a form of illegitimate spying, perhaps leading to a treaty banning or limiting such systems. Any number of countries might be willing and eventually able to enforce such a ban. Although ISMA's opponents protest its cost, if satellite verification of regional arms control efforts is half as successful as it has been between the superpowers, the agency could pay for itself many times over in reduced arms expenditures.

Despite the positive contributions of space reconnaissance and surveillance to arms control, the military communications, navigation and scientific satellites have begun to unsettle the balance between the superpowers, undercutting many of the security accomplishments of the SALT treaties. Most destabilizing has been the use of satellite data to calibrate ballistic missile trajectories. Indeed, the so-called "window of vulnerability" motivating the U.S. arms buildup would not have occurred without geodetic satellites that precisely measure anomalies in the earth's gravitational field. With flight paths adjusted to compensate for these imperfections that previously would have drawn them off course, Soviet and American missiles are so accurate that they can blow up missiles in concrete silos reinforced with hardened steel. This improved accuracy has given an edge to the side that strikes first. To ensure that their land-based missiles are not lost in a sudden attack, both superpowers have adopted quick-reaction command systems that effectively put a hairline trigger on nuclear war. This in turn greatly raises the chances of accidental nuclear war.

Other systems on the drawing board or just becoming operational will erode security further, tempt preemptive first strikes and undercut arms control agreements. In a move yet unmatched by the U.S., the Soviet Union has a series of satellites that scan the oceans with high-powered radar pulses to locate large U.S. naval ships. Linked to air and sea-based missiles, these satellites could give Soviet commanders the information they need to launch a surprise attack on U.S. ships. The new U.S. NAVSTAR global positioning network of 18 satellites, to be fully operational in 1988, will make the location of submarines so precise that the missiles they are carrying could knock out hardened missile silos, adding a new mutual "window of vulnerability." Another U.S. system in the works, IONDS, will record detonations of U.S. nuclear warheads, allowing commanders to use fewer weapons to destroy with assurance a given target. IBM physicist Richard Garwin estimates that IONDS will multiply the effectiveness of U.S. missiles by 40 percent, enabling the existing Minutemen III ICBM's to destroy as much as the proposed MX system.

All these new systems undercut arms control accomplishments by multiplying the effectiveness of remaining weapons. Because many of these satellites probably would not work well for very long after the outbreak of a nuclear war, due to the aftereffects of the bomb blasts, they have little deterrence value and in fact encourage the belief that a surprise nuclear attack could really work. Controlling these qualitative improvements through arms control agreements is virtually impossible—scientific information about things such as gravitational anomalies is hard to ban once acquired. And many of the force multipliers, such as communications and navigational satellites, are inseparable from increasingly useful civilian space systems.

The growing importance of satellites in fighting wars has spawned both Soviet and U.S. anti-satellite weapons. Whereas the military space programs of the sixties and the seventies provided surveillance information and communication channels, the new generation of satellite killers involves for the first time the launching of destructive systems into space. If unchecked by appropriate arms control measures this technology could largely cancel out the peaceful ben-

efits of space while opening up an expensive and volatile new dimension to the arms race.

The first anti-satellite system, employing nuclear warheads, was built by the United States during the sixties, extensively tested, and then dismantled. The United States gave up this approach when it became clear that a nuclear blast in space would not only obliterate its target but send out pulses of electromagnetic radiation so strong that all U.S. satellites not shielded by the earth at the time of the blast would also be destroyed. This ability of a few large nuclear blasts in near space to clear the skies of operating satellites is always within easy reach of both the superpowers. Simply by sending up several of their larger warheads and missiles either country could even the score from an unfavorable encounter in space.

Since 1968, the Soviet Union has tested a non-nuclear anti-satellite system that is more discriminating in its destructiveness. In 20 tests thus far, a satellite hovers near the intended victim and then explodes, shattering the fragile satellite with a shower of shrapnel. In June 1982 the Soviet Union for the first time tested this satellite killer in conjunction with large-scale ballistic missile test launches from silos and submarines. This coordinated action feeds fears in the United States that the Soviet Union is preparing a first strike. These tests are, however, indistinguishable from Soviet preparations to shoot down American targeting satellites in the event of U.S. first-strike attack.

Despite the wide attention given the Soviet satellite killer in the Western press, the system involves no new technological breakthroughs. Indeed, any country capable of a routine orbital rendezvous has within its grasp a satellite killer equally as sophisticated as the Soviet's. The current Soviet anti-satellite system is of minimum threat to the United States program because most U.S. military satellites are much higher than the Soviet system reaches. Controlling these satellite killers would be difficult, at any rate. With orbital maneuvering so common and the presence of an explosive device so difficult to detect, an agreement outlawing the technology could be verified only through close examination of every object put into orbit. Still, a ban on further tests would block the evolution of this system into a more comprehensive and threatening weapon.

The U.S. military, however, has designed and will soon begin testing a new satellite killer that, if deployed, would leapfrog over the Soviet capability. While achieving the same end—destruction of an orbiting satellite—the U.S. system employs a small homing missile that collides with the intended target at high speed after being launched from a high-flying fighter plane. As with the Soviet system, this satellite killer can reach only targets in low orbit. From the standpoint of arms control and crisis management, the U.S. system will be far more destabilizing. The Soviet orbital rendezvous system can be tracked as it is launched and as it closes in on its target, but the U.S. direct-ascent system could strike with little warning from fighter planes located anywhere in the world. Short of using a nuclear blast, for the USSR to sweep U.S. satellites from the skies, many visible launchings of large rockets over several days would be required, but a globally coordinated U.S. strike could probably destroy most operable Soviet satellites within a day. More than just a catch-up effort, the U.S. system is a technological advance into a whole new plateau of danger. The direct-ascent satellite killer also threatens a high percentage of Soviet military satellites because most of them are in low orbit.

Sporadic negotiations between the USSR and the United States to control anti-satellite weapons during the late seventies were broken off by the United States to protest the Soviet invasion of Afghanistan. During the talks one stumbling block had been the Soviets' insistence that the U.S. space shuttle be defined as an anti-satellite system. The USSR claims that the shuttle's ability to maneuver in orbit and to bring objects back to earth means the United States can destroy or hijack Soviet satellites. In response, the U.S. claims the shuttles are too expensive ($1 billion apiece), too scarce (only four will be built), and too fragile to use as space fighters, especially since the Soviets could quite easily mine their satellites to explode if tampered with. Although the shuttle is itself not a very plausible anti-satellite weapon, its versatility does give the United States an important ability to fight in space. The U.S. Air Force's strong continuing interest in the shuttle adds to these Soviet fears, stimulating Soviet tests that could threaten U.S. space assets.

Time is running out to control these new weapons. From the standpoint of verifiable arms control, the testing—not the deployment—of satellite killers is the realistic point of no return. Once thoroughly tested, these systems will be an arms control verification nightmare since many orbiting Soviet vehicles or many U.S. fighter planes could harbor satellite killers. The recent decision by the United States to accelerate testing of the direct ascent homing missile but to delay antisatellite negotiations has been justified as a "bargaining chip" strategy, to develop a weapon to be negotiated away at some future date. Testing this satellite killer might restore "balance" in the short term but would open up a volatile, destablizing new area of arms competition. The United States depends far more than the Soviet Union on space for both civilian and military purposes, giving the government a powerful motivation to check the spread of these satellite killers. Unilateral U.S. restraint and an immediate resumption of negotiations would do more than further tests to enhance the security of both nations.

Beyond these simple adaptations of routine technologies to destroy satellites, Soviet and American military scientists are enthusiastically working to build space-based energy ray weapons. No longer just the stuff of Buck Rogers fiction, laser and particle beam systems are being developed with hundreds of millions of dollars in research funds and already exist in prototype. At a time of general budget cutting, in 1982 the U.S. Congress approved a funding increase for this technology even through the Department of Defense insisted that no more money could be absorbed productively. In various tests, lasers placed on mountaintops, on ships and in airplanes have shot down oncoming missiles. The inability of such weapons to penetrate fog, smoke, dust or rain makes them even more promising in the airless voids of space. The earliest uses of space-based lasers will probably be to blind surveillance satellites.

As envisioned by U.S. planners, powerful lasers in orbit would shoot down intercontinental ballistic missiles as they are briefly into space. Due to the scattering effect of clouds and air, these lasers would have little effect on objects on the ground. A space ray system that could shoot down the existing arsenal of soviet ICBMs would cost—conservatively—between a phenomenal $500 billion and $1 trillion, and would place in orbit over 300 satellites larger than any yet built. An effective space-based ballistic missile defense system has one very appealing quality—it could eliminate the possibility of nuclear missile attack against population centers. Proponents argue that such a weapon would be inherently defensive in character, thus ending rather than fueling the nuclear arms race.

The ultimate defensive weapon—the dream of military planners from the time of the Great Wall to the Maginot Line—is not, however, any more likely to be realized in space than on earth. The new exotic space weapons would merely extend into yet another realm the same stalemate of forces present on earth—at exorbitant cost.

Using space-based lasers as a ballistic missile defense suffers from the same problems—in spades—that led the US and USSR to agree by treaty to abandon all anti-ballistic missiles a decade ago. The central problem of all anti-ballistic missile systems is the ease with which the highly sensitive radars that track oncoming missiles can be utterly blinded. The massive aftershock of electronic radiation from a single nuclear explosion in space or in the upper atmosphere would disable sensitive circuits, radar screens and computers and make it impossible to locate warheads moving at bullet speeds. The systems' other militarily fatal flaws include their ability to be countered by decoys, mirrored warhead surfaces, spinning warheads and warheads laminated with burn-resistant surfaces. Even using optimistic cost figures it is clear that a dollar of defense expenditure could be effectively countered for a dime—a defense bargain no nation could afford.

The momentum of present military developments in space bodes a bleak future out there—and down here on earth. At a time of growing resource competition and renewed ideological hostility, space militarization is being aggressively promoted by the Soviet and U.S. military establishments, undermining important security interests in each nation. Unilateral restraint, bilateral treaties and multilateral initiatives should be high national security priorities for both the United States and the Soviet Union. Other countries just now beginning to use space could play an active role in prodding the superpowers into restraint. Otherwise, space will slip from the realm of peace into one of war.●

U.S. MARINES IN LEBANON: IMPLICATIONS FOR THE WAR POWER ACT

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. LEACH of Iowa. Mr. Speaker, I rise to express concern that the viability of the War Powers Act may have recently been placed in jeopardy.

My concern stems from the decision of the executive branch not to report to Congress on the commitment of marines in Lebanon under the section of

the act, section 4(a)(1), which triggers its operative language.

The practical result of this decision is, in the short term, that Congress may not be provided meaningful opportunity under the provisions of the act to vote on whether to extend the stay of the marines beyond 60 days; and, in the long term, that the decision to send the marines into Lebanon becomes a decision of one rather than two branches of Government, and thus does not reflect either appropriate national unity or necessary conformity with the requirements of statute and the Constitution. The failure of Congress to defend its responsibilities in this regard sets a dangerous precedent which threatens to undermine the future viability of the act. If we in Congress are to share responsibility for foreign policymaking and for the introduction of U.S. troops abroad, as the Constitution and statute envision, we must be vigilant in defending these responsibilities, regardless of how difficult or burdensome they may be.

The executive branch, in this case, has reported to Congress "consistent with"—but noticeably not "pursuant to"—the War Powers Act. Of special concern, the administration has chosen not to report under section 4(a)(1), because of a determination that our troops are not entering into an area of "imminent involvement in hostilities." The President's letter points out that the marines are not intended to engage in hostilities, that our agreement with the Government of Lebanon expressly rules out any combat responsibilities for the troops, and that "all armed elements" in the area "will refrain" from actions against the multinational force.

I applaud the precautions and the intricate negotiations which have sought to insure the safety of these troops; and I commend both the intent and the goals of the mission itself. But it is unrealistic to imply that the operating conditions of the War Powers Act are inapplicable in current circumstances. In Lebanon today neither safety from sniperfire nor immunity from long-standing political hostilities can be guaranteed. Our marines have landed solely because of the ongoing threat of ongoing hostilities. Americans have already been killed. Private militia exist and numerous splinter groups are well armed. Land mines and other hazards have not been cleared. The Nation is occupied by two foreign forces—not counting the Multinational force. And regardless of our "intentions" for the marines, they are combat forces, fully dressed for battle in helmets and camouflage fatigues, and armed with M-16's. While the M-16's are not loaded, ammunition is carried and it would take but a few seconds for a marine to put in a clip and be in a position to engage in battle.

Mr. Speaker, I do not believe that the administration wants to embroil us in a long-term commitment in Lebanon; neither do I believe that our marines are there to take sides, or to engage purposefully in combat. In fact, were I to vote on the issue, I would vote to extend the commitment of our troops under current circumstances. I believe, however, that the statute is clear, and that—especially after the death of a marine yesterday—the administration should resubmit a report, under section 4(a)(1); then, in 60 days, if necessary and if requested, Congress should have an up or down vote on the commitment of American forces abroad.

Mr. Speaker, the intent of the War Powers Act was to reaffirm and clarify the constitutionally given authority of Congress in the declaring and waging of war. Congress has the constitutional right not only to declare war but, as stipulated by statute, to determine—jointly with the President—whether troops should be sent into or remain in combat situations. Unless the War Powers Act is fully complied with in the type of situation we face now—even if the commitment is neither large nor of long duration—I am apprehensive that it will not be heeded fully in the future.●

SES REDUCTION IN FORCE; AMENDMENT TO H.R. 5145

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. DERWINSKI. Mr. Speaker, as one of the architects of civil service reform, I always have regarded the Senior Executive Service as one of the cornerstones of the 1978 act. That is why I am interested in this amendment since it would strengthen the placement authority of the Office of Personnel Management for senior executives who are subject to a reduction in force.

Frankly, in the rush to adjournment, this amendment could have been buried had it not been for the persistent efforts of two of my colleagues, FRANK WOLF and STAN PARRIS. As the ranking minority member on the Post Office and Civil Service Committee, I have learned to appreciate the efforts and expertise of FRANK and STAN on civil service matters. Operating in tandem, FRANK, from inside the committee, and STAN, as a knowledgeable member outside the committee, have been highly effective in monitoring our civil service system. I sincerely appreciate their strong support.

The pending amendment would entitle SES employees scheduled to be separated from an agency because of a reduction in force to be detailed by the Office of Personnel Management to vacant SES positions in other agencies for positions in which OPM believes the executives are qualified. After the 60-day period, the employee would be placed in such a position unless the head of the agency to which the employee was detailed determines that the employee was not qualified. The employee also has the right to appeal the agency's determination that he was not qualified for the position.

As you may recall, the Omnibus Budget Reconciliation Act of 1981 provided for an intricate placement program of senior executives subject to a reduction in force. This amendment fine tunes that procedure.●

EAST TIMOR NEEDS THE WORLD'S ATTENTION

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mrs. SCHNEIDER. Mr. Speaker, I would like to commend my two colleagues, Senator PAUL E. TSONGAS and Representative TONY P. HALL, for bringing the plight of the people of East Timor to the attention of the public and the Congress.

The imposition of Indonesian rule over East Timor has been the subject of much speculation and concern. Disturbing accounts of widespread human rights violations and life-threatening food shortages have raised serious questions concerning the nature of Indonesian rule in East Timor.

The occasion of the visit of President Suharto of Indonesia to Washington on October 12 and 13 should be used as a means to open a dialog with the Indonesian Government as to how humanitarian relief might be provided to the East Timorese. In addition, talks should also focus on the ultimate goal of returning some measure of self-determination to the people of East Timor as well.

I submit for the record a letter published in the New York Times from Senator TSONGAS and Representative HALL that eloquently summarizes the tragedy in East Timor.

[From the New York Times, Sept. 26, 1982]

EAST TIMOR NEEDS THE WORLD'S ATTENTION

To the Editor:

As sponsors of legislation expressing Congressional concern about the current humanitarian and political situation in the former Portuguese colony of East Timor, we were pleased that The Times again is focusing on the suffering on this island territory (A.P. dispatch, Aug. 25). While the article is a positive contribution to understanding some of East Timor's problems, there were a few omissions that we would like to bring to your attention.

Indonesian rule over East Timor was imposed by tens of thousands of invading troops. It is generally acknowledged that at

least 100,000 persons, of an original population of 690,000, have perished from the effects of the invasion; responsible church sources in this largely Roman Catholic territory say the death roll may have exceeded 250,000.

Although food problems did exist under Portuguese colonial rule, difficulties since the Indonesian invasion of 1975 are not merely traditional, as the article appeared to imply. It was only after the invasion that the territory faced food crises on the scale of Biafra and Cambodia, which occurred from 1978 through 1980 and have been attributed by eyewitnesses primarily to Indonesia's military campaign to crush resistance to the rule.

In late 1981, the Vatican's East Timor representative, Msgr. Martinho da Costa Lopes, said the Indonesian military operations had once again disrupted farming and might result in a renewal of serious food shortages. In an A.P. article published abroad in July 1982, he was quoted as saying that he is refraining from comment on the current station because he "was muzzled by [Indonesian] officials; who warned him of the consequences to his missionaries in the spoke out."

Other first-hand accounts in recent months indicate that life threatening food shortages may again be facing the East Timorese, in at least some parts of the territory. We believe that it is crucial for the world's news media to conduct an in-depth investigation throughout East Timor to determine what is happening.

Finally, we noted with interest that the A.P. article was datelined "Dili, Indonesia." This reference is an implicit acknowledgement that East Timor is legally a part of Indonesia—a position that has been rejected annually by the U.N. General Assembly.

Accordingly, our legislation urges the Administration to set in motion discussions that can lead to the initiation of a process leading to authentic self-determination for the people of East Timor. The legislation also stresses the need for increased access to East Timor by international relief organizations, journalists and human-rights groups.

TONY P. HALL,
Member of Congress, 3d Dist., Ohio,
PAUL E. TSONGAS,
U.S. Senator from Massachusetts.●

EXPORT-IMPORT BANK FINANCING NOTIFICATION

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. NEAL. Mr. Speaker, I am informing the House today of an Export-Import Bank proposal for a financial guarantee for $204.5 million in commercial loans made for a nuclear powerplant in the Philippines.

The Eximbank proposes to grant the guarantee to the Nuclear Power Plant Corporation, which is wholly owned by the Government of the Republic of the Phillipines.

The total plant was originally, in 1975, forecast to cost $1,109.4 million. At that time, Eximbank provided a direct credit of $277.2 million and an Eximbank guarantee of private loans of like amount, as well as a guarantee of $90 million to cover interest costs during construction.

The new Eximbank guarantee will be for $204.5 million to cover additional commercial loans which, in turn, will cover additional interest costs. The increased interest costs are due to delays of approximately 18 months in the construction schedule. These delays have been caused by increased attention to safety factors, improvement in design, and a lengthy review by the Nuclear Regulatory Commission—based on the experience of the Three-Mile Island incident—before its issuance of an export license.

This Eximbank financing notification was referred to me as chairman of the Banking Committee's Subcommittee on International Trade, Investment, and Monetary Policy. Under section 2(b)(3)(iii) of the Export-Import Bank Act of 1945, as amended, the Eximbank must notify Congress of proposed loans or financial guarantees involving the export of nuclear technology or equipment. Eximbank may give final approval of this transaction after 25 days of continuous session of the Congress.

I am submitting Eximbank's notification, which includes details of the proposed Philippines transaction, for the RECORD. I would welcome any comments or questions my colleagues might have on this financing proposal.

The Eximbank material follows:

EXPORT-IMPORT BANK
OF THE UNITED STATES,
Washington, D.C., September 20, 1982.

The SPEAKER,
The Speaker's Room, House of Representatives;
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to Section 29(b)(3)(iii) of the Export-Import Bank Act of 1945, as amended, Eximbank hereby submits a statement to the United States House of Representatives with respect to the following transaction involving U.S. exports to the Philippines:

A. DESCRIPTION OF THE TRANSACTION

1. Background and purpose

Eximbank proposes to offer its financial guarantee of up to $204,500,000 for commercial loans to National Power Corporation (NPC) to finance interest costs accruing from December 1982 to June 1985 during construction of NPC's 620 megawatt nuclear power plant located in the Bataan Peninsula in the Philippines (Project). These interest costs will accrue on previously authorized Eximbank financing for U.S. goods and services required for construction of the Project.

Eximbank initially provided support for this Project through a direct credit of $277,200,000 and an Eximbank guarantee of private loans of like amount to assist in financing the export of U.S. goods and services for the Project, and a guarantee of $90,000,000 of private loans to cover interest during construction.

Since its inception in 1975 to the targeted completion date of June 1985, total costs of the Project are estimated to have risen by $786.7 million from $1,109.4 to $1,896 million. Of this increase, $234.9 million is in local costs and $551.8 million is in foreign currency costs. The local costs will be covered by equity contributions from the government of the Philippines and the foreign currency costs will be covered by Eximbank financial guarantees (of which $104.2 million was approved in April 1981 and $204.5 million is now proposed) and by unguaranteed private bank loans of $243.1 million.

These increased costs have resulted largely from delays in construction which have placed the Project about 18 months behind schedule. The background of these delays, including the attention given to safety factors, improvement in design, the lengthy review by the Nuclear Regulatory Commission before its issuance of the export license and the lessons learned from the Three-Mile Island nuclear incident were reviewed in our last letter to the Congress with respect to the Eximbank financial guarantee of $104.2 million approved in April 1981.

That financial guarantee was limited to upgrading of equipment and changes in scope relating specifically to plant safety and improvement. The limited support offered was due partly to Eximbank budget constraints and partly to the expectation of the government of the Philippines that the Eximbank guarantee could be used as leverage to induce private lenders to fund the balance of the foreign currency costs. Such expectation has been fulfilled in part, but there remains a gap of $204.5 million to be met for which the government of the Philippines has now requested additional Eximbank support.

2. Executive branch approval

Our letter to the Congress of March :0, 1981, with respect to the Eximbank financing guarantee of $104.2 million recited the extensive review of this Project by the executive branch of the U.S. Government required in the case of nuclear projects. No further review is required at this time other than the concurrence of the National Advisory Council on International Monetary and Financial Policies, which has been given.

3. Identity of the parties

Borrower.—Established in 1936, NPC is wholly owned by the Government of the Republic of the Philippines. Under Presidential Decree No. 40, NPC is responsible for providing all future power generation expansion throughout the Philippines. At the end of 1981 total generating capacity of the NPC systems was 4,017 megawatts, consisting of 23 percent hydro power, 59 percent oil and 18 percent geothermal. NPC projects an installed generating capacity of 7,219 megawatts by 1985 when this Project is to be completed. The expected breakdown of that capacity is as follows: hydro 33 percent, geothermal 11 percent, oil 38 percent, coal 10 percent, and nuclear 8 percent.

Guarantor.—The Republic of the Philippines has issued its unconditional guarantee of payment of the existing Eximbank direct credit and loans guaranteed by Eximbank for the Project and will issue its unconditional guarantee of payment of the loans to be guaranteed by Eximbank in this transaction.

EXPLANATION OF THE EXIMBANK FINANCING

1. Reasons

In Eximbank's letter to the Congress of March 20, 1981, it was explained that original cost estimates for the Project had increased due to construction delays, modernization and improvement of site and plant safety design, construction schedule extension and related costs. At that time it was

recognized that the additional Eximbank guarantee would cover only a small portion of the funding needed for additional costs. The Government of the Philippines believed, nevertheless, that Eximbank support was essential for the completion of the Project and that such support would induce other loans which together with funds provided by the Government of the Philippines would cover the additional costs.

With the Eximbank financial guarantee of $104.2 million as a catalyst NPC has been able to arrange for additional loans of approximately $43,100,000 and expects to arrange further loans in Japanese yen and Eurodollars of $200,000,000. These loans reduce the funding needs for additional foreign currency costs to complete the Project to about $204,500,000, which will be required to covern interest accruing from December 1982 to June 1985 on Eximbank direct and guaranteed loans during construction of the Project. NPC has been unsuccessful in arranging further commercial loans for this purpose and to assist it in this effort has requested an additonal Eximbank guarantee in that amount. This financing is considerd to be a necessary step toward completion of the Project which is a key element in Philippine energy resource planning. Even with the increased costs, the Project is expected to save on the costs of, as well as Philippine dependence on, foreign energy imports.

2. The financing plan

The interest costs of up to $204,500,000 accruing during the period from December 1982 to June 1985 on outstanding credits extended or guaranteed by Eximbank in favor of NPC for the Project will be financed by an Eximbank guarantee of private loans in such amount.

(a) Eximbank charges.—Eximbank will charge a guarantee commitment fee of ⅛ of 1 percent per annum on the undisbursed portion of the loan guaranteed by Eximbank, as well as a guarantee fee of ½ of 1 percent per annum on the balances of that loan from time to time disbursed and outstanding.

(b) Repayment terms.—The loan of $204,500,000 to be guaranteed by Eximbank will be repaid by the Borrower in ten approximately equal semiannual installments beginning June 30, 1987, and ending December 31, 1991, to coincide with the repayment schedule dates of existing loans for the Project which are guaranteed by Eximbank.

Attached is additional information on Eximbank activity in the economic data on the Philippines.

Sincerely,

WILLIAM H. DRAPER III,
President and Chairman.

Attachments.

ATTACHMENT 1.—EXIMBANK EXPOSURE IN THE PHILIPPINES—(AS OF JULY 31, 1982)

[In millions]

	Outstanding	Undisbursed
Direct loans	$366.5	$69.5
CFF loans	.6	0
Financial guarantees	332.3	178.1
Bank guarantees and other	47.3	70.2
Insurance:		
Medium term	.7	1.7
Short term	3.9	0
Total for the Philippines	751.3	319.5

DEFAULTS AND RESCHEDULINGS

In the past ten years there have been no defaults or rescheduling of Export-Import Bank direct credits for U.S. export sales in the Philippines.

ATTACHMENT 2.—PHILLIPPINES: KEY ECONOMIC INDICATORS

[All values in millions of U.S. dollars unless otherwise indicated. Exchange rates (average for periods covered in pesos): 1979; 7.3775; 1980, 7.5115; 1981, 7.8997]

	1979	1980	1981[p]	Annual percent change
Income, production, employment:				
GNP at current prices [b]	29,585.4	35,181.4	[a] 39,693.0	18.7
GNP at 1972 prices [b]	11,945.5	12,371.7	[a] 12,335.4	4.9
Per capita GNP current prices [b]	628.0	728.1	[a] 801.4	15.8
Fixed capital information on durable equipment, 1972 prices [b]	1,492.1	1,587.3	[a] 1,551.1	2.8
Personal income current prices [b]	[r] 22,214.4	[r] 26,282.5	[a] 29,075.2	18.9
Indices (1972=100):				
Mining (physical volume production)	[r] 159.3	[r] 163.4	166.2	1.7
Manufacturing (physical volume production)	131.8	137.2	NA	
Average labor productivity [c]	107.1	107.9	NA	
Average industrial money wage	157.9	165.4	NA	
Labor force (thousand workers)	16,739	17,608	NA	
Average unemployment rate (percent)	4.2	5.4	NA	
Money and prices:				
Money supply [b]	2,554.2	[r] 3,000.3	2,953.3	3.5
Interest rate (percent) [d]	12.8	13.2	15.6	
Indices: Metro Manila:				
1978=100—Wholesale prices (annual average)	119.0	148.8	159.7	13.4
1972=100—Consumer prices (annual average)	241.1	284.1	317.7	11.8
Balance of payments:				
Central bank gross reserves [f]	2,422.9	3,155.4	2,707.0	[h] −14.2
Outstanding external debt	9,778.3	12,700.5	15,300.5	20.5
Annual debt service burden	1,252.7	1,474.0	1,734.5	17.7
Annual debt service ration (percent) [g]	18.6	18.7	19.1	
Balance of payments	−570.0	−381.2	−560.2	−46.9
Balance of trade	−1,540.5	−1,939.1	−2,223.7	−14.7
Exports, f.o.b.	4,601.2	5,787.8	5,722.0	−1.1
U.S. share (percent)	29.8	27.3	30.8	12.0
Imports, f.o.b.	6,141.7	7,726.9	7,945.7	2.8
U.S. share (percent)	22.8	23.1	22.5	−.01

[a] Comparison between that period in 1981 and similar period in 1980. Percent changes for data originally available in pesos were calculated using peso values, and therefore will be different from dollar comparisons.
[b] Peso value converted to dollars using average exchange rate for the period.
[c] Labor productivity measured in terms of net domestic product per employed person.
[d] Weighted average of money market rates (borrowing and selling).
[f] Reserves outstanding as of end of period.
[g] For debt of over one year maturity as defined by RA 6142 as amended.
[h] CB has allowed gross reserves to go down to approximately $2.5 billion, sufficient to finance 4 months import payments.
[r] Revised.
[p] Preliminary.

Note: Principal imports from United States (1981): Machinery other than electric, $311.5 million; cereals and cereal preparations, $186.5 million; electric machinery, apparatus and appliances, $102.4 million; transport equipment, $77 million; chemcial elements and compounds, $77.9 million; textile fibers, $46.8 million; base metals, $22 million.

Principal imports from abroad (1981): Mineral fuels, lubricants and related materials, $2,458 million; machinery other than electric, $945.1 million; Transport equipment, $459.8 million; base metals, $408 million; electric machinery, apparatus and appliances, $392.4 million; chemical elements and compounds, $298 million; cereals and cereal preparations, $230 million; textile fibers, $113.1 million.●

THE BOWEN FAMILY OF LAKE CITY

HON. JOHN L. NAPIER

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. NAPIER. Mr. Speaker, tobacco, Lake City, and Bowen are three terms that are synonomous. These blend together so fluidly that it is difficult to envision one without the other.

The Sixth District in South Carolina, which I represent, is one of the top Flue-cured tobacco producing areas in the Southeast. And Lake City, located in Florence County of the Sixth District, is big tobacco country. One of the distinguished families in this region and a well-known name that has taken root in Lake City and the surrounding rural area, along with the tobacco, is the Bowen family. Ambitious, hard working, and proud, the Bowens are achievers who set their goals and never stop short of meeting them.

A recent article in the September 21, 1982, edition of the News and Courier

newspaper published in Charleston, S.C., carried a feature story highlighting the Bowens. This article was written by the esteemed journalist, Laverne Prosser, who knows the Pee Dee area and tobacco as few people know it. I want to share the article with my colleagues in the 97th Congress so that they, too, can know this wonderful family:

[From the News and Courier/the Evening Post, Sept. 21, 1982]

THE BOWENS: A LAKE CITY FAMILY FIXTURE

(By Leverne M. Prosser)

LAKE CITY.—Edward Bowen has spent most of his life in the tobacco warehouse business, but he remembers when Lake City was the garden pea capital of the world, and he earned his keep as a produce auctioneer.

"Garden peas were awfully important to us back then, Farmers made a great deal of money growing them in the late 1930s and early 1940s," Bowen says.

Hundreds of trucks and refrigerated rail cars were a common sight in Lake City during the early summer months when English peas were ready for market.

"Farmers would come to market, some in trucks and many on mule-drawn wagons. They would line up for two or three miles right down Main Street, and they would place samples of their peas out to entice the buyers," Bowen says.

Lake City had a municipal buying station that was financed 50-50 between the farmer and buyer. The station was operated around the clock during the peak buying season. Auctioneers like Bowen kept them moving at a snappy pace.

In 1938, more than 500 carloads of peas were shipped to Washington, Baltimore, Philadelphia, Boston and New York. Hundreds of trucks were also used to take the peas to northern markets.

After snap beans and strawberries came squash, potatoes, cumcumbers and lima beans. Their season ended just in time for the tobacco markets to open.

Bowen figures the frozen food business killed the big lake City English pea or snap bean market, which could again become a big factor in mid-Pee Dee agriculture if a frozen food processor could be attracted into the area.

"Tobacco is now the big thing in the Lake City economy and is likely to remain that way," says Kenneth Bowen, who is president of the Lake City Chamber of Commerce and Edward Bowen's son.

The Bowens are big in tobacco. Tobacco has made them one of the area's wealthiest and more prominent families.

It all began with Edward's father, the late G. R. Bowen. The Big Brick warehouse began in 1913 as a partnership between Bowen and the late L. O. Holloway. The warehouse was located in the downtown area where Kellys IGA store is now found.

The warehouse stood on that spot until 1955 when the fire department accidentally burned it down.

"It wasn't their fault," Edward says. They helped us burn off some brush. Unfortunately some of the fire got beneath the old metal wall and fire destroyed the warehouse."

The warehouse was rebuilt in 1956 at its present location. That structure was wiped out when a record-breaking snowfall hit the Pee Dee in 1973. A build up of snow and ice on the sprawling roof turned the building into little more than kindling wood.

The present Bowen Big Brick warehouse, one of the largest in the Southeast, is a combination of steel and brick. Its roof is spread across steel beams and it contains 213,750 square feet of floor space. It has a sprinkler system.

The Big Brick has always been a family affair, but there have been some close business associations with such prominent Lake City tobacconists as the late J. W. J. Floyd of Olanta and J. M. "Moot" Truluck III. Floyd was associated with the family for more than 40 years.

Edward and his brother David are becoming less and less involved in the operation of the Big Brick. Son Kenneth and Truluck, the current mayor pro tem of Lake City, are now the big warehouse men along the auction line.

"Tobacco is important to Lake City. The market last year sold more than $60 million worth of tobacco. A lot of that money remained in town," Kenneth says.

Big Brick, one of eight warehouses in Lake City, handled more than $10 million worth of that tobacco.

David Bowen, in addition to his work at Big Brick, has spent much of his winter months brokering produce in Florida. His Florida purchases are shipped to the North and one of his biggest customers has been the Super Giant chain stores in the Washington, D.C., area.

Edward, who served on the Lake City Town Council for about 18 years, was graduated from the University of South Carolina and also studied at Duke University. Kenneth, who serves on the Furman University Board of Trustees, also attended the University of South Carolina where he was graduated with high honors.

"I feel the time has come for me and my brother David to take life a little easier. The warehouse is in good hands," Edward says. Kenneth, who saw action in the Vietnam war as a Navy officer, has become president and Truluck vice president of the Big Brick Warehouse Inc. and Bowen Tobacco Sales. Edward is secretary-treasurer.

The family is involved in other business activities including rental property and the Bowens still are engaged in growing tobacco and other crops.●

CATASTROPHIC HEALTH INSURANCE

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. MARTIN of North Carolina. Mr. Speaker, House Budget Chairman JIM JONES and I on August 17, 1982, introduced H.R. 7000, the Catastrophic Health Expense and Cost Constraint Act of 1982 (CHECC). Because we have had numerous inquiries about this bipartisan legislation, I would like now to provide my colleagues with some brief highlights of the bill and also respond to some concerns of those examining the dual problems of how to contain soaring health costs while improving the financial protection of all Americans against catastrophic medical expenses. I urge my colleagues to address these important issues now before we find ourselves with a heavily regulated and ineffective health care system in which many citizens cannot obtain quality medical care because of exhorbitant health care costs.

The highlights follow:

HIGHLIGHTS OF THE CATASTROPHIC HEALTH EXPENSE AND COST CONSTRAINT ACT OF 1982 (CHECC)

CHECC is a two pronged package designed to improve catastrophic protection for all Americans and to constrain health care spending throughout the health system.

I. CATASTROPHIC PROGRAM

A. Private health insurance plans offered by employers will meet certain minimum provisions described in CHECC if employers are to retain any exclusion from taxable income for their employer's contribution toward their health premium.

Health plans will provide protection against catastrophic expenses so that expenses incurred by employees for hospital and medical care are limited to a maximum of $3500 annually. Employers will offer a plan at this level of coverage.

Employers will give every full-time employee the opportunity to purchase private insurance at the company's group rates.

Employers' contribution toward a health plan will account for at least 50 percent of the cost of the least expensive premium.

Employees cannot be denied access to a health plan for reasons of pre-existing conditions, and cannot be abruptly terminated from coverage.

Employers will be limited to a monthly contribution of $100 per family for the tax exclusion. Any additional amount will be treated as taxable income to the employee.

B. CHECC provides an additional tax break for the individual who is not offered a qualified group policy, and purchases a qualified individual plan. The current limit of a $150 deduction for 50 percent of the premium cost will be raised to a $500 deduction for 100 percent of the premium cost for these individuals.

C. A Catastrophic Automatic Protection Plan (CAPP) is established under CHECC for those not covered for health expenses by either a private plan or other public programs. CAPP pays all medical expenses after a specified amount of out-of-pocket expenditures, based on a family's income, are incurred.

CAPP will cover the same benefits as those covered under Medicare presently, plus several preventive health measures. CAPP will be administered by the existing Medicare structure (HCFA) and will not require the creation of a new bureaucracy.

The cost of CAPP will be offset by other provisions in the bill, with no additional costs overall to the federal budget. The largest offsetting factors for the cost of CAPP are the $100/month/family limitation of the tax exclusion and the partial elimination of the medical deduction. This trade-off is justified in order to provide everyone with catastrophic protection, within budgetary limitations. In return for tighter limits on the present regressive distribution of tax subsidies, there will be gained the advantage of catastrophic protection for all.

II. COST CONSTRAINT PROVISIONS

CHECC promotes the concept of prospective payments for Medicare by allowing states and legal entities to seek a waiver from the Secretary of Health and Human Services for that purpose.

Each new prospective system will not be approved if its cost is more than the existing reimbursement system.

A proposal for prospective payment will not be approved if the hospital refuses admission to patients solely because the cost of treatment is excessive. Furthermore, all those who pay for hospital services must be treated equitably.

QUESTIONS AND ANSWERS REGARDING CHECC—THE CATASTROPHIC HEALTH EXPENSE AND COST CONSTRAINT ACT OF 1982

Title I of CHECC—The catastrophic automatic protection plan (CAPP)

Your bill requires all families seeking eligibility for CAPP to pay a certain amount of money out of pocket in the form of deductibles and copayments. How can you expect a person with an income below $5000 to meet a $250 deductible?

Right now if a family member gets sick and has no other public or private protection, that family faces medical bills that can quickly total thousands of dollars. CAPP is designed to relieve this burden of unlimited liability for such bills. As a *fallback* catastrophic program, CAPP will pay all bills once a family has incurred a reasonable percentage of its income in out-of-pocket medical expenses. A deductible of $250 for low-income families is a small trade-off for removing the present unlimited liability these families now face. Furthermore, no one will be denied eligibility (if otherwise qualified) solely on account of being unable to pay their deductible and copayment; under CHECC, these bills must only be incurred, not paid in full, in order for a family to qualify for CAPP.

Won't employers stop offering their employee insurance, knowing the workers can go on CAPP?

Employers must maintain good labor relations. Most of their employees would face a larger deductible in order to participate in the fallback program CAPP than under their private plan; thus, most employers would not want to rely on CAPP for coverage for their workers. For those workers at small companies where currently there is only meager coverage offered, workers are now vulnerable under these inadequate policies—oftentimes not knowing if a policy contains exclusions and limited liability clauses. We want to discourage employers from offering these plans, so we include certain minimum provisions.

Won't many families drop private insurance, knowing they can always go on CAPP?

CAPP is designed so that for most families, it is more advantageous to buy a qualified plan than to face a large deductible. CAPP also includes stiff penalties for those workers who end up on CAPP after having refused an employer sponsored plan. If an employer drops a marginal plan, we provide new financial assistance to individuals not offered a workplace plan so that they can purchase their own qualified plan. (Under CHECC, the premium deduction for an individual plan is raised to 100 percent of $500 annually.) Thus, we encourage families not to rely on CAPP.

Once CAPP begins paying for catastrophic care, what is to prevent doctors and hospitals from ordering marginally valuable or unnecessary services?

Because Medicare already has in place utilization and quality controls to monitor such abuses, we tie our federal program to Medicare. The Department of Health and Human Services has been able to establish effective controls to monitor such abuses. Moreover, as a result of changes in the bill in which hospitals will be reimbursed prospectively instead of on the basis of the current cost-plus reimbursement system, many hospitals will for the first time be allowed to share in the savings they generate.

Last Congress the Senate Finance Committee was designing a bill to assist families in buying private health insurance which involved state pools. Why wouldn't this approach be preferable?

We discovered it far more cost effective and efficient to have a fallback program built around Medicare than to develop a program which requires all these families be tracked down and given money to enroll in a private plan. Many of these people are in and out of government programs and move frequently; furthermore, there would be no assurance that these families would actually enroll in a plan. It costs the Federal Government far less to pick up the expenses of the small percentage of families who actually end up participating in CAPP than to assist everyone in buying a private policy.

What happens to Medicaid under your bill?

Revamping Medicaid is a tedious process, one which this Administration is presently in the process of doing. CHECC will automatically take care of the short comings in Medicaid by picking up those who are excluded from the program and who are still too poor to purchase insurance. Since CHECC builds on the Medicare program, any changes that ultimately are made to Medicaid will not be inconsistent with CHECC.

Won't states reduce Medicaid and other health services, thereby forcing more families into CAPP?

We include a maintenance of effort clause to prevent states from doing this.

How exactly does CAPP work?

If a family believes its expenses exceed its deductible, the family applies to the Department of Health and Human Services (the Secretary will determine the best method of doing so—perhaps through the local social security office), receiving a card if eligible. The family then presents this card to the physician, hospital, or other provider—who later submits the bill to a Medicare intermediary. These providers are responsible for collecting deductibles and copayments from the patient. Physicians and others participating in the program must agree to accept the government's reimbursement as payment in full, i.e., they cannot bill the patient for additional amounts beyond the deductible and the copayment.

How do you define income?

Verified income is earned, and for the most part, unearned income. CHECC does not include in-kind benefits from the federal government in this definition.

Title II of CHECC—Employer sponsored plans

Won't CHECC cost the health system more in the long run when families who choose low-cost plans find themselves being forced to delay needed care because they cannot pay the higher out-of-pocket deductible expenses required for their low-cost plans?

A massive ten year study by the Rand Corporation—involving 7,000 people—indicates that cost sharing on the part of patients will not make costs go up over the long run *if the cost-sharing is income related.* (Preliminary results). The Congressional Budget Office also has made similar findings. CBO concludes that "cost-sharing not only reduces the use of medical services, it also reduces prices. Econometric studies have shown that when patients are required to pay more out-of-pocket costs, prices tend to be lower."

Why would an employer go to the trouble of meeting the provisions of a qualified plan, if he can continue, as your bill allows, to deduct the premium contributions the employer makes for nonqualified plans?

Similar experiences with pension plans and group legal service plans—which also deny the employee and not the employer an exclusion for not meeting certain minimum standards, have proven effective in encouraging employers to meet these provisions. It is important not to force an employer, by denying him his tax deduction for a nonqualified plan, into dropping his group coverage altogether, thereby forcing the worker to pay the entire cost of a much higher non-group policy.

A significant concern of offering wider choice for workers is that of adverse selection, whereby the costs of comprehensive policies go up as the more healthly workers of a company enroll in low-cost plans. How does your bill deal with this problem?

CHECC does not require employers to offer a choice of plans.

CHECC places a ceiling on the exclusion allowed for insurance premiums at $100 a month. Isn't $100 unrealistically low?

No. A limit of $100 a month will not even affect two-thirds of all households, and those that are affected tend to be in the upper income brackets. Policies can be purchased throughout this country for roughly this amount or less and still provide the type of coverage we think critical—where all expenses are insured above $3,500.

A recent Congressional Budget Office report points out that the tax benefits from this exclusion in the code are unevenly distributed and that this is a regressive subsidy. The average tax benefit under current law for all households with incomes between $10,000–$15,000 per year is $83, while the benefit for households with incomes between $50,000–$100,000 is $622. On the basis of fairness and equity, CHECC places a cap on this tax expenditure and redistributes the subsidy to those who qualify for CAPP.

Won't a limit on the exclusion be difficult and costly for businesses to administer?

No. Only those firms making contributions to their employees' plans which are over the $100 ceiling will report this data to the Internal Revenue Service.

Won't a single limit nationwide be inequitable since it will allow some employees in low-cost areas to obtain extensive coverage taxfree?

No. The Tax Code does not reflect regional cost of living variations in other areas such as in the standard deduction or the income brackets themselves. A variation would be inconsistent with other tax policy.

Won't a low ceiling for the exclusion cause employer contributions to decrease, thereby affecting low-income workers more than other?

CHECC provides a safeguard for low-income workers who might possibly be affected in this manner. Under CHECC, workers will be offered a low cost option and employers will contribute at least 50 percent of cost of that plan, thereby assuring workers that an affordable plan will be available to them. It is the system now in place that is unfair and inequitable to lower income families. The Congressional Budget Office found that 48 percent of all households receive no benefit whatsoever from this exclusion—people who tend to be in the lower income brackets. Yet, we are spending $25 billion a year on this regressive and in-

equitable subsidy. The affect of the ceiling will be to focus on those with the most comprehensive benefits and those with the highest taxable income. Moreover, it will not deny extensive coverage to those who wish it. We are saying that this subsidy should not be concentrated on only a portion of the population but can be spread more equitably so that the 34 million citizens currently with no Federal assistance whatsoever for health expenses can also benefit.

Title III of CHECC—Medicare prospective payment plans

What evidence do you have that state prospective payment plans are effective?

The Congressional Budget Office recently examined six state programs and found per capita expenditures in these states grew at a 10 percent annual rate, compared to the 14 percent that other states experienced. Because of the vast differences between hospitals in different regions of the country, we believe it appropriate to encourage more states and legal entities to develop these prospective programs.

How does your prospective payment proposal correlate with what is required in the Tax Equity and Fiscal Responsibility Act that Congress recently passed?

The Act recently passed by Congress directs the Department of Health and Human Services to come up with methods for implementing prospective payment for Medicare within five months. The Act also recognizes state hospital cost control systems that meet certain minimum provisions. These provisions are similar in many ways to those contained in CHECC for purposes of developing state prospective systems. Thus, Congress's recent actions regarding prospective reimbursement are indeed compatible with CHECC.

Does your prospective payment proposal apply to Medicare services only?

CHECC allows the state or legal entity to decide which payors—whether that be Medicare, Medicaid, Blue Cross/Blue Shield, or commercial insurers—will participate. Under CHECC, a prospective payment plan cannot cost more than the current cost based system would have, had it remained in place. Even under a system where Medicare is the only payor which must participate in the program, there will still be savings over time. The Congressional Budget Office has found that a Medicare only system will still achieve a reduction in costs because for the first time hospitals would have an opportunity to participate in the savings generated under the program.

Since you do not require all payors to participate, what is to prevent cost shifting—whereby hospitals simply make up the revenues they lose under a prospective system by charging their private paying patients more?

In applying for a waiver with the Secretary of the Department of Health and Human Services, a state or legal entity must assure the Secretary that all public entities and programs paying for inpatient hospital services will be treated equitably under the system.●

DESTRUCTION OF BUREAUCRACY BY ADMINISTRATION

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mrs. SCHROEDER. Mr. Speaker, the Washington Post editorial page today had two pieces which describe two different sides of the Reagan administration's vendetta against career civil servants. One, by Sar A. Levitan, makes the argument that cutting the benefits of civil servants is a sure way of guaranteeing a lower quality public work force over the next few years. The other, by William Raspberry, tells, of a $50,000 computer specialist who has been assigned to cleaning animal cages at the National Institute of Health. The Raspberry piece, at first, seems funny. After reading it again, in conjunction with the Levitan article, it becomes an incredibly sad commentary on the destruction this administration is causing to our Government and its employees. I ask that both articles be printed in the RECORD.

A SELF-DESTRUCTIVE ASSAULT ON THE BUREAUCRACY

(By Sar A. Levitan).[1]

Forgive the nation's civil servants for not rejoicing. The 4 percent pay raise scheduled to take effect today will barely be noticed in their biweekly paychecks. And even those who consider a small pay increase better than none will be hard-pressed to ignore the newly imposed Medicare payroll deduction and the longstanding pattern of neglect which they represent.

It would be different if the fiscal 1983 cost-of-living adjustment, roughly half the average wage increase won by private sector or state and local employees in the first half of 1982, were a temporary response to the federal budget crisis. After all, working for government in an era of fiscal austerity might be expected to entail some sacrifice. What irks federal workers is that this year's shabby pay treatment is anything but new—federal pay repeatedly has fallen short of both what the government has pledged and what fairness demands.

Since 1970, when Congress endorsed private-sector wages and salaries as the appropriate guide for federal pay, the promise of comparability has been fulfilled only twice. The refusal of successive administrations, both Republican and Democratic, to follow statutory guidelines for comparable pay has placed the Nation's employees further and further behind their private-sector counterparts. This year, civil servants would have needed an 18.47 percent pay increase to reach the wage levels of similar workers in business and industry, a far cry from what the president and Congress decided they should receive.

One can only wonder what price the nation will pay, in terms of the efficiency of government and the quality of its services, if the incentives are inadequate to attract the best and the brightest? With the compensation of a secure job destroyed by recent reductions in force (RIFs), who but the most dedicated would be satisfied with this steady erosion of pay?

The Reagan administration, rather than moving to strengthen the civil service, seems intent on making federal employment even less attractive. Its anti-government rhetoric is replete with ridicule for the nation's employees. They are portrayed as self-serving bureaucrats instead of as public servants who plan the national defense, minister to disabled veterans, process Social Security pay and administer farm aid programs.

The president's recent veto of the supplemental appropriations bill also took its toll on federal workers. The ensuing funding crisis, precipitated by the administration more as a political posture than as a substantive dispute, left civil servants wondering if they would be allowed to go to work each morning and worrying how their rent would be paid if furloughs struck. The nation's employees deserve better.

Recent developments in federal employee relations are particularly disturbing because they reverse a pattern of slow but steady progress in the recognition of worker rights in the federal establishment. From 1962, when President Kennedy issued an executive order giving formal recognition to federal unions, through the adoption of the Civil Service Reform Act in 1978, the nation moved gradually toward a limited form of collective bargaining for federal workers patterened after models of industrial relations widely accepted in the private sector. These mechanisms for handling employee concerns and grievances, albeit narrow in scope, have given civil servants a greater sense of dignity on the job and brought an important element of impartiality to labor-management relations in the federal government.

President Reagan's budget and personnel policies now threaten to emasculate this fledgling collective bargaining system. Deep cuts in the operating budgets of independent agencies—such as the Federal Labor Relations Authority and the Merit Systems Protection Board—that serve as arbiters in labor-management disputes will soon prevent federal employees from securing a prompt hearing of their grievances. Statutory rights designed to protect employees rights, will not be enforced and will become meaningless.

For the civil servant seeking compensation and collective bargaining rights similar to those in the private sector, there are few options. Barred by statute from negotiating wages and benefits, federal workers cannot take their dissatisfaction with federal pay to the negotiating table. And given the inclination of both politicians and voters to use civil servants as scapegoats for the nation's problems, their appeals remain muted and are likely to fall upon deaf ears.

What choice remains for the federal employee? The Congress could extend meaningful collective bargaining rights to federal employees, providing them with a more significant voice in the determination of their pay and working conditions. It could halt the disintegration of the neutral labor relations agencies that are essential to fair consideration of worker grievances. It could muster the political courage to confront the nation's problems without doing so at the civil servant's expense.

If we are serious about restoring confidence in government, we must begin by filling its ranks with competent and experienced workers. At minimum, we must offer

[1] The writer is director of the Center for Social Policy Studies at George Washington University.

federal employees the wages and the dignity they could find in the private sector. Our ability to launch effective public remedies to the nation's ills hangs in the balance.

A $50,000 JOB CLEANING CAGES

(By William Raspberry)

The good news is that Charlie Day, who a year ago was a $44,000-a-year computer specialist for the federal government, just got himself a nice little raise to $47,600. He is anticipating an in-grade increase that shortly will take him close to $50,000. The bad news is that the 55-year-old Day is no longer a computer specialist. He's assigned to an animal lab at the National Institutes of Health, where the only inputs he's concerned with are the rations for a menagerie of monkeys, dogs and sheep, and the sole outputs the natural result of the inputs. That's right. After 30 years' government service, he's reduced to feeding experimental animals and cleaning their cages.

Day was one of 360 employees of the Community Services Administration, the government antipoverty agency that was shut down by the Reagan administration a year ago yesterday. The reduction in force left him and his colleagues jobless. Day and others thought they had been unfairly dismissed, particularly since they were not offered jobs with the Office of Community Health and Human Services that was created to finish up CSA's work. A month ago, an administrative law judge agreed with them and ordered them returned to work, with up to four months' back pay.

"The government erred in failing to accord CSA employees the benefits of the procedures required by law," said John J. McCarthy, chief administrative law judge for the Merit Systems Protection Board. Those procedures require that employees whose functions are transferred to a new agency have a right to compete for jobs in the new agency. McCarthy's ruling extended the October 1981 ruling of a U.S. District Court judge, who ordered HHS not to hire new employees until it determined which of its jobs were essentially similar to the abolished CSA jobs and offered those jobs to the fired CSA workers. McCarthy's ruling went further, insisting that the former CSA staffers should be given preference for all new HHS jobs, whether similar to the abolished jobs or not.

As a result of that ruling, HHS made job offers to the former CSA employees who were party to the suit. Day was offered work as an animal caretaker, a Wage Board job that pays a top of $14,788. His acceptance of the offer entitled him to restoration to duty, retroactive to last Oct. 1, and back pay to that date. In addition, his salary is pegged at what he would have earned—complete with interim pay raises—had he not been separated. "This offer represents the best offer that can be made to you under RIF [reduction in force] procedures," Day was told.

Day, who has managed to keep his sense of humor, laughs out loud at that one. "I guess they thought I would refuse the job and then I would have no more rights under the law. If so, maybe they are in for a surprise. I am an experienced, government-trained computer specialist. I ran CSA's data center. . . . The administrative law judge's ruling says I am eligible to compete for jobs anywhere in HHS. . . . The fact that they have sent me to NIH, which has nothing to do with Community Services, shows that they consider me an employee of HHS. So the question is, why would they place me in a job that is so far removed from my area of expertise?"

It's a good question, one that puzzles the NIH supervisors as well. Day won't even attempt an answer. "I can't say that it is race. I can't say that it's politics, although I have been active in the union and in such organizations as Blacks in Government. But even if it's just plain stupidity, it's still wrong."●

INTRODUCTION OF CLEAN CAMPAIGN ACT

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. OBEY. Mr. Speaker, 3 years ago the House passed legislation I introduced which would have: Limited the amount a House candidate could receive from PAC's; and prohibited PAC's, political consultants and other vendors from extending credit in excess of $1,000 for more than 30 days.

We did it because candidates for the House were becoming increasingly dependent on interest group money to finance their campaigns. For example, the amount of PAC money in House campaigns had grown by 400 percent, from $5 million in 1972 to $25 million in 1978. The Senate refused to act on it.

Since that time, the number of PAC's has continued to increase, from less than 600 in 1972 to over 3,100 in 1982. Total expenditures by PAC's grew from $19.2 million in 1972 to $133 million by 1980, the last election. Direct contributions to candidates for the House went from $5 million in 1972 to an estimated $56 million for the election that will be held November 2 of this year, an increase of over 1,100 percent. As of June 30 of this year, eight people running for the House had collected more than $150,000 each from PAC's, and one candidate had collected over $200,000.

There is nothing improper about business, labor, trade associations, and professional groups supporting candidates who are sympathetic to their concerns and opposing those who are not. Such groups represent the legitimate concerns of millions of American citizens. However, while we support this legitimate role of special interest groups, we also believe that their role must be kept in balance to protect the integrity of the congressional process and the rights of all Americans from all regions, all States, and all districts.

PAC giving is giving with a purpose. It is money given by groups who then followup their contribution with lobbying activities on behalf of their particular interests. Sometimes the interests of a number of these groups coincide, such as when an issue affects an entire industry and all of the companies and labor unions in that industry.

When that occurs, when a large number of groups which have made substantial contributions to Members are all lobbying on the same side of an issue, the pressure generated by all these contributors is enormous and it warps the process. It creates the politics of intimidation.

PAC's have nationalized politics. Organized PAC's cut the linkage between Members and their districts, their constitutents. When the Founding Fathers drew up the Constitution, they designed our system so the President would be the national representative, Senators, the State representatives, and Members of the House, representatives of the specific needs of different districts.

What has happened instead in the past 10 years is that the needs of different regions and areas are being submerged to the care and feeding of interest groups organized nationally.

There should be a balance between national and regional representations, but Washington-based lobbies can squeeze and dominate Congress more effectively through the politics of intimidation than can unorganized constituents in any congressional district.

Therefore, I am again introducing legislation on behalf of myself and some of my colleagues to restore a balance to campaign financing. This bill, the Clean Campaign Act of 1982, has two primary components:

First, the bill limits the total amount of PAC contributions that a candidate can accept to $90,000 per election cycle.

Second, the bill establishes public financing for House races. Individual contributions of up to $100 would be matched by public financing. A candidate could match a maximum of $90,000 in small contributions of a 1-to-1 basis with public financing. The bill also establishes a limit on total spending in a campaign to $180,000.

One criticism of public financing is that if you limit the amount that can be spent, some rich guy will spend lots of his own money and buy the election. We get around that objection by eliminating the spending limits and providing a 2-to-1 match to any candidate who faces a challenger who does not abide by the limits, including a $20,000 limit on personal and immediate family expenditures.

The other major criticism is that while the candidates may technically abide by the limits, groups pretending to be independent will come into a district and support one of the candidates. These groups, usually from the Washington suburbs, act as bullies to intimidate the candidate they oppose. To counter this criticism, our bill provides for either free response time on television to candidates who are attacked by these groups who claim to be independent or else additional

public financing equal to the amount spent by these groups.

We do not object to people accepting PAC contributions. But the size of these contributions moved around the Nation by unseen hands in Washington office buildings can determine the politics of Wisconsin or Montana or Vermont or any other State in the Union. We do object to that. The geographical homogeneity or politics that is resulting from the massive growth of PAC's is insidious, and we object to that.

I would predict a story a week between now and the election about groups using their dollar muscle to influence results in this or the next Congress. This bill is being introduced now to focus attention on this problem and to resurrect the debate that must occur if this House is to remain a functioning and respectable institution.●

SUPPORT OF CALIFORNIANS FOR H.R. 6365

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. PANETTA. Mr. Speaker, on May 12 of this year, a bipartisan group of 13 California Congressmen introduced legislation—H.R. 6365—which would articulate in law the commitment of most Californians to the sensible and rational development of the State's valuable offshore hydrocarbon resources. If enacted, H.R. 6365 would permit development of California's resource-rich southern offshore region, but would prohibit development of the minimal reserves—and damage to the sensitive coastal economies and environment—of central and northern California.

The bill has gathered overwhelming support from coastal legislators, county and city officials, industry organizations, coastal planning organizations, and—by no means least important—affected citizens. The following letter to President Reagan from 32 members of the California State Assembly is an indication of the broad base of support this legislation enjoys. I request that it be inserted in full into the RECORD. Further, I request that the following list of California municipal governments expressing support for this legislation to prohibit oil and gas leasing only on the minimal resources, highly sensitive economic and natural environments of the northern and central California coast be inserted as well. Finally, I submit the attached list of local organizations and individuals supportive of the measure as well.

I urge my colleagues to recognize the importance of a balanced offshore energy development policy which weighs the potential benefits of offshore drilling in an area impartially against the economic and environmental risks of such development. These legislators, cities, businessmen, and citizens certainly do.

ASSEMBLY,
CALIFORNIA LEGISLATURE,
Sacramento, Calif, June 4, 1982.

RONALD REAGAN,
President, The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We, Members of the California State Legislature, urge you to support H.R. 6365 (Panetta, Clausen, et al.), a measure to place a moratorium on oil and gas exploration and development off the central and northern California coast until the year 2000.

The U.S. Secretary of the Interior has proposed for study the leasing of 8.8 million acres in the Outer Continental Shelf, offshore of central and northern California. The Legislature, Administration and people of the State of California have determined and expressed that leasing north of Pt. Buchon presents unacceptable risks to our economic, social and natural environments, in exchange for marginal energy recovery.

State and local officials, together with community leaders and common citizens, have spent many years researching and documenting the inappropriateness of proceeding with leasing along the central and northern California coast. Each new leasing proposal by the U.S. Department of the Interior generates more expense, anxiety and duplication of previous effort at every level.

At a time when local resources strain to meet demands, it is particularly important that these leasing proposals be shelved.

We are also confident that, in the 17-year proposed moratorium period, the technology of drilling, extracting and transporting oil and natural gas will materially advance, minimizing economic, social, natural and visual disruptions.

As a bipartisan group of California state legislators, we strongly urge your active support for H.R. 6365.

Sincerely,

Sam Farr, 28th Assembly; Doug Bosco, 2nd Assembly; Thomas Hannigan, 4th Assembly; Sally Tanner, 60th Assembly; Richard Alatorre, 55th Assembly; Tom Bates, 12th Assembly; Patrick Johnston, 26th Assembly; Barry Keene, 2nd Senatorial; Omer Rains, 18th Senatorial; Leo T. McCarthy, 18th Assembly.

Larry Kapiloff, 78th Assembly; Byron Sher, 21st Assembly; Mel Levine, 44th Assembly; Howard Berman, 43rd Assembly; Gary Hart, 35th Assembly; Bill Lockyer, 14th Assembly; Charles Imbrecht, 36th Assembly; Willie Brown, Jr., 17th Assembly; Terry Goggin, 66th Assembly; Diane Watson, 30th Senatorial.

Herschel Rosenthal, 45th Assembly; Maxine Waters, 48th Assembly; Alan Sieroty, 22nd Senatorial; Dominic Cortese, 24th Assembly; Jim Cramer, 65th Assembly; Jean Moorhead, 5th Assembly; Gwen Moore, 49th Assembly; Richard E. Floyd, 53rd Assembly; Elihu Harris, 13th Assembly; Walter Ingalls, 68th Assembly; Richard Lehman, 31st Assembly; John Vasconcellos, 23rd Assembly.

California governments passing resolutions expressing support for a moratorium on oil and gas leasing on the northern and central California OCS: City of Carmel-by-the-Sea, City Council; City of Pismo Beach, City Council; City of Marina; City of Monterey, City Council; City of Morro Bay, City Council; City of Santa Cruz, City Council; City of San Luis Obispo, City Council; City of Del Rey Oaks, City Council; Port San Luis Harbor District, Board of Commissioners; Association of Monterey Bay Area Governments, Board of Directors; County of Marin, Board of Supervisors; County of Santa Cruz, Board of Supervisors; County of Sonoma, Board of Supervisors; County of Monterey, Board of Supervisors; County of San Mateo, Board of Supervisors; and California State Assembly.

Organizations and individuals expressing support for a moratorium on oil and gas leasing on the northern and central California OCS: Pacific Coast Federation of Fishermen's Associations; Pacific Coast Fishery Management Council; Marin Conservation League; California Coastal Commission; Clean Air Coalition, San Luis Obispo County; Defenders of Wildlife; Governor Victor Atiyeh, State of Oregon; Bodega Bay Community Association; Sierra Club, Santa Lucia Chapter; and 32 members, California State Assembly.●

H.R. 6267

HON. W. HENSON MOORE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. MOORE. Mr. Speaker, tonight I voted against the rule on the conference report on H.R. 6267 because it waived many points of order and rules of the House. One such rule waived was the right to object to nongermane provisions added by the other body in the conference. Such an objection would make in order debate and an opportunity to vote separately on those nongermane provisions. There were many such provisions adopted in the conference never considered by the House. I feel the House should have had the opportunity to debate and vote on those provisions.

Even though the rule was adopted over my objection, I was present on the floor at the time of the voice vote on the final passage of the conference report itself and noted "aye." I would have so voted had there been a recorded vote as I feel this legislation is necessary for the necessary evaluation and health of all of the financial institutions in our Nation.●

REFUGEES ESCAPE VIOLENCE IN GUATEMALA

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BARNES. Mr. Speaker, although there are around 20,000 Guatemalan refugees living in the Mexican Province of Chiapas, there has

been minimal press coverage of this tragic situation. To my knowledge Correspondent Gordon Mott of the San Jose Mercury News is the first U.S. journalist to spend several weeks on the Mexican-Guatemalan border living with the refugees. I would like to include for the record a series of articles and editorials that resulted from Mr. Mott's experience and which constitute a first step in filling this informational void.

Needless to say I am very disturbed by Correspondent Mott's reports that Army activities in the countryside are resulting in the killing of innocent women and children, the burning of villages, and the forceful exodus of thousands of refugees. Immediately after the present government came to power in Guatemala, there were some hopeful signals of and new commitment to human rights. Unfortunately, this commitment is now in doubt. I urge my colleagues to read these articles carefully.

[From the San Jose Mercury News, Aug. 19, 1982]

FLIGHT FROM GUATEMALA

THOUSANDS POUR INTO MEXICO

(By Gordon D. Mott)

IXCAN, MEXICO.—Thousands of Guatemalan peasants have fled into southern Mexico in recent weeks to escape what they say is a rampage of killing, looting and burning of villages by their own government's army.

Within the past six weeks alone, the devastation has forced more than 10,000 men, women and children to flee their small, isolated farming villages in this rugged border region, according to Mexican and Catholic Church officials and the refugees themselves. The peasants, most of whom are descendants of Mayan Indians, have settled in 16 makeshift camps established by the Mexican government and relief agencies along a 150-mile stretch of the Mexico-Guatamala border.

The exodus stems directly from stepped-up efforts in a nationwide campaign by the Guatemalan army to smash a 2-year-old leftist insurgency that has shown its greatest strength in the northern Guatemalan provinces. But Guatemalan officials insist that the guerrillas—not government troops—are responsible for the violence.

The victims tell a different tale.

In more than 100 interviews conducted in late July and early August at five of the camps, relief officials and refugees who survived attacks or who fled blamed the soldiers of Gen. Jose Efrain Rios Montt, Guatemala's born-again Christian dictator.

The refugees told vivid stories of early-morning attacks by helicopter-borne soldiers firing machine guns, of the slaughter of women and children and of the systematic torching of entire villages. Mexican and church sources said that since late April, the army has burned at least 35 to 50 communities, most of fewer than 500 inhabitants.

"The soldiers surrounded our town at 5:30 a.m.," said Joel Tupue Velasquez, 22, who said that he, his wife and his six children had escaped from an army attack on the village of Santo Tomas in late April. "They burned all the houses and killed all the livestock. At least 40 people were tortured and then burned.

"We fled for three days with the army chasing us."

Reports of the attacks come at a crucial time. The Reagan administration, in testimony before Congress earlier this month, disclosed that the 5-year-old embargo on military aid to Guatemala might be lifted, "depending on what happened there."

President Carter cut off military aid in 1977 because of allegations of human-rights violations. A State Department source said the decision on whether to resume arms shipments would depend heavily upon whether the Rios Montt government could demonstrate progress in the safeguarding of human rights.

Guatemalan officials deny that the army is conducting a "scorched earth" campaign in the border provinces, either to deprive the leftists of their base of support or to interrupt supply lines for troops and materiel. But they say they believe that much of the aid for the insurgency flows into Guatemala from exile groups based in Mexico.

The Cuban connection

"Cubans have been involved in the Guatemalan insurgency for years," said presidential press secretary Rafael Escobar Arguello. "The guerrillas take sanctuary there and seek Fidel Castro's counsel. It is evident that the Cuban government collaborates with the guerrilla movement."

Escobar Arguello blamed the insurgents for the attacks and claimed that those who had fled into Mexico were rebel sympathizers fearful of government reprisal.

"The fact they are refugees in Mexico shows they are rebel supporters and their false accusations reveal the subversives' capacity to spread lies about the government," Escobar Arguello said. "There is an international campaign to discredit Guatemala."

Censored Guatemalan military releases have reported clashes between soldiers and guerrillas in the border zone, but nothing more. Escobar Arguello rejected the refugees' accounts of troops arriving in helicopters to burn the villages. Such accounts clearly would implicate government troops since the guerrillas have no helicopters.

Guerrillas blamed

"The guerrillas are burning all the towns because some people don't support them," Escobar Arguello said. "The army conducts the same anti-guerrilla campaign nationwide as along the border. There is no difference."

However, according to the refugees, there are significant differences between the border campaign and the drive to exterminate rebel forces elsewhere in Guatemala.

For example, soldiers never advised the border residents of an offer of amnesty extended to rebel supporters by the Rios Montt Government in June. Nor did they inform the peasant farmers about * * * reward government supporters with food or that sanctioned attacks on rebel sympathizers. Rios Montt promoted both policies before cracking down on the leftists by imposing martial law July 1.

Also, the crackdown started much earlier at the border, according to many of those who fled. They say the army began killing peasants and burning villages without warning in late april or early May.

Flee by thousands

Since then, at least 20,000 of the 50,000 inhabitants have fled their homeland, a 150-by-30-mile region that ranges from dense jungle to mountainous pine forest.

"Our main question is, what is the Guatemalan army trying to do? said one senior Mexican Interior Ministry official. "We can only imagine that for some reason the Guatemalan army has decided to wipe out every potential base of support for guerrillas along the border."

Others who work more closely with the refugees on a day-to-day basis say the situation in Guatemala has intensified in recent weeks.

"Our only indication of the level of the repression is the number of people arriving," said Father Diego, the parish priest in Paso Hondo, a small Mexican village two miles from the border. "It's never been higher."

American officials said they hadn't heard of any special campaign focused in the border region.

"If they are burning villages," said one official familiar with Guatemala, "that is different from what we've heard in other parts of the country. We have no specific information to indicate that the army has focused a campaign in the border region.

"But something is obviously going on."

Something, indeed.

Tales of torture

Interviews with peasants, Mexican officials and church sources produced detailed accounts of rapes, tortures, murders and unprovoked attacks by uniformed soldiers. The charred remnants of one of the villages, the town of Santa Teresa, is a short walk across an irrigation canal less than 50 feet from the Mexican border.

Although the peasants find it hard to distinguish among uniformed soldiers, most blame the army for all of the violence. One common thread runs through virtually all of the stories: The troops arrived by helicopter. And only one refugee's story implicated guerrillas—in the murder of a store owner in La Trinidad, about 50 miles west of Ixcan. Other townspeople said the store owner had aided the army.

The peasants, who universally deny having given any support to the insurgents, express only confusion. They say they cannot understand why their own government has targeted them in its drive to wipe out the rebels.

"Why? Why are they forcing us into the mountains, killing us without a crime?" said Celestino Diaz, 63. "I ask, what crime have I committed?

"Look at my shirt," he said, weeping and pulling at the tattered threads. "I have to talk with you in this because I don't have anything else. It's all back there in San Marcos. We fled so quickly 10 days ago when the army came, we couldn't take anything with us."

[From the Sunday Mercury News, Aug. 22, 1982]

GROUND THE HELICOPTERS

They come in helicopters, uniformed men with rifles and machine guns, to the isolated villages near Guatemala's northern border. They torture, rape and kill the Mayan peasants. They burn the houses and destroy the livestock.

The government of Gen. Jose Efrain Rios Montt blames leftist guerrillas for the violence, saying the rebels terrorize peasants who refuse support. But in more than 100 interviews in refugee camps in southern Mexico, Mercury News reporter Gordon D. Mott heard the same story over and over again: They came in helicopters.

Only one side in the conflict has that kind of equipment; the Guatemalan army uses U.S.-made helicopters bought before the Carter administration cut off military sales

in 1977 in response to human rights violations. Now the Rios Montt regime wants to buy $4 million in spare parts for the choppers, and State Department sources say the Reagan administration would like to make the sale.

Stephen W. Bosworth, deputy assistant secretary of state for inter-American affairs, told a House subcommittee this month that the administration wants congressional authorization for $250,000 for fiscal 1983 to train Guatemalan military officers. That marked a departure from an earlier agreement between the Reagan administration and the House Foreign Affairs Committee that only economic aid would go to Guatemala in fiscal 1982 and 1983.

It's not difficult to understand the Reagan administration's nightmares of toppling dominoes in Central America. First Nicaragua falls to Marxist rebels, then El Salvador totters, now Guatemala begins to tremble. As in Somoza's Nicaragua and in El Salvador, a small minority owns most of Guatemala's arable land and employs death squads to murder anyone who might challenge the feudal system. The country is ripe for revolution. If Cuban-backed rebels prevail in Guatemala, the United States fears they will export communist revolution north to Mexico's oil provinces and south to Honduras.

When Rios Montt seized power in March, he vowed to end the government's role in hundreds of political murders. He also vowed to crush the left-wing insurgents. Political killings in Guatemala City and some parts of the countryside dropped dramatically, but thousands of Indian peasants began fleeing across the border into Mexico, telling of helicopter-borne soldiers burning their villages and killing their families.

Apparently the scorched-earth policy is meant to "sanitize" the border, eliminating bases of support for the guerrillas, and to terrorize peasants sympathetic to the rebel cause. In recent years the guerrillas have attracted many Indians to their cause by offering land reform and promising to protect villages from the army.

The refugees in Mexico claim no political affiliations; they just want to be left alone. They say they fear the guerrillas as well as the army. But it's the army they blame for destroying their homes and their families. Only the army has helicopters.

No doubt the same sharp eyes that found "progress" in human rights in El Salvador in order to justify arms sales there are capable of spotting improvement in Guatemala. But the Reagan administration may back off from support of the Rios Montt government if the political cost is too high. Until now the massacre of poor, illiterate, unknown peasants has gone unreported; public outrage and congressional opposition could forestall U.S. military aid to the Rios Montt regime.

The real threat to Guatemala comes not from Cuba or Nicaragua but from the rigidity, brutality and corruption of Guatemala's rulers and the poverty and despair of Guatemala's peasants. The United States can do little to help, but it can refrain from supplying arms to a government that makes war on its own people.

Let's keep those helicopters from flying.

[From the San Jose Mercury News, Aug. 22, 1982]

UNITED STATES TRYING TO DOWNPLAY GUATEMALAN KILLINGS

(By Gordon D. Mott and Carl M. Cannon)

WASHINGTON.—Despite mounting evidence that Guatemala is waging a brutal military offensive against civilians along the Mexican border, the Reagan administration is trying to build support for a resumption of the arms sales that were suspended five years ago.

Reagan administration officials are cautiously downplaying reports of human rights abuses by the military government of Gen. Jose Efrain Rios Montt. The officials emphasize, instead, that in the five months since Montt took office there have been "dramatic" gains in the safeguarding of human rights. Among the gains, U.S. officials say, have been an end to death squads and tortures by the government

"We are going to do what we can to help them," said Melvyn Levitsky, deputy assistant secretary of state for human rights and humanitarian affairs, who recently returned from Guatemala. "We know there is a plethora of military violence. But since March 23, there has been a significant change. There has been a 180-degree turnaround in the cities."

U.S. officials, refusing to cite the basis for their conclusions, acknowledge that they have traveled only where they were taken by Guatemalan officials—usually by army helicopters. But the State Department dismisses suggestions that the Guatemalan army is conducting a "scorched earth" campaign in a 150-by-30-mile area along the Mexican border to destroy a 2-year-old leftist insurgency.

"In some of those areas, the guerrillas have been operating for 10 to 12 years," Levitsky said. "They have a lot of support there. There is bound to be dissemination of false information from areas like that. And the army says it only has attacked villages that support guerrillas."

But many of the thousands of Guatemalan peasants who have fled into southern Mexico in recent weeks tell a different story. Disputing Levitsky's contention that they are rebel sumpathizers, the peasants contend that they fled their homeland to escape Guatemalan soldiers conducting a rampage of killing, looting and burning.

At least 10,000 refugees, many of them descendants of Mayan Indians, have flooded into Mexico within the past six weeks, according to Mexican officials and Catholic church sources. Those officials estimate that at least 35 villages have been burned and hundreds of people killed.

"Everybody has heard the same thing—except, it seems, the State Department," said Jan Shinpoch, a staff aide on the House International Development Subcommittee. The unanimity of the reports coming out of Guatemala, Mexico and Honduras are reflected in a report prepared by Amnesty International, the worldwide clearinghouse for human rights violations.

"In no known case . . ." the report noted, "has a campesino who has succeeded in reaching . . . safety supported claims that opposition forces have been responsible for massive extra-judicial executions of noncombatant civilians."

The report includes accounts of groups of men who were tortured, mutilated and beheaded; of pregnant women and children burned to death; of children, some of them infants, who were killed by smashing their heads against rocks; and of women raped while pregnant or just after giving birth.

Between March 24, the day after Rios Montt took over, and late June, a total of 2,186 peasants were killed, according to Amnesty International. The report says that the numbers of those killed escalated in late June, confirming the comments of refugees, Mexicans and members of the Catholic Church who were interviewed by the Mercury News.

Levitsky's comments about the improvement in Guatemala's human rights record were tempered with caution. "We do have some honest skepticism even though the change is so dramatic. Nobody is going overboard."

But critics charge that that caution is designed to deflate any potential congressional opposition to resuming the military aid that was suspended in 1977 by the Carter Administation.

"The (Reagan) administration would like to do as much as they can get away with," said Bill Woodward, a staff aide for the House Foreign Relations Committee. "They are not so naive as they let on. They know the army is still killing a lot of people. So, they are not ready to risk any political capital by pushing a big military aid package.

"But privately, while they are saying the Guatemalan government has its faults, they are also saying this is the best government we are likely to get down there. The attitude is if we fail to provide support now, then we run the risk of a right-wing coup or a guerrilla victory."

The State Department has asked Congress to approve $250,000 in aid for military training of Guatemalan soldiers. So far, the Democrat-controlled House Foreign Affairs Committee has refused because of the reports of massacres in Guatemala's northern provinces.

Money for the military training was included in the 1982 federal budget. It has not been spent because of an informal agreement between the State Department and the committee that military aid to Guatemala would not be resumed until the committee agrees.

The Reagan administration discussed resuming military aid to Guatemala last year. But it was not until after Rios Montt, a born again Christian, siezed power on March 23 that the administration began pushing the ideal seriously.

In April, Deputy Assistant Secretary of State Stephen W. Bosworth told the Senate Foreign Relations Committee: "In Guatemala, the military coup last month may have ended the political paralysis which had gripped that country. . . . Since the coup, violance not directly connected to the insurgency has been brought virtually to an end."

At the time, Bosworth was testifying in support of President Reagan's proposed Caribbean Basin Initiative, which calls for as much as $10 million in aid to Guatemala. On Aug. 5, Bosworth was back on Capitol Hill, this time urging a House subcommittee to approve the $250,000 for military training.

"The government has reduced political violence, particularly in urban areas, where its command and control is strongest," Bosworth said. "Political violence in rural areas continues and may even be increasing, but its use as a political tactic appears to be a guerrilla strategy, not a government doctrine."

That contention is sharply disputed by dozens of Guatemalans interviewed by the

Mercury News in late July and early August at five of the 16 refugee camps established for them in Mexico. Almost unanimously, the peasants) joined by Mexican and church officials—blamed the soliders of the Rios Montt government.

Accounts of army atrocities against peasants also have been provided in congressional testimony. Angela Berryman, a Quaker who lived in Guatemala for six years, told the House International Development Subcommittee that she had visited the border region in mid-July and interviewed 25 campesinos at length.

"Based on what I heard from the refugees . . . it is the Guatemalan army itself which is causing the people to flee Guatemala, through its campaign of violence and terror in the countryside," she testified. "For the people in the countryside, there has been no improvement since the March 23 coup, and the violence against them has probably increased."

Berryman also quoted one peasant refugee as having said:

"We are here . . . only because of the massacres by the army. It is the government. If we ask them why, they are going to tell us it's because we are the guerrillas, but we don't know who the guerrillas are. If we were guerrillas, then they'd be finding us with arms, or attacking them back. But, no, we're sleeping in our houses . . . and they come . . . take the people out and kill them."

The Reagan administration wants to avoid becoming involved with another El Salvador, where the election of a right-wing government in March, the unsolved murders of four American nuns and continual reports of army violence have created a public relations disaster for the Reagan administration.

Nonetheless, Bosworth's testimony clearly shows that the administration sees Guatemala as an important opportunity to extend its Central America policy and to stem the tide of guerrilla activity by providing assistance to those governments that share American goals for the region.

"To fail to do so would ignore the security situation of Guatemala and abrogate our responsibility to help improve the human rights situation in all sectors of Guatemalan society," Bosworth said. "Depending on developments in Guatemala, we would be prepared to consider authorizing some military sales and additional security assistance to help meet that country's security needs."

[From the San Jose Mercury News, Aug. 22, 1982]

TERROR IN GUATEMALA

REFUGEES WHO FLED TO MEXICO TELL OF ARMY'S ATROCITIES

(By Gordon D. Mott)

IXCAN, MEXICO.—Heberto Augusto Gomez of Mayaland heard the screams of the dying in Piedra Blancas, two miles away.

"God gave us time to get away," he said. "We saw the smoke and heard the screams. We had time to grab our children and get away.

"The townspeople who escaped told us the army had come in and told everyone to gather in the square that next day," the farmer continued calmly. "They even gave out sweets to the kids so they'd go get their fathers working the fields.

"When everyone had gathered, the army said it had come to the town because they knew the townspeople were against the government, but not to worry, they were only going to tie up their hands to interrogate them. They led the women into one hut, the children into another and then tied their legs, and the men into a third hut.

"Then, they burned all three huts, shooting everyone that tried to get out. That's how Piedra Blancas died."

The story isn't unique. More than 100 interviews with refugees, relief workers and government officials over the past three weeks have produced detailed accounts of a systematic campaign of terror in Guatemala since April. Virtually all of those interviewed blamed the soldiers of Guatemala's born-again Christian president, Jose Efrain Rios Montt.

Since Montt intensified efforts to stamp out a 2-year-old leftist uprising, various sources said, upwards of 50 villages in northern Guatemala have been destroyed.

One was Santa Teresa, until seven weeks ago a community of 75 houses that brushed the Mexican border 30 miles north of Ciudad Cuauthemoc. Andres Gaspar, 54, picked through the rubble that had been the town. His wife sat beneath the metal awning of the only building left, a concrete-block structure that had housed a store.

According to Gaspar and other former residents of Santa Teresa, the soldiers swooped down on the border village in helicopters on June 21. Most of the residents escaped over a footbridge across a small irrigation canal into Mexico. They watched as their huts went up in smoke.

"This is the first time I've been back," Gaspar said. "We've been very cautious. We don't want to die here. The soldiers stayed in the area for a long time."

He leaned over to pick up a charred piece of pottery lying amid the shattered rubble of the house. The wooden corner poles of the houses stood like black silhouettes above the caked mud floors, now seared by the heat. Gooey balls of blackened corn served as reminders of the heat's intensity.

Gaspar kicked at the rubble.

"All we want to do is salvage what we can, then get out of here back to Rancho Tejas," he said, referring to the refugee camp two miles away in Mexico.

As the peasant spoke, another Guatemalan strode into the clearing around the burned-out hut. He wore a cowboy hat and slapped the side of his machete as he spoke. His name, he said, was Antonio Bartoleme.

"We've walked for two days to get here from San Miguel Acatan," the newcomer said. "We are very sad. The army is burning thousands of houses all along the way.

"What should we do, senor? Should we go into Mexico? Should we stay here? Will the army kill us?"

Gaspar, the Santa Teresa resident, interrupted.

"We aren't coming back here," he said. "It's going to be tough for the next year, because we've lost everything we've had. But we are not coming back."

Virtually all of those who have fled Guatemala blame government troops for the destruction of their villages and the threats and violence. But most can provide little more description than that their attackers wore green uniforms, carried rifles and arrived in or were supported by helicopters.

One who tells such a tale is Joel Tupue Velasquez, 22, who said that he, his wife and his six children had escaped from an army attack on the village of Santo Tomas in late April.

"The soldiers surrounded our town at 5:30 a.m.," he said "They burned all the houses and killed all the livestock. At least 40 people were tortured and then burned."

How did they escape?

"Pure miracle of God," he said, shaking his head, "We fled for three days with the army chasing us."

Diego Figueroa Garcia, a farmer from Xachul, ran out of luck in late May. He carries more than the memories of his brush with death. A limp, a mangled ear, a slight lisp and deep scars on his shoulder and neck are his constant companions.

"I was walking back from my milpa (corn field) when the soldiers shot me without warning," he said. "They cut me with a machete as I lay on the ground and then shot me again."

Shot in the back and left for dead Garcia stumbled and crawled toward safety for eight days with the help of his wife and son. He arrived near death at La Cila, a refugee center near Ixcan that houses 2,300 Guatemalans in thatched-roof huts. He was treated by Mexican doctors working in the refugee relief program.

Each peasant had his or her own tale. Only the details varied.

"They burned Yuxquen."

"They killed 15 in Alahambach and then burned down the town."

"They burned five houses a day in Ixtahuacan Chico."

One of the most chilling of the stories was related Aug. 2 by Sister Lucia, the coordinator of the church's relief program for the Guatemalan refugees. She said she had spoken with one of the survivors of a massacre in the town of San Franciso.

"We don't ask names, so I can't give you that," she said. "But he told me a horrible story. He said the army had come into town and asked for two cows. They ate the cows and then called all the men in town together.

"The children were taken away into the fields—he thought they'd been killed—and then they forced the men into a little church. Then, the soldiers grabbed the women and raped them before killing them while the men watched through the church windows."

The nun's voice quavered as she spoke.

"Finally, they threw bombs into the church and fired machine guns through the windows. He was not killed and managed to lie quietly under a pile of bodies until after dark."

She said the man crawled out from beneath the blood-drenched corpses slipped through a window and "ran all night long until he got to Mexico." His clothes, the nun said, were still red with dried blood.

"This macabre idea of eliminating any potential support for the guerrillas is just terrible," she said. "And we are worried because some fleeing from this area said they saw the army surrounding another small town.

"We've heard nothing from anybody in that town."●

OVERCROWDED COURTS

HON. CARROL L. HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. HUBBARD. Mr. Speaker, I have received a timely and thought-provoking letter from one of my constituents, attorney Henry O. Whitlow of Paducah, Ky., with regard to H.R.

6816, the Diversity Jurisdiction Act of 1982. Mr. Whitlow urges that Congress must not enact a quick-fix for overcrowding in our Nation's Federal courts. Indeed, he believes, as do I, that the diversity question should be determined on its merits and not the state of the Federal court dockets. I believe my colleagues will be interested in my constituent's comments and I would like to share his September 16 letter to me at this time.

The letter follows:

WHITLOW, ROBERTS,
HOUSTON & RUSSELL,
Paducah, Ky., September 16, 1982.

Hon. CARROLL HUBBARD,
House of Representatives,
Washington, D.C.

DEAR CARROLL: I understand that H.R. 6816 (formerly H.R. 6691) relating to diversity jurisdiction of Federal Courts is again warming up. I can agree that many Federal Courts are overcrowded and need additional judges or less work or both. If you will sit in a Federal District or Appellate Court for some time, you will be amazed at the amount of time required to dispose of trivial matters.

I am no expert and have made no study, but it appears that much of this trivia is the result of decisions of the Courts and acts of Congress which have caused much of this matter to be in Federal Courts.

The diversity question should be determined on its merits and not the state of the Federal Court dockets. As long as we have a Republic, certain counties and other political areas will be so constituted that citizens of foreign states at times cannot get a fair trial. Diversity jurisdiction does not cure but substantially improves this situation.

Our firm was fortunate enough to remove from Trigg County a case where a non-resident truck operator had an accident which killed a Mr. Broadbent just outside of Cadiz. Do you think the same verdict would have been rendered in State Court at Cadiz as was rendered in Federal Court at Paducah?

Some enormous verdicts rendered by computer selected six-person Federal juries have reduced diversity removals by our firm to special cases like the one above. In most cases now, we feel we can get a better result with a foreign defendant in State Court than before a Federal jury.

The diversity law has stood the test of time and has been a wise and effective institution. I am persuaded that it never has been a problem by itself and is not now a problem. Please use your efforts to prevent it from being a casualty of a quick-fix of some other real or apparent problems.

You Congressmen, too, have far too much work to do and too many problems. Usually, I realize this and rarely add to your troubles by writing letters like this. Best wishes to you and the family.

Sincerely,

HENRY O. WHITLOW.●

PLIGHT OF THE TRUCKING INDUSTRY

HON. ROBERT A. YOUNG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. YOUNG of Missouri. Mr. Speaker, as a Member of Congress representing a State and metropolitan area with substantial trucking and carrier interests, I am deeply concerned by the severity of job loss and the disruption that has taken place in the trucking industry. The local unions have reported to me that in the St. Louis area, the trucking industry has laid off 30 to 40 percent of its employees since 1980. Ten Missouri trucking companies serving the State of Missouri have been subject to substantial employee layoffs. Nationally, 182 motor carriers have gone under during this time period and an additional 51 carriers have applied for chapter 11 reorganization.

These losses are convincing evidence of rapid deterioration in the trucking industry. Losses have permeated the entire trucking industry and are rapidly spreading to other areas of our economy. In my view, we simply cannot ignore this problem and the men and women who have invested years of hard work and money in building an industry so critical to our economy. Our concern also extends to the fact that the quality and quantity of service on which so many businesses and industries depend is rapidly deteriorating.

Precipitated by these concerns, I have written all of the members of the Interstate Commerce Commission asking that Commission to consider inquiries into the plight of the trucking industry in this country. Specificially, I have asked the Commission to consider the causes and impact of severe rate cutting.

Mr. Reese H. Taylor, Chairman of the Interstate Commerce Commission has informed me that, based on this request, he will approach the other members of the Interstate Commerce Commission with the idea of instituting hearings and inquiries into certain aspects of the trucking problem.

I encourage my colleagues to join me in seeking Commission action in this matter.●

COLUMBUS DAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. RODINO. Mr. Speaker, I want to take this opportunity to remind my colleagues that on Monday, October 11, the Nation will celebrate a most important holiday—Christopher Columbus Day.

Columbus Day is often called a holiday in honor of Americans of Italian heritage, but it is much more than that. It is a day when all Americans can take pride that our country is a Nation of immigrants, and Columbus' lasting accomplishment is his inspiration to those who have come after him—those people of every race, color, and creed who have landed on our shores and contributed to American folklife.

The life of Christopher Columbus serves as an excellent example for us as we pay tribute to the spirit of adventure and the ethnic diversity of America. Christopher Columbus conquered fear and ignorance as he sailed the Atlantic to discover a new land. Yet, if it not were for the Spanish queen who supported his venture, the Portuguese mapmakers who guided him, and the various other Europeans who manned his ship, the great Italian explorer would never have made his famous discovery.

The citizens of New Jersey will celebrate Columbus Day with their 12th annual Columbus Day Parade on Sunday, October 10, in my home city of Newark. The parade, sponsored by the Italian Tribune News, has become one of the richest cultural traditions of our State. I will be proud to join my friend, Ace Alagna, publisher of the Italian Tribune News, and the catalyst behind the parade, in this year's event. New Jersey Gov. Thomas Kean and Newark Mayor Kenneth Gibson will be among the thousands of participants and observers at the parade.

Mr. Speaker, when I first introduced legislation in 1949 to make Columbus Day a national holiday, I believed very strongly that it would proclaim America's great stength—this is, its ethnic diversity. I am proud that the Italian Tribune News parade gives us the opportunity to reaffirm that each heritage is a priceless strand woven into the rich resplendent tapestry of American culture.●

A DEVASTATING ATTACK ON ENVIRONMENTALISM

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. YOUNG of Alaska. Mr. Speaker, I have long indicated that the environmental movement is led by those who are self-interested and elitist. Mr. Bill Tucker has now written an entire text which persuasively articulates the same conclusion.

Tucker's book, appropriately entitled "Progress and Privilege," argues that environmentalists are typically members of an elite and affluent class that is largely insulated from the consequences of stagnant resource development and economic growth. Those who have reached a privileged social status are more likely to oppose progress since they are isolated from the harmful consequences of sluggish economic activity. Mr. Tucker's argument is provocative but I believe that

he has correctly assessed the underlying objectives of environmentalism.

A recent book review by Jermone Zukosky which appeared recently in Business Week agrees that Tucker's book constitutes a compelling critique of environmentalist dogma. The book review also refers to Progress and Privilege as a brilliant and devasting analysis and endorses it as an important book which desires the widest readership. I wholeheartly concur.

I insert the Business Week book review into the RECORD and encourage my colleagues and their staffs to read Mr. Tucker's thought-provoking and insightful account of environmental politics.

[From Business Week, Sept. 13, 1982]

A DEVASTATING ATTACK ON ENVIRONMENTAL "PURITY"

(By William Tucker)

"I have often felt that the conversion to environmentalism occurs shortly after an urban, middle-class family finally purchases its first suburban home," writes William Tucker. "The members look out the window at a beautiful field next door and exclaim, 'At last, we are living in the country.' Two months later . . . a nearly hysterical neighbor arrives with the bad news: 'Do you know our beautiful field next door? . . . the builder is going before the planning board tomorrow night to get final approval on construction [of a new housing project]. We've got to go down and stop him.' It is at this moment that an environmentalist is born. The problems of endangered species, overpopulation, and the deteriorating quality of life suddenly become startlingly real. It is time to stop development and start worrying about fragile ecosystems."

Obviously, we are not in the presence here of a propagandist for the Sierra Club. To allege that a good deal of selfishness is embedded in the environmentalist crusade for a better world may be heretical, but uncovering such self-interest is a task that Tucker sets for himself in Progress and Privilege, a compelling critique of environmentalist dogma.

He has a juicy target. Environmentalism is the successor to civil rights as the preeminent moral crusade of the well-to-do and much of the intelligentsia. For Tucker, these are the same people who were zealous to have other people's children go to school with blacks from the slums of Northern cities while their children were notably absent, and he pulls no punches. Wilderness designations, for example, create "essentially parks for the upper-middle class. They are vacation reserves for people who want to rough it—with the assurance that few other people will have the time, energy, or means to follow them into the solitude," Tucker writes. You will not find Daniel Boone "in the pantheon of environmental heroes," he observes. "This is because he actually moved to the wilderness." And Boone cut down trees.

But Tucker is engaged in a more serious enterprise than pricking pretensions to a selfless moral purity. His primary concern is with ideas—the ideology that gives environmentalism power and influence, particularly its claims to a liberal, scientific, and progressive world view. In a brilliant, often original, and devastating analysis, Tucker portrays just the right structure of environmentalism: a chillingly inhumane, reactionary creed. Nor is it new. He treats the movement as the latest popular incarnation of an aristocratic agrarian tradition that since Jefferson has located the source of national virtue in the husbandman and village and the source of sin in cities, industry, and the countinghouse.

Tucker examines two intertwined strands of environmental dogma. One, rooted in a profound animosity toward middle-class values, generates violent opposition to technological change and industrial development. Building more cars and dishwashers is regarded as a rape of the earth's resources for ignoble ends rather than as evidence of material progress. It is no accident that campaigns to preserve the wilderness or an endangered species or to assure perfection in environmental impact statements often become merely the prevention of projects for prevention's sake.

The other strand is a pessimistic, ultimately misanthropic vision of man and nature: Humans do not have the capacity to improve on nature, and they had best not try. Hence the environmentalists' gleeful greeting of disasters, real or imagined, that befall industrialized societies. Incorrigible peddlers of paranoia, environmentalists seem to consider Three Mile Island-type accidents as proof of their vision. To Tucker, their movement feeds on the fright of the unknown that characterized the responses of earlier intellectuals to the steam engine, the skyscraper, and electricity.

Tucker, a journalist, ranges widely through such areas of environmental thought as no-growth economics, neo-Malthusian population studies, the evoluion of ecology as a science, and the relations of the West to the Third World. Environmentalism would hardly be worth this effort, however, were it not for its economic consequences. The movement's legislative monuments—the National Environmental Policy, Clean Air, Water Pollution Control, and Endangered Species Acts—expand the regulatory bureaucracy enormously. These laws, Tucker notes, affect New York City's expenditures for transit and highways, Export-Import Bank loans for exporting technology to Third World countries, and public housing projects.

The book focuses on issues that go well beyond the dollar costs of red tape and delays in resource development. Environmental regulation helps "large businesses maintain their dominance at the expense of small business," Tucker argues. Pollution control and its expense are now "the most important barrier to entering a wide range of businesses." But he asks, "is big business really the greatest vehicle we have for innovation and technological change? I seriously doubt it." He argues that "because environmentalism works so effectively in protecting the status quo . . . it has effectively retarded the rate of social change and technological progress."

This is no mean diatribe. Tucker propounds an attractive, optimistic faith in our capacity to harness technology, and he extolls the virtues of applying pricing mechanisms and free markets to the solution of environmental problems. He also pays due regard to the contributions of environmentalism: an awareness of ecological interrelations, for example, and the promotion of "conservation chic," emphasizing simplicity, frugality, and harmonious living with nature.

There is a vast difference, however, between an informed concern for air pollution and toxic chemicals and, as Tucker says, "the unmistakable environmental loftiness which maintains that 'greed,' 'vulgar materialism,' 'progress,' or simply 'people' themselves, are the root of the problem." Arguments of this sort do not lead to rational debate. Once environmental goals "are given a semisacred quality, or infinite value, as economists would put it," in Tucker's words, you enter the realm of religion. As a salvationist creed, environmentalism's goals "are not weighed against other social endeavors," says Tucker, "but are given priority above every other activity of a modern industrial society." They are not the stuff of democratic politics.

Indeed environmentalism can be "destructive" to a democratic society, the author concludes, because to some extent "history does depend on elites and people who have the intelligence and training to know what is promising and what is not. . . . That is why, when a nation's intelligentsia becomes enchanted with a fashionable and aristocratic skepticism about the fruits of progress, the results can be so devastating."

This is an important book. It deserves the widest readership.

Jerome Zukosky is a general news editor of this magazine.●

STATEMENT IN RECOGNITION OF MARGARET M. HECKLER'S COSPONSORSHIP OF THE SMALL BUSINESS INNOVATION DEVELOPMENT ACT OF 1982

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. McDADE. Mr. Speaker, I would like to take this opportunity to correct an oversight on the part of the Small Business Committee in regard to Mrs. HECKLER's cosponsorship of the Small Business Innovation Development Act (Public Law 97-219), which was signed into law by the President on July 22, 1982.

My colleague from Massachusetts, MARGARET HECKLER, was an early supporter of this legislation and a very important cosponsor from the Science and Technology Committee.

The Small Business Committee regrets that Mrs. HECKLER's cosponsorship was not recorded with the final version of this legislation. For some reason her cosponsorship, on record with the Small Business Committee, was not recorded on the list submitted to the House Clerk.

I might add that Mrs. HECKLER's record in support of small business is well recognized. She was recently named to Inc. magazine's "Entrepreneurship Honor Roll" as one of only 18 Representatives out of the 435 Members of Congress cited as an "Outstanding Leader" due to her dedicated and enormously effective role in the passage of the Small Business Innovation Development Act in June.

Just today, in fact, she was one of only 16 Members of the House to receive the highest small business award

given by the National Council for Industrial Innovation for "outstanding services to small business."

As the author of the Small Business Advocacy bill in 1978, Mrs. HECKLER is responsible for the Office of Advocacy in the Washington and regional offices of the Small Business Administration. The Small Business Association of New England has long recognized her superior record on small business issues.

Congresswoman HECKLER has taken action on other key small business issues this year alone. Along with the bipartisan leadership of the Small Business Committee, she was an original cosponsor of legislation blocking implementation of Treasury rule 385, which would have crippled small business' ability to attract new capital.

In addition, she introduced a bill mandating small business representation on all governmental business advisory boards—boards which make important policy recommendations in all areas of government, and which have not heard adequately from small business.

It is my pleasure to put the record straight. Mrs. HECKLER is a true champion of small business, and should have been recorded as a cosponsor of H.R. 6587.●

WHICH WAY WILL THE WIND BLOW?

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. PORTER. Mr. Speaker, I would like to call to the attention of my colleagues an aspect of the American economy that is too often ignored. While our economy remains in basic good health, it is important to recognize the degree to which the overall complexion of the economy is changing. The shift away from heavy manufacturing and the addition of women to the work force have had profound effects on the basic structure of the American economy. If we are going to be able to function economically in the future, an understanding of these new factors is necessary. Recently the Waukegan News-Sun, a daily newspaper in my district, has afforded an insightful look into the effect of these phenomena on the American economy in general and on the economy of Lake County, Ill., in particular. I would like to share their views with my colleagues:

[From the Waukegan (Ill.) News-Sun, Aug. 22, 1982]

WHICH WAY WILL THE WIND BLOW?

(By Doug Weatherwax)

The winds of change are blowing over the American economy. Powerful gusts of new ideas and technologies are crumbling century-old bulwarks and hollowing out new coves for business.

Never mind that right now we are dead in the water, struck by a deadly calm which has furled the masts of New and Old Business alike. The winds will resume, and when they do, they are likely to be capricious—blowing some American workers in circles, tacking others in first one, then another direction.

"Demographically, these are the most dramatic times in our history," George J. Stolnitz, Indiana University professor of economics was quoted recently in the Washington Post. "They are also, almost surely, the most unpredictable and problematic. Major trends which can be traced back to our earliest records have, with small warning, reversed course or become altered beyond recognition, while others which have persisted have . . . brought us to uncharted and clearly choppy waters."

We still look back at the Turbulent '60s as a fiery decade of social protest and upheaval. But the Selfish '70s may one day be remembered with greater respect. Because it was in the decade just past that we put our money where our mouth was.

A profound transformation of the American way of life has been brought on by a wide range of social and economic variables: We are getting older and having fewer babies. We are getting married less and divorced more. Machines are replacing our old skills and at the same time demanding that we learn new ones. We pay increasingly more for energy and can no longer depend upon stable interest rates. More of us, from 15-year-old grocery clerks to 70-year-old hamburger flippers, want to work than ever before.

What is true of America may be even more true of Lake County, where already diverse incomes, occupations and lifestyles have become even more diversified, where the gap may grow still wider between the haves and the have-nots.

What's going on here? Consider a couple of key items:

The number of high-paying heavy manufacturing jobs is decreasing, while the number of lower-paying manufacturing jobs in smaller plants is on the rise, and the number and variety of services is proliferating.

More and more women are joining the labor force and playing a more and more significant role in the overall economy.

In 1968, according to calculations of the Lake County Planning Department and Northeastern Illinois Planning Commission, manufacturing accounted for 45 percent of the jobs in Lake County. By 1980, although the number of manufacturing jobs had increased, their share of the total number of county jobs had fallen to an estimated 31 percent.

The painful shift from a heavy manufacturing economy to one characterized by small, often high technological plants and an ever-increasing array of services, is, of course, not being felt in Lake County alone. All across the upper Midwest, communities are trying to cope with the loss of jobs in once-proud industries like steel, autos, construction and farm vehicles, which are finding it ever most difficult to compete with imports and a battered economy.

At a recent Wisconsin economics conference for journalists, Nobel Prize-winning economist Paul Samuelson described how he turned executives' knuckles white when invited to give his views to a major automaker.

"I told them: 'Where is it written that North America shall manufacture the world's automobiles?'"

The changeover from an economy built upon heavy manufacturing to one consisting of equal parts of light manufacturing, retail trade and services inevitably means some workeres will be lost in the shuffle

"It take a lot of businesses hiring 15, 20, 25 people to make up for a 1,000-person plant," said Thomas Fuechtmann, director of the Robert E. Wood Institute for Local and Regional Studies at Lake Forest College.

"What we're doing is phasing out a lot of rather high-paying blue collar jobs requiring mechanical skills and phasing in a whole different set of job skills involving education."

If Lake County continues to follow the trend toward a service economy, Fuechtmann said, it will require "massive retraining" to keep people here employed. "It's pretty hard to take a steelworker off an assembly line and set him down at a computer some place and expect him to do the job."

Prospects for replacing the heavy manufacturing jobs Lake County has lost seem remote.

The economy aside, said Charles Isely III, president of the Waukegan/Lake County Chamber of Commerce, "You aren't going to get many prospective heavy manufacturers to come to this area because they know we don't want them. It's sort of a self-fulfilling thing."

Isely was referring to the proposed Lake County Economic Development Plan, which was displayed at a public hearing Friday (See "Around The County," Page 2F).

Isely sees the plan, prepared by county planners under the auspices of the Economic Development Commission, as turning away from traditional heavy items, such as machinery, which provided 23 percent of the county's manufacturing jobs in 1975, before falling off to 20 percent in 1979, and getting hit harder still by layoffs in the past three years.

Instead, the planners are trying to recruit new firms in five target areas in the hopes that manufacturing will not wither further from the county scene but continue to thrive in forms more suited to the 1980s economy. The five targets: electrical equipment, scientific instruments, chemicals, plastics, and fabricated metal.

"We've tried to target specific industries that we believe are going to remain strong," said Lane Kendig at Friday's development plan hearing. Kendig, director of the county's Department of Planning, Zoning and Environmental Quality, pointed to a study which stressed the importance of creating jobs in the manufacturing sector as opposed to the retail and service businesses. According to that study, prepared by the Illinois Chamber of Commerce, the creation of 100 manufacturing jobs creates an additional 245 jobs in other employment sectors.

Even without the latest push to bring in new industry, Lake County, compared with many other Midwestern areas, appears to be more than holding its own. In fact, in May, The News-Sun reported a "mini boom" of small manufacturing plants which have set up shop in the county since 1979.

Along with the smaller plants, however, have come smaller paychecks, and that is one area where the role of women in the Lake County economy has become of major signficance.

In 1970, 45 percent of Lake County women were employed. While the U.S. Census

Bureau figures for the county will not be released for another month or so, it seems reasonable to assume that figure will have climbed well past 50 percent for 1980, and probably higher still for 1982. (On the national level, according to census figures, only 41 percent of all women were in the labor force in 1970, but 51 percent had joined by 1980.)

As many as three-fourths of employees at the small, almost exclusively non-union plants are women. In many instances, the drift from heavy to light manufacturing in Lake County has become a tradeoff between a husband earning $12-an-hour with a wife employed full time as a homemaker to a husband and wife earning $6 an hour side-by-side at the smaller plant.

This, says Robert Kerr, an economics instructor at the College of Lake County, is what President Reagan means when he says, "The unemployed aren't as bad off as during the Depression."

"Personal incomes," Kerr said, "have been kept high because there are that many more two-income families." On the other hand, women's incomes (which nationally average only 60 percent of men's) will remain low only until women "gain more experience and grow more productive," Kerr believes.

But economics is not the only reason for the influx of women into the workplace. The strong, sustained drive for social change ignited by the women's liberation movement has made the age-old stigma attached to women in the business world as quaintly anachronistic as the hoop skirt.

"Our society no longer dictates that a woman shall stay home and be a mother," said Jan Calanca, incoming president of the Lake County Women's Management Association.

And Calanca gives some of the credit to the government. "Because of government regulations," she noted, "employers are no longer even allowed to ask how you are going to arrange for child-care."

Isely also believes a combination of economics (relentless inflation and high unemployment) and social change have propelled more and more women into jobs. He suggests a simple test to determine whether one factor is more significant than the other.

Let the economy recover, Isely said, and see if the steady increase in working women subsides. Or "will women have established themselves in a lifestyle they want to maintain?"

The continuing surge of women into the workplace has directly contributed to the corresponding boosts in the retail and service sectors of the economy, in Lake County as well as across the nation. And the future implications are greater still.

According to census figures released this week, 45 percent of the nation's women with children under the age of six are now working—up from 30 percent in 1970. That adds up to a need for flexible hours and an urgent demand for companies to pay more than lip service to in-plant day care needs.

Finally, there is one other factor which cannot be ignored in what seems to be becoming an ever-more symbiotic relationship between our society and economy.

In the past decade or so, the whole definition of the American family has undergone a dramatic change. Just as the American economy is now earmarked by its increasing diversity, our households now come in a full range of assorted shapes and sizes, creating many more needs for specialized products and services. In fact, a whole industry—cable television—is banking on just this sort of ever-broadening of America's palate.

How dramatically things have changed in the household is perhaps best underscored by a simple statistic unearthed not long ago by Robert Walters of the Newspaper Enterprise Association. Walters waded through figures on labor and marriage and divorce and fertility until he found the "typical American family."

You remember it. If you're over the age of 30, you probably grew up in one. Dad worked, Mom stayed at home, and the kids were all products of a single marriage.

Walters found that this "typical American family" now represents a grand total of 8.75 percent of all American households.●

SOUTH BEND CELEBRATES OCHI DAY

HON. JOHN HILER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. HILER. Mr. Speaker, the Greek-American community of South Bend, Ind., will celebrate the 42d anniversary of Greece's successful repelling of an Italian invasion during World War II on October 29.

Ochi Day, as it is called, commemorates the struggle between Greece and Mussolini-controlled Italy for control of northern Greece. Mr. Speaker, the story is not unlike our own past, and I would like to share it with my colleagues.

During the final days of October 1940, Italy issued an ultimatum directed toward the Greek Prime Minister. The ultimatum demanded that the Greeks permit Italian forces to occupy strategic points on Greek territory for the duration of the conflict with Great Britain, or face an invasion by Mussolini's forces.

Within a few hours of the ultimatum, the Axis powers put in motion their plan of invasion.

As the inevitability of the invasion became apparent, Greece's political factions put aside their differences and united their groups in a common cause—the protection and freedom of their nation. Greece's political factions quickly alined themselves to form one large political force, determined to preserve the sanctity of their state and prevent a totalitarian invasion of their homelands.

In a time of national crisis, Greeks, as Americans have been called upon often to do, united under a single national purpose. The first days of the invasion were difficult, but adverse weather conditions made Italian penetration into Greece nearly impossible, and eventually proved a valuable ally to Greece.

After several days of fierce battle and some Italian victories, Greek forces were able to drive the Italians back into Bulgaria, Albania, and Yugoslavia. Gradually, Greece was able to regain complete control of their lands.

It is understandable, Mr. Speaker, why the Greek American community in South Bend would celebrate this historic day, and I ask my colleagues to join them in congratulations for a proud and symbolic occasion. It would be wise for us to learn from their history and concern ourselves not with partisan victory, but putting the interest of the Nation first.●

PUBLIC OUTCRY FORCES ADMINISTRATION TO BACK OFF FROM CHANGES IN HANDICAPPED EDUCATION

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BONKER. Mr. Speaker, since coming to office the Reagan administration has attempted to weaken several laws protecting the rights of the handicapped, the most recent example being the proposed changes in Public Law 94-142, the Education for All Handicapped Children Act.

The Department of Education's proposed changes in this important act have caused great concern to many handicapped constitutents and their families and friends in Washington State. Many of those concerns have been voiced at nationwide hearings, including one held in Seattle on September 22 and 23.

Fortunately, Mr. Speaker, the administration has decided to listen for a change.

Secretary of Education Terrel Bell, in recent testimony before the Education and Labor Subcommittee on Select Education, announced that the administration will withdraw six of the most controversial proposed changes. The Secretary correctly admitted that the proposed changes in handicapped regulations has moved too far.

The following are the administration proposals Secretary Bell has promised to withdraw from further study:

First, proposed elimination of written parental consent to individualized education plans for their children;

Second, proposed weakening of the current least restrictive environment requirement, which would have severely limited mainstreaming of handicapped children;

Third, proposal to make current mandatory medical services for handicapped students optional;

Fourth, proposed elimination of regulations governing a number of procedural safeguards, including the required reevaluation every 3 years;

Fifth, proposed elimination of certain regulations regarding related services to be provided to handicapped

children and current guidelines regarding qualified personnel; and

Sixth, proposed elimination of requirement that personnel responsible for evaluation of handicapped students attend all meetings with parents regarding the education of their child.

The withdrawal by Secretary Bell of these proposals, which would have seriously weakened handicapped education, is a positive and welcome step. The Secretary deserves to be commended for responding to the public's concern.

Even more so, the handicapped and advocates of handicapped rights deserve the highest praise for their successful efforts in bringing their concerns to the attention of both Congress and the general public. They have flexed their political muscle and shown they can protect their hard-won gains against efforts to roll back the clock on handicapped legislation.

I believe the current law has served our Nation's handicapped students exceptionally well. The controversy surrounding the administration's ill-advised proposed regulatory changes underscores the necessity of retaining and strengthening Public Law 94-142.

RESULTS OF POLL ON FLAT TAX

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. STARK. Mr. Speaker, one of the most popular new ideas being debated in Washington is the idea of a flat tax as a substitute for our present, bewildering tax system. I believe that this is likely to become one of the hottest issues in the 98th Congress.

As a member of the Ways and Means Committee and as chairman of its Select Revenue Measures Subcommittee, I have been interested in obtaining as much information on the various proposals as possible for use in upcoming hearings. As part of this effort, I recently polled about one-sixth of the registered voters of California's Ninth Congressional District on their feelings about various kinds of flat tax—a pure flat tax, one with some progressivity, one with some exceptions—versus continued general tax reform versus leaving the tax laws alone.

In the questionnaire, I pointed out that pure flat tax proposals would shift an enormous portion of the tax burden from the upper income categories as a group and onto the middle and lower income groups. In exchange for this shift in tax burden, there would be great simplification and the assurance that everyone was at least paying some minimum amount.

I was pleased by the response. Approximately 3,000 individuals have returned the poll—with several communities still to be heard from—with the following results:

One. 15.2 percent: Support a pure flat rate tax—no deductions whatsoever, a single tax rate, such as 15 percent.

Two. 12.6 percent: Leave the tax laws alone.

Three. 5.4 percent: Support a flat rate tax with some progressivity—such as 15 percent rising to 20 percent for higher incomes.

Four. 40.8 percent: Keep trying for tax reform of present system—close more loopholes and keep progressive rates.

Five. 8.3 percent: Support a flat rate tax but with some exceptions—for example, the charitable or mortgage interest deduction could be continued.

Six. 17.7 percent: A combination of 3 and 5.

These results are interesting:

Clearly, most people want some change in the tax laws;

Overwhelmingly, the single most popular option is to continue to try to reform the present system—and I believe we made some good steps in that direction with this summer's tax bill; and

A pure flat tax appears to be too radical a change to have much support, particularly when voters see how it transfers total tax burdens from upper income groups to lower income groups. The message is loud and clear: No more trickle down tax bills.

In studying the poll results, and the many additional comments and letters which people supplied, I believe that answer 6, combined with 3, 4, and 5 would be supported by the overwhelming number of Americans: perhaps as many as 70 percent.

The problem arises when we begin to get specfic about which deductions and credits to eliminate and what tax rates to set. Business Week recently reported a Lou Harris poll on the question of the flat tax. People overwhelmingly supported the idea in that poll. But when asked about specific tax deductions and credits and whether they should be repealed, people quickly changed their opinions and opposed repeal.

Clearly, reform and simplification is possible. But it will take long, hard work to explain how the repeal or phaseout of various provisions can result in a lower tax rate and improved economic efficiency.

The present system, Mr. Speaker, is collapsing of its own weight. It is perceived as being so unfair that more and more people are tempted to cheat—and that becomes a downward spiral.

I believe the results of the poll show that we should make major tax reform and simplification the domestic priority of the 98th Congress. The poll shows that it can be done.

Finally, Mr. Speaker, I want to thank my constituents for sending in the questionnaire. In this age of 20-cent postage stamps, their interests and support in responding is deeply appreciated.●

PUBLIC LAW 94-142

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. MINETA. Mr. Speaker, the Department of Education has proposed a significant and unwarranted retreat from one of the great advances in educational policy in the last decade. I am speaking of Public Law 94-142, the Education of the Handicapped Act. The Department's proposals to revise the regulations implementing this legislation have been received by virtually everyone concerned with this issue as a heartbreaking failure.

On Wednesday, Secretary Bell told the Subcommittee on Select Education: "We have gone too far in some of these provisions."

He could not be more right. These proposed regulations should be completely withdrawn.

Once again, this administration has attempted to bypass the legislative process and radically alter by regulation the Federal programs so many people absolutely rely on for their most basic needs. We have seen this with nursing home standards, we have seen this with child labor, we have seen this with hazardous waste.

Let us put an end to this sham of regulatory reform.

Fortunately, few are deceived by this effort. For example, the Bay Area Coalition for the Handicapped, a California organization concerned with handicapped education, has vigorously objected to the Education Department regulations. I wish to congratulate this fine group on its efforts. I would like to take this opportunity to pass along for all of the Members' benefits the coalition's testimony at a recent public hearing on the new regulations.

The testimony follows:

TESTIMONY OF THE BAY AREA COALITION FOR THE HANDICAPPED ON PROPOSED REGULATIONS FOR PUBLIC LAW 94-142

In comparing the current regulations for PL 94-142 with the U.S. Department of Education proposals, we are struck by the differences in tone and intent between the two documents. The 1977 regulations were obviously written with the intent of helping handicapped children by making the law work for them. They recognize the importance of parents in protecting their children's right to equal protection of the law and they reflect a realistic appraisal of the abuses in the education of handicapped children which the law was designed to overcome. The proposed regulations of August 4, 1982, reveal a cynical indifference to the

rights of handicapped children and their parents and an overriding sympathy for educational agencies who have to put up with them.

The proposed changes would significantly reduce parent participation and parental rights, while apparently having little effect in reducing costs to educational agencies. Proposals which would limit services and discourage the identification of learning disabled children are clearly inconsistent with law. Hearings and litigation would increase and children would pay the price in being denied needed help. In addition, unjustified changes in regulations would significantly disrupt procedures which have been established over the last five years.

We are not particularly worried about the job-related "burdens" of school administrators who are paid with public funds to perform a service for our children. We wonder if this should be the dominant concern of the U.S. Department of Education. In discussing similar bureaucratic complaints of "administrative burdens" resulting from the Family Educational Rights and Privacy Act, Senator James Buckley stated, ". . . I am not so much concerned about the workload or convenience of the educational bureaucracy but, rather, with the personal rights of America's children and their parents. I believe that their rights should properly take . . . priority . . ." (Cong. Rec. 5/14/74).

The Department of Education under this administration shows an obvious aversion to being "forced" to deal with handicapped children and their parents. Even more shocking than their crude attempt to undermine the intent of Congress, is their lack of embarrassment in making statements which we believe reflect a distaste for handicapped children and contempt for parents.

If these proposed regulations were to go into effect, they would make a mockery of PL 94-142. For Congress to continue to allocate funds to States under such conditions would appear to be sanctioning non-compliance with the intent of law and continuing abuses in the educational system, rather than helping handicapped children. We could find no reason to support continued funding for the Act under those circumstances.●

CONGRESSIONAL SALUTE TO THE GOLDEN AGE CIRCLE OF WAYNE, NEW JERSEY, INC., UPON THE CELEBRATION OF ITS 25TH SILVER ANNIVERSARY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. ROE. Mr. Speaker, on Tuesday, October 21 the people of Wayne, my congressional district and State of New Jersey will join with one of our Nation's most active, enthusiastic group of senior citizens in celebrating the 25th silver anniversary of their funding as the Wayne Golden Age Circle of Wayne, New Jersey, Inc. It is indeed my privilege and honor to call to the attention of you and our colleagues here in the Congress the outstanding public service that this most distinguished organization has provided for the seniors of our community throughout these many, many years.

At the outset, I know you will want to join with me and Hon. Walter Jasinski, mayor of Wayne, in warmest greetings and felicitations to the membership and extend our heartiest congratulations to the outgoing officers and incoming officers to be installed at this 25th anniversary celebration. May I also commend to you the founders, past presidents and advisory committees of this most prestigious Golden Age Circle. This honor roll of distinguished citizens is, as follows:

HONOR ROLL

FOUNDER

The Honorable Emily Grossi.

COFOUNDERS

The Honorables: Reverend Robert A. Fisher, Louis Rettberg (deceased), Jean Shaw, and Mary Freeswick (deceased).

PAST PRESIDENTS

The Honorables: Louis Rettberg (deceased), 1957-59; Helen Campbell (deceased), 1959-61; Christine Anderson (deceased), 1961-63; Violetta Hill (deceased), 1963-65; Florence McGuinn, 1965-67; Deborah Cialone, 1967-68; Florence McGuinn, 1968-69; Charlotte Lammers, 1969-71; David Joachim, 1971-73; Charlotte Lammers, 1973-74; David Joachim, 1974-76; Marie Nikovits, 1976-78; Margaretta Mulrooney, 1978-79; David Joachim, 1979-80; and Edward Moore, 1980-81.

TRUSTEES IN OFFICE

The Honorables: Tina Hodousek, 1 year; and Stella Torpie, 2 years.

REELECTED OFFICERS FOR 1981-82

The Honorables: Edward Moore, President; George Yesolitis, First Vice President; Anthony Yuskaitis, Second Vice President; Theodore Williams, Treasurer; Gertrude Mulhall, Recording Secretary; Robert Conklin, Asst. Recording Secretary; Evelyn DeWalshe, Corresponding Secretary; and Ruth Grauso, Trustee (Elected 3-year term).

ADVISORY COMMITTEES—APPOINTMENTS

The Honorables: Robert Conklin, Chaplin; Louis Tkach, Co-Sergeant-at-Arms; Raymond D'Amato, Co-Sergeant-at-Arms; Catherine Manzione, Civic Workshop; Dolly Bruno, Assistant; George Yesolitis, Entertainment; Florence Nolan, Assistant; Irene Lyons, Assistant; Clara, Kuehm, Membership; Gertrude Mulhall, Newsletter; Stella Torpie, Assistant; Evelyn DeWalshe, Publicity; Anne Tracy, Receptionist-at-Door; Mildred Eltringham, Assistant; and Ruth Grauso, Sunshine.

TELEPHONE SQUAD

The Honorables: Kay Conklin, Captain of Captains; Deborah Cialone, Cocaptain; E. Baber, D. Bruno, W. Burger, R. Caterino, H. Clark, G. Castleman, A. Cullerton, R. Dannic, L. Dean, M. DeGraw, A. Doremus, R. Dowds, D. Durkin, M. Eltringham, S. Finamore, R. Grauso, I. Hoogerhide, I. Kleis, I. Lyons, J. MacDonald, C. Manzione, O. Moore, F. Nolan, M. Nicholas, M. O'Cello, E. Pietrusiak, B. Rankin, T. Reid, H. Sharp, M. Spagnola, F. Testa, A. Tracy, H. Wagner, and M. Rein.

SENIOR CITIZEN AFFAIRS

The Honorables: Tina Hodousek, Gertrude Mulhall, Andrew Militello, and Sidney Milburn.

25TH ANNIVERSARY PROGRAM

The Honorables: Mr. and Mrs. William Jonsdotte, Host and Hostess; Mr. and Mrs. Adam Sowa, Ushers; Ruth Grauso, Flowers; Muriel DeGraw, Assistant; Rose Caterino, Assistant; Lillian Gilchrist, Assistant; Amelio Sowa, Assistant; Florence Nolan, Door Tickets; Irene Lyons, Door Tickets; Gertrude Mulhall, Door Tickets; and Mr. and Mrs. Sam Caterino, Table Seating.

Mr. Speaker, in our measure of values and our constant quest for excellence, it is fundamental that human values are paramount to the purpose of our mutual endeavors and responsibilities. The exemplary leadership and outstanding efforts of our citizens so important to our quality of life are in the vanguard of the American dream and today we express our appreciation to the senior citizens of Wayne, N.J. Of great significance is their motto: "From an acorn a great oak grows." During this past quarter of a century their membership has grown from a small handful of concerned people to over 400 members. Coupled with this growth, they have by their diligence and foresight, individually and collectively, provided a greater voice in the future destiny of our people and an increased awareness of the beauty of the golden years in their commitment to help preserve and protect the dignity, joy, and security of our seniors.

Some of the highlights of the Golden Age Circle's 20th anniversary program entitled: "This is the Life of the Golden Age Circle of Wayne," most eloquently portrayed the beginnings and the first two decades of refreshment and re-creation that is a sampling of the history of growing and caring that is embodied in the goals and objectives of this most esteemed organization. With your permission, Mr. Speaker, I would like to insert an excerpt of this program in our historic journal of Congress, as follows:

GOLDEN AGE CIRCLE OF WAYNE, INC. PROGRAM FOR 20TH ANNIVERSARY (OCTOBER 20, 1977)

There is a great deal of humanity in the club and through the past twenty years it can be said to have been nurtured by the Milk of Human Kindness.

In 1957, it all began as the "brainchild" of Emily Grossi, fondly known as Our Godmother.

The club was brought into being by a letter addressed to the Town Forum in the Paterson Evening News on August 22 by Louis B. Rettberg (now deceased), excerpts of which are:

"Several interested persons in Wayne Township are attempting to form a Golden Age Circle for the benefit of any respectable person or persons who are looking for social companionship.

This society will be non-sectarian, nonpolitical and will have no stated dues. Social get-togethers will be held weekly. As it progresses, other activities can be incorporated such as hobby and craft work, painting, sewing, card playing, chess, checkers, wood carving and any other projects of interest to members."

In the beginning the Reverend Robert A. Fisher of the Preakness Baptist Church on

the Hamburg Turnpike permitted the group to hold their meetings, rent free, in the largest Sunday School Room. The membership soon outgrew the capacity of the room, it was then that Robert A. Roe, who was Mayor of Wayne at the time, arranged for the use of the Meeting Hall of the Preakness No. 4 Firehouse. Since that time the organization has been sponsored by the Department of Parks and Recreation of the Township. For many years past through the kindness of Mayor Newton E. Miller and the cooperation of Charles W. Kelly, Director of the Department of Parks and Recreation, and his staff, all the needs of the Golden Age Circle have been attended to. Also we have them to thank for the privilege of holding our meetings at the beautiful PAL building where we are ably cared for by Jerry Lawrence and his staff.

On September 19 Louis Rettberg was installed as the first president. He held the office for two years.

Jean Shaw was the first in charge of publicity. Harold MacCullough, a Paterson Evening News reporter, now deceased, became an honorary member. He took the Golden Age Circle under his wing and gave it every possible space in the News. Others in charge of publicity were Anna Christen and Erastus Dilworth who kept an excellent record of the club's events.

On January 9, 1958, the second installation of officers occurred. The enrollment at that time was 56. Emily Grossi was highly praised for without her efforts the organization would have failed. It was Louis Rettberg who started the quarterly Newsletters. Following his death, the work was taken up by Theresa and Frank Bohus, Clara Barbato, Carolyn Fischer, and Gertrude Mulhall.

From 1959 to 1961 Helen Campbell (now deceased) was president. During her term the Circle was incorporated as the Golden Age Circle of Wayne, N.J. on May 1, 1961 and she was the Registered Agent. Membership had risen to 160. Madge Schaack (now deceased) was Secretary and Charles J. Schroeder was Treasurer. They continued to hold these offices for more than 15 years.

Along about this time Mayor Robert A. Roe, chose Louis Rettberg to represent the Township at Governor Meyner's Conference on "The Senior Citizen's Place in the Community." Of Rettberg, then 80 years old, Roe said "the octogenarian's keen interest in Community Affairs was an inspiration to him" and that his activities and those of his colleagues in the Golden Age Circle spotlights a lamentable situation prevailing in this country where a wealth of experience, ability and particularly wisdom is often left untapped. Discussed at the conference were benefits affecting the elderly citizen and avenues for their talents and ability."

From 1961 to 1963, our beloved Christine Anderson was president.

From 1963 to 1965 Violetta Hill was president. It was she who instituted the Civic Workshop activities for "shut-ins."

In 1965 to 1967, and again from 1968 to 1969 Florence McGuinn was given the reins of the Circle. In a newspaper article entitled "It's a Woman's World" she was quoted as saying "Anyone who says that when you reach 50, it's over the hill for you, is wrong, life begins at 50," for more than 191 Seniors who belong to the Golden Age Circle, busy, busy, is her keyword.

Other program chairmen were Martha Heille (now deceased) David and Vera Joachim, Anton and Tina Hodousek, Clara Barbato, Theresa and Frank Bohus.

In 1967-1968 Deborah Cislone, known to everyone as "Daisy" was president. Being a "Farmer's Wife" there were times during the harvesting season when the vice-president took over. You may recall that "Daisy" very appropriately represented the Garden State at the Bi-Centennial celebration.

In 1969 to 1971 and again from 1973 to 1974 Charlotte Lammers familiarly known as "Lotty" was president. She was not quite the required age when she expressed the desire to become a member. She was placed in the "Cradle" and given special permission to join. She was well-versed in Parliamentary Law and respects the by-laws at all times.

In 1971 to 1973 and again from 1974 to 1976, David Joachim served as president for four terms with a rest of a year between two. Besides being most capable in his office "Dave" can be said to have been "naughty" at times, but the members loved his subtle jokes and sly remarks.

Now 1976-1977 and continuing into 1978 we have Marie Peters. In by-gone days it was said the "way to a man's heart is through his stomach," this might be said of Marie's ascendency to the presidency after being in charge of Hospitality. She has handled her office with integrity. There were several weddings between Golden Agers—Henry and Katie Wynalda; Albert and Ida Siedle; Angelo and Virginia Traina.

In conclusion it might be said the Golden Age Circle has been good for Senior Citizens. Likewise the Senior Citizens have been good for the economy. It shows from "tip to toe" barbers and beauticians benefited. We have no long-haired bearded ones among us. The hairdos of the women are always in the height of fashion. All of which frame happy, smiling faces. The leisure suits of the men and the gowns of the women, be they long or short, are indicative of recent shopping. The shoes, while they might pinch a little, are nevertheless fashionable and beautiful. Restaurants and bus companies welcome our patronage. So when it comes to counting blessings, we can truthfully say God Bless America and God Bless the Golden Agers, Amen.

Mr. Speaker, during this past quarter of a century, our Golden Age Circle of Wayne has captured the warmth of friendship, comaraderies, goodwill, and fellowship that can be achieved in the golden years of a lifetime by people with purpose and fulfillment in companionship with, and respect for each other—all so important to the quality of life and way of life for all of us here in America. We do indeed salute the officers and members of the Golden Age Circle of Wayne upon the celebration of the silver anniversary of the founding of one of our Nation's most esteemed senior citizens organizations.●

TRIBUTE TO LOS ANGELES CITY COUNCILWOMAN JOAN MILKE FLORES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. ANDERSON. Mr. Speaker, on occasion a Member has the opportunity to pay tribute to an accomplished and well-respected fellow elected official. I have such an opportunity today. With great pleasure I rise to honor Ms. Joan Milke Flores, a resident of San Pedro, Calif., the mother of a lovely daughter, and the elected representative of the people of Los Angeles 15th Councilmanic District.

As the 15th district's councilwoman, Joan Milke Flores represents 200,000 individuals in San Pedro, Wilmington, Harbor City, Watts, the Port of Los Angeles, and Torrance and Gardena Corridors of the Los Angeles City Strip, as well.

As a legislator, Councilwoman Flores' duties and accomplishments are many and varied. As chairwoman of the Energy and Natural Resources Committee—which oversees the largest municipally owned utility in the Nation, the Los Angeles Department of Water and Power (DWP)—she has authored landmark legislation aimed at saving energy in the city of Los Angeles. As vice chairwoman of the Industry and Economic Development Committee—which oversees the Port of Los Angeles, Los Angeles International Airport, and cable television franchising—she has authored legislation to set up enterprise zones in the city of Los Angeles. In fact, she has participated in two White House conferences on Enterprise zones. Councilwoman Flores also serves on the Public Works Committee.

But Joan Milke Flores' legislative successes are only her most recent triumphs. This remarkable woman's achievements include being the first woman member of the Los Angeles Junior Chamber of Commerce, and being the first woman to become a member of the Civic Center Speakers Club. I could go on and on.

Mr. Speaker, in my opinion, Joan is the type of individual young people should emulate. She is active in her community, a leader, a go-getter. She is a professional par excellence, and is being recognized by the San Pedro Business and Professional Woman's Club October 14, as their "Woman of Achievement."

My wife, Lee, joins me in commending the club for their excellent choice and congratulating Councilwoman Joan Milke Flores. To Joan, and her daughter, Valerie, We wish you continued success and happiness.●

NATIONAL COMMISSION ON REBUILDING AMERICA

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Ms. FERRARO. Mr. Speaker, there is a growing awareness that the deteriorating condition of the Nation's public infrastructure—highways,

roads, bridges, mass transit facilities, water supply, and sewage treatment systems—poses a serious threat to hopes for economic recovery. Recent news reports have called attention to the severity of the problem, and many of us in Government have tried to generate public discussion on the need for major new initiatives in this area. But there has not been a comprehensive assessment of the problem that could lead to a national plan to solve it.

I am today introducing legislation to establish a National Commission on the Rebuilding of America. The Commission would compile an inventory of needed public facilities improvements and develop a national public improvements plan. The plan would establish priorities for maintenance and repair work needed to sustain regionally balanced national economic development. It would also include recommendations for financing the needed improvements.

This legislation, which is virtually identical to a bill introduced by Senator MOYNIHAN with bipartisan support in the Senate, is the first step in reversing the problem of our crumbling public infrastructure. For too long we have neglected this issue, and now it is reaching crisis proportions. I urge Members from all regions of the country to join me in taking steps to develop a plan for rebuilding America.●

CENTER FOR EMPLOYMENT TRAINING—15 YEARS, AND THEY HAVE ONLY JUST BEGUN

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. EDWARDS of California. Mr. Speaker, this year marks the 15th anniversary of one of the best of the nonprofit, community-based skill training centers in the United States—the Center for Employment Training.

The Center for Employment Training began in a barrio of San Jose in 1967 in one room of Our Lady of Guadalupe Church, later moving into a small training site at 1500 Story Road. During its first year of operation, as OCI-CET, 15 men and women were training and placed. It was the dedication, enthusiasm, and persistence of the church community which provided the impetus for starting the program.

Anthony Soto, chairperson of the board of directors, and Ramona Sarinana, the board's treasurer, provided much of the inspiration for bringing OIC-CET into being. They have stayed with the board and with their original commitment to CET's mission to train the poor and the chronically unemployed. Russ Tershy was recruited to be executive director.

Anthony Soto and Russ Tershy are still the driving force behind the Center for Employment Training, and under their leadership, the CET federation has expanded to 30 communities in 7 Western States. CET has trained and placed 20,000 men and women in well-paid jobs in the last 15 years.

On October 10, 1982, the Center for Employment Training will be celebrating its 15th anniversary with a 10-kilometer run for jobs, over a 6.2-mile certified course, and a fiesta, on the grounds of an abandoned junior high school which they have acquired and plan to rehabilitate with volunteer labor.

Federal cutbacks, Russ Tershy says, "only make us work harder to raise moneys to continue our programs. This is the purpose of the fiesta and the 1-kilometer run for jobs."

A statistical profile of the men and women served by CET tells its own story: nearly 100-percent unemployed, 70-percent school dropouts, 41-percent limited English speaking, 49-percent migrant and seasonal framworkers, 30-percent women in nontraditional skills training.

CET trains men and women who are without the technical and social skills necessary to fit into a high technology world. They are people on welfare; many are minority youth and the chronically unemployed who have never had the advantage of the education and training necessary to keep a job long enough to break the proverty cycle. Many are farmworkers whose jobs are being eliminated by the increasing mechanization of agriculture.

CET has proved that our most severely disadvantaged men and women can be trained successfully and placed in high technology jobs with good wages; 85 percent of the trainee-graduates are still on the job 6 months after placement.

In the CET training model, students learn technical skills and receive a basic education in math, language, and reading comprehension all at the same time. Classes adjoin workshops and students move back and forth daily from class to skill training.

There are also counseling sessions in human development areas, attitude training, good work habits, punctuality, respect for persons and property, and the work ethic. The bottom line is not completion of training, diploma in hand, but completion of training and a retainable job.

CET has the responsibility of placing the graduate in a nonsubsidized job in business or industry. CET has built very strong ties to the industrial community to help in this placement. Over 80 representatives from industry serve on the Santa Clara County Industrial Advisory Board (IAB) and each of the other 30 CET's have their own industrial advisory boards. CET's IAB identifies skill shortages and job markets, advises on curriculum, tools and equipment, and participates in the classroom to teach industrial behavior and business concepts.

We all know that our school systems are geared to the general population instead of to those who need special training. This is not to denigrate our public education system. We must recognize that while 70 percent of the general population may be adequately served by the educational system, an alternative system may be required to reach the other 30 percent. CET tries to fill part of that need, but there are thousands of men and women on their waiting lists to receive training.

Organizations such as CET, with a proven track record in job placement, have earned the support of the community, business and industry, as well as State and Federal Government. We should not be cutting back funding for these well-run programs. We should be providing more resources for those in our society who will have the most difficulty in competing for jobs in an increasingly technological world.

I would like to offer the Center for Employment Training my warmest congratulations for the humanitarian work they have been doing for the past 15 years. I plan to be with them on October 10 at the old Woodrow Wilson Junior High School in San Jose in which they have acquired for CET's 10 kilometer run for jobs and the 15th anniversary fiesta.

CET plans to consolidate all the San Jose programs—now housed in three old buildings—in the school. They also plan to have all the renovation work on the school done by volunteers. Building materials are already being donated and volunteers recruited. This is the continuation of the old fashioned community spirit of helping one another which is so needed in these difficult economic times.

I want to express my admiration for the work of the Center for Employment Training, its staff, students, alumni, and board of directors, for the leap of faith they are making in taking over the school. I also want to commend CET's Industrial Advisory Board, the Santa Clara County Board of Supervisors: Chairperson Susanne Wilson and Supervisors Rebecca Morgan, Rod Diridon, Dan McCorquodale, and Zoe Lofgren, as well as San Jose Mayor Janet Gray Hayes and the San Jose City Council for their continued support of worthwhile programs such as the Center for Employment Training.●

TRIBUTE TO SILVIO CONTE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. RANGEL. Mr. Speaker, I would like to share with you and the body of the House a wonderful article that appeared last Wednesday in the New York Times about our good friend and colleague, the gentleman from Massachusetts (Mr. CONTE).

I would not go so far as to say that it was ever easy to deal with those on the wrong side of the aisle. But if you have to deal with Republicans at all, then it makes it a pleasure rather than a chore to deal with a guy as nice as SILVIO CONTE. My only hope is that someday he finds his way over to our side of the Chamber.

I would like to enter the text of the article for the record:

[From the New York Times, Wednesday, Sept. 29, 1982]

BAY STATE REPUBLICAN WITH AN INDEPENDENT STREAK

(By Marjorie Hunter)

WASHINGTON, Sept. 28—Every polling place he went to in his western Massachusetts district on primary day, says Representative Silvio O. Conte, he found a message: "Call Dave Stockman."

When he reached the director of the Office of Management and Budget by telephone that day, after a couple of fruitless efforts, Mr. Conte told him: "Hell, I know why you're calling. You're getting married and you want me to give you away. Believe me, there's nothing I'd rather do."

It was said in jest, but there was more than a touch of sting in it, for Mr. Stockman has been a bit of a thorn in Mr. Conte's side ever since Ronald Reagan took office as President nearly two years ago.

"The Young Slasher," Mr. Conte calls the budget director, who has been principal orchestrator of the Reagan Administration efforts to cut spending, largely in domestic programs.

"These fantasies they have down there at the budget bureau," Mr. Conte said recently. "We're getting sick of them."

AN APPEAL FROM REAGAN

The ranking Republican member of the House Appropriations Committee, Mr. Conte is not the kind of Republican the Reagan Administration would like to see in that key spot. More liberal than conservative, more outspoken than docile, Silvio Otto Conte often votes more like a Democrat than a Republican. Just this month, he was a leader of the bipartisan coalition that succeeded in overriding the President's veto of a supplemental appropriations bill, and he is expected to play a key role in the appropriations bills still awaiting Congressional action.

The President, Mr. Conte said, called him to appeal for his support on the veto.

"I told him I appreciated hearing from him but that I'd fight him all the way," Mr. Conte said. "I'll fight him, too, if he vetoes the Health and Human Services money bill. I don't want him tampering with that. It's got too many things in it that a lot of folks need."

The veto question was not Mr. Conte's first brush with the President or his advisers. When a Reagan aide, Lyn Nofziger, rejected several Conte-endorsed people of Federal jobs in Massachusetts, Mr. Conte said: "I blew my top. I called Lyn and told him they needed me more than I needed them down there at the White House. I said it was a lousy shame the way they were making appointments."

Few other members of his party have been quite so open in counseling the President or his top aides on budget or appointment issues.

But, at the age of 60, with 22 years of service in the House, Mr. Conte can display an independence that few of his fellow Republicans can afford, particularly in an election year. For unlike most House members seeking re-election, Mr. Conte is unopposed. In fact, he says, he received more Democratic than Republican votes in his hometown of Pittsfield in the recent primary.

Even two years ago, when Mr. Reagan narrowly defeated Jimmy Carter in Massachusetts, Mr. Conte bested his Democratic opponent by a ratio of about 3 to 1. He has become something of an "Italian papa" to his brood of Democratic and Republican constituents.

Some years ago, after he had cast the sole Republican vote for a bill sought by President Johnson, an angry colleague asked why he didn't just move over to the Democratic side of the aisle.

"Why don't you put that question to my constituents?" Mr. Conte retorted.

While he says he has never even flirted with the idea of switching parties, his decision to become a Republican was prompted by Democrats who passed over him for two jobs shortly after his graduation from Boston Law School in 1949.

An independent, he had campaigned that year for a Democrat running on a bipartisan ticket for Mayor of a western Massachusetts town. But the man, after first suggesting that Mr. Conte might be the ideal choice for the job of taking the 1950 census in that area, gave the position to a Democrat. A little later, a Democratic judge passed over him for appointment as a probation officer.

"I decided then and there that there was no way I could make it in the Democratic Party," Mr. Conte said. "I decided to run as a Republican."

And run he did, rapping on doors, involving people who had never been interested in politics before. He won a seat in the State Senate, and, after three terms, was elected to Congress.

While there are better orators in Congress, Mr. Conte is regarded by many as the best showman on Capitol Hill. His eyes rolling, his arms flailing, his voice thundering, he usually whips friend and foe into a frenzy of cheers and laughter in floor debate.

On the rare occasions when he and House Speaker Thomas P. O'Neill Jr. engage in debate, casual observers might be convinced that the two are mortal enemies. In truth, they are the best of friends, despite their difference in party.

"Tip's the best friend I have around here," said Mr. Conte.

Their friendship, the Speaker says, goes back to their days in the Massachusetts Legislature. The two men and their wives get together weekly for dinner or bridge.

"Silvio's like the Pentagon, he's got five sides," said Representative Jamie Whitten, the Mississippi Democrat who heads the House Appropriations Committee. "We don't always agree with each other but he's great to work with."

Five-sided? Perhaps, for Mr. Conte is not just a legislator. He is a hunter, a fisherman, an Italian chef of some note at bipartisan dinners for old friends, the manager of the House Republican baseball team, a veritable study in perpetual motion.

"I don't take myself too seriously," he said, "Hell, too many folks around here miss all the fun of it. They're too serious about everything."●

FEHBP REFORM BILL

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Ms. OAKAR. Mr. Speaker, today, I am introducing comprehensive legislation to reform the Federal employees health benefits program (FEHBP).

As most Members know, the FEHBP is a health insurance program that provides protection to over 10 million American Federal workers, annuitants, and dependents. Since its inception over 22 years ago, FEHBP has been considered a model health program because of its multiplicity of choice and its financial and administrative integrity. Regrettably, last year a series of unanticipated and disastrous events threw FEHBP into a state of confusion as numerous lawsuits were filed challenging the authority of the Office of Personnel Managment (OPM) to make fundamental, arbitrary changes in the program.

When the dust finally settled on the litigation, FEHBP was in shambles. The traditional open season had been canceled, benefits were reduced drastically, premiums increased substantially, and hundreds of thousands of enrollees in over 140 health plans ended up locked into health plans that they no longer wanted nor could afford.

So far this year, the contract negotiations between OPM and the health carriers appear to be progressing smoothly. However, under existing law there is no guarantee that catastrophes might not occur during future contract negotiations.

As chair of the Subcommittee on Compensation and Employee Benefits—the subcommittee with principal jurisdiction over FEHBP, I have been holding extensive hearings on what went wrong last year and what ought to be done to restore FEHBP to its former status. After listening to hundreds of witnesses, including numerous health insurance experts, I strongly believe that the legislation I have introduced will stabilize the program and prevent any repetition of last year's fiasco.

The major points of my legislation are simple:

First, the legislation mandates by law an annual open season to provide all enrollees a predictable timeframe in which to evaluate the various

health plans and then have an opportunity to make an informed choice as to what enrollment is most appropriate.

Second, it prevents OPM or any health carrier from arbitrarily reducing or increasing benefit levels, except by mutual consent.

Third, it increases the Government's share of the premium contribution from 60 percent of the average subscription charge of the big six health plans to 75 percent. This will be the first increase in the Government contribution formula in almost 10 years and is more in line with what most private employers pay to provide health insurance for their employees. Despite this increase in the Government formula, enrollees in FEHBP will still be paying a larger share of the health insurance premium than many private sector employees.

Fourth, the legislation will allow RIF'ed employees and certain others an opportunity to continue health coverage until such time as they become eligible for another health plan, provided they pay the entire premium costs. I believe this is the least we can do for our Federal workers who suddenly lose their jobs or entitlement to health insurance.

Fifth, it establishes a fair, standardized alcoholism, drug rehabilitation, and mental health benefit level throughout the Government-wide plans. Last year's benefit reduction was particularly destructive to these health services, and it is important to protect this benefit from further attack.

Sixth, the legislation repeals the 75-percent maximum limitation on the Government contribution toward the subscription charge of a plan.

Seventh, it establishes financial solvency requirements for participating health plans to eliminate the possibility of their becoming insolvent and unable to pay bona fide medical claims.

Eighth, the legislation requires all health plans to accept annuitants on an equal basis with active employees, thus ending certain existing discrimination against elderly enrollees. The legislation also increases the Government contribution by 5 percent for annuitants over age 65 who are not entitled to medicare benefits. This increase is necessary to pay for the additional utilization and expense this category of annuitant actually costs FEHBP.

Ninth, the legislation also gives HMO's additional flexibility in staffing by no longer requiring all HMO's to be represented by three medical specialties to be eligible to participate in FEHBP.

Tenth, the legislation firmly reestablishes congressional control over a $5.8 billion fringe benefit program that is of vital importance to millions of Federal workers and retirees. Under existing law, the program relies on the benevolence, or lack thereof, of the Director of the Office of Personnel Management who can set premium rates by manipulating benefit levels, despite protests from Congress, the health insurance carriers, or the enrollees who help pay a substantial share of the premiums.

I hope the Members and staff who are covered by FEHBP will carefully review this legislation. it is in part based on the substantive recommendations of a private benefit consulting firm that the Committee on Post Office and Civil Service enlisted to study FEHBP and to compare it to various large private and public sector health plans. The conclusion of that Mercer report was to categorize FEHBP as a "below average" health program that, while structurally sound, is in desperate need of certain improvements.

I am convinced this legislation will be the vehicle by which significant long-lasting reform is brought to our health program. I intend to hold additional hearings on FEHBP and this legislation when Congress reconvenes after the election and will, at that time, welcome cosponsorship.

I am particularly grateful to my colleagues, Chairman WILLIAM FORD and Congressman STENY HOYER, for their able assistance on this complicated issue. By enactment of this legislation, Congress will guarantee to its workers and retirees health insurance coverage that is generally comparable to health insurance available to Americans in the private sector.●

RICE POLITICS JEOPARDIZES U.S. EXPORTS AND U.S. FOREIGN POLICY

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. LEACH of Iowa. Mr. Speaker, given the importance of agricultural exports to the U.S. economy, it is alarming that rice politics appears now to be jeopardizing this country's trade with our fourth largest agricultural export market, the Republic of Korea. The immediate issue is whether a large rice sale will be brokered by the company to which the Korean Government purchasing agency (OSROK) awarded the contract, or by the company that has handled most past sales and is preferred by the two largest California rice farmer cooperatives, the Rice Growers Association (RGA) and the Farmers' Rice Cooperative (FRC), which jointly represent about 75 percent of the California rice industry. The underlying issue is whether future sales to Korea of a wide range of American agricultural products, including corn and soybeans, should be risked for the sake of maintaining one company's monoploy on rice sales.

The company that lost the contract, Connell Rice & Sugar Co., has been identified by the press as having a virtual monopoly on U.S. rice sales to Korea. This position can be traced to the past relationship between Tongsun Park, who was convicted in the Koreagate scandal, and Grover Connell, Park's U.S. agent who was himself indicted, although not convicted, for laundering $1.8 million in commissions to Park. Connell had not lost many Korean contracts until early last year when OSROK awarded a contract to Pacific International Rice Mills, Inc. (PIRMI). Despite the fact that PIRMI fully satisfied their Korean customers, 113 Members of Congress saw fit to express their grave concern in a letter to the President of the Republic of Korea, to the effect that Korea had contracted for rice at too high a price. The possibility of kickbacks may indeed warrant a Justice Department investigation of the transaction, but the letter—followed as it was by a threatening telex to the director of OSROK from Joseph Alioto, who is attorney for both Connell and the RGA and FRC—could only lead the Korean Government to surmise that the U.S. Congress was sending it a strong message on the perils of doing business with companies other than Connell.

According to State Department testimony before a congressional subcommittee, Connell's idea of good business methods included threats to somehow bring pressure to bear on other issues important to Korea via the U.S. Congress: "For example, the foreign military sales program and $400 million military construction program could be attacked," Connell was required to have said. If true—Connell has denied it—these highly repugnant pressure tactics could have hardly endeared him to his customers. In fact, it would have been surprising under the circumstances had Korea done other than it did, which was to award a large contract earlier this year to yet another rice dealer, Comet Rice, and that is the contract now at issue. This was the second blow to Connell, and just to drive home the point the Korean National Assembly's Subcommittee on Rice Imports recommended that "firm and vigorous measures should be taken to eliminate rice suppliers who act arrogantly."

This latter contract was intended to fulfill, in good faith, a Korean obligation incurred as compensation for their earlier purchase of subsidized Japanese rice that they had obtained, with American concurrence, to meet emergency needs. Unfortunately for

Korea, monopolists—unlike old soldiers—do not fade gracefully away. Comet encountered dfficulties in purchasing rice from the large cooperatives, which mounted a campaign with Connell to have Comet's contract declared in default. The president of the RGA informed the Secretary of Agriculture that Comet was "a seller apparently without a capability of performing," a feat of prognostication made somewhat less mysterious when he later told the Sacramento Union that, "I don't see under any circumstances that we would want to sell it to them."

Over 7 weeks before the last date for fulfilling the contract, 90 Members of Congress wrote to the Secretary of State saying, "It now appears that this contract will be defaulted upon," and one Member took it upon himself to inform the Korean Ambassador that the default had been confirmed by public announcement, which Comet quickly denied. In a move whose import could not have been lost on the Koreans, a joint resolution was introduced several days later to terminate Korea's right to fish off the coasts of the United States, despite the fact that the U.S. fishing industry and Members of Congress had expressed their satisfaction less than 1 month earlier with improvements in Korean joint venture operations.

The real point is not whether a default takes place—the large cooperatives certainly have it in their power to force Comet to default—but whether our commercial system is to be perceived as fair and open. Connell, the RGA and the FRC assert through their mutual representative, Joseph Alioto, that they "have traditionally, in bidding situations, been the lowest priced supplier with the best quality rice and the most reliable," and call efforts to penetrate the market by rival companies co-op busting. Others have pointed out, however, that there appears to be a rather unique tie between the large cooperatives, Connell and the Congress. Mr. Alioto has acknowledged that in the past decade Connell has been the sole exporter to South Korea of rice produced by the RGA and FRC. And as the foregoing has amply demonstrated, there is an extraordinary amount of political interest in the question of who shall sell American rice to Korea.

I have no desire to protect any individual company in a contract dispute. In this arena of high stakes rice brokering there are few angles, but I question seriously whether Connell and other elements in the rice trade are as virtuous as they would lead us to believe. It would be especially unfortunate if U.S. politicians, unwittingly or otherwise, were involved in defending a monopoly that was willing to sacrifice U.S. national interests in order to preserve itself.

The issue at stake is not just one rice contract or even the broader United States-Korea rice sales relationship; it is rather the entire spectrum of agricultural sales between our two countries, which the Korean Government has hinted would be reassessed if it were forced to deal with a rice monopoly. Here it should be stressed that major commodity exports from the United States to Korea in 1981 amounted to over $2 billion, including $323,825,000 for corn and $124,027,000 for soybeans.

It would be a tragic outcome if the Koreans were to conclude that the aggravation they have experienced with respect to rice imports was typical of American agriculture as a whole. In fact, the Deputy Prime Minister warned in his reply to the congressional letter of last year that, "The rich potential for growth of this trade in agricultural products, however, can be jeopardized * * *." Inasmuch as Korea is our fourth largest agricultural export market, we would be well advised to head that warning. It makes no sense to treat important customers as though we did not value their business, especially when it appears that the Congress is attempting to protect monopolistic practices alien to a free market economy. If there are serious problems within our rice industry, accusations and threats leveled at another country cannot serve as a substitute for the remedies necessary at home. We have a responsibility to investigate to the fullest whether there are violations of any American laws, antitrust and otherwise, by any of the parties in the rice trade today.

With so much confusion arising in world trade patterns due to useless and counterproductive embargoes, largely at the expense of American farmers and workers, we should do nothing more to damage our reputation as a steady and reliable supplier of agricultural products. American farmers are too important—to our economy and our trade—for us to ignore the danger posed to them by artificial restraints on their access to foreign markets.●

THANKING RED CROSS VOLUNTEERS

HON. CLEVE BENEDICT

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BENEDICT. Mr. Speaker, 1981 was the centennial celebration of the American National Red Cross. Various ceremonies across the country have marked this historic event. During this special year for the Red Cross many deserving words of praise have been spoken. And yet, Mr. Speaker, there is one group of Red Cross Volunteers that won't be honored by the proclamations and parades. Instead, they will gather a few days from today here in Washington for a quiet memorial service to remember their friends who have passed away in the last year. I am speaking of those Red Cross Volunteers who served in times of war throughout our Nation's history.

In many cases, these valiant Americans, asking nothing in return, went overseas and risked death and disease to serve their country. Such selflessness is a good example for us today.

House Concurrent Resolution 376, which I introduced on July 20, expresses this Congress gratitude to these Red Cross volunteers. I am pleased that the House passed this resolution last night.

I was made aware of these patriotic Americans by Col. A. M. Tuberose of Morgantown, W. Va. Colonel Tuberose is a great American in his own right. He flew a B-17 during World War II. On what would have been his final mission before he was rotated home, his aircraft was shot down. The next year and a half he spent in a German POW camp.

Colonel Tuberose was decorated and thanked by a grateful Nation for his fine deeds, but his wife Sally, a Red Cross Volunteer during the war, never received a medal. She never received Federal benefits, and she never received thanks from the America she so gallantly served. A touching and inspiring letter from Colonel Tuberose prompted me to introduce House Concurrent Resolution 376 to say thanks to Americans like Sally Sutherland Tuberose. I would like the text of the Colonel's letter to be printed in the RECORD at this point.

Mr. Speaker, I thank my colleagues for supporting House Concurrent Resolution 376, showing these brave Americans how greatful we are.

DEAR MR. BENEDICT: I am writing to ask you to consider introduction of a bill that would give appropriate official recognition to those women that voluntarily served in combat zones during World War II. Specifically those ladies that served with the Red Cross in combat areas.

My wife Sally was one of those brave ladies. She served with the Red Cross at the air base in Chabua, India during World War II. While in India she contracted intestinal dysentery and suffered from occasional attacks all of her life. There are no government provisions for medical care of these ladies.

At the end of the war she was again recruited by the War Department, this time to serve with "Special Services" in Europe. She served in Europe until after the end of the Berlin Airlift.

I have always considered my wife to be more patriotic, braver, and more a hero than most of the men I have known in the service. She was only 21 and weighed a mere 115 pounds when she went to India. I myself was a B-17 pilot, wounded, and spent 16 months as a P.O.W., and flew the airlift. I have lots of medals and don't think of

myself as a hero, but I do have the greatest respect and admiration for my wife and those other women that have served their country as she did.

Sally died on September 11, 1981. The time she spent in the Red Cross and with Special Services did not count toward the social security lump sum benefit and therefore she did not qualify. If we were destitute she would have been buried in a paupers grave. I am saddened by the thought that there are no provisions to give recognition to these brave, patriotic women.

I believe the introduction of a bill to rectify this oversight would be a very popular bill, and would be a beautiful gesture of recognition of these ladies.

Sincerely,

A. M. TUBEROSE.●

WORLD HUNGER

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. WINN. Mr. Speaker, I have the privilege to represent an effective, straight-talking minister who speaks from the pulpit of the Village Church in Prairie Village, Kans. Dr. Robert H. Meneilly delivered this sermon on September 12, 1982, and I think addressed the problem of world hunger.

Most Americans take food and nourishment for granted, but around the world, especially in developing countries, hunger is a way of life.

I share Dr. Meneilly's concerns.

WHAT THE WELL-FED CAN'T STOMACH

(James 2:15-20)

Again I've put myself on a diet. The last eight pounds of overweight accumulated easily!

Chances are most of you who worship here today are on diets. How can we stomach the fact that well over half of our brothers and sisters are living and dying in hunger? While we diet and die because we over-eat a majority of our neighbors are hungering and starving for want of minimum nourishment. While some of us are trying to shape up our figures and health from an overabundance of rich foods, half of our human family is suffering the irreversible effects of too little food. How can there be so much poverty in a world of surpluses?

For some among us the big problem is pushing ourselves away from the table before we are stuffed and miserable. For others, work as hard and long as they will, they can't put enough food on the table to keep away hunger pains. For us over-eating Americans you may spell relief "Rolaids," but for our staring neighbors you spell relief "Death."

We can't blame earth or God for the mass hunger. God has made ample provision for all of his children. Through God-inspired technology there can be more than sufficient for all. Contrary to popular opinion (even among the intelligentsia) the cause of world hunger today is not over breeding, laziness or ignorance. The cause of hunger is sin spelled "poverty." If God provides for all, how come poverty?

We can go back to original sin. God placed man and woman in a garden world of plenty. Were they satisfied? No! They desired more than they were given. They insisted on reaching beyond their limits to the forbidden that would let them be as God. They brought judgment upon themselves: "Because you have done this you will be punished." (Genesis 3:14)

How we are suffering that judgment brought upon ourselves today. Insisting on more than is intended for us and ever reaching beyond reasonable limits, we suffer overnutrition which is also malnutrition. With our excess of rich foods and nutrients (especially fats, sugar, salt, cholesterol and alcohol) we suffer all kinds of diseases. Cardiovascular and other diseases associated with overnutrition now account for half of all deaths in our country.

I would be the first to confess my identity with the problem. While Jesus teaches us to pray for "daily bread" I intend to pray for cake! I have wanted more than the essentials. I want cake. After all, apple pie is our American way of life. But if there is little more than enough to go around and I insist on more than my share, if it is to be had one way or another someone is going to have less than he needs.

We in the U.S. consume five times per person more than people living in Third World countries. Several years ago our church leaders, steeped in our economic system, were shocked to hear our Third World Christians discern our greed in overconsuming so much of the earth's resources, in the name of "the good life," while so many don't even enjoy the bare necessities. While much is to be said for our economic system we know it nourishes greed in the producer and consumer alike as it devours more and more of the earth's non-renewable resources. Of course many of us and corporations who have benefited from the system make generous contributions to charity. At the same time we have to admit that our system's main interest is providing more for those who already have gained from it, not especially in providing for the good of the whole society. I remind us of this at the risk of industrial leaders mistaking me for socialistic leanings, like the last issue of Reader's Digest suggesting the World Council of Churches is more marked with Karl Marx than Jesus Christ.

Think what you like of economist Kenneth Galbraith, but he speaks the painful truth: "* * * we are led as a nation . . . to adopt many of the least elegant postures of wealth. Though we have much, and much of the remainder of the world is poor, we are single-mindedly devoted to getting more . . . We do, each year, provide some aid for others. But first we have a prayerful discussion whether or not we can afford the sacrifice." (Kenneth Galbraith, The Affluent Society, N.Y., N.Y.) We tend to think we are so generous but no less than 16 other not nearly so affluent nations give proportionately more of their GNP than the USA toward the elimination of hunger in the world.

We have tended to look down upon the poor assuming they are getting what they deserve. We picture them as lazy and unwilling to work hard. We say: "If they exercised the drive and willingness to work hard they could make it just like we do." Wrong! The vast majority of the world's disenfranchised and hungry people work longer and harder than we imagine. Many work like animals but often their work is unproductive. Their land is depleted and they have few tools. They love their children and want to provide just as much as we do. They work year after year against almost unbearable odds.

We think of the poor as being ignorant and breeding like flies and this is what causes their poverty. We Americans can't seem to understand that it is poverty that causes the poor to have more children. Only a small percentage of their children survive and they need more children to go out and work so the family may have a chance to survive.

We need to heed the Old Testament proverb: "He who mocks the poor insults his Maker." (Proverbs 17:5)

In our day hunger is not a scourge but a scandal; not a plight but a pity. We have the physical resources and technical skills necessary to feed the whole population of the world. There has been lots of progress in technology but little in theology! Just as the propertied classes of yesterday opposed every reform, predicting quick economic disaster if eight-year-olds could no longer work in the mills, so those that profit from poverty today are trying to maintain the status quo. Well-to-do Presbyterians have decried the church's support of Mr. Chavez as he crusades for the farm workers and against their being continuously exploited. We want to get maximum stock dividends from Campbell's foods and we would have to take less if the pickers were paid a livable wage. We have subtle ways of luring cheap Mexican labor across our border so we can capitalize on their poverty with the motto: "Keep 'em poor and you keep 'em cheap.

The key to feeding the world's hungry could lie with our multinational corporations. They have the know-how. They can get the capital. They have organizational skills. However, few seem interested; and a firm like Nestle's continues to exploit the poor to death in some Third World countries. How many times the scripture calls woe upon those who trample upon the poor and exploit the economically powerless.

The prophets begged Israel to repent of her injustices toward the poor. Isaiah spelled out what is meant by justice: "Is it not to provide food for the hungry?" God bids us to "do justice" and he will keep us well and strong. "You will be like a garden that has plenty of water." (Isaiah 58:10-12)

More and more Americans are realizing our national security isn't dependent upon missiles and military defense but upon justice and the eradication of hunger and poverty. Presently we spend $250-million a day for our military security while we give to the World Good Council only $200-million in a whole year. In any 16-hour period our military establishment spends more than the World Health Organization and the Food and Agricultural Organization combined spend in an entire year.

I must remind us yet again what our own renowned militarist, Dwight D. Eisenhower, said: "Every gun that is made, every warship that is launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and not clothed * * * This is not a way of life at all * * * it is humanity hanging from a cross of iron."

There can be no security for us so long as people are hungry and deprived of their human right to food and survival. In this day of modern communication when the poor can see and hear of the earth's abundance, they will not quietly sit by until the escape of silent death. They are making for violence. Hunger is the severest threat to both economic and military security. The root of the military conflict in El Salvador south of the border is hunger and poverty. Just look at the international ramifications.

The very health of our own economy depends increasingly on there being stability in poor, southern economies. They are important markets for our products and sources of essential raw materials we need.

Where do we go with sermons of this nature? Some tune them out because they are uncomfortable and we come to be comforted. Others tune them out because they don't agree with some one point. Many consider hunger to be so overwhelming they give up being able to do anything significant. Some are so inhumane as to think starvation is nature's way of population control, so let it go.

Well-fed Christians refuse to stomach world hunger. What will we do?

1. We can begin by examining our own attitude toward the poor. Is it compassion or contempt? We need to pray: "Create in us a right spirit, O God."

Throughout scripture our Father seems as concerned as much for our daily bread for the body as the Word for the soul. God has always had an extra special concern for the poor and Jesus remains the poor's greatest champion. God bids us "If your enemy hungers, feed him."

What is your honest-to-God attitude toward the poor?

2. We can re-order our priorities. We can become as industrious "go-givers" as we are "go-getters."

We don't have to buy into all the advertisements of the media enticing us to buy things we don't need and food we can't digest.

Instead of putting so much into defense budgets we could call upon our Congresspersons to convert our swords into food ploughs and help the underdeveloped peoples learn how to feed themselves.

We can all afford to simplify our lifestyle and conserve instead of waste. How many ballpoint pens do we need? How many TVs can we watch at a time? How much food is dangerous to our health? How much weight do we have to have to throw around?

3. We can keep society mindful of the hungry. Jesus instituted a sacrament employing common bread and drink "in remembrance." Unless people are kept mindful day in and day out that hunger is the most pressing problem in the world, we won't do much about it.

4. We can help God convert our own beloved country. We can call upon our State Department to quit using "wheat power" for political clout but for humane purposes. Hunger is no less painful for our enemies than our allies!

5. We can be more faithful stewards. The Bible tells us God has given more than enough for our own needs so we can provide for those in need. We can be more conscientious in the financial support of Christ's mission through our church. No organization on earth has done so much with so little for the poor than the World Council of Churches through Church World Service.

We can give more moral support to the United Nations as it brings the nations of the world to grips with the need and the solution.

We can continue our Village Church nutrition projects in India. We can do more by way of the local emergency assistance program. We can bring some staple food to Mother Hubbard's Cupboard every time we come to church.

We can get lots of Village Church people to "walk for the hungry" in the CROP Walk October 17. It is money, not just good intentions, that satisfies the hunger pains of bloated stomachs.

6. We can pray. If we pray for the hungry we are likely to help God answer the prayers. We can see our Lord in the millions of hungry and know as surely as we feed the hungry we feed our Lord. "Inasmuch as you did it unto the least of these, you did it unto me."

It was Jesus' brother who confronts us sincere Christians with the facts of our faith.

"What's the use of saying you have faith if your actions don't correspond with it? Could that sort of faith save anyone's soul? If a neighbor . . . has nothing to eat and you say to that person, 'Good luck, I hope you . . . find enough to eat' and yet make no provision for his physical needs, what on earth is the good of that? Yet, that is exactly what a bare faith without a corresponding life is like—useless and dead." (James 2:15-20, J. B. Phillips)

This sermon delivered by Robert H. Meneilly, D.D., at the Village Church, Prairie Village, Kansas.●

CAREER CRIMINAL BILL PASSES SENATE 93 TO 1

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. WYDEN. Mr. Speaker, I rise today to inform my colleagues of Senate passage yesterday of a bill designed to get tough with the most vicious and insidious type of criminal offenders, career armed robbers and burglars.

Senator SPECTER's bill passed the Senate by an overwhelming margin of 93 to 1.

Last spring, I introduced a companion bill in the House, the Armed Robbery and Burglary Prevention Act (H.R. 6386).

Both bills would permit Federal prosecution of an individual who, after being previously convicted of two or more felony robberies or burglaries in any jurisdiction, is charged with a third robbery or burglary involving the use of a firearm. Conviction under this new section of the Federal Criminal Code would trigger a minimum 15-year sentence in a Federal penitentiary with no possibility of parole.

Hearings were held on H.R. 6386 last week in the House Judiciary Subcommittee on Crime. The chairman of the subcommittee, Congressman BILL HUGHES, told me this morning that he would like to work with me on this legislation when we return after the election.

These career criminal bills contemplate only a limited but carefully targeted increase in Federal criminal prosecutions. As such, no new outlays will be required in the Justice Department budget and the bill has the full support of the administration. After an amendment clarifying the issue of concurrent jurisdiction was approved by the Senate Judiciary Committee, this legislation should also now have the full support of local prosecutors.

I urge my colleagues to support passage of this important legislation when we return after the election. This bill is designed to allow the Justice Department to play a role in prosecuting and incarcerating the worst habitual offenders, career criminals who are clearly beyond rehabilitation and a very real menace to law-abiding citizens on the streets and in their homes.

Public opinion polls consistently show that crime ranks at the very top of problems that are of deep concern to all Americans. Violent crime is anonymous and vicious. It is physically, pyschologically, and financially devastating to the lives of its innocent victims.

Because of a limited number of prosecutors and investigators, a huge backlog of cases in our courts, and a severe shortage of jail space, our cities and States are rapidly losing the war on crime.

I think we all must realize violent crime is a national problem that has reached the point where a modest and thoughtful expanded Federal role should be seriously considered.

With millions of Americans paralyzed by crime and the fear of crime, I believe the Federal Government should actively search for ways to lend a hand. H.R. 6386, as well as the bill so ably crafted by Senator SPECTER and passed by the Senate, represents a solid step in the right direction. I hope all of my colleagues will support this important effort.●

A TRIBUTE TO THE LATE SENATOR RICHARD BREVARD RUSSELL

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BARNARD. Mr. Speaker, recently a bust of former Senator Richard Russell was dedicated in Winder, Ga. Former Congressman Robert B. Stephens has written a brief description of this ceremony, and I ask unanimous consent that it and the dedication speech by R. Harold Harrison be inserted into the RECORD.

On Sunday, August 8, 1982, at the Barrow County Courthouse in Winder, Ga., a ceremony took place that is of interest not only to Georgia but the people of America. A beautiful white marble bust of the late Senator Richard B. Russell, donated by the Russell family, was given to the county that was the long time home of the Senator and his family.

This statue, sculptored by English-born Bryant Baker of New York, an artist of international renown now deceased, will stand permanently in the foyer of the picturesque county court-

house in Winder as a constant reminder to successive generations of the service to Georgia and this Nation given by Richard B. Russell.

Arrangements for this unveiling ceremony on the courthouse yard were made by the Barrow County Historical Society, Inc., and its president, C. Fred Ingram, who opened by welcoming the attending guests and calling upon the mayor of Winder, John O. Mobley, Jr., for an additional welcome and opening prayer.

A salute to the flag of the United States was lead by Col. Harry O. Smith followed by the pledge to our Georgia flag. Special guests were presented by David Jackson, chamber of commerce president. Among those presented were sisters and brothers of Senator Russell, former Governor of Georgia, Ernest Vandiver and his wife, Betty, who was a niece of the Senator, and other family members. Also, Joe Fendley, mayor of Elberton, and his wife were presented, as they had arranged to give the Elbert County granite base upon which the Russell bust will rest. Former 10th District Congressman, Robert G. Stephens, who served 10 years with Senator Russell in Washington, was also introduced.

The bust was presented to the county on behalf of the Russell family by the Senator's nephew and namesake, Judge Richard B. Russell III, a Winder lawyer, and was accepted on behalf of the county commissioners by Mrs. Anne J. Segars, who heads the board of county commissioners.

The orator of the day was R. Harold Harrison of Bethlehem, Ga., president of Harrison Poultry, Inc., and for over 20 years a member of the county board of education. The event was concluded with a prayer by Rev. Don C. Manning, pastor of the First Christian Church of Winder.

The full text of Mr. Harrison's address, which so fairly and adequately portrays the character and service of Senator Russell follows:

Mr. Chairman, members of the Russell family, other distinguished guests, ladies and gentlemen:

We are here today to pay tribute to a native son. We are also here to pay tribute to a great American.

Few men in the history of our country have obtained the heights and respect in Government that he achieved. I recall the words of the late Rev. Collins, former pastor of the First Baptist Church in Winder, several years ago in describing Senator Russell.

He said, "in every forest there are a few trees that grow a little larger and a little taller and tower over the others. So it is, he said, with men." To me this is a perfect description of the man we come to honor today. Every year of his public career—he grew larger and taller, until he became the No. 1 man in the United States Senate. He obtained this position not only by seniority but through character, integrity, astute statesmanship and outstanding leadership.

Back in the 20's and 30's when I was growing up, there were only two men in Georgia politics that I knew much about. One was Dick Russell and the other one was Gene Talmadge. In those days the strong Talmade supporters were often referred to as dyed-in-the-wool Dick Russell men. So, I became a dyed-in-the-wool Dick Russell man at an early age. The older I get the more I can appreciate the many contributions he made to his State and Nation.

He began his political career, when he was elected representative from Barrow County to the Georgia General Assembly. He was a member of that body for 10 years. The last four years he was speaker of the house, having obtained this position at the age of 29. Four years later he was elected Governor. At the age of 33 he was the youngest Governor in the Nation and the youngest chief executive in the history of our State. He guided Georgia through the Great Depression, by adopting a rigid fiscal policy. One of his first economic moves was to reduce his own salary by $3,950—which was a lot of money in those days. His total expenditure from 1932 was only $35 million and $13 million of that was capital outlay. Once I heard him tell Governor Vandiver—you boys spend more money in 1 day now than I spent in a whole year.

Under his leadership as Governor a unified university system was established with a single board of regents. This laid the foundation for the present university system.

In 1932 he was elected to the United States Senate. He entered the Senate in January of 1933, where he became the youngest Member of that body. There he served for 38 years. He was the only man to serve more than half his life in the United States Senate. In time he became president-pro-tem of the Senate.

With his great ability he soon became a rising star in this great body. He was floor leader for the 1936 act that created the Rural Electrification Administration that brought electricity to millions of rural homes.

He was author of the school lunch program that brought hot meals to millions of American schoolchildren. This was one of his proudest achievements during his Senate career.

Senator Russell pioneered a number of agriculture, conservation and forestry programs. He was a vigorous proponent and development of water and river resources. He was instrumental in securing funds to develop projects on the Savannah, Flint, Chattahoochee and other Georgia rivers.

He was an outspoken champion for States' rights and was engaged in many heated battles to preserve and maintain constitutional Government. As leader and chief strategist for the Southern bloc of Senators, he fought many bills that he believed to be contrary to the constitution, politically inspired and punitive in nature to the people of the South.

For 17 years, he served as chairman of the Senate Armed Forces Committee. He was considered the foremost authority in Congress on military affairs. He was a champion of American servicemen and women. He led the way for many military pay raises. He was also a forceful champion of a strong military defense for the Nation and the free world. He was frequently consulted by Presidents, Secretaries of State and Defense on matters affecting national security and international affairs.

As chairman of the Armed Forces Committee, he was in position to help our State participate in defense affairs. President Johnson once said, "Dick Russell and Carl Vinson had made Georgia the strongest military fortress in the world." He was also a ranking member of the Aeronautical and Space Sciences Committee and the Joint Committee on Atomic Energy.

As chairman of the Armed Forces Committee, he received national praise for his judicious and impartial handling of a committee investigation of President Truman's dismissal of Gen. Douglas MacArthur. He was also, one of seven members selected by President Johnson to investigate the assassination of President Kennedy.

Later he gave up chairmanship of the Armed Forces Committee to become chairman of the Senate Appropriations Committee. In this position he had great power in approving or disapproving all Federal expenditures.

Many writers and commentators have referred to him as the most influential man in the inner circles of the Senate. He was often referred to as a Senator's Senator.

In a poll conducted by a number of national magazines to determine the Senate's most effective member, Senator Russell was consistently selected. He appeared on the cover of every major news magazine in the country.

As a life-long democrat, he occupied a position of leadership within his party in the Senate. He was a member of the policy committee as well as the steering committee.

On two occasions Senator Russell's name was put forward for the Democratic Presidential nomination. In 1948 he received 263 votes and in 1952—294 votes. President Truman noted in his memoirs that if Russell had been from Indiana, Missouri or Kentucky, he may have well been President.

At his death, on January 21, 1971, he was eulogized as one of the most outstanding men even to grace the Halls of Congress. He had been an influential force in his country's Government, for nearly a half century. He had walked with Presidents, prime ministers, kings and queens—yet he retained to the end—a disarming simplicity and a love for the scenes of his youth. A giant of the forest had fallen and his passing left a conspicuous gap on the national horizon.

On the day of his funeral, I was standing in line with hundreds of others, at the Russell homeplace to view the body. I turned around and directly behind me in line was a tall man that I immediately recognized as Senator Hubert Humphrey. I introduced myself, and we talked for about 10 minutes. Time does not permit me to tell you all the fine things he had to say about Senator Russell, but he summed it up in one sentence by saying—he was one of the greatest. This was quite a compliment, from a distinquished colleague, who often found himself on the opposite side of many great issues, that Senator Russell fought for.

All of us here today know and appreciate the role he played in helping to shape the destiny of our country. Unfortunately our country did not always follow his advice. But this has been true with many of our great leaders. Over a century ago the United States Senate had three outstanding men by the name of Webster, Calhoun and Clay. The advice of these men, with all their prestige and influence was not always followed. Henry Clay once said, "I had rather be right than be President." I am sure this philosophy guided Senator Russell through some perilious times and hard fought battles.

When the history of the 20th century is finally recorded his name will occupy an important place. Parts of this history may be entitled the "tragedy of errors," which he so often warned against. One example of this

would be his admonitory views of the Vietnam war.

He has already been honored in many ways. The Senate Office Building in Washigton has been named the Richard B. Russell Office Building—the Federal Building in Atlanta that bears his name—a statue on the lawn of our State capital—a nuclear submarine named for him—the U.S.S. *Richard B. Russell*—The Richard B. Russell Library at the university in Athens—the Russell Dam and many more. We thought it fitting that a bust of him should be placed in the lobby of the courthouse—where his career began some 61 years ago. We in Barrow County take great pride in the accomplishments of our native son, but above all we are proud of the fact that he was our friend and neighbor.

The key word often used in describing Senator Russell is the word great. The dictionary defines great as much more than ordinary, much higher in quality, eminent, important, illustrious, and superior. All of these words describe him but why—why was he great? Different people would give different answers. It was due to many reasons. First he had a great heritage. He inherited a keen mind. This keen mind was trained and developed. Even more important it was disciplined by hard work, love, compassion, and humility. We don't always find this in political life today. Some put self before country, but Dick Russell put country before self. As a result of this unselfish career, all Americans and many people around the world reaped the fruits of his labor.

Here are a few excerpts from the many tributes paid to him by his colleagues on the floor of the Senate.

Senator Javits of New York: We can only hope and pray that another Member or Members can be found that will measure up to his ability and make his voice count as much as Richard Russell.

Senator Church of Idaho. His passing is like the felling of a great tree in a small forest. No other loomed so large as he in this Senate, that he loved and served so well.

Senator Brooke of Massachusetts: It's been said that Senator Russell's father once told his seven sons that "all of them could not be brilliant, all of them could not be successful, but all of them could be honorable." It's our privilege to have known and now honor a man that was all three.

Senator Byrd of Virginia: Actually over a long period of time as U.S. Senator he wielded almost as much power and influence as did a President. Presidents relied on his judgment—just as did his colleagues in the Senate.

Senator Ervin of North Carolina: I have frequently said that Dick Russell was the best qualified man of his generation—qualified by education, qualified by learning, qualified by experience, and qualified by dedication to be president of the United States.

Senator Margaret Chase Smith of Maine: I agree with those that say that Richard Russell should have been president of the United States. I wish he had, not only, because he has been one of the most eminently qualified to be President—not only because he so richly deserved to be President—but even more important because our Nation would be a better nation had he been President.

These are only a few quotes from more than 80 Senators that rose to pay tribute to their departed friend.

To the young people here today and throughout our state, who are planning on entering the political arena, I would suggest that you first study the life and history of Dick Russell. Society and issues change, but the fundamental principles for which he stood never change.

In a few minutes we will go inside the courthouse and unveil a marble bust. But let's remember this bust symbolizes more than we can see.

1. It symbolizes a half century of love and devotion to his country.

2. It symbolizes a public career above and beyond the call of duty.

3. It symbolizes a degree of intelligence and integrity seldom witnessed on the political scene.

4. It symbolizes a great American who gave his life to his country.

5. In the words of Senator Humphrey, "It symbolizes one of the greatest."●

HERITAGE HILL—SUCCESSFUL THROUGH VOLUNTEERISM

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. ROTH. Mr. Speaker, I would like to call this body's attention to one example of how volunteerism has created one of the finest and most interesting State parks in Wisconsin.

In my district, one of the favorite historical attractions in Heritage Hill State Park in Green Bay. It is a restored area of homes, schools, and commercial buildings from the time when Green Bay was first established.

Last year 66,000 people visited there.

One of the unique aspects of the park is that for all practical purposes it is managed and operated by a volunteer guild. The guild, with 520 members, is the largest volunteer organization in Green Bay. Members of the guild are in Washington during this weekend.

The guild was founded in 1979 with just a few members, but quickly grew and last year its members contributed more than 17,000 hours of service to the park. That time, translated into a monetary value, would represent about $60,000.

A recent audit by a legislative panel disclosed that because of this kind of volunteer support—Heritage Hill—one of the most popular parks in the State, is also one of the most economical for the State to operate.

I commend the guild members and their fine spirit of volunteerism.

[From the Green Bay Press Gazette, Friday, September 24, 1982]

HERITAGE HILL A GOOD EXAMPLE

Wisconsin's Legislative Audit Bureau has learned what many folks in this area already knew—that Heritage Hill State Park is a successful operation.

State inspectors were impressed that the park has prospered—drawing more visitors and continuing its development—with a combination of local support and a small subsidy.

That is in contrast to some parks operated by the State Historical Society.

The society's Old World Wisconsin Park in Waukesha County carried a $5 million price tag in 1982. At Heritage Hill, which is owned by the Department of Natural Resources and operated by a local non-profit foundation, the State's net operating subsidy was only $55,530.

Cost overruns for Old World Wisconsin and a Historical Society Museum in Madison spurred the Legislative Audit Bureau's study.

The auditors decided that the society's resources "are seriously overextended" at a time when attendance at some sites is low, and operating costs continue to rise.

There are about 100 locally operated historic sites in the state, the auditors found. Heritage Hill, one of the largest, drew 15,800 in 1978, 66,000 in 1981, and is slightly ahead of that pace this year—with the Christmas season still ahead. Old World Wisconsin, close by the metropolitan Milwaukee area, drew 74,000 visitors last year.

State auditors gave the Historical Society high marks for "operating quality sites with a relatively low proportion of (state) support for a program whose prime purpose is public education." But there is obvious concern that rising costs and attendance problems could force curtailment—or closing—of some sites.

The Heritage Hill story won't be duplicated every place. But the park offers an example of what can happen when intelligent professional management and local interest combine to make a state facility a resource of growing value.●

TRIBUTE TO MONTY STRATTON

HON. RALPH M. HALL.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. RALPH M. HALL. Mr. Speaker, on Tuesday, September 28, 1982, this country lost one of its most distinguished and beloved citizens, Monty Stratton, 70, a lifelong resident of Greenville, Tex. Monty was a very devoted family man, a true professional, and a kind and considerate individual.

Stratton won fame as pitcher for the Chicago White Sox during the 1934-38 seasons. In 1938 he was named to the All-Star Team.

Stratton lost his right leg in a hunting accident in 1938, but made a successful minor league comeback in 1946 pitching for Sherman, Tex., in the East Texas League. That year he won 18 games and lost 7 playing on his artificial leg.

In 1946 he was named "Most Courageous Athlete" and in 1961 was inducted into the Texas Sports Hall of Fame. In 1980 he was inducted in the Texas Baseball Hall of Fame.

His comeback in 1946 prompted the making of the movie "The Stratton Story" which starred Jimmy Stewart and June Allyson. According to screenwriter Douglas Morrow, another actor, Ronald Reagan, sought the title role, but because Reagan was under contract to Warner Brothers he was re-

fused the part for fear the movie would be a failure.

Stratton is survived by his wife, Ethel, of Greenville, Tex., one son, Monty Stratton, Jr., of Marthasville, Mo.; a sister, Mrs. J. S. Steen of Merit, Tex.; two brothers, Robert Stratton of Merit and Leslie Stratton of Greenville; a grandson, three granddaughters, and one great grandson.

Monty Stratton was a great man, a great baseball player, a fine family man, a great friend, and true profile in courage, He will be sorely missed.●

BLACKS AND FOREIGN POLICY: A NEW ROLE

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mrs. CHISHOLM. Mr. Speaker, as black Americans play an increasing role in shaping U.S. foreign policy objectives, there will be a need for public interest groups which reflect the interests of black Americans in this area. The Caribbean Action Lobby is an organization which attempts to address U.S. relations with the Caribbean from the perspective of black Americans. Recently, the lobby sponsored its second annual seminar in conjunction with the Congressional Black Caucus. I have enclosed the opening remarks of the caucus chairman, our colleague from the District of Columbia, WALTER E. FAUNTROY. I commend these remarks to the attention of the Members of the House for a new insight into the role of blacks in our Nation's foreign affairs.

REMARKS OF HON. WALTER E. FAUNTROY, CHAIRMAN, CONGRESSIONAL BLACK CAUCUS

GREETINGS

Brothers and sisters, good morning and greetings from the Congressional Black Caucus, two beautiful Black women and sixteen Black men, who, together on Capitol Hill seek to move our Nation on to the high road of the principles it enunciates but so often, as we see now, fails to live up to. On behalf of the eighteen members of the Congressional Black Caucus, I am pleased to welcome you to this our Third Annual Congressional Black Caucus Caribbean Seminar and to publicly recognize and again thank my colleague and the leader of our Task Force on the Caribbean, Congressman Mervyn Dymally for the informed, energetic, and principled leadership he has brought to the Caucus on Caribbean issues.

My welcome to all of you here comes at a very crucial and dangerous moment in the history of the United States of America, the Caribbean, and the world. There is a fierce wind blowing. It is a harsh cold wind, a threatening wind and it is a wind whipped up by the Reagan Administration that has chosen to align itself with the intellectual and immoral heritage of the slave owners and plantation owners whose greed pillaged Africa, the Caribbean, and the United States of America.

My welcome is part of a challenge to you and a challenge to the Congressional Black Caucus to build a Black leadership family in our Nation, our hemisphere, and the world to tame that harsh, cold wind and force it to blow more gently on the poor and oppressed.

It is of particular importance that we in the Western Hemisphere recognize that we are family, that Black Americans and people from the island nations of the Caribbean are brothers and sisters caught in an involuntary African diaspora. The only difference between us is that the slave ships stopped at different points in the Americas. We are cousins in the African family and it is in this spirit that I bring greetings on behalf of the Congressional Black Caucus.

MESSAGES

My message today revolves around two basic ideas whose time has come and which require commitment and action. The first idea is the idea that the Congressional Black Caucus has a responsibility to lead Black Americans to the understanding that we here in North America are a valuable constituency for Black people wherever they may be. The second idea is that since this is true, it is of critical importance that those of us who live in the United States of America of Caribbean and African identity begin to act like a family and begin to work for in microcosm in the United States of America what we long to have in macrocosm around the World.

On page 38 of "The Black Leadership Family Plan For The Unity, Survival, and Progress of Black People," the Congressional Black Caucus and others in the Black Leadership Family of the United States of America recognized our responsibility to lead Black Americans to the understanding that we are a valuable constituency for Black people in the Caribbean, on the continent of Africa, and wherever Black people are found in diaspora in the world. The impact of thirty million Black voters in the United States of America on U.S. foreign policy can be the leaven in the bread that will cause the quality of life for Black people in the Caribbean and Africa to rise.

The Congressional Black Caucus working through our Foreign Affairs Braintrust and its Chairperson, Congressman William Gray, who is with us this morning, has a proud record of meeting this responsibility for international leadership in the 97th Congress.

The Congressional Black Caucus through the work of Congresswoman Shirley Chisholm and the Task Force on Refugees on which I also serve had led the Nation and the world on the question of the Haitian refugees.

The Congressional Black Caucus through the work of Congressman Julian Dixon, who will be chairing a panel today, provided key leadership on the Subcommittee on Foreign Operations of the Committee on Appopriations in re-allocating dollars in the Caribbean Basin Initiative to the island nations of the Eastern Caribbean.

Congressman George W. Crockett, who sits on both the Committees on the Judiciary and Foreign Affairs, is now providing leadership on Immigration issues as he has also on matters such as our relations with Cuba, Grenada, and Haiti.

Congressman Charles Rangel, the third ranking Member of the powerful Committee on Ways and Means, has a long and distinguished record of involvement with the Caribbean and now is providing leadership on issues of trade and tariffs so important to the economic well-being of the Caribbean nations.

Congressman Ronald V. Dellums our leader on Defense matters has been profoundly critical and active in opposing our militaristic policies toward Grenada and Cuba.

Congressman Mickey Leland, our team leader on Central America, has been on the cutting edge of resistance to our Government's misguided and immoral policies in Central America.

THE CARIBBEAN IMMIGRANT RESPONSIBILITY

However, we in the Congressional Black Caucus need the help of the Caribbean immigrant community to be more effective in addressing the challenge posed by the Reagan administration and the reactionary forces it represents. If we are to be more effective in moving our government's policies from those of domination to cooperation, we need the assistance and guidance of the Caribbean immigrant community.

Specifically, we need a partnership with the Caribbean immigrant community as we in the National Legislature seek to impact on our Government's policies towards the Caribbean. Assistance is needed by us in organizing and interpreting the Black experience in your home countries so that we can be more effective as legislators on matters such as transfers of technology and capital, trade and aid, and diplomatic relations.

The Caribbean immigrant community can help us and itself by vigorously participating in the political process. Those of you who choose and are in a position to do so may wish to give serious consideration to becoming U.S. citizens and voters and join our Action-Alert Communication Network in the Congressional District where you reside.

In short we need our brothers and sisters in the Caribbean immigrant community involved with the Congressional Black Caucus and with our magnificent lobby for Africa and the Caribbean, Transafrica.

Your expertise and political involvement is needed, indeed required, if we are to be as effective as the situation we face demands.

Finally, I want to express my excitement with the agenda that is on the table at this Caribbean seminar. The substance of the agenda is a map that points to the building of the partnership which I am asking for on behalf of the Congressional Black Caucus. The agenda before you mirrors the challenge addressed in the "Black Leadership Family Plan For the Unity, Survival, and Progress of Black People." The Caribbean immigrant community is part of that family, and by working together in unity and with God's help, we will survive and progress.

God bless you and I look forward to the guidance that the Congressional Black Caucus will receive from this seminar as we prepare for the work of the 98th Congress.

INTRODUCTION OF LEGISLATION RESTRICTING CORPORATE MERGERS

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. LEACH of Iowa. Mr. Speaker, today Mr. SCHUMER and I are introducing legislation to restrict large-scale corporate mergers and acquisitions.

When Calvin Coolidge proclaimed that "the business of America is business," he most certainly did not have the Bendix-Martin Marietta-United Technology-Allied corporate acquisition fiasco in mind.

This latest exercise in futility on the part of a few oversize executive egos is just the most recent episode in a growing litany of greed. First it was Du Pont taking over Conoco while Seagram was becoming Du Pont's largest stockholder; next United States Steel and Mobil Oil fought for the right to merge with Marathon Oil; then Coca-Cola acquired Columbia Pictures. It has been called merger mania, and there seems to be no end in sight.

Even when unsuccessful, these takeover attempts cost enormous sums of money. In the tangled four-way struggle involving Bendix, Martin Marietta, United and Allied, Bendix expended $575 million of its own cash and had to arrange credit lines for another $1 billion from a consortium of banks. To finance its efforts in the struggle, Martin Marietta was forced to borrow $892.5 million.

At current borrowing rates of approximately 14 percent, these two companies alone could have temporarily faced combined interest charges exceeding $22 million a month. As the smoke begins to clear, the only winners appear to be the investment bankers, lawyers, and public relations agencies hired by the firms involved; in all, the four companies are estimated to have spent $20 million on outside help of one sort or another in their efforts to swallow each other.

Aside from the potential injuries to the pride of the wheeler-dealers who play Monopoly with real money, the eventual losers in these high-stake games are the taxpayers and the American economy. For all the huge amounts of money and energy expended, not one new job was created, not one new piece of equipment purchased or capital improvement made, not one new product developed.

Moreover, when billions of dollars are borrowed on a short-term basis from the banking system to finance the acquisition of one company by another, the cost of borrowing money for everyone is forced up. Interest rates—the biggest single barrier to economic recovery—remain high, new homes and cars remain beyond the reach of the vast majority of potential buyers, and the housing and automobile industries and their suppliers remain depressed. Thus not only do these mergers not create anything new in the way of jobs or increased productivity, they take jobs away from and stifle the recovery of our most basic industries.

To add insult to injury, the interest on money borrowed to buy the common stock of another corporation is tax deductible. The resulting loss of revenue to the Treasury must be made up from other sources, thus causing taxpayers to foot part of the bill for these merger games.

Some mergers do in fact strengthen the companies involved and the economy at large. But the burden of proof and cost should fall on the corporations involved, not the public. Accordingly, I am convinced it is time to make mergers more difficult and less costly to the economy as a whole.

One approach is to change our Federal tax policy to stop the subsidizing of mergers with public funds. To accomplish this, I have cosponsored legislation which would end, for a temporary period, the tax deductibility of interest on loans made to finance large corporate takeovers, Enactment of this legislation would not prevent mergers, but it would eliminate one incentive in our tax laws which encourages corporate takeovers.

A second step needed to inject some sanity into the financing of corporate mergers is embodied in legislation Mr. SCHUMER and I are introducing today. Our bill would authorize the Board of Governors of the Federal Reserve System to require commercial banks which plan to assist in the financing of any part of a corporate acquisition or merger involving more than $100 million to notify the Board of such anticipated financing arrangements.

The Board would be authorized to disapprove any proposed deal if it was determined the corporate acquisition involved could not be reasonably expected to produce benefits to the public. Factors to be considered in such a decision would be whether the merger would create increased employment, competition, or gains in efficiency and productivity outweighing such possible adverse effects as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices.

There may be disadvantages in requiring the Federal Reserve Board to enter into areas of judgment which hitherto have largely been the responsibility of the FTC and the antitrust Division of the Justice Department. But given current economic circumstances, and given what is in effect new criteria of law that goes beyond historical antitrust concerns, the Federal Reserve Board stands out as the most flexible and least costly implementary institution.

Faced with inflation induced economic stagnation, Congress in the past year and a half has fundamentally changed tax policy to inject greater incentives into the economy. In the long run, these incentives in the form of lower taxes and more flexible depreciation schedules should spur real economic growth. But in the short term, the Reagan economic program is jeopardized by the marshaling of the capital resources of America to concentrate ownership instead of creating new jobs.

Accordingly, Congress has a responsibility to strengthen the American free enterprise system by increasing the availability of constructive credit—that is, credit that helps the economy: People, consumers, productivity, new products, research, and industrial expansion.

The bottom line should not be a system designed to pad the portfolios and egos of a few individuals in the boardrooms of bloated conglomerates, but the create of what we need most in America today—jobs.

Mr. Speaker, below is the legislation Mr. SCHUMER and I have introduced today:

H.R. —

A bill to amend the Federal Reserve Act to require prior notification to the Federal Reserve Board of certain financing by commercial banks

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That section 14 of the Federal Reserve Act (12 U.S.C. 353 et seq.) is amended by inserting at the end thereof the following new subsection:

"(i)(1) The Board of Governors of the Federal Reserve System is authorized to require commercial banks which plan to assist in the financing of any part of a corporate acquisition or merger involving more than $100,000,000 in financing to notify the Board of such anticipated financing.

"(2) The Board may disapprove any proposed financing if the Board determines that the corporate acquisition or merger involved cannot reasonably be expected to produce benefits to the public, such as increased employment, increased competition, or gains in efficiency, which outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices.

"(3) The Board shall issue such rules and regulations as it deems necessary in order to enforce the requirements of this subsection.

"(4) For purposes of this subsection—

"(A) the term 'Board' means the Board of Governors of the Federal Reserve System;

"(B) the term 'commercial bank' means any national bank and any State bank; and

"(C) the term 'State bank' shall have the same meaning given such term in section 3 of the Federal Deposit Insurance Act.".

BILL TO ESTABLISH A MERCHANT MARINE MEMORIAL

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BIAGGI. Mr. Speaker, in the early 1940's the United States was faced with the greatest challenge of our history. As part of that struggle, we developed a complex worldwide system to resupply our troops and allies. The backbone of that system was a fleet of vessels popularly called

the ugly ducklings, but formally known as liberty ships.

In the brief period of 1941-45, U.S. shipyards constructed 2,770 of these vessels. At the time construction of this armada began, the axis powers sinking 500,000 tons of Allied shipping each month in the North Atlantic alone. The liberty ships and those who served on them constituted a vital part of what General Eisenhower called the fourth arm of defense.

After the war, liberty ships served various functions: Some became naval auxiliary vessels—many were utilized as break-bulk transports by United States and foreign shipping lines—and a number were ultimately used in artificial reef projects.

In 1945, the *John W. Brown*—one of the liberty vessels built at Baltimore's Bethlehem Fairfield Shipyard—became the Nation's first—and to my knowledge—only maritime high school. Since 1945, the *John W. Brown* has been used by the New York City Board of Education to teach young people the necessary skills to prepare for service at sea.

The board of education has now decided to cease utilizing the *John W. Brown* as a training vessel, and she is scheduled to be returned to the Maritime Administration.

Today, I am introducing legislation to transfer the *John W. Brown* from MarAd to a nonprofit organization. The *John W. Brown* preservation project will transform one of the last remnants of that great liberty fleet into a merchant marine memorial museum. The project will obtain all of its funds from private contributions and will create a permanent living memorial to those valiant seamen who gave their lives so that others might live in freedom.

Our merchant mariners have long been neglected and ignored; however, this legislation will create a suitable memorial to the valiant men and women who served with distinction, and I ask my colleagues to join me in supporting it.●

MR. LABOR, JOE MADZELONKA

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. MOTTL. Mr. Speaker, some 35 years ago a 17-year-old youth joined the Retail Store Employees Union in Cleveland, Ohio.

Today that youth, Joe Madzelonka, heads the 16,000 member Retail Store Employees Union, local 880, looking out for the welfare of the men and women who labor in our retail stores.

The Retail Store Employees Union dates back to the early 1920's and was in the forefront of this Nation's labor movement which has done so much for the working man and woman.

Joe Madzelonka's rise within the union was predictable. He joined the union staff some 27 years ago and was elected president of the union in 1975.

This 51-year-old Polish American has also given service to his country. He spent 2 years in the U.S. Army during the closing years of the Korean war.

He was recently honored by 500 people at a banquet to commemorate his work in selling bonds for the nation of Israel.

Joe and his lovely wife, Mary, have three daughters and one son and still make their home in Westlake where Joe has lived and progressed since moving from Pennsylvania at the age of 7.

Joe Madzelonka can serve as a role model for other aspiring labor leaders. His honesty, integrity, and word, have never had to be questioned.

He exists for two reasons—his family and his union.●

NORTH CAROLINA BUSINESSMEN ENCOUNTER BARRIERS TO TRADE WITH JAPAN

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. NEAL. Mr. Speaker, American businessmen trying to sell goods and services in Japan continue to encounter numerous trade barriers there. Recent negotiations between Japanese and United States trade officials may lead to the solution of this problem. So far, however, we have heard many promises and seen few results.

Jan Stucker, a staff writer for the Charlotte (N.C.) Observer, recently interviewed several North Carolina businessmen who have tried unsuccessfully to penetrate the Japanese market. Their stories illustrate the complexity and discouragement that U.S. companies encounter in Japan.

I would like to submit the Charlotte Observer article for publication in the RECORD so that my colleagues may read some vivid examples of what we are up against in dealing with Japan. We can and must improve our trade relationship with Japan; we can overcome much of our huge trade deficit with that country—estimated at $18 billion this year. But improving that relationship will require much more effort on the part of the Japanese.

The article follows:

[From The Charlotte Observer, Aug. 30, 1982]

CAROLINAS FIRMS SEEKING OPENING IN JAPAN TRADE

(By Jan Stucker)

Three years ago, Charles DuBose, president of a Roseboro-based trading company called DuBose International, decided to start doing business with Japan.

"I had clients who wanted to sell pork, poultry, furniture—all kinds of things," he says. So DuBose went to Japan, hired a Japanese businessman experienced in the ways of trading companies, and brought the man to North Carolina for six months, where he was a guest in DuBose's home.

Despite his efforts, DuBose still hasn't peddled his first item in Japan. The powerful farmers' union in Japan lobbied hard to keep out food items that DuBose wanted to sell, and his company has been unable to break into the country's ancient distribution system—several layers of middlemen that work like an exclusive club.

"We've chased and chased and chased," DuBose sighs. "It's very easy to buy from the Japanese, but not to sell to 'em."

It's a familiar complaint from Carolinas business executives who want greater access to Japanese markets, and who claim that the Japanese aren't playing fair. The Japanese ". . . have seldom focused on the fact that trade is a two-way street," wrote Ted Sumner, chairman of Charlotte-based First Union National Bank in a recent issue of Business Perspectives, a monthly newsletter for small-to-medium businesses.

Japanese Prime Minister Zenko Suzuki says he doesn't understand all the criticism. He points to Japan's gradual cutting of tariffs since the early 1970s, removal of many quotas, and easing of controls on foreign investment. But critics say that while formal trade barriers may be coming down, a tangle of cultural barricades remain, notably a distribution system based on long-term personal relations that is unfriendly to outsiders. A host of bureaucratic regulations and other strategems, including time-consuming approval requirements, also remain.

These formal and informal trade barriers, critics say, have prevented any American product from capturing even 10 percent of the Japanese market.

The Japanese, on the other hand, according to the U.S. Department of Commerce, have 23 percent of the U.S. car market, 90 percent of motorcycles, 50 percent of recording equipment, 50 percent of radios, 30 percent of cameras, and 25 percent of televisions.

In the process, the U.S. trade deficit with Japan soared to a record $10 billion for the first six months of 1982, up from $15.8 billion for all of 1981. In 1976, America's trade deficit with Japan was just $5.4 billion.

Gary Davidson, a 48-year-old Newport Beach, Calif, lawyer, says those figures make him angry, and he's betting that he is not alone. Davidson is using Charlotte as a sort of test market to convince Congress to fight back.

Through a series of eye-catching advertisements which began in July in Charlotte newpapers (placed by his old friend, Max Muhleman, of Matthews Muhleman McLean Inc., a Charlotte-based advertising agency), readers are being urged to lend their support to a campaign "to see that emergency action is taken to correct the inequities in our foreign trade."

The ads are blunt: "If We Had Protected Our Country The Way We Protect Our Trade Rights, We'd All be Speaking Japanese Today," reads one. "It's no wonder that some say we're becoming 'an economic colony of Japan,'" says another.

So far, 112 Charlotteans have clipped the coupons accompanying the ads, demanding U.S. action. At the end of the local campaign, Davidson will weigh the Charlotte re-

sponse to decide whether to start a nationwide grassroots campaign.

Critics like Davidson often single out Japanese "Administrative regulations," better known as red tape. "There are so many of these regulations that it's hard to get a handle on them," says Jeffrey Arpan, a professor of international business at the University of South Carolina and a specialist on Japan.

The red tape often is couched in safety and environmental concerns, says Arpan, so it's hard to attack them directly.

Imported Japanese-made autos, for example, need only a manufacturer's label certifying that the cars meet American safety standards. But before an American car can be sold in Japan, its government requires volumes of documents on standards for each model, plus local testing of most vehicles—requirements that add as much as $500 to the retail price.

This cuts down on American car sales in Japan, a fact that has a direct effect on the Carolinas, which makes carpeting and other textile products used in autos.

Inspection processes required for many foreign products are also a problem. The University of South Carolina's Arpan remembers one case when Japan had only one inspector to authorize an American company's product. That inspector was out of the country most of the year.

Responding to increasing international criticism of such tactics, the Japanese government announced a series of "market-opening measures" in late May. Monthly talks are being held by Japanese and U.S. officials to ensure implementation, though American officials said earlier this month that more work needs to be done.

Manufacturers of three mainstay industries in the Carolinas—finished tobacco products, textiles and furniture—are watching those talks closely. None of the trio has made significant inroads into Japan's potentially huge market of 116 million people.

With the cigarette industry at least, it's not for want of trying, says Mike Morrison, director of public relations for R. J. Reynolds Tobacco International, a subsidiary of Winston-Salem-based R. J. Reynolds Industries Inc.

Reynolds and two other American cigarette manufacturers—Philip Morris and Brown & Williamson Tobacco—have banded together to plead for better access to Japan, where four in 10 people smoke, compared to three in 10 in the United States, where per capita consumption has been decreasing since 1975.

Japanese government restrictions, say American cigarette manufacturers, have limited imported brands to slightly more than than 1 percent of the $10-billion-a-year retail sales. A 35 percent Japanese tariff plus other taxes mean that local brands sell for 45 cents a pack less than the $1.25 price of American cigarettes. In addition, sharp restrictions on U.S advertising and promotion activities, and having to rely on their competitor—the government tobacco monopoly, the Japan Tobacco and Salt Corp.—for distribution of their products, have made most efforts to increase American cigarette sales go up in smoke.

Carolinas textile and apparel industries haven't had much better luck. In 1981, according to the U.S. Department of Commerce, American textile exports totaling $106.8 million accounted for 1.3 percent of Japan's market; American apparel exports to Japan totaling $62 million accounted for 2 percent. By contrast, Japan exported $698 million worth of textile and apparel products to the U.S. in 1981.

Some American apparel products sell well in Japan—sportswear, for example. "Japan looks to the U.S. for casual styles, and we've been able to penetrate the Japanese market in the sports and leisure area," says Larry Brill, a spokesman for the U.S. Department of Commerce office of textiles and apparel.

But American government officials say frankly that increasing textile exports to Japan isn't a high priority. "Our problem is trying to keep foreign imports out (of the U.S.) rather than sell more abroad," Clyde Prestowitz, deputy assistant Commerce Department secretary, said in a recent interview.

Prestowitz and others say the biggest reason why the door to Japan has been barely cracked to American textile and apparel products is a distribution system that operates on long-term personal relations and is often hostile to outsiders.

"Japan's retailers have been doing business with the same (Japanese) wholesalers for 150 years," says Walter Johnson, the N.C. Department of Commerce's liaison with Japan. "It's very hard to break into that network."

The story is the same for most Carolinas furniture makers, who manufacture about 25 percent of America's furniture but who so far have made few inroads into Japan. (Drexel Heritage Furnishings Inc. of Drexel, N.C. is an exception.)

Furniture-making is an ancient industry in Japan and as with textiles, the retailers have dealt with the same wholesalers for a century and a half, says the University of South Carolina's Arpan. The fact that the Japanese homes traditionally have little funiture hasn't helped.

Sales of U.S.-made wooden, household furniture in Japan were only $2 million in 1981. By comparison, sales to the United Kingdom—an entity with 60 million fewer people—were about $12 million.

But the outlook for U.S. furniture sales in Japan is upbeat, say government and industry experts, as Western-style furniture is becoming increasingly popular in Japan. The Japan Retail Furniture Association, an industry trade group, will visit the Southern Furniture Market this October in North Carolina, with an eye to increasing sales of American furniture in Japan.●

THE IMPACT OF TEFRA ON HIGH TECHNOLOGY

HON. BILL ARCHER

OF TEXAS

In the House of Representatives

Friday, October 1, 1982

● Mr. ARCHER. Mr. Speaker, at a time when American investment in research and development is falling relative to previous levels and to our foreign competition, any additional hinderance of capital formation in high-technology research and development would have a disastrous long-term impact on economic growth.

I am concerned that the Tax Equity and Fiscal Responsibility Act of 1982 might place high technology growth in serious jeopardy. In an attempt to close an alleged loophole, this bill could create an artificially low limit on tax benefits for risks incurred in high technological research and development.

Unlike other business ventures, high-tech R&D requires investors who have little hope of certain success or profit. The nature of R&D is so highly speculative and future oriented that it is not subject to any exact type of legislation.

In the section entitled "Abusive Tax Shelters," the provision for gross valuation overstatement, while satisfactory for a few industries, could have an unintended but harmful effect on future high-tech research and development. To assume that an exact valuation could be reasonably placed upon research activities in their infant stages is very doubtful.

The Senate Finance Committee acknowledged in its report on H.R. 4961 that methods already exist to attack abusive tax shelters that rise to the level of violation of law. For example, the Securities and Exchange Commission has powers that may be directed toward fraudulent tax shelter promoters.

In the new tax bill, the Internal Revenue Service sought the ability to simplify methods of blocking tax shelters which at first glance might appear to be abusive. With a 2-to-1 overvaluation guideline, the IRS will have the ability, on the basis of the offering itself, to seek injunction against further sale of an offering.

As a member of the conference committee on this legislation, I am of the firm belief that the IRS should not use this valuation guideline as more than a litmus test to make more easy the audit and enforcement of returns involving readily ascertainable valuations. If the statute becomes an abusive club to eliminate from the marketplace those engaged in high-tech research and development, the economic consequences could be disastrous. Such actions by the IRS would not serve the Nation well. This could have the result of drying up the $2.5 billion per year in private venture capital that is presently being used to finance risk-oriented research based on high technology. It is my belief that the conferees did not intend to reduce in any way the competitive advantage of this Nation vis-a-vis other nations engaged in technological research and development.

It is hoped that the IRS will be mindful of its past experiences, in which the courts have cautioned the IRS about forcing its own standards of value upon technological innovations. In *Snow* v. *Commissioner,* 416 U.S. 500 at page 503, the United States Supreme Court established primacy of private sector research and development as follows:

• • • this provision will greatly stimulate the research for new products and new inventions upon which the future economic

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and military strength of our nation depend. It will be particularly valuable to small and growing business.

Additionally, in *Service Recorder Co.* v. *Routzhan,* 24F.2d 875, the Court held:

The value of a thing is not always and solely to be determined by precise mathematical computation based upon cash exchanged therefor; and values are sometimes enhanced by faith in the ultimate future of the thing for which those having such faith are willing to hazard their time, money and effort.

Finally, it is noteworthy to mention the U.S. Board of Tax Appeals case of *Bernice Brown* v. *Commissioner of Internal Revenue,* 25 U.S. Board of Tax Appeals Report 814, where the Court overruled IRS attempts to substitute its own judgment for that of an entrepreneur in the valuation of an idea * * * a patent.

I hope that in conducting public hearings and obtaining public comments as to the means of implementing its enforcement efforts, the IRS will consider the need for continued encouragement of private venture capital-based research and development. Any other interpretation must meet with aggressive congressional scrutiny.●

A BILL TO HALT MARITIME MUGGERS

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. WYDEN. Mr. Speaker, the House Merchant Marine Subcommittee, chaired by our colleague and friend, Mr. BIAGGI, held a hearing this week on my legislation, H.R. 6829, the Maritime Services Financial Responsibility Act.

Witnesses representing the entire spectrum of marine service industries clearly laid out the need to establish and maintain an atmosphere of financial responsibility in our maritime community—for the good of the marine service industry, consumers, and taxpayers.

I believe the hearing will serve as a sound foundation for legislative action in the 98th Congress on this important measure, which I intend to reintroduce next year.

This bill strikes at what I call maritime muggers—vessel owners who steam their ships into ports, avail themselves of an array of services, then high-tail it without paying their bills.

We arrest people who walk out of restaurants without paying their checks. But in the maritime world, we leave it up to marine service companies, many of which are small businesses, to chase down their own bad debts—even when the debtors are countries such as Iran who own and operate steamship lines.

That is is just not fair. First of all, vessel owners are immune from antitrust statutes. Second, foreign-owned and operated vessels are shielded from the U.S. legal system by the Foreign Sovereign Immunities Act.

There is a clear public interest in making sure that marine service operators are paid. First, when marine service operators, especially small businesses with tight profit margins, incur bad debts, they are forced to recoup their losses through higher rates—rates that are ultimately passed on to consumers. Second, marine service operators, like anyone else, write off bad debts on their taxes. That means, in effect, that U.S. taxpayers are subsidizing vessel owners who do not pay their bills.

Vessel owners who pay their bills also have an interest in seeing my bill pass. As things stand now, they are paying higher rates for services—and that premium rate amounts to a transfer payment to their non-bill-paying competitors.

My bill simply requires that vessels engaged in foreign commerce using U.S. ports establish and maintain a certificate of financial responsibility. The certificate would be issued by the Federal Maritime Commission, just as it issues now certificates dealing with oil spill responsibility, a program that by all accounts is successful and not unwieldy.

H.R. 6829 gives the Federal Maritime Commission adequate flexibility to differentiate between, say, U.S.-flag carriers with attachable assets in the country and a foreign-owned and operated vessel.

The idea of H.R. 6829 is not to saddle legitimate steamship lines with more paperwork and expense, but rather to put the saddle of responsibility on fly-by-night operators who are unfairly adding to the costs of small businesses and other vessel owners.

The only people who need to fear H.R. 6829 are maritime muggers, many of which hide behind the unintended skirts of the Foreign Sovereign Immunities Act.

The people who stand to gain from H.R. 6829 are small business operators on our Nation's docks.

For example, Jim Kennedy, vice president of a family owned stevedore company from Portland, Oreg., which I represent in Congress, testified this week that in the last 6 years his firm incurred $795,000 in bad debts from nine separate instances of steamship lines failing to pay their bills.

Mr. Kennedy said an aggressive collection effort netted $430,000 of the outstanding amount, 16 percent of which was paid out in legal expenses to collect the debts.

Then there was the example of a small Green Bay, Wis., stevedore who had two bad debts totaling $66,000, which represented less than 5 percent of the company's volume, but up to 50 percent of its potential profit.

There can be no question that H.R. 6829 is a bill to help small business.

I believe the hearing this week on H.R. 6829 lays solid groundwork for action on this legislation in the next Congress. I am very pleased we were able to get a running start on this legislation by having a hearing before this Congress adjourns. I am committed to seeing this legislation become the law of the land.●

TRIBUTE TO BESSIE BOEHM MOORE

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. HAMMERSCHMIDT. Mr. Speaker, it was a great pleasure for me to be among the many, including President and Mrs. Reagan, to wish Bessie Boehm Moore a happy 80th birthday on August 2. Bessie Boehm Moore is a name well known in Arkansas. Not only is Bessie currently serving as vice chairman of the National Commission on Libraries and Information Science, she has also served as chairman of the Arkansas Library Commission—1950-79—member of the National Advisory Commission on Libraries—1966-68—and executive director of the Arkansas State Council on Economic Education—1969-79. During her more than 50 years of service, Bessie has received many honors—"Arkansas Woman of the Year" and "Arkansas Citizen of the Year" are just two of the many awards recognizing her devotion to Arkansas.

This energetic lady, who is already planning her 90th birthday, has done much for the State of Arkansas. At this time, I would like to include in the CONGRESSIONAL RECORD some of the many well-deserved tributes made to this great lady:

[From the Pine Bluff Commercial, Aug. 2, 1982]

AND MANY MOORE

Bessie Boehm Moore is a name well known among librarians and teachers of economics in this state. When she celebrated her 80th birthday Sunday, both librarians and teachers were well represented at the party, and should have been. For Mrs. Moore was about the state's biggest booster of libraries for years, serving on both the Arkansas Library Commission and the National Advisory Commission on Libraries. Later she would found the Arkansas State Council on Economic Education, one of the great success stories of education in the state.

And those are only two of Mrs. Moore's more notable adventures in education; many others doubtless were recalled at the party. She deserves to be well known to not only

teachers and librarians but all those who follow the state's progress.

[From the Arkansas Gazette, Aug. 8, 1982]

Several hundred friends of Bessie Moore dropped by the Country Club of Little Rock last Sunday afternoon to wish her a happy 80th birthday. The party was given by longtime friends Beverly and Frank Whitbeck who greeted guests, along with Bessie, in a receiving line formed in front of the fireplace in the ballroom.

Four glass-topped tables set up to form a cross held a massive arrangement of flowers in a silver epergne, and the wrought iron legs were entwined with ivy. A birthday cake iced in white with yellow roses said "Happy Birthday Queen Bess," and guests were served punch by Marlene Venus and Ila Nixon. The table also held trays of *petit fours*, finger sandwiches, mints and nuts.

Presiding at the guest book was Louise Rice Moore of Pine Bluff, and music was furnished by Betty Fowler's combo. A basket filled with cards and messages presented to Bessie included one from President Reagan and several from representatives and senators on the state and national level. Friends from Vermont, Dr. and Mrs. George Fersh, had written a ballad in honor of Bessie and also sent a parody of the "Miss America" song, which was read by Frank.

A VERY NARROW DESCRIPTION OF A BEAUTIFUL AFFAIR

An intertwinement of love, beauty and friendship cast an aura of splendor over the Little Rock Country Club ballroom on Tuesday afternoon, August 1.

Beverly and Frank Whitbeck had invited several hundred guests to a party to honor Dr. Bessie Moore on her 80th birthday.

From the florist's unusual pedestal arrangement of summer flowers to the loads and loads of flavorful and attractive party foods to the grin on the waiters faces as they replenished the bowls with icy punch, everything was set for two hours of enchantment and fun, and that is exactly what it was.

As master of ceremonies, Frank reviewed Bessie's chief accomplishments as listed on the party invitations, and read some of the 300 greetings from friends, including a message from the President of the United States—which is not surprising, since she is as much at home in Washington as she is in Little Rock, and as accustomed to pushing presidents and congressmen around as she is business friends in Arkansas.

Yes, she's 80 now. As she stood there in her beautiful, beautiful sea green dress we heard her infectious laughter as she bade people hello, and we saw her leaning lightly on probably the last one of some twenty walking canes she had left behind and lost forever because in her enthusiasm and rush, she had mometarily forgotten her badly arthritic knee. Every heart was touched and proud to be her friend.

Bessie has often and appropriately been called a barn burner. In reality, in an age where there are many mountains to climb, she's an intellectual and discriminating mountain climber with no regard for the ruggedness of the milieu. Judging by the sparkle in her eyes I would say she's barely started.

Oh to have this my friends!

ILA NIXON,
August 2, 1982.●

MERGERMANIA STRIKES AGAIN

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. ROSENTHAL. Mr. Speaker, mergermania has struck again; this time in one of the most complex and convoluted transactions ever to be seen in the annals of corporate America. Now that the dust has settled in the Allied-Bendix-Martin-Marietta-United Technologies game of corporate bingo, it is a good time to assess the impact wrought upon the public at large.

Unfortunately, other than providing a slight diversion to the more serious headlines in the news, the general public has gained little from the adventures that took place in the boardrooms of these major corporations. No jobs were created, no further growth of our economy, not even a new product line resulted from this merger.

On the other hand, because these corporate jousts cost money, which is borrowed from our Nation's credit facilities, this latest exercise has brought about an even further squeeze on the already limited amount of available credit. This inevitably leads to higher interest rates, and inflation, the very economic factors we have been so desperately trying to control.

The one benefit of the latest acquisition game witnessed by the American public may be a concerted outcry that something must be done to control mergermania. In this regard, I call attention to an insightful article written by Edgar Bronfman, chairman and chief executive of the Seagram Co., Ltd., and also a recent participant in the merger contest between Conoco-DuPont-Seagram-Mobil. This article, appearing in the New York Times on September 29, 1982, not only points out the pitfalls of mergermania to the public at large, but presents a plan for relief: Deduction for interest on money borrowed for the purpose of funding a takeover bid.

This would first supply a major disincentive to companies thinking of engaging in acquisition battles. At the same time it would free up credit needed for more useful purposes—as Mr. Bronfman calls constructive credit—home purchases and other consumer loans, as well as, research, industrial and product expansion. Equally important, we would end the public subsidy provided via a tax structure that gives a tax benefit to corporations who engage in conduct that is ultimately harmful to us all. I recommend Mr. Bronfman's article to all who feel something must be done to control mergermania.

The article follows:

[From the New York Times, Sept. 29, 1982]

END THE TAX SUBSIDIES FOR CORPORATE MERGERS

(By Edgar M. Bronfman)

In the wake of the latest corporate-acquisition game—the four-way Allied-Bendix-Marietta-United Technologies deal—there is public confusion about who has done what to whom and what it all means. But more important, there is a public outcry, including voices of leading businessmen in the United States, that "enough is enough."

As one industrialist quoted in The Wall Street Journal said, summarizing a widespread frustration: "Maybe there's something wrong with our system when these four companies line up large amounts of money in order to purchase stock, when it doesn't help build one new factory, buy one more piece of equipment, or provide even "one more job."

I am indeed an odd business executive to embrace this view. Not so long ago, our own company, the Seagram Company Ltd., was a major player in a multibillion-dollar acquisition contest that still holds the course record for size.

The result of the Conoco-Du Pont-Seagram-Mobil jousting is well-known. DuPont acquired Conoco for cash and DuPont common stock, while Seagram became Du Pont's largest stockholder—slightly over 20 percent of the merged company.

I must point out, not in a self-serving way, that I believe all three shareholding groups, and certainly the Seagram shareholders, were delighted with the results, as am I.

But what of the general economy?

I am not an economist. But it is not difficult to recognize one huge demand on the United States' limited credit facilities. In the takeover battles that we have all seen recently, and which are still going on, billions of dollars have been borrowed on a short-term basis from the banking system to finance the acquisition of one company by another.

When too many would-be borrowers are seeking credit, the cost of money goes up. This is especially true when the Federal Reserve system considers inflation a worse hazard than recession and is thus loath to increase the money supply—to print more money. High interest rates have been called by many the biggest barrier to economic recovery. There is surely a huge backlog of demand for housing as well as for automobiles, two of the most important industrial factors in our economic mosaic. But the high cost of money, as well as years of inflation, have put a new home or a new car beyond the reach of the vast majority of potential buyers, even though interest rates have come down somewhat recently.

There is a way to make available what, I call more "constructive credit"—that is, credit that helps the economy: people, consumers, productivity, new products, research, industrial expansions and jobs.

If the interest on corporate takeover money borrowed specifically to buy the common stock of another corporation were not tax deductible, as it now is, such activity would be sharply curtailed. To the extent that it was not, Federal tax revenue would be increased and the average taxpayers would thus not be, as they are now, indirectly footing the bill for part of these corporate-takeover games.

All activity in the field of mergers or acquisitions would not stop, of course. It would still be possible, even as it is today, to effect such marriages through exchange of

securities, or sale and purchase of assets and other methods well known to industry.

What would change is that unfriendly takeovers would become discouragingly expensive and bank credit would not be used to enrich a few shareholders, discharged executives, arbitragers, lawyers and others without real benefit to the economy as a whole. Banks would have billions of dollars to lend more creatively, while the supply of credit would increase with a probable drop in interest rates.

At a time when we want less, not more, Government regulation, this would free up credit to expand the economy rather than further restrict it. The tax-deductibility of interest on such loans is now, in effect, a Government-issued benefit and hence an intervention in a more desirable laissez-faire economic trend.

So let's stop this tax benefit to corporations that encourages using credit to make money for a few. And let's try to get back to the successful, pre-eminent American enterprise system, instead of just moving huge sums of tax-deductible finite credit around.●

FBI SUMMARIES OF TOWNLEY LETTERS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. MILLER of California. Mr. Speaker, I am submitting to the RECORD today summaries prepared by the Federal Bureau of Investigation of letters written by Michael Townley, the convicted murderer of former Chilean Ambassador Orlando Letelier and Ronni K. Moffitt in Washington.

These letters, which are not classified, illustrate the views and acitivities of Townley and others associated with the Chilean Government in the period preceding the 1976 assassinations of Letelier and Moffitt.

Mr. Speaker, together with other information which I and others have submitted to the RECORD and to the Congress, this material thoroughly undermines the claim of the Reagan administration concerning the fitnesses of the Chilean Junta to receive substantial financial assistance from the taxpayer of the United States.

Not only have high officials of that government been implicated and indicted for these terrible crimes, but the Pinochet government has repeatedly refused to extradite those individuals to the United States or to place them on trial in Chile.

I believe that Members of the Congress will find this information of significance when considering further assistance to the Chilean Junta.

TOPICAL SUMMARY OF INFORMATION

I. DISINFORMATION FORWARDED TO CHILE BY TOWNLEY

Throughout his letters, Townley furnished the recipients numerous items of disinformation which, for the most part, were self-serving. Townley obviously has attempted to minimize damage to his and his families interests as a result of information furnished by him to the U.S. Government concerning DINA operations. In some instances, it appears that Townley may have knowingly lied.

II. TRANSMITTAL OF DOCUMENTS TO CNI BY TOWNLEY

In several letters, Townley made veiled references to unspecified documents, which he apparently removed from the U.S. Attorneys Office, Washington, D.C., and forwarded to Chile. Specific examples of such communications are an undated letter from Townley to Chilean President Pinochet and a letter to Gustavo Etchepare dated 6/24/78. Townley was interviewed at FBIHQ on 10/20/81 by SAs L. Carter Cornick, Jr., and Robert W. Scherrer and was specifically asked to identify the documents he removed from the U.S. Attorneys Office, Washington, D.C., and forwarded to CNI in Chile. Townley claimed he could not specifically recall which documents he forwarded to Chile; however, he did admit that he forwarded the text of a declaration executed by U.S. Ambassador to Chile George W. Landau to CNI. Ambassador Landau's declaration was incorporated into the U.S. Government's extradition request to the Chilean Government for General Contreras, Colonel Espinosa and Captain Fernandez and became part of the public Chilean court record.

III. VISIT OF VIRGILIO PAZ TO CHILE DURING 1976

In addition to information previously furnished by Townley during 1978 concerning Paz's visit to Chile, Townley, during interview on 10/20/81, advised that when Paz arrived in Chile in Spring of 1976 he brought with him a Colt .45 caliber automatic pistol, which was a special competition model. Townley advised that Paz claimed that this weapon had recently been used by the Cuban Nationalist Movement in a "hit" and that his purpose in bringing the weapon to Chile was to dispose of same. Townley advised that he witnessed Paz break the weapon into pieces with a sledge hammer and indicated that Paz subsequently disposed of the broken parts in Santiago. Townley claimed he had not furnished this information previously since he had completely forgotten the incident.

IV. WITHHOLDING OF POTENTIAL EVIDENCE BY TOWNLEY

In a letter dated 11/24/78 to General Orozco in Chile, Townley claimed that during August, 1978, when his attorney, Seymour Glanzer, turned over to the U.S. Government officials in Washington, D.C., Townley's false U.S. passport in the name of Kenneth Enyart, which Townley's wife had brought from Chile to the United States along with other documentation, Townley was able to remove a second unidentified passport and avoid having it turned over to the U.S. Government as evidence.

V. INTERCEPTION OF TOWNLEY'S MAIL IN CHILE

In several of his letters, Townley expressed concern that someone was intercepting his mail in Chile. Specific references in this regard are contained in Townley's letter to his wife dated June 18, 1978 and in letters dated March 17, 1979 and June 29, 1979 to Gustavo Etchepare. In the latter communication, Townley informed Etchepare that his Chilean attorney, Manual Acuna, informed him that General Contreras was responsible for the interception of Townley's mail in Chile and that Contreras still had contacts in the Chilean Post Office who were in positions to continue intercepting Townley's mail. Townley's letters, which were intercepted by Contreras and subsequently utilized by him in the response to the U.S. Government's extradition requests, are identified below:

May 23, 1978 letter to his wife, June 15, 1978 and June 18, 1978 letters to Etchepare.

VI. TOWNLEY'S CONCERN REGARDING THE PROSIN LIMITED CHECKING ACCOUNT AT THE SOUTHEAST FIRST NATIONAL BANK, MIAMI, FLORIDA

The above account was maintained at the Southeast First National Bank by Townley in order to transact DINA business. In the following letters from Townley to his contacts in Chile, Townley expresses concern that the U.S. Govenment will uncover damaging information (not further specified) against him and DINA:

December 14, 1978 letter to Manual Acuna, his June 29, 1979, August 23, 1979, September 7, 1979 and September 10, 1979 letters to Gustavo Etchepare.

In his December 14, 1978 letter to Acuna, Townley suggested that someone in Chile be officially named as an agent for Prosin Limited. Townley added "It would be best if this person appear one day and thereafter disappear forever." Townley's reason for the foregoing suggesting was not clear.

In the other letters to Etchepare, listed above, Townley indicated that the Prosin Limited account would disclose checks reflecting payments to fugitive Virgilio Paz's wife. In addition, Townley also claimed that information contained in the Prosin Limited account might lead to the discovery of the whereabouts of fugitives Virgilio Paz and Jose Dionioso Suarez. Townley also expressed concern that information in the Prosin Limited account would lead to the discovery of details regarding "Project Andrea."

Records of the Prosin Limited account were subpoenaed through the U.S. Attorneys Office, Washington, D.C. in September, 1979. A thorough review of transactions in the account contained absolutely no information indicating payments to Paz's wife or any information that would assist in establishing the whereabouts of fugitives Paz and Suarez. The account contained no information related to "Project Andrea."

VII. VISIT OF CHILEAN PRESIDENT PINOCHET TO SPAIN DURING NOVEMBER 1975, WITH GENERAL CONTRERAS WHERE THEY MET WITH "ALFA," AN ITALIAN TERRORIST

According to former Assistant U.S. Attorney Eugene M. Propper and author Taylor Branch, ALFA is identical with an Italian terrorist whose true name is Stefano Delle Chiaie.

Townley made reference to ALFA, although he did not disclose his true identity, in the following communications to Gustavo Etchepare:

Letters dated April 26, 1979, June 11, 1979, June 16, 1979, August 23, 1979, August 29, 1979, and September 2, 1979.

In his April 26, 1979 letter to Etchepare, Townley, speaking of General Contreras, stated "There were meetings between him (Contreras), his Excellency (President Pinochet) and the Italians in Spain after Franco died. Also the Italians carried out numerous acts of military espionage against the Peruvians and Argentines not only in Europe, but also in Peru and Argentina."

In his August 23, 1979 letter to Etchepare, Townley stated "I haven't spoken about the Italians. I have no idea where they are nor where they have been nor do I care to know!

ALFA got mixed up with various people to do business in Argentina. Some of them had very bad backgrounds who Argentine law enforcement agencies were seeking. Among other things they tried to cash a check from Luis Felipe for $25,000, also they owed several thousand dollars including a $40,000 debt to Daniel, also he was mixed up in dirty deals in Spain. . . ." "The problem with the Italians is serious, very serious! Mamo got married to them some time back and he married them in a manner much more indissolvable than with the Cubans. For your information, Pinochet had a meeting with Mamo and ALFA in Spain some time back. ALFA can be much more embarrassing for Mamo and the government in the long run than perhaps the Cubans. One thing obviously is that ALFA doesn't have anywhere to go and you know that as well as I do. Ask Chico or Don Cristian who ran ALFA about it."

Propper and Branch identified "Daniel" as Albert Spaggiari, a French master criminal who is a member of the OAS and also active in fascist activities in France. According to Propper and Branch, Spaggiari was arrested for the July 1976, $10 million robbery of the Societe Generale Bank in Nice, France.

In Townley's August 29, 1979 letter to Etchepare, Townley indicated that he was attaching a clipping from a local Denver, Colorado, area newspaper (the actual newspaper clipping was not attached to the copy of Townley's letter provided to the FBI by Propper and Branch). In his letter, Townley commented as follows: "I ask the question is it or is it not? This is the style of Daniel. . . ." "I am very sorry about ALFA, whatever happened happened and the reasons which brought him problems. Sometime back he told me how much he wanted to get out of everything. He wanted to find himself an island or some other sanctuary without having to worry about his responsibilities toward his people."

Propper and Branch made available a copy of an article which appeared in the August 21, 1979 issue of the "Rocky Mountain News" captioned "Tunnel Builders 'Robbed' of Rich Haul in France," which they claimed was the article attached to Townley's August 29, 1979 letter. The article described the arrest by French law enforcement authorities of a group of bank robbers who were tunneling into the Left Bank branch of the Societe Generale in France. The article compared this attempted bank robbery with the 1976 robbery of the Societe Generale branch in Nice, which was masterminded by Albert Spaggiari.

Townley made reference to "Daniel" in one additional communication, presumably to Etchepare, which was undated and bore the heading "Sigo Con Computacion." In this communication, Townley requested information as to what happened to "Daniel."

In another communication, Townley informed Etchepare that Enrique Arrancibia traveled from Buenos Aires, Argentina, to California during the Fall of 1977 on banking business for ALFA.

According to Propper and Branch, both ALFA and "Daniel" conducted operations on behalf of DINA.

VIII. INTERNAL DINA INTRIGUES

Based on the content of several of Townley's letters, it appears that CNI requested Townley and his wife to provide any derogatory information that could be used against General Contreras. Townley expressed his reluctance to provide such information and provided Etchepare with the identities of former DINA personnel who had detailed personal knowledge of irregularities and illegalities committed by Contreras and other DINA officials. In his April 26, 1979 letter to Etchepare, Townley provided the identities of the following such individuals: Lima I, Hermes, Halcon, Garza, and Claudio.

In the above letter, Townley informed Etchepare that Colonel Valdivieso stole money from DINA accounts. Townley also informed Etchepare that Sonia, last name not mentioned, Valdivieso's DINA secretary, helped him to organize a network of secretaries within DINA who reported everything coming to their knowledge to Valdivieso. In the same communication to Etchepare, Townley also suggestd that Valdivieso and Contreras were involved in extorting money from ITT in Chile, as well as the Racal Company in England in connection with contacts participated in by these companies for the purchase of equipment at the "Blogueo de Maipu."

IX. TOWNLEY'S CONCERN REGARDING THE ASSASSINATION OF CHILEAN ARMY GENERAL CARLOS PRATS AND HIS WIFE, CARMEN, IN BUENOS AIRES, ARGENTINA ON SEPTEMBER 30, 1974 AND THE ATTEMPTED ASSASSINATION OF FORMER CHILEAN VICE PRESIDENT BERNARDO LEIGHTON AND HIS WIFE, ANITA, IN ROME, ITALY, ON OCTOBER 6, 1975

Retired Chilean Army General Carlos Prats Gonzales and his wife, Carmen, were assassinated in Buenos Aires on September 30, 1974, when a bomb was detonated underneath their car as they approached their residence. At the time of his assassination, General Prats had been critical of the Pinochet Government for interfering in the Chilean constitutional process and allegedly he was writing a book documenting his criticisms.

Former Chilean Vice President Bernardo Leighton and his wife, Anita, were shot several times in a downtown Rome street on September 6, 1975, as they approached their residence on foot. Leighton is a prominent member of the Chilean Christian Democratic Party and at the time of his attempted assassination in 1975, was an outspoken critic of the Pinochet Government.

In numerous communications, which are listed below, Townley expressed concern that the "Italians" and the "Argentines" would submit Letters Rogatory seeking information from him concerning the Prats assassinations and the attempted assassination of the Leightons. Townley expressed fear that the "Italians", specifically ALPHA, and General Contreras would provide information concerning the attempted assassination of the Leightons which would contradict what Townley might say in responding to Letters Rogatory from the Italian Government, thereby placing Townley in the position of perjuring himself.

Townley expressed similar concern that unidentified elements of one of the Argentine security services and Enrique Arrancibia would furnish information concerning the Prats assassination, which would contradict what Townley might say in responding to Letters Rogatory from the Argentine Government, thereby placing Townley in the position of perjuring himself. Townley concluded that the solution to his dilemma would be to take the Fifth Amendment in responding to Letters Rogatory from the Italian and Argentine Governments. However, Townley noted that by taking the Fifth Amendment, guilt on his part would be implied.

The letters in which Townley mentioned his concern over Letters Rogatory from the Italian and Argentine Governments concerning the Leighton and Prats matters are listed below:

Letters to Gustavo Etchepare dated June 23, 1978, November 25, 1978, April 18, 1979, April 26, 1979, June 4, 1979 June, 16, 1979, June 22, 1979, July 5, 1979, August 13, 1979, and August 23, 1979. Letter to General Hector Orozco dated November 24, 1978.

With regard to Enrique Arrancibia, this individual is a former DINA agent, who resided in unofficial exile in Buenos Aires as a result of his participation in the assassination of Chilean Army Chief of Staff, Rene Schnieder. He was arrested by members of the Argentine Intelligence Service shortly after Townley's expulsion from Chile to the United States in 1978 and charged with espionage against the Argentine Government.●

HONORING REPRESENTATIVE JOHN RHODES

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1982

● Mr. PICKLE. Mr. Speaker, JOHN J. RHODES is a man who is easy to respect. Though he is a leader of the opposition party, I have always admired him as a man of great conscience. No man has ever pushed JOHN RHODES' button, nor pulled strings and had JOHN RHODES dance for him.

In the broadest sense, JOHN RHODES is probably one of the most able persons to sit in this House. He is a giant of a man, with a strong philosophic tradition and a fair-minded countenance to complement it. His lofty integrity is unchallenged, his principles uncompromised after so many years of public service. One mark of his personality and his achievement is that he is respected by Democrats and Republicans almost equally.

Mr. Speaker, we ought to commend the State of Arizona for lending this man to the Congress and its work. Arizona and her people will miss him in the Congress; I know we will miss him here. History will prove JOHN RHODES was one of our best.●

DAVID GOLDFARB

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mrs. SCHNEIDER. Mr. Speaker, as a member of the 97th Congressional Class for Soviet Jewry, I have pledged to do my part to pressure the Soviet Union into liberalizing its emigration policies. Accordingly, I have agreed to take up the cause of David Goldfarb, a distinguished molecular biologist and former member of the Soviet Academy of Sciences, who has been trying since 1979 to emigrate from the Soviet Union.

Mr. Goldfarb, who is 64 years old and a Soviet Jew, seeks to be reunited with his son, Aleksandr, and to live and work in the State of Israel. David Goldfarb is a veteran of World War II, having lost his leg in the defense of Stalingrad. Mr. Goldfarb has been a leading scientist in the field of molecular genetics, but his work has not involved any military-related research and in fact, has not required a security clearance. Yet Mr. Goldfarb's application has been denied for "reasons of state."

The American public is increasingly concerned at the declining numbers of Soviet Jews allowed to emigrate. Restrictions on emigration rights are particularly hard to understand in light of reports that Soviet Jews are subjected to increasing harassment and intimidation at the hands of state officials.

The people of both the Soviet Union and the United States share a desire for peace. Yet it will be difficult to rebuild a relationship of trust and cooperation so long as individuals like David Goldfarb are denied what should be a basic right for all citizens, regardless of nationality—the right to emigrate freely to a country of one's choice. I have written the following letter to the Soviet President, Leonid Brezhnev, and asked that he allow David Goldfarb to emigrate to Israel. The courage displayed by David Goldfarb and thousands of fellow Jews who have persisted in their struggle for freedom has helped to reawaken Americans to values that we sometimes take for granted. I hope that my involvement on Mr. Goldfarb's behalf will serve as one American's expression of gratitude.

The text of the letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 13, 1982.

Chairman LEONID BREZHNEV,
The Presidium, The Kremlin,
Moscow, RSFSR, U.S.S.R.

DEAR MR. PRESIDENT: I am writing to respectfully request that David Goldfarb, formerly a member of the Soviet Academy of Sciences, be allowed to emigrate to the state of Israel.

Mr. Goldfarb seeks to be reunited with his son, Aleksandr, and to live and work in Israel. I understand that Mr. Goldfarb's distinguished career in molecular genetics did not involve military-related research and did not require a security clearance. I am also informed that Mr. Goldfarb, who is sixty four years old, has made impressive contributions to Soviet science, and is a veteran who lost his leg in defense of Stalingrad during the Second World War. Given Mr. Goldfarb's distinguished record of service to the Soviet Union, I ask that you give special consideration to his request to be allowed to emigrate.

I believe that the people of both our great countries share a desire for peace. It has become obvious that our respective governments need to rebuild a relationship of trust and cooperation in order to realize the hopes of the people we represent.

I am confident that the release of Mr. Goldfarb would be viewed as a demonstration of the Soviet Union's good intentions, and would be a step toward restoring the conditions for a more cooperative relationship between both our countries.

Thank you for your consideration. I look forward to your reply.

Sincerely,

CLAUDINE SCHNEIDER,
Member of Congress.●

MISSOURI RIVER INTERSTATE COMPACT COMMISSION IS A GOOD IDEA

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BEREUTER. Mr. Speaker, most of us from semiarid States agree that the conservation and management of this precious resource is a major issue for the eighties. This editorial from the Norfolk Daily News endorses the formation of the Missouri River Interstate Compact Commission, and outlines the responsibilities and duties of such an organization.

I would hope that my colleagues from States other than the 10 Missouri Basin States would find this editorial of interest, for their support and understanding of the issue will be important.

[From the Norfolk Daily News, Sept. 23, 1982]

COMMISSION IN ORDER

If it is true as experts predict that severe water shortages will afflict every region of the nation by the turn of the century, then it is important to act now to devise mechanisms to resolve conflicts and competing claims. The differences regarding South Dakota's sale of water from the Missouri for a coal slurry pipeline has prompted legal action. It has also provided a sense of urgency about resolving future differences over precious water supplies.

Rep. Robert Young, D-Mo., has introduced a measure to create a Missouri River Interstate Compact Commission which would develop comprehensive policies designed to forestall conflicts over Missouri Basin water. It would negotiate agreements as well as outline policies. Rep. Doug Bereuter, R-Neb., has been urging this approach and has agreed to co-sponsor the measure.

The alternative is to let either the Congress or, eventually, the U.S. Supreme Court resolve the increasing numbers of disputes sure to arise over use of Missouri water, especially if the predicted time comes when water shortages are real rather than merely forecast.

The commission will present a new layer of authority, of course. In that sense it may be somewhat costly and time consuming. Compared to the alternative, which is litigation through a legal system already overburdened, the commission represents the wiser approach.

Mr. Young's measure includes the 10 Missouri Basin states, and each would have a member appointed by its governor. One member would be appointed by the president of the United States. Agreements would have to be submitted to state legislatures and to Congress for approval. The budget of the commission would be provided by the states involved.

The existence of such an organization was foreseen long ago with the development of the vast storage and power facilities which have created a new "great lakes" system in America. Much of that system exists within the borders of neighboring South Dakota, of course. But the flow of the Missouri is of concern to each one of the nine others.

It should be possible to agree on the prompt formation of a commission and to deal through that organization with such thorny issues as the proposed sale of the South Dakota water for the slurry pipeline. It would be a more amicable, less time-consuming way than through the courts.

The commission ought to be formed with all possible speed.●

END NONTARIFF BARRIERS

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. FRENZEL. Mr. Speaker, a topic of great concern to American companies operating in foreign countries is the use of nontariff barriers. As a member of the Subcommittee on Trade of the Ways and Means Committee, this issue is of great importance to me.

I am inserting the text of an article which appeared recently in the New York Times, authored by Robert R. McMillan, vice president of public affairs for Avon Products, Inc., which elaborates on the complexity of this important issue. I believe the text of Mr. McMillan's article provides important insight and is well worth sharing with my colleagues.

END NONTARIFF BARRIERS

(By Robert R. McMillan)

Most barriers to free trade are barriers that most Americans know little about. In place of tariff walls, governments are increasingly relying on a variety of obstructions, formal and informal.

The rising use of nontariff barriers is straining the world economy considerably. If the fight against protectionism is abandoned, the developing nations stand to lose the most.

Nontariff barriers take many forms, among them the following: hidden subsidies, strict standards to supposedly protect health and safety, requirements for testing of products different from those used in the exporting country, performance requirements such as export commitments, and other nationalistic regulations that make entry into a country so difficult that many companies stay out.

Lack of uniformity in health and safety standards play havoc with the introduction of new products: A chemical is safe in one country, hazardous in the next. Enlightened international marketers support implementation of reasonable protective measures for the consumer, but different standards cause frustration protectionism. For example, in the Common Market, Britain will accept only a certain type of denaturant for alcohol but Italy will not accept it. Thus, dupli-

cate manufacturing processes are necessary even though either one is sufficient. For many years, Japan required that only certain approved ingredients could be used in cosmetics. The internal list contained some 2,500 approved ingredients. However, since the list was not made public, all developmental work was done in the dark. If a nonapproved ingredient was used, the product was rejected. Fortunately, the Japanese have begun to solve this problem.

Safety testing can be even more frustrating. Certain countries require testing of a product in accordance with their own guidelines even though such tests repeat those already performed in exporting countries. Duplicate and triplicate testing is becoming a highly lucrative field without really benefiting the consumer. Test labs in North America and Europe alone employ perhaps one million technicians. The costs of such tests are estimated to add an extra 2 percent to marketing costs. Sometimes there is triple or quadruple testing when the same product is used in several countries.

Performance requirements can take many forms. The requirement that companies wanting to do business in a developing country must agree, as a condition for entry, to export a certain dollar amount or percentage of the company's production in order to earn foreign exchange, can effectively keep a company out. In addition, to enter, a cosmetic company, say, can find itself selling coffee, sugar or another product.

Nor are these performance requirements limited to developing countries. The United States is currently bringing suit against Canada for violation of the General Agreement on Tariffs and Trade because of demands made on Canadian subsidiaries of American companies under Canada's Foreign Investment Review Act.

The slow shuffling of paper work can be most frustrating. While a government supposedly has no restrictions, the red tape and various bureaucracies involved can be overwhelming. In one Latin American country, we spent almost three years negotiating market entry before giving up in-frustration. As a result of our decision, numerous jobs and high-technology manufacturing were lost to the developing country.

Nontariff trade barriers can be eliminated, and there are things that both governments and the private sector can do.

It is important for the United States to recognize that free trade is in our best long-term interest. Free trade means that the markets of other countries are open to our exported goods and in turn our markets are open to imports. In the industrialized world, if we find our goods stopped at the border by nontariff trade barriers, then our Government must act forcefully. This means taking our cause directly, and publicly, to governments engaged in such practices. No country wants to be shut out of the United States' market.

As for developing countries, while our Government may have to take a more understanding approach, we must emphasize that through trade come additional jobs and the eventual expansion of their industrial bases. Often, Washington has unilaterally given more access to our market than we have gotten in return.

Finally, the most effective way to deal with nontariff trade barriers is exposing them to the glare of publicity. Congress should move forcefully through hearings to show the impact of nontariff barriers on America's economy.

If business would be forthcoming and clearly enunciate its views, we would enter a new era in moving toward the elimination of nontariff trade barriers.●

MILITARY AID TO CHILE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. MILLER of Californa. Mr. Speaker, it has come to my attention that the administration may be preparing to restore U.S. military and economic aid to the Pinochet regime in Chile. According to section 726 of the Foreign Assistance Act, President Reagan must certify that the regime has, first, improved human rights; second, is not aiding and abetting international terrorism; and third, has cooperated in bringing to justice three Chilean secret police agents indicted by a U.S. Federal grand jury for the 1976 car bombing assassinations of former Chilean Ambassador Orlando Letelier, and his young American colleague, Ronni K. Moffitt.

Mr. Chairman, the American people have a right to know precisely what type of regime President Reagan—who campaigned on a platform of fighting international terrorism—is planning to embrace. My office has obtained copies of letters written by the self-confessed and convicted assassin in the Letelier/Moffit murders, Michael V. Townley. The letters have been translated by the Congressional Research Service. With your permission, Mr. Chairman, I would like to introduce some of the Townley letters into the RECORD.

The contents of these letters demonstrate byond a shadow of a doubt, Mr. Chairman, that the Pinochet regime had—and still may have—multiple ties with rightwing international terrorist organizations and that the Chilean secret police collaborated with terrorist organizations in other acts of international terrorism—most notably the 1974 assassination of Chilean General Carlos Prats and his wife in Argentina, and the machinegun attack on Chilean Christian Democrat leader, Bernardo Leighton and his wife in Rome, Italy on October 1975. The latter attack was carried out, according to Federal investigators, by an Italian neofascist group headed by one Stefano Delle Chiaie. Mr. Townley refers to him as "Alfa" or "the Italians" in his letters.

In one letter, dated April 26, 1979, Townley writes:

There were meetings between him (Contreras, the former head of the Chilean secret police), his Excellency (General Pinochet) and the Italians in Spain after Franco died. Also the Italians carried out numerous acts of military espionage against the Peruvians and Argentines not only in Europe, but also in their own countries.

I pose this question, Mr. Chairman: Should the U.S. taxpayer's dollar be given to General Pinochet, a man who according to these letters, associates with international terrorists?

Mr. Chairman, these letters also reveal a concerted effort on the part of the Pinochet regime to cover up its responsibility for the assassination of Orlando Leterlier and Ronni K. Moffitt in Washington D.C. A scheme was devised to disassociate the regime from Mr. Townley. A process was organized by the Chilean authorities to pay his legal bills clandestinely while at the same time denying that he was ever a Chilean agent.

Furthermore, and this is extremely important given the Reagan administration's impending certification that the Pinochet regime has cooperated in bringing Manuel Contreras, the former head of the Chilean secret police, DINA (who is referred to as "Mamo" in the Townley letters) to justice—it is clear from the letters that if the Pinochet regime desired, it could try and convict Contreras and two other DINA agents of this crime. Mr. Townley wrote to a colleague in Chile's secret police on May 14, 1979:

You know the truth. I know it, the court knows it, perhaps 80 percent of the country knows it. If they really want to prosecute him (Contreras) they have more than 100 witnesses that could do it there and that could have done so years ago. It is horribly painful, both for the Service and the institution and the government; that is why in the end I thought that perhaps it would have been better to find the way to extradite Contreras only and let the gringos do the dirty work.

Mr. Chairman, these letters, including one from Mr. Townley to General Augusto Pinochet himself, will enlighten the public as to the nature of the regime that the Reagan administration characterized as a friend. They illustrate that the Chilean Government has not met the conditions under which U.S. military aid and sales, and economic assistance can be restored to Chile.

To the President of Chile, His Excellency General Don Augusto Pinochet U from Michael V. Townley W. (also known as Juan Andres Wilson S.)

MI GENERAL: In the first place I ask you to excuse me for the informality of this letter and the liberties that I am going to take in it. My only desire is to protect the current institutionality of Chile and to do what is within my power so that it not be replaced by the Christian Democrats or any other false demagogic political representation that obstructs the destiny of Chile and its administration without political scheming.

I have been a faithful servant of Chile and I believe that this is evident to you. And it is not my interest to get into mistakes of the past or to avoid the responsibility that I have with respect to the mistakes that I myself have committed but I am going to limit my sketch of the past to the minimum in order to set forth to you what I believe is the only way for the government of Chile to strengthen itself and survive.

At the beginning of 1975 I received direct orders from the Director to go to the USA and recruit Cuban help (Anti-Castro) for a delicate operation in Mexico that I was to carry out with Cuban logistical and personnel support. The contact was made, the mission did not result (too late). From this contact there began a common long-term effort including photographs taken of English concentration camps in Northern Ireland by one of the Cubans who is a fugitive in the present case. The relation between the Service and the Cuban group was maintained until and after the present affair with the sole setback that was produced in the handing over of the Cuban Rolando Otero to the US authorities after having assigned to him a very delicate operation in Costa Rica with respect to Pascal Allende (I had been present at the first interview of this Cuban and I gave an absolutely negative report). Forgive me, I am wandering too much. Concretely the Cuban Otero was given a mission that was a complete failure and which compromised Chile in foreign plots against with the many foreign security services. After that error the same Cuban was handed over to US authorities, and now they are going to use him in the present case to identify me as from the Service and for other compromising things. After this experience it would never occur to me that it would be possible to come to the extreme of handing me over to the US.

Well, my General, coming more to the present, from what I have been able to learn, it was known from this investigation and only that I was arriving much before the end of 1977, but due to all of the grudges and fights of an internal nature, the changes of directors of the Service, and the fear of everyone of informing you exactly on what was happening so that it would have been possible to work in an efficient and prudent manner with the detention, everyone preferred to play the ostrich and not know anything, but like the ostrich, everyone left the most vulnerable visible and open to attack.

At the end of 1976 and during all of 1977 I kept informed through my regular contact on the state of the investigation that the Cubans could communicate to me, until in January of 1978 they told me in a desperate way that they needed US $25,000 to be able to flee from the US. As the new Director was not informed, I requested this sum from the old Director and I informed him of the situation that I knew so that he would settle the request or resolve it in some other way. I reiterated my information in the request on several occasions without a satisfactory resolution. Later the fights and internal scheming begin at a really incredible level. I chose clandestinity for two reasons: one because that was what they ordered of me and two, because I was thinking at that time that there were many interests that could have been served with my death. Finally, my biggest mistake was not informing up above, in keeping faithful to loyalties of individuals, confusing them with the superior loyalties of the nation. I tried to rectify that mistake before my expulsion but neither of the two persons to whom I tried to talk would receive me.

During this same era I sent several suggestions to my former superior and to my new one to the effect that it was absolutely necessary to get the best criminal lawyers in the US to analyze the defense of the case, which was not done, and in circumstances that my lawyers report that if the attack of the USA had been stopped at the opportune moment it would have been possible to neutralize the attack, satisfying all of the legalities and leaving Chile in a good position.

As decisions that have come directly from the Service or influenced by it, the decision to expell me took me as much by surprise as did two others, that to use Rolando Otero, after my report tying him with Ricardo Morales Navarette, ex-CIA, ex-FBI, ex-Interpol, ex-DISIP, etc., and the decision to hand over the same Rolando Otero, knowing what he did about the Service, its objectives, its methods, and the persons that worked there (Otero was the one who recognized my photo as of the Service for the FBI and opened the investigative road for them just like it was Ricardo Morales Navarette who tied for the first time the MNC of Cuba with the case and the MNC tied to the Service). Again I am wandering, my General, with my expulsion all of the rules of the game changed. During the trip and at all times the prosecuting attorney and those of the FBI did not flirt with me or threaten me to try to get my cooperation.

During the first 10 days of my stay, my lawyer, Mr. Seymour Glanzer, talked with the prosecutors in order to see what was offered in legal terms to get my testimony. Being alone and not knowing what to be guided by, I asked my General Orozco to come to the US to inform me and order me how to proceed. The orders that I received were to cooperate with the American investigation and enter into the agreement that my lawyer had negotiated almost a week before, but which I had refused to accept without receiving pertinent instructions from Santiago, which my General Orozco brought.

My General Orozco explained to me what the line of defense that the Government of his Excellency would use would be. This was to prosecute my General Contreras, My Col. Espinoza and Capt. Fernandez, absolving the government of the event, putting it on the former Service and including me. In this way the Government not only was staying clean of the attempt but it was also exalted for having cleaned its own house. The sacrifice that this would have required from the four of us was not so much considering what it was saving. I found that the suggestion made by My General Orozco was the most correct for the circumstances and I admit that he made my position more acceptable by letting me enter into an agreement with the Gringos instead of running the risk of silence and the years that this could have cost me.

Apparently after the return of My General Orozco the tactic that had been decided on was abandoned, with the decision accepted to pay the ostrich and deny everything, saying that the Gringos had no more than my testimony. Amnesty was made in order to basically benefit my comrades of the Service, and the Government of Your Excellency has remained widely identified with the current stance that Chile has nothing to do with anything. With this, if something happens that manages to tie the attempt to the Service it is going to be more difficult to return to the original idea and separate the government of Your Excellency, it would be an almost impossible reality.

I have been talking with the attorneys Propper and Barcella for three months almost, as well as with the FBI agents Cornick and Scheerer (note: I had seen Scheerer before and he met at a casual encounter in the entryway of Mi General Contreras' two years ago and Scheerer remembered). During this time I have been able to come to understand them, and understand what it is that motivates them. In addition, they have seen so much that they have become careless with me, they have talked about things in front of me just as they have left documents from time to time. I have sent the information that I have obtained to Santiago. Among the definitive things that I can report is that the report and the formal accusation are going to be handed over to the court of Columbia August 1. Also I can report that the process of asking for extradition is going to be within two weeks after the first of August. The lawyer Etcheberry was with Propper and Barcella last week working on the preparation for extradition. Etcheberry left Thursday afternoon but is going to return soon, I believe that this week or the next one, I know that he has requested that more than 500 pages of evidence be prepared because they were complaining about the translations. In addition, I know that they have asked for another amount of documents from the FBI from the same route, they were joking about using official translators from the Department of State.

Among the other things that I have come to know and understand is that Propper and Barcella are not politically motivated. They have a tremendous thing in the desire to win, as if it were a game and their professional pride were involved. But politically they are anti-Marxists but without letting that take away their effectiveness in their investigation. Those from the FBI are the same, even Scheerer has been openly pro-Junta in his attitudes. [What is going on with all of this is that they are all professionals and the crime happened in the middle of Washington, in front of all the embassies of the world and the pressure from everywhere to resolve the case has been tremendous.] The prosecuting attorneys and the FBI, although they are not politically motivated, know perfectly well that the case is being politically used by other interests. I have spoken thousands of time with them with respect to this, and I have done everything possible to make them aware that they shouldn't allow their work to be used for other ends: they are willing, but from Chile nothing comes, it seems that the game of ostrich is going to win and that the only opportunities remaining to save and strengthen the institutionality are going to be lost. What it is necessary to do is going to require personal sacrifices from several persons. The Gringos are willing to modify the formal accusation and even not to ask for extradition if they manage to have Chile carry forth a trial and sentence those that they hold responsible. The only thing that the Gringos (prosecuting attorneys and FBI) need is a publicly acceptable solution. This is what they want! They don't want to be in history books as the ones who initiated the fall of your Excellency's government.

For almost a month I have been trying to get someone to come from Santiago to talk all of this over with me. Finally, two weeks ago the lawyer Mr. Manuel Acuna K. came and after talking and being convinced of the position and having the other counsultations that had been entrusted to him, he handed in his report. What seems impossible is to make the people understand is that there is no longer any time. Your Excellency's Government has been asked to send a team of negotiators that can come within the most absolute secrecy, and with strict security measures of privacy in order to reach an agreement that the Prosecuting

Attorneys can accept and that will be beneficial to Chile. The only thing that is indispensable is that the team be able to make decisions or have consultations with a reply in hours. There also exists the possibility of making an agreement with the Gringos after the formal accusations are presented, but every time that something happens there remains less that can be modified in favor of Chile.

I implore you to ask My General Mena to inform you and if it is possible to receive the lawyer M. Manuel Acuna K. at the same time and begin what is necessary in order to converse in private with these Gringos and achieve something beneficial before it leaves their hands.

Again, My General, I ask you to excuse this letter that comes outside of regular channels, also the informal way in which it was written, but I have spent many years dedicating myself, together with my wife, to implanting and maintaining the current institutionality to see it lost. It is the movement begun September 11, 1978, which matters most and not the people that form it.

Greetings

MICHAEL V. TOWNLEY WELCH
(Juan Andres Wilson Silva).●

ARMS CONTROL RESOLUTION ELIMINATING THE FEAR OF A FIRST STRIKE

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. GORE. Mr. Speaker, I am today introducing a resolution which calls on the United States and the Soviet Union to eliminate the fear of a nuclear first strike. I am greatly honored to be joined in this by Representatives ASPIN, DOWNEY, and PRITCHARD.

There has certainly not been any shortage of resolutions about arms control during the current session, and my co-sponsors and I would, therefore, not burden the public record with yet another unless we felt that we had something to say which was urgent, and which had not yet found expression.

The next Congress will have before it many major issues concerning strategic nuclear weapons. One such decision, of truly decisive character, is whether to accept the President's plan for deploying the MX missile, and to proceed with the missile itself. The narrow votes concerning this question which we experienced in the fiscal year 1983 Authorization Bill, indicate how finely divided the Congress has been—and remains—on the MX issue.

We can also expect that the next Congress will deal with strategic nuclear problems in a political context that will have been strongly influenced by votes all across the country on nuclear freeze propositions: a vote on a scale which approximates, as some are saying, a national referendum. It seems very clear to me that when these votes are counted and analyzed, the results will be read as an unmistakable message from the electorate: "enough is enough; enormous expenditures on new nuclear weapons are unwarranted."

Under these circumstances, it will not be sufficient for the Congress to address matters such as the MX in a narrow context. Somehow, we are going to have to come to grips with the MX, and with other nuclear weapons programs, in terms that go beyond considerations of missions, programs, and costs. There remains, at a much more fundamental level, the question of where these programs are taking us; of whether they will add to our security or, on the contrary, whether these programs have acquired a momentum of their own which will increase nuclear instability.

What we lack today, and what the next Congress will urgently need, is a standard against which to measure nuclear weapons programs; a standard that will help up reach better-informed judgments as to what kind of nuclear posture we should have, as to what kinds of nuclear weapons programs are compatible with that posture, and as to how these decisions impact the stability of the nuclear balance, and on prospects for arms control.

The resolution which Messrs. ASPIN, DOWNEY, PRITCHARD, and I are introducing is an effort to suggest what this standard ought to be. In our opinion, the United States and the Soviet Union are heading toward a situation in which each will have the ability to menace a significant portion of the other's nuclear forces; specifically, the other's land-based ICBM's, which are the most accurate and in many ways the premier weapons system.

We, in this country, already have reason to fear that our ICBM's are at least theoretically vulnerable to attack by virtue of the Soviet Union's having gradually deployed successive generations of large, land-based missiles, carrying increasingly accurate and numerous multiple independently targetable warheads. Our concern about this problem has strongly influenced debate over the U.S. nuclear program for at least 10 years, even as it has strongly affected our approach to arms control. Today, however, this country still remains unsure how to proceed—having in view neither a weapons program nor an arms control agreement that provides a solution.

Our response to this problem has been the development of two new generations of ballistic missiles: the MX, for deployment on land, and the Trident II D-5, for deployment at sea. Each of these missile systems will mark an increase in the number and accuracy of U.S. ballistic missile warheads, such that either system, and certainly the two together, will constitute a threat—for the first time—to all Soviet ICBM silos. There are indications that the Soviets, looking ahead to the deployment of these systems, recognize that they are facing a big problem, perhaps even bigger than ours, in view of the very high proportion of Soviet warheads that are deployed on land-based systems.

The increasing vulnerability of U.S. land-based forces, and the coming vulnerability of Soviet land-based forces, are trends that are fraught with danger. Mutual fear of a first strike is highly destabilizing and markedly increases the risk of nuclear war, while putting at risk any prospect for meaningful arms control.

The Congress should recognize this fear of a first strike for what it is: the central issue in judging whether existing deployments are adequate; for deciding what new deployments make sense; and for assessing whether arms control is on the right track. We must urge the next Congress to keep this issue foremost in its deliberations about nuclear weapons programs, and we should urge the administration to base both its nuclear programing and its negotiating efforts around the same concern. We must urgently search for measures that can produce stability in the strategic relationship by insuring that a first strike would not confer upon the aggressor nation even a hypothetical advantage.

Our resolution states that. We hope that many of our colleagues will reflect upon it, and I look forward to increasing acceptance of this idea as a guide for debate, and hopefully, as an element in a bipartisan consensus about the nuclear problem in the next session.

WE MUST CONTINUE THE STRUGGLE TO REDUCE THE DEFICIT

HON. DOUGLAS K., BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BEREUTER. Mr. Speaker, the huge Federal deficit plagues all of us all the time. The rate of growth in the deficit has been slowed, but it is still too high and dominates our legislative actions even as it exercises far too much influence on the general economy.

I am pleased to share this editorial from the Norfolk Daily News. It calls for Americans to continue to support our efforts to restrain the rate of expenditures on pork barrel projects and entitlements.

[From the Norfolk Daily News, Sept. 27, 1982]

THE DEFICIT RECORD

The federal government not only has trouble developing budgets, but in forecasting them accurately. The larger the budget, the greater the margins of error. For this

year, the Reagan administration estimated a $42.5 billion deficit—that was a year ago. A business recession which reduced federal revenue and increased government outlays combines to create a new record deficit—it stands at $109 billion now, with the September results still to be counted before the Oct. 1 end of the fiscal year.

Huge as that deficit is, in percentage terms it does not match the 1976 record of $66.4 billion. That deficit arose when the federal budget was $300 billion. To match that record in terms of today's federal budget which is more than twice that of six years ago would take a deficit on the order of $135 billion.

In whatever light one wants to view the deficit, however, it is so high that it exercises far to much influence on the general economy; in high interest rates which depress growth, in contributing to inflation and in jeopardizing the integrity of the monetary system.

Congress and the White House cannot be satisfied with percentage comparisons. We know policymakers are not complacent and recognize the problems. Collectively, though, Americans must exhibit both a willingness to reduce the growth in pet projects and benefits and demand that the federal government do its job less expensively.●

MISSION OF NATIONAL INSTITUTE OF EDUCATION UNDERMINED

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. DYMALLY. Mr. Speaker, recently, I was paging through an issue of Education Daily, a newsletter for employees of the Department of Education. My eye was caught by a headline that proclaimed, "NIE Turns From Study of Social Change to Emphasize Basics." I try to watch for statements that mention the word "social" the present administration seems to have gotten into the habit of attaching the word to any program it dislikes and then using that label as a justification for chopping the program. So, finding that word "social" in a statement related to some Government activity now makes me alert so that I can avoid surprise when the particular program is reduced or eliminated a little way down the road.

Sure enough, when I began to read the article beneath the headline, I learned that the administration was having to make one more of its "hard decisions." "Hard decision" is another administration catch phrase to indicate some program's impending doom. In this case, the hard decision was to "limit the mission of the Federal education research agency," the National Institute of Education. Now, the President and executive branch administrators have exercised their right to make hard decisions and limit programs in the past. But this hard decision was particularly disturbing to me and, I think, it should be disturbing to my colleagues in the Congress, as well. Congress defined the mission of the National Institute of Education when Congress created the Institute. As I understand it, any decision to limit the mission of an agency created and mandated by the Congress to perform specified duties should rest with Congress. It is improper to alter the agency mission through administration intervention unless the Congress has expressed its will that the mission of the agency be changed. To my knowledge, Congress has not altered the mission for the National Institute of Education. It is as follows:

The National Institute of Education carries out the policies established by the Congress in the General Education Provisions Act (GEPA), as amended, as follows: First, to provide every person an equal opportunity to receive an education of high quality, regardless of race, color, religion, sex, national origin, or social class; Second, to concentrate resources on improvement of basic educational skills; on problems of finance, productivity, and management in educational institutions; on improving educational opportunities for students of limited English-speaking ability, women and students who are socially, economically, or educationally disadvantaged; on career preparation; and on improved dissemination of educational research and development; and Third, generally—to help solve or to alleviate the problems of, and promote the reform and renewal of American education; to advance the practice of education, as an art, science, and profession; to strengthen the scientific and technological foundations of education; and to build an effective educational research and development system.

Clearly, the institute has three charges from Congress: To help improve American education generally, to improve basic education, and to obtain equal educational opportunity for all Americans.

It is the latter charge that is being squeezed out by administrative actions to limit the mission of NIE. My office has spoken with personnel at NIE and learned that these individuals have been instructed to place research proposals having to do with achieving equality in the classroom in the lowest priority for funding. Examples of research proposals in this category would include projects aimed at understanding the ways in which instruction of males differs from instruction to females in the classroom. I would mention that past research in this area suggests that females often do receive a different sytle of instruction than do males. Many women, as a result, learn to cope differently with their academic failures and successes than do males. And these sex specific differences may persist into adult life. The research has clarified our understanding of the ways in which males and females are receiving unequal education even when they sit together in the same classroom. This is profoundly important information because it has implications not only for education but for the structuring of American society as well. There can be little doubt that the mandate of Congress instructs NIE to support such research.

The administrative decision to curtail support for such research is an affront to Congress. Moreover, it represents an attempt to limit academic freedom of inquiry in that research that has no chance of being funded also has little chance of being done regardless of the strength of its design or its value to society. As my colleagues know, Congress is now debating whether, and in what limited instances, the Federal Government has a right to impose limitations on scientific research. It is disconcerting to me that while we debate the issue, it is a fait accompli at the National Institute of Education.

This development in itself should be a cause of grave concern to us. but there is more. Not only are adminstrators within NIE moving to curtail its mandated activities, but at least one former administrator of NIE is trading on his former position to raise funds to destroy the whole Institute. He is free to raise political action funds. With that I have no objection, although I support the continued existence of NIE. My objection is with the way he is going about soliciting these funds.

I have included a copy of his solicitation letter so that my colleagues will have no doubt about the point I am making. The stationery makes it appear that the Department of Education is soliciting funds to destroy the NIE. The notion should be absurd, but in this era when people are appointed to office on the strength of their promise to undo the office, it is no longer beyond the realm of plausibility. I object to this deliberate attempt to deceive the public, and I hope my colleagues will join me in protest. Such political dirty trickery, if left unprotested, sets a dangerous precedent. Former public officials should not use their former affiliation to work toward the destruction of their agency. Actions as tasteless as this solicitation letter undermine the integrity of public service at a time when the morale of public servants is already at low ebb. Why should anyone serve the public when top officials leave office and use their former office to denigrate the work of those who were under them?

The letter follows:

Lawrence A. Uzzell,

Former Special Assistant to the Director, Edward A. Curran, National Institute of Education, U.S. Department of Education.

DEAR FRIEND OF THE PRESIDENT: Ed Curran tried his best, as a Reagan appointee, to eliminate one part of the federal bureaucracy.

But Ed Curran's plea to abolish NIE never got a fair hearing before President Reagan. Bureaucrats friendly to the man who fired Ed made sure of that.

Yes, the permanent structure won. Ed Curran was fired on June 10, 1982, as director of the National Institute of Education (NIE).

As his top assistant, I resigned immediately, in order to seek your help in trying to get through to President Reagan. Remember, Ed Curran never did get past the "permanent structure."

I do not believe President Reagan is ready to yield to the permanent structure, the perpetual bureaucrats who seek total domination over his Administration.

That is why I ask you to sign and mail the enclosed postcard to President Reagan.

The bureaucrats may have cut down Ed Curran. They may have buried his message to President Reagan and then dismissed him.

But I am certain they cannot bury or dismiss thousands of postcards, letters, and mailgrams for an angry and aroused Reagan constituency appealing directly to the President himself.

So please sign and mail the postcard immediately. Or send a letter or a mailgram. Thank you.

While I was on the Reagan transition team, I came to the conclusion that the NIE should be eliminated.

NIE is an agency of the Department of Education.

You may recall President Reagan had originally intended to abolish the Department of Education.

Earlier this year, an organization called Public Advocate presented over a quarter of a million signed petitions at the White House in support of his program, as the President was moving forward.

But thanks to bureaucratic maneuvering led by Department of Education head Terrel Bell, the campaign never got past first base.

As the year wore on, Terrel Bell was successful in persuading the President's top advisers that abolishing the Department of Education would be "politically unrealistic."

Then in May of 1982, President Reagan asked, in a nationally televised speech to the American people, for suggestions on how he could cut the size of the federal government.

Ed Curran responded by writing a letter to the President, suggesting that his own agency, NIE, be abolished.

Ed outlined his reasons, as you see from the enclosure.

But despite the urgency, Ed and I are not sure if the President ever saw his letter. It is still a closely guarded bureaucratic secret.

And when Ed showed it to his own superior, Terrel Bell, he was asked this incredible question:

"How can you head an agency which you think should not exist?"

Does Terrel Bell think Ronald Reagan was elected to perpetuate and strengthen the bueaucracy? Whose side is he on anyway?

Terrel Bell's action in dismissing my boss and squashing the initiative to abolish NIE, should be grounds for dismissal.

Terrel Bell is the principal reason for the failure in 1982 of President Reagan's bold effort to abolish the Department of Education.

Terrel Bell has put loyalty to his Department, the bureaucrats within it, and the special interests which defend it, ahead of his loyalty to President Ronald Reagan.

Terrel Bell has silenced a man who should instead be commended for unselfishly calling for an end to the agency he headed.

Terrel Bell is a part of the permanent structure dedicated to the sabotoge of the Reagan presidency.

If you agree then please, before you mail the enclosed postcard, write at the bottom of it, "Terrel Bell should be fired!"

I realize this is a drastic step. But whether you agree or not, I hope you will join me in trying to reach President Reagan with the message to abolish the National Institute of Education.

Incredible as it may sound, one NIE bureaucratic scheme seeks to get our school teachers to teach our school children to go home and argue with their parents about sex roles and family values.

This is their insidious plan for fourth grade school children of eight and nine years of age.

I could believe this if it were a story about Soviet Russia or Nazi Germany, where they try to turn children against parents.

Ed Curran and I fought from within to stop the anti-Reagan bureaucrats from getting their way with our children.

We did our very best.

The bureaucrats have already exposed 1,500,000 eight and nine year old children to their twisted, anti-family message.

And these anti-family bureaucrats are now doing their work virtually unchallenged—in spite of the best intentions of the parents to bring their children up in a strong, moral manner.

The social planners have their anti-family message in slick, TV tape cassetteform for easy distribution to local school teachers across America.

They are still telling our teachers to force our little children to listen and watch these twisted, pre-recorded TV propaganda messages right in the classrooms.

This is an unabashed attempt to completely brainwash eight and nine year old children against their parents.

And that's only the beginning. There's nothing to stop this bureaucratic scheme from continuing indefinitely.

Can you see why my former boss, Ed Curran, spoke out?

Just take a closer look at this scheme already enacted by NIE bureaucrats.

Over four million dollars ($4,100,000) has been spent on the bureaucratic program called "Freestyle."

This so-called "Freestyle" is designed to alter our children's thinking about sex roles through a 13-week slickly produced TV series.

A later investigation of "Freestyle" brought a frank admission: our children's attitudes are "deeply rooted in the family"—and the NIE bureaucrats don't like that one bit.

So by their own admission, "Freestyle" is an open attack on what parents are teaching their children.

But there's even more.

NIE bureaucrats gave our tax dollars to a sex educator who pushed for a special section in children's libraries devoted to sex education.

This must be the ultimate in their idea of a "permissive society"—where our children can just walk in with the open approval of the school and look at any sex literature these bureaucrats think is OK.

Perhaps that's how they want to bring up their own children—but the NIE bureaucrats want to force this on our children too. And using our own tax dollars.

Radical, left-wing feminists just love the NIE—they got over five million dollars from NIE during 1980. And they are still getting our tax dollars today.

One of those taxpayer funded grants taught women how the bureaucrats think you should cope with stress and pressure: by "joining women's (radical) groups," "smoking a joint" (Marijuana), or "divorcing my husband."

In addition to promoting anti-family values and corrupting our children, these self-proclaimed "social engineers" are wasting millions of our tax dollars.

For instance, Cemrel, a social engineering laboratory in St. Louis, spent $750,000 on taxpayer-paid junkets—including trips to Egypt and Disney World.

Ed Curran and I fought these entrenched, ultra-liberal NIE bureaucrats during 1981 and 1982.

Finally, Ed Curran suggested NIE be abolished. While I can't show you an exact copy of the letter Ed tried to get to President Reagan, I can do the next best thing, since I helped draft that fateful letter.

I have enclosed a digest of the original letter as I recall it being written, and now you can see the "crime" of Ed Curran, for which he was dismissed.

Isn't it incredible that the head of a federal agency, a Reagan appointee, could fail to get past the bureaucracy and to the President?

But the impossible has indeed happened.

Ed isn't, of course, the only loyal Reagan appointee who has tried to advance the President's objectives. There are many others.

But they have paid dearly—being attacked with no warning, subjected to a blistering, withering cross fire from entrenched bureaucrats and their allies inside and outside of government.

The loyal Reagan appointees are outnumbered, outmanned and outgunned here in Washington, D.C.

Remember that for every loyal Reagan appointee there are hundreds of members of the permanent structure surrounding him, watching, waiting for the one mistake or misstep.

And now the remaining Reagan loyalists have been seriously shaken after what has happened to Ed Curran and me.

Have the bureaucrats succeeded in making an example out of Ed Curran, who tried to uphold the Reagan mandate and eliminate an agency?

Or with your help is the lesson from this, stand up when you are right. And you will get the support you need. Stand up and be counted, for there are thousands who will help you make the case to the President.

Will you help me break the bureaucracy, or will you let their action stand, unchallenged?

Will you help me appeal to President Reagan to abolish the NIE, or will you remain silent and let the bureaucrats win?

Will you let a good man, Ed Curran, be cut down and silenced or will you help champion his view right now?

And finally, will you join me in seeking the dismissal of master-bureaucrat, Terrel Bell, member of the permanent structure?

If you will help me, please send the enclosed postcard directly to President Reagan. I have been assured by Reagan loyalists inside the White House that word of a massive outpouring of mail will indeed reach President Reagan personally.

And if you are with me all the way, then can you write on the bottom of the postcard, "Terrel Bell should be fired!"

Finally, I must tell you there is one more thing I urgently need you to do. Whether or not I am able to generate the massive outpouring of mail to the White House depends on you.

For I need your dollars to continue this emergency effort to break the bureaucracy, reach the President, abolish the National Institute of Education, and fire Terrel Bell.

Quite simply if you cannot help me with your dollars, my efforts must stop. My resignation and the dismissal of Ed Curran will have been in vain.

For to speak out with all the anger and all the facts at my command, will take a massive sum of money.

This cause has already received tremendous help and assistance from Public Advocate, which has worked all year long to try and abolish the Department of Education.

But I have been told by Public Advocate Executive Director Eugene Delgaudio that if you cannot contribute at least $15, then he may have to suspend this emergency campaign within the next two weeks.

I do not fault Eugene and Public Advocate for this decision, for they have already been most generous in helping me, giving this urgent program an initial budget of some $14,500 to begin with.

But whether or not I can now continue is up to you.

Whether I can reach my goal and break through past the bureaucrats to President Reagan is up to you.

Please take out your checkbook right now, and write out a check for $15 to Public Advocate, and mail it to me right away.

In case you're wondering, I'm not asking for that check for myself. I did not resign my position in government to work for Public Advocate.

Rather, my purpose is to get past the permanent structure which the President has said is a major obstacle to his programs.

So please send the postcard to President Reagan. And write your check for $15 to Public Advocate immediately. If you can send a larger contribution for $25, $50, $100, or even $1000 or more, I will be grateful. Every dollar will be a tremendous help to me in achieving my goal.

If you and I cannot get NIE abolished, then every bureaucratic agency is safe, and every bureaucrat can breathe easy.

You and I must not fail, or Ed Curran's courageous sacrifice will have been in vain.

The bureaucrats haven't really been challenged so far. With your support they could be in for the biggest fight of their lives. I will look forward to hearing from you this week. Thank you.

Sincerely,

LAWRENCE A. UZZELL,
Former Assistant to the Director, National Institute of Education.

(P.S.—Abolishing the NIE is one battle in the war to abolish the Department of Education. This is a "must win" battle for loyal supporters of President Reagan, I pray you are one. And that you will act. Or else, my resignation will have accomplished nothing.)

(Not Printed at Government Expense. Abolish National Institute of Education Project, Lawrence A. Uzzell, Chairman, An Emergency project of Public Advocate, 223 Wisconsin Ave., N.W. #22, Washington, D.C. 20007).●

IMPRISONMENT OF RUDOLF ZAJAC

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. ST GERMAIN. Mr. Speaker, in the all too brief moments when the people of Poland demanded their right to form a workers' trade union, Solidarity was born and we in the United States rejoyced in a new hope of freedom for the Poles. Since then, the Government has imposed martial law and instituted a campaign to discredit and destroy Solidarity and to punish all those who dared to demand a voice in governing their own lives.

In addition to imprisoning and isolating the charismatic leader of Solidarity, Lech Walesa, the Soviet-supported Polish Government arrested many trade union members. Mr. Rudolf Zajac was arrested by Gdansk port authorities in late 1981 for continuing trade union activities after the imposition of martial law. Mr. Zajac neither used nor advocated the use of violence, and his only crime was to take a leadership role in strike activities. For his efforts, Mr. Zajac was tried and sentenced to 6½ years in prison and a 5-year forfeiture of his civil rights.

As the treatment of Rudolf Zajac is in direct contravention to article 20 of the U.N. Universal Declaration of Human Rights and the U.N. General Assembly resolution of December 20, 1978, it is clear that his rights have been seriously violated. Article 20 states that "everyone has the right to freedom of peaceful assembly and association," and the 1978 resolution calls upon member states,

* * * to release any persons who, within their jurisdiction and contrary to the provisions of * * * international instruments, may be under arrest or detention on account of trade union activities.

I urge the Government of Poland to comply with the U.N. resolution and immediately release Rudolph Zajac and the other Poles who have been imprisoned for wanting to control their own destinies.●

A GRADUAL, NONINFLATIONARY AND LONG-TERM RECOVERY

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BEREUTER. Mr. Speaker, I am reprinting below an excellent editorial from the Omaha World-Herald for the attention of my colleagues.

[From the Omaha World-Herald, Sept. 25, 1982]

NEW HEAD OF ECONOMIC PANEL IS WISE IN AVOIDING EUPHORIA

President Reagan's nominee to head the Council of Economic Advisers, Martin Feldstein, said he expects a gradual, steady and non-inflationary recovery, and the nation seems to be following that heading.

Feldstein, a former Harvard economics professor, said at his Senate Banking Committee confirmation hearing that "it is far better to have a sound and gradual recovery than one that rapidly overheats and fails to persist."

Feldstein predicts the gross national product—the nation's total output of goods and services adjusted for inflation—will climb in the range of 2.9 percent to 3.9 percent next year, following a decline this year.

Feldstein took a pragmatic stand, saying that he will avoid "euphoric forecasts of a painless transition to rapid but inflation-free growth."

That is the sort of levelheadedness the nation needs during this critical point in the economy's recovery.

Election or no election, there was no pie-in-the-sky talk from Feldstein. He said that unemployment may go up to 10 percent or more from its August rate of 9.8 percent before turning down.

"The economic recovery will reduce the unemployment rate but won't eliminate the problem of unemployment," he warned. "Over the long term, new ways must be found to strengthen the skills and incentives of prospective workers of all ages and to deal with the special problems of unemployment in those industries that have lost competitiveness in the world economy."

Feldstein's comments came amid favorable economic developments.

Lower food and gas prices during August held the Consumer Price Index to an annual rate of increase of 3.3 percent. For the first eight months of the year, consumer prices went up only 5.1 percent. If that holds for the rest of 1982, it could be the lowest rate of increase since the 4.8 percent of 1976.

That is an important achievement in the country's struggle to dampen an inflation rate that was 12.4 percent in 1980 and 8.9 percent in 1981.

Declining interest rates also made good news for Americans. Home mortgages backed by the FHA and VA dropped from 14 percent to 13.5 percent.

The gradual economic turnaround and the reduced inflation rate was not achieved without sacrifice. Unemployment remains uncomfortably high and there have been a lot of business failures.

But a gradual, non-inflationary and long-term recovery—that now may be in sight—would be ample reward.●

HONORING VIETNAM ERA VETERANS

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. GUNDERSON. Mr. Speaker, as leader of the free world, nothing is more important to us as Americans than the preservation of the ideals and basic human rights of freedom at home and around the world.

It is only right that we should honor those who fought to guarantee that freedom.

In conjunction with the dedication of the Vietnam Veterans Memorial in Washington, November 10–14 has been set aside as a nationwide salute to Vietnam veterans.

I am proud to announce that Saturday, November 13, has been proclaimed Vietnam Era Veterans Day in La Crosse, Wis. Organized by the Vietnam Era Veterans of La Crosse in my home district, this celebration of patriotism will not only honor those who served in Vietnam, but will also honor those who served elsewhere during that same time.

As Members of Congress, it is our responsibility to see that those citizens, young and old, who sacrificed to protect our national security and honor must be compensated regardless of the fiscal restraints the Nation faces.

With my strong support, the 97th Congress approved significant legislation to expand services to several groups of veterans and maintain disability payments.

Approval of the Veterans Health Care, Training and Small Business Loan Act makes Vietnam veterans eligible for VA health care for ailments linked to agent orange, extends for 3 years the storefront readjustment counseling centers for Vietnam veterans, extends certain educational benefits for veterans whose GI bill eligibility has expired, and creates a small business loan program for disabled and Vietnam-era veterans.

The former prisoner of War Benefits Act, approved last year, provides priority hospital care and outpatient treatment for former POW's for psychosis and anxiety states, and it reduces from 6 months to 30 days the period of imprisonment required to make claims.

This Congress also approved an 11.2-percent average cost-of-living increase in disability payments for veterans with service-connected disabilities and for families of severely disabled veterans and of veterans who died from service-connected disabilities.

In addition, we have taken the steps to provide Pell grants to veterans continuing their education by voting to reinstate the law in effect prior to december 1981, which exempts GI bill benefits from the Pell grant needs analysis.

The House also passed legislation to make unemployment available for servicemen who have served for at least 2 years and who were discharged under other than dishonorable conditions.

Although the legislation has been approved for the treatment of agent orange-related ailments, the Veterans' Administration has said it would probably take until 1988 or 1989 to complete a study of agent orange. The House Veterans Committee has threatened to force speedier action on the issue legislatively unless the Veterans' Administration moves on it.

Our goal throughout the budget process both last year and this year has been to continually preserve these programs. So far, many of our efforts have proved successful.

There is no way we can fully pay our debt of gratitude to the Vietnam-era veterans and all veterans. We in Congress can only continue our pledge to work for ongoing progress in solving the problems of the U.S. veterans.

I am pleased that the Vietnam Era Veterans of La Crosse have taken the initiative to recognize those who served. As they have said, "Their sacrifices and courage in the face of adversity deserve all of our admiration and respect."●

DEDICATION OF THE HEINZERLING DEVELOPMENT CENTER

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. WYLIE. Mr. Speaker, on September 19, I had the occasion to be invited to participate in the dedication program for the Heinzerling Development Center in Columbus, Ohio.

Various resolutions and proclamations were presented to the Heinzerling family, the Battelle Memorial Institute, the Columbus Foundation, the Harry C. Moore Foundation, and Nationwide Insurance Co. for their participation in supporting the construction and staffing of this outstanding center which provides for the severely mentally retarded.

During my brief remarks at the dedication ceremony, I said that I felt the event was of sufficient note to be mentioned in the CONGRESSIONAL RECORD. I want to add my personal commendation to Dr. Heinzerling and the Heinzerling family, as well as Battelle Memorial Institute, the Columbus Foundation, the Harry C. Moore Foundation, and the Nationwide Insurance Co. for making this truly exceptional center possible.

Harry Emerson Fosdick once said,

A person completely wrapped up in himself makes a small package.

What has always impressed me about people who help the mentally retarded is the love, patience, and kindness which they exemplify. We all feel a need at times to try to express ourselves through some act of extraordinary kindness. The many acts of kindness and love which have gone into making the Heinzerling Development Center are worthy of note.

It has been said that King George V of England had a plaque on his desk which read:

I shall not pass through this world but once. Any kindness that I can show to any human being, let me do it now.

This seems to sum up the feeling of dedication exemplified in this extraordinary facility.●

AN EDITOR TELLS OF GOOD NEWS FOR FARMERS

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BEREUTER. Mr. Speaker, the news of the administration's 1983 grain program released last week gave a needed boost in spirits to farmers in my district and throughout the State of Nebraska. I believe that the administration's actions demonstrate to farmers an understanding of their plight as well as a recognition that helping agriculture is vital to the national economy.

The most important result of the new grain program, however, will be that many Nebraska farmers will be able to keep their farms in operation.

The editorial reprinted below from the Lincoln Star captures the problems and welcomed response from the farming community, and I am pleased to share it with my colleagues.

[From the Lincoln Star, Sept. 27, 1982]

HAPPY FARMER SMILE FROM GOP 1983 PLANS

Notice all those "happy farmer" smiles out across the broad prairie this past weekend? Yes, you say, and why would that be the case, given the unending reports of economic disaster on the farm front?

For one thing, there are always some farmers with a smile on their face. Some of them may be in big trouble economically but they are so happy still to be on the farm that they can't help smiling. A frown will not crease their brow until hard times drive them off the land.

Also, there are some farmers who smile simply because they just cannot hide the fact that they are doing fairly well. There may not be a large percentage of these, but the best of the farmers always seem to make at least a modest income. This, at least, is how it appears and what a lot of experts tell us.

But more farmers than usual are smiling these days because of the Republican 1983 grain program just announced the end of last week. Would you believe it, farmers will actually be permitted to draw on the gov-

ernment's 1983 20 percent set-aside payments as of Oct. 1, 1982.

Just by coincidence, of course, that happens to fall a month before the November general election. The general election is when we all go to the polls and elect such people as congressman, governors, etc. It is time that is said to be not looking too good in the rural areas for Republican candidates.

It is just possible that the early payments of diversion funds in the rural areas will help some of those Republican candidates get elected.

So much for our cynicism.

Political move or not, the move is a good one. The Government's announced target and support loan rates are not out of this world, but then, you really can't expect them to be. The government just can't give farmers too good a price guarantee or it would end up with an awful load of grain. It would then sell it in huge chunks, as it could, and deplete the price in the private grain market.

But the target and/or loan payments would allow a farmer to just about break even, maybe make a few cents per bushel on corn, for instance, if he was as efficent as a computer. On the other hand, the 20 percent reduction in planting, if accepted by farmers, could have a positive impact upon prices.

So, one may say that in his timing the secretary of agriculture is practicing a little politics but the program, just the same, has some very positive aspects. Besides, who ever said there was anything wrong in being politically astute?

The advance payments may help many farmers hang in there with their '82 crop until prices improve some. Also, it could help in just keeping the farm going and getting ready for the 1983 season, whether or not the '83 crop has gone to market. The program is no pot of gold at the end of the rainbow but it is good agricultural news and that deserves to be said.●

FIRST ANNIVERSARY OF SADAT ASSASSINATION

HON. DON BAILEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BAILEY of Pennsylvania. Mr. Speaker, it is entirely proper that on this 6th day of October—the first anniversary of Anwar Sadat's assassination—the U.S. Congress should pay tribute to a remarkable world leader. Not only did America lose a true friend in his tragic murder 1 year ago, but the peace process in the turbulent Middle East was dealt a telling blow. He was, indeed, a statesman of historic stature—with the intellectual depth, insight, personal warmth, and the capacity to meet the monumetal challenges of his time head on. Neither temperament, training, nor prior experience could have prepared Sadat to lead in such troubled times. He rose above himself and even above the intransigent forces of violence and reaction surrounding him. He strove boldly ahead to forge a lasting peace with his greatest adversary. To be sure, history moves at such crucial junctures, but not fortuitously, not without the willingness and capacity of individuals to see beyond the mountain—to visualize what needs to be done and then act decisively. Anwar el-Sadat was a great man in the original meaning of that oft-used phrase; a man unafraid of failure. We will miss him. But we can, and must, reflect on the meaning of his life and his selfless efforts to bring peace to our troubled world. May we all be so wise, and brave, as he.●

IN TRIBUTE TO LEONARD MONROE GRIMES, SR.

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. DIXON. Mr. Speaker, to many of us the notion of retirement evokes a sense of withdrawal from activity, or perhaps seclusion from the world around us.

Happily, nothing could be farther from the truth as it relates to the gentleman I wish to pay tribute to, Leonard Monroe Grimes, Sr. On September 4, his family joined him in celebrating his 86th birthday.

Mr. Grimes served in the famous "Buffalo Division" of the 92d Division, serving in France. After returning to the United States in 1918, he shortly thereafter moved with his wife to the then small town of Los Angeles, Calif. He began working as a letter carrier for the Los Angeles Post Office on December 1, 1922 and retired after 35 years of service on December 1, 1957.

Rather than reclusion, this retirement became the impetus for 25 years of active involvement in community life and service to others.

Among his accomplishments and awards: Selected as Father of the Year in June 17, 1951; life member of the NAACP; volunteer working with the young people at Mount Vernon Junior High School throughout the 1970's; honored on December 1978 as a 50-year member of the Garrison Lodge No. 45—F&AM, Prince Hall affiliation; and awarded 50-year Gold Card by the National Association of Letter Carriers.

An active member of the Episcopal Church of the Advent, Mr. Grimes, and his wife, Mary Lee, are also the parents of two sons, Leonard M. Grimes, Jr., commissioner of the California Public Utilities Commission and Clyde H. Grimes, Sr., a deputy within the California Office of the State Architect.

An active and vibrant individual, he continues today with his woodworking crafts, reading from his considerable library, and organizing the historical materials which he has acquired in a life of significant accomplishment, service, and contribution. I am honored to have this opportunity to pay this tribute, and wish Leonard and his family all the best.●

WOMEN IN THE PEACE CORPS

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mrs. HECKLER. Mr. Speaker, I would like to bring to my colleagues' attention the current efforts the U.S. Peace Corps is making to recognize the contributions of and assist the endeavors by women in developing countries.

Peace Corps Director Loret Ruppe, in keeping with the spirit and purposes of the United Nations Decade for Women, has appointed a Peace Corps special assistant for women in development. As coordinator for the agency's women in development core group, this special assistant will provide information to the Peace Corps and to volunteers in the field, regarding opportunities available to enhance the economic status and self-sufficiency of Third World women. A training manual, entitled "Third World Women, Understanding Their Role in Development," has been produced by this office.

This year also marks the beginning of a Peace Corps woman to woman partnership program, which will encourage communication and exchange of information between women's groups in the United States and the Third World countries.

This past week, the Peace Corps Women in Development Office, under the able direction of Susan Scull, held a symposium in Washington, which brought together professional women from all over the world, to discuss such topics as U.S. foreign policy and the roles of women, and the role of private voluntary organizations and women in development programs. Over 200 people attended the symposium, and plans for a working group for Women in Development were initiated.

As the U.S. Decade for Women draws to its close, and in recognition of the fact that more than half of the world's population is female, I applaud the appointment of a Peace Corps special assistant for women in development.●

LAKE OUACHITA SUNSET LODGE

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. HAMMERSCHMIDT. Mr. Speaker, it has been estimated that almost 5 million older Americans are functionally dependent. That is, they have health conditions that make it difficult for them to live unassisted in the community. About 1 million of these older persons have chronic health conditions that require a level of care that is provided only in a skilled nursing facility. Therefore, there are about 4 million older persons who could function more adequately in the community if there were supportive services available to them.

There is a tremendous economic and emotional cost to placing people in nursing homes prematurely and inappropriately. The Federal share of medicaid expenditures in 1978 was $8 billion. Forty percent of this amount, $3.2 billion, went to nursing home care which provided health services for only 6 percent of the total elderly population. Further, it is clear that people want to continue to live at their highest potential in the community for as long as possible.

I am pleased to point out to my colleagues an exemplary alternative living arrangement, the Lake Ouachita Sunset Lodge, in my State of Arkansas. Not only does it cost half as much as minimum care in a skilled nursing facility, but the lodge provides countless opportunities for its residents to use their time-honed skills and talents in the daily operations of the lodge. I particularly recommend the following article to Members from rural areas who might like to see similar lodges in their communities. Paul and Lillian Shipman, the creators of this nurturing environment, are to be commended for their very generous effort.

COUPLE CONVERTS MOTEL INTO UNIQUE LODGE FOR ELDERLY

(By Mike Masterson)

When Paul and Lillian Shipman converted their successful Rod and Reel Motel into an alternative to nursing home care, they never imagined it would become one of the most unique facilities of its kind in the nation.

"We just wanted to do something worthwhile with our lives," Shipman said, "and creating the Lake Ouachita Sunset Lodge as a home for the elderly seemed like the right thing to do."

Since the non-profit facility was remodeled and dedicated as a state pilot program in 1979, officials discovered that their investment not only helped dozens of people, but it also was economical.

Shipman said it costs an average of $14.35 a day to house each resident at the lodge compared to about $25 a day to keep them in a minimum care nursing home.

"What the Sunset Lodge has given these elderly people is happiness, security and fulfillment for considerably less money than it would cost to keep them where they might not be as happy," said Barbara Marsac, director of Title 20 funding for southern Arkansas.

"There's no doubt that this lodge is an alternative that works very well," Ms. Marsac said. "It's the finest I have seen anywhere. But the credit for that goes strictly to the Shipmans and the staff they have employed to help them. They are all totally dedicated to the older people."

The lodge, trimmed in redwood and landscaped with white gravel and shrubs, sits beside Highway 270 about seven miles east of Mount Ida. The dining room, which was once a cafe for the motel, is trimmed in red-striped wallpaper and lacy curtains sewn by Mrs. Shipman.

White bud vases with single silk roses sit in the middle of each table, and the black upright piano that Lillian often plays during meals rests beneath a picture of the couple taken several years ago.

The facility is cost-effective for several reasons, according to Shipman.

He installed a wood-burning furnace that heats all the rooms with the logs he gathers and splits for each winter.

There also are two prolific gardens that bear hundreds of bushels of assorted vegetables each season. They, in turn, are served at every meal eaten by the residents.

Many of those same residents spend hours working in those gardens or slicing and canning what the garden produces.

After a 1980 drought and another this summer, the Shipmans applied to the Rockefeller Foundation for a $28,000 grant to build a one-acre irrigation pond near the lodge.

Shipman said they could save as much as 40 percent on their food bill if the pond is built.

"Just that single expense would help to feed so many elderly people at this home for years and years to come," Shipman said.

That lake also would be used for fishing by the residents.

The lodge accepts only persons over 65. But, since there is no doctor or nurse on the staff, they have no people in need of nursing care.

"The lodge is a home designed for people who aren't able to live alone any longer, but who also don't need either medical care or an extreme amount of personal attention for their problems," Shipman said.

Lake Ouachita Sunset Lodge actually began in 1977 as a profit-making facility with 18 residents. But in 1979, the Shipmans converted to a non-profit corporation and added eight new rooms at their own personal expense.

The lodge's board of directors then hired the Shipmans as administrators of the lodge and leased the buildings and land from them for $10,000 a year. But one person close to the lodge said neither of them has drawn a salary from the corporation since last December.

"They keep putting everything back in," he said. "That's how dedicated they are to this."

Funding for the lodge comes from three sources: An annual Title XX contract of $47,600; another contract with the Area Agency on Aging of West Central Arkansas for $25,000 a year in state funds and $52,400 a year in resident payments.

The residents may pay between $170 and $215 a month, depending on accommodations, Shipman said. The total cost for each resident runs about $415, the difference of which is made up in public subsidies.

All but three of the residents now living at the lodge have to rely on subsidies to stay there, Shipman said.

By contrast, the cost for minimum care nursing homes is approaching $900 a month per resident, he added.

The lodge has 26 private rooms, all carpeted and air-conditioned. There is a recreation room with a sewing area, a small library and a pool table. Programs, game nights and occasional parties, which are open to the community, also are regularly scheduled by the staff. A new health room just opened this week.

Although the average age of residents is 86, only one person has died at Sunset Lodge since 1977. Her death from cancer touched all the residents and staff deeply, Mrs. Shipman said.

"We all get attached to each other living here together," she said. "When we lose one because of medical reasons to a nursing home or because of death, it's like losing someone in the family."

William Folts, of the Center for Gerontological Studies at the University of Florida, toured the lodge and talked with residents in 1980.

In a telephone interview, Folts said he had not seen another facility in a rural setting that was doing the things being done at the Sunset Lodge.

"The older people all seemed happy and satisfied," he said. "The place was clean and well organized. And, as I recall, they were pretty much self-sufficient."

Today, when the Shipman's dream, they don't dream of a bigger house or a new car. They want things like a walk-in freezer, so they can store more garden food for the residents to eat or a greenhouse that would grow vegetables all winter.

"We believe the country could save billions of dollars and make a lot of older people a lot more happy by doing just what's being done right here in Mount Ida," Shipman said.●

TRIBUTE TO THE JEWISH COMMUNITY COUNCIL OF OCEANSIDE

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. LENT. Mr. Speaker, I rise to bring to the attention of my colleagues noteworthy event taking place in the Fourth District of New York which I have the honor to represent. On October 11, one of the outstanding community organizations of my district will celebrate its 18th anniversary.

On that date, the Jewish Community Council of Oceanside will be holding a special meeting to mark its anniversary. I want to take this occasion to salute the council, its officers, and its members for their dedicated service, and significant achievements. Over the years, the Jewish Community Council has played an increasingly important role in the spiritual and cultural life of the Oceanside community.

I have been particularly impressed by the dedicated efforts the council

has made in support of the thousands of Soviet Jews who are enduring the harshest sort of harassment, persecution and imprisonment from Soviet officials for seeking to practice the religion of their choice in Israel.

Two years ago, this support became a very personal matter to the Jewish Community Council of Oceanside. The council adopted Victor and Batsheva Yelistartov, who have been seeking to emigrate from the Soviet Union to Israel since 1972. The council has conducted a tremendous campaign of assistance for the Yelistratovs, and has won the gratitude of this unfortunate couple, who still seek freedom in Israel.

Mr. Speaker, this year it was my honor and privilege to serve as the chairman of the Congressional Call to Conscience, the 1982 vigil in support of Soviet Jewry. I am intensely aware of the need for public support for this important cause. Let me say to my colleagues that it is my conviction that if more organizations would give the time and effort to this cause that the Jewish Community Council of Oceanside has given, we would be far closer to victory.

We salute the Jewish Community Council of Oceanside, and I know that my colleagues join me in extending our congratulations and our best wishes for the council in the future.●

A TRIBUTE TO JOHN TOWNSLEY

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BEREUTER. Mr. Speaker, I join with the men and women of the National Park Service in mourning the passing of John Townsley, superintendent of Yellowstone National Park. After a personal tour of Yellowstone features in the summer of 1981, the resulting exchange of letters, and consultation with him in Capitol Hill hearing rooms, my respect for him was very high and it continues to increase. He was a wise man, and a man of strong convictions who loved his job, our great national parks, and the Nation. The American people, present and future, owe him a debt of gratitude. Thank you, John Townsley.

Mr. Townsley, a second generation NPS veteran, died Sunday morning, September 19, at St. Vincent's Hospital in Billings, Mont., after a long bout with cancer. He was 55 years old.

Mr. Townsley was the standard by which national park superintendents measured their achievements and young rangers cast their aspirations. He was, in the grandest tradition of the National Park Service, a man for all seasons.

His 27-year career was highlighted by many awards, among them the prestigious Cornelius Amory Pugsley Medal, presented in 1982 by the American Scenic and Historic Preservation Society, for his eminent career in national park administration. He also received the Interior Department's Meritorious Service Award in 1967 and its highest honor, the Distinguished Service Award, 1980.

Mr. Townsley ardently supported the various youth conservation organizations which operated in the national park system, including the Job Corps, the Youth Conservation Corps, and the Young Adult Conservation Corps. In addition, under his direction, an innovative concessions management agreement was reached between the private sector and the Federal Government relating to concession operations in Yellowstone. For his work in this area, he received a special achievement award from the National Park Service in 1979.

Mr. Townsley also was awarded the National Society for Park Resources Founder's Award for Excellence, in recognition of his professional achievement in the field of parks and recreation; the International Snowmobile Industry Association's International Award of Merit for 1981; and a special public service award from the Alumni Association of Colorado State University in 1982.

Mr. Townsley, Superintendent at Yellowstone since 1975, was born in the Yosemite Valley of Yosemite National Park in 1927, where his father, Forest S. Townsley, was chief ranger from 1915 until 1943. John Townsley wore with great pride the distinctive leather NPS hatband of his father—one of the handful issued to those pioneers in NPS leadership. Mr. Townsley began his career with the National Park Service as a seasonal fire control aide in Yosemite in 1944. He graduated from Colorado State University with a B.S. degree in biology in 1953 and accepted a permanent park ranger position with Hawaii Volcanoes National Park in 1955.

His service with the National Park Service included the superintendencies of Sagamore Hill, the Statue of Liberty, the New York City Group, Mount Rainier National Park, and Yellowstone. He also served with great distinction as both Assistant Director and Deputy Director of the National Capital Park region from 1972 to 1975.

Mr. Townsley is survived by his wife, Elaine; three children, Forest, David, and Gail; and his mother, Mrs. Inez Townsley. We send them our sincere condolences and our gratitude for sharing his time and talents with the American people.

Mr. Speaker, I should like also to add for the RECORD remarks given by Russ Dickenson, Director of the National Park Service, at memorial services for Superintendent Townsley, September 23, at Yellowstone National Park:

REMARKS BY RUSSELL E. DICKENSON, DIRECTOR, NATIONAL PARK SERVICE, AT MEMORIAL SERVICES FOR JOHN TOWNSLEY

It is my privilege to speak for the National Park Service in the name of the "National Park Family."

At Yellowstone National Park, where the national park idea began, how appropriate that John Townsley and this great park came together and that he could reach the apex of a long, distinguished career by serving as Superintendent in this world-renowned, special place.

In an organization devoted to the highest standards of public service, in a National Park System devoted to integrity and stewardship, John Townsley stood out. He represented the benchmark by which we can measure commitment to principle, and the wisdom, discipline and the courage to act accordingly.

He was at home in the national parks—from Yosemite to New York City, from Mount Rainier to Washington, D.C., and at Yellowstone. Millions of Americans know and understand the national parks because of his initiative in improving visitor activities and enjoyment. He was a ranger, coach, leader, teacher and protector, and in all these combined roles, he was devoted to the protection of wildlife and wilderness, as well as the wise leisure-time use of the national parks.

It was perfectly obvious to all of us privileged to know and work with John that his personal and professional life blended in a credo for parks that was basic and fundamental: conservation of the scenery and the natural and historic objects and the wildlife and provision for public use and enjoyment in appropriate ways so that they would remain unimpaired for the enlightenment and pleasure of future generations.

Of another National Park Service giant of a few years ago, it was said: "There shall never be an end to the good that he has done." It can be said about John Townsley as well.

Each of us has an important contribution to make in assuring the future of the national parks, and that is the way those of us in the National Park Family will honor the memory of John Townsley.●

MSGR. PETER ADAMSKI

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. KEMP. Mr. Speaker, last week the people of Buffalo and western New York lost one of our most distinguished spiritual and civic leaders with the passing of Msgr. Peter J. Adamski, PA, pastor emeritus of St. Stanislaus Church, who passed away at the age of 91. Mr. Speaker, Msgr. Adamski was a dear friend of mine and I want to share some thoughts with my colleagues.

As a wonderful editorial from the Am-Pol Eagle so eloquently points out, Monsignor Adamski has left a mark on Polonia, and our entire community and Nation, that will never be forgot-

ten. He left his mark on me too, Mr. Speaker, for which I am deeply grateful.

I give thanks to God that I was privileged to have known Monsignor Adamski for many years. I was fortunate enough to attend Mass and to have heard him fervently preach the Gospel from his pulpit at St. Stanislaus to his devoted parishioners. I have been deeply touched by his leadership and his deeply spiritual values, and by his extraordinary commitment to God, to family, and to all of America.

Monsignor Adamski was born in Poland on August 2, 1891. He emigrated to America in 1909, and initially settled in Niagara Falls. After study at St. Bonaventure University and Christ the King Seminary he was ordained a priest of the Roman Catholic Church of June 1, 1915 by the late Bishop John Grimes of Syracuse. His first assignment was as assistant pastor of St. Stanislaus, and was followed by similar assignments at St. Casimir and Holy Trinity parishes. He received his pastorate on January 15, 1918, at St. John Gualbert's Church in Cheektowaga.

When he was appointed pastor of St. Stanislaus on July 2, 1945, Monsignor Adamski was also raised to the office of domestic prelate, a papal appointment which carries the title of Right Reverend Monsignor.

On May 15, 1958, Monsignor Adamski received the rank of prothonotary apostolic from the late Pope Pius XII, the highest office at certain Masses which includes the privilege of the use of the white mitre, pectoral cross, and crozier—pontificalia ordinarily used by a bishop.

But while rank and prestige accompanied most of his career, Monsignor Adamski's work with young people was closest to his heart.

He established boy's clubs and girl's clubs in each parish he served. He also established a Polish Saturday School for young people, where they could learn of their cultural heritage. St. Stan's Sports Club invited me to speak at their banquet back when I played Quarterback for the Bills and it was then that I first met the Monsignor. I remember him so clearly.

Monsignor Adamski was a man of song. His rich and melodic voice filled any room, and especially this church, with a joy that moved the spirit of those who were fortunate enough to hear him.

I speak for myself personally, and for those I am privileged to represent, in saying that with the passing of Monsignor Adamski we have lost more than an honored leader; we have lost a beloved friend. I submit this editorial from the Am-Pol Eagle of September 30, 1982 for the permanent RECORD of this Congress:

[From the Am-Pol Eagle, Sept. 30, 1982]

MSGR. PETER J. ADAMSKI

Our community suffered the loss of one of its greatest leaders last week with the passing of Rt. Rev. Msgr. Peter J. Adamski. A priest for 60 years, Msgr. Adamski left a mark on Polonia that will never be forgotten.

In speaking of Msgr. Adamski it is easiest to tell of his three decades as pastor of St. Stanislaus Parish, the Mother Church of Polonia. It was there that he achieved his most notable accomplishments, including the establishment of Bishop Colton High School. To speak only of St. Stan's, however, is to leave much unsaid.

We must also be reminded of his efforts at St. John Gualbert's in Cheektowaga, where he provided the foundation for what today is one of Polonia's most flourishing parishes. We must also speak of his efforts in aiding the establishment of Villa Maria College and on behalf of other educational institutions for he knew the significance of providing an education for young people. And we must speak of Msgr. Adamski the spiritual leader, whose weekly radio homilies were an inspiration to so many. He was a multi-talented man whose love of his fellow man was above all else.

Msgr. Adamski should however be best remembered as a pastor. While he could debate with the powerful and negotiate with those who held the wealth, it was with his people that he was most successful. It was while performing his pastoral duties that he was able to touch the lives of hundreds of thousands of Western New Yorkers, serving as both an example and an inspiration.

Msgr. Peter Adamski was a leader among men. He will be missed. He will never be replaced.●

THE RETIREMENT OF L. H. FOUNTAIN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1982

● Mr. FRANK. Mr. Speaker, even as a new Member of the House, it is with profound regret that I mark the retirement of L. H. FOUNTAIN, whom I got to know well in his capacity as my chairman of the Subcommittee on Intergovernmental Relations and Human Resources of the Government Operations Committee.

L. H. has led a distinguished career. In my short tenure in the Congress I have had the opportunity to witness one of his most important accomplishments—saving the Inspectors General Offices in the various agencies of the Federal Government. When the Reagan administration, upon assuming office, summarily fired a number of these very valuable Inspectors General for absolutely no reason, L. H. FOUNTAIN immediately protested, took action, and prompted the rehiring of many of these Inspectors and the continuation of the program. Of course, it was L. H. FOUNTAIN's leadership which led to the original establishment of these offices, which are so valuable in the fight against waste, fraud, and abuse in the Federal Government.

Without the outstanding contributions of L. H., I am afraid that our efforts to cut this waste in Government spending would be severely hampered.

L. H. FOUNTAIN has served his constituents, his State, and his Nation well, with distinction and with high honor and integrity. We are all proud of him and wish him continued good health and well-being in his retirement.●

EDMUND E. GOODMASTER

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. MOFFETT. Mr. Speaker, it is not often that I take the floor with greater pleasure than I do today, to honor a truly great man. On July 1 of this year, the executive secretary of the Connecticut State Pharmacy Commission, Mr. Edmund E. Goodmaster, retired after 36 years of service. I had the great privilege to have worked with Ed, when I was the director of the Connecticut Citizens Action Group, and have always held this man in the highest esteem. He served our State with dedication, with commitment, with integrity, and with a deep and abiding concern for the health and welfare of Connecticut citizens. It is only fitting, therefore, Mr. Speaker, that I offer this tribute before the House of Representatives to this master pharmacist and beloved man.

Ed Goodmaster has led a career and a life that is rich in awards and distinctions. He graduated with honors and received his Ph. D. from the Connecticut College of Pharmacy in 1933. In 1946, Ed became a pharmacist inspector with the State pharmacy commission, quickly rising through the ranks to become the chief inspector in 1947, the director of the commission in 1966, and the executive secretary of the pharmacy commission in 1977. Ed is a member of numerous distinguished organizations, orders, and educational fraternities, including the Connecticut Pharmaceutical Association, the American Pharmaceutical Association, and the Knights of Columbus. Among the many awards Ed has received are the University of Connecticut Pharmacy School Alumnus of the Year, the Bridgeport Pharmaceutical Society Man of the Year, and the Jewish National Fund Placque for Dedication.

A reading of Ed Goodmaster's awards and citations cannot do the man justice, however. It is the heartfelt statements from the people who know Ed that tell the story. His close friend and fellow pharmacist John Dziubinski said it all when he re-

marked, "Ed loves people and they love him."

My fondest memories of Ed's tenure at the pharmacy commission will always be our roundtable, impromptu discussions in my CCAG days. I'd drop by his office, sometimes several times a week, to ask about food and drug safety and I knew, persistent as I could be about an issue, that his door was always open to me.

May the door always remain open. I know it is now, for everyone, because retirement has hardly cooled Ed's ardor for meeting and talking with people. He continues to visit with pharmacists and friends in the State, dispensing advice, insights, wisdom, and care.

It has been said that the roots of true achievement lie in the will to become the best that you can become. Ed Goodmaster has demonstrated, in his years at the pharmacy commission, that he has that will—and his achievements have been considerable. In his own works, Ed said that his 36 years at the commission were "dedicated to the enforcement of pharmacy and drug laws, rules and regulations governing the practive of pharmacy and to the protection of the public health and citizenry of our State."

You served us well, Ed, and we wish you all the best.●

ANWAR SADAT

HON. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. MONTGOMERY. Mr. Speaker, I am honored to pay tribute to Anwar el-Sadat, who was assassinated on this date 1 year ago.

It is a sad irony that this great man of peace should die in a hail of bullets as he watched a military parade in Egypt. That country lost a beloved President, the United States lost a trusted friend, and the cause of world peace lost a true advocate.

I had the distinct honor of meeting Anwar Sadat, both when he visited the United States and again when I traveled to Egypt and the Middle East. Those of us who met him can attest to the fact that this was an extraordinary man. His warm smile and easy going manner, combined with his visions for a lasting peace in the Middle East, have secured a place for Anwar Sadat among the great world leaders of the 20th century.

I can remember viewing his peace efforts with a sense of hope and amazement. Here was an Arab leader, who had fought against Israel and the Jewish people for many years, extending a hand in peace to Mr. Begin. Sadat was convinced a dramatic move had to be made if his dream of peace was to be realized, and he was prepared for the consequences.

He knew the rest of the Arab world would likely denounce his efforts for peace with Israel and he was right. But he went on anyway, hoping that this plan might somehow lead to a better understanding between Arabs and Jews in the Middle East.

I can well remember the sight here in Washington as he and Mr. Begin joined hands with President Carter to seal the agreements made at Camp David. It was a great and historic moment, and it gave us hope that peace in the Middle East might indeed be possible.

The Camp David accords are still in place and now President Reagan has offered his own plan for peace in the region. Though that peace appears dim at present, due to recent events in Lebanon, I think we must never forget the efforts put forth by Anwar Sadat in an attempt to bring peace.

Men like Anwar Sadat appear on the world scene only rarely. I feel privileged to have had the chance to meet this outstanding man. His greatness will live on in the memories of all of us who share a hope for peace in the Middle East and the world.●

KENNEDY'S FLIP-FLOP ON ABORTION

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. DORNAN of California. Mr. Speaker, in a recent hard-hitting article in the Boston Globe, political columnist David Farrell has brought to our attention how the Senator from Massachusetts, Mr. KENNEDY, has flip-flopped on the abortion issue. I leave it to the reader to form his own conclusions on an issue which the Founding Fathers referred to as the "inalienable right to life" endowed by our Creator.

I should at this time like to submit this eye-opening article for the RECORD.

[From the Boston Globe, Monday, Sept. 27, 1982]

THE REASON FOR KENNEDY'S FLIP-FLOP ON THE ABORTION ISSUE

(By David Farrell)

The people of Massachusetts can always get a new senator, but I can't get a new set of convictions and values—Sen. Edward M. Kennedy speaking on one, of his new television commercials now being aired to bolster his reelection campaign against Republican Ray Shamle.

For nearly two decades, I have served in the Senate and heard my colleagues debate whether Congress can or should decide this intensely private decision for others. I have listened carefully and thought long. And I am convinced that the issue of abortion cannot appropriately or effectively be resolved by statute or by constitutional amendment. It is, and it must remain, a matter of individual conscience."—Sen. Kennedy addressing the Senate Sept. 15 just before it voted to shelve antiabortion legislation for the current session.

While the deep concern of a woman bearing an unwanted child merits consideration and sympathy, it is my personal feeling that the legalization of abortion on demand is not in accordance with the value which our civilization places on human life. Wanted or unwanted. I believe that, human life, even at its earliest stages, has certain rights which must be recognized—the right to be born, the right to love, the right to grow old . . . Once life has begun, no matter at what stage of growth. It is my belief that termination should not be decided merely by desire . . . When history looks back to this era, it should recognize this generation as one which cared about human beings enough to halt the practice of war, to provide a decent living for every family and to fulfull its responsibility to its children from the very moment of conception."—Sen. Jesse Helms of North Carolina? Sen. Orrin Hatch of Utah?

Neither. It was Sen. Kennedy In an *Aug. 3, 1971* letter to a constituent. Kennedy says the subsequent change in his attitude towards the abortion controversy was made necessary by the Supreme Court's 1973 decision legalizing abortion on demand.

But if he had strong feelings and meant what he said in 1971, he would not be leading the opposition to a proposed constitutional amendment that would protect the unborn he said he thought so much of 11 years ago. His change indicates that his personal convictions are not nearly as deep as his new campaign advertising would have the voters believe.

Kennedy's flip-flop on abortion is strictly political and is explained by his desire to remain in the good graces of the ADA and various women's organizations which have been championing abortion as the No. 1 women's issue of this era.

The senator's long-range goal is the presidency. He assumes that his prospects of capturing the Democratic party's nomination—the essential first step in the elusive quest—will be enhanced if he uses his powerful leadership position in the Senate to block pro-life forces from changing the Constitution and negating the Roe-Wade abomination.

As The Globe's Thomas Oliphant pointed out last Friday, Kennedy's new television commercials constitute a trial run to meet the major hurdle facing him across the nation in 1984—the character issue. The TV ads are designed to elicit positive feelings about Kennedy as a person, a father and head of a family.

The sad aspect of Kennedy's effort to improve his image is its transparency. No lavish expenditure of funds is going to gloss over his switch on abortion or Chappaquiddick and its unanswered questions. Both will be waiting for Ted again a year from now when the battle for the 1984 nomination gets going.

The senator need refer only to the experience of Gov. Edward J. King whose recent multimillion-dollar advertising campaign failed to win him renomination. King's TV ads were well done and stressed the idea that the governor was a warm man with very close ties to family. But large numbers of voters obviously were not persuaded.

Kennedy, of course, will have no problem winning re-election this fall. The GOP's Shamie who has been doing everything he

can to draw him into a debate has been unable to make a dent in Kennedy's powerful position with voters here.

Shamie also will make a mistake if he interprets the large number of voters who blanked Ted in the recent Democratic primary as a forerunner of good news in November. Despite Ted's liberal positions on many issues—a posture which places him at odds with sizable segments of the the Massachusetts electorate—most Democrats are likely to support the senator in the voting booth.

But Iowa in 1984 presents a much tougher hurdle.

David Farrell is a Globe political columnist.●

NO TO CARIBBEAN BASIN INITIATIVE

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. STARK. Mr. Speaker, this Congress has not passed much great legislation. But is has also avoided passing some real turkeys.

Near the top of the turkey list is the President's Caribbean Basin Initiative, a program of foreign aid concentrated on our immediate neighbors to the south.

This program includes direct foreign aid of about $350 million which, unfortunately, has been approved. But it also includes special tariff-free trade incentives for products from various Caribbean countries as well as special tax loopholes for investment in these nations. The tariff concessions would cost the Treasury about $100 million per year and the tax breaks would cost untold millions more. It is these trade and tax provisions which the Ways and Means Committee, on which I serve, has managed to avoid. It is my hope that we will continue to resist these provisions during the lameduck session of Congress.

Certainly, Mr. Speaker, these nations are in deep trouble and need help. but so does my city of Oakland and so do my constituents who are being thrown off the disability rolls and who are losing their homes and properties through foreclosures and defaults. I just do not believe this is the year to provide massive new foreign aid programs.

Second, the form of the aid is all wrong. The tax incentives would lead the plants running away from U.S. locations and relocating in the Caribbean. The provide enormous windfalls with no guarantees that the benefits will be passed on to the workers in the host countries. The trade provisions are a gross violation of most-favored-nation trade status, anger our trading partners in other developing countries, and basically divert trade from Asia to the Caribbean.

Finally, I make this speech on October 1, the first day the new sugar quotas go into effect. These quotas, imposed as part of a deal by the White House to get votes for last year's budget cuts, are keeping U.S. sugar prices two to three times the world price. Not only does this further depress the buying power of all of our constitutents, but it depresses the world price of sugar—the stable product of the Caribbean Basin countries. If we really want to help the Caribbean—and our own people—let's forget these tax and trade gimmicks and lighten up on the sugar quota.●

FALSE LABELS CAN STICK AND HURT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BIAGGI. Mr. Speaker, recently one of New York's finest columnists, William Reel, wrote a column on a topic which concerns me greatly; namely how to erase a label or a perception which had been falsely affixed to a person's otherwise good name. Mr. Reel's column discusses our former colleague and now the distinguished and highly effective mayor of my home city of New York, Ed Koch, as well as Pope Pius XII. What these two men have in common is something neither of them deserve—namely having to defend their names from clearly slanderous accusations. In the case of Ed Koch, being called a racist and the Pope being anti-Semitic.

Our Nation prides itself for the freedoms we have as individuals and as a society. Yet it is unfortunate that the freedom from being slandered or libeled without recourse is not one of those freedoms enjoyed by all our citizens. For people in public life it is a definite problem.

Even in our democratic society, there are too many people who hate, too many people who would ruin their fellow man's reputation. To charge a person falsely with being a racist or an anti-Semite is a moral crime of the highest order. I hope my colleagues will read this article carefully and ponder its content and message.

The article follows immediately:

KOCH A RACIST? WHEN . . . WHERE?

(By Bill Reel)

The big lie is alive and well. I keep reading that Mayor Koch is a racist and that Pope Pius XII was an anti-Semite. These ugly slanders have become articles of faith in some circles because they have been repeated again and again. Why do we tolerate this swill? I hate to dignify it by rebutting it, but I'm sick of seeing it go unchallenged.

Racism is a tough tag to live down. Mayor Koch probably won't be able to shed the libelous label. The slur has been stated so loud and long that it has become accepted and acceptable to call the mayor a racist.

"The mayor rose to power on the backs of blacks and Hispanics and the ones who were least able to fight back," said a column that gloated over Koch's defeat for the Democratic nomination for governor. Said the columnist of Koch: I say stick a fork in him, he's done. Just to drive the fork in a little deeper, the line was repeated at the end of the column. It was a chilling, sickening sentence. The imagery assaulted decent sensibilities.

But this column was merely piggy-backing on an orgy of Koch-baiting that has gone on for years. A bullying, swaggering, lowlife element in the press began calling Koch a racist right after he took office in 1978. No evidence is ever cited to support the charge that Koch is a racist. The charge is simply repeated ad nauseum. It's the big lie; the name of the game is name-calling.

A racist denies that every human being is entitled to respect and dignity. A racist attempts to deny advancement to others on the basis of race. When did Koch ever do this? Koch's most important achievement as mayor, some of us believe, is the improvement in the schools. Reading scores are on the rise. The schools are populated mostly by minority children. Under Koch, the children are finally getting an education that will equip them to succeed in the work. This makes Koch a fighter for minority advancement, if you ask me. Whenever Koch mentions crime in New York, he rightly notes that minority citizens are overwhelmingly law-abiding, and that blacks and Hispanics suffer more from crime than do whites. What is racist about this mayor? The charge has been conjured up by character assassins.

Big lies die hard. Koch, who was a civil-rights lawyer for blacks in Mississippi in the days when it was dangerous, will nevertheless probably always be remembered as a racist. The false charge has been made so often that he will never live it down. It calls to mind another big lie now loudly making the rounds again, the big lie that Pope Pius XII was silent about the fate of Jews during the Holocaust. I had heard this so many times over the years that I always assumed it was true. Just last week, for example, the influential liberal journal The New Republic editorialized: "The indifference of Pius XII to the extermination of the Jews has been incontrovertibly documented. It is a permanent stain."

Then I came across Pope Pius' 1942 Christmas message in which he pleaded for "the hundreds of thousands of persons who, without any fault on their part, sometimes only because of their nationality or race, have been consigned to death or to a slow decline." The New York Times, in a Christmas Day editorial that year, stated: "This Christmas, more than ever, the Pope is a lonely voice crying out of the silence of a continent . . . When a leader bound to impartiality to nations on both sides condemns as 'heresy' the new form of national state which subordinates everything to itself, when he assails the exile and persecution of human beings 'for no other reason than their race or political opinion,' the impartial judgment is like a verdict in a high court of justice."

And yet, Pope Pius XII will go down as an anti-Semite. And Mayor Koch will go down as a racist. It's a shame and a disgrace. Too many people who should know better don't give a damn about the truth.●

LAND BANKING AND OUR HOUSING LOSS—PART 1

HON. Wm. S. BROOMFIELD
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BROOMFIELD. Mr. Speaker, there is a crisis in housing in this country today that must be examined and addressed. Part of that crisis is the dramatic slump in new starts that the housing industry is experiencing. Another part of that crisis is the product of high interest rates that has priced many people out of the housing market—people who want to own their own homes but cannot afford to do so. A third aspect of this crisis is the result of other Government policies using Federal funds that have taken existing houses that need rehabilitation out of the marketplace and away from potential ownership by people needing housing.

Southeast Michigan, for the first time in its history, has had a net loss of housing units while the demand for housing has been high. Last year alone, 2,121 units were lost in the midst of this housing crisis.

As Mr. Bob Selwa, a reporter for the Macomb Daily in Michigan said in discussing this problem with me:

Housing is the quiet crisis. One day one sees a house standing neglected. The next day it is bulldozed. Three months later the mess is cleaned up and an empty lot with weeds and litter remains. Each step of the way, the block, the neighborhood and the city are the victims along with the house.

In every neighborhood each destroyed home is a loss to the tax base of the city. Each pile of brick and wood is an eyesore to the block. Each empty lot is another chance taken away for people to find decent and affordable housing.

In a recent Detroit Free Press article, Ms. Sally Smith discussed this part of the crisis in housing in a two-part series. The articles deal with the effects of land banking—of Federal, State, and local governments taking existing structures off the market and holding them—and with the desire of people for homes.

Mr. Speaker, at this time, I wish to include the first of Ms. Smith's articles. I will include the final part of her series later.

The article follows:

[From the Detroit Free Press, Sept. 8, 1982]

CITY IS ITS OWN LAND BARON

(By Sally Smith)

The City of Detroit, whipsawed by a faltering economic base and declining population, is now one of the nation's leading municipal property owners. Its portfolio of abandoned homes and vacant lots includes about 20,000 parcels, significantly more than any similar-sized city in the country.

During the five-year period ending December 1980, the city obtained 19,014 parcels of land. The state, which acquires homes and lots owing county taxes, turned over 12,409 parcels. The U.S. Department of Housing and Urban Development (HUD) contributed 6,464 properties and the city 141, according to a city auditor general's report.

Officials now estimate the city owns about 20,000 parcels—19,000 of them vacant residential lots—or about five percent of the city's taxable property.

HUD stopped deeding land to the city two years ago and is marketing its own properties. But the city still expects to collect between 2,000 and 6,000 abandoned homes and vacant lots a year for the next three to five years, the auditor general's report said.

Detroit's differs markedly from other cities in its approach to land ownership. While cities such as Cleveland, Philadelphia or New York try to put abandoned properties back in the hands of private owners as quickly as possible, Detroit collects and holds empty homes and lots as part of a long-term strategy to create large tracts of empty land. Eventually, the city hopes, these tracts will entice commerce and industry back to Detroit.

The strategy, referred to as "landbanking" by city development officials, has caused friction with some members of the City Council and other groups concerned about breathing new life into the city's damaged neighborhoods.

They say the lag between the time the city acquires property and then puts it to some new use helps spread neighborhood blight, is costly in terms of tax losses and maintenance of vacant lots, and results in demolition of homes that could be saved.

But the city defends the strategy as necessary.

HUMPTY DUMPTY PROBLEM

"No other city had the kind of devastation wreaked upon it that Detroit did with the HUD program in the 1970s," said Tom Lewis, deputy director of the city Community and Economic Development Department (CEDD), who will soon become the city's housing director. "And at one time, this place had two million people in it. Now it doesn't.

"So what we are about now is all the king's horses and all the king's men trying to put Humpty Dumpty back together again. Obviously, the best position to be in is a position of strength . . . and in Detroit, that means own the land."

CEDD manages all the city's property. That includes properties with delinquent county taxes, which under law revert to state ownership and then are turned over to the city; mortgage foreclosures from HUD; and city tax foreclosures. Tax-delinquent property reverts to government ownership if a homeowner does not pay county or city taxes for three years.

The city's role as landlord is a major shift from a decade ago, when HUD owned most property under government control in Detroit. In the wake of a devastating scandal involving defaults on federally subsidized mortgages by thousands of low-income families, HUD was left holding about 17,000 Detroit homes and lots. (Most of the properties were later sold or deeded to the city, but HUD's inventory of 2,490 homes and 350 lots in Detroit remains the largest of any city in the nation, HUD officials said.)

The HUD scandal, combined with a steady exodus of jobs and people from the city almost forced city redevelopment officials to become interested in land ownership as the decade progressed. From two million in 1951, the city's population had shrunk to 1.2 million by 1980.

SOME JUST WALKED AWAY

Because Detroit was built on the dream of single-family home ownership, the population drain had a particularly destructive effect on the city's landscape. Street after street became dotted with boarded-up homes, which were then gutted by vandals and sometimes burned. Neighbors had trouble selling their properties. Some just quit paying taxes and walked away.

According to CEDD's Lewis, Detroit decided to take on the role of landlord to help stop the losses and leave room to bargain for revitalization in the future. He said the alternative would be public land auctions, and that would invite a major invasion by private real estate speculators, who could drive land prices up without any benefit to the city.

But if the city owns the land, the possibilities increase for creative real-estate deals, he said. The strategy allows Detroit to acquire land below market price and helps avoid costly and difficult eviction problems like those experienced in Poletown, where an entire neighborhood on the Detroit-Hamtramck border had to be acquired and razed to make way for a new General Motors Corp. assembly plant.

Lewis said that 6,500 to 8,500 parcels of city-owned land already are being used in redevelopment areas such as Virginia Park in northwest Detroit, where a shopping center, a community center and new houses are helping rebuild a neighborhood nearly destroyed in the 1967 riots.

"A private guy is buying property to make a dollar," he said. "The whole reason we are buying it is to encourage revitalization."

Different laws, local regulations and policies govern the growth of various cities' land inventories. But interviews with community development officials in cities suffering the same sort of economic problems show that Detroit makes a more aggressive effort to gain public control of land.

In Milwaukee, the city owns only about 250 abandoned homes and vacant lots. In Cleveland, the number is 1,800; in Philadelphia, 7,000; in St. Louis, 6,700. Redevelopment officials in Chicago said they acquire property only in areas where an urban renewal project already is planned. With 23,000 parcels of land, New York's portfolio of abandoned properties slightly exceeds Detroit's, but its population (seven million) is also more than six times as large.

While Detroit's landbanking strategy contributes to a rapidly growing volume of city-owned property, officials in other cities said they actively market them to the public, either through auctions or programs designed to persuade homeowners to buy vacant lots.

The only exception is New York, where landbanking is practiced in small areas of the city "but only in isolated areas," said Stuart Fischer, an official with the New York City Housing Preservation and Development Department.

EMPTY LAND SPARKS DEBATE

Landbanking has put CEDD at odds with a majority of the Detroit City Council, which argues the city should only collect properties in devastated areas. In more intact neighborhoods, they say, CEDD should make an aggressive effort to sell vacant lots to adjacent homeowners or find some interim use for the property, such as parks.

The cost of simply maintaining the properties—in terms of dollars, poor public opinion, neighborhood blight and potential law-

suits stemming from accidents in open and dangerous buildings—is too much for the city, council members contend.

"We disagree with CEDD because of the cost of maintaining the properties," said Councilman Jack Kelley.

". . . What value is it? In some neighborhoods, the city only owns scattered properties and the rest is okay. And if the lot isn't wider than 30 feet, you can't build on it anyway." (Under the city's current construction guidelines, lots must be a minimum of 35 feet wide.)

Even council members who agree with the overall strategy of landbanking as a way to revitalize Detroit are uncomfortable with what they view as CEDD's vague plans for the future.

"It would be helpful if the City Council had a glimpse of Detroit's master plan," said Councilman Mel Ravitz.

"For the last seven years, the administration has presumably been working to develop a vision of the future of Detroit, but I'm not sure they've done that. They haven't shown us a master plan so the council has no notion of what the city's land use ought to be. This to me is astonishing . . .

"All I know is that the administration is accumulating land. They are acting like a bunch of pack rats. Just holding land. They ought to let us know why."

CEDD agrees the properties are troublesome to maintain. Henry Rubin, CEDD's assistant real estate administrator, said maintenance of city-owned vacant lots cost between $150,000 and $200,000 last year.

"We do have a problem," he said. "For that money, we didn't even cut all of the lots. We're talking about the ones with three-foot weeds."●

BUDGET TRUTH

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. STARK. Mr. Speaker, in his press conference earlier this week, the President blamed the Congress for not having a budget to run the Federal Government.

That is not really accurate, and I would like to share with readers throughout the Nation a thoughtful editorial in this morning's Washington Post which describes the truth—and complexity—of the budget situation.

The editorial follows:

[From the Washington Post, Oct. 1, 1982]

CELEBRATING THE NEW YEAR

Here comes the Fiscal New Year, and President Reagan says that the country has no budget because of congressional delays. Can that be correct?

No, fortunately, it's not correct. The federal budget is in place. It's explicit and enforceable. It is the budget resolution that Congress passed last June. In a departure from earlier procedure, that June resolution becomes legally binding today—saying that any bill violating its spending limits can be knocked down by the objection of any one member in either house.

What Reagan meant was that none of the appropriations bills has yet been passed. That's not desirable, but neither is it unprecedented. None of the appropriations bills had passed at this time last year, either. But with the budget resolution in place, appropriations bills do not set the level of spending for the federal government. They have to be fitted into the limits set by the resolution.

Mr. Reagan's purpose in making this dubious accusation was presumably to suggest to incautious listeners that congressional delays are somehow responsible for the general state of the national economy. Our own view is the opposite—that Congress, particularly the Senate, has been more farsighted and courageous in fiscal policy this year than the administration.

The new congressional budget process, which has been in effect only since 1976, is still evolving—but it is evolving in the right direction, toward greater precision and rigor. As it gets stronger, a lot of people are learning to dislike it. Some of them are congressional committee chairmen of both parties, who chafe at the restrictions that it imposes on their traditional power. Some are at the White House, which totally controlled the broad sweep of budget policy until this new procedure arrived. Now the President has to share it with Congress.

There are certainly defects in this new budget process—although not nearly so severe as the defects in the old budget process. The present system does indeed tend to delay appropriations bills. Without them, the government runs on continuing resolutions like the one that Congress is now passing. That's nobody's idea of a good practice. But it's a way to keep a president from increasing spending. Deliberate delay is currently a weapon, for example, in the struggle over the size of the increase in defense spending. Another weakness in the budget process is its custom of basing calculations on excessively optimistic assumptions about the future growth of the economy. That's happened again this year. Some corrections are going to have to be made next spring, acknowledging the high deficit ahead.

But despite suggestions that you may have heard from your highly placed source, there is a budget and it is in effect. It is, furthermore, a better budget—more realistic, and less harsh—than the original budget proposal that Mr. Reagan, last February, sent to Congress.●

HOW MUCH CAN THE KGB HEAR?

HON. JOHN Le BOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. LeBOUTILLIER. Mr. Speaker, recently, the Norwich Bulletin of Norwich, Conn., carried an article by author William F. Parham about Soviet eavesdropping in the United States. Based on a 3-hour interview with former U.N. Undersecretary General Arkady Shevchenko—the highest ranking Soviet diplomat ever to defect to the United States—and former U.S. counterintelligence officials, this article shows that Soviet eavesdropping in the United States is extensive. Quoting one former FBI counterintelligence expert, he says that Soviet facilities to select and record U.S.-phone and phone-channel data transmission messages are the most lucrative source of information the Soviets have. Americans only know the tip of the iceberg of Soviet intercepts of U.S. phone and radio transmissions.

I commend this article to my colleagues as follows:

HOW MUCH CAN THE KGB HEAR?

(By William F. Parham)

UNITED NATIONS, N.Y.—Every once in a while the Soviet KGB intelligence service tips off the Soviet U.N. Ambassador ahead of time as to how Washington has instructed the American delegation to vote in a crucial Security Council debate.

The U.N. deliberations and the strategies of Soviet U.N. Ambassador Oleg Troyanovsky and before him, Yakov Malik, aren't really the KGB's primary concern.

But the KGB likes to remind top Soviet diplomats of the KGB's growing ability to intercept simultaneously thousands of U.S. phone calls and instantly select those with immediately useful data.

Carelessness over open phone lines by employees of the U.S. Mission to the U.N. is vital to the KGB's tips, says former U.N. Under Secretary General Arkady Shevchenko.

"Some of the people in the American mission talk either with Washingoton, directly with the State Department, or even inside the delegation in New York, they call from the U.N. building to the U.S. mission and talk," according to Shevchenko.

He says that despite U.S. government warnings, Americans continue to be extremely careless about chatting on the phone about classified matters. "You know, everybody is talking to anybody about everything."

He also says the tips show the KGB is able to monitor simultaneously thousands of phone calls in the Connecticut-New York-New Jersey area.

"There's no doubt about it," says Shevchenko. "Otherwise, I can tell you, if they were not able to do that simultaneously, they would not tell Ambassador Troyanovsky or Malik before him a damn thing.

"I mean they don't pay much attention to that. The KGB would do their own job first, and GRU Military intelligence would use more of the conversations of the American military.

"And the last thing they are interested in is what's going on in the U.N., and to help the Soviet Ambassador with something.

"From their point of view it would be much more interesting to get something more solid, rather than this petty business in the U.N.

THE '72 GRAIN HEIST

The Bulletin has confirmed from another source that in 1972 the Soviet Embassy on 16th Street in Washington picked up inside information by eavesdropping on conversations between the U.S. Department of Agriculture and Midwest grain dealers.

As a result, the Soviets outmaneuvered U.S. negotiators and signed a long-term contract for a record tonnage of grain—at bargain prices.

Presumably other political and economic negotiations important to the Soviets, including arms negotiations, receive equally attentive consideration from the Soviet electronic eavesdroppers.

KHRUSHCHEV'S KUDOS

After the 1962 Cuban missile crisis, reports former CIA officer Harry Rositzke,

Nikita Khrushchev complimented Soviet military intelligence for giving him crucial information from phone intercepts in Washington that helped him reach an agreement with President Kennedy that Khrushchev felt benefited the Soviet Union.

And during the Vietnam War, the KGB could and did monitor Defense Department message circuits used by the Pentagon to give instructions to Saigon and other overseas commands.

NO SAFE PHONES IN WASHINGTON

Shevchenko says he has been told by experts that there are no "safe" nonsecure telephones in Washington, period.

Even the White House, normally thought of as a highly secure area, has been vulnerable when outside callers have called in on nonsecure lines.

Washington is potentially an extremely fertile field for the hardnosed use of juicy tidbits gleaned from unguarded phone conversations.

"Anyone listening in to a senator's telephone conversations for two weeks would own him," a Senate aide once cracked.

ORIGINATING PHONES

Experts have disagreed as to whether the Soviets are able to register originating phone numbers as well as the dialed, or destination numbers.

"I think they can do both," Shevchenko says. "They are extremely sophisticated. Their ability should not be underestimated."

"I know just from the conversations with them (KGB), that it is important to know the telephone number from which they are calling, because there are millions of telephones."

Shevchenko says the KGB from the Glen Cove facility alone can computer-scan thousands of phone calls simultaneously, perhaps a million over a period of several days—by originating as well as by dialed phones.

This has been corroborated by a U.S. official who said that Soviet computers can indeed be programmed to pick up "pairs" of phones which most often yield interesting conversations.

"They've developed a real-time capability that can alert them instantly that a call has been dialed between two individuals who often talk of things interesting to the Soviets," this source said.

"Meanwhile, other lower priority calls are still being recorded and sent back to Moscow for routine analysis.

"If they tried to monitor all military or State Department calls, they'd go wild, but they can quickly target certain phones and pairs, such as calls between the Under Secretary of State X and Senator Y."

INTERCEPT PROLIFERATION

Soviet intercept facilities are not necessarily limited to official Soviet diplomatic, residential or commercial properties in the U.S.

Numerous senior Soviet intelligence officials live outside the official residence quarters in Washington and nearby areas—often on the top floors of their apartment building where height is an advantage for microwave intercept.

One senior Soviet military intelligence officer has had an apartment for a decade in the top floor of a strategically located Arlington, Va., apartment house.

Phone interception equipment can be as mobile as a large portable television set.

"All it takes is a little black box in an apartment near a microwave relay," says one U.S. expert.

Not only can interceptors make use of such innocent-looking structures as apartments, houses, sheds or barns, experts say, but even specially outfitted vans can be equipped to do the interceptions—particularly if the vans can get close to the microwave tower or beam.

Military experts say the Soviets have for some time used U.S. phone interceptions for:

—Military weapons data and technical secrets to improve their own military technical capabilities and counter improvements in U.S. military technology;

—Military deployment (such as ship deployments) and operational practices data useful for developing effective and unexpected plans of attack;

—Political and economic data to aid various Soviet political and economic bargaining against the U.S.

A military officer said that one way the Soviets can use phone intercepts is to confirm, correct or elaborate on data on U.S. military plans and programs that may leak into print, such as Aviation Week and Space Technology—which the Soviets fly immediately to Moscow for minute analysis.

U.S. government technical people with first-hand knowledge of such programs are known to chat with colleagues on unprotected phone lines as to how close to the mark such news reports may come.

EARLY ATTEMPTS AT CURES

In the mid-1970s, the National Security Council considered a plan to abandon the widely used microwave telecommunications relay towers in favor of the more expensive underground cables.

After long discussion the Ford Administration decided to leave the decision to the Carter Administration, which decided against the move.

The Carter Administration did decide to encourage many defense contractors to spend millions of dollars on scrambler equipment to encrypt message transmissions that if intercepted might weaken the U.S. against the Soviets.

The Carter Administration also decided to begin to put underground all government phone calls in the Washington, New York, and San Francisco areas where the Soviets were known to have primary interception capabilities.

Some officials have believed publicity about Soviet intercepts would threaten similar U.S. capabilities in the Soviet Union, and thus would be harmful.

Others however have maintained that the U.S. is more vulnerable to damage from such practices, even if the U.S. maintained a similar level of surveillance of Soviet phone messages in the Soviet Union—and such capabilities reportedly do exist.

LEVERAGE IN A TRUSTING SOCIETY

It has been argued that since the Soviet Union is a closed society, U.S. intercepts of Soviet phone conversations yield more valuable information than Soviet intercepts of U.S. conversations.

On two counts this seems doubtful.

First, the Soviet Union has lagged the U.S. in many crucial areas of defense technology—but is catching up now, apparently with a big boost from U.S. phone intercepts.

Second, the U.S. would normally be much less able to use information overheard in the Soviet Union to influence Soviet policy through "leaks" of material gained through the intercepts (see accompanying story).

The Politburo controls the news media in the Soviet Union.

And the Soviet media, in turn, is not the slightest bit receptive to walk-in "leaks" of material harmful to Soviet government policies—in sharp contrast to accepted media practices in the U.S. and other Western democracies.

A retired FBI counterintelligence expert says that Americans "only know the tip of the iceberg" of Soviet intercepts of U.S. phone and radio transmissions.

Speaking of Soviet facilities to select and record U.S. phone and phone-channel data transmission messages, this former official said:

"It's the most lucrative source of information the Soviets have."●

THERE ISN'T MUCH KGB EAVESDROPPERS CAN'T HEAR

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. LEBOUTILLIER. Mr. Speaker, I would like to draw the attention of my colleagues to an article which appeared in the Norwich Bulletin of Norwich, Conn., by author William F. Parham. Based on a 3-hour interview with former U.N. Under Secretary General Arkady Shevchenko—the highest ranking Soviet diplomat ever to defect to the United States—and former U.S. counterintelligence officials, this article discusses the extent of U.S. eavesdropping in the United States.

I commend this article to my colleagues as follows:

[From the Norwich Bulletin, Apr. 19, 1982]

THERE ISN'T MUCH KGB EAVESDROPPERS CAN'T HEAR

(By William F. Parham)

GROTON.—Red labels on most Navy phones here warn users that calls from the phone may not be safe from eavesdropping.

"This is a nonsecure telephone subject to communications security monitoring," say the labels.

"Use of this phone constitutes consent to monitor."

The same warning might as well be attached to every phone used for long distance calls from Connecticut to Norfolk, Va., according to former Soviet diplomat Arkady Shevchenko.

Two groups do the monitoring.

Occasionally the Navy itself has been known to listen to calls Navy personnel make on Navy-owned telephones to see how much vital data may be leaking over nonsecure lines.

The other group, the Soviet KGB intelligence service, listens in full time, tapes many of the calls, and every year ships tons of the tapes to Moscow for detailed analysis.

From the attic of the Soviet UN Ambassador's mansion in Glen Cove, Long Island, and from other locations, the KGB monitors many of the nonsecure long-distance calls from southeastern Connecticut to Washington or Norfolk, according to Shevchenko.

Thousands of defense-related calls routinely pass through this corridor every month from the Navy's Sub Base in Groton, the Naval Underwater Systems Center in

New London, Electric Boat submarine shipbuilders and other technical contractors in southeastern Connecticut.

Some calls go on secure circuits, on which cryptographic encoders and decoders complicate the task of interception. Many other calls from the same places go over open circuits, experts say.

Calls monitored from the Glen Cove attic are those which are relayed via microwave—high frequency radio signals relayed between phone company towers at intervals of perhaps 25 miles.

Most long distance calls in the U.S. are relayed by microwave. When local land line circuits are tied up, even some local calls go microwave. In southestern Connecticut 12 percent of the local circuits, for example, are served by microwave.

Not only does Soviet intelligence use the Glen Cove attic for monitoring open intercity phone calls relayed by microwave along the Connecticut-New York-New Jersey corridor, but it also can pick up Navy radio messages to and from Navy ships including submarines homeported at the submarine base here, Shevchenko says.

TRAWLERS FISH FOR "PLUCKABLES"

During periods of special interest the KGB monitoring from Glen Cove can be supplemented by Soviet Navy AGI intelligence collection ships patrolling off the eastern end of Long Island Sound.

Last summer during sea trials of the first U.S. Trident missile submarine, SSBN726 Ohio, three different Soviet Navy AGI intelligence collection ships patrolled near the east tip of Long Island Sound.

At the time it was reported that these ships were interested in recording Ohio's sound and other signatures for reference by the Soviet Navy's growing antisubmarine warfare forces.

Navy sources said the AGI ships probably didn't have a lot of success in this effort. They may have had greater success, however, in another endeavor.

It is certain that these Soviet intelligence ships were also interested in listening to phone calls associated with the sea trials, a Navy expert has said—including those calls at the end of the trials that may have enthusiastically described Ohio's various successes in surpassing various design specifications including speed and quietness.

A Navy source has recently said that these Soviet AGI trawlers frequently spend long periods of time moored offshore near important U.S. missile submarine ports, listening to various "pluckable" radio frequencies ashore—including microwave phone-relay frequencies.

Until the Reagan Administration's recent ban, even Soviet merchant ships were pressed into eavesdropping service off U.S. shores.

These ships have very sophisticated arrays of radio intercept antennae, and their merchant seamen crews are known to include electronics experts.

Until recently, such ships were allowed to call at 40 U.S. ports, including New London harbor as long as the ships gave a two-week advance notice.

The range of microwave and other radio signals is known to be much greater over water than over land. Such signals do follow the earth's curvature somewhat over water.

The U.S. Navy doesn't know, however, what the Soviets learned about the Ohio sea trials.

Guidelines promulgated during the Carter Administration prevented the Navy from listening in to the frequencies that Soviet spy ships lock onto if they turn out to be U.S. phone communications.

NO PIGGYBACKING ALLOWED

U.S. counterintelligence officials were prevented by Carter Administration guidelines in the late 1970s from determining how much the Soviets were listening to U.S. phone calls anywhere in the U.S.

U.S. officials were prohibited from "piggybacking" or listening in on any Soviet transmissions of data they intercepted from U.S. phone calls.

Soviet telephone interception computers can be programmed to listen for key words, depending on KGB priorities of the moment.

Cryptography expert David Kahn said this capability is at the edge of technology and can probably be used by the Soviets to pick up perhaps 10 words or so, but probably not several hundred words yet.

SOVIET MISSION RULES

Soviet electronic intercept capabilities exercised here in the U.S. can be read from the rules the Soviets impose on their own employees at the Soviet U.N. Mission in Manhattan, Shevchenko says.

Soviets in Soviet diplomatic outposts in the U.S. are prohibited from typing secret material on typewriters or teletypes in outer rooms of the diplomatic buildings. Because of the interceptable sounds made by individual keys on the keyboards, the Soviet employees are allowed to type secret material only in inner, sound-insulated "referentura" sanctuaries deep in the center of Soviet embassies, missions, and residences in the U.S.

"They understand well the technique of monitoring everything," Shevchenko says.

"They prohibit you to type—not only can you not dictate a code cable, draft code cable, but you are not allowed even to type it on the typing machine.

"Because by the sounds you can get it. You have to write it, it should be handwritten."

Soviet KGB officials in the U.S.—whose real missions are known to other Soviets here—still go to extreme lengths to keep their own phone numbers in the U.N. mission secret even from their own countrymen.

Soviet interceptions of U.S. phone traffic are accurate, Shevchenko says, and the KGB is adept at sifting the important conversations from the several million calls intercepted every month.

"I know just from the conversations with them (KGB)," Shevchenko says, "it is important to know the telephone number from which they are calling, because there are millions of telephones.

"Sometimes it is very hard for them to know the telephone number. But if they know your private telephone number, they can do it.

VIBRATING WINDOW PANES

Soviet intelligence agents do not hold conversations on sensitive matters indoors in rooms with windows because listening equipment can be focused on the windows from distant line-of-sight locations.

Shutters are kept closed tight on all the windows of the Soviet 16th Street embassy in Washington, where every Soviet-bloc military attaché in Washington (all are military intelligence officers) gather for monthly meetings to discuss plans and projects.

In all these cases, Soviet practice is based on the perception that since they themselves have the electronic capability to monitor and record talk or keyboard typing from the outside, then the U.S. must also have—and use—similar capabilities.

To prevent long-range intercept of conversations that vibrate window panes, some windows of official U.S. rooms in Washington in which high-security conversations take place are equipped with window-pane shakers producing high-frequency window-pane vibrations to neutralize those caused by the sounds of the conversations inside the room.

This is designed to prevent interceptions by the Soviet, who are known to have laser equipment that can be trained from a considerable distance at any window in sight to pick up window pane vibrations from conversations inside.

Urgent information gleaned from the KGB's electronic intercepts can be in Moscow nearly as soon as it is intercepted.

Soviet diplomatic outposts in the U.S. are apparently equipped with burst transmitters and receivers which can compress hours of conversation into coded, split-second satellite-relayed transmissions.

SATELLITE RELAY FOOTPRINTS

In recent years many large U.S. companies, including General Dynamics and other defense contractors, have established satellite relay communications for an increasing part of their data message traffic between subsidiaries. These transmissions from one large steerable earthbound dish to one of seven satellites some 22,300 miles high and back down to another dish perhaps thousands of miles away are also the target of Soviet monitoring.

The "footprint," or area covered by the beam on its return to earth from the satellite, is larger than the continental U.S.

In 1977 The Soviet Union spent several million rubles to install large (perhaps 30-meters in diameter) steerable dish antennae in antenna fields outside Havana, Cuba, to intercept phone calls, telegrams, and computer data relayed to and from U.S. points by satellites 22,300 miles up.

TRANS-ATLANTIC CABLES

Concerned about possible Soviet intercept of radioed transAtlantic phone communications, the National Security Agency persuaded the FCC in 1978 to reverse a previous decision and permit construction of a 7th $200-million transAtlantic cable to be begun in 1983.

A year later, cryptology expert David Kahn wrote in the journal Foreign Affairs, "There have never been any reports of Soviet attempts to tap transAtlantic phone cables by induction because demultiplexing (sorting out) the various interleaved conversations would require considerable complicated equipment, "probably too bulky for a submarine to carry."

Since then, the Soviets have made significant progress in miniaturizing their computer capabilities.

Also, the Soviet Navy has begun adding two very large new classes of nuclear submarines to its undersea fleet.

The new 13,000-ton Oscar-class cruise missile submarines are nearly three times larger than previous Soviet cruise missile submarines.

If the Oscars aren't large enough for the task, perhaps the new 25,000-ton Typhoon-class nuclear-powered ballistic missile submarines—twice as large as previous Soviet SSBNs—would be.●

DAVID R. BOWEN—IN APPRECIATION

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1982

● Mr. ZABLOCKI. Mr. Speaker, it is both with a sense of appreciation and personal regret that I join my colleagues in recognizing the outstanding record compiled by the gentleman from Mississippi (Mr. BOWEN) in just 10 years of distinguished service to this body: Appreciation for his invaluable contribution to the work of the Committee on Foreign Affairs; and regret that the House will lose the talents of an exceptionally able legislator, with a promising future.

Despite his decision not to run for reelection in November, for reasons which are undoubtedly valid and compelling, I have no doubt at all that DAVID BOWEN will be heard from again—in some significant area of public life.

As Members recognize, DAVID BOWEN is a man of considerable attainment: a Rhodes Scholar; a professor; a leading executive of such diverse organizations as the Office of Economic Opportunity and the U.S. Chamber of Commerce; and as a legislator who has served on three major committees and chaired one subcommittee.

I would like to note at this point in the RECORD, Mr. Speaker, that although his assignment with the Foreign Affairs Committee was of relatively recent origin and was undertaken in addition to his principal responsibilities with the Agriculture Committee, he has participated actively and constructively in the foreign affairs legislative process. During the past 2 years, moreover, DAVID BOWEN has served as the committee's principal liaison representative to the Council of Europe, headquartered in Strasbourg. As I have been informed on numerous occasions by the leadership of that body's Parliamentary Assembly—one of the oldest and most broadly representative multilateral organizations in Europe—he carried out his responsibilities with great distinction and clearly enjoys the respect and admiration of his European colleagues.

I would like to take particular note of the role that Representative BOWEN played during House consideration of the legislation implementing the Panama Canal Treaties. Serving at that time on both the Committee on Foreign Affairs and the Committee on Merchant Marine and Fisheries, DAVID exercised an active leadership role in drafting legislation that would insure U.S. compliance with the treaties while at the same time dealing with the concerns of important domestic interest groups. DAVID'S courageous statesmanlike role was important to securing the passage of this vital legislation.

Above all, DAVID BOWEN is a man of clear vision and independent judgment, as well as dedication to duty, and we will miss his input into our future deliberations. I wish him every possible future success, as I also commend him for the very significant influence he has exerted on the membership of this House in one brief, but productive, decade.●

HUMAN LIBERTIES—BARGAINING CHIP SOVIET-STYLE

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. LEBOUTILLIER. Mr. Speaker, since the policy of détente was initiated over a decade ago, one of the major hopes of Western leaders was that Soviet society would eventually become liberalized. The capstone of this hope was the signing of the Helsinki Final Act on August 1, 1975, whereupon the heads of 32 European nations, the Soviet Union, the United States, and Canada, signed a document which declared their mutual "respect for human rights and fundamental freedoms." This document declared that:

> In the field of human rights and fundamental freedoms, the participating states will act in conformity with the purpose and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights. They will also fulfill their obligations as set forth in the international declarations and agreements in this field including inter alia the International Covenants on Human Rights, by which they may be bound.

At the signing ceremony, Soviet Premier Leonid Brezhnev urged that the principles of Helsinki be "put to practical use and made a law of international life not to be breached by anyone." He said:

> We note with deep satisfaction that . . . these principles are inbued with respect and care for man, so that he can live in peace and look forward to the future with confidence.

Since that time, Soviet actions have consistently defied their words. Radio broadcasts from the West have been jammed, emigration has all but ceased, telephone lines connecting the East and the West have been reduced by two-thirds, and individuals and groups monitoring human rights in the Soviet Union have been disbanded and individuals place in labor camps.

In short, it is becoming clear to the most starry-eyed skeptic that the Soviet Union never attached any independent value to internal liberty. Instead, it is increasingly evident that human liberty itself was simply a bargaining chip to achieve concessions from the West.

In an article appearing in the Wall Street Journal on September 29, 1982, entitled "Soviets Limit Personal Liberties at Home as Relations With the West Deteriorate," David Satter addresses himself to the growing limitation of personal liberties within the Soviet Union. As he says:

> With relations between the Soviet Union and the U.S. at a low ebb, authorities have started to seal off the Soviet population from foreign influences more completely than at any time since the height of the Cold War.

In short, having granted cosmetic concessions in the field of human rights in exchange for concrete economic and political benefits from the West, the Soviet Union, in the fact of an emergency realism in President Reagan's foreign policy, is even eliminating all pretense to human rights.

Such callous disregard of human rights is only one more indication that the Soviet Union is not simply a state. It is, in fact, nothing but a system of repression and an instrument for the radical dehumanization of mankind.

I commend this article to my colleagues:

[From the Wall Street Journal, Sept. 29, 1982]

SOVIETS LIMIT PERSONAL LIBERTIES AT HOME AS RELATIONS WITH THE WEST DETERIORATE

(By David Satter)

With relations between Soviet Union and the U.S. at a low ebb, authorities have started to seal off the Soviet population from foreign influences more completely than at any time since the height of the Cold War.

Russian-language radio broadcasts from abroad, which were heard by millions of people in the Soviet Union during the 1970s, are now being jammed consistently. Emigration from the Soviet Union, which reached a peak of 5,000 persons a month in late 1979, has all but ceased. And the number of telephone lines connecting the Soviet Union with the West has been reduced by two-thirds.

The Soviet measures appear to be a response to worsening relations between the East and West, and they suggest that the Soviet authorities never attached any independent value to internal liberty but were ready to use it as a bargaining chip to achieve favorable East-West relations.

The Helsinki Agreement, signed in 1975 by the governments of the West and the Soviet bloc, symbolized hope for liberalization of Soviet society, but that hope seems to be fading along with detente. Earlier this month, the three surviving members of a Moscow dissident group that was trying to monitor Soviet observance of the accords announced that their group was disbanding.

STATEMENT OF DESPAIR

The dissolution of the Soviet Helsinki group was, in effect, a statement by its last members that they no longer hold any realistic hope of inducing the Soviet authorities to honor the public human rights commitments made at Helsinki.

Few in the West had expected in 1975 that the Soviet Union would honor its pledges immediately but Western diplomats in Moscow thought that the existence of the Helsinki agreements would be a continuous source of pressure on the Soviet au-

thorities to permit greater liberalization in the future.

In the accord, the Soviet Union pledged itself to a freer flow of information and wider human contacts. It also affirmed its commitment to the Universal Declaration of Human Rights, which, among other things, says that every citizen has a right to emigrate.

In return for nonbinding commitments from the Soviet Union on humanitarian issues, the Western signatories agreed to accept the territorial status quo in Europe, including Soviet hegemony over Eastern Europe and the annexation of the Baltic republics. Recognition by the West of the postwar division of Europe had long been a major goal of Soviet foreign policy.

KGB CRACKDOWN

But now, as a result of arrests by the KGB security police, Soviet groups monitoring the U.S.S.R.'s compliance with the accord have been suppressed. Of the 72 persons, who in the course of the last six years joined one or another of the nine Soviet Helsinki monitoring groups, about 50 are now either in prison, labor camps, or in internal exile, according to the American Helsinki Watch Committee in New York. Six persons emigrated, and about 10 others served out prison terms but didn't return to their dissident activities after they were released.

Some of the Helsinki monitoring groups, such as the Helsinki watch group in the Ukraine, and the Working Commission on the Abuse of Psychiatry for Political goals have been eliminated completely with all of the members now serving time in labor camps.

Waves of arrests reduced the number of persons active in the Moscow Helsinki group, called the Group to Promote Observance of the Helsinki Accords, to three persons: Yelena Bonner, the wife of Nobel Prize winner Dr. Andrei Sakharov, who has been held in isolation since 1980 in the Volga River city of Gorky; Sophia Kalistratova, a lawyer, who defended dissidents, and Naum Meiman, a mathematician who has been trying for many years to emigrate to Israel.

The decision to disband the group came Sept. 8 after the KGB threatened to arrest Miss Kalistratova, who is 75 years old, and to charge her with anti-Soviet slander.

The only active dissidents left in Moscow are members of a small group dedicated to defending the rights of invalids and members of the Group to Establish Trust Between the U.S.S.R. and the U.S.A., an independent peace group whose members are being harrassed and whose leader, Sergei Batovrin, a 25-year-old artist, was put in a mental hospital.

FURTHER SUPPRESSION?

Despite the silencing of many dissenting voices, there are strong indications that the repression in the Soviet Union will continue. In the absence of traditional dissidents, the KGB appears to be broadening the category of people who may be subject to arrest.

Although the KGB acts quickly to suppress independent organizations, the boundaries for individuals have never been as clear. During the 1970s, there developed in Moscow an understanding of certain "rules of the game," which, for cautious people, defined the limits of permissible conduct.

There was never anything official about these "rules," and they were always subject to change without notice, but during the detente era, they demonstrated a certain reliability.

Recent events suggest that repression in the Soviet Union is entering a new phase because these rules are being altered.

Two recent cases have caused concern because they suggest that the Soviet authorities intend to restrict significantly the possibilities for individual self-expression.

Ever since the trial in the late 1960s of Andrei Sinyavsky and Yuli Daniel, who were imprisoned for publishing books abroad in a case that became an international cause celebre, Soviet writers apparently haven't been arrested for work published abroad.

WRITER, EDITOR ARRESTED

Early this year, however, Evgeny Kozlovsky, a writer of fiction and drama, was arrested and charged with anit-Soviet slander in connection with a story he wrote about Lenin that was published in the Paris-based emigre journal, Kontinent.

The authorities also up until recently had tolerated the private circulation of articles in manuscript form within the Soviet Union as long as they didn't have political contents. As a result of this "tolerance," Moscow had a reasonably active unofficial intellectual life with many writers circulating their views on religion and philosophy.

On Aug. 4, however, the authorities arrested Zoya Krakhmalnikova, a literary critic and the editor since 1976 of Nadechda, or "Hope," a journal of religious writing. She was charged with anit-Soviet slander although her journal, which she edited openly and without interference for six years, consisted of religious writings and wasn't believed to have had any political contents.●

LANDBANKING AND OUR HOUSING LOSS—PART 2

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BROOMFIELD. Mr. Speaker, at this time, I wish to call the attention of our colleagues to the second of a two-part series of articles by Ms. Sally Smith of the Detroit Free Press in which she focuses on a little-discussed aspect of this Nation's crisis in housing—the removal by Federal, State, and local governments of structures needing rehabilitation from the marketplace and away from potential ownership by people needing housing.

In the first part of her series, Ms. Smith examined the policy of landbanking in which the Government took over and held ownership of existing housing. Last year in southeast Michigan alone, 2,121 units were lost from potential private ownership. In this second article, Ms. Smith discusses the continuing desire of people for homes.

[From the Detroit Free Press, Sept. 9, 1982]

HOME SQUATTER STAKES HER TURF, AND FIGHTS

(By Sally Smith)

This time of year, the trees bordering Ohio Street still wear the dark green of summer. So in a blue-sky morning, Ollie Locke and her 18-year-old son, Tim, went to the front porch to enjoy the lingering color of the season. They clutched hot cups of coffee, small steam clouds curling into the breeze. Around them, the neighborhood shook awake.

Locke sat on her porch and declared herself a woman who likes challenges. Even so, she told a recent visitor, it would be hard for anyone to imagine what the house at 14854 Ohio looked like four months ago.

"It was hideous," she said.

"It was nasty," Tim agreed.

On May 5, Locke and her son squatted in a house that had been abandoned for four years. It was a mess. But like a long-haul trucker, Locke began to work and didn't stop. For six weeks, seven days a week, she contended with smashed windows, the bathroom with no sink, the backed-up toilet, and rotting garbage strewn room to room. The scum on the floor was so deep it took acid to burn it off, she said.

"It wasn't easy," she said. "I borrowed money from friends, neighbors, Peter and Paul. A lot of people I knew came by and helped me out and didn't charge anything. It took the garbage man six weeks to haul the stuff away, and that's not counting the one special trip we requested when he came out and filled a whole truck."

For Ollie Locke, who is in her mid-40s, separated from her husband and out of a job, the abandoned house on Ohio Street looked for a time like safe harbor. But she hit shoals last month when the City of Detroit—which inherited the house after the previous owner stopped paying taxes—challenged her right to homestead the property. The city sent her a bill for $15,000 and told her to pay up or get out, because she is living in a house she doesn't own.

Tom Lewis, city housing director and former deputy director of the city's Community and Economic Development Department (CEDD), put the city's position succinctly: "She's breaking the ---damn property laws," he said. "If people can come in and homestead your house, next thing you know they're going to homestead your car."

The confrontation puts Locke in the forefront of a debate between city officials and low-income housing activities over homesteading in Detroit's vacant and abandoned homes. The Association of Community Organizations for Reform Now (ACORN), which supports the squatters, is giving the city a legal headache by encouraging people to move into vacant houses no matter who owns them—city, state, federal government or private landlord.

The city calls that criminal trespass. But ACORN believes it is doing Detroit a favor by placing people in houses that would otherwise sit empty. Because of complicated laws on property rights, it takes five or six years for the city to claim ownership of an abandoned, tax deliquent house. By that time, the house has usually been vandalized and torn down by the city. City officials estimate that 20,000 homes have been demolished in the last decade, at an annual cost of the city of about $6 million.

Lacking a legal solution, ACORN thinks the process should be short-circuited by squatters. The benefits, they say, are obvious—low incone people in need of homes get them, while the city preserves housing stock. The organization claims to have placed 50 squatters in abandoned Detroit homes in the last year. It also estimated 10,000 abandoned city homes could be saved by squatters.

City officials scoff at that estimate, though it is impossible to determine the

number of abandoned homes in Detroit because most are privately owned and don't show up on city books unless reported as open and dangerous.

Fred Watts, chief inspector for the city Building and Safety Engineering Department, said the city identified 1,350 privately owned homes as empty and boarded up in 1981. He estimated that another 800 or 900 are open to trespass at any time, but said few houses in either category are habitable.

Government—federal, state and city—owns other vacant or abandoned homes in Detroit, a result of homeowners defaulting on federally-subsidized mortgages or failing to pay taxes. Government officials estimate they own about 850 homes among them.

HUD said all its vacant Detroit homes—about 650—are being sold or demolished. Most state-owned properties are deeded to the city and, of those, only 17 homes out of a current inventory of 200 were identified as repairable last month, CEDD officials said.

Ella Stulz, co-chairman of ACORN's national housing campaign, defended squatting.

"It may be legally wrong, but it's morally right," she said. "If the city was doing its job and helping more low-income people get housing, we wouldn't have to encourage people to squat in houses . . .

"There is a terrible housing need, and the city has to address that need. We do not want to live against the city, but anytime we do anything as drastic as squatting, it's because we've tried everything else."

In part, Stulz said, ACORN's squatting campaign is a protest against the city's Urban Homesteading program, which she described as insufficient and "set up for middle-class folks."

The Urban homesteading program, begun in 1980, is one of about 10 neighborhood preservation programs run by the city at a cost in 1980-1981 of $5.9 million. Through the program, the city sells abandoned homes for $1 to people earning less than $25,000 a year, on the condition the house is repaired to code and occupied for three years. As of June, 53 homes were occupied or under repair, with 17 matched to homesteaders. (Last Friday, the city sold 13 HUD-owned homes for $1 each in a lottery that attracted 3,000 to 4,000 entrants.)

CEDD's Lewis conceded that the city would like to do more, but defended city homesteading efforts to date as sufficient in light of limitations imposed by funding, staff, property laws and federal regulations. He also argued that the city's approach to homesteading—which offers eligible homesteaders up to $17,500 in loans and grants to contract for heavy repairs—does more to ensure lasting neighborhood revitalization.

"There's a lot to home ownership . . . mortgage, equity, maintenance, utilities. You have to paint the house, fix it, cut the lawn. All those things cost money. But from their (ACORN's) perspective, home ownership is just like renting. They want to get into a property with no money down.

"The question is, would that repeat the HUD debacle?" (During the early 1970s in Detroit, thousands of low-income families defaulted on federally subsidized mortgages, leaving the U.S. Department of Housing and Urban Development responsible for the properties.)

ACORN activists armed with brightly-colored placards regularly carry their argument into the chambers of the Detroit City Council, which is split on the question of "sweat equity"—or how much repair work an unskilled, low-income homesteader can or will do on a deteriorated home to bring it up to code.

CEDD thinks not much, and some council members agree. Othezs talk about what Council-woman Maryann Mahaffey called "the old barn-raising theory," or the possibility of creating neighborhood housing cooperatives able to connect an unskilled homesteader with people trained as carpenters or plumbers.

Councilman David Eberhard favors a more open approach to homesteading.

"I really think it can work in this economic time," he said. "I firmly believe we can open up the city to homesteading just as the old West was opened up to homesteading in the past. We have the land and the houses, but we're losing the people. People scream and say, 'I paid $20,000 for a house and you're gonna give one to some punk for $1?' But I say, 'You want an abandoned shell next to you?' "

On the point of law CEDD and the council are agreed: Unless the city can find some way to legally claim ownership of abandoned, tax-delinquent properties before they are vandalized or demolished, all issues surrounding grass-roots homesteading are moot.

In other words, while they may sympathize with the plight of someone like Ollie Locke, they are also aware that they cannot condone breaking the law.

Meanwhile, Locke said she would plead her case before City Council today. She said she won't move out of the house, and plans to offer the city about $100 for the property.●

TREASURY NEEDS AUTHORITY TO STOP CRIME

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. SCHULZE. Mr. Speaker, today I am introducing H.R. 7283, a bill to provide for the retirement of all U.S. $100 bills, and their replacement with new $100 bills, distinguishable in appearance.

The purpose of this bill is to aid law enforcement officials in the fight against drug trafficking and other crime. A side benefit would be the reduction in volume of dollars moving in the underground economy and an accompanying increase in tax revenues collected on presently unreported transactions. Not only would this help reduce budget deficits, it would also help reduce the taxes of honest and law-abiding citizens who pay the full amount of tax on their total income. It seems to me that honest taxpayers deserve, at the least, a currency system that encourages the full reporting of income.

The Federal Reserve Board reports that, as of August 1, 1982, there were 571,118,364 $100 bills in circulation. That amounts to over $57.1 billion. Very few of us ever see a $100 bill and, when we do, it is hard to spend it for a haircut or a hamburger. Most of these bills flow through the underground economy.

Estimates of the size of the underground economy range from $300 to $450 billion per year, accounting for 10 to 15 percent of our gross national product. Not all of the underground economy is illegal activity, but it is activity that is not reported for tax or other purposes.

Our law enforcement officials are hampered by the difficulty of tracking large-scale illegal payments. What we need is a method of getting tough on crime without getting tough on the average, law-abiding citizen. I believe that H.R. 7283 will accomplish this purpose.

The bill confirms to the Secretary of the Treasury the power to designate an alternative, distinctive design for the $100 bill. The Secretary could, among other things, change the color, shape, or size of the bill.

After the Bureau of Engraving prints an adequate supply, the Secretary shall retire all circulating $100 bills, and the old, green $100 bills shall cease to be legal tender on a date predetermined by the Secretary.

The Secretary shall provide for a 10-day period during which holders of circulating $100 bills may exchange up to $5,000 of old $100 bills for an equal value of new $100 bills. If a person exchanges $5,000 or more, the bank or other financial institution where he makes the exchange would be required to make a record of the exchanger's name, address, and social security or employer identification number. These data would be provided to the Department of the Treasury which will provide the information to Federal, State, and local law enforcement agencies for use in criminal investigations or prosecutions.

Mr. Speaker, recent estimates of illegal transactions show heroin transactions of $7.4 to $11.6 billion, cocaine transactions of $8.2 to $9.1 billion, illegal gambling of $1.1 to $2.2 billion, and loan sharking of $0.2 to $3.2 billion. It is common knowledge that all these transactions take place in cash, and that $100 bills are the common denominator of these transactions.

Only those engaged in criminal activities have a need for large stores of $100 bills. The average citizen can well do without large numbers of $100 bills.

While it will be an inconvenience to have to exchange old bills for new bills, the trouble is justified by the benefits to law enforcements and, ultimately to our economy.

I urge the support of my colleagues for H.R. 7283.●

THE HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE STAFF REPORT ON CENTRAL AMERICA

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. YOUNG of Florida. Mr. Speaker, the House Permanent Select Committee on Intelligence has released a staff report on intelligence performance on Central America. The report was prepared by the staff of the Subcommittee on Oversight and Evaluation.

It is unfortunate, that this report was released over the objection of all of the minority members.

Our objection, as I pointed out in a press release dated September 22, was that, "A careful analysis will show the staff report to be extremely biased containing overstatements, misstatements and subjective generalities." That careful analysis has been made, and I would like to call it to the attention of my colleagues. The text follows my remarks.

One matter, not discussed in this critique, is that a staff report is not the proper vehicle for opinions and political conclusions. The views of the members are expressed in committee reports which provide an opportunity for dissenting views. A staff report, on the other hand, should only contain factual material which can aid the members in understanding a problem. Unfortunately, due to the bias and one-sided presentation of the staff report, it does not measure up to the high standards that we have the right to expect and have in the past gotten from our staff.

The critique follows:

A CRITIQUE OF THE STAFF STUDY ON U.S. INTELLIGENCE PERFORMANCE ON CENTRAL AMERICA, RELEASED BY THE HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

It is unfortunate that this slanted and unfair staff report should be issued by the Intelligence Committee. While the intelligence community should be held to the highest standards of performance, the Committee staff should be held to the same standards. This staff report falls far short of those standards. It should be noted that some of the Committee's staff were critical of the report and made suggestions for changes. The staff authors incorporated some of the suggestions but retained the bias and unbalance of the report.

The staff report purports to be an analysis of intelligence performance on Central America. In reality it covers a few minor matters concerning Nicaragua and El Salvador. Other areas of concern in Central America, including Guatamala, Honduras and Costa Rica, are ignored in the staff report.

While the staff report admits the "overall competence" of intelligence performance on Central America and that, "successful collection, rigorous analysis, an able presentation do characterize most of U.S. intelligence performance worldwide" (P. 1), the staff report makes a number of criticisms which are overstated, slanted and do not reflect the careful analysis and judgment that we should expect from the Committee staff.

On page 4, the staff report lists four specific criticisms. However, when we examine the incidents used in the text to prove the allegations, they turn out to be either petty and minor or a misunderstanding of the data by the staff authors of the report.

1. SUGGESTION OF GREATER CERTAINTY THAN IS WARRANTED BY THE EVIDENCE

The staff report provides as evidence of this, the March 4, 1982 briefing on El Salvador provided to the House Intelligence Committee by the CIA and other elements of the intelligence community. It is useful to read the complete statement issued by the Chairman of the full Committee, Edward P. Boland, on that briefing. A quotation of part of the Statement appears on page 3 of the staff report. The Chairman said,

"The Committee has received a briefing concerning the situation in El Salvador, with particular emphasis on the question of foreign support for the insurgency. The insurgents are well trained, well equipped with modern weapons and supplies, and rely on the use of sites in Nicaragua for command and control and for logistical support. The intelligence supporting these judgments provided to the Committee is convincing.

"There is further persuasive evidence that the Sandinista government of Nicaragua is helping train insurgents and is transferring arms and financial support from and through Nicaragua to the insurgents. They are further providing the insurgents bases of operation in Nicaragua. Cuban involvement—especially in providing arms—is also evident.

"What this says is that, contrary to the repeated denials of Nicaraguan officials, that country is thoroughly involved in supporting the Salvadoran insurgency. That support is such as to greatly aid the insurgents in their struggle with government forces in El Salvador."

The treatment of the same briefing in the staff report is an attempt to prove "overstatement and overinterpretation" by selecting a few minor statements, some of them misunderstood by the staff authors, to denigrate what the Chairman and Committee found to be a valuable briefing.

The staff report points to a briefer's statement "that 'lots of ships have been traced' from the Soviet Union, through various other countries, and on to Nicaragua." The staff report tries to refute this by saying that the intelligence "could show only a very few examples." How many are "many," how few are "few"? The point, of course, is that arms are flowing from the Soviet Union through other countries to Nicaragua.

One example of the staff report overinterpreting testimony is the controversy on page 9, about whether those running Salvador insurgency actually attended a "command and general staff college" when the point was that this was a figure of speech meant to indicate a greater degree of sophistication on the part of the Nicaraguan Sandinistas in their role in El Salvador that they had shown earlier on their own country.

The staff report complains about the briefer's conclusions concerning the amount of money received by the Salvador insurgents. This is realy an argument between the staff authors and CIA analysts on whether specific data is sufficient to draw the conclusions. What is neglected in the staff report is the bottom line—the Salvador insurgency is getting a lot of money, in addition to arms, training and command and control centers in Nicaragua from their patrons, the Communist countries.

The staff report ends this section by admitting that, "Slightly inaccurate or misleading statements such as these (their characterizations) are not likely to misinform anyone seriously." Then why this "tempest in a tea pot?"

Another example given was a conflicting interpretation by staff members of a State Department cable concerning an alleged massacre. (P. 18-19.)

2. RELIANCE ON SOME UNQUESTIONED AND SOMETIMES CONTRADICTORY ASSUMPTIONS

The "contradictory judgments" cited in the staff report are whether U.S. pressure would cause the Cuban dictatorship to "reduce tensions" or would cause Castro, "to step up his troublemaking activities." (P. 19.) This, of course, is dependent on how much pressure is exerted by the U.S. and other countries. At which point does Castro conclude that the game of troublemaking is not worth the candle?

3. ACCEPTANCE OF DESCRIPTIONS GIVEN BY THE SALVADORAN GOVERNMENT WHEN INTELLIGENCE ANALYSTS RECOGNIZE GROUNDS FOR SKEPTICISM

While the staff report complains that the only evidence that the government of El Salvador is punishing members of its armed forces involved in abuses, comes from the government of El Salvador, the staff report then cites an Embassy cable which "corroborate(s) these officials (sic) Salvadoran statements." (P. 17-18)

4. RESISTANCE TO EXAMINING OBJECTIVELY INFORMATION FROM NON-INTELLIGENCE SOURCES—A TENDENCY TO VIEW SUCH INFORMATION SIMPLY AS MATERIAL TO BE COUNTERED

The "evidence" for this charge is found in the convoluted story told in the staff report on pages 15 and 16. The charge is simply not true. CIA analysts briefing the Committee on a variety of matters have often cited news accounts of incidents which were confirmed by the intelligence data. In this particular case, the dispute is whether intelligence was used to refute a Washington Post article by one Philippe Bourgois, who is not a Post reporter.

Although the staff report admits that "the intelligence was valid," the complaint is that "no intelligence existed to contradict Bourgois' claim that he was with non-combatants."

Of course, it is difficult to prove a negative. But, a number of Bourgois' assertions were contrary to the admittedly "valid" intelligence reporting. Bourgois claimed to be with 1,000 women and children—the intelligence reporting showed less than 1,000 people including the military force involved in combat. Bourgois tried to show that the insurgents had no sophisticated weapons, just World War II vintage rifles—the intelligence reporting showed that they had automatic rifles, machine guns and mortars.

Either Bourgois did not see the whole picture or he was lying. In either case, his story was not consistent with the facts.

Of all of the unbalanced material in the staff report, the most obvious is the extensive discussion of right-wing terrorism in El Salvador. While this is indeed a problem that has been given insufficient attention

by the intelligence community, so has left-wing terrorism as distinct from the left-wing insurgency. A State Department report on which the staff report relies heavily says that 70% of murders in El Salvador are by "unknown assailants," 14% by left-wing terrorists, 13% by security forces and 2% by right-wing terrorists. Therefore half of the identified political murders are by left-wing death squads. Nevertheless, this receives only casual mention in the staff report while right-wing killings take up 29 paragraphs. (P. 10-14, P.23)

Another example of unfairness and distortion is the comments made on the intelligence report on the mistreatment of the Miskito Indians by the Sandinista government. On page 20 the report states: "However, one product whose major utility could lie only in reinforcing existing perspectives, rather than in providing policymakers with needed information and analysis, was a March 1982 CIA Intelligence Assessment, Nicaragua: Repression of the Miskito Indians."

There is nothing in the CIA assessment to warrant the accusatory quotation cited. The assessment had a limited purpose, centered around recently acquired photography in the region. It was useful and informative and understood by other staff to be just one more part of an intelligence composite on Sandinista activities. Instead of recognizing its usefulness, the author chooses, based on subjective standards, to criticize the scope and intent of the paper, suggesting a need for broader discussion of history as well as implying benevolent interests on the part of the Sandinista government in carrying out the repression.

It should be noted that the CIA assessment consists of eight photographs and three pages of textual material folded together into a single sheet of paper. Several of the photographs show destruction at a Miskito village and the detention camps into which they were forced to live. It was a quick reaction report and not a comprehensive analysis. Nothing in it warrants the accusation that its use could only lie in reinforcing policy rather than to inform by reporting facts.

The section of the staff report on the Nicaraguan military buildup (P. 21) distorts the conclusions of the DIA briefings.

While one briefing concentrated on the buildup of offensive capability by the Sandinista government of Nicaragua, the other covered both the offensive and defensive buildup. The briefings were not in contradtion, one simply covered additional data. The point of both was, that the Nicaraguan government is building its offensive military power to project its will and threaten its neighbors.

In a footnote the staff report complains of statements by administration officials that "detailed outlines" of Soviet and Cuban in Central America had been obtained whereas intelligence data only showed that "a growing body of evidence supports the thesis that the U.S.S.R. and Cuba do not intend to stop with the consolidation of power in Nicaragua." In addition to the pettiness of the difference, ample public record exists of the Soviet-Cuban plan to extend their power in Central America.

The Soviet, Cuban, Nicaraguan support to the Salvador insurgency is an example. Another is the use of the Sandinista model in other Central American countries. The Cuban dictatorship aided the Sandinistas with training and weapons, but also insisted that the factions of the terrorist movement unite into a single armed force. The Cubans and Nicaraguans did the same with the small terrorist groups in El Salvador, uniting them into an insurgent army, then supplying them with weapons and command and control support.

The same scenario is developing with the terrorist groups in Guatemala and Honduras. Even Costa Rica, with no army, has been subject to increased Cuban supported terrorism.

One serious problem raised by the report is whether intelligence is used to "support or refute" statements by policymakers. The example given in the staff report is the Special National Intelligence Estimate on "Soviet Support for International Terrorism and Revolutionary Violence."

In that instance a draft of the estimate was leaked to the press which seemed to deny that the Soviets were involved in support of terrorism. This contradicted statements of Secretary of State Haig. During a briefing of the Committee by the authors of the leaked draft, Committee members (both Democrats and Republicans) and representatives of other intelligence agencies pressed the CIA analysts with CIA reported data that had been ignored in the leaked draft.

The final version of the S.N.I.E. based on the entensive body of evidence (most of it collected by CIA) drew the conclusion that the Soviets were indeed involved both directly and through surrogates in supporting international terrorism.

While the staff report could not show that intelligence was being skewed to support policy—it ignored the possibility that outside of Central America, at least in some cases, it was skewed to oppose policy.

The staff report raises the spectre that intelligence analysis may be subject to pressure to reinforce policy. However, in both cases cited in the body of the report, the opposite was proved.

In the case of the Soviet, Cuban, Nicaraguan support to the leftist guerrillas in El Salvador the staff study concluded that, "A review of the underlying intelligence shows that the intelligence community reached, and communicated quite clearly, a view that did not support the (Carter) Administration's position." (P. 6)

In the case of the Special National Intelligence Estimate, "Soviet Support for International Terrorism and Revolutionary Violence", the concern that "unhealthy pressures" may exist that would cause the "intelligence producers to support or refute" policy statements, was laid to rest. As the staff report notes the S.N.I.E., "was a very high quality product." (P 7)

The staff report concludes by admitting that, "Taken as a whole, intelligence on Central America is strong." It is strong. That is because during this administration and the last few years of the previous administration the elements of the CIA that had been allowed to atrophy were strengthened by improved leadership at a number of levels. The drawndown of CIA personnel and the problem of low morale was substantially repaired in a number of areas including intelligence on Central America.

This is what we should learn from an analysis of intelligence performance, not the one-sided presentation in the staff report.●

PORK BARREL—WRAPPED IN A FLAG

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. STARK. Mr. Speaker, I frequently vote against military authorization and appropriations bills, because I think they contain too much waste, spend too much on obsolete or unworkable weapons systems, and in some cases, provide too much increase too fast. Even the mighty Pentagon can get indigestion if it is force fed too many dollars all at once.

Occasionally, a constitutent will ask if I am being weak on defense. I do not think so—I think I am being hard on pork barrel. The simple fact is that the defense budget probably contains more in pork barrel spending than the rivers and harbors bills which are traditionally associated with boondoggles.

The proof of this charge is provided by Mr. Conservative himself, the senior Senator from Arizona, Mr. GOLDWATER, who is without question one of the leading defense experts in the Nation and second to none in his concern for a strong defense.

I would like to include in the RECORD at this point a recent letter from the Senator to Edwin Meese at the White House describing the pork barrel politics of the defense budget.

With defense policies like this, our enemies must be sleeping soundly.

The letter follows:

SEPTEMBER 13, 1982.

Mr. EDWIN MEESE III,
Counselor to the President,
The White House, Washington, D.C.

DEAR ED: Through the unstoppable grapevine, I have heard that your office has sent word to the Air Force to include A-10s in its next purchase from unobligated funds. Now, Ed, I think this is going a little bit too far. Having the President do what he did on Taiwan was something many of us did not like, but we are willing to take our chances. But, for the White House to flaunt six months of deliberations by the Armed Services Committee, and particularly the Tactical Warfare Subcommittee which I chair, is just a little bit more than I care to put up with.

As I have reminded others, I was one of the chief advocates of buying the A-10 when we first purchased them. However, the last results of Israeli air-to-ground warfare against Egypt and the further devastating demonstration of high speed, low level ground attacks by F-15s and F-16s in Lebanon have completely convinced our Subcommittee, and indeed the full Armed Services Committee, that we have an adequate inventory of A-10s.

We terminated the production in the FY83 Defense Authorization Bill, as you know. Since that time, we are told that Mr. Stockman made a promise to four House Members on Long Island that if they would vote for the President's tax bill, the A-10 would be put back in. What happened? I think one of them voted for the tax bill. We

are also told that at least one senior House Appropriations Member has been threatening the White House that, unless A-10s are funded in some way by the White House or by the Armed Services, other funds will have trouble.

Now, I think the time has come when individual members of the Congress should be told that they are not in the business of procuring equipment for the Armed Services. That is the job of the Armed Services Committee. But, and I must emphasize this, if the White House continues to go around the Armed Services Committee in the Senate, I don't know how much longer some of us are going to be willing to serve on that committee. This comes from a person who has spent much of his life in the uniform of our country and 55 years of his life studying, working with, and understanding aircraft. With that, I advise you, and this comes from a man who has seen mistakes made, not to make the mistake of trying to circumvent the best judgments of people who are working hard to legislate an effective budget, particularly in defense.

So, please, and I use please advisedly, do not tell the Secretary of the Air Force or the Secretary of Defense to include A-10s. It is not going to sit well.

Sincerely,

BARRY GOLDWATER.

IT MAY BE NATIONAL DEFENSE, BUT THE PORK IS JUST AS SWEET

(By George C. Wilson)

The Senate Appropriations Committee, while claiming to be looking for fat in President Reagan's defense budget, last week ordered the Pentagon to revamp a rocket production program so some of the work could go to a company in Louisiana.

The shift was made for political reasons, not military. The Army says the change could waste $100 million.

In the House, the chairman of the Appropriations subcommittee on defense is demanding that the Navy buy a radar from the contractor near his district.

The Navy says this would waste $2 billion.

The debate about the defense budget is mostly a lofty one. The arguments tend to be over such things as national security and fiscal restraints. But the defense budget also has an earthier side: defense projects, just like public works and all other federal projects, are a form of pork.●

KGB SPARES NO EXPENSE ON EAVESDROPPING IN UNITED STATES

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. LeBOUTILLIER. Mr. Speaker, on August 17, I introduced H.R. 7010. This bill—identical to S. 1860 introduced in the Senate by Senator Moynihan—is designed to protect Americans from the widespread espionage conducted against the United States by the Soviet Union through electronic surveillance means.

As a recent CIA report—Soviet Acquisition of Western Technology—indicates, these activities pose a serious threat both to the national security of the United States and to the rights of privacy and association guaranteed to Americans by the Constitution.

Moreover, these electronic intelligence activities are being carried out by the KGB under the guise of normal diplomatic relations.

Known concentration of Soviet electronic interception equipment are located in the following areas:

(A) From the Soviet residence at Glen Cove, N.Y., the KGB can collect prime financial, U.N.-related, and technical intelligence, as well as microwave relays for phone links between Boston's aerospace subcontractors or New London's submarine-related contractors and subcontractors and the Pentagon in Washington;

(B) From an estate on the eastern shore of Maryland, the KGB can monitor ship deployment of the U.S. Atlantic Fleet, weapons capabilities data, and operations at the Air Force's major base at Langley, as well as their communications with Washington;

(C) From the Soviet consulate in San Francisco—sitting at the juncture of three key microwave phone relay paths and the high technology "Silicon Valley"—the KGB can obtain information from the most highly concentrated area of modern technology and research in the United States. Here is produced such vital military components as microcomputers, silicon chips, and fiber optics.

(D) From the new Soviet Embassy on Mount Alto in Washington, D.C., the KGB can monitor all the conversations from nonsecure phones to the White House, the Departments, and the Pentagon.

It should not be forgotten, these illegal activites all bear a direct relationship to the massive buildup of Soviet military capability and the dramatically increased defense burden Americans are being asked to carry.

In an article appearing in the Norwich Bulletin of Norwich, Conn., and based on a 3-hour interview with former U.N. Under Secretary General Arkady Shevchenko, the highest ranking Soviet diplomat ever to defect to the United States—author William F. Parham discusses the extent of Soviet eavesdropping in the United States.

I commend this article to my colleagues as follows:

[From the Norwich Bulletin]

KGB SPARES NO EXPENSE ON EAVESDROPPING IN UNITED STATES

(EDITOR'S NOTE.— This story is based on an exclusive three-hour interview given The Bulletin by the highest-ranking Soviet diplomat ever to defect to the U.S.)

(By William F. Parham)

GLEN COVE, LONG ISLAND.—In the late 1950s nobody in this sleepy little town had any idea there was anything unusual going on in the attic of the Soviet U.N. delegation's big mansion tucked away on a hilltop off quiet, tree-lined Dosoris Lane.

At that time, Soviet interception of U.S. East Coast phone calls from the attic was just a shoestring operation.

In 1958, 28-year-old Soviet diplomat Arkady Nikolayevih Shevhenko happened to spend three months living at the mansion in connection with his participation in disarmament negotiations at the U.N.

He and others associated with the Soviet Mission to the U.N. shared the sprawling three-story mansion and spacious grounds and gardens with a couple of technicians who never said anything about what they were doing.

UPSTAIRS TO NOWHERE

Shevchenko was curious about why the technicians were so taciturn, and why every day they would disappear up the stairs into the off-limits part of the attic penthouse.

"Already at that time there were a few people whom we immediately spotted, all of us," Shevchenko says.

"They didn't belong actually either to the mission or to the security officers who follow you or guard the mission or to any kind of management concerning the building or anything like that," he said.

"We even shared the same big kitchens when we cooked in there, and these people, they wouldn't talk.

"There were at that time two or three and they were just techicians, radio technicians, electronics."

A KGB OPERATION

"Of course later I found out that everything had been under the KGB, closely supervised by them," he said.

Shevchenko, a scholar whom the KGB had unsuccessfully tried to recruit when he was a student at the Moscow State Institute for International Relations, rose quickly in the Soviet Foreign Ministry hierachy and became the youngest man ever to reach its highest diplomatic rank.

For five years beginning in 1973, Shevchenko was again living at the Glen Cove mansion, this time as Under Secretary General of the U.N.

He could see—and his contact with high Politburo and KGB officials confirmed what he saw—that by 1978, the KGB's mini-eavesdropping station had grown to massive proportions.

DID NOT LIVE IN A VACUUM

"By that time I had a lot of information about the KGB activities. I never had been KGB, but we did not live and work in a vacuum.

"They discussed with me a number of things. I was aware, I knew their personnel.

"There were more than a dozen people, professionals of the department of the KGB that is in charge of technical spying."

In April 1978, Shevchenko left his quarters here, broke with the Soviet government, quit as Under Secretary General of the U.N., and defected to the U.S.

By the time he left, the off-limits area in the mansion had been expanded to the entire attic, and outside to a huge locked greenhouse.

20 YEARS OF PROGRESS

Between 1958 and 1978, tons of electronic equipment had been flown to New York from Moscow and then trucked to Glen Cove, and the radio/electronic technician force that regularly disappeard up the attic stairs had added another dozen people to cope with the increased activity.

In the intervening 20 years, U.S. phone companies increasingly elected to bypass construction of expensive new land-line

phone connections and to beam more and more of their inter-city phone conversations and computer data transmissions by microwave.

Microwaves are high-frequency radio waves beamed on a line of sight from transmitters to a series of relay towers spaced every 25 miles or so.

Microwave beams relay most U.S. intercity phone traffic plus many calls within cities, particularly when local land-line systems are tied up with heavy traffic.

MEDALS IN THE ROSE GARDEN

During the latter 1970s many critics of the FBI were outraged because the U.S. domestic counterintelligence bureau was allowed to maintain 40 wiretaps in the U.S., a former FBI counterintelligence official recalled recently.

But aside from a few national security experts and such people as Sen. Patrick Moynihan (D-N.Y.), nobody was paying much attention as the KGB routinely intercepted and recorded millions of U.S. phone calls a year and shipped tons of the recordings back to Moscow for analysis.

"We are standing around in the Rose Garden pinning medals on one another for having discovered that the FBI is tapping somebody's telephone," Moynihan said several years ago, while no one is doing anything about Soviet eavesdropping.

THE POUCH GETS HEAVIER

There were indications that the KGB's "take" was growing.

By 1978, the Soviet U.N. Mission's periodic "diplomatic pouch"—escorted from the mission to Moscow every two weeks or so by Soviet diplomatic courier and free from any interference from U.S. authorities—included perhaps two or three 100-pound bags of genuine U.N. mission business.

But the total number of diplomatic bags leaving the mission with the diplomatic courier often ranged from as few as seven or eight to as many as 23 or 24.

According to Shevchenko, the extra bags contained KGB intelligence gleanings, much of which consisted of tapes of U.S. phone conversations being sent back to Moscow for detailed analysis.

If half the material in the KGB bags were phone intercept tapes, that could amount to perhaps seven to ten tons per year of tapes of Connecticut-New York-New Jersey corridor phone messages—both conversations and data transmissions—from the Soviet U.N. Mission in New York alone.

INSTANT PROCESSING

This doesn't count those particularly interesting phone conversations between Americans that the KGB considered important enough to process on the spot in Glen Cove, Shevchenko said.

Nor does it count the KGB's phone intercepts in the Washington and San Francisco areas, which may equal or exceed the New York "take."

And in the four years since 1978, experts say, the volume of such interceptions has increased.

Shevchenko says the recent restrictions on Aeroflot, the Soviet airline, have not cut the flow of tapes of phone conversations being shipped to Moscow for analysis.

"I think now they have more trouble because there is no direct line, no Soviet Aeroflot plane now in this country," he says. "But it's only a small nuisance, because they just take the train to Montreal and that's it."

Telephone company spokesmen discourage reports of phone circuit interceptions, and have said that such interceptions are unlikely because they would be impractical and too expensive.

They say the complexity of phone company switching apparataus makes the routes a particular call might take totally unpredictable—and thus safe from intercept.

But Shevchenko responded that private U.S. phone companies with limited budgets really don't appreciate that "the KGB has no limitations whatsover on how much money they spend.

"They can spend money even at the expense of the Soviets who have no bread," he said. "They don't care.

"There is no other organization in the Soviet Union that has such absolutely tremendous funds, which are not checked by anyone except the Politburo."

Known major concentrations of Soviet electonic interception equipment are the East Coast from Connecticut-New York-New Jersey through Washington to Norfolk, Va., and the San Francisco "Silicon Valley" high technology mecca.

New York offers prime financial, U.N.-related, technical intelligence, as well as microwave relays for phone links between Boston's aerospace subcontractors or New London's submarine-related contractors and subcontractors and the Pentagon in Washington.

THE RISCO GOLDMINE

San Francisco's Silicon Valley area offers fast-developing aerospace and other computerized military technology.

The Soviet Consulate on Green Street in San Francisco perches high on a hill near the juncture of three key microwave phone relay paths and the high-technology "Silicon Valley."

In choosing a site from which to try to intercept microwave transmissions, height is an advantage.

Silicon Valley south of San Francisco is perhaps the most highly concentrated area of modern technology and research in the U.S. producing such vital military components as microcomputers, silicon chips, and fiber optics.

"In San Francisco when they got the consulate, it was an important thing for them," Shevchenko says. "That's why they were so interested in it."

For all practical purposes, says the former Soviet diplomat, the consultate is a front the KGB uses to collect such electronic intelligence.

EASTERN SHORE TREASURE

Norfolk, Va., the hub of U.S. Atlantic Fleet activity, offers particularly valuable ship deployment and weapons capabilities data.

In the mid-1970s, Shevchenko says, the Soviets were ecstatic when they were allowed to purchase a beautiful remote estate with several buildings on Pioneer Point on the Chester River on Maryland's Eastern Shore south of Washington.

"It was not accidental that they looked where to get that."

The Eastern Shore property happens to be in the main micorwave transmission corridor between Norfolk, Va., hub of the U.S. Atlantic Fleet operations and the Air Force's major base at Langley Field, and Washington.

Several microwave relay links between Washington and Norfolk pass directly over the Soviet antennae.

"I'm not privy to the details," Shevchenko says, "but I remember how happy they were when they bought this estate."

At first the antennae went up slowly.

Later, a Navy source says, more and more antennae grew.

DC'S ANTENNA MOUNTAIN

Washington offers unparalleled opportunities to pick up military, technical, economic, and especially political intelligence.

Since 1933 the Soviet Embassy in Washington has been in a Victorian stone mansion on 16th Street, a stone's throw from the White House, Numerous antennae sprout from the roof. The Soviets maintain they are innocuous.

A new Soviet embassy on one of the highest locations in Washington—Mount Alto at Belmont and Wisconsin avenues—is nearing completion.

The residential apartments are finished—complete with an array of antennae already on the roof.

The property is close to a microwave relay between Arlington, Va., and Gambrills, Md., that serves the primary telephone trunk group for the eastern seaboard.

A Department of Defense digitalized voice circuit relay link passes almost directly over the site from the Pentagon to Western Union's Tenley Tower on Wisconsin Avenue.

This new Soviet electronic facility and embassy complex is high enough to have very long lines of sight—nearly to National Airport and Crystal City.

From a phone intercept point of view, it's a nearly perfect location.

"In Washington they will have everything," Shevchenko says. "They can listen to all the conversations from nonsecure phones—to the White House, to the departments, or to the Pentagon." ●

RESURRECTION OF THE UKRAINIAN ORTHODOX AND CATHOLIC CHURCHES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. GILMAN. Mr. Speaker, I welcome the opportunity to rise in support of Senate Concurrent Resolution 18, calling for the resurrection of the Ukrainian Orthodox and Catholic Churches, and of the other independent churches in the Ukraine. Last month, we marked the 24th anniversary of Captive Nations Week on this floor. Ever since the Ukraine became a captive nation and was incorporated into the Soviet Union in 1920, its people have constantly resisted violations of their human rights perpetrated by the Soviet Government.

One of the most egregious of these human rights violations has been the denial to the Ukrainians of the right to practice their religion in their own national churches. The Ukrainian Orthodox Church has been subsumed under Russian Orthodoxy since the 17th century. Under the present Soviet regime, harassment and discrimination against Ukrainian Orthodoxy occur frequently. Ukrainian has been banned as a liturgical language,

so that the Ukrainian Orthodox are forced to pray in Russian.

The Ukrainian Catholic or Uniate Church was officially abolished in the Soviet Union about 30 years ago. A campaign orchestrated by the Soviet Government against the "illegal" Uniate clergy has resulted in the arrests and subsequent imprisonment of priests and bishops. Among the so-called crimes committed by the clergy were the holding of religious services, educating children in the Catholic faith, and the possession of religious books. On July 28, 14-year-old Walter Polovchak testified that although he was raised as a Catholic, he had to pray in a Russian Orthodox Church. Despite its "illegal" status and the wholesale harassment to which it has been subjected, Ukrainian Catholicism survives.

Both the charter of the United Nations and that organization's declaration of human rights, as well as the Soviet Constitution, support the right of individuals to practice their religion. Yet members of the Ukrainian national churches do not enjoy this right. I, therefore, strongly support Senate Concurrent Resolution 18, urging the President to call upon the Soviet Government to permit a revival of the Ukrainian churches and of the independent religions in the Ukraine. I hope that the Soviet Government will then begin to respect its own constitution, which provides for freedom of conscience and the right of individuals to profess any religion of their choosing.●

H.R. 7260, TAX TREATMENT OF CERTAIN HOSPITAL INCOME

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. DANNEMEYER. Mr. Speaker, I am introducing legislation to repeal what I believe to be an unnecessary limitation on the performance of shared hospital services in order for such services not to be treated as unrelated trade business income, and thus not subject to tax under the Internal Revenue Code.

The code, as amended by the Tax Reform Act of 1976 (Public Law 94-455), permits hospitals to join together in a cooperative arrangement for the purpose of sharing certain common hospital services when provided by a separate hospital service organization. However, the tax laws limit the ability of one hospital to perform services permitted by tax-exempt hospital service organizations when they are provided directly to another tax-exempt hospital. At present, hospital-to-hospital arrangements are given tax-exempt status only when all three conditions of section 513(e) of the Internal Revenue Code are satisfied. These conditions are as follows:

SEC. 513. (e) CERTAIN HOSPITAL SERVICES.—In the case of a hospital described in Section 170(b)(1)(A)(iii), the term unrelated trade or business does not include the furnishings of one or more of the services described in section 501(e)(1)(A) to one or more hospitals described in section 170(b)(1)(A)(iii) if—

(1) such services are furnished solely to such hospitals which have facilities to serve not more than 100 inpatients.

(2) such services, if performed on its own behalf by the recipient hospital, would constitute activities in exercising or performing the purpose or function constituting the basis for its exemption; and

(3) such services are provided at a fee or cost which does not exceed the actual cost of providing such services, such cost including straight line depreciation and a reasonable amount for return on capital goods used to provide such services.

The conferees on the tax bill in 1976 firmly recognized the advantages of shared service agreements between hospitals. The general explanation of the Tax Reform Act of 1976 prepared by the Joint Committee on Taxation notes as follows:

However, it is often impractical for a number of small hospitals to perform these services directly or to create a separate cooperatively-operated organization to provide these services. Instead, it may be more practical for one hospital to provide these services to several small tax-exempt hospitals for a fee. The Congress believes that such arrangements should be encouraged since they often result in a cost savings to the hospital and its patients. Moreover, the Congress does not believe that a hospital providing such services substantially competes with other organizations which are not tax-exempt.

Shared service agreements between hospitals benefit patients in two ways. First, the hospital receiving the services often acquires access to personnel, technology and services that together improve the quality of care in a manner which might not otherwise be available. Second, patients in both the provider hospital and recipient hospital benefit from the economies of scale that then result in a lower cost of hospital care. On that basis, taxpayers who finance State and Federal programs that cover hospital reimbursement also benefit.

Of the three limitations on the tax-exempt treatment of income derived from these shared service agreement, the only one which is troubling to me is the one contained in section 513(e)(1) pertaining to the size of the recipient hospital. Under current law, the limitation is 100 inpatients. My understanding is that the intent of this provision, added by the Senate during action on the 1976 tax bill, is to limit tax-exempt shared service agreements to small hospitals. Nonetheless, 100 inpatients is certainly an arbitrary demarcation. In addition, it is curious that the wording of the conference agreement permits one hospital to enter into multiple agreements with more than one hospital, each under the 100-inpatient limit, yet the current law also precludes agreements with a single hospital of more than 100 inpatients. In other words, a hospital could receive tax-exempt treatment of income from two hospitals each with 100 inpatients, for a total of 200 inpatients. However, the same hospital would be subject to tax on the income of an agreement to provide services to a single hospital with 200 inpatients and the same income. It seems to me that this limitation serves no useful purpose compared to the benefits of shared service agreements.

Accordingly, the bill I am introducing today would repeal section 513(e)(1) and leave in place the controls imposed by existing section 513(e) (2) and (3). I am cognizant of the fact that the bill is being introduced at this late point in the 97th Congress. Unfortunately, the situation only recently came to my attention. Nonetheless, I am hopeful that its introduction at this time will bring the problem to the attention of the Committee on Ways and Means so that action might be taken as soon as possible next year.

While the issue at hand was brought to my attention as a result of an inquiry from a hospital located in the district that I am privileged to represent in the House, I believe that the benefits of the legislation will accrue to all hospitals and the health care delivery system in general. As a member of the Energy and Commerce Subcommittee on Health and the Environment, I am most interested in promoting quality hospital services at lower cost whenever possible. This bill is certainly consistent with that objective.●

A GRAM OF PREVENTION

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. MADIGAN. Mr. Speaker, the end of this fiscal year marks the demise of an agency created by Congress in passing the Metric Conversion Act in 1975, a law that carried little weight with anyone, especially the vast majority of Americans who have no desire to change their system of measurement.

In fact, there was little reason for establishing the U.S. Metric Board, but we did in 1978, and there are quite a few people still wondering why we did it and for what appropriate cause approximately $8 million was spent over the last 4 years by the Metric Board.

Our colleague Congressman ELDON RUDD, has been one of the few Members who has actively challenged the

questionable need for a Metric Board, since the use of metric is strictly voluntary, and not mandatory as some have thought, and has brought this issue to the public's attention. He has introduced legislation to repeal the 1975 Metric Conversion Act and abolish the Metric Board along with it.

The Reagan administration agreed with Congressman RUDD's position to eliminate the Board, since the private sector is quite capable of making its own decisions on the metric issue, and I was pleased to see that the administration deleted all funding for the Board, and effective the end of the 1982 fiscal year this week, the Board's operations will officially cease.

The Arizona Republic carried an excellent editorial of this subject, "A Gram of Prevention," on September 25, 1982, and I would like to include this in this RECORD.

A GRAM OF PREVENTION

Metrics, the system of weights and measures Americans were being force-fed in recent years, may be headed for a back burner to simmer away at some centigrade temperature.

That's where it belongs.

Under the Metric Conversion Act of 1976, the United States was put on a timetable by which it would phase into kilometers, liters and the like by 1985.

Fortunately, the act was not mandatory.

Unfortunately, advocates of metrics used the act as authority for writing metric provisions into governmental regulations.

All this was happening without much consultation. The vast majority of the public opposed the notion of metrics being rammed down their throats.

Some saw it as a plot to make things easier for a communist takeover. Others saw it as a nuisance; after all, they'd been brought up on the English system.

To Arizona's Rep. Eldon Rudd, however, the issue wasn't one set of weights and measures against another. It was a minority of bureaucrats imposing their will on an entire nation.

As the Reagan administration prepared this year's budget, Rudd was in contact with people looking for ways to trim it.

The U.S. Metric Board's $2.7 million a year was as logical a cut as any, and as of Oct. 1 it will be closed down.

Some of the board's functions are being moved into the Department of Commerce, where bureaucrats will continue to find ways of slipping metrics in.

So while the United States won't likely be metric by 1985, it still could happen.

The proper people to choose metric are the people in business and industry.

If they feel it's as necessary to American commerce as bureaucrats seem to feel, then they will convert.

On the other hand, if they don't, they won't.

So far, the major beneficiaries of metric measure are liquor companies. They pressured the federal Bureau of Alcohol, Tobacco and Firearms to move to metric. As a result, the standard measure of spirits no longer is a "fifth"—four-fifths of a quart. Today, it's 750 milliliters—and that's less than a fifth, even though it's not likely to say so on the bottle.

Should other businesses opt for metric, they could help usher out ounces, fluid and otherwise.●

A FLAT TAX—AND THE IMPORTANCE OF PROGRESSIVITY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. STARK. Mr. Speaker, one of the hottest topics of debate has become the idea of a "flat tax" to replace the present cumbersome Internal Revenue Code taxes. I expect that this will be one of the major issues of the 98th Congress when it meets in January.

One of the best, thoughtful statements on the pros and cons of the flat tax proposals was presented this Wednesday to the Senate Finance Committee by former IRS Commissioner Jerome Kurtz.

Because of the many questions I am receiving about the flat tax and what it means, I would like to include his testimony in the RECORD at this point:

STATMENT OF JEROME KURTZ

Mr. Chairman and Members of the Committee: My name is Jerome Kurtz. I am a lawyer in private practice in Washington, D.C. From 1977 to late 1980, I was Commissioner of Internal Revenue. I am pleased to appear today at your invitation to participate in this very important hearing.

Our income tax has its problems. It is too complicated. It is widely regarded as unfair. The rates are too high. It is riddled with loopholes and compliance is falling. A proposed solution is to adopt a "simplified flat rate income tax," a phrase which has become the current euphemism for tax reductions for the wealthy at the expense of middle income taxpayers.

Many of the complaints about the income tax are well founded. But the problems have little to do with progressive rates. They rather have to do with the proliferation of exclusions, deductions, credits and other tax benefits which have been engrafted on to our income tax, but are unnecessary and, in fact, detrimental to the proper function of that tax. "Simplified" and "flat rate" are clearly two separate and distinct issues. If we are seduced into believing that simplification requires a flat rate, we will unnecessarily sacrifice substantial equity for minimal gains in simplification.

It is understandable, given the present rate of our income tax, that equity in taxation appears to many to be a concept lying primarily in the eyes of the beholder. But there is a benchmark against which to measure the performance of an income tax. The reason we have a tax based on income is because we think it is fair to allocate the tax burden according to financial well-being and that income is a fair measure of financial well-being.

That basic principle has too often been lost sight of as our tax system has been burdened with provisions that reduce the amount of income subject to tax but which have nothing to do with financial well-being and tax paying capacity. A taxpayer with income from oil wells or real estate has the same tax paying capacity as one with an equal amount of income from wages and yet, in most cases, the wage earner will pay substantially more taxes because taxable income from oil and real estate is reduced by tax allowances unrelated to real expenses. Over the years various special interest groups have succeeded in providing subsidies through the tax system for many types of business and investment activities.

Our tax system also encourages or rewards certain types of consumption. Homeowners and renters with the same incomes have the same tax paying capacities, yet because interest and taxes are deductible in computing the amount of income subject to tax and rent is not, the homeowner pays less income tax. Or compare two families with equal incomes, one of which has a more expensive home and therefore spends more for interest and taxes and less for food than the other. The one who has chosen to spend its income in one way—more for housing—will pay less income tax than the other who has chosen to live in a smaller house and go to restaurants more often. Their financial well-being and, therefore, tax paying capacity is the same but our tax systems treats them differently.

Our tax laws now contain over 100 special provisions—called tax expenditures—which reduce taxes through exclusions, deductions and credits having little or nothing to do with a taxpayer's real income and ability to pay tax. These special provisions are called tax expenditures because they are carrying out, through tax relief, programs that more traditionally, and more properly, should be considered spending programs.

Using the tax system to further specific economic and social programs has seemed attractive because tax expenditures appear easier to administer than direct spending programs and provide an almost complete absence of red tape. Moreover, they do not appear in the budget.

We have, I hope, come to realize that ease of administration and absence of red tape has only meant misdirected programs and waste. And I assume we all now realize that tax expenditures cost the same as comparable direct programs. This has become painfully apparent as we have seen our tax base shrink at the same time as the pressure for greater tax expenditures has increased. A cycle has ensued in which the erosion of the tax base due to the granting of special tax relief has led to higher marginal rates which in turn has only increased the demand for more special relief.

What was not well recognized as the number and size of tax expenditures grew was the cumulative effect they were having on the tax system.

Individual income tax collections this year will amount to about $300 billion. According to official estimates, tax expenditures for individuals will be about $200 billion this year. That is an indication of the amount of additional tax that would be collected if there were no tax expenditures in our law. No one suggests that this additional revenue be collected. The relevance of the figure is that if there were no tax expenditures rates could be reduced by amounts approaching 40 percent and the same revenue would be collected. If this were done, not only would the tax law be far simpler, but the tax burden would be shared more equitably and rates would be much lower. There would be greater horizontal equity, i.e., those with similar amounts of income and thus similar tax paying capacity would pay similar taxes. And there would be greater vertical equity; those with greater real incomes would pay higher taxes. The situation of the oil baron paying less than the factory worker would be no more.

This would be true regardless of whether the rate structure were progressive or flat.

If most tax expenditures were to be eliminated—and that is the underlying assumption of broad-based or simplified tax proposals—there would be winners and losers in each income class. Those who now reduce their taxable incomes substantially by utilizing the various tax expenditures would face tax increases while those now paying tax on all or most of their real incomes would have tax decreases.

The elimination of tax expenditures would not only greatly simplify the income tax, improve equity and lower rates, it would greatly improve the economic efficiency of the income tax. Gross economic distortions are encouraged under our existing system because decisions—particularly investment decisions—are greatly influenced by the availability, or lack of availability of various tax benefits.

The lower marginal rates permitted by base broadening would most likely increase incentives and improve compliance. Lower marginal rates would also decrease the pressures for further tax expenditures. As the proliferation of tax expenditures narrows the tax base requiring higher rates, those subject to such rates seek relief by pressing their own special tax provisions.

Whether the rates to be applied to a broadened base are progressive, or whether a single rate should be applied to all income is a separate question—and a critically important one.

If a flat rate were applied, even to a greatly simplified and therefore expanded definition of income, the result would be substantial increases in the taxes of most lower and middle income taxpayers and corresponding reductions in the tax liabilities of those with the highest incomes. Although it is sometimes asserted that a flat rate tax would not reduce taxes on the rich because with tax shelters and special benefits they pay little taxes today, the assertion is untrue. While some wealthy people do pay little or no tax, many pay very substantial amounts. On average, our income tax system is still progressive, although it has become less progressive since the enactment last year of the Economic Recovery Tax Act. Nevertheless, all proposals for flat rate taxes would result in large tax reductions for the highest income taxpayers as a group at the expense of the less affluent.

The tax reductions legislated under ERTA will be fully effective by 1984, and the following comparisions are with those rates,[1] remembering they are substantially less progressive than they were before 1981. If all itemized deductions were eliminated and long-term capital gains were taxed in full, but using present law exemptions and standard deduction ($1,000 per person and $3,200 standard deduction on a joint return), a flat rate of 15.7 percent would raise the same amount of revenue as the present system. But it would raise it quite differently. Those with incomes between $5,000 and $10,000 would have average tax increases of 36 percent; $10,000 to $15,000, 25.5 percent; $20,000 to $30,000 would have 13.4 percent increases. On the other hand, those with $100,000 to $200,000 income would have a 33.2 percent average reduction in taxes, almost $10,000 per return. Those with over $200,000 income would save an average of $38,000 each, a reduction of 38.7 percent.

[1] Estimates are from those furnished in testimony of Joseph J. Manarik of the Congressional Budget Office before the Joint Economic Committee, July 27, 1982.

The result would be somewhat improved if the personal exemption were increased from $1,000 to $1,500 and the standard deduction for a married couple were raised from $4,400 to $6,000. The first $12,000 of income for a family of four would therefore be exempt. The rate needed on all other income to raise the same amount of revenue as would be raised at 1984 rates would be 18.7 percent. Under this scheme, those at the very bottom of the scale would, of course, come out better. But middle imcome taxpayers would still have significant increases, and the top earners large reductions. Those with $15,000 to $20,000 income would have a 7.7 percent increase; those with $20,000 to $30,000 income, 9.3 percent; while those with $50,000 to $100,000 would have a 6.7 percent reduction. The reduction for those with over $200,000 income would average about $28,000 per return, 27.7 percent of total liabilities.

The debates about the fairness of progressive rates compared with a flat rate generally focus only on the individual income tax. But the imcome tax is only part of the total tax burden imposed on individuals.

Most individual taxes, other than the income tax are not only not progressive, they are not even proportionate. The individual income tax will raise about $305 billion this year. Social security taxes, the second largest source of federal revenue will raise about $225 billion, and raise that enormous sum in a clearly regressive way. Under present law, wages are subject to social security taxes of 6.7 percent on each of the employer and employee. Income from self-employment is subject to a rate of 9.35 percent. The tax applies from the first dollar of income without exemptions or deductions but it does not apply to wages or self-employment income over $32,400. Nor does it apply to interest or dividends or any income other than that from wages and self-employment.

Taking social security taxes into account, the total federal tax burden is roughly proportional—not progressive. It takes progressive income tax rates to keep the system from being regressive. The question, therefore, should not be whether to have a flat rate or progressive income tax, but whether the income tax should be sufficiently progressive to make the total federal tax burden progressive.

While economists and social philosophers may debate whether a progressive tax system is fair, the fact is that most people think it is. It seems reasonable that the costs of government be borne in a manner having a relation to the rewards one receives from the system and that the most affluent can pay proportionately more than those less fortunate. While we are committed to a free enterprise system—a system relying heavily on economic rewards to provide incentives—it is widely recognized that this system requires constraints if it is to work effectively and fairly. We have child labor laws and antitrust laws to moderate the potential of uncontrolled free enterprise. While most believe deeply in rewards and incentives, most also believe there must be some limits. Reasonably progressive tax rates are a way to moderate the rewards our economic system might otherwise bestow and at the same time leave ample incentive to drive and reward the most able.

A tax system such as ours—which relies heavily on taxpayer cooperation—can only work if most taxpayers perceive the system as fair. The perceived fairness of progressive income tax rates are too much a part of our political and social structure to be abandoned. They are essential, given the rest of our structure, to prevent regressive burdens. Better yet, they should provide some overall progressivity.

Senator Bill Bradley and Representative Richard Gephardt have proposed a plan which would vastly simplify the income tax and at the same time leave the average tax burdens in each income class approximately the same as they will be in 1984. Under this plan, the personal exemptions would be raised from $1,000 to $1,500 per person and the standard deductions from $3,400 on a joint return to $4,600. Thus, a family of four would pay no income tax on the first $8,600 of income. Then a 14 percent rate would apply to all over that amount.

However, there would be an additional tax at rates ranging from 6 percent to 14 percent on income in excess of $40,000 for joint returns. Incomes over $65,000 would therefore be subject to income taxes at the top rate of 28 percent.

The Bradley-Gephardt bill retains mildly progressive rates. The aim of its proposed rate structure is to match closely the present distribution of the income tax burden by income class. One can well debate whether that is sufficiently progressive, but it demonstrates that these progressive rates are necessary to maintain the relative status quo. It does not move us into a regressive structure as all of the flat proposals would.

The Bradley-Gephardt bill would eliminate most tax expenditures—percentage depletion, the investment credit, expensing of intangible drilling costs for oil and gas wells, fast amortization of pollution control facilities, general exclusion of interest and dividends, the deduction for long-term capital gains, the various energy credits, the exclusion of unemployment and disability payments, the exclusion of premiums on group term life insurance, the credit for political contributions, the deduction for casualty loses and many more.

On the other hand, it would retain as deductions, but only against the basic 14 percent rate home mortgage interest, charitable contributions, and state and local real estate and income taxes. This is a fair compromise.

Many people have made long-term commitments to buy homes based on the deductibility of mortgage interest and real estate taxes. And the marketplace has, in many cases, adjusted to the tax system so that prices frequently reflect tax provisions. What may be an ideal tax system if we were starting from scratch cannot, in some cases, be substituted for the existing structure without a transition period—some time for people and the marketplace to adjust to the changes. This is only true, however, where there are long-term commitments. It is not true for provisions that would apply only to future conduct. I would, however, prefer to see the bill provide for the eventual phasing out of these deductions. The law would be simpler and fairer without them and existing commitments, expectations, and market conditions need not be accommodated forever.

Some will point out that any progressivity in rates complicates the income tax system. However, with a broad base, low rates and wide brackets, the degree of complexity attributable to progressivity is not serious. Equity is usually more complex than simplicity. The proper question is how much complexity is worth how much equity. The relatively minor problems presented by progressive rates are well worth the fundamen-

tal equity they achieve. Most complexity would be eliminated with substantial base broadening and we should not retreat from important notions of fairness to achieve the last morsel of simplification.

Senator Bradley and Representative Gephardt have promised a corporate tax proposal along the same lines as the individual income tax proposal. It is needed. Our corporate tax was virtually legislated out of existence by the Economic Recovery Tax Act and this will inevitably put greater burdens on individuals. The corporate tax should be restored as a real contributor to our revenue needs.

A new tax structure will not come into being overnight. The debate is just beginning. But so far Bradley-Gephardt is the most thoughtful entry in the simplification debate.●

JOHN RHODES: A LEGACY OF SERVICE

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1982

● Mr. YOUNG of Florida. Mr. Speaker, it is a special privilege for me to pay tribute today to my colleague from Arizona who is retiring upon the adjournment of the 97th Congress, because few Members of this body have had a greater impact on my career than JOHN RHODES.

As one of the Nation's greatest statesmen, JOHN's achievments in 30 years of outstanding service to the people of the First District of Arizona and our Nation will long be remembered. For me though, I will always remember the special friendship we developed during the 12 years we served together.

During his 7-year tenure as the leader of my party, JOHN appointed me to the Permanent Select Committee on Intelligence, and strongly supported me to fill his position on the Appropriations Committee. I will be forever grateful to JOHN for the opportunities he has given me to serve my constituents.

On several occasions, JOHN rearranged his busy schedule so that he could visit with the people I represent in Pinellas County. They were grateful for the efforts he made to travel to Florida to be with them, and I am sure they too send along their best wishes for his retirement.

In 1952, the people of Arizona elected JOHN to the first of his 15 terms. He became the first Republican from Arizona ever elected to the House of Representatives and served longer than any member in the State's history. During his tenure, which spanned four decades, he compiled a list of accomplishements too long to mention. His achievements did not go unnoticed however, as in 1973, JOHN was elected House minority leader by his peers, one of the greatest tributes bestowed upon a Member of this body.

In looking back on JOHN's 30 years of service, it is a shame he never had the opportunty to serve as Speaker of this body.

With his retirement, JOHN will leave behind a legacy which shall stand as a model of service of those who follow him in serving our Nation as a Member of the U.S. House of Representatives.●

IRANIAN PERSECUTION OF BAHAI RELIGIONS COMMING

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. GILMAN. Mr. Speaker, I rise in support of House Concurrent Resolution 378, which condemns the Iranian persecution of the Bahai religious community. Since the present Islamic fundamentalist regime has come to power in Iran, the Bahais have been singled out for persecution and even elimination. The Bahai faith, founded in Persia in 1844, is a peaceful religion which has more than 300,000 adherents in Iran and followers in countries all over the world. Some of the Bahai religious principles include the eradication of all forms of prejudice, the full participation of both men and women in all aspects of community life, and support for universal compulsory education. In its work with the United Nations, the Bahai international community has been involved with the issues of human rights, the status of women, world food, the law of the sea, and narcotics.

The Bahais believe that the purpose of religion is the promotion of harmony and unity among mankind. However Iran's clergy-dominated government has executed at least 113 Bahai citizens in the past year. The House of Bab, the holiest religious shrine of the Bahais, has been destroyed. Because their religion is not recognized in the Iranian constitution, Bahai children are not permitted to register for school. Since Bahai marriages are not considered legal by the Government of Iran, children born out of these marriages are branded as illegitimate. The regime of the Ayatollah Khomeini not only seeks to destroy the Bahais, but also prohibits them from emigrating from the country.

Having spoken out frequently on this floor on the cause of human rights, I strongly support House Concurrent Resolution 378. The Government of Iran must be made aware of the fact that this Congress expects it to uphold the rights of all its citizens, not just those who are presently included in the Iranian Constitution. All of the world's great religions—Islam as well as Judaism, Christianity, and the Eastern religions—support the concept of religious freedom. The right to practice one's religion free of persecution and fear, is a fundamental right possessed by every individual of every nation.●

HARVEY KIBEL HONORED BY THE AMERICAN CANCER SOCIETY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. ANDERSON. Mr. Speaker, it is with distinct pleasure that I take this opportunity to pay tribute to Harvey R. Kibel who will be honored on December 2 as the recipient of the Allan K. Jonas Award of Distinction for his outstanding service to the American Cancer Society. He has been the most outstanding volunteer for the American Cancer Society in California for the past 3 years.

Mr. Kibel has worked tirelessly for 12 years for the American Cancer Society. A former cancer victim himself, he began his work by helping raise research money for the Los Angeles Coastal Cities Unit of the American Cancer Society. From there, he served as a member of the Property Committee and eventually became chairman of the Budget Committee.

As chairman, Harvey Kibel established the immensely successful Quantum Leap financial program whose primary goal was to increase fundraising projections for the chapters. Because of this ingenious program, not only did the Los Angeles Coastal Cities Unit win first place in California, but the State of California placed first in the country. For this, Mr. Kibel received the Crusade Volunteer of the Year award twice.

Furthermore, Mr. Kibel has contributed organizationally to the society by setting up the Legacy and Planned Giving Committee as a separate structure. Mr. Kibel is presently a board member on the National Crusade Committee and is also a national delegate from the State of California.

Mr. Speaker, in light of Harvey Kibel's important and continuing contributions to the American Cancer Society which led to his receiving the Allan K. Jonas Award of Distinction as the outstanding volunteer of the year, I know you and my colleagues will join me in paying tribute to this most deserving and distinguished man. My wife, Lee, joins me in wishing Harvey Kibel, his wife, Isabel, and their two children, Ellen and Paul, only the best in the years ahead.●

MONTHLY LIST OF GAO REPORTS

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BROOKS. Mr. Speaker, the monthly list of GAO reports includes summaries of reports which were prepared by the staff of the General Accounting Office. The August 1982 list includes:

NATIONAL DEFENSE

Millions Spent Needlessly in Navy and Marine Corps' Aviation Bonus Program. Acc. No. 118924, FPCD-82-56, August 9.

Military's 1-year "Look Back" Retirement Provision Should Be Revoked: Multiyear Provision Should be Reviewed. FPCD-82-38, August 20.

Perspectives on the Effectiveness of Service Enlisted Bonus Programs. FPCD-82-70, August 23.

Civilianizing Certain Air Force Positions Could Result in Economies and Better Use of Military Personnel. Acc. No. 119163, PLRD-82-75, August 11.

Readiness of the U.S. Coast Guard. Acc. No. 119225, PLRD-82-98, August 18.

Air Force Does Not Recover All Required Costs of Modification Kits Sold to Foreign Governments. PLRD-82-111, August 27.

Defense Continues to Subsidize Sales of Secondary Items to Foreign Governments Because of Poor Pricing Policies. Acc. No. 116606, AFMD-81-105S, August 6.

Requirements and Production Capabilities are Uncertain for Some Air Force, Navy, and Marine Corps Aircraft Spares and Repair Parts. Acc. No. 119118, PLRD-82-77, July 22.

Recommended Reductions to Fiscal Year 1983 Ammunition Procurement and Modernization Programs. PLRD-82-92, August 10.

Use of Appropriated Funds for Defense Commissary Operations. Acc. No. 119162, AFMD-82-45, August 11.

Opportunities Exist to Reduce Operating Costs of the Department of Defense Overseas Dependents Schools. HRD-82-86, August 26.

Letter reports

Implementation of national defense stockpile plans would require amending existing legislation. Acc. No. 119144, EMD-82-111, July 16.

The Defense Fuel Supply Center's contracting procedures for exchanging naval petroleum reserve crude oil for fuel products have no problems. PLRD-82-103, July 29.

Some development, testing, and production readiness concerns remain with Army's AH-64 helicopter. Acc. No. 119110, MASAD-82-40, August 3.

Testing and maintenance of weapon systems may be enhanced by the design for testability concept. MASAD-82-38, August 6.

Progress of the light armored vehicle program should be closely monitored. Acc. No. 119170, MASAD-82-41, August 10.

Weapon system unit cost reports are reasonably complete, current, and accurate. Acc. No. 119192, MASAD-82-42, August 12.

Procurement, modification, and use of the OH-58 helicoper. MASAD-82-44, August 12.

Air Force planning is not adequate to begin construction of a Shuttle Operation and Planning Complex. Acc. No. 119229, MASAD-82-43, August 12.

Inaccurate administrative leadtimes were being used in determing inventory needs in the Air Force's system support stock fund. Acc. No. 119191, PLRD-82-110, August 13.

Army's initiatives to improve the skill qualification test program may not achieve promised changes. FPCD-82-69, August 18.

INTERNATIONAL AFFAIRS

International Insurance Trade—U.S. Market Open; Impact of Foreign Barriers Unknown. ID-82-39, August 23.

Private Sector Involvement in the Agency for International Development's Programs. ID-82-47, August 26.

Alternatives to the Northern Mariana Islands Land Lease. ID-82-55, August 19.

Examination of fiscal year 1981 Oversease Private Investment Corporation Financial Statements and Related Issues. Acc. No. 119195, ID-82-33, August 16.

Letter reports

Because the Agency for International Development's renewable energy and fuelwood projects are in early implementation stages, it is premature to evaluate the field projects. Acc. No. 119190, ID-82-57, August 13.

ENERGY

Obstacles to U.S. Ability to Control and Track Weapons-Grade Uranium Supplied Abroad. Acc. No 119146, ID-82-21, August 2.

Are Leaseholders Adequately Exploring For Oil and Gas on Federal Lands? EMD-82-82, August 23.

Need for Guidance and Controls on Royalty Rate Reductions for Federal Coal Leases. EMD 82-86, August 10.

Changing Structure of the International Oil Market. Acc. No. 119193, ID-82-11, August 11.

Analysis of Energy Reorganization Savings Estimates and Plans. Acc. No. 119104, EMD-82-77, August 2.

Bonneville Power and Rural Electrification Actions and Activities Affecting Utility Participation in Washington Public Power Supply System Plants 4 and 5. Acc. No. 119165, EMD-82-105, July 30.

TVA is Justified in Deferring the Yellow Creek Unit 1 Nuclear Powerplant. EMD-82-114, July 30.

Letter reports

Response to questions raised concerning Three Mile Island-2 cleanup schedule and cost. EMD-82-90, July 20.

Data compiled for shut-in oil and gas wells on onshore Federal lands in inaccurate. Acc. No 119196, EMD-82-115, August 16.

Response to Office of Management and Budget comments on GAO's report "Analysis of Energy Reorganization Savings Estimates and Plans." EMD-82-127. August 20.

Improvements are needed in the cash management practices of Interior' simultaneous oil and gas leasing program in Wyoming. EMD-82-122, August 26.

NATURAL RESOURCES AND ENVIRONMENT

Interior's Minerals Management Programs Need Consolidation to Improve Accountability and Control. Acc. No. 119173, EMD-82-104, July 27.

Increasing Entrance Fees-National Park Service. Acc. No. 119113, CED-82-84, August 4.

Research Equipment in the Bureau of Mines: Commitment to Sound Management Needed. EMD-82-116, August 31.

Corps of Engineers Needs to Resolve Lake Pontchartrain Hurricane Protection Project Issues. Acc. No. 119206, MASAD-82-39, August 17.

Letter reports

Problems and progress during current Forest Service planning. EMD-82-99, August 18.

AGRICULTURE

Congressional Decision Needed on Necessity of Federal Wool Program. Acc. No. 119157, CED-82-86, August 2.

COMMERCE AND HOUSING CREDIT

Bank Merger Process Should Be Modernized and Simplified. Acc. No. 119210, GGD-82-53, August 16.

Letter reports

Fort Worth Post Office management does not intentionally interfere with timely reporting of injuries and claims for compensation. Acc. No. 119116, GGD-82-78, July 6.

SBA's breakout efforts increase competitive procurement at air logistics centers. Acc. No. 119143, PLRD-82-104, August 2.

TRANSPORTATION

Changes to the Motor Vehicle Recall Program Could Reduce Potential Safety Hazards. CED-82-99, August 24.

COMMUNITY AND REGIONAL DEVELOPMENT

HUD's Progress in Implementing the 1981 Housing Amendments. CED-82-116, August 17.

SOCIAL SERVICES

Inquiry Into Alleged Operating and Management Problems in EEOC's Office of Review and Appeals. FPCD-82-68, August 25.

Letter reports

Improper use of Federal student aid funds for lobbying activities. HRD-82-107, August 9.

Improper use of Federal student aid funds for lobbying activities. HRD-82-108, August 13.

Negotiated sales of HUD-owned multifamily housing projects. CED-82-117, August 16.

HEALTH

Improved Overseas Medical Examinations and Treatment Can Reduce Serious Diseases in Indochinese Refugees Entering the United States. HRD-82-65, August 5.

Letter reports

Centers for Disease Control should charge fees for various diagnostic laboratory services. HRD-82-70, August 11.

INCOME SECURITY

IRS Needs to Curb Excessive Deductions for Self-Employment Retirement Plans. GGD-82-85, August 26.

Updating Interest Rates Charged on Outstanding Civil Service Retirement Contributions Would Save Millions. Acc. No. 119160, FPCD-82-39, August 4.

Letter reports

Relationship of dual benefit windfall payments to total railroad retirement benefits. Acc. No. 119172, HRD-82-97, July 12.

VETERANS ADMINISTRATION

VA Should Use Economic Order Quantity Principles in the Wholesale Supply System. Acc. No. 119226, PLRD-82-108, August 18.

ADMINISTRATION OF JUSTICE

Federal Parole Practices: Better Management and Legislative Changes are Needed. Acc. No. 119224, GGD-82-1, July 16.

GENERAL GOVERNMENT

Early Observations on Block Grant Implementation. GGD-82-79, August 24.

Fee Guidelines Still Needed for Government-Sponsored Nonprofit Organizations. Acc. No. 119117, PLRD-82-54, July 7.

Impact of Congressional Review on Federal Trade Commission Decisionmaking and Rulemaking Processes. Acc. No. 119211, HRD-82-89, August 17.

Weaknesses in Procurement Practices to Obtain Outside Professional Talent Services. ID-82-46, August 10.

Delegated Personnel Management Authorities: Better Monitoring and Oversight Needed. Acc. No. 119102, FPCD-82-43, August 2.

Award and Administration of Contracts for Job Corps Centers. PLRD-82-107, August 10.

Improved Billing and Collection Activities Would Increase District of Columbia's Revenues. Acc. No. 119138, GGD-82-68, August 6.

Special IRS Examination Procedures are Needed for Certain Returns Containing International Tax Issues. GGD-82-77, August 27.

Letter reports

Part-time employment in the Federal Government. Acc. No. 119159, FPCD-82-54, July 12.

Use of Federal employees as personal aides to Federal officials in selected departments and agencies. Acc. No. 119171, FPCD-82-52, July 14.

Alleged abuses in the U.S. Savings Bond Division of the Department of the Treasury. AFMD-82-70, July 26.

Consolidation of GSA's depot function can save millions in space costs. Acc. No. 119188, PLRD-82-109, August 16.

The President's fifteenth special message for fiscal year 1982 proposing two rescissions of budget authority totalling $63.6 million and a revision to one deferral previously reported. OGC-82-20, August 19.●

RURAL ENTERPRISE ZONE AND DEVELOPMENT ACT

HON. WES WATKINS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. WATKINS. Mr. Speaker, the concept of rural enterprise zones, an idea first advanced in my Rural Enterprise Zone and Development Act which I introduced on September 23, 1981, took a major step forward Tuesday night when the Senate Finance Committee approved a bill providing for the establishment of 25 enterprise zones each year and requiring that 8 of the 25 be reserved for rural areas.

I commend the Senate committee's recognition that rural areas have distinctive problems and needs, thus requiring special treatment in any enterprise zone legislation ultimately enacted. I have long maintained that rural areas cannot compete head on with urban areas and interests in Federal programs. Failure to recognize this fact results in an unfair and inequitable allocation of available Federal resources to help meet local needs, eliminate local problems, and provide jobs for the people of rural America.

As you know, Mr. Speaker, several bills have been introduced to establish enterprise zones in economically distressed areas as a means of stimulating the development of additional private sector jobs in these areas. This would be done by offering various kinds of economic and financial incentives, including tax breaks, to businesses and industries willing to locate within the zones or expand existing operations in the areas.

Enterprise zones were first proposed for distressed inner cities. My bill was the first to extend the concept to economically distressed and underdeveloped rural areas and the first to target its incentive provisions to small businesses and industries willing to locate within or expand existing operations in these areas. We also were instrumental in persuading President Reagan to make rural areas eligible for enterprise zone designation in the administration's bill. Unfortunately, the administration bill would require rural areas to compete with big cities for designation. As I have said many times—and experience has borne me out—rural America cannot compete on an equal basis with urban America for the allocation of resources in Federal programs.

Mr. Speaker, interest in enterprise zone legislation has been picking up considerably in recent weeks, as is reflected in the Senate committee's action this week. Hopefully, the logjam has been broken in getting favorable congressional action on enterprise zone legislation. Even if this legislation is not finally approved by the close of this session, favorable action now by both the Senate and House committees could herald quick action in the next session. I urge the appropriate committees to move toward this goal.●

ANWAR SADAT

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BRINKLEY. Mr. Speaker, President Anwar Sadat was a man who could cope with adversarial visitors and emerge with added respect—because he possessed a real insight into the common interests he held with them on a 1-to-1 basis. He buit upon that common ground, and the ties of confidence and friendship would naturally follow. From that point, the relationship became one of steadfast loyalty.

Perhaps it was psychological, but one felt that Sadat had faith in his fellow man, even those who were adversarial, and an almost childlike trust. It would be difficult to disappoint him—in terms of objectivity, fairness, and understanding.

From the perspective of 1973 and the evidence which has come into being since that time, the works of President Sadat are prophetic. In 1973 he told us he was prepared to accept the existence and survival of Israel. He reminded us that the had been the first head of an Arab State to declare his willingness to make peace with Israel. He said his only desire was to be able to build the economy of this own country and to reduce the heavy burden of armaments. And remember—this was in the context of discussions with representatives of the United States, then assisting this ancient enemy and when, within the city of Cairo, there were captured American tanks on display.

His loss was a personal one to me. His death diminished us all. He was truly a man of peace and good will.●

BOONDOGGLE

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. STARK. Mr. Speaker, when the Congress reconvenes in November, we will be considering the energy and water development appropriations bill of fiscal year 1983. This bill contains many good, sound, innovative projects. However, it also contains many of the worst kinds of projects, those deemed by all objective observers as "pork barrel." Two examples of what may be as many as five or six of these projects in the bill, are the Tennessee-Tombigbee Waterway, and the Clinch River breeder reactor.

The Tennessee-Tombigbee Waterway has already had $1.512 billion committed to it. The energy and water appropriations bill adds another $186 million. Scheduled to cost over $2 billion, some studies put the total cost of the waterway at closer to $3 or $4 billion. Tenn-Tom has been described as an effort to turn the Mississippi River into a double lane highway. All it does is provide barge transportation on a system of rivers a few hundred miles to the east of the Mississippi. Never have so few shippers been saved so few miles at the expense of so many.

In these times when we are eliminating student loans, veterans benefits, and a host of other programs, to continue to dump hundreds of millions of dollars into a waterway that is unnecessary not only seems foolish, but infinitely callous.

And then there is the project that has come to symbolize wasteful spending, the Clinch River breeder reactor. The cost of the breeder has gone from an original estimate of $400 million in 1972, to $3.57 billion in 1982. Some predict the final cost could go as high as $6 or $8 billion.

Six billion dollars for a demonstration reactor that even proponents say

is not commercially viable, and a design that becomes more obsolete with each passing day? I cannot justify spending that kind of money to test a reactor design that will never be used again, and will be of unknown value in future breeder technology.

In these times of severe budget cuts in other areas, to support these excessive projects is unjustifiable. To do so is an hypocrisy. We must prove to the American people that we are willing to cut spending where the savings will make a difference. Let's prove that we are serious about eliminating wasteful Government.●

VIETNAM VETERANS LEADERSHIP PROGRAM

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. HAMMERSCHMIDT. Mr. Speaker, the Vietnam veterans leadership program within the ACTION agency is making considerable progress in tapping the enormous resources of able and successful Vietnam veterans who stand ready, with the proper encouragement, to come forward to help their fellow veterans solve lingering problems associated with their miltitary service. Among those problems is the very perplexing one of separating fact from fiction about themselves in terms of some often repeated public pronouncement.

The leadership program in Houston, Tex., has prepared a fact sheet about Vietnam veterans. It contains information which I believe our colleagues will find useful and I am pleased to insert it in the CONGRESSIONAL RECORD.

VIETNAM VETERAN FACTSHEET[1]

THE WAR

1. Fiction: Over 9 million Americans served in Vietnam.

Fact: a 9,087,000 military personnel served on active duty during the Vietnam-era (Aug. 5, 1964—May 7, 1975). This figure includes servicemen who were stationed in the U.S.

b. 8,744,000 personnel were on active duty during direct U.S. involvement in the war (Aug. 5, 1964—Jan. 27, 1973).

c. 3.403,100 personnel served in the Southeast Asia Theater (Vietnam, Laos, Cambodia, flight crews based in Thailand, and sailor in adjacent South China Sea waters). This figure includes 514,300 offshire naval personnel.

d. 2,594,000 personnel servied within the borders of South Vietnam (Jan. 1, 1965—March 28, 1973).

e. Another 50,000 men served between 1960 and 1964, during which time 246 servicemen were killed as a result of hostile action.

f. Of the 2.6 million, between 1 and 1.6 million (40-60 percent) either fought in combat, provided close combat support or were at least fairly regularly exposed to enemy attack.

g. Only about 20 percent of those men stationed in Vietnam actually served in the first echelon combat arms (infantry, armor, artillery, etc.) where they regularly pursued and engaged the enemy on the ground (March 8, 1965—August 11, 1972). The ratio was generally five support troops to every one combt soldier.

h. 7,484 women (6,250 or 83.5 percent were nurses) served in Vietnam. Eight women died in Vietnam—all were nurses. Women comprise 2.1 percent (197,513) of Vietnam-era veterans.

i. Casualties: Hostile deaths—47,258; Nonhostile deaths—10,4446; Total=57,704 (included men formerly classified as MIA and Mayaguez casualities). Wounded: 303,704—153,329 hospitalized + 150,375 injured, required no hospital care.

j. Severely disabled: 75,00—23,214 100 percent disabled; 5,283 lost limbs; 1,081 sustained multiple amputations.

k. Missing in Action: Of 2,528 men not accounted for at the end of the war, the remains of only 80 have been returned by Vietnam.

2. Fiction: Draftees far outnumbered enlistees in Vietnam.

Fact: a. While draftees did form a disproportionate share of the U.S. Army's combat arms enlisted personnel, only 25 percent (648,500) of total forces in country were draftees.

b. As a comparision, 66 percent of our armed forces were drafted during WWII.

c. Draftees accounted for 27 percent (15,404) of combat deaths in Vietnam.

3. Fiction: Blacks fought and died in extraordinarily high proportions relative to the rest of the population.

Fact: a. 9.7 percent of Vietnam-era (1965-1972) forces were black.

b. 88.4 percent of the men who actually served in Vietnam were caucasian; 10.6 percent (275,000) were black; 1 percent belonged to other races.

c. 86.3 percent of the men who died in Vietnam were caucasian; 12.5 percent (7,241) were black; 1.2 percent belonged to other races.

d. 86.8 percent of the men who were killed as a result of hostile action were caucasian; 12.1 percent (5,711) were black; 1.1 percent belonged to other races.

e. 14.6 percent (1,530) of non-combat deaths were among blacks.

f. A full third (34 percent) of blacks who enlisted volunteered for the combat arms.

g. Overall, blacks suffered 12.5 percent of the deaths in Vietnam at a time when the percentage of blacks of military age was 13.5 percent of the total population.

4. Fiction: America sent mostly its poor to fight in Vietnam.

Fact: a. 76 percent of the men sent to Vietnam were from lower middle/working class backgrounds.

b. Three-fourths had family incomes above the poverty level; 50 percent of these men were from middle income backgrounds.

c. On the other hand, only 23 percent of Vietnam vets had fathers with professional, managerial or technical occupations.

5. Fiction: High school dropouts formed the largest proportion of U.S. forces in Vietnam.

Fact: a. 79 percent of the men who served in Vietnam had a high school education or better when they entered the military service.

b. This was the best educated army America has ever fielded. For comparison, 63 percent of Korean War vets and only 45 percent of WWII vets had completed high school upon separation from the military.

6. Fiction: Vietvets themselves, as well as the general public, believe that the combat performance of individual GIs determined and was responsible for the outcome of the war.

Fact: a. 82 percent of veterans who saw heavy combat strongly believe the war was lost because the nation's political leadership would not permit our troops to win a traditional military victory.

b. Nearly 75 percent of the general public agrees that it was a failure of political will, not of arms.

7. Fiction: The Vietnam War was in no way different from previous U.S. wars.

Fact: a. The average age of the Vietnam War GI was 19 compared to 26 for WWII.

b. Two-thirds of the men killed in Vietnam were 21 years old or younger when they died.

c. Vietnam was a very individual war—entrance into the military rotation to and from Vietnam and discharge back into society were all solitary experiences. The cohesive units of WWII trained, fought and returned home together were largely absent during Vietnam. Rapid return to society did not allow for "decompression" time—a period in which individual experiences could be shared and validated.

d. Permanently disabling wounds were sustained at a far greater rate in Vietnam. The percentage of Vietnam GIs who suffered amputation or crippling wounds to the lower extremities was 300 percent higher than in WWII and 70 percent higher than in Korea. Multiple amputations occurred at the rate of 18.4 percent compared to 5.7 percent in WWII.

8. Fiction: "Bad Paper" (less-than-honorable discharges) is widespread among Vietnam-era vets, much of it as a result of political acts of opposition to the war.

Fact: a. 97 percent of Vietnam-era veterans are honorably discharged.

b. Of the tiny minority who received "bad paper" for desertion, only 5 percent were attached to units in Vietnam.

c. During the entire Vietnam era, only 24 men were convicted in a court-martial of desertion to avoid hazardous duty.

d. Only 10 percent of AWOLs (Absent With Out Leave) were related to opposition to the war.

THE WAR'S AFTERMATH

9. Fiction: Veterans of the Vietnam War feel they were accorded the same respect and recognition as veterans of World War II.

Fact: a. 78 percent of Vietnam-era vets feel the reception they received was worse than that received by vets of earlier wars.

b. Less than half of Vietnam-era vets feel they received a very friendly reception.

c. Almost one-fourth feel even their own family and close friends did not provide a very friendly reception.

d. 63 percent of the general public agrees that the treatment of Vietnam veterans has not improved over the last decade.

10. Fiction: The larger proportion of Vietvets have dropped out of society and drift aimlessly, unable to readjust to a normal way of life.

Fact: a. Over 80 percent of Vietvets have made a successful transition to civilian society where they are leading perfectly normal and productive lives.

11. Fiction: A large percentage of Vietvets have rejected partiotism.

Fact: a. 91 percent of actual Vietnam War veterans and 90 percent of those who saw

[1] Sources of information are appended.

heavy combat are proud to have served their country.

b. 66 percent of Vietvets say that they would serve again if called upon.

12. Fiction: Guilt overwhelms most Vietnam veterans.

Fact: a. 66 percent of Vietvets reject the notion of guilt totally.

b. Only 14 percent of Vietvets feel unequivocally that "it is shamefully what my country did to the Vietnamese people."

13. Fiction: Political radicalism is more the rule than the exception among Vietnam veterans.

Fact: a. Only 15 percent of Vietvets identified themselves as radicals in 1973, a time when the so-called veterans anti-war movement was at its zenith.

b. Membership in the Vietnam Veterans Against the War (VVAW admitted everyone from college students to professors) probably peaked at 7,000—one-fourth of 1 percent of all Vietnam veterans.

14. Fiction: Marital failure is rampant among Vietnam-era veterans.

Fact: a. In the only comprehensive survey conducted (released in November 1979)—7.3 percent (613,000) of Vietnam-era vets were found to be divorced.

b. While the divorce rate for vets ages 30–34 is significantly higher than it is for veterans of other ages, so is the rate for non-veteran peers in the same age bracket.

15. Fiction: More Vietvets have committed suicide since returning from the war than were killed in Vietnam.

Fact: a. Total Vietnam-era veteran deaths in civil life number 21,000 (including 5,000 men who also served during the Korean War). VA records fo not list the cause of death.

b. Total male suicides, ages 20–34, for the entire ten year period 1968–1978 do not even equal the number of Americans who died in Vietnam.

c. The alleged suicide rate circulated for Vietnam-era vets is without foundation. VA officials have no reliable data on suicides among Vietvets; how the rate compares to that of their overall age group is an open question.

16. Fiction: Vietvets are prone to violent crime and consequently often end up in prison.

Fact: a. Of the minority of veterans arrested—and most were arrested only once—only 13.5 percent were arrested for violent offenses.

b. 95.5 percent of Southeast Asia Theater vets are not in prison. Theater veterans represent only 4.5 percent (13,000) of all state prison inmates. In other words, a miniscule .38 of 1 percent of Theater vets are behind bars.

c. All Vietnam-era veterans taken together (39,500) represent 13.7 percent of the state prison population. This equals .43 of 1 percent of all Vietnam-era veterans.

d. Of Federal inmates, an estimated 20 percent are military vets (there is no breakdown by war available). 27 percent of the total male population of military age are veterans.

e. An in-depth Bureau of Justice Statistics study concluded: "On the whole, veterans were less likely than non-veterans to be in prison."

17. Fiction: Heroin addiction has been of epidemic proportions among Vietvets.

Fact: a. Of the minority of GIs who were dependent upon narcotics in Vietnam, 9 percent kicked the habit after returning home.

b. The number who remained addicted after the war represented only 1.3 percent of all Vietnam Theater veterans.

c. The final report of the Vietnam Era Research Project noted that "drug use is more common among non-veterans than among Vietnam-era veterans." Another study found that "veterans show no inclination to heavy or problem use" of drugs.

18. Fiction: Vietvets are often unemployed and unskilled.

Fact: a. 90.6 percent of Vietnam-era vets ages 30–34 and 92.7 percent of 35–39 year-old vets were employed as of March 1982. The Department of Labor does not compile separate figures for actual war vets.

b. Of Southeast Asia Theater vets: 31.7 percent are employed in professional, technical, managerial or administrative positions; 11.9 percent in other white collar jobs: 56.4 percent in blue collar, service and agricultural occupations.

19. Fiction: Vietvets constitute a virtual army of "walking time bombs."

Fact. a. The condition known as "post-traumatic stress disorder (P.-T.S.D.) is not a mental disease. It is an emotional malady—a delayed stress reaction. Perhaps one-fourth of all Vietvets exhibit varying degrees of stress which generally remains internalized.

b. A 1955 National Academy of Sciences study found that one-third of World War II vets suffered some neurotic problems.

c. PTSC stems primarily from the war's aftermath—public indifference, peer hostility, intellectual contempt and official effrontery. The societal tissue needed to heal the spiritual scar carried by many Vietvets will be found when U.S. society as a whole purges itself of the post-Vietnam syndrome.

d. By reinforcing the values—especially patriotism—that compelled those young men who did serve to serve their country and by restoring public pride to that service, America can finally provide the emotional support needed by all war vets.

20. Fiction: A "generation gap" exists between Vietvets and vets of WWII and Korea—manifested by hostile relations based on age.

Fact: a. Vietnam-era vets have very warm feelings towards WWII and Korean vets.

b. Over one-fourth of the membership of each of the traditional big three veterans' service organizations are Vietnam-era vets: American Legion—700,000, Veterans of Foreign Wars—500,000 and Disabled American Veterans—192,000.

c. Vietnam-era veterans make up 30 percent of the total veteran population.

d. In fact, a considerable gap based on cultural values exists within the "Vietnam Generation." Veterans are a group set apart from the rest of the post-WWII "baby-boom" generation by virtue of their military service experience.

Of the 26.8 million males that came of draft age during the war (Aug. 5, 1964—March 28, 1973), two-thirds avoided active duty. Only 9.7 percent of males in the "Sixties" generation actually served in Vietnam.

e. While nearly two-thirds of non-college youth (from which the vast majority of GIs were drawn) still considered patriotism a very important value at the height of the war, only about one-third of college students did.

f. Vietnam veterans' feelings towards members of their own generation—particularly college students who demonstrated against the war and draft dodgers who fled to Canada—vary from cool to very cool.●

ROUND WORLD HELICOPTER

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. COLLINS of Texas. Mr. Speaker, a helicopter from Dallas has just completed a record round-the-world trip. Ross Perot, Jr. and Jay Coburn landed at 10:12 a.m. in Dallas, Tex., on September 30. This 30-day trip covered 28,000 miles in a helicopter.

The helicopter named "The Spirit of Texas" was a Bell Long Ranger 2.

All America is proud of the courage and example provided by these two young Texans. The Spirit of Texas with Perot and Coburn has moved the helicopter forward with this amazing achievement of this world circling trip.●

ST. JOSEPH MEDICAL CENTER NEW EMERGENCY CARDIAC CARE COMPLEX NAMED IN HONOR OF SISTER FLORA MARY MacDONALD

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. WAXMAN. Mr. Speaker, on September 17, 1982, St. Joseph Medical Center in Burbank, Calif., dedicated a new 32,204-square-foot emergency/cardiac care complex named in honor of Sister Flora Mary MacDonald.

St Joseph Medical Center is a nonprofit charitable institution. It is the San Fernando Valley's largest health facility providing acute care, nursing, and rehabilitation services. Included in the new emergency complex, which doubles the facility's existing size, is an enhanced trauma service, the first in Los Angeles County.

Sister Flora Mary is a member of the Sisters of Providence, a group of pioneering, dedicated women whose work produced the very first health and education facilities in the Northwest. She came to Burbank during World War II to supervise the construction of a 100-bed St. Joseph Hospital. Wartime restrictions created enormous difficulties in obtaining much needed materials, and other hardships. When the hospital opened in 1944 Sister Flora Mary served as administrator for 6 years and returned again as administrator from 1962 to 1972. She was also the administrator of St. Vincent Hospital in Portland and chief superior of the St. Ignatius Province of hospitals, schools, and facilities for the poor, aged, and disabled. In 1972, at the age 69, she left Burbank to be the assistant administrator of the Sisters of

Providence Hospital in Everett, Wash., a position she holds today at age 80.

In 1969, Sister Flora Mary became the first woman to receive the outstanding alumni award from the University of Portland. She is a Life Fellow of the American College of Hospital Administrators and holds an honorary doctoral degree from the College of Great Falls, Mont., for her work in higher education. Her name is recorded in the National Register of Prominent Americans and Who's Who in American Women, among numerous other achievements.

The cardiac care center is being named in Sister Flora Mary's honor because during her administration, she helped establish the area's first intensive and cardiac care units and open heart surgery service. It is the first time a living hospital administrator in California has received this type of honor.

I ask the Members to join me in saluting Sister Flora Mary for a lifetime of extraordinary service and to congratulate the Sisters of Providence and the St. Joseph Medical Center on the establishment of their impressive new facility.●

THE DENSE-PACK DEBATE

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. STARK. Mr. Speaker, yesterday an article appeared in the Christian Science Monitor discussing the mounting concern about the "dense-pack" proposal for deploying the MX missile. I have shared this concern since the plan was released, and am pleased to see it is being openly discussed.

Although this body committed itself to continuing the MX program, this proposal for deployment must be severely scrutinized. With such prominent and knowledgeable opponents, this cannot be the perfect solution that it was hailed.

I strongly urge this body to examine the "dense-pack" proposal, and the lack of alternative proposals, and decide what this country needs. We do not need a missile that, when deployed, can be easily destroyed. Nor do we need a warehouse full of missiles with nowhere to put them.

[From the Christian Science Monitor, Sept. 29, 1982]

THE DENSE-PACK DEBATE: COULD MX REALLY SURVIVE?

(By Brad Knickerbocker)

Is Uncle Sam about to put his shiny new MX missile into a home that provides less than adquate shelter?

Many experts (including some who favor the as-yet homeless intercontinental ballistic weapon) see big problems for the "dense pack" basing plan that is now the Air Force's No. 1 choice. Even though billions of dollars would be spent on this plan, critics warn, American ICBM's still would be vulnerable to Soviet first strike.

Among other things, it is argued, the Soviet Union can (or shortly will be able to) "pin down" the missiles by exploding a series of relatively small nuclear weapons above the MX grouping; it could use its hefty ICBMs to drop very large nuclear warheads on the MXs, destroying or disabling several at a time even in their "superhardened" silos; or it could spread nuclear land mines over the MX field.

"In no way does dense pack provide enduring survival," says Richard Garwin, a physicist who helped develop the hydrogen bomb and has been advising the government on nuclear technology and strategy for 30 years.

Says Colin Gray, president of the National Institute for Public Policy and an MX advocate who has been advising the Pentagon on the missile, "What I don't like so much about closely spaced basing [the official designation of dense pack], and why this system alone is not enough for ICBM basing, is that it does not provide an enduring ICBM capability."

"You're talking at most about a matter of hours of survivability, and that's being optimistic," adds Dr. Gray.

Among others who have also recently raised questions about dense-pack basing for MX are: William Perry, former defense undersecretary for research and engineering; retired Adm. Noel Gayler, who was director of the National Security Agency and a strategic planner; retired Air Force Lt. Gen. Brent Scowcroft, national security adviser to former President Gerald Ford; and retired Army Lt. Gen. Daniel Graham, former head of the Pentagon's Defense Intelligence Agency.

Among the ways the MX dense pack might be countered:

After an initial attack against the MX missiles, the Soviet Union could pin down the surviving missiles by exploding at high altitude a series of relatively low-yield weapons that would blanket the area with radiation and electromagnetic pulses through which the MX missiles could not be launched. As the dust and debris from the initial Soviet attack subsided, a second Soviet strike could be launched before the MXs could be fired in retaliation.

According to some reports, the Soviet Union has tested a nuclear weapon of 60 megatons. Dr. Garwin estimates a weapon of no more than five megatons could destroy one MX and inflict damage on other launch sites. This attacking procedure (called the "spike") could mean the destruction of a group of MX missiles with relatively few warheads, large and overlapping in effect.

The Soviet Union also might counter MX missiles by attacking with nuclear landmines scattered over the dense pack site and penetrating the earth. These could either be fused to detonate all at once or could be triggered by the launching of an MX. "Against missiles emerging from their silos, such a mine of one-megaton yield would have an effective radius of two miles or so," says Dr. Garwin.

The Air Force's response to the mounting criticism of its MX basing plan is that critics assume too much about Soviet capabilities; that planners have other schemes up their sleeves for protecting MX in its dense-pack fields; and that uncertainty about exactly how the plan would perform in a nuclear exchange works in favor of the United States.

"It's a very complex system," says a senior Air Force official who works in stategic planning. "If you change one parameter, you change eight others."

By crowding groups of MX missiles no more than 2,000 feet apart and increasing the hardness of their silos by as much as five times, the Air Force argues, the Soviet Union would have to successfully launch one warhead at each US missile with precision and timing.

Air Force officials say such an attack would result in "fratricide," in which most attacking missiles would be thrown off course or disabled by their own blast or debris.

"We don't believe that the Soviets can confidently or successfully pin down our CSB [closely spaced basing]," says one official.

Because of budget considerations here and possible treaty implications, the Pentagon is not playing up its development of ballistic missile defense systems that many MX advocates say must accompany dense-pack basing.

There have been hints of such development in Pentagon budget documents and statements of top officials. The authoritative journal Aviation Week & Space Technology reports that Defense Secretary Caspar W. Weinberger has endorsed a U.S. space-based ballistic missile defense system.

Some in Congress are pushing the Pentagon to accelerate its space-based weapons programs. But others raise questions about the need to further protect the MX dense-pack holes and about arms-control implications of pursuing ballistic-missile defenses.●

ANWAR EL-SADAT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. CONTE. Mr. Speaker, in November of 1977 when Egyptian President Anwar Sadat traveled to Jerusalem, he launched one of the major peace initiatives of all time. President Sadat took a courageous and difficult step: He broke a 29-year Arab ban on direct dealings with the Israelis. Despite opposition and even threats from his Arab allies, he embraced the Prime Minister of Israel—the Arab world's most hated enemy. From the rostrum of the Knesset, Anwar Sadat spoke to the people of Israel and to the world. With a fresh optimism, he called for an end to the violence and a new era of peace. In one bold stroke, he transformed the political realities of this troubled region.

President Sadat's historic visit was more than symbolic. Along with Menachem Begin, he laid the foundation for an open and meaningful dialog between Arabs and Jews. In 1979, the President of Egypt and the Prime Minister of Israel along with the President of the United States signed the Camp David accords. This "framework for peace", as it was called, ended 31 years of hostility between Egypt and Israel.

Today, however, the region is once again in turmoil. On the anniversary of President Sadat's untimely death, his vision of peace and his determination to do what was right despite the political price should be remembered—and applied.

His tragic death also took on a personal dimension for many Members of this House. I was fortunate enough to have met President Sadat on several occasions. The world will surely miss his dynamic personality and leadership style.

Anwar Sadat was a warrior turned peacemaker; a commander in chief who shed his uniform to don the Nobel Medal for Peace. His vision of peace penetrated the diplomatic facade and rose above the historical tradition of violence.

Truly, his actions echoed louder than the bombs.●

DRUG ABUSE IN OHIO HIGH SCHOOLS

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. OXLEY. Mr. Speaker, on Friday, June 18, 1982, the Select Committee on Narcotics Abuse and Control held a hearing on drug abuse in high schools in Mansfield, Ohio. Drug use and abuse among our youth is an issue of national concern among teachers, parents, law enforcement officers, and concerned citizens. As the Congress is aware, the number of young people using drugs has risen dramatically in the last decade. At the same time, the age of youth at which drug use begins has dropped rapidly.

The committee has investigated student drug use in urban areas in other parts of this country, including New York City and Memphis, Tenn. The area I represent encompasses a rural and semi-urban Midwestern section of this Nation and provides a different setting in which to undertake such an investigation. The purpose of the hearing was to examine the following: The extent and pattern of drug use in this semi-urban and rural area of the nation, the types of programs available in the area to treat and prevent drug abuse, and the police and school enforcement techniques used to control drug traffic and drug use by young people.

Another goal of the hearing was to increase public awareness of the drug abuse problems among young people and to encourage and support effective community responses to these problems.

The witness list included Dr. Patrick O'Malley of the National Institute on Drug Abuse; a panel of students who had used drugs; a panel of school personnel: Mr. Charles Buroker, Mr. John Olds, Mr. Gary Bedlion, Mr. Dan Rumer; a panel of law enforcement officers: Sheriff Richard Petty, Major Charles Brereton, Sergeant Ronald Monday; Mr. Phil Ward of the Allen County Health Department and Mr. Jack Miller of the Hancock County Health Department; and a panel of parents: Mrs. John Goudy and Mrs. Carol Auchard.

In a survey by the National Institute on Drug Abuse (NIDA), the most used illicit drug by high school students in the United States was found to be marihuana, followed by stimulants, sedatives, hallucinogens, cocaine, and heroin. In this area of Ohio, the most abused illegal substance by students, as in the NIDA survey, is marihuana. In many instances, when the drug is used, it is combined with alcohol. A large number of students also use pills. Most of the students probably believe they are taking amphetamines, but in this area, as in many other areas of the Nation, the widespread sale of look-alike pills which are often passed off as real amphetamines is on the upswing. Because this is a relatively new phenomenon, teachers and law enforcement officials are not sure what percentage of the pills being used by students are "look-alikes".

Drug use in the Ohio area may differ from that indicated by the results of the NIDA study in some respects. For example, most witnesses feel that the use of cocaine by high school students is extremely slight, rather than the 12 percent use during the past year reported in the survey. Furthermore, whereas the survey indicates that LSD use nationally has stabilized, use of the drug in this area of Ohio appears to be increasing. The LSD is now coming in the form of cartoon character tattoos, which are applied to the skin and licked off.

There seems to be very little difference between drug usage in larger city schools and smaller rural schools in this area. Recently a survey was made on drug use in the schools in Bluffton, Ohio. Bluffton is a small town with a Mennonite community and college. This survey showed that drug usage and abuse is similar to that of schools in more urban areas of Ohio.

The student testimony was both interesting and disheartening. All three students, John, Thomas, and Brett, had been involved in drug usage by the age of 17. Each story they told was different. John first tried marihuana in the seventh grade at the age of 13. By the time he was a freshman he was high every day and as a senior he was supporting a $700-a-week cocaine habit by selling LSD to other high school students. It was only after he was arrested that he sought treatment for his addiction. He has been straight for a year. The other students, Thomas and Brett, started using marihuana at the age of 11. In Brett's case the young man turned to theft to support his habit. Thomas was arrested five times on incidents that were drug related.

We have all heard about young people who used illegal drugs. But seeing and talking with them makes an impression. They are really no different than other young people we meet. They all stated that drugs were very accessible. They also felt many parents and teachers were not knowledgeable about drugs and in most instances did not know if the students were using drugs regularly. The students who were using illegal narcotics regularly averaged between 25 and 45 percent of the school population, in their opinion.

The school personnel agreed with the students' assessment of the issue. The schools in Ohio are currently required by State law to teach a course on drugs. It was felt that this drug education should be expanded to provide a stronger emphasis on the health vista of drug abuse and also to provide more training and information for teachers and parents. The school personnel feel that there should be strict enforcement of and prosecution of existing laws to curtail the accessibility of drugs. There should also be more programs on a national basis aimed at education and awareness. While the schools realize they have a responsibility in the effort to curtail illegal drug usage among youth, they also point out that the schools have the students for only a few hours a day. The schools cannot control evening and weekend activities.

One area of support that seems to be lacking in the area is parents groups, which is regrettable. In most communities there are no parents' groups or PTA committees devoted to solving the problem of drugs. In some areas parents are trying to establish organizations but are meeting with difficulty because people are reluctant to recognize the problem. One exception to this is Mansfield, Ohio, which has an active parents' organization. The parents who testified stated that drug abuse occurs in good homes and in good families. Many times parents feel guilty if their child used drugs, and they often feel embarrassment. Today sometimes the parents even use drugs. A child who is dependent on drugs can cause the family, according to one parent, a nightmare of fear, anxiety, and pain. It is sometimes very difficult to get help. Parents' groups can give support to other parents and provide information. Once these groups are formed they can mobilize an entire community.

The treatment in my area of Ohio is generally done on an outpatient basis. The youth under care will generally meet once or twice a week with a coun-

selor, and the parent may take part as well. If the youth requires inpatient care, he or she must be sent out of the area to one of Ohio's major cities. Most treatment programs are conducted by the county health departments. The treatment personnel believe that cooperation between them, parents, and schools is necessary if out-treatment facilities are to work. Many times the environment can contribute to the youth abusing drugs. Unless that environment can be changed or the youth removed from it, treatment will not be effective. The counselors are sure that drug use has become glamorized in songs, television, and movies, and ingrained in our lifestyle. Youth needs better role models.

Finally, the law enforcement focus varies in the communities in Ohio as it does throughout the Nation. Most feel that there should be stricter enforcement of drug laws. In the case of marihuana, simple fines will not discourage use or encourage the accused to reveal his or her source of obtaining the drug. But the police believe, as do the other panels, that education and total community effort are the most effective means, along with enforcement, of combating this problem.

The drugs abused and the number of youth abusing them in Ohio are similar to the statistics in the study by the National Institute on Drug Abuse. The most commoly abused substances are alcohol and marihuana. Pills are the next most abused substances. Amphetamines are used but there are a rapidly growing number of look-alike drugs also being used. At the present time there has not been a breakdown between pills which are amphetamines and those which are look-alikes. The Ohio area does differ in the use of cocaine. Cocaine is not extensively used. Witnesses believe this is because of its high cost. One drug that is not as popular nationally, but seems to be extensively used and increasing in Ohio, is LSD. This phenomenon was noted by students, teachers, and law enforcement personnel. This substance is supposedly easy to make and new methods have been developed which make it purer than it has been in the past.

Mr. Speaker, this is a brief summary of the hearing I chaired in Ohio. I would like to thank all those who participated in the hearing and for providing their time and information. I would like to commend the school districts for recognizing that there is a problem and in trying to provide information to both their teachers and students on illegal drugs. The law enforcement and treatment personnel, along with the parents who testified, are also working very hard to correct the problem they see in their communities. It is not an easy task. I would like to encourage communities in both my area and other areas of the Nation to provide and support workshops on illegal drug usage. In the testimony given by parents, teachers, and students, all acknowledge that parents, teachers, and students did not have adequate or correct knowledge on the subject. It is difficult to stop anything when one does not understand it or know the symptoms.

Second, the witnesses stated how easily accessible drugs were to young people. I am aware of the burden placed on law enforcement. On the national level, Congress and Federal law enforcement personnel must continue to stop the flow of drugs into this country. I commend the Vice President and the South Florida task force for their efforts in working to curtail drugs being transported from South America into the United States. I also feel that the laws regarding bail reform and forfeiture must be changed. This is one way to discourage the large dealers in narcotics.

Finally, there should be legislation to control the manufacturing and distribution of the new "look-alike" drugs. Not only do these drugs serve as an introduction to the drug culture for young people, but they are also causing the strokes and death in some cases.

As I have more time to review the testimony at this hearing, I hope to have further recommendations.●

A TRIBUTE TO JAMES W. COTHRAN

HON. JOHN L. NAPIER

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. NAPIER. Mr. Speaker, death knows no stranger and is a burden difficult to bear, just as war is hard to bear. One man who faced both challenges and met them head on, the same as he did his battles on the military field and in other areas of his life, was James W. Cothran.

A soldier, a husband, a father, a lawyer, and a civic and community leader, Jimmy Cothran played many roles. One he was well-known for was his esteemed position as commander in chief for the Veterans of Foreign Wars. He made generous contributions through his service to the VFW, and his progressive influence was widespread.

I would like to share with my fellow Members of Congress a memorial tribute made to Jimmy Cothran upon his death. He was a great man.

A GIANT WALKED AMONG US

The Veterans of Foreign Wars of the United States has a special place in its heart for Los Angeles, for it was in this city in 1952 that James W. Cothran was elected as its Commander-in-Chief at the 53rd National Convention.

To the thousands and thousands of members of the VFW and its Ladies Auxiliary who know Jimmy Cothran during his long years of service to our organization, he was a very special person.

He was never too busy to pause and chat with them, to encourage them or by the warmth of his smile to make their day a little easier. And everyone who heard him speak was moved by the power of his oratorical gifts.

Jimmy Cothran was born Jan. 6, 1915, in Cartersville, S.C., and was educated in the schools of nearby Timmonsville. In 1937 he earned his bachelor's degree from the University of South Carolina and his law degree from his alma mater's Law School two years later, when he began practicing law in Bishopville, where he made his home for his remaining years.

During his three years' service in the United States Navy, he spent 22 months aboard the USS Charles J. Badger as communications officer. He saw action at Matsuwa, Kurabu Zaki, Paramushire and Kurile Islands as well as the invasions of Leyte, Luzon and Okinawa.

No sooner had he joined Post 3096 in Bishopville in 1946, than he was elected Junior Vice Commander of the Department of South Carolina. He was elected Department commander for 1949-50. South Carolina's success in membership under him led to his election as Junior Vice Commander-in-Chief in 1950 at the National Convention that year in Chicago.

Jimmy Cothran, a dedicated husband and father, married the former Dorothy Parke, a Columbia, S.C., girl, who presented him with two sons, James W., Jr. and Thomas Parke, and a daughter, Julia Lea.

Although he devoted much of his time to his family, the VFW and his law practice, Jimmy Cothran was never too busy to do anything that would better his community and his state. He was a member of the Board of Trustees of the University of South Carolina, long active in the Lee County Fair Association and the Lee County Christmas Fund and a member of the Bishopville Presbyterian Church.

He was a Mason, a Kiwanian, an Elk, a Kappa Sigma and a member of the American Legion and the Military Order of the World Wars. He also served on the Freedoms Foundation Board of Directors.

Underlying his achievements always was a sense of humility, exemplified by his remarks after his election as Commander-in-Chief:

". . . I pray that God will give me the ability, sound judgment and the strength that it takes to make a wise and competent Commander-in-Chief for the Veterans of Foreign Wars—one whose willingness to work hard for the organization will encourage countless thousands of our members to do the same thing."

His prayers were answered and the VFW grew and its influence spread through his inspiration.

HE WILL LONG BE REMEMBERED

My help cometh of God, who preserveth them that are true of heart.—Psalm 8

Few men who have been privileged to wear the Cross of Malta Emblem have earned the affection, admiration and acclaim of so many members of the Veterans of Foreign Wars of the United States as Past Commander-in-Chief James W. Cothran.

Known to all of us as "Jimmy," he always shouldered his share of the burden when called upon and often volunteered to do so without being asked.

His ready wit and charm, befitting a gentleman whose roots were solidly and deeply grounded in a more gracious, more serene era, won the hearts of all who met him.

It was a rare person, indeed, in the VFW or outside, who did not become a better person for meeting, if only for a fleeting moment, Jimmy Cothran. He imparted to all his firm religious conviction that all men are created in the image and likeness of God.

He served the VFW and America's veterans as Commander-in-Chief in 1952-53. For our country, this was a period of severe strain. The Korean War had been grinding on. Major alarm over internal subversion gripped the American people. Under the strong and wise leadership of Jimmy Cothran, however, the VFW kept to a steady course, ever mindful of the veterans' loyalty to the United States, the innate patrotism of the American people and the needs of the veterans who were coming home from Korea.

In his service to the VFW after his year of leadership, Jimmy Cothran worked constantly for the betterment of our Order. He served on numerous sensitive committees as chairman, always contributing his wealth of knowledge, experience and common sense.

Although it has been nearly 30 years since Jimmy Cothran was Commander-in-Chief, the lives of all of us in the Veterans of Foreign Wars of the United States and its Ladies Auxiliary have been made richer, fuller, because he walked among us.—Arthus J. Fellwock, Commander-in-Chief, VFW.●

YELLOW RAIN: THE HORROR CONTINUES

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. DORNAN. Mr. Speaker, Sterling Seagrave, the distinguished author of "Yellow Rain: A Journey Through the Terror of Chemical Warfare," has written a powerful article for the Wall Street Journal which should be required reading for every Member of Congress as well as required reading for the State and Defense Departments.

At this very moment as innocent men, women, and children are being systematically murdered in Southeast Asia and Afghanistan with biological poisons manufactured and expended by the Soviet Union and its client states, the Western democracies drag their feet, hesitant to go public for fear of upsetting détente and provoking the Soviet Union—what an unspeakable display of cowardice.

Mr. Speaker, it is incredible to me that while the tragedies of the Middle East are given front page coverage, the horror tales of biological poisoning taking place at the hands of the Soviets and their surrogates rarely makes a daily paper or the nightly news. Moreover, as one observer has cogently remarked:

What the hell difference is there really between radioactive poison and biological poison? They both kill indiscriminately.

I urge the administration, with every fiber of my being, to bring these atrocities before the international community so that the world may see the Soviet Union for what it is: A nation reverting to barbarism which will use any means, including the terror of biological poisons, to crush the human spirit.

I should at this time like to submit the valiant Sterling Seagrave's penetrating article for the RECORD.

[From the Wall Street Journal, Sept. 16, 1982]

YELLOW RAIN'S YEAR: "LIKE LAUGHING AT GUERNICA"

(By Sterling Seagrave)

In Bangkok, Thailand, this summer, one often heard a favorite joke among the foreign embassy crowd, and it was on the Americans.

It seemed that a U.S. diplomat collecting evidence in Thailand of "yellow rain" poison attacks had located a Hmong villager from Laos who was suffering nightmarish medical symptoms. The American had to transport the Hmong to a medical center in Bangkok quickly. He fought through the necessary red tape, eventually arranging air tickets for the Hmong, and a message to the big refugee camp at Ban Vinai asked that the man be put on the plane. Doctors and U.S. embassy staff in Bangkok waited eagerly. The plane was met, and the Hmong rushed to Siriraj Hospital for an awesome battery of tests—which established that he was in excellent health.

Night after night at diplomatic receptions, storytellers paused before delivering the punch line: "The American, you see, had got the wrong Hmong."

This embarrassing foul-up probably could have been avoided if they had simply put the Hmong survivor on the embassy attache's plane for a quick flight to Bangkok. The plane at the time was on routine milk runs. But that wasn't done, U.S. embassy staffers explained, because the Pentagon has never told the attache's office that the yellow rain investigation is to be rated and handled as a "priority."

The U.S. investigation of yellow rain has been plagued from the beginning with just this sort of petty mixup. The result is that one year after Secretary of State Haig announced the first "preliminary" evidence that poisons were being used as weapons against people in Indochina and Afghanistan, the yellow-rain case remains "preliminary."

Certainly, more than enough scientific evidence has accumulated to convince even the most stubborn skeptics that some grotesque poison is being used over there. This spring, a previously skeptical Washington Post editorially praised what it called the first "hard evidence"—blood and urine samples from casualties of a poison attack in Cambodia. Science magazine drew the same conclusion this June.

Nonetheless, the investigation has been hampered by bickering between the State Department and its critics, and in recent weeks seems to have run out of steam.

AFRAID OF REPERCUSSIONS?

This is all the more puzzling since a dozen other countries are now said to have arrived at their own independent verifications of the poison charges. Among them only Canada conducted its investigation in the open and publicly announced its confirmation in June.

U.S. officials say the other investigating countries include France, West Germany, Britain, Norway, Sweden, Denmark, Israel, South Africa, Australia, New Zealand, China and an unidentified Latin American nation. The officials say these countries have discussed their findings privately with Washington but have not gone public partly because their investigations were carried out clandestinely by intelligence services and they don't want to disclose the circumstances or methods. A more important reason, the officials add, is that governments such as France think that a "premature" announcement of findings might provoke severe political repercussions from the domestic left wing.

The reverse applies in Bonn. There the conservative Christian Democrats have been attempting to use the yellow-rain issue against Chancellor Helmut Schmidt's coalition. The CDU has charged in parliament that Mr. Schmidt has for many months had evidence of the use of biotoxins by the Soviets—a point conceded in parliament last December by a government spokesman—but that Mr. Schmidt has avoided discussing the issue in the interest of Ostpolitik.

This attitude apparently prevails in some international agencies as well. Scientists at the Ebenhausen think-tank outside Munich claim that Germans on the staff of the International Red Cross in Geneva speak privately of hard evidence which they say the Red Cross refuses to disclose "for political reasons."

Red Cross doctors are known to have performed autopsies on purported gas victims in Cambodia, but have always denied finding evidence that communist forces were using poisons. But doctors of the International Rescue Committee, working in the same locations, provided the blood and urine specimens regarded as the most persuasive evidence to date.

While the West temporizes, the gas attacks reportedly continue undiminished. In Laos, according to the U.S. embassy in Bankok, yellow-rain assaults have persisted through this spring and summer. The attacks are usually interrupted each year by the monsoon rains between June and September. This year the rains were late, and the attacks continued to je reported to the end of June.

U.S. scientists involved in the Afghanistan investigation say they believe the Afghan compounds will eventually prove similar to toxins used in Indochina, but more advanced. They say hundreds of tests are needed to identify various toxins, each requiring separate samples, and only a tedious process of elimination might find the right test for the right poison. This was the case for the initial yellow-rain compound, which was correctly identified in August 1981 only after hundreds of samples had been tested for five years for the wrong poisons.

The assumption that the poisons in Afghanistan may prove more sophisticated than the yellow rain of Laos and Cambodia apparently rests on the fact, according to U.S. officials, that they are being used by crack Soviet military units, armed with the latest equipment.

In Bangkok, Thai military sources say the only explanation for the continued use of the poisons is that both Hanoi and Moscow regard the present investigations with contempt.

"Obviously, they believe that politics will prevent the Western nations from uniting on this issue", a Thai general, who requested anonymity, said in an interview. "So far even the Americans can't agree, which we find very strange. First they argue over whether the reports are true. When they concede that the reports are probably trustworthy, they argue over the nature of the poisons. As soon as the approximate nature of the poisons is established, they argue over the proportions of one toxin to another, about every stray inconsistency, though it must be clear to everyone by now that more than one poison is being used. What is lost in all of this argument is that many people are being systematically murdered with biological poisons for the first time in modern history."

"What difference does it make," he asked, "whether six million Jews were murdered with Zyklon-B or with carbon monoxide? Now, as then, everybody knows that gassings are taking place, and everybody knows full well who is behind it, so the bickering makes a mockery of human tragedy. It is grotesque, like laughing at Guernica."

Despite U.S. pronouncements on the issue, only two American officials in Southeast Asia have been actively investigating it. The two men, Army Lt. Col. Charles D. Lane and Southeast Asian specialist Edward McWilliams, have had to conduct their investigation and collection of evidence on weekends, after hours, and often at their own expense. They were not relieved of their normal duties at the embassy when they were assigned to handle field work in the yellow-rain inquiry. Because the subject lacks official "priority," the two borrow cars, beg rides in the countryside and use jungle buses and oxcarts.

When a gas attack occurs, sometimes in sight of Thai border police, specially equipped Thai chemical troops hurry to the scene in full protective gear and collect samples of soil, water and leaves. Thai medical corpsmen perform quick field autopsies on the victims. When they return to the Thai border, to send their samples to Bangkok, Mr. McWilliams or Col. Lane will try to obtain a portion of what the Thais have collected. For more than a year they sent hundreds of samples to Washington before the discovery was made of the yellow-rain toxins.

Mr. McWilliams and Col. Lane currently work through refugees, persuading them to go back to the sites of gas attacks to scrape powder from rocks, or to collect charcoal from village firepits or hair from corpses, because these may best retain traces.

Each of the men has color photographs of Soviet aircraft taken while they were actually spraying yellow rain. The aircraft are clearly visible but only about the size of a fingernail. "Unfortunately," Col. Lane says, "you can't tell a thing from the pictures."Both men have been decorated quietly by the U.S. for their achievements in obtaining the so-called "smoking gun" evidence. Mr. McWilliams has been promoted back to Washington to prepare for assignment to Moscow, leaving Col. Lane to continue the U.S. field work in Southeast Asia. He will continue to do so without a "priority" rating from the Pentagon, because, according to a member of the U.S. interagency group running the investigations, the decision to assign a priority to the inquiry was "decided but not carried out."

The lack of coordination stems in part from competition between the Pentagon and the State Department over which agency would direct the investigation—a dispute that was complicated by strong differences between the Secretaries of State and Defense.

The initiative was originally seized by Mr. Haig. Insiders at State say he was convinced that the poison gas issue would cause an international uproar. He believed it would arouse Europeans against Moscow and counterbalance the protest over the U.S.'s neutron weapons.

JEALOUSY AMONG AGENCIES

"Haig was right in principle," says a career diplomat in Washington. "What difference is there really between radioactive poison and biological poison? They both kill indiscriminately. But the real difference, as Haig saw, was that the Soviets were actually using the toxins, while we were not using the neutron bomb. Somehow that distinction got lost."

Warned off by Mr. Haig, the CIA and the Pentagon's Defense Intelligence Agency kept a low profile during the investigation. The Pentagon's role was generally limited to Col. Lane's efforts in the field, and to laboratory-support at Fort Detrick, where Dr. Sharon Watson accomplished a number of breakthroughs in identifying the poisons and deducing Soviet logic in compounding them. The CIA's role initially was held to supervising the scientific and medical aspects of the investigation. Territorial jealousies kept the CIA from becoming directly involved in field work in Thailand, but this was not so in Afghanistan. There the State Department and Pentagon kept hands off while the CIA handled the investigation. This included running agents over the border from Pakistan, and tapping sources inside Kabul.

Hampered by those interagency rivalries, the yellow-rain investigation never seriously got off the ground, and the State department was never able to arouse much domestic or international outrage. And with Mr. Haig waging conflict with Defense Secretary Weinberger throughout, there was little chance of formulating effective strategy or policy at the highest levels.

Mr. Haig also kept the White House at a distance from the yellow-rain issue for a long time, according to a State Department source, "because it was decided that Ronnie couldn't handle the (technical) questions" from the press.

"Just as the skeptics were finally coming around this summer," says another official, "Haig suddenly quit: It may take months for the new management to get the restaurant running properly again."

While the new team at State gets up to speed, the Pentagon and CIA seem to be asserting themselves and noises are being made about a "renewed effort." Whether this will lead at last to a coordinated U.S. investigation and to overcoming apathy in the west on the spraying of Asians with poison remains to be seen.●

IN MEMORY OF SAMUEL C. JACKSON

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. STOKES. Mr. Speaker, I take this opportunity to join the multitude of friends and associates in mourning the death of one of this Nations committed fighters in the struggle for civil and human rights—Mr. Samuel C. Jackson. Mr. Speaker, the funeral for my good friend, Samuel Jackson, was held today here in Washington. I feel a profound sense of loss on the passing of this exceptional lawyer, fighter for civil rights and rare human being.

The passing of Samuel C. Jackson is not only a loss to his family and friends, but also a loss to the disadvantaged people in America who reaped the fruits of his efforts.

Mr. Speaker, I became acquainted and worked with Mr. Jackson during his tenure as the Assistant Secretary of the Department of Housing and Urban Development during the Nixon administration. During that time, Samuel Jackson was of tremendous assistance to my office and was very supportive of my efforts to secure funding for various housing projects through the House HUD-Independent Agencies Appropriations Subcommittee. Mr. Speaker, during our association, I found in Samuel Jackson not only a talented lawyer, but also a good friend of the poor and of our urban centers. He possessed a strong working knowledge and sensitivity to the problems of our cities. Mr. Speaker, Samuel Jackson was deeply committed to alleviating some of those problems.

When I learned of this untimely death, Mr. Speaker, I felt not only a personal loss but also the loss of a comrade in the struggle for equality for the disadvantaged. It is because of those efforts that Samuel Jackson will be in our memories for years to come.

At this time, I would like to express my heartfelt condolences to Mr. Jackson's wife, Judy and family. Mr. Speaker, I would like to insert in the RECORD, the obituary which appeared in the Washington Post on Mr. Samuel C. Jackson.

The obituary follows:

[From the Washington Post, Sept. 29, 1982]

SAMUEL C. JACKSON DIES; LAWYER, HIGH FEDERAL OFFICIAL

(By Richard Pearson)

Samuel C. Jackson, 53, a Washington lawyer who was respected for his knowledge of corporate law, a supporter of civil rights and minority causes, and a Republican from Kansas who held high office under presidents Johnson and Nixon, died of cancer Monday at Sibley Memorial Hospital.

Mr. Jackson, who had been a resident of Washington since 1965, was active in GOP politics on the local and national levels. Friends and associates said his approach to these endeavors, unlike some of his contemporaries, was to work from within organizations rather than meeting them in open confrontation.

Thus, in 1972, he helped organize and became chairman of the Black Council, a group of 40 top-level black government officials opposing a constitutional amendment to curb school busing. Because of his work through this organization and other activities, he was credited with having played a substantial role in persuading the Nixon ad-

ministration to temper its opposition to school busing before the 1972 elections.

He also was a founder of the Council of 100, a national group of black Republican businessmen that has been influential in Republican politics.

In January 1981, President Reagan named him to the Blue Ribbon Commission on Housing, where he is said to have been an advocate of public housing programs.

As a resident of Washington, Mr. Jackson was a key supporter and campaign official for the Rev. Jerry Moore in 1974 when Mr. Moore, a Republican, first was elected to the D.C. City Council. In 1980, he was a D.C. delegate to the Republican National Convention and a backer of George Bush for the presidential nomination.

On hearing of his death, Vice President Bush said he was "deeply saddened by the loss of a good friend and an outstanding business and political leader who had done much for the Republican Party and to further the concept of two-party government among black Americans."

Benjamin Hooks, the national president of the NAACP, said, "It was my privilege to know and work with [Mr. Jackson] for almost 20 years. He was the type of black Republican that all blacks can be proud of. We shall miss this gallant warrior, especially at this critical time in our nation's history."

A speech Mr. Jackson made to a civic group in Reston in 1970 is characteristic not only of his independence as a Republican, but of his view of how to be effective in public life. He told his audience that he had decided to address them rather than attend a highly publicized rally organized by the Southern Christian Leadership Conference in Atlanta "because the problem is here in comfortable suburbia, white America."

"Just as enlightened leadership is essential at the local level," he said, "so will the frustration and division throughout the country be ended only by a national leadership whose commitment to social justice can clearly be seen in both its words and its deeds.

"People are dying in this country today. They die trying to make someone listen to them about the war, about poverty, about powerlessness, about injustice."

Mr. Jackson's own national service began in June 1965 when President Johnson appointed him one of the five original commissioners of the U.S. Equal Employment Opportunity Commission. He served three years. From 1968 to 1969, he was vice president of the American Arbitration Association and director of its Center for Dispute settlement.

In 1969, President Nixon named him assistant secretary of Housing and Urban Development for metropolitan development, the third-ranking official in the department.

Mr. Jackson helped develop and implement basic policies for the federal government's housing and planning programs. He also served as general manager of the New Communities Development Corporation.

In 1973, he resigned to become a partner in the Wall Street law firm of Stroock & Stroock & Lavan. He practiced in its Washington office until his death. His specialty was corporation law.

Throughout his legal career, Mr. Jackson, like many of the best members of his profession, found time to serve community interests as well as those of his clients. He had been a national trustee of the NAACP special contributions fund since 1968 and was a former NAACP board member and a member of its national legal committee.

Other clients outside of his corporate practice include Operation PUSH, the self-help organization founded in Chicago by the Rev. Jesse Jackson, and the Church of God in Christ, of which he was general counsel and a lifelong member.

Mr. Jackson was born in Kansas and earned bachelor's and law degrees from Washburn University in Topeka. He served in the Air Force, directed the Topeka office of the NAACP and was deputy general counsel of the Kansas Social Welfare Department. He moved to Washington when Johnson appointed him to the Equal Employment Opportunity Commission.

One of the first civil rights cases on which Mr. Jackson worked resulted in the landmark 1954 *Brown* v. *Board of Education* decision, in which the U.S. Supreme Court held that segregation in public schools was illegal.

Mr. Jackson's survivors include his wife, Judith, of Washington; two daughters, Brenda, also of Washington, and Marcia Sandels of Topeka, and seven brothers and sisters.●

TRIBUTE TO A PENNSYLVANIA SCOUT

HON. JAMES L. NELLIGAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. NELLIGAN. Mr. Speaker, I join my colleagues today in honoring an outstanding young man from the 11th District of Pennsylvania, which I am privileged to represent. This young man has achieve the highest Scouting award, the coveted Eagle Scout Award.

Jerome A. Grula, 15, son of Carl and Marie Grula of Wilkes-Barre, Pa., completed the task of researching and compiling the biographies of each of the past mayors of Wilkes-Barre, Pa.

Jerome is a sophomore at Meyers High School in Wilkes-Barre, Pa., where he participates in the marching, concert, and jazz bands.

I commend Troop 33 of St. John's Lutheran Church, its leaders and Scout Master William Bonn, Sr., for encouraging this young man to reach this outstanding achievement, and I join parents, friends, and members of the community in wishing Jerome equal success in his future endeavors.●

SOVIET VIGIL

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. SENSENBRENNER. Mr. Speaker, I would like to take this opportunity to bring to my colleagues' attention, the fate of Yuri Shukhevich, a Ukrainian dissident who has spent 30 of his 49 years in Soviet prisons. While this Congress has passed resolutions condemning the treatment of Yuri Shukhevich, and calling for permission to have he and his family emigrate, the Soviet Government has taken no action. Thus, I am now sponsoring Mr. Shukhevich on the Soviet vigil, in the hope this action will show the Soviets we have not forgotten the inhumane and cruel treatment of this most courageous man. I would like to insert the following statement describing the plight of Yuri Shukhevich as it was written by two former Soviet political prisoners. In these words, they convey the seriousness and present hopelessness surrounding this situation far better than I could hope to.

TO THE MEMBERS OF THE U.S. CONGRESS

When future historians write the book of Soviet KGB crimes, they will have to add to the long list of horrific facts the blinding of dissidents . . . Yes . . . Those who were coolly killing millions of people on the grounds of "scientific" theories can boast of this, too. News has come from beyond the barbed wires and iron bars: Yuriy Shukhevych, the enternal prisoner of Soviet jails whose crime was writing down two dozen critical words about the Soviet regime, lost 99 percent of his sight after an operation performed in a prison hospital. In effect he has been blinded. The blinding of Y. Shukhevych, who became a prisoner at the age of 14 years only because he was the son of the Ukrainian guerilla leader, General Roman Shukhevych, is one more link in the long chain of KGB crimes against humanity and against the Ukrainian people.

Yuriy Shukhevych was first arrested in 1948 when he was 14 years old. The legal commutations during the "thaw period", which were expected to release all sentenced juvenile political prisoners, did not affect Y. Shukhevych. On the contrary, in 1958, he was sentenced once again, this time for the so-called "cell's crime." This time his "crime" was his expression of critical views about Soviet reality while he was in prison. While the West was talking about the new "liberalization" of the Soviet regime, Y. Shukhevych remained in prison another 10 years.

Release in 1968, Y. Shukhevych was deported to the Caucasus to serve 5 more years of exile. While there he married and became the father of two charming children. However, the hand of the Soviet Ukrainian-hating Molokh reached him even there. In march 1972, he was arrested and sentenced for the third time. He earned the label of "very dangerous state criminal" and was again confined for having written down two dozen words.

Those who know what the incarceration of "very dangerous state criminals" in Vladimir prison means would not be surprised that after 11 years of this imprisonment a prisoner can become blind, paralyzed, or mentally ill. That penalty, 11 years confinement in Vladimir, was chosen for Shukhevych who had already served 20 years. Soviet legislation stipulates that after serving half a sentence the prisoner may be transferred from the jail to the prison camp (that means to the jail with the "weaker regime,") but even this "humanity" was not extended in Y. Shukhevych's case.

Being very well informed, KGB officers must have known about his bad health. They knew, but they waited with concealed, malicious joy for the outcome of this trage-

dy-the full blinding of their victim. When Y. Shukhevych became blind, the authorities told his relatives to write to the West about it. Why? Because for them, there is a certain joy in blinding a person, but there is an even greater joy for them in informing sympathizers of both General Roman Shukhevych and his son about the KGB's "achievements" in its struggle with its enemies, to affirm the unbridled autocratic power enjoyed by the KGB. At this juncture, Congress introduced a resolution, H. Con. Resolution 111, which called on the President to take measures for freeing Yuri Shukhevych. Congress also introduced a resolution, H. Con. Resolution 205, which called for the humane treatment of Y. Shukhevych in connection with his membership in the Ukrainian Helsinki Group.

We do not know what steps have been taken as a result of these resolutions. The blinding of Y. Shukhevych, however, requires further measures in this direction. So, we, former Soviet political prisoners, call upon the United States Congress to adopt all possible measures at its disposal to free the blinded Y. Shukhevych and to guarantee him and his family the right to emigrate from the USSR to the West. In the West there are considerably more medical possibilities to return the sight lost after 30 years of imprisonment to this victim of cruelty and inhumanity.

Former Soviet political prisoners:

S. KARAVANSKY.
N. STROKATA.[1]

OMNIBUS BANKRUPTCY AND COURT IMPROVEMENT ACT

HON. M. CALDWELL BUTLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BUTLER. Mr. Speaker, the bill which I am introducing today, the Omnibus Bankruptcy and Court Improvements Act, is the product of strenuous efforts by many persons to break the impasse in bankruptcy legislation which has frustrated the pressing needs of the bankruptcy community, and, above all, those of us who recognize that a constitutionally sound article III bankruptcy court is an essential priority of this Congress.

This omnibus bill will not be completely palatable to anyone, including myself, but it constitutes an honest effort to reconcile differences and provide something that we all can live with. I hope it receives the prompt consideration and passage by the House which it thoroughly deserves.

I said this was an omnibus bill. That is true. In addition to the bankruptcy provisions, it contains important and related court reforms.

Title I, court reform, contains in subtitle A the Federal Court Reform Act of 1982, which has already passed the House as H.R. 6872. This provides greater discretion to the Supreme Court in selecting the cases it will review and makes other necessary reforms. Subtitle B abolishes diversity jurisdiction, which has congested Federal courts with cases which have no business being there and would not be there but for the accident of diverse citizenship of the parties. Subtitles C, D, E and F provide respectively for judicial survivors annuities, for the establishment of a State Justice Institute to improve judicial administration in State courts, for a Federal Courts Study Commission to study current Federal court jurisdiction and other matters and develop long-range plans, and for an intercircuit tribunal of the U.S. court of appeals. Subtitle G places the U.S. trustees system on a permanent, nationwide basis, which it conspicuously deserves.

In title II, judicial powers, subtitle A places the bankruptcy court system on a firm article III constitutional footing by establishing the court as a division of the U.S. district court system and giving the judges lifetime tenure and protection against salary diminution as required by the Marathon Pipeline decision. Commencing next April, 227 judges will be appointed to this court, which is about equivalent to the 220 full-time and 21 part-time judges now serving there. Subtitle B is the omnibus judgeship bill providing for 45 additional Federal district and appellate court judgeships. This is substantially the same as the Judicial Conference recommendation of March 5, 1981.

Title III, bankruptcy improvements, contains in subtitle A those consumer credit amendments to the 1978 Bankruptcy Code which in my judgment have substantial support and are not excessively favorable to either debtors or creditors. This reflects my conviction that in general the balance which we struck in 1978 was a good one. Subtitle B makes necessary amendments for handling grain elevator bankruptcies, including expedited judicial procedures. Subtitle C contains provisions relating to shopping center bankruptcies, and subtitle D amendments relating to the old bankruptcy referees salary and expense fund previously passed by the House. Finally, title IV contains the House bankruptcy technical amendments bill, introduced as H.R. 3705, which crosses may t's and dots many i's throughout the code but makes no substantive amendments.

Mr. Speaker, I hope the Members will recognize that this package is one which we can all rally round and send on to the Senate. It accomplishes a great deal which is widely regarded as necessary. In my judgment, it clearly deserves and should receive the immediate attention and support of every Member.

I propose to supplement the RECORD with a more detailed discussion of the proposals herein set forth at a later time.

However, there is one new development of which the Members should be aware.

I am advised that the Solicitor General of the United States has this date requested the Supreme Court to extend the time within which the Congress must resolve the problems created by the Court decision in the case of Northern Pipeline Construction Co., Inc., against Marathon Pipe Line Co., determining certain portions of the Bankruptcy Act of 1978 to be unconstitutional. These problems are more fully set forth in the following excerpt's from this "Motion To Extend Stay of Judgment" of the Solicitor General, acting on behalf of the United States:

MOTION TO EXTEND STAY OF JUDGMENT

The Solictor General, on behalf of the United States, respectfully moves that the Court extend the stay of its judgment in this case to and including December 24, 1982. The United States submits that this further stay is necessary to allow Congress additional time in which to enact remedial legislation and to avoid the uncertainty, possible economic loss, and waste of judicial resources that would result from a lapse in bankruptcy court jurisdiction.

In its decision of June 28, 1982, the Court invalidated the broad grant of jurisdiction given to the bankruptcy courts by Section 241(a) of the Bankruptcy Act of 1978 (the "Act"), 28 U.S.C. (Supp. IV) 1471, on the ground that the assignment to bankruptcy judges of power to adjudicate plenary disputes involving constitutionally-recognized or state-created rights violates Article III of the Constitution. The Court announced, however, that its decision would apply only prospectively, and it stayed its judgment until October 4, 1982, in order to "afford Congress an opportunity to reconstitute the bankruptcy courts or to adopt other valid means of adjudication without impairing the interim administrations of the bankruptcy laws." Slip op. 38.

Since the Court's decision, a number of bills have been introduced in Congress that would either reconstitute the bankruptcy courts as Article III courts or redefine the bankruptcy courts' jurisdiction to eliminate their jurisdiction to adjudicate claims such as those raised in this case. On August 19, 1982, the House Judiciary Committee reported out a bill, H.R. 6978, sponsored by its chairman, Representative Rodino, that would afford bankruptcy judges the salary and tenure protections of Article III and would preserve the broad jurisdiction originally conferred upon the bankruptcy courts by the Act. See §§ 153 and 154 of § 2(a) and § 1471 of § 33 of H.R. 6978.[1]

The substantial progress of remedial legislation in the House of Representatives indicates that Congress is likely to enact remedial legislation that would cure the constitutional defects in the bankruptcy courts' jurisdiction that the Court identified in its opinion. However, it now appears unlikely that any remedial legislation will be enacted prior to the expiration of the Court's original stay.[2] There is strong reason to expect

[1] On September 17, 1982, Representative Kastenmeier introduced a bill, H.R. 7132, drafted by the Judicial Conference of the United States, that would continue the bankruptcy courts as non-Article III courts, but provide for removal of certain bankruptcy matters to the district courts. See § 1471(a) and (c) of subsection (a) of H.R. 7132. However, no hearings or committee actions on H.R. 7132 have been scheduled.

[2] The House has not yet taken floor action on H.R. 6978. On September 28, 1982, Speaker of the

that the legislation, or some alternative, will be passed by both Houses and will take effect within the period of the additional stay period requested, which would run until the adjournment of the present Congress.

An extension of the Court's stay is preferable to other possible interim measures. On September 27, 1982, the Administrative Office of the United States Courts promulgated a proposed district court local rule to govern the operation of the bankruptcy courts after October 4. The proposed rule assigns to the bankruptcy courts in each district the district court's jurisdiction over "[a] cases under Title 11 and all civil proceedings arising in or related to cases under Title 11." Proposed Rule (b)(1). District courts are authorized to withdraw any reference to a bankruptcy judge, in whole or part, upon the court's own motion or the motion of a party. Id., (b)(2). In addition, the district courts must review de novo any proposed judgment of a bankruptcy court in any proceeding "related to" but not "arising under" a case under Title 11 and in any other proceeding where such a de novo review is constitutionally required. Id., (c)(3), (c)(5)(A)(III), (c)(5)(B). However, the proposed rule does not define those other cases in which district court de novo review is constitutionally required.

Although the Judicial Conference's proposed local rule may enable the bankruptcy court system to function to some degree until remedial legislation is enacted, the proposed rule is a poor alternative to a simple extension of the Court's stay. As an initial matter, it is uncertain whether the proposed rule would withstand a judicial challenge. The proposed rule is based on the assumption that the Court's decision has left untouched the broad bankruptcy jurisdiction conferred upon the district courts by Section 241(a) of the Act, 28 U.S.C. (Supp. IV) 1471(a) and (b).[3] In fact, it is unclear whether the court's holding may be limited in that fashion. See slip op. 37 n.40 (plurality opinion); id. at 4 (Rehnquist, J., concurring). Furthermore, there are serious questions whether the proposed rule legitimately may assign to the bankruptcy courts significant portions of the district courts' broad bankruptcy jurisdiction under the Act, since this is precisely what the Court refused to do in holding that the bankruptcy courts' jurisdiction over constitutionally-recognized or state-created rights could not be severed from the remainder of the bankruptcy courts' jurisdiction under the Act. Ibid.

In *Marathon*, the Court found that certain powers assigned to bankruptcy judges by the 1978 Bankruptcy Act could be constitutionally exercised only by an Article III judge. The Court refused to sever the constitutional excess and thus struck the Act's assignment of powers to the bankruptcy judges in its entirety, effective October 5, 1982.

Marathon does not cause a jurisdictional lapse. The Administrative Office concludes that *Marathon* did not invalidate 11 [sic] U.S.C. sections 1471 (a), (b). In addition, sections 404 and 405 of the 1978 Act also vest bankruptcy powers in the district courts as "courts of bankruptcy" until 1984.

These uncertainties about the validity of the proposed local rule cast doubt upon the rule's effectiveness as an interim remedy. If district courts recognize the problems with the rule and withdraw the reference of many bankruptcy matters from the bankruptcy courts, they will severely hinder the operation of the bankruptcy system because of their own large workloads. On the other hand, if the district courts permit the bankruptcy courts to adjudicate a broad range of cases and proceedings pursuant to the local rule, there is a substantial risk that these cases and proceedings will have to be relitigated if the local rule is found invalid. Under either alternative, the bankruptcy court system will operate under a cloud. The magnitude of this problem and the potential waste of judicial resouces is indicated by the fact that over 700,000 bankruptcy estates—and 100,000 adversary proceedings—currently are pending and new bankruptcy petitions are filed at the rate of more than 10,000 per week. Administrative Office of the United States Courts, 1982 Annual Report of the Director 8, 10 (preliminary ed., Sept. 22, 1982).

This confusion and waste of judicial resources would occur even if the proposed local rule were found invalid immediately. Absent remedial legislation, bankruptcy cases would be remitted to the district courts' equity jurisdiction, with its traditional distinctions between summary and plenary jurisdiction.[4] However, the district courts' traditional bankruptcy jurisdiction is narrower than either the jurisdiction the bankruptcy courts exercised under the 1978 Act or the juridiction the bankruptcy courts are likely to have under the proposed remedial legislation. See § 1471 of § 33 of H.R. 6978; § 1471 of H.R. 7132. Were the district and bankruptcy courts to exercise a more limited bankruptcy jurisdiction in the interim between October 4 and the effective date of remedial legislation, many of the claims routed to state courts or brought as separate actions in other district courts would have to be reinstituted or transferred when the reconstituted bankruptcy courts once again assumed their broad jurisdiction.

This Court previously has extended a stay of its judgment in analogous circumstances. In *Buckley* v. *Valeo*, 424 U.S. 936 (1976), the Court extended its stay in order to permit Congress to complete work on legislation to remedy constitutional deficiencies in the manner of appointment of members of the Federal Election Commission. The extended stay permitted the Commission to continue performing its duties in the interim until its members properly could be appointed as Executive officers. Here, too, a short additional stay is warranted in light of the magnitude of the policy choice facing Congress, at a time when legislators are preoccupied with a host of pressing national problems, and the degree of disturbance that would occur if the Nation's bankruptcy system were placed in constitutional limbo while Congress pondered the most appropriate legislative course.[5]

The United States believes that the progress of remedial legislation in Congress and the great public interest in continuing uninterrupted the broad jurisdiction of the bankruptcy courts calls for an extension of the Court's stay for the period requested.

Respectfully submitted.

REX E. LEE,
Solicitor General.

The Supreme Court is expected to rule on the motion shortly.

Even though the motion is granted, the problems which this bill addresses will clearly remain. I hope the Congress will complete action before another stay has to be requested.●

House O'Neill informed the Attorney General that Congress probably would not be able to enact comprehensive remedial legislation in the closing days before its election recess and asked that the Department of Justice seek an extension of the Court's stay of judgment.

[3] The memorandum to all court of appeals, district court, and bankruptcy court judges that accompanies the proposed rule states that:

[4] Various arguments have been presented in favor of the conclusion that bankruptcy jurisdiction will return to the district courts on October 4. See House Report, *supra*, 30-49. The clearest case, however, is made by 28 U.S.C. 1334, which provides that "[t]he district courts shall have original jurisdiction * * * of all matters and proceedings in bankruptcy." Section 1334 was amended by Section 238(a) of the Act, 92 Stat. 2668, to limit district courts to appellate bankruptcy jurisdiction. However, these amendments to Section 1334 do not take effect until April 1, 1984. See § 402(b) of the Act, 92 Stat. 2682.

[5] The Court observed in *Marathon* that the Bankruptcy Act of 1978 was the product of "almost ten years of study and investigation" (slip op. 1), much of which was devoted to the difficult policy question Congress has now been required to revisit.

RESOLUTION EXPRESSING THE SENSE OF CONGRESS REGARDING AMERICANS MISSING AND UNACCOUNTED FOR IN SOUTHEAST ASIA

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. FOGLIETTA. Mr. Speaker, recently a delegation of Americans from the National League of Families of American Prisoners and Missing in Southeast Asia returned from a trip to Laos. The purpose of their trip was to discuss with the Lao Government the possibility of cooperating in efforts to locate and return Americans currently missing and unaccounted for in Laos. Reports from the delegation, upon their return, have been encouraging.

There are 2,493 Americans classified as "unaccounted for," nearly a decade after the withdrawal of American troops from Southeast Asia. The families of these Americans have had to live with the uncertainty of not knowing the fate of their relatives. Our Nation has repeatedly sought information regarding the whereabouts, condition, or fate of these Americans, but, for the most part, the governments of the Southeast nations have not been very cooperative.

It is truly dispicable that governments can sully such humanitarian efforts with politics, but that has, all too frequently, been the case. That is why the recent action of the Government of Laos is so encouraging. The visiting Americans, each of whom have or have had a relative missing and unaccounted for in Southeast Asia, were flown to the site of an American plane crash, and were allowed to search the area for information among the debris. They also visited caves in the mountains of Laos were it is believed that American servicemen were held prisoner, and they searched for any corroborating evidence.

Mr. Speaker, we should be truly encouraged by this willingness to cooperate on the part of the Lao Government, for it may signal a beginning to productive discussions between the governments of our two nations.

For that reason, I am today introducing a concurrent resolution that expresses the following:

It reaffirms Congress commitment to locating and returning the almost 2,500 Americans missing and unaccounted for in Southeast Asia;

It expresses our appreciation for the willingness to cooperate that the Government of Laos has indicated; and

It expresses our support of the President's current efforts in this area, and urges his rapid and positive response to the willingness to cooperate that the Lao have expressed.

I urge rapid consideration of this resolution, and look to my colleagues to join me in its support.●

CALL TO CONSCIENCE—A VIGIL FOR SOVIET JEWRY—MOISEY TONGONOKY

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. HOWARD. Mr. Speaker, yet another year has passed, and the strident cries of civilized voices still fall on deaf ears in the Kremlin. As time moves forward, the world will not allow the shameful Soviet human rights record to fade from the collective conscience. Indeed, our calls for more principled conduct must be intensified in the face of Soviet intransigence.

I join with Congressman LENT and the Vigil for Soviet Jewry in bringing the sinister repression of Soviet Jews to the light of day once more. Moisey Tongonoky is one innocent victim of this vicious process. He has been both persecuted and neglected by a system which can make no secret of its pernicious duplicity, and can no longer hide its truculent paranoia behind a veil of propaganda.

Along with Congressman LENT, I call upon the U.S.S.R. to behave responsibly in the interest of humanity by allowing Moisey Tongonoky to join his family in Israel. The Soviet Union's brutal system of repression must be thrust forever into the pages of history, freeing millions of innocent victims persecuted for "noncrimes" under a system of "nonjustice."●

JOHN T. HAZEL, M.D.

HON. FRANK. R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. WOLF. Mr. Speaker, I recently had the honor of attending the dedication of the John T. Hazel, M.D., Conference Center which is located on the grounds of Arlington Hospital in Arlington, Va. I want to bring the center and the physician who inspired it to the attention of my colleagues.

Build in recognition of Dr. Hazel's many achievements, the center includes a 200-seat auditorium and three classrooms and will be used primarily as a medical education facility. Future plans to open the center for community health related activities on evenings and weekends are also being discussed.

The center is unique in that it was funded entirely by the private sector. I salute the spirit and generosity displayed by the community in fullfilling the obvious need for this facility. Especially noteworthy is the large contribution made by Dr. Hazel's three sons—John Tilghman Hazel, Jr. William A. Hazel, and L. Douglas Hazel. I applaud this example of family unity and community spirit.

The family and community spirit which developed this center are characteristic of the doctor who inspired its creation. It deserves our recognition and it is with great admiration and personal respect that I rise today to honor Dr. John Tilghman Hazel.

Dr. Hazel's career is highlighted by several distinguished achievements. Dr. Hazel has performed over 8,000 major operations in his career and holds the honor of performing the first scheduled surgical procedure ever done at Arlington Hospital. Other accomplishments include serving as president of the Arlington County Medical Society and as president of the Fauquier County Medical Society, founding the Warrenton Medical Center in 1966, and being one of the original founders and physicians at Arlington Hospital.

Dr. Hazel received his medical training at the Georgetown University Medical School, the University of Pennsylvania, and the Mayo Foundation in Rochester, Minn. Upon his return to Arlington, he reestablished his medical practice and was on the active medical staff at Arlington Hospital. From 1949-60 Dr. Hazel was chief of surgery at Arlington Hospital and held an academic appointment to the Georgetown University Medical School as assistant professor of surgery. Dr. Hazel retired in 1979 and was made an honorary member of the medical staff at Arlington Hospital.

Again, I commend this outstanding physician for his dedicated service to his community.●

A SALUTE TO MRS. HELEN S. BROWN AND THE HELEN S. BROWN SENIOR CITIZEN CENTER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. STOKES. Mr. Speaker, it is a signal honor and pleasure for me to join in the salute to the Helen S. Brown Senior Citizen Center in East Cleveland, Ohio and its dynamic director, Mrs. Helen Brown on the 10th anniversary of the center. Mr. Speaker, on October 16-17, 1982, the center will host this celebration. On behalf of the residents of the 21st Congressional District, I salute the center and its director for the quality services and leadership rendered to the senior citizens and the people of that area.

Mr. Speaker, the center, under the guidance of Mrs. Brown has literally opened new avenues of service to the senior citizens of East Cleveland. Moreover, it has been a catalyst for positive changes in the areas of senior services and in bringing a new sense of pride to the community. Both monumental achievements, Mr. Speaker, can be credited, to a large extent, to the work and vision of Mrs. Helen S. Brown. No salute or observance of the center's anniversary would be complete without due recognition to the dynamic human being in whose honor the center is named. In my estimation, it has been Mrs. Brown who has been the source of power and motivation for the cadre of services offered at the center. Therefore, it is virtually impossible to salute the services at the center without saluting Mrs. Helen S. Brown.

At this time, I would like to share my observations and perceptions of Mrs. Brown and the center with my colleagues.

A native of Oberlin, Ohio, Helen S. Brown attended public schools in Oberlin and continued her education at the Philander Smith College. She also studied at the Cleveland Marshall Law School and the School of Applied Social Services at the Case Western Reserve University.

Prior to taking the helm of the Helen S. Brown Center, Mrs. Brown worked as a secretary and office manager in various insurance companies and achieved the distinction of being the first black employed by a major banking institution in Ohio. Mr. Speaker, her determination to excel and contribute to the community took her from these positions to the post of the executive director of the Mount Pleasant Community Council. She later served as the administrative assistant in the research department of the Federation of Community Plan-

ning and director of the Chamber Mayfair.

Throughout these experiences, Mr. Speaker, Helen S. Brown displayed an unusually sensitive insight into the operation of social service agencies and particularly to the needs of the aged.

As a result of her professional experiences and civic achievements, Mrs. Brown has received special awards such as the Citizen of the Month from the Kiwanis Club, and many others. But, perhaps the honor that is cherished the most by Mrs. Brown is the naming of the senior citizen center in her honor.

Mr. Speaker, this brings me to the association of Mrs. Brown with the Helen S. Brown Senior Citizen Center. The best way to sum it up is by saying that the dreams of Mrs. Brown have come true through the Helen S. Brown Senior Citizen Center.

These dreams for service to the area's elderly go back to 1971 when the city of East Cleveland received a grant to develop a mulitpurpose center. In 1971, Mrs. Brown was hired to coordinate the senior citizen program within the center.

Aggressively pursuing this goal, in April 1971, the center under the leadership of Mrs. Brown offered its first service—Tele-friend reassurance. In May 1972, the center leased two vans to provide transportation for shopping, banking, and medical appointments within east Cleveland. At that time, the center offered 42 meals a day to eligible senior citizens. The center also offered a variety of services with the support of the East Cleveland Public Library and the East Cleveland Board of Education.

Finally, outgrowing the initial building, the center moved to its present location on Euclid Avenue with the assistance of local and Federal grants. Mr. Speaker, by December 1977 the center had evolved into a multipurpose senior citizen center offering a wealth of services and programs. Because of the leadership and guidance provided by Mrs. Brown in the development of the various services, the center was named in her honor.

Today, the center serves over 730 meals per week. Other programs and services extended throughout the community reach 300 persons per day. The center is also used for training by the Francis Bolton School of Nursing, the Kent State School of Nursing, Cuyahoga Community College, Cleveland State University, and Notre Dame University. Furthermore, Mr. Speaker, the center is used as a model for the State of Ohio.

In total, the efforts and hard work of Mrs. Helen S. Brown has resulted in what is today, the most comprehensive multipurpose facility for senior citizens in the State. The center and the observance of a decade of services is in itself a visual strong testimony to the vision of Mrs. Brown on behalf of the senior citizens in east Cleveland.

Mr. Speaker, it is an honor for me to share in the marking of this milestone in the history of the city of east Cleveland and the Helen S. Brown Senior Citizen Center. On behalf of the residents of the 21st Congressional District, I express my appreciation and best wishes on this occasion to Mrs. Brown and the center staff. At this time, I ask my colleagues to join me in saluting Mrs. Helen S. Brown and the Helen S. Brown Senior Citizen Center.●

MR. SAMUEL C. JACKSON: IN REMEMBRANCE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. CLAY. Mr. Speaker, I have a profound sense of sadness and yet joy paradoxically for a valued and esteemed friend and colleague, Samuel C. Jackson, who died untimely in the prime of his life.

I can recall with pleasure and great satisfaction his untiring efforts in the case for human and civil rights long before it was fashionable in this nation. Mr. Jackson, an astute lawyer used his legal education and acumen to remove impediments to human interaction and unity. He was a strong, perceptive, and highly effective advocate of equality of opportunity in education, housing, and all facets of our national life. He played a very significant role in working with the NAACP and in helping to eliminate segregation in our Nation's public schools.

He, too, was a very prominent and effective Assistant Secretary of Housing and Urban Development (HUD) during the Nixon administration in promoting fairness and justice in housing. In all areas of his professional life, Federal and private, he brought creative thinking to complex and cumbersome problems.

He rendered in a short span of time, a superior and enduring contribution of service to our Nation. His grasp of difficult problems, ability to work with different groups, commitment to excellence, and his unwavering commitment to a sense of community and order made him an American extraordinaire.

Mr. Speaker, our Nation indeed has lost an extraordinary stalwart in the struggle for human and civil rights and for a nation at peace with itself. He leaves a legacy that is inspirational and that will provide solace for those who love justice and mercy.

Samuel Jackson is dead, but he lives. He lives in the hearts and minds of all who value rationality, decency, equal opportunity, and social justice. An anomalous poet has well said: "Make way for the grand tournament of man, but who shall lead the way? The good and wise must lead, the good and wise must lead."

Samuel C. Jackson, "Good and Wise" to the end has led magnificently. I know that all of my colleagues in the House join me in expressing sincere condolences to Mrs. Jackson, his two daughters, Brenda and Marcia and other family members.●

DEBT COLLECTION ACT OF 1982

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. DERWINSKI. Mr. Speaker, the comprehensive Debt Collection Act of 1982 gives the opportunity to demonstrate to the taxpayers of this country that we are genuinely concerned about the longstanding mismanagement in the Federal Government. This legislation provides the much needed tools to collect the staggering amount of debts owed the Government by a variety of individuals.

As of September 30, 1981, $239 billion in accounts, loans, and other receivables was owed to the Federal Government, of which $33.5 was either delinquent or in default. Compared to the end of fiscal year 1979, this represents a 37-percent increase in the amount owed to the Government and a 32-percent increase in delinquencies or defaults.

Extensive congressional hearings have shown that the record of Federal debt collection efforts for repayment of loans is very poor. The ramifications of being declared in default are so minimal that debtors openly proclaim that they feel no obligation to repay these debts to the Government. The collection record of executive agencies responsible for administering these programs has been deplorable and is magnified by the fact that some agencies experience difficulty in determining the amount of the outstanding debt, much less being able to identify delinquent accounts.

If abuses in loan programs continue to flourish, the programs come under fire and disrepute. The taxpayer expects and deserves correction of abuses and sound administration of Government loan programs.

As the sponsor of one of the sections of this legislation, I had been particularly concerned about the failure of Government employees to pay their debts to the Government. Computer matches by the Veterans' Administration indicate that over 80,000 Government employees are in default of debts to that organization. Other computer matching of defaulted debtors against Government employee lists have re-

vealed over 40,000 additional employees who are in default of Government loan obligations.

There is another dimension to this problem. Many of the loan programs are set up on a revolving fund basis. As the loans are repaid, dollars from the replenished funds become available for new loans. When defaults occur, eligible applicants frequently are deprived of needed loan funds.

The procedures authorized in this legislation will result in fair and effective mechanisms for recovering overdue payments from Federal employees. It is an affront to the taxpayers that Government employees, many in professional positions, draw generous salaries from the Government but refuse to pay their debts.

It has been estimated that an aggressive debt collection effort, which will be facilitated by this legislation, will save taxpayers $20 billion over the next 5 years. This legislation already has won an overwhelming vote of approval in the other body and deserves similar treatment by the House.

The Debt Collection Act of 1982, in zeroing in on mismanagement of Government funds and programs is in the best interests of all of our taxpayers.●

THE GLOBAL ENVIRONMENTAL CONSEQUENCES OF NUCLEAR WAR: A PROPOSAL FOR AN INTERNATIONAL YEAR OF RESEARCH

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. GORE. Mr. Speaker, throughout this country there is a rapidly growing concern that we reduce the possibility of nuclear war and move expeditiously toward meaningful arms reduction. Though I believe that all right thinking men and women share that concern, both we and the Soviet Union continue to devote a great deal of time and effort to augmenting our nuclear arsenals.

Because the immediate loss of life occasioned by a nuclear war would be staggering in scope, there is often an understandable tendency to overlook or minimize the significance of longer term global effects. However, many scientists now believe that in the period following a nuclear war, the damage inflict on the Earth's environment could be grave beyond calculation.

The implications of these new studies are important to the way we think about nuclear war, because so many of us like to think we would be among the survivors, no matter what happened. After all, under the most pessimistic of scenarios, millions will survive the immediate effects of a nuclear exchange.

However, we are now discovering that as a result of a destructive environmental effects that would be placed in motion, survival could be a cruel and, for most, a fleeting experience. As this threat, which extend beyond civilization to life itself, looms over our heads, those in leadership positions cannot continue to act as if it did not exist.

Today, therefore, I rise in an effort to bring wider attention to the likely global environmental consequences of a nuclear war. I am also calling for an international year of research devoted to learning more about the ecological effects of nuclear war. As the focal point of this important undertaking, I am also calling for a conference of scientists from the United States, the Soviet Union, and other nations to address these issues on an official basis and to convey their findings to the world's leaders.

WHY THE EFFORT MUST BE MADE TO LEARN MORE ABOUT THE GLOBAL EFFECTS OF NUCLEAR WAR

I have come to the conclusion that immediate action in this area is required because of inquiries by the Investigations and Oversight Subcommittee of the Committee on Science and Technology, into the aftereffects of a nuclear war between the United States and the Soviet Union. This hearing, which occurred on September 15, 1982, was inspired by the enormous discrepancy between claims by various defense experts. On the one hand, there are claims that the effects of a nuclear war can be dealt with through prudent defensive measures, and, on the other, claims by others that nuclear war would not only damage the United States and the Soviet Union beyond hope of repair, but also damage the fabric of nature itself in ways that would put in doubt the future all of Earth's living species, including our own.

I hoped that it would be possible to come to some judgment about where the truth lies, by assembling noted specialists in atmospheric sciences, ecological studies, and medicine whose work had led them into a study of the effects of nuclear war. As these scientists spoke, it became abundantly clear that much of what we now know is the product of very recent research and, as a result, cannot possibly reveal the full seriousness of the effects which they foresaw. Indeed, the answers to many of the questions they raised may be impossible to know because the proof requires nuclear war itself as the laboratory. But what they have had to say points strongly toward one conclusion: Those who speak of nuclear war as if it were just one more new wrinkle in the history of human conflict do not live in the real world. For those who do, nuclear war—even what we euphemistically refer to as "limited" nuclear war—is incomparably more than an assault on civilization; it would be an assault on the global environment, and quite possibly a fatal one.

WHAT WE DO KNOW FROM THE HEARING REGARDING THE AFTERMATH OF NUCLEAR WAR

Were a nuclear war fought between the United States and the Soviet Union, between 20 and 160 million Americans might perish from such an exchange. Though these numbers are sufficiently terrifying, indeed numbing, in and of themselves, and do not even reflect the upwards of 750 million who might be killed worldwide, what our hearing and related studies have revealed is that the immediate casualty figures from a nuclear war probably represent only the beginning of the tragic consequences of such an encounter. On the ground, ionizing radiation levels capable of killing humans could reach population centers scores of miles away from a blast. For each ground-burst attack equaling one megaton, better than 1,000 square miles of the Earth's surface could be rendered uninhabitable to unsheltered humans for weeks after the attack. But, what of the survivors of such an attack—what would happen to those not killed by the blast or by radiation?

(I) MEDICAL EFFECTS

Even for those in shelters, conditions are likely to be grim and primitive. Power produced by auxiliary generators will be at a premium. Food and water supplies will diminish and, for many, run out before radiation levels become safe. The sick will have to be cared for with scarce, and possibly, nonexistent medical supplies. Foraging for food may be possible but only at the risk of disabling exposure to radiation levels. Further, with roads destroyed and fuel nonexistent or in short supply, such searches, in any event, would not likely be productive.

For shelter occupant and aboveground survivors alike, the hazards of radiation exposure would unrelentingly proceed on their deadly course. Exposure to ionizing radiation serves to undermine the body's immune system, and susceptibility to disease becomes a problem of epidemic proportions. Massive numbers of corpses will remain unburied and a terrible source of diseases.

(II) RADIATION DAMAGE

Unfortunately, the postattack death toll from disease is just the beginning of the grisly picture that would await mankind after a nuclear war. In addition to the debilitating effects of radiation on humans, ionizing radiation can also kill, damage, or mutate plant and animal life. Whole orders of species that have lived in ecological balance for countless periods of time will all of a sudden find this balance upset due to radiation exposure. Some species, such as insects and cockroaches, will survive relatively unscathed, multiply, and thrust themselves on a

weakened world that lacks the pesticides and insect repellants on which modern society has become so dependent.

Other orders of plant and animal life ranging from the smallest microorganisms to the largest species will find their environment altered by radiation and their place in the world's ecological and biotic systems similarly altered.

(III) OTHER ECOLOGICAL EFFECTS: THE SCREENING OF SUNLIGHT

Of course, ionizing radiation is far from the only environmental problem that will likely wreak havoc with the planet after a nuclear war. Theorists have long been concerned with the possible sunscreening effects of massive amounts of dust being thrust aloft as a result of multipe nuclear ground blasts. More recently, in a now widely discussed article published in Ambio magazine, two atmospheric chemists theorized that particulate matter from widespread, postwar forest fires could screen sunlight by as much as 99 percent for as long as 2 months following a nuclear war. Were an attacks to take place during the summer months, the authors believe that, as to North American, at least, most agricultural production would be eliminated for the entire year following such a war.

Obviously, the possible loss of our food crops would be a staggering blow both to survivors in this country as well as in those countries that were dependent on food from the North American heartlands. However, if one considers that such a loss would be felt in combination with the initial destruction of a war as well as the postwar disease and ecological problems previously described, the dimensions of the problem begin to take shape.

Even after the Sun-blocking particulates were removed from the atmosphere and sunlight reappeared, the authors of the study theorized that the hydrocarbons released from the burning of a million square kilometers of forest land and from oil and gas fields would photochemically react with oxides of nitrogen from the initial blasts as well as from the forest fires to form continuing smog levels five times greater than current average North American levels.

(IV) THE THREAT TO THE EARTH'S OZONE LAYER

Further compounding the problem and posing its own environmental menace is the possibility that the oxides of nitrogen from multiple nuclear blasts would penetrate the Earth's ozone layer, possibly depleting the ozonosphere and allowing damaging ultraviolet rays, at enhanced levels, to reach the Earth.

The possibility of nuclear blasts depleting the Earth's ozone layer was first postulated by a 1975 National Academy of Science (NAS) study requested by the Arms Control and Disarmament Agency. The study assumed a nuclear exchange equaling 10,000 megatons. At such levels of warfare, the study predicted that the ozone layer would be depleted by 30 to 70 percent.

Since the 1975 NAS study, other studies have also predicted significant ozone depletion from nuclear war at force levels comparable to those assumed by NAS but under circumstances even where the individual weapon yields were considerably lower than the 500 to 1,000, 10 to 20 megaton weapons assumed by the NAS in 1975. Furthermore, at the hearing, several witnesses brought to our attention studies now being conducted by MIT and which will be made a part of the record of the subcommittee hearing. Depending on the season of attack and the targeting pattern, preliminary indications from these studies suggest that ozone depletion on the order described above could occur even in the context of an engagement of, perhaps, 2,000 to 5,000 total magatons.

Because of the interaction between the oxides of nitrogen released from multiple nuclear blasts and the chemicals comprising the ozone layer will require upward of 6 months before depletion is at its worst, the effects of such depletion will be most severe after the world has already been jolted by the ecologically debilitating periods of sunscreening and smog discussed earlier. During this period debilitating levels of ionizing radiation will have subsided so that survivors will have been able to circulate and forage in the open. However, as the dust screen begins to settle and the Sun reappears, survivors will discover that short exposure to the Sun can produce sunburn and blistering. More importantly, if, as predicted, depletion approaches levels of 50 percent, the intense ultraviolet rays that would then be able to escape through to the Earth could cause blindness in human beings and animals alike. Some scientists argue that all unprotected eyes would be blinded during this period.

Further, the effects of such ultraviolet radiation would not be limited to the two- and four-legged occupants of the Earth. Oceanic systems could be substantially disrupted. In addition, based on one prediction, 20 percent of the world's plant species could succumb to excess ultraviolet radiation.

THE ACCIDENTAL NATURE OF WHAT IS KNOWN ABOUT THE EFFECTS OF NUCLEAR WAR

It is sobering to note that much of what we now know about the potential environmental effects of nuclear war came by accident.

Had it not been for the fact that the infelicitously named *Lucky Dragon* Japanese fishing vessel was caught in the fallout from a test blast on Bikini Island better than 100 miles away, we would not have known about the effects on humans of radiation fallout. Nor would we have known about the extensive reach of fallout patterns were it not for the controversy touched off by the Defense Department in 1974 when then Secretary Schlesinger estimated that only 15,000 to 25,000 persons would perish in a nuclear war. Nor would we have known about the debilitating effects of nuclear blasts on the ozone layer were it not for the environmental controversy that surrounded the early development of supersonic transport.

WHAT STILL REMAINS TO BE LEARNED

In each of the areas discussed, we now know about some of the environmental and medical consequences of nuclear war. But, even in these areas and in many others, major questions remain unanswered, such as: First. To what degree will the environmental effects of a nuclear war fought in the Northern Hemisphere also be felt in the Southern Hemisphere? Second. In addition to crop losses, what might be some of the other disastrous consequences of sunscreening lasting for upward of 2 months? Third. Can blindness be associated with ozone depletion levels of less than 50 percent and how large an exchange of nuclear weapons would be required to effect such a reduction? Fourth. To what degree will the marine food chain be impaired by high levels of ultraviolet radiation and is the damage repairable and over what time frame? Fifth. What might be the long-term mutation effects on plants and animals alike as a result of intense exposure to both ionizing and ultraviolet radiation? Sixth. What climatic changes may be precipitated by large-scale nuclear assaults on the Earth's atmosphere, for example, the introduction of large amounts of sunscreening particles into the environment, and what might be the duration or severity of such effects? Seventh. Are the synergistic effects of the foregoing such that a global ecosystem of which mankind is only a part may find endurance under such effects too difficult a load to bear?

HOW CAN WE BEST ADDRESS THESE QUESTIONS SO AS TO BRING WIDER ATTENTION TO THE FULL ENORMITY OF THE ISSUE?

In my view, the answers to these questions are now far too momentous to be left to chance. No longer can we rely upon happenstance to discern what the ecological consequences of our actions in the nuclear arena might be.

What I propose is an international year of research and analysis, which should begin with a conference designed to inventory what is known, and to identify how to make inroads into what is unknown about the environmental effects of nuclear war.

It also seems appropriate to me, Mr. Chairman, that this endeavor should be jointly sponsored by the Government of the United States and of the

Soviet Union as a token of the earnestness with which each views the consequences of nuclear war.

Mr. Speaker, as things now stand, we and the Soviet Union are staking more than we know, more than our own existence as nations, on the gamble that all of these nuclear weapons we have been piling up by the tens of thousands will never be used. As science has helped lead us into this predicament, we should use science to help get us out of it. It is time for an unflinching confrontation with the facts; a confrontation which we and the Soviets should—despite all our differences—be prepared to undertake together.●

LEGISLATION TO ENHANCE TAX INCENTIVES FOR RENEWABLE ENERGY

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. HEFTEL. Mr. Speaker, I am pleased to introduce today with my colleagues from the Ways and Means Committee, Mr. PICKLE, Mr. FOWLER, Mr. ROUSSELOT, and Mr. MATSUI, legislation that I believe is essential to continue to advance the development of our domestic renewable energy sources.

As the President seeks to dismantle the Department of Energy and as Congress looks for ways to meet its new budget obligations, it is imperative that we not abandon the important gains that we have made in renewable energy development over the past several years. The legislation we introduce today would provide the renewable energy industry with the assurance that tax incentives to encourage its continued growth would be available through the decade of the eighties. This should be sufficient time to allow commercialization of the renewable technologies to take hold throughout the United States.

The current recession has contributed mightily to the uncertainty that the renewable energy industry now faces. Moreover, the projects for which these credits are intended often require a great deal of advance planning and can take several years to complete. I am concerned that investment in renewable energy technologies will be severely curtailed if the assurances contained in this legislation are not given.

The bill I am introducing today would increase the business renewable energy tax incentives—incentives for wind, ocean thermal energy, photovoltaics, biomass, geothermal and the like—from 15 percent to 30 percent and extend eligibility for the 30-percent tax credit through 1987. A 15-percent business energy tax incentive for renewables would be available through 1990. This legislation also extends so-called affirmative commitments to renewable energy projects. Affirmative commitments assure companies that projects begun but not necessarily completed by 1990 will continue to be eligible for tax incentives until 1995 at the 15-percent level beyond the 1990 expiration date.

The bill also contains a number of technical corrections to the affirmative commitments provisions now in effect. Most of these corrections are intended to clarify and eliminate the problem that applicants for the credits have been having with the Internal Revenue Service.

Both the national economic costs of dependence on foreign oil and continuing U.S. strategic vulnerability to energy supply disruptions require that we seek both near-and long-term solutions to our energy problems. Energy policy in the early 1980's must respond to this challenge by stimulating increased domestic energy production. The current tragic upheaval in the Middle East demands that we not back away from the national effort to accelerate renewable energy development and commercialization. In addition, our economy is not strong that we can afford to eliminate the only significant remaining targeted Federal incentive for renewable energy development. In addition, it is crucial that the renewable energy industry have the assurance that tax incentives will be available through the 1980's.

Mr. Speaker, I realize that there is precious little time left in this Congress for full and fair consideration of this proposal. My colleagues and I are offering this legislation to spark general discussion within Congress and throughout the business community on what we feel are major obstacles to the early and widespread commercialization of renewable energy. The proposal we offer could turn the tide for renewable energy.●

SEASIDE AND IRIGA CITY: SISTER CITIES MEET FOR THE FIRST TIME

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. PANETTA. Mr. Speaker, I would like to call to the attention of my colleagues a historic meeting taking place in my district on October 9. On that date, a delegation of dignitaries from Iriga City, the Philippines, will meet with representatives of the city of Seaside, Calif., in Seaside. The two cities are sister cities, and this is the first of what they hope will be many exchanges of visitors.

As my colleagues know, the sister cities program was enacted during the administration of President Eisenhower, in 1954. The program is designed to encourage the establishment of cultural and other relations between American cities and those of other nations. Such exchanges increase our knowledge of foreign cultures, and they increase understanding of our own country in those nations.

Mayor Glenn Olea of Seaside has been a leader in implementing this program by working to establish a sister city relationship with Iriga City, and the mayor of Iriga City, the Honorable Jose Villanueva, will meet with Mayor Olea as part of the delegation visit next week. The people of Seaside are proud of this occasion, and I share that pride.

Mr. Speaker, we are all aware of the need to increase contacts with our friends from all over the world. Mayor Olea and the city of Seaside, as well as the Mayor Villanueva and Iriga City, are to be congratulated for this effort. I hope their example is emulated by cities around the country.●

CONGRESSIONAL SALUTE TO HON. W. BRUCE KNAPP, JR., OF OAKLAND, N.J., DISTINGUISHED CITIZEN, COMMUNITY LEADER, AND GREAT AMERICAN

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. ROE. Mr. Speaker, on Friday, October 22, the residents of the borough of Oakland, my congressional district and State of New Jersey will assemble at the Indian Trail Club in Franklin Lakes, N.J., at a testimonial dinner honoring a most distinguished citizen, community leader and good friend, Hon. W. Bruce Knapp, Jr., who is retiring from his high office of public trust as tax collector, treasurer, and custodian of school funds for the borough of Oakland, N.J.

As Bruce Knapp retires from his official duties I know that you and our colleagues here in the Congress will want to join with me in deep appreciation of all of his good works and share the great pride of his good wife Virginia and their children Bruce, Tracy, Craig, and Melissa upon this milestone of achievement in their family endeavors.

Mr. Speaker, Bruce Knapp has indeed earned the highest respect and esteem of all of us for his outstanding public service and personal commitment in ever seeking the highest standards of excellence on behalf of our people. There is much that can be said of Bruce and his lifetime of achievements in service to people. I

would like to insert at this point in our historic journal of Congress a brief outline of his good works and affiliations that will be particularly cited by his colleagues and friends on October 22 as follows:

W. BRUCE KNAPP, JR., TAX COLLECTOR 1960–82

Bruce was born December 11, 1919 in San Francisco, California. He later moved to Connecticut and met Virginia Rohrig. They were married in 1942. Virginia is also retired. She was the Principal Design draftsperson for the County of Bergen, New Jersey. They reared four (4) children: Bruce, Tracy, Craig and Melissa.

Bruce came to Oakland in 1955, and became active in church, Boy Scouts and school affairs. He also became interested in the affairs of the Borough of Oakland and on November 1, 1960 was appointed Tax Collector, Treasurer and Custodian of School Funds. (Mayor Alexander Potash: "He was one of my exceptionally good appointments."

During the 22 years he served the Borough of Oakland, he saw many physical changes take place in his community, i.e. upgrading of lot sizes in residential areas, Veteran's Park, establishment of the Library, Ponds Building, three shopping areas, and a number of residential developments, establishing of three industrial parks, walkways installed on hazardous roads for school children, plans for sanitary sewering of the community, construction of a new Police Headquarters (financing of which was helped by Congressman Robert A. Roe), Susquehanna Railroad passenger service discontinued, inauguration of bus service to New York City, and completion of Route 208. He was a member of the Traffic Study Committee. He saw new bridges over the Ramapo River, the historical Van Allen House purchased by the community for $30,000, a new Post Office Building, construction of additional schools, including a high school, construction of a Municipal Building and offices, and the advent of churches of various denominations, the expansion of the Borough Water system and establishment of the Department of Public Works. In fact, Bruce saw during these 22 years a change in Oakland from a rural community to an urban community. In these 22 years, the population of Oakland increased some approximately 4,000 to approximately 15,000.

During this time, the Borough of Oakland floated a number of bond issues, and by reason of Bruce's fine financial management, it was always successful in its bond ratings, which resulted in low interest rates. He watched carefully the Borough funds on deposit and in anticipating no immediate need to disperse these funds, he invested them in guaranteed, short-term insured high interest returns. This resulted in earnings in excess of $200,000. Bruce was instrumental in establishing an efficient system in the Tax Collector's and Water Collector's Offices.

Bruce's low-keyed, efficient manner combined with his patient handling of taxpayer's problems gained him the respect and affection of those he dealt with. Oakland's Mayor, T. Emmet Bauer says he "will miss Bruce's support and advice."

He will be sorely missed as he elects to take his retirement. As he now pursues his many hobbies, the citizens of Oakland wish him good luck and good health with many thanks.

Mr. Speaker, it is indeed appropriate that we reflect on the deeds and achievements of our people who have contributed to the quality of our way of life here in America. All of us who have had the good fortune to know Bruce applaud his many accomplishments, and as he retires from public office I am pleased to seek this national recognition of all of his good works. We do indeed salute a distinguished citizen and great American—Hon. W. Bruce Knapp, Jr., of Oakland, N.J.—for his exemplary service to our people which has truly enriched our community, State, and Nation.●

SHOULD THE CONGRESS REVISE THE "FLAT TAX"

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. GAYDOS. Mr. Speaker, there are a number of bills now pending in Congress which address the matter of revising the Federal income tax system. Although their intent is the same—to make the system more equitable—they differ as to how this objective can be achieved.

One of the most popular proposals appears to be some form of a "flat tax" which would eliminate all deductions and levy an across-the-board rate on all income. In its purest form, this proposal already has come under fire. There is no consensus yet as to what the "flat" rate should be but there is a growing suspicion that unless there are some modifications in the basic plan middle-income America again will find itself carrying the heaviest share of the Nation's tax load.

This feeling was underlined in the results of a survey I have just completed among more than 2,000 residents of the 20th Congressional District of Pennsylvania. In response to the question. "Do you favor a flat tax?" The following tabulation was compiled:

Yes—630 responses (30 percent).

No—293 (14 percent).

With modification—1,063 (51 percent.

Undecided—113 (5 percent).

My colleagues may be interested in some of the comments regarding the "flat tax."

"It's a Godsend."

"There's nothing wrong with the present system, just remove the tax shelters and write-offs for the rich."

"It would be a gross mistake to exempt bonds from taxes."

"Eliminating home mortgage interest deductions would severely penalize young homeowners."

"No matter what you (the Congress) do, there will always be loopholes * * *."

Mr. Speaker, in addition to bringing the results of the "Home Phone Poll," a survey I conduct periodically in the 20th district, to the attention of my colleagues by publishing the findings in the RECORD, I am forwarding the computation to the White House for the information of the President.●

POW-MIA

HON. ALBERT LEE SMITH, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. SMITH of Alabama. Mr. Speaker, the 97th Congress has fittingly set aside July 9 of this year and April 9, 1983, as National POW-MIA Recognition Day. I recently paid tribute to the work of Mr. Malvin Roseman and the many concerned residents of Birmingham, Ala., who have tirelessly worked on behalf of our POW's and MIA's.

I have long been a supporter of their efforts on behalf of missing American servicemen. My concern over our POW's and MIA's caused me to send a telegram in 1978 to the then Secretary of State Cyrus Vance urging him to demand that Vietnam account for all Americans missing in action before the United States considered full diplomatic ties with that country.

Four years have passed since then and I am still concerned that Americans are being held in Southeast Asia against their will. I think it is very appropriate at this time to reflect on the sacrifice and the hardship that the men, their families, and the American people have endured over the years that have passed since the Vietnam conflict.

These men have answered the call of duty in Vietnam for over two decades. I firmly believe that every single man among them, dead or alive, would have wagered anything or everything that they possess, that this great Nation of ours would leave no stone unturned to learn the fate of those missing soldiers, sailors, and airmen. I am very thankful that they have been doing their part for these Americans.

We must keep alive our concern for a final accounting of POW's and MIA's. I congratulate Mr. Roseman and his coworkers and the dedicated people like them throughout our Nation who have sacrificed time and money and offered prayer after prayer that these men would be accounted for. I commend them; I congratulate them on their success and pledge my continued support in this noble cause.●

BILL GREEN HOPES FOR PROGRESS ON NUCLEAR ARMS CONTROL

HON. BILL GREEN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. GREEN. Mr. Speaker, before all the Members return to their districts, I would like to remind them that much progress is yet to be made on what may be the most important issue facing on today: Nuclear arms control.

I think it would be very useful to take stock of where we are, and where we must go on this issue. Public opinion is well-formed with the majority of the American people feeling strongly that we must control the nuclear arms race. Despite the breadth of public support for the issue, the United States has made little to no progress in negotiations with the Soviets, and the arms buildup sponsored by the current administration continues unabated.

Many months have elapsed since the President announced his bold zero option for intermediate range nuclear forcus in Europe, and his plans for the START negotiations, but we have yet to receive reports of significant progress on these plans. In addition, the administration has espoused certain policies which belie its stated intentions of slowing the arms race: It has scrapped negotiations on the comprehensive test ban, and wishes to renegotiate the Peaceful Nuclear Explosions Treaty and the Threshold Test Ban Treaty and to renew testing above the 150 kiloton limit specified in the TTBT; it supports relaxing safeguards against nuclear proliferation; it opposes the SALT treaties and contemplates abrogation of the ABM Treaty of 1972; and, it has, according to press reports, approved a document detailing how a protracted nuclear war might be waged. All of these actions have aroused in many concerned citizens a fear that the administration is not serious about arms control.

I do not want to suggest that no progress has been made. We lost the August 5 vote on the freeze resolution by only one vote. That slim margin of loss is frustrating, yet it was a very good show of strength for the freeze. The freeze resolution has been reintroduced, with my cosponsorship and that of 124 other Members, and I hope support for the resolution will continue to grow.

During consideration of the 1983 DOD authorization bill, we nearly prohibited funding for procurement of the MX missile. I think we are not justifed in proceeding with the MX missile at all, and I voted several times to kill the program in its entirety. I was very pleased to be a part of this latest effort to halt MX. Though we lost this vote by only three votes, the positive outcome of this effort is that we have put a hold on certain portions of the MX program until the President informs Congress of a final MX basing mode on December 1, and we are funding five, instead of nine, missiles.

Several of us are now seeking to persuade the President in a letter that so-called "Dense Pack" or Closely Spaced Basing (CSB) for MS is misguided. This latter proposal smacks of a last resort attempt to salvage a program that has no strategic purpose. The plans for it made public to date indicate CBS promises to engender its own arms race, abrogate the AMB and SALT Treaties, and cost at minimum $24 billion. Congress will again debate the merits of the MX program when it returns to Washington in November, and I will be working hard again to defeat this dubious program.

We were also victorious in preventing funding of binary chemical weapons. I was an original cosponsor of legislation to accomplish this, and was gratified by the strong success of an amendment by Mr. ZABLOCKI to the 1983 DOD authorization to prohibit funds being spent for procurement of this new chemical weapons technology. Though chemical weapons do not come under the rubric of nuclear freeze, this victory is an important one in the effort to combat unnecessary and ethically repugnant military expenditures.

Several State referenda are also being held on the nuclear freeze issue. If the 3-to-1 margin of victory for the freeze that was the outcome in Wisconsin's recent vote is any indication, the freeze will emerge as an even stronger issue after the November elections.

Also, Congress has turned back portions of the administration's large requests for funding for civil defense. Civil defense programs are based on the absurd notion that somehow the United States as we know it can survive a nuclear attack. The very idea of spending millions of dollars on programs to evacuate cities like New York in the event of nuclear holocaust is especially ludicrous when at the same time the administration proposes to cut funding for crime insurance, for example. I am ranking minority member of the Appropriations Subcommittee which funds crisis relocation programs under the jurisdiction of the Federal Emergency Management Agency (FEMA). My subcommittee denied the administration's request for $129 million for crisis relocation. I feel these programs are not wise investments in our national security, and are particularly indefensible in these times of budget stringency. I also voted during consideration of the 1983 DOD bill to cut civil defense funds under the Pentagon by $108 million. This effort was successful.

I am also an original cosponsor of a resolution recently introduced in the House to halt the militarization of space. I am very concerned about the administration's plans to add space to the list of battlefields on which it wants to confront the Russians. While the defense budget as a whole is going up 7 percent per year after inflation, the military space budget is going up 10 percent per year after inflation. The militarization of space promises to be costly and destabilizing, and I am pleased there are now a total of 39 cosponsors of this resolution calling for a halt to this new arms race.

I was quite surprised by the administration's decisions on the nuclear test ban treaties. The President's decision to scrap years of negotiations on a comprehensive test ban (CTB) was particularly perplexing. We are bound by treaty obligations in the Limited Nuclear Test Ban Treaty and the Nuclear Nonproliferation Treaty to pursue negotiations on a comprehensive test ban. Every President, Republican and Democrat alike, since President Eisenhower has attempted to negotiate a comprehensive ban. Perhaps more than any treaty proposal on the table today, the CTB has great potential actually to curb the qualitative improvements in weaponry that have become the engine of the arms race. In addition, precipitously discarding years of effort and complex negotiations closes the lines of communication with the U.S.S.R., and sends a clear signal to the Soviets that we are not good-faith negotiating partners. It also may heighten the nuclear aspirations of countries like Argentina, who will have little incentive to curb their pursuit of nuclear weapons if the superpowers remain unrestrained. The administration claims its action is justified because of verification problems with the CTB. There is a consensus in the scientific community that seismic and satellite data can detect any nuclear test down to about 5 to 10 kilotons. There is little reason to believe the Soviets would want to undertake tests of this small size that are of little or no military utility, yet certain to create great international tensions by breaking a treaty.

The decision to renogotiate the PNET and the TTBT are also disturbing. The administration will not make public just what its objections to these treaties are until December 10. These treaties contain new means of verification, including onsite inspections, to which the Soviets have never before agreed. Ratifying these treaties would show the Soviets that it is not an exercise in futility to negotiate treaties with the United States. Because of my disapproval of the administration's decisions on these treaties, I have cosponsored a resolution calling upon the President to resubmit the PNET

and the TTBT to the Senate for approval, and to continue negotiating a CTB. This resolution, which was also introduced in the Senate by Senator Kennedy, has gained 79 cosponsors.

As I mentioned earlier, there are some successes to which we who are concerned about the nuclear arms race can point. Just the fact that the public and the Congress are more vocal about the arms race is progress. However, so much more is yet to be accomplished. I think the administration must pursue more vigorously its proposals in Geneva. We also must see the administration bring reason to the military budget. I hope when the Congress returns we will have greater opportunities to debate these important issues, and to accomplish our common goal of making the world more secure.●

OUR CHILDREN

HON. JAMES K. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. JAMES K. COYNE. Mr. Speaker, some of America's children are finally coming home.

It was with pleasure that I learned that some of the Amerasian children, who are American citizens, are finally returning home. These 11 Amerasians are the children of Americans who served in Vietnam, and like the children of GI's and Americans elsewhere, many have suffered harassment and intimidation because of their heritage.

I note with great pride that one of my constituents, Mr. John Shade of the Pearl S. Buck Foundation, was instrumental in securing the release of these children and in arranging for the future departure of more Amerasian children. Mr. Shade is now with the children in Bangkok.

Pearl S. Buck was the first to address the needs of these, our children. She willed her home and grounds in Bucks County, Pa., in my district, to the foundation that bears her name. For 20 years the Pearl S. Buck Foundation has been working to bring these children to the attention of caring Americans with a deep-seated sense of justice. Thousands have been helped by foundation sponsors. But thousands more wait.

Today, legislation which will grant preferential immigration status to the Amerasian children will be considered on the floor of the House. The Congress has waited years to enact this measure, but there is no more time to lose. I urge all of my colleagues to support this worthwhile effort.

It is time for all of our children to come home.●

TRIBUTE TO TOM CROSSAN

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. PASHAYAN. Mr. Speaker, today marks the beginning of fiscal year 1983, and it begins the official retirement from Federal service of Mr. Tom Crossan, a Weather Service official for 35 years and for the past 16 years as meteorologist in charge of the Fresno, Calif., office.

It was just 2 years ago that Mr. Crossan was singled out by the National Oceanic and Atmospheric Administration as the recipient of the Department of Commerce Bronze Medal Award for Outstanding Leadership.

The agricultural community in the San Joaquin Valley will miss Tom in his retirement. His Bronze Medal Award was earned because of his "overall station management of the agriculture, fire weather, air pollution, public service, pilot weather briefing, and surface observation programs." For 13 years they were one of the best in the Western region.

I would like to insert in the RECORD the following newspaper article from the Fresno Bee on Tom Crossan.

The article follows:

TRIBUTE TO TOM CROSSAN

Nothing, not even a career with the U.S. Weather Service, makes predicting a gathering fog or shifting rainstorm easy.

Tom Crossan, 61, knows that only too well. Despite 35 years as a Weather Service meteorologist including 16 as head of the Fresno office, Crossan once lost his vacation plans to a Fresno winter fog.

"It was very embarrassing," he said. "We were supposed to catch a night flight to Los Angeles, and then go to Miami. And about 10 p.m. the fog rolled in and we couldn't go anywhere. But after all, that's unusual for fog to start then."

Crossan admits that despite the uncertainties he will miss the weather business. His work with the Weather Service ends today, although he plans to take a month's vacation before formally retiring.

"It's a fascinating business," Crossan said. "With new equipment and technology, I think it gets better all the time. I'd recommend it as a career to anyone—if they like physics and math. It does take a lot of that."

He leaves the job with high praise from his supervisor, coworkers and local farmers. Ron Stephen, an agricultural meteorologist who will be acting chief of the Fresno office for the next several months, said Crossan is a good task master.

"He's been very supportive, even if one is wrong—which does happen in weather forecasting," Stephen said. He said Crossan and he often doubled-checked each other in forecasting frosts.

"That's important here and I'm really going to feel the loss," he said.

Dale Goudeau, deputy meteorologist from the state forecasting office in Riverside, said Crossan is "one of the best weathermen we have in any district, truly an expert meteorologist."

Goudeau said occasionally state supervisors would "get a little upset with Tom because he was always after us to do more. He wanted better equipment, more information on the summer for raisin drying. He's really been for the good of the people in the valley."

In fact, Crossan said that he has been asking the Weather Service for satellite communications on weather for the Fresno area for some time.

"We find that it's very difficult to forecast here because our weather comes in from the Pacific," he said. "There are no monitoring stations out in the ocean. But we could get better faster information with a satellite."

Goudeau said the service is considering such euipment for the Fresno area. "Our five- to 10-year plans call for Fresno to become a state forecasting center," he said. "That'll mean more equipment and more people. We do recognize that valley is important."

Crossan has been saying that for years. He said he is most pleased with a new computer system, just finished this week, that will hook Fresno up to weather information stations throughout the country.

A native of Rockville, Ill., Crossan graduated from Beloit College in Wisconsin in 1943 with a major in mathematics. He served as a meteorologist with the Army during World War II and joined the Weather Service in 1946.

He specialized in agricultural meteorology, taking over the fruit frost forecasts from Lindsay in 1960. In 1966, he was named head of the Fresno office.

Crossan was instrumental in 1977 in getting a weather radio station on the air. The station provides farmers with the most up-to-date information. The service is run cooperatively by the weather service and the Fresno County farm advisers.

"We've always found him very helpful and cooperative," said Bill Allison, executive director of the Fresno County Farm Bureau. "We appreciate it. Information about the weather is one of those things that farmers just cannot do without."

Crossan said that helping farmers has "been one of the main points of my career." He has served on the agribusiness committee of the Fresno County and City Chamber of Commerce.

He plans to travel and enjoy his two favorite hobbies, splitting wood and sailing a 17-foot boat on Huntington Lake.

"I don't race because I don't like people telling me when I can sail and when I can't," Crossan said. "I've had too much of that in the working world."●

RICHARD BENNETT—A DEDICATED PUBLIC SERVANT

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. PANETTA. Mr. Speaker, I would like to take this opportunity to pay tribute to Mr. Richard Bennett, executive director of the Monterey County Community Service Department. Mr. Bennett will retire from his post this month, after a long and meaningful career in community service.

A graduate of the University of California at Berkeley and the Harvard School of Business Administration, Richard Bennett has taught business management at several colleges over the past 20 years. He has also served on the board of directors of several important community and business groups, exemplifying his commitment to senior citizens and the less fortunate in our society.

Mr. Speaker, Richard Bennett serves as an inspiration to all who believe in the strength of the human spirit and the benefits of community action. In his work with the Salinas Chamber of Commerce, Mr. Bennett encouraged local entrepreneurs to believe in themselves during times of great economic hardship. In a recent speech to community leaders he underlined the need to provide jobs for all those willing and able to work, as the only hope for our economic recovery. Always dedicated to action, he backed up his words with the creation of the Del Monte Research Park, the first facility of its kind in the United States.

Above all, Richard Bennett will be known for his years of dedication to our local elderly community. His occupational and nutritional assistance programs have been copied in cities and towns throughout the country. The brown bag vegetable distribution program has provided locally grown vegetables to elderly and disadvantaged families for several years now, thanks to Mr. Bennett.

Without a doubt Richard Bennett is dedicated to an improvement in the quality of life for all Monterey residents. His leadership of the Community Service Department will be sorely missed. On behalf of all who benefited from his perseverance, I would like to wish he and his family a happy, healthy, and rewarding future.●

H.R. 2035

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. DREIER. Mr. Speaker, yesterday the House passed H.R. 2035, the USDA authorization. One of the provisions included in that bill was an amendment that will change the agricultural marketing agreement to require that imported table grapes meet the same quality standards as those grown in the United States. This is a very important measure for table grape growers and marketers and I commend the House for endorsing it.

This legislation is eminently fair. It will apply quality standards to both domestic and foreign producers on a nondiscriminatory basis. It will not violate U.S. obligations under the GATT or other international trade agreements. Ultimately, it will protect the interests of both domestic and foreign producers by assuring a stable U.S. market for their products.

Moreover, the table grape amendment will assure that healthy competition in the table grape market is maintained and consistent standards of quality are established, thus protecting the consumer from inferior produce. It accomplishes all this without imposing unreasonable economic burdens on foreign producers.

This is not a case of protectionism. It is a fair and prudent solution to a serious problem. Admittedly, some minor criticism of the table grape amendment has been heard. However, in light of the overwhelming support of both chambers of this Congress for H.R. 2035, I believe that this criticism is unfounded and, therefore, strongly urge the administration to enact H.R. 2035 as soon as possible.●

DOROTHY FULDHEIM

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. MOTTL. Mr. Speaker, it is with great pleasure that I recognize the many enriching contributions of a newswoman who has set the highest standard for excellence in broadcast news.

She was the first woman to have a news show and has been on television for 36 years now. Ms. Fuldheim continues to distinguish WEWS Television Channel 5 in Cleveland with her probing interviews and editorials regarding the pressing issues of the day.

She has interviewed several great Presidents, royalty from abroad, and others viewed as the greatest dignitaries of the past four decades. Ms Fuldheim has also interviewed some of the worst villains of modern history including Adolf Hitler. Her overseas assignments have taken her from a Spain in revolution to a warring Middle East.

Her knowledge of the issues of the day and effective command of communications skills has brought her nationwide and international recognition. Ms. Fuldheim has gained the respect of viewers with television appearances ranging from the "Tonight Show" to her regular editorial programs.

The recipient of numerous honorary degrees, author of four books and winner of the Governor's award, Ms. Fuldheim has been selected woman of the decade and to the Ohio Hall of Fame.

A Gallup poll named her as one of America's most admired women.

What I admire most about Ms. Fuldheim are her scrupulous, never-ending efforts to achieve fairness in her reporting. With the emotional subjective factors involved in newsworthy issues, reporters face a tremendous challenge to hold their feelings inside and keep objective words flowing out onto video display tubes or broadcasts. Although many of us know reporters who have become little more than henchmen anxious to use their positions to exploit biases against conservatives or liberals or personalities, Ms. Fuldheim has conquered this tempting evil.

For this ample show of strength, we all owe her a debt of gratitude.●

RELIGIOUS PERSECUTION IN THE WARSAW PACT COUNTRIES

HON. EUGENE V. ATKINSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. ATKINSON. Mr. Speaker, I am introducing a House concurrent resolution today expressing the sense of the Congress that the Government of the United States should denounce the continuing persecution of, and discrimination against, individuals and groups on the basis of religion by governments of members states of the Warsaw Pact. Joining with me in sponsoring this resolution are Congressmen DON RITTER, DON BAILEY, DAN CRANE, JOHN LEBOUTILLIER, DOUG WALLGREN, BERNARD DWYER, ROBERT DORNAN, FRANK WOLF, DAN MICA and TOBY MOFFET.

The thrust of the resolution is the denunciation of both the gross violations, particularly in the Soviet Union, Czechoslovakia, Romania, and the German Democratic Republic, and the pervasive administrative measures taken to discriminate against known believers in education, employment, and housing in all the states of the Warsaw Pact.

There is little difference in the status of the churches, whether they are Roman Catholic—Czechoslovakia, Hungary, Croatia and Poland, Lithuania— Orthodox—Bulgaria, Romania, the Ukraine and the Russian S.S.F.R. and Serbia—Protestant—German Democratic Republic, Hungary and to a smaller extent, Romania and the Baltic States of Estonia and Latvia—as long as they do not allow themselves to be utilized for the purposes of Marxism-Leninism in the political and social spheres, thereby denying their fundamental Christian heritage. The number of underground churches and believers might vary according to the degree of persecution exercised by the local governments, but true religious freedom is not present even in faithful Poland, the fatherland of Pope John Paul II.

Persecution is particularly severe in the Soviet Union where labor camps,

psychiatric hospitals and prisons await the public confessors of faith, and in Czechoslovakia where a combination of persecutory and administrative measures, including the vacancies in the bishopries—some of them since 1945—are conscious attempts to have the Catholic and Lutheran churches wither away in another generation or two. In Romania, too, the pressure on the churches is great and here the national issue is superimposed as all churches which, except the Romanian Orthodox church, are composed of nationality believers. Bulgaria makes less waves, but the combination of administrative measures and selective persecution of priests and religious laypersons is close to the level of Czechoslovakia. In Romania, too, several Catholic bishoprics have remained unfilled since 1945. In Hungary, the churches made an uneasy compromise with the regime in the 1970's, but their resilience is greatly interfered with by state administrative measures and the discouraging of the religious vocations. Only in Poland can the church have a self-government, but its limits are rather narrow as the Pope, in his former capacity as Archbishop of Kracow, discovered over several decades.

Mr. Speaker, all the member states of the Warsaw Pact signed the Helsinki Final Act, the 1966 International Covenant on Political and Civic Rights and the Universal Declaration of Human Rights. They are not only morally, but legally, obligated by their signatures and by their euphemistic inclusion of freedom of religion in their national constitutions, We have every right to remind them of the innumerable violations of their legally binding given word to their citizens, and to the other countries of Europe and the United Nations.

This is an issue that cuts across ideologies, whether conservative or liberal, Christian or Jewish or even Moslem—the Soviet Union has 45 million Moslems in its Asian member republics—or party lines. In order to proclaim America's message of freedom to others we are duty bound to express our abhorrence against violations of the sacred right of the individual to worship freely and without experiencing discrimination because of his beliefs. May I ask my colleagues to join me in cosponsoring this resolution that will eloquently express the sense of the Congress of the United States to uphold religious freedom and human rights against the perpetrators of violations whether by police state or simply administrative methods.

I would like to express my gratitude to the National Confederation of American Ethnic Groups, Inc., a 26-year-old conglomerate of the national and state organizations of 17 different heritage groups from Europe, Asia, and the Carribbean, composed of 35 organizations. Among those organizations are many who had been in the forefront of the struggle against Communist encroachment on religious freedoms, one of the most fundamental freedoms of the individual, and the basic freedom upon which our forefathers had built these United States. The confederation should be commended for its support of fundamental freedoms and the assistance it has given in support of this resolution. The confederation is ably led by devoted Christians who are repelled by the persecution and administrative machinations against believers, priests, ministers, and rabbis in these countries. They include the three major officers of the confederation, Mr. Edward S. Yambrusic, Esq., president, a former resident of my district, Z. Michael Szaz, Ph. D., executive vice president, and Mr. Radi Slavoff, secretary-director of activities.●

MEL ELLIOT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. WAXMAN. Mr. Speaker, on October 23, 1982, Mel Elliot will receive the Torch of Freedom Award of the State of Israel at a special tribute being held in his honor.

Mel Elliot was born in Maiden, Mass. where he attended school majoring in accounting and finance. After his service and honorable discharge from the U.S. Army in which he served as a combat infantryman, 320th Regiment, 35th Infantry Division, European Theatre of Operations, he resettled in Los Angeles.

Mel Elliot has been a leader in the business world for many years. He is active in Los Angeles community and philanthropic affairs. He has served as chairman for Israel bond dinners as well as chairman of the annual United Jewish Welfare Fund dinners raising funds for scholarships for Los Angeles area high school graduates. He is a member of Ma'ariv Temple in Encino, Calif. and the Honor Lodge of B'nai B'rith.

I ask the Members to join me in congratulating Mel Elliot on his selection as the recipient of the Torch of Freedom Award and to wish him, his wife Ruby, and their children, Steven, Deborah, and Gene many more years of happiness and fulfillment.●

PUBLIC POWER DAY IN AUBURN, NEBR.

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BEREUTER. Mr. Speaker, on September 15, the community of Auburn, Nebr., which is located in my congressional district celebrated Public Power Day.

The record of service to the citizens of Auburn of the board of works in providing dependable electrical service at the lowest rates possible is commendable. The mayor of the city issued a proclamation on that date. I wish to share its message with my colleagues in Congress:

PROCLAMATION

Whereas the Board of Public Works of the City of Auburn, one of 2,200 publicly owned electric utilities in America, has provided the citizens of Auburn and surrounding communities with reliable electric services for forth-three (43) years;

Whereas the Board of Public Works of the City of Auburn has kept electricity rates lower than the national average because it is consumer owned and controlled and because of its efficient management and efforts to utilize innovative energy production, transmission, distribution and conservation techniques;

Whereas local ownership permits the economic benefits accruing from the system's operations to be retained in the community for improving other services and permits coordination between all municipal services for consumers' benefit;

And whereas public power systems have been providing Americans in communities throughout the United States with these benefits since September 1882, the same month Thomas Edison made central station electric service possible;

Let it therefore be resolved that September 15th, 1983 be named "Public Power Day" in celebration of 100 years of public service by the nation's public power systems. In observance of said day, an Open House will be held at the City's local generating plant, along with other activities to be scheduled.

Dated this 2nd day of August, 1982.

JOHN F. GEORGE,
Mayor.●

PARK AVENUE SYNAGOGUE CELEBRATES ITS CENTENNIAL

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. SOLARZ. Mr. Speaker, a special celebration on the weekend of November 12 to 14 will mark the 100th year of existence of the Park Avenue Synagogue at 50 East 87th Street.

This unique institution is one of the largest conservative synagogues in New York City and from its founding it has been blessed with deeply com-

mitted and effective lay leaders and pious and learned rabbis who have fostered its growth and development into what it is today.

Dr. Judah Nadich, the current head rabbi, is a graduate of City University and holds advanced degrees from Columbia University and Jewish Theological Seminary. Well known in the community for his scholarly endeavors, his piety and his wisdom, Dr. Nadich is also deeply involved in philanthropic work on behalf of the poor and less fortunate. Many, however, do not know that during World War II Dr. Nadich served as the first military adviser for Jewish affairs to General Eisenhower. In that post he was deeply involved in the efforts to save the lives of tens of thousands of Jews in DP camps, and without his interventions many more would have died.

Rabbi Harlan J. Weschsler serves as Dr. Nadich's able assistant and is much respected for his role in keeping this large and active congregation smoothly functioning. In addition, the congregation is fortunate to have David Lefkowitz as its cantor and to have Mark Kula, a seminary student as its assistant cantor.

Mr. Speaker. I would like to take this opportunity to offer my most heartfelt congratulations and best wishes to the Park Avenue Synagogue, its able spiritual leader Rabbi Dr. Nadich, and the marvelous board of trustees on this 100 years of service to the Jewish community. May this remarkable religious institution continue to grow and prosper in the century ahead, and may its members and the New York community continue to find the Park Avenue Synagogue to be a font of enlightenment, comfort, and sustenance to all who enter its doors.

One of my dear friends and trusted advisers, Arnold L. Sabin and his family have long been active members of this congregation. Mr. Sabin, who is now a vice president of the synagogue and a member of the centennial celebration committee, recently wrote with the assistance of his wife, Lite, a very moving essay on the significance of this first 100 years of existence of the Park Avenue Synagogue.

Mr. Speaker, I ask that this essay be reprinted in today's RECORD.

A CENTENNIAL ESSAY

(By Arnold L. Sabin with the assistance of Lite Sabin)

Four thousand years ago the bridge was started. The Almighty, its Architect; The builders, His children. From Abraham to Moses, From Egypt to Sinai; From the Ark everlasting, Within it: The Torah, never ending.

Solomon built the Temple and the people rejoiced. Nebuchadnezzar destroyed it and the people wept. From slavery to freedom, to Captivity "by the waters of Babylon". Thus began the Diaspora. And finally the Second Temple,—Freedom. Seventy C.E., and again destruction. Thus spread the Diaspora. Sorrows and Joys; Joys and Sorrows.

The Golden Age of Spain ending in the Expulsion; the Holocaust of Hitler leading to the rebirth of the State of Israel. Joys and Sorrows; Sorrows and Joys.

Through the decades, centuries, millennia, with faith absolute, the building of the bridge continued. From the great academies of Babylonia—Sura and Pumbeditha, surpassing even those contemporaneously in the land of Israel, the Talmud took shape out of the substance and form, already under way, some 700 years from beginning to completion.

Out of the conflicts between the impatient Shammai (highly esteemed leader though he was) and the brilliant, yet compassionate, Hillel (most of whose legal decisions were favored against those of Shammai) the foundation was strengthened and the cornerstone placed to support the entire structure of Talmudic Judaism that would follow.

Johanan Ben Zakkai established a school at Jabneh after the fall of the Second Temple, realizing that Judaism could exist without the Temple and Altar, thereby saving the nation. Rabbi Akiba, considered the greatest scholar of his time, and the saintly Rabbi Judah the Prince, redactor of the Mishnah,—they and so many others too numerous to mention, extended the bridge and added strength to it.

From their days through the centuries that followed, even to our own time,—the joys and sorrows, the sorrows and joys,—Theodore Herzl, Chaim Weizmann, David Ben Gurion, Golda Meir,—they and how many others—the acknowledged great as well as those who remain anonymous—continued the building and strengthening of the bridge.

As early as during the period of the Second Temple the Synagogue, as an institution, began to develop and flourish. During the more than 2000 years that followed, its development spread and with its development there also spread the persecutions—the pogroms, the burning down and the rebuilding. Joys and Sorrows—Sorrows and Joys.

And eventually came the great Yeshivas and in the United States, the Jewish Theological Seminary of America, the greatest of all Conservative Jewish institutions from which were to come forth our rabbis, cantors and teachers to help our Synagogues grow and to staff our religious schools and community centers for all their multitudinous purposes.

Some links indeed were broken over these thousands of years from the time of the great Academies of Babylonia to our present magnificent and vital Seminary,—Mother Institution of over 835 Conservative Syagogues in America, Canada and Israel today. But the chain was always reforged, the links each time stronger than before,—each link in the chain representing a small part of our great heritage.

And how glorious is the heritage that has led us to this Centennial Year,—the 100th Anniversary of the Park Avenue Synagogue family. Indeed we can take justifiable pride in reaching this unique and beautiful milestone in our Congregational history. But never may we forget the debt of gratitude to all those who made it possible, reaching back through the millennia to the Academies of yesteryear and the countless sacrifices made by those both known and unknown that have enabled us to celebrate this day—a day for reciting the "Sheychehi anu", and for remembering the joys and sorrows, and for praying that, with the Almighty's blessings, the future may hold fewer sorrows and many more joys.

As said by the great Rabbi Tarfon—a member of the priestly family who as a boy witnessed the Temple Service some 1900 years ago: "It is not for thee to complete the work, but neither art thou free to desist from it."

The bridge was started four thousand years ago. Countless generations have continued the building, all the while attempting to strengthen it. As we embark upon the second century of our Synagogue's life, our resolve must be to continue building the bridge, ever renewing its strength as a solemn testimony to those who came before us, reaching out into time for the benefit of those who will follow us, and to tend it as a glorious sanctification of the One who is the Father of all of us and who has brought us to this spiritual day of great joy.

To the Park Avenue Synagogue we extend our heartiest congratulations and our fervent good wishes on its 100th birthday and our prayers for its well-being during the next 100 years as well as for the many more to come.●

WELCOME TO ARCHBISHOP GLEMPE

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. HERTEL. Mr. Speaker, I would like to take this opportunity to welcome Archbishop Glempe, the primate of Poland, on his visit to the United States. As head of the Catholic Church in Poland, he is the first primate to visit our country.

During his 14-day visit, he will be attending a number of religious events in the Detroit area. On October 17 he will celebrate Mass at the University of Detroit as part of the worldwide celebration of the 600th anniversary of Our Lady of Czestochowa, the miraculous icon in Poland.

The archbishop will return to the Detroit area on October 25 and 26 and will be in Hamtramck to bless the new statue of Pope John Paul II at Our Lady Queen of Apostles Church.

Archbisop Glempe was born in Poland December 12, 1929, and worked as a forced farm laborer during the Nazi occupation. As a student in Rome, he studied with Archbishop Szoka of Detroit and they have remained close friends ever since. Archbishop Glempe was ordained on May 25, 1956, and later served as secretary to the late Cardinal Wyszynski. He became the primate of Poland July 7, 1981; he is also archbishop of Gnizno and Warsaw.

It is a great honor to have Archbishop Glempe visit the Detroit area and especially the Polish community of Hamtramck; he is truly an inspiration to Polish Americans.●

CONGRESS HAS DISAPPROVED PASSIVE RESTRAINT SYSTEMS

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. TRAXLER. Mr. Speaker, in my work with the Appropriations Committee, we have dealt several times with the question of mandating passive restraints in motor vehicles. That issue has now been brought to the U.S. Supreme Court for review, and if the Court chooses to hear the case, it is in that forum that the decision of whether or not to implement the standard will be made.

The gentleman from Colorado, Mr. WIRTH, has said those who oppose implementation of the passive restraints are trying to send a signal to the Supreme Court on this question by expressing their positions here in Congress. Actually, as the Pacific Legal Foundation argued in its filing on this case, the legislative history of this issue since passage of the Motor Vehicle Safety Act and its amendments is of limited use to the Court in discerning congressional intent.

Nevertheless, the record cannot be allowed to stand as it is. Mr. WIRTH's statement, that Congress has always supported the automatic crash-protection standard, is based on a highly selective reading of legislative history and is, as such, inaccurate.

To demonstrate this, I would like to review three important decisions that appear to have been overlooked by those who say Congress supports passive restraints. First, when Congress banned Government-required ignition interlocks in 1974, it also required that future nonbelt safety standards be promulgated only with public and congressional input and be subject to congressional veto. With this, Congress sharply reduced the Department of Transportation's discretion to require passive restraints.

Later, in both 1978 and 1979, Congress enacted appropriation riders prohibiting DOT from implementing a passive restraint standard in the years immediately following. This clearly demonstrated disapproval.

Finally, in December 1979, the House overwhelmingly approved a measure, 320 to 73, to deny funds to enforce any restraint standard which did not provide consumers with a choice of manual belts. Certainly this constitutes a rejection by Congress of making passive restraints mandatory.

There are many reasons why I do not support the imposition of a passive restraint standard. Many Members of Congress, after reviewing the evidence on both sides of this issue, have reached the same conclusion. They believe NHTSA acted within its authority and in the best interest of the public in rescinding the passive restraint standards. Moreover, a balanced, unprejudiced reading of the history of Congress record on this issue shows these Members have often been in the majority. They join me, I know, in anticipating a fair and objective resolution of this issue by the court.●

MUCH BEYOND PESO AT STAKE IN MEXICAN CRISIS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. McDONALD. Mr. Speaker, awareness of the potential danger in the Mexican economic crisis is increasing in the United States. As the new nationwide newspaper, USA Today, pointed out in its September 30, 1982, report, social unrest and violent upheavals could be the result of Mexico's money problems. This, in turn, might greatly benefit the left in Central America. I commend this news item on Mexico to the thoughtful consideration of my colleagues.

[From USA Today, Sept. 30, 1982

MUCH BEYOND PESO AT STAKE IN MEXICAN CRISIS

(By Joan Edwards and David Bauman)

Like a dangerous epidemic Mexico's economic malaise threatens to spread north of the Rio Grande—and possibly throughout the world.

Mexican President Jose Lopez Portillo this week set up a new "voluntary" program to sell off $25 billion worth of U.S. real estate bought by Mexicans during the 1980 and 1981 oil boom years.

Blaming "unpatriotic Mexicans" for an outflow of dollars to the United States, Portillo called on his countrymen to turn over deeds to their foreign property to the Mexican government. The government would pay them in pesos—a currency scorned by Mexican businessmen—after it sells the property for dollars.

The purpose of the gambit it to help pay off the country's $80 billion foreign debt—the world's largest.

Portillo's argument for the scheme is that the outflow of foreign exchange, more than double all foreign investment in Mexico, has bled the treasury of money needed to pay its debts. Heightening the sense of catastrophe are high interest rates and declining revenue from oil, the country's largest source of income.

Besides calling on Mexicans to bring their money home, the government on Sept. 1 seized the nation's private banking system. A Mexican court has delayed ruling on a lawsuit challenging the move, but Portillo's successor, Harvard-educated Miguel de la Madrid, has made it known he will support the takeover after his inauguration Dec. 1.

The takeover of the banks raises danger signals in the minds of American businessmen worrying about investments in Mexico worth approximately $7 billion. Another question is the country's reliability as America's third largest trading partner and the world's fifth largest oil producer—with half its oil going to the United States.

Since August, Portillo's devaluation of the peso, nationalization of Mexican banks and imposition of exchange controls have sharply reduced the flow of Mexican shoppers into the United States, crippling U.S. commerce along the 1,700-mile border.

"This period of intense crisis of confidence in Mexico will have its effects in the U.S." says Guy Erb, a former specialist on Mexican affairs in the Carter administration. "Industries, workers, local and regional banks throughout the West and Southwest will be affected.

"A good part of the Texas oil industry sold equipment and supplies to the Mexican oil industry. They're going to be hurt. Our grain shipments to Mexico have increased greatly over the past years—a reduction in this traffic will affect companies here."

Mexico's money problems have also sparked social unrest, raising worries the country could explode in the turbulent upheavals that grip its southern neighbors in Central America.

The lack of jobs has led to massive illegal emigration; an estimated 20,000 Mexicans slip into the United States a day—up 25 percent from a year ago. An immigration bill before Congress would permit 425,000 "legal entries" a year.

If Mexican leaders seem resentful of the lure of the United States, U.S. diplomats believe the country's economic troubles may bring its foreign policy in line with American interests.

"It's unlikely," said a State Department official, "the new president will take the same line that Lopez Portillo did—in support of the Sandinista government in Nicaragua, or in moves to settle the war in El Salvador by negotiating with the guerrillas. He will need the support of the U.S."●

ENACTMENT OF IMMIGRATION EMERGENCY ACT, ESSENTIAL IN PREVENTING FUTURE MARIELS

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. YOUNG of Florida. Mr. Speaker, U.S. intelligence sources warned the previous administration early in 1980 of the likely occurrence of a large scale exodus of refugees from Cuba, but the warnings fell upon deaf ears and 5 months later the United States found itself powerless and unprepared for the 125,000 Cuban refugees who landed on the shores of south Florida.

As a result, the State of Florida and the municipalities surrounding south Florida were seriously burdened by the sudden influx of refugees and were forced to shoulder much of what should have been a Federal responsibility.

Upon his election in 1980, President Reagan vowed that another Mariel would never occur. During the first months of the new administration, my Florida colleagues and I met on several occasions with the President and the Attorney General to develop a comprehensive plan to deal with

future emergencies caused by threatened refugee boatlifts.

After 18 months of preparation, deliberation, and review, I have enthusiastically agreed to cosponsor the Immigration Emergency Act, which was introduced yesterday.

This legislation, if enacted, will allow the President to respond immediately to any future threats of large-scale alien boatlifts headed for our Nation's shorelines. Just as important though, this legislation would make it known throughout the world that we have a firm plan of action prepared to deal with the inhumane expulsion of another country's citizens.

The act allows the President to declare an immigration emergency if there is a threat of a large scale migration of refugees to the United States. The legislation extends this state of emergency for a period of 120 days, during which it grants the President several essential powers to deal with the threat.

A major component of the act allows the President to ban U.S. ships, vehicles, and aircraft from traveling to a designated country or area which is threatening to release a large number of refugees. The President would also be authorized to ban the transportation of aliens from such a country or area to a location which is subject to U.S. jurisdiction. In both cases, the act sets stiff penalties for violators of the law.

Seriously lacking under the previous administration was a plan of action to deal with the refugees when they reached our country. The Emergency Act allows the President to block the arrival in the United States of aliens coming from a designated country. More importantly, the act gives the President the authority to return those immigrants to their country and also gives the Federal Government broad detention powers for those who must remain in the United States.

To assist in the massive undertaking that is involved with a sudden boatlift, the President will be authorized to designate an agency or agencies of the Federal Government, including the military, to carry out the provisions provided for in this Emergency Act.

Finally, the Emergency Act creates a special contingency fund to be used to carry out the measures needed to deal with the crisis. During the 1980 Mariel disaster, the State of Florida and local governments around the southern portion of the State were forced to provide thousands of dollars to assist the Federal Government. This proved to be a tremendous strain on their budgets, from which many of these small governments have not yet fully recovered. This emergency fund would alleviate the need for these municipalities to expend funds from their already stretched treasuries.

With many sections of the world in turmoil today, it is imperative that the United States be prepared for future massive migrations of undocumented aliens to our country. The existing emergency options available to the President are not adequate to deal with the special needs encountered during a large-scale refugee influx.

Our Nation was caught unprepared for the 1980 boatlift, and as a result, thousands of Cubans were allowed to enter our country as we stood idly by. If we are to avert a future tragedy, this legislation must be considered expeditiously by the Congress. For every day that we delay consideration of the Emergency Immigration Act, the threat of a future boatlift increases. The President has done his part in preparing for a future emergency, it now is up to the Congress to enact this legislation.●

FBI HAS RESPONSIBILITY UNDER MISSING CHILDRENS' ACT

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. SIMON. Mr. Speaker, on September 30, 1982, the House of Representatives adopted the statement of the managers accompanying H.R. 6976, the Missing Children's Act. There was a notable deletion in that report.

During the conference on that bill it was agreed that the statement of the managers would contain language that would state the intention of the conferees that reports of missing children received by the National Crime Information Center (NCIC) would be cross-checked with the unidentified bodies file for the purpose of potential identification. Each year the bodies of hundreds of children are found and never identified. When the House Subcommittee on Civil and Constitutional Rights held hearings last November, a pathologist from Florida testified that at that time there were bodies of two children in his morgue which could not be identified. No doubt somewhere in the country there were grieving parents who were trying desparately to find their lost children.

One of the greatest tragedies of missing children is the anguish that families go through because they do not know what has happened to their child. Even knowing that a child is dead is preferable to the uncertainties that these families face. Now that a missing children's clearinghouse as well as a clearinghouse on unidentified bodies is being set up it is only commonsense that they be used together to help identify missing children.

It is understandable that in the pressure to have the conference adopted before the Congress adjourned, deletions in reports can occur. But I feel it is important that the intention of the conferees in the matter of missing children and the use of resources to identify and locate those children be stated for the record.●

TRIBUTE TO GORDON D. SCHABER, DEAN OF THE McGEORGE SCHOOL OF LAW

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. FAZIO. Mr. Speaker, this year marks the 25th anniversary of Gordon Schaber as dean of the McGeorge School of Law at the University of the Pacific in California. I would like to take this opportunity to honor Dean Schaber, whose contributions to the legal profession and to the State of California over the years have been immense and have won him the respect and admiration of his friends, his colleagues, and his students.

Dean Schaber has been associated with the McGeorge School of Law since 1953, when he began as a professor and assistant dean, shortly after receiving his J.D. with honors from Hastings College of the Law in San Francisco. While maintaining a private practice and continuing to teach, he moved to the dean's office in 1957, a position which he has filled with distinction for the last quarter-century.

During these 25 years, Dean Schaber's expertise has been called on by the community and by the State of California on numerous occasions. He served as the presiding judge for the Sacramento County Superior Court from 1965 to 1969, and was the vice president of the Sacramento County Bar Association from 1970 to 1971. He is currently a member of the Continuing Education Committee of the State Bar of California, and has also served on the State bar committees on legal education, legislation, long range planning and appellate courts. He acted as a consultant in 1970 and 1971 to the University of Puget Sound on the establishment of a new school of law, which was opened in 1972.

On the local level, Dean Schaber was a member and past chairman of the Sacramento City Planning Commission from 1957 to 1964. He was the chairman of the Greater Sacramento Planning Committee in 1970, nominated by the minority community, labor and management to negotiate greater minority membership in local unions. He continues to be a panelist for the Sacramento Bee "Secret Witness" crime prevention progzam, a service he undertook beginning in 1971. In addition, he is a member of the board of trustees for the Stanford Homes

Foundation, vice chairman of the Sutter Hospital Associates, and has been a member of the board of directors of Air California, Westgate Corp. of California, and Sacramento Cablevision, Inc.

In addition to his service to the State through his activities with the California Bar Association, Dean Schaber was appointed by the Governor to the California State Board of Control from 1962 to 1965, and to the California Education Facilities Authority from 1978 to the present. Since 1980, he has been a member of the Board of Editors of the California Journal, a publication which I helped found.

And in 1980, Dean Schaber's knowledge, expertise, and public service experience were nationally recognized when President Reagan appointed him to the Presidential Task Force on the Administration of Justice.

I think it is appropriate that Dean Schaber's accomplishments on behalf of his community, his State and his country be acknowledged as he celebrates the anniversary of 25 years as dean of the McGeorge School of Law. I am proud to honor Dean Schaber today.●

BOY SCOUT TROOP 832

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. LONG of Maryland. Mr. Speaker, on Saturday, October 9, I will be joining the many friends of Boy Scout Troop 832 of St. Timothy's Lutheran Church, located in Timonium, Md., to celebrate a tremendous landmark—its history—its 25th anniversary.

On March 8, 1957, under the strong leadership of Rev. Richard Gast, Bob Collinberg, and Lou Reynolds, Boy Scout Troop 832 was founded consisting of a membership of 15 young men. Since its founding, the troop has provided guidance, leadership, friendship as well as lots of fun to 380 Scouts, 27 of whom attained the highest rank of Eagle Scout.

The impact of the troop throughout the Timonium community cannot be overstated. Throughout its history, the troop has provided services to numerous Timonium churches—such as landscaping and maintenance for the churches as well as assistance to their parishioners.

Under the leadership of Scoutmaster Robert Ash and senior patrol leader, Scout Nickel, Scout Troop 832, with 33 members, continues its fine tradition of community service.

I know that my colleagues join me in extending greeting and congratulations to the troop and its many friends.●

AIR FORCE AGAIN HID TRUE COST OF CARGO PLANE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. CLAY. Mr. Speaker, last week I called to the attention of my colleagues a newspaper report indicating the Department of Defense may not have provided Congress with all the facts surrounding the performance capabilities of the M1 tank. Recently, the House Armed Services Subcommittee received testimony charging the Defense Department and Lockheed Corp. with collusion in their efforts to enact legislation authorizing the purchase of the C-5 airlift cargo planes. Now, there is evidence indicating that the Air Force may have denied Congress all the pertinent information about the real cost of the C-5 cargo plane. I wish to take this opportunity to share the following report with my colleagues.

[From the Washington Post, Sept. 28, 1982]

AIR FORCE AGAIN HID TRUE COST OF CARGO PLANE

(By Jack Anderson)

Here we go again: In a shocking replay of a 13-year-old embarrassment, Air Force officials hid from Congress the true cost of a controversial cargo plane during months of heated debate on Capitol Hill.

The plane is the Lockheed C5B Galaxy, a remake of the C5A, the notorious granddaddy of Pentagon overruns. Back in 1969, the Pentagon brass desperately tried to cover up a $1.36 billion overrun on the original C5; this year's six-month coverup involved about $1 billion of the true cost of the C5B.

The Air Force insists that the figure—estimated at $979 million last April—does not constitute an overrun, but merely a price increase caused by inflation. It blamed Congress for causing the price escalation by delaying funding for the plane.

This is word play. An overrun by any other name costs the taxpayers just as much money.

The important point is that the program's cost was the crucial point at issue during congressional debate on the C5B that began in early May and lasted till the middle of August. The Air Force knew as early as February that the projected cost it had given to Congress was seriously out of date, yet it didn't finally concede this until August, when the C5B was on the verge of Hill approval.

In other words, throughout the months of debate, Congress didn't have the facts on the key point at issue. The C5B won a close victory; if Congress had been told that the true cost of the program would be substantially higher, the vote might well have gone the other way.

An Air Force spokesman told my associate Donald Goldberg it isn't clear when the Air Force realized the figures it had given Congress were too low. But internal messages between Pentagon officials and their colleagues at Andrews Air Force Base, outside Washington, D.C., and Wright Patterson Air Force Base, in Ohio, lay bare the Air Force's duplicity.

In one message, dated Feb. 23, one Air Force official pointed out that the price escalation rates on which the C5B program was based were six months out of date. This meant that the actual cost was already $657.5 million more than the Air Force was acknowledging.

"It is not possible to implement the Secretary of Defense's decision to buy 50 C5 aircraft with the funds as outlined in the message unless they are adjusted," the message warned bluntly.

By April 8, the true cost had risen even higher over the projections the Air Force was still publicly clinging to. "This office may not be able to comply with . . . the funding constraints in the * * * president's budget," advised an official at Wright Patterson AFB.

An April 21 message from an Andrews AFB official to Air Force headquarters reiterated the warning. While noting that the budget would be adequate for the C5B if 1980 dollars were used, the official recognized the folly of projecting costs on two-year-old data by stating: "When this profile is escalated using the Jan. 1982 rates, a shortfall of $979 million exists."

But none of this was known to members of Congress as they considered approval or rejection of the C5B during May, June and July. Critics of the C5B, who were already arguing in favor of a cheaper alternative, could not get the Air Force to admit that its cost figures were unrealistically low.

Finally, under pressure from Rep. Norman D. Dicks (D-Wash.) and Dina Razor, director of the Project on Military Procurement, a public-interest watchdog group, the Air Force in early August provided figures that showed the C5B would cost even more than the critics had charged.

By then, the congressional delegation from Georgia, where the planes will be built, had all its ducks in a row. The C5B was approved despite the new disclosures.●

TRAINING FOR THE FUTURE: PREPARING FOR THE GRAYING OF AMERICA

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BIAGGI. Mr. Speaker, current preoccupation with budget cuts in Federal social service programs which assist the elderly has prevented us from a more serious look at what we are—or are not—doing to train individuals to administer and develop these programs. Due to my dual capacity as a member of the House Education and Labor Committee as well as an original member of the Select Committee on Aging and chairman of its Subcommittee on Human Services, I am often approached by students who are currently training in the field of gerontology. However, it is unclear to them exactly how their training will assist them in their professional development but more importantly, how their career will fit in with the long-term manpower needs of our Nation in the coming decade.

As one of the major authors of the Older Americans Act of 1965, the first and only Federal social service program designed solely for the elderly, I have maintained an ongoing interest in the research and training activities authorized under title IV of this program. Currently funded as $22 million, these funds are to be used for both model demonstration projects in important areas such as long-term care, these funds also support training activities by State units on aging though colleges, universities, and management training schools within the State.

While I fell that this program has provide important support to career preparation in providing and managing service programs for the elderly, little attention has been focused on the professionalization of gerontology. There are currently no certification standards for gerontologists, either on the Federal level or the State level. This is in large part due to the fact that gerontology training is multidisciplinary in nature and there is a lack of consensus as to how such training should be accomplished most effectively. Of direct and immediate concern to those of us who work for these programs for the elderly are those people who are currently training for careers in this area. At present, we cannot guarantee them certification in their careers yet we are quick to acknowledge the growing demand for the services for our elderly. Such shortsightedness with respect to the current manpower needs of the field will only render us solely deficient in the next decade in the face of a growing demand for professionals in this field.

Sections 401 and 402 of the Older Americans Act Amendments of 1978 (Public Law 95-478) address this very issue. In accordance with this mandate, the Administration on Aging released a report in 1980 on "The Development and Implementation of a Federal Manpower Policy for the Field of Aging." The report raises some very relevant issues related to both preservice and inservice training of professionals in the field of aging. In the area of employment, the study notes that employment qualifications differ vastly by region and that the distribution of qualified manpower varies greatly by geographic location. Rural areas are especially hard hit by shortages in trained personnel. It also examines the current Federal mandate under the Older Americans Act for manpower training and recruitment in the areas of long-term care, aging network services, and minority personnel. It acknowledges current program ambiguities in the field of gerontology and raises a number of related issues with respect to student aid support and stipends, the role of higher education, consulting firms, and national aging organizations. While its findings are preliminary in nature this report does speak direct to the issue—are we prepared to provide appropriate and adequate manpower for the field of aging in the coming decade? Are we being foresighted with our Federal dollars or are we being shortsighted in failing to address an obvious and growing need?

As a senior member of the House Education and Labor Committee, I have seen what Federal policies can do to effect the development and training of certain high-demand fields. When there was a teacher shortage in the 1960's, the Federal Government provided incentives to both schools and students to enter the field. We have an apt opportunity, with title IV, to initiate a similar change and better coordinate and implement a national manpower strategy for the field of aging. It need not be done through new funding, for clearly, such new funding is an unrealistic approach in times of fiscal restraint in Washington. However, we can and must closely examine if we are spending the money we have now correctly, and with an eye toward the future.

The Subcommittee on Human Services published a landmark report in May 1980 entitled, "Future Directions for Aging Policy: A Human Service Model." This report closely examines our service-delivery capacity today and provides a thought-provoking model for service delivery in the world of tomorrow, a world which will vastly differ from today and one which requires an anticipation of the manpower needs to tomorrow. Our introduction depicts our view of the greying of America:

> Conventional wisdom sees this population transformation as a problem * * * In this view, the senior population is a burden, a drain on the economy, and a menace to our well-being. We, of the Select Committee on Aging however, see the growing numbers and proportions of seniors as a triumph—one for which this country can be justifiably proud. But every cultural advance is a double/edged sword; together with the benefits, there are disruptions. An aging America is no exception.

I plan to work to insure that this sword does not hamper the continuatin of the success story which is Aging in America. My own subcommittee plans a thorough investigation of this issue and I look forward to the development and implementation of a national manpower policy for aging that will be of benefit to us all—in the long run.●

VIEW OF THE NUCLEAR INDUSTRY

HON. JAMES WEAVER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. WEAVER. Mr. Speaker, I rise today to commend to my colleagues a book by Washington State writer Paul Loeb entitled "Nuclear Cultures: Living and Working in the World's Largest Atomic Complex."

The book has been critically acclaimed by the Washington Post, the New York Times, the Los Angeles Times, the Seattle Times, and many others. Studs Terkel has called Mr. Loeb's book as brilliant as it is disturbing. John Kenneth Galbraith described the book as "an important contribution on the issue on which all survival depends." I found Mr. Loeb's work a vivid, fascinating view of the nuclear industry from the vantage of workers in the Hanford Nuclear Reservation in eastern Washington State.

Built near a tiny farm town at the beginning of World War II, Hanford produced the plutonium used in the atomic bomb that leveled Nagasaki. As late as 1965, the area had seven reactors working solely to produce materials for nuclear weapons. Today, it has become, in Mr. Loeb's words:

> * * * an atomic reservation which includes the world's first full-scale reactors and largest known radioactive waste storage site, a billion-dollar test facility for the breeder technologies that represent the fusion industries' best future hope, and three commercial nuclear plants still under construction—which if completed will be the most costly nuclear reactors in history.

I would add here that one of those three reactors has been terminated, while construction of a second has been delayed indefinitely.

Mr. Loeb observes and records the daily lives of the workers in the Hanford complex. He follows the initial migrations of wartime workers through the boomtown period into the 1970's, when the construction of the commercial reactors by the Washington Public Power Supply System brought waves of "boomers" or transient construction workers from all over the country. His descriptions of these people, with their radically differing attitudes toward their work and the risk involved, is fascinating.

The book is objective and sympathetic toward its subjects. The questions it raises about the moral and ethical consequences of producing the tools of Armageddon, and the effects of that production on ordinary people, lie at the core of human survival. I urge you to read this book and the following excerpt:

> There are different levels of Hanford risk-taking. Being bombarded with gamma rays while spending your dosimeter-measured

half-hour in a hot zone is different from handling radioactive materials with tools and procedures that suposedly protect you from all exposure. The first situation demands faith both in the harmlessness of doses beneath the allowable threshold and in the stability of official threshold limits which have dropped from almost one REM a week in 1934 to fifteen a year in 1950 and five a year since 1957; the second requires only that containers, glove boxes and general mechanical systems will maintain their integrity. If one works at WPPSS, several miles away from any radioactive materials, there is only an abstracted responsibility for plants which often appear as if they'll never get built anyway. [The Washington Public Power Supply System, a consortium of public utilities, has been building five nuclear generating plants. Construction stopped as WPPSS ran out of money.]

One could make the harsh judgment that Hanford's workers are not victims but executioners poisoning the environment and future generations. But the men, women and children here would be the first affected by any hazards of their enterprise. No one wants anything but safety. Why expect atomic employees to take more responsibility for the consequences of what they produce than do workers in any other industry?

To the men and women who strolled through Columbia Center wearing their Area badges as casually as if they were decorative pendants, the atomic processes required perhaps special rules, but certainly no grand assessment of planetary impact. Some even made the risk a game, like the hot zone workers who wanted free time and burned themselves out prematurely by leaving their dosimeters adjacent to dental x-ray machines or other sources that would increase the amounts of radiation they registered. (Others were rumored to tamper the other way so as to gain more working hours, but as a Battelle dosimetry specialist said, "That's possible, but it would take a lot of technical sophistication.")

At times, the risks were treated as a macho challenge, as in the case of a pipefitter up from Texas to do some work for Battelle. Scheduled to take out some pipes in a hot zone, he'd been warned that the protective gear he'd have to wear would restrict his movement and be hot and uncomfortable. When he went in, instead of doing the job as quickly as possible and taking care to avoid any contact that could contaminate him, he grinned at his partners and did a chin-up on one of the pipes. Just to prove nothing fazed him, he did another and followed that with several more.

The radiation monitors were furious, of course, and made this completely evident when the pipefitter returned outside to change. But as he was taking off his coveralls he dropped an earring on the floor, and before they could react quickly enough to check it, he picked it up, popped it in his mouth, said "Got to keep it clean" and grinned even more broadly than before. The monitors surveyed his mouth, his clothes, his entire body. Fortunately, his contamination was minor and washed right off.

Perhaps the distance between Arthur Compton's coded message announcing Fermi's initial chain reaction success—"The Italian navigator has landed in the New World"—and the attitude of the Texas pipefitter or the commands of green tags—which proclaimed, even on reactor building toilets, "Custody of WPPSS. Start up only under the direction of WPPSS start-up personnel"—was that between a laboratory and a production factory. When the Z plant training manual suggests that workers view their operation "as either a complicated scrapyard where we clean up trash to collect plutonium . . . or a plant that refines high-quality chemical products," it presents an inducement highly different from either the allure of the Cerenkov glow [of radioactive material in a fluid] or the imperative to save America from the Nazi war machine.

A dulling of context also develops from the specific tasks performed. Hanford is an environment in which security requirements have traditionally mandated that only the most task-specific aspects of the job will be discussed, and in which nothing in the fragment component systems can give a sense of the products' ultimate implications. The old hands are isolated from people who work for any institution except the all-paternal Area. Their machine language is so safe and familiar they being to shy away from any other languages, from any other approaches. Given all this, it should have been no surprise that many here responded to questions I asked about the nuclear cycle by stating that they knew I was wrong, but my apprehensions could better be refuted by people in other departments. Or that one young woman I met knew that her husband worked "at the Area" but had no idea for which company or on which project. Or that a former head of Battelle was unaware of his own research lab studies indicating higher-than-back-ground radiation levels in the Columbia. Senses grew so narrowly focused here and the system they had to comprehend was so immense, that whether you bled and prayed for the industry or merely punched in every day, it became almost impossible to assess the import of what you did. It was easier to retreat to inventing for invention's sake or to logging your time for a paycheck.

The more Hanford jobs become sectored off and mechanized, the more they create an atmosphere of boredom. The more boring they become, the greater chance inattentiveness or sloppiness leads to mistakes. Sometimes the incidents are almost comic, as in the case of a security guard who found an abandoned wrench awaiting disposal in a hot zone. Without scanning it on any monitor, he tossed it over the perimeter fence, picked it up on the other side and placed it in his car. The wrench turned out to be contaminated. Monitors who surveyed the fence traced a radioactive trail to the parking lot. Since someone there has seen the guard, they asked where he'd gone after leaving, and the houses of both his wife and girlfriend he stopped to visit turned out to be contaminated. When the incident led to each of the women discovering the other's existence, both ended up leaving him.

In a far more serious 1976 incident, operators at the 242 Z building (an adjacent section Z plant) left a solution containing the highly redioactive element americium and the resin used to process it in a separation column for the duration of a five-month strike. Because the resin tended to break down and react in a volatile fashion with the nitric acid later added in processing, regulations prohibited the mixture being left in the columns for more than ninety days at a time. But the rules were ignored for column 14-A, and by the time sixty-five year-old nuclear-process operator Harold MacClusky came in for his mid-night shift after being back a few weeks, other workers had added the nitric acid. Within a couple of hours MacClusky noticed that the mixture in the column has an unusually dark, murky-orange color, and sent a sample to a lab for analysis. But before the results could come back, he heard a hissing sould and saw dense dark fumes rising inside the sealed glove box through which the column ran. He sent a co-worker out to call for help. He was looking in one of the lead-glass windows to determine what should be done when the solution exploded, blowing out the windows and glove ports and showering MacClusky with pieces of glass, resin, radioactive metal and nitric acid. MacClusky crawled from the room on his hands and knees, and in the process inhaled enough americium-laden fumes to ingest more radioactive material than any nuclear worker has ever done.

That MacClusky survived was due to months of intensive treatment in a special medical facility with lead-shielded baths, beds and operating tables; to massive injections of an experimental chelator that bonded to the americium and allowed him to excrete if from his body; and to the extended time period over which his radiation dose was absorbed (given his age, neither future cancer nor damage to reproductive chromosomes posed major worry). It took two and a half months before MacClusky's body had gotten rid of enough americium so people could stand next to him without special protection. Because of this and his freakish survival, he is now referred to as the Atomic Man.

Hanford workers call themselves pragmatic realistics. They say they deal with the world as it is rather than striving for utopian abstractions of how they might like it to be. They judge success in all ventures by what "works" and keeps the ventures going with maximum efficiency. Though they take pride, as they should, in their inventive abilities, they see little need to waste time evaluating the long-range implications of what they do.

Just as America is in general a culture in which most of us—only employees where we work and only transitory migrants in our communities—leave control of our world to others, the Hanford workers possess a range of vastly different sensibilities whose common thread is acquiescence to authority. The old hands who desire only to invent and to see their atomic mission bear fruit have a far different attitude from that of the young cynics who log their hours, doing as little as possible, then come home to "real life," their own private time. Certainly those old hands have a different outlook from those today who—like the Germans termed "inner immigrants" by Hannah Arendt because they always privately abhorred the Nazis—mistrust the potential consequences of what they produce. Yet these inner immigrants go in each morning to participate halfheartedly, just as they do in other industrial enterprises across the country. And, taking Z plant as an example, when a "campaign" is called for and plutonium is reclaimed and shipped out for uses that include production and development of the mononuclear warheads, neither the old nor the young ever refuse their assignments on moral grounds. Even as Hanford's routine inures people to the possibility that the technology they work with might somehow run out of control and create some catastrophic accident, so the daily repetition and tedium remove responsibility for another possibility; that the systems might all work, that the switches and circuits might all connect, and that weapons whose plutonium was produced here might bring atomic

holocaust to people the Hanford workers have never laid eyes on.

Except for a few phenomena such as the Cerenkov effect, nothing in the Hanford plants' physical presence makes them particularly fearsome. To be sure, the old reactors convey a certain Promethean menace as they rise out of the desert like demon machines from *Metropolis*. But images of hissing steam valves, dark corridors and smokestacks making the sky glow with their toxic effluents are all from an era which atomic technology was designed to replace. The colors here are not the reds and yellows of primeval furnaces or the black of the raw iron they produced, but the white, silver and hospital green of any controlled and sanitized environment. Whereas Vietnam opposition had an impressionistc backdrop of tracers, body counts and jungle rot, citizens confronting the dangers of Hanford must settle for images of deer grazing by the electrical towers, clouds piling high and red as in a William Blake painting while the sun sets on the Columbia, and wind blowing across sagebrush plains so calm and immense that it's easy to believe no human actions could ever affect them.

How long have people lived in a situation in which we encounter overriding dangers that are both delayed and invisible? The depredations of carnivorous beasts, of storms, of floods and droughts were all concrete and immediate. But now people are confronted with threats that cannot be seen, that have effects surfacing years or even generations later—and, in the case of nuclear warheads, that have not directly taken human life in thirty-five years.

Though Hanford's exceptional environment has furthered these risks, most of its residents treat it as routinely as did the Kennewick high school girl whose mother came home from Hanford saying "Guess what? My shoe got crapped up and they had to burn it." "But it was no biggie," the girl explained. "She went upstairs, took a shower and never mentioned it again." I asked if she herself had ever worried or talked with classmates about possible dangers. She lit a cigarette, played with her gold neck chain and answered: "No. Do the older people?"

Many trivialize, like the Hanford wives who compare spills of radioactive waste liquids to "flat tires that tell you when it's time to change something," who rationalize leak coverups as "mopping up your own kitchen mess instead of telling all the neighbors," and who consider Three Mile Island a "good thing because you don't stub your toe twice."

Most just go in every day to the Area because America is a country of empiricists, and radiation effects do not show up in bank accounts, do no appear on screens, and cannot be touched, seen or heard. They go in because they are pioneers, and "if Lewis and Clark had let minor problems stop them we'd never have migrated west of the Mississippi." They go in because nuclear work is simply the job that they do.●

ENTERPRISE ZONES

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Ms. OAKAR. Mr. Speaker, I wish to comment on a concept which I believe will help revitalize sorely depressed areas. This could certainly have a positive impact on the city of Cleveland. This concept is set forth in the Enterprise Zone Tax Act of 1982, H.R. 6009. The bill authorizes local and State governments to designate enterprise zones subject to Federal approval. Within these zones the Federal Government will offer major tax incentives for job creation and small business growth. I believe this bill will alleviate some of the growing hopelessness in areas which are in dire need of concrete concern that something is being done to improve the quality of the inhabitant's lives. It will give job training and purposefulness to communities where there was very little before this. It will create hubs of activity to revitalize both the physical and emotional climate in these neighborhoods.

Congressman BOB GARCIA and the President support the bill, I am a cosponsor.●

IDAHO SCOUT AWARDED MEDAL OF MERIT

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. HANSEN of Idaho. Mr. Speaker, it is always a pleasure to recognize the outstanding and often heroic achievements of individuals belonging to the Boy Scouts of America. One such Scout from Idaho's Second District, Matt Gregson, has been awarded the Medal of Merit for his "selfless service" to a fellow Scout. I am pleased to share with my colleagues the following account of Matt's courage as reported in this month's issue of Boys' Life:

STRUCK BY LIGHTNING!

On August 20, 1981, while camping in the Wind River Mountains, in Wyoming, Scouts Matt Gregson, 15, and Pat Dietch, 14, were struck by lightning when a thunderbolt hit a nearby tree and followed an underground root to their tent.

Stunned by the lightning bolt and able to move only one hand, Matt Gregson called for help. At first, Pat moaned, but then he was silent. With great effort, Matt placed the hand he could move over Pat's face and found Pat was not breathing.

Matt struggled to move his hand so he could apply pressure to Pat's lower ribcage. Pat soon gasped for air and started breathing on his own.

Despite burns to his chest and leg and considerable pain, Matt responded alertly and aided his friend. For his selfless service, Matt Gregson, a Star Scout in Troop 308, Chartered to the United Methodist Church, Pocatello, Idaho, was awarded the Medal of Merit.●

CARROLL T. DOZIER

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. FORD of Tennessee. Mr. Speaker, I would like to take this opportunity to recognize the outstanding accomplishments and contributions of the much loved bishop of the Catholic Diocese of Memphis, Carroll T. Dozier, as he retires from a long and distinguished service.

Bishop Dozier has been a friend to me and to the people of Memphis. In Memphis' most troubled times, Bishop Dozier offered a voice of reason and calm. Regardless of personal sacrifice he has always been quick to offer his spiritual guidance and energy to all those who sought his counsel. He has been a leader in both the spiritual and secular sense. He has had the vision and courage to speak up for what is right and to caution against expedient solutions to difficult problems. As Bishop Carroll T. Dozier retires, I would like to remind him that retirement is only a term, not a state of mind. I am confident he will continue to have an influential presence in our community.

Upon the celebration of Bishop Dozier's last liturgy, the following remarks appeared in the Commercial Appeal:

TWO THOUSAND JOIN DOZIER FOR LAST LITURGY

(By Peter Alan Harper)

A "heartbroken" Bishop Carroll T. Dozier yesterday celebrated what may be his last liturgy as 2,000 persons from the diocese he helped found joined him.

The 71-year-old bishop, who announced his retirement in July because of increasing problems with arthritis, joined with the priests of his domain in an outdoor retirement liturgy at St. Peter Village, the children's home, housing complex for the elderly and nursing home he helped create.

"Kind of heartbroken" is the way he described how he felt about performing this liturgy. "I guess it's a little sad that it's the end, in a way."

Bishop Dozier, the only bishop the 11-year-old Catholic Diocese of Memphis has known, sat in a wheelchair on a platform in front of the children's home. During the service, however, his voice was strong as he talked about his tenure.

"Dearly beloved. 'By the grace of God, so shall it be!' These are the words which end the first talk I gave in Memphis. It was at the coliseum on the afternoon of Jan. 6, 1971," the bishop said into the microphone clipped to his garment. "Today we glance back for a moment to see how well we fulfill the bright promise of yesterday."

The Catholic Diocese of Memphis covers the area between the Tennessee and Mississippi rivers within the boundaries of the state of Tennessee.

Bishop Dozier said he was the "first shepherd," who was to call the people in Jesus' name: "My call would have to be the word

of God, for I carry no other power within me."

During his years as bishop, he has put forth many calls—against racism and the Vietnam War—and, through his 1976 Masses of Reconciliation, welcomed back to the church many who had left for various reasons.

He issued another call yesterday, this one brief, to denounce humankind's tendency "to go down to Egypt for help. We are depending upon the modern horses of nuclear power. We put more trust in them because of their increasing number. We are tempted not to look to the Holy One of Israel and not to seek the Lord."

Bishop Dozier praised the founding mothers and fathers of the diocese for strengthening the parochial schools, but urged them to "rethink the school system and upgrade its importance to our young."

He also demanded action.

"St. James was the most provocative of the early church writers. He writes with the most uncanny sense of human fumbling. He says straight out: 'If all you do is listen to it—the word—you are deceiving yourselves.'"

At the end of the celebration, the priests presented Bishop Dozier with a motorized wheelchair, with a promise that he would be outfitted for another that would be contoured to his body.

"My people love me, they gave me an electric chair," he said. "I'm the only bishop with an electric chair."

The Vatican has announced no decision on a successor, and the bishop offered no mandate to whomever is chosen.

"Let him find his own challenges, but don't get me in trouble with the new man," the bishop said, noting that his accomplishments came from the challenges he faced.

It was a call to action from Bishop Dozier about five years ago for ecumenism that gathered clerics from different denominations, and yesterday, some of them sat in portable metal chairs in front of the platform.

"Well," laughed former CME Bishop John Madison Exum, "by being a retired bishop myself, I can share with him emphatically that he can remain with us in Memphis, that we can share with him his counsels."

Rev. Frank Lewis McRae, pastor of St. John's United Methodist Church, called the bishop the "dominant religious leader in this city since he arrived."

"This is his logo," Mr. McRae said, pointing to the banner flapping from the children's home, " 'In the beginning, God.' In the end, God, It's a sad day."

Rev. Tom Kirk, pastor of St. Joseph Church, who joined the bishop in celebrating the liturgy, said he enjoyed Bishop Dozier's "words and he will continue to be an inspiration to his church of Memphis, His mark on all these people is really indelible. The next bishop has a very alive people awaiting him and we're praying that the right person will be named the second bishop. Bishop Dozier will be a source of love and counsel to us."

Although 10,000 persons were expected at the liturgy, Sister Mary Anne Guthrie, the bishop's administrative assistant, said the cold weather and lack of permanent seats, as in the Mid-South Coliseum, probably kept older people from coming. She said she will become the administrator of the manor, a housing complex for older persons, starting Friday.●

THE JOB TRAINING PARTNERSHIP ACT

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. WORTLEY. Mr. Speaker, I urge my colleagues to vote "yes" on the conference report for the Job Training Partnership Act.

As we are all painfully aware, this is a time of high unemployment. It is also a time of economic transition and dislocation. Construction workers, factory workers, miners, and millions of unskilled youths, find themselves unemployed. At the same time, jobs go begging in our service and high tech industries. The Job Training Partnership Act is an important step toward addressing this problem.

The Job Training Partnership Act would replace the expiring CETA program. However, the most effective parts of CETA would be retained. Most important among these is the prime sponsor system. Local governments would continue to have responsibility for administering job training services. At the same time, area businesses would have greater influence over the development and implementation of an effective program. Together with the local government, private industry councils, consisting of representatives from business, labor, education, and community service organizations, would work to develop a program that was suited to the training for jobs that simply were not available.

Due to the cost-saving measures that are built into this program, the Job Training Partnership Act will provide skill training to over 1 million Americans at a fraction of the cost of CETA program. Seventy percent of every dollar appropriated by the Congress would go directly for job training. Although some stipends would be allowed for needy individuals participating in training programs, these stipends would come from funds earmarked for administrative and support service costs. Any individual who participated in on-the-job training would be paid at a rate equal to that provided workers in similar occupations.

In short, the Job Training Partnership Act will provide sorely needed investment in human capital and local economies. Unemployed and unskilled workers, and disadvantaged Americans would receive training for jobs that presently need filling. The benefits, therefore, will go not only to them, but to the entire economy.

Again, I urge the conference reports adoption by my colleagues.●

CLAY DAVIS ELECTED TO LEAD KENTUCKY BANKERS ASSOCIATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. ROGERS. Mr. Speaker, I would like to take this opportunity to bring to the attention of the Congress the election of Mr. Clay Parker Davis as president-elect of the Kentucky Bankers Association. Mr. Davis is the youngest man ever to be elected to this position.

Mr. Speaker, I would like to report this election to the Congress not just because Clay is my good friend, but because his election is good news for our country. Let me tell you why.

First, it augers well for the American banking community that a man of the insight, integrity, and dedication of Mr. Davis is rising to the fore. There are few men I can think of who are more capable of leading and representing the banking industry during these landmark days. And as one who has worked directly with Mr. Davis, I can assure you that the banking industry is in good hands in Kentucky.

But there is another reason that I would like to tell the Congress about Clay Davis' election. We have heard one doomsayer after another predicting that the vision of America as a land of opportunity has dwindled away—that American is no longer a country where a man can dream a dream and then work to see it come true. But Clay Davis is proof that the American dream is alive and kicking.

He began his career in banking—not in a gray pinstripe suit—but as the janitor of the Sadieville Deposit Bank. He climbed his way through the ranks, earning the respect and admiration of his colleagues each step of the way—through the ranks of the bookkeepers, becoming executive vice president and director of the First National Bank of Georgetown, and finally attaining the position of president of the Citizen's National Bank in my own town of Somerset, Ky. Clay Davis' success is testimony both to his own talents and to the vitality of the American dream.

At the same time that Clay Davis has risen to prominence in his career, he has become a pillar of his community. He has given new meaning to the term "public service"—and if he keeps on at the rate he has been going, the dictionaries will have to coin a new term just to describe all he has done for his community. He has served as director of the Industrial Foundation in Somerset, president of the Somerset United Way, member of the advisory board of the Somerset Community College, adviser to the Governor's Economic Development Commission, vice

president of the executive council of the Blue Grass Council of the Boy Scouts, and president of the Somerset YMCA. Wherever there has been a public need, Clay has come forward to lend his help.

Clay Davis presents a rare record of accomplishment. Today I would like to congratulate Clay Davis on his election and to present his record of accomplishment to the Congress in the hope that it can serve as a model for similar achievement in each of my colleagues districts.●

ASCS COMMUNITY COMMITTEE SYSTEM

HON. CHARLES ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. ROSE. Mr. Speaker, today I am introducing legislation to protect and strengthen the local ASCS community committee system.

The individuals who serve on this Nation's community committees are to be applauded for their contributions to our farm programs. The function of an ASCS community committeeman is vital to the farm network in this country, and we need to insure that our farmers have input into the farm programs which affect them. We also need these community committeemen out there in the fields, on a day-to-day basis, working with the farmers and explaining any changes which may occur in the Department of Agriculture's farm programs.

American agriculture is currently facing the hardest economic times it has encountered since the Great Depression. The community committee structure evolved as a result of the hard times this Nation's farmers were facing in the 1920's and 1930's, and the function which the ASCS community, county, and State committees were organized to perform is still vital to the welfare of this Nation's farm community.

Unemployment rates in agriculture are currently 14.3 percent, soil erosion is occurring at unprecedented rates throughout this country, and our farmers are not being encouraged to continue in the vitally important occupation of farming. We need to hear from the farmers and we need to continue to work with our community committeemen to address the problems American agriculture is currently facing.

I believe that my bill will strengthen the farmer network, and I question the wisdom of any individual involved in the administration of this Nation's farm programs who would claim that newspapers, radio, or television, can take the place of the ASCS community committeeman out in the field. My bill will insure that this vital part of our Nation's farm network, the ASCS community committees, continues to operate effectively.●

COMMENDING EVERYBODY'S MAGAZINE

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. DYMALLY. Mr. Speaker, I wish to commend Everybody's magazine and its publisher, Herman Hall, for outstanding and excellent coverage of international events.

Recently, Everybody's magazine was given the award for exceptional international reporting by the National Association of Black Journalists. Everybody's magazine was cited by a panel of judges for its overall coverage of the Caribbean. The coverage of Reggae singer Bob Marley and Dr. Eric Williams, the Prime Minister of Trinidad and Tobago, were indications of the magazine's sustained level of excellence.

Established in 1977, Everybody's magazine remains one of the few American publications to provide in-depth coverage of Caribbean affairs and activities.

Through the tireless efforts of its publisher, Herman Hall, Everybody's magazine has truly taken its place among the ranks of international publications.

We in the House of Representatives salute Everybody's magazine and Herman Hall, especially, for their innovation and insight in the coverage of Caribbean and world matters.●

LABOR-MANAGEMENT RELATIONS

HON. HAROLD WASHINGTON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. WASHINGTON. Mr. Speaker, I feel that the attention of the Congress and others who are concerned with decent labor-management relations in this country should be aware of a situation in Chicago where 30 workers participated in a strike against a large conglomerate that had recently acquired the company where they are employed. The new owners initiated practices designed to reverse the excellent labor-management relations which had prevailed for 22 years under prior ownership. The workers are seeking a contract that would preserve their rights and dignity as union members with wages, benefits, and working conditions determined by genuine collective bargaining.

The following article that appeared in the Chicago Sun-Times newspaper on August 22, 1982, gives a quite accurate account of the concerns which led to the strike by members of local 743. Situations like this, if left unresolved, threaten to further reduce U.S. productivity. They also point to why we need to strengthen and maintain the integrity of the National Labor Relations Board.

I commend the Sun-Times article to your attention.

[From the Chicago Sun-Times, Aug. 22, 1982]

UNION, SUBURB FIRM PLAY BITTER WAITING GAME

(By James Warren)

As usual, Ella Cornelius arrives at Durabond Products in Rosemont at 7 a.m. But these days she merely sits outside the adhesives plant in a hot sun—part of a curiously fierce labor tussle.

It pits 25,000-member Teamster Local 743, biggest local in the nation's biggest union, against Durabond, a wholly owned subsidiary of U.S. Gypsum, a $1.5 billion giant with a hard-nosed reputation in labor relations.

The dispute involves 30 semiskilled workers earning between $6 and $7 an hour. Yet a five-week strike has proved so frustrating that the union sought the aid of former Chicago Mayor Michael A. Bilandic, son-in-law of Gypsum Chairman Graham Morgan.

Bilandic politely said he couldn't assist. Now, the union may turn to company directors who include Robert Strotz, president of Northwestern University. The roundabout path, the union maintains, is dictated by an inability to even get phone calls returned from top Gypsum officials.

"This is the worst and most frustrating company I've ever come across," said Donald Peters, the publicity shy president of Local 743.

His assertion might be deemed laden with hyperbole. Still, it's intriguing because Peters has been a unionist 44 years and his huge, eclectic local—including secretaries and animal caretakers at the University of Chicago, computer operators, diamond cutters but no truckers—deals with 400 employers.

Moreover, as Chicago management lawyer Richard Laner noted, Local 743 has a reputation of being "reasonable and responsive to companies, especially in these difficult times."

In 1953 it organized Durabond, which, until 1975, was part of Chicago Mastic Co. Relations were cordial. Then Gypsum, which declines comment on the strike or related matters, bought Mastic. Life apparently changed.

It demanded to extend a contract then in effect for 18 months, revealing a plan to close either the Rosemont or a similar Detroit facility. When the Detroit plant was shut, the union agreed.

"Even routine grievances became big issues with the company refusing to settle," said a union business agent. "After an arbitration was finished, they'd force us to arbitrate the right of arbitrate."

A two-year contract signed in 1978 brought matters to a head. Having previously frozen wages the Teamsters requested bargaining over a wage "reopener," a provision allowing for possible raises, in the second year.

The company balked and the union raised the possibility of a strike. The company maintained that was illegal under terms of the pact. The dispute was litigated and the union won. By the time the company exhausted its final appeal, significant layoffs had taken place and a new problem loomed.

Durabond sought to decertify the union and thus get rid of the Teamsters. The union won that test by a large majority. By the time that confrontation ended, the old pact had expired and talks began on a new one.

Comparison of the old pact and Durabond's final proposal indicates that, despite increasing wages, it wanted to emasculate clauses mandating seniority in layoffs and recalls, assuring no sex, age or racial discrimination and "reasonable provisions" to maintain employee health and safety (especially sensitive because 16 workers were injured in a 1977 blast.)

"I really and truly have seen a company try to gut a contract like this for no apparent reason," said Peters. "We asked, 'Why do away with the non-discrimination and health and safety clauses?' They didn't answer."

There have been several picket line arrests. Most of all there has been a tiresome, 24-hour picket vigil including people who, until July 19, just looked forward to a quiet retirement.

They include Cornellus Gray, 65, who started at $1.25 an hour in 1954. Durabond would have him back if he crossed. Nobody has and Gray won't.

"There used to be a lot of love in the place but now there's just a lot of hatred," Gray said last week. "Things really changed with a new employer. Oh, no, I won't cross."●

THE FIRST ANNIVERSARY OF ANWAR SADAT'S DEATH

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. COURTER. Mr. Speaker, next week, October the sixth to be precise, marks the first anniversary of the tragic assassination of Egypt's greatest ruler in modern times, Anwar Sadat. For those of us who knew him, his removal from the world scene was a painful blow and his absence is sorely felt. He was a genuine and warm individual who loved his people, his land, and his family. He also was very proud of his relationship with the United States, and his smile and gestures became endeared to all of us. Above all, he alone among all Arab leaders had the courage and foresight to make peace with Israel and recognize israel's right to exist. He truly deserved the Nobel Prize for his daring and constructive actions in the face of Arab rejection.

Anwar Sadat was an Egyptian and Arab patriot, an outstanding friend of the United States, and a man whose portrait will always remain on prominent display as a reminder of our friendship and his sacrifices for world peace and the betterment of his people.

Thank you Mr. Speaker.●

ST. LAWRENCE SEAWAY

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. PURSELL. Mr. Speaker, as America moves through the midst of a new, and hopefully stronger, economic period, I believe it is essential to remember the indispensable role of transportation in economic stability and expansion. One challenge I am currently undertaking in this area involves the St. Lawrence Seaway and its contributions to economic growth. To fully utilize the seaway and the five connecting Great Lakes, two problems must be addressed: the seaway's current debt and debt repayment structure; and the relatively outdated nature of its major locks. Overall, it is my intent to closely examine the potential of the seaway and initiate actions which will increase its utilization.

Before the end of calendar year 1982, the St. Lawrence Seaway will have provided for the movement of 1 billion metric tons of cargo. David W. Oberlin Administrator of the St. Lawrence Seaway Corporation, notes that movement of a billion metric tons of cargo, "has meant billions of dollars in direct and indirect benefits to port communities on the Great Lakes." Seaway commerce dollars, like those dollars created by the agricultural and manufacturing sectors of our economy, mean jobs for the Great Lakes States and shippers utilizing the St. Lawrence Seaway. Although the seaway has averaged 50 million metric tons of cargo annually, it appears that without congresssional action on the debt and locks, problems, future growth may be limited.

In August of this year, I visited the headquarters of the St. Lawrence Seaway Corporation in Messena, N.Y., and traveled by tug throughout the locks in the vicinity of Messena. During this day-long working tour, I discussed with Administrator Oberlin ways to increase its future use.

In addition to this effort, I have undertaken a careful review of marketing, locks modification, and economic expansion studies. During the next several months, I will be meeting with the U.S. Corps of Engineers to determine the most productive, cost-effective methods by which the seaway's potential can be more fully realized.

These actions are significant in light of the important contributions of the seaway to growth in the heartland of America. Beginning with President Hoover, continuing through President Roosevelt, with the official opening during the Eisenhower administration, the seaway has attracted support. Former Michigan Congressman George Dondero, former Minnesota Congressman John Blatnik and former Wisconsin Senator Alexander Wiley successfully moved the idea of the seaway through Congress.

The early years of the seaway and connecting Great Lakes were used primarily for the transport of raw materials like iron ore and coal. However, the commercial traffic found in the seaway quickly took on an international flavor as President Eisenhower's dream of presenting to the world a 2,300 mile waterway became a reality. The potential for utilization of the seaway as a link to the world's major commerical markets remains as great as ever.

The challenges confronting the seaway will force serious consideration of measures to modernize its locks system, to expand in both quantity and variety the nature of commodities moving through it, and resolving the problems caused by an unmanageable, impractical debt structure. I am fully committed to undertake these challenges so that the seaway can contribute to Michigan's and our Nation's future economic growth.●

ASBESTOS VICTIMS OF AMERICA DAY

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. PANETTA. Mr. Speaker, today, I am introducing a resolution to designate October 9, 1982, "Asbestos Victims of America Day". This resolution seeks to provide Federal recognition to the millions of victims suffering from asbestos related diseases.

We have become all too familiar with the harmful and terminal effects of asbestos related diseases. Day after day, we read of more workers who are found to have been exposed to asbestos in their workplace, and how this exposure has disrupted their normal and daily lives. Many productive and hard-working citizens have been forced to seek early retirement because the affliction of asbestos-related ailments.

The fact is that the recognition of the hazards of asbestos to the human health is not a recent phenomenon. In the first century, there were writings of a sickness of the lungs in workers whose occupation was the weaving of asbestos into cloth. However, the association of asbestos with chronic respiratory disease had to be rediscovered in the modern era. A series of case reports was followed by an epidemiologic study published in London in 1930, and the cancer producing potential of

asbestos was established in 1949 when a report was published describing an excess of cancer of the lung and pleura among individuals dying from asbestosis. It has been proven that among asbestos workers, there is, in addition to the risk of asbestosis, a greatly increased risk of death from lung cancer and from pleural and peritoneal mesothelioma, malignancies that are seldom found in the general population. Moreover, asbestos has been linked with gastrointestinal, oropharyngeal, and laryngeal cancer.

Mr. Speaker, some of the statistics representing the effects of asbestos are discouraging. Since the beginning of World War II, over 27 million workers have been exposed to asbestos, and it is estimated that 50 percent of all asbestos insulation workers die of cancer. In addition, it has been concluded that asbestos workers who smoke have an incidence of lung cancer 90 times greater than workers who smoke but are not exposed to asbestos.

Beyond the debilitating effects of asbestos related diseases, these victims have been met with great difficulty in seeking appropriate compensation. Neither the Federal Government nor State governments provide adequate compensation for death or disability to asbestos victims. These persons are forced to seek appropriate recourse through legal remedies. However, this long and ardous process, many times, places additional stress on the asbestos victim, with out any measurable productive result in the end.

Santa Cruz, Calif, will be celebrating Asbestos Victims of America Day on October 9, 1982. This is the second year of this celebration. Appropriate resolutions commemorating this day have been adopted at the local level. Similar actions at the State level are being considered. Clearly, Federal recognition of this day, and recognizing the needs of asbestos victims is appropriate and deserving. I urge the support of my colleagues for this resolution. Following is the text of this resolution:

H.J. RES. 621

To designate October 9, 1982, as "Asbestos Victims of America Day".

Whereas, over 27 million Americans working in industries since World War II have been exposed to asbestos;

Whereas, 45 percent of all those heavily exposed to asbestos may have asbestos related diseases;

Whereas, 50 percent of all asbestos victims will die of cancer;

Whereas, few States provide adequate benefits for the death or disability due to asbestos-related diseases;

Whereas, asbestos victims have been forced to seek legal remedies to acquire compensations; and

Whereas, Santa Cruz, California will officially recognized the plight of the million asbestos victims: now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That October 9, 1982, hereby designated "Asbestos Victims of America Day", and the President of the United States is authorized and required to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.●

NRC AUTHORIZATION BILL

HON. RAY KOGOVSEK

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. KOGOVSEK. Mr. Speaker, my district encompasses most of the uranium resource areas in Colorado. Unfortunately, the uranium industry in my State, like that in other States, has been caught in a devastating squeeze. In particular, it is faced with a flood of imported uranium offered at prices far below what it costs to produce uranium from domestic resources. As a result, domestic uranium prices have plummeted and now stand at only about $17 per pound. In the meantime, costs to produce uranium domestically are ballooning due in large part to more and more stringent Government regulations. Because of this squeeze, our domestic industry is being riddled with mine and mill closings. Thousands are unemployed. There is little or no new exploration.

This situation is simply intolerable. It is vital to our Nation's security and our overall energy program to maintain and to assure a viable domestic uranium industry. I am therefore extremely pleased to see that the conferees have adopted language to encourage DOE and the President to take appropriate action to adjust enrichment and importation of foreign uranium and to enhance the demand for domestic uranium. The principal objection to the import provision lodged by the administration is that it is purportedly inconsistent with free trade policies. I certainly believe that free trade is a good thing. However, trade in energy resources, and in uranium in particular, is anything but free. Under the circumstances, the Nation must take appropriate steps to assure that it can take care of its needs and protect its national security interests in this vital energy resource. My chief concern is that the provision does not go far enough. I understand that DOE even now has a draft report indicating that immediate action is required in order to preserve domestic uranium production capacity. I urge DOE and the administration to take appropriate steps in response to this legislation to assure the viability of our doemstic uranium industry.

I am pleased that the conferees have reported language clarifying that EPA and NRC neither can impose arbitrary requirements upon our domestic industry nor can shy away from careful analysis of the nature of the hazard involved and the appropriate form of remedial action required. I am troubled by testimony by numerous experts, including members of the NCRP, criticizing basic assumptions and approaches to mill tailings identified with NRC and EPA. I applaud the fact that the conferees have affirmed that although cost-benefit optimization/analysis is not mandatory, the EPA and NRC must assure that the burdens imposed by their requirementsre are commensurate with the risks averted. This obviously means that insubstantial hazards need not be addressed. I believe that these clarifications should assure the agencies that they have the necessary flexibility to develop reasonable and responsible regulations. We all recognize that the primary duty of EPA and NRC is to protect the public health and the environment, and we all certainly want that duty to be discharged in the case of mill tailings. However, this is not, and cannot be, a blank check to impose unwarranted regulatory reguirements or excuse the agencies from their duty to exercise their best technicial judgment based upon a sound factual record in evaluating the risks and in devising cost-effective and justifiable remedial actions.

I also note that the conferees have affirmed that NRC is not empowered to dictate terms to States which regulate their own mill tailings on pain of loss of their regulatory authority. The amendment clarifies that agreement States may diverge from requirements which the States find impracticable and the statutory and report language reaffirms that no dual regulatory jurisdiction is intended.

I wish to express my appreciation to the chairman of the conference committee, Mr. UDALL, for his good work in reporting these vital provisions and I encourage all my colleagues to support them.●

FARMERS 'RE HURTING—THEY ARE BROKE

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. SIMON. Mr. Speaker, 2 years ago, while campaigning in Iowa for the office he now holds, President Reagan delivered a speech scoring the agricultural programs of the Carter administration and outlining what his own goals would be.

At the conclusion of that speech, he made two promises. He promised that the entire thrust of the 1981 farm bill would be to make farming profitable again and he promised that profit would be the keyword in his goal for American agriculture.

Two years later, net farm income—the measure of the profit the President promised—has dropped to its lowest levels since the Depression. And at a very instructive hearing on the state of the farm economy held by the House Committee on Agriculture earlier this week, the entire panel of witnesses, from independent economists and analysts to Dr. Lesher speaking on behalf of USDA, could not offer any hope that the farm situation looked any better for next year. When Dr. Lesher was repeatedly asked whether or not farmers are better off now than they were under the previous administration—one of President Reagan's favorite campaign questions—he could not offer a positive response.

In a letter I recently sent to some farmers in my district, I said that farmers are hurting. This week I got a letter back from one of them, disagreeing with me. He said, "Farmer aren't hurting—they're broke." The President's promises of support for the preservation of family farms are going to ring hollow this winter as family after family will face foreclosure.

We have given the President the economic package he asked for, but the economy continues to stagnate and unemployment continues to rise. We gave the President his farm bill, and have lower prices and lower net income in return. We heard promises to aggressively expand agricultural exports, then saw a push instead for only a short-term agreement with the Soviet Union.

Farmers need more than our words and our promises. Farm groups across the country are organizing and uniting to press upon us their concerns and plans for change. We need to work with them in our districts and work together here to turn the farm economy and our country around.●

A TRIBUTE TO CPL. DAVID LEE REAGAN, USMC

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. WHITEHURST. Mr. Speaker, all of us are saddened by the news of the death of Cpl. David Lee Reagan and the injury of three other marines in Beirut yesterday.

It is always tragic when a young man is struck down so early in life, and yet we are inspired by Corproal Reagan's devotion to duty. He stands in line with thousands of marines who paid the supreme sacrifice for their country. On a distant shore, among people who have known untold horrors of death and destruction, Corporal Reagan came in the cause of peace. His death is a cruel twist of fate, for he fired no shot in anger, confronted no foe on the battlefield, yet his sacrifice is no less meaningful. Americans can take pride that they have men who, under any circumstances, are willing to step forth in the name of peace, as well as in conflict with our enemies.

I take this occasion also to extend my condolences to his family on their grievous loss. This body can only share their grief, while acknowledging its gratitude for Corporal Reagan's sacrifice.●

PENNSYLVANIA STATE SPORTS HALL OF FAME

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. YATRON. Mr. Speaker, on October 30, five individuals from the Sixth Congressional District of Pennsylvania will be inducted into the Pennsylvania State Sports Hall of Fame. The ceremonies will take place in Hazleton, Pa.

From Schuylkill County, Joe Baluis, Jack Dolbin, Billy Rogers, and Thurman "Tubby" Allen will enter the ranks of the outstanding athletes of the Commonwealth of Pennsylvania. From Berks County, Ron Krick, an all-State basketball star who led West Reading High School to three State titles and then played at Cincinnati University will be inducted.

William G. "Billy" Rogers is a legendary athlete in Schuylkill County. He is universally acclaimed as one of our foremost football players and boxers. Mr. Rogers was a defensive-offensive end with the 1932-36 State champion Shenandoah Presidents. He holds many pass catching records and also gained considerable recognition as an accomplished heavyweight prize fighter and later as an outstanding fight referee and judge. His most memorable fight was with then AAU Heavyweight Champion, Al Swilp, whom Bill defeated. An extremely versatile athlete, Mr. Rogers also played baseball with the Mahanoy Plane Club. Billy Rogers is a close personal friend and I believe he is most deserving of this prestigious award.

The other athletes to be inducted are also outstanding representatives of their sports. Joe Balsis is a world champion billiard player, he has won many major tournaments and is considered one of the greatest of all times. Jack Dolbin was one of the best football players ever to come out of Pottsville High School. He went on to stardom in college and the National Football League as a player for the Denver Broncos. The late Tubby Allen was a renowned high school football and basketball coach, as well as an important professional football coach.

I know that my colleagues will join me in paying tribute to these fine athletes on the important occasion of their induction into the Pennsylvania State Sports Hall of Fame.●

IMMIGRATION EMERGENCY ACT, H.R. 7234

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. McCOLLUM. Mr. Speaker, the memory of the Mariel boatlift in the spring of 1980 is not yet forgotten—the American people are still suffering from the effect of the mass invasion of 125,000 Cubans—many of whom were criminals or mentally ill prison inmates. The uncontrolled boatlift that took place decisively showed the lack of clear executive authority to put a stop to this type of invasion. Last night I introduced the Immigration Emergency Act, H.R. 7234, along with my colleague Representative SHAW, to give clear emergency authorities to the President so that we can appropriately meet head on any future Mariel-type emergency. The present laws are ambiguous and we must have a statutory plan of procedures and defined authorities for this purpose. The Immigration Emergency Act would permit the President to invoke for periods of 120 days special powers that are tailored to respond to the types of enforcement problems previously faced in south Florida. We should learn from this experience and move forward with this legislation.

As a member of the Immigration Subcommittee of the House Judiciary Committee, I plan to pursue this measure and will urge that hearings be scheduled as soon as possible. Following is a detailed section-by-section analysis of H.R. 7234:

DECLARATION OF THE EMERGENCY

This legislation permits the President to declare an "immigration emergency" and invoke special powers in response to a threatened massive influx of visaless aliens.

Section 240A(a) allows the President to declare an immigration emergency if, in his judgment, three conditions are met: (1) a substantial number of undocumented aliens are about to embark or have embarked for the United States; (2) the procedures of the Immigration and Nationality Act or the resources of the Immigration and Naturalization Service would be inadequate to respond to the expected influx; and (3) the expected influx of aliens would endanger the welfare of the United States or any United States community. The Secretary of State and the Attorney General would advise the President concerning the need for and the consequences of declaring an emergency.

Subsection (b) of Section 240A provides that within forty-eight hours of the declaration of an immigration emergency the President must inform the President pro-tempore of the Senate and the Speaker of the

House of the reasons for invoking the emergency provisions. The emergency would end automatically after 120 days, or earlier if ordered by the President, unless extended for an additional 120-days period or periods by the President.

It is important for the President to be able to declare a separate and limited "immigration emergency" should the need arise, and not to place sole reliance on existing emergency legislation. While the International Emergency Economic Powers Act, 50 U.S.C. 1701 et seq., gives the President broad powers and could conceivably be invoked in a situation where there is an actual or threatened mass migration of visaless aliens to the United States, to exclusively rely on IEEPA would be unsatisfactory.

EMERGENCY POWERS

Section 240B of the bill sets forth the emergency powers and procedures which could be invoked pursuant to a declaration of an emergency. Under subsection (a)(1), the President could restrict or ban the travel of vessels, vehicles, and aircraft subject to the jurisdiction of the United States to a designated country or area. This subsection would also authorize the interception of such vessels, vehicles, and aircraft travelling to the prohibited country or area and permit their forced return to the United States, or to other reasonable locations. Intercepted conveyances not likely to violate the travel restrictions could be allowed to proceed freely to other places.

Subsection (a)(1) would have a clear impact on the constitutionally protected right to international travel. However, in *Haig* v. *Agree*, 453 U.S. 280 (1981), the Supreme Court noted that "the freedom to travel outside the United States must be distinguished from the right to travel within the United States." 453 U.S. at 306 (emphasis in original). It is clear from the *Agee* decision, that the right to travel outside the United States can be restricted subject to due process limitations.

This emergency legislation provides the requisite due process by establishing a licensing process in Section 240C which would allow the government to approve such travel where adequate safeguards exist to insure that the Government's interests are protected.

Subsection (a)(2) of Section 240B enables the President to ban the transportation of aliens on vessels, vehicles, and aircraft subject to United States jurisdiction regardless of whether the aliens claim to be en route to the United States. Moreover, this transportation ban could apply to aliens of a specific nationality or citizenship, and not merely to those aliens who might otherwise be picked up by United States transporters in the foreign country of concern. Specific permission for such transportation may, nevertheless, be obtained pursuant to the licensing provisions of Section 240C.

This transportation ban is important because it is useful in preventing circumvention of the travel ban contained in Section 240B(a)(1). The transportation ban would clearly prohibit United States residents from taking their vessels, for example to third countries in order to pick up aliens coming from the designated country. Second, it adds to the law enforcement powers of the government with respect to the detection and apprehension of violators. Thus, it would not be necessary for the government to establish that a particular vessel journeyed to the designated country before enforcement actions could be pursued, if aliens of the pertinent nationality or citizenship were found on board. Third, this power will give the President more flexibility during an emergency because he could opt to invoke only this transportation ban and not the broader travel ban, if circumstances warranted.

Subsection (a)(3) of Section 240B permits the President to block the arrival in the United States of aliens coming from the designated country. First, the President may preclude the entry of vessels, vehicles and aircraft of a foreign nationality into the territorial sea or into the waters, lands and airspace over which the United States exercises any customs, fiscal, immigration or sanitary jurisdiction. Second, vessels, vehicles and aircraft subject to United States jurisdiction carrying any such aliens can be required to return with their illegal passengers to the designated country or to another reasonable location. If need be, the government may forcibly return the means of transportation, or just the aliens as circumstances may warrant. The return of any aliens to the designated country or to any other suitable country or area is to be accomplished consistent with this nation's international obligations concerning refugees, but the procedures to screen for possible refugees are left to the determination of the Attorney General because of the obvious need for great flexibility.

Subsection (a)(4) of Section 240B would exempt actions taken during an immigration emergency from the restraints of the nation's environmental laws. The first paragraph merely references existing Presidential exemption authority under the Clean Air Act, Clean Water Act, Safe Drinking Water Act, Resource Conservation and Recovery Act and the Noise Control Act. The second paragraph provides the President with additional exemption authority with respect to other major Federal environmental requirements, as well as state and local requirements, but limits that authority in that it must be closely tied to the demands of an immigration emergency. The third paragraph permits the President to order a particular source, activity or facility of any department, agency or instrumentality in the executive branch to satisfy standards the President may prescribe or may adopt from existing standards, without creating a private right of action to seek compliance with the Presidentially set standard.

The fourth paragraph allows the President to continue to invoke these environmental exemptions, as long as circumstances arising from the immigration emergency warrant it, in increments not to exceed one year at a time, even though the immediate need for the other emergency powers has ended and the immigration emergency has formally terminated.

Subsection (b) of Section 240B gives the Government broad detention powers over illegal aliens coming into our custody as a result of circumstances surrounding an immigration emergency. Whether or not a particular alien is subject to exclusion or deportation will be determined under the existing procedures of the Immigration and Nationality Act. However, this subsection makes it clear that, except as to military facilities, the Attorney General has complete discretion as to where such aliens will be detained, including in federal or state prisons or in local facilities where appropriate. This subsection is not intended to grant the Attorney General power to direct other governmental agencies to house detained aliens. The power to request assistance from such agencies is set forth in subsection (c) of Section 240B.

If an alien is found excludable he can be detained until such time as he can be deported. The language of this subsection is also intended to permit the indefinite detention of the alien if no country is willing to accept him, such as occurred in the Cuban flotilla situation. The Attorney General's decisions on whether and where an alien should be detained are not subject to judicial review; however, a detained individual can obtain habeas corpus review on the issue of whether he falls within the category of aliens subject to detention.

Subsection (c) of Section 240B authorizes the President to designate an agency or agencies which are to be responsible for carrying out the emergency provisions once they have been invoked by the President. In addition, state or local agencies or any civilian Federal agency may be called on for assistance. The President may direct that any component of the Department of Defense provide assistance. By specifically permitting the Army, Navy, and Air Force to enforce these provisions, any problems with the Possee Comitatus Act are eliminated. State and local agencies would be called upon to render aid within the limites of their general competence and would not be asked to make asylum and admissibility determinations.

Subsection (c) also grants search and seizure powers to agencies enforcing the provisions of this emergency legislation. The body of law governing the search and seizure powers of the INS and Coast Guard has seen some changes in recent years, and no attempt has been made to define the permissible limits of law enforcement in this respect. The actual exercise of these search and seizure powers would, however, be consistent with prevailing interpretations of the Fourth Amendment and the authority to board and search, in international waters, vessels, believed to be subject to the provisions of this legislation is to be exercised consistent with international law as determined by the Executive Branch. The scope of permissible Coast Guard inspection is restrictded to those matters reasonably relating to checking documentation and safety. However, where probable cause or reasonable suspicion of criminal activity arises during such an inspection, the inquiry and search may be appropriately expanded. Aside from administrative inspections, brief investigatory interceptions of vessels may be permissible if there is a reasonable suspicion of a specific violation.

Subsection (d) of Section 240B provides that agencies will have the same authority as they now have for disaster relief under 42 U.S.C. 5149. Under 42 U.S.C. 5149, a Federal agency in a disaster type situation can, with the consent of a state or local government, utilize the services or facilities of such government. In addition, 42 U.S.C. 5149 authorizes a Federal agency to hire temporary personnel and to purchase, rent, or hire equipment, materials and supplies for such things as shipping, travel and communications and for the administration and supervision of such activities.

TRAVEL RESTRICTIONS AND LICENSING

Section 240C provides for travel and transportation restrictions on vessels, vehicles and aircraft subject to United States jurisdiction and contains provisions to permit otherwise banned travel or transportation by way of regulation or individual licensing.

Subsection (a) of Section 240C is intended to make it unlawful for any person to violate the travel and transportation bans

which the President may invoke under Sections 240B(a) (1) or (2).

Subsection (b)(1) of Section 240C enables the agency designated to administer these provisions to exempt various classes or categories of aliens and of vessels, vehicles or aircraft from the travel and transportation bans. Thus, common carriers could receive a blanket exemption if the designated agency were convinced that permitting such travel would not result in the arrival of the visaless aliens.

Subsection (b)(2) provides for judicial review of final decisions denying permission to travel or transport under this section. If a person can demonstrate that he would suffer irreparable injury before a final administrative decision is rendered he can seek immediate judicial review.

Under subsection (c)(2) of Section 240C, the burden of proof is placed on anyone seeking travel or transportation permission to show that the proposed travel or transportation of aliens will not result in or contribute to a violation of any United States law.

PENALTIES

Section 240C provides for both civil and criminal penalties for any violation of Section 240C (a). Subsection (a) provides for a civil fine of up to $10,000 and the forfeiture of any vessel, vehicle or aircraft which is used to violate the travel or transportation restrictions imposed in Section 240c. The same forfeiture procedures that are used in other immigrations related forfeitures are adopted for purposes of this provision. A person who knowingly engages in conduct prohibited with respect to travel or transportation restrictions is guilty of a criminal offense and is subject to a fine of up to $50,000 and imprisonment for up to five years.

MISCELLANEOUS

Subsection (a) of Section 240E provides that violations of the immigration laws committed during an immigration emergency may be investigated by various Federal agencies. Once one of these agencies commences an investigation of a violation, it may conclude the investigation even though the immigration emergency has ended. This provision also specifies that assistance in investigating or enforcing provisions of the Immigration and Nationality Act generally may be provided by other Federal agencies including the Army, Navy and Air Force and also from state and local agencies. By specifically including the Army, Navy and Air Force, any problems with the Posse Comitatus Act are eliminated. Any assistance provided by state or local agencies would be within their general areas of competence. State and local officials would not be expected to make determinations requiring specialized knowledge of our immigration laws.

Subsection (b) of Section 240E makes it clear that the fact that an immigration emergency has been declared does not relieve any carrier or other person from any of the other civil or criminal liabilities, duties or consequences which arise elsewhere from the transportation or the bringing of any alien to the United States.

Section 240F provides for funding, and specifies that appropriated amounts are to remain available until expended.

DEFINITIONS

Section 240G contains definitions which apply to the terms used in Sections 240A through 240F.

The terms "vessel," "vehicle," and aircraft" are broadly defined to include every possible means of transporting or conveying people.

The phrase "vessels, vehicles, or aircraft subject to the jurisdiction of the United States" includes every such means of transportation which is in any way controlled by United States citizens, residents or corporations, unless the vessel, vehicle or aircraft has specifically been accorded foreign nationality in accordance with international law. While the definition is intended to be broad, this legislation is not intended to restrict the movement of military, law enforcement and similar public vessels, vehicles and aircraft while engaged in their proper activities.

The term "designated foreign country" can include more than one country, as well as geographical areas and distances from or around such countries or areas.●

MADD IN MICHIGAN

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. PURSELL. Mr. Speaker, this week the House of Representatives passed H.R. 6170 which encourages States to adopt and improve programs designed to reduce traffic safety problems arising from alcohol abuses.

In the last decade the problem of drunk driving has evolved from a social stigma, lightly brushed off as commonplace and almost acceptable, to a serious problem receiving national attention.

Many States have stringent penalties for convicted offenders, but for the first time, these penalties are being imposed widely and with a significant effect.

I would like to bring to the attention of this body a successful effort which has occurred during this week in my State of Michigan to deal with the problems arising from drunk drivers.

With the encouragement and leadership efforts of "Mother's Against Drunk Driving" (MADD), legislation has been passed and sent to the Governor which imposes stricter enforcement of drunk driving laws. I would like to take this opportunity to commend the many citizens in Michigan who became involved in this important issue and who took the time to become involved in the legislative process to help make this legislation a reality.●

CONTINUING RESOLUTIONS MUST BE STOPPED

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. PICKLE. Mr. Speaker, I spoke last week on this same subject, and I do not want to belabor the point too much of my colleagues again at this point. But here we are again, about to rubber stamp Government by continuing resolution one more time. It is a vicious circle.

In the ancient days of the Roman Republic, the great orator Cato the Elder ended every speech of his long career in the Senate with the words, "Carthage must be destroyed."

Well, Mr. Speaker, maybe that is what we need today—someone to hammer home the point. It took years, but the Romans finally did heed Cato's message, Carthage was destroyed—and Rome, freed from this threat, became the world's preeminent civilization for the next 500 years.

I have introduced H.R. 5102, which requires a two-thirds vote to pass a continuing resolution. This may put some backbone back into the budget process. If we cannot be assured of falling back on the last-minute continuing resolution—then as a group we may be more willing to go ahead and make the tough decisions and the tough votes required to produce a strong, thoughtful budget within the committee framework.

I am not an obstructionist, nor do I want to see the Government thrown into a tizzy by the defeat of this bill. I could reluctantly support this resolution, since at this late date there is no real alternative. If I vote against the measure at this time, it will be a protest against this practice. But I plan to reintroduced my bill when the 98th Congress convenes, and next session I will push for its passage.

This draining reliance on continuing resolutions must be stopped. The time to stop it is now. I hope Members will take the time to examine the problem, and then join me in supporting this important remedy.●

BATTLE OF MIDWAY

HON. RICHARD C. WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. WHITE. Mr. Speaker, today I am introducing legislation to provide for the awarding of gold medals to the families of Lt. Comdr. John C. Waldron, U.S. Navy, Lt. Comdr. Eugene E. Lindsey, U.S. Navy, and Lt. Comdr. Lance E. Massey, U.S. Navy, in recognition of the heroic actions taken by these men during the Battle of Midway.

Forty years ago on June 4, 1942, the U.S. naval forces in the Pacific engaged the Imperial Japanese Navy in combat near Midway Island. The U.S. naval forces were hopelessly outnumbered and outclassed in battleships and cruisers by their antagonists, but they also recognized that their only opportunity for victory lay in their at-

tacking the extremely well-defended enemy carriers before the Japanese forces could strike first.

The attack by our carrier-based planes began with the three torpedo squadrons from *Enterprise, Hornet* and *Yorktown* which were led by Lt. Comdr. John C. Waldron, USN, Lt. Comdr. Eugene E. Lindsey, USN, and Lt. Comdr. Lance E. Massey, USN. Each gave his life leading his squadron to attack against the enemy carriers without even the cover of fighter aircraft protection. Against all of the odds, they and their men accomplished a heroic and decisive victory in battle and forced on the Japanese Navy the unsuspected and unwelcome role of the defensive. Through the bravery displayed during that action, the Battle of Midway changed the course of the war in the Pacific.

That fateful day recorded innumerable acts of valor by the three naval aviators and their men. Each was appropriately awarded the Navy Cross posthumously and memorialized by the names of Navy ships.

Still, the magnitude of the events of that day deem it most fitting and proper that these men be accorded congressional recognition during the 40th anniversary year of this epic battle.●

COLONEL WALTER E. STONE ON 50 YEARS OF DISTINGUISHED SERVICE IN POLICE WORK

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. ST GERMAIN. Mr. Speaker, on October 8, Col. Walter E. Stone, superintendent of the Rhode Island State Police, will be honored in a ceremony commemorating his 50 years of distinguished service. On that day, he will be presented with a proclamation by the Governor of Rhode Island in appreciation of his distinguished service.

Colonel Stone began his career in police work in 1931, when he joined the Providence Police Department. As chief of detectives, he gained national recognition. His career with the Providence Police Department culminated with his becoming chief.

Upon his retirement as chief of the Providence Police Department in 1959, he accepted appointment as superintendent of the Rhode Island State Police, a position which he still holds. He has been a leader in the State and Provincial Section of the International Association of Chiefs of Police and is well known to Members of Congress, having often testified before committees of Congress and served on numerous Presidential commissions, due to his expertise and the respect which he has earned among his peers and those who have worked with him.

Today I extend my congratulations to Colonel Stone upon his 50 years of service. His career typifies the best in law enforcement and sets a standard for younger men and women to strive towards.●

A TRIBUTE TO DR. JOHN McHUGH

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. RITTER. Mr. Speaker, on November 1, many people from the Lehigh Valley will join in honoring Dr. John F. McHugh of Allentown. The occasion will be a testimonial to the 30 years of public service he rendered in the Allentown School District. Fewer components are more important than a sound educational system and Jack McHugh dedicated his life to the betterment of our educational system.

Beginning as a classroom teacher in 1952, Jack was quickly elected to the principalship on the elementary level. His work at the Horne and Livingston Schools, 1960–67, earned him a reputation as a hard worker and a person to whom others could come for assistance. In 1968, Jack became the principal of the Roosevelt and Wilson schools and again displayed a vibrant leadership style which later was to become the hallmark of his principalship at Allen High School. During these early years in his career, Jack also became involved in many civic organizations. He helped resurrect the Allentown Flag Day Association and was directly involved in the founding of the Liberty Bell Shrine. He served on PTA boards and worked hard to integrate more patriotism into our schools.

In 1971, the Allentown School Board, showing its confidence in Jack's administrative qualities, selected him to be principal of Allen High School. The school's enrollment at that time was over 2,600 with a faculty of over 130. Under his leadership, the school began to grow as buildings were added. Students knew their principal kept an open door for them and many times he helped students and families work our problems with direct personal intervention. Jack was strict but fair in his dealings. In the last year of his principalship, Allen grew from 2,600 to over 3,300 students as a ninth grade was added. The faculty also

Jack McHugh went to Allen High as an old friend. As a 1949 alumnus and life president of his class, he worked to promote his high school at every opportunity. While many shy away from publicity, Jack always put his high school first. During his tenure there, he even had the unique opportunity to graduate both his sons.

Jack's life has been his high school and his community. As a lifelong Allentonian, Jack gave his career to the betterment of the educational system which had fostered him. He believes in our community. So while the Allentown School District has lost a real leader, our community as a whole will be the beneficiary as Jack will have more time for civic projects.

I have come to know Jack and his family personally and have the deepest respect for his contribution to our Lehigh Valley community. With citizens like Jack McHugh, America is a better place, by far.

It is an honor to pay tribute to Jack McHugh. His work and dedication in all fields has earned him many friends. In whatever future endeavors Jack undertakes, I am sure he will be successful. Therefore, we will be looking forward to December 1 when all of us will have the opportunity to say thank you to Jack for his 30 years of service to education and to wish him and his lovely wife Marion many happy years together.

REAGAN FARM SPEECH

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. HARKIN. Mr. Speaker, 2 years ago on September 30, 1980, candidate Ronald Reagan made his one and only farm speech of the Presidential campaign at a farm near Nevada, Iowa, in my district.

I would like today to commemorate that occasion by briefly reviewing the promises of candidate Reagan with the performance of President Reagan's agricultural policy after 2 years.

Mr. Reagan began his speech by referring to the farm policies of the previous administration as "an unprecedented disaster" and "a national disgrace." Well, if this were so, how come farmers are now talking about the late 1970's as being "the good old days." If even a farm program has been "an unprecedented disaster" or "a national disgrace" it is the record of the current administration.

Farm income in 1979 was $26.7 billion. Mr. Reagan discussed at length his plans to return profitability to farming and was alarmed that farm income was down in 1980 ($24.4 billion).

Regretfully, few of the farmers in the audience realized what was in store for them. Farm income dropped to $19.6 billion in 1981 and, according to USDA forecasts, 1982 income is projected at only $19 billion, much higher than most private forecasts I might add. Prospects for improvement in 1983 are dismal.

Another promise of candidate Reagan was that he was "firmly committed to the aggressive expansion of agricultural exports." That was the promise. What were the results? Last year, fiscal year 1982, farm exports dropped $3.3 billion, down 8 percent from the year before. This is the first decrease in farm exports in 13 years. Corn exports are down over 300 million bushels, a 15-percent drop.

I am sorry to report that the old bug-a-boo of State Department meddling in agricultural trade is alive and well in this administration.

How else can one explain the failure to even consider the negotiation of a new long term grains agreement, with higher minimum purchases, with the Soviet Union?

How else can one explain the credit restrictions on the Eastern European countries which has cut our farm trade with those nations in half in just 2 year? This action has cut nearly a billion dollars out of our exports—mostly in grain.

Or how else can one explain the failure of this administration to use the export credit revolving fund authorized in the 1981 farm bill?

Or how else can one explain the failure to export 220 million pounds of surplus U.S. butter to the Soviet Union last year at $1.05 per pound? Instead our USDA negotiators sold it to New Zealand for 70 cents per pound. And today, New Zealand is converting this butter to butter oil in Europe and shipping it to the Soviet Union, all at a tidy profit I might add.

Or how else can one explain the failure of this administration to knock down a single trade barrier overseas?

Or how else can one explain the reluctance of this administration to spend the $175 million for farm export activities mandated under the Reconciliation Act?

Despite the promises and rhetoric to the contrary, the Reagan administration's record on agricultural trade is disasterous.

Another immortal quote was that he would "support the conservation of soil and water." That being the case, why then did he propose in his 1983 budget request a 30 percent cut in spending on soil and water conservation programs.

For the agricultural conservation program (ACP), he proposed a decrease from $190 to $56 million, while eliminating funding completely for three other conservation cost-sharing programs. Congress has not gone alone with these proposals I am pleased to report.

I could go on and discuss the many other broken promises in his speech, such as his commitment to alcohol fuels and rural development, but the record is clear. The Reagan speech is now a list of broken promises.

If any further proof of the grim economic reality and broken promises in rural America is required, all we need to do is read through the list of farm implement dealers, grain elevators, auto dealers and other Main Street business in rural America who are declaring bankruptcy and going out of business at record rates.

The response of this administration? They—

Forced a "farm bill" through the Congress last year with price supports for most commodities which were so low as to be virtually meaningless;

Virtually eliminated the storage facility loan program—an important tool for orderly marketing which put farmers in control—by helping them build the bins they needed on their farms to hold their crops to market when prices were higher;

Rejected outright in 1981 any serious set-aside or diversion program aimed at reducing production and bringing supply more in line with demand;

Restricted, dramatically, the amount of money available for loans to farmers from such sources as the FmHA, which administers loan programs specifically designed to help farmers weather financial storms like this one; and

Raised interest rates for virtually all farm program loans to market-rate levels.

No, this administration does not believe "Government" has any role to play in helping to insure that family farmers—and our system of family farms—survives. No, this administration is fast becoming the low-water mark for American agriculture in this century.●

THE 60TH ANNIVERSARY OF EUREKA INN

HON. DON CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. CLAUSEN. Mr. Speaker, I rise today to recognize the 60th Anniversary of the beautiful and historic Eureka Inn located in the heart of the Redwood Empire in Eureka, Humboldt County, Calif.

The Eureka Inn opened 1 year after plans were drawn on September 14, 1922. Built with local costal redwoods at a cost of $300,000, the original inn had 110 rooms; 50 additional rooms were added in 1925, bringing the total to 160.

Targeted for demolition in 1959, the inn was saved through a local community effort by Mrs. Helen Barnum. Recent renovation has renewed the inn's original elegance.

The Eureka Inn, listed in the National Register of Historic Places, has had such notable guests as President Reagan, former President Nixon, former First Lady, Lady Bird Johnson, and Shirley Temple.

I urge all my colleagues and all of our constituents to enjoy the Eureka Inn's elegance, hospitality, and service and to join with me in congratulating the Eureka Inn on its 60th anniversary.●

JIM AND PAT COSENTINO, 1982 ITALIAN FEDERATION "MEN OF THE YEAR"

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. KEMP. Mr. Speaker, this year marks the 75th anniversary of the Federation of Italian American Societies of Buffalo and western New York. This event comes at a most propitious time as the city of Buffalo celebrates its sesquicentennial.

Since Buffalo's beginning 150 years ago, the Italian-American community has played a vital role in all facets of the western New York community.

From its earliest days when Paulo Busti was the principal developer of the city's landscape, Buffalo's history has been made rich by contributions from Italians who emigrated to the Niagara frontier seeking a better life for themselves and their families.

The Federation of Italian American Societies was founded 75 years ago to help preserve the cultural heritage which Italian immigrants brought to this country. Each year the federation recognizes the many contributions of Italian Americans by selecting someone of particular merit as "man of the year" for its annual Columbus Day celebration.

Given the special distinction of this 75th anniversary, it seems only appropriate that the federation has chosen to honor two individuals, James and Pat Cosentino, as 1981 "Men of the Year." The selection could not have been better.

Few people in western New York have demonstrated greater business acumen than Jim and Pat. As owners of the Executive Inn and numerous other establishments, they are fine examples of the valued Italian-American virtues of hard work, honesty, and integrity.

It is particularly fitting that the federation honors two brothers for, as we all know, Italian-Americans especially cherish the family. I know that Jim and Pat would agree with me that much of their own personal success is a direct result of the love and devotion to family which they learned from their father, Pat, who passed on some years ago. It is said that we all stand on the shoulders of previous genera-

tions. Jim and Pat Cosentino are fortunate to have been supported by the strong shoulders of such a loving and generous father.

Jennie Cosentino is their loving mother from whom Jim and Pat learned that God, country, and family were the most important values that one could live by.

The generosity of love is yet another Italian-American trait which accurately describes Jim and Pat Cosentino.

They have been in the forefront in fundraising endeavors on behalf of countless charities such as Boys Town of Italy, Children's Hospital of Buffalo, Italian Earthquake Relief Drive, Villa Maria College, and the United Way.

Jim and Pat Cosentino represent the very best in our western New York community and they personify the American dream to which we all aspire.

Their dedication to God, country, and family is unmatched and they were excellent choices for the distinction of "Men of the Year."

I take great pride in saluting them for their many achievements and I am equally gratified to count them among my closest and dearest friends.●

THE FUTURE OF THE ELDERLY

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BROWN of Ohio. Mr. Speaker, I am thankful for the opportunity to address you today. Although there are plans to hold a lameduck session in November, today's meeting will be one of my last in the Halls of Congress. As such, I would like to reflect a bit on my years in the House, and specifically focus on what I feel is one of the primary commitments of our Government today.

Since 1965, when I began my first term, we have seen great changes in our society and around the world. On the international level, while we still reign as one of the two superpowers in the world, new problems have arisen that threaten the very existence of the Earth as we know it. The threat of nuclear war, which has created a great popular movement for a nuclear freeze, hovers over our heads daily.

The blossoming of dozens of new, independent states, with the subsequent instability created in these and other countries, has resulted in the shattering of many traditional modes of life in some countries and areas, and has been largely responsible for much of the turmoil in our world. The current crises in Lebanon and around the world serve to continually remind us of the severe problems that confront us today.

At the national level, we have seen the turbulent era of the 1960's end, as well as the "me" decade of the 1970's. Today, I feel that we are entering a new era, what I would like to term the "we" decade, one where we depend more on ourselves and others, rather than the Federal Government, to solve our problems and create new opportunities for our society.

However, severe problems confront our country today. Although we seem to have finally caught up with inflation, unemployment is at a post-World War II high. Our economy is running shakily, at best, and solutions to these economic problems must be found immediately. As well, public faith in the efficiency and capability of the Government to solve these problems is weak. This lack of faith makes our task more difficult, but we cannot abandon our pledge to the people of America, to "well and faithfully discharge the duties of the office on which (we are) about to enter."

In my time in office, I have been involved in all areas of the legislative agenda of this country, from the economy to energy to the operation of our Government. In that time, I have seen very few people who have been completely satisfied with much of our work, and in some areas, I would have to agree. However, in a time where we are trying to lessen the Federal burden on the average American, the Federal Government cannot be counted upon to solve our problems by itself.

There are some areas where I feel that the Federal Government must continue to act. These areas involve, for the most part, commitments that have been made in the past, as well as many areas that cannot be controlled at lower levels of government.

To me, one of the most integral areas of commitment for the Federal Government is the commitment to the senior citizens of our country. It is this duty that I would like to focus my attention upon today.

We have seen great changes in our population in the 20th century. In 1900, only 1 of every 25 Americans was over the age of 65. In 1980, this number had grown to 1 of 9, for 11.2 percent of the population. This percent will rise to 1 of 8 by the year 2000, and is predicted to reach anywhere from 20 to 32 percent of the population by 2020, as the "baby-boom" generation ages.

What I would like to do is present what I see as the current status of senior citizens in our country, and how I feel that we can best maintain and strengthen our commitment to the aged.

The major reason for the increases in the elderly population has been the great increase in life expectancy. At the turn of the century, the average life expectancy for American males was 46 years, with females expected to live 48 years. In 1980, by contrast, these figures were 70 and 78 years. In other words, today's children can expect to live approximately 25 years longer than they would have two or three generations ago.

With this increased elderly population, the social and political clout of the elderly has increased dramatically. The elderly have always been the most active age group, in voting participation. Therefore, it is in the interest of all of us politicians to maintain the rights of the elderly.

However, it is not for political reasons that we must continue to support the aged and, in fact, political considerations often skew our good judgment. Our duty extends beyond any immediate political goals, or even any personal or family motives. To quote Lawrence Frank in his book "New Goals for Old Age":

> We cannot do a great deal for the older person without at the same time doing a great deal for society. One is a reflex of the other.

This does not mean that we can give the elderly everything they want. In fact, even the elderly do not want to live their lives as recipients of Federal handouts. Instead, we must do all we can to make sure that the elderly are not discriminated against on the basis of age, and that they are given every opportunity to continue their successful lives. When Federal benefits are needed, we must derive a means of maintaining these benefits, and we must continue to fulfill past commitments to the elderly.

Along these lines, the most important program affecting senior citizens in the country, as well as the one that has created the most outcry in the public, has been social security. The social security issue is not only one that affects senior citizens; it is of vital importance to all Americans. According to a recent Gallup poll, almost 60 percent of younger Americans feel that they will not see any benefits from the social security system. Any current problems in this area will be multiplied in the future, as the population increases in terms of the percentage of elderly.

Much has been said in the past few months about cutbacks in the current benefits system, in order to protect the solvency of the social security system. It seems as if every evening on the news, we hear about how the Congress is going to toss all of our senior citizens out in the cold, and cut the benefits on which they live.

This has also been well-exploited as a political tool, as we are all aware. However, the question remains, what have we done to social security? The easy and complete answer is: nothing.

However, although many feel that the program is the most successful na-

tional social program in the history of our country, the social security system does face some major problems. Unless Congress acts in the near future, the system may be broke as early as July 1983.

The system's principal fund, the old age and survivors insurance trust fund, will have dwindled from a 1975 high of $37 billion to barely $7 billion by the end of 1982, over half of this borrowed from other funds. Currently, over 116 million workers, or approximately 90 percent of the work force contribute to this system. This situation of rapidly dwindling funds cannot be allowed to continue.

At this point, the burden for devising a social security bailout is left with a bipartisan committee appointed by President Reagan and Congress in December of 1981, the National Commission on Social Security Reform. By the end of 1982, this panel, under the leadership of economist Alan Greenspan, must report its results to the Congress. I am hopeful that this panel, who will be able to avoid any temporary political considerations, will be capable of devising legitimate alternative and changes to the social security system that maintain our commitment to our senior citizens, as well, that Congress will act to implement needed proposals for the social security system.

Another major area of concern to the elderly is the medicare program. Once again, we hear in the media how Congress is going to eliminate this program. Again, however, this is just not true. Although many proposals have been made in the 97th Congress, the only major changes enacted so far to the medicare program in 1982 occurred in the recently passed Tax Act of 1982.

Medicare, as you all know, is a Federal program, enacted in 1965, providing hospital and medical insurance coverage to persons who are entitled to social security cash benefits and their families. Medicare beneficiaries now number 25 million persons over the age of 65, up from 19 million in 1965, as well as 3 million who are permanently disabled.

Medicare costs have risen at an average annual rate of 18.8 percent since 1972, while medical care prices in general have risen only 8.5 percent. In fiscal year 1982, medicare costs will increase to more than $47 billion, double the cost in 1978, while fiscal year 1983 estimates for expenses hover around $58 billion.

The 1982 tax bill includes medicare savings of $13.3 billion over the fiscal years 1983-85 period, primarily attributable to reductions in provider payments. The House conferees on this bill blocked most of the provisions recommended by the Senate that would have meant direct out-of-pocket increases for beneficiaries, for medicaid as well as medicare, but a few such provisions remain. However, some provisions of this bill actually represent expansions of benefits.

For the most part, I have been happy with these portions of the bill, and I believe that provisions such as these are the beginning of a general attempt to stop the astronomical growth of hospital and health care costs.

However, additional measures need to be taken, and I am confident that the Congress will put aside political considerations, just as they must with social security, to solve the problems with this system to the least detriment of everyone concerned, especially the elderly.

These two programs represent the most important and overriding concerns of the elderly. However, several other areas involving the elderly have been in this Congress, and I would like to briefly comment on these areas, as well as expand on what I think needs to be done in the future.

First of all, title V of the Older Americans Act, the senior community service employment program, has been saved. The purpose of this program is to subsidize part-time community service jobs for unemployed persons aged 55 and over who have low incomes. Funding for the Older Americans Act was extended in 1981 for three additional years. However, there have been several threats to this program, all of which have been defeated.

When President Reagan removed funding for title V in his proposed budget, the Congress put it back in the first concurrent resolution. As well, House Concurrent Resolution 278, which I cosponsored, expressed a sense of Congress that funds for fiscal year 1983 and subsequent years should be provided at levels sufficient to maintain or increase the level of employment positions under this program. This proposal passed the House by a 407 to 4 margin.

Most recently, the House overrode the President's veto on a supplemental funding measure, which provides funds for this program. Therefore, the program has been funded at full levels through June of 1983.

Another area of great concern to the elderly, as well as to all Americans, is the high cost of energy. A recent study, released by Project Energy Care, stated that the average household spends 5 to 6 percent of its income on home fuels, but that the low-income elderly and disabled spend 19 percent, even after receipt of Federal subsidies. With figures like this, we must continue to support Federal energy assistance programs. As well, we must continue to search for alternative forms of energy, as well as trying to keep down the costs of energy across the country.

In my home State of Ohio, we have a situation where a domestic gas producer, East Ohio Gas, has signed a contract to import expensive Algerian liquified natural gas, while they are burning off cheaper Ohio gas at the well. As well, Columbia Gas is buying expensive sunbelt gas and refusing to buy less expensive gas in Ohio. I have introduced a bill that will enable pipelines like these to renegotiate their contracts to reduce their obligations to pay by 50 percent in times of surplus. This bill also makes sure that low-cost gas does not get wasted or burned off at the well just because one pipeline does not want it. We cannot continue to let things like this happen, and we cannot continue to let pipelines automatically pass on price increases to their customers, as they have done in the past. I ask for your support of this measure.

The last major area of concern to the elderly is the crime problem. Our senior citizens are portrayed as helpless victims of an ever-increasing wave of violent crime in our country. Although the extent of the crime problem to older Americans is unclear, it is obvious that crime represents a major problem to the elderly.

Although no major action is likely on the national level in the immediate future, I am hopeful that State governments will take the initiative in strengthening criminal laws and enforcement. We must encourage the States to impose stiffer mandatory sentences for handgun crimes, expand and improve prison facilities, and make sure that the courts continue to keep criminals off the streets.

As you can see, the record of our Congress has been highly respectable on issues involving our senior citizens. Our major problem has not been one of wrong action, but of inaction. However, I am hopeful that we will continue to support our senior citizens in two main ways.

First of all, as I have said before, I believe that we must maintain our commitments that have been made in the past, such as in the social security system. Although there are other considerations, we cannot let the elderly bear the burden for decreasing the Federal deficit.

Our other main means of impact follows the basic goal of relieving the Federal burden on the average American. Along these lines, there have been many proposals for turning over Federal programs to the States, and lessening the Federal regulatory role. For the most part, I strongly favor these measures. However, we cannot irresponsibly toss aside our duties to the States, and we must make sure that these States have the money and the ability to run these programs so that the interests of our senior citizens and others can be recognized.

As well, we must continue to promote State action in serving the elder population, in areas that are outside the jurisdiction of the Federal Government.

Mr. Speaker, I thank you for your time. I hope I have given you some idea of where I feel we have gone regarding our senior citizens, as well as where I think we should go.●

IN MEMORY OF SAMUEL JACKSON

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. GREEN. Mr. Speaker, it is with deep sorrow that I take this opportunity to reflect on the passing earlier this week of my friend, Samuel Jackson. I got to know him when he served as Assistant Secretary of Housing and Urban Development from 1969 to 1972. At that time, I was the regional administrator of HUD in New York. He was a remarkable man, and his untimely passing is a loss to us all.

Samuel Jackson was considered the leading black policymaker in the first Nixon administration. While serving at HUD, he sought to ease desegregation in a variety of ways. He was the general manager of the New Communities Development Corp., which sought to develop diversified communities. Mr. Jackson demonstrated his keen understanding of housing problems as he sought to relieve the plight of the poor. Under his direction, HUD forged ahead to improve the quality of life for minority residents in the inner city.

Mr. Jackson had a long and distinguished career in the area of civil rights. He was president of the Topeka Branch of the National Association for the Advancement of Colored People, and a former NAACP director. Early in his career, Mr. Jackson was with the Topeka firm of Charles Scott, the firm that represented the plaintiff in the landmark 1954 case, Brown against Board of Education, the historic case in which the Supreme Court ruled that school desegregation was unconstitutional.

Samuel Jackson had a long and proud record with the Republican Party. At age 30, he was the first elected black vice chairman of the Kansas Republican Party. In 1980, he was a delegate from the District of Columbia to the Republican National Convention. Mr. Jackson was also a founder of the Council of 100, a national group of black businessmen active in Republican politics.

After his service at HUD, Sam Jackson became a member of the prestigious law firm of Stroock & Stroock & Levan. He was one of the first black partners in a major Wall Street law firm.

He was a remarkable man and his death is a great loss. Samuel Jackson will be missed for his leadership and dedicated service to the Government and to the American people. Today, I am deeply saddened by his death yet thankful and full of praise for his years of service.●

THE 75TH ANNIVERSARY OF ST. JOHN THE BAPTIST SLOVAK CHURCH

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. RITTER. Mr. Speaker, on Sunday, October 10, the 75th anniversary of St. John the Baptist Slovak Church will be celebrated in Allentown, Pa. This celebration will be yet another milestone for this church which has invited the worship of several generations of people from throughout the Lehigh Valley.

Established in 1907 on the former property of the old Allentown Iron Co., St. John the Baptist Slovak Catholic Church served the spiritual, social, educational, and general welfare needs of thousands of first- and second-generation Slovak immigrants. The building's solid stone construction is in many ways reflective of the community of people it has served.

Our Lehigh Valley community has been blessed with the infusion of many different cultures and nationalities. Many of these groups came to the United States in hopes of a better life and freedom for themselves and their children. Among them were the Slovaks and as newcomers, it was the church that reached out to help get them started and guide them along. In times of need and disaster it was the church which opened its charitable arms to help. This is why St. John the Baptist Slovak Catholic Church has such a special meaning to the many Slovak families in the Lehigh Valley.

Today the needs have changed and the parish reaches out in different ways. Yet, even over the past 10 years, the parish has been a resettlement center for more than 20 Slovak families. In addition to serving the spiritual needs of the community, the church and its present pastor, Father Francis Zavodny, have sought to encourage the expression of Slovak culture and heritage.

So many of today's proud institutions, be they religious or secular, stand on firm foundations cast by yesterday's immigrant. Understanding our ethnic roots enriches lives.

says Father Zavodny, who has been pastor since 1966. In addition to the massive church structure, the parish includes a three-story school building which houses grades one to six. The school is staffed by Missionary Sisters of the Sacred Heart and serves many Catholic children from the first and sixth wards of Allentown. The parish property also includes a cemetery which has been expanded several times over the past 75 years.

The many families who comprise the congregation of St. John the Baptist Slovak Catholic Church has reason to be proud. The church history is in many ways the history of the Slovak community, a community which has survived the horrors of depression and world war; which has never turned its back on the massive waves of immigrants; and a community whose contributions have helped to make our Nation great. It is my hope that St. John the Baptist Slovak Catholic Church continues to grow and continues to be a part of our everyday lives, as it has been for the past 75 years.●

CONGREGATE MEAL SITES

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. HARKIN. Mr. Speaker, during our recent congressional work period, I visited a number of congregate meal sites throughout the Fifth Congressional District and talked with a great many of our Iowa senior citizens. I always enjoy having a meal at a congregate meal site and I do so nearly every day that I am back in the district. Not only are the meals absolutely delicious, but I enjoy visiting with and learning from my elders. I can honestly say that I come away from each congregate meal more convinced than ever of two things:

First, that this is one program that is absolutely essential to the health, welfare, and happiness of our senior citizens, especially those living in our small towns in rural areas; and

Second, that our older citizens have a wealth of knowledge and experience which can benefit us in this generation if we just listen to what they are saying.

To illustrate my latter point, I had a pleasant experience when visiting the congregate meal site in Tingley. At the end of the meal and prior to my answering their questions, Mr. Wendell Turner of Diagonal, Iowa, arose to recite a poem which he had just drafted. In fact, it was in his own handwriting and he was kind enough to give me this poem so that I could pass it on to others. I cannot begin to tell you what a hit his poem was, and when he finished reciting it, he was met with cheers and loud applause from the nearly 75 people present. I am inserting Mr. Turner's poem into the Con-

GRESSIONAL RECORD for my colleagues to read and to illustrate just what I meant when I said that our elders have a lot of insight into our present problems.

The poem follows:

REAGANOMICS MADE EASY

Big Business, Big Oil went to Ron and said,
"It's really not fair
The taxes we're paying are more than our share."
Why last year our profits were only in millions,
If you cut our taxes we would have billions, or even trillions.
Then we would take those dollars and create jobs,
And the voters would have money in gobs.
This is better understood if you're a little bit beery,
Some people call it the trickle-down theory.
The President said, "I think that's fine.
I'll adopt that theory and call it mine."
"I don't know a thing about economics,
But I think I'll call it Reaganomics."
"If things go wrong, come knock on my door,
(unless you are old, black, or poor).
Just knock at my door and ask for Ron,
But you can just bet that I'll be gone.
Perhaps I'll have left for Barbados;
The voters won't care, for they are all comatose.
If you come back again you might catch me by chance,
But, of course, I may have left for my ranch.
I can't worry about the affairs of the Nation,
I simply must have my monthly vacation."
So they pushed it through Congress and they made their billions (or trillions).
But on the jobless rate they made not a dent,
They put it out in interest—every cent.

WENDELL TURNER.—●

ORANGE COUNTY SUPERVISOR WIEDER RECEIVES DISTINGUISHED COMMUNITY SERVICE AWARD

HON. DAN LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. LUNGREN. Mr. Speaker, it is my pleasure to bring to the attention of my colleagues in the House of Representatives one of the outstanding citizens from my congressional district. I refer to Ms. Harriett M. Wieder who serves as the supervisor of the Second District in Orange County.

It is very appropriate that next week, on October 6, Supervisor Wieder will be honored by the anti-Defamation League of B'nai B'rith as the recipient of their Distinguished Community Service Award for her years of involvement in community-based organizations and political offices.

The award is being given to acknowledge the supervisor as a "public humanitarian and community leader, in recognition of her major contributions to human relations and the pursuit of excellence in our society." Truly Supervisor Wieder's record of accomplishment is a model of service to the community.

Elected in 1978 and reelected in 1982 to the Orange County Board of Supervisors, Supervisor Wieder is a former councilwoman and mayor of Huntington Beach. In 1982 she was appointed by President Reagan to serve on the Intergovernmental Council on Education and the Drinking Water Quality Advisory Council. Ms. Wieder is a past president of B'nai B'rith Women, Western Region. She serves on the board of directors of Jewish Family Services, Boys Scouts of America, and Orange County Sanitation District. She received the 1979 Top Hat Award of the Business and Professional Women's Club and the National Conference of Christians and Jews 1981 Brotherhood Award.

I know personally that as a county supervisor her top concern is serving the people she represents. It is an honor to salute her achievements.●

T. CLAUDE RYAN

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. HUNTER. Mr. Speaker, Mr. Speaker, recently one of the last great pioneers of American aviation passed away. Mr. T. Claude Ryan, who resided in my congressional district, was the active head of Ryan aeronautical activities in San Diego from 1922 to 1969. His accomplishments for more than half a century in aviation are both admirable and noteworthy and I would like to mention several of his successful ventures.

He founded Ryan Flying Co. in 1922 and in 1925 he established Ryan Airlines, the Nation's first regularly scheduled passenger airline. From there he went on to design and manufacture Ryan M-1 airplanes used on the first privately operated air mail route, thus making him the first volume producer of monoplanes in the country. His company built the *Spirit of St. Louis* for Charles Lindbergh in 1927 and a year later, he founded the Ryan School of Aeronautics. In 1931, Mr. Ryan founded Ryan Aeronautical Co. which later became a subsidiary of Teledyne, Inc., and is now known as Teledyne Ryan Aeronautical.

During the peak of World War II, Ryan schools taught more than 14,000 pilots for the Army. Mr. Ryan designed and manufactured the world's first composite-powered—jet plus propeller—airplane, the FR-1 Fireball, the Navy's first jet aircraft. He also developed the world's first jet vertical or short take off and landing (V-STOL) airplane.

Active in community development and philanthropic work, Mr. Ryan served as a member of the board of governors and past chairman of the Aerospace Industries Association. He has been installed in the International Aerospace Hall of Fame in Balboa Park, San Diego and he served as a trustee of the United States International University.

It is significant to note that this great man started with only a few dollars in his pocket, but his passion for flying coupled with sound judgment and perseverance made him one of the great American success stories. Because of his foresight, more than one-third of a billion dollars in payrolls came to San Diego's economy in the last 10 years alone. He will be missed not only by those who knew him personally, but by all Americans whose lives have been touched by his accomplishments.●

KEVIN JOEL WITTENBERG

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. WAXMAN. Mr. Speaker, on October 23, 1982, Kevin Joel Wittenberg will celebrate his bar mitzvah at the Brandeis-Bardin Institute. Before his parents, Richard and Joyce Wittenberg, family, friends, and congregation, Kevin will follow in the recent footsteps of his brother, David, in the centuries-old rite of the commemoration of becoming a "man"—a full-fledged member of the religious community. The ceremony will include Kevin's recitation from the Torah and his personal statement reflecting on his life and studies thus far and how he perceives his place in future society.

I am optimistic about Kevin's future. He was 7th grade Boy of the Year at his Junior High School in Ventura, excelling in both academic work and sports. But more important, he has demonstrated a true sense of caring about people, not only about his immediate family and friends, but of others less fortunate and far away.

Kevin Joel Wittenberg embodies the most noble aspects of the Judaic tradition. In an age of preoccupation with self and pleasure, Kevin shows an inspiring commitment to the values of intellectual scholarship and social justice.

I want to wish the entire Wittenberg family mazel tov. May Kevin and their other children always be a source of pride.●

TRIBUTE TO JOHN RHODES

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tues, September 28, 1982

● Mr. COUGHLIN. Mr. Speaker, when the 98th Congress convenes next January, one of this Chamber's most effective and respected advocates will be absent.

Earlier this year, JOHN RHODES announced his decision to retire at the end of the 97th Congress. Although I respect JOHN's decision, I cannot dismiss my deep regret over his departure from the House of Representatives.

For the past 30 years, the House has pointed with pride to JOHN RHODES. A man who has served his country and party with diligence and honor, JOHN has been an ideal Member of Congress and one whom other Congressmen has sought to emulate. Tackling difficult national problems, JOHN has succeeded in demonstrating to the House that effective compromises can be forged and that principles need not be sacrified in that process. The job of a Member of Congress is a difficult one and JOHN has performed it admirably.

Perhaps JOHN's tenure as the past minority leader of the House of Representatives best exemplifies his approach to governing democratically. Assuming that leadership post at a difficult time, JOHN spent the next 7 years working for congressional and executive reforms, leading this aisle's efforts to lower Government spending and taxation, and striving to insure a strong national defense. Many of JOHN's goals have been realized but this body still has more work to do in these areas.

JOHN is a close friend and colleague of mine. I shall miss him greatly and will treasure the memories of our close working relationship. I wish all the best to JOHN, his wife, and his family as they embark on their new endeavors.●

REMARKS OF WORLD BANK PRESIDENT AT ANNUAL GOVERNORS' MEETING

HON. JAMES K. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. JAMES K. COYNE. Mr. Speaker, last month I had the privilege of attending the annual meeting of the World Bank's Governors in Toronto, Canada.

At that meeting, the President of the World Bank, A. W. Clausen, spoke about the accomplishments and goals of the World Bank and its affiliates. He expressed concern about the effect of reduced funding for the World Bank on the poorest countries of the world who look to the World Bank for support. And he pledged to continue to use the Bank's financial strength as fully and effectively as possible to accelerate development and to alleviate poverty in its member countries.

I would like to insert into the RECORD a summary of the remarks made by Mr. Clausen at the Toronto meeting. I think you will agree that the World Bank is making remarkable headway in the economic development of member countries. The Bank needs our help, however, to continue this progress.

WORLD BANK PRESIDENT SAYS DEVELOPMENT PROCESS IS WORKING

The present economic situation of the developing countries is unacceptable, and yet there is reason for cautious optimism, World Bank President A. W. Clausen said today.

Addressing the Annual Meeting of the World Bank's Governors at their Annual Meeting in Toronto, Mr. Clausen said the Bank will use its financial strength as fully and as effectively as possible to accelerate development and to alleviate poverty in its member countries.

But IDA, its affiliate providing concessionary lending to the poorest countries and financed through government contributions, had to slash its program because of a shortfall in funding. IDA's funding problems need to be overcome to enable IDA to provide reasonable concessional assistance to the poorest societies in Asia and Africa, the World Bank President said.

IDA CRISIS

Last year, IDA had to undertake a cut of 35 percent in its lending program consisting of carefully tailored, high-payoff investments to help meet the urgent problems of the worlds poorest developing countries. Mr. Clausen said that this was "not trimming, but amputating" the program.

Citing the support received from the heads of government at the Versailles summit, Mr. Clausen called on donor nations "to do—now—what they have agreed must be done": to provide IDA with the necessary funds both for the current year and for fiscal year 1984. He said he was pleased that some 12 countries have already made their contributions in full, despite the delay in payments by the United States, and that others have agreed to review their positions.

Mr. Clausen also urged donor governments to proceed expeditiously with the negotiations for the next (seventh) replenishment of IDA, set to be launched this fall.

Addressing the "honest but serious misunderstandings about what concessional assistance really does," Mr. Clausen said IDA had been tremendously successful. That is the chief conclusion of an extensive evaluation—the IDA Retrospective Study—which the Bank has just completed and which examines the effectiveness of IDA's assistance to nearly 80 countries over more than 20 years. "It is a candid and frank appraisal. It is true that IDA has made some mistakes. And you can read about those mistakes in that report," Mr. Clausen told his audience.

Since its creation in 1960, IDA committed $26.7 billion in some 1,300 projects in the poorest countries. Nearly 200 IDA credits which have been fully disbursed have now been audited: they show an average economic rate of return of over 18 percent, Mr. Clausen said. "And that does not include the longer-range benefits of IDA; the new institutions that have been established; the technological advances achieved; the social improvements that will continue to be enjoyed."

IBRD AND IFC

Turning to the Bank (IBRD) itself, Mr. Clausen said that the approved lending program for the current year is $11.2 billion. Looking ahead he said there is little prospect of real growth in Bank lending and ways need to be explored to relieve these constraints.

He said it was fundamental that the IBRD continues to demonstrate the kind of financial strength that has made it a top-quality borrower in capital markets throughout the world. Maintaining that strength was not easy, Mr. Clausen said, and hard choices had to be made. A supplementary front-end fee on new loans had to be introduced, and long established policies regarding borrowing practices and the lending rate were modified.

The Bank has also acted to strengthen its traditional role as a catalyst for additional external financing, Mr. Clausen said. Private co-financing has reached a record $3.3 billion in fiscal year 1982, as compared with $1.8 billion in the previous year. A series of new approaches have been proposed to the Executive Directors, and Mr. Clausen expressed the hope that new co-financing concepts can be put into practice soon. He also mentioned the progress made in exploring the possibility of a multilateral investment insurance mechanism, and said that efforts in this matter are continuing.

And the International Finance Corporation, the World Bank's affiliate for the promotion of private enterprises in developing countries, is also making vigorous headway, Mr. Clausen said. Despite a difficult investment climate, IFC increased the number of its approved projects by 16% from fiscal year 1981 to 1982, and the number of projects currently under consideration is at an all time high.

THE BANK'S PRIORITIES

A key central aim of the World Bank is the alleviation of poverty, Mr. Clausen said. An assessment of the continuing relevance of the Bank's anti-poverty objectives has shown that countries placing special emphasis on reducing poverty have not sacrificed growth; that reducing poverty helps avoid political tensions which disrupt steady growth; that the Bank's anti-poverty projects have achieved rates of return as high as its other projects.

Mr. Clausen warned countries of the temptation to put aside longer term objectives such as the reduction of poverty while seeking short-term, "quick-fix" solutions for their resource constraint problems.

"Because of its very acute problems, Sub-Saharan Africa—which again suffered an overall decline in per capita income this past year—remains our top regional priority," the World Bank President said. In fiscal year 1982 the share of Africa in IDA rose to 31 percent, and the Bank has also substantially broadened and deepened its policy dialogue with African countries.

Agriculture, rural development, and energy remain the Bank's chief sectoral priorities, Mr. Clausen said, each receiving about a quarter of total lending.

ECONOMIC SITUATION

The economic situation for developed and developing countries alike is grim, Mr. Clau-

sen remarked. "All in all, 1981 was an extremely difficult year for the developing countries, and 1982 promises only a modest improvement—at best."

Among the factors that are prolonging the recession in developing countries Mr. Clausen cited the constraint of capital flows. He said that concessional aid from OECD countries declined by 6 percent in 1981 in contrast to the steady increase in the 1974-76 period, and this has dealt a serious blow to the lowest-income nations.

However, because of certain underlying trends and because of policy actions that can be taken collectively, Mr. Clausen said he believed "that it is not inappropriate to express cautious optimsim—even at this difficult point in time."

Developing countries have made enormous gains in human development—education and improved health—also in building infrastructure, development institutions and economic management skills, he pointed out. "The only conclusion that one can fairly draw from the post-war experience is that the development process is, in fact, working."

Also, average investment rates in developing countries have been maintained at historically high levels since 1973, and the global trade system has remained relatively free, Mr. Clausen said. He warned against any increase in protectionism which would "impose an exorbitant cost on the developed and developing countries alike."

Underlining the importance of sound domestic policies in developing countries, Mr. Clausen said that no external environment—however improved—can substitute for the basic internal requirements for growth: more efficient use of their own resources; more carefully selected investment programs; better management of public enterprises; and both more effective export programs and import-substitution policies. But it is also true, he added, that a central requirement for the strengthening of the development process today is to ensure that growth accelerates in the industrial world as well, without "fatally reversing the progress that has already been achieved in the fight against inflation."●

DEPARTMENT OF EDUCATION WITHDRAWS PROPOSED REGULATIONS AFFECTING HANDICAPPED CHILDREN

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mrs. KENNELLY. Mr. Speaker, on Wednesday, the Secretary of Education announced that the Department would withdraw six components of the new regulations proposed for Public Law 94-142, the Education for All Handicapped Children Act. The regulations proposed by the administration on August 4, were unacceptable. If adopted, they would have undermined the intent of Congress to insure that handicapped children are provided free, appropriate public education. The regulations aroused considerable public concern and handicapped citizens and the parents of handicapped children called for their complete withdrawal.

I applaud the Department for waking up to the enormous controversy sparked by its proposals, but Secretary Bell clearly has not gone far enough. The remaining regulations are also unacceptable. The Secretary should promptly withdraw them in their entirety.

Wednesday's action is certain to confuse the hearing process now underway on the proposed regulations. It is my understanding that the Secretary's announcement has not yet even been translated into a final, official form. When that is determined, it will take time to evaluate the total effect of what is in and what is out. What particularly concerns me is that many interested citizens will conclude the struggle against these regulations has been won. Instead there is still need for revision of the administration's proposal.

Rather than prolong the current confusion, it would be far better for the Department of Education to simply withdraw the regulations in their entirety and, if it must, start the process again. It is deplorable that the parents of handicapped children who have fought every inch of the way for the rights of their children are now subject to this needless uncertainty.

After hearing from Secretary Bell on Wednesday, the full Education and Labor Committee voted yesterday to report House Resolution 558, a measure I have cosponsored, which expresses the sense of the House, that these regulations not go into effect. I strongly urge my colleagues to support this resolution when it comes to the floor and to continue to press for the complete withdrawal of Public Law 94-142 proposed regulations.●

SPRINGFIELD/GREENE COUNTY MISSOURI WORKFARE PROJECT

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. COLEMAN. Mr. Speaker, I would like to bring to the attention of Members a recent article in the Missouri Municipal Review concerning the Workfare pilot project in Springfield and Greene County, Mo. The authors provide an overview of their Workfare project and offer some sound advice on what makes workfare work.

The Agriculture and Food Act of 1981 authorized workfare as a permanent part of the food stamp program and provided that any political subdivision may apply to the Secretary of Agriculture to operate workfare. I believe the experiences and the advice of the administrators in Springfield/Greene County, Mo. are worth review by persons interested in workfare and the food stamp program.

WORKFARE: A CONTROVERSIAL ISSUE

(By Chet Dixon and Mary Schaefer)

This paper presents an overview of the Springfield/Greene County Missouri Workfare experience from January, 1981 through May, 1982. The Springfield/Greene County project is one of 14 urban and rural sites across the country testing the Food Stamp Workfare Concept.

The Food Stamp Demonstration Project is intended to test the feasibility and estimate the impact of Food Stamp recipients working for their food stamp benefits. The Food Stamp Act of 1977 authorized the United States Department of Agriculture (USDA) and the United States Department of Labor (USDOL) to test this "work-for-benefits" concept.

The test of Workfare was mandated primarily because of fiscal concerns. The recipient rolls, since the Food Stamp Program was implemented in 1964, had been rapidly increasing. The Food Stamp Act of 1977 contained many provisions, along with Workfare, as ways to curb the skyrocketing costs of the program. The fiscal concerns, along with the prevailing moral attitude in the minds of legislators and the public to reinforce the work ethic, resulted in Workfare. It simply meant that certain able-bodied food stamp recipients had to work each month at public service jobs in return for the value of the household's foods stamp allotment.

This paper provides quantitative and qualitative statements regarding the Springfield/Greene County Workfare experience. Its purpose is to help you understand the concept, why it is controversial and how well it works in Springfield and Greene County. It is not our purpose to take sides on the issue; just present you with what we have learned to this point in our experience.

WHY IS WORKFARE CONTROVERSIAL?

The Workfare concept is indeed a controversial issue. Opinions generally vary among four groups: the general public, proponents and opponents of Workfare, and the recipient group itself.

Proponents believe that many food stamp recipients want to work but have not had the opportunity. It is viewed as an "intervention" attempt since participants will be exposed to the world of work, job information, job seeking skills, and will acquire work histories. Family benefits are also seen in terms of Workfare participation providing a work role identification for children and the feeling of self-worth for parents. The proponents see tangible benefits in terms of the exchange of public service employment for taxpayers' dollars, especially during a time of recession when governmental and community service agency budgets are being severely cut.

On the other hand, the opponents of Workfare criticize it for not being a training program. They consider it make-work and dead-end jobs that do not lead to steady employment. They sometimes even characterize it as a form of "slavery" or "punishment" for the poor.

Workfare participants themselves comprise the last group. From our obsevation in Springfield, Workfare clients generally appreciate the opportunity to work and even though many initially resisted having to work, their resistance subsided once they began participation and found its purpose to be intervention, not punishment.

Some participants, however, voiced resentment and have suggested the program is "communistic" and "unconstitutional" and

a form, of "forced slavery." Some also believe it to be a punishment for being poor or out of work.

The point of these comments is to give you a flavor of the controversy and to show that moral, ethical, philosophical, social, and economic issues are contained in the controversy and that it will no doubt be a major policy issue for elected officials in the near future.

PURPOSE AND OUTCOMES OF THE SPRINGFIELD PROGRAM

The primary purpose of the Springfield program has simply been to successfully get food stamp recipients to work for the value of the food stamps they receive. Our secondary purposes have been to provide work experience for the seldom-employed, encourage and motivate successful job-seeking activity, increase community public services by utilizing unemployed or underemployed food stamp recipients in public service jobs, allow the individual dignity in earning what he/she receives in benefits, and provide assessment of individual abilities which lead to further job/training opportunities.

Outcomes can be given in quantitative and qualitative terms. For example, Table 1 shows that during a 16-month period of operations, 81,000 hours of services were provided by 2,481 individuals. The value in dollars at $3.35 per hour is $271,350. It is also important to note that of those individuals assigned to work each month, 67-72% have actually worked for their benefits. Of the percent not working, the reasons varied greatly and many were sanctioned. Many had legitimate reasons for not working.

We have also discovered that outcomes of a qualitative nature do indeed include individual benefits as mentioned above, community service benefits, family benefits and both direct and indirect taxpayer benefits.

HOW MUCH HAS IT COST

A complete cost analysis was made for a 13-month period from January, 1981, through February, 1982. The statistics reflect a significant variance between the actual costs and the amount of benefits received by the community and the clients as the following display shows:

Federal dollars expended	$85,649
In-kind services (primarily worksite supervision, soft match)	78,361
Total	164,010
The value of hours worked, if figured at $3.35/hr. times 64,204 hours worked during the period. Most of the labor would be valued more than $3.35 if actually paid for on the open market.	215,083

The $85,649 cash cost and the $78,361 "soft match" should be compared to the $215,083 return in value of work. Actual costs, of course, will vary as the design is modified to fit different situations. The degree to which a design will or will not work will depend upon the political climate, attitudes toward the program, the tasks to be accomplished at the worksites, the type of workers, and the linkages developed among agencies.

WHAT MAKES WORKFARE WORK

Our experience has shown that no single strength will lead to a successful operation of Workfare. However, we strongly feel there are prominent factors contributing to success with some being the following:

Strong support of the community and political jurisdictions;

An effective working relationship between the food stamp office and the Workfare Program;

A wide variety of worksites allowing Workfare to assign participants according to skills and interests;

A staff that is experienced; understands the problems and needs of the disadvantaged; seldom takes "no" for an answer; and continually coaxes participants to view Workfare as an opportunity, not a wasted effort;

A positive attitude by all parties toward Workfare and its purpose;

A belief that Workfare is an intervention program for persons needing a variety of training and employment skills; and

An honest effort to test the concept.

Any program fortunate enough to have these strengths coupled with a strong program design with flexibility to serve individual needs will probably have good results. However, this task should not scare prospective program operators because any program design must be molded to fit local demographic situations to facilitate a "Human Scale" and "localized" operation. For example, a large are a with a highly transient population or an extremely rural area with limited worksites requiring extensive travel would have to develop a different strategy than Springfield. But to say that "Workfare will not work in a particular area" is not a fair statement by itself. Too often program operators are not willing to make a program "Human Scale" where participants are understood, positive attitudes are present, individuals understand the significance of their work effort and where there is a persistence on the part of staff and project sponsor to accept Workfare as an intervention program to make individuals more productive.

An overall picture of the Springfield experience has been summarized in Table 1. It shows the relationship between numbers assigned and worked, the hours of assignment and hours worked, and a monetary value of all work performed. Table 2 shows the characteristics of all referrals to the Springfield Program. These characteristics vary among the projects demonstrating Workfare and may produce a variance in outcomes. Table 3 shows a typical experience of one participant—the monthly assignment, where assigned and the actual hours worked.

In our opinion, Workfare has been operationally feasible in terms of our mission. We also believe the concept can be operated in almost any area of the State with minor adjustments to the program design to fit different circumstances.

In this short description of Workfare, you no doubt recognize that it is a new, controversial and complex concept; but, we think, one that can be an effective and useful tool within the nation's Employment and Training System.

Table 1.—WORKFARE STATISTICAL REPORT, SPRINGFIELD, MO., JANUARY 1981—MAY 1982

	Action	
	Assigned	Worked
Month of May 1982:		
Participants	229	164 (72[1])
Hours	7,915	5,070 (64[1])
Monetary value at $3.35 per hour	$26,515.25	$16,984.50
Projects to date data:		
Participants	3,711	2,481 (67[1])
Hours	138,544	81,000 (58[1])
Monetary value at $3.35 per hour	$464,122.40	$271,350.00

[1] Figures in parens are percent.

Table 2. Characteristics of all referrals to the Springfield program

Male (percent)	66.9
Racial minority (percent)	2
Average age (years)	30.5
Average educational level (years)	10.9
Average monthly food stamp allotment	$125.0
Average monthly workfare hours	33.4

Table 3. Example of one participant's workfare experience

March, 1981: Court House/Fairgrounds—Assigned, 74 hours; worked, 74 hours.

April, 1981: Worked, 8 hours. Obtained job.

May, 1981: OACAC [1]—Assigned, 36 hours; worked, 36 hours.

June, 1981: OACAC—Assigned, 74 hours; worked, 74 hours.

July, 1981: OACAC—Assigned, 74 hours; worked, 74 hours.

Hired by OACAC: Highest grade completed, 09; date of birth, 1954; household size, 5.

[1] Ozarks Area Community Action Corporation.●

WHY THE WHITE HOUSE IS WORRIED

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. LaFALCE. Mr. Speaker, the White House is worried. After nearly 2 years of supply-side failure, those who have charted the course toward economic disaster are concerned that the generous voters of 1980 have become skeptical—possibly vengeful—as the November elections draw near.

The concern is well placed.

As the following article explains, the economic Dunkirk which Ronald Reagan's staff shed crocodile tears over in December 1980 pales in comparision with the Depression-level business failures and skyrocketing unemployment brought about under Mr. Reagan's administration. American voters, having bought bought the snake oil 2 years ago, appear to want their money—and sound Government policy—back.

The article follows:

NOVEMBER CHILL AT THE WHITE HOUSE

(By Hobart Rowen)

As the November election comes into view—and is seen more clearly than are any of the administration's promises of economic recovery—President Reagan gets increasingly defensive about the high level of unemployment, now approaching 10 percent.

Can there be any connection between the recent dramatic decline in inflation—of which the administration is so proud—and the rising jobless totals? Perish the thought! says Reagan. When critics charge that his administration "fights inflation by putting people out of work, I say . . . it's the most cynical form of demagoguery," Reagan snapped in his weekly radio address last Saturday.

Reagan prefers to blame high unemployment on another decade, when the Democrats were in charge. The only blame that belongs to him, he said in a flip aside at his

press conference Tuesday night, is for being a Democrat "for many years."

The slick one-liners disguise neither the poor performance of the economy nor the president's disjointed and jumbled cacophony of economic "facts." From his double-talk on jobs ("there is a higher percentage employed today than has been true even in past times of full employment") to his claims that "we're better off today than we were [when he took office]," the president's press conference was distressing.

In relating higher unemployment to lower inflation, no one is saying that the president enjoys the spectacle of soup lines springing up around the country, although his sarcastic reference in an interview last March with the Daily Oklahoman to "some fellow out in South Succotash someplace [who] has just been laid off" (not since repeated) showed a certain insensitivity.

Instead, what careful analysts like Isabel Sawhill of the Urban Institute have said is that the "tight monetary policy endorsed by the administration led to a recession. The business downturn, along with some fortuitous softening of oil and food prices, produced a substantial drop in the rate of inflation."

The president complains about demagoguery. But in his radio address, the man who has presided over the biggest budget deficit in American history, with even larger ones in prospect as military outlays soar, had the audacity to say: "There's only one major cause of our economic problems: government spending more than it takes in and sending you the bill."

There's a kind of schizophrenia here. Reagan sounds like an outsider—a candidate, not a sitting president who is supposed to be in charge.

This is not to say there is no demagoguery among those Democratic politicans who can hardly wait for the Labor Department to publish the September unemployment figure, the last to hit the headlines before voters go to the polls in November. And if the number hits 10 percent, or goes higher, Democrats will shed only crocodile tears, and Republicans real ones.

But practically everybody except the president—and that includes Reagan's new chief economic adviser, Martin Feldstein—acknowledges that a basic reason for declining inflation is higher unemployment. And to recognize this fact is also to acknowledge that Reagan had promised the best of both worlds—lower inflation plus an economic recovery—and failed to deliver.

In his confirmation testimony, Feldstein pulled no punches.

"The extremists among both the supply-siders and the rational-expectation monetarists who predicted that inflation would be reduced without raising unemployment have been decisively proved wrong," Feldstein told the Senate Banking Committee.

What's more, Feldstein said that the basically sound idea of stimulating the economy by boosting supply through more capital investment "got a bad name when the label 'supply-side economics' was attached to some extreme rhetoric about self-financing tax cuts and to euphoric forecasts of a painless transition to rapid but inflation-free growth."

Many independent analysts, including Albert T. Sommers and Edgar Fiedler of the Conference Board, believe that the gloomy long-term outlook for the economy has been overdone, that rising productivity and new industries will eventually kick the American economy forward in the second half of the 1980s.

But over at the White House, they burn the midnight oil not over the prospect for 1985–90, but on what happens at the polls next month. "Long term," in the polls' lingo, means the rest of 1982 and maybe 1983. From that perspective, they have every reason to run scared.

"There is little doubt that the public believes (the supply-side part of) Reaganomics has failed," Fiedler wrote recently. "In view of the high incidence of unemployment and bankruptcy—in contrast to the investment boom that supply-side policies were supposed to bring—this is hardly surprising. Much of the disappointment is the administration's own fault, since, following time-honored tradition, it promised too much too soon."●

STATUS OF MAJOR WOMEN'S LEGISLATION IN THE 97TH CONGRESS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. STARK. Mr. Speaker, during this Congress, I have received numerous inquiries and followup inquiries concerning the status of various bills to provide more equity and remove discrimination in areas of particular interest to women.

Therefore, I would like to provide in the RECORD at this point a review of the major bills in these areas and their status at this time.

Clearly, the 97th Congress has not been a great Congress for women's issues—it has not even been a good Congress. While it is possible that some progress will be made on some of these bills during the postelection session, I suspect that we will have to wait on the 98th Congress for major progress.

The following material was submitted for the RECORD:

Major WOMEN'S LEGISLATION OF THE 97TH CONGRESS

Bill	Provisions	Status
Domestic violence:		
H.R. 1651, Domestic Violence Prevention and Services Act	Establishes a grant program for Federal support of local activities to prevent domestic violence and assist victims; includes study of elderly abuse.	Education and Labor Subcommittee on Select Education. No action.
Education:		
House Joint Resolution 268	Supports title IX of Education Act which calls for equal access to education	Education and Labor Subcommittee on Postsecondary Education. No action.
Employment:		
H.R. 217, Equal Pay Reform Act	Narrows the circumstances under which an employer may have wage differentials based on sex	Education and Labor Subcommittee on Labor Standards. No action.
H.R. 835	Gives tax credit to employers who hire displaced homemakers	Ways and Means Committee. No action.
H.R. 5320, Job Training Partnership Act	Provides for national programs similar to CETA. Establishes programs for economically disadvantaged youth and aid to Families of Dependent Children. Calls for enrollment of 50-percent women in the Job Corps.	Passed and sent to President Oct. 1.
H.R. 5366	Keeps the 3-year experimental project setting flextime for Federal Government civilian employees	Signed by President Mar. 26, 1982, Public Law 97–160.
Equal rights amendment:		
House Joint Resolution 533	Reintroduces the ERA Amendment	Civil and Constitutional Rights Subcommittee. No action.
Equity:		
H.R. 3117/S888, Economic Equity Act	Comprehensive legislation aimed at reducing economic discrimination against women, seeks reform in public and private pensions, tax policy, enforcement of alimony and child support, insurance and Government regulations.	The various parts of the bill are pending in House committees. "The Military Spouse Retirement Equity Act" became Public Law 97–34. The other parts. No action.
H.R. 4889	Requires the United States Code be gender neutral	Civil and Constitutional Rights Subcommittee. No actin.
Family:		
House Resolution 421	Establishes a select committee on children, youth and families	Passed.
H.R. 2387	Creates a comprehensive Federal child care program	Civil and Constitutional Rights Subcommittee.
H.R. 4710	Calls for a study on alimony enforcement and child support payments. Gives special attention to enforcement across State lines.	Executive comment requested, Governmental Relations Subcommittee. Executive comment requested of Justice.
Health:		
House Joint Resolution 567	Supports special supplemental food programs for women, infants, and children, under Child Nutrition Act	Elementary and Secondary Education Subcommittee. No action.
H.R. 731	Provides medicare payment for diagnosis of uterine cancer	Energy and Commerce Committee and Ways and Means Committee. No action.
H.R. 1712	Grants funds for community based emergency hot lines which mainly are used by older women	Energy and Commerce Committee and Ways and Means Committee. No action.
H.R. 4636	Allows certified nursemidwives to receive reimbursement under Government health plans	Compensation and Employee Benefits Subcommittee. No action.
H.R. 4637	Allows certified nursemidwives to receive medicare reimbursement for services delivered to disabled women and for routine gynecological care to elderly women.	Subcommittee on Health and the Environment and Ways and Means Committee. No. action.
Insurance:		
H.R. 100	Prohibits race, religion, ethnic, or sex discrimination in areas of health, disability, annuity, auto and life insurance.	Commerce, Transportation and Tourism Subcommittee. Hearing held.
Military:		
H.R. 3039/S.2248, Military Spouse Retirement Equity Act	Provides that in community property States like California if a divorce took place after June 1981, the spouse can seek a share of a former spouses' military retirement pay subject to court discretion. Can seek direct payment of court awarded moneys. Grants medical benefits if married 20 years. Provides for survivor benefits.	Signed by the President Sept. 8, 1982. Public Law 97–34.

Major WOMEN'S LEGISLATION OF THE 97TH CONGRESS—Continued

Bill	Provisions	Status
H.R. 3117	Eliminates gender-based distinctions in the United States Code provisions on military service, promotions, appointments, separation and retirement.	House Armed Services Committee. No action.
H.R. 3955	Requires that dependents of military personnel living apart from the serviceperson be automatically paid a minimum monthly allowance equal to the basic quarters allowance of the serviceperson.	Military Personnel and Compensation Subcommittee. No action.
Pensions:		
H.R. 1641	Amends ERISA: Lowers vesting age from 25 to 21; institutes mandatory survivor's benefits for spouse of participant who dies before pensioner's earliest retirement age; prorates retirement and survivor's benefits to divorced spouses.	Labor Management Relations Sub-committee and Ways and Means. No action.
H.R. 3040	Grants Civil Service spouses the same benefits as contained in H.R. 3039	Compensation and Employee Benefits Subcommittee Executive comment requested.
H.R. 4242	Amends ERISA in an attempt to end discrimination against women in private pensions	Became part of Public Law 97–34.
Reproductive rights:		
H.R. 867	Bars all Federal courts, including Supreme Court, from hearing abortion cases	Courts, Civil Liberties and Amendment of Justice Subcommittee. Hearings held.
Senate Joint Resolution 110, Hatch Human Life Federalism Amendment.	States that the right to abortion is not secured by the Constitution. Confers upon Congress and the States concurrent Jurisdiction to limit or ban abortions.	Placed on Senate Legislative Calendar and then withdrawn.
Senate Joint Resolution 137, Human Life Amendment	Grants fetuses constitutional rights under the 5th and 14th amendments	Successfully filibustered on Senate floor, Sept. 16, 1982.
Social security:		
S. 1125	Eliminates reductions of social security benefits for spouses or surviving spouses receiving certain Government pensions.	Senate Finance Committee. No action.
H.R. 1513	Assumes equal social security benefits to both spouses	Social Security Subcommittee of Ways and Means Committee. No action.
H.R. 1514	Provides for equal social security benefits to surviving spouses	Same as above.
H.R. 1515	Divides social security benefits equally upon divorce	Same as above.
H.R. 1516	Grants a transition social security benefit to surviving spouse if attained age 50	Same as above.
H.R. 1517	Provides full social security benefits to disabled widows and widowers without regard to age	Same as above.
H.R. 3207	Mandates limited earnings sharing for couples married at least 25 years and divorced. Indexes wage records of deceased worker's to benefit the widow, widower or surviving divorced wife.	Social Security Subcommittee. Hearings held, preliminary markup.
Taxes:		
H.R. 1382	Amends IRS Code to permit single householders to use the $3,400 zero bracket amount available to married persons when figuring Federal income tax.	Ways and Means Committee. No action.
Several bills, marriage tax	Permits 2-earner married couples filing jointly to deduct 5 percent of the lower-earning spouse's earned income up to $30,000 and increases the deduction to 10 percent in 1983.	Part of Public Law 97–34.
Volunteer organizations:		
H.R. 767, Volunteer tax credit	Provides credit against income tax to individuals who perform voluntary services for certain public service organizations.	Ways and Means Committee. No action.
H.R. 768, volunteer mileage deduction	Provides that the standard mileage rate for use of a car which may be used in computing the charitable contribution deduction can be the same as the standard mileage rate which may be used in computing business deductions.	Select Revenue Measures Subcommittee of Ways and Means. No action.●

MAYOR PANSY RIDGEWAY HONORED

HON. JOHN L. NAPIER

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. NAPIER. Mr. Speaker, an exemplary woman, leader, and teamworker from my district was recently bestowed a high honor, and today, I want to share the experience with my colleagues in Congress.

The individual, Mayor Pansy Ridgeway from Manning, S.C., is a pacesetter as well as a qualified achiever. She was elected the first councilwoman for the town of Manning, elected one of only two women mayors in the State and the third woman mayor ever elected in the State of South Carolina. In 1982, she was reelected to her fourth term without opposition.

And now this incredible woman has joined the ranks of few who live to see such a day, and has been awarded the distinguished honor of having a building named for her.

A true inspiration to others and loved by all who cross her path, Mayor Pansy Ridgeway has a farsighted perspective combined with the ability to make her dreams become reality.

On her special day of recognition, many distinguished guests were present to confer upon Pansy Ridgeway her well-deserved laurels and to join in the official renaming of the city hall.

I have included materials relating to the dedication ceremony of the Pansy Ridgeway Administration Building which was held on September 19, 1982, so that my fellow Members of the U.S. House of Representatives can know this individual too. These include: A personal letter sent by President Ronald Reagan; memorable remarks made by one of our State's and our Nation's finest statesman, Senator STROM THURMOND, who was the keynote speaker for the commemorative event; a mailgram sent by Gov. Dick Riley of South Carolina; comments by a dear friend of Mayor Ridgeway, Mrs. Fred Hook; newspaper articles from the Manning Times; the invocation; the program from the dedication ceremony; and a statement awarding Mayor Ridgeway with the esteemed Order of the Palmetto by the Governor of South Carolina:

THE WHITE HOUSE,
Washington, D.C., September 8, 1982.

Hon. PANSY RIDGEWAY,
Mayor of Manning,
Manning, S.C.

DEAR MAYOR RIDGEWAY: I am delighted to join the community and the City Council of Manning, South Carolina, in paying homage to you by dedicating the city hall building in your honor.

This is a proud day that will be filled with memories you will always treasure. Your years of distinguished and dedicated service to the people of your area have led to this well-earned recognition.

Congratulations on this tribute and good luck in the future.

Sincerely,

RONALD REAGAN.

ADDRESS BY SENATOR STROM THURMOND

Mayor Ridgeway, Chairman Dickson, Mr. Ray, Members of the Dedication Committee, Council Members, Distinguished Guests, Ladies and Gentleman: It is a distinct privilege for me to be with you today to participate in this very special occasion—the dedication ceremony naming the Manning City Hall for a great administrator, a skillful leader, and a charming lady, Mayor Pansy Ridgeway.

I know the thrill Mayor Ridgeway is experiencing today, for you have honored her in a very unique way. It is difficult to think of a greater compliment—or a more humbling tribute—than to have one's fellow citizens name a facility that will serve the public in his or her honor. This experience is one I have shared on several occasions in our State, and it never fails to touch me deeply.

Our names are among our most valuable possessions. They tell others who we are and, in many cases, what we have done for good—or for evil. When other people think enough of who you are to put your name on a structure of this importance, it is a compliment, indeed.

I know this is a proud day for Mayor Ridgeway, and rightfully so. It is appropriate that this facility, The Pansy Ridgeway Administration Building, be named for her, because it is the people's way of saying "thank you" to a dedicated and hard-working public servant.

I know Pansy Ridgeway to be an aggressive leader and a Mayor whose vision and belief in Manning have motivated her to seek out the necessary resources to help her city grow and prosper.

Mayor Ridgeway and I have enjoyed a strong working alliance over the years. On numerous occasions, she traveled to Washington to seek help in obtaining Federal assistance on many projects which would better the Manning community. As always, I have been pleased to provide aid and direction to see that her goals for serving the people of Manning are met.

Over the years, hundreds of thousands of Federal dollars have been awarded the City of Manning in the form of grants and other financial aid. These monies have helped to provide an efficient water and sewer system, three recreational parks, improvements of

black housing areas, low income housing facilities, and improvements to the downtown sector, including 100 new parking spaces downtown, public restrooms and entertainment facilities for senior citizens. In December, 1976, $184,000 from the Economic Development Administration was used to construct the very building we are dedicating today.

Fortunately, Mayor Ridgeway and other members of the City Council realize that the Federal government is not exclusively responsible for providing resources to help Manning grow. These leaders understand that the purpose of Federal assistance is to provide a foundation upon which a community can build, so that local business and industry may tap its own valuable resources. Your local government and business leaders recognize that Manning's best resources do not come from Washington, D.C., but that they exist right here in Manning.

Like many communities in South Carolina, Manning is a city that is ready to grow. It is blessed with plenty of room for expansion; the land, water, climate and services conducive to farming, industry, and other businesses; and the ready and able manpower willing to take on the challenges of the future, which are certain to bring about economic prosperity.

I am pleased that Manning is led by wise government officials who have the vision to see the city's potential and who are not afraid to maximize all that Manning has to offer.

Since the end of World War II, we have noticed a migration of industry and business to the South, and particularly to South Carolina. I believe that Manning can expect to be an integral part of this exciting growth tend. South Carolina is a progressive state, and with continued leadership like that of Mayor Ridgeway, the City Council, and numerous others in the community, Manning has the ability to reach new heights as one of the more promising cities in the State.

Just as the dream of this City Hall has come true through the untiring efforts of many, so can Manning fulfill any other goals it sets out to accomplish. This serene community in the heart of Clarendon County is on the verge of new opportunities, and I believe that its time to shine has come. An example of Manning's growth is the recent announcement of the newest member of your industrial family, The Starflo Corporation.

Of course, agriculture will continue to thrive in the community. South Carolina needs and depends upon your contributions to farming and agribusiness.

Manning's bright future has only begun, as it stands ready to meet the challenges of tomorrow. Never before has Manning had so much potential waiting to be tapped, and never before have the city and its people been so eager to grow.

I pledge to you today that I will continue to support your city as it seeks to become the best it can be. As always, I am available to work with you and your business and government leaders to ensure that Manning is able to grow, able to pioneer opportunities, and able to function as a vital community in our State.

You can all take pride in Manning, and you can especially be proud of Mayor Pansy Ridgeway, a true leader whose character and record of service have won the respect and admiration of the people. Mayor Ridgeway, I am delighted to have been here today, and I salute you for the lifetime of invaluable service you have rendered to the City of Manning. I applaud the efforts of you and others who have played equally important roles in the community. Together, you have proven that you understand the meaning of teamwork, and the fruits of your efforts are certainly evident here today.

Mayor Ridgeway, your service to the people is your tribute to Manning. Yet, today Manning honors you with one of its greatest tributes. The structure behind us, this beautiful city hall, will stand as an expression of the love and appreciation of the people of Manning for your great service to your city. May you continue to serve its citizens with the same enthusiasm and optimism for many years to come, I am happy to join these fine folks in again saying "Thank you, Pansy Ridgeway, for showing Manning the way to a bright tomorrow."

God bless you, Pansy, and each of you gathered here today.

COLUMBIA, S.C.,
September 17, 1982.

Hon. GEORGE DICKSON, Jr.,
Manning, S.C.

DEAR GEORGE: I wish I could be with you for the dedication ceremony naming the Pansy Ridgeway Administration Building. Please convey my congratulations to Mayor Ridgeway upon this high honor. Pansy has served Manning very well and this recognition is certainly deserved. Tunky joins me in sending our best wishes to Mayor Ridgeway and the city of Manning for a successful dedication ceremony and a most enjoyable afternoon.

Sincerely,

DICK RILEY,
Governor of South Carolina.

MR. FRED HOOK'S SPEECH

In the early 50's when our family moved to Manning—I bacame acquanited with a lovely lady who often came in our store, and we enjoyed fellowship with one another. She shared with me stories about her family—and how proud she was of her children. She spoke of one of the younger ones still in college—and as she talked, her face beamed with pride!

That was the first time I knew, and the first impression I had of my friend and yours that we honor here today—Pansy Ridgeway.

There is no way I can relate to you in this short time, my personal relationship with Pansy, and the kind of friend she is—not only to me—but to many of you here in Manning and throughout our State.

I guess I was first attracted to Pansy because of her strong christian character and faith. And, as a result of her character—I can always know where she stands. We may not always agree, but we do disagree agreeably.

To everyone here today, I believe her thoughtfulness and concern for others is her outstanding attribute. I often wonder how she remembers so many occasions! Like birthday's, holidays, high school or college graduations—and many times just a telephone call to remind you that she is thinking about you. Many small things—but so meaningful!

I will always remember the occasion when our youngest son was leaving home to enter college for his freshman year, and I was driving him to the upper part of the State. Because Pansy knew I would be traveling home alone—she called me and said she would like to go with us. She took off from her work at a very busy time. Everything was fine on our trip upstate, and after leaving my son—for the first time away from home—I was having a difficult time holding back the tears—and never will I forget—Pansy talked non-stop all the way back to Manning! Simply to keep me from thinking of my distress!

I know Pansy as a friend to people from all walks of life—rich and poor—black and white.

This book in my hand entitled "Friendship" was given to me by Pansy in 1965—and a quote from it best expresses what I am trying to say—

"It is a good thing to be rich, and a good thing to be strong, but it is a better thing to be beloved of many friends."

[From the Manning (S.C.) Times, Sept. 22, 1982]

CITY HALL OFFICIALLY RENAMED

(By J. Alan Young)

Manning Mayor Pansy Ridgeway joined the ranks of an elite few Sunday when the Manning City Hall was officially dedicated the Pansy Ridgeway Administration Building.

Sixth District U.S. Congressman John Napier noted, "she joins the ranks of distinguished citizens today. Generally, only after a person is deceased do they receive this honor.

But Napier added Mayor Ridgeway's honor was not without reason.

"She has served with perseverance that few people know," the U.S. Congressman said. "She has been perseverant and farsighted. And she does not yield when she knows she is right."

The keynote speaker for the event was South Carolina's elder statesman, U.S. Senator Strom Thurmond.

"I know the thrill Mayor Ridgeway is experiencing today," Thurmond said, "for you have honored her in a unique way. It is difficult to think of a greater compliment—or a more humbling tribute—than to have one's fellow citizens name a facility that will serve the public in his or her honor. This experience is one I have shared on several occasions in our state, and it never fails to touch me deeply."

Senator Thurmond noted, "Our names are among our most valuable possessions. They tell others who we are, and in many cases, what we have done for good—or for evil. When other people think enough of who you are to put your name on a structure of this importance, it is a compliment indeed."

"I know this is a proud day for Mayor Ridgeway," Thurmond continued, "and rightfully so. It is appropriate that this facility, The Pansy Ridgeway Administration Building, be named for her, because it is the people's way of saying 'thank you' to a dedicated and hard-working public servant.

"I know Pansy Ridgeway to be an aggressive leader and a Mayor whose vision and belief in Manning have motivated her to seek out the necessary resources to help her city grow and prosper."

The U.S. Senator said he has enjoyed a strong working relationship with Mayor Ridgeway during the years. "On numerous occasions," he said, "she traveled to Washington to seek help in obtaining federal assistance on may projects which would better the Manning community. As always, I have been pleased to provide aid and direction to see that her goals for serving the people of Manning are met."

Also during Sunday's ceremony, the recently-completed portrait of Mayor Ridgeway was unveiled. The portrait will be displayed in the Pansy Ridgeway Administration Building. The Mayor's sister, Poly Sankus, noted the portrait was paid for by funds donated from friends of the Mayor.

Also, Betty Roper awarded the Mayor the Order of the Palmetto, which was approved by South Carolina Governor Dick Riley. Roper said Mayor Ridgeway became one of less than 50 women ever to receive the honor, and one of less than 1,000 people ever to receive it.

"I am pleased that Manning is led by wise government officials who have the vision to see the city's potential and who are not afraid to maximize all that Manning has to offer," Senator Thurmond said. "South Carolina is a progressive state, and with continued leadership like that of Mayor Ridgeway, the City Council, and numerous others in the community, Manning has the ability to reach new heights as one of the more promising cities in the state."

FITTING HONOR FOR OUR MAYOR

Sunday was truly Mayor Pansy Ridgeway Day in Manning.

Perhaps no greater compliment could have been given to the Manning public servant of more than 20 years, than that which occurred this weekend. As U.S. Senator Strom Thurmond noted, 'Our names are among our most valuable possessions. They tell others who we are and, in many cases, what we have done for good—or for evil. When other people think enough of who you are to put your name on a structure of this importance, it is a compliment, indeed.'

The mayor's motto, 'Service is the price you pay for the space you occupy,' never rang truer than it did Sunday.

One of nine children born to Mr. and Mrs. H. B. Ridgeway, Pansy Ridgeway was raised on a farm just outside Manning. A graduate of Manning High, she went on to receive B.A. degree from Furman University in 1953. And, after teaching in the local public school for two years, she went into business with her sister, Polly Sankus, when they opened a business they still operate in downtown Manning.

Mayor Ridgeway's public service career began in 1962 when she became the first woman ever to be elected to the Manning City Council. She was then re-elected to two more terms as councilwoman, and in 1970 she won in a bid for the mayor's office. In 1974 and 1978 she won bids for re-election by wide margins and most recently won election to her fourth term as mayor, running for the first time unopposed.

In her tenure of public service in Manning, Mayor Rigeway has been intricatly responsible for thousands upon thousands of federal and state dollars being directed this way. The fruits of those endeavors are evident at the early every turn within the city, from the city's entrance, through many of its recreational parks to a municipal mini-park and parking lot, and last but not least to City Hall. It was most appropriate, this considered, that this facility bear her name—The Pansy Ridgeway Administration Building.

During her years of public service, and indeed long before that, Mayor Ridgeway has continued to make many friendships. This was very obvious by the large turnout of friends on 'her day' Sunday. Few other occasions could have brought such dignitaries as were present in Manning.

Another example of her many friendships was evidenced by contributions donated to pay for the portrait of our mayor which now graces the main entranceway to the Pansy Ridgeway Administration Building. Quite frankly, city officials may have been hard-pressed to justify spending local tax dollars on this fringe of the dedication ceremony. But make no mistake about it, the money was well spent.

But it takes more than a large family and many friends to reach the level of popularity which Mayor Ridgeway enjoys today. It takes just what she has given—sound, fair and considerate public leadership. Although her decisions have not always been popular, she has stuck to her guns when she knew she was right. And when she knew she was wrong, she has been just as willing to back down.

It is safe to say Manning has ventured a long way under the guidance of Mayor Ridgeway. But more important than this, is knowing this city will continue to grow and move in a forward direction long after she no longer serves in her present capacity. For her far-sightedness at the present will linger, perhaps forever, as a slice of cake we can both enjoy and cherish at the same time.

INVOCATION

Heavenly Father, we respected in thy word to, in all our ways, acknowledge Thee. We pause therefore in the beginning of this ceremony to acknowledge Thee as our God in all our civic affairs as well as in our religious and other relationships. We are here to dedicate a building an attractive, commodious building; and first of all, we would dedicate it to Thee for we know that all our benefactions come from Thee—every good and perfect gift cometh down from above. So we pray that Thou would direct that this building may ever be used for righteous causes, for justice, for the welfare of all the people of this community. May those who serve within its walls, and those who serve under its direction, ever be mindful that except the Lord build a house, they labor in vain who built it. Except the Lord keep the city, thy watchman waketh but in vain. We give Thee thanks for this building and to all who had a part in making it possible. We give Thee thanks for Mayor Ridgeway, whose name this building bears. We thank Thee for her dedicated service through the years, for her noble accomplishments, for her upright Christian character, and for her concern for all the people of this community. We thank Thee for Senator Thurmond, and for his honesty, his integrity, his usefulness to our State, and to our Nation, and for his accomplishments during the years. We pray that Thou would ever raise up others like these to take their stand for righteousness in government, ever remembering that righteousness exalteth the nation, that sin is a reproach to many people. We pray thy continued benefits and blessings upon the Mayor of this City, and upon all who labor with her, the Council and all who have a part in its progress; that she may ever continue to lead them in every way in further accomplishments for this City and for all concerned. And now may thy benefits and thy blessings be upon this audience here today; and as we dedicate this building, may we dedicate ourselves to Thee, that Thou mayest use us to promote good citizenship, good government, and loyalty among the people for thy glory and to all concerned. We pray humbly in the name of him whose name is above every name even Jesus Christ our Lord. Amen.

DEDICATION CEREMONY: THE PANSY RIDGEWAY ADMINISTRATION BUILDING, MANNING, S.C., SUNDAY, SEPT. 19, 1982

PROGRAM

Program Emcees: Betty Roper, Pres., Clarendon Broadcasting, Inc.

Carl Roach, President, Clarendon Cablevision, Inc.

Invocation, Dr. M. B. Webb.

Welcome, George Dickson, Jr., Mayor Protem.

Recognition of Family and Guests.

"Bouquets for the Lady":

"The Sweet Fragrance of Song", Jean Hiott, Greenville.

Congressman John L. Napier, U.S. House of Representatives, 6th Cong. Dist.

Senator John C. Land, III., Sumter-Clarendon Dist. No. 12.

Senator Phil Leventis, Sumter-Clarendon Dist. No. 12.

Representative Alex Harvin, III, S.C. House of Representatives, Dist. 66.

Mrs. Fred (Jackie) Hook, Manning, S.C.

Introduction of Keynote Speaker, Don Wray, Exec. Dir., S.C. Municipal Assoc.

Keynote Speaker, United States Senator Strom Thurmond.

Special Presentations:

Portrait Presentation, Mrs. William (Polly) Sankus.

Unveiling of Portrait, Miss Christy Norris, Niece of the Mayor; Master Christian Penny, Nephew of the Mayor.

Acceptance of Portrait, George Dickson, Jr., Mayor Pro-Tem and Members of the Manning City Council.

Garden Reception:

Viewing of Portrait and Plaque—Pansy Ridgeway Administration Building.

MAYOR PANSY RIDGEWAY

Mayor's Motto: "Service is the price you pay for the space you occupy."

Mayor Pansy Ridgeway learned early in life how to plant the seeds and work for the harvest. She was one of nine children born to Mr. and Mrs. H. B. Ridgeway and was reared on a farm just outside the city of Manning. Her love for politics began when she joined her father in the front seat of the farm truck as he headed out to Stump Meetings around the county. She is a 1949 graduate of Manning High School and a 1953 graduate of Furman University in Greenville with a B.A. Degree in Social Studies. On returning to Manning, she taught in the public schools in 1953 and 1954. In 1954, she opened the Polly and Pansy Ladies Shop with her sister Mrs. William (Polly) Sankus, a business they presently operate in downtown Manning.

Pansy Ridgeway began planting the seeds of service to her town in 1962 when she was elected the first Councilwoman for the Town of Manning. She was re-elected for two more terms. In 1970, she bid for the Mayor's office and won, thus becoming one of only two women Mayors in the State and the third woman Mayor ever elected in South Carolina's history. In 1974 and 1978, she was re-elected by a substantial margin and in 1982, she was elected to her fourth term without opposition.

Pansy Ridgeway learned from her mother the love of planting the new and different and believing it would grow, because her mother was known as having the most unusual collection of houseplants in the City.

Mayor Ridgeway has not been afraid to "Clear New Ground," even when the prospect of the harvest was doubtful to many citizens. Two of the largest being the Water and Sewage project which led to the recent

announcement of the first new industry for the county in ten years, and the building of a new City Hall in 1976 which is being named for her today. But Mayor Ridgeway also took the time to plant hundreds of dogwood and holly trees on Main street in Manning and to build tennis courts and City parks including the award winning Pocotoligo Park and Municipal Parking Lot and Recreation area. She has sought and received almost three million dollars in Federal Grants for Manning.

In 1965, she was named "Outstanding Young Woman in America." In 1970, she received the Mary Mildred Sullivan Award as an outstanding alumni from Furman University. In 1976, she was listed as one of the outstanding Personalities of the South and in 1981, the Career Woman of the year by the Business and Professional Woman's Club. In 1972, she was elected to a five year term on Furman's Board of Trustees, and has served as Chairperson of the Board of Directors of Santee-Lynches Council of Governments.

Mayor Ridgeway is presently on the Board of Directors for the S.C. Municipal Association and recently elected its third Vice-President and us the Vice-Chairman of the Clarendon Development Board. She is also active in a number of civic and community organizations of which she has served as President.

Mayor Pansy Ridgeway is a life-time member of the First Baptist Church of Manning and has served as Chairperson of the Budget and the Nominating Committees, as well as several State Baptist Committees.

Her life has been a garden of service to her City, her State and her family.

We all will continue to reap the harvest from the seeds she has sown for years to come.

She says her greatest honor came when the Manning City Council passed the resolution to name the City Hall, The Pansy Ridgeway Administration Building.

Today, Pansy Ridgeway counts herself as one of the fortunate ones who has planted the seed, seen it grow and through God's grace and the generosity of her friends, realized the fruits of her labor.

MANNING CITY COUNCIL

George Dickinson, Jr., Mayor Pro-tem; James O. Ham, Lawrence Dupree, J. M. Bradham, Jr., Fred Harrington, Ben DeWitt.

DEDICATION COMMITTEE

George Dickinson, Jr., Chairman; Ray Brown, City Administrator; Dorothy Rawlinson, City Clerk; Nita Denny, Betty Roper, Carl Roach, Lawrence Dupree, Corrine Jennings.

GARDENS MATRONS

Susan Horton, Aimee Lucas, Kiz Morrow, Sarah Ann McNair, Kadsa Ridgill, Lee Ann Rose.

ACKNOWLEDGEMENTS

The Manning City Council and the Dedication Committee acknowledges with thanks the cooperation of the following individuals and firms who contributed to the overall success of this event.

Garden Music: Brenda Brewer, Tony Beam, Ron Richburg.

Flag Presentation: Christy Jackson on Drums and the Manning High School Color Guard, Teresa Nelson, Judy Witherspoon and Diane Graham.

Refreshments: Betty Daniels and F. E. DuBose, Vocational Center Food Service Department.

Decorations: Garden Club Council of Manning.

Traffic Control: Chief Keith Josey and Manning City Police Department.

Sound System: Radio Station WTWE and WYMB.

Brunsons Nursery.
Fred Ardis.
Larry Williamson.
Nell Sprott.
Tammie Belt.
Joy Brewer.
Bill Johnson.
Alan Hovermale Associates.
The Manning Times.
The Clarendon Chronicle.
The Sumter Daily Item.
John Francis.
Quality Printers.
Manning Presbyterian Church.
Stephens Funeral Home.

ORDER OF THE PALMETTO

State of South Carolina.
Richard W. Riley, Governor.

In grateful recognition for her interest in and friendship to the State of South Carolina and her people, I do hereby confer upon Pansy Ridgeway the Order of the Palmetto with all the rights and privileges appertaining thereto and do hereby designate her a Palmetto Lady.●

SENATE—*Wednesday, October 20, 1982*

MESSAGES FROM THE HOUSE RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of October 2, 1982, the Secretary of the Senate, on October 4, 1982, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has agreed to the report of the committee of conference of the disagreeing votes of the two Houses on the amendments of the House to the following bills:

S. 734. An act to encourage exports by facilitating the formation and operation of export trading companies, export trade associations, and the expansion of export trade services generally; and

S. 1018. An act to protect and conserve fish and wildlife resources, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2457) to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1540. An act to revise the boundaries of the Saratoga National Historical Park in the State of New York, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the amendments of the House to the bill (S. 2420) to protect victims of crime.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 6946) to amend title 18 of the United States Code to provide penalties for certain false identification related crimes; agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. RODINO, Mr. HUGHES, Mr. KASTENMEIER, Mr. GLICKMAN, Mr. SAWYER, Mr. FISH, Mr. KINDNESS, AND Mr. HYDE as managers of the conference on the part of the House.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 1371) to amend section 12 of the Contract Disputes Act of 1978.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 3467) to authorize appropriations under the Arms Control and Disarmament Act, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 3787) to amend sections 10 and 11 of the act of October 21, 1970 (Public Law 91-479; 16 U.S.C. 460x), entitled "An act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore," and for other purposes.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4441) to amend title 17 of the United States Code with respect to the fees of the Copyright Office, and for other purposes.

The message also announced that the House has passed the following bill and joint resolutions, without amendment:

S. 2146. An act to extend the lease terms of Federal oil and gas leases, W66245, W66246, W66247, and W66250;

S.J. Res. 249. Joint resolution to provide for the designation of the month of October 1982, as "National Spinal Cord Injury Month";

S.J. Res. 257. Joint resolution to designate the month of November 1982, as "National Diabetes Month";

S.J. Res. 261. Joint resolution to designate "National Housing Week"; and

S.J. Res. 262. Joint resolution to designate the month of November 1982 as "National Christmas Seal Month."

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 127. Concurrent resolution directing the Secretary of the Senate to make corrections in the enrollment of S. 2036.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5826. An act to provide for the reinstatement and validation of U.S. oil and gas lease numbered W-24153;

H.R. 6612. An act to provide for the settlement of land claims of the Mashantucket Pequot Indian Tribe of Connecticut, and for other purposes;

H.R. 6655. An act to authorize the Secretary of the Interior to offer to sell exclusively to small business concerns not less than 30 percentum of the quantity of salvage timber which is harvested from land managed by the Bureau of Land Management and offered for sale in any fiscal year, and for other purposes; and

H.R. 6882. An act to revise the boundaries of the Cumberland Island National Seashore and to provide compensation for certain facilities on the seashore.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 2252. An act to authorize appropriations for the Coast Guard for fiscal years 1983 and 1984, and for other purposes;

S. 2375. An act to extend the expiration date of the Defense Production Act of 1950;

S. 2436. An act to designate the Mary McLeod Bethune Council House in Washington, District of Columbia, as a national historic site, and for other purposes;

H.R. 684. An act for the relief of Ok-Boon Kang;

H.R. 825. An act for relief of Yick Bong Au Yeung;

H.R. 1281. An act to provide for the conveyance of certain lands in Alaska comprising trade and trade manufacturing site A-056802 without regard to the 80-rod limitation provided by existing law;

H.R. 1481. An act for the relief of George Herbert Wesson;

H.R. 1783. An act for the relief of Felipe B. Manala and Maria Monita A. Manalo;

H.R. 1841. An act for the relief of Isabelita Clima Portilla;

H.R. 3171. An act for the relief of Dr. David Pass;

H.R. 3278. An act to amend title 10, United States Code, to provide additional standards for determining the amount of space to be programed for military retirees and their dependents in medical facilities of the uniformed services, and for other purposes;

H.R. 3451. An act for the relief of Danuta Gworzdz;

H.R. 3467. An act to authorize appropriations under the Arms Control and Disarmament Act, and for other purposes;

H.R. 4476. An act to amend the Administrative Conference Act, by authorizing appropriations therefor;

H.R. 4490. An act for the relief of Lehi L. Pitchford, Jr.;

H.R. 6164. An act to authorize the Secretary of Agriculture to implement the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment To Be Used for Such Carriage (ATP), and for other purposes;

H.R. 6188. An act to authorize the Secretary of the Interior to participate with the State of Nebraska in studies of Platte River water resource use and development, and for other purposes;

H.R. 6276. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to allow the issuance of revenue bonds to finance college and university programs which provide student educational loans;

H.R. 6968. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1983, and for other purposes;

H.R. 6976. An act to amend title 28, United States Code, to require the Attorney General to acquire and exchange information to assist Federal, State, and local officials in the identification of certain de-

ceased individuals and in the location of missing persons (including unemancipated individuals);

S.J. Res. 239. Joint resolution designating October 16, 1982, as "National Newspaper Carriers Appreciation Day";

S.J. Res. 241. Joint resolution to provide for the designation of the week of December 12, 1982, through December 18, 1982, as "National Drunk and Drugged Driving Awareness Week";

H.J. Res. 486. Joint resolution authorizing and requesting the President to issue a proclamation designating the period from October 3, 1982, through October 9, 1982, as "National Schoolbus Safety Week of 1982";

H.J. Res. 568. Joint resolution to provide for the designation of October 5, 1982, as "Dr. Robert H. Goddard Day";

H.J. Res. 588. Joint resolution to provide for the designation of the month of October 1982, as "Head Start Awareness Month"; and

H.J. Res. 612. Joint resolution to provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes.

Under the authority of the order of the Senate of October 2, 1982, the enrolled bills and joint resolutions were signed by the President pro tempore (Mr. THURMOND) on October 4, 1982, during the adjournment of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of October 2, 1982, the Secretary of the Senate, on October 5, 1982, during the adjournment of the Senate, received a message from the House of Representatives, announcing that the Speaker had signed the following bills and joint resolution:

S. 478. An act to provide for the partitioning of certain restricted Indian land in the State of Kansas;

S. 734. An act to encourage exports by facilitating the formation and operation of export trading companies, export trade associations, and the expansion of export trade services generally;

S. 1573. An act to exempt the Lake Oswego, Oregon, hydroelectric facility from part I of the Federal Power Act (act of June 10, 1920) as amended, and for other purposes;

S. 1872. An act to provide for a study of grazing phaseout at Capitol Reef National Park, and for other purposes;

S. 2036. An act to provide for a job training program and for other purposes;

S. 2386. An act to require the Director of the Office of Management and Budget to prepare an annual report consolidating the available date on the geographic distribution of Federal funds, and for other purposes;

S. 2457. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia;

S. 2574. An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes;

H.R. 1371. An act to amend section 12 of the Contract Disputes Act of 1978;

H.R. 1486. An act to establish the Protection Island National Wildlife Refuge, Jefferson County, State of Washington;

H.R. 1326. An act for the relief of Shinji Oniki;

H.R. 2193. An act for the relief of Berendina Antonia Maria van Kleeff;

H.R. 2340. An act for the relief of Theodore Anthony Dominguez;

H.R. 2528. An act to amend the Economy Act to provide that all departments and agencies may obtain materials or services from other agencies by contract, and for other purposes;

H.R. 4468. An act to amend chapter 84, section 1752 of title 18, United States Code, to authorize the Secretary of the Treasury to establish zones of protection for certain persons protected by the U.S. Secret Service;

H.R. 4662. An act for the relief of Eun Ok Han;

H.R. 5658. An act to authorize the use of education block grant funds to teach the principles of citizenship;

H.R. 5890. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes;

H.R. 5941. An act to designate the building known as the Federal Building and U.S. Courthouse in Greenville, S.C., as the "Clement F. Haynesworth, Jr., Federal Building," the building known as the Quincy Post Office in Quincy, Mass., as the "James A. Burke Post Office," and the U.S. Post Office Building in Portsmouth, Ohio, as the "William H. Harsha U.S. Post Office Building;"

H.R. 6156. An act to clarify the jurisdiction of the Securities and Exchange Commission and the definition of security, and for other purposes;

H.R. 6273. An act to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1983, 1984, and 1985, and for other purposes;

H.R. 6811. An act for the relief of Alejo White and Sonia White;

H.R. 7115. An act to authorize the transfer of nine naval vessels to certain foreign governments; and

S.J. Res. 113. Joint resolution to designate the week beginning November 28 through December 4, 1982, as "National Home Health Care Week."

Under the authority of the order of the Senate of October 2, 1982, the enrolled bills and joint resolution were signed by the President pro tempore (Mr. THURMOND) on October 5, 1982, during the adjournment of the Senate.

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of October 2, 1982, the Secretary of the Senate, on October 5, 1982, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills:

S. 1210. An act to authorize appropriations for the operations of the Office of Environmental Quality and the Council on Environmental Quality during fiscal years 1982, 1983, and 1984, and withdraw certain lands within the Mount Baker-Snoqualmie National Forest from leasing under mineral and geothermal leasing laws;

H.R. 5228. An act to amend title 18 of the United States Code to implement the Convention on the Physical Protection of Nuclear Material, and for other purposes;

H.R. 5662. An act to extend until October 1, 1983, the authority and authorization of appropriations for certain programs under the Fish and Wildlife Act of 1956; and

H.R. 6865. An act to amend the Perishable Agricultural Commodities Act, 1930, to require the Secretary of Agriculture to accept the payment of monetary penalties for certain admitted and infrequent violations involving misrepresentation under such act, and for other purposes.

Under the authority of the order of the Senate of October 2, 1982, the enrolled bills were signed by the President pro tempore (Mr. THURMOND) on October 6, 1982, during the adjournment of the Senate.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of October 2, 1982, the Secretary of the Senate on October 12, 1982, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills and joint resolutions:

S. 1018. An act to protect and conserve fish and wildlife resources, and for other purposes;

S. 1698. An act to amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of U.S. citizens;

S. 2146. An act to extend the lease terms of Federal oil and gas leases W66245, W66246, W66247, and W66250;

S. 2420. An act to provide additional protections and assistance to victims and witnesses in Federal cases;

S. 2577. An act to authorize appropriations for environmental research, development, and demonstration for the fiscal years 1983 and 1984, and for other purposes;

H.R. 828. An act for the relief of George G. Barrios, doctor of medicine, his wife Olga T. Cruz, and their children Kurt F. Barrios, Karl S. Barrios, and Katrina Adelaida Theresa;

H.R. 2342. An act for the relief of Maria Cecelia Gabella-Ossa;

H.R. 3592. An act for the relief of Uili Tuifua, Talameafoou Tuifua, Heta Tuifua, Sateki Tuifua, Ilaisaane Tuifua, and Ofa Hemooni Tuifua;

H.R. 3787. An act to amend sections 10 and 11 of the Act of October 21, 1970 (Public Law 91-479; 16 U.S.C. 460x), entitled "An act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes";

H.R. 4441. An act to amend title 17 of the United States Code with respect to the fees of the Copyright Office, and for other purposes;

H.R. 4613. An act to increase the efficiency of Government-wide efforts to collect debts owed the United States and to provide additional procedures for the collection of debts owed the United States;

H.R. 4717. An act to reduce the amount of LIFO recapture in the case of certain plans of liquidation adopted during 1982, to make adjustments in the net operating loss carryback and carryforward rules for the Federal National Mortgage Association, and for other purposes;

H.R. 4828. An act to set aside certain surplus vessels for use in the provision of

health and other humanitarian services to developing countries;

H.R. 5139. An act to authorize appropriations for certain insular areas of the United States, and for other purposes;

H.R. 5145. An act to amend title 5, United States Code, to provide training opportunities for employees under the Office of the Architect of the Capitol and the Botanic Garden, and for other purposes;

H.R. 5879. An act to amend chapter 2 of title IV of the Immigration and Nationality Act to extend for 1 year the authorization of appropriations for refugee assistance, and for other purposes;

H.R. 6029. An act to authorize the Secretary of the Interior to acquire by exchange certain lands within the Indiana Dunes National Lakeshore in the State of Indiana;

H.R. 6055. An act to revise subchapter S of the Internal Revenue Code of 1954 (relating to small business corporations);

H.R. 6142. An act to authorize the Commodity Credit Corporation to process its accumulated stocks of agricultural commodities into liquid fuels and agricultural commodity byproducts, and for the disposition thereof, and for other purposes;

H.R. 6170. An act to amend title 23, United States Code, to encourage the establishment by States of effective alcohol traffic safety programs and to require the Secretary of Transportation to administer a national driver register to assist State driver licensing officials in electronically exchanging information regarding the motor vehicle driving records of certain individuals;

H.R. 6267. An act to revitalize the housing industry by strengthening the financial stability of home mortgage lending institutions and insuring the availability of mortgage loans;

H.R. 7292. An act to establish a White House Conference on Productivity;

H.R. 7293. An act to provide financial assistance to the Wolf Trap Foundation for the Performing Arts for reconstruction of the Filene Center and Wolf Trap Farm Park, and for other purposes;

S.J. Res. 249. Joint resolution to provide for the designation of the month of October 1982, as "National Spinal Cord Injury Month";

S.J. Res. 257. Joint resolution to designate the month of November 1982, as "National Diabetes Month";

S.J. Res. 261. Joint resolution to designate "National Housing Week"; and

S.J. Res. 262. Joint resolution to designate the month of November 1982 as "National Christmas Seal Month."

Under the authority of the order of the Senate of October 2, 1982, the enrolled bills and joint resolutions were signed on October 12, 1982 by the President pro tempore (Mr. THURMOND) during the adjournment of the Senate.

HOUSE BILLS REFERRED

Under the authority of the order of the Senate of October 2, 1982, the following bills were read twice and referred to the Committee on Energy and Natural Resources.

H.R. 6655. An act to authorize the Secretary of the Interior to offer to sell exclusively to small business concerns not less than 30 percentum of the quantity of salvage timber which is harvested from land managed by the Bureau of Land Management and offered for sale in any fiscal year, and for other purposes; and

H.R. 6882. An act to revise the boundaries of the Cumberland Island National Seashore and to provide compensation for certain facilities on the seashore.

HOUSE BILLS PLACED ON THE CALENDAR

Under the authority of the order of the Senate of October 2, 1982, the following bills were read twice and placed on the calendar:

H.R. 5826. An act to provide for the reinstatement and validation of United States oil and gas lease numbered W-24153; and

H.R. 6612. An act to provide for the settlement of land claims of the Mashantucket Pequot Indian Tribe of Connecticut, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that he had presented to the President of the United States the following enrolled bills and joint resolutions:

On October 4, 1982:

S. 188. An act to authorize the Secretary of Agriculture to convey certain lands in the Gallatin National Forest, and for other purposes;

S. 1777. An act relating to the establishment of a permanent boundary for that portion of the Acadia National Park as lies within the town of Isle au Haut, Maine;

S. 2252. An act to authorize appropriations for the Coast Guard for fiscal years 1983 and 1984, and for other purposes;

S. 2375. An act to extend the expiration date of the Defense Production Act of 1950;

S. 2436. An act to designate the Mary McLeod Bethune Council House in Washington, District of Columbia, as a national historic site, and for other purposes;

S. 2586. An act to authorize certain construction at military installations for fiscal year 1983, and for other purposes;

S. 2874. An act to amend the act of March 16, 1934, as amended, to credit entrance fees for the migratory-bird hunting and conservation stamp contest to the account which pays for the administration of the contest;

S.J. Res. 197. Joint resolution to provide for the designation of the week October 17 through October 23, 1982, as "Myasthenia Gravis Awareness Week";

S.J. Res. 235. Joint resolution to proclaim March 21, 1983, as "National Agriculture Day";

S.J. Res. 239. Joint resolution designating October 16, 1982, as "National Newspaper Carriers Appreciation Day"; and

S.J. Res. 241. Joint resolution to provide for the designation of the week of December 12, 1982, through December 18, 1982, as "National Drunk and Drugged Driving Awareness Week".

On October 5, 1982:

S. 478. An act to provide for the partitioning of certain restricted Indian land in the State of Kansas;

S. 734. An act to encourage exports by facilitating the formation and operation of export trading companies, export trade associations, and the expansion of export trade services generally;

S. 1573. An act to exempt the Lake Oswego, Oregon, hydroelectric facility from part I of the Federal Power Act (Act of June 10, 1920) as amended, and for other purposes;

S. 1872. An act to provide for a study of grazing phaseout at Capital Reef National Park, and for other purposes;

S. 2036. An act to provide for a job training program and for other purposes;

S. 2386. An act to require the Director of the Office of Management and Budget to prepare an annual report consolidating the available data on the geographic distribution of Federal funds, and for other purposes;

S. 2457. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia;

S. 2574. An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; and

S.J. Res. 113. Joint resolution to designate the week beginning November 28 through December 4, 1982, as "National Home Health Care Week."

On October 6, 1982:

S. 1210. An act to authorize appropriations for the operations of the Office of Environmental Quality and the Council on Environmental Quality during fiscal years 1982, 1983, and 1984, and withdrawal certain lands within the Mount Baker-Snoqualmie National Forest from leasing under mineral and geothermal leasing laws.

On October 12, 1982:

S. 1018. An act to protect and conserve fish and wildlife resources, and for other purposes;

S. 1698. An act to amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of U.S. citizens;

S. 216. An act to extend the lease terms of Federal oil and gas leases, W66245, W66246, W66247, and W66250;

S. 2420. An act to provide additional protections and assistance to victims and witnesses in Federal cases;

S. 2577. An act to authorize appropriations for environmental research, development, and demonstration for the fiscal years 1983 and 1984, and for other purposes;

S.J. Res. 249. Joint resolution to provide for the designation of the month of October 1982, as "National Spinal Cord Injury Month";

S.J. Res. 257. Joint resolution to designate the month of November 1982, as "National Diabetes Month";

S.J. Res. 261. Joint resolution to designate "National Housing Week"; and

S.J. Res. 262. Joint resolution to designate the month of November 1982 as "National Christmas Seal Month."

ADDITIONAL STATEMENTS

NATURAL GAS POLICY ISSUES

● Mr. BAKER. Mr. President, our colleague from Oregon, Senator HATFIELD, spoke recently to the Pacific Coast Gas Association. His remarks focused on important policy issues involving natural gas.

I should add, Mr. President, that addressing such difficult energy issues is nothing new to MARK HATFIELD. Long

before the American public ever heard of the phrase "energy crisis," he was working on energy issues as a member of the Senate Interior Committee—as it was called then. As the current ranking Republican member of the Senate Energy Committee, his comments offer us useful insights into resolving energy issues facing our country.

Mr. President, I submit for the RECORD the remarks of Senator HATFIELD to the Pacific Coast Gas Association on September 8, 1982.

The remarks follow:

KEYNOTE ADDRESS TO THE 89TH ANNUAL BUSINESS MEETING OF THE PACIFIC COAST GAS ASSOCIATION, PORTLAND, OREG., SEPTEMBER 8, 1982

Let me put the energy picture into a global political context for a moment with you this morning, because I think so often as we talk about the subject of energy in this country we tend to get a little provincial.

We tend to think of our own geographic marketing areas, when actually we are really discussing our concerns with an issue that is global in its character and its magnitude.

As you know we have a very fragile area in the world today known as the Middle East, sometimes referred to as the "horn of plenty" as it relates to sources of energy. With all of the activity that has occurred there, even subsequent to the Arab boycott, we still find our dependency on imported oil at a 33% level. This is really a very remarkable dependency level for any commodity, particularly energy.

In the last thirty five years we have seen four wars between Israel and the Arab Nations. We have seen continuous rebellion in countries like Iran and Iraq; skirmishes between Kuwait and Iraq; political assassinations and coups in Iran, Iraq, Syria, Saudia Arabia, Egypt, and Yemen; and of course Israeli bombing raids and Palestinian acts of terrorism. All of this is representative of the kind of fragile, geopolitical situation from which we draw some 33% of our energy requirements. Oil has turned into a political weapon aimed at both the industrialized and developing parts of the world.

The message from the middle eastern kingdoms that possess this oil supply is simply, access to our oil is related to your conduct in foreign relations and your domestic policies, we remain in this vulnerable situation. The recent OPEC action in curtailing production is a reminder of this fact.

Ironically, U.S. energy policy neglects the haunting possibility of yet another oil import interruption which could occur at any time. I believe that before we can develop a blueprint to reduce our vulnerability to possible oil embargos, or even remove this vulnerability entirely, we must recognize where we as a nation have gone and in what direction we have been tending over the last thirty years.

Before the boycott, we had about a 40% dependency on Arab oil. This has been reduced, but not measurably. During that boycott almost 10 years ago, the United States suffered a loss in GNP of 3% in 1974, compared to an increase of 11% in 1975. Our rate of inflation nearly doubled in that year, to more than 12%. The impact abroad was even more marked than our own. Japan, almost 100% dependent on foreign crude, experienced an inflation rate of over 24%.

Since that time we have enacted a host of bills. Have they secured us any more energy to meet our requirements than before? The answer has to be "no" they have not, despite all of the efforts of presidential administrations and the Congress.

Let us recognize too that there are military implications as well in the Middle East. We had a Secretary of State by the name of Kissinger, we had a Secretary of Defense by the name of Brown, and we have a Secretary of Defense by the name of Weinberger. All of these men have publicly indicated that it would be possible that the United States would have to employ military action to secure our oil supply if we are confronted with the threat to that supply coming from the Middle East. Furthermore, each of the three have indicated the possibility of using nuclear weapons in order to secure that oil supply.

My friends, we are living on the abyss of a possible nuclear holocaust. It is total mythology to believe that you can initiate the use of nuclear weaponry and end it without escalating into a total war, resulting in the annihilation of all life—plant, insect and human on this globe.

Yet the current administration comes into office with a request to dismantle the only agency of government that is the advocate of energy supply and energy alternatives, the Department of Energy. Of course all of us would have to admit that bureaucracy has become a source of great concern, no matter what the department. However, you don't abolish the Department of Energy at a time when you have a dependency upon imported petroleum at the rate we now import our petroleum.

It is very interesting to note that this administration has also reduced the federal resources required to encourage and maintain conservation programs. It has reduced expenditures attendant to the development of coal and solar energy as alternative energy resources, as well as spending on non-renewable resources.

Energy experts concede that conservation actions taken by individual consumers will easily out-produce any other central agency or central energy supply in this nation. Between 1973 and 1978 twice as much energy was produced through conservation than will be produced by synthetic fuels in 1985. Moreover, 97% of U.S. economic growth during this same five year period was fueled by energy savings, and only 3% by new energy supplies.

There are other conventional sources of energy that have their troubles today as well. Nuclear energy is one example. This costly and environmentally suspect energy source has proven to be an albatross to many utility companies. The termination of WPPSS plants 4 and 5, with severe repercussions to Northwest ratepayers, is clearly the result of bad energy planning and cost overruns. Just two weeks ago, the Tennessee Valley Authority Board of Directors voted to terminate five nuclear plants.

Coal, this nation's most plentiful resource, has recently suffered production and distribution difficulties. The enormously "soft" international market for coal has thrown a number of aggressive marketing plans on back burners.

Now having enunciated the gloomy information, let me give you the good news. That is—there is an energy source that holds promise for our nation's future—natural gas. Currently, natural gas supplies 40 million American homes with heat. It provides industry and farms with nearly half of their energy needs. Overall, this clean burning fuel accounts for 27 percent of our nation's energy diet.

In recent years, Congress had taken a number of actions effecting natural gas production and regulation. In 1978, the Natural Gas Policy Act was passed. Under this new pricing system, Congress called for the gradual lifting of a quarter century of natural gas price controls. By 1985 this complex system will see controls lifted from approximately 60 percent of the domestic supply. Remaining "old" gas will stay under controls until the supply is exhausted. The law was designed to phase out price controls on "new gas" gradually between 1978 and 1985, so the overall effect at the end would serve as a ramp rather than the face of a cliff.

This phasing, however, was based on assumptions about the market equivalent price of oil in 1985 at $15 per barrel, far below the current $34 per barrel. The result is an unrealistic phasing schedule that serves to keep natural gas at half to a third less expensive than fuel oil for the residential user. This unrealistic phasing schedule, coupled with the complexity of the pricing schedules, has sparked interest in both Congress and the Administration to speed up decontrol. The Administration was expected to present a revised deregulation package to Congress this year, but withdrew after encountering opposition from the consumer and industry associations. This matter is certain to come before Congress during the next session.

Then we had the Alaskan Natural Gas Transportation System, which has also occupied a great deal of the congressional agenda of late. The 1968 Prudoe Bay oil and gas discovery necessitated the construction of a pipeline, as you are all aware. In 1976, the Congress enacted legislation authorizing the pipeline. In 1977 President Carter selected the Alcan route for that pipeline. In order to begin construction, sponsors established financing mechanisms. In order to effectuate these financial agreements reached by the cosponsors, and to seek changes in President Carter's 1977 decision, President Reagan submitted to Congress a "waiver" package in 1981. The "waiver" allowed the President to waive any provisions of the Act in order to expedite completion of the project. Congress subsequently approved the waiver package and cleared the way for the final construction of the project. However, depressed gas prices, coupled with the sponsor's inability to further finance the project, has resulted in a two year construction moratorium. Conservation and consumer groups question the need for this legislation. However, I would say to them and other opponents, that adequate safeguards were imposed by the Congress to protect the environment and hold prices at reasonable levels for both the consumer and for the producer.

I believe the U.S. must strive to develop readily available energy resources in order to counter the possibility of energy supply cut-offs from unstable regions of the world. Natural gas supplies many industrial and residential consumers in the Northwest. This clean burning and efficient fuel is plentiful and cost competitive. Currently, natural gas is available to 76 percent of the Oregon population. Natural gas companies in the Northwest are developing new uses for natural gas, as well as encouraging energy conservation.

Let me tell you about one of the exciting developments to come out of our own region. In Northeast Portland, a laundry is testing Oregon's first natural gas fuel cell.

This device generates electricity and heat from natural gas and air. This is part of the first commercial test of a natural gas fuel cell in the United States. We are very proud of this kind of pioneering.

New pools of natural gas have been discovered in Oregon near Mist, and in Washington near Yakima.

So let me say in summary to you who represent the energy source that holds the greatest hope of reducing our over dependency upon imported petroleum, I believe the use of natural gas will play a vital role in the future peace of the world. This is not simply an energy question. When Democrat and Republican Administrations alike will publically declare that they believe that military force can secure 4,000 miles of pipeline and 400 pumping stations, there is a risk of nuclear war that I am not willing to abide. I respond to some of my friends who say, "we can only answer our energy problems by reduced consumption" by saying "yes I agree—reduce consumption through conservation, but we must realistically seek to reduce consumption of those sources that bring us close to war."

So this is a matter of geopolitics; it's a matter of war and peace. My view is that natural gas holds one of the vital keys to the path that leads to peace, rather than the dependency upon imported oil that can lead us to war.●

PERISHABLE AGRICULTURAL COMMODITIES ACT AMENDMENTS

● Mr. HUDDLESTON. Mr. President, I am pleased that the Senate has passed H.R. 6865, which amends the enforcement provisions of the Perishable Agricultural Commodities Act in two ways.

The legislation provides for the assessment of a civil penalty for violations of the act in lieu of a more stringent penalty if there are misrepresentations resulting from errors in making, stenciling, or labeling, so long as such violations are not repeated or flagrant.

This change is needed to address the problem of a firm using modern and speedy methods of packaging. Such a firm can accumulate many minor but sanctionable violations within a relatively short period of time, without any intention to any misrepresentation.

It is my understanding that this amendment simply conforms the law to the practice currently being followed by the U.S. Department of Agriculture. An unwitting violator can choose to accept a penalty when the violations are not considered serious enough to warrant a revocation of license proceeding.

The second change to the act accomplished by this legislation is the establishment of a bonding requirement for U.S. citizens acting in behalf of a foreign claimant under the act. H.R. 6865 would close a loophole in current law that permits a nonresident to avoid the bonding requirements of the act by assigning claims to U.S. residents. H.R. 6865 would require the U.S. resident, to whom the claim has been assigned, to post a bond.

The purpose of the bond is to provide for possible payment of attorney fees, court costs, and any award on a counterclaim should the respondent prevail in the reparation proceedings.

This legislation will improve the administration of the Perishable Agricultural Commodities Act and bring the act into conformity with current trading practices of the product industry.●

NUCLEAR TESTING ISSUES

● Mr. PRESSLER. Mr. President, as chairman of the Arms Control Subcommittee of the Senate Foreign Relations Committee, I have intensely followed the debate concerning our ability to monitor underground nuclear weapons tests in the Soviet Union. Last May, in an article for the Washington Post, I offered my endorsement of the Threshold Test Bank (TTB) and Peaceful Nuclear Explosions (PNE) Treaties. These treaties were negotiated and signed between 1974 and 1976 by Presidents Nixon and Ford.

These accords place a cap on nuclear explosions at the level of 150 kilotons. I continue to support ratification of these accords because they set new standards for the verification of arms control agreements. I ask that the Washington Post article be printed in the RECORD following my remarks.

The administration has indicated that it intends to support ratification of these accords, but senior officials have expressed concern with the uncertainties associated with the TTB and PNE verification arrangements. On July 29, the Foreign Relations Committee was told that the administration would aim to produce a verification enhancement which they would review with the committee on October 1, and then take to the Soviets for discussion. It is October 1, and, to the best of my knowledge, the administration has nothing ready and is far from prepared to meet with the committee, to say nothing of meetings with the Soviets.

I only hope that, if the review of verification enhancements is taking longer than planned, it signifies an effort to produce a modest but useful package of new verification procedures, designed to avoid either protracted negotiations or Soviet rejection. I hope that this new delay will not be as lengthy as the 18-month period preceding the July 1982 decision to seek ratification of these accords.

In some quarters, the question of whether verification enhancements for these accords is needed is still at issue. An article that addresses this question appears in the October 1982 issue of Scientific American. The article, by Lynn R. Sykes and Jack F. Evernden, entitled "The Verification of a Comprehensive Nuclear Test Bank," also looks at the wider issue of our ability to monitor agreed limitations on United States and Soviet weapons tests, including a comprehensive test ban. I ask that this article also be printed in the RECORD. For the information of Senators and people who read the RECORD, the complete article also contains valuable graphics and related captioned text which cannot be printed in the RECORD. Many will want to read this additional material.

While the conclusions of the article are certain to be debated at length, I commend this piece to the attention of my distinguished colleagues as another contribution in the effort to better understand the issues involved in arms control in the nuclear weapons area.

The article follows:

[From the Washington Post, May 28, 1982]

TWO TREATIES READY TO GO

(By Larry Pressler)

In moving toward a major breakthrough on strategic arms reductions, let us not forget the need for some modest but important steps in the interim. In this, consideration should be given to the ratification of two negotiated and signed accords limiting nuclear weapons tests, the Threshold Test Ban (TTB) and the Peaceful Nuclear Explosion (PNE) treaties.

The TTB and the PNE were negotiated and signed between 1974 and 1976 by the Nixon and Ford administrations. The TTB prohibits all weapons tests with yields greater than 150 kilotons. The PNE accord places the same constraints on so-called peaceful nuclear explosions. The Soviets have looked favorably toward PNEs and the United States has not. The United States has concluded that in most instances chemical explosives are sufficient for civil projects, and they avoid the radioactivity problems associated with PNEs. For this reason, the PNE treaty will have a greater impact on Moscow.

Some quarters in the bureaucracy advocate that we not ratify the TTB and PNE so that we can retain the option of testing high-yield weapons. But as Gen. David Jones, chairman of the Joint Chiefs of Staff, has indicated, there are no plans for such tests; nor is there any real need to conduct them. Assuring reliability of our current stockpile of weapons can be achieved under the 150-kiloton level. Moreover, the Soviets are in a better position to profit from a move toward high-yield testing than is the United States. Moscow has ready-made facilities for such tests; we would have to start from scratch. There are few guarantees that Congress would fund such a program if we rather than the Soviets initiated testing above the threshold.

More important still is the likely impact of the 150-kiloton level upon the Soviet arsenal. The Soviets have long held a preference for multi-megaton weapons. These agreements would, therefore, be far more restrictive on them. If doubts on weapons reliability arose, this would first occur in Moscow. In the long term, moreover, the agreements might add to strategic stability. As new weapons came on line, their warheads would have to be tested to assure reli-

ability. Likely Soviet doubts on the effectiveness of untested weapons might act as an incentive to move away from monster first-strike warheads.

Perhaps the most important provisions in these agreements deal with verification. The TTB provides for the exchange of geological and other test-related data required to assure compliance. The PNE's verification provisions are unprecedented. For the first time, the Soviets have agreed to on-site inspection.

The Reagan administration has made Soviet cooperation on the exchange of military data and on intrusive verification a litmus test of Soviet sincerity in arms restraint. The president's important strategic reductions initiative will depend on progress on these issues. The PNE and TTB offer Soviet concessions on both counts.

Support for ratification of these agreements has recently come from a broad spectrum of individuals, "hawks" as well as "doves." The group includes a stream of witnesses from the administration and the wider national security community who have testified before the Senate Foreign Relations Committee.

Since 1976 we and the Soviets have lived by these agreements—neither side has tested above the 150 kiloton level, and both have issued statements promising to adhere to the threshold as long as the other side does the same. But only ratification would bring the real benefits. Only then would the Soviets provide the data promised during negotiations and only then would they be bound to allow on-site inspection.

[From the Scientific American, October 1982]

THE VERIFICATION OF A COMPREHENSIVE NUCLEAR TEST BAN

(By Lynn R. Sykes and Jack F. Evernden)

Two treaties put into effect over the past 20 years have set limits on the testing of nuclear weapons. The Limited Test Ban Treaty of 1963, which has been signed by more than 120 nations, prohibits nuclear explosions in the atmosphere, the oceans and space, allowing them only underground. The Threshold Test Ban Treaty of 1976, a bilateral agreement between the U.S. and the U.S.S.R., prohibits underground tests of nuclear weapons with a yield greater than 150 kilotons. In the present climate of widespread pressure for more effective control of nuclear arms the idea of a comprehensive ban on all nuclear testing is receiving renewed attention. Such an agreement would be an important measure. It might inhibit the development of new weapons by the major nuclear powers, and it might also help to prevent the spread of nuclear-weapons technology to other countries.

A halt to all testing was the original goal of the negotiations that led to the 1963 Limited Test Ban. New talks with the aim of achieving a total ban were begun in 1977 by the U.S., the U.S.S.R. and Britain, but the talks were suspended in 1980. In both cases the main impediment to a comprehensive treaty was the contention by the U.S. and Britain that compliance with the treaty could not be verified because sufficiently small underground nuclear explosions could not be reliably detected and identified. In July the Reagan Administration announced that the test-ban negotiations with the U.S.S.R. and Britain will not be resumed. Once again the primary reason given was a lack of confidence in methods of verifying compliance.

In 1963 the reliability of measures for the verification of a treaty banning explosions larger than about one kiloton may have been arguable, but it no longer is. We address this question as seismologists who have been concerned for many years with the detection of underground explosions by seismic methods and with means of distinguishing underground explosions from earthquakes. We are certain that the state of knowledge of seismology and the techniques for monitoring seismic waves are sufficient to ensure that a feasible seismic network could soon detect a clandestine underground testing program involving explosions as small as one kiloton. In short, the technical capabilities needed to police a comprehensive test ban down to explosions of very small size unquestionably exist; the issues to be resolved are political.

An underground explosion sets up elastic vibrations that propagate as seismic waves through the earth and along its surface. The waves travel great distances, and seismic monitoring instruments in common use are sensitive enough to record even those generated by very small explosions. Once the waves have been detected the main task is to distinguish the seismic signals of explosions from those of earthquakes. This can be done with a network of several widely separated seismometers.

Two types of elastic vibrations can propagate through the solid body of the earth, that is, through the crust and the mantle. The first waves to arrive at a seismometer are compressional waves, which are similar to sound waves in air or water; the seismological name for them is *P* (for primary) waves. The slower body vibrations are shear waves, which are similar to the waves on a vibrating string; they are called *S* (for shear or secondary) waves. An underground explosion is a source of nearly pure *P* waves because it applies a uniform pressure to the walls of the cavity it creates. An earthquake, on the other hand, is generated when two blocks of the earth's crust rapidly slide past each other along the plane of a fault. Because of this shearing motion an earthquake radiates predominantly *S* waves.

A result of the spherical symmetry of the explosion source is that all the seismic waves it generates have a nearly radial symmetry around the focus of the explosion. In contrast, the highly directional character of an earthquake source gives rise to seismic waves with strongly asymmetric patterns. The asymmetry in the amplitude of the waves received at seismometers throughout the world provides the means whereby seismologists can determine the faulting mechanism of a given earthquake.

In addition to the *P* and *S* body waves there are also two types of seismic waves that propagate only over the surface of the earth. They are called Rayleigh waves and Love waves, and they result from complex reflections of part of the body-wave energy in the upper layers of the earth's crust. A simple explosion can generate Rayleigh waves but not Love waves, whereas an earthquake generates waves of both types.

Seismologists characterize the size of a seismic event by means of magnitudes. A given event can be assigned several magnitudes, each one based on a different kind of seismic wave. A magnitude is the logarithm of the amplitude of a particular type of wave normalized for distance and depth of focus. Of the numerous magnitudes that can be defined for a single seismic event we shall discuss only two, which in seismological notation are designated M_s and m_b. The former is generally based on Rayleigh waves with a period of 20 seconds, the latter on one-second *P* waves. The magnitude of a seismic signal is ultimately related to the energy released at the site of the event. For a nuclear explosion the customary measure of energy release is the yield in kilotons, where one kiloton is the energy released by detonating 1,000 tons of TNT.

Every year there are numerous earthquakes whose magnitudes are in the range corresponding to the yields of underground explosions. Several methods can be applied to several types of waves to distinguish the seismic waves of explosions from those of earthquakes. The location of a seismic event and its depth below the surface are important criteria; indeed, the great majority of routinely detected events can be classified as earthquakes simply because they are either too deep or not at a plausible site for an explosion. The remaining events can be reliably classified by the amount of energy radiated in the several kinds of waves at various frequencies.

The location of an event in latitude and longitude is a powerful tool for classification. The position is determined by recording the arrival time of short-period *P* waves at several seismographic stations in various parts of the world. The travel time of the *P* waves to each station is a function of distance and depth of focus. From the arrival times it is possible to determine the location of the source with an absolute error of less than 10 to 25 kilometers if the seismic data are of high quality.

The identification of seismic events at sea is quite simple. It is assumed that the network monitoring a test-ban treaty would include a small number of simple hydroacoustic stations around the shores of the oceans and on a few critical islands to measure pressure waves in seawater. The hydroacoustic signal of an underwater explosion is so different from that of an earthquake and can be detected at such long range that the identification of a seismic event at sea as an explosion or an earthquake is simple and positive. Hence any event whose calculated position is at least 25 kilometers at sea (a margin allowing for errors) can be classified as an earthquake on the basis of its location and the character of its hydroacoustic signal.

The accuracy with which the position of a seismic event can be determined in an area offshore of an island arc has been tested with an array of ocean-bottom seismometers off the Kamchatka Peninsula and the Kurile Islands in the U.S.S.R. The tests indicate that the accuracy of a seismic network under these circumstances is much better than 25 kilometers. Holding to that standard, however, one finds that well over half of the world's seismic events are definitely at sea and are therefore easily identified as earthquakes.

Another large group of detected events have their epicenters on land but in regions where no nuclear explosions are to be expected; these events too can be safely classified as earthquakes. Indeed, almost all the world's seismic activity is in regions that are of no concern for monitoring compliance with a comprehensive test ban. Thus the simple act of locating seismic events classifies most of them as earthquakes.

Calculating the depth of focus provides a means of identifying a large fraction of the remaining earthquakes. From 55 to 60 percent of the world's earthquakes are at depths of more than 30 kilometers; at least 90 percent are more than 10 kilometers

deep. Any seismic event as deep as 15 kilometers is certainly an earthquake. No one has yet drilled into the earth's crust as far down as 10 kilometers, and the deepest nuclear explosions have been at a depth of about two kilometers.

Several seismological procedures can be employed to determine an event's depth of focus. In most cases the depth is calculated at the same time as the location. When a seismic event is detected at 20 stations or more, a routinely calculated depth of 30 kilometers or more ensures with a 95 percent degree of confidence that the event was at least 15 kilometers below the surface.

A powerful technique for estimating depth can be applied if at least one seismological station is within a few hundred kilometers of the detected event. (A monitoring network for a comprehensive test ban would be quite likely to meet this condition in areas where nuclear testing might be expected.) A pair of *P* and *S* waves generated at the same instant and recorded by a station near the event follow identical paths but propagate at different speeds. The difference in their times of arrival, or in other words the difference in their phases, therefore serves to determine the time of origin of the event. With experience the seismograms of a station near the event can be successfully analyzed to detect at least one pair of such *P* and *S* phases. Given the time of origin determined in this way and the arrival times of the *P* waves at only a few distant receivers, an accurate estimate of the depth of focus can be made.

There may remain critical seismic regions where nearby stations do not exist. Data from large events can then be employed to refine the calculated depth and location of smaller events. The essence of the technique is to correct the observed times of small events by noting the differences between the observed and the calculated times for a large event in the same area. The procedure is in routine use by several networks.

The combined effectiveness of location and depth in distinguishing earthquakes from explosions is impressive. More than 90 percent of all earthquakes either are under oceans or are at least 30 kilometers deep (or both). Most of the remaining earthquakes are in countries that are unlikely to be testing nuclear weapons or in countries where clandestine testing would be impossible. For the U.S., of course, the U.S.S.R. is the country of prime interest. About 75 percent of the earthquakes in and near the U.S.S.R. are in the eastern part of the country near the Kamchatka Peninsula and the Kurile Islands. Almost all of the shocks in these areas either have a focal depth greater than 50 kilometers or are well offshore. It turns out that seismic events whose calculated position is on land in the U.S.S.R. or less than 25 kilometers at sea and whose calculated depth is less than 50 kilometers constitute only about .5 percent of the world's earthquakes. This amounts to about 100 earthquakes per year with an m_b magnitude greater than 3.8 for which other seismic discriminants must be employed.

None of the measures we have discussed so far relies on the detailed characteristics of the waves radiated by earthquakes and explosions. Several powerful discriminants are based on those characteristics, in particular on the relative amounts of energy in waves of different types and periods. For example, a shallow earthquake generates 20-second Rayleigh waves with amplitudes at least several times greater than those of an explosion that releases the same amount of energy. In the notational practice of seismology the comparison of the two magnitudes is referred to as the $M_s : m_b$ ratio, that is, the ratio of long-period to short-period waves.

A second spectral discriminant is based on the observation that long-period *P* and *S* waves are rarely or never seen in association with explosions but one type or the other is routinely detected today by simple seismometers for most earthquakes that have a one-second *P*-wave magnitude of at least 4.5. More sophisticated seismic stations and more sophisticated analysis of the signals could lower the magnitude at which such waves can be detected.

A third distinction is that surface waves of the Love type are generated far more strongly by shallow earthquakes than they are by underground explosions, including even abnormal explosions. Still another characteristic feature of the seismic signal from explosions is that the first motion of the earth stimulated by *P* waves is always upward because the explosion itself is directed outward; the first *P*-wave motion in an earthquake can be either upward or downward.

An important factor contributing to the separation of earthquakes from explosions on an $M_s : m_b$ diagram is that *P* waves from the two kinds of events have different radiation patterns. Explosions radiate short-period *P* waves equally in all directions, whereas earthquakes have very asymmetric patterns. Hence most earthquake sources show a decrease of from .4 to one magnitude unit from the peak values when the *P*-wave amplitudes are averaged over pertinent radiation angles. A simple explosion does not initially radiate any shear waves; earthquakes typically generate large shear waves. As a result Rayleigh waves generated by many types of earthquakes have a larger amplitude than the corresponding waves generated by underground explosions of the same m_b.

There is a characteristic time for the formation of the source of a seismic event; the time is equal to the maximum source dimension divided by the velocity of source formation. The source dimension for earthquakes is the length of the break where most of the short-period energy is released; it is from three to 20 times greater, depending on the state of stress in the rocks, than the radius of the cavity and shatter zone of a comparable explosion. The velocity of source formation for earthquakes is from somewhat less to much less than the velocity of shear waves in the recks surrounding the fault, whereas the relevant velocity for explosions is the velocity of shock waves in the rock, which is essentially the velocity of compressional waves. As a result of these differences in the size of the source and the velocity of source formation the characteristic times for earthquakes and explosions differ by a factor of from six to 40. It is therefore not surprising that differences are observed between the short-period *P*-wave spectra of earthquakes and explosions.

Observations of several U.S. explosions have demonstrated the existence of a phenomenon called overshoot. It is related to shock waves in strong rock, but it can be thought of as the equivalent of cavity pressure rising to high values followed by a decrease in pressure by a factor of four or five; the lower pressure is then maintained for many tens of seconds. Overshoot, when it occurs, provides additional *P*-wave spectral discrimination and augments discrimination by means of the $M_s : m_b$ ratio for larger events.

It was once thought that an explosion could not give rise to any Love waves at all. A phenomenon that was of great significance in thwarting President Kennedy's effort to achieve a comprehensive test-ban treaty in 1963 was the observation that many underground nuclar explosions at the U.S. testing site in Nevada, particularly those in hard rock, generated unmistakable Love waves. The failure of the qualitative criterion "No Love waves from explosions" (at a time when such quantitative criteria as the comparison of the magnitudes of long-period and short-period waves were not adequately established) left seismologists unable to guarantee their ability to distinguish the seismic waves of underground explosions from those of earthquakes.

The presence of Love waves in the Nevada tests has since been explained. What was not considered in the earlier analyses was the influence of the natural stressed state of the earth on the waves generated by an explosion. The creation of a cavity and its surrounding shatter cone by an underground explosion leads to the release of some of the natural stress, which in turn generates seismic waves equivalent to those of a small earthquake, including Love waves. The observed waves are a superposition of the waves from the explosion and from the release of the stress.

The release of natural stress also alters the amplitude of Rayleigh waves. The perturbation has never been large enough, however, to put in doubt the nature of an event identified by the ratio of long-period to short-period waves. Only rarely does the perturbation significantly affect the amplitude of *P*-waves; it is not known ever to have changed the direction of their first motion. Moreover, if the magnitude M_s is determined from Love waves rather than Rayleigh waves, the ratio method ($M_s : m_b$) provides an excellent discriminant.

In short, if seismologists had done their homework thoroughly by 1963, the nations of the world might well have achieved a comprehensive test-ban treaty then. Today the release of natural stresses in the earth is significant only as a perturbing factor that must be taken into account when the yield of an explosion is estimated from Rayleigh waves.

Reports that earthquakes occasionally have $M_s : m_b$ values like those of explosions have been cited as a factor that might impede the effective monitoring of a comprehensive test ban. In analyzing a large set of earthquakes in all parts of the world and of underground explosions in the U.S. and the U.S.S.R. we found only one example of this kind of ambiguity. The focus of the event was far from the area in which the seismometer network gave its best results.

In 1972, at a meeting of the UN Committee on Disarmament, the U.S. submitted a list of 25 "anomalous" events that were said to be indicative of a problem in discrimination. In 1976 the 25 events were reanalyzed by one of us (Sykes) and two other seismologists, Robert Tathum and Donald Forsythe. It was established that about half of the events had $M_s : m_b$ values that put them clearly in the earthquake population. Most of the original magnitudes had been determined from only one or two stations, and much existing information had not even been consulted. When the records of other available stations were examined, the events ceased to be "anomalous."

For the remaining problem events $M_s:m_b$ measurements based on 20-second Rayleigh waves gave values in the range characteris-

tic of explosions. Several of these events were at depths of from 25 to 50 kilometers, where the possibility of nuclear testing can be excluded in any case, but the magnitude ratio nonetheless demanded explanation. It is known from seismological theory that certain types of earthquakes at these depths excite long-period Rayleigh waves poorly. The theory predicts, however, that Love waves and vibrations called higher-mode Rayleigh waves are in many instances vigorously generated in these circumstances. An analysis of recordings of the Love waves and the higher-mode Rayleigh waves identified several more of the problem events as earthquakes.

Only a single sequence of events at one place in Tibet remained as a problem. In that region underground nuclear testing is unlikely, but the nature of the events could not be determined with certainty from the magnitude ratios. We think the reason is that with the seismographic networks of the 1960's, when the events were recorded, Love waves could not be detected for small-magnitude events because they were obscured by background earth noise. New installations and new modes of data processing have greatly reduced the problem. If the same series of events or a similar series were to take place today, we think they would be identified unambiguously. Long-period seismographs in boreholes and routine digital processing of seismograms lead to a suppression of background noise and increase the detectability of many types of waves, including Love waves.

As it happened, the nature of the Tibetan problem sequence was resolved in spite of the inadequacies of the long-period data of the time. At several stations the first motion of the *P* waves was downward, which is not possible for an explosion. Hence the events must have been small earthquakes.

It seems reasonable to say that for the networks we shall describe below there should no longer be any problem events at m_b 4 or more. We know of no Eurasian earthquake with a one-second *P*-wave magnitude of 4 or more in the past 20 years whose waves are classified as those of an explosion. (Of course, numerous smaller Eurasian earthquakes during that period went unidentified because of inadequate data.) Furthermore, to our knowledge not one out of several hundred underground nuclear explosions set off in the same period radiated seismic waves that could be mistaken for those of an earthquake. Our experience indicates an extremely low probability that an event will remain unidentified when all the available techniques of discrimination are brought to bear.

No monitoring technology can offer an absolute assurance that even the smallest illicit explosion would be detected. We presume that an ability to detect and identify events whose seismic magnitude is equivalent to an explosive yield of about one kiloton would be adequate. It is often assumed that for the U.S. to subscribe to a comprehensive test ban it would require 90 percent confidence of detecting any violation by another party to the treaty. Developing a new nuclear weapon, however, generally requires a series of tests, and the probability that at least one explosion will be detected rises sharply as the number of the tests is increased. Moreover, a 90 percent level of confidence for the detection of even a single explosion probably is not needed. For a country seeking to evade the treaty the expected probability of detection would certainly have to be less than 30 percent, and perhaps much less, even if only one illicit test were planned. The test-ban agreements that have been considered over the years all include an "escape clause" through which a country could renounce its treaty obligations. Unless the probability of detection were very low, a country whose national interest seemed to demand a resumption of testing would presumably invoke the escape clause rather than risk being caught cheating.

Given these standards of reliability for a monitoring system, it is possible to specify the size and the sensitivity of the seismic network that would be needed to verify compliance with a comprehensive test ban. Two kinds of network can be considered for maintaining seismic surveillance of the U.S.S.R. One network consists of 15 stations outside the borders of the U.S.S.R. In the second network the 15 external stations are supplemented by 15 internal ones.

The ultimate limit on the detection of seismic signals is imposed by microseisms, or random vibrations of the earth's surface. Most microseisms are induced by the earth's atmosphere and oceans. In order to detect a one-kiloton explosion in much of the U.S.S.R. a monitoring network would have to be able to recognize above the background noise any event with a short-period *P*-wave magnitude of 3.8 or more. In order to distinguish an explosion from an earthquake by comparing the long-period magnitude with the short-period one, the network would also have to be able to detect surface waves with an M_s magnitude of 2.5 or more. The network of 15 external stations could achieve these goals. Indeed, since almost all the seismic areas of the U.S.S.R. are along its borders, the external network would be sensitive to events of even smaller magnitude there. The mere detection of a seismic event in most areas of the interior would constitute identification of the event as an explosion.

The lower limit of one kiloton on the yield of an explosion that could be detected by an external network is based on the assumption that the coupling between the explosion and the seismic radiation is efficient and that the explosion was not set off during or soon after a large earthquake. If one must consider the possibility that a country would try to evade a test-ban treaty by decoupling, or muffling, an explosion and thereby reducing the amplitude of the emitted seismic signals, an improved network would be required. In principle such muffling could be done by detonating the explosion in a large cavity or by using energy-absorbing material in a smaller cavity. The former stratagem might reduce the seismic signal of an explosion by 1.9 magnitude units as measured by one-second *P* waves (that is, by m_b). The latter stratagem might bring a reduction of one unit.

The use of an oversize cavity is clearly the more worrisome possibility, but it could be attempted only in certain geologic formations: a salt dome or a thick sequence of bedded salt deposits. Few areas of the U.S.S.R. have deposits of salt in which the construction of a cavity large enough for decoupling a several-kiloton explosion would be possible. The maximum size of a cavity that could reasonably be constructed and maintained sets a limit of two kilotons on explosions that might be muffled in this way and escape detection by the 15-station external network.

Another way to reduce the amplitude of radiated seismic waves is by detonating an explosion in a low-coupling medium such as dry alluvium. The maximum thickness of dry alluvium in the U.S.S.R. sets a limit of 10 kilotons on explosions that might be concealed by this means, again assuming that only the 15 external stations were installed.

Another possible drawback of an exclusively external network should be mentioned. Confusion could arise when signals from two or more earthquakes reached a station simultaneously. The effect would be most troublesome when the long-period waves from a small event in the U.S.S.R. arrived at the same time as similar waves from a much larger earthquake elsewhere in the world. Under these circumstances it might be difficult to establish with certainty by comparing M_s with m_b the identity of the event in the U.S.S.R. With a network of 15 external stations there would be a few events per year in which the smaller earthquake was in the territory of the U.S.S.R. or within 25 kilometers of its borders and at a depth of less than 50 kilometers.

A monitoring network made up of 15 seismographic stations outside the U.S.S.R. and 15 inside it would largely eliminate the problem of coincident earthquake signals and would greatly reduce the maximum yield of an explosion that might escape detection, even if decoupling were attempted. The internal monitoring stations would be simple unattended ones, with the capability of measuring vertical ground motion and two orthogonal components of horizontal motion, so that the distance and direction of a nearby event could be estimated from the data of a single short-range station. With such a network in place, and assuming that muffling was attempted in the presence of normal earth noise, the largest explosion that would have a 30 percent chance of escaping detection in any setting except a salt dome would be .5 kiloton.

For salt domes the main area of concern in the U.S.S.R. is the region north of the Caspian Sea. Our hypothetical network has three stations there. Even a small explosion in a large salt-dome cavity would emit certain *P* and *S* waves with an amplitude large enough to be detected by nearby stations. Furthermore, detection by even one of the stations would immediately identify the event as an explosion because the area has no natural seismic activity. As a result evasion would not be likely to be attempted at a yield greater than one kiloton even in the salt-dome area.

A possible strategy for evasion that has been mentioned from time to time is the one of hiding the seismic signal of a nuclear explosion in the signal of a large earthquake, which might be near the site of the explosion or far from it. For the U.S.S.R. the only credible possibility is a distant earthquake because the only possible testing sites where earthquakes are frequent enough to make the effort worth while are on the Kamchatka Peninsula and in the Kurile Islands. Clandestine testing there is not likely because seismic activity in the area can be monitored in detail from stations in Japan and the Aleution Islands. Indeed, ocean-bottom seismometers and hydroacoustic sensors could be placed just offshore.

The first defense against evasion by the masking of a test in a large earthquake is the questionable feasibility of the subterfuge. Unless the evader maintained several testing sites the number of opportunities per year for clandestine testing would be quite limited. In addition the evader would have to maintain his weapons in constant readiness for firing. To attain the evasion capability given below he would have to set

off an explosion within 100 seconds of the time of arrival of the short-period waves of the earthquake. He would have to estimate the maximum amplitude and the decay rate of the earthquake waves with high accuracy, and he would have to be certain of the amplitude of the *P* waves generated by the explosion to within .1 magnitude unit. Even after taking these precautions the evader would have to accept a high probability that the event would be detected by at least one monitoring station and a small probability that three stations would detect it. He would also have to install and operate his testing site (including a large cavity) and his own seismological network in total secrecy over a period of years.

In contrast to these daunting requirements for successful evasion, the only requirements for a monitoring nation are to operate a network of high-quality seismic stations and to process the data with determination. Against a network of 15 external stations and 15 internal ones the only effective evasion schemes at yields of one kiloton or more would require both decoupling and hiding the explosion signal in an earthquake.

The issues relating to the monitoring of a comprehensive test ban can be summarized as follows. The understanding of seismology and the testing of seismometer networks are sufficiently complete to ensure that compliance with a treaty could be verified with a high level of confidence. The only explosions with a significant likelihood of escaping detection would be those of very small yield: less than one kiloton provided the monitoring system includes stations in the U.S.S.R.

It is important to view the question of yield in the context of the nuclear weapons that have been tested up to now. The ones that ushered in the nuclear age in 1945 had a yield of from 15 to 20 kilotons. Yields increased rapidly to the point where the U.S.S.R. tested a 58,000-kiloton weapon in 1961. The largest underground explosion had a yield of almost 5,000 kilotons. Unclassified reports place the yield of the weapons carried by intercontinental missiles in the range from 40 to 9,000 kilotons. The yields of underground explosions that might go undetected or unidentified under a comprehensive test ban are therefore much smaller than those of the first nuclear weapons. If the threshold of reliable detection and identification is one kiloton, that is only one-150th of the limit specified by the Threshold Test Ban Treaty of 1976.

From the viewpoint of verification a comprehensive test ban would actually establish the equivalent of a very low threshold, since weapons of extremely low yield could be tested underground without the certainty of being detected and identified. A treaty that imposed a threshold near the limit of seismological monitoring capability might therefore be considered an alternative to a comprehensive test ban. Such a treaty might be preferable to the present quite high threshold, but it would have the disadvantage that arguments could arise over the exact yield of tests made near the threshold. Indeed, the judgment of whether or not a test has taken place will always be less equivocal than an exact determination of yield.

In recent years there have been reports that the U.S.S.R. may have repeatedly violated the 1976 treaty by testing devices with a yield greater than the 150-kiloton limit. Such reputed violations were recently cited as evidence that the threshold treaty, which has not been ratified by the U.S. Senate, is not verifiable and should be renegotiated. On the basis of our analysis we conclude that the reports are erroneous; they are based on a miscalibration of one of the curves that relates measured seismic magnitude to explosive yield. When the correct calibration is employed, it is apparent that none of the Russian weapons tests exceed 150 kilotons, although several come close to it.

Observations at the Nevada Test Site (NTS), where American nuclear-weapons test are held, indicate there are linear correlations between the logarithm of the explosive yield and the two magnitude values, M_s and m_b, for explosions with yields greater than 100 kilotons. When the measured M_s and m_b values of explosions at the Russian test site near Semipalatinsk are inserted into the NTS formulas, however, the resulting estimates of yield given by m_b are more than four times as great as those given by M_s. For explosions in hard rock at many test sites estimates of yield based on the NTS M_s formula have invariably agreed with actual yields, whereas estimates based on the NTS m_b formula have sometimes been in drastic disagreement with the actual yield.

A strong correlation has been found between m_b values measured at individual stations and *P*-wave travel times to these stations. The U.S.S.R. routinely publishes seismological bulletins that include *P*-wave arrival times of earthquakes, and it is straightforward to interpret the times for stations in central Asia in terms of the expected pattern of m_b values near Semipalatinsk. From an analysis of the *P*-wave signals it is predicted that the m_b value for an explosion at Semipalatinsk is 40 percent greater than an equivalent explosion at NTS. This is the same correction that must be applied to the curve relating m_b to yield at NTS to make the m_b estimates of the yield of Russian explosions consistent with the M_s estimates. Thus two modes of analysis lead to the conclusion that there is an essentially universal relation between M_s and yield whereas the curve relating m_b to yield must be calibrated for each test site.

A comprehensive treaty would have an additional advantage over a low-threshold treaty: all technological uncertainties would work against the potential evader. A country planning a surreptitious nuclear test could not know the exact seismic-detection capability of other nations or the exact magnitude of the sesimic waves that would be generated by his test. A ban on nuclear explosions of all sizes would also have the important conceptual value that nuclear weapons, no matter what their size, would be recognized as inherently different from conventional weapons.

It is sobering to consider how the state of the world would differ if a full test ban had been achieved in 1963. The number of nuclear weapons has grown tremendously since then and is now estimated at from 50,000 to 100,000. The loss of life and the social damage that would be inflicted in a major nuclear exchange are vastly greater than they were in 1963. Furthermore, both the U.S. and the U.S.S.R. are less secure now than ever before, not because of any failure to develop arms but because of the growing stockpiles of weapons and the inability of any nation to defend itself against nuclear attack.

A comprehensive test-ban agreement should not be regarded as a substitute for disarmament. Meaningful reductions in the nuclear threat must include a continuing and serious process of arms control; in this process, however, a comprehensive test-ban treaty could have an important part. The problems of negotiating such a treaty are overwhelmingly political rather than technical and must be recognized as such.

Before the suspension of negotiations between the U.S., Britain and the U.S.S.R. in 1980 tentative agreement had been reached on a number of issues. All three nations agreed that a test-ban treaty would include a prohibition of all tests of nuclear weapons in all environments, a moratorium on peaceful nuclear explosions until arrangements for undertaking them could be worked out, provisions for on-site inspections, a mechanism for the international exchange of seismic data and the installation of tamperproof seismic stations by each country in the territory of the others. The proposed treaty would have a term of three years. The agreements on the long-standing issues of on-site inspection, peaceful explosions and the placement of monitoring stations in each country represented important breakthroughs. It would be a setback for the cause of international security if this hard-won ground were now lost.

For many years the stated policy of the U.S. has emphasized the desirability of a complete test ban if verification could be ensured. The policy was not fundamentally altered by the recent decision of the Reagan Administration to put off further negotiations on the test ban. On the contrary, it was reported that the Administration still supports the ultimate goal of a comprehensive ban on nuclear testing but has doubts about the efficacy and reliability of seismic methods of verification. As we have attempted to show here, there can be no substance to such doubts.●

THE VIOLENT CRIME AND DRUG ACT—S. 2572

● Mr. PRESSLER. Mr. President, I commend the Senate for the passage of S. 2572, the Violent Crime and Drug Act. I am proud to have served as a cosponsor of this most important legislation.

The people of this country have long been calling for tougher action on crime, and they are certainly correct in doing so. The increase in violent crime and drug trafficking has been most dramatic. The Department of Justice has reported that almost one-third of all the households in the United States were victimized by crime last year. S. 2572 includes major bail reform, provisions for setting sentencing guidelines, and changes in statutes dealing with drug trafficking, offenses against Federal officials, and organized crime.

Under the provisions of this legislation, judges will be able to consider the possible danger to the community when determining whether a defendant awaiting trial should be released on bail. Most importantly, danger to the community will be presumed if the defendant is accused of a serious drug trafficking offense or has used a firearm during the commission of a violent crime.

Major provisions are also included which will aid in the protection of those who have been victimized by crime. The bill would make it a Federal crime to retaliate against a witness or victim after the completion of the criminal justice process. These provisions are very important to our country's elderly population. Senior citizens are increasingly victimized by violent crime and are afraid to leave their homes. It is our duty to combat the serious crime problems which lead to this fear.

Under the sentencing provisions included in this measure, the courts will be required to follow guidelines in determining appropriate sentences and must explain the basis for any sentence which falls outside these guidelines.

The Government will also be able to appeal any sentence which is more lenient than the sentence guidelines. Tougher sentences, bail reform, and a crackdown on drug trafficking and organized crime are most important legislative reforms. However, the work is far from complete.

In my home State of South Dakota, people who had believed that they lived in safe communities are now unable to leave their homes unlocked or their farms unattended. Crime is everywhere and everyone runs the risk of being the next victim. By being soft on crime, we encourage an increase in criminal action and destroy our people's faith in the criminal justice system. I commend the Members of the Senate for taking this most important step and urge them to continue this most important fight. There can be no law without order, and no order without law.●

NATIONAL TEXTILE WEEK

● Mr. HEFLIN. Mr. President, it is a great pleasure for me today to rise in support of a resolution designating a "National Textile Week," to be celebrated from October 17-24.

One reason it is such a pleasure for me to support this commemorative resolution is the great importance of the textile industry in my home State of Alabama. Nearly 100,000 men and women in Alabama are employed in the textile/apparel industry, a very large percentage of the more than 2 million nationwide who earn their livings in this field.

With Alabama being the fourth largest textile producing State in the Nation, there is not 1 county from among Alabama's 67 that does not depend, to some degree, on the manufacture of textiles and apparel for economic well-being. Similarly, there is not one single State in the Nation whose economy does not depend on the manufacture of textiles and apparel, for the banners displayed across the country, reading "Textiles Cover America," are certainly true.

In Alabama, the textile industry provides a payroll of more than $1 billion. The national total nearly reaches $20 billion.

Nearly 1 out of 3 Alabamians are employed in some phase of the textile or apparel industries. Nationwide, this figure is 1 out of 9, still a very impressive total.

I can think of no other single American industry that is more widespread in its economic effects, or that produces products more basic to the meeting of human necessities.

Textiles are needed everywhere. They are used in our homes and in our offices, in schools, and hospitals, and factories, in planes and trains, and automobiles, in our Armed Forces and our space program, in science and technology, and the litany is endless—from shirts to sheets to safety belts to sutures to space suits to swim suits.

The textile industry has often been called a gateway industry, because for many, it provides a first job in manufacturing and a chance for personal advancement that is not easily found in many other industries. This industry, however, has done much more on a far greater scale.

Indeed, textiles has been a gateway industry for our entire Nation, for it helped open the doors to an industrial revolution that has given our Nation the highest standard of living that the world has ever known.

We in Alabama are tremendously proud of our textile plants. Without them, our State could never have progressed as far as we have come. The contributions that this industry has made are far too numerous to recount here, but they are frequently realized in day to day life.

Congratulations are certainly in order for all who are engaged in the textile or apparel industries, not only during the week of October 17-24, during which we will celebrate "National Textile Week," but also during every week of every year. These people are vital in an industry which, for more than 200 years, has proved vital to the very strength and prosperity of our Nation.●

MIDDLE EAST PEACE INITIATIVE

● Mr. PRESSLER. Mr. President, recent events in the Middle East have reminded us once again of the central role played by the United States in the maintenance of world peace. President Reagan's bold diplomatic initiative represents a step forward in the effort to secure a lasting peace in that region. Believing that the Congress should contribute to the development of this most important Presidential initiative, I wrote to Secretary of State George Shultz concerning the President's plan. I ask that my letter to him, as well as the response, be included in the RECORD.

The letter follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., September 9, 1982.

Hon. GEORGE P. SHULTZ,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I am pleased with President Reagan's Middle East peace initiative. Both that initiative and your elaboration of last weekend are valuable steps in the right direction.

I have long felt that the United States had a bigger role to play in the region than simply as Israel's chief arms supplier, although I feel that is important in itself. American diplomacy in the region can have a more significant mission in the peace process than simply helping to bail out that part of the world from its frequent crises.

In my opinion, the purchase of Israeli security purely through arms is not only a costly endeavor, but such an approach is doomed to failure in the long run. Under today's conditions, Israel's survival depends upon winning any and all military challenges. This is too great a gamble for any nation; a single defeat would mean the end for this important ally.

While I agree with the need for a new American policy, I must express concern for some of the details in the Administration's proposal. In this, I am especially struck by your comments and those of the President with regard to the need for a demilitarized zone, particularly with regard to artillery and other offensive weapons. How wide must a zone be to provide for Israel's security? Would a band of safety of, say, 15 miles, as I believe the Administration now suggests, be sufficient given the range and mobility of modern armaments? What is the potential for the abrogation of such an understanding against the deployment of offensive weaponry? What action would we and other governments, both inside and outside the region, be prepared to take to prevent such an eventuality? Also, I would appreciate knowing your thoughts on the relationship of the demilitarized zone to the occupied territories as well as U.N. Resolution 242. Who would control the demilitarized area(s) in the immediate future and in the long term?

I view these questions as fundamental. In this regard, I would draw your attention to the origins of the Second World War, and particularly to Hitler's unilateral move to remilitarize the Rhineland in defiance of the Treaty of Versailles. In the minds of most historians, the failure to prepare for and respond to that provocation placed the world on the path to the Second World War. Under today's conditions, we cannot afford a repetition of the same mistakes in designing a Middle East peace settlement.

Sincerely,

LARRY PRESSLER,
Chairman, Subcommittee on Arms Control, Oceans, International Operations and Environment.

DEPARTMENT OF STATE,
Washington, D.C.

Hon. LARRY PRESSLER,
Chairman, Subcommittee on Arms Control, Oceans, International Operations and Environment, U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked me to respond to your gracious and thoughtful letter of September 9. First, let

me express the appreciation of the Secretary and the President for your support for the President's initiative. As the Secretary has repeatedly emphasized, strong Congressional and public support, particularly from the leadership is critical if our foreign policy efforts are to succeed.

Your letter raises several issues about Israeli security, and the way in which that security can best be guaranteed. Military strength is costly not only in its economic terms, but in terms of the lives and casualties inevitably imposed. As the Secretary noted in his speech to the United Jewish Appeal shortly after the President's speech on September 1, while true peace "requires military strength and bravery, strength alone is not enough; true peace can only be achieved through lasting negotiated agreements leading ultimately to friendly cooperation between Israel and her neighbors."

As to your questions on details, you have raised several very important issues. The President's initiative was not designed as a comprehensive plan addressing these details or a variety of similar ones, but to state some broad principles to which we will give our support in the negotiations. The details will have to be worked out there. In those negotiations we will support solutions to those problems that seem fair and reasonable. You ask, for example, about the width of a demilitarized zone. There are a number of factors to be considered, not simply the type and range of weapons, but the other security guarantees and the agreements between Israel and her neighbors which are part of the context, and other related issues, none of which can be addressed except through the negotiations.

We believe that these issues can be solved, through creative and determined diplomacy, on our part and that of our partners. We look forward to continuing to work with you and other leaders of the Senate in that effort.

Sincerely,

POWELL A. MOORE,
Assistant Secretary for Congressional Relations.●

MOE MORAVEC HELPS REDUCE INFLATION

● Mr. ZORINSKY. Mr. President, I would like to take this opportunity to focus attention on the efforts of a dedicated Nebraskan to help our Nation reduce inflation and get ourselves on the road to economic recovery.

Recently, I received a letter from Moe Moravec of Papillion, Nebr., informing me that he froze food and drink prices for 13 months at his restaurant, Moe's Steak House, as his contribution in the fight against inflation. Despite the price freeze, Mr. Moravec has informed me that the restaurant showed a considerable volume growth and an equally pleasant profit picture.

The solution to our current economic dilemma is not an easy one and will require the combined efforts of all Americans. Moe Moravec has demonstrated that sacrifice and hard work on the part of a small businessman can go a long way in helping our great Nation regain economic prosperity.

I would like to share with my colleagues Moe Moravec's letter to President Reagan informing him of the price freeze as well as an article Mr. Moravec wrote for a local publication on the same topic.

The material follows:

LETTER TO THE PRESIDENT

The PRESIDENT,
The White House.

Your speech to the Congress and the nation was some of the sweetest music to my ears I've ever heard!

Mr. President, I believe everything you said; you said things the majority of us have been wanting to hear for a long, long time. You touched on many things that have been a burr under my saddle.

Mr. President, we here at Moe's Steakhouse will commit ourselves to the very theme of your speech, inflation, and we will do our part by freezing our food and mix drink prices for one year thru Feb. 19, 1982.

Yes, sir, we will absorb all and any price raises thru more efficient operations and make it work!

Thank you again, I slept much better last night.

MOE MORAVEC.

MOE SPEAKS OUT

Like "Bama Butch" who surfaces occasionally—you haven't heard much from Moe for some time. Well, I've been like a "one armed paper hanger" trying to keep Moe's open in these hard economic times. My big mouth made me spout off about freezing prices for a year. Whew, only a crazy man would pull a deal like that with prices rising all around. To compound things the last time Moe's menu prices were adjusted was in August of 1980. On Jan. 19th of 1981 President Reagan addressed the nation concerned about the evils of inflation. Moe wrote him a personal letter pledging to freeze food and drink prices for one year. (If you recall he personally responded.) Well, it took Moe and his staff 4 months to gear their operation to a "price freeze policy" for one year.

Today Moe is happy to announce that the past 13 months have shown a considerable volume growth but more importantly, thanks to the support of our good patrons, we show, an equally pleasing profit picture! The bottom line is what its all about when you are in any business! I today challenge all business both locally and nationally to "freeze their prices for one year" you'll be pleasantly surprised at the results and I'm sure this great USA will love you more for it.

Thank you for making it work.

At this time my accountant is verifying my claim—however menu information can be verified—ask us.

We are continuing our price freeze through Labor Day 1983.●

COMMISSIONING OF THE U.S.S. "HOUSTON"

● Mr. JEPSEN. Mr. President, the nuclear-powered submarine U.S.S. *Houston* (SSN 713) was commissioned on September 25, 1982, in Norfolk, Va. The distinguished speaker on this proud occasion was the chairman of the Committee on Armed Services, who spoke of the great achievements of earlier ships which carried the name U.S.S. *Houston*. The heroic lessons of these earlier ships and of the men who fought on them can provide an inspiration to us all.

Mr. President, I ask that this address by the senior Senator from Texas be printed in the RECORD.

The address follows:

CELEBRATION OF U.S.S. "HOUSTON"

(Address by Senator John Tower)

We are here to celebrate the achievement of the men and women who designed and built this fine attack submarine, the achievements of the city of Houston, Texas, for which this great ship is named, and the achievements of the sailors of all the USS HOUSTONs both past and present.

It is customary at a time like this to talk of ships, force goals, and national requirements. These are important, but too often we tend to forget the human factor.

It is fine, indeed essential, to have a fleet of the proper size and capability, but to make the ships of the fleet work properly, even with today's technology, we must have dedicated, trained men who will fight them until the men themselves are put out of action.

It is to these dedicated, trained men standing here waiting to commission this ship that I address these remarks.

You men have worked diligently to get ready for this moment, absorbed totally in the details necessary to prepare this ship for her commissioning. Today, quite naturally, brings the culmination of your efforts, relief in a job well done, and hope for a more routine and less hectic future.

So, while we pause here for a moment in that transition from pre-commissioning detail to normal underway watches, I want to speak of the responsibilities you are about to assume.

Seated in this audience are members of the U.S.S. *Houston* Survivors Association and representatives from the city of Houston.

I would hope that the valor of these men and spirit of the citizens of Houston will serve as a model for you to emulate in all you do.

This will be the fourth U.S. Navy ship named *Houston*, not including the Polaris submarine, *Sam Houston*.

The first was a military freighter during the First World War.

But it is of the second ship named *Houston* that I want to speak. She was a special warship that distinguished herself during the dark, early days of the Second World War.

The second *Houston* was a heavy cruiser, built by Newport News and commissioned here in 1930.

On December 7th, 1941, when Pearl Harbor was attacked, *Houston* was the flagship of the U.S. Asiatic Fleet. She was soon in combat, for the Navy that remained after that day of infamy was stretched thin across the ocean, and the Japanese expansion throughout the western Pacific was proceeding at a relentless pace.

She engaged in a month-long series of skirmishes with the Japanese in the Java Sea in February 1942, as the combined American, British, Dutch, and Australian navies fought vainly to stem the Japanese onslaught.

Her record during that time was admirable; but it was her last battle, later that month, that concerns us most.

On the 26th of February, the cruiser *Houston*, with four other allied cruisers and 10 destroyers, set sail to face a major Japanese invasion force approaching the island of Java. Late that afternoon, they met a Japanese force of four cruisers and 13 destroyers escorted by land-based aircraft.

In the torpedo and gunfire battles which followed, three allied ships were destroyed. The force disengaged, and the destroyers, their torpedoes expended, were ordered back to base. With no destroyer protection left, the four remaining allied cruisers, including *Houston*, turned back towards the enemy in a last attempt to stop the invasion.

At eleven o'clock that night, the cruisers again engaged the Japanese surface group. On parallel courses, the opposing units opened fire. Two Dutch cruisers were torpedoed and sank, carrying their captains, their crews, and the fleet commander down with them.

Before losing contact with the two remaining cruisers, including *Houston*, the fleet commander ordered them to retire. They did, but the next day they left port to try to escape the Java Sea. Enroute they surprised the Japanese invasion force landing troops on the island.

It was close to midnight when the two ships turned to engage steaming boldly and alone towards the Japanese.

The cruisers were almost torpedoed as they approached the landing area, but they evaded every weapon. They then sank one transport and forced three others to beach.

Unfortunately, a Japanese destroyer squadron blocked their means of retreat, and two large Japanese cruisers entered the fight.

The result was foreordained, but *Houston* and the cruiser *Perth* fought valiantly. *Perth* was hit first, and in less than an hour had been sunk.

Houston then fought on alone, her guns blazing in the night at the enemy all around her. Just after midnight, she took a torpedo hit and began to lose headway. During this time, her gunners scored hits on three different destroyers and sank a minesweeper, but she suffered three more torpedo explosions in quick succession. Her captain was killed by a bursting shell, and as the ship came to a stop, enemy destroyers swarmed around her, machine gunning the decks.

A few minutes later, the gallant *Houston*, her name written imperishably in the records of heroism, rolled over and sank, her ensign still flying.

Of the crew of 982 men, 500 went down with the ship, 222 died of exposure, and 260 survived to be held in Japanese prison camps until the end of the war. These are the men of the U.S.S. *Houston* Survivors Association.

Because she died alone, *Houston's* fate was not known by the world for nine months, and the full story of her courageous fight was not fully told until the survivors returned home at the end of the war.

But in May of 1942, only four months after her loss, the true spirit of the people of Houston, Texas, was revealed by their response to the news of the loss of "their" ship. On the 30th of that month, one thousand men from the city were sworn into the Navy on the corner of Main and Lamar streets to symbolically replace the lost crew. In addition, by later that year, the Houston War Bonds Committee had raised $85 million. Not only was this enough to pay for the construction of a third U.S.S. *Houston*, but there was enough left over to pay for a light aircraft carrier, the U.S.S. *San Jacinto*.

The third *Houston* was also a cruiser and was also built here by Newport News. She joined the Fleet in the Spring of 1944, and built up an impressive record as the U.S. Navy moved slowly up the Pacific Islands. Finally, she was hit by the Japanese during an attack on Formosa in October of 1944. But through the actions of her crew, she was kept afloat even in the face of additional Japanese attacks. After temporary repairs, she eventually made it back to New York and was ready to rejoin the Fleet when the war ended. She was mothballed in 1947 and stricken from the Navy list in 1959.

Now, with you men, the traditions of these two former *Houstons* will pass to a nuclear powered attack submarine, and that seems fitting, for our submarine force stands guard at the outer reaches of the oceans, protecting American interests as did the *Houston* of 1941. And if our naval forces are sent into combat, an attack submarine most likely will be, as it was for the British in the Falkland Islands crisis, the first of our ships to see action.

Today, as *Houston* officially joins the fleet, she becomes the 485th ship in the force and the 91st nuclear attack submarine.

This Administration's stated goal is to build to and maintain a fleet of 600 ships, of which 100 are to be nuclear-powered attack submarines. We are rapidly reaching that submarine goal, but we must not rest on our laurels. Many of the boats that form that force were procured in very large quantities during the past years. Thus, they will begin to retire in equally large annual quantities.

I support the Administration's shipbuilding goals and will do what I can to see they are achieved and maintained, but to sustain them, we must be authorizing submarines at a minimum rate of three to four per year. For the last two years, however, we have authorized only two per year. We must improve upon that. In fact, we must sustain greater building rates in all of the ship types in the force, even if this means a larger shipbuilding account, and concurrently, a larger defense budget.

For the last 10 years, the Soviets have maintained a submarine building rate of 12 subs per year. They have a total submarine force of 360 boats. Their surface ship building rate has been 18 per year and their total navy now numbers over 2000 ships. Moreover, we can see that each new class of ship they build is larger, more heavily armed, and more wide-ranging than its predecessor. In some cases they are even more capable than our own.

It takes decades and a broad, deep commitment to build an effective, open ocean Navy. The Soviets have obviously made that commitment, and it is our challenge and our duty to make the investments now that will permit our own fleet to maintain the edge we, as a maritime nation, must enjoy on the oceans of the world. And we must maintain that fleet not only in its total size but also in the individual capability of each vessel and in the training and morale of our sailors.

While the Soviets may have more of certain ships than we do, the edge we currently maintain, in my mind, comes from the balanced mix of ships we have, and more importantly, form the spirit, training, and dedication of the men who man the ships of the United States Navy.

These are the achievements we celebrate today—valor, determination, sacrifice—achievements by ordinary Americans working together under extraordinary circumstances to protect themselves, their families, and their nation.

Soon you men will sail forth to assume your rightful place in the fleet, and you will carry with you the traditions and accomplishments of those who have been before you. Guard them. Honor them. Heed them. And pass them on to those who follow. And I am confident as I look at you now, that you will add to those traditions, should your shipmates or your country call you.

It is my distinct pleasure and honor to have been with you on this memorable occasion, and I wish you the best of luck. I would close only with the words of Joseph Conrad.

"And now the old ships and their men are gone; the new ships and the new men, many of them bearing the old auspicious names, have taken up their watch on the stern and impartial sea, which offers no opportunities but to those who now how to grasp them with a ready hand and undaunted heart."

I wish you fair winds and following seas.

Godspeed.●

DAKOTA AMERICAN INDIAN MOVEMENT ENCAMPMENT

● Mr. PRESSLER. Mr. President, I rise today to express concern about the Dakota American Indian Movement's encampment in the Black Hills of South Dakota. This camp, which is commonly known as Yellow Thunder Camp, was established 18 months ago. Several members of the American Indian Movement set up the camp about 12 miles outside of Rapid City, S. Dak. They are seeking to gain possession of 800 acres of land within the Black Hills National Forest. They are seeking the land for religious and cultural activities.

Winter is approaching, and the Yellow Thunder Camp continues to exist. The residents of the camp survived last winter with insulated teepees, wood stoves, and one wooden shelter. The residents are determined to gain title to the 800 acres of land within the Black Hills. However, this land has been the subject of a long legal battle which resulted in a determination that the Sioux Indians were entitled to $105 million in compensation.

As a Member of the U.S. House of Representatives, in 1978, I supported legislation to reopen the question of the claim to the Black Hills. I worked with the tribal leaders in that matter as I believed that the pursuit of legal avenues was the best means of dealing with the claims to the Black Hills.

A long history of treaties, agreements, and court actions is involved in the Sioux Nation's claim to the Black Hills. The Sioux Indians have claimed for over a century that the U.S. abrogated the Fort Laramie Treaty of 1868 in which the United States pledged that the Great Sioux Reservation—including the Black Hills—would be set

apart for the absolute use of the Sioux Indians.

The Fort Laramie Treaty established the Great Sioux Reservation and stated that no unauthorized persons would ever be permitted to reside in that territory. The treaty also stated that no later treaty for the cession of any portion of the reservation described would be valid unless executed by at least three-fourths of all the adult male Indians occupying the reservation.

With the discovery of gold in the Black Hills, the Federal Government began negotiations for mining rights but was unsuccessful in its attempt.

In 1876, a Commission on Indian Affairs traveled to the Black Hills with a prepared treaty which provided that the Sioux would relinquish their rights to the Black Hills and other lands west of the 103 meridian, as well their rights to hunt in territories off the reservation, in exchange for subsistence rations. This treaty which was presented to the Sioux chiefs was signed by only 10 percent of the adult male Sioux population. This agreement became law in the act of 1877. Since that time the Sioux have viewed the act of 1877 as a breach of the Nation's obligation to reserve the Black Hills for occupation by the Indians and an abrogation of the provisions of the Fort Laramine Treaty. However, Congress had not enacted any means by which Indian tribes could litigate a treaty against the United States.

In 1920, Congress passed special jurisdiction legislation which provided the Sioux Indians the forum they needed, and in 1923 a petition was filed with the Court of Claims alleging that the Government had taken the Black Hills without the just compensation required under the fifth amendment to the Constitution.

In 1942, the Court of Claims dismissed the claim, stating that the act of 1920 did not authorize them to determine the issue of whether adequate compensation had been awarded for the Black Hills. They found this to be a moral issue and thus outside their jurisdiction.

In response to this decision, Congress passed legislation creating an Indian Claims Commission. This Commission would hear and determine all tribal grievances. In 1974, this Commission concluded that Congress had acted pursuant to its power of eminent domain in the 1877 treaty and must therefore pay the Indians just compensation for the Black Hills.

The Government of the United States appealed the decision claiming that the rule of res judicata barred the Sioux's claim. Res judicata is a legal term which refers to the fact that once one has litigated a case and accepted a final judgment, one cannot come back into court and seek the same relief.

The Court of Claims ruled that the 1942 claim had reached a final judgment and thus the legal rule of res judicata prevented review of the Sioux Nation's claim. The court also stated that only Congress could correct this situation.

It was at this time that I worked closely with the tribal leaders and supported legislation in the U.S. House of Representatives which waived the rule of res judicata so that the Sioux Nation's claim could be heard.

This 1978 legislation provided for de novo review by the Court of Claims so that new evidence could be admitted. After the passage of this statute, the Court of Claims reviewed the Indian Claims Commission's award and agreed that the Sioux were entitled interest on the $17.1 million determination they had been granted in 1877.

The Government of the United States appealed this decision to the U.S. Supreme Court. During the October term of 1979 the Supreme Court—the highest court in this land—reviewed the Sioux Nation's claim. The opinion issued by the Supreme Court traced all the treaties and agreements as well as all previous claims and legislative actions, quoting my comments on the floor of the House with regard to the waiver of res judicata. The Supreme Court determined in this 1980 opinion that the Sioux were entitled to the award increase granted by the Court of Claims.

I consider *U.S.* v. *Sioux Nation of Indians,* 100 S. Ct. 2716 (1980), to be the final settlement on this issue. I am proud to have played a part in gaining the Sioux Indians the right to have their claim heard and a final determination made.

The individuals currently residing at the Yellow Thunder Camp in the Black Hills do not represent the tribal governments which I have worked with on this matter. I believe that the Federal and State authorities have been most patient in dealing with this encampment and that the time has come for the members of this camp to discontinue their occupation of Federal land.●

THE BLANKET AMNESTY FOR ILLEGAL ALIENS

● Mr. EAST. Mr. President, the House Committee on the Judiciary recently approved H.R. 6154, the so-called Immigration Reform and Control Act of 1982, which contains a blanket amnesty for illegal aliens. Congressman WILLIAM J. HUGHES and Congressman HAROLD S. SAWYER, along with 10 other members of the committee, disagreed with the decision to grant mass amnesty. They take the position, which I find convincing, that we must devote greater resources to enforcing our immigration laws.

Amnesty would make a bad problem worse. I hope that all of my colleagues will read the views of these distinguished public servants before the Senate again considers immigration legislation. I ask that their views be placed in the RECORD at the conclusion of this statement.

ADDITIONAL VIEWS OF CONGRESSMAN WILLIAM J. HUGHES FOR THE HOUSE JUDICIARY COMMITTEE REPORT ON H.R. 6514, THE IMMIGRATION REFORM AND CONTROL ACT OF 1982

The Select Commission on Immigration and Refugee Policy (1979-81) recommended that Congress consider an amnesty program for illegal aliens, but in order to discourage an "amnesty migration" to the United States the Commission recommended that first an immigration enforcement system be in place.

No such enforcement system is in place.

More than ever before in American history the nation faces overwhelming migration pressures from the Third World. Border agents are literally overrun on the Mexico border. Immigration inspectors cannot control tourists and visitors who enter as "non-immigrants" at U.S. airports and landports and then "disappear." INS investigators cannot curtail a booming business in alien smuggling, false documents, marriage frauds, and placing "undocumented" aliens in U.S. jobs.

Meanwhile, the enforcement capabilities of the Immigration Service have actually diminished due to congressional neglect and presidential politicking:

In 1976 there was on duty an investigative force of 1268, by 1982 the number had dropped to less than 670.

In 1976 there were 1435 on-duty inspectors, in 1982, 1420.

Only the on-duty Border Patrol force has shown a slight increase, 2,310 in 1976, compared to some 2,600 in 1982.

In all, the INS currently has scarcely 4,600 persons in the enforcement branch, and many of these are desk jobs.

Furthermore, the Reagan Administration, under it policy of fiscal restraints, has no plans to increase the personnel of any federal agency—except on one condition. If the present immigration bill, with employer sanctions becomes law, then possibly 500 investigators would be added to enforce it. But such is the parsimony of the Administration that it would exempt from sanctions employers of three or less illegal aliens in order to cut enforcement costs. Also to economize, it would prefer to use existing Department of Labor inspectors to enforce sanctions, not on illegal aliens, but on employers.

Mr. Richard L. Bevans, President, National Border Patrol Council, sums up the dismal enforcement situation as follows (letter July 22, 1982):

". . . illegal immigration has been out of control for several years and will inevitably mushroom upon the adoption of any form of broad-scale amnesty. . . .

"If the Justice Department policies, prohibiting assistance by state and local law enforcement agencies while creating de facto sanctuaries in residential areas and places of employment, are continued, this country will be inundated by illegals at a time when record numbers of U.S. citizens and legal resident aliens are unemployed.

It is not merely that the Immigration Service lacks control over borderlands, seacoasts, and ports-of-entry, but the Federal

Government has no immigration control over immigrant colonies. The truth is that it hardly knows what is going on there. Neighborhood immigration searches are virtually banned by the Civiletti directive of November 26, 1979, done in preparation for the 1980 census but still in effect. Furthermore, cooperation from local law enforcement agencies in migration control is held to the minimum by the Bell directive of June 23, 1978, still in force. (See attachments.)

Such considerations suggest that if an immigration control bill were to succeed in shutting off the magnet of Third World immigration colony it would have to provide for specific measures of community area control, or otherwise have the full support of the Administration for a heavy increase in immigration manpower and the issuance of new migration control directives. Instead the Administration seems committed to hold the line against increased personnel or budgetary resources for all federal agencies.

The foregoing gets down to the bedrock question: to what extent can the Immigration Service establish some semblence of area control in immigrant neighborhoods given such factors as the following: outstanding hands-off directives, the simple lack of area-control investigators the lax system of not enforcing penalties on illegal entrants, the inability of administration officials and legislators to grasp the dynamics of Third World migration, and the mind-set of the Administration against substantial increases in immigration enforcement personnel. (As a rule of thumb, immigration officers estimate that it would take three times as many inspectors, investigators, border patrolmen, and anti-smuggling agents, to get a grip on the surreptitious flow into immigrant colonies.)

To elaborate on but one of the foregoing factors, namely the enforcement deficiencies of the Immigration Service with respect to immigrant settlement areas. In 1976, the INS had about 1268 investigators on duty. That number considered woefully inadequate then, should be compared to the 670 investigators, or less presently on duty. These numbers after all seem to express a federal policy, established during the Carter administration, of hands-off immigrant colonies. Politicians cultivating the new ethnic vote, including congressmen, governors, mayors, (one could append a long list of names here) now would have it no other way. It's a good stand to be against a "police state."

In view of the present dismal enforcement situation with respect to immigration control, I believe it would not be wise for Congress to approve of a controversial mass amnesty program that most likely lead to future amnesty demands. Instead, I think Congress would be well-advised to follow the recommendation of the Select Commission on Immigration and Refugee Policy, that is, put an immigration enforcement system in place before going ahead with any broad amnesty plan.

WILLIAM J. HUGHES.

Still in effect.

NOVEMBER 26, 1979.

To: David Crossland, Acting Commissioner, Immigration and Naturalization Service.
From: Benjamin R. Civiletti, Office of the Attorney General.
Subject: Policy Concerning INS Residential Area Control Investigations.

I have had extensive consultation with you and other senior officials of the Immigration and Naturalization Service (INS) and have carefully reviewed INS policies concerning Residential Area Control Investigations such as were conducted by the Los Angeles district offices until mid-October.

As a result of that review and those consultations, and because I believe that the limited INS resources available for area control investigations should be focused primarily on employed undocumented aliens at their places of employment, I am approving your recommendation to modify INS procedures to preclude residential area control investigations except in unusual circumstances.

Effective at once, immigration officers will not seek out undocumented aliens in places of residence by routine area control investigations, but only in unusual circumstances. Examples of such circumstances would be smuggling operations centered in a residence; ill-treatment or physical harm to undocumented aliens or others; fugitives misusing a residence for concealment; instance of flagrant abuse of the immigration law, and such exceptional situations as the urgent current effort to identify out-of-status Iranian students because of the crisis abroad.

Even in such unusual circumstances, there must be reasonable ground to believe that a violation of immigration law has occurred. In order to assure that these policies will be effected, I request that you modify operating procedures so as to require a written articulable basis for the reasonable ground standard for the authority of each specific residential investigation. I further request that such written authority be subject to review of a government attorney.

This policy is particularly important in light of the 1980 decennial census. . . .

NOTE.—Virtually prohibits cooperation in immigration control between local enforcement agencies and the Immigration Service Still in effect.

OFFICE OF THE ATTORNEY GENERAL

Press release June 23, 1978

Attorney General Griffin B. Bell today reaffirmed the Department of Justice policy that the responsibility for enforcement of the immigration laws rests with the Immigration and Naturalization Service and not with state and local police.

INS officers are uniquely prepared for this law enforcement responsibility because of their special training and because of the complexities and fine distinctions of immigration laws, Mr. Bell said.

The Attorney General stated that the Department would continue to urge state and local police forces to observe the following guidelines:

1. Do not stop and question, detain, arrest or place "an immigration hold" on any persons not suspected of crimes, solely on the grounds that they may be deportable aliens;

2. Upon arresting an individual for a non-immigration criminal violation notify the Service immediately if it is suspected that the person may be an undocumented alien so that the Service may respond appropriately;

INS officials will continue to work with state and local law enforcement officials to carry out this policy.

DISSENTING VIEWS OF HON. HAROLD S. SAWYER FOR THE HOUSE JUDICIARY COMMITTEE REPORT ON H.R. 6514, THE IMMIGRATION REFORM AND CONTROL ACT OF 1982

While acknowledging the very substantial amount of work which the Subcommittee on Immigration, Refugees and International Law has done on H.R. 6514, I must respectfully but strongly dissent with the Judiciary Committee's action to report the bill for further consideration by the House of Representatives. This long and complicated piece of legislation proposes comprehensive and, in some instances, controversial revisions in five major areas of America's immigration policy. H.R. 6514, and its companion bill which has passed the Senate (S. 2222), provides sanctions against employers who hire illegal aliens, set procedures for the adjudication of asylum, exclusion, and deportation cases, revises the limits of legal immigration into this country, and establishes guidelines for the use of seasonal and temporary alien workers. While room exists to correct certain flaws in these four sections, they basically represent a sound attempt by Congress to regain control of our borders and to rationalize our inconsistent immigration policies.

It is the fifth and final section of H.R. 6514, however, which greatly concerns me and which prompts my strenuous dissent. This section proposes that illegal aliens who have resided in this country for a certain number of years will be granted a legalized status from which they may eventually apply for United States citizenship. Legalization raises many serious questions, questions which, I feel, are not adequately answered by this legislation or its proponents.

While admitting that it is virtually impossible to accurately calculate the number of illegal aliens in this country, a variety of reliable sources have estimated that there are at least three million and as many as twelve million undocumented aliens in the United States today. A reasonable estimate appears to be six to eight million aliens, although some government officials now calculate that one million new illegal aliens enter the country each year.

Given these huge numbers, it seems apparent that mass legalization will not work, practically speaking, and it could, in fact, have very serious repercussions at the federal, state, and local levels. Offering a blanket amnesty to the millions of people who have illegally entered and hidden in the United States will simply not solve the problem of illegal immigration. It is a "solution" born of convenience, but it is no more workable an idea than if Congress decided to eliminate America's crime problem by repealing all our criminal laws.

I am particularly disturbed by the thought of what will happen if the amnesty provisions in H.R. 6514 become law. What if five or six million aliens decide they are eligible for one of the two new resident alien statuses? Who will handle the enormous amount of paperwork, interviews, investigations, and adjudications which will be required to properly process these individuals toward valid citizenship? Practically every Member of Congress is painfully aware that the Immigration and Naturalization Service is currently understaffed and swamped with backlogs of cases which date back several years. How can we realistically expect INS to deal with mass amnesty even if only one million illegal aliens come forward?

Conversely, if only 25 percent of those eligible illegal aliens do apply for residents status as some have suggested, then what will amnesty have accomplished? Certainly the negative political, social, economic, and administrative effects will be reduced, but this will still leave 75 percent of the problem unsolved. This argument in support of amnesty makes it even more apparent that legalization is no solution at all.

H.R. 6514 contains no specific provisions for substantially reorganizing and improving the Immigration and Naturalization Service, but even if it did hypothetically speaking, how INS verify the residency claims of these millions of illegal aliens? According to the bill, aliens may apply for permanent resident alien status if they have lived in the United States continuously since before January 1, 1977. If the alien has resided here from between January 1, 1977, and January 1, 1980, he or she may apply for temporary resident alien status. In thousands of these cases, however, how will these claims be proved to be true? Many of these individuals have hidden inside this country by continuously moving, by dealing only in cash, and by using false identification documents. Because the Subcommittee on Crime on which I am the ranking Republican has reported out a comprehensive bill to combat the use of false identification documents (H.R. 6946), I am very familiar with the ready availability and widespread use of very sophisticated-looking but totally fraudulent Social Security cards, birth certificates, green cards, and driver's licenses. How can we expect the INS to investigate the authenticity of the thousands of false documents and unprovable claims which will be offered as the officers screen these aliens for residency eligibility, mental illness, ill health, or criminal background?

Yet another major concern with the amnesty provisions in H.R. 6514 is the impact they will have on legal immigration. Recalling the backlog of immigration applications currently swamping the INS, is it appropriate for the United States to offer citizenship to individuals who have broken the law by illegally entering and remaining in this country while others have waited patiently for several years to come here legally? Won't amnesty, in fact, discourage legal immigration and encourage the easier, cheaper, and faster alternative of illegally entering this country? It is arguable that aliens will use any number of prohibited ways to enter this country in the hope that another amnesty will be declared again by future Congresses. Are we setting a bad precedent which will be followed in the years to come?

Finally, if, as is possible, millions of aliens do apply for legal resident status, how will this affect state and local governments? Amnesty could result in huge sudden financial, structural, and manpower burdens on education, welfare, and criminal justice systems. Since the federal government exerts primary responsibility for refugees, should it also assume the responsibility for the impact that legalization will have on particularly hard-hit states like California, Texas, and Florida? Can Congress, in the face of cross-the-board cut-backs elsewhere in the economy, justify the payment of billions of dollars in federal aid to communities for its granting of amnesty to millions of illegal aliens? If the federal government does not supply this impact aid, is it realistic to assume that state and local taxpayers can and will take on this burden? In addition to all the other problems, the financial costs of amnesty clearly make this proposal totally unworkable.

For all these reasons, the amnesty provisions in H.R. 6514 must not be enacted into law. Instead, Congress should specifically act to substantially increase the resources of the Border Patrol and the INS. (See supporting attachment.) Both agencies should get more personnel, better equipment, and improved facilities. These agencies must, in particular, have access to computer systems which record the entry, movement, and exit of aliens in this country and which can check the validity of an identification document in a matter of minutes. In addition Congress should change the date of voluntary alien registry from 1948 to January 1, 1973. This would allow many illegal aliens to apply for resident status by showing ten years of continuous residence. By changing the registry date, established INS procedures could be used, fraud would be more easily detected, and a sudden, administrative overload would be unlikely. If employer sanctions could be put in place for three years, the results could be studied and the registry date might be changed to 1975 or another appropriate year, if it is evident that illegal immigration is being stopped or reduced.

In conclusion, let me say that the motive behind the amnesty provisions in H.R. 6514 is well-intentioned, but the negative impact of these provisions will be enormous if this legislation is enacted. Congress must move slowly and carefully on this complex issue. As with so many other problems facing our country, a "quick fix" is not a solution. As presently drafted, H.R. 6514 contains a quick fix to the problem of amnesty and because of this I cannot support its passage.

HAROLD S. SAWYER.

BORDER PATROL AUTHORIZED AND ON-DUTY FORCE CHART

	1982	1981	1980	1979	1978	1977	1976	1975	1974	1973	1972	1971
Immediate border:												
Total authorized	2,690	2,694	2,694	2,510	2,231	2,427	2,434	2,236	2,122	2,005	2,030	1,859
Officer corps	2,313	2,287	2,290	2,145	2,078	2,057	1,979	1,803	1,739	1,704	1,634	1,565
Support	377	407	404	365	243	370	455	433	383	301	396	294
On duty total		2,389	2,456	2,007	2,222	2,347	2,310	2,118	2,032	1,953	2,067	1,858
Officer corps		2,093	2,173	1,748	1,989	1,990	1,878	1,708	1,665	1,660	1,664	1,564
Support		296	283	259	233	357	432	410	367	293	403	294
Other than border:												
Total authorized	200	182	221	221	159	NA	NA	NA	NA	NA	NA	NA
Officer corps	175	157	194	194	111	NA	NA	NA	NA	NA	NA	NA
Support	25	25	27	27	48	NA	NA	NA	NA	NA	NA	NA
On duty total		169	180	187	123	NA	NA	NA	NA	NA	NA	NA
Officer corps		147	156	161	86	NA	NA	NA	NA	NA	NA	NA
Support		22	24	26	37	NA	NA	NA	NA	NA	NA	NA
Total both programs:												
Total authorized	2,890	2,876	2,915	2,731	2,480							
Officer corps	2,488	2,444	2,484	2,339	2,189							
Support	402	432	431	392	291							
On duty total		2,558	2,636	2,194	2,345							
Officer corps		2,240	2,329	1,909	2,075							
Support		318	307	285	270							

IMMIGRANT INSPECTORS—AUTHORIZED AND ON-DUTY FORCE

[Fiscal years]

	1982	1981	1980	1979	1978	1977	1976	1975	1974	1973	1972	1971
Authorized[1]	1,357	1,559	1,544	1,667	1,547	1,547	1,491	1,367	1,342	1,358	1,346	1,312
On duty[2]	1,421	1,489	1,501	1,474	1,389	1,477	1,435	1,302	1,261	1,290	1,241	1,288
Persons inspected in millions (aliens and citizens)[3]	[4] 339	329	309	273	277	266	272	258	267	260	246	238

[1] Figures are approximate up to fiscal 1977 because examiners were mixed in with inspectors. After that date 2 separate categories were established. Fiscal year 1982 is unusual in that the Office of Management and Budget agreed to fund more than the authorized number of inspectors.

[2] These are average numbers since on duty numbers fluctuate during any given year.

[3] Inspectional workload has increased because of volume increase and because more aliens arrive by air which requires more inspectional care. In 1971 6,000,000 aliens arrived by air and 9,000,000 citizens. In 1981 the numbers were not only much higher but in reverse proportion, 18,000,000 aliens arriving by air and 14,000,000 citizens.

[4] Estimate.

Source Inspections Division, U.S. Immigration and Naturalization Service.

INVESTIGATIONS DIVISION AUTHORIZED AND ON-DUTY FORCE CHART

	1982	1981	1980	1979	1978	1977	1976	1975	1974	1973	1972	1971
Investigations program:												
Authorized force	796	796	834	923	1,037	1,037	1,345	1,304	1,329	1,215	1,219	1,113
Officers	637	648	667	736	747	747	992	962	980	896	892	811
Support	159	148	167	187	290	290	353	342	349	319	327	302

INVESTIGATIONS DIVISION AUTHORIZED AND ON-DUTY FORCE CHART—Continued

	1982	1981	1980	1979	1978	1977	1976	1975	1974	1973	1972	1971
On duty [1]		703	772	864	971	977	1,268	1,229	1,098	1,145	1,108	986
Officers		594	633	696	699	704	935	907	810	844	811	718
Support		109	139	168	272	273	333	322	288	301	297	268
Status verification:												
Authorized force	256	256	268	297	323	323	NA	NA	NA	NA	NA	NA
Officers	205	208	215	237	233	233						
Support	51	48	53	60	90	90						
On duty [2]		226	248	278	302	305	NA	NA	NA	NA	NA	NA
Officers		191	204	224	218	220						
Support		35	44	54	84	85						
Grand total:												
Authorized force	1,052	1,052	1,102	1,220	1,360	1,360	1,345	1,304	1,329	1,215	1,219	1,113
Officers	842	856	882	973	980	980	992	962	980	896	892	811
Support	210	196	220	247	380	380	353	342	349	319	327	302
On duty		929	1,020	1,142	1,273	1,282	1,268	1,229	1,098	1,145	1,108	986
Officers		785	837	920	917	924	935	907	810	844	811	718
Support		144	183	222	356	358	333	322	288	301	297	268

[1] Number on duty at the end of the fiscal year, Sept. 30. As of Feb. 20, 1982, only 666 investigators, including support personnel, were on duty, meaning that 130 authorized positions remained unfunded by the administration's Office of Management and Budget.

[2] Status verification investigators, who totaled 208 on-duty positions in February 1982, do not participate in area control activities but, in conjunction with examinations branch, do background checks on aliens seeking benefits, such as adjustment of status, parole, or naturalization.

Source: Investigations Division, U.S. Immigration and Naturalization Service.●

VIEWS ON THE TAX AND SPENDING REDUCTION BILL

● Mr. ARMSTRONG. Mr. President, Rudolph Penner, resident scholar at the American Enterprise Institute, wrote one of the most insightful articles about the significance of last month's victory on the tax and spending reduction bill.

Although I do not agree with all the views of Mr. Penner, I agree with his basic conclusion that last month Congress—for the first time in years—proved its willingness and commitment to properly govern the Nation, and that a lion's share of the credit for doing so belongs to Senator ROBERT DOLE of Kansas.

I urge my colleagues to read the article.

The article follows:

[From the New York Times, Sept. 12, 1982]

THE BILL THAT SAVED THE BUDGET PROCESS

(By Rudolph G. Penner)

Last February I wrote that the Congressional budget process was dying. It was. Congressional decision-making processes were in disarray and the legislators and their staffs were in a blue funk.

While the budget process suffered through some severe crises in the spring and summer, it did survive and may, in fact, emerge stronger than before, though many perils remain.

The problems originated in 1981. The spending and tax decisions taken at that time put the nation on a course toward budget deficits that exploded in the long run even if one made relatively optimistic economic assumptions. That led to a politicians's nightmare—an election year in which the only available option was to cut programs and to take back some of the earlier year's tax cuts. What was worse, these unpleasant actions had to be taken when unemployment was at a post-World War II high.

Old Washington hands refer to election years as "silly seasons." The prospects of doing anything sensible generally declines precipitously in even-numbered years. But something very unusual happened this time. Our legislators became very, very serious.

Some courageous spending-cut proposals emerged from the budget committees, but the most difficult problem involved translating the budget resolution into legislation that would raise tax revenues.

The man who deserves the most credit for making the budget process work was Senator Bob Dole, Republican of Kansas. As chairman of the Senate Finance Committee, he might not have been expected to rescue a budget process, which typically creates political problems for the chairmen of the tax writing committees.

Showing great legislative skill, Mr. Dole drafted a tax bill that made a huge dent in a long-run deficit problem that was hanging over the economy like the sword of Damocles. Moreover, the bill that was crafted made pretty good sense. While it was far from perfection, it was certainly far better than what seemed likely earlier in the proceedings. Earlier Mr. Dole was toying with the notion of imposing a horrible corporate minimum tax and others advocated a burdensome personal surtax that would have greatly reduced the efficiency of the tax system.

The most important and desirable feature of the bill which emerged was that it took back some of the depreciation liberalization enacted in 1981. Reform in this area was badly needed, but that which occurred in 1981 was somewhat excessive. It could lead to negative tax rates or outright subsidies to certain types of equipment investment. These subsidies were enlarged unexpectedly because with the surprising fall of the inflation rate the real value of the new depreciation deduction was not eroded as rapidly as had originally been anticipated.

On the other side, the elimination of leasing was not desirable, in my view, because it deprives unprofitable businesses of the investment incentives conveyed to profitable companies by the 1981 act. Unfortunately, there was no way of selling that notion politically, since leasing had taken on the aroma of a particularly smelly loophole.

Nevertheless, although the taxation of capital remains an unholy mess with wildly different tax rates applying to different types of investment, I think that once the new tax legislation is in palce the system will become slightly more efficient on balance. Other provisions of the bill will be debated endlessly, but the bottom line is that it does raise plenty of revenue. Moreover, it raises the revenue in a way that poses a minimum threat to the economic recovery, since the bill does not have its main revenue impact until the mid-1980's.

Although Senator Dole operated with considerable skill, he could not have passed a tax bill by himself. He needed the support of President Reagan. The decision to provide enthusiastic support could not have come lightly to President Reagan. The most vehement antitax President in recent history was vulnerable to the accusation that he was doing a Carteresque flip-flop—something that he has tried desperately to avoid since the beginning of his Administration. Yet, he did what he had to do and it is clear that the bill would not have passed without his vigorous support.

In fact, President Reagan's change in attitude was quite unlike the frequent shifts in policy that bedeviled the Carter Administration. President Carter changed his theories of economics almost as frequently as he changed his neckties. He veered from expansionism to austerity, and some of his anti-inflation programs had a strong monetarist element while others did not.

This Administration's Adam Smith neckties are still firmly in place. It would be ingenuous to call the President's support for such an important tax bill a fine tuning of his strategy. But it is only a little more than fine tuning. Perhaps it should be called coarse tuning. Most of his major economic goals remain in place. Inflation is going away. Marginal and average tax rates are lower than when he took office and they are likely to remain so throughout his first term. Defense spending is soaring and nondefense spending is constrained—although not as much as the President would like.

The bad news is that he could not do all that he promised. No President ever can. A huge unemployment and deficit problem remain.

There will have to be more spending cuts in our future and some more of the 1981 tax cuts will have to be taken back. Otherwise it looks as though we shall have to live with a deficit between 4 and 5 percent of the gross national product for a very long time compared with an average of around 2 percent during the 70's.

Given that the budget process was able to survive under extreme duress from the combination of an election year and a recession,

I believe that it can be the vehicle for considerably more deficit reduction during the deliberations on the 1984 budget that will occur next spring. With a bit of luck, a good recovery should be going by then and the political environment will be less divisive.

However, the decisions that have to be made get more difficult all the time. By 1985, defense, Social Security, health and interest costs will absorb almost 80 percent of the budget. Interest cannot be cut unless we default, and it is hard to see making much progress in reducing the deficit through spending cuts without attacking defense, Social Security and health. Social Security and health are devilishly difficult to restrain, even in nonelection years, but some modifications are vitally important. In addition, the President may have to do the same sort of coarse tuning to his defense program that he did to his tax program.

Given what happened this year, I have more confidence that we shall muddle through to an adequate solution than I have had for a good long time. Our decision-making institutions have shown themselves to be pretty resilient. They do not deliver perfection, but they do seem to avoid disasters.●

THE TEXTILE INDUSTRY

● Mr. HEINZ. Mr. President, during this period when we all are concerned about jobs—how to preserve the ones we have and what we need to do in order to provide job opportunities in the future—it is important to underscore the importance of our basic industries to our Nation's economy.

The current downturn which our Nation is experiencing hopefully will be reversed as President Reagan's economic recovery program has a chance to work. In Pennsylvania we not only have suffered along with the rest of the Nation with the hangover from years of big spending, growing deficits, and inflation. But in addition, two of our basic industries, steel and textiles and apparel, have been devastated by a rising tide of imports. The current level of textile and apparel imports, for example, is the equivalent of 600,000 American jobs. The President and Senators and Congressmen from textile-producing areas are pressing hard for international trade agreements which will tie the growth of imports to growth of the domestic market and, thereby, create an atmosphere which will encourage the investments necessary to sustain a strong and growing textile industry.

The textile and apparel industry is the largest single manufacturing employer in Pennsylvania. Before the current downturn, more than 168,000 people in Pennsylvania were employed in that industry.

During the period from October 17 to 24, special attention will be focused on the textile industry as people throughout the Nation observe Textile Week.

Our textile industry has a proud tradition. It led the industrial revolution in this country, and throughout our history it has provided the products and the jobs which have given America the highest standard of living in the world.

If positive steps can be taken now to improve the international trade climate, the textile industry will have a bright future. Textile manufacturers have been investing more than 80 percent of their retained cash flow into plants and equipment, about $1 billion a year, over the past decade. As a result, productivity has increased at a rate of 4 percent per year, making ours the most productive textile industry in the world.

Textile jobs are particularly important because of the large numbers of minorities and women employed by the industry. The Bureau of Labor Statistics reports that minority employment in the textile industry is 23 percent compared with 18 percent in all manufacturing, and women working in textiles are 47 percent of the work force compared with 31 percent in all manufacturing.

Our Nation needs a large and growing manufacturing work force. During Textile Week it is most appropriate to recognize the importance of one of our most basic and essential industries.●

A TRIBUTE TO THOMAS CUSH

● Mr. HEINZ. Mr. President, I would like to take a few minutes to recognize a great American from my home State of Pennsylvania.

This summer I had the distinct honor and privilege of meeting Thomas Cush. Tom is a winner and a leader. This past summer, Tom won two first place medals in international games held in Denmark. He also served as captain of the United States soccer team, defeating teams from England, Ireland, Scotland, and Canada.

Upon returning from the Denmark games, he began training for a race in Pittsburgh. Tom completed the 6.2-mile race in 1 hour and 20 minutes.

Today, Tom is training for the 1983 national games in Fort Worth, Tex., and the international games to be held in New York City.

These are outstanding achievements—particularly in light of the fact that Tom has cerebral palsy.

Because of the cerebral palsy, Tom has little control over the movements of his upper body. When Tom was 3 years old, his intellectual and physical abilities were tested. One test required him to place a round peg into a round hole. Because of his inability to control his movements, he failed the test. And he failed other similar tests.

Consequently, Tom was labled mentally retarded. Later it was discovered that he could not hear or see well enough to pass other exams.

It was only after 9 years in a special school for the mentally retarded that it was discovered that Tom, in fact, was very bright, and capable of matriculating in a normal educational program.

Once his handicaps were understood, a program was developed to meet his needs.

Today, at the age of 21, Tom anticipates completing his high school requirements. He intends to continue his schooling, working toward a college degree in either computers or counseling for the handicapped. He continues to work toward his goal of self-sufficiency, a challenging and rewarding career, and a normal life.

Tom has been, and continues to be, a tremendous inspiration to all of us who know him, and all of those who are aware of his great achievements. He has also encouraged other handicapped individuals, particularly as he continues to pursue seemingly impossible tasks.

Recently he attended a handicapped workshop at which he demonstrated archery. Tom does this by fastening the bow to one foot, and uses the other bare foot to pull the string and send the arrow to the target. Many of the handicapped observers had never envisioned such a feat was possible, but now are working toward it themselves.

Tom's parents and 11 brothers and sisters also should be recognized for their love, support, and encouragement to Tom. In addition, I commend those members of his community who contributed the $1,200 necessary for Tom to make the trip to Denmark for the International Cerebral Palsy Games.

Indeed, Mr. President, Tom and his family provide an inspiration to all of us. I feel fortunate to have met this courageous young man.●

VIETNAM VETERANS: AGENT ORANGE STUDY

● Mr. CRANSTON. Mr. President, the possible long-term health effects of exposure to agent orange have been a continuing concern to many Vietnam veterans, their loved ones, and others. In December 1979, Congress enacted a provision I authored in the Senate mandating the VA to undertake an epidemiological study of Vietnam veterans. Although there are other agent orange studies planned or ongoing, this study may be the single most important effort to provide needed answers.

Although all concerned wish the study had been completed yesterday, obtaining a study that is scientifically valid and publicly credible must be the bottom line. Unfortunately, each step of the path to initiating, let alone completing, the study has seemed interminable, and current estimates are

that initial results from the study will not be available before 1987.

As part of the law mandating the study, the Office of Technology Assessment—OTA—was assigned the responsibility to approve the protocol for the study and monitor the conduct of the study. As the ranking minority member of the Veterans' Affairs Committee, I recently received a September 30 letter regarding the study from John Gibbons, the Director of OTA, expressing certain concerns about the progress of the study. Because the points raised by OTA needed to be promptly addressed by the VA, on October 7, I wrote the Administrator of Veterans' Affairs requesting his views and comments on Dr. Gibbons' letter. I urged, as I had since June 1980, that responsibility for conducting the study be assigned to an independent entity, such as the National Academy of Sciences, the Centers for Disease Control—CDC—or a school of public health. I also urged prompt action and cited the need for improved coordination of internal VA activity, and establishment of clear lines of responsibility, regarding agent orange.

Mr. President, I am delighted to report that on October 14 the Administrator wrote Health and Human Services Secretary Schweiker proposing that the CDC undertake the study. In addition, on October 15 the Administrator approved a new organizational framework recommended by the Chief Medical Director to promote greater coordination and accountability in dealing with agent orange issues within the VA.

I believe that these steps can help expedite the initiation and completion of this badly needed, long awaited study. Thus, I urge the VA and the Department of Health and Human Services officials concerned to begin and complete as soon as possible discussions regarding the advisability of the CDC accepting responsibility for the study. If the decision is to go ahead, the agencies should proceed expeditiously to negotiate an agreement and finalize arrangements for the CDC to do so. If the decision is not to contract with CDC, I urge the VA immediately to begin discussions with the National Academy of Sciences toward the same end.

Mr. President, I ask that Dr. Gibbons' letter, my letter to the Administrator, the Administrator's letters to Secretary Schweiker, and House Committee Chairman MONTGOMERY, and the VA memorandum approved by the Administrator regarding reorganization of agent orange responsibilities be printed in the RECORD at this point.

The material follows:

OFFICE OF TECHNOLOGY ASSESSMENT,
Washington, D.C., September 30, 1982.

Hon. ALAN CRANSTON,
Ranking Minority Member, Committee on Veterans' Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR ALAN CRANSTON: Public Law 96-151 charges me with approving the protocol for and also with monitoring the conduct of an epidemiologic study of Agent Orange. On March 18, 1982, I wrote you of my tentative approval of the protocol and mailed you a copy of the Office of Technology Assessment (OTA) review that addressed some specific questions to the protocol designers. My subsequent letter of June 11, 1982, informed you of my satisfaction with the responses made to my questions by the protocol designers. Although some criticisms and reservations were expressed in the OTA review, the protocol, as amended, was judged a sufficient framework for moving ahead to planning and executing a pilot test of the full scale study.

As was evidenced at a hearing of the Subcommittee on Oversight and Investigations of the House Committee on Veterans' Affairs on September 15, 1982, little progress has been made in the study during recent months. This letter provides you with the OTA's perspective about where the study now stands.

My letter of June 11 stated that no decision had been made about whether or not to limit the epidemiologic study strictly to possible health effects resulting from exposure to Agent Orange or to expand the study to include possible effects of the "Vietnam experience." The decision between conducting an Agent Orange only study (two cohorts) and a study to include the Vietnam experience (three cohorts) is a responsibility mandated to the Veterans' Administration (VA) by Public Law 97-72. In our view, no further progress on the Agent Orange study can be expected until VA makes that decision about the basic design of the study.

For instance, refinement of the questionnaire, and of the physical and other medical examinations, which is to be accomplished during the pilot test, depends on whether the study focuses on the likely sequelae of exposure to a toxic substance or is expanded to consider also the sequelae of involvement in war. Soliciting bids from organizations competent to carry out the pilot study cannot, in my opinion, go forward until VA decides which study it will carry out.

At the September 15 hearings, VA explained that it had asked the National Academy of Sciences (NAS) to review the protocol for the epidemiology study. Completion of that review is expected in October, and VA has stated that it plans to make a decision between the two and three cohort design after it receives that review. The NAS review will be the fourth technical review of the protocol. VA has already received reviews from its own Advisory Committee on the Health-Related Effects of Herbicides, the Agent Orange Working Group (AOWG), and the OTA. In my mind, waiting on still another technical review of the protocol to make a policy decision seems unnecessary and can be viewed as a delaying tactic. As I pointed out in my June letter, if the study is to be expanded, OTA will have to review the protocol for the study because no protocol for a three cohort study has been submitted to us.

Testimony and questions at the September 15 hearings drew attention to the difficulties of assembling the cohorts for the epidemiology study. There is general agreement that Army records experts are the people best qualified to locate the appropriate records and to identify veterans who were likely to have been or likely not to have been exposed to Agent Orange. The general outline for a plan to identify those individuals was developed by Dr. J. Bricker of the Department of Defense. The outline was well received by AOWG and was accepted by the designers of the protocol as a basis for assembling the cohorts.

On April 8, 1982, Richard Schweiker, Chair, Pro-Tem, Cabinet Council on Human Resources, which encompasses AOWG, wrote the Secretary of Defense and recommended that efforts be initiated to identify individuals for cohorts in preparation for the pilot study. Following receipt of that letter, the Department of Defense, with the Department of the Army as the lead agency, increased the number of personnel assigned to the job of identifying members of the cohorts. On July 1, 1982, the Army began identifying three cohorts of 600 veterans each for the pilot study. In mid-July, VA objected to the criteria the Army was planning to use to identify the members of the cohorts. Immediately, the Army stopped its efforts to assemble cohorts and awaited additional guidance from VA or other responsible agencies. If the Army erred in its choice of selection criteria, it did so only after making several requests of the VA and AOWG for advice and guidance. VA did not respond to the Army requests. However, when the Army began assembling cohorts, VA reacted very negatively because, in the VA's opinion, the Army was not doing it correctly.

Shortly after the Army stopped its cohort assembly effort, AOWG established a subcommittee to prepare detailed criteria for selecting the cohorts. Turning to AOWG to develop the criteria for cohort selection has the advantage of enlisting the expertise present in the working group, but it also will result in AOWG's participation as a designer of part of the study. While this may be necessary and desirable, it reduces AOWG's ability to function as a review group for study design and execution.

Similar concerns about the role of the AOWG can be raised about its activities in the review of the protocol. The charge to AOWG was to review the protocol. While it did that, it also urged expansion of the study to three cohorts. Whether such urging was part of the review function or a step into designing the study is a matter of opinion. However, the action raised the possibility that a group charged with review was participating in the design of the study. Such a change in role would, of course, hamper AOWG review activities.

In actuality, there is no conduct of the Agent Orange study for OTA to monitor at the present time because the study does not yet exist. The initiation of the study depends on decisions and actions that are the responsibility of VA. OTA agrees with the opinions expressed at the September 15 hearings that VA should add to its staff the appropriate people to aid in making decisions on matters such as the third cohort and the selection of individuals for the cohorts. Because of VA's failure to make those decisions, other groups with an interest in the Agent Orange are being pushed to act on their own. I think that the resultant activities are already blurring lines of responsibility.

Until VA makes the policy decisions that are mandated to it and equips itself to make technical decisions and plans, the Agent

Orange study will not move ahead. Other groups (AOWG, OTA, NAS) are constituted to review VA decisions and plans. However, as VA is responsible for the study, the review groups should be advisers and reviewers, not planners. The roles of planner and decisionmaker properly belong to VA, and VA should fill that role promptly so that other groups are not pulled into the void left by its inactivity.

Should you or your staff have any questions about the OTA analysis of the current status of the Agent Orange study, please contact me, Dr. Michael Gough (project director of the OTA review) or Ms. Hellen Gelband at 226-2070.

Sincerely,

JOHN H. GIBBONS.

COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C.

Hon. ROBERT P. NIMMO,
Administrator of Veterans' Affairs, Washington, D.C.

DEAR BOB: Enclosed is a September 30, 1982, letter to me from John Gibbons, Director of the Office of Technology Assessment (OTA), which provides an important and timely evaluation of VA efforts to date on the epidemiological study of Vietnam veterans' health problems mandated by section 307 of Public Law 96-151. I believe the agency has received a similar letter.

As the Senate author of section 307 and the amendment to it last year, I find this expression of OTA's concerns highly disturbing. As evidence by the recent letter to you from the leadership of the House Veterans' Affairs Committee and remarks at that Committee's September 15 hearing, many others in the Congress are also impatient for decisions and action by the Veterans' Administration on the study.

The purpose of this letter, hence, is to call upon you to bring about and publicly announce agency decisions on several key issues related to the study.

Perhaps the most distressing aspect of the OTA letter is its view that the VA has been indecisive and poorly coordinated in its approach. Specifically, OTA has raised serious questions about the scope of the study, the lack of progress to date, and the need for decisions to be made at this point. I urge that you give OTA's evaluation your immediate attention.

First, OTA believes that further technical review of the proposed protocol serves no purpose until the basic policy decision about the scope of the study—for which the VA is responsible—is made. I would appreciate your views on this point. Specifically, I urge that the agency make a decision now on whether to limit the study's scope to Agent Orange or, as authorized last year by Congress, expand it to gather information on the possible health effects of the total "Vietnam experience".

I am convinced that the health effects of the entire Vietnam experience must be studied. Responses from major veterans' organizations to questions I asked at a Committee hearing last November showed wide support for studying the effects of the entire Vietnam experience. I think it would be a major error not to proceed with such a study either as part of an expanded Agent Orange study or in a separate undertaking. In that regard, if a decision is made not to add a third cohort but rather to proceed now with an Agent Orange-only study, I believe that it is critically important that the widest range of information be collected from the study participants so that it might be utilized in a parallel, more general study of the entire Vietnam experience.

OTA recommends that the VA add personnel with appropriate professional qualifications to its in-house staff dealing with Agent Orange. I concur with this point. I understand that the newly-formed Agent Orange Project Office in the Department of Medicine and Surgery, for which $278,000 and 7 FTEE's have been budgeted and appropriated for FY 1983, will be adding technical staff. I would like to know the planned professional qualifications of these new personnel and when they will be hired.

OTA cites several "difficulties of assembling cohorts" that have arisen between the VA, the Department of Defense, and the Agent Orange Working Group (AOWG). I understand that no one VA official has been designated as the liaison to DoD and that this has resulted in considerable confusion regarding whose instructions DoD is to follow and whom it is to contact and consult when difficulties or questions arise. To further complicate matters, a clear delineation of the AOWG's authority and responsibility for establishing the cohort selection process and its relationship to DoD also seems to be lacking. I urge that both these sources of confusion be remedied immediately.

I share OTA's view that the lines of responsibility seem to be becoming blurred. The questions of assuring effective coordination with DoD and of proceeding with technical reviews before making the basic policy decision on a third cohort are but two—albeit major—examples of the difficulties associated with this blurring. I urge that this problem also be addressed and resolved promptly.

Finally, I want to re-emphasize the recommendation I made to then-Administrator Cleland almost two and a half years ago that the VA enter into a contract with an independent, outside entity (such as the National Academy of Sciences, the Centers for Disease Control, or a school of public health) for the actual conduct of the study. I do not know of one person in a responsible position in the Congress, the Executive Branch, or the veterans' organizations who favors the VA itself conducting the study.

The question of contracting boils down to a matter of credibility. The main point is not whether the VA has or can develop the capacity to conduct a full and fair study but rather, whether, when such a study is completed, Vietnam veterans, their families, and others concerned about this issue will have faith in the study's results. Without that acceptability, all of our efforts will be wasted.

I want to reiterate how important I think it is that the VA immediately come to grips with and announce decisions on the issues discussed above. Further delay would be intolerable to the thousands of Vietnam veterans and their families so deeply concerned about the Agent Orange issue.

Finally, regarding the efforts of the Congress on the matters raised above and others pertaining to the Agent Orange issue, I've asked Senator Alan K. Simpson, Chairman of the Veterans' Affairs Committee, to schedule oversight hearings on this subject early in the next Congress.

I look forward to receiving at your earliest convenience a report from you on the issues raised in Dr. Gibbon's letter and your responses to the recommendations I have made in this letter.

With warm regards.

Cordially,

ALAN CRANSTON,
Ranking Minority Member.

SEPTEMBER 30, 1982.

Hon. RICHARD S. SCHWEIKER,
Secretary of the Department of Health and Human Services, Washington, D.C.

DEAR MR. SECRETARY: Enclosed is a copy of a letter I recently received from Chairman Montgomery of the House Committee on Veterans' Affairs, Honorable John Paul Hammerschmidt, Ranking Minority Member of the Committee and the Honorable Ronald Mottl, Chairman of the House Subcommittee on Hospitals and Health Care, concerning the possibility of the Veterans' Administration entering into an agreement with the Center for Disease Control for the purpose of performing the Agent Orange Epidemiological study.

I would appreciate if, at your earliest convenience, you could provide me with any views or comments you may have on the proposal set forth in the enclosed letter.

Sincerely,

ROBERT P. NIMMO,
Administrator.

Hon. RICHARD S. SCHWEIKER,
Secretary of the Department of Health and Human Services, Washington, D.C.

DEAR MR. SECRETARY: This is a follow-up to my letter to you of September 30.

Since my last communication, it has become increasingly apparent that a broad consensus has developed supporting the belief that it would be in the best interest of our veterans to have a non-VA scientific body conduct the Agent Orange Epidemiology study. On Friday, October 8, 1982, I received a letter signed by over 100 members of the House of Representatives indicating support for the position set forth in Chairman Montgomery, Ranking Minority Member Hammerschmidt, and Mr. Mottl's letter of September 17, 1982. For your convenience, a copy of the letter I received on October 8, dated October 6, is enclosed. While I remain firm in my belief that the Veterans' Administration has proceed reasonably, I have been persuaded as to the wisdom of the House Veterans' Affairs Committee recommendation that the Center for Disease Control conduct the study.

Accordingly, it is most urgent and important that we know the Center for Disease Control's interest in performing the Epidemiology study.

For that reason, I would appreciate it if the Department of Health and Human Services could advise me of its position on this matter at the earliest possible date. In addition, I believe it would be most helpful if you would arrange a meeting between Dr. Ed Brandt and our Chief Medical Director, Dr. Donald L. Custis, within the next week. In this manner, a more direct discussion can be held to facilitate the decision.

Sincerely,

ROBERT P. NIMMO,
Administrator.

VETERANS' ADMINISTRATION,
ADMINISTRATOR OF VETERANS AFFAIRS,
Washington, D.C.

Hon. G. V. (SONNY) MONTGOMERY,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, D.C

DEAR SONNY: Your letter concerning the epidemiology study on the possible health effects of Agent Orange addresses a mutual interest we share about the study. Certainly, public perception and credibility given the study process by veterans will in large part determine acceptance of the study results.

As you know, there have been a number of external influences which have prevented more expeditious completion of work on the pilot study contact; yet, our staff has remained fully committed to the conduct of the study based on legitimate research criteria which would assure its scientific integrity. The decision of Congress to assign responsibility for the study to the VA was appropriately placed and expressed confidence in our ability to conduct the study. I continue to have complete confidence in our ability to do so with scientific efficacy which would produce credible study results and provide objective assessment of the health effects of Agent Orange exposure.

The need for public acceptance of both the conduct of the study and the study results is recognized, however. Therefore, while I would ordinarily favor retention of responsibility, I am persuaded that it would be prudent to enter into an agreement with a non-VA scientific body to perform the Agent Orange Epidemiology study. In accordance with your suggestion, communications have been initiated with the Secretary of Health and Human Services to enlist his support in the consummation of an agreement between the VA and the Centers for Disease Control (CDC), Department of Health and Human Services (HHS). If acceptable to HHS, we will complete the agreement as quickly as possible so that CDC may proceed with the study.

I am, by separate letter, informing the Honorable John Paul Hammerschmidt and the Honorable Ronald M. Mottl of my decision. You are assured that our only interest in this matter is completion of the study in such a way that all interested parties have complete confidence in the study results. My staff and I will lend our full cooperation and assistance to achieve this common goal.

Sincerely,

ROBERT P. NIMMO,
Administrator.

VETERANS' ADMINISTRATION.

To: Administrator (00).

Subject: Agent Orange Organization.

1. The purpose of this memorandum is to recommend approval for the establishment of a permanent office within DM&S to deal with current and anticipated Agent Orange issues of concern to Vietnam Veterans, and to recommend a minor realignment in the existing organizational framework for establishing policy in reference to Agency Agent Orange activities.

2. The rationale for this proposal addresses correction of organizational weaknesses inherent in the current organization structure of Agent Orange activities. This proposal eliminates fragmentation of program responsibilities by establishing a single Agent Orange program staff office to be headed by a single program manager. The program manager assigned total program responsibility is created by elevation of the Agent Orange office from a Special Assistant staff function having fragmented (limited) program responsibilities to that of a program management office.

3. Management of all Agent Orange activities through an integral program staff office within DM&S will improve program effectiveness, and DM&S/Agency communications concerning program management activities. Direct organizational lines of authority and communication will be established and facilitated between the Chief Medical Director as the responsible department head and the Deputy Administrator and Administrator. This proposal also establishes an agency oversight function at the Administrator's level in the form of an agency level Policy Coordinating Committee chaired by the Deputy Administrator thus assuring appropriate agency level oversight and guidance.

4. The attachment outlines this proposal in further detail. If approved, the DM&S Agent Orange Projects Office (10A7) will be functional immediately.

DONALD L. CUSTIS, M.D.
Chief Medical Director (10A5).

PROPOSED AGENCY AGENT ORANGE ORGANIZATIONAL FRAMEWORK

VA AGENT ORANGE POLICY COORDINATING COMMITTEE

Function: Responsible to the Administrator for recommending overall VA policy regarding Agent Orange and other phenoxy herbicides, as well as, oversight of all VA Agent Orange activities.

Membership: Chair—Deputy Administrator.

EXECUTIVE SECRETARY

Members: Associate Deputy Administrator for Congressional and Public Affairs, Associate Deputy Administrator for Planning and Finance, Associate Deputy Administrator for Information Resources Management, The General Counsel, Chief Medical Director, Chief Benefits Director, and Assistant Deputy Administrator for Public and Consumer Affairs.

Executive Secretary: The Executive Secretary to the Agency Agent Orange Policy Coordinating Committee is responsible for coordinating the agenda and activities of the POC.

DM7S AGENT ORANGE PROJECTS OFFICE (10A7)

Function: Principal Veterans Administrative organizational element responsible for managing and/or coordinating all activities associated with Agent Orange and other phenoxy herbicides. (See page 4 through 8 for more detailed functional responsibilities).

PROPOSED ORGANIZATION: DM&S AGENT ORANGE PROJECTS OFFICE (10A7)

Proposal: Establish an Agent Orange Projects Office within the Department of Medicine and Surgery. The DM&S Agent Orange Projects Office shall report to the Chief Medical Director through the Deputy Chief Medical Director.

Organizational mission: Recommend policy, manage and coordinate all DM&S activities relating to Agent Orange and other phenoxy herbicides of concern to Vietnam Veterans.

Functions: Management, Administrative, Research, and Education.

Principal duties:

Management: Provide expert medical and staff advice to VA top management officials on issues relating to Agenty Orange and other phenoxy herbicides of concern to Vietnam Era Veterans.

Coordinate development of DM&S policy and guidelines relating to Agent Orange and other phenoxy herbicides of concern to Vietnam Veterans

Serve as the focal point and lead staff office responsibile for Agent Orange activities and activities related to other phenoxy herbicides

Administrative: Responsible for coordinating all administrative activities relating to Agent Orange.

Prepare and/or participate in the preparation of Agency and/or Departmental responses to Congressional, veteran and other inquiries relating to Agent Orange and other phenoxy herbicides.

Prepare and/or participate in the preparation of testimony and other material required for presentation to Congressional Committees, Veterans Service Organizations and other groups.

Coordinate the activities of approximately 180 environmental medicine physicians in VA Medical Centers.

Coordinate the preparation and distribution of DM&S circulars and bulletins relating to Agent Orange and other phenoxy herbicides.

In conjunction with the Office of the General Counsel, coordinate the DM&S implementation of all Public Laws relating to Agent Orange and other phenoxy herbicides.

Participate actively and/or support VA top management participation on Agent Orange-related committees and task forces. These include:

Agent Orange Working Group.

Scientific Committee of Agent Orange Working Group.

VA Advisory Committee on Health Related Effects of Herbicides.

VA Agent Orange Policy Coordinating Committee.

VA Task Force for Identification of Vietnam Veterans.

Research: In conjunction with the DM&S Office of Research and Development (15), coordinate and/or monitor research of possible adverse health effects of exposure to Agent Orange and other phenoxy herbicides of concern to Vietnam Veterans.

Monitor and/or coordinate research related to Agent Orange and other phenoxy herbicides, such as:

Epidemiology of Agent Orange in Vietnam Veterans.

Patient Treatment File Research.

Related research at VA Medical Centers.

Participate and/or provide staff assistance for Agent Orange research activities conducted by other VA staff elements:

Vietnam Veteran mortality studies.

Statistical compilation and analysis.

Monitor research conducted by other Federal agencies.

Birth defects and Military Service in Vietnam Study (Centers for Disease Control).

"Ranch Hand Study" (DOD).

Monitor research conducted by State governments.

Development of individual state registries.

Monitor research conducted by foreign governments: Australia, New Zealand, and other nations.

Education—Coordinate all DM&S Agent Orange-related educational activities. This includes responsibility for:

VA Employees—Environmental medicine physicians, other health care personnel, and other employees.

Research/Academic Community—Distribution of results of Agent Orange-related research and distribution of results of research related to other phenoxy herbicides of concern to the Vietnam Veteran.●

EDMUND S. McLAUGHLIN HONORED

● Mr. WEICKER. Mr. President, America's disabled citizens are at long last beginning to be recognized as full, equal, productive, and participating members of society. This is happening thanks to several factors, among

which is the constant commitment of the Federal Government to laws insuring rights and services of disabled people.

Critical to the success of disabled people, however, is the dedicated competence of rehabilitation professionals and I proudly call my colleagues' attention to one such professional from my State of Connecticut: Mr. Edmund S. McLaughlin.

Mr. McLaughlin, on Wednesday, October 27, will be honored on his 25th anniversary as executive director of the Easter Seal Rehabilitation Center of Eastern Fairfield County, Inc. In his quarter of a century as center executive, Mr. McLaughlin has developed the original Crippled Children's Workshop of Bridgeport into one of our Nation's finest comprehensive outpatient medical rehabilitation facilities. Throughout this period, he has never wavered in his insistence of excellence and the results achieved for Bridgeport area people have been outstanding.

Mr. McLaughlin's vitality, however, has not been confined within his center. He has reached out to other health providers within his community to effect maximum coordination of, and efficiency in, the delivery of services to disabled people. He has galvanized his fellow rehabilitation professionals on both State and national levels into meaningful voices for disabled people. Additionally, he has participated in the development of accountability standards for service providers to insure that the highest standards are both recognized and met.

I commend Mr. McLaughlin on his record of achievement and extend best wishes to him for much continued success in meeting the needs of the disabled.●

EDITORIAL SUPPORTS EDUCATION FOR ECONOMIC SECURITY BILL

● Mr. CRANSTON. Mr. President, the Providence, R.I., Sunday Journal has endorsed legislation to improve math and science instruction in schools. I am a cosponsor of this bill, authored by Senator CLAIBORNE PELL—S. 2953, the Education for Economic Security Act.

The Journal's editorial reflects credit on Senator PELL's leadership role in getting this bill before the Senate. As the Journal points out, it is legislation that needs to be passed in the interest of our Nation's economic survival.

I commend this editorial to the attention of my colleagues. I ask that it be printed in the RECORD.

The editorial follows:

[From the Providence Sunday Journal, Sept. 26, 1982]

TRANSFUSION FOR U.S. SCIENCE'S ANEMIA

Although federal economizing remains essential, budgetary room must still be made for some worthwhile new expenditures. One such is Sen. Claiborne Pell's proposal to fund more intensive scientific and technical programs in the nation's schools and colleges. Unless this kind of education is stepped up, the U.S. simply won't be able to meet the already formidable industrial challenge it faces from abroad.

Mr. Pell and his bipartisan cosponsors of a three-year, $400-million annual subsidy for high-technology training introduced their Education for Economic Security Act with a timely warning. American schools, they said, are trailing woefully in this field, compared to competing industrial nations. The situation is not unlike the U.S. space lag disclosed by Sputnik's launching 25 years ago. How masterfully the country then responded is history.

Confronted now with an economic equivalent of that crisis, it can do no less if it is to retain a lead in the technologies which will dominate future world markets.

Obviously, when as Senator Pell noted, only a third of American high schools offer more than a year of math or science (a prerequisite for acquiring computer and other skills), or when, as U.S. News and World Report cited, a critical math-teacher shortage besets secondary and higher education systems, and upgrading is desperately needed. The Pell bill would promote this by providing funds that the states would match to revitalize these neglected fields.

There are few more crucial areas justifying federal assistance. The fate of the entire national economy is at stake. Evidence of that exists in the hundreds of thousand of American jobs lost due to inroads by Japan alone into the electronics, automobile and other skills industries in which the U.S. was once supreme. America's current edge in computers, robotics and other high-tech businesses similarly is threatened by an international rivalry that will only intensify.

In order to stay ahead, the U.S. will need all the skilled manpower its schools can produce. Under present trends, it will fall far short—and thus fall behind economically. The Pell bill is a needed shot in the arm that Congress ought to adopt.●

TRUST BETRAYED, HOPE DENIED: AN URGENT REPORT ON THE STATUS OF DISABLED AMERICANS

● Mr. CRANSTON. Mr. President, a consortium of groups concerned about the lives and well-being of disabled Americans has put together an alarming report on the Reagan administration's wide-ranging attacks on human rights and services for handicapped citizens. We have all seen—and many of us have strongly opposed—the many parts of this all-out assault. Until now, however, there has been no comprehensive effort to reveal in one document the full scope of the Reagan administration war on constructive programs for disabled individuals.

Mr. President, Public Advocates, a San Francisco law firm in collaboration with the Disabled People's International, North America, the National Political Alliance for the Disabled, the California Disabled and Blind Action Committee, and the National Gray Panthers, have produced this vitally important publication, "Trust Betrayed, Hope Denied: An Urgent Report on the Status of Disabled Americans * * *." It will be released on Thursday, October 21, at 11 a.m., at a press conference in room 412, Russell Senate Office Building. Copies can be ordered from: Paul Geffert, Inc., 4312 Locust Lane, Washington, D.C. 20016, telephone number (301) 229-3064.

SPECIFICS OF THE ATTACKS ON DISABILITY PROGRAMS

As the report shows, Reagan administration cutbacks in health care, employment, nutrition, housing, and legal services programs have hurt handicapped persons along with poor and elderly citizens and children. On top of that, the administration has singled out disabled individuals for further cuts. Thus, the administration mounted an unfair campaign against recipients of social security disability insurance; has proposed the outright repeal of the Education for All Handicapped Children Act of 1975 and major portions of the Rehabilitation Act of 1973, and drastic cutbacks in funding for special education and vocational rehabilitation services; has gutted the effort to provide handicapped individuals with access to public transportation services; and proposed eliminating all funding for the Architectural and Transportation Barriers Compliance Board.

As the ranking minority member of the Committee on Veterans' Affairs, I would also note that, in the context of fiscal year 1982 and fiscal year 1983 budgets, President Reagan has proposed or supported well over a billion dollars in cuts in Veterans' Administration health-care, compensation, pension, and vocational rehabilitation programs for disabled veterans.

The Congress has—so far—blunted some of the major attacks. The education and rehabilitation laws have not been repealed, and the bulk of the funding cuts in those areas and in veterans' programs have been rejected. But there is no sign of a significant Reagan retreat. To the contrary, there is every indication that the President's fiscal year 1984 budget will renew the proposals for cuts as the adminsitration seeks to restrain deficits that will be swelled by the third year of the Kemp-Roth tax cuts and ballooning defense spending.

Moreover, when the administration fails to get important protections for handicapped persons repealed by the Congress, it pursues administrative actions to eviscerate the laws. In August of this year, the Department of Education proposed massive revisions of the regulations implementing the Educa-

tion for All Handicapped Children Act that would have produced serious limitations of handicapped children's educational opportunities. Faced with a firestorm of protest from the parents of handicapped children and other individuals and groups concerned for the children's welfare and with a congressional threat to veto the regulations, the administration announced it was abandoning six of the most damaging parts of its proposal.

In addition to proposing services and funding cutbacks, the administration has attempted to gut civil rights protection for handicapped individuals. For a year now, the Department of Justice and the Office of Management and Budget have been working on a comprehensive revision of the vitally important regulations implementing the antidiscrimination provision—section 504—of the Rehabilitation Act of 1973. As a principal Senate author of section 504, which the handicapped community regards as its civil rights charter, I have been most concerned about reports that the draft regulation revisions reflect the intent to trim and weaken the civil rights of handicapped persons.

As part of this anticivil rights effort, in July 1981, the Department of Transportation issued "interim final" regulations that revoked all of the then-existing standards requiring movement toward providing accessible mass-transit services for handicapped citizens. The results of an April 1982 General Accounting Office survey, which I requested along with five other members of the Banking, Housing, and Urban Affairs Committee earlier this year, indicated that the Department's no-standards and no-monitoring position has been interpreted by many local transportation systems as a clear signal to drop their plans for providing accessible public transit facilities and equipment.

As noted in "Trust Betrayed, Hope Denied" and more fully detailed in chapter 4 of the recent report of the Washington Council of Lawyers, entitled "Reagan Civil Rights: The First Twenty Months," the Reagan Department of Justice is backing away from its responsibilities to protect the constitutional rights of psychiatric patients and mentally retarded persons in State institutions. It has not only scaled down its activities in this area, but in June of this year, the head of the Civil Rights Division ruled that the Department may not investigate State facilities to determine whether they are providing care and treatment services "designed to enhance capacity, capability, and competence." That represents a reversal of the position on the right to treatment of institutionalized mentally impaired persons that the Justice Department has advocated for more than a decade under both Republican and Democratic administrations.

The pattern of this attack clearly appears to be: Reduce educational opportunities for handicapped children; slash funding for vocational rehabilitation services for disabled adults; cut back on programs for disabled veterans; permit discrimination against handicapped people of all ages in a wide range of important federally assisted programs, including education, employment, health care, transportation, and housing; take away social security disability benefits from thousands of disabled workers unfairly; and soft-pedal efforts to protect mentally impaired persons in State institutions. According to "Trust Betrayed, Hope Denied," the cumulative impact of this approach—together with Reagan cuts in health-care and other social-service programs—has already been devastating on disabled Americans.

Ironically, this onslaught has occurred during 1981, the International Year of Disabled Persons, and 1982, the National Year of Disabled Persons—years that should have been devoted to making needed improvements in programs for handicapped individuals rather than to dismantling them.

Unfortunately, Mr. President, that is not the whole story. The Reagan approach to programs for the prevention of disabling occurrences has been to cut back there also. As the report notes, the Reagan administration has weakened the implementation of the Occupational Safety and Health Act and has rescinded a 1977 regulation that Congress had upheld requiring passive restraints in all new cars by model year 1983. More aggressive executive branch action in both of these areas could help to spare many Americans from serious disabling injuries and illnesses.

WHY IS THE REAGAN ADMINISTRATION DOING THIS?

It might be asked: Why has the Reagan administration done all these things? Do they desire to cause human suffering and misery? The President tells us he is a kindly and compassionate man.

The reason that the Reagan administration is proposing these cutbacks is quite simple. Ronald Reagan's campaign for the Presidency was premised upon reducing the size of the Federal Government and "getting the government off the backs of the people." In the abstract, that sounded good to many voters.

But what the American people have not fully understood—and need to understand—is that for many poor, sick, disabled, or otherwise vulnerable Americans, the Federal Government is the only place they can turn to for survival. If most Americans believe, as I do and as I believe they do, that the proper, indeed the morally obligatory, role for the Federal Government is to help those who cannot help themselves, then they should be rejecting the abstract rhetoric that inevitably leads—whether Ronald Reagan intended to or not—to denying urgently needed help and protection to many of America's most vulnerable citizens.

Motives are not the question here; rather, it is the effects of Reagan's policies on which the American people should be focusing.

TIME FOR A NEW BEGINNING

Mr. President, I congratulate the groups that have compiled this document and their leaders on their efforts to portray the harsh circumstances confronting so many of America's disabled citizens. In our democracy, information and insight—together with concern and hard work—have always provided the best defenses against unwarranted attacks on the well-being and civil rights of vulnerable minorities. Now it is up to us in the Congress—with the support of an informed citizenry—to act with the sense of purpose and urgency and the unity that the situation facing disabled Americans warrants. We must draw the line of defense and begin to regain the ground that has been lost.

Truly, it is time for a new beginning—time to realize that the Reagan administration approach to disability programs is not what the American people want—time to turn the tide. Whatever the message may have been from the 1980 elections, I am convinced that the American people had no intention that their elected representatives in Washington should emasculate programs and laws designed to help handicapped individuals overcome their disabilities and lead fuller, more productive lives in their communities. Unfortunately, the Reagan administration has badly misinterpreted the character and will of the American people with respect to their attitudes toward disabled citizens.

I believe that the people of this great Nation are both wise and compassionate. They do not want to sacrifice the well-being of the most vulnerable among us for short-term budget gains. I am convinced that they want cost-effective health, education, rehabilitation, and other programs that lead to independence and productivity. They do not want to throw away those programs and thus create needless dependence, needless expenditures to cope with that dependency, and a waste of talent and energy. They want us to improve those programs and make them more efficient.

I am also sure that the American people want those who can work to be removed from the disability rolls. But the American sense of fair play dictates both that there be assurance that any review of those rolls be conducted fairly and that disabled per-

sons be given meaningful opportunities to be rehabilitated.

Mr. President, I say to all of my colleagues in the Congress: Let us open our eyes to what has been happening. Let us start again to do what we all know truly reflects the attitude of the American people toward their fellow citizens who have met with such tragedy.

To signal this new beginning, when the Congress returns on November 29, I will introduce a concurrent resolution to express the sense of the Congress that the Federal Government should restore, maintain, and improve effective programs to assist in providing disabled persons with maximum opportunities for fuller more productive and independent lives and to prevent disabling accidents and illnesses.

I will be seeking broad bipartisan support for this resolution. There are great leaders on both sides of the aisle in both Houses on these issues—men and women who in the past helped to create the programs that have been under attack for almost 2 years and who have shown a willingness to fight to protect them.

By adopting this resolution, we can send a message of hope to those who are now despairing and, to those who would further erode disability programs, a message of strong congressional resolve to defeat any such efforts.

We in the Congress have much to do in order once again to make this a land of opportunity and hope for handicapped individuals. I realize that, in the very few remaining weeks of the 97th Congress, we cannot accomplish much of what needs to be done. But, we can make a start. We can announce through the adoption of this resolution the coming of a new day.

Before the Senate returns on November 29, I will be writing to each of my colleagues in the Senate to share with them a draft of the resolution, to ask for their comments and suggestions on it, and, when it is ready for introduction, their support for it. I urge each Senator to give this important matter the serious, favorable consideration that it deserves.●

NUCLEAR FREEZE RESOLUTION

● Mr. HUMPHREY. Mr. President, all across this country, Americans have debated the merits of a proposed freeze on the development, production, and deployment of nuclear weapons. On April 8, 1982, the House of Representatives of the State of New Hampshire considered a resolution which called for such a freeze. The resolution, which was soundly defeated, elicited strong opposition from members who recognized the inherent dangers of the nuclear freeze proposal. The arguments presented by the New Hampshire representatives support the position that effective arms control can only be achieved through careful negotiations aimed at mutual, balanced, and verifiable reductions in existing nuclear force levels.

I ask that a copy of the nuclear freeze resolution which was considered by the House of Representatives of the State of New Hampshire on April 8, 1982, be printed in the RECORD along with an excerpt from the debate on that motion.

The material follows:

RESOLUTION

Whereas, the global effects of an all-out nuclear war could compromise all life on Earth; and

Whereas, the United States, as a world power, has an obligation to assume the leadership in outlawing these instruments of ultimate destruction; now therefore be it

Resolved, by the House of Representatives that it is the sense of the General Court that since nuclear war represents the world's greatest potential health hazard and that since the only possibility of protecting human life from its catastrophic medical consequences lies in prevention, we urge that a policy of prevention be implemented. We urge that the President propose that the United States and the Soviet Union adopt an immediate, mutual and verifiable freeze on all further testing, production, and deployment of nuclear weapons, and that proceeding from such a freeze, the two nations should pursue major, mutual and verifiable reductions in nuclear warheads, missiles and other delivery systems; and be it further

Resolved, that copies of this resolution be forwarded by the clerk of the General Court to the President of the United States, the presiding official of each body of Congress and the members of Congress from the State of New Hampshire.

SPEAKER. The Chair recognizes Representatives Coutermarsh.

Representative COUTERMARSH. Mr. Speaker, I rise strongly in opposition to the motion to suspend the rules. And as a long time member of this House I caution you that this is not the body that should be considering the future defense capabilities of this country. I have great admiration for the New Hampshire Legislature as a member. But I shudder to think that I would have to depend today on the capability of this body to assess the future needs for defensive weapons for the United States. And as an ex-marine, if anybody here is under the impression that platitudes, daisies, V-signs, resolutions . . . will deter the final intent and purpose of world communism to destroy the free nations of the world, then the awakening at dawn will be both rude and rough. The despot's heel is in Poland and in the Middle East and in Cuba and stirring up dissension throughout the world for the very purpose of destroying the free world that we live in. And you only had to see the other day, when free elections were trying to take place—the communists have always known that they would not take control at the ballot box—it was by trying to disrupt the orderly method of voting by terrorist activities. And there is no question but what the only thing that has guaranteed safety to this nation—and that hasn't been espoused by the democrats of my own party, but by the leaders of this nation down through history—is that we had to be strong. The strongest single deterrent against the Russians' use of nuclear weapons or any other weapon is a strong America.

And it ill-behooves the members of this House here today to be instructing the Department of Defense and the military as to how that they should proceed to protect and to provide the defenses of this nation. If this country were attacked it would be some of these same people here today that would be saying "we were let down, how come the military did not protect us adequately against this type of weaponry." I have absolute faith and confidence that the President and that the Secretary of State and that those who know and are in charge of the defensive capability of this country will arrive at a proper decision and it will not be by our demonstrating a position of weakness. It will come through strength. Vote this resolution down.

SPEAKER. The Chair recognizes Representative Welch for a question.

Representative WELCH. Would you agree with me, Representative Coutermarsh, that in light of the fact that a guest of this House appeared before this body earlier this afternoon and specifically and most inappropriately spoke to one side of an issue pending before this House on the same day that this matter should be tabled until another day. And furthermore, that such an action would speak clearly to future guests of the House that while we welcome them into our Chambers, we do not seek to have them involve themselves in the issue of the day in the House. (Applause)

SPEAKER. Members will suspend. The Chair admonishes the membership to recognize the procedure in this Chamber, which is to show no pleasure or displeasure at the remarks of those at the podium. Representative Welch has made an inquiry of Representative Coutermarsh. Representative Coutermarsh, you may respond to the inquiry.

Representative COUTERMARSH. Mr. Speaker, had I known that he was going to speak on this matter I would have liked to have had somebody from the United States Congress or the Senate for a rebuttal. But the speaker was within his right in allowing the member to express what he thought was a concern to him.

SPEAKER. The Chair recognizes Representative Kane.

Representative KANE. Thank you, Mr. Speaker. I urge this body to vote no on the proposition before us. This resolution calls for prevention of nuclear war and I don't know who isn't for that including our Russian fellows over there. It also calls for major mutual and verifiable reductions in warheads and delivery systems. Does anyone here believe that our national policy has been otherwise over the last many years? Does anyone believe that the Soviets have yet agreed to verification? We have a clear picture of what happens when we curtail the research and production of nuclear weapons to achieve parity. The Soviets go for superiority . . .

I cannot think of anything more sophisticated or more complex. Negotiations must be carried out by the best and brightest among us. Not by the masses who write—in their uneducated or unenlightened postions—as sincere as they may be. Negotiations must be conducted by our leaders. The nation must be fully behind a leader during a time of crisis. If the leader is perceived to be strong, the negotiations will probably be successful. There is a way to let your leader know how you feel. All you do is write him.

You can write letters to your Congressman. You can write letters to your President. You can send telegrams. There are all sorts of ways. This particular resolution is an effort to enhance or to combine and give an impression that the whole state of New Hampshire is for a given narrow range of options. And I don't think that that really reflects the people of New Hampshire.

On the subject of how to penetrate and bring down decadent capitalist societies, V. I. Lenin spoke of the availability of "useful idiots" who were present in every society and who could be called upon and persuaded to put forth arguments in support of Marxist-socialist goals. We've had a rare opportunity here today and it just happened, I'm sure, by accident. We've had a voice from California, urging one set of conditions; discussing one set of conditions. But we've had something here that no speaker has mentioned yet today. We had a bunch of people up here wearing blue uniforms. And these people were the best of the Strategic Air Command, which is probably the most capable air force in the world today. And they have some Russian counterparts who probably don't look much different from them over on the other side. Wearing different suits, perhaps. They have a burden which most of us cannot even imagine. We worry about being the victims of a nuclear attack, and this certainly is bad enough. But try to imagine someone who has the dual concern of taking care of his family and the people that he cares about. But having the additional burden of going out to deliver some of those weapons to the other side. You think you have a problem. You can't imagine the mental, psychological burden that these men have to face. And they have counterparts on the other side. I'm not going to carry this on much farther but I will tell you that I will support my government and the ongoing nuclear weapons negotiations that have been in progress over many years—over a series of administrations. And most important, I will not send my President a message of fear and panic at this time. Thank you, Mr. Speaker.●

AUTOMOBILE SAFETY AND CONSUMER PROTECTION

● Mr. RIEGLE. Mr. President, on October 1, 1982, the Senate passed H.R. 6273, an authorization bill for NHTSA for the years 1983, 1984, 1985, which allows NHTSA to carry out its tasks of providing for automobile safety and consumer protection without unnecessarily burdening ailing industries.

Section 3 of H.R. 6273, the State enforcement authority provision, is intended to clarify the State role in enforcing a safety standard identical to a Federal safety standard through processes not inconsistent with the provisions of the National Traffic and Motor Vehicle Safety Act.

Thus, while a State may not require manufacturers to pay approval, laboratory, testing, administrative or any other compliance fees, a State may conduct its own compliance testing at State expense of regulated products or undertake a review of a manufacturer's test report, or equivalent, upon reasonable notice and without postponing the first sale of a regulated product in the State pending the completion of any such review process. These enforcement mechanisms serve to allow the States to complement the Federal self-certification program.●

HOUSE OF REPRESENTATIVES—October 20, 1982

[Omitted From the Record of October 1, 1982]

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 596. An act for the relief of Dennis L. Dalton and James Edward Dalton; to the Committee on the Judiciary.

S. 675. An act to establish a Federal Jurisdiction Review and Revision Commission; to the Committee on the Judiciary.

S. 1964. An act to designate certain lands in the Mark Twain National Forest, Mo., which comprise about 17,562 acres, and known as the Irish Wilderness, as a component of the National Wilderness Preservation System; to the Committee on Interior and Insular Affairs.

S. 1965. An act to designate certain lands in the Mark Twain National Forest in Missouri, which comprise approximately 6,888 acres, and which are generally depicted on a map entitled "Paddy Creek Wilderness Area," as a component of the National Wilderness Preservation System; to the Committee on Interior and Insular Affairs.

S. 2052. An act for the relief of Raul M. Melgar, Maria Cristina Rey de Melgar, Steven Marcelo Melgar, and Serrana Ivon Melgar; to the Committee on the Judiciary.

S. 2116. An Act for the relief of Carols Mebrano Gatson; to the Committee on the Judiciary.

S. 2580. An act to establish the Christopher Columbus Quincentenary Jubilee Commission; to the Committee on Post Office and Civil Service.

S. 2710. An act to establish the Charles C. Deam Wilderness, in the Hoosier National Forest, Ind.; to the Committees on Interior and Insular Affairs and Agriculture.

S. 3037. An act to amend the Bankruptcy laws regarding farm produce storage facilities, and for other purposes; to the Committee on the Judiciary.

S. 3039. An act to provide for the use of certain fees collected from visitors to Grand Canyon National Park, and for other purposes; to the Committee on Interior and Insular Affairs.

S.J. Res. 268. Joint resolution congratulating the American Public Transit Association; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of the rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on October 1, 1982, the following report was filed on October 5, 1982]

Mr. BRINKLEY: Committee on Armed Services. H.R. 1856. A bill to authorize the Administrator of General Services to donate to State and local governments certain Federal personal property loaned to them for civil defense use, and for other purposes (Rept. No. 97-910, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on October 1, 1982, the following report was filed on October 4, 1982]

Mr. FORD of Michigan: Committee on Post Office and Civil Service. H.R. 7044. A bill to amend title 39, United States Code, to strengthen the investigatory and enforcement powers of the Postal Service by authorizing certain inspection authority and by providing for civil penalties for violations of orders under section 3005 of such title (pertaining to schemes for obtaining money by false representations or lotteries), and for other purposes; with an amendment (Rept. No. 97-932). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on September 30, 1982, the following report was filed on October 7, 1982]

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 7076. A bill to amend title II of the Outer Continental Shelf Lands Act Amendments of 1978; with amendments (Rept. No. 97-934, Pt. I). Ordered to be printed.

[Pursuant to the order of the House on October 1, 1982, the following report was filed on October 5, 1982]

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. FUQUA: Committee on Science and Technology. H.R. 7130. A bill to provide a national policy for engineering, technical, and scientific manpower, to provide for cost sharing by the private sector in training such manpower, to create a national Coordinating Council on Engineering and Scientific Manpower, and for other purposes; referred to the Committee on Education and Labor for a period ending not later than December 3, 1982, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(g), rule X (Rept. No. 97-933, Pt. I). Ordered to be printed.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of October 1, 1982]

H.J. Res. 618: Mr. BAILEY of Missouri, Mr. BONIOR of Michigan, Mr. BRODHEAD, Mr. BURGENER, Mr. JOHN L. BURTON, Mr. CAMPBELL, Mr. CONYERS, Mr. DE LUGO, Mr. DOWNEY, Mr. DYMALLY, Mr. EDWARDS of Alabama, Mr. FINDLEY, Mr. FITHIAN, Mr. FORD of Tennessee, Mr. HAMMERSCHMIDT, Mr. LONG of Maryland, Mr. MADIGAN, Mr. MARRIOTT, Ms. MIKULSKI, Mr. MILLER of Ohio, Mr. MOAKLEY, Mr. MOLINARI, Mr. MOORHEAD, Mr. PEASE, Mr. PETRI, Mr. SANTINI, Mr. SCHUMER, Mr. WALGREN, Mr. WHITTAKER, Mr. WIRTH, and Mr. YOUNG of Florida.

BAYARD RUSTIN REPORTS ON LEBANON

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. SOLARZ. Mr. Speaker, one of the outstanding civil rights leaders of our times, Bayard Rustin, recently led a delegation of prominent Americans on a factfinding trip to Lebanon.

Accompanying Mr. Rustin were: Rev. Carl E. Flemister, executive minister of the American Baptist Churches of Metropolitan New York; Thomas Y. Hobart, Jr., president of New York State United Teachers; John E. Nikas, former president of the Hellenic-American Neighborhood Action Committee; The Most Rev. Joseph E. Sullivan, auxiliary bishop of the Roman Catholic Diocese of Brooklyn; Joseph Toubia, Maronite Church of New York; and Charles Bloomstein, secretary, A. Philip Randolph Educational Fund.

I insert Mr. Rustin's report on his visit to Lebanon in the RECORD. I sincerely belive that it will provide important information to all of us concerned about the recent tragic events in Lebanon.

BAYARD RUSTIN'S REPORT ON HIS VISIT TO LEBANON—AUGUST 1982

WHY THIS TRIP

While this report will cite some facts and statistics, it is essentially a very personal reflection on the June 6, 1982 Israeli incursion into Lebanon, and its aftermath. Along with some other Christians, including a Catholic Bishop, a Catholic trade-unionist, a Greek Orthodox, a Baptist executive and a Maronite Christian, I visited Israel for a week in late August. The trip was arranged by private groups in the U.S., but did have the necessary cooperation of Israeli officials. We held discussions in Jerusalem and Tel Aviv and also spent two full days in Lebanon, one each in the eastern and western parts of the country, including East Beirut. In addition to the group meetings with various Israeli Foreign Ministry officials, including Yitzhak Shamir, the Foreign Minister, I talked separately with Sam Lewis, the U.S. Ambassador to Tel Aviv, and with Yitzhak Rabin, former Labor Prime Minister of Israel.

The Israelis welcomed us since they were eager to disprove the charges that they had transgressed international law with an act of military aggression, that they had conducted that aggression with unnecessary brutality and force, and that they had had no concern for the Lebanese civilians caught in the conflict. The Israelis were convinced that the world's media had been biased and unfair and had completely distorted the facts. They hoped that objective visitors to Lebanon would return to the U.S. and report the truth of that situation.

Since this is a personal report, my own bias should be clearly set forth. I have devoted my life to nonviolent social change. While I recognize that violent military action is universally seen as an acceptable method for every nation's effort to maintain its security, I have by and large felt that such violence is, in the long run, counterproductive and delays, if not prevents, the kinds of social changes I have advocated. In my efforts to foster civil and human rights, I have been completely dedicated to democratic processes, and have therefore been a supporter of Israel, the only democratic state in the Middle East. These two positions at times have created a tension for me, one which the preparation of this report has obliged me to confront again.

THE DOUBLE STANDARD

My first conclusion is that Israel did indeed receive an unfairly bad press. Part of this was due to their applying a press gag in the early days of the action, and their statement that their objective was to secure a 25 mile zone free of the PLO. This proved to be inaccurate, as they advanced on Beirut, 40 miles from their border.

By standards of international law, the Israeli advance into Lebanon was not an act of aggression (despite George W. Ball's charge in his op-ed New York Times column of August 25, 1982). No nation in the world will passively accept continuous attacks from forces based in a neighboring country, and international law recognizes that when such a neighboring country is incapable of halting such attacks, the injured country has every right to undertake that task itself. During the ceasefire period from July 24, 1981 through June 5, 1982, Israel claims to have suffered 248 terrorist actions on her northern border, involving landmines, shellings, and Katyusha rocket barrages. In the month preceding the Israeli advance, there were 26 such strikes. In Kiryat Shimona for example, children had to be kept continuously in bomb proof shelters for periods of up to two weeks at a time! Just as the U.S. claimed it had the right to pursue Pancho Villa into Mexico, as a result of his raids, so the Israelis claimed the right to enter Lebanon in search of the PLO.

It is a curious fact that the world has a double standard with respect to the PLO and Israel. In addition to its long record of terrorist activities, other outrages by the PLO go unremarked: there is irrefutable evidence that, during the 12 years of PLO dominance in Southern Lebanon, they were responsible for tens of thousands of deaths in the civil war (that did not quite end in 1976 but continued sporadically until June 6, 1982) creating hundreds of thousands of homeless refugees. They were also responsible for uncounted incidents of individual murder, theft, rape, intimidation, and general lawlessness. Ask residents of Southern Lebanon, and you will get citation after citation. Yet few harsh words have been used about such activities.

The nations of the world, while prepared to use violence to further their own interests, seem to demand pacifist behavior from Israel. It is immoral for such nations to denounce Israel's use of force in achieving its objectives, while finding ample rationalization for their own violence. Almost all of the world applauded either the violent takeover of the Falkland/Malvina Islands by Argentina, or the violent response by Great Britain. All nations in the world recognize the validity of violence in pursuit of national interests and certainly none can assert that Israel's national interests were not involved. The Israelis claim that the PLO does represent a threat to their national survival, while none believes for a moment that the loss of those remote islands, 8,000 miles away threatened England's existence as a sovereign nation.

The irony of this double standard is that Israel itself accepts it, holding itself to a higher standard of conduct than the rest of the world. The first real demonstrations against the Lebanon incursion took place within Israel, where there also has been widespread and intense discussion of the conduct of the war. The orders to the Israeli troops, described to us by Israeli officials and confirmed by combat soldiers in the field, were not to fire at non-military structures except in response to fire emanating from such sources. One Lieutenant told us that his unit suffered 11 casualties (6 killed, 5 wounded) in Sidon because his troops had obeyed those instructions. He felt that his 42-man unit would have had at most only 2 or 3 casualties had it been free to fire at will.

THE MEDIA REPORTS AND THE ACTUALITY

As for the dispatches published in the American media, there is no question in my mind that both the damage and the number of civilian casualties reported had been vastly exaggerated by substantial orders of magnitude. Nabatiya, a Moslem town in Southeastern Lebanon, was a thriving bustling regional center when we stopped there to talk with people on the street. There was damage, of course, but nowhere near the wholesale scale that had been reported. The town, which had dropped in population from 55,000 or so before it was taken over by the PLO, to about 12,000 during PLO occupation, was now rapidly returning to its former size, with people coming back from Beirut daily and picking up their lives. We stopped people on the street at random and asked if they would be willing to talk with us. Without exception they were eager to do so. One of our party spoke Arabic and some of us could converse in French, so there was no substantial communications problem. All the Lebanese expressed joy at their liberation by the Israelis, and while they wanted all foreign troops to leave, they wanted the Israelis to go last. These Shi'a Muslims, Arabs all, literally hated the PLO and cited atrocity after atrocity.

For example, in Nabatiya we interviewed an elderly Shiite Moslem woman who thanked our Israeli military escort (a professor of biochemistry called from this classroom) for freeing her country and making it possible for her to return to her home, from which she had been ejected by the PLO 6 years earlier. Her house was now a pile of rubble, more as a result of the PLO occupation than the Israeli advance. But they were her stones. She could rebuild, and she wept for joy.

The cities of Tyre and Sidon has been reported as virtually leveled. There was significantly more damage there, but only on the main coastal road that led to Beirut.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

The side streets seemed virtually untouched, and certainly the cities were alive and functioning. We stopped in Sidon and talked to people at random in the streets, and heard again the same story—praise of the Israelis for ridding them of the PLO.

Another major source of media outrage against Israel was its bombing of West Beirut, especially the intensive 11 hour bombing and shelling of August 11. The Israeli response to that charge is twofold: first, they admit that the bombings, although in response to alleged PLO violations of the ceasefire, were disproportionate to those violations. That is, they were far more intense than called for by the violations by the PLO. It is their argument that the response was intended to demonstrate their determination to take West Beirut by force, if negotiations failed. They also claim that it was precisely those bombings, especially the 11 hour one, that convinced the PLO to agree to evacuate West Beirut, and therefore in effect saved many lives—Lebanese civilian, Israeli, and Palestinian. They further argue that the bombings were precisely targeted to military areas and to military installation in civilian areas of low population density. Since we did not enter West Beirut, we have no way of validating this latter claim (the former is, of course, a matter of opinion). But I am inclined to believe the Israelis, on the basis of the villages and cities we did see, at least to the extent of their desires and targeting. We cannot, at this time, know how precise their aim was.

The Israelis assert that they took great care to avoid damage to schools. hospitals, and other social institutions. It is significant that along the 40-odd mile route from Israel's northern border to the museum in the green line, the area of the most severe fighting, we did not see damage to a single mosque.

My conclusion is that, as wars go, this one was relatively carefully waged. Nevertheless it was a war and in any modern war, but point out that it was PLO policy to immerse themselves in the civilian population, to establish their strong points in schools, hospitals, refugee camps, and even in apartment houses. So, it was the PLO that held the civilian population hostage. The Israelis tried to limit damage to the civilian population, even at the expense of their own casualties but not at the cost of their objectives. If one accepts the logic of the incursion, then one must agree that the Israelis tried very hard to reduce the casualties inflicted on civilians.

There is no question that the behavior of the Israelis was exemplary for a war situation. The casualties reported in the American press were obviously grossly exaggerated. The figures of 10,000 civilian deaths and 600,000 homeless were supplied by the Palestinian Red Crescent, headed by Yasir Arafat's brother. The Israelis have conducted a body count and report 10 civilian dead in Nabatiya, 50 in Tyre, and 400 in Sidon. They claim that far less than 1,000 civilian Lebanese deaths have resulted from their advance, not including West Beirut (at that time still occupied by the PLO). They admit to some 25,000 homeless Palestinians, as a result of destruction within the refugee camps, and assert that very few Lebanese are still without shelter. Almost all, displaced temporarily by the war, have returned home.

THE AMMUNITION DUMPS

The Israelis claim to have uncovered over 400 ammunition dumps, not only in fortified bunkers but also in civilian buildings and areas. We saw one destroyed bunker over 100 yards long, built of reinforced concrete.

The extensive ammunition dumps give one pause to ponder. The equipment discovered far exceeded the Israeli intelligence estimates and were far beyond the needs of guerrilla warfare. Some who have seen those dumps believe that there were enough arms to equip 500,000 soldiers (which the PLO could not raise). Even if not adequate for such an enormous army, there is no question but that the dumps so far uncovered indicate an intended far wider scale of warfare than was possible with the 14,000–20,000 PLO terrorists in Southern Lebanon.

For what other reason could the PLO have stored the following quantities of arms, inventoried by the Israelis as of July 19, from some 413 caches, with many not yet sorted out and not including what are undoubtedly major depots in West Beirut? The Israeli inventory lists 764 vehicles and armored combat vehicles including tanks; 26,900 light weapons, 424 heavy weapons, artillery and field guns; 43 anti-aircraft weapons; and 1,500 truckloads of ammunition, including 5,109 Katyusha rockets, 7,914 artillery shells, 33,299 mortar bombs, 8,771 mines, and 18,760 hand grenades. There were also over 2,000 items of nonlethal military equipment. Was a major war in the offing?

THE PLO'S INTERNATIONAL CONNECTIONS

In addition to the arms caches, the Israelis captured a wide variety of documents, some of which have been released. These included detailed instructions for shelling civilian cities and villages in Northern Israel, and reports from PLO terrorists being trained in the Soviet Union. Besides documents linking the PLO to a worldwide network of terrorist groups, many foreign nationals—Germans, Italians, and Japanese, among others—were taken prisoner as their training camps in Southern Lebanon were captured by the Israelis. The PLO obviously served as a training ground for terrorists of many countries.

WHAT DOES PLO CONTROL MEAN

Another judgment to which I came is that the Israelis who, for reasons of their own, are adamant about not dealing with the PLO, are correct in that conclusion. The Israelis fear Soviet influence in the area as well as continued PLO attempts to destroy Israel, as per the PLO charter which has never been amended or negated. That judgment is probably right, but in addition I took note of the PLO's behavior in Southern Lebanon, where they succeeded in making violent opponents not only of the Maronite Christians, but also of the Shi'a Muslims (allied in spirit to Khomeini who is a strong PLO supporter). Their record of rape, pillage, murder, and general lawlessness disqualifies them, in my conviction, from aspiring to be the leaders of a civilized Palestinian independent autonomous entity. If I were the Israelis, I would encourage the Lebanese, heretofore relatively silent under the PLO occupation, to speak out to the world about the crimes visited upon them during the PLO usurpation of their land.

For example, we stopped in the Maronite village of Aichiyah, in Eastern Lebanon. Here we were told by the villagers that the PLO had attacked the village and herded all but 55 of the 2,000 or so population into one of its two churches. These 55 were slaughtered, their bodies thrown into dry wells.

One church, and the priest's house, was completely demolished. The other now needs to be resanctified before it can be used again for religious purposes. The graveyards were desecrated, coffins opened, bones scattered and visible through the vault openings.

Consider Damour, in Western Lebanon, a Christian resort city on the coast between Sidon and Beirut. Here between 1,500 and 2,000 villagers were executed by the PLO, which established a permanent base in the town, expelling the remaining people. With an original population of some 50,000 to 60,000, Damour is now an abandoned city, almost wholly uninhabitable. The beautiful church was used as a garage and storage depot, its stained glass windows destroyed, its walls used for target practice. We could glance into the various houses as we drove up the hill to the church. Each was filled with the detritus of an uncaring, insensitive, brutal occupying army, replete with wanton destruction. This all-PLO held town, with no civilians, was the scene of some bloody fighting as the Israelis took it.

Consider the museum in Beirut, a treasurehouse of antiquities from some of the world's most ancient societies. The PLO took over the museum, made it into a fortress, scattered or stole many of its priceless objects, threw others outdoors into the yard and gardens, and behaved without any feeling at all for their own, and our, heritage. We looked at that museum, which is now behind Israeli lines, and were as much appalled by what we saw as by the many atrocity stories we had heard.

In sum, in the areas of Lebanon under PLO control, there was no civilian system of justice. There was no functioning police force, no arrests, no court system and no appeal. What law there was was PLO law, what justice there was was PLO justice. Those of us whose ancestors lived in areas under Ku Klux Klan control have special reasons to know what that means. For the powerless, it means intense, continuous, and unending personal insecurity. In effect, terror.

ISRAELI INTENTIONS

The Israelis have stated repeatedly, and there is no reason to doubt them, that they would leave Lebanon along with all other foreign forces. The question remains whether the Syrians will agree to leave Lebanon, which they have never recognized as an independent country and which they still regard as part of Greater Syria. If the Syrians do leave, the Israelis say that they will do so, simultaneously, There is thus no reason at all for George Ball to state, as he does in that op-ed page column referred to earlier, that there is cause to believe that the Israelis will occupy that portion of Lebanon south of the Litani River. That assertion seems, at present, to have been wholly gratutious and without foundation.

WHAT NOW

Inevitably, I came to some conclusions about the future. The official Israeli position was one of optimism that the PLO has been destroyed militarily and that they now can enjoy a peaceful border with Lebanon. This is true, at least for the immediate future. They also point out that, as a by-product of this dispersal of the PLO, new options have been opened up, options which may benefit the West as well as the Israelis.

Yes, those options are open. But they will require creative diplomacy if constructive results are to ensue—creative diplomacy not only by Israel, but by the Arab States, the United States, and the rest of the concern world. That burden of compromise or crea-

tivity cannot be put on Israel alone. Yet I fear there will be efforts to do so.

For example, Western Europe, the Arab countries, and the Third World will probably all pressure Washington to bring pressure to bear on Israel to be more "sensitive" to Palestinian interests. The Israelis can scarcely afford a "confrontational mode" with the U.S., yet that is what is clearly in the offing. If the Begin government holds to its position of no concessions, that pressure from the U.S. will undoubtedly strengthen it with the Israeli voting public (it has always worked that way in the past, in other countries as well as Israel—unite behind the government when pressed by outsiders). Result, rigidity, no movement, no steps toward resolution of the Palestinian problem, still a major obstacle to true peace in the area. And failure to make progress on the Palestinian question means sooner, rather than later, resurgence of the PLO or other radical groups.

The Israelis are not now planning to be more forthcoming in their talks with Egypt on West Bank autonomy. As Foreign Minister Yitzhak Shamir told us, there is nothing that Israel can afford to give up. I hope that this is only a negotiating posture, made for temporary public consumption. If it is not, if the Israelis intend to hold adamantly to their present posture, then I am very pessimistic about the future and what it portends. There is the possibility that Israel, strong in its military victory, will see armed force as its basic strategy, and, flushed with conquest, will become ever more rigid.

Many Israelis claim that Israel was always their land, from which they were ejected 2,000 years ago. 2,000 years from now, the Palestinians may very well be making the same claim—and trying to enforce it by war. Further, the demographic statistics are against the Israelis, whose lower birth rate will mean that they will soon become a minority even within their own borders. My support for Israel is based on its being a democratic state. Can it retain that democracy when it has an Arab majority, which it keeps in place by a Jewish army?

Given this, what is now imperative is an initiative from the Arab States that would facilitate a change of stance by the Israelis. President Reagan's recent policy speech did not specifically provide that opening. How the Arab States respond will therefore now be critical.

So, yes, there are new options. But after 35 years of unremitting hostility from the Arab States, all but Egypt still legally at war with Israel, the onus for initiatives is squarely on the Arab States and the PLO.

Americans who would preserve an oasis of democracy in the Middle East must urge our government to take those steps which will really make peace possible. The first and essential step in what will obviously be a prolonged and delicate process is for the U.S. to secure from the Arab States and their creature, the PLO, a clear and unequivocal statement that they accept Israel as a legitimate state in the Middle East. They must further agree that any change in Israel's borders must come as a result of negotiation and not by war.

Anything less than such a categorical declaration by the Arab States and the PLO is unlikely to lead to increased flexibility on Israel's part.

The Arabs have taken the lead in making war against Israel—time after time after time. It is their responsibility now to take the first and unilateral step toward peace in the Middle East.

One simply cannot predict what the Israeli response will be until this step has actually been taken. Certainly, it is clear that there will be intense and widespread public discussion and evaluation within that democratic society. The Sadat initiative created a new psychological and political mood in Israel, leading to peace with Egypt and the return of the Sinai. And I believe that a clear an unequivocal recognition of the State of Israel with secure borders will bring about a similar political and psychological change in the present attitudes of the Israeli people, who will then demand that flexibility from their government which is necessary to create peace.●

TEMPLE ANNIVERSARY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. FRANK. Mr. Speaker, Temple Ohabei Shalom in Brookline, Mass., will be celebrating their 140th anniversary. As their proclamation states, Ohabei Shalom had led in a string of firsts in Massachusetts. One of the most significant is that Ohabei Shalom was the first Jewish congregation to be formed in the State of Massachusetts in September 1842. This congregation has a long history of activity in the community, serving not only the religious needs of many families in the Brookline and surrounding area, but serving as an active group that has consistently displayed an interest in the community at large. This congregation represents the values and spirit of cooperation and sharing in the pursuit of the common good that is found all too rarely today.

I have the honor of knowing many members of Ohabei Shalom and it has been a privilege to work with many of the people involved in the congregation. The vibrance of this community is particularly inspiring and it is my pleasure to insert into the RECORD today a copy of the proclamation of Temple Ohabei Shalom on the celebration of their 140th anniversary to be celebrated the week of October 29, 1982.

THE 140TH ANNIVERSARY OF TEMPLE OHABEI SHALOM

The Temple has been privileged to have many "firsts" during its history in the Commonwealth.

In September, 1842, it was the first to form a Jewish congregation in this State, the first to establish a Jewish cemetery in Greater Boston and the first Jewish congregation in Massachusetts to be granted a Charter of Incorporation. It was also the first congregation to build a synagogue in Massachusetts, the first to become a Reform Congregation in New England and the first to have legalized Rabbinical marriages in Massachussetts.

The name selected for the congregation was Temple Ohabei Shalom, meaning Lovers of Peace. (Phonetically, the correct pronunciation is: Temple "Ohabay" Shalom.)

A high priority function of a synagogue has always been to provide a Jewish cemetery for the burial of its dead. Prior to 1845, the nearest Jewish cemetery was in Newport, Rhode Island or in Albany, New York. In July, 1844, the Boston City Council permitted Temple Ohabei Shalom to purchase from the East Boston Land Company a 10,000 square foot lot for $200; the forty affiliated families were assessed $5 per family by the congregation to enable it to handle the purchase. The lot was located on Byron Street at the corner of Homer Street in East Boston. On October 5, 1844, Ohabei Shalom was given permission to use the lot for a cemetery, which made it the first legally established Jewish cemetery in Greater Boston. The cemetery has since expanded in 1868 and then again in 1874.

Temple locations over the years have been at: Warrenton Street, South End, from 1852-1862; in a remodeled edifice of the First Universalist Society on Warrenton Street, from 1863-1886; in a remodeled South Congregation Church on Union Park Street, from 1887-1925; and from 1925 to present, in the imposing structure at 1187 Beacon Street in Brookline, Massachusetts.

The current edifice, dedicated on December 12, 1928, is described as being Byzantine-Romanesque, suggested by the type of architecture seen along the Mediterranean coasts of eastern Italy and Sicily. The dome of the Sanctuary is over 100 feet above street level and the interior seats 1800, without any obstructing columns.

In order to satisfy the different social interests of all as well as that of specific age groupings of the congregants, five affiliated organizations meet and socialize separately on a regular basis. These Temple affiliates are the Sisterhood, Brotherhood, Family Club, Singles Group and Youth Groups.

The Temple Brotherhood (BTOS) was organized in 1920. Its purposes were many: service to the community, fellowship and the promotion of interfaith goodwill and educational. Since 1920, as a result of its active social and religious action programs it flourished to the point that, during the early 1950's, it proudly boasted of a membership of over 2,000 and was the largest chapter in the National Federation of Temple Brotherhoods in the country. The Brotherhood received national recognition for its Goodwill Dinner meetings, which resulted in the formation of the Massachusetts Committee of Protestants, Catholics and Jews in which the late Ben G. Shapiro played a major role. At the Goodwill dinners the Brotherhood honored such prominent people as: President John F. Kennedy, Eleanor Delano Roosevelt, Richard Cardinal Cushing, Helen Hayes, Abba Hillel Silver, Max Lerner, Henry Cabot Lodge, Arthur Fiedler, Marion Anderson, John Williams, Secretary of Labor James P. Mitchell, Mayor Robert F. Wagner, Jr., Congressman Henry S. Reuss, Harold Stassen, Walter P. Reuther, United States Senators Ted Kennedy, Leverett Saltonstall and Edward Brooke, Arthur Schlesinger and Dore Schary.

The Brotherhood also conducted Nieman Fellows' Meetings honoring such outstanding journalists as: Jack Anderson, Drew Pearson, Chet Huntley, David Susskind, John Hay Whitney, Quentin Reynolds, H. V. Kaltenborn, Harry Ashmore, Edwin O. Canham and Harry Golden and Branch Rickey, Mel Allen, Curt Gowdy and many others representing the world of sports.

The Brotherhood also conducted Sloane Fellows' Meetings, Ladies' Night, and Fa-

thers', Sons' and Daughters' Breakfasts. Brotherhood activities have included sponsoring a boy scout troop, a glee club, veterans' programs, weekend conclaves, good cheer work, blood bank programs, S.O.S. drives to collect clothing and foodstuffs for displaced Jews overseas and Jewish Chautauqua Society activities. Through the generosity of the Ann and Henry Penn Fund, the Brotherhood has initiated a series of scholarships including a Hebrew College Prozdor Scholarship Program for graduates of the Hebrew School. In addition, the Penn Fund has made contributions to numerous worthwhile community and national charities.

The Temple Sisterhood (STOS) began 80 years ago and was then named The Temple Advancement Society. It has since joined the National Federation of Temple Sisterhoods. Over the years, it has reached out to provide valuable assistance in furthering the welfare of our country, community and congregation. During the several war periods, the ladies were a strong ally of the Red Cross and provided personalized caring services to veterans. Also on a national level, through affiliation with the National Federation of Temple Sisterhoods, STOS helps provide scholarships and grants to rabbinical and cantorial students as well as gives support to Jewish youth programs and youth camps. On a community level, Sisterhood serves the Boston Aid to the Blind and contributes to Combined Jewish Philanthropies. The Sisterhood supports the Temple in many ways.●

GRATITUDE TO CHUL-HYUN CHUNG

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. DYMALLY. Mr. Speaker, my staff and I wish to publicly acknowledge our gratitude for the friendship we have had the privilege of sharing with Mr. Chul-Hyun Chung over the past 6 months. Mr. Chung is the second high ranking Korean Government official who has taken advantage of the Korean fellowship program which is an ongoing feature of my office. Through the program, Korean officials are able to spend 6 months in Washington obtaining firsthand knowledge of how our Congress functions.

Although the expertise officials such as Mr. Chung are able to obtain through their experience here will be invaluable in promoting understanding between the United States and Korea, I feel that all of us have gained something even more valuable from our interchange. When our knowledge of other lands comes exclusively from newspapers and television, it is impossible for us to come to know each other as fellow human beings, as fellow citizens of the same planet. The fellowship program has given us the chance to know Mr. Chung as a friend and coworker. For my staff and myself, Korea is not some faraway place that we read about in the newspapers. It is home to our friends.

As Assistant Chief of Interparliamentary Affairs, Mr. Chung is responsible for arranging many of the contacts between the Republic of Korea and officials of other nations including our own. In fact, he will make many of the arrangements for the Interparliamentary Union meeting in Seoul, Korea, next year. The U.S. Congress will participate in the meeting. I believe our participation will be facilitated by the knowledge Mr. Chung has gained in his time here with us.

The time when Mr. Chung will return to his wife and children and to life in Korea is now very close. My staff and I find it hard to say goodby to our new friend. At the same time, we know that the mutual regard built between us over the past 6 months will not be diminished by distance. Through Mr. Chung, we have come to know something of the warmth of the Korean people. We will carry that with us as a lasting token of Mr. Chung's time among us. Our best wishes accompany Mr. Chung as he returns to his family.●

RENEWABLE ENERGY TECHNOLOGY

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. ROUSSELOT. Mr. Speaker, I join today with Mr. HEFTEL and several other distinguished members of the Ways and Means Committee in introducing legislation to extend and enhance the business energy investment tax credits for renewable energy technologies.

It pleases me to do so because I am aware of the difficult circumstances under which businessmen, entrepreneurs, and investors in these technologies have labored during the last few years.

The current economic adjustments which are taking place have, of course, created problems for a number of industries. But the renewable energy industries have suffered more than most for a number of reasons:

First, several of them, because of their newness, are composed of a disproportionate number of small businesses compared to more traditional industries. Small businesses, of course, are more hard hit by high interest rates such as we have recently experienced than larger companies. Many of them have difficulty obtaining financing under any circumstances, and unusually high rates simply compound the problem.

Second, owing to an unforeseen slackening of demand across the economy, oil prices have weakened dramatically, causing the cancellation of a number of major renewable energy projects for which financial planning was based on steadily rising costs for conventional fuels.

Third, the favorable investment climate which was supposed to have been created by the present tax incentives for these technologies has been drastically altered by a number of events: Inexcusably long delays by the Internal Revenue Service in issuing rules to implement the energy tax credits; attacks by the Department of the Treasury on the business energy credit upon two occasions within the last year; and the effective reduction of the business credit's value by some 20 percent in recent weeks by reduction of the basis for depreciation.

In short, almost since these incentives were originally provided, their impact has been vitiated in a number of ways, none of which have any relation to the inherent value of these technologies.

We continue to have the same national interest in achieving energy independence and in the development of renewable energy technologies as we did 4 years ago when these incentives were first provided. I see nothing to suggest that this situation will change in the foreseeable future. Imports still account for a substantial portion of our energy consumption, and will likely continue to do so for many years to come. With continuous unrest in the Middle East, the national security implications of this unhealthy dependence remain a serious concern. We must begin now to build for the future.

One measure of the potential impact which renewable energy technologies can have on that future is provided by a recent report from Resource and Technology Management Corp., which develops comprehensive data on new energy sources and their market growth. According to the report, renewable energy will contribute about 8.25 percent of this Nation's energy supply by 1985 compared with 7.1 percent in 1980. This 1.15-percent increase amounts to about 125 million barrels of oil saved per year, and will bring the total energy savings from renewable sources by 1985 up to 1.16 billion barrels per year.

Given the proper environment of incentives, it is obvious considerably greater growth can be achieved by these technologies—growth which will more than repay to the Treasury and to our Nation any revenue loss which results in the short term. Renewable energy businesses will pay taxes in future years, both on sales of equipment and on sales of electricity to the utility grid. In addition, business fuel cost writeoffs for conventional fuels will be reduced, thereby supplying the

Treasury with offsetting source of revenue.

For all of these reasons, I join in supporting this legislation, which is aimed at establishing once and for all a favorable and, even more importantly, a stable environment for the continued growth of these technologies. I believe all of us can only gain as a result.●

WELFARE REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. HAMILTON. Mr. Speaker, I insert my "Washington Report" into the CONGRESSIONAL RECORD:

WELFARE REFORM

To meet the needs of those who require the help of government in order to help themselves, several programs have been enacted over the years. General public assistance, veterans pensions, aid to families with dependent children, housing assistance, home heating assistance, food stamps, medicaid, supplemental security income, and the earned income tax credit are the largest and most widely known. Taken together, these income-tested programs constitute an extensive "safety net" of protection for the millions of Americans who find themselves at one time or another in serious need.

The safety net is expensive to maintain in good repair. By one count, seven of the large income-tested programs cost approximately $70 billion in 1981, up from $25 billion only eight years before. These costs are substantial, yet it is important for us to keep them in perspective. Expenditures for programs of social insurance—such as social security, workman's compensation, medicare, and jobless benefits—are roughly three times as large. Our spending for the safety net is not high in comparison with that of other advanced nations. For many years, this spending has tended to decrease as a percentage of both the gross national product and the federal budget.

When the safety net is considered in terms of the completeness and adequacy of its coverage, it is—to use the words of a former top advisor in the Reagan Administration—"a brilliant success". In 1976, for example, 27 percent of all families (21 million households) would have lived in poverty had it not been for the income-tested and social insurance programs. As it was, only 8 percent of all families (6 million households) were poor. However, no one who knows about the safety net—whether he is a professor, a politician, a taxpayer, or a recipient—would suggest that there are no problems to be attacked. Aside from an obvious concern about costs, both critics and supporters agree that there are several problems:

Assistance is inequitable: Because of wide variation in state support of aid to families with dependent children—there is a wide variation in the monthly payment received by destitute families. Late in 1981, for example, it ranged from a low of $120 in Mississippi to a high of $600 in Vermont.

Families are broken up: In many instances, a poor family can receive more support under various programs in the safety net if the husband deserts his wife and children and deprives them of his income. The "reward" for such behavior can be thousands of dollars in increased benefits.

There are disincentives to work and thrift: The same factor which prompts the breakup of poor families (that is, benefits are better for low incomes) also leads to avoidance of work. Thrift is discouraged because for many programs, a person must be destitute to get and keep eligibility.

Teen-age pregnancy is encouraged: Critics assert that for certain programs in the safety net, a baby is the "price of admission" for the young woman who cannot find work. She becomes dependent on welfare at an early age, and her child is disadvantaged in life from the start.

Administration is complex: The programs in the safety net call for a vast array of federal, state, and local administrators whose powers are not well balanced or evenly distributed. There is fragmentation in delivery of services, confusion among recipients, and too much paperwork.

Virtually all Americans see the safety net as a vital part of our government. Among our highest priorities must be action to control its costs and correct its faults so that it can protect people more efficiently and effectively. In this regard, a proposal has recently been put forward by a bipartisan group of eight former Secretaries of Health, Education, and Welfare. The group would improve the safety net mainly by strengthening the most basic strand in it—aid to families with dependent children. The suggestions are these:

A family would be eligible for support if the children were deprived of income due to the breadwinner's unemployment or incapacity for work.

A minimum benefit consistent with accepted standards of health and decency would be made available to all eligible families nationwide.

The federal government would provide the minimum benefit, but states would be free to provide supplemental benefits if they wished.

Eligibility would be determined in state offices, whose administrative costs would be almost entirely covered by the federal government.

In determining eligibility, the cost of day care and a portion of monthly income would be disregarded in order to encourage work.

Thrift would be encouraged by allowing a family to accumulate modest savings without risk to its eligibility for the minimum benefit.

Paperwork would be cut back by requiring or permitting states to use standard definitions of income and other key terms in their programs.

The federal government would seek further improvements in delivery of services by letting a few states experiment with their programs.

Far-reaching proposals to overhaul several programs in the safety net have met with little success. The eight secretaries are aware of these failures and have decided in favor of more modest goals. Their proposals are measured, not sweeping. They want to deal with the hard nuts and bolts of these vital programs, not with ideological biases. What is just as important in a time of austerity, the changes they suggest can be adapted to different budgets. Thus, their suggestions are welcome additions to the call for welfare reform, and should receive prompt and full consideration by the President and in Congress.

(NOTE: This newsletter is based on a new report entitled "Welfare Policy in the United States". It was published by the Johnson Foundation, Inc.)●

SUPPORT PUBLIC LAW 94-142

HON. LEO C. ZEFERETTI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. ZEFERETTI. Mr. Speaker, the future and strength of the United States depends upon the quality of education received by our young people. That is why I am deeply concerned about the continuing erosion of the All Handicapped Children Act. The goal of this public law, known as Public Law 94-142, is a simple one: To provide a free, appropriate education to all handicapped children. The All Handicapped Children Act cannot be assailed as frivolous, wasteful, or budget-busting, for it provides an essential educational base for the most vulnerable in our society.

Public Law 94-142 has been the critical factor in assuring that nearly 4 million handicapped children have the right to a basic, appropriate education. Not only has the act confirmed our country's national interest in providing uniformly for the needs of these children, but has also assisted the States in meeting their needs. The Reagan administration now wants to reverse a decade of progress in protecting the rights of handicapped children. While I support responsible efforts to reduce Federal spending in our attempt to control the deficit, I find it irresponsible and reprehensible to dismantle programs affecting those least able to protect themselves.

In the loftiest of terms, President Reagan opened the International Year of Disabled Persons with the following declaration:

> Today, there are 35 million disabled Americans who represent one of our most underutilized national resources. Their will, their spirit, and their hearts are not impaired, despite their limitations. All of us stand to gain when those who are disabled share in America's opportunities.

I agree with this statement wholeheartedly. However, I must ask, will the disabled stand to gain when their funds, and the regulations protecting their basic rights, are being curtailed at every opportunity by this administration?

The list of protections which will disappear if this administration's proposed changes go into effect is quite extensive, negatively impacting virtually all the key tenets of Public Law 94-142. A key clause, providing for parental participation in their children's evaluation, has been eliminated in the proposed regulations. In addition, the burden of proof to justify an appropriate education has been shifted to the parents' shoulders. At a time when

they most need Government support and encouragement, the administration asks that the parents' load be increased. The proposed regulations also permit schools to drop necessary health services for handicapped children. In short, these proposed changes in the regulations would serve to break the will and the hearts of many disabled Americans.

When it comes to the handicapped, this administration has said one thing and done another. The issue of keeping the All Handicapped Children Act is one such inconsistency. The changes being sought by this administration, if they are allowed to go into effect, would wipe out the decade of gains in basic civil rights for the handicapped. That is why I adamantly oppose the proposed changes and am a cosponsor of House Resolution 558. This legislation demands that the changes, in their proposed form, be rejected. We cannot allow further reductions in the basic rights of the most vulnerable in our society—handicapped children.●

VOTING RECORD

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. DORGAN of North Dakota. Mr. Speaker, on Friday, October 1, 1982, the House passed the conference report of the joint resolution (H.J. Res. 599) making continuing appropriations for fiscal year 1983 by a vote of 290 to 123. That action had my strong support and I do not know why my vote was not recorded. I would like the permanent record to show that I intended to vote in favor of this resolution and that I believe my vote was so cast.●

U.S. AID TO ISRAEL, PUT IN PERSPECTIVE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. OTTINGER. Mr. Speaker, I am including in today's RECORD an important "Letter to the Editor" which recently appeared in the New York Times concerning U.S. economic aid to Israel.

Many of Israel's critics often employ a misleading argument that U.S. aid to Israel is excessive and should therefore be terminated.

In fact, as this letter clearly shows, our total aid program to Israel is moderate when you consider that most of it is in the form of grants and loans which are payable with interest. Indeed, Israel's debt service to the United States exceeds the amount of our economic grants. The United States realizes very significant economic benefits from this relationship; since all the money lent and granted to Israel is spent in the United States, jobs are created and our economy is strengthened.

The argument to terminate economic assistance to Israel is shortsighted and fallacious. I commend this "Letter to the Editor" to the attention of my colleagues:

U.S. AID TO ISRAEL PUT IN PERSPECTIVE

To the Editor:

George Ball's preposterous arguments in "Divert Aid for Israel to Rebuild Lebanon" (Op-Ed Aug. 25) have been adequately dealt with in three letters published Aug. 31. However, it is important that Mr. Ball's fallacious use of figures concerning our Government's assistance to Israel not remain unchallenged.

Mr. Ball says "our annual subsidy to Israel . . . amounts to roughly $2.7 billion—$750 per head for Israel's 3.5 million people. It is as if every American family of five gave Israel $70 a year."

This statement, from a former State Department official, borders on dishonesty. Here are the facts:

The $2.6 billion total aid for Israel voted by Congress for fiscal year 1983 consists primarily of military sales credits, or loans, repayable with interest; only $785 million is in economic support grants.

All the money lent and granted to Israel is spent in the United States, resulting in more jobs here and a stronger economy. Israel's consumer purchases in the U.S. are roughly double the amount of economic aid it receives.

Israel's debt service to the United States exceeds the amounts of our economic grants. In fiscal 1983, the excess figure will be $185 million.

The people of Israel, among the highest-taxed in the world, carry the burden of defense and pay for peace. Their economic sacrifice for peace with Egypt is estimated at $17 billion.

By giving up Sinai, Israel lost its almost total oil independence—aside from its huge investments there. Now it spends $2.5 billion a year on oil imports, an amount equal to this year's foreign aid from the U.S.

I hope these facts will dispel the myth, propagated by George Ball and other detractors of the Jewish state, of Israel's burden on the economy and people of the United States.

ROME INTER-PARLIAMENTARY UNION CONFERENCE

HON. M. CALDWELL BUTLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1982

● Mr. BUTLER. Mr. Speaker, the Inter-Parliamentary Union (IPU) Conference just concluded last week in Rome was an occasion to reaffirm democratic principles we cherish in the United States. Since the IPU has a membership of nearly 100 nations, there are clearly participants at these meetings who do not enjoy in their own lands the luxury of political participation and debate we sometimes take for granted in the United States. Therefore, we should not hide our democratic example and fear to champion the rights we respect.

As a delegate to the Rome IPU meeting, I was fortunate to speak to the assembly on parliamentary rights and offer a few ideas on parliaments' proper function. A basic point in my address was first that parliamentarians must have rights, but second—and a point I emphasized—was that we cannot expect proper functioning of parliaments without free, open, and vigorous debate on public issues within society as a whole. In this context, I reemphasize how concerned we, in the Western parliaments, remain about continued martial law in Poland. Martial law destroys the democratic foundation on which representative government is constructed.

The plight of the Polish people has not been ignored in the IPU and the many expressions of concern have become a source of irritation for the Soviet delegates who come to defend and apologize for their complicity in the prolonged suppression of freedom in Poland. The President of the Inter-Parliamentary Union and former President of Venezuela Rafael Caldera himself directly spoke of his own concern as he inaugurated the opening of the Rome Conference. IPU President Caldera stated his view that "the situation in Poland transcends its bounds as an internal matter" and vibrates "in the consciences and hearts of those who hold freedom and human rights to be fundamental conditions for the progress of the world toward greater justice and happiness for mankind." Echoes were heard throughout the chamber during the Conference deliberations. I think we, of the U.S. delegation to the Rome meeting, carried the concern of many of our colleagues in this Chamber when we joined with the many other voices in Rome that refused to let the cause of the Polish people be ignored out of politeness or fear of controversy.

I should note two other events of the Rome conference. First, Representative PEPPER and I were charged with the responsibility of representing the U.S. group at meetings of the Western Caucus. These meetings served as examples of how we, of the Western democracies, can coordinate our efforts and proved that we need not be intimidated by the easy and solid unity of purpose of the Warsaw Pact delegations and their allies.

Second, our group held a very warm and productive session of bilateral contact with the Italian parliamentarians. At this meeting, we exchanged views on a variety of matters, and were able to discuss the United States-Italian peacekeeping cooperation that is just now occurring in Lebanon. I came

away feeling the United States-Italian relations are extremely good.

INTERPARLIAMENTARY UNION 69TH CONFERENCE

The fall conference of the Interparliamentary Union (IPU) convened in Rome, Italy, September 14-22, 1982. This meeting represented the 69th occasion that the world's parliamentarians have convened in an IPU plenary session since the organization was established in 1889. The IPU is the oldest and most broadly representative interparliamentary association in the world. This year, parliamentary groups from 98 countries are members, and 91 countries sent delegations to the Rome conference. International observers, such as from UN organizations, were also present.

The agenda established for the fall conference included consideration of disarmament, world hunger, world environment, development of parliamentary institutions and decolonization, particularly referring to the Namibia issue. The meeting considered the results of the recent UN Special Session on Disarmament held in New York and the recent UN Environment Program Conference held in Nairobi. The IPU has been particularly active with these inter-governmental negotiations. The conference also gave special consideration to the situation in Lebanon, the invasion of Afghanistan, Ethiopian aggression against Somalia, and the Iran/Iraq war.

At the end of the 10-day session, the conference voted final resolutions on each issue that serve as the communiques of the results of the conference.

The UPI has played a number of historic roles during the almost 100 years of its existence. Early in this century, it played a key role in establishing international arbitration and initiated the creation of the Permanent Court of International Justice. It has facilitated European reconciliation and cooperation, particularly following the two world wars and more recently, by starting discussions on security and cooperation in Europe that encouraged the 1975 Helsinki Agreement. The IPU serves as a regular forum for debate and resolution on major issues of global sig:ificance.

The UPI also provides modest technical assistance and facilitates informational exchange aimed at improving parliamentary institutions throughout the world.

The purpose of the IPU, according to its statutes, is to promote personal contacts between members of all parliaments and to unite them in common action to secure and maintain the full participation of their respective states in the firm establishment and development of representative institutions and in the advancement of the work of international peace and cooperation, particularly by supporting the objectives of the United Nations.

U.S. participation in the IPU and delegations to meetings are in accordance with 22 U.S.C. 276, as amended by P.L. 95-45. In accordance with these provisions, the following Members of Congress served as delegates to the 69th IPU conference: Representatives Claude Pepper (House Chairman), Edward J. Derwinski (House Vice Chairman), L. H. Fountain, J. J. Pickle, E (Kika) de la Garza, David R. Bowen, Robert McClory, J. William Stanton, M. Caldwell Butler, and Wayne Grisham.●

NEW FEDERALISM AND THE CHILDREN OF CONNECTICUT

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. MOFFETT. Mr. Speaker, on September 29, 1982, the House of Representatives distinguished itself by passing House Resolution 421. This resolution, now adopted, will create a Select Committee on Children, Youth, and Families. The purpose of this panel will be to create a forum; a platform for us to deal with the totality of issues, at the Federal level, of the policies which shape our Nation's most vital assets; children, youth, and families.

Prior to the passage of the resolution, the author, our colleague GEORGE MILLER and myself, held an informal hearing on the effect of New Federalism on the children of Connecticut. The first statement before our panel was made by Karen Traziskas, a woman who benefited from the runaway youth program. It took a great deal of courage for Karen to come before the panel and tell her story. I was, and am, grateful for her participation.

Ed Mattison, a legal service attorney with the New Haven Legal Assistance Association, also participated in the hearings. Unfortunately, Mr. Mattison was called upon at the last minute to speak on food stamps and AFDC—he did not have an opportunity to prepare written remarks. Therefore, to give our colleagues a sense of the insightful observations made by Mr. Mattison, I would like to submit for the RECORD the newspaper account of the proceedings published in the Hartford Courant.

The text of Ms. Traziskas' remarks, and the article highlighting Mr. Mattison's contribution, are printed below.

TESTIMONY FROM KAREN TRAZISKAS AT SEPTEMBER 8, 1982 CONGRESSIONAL HEARING ON "NEW FEDERALISM: ITS IMPACT ON CONNECTICUT'S CHILDREN"

I would like to tell you a little about myself. When I was fifteen, I was having enormous difficulties at home and doing very poorly in school. The school psychiatrist referred me to Junction 1019, a runaway shelter in West Hartford. There I worked with a counselor, his name was Piere Gagnon. He gave me an assignment to write a letter explaining why I was there. At the time, I was very rebellious and refused to believe I had any problems. So, I just wrote a pile of garbage and gave it to him. The next morning I awoke to find that Piere had slept on the couch outside my room and confronted me with what I had written. He was furious; he made me rewrite the lettter. In it I admitted that I was an alcoholic which was something I had refused to believe, that I felt very scared and very unloved. Piere absolutely glowed. He had reached me, but that was just scratching the surface. He then introduced me to Rick Lanz, a private counselor who has worked with me for the past 4 years. Throughout that time he has introduced me to the Host Home Program along with many wonderful people. Rick has helped me a great deal. Without the use of that shelter, I wouldn't have had the opportunity to have met him. There are millions of children who are in great need of programs just like the shelter; there can never be enough. In today's society, these programs are absolutely essential.

[From the Hartford Courant, Sept. 9, 1982]

WITNESSES ATTACK CUTS IN SERVICES FOR CHILDREN

(By Leonard Bernstein)

WEST HARTFORD.—Lawyers, teachers and social service workers Wednesday attacked President Reagan's New Federalism policies as shortsighted, costly and devastating for state children and the programs that support them.

Gathered at St. Joseph College for a forum, at the request of U.S. Rep. Toby Moffett, 6th District, a diverse group of witnesses said Reagan is rolling back the modest progress that has been made in health care, emergency services, education and nutrition for children.

"In this country, when there is trouble with the economy, it is the children's programs which are cut first," said Susan Sponheimer, head social worker at the Stamford Day-Care Center.

According to the testimony, cuts have cost 19,260 public school students in Connecticut their free lunches, more than 2,000 children of remarried women their welfare benefits and thousands of children the opportunity to go to college.

"This is the worst time to be a legal aid lawyer, and it's not only because our very existence is in jeopardy," said Edward Mattison of the New Haven Legal Assistance Association Inc. "It's because of how bad it feels to talk to our clients."

As an example, he cited a new federal regulation limiting the value of cars owned by welfare recipients to $1,500—a rule prompted, he said, by the administration's conviction that too many recipients were driving "late-model Cadillacs."

The regulation forced one woman to trade in her 1976 Ford for a cheaper car when she quit her job to stay home with a sick child and went on welfare, he said. "Where is the savings to President Reagan?" he asked.

Moffett, candidate for U.S. Senate, sponsored the forum with U.S. Representative George Miller, Calif., who will present some of the testimony to the House of Representatives' Rules Committee in an effort to win approval for establishment of a Select Committee on Children, Youth and Families.

U.S. Representative Barbara B. Kennelly, 1st District, also attended.

Moffett charged that "$10 billion in children's services were sacrificed last year so that the Reagan administration could keep the world safe for hyprocrisy. What else can one label the policy of a president who purports to be pro-family?

"The glue that helps keep so many families together is being destroyed—compensatory education for the disadvantaged, juvenile justice, delinquency prevention, day-care services, child nutrition, health and other programs vital to the development of the nation's children," Moffett said.●

EULOGY IN MEMORY OF THE HONORABLE ADAM BENJAMIN

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. ROSTENKOWSKI. Mr. Speaker, for the benefit of my colleagues and interested readers of this RECORD, I want to insert the poignant and accurate eulogy given by my friend and colleague, the Honorable LEE HAMILTON, in memory of our departed colleague, the Honorable Adam Benjamin.

This eulogy reflects the impact that Adam had on the lives of Members of Congress who were privileged to work with him. It was given in the SS. Constantine and Helen Greek Orthodox Cathedral in Merrillville, Ind., on Friday, September 10, 1982.

Again, I want to extend my sympathy to Adam's family. We share in their loss and sorrow.

EULOGY FOR ADAM BENJAMIN

I speak this morning for over 40 members of the U.S. Congress who have come as representatives of the entire Congress to express their deepest sympathy to Adam's family and friends, and to express gratitude for his life.

To his wife Patricia and to his children—Adam III, Alison, and Arianne—I extend the most heartfelt condolences from members of Congress. All of us who knew Adam Benjamin are grateful for his life and for the contributions he made to his friends, his community, his state, and his nation. His life, from West Point to Congress, was in the highest, finest tradition of public service.

Adam Benjamin was a legislator.

I know of no one who was so quick to master the procedures of the House and use them for the benefit of his constituents. He set a record by becoming the chairman of an appropriations subcommittee in his second term.

There used to be a saying in Indianapolis that Adam was the only member of the General Assembly who read all the bills. That gives some indication of the respect his fellow legislators had for Adam's legislative skill.

It is not enough to say that Adam was a superb legislative craftsman. He loved his profession, and it showed. He practiced it with intelligence, skill, conviction, even amusement, and he always had a sharp eye for the foibles of his fellow legislators.

Adam Benjamin was a person who believed deeply in democracy.

He believed in, and lived for, representative government.

Not long ago a person asked me whether democracy could solve all the problems on the national agenda. At the time my response was honest, but not very good. I said that I just did not know. Today, I would amend the answer. I would say yes, so long as it can continue to produce men like Adam.

I remember discussing a difficult vote with Adam only a few weeks ago. I talked with him about the politics of the vote. He understood all of that, of course, but then he smiled and said, "But Lee, an "aye" vote is the right vote for the country." So simple, so profound, so shaming, so uplifting.

Adam was a politician.

He enjoyed politics, and he especially enjoyed it as it is practiced in the House of Representatives. He was a great strategist, a strong debator, and, despite firmly held views, was, as a political craftsman, always on the lookout for a suitable compromise. He was always seeking solutions to the problems, not an opportunity to score points. He simply did not care who got the credit for a victory.

Perhaps Adam was a master politician because he came from his constituents. He was a part of them. He worked hard for them. Their problems and hopes, troubles and ambitions were his as well. Their welfare was his primary concern. He thought constantly of how he might serve them better.

Adam had pride in his work as a politician. He believed it was the politician's job to make the country work, to provide stability, to accommodate different points of view, to develop a consensus, and to meet the needs of people. He believed that a politician's work is the chief means of achieving justice for all persons.

Adam Benjamin was a good man.

He was compassionate; he deeply wanted to help people. He had come through the political wars of his county and the state without bitterness—and with everyone's respect. I don't recall him saying a mean remark about anyone. In talking policy issues with Adam, we all had the sense that this man really did care. He acted not for himself, but for others.

Politics exacts a terrible price from families, but Adam bridged the gap between his family and his profession as well as any politician I know. His first priority was his family. He was always very proud of them. His death was all the more sad because it came at a time when he was looking forward to a pleasure that only a parent can know—that of being able to spend more time with his son, Adam III.

Make no mistake, Adam Benjamin was among the very best members of Congress—others are better known, better publicized—but none were better members.

Politics is an all-consuming profession for those who seek to do justice to the great calling of making laws in a free society. Politics, I think is fair to say, consumed Adam Benjamin. Death has done what only death could have done. It kept Adam Benjamin from completing a brilliant career in the United States Congress.

In this day of mourning, let us celebrate Adam's life with thanks.

Let us remember his concern for people. They were not statistics to him, but real, live, warm human beings. He cared for each one of them.

Let us remember his unsparing dedication to work for the betterment of his constituents.

Let us remember the broad smile, the easy manner, the oft-heard phrase from his lips, "What can I do for you, friend?"

Let us remember Adam as he was: warm, restless, inquisitive, dedicated, vital.

His death leaves an empty place in our lives. But his dedication and his spirit will remain a vibrant part of our lives.

Good bye, Adam—and thanks.

Well done, thou good and faithful servant.●

TRIBUTE TO THE HONORABLE L. H. FOUNTAIN

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1982

● Mr. JONES of Tennessee. Mr. Speaker, I rise today to take part in this tribute to our colleague and my friend and neighbor, L. H. FOUNTAIN. I appreciate JIM BROYHILL requesting this special order and I think it is particularly appropriate for a man of L. H. FOUNTAIN's stature and seniority in this body.

I have enjoyed the relationship that I have developed with L. H. over the years. He has served his country and his State well over the past 30 years. I have always found him to be cooperative and a man on whose word you could depend. His expertise in the operation of Government in the foreign policy of this country will be sorely missed by all of us who looked to him for leadership in both of these vital areas.

It was with sadness that I learned of L. H.'s decision to retire but I want to wish for him and his family a happy and fruitful retirement.●

THE 25TH ANNIVERSARY OF THE LEHIGH VALLEY CHAPTER OF THE AIIE

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. RITTER. Mr. Speaker, this year marks the 25th anniversary of the Lehigh Valley Chapter of the American Institute of Industrial Engineers. The AIIE is vitally concerned with the productivity of our Nation's industrial and other endeavors. The Lehigh Valley Chapter of the AIIE represents a showcase example to the Nation as to how many organizations which have traditionally shared in the large Federal pie of funds can operate more efficiently and more effectively under the New Federalism. I offer the following observations for my colleagues' consideration.

The American Institute of Industrial Engineers was founded in 1948 at the Ohio State University. It is the only professional society in the United States which represents industrial engineers. The AIIE currently has over 40,000 members in chapters as far spread as Mexico, Canada, Hong Kong, Saudi Arabia, Argentina, and Singapore.

The Lehigh Valley Chapter in Pennsylvania was chartered in 1957 at Lehigh University. This year, 1982, marks its 25th anniversary. There are

presently over 220 members in the Lehigh Valley Chapter of the AIIE, representing most major industries in the Lehigh Valley and in Warren County, N.J.

The AIIE is vitally concerned with the productivity of American industry. They have been for years. That is their most important product. The word "productivity" is used often without much consideration of its real meaning. Absent an effort to increase public awareness, the American public could dismiss the concept of productivity as a fad. The AIIE is trying to provide a portion of the needed public education.

In my congressional district, the Lehigh Valley Chapter has met with many civic and community groups, and chapter efforts have caused the mayors of major cities in the Lehigh Valley to issue proclamations declaring the first full week in October as "Productivity Improvement Week." A similar resolution is before the House of Representatives. House Joint Resolution 565, of which I am a cosponsor. I urge my colleagues in the House to join me in cosponsoring this resolution which includes as its goals, heightened public awareness regarding the importance of true industrial productivity.

Members of the Lehigh Valley Chapter of the AIIE have also been active in the public distribution of literature and information regarding productivity improvement, have worked with the Lehigh Valley Lighthouse Industries for the Blind, served on the industrial engineering advisory committee for Northampton County Area Community College, sponsored Engineer's Week and Productivity Week activities, worked with the Council of Alcohol and Drug Abuse and with the Girls Club of Bethlehem, and initiated a new community affairs program to extend the professional talents of chapter members on a volunteer basis in assisting tax free service organizations and local government bodies in conducting productivity improvement studies and projects.

Such activities by our Nation's professionals will be required to increase the productivity of our charitable and civic organizations which have come to rely directly or indirectly on Federal support. With this support shifting somewhat back to State and local levels, increasing the productivity of such organizations must become one of our first priorities. The activities of the Lehigh Valley Chapter can serve as an example to the Congress and to the whole country.

In summary, I want to congratulate the Lehigh Valley Chapter of the American Institute of Industrial Engineers on its 25th anniversary and commend its efforts to enhance public understanding of real productivity in this area of shrinking resources for Govenment. I also urge my colleagues in the House to join me in cosponsoring House Joint Resolution 565 which proclaims the week of October 3 through October 9, 1982 as "National Productivity Improvement Week."●

TAX POLICY AND THE ECONOMY IN GENERAL

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. FOLEY. Mr. Speaker, on September 16, Chairman DAN ROSTENKOWSKI of the Ways and Means Committee gave what I consider to be an important and wide-ranging address to the Savings Banks Association of New York State on our tax policy and the economy in general.

I submit it to the RECORD for every Member's close and careful examination.

SPEECH BY REPRESENTATIVE DAN ROSTENKOWSKI

This is an extraordinary election year. Rather than the traditional boasts of new shipyards, and special tax cuts—Congress is forced to campaign on a hundred billion dollar tax increase along with cuts of 20 billion dollars in medicare, public assistance and other entitlement programs.

Long gone are the euphoric promises of last year's supply-side tax and spending cuts. Today, Washington is seized by the grim statistics of human and business losses that recession continues to exact.

The lullaby of "imminent" recovery once sung by the White House has ended. The promise of swelling business investment and active economic growth have since rotted into unprecedented deficits, crippling long-term interest rates and more than 10 million people out of work.

The President has every reason to cite the dramatic drop in inflation. It was inflation that broke Jimmy Carter's back. But let's not forget the price we've had to pay for lowering inflation.

Long-term interest rates, probably the best measure of economic confidence around the country, remain at destructively high levels—with no compelling evidence that a sustained let-up is coming.

Unemployment remains firm at nearly 10 percent. Leaving aside the emotional factor of unemployment, the overall cost of one percent of unemployment—in hard federal cash—amounts to about 103 billion dollars over three years.

Interest on our rapidly rising debt will be more than 115 billion dollars—nearly 15 percent of this fiscal year's outlays. And that will grow again next year.

Despite Administration predictions a half a year ago that investment for plant and equipment would drop by only one percent, we are now informed that the real figure for this year is better than four times that.

It was against this backdrop that Congress silenced its loudest critics by passing the most wrenching—and by traditional standards, most impolitic—budget ever.

With little encouragement from the President, Congress owned up to the terrible fiscal excesses of last year's tax and spending cuts. Faced with deficit projections for the coming fiscal year of 180 billion dollars Congress defied all election-year axioms and raised taxes and further cut spending.

One again, we cut heavily into entitlement programs—especially health and welfare. Given the budget target, I think we did the best job of surgery possible. But this year there was no talk of fat. It was all muscle and nerve.

Hardened conservatives unaware of the faces beyond the economic statistics should beware. We have already crossed that inner perimeter of federal responsibility for the care of society. As the economy worsens, and the suffering continues, the spring of social outrage tightens.

The President's embrace of the 98.3 billion dollar tax bill was far more reluctant than his support for spending cuts. That changed once he realized that without his strong public endorsement that 100 billion dollars in potential tax revenue would turn to an additional 100 billion dollar deficit.

He has never conceded that his endorsement was in any way the "mid-course correction" that Speaker O'Neill called for—but it was a major departure from traditional Republican philosophy—and eased the anxieties on Wall Street that Ronald Reagan was an inflexible ideologue, forever opposed to tax increases.

Thanks in great part to Senator Dole, the thrust of the bill was to reach the revenue target—not through a carpet of new taxes, but by collecting taxes already due and reshaping tax incentives written at another time.

Spending and tax decisions for fiscal year 1984 hang on the scales of economic performance over the next few months. Despite the early assumption that our budget work would bring deficits for the coming fiscal year just below 100 billion dollars, the Congressional Budget Office reports that economic assumptions have again changed. Now CBO predicts that deficits for each of the next three years will come in around 150 billion dollars.

As the first half of the President's term comes to a close, national confidence in his economic policies is weak. And prospects for strong recovery remain uncertain. A recent New York Times/CBS poll shows overwhelming doubts about the President and his party's ability to cope with unemployment, fair budgets or social security. By a shocking two-to-one ratio, those polled trusted Congress over the President in its ability to handle the economy.

Congress begins next year with two fiscal howitzers aimed at the Capitol dome: the crisis in social security financing—and another triple-digit deficit.

Social security is—without question—the most intensely political ground over which Congress battles. 36 million are already receiving benefits—and for many it is virtually their only income. 34 million more are over the age of 50—looking ahead to receiving benefits. And financing the system are 115 million workers and employers—many who doubt the system will be alive when they retire.

So far we have avoided the Hobson's choice of cutting benefits, or raising payroll taxes, or borrowing from general revenues. But the deadline for saving the largest trust fund—the retirement fund—falls in mid-1983. That means we must begin work on a refinancing package next February.

The options are no better in cutting down the deficit. If, as the Congressional Budget Office predicts, the deficit for fiscal year 1984 is in the 150 billion dollar range, there will be no joy next January in the State of

the Union message. Once again we will listen to the litany on big government spending—and the gradual suffocation of free enterprise.

For two decades, Republicans have taught the nation to fear high deficits and big government spending. They hammered the country with the notion that waste, fraud and abuse lay only in social programs like AFDC and medicare.

And that's where the President applied the leeches of budget reform. Only defense spending was spared. There, the Reagan budget ballooned to 1.6 trillion dollars. Business and taxpayers in the upper brackets did handsomely in the 1981 tax cut. And then came the rude awakening that the White House had bought the largest deficit in history—with economic recovery nowhere in sight.

Yet the drumbeat for even deeper spending cuts in domestic health and welfare programs—and the protection of the President's defense budget—continues. Until a few months ago it was all right to cut domestic spending in a recession—but raising taxes was anathema.

What we won't hear in the State of the Union message is mention of the cost of the recession. We never hear that a tremendous portion of the deficit is caused to recession—not only the bleeding of federal benefits to the unemployed, the poor and the bankrupt, but also the dramatic loss of tax revenues.

The loss in revenue is astronomic. When the Congressional Budget Office revised its deficit projections for 1985 from 60 billion dollars to 150 billion dollars, 57 billion dollars of the increase was attributed to the continued slide in GNP. They estimate that a one-percent fall in GNP will cost the Treasury 28 billion dollars next year, 46 billion dollars in 1985 and 63 billion dollars in 1986. That's the cost of recession.

We won't get those Reagan recession figures in the State of the Union message; rather, the deficit will be blamed on excessive domestic spending. And once again we will be asked to dig more money out of the elderly and the poor in the midst of a recession. And there looms the bloodiest partisan struggle of next year.

Tax policy, like spending cuts, will rest largely on the White House's assessment of budget deficits—and the political risk of once again raising revenues on a grand scale.

The President may choose to wait out the effects of the last two tax bills—hoping the stimulus of personal cuts and investment incentives will hasten recovery. So far the visible benefits from the cuts have been minimal—belying the promise of supply-side economic theory.

The President's other option is to once again suffer higher taxes rather than higher deficits. For the first time we saw Ronald Reagan put pragmatism before philosophy in throwing his active support behind a tax increase. He "swallowed hard," as he put it, and accepted the conventional wisdom that reducing deficits reduces the pressure on interest rates. He also signaled to the financial markets his capacity for unpopular turnabouts that is the mark of a true leader.

But that turnabout, which was born of self-inflicted deficits, matured, in my opinion, into the best balanced tax reform bill in decades.

How ironic that the Republicans—the keepers of the conservative flame, the protectors of special business interests—led a frontal assault on shelters for the wealthy—led a frontal assault on excessive business tax cuts—and led a frontal assault on white collar tax fraud.

How ironic that withholding on interest and dividends, limiting deductions for medical costs, business entertainment, and other incentives—so roundly defeated when proposed by Jimmy Carter—were so broadly accepted under Ronald Reagan.

But if the President is again driven to a tax increase to combat deficits—and if the President is committed to protecting the 25-percent personal tax cut and indexation that follow—then further revenue must continue to come through reform and cutbacks of business incentives.

The other alternatives, of course, are to simplify—and broaden—personal income taxes. Or to initiate new taxes—windfall taxes, consumption taxes, transaction taxes. Or—revive old ones.

What we were forced to do in this year's tax bill was not an aberration—it will continue as long as recession and high interest rates and unemployment continue.

Not so long ago, tax policy was largely guided by escalating revenues as a result of inflation. They were the old days before we linked entitlement benefits to cost-of-living increases. We had the false luxury of passing frequent individual tax cuts to take part of the sting out of bracket creep, payroll tax increases and recession.

We also developed the habit of meeting every economic and social emergency with tax remedies—from credits for the working poor to exemptions for pollution control. A review of the tax code suggests that our generosity during the 1960s and 1970s was as frequent as it was costly. It was a knee-jerk that continued right through last year's historic tax cut.

Then dawned the reality of 150 billion dollar deficits—and the continued pressure of cost-of-living adjustments and the rising price of recession.

For better or for worse, Reaganomics has forced sudden change in the doctor-patient relationships that tax writers have had with business.

The era of fiscal survival suddenly arrived. If this year's "fiscal responsibility act" is the watershed I think it is, taxation will play less and less a role in breaking the way for free enterprise, and more of a role in raising revenue.

The nation's recovery depends on its confidence that recovery can last. Only by striking a better balance between social compassion and fiscal toughness can the President lead us out of the wilderness. That will be the test when Congress and the President negotiate next year's national agenda.●

THE PLIGHT OF THE REFUSENIKS

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. UDALL. Mr. Speaker, I wish to call to the attention of the House of Representatives the continuing plight of a Jewish family who have been refused permission to emigrate from the Soviet Union.

Leonid Shabashev and his family have been "refuseniks" since 1974. Like other members of Soviet religious and ethnic minorities, their legitimate wishes have been thwarted by their Government.

The case of each refusenik is, of course, tragic, the Shabashevs bear the additional burden of the recent drowning death of their 15-year-old daughter. Their fondest hope now is to emigrate and start a new life—father, mother, and younger daughter—living free from harassment and persecution.

The granting of emigration visas to refuseniks would be a wise move for Soviets, for it would soften their confrontationist stance toward the rest of the world. The Soviets, like all governments, cannot afford an image of brutal disregard for human rights.

My colleagues and I work to bring the stories of these refuseniks into the public forum; we urge the Soviet authorities to respect the rights of those who wish to emigrate; we remind the U.S.S.R. of its commitment to the Helsinki accords. We continue to wait for the happy news that permission has been granted, to the Shabashev family and to others, to live as they choose.●

THE FIRST ANNIVERSARY OF THE DEATH OF ANWAR EL-SADAT

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. ZABLOCKI. Mr. Speaker, as other Members have already noted, in anticipation of Congress adjournment, October 6 marks the first anniversary of the death of a great leader and statesman, former President Anwar el-Sadat of Egypt.

Mr. Sadat was a frequent visitor to the Committee on Foreign Affairs—dating back to the period when he served as Speaker of the Egyptian Assembly and then subsequently, on numerous occasions, as President. At the time of his tragic assassination, he was undoubtedly the foreign leader who was most widely admired and respected by Members of Congress and the American public.

He was a man who made history, and history will record his noble efforts to secure a just and lasting peace in the Middle East. As the United States now confronts a new and increasingly complex situation in that troubled region, it is only fitting that we honor the memory of a man who was willing to take great risks and assume enormous political burdens in the search for that elusive peace.

If an equitable and enduring settlement of the Arab-Israeli conflict is to be achieved, it will require, on all sides, the vision and the political courage of an Anwar Sadat. That is both

the legacy and the challenge he has left behind.●

ACID RAIN: IGNORING IT WILL NOT MAKE IT GO AWAY

HON. MICHAEL D. BARNES
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BARNES. Mr. Speaker, the problem of acid rain is real. We know how acid rain is created, and we know its effects. And despite the protestations of the Reagan administration to the contrary, we know that clean air is the answer to acid rain. During the 1950's and 1960's many of the industrialized nations of the world simply ignored environmental problems. We thought that there was no end to the amount of pollutants that could be put into our air and water with little or no impact. But now we all know differently. We know that pollution is dangerous to our environment, to the productivity of our lands and waters, and to the health of our citizens.

Yet, as a nation, the United States is still ignoring acid rain. In part, this is because the greatest damage is not being done to our country. It is Canada that is bearing the major burden today. As chairman of the Subcommittee on Inter-American Affairs, which has jurisdiction over U.S. relations in Canada, I am aware that the issue of acid rain is fast becoming the major issue of United States-Canadian relations. Acid rain is not only poisoning Canadian lakes, it is poisoning our relations with our close friends to the north. We must address this situation, and do so now.

If anyone has any doubt about this situation, I urge then to read the excellent series on acid rain by Cass Peterson of the Washington Post. The articles follow:

[From the Washington Post, Sept. 27, 1982]

THE BORDER WAR OVER ACID RAIN

(By Cass Peterson)

BRACEBRIDGE, ONT.—Charlie Cameron, who has fished the waters of the Muskoka-Haliburton lake country in Ontario for more than 20 years, remembers that the pickerel went first.

Then the lake trout disappeared, and fishermen were soon trading wry jokes about going to the lake to drown worms. "All the finer fish, you just can't catch any," Cameron says ruefully.

This year even the bullfrogs succumbed, and there is unnatural silence in the cottage-studded woods and along the lakefronts of this famed resort area. But inside those cottages, and in the government buildings of Toronto and the halls of Parliament in Ottawa, there is plenty of vocal anger and resentment. Acid rain is killing fish and frogs in Muskoka lakes and in hundreds of other lakes across eastern Canada and the northeastern United States. The rain is acidified far beyond normal levels by thousands of tons of airborne pollutants from industrial smokestacks.

Acid rain, a relatively new term in the environmental lexicon, is a multibillion-dollar problem—billions in damage and billions in cleanup costs—for Canada and the United States. And increasingly, acid rain has brought ominous new dimensions to relations between two traditionally friendly countries.

Scientists here say that as much as 70 percent of Canada's acid rain damage is being caused by pollutants originating in the United States. They point specifically to sulfur dioxide spewing from coal-fired utility plants in the Ohio Valley.

"Canada's National Minister of Environment, John Roberts, calls it the single biggest irritant in U.S.-Canada relations."

"Canadians have a strong identity with their natural environment," says Keith Norton, Roberts' counterpart in Ontario province. "Close identification with a body of water is part of the Canadian psyche."

Officials here acknowledge that more is at stake in this international debate than music of frogs in the cherished Muskoka cottage country. Research increasingly indicates that harmful effects of acid rain also show up in plant life, and its effects on human health are of growing concern.

The growing body of scientific evidence horrifies Canada. The $24 billion-a-year forest products business is its largest industry, directly or indirectly employing more than one in 10 Canadians. The vitality of its lakes and streams and lushness of its forests are crucial to tourism, its second most lucrative industry. Its third biggest industry is commercial fishing, and salmon are disappearing at an alarming rate from Canadian streams and rivers.

A cost-conscious Reagan administration quotes figures no less frightening. "We are talking about an investment of in excess of $100 billion over the next 25 years for a program whose outcome remains uncertain," A. Alan Hill, chairman of the White House Council on Environmental Quality, told a U.S. Chamber of Commerce group last week.

As a solution to the problem, Canada proposes a massive cutback in industrial emissions of both nations. Canada readily acknowledges that its pollutants contribute to acidification of hundreds of lakes in New York, Pennsylvania and other parts of the Northeast. It has moved to cut emissions by 25 percent and promises a similar cut if the United States takes reciprocal action.

Far from rising to the bait, the administration, committed to reducing expensive regulation and promoting new economic growth, has presented a wall of resistance.

Its position, steadfastly defended by the Environmental Protection Agency and the State Department and reaffirmed by Hill last week, is that not enough is known about acid rain to justify the huge expense of Canada's proposal.

More than 3,000 studies have been done in North America and Europe, where Scandinavian countries identified acid rain as a major problem more than a decade ago. There is little scientific disagreement about effects of acid rain or pollutants that cause it, but the White House will not budge.

Until the science is developed, Hill said, "this administration cannot support a further emissions control program."

The problem, as EPA officials express it, is that no one knows precisely what effect, if any, an emissions cutback in one area will have on the lakes of another.

"It's a shot in the dark," says Kathleen Bennett, associate EPA administrator in charge of air pollution. "You can't say there's any reasonable probability of hitting the target."

Canada counters that the Great Lakes Water Quality Agreement, under which the two countries agreed to take action against phosphate pollution in the Great Lakes, was negotiated using far less conclusive research than exists on acid rain.

"If we had waited for science in the case of the Great Lakes," says Ontario's Norton, "we'd have five of the world's biggest cesspools today."

Roberts puts it even more succinctly. "To procrastinate on the basis of a so-called lack of knowledge would be like hesitating to drain a malarial swamp because we didn't know precisely which mosquitoes were carrying the disease."

Canada's sense of urgency partly involves geographic circumstance. The part of Canada receiving the heaviest onslaught of acid rain is the one most vulnerable to damage—the Canadian Shield, stretching from the Georgian Bay in Ontario to the Ottawa River.

There soil is stretched thinly over ribs of granite left by the retreating glaciers a dozen millennia ago. The natural environment, already highly acidic, has little capacity to buffer the impact of the acid rain.

Aquatic scientists say they do not know how fast the buffering capacity is being lost or whether the damage will be irreversible, but they fear the region could be lost within a decade. When the United States proposes a lengthy program of additional research, Canadians respond that they do not have that much time.

Officials here say the administration's wait-and-see attitude spells almost certain doom for diplomatic negotiations being held under a memorandum of intent signed late in the Carter administration. Canada says the United States has failed to negotiate in good faith under that memorandum, signed Aug. 5, 1980, and worse yet, has reneged on one of the memorandum's key provisions.

The memorandum, in which both countries recognized acid rain as an "important and urgent bilateral problem," called for "vigorous enforcement" of existing anti-pollution laws. But the EPA under Reagan has approved Clean Air Act exemptions that this year allowed legal venting of more than 1 million tons of additional sulfur dioxide.

"That does not appear to be, it is a transgression of an agreement made to us," Roberts says angrily. "I don't think any fair-minded, or even not so fair-minded, person could read that memo and fail to see that limitations were to be applied stringently." The Reagan administration, he said, argues in effect that "the regulations allow exemptions and therefore are being vigorously applied when exemptions are granted."

The last round of negotiations under the memorandum, held in Ottawa last June, showed so little promise that Roberts wonders if they are worth pursuing: "I am not in despair, but I am not optimistic, I'm not sure whether it's very useful for us to continue."

Canada has found more useful an unprecedented, and diplomatically risky, lobbying campaign directed at the branch of government it feels will be most responsive: Congress.

The Canadian Coalition Against Acid Rain, two-thirds funded by government sources, opened a Washington office early last year and started knocking on Capitol Hill doors. The coalition is registered as an agency of a foreign government, although it

uses only private funds to run its Washington operation.

The tactic is greeted testily in Foggy Bottom. "This kind of direct involvement in the legislative process is not something we consider very helpful," says Thomas Niles, the State Department official most directly involved in the acid rain negotiations. "We have an idea that it would be intensely counterproductive."

But members of Congress from the Northeast, whose interest in curbing emissions parallels that of Canadians, have responded with bills that could accomplish legislatively what Canada fears it cannot achieve diplomatically.

The key legislation is an acid rain provision included in the rewrite of the Clean Air Act approved by the Senate Environment and Public Works Committee, chaired by Sen. Robert T. Stafford (R-Vt.). That provision would mandate over 12 years a reduction of 8 billion tons in sulfur dioxide and nitrogen oxide emissions in a 31-state area of the eastern United States. It also would require a speedup in acid rain research.

Canada's Parliament praised Stafford and his colleagues, unanimously voting to commend the committee's move "to force action on the urgent problem of acid rain." But the bill's future is uncertain because of heavy resistance by industry, the administration and congressmen from states that would bear the greatest financial burden of emission cutbacks.

Potentially more important, the Canadians have taken their case into the U.S. courts. With the approval of Ottawa, the province of Ontario has intervened in rulemaking and legal actions to force states to comply with existing Clean Air Act provisions on interstate pollution.

In the meantime, Canadian officials accuse the administration of acting in bad faith on additional acid rain research, the one measure the White House says it supports.

In an era of budget cuts, Reagan has proposed a 70 percent increase in research funds to study acid rain—$22 million for fiscal 1983. But Canada says the administration has been cool to recent scientific findings, including a National Academy of Sciences report last year that recommended a 50 percent decrease in acid depositions, and believes the administration has hindered the research process.The White House rejected a plan to have the National Academy of Sciences and the Royal Society of Canada review research being done by panels under the Memorandum of Intent. Instead, the White House Office of Science and Technology has chosen a group of outside scientists to act as a unilateral "peer review" panel.

The White House environmental adviser said at the time that the earlier NAS report led the administration to wonder "whether an objective review would be done."

Canadian officials see no reason for a separate review but are even more concerned that the panel, with its close White House ties, will be under pressure to make its scientific findings conform with administration policy.

U.S. officials reply that the process has been politicized in Canada, contending that the Canadian government is simply using the issue of acid rain to deflect attention from its more politically divisive economic problems.

Canada, like the United States, is suffering through recession and high unemployment. But Roberts, who holds an elected position, and other Canadian officials deny that domestic politics affect the acid rain controversy.

"It is not a policy that springs from this government," said Roberts, noting that his predecessor, John Fraser, a member of an opposition party, has spent nearly as much time speaking on the issue as has Roberts.

"That's like James Watt asking Cecil Andrus to go speak in his behalf," Roberts says.

Miles from the swirling debate at the highest levels of government are frustrated residents of Ontario's lake country. Whatever the genesis of acid rain, they know its results.

The Ontario Department of Natural Resources stocks lakes where Charlie Cameron fishes and, when he catches those fish, he finds blackened roe inside. The fish live long enough to be caught but cannot reproduce. Scientists blame acid rain, and Cameron isn't arguing.

"The United States and Canada could stop it if they wanted to," he complains. "It would cost a few billion dollars, but so what? Why not?"

At Plastic Lake, an inelegantly named dot of water in the Muskoka/Haliburton lake region, scientists are conducting intensive research they hope will help end the scientific controversy. Canadian researchers who work here call Plastic Lake an "intensive care unit," and the visual image suggests that.

Dozens of plastic cylinders strewn through the woods collect rain for analysis in nearby trailer-house laboratories. A recent rain there was found to be more than 10 times as acidic as normal rain.

Needles, bark and other bits of litter are caught in fine screen meshes for testing, and trees are monitored to determine how acidity has affected their growth cycle.

While the stuff of international confrontation drips gently from the leaves and trickles across the forest floor, aquatic scientist Dr. Tom Brydges points out concrete conduits that lead into and out of Plastic Lake. Scientists use them to monitor every possible drop of water that enters or leaves the lake.

Plastic Lake is not dead, but Brydges says it is dying, If the study continues long enough and acid rain keeps falling, evidence gathered will provide material for its obituary.

"You don't see massive destruction," Brydges says. "Things quietly disappear."

[From the Washington Post, Sept. 28, 1982]

Acid Rain Versus Cleanup Costs Seen as a Choice of Poisons

(By Cass Peterson)

Cheshire, Ohio—It takes 28 pulverizers, each crushing 60 tons of coal an hour, to feed the two massive boilers at the General James M. Gavin power plant, a behemoth with stacks twice as high as the Washington Monument rising along the banks of the Ohio River.

Gavin can generate 2,600 megawatts of electrical power every hour—about half the generating capacity of Washington's Pepco system—and in the process it burns 7½ million tons of coal a year. Sixty percent of it is high-sulfur coal mined in Ohio.

The coal rolls in by conveyor belt, an umbilical cord connecting Gavin with the Meigs No. 1 mine 10 miles away. In 1980 more than 375,000 tons of sulfur doxide, a lethal byproduct from burning that coal, poured from the top of Gavin's lofty stacks. The stacks keep the sulfur dioxide away from the Ohio River, the rich, rolling farmlands of Megis County, and the 395 residents of Cheshire.

But it doesn't just go away. At its most basic, the problem posed by the phenomenon know as acid rain can be expressed by a simple axiom: What goes up, must come down. The sulfur dioxide undergoes a chemical change in the atmosphere, mixes with moisture and comes down as sulfuric acid in the rain and snow hundreds of miles away, killing vegetation and aquatic life, corroding metal and stone.

When Canadian and American scientists and environmentalists look for the villains in the acid rain problem, their eyes fall on Gavin and dozens of other coal-fired power plants that line the Ohio and other rivers in the coal-rich Ohio Valley.

The people who run Gavin think that's a cheap shot.

"Utilities have historically been an easy target. They're politically vulnerable," says A. Joseph Dowd, an executive with the American Electric Power Co. "It's an administrative convenience to deal with several large sources of pollutants." That AEP is responsible for several large sources of pollutants is not in question. In 1980, Gavin emitted more sulfur dioxide than any other power plant in the United States. Many of the 18 other coal-fired power plants owned by AEP weren't far behind.

But the utilities point out that acid rain can be caused by more than coal-burning. Automobiles, for example, give off nitrogen oxide, which undergoes the same kind of chemical changes in the atmosphere. Scientists put the acidic composition of acid rain at about two-thirds sulfuric acid and one-third nitric acid, and there is some evidence that the nitrogen oxide in the atmosphere may be of additional importance as a catalyst for the formation of acids.

Dispute continues over which ingredient of acid rain causes how much damage and precisely where. But several things are clear: The problem will cost billions to resolve, coal is a major culprit, and electric utilities are the main users of coal.

AEP burns more than 43 million tons of coal every year, much of it high-sulfur coal from its own mines. As pressure grows here and in Canada to reduce sulfur dioxide emissions as a remedy for acid rain, AEP stands to lose on two counts, both of them costly to AEP and to Ohioans. It could be forced to give up its high-sulfur coal mines and use higher-priced low-sulfur coal, potentially throwing hundreds of Ohio miners out of work. Or it could be compelled to clean up its act with expensive equipment to "scrub" the sulfur dioxide from its emissions. Either action would boost electricity rates charged to AEP's customers.

But AEP doesn't think that will happen. It is counting on political pressures and economic arguments to stay its sentence.

"When you come down to deadlines, when the United Mine Workers are running through the halls of Congress, they'll do what is euphemistically called a midcourse correction," Dowd says.

Behind the bravado of Dowd's words lies a very real concern in the Ohio Valley. Unemployment levels here are hovering around 14 percent. The industrial plants that draw their power from the Gavins of the area are reeling under the effects of a nationwide recession.

If the kind of acid rain remedies proposed by Canada or contemplated by Congress became law, Dowd told the Senate Energy and Natural Resources Committee last

month, it would be a "knockout blow to local economies in the Midwest which are already on the ropes."

What most worries AEP and other utility companies is the acid rain provision contained in the Clean Air Act rewrite approved by the Senate Environment and Public Works Committee. That provision would force an 8-million-ton reduction in emissions over 12 years in a 31-state area east of and bordering the Mississippi River.

Utility companies and the coal industry are fighting that legislation with a barrage of figures that even Dowd acknowledges are "so astounding that nobody believes them but us."

AEP says that electricity rates would increase by more than 50 percent for its residential customers, by nearly 80 percent for industrial users. The National Coal Association, quoting figures from the United Mine Workers, says that more than a third of the coal-mining labor force would be affected, and $6.6 billion in income would be lost every year.

"It's very difficult for a congressman to be courageous when he's confronted with this kind of cost data," says one Capitol Hill aide.

Environmental groups say the industry figures are a lot of hooey, and they back up their assertions with cost studies of their own.

A recent congressional comparison of two of the cost analyses—one done for the Edison Electric Institute, an industry group, and the other for the National Wildlife Federation and the National Clean Air Coalition—found that the annual costs would range between $2.4 billion to $4.6 billion in 1990. That translates into a 2.4 to 4.6 percent increase in electricity rates, the study said, and it added that the 10 states most heavily affected by the Senate provision "would still enjoy a significant advantage in lower electricity rates than the other states in the reduction program."

But the congressional study also included a caveat, one of particular importance to AEP and other users of local high-sulfur coal: One of the least expensive methods of reducing sulfur emissions is simply to switch to lower-sulfur coal. Neither study explored the impact of high-sulfur coal states taking action to protect that critical industry by forbidding such switching.

"The practical political reality is that in those states we would never be permitted to switch," says Dowd.

There are a lot of practical political realities at work in this debate, and one of them involves an administration that came into office promising to cut back on expensive regulation and put a foundering economy back on its feet.

With that goal clearly in mind, virtually every agency of the Reagan administration, from the White House and State Department to the Energy Department and the Environmental Protection Agency, has come out solidly against enactment of the Senate acid rain provision or anything like it.

Their key argument is that the scientific evidence does not support costly new regulations. But in her 9th floor office at EPA headquarters in Washington, Kathleen Bennett, associate administrator for air pollution programs, is quick to acknowledge that she is not a scientist. She is a regulator, operating under the purview of cost versus benefit. What she wants, in effect, is some solid evidence that a cutback in emissions at point A will ease acid rain damage at point B.

"There is no nation on earth more willing to control air pollution than the United States," she says. "But you cannot explain to the people that it will save a single lake."

Bennett contends that an effective, though less immediate, mechanism for curbing acid rain is already in place—the Clean Air Act, the rewrite of which is stalled in the House and unlikely to come up for action soon in the Senate.

EPA notes that emissions have already dropped by 5 million tons under the provisions of the 12-year-old Clean Air Act, and under its provisions, new sources of pollution are required to meet stringent "new source" emission levels. EPA says the result, as older and less efficient power plants go out of service over the next couple of decades, will be a gradual lowering of emissions.

"In 1995, we'll be at exactly the same place [as called for in the Senate acid rain provision], without spending a minimum of $30 billion," Bennett says.

Environmentalists dispute that prediction. In the first place, they say, the acid damage problem is cumulative and its solution cannot wait until 1995. In the second place, they contend that the history of enforcement under the Clean Air Act has not been exemplary. "States have until 1985 to meet 1980 reductions," says Liz Barrett-Brown of the Natural Resources Defense Council. "We're 1.5 million tons away from achieving that."

Meanwhile, utility officials and environmental protectionists in Ohio aren't above doing a little finger-pointing of their own on this subject, suggesting that Canada and the northeast states are the cause of their own distress.

"Those guys have about the worst record in the world," Wayne Nichols director of Ohio EPA says of Canada. Dowd is fond of displaying a chart that shows the pollution densities in New Jersey and Massachusetts are nearly as high as that of Ohio, when nitrogen oxide is added in.

Canada is acutely aware that Canadian auto emissions standards are significantly looser than those in the United States, and that the massive INCO nickel and copper smelter, whose 1,250-foot-high "superstack" is the highest single emitter of sulfur dioxide in North America, sits on the edge of the Georgian Bay just 150 miles north of Ontario's sensitive Muskoka-Haliburton lake country.

But Canada says it is taking steps to bring its polluters into line. In the mid-1960s, INCO was putting 7,000 tons of sulfur dioxide into the air each day. It isn't putting any in the air now—it is closed down as a result of soft world markets—but when it reopens, it will be under government orders to keep its emissions below 2,500 tons a day and then cut them even further, to 1,950 tons a day.

Ontario Hydro, Ontario's major utility company and the second largest contributor of airborne pollutants in the province, is under similar orders to cut its emissions.

Their actions have so far been met with skepticism in Washington. "They're saying we'll control 50 percent if you will, and we'll start when you start," says Bennett. "Start? We've been at it for 12 years."

Utility officials, and their supporters in the Reagan administration, suspect that there is a dark ulterior motive to Canada's concern over acid rain. Forcing U.S. utilities to jack up their rates to pay for expensive emission control programs, they say, will leave an open door for the export of power from Canada's nuclear and hydroelectric generating plants.

"They are using it to advance the sale of power," said Dowd. "There is an enormous amount of generating capacity in that country. They have no market for it in Canada. It's pretty easy to see what will happen."

The theory gained prominence recently when Ontario Hydro and General Public Utilities announced a joint project to bring Canadian electricity into Pennsylvania and New Jersey throught a cable under Lake Erie. That project eventually fell through—for economic rather than diplomatic reasons, Canada insists—but it added considerable fuel to the controversy.

The Canadians deny that they have any aspirations to set themselves up as massive exporter of electric power to the United States, and a recent congressional report found that "Canadian electricity probably cannot be substituted on a significant scale for U.S. coal-fired capacity because of technical, regulatory and political contraints."

But the utilities are skeptical, and they have added the electricity conspiracy theory to an arsenal of other arguments against acid rain legislation.

"The industry campaign is highly organized and financed," says NRDC's Barrett-Brown. "All they have to do is cloud the issue."

In a circular included recently in electricity bills, AEP urged its customers to write to their congressmen in opposition to the Senate bill. It was headlined: "Spend 20 cents to save yourself thousands of dollars."●

OBSERVATIONS ON THE 1982 ELECTION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report into the CONGRESSIONAL RECORD:

OBSERVATIONS ON THE 1982 ELECTION

As the first Tuesday in November draws near, it should come as no surprise that members of Congress are spending much time talking politics and are asking ourselves these questions: What are the main issues in the election? Will President Reagan be involved even though he is not running? Which party will come out on top? What ideas will the candidates try to get across to the voters? What factors will influence the election? How much money will be spent?

With a month to go to election day, the economy is clearly the voters' first concern. A number of factors could alter the picture, but through the summer and early fall, unemployment, inflation, and interest rates have been the issues Hoosiers have talked most about. Imports, social security, and taxes are also mentioned.

The public reaction to the President's economic program will be a key factor in the election. I find a few people who strongly support the program, more who believe that it has not worked up to this point, and many more who are ambivalent about it. People seem to be in a cautious mood, concerned about their own affairs and unwilling to draw firm conclusions about present economic policies. Other matters, such as crime, the social issues, and the nuclear

freeze, may figure in the election, but they will be secondary to the economy. I do not see issues of foreign policy having much impact in congressional elections—except in a few places. I do notice that people are more resistant than before to large increases in defense spending. In many areas, the election is revolving around local issues and the styles and personalities of the candidates. Due to better organization and financing, the Republicans will probably do better if the election has a local focus.

I look for the President to take an active role in the campaign even though his name is not on the ballot: to one degree or another, his economic program will be at issue.

Expectations about the election, which often determine which party wins or loses in the public eye, are generally interpreted in the same way by experts in both parties. The Democrats are expected to gain a substantial number of seats in the House. They now hold 241 House seats, the Republicans hold 192, and there are two vacancies. The election will probably be "won" or "lost" in the battle for the House, and that battle will hinge primarily on the 58 districts where neither party has an incumbent running. No major changes are looked for in the Senate. Of the 32 Senate seats in question, 19 are now held by Democrats and 13 by Republicans. The Democrats are expected to gain governorships even though they hold 20 of the 36 posts at issue.

The Democrats will emphasize the condition of the economy. They will hit at unemployment, business bankruptcies, farm foreclosures, and high interest rates. They will argue that Mr. Reagan's program is unfair, that the President is intent on slashing social security benefits, and that the average American is being squeezed hard by an economic program which cannot work. Their attack will stress the big tax cuts for the rich and the huge cuts in spending for programs intended to benefit middle-class families and the poor. The themes of the Democratic campaign will be a mid-course correction for the economy and a trimming back of the excesses of the President's economic program, which just went too far in terms of tax and budget cuts. For the Democrats, the problems are the personal popularity of the President, the money and virtuosity of the Republican campaign machine, and the perception that the Democrats do not have a good alternative.

The Republicans will emphasize both the past and the future. They will talk about the drop in interest rates and the progress made in cutting the rate of inflation. They will forecast further progress based on economic policies which are painful but fundamentally sound. The unifying theme of their campaign will be the extra chance they think the President should have. They will plead for more time to get the economic recovery underway; after all, it took so long for the problems to develop. Their theme is defensive since it grants that the economic recovery is not yet here despite predictions that it would be. A weak economy is the Republicans' basic problem.

In sum, the Republicans will urge patience and the Democrats will urge fairness. The voters realize that these themes are not earth-shaking. Neither party is breaking new ground.

Politicians are discussing several factors which may make a difference in the election. Polls show that women, by a margin of five to 12 percentage points, support Democratic candidates. Also, it is unclear whether the Republicans will hold the coalition of voters which won them the Presidency in 1980. Blue-collar workers may return to the Democratic Party, and New Right voters (who are primarily interested in social issues and who may be unhappy with much of Mr. Reagan's record) may go with the Democrats or boycott the election. Yet another factor in this election is the impact of the congressional redistricting which followed the 1980 census. Many hard-hit states—such as Michigan and Ohio—lost congressional seats in Democratic urban areas. The more conservative states in the South and West gained seats. Will this switch favor the Republicans, or will it be offset in states such as California, where the Democrats controlled redistricting?

One aspect of the election is certain even now. Political fund-raising and campaign spending will break all records in 1982. Inflation, while a factor, does not begin to explain the surge in financial activity. Rather, the cause is the "professionalization" of politics in the form of organizers, pollsters, and consultants. It may cost $20 million just to elect the Governor of California. It is thought that campaign spending for House and Senate races alone will exceed $300 million, compared to $240 million in 1980. When it comes to money, the Republicans have a great advantage. They had $31 million at the start of July. The Democrats had a mere $2 million. It is obvious why the Democrats fear being overwhelmed.●

RICHARD SHAFER

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. DYMALLY. Mr. Speaker, congressional offices are, of course, acquainted with the services of our Federal agencies, but usually at some distance from the individuals who actually carry out agency functions. Thus, when I had the opportunity to employ a congressional fellow from the National Institutes of Health, I wanted to take advantage of the abilities of an agency worker, and also widen the base of my office's exposure to such professionals on a personal level. The results have been most rewarding in every way. I enthusiastically recommend these fellowships for the assistance of other congressional offices.

Close contact with Mr. Richard Shafer, the executive officer in the Division of Research Resources at NIH, more than justified my expectation of an excellent learning opportunity. In fact, his innovative and thorough command of assignments quickly proved him to be an indispensable part of my office, so that we all were reluctant to see him leave and resume his career after his 4 months with us. Out of his longstanding involvement at NIH, Mr. Shafer brought to my office a keen sense of administrative order and a sensitivity to the executive branch of Government, helping to bridge the often bogged-down dialog between executive and legislative arms. He adapted to the office so rapidly that within weeks of his arrival he was training interns himself. Assigned to help cover the Science and Technology Committee, even difficult matters were handled with an ease that made them seem effortless. Progress in developing the Science and Technology Caucus was made possible by his skills; yet these skills were not confined to sheer "job performance." Clearly a person of great capability and responsibility, at the same time Mr. Shafer established himself in the office as a fellow worker, warmly regarded by everyone.

My office misses the spirit and joy that Mr. Shafer brought in to work each day. Federal agencies which maintain professionals of his caliber truly serve Congress and the country well.●

IN MEMORIAM—SAMUEL C. JACKSON

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. DIXON. Mr. Speaker, on September 27, 1982, America lost an outstanding businessman, a dedicated politician, an expert corporate attorney, and a staunch civil rights activist. Samuel C. Jackson was a black Republican who served under three Presidents and carried the banner of civil rights to the higher echelons of both parties.

Sam was also a religious man, whose spirituality, sense of humor and zest for life rubbed off on all who knew him. He was a man driven with the desire to make this country a better place for all citizens. Sam was a very successful man who put only his family before his work.

In 1965, President Lyndon B. Johnson appointed him as one of the five orginial Commissioners of the U.S. Equal Employment Opportunity Commission. In 1969, President Nixon named him Assistant Secrertary for Housing and Urban Development, most recently President Reagan named him to the Blue Ribbon Commission on Housing in January of 1981. In 1972, Sam helped organize and became chairman of the Black Council, a group of 40 top-level government officials who opposed a constitutional amendment to prohibit schoolbusing. He was the founder of the Council of 100, a national group of black Republican businessmen who have been influential in Republican politics.

Sam served as general manager of the New Communities Development Corp. He had been a national trustee of the NAACP special contributions fund, and was a former NAACP board member of its national legal committee. Sam served in the U.S. Air Force,

directed the Topeka office of the NAACP and was deputy counsel of the Kansas Social Welfare Deparment. One of the first cases that Sam worked on as a young attorney was the landmark Brown against Board of Education decision, in which the U.S. Supreme Court held unconstitutional segregation in public schools.

With the passing of this dynamic individual, I have lost a true friend and this country has lost a great humanitarian. To his lovely wife Judith, his two daughters Brenda and Marcia and their families, I extend my deepest sympathy in this loss which we all share. His accomplishments and efforts leave a legacy of which his family and the entire black nation can be proud.●

SOMALIAN INDEPENDENCE DAY

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. LeBOUTILLIER. Mr. Speaker, On October 21, an important celebration of freedom from tyranny will be observed by the Republic of Somalia. It was on this day, 23 years ago, that Somalia won a struggle against oppression by winning its national independence. In addition, it is also the 13th anniversary of the bloodless revolution of 1969, which brought the current President, Mohammed Said Barre, into office.

It is, indeed, ironic that the Somalian Independence Day will be precluded by the 1½ Ethiopian divisions that have been threatening Somalian security since July of this year.

Ethiopia has been the recipient of more than $3 billion worth of Soviet equipment. By way of contrast, appropriations for FMS credits to Somalia by the United States have been only $70 million since 1980. Much of this has yet to be delivered.

The necessity of safeguarding Somalian freedom should be of primary concern to the United States. Somalia, which controls the vital access to the Bab-el-mandeb at the Gulf of Aden, is of central strategic importance to U.S. interests. If this area is lost to the Soviets, the Western counterweight against full control of the region by the Soviet Union will be lost.

Moreover, as a result of an influx of nearly 2 million refugees fleeing from Communist aggressions, Somalia faces tremendous economic and social problems. Without some type of assistance Somalia will be unable to integrate these refugees into its society.

The Soviet Union has targeted Somalia since 1980. As a result, the United States must be steadfast in its support, and provide the means necessary to preserve the national independence of Somalia and the freedom of its people.●

NOTCH ACT

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. FRANK. Mr. Speaker, Mr. William Hannan is the retired editor of the Attleboro Sun Chronicle in Attleboro, Mass. Mr. Hannan has been a frequent contributor to the Sun Chronicle since retiring. He has brought to my attention the following editorial that appeared in the Sun Chronicle this fall on the Notch Act. I think this is an instructive editorial that highlights the inequities created by the Notch Act and I wish to share with my colleagues this piece.

The article follows:

FAIRNESS DEMANDS REMOVING "NOTCH"

Persons born in the years 1917 through 1919 have a special stake in efforts to undo the effects of the "notch" amendment to the Social Security Act of 1977, but they should be joined by all Americans who believe in fair play.

The "notch" nickname seems to derive from the fact that the amendment chipped out of the Social Security system, as you would chip a notch out of a tree, persons born in those years and assigned them smaller payments than they would have received if they were treated the same as persons born in other years.

The House of Representatives, with the Senate concurring, has directed the commissioner of Social Security and the Secretary of Health and Human Services to conduct a study and report to Congress on steps that can be taken to correct the "benefit disparity known as the notch problem."

The House resolution, H. Con. Res. 22 was submitted by Rep. Brinkley and co-sponsored by Rep. Barney Frank.

It has been pointed out that the economic conditions combined with the formula changes to unjustly penalize when they retired those born in 1917 and thereafter. It also has been pointed out that simply to repeal the 1977 benefit formula would cost the Social Security Old Age and Survivor's Insurance Trust Fund about $7 billion while imposing a further penality on those who chose to retire in 1979 through 1981 at age 62 through 64.

It is interesting to note that the National Commission on Social Security, after extensive investigation, agreed that the disparity in benefit amounts was unjust and that steps should be taken to resolve it.

The Social Security system no doubt needs plenty of attention and reworking, but to single certain age groups out for lesser payments than others with identical work records is manifestly unfair. This message would be a good one to send to your legislators in Congress.●

THE MULTIEMPLOYER RETIREMENT INCOME PROTECTION ACT OF 1982

HON. KEN HOLLAND

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. HOLLAND. Mr. Speaker, on September 30, 1982, I introduced on behalf of the Coalition for Pension Reform H.R. 7233, the Multiemployer Retirement Income Protection Act of 1982. Since that time I have received numerous inquiries for further information regarding this important bill. I hope that the following history, discussion of the underlying premises and section-by-section analysis of H.R. 7233 will be helpful.

During the 10-year drive leading to the enactment of the Employee Retirement Income Security Act of 1974 (ERISA), the single most politically potent subject was pension plan termination insurance. The widely publicized Studebaker collapse, which resulted in drastic cuts in benefits of retirees and deferred vested employees, and other similar single employer plan terminations, ignited media and congressional interest as did no other ERISA issue. Although there had been few, if any, terminations of multiemployer plans prior to 1974, Congress was unwilling to provide termination protection for only those employees in single employer plans. Members recognized the difficulty of explaining to the constituent who was a participant in a multiemployer plan why his benefits were not insured against the risk of plan termination while those of his neighbor, a participant in a single employer plan, were fully protected.

But the 1974 insurance program was flawed in several respects regarding multiemployer plans, and fear of mass withdrawal by contributing employers, leading to large claims on the Pension Benefit Guaranty Corporation (PBGC), resulted in the development of the Multiemployer Pension Plan Amendments Act of 1980 (MPPAA), which changed the "insurable event" for multiemployer plans from plan termination to plan insolvency and instituted withdrawal liability. Withdrawal liability was intended to be a control mechanism to prevent abuse of the insurance system through mass withdrawal, and to provide protection to remaining contributing employers against having to assume responsibility for unfunded liabilities attributable to a withdrawing employer.

During the development of MPPAA by the PBGC and, later, in the Congress, PBGC's institutional concerns about mass withdrawal were skillfully exploited, as was the difference in outlook between employers who saw

themselves as "stayers" in multiemployer plans and those who saw themselves as "leavers." In addition, the antipathy of large companies that maintain single employer plans toward PBGC premium increases and toward proposals to use general tax revenues to finance the insurance program was capitalized upon resulting in support for the 1980 amendments from many of those companies, and further fragmenting the employer community.

Recognizing the history outlined above, H.R. 7233 is based on the following premises:

An insurance program that will protect employees and retirees under multiemployer pension plans from plan insolvency is not only necessary and desirble, it is also a political imperative for the Congress;

Withdrawal liability is a necessary component of the insurance program, but the proper role of withdrawal liability is to prevent abuse of the insurance program, not to fund the plans;

The liability of a withdrawing employer is largely a function of the plan's funding status; incentives that cause multiemployer plans to improve their funding will also lower withdrawal liability. The best protection for all concerned—retirees, employees, employers, and the PBGC—is provided by a combination of incentives for better funding and modified withdrawal liability rules;

The insurance program should be funded entirely with premiums paid by the covered plans, and the premium actually paid by a plan should reflect the risk presented by that plan to the insurance program, measured by the plan's funding level;

Notwithstanding the general necessity for withdrawal liability rules, all contributing employers should be treated fairly, whether they are "stayers" or "leavers," and involuntary withdrawals should not result in liability.

Continued viability of multiemployer plans depends not only on removing incentives for withdrawal but also on attracting new employers to join plans, and on eliminating undue disruption in the day-to-day business activities among and between contributing employers and undue impediments to constructive labor relations.

A brief section-by-section analysis follows:

BRIEF SECTION-BY-SECTION ANALYSIS OF H.R. 7233, MULTIEMPLOYER RETIREMENT INCOME PROTECTION ACT OF 1982

1. Section 1. Short Title. The short title of the bill is the "Multiemployer Retirement Income Protection Act of 1982."

2. Section 2. Table of Contents.

3. Section 3. Findings and Declaration of Policy. The findings highlight the major problem areas addressed by the bill. Congress finds that in industries in which multiemployer plans exist, existing law—

a. Adversly affects labor relations;

b. Unduly restricts ongoing business activities;

c. Makes employers unwilling to join plans, resulting in stagnation or shrinkage of the plans' contribution bases;

d. Treats withdrawing employers inequitably; and

e. Is counterproductive to the best interests of employees in these industries.

The policy of the bill is to—

a. Strengthen plans by encouraging more adequate funding;

b. Treat plans and contributing employers more equitably by instituting a system of risk-related premiums for PBGC insolvency insurance;

c. Normalize day-to-day business transactions among employers;

d. Provide equitable treatment for both employers who remain as contributors to plans and employers who withdraw from plans.

TITLE I—AMENDMENTS TO ERISA

4. Section 101. This section explains that references to sections and other provisions in Title I of the bill are references to ERISA, except as otherwise noted.

5. Section 102. Special Funding Rules for Multiemployer Plans (amends ERISA Title I, Subtitle B, Part 3 by adding new section 305A and makes conforming changes in ERISA sections 103, 4003, and 4301).

This section recognizes that the single most important factor in determining the size of a withdrawing employer's liability is the gap between the value of a plan's assets and the value of its liability for vested benefits. It prohibits a multiemployer pension plan from increasing its unfunded vested benefits by providing a retrospective benefit increase or by granting past service credit, unless the "vested benefits funding ratio" (the ratio of plan assets to vested benefits) is (and remains after the benefit increase or credit grant)—

(a) During the first 5 years after enactment of the bill, at least 0.7-1; and

(b) During the sixth and all subsequent years after enactment, at least 0.9-1.

Asset and vested benefit values must be calculated as required for other ERISA purposes under ERISA section 302 ("assumptions and methods which, in the aggregate, are reasonable," etc.).

Plan participants and contributing employers must be notified of plan amendments which increase benefits or grant past service credit, and must also be informed of the calculations used to determine the assets to vested benefits ratio.

PBGC may vary the ratios for recently created or recently merged plans, and for any plan for the first plan year to which the new funding rules apply, under certain specified criteria. Any variance granted may be for only a limited period of time and may not reduce the plan's vested benefits funding ratio below a certain point.

An action by the plan trustees or the collective bargaining parties that violates the ratio rules is void, and any credit or benefit increase provided thereby is disallowed.

This section is effective upon enactment.

6. Section 103. Risk-Related Premiums (amends ERISA sections 4006 and 4022A).

This section designates the premium presently paid by all multiemployer plans to the PBGC for benefit guarantee protection ($1.40 per participant per year) as the "standard" premium for all plan years beginning after the date the bill is enacted, unless (a) PBGC requests and Congress approves an increase in the standard premium, or (b) (as under existing law) PBGC raises the standard premium to the extent necessary to keep its multiemployer plan assets as a level that is double the amount of multiemployer plan guaranteed basic benefits actually paid out in the preceding year.

For plan years during which the bill is enacted, all plans would pay the existing $1.40 premium. Thereafter, a plan would pay at, above, or below the standard rate depending on its vested benefits funding ratio, in accordance with the following schedule:

Vested benefits funding ratio and premium

Greater than 0.9-1: 65 percent of standard premium ($.91).

0.7-1 to 0.9-1: Standard premium ($1.40).

0.5-1 to 0.6999-1: 150 percent of standard premium ($2.10).

Less than 0.5-1: 300 percent of standard premium ($4.20).

As with the new funding rules, calculation of a plan's vested benefits funding ratio must be made in accordance with the standards of ERISA section 302(c).

This section is effective with respect to plan years beginning after the date of enactment.

7. Section 104. Contributions and Benefits Payable Following Plan Termination (amends ERISA section 4041A).

This section provides that when a plan terminates, the funding responsibility of contributing employers is limited to the PBGC guaranteed level of benefits, not all vested benefits. It further provides that, under a terminated plan, benefits for all participants who are more than 5 years younger the plan's normal retirement age at the time of termination shall be limited to the guaranteed level.

This section is effective upon enactment.

8. Section 105. Asset Sales (amends ERISA section 4204).

This section provides two separate rules under which an asset sale will not be a withdrawal.

First, where due to a bona fide, arm's-length sale of assets, a seller ceases operations covered by the plan or ceases contributions to the plan, neither a complete nor a partial withdrawal will occur if—

(a) The purchaser has substantially the same obligation to contribute as the seller had, i.e., is obligated to contribute with respect to the covered operation at least 85 percent of the average of the seller's annual contribution base units during the three plan years ending before the date of the sale;

(b) The purchaser provides a letter of credit equal to the greater of—

(i) The average of the seller's annual contributions for the covered operations during the three plan years preceding the year in which the sale occurs, or

(ii) The seller's contributions for the covered operations during the plan year ending immediately before the plan year in which the sale occurs,

which is due and payable to the extent necessary if, during the five plan years beginning after the sale, the purchaser withdraws from the plan or fails to make a contribution when due; and

(c) The contract of sale provides for secondary liability of the seller if the purchaser has a complete or partial withdrawal and does not pay its withdrawal liability. The seller's secondary liability is calculated as if the seller had withdrawn on the date of the sale without the benefit of the asset sale rule, and is phased down at the rate of 20% a year. For example, if the purchaser's withdrawal occurs six months after the sale, the seller's secondary liability is 90% of the liability the seller would have had absent the

asset sale rules; if the purchaser's withdrawal occurs 30 months after the sale, the seller's secondary liability is 50% of what it would have been; and if the withdrawal occurs after the end of the fifth plan year, the seller has no secondary liability.

If the seller's assets are distributed or the seller is liquidated before the end of the fifth plan year, the seller must provide a letter of credit in an amount equal to the present value of the percentage of withdrawal liability for which the seller would be secondarily liable if the purchaser withdrew at the time of the distribution or liquidation.

The second rule under which an asset sale will not be a withdrawal is if, immediately after the sale, (a) the purchaser's net worth (measured under the controlled group rules) exceeds the withdrawal liability the seller would have had if the sale were considered a withdrawal, and (b) the purchaser's obligation to contribute with respect to the covered operation is substantially the same (85%) as the seller's was.

This section also provides that contribution base units and contribution history attributable to an operation that is sold in an asset sale meeting the requirements of either of the two rules described above (whether or not the sale would, absent this section, result in a withdrawal), are not to be included in any subsequent withdrawal liability determination respecting the seller.

This section is effective upon enactment, but the new rule for disregard of contribution base units and contribution history in a seller's subsequent withdrawal is retroactive if the conditions of the asset sale rule under existing law were met, or if the terms of the sale are amended to satisfy those conditions.

9. Section 106. Exemption From Liability for Withdrawals From Fully Funded Plans (amends ERISA section 4211).

Section 106 makes it clear that there is no liability for a withdrawal that takes place during a plan year which immediately succeeds a plan year in which the plan is fully funded. Resulting unattributable liabilities are, in accordance with regulations of the Pension Benefit Guaranty Corporation, not to be charged to employers withdrawing in subsequent years.

This section is effective upon enactment.

10. Section 107. Actuarial Assumptions and Methods (amends ERISA section 4213).

This section requires the Pension Benefit Guaranty Corporation to prescribe actuarial assumptions and methods for use in determining unfunded vested benefits for withdrawal liability purposes. Plans must use such assumptions unless the plan actuary certifies to the plan sponsor that the PBGC assumptions are inappropriate for the plan, and gives detailed reasons for this conclusion. If a plan uses assumptions other than those prescribed by PBGC, the liability of withdrawing employers under such a plan must be calculated in accordance with the standards of ERISA section 302(c), but the actuary is explicitly permitted to use assumptions that are different from those used for funding purposes.

This section is effective upon enactment.

11. Section 108. Exemption for Certain Involuntary Withdrawals (amends ERISA section 4218).

This section provides that a withdrawal does not occur in four separate kinds of situations:

(a) A sale of assets of a small business that does not meet the requirements for asset sales provided in Section 105 of the bill, or a liquidation of a small business, if the sale or liquidation occurs within one year of (i) the death of a sole proprietor who was actively engaged in managing the business, (ii) the death of a 50% or more partner, if the deceased partner was actively engaged in managing the business of the partnership, or (iii) the death of a 50% or more shareholder, if the deceased shareholder was actively engaged in managing the business of the corporation;

(b) A natural disaster directly causing cessation of an employer's operations;

(c) Loss by an employer of a service contract or lease which directly causes the employer's cessation of its operations at a facility not owned or controlled by the employer); or

(d) Cessation of an operation at a facility located on property of the U.S., a State, or a political subdivision of a State, as a direct result of government action.

This section is effective upon enactment.

12. Section 109. Dispute Resolution and Payment of Liability (amends ERISA sections 4219 and 4221).

Section 109 provides that, in cases where the statutory arbitration provision is invoked, withdrawal liability payments are not required to begin until 15 days after the employer's receipt of the arbitrator's decision.

Section 109 also (a) shortens the time periods for requesting review of the plan's determinations respecting withdrawal and liability, and for invoking arbitration, (b) clarifies the application of the review process, (c) provides that until PBGC publishes arbitration rules, the rules established by the American Association of Arbitrators shall be used, (d) makes it clear that arbitrators shall not be personally liable for decisions regarding withdrawal liability, and (e) requires the "alternate striking" method of choosing an arbitrator when the parties cannot agree.

The section leaves intact a presumption favoring withdrawal liability determinations made by a plan, but substantially lowers the burden of proof needed to overcome the presumption, from showing "by a preponderance of the evidence that the determination was unreasonable or clearly erroneous" to showing "that the determination was unreasonable or erroneous." Similarly, the "preponderance" requirement is removed respecting challenges to plan determinations on unfunded vested benefits, and the standard for successfully attacking the plan actuary's assumptions and methods is lowered from "significant error" to "error."

Section 109 is effective as to arbitration proceedings commenced after the bill's enactment date.

13. Section 110. Notice of Withdrawal Liability (amends ERISA section 4221).

This section provides that within 270 days of the end of each plan year, plans must provide free of charge to each contributing employer information by which the employer can compute its withdrawal liability, including the actuarial assumptions and methods used by the plan in calculating withdrawal liability. Also, within 90 days of a written request by an employer (and for a reasonable charge), a plan must provide the employer with an estimate of the employer's withdrawal liability. The section makes it clear that receipt of the information or estimate does not preclude an employer from subsequently challenging its validity.

Section 110 is effective for plan years beginning after the plan year during which the bill is enacted.

14. Section 111. Reduction of Liability in Certain Withdrawals (amends ERISA section 4235).

Section 111 provides that in the case of withdrawal due to—

(a) A decertification of a union,

(b) A change in union or a cessation of union representation, or

(c) An agreement between an employer and a union pursuant to which the employer withdraws,

if the participants in the multiemployer plan ("old plan") employed by the employer become participants in another multiemployer plan or in a single employer plan ("new plan"), the old plan must transfer an appropriate amount of assets and benefit liabilities to the new plan, and the employer's withdrawal liability is offset by the excess of the value of unfunded vested benefits transferred over the value of the assets transferred.

This section is effective upon enactment.

15. Section 112. Limit on Contribution Increases for Insolvent Plans and Plans in Reorganization (amends ERISA section 4243).

This section makes it clear that the additional amount that an employer may be required to contribute to a plan that is insolvent or in reorganization (seven percent more than the employer's collectively bargained annual contribution rate) applies on an employer-by-employer basis and not on an aggregate basis.

This section is effective upon enactment.

16. Section 113. Retroactive Withdrawal Liability (amends ERISA sections 4217 and 4402, and MPPAA section 108).

This section eliminates liability for withdrawals occurring before September 26, 1980, the enactment date of MPPAA, and provides that payments already made respecting retroactive liability shall be refunded, except for reasonable administrative expenses actually incurred by a plan in calculating, assessing and collecting such payments.

It also provides that there shall be no liability for withdrawals occurring on or after September 26, 1980, if the withdrawal is the direct result of a facility relocation pursuant to which the construction of a new facility was commenced after April 28, 1980, and before September 26, 1980. As above, plans would be permitted to set off reasonable administrative expenses against refunds of amounts already paid for such withdrawals.

This section is effective retroactive to April 29, 1980.

TITLE II—AMENDMENTS TO THE INTERNAL REVENUE CODE

17. Section 201. Special Funding Rules for Multiemployer Plans.

This section amends Internal Revenue Code section 412 to conform to the ERISA changes made by bill section 102.

18. Section 202. Limit on Contribution Increases for Insolvent Plans and Plans in Reorganization.

This section amends Internal Revenue Code section 413 to conform to the ERISA changes made by bill section 112.

Mr. Speaker, the principles reflected in this bill are supported by a newly formed group, called the Coalition for Pension Reform, a broad-based coalition of more than two dozen employers and trade associations in the meatpacking, wholesale and retail grocery, construction, printing, apparel manufacturing, food processing, maritime,

wholesale distributor, and vending industries. This bill is the result of months of compromise, discussion, and hard work and represents the only proposed modification of the 1980 multiemployer amendments to receive such widespread support. I anticipate that many more employers and associations will soon be adding their support for this bill.

The bill represents an effort to insure the renewed growth of multiemployer plans and to protect the safety of millions of workers' retirement income. I ask that my colleagues give this matter their serious consideration.●

THE ONGOING PROBLEMS OF MINORITY DISCRIMINATION IN NORTHERN IRELAND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BIAGGI. Mr. Speaker, as chairman of the 128-member, 5-year-old Ad Hoc Congressional Committee for Irish Affairs I remain deeply concerned about the devastated condition of the economy of Northern Ireland. The unemployment rate in that nation is averaging 20 percent and all major businesses and industries have fallen on hard times.

The problems are even more acute for the Catholic minority population of Northern Ireland. The cities with the highest unemployment rates, such as Strabane and Derry, with levels as high as 40 percent—have heavy concentrations of Catholics. One of the problems contributing to the depressed economy of Northern Ireland and especially for its minority is the rampant practice of employment discrimination. Our committee, in recent years, has been investigating this problem especially from the standpoint of whether American firms with business in the North are also practicing discrimination. This investigation is continuing but it has been buoyed by a recent article in Commonweal magazine by David Lowry, a professor of law at Pace Law School in New York. Professor Lowry's article reveals the findings of a previously secret report on job discrimination in Northern Ireland compiled by the British Government's own Fair Employment Agency.

Discrimination is ofttimes hard to prove unless you are the victim. However, this article presents some very compelling documentation to back up the premise that rampant employment discrimination does exist against the minority in Northern Ireland.

I present this report as still another illustration of the abysmal failure of British direct rule over Northern Ireland. For more than 10 years, the British Government has had a military occupation of the six counties of Northern Ireland. They have stifled economic growth and promoted polarization and violence between the people of the North. Add to this outstanding record that they practice employment discrimination, and you have still another compelling reason for the United States to try and encourage the British Government to declare its intention to withdraw from the North. Once this occurs, the United States should lead the effort to provide economic assistance to the North as I propose in my bill H.R. 5163.

I now wish to insert into the RECORD David Lowry's article "Keeping Catholics in Their Place":

KEEPING CATHOLICS IN THEIR PLACE

(By David R. Lowry)

A secret report on job discrimination in Northern Ireland was leaked recently to the *Irish Times*. This report confirms the view of close observers of discrimination against Catholics that the British reform legislation of 1976 has not worked. The report was prepared by Dr. Christopher McCrudden, a law professor at Lincoln College of Oxford University, and he notes that British anti-discrimination law enforcement has "failed" and is "in need of a complete overhaul."

In 1976 the British government belatedly enacted the Fair Employment Act which was supposed to help eradicate discrimination in employment against Catholics in Northern Ireland. Job discrimination against Catholics had been a major cause of the civil rights unrest which preceded the current fighting. Since the establishment of the state of Northern Ireland in 1922, Catholics had been systematically and openly discrimination against. By depriving Catholics of equal opportunity, successive Unionist regimes calculated that Catholics would be deprived of income and forced to emigrate to earn a living. Because of this forced emigration Catholics would never constitue a majority within Northern Ireland. Thus discrimination was the cornerstone of Unionist political strategy.

Discrimination leading to emigration of Catholics was very successful. One survey shows that two-thirds of all emigrants from Northern Ireland were Catholic. In this way the electoral impact of the higher Catholic birthrate was negated. Unionists were assured of remaining in power in Nothern Ireland, and the future of the state of Northern Ireland as an entity was secured. Systems of discrimination were, and still are, crucially important to the Unionist. If Catholics choose not to emigrate to find work, then one day in the future Catholics will constitute a numerical and hence electoral majority. When that day comes, it is thought that the demise of the state of Nothern Ireland will not be far behind.

Successive Unionist governments never faltered on the issue of discrimination against Catholics. Even the relatively more enlightened regime of Captain Terence O'Neill in the late 1960s did not make any legislative or administrative move to undermine discriminatory practices. Thus when Britain assumed direct rule in 1972, everybody, both Catholic and Protestant, anxiously waited for a British initiative in the job discrimination area. Eventually Britain enacted a rather weak piece of legislation in 1976. Now it is clear to all that Britain's approach was ineffective. British legislation has neither improved the situation of Catholics nor diminished Protestant privilege and political hegemony.

The British Fair Employment Act of 1976 established the Fair Employment Agency (FEA) to monitor discrimination in employment. Regrettably the British did not give the FEA effective powers of enforcement. Instead the approach was one of "moral persuasion" by which discriminating employers would be "educated" and persuaded to change their ways. The FEA was never given proper prosecutorial power. How "moral persuasion" could be expected to be appropriate in the midst of entrenched and subtle discriminatory practices during an incipient civil war was never explained.

The FEA did set about doing one of the few things that it was permitted to do—research. Reports compiled by the FEA since 1977 again and again confirm that Catholics are the victims of discrimination in all significant sectors of the Northern Irish economy. In 1980 an FEA study showed that the position of Catholics in relation to Protestants was worsening under British direct rule. Indeed, the 1980 FEA study conclusively demonstrated that the gap between Catholics and Protestants "was widening" and would worsen for the "foreseeable future." But while the FEA was toothless and unable to prevent discrimination, its research findings have added considerably to our understanding of the sheer depth and scope of discrimination against Catholics.

In August of 1977 the FEA decided to embark upon an investigation of skilled trades in Belfast's heavy engineering sector. This investigation has not yet been completed but parts of it have been leaked to the Irish Times. The FEA study conforms Ulster Catholics' worst fears.

Skilled trades are highly-paid, high-status occupations, and apprenticeships are much sought after. Skilled or "craft" unions have, during this century, been Protestant-dominated and, consequently, conspicuously silent on the issue of discrimination against Catholics. Northern unions largely reflect the aspirations of Protestant workers and have never taken a position of moral or political leadership. The FEA 1977 confidential investigation shows why this union complicity in discrimination is inevitable.

The FEA found that in the British government-owned Short Brothers aircraft manufacturing plant in Belfast only between 4.5 percent to 8 percent of skilled men are Catholic. Of over one thousand skilled workers at the Harland and Wolfe shipyard there is not one skilled Catholic tradesman—a fact that did not stop the British government from recently giving Harland and Wolfe over $100 million to continue its operations of both shipbuilding and discrimination. At Standard Telephones only "six or seven" out of sixty-nine skilled workers were Catholic in March of 1980. At the Hugh Scott engineering works in Belfast the firm's workforce is 100 percent Protestant.

Interestingly, in the American-owned Hughes Tool Company plant in Belfast only seven of sixty craftsmen are Catholic. American corporations are seemingly content to engage in patently discriminatory practices which, if performed in the United States, would be manifestly illegal under Title VII of the Civil Rights Act of 1964. American law expressly forbids corporations from "perpetuating the present effects of past discrimination" in race, sex, and religion.

The FEA investigation of the state-owned utility, the Northern Ireland Electricity Service (NIES), is most revealing. Less than 10 percent of NIES engineers and only 12.6 percent of its administrative staff are Catholic. Of the 241 managerial staff at NIES "at least 91 percent" are Protestant. At the modern Ballylumford power station in Antrim only 3 percent of the engineers are Catholic, while at the Coolkeeragh power station in overwhelmingly Catholic Derry less than 25 percent of engineers are Catholic. When asked in 1981, the NIES refused to sign a declaration that henceforth it would pursue equal opportunity in hiring. The FEA's still confidential study of the NIES notes that Catholics are only found in any number in lower-grade jobs. The FEA concludes of the NIES that "all the information we have obtained supports the overall picture . . . that the electricity service has been a Protestant preserve."

In addition to these internal FEA investigations we now have the report on the operations of the FEA by Dr. McCrudden leaked to the *Irish Times*. McCrudden was engaged at the end of 1979 after complaints by some of the senior staff of the FEA regarding the workings of the FEA. McCrudden reported in February of this year and, as yet, his report is still officially secret. He lists twenty recommendations designed to overhaul completely the inadequate and ineffective enforcement powers of the FEA.

McCrudden shows that since 1976 only 216 people have complained to the FEA and, in 1981, new complaints were only running at two or three per month. Most Catholics are discouraged from complaining as there seems to be little point to it, given the fact that the FEA lacks proper prosecutorial power, personnel, financial support, and legislative enforcement machinery. By March of 1982 the FEA had made only ten findings of discrimination and had successfully prevailed in court in only one case, McCrudden concludes: "If one way of assessing the success of the agency is its ability to have findings of discrimination supported in the courts, it has clearly failed." He urges nothing less than "full-blooded affirmative action" if Catholics are not to remain the victims of job discrimination for many generations into the future.

As the British government flunked this issue in 1976 when it established the FEA, it seems hardly likely that the more conservative regime of Mrs. Thatcher will act upon McCrudden's proposals. Thus Catholics will probably continue to suffer the practice and the effects of discrimination indefinitely.

British government officials in the United States continue to argue that Her Majesty's government has addressed the issue of job discrimination in Northern Ireland. The British have always conceded that, prior to the imposition of direct rule from London in 1972, the Unionists in Belfast did indeed discriminate but argued that the British have outlawed discrimination. The British-appointed FEA, powerless though it is, now has clearly and unequivocally contradicted the official British position.

Catholics are now, according to the FEA, worse off than before the ten-year British rule of Northern Ireland. Moreover, in the absence of concerted action Protestant bigotry and supremacy remains unaffected and unchallenged. Catholics will continue to be forced to emigrate to find work, and the artificial Protestant-Unionist electoral majority will remain. The British failure to diminish discrimination condemns future generations of Catholics to the indignity of second-class citizenship in their own land—a continuing cause of unrest and violence which will surely afflict future generations as it has this present generation in Northern Ireland.

The recent *Irish Times* revelations raise two neglected issues. Firstly, why is the British government continuing to finance at great expense enterprises which discriminate against Catholics—the fact of discrimination having been established by the FEA, an agency of the British government? Secondly, why is it that American corporations doing business in Northern Ireland seemingly "fit in" to the system of discrimination without incurring the wrath of Irish-American politicians? Or, to put that another way, why is it that so many Irish-American politicians devote so little time and energy to the distress of Irish Catholics who are powerless in their own land, especially when this suffering is at the hands of American-owned corporations?●

IN SEARCH OF AN OPEN EMIGRATION POLICY IN THE SOVIET UNION

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. PATTERSON. Mr. Speaker, the plight of Soviet Jews will be one of the topics discussed at the Madrid meeting of the Conference on Security and Cooperation in Europe on November 9, 1982. At issue will be the violation of the Helsinki accords by the Soviet Union.

The Helsinki accords, endorsed by 35 nations in 1975, seek international cooperation on economic, security, and human rights issues. Under the Helsinki accords, the right to emigrate, especially for the purpose of reuniting families, is given high priority. Despite the Soviet endorsement of this statement of intent, emigration from the Soviet Union has been severely restricted. Furthermore, as Soviet Jews have struggled to reunite with their families in other nations, they have encountered numerous obstacles. In the Soviet Union, their religious traditions are silenced, their educational opportunities are denied and their professional careers are limited. As they pursue their right to emigrate, they are harassed and intimidated. Many become prisoners of conscience, confined and punished for their beliefs.

The Khozin family is among the 380,000 Jews requesting permission to leave the Soviet Union. Abraham Khozin, 33, and his wife, Nina, and son, Mikhail first requested permission to leave in 1977 with Mr. Khozin's parents. His parents were allowed to emigrate to Isreal, with the understanding that the rest of the family would soon follow. For 5 years the Khozin family has attempted to get permission to emigrate, and for 5 years their requests have been denied.

Despite the loss of his job and recent accusations that he is guilty of conspiring with foreigners, Abraham Khozin will not be deterred from his goal of reunion with his parents. Every month he fasts for 5 days in protest of the unfairness of Soviet policies.

This month, Mikhail Khozin should be celebrating his bar mitzvah in Moldovia Russia. As a result of religious restrictions imposed by Soviet authorities, Mikhail will not be able to participate in this important religious tradition.

Benjamin Schatzman is a young American Jew who will celebrate his bar mitzvah this month. On October 30, when Benjie celebrates his bar mitzvah, he will chant his portion of the haftorah not only for himself, but also for Mikhail Khozin. And, he will draw attention to the plight of all Jews within the Soviet Union as he symbolically shares this special event with Mikhail, his family and friends.

The determined spirit of the Khozin's in the Soviet Union, and the concern of Americans like Benjie Schatzman, should be an inspiration to our Representatives to the Madrid meeting. We have an important commitment to the peoples of the Soviet Union who wish to emigrate. We must continue to demand that the Soviet Union honor its obligations to human rights and its commitment to the Helsinki accords. With dedication and humanitarian resolve, as demonstrated by Benjie Schatzman, a change in Soviet emigration practices may yet be achieved.●

REV. W. FRANKLYN RICHARDSON ELECTED GENERAL SECRETARY OF NATIONAL BAPTIST CONVENTION

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. OTTINGER. Mr. Speaker, today I would like to bring to the attention of my colleagues the recent election of the Reverend W. Franklyn Richardson as General Secretary of the National Baptist Convention, U.S.A., Inc. On October 29, 1982, representatives from throughout New York State will gather at a major reception to celebrate this milestone in Reverend Richardson's life.

The Reverend Dr. W. Franklyn Richardson is pastor of the Grace Baptist Church in Mount Vernon. He has served as senior minister of the church since 1975. Prior to that he was pastor in Richmond, Va. Reverend Richardson is currently presiding commissioner of the Mount Vernon Housing Authority, chaplain for the Mount Vernon Police Department, president

of the Black Ministers Coalition Council of Westchester and president of the United Black Clergy of Mount Vernon.

The National Baptist Convention, with a membership of 6.5 million, now represents the third largest religious convention in the world. Reverend Richardson has said that the current convention administration will use its influence to address issues that affect the black community and the world community in the areas of economics as it relates to unemployment and minority business development; the survival of black colleges and universities; local political involvement in identifying those politicians and policies that will help to improve the lives of black and poor people; and joining hands with the existing civil rights organizations such as Operation PUSH and the NAACP to work to strengthen these organizations through the black Baptist Church.

I commend Reverend Richardson for his remarkable community involvement and for achieving this vitally important position in the National Baptist Convention. I know that all of my colleagues wish him great success in assuming his new responsibilities. #

BULLETPROOF VESTS DO WORK AGAINST "MOST" BULLETS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BIAGGI. Mr. Speaker, I authored a bill, H.R. 5437, earlier this Congress to outlaw handgun bullets that can penetrate the bulletproof vests worn by police officers.

Based on available data, including an FBI report issued earlier this year, my bill would outlaw only eight handgun bullets that are specially made for maximum penetration. Although not used for legitimate purposes, these bullets have been used to shoot and kill law enforcement officers.

Approximately half—or about 250,000—of our Nation's law enforcement officers wear soft body armor on a daily basis. They wear these so-called bulletproof vests for protection against a criminal's handgun, and they have proven very effective. In fact, according to a Justice Department report, the soft body armor worn by law enforcement officers since 1974 has saved around 400 lives.

Unfortunately, this same soft body armor is totally useless against the armor-piercing handgun bullets that my legislation seeks to ban.

Mr. Speaker, in an attempt to illustrate the severity of this problem in real life terms, I wish to insert an editorial, entitled "Others Won't Be So Lucky," that recently appeared in the Bend, Oreg., Bulletin:

OTHERS WON'T BE SO LUCKY

If you haven't made up your mind yet about banning Teflon-coated bullets, go talk to Carl Collins.

Collins is assistant police chief in the Idaho town of Wallace. The other day he had stopped a car and was talking to the driver when he felt something strike his back. It wasn't until later, when persistent pain prompted him to take off his bullet-proof vest and investigate, that he discovered he had been shot.

Lodged within his vest Collins found a .22-caliber copper-jacketed slug. The pain he had felt was a bruise from the bullet's impact.

Collins was lucky to be wearing the vest. He also was lucky the bullet was an ordinary copper-jacketed specimen. If it had been a Teflon-coated "killer bullet," he might have been killed.

Collins is a walking endorsement for federal legislation to ban the killers—most notably, the KTW bullet. The KTW is a semi-pointed, bronze-alloy bullet with a coating of Teflon, the same stuff used on non-stick frypans. The Teflon lets the bullet pass through most body armor with ease.

The bullet was designed to give police an edge in shoot-outs, but the idea was a bust. Instead of helping police stop crooks, killer bullets give crooks a means of gunning down police who otherwise would be protected by bullet-proof vests. The bullets really have no legitimate use; they kill cops, and that's about all.

Rep. Mario Biaggi of New York is pushing a bill in Congress to ban the bullets, but his effort reportedly is running into difficulty in legal language. If the difficulties can be overcome, Collins' experience adds weight to arguments in favor of Biaggi's bill. For some police officers, it could mean the difference between life and death.●

DRUNK DRIVERS ARE HALF THE PROBLEM

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BARNES. Mr. Speaker, the Congress this week unanimously passed legislation that I sponsored, along with our colleague, JIM HOWARD of New Jersey, signaling a major victory in the nationwide battle against the most frequently committed violent crime in America, a crime that is responsible for at least one-half of the estimated 50,000 deaths on our highways annually—drunk driving.

In response to the tremendous momentum that has built up nationwide demanding action to curtail this critical problem, the majority of States are now considering sorely needed legislative and administrative reforms to improve programs aimed at controling effectively drunk driving.

At the request of an overwhelming majority of Members of Congress, the President has appointed a national commission, of which I am a member, to further help plan a national attack against the epidemic of drunk driving.

These important and crucial first steps to finally curb the drunk driver, however, address just one-half of the tragic epidemic of death and destruction on our highways. The No. 1 cause of death of Americans under the age of 35 years is the motor vehicle crash, and it is costing our economy, according to the National Safety Council, over $40 billion a year.

Another major part of the problem that must be addressed is the safety design of the automobile itself, and how automobile occupants involved in highway crashes can be best protected from potential death and crippling injuries.

I bring to the attention of my colleagues the following article by columnist Richard Cohen from a recent edition of the Washington Post examining this serious problem:

[From the Washington Post, Sept. 29, 1982]

SAFETY

(By Richard Cohen)

Recently a San Francisco driver allegedly ran a red light and crashed broadside into a cab, seriously injuring Mary Martin and Janet Gaynor and killing another passenger. The nation gasped and held its breath for the two actresses, both beloved, both virtual American legends and, if a guess is allowed, cursed the driver. He was charged with drunk driving.

Here, of course, was the perfect—virtually cinematic—example of the scourge of the drunk driver. Famous people were involved in that particular accident, but as we all know, this sort of thing happens time and time again. No one would dispute that it is time to get the drunk driver off the road.

But no one could seriously argue, either, that this is about to happen unless (1) people stop drinking; (2) people stop driving, or (3) driving is limited to elders of the Mormon church. Otherwise, given the number of drinkers and given the number of cars, there are bound to be drunks and they are bound to drive. The depressing logic of that is in the math.

But at virtually the same time that state after state (27 in all) is cracking down on drunk drivers—raising the penalties, insisting on jail, or raising the legal age for driving—the nation as a whole is forgetting some hard-learned lessons about highway safety and ignoring what it already knows about human nature.

For instance, in the press accounts of that San Francisco accident not one article I saw mentioned if any of the cab's passengers were wearing seat or shoulder belts. Not one even said if the cab's back seat was equipped with them and it goes without saying that none of the articles speculated about what would have happened if the cab had been equipped with an air bag to cushion the passengers on impact.

This is not some back-door attempt to blame the victims of the accident for their own injuries. They were certainly not at fault and drunk driving is a serious problem. It takes some 26,300 lives a year and clearly no safety device is either going to stop an accident from happening or help some poor kid about to get run down by a boozed-up driver. This is only to say that we are dealing with just one half the problem: the driver, not the car.

Yet the Reagan administration revoked a rule that would have required air bags or automatically closing seat belts in all cars. That decision, reversed by the courts, is part of the administration's program to deregulate everything in sight.

Some of that is undoubtedly good. But it is not good when it comes to highway safety. You cannot deal with the problem by either pretending it doesn't exist or by thinking that after four years—maybe eight—of a conservative administration human nature will undergo a profound change. One way to deal with accidents is to try and avoid them; another way is to recognize they will happen anyway and try to limit the damage. The best way is to do both.

Interestingly, drunk driving is not the only area where half a solution is being applied to a whole problem. Some 1,800 Americans annually are accidentally killed by firearms and nearly 14,000 are murdered. Yet here again, the problem is being attacked not by depriving people of guns—especially handguns—but by raising the penalties for the use of those guns, as in mandatory sentencing. The fact remains, though, that as long as there are guns and there are people there are going to be accidents—and homicides. It's that dismal math again.

To hold the individual accountable for his actions—either use of a gun or drunk driving—is fundamentally right and moreover conforms nicely with conservative doctrine. But it has its limitations, not to mention a high degree of uselessness. To put a drunk driver in jail is all well and good. But it does nothing for the people he either killed or maimed. An air bag might have, though.

The sad fact is that drunks will continue to drive. The proof of that is in California, where drunk driving declined after a crackdown, but has since bounced back.

And, when you think about it, it doesn't much matter if the guy who broadsided you was drunk, has a heart attack or had taken his eye off the road to watch some pretty girl water her lawn. What matters most to you is the condition you're in after the accident. Putting drunk drivers in jail will certainly help matters. But putting safety devices in cars will help even more.●

GENE YOUNG, A PUBLIC SERVANT, PUBLIC ASSET

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. THOMAS. Mr. Speaker, I would like to commend a friend and constituent of mine, Supervisor Gene Young, who will retire from public service on November 1, after a long career spent working for Kern County.

Gene Young was born and raised in the county which he has served for more than 37 years. When he ran for Kern County supervisor in 1971, he was no stranger to many people all over the county, having already served for 22 years in the sheriff's department. Capt. Gene Young commanded the sheriff's search and rescue unit, was metropolitan area commander and liaison officer to the sheriff's reserve before leaving full-time law enforcement for the board of supervisors.

As a public servant, Gene Young has earned the reputation for being accessible and ready to help anyone who has needed it. I would venture to say there are not many people in Gene Young's supervisorial district who have not met him at one time or another, and I am sure they will miss him as much as I will.

Having worked with Gene on a number of State/county and Federal/county issues, I can say that he has always defended the interests of Kern County residents when they have been threatened or when they can be assisted. He testified at a House subcommittee hearing on airline deregulation and its effect upon midsize cities like Bakersfield, and he has helped to obtain Federal airport aid in developing Meadows Field in my district.

During his tenure as third district supervisor, Gene Young has twice served as chairman of the board of supervisors, and twice as its vice chairman. He serves on more local, regional, and State agencies than I can even mention here, ranging from criminal justice to health, planning, and the environment.

One of Gene's major interests has always been serving Kern County's and California's matchless natural resources and wildlife. He is a member of the Kern County Fish and Game Protective Association, and his colleagues in the Kern Wildlife Federation have named him Sportsman of the Year for his efforts to preserve wildlife and conserve natural areas for future generations. The Ani-Yun-Wiya Society of Native Americans has four times honored Gene for supporting its activities, the city of Bakersfield has proclaimed a Gene Young Day to honor his wildlife preservation efforts, and the board of supervisors has honored him for the same reason.

Gene's fellow law enforcement officers named him Man of the Year, and the San Joaquin Valley Supervisors Association has also recognized Gene's fine work as president of the group.

His civic memberships include Bakersfield Hi-12, Kern Masonry Caledonia Lodge, Native Sons of the Golden West, East Bakersfield Progressive Club, Footprinters, Kern County Peace Officers, Fairfax Grange, and North of the River Association.

It is fairly apparent from this long list of awards and associations that Gene Young is one man who has given much to his community. I am proud to have known and worked with Gene through the years, and I wish him and his family well as he nears a well deserved retirement.●

SOVIET HUMAN RIGHTS VIOLATIONS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. CONTE. Mr. Speaker, it has been almost a year since I last addressed the House concerning the plight of Soviet dissident Alexander Paritsky. At that time I reported that Mr. Paritsky had been unjustifiably arrested for anti-Soviet agitation and propoganda.

In November 1981, he was sentenced to a 3-year term in a labor camp for defaming the Soviet state. The poor conditions there, including his inadequate diet, have contributed heavily to a deteriorating physical condition. Now, under the threat of harsher treatment, he is now being pressured to publicly repent his alleged crimes. Mr. Paritsky applied to emigrate to Israel in 1976. He has now been told that this application will not even be considered until 1990. Meanwhile, his wife and two daughters have been subjected to ever increasing levels of harassment.

At this time, I would also like to bring to your attention the ongoing case of Soviet Jew Anatoly Shcharansky. Mr. Shcharansky has served 5 years of a 13-year sentence for espionage. He has had no visitors and has been able to receive no mail since January. As of September 27, he has begun a hunger strike to draw attention to his ordeal.

Mr. Speaker, I feel the Soviets must be made aware of the amount of public displeasure the American people and Government have over the persecution of Alexander Paritsky and Anatoly Shcharansky. Blatant Soviet violation of basic human rights must be deplored by the free world. Members of Congress must urge the Soviet Union to comply with such accords as the Helsinki agreements and the Universal Declaration of Human Rights.●

THE OLDER AMERICANS AMENDMENTS OF 1982

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BIAGGI. Mr. Speaker, earlier I introduced H.R. 7256 a bill to consolidate the administrative structure of the Older Americans Act by transferring the title V employment program as well as the Older Americans Volunteer programs to the Administration on Aging in the Department of Health and Human Services.

Let me note from the outset that I propose this legislation as a lifelong friend of the Older Americans Act. During my 14 years in the House I have played major roles in the 1972, 1975, 1978, and 1981 amendments to the act. My primary motivation in proposing this legislation is to protect the integrity of the Older Americans Act and insulate it from the ill-advised budgetary policies of this administration.

I propose this legislation on the heels of the title V program facing a very real threat to its survival. This program, currently administered by the Department of Labor was proposed to be eliminated under the President's first budget proposal in February. A strong and grassroots-based lobbying effort by senior citizens and those who work on their behalf was mounted to the extent that Congress has put sufficient funds in earlier in supplemental appropriations bills. The first two versions of the supplemental were vetoed by the President. The final version was also vetoed, but Congress was successful in overriding the veto largely on the strength of the title V program which would have ended on September 30 were it not for the supplemental.

Title V provides 54,200 low-income older workers with meaningful part-time employment opportunities in community service jobs.

I wish to stress that it is my intention as the author of this legislation that H.R. 7256 is not designed to make any alteration in the existing structure of the title V program. I do hope as part of this legislation and future appropriations bill that we may return to the statutory formula of 76 percent of the title V funds administered by national contractors and 24 percent by States. The alteration made in this formula by the supplemental appropriations bill was most unfortunate and is causing genuine havoc in selected areas of the Nation.

In addition, my legislation would transfer the three Older Americans Volunteer programs under the ACTION to the Administration on Aging. These programs were in fact first authorized under the Older Americans Act of 1969 and then transferred to the Domestic Volunteer Service Act of 1973. These programs, the retired senior volunteer program (RSVP), the Foster Grandparent program and the Senior Companion program employ close to 4,000 low-income elderly in a variety of volunteer positions. They receive small stipends for their work in hospitals, schools, and libraries while in turn providing invaluable services to individuals and the communities.

My reason for making this administrative change is based on concerns I have for the future of the OAVP's parent agency, the ACTION agency. The administration has expressed certain feelings about the agency and before we are faced with a crisis relative to the agency it seems logical to transfer the programs into a sound administrative structure which can benefit from these new programs by developing a more coordinated Older Americans Act.

It is my hope and expectation that this legislation will evoke serious and intensive discussion within the aging network across this Nation. I serve as chairman of the Subcommittee on Human Services of the House Select Committee on Aging and in this capacity I hope to conduct specific hearings on this proposal to determine its practical effect on the various States as well as the 660 area agencies on aging which operate so effectively in our Nation.

I also put forth this legislation as a forerunner for what I hope is a larger effort in the future—to develop a Cabinet-level Department for the Elderly. I have authored such legislation—H.R. 5280—and see this bill as an opportunity to see how program consolidation centralization does in fact work.

Finally let me conclude that I offer this legislation above all as a realist. Even though I have voted against the budget resolutions for the past 2 years, they have, in fact, been passed. They have in fact provided us with graphic proof that we have entered the era of severe fiscal limits. Therefore, it is wise to insure that we get the most mileage out of the Federal dollar. The Older Americans Act, having dual administrative structures, if reduced to one would free up more funds for actual services. If you add the Older American Volunteer program to the proposition, you develop even more potential for better coordination. The Older Americans Act of the past 16 years has been an unparalled success story. It is one which should continue.●

FUSION ENERGY—THE NEED TO INCREASE RESEARCH

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. STARK. Mr. Speaker, our Nation is falling behind in many areas of science and technology. Our preeminence in the areas of automobiles, computers, electronics, and energy research are quickly being overtaken by other nations, such as Japan.

One of the areas in which we currently maintain that preeminence is the area of nuclear fusion research. Our Nation's fusion effort up until 20 months ago had direction, ambition and goals, and was well on its way to fulfilling its promises. Then the Reagan administration stepped in.

Under the Reagan administration the U.S. fusion energy effort has been set back a number of years. With budget cuts and program slowdowns, our involvement in this program is threatened more each day. We cannot let this happen.

As the following article from the September 28, 1982, issue of EIR International states, the Japanese and the Europeans are willing to move ahead in fusion research without us. That would be a catastrophe for us. We must continue our efforts in the area of fusion energy research. Our independent energy future depends upon it.

WILL JAPAN AND EUROPE OUTSTRIP THE UNITED STATES' FUSION EFFORT?

(By Marsha Freeman)

Just over four years ago the U.S.'s magnetic fusion Princeton Large Torus tokamak (PLT) experiment reached record temperatures for a fusion device—over 60 million degrees. On the basis of that exciting breakthrough in fusion research, the federally funded fusion programs in the United States, Japan, and Western Europe were reviewed by panels of scientific experts to evaluate wnether the timetable for demonstrating the commericial feasibility of fusion should be moved forward.

The unanimous conclusions of those reviews was a resounding "Yes." In the United States, the Congress passed the Magnetic Fusion Energy Engineering Act of 1980 with the goal of demonstrating the engineering feasibility of magnetic fusion by 1990 and commercial feasibility by the year 2000. The Euopean review gave a full go-ahead to the Joint European Torus, now under construction at the Culham Laboratory in England and scheduled for operations next year, and recommended that design work on the Next European Torus commence. In Japan, the Atomic Energy Commission has just completed its formal five year plan and has outlined a timetable to demonstrate engineering feasibility by the early 1990s and commerical demonstration in the first decade of the next century. These recommendations were first announced a year ago following the review of the Japanese fusion program.

But in the last year, the U.S. fusion effort, which was the pacing program for the rest of the worldwide effort, has shifted gears. Under the influence of President Reagan's Science Advisor, Dr. George Keyworth, and economic advisers such as Office of Management and Budget head David Stockman, national policy for fusion research has been put on a 70-year timetable for commercialization and is in the process of being reoriented to a "pure research" program.

It is clear from presentations made in the first two weeks of September at the fusion meeting of the International Atomic Energy Agency in Baltimore and in a workshop before Congress on Sept. 8, that the European and Japanese fusion programs are outpacing the U.S. effort. If this occurs, it will be the first time in modern history that an advanced industrial nation has thrown away its lead in a crucial science and technology field for the sake of quack economic theories, when there were no scientific or technological obstacles to continued research.

JAPAN: NUMBER ONE?

A decade ago, Japan barely had a magnetic fusion research program. In 1975 the government decided that the need to develop fusion as an energy source and the challenge to science and industry represented by fusion research qualified fusion as a "national program." The Japanese fusion research budget has increased 40-fold since 1973.

In March 1981, Japan's Nuclear Fusion Council, led by Dr. Shigeru Mori, decided on an aggressive development schedule for fusion which laid out an early 1990s goal to demonstrate engineering feasibility. In talks over the past two weeks, Dr. Mori and other representatives from Japan have explained that their program objectives were to develop fusion energy for Japan and to "establish a high-technology-based country."

According to Dr. Mori, this entails "concentrated investment in frontier technology research and development." Fusion, he said, is a "driving force and a suitable target for high technology" development.

The June 1982 long-range plan of Japan's Atomic Energy Commission pledges to "vigorously advance fusion energy development," a task which includes the construction of a Fusion Experimental Reactor (FER) to achieve self-ignition and engineering feasibility by the mid-1990s, along with alternate, non-tokamak fusion devices. As outlined at the IAEA meeting, the FER combines tokamak characteristics which, until 1980, Japanese scientists thought would be demonstrated in two separate devices—ignition of the fusion fuel, and engineering demonstration. Now they have decided to do both in the one machine, the FER.

The new plan calls for the construction of a demonstration reactor at the beginning of the next century, based on the results obtained from the FER. After that, magnetic fusion in Japan will be ready for commercial introduction into the electrical-generating sector.

Japanese industry is already involved in fusion, another contrast to the United States. Almost all fusion experiments now on line were built not by scientists in laboratories, but by large industrial concerns. Japanese industry, therefore, is already building up years of experience and a highly skilled personnel pool which will give Japan a head start on building commercial fusion power plants over the next 20 to 30 years.

Japan's fusion program is not only running ahead of the United States in terms of the time scale for demonstrating technology, but Dr. Mori reported in his statement to Congress that only 30 percent of Japan's energy use is now electric. Though that will undoubtedly increase, he stated, producing synthetic fuels using fusion energy is a main objective of the Japanese program. The U.S. fusion program has been hamstrung financially and has not been able to allocate significant funding to demonstrate hydrogen and other synthetic fuel production from fusion, though the use of this technology to replace finite fossil fuel resources may well be the most important near-term application of fusion energy.

Japanese representatives reported at the IAEA meeting that designs for the FER are proceeding. Three possible devices, all tokamaks, are being considered. The most interesting is the proposal to put the entire fusion power machine under water—the "swimming-pool reactor" design. the water surrounding the tokamak acts as a shield against the neutrons streaming out from the nuclear reaction, and, as Dr. Mori remarked, "this is much easier to move out of the way than concrete" when the machine needs to be repaired or modified.

The Japanese are planning a multi-faceted program to develop the technology needed for the fusion subsystems. This includes various ways of heating the plasma fuel in the tokamak, through neutral beam, radio frequency power, or other methods. It also includes cooperative technology upgrades on the Doublet experiment at General Atomic Company in California.

Japan is also planning technology programs to develop large-scale superconducting magnets which are needed to confine the plasma, research into methods of handling radioactive tritium fuel, and materials research to develop materials capable of withstanding the severe conditions of fusion reactions. Up until the U.S. budget crunch of the past 18 months, Japan had been cooperating with the United States in most of these technology fields. Now they are wondering out loud whether they will have to pursue some of this work alone.

EUROPE CLOSE BEHIND

Dr. Donato Palumbo, fusion director for the Commission of European Communities, reported to the congressional fusion workship in Washington that the Euratom fusion program was following a five-year plan, approved by the member-states' ministers. The program is operating at guaranteed funding levels, said Dr. Palumbo.

After preliminary results are in from the JET [Joint European Torus] under construction, the Europeans will make a decision on the Next European Torus (NET) machine. In the meantime, teams of scientists are working on conceptual designs for the NET, which they expect will be completed at the end of 1984. Dr. Palumbo said that construction on NET could start at the end of this decade.

At this time, the European effort is just a little under the U.S. budget of $450 million—about $400 million for this year. The cost of the 20-year effort they expect will lead to a demonstration reactor, will require about $20 billion over the next 20-years. "This would require tripling the yearly expenditures of each of the large programs" in the European laboratories, Palumbo explained.

The Europeans, even more than the Japanese, have relied on the successes of the U.S. program to garner support for their effort. With budget difficulties in a number of European nations, as well as the United States, they are trying to formulate joint projects that can be cooperatively managed with the United States and Japan. Dr. Palumbo revealed that discussions were held at the IAEA meeting which might produce a joint machine for the reversed field pinch fusion geometry, involving the team of scientists at the U.S. Los Alamos Laboratory. Also, the fusion ignition experiment Zephyr which had been planned for construction in West Germany but was cancelled due to budget constraints, is being redesigned and may be a candidate for international cooperation.

In the area of materials development for fusion, the entire world effort has waited anxiously for the United States to build the Fusion Materials Irradiation Test facility in Washington state, but this facility has been zeroed out of the budget for the past year. Until about a year ago, the Europeans maintained a policy of encouraging the United States to build the FMIT. Now, reported Palumbo, the Europeans and Japanese are considering financial participation in building their own materials experiment.

The effort of U.S. fusion policy on the worldwide research program was evident in presentations from visiting scientists and administrators at the two meetings. Both the Japanese and Europeans are resolved to go ahead with this technology and bring it to commercial realization. They will do this, perhaps in closer coordination, even if the U.S. program continues to stand still.

All parties concerned recognize that the entire world effort will suffer without the participation of the facilities, scientists, and engineers of the United States. Nevertheless the Europeans and Japanese are strengthening their resolve to push ahead in this crucial area without the United States if they must, and are seeking to increase international cooperation to take the shortest path to commercial fusion development.●

ANTHONY VAN DYKE, OUTSTANDING CITIZEN OF 1982, LA PALMA, CALIF.

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. PATTERSON. Mr. Speaker, on October 23, 1982, Mr. Anthony van Dyke will be commended by the citizens of La Palma, Calif., for his many years as a devoted public servant. Mr. van Dyke will be honored as the city's outstanding citizen of the year.

As a representative of the 38th Congressional District of California, I wish to call the attention of my colleagues in the U.S. House of Representatives to this fine leader. Tony has long been a friend to many of us in southern California. From the time he first came to Buena Park in the 1960's to the present day, Tony has been involved in community crime control initiatives. Largely as a result of Tony's efforts, La Palma, Calif., today boasts of significant decreases in its crime rate. First as a police officer, later as councilman and mayor of the city of La Palma, Tony has made a concerted effort to protect the public safety.

Tony coordinated the La Palma neighborhood watch program and continues to educate citizens on methods of crime prevention. His involvement in community life is multifold. Tony has served as adviser for and participant in numerous local and State organizations with decisionmaking authority effecting education, transportation, law enforcement, and health policy. Tony van Dyke is a man of vitality and the spirit of his convictions. He has shared this vitality over the course of many years with the citizens of southern California. Tony deserves this tribute as La Palma's outstanding citizen of the year.

Please join me in presenting this honor to Anthony van Dyke. He is an inspiration to us all. Thank you.●

TRIBUTE TO BEATRICE CASTIGLIA

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BIAGGI. Mr. Speaker, I have risen on numerous occasions to give special recognition to certain individuals in my home district of the Bronx whose service to the community has proven to be outstanding and invaluable.

Today, I would like to especially commend a personal friend of mine, Mrs. Beatrice Castiglia, founder and president of the R.A.I.N., Inc. (Regional Aid for the Interim Needs, Inc.) which is located on Castle Hill Avenue in the Bronx. R.A.I.N., Inc. is a program which was organized in 1964 to provide an alternative to institutionalization for the elderly and the shut-in in our community. When R.A.I.N., Inc. was founded, it was done so from a deep need to give those very special senior citizens a way to live out the rest of their days in the warm surroundings of their homes and loved ones. Mrs. Castiglia—hard-working wife, mother and now great-grandmother—driven by a deeply religious force and a simple love for her fellow human being, saw a way to give the aged the respect and dignity they so justly deserve.

R.A.I.N., Inc., which is funded by the New York City Department of Aging, Department of Human Resources Administration, and by private contributions, has been a vitally important part of the community for the past 18 years. R.A.I.N., Inc. is particularly important because it was a pioneer program, which served as a catalyst for other programs in the community. Mrs. Castiglia's brainstorm erupted in a series of activities whose results have been for the good of the aging community. R.A.I.N., Inc. is a consortium of full-health home attendant services to maintain the elderly and the shut ins in their own homes and environment as well as serving the many needs of the aging population. R.A.I.N. also operates two senior centers, providing nutritional meals and social functions at the centers.

As the ranking New York member of the House Select Committee on Aging, I share Bea's concern about the growing number of elderly in our Nation. In New York City alone, from 1970 to 1980, the senior citizen pupulation rose from 17.4 to 18.3 percent. These people cannot just be shoved aside—they are an integral part of society whose wisdom and experience are too precious to waste. It is up to us, the rest of the country, the cities, and the communities to make efforts like Bea's to bring these seniors into the mainstream and forefront of society, where they belong.

On Wednesday, October 13, 1982, Mrs. Castiglia is to be honored by R.A.I.N., Inc. for her 25 years of dedication and service to the community. During those 25 years as a volunteer, Mrs. Castiglia represented what is best about America. The spirit of voluntarism put-to-work benefits millions of senior citizens throughout our Nation. Mrs. Castiglia shows that old fashioned means—human energy and idealism—can achieve modern and effective ends.

I wish to add my hearty congratulations to this special lady, whose past record of awards include the Jefferson Humanitarian Award from Channel 5 in New York and the Apple Polishers Award for Channel 9. One of my favorite sayings is from the Prophet: "When you give of yourself, you truly give." Bea Castiglia truly gives.●

WHAT SHOULD BE THE LEVEL OF U.S. COMMITMENTS FOR NATIONAL DEFENSE?

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. HARKIN. Mr. Speaker, the 1982–83 national debate topic for high schools is "What Should Be the Level of U.S. Commitments for National Defense? More specifically, students across the United States will be debating the proposition:

Resolved, That the United States should significantly curtail its arms sales to other countries.

I recently delivered a speech on this subject to the Iowa High School debate clinic at Valley High School in West Des Moines, Iowa. It should be of interest to all concerned parties.

REMARKS FOR DELIVERY TO IOWA HIGH SCHOOL DEBATE CLINIC, VALLEY HIGH SCHOOL, WEST DES MOINES, IOWA

Thank you very much.

I appreciate your invitation to be here today to discuss this most important topic. And I'm honored to join you.

I mean that.

Your topic this year is an important one.

But I must admit, when I first heard of it, I had to wonder about your timing.

Given the level of commitment the Reagan Administration has made to military spending and the proliferation of arms around the world . . . we must all ask ourselves:

"Is there any real chance—any chance at all—of getting from this Administration, any kind of real commitment to arms control?"

Probably not—but hope so.

So it is good that the debate will go on.

Hopefully, your activities in the coming year can help us put this important issue back on the national agenda where it belongs.

In recent years, there has been a steady stream of arguments and articles claiming that it is unreasonable and unrealistic to try to curb U.S. arms sales. This cynical view culminated in the Reagan Administration's decision in fiscal year 1982 to contract $30 billion in arms transfers.

Administration spokesmen now state, "We will deal with the world as it is, rather than as we would like it to be."

Well, I for one still believe that the United States should significantly curtail its arms sales to other countries. I have heard all the rhetoric and read all the arguments.

I make a premise: "As the world's richest, most powerful, freest and most dynamic country, we, by our actions, make the world the way it is."

Therefore, we can change it.

My second point is this.

The Carter arms sales policy that the critics always point to as naive, failed not because it was unrealistic, but because it wasn't tried.

Those who favor an unrestrained arms sales policy say that if we don't sell the weapons, others will. And the U.S. will lose influence and in some cases, vital interests will be threatened.

I will answer those arguments specifically, and suggest how to overcome those problems. But first, we should review why unrestrained arms sales are harmful to our interests, and why they hurt, rather than help, chances for peace and prosperity in the world.

In the immediate future, there is no question that the United States will continue to sell and transfer weapons and military skills abroad. We do face a political and military challenge from the Soviet Union and we will sell to our allies in NATO as well as Japan, Australia and New Zealand. We also have an undeniable and unbroken commitment to the people of Israel for their defense.

The amount and content of what we transfer in those cases will be debated. But not, whether. That is decided.

Except for those cases, I believe every other sale to every other country should be examined very carefully. If we find that a sale violates the criteria I will set out below, then we should not sell.

Criteria:

1. DEVELOPMENT, NOT ARMS, SHOULD BE THE PRIORITY

When the U.S. sells weapons, even with reduced interest rates, the countries must divert scarce resources away from economic development. In most Third World countries, internal dissent caused by economic problems is usually more serious than any external threats.

India and Pakistan have been locked in a regional rivalry for 35 years. Both are enormously poor. The Soviets have been the primary supplier of India. The U.S. has supplied Pakistan. But our sales have been relatively minor.

This year, however, sales projections are $1.7 billion. That is $1.7 billion which are not going to help build Pakistan's economy, which so desperately needs help. At the same time, the Pakistani government is increasing its repression of internal dissent.

The Administration argues that Pakistan needs the weapons for defense against a Soviet threat. But most Pakistani forces are on the Indian border. And just recently, the President of India was here, and arms sales to India were discussed.

The per capita income in both countries is below $300 per year.

The $1.7 billion would have been better spent on economic development projects to help modernize Pakistan's agriculture.

Costa Rica, on the other hand, is a relatively prosperous country, by Third World standards. The per capita income is over $1,000 a year. Its problems are a massive debt caused by higher oil prices, lower coffee prices, and excess government spending.

It's greatest asset is that it has no army, absolutely none.

However, our ambassador to the U.N.—Jeanne Kirkpatrick—lectured the Costa Ricans last year that they should build up an army and receive American military aid.

To date, the Costa Ricans have refused.

While their present problems are severe, they are living proof that development—not armies—create peaceful societies.

The Shah of Iran was a textbook example.

Although there are many reasons why his government was overthrown, one of the major reasons was his emphasis on military build up over economic development.

In the 1960's, Iran was a net exporter of food.

In the 1970's, the Shah's government concentrated on unrivaled purchases of American weapons. Soon, the Shah was a net importer of food. The agriculture system fell apart. People flocked from the countryside, but increasingly, found no jobs. It was they who were the foot-soldiers of the Iranian revolution which overthrew the Shah.

He dreamed of the Persian Empire, and Presidents Nixon, Ford, and Carter backed those dreams. He should have dreamed of making sure his agriculture stayed strong and prospered so Iranians could be fed and so they would have jobs.

He did not.

And now, those American weapons are in the hands of a government brutally hostile to the United States, and a threat to its neighbors.

So, history has shown that development produces security and stability—arms sales promote insecurity and instability.

2. ARMS SALES PROMOTE REGIONAL INSTABILITY

U.S. law states that American weapons are to be used only for defensive purposes. However, that is not always the case. Morocco has used, primarily U.S. weapons, to attack the Western Sahara. Indonesia used 90 percent U.S. weaponry to invade East Timor . . . and then we provided millions of dollars in more weaponry to Indonesia to subdue and occupy it.

The Moroccan invasion of the Sahara has divided African nations as no other issue has. It has led to much greater tensions between Morocco and its larger neighbor Algeria. Many experts believe that if no peaceful diplomatic solution is found, eventually that war will bring down the pro-western government of King Hassan.

And yet both the Carter and the Reagan Administrations have increased arms to Morocco from pre-invasion levels.

Indonesia's brutal occupation of East Timor was another clear violation of arms sales laws. U.S. weapons were used successfuly to reduce to insignificance the guerillas fighting for continued independence, and in the process, cause the death of between one-hundred and two hundred thousand people. But that guerilla movement, however small, still continues. Six and one-half years after the invasion, Indonesia holds over 4,000 political prisoners.

Today, East Timor is no longer in the news.

Our relationship with the government of Indonesia is "excellent."

But, four years ago, who ever heard of Central America . . . El Salvador?

In the last six months, two Indonesian officers have defected from the Indonesian armed forces because of the war in East Timor. If that war starts up again, in earnest, the whole fabric of the Indonesian nation which unites hundreds of islands could unravel.

That is the future danger which our arms sellers with their short-term interests ignore.

The U.S. often finds itself providing arms to two sides of a conflict.

For many years, the United States was the major supplier of both Chile and Argentina. They have a boundary dispute in the Beagle Channel so bitter that Chile, unlike almost all of Latin America, supported Britain over Argentina in the Falkland Islands war.

Congress stopped sales to both countries because of human rights violations. The Reagan Administration proposes to restart them. But what would the weapons be used for? Either against each other or against their own citizens.

We should sell to neither.

Peru and Ecuador are both democracies. Their armies during the Carter years both returned the governments to civilian, democratic government. Some support is warranted. But Peru and Ecuador have fought only once in recent years and that was against each other. The fighting was minor, but we should be very cautious. Arms to both could cause flare-ups.

The Middle East is perhaps the most unstable region in the world today. Since the OPEC cartel provided the Arab countries with almost unlimited wealth, the United States, the Soviet Union, France and England have flooded the region with weapons.

The proponents of arms sales often tell us those sales provide leverage over the recipient country. And yet we know from the recent tragedy in Lebanon that is not true. Despite an Israeli promise to the U.S. government, the Israeli army marched into West Beirut and then allowed Christian militias to enter . . . with brutal results.

On the other side of the ledger, the sale of AWACS and fuel tanks for F-15's to the government of Saudi Arabia has, in my judgment, done nothing to safeguard our interests and has weakened stability.

The day after the Senate refused to join the House in disapproving that sale, Saudi Arabia raised oil prices, condemned Oman for allowing the United States to base military equipment there, and resumed relations with Libya.

In addition, an F-15 can be countered only with another F-15. The new fuel tanks will allow Saudi Arabian F-15's to engage Israeli F-15's. Israel will, in time, unboubtedly respond by adding to its arsenal and inevitably, the U.S. will supply that countermeasure.

The U.S. will continue to supply both Israel and Saudi Arabia. But Israel does not need all we supply it. Certainly we do not need to sell it either cluster bombs or white phosphorous. And we can sell much less to Saudi Arabia. Its population of four million, with two million foreign laborers, cannot absorb the billions in weapons and military bases we are providing.

Israel rightly fears those weapons falling into the hands of more radical Arab powers. We should fear undermining the fragile fabric of Saudi Arabian society which is just emerging from feudalism by—overnight—trying to create a modern armed force and supporting infrastructure. We know from the case of Iran, the envy felt by the average Iranian for the foreign military advisors and the Iranians who got rich from military or military related contracts.

Finally, there is the case of Southeast Asia.

We will sell $250 million in defense articles and services to the countries of the Philippines, Indonesia, Thailand, and Malaysia. The external threat always cited is Vietnam.

This is the same Vietnam which, from 1970–1975, received $11.6 billion in U.S. military aid. At that time, we needed to supply Vietnam to counter the threat from China.

Except now, China has changed sides and encourages the U.S. to support these countries against Vietnam, its former ally and present enemy. Who benefited from the earlier military aid to Vietnam? Who benefits now?

Certainly not the people in these countries.

Southeast Asia shows the folly of unrestrained arms sales.

3. THE U.S. SHOULD NOT PROVIDE ARMS TO GROSS VIOLATORS OF HUMAN RIGHTS

The United States should never provide arms to governments which deny their own citizens their basic human rights.

Arms sales are never neutral.

They always signal political support of the recipient government. When that government is one that is authoritarian, it will always have the effect of allowing that government to rely less on the support of its own people. When that happens, the chances of that government falling to revolutionary forces is increased, and U.S. interests may suffer.

Again, Iran is the classic case.

The Shah used torture, political prisons, and secret police to enforce his powers. Despite this record, he received more and more U.S. weapons . . . more than $12 billion worth since 1950.

The Shah came to believe—that with all his U.S. weapons—he was invincible. He was not. By the time he realized he needed the support of his people, the people had—in desperation after years of repression and years of neglect of the rural infrastructure—turned to the Ayatollah Khomeini. It was too late.

Although the amount of weapons provided was different, the story was the same in Nicaragua. The dictator, Anastasio Somoza believed that he was safe. His troops were trained by the U.S. Army and weapons came from our arsenals. Before he fell, Somoza received $27.4 million in U.S. weapons and equipment, and we spent $11.6 million to train 5,740 of his soldiers and officers.

He ruled Nicaragua with an iron fist . . . like it was his own private kingdom. He was worth hundreds of millions of dollars, while most of his people barely subsisted.

When rebellion broke out—as it usually eventually does under those conditions—Somoza made no effect to liberalize his government. His National Guard instead, waged war without restraint against Nicaraguan peasants. And the whole country turned against him. He, too, fell.

Today, the U.S. is providing El Salvador $81 million in military aid. That, according to the arms sales proponents, should give us leverage. But it does not.

Despite the Administration's belated recognition that human rights violations by the Salvadoran army hurt the war effort, it has had no success in restraining the barbarous practices of that army.

Only mistakes by the guerillas and their own division have prevented a military victory.

The U.S. could—in this context—help bring about a political solution. But first, the Administration would have to reduce its military commitment so that the most barbarous elements of the Salvadoran army would be purged. It does not. It apparently will not. Unless we in Congress do, the killings and the war will continue. And, eventually, the government will fall, and a new government will emerge which is anti-American.

By not cutting arms sales now, we hurt our own future national interests.

If the United States has any claim at moral leadership in the world, it must draw the line and say:

"We do not support tortures and governments that engage in these heinous practices."

4. UNILATERAL AND MULTILATERAL STEPS TO STOP THE ARMS RACE IN THE THIRD WORLD

Arms transfers can be reduced and reduced substantially. The need is more urgent than ever. Debt among Third World governments is growing greater and greater. Unrest because of poverty, disease and repression is also increasing. And still Third World military budgets rise, when the priority should be on development.

The first step is for the U.S. to unilaterally make reductions. There is no national interest so compelling that we need to sell arms to any authoritarian government in Latin America, Africa, or Asia.

Democracies in these regions should be eligible for modest sales, but not those which would fuel regional arms races. Certainly, the U.S. should never introduce new weapons—new kinds of weapons—into a region where they are not yet in use. Certainly, our embassies in these regions should not be helping U.S. arms peddlers.

The second step is to coordinate with our allies. The U.S. and its allies outsold Communist nations by an almost five to three ratio in 1980 . . . $25 billion versus $16 billion. France and England and increasingly Germany and Israel are also major arms merchants.

In many cases, in the 1970's it was France who sold countries planes when the U.S. would not. And Israel replaced the United States as the major seller of small arms to dictatorships in Latin America.

Truly, there is a problem.

Our allies have been willing to sell when we have not. Both France and Israel, in particular, but also Britain and Germany see arms sales as a major mainstay of their economies.

Do we have leverage?

I believe we do.

It is moral leverage and could be military.

It is the leverage that comes when we recognize and then say to the world that it is wrong to provide arms to governments guilty of massive human rights violations. It is wrong to sell governments arms when their true needs are rapid economic and social development.

But we can not say this quietly.

American leadership must capture the imagination of the people and the world.

This is what we can do, ourselves. That is what we can do with our allies. But we must also return to the conventional Arms Transfer Talks with the Soviet Union. Those talks broke down in 1979 . . . not because of the Soviet Union, but because of the United States.

The Carter Administration unilaterally tried to prevent the talks from including the Middle East or Northeast Asia (China). The Carter Administration put our short-term advantage above the long-term interests of our country and the world.

There can be no higher priority than stopping arms races in the Third World. There can be no higher priority than getting the armies of the Third World to return to the barracks and allow civilians to rule. There can be no higher priority than getting Third World countries to concentrate on development, not armaments.

The United States should return immediately to the CAT talks. We should place no limits on what is to be discussed. If the United States, the Soviet Union, Britain and France can agree to limit arms transfers and limit them dramatically, governments in the Third World will have few other places to buy.

Their armies and our arms merchants will be the losers.

But everyone else will win.●

LUKEN-LEE AMENDMENT

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. ROSENTHAL. Mr. Speaker, I am greatly disturbed by the Luken-Lee amendment to exempt State-regulated professionals from the purview of the Federal Trade Commission. The FTC is charged with enforcing laws against unfair methods of competition and unfair or deceptive acts or practices. These laws are designed to insure free and honest competition in all sectors of our economy. To exempt one sector—and an exceptionally important one at that—is to undermine our regulatory system and our protection of the public interest.

The Luken-Lee amendment is not regulatory reform, it is quite simply special-interest legislation. It would shelter a select group from the antitrust and consumer-protection laws enforced by the FTC. It would inhibit competition, stifle innovation, and lessen the availability of choices for the consumer. Adoption of the amendment would serve as a significant precedent and an invitation for other special-interest efforts to seek similar antitrust exemptions.

The argument that the professions can be effectively regulated at the State level is belied by the past record of the State agencies. State boards are generally dominated by professionals regulating themselves. They have taken few, if any, steps to prevent anticonsumer, anticompetitive restrictions. Their work has traditionally focused on establishing education and licensing standards. The role of the FTC, on the other hand, does not interfere with legitimate State controls over professional qualifications and ethics. Rather, the FTC is empowered with the responsibility to monitor the way professionals compete and conduct their business. When their competitive practices result in illegal activity, that activity is and should be subjected to FTC scrutiny and law enforcement action.

Probably the best demonstration of the adequacy of the FTC role in this area is that many State-regulated professions oppose the proposed exemption. The committee on consumer affairs of the Bar Association of New York City has publicly stated that "carving out certain areas of the economy from Commission scrutiny would be dangerous" and serve only to fuel "the fire of those who feel that the FTC's jurisdiction can be expanded or contracted depending on the extent of congressional lobbying efforts by special interest groups."

The greatest opposition, on the other hand, comes from within the medical profession. No one disputes the critical importance of health care professionals, but we must not ignore the fact that health care is also big business. It constitutes a staggering 10 percent of our gross national product and is arguably the single most lucrative segment of our economy. Much of this cost can be directly attributed to the protectionism of the trade. Through boycotts, price fixing, and restraints on advertising, doctors have prevented free and open competition. To deny the FTC its proper role in monitoring the health care industry is to give in to ever-increasing health care costs and to the restrictive, protective practices of the medical community.

The Luken-Lee amendment is both anticonsumer and antithetical to the public interest. It will greatly curtail FTC jurisdiction and its authority to fulfill its mandate of consumer protection. If we are serious in our intentions to curb the economy, protect our consumers, and apply our laws fairly, we must reject the Luken-Lee amendment to exempt professionals from FTC jurisdiction.●

HANDICAPPED EDUCATION REMAINS IN JEOPARDY—REGULATIONS STILL IN QUESTION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BIAGGI. Mr. Speaker, advocates, parents, and teachers of the handicapped have good cause to remain concerned about the future of handicapped education under Public Law 94-142, the Education of the Handicapped Act. Proposed regulations, issued by the Department of Education on August 6, 1932, would dramatically change the current structure of and delivery of services under this program. To date, the comment period is nearing a close and we have

witnessed very little hard evidence from the Secretary that he agrees with the overwhelming number of comments put forth on these rules. Those comments, very simply, state that these proposed regulations are unacceptable and should be withdrawn.

As one of the original authors of Public Law 94-142, I remain steadfast in my commitment to the education of handicapped children through this program. As a member of the House Education and Labor Committee where this program began, I have witnessed the number of children served grow to nearly 4 million per year in the 5 years the Public Law 94-142 has been in place. To be sure, there have been problems along the way, but essentially, this program remains a landmark piece of legislation which provides an educational right to all eligible children, regardless of their handicap or their resources.

In order to send a clear signal to the Education Department on the importance of the program as it currently operates, I introduced House Resolution 558 which urges that the proposed regulations be rejected in their present form. During 3 days of hearings on these regulations, our subcommittee heard overwhelming testimony from parents and students, teachers and school administrators, who have underscored the importance of the law to them and the consequences of adopting changes such as those proposed in the regulations.

On September 29, the Secretary of Education came before the Education and Labor Committee and announced that he was withdrawing six sections of the regulations. These are sections which cover timetables for evaluation and placement of children, qualifications of personnel, definitions of least restrictive environment and related services, parental consent, and attendance of evaluation personnel at IEP meetings. While this announcement was met with support from both committee members and representatives from the community, there has been no commitment to existing law. Under questioning, Secretary Bell refused to state that revised regulations would not be published, as well as refused the opportunity to withdraw the entire package and resubmit a second set of proposals for public comment. He further stated that final regulations could be published as early as the beginning of 1983 that could include technical changes.

While the committee lauds the decision of the Secretary to withdraw the major objectionable portions of the law, there is still need for passage of House Resolution 558. After the subcommittee meeting, the Education and Labor Committee adopted this resolution with the requirement that it be taken up on the House floor at the earliest possible date. In the absence of clarification of what the Education Department actually means to do with Public Laws 94-142, it is essential that this resolution be passed as soon as possible. It enjoys the support of 110 Members of Congress and countless of parents groups and their advocates across the country. While subsequent regulations could be published prior to the close of the comment period on Election Day—November 2—it is possible that the door could shut for further comment by then given the demonstrated lack of commitment by this administration to the present program.

I have also been joined by colleagues on the Select Education Subcommittee in sending our comments to Secretary Bell on the proposed regulations. Our comments reflect the input that we have received from 3 days of hearings in September as well as countless letters we received from people across the country. Their message was clear—do not change a program which has just been in place for 5 years and is working. The best testimony that I can provide to the effectiveness of Public Laws 94-142 is that of a young man who came before our subcommitte to tell his own story of how valuable this law was to him. For the record, I would like to insert his testimony and commend it to the attention of my colleagues and proof positive that this is one program we can ill afford to lose—or change.

TESTIMONY OF TIMOTHY GRAHAM

My name is Timothy Graham. I am eighteen years old. I live at 2057 Bragg Street in Brooklyn, New York. I am one of six children. Since the 4th grade I have known that I am severely learning disabled by developmental dyslexia. Last June I graduated from Edward R. Murrow High School which is an educational option school in New York City specializing in theatre and television arts. It also has an excellent program for handicapped students. I have come here today to tell you that I was able to graduate because of P.L. 94-142, and to urge you to keep that law and its present regulations intact.

I started school at my neighborhood parochial school in 1971. Right away I had trouble learning to read, spell and write, even though I wanted to learn and my parents made every effort to help me. In September 1973 when I was in the third grade my mother transferred me to public school because I was so unhappy at my inability to keep up in school. After three weeks in the public school the teachers told my mother they thought I was learning disabled. They recommended I be tested at a clinic. At that time there were no evaluation services available in the public schools. I was evaluated by an outside clinic which told my mother that my learning problems were due to dyslexia, and not any intellectual limitations.

However in 1973 the school system did not have any programs for learning disabled students. I continued to fail in most of my studies at school even though I could understand the content of the academic material, because I could not read. I was retained in fifth grade, because the school authorities thought I would have even more trouble in a large junior high school. Since there was no appropriate program for me they transferred me to another elementary school. That school tried to help me in their reading lab, but it was not designed for students with disabilities like mine.

During the second year I was in fifth grade, my mother was advised to have me tested by the new evaluation units which the school system had set up. It took months to get the evaluation and in June 1976, the school's evaluation team agreed that I was learning disabled. They recommended a placement for me in a class for brain injured children because there were no services for students with my handicap. The program was in a school an hour away from my home. I had to take a subway and a bus to get there. My mother received no explanation of the recommendation and was not told of any other services or alternatives.

Although my parents thought this was the wrong program for me they placed me in the class, because there was no other choice. No one told my mother that she had a right to appeal this recommendation. However, a friend explained to her that she might get legal help at Advocates for Children. They wrote to the Board of Education in September of 1976 appealing my placement in the special class. Because the Board of Education had not yet set up procedures for hearings it took 9 months before a hearing was scheduled.

Meanwhile I went to the 7th grade special education class, where the work was on a third grade level. All of the other students in the class had serious emotional problems. The teacher, who could not cope with these students, treated me as an aide. I was given no opportunities to participate in the mainstream of the school. Because the school was not in my neighborhood I made no friends. Finally when I was hit by the teacher because of another student's misbehavior, my mother decided to keep me home. No one in the school system investigated why I was not attending school.

In June of 1977, the hearing was finally held. The hearing officer found that the special class placement was inappropriate to meet my needs. He recommended that the Board of Education establish a program for me and other learning disabled students in New York City. However at that time under New York State law, his decision was only advisory and the Board of Education chose not to create a program. In the fall of 1977 I went to the eighth grade at my neighborhood school and was given only reading lab services again. I learned nothing.

My lawyers appealed to the Commissioner of Education and finally the Board of Education agreed to start a resource room program for learning disabled students. A teacher was assigned for me in April of 1978. As part of my lawyer's agreement with the Board a resource room program was set for me and other learning disabled students in Edward R. Murrow High School in September of 1978.

For the first time I was given the help I needed. My major problem in high school was that I was not academically prepared, since my last real experience in regular classes was in fifth grade. However with resource room help, I was able to catch up in my subjects. The resource room teacher used oral methods to communicate material to me and helped me learn to compensate for my reading difficulties. My reading level went from third to seventh grade, and I learned to use my other intellectual

strengths to cope with my reading limitations.

This June I graduated in the top third of my class having passed all the competency tests. At Murrow, I participated in extracurricular activities and received an award at graduation from the technical theater department for outstanding work. This was the first school I was in long enough to make friends.

I have just taken the New York City fire fighter's exam. I am working for my father at his restaurant and bar to save money to go to college. I am investigating colleges which have programs for students with dyslexia.

My experience took place when P.L. 94-142 was very new. It took too long for me to get appropriate educational services. However, as a result of my case and others there is now a functioning due process system in New York and resource room programs have been created which serve 20,000 students. None of this would have happened without P.L. 94-142.●

SENATE—*Monday, November 29, 1982*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Our Father in Heaven, we thank Thee for the times of refreshing enjoyed with our families—for the safe return of those who traveled—for the recovery of those who were ill and those who had surgery. We thank Thee for those who were returned to the Senate in the election and we commend to Thee those who were not. May they be encouraged in the new tasks to which they are called and may their staffs find satisfactory employment.

Gracious God, grant to the Senators a special dispensation of grace for this extra session. Help them to transcend the ambivalence with which it is viewed—the negative implication of the lameduck designation—and the absence of enthusiasm and anticipation. Give to the leaders, Senator BAKER and Senator ROBERT C. BYRD, extraordinary wisdom, skill, and patience, to guide the Senate in a productive, significant, and constructive course. We pray this in the name of Him who rules in grace and love. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

ACTION ON VETO MESSAGE ON S. 2577 DEFERRED UNTIL CLOSE OF BUSINESS TODAY

Mr. BAKER. Mr. President, there is a veto message at the desk, I believe, which is constitutionally privileged.

Before the Chair lays that message before the Senate, I believe both the minority leader and I would like a little time to consider how we will approach that message and to the maximum convenience of Members.

Therefore, I ask unanimous consent that the consideration of that measure be deferred not past the close of business today.

The PRESIDING OFFICER (Mr. WARNER). Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. I thank the Chair.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, the order previously entered, I believe, provides now for the recognition of the two leaders under the standing order, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. And after that time there is a provision for the transaction of routine morning business for not to exceed 1 hour during which Senators may speak for not more than 5 minutes each?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, there is a matter that we may wish to bring up today, but I am still discussing with the minority leader, with the distinguished President pro tempore, and others, certain procedural details.

Mr. President, it is not the intention of the leadership on this side to transact any business beyond the routine matters that may be disposed of and, perhaps, a legislative agenda for tomorrow. I would expect the Senate will be out of session at a reasonably early hour today, so we may continue the business of meeting and welcoming our new colleagues and attending to other details that require our attention today. Tomorrow, I expect, the Senate will be prepared to proceed with a regular legislative agenda.

WELCOME TO RETURNING MEMBERS

Mr. President, first of all, I will take this opportunity to welcome back my colleagues and to congratulate all of them who were reelected earlier this month.

It has been my privilege earlier to extend my congratulations to our new colleagues who will assume their duties and responsibilities in January.

I would especially offer my congratulations to my colleague and compatriot, the distinguished minority leader, for the renewal of his lease for 6 years to come.

I observe the presence of both the Senator from Ohio (Mr. METZENBAUM), the Senator from New York (Mr. MOYNIHAN), the Senator from Mississippi (Mr. STENNIS), who are similarly to be congratulated, as are Senators on this side of the aisle, and the Senator from Wisconsin (Mr. PROXMIRE). You almost forget that the Senator from Wisconsin is running [laughter]—for office, that is.

But I would point out, as I did earlier today, that this new incoming freshman class which will take their place among us in January is unique in many ways—obviously for their caliber and quality for those who have been selected to represent their States—but also because it has been pointed out to me that this class of five new Senators is the smallest class of Senators ever to be elected to the Senate since 1913 when we began electing Senators by popular vote.

The next smallest class was in January 1965 when there were six new freshmen Senators. So it is a very small class indeed but, obviously, of high caliber, and we look forward to serving with them in the years ahead.

Mr. President, I might also point out that Senators will recall that this Senator had no particular enthusiasm for this lameduck session at all—and I hear muttered assent and agreement among my colleagues who similarly expressed the view that we tried to complete our business before the adjournment date in October. That was not to be, and we are back.

LEGISLATIVE AGENDA FOR LAMEDUCK SESSION

It is incumbent on me then, I assume, to describe for my colleagues and those who may be listening what I see in prospect.

Succinctly put, and with obvious oversimplification, the business of the lameduck session, as far as I am concerned, is to finish the unfinished business, and by that I mean things such as the remaining appropriation bills which have not yet been attended to; a continuing resolution which, no doubt, will have to be dealt with to cover those items that are not finally disposed of by the regular appropriations process.

I would propose, and I will discuss this further with the distinguished minority leader and other Senators who have particular jurisdiction or responsibilities in this respect, that we also take up the so-called highway/jobs bill as generally described by Secretary of Transportation Drew Lewis, and embraced by the President and supported by a number of us, including this speaker.

In addition to that, Mr. President, I would expect that we will proceed to the consideration of S. 995 or attempt to do so at some point to be arranged either today or tomorrow or at a date as we may arrange that.

There are a number of other items that we can and, perhaps, will take up, but those will be the subject of consultation with the minority leader and other Senators from time to time.

One matter that I feel that we must dispose of before this session ends is the question of approving rules and regulations for radio and television coverage of the Senate. That I would expect to be taken up during the lameduck session.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Mr. President, it is my hope and expectation that the Senate can complete this session and conclude the 97th Congress on December 15. In any event, I would hope that it would not extend past December 17.

Beyond that, Mr. President, the Congress is required by the Constitution to convene on the 3d day of January unless otherwise provided for. I will consult with the minority leader and with the Speaker and with the minority leader of the House on how exactly we will arrange the affairs of the Senate. But preliminarily it would seem that we will convene on the 3d and then perhaps adjourn until the 25th of January. It is my expectation, based on a conversation I had a few moments ago with the Speaker of the House, that the House will be in session for most of that week. I had given some thought to, and had discussed with the minority leader, the possibility of providing that, notwithstanding the convening of the House on the 3d, we might not convene until the 25th. I say to my friend the minority leader that that does not appear to be feasible in view of the fact the House may be in session for 4 or 5 days. I will discuss that further with the minority leader in the course of this day. But Members should be on notice that we probably will convene on the 3d of January, as will the House of Representatives, and then there is the high likelihood that we will go out until the 25th of January, which is customary and usual, in order to provide the time for reorganization of the new Congress and to await the state of the Union message by the President of the United States.

THE MARIGOLD

Mr. BAKER. Mr. President, as has been my practice for the past year, I am pleased today to ask unanimous consent that at the end of my remarks there may be a poem which is attributed to my late father-in-law, Senator Everett McKinley Dirksen, who occupied this space in the Senate for so many years with such distinction. It is entitled "The Marigold," a subject near and dear to his heart. He attempted for so many years to establish the marigold as the only indigenous flower growing in all 50 States as the national floral symbol.

Mr. President, I ask unanimous consent that that poem attributed to Senator Dirksen be printed at this point in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

THE MARIGOLD

What a flower the marigold is . . .
It is as sprightly as the daffodil,
As colorful as the rose,
As resolute as the zinnia,
As delicate as the carnation,
As haughty as the chrysanthemum,
As aggressive as the petunia,
As ubiquitous as the violet,
As stately as the snapdragon,
It beguiles the senses
And enobles the spirit of man. . . .

The marigold with flourish on soil
Not blessed with fertility.
It marches through spring, summer,
And autumn until the frost of early winter
Takes its toll . . . robust, rugged, bright,
Stately, single-colored, and multi-colored,
Somehow able to resist the onslaughts of insects . . .
What a flower the marigold is.

—Everett McKinley Dirksen.

[From a speech on the Senate floor as quoted by Louella Dirksen in "The Honorable Mr. Marigold."]

Mr. BAKER. Mr. President, I have covered a fair amount of ground. I hope I have not exceeded the time allocated to me under the standing order. If I have, I apologize to my friend the minority leader. I am now prepared to yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

THE SENATE SCHEDULE

Mr. ROBERT C. BYRD. Mr. President, I accept, on behalf of myself and my other colleagues who were running for reelection, the generous compliments of the distinguished majority leader with respect to the new lease that we now have established through the votes of the people.

I would hope that, if it can be arranged, the Senate would not come back on the 3d, if indeed the plan is to come back on the 3d and then adjourn until the 25th.

I have discussed this with the distinguished majority leader. I take from his conversation that he has discussed the matter with the Speaker of the House. I, too, will discuss the matter with the Speaker. But if we come back on the 3d, this will cause Senators who have to come from distant parts of the Nation to have to travel those distances and merely answer a quorum call, perhaps, and then go back home for 2 or 3 weeks.

I would urge the majority leader to think carefully and more about this matter and, depending upon what the House plans to do during those 3 or 4 days, it might not be necessary for the Senate to come back on the 3d. Perhaps the Senate could come back at an earlier date than the 25th but still avoid coming in on the 3d and then go and come a second time on the 25th.

Mr. BAKER. Will the Senator yield briefly to me?

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. I thank the Senator. I will, indeed, continue to monitor that situation. I would also wish to consult, however, with those newly reelected Senators and newly elected Senators who are also affected in terms of a day on which they take their oaths of office. I believe that would not affect their seniority or standing in the Senate, but I would like to talk to them, as well.

I will take it up with my caucus, and I assume that the Senator from West Virginia will do the same with his caucus on tomorrow and perhaps he and I can discuss the matter again on Tuesday.

Mr. ROBERT C. BYRD. Mr. President, I think that the distinguished majority leader has outlined an agenda, part of which I certainly would agree with, some of which I might not, but certainly one which is, to a considerable extent, I think, necessary for the Senate to address itself to. Any appropriations bills that may be available, of course, should be acted upon and if there is a jobs bill that can be enacted I think that is of a paramount nature.

I would suggest that we ought not limit ourselves, however, in the long run. I am not saying that we have to do this in the short run, but certainly as the new Congress convenes we are going to have to give attention to the economy and to monetary policy and to trade policy and to the rebuilding of the infrastructure of this country—its bridges, its roads, water and sewer facilities and the revitalization of the industries of this country, many of which are no longer operating at even 50 percent of capacity, the steel industry being a paramount example. It is my understanding that the steel industry is operating at less than, or around, 40 percent of capacity at this time. I do not think that this country can allow itself to become purely a service-oriented economy and dependent upon other countries for such vital items as steel. So I would anticipate a rather broad agenda along those lines, and I know that my comrades and I will be discussing this in caucus tomorrow and in future caucuses. But I do not think that we can content ourselves with simply a temporary jobs bill. I think there has to be more thought given to the whole matter than just the passage of a jobs bill.

As to a gasoline tax, I want to talk with my colleagues about that, too, I say to the distinguished majority leader. We will be meeting in caucus tomorrow. I am sure there will be some who will be supportive, some who might not be supportive, and some who have other ideas. We will be discussing those on tomorrow.

I have nothing further that I would say except with respect to the comments of the distinguished leader anent legislation dealing with changes of the rules in the Senate. Senator LONG is not on the floor and there are

other Senators who are interested in this matter. I will be agreeable to sitting down with those Senators and discussing it with them and, in turn, discussing it with the majority leader, and, perhaps in their company, it may be that some agreement could be worked out. Judging from the past, however, it would seem to be a rather tall order to expect the Senate to enact legislation dealing with televised proceedings within the 3 weeks that we are here, especially when we need to give attention to more pressing things at the moment, such as the economy, jobs, interest rates, monetary policy, and so on.

But I assure the distinguished majority leader, as I have privately, that I will be talking with colleagues on my side of the aisle about the matter of television in the Senate and we will, in turn, be talking with him and other Senators as he wishes. It may be that some agreement can be worked out, and maybe it cannot. But, in any event, the majority leader has my assurance that that will be under discussion on my side of the aisle.

Mr. BAKER. Mr. President, if the Senator will yield to me, I thank the Senator for his remarks in that respect. I do fully understand the sensitivity of this issue and the potential for consuming a great deal of time. But I am encouraged to hear the minority leader say that we might be able to work something out and I want to tell him I am in a mood to deal.

THE 1982 ELECTIONS

Mr. ROBERT C. BYRD. Mr. President, as the drama and dynamic of American politics continues, so does our work in this great body, the U.S. Senate. In some ways we reflect and respond to events in the land, in other ways we are the catalyst for policy changes that affect many, many lives.

The Senate today is a far different one than when we last stood on this floor, and so, I suspect, our priorities and agenda will be similarly changed. I say this in spite of the fact that the numbers in both parties remain essentially unchanged. Numbers alone cannot accurately reflect what I consider to be a tremendous Democratic victory. Senate Democrats held their own against great odds, winning in the process over 55 percent of the popular votes cast. In the 1980 Presidential election, which the administration has repeatedly referred to as a "mandate" to govern, the President received 49.6 percent of the popular vote. Perhaps we should now claim title to this so-called mandate.

However, Mr. President, that would not be a particularly accurate or useful claim, although it would make good political hyperbole.

It is more accurate to say that the American people have sent a message to Washington. It is a short, simple, and clear message, a request, no less, to balance and moderate all the basic elements of the President's program, so that economic security once again becomes an essential part of our lives, not a luxury.

Our situation is critical, and the people know it. They want us to put aside blind ideology and political allegiance. They want an effort from their leaders equal in integrity and purposefulness to the seriousness and depth of the problems that face us.

And we as Democrats would like to be equal partners in that process. In the last 2 years we have been excluded from policy discussions too often to have as much input as we would have liked.

But I think the election returns, the realities of the political marketplace, will bring us quite a bit back into the process. I firmly believe such a move is absolutely necessary to get us moving forward again.

Surely it is time to reassert, as the election has reaffirmed, the traditional convictions and compassions of the Democratic Party. Not least among these are the principles that government should be an instrument of justice and opportunity, that the low income, the elderly and the very young require our support, and that government should help prepare people for self-sufficiency.

We know that some of the old forms of government intervention have not been sufficient, and in some cases were misdirected, because they failed to enhance productivity and provide the growth necessary to allow for humane programs.

We know as well that the solution to these kinds of problems lie in adjustment, not abdication from our goals or ideals.

We know we cannot afford any more of the outdated, radically conservative thinking that threatens the balanced, sustained economic growth necessary to preserve our political ideals.

I fully expect many useful and important suggestions to be forthcoming in the weeks ahead. Many colleagues have used the interregnum to rethink positions and develop new ideas. I doubt that any more gimmicks—slogans posing as ideas—such as the so-called supply-side experiment, will be offered. Pragmatism and realism should be our watchwords.

Speaking as one Senator who has just concluded a rigorous campaign, talking with and listening to the people of West Virginia, I am prepared to introduce or reintroduce several pieces of legislation which I believe are essential components of any recovery package.

These measures include:

First. A measure to bring down interest rates by establishing targets consistent with historic levels;

Second. A measure to create a National Investment Corporation to both assist ailing basic industries and to provide affordable financing for new capital investments and research by small businesses in industries with a strong growth potential; and,

Third. A measure to rebuild our infrastructure, aid the displaced worker, provide targeted public service employment, and increase the number of weeks the long-term unemployed can receive benefits, all designed to provide an umbrella of protection and hope for the 3.5 million newly unemployed.

The other immediate issue, of course, is social security. There is no more important short-term challenge than this.

I am all too aware that no miracle program exists which will produce in the near term and a balanced budget, full employment, steady growth, and revenues adequate to fund fully our every defense and domestic need.

But policy decisions have, in great part, exacerbated our current situation, and the hard work on new policies—pragmatic, balanced, and fair policies—must begin immediately if we are to repair the damage already done. Although it is not practical to expect Congress to declare and implement an alternative program for the country—leadership by committee is not plausible—I have immense faith in the ability of Senators to do what needs to be done.

Finally, Mr. President, let me acknowledge my gratitude and affection for the people of West Virginia, who have just renewed our partnership.

Having traveled my State so widely and intensively, in a way I feel I know its people in a more unique and meaningful way than almost anyone else. I have been steeped in the small rural towns and mining communities for my entire life. The wisdom and support I continue to find in the hamlets, crossroads, and communities of West Virginia remain a source of inspiration to me.

It is in this spirit that I look ahead to the task before us.

Mr. President, I am very happy to yield my remaining time to the Senator from Ohio, Senator METZENBAUM.

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

S. 995

Mr. METZENBAUM. I thank the distinguished minority leader.

Mr. President, I address myself to the majority leader, who I think holds such important responsibilities in this body. I have always attempted to try to be up front with him as to where the Senator from Ohio stands on certain matters; what impact, if any, he might have on the pending legislative agenda.

I do not think I need repeat my own strong views enunciated by the minority leader, the problems with the economy, probably the MX will be an issue, or at least we will talk about it, and the problems of appropriations bills that the President wants us to take up, which we are here to meet and address.

That being the case, it seems to me that this special session will have to consider a certain number of measures, not the least of which is S. 995, which are extremely controversial, which represent very special interests, and which cannot be disposed of without considerable debate and numerous rollcalls. On that measure, as well as a number of others, the specifics of which the majority leader is familiar with by reason of my addressing myself to that subject before the session concluded, I would just like to say that if we are to proceed with the work at hand, I would hope that we would not have too many diversionary procedures that would tie up the Senate and that which I would consider to be unnecessary debate on legislation that is of interest only to a very limited number of persons or groups and not really dealing with the major problems confronting the Nation at the moment.

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. METZENBAUM. I yield.

Mr. BAKER. I do understand the depth of the feelings the Senator from Ohio has on a number of issues, including specifically S. 995. Indeed, he has always been up front with me and level with me on his point of view. I think surely he will agree I have been with him. What I must say is that one of the things that he must be aware of, as I have stated on the floor, is that, in exchange for the distinguished President pro tempore not to insist on the commitment I previously made to take up S. 995 in the earlier session, I would attempt to bring it up in the lameduck.

It is one of the matters of debate in the Senate, certainly with the leadership of the Senate, on the commitment which has been made. I have that commitment in mind from the Senator from South Carolina. I would like very much not to go through the ritual today of trying to do that. I would like to arrange to do it tomorrow. There are a number of Members not here today and a number who are not here have a particular interest in this subject.

What I would like to propose, and I hope the Senator from Ohio will find it attractive, and the Senator from West Virginia, the minority leader, might find it agreeable, is a unanimous-consent request which would, in effect, reserve the first day's status quo over from today until tomorrow so that all Members will be protected. No Member will lose any rights. We will be in a position tomorrow to proceed with a full complement or at least a more full complement of Senators concerned with this issue.

Mr. METZENBAUM. Absent further consideration, I am not sure the Senator from Ohio is prepared to agree with that, but that is not to say that the Senator from Ohio would not discuss this with the majority leader and the minority leader.

Mr. BAKER. I thank the Senator and I appreciate his remarks.

I would point out that for practical reasons dealing with the rules I must make that decision within the next 20 minutes. I hope we might expedite that.

Mr. HARRY F. BYRD, JR. Mr. President, will the majority leader yield?

Mr. BAKER. I believe my time has expired.

The PRESIDING OFFICER. The Senator is correct. All time has expired.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to exceed 60 minutes.

The Senator from Virginia.

THE NEED TO CUT FEDERAL SPENDING

Mr. HARRY F. BYRD, JR. Mr. President, I want to comment briefly on a news report this morning of a television interview that the distinguished majority leader had yesterday on "Face the Nation," I believe.

In reading the news account this morning, assuming the accuracy of the report, I must say that the Senator from Virginia found it very discouraging.

As I understand the distinguished majority leader, judging again only by the news account because I did not see the show, the distinguished majority leader indicated or stated that the Congress would not reduce the rate of increase in domestic spending, would not reduce, to some degree, the accelerated proposals or accelerated spending for defense, and would not tackle the entitlement problem.

I think every Member with whom I have talked privately admits that something must be done about the entitlement programs.

In the news account today of the "Face the Nation" interview, the majority leader, if he was quoted accurately, said that the Nation must now live with deficits substantially exceeding $100 billion for at least 3 years and maybe 5 years.

The majority leader further was quoted as saying that the Federal Reserve has the responsibility and must take action to reduce interest rates.

Well, I think interest rates must be reduced. Interest rates are devastating. They have been and they are now. But it is the Congress of the United States which, in my judgment, is primarily responsible. If the Congress is not willing to tackle the spending programs, then how are we going to get this country back on a sound financial basis and bring interest rates down on a sustainable basis?

How can the Federal Reserve Board bring interest rates down except, when you clear away all the excess language, by printing more money? And when you print more money, you depreciate the value of everything.

I am not one of those, and I admit that I am in a minority, who says the Federal Reserve Board alone, without help from the Congress, can bring down interest rates. I think they can bring down interest rates on a temporary basis. I do not think they can do it on a permanent basis without substantially rekindling inflation.

We spent 2 years attempting to bring inflation down, and we have brought inflation down under the leadership of President Reagan.

What disturbs me about the comments today, assuming again, that they were accurately reported, is that the majority leader seems to have thrown in the towel on controlling spending even before the session started.

I hope the majority leader does not so intend. I admit that my views on Government spending are somewhat different from those of most of my colleagues. But I do believe the basic and the No. 1 problem for Government is to get spending under control. If we get spending under control, we will get interest rates under control and we will get taxes under control. Spending must play a very important part in our efforts to get this country back on the track.

I realize, as a politician, that it is desirable to say, well, the Federal Reserve Board ought to handle this; Congress cannot handle it. But I do not believe the Federal Reserve Board can handle it alone. It is a question of monetary policy and fiscal policy. It has to be a combination of the two. Without that combination, in the long run, I do not believe much can be accomplished. I admit that in the short run, if the Federal Reserve Board opened up the printing presses, interest rates would be reduced on a temporary basis, but not, in my judgment, on a long-term basis.

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. HARRY F. BYRD, JR. I yield.

Mr. BAKER. Mr. President, I shall not take long. I enjoy doing those news programs, and one reason is that

I assume that no one watches; therefore I am free to say anything I care to say and, as a result, I perhaps say things with less precision that I should. That certainly may be the case now because I certainly did not mean to imply, nor do I now imply, that we are going to throw in the towel and abandon the fight to save the resources of the Government and cut the budget. I have scars and marks on my body to prove that I have been in the vanguard of those trying to reduce spending. I bled all over this floor trying to do that, with some level of success.

What I did say yesterday, I fear, puts me in the category of the messenger bearing bad tidings. That is that, notwithstanding our continuing effort to save money—and believe me, I shall once again be in the vanguard of those in this Chamber who are attempting to cut Federal spending—notwithstanding our very best efforts and assuming that we are successful to the ultimate extent, no matter how you slice it, as a practical matter, those savings are not going to have an impact on the immediate deficits. They are going to make some difference.

The cold hard fact of the matter is that, even doing the best we can on fiscal restraint, we are going to have to have two other things to get the deficit down to something like acceptable levels. One is to stimulate the economic productivity of this Nation in order to increase revenue and the other is to let time pass in which our savings and changes in structural arrangements will produce future savings, as in the case of entitlements.

Speaking of entitlements, I did not mean to say, and I do not believe I did say, that we are not going to address changes in entitlements. Of course we have to do that. My point is, we are not going to get any big savings from changes we make today or in January or February for 1 year or 2 years or 3 years.

I did not mean to say we are not going to try to cut domestic programs any more. Of course we shall try to do that. What I did say is that we have cut a lot and there is not much more we can cut; we are not going to be able to cut much more out of domestic programs, including entitlements.

On defense spending, I did not say there will not be cuts in defense spending but there will not be massive cuts, because I believe this country will be in jeopardy if we do not go along with the modernizing and upgrading of the Defense Establishment of the United States. If you believe that, there is not much you can cut in the defense budget.

So I find myself in unhappy circumstances with the questions put to me on that TV program yesterday:

Do you think you are going to cut much out of defense?

No, I do not think we are going to cut much. We will cut but not a lot.

Do you think you will cut some out of the entitlement programs?

We are going to do some cuts and changing, but it will be several years before we reap the rewards of those cuts and changes.

Do you think you can cut much out of discretionary appropriations?

Not much, because there is not much more we can cut.

We shall continue to fight the good fight. I shall continue to lead the charge to try to conserve every dollar we can. The cold, hard fact of the matter is we have to get the production and commercial activity of this country up if we are to close that gap. We have to get the country moving. To a remarkable extent, that is a direct product of the cost of money.

Mr. President, one final word about the Federal Reserve. I am not a persistent critic of the Federal Reserve, as the Senator from Virginia must surely know. I have resisted the temptation and the suggestions that we ought to make structural changes in the Fed. But, Mr. President, the Federal Reserve System, while it is the central bank and independent, also has responsibilities of its own. Right now, they are still charging an inflation premium of 5 or 6 or 7 percent, meaning the cost of money beyond the usual margin above inflation, which I think is too high. I think those rates have to come down.

I do not think there is a major risk of reigniting inflation for the time being. I think the Fed has done a good job so far in assisting in this fight. But I think it is time that we devoted our energies to reenergizing the economy instead of just trying to contain inflation. I think we have won that fight, or almost won it. It is time to move on now to other matters.

Mr. President, I have taken a great deal longer than I should and I apologize to the Senator from Virginia for that.

Mr. HARRY F. BYRD, JR. I thank the Senator for his response.

Mr. BAKER. I hope he has a better understanding of what I have in mind with those remarks.

URGENT SUPPLEMENTAL APPROPRIATION FOR THE DEPARTMENT OF LABOR

The PRESIDING OFFICER. At this time, the Chair directs the clerk to report House Joint Resolution 562.

The assistant legislative clerk read as follows:

A House joint resolution (H.J. Res. 562) making an urgent supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1982.

Mr. ROBERT C. BYRD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ROBERT C. BYRD. Would a demand for the reading of that measure be in order?

The PRESIDING OFFICER. The Chair is reading from page 194 of the Senate procedure

Each reading may be by title only, unless the Senate in any case shall otherwise order.

Mr. ROBERT C. BYRD. Would a demand by a Senator that the bill be read be in order?

The PRESIDING OFFICER. The Chair interprets this, with the aid of the Parliamentarian, to indicate that it requires the Senate as a body to act, that a single Senator could not so order.

Mr. ROBERT C. BYRD. I could not hear the Chair. Would the Chair please speak louder?

The PRESIDING OFFICER. With the advice of the Parliamentarian, it is the understanding of the Chair that the operative phrase is "unless the Senate." The interpretation of that would be that the Senate as a body would have to ask for a reading and that a single Senator could not

Mr. ROBERT C. BYRD. So a motion by a single Senator that the bill be read would be in order?

The PRESIDING OFFICER. An order of the Senate is either by motion or with unanimous consent.

Mr. ROBERT C. BYRD. A motion would be in order that the bill be read?

I say to the distinguished majority leader that I do not intend to make such a motion. I merely want to clarify for the Record and for my own information just what the situation might be.

The PRESIDING OFFICER. The Parliamentarian advises the Chair that his interpretation—and the Chair concurs—is that would require an action by the Senate, either in the form of a unanimous consent or a motion acted upon by the body.

Mr. ROBERT C. BYRD. So a motion would be in order?

The PRESIDING OFFICER. A motion would be in order.

Mr. ROBERT C. BYRD. And that motion would be debatable?

The PRESIDING OFFICER. Under the present order we are in morning business, 5 minutes being allocated to each Member recognized, so in that context the minority leader is correct that it is debatable.

Mr. ROBERT C. BYRD. I thank the Chair. I will not make such a motion. It is my personal intention to agree to the request of the majority leader. This will not bind other Members to agree. But just for the information of myself and so that we might have the information in the RECORD, I made the parliamentary inquiry. I thank the Chair.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. Is there an objection to further proceeding on the joint resolution?

Mr. ROBERT C. BYRD. Mr. President, has the title been read?

The PRESIDING OFFICER. The title has been read.

Mr. ROBERT C. BYRD. Then I object to further proceeding on the joint resolution.

The PRESIDING OFFICER. The joint resolution will be placed on the calendar.

The majority leader.

Mr. BAKER. I thank the minority leader.

ECONOMIC FORECAST BY THE BUREAU OF ECONOMIC ANALYSIS

Mr. MOYNIHAN. Mr. President, earlier in our session the distinguished Senator from Virginia and our majority leader exchanged remarks useful and I think relevant with respect to the majority leader's comments yesterday that we could anticipate a series of deficits for 3 to 5 years and the relevance of interest rates thereto. I rise simply to report to the Senate that while we have been in recess, the National Commission on Social Security Reform met on November 10 for a 3-day period. It fell to us to make an estimate of what would be the short-term needs of the OASI system, which is to say the needs in the remainder of the decade. And in order to make that estimate, which we did, our distinguished Chairman, Dr. Greenspan, asked the Bureau of Economic Analysis in the Department of Commerce to attach as a module to its basic econometric model the social security system and run the social security income and outgo through the remainder of the decade. On the basis of these projections we made estimates of what we would need.

Now, Mr. President, there is not a more professional body in our Government at forecasting than the Bureau of Economic Analysis, which tells us what the GNP is and all the other basic data of our country.

I should like to place in the RECORD at this point so it will be known—it has not been published—the Bureau's forecasts for the decade.

Now, granted the limits of any such efforts. They are, nonetheless, the best available. And as their base estimate the Bureau projects a deficit for the year 1983 of $159 billion; for 1984, $164 billion; for 1985, $165 billion; for 1986, $153 billion; for 1987, $156 billion; for 1988, $163 billion; for 1989, $157 billion, and then in 1990, $129 billion.

A pessimistic estimate which projects a recession in 1986 and 1987, as I recall, shows the 1987 deficit at $255 billion. That is the pessimistic one, which shows a dip in the outyears, which would not be ahistorical. A business cycle of 3 to 4 years has been average.

And so, Mr. President, because there might be Senators who wish to have this data, I ask unanimous consent that the tables be placed in the RECORD with the understanding that these tables were done in my office from the printouts provided us by the Bureau. They are not the work of the Bureau as such but are extrapolations from them.

Mr. President, the majority leader was not at odds with the Bureau of Economic Analysis in what he said. He is no more happy about it, no doubt, than they, but this is what the numbers are telling the executive branch.

Second, if I may just very briefly say, since the majority leader is on the floor, I think his remarks yesterday about the Federal Reserve were timely and relevant. I remind him what he already knows, that this Congress and this Senate in its first budget resolution adopted the first language expressing concern about the level of Federal Reserve interest rates, the first language in the history of the Federal Reserve. It never happened before. It happened by this Congress, and for the majority leader to express his continuing concern simply to my mind reflects a concern this body has already stated.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

FEDERAL DEFICIT AS PROJECTED BY THE REAGAN ADMINISTRATION

[In billions of dollars]

	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990
A program for economic recovery (issued by the White House, Feb. 18, 1981)	−54.5	−45.0	−22.9	+.5	+6.9	+29.9				
Midsession budget review (July 15, 1981)	−55.6	−42.5	−22.9	+.5	+5.8	+28.2				
1983 budget (Feb. 8, 1982)	−57.9	−98.6	−91.5	−82.9	−71.9	NA				
Midsession budget review	−57.9	−108.9	−115.0	−92.6	−73.3	−65.6				
Commerce Department (Bureau of Economic Analysis, Nov. 4, 1982):										
Base estimate	−60.0	−142.5	−158.5	−164.3	−164.6	−153.0	−156	−162.8	−157.4	−128.7
Pessimistic estimate	−60.0	−142.5	−157.6	−164.3	−172.3	−213.4	−255	−208.3	−192.6	−178.1

GROSS NATIONAL PRODUCT

	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990
Percent change:												
Base estimate	2.8	−0.4	1.9	−1.6	2.5	4.5	4.1	3.7	3.7	2.9	2.9	2.2
Pessimistic estimate	2.8	−.4	1.9	−1.6	2.5	4.1	2.8	−1.1	−1.1	5.0	3.8	2.0
Billions of 1972 dollars:												
Base estimate	1,479.4	1,474.0	1,502.6	1,478.8	1,515.6	1,583.7	1,648.6	1,709.8	1,772.9	1,824.5	1,877.3	1,918.5
Pessimistic estimate	1,479.4	1,474.0	1,502.6	1,478.8	1,516.1	1,578.1	1,621.7	1,603.9	1,587.0	1,667.0	1,730.8	1,765.8

Source: Bureau of Economic Analysis, Quarterly Econometric Model, Nov. 4, 1982.

UNEMPLOYMENT RATE AS PROJECTED BY THE REAGAN ADMINISTRATION

[Seasonally adjusted]

	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990
A program for economic recovery (issued by the White House, Feb. 18, 1981)	7.8	7.2	6.6	6.4	6.0	5.6				
Midsession budget review (July 15, 1982)	7.5	7.3	6.6	6.2	5.8	5.5				
1983 budget (Feb. 8, 1982)	7.6	8.9	7.9	7.1	6.4	5.8				
Midsession review of budget (July 30, 1982)	7.6	9.2	8.4	7.6	7.2	7.0				
Department of Commerce (Bureau of Economic Analysis, Nov. 4, 1982):										
Base estimate	7.6	9.6	9.4	8.2	7.4	6.8	6.3	6.1	5.9	5.8
Pessimistic estimate	7.6	9.6	9.3	7.8	6.8	7.7	10.2	9.0	8.4	8.6

INTEREST RATES AS PROJECTED BY THE REAGAN ADMINISTRATION

[3-mo. Treasury bill rates]

	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990
A program for economic recovery (issued by the White House, Feb. 18, 1981)	11.1	8.9	7.8	7.0	6.0	5.6				
Midsession budget review (July 15, 1981)	13.6	10.5	7.5	6.8	6.0	5.5				
1983 budget (Feb. 8, 1982)	14.1	11.7	10.5	9.5	8.5	7.0				
Midsession budget review (July 30, 1982)	14.1	12.0	10.7	8.8	6.9	6.2				
Commerce Department (Bureau of Economic Analysis, Nov. 4, 1982):										
Base estimate	[1] 14.1	10.8	9.1	10.2	11.0	10.8	10.6	10.4	9.8	8.6
Pessimistic estimate	[1] 14.1	10.8	9.2	10.7	11.5	10.0	7.8	8.4	9.0	8.8

[1] Actual.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Senator from New York for his remarks.

ORDERS FOR TUESDAY

Mr. BAKER. Mr. President, I should like to put two unanimous-consent requests now which I have discussed with the minority leader and which I have discussed with the distinguished Senator from Ohio as well.

The first is this: Mr. President, I ask unanimous consent that when the Senate convenes on Tuesday, November 30, 1982, the reading of the Journal be dispensed with, no resolutions come over under the rule, no call of the calendar take place and that after the time allocated to the two leaders there be a period for the transaction of routine morning business for not to exceed 60 minutes, with Senators permitted to speak therein for not more than 5 minutes each.

Mr. President, before the Chair acts, I should advise my colleagues that if this is granted, it will be my intention to move to adjourn the Senate at the appropriate time.

The net effect of this will be to preserve in status quo the situation as we find it today in respect to S. 995. I believe it does not grant nor diminish any rights that any Senator may have under the circumstances. I hope my colleagues will find that request agreeable.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I will not object. I thank the majority leader for arranging for the motion to be made on tomorrow rather than today, which he and I have discussed. While I think there is no question but that if the majority wished to run out the time beyond the next hour, we could do that, by virtue of the parliamentary inquiries which I made. But that is not our intent.

The majority leader made a commitment to take up the matter today, and at my request and at the request of at least one or two Senators on this side of the aisle that it be put over until tomorrow, he acceded to that request; and this puts him into a very difficult position, and I am not going to take advantage of that position. He has been exceedingly kind and courteous and understanding in dealing with me and my colleagues, and in this instance I would prefer that we agree to the request which answers in part the problems that existed on my side of the aisle, and I hope it answers the problems he was confronted with on his side.

I have no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. I thank my friend, the minority leader.

There were at least two, possibly three, other ways we could have dealt with this; and, frankly, none of them was as accommodating to Members as this one.

VETO MESSAGE ON S. 2577

Mr. BAKER. Mr. President, as I indicated earlier, there is a veto message on the desk on S. 2577, which has been laid aside until not later than the course of this day. Since it is constitutionally privileged, I should like to put an additional unanimous-consent request.

I ask unanimous consent that the veto message on S. 2577 be laid aside until the majority leader, after consultation with the minority leader, requests that it again be laid before the Senate.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I ask the majority leader if he would add a time limit on that. I want to be sure that I have an opportunity to talk with at least one of my colleagues.

Mr. BAKER. Not beyond the close of business tomorrow.

Mr. ROBERT C. BYRD. That will be fine.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished majority leader yield to me?

Mr. BAKER. I yield the floor.

ORDER FOR ADJOURNMENT

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the order just entered be amended to provide that the Senate reconvene tomorrow at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the standing order on tomorrow, two Senators be recognized on special orders for not to exceed 15 minutes each: the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Michigan (Mr. LEVIN), in that order.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Later the following occurred:)

Mr. BAKER. Mr. President, I ask unanimous consent that in addition to the two special orders previously provided for on tomorrow, the distinguished Senator from Georgia (Mr. MATTINGLY) be recognized, in sequence, on a special order for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR ERVIN ON CONGRESSIONAL CONTROL OF FEDERAL COURT JURISDICTION

Mr. HELMS. Mr. President, the December issue of the American Bar Association Journal includes an outstanding article by the Honorable Sam J. Ervin, Jr., concerning judicial abuses of power and available congressional remedies. As I have pointed out many times on this Senate floor, Senator Ervin fully supports congressional withdrawal of jurisdiction as a means of reining in out-of-control Federal judges.

Although some have labeled such legislation "court-stripping" and decried it as some kind of unconstitutional measure which will cause the pillars of Federal justice to come tumbling down, Senator Ervin, with his vast understanding of American history and constitutional law, knows better. He maintains that withdrawal-of-jurisdiction legislation is vital to curbing "tyranny on the bench."

Needless to say, I am in complete agreement with Senator Ervin and intend to support legislative efforts to restore the integrity of the Constitution.

Mr. President, I commend Senator Ervin's article to my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PERSONAL VIEWPOINT—THE CONSTITUTIONAL POWER OF CONGRESS OVER FEDERAL COURTS

(By Sam J. Ervin, Jr.)

The provisions of Articles I and III of the United States Constitution clearly reveal that Congress has the legislative power to define, limit, or curtail the appellate jurisdiction of the Supreme Court and the jurisdiction of the federal courts inferior to it.

The Constitution is the most precious instrument of Government ever devised by the experience and wisdom of man. The Founding Fathers drafted and ratified it to secure to Americans the power of self-rule and freedom from governmental tyranny, whether legislative, executive, or judicial.

They realized, however, that men are fallible beings and that none of them can be safely trusted with unlimited power. To this end, they vested in the Supreme Court the power to interpret the Constitution and thereby gave it the power to confine Congress, the president, and the states to their allotted constitutional spheres.

They undertook to make Supreme Court justices faithful to the Constitution by making it the supreme law of the land and by requiring them as well as all other federal and state officers to be "bound by oath or affirmation to support it." They also undertook to make Supreme Court justices independent of all things on earth except the Constitution itself by decreeing in Article III, Section 1, that "the judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office."

Notwithstanding these provisions, two members of the Constitutional Convention of 1787, Elbridge Gerry of Massachusetts and George Mason of Virginia, opposed ratification of the Constitution by the states because it contained no provision sufficient to compel activist Supreme Court justices to obey their oaths or affirmations to support the Constitution or to prevent them from substituting their personal notions for constitutional precepts, while pretending to interpret it.

I do not favor Congress's limiting the jurisdiction of federal courts to adjudicate cases in which they have manifested their devotion to the Constitution. I nevertheless rejoice because the Founding Fathers reposed in Congress the power to define, limit, or curtail the appellate jurisdiction of the Supreme Court and the jurisdiction of the federal courts inferior to it. The reason for my rejoicing is simple. I abhor judicial usurpation and deem tyranny on the bench as reprehensible as tyranny on the throne. The constitutional power of Congress to define, limit, or curtail the jurisdiction of these courts is in reality the only means in the Constitution whereby activist Supreme Court justices can be denied the autocratic power to make themselves America's supreme dictators.

Judicial activists are judges who interpret the Constitution to mean what it would have said if they, instead of the Founding Fathers, had written it. The moral inhibition of their oaths or affirmations to support the Constitution has not sufficed to restrain them. Life tenure and undiminishable compensation do not render then immune to the temptation to make themselves independent of the Constitution.

Alexander Hamilton asserts in the Federalist No. 79 that Supreme Court justices "are liable to be impeached for mal-conduct" by Congress and declares in the Federalist No. 81 that "this is alone a complete security" against judicial activism. I express no opinion respecting the validity of Hamilton's view that judicial activism constitutes an impeachable offense. It is to be noted, however, that this possibility, if it exists, has had no deterrent effect on judicial activism. Moreover, impeachment is a cumbersome process and cannot be made effective without the concurrence of two thirds of the members of the Senate.

The constitutional power of Congress to define, limit, or curtail the appellate jurisdiction of the Supreme Court and the jurisdiction of the federal courts inferior to it is exercisable, however, by a bare majority of the houses of Congress. Members of Congress who revere the Constitution are likely to demand that this power be exercised with frequency in the future if activist Supreme Court justices do not stop substituting their personal notions for constitutional precepts, while pretending to interpret the Constitution.

The tragic truth is that judicial activism has run riot among Supreme Court justices during recent years. They have belittled the role of the states in the federal system of government ordained by the Constitution. They have ignored the fact that society and the victims of crime are as much entitled to justice as the accused, and in consequence have impaired the capacity of federal and state courts to protect the people from criminals. They have nullified basic principles of the Constitution and substituted their personal notions for them in cases having racial overtones. And they have arrogated to themselves the autocratic power to prescribe qualifications for voting in elections and to supervise these elections in defiance of provisions of the Constitution that expressly deny them and the federal government this power.

It is high time for activist Supreme Court justices to realize that the Constitution of the United States belongs to the people of America and not to them, and that their supreme obligation to our country is to obey their oaths or affirmations to support the most precious instrument of government ever devised by human experience and wisdom.

PRIVATE EFFORTS TO HELP THE POOR

Mr. HELMS. Mr. President, so often when the needs of low-income citizens are discussed, we hear an implicit—or even explicit—argument that only the Government can provide the needed assistance.

Yet, while Government assistance has been growing dramatically, a major component of assistance to those in need has been—and continues to be—provided by private individuals and organizations.

Mr. President, my colleagues may be interested in one such private initiative. A relatively new organization, the STEP Foundation, is taking an increasingly active role in helping the poor. "STEP" stands for "Strategies To Elevate People."

The STEP Foundation is concentrating on working through local churches to reach poor Americans. The organization is unique in its dual focus on helping the poor both physically and spiritually.

Mr. President, I commend to the consideration of Senators and others an exceptional speech delivered by Dr. Francis A. Schaeffer, one of the most influential and respected Christian leaders of our time, to the STEP Foundation in Dallas, Tex., on September 24, and I ask unanimous consent that the text of the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH GIVEN TO STEP FOUNDATION (STRATEGIES TO ELEVATE PEOPLE) AT DALLAS, TEX., SEPTEMBER 24, 1982

(BY FRANCIS A. SCHAEFFER)

PRINCIPLE AND PRACTICE

My theme for this evening is "Principles and Practice." I am sure there is no one in this room that does not know that STEP means Strategies to Elevate People.

First, what are the basic principles involved if we indeed are going to elevate people?

No. 1, Why are people worth elevating?

The answer is because of who all people are. People, all people are made in the image of God. That is who all people are. And all people have a common ancestry, through Adam and Eve, then through Noah. Therefore, all people are my kind, and all people are worth elevating because they are made in the image of God.

No. 2, Why do they need elevating?

There are many immediate reasons why people need elevating, but all people need elevating for the same reason. Each of us in this room needs elevating—in different ways, but all with needs of being elevated. This is because of the same reason that one day we are all going to die unless Jesus comes back first. The reason is because all is abnormal now, because Man has revolted against the living God who made us.

God has made us in His own image, but Man has revolted against Him, and so as things are now, things are abnormal. But God did not make them that way. Things are not now the way they should be. Things in history are not what God meant them to be.

No. 3, In this setting Christ came and died.

For what? To overcome all the effects of the abnormality.

How? By a substitutionary death upon the cross back there in space-time history.

When is to be the overcoming? First, so that at once our guilt can be gone when we accept his person as the second person of the Trinity, and accept his substitutionary death for "me", personally.

But second, all these things that are abnormal are going to be removed in a perfect restoration of all things when Christ re-

turns. Peter said in Acts 3:20,21, right after Christ died, rose, was glorified, and ascended to heaven: "He (Christ) must remain in heaven until the time comes for God to restore everything." I don't know what that does to you, but if you understand it turns your life right over.

Jesus is remaining in heaven until the time comes when He is coming back to restore everything. So when Christ returns all the things that are abnormal are to be restored.

No. 4, And what is the Christian's job until Christ comes?

To bring substantial restoration in every area to which Christ will bring perfect restoration when He returns. Every substantial healing we Christians can bring now is a part of Christ's Good News.

No. 5, In that setting, what was the early Church like?

It had two orthodoxies: The orthodoxy of doctrine, and the orthodoxy of community. It had both orthodoxies. This was the secret (not underestimating the work of the Holy Spirit) why in one generation, in the midst of the Greek and Roman world, and in the midst of the Roman occupation, the Church spread from India all the way to Spain—in one generation.

No. 6, And what did that community consist of?

The caring for each other in the whole spectrum of life—including the material things of life. The Book of Acts says, "So there was no needy person among them." It was not theoretical. In those early days of the church, there was no needy person among them. This was their community—caring for each other in the whole of life, including the material needs. Not only the material needs, mind you, but including the material needs.

No. 7, And did this only operate in their own local congregations?

The answer is no. In those days there was as much racial prejudice as in our own day. First was the Jews' prejudice against the non-Jews. The Jews called the non-Jews, "goy," dogs. There was a tremendous anti-Gentilism in the midst of the early Church. They did not want to give the gospel to the Gentiles.

But first with Peter and Cornelius, and then in the church at Antioch, the grace of God broke through, and the Jews gave the Gentiles the gospel. That was the grace of God breaking through. So the church at Antioch had Jews and Gentiles, slaves, and a man at the very top of the social pile, Herod's foster brother, and also a man called Niger, who almost certainly was a black. This was the church in Antioch.

And then, once the Gentiles became Christians, all the anti-Jewish attitudes on the part of the Gentiles would still be there as a problem. But the grace of God operated here also. The proud Macedonians, who would never forget that they were the heirs of Alexander the Great, when they became Christians took a material offering and sent it to the poor Christian Jews all the way in far-off Israel. Such is the true grace of God.

In the writings of Paul there is some writing of Christians giving money so that Paul did not always have to make tents for his living—that he could more easily carry on preaching the gospel without hindrance. And we must say very strongly, none of us, none of us, give as we should give for the purpose of what we today call "missionary giving." None of us give enough.

But most of the admonition, in Paul's Epistles in regard to money, was for Christians to have community with other Christians near and far in helping with their material needs.

You go through the Epistles again. You will be amazed how strenuously this is the case.

There is no tension here: Giving to "missionary work," and giving to help our brothers and sisters in Christ with their material needs is all part of the substantial healing we are to bring in this abnormal world. It is all part of the Good News for which Christ died.

And then beyond our brothers and sisters in Christ in the broken world, are those, who, according to Christ, are my neighbors.

No. 8, and the motivation for all this is love.

First, love for the living God who made all people in His own image. And love for Christ who died that we might have the results of his death, both after death and now. Thinking first of all, after death—that is, when we die that we will not be separated from God as we justly deserve, but on the basis of the death of Christ, rather than being separated from God we are immediately with him.

And then secondly, one day when Christ returns, having the abnormality of physical death finally overcome. Having the uniting of our bodies, raised from the dead, and our souls—the whole person, united, as God meant people to be, a unity and not divided.

Yes, we have both of these things to thank Christ for. First of all, for when we die not being separated from Christ, and secondly, looking forward to that day when the last enemy, death, physical death, will be destroyed.

But also we must remember there is a present overwhelming gift Christ has given us based upon his death, for which we should be thankful, not just theoretically, but in practice. This gift he has given us and which anyone who knows today's thinking understands more profoundly than your grandfathers and grandmothers would—the gift he has given us in this present life is meaning, instead of meaninglessness. It is purpose instead of a life without purpose, the way the young people, and older ones too, around us live. He died that in the present life we would have both meaning and purpose. And in the present life that we would have absolute values rather than being caught in sheer relativity; and that in the present life we have a fixed basis for law.

All this should cause us to love Jesus Christ.

The first motivation, then, is to love our brothers and sisters in Christ, and others as our neighbors. There is to love and compassion because these are all my kind. I want to repeat that. Every human being, unborn and born; black, white, red, every color that exists—these are all my kind. They are not strangers. They are not different from myself basically. They are all my kind, and I am commanded to have love toward them.

They need the gospel. We must never forget that. People are lost until they accept Christ as Savior. But they also have a thousand other needs in the midst of this abnormal world.

This, then, is the principle, and we are unfaithful servants if we do not live this way in principle and in practice.

No. 9, and the Bible-believing church has not been faithful to this. It simply has not been faithful.

There has been little emphasis upon the compassionate use of accumulated wealth. A compassionate use of accumulated wealth means first of all how we make our money—whether or not we make it with justice—and then how we use it after we have made it. A compassionate use of wealth has both elements involved.

No. 10, because of this lack of emphasis on the compassionate use of accumulated wealth, there has come forth in our day a group of Christians who react to this, let the pendulum swing too far and confuse the Kingdom of God with the socialistic program. But you must understand why they have come forth. It is because of the lack of the proper emphasis in the church in days that have gone by.

Now, this confusing the Kingdom of God with the socialistic program really is a very wide spectrum—all the way from the liberation theology in South America, much of which is Marxist, and much which believes in the perfectability of Man, to those who do not make this sad error but who nevertheless act and teach as though all accumulated wealth is wrong and un-Christian.

They are wrong, and the Old Testament and the New Testament both teach the right of private property. But—but the Bible always adds that with the right of private property there must be a compassionate use of it. The two things are always joined. The two—the right of private property and the compassionate use of it—are never separated in the Bible.

I would repeat. These ten points I have given you is the principle, and we are unfaithful servants if we do not practice them. And we must always remember, Christ had something to say about treasures on earth and treasures in heaven.

This I would say is the principle. And now the practice. Having spoken to the principle, let us now look at the practice of that principle, or those principles.

There will be different practices in different places and time, under the leadership of the Holy Spirit. As in all things, it must not be just a stereotype formula. There will be differences under the leadership of the Holy Spirit. But it is Biblical that there is to be an orderly practice of Biblical principles. As an example in Acts 6:1 it speaks of "the daily distribution of food" for the widows and for others. It is an orderly practice which is called for by the principle, and not just an abstract stating of the principle.

As I read over the STEP manual while I was still in Switzerland, I was most impressed by it. STEP has a plan for the practice of the principle which is remarkably practical and spiritual for our day and for our country. I believe that though it will certainly be modified in detail through experience as time goes on, yet that which is in the manual is truly a remarkable, practical layout for the practice of the God-given principles.

I was—and I am—deeply impressed with what is set forth in that manual. Of course, it must be used with care. It must be used not in the flesh, but looking to Christ for his strength and his wisdom day by day. And it must be used with much prayer. There is nothing that will kill things as quickly as thinking that a strategy as a strategy is sufficient in itself without looking to God daily for wisdom and for strength, and surrounding the thing with serious prayer.

Evangelicals tend to have many weaknesses because we too are a part of the fallen world, but one is certainly a great triumphalism. We love to grab a strategy. We love to grab an idea. And building up a

great triumphalism, built on strategies, built on the optimistic news we hear, we just rest on the strategy. If we do that, this dream that you have, this longing that you have, is dead. It must not be that. It must be the understanding that it must be in the power of God, it must be looking to Him daily, there must be leadership of the Lord in it. There must be a living prayer that surrounds it. There must be a willingness to really be under His leadership and not merely caught up in the mechanical framework of even a good strategy.

Now, what is written on paper in the manual and what has been tried and is being tried in the pilot plants here in Dallas, in L.A., and in Denver, must be carried out in love across the whole country. This is really imperative for the needs of our day.

The reason for doing this is not so that we can make a great show. If it is that, we are dead before we begin. It is not because we now have a new church activity. We have lots of church activities. If this is only to give us one more program, one more activity, this is not the reason for stepping forth in faith in regard to your dreams in this matter.

And it is not to help President Reagan out of a tight place, though that is what some would try to say. It is not. Nor is it primarily to offset the spread of the confusion of the Kingdom of God and the socialistic program, though that must be done.

The reason to do it is only one, and that is because it is right. That is the reason to do it.

It is a part of the Good News. It is a part of the substantial healing we as Christians are to bring into this abnormal, broken, weeping, as well as lost world—but never forget, not only lost—weeping and broken world, until Christ returns.

We should be ashamed that the church has not been doing it all along, and we should ask forgiveness for the church's lack of doing so in the past. It is not something that is plucked out of the air. It is rooted in Scripture, and we should ask God's forgiveness that the Bible-believing church, the evangelical church, whatever name you apply to it, has not been doing this as it should have been in the past.

Now, therefore, let us step forth in faith to do it for the love of our God and the love of our brothers and sisters in Christ, and for the love of our neighbors.

And who will benefit the most from all this? We will be the ones who benefit from it the most, and our churches—both in this life and the life to come—because it is what pleases Christ who died for us and what He has commanded us to do. And one day, don't forget, we are going to see Him, and He is going to talk to us about all these things.

There are three things I would emphasize in the manual, or add to it, as the case may be.

One, there should be a special program laid out for having people spend time with the aged. There is no use talking about loving care if the aged are not cared for in the interplay in the individual church and then between the churches. And this care must not be just the giving of money, even when money is needed, but also time. Because even those who are aged with sufficient money can be very, very, very lonely. And love means the time to help them not be lonely.

Remember, what you have in your title and your choice of a name, and that is that it is people we are interested in. People as people are what we are to care for.

Second, as you are quite rightly stressing churches working together, I would emphasize that on some regular basis that there should be an exchange of pulpits, so that each congregation working together could come to know the other Bible-believing pastors face to face. This really, I think, is a very important and crucial thing.

Third, all the problems that your practice as set forth in the manual so wonderfully deals with cannot be solved merely with "throwing money at these problems." That has been the mistake of the government, to think they can solve all the social problems by throwing money at them. But if we think that all that is needed is to spread money around a bit, and the congregations that have a little bit more giving to those who have a little bit less (though that should certainly be there)—we are going to make the same mistake, and it will be just as great a failure. Just because it has the stamp "Christian" on it, if we think we can solve all the problems merely by throwing money at them, it will be as much a failure as the state has made.

We must be personally involved. You cannot merely designate others to be your surrogates. There should be an emphasis on whether these involved in this program ever have any of these other people into their own homes. I would ask you to think about that in both directions—all directions. Do we ever have these people, who are the "others," into our own homes?

I feel this is crucial if the thing is to be really alive, rather than just one more program, one more name. Of course, everyone must feel led of the Lord personally, but if we never have "some of the others" into our homes, I wonder if the barriers are not still there. I wonder if we really have the orthodoxy of community in practice.

Yes, with our battle for orthodoxy of doctrine—and we must fight for the orthodoxy of doctrine—with our battle for human life in regard to abortion, infanticide, and euthanasia of the aged, and the generally lowering of human life—and we must fight for that if we are to be faithful to the Scriptures—with the battle for those being persecuted because they are Christians in the Soviet bloc, and we must fight for that (to tone down on that is to deny everything Jesus had to say about visiting his people in prison)—this that we are talking about here tonight, this equally is a part of our duty and privilege. The practice of community over the whole spectrum of life, up to the care of the material needs of our brothers and sisters, and then to our neighbors, is a thing we must certainly be committed to in principle and in practice.

These must go together. We must recognize this, as we are talking about STEP, STEP—elevating people is really important.

WHO WILL END UP ON TOP WITH THE MX, DOVES OR HAWKS?

Mr. PROXMIRE. Mr. President, for several months before we recessed on October 1, I called to the attention of my colleagues in Congress some of the best evidence I could find of the prospects of a nuclear war, the forces moving this country and indeed the world closer to such an immense and tragic event, and what we can do to diminish those prospects. Since Congress adjourned on October 1, a series of events have transpired that have affected the outlook for a nuclear conflict. With the death of Brezhnev and the accession of Andropov as the U.S.S.R. leader, we face both a new danger and a new opportunity.

With the decision of President Reagan to ask Congress for the appropriations necessary to build the MX missile as a nuclear deterrent, we face a prompt decision on the direction this country should go in search of peace. Meanwhile, this fall, in some nine States, nuclear freeze referenda came before the voters for approval or disapproval. Eight times the freeze proponents won. Only once they lost. The margin of support for a negotiated, verifiable nuclear freeze appears now to be solid and decisive. The people of this democracy have gone on record on the nuclear arms race. They want their leadership to negotiate now to find an agreement with the Soviet Union to stop testing, development and production of nuclear weapons.

It appears that the administration disagrees that it should move in this direction. Now, of course, it is true that the President has called on Americans to support the negotiations now underway in Geneva, aimed at an agreement to cut back land-based missiles by one-third, but that Geneva negotiation proceeds without reference to any freeze or suspension of new nuclear initiatives. And does the administration favor moving ahead, testing, building additional nuclear capability? Yes, indeed. The MX missile which the President supports would in fact constitute a new—in the President's judgment—less vulnerable and more powerful buildup of our strategic nuclear forces, our land-based missiles, at the same time that we work at Geneva to find an agreement with the U.S.S.R. to reduce available land-based missiles.

If the Geneva negotiation should succeed, presumably this country would spend some $26 billion to construct 100 new missiles but then agree to cut back at the same time—net on our land-based missiles by one-third. So we would end up with a net reduction in the number of land-based missiles available. What then would be the net real result of the nuclear arms limitation negotations with the U.S.S.R. at Geneva if we include the MX? Would it not mean that we were negotiating with the U.S.S.R. to reduce the overall number of our land-based and their land-based missiles, but in a way that would permit us to increase the invulnerability and the accuracy and the reliability of the missile arsenal we had left? Is not that the obvious intention of this administration? In sheer numbers, we would end up with fewer missiles. This should make the doves happy. But in what really counts—the assurance of a killing power of retaliation—we would

strive to greatly step up our nuclear power. How do I know that? Because the new MX Densepack would presumably pose a more devastating threat to the U.S.S.R. than the land-based missiles we retire.

The situation is further complicated by the fact that many experts, including hawks who favor greater U.S. nuclear missile strength contend that the MX—accompanied by a big reduction of our other land-based missiles—would constitute a big risk that we could end up far weaker—not stronger—in retaliating power.

These critics argue that within a few years—Senator Jackson has said 4 years after we complete the MX—the U.S.S.R. could have in place a nuclear capability that could destroy that MX with a first strike.

So the MX development, at the very least, should confuse the hawks and the doves in ths country. Hawks who think the MX will work may have no problem with it. But those who believe it may not work or may not work for very long have a big problem with the MX. They may conclude that the MX, if accompanied by success at Geneva in achieving the Reagan aim to reduce our land-based missiles by a net of one-third from its status before we build the MX, would simply wipe out most of our land-based deterrent. This means the MX could bring us, if its critics are right, to a position the freeze could not aspire to achieve—that is, the effective elimination of our land-based deterrent. Of course—in all fairness—if it works, it would also reduce the U.S.S.R. land-based missiles, which is what the doves want. What irony—if the MX ends up as the doves' special weapon.

A LESSON FROM ANTIQUITY ON GENOCIDE

Mr. PROXMIRE. Mr. President, Rome's sacking of Carthage in 146 B.C. was the worst genocide in classical history. It is worth recalling the events that led up to this genocide, for, as the American thinker George Santayana has observed, those who forget the past are condemned to repeat it.

Cato was the best-known and most influential member of the Roman Senate in 150 B.C. When he was asked what policy Rome should adopt toward her long-standing enemy Carthage, he replied: "Delenda est Carthago," or "Carthage must be destroyed." He did not think Rome could live peacefully until after Carthage was exterminated.

Cato had reason to fear Carthage. Rome had engaged in two bitter wars with Carthage, both threatening to her survival: The First Punic War from 264 to 241 B.C. and the Second Punic War 20 years later. Rome triumphed in both wars, but paid dearly for her victories in terms of human lives and national resources.

After the Second Punic War, the Treaty of Zama was drawn up, by which Carthage surrendered her political independence to Rome. However, in 150 B.C., Carthage defended herself against an aggressive African king. This action was a technical violation of the treaty. It was also a perfect excuse for Rome to carry out Cato's wishes. To inspire fear of Carthage's proximity, Cato displayed a fresh fig tree in the Roman Senate, claiming it had been gathered in Carthage only 3 days earlier.

Rome declared war on Carthage. Alarmed, Carthage put herself at Rome's mercy by the formal act of "deditio," an ancient form of unconditional surrender. Rome used it to demand that Carthage give up all her arms, but assured the Carthaginians they would retain their freedom, land, and laws. The Carthaginians unsuspectingly surrendered their arms to Rome. This, however, was only the first stage in Rome's genocidal plot to destroy Carthage. The second order from the Roman consuls demanded that the people of Carthage evacuate their city so it could be utterly destroyed. The Carthaginians then realized the diabolical Roman plot to annihilate Carthaginian civilization.

Carthage gallantly prepared itself to battle the coming Roman onslaught, but here efforts were futile. In the summer of 146 B.C., the Roman General Scipio blockaded the city. The Romans then broke into Carthage, and burned and pillaged for 6 days and nights. Every Carthaginian was either killed or taken into slavery. While the last flames still smoldered, a plow was driven over the ruins, salt was sown into the earth, and a curse was pronounced against Carthage ever rising again.

Mr. President, it would be reassuring to think that this kind of annihilation could not occur in this day and age. But we do not have the privilege of that reassurance. We know that an even worse genocide was committed only 40 years ago in the Western World. Mr. President. Let us learn a lesson from antiquity—and from our living memories—about the human horrors that result from genocidal hatred. Furthermore, let us act on our lessons, and do our best to prevent genocidal actions in the future. I call upon this Senate to ratify the Genocide Convention.

EDUCATION AND ECONOMIC PROGRESS

Mr. PROXMIRE. Mr. President, only 3 decades ago, Japan seemed to have little prospect of becoming a world economic power. Its industry had been devastated during the war; it had no natural resources; and it had a relatively large population to feed.

The Japanese were able to perform the economic miracle they did because they turned what could have been a liability—their population—into an asset. In an age of economic interdependence and technological advances, the Japanese have demonstrated that efficient managers and well-trained, productive workers may be the most valuable resource of all.

Mr. Leonard Silk, in a recent article in the New York Times, points out one reason why the Japanese population has become such an asset—a high-quality primary and secondary education system. Japanese students regularly score higher on science and mathematics tests than do the students of any other country. This education is the single most important factor in Japan's high productivity.

This reason for Japan's success is one lesson we should all learn. I am happy to report to my colleagues that Wisconsin has an extraordinarily beneficial system of voctional and technical schools. As a nation, however, we need to do a better job of scientific and technical education and to do so quickly. Our future prosperity will depend on our success.

Mr. President, I ask unanimous consent that the New York Times article, entitled, "A Lesson From Japan," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, November 17, 1982]

ECONOMIC SCENE—A LESSON FROM JAPAN

(By Leonard Silk)

Why has productivity been growing so much more slowly in the United States than in Japan? A new study conducted by the New York Stock Exchange under the direction of its chief economist, William Freund, finds that the fundamental answer is to be found in the Japanese educational system.

To disabuse anyone of the notion that it has fallen victim to the current fad of overpraising the Japanese and neglecting their faults, the stock exchange study starts with some sharp criticisms of Japanese ways, including these:

Japan discriminates against women. In the service industries, the study says, three women may be employed—at low wages—in a job that one could perform.

Japan discriminates against its Korean minority, who are usually denied citizenship and are shut out of most good job opportunities.

Japan imposes mandatory retirement on non-managerial employees at age 55 to 60, though most of them are well able to continue working.

Japan offers no opportunity for lateral movement from one "core" company to another, unless the employee is willing to take a job with a company on the periphery.

However, the study says, the Japanese more than offset such faults by devoting greater attention to the development of human resources. And it finds that the

single most important factor in Japan's extraordinary high productivity—more important than quality circles, techniques of management or the partnership between business and government—is the high quality of Japanese primary and secondary education.

International surveys show that, in both mathematics and science, the average scores of Japanese youngsters are higher than those of any other country—much higher than in the United States.

An American educator, Thomas P. Rohlen, finds that the great accomplishment of Japanese primary and secondary education lies not in its creation of a brilliant elite but in producing a high average level of capability in its graduates. "The profoundly impressive fact," he writes, "is that it is shaping a whole population, workers as well as managers, to a standard inconceivable in the United States."

William M. Batten, chairman of the New York Stock Exchange, says the purpose of the exchange's study is "trying to raise the awareness of American business leaders of their stake in improving primary and secondary education."

He contends that the need for greater business involvement in the schools has become acute. Some companies are already involved in "adopt-a-school" programs either in their own areas or farther afield.

The stock exchange study suggests that more companies should look for places where students have poor mathematics skills and provide tutoring for them. It also suggests that businesses working with educators, could help with curriculum development, providing the funds and the expertise for creating special materials for students with reading or other problems. Many students could also be helped to gain experience with computers and word processors.

Years ago the British economist, Alfred Marshall said, "The most valuable of all capital is that invested in human beings." The exchange study concludes: "We must understand that schooling is a long-term investment in human capital and that productivity suffers when that investment is neglected. The disturbing fact is that, even if we were to reverse that neglect tomorrow, we may spend years before we overcome its legacy."

The stock exchange study has put its heaviest stress on what business can do in working with the schools. But it seems highly unlikely that business can do the job, or pay for the job, on its own. Probably the most important thing business people can do is to give strong political support to education, working with other groups and with government at the local, state and Federal levels.

The education and productivity problem is a national one. If Americans are to benefit from the Japanese experience, they might note the message of a former American Ambassador to Japan, Edwin O. Reischauer. Nothing, he said, is "more central in Japanese society or more basic to Japan's success than is its educational system."

HIGH INTEREST RATES

Mr. HARRY F. BYRD, JR. Mr. President, first I wish to mention that there seems to be a bipartisan endeavor in Congress, judging by comments here in the Chamber today and on television yesterday, to put the blame on the Federal Reserve Board for high interest rates and to rely almost entirely on the Federal Reserve Board to bring down interest rates.

As a politician I regard that as good politics. But that is not going to solve our problems.

Congress cannot wash its hands and tell the Federal Reserve Board to clean up the mess that Congress itself has made over a period of years.

Both the Republican leader of the Senate and the distinguished Democratic Senator from New York have asserted, one on television yesterday, and one in the Chamber today, that this country will be faced for a good many years with deficits well exceeding $100 billion.

Yet I do not find any voices raised to suggest constructive steps to eliminate those deficits.

Both the Democrats and Republicans seem to have accepted these deficits as a matter of course.

I realize I speak as a minority. For 17 years I have been in the minority on this question of Government spending, but I am convinced that my position is a sound one and I am convinced that sooner or later Congress, not the Federal Reserve Board, but Congress must face its own reckless spending. It must curb its appetite to spend. It must eliminate these deficits.

Regardless of what the so-called experts say, we are not going to get interest rates down on a permanent basis until the Government itself gets back on a sound basis.

I am discouraged by comments on television yesterday, and I am discouraged further by the comments in the Senate today.

ANWAR SADAT

Mr. HARRY F. BYRD, JR. Mr. President, on October 13 at the White House, the American Friendship Medal of the Freedoms Foundation at Valley Forge was presented posthumously to Anwar Sadat.

The presentation was made by First Lady Nancy Reagan to Jihan Sadat, widow of the slain president of Egypt. It was a moving ceremony.

I know of no man or woman in any nation more deserving of the American Friendship Medal than Anwar Sadat. I had the great privilege of talking at length with President Sadat, both at his home in Egypt and in Washington, on several occasions.

I became convinced that his was a totally sincere dedication to peace and stability in the Middle East. His death was a blow to the cause of regional peace in that troubled part of the world, and those who come after him will long have cause to lament his passing and at the same time to pay tribute to his accomplishments.

Anwar Sadat was a true friend of the United States, and he shared our national goal of a just and lasting peace in the Middle East.

Mr. President, those who took part in the ceremony at the White House on October 13 made sincere and eloquent statements saluting the achievements of President Sadat. I ask unanimous consent that the text of the remarks made on that occasion be printed at this point in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

PRESENTATION OF AMERICAN FRIENDSHIP MEDAL TO ANWAR SADAT (POSTHUMOUS)

Dr. MILLER. Ladies and Gentlemen, please be seated.

Mrs. Reagan, Madame Sadat, I am Bob Miller, president of Freedoms Foundation. The Board of Directors and the Council of Trustees of this institution are indeed proud and honored to be able to present the American Friendship Medal posthumously to President Anwar Sadat, a world leader admired by all people in the free world everywhere for his courage and his tremendous dedication and commitment to the cause of peace.

Madame Sadat, just let me tell you just very briefly a little bit about the institution that is presenting the award to you today. You know a great deal about us because you are long time friends of our Chairman Frank Gard Jameson and his lovely wife Mrs. Jameson, known to all of us and loved as Eva Gabor. Won't you two stand up please.

Eva Gabor really summarizes what Freedoms Foundation is all about. I have heard her say this a number of times and I hope you won't object if I repeat what I have heard you say. She comes from Hungary as you know, a country that does not enjoy freedom and I have heard her say that we Americans take freedom for granted and that if we lose freedom in the United States there is no other place to go, because there is no other place and she reminds us of the precious commodity that freedom really is. And that is what Freedoms Foundation is all about. We are an institution dedicated to training young people primarily in an understanding of our heritage and motivating citizen responsibility. We are now 32 years old. Former President Dwight David Eisenhower was our Chairman for 20 years, from our inception in 1949 until his death. President Reagan has been a trustee since 1965 and Honorary Chairman, of course, since he became President of the United States.

While we are known for the awards that we give as we are today, basically we are an educational institution, totally non-partisan and non-profit and non-sectarian. President Reagan is Honorary Chairman; former Senator Hubert Humphrey was a trustee, so we are indeed non-partisan. Basically our role is to teach young people about America and our citizenship and the opportunities therein and motivate their responsibilities. We have a 105 acre campus at Valley Forge that we use to teach teachers in graduate level seminars about how to teach heritage and private enterprise system and American values. We have had over 7,000 now from all 50 states go through these programs. Our newest program is for high school juniors that we bring back to Valley Forge in groups of 60 at a time for leadership workshops. We have had over 9,000 of them now from all 50 states. We have 41 chapters in 20 states from Honolulu to Boston that carry out the work at the grassroots level.

But today we are here to present a Freedoms Foundation award and we are indeed honored and privileged to have the First Lady of the United States, the wife of our Honorary Chariman, present that award on behalf of Freedoms Foundation at Valley Forge.—Mrs. Reagan.

Mrs. REAGAN. Since we have been here I can't remember ever wanting to extend a warmer welcome to anybody than Mrs. Sadat. Jihan, I am sure you do feel the warm glow from your many friends and admirers after that. Although your pain has been very personal, we too still feel the loss of your husband.

You know a philosopher said of a friend who had died many years before, "He shines before us like a comet disappearing, mixing infinite light with his own light." Well, we still see the light of President Sadat. He still shines on our hearts and his courage will shine in history. No award could be more fitting than the Freedoms Foundation posthumous American Friendship Medal to President Sadat. In a world that is filled with hatred it seems, he was a man of hope; in a world trapped by animosities of the past, he was a man of foresight. Yet, through this great visions and charity sparkled a personal kindness and graciousness and he truly captured the hearts of the American people.

Let me read to you the inscription on the award, for I think that President Sadat would be truly pleased by these words and I can almost see his wonderful warm smile: "To Anwar Sadat—for his courage and perseverance in the cause of peace; for his bold leadership and talent to achieve a peace no one dared to imagine; and for his example to all who would serve the cause of peace and freedom".

Jihan, please accept this with America's love and deepest respect.

JIHAN SADAT. Mrs. Reagan, Ladies and Gentlemen, Directors and representatives of the Freedoms Foundation. This is a solemn and deeply moving occasion for me. I stand before you to receive the American Friendship Medal on behalf of my husband, Anwar Sadat. I'm sensible of the fact that you wish as I wish to honor the memory of a great political leader who was not blinded by power to the true vocation of mankind on this earth. He had the courage and the spiritual strength of decision to see the world under God as a place of suffering and tribulation which can only be redeemed by love and dedication to peace and justice. My husband, had he lived, would have been here today to tell you how deeply touched he would have been by your gesture of appreciation and respect.

History has shown that he was among the few who had the courage and breadth of vision which animated the great decisions of his life. As a peasant child, he had known the want and cruelty of an unjust social system, and he made the cause of human dignity the basic principle of his national struggle. As a political freedom fighter, he had known the bitterness of being a fugitive and exiled in his own country, and he made the cause of social justice, political freedom and the role of law the very foundation of our young republic's institutions. As an officer in the armed forces, he had known the horrors of war but he saw his way to the difficult decision to wage a war of liberation and to win back the honor of his country. As a great political leader, he had known the magic of power and success, but he decided to tread the lonely path of peace and reconciliation. Underlying these major decisions was an inner belief in the sanctity of human freedom and the dignity of man under the Creator of the universe.

Profoundly religious, Anwar Sadat had a vision of the world as a place ultimately dedicated to the fulfilling of God's purpose. He believed with every fiber in his body that man was placed on earth to accomplish a noble design of justice and progress before the inevitable hour of his life. For him life and death were not the mere swinging movement of brute existence. There was a chance offered by God to his most beloved creatures to echo the call of divine love in those institutions which would make the world a better and kinder place for posterity. He was not unaware of the violence and evil in man's heart, but he felt that sometimes individual acts of love were more often collective efforts towards peace and reconciliation stood a very good chance of success. He was committed to the conviction that negotiation could disarm the madness of conflict; that compromise could neutralize the arrogance of anger; that love could conquer hatred and that kindness would yet prevail in the councils of men.

These ideas were constantly reflected in every action which he undertook. They were in his heart and mind when he endowed his country with the institutions which would insure democracy and the role of law after the hardship of revolution. They were in his heart and mind when he launched the greatest campaign Egypt had ever known to build new cities, create new jobs and make the desert bloom in order to provide a higher standard of living for our growing population. They were in his heart and mind when he undertook to reconstruct the bridges of friendship, understanding and cooperation between the United States and Egypt. Working closely with four American presidents whom he always, regarded as dear friends, Sadat spared no effort to reach this goal. They were in his heart and mind when he undertook his historic journey to Jerusalem. As I myself lived beside him—bringing up our children, working hard to pursue an academic career and devoting much of my energy to pilot schemes in rural development, women's rights and rehabilitation of the disabled—I was strengthened beyond measures by his commitment to humane ideals, his courage and his love.

May I, his wife, be permitted on this occasion to add my own expression of gratitude for the life and life-giving force and love of a very great and good man. Once more, thank you Mrs. Reagan, thank you ladies and gentlemen of Freedoms Foundation, and let me finally ask you to reaffirm in your own hearts your faith in the principles of freedom and love for which my husband died and which the people of Egypt and of America and many millions throughout the world are solemnly dedicated.

Thank you.

A POLICY FOR SOUTH AFRICA

Mr. HARRY F. BYRD, JR. Mr. President, in August of 1981, I spoke in the Senate about the need for a new policy toward South Africa by our Government. While I believe President Reagan has taken steps to promote a more cooperative relationship with that country, I feel now is an appropriate time to raise again this important issue.

Earlier this month, the International Monetary Fund approved an unprecedented $1.07 billion loan to South Africa. I believe the United States was correct in supporting this loan, and I am encouraged by this sign of improved relations.

But there are still those who would treat South Africa as an outcast among nations and cut if off from commerce and communication with the free world. That, I believe, would be a disaster.

At the outset of these remarks, I wish to make it clear that I do not personally agree with the apartheid policy of South Africa; I wish that this racial situation did not exist in that country. But undesirable political situations do exist in many countries. Because such situations do exist does not mean that we should cut ourselves off from such countries.

The real issue now is: How can we best live within existing conditions, while we encourage those in power in South Africa as well as other countries to work for improved conditions for their citizens?

South Africa is friendly to the United States—and supportive. South Africa is also of great importance to the United States and to the Western World. The Western nations need to remember this.

Mr. President, I suggest to the Senate that it is imperative not only for the United States but for all of Southern Africa and, indeed, all of the free world, to have a strong and viable government in South Africa. That is precisely the situation that exists there now, with these results:

South Africa is the dominant trade partner with neighboring southern African countries, many of which are dependent upon it for their very existence.

Its transportation systems—highways, railways, seaports and equipment—all are used heavily by nearby countries. In some cases, South African transport is their only outlet; in others, it is their most efficient. Without it, many neighboring countries would have no trade with the outside world; others would find their export-import activity substantially reduced.

In 1980, the latest year for which we have complete records, South Africa's exports to neighboring countries reached an all-time high, up about 50 percent from the year before. And in another recent year, an estimated 73 percent of the machinery and spare parts, 55 percent of the chemicals, 89 percent of the plastics and rubber products, and 75 percent of the transport equipment imported by southern African countries came from South Africa.

South Africa provides more food to southern African countries than all other nations, and it is the only major

food exporter on the entire continent. Without that contribution, famine in the area would rise significantly.

South Africa presently supplies electricity to several neighboring states, while others are negotiating similar arrangements. South Africa also has been a customer of electric current from Mozambique's Cabora Bassa hydroelectric dam.

South Africa is a major supplier of refined oil to five of its neighbors.

South Africa has substantial ongoing capital investments in all of the southern African countries except Angola and Tanzania.

South Africa is a major supplier of aid funds to its neighbors, $200 million for development aid and technical assistance in the region during 1980. This money, according to a study funded by the Rockefeller Foundation, went primarily into soil conservation, health, and medical services, famine relief and veterinary science.

South Africa produces 86 percent of the steel, generates 50 percent of the electric power, has 43 percent of the registered vehicles and 42 percent of the telephones on the continent. It employs an estimated 200,000 migrant workers from all of its neighbors excluding Zambia. Its own citizens have the highest per capita income and longest life expectancy of any nation on the continent.

So we can see that not only South Africa's own people, but also the people of Namibia, Zimbabwe, Zaire, Zambia, and other countries would feel the effects of any action to reduce the viability of that government. The lifestyles and even the lifespans of countless Africans would suffer.

Mr. President, there are other reasons why we should take a strong position on the side of stability in South Africa. First and foremost, progress and consistency there is good for the United States of America and all the industrialized nations of the world.

Because it is good, absolutely essential in fact, for the United States and other industrialized nations, stability in South Africa is also good—and essential—for Third World countries that trade with industrialized nations. It is through trade—trade between nations—that hope for the Third World lies. Let us not forget that.

I said a moment ago that South Africa first and foremost is important for the United States. Let me expand on that point.

The Government of South Africa believes in the concept of free enterprise, in bargaining in the marketplace. For reasonable return, South Africa will sell its raw materials to those who will pay the market rate.

Among the materials of which South Africa has major reserves, there are many needed by high technical industry—chromium, manganese, platinum, vanadium, gold, diamonds, and many more. Key minerals are found in much of southern Africa, but the treasure chest is clearly the Union of South Africa.

Let us look in some detail at one of these minerals—chromium—as an illustration.

Chromate may be found in three different grades: metallurgical, chemical, and refractory. Different grades contain varying proportions of chromic oxide, have different chromium to iron ratios and have different physical characteristics. Refractory grade chromite also contains aluminum and silicon dioxide.

Metallurgical grade chromite contains the highest concentration of chromium. It also contains a high ratio of chrome to iron, desirable in the production of ferrochromium used in the production of stainless and specialty steels.

Chemical grade chromite has a lower chromium content and is fine in consistency. It is used primarily in the chemical industry.

Refractory grade chromite has a low content of chromic oxide and a high concentration of aluminum oxide. A principal use of refractory grade is the production of bricks that line open hearth and electric steel furnaces.

Technological advances have tended in some instances to blend these grades together for certain uses. But world reserves are still identified in these three grades.

Stainless and specialty steels from chromite are unique in that no other material known can match their resistance to corrosion and heat at anything close to similar costs. Their resilience enable these steels to survive in hostile environments, including water, sun, chemicals, and high temperatures.

There are possible substitutes for chromium in steel, including nickel, molybdenum, cobalt, silicon, and aluminum. However, none of these minerals provide the same corrosion resistance. All are much more expensive, and none are easily obtained. Like chromium, we must import these materials as well.

We can identify chromite reserves in a dozen countries in the world today; however, only two major reserves can be depended upon to provide economically recoverable ores. These two are in South Africa and Zimbabwe.

I could go on and on about other nonfuel minerals if we had the time. Suffice it to say that recently we have imported 100 percent of our columbium, mica, strontium, and rutile titanium. We also import more than half of our supplies of some 30 other nonfuel minerals.

It is obvious, then, that we must import raw materials to maintain the standard of living we have established for ourselves. We are an island nation, and where certain minerals are concerned, a "have not" nation.

Many other industrialized nations, while increasing trade relations, are vocally condemning South Africa. The United Kingdom, West Germany, and France as part of the European Economic Community, have condemned apartheid "without reservation." However, commerce between the three and South Africa is on the increase.

EEC trade with South Africa is three times more than that of the United States with that nation. European banks, particularly West German and French, are very active in South Africa. Banks from these two nations placed an estimated $6 billion in South African enterprise during the last decade.

Japan also has taken an active role in the denunciation of South Africa. However, during the late 1970's, South African exports to Japan rose 85 percent in a 3-year period (to $1 billion) and imports from Japan rose 33 percent in this same timeframe (to $950 million). The first 6 months of 1980 showed that a 45-percent increase in trade between these two nations. Japanese banks have also made substantial investments in recent years.

Western nations and Japan will continue to increase trade with South Africa because of the location of raw materials. Furthermore, the economic dependency of surrounding states on South Africa is likely to grow rather than decrease.

So it is blatant hypocrisy for these nations to demand that the United States impose economic sanctions on South Africa when they, themselves, carry on a robust trade with that country.

Some 2,300 ships ply the waters around the Cape of Good Hope each month. These ships deliver about two-thirds of Western Europe's imported oil, and about three-fourths of the strategic raw materials used by these NATO countries.

But Western nations are not the only ones interested in South Africa. So too is the Soviet Union.

It is important to note that the U.S.S.R. can get most of the nine raw materials it imports by land; it depends on sea transport for only a small percentage. Also, there is reason to believe that the Soviets are stockpiling some essential materials.

Communist countries are closed societies, and we do not have precise information about the use of materials by the U.S.S.R. But we do know some facts, and they should be pondered.

Every effort is being made by the Soviet Union to attain mineral self-sufficiency. Economic cost is secondary. Because the economy is totally planned and controlled, consumption is allowed to rise only to the extent that production is increased. Consumer demands will not push the U.S.S.R. into reliance on imports.

In cases where the U.S.S.R. is a major exporter, trade, when possible, is channeled into hard currency.

The Soviets are clearly aware of the locations of minerals throughout the world, and they have taken political steps to be influential in those areas.

The world is aware that there are enormous concentrations of minerals in the U.S.S.R. However, there are indications that the Soviets are reducing extraction to some extent, particularly in Siberia. Western specialization comes up with these possible explanations: The trouble and expense of mining in permafrost; lack of capital to convert reserves into transferable ores; a reduction in the forced labor population; and intent to retain in-country known resources; and a desire to expand into the mineralized regions of the world.

Perhaps all these reasons have contributed to recent Soviet actions. We do not know. But we do know that as rapidly as colonial powers have moved away from southern Africa, the Soviets have moved in.

Now that neighboring Zimbabwe (formerly Rhodesia) has become a Marxist dictatorship, control of South Africa undoubtedly is a prime Russian objective.

I believe it is time for the free world to take a strong stand in support of progress and stability in South Africa, and we should take whatever actions are necessary to insure that South Africa does not fall into the Soviet orbit.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (MR. HAYAKAWA). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR BAKER COMMENDED ON TELEVISION APPEARANCE

Mr. PERCY. Mr. President, first I commend very highly the majority leader, Senator HOWARD BAKER, for a very distinguished appearance yesterday morning on television. He was his usual articulate self, and he laid out a program for Congress for this lame-duck session and talked about priorities that we have and was realistic and pragmatic. I think that the people of this country had an opportunity to see why we in the Senate on both sides of the aisle have such great confidence in the majority leader.

In fact, I think the programs yesterday were particularly illuminating.

I also noticed that Senator SCOOP JACKSON was on. We have not always agreed on every issue, but he has certainly laid out very carefully the reasoning that he has used in a very serious armaments program in which he is an acknowledged expert. We have a problem to wrestle with that is a very, very difficult one indeed, and that we will be facing up to.

One other problem that the majority leader mentioned involved the proposal to have an increased user charge on motor fuel. It will be no surprise to my colleagues that I fully support this. I have long felt as far as the 4-cent-a-gallon gasoline tax, which has been in effect since 1959 without change, when gasoline was at a fraction of its present cost, relatively speaking the percentage that that tax bears to the purchase price of gasoline has gone steadily down.

So has the maintenance of our highways, the condition of our bridges, which are unsafe, and certainly this is the time of all times to have a user's fee and to have the users of the highways have their feeling that they have the right to have their taxes go to work for them to see that the roads are safe, in good repair, to see that the bridges are made safe and are in good repair, and to see that mass transit is improved so that we can have a better transportation system in this country.

There is no better time to encourage the employment of several hundred thousand people and to put them to work than right now when we have an unacceptably high level of unemployment.

Mr. President, I ask unanimous consent that a letter I sent to the President, which letter is dated November 17, 1982, supporting this user charge on motor fuel be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., November 17, 1982.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I have read with interest and enthusiasm the recent press reports of your consideration of an increased user charge on motor fuel. I wish to take this opportunity to express my full support for this initiative.

It is my understanding that you are considering an increase in the highway user fee of five cents per gallon on gasoline. I understand that this would generate about $5.5 billion in additional revenues per year, $4.4 billion of which would be ear-marked for highways, and $1.1 billion for transit capital projects. It has been calculated that such an initiative would create 320,000 jobs per year.

Our aging roads, bridges and transit facilities face accelerated deterioration if such an investment is neglected. Failure to address the needed repairs to our transportation infrastructure at this time will only result in greater costs of maintenance in the future.

The federal fuel tax—four cents a gallon—has not been increased since 1959, when construction costs were one-quarter today's costs. As the buying power of our highway and transit spending dollars has diminished, so too has the condition of our transportation network declined. According to a General Accounting Office report of last year, it would cost $41 billion to replace or rehabilitate the more than 200,000 deficient bridges in the nation. Over ten percent of the interstate highway system needs to be resurfaced or replaced now or in the immediate future. Lastly, nearly $50 billion is needed over the next ten years to maintain our existing rail and bus facilities.

An increased user charge would also help tackle some of our more basic economic problems. The user fee should have a strong effect on encouraging conservation and thereby reducing our oil imports. Similar or much larger fees have been used for years by other oil importing nations, with positive results in this area. So far this year, we have already spent more than $45 billion on foreign oil. This money would be better spent in the United States, stimulating jobs and aiding our economic recovery.

In designing the user charge, I believe it is important to take into consideration the effect of this increase on lower-income people who spend, on average, a larger percentage of their income on gasoline. I hope we can work together on this problem.

Again, I strongly urge you to support a five cents per gallon highway and transit user charge increase. Such a proposal would have my strong support, and in my view, the support of the Congress.

Sincerely,

CHARLES H. PERCY,
U.S. Senator.

PEACE MUSEUM IN CHICAGO

Mr. PERCY. Mr. President, there is no nobler or higher goal on the agenda of the United States than peace and there is no more dangerous threat to peace than nuclear weapons. Citizens' movements and referendums on many State ballots have raised public awareness in the United States of the horrors of nuclear war. In addition, there has now been created a Peace Museum in Chicago and I am pleased to bring it to the attention of my colleagues.

The Peace Museum's current collection, "The Unforgettable Fire," is on display through November. Seventy drawings are the heart of the exhibit. Survivors of Hiroshima and Nagasaki have drawn pictures of the devastation and misery they witnessed. As Meg Cox, Chicago bureau reporter for the Wall Street Journal, describes them:

> Entering the narrow gallery, one notices how small the drawings are, and how drab . . . Most pictures are half-filled with columns of Japanese writing, as though the image alone can't capture the memory. To read the text and see the drawings, one must stand just inches away, enhancing the sense of how personal these visions are. The cumulative effect of the drawings is a deep empathetic grief.

Even as viewers of the drawings grieve for the victims, they realize that this is not an ordinary museum which collects artifacts of a bygone era. This is a museum of peace whose galleries do not hold recollections of a

time of peace. Such a museum is rooted in the past, but lives for the future.

The drawings compel visitors to remember the past in order to persuade them to work for the elimination of nuclear arsenals around the world and to work for a peaceful future. This work is urgently needed. We live at a time when levels of nuclear weapons are so much greater than in 1945 that they could, by accident or design, destroy the entire world as we know it.

The drawings in the Peace Museum also serve as a reminder that science cannot offer protection from the calamitous consequences of nuclear war, nor can billions of dollars in civil defense spending adequately shelter our citizens or those elsewhere from the nightmare of a nuclear exchange. I believe that there will not be peace until the peoples of the world make clear to their leaders that they will accept nothing less, and this goal is fortified by the Peace Museum.

I ask unanimous consent that five articles about the Peace Museum be printed in the RECORD. The last is by Marjorie Benton, U.S. representative to UNICEF and founder and chairperson of the Peace Museum's board of directors.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 8, 1982]

MUSEUM IN CHICAGO FOCUSES ON PEACE—DISPLAYS PICTURES BY SURVIVORS OF 1945 ATOMIC BOMBINGS

(By Nathaniel Sheppard, Jr.)

CHICAGO, Aug. 7.—Thirty years after the atomic bombings of Hiroshima and Nagasaki, Iwakichi Kobayashi, a 77-year-old survivor of the attack on Hiroshima, drew a picture of a vivid image that was etched on his mind as he wandered through the devastated city in search of his son.

He took the drawing, entitled "At About 4 P.M., August 6, 1945, Near Yorozuyo Bridge," to the Japanese Broadcasting Corporation and said, "I cannot erase the memory of what I saw, so I wanted others to see it."

The drawing was shown on television throughout Japan, and other survivors were encouraged to sketch their recollections. Three months later, 975 drawings had been received. Now more than 3,000 have been collected.

About 70 of those drawings, 50 from Hiroshima and 20 from Nagasaki, are on display outside Japan for the first time at the Peace Museum in Chicago, along with 43 disarmament posters from 23 nations.

FORUM FOR PEACE EDUCATION

Like the Peace Memorial Museum in Hiroshima, the five-month-old Peace Museum here is dedicated to fostering a greater public awareness of the cause and effect of war.

The museum in Hiroshima seeks to do this through its vivid collection of drawings, photographs and relics of the devastation that occurred on Aug. 6, 1945, when the United States exploded an atomic bomb over that city, killing nearly 130,000 people and destroying 90 percent of the city. But the Peace Museum here is set up as a forum for providing peace education through visual, literary and performing arts.

Its purpose, according to its founders, Marjorie C. Benton and Mark Rogovin, is to "provide through the arts a center for discussion and debate on how to build peace in our time." It attempts to do this as an archive and through a program of lectures and other efforts aimed primarily at school-age children.

Last spring the museum sponsored an essay and poster contest for Chicago high school students. The students were asked to design a poster calling for an end to the arms race or to pretend that they had won the Nobel Peace Prize and write an essay describing what they did to win the award.

POSTERS FROM 20 NATIONS

The museum's first exhibition, entitled Against the Wall: Three Centuries of Posters on War and Peace," drew more than 3,000 viewers in its two-month run. The exhibit features posters from 20 nations.

In March, the museum sponsored collection of cartoons and caricatures on war and peace from "Daumier to Doonesbury."

The current exhibition, called "The Unforgettable Fire," drew about 1,000 people when it opened Friday night.

Many of the drawings are similar to those in the Peace Memorial Museum in Hiroshima, highly personal representation of survivors who had no artistic training. Some are simple pencil sketches of stick-like figures, while others are in considerable detail.

The captions, some of which are as emotional as the works themselves, are literal translations from the book, "The Unforgettable Fire: Pictures Drawn by Atomic Bomb Survivors," which was edited by the Japanese Broadcasting Corporation and published last year.

At the conclusion of the current exhibit on Nov. 30, the museum plans to sponsor a traveling exhibit that will include more than 100 antiwar posters from nations throughout the world.

The museum is financed in part by a grant from the National Endowment for the Humanities. It relies heavily on work by volunteers, 30 of whom are being trained as guides to provide bus tours to the museum. The tours will be conducted in Japanese and Spanish, as well as English, Mr. Rogovin said.

[From the Wall Street Journal, Aug. 27, 1982]

LEISURE AND THE ARTS—ART AS WARNING: THE UNFORGETTABLE FIRE

(By Meg Cox)

CHICAGO.—" 'Where can I cremate my dead baby?' The mother carried her baby on her back. White maggots bred on the baby's burned face. She probably wouldn't be able to find fuel for the cremation, unless she went far away."

An ink and water-color drawing, simple as a cartoon, accompanies these lines.[1] It is the picture of a memory. It is what Kazuo Matsumuro can't forget seeing in the streets of Hiroshima at 8 a.m., Aug. 7, 1945, the day after the atom bomb fell.

The drawing is part of "The Unforgettable Fire," an exhibition of drawings made by survivors of the Hiroshima and Nagasaki bombings. Never seen outside Japan till now, the drawings were collected about eight years ago by the Japanese Broadcasting Corp. The effort began after one 77-year-old survivor committed to paper his memory of a bombed-out railway station. "Even now, I cannot erase the scene from my memory," the man explained. "Before my death, I wanted to draw it and leave it for others."

That first drawing was sent to the JBC in 1974, and after a broadcast invited other survivors to send drawings, 2,000 more grim memories poured in.

Seventy of the survivors' drawings will be on display in Chicago through November at the Peace Museum, a not-for-profit gallery founded last fall by Mark Rogovin, a mural painter, and Marjorie Benton, U.S. representative to UNICEF. The two say their goal with this exhibit, as with any show they do, is to use the visual arts as a persuasive force for peace. (Several art museums around the country are negotiating with the Japanese for a further tour of the exhibit.)

The compilation of nightmares in "Unforgettable Fire" doesn't come across as grotesque. These aren't vast canvases sprayed with blood and guts, nor are there the explicit horrors of Hieronymus Bosch's hell.

Entering the narrow gallery, one notices how small the drawings are, and how drab. There are mostly grays, browns, black and a mere dribble of red. The figures are often crude, no more frightening in themselves than a child's scribbled version of a shot-down outlaw. Most pictures are half-filled with columns of Japanese writing, as though the image alone can't capture the memory.

To read the text and see the drawings, one must stand just inches away, enhancing the sense of how personal these visions are. The cumulative effect of the drawings is a deep empathetic grief. Something that was once a distant mass catastrophe, as stale as statistics, is suddenly a very real, very human tragedy.

The stories told by the drawings are extremely personal, yet some themes emerge. Few choose to depict their own would. There are many scenes of piled corpses and makeshift hospital camps, but it seems the image that has haunted so many survivors is that of the one victim they didn't help. They can't forget the woman pinned beneath a cement block they failed to remove (though they tried), the homeless child left to die on the street, or one whose cries of "water" they didn't heed.

One survivor's simple ink drawing shows a woman lying under a blanket, her head to one side, a stream of wiggly lines emerging from her mouth, representing her cries. "The young woman died after crying 'water' for three days and nights," a 70-year-old survivor wrote. "We were ordered by the doctor not to give her water because the water would hasten her death . . . but we knew she couldn't survive. Now, even 30 years later, I regret that I did not give her a glass of water."

It is partly because the viewer must imagine so many details that the memories are so moving. One drawing is a mere ballpoint doodle of stick-figure bodies being pulled from a river. There no expressions on the faces of those on shore, only tiny dots for eyes.

But the terror those eyes must have shown fills the viewer who reads this caption: "On the shore of Uragami River, people were retrieving corpses. If the rope was tied around the hand, the hand came off, and if it was tied around the leg, the leg came off . . ."

One survivor is haunted by the look of "innocent beauty" on the face of a woman

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[1] Drawings not reproducible in RECORD.

whose severed head he saw in a rubble pile. The drawing, too, is haunting, with bricks in a neat geometric pattern, and all in black, except for some strikingly red drops of blood. It is somehow even more painful when the drawing is artful and the colors brilliant. The painting of lovely turquoise-colored water includes floating, bloated corpses.

Many of the captions end with a reference to "folding hands." There is a sense of ritual mourning, a specific prayer for the victims, but also a prayer to the world to see and learn.

At the beginning of the exhibit is this quotation from the current mayor of Hiroshima, Takeshi Araki: "Hiroshima is not merely a witness of history. Hiroshima is an endless warning . . . if Hiroshima is ever forgotten, it is evident that the mistake will be repeated and bring human history to an end."

The museum's Mr. Rogovin says he picked drawings for the exhibit that weren't excessively horrifying, because he didn't want to stun people into hopeless inertia. "We want people to leave here feeling they had better do something," he said

To see these unforgettable pictures is to walk away with the fires in your belly, and a fervent hope that the survivors' warnings are heeded.

[From the Sun-Times, Aug. 6, 1982]

ART SHOW IS FILLED WITH "FIRE"

"The Unforgettable Fire"[1] at the Peace Museum, 364 W. Erie, through November, is a rare art event. It offers a microscopic look at a major historic moment—the dropping of the first atomic bombs on Hiroshima and Nagasaki in August, 1945—and takes it beyond journalistic documentation to the memories of the people who were there.

Nearly 40 years later, the vignettes emblazoned on the mind's eye of the untrained Japanese artists recording these memories are enormously compelling. Though usually naive artistically, the 70 drawings in this show are in no way vague or uncertain. In most cases, the smallest details of these often grotesque scenes have been examined and re-examined by these artists for decades, finally tumbling out in these artworks on scraps of newsprint, shirt cardboard or traditional rice paper. The resulting intimacy of these small works speaks louder than any war monument.

Exhibiting these works, which are Japanese national treasures and have never before been shown outside of Japan, is a coup for Chicago's 10-month-old Peace Museum. Part of a collection of 2,000 Japanese artworks based on the bombings, the collection began in 1974 when the Japanese Broadcasting Corp. invited survivors to visually record their memories of the bombing. Now owned by the Hiroshima Peace Culture Foundation and the Nagasaki International Culture Hall, the drawings, most of which were made in the last decade, are the subject of a book, *The Unforgettable Fire*, recently published in the United States. Some of the drawings in the book are included in the show selected by Peace Museum curator Mark Rogovin. Fifty drawings are from Hiroshima and 20 are from Nagasaki.

The psychological impact of the Hiroshima bombing on Aug. 6, 1945, and on Nagasaki three days later differed from that of previous war catastrophes. The bombs came unexpectedly and the destruction was instant. The bodily injuries caused by the nuclear blast were unlike any the world had seen. "Radiation sickness" caused nightmarish deformities. Heat up to 2,000 degrees in some parts of the cities created sights more surreal than imagination could conjure.

Thus, much of the grotesque imagery in these drawings is literal. Ashen grays and charred black figures dominate the scenes. The details in some of the panoramic views of the cities are startling. In one colored-pencil drawing, streets and rivers of Nagasaki are littered with Red Cross workers in green uniforms, naked and dismembered bodies, a mother carrying a headless child, heads drinking precious water from spigots, patches of fire and smoke everywhere.

In another dense, nearly abstract scene of the destroyed city, littered with black human shapes, red caption ballons pop up amid the rubble pleading in Japanese for water or help. Dotted red arrows along the roadways in this ball-point pen drawing suggest escape routes never taken.

The bodily deformities caused by the radiation seem surrealistic and dreamlike as drawn by these native artists. Three bulging bodies float with their eyes and tongues distended like fingers. A woman's fingers are melting away, a la Salvador Dali. In a manner that might represent freckles for other naive artists, faces are pockmarked with radiation burns. The black hair of Japanese women stands straight on its ends, according to one artist, out of fear.

Somehow, these horrible memories take on magical forms. Several scenes of stacked bodies ready for cremation have the undulating rhythms of traditional Oriental art. Rows and rows of carefully delineated bodies in the fetal position convey a kind of meditative calm amid the chaos. A concrete room filled with gray bodies has a heightened realism, as though a layer of European surrealism had been superimposed on this Oriental nightmare.

Heavily captioned with explanatory narratives by the artists, some drawings take on the delicacy of picture-poems. One ink drawing of a girl shows her pleas gradually disintegrating from Japanese calligraphy into starlike marks as she slowly dies. Other whimsically sketched figures seem like chubby dancers tumbling around the narrative.

Most mysterious are two drawings of the "shadows" of bodies vaporized by the heat. In one, the orange outline of a man's body lies next to a box containing a head, perhaps symbolically related to the ghost figure. Another is a sketchy gray shape of a mother clutching her child.

No details of that brilliant explosion escaped these artists. Rays of yellow light blast through office windows, throwing an office worker against a blood-red floor. A wife shields the sun from her husband's badly burned face with a straw hat, casting a hard gray shadow. A turquoise haze rises from the blue river where naked pink bodies float.

Amid such hell, two serene realistic landscapes provide poignant relief. Lodged in the memory of one Hiroshima artist was the scene of children swimming in the expansive blue sea just moments before the bomb was dropped. Another remembered the flat blue bay flanked by proud gray mountains and three spiraling smoke clouds where Negasaki lay burning. Enduring and eternal as the Japanese landscape seemed to be, it was not indestructible.

With other subject matter, the style of these drawings could be called charming. Here, the innocence of the style makes the scenes even more searing, as though seen through the eyes of children. In fact, most of these artists *were* children when the bombs were dropped

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[From the Chicago Tribune, Aug. 13, 1982]

ART—SURVIVORS OF HIROSHIMA DRAW ON MEMORY FOR A MOVING EXHIBIT

(By Alan G. Artner)

The eight-month-old Peace Museum, 364 W. Erie St., recently mounted as chilling an exhibition as anyone is likely to see. Called "The Unforgettable Fire," the show brings together a great many drawings by survivors of the Hiroshima atomic bombing.

Much of the impact comes, of course, from the historical incident depicted; like similar work or Nazi concentration camps and the Vietnam War, the subject is far more moving than any one treatment. Yet the immensity of the horror had a special significance in regard to Hiroshima: It prompted those unschooled in art to set down extraordinarily vivid impressions.

All of this work is, then, naive in its rendering and the lack of technical mastery keeps one from getting diverted or seduced by style. There is only the tension that comes from sophisticated slaughter being depicted by such childlike hands.

What a struggle it must have been. Having lost family members or friends, these survivors could not come to terms with the holocaust. Instead, decades passed until the day when a call went out from the Japanese Broadcasting Corp. One man had brought in a drawing of what haunted him. Surely there were—or could be—others. Within three months, more than 900 drawings were received.

In the ones on view, ghastly images of death and decay nearly always are accompanied by written accounts. They serve to particularize the melee and often are more moving than the drawing itself. The voice of emotion recollected in tranquility is set beside each visual scream, with searing results.

Is all this a lesson? It cannot help but be. Yet you never feel that a didactic purpose lies behind the reportage. These works were done as part of a long and terrible exorcism; they are infinitely more potent than a broadside. Here you look—and remember. [Through Nov. 30.]

[From the Chicago Sun-Times, Nov. 3, 1982]

ARTS FOSTER PEACE—PERSONAL VIEW

(By Marjorie Craig Benton)

The other day I received in the mail a copy of an essay written in 1912. Since just keeping up with what I need to read is difficult, I almost put in aside to save for an afternoon when I had more time. The title, however, was intriguing: "Do the Arts Make for Peace?"

The writer was Frank Jewett Mather, a professor at Princeton University. His essay had been sent to me by a friend who knew of my involvement with Chicago's Peace Museum, a gallery and workshop at 364 W. Erie that is much concerned with the role of the arts in promoting peace.

As a co-founder of the Peace Museum, along with curator Mark Rogovin, I had thought a great deal about the question posed by Mather's essay.

I helped to found the museum because I believed that indeed the arts could "make for peace." For years I had been active in the area of arms control and disarmament,

[1] Art not reproducible in the Record.

working primarily with facts, figures and logic to educate people to the dangers of the arms race and the insanities of war. But I had come to realize that facts, figures and logic alone were not enough. I began to feel that in order to really touch people, it was necessary to reach beyond facts and figures to something more immediate, something more personal—to the emotions where opinion often forms and action begins.

Through the arts, it is possible to bring people a step closer to understanding that peace is not a platitude, but an absolute necessity for human survival. Through the arts, as Mather suggests, it is possible to touch and inspire, to communicate not only the horrors of war, but the visions and dreams and promise of peace.

The essay printed below was written 70 years ago, but it is far from dated or irrelevant. It speaks to an issue that concerns us today more than ever—the need to do everything we can to work toward building peace rather than war.

"Where lies the weakness of the peace movement? Plainly in the fact that while its arguments are admiredly good, an enormous mass of traditional emotion still says no to what the reason of mankind already approves.

"Most thoughtful persons will admit that war is theoretically absurd, that its moral cost is appalling and its verdicts inconclusive, but most of these rationally convinced foes of war remain emotionally and practically its friends. They retain a sentiment that it is an ultimate test of manhood or nationality, that it evokes the most heroic and admirable traits of human nature, that its recurrence keeps life and history perennially interesting. So long as these emotions hold sway, war will exist.

"International declarations that war does not pay, arbitration treaties, peace congresses, rationalistic propaganda of whatever order, may and undoubtedly will decrease the frequency of war; abolish it they cannot until the heart of mankind tardily and reluctantly endorses the judgment of its intellect.

"Men's thinking has already been measurably converted to the ideal of peace; what remains is the far more difficult task of converting men's feeling. It was, I believe, the late William James who perceived clearly that we must find emotional equivalents in peace for the glamor surrounding the heroic aspects of war.

"So convinced am I that the appeal must ultimately be to the heart of men that I feel no emotional ally of any sort is negligible . . . and among the most valuable motives available should and may be the love of beauty, the respect for the creator of it—the artist and the artist's own passionate preference for a social adjustment that excludes disorder, violence, ugliness.

"The arts supply precisely the kind of aid that is most difficult to procure: emotional preferences not merely opposed to the brutalities of war, but positively attached to the contrary graces of peace.

"It is not enough that we make war seem horrible. Mankind is of tough fibre, and for tens of thousands of years has wilingly accepted such horrors as in the day's work. We must make peace seem attractive . . . and if anyone imagines that the arts cannot and do not furnish most of that which makes the peaceful state not merely sensible, but delightful, let him imagine a state of universal peace and prosperity wholly deprived of the ministry of the arts. . . .

"May our unblessed vision of a world with every beatitude save that of art suggest the truth that when art declines the inducements of peace fall away, but when art flourishes war stands permanently rebuked."

ROSCOE DRUMMOND

Mr. PERCY. Mr. President, Roscoe Drummond, the illustrious columnist, is now writing a book about his professional and personal relations with nine Presidents. He is simultaneously working on a mystery novel. As the New York Times reported recently, Roscoe Drummond says "with typically puckish humor" that "they may be interchangeable."

Roscoe Drummond has been going strong as a professional journalist since 1924, when he joined the Christian Science Monitor in Boston as a cub reporter. My colleagues and all of his friends will want to know that he is recuperating well from a 1980 automobile accident and now does his writing at the Tenacre Foundation in Princeton, N.J. At 80, he retains his legendary sense of humor, and works every day on his books just as he turned out outstanding columns for the Los Angeles Times syndicate and the Christian Science Monitor for so many years.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS EXTENDED UNTIL 2 P.M.

Mr. STEVENS. Mr. President, I ask unanimous consent that the time for routine morning business be extended until 2 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECORD OPEN UNTIL 5 P.M. TODAY

Mr. STEVENS. Mr. President, I ask unanimous consent that Members have until 5 p.m. today to file bills, offer insertions for the RECORD, or to file committee reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I thank the Chair.

ANNIVERSARY OF THE ASSASSINATION OF PRESIDENT KENNEDY

Mr. DENTON. Mr. President, I rise to ask that the Senate and all Americans note and remember that last Monday, November 22, 1982, was the 19th anniversary of the assassination of the 34th President of the United States, John Fitzgerald Kennedy.

Perhaps the quiet passing of that sad anniversary is the kind of observation President Kennedy would have preferred. Perhaps it is also an indication of how much our world and our Nation have changed in 19 short years.

For President Kennedy, the overwhelming challenge and threat were found in the relations with our greatest adversary. President Kennedy was determined to stand up to threats, aggression, and the use of naked force to advance the imperial interests of an amoral and expansionist power. Our President demonstrated his resolve by taking firm but prudent actions against threats to Berlin, against aggression in Southeast Asia, against subversion in Africa, and in the face of strategic challenge in Cuba.

President Kennedy also demonstrated his prescience and his devotion to peace by his efforts to insure our security, and the peace of the world, through practical and verifiable arms control agreements. The Limited Test Ban Treaty, the first major post World War II arms control agreement, was concluded during his administration and under his leadership. It had the purpose not only of braking the development and testing of nuclear weapons by the great powers but also of inhibiting the proliferation of nuclear weapons to other countries.

Similarly, at a time when we are concerned about the prospects and possibilities of relations with new Soviet leaders, we should recall that it was during the Kennedy administration, and at U.S. initiative, that we and the Soviet Union agreed to establish the so-called hotline to enable our leaders to communicate effectively in time of crisis.

We supported our President, in all those efforts. We trusted that the policies he shaped were designed not to bring war, not to advance selfish interest, but to preserve our country and our freedoms, indeed the freedoms of people throughout the world, against those intent upon destroying them. In this great mission, our President was willing to stand firm despite the requisite risks and to employ the power of this country in a responsible way when circumstances required. He knew the American people would support him. He did not seek an easier course, nor did he attempt to respond to challenge and to threat by explaining them away as the misperceptions or frustrated thrashings of a well-meaning but insecure adversary. He had firsthand experience with the duplicity that has so often characterized the conduct of our adversary, because he had to deal with the deceit involved in our adversary's denial that he had placed intermediate-range ballistic missiles in Cuba.

Given the widespread questioning of the essentials of our national security, I fear that we cannot say the same today. I believe that President Kennedy would view our current situation with much the same alarm as many of us in this Chamber.

When President Kennedy took office, half of our Federal budget was devoted to our national defense, one quarter to social programs. Now that ratio is reversed.

When President Kennedy had to respond to challenges in Berlin and in Cuba and in Southeast Asia and in Africa, the United States enjoyed a position of strategic paramountcy over its adversary. Now that situation is reversed.

When President Kennedy needed to marshal and deploy a credible conventional military capacity, as he did in the Caribbean and Western Europe, we were able to provide a force of sufficent size and quality to offset anything our enemy might immediately send against us. Now we can no longer do so.

When President Kennedy faced the challenge of preserving the freedom of the seas, our Navy was second to none. Now we do not enjoy that advantage.

When President Kennedy sought the support of the Congress and the American people for actions to safeguard our security, especially in the Cuban missile crisis, it was given to him. Now our President cannot count on that support, and now some even question whether President Kennedy should have been supported.

Many things have changed. Many others have stayed the same. We still face the same adversary, though his threat is much more acute and our ability to counter it is diminished.

We still have a political system that is flexible and responsive, able to set aside partisan differences for the common good, although we do so less frequently.

We still have a reservoir of determination, good sense, and, yes, even patriotism among our people, although our citizens are too often misled or confused by the conflicting views and interpretations they receive.

President Kennedy emphasized not selfishness but the common good. He asked us to put our country first. Now too many, I fear, ask what their country will do for them rather than what they must do for their country.

We face the challenge of reestablishing our nonpartisan unity and our collective determination. That is no easy task, but we will make a first giant step toward its achievement if we recognize that the greatest threats to our welfare and to our survival come from those abroad who would destroy our country, not from those at home who would preserve her.

Let us reaffirm our awareness of the fundamental truth that our first task is to insure our security and our freedoms. Let us ask what we must do for our country, and then do it. Only when we have fulfilled our essential constitutional mandate to provide for the common defense can we proceed safely and effectively to take the domestic steps that will best serve to promote the general welfare.

Let us pause and reflect upon the example that President Kennedy set for us all. Let us remember, in our thoughts and in our prayers, all the members of the Kennedy family, those still with us as well as those who have been taken from us, who have given so much to each of us and to our country.

Mr. President, I ask unanimous consent that all Members of the Chamber join me in a moment of silence as a tribute to the memory, the ideals, and the example of John Fitzgerald Kennedy.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At this point, there was a moment of silence.)

Mr. DENTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FORCED LABOR IN THE U.S.S.R.

Mr. ARMSTRONG. Mr. President, an international commission on human rights, on which I served as a member, has condemned the use of forced labor by the Soviet Union and called upon the U.S.S.R. to renounce the use of such labor on the Siberian Pipeline and similar projects. Meeting in Bonn, West Germany, the Commission issued the following statement:

Statement of the International Commission on Human Rights in conclusion of the hearing "Forced Labor—Siberian Pipeline," November 18 and 19, 1982, in Bonn—Bad Godesberg (Stadthalle).

The hearing was arranged by the International Society for Human Rights (ISHR), Frankfurt, in cooperation with the International Sakharov Committee, Copenhagen. Presiding was Mr. Alfred Coste Floret, a joint prosecutor for France at the Nuremberg trials.

Based upon the testimony of expert witnesses and upon the testimony and documents of former Soviet prisoners, the Commission finds:

First, the U.S.S.R. continues the deplorable practice of forced labor in manufacturing and construction projects including the Siberian Gas Pipeline.

Second, prisoners, including political prisoners and those imprisoned for their religious beliefs, among them women and children, are forced to work under conditions of extreme hardship including malnutrition, inadequate shelter and clothing and severe discipline. Many prisoners have died.

The Commission calls upon the Soviet Union to end the vicious practice of forced labor and upon all nations and enterprises for support of our conclusion.

We have presented the truth to the world and no one can say: "I did not know."

In addition to myself, the following persons were members of the International Commission:

Marcel Aeschbacher, Bern, Switzerland; representing the trade union "Landesverband Freier Schweizer Arbeitnehmer" (LFSA).

Prof. Raymond Aron, Paris, France; member of the Faculty for Philosophy (1928) and Honorary Professor at the College de France; member of the "Centre europeen de sociologie historique"; President of the Editors Board of "Express"; holds honorary doctorates at a dozen foreign universities; prize winner for such works as "Goethe-Preis" of the City of Frankfurt (1979) and the "Prix Aujourd'hui pour Le Spectateur engage (1980).

Jim Baker, Washington, D.C.; representing the AFL-CIO.

Dr. Felix Ermacora, Vienna, Austria; professor at the Institut fur Staats— und Verwaltungsrecht at the University of Vienna; representative of Austria on the United Nations Committee for civil and political liberties and economic, social and cultural rights; member of a U.N. ad hoc committee for problems of the apartheid policy in South Africa; member of the International Advisory Committee of the Internationale Gesellschaft fur Menschenrechte.

Hans Graf Huyn, Riedering, Federal Republic of Germany; member of the Deutscher Bundestag; chairman of the Arbeitskreis Aussen-Deutschland-, Verteidigungs- und Entwicklungspolitik der CSU-Landesgruppe im Deutschen Bundestag.

Detlef Lutz, Essen, Federal Republic of Germany; Deputy Chairman of the labor union Christliche Gewerkschaft Bergbau—Chemie—Energie.

Ludwig Martin, Karlsruhe, Federal Republic of Germany; chairman of the board of the German section of the International Commission of Jurists; former State attorney; Honorary President of the Internationale Gesellschaft fur Menschenrechte.

Carlo Ripa di Meana, Rome, Italy; member of the European Parliament; member of the Socialist Faction.

Victor Sparre, Nesbry, Norway; artist, journalist and writer, working on human rights problems in Eastern

Europe; member of the publishing board of the Scandinavian edition of Kontinent; member of the International Committee of the Russian edition of Kontinent.

Although the Commission was not established as a court, nor was the Commission bound by strict rules of evidence, the presiding officer cautioned witnesses to avoid presentation of hearsay evidence and to avoid political comments. He directed them to stick strictly to the facts, and to report to the Commission only those matters of which they had direct, personal knowlege. For the most part, the witnesses did so. From their testimony, there emerges a chilling and awesome pattern of brutality, repression, injustice, and suffering which is shocking to the sensibilities of civilized persons. I therefore urge my colleagues to give careful, personal attention to the following material which I submit for the RECORD:

Background and statements of prisoners/witnesses who presented testimony before the Commission:

Yuri Below, Peter Bergmann, Machmet Kulmagambetow, Michail Makarenko, David Paustian, and Julia Vosnessenskaja.

Background and statements of expert witnesses before the Commission:

Georgij Dawydow, Prof. Dr. Andrzei Kaminski, and Prof. Dr. Michael Voslensky.

Statements submitted by telephone and in writing:

Mr. P. S. (Vladimir Titov), Mrs. A. P., Moscow, and Mr. I. P.

Statement of Reinhard Gnauck, M.D., Chairman, International Society for Human Rights.

History of International Society for Human Rights (ISHR).

Description of Camp JaZ-34/2 in Tyumen, prepared by ISHR.

The material follows:

A. BACKGROUND AND STATEMENTS OF PRISONERS/WITNESSES WHO PRESENTED TESTIMONY BEFORE THE COMMISSION:

Yuri Below was born in 1940 in Kronstadt, Russia. He was discharged from his military service for "anti-Soviet propaganda" after having already been, in 1959, expelled from Leningrad University. He continued his education at the University of Kaliningrad but was again excluded in 1963. On this occasion he was arrested and found guilty of offenses under article 70 of the Soviet Code of Justice which led to a sentence of three years in a prison camp and additional banishment for five years. While serving his sentence of banishment, he was again arrested and sentenced under the same article, but this time to five years in a prison camp. Because of "infringements of camp rules" he was transferred in 1970 to the infamous prison of Vladimir. Refusal to cooperate with the KGB led to his being subjected to a medical examination and he was declared "mentally ill". Consequently, he was subjected to compulsory psychiatric treatment at the Institute for the Criminally Insane at Sytschevka. He was released only seven years later, on the 13th of December, 1977.

After his release, Mr. Below lived in Moscow and Roslavl, working with the Working Commission for the Abuse of Psychiatry for Political Purposes and also working for the Moscow Helsinki Group.

Altogether, Mr. Below has spent over 15 years of his life in prisons, prison camps, banishment and psychiatric institutions. Faced once more with the choice of working for the KGB or leaving the country, he decided for the latter and came to Germany, where he has lived since January 1980. He is now working as the spokesman for the Working Committee on the Civil Rights Movement and Political Prisoners in the USSR" of the International Society for Human Rights (IGFM) in Frankfurt on Main.

Mr. Below states:

"There has been forced labour in the Soviet Union since the very first day of it's existence.

"Lenin considered forced labour to be the best means of creating the 'new man'. It was supposed to stimulate the collective consciousness in people. The founders of the Soviet Union valued man only in terms of their use to society. They considered human beings only as a tool.

"The first forced labourers in the Soviet Union were intellectuals and orthodox priests, imprisoned on the Solovestskii Islands in the White Sea in the year 1918.

"Later, millions of people, accused of the most various crimes, were interned in prison camps. Most of the accusations were purely pretexts, used to generate cheap labour. In the 30 years since Stalin's death, such prisoners as these have built hundreds of factories, canals, roads and whole towns. All of these were so-called 'Great achievements of Communism', including such projects as the White Sea-Baltic Canal, the Dnieper hydroelectric works, the BAM (Baikal-Amur-Magistrale railway), the Moscow Underground, the Volga-Don Canal and huge metal foundries in the Urals and Kazachstan.

"Millions of prisoners died before Kruschev exposed Stalin's personality cult in 1956. However whilst only sentenced prisoners had been inducted into forced labour up till then, Kruschev introduced a change: henceforth only an administrative order was necessary to force people to work.

"The tragedy of all this is the way in which these prisoners are deprived of all their rights, are made to live in inhumane conditions separated from their families and suffer from malnutrition and insufficient medical care. Our attention should not be directed exclusively to the prisoners of conscience. All men have a right to decent treatment and so we should be concerned for all categories of forced labourers.

"If we are not careful, we too shall suffer because of the existence of forced labour. No man is an island, and we run the risk of coarsening ourselves and our civilization by allowing ourselves to become accustomed to the fact of forced labour."

Peter Bergmann was born on the 8th of September 1920 in Orenburg. His father was a German small farmer. In his own spare time and supporting himself he passed the state examination to be a German/Russian interpreter, for accountancy in 1958 and finally for zoological work in 1970. Because of his German ethnic origin he was not allowed to practice any of these professions and had to work on construction sites. The Bergmann family has been trying to emigrate since 1926 when his grandfather was arrested for this reason. In 1937 his father was also arrested for the same reason and died in prison in 1944. Peter Bergmann is cofounder and member of the "Association of Germans Wishing to Emigrate from Estonia." On the 28th of February he was arrested after a demonstration and sentenced to three years in a prison camp. The camp where he served his sentence was in Tjumen, JaZ 34/2, where many of his fellow inmates told him that there were apparently several camps in the taiga and tundra along the course of the gas pipeline. Aeroplanes and helicopters were used to transport the prisoners to work on the course of the railway from Surgut to the North and on the gas pipeline to Europe. Prisoners from his camp who were allowed to be without supervision under certain conditions were sent into several other towns to work on projects there, which had to do with the Gas pipeline: Surgut, Urengoj, Salechard, and even to the Yamal penninsula. There are also several camps there, mostly with the stricter forms of prison regime.

Following his release Professor Andrei Sacharov took up the family's cause with the government of the Federal Republic of Germany and they were finally allowed to leave for West Germany on the 2nd of July 1980.

Mr. Bergmann states:

I was in prison camp JaZ 34/2 in Tyumen. Many fellow prisoners told me that there were several camps along the route of the pipeline. I cannot remember the addresses of these camps any more, but my fellow prisoners did tell me that they were in the Taiga and Tundra regions. The prisoners were taken there in handcuffs by helicopter and aeroplane. Many of them work on the construction of the railway line from Surgut to the north as well as on the earthworks for the gas pipeline.

The most dangerous and most difficult work is done along the gas pipeline by the prisoners. They clear the trees through the Taiga for the pipeline, build roads and bridges, barracks and camp buildings.

There are no more prisoners in the areas where foreign experts are admitted. They have already been taken away to build other stretches. All that remain are the volonteer Komsomol brigades and the prisoners under limited supervision.

These prisoners, or "Chemists" as we called them are really seasonal workers. In the autumn they are usually taken back to their camps. The months they have worked are not counted towards their total sentence, and so most of them serve a double sentence. Neither are they put to work of their own volition. On the contrary, an administrative order determines where and when they will be sent to the "Great Economic Projects". They themselves have no influence on the decision and this is reserved for the camp commandants. Such prisoners were despatched from my camp to all the towns along the pipeline. They went to Surgut, Urengoy, Salechard and even to the Yamal Peninsula where there are many prison camps, often with especially strict regimes.

Prisoners under limited supervision are accommodated in barracks in rooms of two or more persons. Bedclothes are only provided if they are directly in a town. Sometimes the prisoners also get work clothes. They are issued with identity cards and their work pays for their keep. They are always under the authority of the commandant and are not entitled to leave the settlement without permission. There is also a curfew—at 10.30 PM they have to be in their rooms. These prisoners are forbidden to absent themselves from their work and cards and

alcohol are prohibited. At all times these forced labourers are at the disposition of the authorities.

Huge projects, such as the hydro-electric works on the Dnieper, the Volga-Don Canal, the BAM and the Taischet-Abakan railway etc. were built with the aid of forced labourers.

Every year 30 percent of all those sentenced in the courts are sent to these so called "Great Economic Projects".

Prisoners under limited supervision and banished persons are applied to the work which the volontary workers refuse to do. This is normally the most difficult and most dangerous work, demanding the greatest physical exertion. For example, loading and unloading ships, railway wagons and other forms of transport, clearing vegetation in the Taiga, digging the trenches with shovels and spades etc.

The physical overexertion and the inadequate diet lead to exhaustion and disease. Doctors can only be visited with the permission of the supervisor. Many of these forced labourers were brought back to the camp because they had spent up to a fortnight in hospital.

Those who do not meet production targets are put into a special isolation (detention).

Machmet Kulmagambetow who was born in Kazachstan on the 30th of July 1930 left the Gymnasium in Alma Ata in 1949 and studied philosophy at the University of Kazachstan from which he graduated in 1954. From then until 1958 he taught Marxist philosophy in Chardshousk, Turkmenia, and in Frunze, Kirgisia. Then he was employed as a worker in Moscow and in Kazachstan. On the 20th of November 1962 he was arrested and sentenced to 7 years in a camp followed by three years exile for "Antisoviet agitation and propaganda". From 1963-1967 he was in the camps of Morvinia and then till 1969 in the Nr. 2 prison of Vladimir. After 1969 he was a political exile and employed on the construction of the compressor station KS 12 in Mikun in the Komi ASSR. Following this he was employed on the gas pipeline at the settlement of Wuktyl. There were many prisoners who were conditionally allowed to exist free of supervision, but were still used as forced labour on the pipeline. Compressor stations are found along the pipeline every 100 or 200 kilometers.

From 1973-1974 he worked as a free engineer in Surgut in the region of Tjumen. There he worked in a reinforced concrete plant situated in a prison camp, whose produce was destined for the construction sites along the pipeline. The concrete plant actually formed part of the prison camp which contained about 360 prisoners. In 1975 he was employed for a few months in Ussinsk, about 250 kilometers from Uchta. There he worked in the administration concerned with the exploitation of the natural gas deposits. In 1975 he was employed on the construction of the BAM, the Baikal-Amur-Magistrale, where new prison camps have appeared near the Tyndinski settlement. Then he was again concerned with the construction of the gas pipeline in the Komi ASSR. He lived from 1977 to 1979 in Charkov, in the Ukraine and emigrated to Germany in December 1979.

Michail Makarenko was born into a Jewish family in the Rumanian town of Galac, on the Danube, on May 4th, 1931. The town lay on the Russian border and when he was 8 years old he went through the Pogromes and fled to the USSR, as he had heard the Jews were not persecuted there. He was placed in a children's home and went to Russian schools, until, pretending to be older than he was, he joined the army in 1942. From 1947 to 1955 he continually lost his job as soon as his Rumanian Jewish origin was revealed. Even so, he was not allowed to emigrate. As a result he wandered from town to town until he was finally able to settle in Leningrad.

In 1955 he married the daughter of a Russian-orthodox priest. He worked as a carpenter, studied and also collected works of art. At the same time he wrote letters and articles which he sent to newspapers about détente and disarmament which resulted in him losing his passport, his flat and his three children. He was also sent down from the university, repeatedly placed under arrest and subjected to psychiatric examination as a critic of the system. Makarenko then went of his own accord to Siberia where he was involved in the establishment of the Novosibirsk Picture Gallery and organized many exhibitions of the works of artists who did not meet with official approval. In 1969 he was arrested for "antisoviet propaganda" and sentenced to 8 years in a prison camp which he served in Mordovia, in the Urals and Vladimir prison.

As a committed civil rights activist he involved himself in thousands of cases on behalf of his fellow prisoners which resulted in him being exiled for an unlimited period to the town Luga after his imprisonment had ended, for being a "dangerous state criminal". He was able to escape and to go into hiding and remained undetected for 14 months. It was only after activists in the West had engaged themselves on his behalf that he was permitted to emigrate to Israel in the Autumn of 1978.

David Paustian, an ethnic German, was born Nov. 18, 1918 in the village Fischer in the Autonomous Volga Republic in the USSR. In 1972 his family applied for emigration for the first time. Repeated interrogations by the KGB followed. On October 25, 1973 his house was searched and he was arrested with other applicants for emigration. He was sentenced in Alma-Ata to 2 years in a labor camp and was first sent to Burundai to work in a brick factory. In fall 1974 he was transfered to Inderborskij (200 km north of Gurjew at the Caspic Sea) where he had to work the rest of this term as a banished person. When he arrived in Inderborskij compressor stations were already working and the construction of a gas pipeline was going on. He was told, that this pipeline leads to the "FRG", i.e. West-Germany. He was given the job of driving an engineer, since he had a driver's license.

Since April 10, 1982 he lives in the Federal Republic of Germany.

Julia Vosnessenskaja was born on the 14th of September 1940 in Leningrad. She studied theatre at the theatrical institute, and had been involved in the movement for artistic freedom, called "2nd Culture", since she was twenty. In 1963 she was sentenced to one year's corrective labour in a factory for "resistance to properly constituted authority" and made to leave the theatrical institute. Following this she worked as a teacher in the country and also as a journalist travelling extensively and writing about the life to the ordinary people. At the same time she contributed to collected works and periodicals which appeared in Leningrad as samizdat publications, which led to her arrest in 1976 and 5 years of exile in the town of Vorkuta. Because her son was ill she travelled without permission for three days to Leningrad in order to visit him, as a result of which her punishment was commuted to two years in a prison camp. She collected material for a book about the women in exile or in prison camps from her own experiences in exile or in the camps near Irkutsk in Siberia where she served her sentence. There were also some women amongst the many she interviewed, who had sewn clothes for the prisoners building the gas pipeline from Urengoj to Western Europe. After her release she became involved in the independent women's movement in Russia and was a contibutor to the appearance of the first collection "Women in Russia". She was also a co-founder of the women's-club "Maria". For her participation in the new womens-movement she was forced to emigrate along with her two sons, and has lived in Germany since 1980. With the assistance of the International Society for Human Rights in Frankfurt, she founded the western branch of Maria in order to assist the womens' movement in Russia and to aid prisoners of conscience.

Mrs. Vosnessenskaja states:

The town of Kungur lies on the route of the pipeline, and there is a prison camp for women near there. The camp is designed for 800 but normally upwards of 2000 women live there. There is a factory producing working clothes in the camp, whose produce is destined for the nearby construction sites and the workers there.

Why do the women in particular sew the clothes for the "Great Economic Projects"? Because they work for a pittance, and because the work quotas are 5-8 times as high as those of the free clothing factories.

I myself have been in two prison camps, and have gathered information from dozens of such camps.

In no camp do the women work *less* than 12 hours a day, and do so on a diet better fitted for a 2 year old child than an adult. The women consider it a great misfortune to be situated near a "Great Economic Project", for in Russia things are built the way the pyramids were: not so much with knowledge and technology but with the use of hordes of slaves. The more difficult the work, the more people who are sent to work: Prisoners, called "chemists" (prisoners under limited supervision used as forced labourers), builders, free workers. All these men need clothes.

Camps with clothing factories are always overfilled as a consequence. There are too few beds. Women sleep on the floor, under the bunks. They live in tents pitched between the barracks. Factories ever have sewing machines set up in the corridors which are never switched off. The next shift is always standing ready.

B. BACKGROUND AND STATEMENTS OF EXPERT WITNESSES BEFORE THE COMMISSION

The following are the expert witnesses who appeared before the Commission:

Georgij Dawydow, was born on October 2, 1941, in Baku, USSR. He currently lives in Munich, Federal Republic of German. He was arrested in 1972 for production and distribution of "Samisdat"—literature and sentenced to five years in a concentration camp and two years of banishment. Since 1980, he has been living in Western Europe. While in the USSR he began collecting information on concentration camps, and has continued this work in the West. The Helsinki-group documents published his collection of material in 1975-1976.

Prof. Dr. Andrzej Kaminski, was born in 1921 in Warsaw. He is a member of the Polish resistance movement "Armia

Krajowa". From March 1944 to May 1945 he was in concentration camp Gross-Rosen, in a part of the KZ Flossenburg in leitmeritz. He studied law (1945-48) and history in Posen. Until 1958, he worked in Posen at the Instytut Zachodni and the University Posen; from 1958 to 1962 he lectured at the Academy for Foreign Service in Warsaw, at the Warsaw University; from 1962 to 1973 he worked at the Polish Institute for International Affairs in Warsaw. In 1973 he emigrated to the Federal Republic of Germany, and at present is a professor at the Bergische Universitat Wuppertal (specializing in Modern History and Contemporary History, especially Germany's relations to Eastern Europe, Poland in particular).

Prof. Dr. Michael Voslensky, of Munich, Federal Republic of Germany, is formerly the Secretary for the Commission for Disarmament of the Council of the Soviet Academy of Sciences. He was a translater at the Nuremberg Trials; works in the Allied Control Commission; is a historian and political scientist. Since 1972, he has been a guest lecturer in Munster/Westf., Hamburg, Linz. He is presently the Director of the "Forschungsinstitut fur sowj. Gegenwart" in Munich.

An article entitled "National Slaves in the Soviet Union a Juridical Historic Commentary," follows:

NATIONAL SLAVES IN THE SOVIET UNION A JURIDICAL HISTORIC COMMENTARY

(By Prof. Michael Wosslensky, Munich)

The usual Soviet formula proclaims vehemently: The Soviet State was born with the word "Peace" on the lips. Another expression followed soon afterwards: Penal servitude.

On 18th January 1981, only two months after the October Revolution the Commissariat of Justice issued a decree concerning "penal working groups".

The first concentration camps, houses of correction and penal labour colonies were established during the Red Terror in September 1918. In spring 1919, the 8th Congress of the Party Assembly formulated the program of the Bolshevist Party specifying amongst other things the principles of the execution of punishment in the Soviet Union: In future prisons were to be replaced by houses of correction "in order to subjugate the condemned persons to a producing work useful to the society".

In the year 1929, Trotzky justified the must of penal servitude in socialism and advocated the "militarisation of labour" and the creation of "labour armies".

After Stalin had come to power, instead of the labour armies, the concentration camps became the core of penal servitude. On March 1982, a decree was issued concerning "penal policy and the status of penal institutions" as an extension of labour colonies.

The decree of 6th November 1929 of the Central Executive Committee and the Council of the Commissaries of the Soviet Union defined penal institutions as being houses of correction in remote regions of the Soviet Union as well as labour colonies for those people whose punishment did not exceed three years.

In the course of the liquidation of the Koulaks as a class, the Stalinien labour camps played a new role. A decree issued on 7th April 1939 concerning the penal labour camps asserted that contrarily to the concentration camps of the bourgeois regimes, they were no institutions serving the purpose to exterminate physically the enemies of the class.

As this was written three years before the Nazis came to power and the first extermination camps appeared, the train of thoughts of Stalin can be followed easily. Indeed, from 1939, the camps in the Soviet Union became real extermination camps. The evidence is given by the number of their victims. Under the command of Kruschev, five to six millions of these victims of the GOULAG were posthumously rehabilitated. But this was only a few of them. The Koulaks, for instance, have never been rehabilitated, although Kruschev confided to Churchill that the number of Koulaks exterminated in the Stalinien camps amounted to more than 10 millions—that is more than in the concentration camps of the Nazis.

However the method of extermination was different. In the camps of Stalin, the prisoners were rarely executed or murdered—they died rather of exhaustion due to famine and cold as well as to the hard work they performed.

After the 20th Congress of the Communist Party of the Soviet Union (February 1956), the execution of punishment in the Soviet Union was a little humanized. The word "colony" replaced the word "camp". GOULAG (Administration of the camps of the Home Office in the Soviet Union) was changed into GOUITU (Administrative body for penitentiary matters) and the number of prisoners decreased. It increased again in the course of the last ten years.

But the principles of the Soviet execution of punishment remainded unchanged. The prisoners are exploited to slave labour, and in the opinion of the Western countries they are still very many. In the Soviet towns, there are on an average as many prisoners as in the Occidental towns, but in 1971, only 0.3 percent of condemned people were detained in prisons and it is well known that the Soviet prisons are overcrowded.

As a result, there are in the Soviet Union 330 times more prisoners of other categories. They amount therefore to several millions and form a special class of the Soviet Society: the class of the national slaves.

In the paper I read at the 2nd World Congress for Soviet and Eastern studies (Garmisch-Partenkirchen, 30.9-4. 10. 1980), I already mentioned the existence of this lowest class of the Soviet society.

The constitution of the Soviet Union does not mention it, with the exception possibly of a vague allusion in its article 60: "The refusal to accomplish a labour useful to the society is incompatible with the principles of the socialist society".

Other official Soviet sources such as "The Principles of the Legislation for Correction Labour in the Soviet Union and the Republics of the Union or the Penal Codes of the Republics of the Union and the Manual "The Soviet Legislation for Correction Labour" give information about the status of these disfranchised people.

Most of them are detained in colonies for correction labour and in case of juvenile deliquents in colonies for educational labour.

Apart from the prisoners included in the categories mentioned above, there are also the slave labourers who are not considered as prisoners: the banished who live in exile under the supervision of the local authorities, are forced to slave labour but allowed to move about freely within the limits of the place where they are living in exile. As this category of slave labourers was previously assigned to the construction of important chemical plants, one calls them in slang "chemicals". As to the prisoners, in the slang of the camps one calls them "Zek" (an abbreviation of the word "zakloutchonny"-prisoner.

The last category includes finally those who being neither prisoners nor banished are sentenced to penal servitude by verdict of the court and carry on working in the same shop as before their judgment. However the greatest part of their salary is withheld by the state. It is maybe the most impudent form of slavery in the Soviet Union. A variant of this form is "the 15 days detention for hooliganism". The people concerned are to work as unskilled workers of burden carriers. This last group of servitude labourers constitutes the psychological and social bridge between the "free" slaves of the Soviet society and the slaves of state.

The labour colonies are subdivided into four different regimes: 1. The general regime; 2. the strengthened regime; 3. the severe regime; and 4. the special regime. There are furthermore five groups of colonies for the people who have committed a crime through want of care or imprudence, as well as six groups of colonies for people "being already on the mend" (these last groups are collecting camps where the conditions of detention are no more quite so hard). In the prisons there are two regimes: the general regime and the severe regime.

In the Soviet Union, the penal execution is not limited to the detention. Its main principle is to exploit as much as possible the sentenced people. So it was in the GOULAG of Stalin and so it is nowadays. But the second principle of the Soviet execution of punishment was modified in the course of years. Under the commandment of Stalin (from 1939) these principles were exploitation and extermination. The aim was "expiation through privations and suffering". As the manual of the University Lomonossov in Moscow in the chapters treating: The Soviet Legislation for Correction Labour" states it, a punishment is unconceivable without expiation, consequently without suffering and privations.

Nowadays, the Soviet legislation allows no more to inflict "useless suffering, not indispensable for the aim of the punishment". It is of course an unaccurate notion which can be interpreted in different manners.

In short, if the camps of Stalin were camps of extermination, the present colonies are centers of torture, where the main method is the intensified exploitation of manpower.

For prisoners, the scheduled time of work is 48 hours a week against 41 hours for the "free" wage labour in the Soviet Union. The prisoners have no vacation privilege even if they have been sentenced to 15 or 25 years. The only day off is Sunday but also this day can be declared working day by the administration of the colonies. The years detention do not count as years of service and are consequently not considered when the person retires. If a prisoner becomes disabled during the years of detention, he is not entitled to receive disable pension until his is set free.

Disablement claims of a prisoner are generally not accepted. Article 27 of the principles of the legislation for correction labour" stipulates: "Work is compulsory for all prisoners". Consequently everbody is bound to work and fulfil the work norms even disabled of the first group who in civil are in bedridden state and dependent on assistance of others. They are also expected to work 48 hours and have no vacation privilege. And either the advanced age or the qualification

of prisoners is taken into consideration by the administration.

Only the regime of the labour colony is of decisive importance. The principles stipulate expressively that people detained in colonies with severe regime are to be assigned to heavy work. But as the Soviet newspaper "Kasachstanskaja Prawda" mentioned, and this applies also to other colonies: "Prisoners are principally to perform the heaviest work and the work norms are critical values. We can change nothing about it. A labour colony is not a sanatorium but a penal establishment where one works in the sweat of thy brow".

What does labour cost to the state? Almost nothing. The greatest part of the wages of those hard workers is withdrawn: 1. To cover the maintenance charges of the administration; i.e., guards and supervisors costs; and 2. For the food and clothing of prisoners.

As the state has no other expenses in connection with the existence of the prisoners, the Soviet forced labourers finance themselves their slavery. All deductions made it remains to the prisoner 10 percent of his wages (25 percent for disabled of the first and second groups). However even this ridiculous remaining amount is paid only if the prisoner has not offended the regime of the colony and fulfilled the work norms. In case the prisoner has not fulfil these conditions (what happens quite often) he receives no salary at all. Furthermore the administration is in title to assign the prisoner to underpaid jobs such as maintenance of the colony and adjoining estates.

In his writing "About the Dialectical and Historical Materialism," Stalin has characterised amongst other things the extent of exploitation in different social orders. The exploitation of Soviet prisoners corresponds to the exploitation of slaves in slave-holding societies described by Stalin, and on the model of which he probably organized the Soviet labour camps.

In connection with correction labour, the Soviet legislation states "a legal relationship between the Soviet state and the sentenced people" and he insists on the fact that this relationship is not set forth in a contract but originates from a judgment execution and ends on the day the prisoner is legally discharged or dies.

In the definition of slave exploitation given by Stalin, it is pointed out that slaves may be sold, tortured or even killed. This applies to Soviet prisoners. The German Democratic Republic is the only country of the East Block where it is usual practice to sell prisoners to other states. On the other hand, in the Soviet Union, prisoners may be "leased" to other institutions through the GOUITU. Some colonies serve as suppliers of labourers. The colony and the business in question conclude a contract according to which one party has to supply the labourers while the other binds itself to organize the labour of prisoners in production zones specially prepared and is willing to pay the salary corresponding to the services—this salary being paid of course to the colony administration and not to the prisoner.

Tortures and extermination of prisoners in practice under Stalin have been described above. Nowadays, the Soviet penal execution represents a permanent torture of the prisoners and we are not speaking of abuses commited by some officials but of rules prescribed by the Soviet legislation.

The Soviet law points out that the principal element of the colony regime is "the compulsory isolation of the sentenced people and their permanent surveillance". The prisoners wear prison uniforms, their mail is submitted to censor, the parcels sent to them are controlled. They are not allowed to have money or valuables with them. Nonobservance is punished and the good seized for the benefit of the state.

We have here deliberately not described infringements or official oppression from the authorities of the colonies. Our information based only on Soviet sources and especially on the Soviet legislation. The Soviet slave labour is in the practice worse than the theory but the theory is sufficient to enable to take a grave view of the situation. It also cannot hide the existence of the slaves of state in the Soviet Union.

One cannot choose one's neighbours and the social structure in the pretended real socialism is as it is. But this does not mean that the West may confidently participate to the exploitation of the slave labourers of the East. This causes a big political yet moral damage above all to the West itself.

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DEFINITIONS

The people sentenced to slave labour in the Soviet Union are subdivided in several categories:

(1) Banished persons: Many prisoners having served a sentence in a penal camp are superimposed the punishment of banishment. Some are sent by the court directly into banishment without having been sentenced first to detention in a camp. Within the limits of the place where they have to stay as banished persons, the sentenced people may move freely. However they remain permanently under the control of the local police and must observe curfew. Without permission of the police they must not leave the place.

(2) Prisoners forced to slave labour in camp-owned factories or, if the factory or building site is not too far from the camp, are taken to work in convoy under close guard.

(3)(a) Prisoners being granted conditional freedom sent generally only in spring and summer to work on so-called "Great Economic Projects" i.e. the gas pipeline. In the slang of the Soviet camps these sites are called "chemistries" and the prisoners under limited control are the "chemists". This category does not live in camps during its assignment there, is not under the control of the guards of the camp. It is the reason why these people are called "prisoners under limited supervision". They remain however under the permanent control of the local police and are not allowed to leave the place. In autumn they are generally taken back to their camp. The months spent at the site of forced labour are not considered as time of detention, i.e. not deducted from their sentence.

(b) The people sent for "parasitism" either by sentence of the court or only by order of the administration directly and without passing through a camp or a prison to "Great Economic Projects". (The people who have worked on private basis for themselves instead of for the state also fall into this category).

"Great Economic Projects" are projects of national importance, to the construction of which labourers from all parts of the Soviet Union are assigned.

In statements made by witnesses one hears sometimes "prisoners" when they mean "prisoners under limited control". Some witnesses speak generally of sentenced people and make no difference between the categories.

STATEMENTS SUBMITTED BY TELEPHONE AND IN WRITING

I, Vladimir Grigorjewitsch Titov, was born 1938 in the village Versebnevo, district Ljudinovski, area Kaluga. I had a higher technical education and completed a training in a KGB-school, I am a KGB-lieutenant. But my conscience did not allow me to commit unlawful acts and harm good people, i.e. to actually serve the KGB. Therefor I tried to leave the KGB. For attempting this I was sentenced to 10 years in prison and psychiatric confinement according to § 70 of the penal code of the RSFSR. Even after this 10 years I was persecuted cruelly. I was beaten to unconsciousness, my bones were broken, I had to be hospitalized. I was refused any job and I starved. The KGB tried to provoke me and watched me continuously, other people were instigated against me, relatives likewise.

The only way out of this true hell was to emigrate from the USSR on invitation from Israel. The KGB promised mercy and would let me go. Israel send another invitation for my wife and daughter. With great hope I started to collect the necessary documents for our emigration. But another torture was started by the KGB—again and again they tried to enlist me to work for them abroad.

For 5 months I was dragged to conversations, instructions, had to take oaths and received promises from the highest ranks, the generals of the KGB. In September 1981 Lieutenant General Zvigun personally talked with me about working for the KGB abroad. The telefon number of the main agent, conducting this campaign, Juri Semenovitsch, Major for special services, is 2-23-00-23.

Their friendly talks were mixed with threats to persecute my relatives in the USSR and to follow me abroad. I could not stand this devilish scheme and refused any cooperation. Once more I lost my job. I received an order from a psychiatrist and was declared mentally ill. My situation is desperate. These are the conditions here and such is our life in the USSR.

TELEPHONE ACCOUNT FROM MR. P. S., MOSCOW, JULY 1982

Because of my criticism of the government I was released from my position at the Institute of Mining in Moscow. There was no one in the entire city who was prepared to employ me. The KGB man said to me: "You can always volunteer to work on the pipeline, before we send you there anyway. You still have the chance to volunteer".

So I travelled to Tyumen, where I was told to register as an electrician at the distributor station at Urengoy. I worked there for a year. Urengoy is a small, dirty town with hastily built, barrack like buildings. I shared a room in a hostel with three other workers. On my first day at work I was officially informed that camp inmates were also at work on the pipeline. Unless I wanted to join them I was not to speak to them or speak about them at all. For eleven months I was able to observe how badly and injustly the prisoners were treated. They were subordinate to the volunteer workers, who of course only had to do the easier work. If the work was dangerous, then again the prisoners were made to do it. However they were then promised a reduction of their sentences.

In those eleven months I witnessed many fatal accidents, caused by exploding gas or toxic fumes. During the summer concrete was delivered in open lorries. It often became so hard en route that the prisoners received lacerated hands as they attempted to remove it. Even the heavy equipment delivered from abroad was unloaded by unaided prisoners.

There were always accidents during the test runs. Poor servicing led to many breakdowns and the prisoners were made, with inadequate equipment, to put the damage right. They had to move the heavy pipes. It often happened that weak ropes broke and killed someone. I often tried to raise the matter with the trade union but always received the answer that: "You shouldn't feel sorry for them—they should have been killed long ago. They are happy to be given the chance to 'improve' themselves".

The camp itself was not in Urengoy, but a few kilometers out in the Tundra, so that the inhabitants of the town remained unaware of their existence. But I had plenty of opportunity to speak with their guards, young soldiers serving there. They told me of the high rate of mortality of the prisoners and also of the frequent suicides among the young soldiers who could not stand the sight of so much misery. Young soldiers were known to turn their own weapons against themselves in their watch-towers.

The worst sight to bear was that of the many female prisoners, who were obliged to perform the same work as the men. Every evening they returned filthy and soaked to their barracks, and had no chance to change or to wash their clothes.

In winter the MWD guards warmed their hands around a fire, clad in sheepskin jackets. The prisoners worked on, in their working trousers and scarcely padded jackets.

SUMMARY OF PRIVATE LETTERS OF V. TITOV SENT TO JU. BELOW, OCTOBER 1982

In 1963 I have been working on the construction line Buchara-Ural (gas supply pipes) as manager of a sector for mounting and installing controlling and measuring devices as well as automatic machines. Here, as nearly everywhere, prisoners are doing the hardest work. From 1980 to 1981 I have been working in the district of Jjumen on gas pipes installing controlling and measuring devices as well as automatic machines.

Here as well prisoners did work coming of the concentration camps of Surgut, Nadym and Urengoj. These camps are situated in impassable marshland. In summer they (the prisoners) will be transported in helicopters of the type MI-6 and MI-10 to the constructing line, squeezed together like "herrings", in winter with vehicles and helicopters.

Among the prisoners there are many specialists with higher education, they are working as chief operators and brigadiers. Working with prisoners requires a special permit of the militia for those finding themselves in free working conditions. Unrestrained violence is the rule. Economic benefit is obvious.

When I have been for the last time on a reception on Dzershinski place with high-ranking people of the KGB, they insulted me for some time because of my refusal to work for them abroad, and they told me: "We shall let you putrefy. We shall let you putrefy for a long time. Nobody will declare the war because of you, all will be running down from us like water.

Within a short time they will arrest me. In what kind of torturechamber they will bring me—I don't know.

On 11th November 1982 news came by telephone out of dissident circles at Moscow, that V. Titov has been arrested at the end of October and sent into the psychiatric clinic at Kaluga, department 7, where he will be subject to a forced treatment.

WRITTEN REPORT BY MRS. A. P. FROM MOSCOW (JULY 1982)

My family and I, that is to say, my husband, my children and I have been trying for 5 years to acquire permission to leave Russia. Our applications are always rejected, because my uncle is an officer serving in the north in a department of the Hanty-Manssiiskii-Rayon.

My uncle is officially merely a simple engineer in a pioneer unit. Even so the authorities declare that he is party to military secrets and so even 20 years after his period of service is terminated, we will still not be issued with emigration papers.

Towards the end of last year, my uncle appeared unexpectedly in Moscow, saying that he had been releasd from the army owing to illness: In the course of the conversation I learned the following facts:

My uncle had in fact worked as an engineer on various projects, ranging from the new harbour on the Yamal Peninsula to Perm in the Urals. The officers and men were openly told that the construction of the gas pipeline from Siberia to Europe would strengthen the defensive capacity of the north of the Soviet Union. In the first place the size of the work force would be increased, and then the pipeline would considerably ease the difficulties of supplying fuel to the military installations in the far north. We don't even need to do anything ourselves. The first stage of the work would be completed by prison camp inmates and work brigades would only need to continue the work.

My uncle was astounded at Western naivité. He could not understand how the other side would wish to contribute to the military programme of the Soviet Union by delivery of their latest technology. The Russian defence ministry had been saved millions through this.

In my uncles opinion, along the entire pipeline there are branch lines for supplying military installations with gas. There are basis, launching pads for rockets and even weapons factories, as well as their grid network.

I am not harming my uncle by disclosing this information. He was transferred to a nuclear missile base and suffered a severe exposure to radiation. He is now dying. Nor is he an isolated case—there are hundreds like him.

TELEPHONE ACCOUNT OF MR. I. P. FROM TYUMEN, JUNE 1982

On the 15th of June, Mr. I. P. telephoned a friend in the West and related the following account:

Ever when I was in the camp, I had heard about the possibility of working on the gas pipeline to Europe.

Because of the hard conditions in the camps, many inmates are prepared to exchange camp life for the relatively "freer" life of a prisoner under limited supervision, who can be sent to work on special projects.

I did this and travelled with 50 other prisoners under limited supervision to Tyumen. Together with prisoners from other camps we waited in the transit camp for 10 days, whilst the militia and MWD arranged the areas of work. I with several others, formed part of "Special Group 7" and was taken to Kirpitschnii, a small place near Tyumen. As a prisoner under limited supervision I came under the authority of the Area Commander. There I lived with 4 others in a railway wagon, with just enough room for 4 cots. We had electricity but no water. Others lived in barracks, dating from the Stalin era, while others again lived in rapidly erected hostels, usually two storied buildings with no comforts.

Such places rarely have names. They are mostly known as "Special Group No . . ." with an indication of the camp authorities for the respective areas.

Such prisoners as we had to accept any work which was detailed to us. Prisoners under limited supervision work together with banished or "parasites". There are about 6000 in Kirpitschnii.

Our work consisted mostly of producing glass wool, wrapping the pipes, digging the trenches, transporting the armatures and pipe bearers, laying electricity or telephone cables and various tasks in the petro-chemical sector.

Armed solders and dogs guard specific areas, which are also fenced and wired off, where the perma frost is worked or rocks blasted. Inmates of camp No. 34/2 "x" are transported here in closed railway wagons. These areas are laid out to correspond with the progress of the project.

Food is poor, there is no medical attention, the barracks and wagons are cold and there are frequent cases of drunkeness amongst the workers.

There are also frequent cases of prisoners under limited supervision receiving fresh sentences and being taken back to camps, to continue working behind barbed wire.

At this moment there are 14 prison camps which belong to the complex of Tyumenlag: Nishnaya Tavda, Ussetsk, Jalutorovsk, Savodoukovsk Ipim, Malitza, two camps in Tobolsk and two more in Tyumen itself.

All related tasks, such as digging trenches, laying railway tracks, mixing concrete and preparing grids for the frames are not only done by men, but by women and minors, It is estimated that about 100,000 forced labourers are employed on various tasks asso-

ciated with the gas pipeline from Siberia to Europe.

One related task is the manufacture of work clothes. Women, or the inmates of psychological institutions are used for this. Even so work clothes are still scarce. For example protective gloves are only distributed every six months. Most prisoners wrap rags around their hands, but there are still frequent injuries or eczemas occured by working with barbed wire, concrete, glass wool or asbestas. Accidents are a part of life. However when the medical orderlies are called, they demand to know who is injured, whether the victim is a volunteer or an ZEK (the name for prisoners, prisoners under limited supervision, banished persons). Where an ZEK is concerned, the orderlies never bother to hurry.

STATEMENT

(The following is the statement of Dr. Richard Gnauch, Chairman of the International Society for Human Rights and the principal organizer of the International Commission on Human Rights which met in Bonn, Bad Godesberg, in November, 1982.)

In recent months, reports gathered from telephone calls and letters arriving from the Soviet Union have confirmed that large numbers of prisoners are being employes as cheap labor on the construction of the Trans-Siberian gas pipeline to Europe, There are civil rights campaigners, prisoners of conscience, victims of religious persecution and even women to be found amongst these prisoners.

As in the case of other large construction projects in the USSR the work is performed under inhuman conditions: with poor food, clothing and accommodation, and severe punishments for failure to achieve the desired output.

The reports on the human dimension of the pipeline are at first hand. They are a sign from the prisoners themselves, a call for help!

For this reason the ISHR (IGFM) released the information to the press and thereby to the public. The ISHR (IGFM) also appealed to the German Chancellor Schmidt to drop the projects on humanitarian grounds, in an open letter reproduced on page 32. The response surprised us all. From the public at large the reaction was one of overwhelming support. The proofs are increasing each day. However, whilst the Ministry of Foreign Affairs is still looking into the matter, Chancellor Schmidt has a already informed concerned members of the public that these reports are "not true". The Soviet news agency, Tass, even speaks of "filthy lies". (8th August 1982)

The ISHR (IGFM) therefore has provided a documentary file so that the reader may reach his own decision. We should like to suggest to the governments of Western Europe, that they have the working conditions on the pipeline investigated by an international committee of trades unionists. We feel that this is also in the best interest of the Soviet Union.

We hope that our efforts will lead to renewed reflection about this pipeline project.

Should we share the guilt of exploiting forced labourers? The Nuremberg processes condemned the use of concentration camp prisoners as forced labour. So too, does the United Nations regularly condemn the use of forced labour as slavery. We too can play our part. We as the ISHR (IGFM) should like to ask all concerned people to stand up and be counted—send a parcel to a prisoner or to his family. We can assist you to do so.

HISTORY OF INTERNATIONAL SOCIETY FOR HUMAN RIGHTS (ISHR)

The ISHR was founded in 1972 in Federal Republic of Germany and changed into an international organization in February 1981. In October 1982 the British section of ISHR established itself. ISHR has 2500 members in several countries.

The activities of ISHR are based primarily on the Universal Declaration of Human Rights, proclaimed by the General Assembly of the United Nations on 10 December 1948. The International Society for Human Rights is a humanitarian organization. Consequently, our activities are as follows:

Assistance to all those isolated individuals or groups who are striving for the realisation of human rights; to those doing it in their country without the use of violence; to those who are persecuted for "exercising" these rights. Our help is not limited to political prisoners alone. We also intervene in cases of separated families, for example.

Active support of requests drawn to our attention, whether in general or in particular cases. Public disclosure and denunciation of all violations of human rights. Development of projects and suggestions for politicians and state institutions. Collaboration with international organizations. Improvement of international tolerance and understanding. Setting a personal example to motivate citizens to fight for human rights. We are acting individually and do not wait for the State to intervene.

Anyone over the age of 16 can become a member of the Society.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL TRADING CONFERENCE

Mr. EXON. Mr. President, the just concluded International Trading Conference in Geneva, flying under the banner of General Agreement on Tariffs and Trade, GATT, folded a few hours ago. A better phrase would be that it collapsed. Oh, here were the face-saving communiques and nonbinding so-called agreements. They are all a sham and must be so recognized.

I call upon the administration, the President's chief trade nonnegotiator, Bill Brock, and the other participants to face reality and honestly dub their trip a disaster as measured in terms of any meaningful positive result for free world trade, especially American agriculture.

This is necessary, Mr. President, because until all understand the disturbing facts that confront us in trade, there is no chance for corrective action. Enough, I say, of the rhetoric which has temporarily salved the economic wounds of many in the agricultural sector, particularly that we will sell our way out of our horrendous food surpluses if we stay the course.

The agriculture course was wrong in the first place—to stay it any longer will surely ruin any semblance of our family-size farm operations.

It is long past time for the administration to ignore the plight of this Nation's food producers. The GATT failure was just the latest stark testimonial that the interests of our efficient food producers are being savaged by unfair competition around the globe. A Nebraska farmer does not balk at competition from a European or Japanese farmer. But he cannot compete with both foreign farmers and their governments cahoots. Our obligation, it seems to me, is to insist that our so-called trading partners—a partnership where they get 40 percent of the goodies and we get 10 percent—and our so-called military partners—a partnership where we pay the costs at 75 percent and they 25 percent—get in balance, the sooner the better.

We have been taken for a "trade ride" for far too long, and Uncle Sam can no longer afford to play Santa Claus, even if he has enjoyed starring in that role for so long. As the song says, "The Party's Over."

Mr. President, I wish to call the attention of my colleagues in the Senate to a speech on this subject that I gave nearly 2 years ago, December 12, 1980, appearing in the CONGRESSIONAL RECORD at page S16355.

In those remarks of 2 years ago, I warned very clearly that there was no free trade, and I think we can all agree now that certainly after the last 2 years of experience we are no closer to any more of a free trade than we had then.

During that 2-year period, the economic distress that has faced our farmers and that they are now in is one of the great tragedies of our time. It is indeed proper, Mr. President, that we begin to recognize the serious unemployment situation that we have in America today.

This Senator can say that I undoubtedly will be supporting some of the measures that I anticipate will come before this body in this lameduck session. Yet for far too long we have not paid heed to the farmer. He is not unemployed; he is simply going broke. If we do not begin to do something about it, I will be standing on this floor a year from now reminding that it is well that we help the unemployed, but it is also necessary that we do more than we have done thus far to recognize the serious financial plight of the American food producer.

Mr. President, what I said 2 years ago is so true. Without being too repetitious, I want to quote from just three paragraphs of that talk that I gave on December 12, 1980.

But when we talk of free trade, Mr. President, we should recognize that there is no free trade. There is no free trade. And I think that those who have talked time and time again about free trade are following an unrealistic myth.

Let us take our friends the Japanese, who are important importers of something that is produced in my State—food products. But the facts of the matter are there is no free trade with the Japanese on agricultural products. In fact, I had a chance, Mr. President, to just do a recent study on some of the practices that are carried on by the Japanese to protect—I emphasize, Mr. President, protect—their domestic producers of agriculture.

And I do not criticize them for one moment in protecting their domestic producers of agriculture, because they know how important food is.

Certainly with regard to pork, for example, the agriculture director of the Japanese, by the push of a button, can let pork come in or not come into that country.

That is not free trade.

Mr. President, the total failure of the GATT conference just recently concluded in Geneva brings home even further the fact that we are selling short the interests of the food producers of America. I say, Mr. President, that the administration and this Congress should send the message very clear around the world and begin to do something at home to make sure that our farmers, in their efforts to sell their products around the world—and they are doing a good job of that through their farm organizations. We have to make sure that they are assisted in some manner and not be unfairly treated, as they obviously have been for the past several years.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BLAME FOR OUR CURRENT RECESSION

Mr. THURMOND. Mr. President, I am not an economist, but my 28 years of service in the U.S. Senate have given me a reasonable perspective on economic and political events of the last quarter century.

It is for that reason that I rise today to take issue with the claims of editorial writers, political pundits, and critics of the current administration who insist—among other things—that President Reagan has singlehandedly embroiled this Nation in its worst economic crisis since the Great Depression.

Like many people, I lived through that tragic period in our history, and I want to state categorically that our economic troubles are not nearly as bad as they were in the early and mid-1930's when banks and lending organizations faltered and failed at an alarming rate and our stock market collapsed.

I feel compelled to remind my colleagues that financial failures of banks were so bad that special legislation was needed to protect peoples' savings and restore their confidence in those institutions.

Mr. President, I do not want to take up the Senate's time with a lengthy recitation of events as they were almost 50 years ago. However, I do want to make a point about where blame should be assigned for our current recession.

As I have stated often, our troubles stem from decades of fiscal irresponsibility on the Federal level and a pattern of switch hitting economic philosophies that transcends any one political party or administration. During our debate on the balanced budget amendment, the distinguished Senator from Utah (Mr. HATCH), and I pointed out that our budget has been balanced but once in the last 21 years, twice in the last 25 years, and that our cumulative national debt now tops $1 trillion.

Mr. President, I wager that none of us here has ever seen what a billion dollars looks like, let alone a trillion dollars. Quite simply, that is more money than the mind can imagine, and yet we deal so casually with those figures every day that our sensitivities about big spending and taxation have become dulled.

For too long, we preached a ruinous philosphy of spend, spend, spend and tax, tax, tax—as if there were no tomorrow. Well, as football coach George Allen once said, "The future is now," and the sins of our past have caught up with us. Against a backdrop of fiscal irresponsibility, two other things have occurred which directly affect our economic condition.

First, beginning in the early 1970's, the American economy began a slow and almost imperceptible shift from heavy to light industry. We began to move away from the labor-intensive production lines that characterized our rise to industrial preeminence, and we entered a new era of computer and electronics production.

That shift is still taking place, and as American industries continue to catch up with foreign producers that began the changeover faster than the United States, production in our Nation's factories and businesses will continue to lag.

Second, this country has a long history of changing economic policies almost as fast as the average American household changes tires on the family car. We try them out, and if substantial progress is not seen quickly enough, we cast them aside and move on to something new.

We are impatient people, Mr. President, with a quick-fix mentality that places tremendous strains on our political system and its officials—particularly the President of the United States.

This mentality has contributed to a rapid turnaround in national economic policies—oftentimes as soon as a President enters the midpoint of his first term in office. The idea, of course, is that the President is expected to make so-called midcourse corrections if his policies do not yield immediate and tangible results.

It is interesting, I think, that the economic reporting of late has all but ignored the really good news about interest rates, inflation, and housing starts. Just 20 months ago, Americans were suffering under outrageous interest rates and rampant inflation, and they were clamoring for relief.

Ronald Reagan came into office committed to providing that relief. But also dedicated himself to a much more long-range goal: That of charting a new and bold course for this country, one that would return us to the economic principles which made us the undisputed industrial giant of the world.

We began that journey with some trepidation, and an admonition from the President that change would not occur overnight. Now, 2 years later, a great deal has been accomplished, but—admittedly—much remains to be done, especially in our battle to bring down unemployment.

Despite that progress, we once again face the old choice of whether we should plot a new economic course, or make, what the media has called, midcourse corrections. The President has indicated that he intends to stay the course, and that he does not consider our most recent elections to be a mandate from the people to abandon his plan.

I am relieved to hear that because I remain convinced that Ronald Reagan is this country's best hope for a brighter and more prosperous tomorrow.

A recent editorial in the Rock Hill Evening Herald, written by guest columnist Joe Rivera, makes a convincing case for exactly who is to blame for our economic ills, and I want to commend it to my colleagues. This article sheds some light on the question of what people expect from their President and their Congress. I ask unanimous consent that the editorial, from the October 20, 1982, edition of the Evening Herald, be included in the RECORD at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Rock Hill Evening Herald, Oct. 20, 1982]

"IS REAGAN REALLY TO BLAME?"

(By Joe Rivera)

"I hate that man!"

"He got us in the worst mess we've ever been in!"

"He made me lose my job!"

"He don't care what happens to us!"

'All he cares about is them people over there!"

"He just wants to build up the military and throw money away on nuke power!"

We hear these statements more and more every day. The mood of the country is one of despair, frustration and anger.

This is understandable considering the high rate of unemployment and the continuing shut down of factories and business, and the curtailing or elimination of various government programs.

But is Reagan really the person to blame? Let's look at the above statements:

"I hate that man!"—To hate him seems to be a natural reaction by most. This is conceivable when it is expressed as a personal emotion with which to vent our anger, but to continue hating when there is unsufficient evidence is not only objectionable, it's unchristian.

"He got us in the worst mess we've ever been in!"—Every goal in life is not attainable. Frustration results when we use conflicting approaches toward these goals.

Previous administrations chose to attain and reject these goals at the same time, thereby getting us into a quandary. This was Reagan's legacy when he took over.

Remember trying to unravel a large ball of twine tangled up with a bunch of knots? It becomes a worse mess, but if we have to get it untangled and we're persistent, we will eventually get it straightened out.

This is what Reagan is doing. He's caught in the middle of this mess, but he was elected to do it and he is persistent enough to get us out of it.

"He made me lose my job!"—Now really, did he come down personally and fire you, or lay you off? No, any stupid person will know he didn't do that! It was thanks to his policies that I lost my job. Letting all those imports in the country . . .", you might say.

Reagan did not personally let all those imports in. This trade imbalance was allowed to continue unchecked by other administrations before him.

Goods from overseas with better quality, more efficiency, and reasonably priced became available. The public rushed to grab these goods and they saturated the country. The "Buy American" slogan went unheeded. When our products were not being bought, the manufacturers closed shops, moved overseas, produced them at a lower cost, and sold them back to us, with a foreign-made label on them, but subsidized with American capital.

Thus, our own personal greed caused your job to be lost.

Reagan advocates a more balanced trade with other nations. He can not simply cut out foreign imports all together. Do you think that other nations will allow our goods into their countries if we kept theirs out of ours?

A more balanced trade policy and a sensible approach by the American consumer to buy American-made products is a possible solution.

"He don't care what happens to us!"—Do you honestly believe that? He is doing what previous administrations refused to do. He too got tired of so many fraudulent recipients of food stamps and welfare, so much abuse of public funds and duplicated government programs. He is trying to get us out of this quagmire precisely because he cares about us, but nobody likes it.

"All he cares about is them people over there!"—This couldn't be farther from the truth. There are too may considerations involving foreign relations which we are not familiar with that precludes him from ignoring "those people over there." A return to isolationism is a relatively simple matter, maintaining it can be quite difficult.

This is what happened prior to and following WWI. Thus, in retrospect, it is inconceivable that a world power, which the United States has become, can withdraw from world affairs.

"He just wants to build up the military and throw money away on nuke power!"—If we look just a few years back, we'll see how one administration after the other persisted in whittling down defense spending to a point were our national defense is hanging precariously on a balance.

We have been operating without a recognizable foreign policy and a weakened defense posture. This image has undermined the confidence of our allies, lessened our credibility with the nonaligned nations and encouraged our adversaries.

The Soviet Union has continued its stubborn build-up without one word of protest from our pacifists at home. It has moved with impunity in almost all spheres of influence around the world.

Now we have a man in the White House who is not afraid to expose their bluff and who is determined to regain the stature and international respect which we had previously accepted as our birthright, and almost everyone is down on him.

His determination to rebuild our deterrent strength and military flexibility should receive the backing of every person who is proud to call himself and herself an American.

It is sad to see or hear men and women making so much noise about our development of nuclear power and yet they say nothing about the Soviet Union. They demand that we stop nuclear proliferation immediately but they make no such demand to the Soviets.

They know that if they tried to voice such opposition over there they would end up in Siberia or else, being thrown out of the country at once.

The President has repeatedly stated that we'll be willing to negotiate disarmament with the Soviets if they would do so in good faith. However, the fact is that they, and our own pacifists believe that this is a unilateral burden to be accomplished by us and not by the Soviets.

It is urgent that we back the President in this matter. It won't be easy and it will demand sacrifice. If we don't do it now, tomorrow might be too late. If Reagan reneged on his obligation to serve and preserve the nation, then he would be remiss in his duties. He is only doing what others before him refused to do. He needs our prayers and support.

When the time comes that America and our way of life is not worth protecting, then we as Americans, have already lost.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A TRIBUTE TO JAMES E. O'MEARA, JR.

Mr. METZENBAUM. Mr. President, it is with great pride that I take this opportunity to salute a fellow native of Cleveland, James E. O'Meara, Jr., for his outstanding accomplishments in the fields of education, law, and labor, and for his 48 years of dedicated service to the Cleveland community. On Saturday, December 4, 1982, he will be honored by his many friends and admirers at a tribute hosted by the Cleveland Teachers Union. I am sure my colleagues will join me in extending our congratulations and best wishes to Mr. O'Meara on the occasion of this well-deserved testimonial to his lifetime of distinguished service.

James O'Meara was born and raised in Cleveland. He is a product of the Cleveland public schools, and received his Ph. B. and M.A. degrees from John Carroll University. In 1933, he began a 40-year career in the Cleveland public schools, teaching history and law at John Hay, South, and Glenville High Schools. He has also been an instructor at John Carroll University and the Rabinical College of Telshe Yeshiva.

In June 1935, he married his lovely wife, Margaret Riester O'Meara. They have four childern and seven grandchildren.

Admitted to the bar in 1941, Mr. O'Meara specialized in education law. Subsequently, he earned his J.D. in 1968 from Marshall Law School. In addition, Sioux Empire College has honored him with a doctor of humane letters degree.

Mr. O'Meara has had a lifelong commitment to the labor movement. He was a charter member of the Cleveland Teachers Union, and served as its president for 11 years and its executive secretary for 8 years. He was also president of the Ohio Federation of Teachers and vice president of the American Federation of Teachers. As an AFT delegate to the International Federation of Free Teachers Unions, he received worldwide recognition as vice president of IFFTU and one of its eight-member executive board.

Among his high-ranking offices in the Cleveland AFL–CIO Federation of Labor were recording secretary, vice president, and chairman of the COPE scanning committee. In addition, Mr. O'Meara chaired the education com-

mittee at many conventions of the Ohio Federation of Labor. He received the United Labor Agency plaque for his contribution to labor in Cleveland.

As a longtime civil rights activist, he served on the Civil Rights Committee of the Cleveland AFL-CIO Federation of Labor, Ohio Civil Rights Commission, and United Negro College Fund Committee. A member of the Urban League, he served on both the nominations committee and the employment committee.

In addition to his career in education, law, and labor, Mr. O'Meara devoted countless hours to community service. He was a trustee of Cuyahoga Community College for 14 years, a member of the Cleveland State Advisory Committee on Labor Education, the industry, commerce and schools committee of the United Appeal, and the education committee of the American Cancer Society. He also served as a member of the board of directors of the City Club of Cleveland. In 1980, he was appointed to the Cleveland Board of Education to fill an unexpired term and served until the 1981 election. He continues to be a lecturer on school law at colleges, high schools, and teacher meetings in the Cleveland area and at colleges in several States.

Mr. President, it is a very real pleasure to have a small part in honoring one of the outstanding citizens of my own home community of Cleveland. I salute James O'Meara for his distinguished career and for his many years of unselfish and untiring service to the people of Cleveland and the Nation.

RULES COMMITTEE ACTIONS AFFECTING OPERATING EXPENSES OF SENATE OFFICES

Mr. MATHIAS. Mr. President, I wish to announce actions taken by the Committee on Rules and Administration which have impact on various operating expenses of Senate offices.

The first is a revision of Senate training regulations for professional staff of Senate committees. Effective September 22, 1982, the limit for conference, registration, seminar or attendance fees which can be paid from committee funds without prior approval of the Rules Committee has been increased from $100 to $500.

Next is a revision of the Senate regulations concerning the rental of automobiles by Senators and staff while on Senate business. For a 6-month period beginning October 1, 1982, Senators and Washington-based staff will be allowed to rent vehicles in the Washington metropolitan area only for official business conducted outside the Washington metropolitan area.

Also, effective on October 1, 1982, the Sergeant at Arms of the Senate will no longer make payment for telegraph charges of Senate committees.

Mr. President, I ask unanimous consent that three letters dated October 1, 1982, that I sent to Senators and committee chairmen be inserted in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD as follows:

U.S. SENATE,
COMMITTEE ON RULES AND ADMINISTRATION,
Washington, D.C., October 1, 1982.

DEAR MR. CHAIRMAN: This letter is to serve as notification of a recent change in the Senate regulations governing the training of professional staff of Senate committees. A brief restatement of these regulations is included for your information and guidance.

Section 202(j) of the Legislative Reorganization Act of 1946 provides for the expenditure of funds available to standing committees of the Senate for the training of professional staff personnel under certain conditions. It is the responsibility of each committee to set aside funds within its annual funding resolution to cover the expenses of such training. These funds may be used subject to Rules Committee approval of specific training requests made on an individual basis. Training requests should be received sufficiently in advance of the training to permit appropriate consideration by the Rules Committee.

Prior approval for attendance by professional staff at seminars, briefings, conferences, etc., as well as committee funds earmarked for training, will not be required when all of the following conditions are met:

1.The sponsoring organization has been asked to waive or reduce the fee for Government participation.

2. The fee involved (actual for reduced) is not in excess of $500. (Please note that this was increased from $100 by action of the Rules Committee on September 22, 1982.)

3. The duration of the meeting does not exceed five (5) days.

If the fee or time duration for meetings is in excess of the aforementioned, advance approval by the Rules Committee must be sought. At that time the Committee will determine the classification of the proposed charges as either "training", which requires compliance with all the provisions of section 202(j), or "non-training".

Further information on the Rules Committee regulations for training of professional staff of Senate committees can be found in the Committee print entitled "Expenditure Authorizations and Requirements for Senate Committees". Questions can be directed to Dennis Doherty (x40284) or Chris Shunk (x40277) of the Rules Committee staff.

I hope that this letter has been helpful and informative.

With best wishes.

Sincerely,

CHARLES MCC. MATHIAS, JR.,
Chairman.

U.S. SENATE, COMMITTEE ON RULES AND ADMINISTRATION,
Washington, D.C., October 1, 1982.

DEAR SENATOR: The Committee on Rules and Administration has approved, on a trial basis, a revision of the Senate Travel Regulations in regard to the hiring of automobiles in Washington, D.C. for the conduct of official business. The first paragraph under section D on page 11 of the Senate Travel Regulations shall be revised to read as follows:

"The hire of boat, automobile, aircraft, or other conveyance will be allowed if authorized or approved as advantageous to the Senate whenever the Member or employee is engaged on official business outside his designated post of duty. In no case may automobiles be hired *for use* in the metropolitan area of Washington, D.C., by anyone whose duty station is Washington, D.C." (Inserted language emphasized.)

This change clearly indicates that vehicles which are rented by Senators or staff whose duty station is Washington, D.C. could only be used for travel which takes them outside the Washington metropolitan area. The rental of vehicles for travel in and around Washington, D.C. is prohibited. The use of such vehicles shall be limited to departing directly from the Washington metropolitan area until turning the vehicle back to the lessor immediately upon return.

Please be advised that this revision has been approved on a six-month trial basis effective immediately. An evaluation by the Rules Committee for extending this approval shall be made at the conclusion of the trial period.

Please direct any questions concerning this matter to Dennis Doherty (x40284) or Chris Shunk (x40277) of the Rules Committee staff.

Sincerely,

CHARLES MCC. MATHIAS, JR.,
Chairman.

U.S. SENATE, COMMITTEE ON RULES AND ADMINISTRATION,
Washington, D.C., October 1, 1982.

DEAR MR. CHAIRMAN: During the 96th Congress, the Rules Committee developed and the Senate adopted a package of reforms to the committee budgeting system. The theme of these reforms was to bring all spending of committees within the annual funding resolution reported by each committee and adopted by the Senate prior to March 1 of each year.

Those reforms have been successful in consolidating committee spending. However, the Sergeant at Arms has traditionally included funds in his budget request for payment of committee telegraph expenses. This practice has continued after the adoption of the committee reforms. Payment of these expenses has been at odds with the goal of consolidating committee spending.

This letter is to advise you that the Sergeant at Arms, effective October 1, 1982, will no longer make payment for telegraph charges of committees. The Committee on Appropriations has eliminated all funds requested for fiscal year 1983 by the Sergeant at Arms for payment of these charges. According to the Committee's report on S. 2939 (Report 97-573), the Legislative Branch Appropriation bill for FY 83, funds provided the Sergeant at Arms for telegraph charges are "to be used solely for needed telegraph services of the Senate leadership and officers. Consistent with Senate committee reform of the 96th Congress, committees are to pay for telegraph costs through their own authorized funds."

Please be advised that the Sergeant at Arms has arranged for each committee to be billed directly for telegraph expenses charged as of October 1, 1982, on the current committee account number.

If you have any questions concerning this matter, please contact Dennis Doherty

(x40284) or Chris Shunk (x40277) of the Rules Committee staff.

Sincerely,

CHARLES MCC. MATHIAS, Jr.,
Chairman.

U.S.S. "GEORGIA," A FITTING TRIBUTE

Mr. MATTINGLY. Mr. President, during the just completed recess, I had the pleasure and privilege of attending in Connecticut the christening and launching ceremonies of the U.S.S. *Georgia,* our Nation's newest *Ohio* class, ballistic missile submarine.

This ship, a marvel of technology and a testament to America's commitment to peace, will join those already serving in the sea-based leg of our strategic, deterrent nuclear Triad force.

Adm. James D. Watkins, Chief of Naval Operations—and a submariner—in his remarks at the ceremony, captured the essence of the need for and the purpose of this vessel. He noted the "* * * paradox of deterrence—the awesome weapons which will sail aboard this ship are best employed by never being launched" and he cogently summed up the philosophy behind its construction, "* * * the entire Trident program is centered around maintaining a credible world peace through national strength."

National strength, Mr. President, comes from national will. Admiral Watkins correctly applauds the sacrifices that are made daily by Navy men and women in the performance of their missions. His, and our, "sailors of peace" deserve the thanks of all free peoples.

I am proud that the people of Georgia, their commitment to freedom, and the sacrifices that many of their numbers have made for our country, will be memorialized in the name of this mighty vessel. It is a fitting and deserved tribute not only to the people of Georgia but also to their great Nation.

I am pleased to bring the comments of Admiral Watkins to the attention of my colleagues and ask unanimous consent that they be printed immediately following my comments.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

REMARKS BY ADM. JAMES D. WATKINS

Thank you, Senator Mattingly. Distinguished platform guests, men and women of Electric Boat, wonderful *Georgia* crew members, friends of the Navy:

It is both a professional and personal honor for me to be here on this special day. I am pleased to participate in this historic event—the christening and launching of another Ohio class submarine—engineered and built to help our Nation maintain a credible, survivable deterrent to nuclear war—today and into the future.

On a personal level, this is a special day for several reasons. One is because my wife, Sheila, has the great honor of being this submarine's sponsor. And another is because my grandfather, Edward Lancaster Watkins, was born in Macon, Georgia.

Naming this submarine for the great State of Georgia is most appropriate because Georgians have a heritage of strong support for our national defense.

Senator Mattingly serves on the vital Appropriations Committee which supports a strong Navy.

Similarly, Senator Nunn has been an active supporter of the Navy and was instrumental in getting military compensation back on track. He is the great nephew of another famous Georgian known for his deep love of the Navy—a man well admired—the late Congressman Carl Vinson. Today as we speak, his legacy, the nuclear powered carrier U.S.S. *Carl Vinson,* is a vital part of the Atlantic Fleet. In his fifty years on Capitol Hill, Carl Vinson's wide-ranging and intricate self-mastered knowledge of naval affairs made him one of our Nation's most influential figures in maritime matters.

He led a wide-ranging battle defending the buildup of the 1930 skeleton-of-a-navy which parallels, in many respects, today's congressional debates centering around our goal of achieving a 600 ship Navy before the end of the decade. It was Carl Vinson who sponsored and fought for legislation which authorized crucial increases in our naval strength prior to the Second World War.

A strong opponent of naval disarmament, he realized we had to deal from a position of strength during the international naval limitation conferences of the day, knowing the alternative to preparedness was almost certain defeat.

That lesson still stands today. The entire Trident program is centered around maintaining a credible world peace through national strength. This program's operational successes have put muscle behind these words. To date, these ships have met or exceeded all technical requirements.

These submarines are the most effective warships of their kind in the world. And when the Trident II missile comes on line in the late 1980s, our most invulnerable leg of the strategic Triad will possess a missile with greatly improved accuracy that could be applied against hardened military targets—providing new options to our national command authority.

Georgia will sail the steady track of her sister ships—and she will sail as an instrument of peace, not war. Some critics yell "foul" and say that this position smacks of naivete'. They complain we do not realize the potential destruction capability aboard this submarine. But that is wrong—it is exactly this knowledge that brought her to life.

That's deterrence—preserving peace through strength. This policy is founded on a determination to avoid use of nuclear weapons. Since evidence is accumulating that Soviet strategic thinking holds that situations exist in which nuclear war is winnable and preferable to the alternative—it is necessary to keep the level of deterrence extremely high. *Georgia*—and the rest of her class—will do just that. We must look at this submarine—and its potential—in that light. I want it to be written by future historians that tomorrow's battle which was not fought was the most important battle we fought in the twentieth century.

This is the paradox of deterrence—the awesome weapons which will sail aboard this ship are best employed by never being launched. You help insure peace by their presence, avoid war by their existence.

Today, the temptation is strong to reduce American opinion on the nuclear issue to simple propositions—such as "X" on a ballot means immediate freeze.

The tough question is how to transform good intentions into practical results, a much harder job than writing ballot propositions.

We are all concerned about nuclear weapons. American's everywhere would like to see steps taken to curtail their proliferation. This commitment isn't new. American opinion on nuclear weapons and war has changed scarcely at all over nearly four decades. But, as appalled as the public is about nuclear weaponry, it has historically accepted a strong strategic posture because of no realistic alternative to heavy reliance on such weapons in the country's defense. The main reason for this is that the public considers the Soviet Union an untrustworthy adversary that would unhesitatingly use nuclear superiority—or any other military advantage—as political leverage to allow an uncontested pursuit of hegemonic policies.

A recent article by Everett Ladd in "Public Opinion" said it best. Quote. People don't like the bomb, but they consider it a necessary part of the Nation's military deterrence. They want to restrict its development and deployment, and to minimize the chance of its use, but they don't want to do so at the cost of a Soviet military advantage or in a manner that requires the United States to take the Soviets at their word. Unquote.

Just a couple of weeks ago Dr. Teller told a national press club audience that "Brezhnev applauds when 750,000 people march in Europe in support of a freeze, but when a handful do so in Moscow, they are arrested before anything could be done." You recall that when seven people in Moscow dared to unfurl a banner calling for "bread, life and disarmament", they were immediately arrested. We in the United States should be thankful we can freely debate such controversial and complex issues.

The problem is that our strategic deterrent forces—our ICBM force, B-52 bombers, Poseidon submarines—are '60's vintage weapons. In the '70's we reduced our strategic program substantially. In effect, we did freeze our force levels at that time and in return the Soviet Union increased its nuclear programs dramatically.

While we stayed with our third generation of ICBM's, they drove ahead to their fifth generation, and are now working on their sixth. From 1967 until *Ohio's* deployment last month, we did not build and deploy a single new ballistic missile submarine. In that same period, they built 60 progressively larger and more capable submarines, culminating in their new "Typhoon" class of ballistic missile submarines.

The result of *our* restraint is that over three quarters of our warheads are carried on launchers that are fifteen years old or older—while three quarters of the Soviet warheads—are on launchers that are five years old or less.

As a consequence, the Soviet Union applauds a nuclear freeze. Soviet incentives to negotiate any reductions, unfortunately, can now only be forced by the kind of U.S. strategic modernization effort of which *Georgia* is a part.

Wishing away nuclear weapons won't make them disappear. The reality is that they do exist—and although we are working for their removal from the arsenals of the world—for the time being they are with us. There are no easy, cheap, "quick fix" reme-

dies—we must proceed cautiously, step by step, during the nuclear arms reduction process.

The administration's "START" initiative has as its basis the goal of achieving world peace and reduction of nuclear armaments. Contrary to what critics imply, we are committed to achieving significant reductions in nuclear arms.

I advocate peace through strength, not because I want to see nuclear weapons used, but precisely because I do not. The fact is—every sensible human being is opposed to nuclear warfare—and the public interest which has recently arisen after a period of dormancy is probably best described as a disagreement about the best way to prevent such a war.

We in the Navy are moral men and women, willing to sacrifice for a lasting peace. The blue and gold crews of *Georgia* are of this caliber. They know that maintaining peace is a substantially harder task than going out into the streets and waving placards. For when their careers are successfully completed, they will have sacrificed upwards of five years—undersea, away from home and family—for this goal.

Today, over twenty-one hundred patrols have been completed by our ballistic missile submarine force in the name of peace. These patrols, in combination with the deterrence provided by their land and air Triad counterparts, constitute a proven working system of deterrence that some ask us to now discard.

We are sailors of peace and put our record of performance forward as proof. I am very proud of my people—and the missions they perform around the world.

Today, on this special occasion, let's all pledge our unwavering support to insure our deterrent strength remains alive, well and underway until an equitable nuclear arms reduction can be reached through bilateral negotiation—not unilateral.

We cannot ignore the complexities of nuclear deterrence or the realities of international relations. Simplistic solutions only arouse false hopes leading to disillusion. We must chart a practical course.

We can do better than a freeze. Patience is not too much to ask. Resolve is not too much to show. Until that time, men of *Georgia* will continue to sail the practical course for peace. God bless and protect them in their task.

MESSAGES FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of October 2, 1982, the Secretary of the Senate, on October 20, October 22, October 26, November 5, November 15, November 19, November 22, November 23, and November 24, 1982, received messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on October 20, October 22, October 26, November 5, November 15, November 19, November 22, November 23, and November 24, 1982, are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE RAILROAD RETIREMENT BOARD—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 185

Under the authority of the order of the Senate of October 2, 1982, the Secretary of the Senate, on October 25, received the following message from the President of the United States; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

I hereby submit to the Congress the Annual Report of the Railroad Retirement Board for fiscal year 1981, pursuant to provisions of Section 7(b)6 of the Railroad Retirement Act, enacted October 16, 1974, and Section 12(1) of the Railroad Unemployment Insurance Act, enacted June 25, 1938.

The Chairman of the Railroad Retirement Board informs me that despite changes in railroad retirement negotiated by rail labor and management and enacted in the Omnibus Budget Reconciliation Act of 1981, the railroad retirement system faces severe financial difficulty. With the railroad industry's strong tradition of collective bargaining, it is my belief that the parties should be free to negotiate and implement changes in the railroad retirement system as part of their normal collective bargaining. Restoring the rail industry's pension to the private sector as proposed would free rail labor and management from inappropriate Federal intrusion in their affairs. The rights and benefits of active and retired rail workers would be unaffected by this reorganization, with the Federal Government continuing to provide social security to retired rail workers, their families and dependents.

RONALD REAGAN.

THE WHITE HOUSE, *October 25, 1982.*

ADJUSTMENTS TO FEDERAL STATUTORY PAY SYSTEMS—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 186

Under the authority of the order of the Senate of October 2, 1982, the Secretary of the Senate, on October 25, 1982, received the following message from the President of the United States; together with accompanying papers; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with the provisions of section 5305 of Title 5 of the United States Code, I hereby report on the pay adjustments I ordered for the Federal statutory pay systems in October 1982.

The Secretary of Labor, the Director of the Office of Managment and Budget, and the Director of the Office of Personnel Management, who serve jointly as my Pay Agent, found that an overall increase of about 18.47 percent in General Schedule rates of pay would be required to achieve comparability with private sector pay as that concept is defined in the Federal Pay Comparability Act of 1970. The Advisory Committee on Federal Pay agreed with that finding.

The Comparability Act gives me authority to propose an alternative adjustment in lieu of comparability, if such action is appropriate because of economic conditions. The Budget Resolution adopted by the Congress last June, which I supported, anticipated an increase of 4 percent this October in support of our economic recovery program. Accordingly, on August 26, 1982 I sent to the Congress an alternative plan which called for an increase of 4 percent at each grade. Neither House of Congress disapproved this alternative plan, so on October 8, 1982 I signed Executive Order No. 12387 implementing it.

Under that Executive Order:

—The scheduled rates of pay under the statutory pay systems (the General Schedule, the Foreign Service Schedule, and the schedules for the Department of Medicine and Surgery of the Veterans Administration) were increased by 4 percent in accordance with the alternative plan.

—The scheduled rates of pay for the Vice President and the Executive Schedule and Congressional and Judicial salaries were increased, under the provisions of Public Law 94-82, and the overall 4 percent in rates of pay under the General Schedule.

—The scheduled rates of pay for the Senior Executive Service were increased under the provisions of section 5382 of Title 5 of the United States Code based on the new rate of pay for GS-16, step 1, of the General Schedule and the new rate of pay for level IV of the Executive Schedule.

—The scheduled rates of pay and allowances for members of the Uniformed Services were increased, in accordance with the provisions of section 1009 of Title 37 of the United States Code, by the overall 4 percent in rates of pay under the General Schedule.

The Order also reflects the effects of section 140 of Public Law 97-92 (the continuing resolution approved December 15, 1981) and section 101(e) of Public Law 97-276 (the continuing resolution approved October 2, 1982), which contain limitations on payable salaries for certain top level Government positions.

I am transmitting herewith copies of the reports of my Pay Agent and the Advisory Committee on Federal Pay, my alternative plan, and the Executive

Order I promulgated to put these pay adjustments into effect.

RONALD REAGAN.
THE WHITE HOUSE, *October 25, 1982.*

ADMINISTRATION OF CERTAIN HIGHWAY ACTS—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM 187

Under the authority of the order of the Senate of October 2, 1982, the Secretary of the Senate, on October 25, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

The Highway Safety Act and the National Traffic and Motor Vehicle Safety Act, both enacted in 1966, initiated a national effort to reduce traffic deaths and injuries and require annual reports on the administration of the acts. This is the 14th year that these reports have been prepared for your review.

The report on motor vehicle safety includes the annual reporting requirement in Title I of the Motor Vehicle Information and Cost Savings Act of 1972 (bumper standards). An annual report also is required by the Energy Policy and Conservation Act of 1975 which amended the Motor Vehicle Information and Cost Savings Act and directed the Secretary of Transportation to set, adjust and enforce motor vehicle fuel economy standards. Similar reporting requirements are contained in the Department of Energy Act of 1978 with respect to the use of advanced technology by the automobile industry. These requirements have been met in the Fifth Annual Fuel Economy Report, the highlights of which are summarized in the motor vehicle safety report.

In the Highway Safety Acts of 1973, 1976, and 1978, the Congress expressed its special interest in certain aspects of traffic safety which are addressed in the volume on highway safety.

Despite large increases in drivers, vehicles and traffic, there has been a significant reduction in the fatality rate per 100 million miles of travel. The rate has decreased by 38 percent, from 5.5 in the mid-60's to the present level of 3.4. This means that motorists can drive more miles today with less risk. Had the rate remained at the 1966 level, nearly 280,000 more people would have been killed since then.

Although we can be proud of this accomplishment, the actual number of fatalities each year remains unnecessarily high. In 1980, 51,077 people met violent deaths in traffic accidents—an average of 140 lives lost every day. Compounding the tragedy is the fact that most of the victims were young people, killed at a time when they had the most to contribute to society and the most to gain from life.

Given the magnitude of the problem, protecting motorists and pedestrians from the kinds of dangers they face as a result of motor vehicle travel continues to be an important national priority.

The overall regulatory framework established since 1966 has contributed to motor vehicle safety in this country. Federal motor vehicle safety standards have encouraged the introduction of safety improvements. In the future, new regulations will be issued when there is no practical alternative and when we are certain that they will result in a clear and beneficial payoff. We are convinced that these reforms can be accomplished without jeopardizing the safety and consumer goals and policies that you have established.

In the highway safety area, we will continue to work closely with the States on priorities such as alcohol safety, motorcycle safety, police traffic enforcement, traffic records and emergency medical services. Highway safety grant programs will be simplified and Federal aid directed only to activities that achieve verifiable results in terms of reduced deaths and injuries, and to ones that are truly national in scope.

Reducing the annual traffic death toll will not be easy. Motorists today are better informed and are driving in safer vehicles and on safer roads. But they are still victims of habit and of human nature. They choose not to wear a safety belt because they do not expect to be in an accident. They drink and drive because alcohol is part of our social mores. And they sometimes speed and take unnecessary chances because being in a hurry is an unfortunate fact of modern life. Changing these driving behaviors is the traditional and most challenging obstacle to improving traffic safety.

The answer lies in widespread public education efforts and a national traffic safety commitment that involves government, industry, and the public. We are convinced that significant progress can be made and that American motorists and pedestrians will ultimately enjoy a greater level of personal safety as a result.

RONALD REAGAN.
THE WHITE HOUSE, *October 25, 1982.*

REPORT UNDER THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT ON IRAN—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 188

Under the authority of the order of the Senate of October 2, 1982, the Secretary of the Senate on November 1, 1982, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to Section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. Section 1703(c), I hereby report to the Congress with respect to developments between my last report of May 6 and mid-October 1982, concerning the national emergency with respect to Iran that was declared in Executive Order No. 12170 of November 14, 1979.

1. The Iran-United States Claims Tribunal established at the Hague pursuant to the Claims Settlement Agreement of January 19, 1981, is now actively engaged in the process of arbitrating the several thousand claims filed before it by the January 19, 1982 deadline. Although it has only recently begun to schedule significant numbers of prehearing conferences and hearings on the merits, the Tribunal has rendered decisions on twelve claims of U.S. nationals against Iran. Eight of those decisions approved settlements reached by the parties directly concerned; two more represented adjudications in favor of the U.S. claimants. The remaining two resulted in the dismissal of claims for lack of jurisdiction. In total, the Tribunal has made awards of more than $7.6 million in favor of U.S. claimants. The Department of State, with the assistance of the Departments of the Treasury and Justice and other concerned government agencies, continues to coordinate the presentation of U.S. claims against Iran as well as the U.S. response to claims brought by Iran, and also assists U.S. nationals in the presentation of their claims against Iran.

2. The Tribunal rendered its decision on the four issues concerning the $1 billion security account held by the N.V. Settlement Bank of the Netherlands to pay Tribunal awards against Iran. As indicated in the last report, those issues, which had not been resolved in the negotiations leading to the establishment of the security account in August 1981, involved (1) the disposition of the interest accruing on the funds in the account; (2) indemnification of the Settlement Bank and its parent, the Netherlands Central Bank, against any claims relating to the management of the security account; (3) payment of the administrative fees of the Settlement Bank; and (4) payment of settlements reached directly between U.S. claimants and Iran.

The Tribunal decided the last question first, ruling on May 14 that such settlements may be paid from the security account if the Tribunal deter-

mines that it has jurisdiction over the underlying claims and accepts the terms of the settlement agreements as the basis for rendering an award on agreed terms.

The decision on the other three issues was rendered August 3, 1982. The Tribunal decided that interest earned on the security account should continue to be credited to a separate suspense account established pursuant to the interim arrangements under which the security account had been managed since it was established. The Tribunal further decided that any such interest may be used by Iran to fulfill its obligation to replenish the security account whenever the payment of awards causes the balance to fall below $500 million. The decision thus prevents the diversion of the interest to any purpose other than payment of awards in favor of U.S. claimants, without the agreement of both the United States and Iran, until all claims are decided and all awards paid.

On the questions of management fees and indemnification, the Tribunal decided that fee payments should be shared equally by the two Governments and that indemnification should be joint and several, leaving open until an actual case arises the question of how ultimate responsibility for indemnification should be allocated between the United States and Iran.

3. The January 19, 1981 agreements with Iran also provided for direct negotiations between U.S. banks and Bank Markazi Iran concerning the repayment of non-syndicated loans and disputed interest from the $1.418 billion escrow account presently held by the Bank of England. The U.S. banks and Bank Markazi Iran continue to negotiate concerning payments out of this account.

4. Since my last semiannual report submitted to the Congress in May, there have been no transfers of assets to Iran by or through the U.S. Government under the January 19, 1981 agreements with Iran. However, I attach herewith five excerpts from the *Federal Register* that deal with the Iranian Assets Control Regulations. The first, published on May 24, 1982, is a requirement that holders of tangible property in which Iran had or asserted any interest report on such property to the Office of Foreign Assets Control. The purpose was to obtain information for use in promoting the resolution of disputes with Iran, preparing submissions for the Iran-United States Claims Tribunal, and formulating policies to deal with the tangible properties. The second, published on June 8, 1982, contains additional information with respect to the tangible property reports. The third was published on June 10, 1982. It is a directive license to the New York Federal Reserve Bank to deduct two percent of award amounts it receives from the security account for payment to U.S. claimants who have received awards from the Iran-United States Claims Tribunal. That two percent is for deposit in the U.S. Treasury to reimburse the U.S. Government for costs incurred for the benefit of U.S. nationals with claims against Iran. On September 14, 1982, the Administration submitted to the Congress a bill that deals with this deduction and also gives authority to the Foreign Claims Settlement Commission of the United States to receive and determine the validity and amounts of certain claims of U.S. nationals against Iran. Also, the bill authorizes the Secretary of the Treasury to reimburse the Federal Reserve Bank of New York for expenses incurred by the Bank in the performance of fiscal agency agreements relating to the settlement or arbitration of claims pursuant to the January 1981 agreements with Iran. The fourth *Federal Register* item revoked any authorizations for the permanent disposition, by means of a final judicial judgment or order, of interests of Iran in any standby letter of credit or similar instrument. The purpose was to preserve the status quo to permit resolution of claims involving those interests through either the Claims Tribunal or negotiations with Iran. Iran has filed more than 200 such claims with the Tribunal, and U.S. nationals also have filed a large number of claims concerning the same issues or related undertakings. U.S. account parties are still able to prevent payments to Iran by obtaining preliminary injunctions or other temporary relief, short of final dispositions, or by using procedures set forth in the Iranian Assets Control Regulations. Finally, on July 22, 1982, the Office of Foreign Assets Control published a new provision of the Iranian Assets Control Regulations that sets forth a licensing procedure for the sale and disposition of tangible property that is currently blocked because of an interest of Iran in the property. The purpose is to conserve the value of the assets and to permit the satisfaction of certain claims against the property. Licenses for such sales may be issued after a case-by-case review of license applications.

5. Several financial and diplomatic aspects of the crisis with Iran have not yet been resolved and continue to present an unusual challenge to the national security and foreign policy of the United States. By separate action, I am extending the emergency with respect to Iran beyond the November 14, 1982 anniversary. I shall continue to exercise the powers at my disposal to deal with these problems and will continue to report periodically to the Congress on significant developments.

RONALD REAGAN.

THE WHITE HOUSE, *November 1, 1982.*

ANNUAL REPORT ON HAZARDOUS MATERIALS TRANSPORTATION—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 189

Under the authority of the order of the Senate of October 2, 1982, the Secretary of the Senate on November 5, 1982, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with the requirements of Section 109(e) of the Hazardous Materials Transportation Act (P.L. 93-633), I hereby transmit the Twelfth Annual Report on Hazardous Materials Transportation for calendar year 1981.

RONALD REAGAN.

THE WHITE HOUSE, *November 5, 1982.*

EXTENSION OF NATIONAL EMERGENCY WITH REGARD TO IRAN—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 190

Under the authority of the order of the Senate of October 2, 1982, the Secretary of the Senate on November 8, 1982, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination on the anniversary date of a declaration of emergency, unless prior to the anniversary date the President publishes in the *Federal Register* and transmits to Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent to the *Federal Register* for publication the enclosed notice stating that the Iran emergency is to continue in effect beyond the November 14, 1982 anniversary date. Similar notices were sent to the Congress and the *Federal Register* on November 12, 1980 and November 12, 1981.

The crisis between the United States and Iran, which began in 1979, has eased, but it has not been fully resolved. The internal situation in Iran remains uncertain. The war between Iran and Iraq continues, and the Soviet Union still occupies Afghanistan. The international arbitral tribunal established for the adjudication of claims of United States nationals against Iran and by Iranian nationals against the United States continues to function. Full normalization of commercial and diplomatic relations be-

tween the United States and Iran will require more time. In these circumstances, I have determined that it is necessary to maintain in force the broad authorities that may be needed to respond to the process of implementation of the January 1981 agreements with Iran and the eventual normalization of relations.

RONALD REAGAN.

THE WHITE HOUSE, *November 8, 1982.*

ANNUAL REPORT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM-191

Under the authority of the order of the Senate of October 2, 1982, the Secretary of the Senate, on November 15, 1982, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

I hereby transmit for the information of the Congress the Seventeenth Annual Report of the Department of Housing and Urban Development covering the calendar year 1981.

RONALD REAGAN.

THE WHITE HOUSE, *November 15, 1982.*

FINAL REPORT OF THE NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM-192

Under the authority of the order of the Senate of October 2, 1982, the Secretary of the Senate on November 15, 1982, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with Title VI, Section 605 of the Economic Opportunity Act of 1964, I hereby transmit the Thirteenth and Final Report of the National Advisory Council on Economic Opportunity.

The report reflects the Council's views in its role of examining programs authorized by the Economic Opportunity Act of 1964.

RONALD REAGAN.

THE WHITE HOUSE, *November 15, 1982.*

STATUTORY AUTHORITY FOR RESPONDING TO SEVERE ENERGY SUPPLY DISRUPTIONS OR REDUCTIONS—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM-193

Under the authority of the order of the Senate of October 2, 1982, the Secretary of the Senate on November 15, 1982, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

Pursuant to Section 3 of the Energy Emergency Preparedness Act of 1982 (42 U.S.C. Section 6282), I hereby submit a memorandum of law, prepared by the Attorney General in consultation with the Secretary of Energy, describing the nature and extent of the authorities available to the President under existing law to respond to a severe energy supply interruption or other substantial reduction in the amount of petroleum products available to the United States.

RONALD REAGAN.

THE WHITE HOUSE, *November 15, 1982.*

REPORT ON ALASKA'S MINERAL RESOURCES—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM-194

Under the authority of the order of the Senate of October 2, 1982, the Secretary of the Senate, on November 15, 1982, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

In accordance with Section 1011 of the Alaska National Interest Lands Conservation Act (P.L. 96-487; 16 U.S.C. 3151), I transmit herewith the first annual report on Alaska's mineral resources covering 1982.

RONALD REAGAN.

THE WHITE HOUSE, *November 15, 1982.*

REPORT ON THE TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM-195

Under the authority of the order of the Senate of October 2, 1982, the Secretary of the Senate, on November 18, 1982, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

In accordance with Section 163(a) of the Trade Act of 1974, I hereby transmit the Twenty-Sixth Annual Report on the Trade Agreements Program 1981-1982. The Statement of U.S. Trade Policy, which is the first part of this report, examines the inter-relationship of key trade policy issues in the 1980s to the Ministerial meeting of the General Agreement on Tariffs and Trade and a subsequent policy and research agenda. The second part of the report on Major Activities in 1981-1982 covers the array of multilateral, bilateral, and sectoral events of last year. The appendices of this report cover specified trade-related programs.

RONALD REAGAN.

THE WHITE HOUSE, *November 18, 1982.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC 4312. A communication from the Secretary of the Senate, transmitting, pursuant to law, a full and complete statement of the receipts and expenditures of the Senate, showing in detail the items of expense under proper appropriations, the aggregate thereof, and exhibiting the exact condition of all public moneys received, paid out, and remaining in my possession from April 1, 1982, through September 30, 1982, in compliance with section 105 of Public Law 88-454, approved August 20, 1964, as amended.

REPORTS OF COMMITTEES SUBMITTED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of October 2, 1982, the following reports of committees were submitted on October 18, 1982, during the adjournment of the Senate:

By Mr. ROTH, from the Committee on Governmental Affairs:

Report to accompany the bill (S. 1562) to provide comprehensive national policy dealing with national needs and objectives in the Arctic (Rept. No. 97-660).

By Mr. HEINZ, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. Res. 458. A resolution to express the sense of the Senate that the Export-Import Bank of the United States shall be given sufficient authority and shall provide competitive financing for American exports (Rept. No. 97-661).

By Mr. DOLE, from the Committee on Finance, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 7094. An act to amend the Internal Revenue Code of 1954 to impose a tax on failures to adhere to conditions of existing determination letters relating to independent management of the assets of multiemployer plans (Rept. No. 97-662).

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

Special Report on Monetary Policy for 1982 (Rept. No. 97-663).

Under the authority of the order of the Senate of October 2, 1982, the fol-

lowing reports of committees were submitted on November 15, 1982, during the adjournment of the Senate:

By Mr. ROTH, from the Committee on Governmental Affairs:

Special Report on transfer of United States high technology to the Soviet Union and Soviet Bloc nations (Rept. No. 97-664).

Report to accompany the bill (S. 2127) to revise the procedures for soliciting and evaluating bids for Government contracts and awarding such contracts, and for other purposes (Rept. No. 97-665).

By Mr. STAFFORD, from the Committee on Environment and Public Works, without amendment:

S. 3041. An original bill to amend the Clean Air Act (with additional, minority, and supplemental views) (Rept. No. 97-666).

By Mr. DOLE, from the Committee on Finance, with amendments and an amendment to the title:

H.R. 4577. An act to provide that the provisions of section 252 of the Economic Recovery Tax Act of 1981 (relating to transfers of property to employees subject to certain restrictions) shall apply to certain transfers occurring during 1973 (Rept. No. 97-667).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with amendments:

S. 1908. A bill to provide for the reinstatement and validation of United States oil and gas lease NM-A26947 (Oklahoma) (Rept. No. 97-668).

EXECUTIVE REPORT OF COMMITTEE SUBMITTED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of October 2, 1982, the following report of the Committee on Banking, Housing, and Urban Affairs was filed on November 15, 1982, during the adjournment of the Senate:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

Martin S. Feldstein, to be a Member of the Council of Economic Advisors (with minority views) (Exec. Rept. No. 97-65).

SENATE RESOLUTION 495—ORIGINAL RESOLUTION REPORTED DURING ADJOURNMENT WAIVING CONGRESSIONAL BUDGET ACT

Under the authority of the order of the Senate of October 2, 1982, Mr. STAFFORD, from the Committee on Environment and Public Works, on November 15, 1982, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 495

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 3041. Such waiver is necessary because S. 3041 authorizes the enactment of new budget authority which would first become available in fiscal year 1983, and such bill was not reported on or before May 15, 1982, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

The waiver of section 402(a) is necessary to permit congressional consideration of amendments to the Clean Air Act. The amendments are needed in order to extend for certain areas of the country the December 31, 1982, deadline for attainment of air quality standards and to make other needed improvements in the Nation's air pollution control program.

The comprehensive and complex provisions of the Clean Air Act required extensive time to review, making it impossible to report amendments prior to May 15, 1982.

Department of Housing and Urban Development-Independent Agencies Appropriations Act of 1983, which appropriates funds to carry out the provisions of the Clean Air Act, has already been signed by the President. Thus congressional consideration of S. 3041 will not interfere with or delay the appropriations process.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. EXON (for himself and Mr. HEFLIN):

S. 3042. A bill to establish the annual rate of pay for Members of Congress at the rate of pay paid for Members on September 30, 1982, and for other purposes; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PRESSLER:

S. Res. 496. A resolution to promote long-term grain sales agreements with the Soviet Union; to the Committee on Finance.

By Mr. STAFFORD (for himself, Mr. SYMMS, Mr. ABDNOR, Mr. GORTON, Mr. RANDOLPH, and Mr. HEINZ):

S. 3043. A bill to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BAKER (for himself, Mr. DOLE, Mr. STAFFORD, Mr. GARN, Mr. PACKWOOD, Mr. DOMENICI, and Mr. HATFIELD):

S. 3044. A bill entitled the "Surface Transportation Act of 1982"; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. EXON (for himself and Mr. HEFLIN):

S. 3042. A bill to establish the annual rate of pay for Members of Congress at the rate of pay paid for Members on September 30, 1982, and for other purposes; to the Committee on Governmental Affairs.

PAY INCREASES FOR MEMBERS OF CONGRESS

Mr. EXON. Mr. President, today I am introducing legislation to keep the salaries of Members of Congress at their current levels, and to prohibit future pay increases without an affirmative recorded vote thereon.

I know I am not alone in hearing protests from across the country against automatic pay increases for Senators and Congressmen from a permanent appropriation. Many Nebraskans, I know, feel that an automatic pay raise mechanism, as exists in current law, is inappropriate even during the best of times, and it is certainly most inappropriate at a time when we have double-digit unemployment and low farm prices.

There are some who suggest that the way to remedy this problem is to put a cap on congressional salaries for the next fiscal period. I will certainly support such action, but the legislation I am introducing goes one step further. I believe we need changes in the laws which currently set up the situation whereby a cap must be put in place in order to prevent an increase. The current system is exactly backward, in my opinion, from what it should be. Congress should increase salaries for its own Members only through an undisguised record vote, not the way the law is currently written.

If passed, the bill I am introducing will essentially repeal the law which ties congressional pay increases to the recommendations of the President, and repeal the permanent and perpetual appropriation which was established over my strong objections in 1981. As you will all recall, the permanent appropriation was established in October of last year by an amendment to a continuing appropriations resolution. This amendment was pushed by the Senate majority leadership, and it passed the Senate on a close 48 to 44 vote, over the strong objections of many of us.

In drawing up this legislation, I have addressed only the matter of congressional pay.

Finally, I urge my colleagues to look carefully at my bill as an alternative to the present system, and also as an alternative to a temporary cap on salaries.

By Mr. STAFFORD (for himself, Mr. SYMMS, Mr. ABDNOR, Mr. GORTON, Mr. HEINZ, and Mr. RANDOLPH):

S. 3043. A bill to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Environment and Public Works.

FEDERAL-AID HIGHWAY IMPROVEMENT ACT OF 1982

Mr. STAFFORD. Mr. President, I am introducing legislation today which will be a major step forward in repairing the highways and bridges in this country. I am pleased to join with the distinguished chairman of the Subcommittee on Transportation, Senator SYMMS, and my distinguished col-

leagues, Senators ABDNOR, GORTON, HEINZ, and the distinguished ranking minority member of the committee, Senator RANDOLPH, in cosponsoring this legislation.

I am pleased to cosponsor the legislation introduced by Senator BAKER, the Surface Transportation Act of 1982, and will be happy to closely examine this legislation as the Senate Environment and Public Works Committee considers highway legislation very shortly.

Mr. President, I am also introducing today the Federal-Aid Highway Improvement Act of 1982. This second bill essentially reflects the legislation reported by the Environment and Public Works Committee earlier this year. When S. 2574 was reported last May 26, the committee agreed to review the authorization levels for the program if additional revenues became available. The President recently endorsed an equivalent 5-cent increase in the highway user fees. I believe this is an appropriate response to the decaying condition of this Nation's transportation system. The authorization levels in both bills being introduced today reflect the additional revenues which would be available if the user fees are increased.

There are several differences between the two bills. I want to briefly emphasize two of them. First, the Federal-Aid Highway Improvement Act of 1982 continues the one-half percent minimum apportionment for the interstate construction program while the other bill would end it. I believe very strongly that those States which made an early commitment to complete the Interstate System on a timely basis, often at the expense of the rest of their highway network, should not be penalized. The Congressional Budget Office recently completed a study, "The Interstate Highway System: Issues and Options," which points out that many of the uncompleted segments are of local and regional, rather than national, benefit.

Second, the Surface Transportation Act of 1982 contains a provision which would increase truck size and weight. The Federal highway cost allocation study recently completed by the Department of Transportation shows that the heaviest trucks have not been paying their fair share of highway costs in proportion to the damage they cause to the roads. I believe it is absolutely essential that these costs be recovered through user fees from each class of vehicle using the highway. I also believe that the trucks now using the highway are big enough. Any increase at this time will create further safety problems as the population of smaller, lighter cars increases, and will cause even more deterioration of the highway system.

Mr. President, there are over 248,000 deficient and obsolete bridges which need repair or replacement. This represents 45 percent of the bridges in this country. A bridge's average design life span is 50 years. Almost half of our bridges were built before 1940. The Interstate System is still not complete, and many of the completed segments are in need of major repair. The primary, secondary and urban systems will need major attention just to maintain the current level of serviceability.

The leglislation being introduced today will provide $12 billion for the Federal-aid highway program in fiscal year 1983. This amount will increase to $14.9 billion by 1987, for a total 5-year program of $67.8 billion. This bill provides the multiyear funding so necessary for the long-term planning required in this program. New authorizations are provided for fiscal year 1983 through 1987.

Funds available for those categories addressing the repair needs of the highway system will increase substantially. For example, the interstate 4R program will increase from a current level of $800 million per year to $1.8 billion in fiscal 1983 and up to $3.4 billion in fiscal 1987. The bridge replacement and rehabilitation program will increase from a current level of $900 million to $1.7 billion in fiscal 1983 and up to $2 billion in fiscal 1987.

Mr. President, this legislation is urgently needed if we are to protect our Nation's enormous investment in its road and bridge network. America has developed, and grown to depend on, an extensive transportation system; that system is now beginning to crumble due to age, poor maintenance, and heavy use. Since the bulk of our passenger travel and freight movement occurs on highways, highway users—which includes almost all Americans—are understandably concerned.

An important way to help restore this country's economic health is through a sound, Federal public works policy—particularly where our highways and bridges are concerned. Their replacement value runs into the trillions of dollars. The Interstate System has revolutionized the movement of both people and goods in this country. We dare not let an investment of this order decline.

Almost from the beginning, a variety of highway user taxes have supported the Federal-aid highway program. This has been an ambitious and yet responsible program, operating on a pay-as-you-go basis. The major revenue source has always been users of the highway facilities. Because this program is financed by user fees, the substantial increase in spending being recommended for it will not add to the budget deficit.

The highway trust fund was established in 1956 as a mechanism for financing the Federal highway program. The tax rates set in the late 1950's have remained unchanged since 1961. Meanwhile, inflation has pushed highway construction costs up three times what they were then. During the last 20 years, motor traffic has soared far beyond the early estimates of highway planners, and truck sizes and weights have exceeded the expectations of highway engineers. These unanticipated demands have created very serious problems in terms of road capacity and road damage.

The uncertainty of energy supplies has also been a contributing factor. As cars have become smaller and more energy efficient, their drivers are buying less motor fuel and consequently paying a reduced amount of tax on gasoline and diesel fuels. The overall result is that the costs of maintaining our highway system skyrocket while available revenues and road conditions continue their downward slide.

There are many examples of the financing difficulties currently facing Federal and State transportation agencies. Perhaps the most visible tax—although the highway excise tax structure contains other important use fees—is the motor fuel tax. That tax, which provides almost 60 percent of highway trust fund revenues, was last raised in 1959 from 3 cents to 4 cents. Today those 4 cents are worth less than 1 cent. Even with the 5-cent increase under consideration, the total 9-cent tax is still worth less in current dollars than the 4-cent tax was in 1959. Many States have passed user fee increases during the last 2 years to meet this crisis, and similar Federal action is now needed.

Last week President Reagan recognized what he termed the "necessity" for boosting highway excise taxes. The President and Transportation Secretary Drew Lewis called attention to the tradition of user financing in the highway program and the large backlog of repair needs.

The American Association of State Highway and Transportation Officials is in the process of surveying State departments of highways and transportation to determine their capability for using increased funding. Forty-six States have responded to date, with estimates totaling $15.3 billion and $16.7 billion for fiscal years 1983 and 1984, respectively. AASHTO in noting the large volume of on-the-shelf, ready-to-go projects observed:

> The large totals . . . indicate the significant unmet needs in our Federal-Aid Highway program, and result in part from our inability to adequately fund the program in recent years.

The Subcommittee on Transportation, ably chaired by Senator SYMMS, has held a series of hearings this Congress on highway needs, revenues, and cost allocation. Among those testifying have been representatives from construction, trucking, rail, auto, environmental, and manufacturing groups as

well as officials from Federal, State, and local governments.

The president of the Associated General Contractors testified:

Needed capital investments in highways and bridges cannot be deferred. Unless the work is done as needed, we as a nation will not be faced with the modest costs of repair or rehabilitation, but with the much higher costs of replacement and reconstruction. For instance, a two or three year deferral of highway resurfacing work requires subsequent total reconstruction at triple the cost, plus inflation.

Testimony was offered on behalf of the Environmental Policy Center and other environmental groups, who concluded:

We agree with the Department of Transportation that changes in the present tax structure are needed to correct for present subsidies to heavy trucks by other classes of highway users and with DOT's statements that such tax changes will have little negative impact on highway users and will result in tax equity and improved efficiency in the total transportation system. We urge you to take action on this important issue and to restructure the highway user charge system.

Mr. President, there are those that have referred to this legislation as a jobs bill. While it is true that repairing highways does provide jobs, most of them will be in the construction industry which is experiencing an unemployment rate of 23 percent. The primary purpose of this bill, however, is not jobs.

The purpose of this bill is to preserve and protect the enormous investment the Federal Government has made in the most extensive network of roads and bridges in the world. These funds are not intended for major new construction. These funds are intended to be used to repair and rehabilitate the existing system. I believe it is extremely important to take care of our existing resources before any thought is given to major new construction.

Mr. President, I look forward to working with my distinguished colleagues in passing this legislation.

Mr. President, I ask unanimous consent that the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3043

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal-Aid Highway Improvement Act of 1982".

REVISION OF AUTHORIZATION FOR APPROPRIATIONS FOR THE INTERSTATE SYSTEM

SEC. 102. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of $3,225,000,000 for the fiscal year ending September 30, 1984", and all that follows through the period at the end of the sentence and by inserting in lieu thereof the following: "The additional sum of $3,625,000,000 for the fiscal year ending September 30, 1984, the additional sum of $3,800,000,000 for the fiscal year ending September 30, 1985, the additional sum of $3,800,000,000 for the fiscal year ending September 30, 1986, the additional sum of $4,000,000,000 for the fiscal year ending September 30, 1987, the additional sum of $4,000,000,000 for the fiscal year ending September 30, 1988, the additional sum of $4,000,000,000 for the fiscal year ending September 30, 1989, and the additional sum of $4,000,000,000 for the fiscal year ending September 30, 1990.".

HIGHWAY AUTHORIZATIONS

SEC. 103. (a) For the purpose of carrying out the following provisions of title 23, United States Code, the following sums are authorized to be appropriated out of the Highway Trust Fund:

(1) For the Federal-aid primary program not to exceed $1,700,000,000 for the fiscal year ending September 30, 1983, and $2,100,000,000 for the fiscal year ending September 30, 1984, $2,400,000,000 for the fiscal year ending September 30, 1985, and $2,400,000,000 for the fiscal year ending September 30, 1986 and $2,600,000,000 for the fiscal year ending September 30, 1987.

(2) For the Federal-aid rural program not to exceed $614,520,548 for the fiscal year ending September 30, 1983, and $700,000,000 for the fiscal year ending September 30, 1984, $700,000,000 for the fiscal year ending September 30, 1985, $700,000,000 for the fiscal year ending September 30, 1986 and $700,000,000 for the fiscal year ending September 30, 1987.

(3) For the Federal-aid urban program not to exceed $629,041,096 for the fiscal year ending September 30, 1983, and $800,000,000 for the fiscal year ending September 30, 1984, $800,000,000 for the fiscal year ending September 30, 1985, $800,000,000 for the fiscal year ending September 30, 1986, and $800,000,000 for the fiscal year ending September 30, 1987.

(4) For forest highways not to exceed $50,000,000 for the fiscal year ending September 30, 1983, and $50,000,000 for the fiscal year ending September 30, 1984, $50,000,000 for the fiscal year ending September 30, 1985, $50,000,000 for the fiscal year ending September 30, 1986 and $50,000,000 for the fiscal year ending September 30, 1987.

(5) For public lands highways not to exceed $50,000,000 for the fiscal year ending September 30, 1983, and $50,000,000 for the fiscal year ending September 30, 1984, $50,000,000 for the fiscal year ending September 30, 1985, $50,000,000 for the fiscal year ending September 30, 1986, and $50,000,000 for the fiscal year ending September 30, 1987.

(6) For bridge replacement and rehabilitation under section 144 of title 23, United States Code, not to exceed $1,700,000,000 for the fiscal year ending September 30, 1983, $1,700,000,000 for the fiscal year ending September 30, 1984, $1,800,000,000 for the fiscal year ending September 30, 1985, $2,000,000,000 for the fiscal year ending September 30, 1986, and $2,000,000,000 for the fiscal year ending September 30, 1987.

(7) For the highway safety improvement program not to exceed $316,657,534 for the fiscal year ending September 30, 1983, $400,000,000 for the fiscal year ending September 30, 1984, $400,000,000 for the fiscal year ending September 30, 1985, $400,000,000 for the fiscal year ending September 30, 1986 and $400,000,000 for the fiscal year ending September 30, 1987.

(b) For Indian reservation roads, there are authorized to be appropriated not to exceed $83,000,000 for the fiscal year ending September 30, 1983, $83,000,000 for the fiscal year ending September 30, 1984, $83,000,000 for the fiscal year ending September 30, 1985, $83,000,000 for the fiscal year ending September 30, 1986, and $83,000,000 for the fiscal year ending September 30, 1987.

(c) The unapportioned or unallocated balance of sums authorized by sections 4 and 5 of the Federal-Aid Highway Act of 1982 is rescinded.

(d) (1) For each of the fiscal years 1984, 1985, 1986, 1987, and 1988 no State, including the State of Alaska, shall receive less than one-half of 1 per centum of the total apportionment for the Interstate System under section 104(b)(5)(A) of title 23, United States Code. Whenever amounts made available under this subsection for the Interstate System in any State exceed the estimated cost of completing that State's portion of the Interstate System, and exceed the estimated cost of necessary resurfacing, restoration, rehabilitation, and reconstruction of the Interstate System within such State, the excess amount shall be eligible for expenditure for those purposes for which funds apportioned under paragraphs (1), (2), and (6) of such section 104(b) may be expended.

(2) Subsection (g) of section 144 of title 23, United States Code, is amended as follows:

"(g) Of the amount authorized per fiscal year, for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, September 30, 1986, and September 30, 1987, all but $300,000,000 for fiscal years 1983, 1984, 1985, 1986, and 1987 shall be apportioned as provided in subsection (e) of this section; $300,000,000 for fiscal years 1983, 1984, 1985, 1986, and 1987 of the amount authorized shall be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date except that the obligation of such sums shall be at the discretion of the Secretary and shall be only for projects for those highway bridges the replacement and rehabilitation cost of each of which is more than $10,000,000 and for any project for a highway bridge replacement or rehabilitation cost of which is less than $10,000,000 if such cost is at least twice the amount apportioned to the State in which such bridge is located under subsection (e) of this section for the fiscal year in which application is made for a grant for such bridge. Not less than 15 per centum of the amount apportioned to each State in a fiscal year shall be expended for projects to replace or rehabilitate bridges located on public roads other than those on public roads functionally classified as arterials or major collectors. The Secretary after consultation with State and local officials may, with respect to a State, reduce the requirement for expenditure for bridges not on public roads functionally classified as arterials or major collectors when he determines that such State has inadequate needs to justify such expenditure.".

(e) Of the sums apportioned to each State under each of the subsections (a)(1), (a)(2), and (a)(3) of this section, beginning with fiscal year 1984, not less than 60 per centum of such program funds shall be expended by the States on projects for resurfacing, restoring, and rehabilitating roads unless the State certifies to the Secretary that such percentage of sums are in excess of other resurfacing, restoring, and rehabilitating needs of such State and the Secretary accepts such certification.

DISCRETIONARY BRIDGE CRITERIA

SEC. 104. The Secretary of Transportation shall develop a selection process for discretionary bridges authorized to be funded under section 144(g) of title 23, United States Code, and shall propose and issue a final regulation no later than six months after the date of enactment of this Act, including a formula resulting in a rating factor based on the following criteria for such process. Such criteria shall give funding priority to those discretionary bridges already eligible under section 144(g) of title 23, United States Code. Eligible bridges after the issuance of a final regulation shall only include those with a rating factor of one hundred or less, based on a scale of zero to infinity. The criteria for such additional bridges which the Secretary shall consider are:

(1) sufficiency rating computed as illustrated in appendix A of the Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges, USDOT/FHWA (latest edition);

(2) average daily traffic using the most current value from the national bridge inventory data;

(3) average daily truck traffic;

(4) defense highway system status;

(5) the State's unobligated balance of funds received under section 144 of title 23, United States Code, and the total funds received under section 144 of title 23, United States Code;

(6) total project cost; and

(7) special consideration should be given to bridges closed to all traffic or restricted to loads less than ten tons. Other unique considerations and the need to administer the program from a balanced national perspective should also be considered.

INTERSTATE SYSTEM RESURFACING APPORTIONMENT

SEC. 105. (a) Section 104(b)(5)(B) of title 23, United States Code, is amended (1) by striking the number "55" and inserting in lieu thereof "60" and (2) by striking the number "45" and inserting in lieu thereof "40".

(b)(1) The Secretary of Transportation shall make a full and complete study regarding the procedures for distributing Federal financial assistance for resurfacing, restoring, rehabilitating, and reconstructing routes on the Interstate System in order to maintain a high level of transportation service. The study shall analyze current conditions and factors including, but not limited to, volume and mix of traffic, weight and size of vehicles, environmental, geographical, and meteorological conditions in various States, and other pertinent factors that can be utilized to determine the most equitable and efficient method of apportioning available Interstate 4R funds to the several States. In conducting the study the Secretary shall consider such criteria as need, national importance, impact on individual State highway programs, structural and operational integrity, and any other relevant criteria, to determine the most equitable method of distribution.

(2) In conducting this study the Secretary shall consult with other agencies of the Federal Government, the States and their political subdivisions, and other interested private organizations, groups, and individuals.

(3) The Secretary shall report to Congress not later than six months after the date of enactment of this section the results of such study together with recommendations for necessary legislation.

INTERSTATE SYSTEM RESURFACING AUTHORIZATION

SEC. 106. Section 105 of the Federal-Aid Highway Act of 1978 is amended to read as follows: "In addition to any funds authorized to be appropriated, there is authorized to be appropriated out of the Highway Trust Fund, not to exceed $175,000,000 per fiscal year for each of the fiscal years ending September 30, 1980, and September 30, 1981, not to exceed $275,000,000 for the fiscal year ending September 30, 1982, not to exceed $800,000,000 for the fiscal year ending September 30, 1983, not to exceed $1,800,000,000 for the fiscal year ending September 30, 1984, not to exceed $2,400,000,000 for the fiscal year ending September 30, 1985, not to exceed $2,800,000,000 for the fiscal year ending September 30, 1986, not to exceed $3,200,000,000 for the fiscal year ending September 30, 1987, and not to exceed $3,400,000,000 for the fiscal year ending September 30, 1988. Such sums shall be obligated for projects for resurfacing, restoring, rehabilitating, and reconstructing routes of the Interstate System designated under sections 103 and 139(c) of title 23, United States Code (other than those on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978), except that where a State certifies to the Secretary that any part of such sums are in excess of the needs of such State for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System and the Secretary accepts such certification, such State may transfer sums apportioned to it under section 104(b)(5)(B) to its apportionment under section 104(b)(1) of title 23, United States Code. Such sums may also be obligated for projects for resurfacing, restoring, rehabilitating and reconstructing a toll road which has been designated as a part of the Interstate System if an agreement satisfactory to the Secretary of Transportation has been reached with the State highway department and any public authority with jurisdiction over such toll road prior to the approval of such project that the toll road will become free to the public upon the collection of tolls sufficient to liquidate the cost of the toll road or any bonds outstanding at the time constituting a valid lien against it, and the cost of maintenance and operation and debt service during the period of toll collections. The agreement referred to in the preceding sentence shall contain a provision requiring that if, for any reason, a toll road receiving Federal assistance under this section does not become free to the public upon collection of sufficient tolls, as specified in the preceding sentence, Federal funds used for projects on such toll road pursuant to this section shall be repaid to the Federal Treasury.".

INTERSTATE SUBSTITUTION AUTHORIZATION

SEC. 107. (a) In addition to any funds authorized to be appropriated out of the general fund, there is authorized to be appropriated, out of the Highway Trust Fund, for substitute highway projects under section 103(e)(4) of title 23, United States Code, $500,000,000 for the fiscal year ending September 30, 1983, $600,000,000 for the fiscal year ending September 30, 1984, $600,000,000 for the fiscal year ending September 30, 1985, and $650,000,000 for the fiscal year ending September 30, 1986, and $650,000,000 for the fiscal year ending September 30, 1987. Funds authorized to carry out this section shall be available for obligation in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

(b)(1) The first sentence of section 103(e)(4) of title 23, United States Code is amended by striking "which is within an urbanized area or which passes through and connects urbanized areas within a State and".

(2) The second sentence of section 103(e)(4) of title 23, United States Code is amended by striking "which will serve the urbanized area and the connecting nonurbanized area corridor from which the interstate route or portion thereof was withdrawn, which are selected by the responsible local officials of the urbanized area or area to be served, and which are submitted by the Governor of the State in which the withdrawn route was located." and inserting in lieu thereof, "which will serve the area or areas from which the interstate route or portion thereof was withdrawn, which are selected by the responsible local officials of the area or areas to be served, and which are selected by the Governor or the Governors of the State or the States in which the withdrawn route was located if the withdrawn route was not within an urbanized area or did not pass through and connect urbanized areas, and which are submitted by the Governors of the States in which the withdrawn route was located.".

(c)(1) The second sentence of section 103(e)(4) of title 23, United States Code, is amended by inserting in the second sentence after the words "approved by Congress," the words "or up to and including the 1983 interstate cost estimate, whichever is earlier,".

(2) The second sentence of section 103(e)(4) of title 23, United States Code, is amended by striking in the second sentence the phrases "the date of enactment of the Federal-Aid Highway Act of 1976 or" and "whichever is later, and in accordance with the design of the route or portion thereof that is the basis of the latest cost estimate".

(3) The second sentence of section 103(e)(4) of title 23, United States Code, is amended by inserting in the second sentence after the words "approval of each substitute project under this paragraph," the words "or the date of approval of the 1983 interstate cost estimate, whichever is earlier,".

(d) Section 103(e)(4) of title 23, United States Code, is amended by adding at the end of such subsection the following: "Any route or segment thereof added to the Interstate System after March 7, 1978, pursuant to specific legislation will not be eligible for withdrawal and substitution under this subsection.".

(e) The first sentence of section 120(d) of title 23, United States Code, is amended by inserting after the words "traffic control signalization," the following: "including traffic control signalization projects under section 103(e)(4) of this title, notwithstanding the provisions of the fifth sentence of section 103(e)(4),".

FEDERAL-AID PRIMARY PROGRAM

SEC. 108. (a) Section 104(b)(1) of title 23, United States Code, is amended by (1) striking out "and priority primary routes" in the first sentence, and by (2) striking out "(other than the District of Columbia)" in the second sentence.

(b) Section 147 of title 23, United States Code, is repealed.

(c) Effective on October 1, 1982, any unobligated amount authorized under subsection

(c) of section 104 of the Federal-Aid Highway Act of 1978 shall be apportioned by the Secretary of Transportation in the same manner as funds apportioned under section 104(b)(1) of title 23, United States Code, for the Federal-aid primary system, and shall thereafter remain available for obligation for the same period as such apportionment.

(d) The analysis of chapter 1 of title 23 is amended by deleting

"147. Priority Primary Routes."

and inserting in lieu thereof

"147. Repealed.".

FEDERAL-AID URBAN PROGRAM

SEC. 109. Section 103 of title 23, United States Code, is amended by deleting subsection (d) and inserting in lieu thereof the following:

"(d) The Secretary may approve Federal-aid urban programs in urban areas which programs shall be selected by the appropriate local officials so as to serve the goals and objectives of the community, with the concurrence of the State highway department, as provided in section 105 of this title. The programs shall facilitate transportation in the urban area and include projects to: reduce congestion and improve the flow of traffic on arterial and collector routes, aid integration of different transportation modes to and from airports and other terminals and business districts, support clean air and energy conservation objectives, make highway capital improvements, improve highway safety, eliminate safety hazards and roadside obstacles, implement transportation systems management activities and serve other national goals and objectives. All public roads in urban areas are eligible except those on the primary system and the Interstate System. The applicable provisions of chapters 1 and 3 of this title, including provisions applicable to Federal-aid systems, shall apply to urban programs, except those provisions determined by the Secretary to be inconsistent with this subsection. The Secretary shall not waive the applicability of the planning requirements of section 134 of this title.".

FEDERAL-AID RURAL PROGRAM

SEC. 110. Section 103 of title 23, United States Code, is amended by deleting subsection (c) and inserting in lieu thereof:

"(c) The Federal-aid rural program shall be selected by the State highway agencies and the appropriate local road officials in cooperation with each other, subject to approval by the Secretary as provided in subsection (f) of this section and section 105 of this title. In making such selections, the needs of agriculture roads, rural mail routes, public school bus routes, local rural roads, airport and water port access roads, and goods movement shall be considered. All public roads, except those on the primary system, the Interstate System, and those in urban areas are eligible. Projects to improve highway safety and nonurbanized public transportation projects, including facilities and technical assistance, are also eligible for assistance under this section. The applicable provisions of chapters 1 and 3 of this title, including provisions applicable to Federal-aid systems, shall apply to rural programs, except those provisions determined by the Secretary to be inconsistent with this subsection.".

TRANSFERABILITY

SEC. 111. Paragraphs (1) and (2) of subsection (d) of section 104 of title 23, United States Code, are amended by striking out "50" each place it appears and inserting in lieu thereof at each such place "100".

HIGHWAY SAFETY IMPROVEMENT PROGRAM

SEC. 112. (a) Section 151 of title 23, United States Code, is amended to read as follows:

"§151. Highway safety improvement program

"(a) The Secretary, in cooperation with the States, shall establish a highway safety improvement program for projects on any public road or street in rural or urban areas. Assistance shall be available under this program for highway safety improvement projects, as defined in subsection (a) of section 101 of this title; for railway-highway crossing projects as provided for in section 130 of this title; for the implementation of highway-related safety requirements and guidelines issued by the Secretary under section 402 of this title; and for the development, implementation, and evaluation of the highway safety improvement program required under subsection (b) of this section.

"(b) Each State shall develop and implement on a continuing basis a highway safety improvement program including procedures for the planning, implementation, and evaluation of highway safety improvement projects on all highways, with the specific objective of reducing the number and severity of highway traffic accidents. Each State shall have a process for collecting, maintaining, and analyzing accident, traffic, and highway data; for conducting engineering studies of hazardous locations, sections and elements, for assigning priorities to the various types of hazards identified; for implementing safety improvement projects in accordance with the priorities developed; and for the evaluation of the safety benefits obtained.

"(c) Of the funds authorized to carry out this section each State shall expend 35 per centum of the sums apportioned for projects under section 203 of the Highway Safety Act of 1973 unless the State requests the Secretary to waive this minimum and the Secretary finds other safety projects are of a higher priority.

"(d)(1) Funds authorized to carry out this section shall be available for expenditure for projects on any public road (other than the Interstate System).

"(2) The Federal share payable on any project under this section shall not exceed 90 per centum of the cost thereof except that the Federal share of safety improvement projects for the elimination of hazards of rail-highway crossings shall not exceed that as provided in section 120(d) of this title.

"(3) The unobligated balance of contract authority established prior to enactment of this section for carrying out section 402 by the Federal Highway Administration shall remain available for obligation as provided prior to enactment of this section and shall lapse not later than September 30, 1984.

"(e) Funds authorized to be appropriated to carry out this section shall be apportioned to the States as follows: 60 per centum in the ratio which the population of each State bears to the total population of all States, and 40 per centum in the ratio which the public road mileage in each State bears to the total public road mileage in all States. The annual apportionment for each State shall not be less than one-half of 1 per centum of the total apportionment. Such sums shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under section 104(b)(1), except that the Secretary is authorized to waive such provisions of this title that he deems inconsistent with the purposes of this section.

"(f) In any State wherein the State is without legal authority to construct or maintain a project under this section, such State shall enter into a formal agreement for such construction or maintenance with the appropriate local officials of the county or municipality in which such project is located.

"(g) One-half of 1 per centum of funds authorized for carrying out this section shall be made available to the Secretary of the Interior, who shall exercise the responsibilities assigned to States under subsection (b) of this section in carrying out this section on Indian reservations. Such funds shall be subject to a deduction of not to exceed 5 per centum for the necessary costs of administering the provisions of this section.

"(h) Each State shall report to the Secretary of Transportation not later than December 30 of each year, on the progress being made to implement the highway safety improvement program and the effectiveness of safety improvements in reducing the number and severity of accidents. The Secretary of Transportation shall submit a report to the Congress not later than April 1 of each year on the progress being made by the States in implementing the highway safety improvement program.".

(b) Section 152 of title 23, United States Code, is repealed.

(c) The analysis of chapter 1 of title 23, United States Code, is amended by deleting

"151. Pavement marking demonstration program.", and

"152. Hazard elimination program.",

and inserting in lieu thereof

"151. Highway safety improvement program.", and

"152. Repealed.".

(d) Section 203(e) of the Highway Safety Act of 1973 (Public Law 93-87), as amended by the Congressional Reports Elimination Act of 1980 (Public Law 96-470), is repealed.

HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION PROGRAM APPORTIONED FUNDS

SEC. 113. (a) Subsection (e) of section 144 of title 23, United States Code, is amended to read as follows:

"(e) Funds authorized to carry out this section shall be apportioned among the several States on October 1 of the fiscal year for which authorized according to the following formula: All deficient bridges will be divided into four categories: (1) Federal-aid system bridges, and bridges on public roads functionally classified as arterials or major collectors, eligible for replacement, (2) Federal-aid system bridges, and bridges on public roads functionally classified as arterials or major collectors, eligible for rehabilitation, (3) off-system bridges, and bridges on public roads not functionally classified as arterials or major collectors eligible for replacement, and (4) off-system bridges and bridges on public roads not functionally classified as arterials or major collectors eligible for rehabilitation. The square footage of deficient Federal-aid system bridges, or bridges on public roads functionally classified as arterials or major collectors, both those eligible for replacement and those eligible for rehabilitation, shall be multiplied by a factor of two. The square footage of deficient bridges in each category shall be multiplied by the average national unit cost,

on a State-by-State basis, as determined by the Secretary; and the total cost of each State divided by the total cost of the Nation's deficient bridges shall yield the apportionment factors. No State shall receive more than 8 per centum or less than 0.25 per centum of the total apportionment for any one fiscal year. The Secretary shall make these determinations based upon the latest available data, which shall be updated annually. Funds authorized to carry out this section which are apportioned under this section shall be available for expenditure for three years after the close of the fiscal year for which they are authorized.".

(b) Notwithstanding any other provision of law or Federal regulation, any new bridge which is to be constructed pursuant to section 144 of title 23, United States Code, in tandem with any existing major structure built after June 28, 1969, with no more than 2.7 miles of highway between them need not carry a roadway width in excess of 69 feet.

FEDERAL LANDS HIGHWAYS PROGRAM

SEC. 114. (a) Section 202 of title 23, United States Code, is amended to read as follows:

"SEC. 202. ALLOCATIONS.—(a) On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for forest highways according to the relative needs of the various elements of the national forest system as determined by the Secretary, taking into consideration the need for access as identified by the Secretary of Agriculture through renewable resource and land use planning, and the impact of such planning on existing transportation facilities.

"(b) On October 1 of each fiscal year, the Secretary of Agriculture shall allocate the sums authorized to be appropriated for such fiscal year for forest development roads and trails according to the relative needs of the various national forests. Such allocation shall be consistent with the renewable resource and land use planning for the various national forests.

"(c) On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for public lands highways among those States having unappropriated or unreserved public lands, nontaxable Indian lands or other Federal reservations, on the basis of need in such States, respectively, as determined by the Secretary upon application of the State highway departments of the respective States. The Secretary shall give preference to those projects which are significantly impacted by Federal land and resource management activities.

"(d) On October 1 of each fiscal year, the Secretary of the Interior shall allocate the sums authorized to be appropriated for such fiscal year for park roads and parkways each according to the relative needs of the various elements of the national park system, taking into consideration the need for access as identified through land use planning and the impact of such planning on existing transportation facilities.

"(e) On October 1 of each fiscal year, the Secretary of the Interior shall allocate the sums authorized to be appropriated for such fiscal year for Indian reservation roads according to the relative needs of the various reservations as jointly identified by the Secretary and the Secretary of the Interior.".

(b) Section 204 of title 23, United States Code, is amended to read as follows:

"SEC. 204. FEDERAL LANDS HIGHWAYS PROGRAM.—(a) Recognizing the need for all Federal roads which are public roads to be treated under the same uniform policies as roads which are on the Federal-aid systems, there is established a coordinated Federal lands highways program which shall consist of the forest highways, public lands highways, park roads, parkways, and Indian reservation roads as defined in section 101 of title 23, United States Code.

"(b) Funds available for forest highways and public lands highways shall be used by the Secretary to pay for the cost of construction and improvement thereof. Funds available for park roads, parkways, and Indian reservation roads shall be used by the Secretary of the Interior to pay for the cost of construction and improvement thereof. In connection therewith, the Secretary and the Secretary of the Interior, as appropriate, may enter into construction contracts and such other contracts with a State, or civil subdivision thereof as deemed advisable. In the case of Indian reservation roads, Indian labor may be employed in such construction and improvement under such rules and regulations as may be prescribed by the Secretary of the Interior.

"(c) Cooperation of States, counties, or other local subdivisions may be accepted in construction and improvement, and any funds received from a State, county, or local subdivision shall be credited to appropriations available for the class of Federal lands highways to which such funds were contributed.

"(d) Construction of each project shall be performed by contract awarded by competitive bidding, unless the Secretary or the Secretary of the Interior shall affirmatively find that, under the circumstances relating to such project, some other method is in the public interest.

"(e) All appropriations for the construction and improvement of each class of Federal lands highways shall be administered in conformity with regulations and agreements jointly approved by the Secretary and the Secretary of the appropriate Federal land managing agency.

"(f) The Secretary shall transfer to the Secretary of Agriculture from appropriations for forest highways such amounts as may be needed to cover necessary administrative expenses of the Forest Service in connection with forest highways.

"(g) Funds available for each class of Federal lands highways shall be available for adjacent vehicular parking areas and scenic easements.".

(c)(1) The definition of "park roads and trails" in section 101(a) of title 23, United States Code, is amended to read as follows: "The term 'park road' means a public road that is located within or provides access to an area in the national park system.".

(2) The term "Indian reservation roads and bridges" in section 101(a) of title 23, United States Code, is amended to read as "Indian reservation roads"; and the definition of such term is amended by deleting the words "and bridges" each place they appear and by inserting the word "public" before "roads" the first place it appears.

(3) Section 101(a) of title 23, United States Code, is amended by adding after the definition of the term "forest development roads and trails" the following new definition: "The term 'Federal lands highways' in accordance with section 204 of this title means forest highways, public lands highways, park roads, parkways, and Indian reservation roads.".

(d) Sections 206, 207, 208, 209, and 214(c) of title 23, United States Code, are repealed.

(e) The analysis of chapter 2 of title 23, United States Code, is amended by deleting the following headings:

"202. Apportionment or allocation.";
"204. Forest highways.";
"206. Park roads and trails.";
"207. Parkways.";
"208. Indian reservation roads."; and
"209. Public lands highways."

and inserting in lieu thereof:

"202. Allocations.";
"204. Federal Lands Highways Program.";
"206. Repealed.";
"207. Repealed.";
"208. Repealed."; and
"209. Repealed.".

(f) Section 203 of title 23, United States Code, is amended by striking out the term "park roads and trails" wherever it appears and inserting in lieu thereof the term "park road".

PROGRAM CONSOLIDATION

SEC. 115. (a)(1) Sections 143, 148, 155, and 156 of title 23, United States Code, are repealed.

(2) Section 163 of the Federal-Aid Highway Act of 1973, as amended, is repealed.

(b)(1) Any unobligated balance of contract authority established by any Act prior to enactment of subsection (a) of this section for carrying out sections 143 and 148 of title 23, United States Code, shall remain available for obligation under the conditions applicable prior to such enactment.

(2) The unexpended balance of sums appropriated prior to enactment of subsection (a) of this section for carrying out sections 155 and 156 of title 23, United States Code, and section 163 of the Federal-Aid Highway Act of 1973, as amended, shall remain available for expenditure under the conditions applicable prior to such enactment.

(3) The unappropriated balance of sums authorized prior to enactment of subsection (a) of this section for carrying out sections 148, 155, and 156 of title 23, United States Code, is rescinded.

(c) The analysis of chapter 1, United States Code, is amended by striking

"143. Economic growth center development highways."

and inserting in lieu thereof

"143. Repealed.";

by striking

"148. Development of a national scenic and recreational highway."

and inserting in lieu thereof

"148. Repealed.";

by striking

"155. Access highways to public recreation areas on certain lakes."

and inserting in lieu thereof

"155. Repealed.";

and by striking

"156. Highways crossing Federal projects."

and inserting in lieu thereof

"156. Repealed.".

CARPOOL AND VANPOOL PROJECTS

SEC. 116. (a) Section 120(d) of title 23, United States Code, is amended by inserting before the words "may amount to 100 per centum" the words "or commuter carpooling and vanpooling,".

(b) The Secretary of Transportation is authorized and directed to expend such sums as are necessary out of the administrative funds authorized by subsection (a) of section 104, title 23, United States Code, to carry out the provisions of subsection (d) of section 126 of the Federal-Aid Highway Act of 1978.

PUBLIC TRANSPORTATION

SEC. 117. Section 142 of title 23, United States Code, is amended as follows:

(1) In subsection (a)(1) delete in the first sentence the words "bus lanes" and insert in lieu thereof the following: "high occupancy vehicle lanes" and delete the words "bus and other" and insert in lieu thereof the following: "high occupancy vehicle and".

(2) In subsection (b) delete the word "bus" and insert in lieu thereof "high occupancy vehicle".

(3) In subsection (f) delete the words "public mass transportation systems" and insert in lieu thereof "high occupancy vehicles".

FRINGE AND CORRIDOR PARKING

SEC. 118. Section 137 of title 23, United States Code, is amended by inserting the following new subsection (f):

"(f)(1) The Secretary may approve for Federal financial assistance from funds apportioned under section 104(b)(5)(B) of this title, projects for designating existing facilities, or for acquisition of rights of way or construction of new facilities, for use as preferential parking for carpools, provided that such facilities (1) are located outside of a central business district and within an interstate highway corridor, and (2) have as their primary purpose the reduction of vehicular traffic on the interstate highway.

"(2) Nothing in this subsection, or in any rule or regulation issued under this subsection, or in any agreement required by this subsection, shall prohibit (1) any State, political subdivision, or agency or instrumentality thereof, from contracting with any person to operate any parking facility designated or constructed under this subsection, or (2) any such person from so operating such facility. Any fees charged for the use of any such facility in connection with the purpose of this subsection shall not be in excess of the amount required for operation and maintenance, including compensation to any person for operating the facility.

"(3) For the purposes of this subsection, the terms 'facilities' and 'parking facilities' are synonymous and shall have the same meaning given 'parking facilities' in subsection (c) of this section".

EMERGENCY RELIEF

SEC. 119. (a)(1) The first sentence of subsection (a) of section 125 of title 23, United States Code, is amended by striking the first sentence thereof and inserting in lieu thereof the following: "An emergency fund is authorized for expenditure by the Secretary, subject to the provisions of this section and section 120 of this title, for the repair or reconstruction of highways, roads, and trails which the Secretary shall find have suffered serious damage as the result of (1) natural disaster over a wide area such as by floods, hurricanes, tidal waves, earthquakes, severe storms, or landslides, or (2) catastrophic failures from any external cause, in any part of the United States. In no event shall funds be used pursuant to this section for the repair or reconstruction of bridges which have been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to structural deficiencies or physical deterioration.".

(2) Subsection (a) of section 125 of title 23, United States Code, is further amended by inserting in the second sentence, as that sentence read prior to the amendments made by paragraph (1) of this subsection, after the word "appropriated" the words "from the Highway Trust Fund".

(b) Notwithstanding any other provision of law, all expenditures made under section 125 of title 23, United States Code, prior to the fiscal year ending September 30, 1978, are authorized to have been appropriated from the Highway Trust Fund.

(c) Subsection (a) of section 125 of title 23, United States Code, is amended by inserting in the second sentence after the words "after September 30, 1976," the words "and not more than $100,000,000 is authorized to be expended in any one fiscal year commencing after September 30, 1980.".

(d) Subsection (b) of section 125 of title 23, United States Code, is amended by striking the period at the end of the first sentence, inserting a colon in lieu thereof, and by adding the following: *"Provided,* That obligations for projects under this section, including those on highways, roads, and trails mentioned in subsection (c) of this section, resulting from a single natural disaster or a single catastrophic failure shall not exceed $30,000,000 in any State.".

(e) The amendments made by subsection (d) of this section shall apply to natural disasters or catastrophic failures which the Secretary finds eligible for emergency relief subsequent to the date of enactment of this section.

(f) Subsection (f) of section 120 of title 23, United States Code, is amended to read as follows:

"(f) The Federal share payable on account of any repair or reconstruction provided for by funds made available under section 125 of this title shall not exceed 75 per centum of the cost thereof: *Provided,* That the Federal share payable on account of any repair or reconstruction of forest highways, forest development roads and trails, park roads and trails, parkways, public lands highways, public lands development roads and trails, and Indian reservation roads may amount to 100 per centum of the cost thereof. The total cost of a project may not exceed the cost of repair or reconstruction of a comparable facility. As used in this section with respect to bridges and in section 144 of this title, 'a comparable facility' shall mean a facility which meets the current geometric and construction standards required for the types and volume of traffic which such facility will carry over its design life.".

(g) All obligations for projects resulting from a natural disaster or catastrophic failure which the Secretary finds to be eligible for emergency relief subsequent to the date of enactment of this subsection shall provide for the Federal share required by subsection (f) of section 120 of title 23, United States Code, as amended by this section.

(h)(1) Subsection (b) of section 125 of title 23, United States Code, is amended by striking the words "the Federal-aid highway systems, including the Interstate System" and by inserting in lieu thereof the words "the Interstate System, the Primary System, and on any routes functionally classified as arterials or major collectors," in the two places the stricken words appear.

(2) Subsection (c) of section 125 of title 23, United States Code, is amended by striking the words "on any of the Federal-aid highway systems" and inserting in lieu thereof the words "routes functionally classified as arterials or major collectors".

BICYCLE TRANSPORTATION PROGRAM

SEC. 120. Section 217 of title 23, United States Code is amended—

(1) by striking in the first sentence of subsection (a), the words "and the multiple use of highway rights-of-way" and "on or in conjunction with highway rights-of-way";

(2) by inserting after the first sentence in subsection (a) the following: "Federal-aid highway projects may include nonconstruction programs or projects which can reasonably be expected to enhance the safety and use of bicycles.";

(3) by striking out in subsection (b) the words "that provided in section 120 of this title" and inserting in lieu thereof "100 per centum"; and

(4) by striking out subsection (e).

HIGHLAND SCENIC HIGHWAY

SEC. 121. Section 161(f) of the Federal-Aid Highway Act of 1973, as amended by section 21 of Public Law 96-106, is further amended to read as follows:

"(f) The Highland Scenic Highway as authorized by subsection (a) of this section and all associated lands and rights-of-way shall be managed as part of the Monongahela National Forest for scenic and recreational purposes. Vehicle use shall be confined to passenger cars, recreational vehicles, and limited truck traffic to the extent such use is compatible with the purpose for which the highway was constructed. Commercial use by trucks shall be limited and controlled by permit.".

ALLOCATION OF URBAN FUNDS

SEC. 122. Section 150 of title 23, United States Code, is amended by adding the following sentence at the end thereof: "Funds allocated to an urbanized area under the provisions of this section may, at the request of the Governor and upon approval of the appropriate local officials of the area and the Secretary, be transferred to the allocation of another such area in the State or to the State for use in any urban area.".

CERTIFICATION ACCEPTANCE

SEC. 123. (a) Subsection 117(a) of title 23, United States Code, is amended by striking out "projects on Federal-aid systems, except the Interstate System," and inserting in lieu thereof "Federal-aid projects on systems other than the Interstate System" and by adding at the end thereof the following new sentence: "Notwithstanding the above, the Secretary may discharge any of his responsibilities under this title relative to the physical construction phase of Interstate resurfacing, restoration, rehabilitation, and reconstruction projects using the procedures of this section.".

(b) Subsection 117(b) is amended by striking out "make a final inspection of each subject project upon its" and inserting in lieu thereof "establish procedures for the inspection of such projects upon".

(c) Subsection 117(f)(1) is amended by striking out the words "the Federal-aid secondary system," when they first appear and inserting in lieu thereof "projects, as defined by the Secretary and which are not on the Interstate System," and by striking out "all projects on the Federal-aid secondary system" and inserting in lieu thereof "such projects".

(d) Subsection 117(f)(3) is revised to read as follows:

"(3) Paragraphs (1) and (2) of this subsection shall not be construed to relieve the Secretary of his obligation to establish procedures for the inspection of such projects upon completion and to require an adequate report of the estimated and actual cost of construction as well as other information as he determines necessary.".

(e) Subsection 105(b) of title 23, United States Code, is amended by striking out "projects on the Federal-aid secondary system" and inserting in lieu thereof "projects, as defined by the Secretary and which are not on the Interstate System except for the construction phase of Inter-

state resurfacing, restoration, rehabilitation, and reconstruction projects".

(f) Subsection 106(b) of title 23, United States Code, is amended to read as follows:

"(b) In addition to the approval required under subsection (a) of this section, proposed specifications for projects for construction, as defined by the Secretary and which are not on the Interstate System except for the construction phase of Interstate resurfacing, restoration, rehabilitation and reconstruction projects, except in States where all public roads and highways are under the control and supervision of the State highway department, shall be determined by the State highway department and the appropriate local road officials in cooperation with each other.".

(g) Subsection 112(e) of title 23, United States Code, is amended by striking out "projects on the Federal-aid secondary system" and inserting in lieu thereof "projects, as defined by the Secretary and which are not on the Interstate System except for the construction phase of Interstate resurfacing, restoration, rehabilitation, and reconstruction projects,".

DEFENSE ACCESS ROAD

SEC. 124. Section 210(c) of title 23, United States Code, is amended by striking "Not exceeding $5,000,000 of any funds appropriated under the Act approved October 16, 1951 (65 Stat. 422)", and inserting in lieu thereof "Funds appropriated for defense maneuvers and exercises".

MAINTENANCE

SEC. 125. (a) Subsection (a) of section 116 of title 23, United States Code, is amended by striking the second sentence.

(b) Subsection (b) of section 116 of title 23, United States Code, is amended by striking "constructed on the Federal-aid secondary system or within a municipality,".

(c) The second sentence of subsection (c) of section 116 of title 23, United States Code, is amended to read as follows: "If, within ninety days after receipt of such notice, such project has not been put in proper condition of maintenance, the Secretary shall withhold approval of further projects of all types on one or more of the Federal-aid systems or programs in the State highway district, municipality, county, other political or administrative subdivision of the State, or the entire State, in which such project shall be located, as he deems most appropriate until such project shall have been put in proper condition of maintenance.".

(d) Section 109 of title 23, United States Code, is amended by striking subsection (m) and by relettering subsection (n) as (m).

(e) Section 116 of title 23, United States Code, is amended by adding subsection (f) as follows:

"(f) The Secretary shall issue guidelines describing the criteria applicable to the Interstate System in order to insure that the condition of these routes is maintained at the level required by the purposes for which they were designed.".

(f) Section 119 of title 23, United States Code, is amended by striking subsection (b).

(g) Section 116 of title 23, United States Code, is amended by adding subsection (g) as follows:

"(g) Not later than one year after the date of issuance of initial guidelines under subsection (f) of this section each State shall have a program for the Interstate System in accordance with such guidelines. Each State shall certify on January 1 of each year that it has such a program and the Interstate System is maintained in accordance with the program. If a State fails to certify as required or if the Secretary determines a State is not adequately maintaining the Interstate System in accordance with such program, the next apportionment of funds to such State for the Interstate System shall be reduced by amounts equal to 10 per centum of the amount which would otherwise be apportioned to such State under section 104 of this title. If, within one year from the date the apportionment for a State is reduced under this subsection, the Secretary determines that such State is maintaining the Interstate System in accordance with the guidelines the apportionment of such State shall be increased by an amount equal to the reduction. If the Secretary does not make such a determination within such one year period, the amount withheld shall be reapportioned to all other eligible States.".

CONSTRUCTION

SEC. 126. (a) Subsection (a) of section 114 of title 23, United States Code is amended to read as follows:

"(a) The construction of any highways or portions of highways located on a Federal-aid system or under a Federal-aid program shall be undertaken by the respective State highway departments or under their direct supervision. The construction work and labor in each State shall be in accordance with the laws of that State and applicable Federal laws. Except as provided in section 117 of this title, the Secretary shall establish procedures for the inspection and approval of such construction. Construction may begin as soon as funds are available pursuant to subsection (a) of section 118 of this title. The State highway department shall not erect any informational signs other than official traffic control devices conforming with standards developed by the Secretary on any project where actual construction is in progress and visible to highway users.".

(b) Subsection (c) of section 121 of title 23, United States Code is amended by striking the words "following inspections".

RESEARCH AND PLANNING

SEC. 127. (a) Subsection (c) of section 307, title 23, United States Code, is amended by adding paragraph (5) as follows:

"(5) The sums provided pursuant to paragraph (2) of this subsection shall be combined and administered by the Secretary as a single fund which shall be available for obligation for the same period as funds apportioned under section 104(b)(1) of this title.".

(b) Subsection (c)(2) of section 307, title 23, United States Code, is amended by striking "1964" and inserting in lieu thereof "1983", and by striking "section 104" and inserting in lieu thereof "sections 104 and 144".

(c) Section 120 of title 23, United States Code, is amended by adding a subsection (i) as follows:

"(i) The Federal share payable on account of any project financed under section 307(c) of this title shall be 85 per centum, except that in the case of any State containing nontaxable Indian lands, individual and tribal, and public domain lands (both reserved and unreserved) exclusive of national forests and national parks and monuments, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area, except that such Federal share payable on any project in any State shall not exceed 95 per centum of the total cost of any such project.".

NONDISCRIMINATION

SEC. 128. (a) The first and third sentences of subsection (a) of section 140 of title 23, United States Code, are amended by striking the words "or national origin" and inserting in lieu thereof the words "national origin or sex".

(b) Section 140 of title 23, United States Code, is amended by adding new subsection (c) as follows:

"(c) The Secretary, in cooperation with any other department or agency of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization or person, is authorized to develop, conduct, and administer training programs and assistance programs in connection with any program under this title in order that minority businesses may achieve proficiency to compete, on an equal basis, for contracts and subcontracts. Whenever apportionments are made under subsection 104(a) of this title, the Secretary shall deduct such sums as he may deem necessary, not to exceed $10,000,000 per fiscal year, for the administration of this subsection. The provisions of section 3709 of the Revised Statute, as amended (41 U.S.C. 5), shall not be applicable to contracts and agreements made under the authority herein granted to the Secretary notwithstanding the provisions of 41 U.S.C. 252(e).".

(c) The title of section 140 of title 23, United States Code, is amended to read:

"§140. Nondiscrimination"

and the analysis of chapter 1 of title 23, United States Code, is amended by striking out

"140. Equal employment opportunity."

and inserting in lieu thereof

"140. Nondiscrimination.".

INTERAGENCY AGREEMENTS

SEC. 129. (a) Chapter 1 of title 23, United States Code, is amended by adding after section 156 the following new section:

"§ 157. Interagency agreements

"Not later than one hundred and eighty days after the date of enactment of this section, the Secretary shall enter into agreements with the Secretaries of the Departments of Interior and Defense, the Administrator of the Environmental Protection Agency, and the heads of such other Federal departments, agencies, and instrumentalities as the Secretary determines, to minimize, to the greatest extent possible, duplication, paperwork, and delays in the development and approval of projects, with no substantial controversy, under this title and any other provision of law relating to the Federal highway programs. Notwithstanding any other provision of law, such agreements shall provide that actions on applications or requests for permits, licenses, findings, and other approvals and determinations required for such projects will be fully coordinated by the Department of Transportation with the review process established under the National Environmental Policy Act of 1969, as amended, and, to the greatest extent practicable, that a decision with respect to each such application or request will be made contemporaneously with approval of the environmental impact statement, finding of no significant impact, or categorical exclusion required for such project, but in no event later than one hun-

dred and eighty days after the date of approval of such environmental review document.".

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"157. Interagency agreements.".

OBLIGATION LIMITATION AND ALLOCATION FORMULA

SEC. 130. (a) Notwithstanding any other provision of law, the total of all obligations for Federal-aid highways and highway safety construction programs for fiscal year 1983 shall not exceed $12,000,000,000, for fiscal year 1984 shall not exceed $12,800,000,000, for fiscal year 1985 shall not exceed $13,600,000,000, for fiscal year 1986 shall not exceed $14,500,000,000, and for fiscal year 1987 shall not exceed $14,900,000,000. These limitations shall not apply to obligations for emergency relief under section 125 of title 23, United States Code, section 9 of the Federal-Aid Highway Act of 1981, and section 118 of the Union Station Redevelopment Act of 1981. No obligation constraints shall be placed upon any ongoing emergency project carried out under section 125 of title 23, United States Code.

(b) For the fiscal years 1983, 1984, 1985, 1986, and 1987, the Secretary shall distribute the limitation imposed by subsection (a) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to each State for such fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to all the States for such fiscal year.

(c) During the period October 1 through December 31, 1982, no State shall obligate more than 35 per centum of the amount distributed to such State under subsection (b), and the total of all State obligations during such period shall not exceed 25 per centum of the total amount distributed to all States under such subsection.

(d) Notwithstanding subsections (b) and (c), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned or allocated to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1, 1983, August 1, 1984, August 1, 1985, August 1, 1986, and August 1, 1987, respectively revise a distribution of the funds made available under subsection (b) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year; and

(3) not distribute amounts authorized for administrative expenses and forest highways.

CERTIFICATION OF STATE PROCEDURES

SEC. 131. (a) The Secretary of Transportation in cooperation with the State of Vermont shall carry out a project to demonstrate the feasibility of reducing the time and the cost required to complete highway projects, other than projects on the Interstate System, in areas that require improved access between rapidly growing suburban areas and established urban core areas, by extending the coverage of State certifications under section 117(a) of title 23 of the United States Code, to any Federal law, regulation, or policy that applies to such projects.

(b) In implementing this section, the Secretary shall review applications for projects submitted by the State of Vermont with respect to which the State agrees to assume the responsibility of the Secretary with regard to any such Federal law, regulation, or policy. The Secretary shall be deemed to have fulfilled his responsibility under such law, regulation, or policy, provided that—

(1) the Secretary finds that the State has procedures which are sufficient to assure that the project will be carried out in accordance with the provisions of such law, regulation, or policy;

(2) the State highway department is authorized and consents to accept the jurisdiction of the Federal courts in any suit brought to enforce any such Federal law or regulation; and

(3) the State highway department certifies that the project has been carried out in accordance with the procedures specified under subsection (b)(1) of this section.

(c) In carrying out the demonstration project authorized under this section, the Secretary may continue to discharge his responsibilities directly with respect to those laws, regulations, and policies for which he finds State procedures are not sufficient.

(d) In implementing this section, the Secretary shall consider the procedures developed pursuant to section 141 of the Federal-Aid Highway Act of 1976, as amended, and shall encourage the State to carry out its responsibilities in cooperation with appropriate political subdivisions of the State.

(e) There is authorized to be appropriated out of the Highway Trust Fund to carry out the project authorized under this section a sum not to exceed $50,000,000.

(f) Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be 100 per centum of the total cost thereof and such funds shall remain available until expended.

(g) Not later than six months after the completion of such project, the Secretary shall submit a report to Congress which includes, but is not limited to, a description of the methods used to accomplish the project and the changes, if any, required to adopt expanded certification. The report should also contain recommendations for applying the methods to other highway projects, and any changes to existing law which may be necessary to permit more widespread use of expanded certification acceptance.

ALASKA HIGHWAY

SEC. 132. (a) Subsection (a) of section 218 of title 23, United States Code, is amended by adding after the second sentence the following: "In addition to such funds, the State of Alaska is authorized to expend on such highway any Federal-aid highway funds apportioned to the State of Alaska under this title as its Federal share. Notwithstanding any other provision of law any obligation limitation enacted for fiscal year 1983 or for any fiscal year thereafter shall not apply to projects authorized by the previous sentence.".

(b) This amendment shall be effective upon the date of the enactment of this Act.

TERRITORIAL HIGHWAY PROGRAM

SEC. 133. (a) Section 215 of title 23, United States Code, is hereby repealed.

(b)(1) The unobligated balance of sums appropriated prior to enactment of subsection (a) of this section for carrying out section 215 of title 23, United States Code, shall remain available for obligation under the conditions applicable prior to such enactment.

(2) The unappropriated balance of sums authorized prior to enactment of subsection (a) of this section for carrying out section 215 of title 23, United States Code, shall remain available until expended under the conditions applicable prior to such enactment.

(c) Section 120(i) of title 23, United States Code, repealed.

(d) Section 401 of title 23, United States Code, is amended by deleting the second sentence thereof.

(e) The sixth sentence of section 402(c) of title 23, United States Code, is amended to read as follows: "The annual apportionment to each State shall not be less than one-half of 1 per centum of the total apportionment.".

(f) The analysis of chapter 2 of title 23, United States Code, is amended by deleting:

"215. Territories highway development program."

and inserting in lieu thereof:

"215. Repealed.".

ACCELERATION OF BRIDGE PROJECTS

SEC. 134. Section 147 of the Surface Transportation Assistance Act of 1978, as amended by section 15 of Public Law 96-106 (93 Stat. 798) is repealed. Funds previously set aside in accordance with such section 147 shall be available for obligation for a period of two years from the date of enactment of this Act. Such funds may be obligated under the same conditions which existed prior to the repeal of such section 147. Funds not obligated within that period of availability shall be permanently withdrawn and such funds shall be apportioned by the Secretary to the several States in accordance with section 144(e) of title 23, United States Code.

LAKE ROAD EROSION DEMONSTRATION

SEC. 135. (a) The Secretary of Transportation is authorized to carry out demonstration projects in and around Devils Lake, North Dakota, for the purpose of demonstrating construction techniques to prevent wave erosion on closed basin lakes with grade level highway crossings.

(b) The Secretary is authorized to reimburse from funds authorized by subsection (c) the State of North Dakota for funds previously expended on projects described in subsection (a).

(c) There is authorized to be appropriated, out of the Highway Trust Fund, to carry out this section not to exceed $4,500,000 for the fiscal year ending September 30, 1983.

(d) Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall not exceed 75 per centum of the total cost thereof and such fund shall remain available until expended.

TRUCK SAFETY DEMONSTRATION

SEC. 136. The Secretary of Transportation, in cooperation with the State of Idaho, shall conduct a project on a primary segment of highway experiencing a high incidence of truck accidents. The study shall include an

analysis of factors contributing to truck accidents such as weather conditions, sight distance, road curvature, roadway width, and gradient. The study shall also include an analysis of the benefit-cost ratio of certain safety improvements implemented to correct hazards contributing to truck accidents.

(b) There is authorized to be appropriated, out of the Highway Trust Fund, to carry out this section not to exceed $6,500,000.

(c) Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection shall be 100 per centum of the total cost thereof and such funds shall remain available until expended.

(d) The Secretary of Transportation shall submit to Congress a report on the results of the demonstration project not later than 180 days after completion of such project.

TECHNICAL AMENDMENTS

SEC. 137. (a) Section 101(a) is amended as follows:

(1) In the tenth sentence, by inserting the words "or under one of the Federal-aid programs" immediately after the words "Federal-aid systems";

(2) In the nineteenth sentence, by striking the period at the end thereof and adding the words "or under the Federal-aid programs.";

(3) In the thirtieth sentence, by deleting the words "secondary system" and inserting in lieu thereof the words "rural program", and by deleting the word "system" and inserting in lieu thereof the word "program";

(4) In the thirty-first sentence, by deleting the word "system" each time it appears and inserting in lieu thereof the word "program"; and

(5) By adding after the twenty-eighth sentence the following sentence: "The term 'Federal-aid program' means any one of the Federal-aid highway programs described in section 103 of this title.".

(b)(1) Section 103 is amended by adding to the title the words "and programs" after the words "Federal-aid systems";

(2) Section 103(a) is amended to read as follows: "For the purpose of this title, the Federal-aid systems, which consist of the primary system and the Interstate System, along with the Federal-aid programs, which consist of the Federal-aid rural program and the Federal-aid urban program, are established and continued pursuant to the provisions of this section.";

(3) Section 103(f) is amended to read as follows: "The Secretary shall have authority to approve in whole or in part the Federal-aid primary system, the Federal-aid rural program, the Federal-aid urban program, and the Interstate System, as and when such systems and programs or portions thereof are designated, or to require modifications or revisions thereof. No Federal-aid system or program or portion thereof shall be eligible for projects in which Federal funds participate until approved by the Secretary.";

(4) Subsections (g) and (h) of section 103 are repealed; and

(5) The analysis of chapter 1 of title 23 is amended by deleting

"103. Federal-aid systems."

and inserting in lieu thereof

"103. Federal-aid systems and programs.".

(c) Section 104 is amended as follows:

(1) In subsections (a) and (b)(1), by inserting the words "and programs" immediately after the words "Federal-aid systems" each time they appear;

(2) In paragraph (2) of section 104(b), by deleting the words "secondary system" and inserting in lieu thereof the words "rural program";

(3) In paragraph (6) of section 104(b) by deleting the word "system" and inserting in lieu thereof the word "program";

(4) In subsection (c)(1), by deleting the phrase ", commencing with the apportionment of funds authorized to be appropriated under subsection (a) of section 102 of the Federal-Aid Highway Act of 1956 (70 Stat. 374),"; and

(5) In subsection (f)(1), by inserting the words "and programs" immediately after the words "Federal-aid systems".

(d) Section 105 is amended as follows:

(1) In the first sentence of subsection (a) by inserting the words "and programs" after the words "Federal-aid systems", and by deleting in the third sentence the comma and all that follows and inserting a period after the word "part"; and

(2) In subsection (d) by deleting the words "programs for", and by deleting the words "on the Federal-aid urban system" and inserting in lieu thereof the words "under the Federal-aid urban program".

(e) Section 106 is amended as follows:

(1) Section 106(b) is amended by striking the word "on" and inserting in lieu thereof the word "under," and by striking the word "system" each place it appears and inserting in lieu thereof the word "program".

(2) Section 106(d) is amended by inserting the words "or under any Federal-aid program" immediately after the words "Federal-aid system".

(f)(1) Section 108(a) is amended by inserting the words "or under any of the Federal-aid highway programs," immediately after the words "Interstate System," the first time they appear, and by inserting the words "and programs" immediately after the words "Federal-aid highway systems" the second time they appear;

(2) Section 108(c)(2) is amended by inserting the words "or under any Federal-aid program" immediately after the words "Federal-aid system"; and

(3) The last sentence of section 108(c)(3) is amended by inserting the words "or under the Federal-aid program" immediately after the words "Federal-aid system".

(g)(1) Section 109(a) is amended by inserting the words "or under any Federal-aid program" immediately after the words "Federal-aid system";

(2) Section 109(c) is amended by deleting the words "Projects on the Federal-aid secondary system" and inserting in lieu thereof the words "Federal-aid rural program projects";

(3) Section 109(e) is amended by deleting the phrase "No funds shall be approved for expenditure on any Federal-aid highway," and inserting in lieu thereof the following phrase: "No funds shall be approved for expenditure on any highway on the Federal-aid highway system or under the Federal-aid highway program,";

(4) Section 109(h) is amended by inserting the words "or under any Federal-aid program" immediately after the words "Federal-aid system";

(5) Section 109(i) is amended by inserting the words "or under any Federal-aid program" immediately after the words "Federal-aid system" each time they appear in the first and second sentences, by inserting the words "or under a Federal-aid program" immediately after the words "Federal-aid system" in the third sentence, by inserting the words "or program" immediately after the words "Federal-aid system" in the fifth sentence, and by inserting the words "or under" immediately after the word "on" in such sentence; and

(6) Section 109(l)(1) is amended by inserting the words "or under any Federal-aid program" immediately after the words "Federal-aid system".

(h)(1) Section 113(a) is amended by deleting the words "the primary and secondary, as well as their extensions in urban areas, and the Interstate System, authorized under the highway laws providing for the expenditure of Federal funds upon the Federal-aid systems," and inserting in lieu thereof the words "the primary as well as its extensions in urban areas, and the Interstate System, or under the Federal-aid programs, authorized under the highway laws providing for the expenditure of Federal funds upon the Federal-aid systems and programs,"; and

(2) Section 113(b) is amended by inserting the words "or under any of the Federal-aid programs" immediately after the words "Federal-aid systems".

(i) Section 115(a) is amended to read as follows:

"(a) When a State has obligated all funds for the primary system or for any of the Federal-aid programs apportioned to it under section 104 of this title, and proceeds to construct any projects without the aid of Federal funds, including one or more parts of any project, on the primary system or under any of the Federal-aid programs in such State, other than the Interstate System, as that system may be designated or any of those programs may be comprised at that time, in accordance with all procedures and all requirements applicable to projects on the primary system or under any such program, except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such State and his approval of such application, is authorized to pay to such State the Federal share of the costs of construction of such project when additional funds are apportioned to such State under section 104 of this title if—

(1) prior to the construction of the project the Secretary approves the plans and specifications therefor in the same manner as other projects on the Federal-aid system or under the Federal-aid program involved, and

(2) the project conforms to the applicable standards adopted under section 109 of this title.

The Secretary may not approve an application under this section unless an authorization is in effect for the fiscal year for which the application is sought beyond the currently authorized funds for such State and that no application may be approved which will exceed the State's expected apportionment of such authorization.".

(j) Section 118(d) is amended by inserting the words "or under a Federal-aid program" immediately after the words "Federal-aid system".

(k)(1) Section 120(a) is amended by deleting in the first sentence all of the words between "(a)" and "(A)" and inserting in lieu thereof the words "Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project, financed with primary, rural, or urban funds, on the Federal-aid primary system, under

the Federal-aid rural program, and under the Federal-aid urban program shall either"; and

(2) Section 120(g) is amended by deleting the words "Federal-aid highways" and inserting in lieu thereof the words "Federal-aid projects".

(l) Section 121(c) is amended by inserting the words "or under a Federal-aid program" immediately after the words "Federal-aid system".

(m) Section 123(a) is amended by deleting the words "the Federal-aid primary or secondary systems or on the Interstate System, including extensions thereof within urban areas," and inserting in lieu thereof the words "a Federal-aid system or under a Federal-aid program,".

(n) Section 124(a) is amended by inserting the words "or under any of the Federal-aid programs," immediately after the phrase "including the Interstate System,".

(o) Section 129 is amended as follows:

(1) In subsection (c), by inserting the words "and programs" immediately after the words "Federal-aid highway systems";

(2) In subsections (f) and (g)(2), by inserting the words "or programs" immediately after the words "Federal-aid systems" each time they appear; and

(3) In subsection (i), by deleting the words "Federal-aid system, other than the Interstate System," and inserting in lieu thereof the words "Federal-aid project other than one of the Interstate System,".

(p) Section 135(b) is amended by placing a period after the word "flow" and deleting the remainder of the sentence.

(q) Section 137(a) is amended by deleting the words "project on the Federal-aid urban system" and inserting in lieu thereof the words "project under the Federal-aid urban program".

(r) Section 140(a) is amended by inserting the words "or under any of the Federal-aid programs" immediately after the words "Federal-aid systems".

(s) Section 141(b) of title 23, United States Code, is amended to read as follows:

"(b) Each State shall certify to the Secretary before January 1 of each year that it is enforcing in accordance with section 127 of this title all State laws respecting maximum vehicle size and weights permitted on all roads receiving funds under the Federal-aid program, including the primary system, the Interstate System, and is a route functionally classified as an arterial or major collector.".

(t) Section 142 is amended as follows:

(1) In subsection (a)(1) by inserting the words "and highways under the Federal-aid programs" immediately after the words "Federal-aid systems", and by deleting the words "as a project on any Federal-aid system";

(2) In subsection (a)(2) by deleting the words "project on the Federal-aid urban system" each place it appears and inserting in lieu thereof "project under the Federal-aid urban program"; and

(3) In subsection (e)(2) by deleting the words "projects on the Federal-aid urban system" and inserting in lieu thereof "projects under the urban program".

(u) Section 149 is amended by inserting the words "or under any Federal-aid program" immediately after the words "Federal-aid system".

(v) Section 150 is amended as follows:

(1) By deleting the word "system" in the title and inserting the word "program" in lieu thereof.

(2) By amending the analysis of chapter 1 of title 23, United States Code, by deleting:

"150. Allocation of urban system funds.".

and inserting in lieu thereof:

"150. Allocation of urban program funds.".

(w) Section 302(b) is amended by deleting the words "on the Federal-aid secondary system," and inserting in lieu thereof the words "under the Federal-aid rural program", and by deleting the words "secondary funds," and inserting in lieu thereof the words "rural funds,".

(x) Section 304 is amended by inserting the words "and highways under the Federal-aid programs" between the word "systems" and the comma.

(y) Section 317(d) is amended by inserting the words "or under a Federal-aid program" immediately after the words "Federal-aid system".

(z) Section 320(a) is amended by inserting the words "or programs" immediately after the words "highway systems" in the second sentence.

(aa) Section 322 is amended as follows:

(1) In subsection (c)(1) by deleting the words "any Federal-aid system," and inserting in lieu thereof the words "the Interstate System, the Primary System, or is a route functionally classified as an arterial or major collector,"; and

(2) In subsection (c)(2) by deleting the words "any Federal-aid system," and inserting in lieu thereof the words "the Interstate System, the Primary System, or is not a route functionally classified as an arterial or major collector,".

(bb) Section 402(d) is amended by inserting the words "and programs" immediately after the words "Federal-aid systems".

Section-by-Section Analysis

SHORT TITLE

Section 101. This section provides that the title may be cited as the "Federal-Aid Highway Improvement Act of 1982".

REVISION OF AUTHORIZATION FOR APPROPRIATIONS FOR THE INTERSTATE SYSTEM

Section 102. This section authorizes $3.625 billion for fiscal year 1984, $3.8 billion for fiscal years 1985 and 1986, and $4.0 billion for each of fiscal years 1987 through 1990 for the Interstate Highway System construction program.

HIGHWAY AUTHORIZATIONS

Section 103. This section authorizes the appropriation, out of the Highway Trust Fund, of the following sums for fiscal years 1983, 1984, 1985, 1986, and 1987.

For the Federal-aid primary program, $1.7 billion for fiscal year 1983, $2.1 billion for fiscal year 1984, $2.4 billion for each of fiscal years 1985 and 1986, and $2.6 billion for fiscal year 1987; for the Federal-aid rural program, $0.7 billion for each of fiscal years 1983 through 1987; for the Federal-aid urban program, $0.8 billion for each of fiscal years 1983 through 1987; for forest highways, $50 million for each of fiscal years 1983 through 1987; for public lands highways, $50 million for each of fiscal years 1983 through 1987; for bridge replacement and rehabilitation (23 U.S.C. 144), $1.7 billion for each of fiscal years 1983 and 1984, and $1.8 billion for fiscal year 1985, and $2.0 billion for each of fiscal years 1986 and 1987; and for the highway safety improvement program, $0.4 billion for each of fiscal years 1983 through 1987.

Subsection (b)(1) provides a minimum apportionment of one-half of one percent of Interstate construction funds to each State, including Alaska. Whenever this amount exceeds a State's need for Interstate construction and Interstate resurfacing, restoration, rehabilitation, and reconstruction, the State may transfer the excess amount of the Primary System, the Rural Program, or the Urban Program.

Subsection (b)(2) provides for a Discretionary Bridge Fund of $300 million for each of fiscal years 1983 through 1987. Funds are available for a period of four years. Projects eligible for the funds are those costing more than $10 million or those costing at least twice a State's annual bridge fund apportionment. A technical amendment is also made to 23 U.S.C. 144(g) to change the requirement of expenditures on bridges off the Federal-aid systems to a requirement of at least 15 per centum of expenditures on bridges on public roads not functionally classified as arterials or major collectors. Virtually all of the present Interstate, Primary, and Secondary Systems and most of the Urban System consist of roads functionally classified as arterials and major collectors. This change would permit expenditure of up to 85 per centum of the total funds on Interstate, Primary, Secondary, and Urban Systems and Off-System arterials or major collectors. The effect of the technical amendment will be to leave the law substantially unchanged. This subsection also deletes the provision of 23 U.S.C. 144(g) which prohibits the expenditure of more than 35 per centum of a State's bridge apportionments off the Federal-aid systems. This deletion will permit discretion to the States to use more of their bridge funds off-system in accord with their own priorities.

A number of categories including forest development roads and trails, public lands development roads and trails, park roads and trails, parkways, Indian reservation roads and bridges, economic growth center development highways, Great River Road, safer-off-system roads, access highways, section 402 FHWA highway safety program, section 152 elimination of hazards program, rail-highway crossings, railroad-highway crossings demonstration program, and bicycle transportation and pedestrian walkways, will not receive new separate funding levels. Most of the projects now eligible in these categories will be eligible under the primary, rural, urban, and safety programs.

DISCRETIONARY BRIDGE CRITERIA

Section 104. This section directs the Secretary to develop a selection process for discretionary bridges authorized under section 144(g). This selection process is to include a formula resulting in a rating factor which is based on criteria including the sufficiency rating, average daily traffic, average daily truck traffic, defense highway system status, and the State's unobligated balance of funds received under section 144. In addition, the Secretary is directed to give consideration to bridges that are closed to all traffic or that have a load restriction of 10 tons or less. Those bridges already eligible for discretionary bridge funds will remain eligible. After the issuance of a final regulation, eligible bridges will be limited to those with a rating factor of 100 or less, based on a scale of 0 to infinity.

INTERSTATE SYSTEM RESURFACING APPORTIONMENT

Section 105. This section establishes a new Interstate 4R apportionment formula. The new formula is based 60 percent on the ratio of the number of lane miles on Interstate routes (other than those on toll roads not subject to a Secretarial agreement) each State has of the total lane miles in all States, and 40 percent on the ratio each State has of the total vehicle miles traveled

on those lanes on Interstate routes (other than those on toll roads not subject to a Secretarial agreement). This section also establishes a minimum one-half of one percent guarantee of Interstate 4R appointments for each State.

The Secretary is directed to study the procedures for distributing Interstate 4R funds to the States. The purpose of the study is to analyze current conditions and factors including volume and mix of traffic, weight and size of vehicles, environmental, geographical, and meteorological conditions in various States, and any other factors that may contribute to the deterioration of the Interstate system. The Secretary shall consider such criteria as need, national importance, impact on individual State highway programs, structural and operational integrity, and any other relevant criteria, to determine the most equitable method of distribution. The Secretary is directed to report the results of the study together with recommendations for legislation not later than two years after the date of enactment of this section.

INTERSTATE SYSTEM RESURFACING AUTHORIZATION

Section 106. This section provides authorizations for Interstate resurfacing, restoring, rehabilitation and reconstructing (4R), out of the Highway Trust Fund, of $1.8 billion for fiscal year 1984, $2.4 billion for fiscal year 1985, $2.8 billion for fiscal year 1986, $3.2 billion for fiscal year 1987, $3.4 billion for fiscal year 1988. The requirement that Interstate 4R funds be used only on lanes in use for more than five years is discontinued. The transfer of 4R funds to primary apportionments is permitted when the 4R funds are excess to resurfacing and reconstruction needs.

INTERSTATE SUBSTITUTION AUTHORIZATION

Section 107. Subsection (a) authorizes, in addition to any funds authorized to be appropriated out of the General Fund, $500 million for fiscal year 1983, $600 million for each of fiscal years 1984 and 1985, and $650 million for each of fiscal years 1986 and 1987, out of the Highway Trust Fund, for substitute highway projects under 23 U.S.C. 103(e)(4). The effect of this authorization is to grant contract authority for substitute highway projects. Funds for mass transit substitute projects will continue to come from the General Fund of the Treasury.

Section 107(b) amends 23 U.S.C. 103(e)(4) to allow withdrawal of, and to include as eligible for the benefits of withdrawal and substitution, any Interstate routes including those in rural areas, except those routes or segments of routes added to the Interstate System by specific legislation after March 7, 1978.

Section 107(c) provides that no adjustment will be made for inflation after September 30, 1983, for any substitute project eligible for Interstate Transfer funds.

Section 107(d) prohibits withdrawal and substitution for routes or segments of routes added to the Interstate System by specific legislation after March 7, 1978.

Section 107(e) clarifies that 100 percent Federal share shall also apply to traffic control signalization projects which might be included as part of an Interstate substitution project under 23 U.S.C. 103(e)(4). Present law now permits 100 percent Federal share for projects for traffic control signalization funded from all other Federal-aid categories.

FEDERAL-AID PRIMARY PROGRAM

Section 108. This section would eliminate the priority primary program (23 U.S.C. 147). Any unobligated authority for the priority primary program, effective the date of enactment of this section, would be apportioned by the Secretary of Transportation in the same manner as primary funds and would thereafter remain available for obligation for the same period as if the funds were apportioned like primary funds. Pertinent sections of title 23, United States Code, would be amended to reflect the elimination of the priority primary program. This section would also permit the District of Columbia to receive a minimum one-half of one percent of each year's primary apportionment.

FEDERAL-AID URBAN PROGRAM

Section 109. This section would establish the Federal-aid urban program. The existing Federal-aid urban system would be abolished, allowing for a wider range of transportation programs in urban areas. The changes will facilitate the achievement of goals relating to equity of programs, energy conservation, center-city revitalization, economic development, and reindustrialization.

All public roads in urban areas would be eligible, except those on the primary system and Interstate System. Transit capital projects and transportation system management (TSM) projects would also be eligible as would projects previously categorized as safer-off-system. Consolidated safety programs incorporated by section 112 of this bill, the Highway Safety Improvement Program, are eligible for funding as part of the urban program.

The Certification Acceptance Procedures as provided by section 117(a) and the Secondary Road Plan procedures as provided by section 117(f) of title 23, United States Code, may be utilized by the States for projects under this program.

FEDERAL-AID RURAL PROGRAM

Section 110. This section amends section 103 of title 23, United States Code. It combines the secondary program and eligible projects now under the non-safety portion of the safer-off-system program, the Great River Road program, the access to lakes program, the bridges on Federal dams program and the economic growth center program. This would result in a consolidated rural program and end the secondary system designation, thus making funds available for all rural and nonurban roads, other than primary and Interstate System roads. Projects eligible for funding would be expanded to include nonurban public transportation and projects previously categorized as safer-off-system roads. Consolidated safety programs incorporated by section 112 of the bill, the Highway Safety Improvement Program, are eligible for funding as part of the Rural Program. Consolidating the funds for the above mentioned programs and terminating the secondary system designation would increase the flexibility for use of the funds as well as simplify grant and project administration and management.

The Certification Acceptance procedures as provided by section 117(a) and the Secondary Road Plan procedures as provided by section 117(f) of title 23, United States Code, may be utilized by the States for projects under this program.

TRANSFERABILITY

Section 111. This section amends 23 U.S.C. 104 to permit transfers between primary system and rural program apportionments and between primary system and urban program apportionments of up to 100 percent. Current law now permits 50 percent transfers between primary and secondary systems and between primary and urban systems.

HIGHWAY SAFETY IMPROVEMENT PROGRAM

Section 112. This section establishes a single highway safety improvement program by combining all safety categories—Hazard Elimination, Rail Highway Crossings, Rail Relocation Projects, Safer-Off-System Roads, and highway related safety activities under section 402.

Each State must develop and implement a continuous highway safety improvement program which includes procedures for planning, implementation and evaluation of highway safety improvement projects. As part of this program, each State must have a process for inventorying and analyzing accident, traffic, and highway data, for conducting engineering surveys of hazardous locations, sections, and elements; and for maintaining and implementing a prioritized schedule of projects for the improvement of the hazards identified. Any highway safety improvement project on a public road, except the Interstate, may be funded under this section. The Federal share under this section is 90 percent except for rail-highway crossing projects, in which case the Federal share is that provided in section 120(d) of title 23, United States Code. Any remaining unobligated balance of contract authority for carrying out section 402 with respect to highway-related safety programs will remain available for obligation, and will lapse not later than September 30, 1984. Highway safety funds are apportioned to the States according to a formula based on population and road mileage.

This section also provides that each State shall expend 35 percent of the funds apportioned to it for highway safety improvements for rail grade crossing projects authorized by section 203 of the 1973 Highway Safety Act. This minimum percentage of use of such funds may be waived by the Secretary of Transportation upon application of the State if the Secretary finds that the State has demonstrated that it has other safety projects of a higher priority.

One-half of one percent of the highway safety funds is made available to the Secretary of the Interior for carrying out section 151 safety activities on Indian reservations. The section 151 funds are available as if they were primary funds except where inconsistent with the purposes of this section. In addition, primary system, urban program and rural program funds are eligible for all consolidated safety projects.

The States are required to evaluate the results of the highway safety improvement program and to report annually to the Secretary. The Secretary is required to report annually to the Congress. The State's existing safety reports to the Secretary of Transportation under Section 203 of the Highway Safety Act of 1973 for rail-highway crossings, the Section 151 report on pavement markings and the Section 152 report on hazard eliminations are repealed, as the comparable reports are now included under the one consolidated report provided by subsection (a), which contains a new section 151(h) on highway safety improvement program reports.

HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION PROGRAM APPORTIONED FUNDS

Section 113. This section provides for an annual apportionment starting fiscal year

1983 based upon a formula: All deficient bridges will be divided into four categories: (1) Federal-aid system bridges and bridges on public roads functionally classified as arterials or major collectors eligible for replacement, (2) Federal-aid system bridges and bridges on public roads functionally classified as arterials or major collectors eligible for rehabilitation, (3) Off-system bridges and bridges on public roads not functionally classified as arterials or major collectors eligible for replacement, and (4) Off-System bridges and bridges on public roads not functionally classified as arterials or major collectors eligible for rehabilitation. The square footage of deficient Federal-aid system bridges, and bridges on public roads functionally classified as arterials or major collectors, both those eligible for replacement and those eligible for rehabilitation, shall be multiplied by a factor of two. The square footage of deficient bridges in each category shall be multiplied by a national average unit cost on a State-by State basis and the total cost in each divided by the total cost of the nation's deficient bridges to yield the apportionment factors, except that no State shall receive less than one quarter of one percent nor more than 8 percent of the annual apportionment. These funds are available for four years.

FEDERAL LANDS HIGHWAYS

Section 114. This section would establish a Federal Lands Highway Program which would include forest highways, park roads, parkways, Indian reservation roads, and public lands highways. This section would change existing law in the following ways.

Current section 202(a) of title 23, United States Code, provides for forest highway authorizations to be apportioned for the forest highways in the several States according to the area and value of federally owned land within the national forests therein. Revised section 202(a) would replace this apportionment formula with an allocation formula based on the relative needs of the various elements of the National Forest System as determined by the Secretary of Transportation in cooperation with the Secretary of Agriculture. The existing formula is obsolete because of the policies and directions mandated by renewable resource and land use planning legislation.

Revised section 202(b) would modify the existing allocation criteria (23 U.S.C. 202(b)) for forest development roads and trails to require that allocation of such funds be consistent with the renewable resource and land use planning for the various National Forests. As with forest highways, this change to the allocation criteria for forest development roads and trails is necessary to achieve compliance with renewable resource and land use planning legislation. Forest development roads and trails are not included as part of the new Federal Lands Highways Program as such roads and trails are restricted to administrative use by appropriate agencies. The Federal Lands Highways Program would include public roads only.

Revised section 202(c) is a restatement of the existing allocations criteria (23 U.S.C. 202(c)) for public lands highways with one addition. A new provision, consistent with recent renewable resource and land use planning legislation, would provide that preference be given to those highway projects which are significantly impacted by Federal land and resource management activities.

New sections 202 (d) and (e) would establish criteria for allocation of funds authorized for park roads, parkways and Indian reservation roads. Currently, no criteria are statutorily prescribed for allocation of funds authorized for park roads, parkways and Indian reservation roads. The proposed allocation criteria for these classes of highways would require distribution of funds authorized for each such class be based on the relative needs of the various elements of each such class.

This section would eliminate the separate provisions of chapter 2 of title 23, United States Code, which provide for forest highways (section 204), park roads (section 206), parkways (section 207), Indian reservation roads (section 208), and public lands highways (section 209), and establish in lieu thereof a coordinated Federal Lands Highway Program under which each such class of Federal lands highways would be continued. The substance of the separate sections which provided for forest highways, park roads, parkways, Indian reservation roads, and public lands highways is essentially restated in the new section authorizing the Federal Lands Highways Program. The significant change that the new section would make is placing on the Secretary of Transportation the oversight and coordinating responsibility for Federal Lands Highways in order to ensure that such highways are treated under the same uniform policies as roads which are on the Federal-aid systems.

This proposal would not transfer jurisdiction of the Federal roads from the agencies that currently manage the respective Federal lands. Rather, it would involve DOT in coordination with the land managing agency, in the planning studies and program development of public Federal lands highways roads. The DOT would also provide design and construction assistance to the land managing agencies.

This section would also add to title 23, United States Code, a definition of the term Federal Lands Highways, amend the definitions of the terms Indian reservation roads and park roads to include public roads only, and make technical changes to conform affected sections of title 23, United States Code, with the new Federal Lands Highways program.

PROGRAM CONSOLIDATION

Section 115. Subsection (a) of this section repeals the Economic Growth Center Development program, National Scenic and Recreational Highway program, Access Highways to Public Recreation Areas on Certain Lakes program, Highways Crossing Federal Projects program, and the Railroad Highway Crossings Demonstration Project.

Subsection (b) provides that any unobligated balance of contract authority or unexpended balance of sums appropriated prior to enactment of subsection (a) will remain available for these programs under the conditions applicable prior to such enactment. The unappropriated balance of sums authorized prior to enactment of subsection (a) for the National Scenic and Recreational Highway program, Access Highways to Public Recreation Areas on Certain Lakes, and Highways Crossing Other Federal Projects is rescinded.

CARPOOL AND VANPOOL PROJECTS

Section 116. Subsection (a) amends section 120(d) of title 23, United States Code, to allow up to 100 percent Federal share on projects for the acquisition of vehicles for carpooling and vanpooling. The intent is to encourage more ridesharing by making it possible to acquire vehicles when local matching funds are not available.

Subsection (b) authorizes and directs the Secretary of Transportation to expend such sums as are necessary out of Federal Highway Administration administrative funds to carry out the national policy of promoting commuter modes of transportation which conserve energy, reduce pollution, and reduce traffic congestion. This is in lieu of a separate authorization as included in the Surface Transportation Assistance Act of 1978.

PUBLIC TRANSPORTATION

Section 117. This section amends section 142(a)(1), (b), and (f) of title 23, United States Code, by substituting "high occupancy vehicle lanes" for "bus lanes", "high occupancy vehicle passengers" for "bus passengers", and "high occupancy vehicles" for "public mass transportation systems". The overall effect is to expand the scope of the projects eligible for funding under section 142 to include carpool and vanpool vehicles and passengers. Also, it allows such projects to include eligible facilities for carpools and vanpools only, without the presence of buses or rail transit.

FRINGE AND CORRIDOR PARKING

Section 118. This section amends section 137 of title 23, United states Code, by adding a new subsection (f) which allows Interstate 4R funds to be used for projects providing preferential parking for carpools. It incorporates the same restrictions as other fringe parking facilities with respect to being outside the central business district and within an Interstate corridor, and the primary purpose of reducing vehicular traffic on the Interstate highway. Other standard features concerning contracting and fees charged are also included.

EMERGENCY RELIEF

Section 119. Subsection (a) of this section amends subsection (a) of section 125, title 23, United States Code, to make clear that the term "catastrophic failure" means failures which are sudden, unexpected, and result from external forces, natural catastrophes in narrow or limited areas such as localized hurricane force winds, earthquakes, landslides, and the like. "Catastrophic failure", for purposes of this section, does not mean failure which is the result of structural deficiencies or physical deterioration. Bridges which are in imminent danger of collapse as a result of structural deficiencies or physical deterioration may be eligible for Federal funding under section 144 of title 23, United States Code, The Highway Bridge Replacement and Rehabilitation Program. Section 125 is intended to establish a fund which is to be held for sudden and unexpected emergencies and is not intended to be used for maintenance costs or for deficiencies in, or the ordinary deterioration of, a structure. These latter expenses are expected to be met by the State or, to the extent a facility qualifies, with funds available under section 144 of title 23.

Subsection (a) of section 125 is also amended to delete the reference to bridges which have been closed to traffic between December 31, 1967 and December 31, 1970 inasmuch as the Committee understands that these bridges have been repaired or reconstructed and are now reopened to vehicular traffic.

Subsections (a) and (b) of this section further provide that all expenditures for emergency relief under 23 U.S.C. 125, whether past or future, shall come from the Highway Trust Fund and not from the General Fund of the Treasury. Section 125 of title 23, United States Code, now provides that

40 percent of emergency relief expenditures prior to the fiscal year ending September 30, 1978 are authorized from the General Fund of the Treasury.

Subsection (c) authorizes, from the Highway Trust Fund, $100 million per year for emergency relief projects.

Subsection (d) would amend 23 U.S.C. 125(b) to provide that expenditures for projects resulting from a single natural disaster or a single catastrophic failure shall not exceed $30 million in a State.

Subsection (e) would apply the amendment made by subsection (d) to natural disasters or catastrophic failures which the Secretary finds to be eligible for emergency relief subsequent to the enactment of this section.

Subsection (f) would amend 23 United States Code 120(f), which pertains to the Federal share for highway emergency relief projects. Under current law, the Secretary can increase the Federal share to 100 percent. Under this subsection, the Federal share would be limited to 75 percent, except for forest highways, forest development roads and trails, park roads and trails, parkways, public lands highways, public lands development roads and trails and Indian reservation roads, which would still receive 100 percent Federal funding.

Subsection (g) would apply the provisions of 23 United States Code 120(f), as amended by the bill, to all natural disasters or catastrophic failures which the Secretary finds to be eligible for emergency relief subsequent to the enactment of the bill.

Subsection (h) makes technical amendments to reflect the fact that this bill replaces the secondary and urban Federal-aid highway systems.

BICYCLE TRANSPORTATION PROGRAM

Section 120. This section broadens current authority to allow Federal-aid highway funds to participate in a greater variety of projects to encourage bicycle transportation and to provide pedestrian facilities. It would allow States greater flexibility in developing federally assisted bicycle and pedestrian projects by (1) eliminating the requirement that bicycle or pedestrian projects be "on or in conjunction with highway rights-of-way"; (2) eliminating the limitation on the expenditure of Federal-aid highway funds for bicycle or pedestrian projects; and (3) specifically allowing Federal-aid highway funds to participate in nonconstruction projects that are expected to enhance bicycle safety and use. The Federal share for bicycle projects would be increased to 100 percent.

HIGHLAND SCENIC HIGHWAY

Section 121. This section would amend section 161(f) of the Federal-aid Highway Act of 1973, as amended by section 21 of Public Law 96-106, to remove a technical problem presently preventing the State of West Virginia from maintaining the Highland Scenic Highway, located partially within and adjacent to the Monongahela National Forest in the State. It would also allow local light truck traffic and limited commercial truck traffic on a permit basis only.

The Highland Scenic Highway was originally designed and constructed as a multipurpose State highway on the Federal-aid Highway System. As such, it was maintained by the State until the passage of the Federal-aid Highway Act of 1973 which designated it as a scenic highway with portions limited solely to scenic and recreational use and passenger car use. The scenic highway designation precludes community service vehicles such as bread trucks, service trucks and farm trucks from using the highway and use of the road for National Forest management activities requiring use of trucks. This designation thus made the highway a limited service highway which precludes continued maintenance by the State as State law prohibits the expenditure of maintenance funds on limited service highways.

This amendment would correct this anomaly by modifying the vehicle limitation so that the State could maintain the road and, at the same time, protect the important recreational and scenic values of the highway.

ALLOCATION OF URBAN FUNDS

Section 122. Existing law permits transferability between urban and primary system funds. However, it does not permit transfer of funds allocated out of urban system funds attributable to urbanized areas of 200,000 or more populations from the allocations of one urbanized area to that of another urbanized area or to an urban area. This amendment to section 150 of title 23, United States Code, would permit the transfer of such attributable funds to the allocation of another urbanized area in the State or to any other urban area in the State. A transfer, requested by the State, would be subject to the approval of the Secretary and the local officials of the urbanized area from which the funds are to be transferred. The proposed transfer provisions would enhance the capability of the States and local governments by giving them more flexibility in programming projects, setting priorities, and utilizing scarce financing resources.

CERTIFICATION ACCEPTANCE

Section 123. This section amends 23 U.S.C. 117 to provide for: (1) the application of certification acceptance to the physical construction phase of Interstate 4R projects; (2) the elimination of the requirement to make a final inspection on every project under both the certification acceptance and secondary road plan programs; and (3) the extension of coverage under the secondary road plan program to: "projects, as defined by the Secretary and which are not on the Interstate System." These changes in no way would relieve the State highway departments from the requirement of entering into formal project agreements with the Secretary pursuant to section 110 of title 23. Certification acceptance would be available to Interstate restoration projects once they reach the construction phase; thus it would apply only to those work areas such as time extensions, construction contract change orders, assessment of liquidated damages, etc., which take place subsequent to the actual construction project being authorized. The amendments would make both concepts more attractive to the States because of the expanded coverage and the reduction in Federal involvement and redtape.

DEFENSE ACCESS ROADS

Section 124. Section 210(c) of title 23, United States Code, provides for the use, up to $5,000,000, of any funds appropriated under the Act approved October 16, 1951 (65 Stat. 422) for highways in military training and maneuver areas. In 1958, Public Law 85-767 (72 Stat. 885), which revised and codified prior highway legislation as title 23, United States Code, repealed other Acts and portions of Acts. In addition, the second Supplemental Appropriations Act of 1957 (including the Bureau of Public Roads under the Department of Commerce) rescinded, effective June 20, 1957, all unexpended appropriations from prior laws. (Public Law 85-855). Thus, there are no current highway appropriations from which any part of $5,000,000 could be made available for the construction, maintenance, and repair of maneuver areas.

In 1955, the Office of Management and Budget directed the Department of Defense to budget for defense access roads. Since 1957, each military department has budgeted separately for defense access roads. By direction of the Assistant Secretary of Defense (Comptroller), maintenance and repair or public highways used for maneuvers will be accomplished from funds made available by the appropriate military department; but in order to insure prompt repairs, military regulations provide that the Commander, Military Traffic Management Command, may authorize the Federal Highway Administration to temporarily use available access road funds, pending payment by the military department concerned from its operation and maintenance funds. Since funds for the repair of maneuver road damage are not available from highway appropriations acts, but are available from defense appropriations acts, the opening clause is misleading and should be amended to reflect current law and practice.

This amendment to section 210(c) of title 23, United States Code, has been coordinated with the Military Traffic Management Command.

MAINTENANCE

Section 125. Subsection 116(b) of title 23, United States Code, requires maintenance agreements between a State without authority to maintain a project constructed "on the Federal-aid secondary system, or within a municipality," and the appropriate county or municipal officials. This section would amend subsection (b) to require maintenance agreements when a State does not have authority to maintain any project.

This section would amend subsection 116(c) of title 23, United States Code, to permit the Secretary to withhold project approval for projects in specific areas on one or more of the Federal-aid Systems or programs within a State, or for the entire State, where the Secretary finds that a project is not being properly maintained. Under present law, the Secretary must withhold project approval for the entire State for all projects when a single project is not being properly maintained. Present law does not represent a practical enforcement sanction. Stopping all project approvals in an entire State could involve massive disruption of planning and considerable economic waste. The amendment provides a practical enforcement sanction which should be an effective tool in enforcing maintenance.

Subsections (b), (c), (d), (e), (f), and (g) transfer maintenance provisions from 23 U.S.C. 109 to 23 U.S.C. 116.

CONSTRUCTION

Section 126. Title 23, United States Code, now requires that the Secretary inspect each highway construction project. This amendment would remove that requirement. The Secretary would establish procedures for inspecting and approving construction but would not have to inspect each project.

RESEARCH AND PLANNING

Section 127. This section would amend 23 U.S.C. 307 to confirm the legal basis for pooling 1½ percent highway planning and research (HPR) funds into a single fund and to establish a uniform period of availability, and a standard Federal matching share.

NONDISCRIMINATION

Section 128. This section amends section 140 of title 23, United States Code, to assure that equal employment opportunity must be provided without regard to sex; to authorize the Secretary of Transportation to conduct and finance minority business enterprise training programs and assistance programs; and to authorize the use of $10 million per fiscal year from the sums apportioned under 23 U.S.C. 104(b) to conduct and finance minority business enterprise training programs and assistance programs.

INTERAGENCY AGREEMENTS

Section 129. This section adds a new section to title 23, United States Code, under which the Secretary of Transportation would be required to enter into memoranda of understanding with other Federal agencies to coordinate the various environmental compliance reviews that apply to Federal and Federal-aid highway projects. The purpose of such memoranda is to minimize, to the maximum extent practicable, duplication, needless paperwork, and delays in approval of projects under title 23, United States Code. This section is intended to reinforce the national policy on minimization of redtape set forth in section 101(e) of title 23, United States Code, by consolidating environmental compliance procedures in a single project development process to be coordinated by the Department of Transportation under the umbrella of the National Environmental Policy Act of 1969, as amended, and by providing for the rapid resolution of Federal interagency disagreements concerning the economic, social, and environmental effects of actions proposed for funding under title 23, United States Code.

OBLIGATION LIMITATION AND ALLOCATION FORMULA

Section 130. This section establishes an obligation limitation of $12 billion for fiscal year 1983, $12.8 billion for fiscal year 1984, $13.6 billion for fiscal year 1985, $14.5 billion for fiscal year 1986, and $14.9 billion for fiscal year 1987, excluding emergency relief projects, rehabilitation of a Federally-owned bridge, a highway construction project at Union Station. The obligational authority each year would be allocated to the States in the same ratio in which sums to be appropriated to the States for Federal-aid highways and highway safety construction are apportioned or allocated. Collectively, the States can obligate no more than 25 percent during the first quarter of fiscal year 1983.

CERTIFICATION OF STATE PROCEDURES

Section 131. This section authorizes the Secretary of Transportation to carry out a project, in cooperation with the State of Vermont, which will demonstrate the feasibility of extending the coverage of State certifications under section 117(a) of title 23, United States Code. The purpose of the demonstration project is to determine to what extent States are able to carry out the requirements of Federal law, both title 23 and non-title 23 requirements, and to determine what kinds of problems may be encountered under such procedures. The project shall also document those areas where savings can be made in time and paperwork without adverse impacts on public participation or the environment.

ALASKA HIGHWAY

Section 132. This section amends section 218(a) of title 23, United States Code, to allow the State of Alaska to use its apportioned Federal-aid highway funds on the continued construction of the portions of the Alaska highway located in Canada.

Since Congress authorized the construction of the Alaska highway in the Federal-aid Highway Act of 1973 (Pub. L. 93-87), appropriated funds have been obligated for the project and work is now completed or underway. However, no funds were appropriated in the 1979-1982 United States budget.

The current provisions of title 23, United States Code, do not permit a State to expend its Federal-aid funds in a foreign country. This section would permit Alaska to use its Federal-aid highway funds for the construction of the Alaska highway in Canada, as provided in section 218.

TERRITORIAL HIGHWAY PROGRAM

Section 133. Subsection (a) of this program repeals section 215 (Territorial Highway Program) of title 23, United States Code.

Subsection (b)(1) of this section provides that outstanding funds authorized or appropriated for carrying out repealed section 215 shall remain available for obligation under the conditions applicable prior to such repeal.

ACCELERATION OF BRIDGE PROJECTS

Section 134. This section repeals the acceleration of bridge project programs which provides special funding for the U.S. Grant Bridge in Kentucky and the East Huntington Bridge in West Virginia. Funds authorized for this program would remain available for obligation for two years under the same conditions which existed prior to the repeal of this section.

LAKE ROAD EROSION DEMONSTRATION

Section 135. This section authorizes the Secretary of Transportation in cooperation with the State of North Dakota to carry out projects in and around Devils Lake, North Dakota which demonstrate the use of construction techniques which will prevent wave erosion on roadways which cross closed basin lakes at grade level. Because of the emergency nature of this work the State of North Dakota has already begun work on some roads, the Secretary is authorized to reimburse for such work and to participate in future project activities.

The purpose of the demonstration project is to examine alternative construction methods which can be used in the unique situatioh of Devils Lake. The project shall also demonstrate where savings can be made by using the best possible construction techniques to prevent erosion over the longest period of time possible.

TRUCK SAFETY DEMONSTRATION

Section 136. This section authorizes the Secretary of Transportation to carry out a project in cooperation with the State of Idaho to determine what factors contribute to a high incidence of truck accidents. The factors examined should include weather conditions, sight distance, road curvature, roadway width, and gradient. A further purpose of the demonstration project is to analyze the benefit-cost ratio of certain safety improvements implemented to correct hazards contributing to truok accidents.

Mr. SYMMS. Mr. President, I am pleased to join with the distinguished chairman of the Senate Environment and Public Works Committee (Mr. STAFFORD) and my distinguished colleagues Senators ABDNOR, GORTON, HEINZ, and RANDOLPH in introducing the Federal-Aid Highway Improvement Act of 1982.

Mr. President, this legislation is the culmination of a long series of hearings the Subcommittee on Transportation has held in Washington and throughout the country on the condition of the highway system and the revenues needed to restore the integrity of that system. This bill will provide the necessary funds to repair America's decaying infrastructure and it will provide jobs for an important sector of our economy—the construction industry which is currently experiencing an unemployment rate of 23 percent.

Multiyear legislation is absolutely necessary for the long-term planning so critical for large capital construction projects. The Senate has attempted to provide the States with a long-term program for the past 2 years. I believe we now have the opportunity to provide the stability so crucial for this program.

Mr. President, this past Tuesday, November 23, President Reagan gave his approval to a plan outlined by Secretary of Transportation Drew Lewis to increase the highway user fees by an equivalent 5 cents. I am gratified that the President has recognized the importance of the Nation's highway system and the need for rehabilitating that system so that the mobility, productivity, and safety provided by the country's highway system can be preserved and enhanced.

I believe there is a broad base of support across this country for repairing the highways and bridges in this country. The user fee concept has worked very well with regard to the highway program. It has provided a stable source of funding and those who use the highways have paid the construction costs. Furthermore, this program has operated on a pay-as-you-go basis.

There has been some discussion to end the highway trust fund and to fund the highway program out of general revenue. This would be a great mistake.

Financing this program out of general revenues would not only greatly distort the fair and equitable manner by which this program is funded, but I am convinced that it would greatly distort the program itself because the revenues collected for our Nation's highway system could then easily be used for nonproductive uses such as financing the uncontrollable costs of entitlement programs.

If anything, we should be moving in a direction to take this trust fund out of the unified budget and establish trust funds for other infrastructural programs upon which our Nation's economy depends. By separating these infrastructural programs from the remainder of the budget, I believe that the Congress and the public would then be able to focus their attention

more readily to the program areas of our budget.

The 4-cent Federal gas tax has not been increased since 1959. The other excise taxes have not been increased since 1961. There has been a tremendous amount of support for some form of highway user fees from individual citizens and organizations concerned with transportation including the American Association of State Highway and Transportation Officials, the Transportation Association of America, the Associated General Contractors, the American Road and Transportation Builders Association, the National Conference of State Legislators, the Motor Vehicle Manufacturers Association, the Private Truck Council of America, the American Automobile Association, the American Farm Bureau Federation, to name just a few.

These people recognize what the subcommittee's hearings during this Congress have shown: The Nation's highway system is in immediate need of extensive repair or the capital investment made by Federal, State, and local governments will be lost and the replacement costs will be beyond our financial capabilities.

Some of these groups have raised concerns about Secretary Lewis' user fee increase proposal which I share.

First, the proposal would provide $1 billion per year for transit capital improvements. Highway user fees are collected from those using the highway, and these funds should be used for highway purposes. I will oppose any diversion of these highway user fees for other purposes.

Second, it is important that each user class pay its fair share of costs. The Department of Transportation recently completed the Federal highway cost allocation study. The study provides a basis for determining the cost responsibility of each user class.

Our first and most pressing problem is to adequately fund our highways. This may be corrected by realistic adjustments in highway user fees based on the knowledge we now have.

Once this is done and the highway infrastructure is being protected through repairs and reconstruction, we may turn to other pressing needs such as allowing for the most efficient use of our highways by those who travel them.

As I have previously mentioned, one of the most important uses of our roads and highways is the movement of interstate commerce. National highway policy must provide for the efficient and economic carriage of goods. Federal and State laws in this area offer a conflicting, counterproductive maze of rules and regulations. For the efficient interstate carriage of goods these conflicts must end and regulations which encourage the most productive transportation economies must be brought into being.

Ninety percent of our Nation's goods and services travel by road at one time or another. The vast bulk of this commerce is carried by trucks traveling interstate and intrastate. We must provide an efficient, fair and economic framework for their carrying of goods. Toward this end I have sponsored legislation introduced by Senator PACKWOOD which would mandate a 102-inch width standard, mandate a minimum 80,000 pound gross weight, provide a minimum Federal length standard of 48 feet on single trailer and 28 feet on double combinations, and a Western permit program.

Mr. President, hearings held by the Transportation Subcommittee documented this country's highway needs: First, over $38 billion is needed to complete the Interstate System; second, $20 billion is needed to repair worn out Interstate mileage; third, 4 out of 10 of the Nation's bridges need major repair at a cost of $47 billion; and fourth, the primary, secondary and urban system roads will need major rehabilitation during the next 10 years. The bill we are introducing today will increase the spending levels for the Federal-aid highway program for fiscal year 1983 from $8 billion to $12 billion. It will provide new authorizations in increasing amounts to a level of $15 billion in fiscal year 1987 for a total 5-year program of over $67 billion.

While this legislation's primary purpose is to address the long-term integrity of this country's transportation network, it will have the additional benefit of creating jobs. While I do not want to label this package as a "jobs bill," private sector jobs will result from its implementation. In 1976, the Bureau of Labor Statistics estimated that each $1 billion of contract cost generated 43,000 full-time jobs, 20,000 within the construction industry and 23,000 in other industry. Excluded from other industries are estimates of the employment generated by spending of construction workers' wages and salaries and contractors' profits. Money spent for federally aided highways generated a total of 354,000 jobs in 1976, 163,000 in construction, and 191,000 in other industries.

Today, the Bureau of Labor Statistics estimates that this package will generate an additional 325,000 jobs in the construction industry and directly related industries.

After reviewing the data, I do not believe that jobs will be lost in the energy industry as a result of a nominal increase in the cost of gasoline to the consumer at the pump.

Gasoline prices have declined this past year, and cars have generally continued to become more fuel efficient. The result has been a slow decrease in cost of motor fuel to the consumer. A nominal increase in the cost of gasoline to the consumer at the pump will not induce the consumer to decrease his consumption by traveling fewer miles. In fact, the consumer might actually realize savings in fewer road repairs because dilapidated roads are costing the average driver $200 more a year in wasted gas and extra repairs.

It is true that as a result of the new cost allocation method that is included in the gas portion of the package, truckers' operating costs will be directly increased. However, while this package implements a new cost allocation method which will more fairly distribute the costs of building and maintaining our highway system to those who use the system, the package also includes measures which will increase the truckers' shipping capacity, thereby greatly increasing the cost-effectiveness of these transporters.

Furthermore, the trucking industry's road repair costs represent a significant portion of today's shipping prices. Well-maintained roads will lead to greater operating efficiency and will eventually be reflected in a fair price for shipping goods. Jobs will not be reduced in this sector of the economy. Increased efficiency will be achieved, which will lead to a more cost-effective and productive transport system.

I have indicated the broad support among highway users for an increase in tax rates. For example, in a recent white paper the Department of Defense stated:

> Highways are essential to national defense. The United States depends not only on military strength, but economic and industrial strength to insure peace. The "backbone" of our economy is the transportation system. Highways are the transportation common denominator providing intermodal connections and an extensive collection and distribution network serving every community and home in the Nation. Highways are also the first link in the transportation chain used to deploy U.S. forces to world trouble spots. The current highway maintenance and funding problems are serious, and if left unresolved, would result in significant economic and defense impact.

Transportation Secretary Lewis in a speech last week said:

> We are reaching the point where we can no longer defer action in meeting any of these needs. The state of our transportation system affects our commerce. It affects our economy. And it affects our future. An increase in the highway user fee is an investment that must be made, and one that will benefit every motorist, every trucker, every shipper and every community.

Lewis went on to say:

> We have talked for years about the costs of our transportation system, but we talk too little about its benefits. What value do we put on our mobility? How much is it worth to us to have safe, well-maintained highways? What price do we put on bridges that are strong enough and safe enough to carry a busload of school children?

The president of the American Association of State Highway and Trans-

portation Officials testified this past August on:

The very real concerns of worried public officials in our departments of highways and transportation, who generally have long since taken all the fat and some of the muscle out of their estimates of highway needs and are still faced with large funding shortages.

In a cover story this summer, Newsweek described a road collapse in my home State of Idaho:

. . . State Highway 55 has collapsed completely near Horseshoe Bend, some 20 miles north of Boise. Ripped away as if by an earthquake, the asphalt is piled up along the mountainside, and highway crews recently slowed drivers to 3 mph over a makeshift track of raw rocks. . . . The state will spend $150,000 this summer for a quick fix of the Horseshoe Bend collapse—and next year the road may well collapse again.

The Newsweek article went on to discuss the very real human toll caused by the infrastructure crisis, noting that:

Spending an extra $4.3 billion to fix dilapidated bridges and roads could save 480,000 injuries and 17,200 lives over fifteen years.

Recently the Wall Street Journal reported on unsafe bridges:

There are thousands of deteriorating bridges that are causing nightmares for schoolchildren as the new school year begins. A check with highway officials across the nation indicates that 5,000 to 10,000 children in the U.S. . . . are walking across bridges deemed unsafe for loaded school buses. Another 500,000 or so children are being rerouted around closed or unsafe structures—sometimes adding as much as two hours to the trip.

Additional media coverage has been provided by Time, U.S. News, Nation's Business, the National Journal, the New York Times, the Washington Post, NBC, ABC, and CBS. The condition of our highway system has become one of the most important stories of the day. The needs have been documented, the record compiled; it is now time for legislative action.

The Federal-Aid Highway Improvement Act of 1982 authorizes the highway program from fiscal 1983 through fiscal 1986. In addition to emphasizing maintenance of prior year capital investments, the bill seeks to delineate areas of Federal interest and responsibility; enhance State flexibility in the use of highway dollars; direct Federal dollars to projects with the greatest need; and remove unnecessary and burdensome Federal requirements.

Authorizations for the interstate 4R program would increase by 400 percent between fiscal 1982 and fiscal 1986. This increase reflects the responsibility of the Federal Government for the Interstate System, much of which is reaching its design life.

This legislation would also consolidate many of the small highway safety programs into a single highway improvement safety program. States will have greater flexibility in setting their priorities and the several reports presently required for each program would be condensed into one.

State flexibility in the selection of projects would be enhanced by eliminating the systems designation for both the secondary and urban programs. Project eligibility under each program would be expanded to all public roads within areas meeting the definition of rural or urban. The States would be allowed to transfer up to 100 percent of their apportionments between primary and urban programs and between primary and secondary programs. These provisions maximize State and local decisionmaking authority over the repair of those roads which directly affect State and local economic development.

Mr. President, because the total dollars available for our Nation's highways and roads are limited, it is imperative that funds are allocated based on the best available needs data. Last year the interstate 4R formula was changed from 75 percent lane miles/25 percent vehicle miles traveled to a 55-percent/45-percent ratio. The bill I introduced last year, S. 1024, proposed a 60-percent/40-percent ratio. At hearings held by the Subcommittee on Transportation, witnesses from the Department of Transportation and State and local officials testified that other factors affected the deterioration of the interstate highways. The legislation I am introducing today again proposes an interstate 4R apportionment formula with a 60-to-40 ratio with the additional requirement that the Department of Transportation do a study to determine if other factors affecting deterioration can or should be included in the formula.

The substantial Federal commitment to the bridge program will continue in this legislation. The bridge apportionment formula is changed to include cost data on deficient off-system bridges as well as on-system bridges since such bridges constitute over half of the Nation's deficient bridges. However, those bridges on the Federal-aid system and on major arterials and collectors will be weighted to reflect the more obvious Federal responsibility for their condition.

Specific criteria are provided for selecting descretionary bridge projects of the greatest need. These criteria are based on factors including the bridge's sufficiency rating, average daily traffic, average daily truck traffic, and defense highway system status. These criteria are intended to direct very limited funds to projects which are in the greatest need of repair and most critical to the economic well-being of the country.

Finally, this legislation will reduce unacceptable delays and unnecessary project costs, which result from duplicative Federal requirements and redtape.

Mr. President, with the increased user fees, these proposed changes in this legislation would do much to improve the efficiency and effectiveness of the highway program. I look forward to working with the chairman of the Environment and Public Works Committee (Mr. STAFFORD), and other members of the committee on both sides of the aisle to implement these program changes in an expeditious manner.

The United States has no choice but to make the commitment to rebuild our crumbling economic foundations—and then insure that our infrastructure is maintained as a major policy concern.

By Mr. BAKER (for himself, Mr. DOLE, Mr. STAFFORD, Mr. GARN, Mr. PACKWOOD, Mr. DOMENICI, and Mr. HATFIELD):

S. 3044. A bill entitled the "Surface Transportation Act of 1982"; to the Committee on Finance.

SURFACE TRANSPORTATION ACT OF 1982

Mr. BAKER. Mr. President, over the last few weeks, I have been working with a number of our Senate committee chairmen and the administration on legislation concerning improvement of the Nation's surface transportation system. I am today introducing a bill, the Surface Transportation Act of 1982, the provisions of which closely parallel some of the ideas discussed in these sessions. It is my hope that this or similar legislation will be useful as a vehicle for consideration of this most important issue in the next few weeks of the post-election session.

I have been joined in today's introduction by the chairman of those committees with jurisdiction over these matters and they have assured me they will expedite consideration of this subject matter in their committees.

Mr. President, I ask unanimous consent that the text to the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—HIGHWAY REVENUE ACT OF 1982

SHORT TITLE

SEC. 101. This title may be cited as the "Highway Revenue Act of 1982".

EXTENSION OF HIGHWAY TRUST FUND

SEC. 102. (a) HIGHWAY TRUST FUND.—Subsections (c) and (f) (3), (4), (6), and (7), of section 209 of the Highway Revenue Act of 1956 (relating to the Highway Trust Fund; 23 U.S.C. 120 note) are amended as follows:

(1) by striking "October 1, 1984" each place it appears and inserting in lieu thereof "April 1, 1990", and

(2) by striking "September 30, 1984", each place it appears and inserting in lieu thereof "March 31, 1990", and

(3) by striking "July 1, 1985" each place it appears and inserting in lieu thereof "January 1, 1991".

(b)(1) MANAGEMENT OF TRUST FUND.—Subsection (e)(1) of section 209 of the Highway Revenue Act of 1956 is amended by striking "Commerce" and inserting in lieu thereof "Transportation", and by striking "up to and including the fiscal year ending September 30, 1985".

(2) EXPENDITURES FROM TRUST FUND.—Subsection (f)(1) of section 209 of the Highway Revenue Act of 1956 is amended as follows:

"(1) FEDERAL-AID HIGHWAY PROGRAM.—Amounts in the Trust Fund shall be available, as provided by appropriation acts, for making expenditures before October 1, 1991, to meet those obligations of the United States, heretofore or hereafter incurred which are authorized by law or which are attributable to Federal-aid highways (including those portions of general administrative expenses of the Federal Highway Administration payable from such appropriations)."

(c) INVESTIGATION AND REPORT TO CONGRESS.—Section 210 of the Highway Revenue Act of 1956 is repealed.

(d) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Subsection (b) of section 201 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4061-11) is amended as follows:

(1) by striking "October 1, 1984" and inserting in lieu thereof "April 1, 1990"; and

(2) by striking "July 1, 1985" each place it appears and inserting in lieu thereof "January 1, 1991".

THE TRANSIT ACCOUNT

SEC. 103. Section 209 of the Highway Revenue Act of 1956 is amended by adding subsection (h) as follows:

"(h) TRANSIT ACCOUNT.—

"(1) IN GENERAL.—There is established on the books of the Treasury of the United States a Transit Account within the Highway Trust Fund. The Transit Account shall consist of such amounts as are received in the Highway Trust Fund which are attributable to liability for tax incurred after March 31, 1983, from 1 cent per gallon of the diesel fuel, special motor fuels, and gasoline user fees under section 4041 (a) and (b) and section 4081 of the Internal Revenue Code of 1954.

"(2) RESTRICTIONS ON USE OF THE TRANSIT ACCOUNT.—Amounts in the Transit Account must be expended according to the provisions of section 22 of the Urban Mass Transportation Act of 1964, as amended, as provided by appropriation acts.

"(3) DUTIES OF THE SECRETARY OF THE TREASURY WITH RESPECT TO THE TRANSIT ACCOUNT.—It shall be the duty of the Secretary of the Treasury to manage the Transit Account and to make an annual report to the Congress as provided in subsection (e) of this section. The interest on, and the proceeds from the sale or redemption of any obligation held in the Transit Account shall be credited to and form a part of the Transit Account.

"(4) REPAYABLE ADVANCES.—There are hereby authorized to be appropriated to the Transit Account, as repayable advances, such additional sums as may be required to make the expenditures referred to in paragraph (2) of this section. Advances made pursuant to this paragraph shall be repaid and interest on such advances shall be paid to the general fund of the Treasury when the Secretary of the Treasury determines that moneys are available in the Transit Account for such purposes. Such interest shall be at rates computed in the same manner as provided in subsection (e)(2) of this section for special obligations and shall be compounded annually."

EXTENSION OF THE USER FEES WHICH ARE TRANSFERRED INTO THE HIGHWAY TRUST FUND

SEC. 104. (a) GENERAL RULE.—The following provisions of the Internal Revenue Code of 1954 are amended by striking "October 1, 1984" each place it appears and inserting in lieu thereof "April 1, 1980":

(1) Section 4041 (e) (relating to rate reduction).

(2) Section 4061 (a)(1) (relating to imposition of tax on trucks, buses, etc.).

(3) Section 4061 (b)(1) (relating to imposition of tax on parts and accessories).

(4) Section 4071 (d) (relating to imposition of tax on tires and tread rubber).

(5) Section 4081 (b) (relating to imposition of tax on gasoline).

(6) Section 4481 (e) (relating to period tax in effect).

(7) Section 4482 (c)(4) (defining taxable period).

(8) Section 6421(h) (relating to tax on gasoline used for certain nonhighway purposes or by local transit systems).

(b) AMENDMENT OF SECTION 6412(a)(1).—Section 6412(a)(1) of the Internal Revenue Code of 1954 (relating to floor stocks refunds) is amended:

(1) by striking "October 1, 1984" each place it appears and inserting in lieu thereof "April 1, 1990";

(2) by striking "January 1, 1985" each place it appears and inserting in lieu thereof "July 1, 1990"; and

(3) by striking "March 31, 1985" each place it appears and inserting in lieu thereof "September 30, 1990".

MOTOR FUEL TAX RATES

SEC. 105. (a) DIESEL FUEL.—Subsection (a) of section 4041 of the Internal Revenue Code of 1954 (relating to taxes on diesel fuel) is amended as follows:

(1) by striking "4 cents a gallon" and inserting in lieu thereof "9 cents a gallon".

(2) by striking the second and third sentences and inserting in lieu thereof the following:

"There shall be no tax under paragraph (1) or paragraph (2) of this subsection on liquid sold for use or used in a qualified business use. If a liquid on which no tax was imposed by reason of the preceding sentence is used otherwise than in a qualified business use, a tax of 9 cents a gallon shall be imposed under paragraph (2). For purposes of this subsection, the term 'qualified business use' has the meaning given to such term by section 6421(d)(2).".

(b) SPECIAL MOTOR FUELS.—Subsection (b) of section 4041 of the Internal Revenue Code of 1954 (relating to taxes on special motor fuels) is amended as follows:

(1) by striking "4 cents a gallon" and inserting in lieu thereof "9 cents a gallon".

(2) by striking the second and third sentences and inserting in lieu thereof the following:

"There shall be no tax under paragraph (1) or paragraph (2) of this subsection on liquid solid for use or used in a qualified business use. If a liquid on which no tax was imposed by reason of the preceding sentence is used otherwise than in a qualified business use, a tax of 9 cents a gallon shall be imposed under paragraph (2)."

(c) RATE REDUCTION.—Paragraph (2) of subsection (e) of section 4041 of the Internal Revenue Code of 1954 (relating to rate reduction) is repealed.

(d) GASOLINE.—Subsection (a) of section 4081 of the Internal Revenue Code of 1954 (relating to tax on gasoline) is amended by striking "4 cents a gallon" and inserting in lieu thereof "9 cents a gallon".

(e) INTERCITY, LOCAL, OR SCHOOL BUSES.—

(1) Subsection (b)(1) of section 6421 of the Internal Revenue Code of 1954 is amended by striking "the rate at which tax was imposed on such gasoline by section 4081", and substituting "the rate of 4 cents a gallon".

(2) Subsection (b)(1) of section 6427 of the Internal Revenue Code of 1954 is amended by striking "the rate at which tax was imposed on such fuel by subsection (a) or (b) of section 4041", and substituting therefor "the rate of 4 cents a gallon".

(f) USE IN CERTAIN TAXICABS.—Paragraph (1) of subsection (e) of section 6427 of the Internal Revenue Code of 1954 is amended by striking "an amount equal to the aggregate amount of the tax imposed on" and substituting "4 cents a gallon for each gallon of such."

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to any diesel fuel, special motor fuels, or gasoline sold or used on or after April 1, 1983.

INCREASE IN MANUFACTURERS' EXCISE TAX AND THRESHOLD WEIGHT

SEC. 106. (a) TRUCKS, BUSES, TRACTORS, ETC.—Subsections (a)(1) and (a)(2) of section 4061 of the Internal Revenue Code of 1954 (relating to taxes on trucks, buses, tractors, etc.) are amended by striking "10" and inserting in lieu thereof "12" and by striking "10,000" each place it appears and inserting in lieu thereof "33,000".

(b) PARTS AND ACCESSORIES.—Subsections (b)(1) and (b)(2) of section 4061 of the Internal Revenue Code of 1954 (relating to tax on parts and accessories for trucks, buses, tractors, etc.) are amended by striking "8" and inserting in lieu thereof "12", and by adding the following sentence at the end of subsection (b)(2):

"The tax imposed by paragraph (1) shall not apply to any part of accessory which is suitable for use (and ordinarily used on) or in connection with a vehicle having a gross vehicle weight of 33,000 pounds or less (as determined under regulations prescribed by the Secretary).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any trucks, buses, tractors, etc., and to any parts and accessories sold on or after April 1, 1983.

REPEAL OF TAX ON TUBES AND AMENDMENT OF TAX ON TIRES AND TREAD RUBBER

SEC. 107. (a) TIRES, TREAD RUBBER, ETC.—Subsection (a) of section 4071 of the Internal Revenue Code of 1954 is amended as follows:

(1) Amending paragraph (1) to read "Tires of the type used on highway vehicles, 25 cents a pound.".

(2) Repealing paragraph (3).

(3) Redesignating paragraph (4) as paragraph (3) and redesignating paragraph (5) as paragraph (4) and amending new paragraph (3) to read, "Tread rubber 25 cents a pound."

(b) EXEMPTIONS.—A new subsection (d) of section 4073 (relating to exemptions) is added as follows:

"(d) TIRES THAT WEIGH 100 POUNDS OR LESS.—The tax imposed by section 4071 shall

not apply to tires weighing 100 pounds or less.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales on or after April 1, 1983.

REPEAL OF TAX ON LUBRICATING OIL

SEC. 108. (a) LUBRICATING OIL.—Sections 4091, 4092, 4093, and 4094 of the Internal Revenue Code of 1954 (relating to tax on lubricating oil and to lubricating oil used for certain nontaxable purposes) are repealed.

(b) EFFECTIVE DATE.—Subsection (a) shall be effective for sales on or after April 1, 1983.

HEAVY VEHICLE USE TAX

SEC. 109. (a) Subsection (a) of section 4481 of the Internal Revenue Code of 1954 is amended to read as follows:

"(a)(1) IMPOSITION OF TAX.—A tax is hereby imposed on the use of any highway motor vehicles which (together with the semitrailers and trailers which the vehicle is equipped to tow) has a taxable gross weight of more than 54,999 pounds at the rate specified in the following schedule:

Taxable gross weight	Rate of tax
55,000 pounds to 69,999 pounds.	$100 a year plus $6 per 100 pounds or fraction thereof in excess of 55,000 pounds.
70,000 pounds to 79,999 pounds.	$1,000 a year plus $17 per 100 pounds or fraction thereof in excess of 70,000 pounds.
80,000 or more pounds.	$2,700 a year.

"(2) EXEMPTION IN CERTAIN CASES.—If in any taxable period a vehicle subject to this tax is expected to be used for less than 2,500 miles on Federal-aid highways, then the person described in subsection (b) shall, pursuant to such procedures and by providing such information as the Secretary may by forms or regulations prescribe, be granted an exemption of such vehicle from the tax imposed by this section. Such exemption must be obtained for each taxable period.".

(b) Subsection (b) of section 4482 of the Internal Revenue Code of 1954 is amended as follows:

"(b) TAXABLE GROSS WEIGHT.—For purposes of this subchapter, the term 'taxable gross weight' when used with respect to any highway motor vehicle, means—

"(1) the highest gross vehicle weight declared for purposes of registering the vehicle in any State in which the vehicle is registered or is required to be registered, as defined under regulations prescribed by the Secretary, or

"(2) if the vehicle is not operated in any State which requires a declaration of gross vehicle weight, the sum of—

"(A) the actual unloaded weight of—

"(i) such highway motor vehicle fully equipped for service, and

"(ii) the semitrailers and trailers (fully equipped for service) customarily used in connection with highway motor vehicles of the same type as such highway motor vehicle, and

"(B) the weight of the maximum load customarily carried on highway motor vehicles of the same type as such highway motor vehicle and on the semitrailers and trailers referred to in subparagraph (A)(ii).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to the use of any vehicle on or after July 1, 1983.

GASOLINE USED FOR NONHIGHWAY USES

SEC. 110. (a) NONHIGHWAY USES.—Subsection (a) of section 6421 of the Internal Revenue Code of 1954 (relating to nonhighway uses of gasoline) is amended by striking the first sentence and inserting in lieu thereof:

"Except as provided in subsection (i), if gasoline is used in a qualified business use, the Secretary shall pay (without interest) to the ultimate purchaser of such gasoline an amount equal to 4 cents for each gallon of gasoline so used on which tax was paid at the rate of 4 cents a gallon, and 5 cents for each gallon of gasoline so used on which tax was paid at the rate of 5 cents, and 9 cents for each gallon of gasoline so used on which tax was paid at the rate of 9 cents a gallon."

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective April 1, 1983.

FLOOR STOCKS TAXES AND REFUNDS

SEC. 111. (a) 1983 TAX ON GASOLINE.—On gasoline subject to tax under section 4081 which, on April 1, 1983, is held by a dealer for sale, there is hereby imposed a floor stocks tax at the rate of 5 cents a gallon.

(b) 1983 TAX ON TRUCKS, BUSES, TRACTORS, ETC.—

(1) On any article which would be subject to tax under subsection (a) of section 4061 of the Internal Revenue Code of 1954 if sold by the manufacturer, producer, or importer on or after April 1, 1983, which on April 1, 1983, is held by a dealer and has not been used and is intended for sale, there shall be imposed on the sale thereof a tax of 2 percent of the price for which sold.

(2) On any article which would be subject to tax under subsection (b) of section 4061 or under section 4071 (a)(1) or (4) of the Internal Revenue Code of 1954 if sold by the manufacturer, producer or importer on or after April 1, 1983, which on April 1, 1983, is held by a dealer and has not been used and is intended for sale, there shall be imposed on the sale thereof a tax of—

(A) (in the case of an article taxable under section 4061(b)) 4 percent of the price for which sold,

(B) (in the case of an article taxable under section 4071 (a)(1)) 15.25 cents a pound, and

(C) (in the case of an article taxable under section 4071 (a)(3)) 20 cents a pound.

(3) COMPUTATION OF TAX.—If the dealer referred to in subsection (1) incurs liability for tax under this section on his sale or use of an article referred to in subsection (1), the article shall be treated as having been sold by him—

(A) at the price for which the article was sold by him (or, where the tax is on his use of the article, at the price referred to in section 4218(e)) of the Internal Revenue Code of 1954; or

(B) if he so elects and establishes such price to the satisfaction of the Secretary;

(i) at the price for which the article was sold to him; or

(ii) at the price for which the article was sold by the person who is the manufacturer, producer, or importer of such article. For purposes of this subsection, the price for which the article was sold shall be determined as provided in section 4216 of the Internal Revenue Code of 1954. For purposes of subparagraph (B) no adjustment of readjustment shall be made in such price by reason of any discount, rebate, allowance, return or repossession of a container or covering, or otherwise. An election under subparagraph (B) shall be made in the return reporting the tax applicable to the sale or use of the article, and may not be revoked.

(c) FLOOR STOCKS REFUNDS.—

(1) IN GENERAL.—Where, before April 1, 1983, any tax-repealed article (as defined in subsection (e)) has been sold by the manufacturer, producer, or importer and on such day is held by a dealer and has been used and is intended for sale, there shall be credited or refunded (without interest) to the manufacturer, producer, or importer an amount equal to the tax paid by such manufacturer, producer, or importer on his sale of the article, if—

(A) claim for such credit or refund is filed with the Secretary of the Treasury or his delegate before February 1, 1984, based upon a request submitted to the manufacturer, producer, or importer before October 1, 1983, by the dealer who held the article in respect of which the credit or refund is claimed; and

(B) on or before February 1, 1984, reimbursement has been made to the dealer by the manufacturer, producer, or importer in an amount equal to the tax paid on the article if written consent has been obtained from the dealer to allowance of the credit or refund.

(2) LIMITATION ON ELIGIBILITY FOR CREDIT OR REFUND.—No manufacturer, producer, or importer shall be entitled to credit or refund under paragraph (1) unless he has in his possession such evidence of the inventories with respect to which the credit or refund is claimed as may be required by regulations prescribed by the Secretary of the Treasury or his delegate under this subsection.

(3) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4061(a) of the Internal Revenue Code of 1954 shall, insofar as applicable and not inconsistent with paragraphs (1) and (2) of this subsection, apply in respect of the credits and refunds provided for in paragraph (1) to the same extent as if the credits or refunds constituted overpayments of the tax.

(d) REFUNDS WITH RESPECT TO CERTAIN CONSUMER PURCHASES.—

(1) IN GENERAL.—Except as otherwise provided in paragraph (2), where after November 28, 1982, with respect to any article which was subject to the tax imposed by section 4061(a) of the Internal Revenue Code of 1954 (as in effect on March 31, 1983, and on or before April 1, 1983, a tax repealed article (as defined in subsection (e) which but for the amendment made by section 307 (a) of this Act would be subject to tax under section 4061(a) of the Internal Revenue Code of 1954) has been sold to an ultimate purchaser, there shall be credited or refunded (without interest) to the manufacturer, producer, or importer of such article an amount equal to the tax paid by such manufacturer, producer, or importer on his sale of the article.

(2) LIMITATION OF ELIGIBILITY FOR CREDIT OR REFUND.—No manufacturer, producer, or importer shall be entitled to a credit or refund under paragraph (1) with respect to an article unless—

(A) he has in his possession such evidence of the sale of the article to an ultimate purchaser and of the reimbursement of the tax to such purchaser, as may be required by regulations prescribed by the Secretary of the Treasury or his delegate under this subsection;

(B) claim for such credit or refund is filed with the Secretary of the Treasury or his

delegate before February 1, 1984, based upon information submitted to the manufacturer, producer, or importer before October 1, 1983, by the person who sold the article (in respect of which the credit or refund is claimed) to the ultimate purchaser; and

(C) on or before February 1, 1984, reimbursement has been made to the ultimate purchaser in an amount equal to the tax paid on the article.

(3) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4061(a) of the Internal Revenue Code of 1954 shall, insofar as applicable and not inconsistent with paragraph (1) or (2) of this subsection, apply in respect of the credits and refunds provided for in paragraph (1) to the same extent as if the credits or refunds constituted overpayments of the tax.

(D) CERTAIN USES BY MANUFACTURER, ETC.—Any tax paid by reason of section 4218(a) of the Internal Revenue Code of 1954 (relating to use by manufacturer or importer considered sale) shall be deemed an overpayment of such tax with respect to—

(1) any article which was subject to the tax imposed by section 4061(a) of such Code as in effect on the day before the date of the enactment of this Act if tax was imposed on such article by reason of such section 4218(a) after November 28, 1982.

(e) DEFINITIONS.—For purposes of this section—

(1) The term "dealer" includes a wholesaler, jobber, distributor, or retailer.

(2) An article shall be considered as "held by a dealer" if title thereto has passed to such dealer (whether or not delivery to him has been made) and if for purposes of consumption title to such article or possession thereof has not at any time been transferred to any person other than a dealer.

(3) The term "tax-repealed article" means an article on which a tax was imposed by section 4061(a), 4061(b), or section 4071(a), or section 4091 of the Internal Revenue Code of 1954 as in effect on March 31, 1983, and is not imposed under sections 4061(a), 4061(b), or 4071(a), or 4091 as in effect on April 1, 1983.

SUNSET PROVISIONS

SEC. 112. (a) Subsection (g) of section 4041 of the Internal Revenue Code of 1954 is amended by adding at the end the following: "Paragraph (2) shall not apply on and after April 1, 1990.".

(b) Subsection (a) of section 4221 of the Internal Revenue Code of 1954 is amended by adding at the end the following: "Paragraph (4) shall not apply on and after April 1, 1990.".

(c) Paragraph (5) of subsection (e) of section 4221 of the Internal Revenue Code of 1954 is amended by adding at the end the following: "This paragraph shall not apply on and after April 1, 1990.".

(d) Section 4483 of the Internal Revenue Code of 1954 is amended by adding subsection (d) as follows:

"(d) SUNSET PROVISION.—Subsections (a) and (c) of this section shall not apply on and after April 1, 1990.".

(e) Subsection (b) of section 6427 of the Internal Revenue Code of 1954 is amended by adding paragraph (3) as follows:

"(3) SUNSET PROVISION.—This subsection shall not apply on and after April 1, 1990.".

STUDY OF USE TAX ALTERNATIVES AND PLAN FOR IMPROVING COLLECTION AND ENFORCEMENT OF SUCH TAXES

SEC. 113. (a) The Secretary of Transportation in consultation with the Secretary of the Treasury is authorized and directed to undertake a study of alternatives to the use fee on heavy vehicles imposed in subsection (a) of Section 4481 of the Internal Revenue Code of 1954 and to devise a plan for improving the collection and enforcement of both the use fee mandated in Section 4481 and alternatives to it.

The alternatives studied shall include, but not be limited to, taxes based either singly or in suitable combinations, on: vehicle size or configuration; vehicle weight, both registered and actual operating weight; and distance traveled. The plan for improving tax collection and enforcement shall, to the extent practical, provide for Federal and State cooperation in such activities.

The study and plan shall be prepared in consultation with State officials, motor carriers, and other affected parties.

A report on the findings and recommendations of the study on tax alternatives together with the plan for collection and enforcement shall be submitted to the Congress within 2 years of the date of enactment of this section.

(b) Under regulations prescribed by the Secretary of the Treasury, any State or States may be authorized to assist in the enforcement of the user fee imposed by section 4481 of the Internal Revenue Code of 1954. Alterations in timing and procedures for collection and enforcement, deemed necessary by the Secretary to implement this provision, are authorized.

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Federal-Aid Highway Reauthorization Act of 1982".

REVISION OF AUTHORIZATION OF APPROPRIATIONS FOR THE INTERSTATE SYSTEM

SEC. 202. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of $3,225,000,000 for the fiscal year ending September 30, 1984," and all that follows through the period at the end of the sentence and by inserting in lieu thereof: "the sum of $3,806,250,000 for the fiscal year ending September 30, 1984, the sum of $4,000,000,000 for the fiscal year ending September 30, 1985, the sum of $4,500,000,000 for the fiscal year ending September 30, 1986, the sum of $4,500,000,000 for the fiscal year ending September 30, 1987, the sum of $4,500,000,000 for the fiscal year ending September 30, 1988, the sum of $4,000,000,000 for the fiscal year ending September 30, 1989, the sum of $4,000,000,000 for the fiscal year ending September 30, 1990, and the sum of $4,000,000,000 for the fiscal year ending September 30, 1991."

AUTHORIZATION OF USE OF COST ESTIMATE FOR APPORTIONMENT OF INTERSTATE FUNDS

SEC. 203. The Secretary of Transportation shall apportion for the fiscal years ending September 30, 1985, and September 30, 1986, the sums authorized to be appropriated for such years by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table of the Committee Print numbered of the Committee on Public Works and Transportation of the House of Representatives.

HIGHWAY AND HIGHWAY SAFETY AUTHORIZATIONS

SEC. 204. For the purposes of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated out of the Highway Trust Fund:

(a) For the Federal-aid primary system in rural areas, including the extensions of the Federal-aid primary system in urban areas, not to exceed $1,875,000,000 for the fiscal year ending September 30, 1983, and $2,000,000,000 for the fiscal year ending September 30, 1984, $2,100,000,000 for the fiscal year ending September 30, 1985, $2,300,000,000 for the fiscal year ending September 30, 1986, $2,600,000,000 for the fiscal year ending September 30, 1987, and $2,600,000,000 for the fiscal year ending September 30, 1988. For the Federal-aid secondary system in rural areas not to exceed $400,000,000 for the fiscal year ending September 30, 1983, and $400,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988.

(b) For the Federal-aid urban system not to exceed $800,000,000 for the fiscal year ending September 30, 1983, and $800,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988.

(c) For carrying out the Federal Lands Highways Program:

(1) for forest highways not to exceed $64,500,000 for the fiscal year ending September 30, 1983, and $75,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988.

(2) for public lands highways, not to exceed $22,750,000 for the fiscal year ending September 30, 1983 and $25,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988.

(3) for parkways and park highways $75,000,000 for the fiscal year ending September 30, 1983 and $100,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988.

(4) for Indian reservation highways $75,000,000 for the fiscal year ending September 30, 1983 and $100,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988.

(d) for bridge replacement and rehabilitation under section 144 of title 23, United States Code, not to exceed $1,357,500,000 for the fiscal year ending September 30, 1983, and $1,510,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988.

(e) Section 144 of title 23, United States Code, is amended by striking subsection (g) and inserting in lieu thereof the following:

"(g)(1) Of the amount authorized for this section for the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988, $300,000,000 shall be withheld by the Secretary. Such withheld amounts shall be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date except that the obligation of such sums shall be at the discretion of the Secretary and shall be only for projects for those

highway bridges the replacement and rehabilitation cost of each of which is more than $10,000,000 and for any project for a highway bridge the replacement or rehabilitation costs of which is less than $10,000,000 if such cost is at least twice the amount apportioned to the State in which such bridge is located under subsection (e) of this section for the fiscal year in which application is made for a grant for such bridge. Funds authorized to carry out this section and allocated by the Secretary shall be available for expenditure for the year authorized plus 1 year. Any discretionary funds not obligated at the expiration of such period shall revert back to the Secretary for reallocation at the discretion of the Secretary to the other States in accordance with this subsection.

"(g)(2) Of the amount authorized for this section for each of the fiscal years September 30, 1983, September 30, 1984, September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988, $510,000,000 shall be apportioned in each such fiscal year in accordance with subsection (e)(2) of this section for other than Federal-aid primary system bridges."

"(g)(3) Any amounts remaining out of funds authorized for this section after distribution of the amounts provided for in subsections (g)(1) and (g)(2) of this section in each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988, shall be apportioned in accordance with subsection (e)(1) of this section for Federal-aid primary system bridges."

(f) for the Highway Safety Improvement Program $307,000,000 for the fiscal year ending September 30, 1983, and $390,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988.

(g) for Substitute highway projects under section 103(e)(4) of title 23, United States Code, $650,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988.

(h) The unapportioned or unallocated balances of sums authorized by sections 4 and 5 of the Federal-Aid Highway Act of 1982 are rescinded.

INTERSTATE SYSTEM RESURFACING AUTHORIZATION

SEC. 205. The first sentence of section 105 of the Federal-Aid Highway Act of 1978, as amended, is amended by striking "and not to exceed $800,000,000 for the fiscal year ending September 30, 1984." and inserting in lieu thereof "not to exceed $2,112,500,000 for the fiscal year ending September 30, 1984, and $2,550,000,000 for the fiscal year ending September 30, 1985, $2,800,000,000 for the fiscal year ending September 30, 1986, $3,000,000,000 for the fiscal year ending September 30, 1987, $3,300,000,000 for the fiscal year ending September 30, 1988, and $3,900,000,000 for the fiscal year ending September 30, 1989. Prior to making the apportionment of such funds for the fiscal year ending September 30, 1984, the Secretary shall deduct a sum of $11,000,000 for carrying out section 9(e) of the Federal-Aid Highway Act of 1981."

DEFINITION

SEC. 206. The definition of the term "construction" in section 101(a), title 23, United States Code, is amended by striking the period at the end of the definition and adding the following: "and also includes costs incurred by the State in performing Federal-aid project related audits which directly benefit the Federal-aid highway program.".

RELOCATION OF UTILITY FACILITIES

SEC. 207. (a) Section 101(a) of title 23, United States Code, as amended by section 106 of this Act, is amended by inserting the phrase "and utility appurtenances," after the word "crossing," in the definition of "construction."

(b) Section 123 of title 23, United States Code, is amended:

(1) by striking in subsection (a) "the Federal-aid primary or secondary systems or on the Interstate System, including extensions thereof within urban areas," and inserting in lieu thereof "a Federal-aid system or under a Federal-aid program,"; and

(2) by adding a new subsection (d) at the end thereof to read as follows:

"(d) When a State relocates utilities to correct hazards to the traveling public resulting from utility appurtenances on or near the rights-of-way of Federal-aid projects, the Secretary may waive the provisions of subsection (a) of this section if the Secretary determines such waiver would serve a public purpose by facilitating the State's safety improvement program.".

INTERSTATE WITHDRAWAL AND SUBSTITUTION

SEC. 208. Section 108(e)(4) of title 23, United States Code, is amended by:

(a)(1) inserting in the second sentence after the words "approved by Congress," the words "or the 1983 Interstate Cost Estimate, whichever is earlier,";

(2) striking in the second sentence the phrases "the date of enactment of the Federal-Aid Highway Act of 1976 or" and "whichever is later, and in accordance with the design of the route or portion thereof that is the basis of the latest cost estimate";

(3) inserting in the second sentence after the words "approval of each substitute project under this paragraph," the words "or the date of approval of the 1983 Interstate Cost Estimate, whichever is earlier,";

(4) striking the remainder of the second sentence after "under section 103 of this title; or both; inserting a period, and the following:

"Such substitute projects may (A) either be located in the urbanized area from which withdrawn and selected by the responsible local officials of the urbanized area and submitted by the Governor of the State; or (B) the Governor may, with the concurrence of the local governments concerned and the responsible local officials of the urbanized area from which the route was withdrawn, submit substitute projects in another area or areas of the State, which projects have been selected by the local officials of such area or areas."

(b)(1) striking out the sixth sentence and inserting in lieu thereof the following:

"The sums available for obligation for mass transit projects shall remain available until obligated."

(2) striking the sixth sentence and inserting in lieu thereof the following: "In addition to any funds authorized to be appropriated out of the general fund for transit projects, funds are authorized beginning with fiscal year 1984, as provided by appropriations acts, out of the Highway Trust Fund for highway substitute projects pursuant to this paragraph. Funds appropriated for highway substitute projects for fiscal year 1984 and thereafter shall be apportioned to States by a formula based on relative annual highway substitution needs as determined by the Secretary and as related to each State's approved substitution concept program and outstanding entitlements under this paragraph. The sums available for obligation for projects under any highway assistance program shall remain available until expended. Any funds allocated to a State shall remain available for the fiscal year for which allocated and one year after. Any funds not obligated at the expiration of such period shall be reallocated to other States in accordance with the formula established for fiscal year 1984 and thereafter under this paragraph."

(c) inserting after the present ninth sentence the following: "An amount equal to such reduction shall remain available to the Secretary for reallocation to any other State in accordance with the Interstate Discretionary Fund provisions of section 118(b) of this title.";

(d) adding at the end of this paragraph the following: "Any route or segment thereof added to the Interstate System after March 7, 1978, pursuant to specific legislation will not be eligible for withdrawal and substitution under this subsection.".

PRIMARY PROGRAM

SEC. 209. (a) Section 104(b)(1) of title 23, United States Code, is amended by striking the words "and priority primary routes" in the first sentence.

(b) Section 147 of title 23, United States Code, is repealed.

(c) Section 151 of the Federal-Aid Highway Act of 1978 is repealed.

(d) Effective October 1, 1983, any unobligated amount set aside for priority primary routes shall be apportioned by the Secretary of Transportation in the same manner as funds apportioned under section 104(b)(1) of title 23, United States Code, for the Federal-aid primary system, and shall thereafter remain available for obligation for the same period as such initial apportionment.

(e) The analysis of chapter 1 of title 23, United States Code, is amended by deleting "147. Priority Primary Routes.", and inserting in lieu thereof: "147. Repealed.".

HOLD HARMLESS—INTERSTATE RESURFACING

SEC. 210. The amount a State, excluding any State that has no Interstate mileage designated under section 103 of title 23, United States Code, receives by apportionment for fiscal years 1984 and 1985 under section 104(b)(5)(B) of title 23, United States Code, shall be sufficient to assure that its total apportionments under section 104(b)(5) of title 23, United States Code, are not less than the apportionments which would have been made for fiscal years 1984 and 1985 to such State under section 104(b)(5) of title 23, United States Code, under the law as it is before the enactment of this Act.

REPORTS

SEC. 211. (a)(1) Section 123 of the Federal-Aid Highway Act of 1978 is amended by repealing subsections (a), (b), and (c) and by relettering subsections (d) and (e) as (a) and (b), respectively.

(2) Section 160 of the Federal-Aid Highway Act of 1978 is repealed.

(b)(1) Section 307 of title 23, United States Code, is amended by adding subsection (e) as follows:

"(e) The Secretary shall report to the Congress in January 1983, and in January of every second year thereafter, estimates of the future highway needs of the Nation.

(2) Section 3 of Pub. L. 89-139, 79 Stat. 578, August 28, 1965, and section 17 of the Federal-Aid Highway Act of 1968 are repealed.

TECHNICAL AMENDMENTS

SEC. 212. (a) Section 109(h) of title 23, United States Code, is amended—

(1) By striking "Not later than July 1, 1972, the Secretary, after consultation with appropriate Federal and State officials, shall submit to Congress, and not later than 90 days after such submission, promulgate guidelines designed to" and inserting in lieu thereof "The Secretary shall".

(2) By striking in the last sentence "Such guidelines shall" and inserting in lieu thereof "Such assurances shall".

(3) By striking in the last sentence "after the issuance of such guidelines" and inserting in lieu thereof a period.

(b) Section 119(a) of title 23, United States Code, is amended by striking the period after the word "title" and before the parenthesis in the first sentence.

(c) Section 137, title 23, United States Code, is amended to read as follows:

"SEC. 137. Fringe and corridor parking facilities. (a) The Secretary may approve as a project on any Federal-aid system the acquisition of land outside a central business district, as defined by the Secretary, and the construction of publicly owned parking facilities thereon or the designation of existing facilities including the use of air space above and below the established grade line of the highway pavement, to serve bus, other public mass transportation, or carpool/vanpool passengers, the primary purpose of which is to reduce vehicular traffic or otherwise improve traffic flow on the related Federal-aid system.

"(b) The term 'parking facilities' for purposes of this section shall include access roads, buildings, structures, equipment, improvements, and interests in land.

"(c) Projects authorized under subsection (a) of this section are eligible for the appropriate Federal-aid system funds, except that funds apportioned under section 104(b)(5)(A) of this title, shall be eligible only to the extent permitted by section 108(b) of the Federal-Aid Highway Act of 1956, as amended. The specific class of funds shall be determined by the system receiving the primary benefit from the parking. Sums apportioned under sections 104(b)(1) and 104(b)(5)(B) of this title may be used for projects authorized under subsection (a) which are intended to benefit an Interstate highway.

"(d) In the event fees are charged for the use of any such facility, the rate thereof shall not be in excess of that required for maintenance and operation (including compensation to any person for operating such facility).

"(e) Nothing in this section, or in any rule or regulation issued under this section, or in any agreement required by this section, shall prohibit (1) any State, political subdivision or agency or instrumentality thereof, from contracting with any person to operate any parking facility constructed under this section, or (2) any such person from so operating such facility.".

(d) Section 142, title 23, United States Code, is amended to read as follows:

"SEC. 142. Public Transportation. (a) To encourage the development, improvement, and use of mass transportation systems operating motor vehicles (buses, carpools and vanpools) on Federal-aid highways for the transportation of passengers, to increase the traffic capacity of the Federal-aid systems, and to facilitate the movement of persons and goods, the Secretary may approve as a project on any Federal-aid system the construction or designation of exclusive or preferential high occupancy vehicle or truck lanes, roadways, and ramps, highway traffic control devices, and passenger loading areas and facilities (including shelters).

"(b)(1) In addition to the projects under subsection (a), the Secretary may approve as a project on the Federal-aid urban system, for payment from sums apportioned under section 104(b)(6) of this title, the purchase of buses and the construction, reconstruction, and improvement of fixed rail facilities, including the purchase of rolling stock for fixed rail.

"(2) Projects authorized by subsection (b) of this section shall be subject to, and governed in accordance with, all provisions of this title applicable to projects on the Federal-aid urban system, except to the extent determined inconsistent by the Secretary.

"(c)(1) The Federal share payable on account of projects authorized by subsections (a) and (b) of this section shall be that provided in section 120 of this title. For all purposes of this title, a project authorized by this section shall be deemed to be a highway project.

"(2) The Federal share of projects on an Interstate highway for exclusive or preferential bus, truck, carpool/vanpool, or emergency routes or lanes may be financed with sums apportioned under section 104(b)(5)(A) of this title to the extent permitted by subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, or sums apportioned under section 104(b)(5)(B) of this title, or sum apportioned under section 104(b)(1) of this title.

"(d) In any case where sufficient land exists within the publicly acquired rights-of-way of any Federal-aid highway to accommodate needed rail or nonhighway public mass transit facilities and where this can be accomplished without impairing motor vehicle safety of existing or future highway improvements, the Secretary may authorize a State to make such lands and rights-of-way available without charge to a publicly owned mass transit authority for such purposes where the Secretary finds that the public interest will be served.

"(e) The provisions of assistance under subsection (b) of this section shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any nonsupervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable.

"(f) Funds available for expenditure to carry out the purposes of subsection (b) of this section shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended.

"(g) The provisions of section 3(e)(4) of the Urban Mass Transportation Act of 1964, as amended, shall apply in carrying out subsection (b) of this section.".

"(e) Section 146 of title 23, United States Code, is amended to read as follows:

"SEC. 146. CARPOOL AND VANPOOL PROJECTS.—(a) In order to conserve fuel, decrease traffic congestion during rush hours, improve air quality, and enhance the use of existing highways and parking facilities, the Secretary may approve for Federal financial assistance from funds apportioned under sections 104(b)(1), 104(b)(2), and 104(b)(6) of this title, projects designed to encourage the use of carpools and vanpools. (As used hereafter in this section, the term "carpool" includes a vanpool.) Such a project may include, but is not limited to, such measures as providing carpooling opportunities to the elderly and handicapped, systems for locating potential riders and informing them of convenient carpool opportunities, and acquiring vehicles appropriate for carpool use.

"(b) A project authorized by this section shall be subject to and carried out in accordance with all provisions of this title, except those provisions which the Secretary determines are inconsistent with this section.".

(f)(1) Section 149 of title 23, United States Code, is repealed.

(2) The analysis of chapter 1, of title 23, United States Code, is amended by striking "149. Truck Lanes." and inserting in lieu thereof "149. Repealed.".

CLEAN AIR

SEC. 213. Subsection (j) of section 109 of title 23, United States Code, is repealed and subsections (k), (l), and (n) are relettered as (j), (k), and (l), respectively.

VENDING MACHINES ON THE INTERSTATE SYSTEM

SEC. 214. Section 111 of title 23, United States Code, is amended by inserting (a) at the beginning and adding paragraph (b) as follows:

"(b) Paragraph (a) of this section shall not preclude the placement of vending machines in safety areas, rest and recreation areas and truck weighing areas constructed or located on the rights-of-way of the Interstate System. The vending machines permitted by the State shall dispense food, drink and other articles determined by the State highway agency to be appropriate and desirable to the traveling public. Proceeds from the operation of vending machines may be managed by the State highway agencies through concessionaires or otherwise. Costs associated with the installation, operation, and maintenance of vending machines shall not be eligible for Federal participation under this title.".

CONSTRUCTION

SEC. 215. (a) Subsection (a) of section 114 of title 23, United States Code, is amended to read as follows:

"(a) The construction of any highways or portions of highways located on a Federal-aid system shall be undertaken by the respective State transportation agencies or under their direct supervision. The construction work and labor in each State shall be performed in accordance with the laws of the State and applicable Federal laws. Except as provided in section 117 of this title, the Secretary shall establish procedures for the inspection and approval of such construction. Construction may begin as soon as funds are available pursuant to subsection (a) of section 118 of this title. The State transportation agency shall not erect any informational signs other than official traffic control devices conforming with standards approved by the Secretary on any project.".

(b) The second sentence of subsection (c) of section 121 of title 23, United States Code, is amended by striking the words "following inspections".

CONSTRUCTION BY STATES IN ADVANCE OF APPORTIONMENT

SEC. 216. (a) Section 115(a) of title 23, United States Code, is amended as follows:

"(a)(1) When a State has obligated all funds apportioned or allocated to it under sections 103(e)(4), 104, or 144, of this title,

other than Interstate funds and proceeds to construct any highway substitute, Federal-aid system or bridge project, other than in Interstate project funded under section 104(b)(5) of this title, without the aid of Federal funds in accordance with all procedures and all requirements applicable to such a project, except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary is authorized to pay to such State the Federal share of the costs of construction of such project when additional funds are apportioned to such State under sections 103(e)(4), 104, or 144 of this title if—

"(A) prior to the construction of the project the Secretary approves the plans and specifications therefor in the same manner as other projects and

"(B) the project conforms to the applicable standards adopted under section 109 of this title.

"(2) The Secretary may not approve an application under this section unless an authorization is in effect for the fiscal year for which the application is sought beyond the currently authorized funds for such State. No application may be approved which will exceed the State's expected apportionment of such authorizations.".

(b) Section 115(c) of title 23, United States Code, is amended by striking "104" and inserting in lieu thereof "103(e)(4), 104, or 144".

PAYMENT TO STATES FOR BOND RETIREMENT

SEC. 217. Sections 115(b)(2) and 122 of title 23, United States Code, and section 115(c) of the Federal-Aid Highway Act of 1978 are repealed. The analysis of chapter 1, United States Code, is amended by striking "122. Payment to States for bond retirement." and inserting in lieu thereof "122. Repealed.".

MAINTENANCE

SEC. 218. (a) The second sentence of subsection (c) of section 116 of title 23, United States Code, is amended to read as follows: "If, within 90 days after receipt of such notice, such project has not been put in proper condition of maintenance, the Secretary shall withhold approval of further projects of all types on the Federal-aid system involved in the State highway district, municipality, county, other political or administrative subdivision of the State, or the entire State, in which such project shall be located, as the Secretary deems most appropriate until such project shall have been put in proper condition of maintenance.".

(b) Section 109 of title 23, United States Code, is amended by striking subsection (m).

(c) Section 116 of title 23, United States Code, is amended by adding subsection (f) as follows: "(f) The Secretary shall issue guidelines describing the criteria applicable to the Interstate System in order to ensure that the condition of these routes is maintained at the level required by the purposes for which they were designated.".

(d) Section 119 of title 23, United States Code, is amended by striking subsection (b) and by striking "(a)" immediately following the section number and heading.

(e) Section 116 of title 23, United States Code, is amended by adding subsection (g) as follows:

"(g) Not later than 1 year after the date of issuance of initial guidelines under subsection (f) of this section each State shall have a program for the Interstate System in accordance with such guidelines. Each State shall certify on January 1 of each year that it has such a program and the Interstate System is maintained in accordance with the program. If a State fails to certify as required or if the Secretary determines a State is not adequately maintaining the Interstate System in accordance with such program, the next apportionment of funds to such State for the Interstate System shall be reduced by amounts equal to 10 per centum of the amount which would otherwise be apportioned to such State under section 104 of this title. If within 1 year from the date the apportionment for a State is reduced under this subsection, the Secretary determines that such State is maintaining the Interstate System in accordance with the guidelines the apportionment of such State shall be increased by an amount equal to the reduction. Increases in an apportionment shall be available for expenditure by the State for the same period of time as the original apportionment. If the Secretary does not make such a determination within such 1-year period, the amount withheld shall be reapportioned to all other eligible States.".

CERTIFICATION ACCEPTANCE

SEC. 219. (a) Section 117 of title 23, United States Code, is amended by adding a new subsection (b) after subsection (a) to read as follows:

"(b)(1) A State highway department may apply to assume the responsibility of the Secretary with regard to any Federal law, regulation, or policy except title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d), et seq.) or title VIII of the Act of April 11, 1968 (42 U.S.C. 3601 et seq.) and with regard to projects on a Federal-aid system (except the Interstate System). A State may not assume the responsibility of the Secretary for locations and clearances for bridges and causeways for bridges over navigable waters of the United States (33 U.S.C. 401, 491 et seq., 525 et seq., and 535 et seq.) or relating generally to obstructive bridges (33 U.S.C. 511 et seq.).

"(2) The responsibility of the Secretary shall be deemed to have been fulfilled under any such laws, regulation, or policy, provided that:

"(A) a certification for those projects has been accepted for all title 23 requirements under subsection (a);

"(B) the Secretary finds that the State has procedures which are sufficient to assure that the projects will be carried out in accordance with the provisions of such law, regulation, or policy;

"(C) the State highway department certifies that the projects have been carried out in accordance with the procedures of clause (B); and

"(D) the State highway department is authorized and consents to accept the jurisdiction of the Federal courts in any suit brought to enforce any such Federal law or regulation.

"(3) Applications submitted pursuant to this section shall be deemed not to constitute proposals for major Federal action for purposes of the National Environmental Policy Act of 1969, as amended.".

(b) Existing subsection 117(b) is amended by striking out "make a final inspection of each such project upon its" and inserting in lieu thereof "establish procedures for the inspection of such projects upon".

(c) Subsection 117(e) is repealed.

(d) Subsection 117(f) is repealed.

(e) Existing subsections (b), (c), and (d) of section 117 of title 23, United States Code, are relettered (c), (d), and (e), respectively.

INTERSTATE DISCRETIONARY FUND

SEC. 220. (a) Subsection (b) of section 118 of title 23, United States Code, is amended by striking out the third sentence and inserting in lieu thereof: "Sums not obligated within such period shall be allocated by the Secretary to any State or States that has obligated all of its apportionments other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a project on the Interstate System which has been submitted by such State for approval, and that is willing and able to apply such funds to a ready-to-commence project and commence construction work within ninety days of obligation. In allocating funds, the Secretary will give high priority to Interstate projects of unusually high cost in relation to a State's apportionment and to projects which directly contribute to the completion of an Interstate segment which is not open to traffic.".

(b) Beginning with the authorization for the fiscal year ending September 30, 1985, $300,000,000 per fiscal year shall be set aside from the Interstate System authorizations provided by subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, before such authorizations are apportioned pursuant to 23 U.S.C. 104(b)(5)(A). Such $300,000,000 per fiscal year shall be in addition to any other funds and shall be available to the Secretary for allocation to any State in accordance with the Interstate Construction Discretionary Fund provisions of 23 U.S.C. 118(b).

PROGRAM CONSOLIDATION

SEC. 221. (a)(1) Sections 120(i), 143, 148, 155, 156, 212, 213, 219 and 320 of title 23, United States Code, are repealed.

(2) Section 163 of the Federal-Aid Highway Act of 1973, as amended, is repealed.

(3) Sections 118 and 119 of the Federal-Aid Highway Amendments of 1974 are repealed.

(4) Subsections (a), (c), (d), (e), and (i) of section 141 and section 209 of the Surface Transportation Assistance Act of 1978 are repealed.

(b)(1) Any unobligated balance of contract authority established by any Act prior to enactment of subsection (a) of this section for carrying out sections 143 and 148 of title 23, United States Code, shall remain available for obligation under the conditions applicable prior to such enactment.

(2) The unexpended balance of sums appropriated prior to enactment of subsection (a) of this section for carrying out sections 156, 212, 213, and 219 of title 23, United States Code, section 163 of the Federal-Aid Highway Act of 1973, and section 141 of the Federal-Aid Highway Act of 1978, shall remain available for expenditure under the conditions applicable prior to such enactment.

(3) The unexpended balance of sums appropriated prior to enactment of subsection (a) of this section for carrying out section 155 of title 23, United States Code, and sections 118 and 119 of the Federal-Aid Highway Amendments of 1974 shall remain available for expenditure for two fiscal years following the fiscal year of enactment of this section.

(4) The unexpended balance of sums appropriated prior to enactment of subsection (a) of this section for carrying out section 320 of title 23, United States Code, shall remain available for expenditure for three fiscal years following the fiscal year of enactment of this section.

(5) The unappropriated balance of sums authorized prior to enactment of subsection (a) of this section for carrying out sections 148, 155, 156, 212, 213, and 219 of title 23, United States Code, section 163 of the Federal-Aid Highway Act of 1978, sections 118 and 119 of the Federal-Aid Highway Amendments of 1974, and section 141 of the Federal-Aid Highway Act of 1978, is rescinded.

(6) The unapportioned balance of sums authorized prior to enactment of this section to carry out subsection (c) of section 143 of the Federal-Aid Highway Act of 1973 is rescinded.

(c) Effective on the date of enactment of this section, the unappropriated balance of sums authorized to carry out section 131 of title 23, United States Code, is rescinded.

(d) Subsection (b) of section 141 of the Federal-Aid Highway Act of 1978 is amended by striking in the first sentence the words "subsection (c) and".

(e) Section 401 of title 23, United States Code, is amended by deleting the second sentence thereof.

(f) The sixth sentence of section 402(c) of title 23, United States Code, is amended to read as follows: "The annual apportionment to each State shall not be less than one-half of 1 per centum of the total apportionment.".

(g)(1) The analysis of chapter 1, United States Code, is amended by striking "143. Economic growth center development highways.", "148. Development of a national scenic and recreational highway.", "155. Access highways to public recreation areas on certain lakes.", and "156. Highways crossing other Federal projects.", and inserting in lieu thereof "143. Repealed.", "148. Repealed.", "155. Repealed.", and "156. Repealed.", respectively.

(2) The analysis of chapter 2 of title 23, United States Code, is amended by strking "212. Inter-American Highway.", "213. Rama Road.", and "219. Safer off-system roads." and inserting in lieu thereof "212. Repealed.", "213. Repealed.", and "219. Repealed.", respectively.

(3) The analysis of chapter 3 of title 23, United States Code, is amended by striking "320. Bridges on Federal dams." and inserting in lieu thereof "320. Repealed.".

EMERGENCY RELIEF

SEC. 222. (a) Subsection (a) of section 125 of title 23, United States Code, is amended by striking the first, second, and third sentences, and inserting in lieu thereof the following:

"An emergency fund is authorized for expenditures by the Secretary, subject to the provisions of this section and section 120 of this title, for the repair or reconstruction of highways, roads, and trails which the Secretary shall find have suffered serious damage as the result of (1) a natural disaster over a wide area such as by flood, hurricane, tidal wave, earthquake, or severe storm, or (2) a catastrophic failure from any external cause, in any part of the United States. In no event shall funds be used pursuant to this section for the repair or reconstruction of bridges which have been permanently closed to all vehicular traffic by the State because of imminent danger of collapse due to structural deficiencies or physical deterioration or for the correction of roadway failures and damages not directly caused by natural disasters and catastrophic failures as defined by this subsection. Subject to the following limitations, there is hereby authorized to be appropriated from the Highway Trust Fund such sums as may be necessary to establish the fund authorized by this section and to replenish it on an annual basis. Not more than $100,000,000 is authorized to be obligated in any one fiscal year commencing after September 30, 1982, except that, if in any fiscal year the total of all expenditures under this section is less than the amount authorized to be expended in such fiscal year, the unexpended balance of such amount shall remain available for expenditure during the next 2 succeeding fiscal years in addition to amounts otherwise available to carry out this section in such years.".

(b) Notwithstanding any other provision of law, all obligations made under section 125 of title 23, United States Code, prior to the fiscal year ending September 30, 1978, are authorized to be liquidated with funds appropriated from the Highway Trust Fund.

(c) Subsection (b) of section 125 of title 23, United States Code, is amended by striking the period at the end of the first sentence, inserting a colon in lieu thereof, and by adding the following: "Provided, that obligations for projects under this section, including those on highways, roads, and trails mentioned in subsection (c) of this section, resulting from a single disaster or a single catastrophic failure shall not exceed $30,000,000 in any State.".

(d) The amendments made by subsection (c) of this section shall apply to natural disasters or catastrophic failures which the Secretary finds eligible for emergency relief subsequent to the date of enactment of this section.

(e) Subsection (f) of section 120 of title 23, United States Code, is amended to read as follows:

"(f) The Federal share payable on account of any repair or reconstruction provided for by funds made available under section 125 of this title shall not exceed 75 per centum of the total cost thereof: Provided, that the Federal share payable on account of any repair or reconstruction of Federal lands highways may amount to 100 per centum of the cost thereof. The total cost of a project may not exceed the cost of repair or reconstruction of a comparable facility less any recoupments received from insurance proceeds or damages paid. Such recoupments shall be promptly credited to the project upon receipt. As used in this section with respect to bridges and in section 144 of this title,"a comparable facility" shall mean a facility which meets the current geometric and construction standards required for the types and volume of traffic which such facility will carry over its design life.".

(f) All obligations for projects resulting from a natural disaster or catastrophic failure which the Secretary finds to be eligible for emergency relief subsequent to the date of enactment of this subsection shall provide for the Federal share required by subsection (f) of section 120 of title 23, United States Code, as amended by this section.

COMMERCIAL MOTOR VEHICLE WEIGHT

SEC. 223. (a)(1) Section 127 of title 23, United States Code, is amended by striking the language following *"Provided"*, to the end of the first sentence and inserting the following:

"That each State shall establish a maximum gross weight of eighty-thousand pounds, a single axle weight of twenty-thousand pounds, a tandem axle weight of thirty-four thousand pounds".

TOLL ROADS

SEC. 224. (a) Section 129(a) of title 23, United States Code, is amended as follows:

"(a) Notwithstanding the provisions of section 301 of this title, the Secretary may permit Federal participation, on the same basis and in the same manner as in the construction of free highways under this chapter, in the construction of any new toll highway or any toll bridge, toll tunnel, or approach thereto, upon compliance with the conditions contained in this section. Such highway, bridge, tunnel, or approach thereto, must be publicly owned and operated. Federal funds may participate in the approaches to a new toll highway or toll bridge or toll tunnel whether such highway, bridge or tunnel is to be or has constructed, or acquired, by the State or other public authority.

"For purposes of this section the term 'new toll highway' shall mean initial construction of a highway on new location at any time before it is open to traffic and shall not include any improvements to existing highways or to such toll highway after it is open to traffic. The State transportation agency or agencies must be a party or parties to an agreement with the Secretary whereby it or they undertake performance of the following obligations:

"(1) all tolls received from the operation of such highway, bridge or tunnel, shall, less the actual cost of such operation and maintenance, be applied to the repayment to the State or other public authority of all of the costs of construction or acquisition of such highway, bridge or tunnel, except that part which was contributed by the United States;

"(2) no tolls shall be charged for the use of such highway, bridge or tunnel after the State or other public authority shall have so repaid; and

"(3) after the date of final repayment, such highway, bridge or tunnel shall be maintained or operated as a free highway, bridge or tunnel; except in the case of a bridge which connects the United States with a foreign country: *Provided*, That such tolls or charges do not exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management: *And further provided*, That the entity or governmental instrumentality responsible for the operation of the portion of the bridge within the jurisdiction of the foreign country is charging tolls for the use of the bridge."

(b) Section 301 of title 23, United States Code, is amended as follows:

"SEC. 301. Freedom from tolls. Except as provided specifically by law all highways constructed under the provisions of this title shall be free from tolls of all kinds."

(c) Section 105 of the Federal-Aid Highway Act of 1978 is amended by striking the last sentence.

PRESERVATION OF PARKLANDS

SEC. 225. (a) Section 138 of title 23, United States Code, is amended by:

(1) striking from the first sentence the words "historic sites" and inserting in lieu thereof "National Historic Landmarks";

(2) striking from the third sentence the words "a historic site of national, State, or local significance as so determined by such officials" and inserting in lieu thereof "National Historic Landmark";

(3) striking from the end of the third sentence the words "historic site resulting from such use." and inserting in lieu thereof "National Historic Landmark resulting from such use.";

(4) inserting between the third and fourth sentences the following sentence: "The use

of lands is not prohibited by or otherwise subject to this section if the official having jurisdiction over such lands, after consultation with the Secretary, determines that the effect of the transportation project will not appreciably reduce the utility of the public park, recreation area, wildlife and waterfowl refuge, or National Historic Landmark for the purposes for which it is intended.".

(b) Section 4(f) of the Department of Transportation Act of 1966 is amended by:

(1) striking the words "historic sites" from the first sentence and inserting in lieu thereof "National Historic Landmarks";

(2) striking from the third sentence the words "a historic site of national, State, or local significance as so determined by such officials" and inserting in lieu thereof "a National Historic Landmark";

(3) striking from the end of the third sentence the words "historic site resulting from such use." and inserting in lieu thereof "National Historic Landmark resulting from such use.";

(4) adding the following sentence at the end of the paragraph: "The use of lands is not prohibited by or otherwise subject to this section if the official having jurisdiction over such lands, after consultation with the Secretary, determines that the effect of the transportation project will not appreciably reduce the utility of the public park, recreation area, wildlife and waterfowl refuge, or National Historic Landmark for the purposes for which it is intended."

EQUAL OPPORTUNITY

SEC. 226. (a) The first and third sentences of subsection (a) of section 140 of title 23, United States Code, are amended by striking the words "or national origin," and inserting in lieu thereof the words "national origin or sex.".

(b) Subsection (b) of section 140 of title 23, United States Code, is amended by striking the second and third sentences and inserting in lieu thereof: "Of the sums available for carrying out the provisions of section 104(a) of this title, not to exceed $10,000,000 per fiscal year as provided in annual appropriation acts shall be available for the administration of this subsection.".

(c) Section 140 of title 23, United States Code, is amended by adding a new subsection (c) as follows:

"(c) The Secretary, in cooperation with any other department or agency in the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization or person, is authorized to develop, conduct, and administer training programs and assistance programs in connection with any program under this title in order that socially and economically disadvantaged individuals may achieve proficiency to compete, on an equal basis, for contracts and subcontracts. Of the sums available for carrying out the provisions of section 104(a) of this title, not to exceed $10,000,000 per fiscal year, as provided in annual appropriation acts shall be available for the administration of this subsection. The provisions of section 3709 of the Revised Statute, as amended (41 U.S.C. 5), shall not be applicable to contracts and agreements made under the authority herein granted to the Secretary notwithstanding the provisions of 41 U.S.C. 252(e).".

(d) The title of section 140 of title 23, United States Code, is amended to read: "Sec. 140. Equal Opportunity." and the analysis of chapter 1 of title 23, United States Code, is amended by striking out: "Sec. 140. Equal employment opportunity." and inserting in lieu thereof "Sec. 140. Equal opportunity.".

ENFORCEMENT OF HEAVY VEHICLE USE TAX

SEC. 227. (a) Section 141 of title 23, United States Code is amended by adding subsection (d) as follows:

"(d) No funds shall be apportioned to a State under section 104(b)(5) of this title in any fiscal year during which heavy vehicles, subject to the use tax imposed by section 4481 of the Internal Revenue Code of 1954, may be lawfully registered in the State without having presented proof of payment, in such form as may be prescribed by the Secretary of the Treasury, of the use tax imposed by section 4481 of such Code. Amounts withheld from apportionment to a State under this subsection shall be apportioned to the other States pursuant to the formulas of section 104(b)(5) of this title and shall be available in the same manner and to the same extent as other Interstate funds apportioned at the same time to other States."

(b) The amendments made by this section are effective January 1, 1985.

HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION PROGRAM

SEC. 228. (a) Subsection (e) of section 144 of title 23, United States Code, is amended to read as follows:

"(e)(1) Funds authorized to carry out this section with regard to Federal-aid primary system bridges shall be apportioned among the several States on October 1 of the fiscal year for which authorized according to the following formula.

"All deficient primary system bridges will be divided into two categories:

"(1) Bridges eligible for replacement, and

"(2) Bridges eligible for rehabilitation.

"The square footage of deficient bridges in each category shall be multiplied by its respective unit price on a State-by-State basis; and the total cost in each State divided by the total cost of the Nation's deficient bridges shall yield the apportionment factors. No State shall receive more than 8 percent or less than 0.25 percent of the total apportionment for any one fiscal year. The Secretary shall make these determinations based upon the latest available data, which shall be updated annually. Funds apportioned under this section shall be available for expenditure for 1 year after the close of the fiscal year for which they are authorized. Any funds not obligated at the expiration of such period shall be reapportioned by the Secretary to the other States in accordance with the latest apportionment factors developed under this subsection.

"(e)(2) Funds authorized to carry out this section with regard to bridges other than Federal-aid primary system bridges shall be apportioned among the several States on October 1 of the fiscal year for which authorized according to the following formula:

"All deficient bridges (excluding primary) will be divided into two categories:

"(1) Bridges eligible for replacement, and

"(2) Bridges eligible for rehabilitation.

"The square footage of deficient bridges in each category shall be multiplied by its respective unit price on a State-by-State basis; and the total cost in each State divided by the total cost of the Nation's deficient bridges shall yield the apportionment factors. No State shall receive more than 8 percent or less than 0.25 percent of the total apportionment for any one fiscal year. The Secretary shall make these determinations based upon the latest available data, which shall be updated annually. Funds apportioned under this section shall be available for expenditure for 1 year after the close of the fiscal year for which they are authorized. Any funds not obligated at the expiration of such period shall be reapportioned by the Secretary to the other States in accordance with the latest apportionment factors developed under this subsection.".

"(b) Subsection (h) of section 144 of title 23, United States Code, is amended by striking "which are not subject to the ebb and flow of the tide, and".

ALLOCATION OF URBAN FUNDS

SEC. 229. Section 150 of title 23, United States Code, is amended by adding the following sentence at the end thereof: "Funds allocated to an urbanized area under the provisions of this section may, at the request of the Governor and upon the approval of the appropriate local officials of the area and the Secretary, be transferred to the allocation of another such area in the State or to the State for use in any urban area.".

SEC. 230. (a) Section 141 of title 23, United States Code, is amended to read as follows: "Sec. 151. Highway Safety Improvement Program. "(a) There is hereby established a Highway Safety Improvement Program for projects on any public road or street in rural or urban areas. Assistance shall be available under this program for highway safety improvement projects, as defined in subsection (a) of section 101 of this title; for rail-highway crossing projects as provided for in section 130 of this title; for the implementation of highway-related safety requirements and guidelines issued by the Secretary under section 402 of this title; and for the development, implementation, and evaluation of the Highway Safety Improvement Program required under subsection (b) of this section.

"(b) Each State shall develop and implement on a continuing basis a Highway Safety Improvement Program including procedures for the planning, implementation, and evaluation of highway safety improvement projects on all highways, with the specific objective of reducing the number and severity of highway traffic accidents. Each State shall have a process of collecting, maintaining, and analyzing accident, traffic, and highway data; for conducting engineering studies of hazardous locations, sections and elements; for assigning priorities to the various types of hazards identified; for implementing safety improvement projects in accordance with the priorities developed; and for the evaluation of the safety benefits obtained.

"Each State shall conduct and systematically maintain a survey of all highways to identify those railroad crossings which may require separation, relocation, or protective devices, and establish and implement a schedule of projects for this purpose. At a minimum, such a schedule shall provide signs for all railroad-highway crossings.

"(c)(1) Funds authorized to carry out this section shall be available for expenditure for projects on any public road (other than the Interstate System).

"(2) The Federal share payable on any project under this section shall not exceed 90 per centum of the cost thereof except as provided in section 120(d) of this title.

"(d) Funds authorized to be appropriated to carry out this section shall be apportioned to the States as follows: 60 per centum in the ratio which the population of each State bears to the total population of all States, and 40 per centum in the ratio

which the public road mileage in each State bears to the total public road mileage in all States. The annual apportionment for each State shall not be less than one-half of 1 per centum of the total apportionment. Such sums shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under section 104(b)(1) of this title, except that the Secretary is authorized to waive provisions of this title that the Secretary deems inconsistent with the purposes of this section.

"(e) In any State wherein the State is without legal authority to construct or maintain a project under this section, such State shall enter into a formal agreement for such construction or maintenance with the appropriate local officials of the county or municipality in which such project is located.

"(f) One-half of 1 per centum of funds of the total annual apportionment from sums authorized to be appropriated to carry out this section shall be apportioned to the Secretary of the Interior, who shall exercise the responsibilities assigned to States under subsection (b) of this section in carrying out this section on Indian reservation highways, park highways and parkways. Such apportionment shall be subject to a deduction of not to exceed 5 per centum for the necessary costs of administering the provisions of this section.

"(g) Nothing contained in this section is intended to prohibit the expenditure of funds apportioned under section 104 of this title for projects on any Federal-aid system for the purposes of upgrading or improving the safety performance of the highways on such systems consistent with current standards.".

(b) Section 152 of title 23, United States Code, is repealed.

(c) As of the date of enactment of this section all existing unobligated authorizations for carrying out section 402 of title 23, United States Code, by the Federal Highway Administration are rescinded.

(d) The analysis of chapter 1 of title 23, United States Code, is amended by deleting "151. Pavement marking demonstration program." and "152. Hazard elimination program." and inserting in lieu thereof "151. Highway safety improvement program." and "152. Repealed.".

(e) Section 203 of the Highway Safety Act of 1973 (Pub. L. 93-87), as amended, is repealed. Any obligated balance of contract authority, established by any Act prior to the enactment of this subsection for carrying out Section 203 shall remain available for obligation under the conditions applicable prior to such enactment.

INTERAGENCY ENVIRONMENTAL PROCESS REVIEW

SEC. 231. (a) Chapter 1 of title 23, United States Code, is amended by adding after section 156, the following new section: "Sec. 157. Interagency environmental process review. "Not later than 180 days after enactment of this section, the Secretary shall modify, to the extent necessary, current Federal-aid highway policy and procedures to ensure to the maximum extent possible that the environmental review and public involvement processes established under this title and the National Environmental Policy Act of 1969, as amended, provide the environmental documentation and any opportunity for a public hearings if one is necessary for all applications and requests for permits, licenses, findings, and other approvals and determinations required by any law or Executive Order for Federal-aid highway projects and actions. For projects for which the environmental documentation is prepared pursuant to procedures developed under this subsection, the agency charged with issuing or otherwise acting upon any application or request for any Federal permit, license, finding or approval, without any further environmental documentation or public hearings, shall take such action not later than 90 days after the completed request or application is made. In developing the procedures required by this section, the Secretary shall consult with the Secretaries of the Interior and Defense, the Administrator of the Environmental Protection Agency, and the heads of other Federal departments and agencies, to ensure that such procedures provide an adequate record as to environmental and all other considerations necessary upon which to issue or make the Federal permit, license, finding or approval requested or applied for.".

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following: "Sec. 157. Interagency environmental process review.".

FEDERAL LANDS HIGHWAYS PROGRAM

SEC. 232. (a) Section 202 of title 23, United States Code, is amended to read as follows: "Section 202. Allocations. (a) On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for forest highways according to the relative needs of the various elements of the National Forest System as determined by the Secretary, taking into consideration the need for access as identified by the Secretary of Agriculture through renewable resource and land use planning, and the impact of such planning on existing transportation facilities.

"(b) On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for public lands highways among those States having unappropriated or unreserved public lands, nontaxable Indian lands or other Federal reservations, on the basis of need in such States, respectively, as determined by the Secretary upon application of the State highway departments of the respective States. The Secretary shall give preference to those projects which are significantly impacted by Federal land and resource management activities.

"(c) On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for park highways and parkways according to the relative needs of the various elements of the National Park System, taking into consideration the need for access as identified by the Secretary of the Interior through land use planning and the impact of such planning on existing transportation facilities.

"(d) On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for Indian reservation highways according to the relative needs of the various reservations as jointly identified by the Secretary and the Secretary of the Interior.

"(e) Sums authorized to be appropriated for forest development roads and trails shall be allocated by the Secretary of Agriculture according to the relative needs of the various national forests taking into consideration the existing transportation facilities, value of timber or other resources served, relative fire danger and comparative difficulties of road and trail construction.

"(f) Sums authorized to be appropriated for public lands development roads and trails shall be allocated by the Secretary among those States having unappropriated or unreserved public lands, nontaxable Indian lands or other Federal reservations on the basis of need in such States, respectively, as identified by the Secretary of the Interior.

"(g) Sums authorized to be appropriated for Indian reservation development roads and trails shall be allocated according to the relative needs of the various reservations as identified by the Secretary of the Interior.

"(h) Sums authorized to be appropriated for park development roads and trails shall be allocated to the relative needs of the various elements of the National Park System, taking into consideration the needs as identified by the Secretary of the Interior through land use planning and the impact of such planning on existing transportation facilities."

"(b) Section 204 of title 23, United States Code, is amended to read as follows: "Sec. 204. Federal Lands Highways Program. (a) Federal roads which are public roads and meet criteria similar to roads on the Federal-aid systems should be treated under similar uniform policies. There is hereby established a coordinated Federal Lands Highways Program which shall consist of the forest highways, public lands highways, park highways, parkways, and Indian reservation highways.

"(b) Funds available for forest highways, public lands highways, parkways, park highways, and Indian reservation highways shall be used by the Secretary to pay for the cost of construction and improvement thereof. In connection therewith, the Secretary and the Secretary of the Interior, as appropriate, may enter into construction contracts and such other contracts with a State, or civil subdivision thereof as deemed advisable.

"(c) Cooperation of States, counties, or other local subdivisions may be accepted in construction and improvement, and any funds received from a State, county, or local subdivision shall be credited to appropriations available for the class of Federal lands highways to which such funds were contributed.

"(d) Construction of such project shall be performed by contract awarded by competitive bidding, unless the Secretary shall affirmatively find that, under the circumstances relating to such project, some other method is in the public interest.

"(e) All appropriations for the construction and improvement of each class of Federal lands highways shall be administered in conformity with regulations and agreements jointly approved by the Secretary and the Secretary of the appropriate Federal land managing agency.

"(f) The Secretary shall transfer to the Secretary of Agriculture from appropriations for forest highways such amounts as may be needed to cover necessary administrative expenses of the Forest Service in connection with forest highways.

"(g) One and one-half per centum of funds appropriated for forest highways, park highways, parkways, public lands highways and Indian reservation highways shall be available for expenditure by the Secretary for the planning of future highway programs, for engineering and economic studies and investigations, and for the development and demonstration of technology relative to the planning, design, construction, and maintenance of such highways.

"(h) Funds available for each class of Federal lands highways shall be available for

adjacent vehicular parking areas and scenic easements.

"(i) Section 138 of this title and section 4(f) of the Department of Transportation Act of 1966 shall not apply to any action taken by the Secretary under this section.".

(c)(1) The definition of "park roads and trails" in section 101(a) of title 23, United States Code, is amended to read as follows: "The term 'park highways' means a major park road which is a public road that is located within or provides access to an area in the National Park System.".

(2) The term "Indian reservation roads and bridges" in section 101(a) of title 23, United States Code, is amended to read as "Indian reservation highways"; and the definition of such term is amended by deleting the words "and bridges" each place they appear and by inserting the words "major roads which are public" before "roads" the first place it appears.

(3) Section 101(a) of title 23, United States Code, is amended by adding after the definition of the term "forest development roads and trails" the following new definition: "The term 'Federal lands highways' in accordance with section 204 of this title means forest highways, public lands highways, park highways, parkways, and Indian reservation highways.".

(4) Section 101(a) of title 23, United States Code, is amended by adding after the definition of the term "maintenance" the following new definition: "The term 'park development roads and trails' means those minor park roads or trails or nonpublic roads that are located within the National Park System.".

(5) Section 101(a) of title 23, United States Code, is amended by adding after the definition of the term "highway safety improvement project" the following definition: "The term 'Indian reservation development roads and trails' means those minor roads and trails or nonpublic roads necessary for the protection and administration of Indian lands.".

(d)(1) The title of section 206 of title 23, United States Code, is amended to read as follows: "Section 206. Park development roads and trails."

(2) Section 207 of title 23, United States Code, is repealed.

(3) Section 208 of title 23, United States Code, is amended to read as follows: "Section 208. Indian reservation development roads and trails.".

"(a) Funds available for Indian reservation development roads and trails shall be used to pay for the cost of construction and improvement thereof.

"(b) Indian labor may be employed in such construction and improvement under such rules and regulations as may be prescribed by the Secretary of the Interior.

"(c) Cooperation of States, counties, or other local subdivisions may be accepted in such construction and improvement, and any funds, received from a State, county, or local subdivision shall be credited to appropriations available for Indian reservation development roads and trails."

(e) Sections 207, 209, and 214(c) of title 23, United States Code, are repealed.

(f) The analysis of chapter 2 of title 23, United States Code, is amended by deleting the following headings: "202. Apportionment or allocation."; "204. Forest highways."; "206. Park roads and trails."; "207. Parkways."; "208. Indian reservation roads.", and "209. Public lands highways." and inserting in lieu thereof: "202. Allocations."; "204. Federal lands highways program."; "206. Park development roads and trails."; "207. Repealed."; "208. Indian reservation development roads and trails."; and "209. Repealed.".

(g) Section 201 of title 23, United States Code, is amended by deleting the words "park roads and trails," and "Indian reservation roads,"; and inserting the following after the word "parkway,": "park highways, public lands development roads and trails, Indian reservation highways, Indian reservation development roads and trails, park development roads and trails,".

(h) Section 203 of title 23, United States Code, is amended by:

(1) striking out the term "park roads and trails" wherever it appears and inserting in lieu thereof the terms "park highway and park development roads and trails"; and

(2) striking out the term "Indian reservation roads" wherever it appears and inserting in lieu thereof the terms "Indian reservation highways and Indian reservation development roads and trails".

DEFENSE ACCESS ROADS

SEC. 233. Section 210(c) of title 23, United States Code, is amended by striking "Not exceeding $5,000,000 of any funds appropriated under the Act approved October 16, 1951 (65 Stat. 422)," and inserting in lieu thereof "Funds appropriated for defense maneuvers and exercises".

RESEARCH AND PLANNING

SEC. 234. (a) Subsection (c) of section 307 of title 23, United States Code, is amended to read as follows:

"(1) Not to exceed one and one-half per centum of the sums apportioned for each fiscal year to any State under section 104 of this title shall be available for expenditure upon the request of the State highway agency, with the approval of the Secretary, only for the following purposes: Engineering and economic surveys and investigations; the planning of future highway programs and local public transportation systems and for planning for the financing thereof; studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof; and for research and development, necessary in connection with the planning, design, construction and maintenance of highways and highway systems, and the regulation and taxation of their use.

"(2) Effective January 1, 1983, one and one-half per centum of the sums apportioned for each fiscal year to any State under sections 104 and 144 of this title shall be available for expenditure by the State highway agency only for the purposes enumerated in paragraph (1) of this subsection.

"(3) Effective January 1, 1983, and in addition to the percentage provided in paragraph (2) of this subsection, not to exceed one per centum of the sums apportioned for each fiscal year to any State under sections 104 and 144 of this title shall be available for expenditure upon request of the State highway agency for the purposes enumerated in paragraph (1) of this subsection.

"(4) The sums provided pursuant to this subsection shall be combined and administered by the Secretary as a single fund which shall be available for obligation for the same period as funds apportioned under section 104(b)(1) of this title.

"(5) Sums made available under this subsection shall be matched by the State in accordance with section 120 of this title unless the Secretary determines that the interests of the Federal-aid highway program would be best served without such matching.".

(b) Section 120 of title 23, United States Code, is amended by adding a new subsection (i) as follows:

"(i) Effective January 1, 1983, the Federal share payable on account of any new project financed under section 307(c) of this title shall be 85 percent, except that in the case of any State containing nontaxable Indian lands, individual and tribal, and public domain lands (both reserved and unreserved) exclusive of national forests and national parks and monuments, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area, except that such Federal share payable on any project in any State shall not exceed 90 per centum of the total cost of any such project.".

COOPERATION WITH FEDERAL AND STATE AGENCIES AND FOREIGN COUNTRIES

SEC. 235. Section 308 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) The Secretary is authorized to carry out the provisions of this title in cooperation with State highway and transportation departments and with organizations which are principally composed of duly elected and appointed State and local officials responsible for administering transportation programs without regard to the provisions of the Federal Advisory Committee Act.".

OBLIGATION LIMITATION

SEC. 236. (a) Notwithstanding any other provision of law, the total of all obligations for Federal-aid highways and highway safety construction programs for fiscal year 1983 shall not exceed $11,000,000,000. This limitation shall not apply to obligations for emergency relief under section 125 of title 23, United States Code, or projects covered under section 147 of the Federal-Aid Highway Act of 1978, section 9 of the Federal-Aid Highway Act of 1981 and section 118 of the Union Station Redevelopment Act of 1981. No obligation constraints shall be placed upon any ongoing emergency project carried out under section 125 of title 23, United States Code, or section 147 of the Federal-Aid Highway Act of 1978.

(b) For fiscal year 1983, the Secretary of Transportation shall distribute the limitation imposed by subsection (a) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned to each State for such fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned to all the States for such fiscal year.

(c) Notwithstanding subsection (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1, 1983, revise a distribution of the funds made available under subsection (b) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those previously distributed during that fiscal year; and

(3) not distribute amounts authorized for administrative expenses and forest highways.

HIGHLAND SCENIC HIGHWAY

SEC. 237. Section 161(f) of the Federal-Aid Highway Act of 1973, as amended by section 21 of Public Law 96-106, is further amended to read as follows:

"(f) The Highland Scenic Highway as authorized by subsection (a) of this section and all associated lands and rights-of-way shall be managed as part of the Monongahela National Forest for scenic and recreational purposes. Vehicle use shall be confined to passenger cars, recreational vehicles and limited truck traffic to the extent such use is compatible with the purpose for which the highway was constructed as determined by the Secretary of Agriculture. Commercial use by trucks may be limited and controlled by permit.".

APPALACHIAN DEVELOPMENT HIGHWAY PROGRAM

SEC. 238. (a) There are hereby transferred to and vested in the Secretary of Transportation all functions, powers, and duties of the Appalachian Regional Commission that relate to the Appalachian Development Highway System, provided for in section 201 of the Appalachian Regional Development Act of 1965, as amended.

(b) The Director of the Office of Management and Budget shall determine what personnel, assets, liabilities, contracts, properties, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available in connection with the functions, powers, and duties transferred by subsection (a) of this section shall be transferred to the Secretary of Transportation.

(c) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges which have been issued, made, granted, or allowed to become effective in the exercise of duties, powers, or functions which are transferred under this section which are in effect at the time this section takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary of Transportation or by operation of law.

(d) The provisions of this section shall not affect any proceedings pending at the time this section takes effect before the Appalachian Regional Commission; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Department of Transportation. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued where they were pending at the time of such transfer. In either case, orders shall be taken therefrom, and payments shall be made pursuant to such order, as if this section had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Secretary of Transportation, or by operation of law.

(e)(1) Except as provided in paragraph (2), the provisions of this section shall not affect suits commenced prior to the date this section takes effect, and in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this section had not been enacted.

(2) No suit, action, or other proceeding commenced by or against an officer of the Appalachian Regional Commission in that officer's official capacity shall abate by reason of enactment of this section. No cause of action by or against any department or agency, functions of which are transferred by this section or by or against any officer thereof in that officer's official capacity, shall abate by reason of the enactment of this section. Causes of action, suits, or other proceedings may be asserted by or against the United States or such official of the Department of Transportation as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(3) If before the date on which this section takes effect, the Appalachian Regional Commission, or officer thereof in official capacity, is a party to a suit, then such suit shall be continued by the Secretary of Transportation (except in the case of a suit not involving functions transferred to the Secretary).

(f) With respect to any function, power, or duty transferred by this section and exercised after the effective date of this section, reference in any other Federal law to the Appalachian Regional Commission shall be deemed to mean the Secretary of Transportation.

(g) Subsection (g) of section 201 of the Appalachian Regional Development Act of 1965, as amended, is amended by adding at the end the following: "To carry out this section there is authorized to be appropriated out of the Highway Trust Fund, $80,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, and September 30, 1985, and $60,000,000 for the fiscal year ending September 30, 1986. Sums authorized herein out of the Highway Trust Fund for fiscal years 1984, 1985, and 1986 are authorized for the development of projects on the Appalachian Development Highway System subject to the approval of the Secretary of Transportation and are authorized in the place of any other authorization for such fiscal years. Sums authorized herein shall be available for obligation when appropriated.

(h) Subsection (h) of section 201 of the Appalachian Regional Development Act of 1965 is amended by striking "70 per centum" and inserting in lieu thereof "80 per centum" and by adding at the end the following: "Projects approved after March 31, 1979, may be adjusted to receive a Federal share not greater than 80 per centum.".

TOLL HEARINGS

SEC. 239. (a) Section 4 of the General Bridge Act of 1906 (34 Stat. 85, 33 U.S.C. 494), as amended, is amended by deleting the last sentence thereof.

(b) Section 17 of the Act of June 10, 1930 (46 Stat. 552, 33 U.S.C. 498a), as amended, is repealed.

(c) Section 1 of the Act of June 27, 1930 (46 Stat. 821, 33 U.S.C. 498b), as amended, is repealed.

(d) Sections 1-5 of the Act of August 21, 1935 (49 Stat. 670, 33 U.S.C. 503-507), as amended, are repealed.

(e) Sections 530 and 506 of the General Bridge Act of 1946 (60 Stat. 847, 848, 33 U.S.C. 52, 529), as amended, are repealed.

(f) Section 133 of Public Law 93-87 (87 Stat. 267, 33 U.S.C. 526a) is repealed.

(g) Section 6 of the International Bridge Act of 1972 (86 Stat. 732, 33 U.S.C. 535(d)) is repealed.

(h) Section 6(g)(4) of the Department of Transportation Act (80 Stat. 937, 49 U.S.C. 1655(g)(4)) is repealed.

WOODROW WILSON BRIDGE

SEC. 240. Section 9 of the Federal-Aid Highway Act of 1981 is amended by adding the following new subsection:

"(e) Subsequent to the obligation of funds for any project authorized by subsection (c) of this section, the Secretary is authorized to approve further projects. Such projects may include, but are not limited to, bascule spans and their operating devices, and the widening of a bridge. Sums authorized to be appropriated to carry out the provisions of this subsection shall be available for obligation until expended. Any project authorized by this subsection shall be subject to and carried out in accordance with all provisions of title 23, United States Code, except those provisions which the Secretary determines are inconsistent. Such sum shall not be deducted from funds apportioned under section 104 of title 23, United State Code, or any funds allocated by the Secretary to any State or the District of Columbia, nor shall any such sum obligated under this subsection be subject to any obligation limitation for Federal-aid highway programs. The Federal share of the costs of any project approved under this subsection shall be 90 per centum of the cost thereof. The Secretary shall not approve any project under this subsection until the two States and the District of Columbia agree to accept a conveyance of title to their respective portions of said bridge without monetary consideration."

TITLE III—AMENDMENTS TO THE URBAN MASS TRANSPORTATION ACT OF 1964

SHORT TITLE

SEC. 301. This Act may be cited as the "Transit Assistance Authorization Act of 1982".

AMENDMENTS TO SECTION 3 DISCRETIONARY CAPITAL GRANT PROGRAM

SEC. 302. (a) Section 3(a)(2)(A) of the Urban Mass Transportation Act of 1964, (49 U.S.C. 1601 et seq.) (hereinafter referred to as the "Act") is amended—

(1) by striking out "and" at the end of clause (i);

(2) by striking out the period at the end of clause (ii) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new clause:

"(iii) sufficient capability to maintain the facilities and equipment.".

(b) The second sentence of section 4(a) of the Act is amended by striking out "80 per centum of the net project cost" and inserting in lieu thereof "50 per centum of the net project cost."

(c) The first sentence of section 4(c)(3)(A) of the Act is amended by striking out "; and $1,580,000,000" and all that follows down through and including "1983" and inserting "and" immediately following "1981;".

ADMINISTRATIVE EXPENSES AND CAPITAL AUTHORIZATIONS

SEC. 303. (a) Section 4(d) of the Act is amended to read as follows:

"(d) There are authorized to be appropriated for administrative costs, including salaries and expenses necessary to carry out the functions of this Act, such sums as may be necessary.".

(b) Section 4(3) of the Act is amended to read as follows:

"(e)(1) To finance grants under sections 3, 8, 9, and 16(b)(2) of this Act and subsection (i) of this section, there are authorized to be appropriated not to exceed $1,670,000,000

for the fiscal year ending September 30, 1984; $1,955,000,000 for the fiscal year ending September 30, 1985; $2,030,000,000 for the fiscal year ending September 30, 1986; $2,125,000,000 for the fiscal year ending September 30, 1987; and $2,125,000,000 for the fiscal year ending September 30, 1988. Any amounts so appropriated shall remain available until expended.

"(2) Of the amount available under paragraph (1) for each such year, the Secretary shall make available:

"(A) 10 per cent for grants under section 3 and 16(b)(2) and for subsection (i); and

"(B) 90 per cent for grants under sections 8 and 9.

"(3) To finance grants under sections 18 and 21 of this Act there are authorized to be appropriated not to exceed $75,000,000 for the fiscal year ending September 30, 1983; $75,000,000 for the fiscal year ending September 30, 1984; $75,000,000 for the fiscal year ending September 30, 1985; $75,000,000 for the fiscal year ending September 30, 1986; $75,000,000 for the fiscal year ending September 30, 1987; and $75,000,000 for the fiscal year ending September 30, 1988, except that no funds are authorized to be appropriated for grants under section 18 after September 30, 1984. Any amounts so appropriated shall remain available until expended.".

(c) Section 4(g) of the Act is amended to read as follows:

"(g) To carry out public transportation projects substituted for Interstate segments withdrawn under section 103(e)(4) of title 23, United States Code, there are authorized to be appropriated $650,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988. Any amounts so appropriated shall remain available until expended.".

RESEARCH AND TRAINING

SEC. 304 Section 4(f) of the Act is amended to read as follows:

"(f) There are authorized to be appropriated to carry out the purposes of sections 6, 10, and 11 of this Act aggregate sums not to exceed $45,000,000 by September 30, 1983; $92,000,000 by September 30, 1984; $139,000,000 by September 30, 1985; $186,000,000 by September 30, 1986; and $223,000,000 by September 30, 1987; and $280,000,000 by September 30, 1988. Any amounts so appropriated shall remain available until expended.".

AMENDMENTS TO SECTION 5 FORMULA GRANT PROGRAM

SEC. 305. (a) Section 5(a) of the Act is amended—

(1) by striking out paragraph (1)(B) and inserting in lieu thereof the following:

"(B) There are authorized to be appropriated for the purposes of this paragraph, $440,000,000 for the fiscal year ending September 30, 1983; and $175,000,000 for the fiscal year ending September 30, 1984.";

(2) in paragraph (2)(B), by striking out "and" and all that follows down through and including the period at the end thereof and inserting in lieu thereof the following: $158,200,000 for the fiscal year ending September 30, 1982; $130,000,000 for the fiscal year ending September 30, 1983; and $65,000,000 for the fiscal year ending September 30, 1984."; and

(3) in paragraph (3)(B), by striking out "and" and all that follows down through and including the period at the end thereof and inserting in lieu thereof the following: "$86,300,000 for the fiscal year ending September 30, 1982; $70,000,000 for the fiscal year ending September 30, 1983; and $35,000,000 for the fiscal year ending September 30, 1984.".

(b) Section 5(a) of the act is amended in paragraphs (a)(1)(A)(i), (a)(2)(A)(i)(1), and (a)(2)(A)(ii)(1) by striking out "as shown by the latest available Federal census;" and inserting in lieu thereof", except that sums shall be apportioned and allocated using data from the 1970 decennial census for one-quarter of the sums appropriated and the remainder shall be apportioned and allocated on the basis of data from the 1980 decennial census;".

(c) Section 5(c)(4) of the Act is amended—

(1) by inserting "(A)" before "Sums";

(2) by designating the second sentence as subparagraph (B), and by striking out "Any" and inserting in lieu thereof "Prior to October 1, 1983, any"; and

(3) by adding at the end thereof the following new subparagraphs:

"(C) After September 30, 1983, any amounts remaining unobligated by the Secretary at the end of such period or which are deobligated by the Secretary after the end of such period shall be added to the amount available under section 4(e)(1).

"(D) Apportionments for fiscal year 1975 shall be deemed to have lapsed on September 30, 1977, and apportionments for fiscal year 1976 shall be deemed to have lapsed on September 30, 1978.".

(d) Section 5(d)(1) of the Act is amended by adding at the end thereof the following: "The Secretary shall not approve a project for the payment of operating expenses after September 30, 1984.".

(e) Section 5(g) of the Act is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(3) sufficient capability to maintain the facilities and equipment.".

(f) Section 5(i)(3) of the Act is amended to read as follows: "(3) an assurance that any public mass transportation system receiving operating assistance under this section has a locally developed process to solicit and consider public comment prior to raising fares or reducing transit service.".

(g) Section 5(m) of the Act is repealed and section 5(n) is redesignated as section 5(m).

CAPITAL FORMULA PROGRAM FOR URBANIZED AREAS

SEC. 306. The Act is amended by inserting the following new section after section 8:

"CAPITAL FORMULA PROGRAM FOR URBANIZED AREAS

"SEC. 9. (a)(1) To make grants under this section, the Secretary shall apportion sums appropriated pursuant to section 4(e)(1) and made available pursuant to section 4(e)(2)(B). Such sums shall be made available for expenditure in urbanized areas or parts thereof on the basis of a formula under which urbanized areas or parts thereof will be entitled to receive an amount equal to the product of—

"(A) the total amount so apportioned, multiplied by

"(B) the ratio which the non-Federal mass transportation operating revenue of such urbanized area, or part thereof, bears to the total national non-Federal mass transportation operating revenue of all urbanized areas in all the States,

except that no urbanized area or portion thereof which is within one State shall receive in excess of 20 percent of the total amount apportioned.

"(2) As used in this subsection, the term 'non-Federal mass transportation operating revenue' shall include fares, State and local noncapital subsidies, and other non-capital transit revenues, but shall not exceed, for any urban area or part thereof, the actual annual operating expenses of such urban area or part thereof that are not paid with Federal assistance provided under this Act.

"(b)(1) Grants under this section shall be available to finance the planning, acquisition, construction, and improvement of facilities, equipment, and spare parts for transit vehicles for use, by operation or lease or otherwise, in mass transportation service. Such grants shall not be available for the construction of newly fixed-guideway systems or extensions to existing systems other than exclusive facilities for buses without the concurrence of the Secretary. For purposes of this section, new fixed guideway systems or extensions do not include those projects covered by letters of intent or full-funding contracts in effect on the effective date of this section or those projects within the federally agreed upon scope for the Washington, D.C. metropolitan area transit system.

"(2) Of the amounts available for grants under subsection (a), not less than 2.5 percent of each apportionment shall be made available to finance transportation planning activities under section 8 of this Act and the deployment of innovative demonstration results. Nothing herein shall prevent recipients from using additional funds available under section 9 for planning purposes. If the amount set aside under this paragraph exceeds local needs, the Governor or designated recipient may, with the concurrence of the metropolitan planning organization, apply to the Secretary for a waiver of all or part of this set-aside.

"(3) The Federal grant for any project under this section shall equal 80 percent of the net project cost, as determined under section 4(a). The remainder shall be provided in cash, from sources other than Federal funds.

"(c)(1) To receive a grant under this section for any fiscal year, a recipient—

"(A) shall continue to comply with Title VI of the Civil Rights Act of 1964, and subsections (e)(2), (f), and (g) of section 3 of this Act; and

"(B) shall submit a statement of activities to be funded under this section prepared pursuant to subsection (e), a description of its proposed use of funds, and the certifications required by this section.

"(2) Upon receipt of the statement, description, and certifications described in paragraph (1), after finding that a recipient is in compliance with paragraph (1)(A), and after compliance with the National Environmental Policy Act using the provisions of subsection (f) or otherwise, the secretary shall make the amounts determined pursuant to subsection (a) available to the recipient.

"(d) To receive a grant under this section, the recipient must certify that—

"(1) the recipient has or will have the legal, financial, and technical capacity to carry out the proposed project;

"(2) the recipient has the authority to apply for the grant under this section;

"(3) the recipient will carry out the project in compliance with the Uniform Relocation Assistance and Land Acquisition

Policies Act of 1970, and with section 7 and subsections (a) and (b) of Section 13 of this Act;

"(4) the recipient will have satisfactory continuing control, through operation, lease, or otherwise, over the use of the facilities or equipment assisted hereunder and will maintain such facilities and equipment in operational order;

"(5) except for bus procurements pursuant to section 12(b)(3), the recipient will use competitive procurements as defined or approved by the Secretary, will not use procurements utilizing exclusionary or discriminatory specifications, and will carry out procurements in compliance with section 401 of Public Law 95-599;

"(6) the recipient will comply with the National Flood Insurance Act of 1968;

"(7) the recipient has complied with the requirements of subsection (e); and

"(8) the recipient has available and will provide funds from other than Federal sources as required by subsection (b).

"(e) In order to permit public examination and appraisal of statements to be submitted under subsection (c), to enhance the public accountability of recipients, to stimulate private sector transportation solutions, and to facilitate coordination of activities with different levels of government, each recipient shall—

"(1) make available to the public information concerning the amount of funds available under this section and the range of activities that the recipient proposes to undertake with such funds;

"(2) develop a proposed statement concerning activities to be funded in consultation with interested parties, including private transportation providers;

"(3) publish a proposed statement in such manner to afford affected citizens, private transportation providers, or as appropriate, local elected officials an opportunity to examine its content and to submit comments on the proposed statement and on the performance of the recipient; and

"(4) hold one or more public hearings to obtain the views of citizens on mass transportation.

In preparing the final statement, the recipient shall consider any such comments and views, particularly those of private transportation providers, and shall, if deemed appropriate by the recipient, modify the proposed statement. The final statement shall be made available to the public.

"(f)(1) In order to assure that the policies of the National Environmental Policy Act of 1969, and other provisions of law which further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with the expenditure of funds under this section, and to assure to the public undiminished protection of the environment, the Secretary, in lieu of the environmental protection procedures otherwise applicable, may, under regulations issued by him, provide for the release of funds to recipients who assume all of the responsibilities for environmental review, decisionmaking, and action pursuant to such Act, and such other provisions of law as the regulations of the Secretary specify, that would apply to the Secretary were he to undertake such projects as Federal projects. The Secretary shall issue regulations to carry out this subsection only after consultation with the Council on Environmental Quality.

"(2) The Secretary shall approve the release of funds in accordance with the procedures authorized by this subsection only if, at least fifteen days prior to such approval and prior to any commitment of funds, the applicant has submitted to the Secretary a request for such release accompanied by a certification which meets the requirements of paragraph (3). The Secretary's approval of any such certification shall be deemed to satisfy his responsibilities under the National Environmental Policy Act of 1969 and such other provisions of law as the regulations of the Secretary specify insofar as those responsibilities relate to the applications and releases of funds for projects to be carried out pursuant thereto which are covered by such certification.

"(3) A certification under the procedures authorized by this subsection shall—

"(A) be in a form acceptable to the Secretary;

"(B) be executed by the chief executive officer or other officers of the applicant qualified under regulations of the Secretary;

"(C) specify that the applicant has fully carried out its responsibilities as described under paragraph (1) of this subsection; and

"(D) specify that the certifying officer (i) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 and each provision of law specified in regulations issued by the Secretary to the extent as the provisions of such Act or other such provisions of law apply pursuant to paragraph (1) of this subsection, and (ii) is authorized and consents on behalf of the applicant and himself to accept the jurisidiction of the Federal courts for the purpose of enforcement of his responsibilities as such an official.

"(g)(1) The Governor, responsible local officials, and publicly owned operators of mass transportation services shall designate a recipient or recipients to receive and dispense the funds apportioned under subsection (a) for urbanized areas with populations of 200,000 or more. As used in this section, the term 'designated recipient' refers to the recipient selected according to procedures required by this paragraph, or selected prior to the effective date of this paragraph in accordance with the procedures of section 5 (b)(1) of this Act.

"(2) Sums apportioned under subsection (a) for urbanized areas with populations less than 200,000 shall be made available to the Governor. These sums shall be fairly and equitably distributed by the Governor. The Governor shall submit annually a report to the Secretary concerning the allocation of funds made available under this paragraph.

"(3) Sums apportioned under this section shall be available for obligation by the Governor or designated recipient for a period of three years following the end of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be added to the amount available for apportionment under section 4(e)(2)(B).

"(h) The Secretary shall not approve a grant for a project under this section unless he finds that such project is part of the approved program of projects required by section 8 of this Act.

"(i) As soon as practicable after receiving the submissions required in this section, the Secretary shall enter into an annual projects agreement with the Governor, his designee, or the designated recipient of the urbanized area.

"(j) Each recipient of assistance under this section shall submit to the Secretary, at a time determined by the Secretary, a statement concerning the use of funds made available under this section, together with an assessment by the recipient of how such use compares to the statement of activities identified under subsection (c). The recipient shall, at least on an annual basis, make available independently-conducted reviews and audits as may be deemed necessary or appropriate by the Secretary to determine whether:

"(1) the recipient has carried out its activities in a timely manner and has a continuing capacity to carry out those activities in a timely manner; and

"(2) the recipient has carried out those activities and its certifications in a manner which is not plainly inconsistent with the requirements of this Act and other requirements of this Act and other applicable laws.

The Secretary may make appropriate adjustments in the amount of the annual grants in accordance with the Secretary's findings under this subsection, and may reduce or withdraw such assistance or take other action as appropriate in accordance with the Secretary's review and audits under this subsection.

"(k) The provisions of section 1001 of title 18, United States Code apply to any certification or submission under this Act. In addition, if any false or fraudulent statement or related act within the meaning of section 1001 of title 18, United States Code is made in connection with a certification or submission under this Act, the Secretary may terminate and seek apppropriate reimbursement of the affected grant or grants directly or by offsetting funds available or to be available under this Act.

"(l) Any recipient may request the Secretary to approve its procurement system. If, after consultation with the Office of Federal Procurement Policy, the Secretary finds that such system provides for competitive procurements, the Secretary shall approve such system. Such approval shall be binding until withdrawn. A certification from the recipient under subsection (b)(5) is still required.

"(m) No Federal requirements under this Act other than those specified in this section shall apply to grants made under this section.".

OPERATING COSTS FOR UNIVERSITIES

SEC. 307. Section 11(b) of the Act is repealed, and section 11(a) is amended by striking out "(a)" immediately following "SECTION 11.".

FEDERAL PROCUREMENT FACTORS

SEC. 308. Section 12(b) of the Act is amended by adding at the end thereof the following new paragraph:

"(3)(A) The Secretary may, at least annually, establish a benchmark price which represents the maximum amount of Federal participation in the acquisition of buses by a recipient of funds under this Act. Such price shall be established on the basis of actual market prices over an immediately preceding period as determined by the Secretary.

"(B) Whenever the Secretary establishes a benchmark price for any type of bus pursuant to paragraph (A), any recipient of funds under this Act may elect to have such benchmark price apply to its procurement of that type of bus. If a recipient makes such an election and certifies that it has and will utilize a competitive procurement system, then the procurement of that bus shall be exempt from Federal procurement requirements, including Office of Management and Budget Circular A-102 and Life Cycle Costing provisions but not including

the provisions of section 401 of Public Law 95-599.".

LABOR STANDARDS

SEC. 309. (a) Section 13(c) of the Act is amended—

(1) by striking out "Labor" and inserting in lieu thereof "Transportation"; and

(2) by adding at the end thereof the following: "This subsection shall not extend to employees of private mass transportation companies who provide shared-ride transportation services on demand or on a flexible schedule."

(b) Upon enactment of the amendments made by this section, the Director of the Office of Management and Budget is authorized to provide for the transfer or other disposition of personnel, positions, assets, liabilities, grants, contracts, property, records, and unexpected balances of appropriations, authorizations, and other funds held, used, arising from, available to, or to be made available in connection with the transfer of functions herein required. The Director of the Office of Management and Budget may establish a reasonable transfer date other than the effective date of these amendments.

AMENDMENTS TO THE REPORTING SYSTEM

SEC. 310. Section 15(b) of the Act is amended by inserting ", 9, 21, or 22" immediately after "section 5".

AMENDMENTS TO THE SPECIAL NEEDS PROGRAM

SEC. 311. (b) Section 16(b)(2) of the Act is amended by striking out "4(c)(3) of this Act, 2 per centum" and inserting in lieu thereof "4(e)(1) and made available pursuant to section 4(e)(2)(A) of this Act, an amount".

AMENDMENTS TO FORMULA GRANTS FOR NONURBANIZED AREAS

SEC. 312. (a) The second sentence of section 18(a) of the Act is amended by striking out "as shown by the latest available Federal census" and adding in lieu thereof "except that such sums shall be apportioned and allocated using data from the 1970 decennial census for one-quarter of the sums appropriated and the remainder shall be apportioned and allocated on the basis of data from the 1980 decennial census.".

(b) The first sentence of section 18(b) of the act is amended by adding after "urbanized areas" the following: "except that the program of projects shall not include any project for the payment of subsidies for operating expenses after September 30, 1984".

(c) Section 18(c) of the Act is amended by adding after the first sentence the following: "After September 30, 1983, any amounts remaining unobligated at the end of such period or which are deobligated at the end of such period shall be added to the amount available for apportionment under section 4(e)(3).".

CAPITAL FORMULA PROGRAM FOR AREAS OTHER THAN URBANIZED AREAS

SEC. 313. Section 21 of the Act is amended to read as follows:

"CAPITAL FORMULA PROGRAM FOR AREAS OTHER THAN URBANIZED AREAS

"SEC. 21. (a) The amounts available for grants under this subsection shall be apportioned by the Secretary to the Governor of each State for use in areas other than urbanized areas. The Governor shall be entitled to receive an amount equal to the amount available under this subsection multiplied by the ratio which the population of areas other than urbanized areas in the State bears to the total population of areas other than urbanized areas in all States. The Secretary shall use the latest available Federal census to calculate these ratios.

"(b)(1) Grants under this section shall be available to finance the planning, acquisition, construction, and improvement of facilities and equipment and spare parts for transit vehicles for use, by operation or lease or otherwise, in mass transportation services.

"(2) Of the amounts available for grants under this section not less than 2.5 per cent shall be used to finance transportation planning activities. Nothing herein shall prevent recipients from using additional funds available under this section for planning purposes. If the amount set aside under this paragraph exceeds local needs, the Governor may apply to the Secretary for a waiver of all or part of this set-aside.

"(3) The Federal grant for any project under this section shall equal 80 per cent of the net project cost, as determined under section 4(a). The remainder shall be provided in cash from sources other than Federal funds.

"(c)(1) Sums apportioned under this section shall be made available to the Governor and shall be fairly and equitably distributed. The Governor shall submit annually a statement to the Secretary concerning the allocation of funds made available under this paragraph.

"(2) Sums apportioned under this section shall be available for obligation by the Governor for a period of three years following the end of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be added to the amount available for apportionment under section 4(e)(3).

"(d)(1) Subsections (c)(1), (d), (e), (f), (i), (j), (k), (l) and (m), of section 9 of this Act shall apply to the Governor for grants awarded under this section.

"(2) Upon receipt of the statement, description, and certifications described in section 9(c)(1) of this Act, after finding that a recipient is in compliance with section 9(a)(1)(A) of this Act, and after compliance with the National Environmental Policy Act using the provisions of section 9(f) or otherwise, the Secretary shall make the amounts determined pursuant to subsection (a) available to the recipient.

"(e) The Governor may transfer an amount of the State's apportionment under this section to supplement funds apportioned to urbanized areas with populations less than 200,000 under section 9(a) of this Act. The Governor may also transfer an amount of the apportionment for urbanized areas with populations less than 200,000 under section 9(a) of this Act to supplement funds apportioned under this section.".

CAPITAL INFRASTRUCTURE DEVELOPMENT PROJECTS

SEC. 314. Section 22 is amended to read as follows:

"CAPITAL INFRASTRUCTURE DEVELOPMENT PROJECTS

"SEC. 22. (a) To finance grants under subsection (b) of this section, there are authorized to be appropriated from the Transit Account of the Highway Trust Fund not to exceed $550,000,000 for the fiscal year ending September 30, 1983, and $1,100,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988. Notwithstanding the preceding sentence, the amount authorized to be appropriated for any given fiscal year shall not exceed the amount as estimated annually by the Secretary of the Treasury to be received in the Transit Account of the Highway Trust Fund including interest thereon in each such fiscal year from subsections (a) and (b) of section 4041 of the Internal Revenue Code of 1954 (relating to taxes on diesel fuel and special motor fuel) and from section 4081(a) of such Code (relating to tax on gasoline) if that amount so estimated is greater than or less than the amounts set forth in the preceding sentence for each such fiscal year. Any amounts so appropriated shall remain available until expended.

"(b)(1)(A) Using sums available pursuant to subsection (a), the Secretary is authorized to make grants under this subsection to finance urban transit capital infrastructure development projects. Grants under this subsection shall be made available to the Governor or designated recipient in accordance with an administrative formula to be developed by the Secretary. In developing such a formula, the Secretary shall take into account factors relating to the size, age, and condition of a recipient's mass transportation system and such other factors the Secretary deems appropriate as measurements of the infrastructure rehabilitation needs of such system. Such formula shall be published annually in the Federal Register.

"(B) Grants under this subsection shall be subject to the requirements set forth in subsections (b)(3), (c)(1), (d), (e), (f), (h), (i), (j), (k), (l), and (m) of section 9 of this Act.

"(C) Upon receipt of the statement, description, and certifications described in section 9(c)(1) of this Act, after finding that a recipient is in compliance with section 9(a)(1)(A) of this Act, and after compliance with the National Environmental Policy Act using the provisions of section 9(f) or otherwise, the Secretary shall make the amounts determined pursuant to subsection (a) available to the recipient.

"(D)(i) Sums apportioned under this section for urbanized areas with populations less than 200,000 shall be made available to the Governor. These sums shall be fairly and equitably distributed by the Governor. The Governor shall submit annually a report to the Secretary concerning the allocation of funds made available under this subparagraph.

"(ii) The Governor, responsible local officials, and publicly owned operators of mass transportation services shall designate a recipient or recipients to receive and dispense the funds apportioned under this section for urbanized areas with populations of 200,000 or more, except that a publicly owned operator or planner exclusively of mass transportation services may not, after the effective date of this section, be designated as the recipient of grants for capital infrastructure development projects under this section unless such entity was selected, prior to such effective date, as a designated recipient selected according to procedures required by this subparagraph, or selected prior to the effective date of this subparagraph in accordance with the procedures of section 5(b)(1).

"(2) As used in this section, the term 'transit capital infrastructure development project' means any project in an urbanized area or portion thereof involving the rehabilitation and replacement of rolling stock, the rehabilitation and modernization of commuter rail and fixed guideway systems, and the rehabilitation and modernization of bus facilities and related equipment, and intermodal terminals.

"(3) The Governor (in the case of urbanized areas of less than 200,000 population) or designated recipient of the urbanized area (in the case of urbanized areas with a population of 200,000 or more) may request the Secretary for authority to withdraw funds made available under this subsection for use for capital infrastructure development projects and to use those funds, by way of substitution, for projects in the State (in the case of the Governor) or the urbanized area (in the case of a designated recipient) that are eligible for assistance under title 23, United States Code.

"(4) The Governor shall include in any request made by the Governor pursuant to paragraph (3) a statement that he agrees that no section 3 funds should be given to any applicant in an urbanized area of less than 200,000 population in the State for any transit capital infrastructure development project that could have been funded under this section. Prior to making such request, the Governor shall provide each such possible applicant with notice of his proposed request and an opportunity to comment thereon.

"(5) The designated recipient of an urbanized area of 200,000 or more population shall include in any request made by the designated recipient pursuant to paragraph (3) a statement that it will not apply for section 3 funds for any transit capital infrastructure development project that could have been funded under this section and that it agrees that no section 3 funds should be given to any other applicant in such urbanized area for any transit capital infrastructure project that could have been funded under this section. Prior to making such request, the designated recipient shall provide each such possible applicant with notice of its proposed request and an opportunity to comment thereon.

"(6) The Secretary shall approve a request made by a Governor under paragraph (3) if he concurs in the statement of the Governor required under paragraph (4). Any amounts approved for withdrawal by the Secretary in accordance with this request shall be transferred to and administered by the Federal Highway Administration in accordance with the provisions of title 23 of the United States Code.

"(7) The Secretary shall approve a request made by a designated recipient under paragraph (3) if he concurs in the statement from the designated recipient required under paragraph (5). Any amount approved for withdrawal by the Secretary in accordance with this request shall be transferred to and administered by the Federal Highway Administration in accordance with the provisions of title 23 of the United States Code.

"(8) Any publicly owned operator of mass transportation services that is a designated recipient of funds under this section for an urbanized area shall, as part of its public hearing under section 9(e) of this Act, consider the relative needs, for those particular funds, of transit capital infrastructure projects in such urbanized area and projects in such urbanized area that are eligible for assistance under title 23, United States Code.

"(c) The sum of the amounts apportioned under subsection (b) to the Governor and designated recipients in any State shall not be less than one-half of one percent of the annual distribution under this section.".

WATERBORNE TRANSPORTATION DEMONSTRATION PROJECT

SEC. 315. Section 320(b) of the Surface Transportation Assistance Act of 1978 (Public Law 95-599) is amended by adding at the end thereof the following: "No funds are authorized to be appropriated to carry out the provisions of subsection (a) after September 30, 1983.".

REPEAL OF SAFETY AUTHORITY

SEC. 316. Section 107 of the National Mass Transportation Assistance Act of 1974 (Public Law 93-503) is repealed.

SAVINGS PROVISION

SEC. 317. Notwithstanding the amendments made by this Act, the Federal share of the total project cost of any project covered by a full funding contract or letter of intent in effect on the effective date of this Act shall not be changed.

EFFECTIVE DATES

SEC. 318. (a) Except as provided in subsection (b) of this section, this Act shall be effective as of January 1, 1983.

(b) The provisions of sections 203 and 204 of this Act shall be effective as of October 1, 1983.

TITLE IV—HIGHWAY SAFETY AUTHORIZATION

SEC. 401. For the purposes of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated out of the Highway Trust Fund:

(1) for carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, $13,000,000 per fiscal year for each of the fiscal years ending September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988;

(2) for carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the National Highway Traffic Safety Administration, $100,000,000 per fiscal year for each of the fiscal years ending September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988;

(3) for carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Administration, $31,000,000 per fiscal year for each of the fiscal years ending September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988;

APPORTIONMENT

SEC. 402. (a) Section 401 of title 23, United States Code, is amended by deleting the second sentence thereof.

(b) The sixth sentence of section 402(c) of title 23, United States Code, is amended to read as follows: "The annual apportionment to each State shall not be less than one-half of 1 per centum of the total apportionment.".

COMMERCIAL MOTOR VEHICLE SIZE

SEC. 403. (a)(1) Section 127 of title 23, United States Code, is amended by striking the language following *"Provided"*, to the end of the first sentence and inserting the following: "and a width of 102 inches, excluding certain safety devices as designated by the States (and manufactured housing transported under authority of special permits).".

(2) Section 127 of title 23, United States Code, is amended by striking the last sentence.

(b)(1) Section 127 of title 23, United States Code, as amended by subsection (a) of this section, is further amended by adding at the end the following:

"No State shall prohibit motor vehicle combinations consisting of a truck tractor and two trailing units on any segment of the Interstate System. No State shall impose a vehicle length limit of less than 48 feet on the length of a semitrailer unit operating in a truck tractor-semitrailer combination and of less than 28 feet on the length of any semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination on the Interstate System. No State shall establish, maintain, or enforce any law or regulation which imposes an overall length limitation on motor vehicles operating in a truck tractor-semitrailer or truck tractor-semitrailer-trailer combination on the Interstate System. Each State shall determine and provide for reasonable access to the Interstate System by such vehicles. State length limits for combination vehicles permitted under this subsection shall apply solely to the semitrailer or trailer, and not to the truck tractor. For purposes of this section, 'truck tractor' means the noncargo carrying power unit that operates in combination with a semitrailer or with a semitrailer and full trailer."

(2) Apportionments shall not be denied to any State conforming by October 1, 1984, to the amendments made to section 127, title 23, United States Code, by this section.

NATIONAL UNIFORM STATE REGULATION

SEC. 404. (a) There is established in the Department of Transportation a working group, composed of the Secretary or an officer of the Department appointed by the Secretary and not to exceed 51 members to be appointed by the Secretary. The Secretary shall select the Chairman of the Committee from among the Committee members. The appointed members shall be selected from among representatives of various State governments concerned with vehicle registration, fuel tax, and third structure tax requirements of States. The term of members shall not exceed 30 months.

(b)(1) The working group shall advise, consult with, and make recommendations to, the Secretary regarding uniform State regulations of interstate motor carriers. The working group is authorized to develop and recommend, to the Secretary, standards for uniform State regulation of interstate motor carriers in regard to vehicle registration, fuel tax, and third structure tax requirements. These standards shall include:

(A) standardized procedures and forms;

(B) base State certification;

(C) single State unit for filings, applications, and permits;

(D) payment to the base State of fees and taxes due other States;

(E) equitable distribution of revenues;

(F) a limit on fees paid for identification stickers, plates or other indicia.

Such standards shall not define or include the amounts of any State registration fees, fuel taxes, or third structure taxes.

(2) The working group shall also:

(A) define an approach to resolve any discrepancies in States' implementation of standards ultimately promulgated by the Secretary,

(B) identify permanent bodies to develop and recommend future modification to such standards, and

(C) consult with public and private interests contributing to, affected by, or concerned with State motor carrier require-

ments during the development of the standards.

(c) Members of the working group who are not officers or employees of the United States shall, while attending meetings or conferences of such working group or otherwise engaged in the business of such working group, be entitled to receive compensation at a rate fixed by the Secretary, but not exeeding $100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized in Section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in the Government service employed intermittently. Payments under this section shall not render members of the working group employees or officials of the United States for any purpose.

(d) The recommendations required by subsection (b) of this section shall be submitted to the Secretary within 30 months of the date of enactment of this section.

(e) The Secretary may initiate rulemaking after receiving the working group's recommendations to implement those recommendations found acceptable and in compliance with the criteria defined in section (b)(1).

(f) If the working group fails to recommend to the Secretary such standards within 30 months of the date of enactment of this section, the Secretary may develop such standards and initiate rulemaking to promulgate regulations implementing such standards.

MINIMUM FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS

SEC. 405 Section 30 of the Motor Carrier Act of 1980 is amended as follows:

(a) Subsection (a)(2) is amended as follows:

"(2) The minimum level of financial responsibility established by the Secretary under paragraph (1) of this subsection for any vehicle shall not be less than $750,000 except that the Secretary, by regulation, may reduce such amount for any class of vehicles or operations if the Secretary finds that such reduction will not adversely affect public safety and will prevent a serious disruption in transportation service."

(b) Subsection (b)(1) is amended as follows:

"(b)(1) The Secretary shall establish regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts to be determined by the Secretary covering public liability, property damage, and environmental restoration for the transportation of hazardous materials (as defined by the Secretary), oil or hazardous substances (as defined by the Administrator of the Environmental Protection Agency), or hazardous wastes (as defined by the Administrator of the Environmental Protection Agency) by motor vehicle in interstate commerce, foreign commerce, or intrastate commerce."

(c) Subsection (b)(2) is amended as follows:

"(2) The minimum level of financial responsibility established by the Secretary under paragraph (1) of this subsection for any vehicle transporting in interstate commerce, foreign commerce, or intrastate commerce—

(A) hazardous substances (as defined by the Administrator of the Environmental Protection Agency) in cargo tanks, portable tanks, or hopper-type vehicles, with capacities in excess of 3,500 water gallons,

(B) in bulk Class A and B explosives, poison gas, liquefied compressed gas, or compressed gas, or

(C) large quantity radioactive materials, shall not be less than $5,000,000 except that the Secretary, by regulation, may reduce such amount for any class of vehicles or operations if the Secretary finds that such reduction will not adversely affect public safety and will prevent a serious disruption in transportation service."

(d) Subsection (b)(3) is amended as follows:

"(3) The minimum level of financial responsibility established by the Secretary under paragraph (1) of this subsection for any vehicles transporting in interstate, foreign, or intrastate commerce any material, oil, substance, or waste not subject to the provisions of paragraph (2) of this subsection shall not be less than $1,000,000, except that—

(A) the Secretary, by regulation, may reduce such amount for any class of vehicles or operations if the Secretary finds that such reduction will not adversely affect public safety and will prevent a serious disruption in transportation service,

(B) in the case of any class of vehicles transporting any such material, oil, substance, or waste in intrastate commerce other than in bulk, the Secretary, by regulation, may reduce such amount if the Secretary finds that such reduction will not adversely affect public safety, and

(C) in the case of any class of vehicles transporting any such material, oil, substance, or waste in interstate commerce in quantities less than those requiring placarding under the Department of Transportation's hazardous materials regulations, the Secretary, by regulation, may reduce such amount if the Secretary finds that such reduction will not adversely affect public safety."

(e) Subsection (b)(4) is amended as follows:

"(4) If, at the end of the one-year period beginning on the date of enactment of this Act, the Secretary has not established regulations to require minimum levels of financial responsibility as required by paragraph (1) of this subsection for any class of transportation of hazardous materials, oil, hazardous substances, or hazardous wastes by motor vehicle in interstate, foreign, or intrastate commerce, the levels of financial responsibility for such class of transportation shall be the $5,000,000 amount set forth in paragraph (2) of this subsection or the $1,000,000 amount set forth in paragraph (3) of this subsection, as the case may be, until such time as the Secretary, by regulation, changes such amount under this subsection."

(f) Subsection (f) is amended as follows:

"(f) This section shall not apply to motor vehicles having a gross vehicle weight rating (GVWR) less than 10,000 pounds, provided such vehicles are not used to transport any quantity of Class A or B explosives, any quantity of poison gas, or large quantity radioactive materials in interstate or foreign commerce.

FEDERAL-AID MOTOR CARRIER SAFETY PROGRAM

SEC. 406. (a) Chapter 4 of title 23, United States Code, is amended by adding after section 408 a new section as follows: "Sec. 409. Federal-aid Motor Carrier Safety Program. (a) Under the terms and conditions of this section, subject to the availability of funds, the Secretary is authorized to make grants to States for the development or implementation of programs for the enforcement of Federal rules, regulations, standards, and orders applicable to commercial motor vehicle safety and compatible State rules, regulations, standards, and orders.

"(b)(1) The Secretary shall formulate procedures for any State to submit a plan whereby the State agrees to adopt, and to assume responsibility for enforcing Federal rules, regulations, standards, and orders applicable to commercial motor vehicle safety, or compatible State rules, regulations, standards, and orders. Such plan shall be approved by the Secretary if, in the Secretary's judgment, the plan is adequate to promote the objectives of this section, and the plan—

"(A) designates the State motor vehicle safety agency responsible for administering the plan throughout the State;

"(B) contains satisfactory assurances that such agency has or will have the legal authority, resources, and qualified personnel necessary for the enforcement of such rules, regulations, standards, and orders;

"(C) gives satisfactory assurances that such State will devote adequate funds to the administration of such plan and enforcement of such rules, regulations, standards, and orders;

"(D) provides a right of entry and inspection sufficient to enforce such rules, regulations, standards, and orders;

"(E) provides that all reports required pursuant to this section be submitted to the State agency, and that such agency make available upon request to the Secretary all such reports;

"(F) provides that such State agency will adopt such uniform reporting requirements and use such uniform forms for recordkeeping, inspections, and investigations as may be established and required by the Secretary; and

"(G) requires registrants of commercial motor vehicles to make a declaration of knowledge of applicable Federal and State safety rules, regulations, standards, and orders.

"(2) If a plan submitted under paragraph (1) of this subsection is rejected, the Secretary shall provide the State a written explanation of the Secretary's action and shall permit the State to modify and resubmit its proposed plan for approval, in accordance with the procedures formulated in such paragraph.

"(c) The Secretary shall, on the basis of reports submitted by the State agency, and on the Secretary's own inspections, make a continuing evaluation of the manner in which each State with a plan approved under this section is carrying out such plan. Whenever the Secretary finds, after affording due notice and opportunity for comment, that a State plan previously approved is not being followed or that it has become inadequate to assure the enforcement of Federal rules, regulations, standards, or orders applicable to commercial motor vehicle safety or compatible State rules, regulations, standards, or orders, he shall notify the State of withdrawal of approval of such plan. Upon receipt of such notice such plan shall cease to be in effect. Any State aggrieved by a determination of the Secretary pursuant to this subsection may seek judicial review pursuant to chapter 7 of title 5, United States Code. The State may, however, retain jurisdiction in any case commenced before the withdrawal of the plan whenever the issues involved do not directly relate to the reasons for the withdrawal of approval of the plan.

"(d) The Secretary shall not approve any plan under this section which does not provide that the aggregate expenditure of funds of the State and political subdivisions thereof, exclusive of Federal funds, for commercial motor vehicle safety programs will be maintained at a level which does not fall below the average level of such expenditure for its last two full fiscal years preceding the date of enactment of this section.

"(e) The Secretary shall limit a grant to any State in an amount not to exceed 70 percent of expenditures in that fiscal year in the State in the development and implementation of programs to enforce commercial motor vehicle rules, regulations, standards, or orders adopted pursuant to this section. The funds of the State and political subdivisions thereof which are required to be expended under subsection (d) of this section shall not be considered to be part of the non-Federal share. The Secretary is authorized to allocate, among the States whose applications for grants have been approved, these amounts appropriated for grants to support such programs pursuant to such criteria as may be established.

"(f) To carry out the purposes of this section, there is authorized to be appropriated out of the Highway Trust Fund not to exceed $10,000,000 in the fiscal year ending September 30, 1984, not to exceed $20,000,000 in the fiscal year ending September 30, 1985, not to exceed $30,000,000 in the fiscal year ending September 30, 1986, not to exceed $40,000,000 in the fiscal year ending September 30, 1987, and not to exceed $50,000,000 in the fiscal year ending September 30, 1988. Appropriated funds authorized by this section shall be used to make payments to States for the Federal share of costs expended by the States for the grants awarded. Grants made pursuant to the authority of this section shall be for periods not to exceed 1 fiscal year, ending at the end of a fiscal year."

(b) The analysis of chapter 4 of title 23, United States Code, is amended by adding "Sec. 409. Federal-Aid Motor Carrier Safety Program.".

MOTOR CARRIER SAFETY: PENALTY AUTHORITY

SEC. 407. Chapter 119 of title 49, United States Code, is amended by adding a new section as follows:

"Section 11901. (a) Notwithstanding any other provisions of law, if the Secretary of Transportation finds that a violation of the rules, regulations, standards, or orders issued by the Secretary under the authority transferred to the Secretary under section 1655(e)(6) of this title has occurred, the Secretary may issue a written notice to the alleged violator. Such notice shall describe with reasonable particularity the nature of the alleged violation and the provision alleged to have been violated. The notice shall fix a reasonable time for abatement of the alleged violation, specify the appropriate civil penalty, if any, and specify the actions which the Secretary proposed to be taken in order to avoid subsequent similar violations. The notice shall indicate that the alleged violator may, within 15 days of service, notify the Secretary of his intention to contest the matter. In the event of a contested notice, the Secretary shall afford the alleged violator an opportunity for a hearing on the record, following which the Secretary shall issue an order affirming, modifying, or vacating the notice of violation. With respect to uncontested actions of the Secretary under this subsection, all findings of fact, conclusions of law, fines, penalties and orders shall be final, and not be subject to judicial review.

"(b)(1) Except as hereinafter provided, any person who is determined by the Secretary to have committed an act which is a violation of recordkeeping requirements issued by the Secretary pursuant to the authority transferred to the Secretary under section 1655(e)(6) of this title shall be liable to the United States for a civil penalty not to exceed $500 for each offense, with each day of a violation constituting a separate offense, except that the total of all civil penalties assessed against any violator for all offenses relating to any single recordkeeping violation shall not exceed $10,000.

"(2) Any person who is determined by the Secretary to have committed an act which is a violation of any rule, regulation, standard, or order established or revised pursuant to the authority transferred to the Secretary under section 1655(e)(6) of this title (other than a recordkeeping violation) shall be liable to the United States for a civil penalty not to exceed $2,500 for each offense, with each day of a violation constituting a separate offense.

"(3) If the Secretary determines that violations or combinations of violations of certain rules, regulations, standards or orders promulgated under or issued pursuant to the Interstate Commerce Act, 49 U.S.C. 304 and 11701(a), create a substantial risk to public health and safety which have resulted in, or could reasonably lead to, serious personal injury or death, the Secretary may assess a civil penalty not to exceed $10,000 for each offense, with each day of a violation constituting a separate offense: Provided, however, that if such a violation shall be committed by an employee, such employee shall be liable for a civil penalty not to exceed $5,000, with each day of a violation constituting a separate offense. No civil penalty shall be assessed against an employee except for violations referred to in the previous sentence or for recordkeeping violations.

"(4) The amount of any civil penalty, and a reasonable time for abatement of the violation, shall by written order be determined by the Secretary, who may, as appropriate, take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violation, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. In each case, the assessment shall be calculated to induce compliance.

"(c) The Secretary may require any violator served with a notice of violation to post a copy of such notice or statement thereof in such place or places and for such duration as the Secretary may determine appropriate.

"(d) The Attorney General may obtain enforcement of any order issued or penalty imposed by the Secretary under this section by bringing an action in the District Court of the United States in the district where the violation occurred or where the cited person resides or has his principal place of business.

"(e) Any person, who after a hearing, is adversely affected by a final order issued by the Secretary under this section, may within 30 days, petition for review of the order in the United States Court of Appeals in the circuit wherein the violation is alleged to have occurred or where he has his principal place of business or residence, or in the United States Court of Appeals for the District of Columbia Circuit. The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive. No objection that has not been urged before the Secretary shall be considered by the court, unless reasonable grounds existed for failure to neglect to do so. The commencement or proceedings under this subsection shall not, unless ordered by the court, operate to stay the order of the Secretary.

"(f) All penalties collected under this section shall be deposited into the Treasury as miscellaneous receipts.

"(g) Upon the issuance of a notice of violation as provided in subsection (a) of this section, charging that any person has violated the rules, regulations, standards, or orders issued by the Secretary under the authority transferred to the Secretary under section 1655(e)(6) of this title, and that the alleged violation creates a substantial risk to public health and safety, the Attorney General may bring an action in any District Court of the United States in the district where the violation occurred, or where cited, or where the person resides or transacts business, for appropriate temporary or permanent injunctive relief or a restraining order. The court shall have jurisdiction to grant such relief as it deems just and proper.

"(h) For purposes of this section, the term "employee" means—

"(1) a driver of a commercial motor vehicle (including an independent contractor while in the course of personally operating a commercial motor vehicle);

"(2) a mechanic;

"(3) a freight handler; or

"(4) any individual who is employed by an employer and who in the course of his employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States, a State or a political subdivision of a State who is acting within the course of such employment.".

SECTION-BY-SECTION ANALYSIS: TITLE I, HIGHWAY REVENUE ACT OF 1981—SHORT TITLE

SEC. 101 states that the title may be cited as the "Highway Revenue Act of 1982".

EXTENSION OF HIGHWAY TRUST FUND

SEC. 102 extends the period for which taxes may go into the Highway Trust Fund (HTF) from taxes incurred before October 1, 1984, to taxes incurred before April 1, 1990, or 5½ years. The time during which expenditures may be made from the HTF is extended to October 1, 1991. The time for reports to be made to the Congress concerning the HTF is extended for an indefinite period. Archaic language prescribing the expenditures which may be made from the HTF is amended for clarity and to reflect current law and practice. A dated section of the Highway Revenue Act of 1956 is repealed and conforming amendments are made.

THE TRANSIT ACCOUNT

SEC. 103 creates a Transit Account (TA) in the HTF to consist of amounts received in the HTF which are attributable to liability for tax incurred after March 31, 1983, from 1 cent per gallon of the diesel fuel, special motor fuel and gasoline user fees. For example, if the gasoline user fee is 9 cents a gallon on April 1, 1983, the TA would receive ⅑th of the gasoline taxes for which liability was incurred on April 1, 1983, and that were subsequently received in the HTF. The 1 cent for transit is proposed on the assumption that there will be an increase in

highway user fees equivalent to a 5 cent per gallon increase in motor fuel user fees.

Funds in the TA could be used only as provided in section 22 of the Urban Mass Transportation Act of 1964. The Secretary of the Treasury would have the same management duties with the TA as with the HTF and interest on obligations in the TA would remain in the TA. Repayable advances to the TA from the general funds of the Treasury could be made so that section 22 programs could begin immediately without waiting for funds to build up in the TA.

EXTENSION OF THE USER FEES WHICH ARE TRANSFERRED INTO THE HIGHWAY TRUST FUND

SEC. 104 extends the user fees which go into the Highway Trust Fund for 5½ years from October 1, 1984, until April 1, 1990.

MOTOR FUEL TAX RATES

SEC. 105 increases the rate of tax on gasoline, diesel and special motor fuels from 4 cents a gallon to 9 cents a gallon and repeals the tax on diesel and special motor fuel which is used in off-highway vehicles.

INCREASES IN MANUFACTURERS EXCISE TAX AND THRESHOLD WEIGHT

SEC. 106 increases the rate of tax for the manufacturers' excise tax on trucks and trailers from 10 percent to 12 percent. The taxable threshold weight (GVW) of 10,000 pounds is increased to a GVW of 33,000 pounds. The rate of tax for the manufacturers' excise tax on truck parts and accessories is increased from 8 percent to 12 percent. The taxable threshold is provided to tax only truck parts and accessories suitable for use with a vehicle having a GVW of 33,000 pounds or more. This would eliminate the excise tax for 76 percent of the trucks and trailers and for 96 percent of the truck parts and accessories which are currently taxable.

REPEAL OF TAX ON TUBES AND AMENDMENT OF TAX ON TIRES AND TREAD RUBBER

SEC. 107 repeals the excise tax on highway tires that weigh less than 100 pounds and on inner tubes. The rate of tax for the manufacturers' excise tax on tires is increased from 9.75 cents a pound for all tires to 25 cents a pound for tires that weigh more than 100 pounds. The rate of tax for the manufacturers' excise tax on tread rubber is increased from 5 cents a pound to 25 cents a pound. These changes would eliminate the tax from 98 percent of all tires.

REPEAL OF TAX ON LUBRICATING OIL

SEC. 108 repeals the manufacturers' excise tax on lubricating oil.

CHANGE IN HEAVY VEHICLE OIL USE TAX

SEC. 109 increases the rate of tax of use tax for certain heavy motor vehicles from $3 per 1,000 pounds taxable gross weight over 26,000 pounds to a graduated rate of tax for vehicles weighing 55,000 pounds and up. The new rates would be $100 a year plus $6 per 100 pounds or fraction thereof in excess of 54,999 pounds for vehicles with a GVW of more than 54,999 and less than 70,000 pounds, $1,000 a year plus $17 per 100 pounds or fraction thereof in excess of 70,000 pounds for vehicles of more than 70,000 and less than 80,000 pounds, and $2,700 a year for heavy highway vehicles with a GVW of 80,000 pounds or more.

An exemption is provided for vehicles which travel less than 2,500 miles per year on Federal-aid highways. This would exempt vehicles such as farming and logging vehicles which normally do not use Federal-aid highways.

A section in title I of this Act provides withholding of apportionments of Interstate and Interstate 4R funds for States which do not require proof of payment of the heavy vehicle use tax before registering a heavy vehicle to use public highways.

These changes would eliminate the use tax on certain heavy vehicles and buses for more than 60 percent of the vehicles now taxable.

GASOLINE USED FOR NONHIGHWAY USES

SEC. 110 expands the present system of credits and refunds to provide a credit/refund of the new 9 cent a gallon tax on gasoline, diesel and special motor fuels if used for nonhighway purposes.

FLOOR STOCK TAXES AND TAX REFUNDS

SEC. 111 provides for taxing products which are held in inventory on April 1, 1983, and, for which the tax has been paid at a lower rate than the new rates. This section also provides a mechanism for refunding the tax paid on products held in inventory on April 1, 1983, for which the tax has been paid at a higher rate that will be in effect on or after that date. In addition, a mechanism is provided to make refunds to consumers of tax paid on trucks and trailers which are purchased between November 29, 1982, and March 31, 1983, and for which the tax will be repealed by the increase in the taxable threshold from 10,000 pounds to 33,000 pounds.

SUNSET PROVISION

SEC. 112 provides that certain existing exemptions from the user fees dedicated to the Highway Trust Fund shall expire on April 1, 1990. These exemptions include those for State and local governments, intercity buses and other private buses.

STUDY OF USE TAX ALTERNATIVES AND PLAN FOR IMPROVING COLLECTION AND ENFORCEMENT OF SUCH TAXES

SEC. 113 requires the Secretaries of Transportation and the Treasury to study alternatives to the tax on heavy vehicles and to report to the Congress. The Secretary of the Treasury is authorized to permit States to assist in the collection or enforcement of the heavy vehicle user tax.

SECTION 201—SHORT TITLE

This section provides that title II may be cited as the "Federal-Aid Highway Reauthorization Act of 1982".

SECTION 202—REVISION OF AUTHORIZATION OF APPROPRIATIONS FOR THE INTERSTATE SYSTEM

This section revises the authorizations for Interstate construction for fiscal years (FY's) 1984 through 1990 from $3.225 billion to $3.80625 billion for FY 1984 from $3.625 billion per FY to $4.0 billion for FY 1985, $4.5 billion per FY for FY's 1986, 1987, and 1988, and $4.0 billion per FY for FY's 1989 and 1990 and provides an authorization for Interstate construction for FY 1991 of $4.0 billion. The $3.80625 billion authorization for FY 1984 includes $3.225 billion apportioned pursuant to the Federal-Aid Highway Act of 1982.

SECTION 203—AUTHORIZATION OF USE OF COST ESTIMATE FOR APPORTIONMENT OF INTERSTATE FUNDS

This section approves apportionment factors to be used to apportion Interstate construction funds authorized for FY's 1985 and 1986.

SECTION 204—HIGHWAY AND HIGHWAY SAFETY AUTHORIZATIONS

This section authorizes the appropriation of sums out of the Highway Trust Fund for FY's 1983, 1984, 1985, 1986, 1987, and 1988.

Subsection (a) provides authorizations for the primary system not to exceed $1.875 billion for FY 1983, $2.0 billion for FY 1984, $2.1 billion for FY 1985, $2.3 billion for FY 1986, $2.6 billion for FY 1987, and $2.6 billion for FY 1988, and for the secondary system not to exceed $400 million for FY 1983 and $400 million per FY for each of the FY's 1984, 1985, 1986, 1987, and 1988. The FY 1983 primary and secondary authorizations include authorizations provided in the Federal-Aid Highway Act of 1982.

Subsection (b) provides authorizations for the urban system of not to exceed $800 million for FY 1983 and $800 million per FY for each of the FY's 1984, 1985, 1986, 1987, and 1988. The authorization for FY 1983 includes authorizations provided in the Federal-Aid Highway Act of 1982.

Subsection (c) provides authorizations for the Federal Lands Highways Program. Paragraph (1) provides not to exceed $64,500,000 for FY 1983 and $75 million per FY for each of the FY's 1984, 1985, 1986, 1987, and 1988 for forest highways. Paragraph (2) provides not to exceed $22,750,000 for FY 1983 and $25 million per FY for each of the FY's 1984, 1985, 1986, 1987, and 1988 for public lands highways. Paragraph (3) provides $75 million for FY 1983 and $100 million per FY for each of the FY's 1984, 1985, 1986, 1987, and 1988 for parkways and park highways. Paragraph (4) provides $75 million for FY 1983 and $100 million per FY for each of the FY's 1984, 1985, 1986, 1987, and 1988 for Indian reservation highways. The authorizations for forest highways and public lands highways for FY 1983 includes authorizations provided in the Federal-Aid Highway Act of 1982.

Subsection (d) provides an authorization for bridges of not to exceed $1.3575 billion for FY 1983 and $1.51 billion per FY for each of the FY's 1984, 1985, 1986, 1987, and 1988. The authorization for FY 1983 includes an authorization provided in the Federal-Aid Highway Act of 1982.

Subsection (e) provides a Discretionary Bridge Fund set aside of $300 million per FY for each of the FY's 1983, 1984, 1985, 1986, 1987, and 1988. The set aside for FY 1983 includes sums set aside by the Federal-Aid Highway Act of 1982. Discretionary Bridge funds shall be available for obligation for a period of 2 years. Projects eligible for the funds are those that cost more than $10 million or those that cost at least twice a State's annual fund apportionment. Discretionary bridge funds not obligated within the 2-year period shall be reallocated at the discretion of the Secretary of Transportation. An additional $510 million is set aside for bridges other than on the primary system.

Subsection (f) authorizes for the Highway Safety Improvement Program $307 million for FY 1983 and $390 million per fiscal year for each of the FY's 1984, 1985, 1986, 1987, and 1988.

Subsection (g) authorizes $650 million per FY for each of the FY's 1984, 1985, 1986, 1987, and 1988, for highway substitute projects under 23 U.S.C. 103(e)(4).

Subsection (h) rescinds the unapportioned or unallocated sums authorized by sections 4 and 5 of the Federal-Aid Highway Act of 1982. Authorizations rescinded include primary, urban, secondary, forest highways, public lands highways, economic growth center development highways, the Great River Road, bridge, hazard elimination and rail-highway crossings.

SECTION 205—INTERSTATE SYSTEM RESURFACING AUTHORIZATION

This section provides authorizations for Interstate 4R of not to exceed $2.1125 billion for FY 1984, $2.55 billion for FY 1985, $2.8 billion for FY 1986, $3.0 billion for FY 1987, $3.3 billion for FY 1988, and $3.9 billion for FY 1989. Interstate 4R apportionments not needed for 4R may be transferred to primary system apportionments. The authorization for FY 1984 includes sums previously apportioned. Eleven ($11) million of the authorization for FY 1984 is set aside for the Woodrow Wilson bridge.

SECTION 206—DEFINITION

This section changes the definition of "construction" to permit Federal participation in State highway agency audit costs incurred in performing Federal-aid project related audits which directly benefit the Federal-aid highway program. State highway agency audit costs are not now eligible. Audit costs incurred in special studies or audits and investigations performed for management purposes that could not be shown to directly benefit the Federal-aid highway program would not be eligible for reimbursement.

SECTION 207—RELOCATION OF UTILITY FACILITIES

Subsection (a) of this section would amend the definition of "construction" to make clear that the relocation of utilities for safety purposes is eligible work for Federal reimbursement under title 23 of the United States Code.

Subsection (b) amends 23 U.S.C. 123, Relocation of Utility Facilities, to permit payment for utility relocations on any Federal-aid system or under any Federal-aid program and to provide that the Secretary may waive the provisions of 23 U.S.C. 123(a) to allow Federal participation in costs incurred by the State in relocating utilities for purposes of eliminating hazards, when he determines that such a waiver facilitates the State's safety improvement program.

SECTION 208—INTERSTATE WITHDRAWAL AND SUBSTITUTION

Subsection (a)(1) of this section places a limit on existing provisions which provide that the base cost of a withdrawal is the cost as shown in the latest congressionally approved Interstate Cost Estimate. The 1983 cost estimate would be used to establish the base costs for all withdrawals approved after Congress approves the 1983 cost estimate.

Subsections (a) (2) and (3) prohibit construction cost adjustments to the sums made available by withdrawals after the date Congress approves the 1983 Interstate System Cost Estimate. Until that date cost adjustments will continue to be made to the date of approval of such substitute project.

Subsection (a)(3) permits the use of funds for substitute projects in areas, urban or rural, other than the urbanized area from which the Interstate project was withdrawn upon the agreement of all involved local officials and the Governor.

Subsection (b) clarifies and revises the funding authority for substitute projects. Funds for mass transit substitute projects will continue to come from the General Fund and will remain available until expended. Highway substitute projects will be funded from the HTF, and be available for obligation when appropriated and apportioned commencing with FY 1984. Also, commencing with FY 1984 appropriations for highway substitute projects will be apportioned to States by a formula based on relative annual highway substitution needs as determined by the Secretary. In determining annual needs, the Secretary will consider, together with other available information, each State's approved substitution concept program and its remaining funding entitlements under 23 U.S.C. 103(e)(4). Appropriated funds will be available until expended. However, funds apportioned to the States must be obligated within 2 years. If not obligated in that period, the funds will be withdrawn from the State and reapportioned to all others in accordance with the established formula.

Subsection (c) provides that sums deducted from a State's Interstate unobligated apportionments when a withdrawal is made shall be available in the Interstate Discretionary Fund for reallocation by the Secretary.

Subsection (d) provides that any route or segment added to the Interstate System after March 1, 1978, pursuant to specific legislation, will not be eligible for withdrawal and substitution.

SECTION 209—PRIMARY PROGRAM

This section would eliminate the priority primary program (23 U.S.C. 147) and the connector primary demonstration program (section 151 of the Federal-Aid Highway Act of 1978) to allow the States to set their own priorities. Effective October 1, 1983, any unobligated authority for the priority primary program would be apportioned by the Secretary of Transportation in the same manner as primary funds and would remain available for obligation for 4 years. Pertinent sections of title 23, United States Code, would be amended to reflect the elimination of the priority primary program.

SECTION 210—HOLD HARMLESS—INTERSTATE RESURFACING

This section provides that each State that has Interstate mileage designated under section 103(e) of this title shall receive sufficient Interstate 4R apportionments for FY's 1984 and 1985 to assure that its total Interstate apportionments (4R and Construction) for FY's 1984 and 1985 are not less than total Interstate apportionments would have been if this Act had not been enacted.

SECTION 211—REPORTS

Subsection (a) of this section would repeal and eliminate requirements that the Secretary of Transportation report to the Congress on the enforcement of the vehicle weight limitations program, and on an interdepartmental coordination study.

Subsection (b) of this section codifies the highway needs report submitted to the Congress every two years pursuant to section 3 of Pub. L. 89-139 and section 17 of the Federal-Aid Highway Act of 1968.

SECTION 212—TECHNICAL AMENDMENTS

Subsection (a) of this section strikes dated and unnecessary language in section 109(h) of title 23, United States Code.

Subsection (b) of this section changes a period to a comma in section 119(a) of title 23, United States Code, to correct the punctuation in the section.

Subsections (c), (d), (e), and (f) of this section rewrite 23 U.S.C. 137, 142, 146, and 149, respectively.

Subsection (c) amends 23 U.S.C. 137 to incorporate the construction or designation of carpool/vanpool parking facilities, previously authorized in 23 U.S.C. 146. This section further permits the provision of exclusive carpool/vanpool parking facilities whether or not existing mass transportation service exists and authorizes Interstate 4R funds and primary funds to participate in the cost of projects that will benefit an Interstate highway. Regular Federal-aid Interstate funds may be used for parking facilities to the extent permitted by section 108(b) of the Federal-Aid Highway Act of 1956.

Other restrictions or conditions are repealed as unnecessary and redundant.

Subsection (d) amends 23 U.S.C. 142 to incorporate projects for the construction or designation of exclusive or preferential carpool/vanpool lanes and exclusive or preferential truck lanes. These projects were previously authorized in 23 U.S.C. 145 and 23 U.S.C. 149. This subsection authorizes the use of Interstate 4R and primary funds for such projects. Federal-aid Interstate construction funds may be used only to the extent permitted by section 108(b) of the Federal-Aid Highway Act of 1956, as amended.

Other provisions setting funding ceilings for nonhighway public mass transit projects during a specified time frame have been repealed as obsolete. A provision requiring public transit routes and schedules to be used on the comprehensive planning process established under 23 U.S.C. 134 is repealed as unnecessary and burdensome. All fringe and corridor parking provisions will be included in 23 U.S.C. 137, as amended by subsection (c).

Subsection (e) amends 23 U.S.C. 146 to remove as redundant highway-related incentives such as preferential carpool lanes, traffic control devices and preferential carpool parking facilities and would permit the use of Federal-aid primary, secondary, and urban funds for projects designed to encourage the use of carpools and vanpools. Such projects can provide transportation for elderly and handicapped persons and can include the purchase of vehicles for carpool and vanpool use.

Subsection (f) repeals as redundant 23 U.S.C. 149, Truck Lanes, concerned with the construction of exclusive or preferential truck lanes as projects on the Federal-aid system. The substance of 23 U.S.C. 149 is included in 23 U.S.C. 142 as revised in subsection (d).

SECTION 213—CLEAN AIR

This section repeals 23 U.S.C. 109(j) which requires the Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, to develop and promulgate guidelines to assure that Federal-aid highways are consistent with approved plans to implement ambient air quality standards for air quality control regions designated under the Clean Air Act. The subsection repealed is unnecessary because it duplicates 42 U.S.C. 7506(c). Federal agencies are required (42 U.S.C. 7506(c)) to assure that their activities "conform" to air quality implementation plans.

SECTION 214—VENDING MACHINES ON THE INTERSTATE SYSTEM

This section would permit vending machines on Interstate rights-of-way for the benefit of the traveling public without cost to the Federal Government.

SECTION 215—CONSTRUCTION

Title 23, United States Code, now requires that the Secretary inspect each highway construction project. This amendment would require the Secretary to establish procedures for inspecting and approving construction but would not require a final inspection of each project. The amendment would thereby eliminate an unnecessary requirement. Current law also provides that

informational signs erected on any project where actual construction is in progress and visible to highway users must conform with standards developed by the Secretary. This amendment would permit the Secretary to approve standards developed by other parties as well as those developed by the Department of Transportation (DOT).

SECTION 216—CONSTRUCTION BY STATES IN ADVANCE OF APPORTIONMENT

This section amends the existing advance construction provision to permit construction by States of highway substitute and bridge projects in advance of apportionment of highway substitute and bridge funds apportioned under 23 U.S.C. 103(e)(4) and 144.

SECTION 217—PAYMENT TO STATES FOR BOND RETIREMENT

This section would repeal those sections which require payments to States for bond retirement and which require the payment of interest on bonds. The bond provisions of title 23, United States Code have not been utilized to a significant extent. This Department does not support the payment of interest as a cost of construction. The amounts involved in interest payments are difficult to estimate. Further, interest is a finance cost, not a construction cost, and should not be borne by the Federal Government.

The advance construction procedures of 23 U.S.C. 115 would be retained. Bond provisions of title 23 are unnecessary except to provide for the payment of interest. In all other respects, construction by the States in advance of apportioned funds can do what bond provisions do.

SECTION 218—MAINTENANCE

This subsection would amend subsection 116(c) of title 23, United States Code, to permit the Secretary to withhold project approval for projects in specific areas within a State, or for the entire State, where the Secretary finds that a project is not being properly maintained. Under present law, the Secretary must withhold project approval for the entire State for all projects when a single project is not being properly maintained. Present law does not represent a practical enforcement sanction. Stopping all project approvals in an entire State could involve massive disruption of planning and considerable economic waste. The amendment provides a practical enforcement sanction which should be an effective tool in enforcing maintenance.

Subsections (b), (c), (d), and (e) transfer maintenance provisions from 23 U.S.C. 109 and 119 to 23 U.S.C. 116. Subsection (e) makes a clarifying amendment to establish the period of availability of Interstate apportionments that are reduced and then increased. The period of availability shall be the same as if the apportionments had not been reduced.

SECTION 219—CERTIFICATION ACCEPTANCE

This section amends 23 U.S.C. 117 to provide for the elimination of the requirement to make a final inspection on every project under the certification acceptance program and the expansion of the Secretary's authority to discharge his responsibilities under the certification acceptance concept to include any Federal law, except Civil Rights and bridge clearances, provided that the Secretary can make a finding that the State has procedures which are sufficient to ensure such projects will be carried out in accordance with the provisions of such other Federal laws, regulations, and policies. This language is intended, in part, to ensure that States carrying out Federal law under this provision are subject to the jurisdiction of Federal courts. These changes in no way would relieve the State highway departments from entering into formal project agreements with the Secretary pursuant to section 110 of title 23. The amendments would make certification acceptance more attractive to the State because of the expanded coverage and the reduction in Federal involvement and redtape.

SECTION 220—INTERSTATE DISCRETIONARY FUND

This section would amend 23 U.S.C. 118(b) to make the Interstate Discretionary Fund discretionary. Presently, Interstate Discretionary Funds are allocated to the States with ready-to-go projects on a first-come, first-served basis with no discretion to the Secretary. The Secretary, in allocating the Interstate Construction Discretionary Fund, would be required to give high priority to Interstate projects of unusually high cost in relation to the State's apportionment and to projects which contribute to the completion of Interstate segments not open to traffic.

This section provides that $300 million of the amount available for apportionment for the Interstate construction program will be set aside for the Interstate Discretionary Fund beginning with the authorization for FY 1985. The $300 million will be an addition to any other available funds. The set aside will ensure that funds will be available for particularly important projects which are eligible for discretionary funds.

SECTION 221—PROGRAM CONSOLIDATION

This section would repeal the following categorical highway programs: economic growth center highways (23 U.S.C. 143); Great River Road (23 U.S.C. 148); access to lakes (23 U.S.C. 155); highways crossing Federal projects (23 U.S.C. 156); Inter-American Highway (23 U.S.C. 212); Rama Road (23 U.S.C. 213); Safer Off-System Roads (23 U.S.C. 219); Bridges on Federal Dams (23 U.S.C. 320); railroad-highway crossings—demonstration project (section 163 of the Federal-Aid Highway Act of 1973); Overseas Highway (section 118 of the Federal-Aid Highway Amendments of 1974); Bikeway Demonstration program (section 119 of the Federal-Aid Highway Amendments of 1974); Bicycle program (subsections 141 (a), (c), (d), (e), and (i) of the Surface Transportation Assistance Act of 1978); and Safety Education and Information (section 209 of the Surface Transportation Assistance Act of 1978). The outstanding balance of sums appropriated and contract authority established for such programs shall remain available for expenditure or obligation under the conditions applicable prior to their repeal except that the unexpended apropriations for access to lakes, the bikeway demonstration program, and the bicycle program shall be available for two fiscal years following the fiscal year of enactment of this section and the unexpended appropriations for bridges on Federal dams shall be available for three fiscal years following the fiscal year of enactment of this section.

The unappropriated balance of sums authorized for such programs is rescinded. Additionally, effective on the date of enactment of this section, the unappropriated balance of sums authorized to carry out the outdoor advertising program is rescinded.

SECTION 222—EMERGENCY RELIEF

Subsection (a) of this section amends subsection (a) of section 125, title 23, United States Code, to make clear that the term "catastrophic failure" means failures which are sudden, unexpected, and result from external forces either natural in narrow or limited areas, such as localized hurricane force winds, earthquakes, and the like or man made, such as collisions by ships or aircraft. "Catastrophic failure", for purposes of this section, does not mean failure which is the result of structural deficiencies or physical deterioration. Bridges which are in imminent danger of collapse as a result of structural deficiencies or physical deterioration may be eligible for Federal funding under section 144 of title 23, United States Code, the Highway Bridge Replacement and Rehabilitation Program. Section 125 is intended to establish a fund which is to be held for sudden and unexpected emergencies and is not intended to be used for maintenance costs, or for deficiencies in, or the ordinary deterioration of a structure.

Subsection (a) also amends subsection (a) of section 125 by deleting references to bridges which have been closed to traffic between December 31, 1967, and December 31, 1970, inasmuch as those bridges have been repaired and reconstructed and have been reopened to vehicular traffic.

Subsection (b) of this section provides that all past expenditures for emergency relief under 23 U.S.C. 125 shall come from the HTF and not partially from the General Fund of the Treasury. Section 125 of title 23, United States Code, now provides that 40 percent of emergency relief expenditures prior to the FY ending September 30, 1978, are authorized from the General Fund of the Treasury.

Subsection (c) would amend 23 U.S.C. 125(b) to provide that expenditures for projects resulting from a single natural disaster or a single catastrophic failure shall not exceed $30 million in a State.

Subsection (d) would apply the amendment made by subsection (c) to natural disasters or catastrophic failures which the Secretary finds to be eligible for emergency relief and subsequent to the enactment of this section.

Subsection (e) would amend 23 U.S.C. 120(f), which pertains to the Federal share for highway emergency relief, to change the Federal share payable to 75 percent, except for Federal lands highways which would still receive 100 percent Federal funding. Under current law, the Secretary is authorized to increase the Federal share for emergency relief projects to 100 percent. The proposed change is in accordance with Administration policy that the Federal share for disaster assistance should be 75 percent.

Subsection (e) also defines the total cost of a project as the cost of construction less any amounts received by the State in the way of damages or insurance proceeds. Additionally, this subsection requires that the State promptly credit the project with any such recoupments upon receipt thereof. Such recoupments could not be used to offset only the State's pro rata share of the project but must be applied to reduce the total project cost upon which the Federal pro rata share is based.

Subsection (f) would apply the Federal share provisions of 23 U.S.C. 120(f) as amended by this bill to all natural disasters or catastrophic failures which the Secretary finds to be eligible for emergency relief subsequent to the enactment of the bill.

SECTION 223—COMMERCIAL MOTOR VEHICLE WEIGHT

Subsection (a)(1) makes mandatory the previously permissive maximum weight

limits of 80,000 pounds gross, 20,000 pounds single axle and 34,000 pounds tandem axle.

SECTION 224—TOLL ROADS

Subsection (a) of this section amends 23 U.S.C. 129(a) to provide for toll financing of new highway construction projects in addition to presently eligible bridge and tunnel projects. This amendment would allow States to enter into a 23 U.S.C. 129(a) agreement even if Federal funds had already been obligated for project activities on the facility. An agreement could not be executed once the facility is open to traffic and the facility would not be eligible for Interstate 4R work or other Federal rehabilitation assistance during the period that tolls are collected.

Subsection (b) of this section amends Section 105 of the Surface Transportation Assistance Act of 1978 by eliminating the provision of payback for work done on existing Interstate toll roads with Interstate 4R funds should the toll road not become free. Subsection (c) of this section amends 23 U.S.C. 301 to provide that except as provided specifically by law, all highways (the term highways includes bridges and tunnels) shall be free from the tolls of all kinds.

SECTION 225—PRESERVATION OF PARKLANDS

This section has been amended to require section 4(f) application only in those situations where a transportation project would appreciably reduce the utility of the section 4(f) lands and eliminate most historic sites from coverage under this section.

Under this amendment, the language of the section 4(f) statute is revised to permit the officials having jurisdiction over the section 4(f) property, in consultation with the Secretary, to ascertain whether the project will appreciably reduce the utility of the public park, recreation area, wildlife and waterfowl refuge, or National Historic Landmark for the purposes for which it is intended. If the project will not appreciably reduce the utility of the site for the purposes for which it is intended, a section 4(f) evaluation will not be required. This minor change has been made to reduce paperwork burdens on State and local governments, and reduce a portion of the "redtape" involved in the current process.

Historic sites other than National Historic Landmarks have been eliminated from this section in order to simplify requirements and eliminate unnecessary duplication of effort which presently occurs when the official in charge of preparing the environmental impact statement prepares separate documents to meet the requirements of this section and section 106 of the National Historic Preservation Act. National Historic Landmarks will continue to receive consideration under section 4(f) since they are relatively few in number and have been accorded special recognition under the National Historic Preservation Act. Elimination of most historic sites from section 4(f) consideration should result in a savings of both time and money by making environmental processing for Federal-aid highway projects more efficient. This change will not reduce the protection afforded historic sites since historic sites will continue to receive full protection under section 106 of the National Historic Preservation Act. Regulations specify the formal consultation process and written agreements that are required with the President's Advisory Council on Historic Preservation, the State Historic Preservation Officer and the FHWA when an FHWA funded project is located in the vicinity of a historic property or near a property eligible for inclusion on the National Register of Historic Places.

SECTION 226—EQUAL OPPORTUNITY

Subsection (a) of this section amends 23 U.S.C. 140(a) to assure that equal employment opportunity must be provided without regard to sex.

Subsection (b) amends 23 U.S.C. 140(b) to authorize the use of $10 million per fiscal year from the sums available under 23 U.S.C. 104(a) (administrative funds) as provided in appropriation acts to conduct and finance highway construction training and skill improvement programs. 23 U.S.C. 104(b), before amendment, provides for a $10 million set aside from annual apportionments for these purposes.

Subsection (c) adds a new subsection (c) to 23 U.S.C. 140 which authorizes the Secretary of Transportation to conduct and finance training and assistance programs for socially and economically disadvantaged individuals and which authorizes the use of $10 million per fiscal year from the sums available under 23 U.S.C. 104(a) (administrative funds) as provided in appropriation acts for such purposes.

The $10 million provided in 23 U.S.C. 104(b) and the $10 million provided in 23 U.S.C. 140(c) would come from administrative funds deducted from funds available for Federal-aid highway construction. The net effect on the Federal budget is zero.

SECTION 227—ENFORCEMENT OF HEAVY VEHICLE USE TAX

This section provides that States which may lawfully register heavy vehicles in a fiscal year which have not presented proof of payment of the heavy vehicle use tax shall not receive apportionments of Interstate funds during that fiscal year. Sums withheld from apportionment under this subsection shall be apportioned to other States. This section is effective January 1, 1985, to provide States with sufficient time to comply.

SECTION 228—HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION PROGRAM

This section provides for two separate apportionment formulas. One formula will be used to apportioned primary system bridge funds, the other will be used to apportion funds for all bridges excluding primary. This latter group includes Federal-aid secondary, urban, off-system bridges. Each formula takes into account both replacement and rehabilitation needs. The square footage of deficient bridges under each formula shall be multiplied by its respective unit price on a State-by-State basis and the total cost in each State divided by the total cost of the Nation's deficient bridges to yield the apportionment factors, except that no State shall receive less than one quarter of one percent nor more than 8 percent of the annual apportionment under each formula.

These apportionments are available for two years and shall be reapportioned to other States if they are not obligated within the period of availability.

Subsection (b) of this section amends section 144(h) of title 23, United States Code. Section 144 now exempts bridges rehabilitated or replaced with Federal-aid funds from the permit process required under Section 502 of the General Bridge Act of 1946 and Section 9 of the Bridge Act of March 3, 1899, if such bridges are over waters (1) which are not subject to the ebb and flow of the tide, and (2) which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce. Many waters subject to the ebb and flow of the tide (tidal waters) cannot be used for interstate or foreign commerce. A permit should not be required for a bridge over tidal waters which cannot be reasonably improved to transport interstate or foreign commerce. This amendment would exempt bridges from the permit process except for bridges over waters which with reasonable improvement could be used to transport Interstate or foreign commerce.

SECTION 229—ALLOCATION OF URBAN FUNDS

Existing law permits transferability between urban and primary system funds. However, it does not permit transfer of funds allocated out of the urban system funds attributable to urbanized areas of 200,000 or more population from the allocation of one urbanized area to that of another urbanized area or to an urban area. This amendment to section 150 of title 23, United States Code, will permit the transfer of such attributable funds to the allocation of another urbanized area in the State or to any other urban area in the State. A transfer, requested by the State, would be subject to the approval of the Secretary and the local officials of the urbanized area from which the funds are to be transferred. The proposed transfer provision would enhance the capability of the States and local governments by giving them more flexibility in programming projects, setting priorities, and utilizing scarce financial resources.

SECTION 230—HIGHWAY SAFETY IMPROVEMENT PROGRAM

This section establishes a single Highway Safety Improvement Program (23 U.S.C. 151) by combining all or parts of four existing safety categories—Hazard Elimination, Rail-Highway Crossings, Safer Off-System Roads, and the FHWA highway-related safety programs under section 402 of this title.

Each State must develop and implement a continuous Highway Safety Improvement Program which includes procedures for planning, implementation, and evaluation of highway safety improvement projects. As a part of this program, each State must have a process for inventorying and analyzing accident, traffic and highway data; for conducting engineering surveys of hazardous locations, sections and elements; and for maintaining and implementing a prioritized schedule of projects for the improvement of the hazards identified. Each State must also continue to survey railroad crossings to identify those in need of safety improvements. The procedures and processes described are not new Federal mandates, but represent a consolidation of current requirements for the systematic selection of the most cost-effective highway projects specifically aimed at traffic accidents and injury reduction. Therefore, no new recordkeeping requirements are imposed and reporting requirements are eliminated. Any highway safety improvements project on a public road, except the Interstate, may be funded under this section. Section 203 of the Highway Safety Act of 1973 is repealed but funds authorized by that section will continue to be available until expended. The Federal share under this section is 90 percent except for rail-highway crossing projects and traffic signalization projects, in which case the Federal share is that provided in section 120(d) of title 23.

All unobligated authorizations for carrying out section 402 of title 23, United States Code, by the FHWA are rescinded. No new funds are authorized for the FHWA high-

way-related safety activities under chapter 4 since these projects may now be funded under this section. The purposes and scope of such highway-related projects and activities will be the same as under the existing section 402 program, including the results of rulemaking by FHWA and NHTSA on program effectiveness as required by the Omnibus Budget Reconciliation Act of 1981 (section 1107(d); Pub. L. 97-35). Authorizations for the State and Community Highway Safety Program carried out by NHTSA are included in separate legislation.

Highway safety funds are apportioned to the States according to a formula based on population and road mileage. The Territories are excluded from the apportionment formula. The section 151 funds are available as if they were primary funds except where inconsistent with the purposes of this section. In addition, primary, urban, and secondary system funds are eligible for all safety projects.

SECTION 231—INTERAGENCY ENVIRONMENTAL PROCESS REVIEW

This section adds a new section to title 23, United States Code, under which the Secretary of Transportation would be required to review the Federal-aid highway policies, procedures, and regulations which have been issued to implement the National Environmental Policy Act of 1969, as amended, Executive Orders and other statutes and regulations. After consultation with other Federal agencies, the Secretary shall consolidate the various environmental compliance procedures into a single project development process to be coordinated by DOT.

The purpose of such review is to minimize, to the maximum extent practicable, duplication, needless paperwork, and delays in action on projects under title 23, United States Code. This section is intended to reinforce the national policy on redtape set forth in section 101(e) of title 23, United States Code.

The Secretary would establish procedures to ensure that adequate information is developed from a public hearing, if one is held, so that the record available to Federal decisionmaking agencies provides an adequate basis for them to make the necessary determination. As an example, if a public hearing is held, information on the needs of navigation interest would be developed so the Coast Guard could issue a bridge permit.

SECTION 232—FEDERAL LANDS HIGHWAYS PROGRAM

This section would amend or eliminate the separate provisions of chapter 2 of title 23, United States Code, which provide for forest highways (sec. 204), park roads (sec. 206), parkways (sec. 207), Indian reservation roads (sec. 208), and public lands highways (sec. 209), and establish in lieu thereof a coordinated Federal Lands Highways Program under which each class of Federal lands highways would be continued. The program would confer upon the Secretary of Transportation certain oversight and coordinating responsibilities for the same uniform policies as roads which are on the Federal-aid systems. This proposal will cover the higher calss of roads, which are open to the public, as designated by the term "highway" in the titles of forest, public lands, park, and Indian reservation systems including parkways. The lower class of roads will remain under the direct administration of the responsible land management agency.

This proposal would not transfer jurisdiction of the Federal roads from the agencies that currently manage the respective Federal lands. Rather, it would involve DOT in coordination with the land managing agency, in the planning studies and program development of public Federal lands highways roads. The DOT would also provide design and construction assistance to the land managing agencies. This proposal also provides, under section 204, one and one-half per centum of funds appropriated for Federal lands highways to be made available for expenditure by the Secretary for planning, studies, and demonstration of technology relative to such highways.

Highway improvements funded and adminstered by the U.S. Park Service, U.S. Forest Service, Bureau of Indian Affairs, and other agencies (other than this Department) are not presently subject to Section 4(f) of the DOT Act. Provisions have been included in this section to preclude expansion of the Section 4(f) coverage to the Federal Lands Highway Program.

SECTION 233—DEFENSE ACCESS ROADS

This amendment to section 210(c) of title 23, United States Code, would repeal an out-of-date appropriation and replace it with general authorizing language not tied to a specific sum or time period.

Section 210(c) of title 23, United States Code, provides for the use of up to $5,000,000 of any funds appropriated under the Act approved October 16, 1951 (65 Stat. 422), for highways in military training and maneuver areas. In 1958, Pub. L. 85-767 (72 Stat. 885), which revised and codified prior highway legislation as title 23, United States Code, repealed other Acts and portions of Acts. In addition, the second Supplemental Appropriations Act of 1957 (including the Bureau of Public Roads under the Department of Commerce) rescinded, effective June 20, 1957, all unexpended appropriations from prior laws. (Pub. L. 84-855). Thus, there are no current highway appropriations from which any part of $5,000,000 could be made available for the construction, maintenance, and repair of maneuver areas.

In 1955, the Office of Management and Budget directed the Department of Defense to budget for defense access roads. Since 1957, each military department has budgeted separately for defense access roads. By direction of the Assistant Secretary of Defense (Comptroller), maintenance and repair of public highways used for maneuvers will be accomplished from funds made available by the appropriate military department; but in order to ensure prompt repairs, military regulations provide that the Commander, Military Traffic Management Command, may authorize the FHWA to temporarily use available access road funds, pending payment by the military department concerned from its operation and maintenance funds. Since funds for the repair of maneuver road damage are not available from highway appropriations acts, but are available from defense appropriations acts, the opening clause is misleading and should be amended to reflect current law and practice.

This amendment to section 210(c) of title 23, United States Code, has been coordinated with the Military Traffic Management Command.

SECTION 234—RESEARCH AND PLANNING

This section would amend 23 U.S.C. 307 to make available a percentage of funds apportioned pursuant to section 144 (Highway Bridge Replacement and Rehabilitation Program) for planning and research purposes to offset the elimination of the optional planning and research (½ percent) program. The amendments would confirm a legal basis for pooling one and one-half percent planning and research (HPR) funds into a single fund which had previously been accomplished administratively. A uniform period of availability and a standard Federal matching share are also established.

SECTION 235—COOPERATION WITH FEDERAL AND STATE AGENCIES AND FOREIGN COUNTRIES

This proposal would amend section 308 of title 23, United States Code, by authorizing the Secretary to carry out the provisions of this title in cooperation with the State highway and transportation departments and with organizations which are principally composed of duly elected and appointed State and local highway and transportation officials without regard to the provisions of the Federal Advisory Committee Act, 5 U.S.C., Appendix I. Although the formulation of Federal transportation policies and procedures is clearly a function reserved to the Secretary, the Secretary must be able to deliberate freely with State and local officials in the consideration of alternative policies and procedures and the impact of those alternatives at the State and local level. Expansive judicial interpretations of the Federal Advisory Committee Act have unnecessarily stifled government-to-government communications generally and, in particular, with respect to those grant-in-aid programs such as the Federal-aid highway program which require close coordination between State and local government officials and Federal officials to ensure effective planning and implementation. In a major decision involving the FHWA, the U.S. Court oi Appeals for the D.C. Circuit interpreted the exemption provision of the Act (section 4(c)), as not applying to contacts between Federal officials and an organization representing a national group of State officials. (*Center for Auto Safety* v. *Cox*, 580 F.2d 689, D.C. Cir. 1978).

We feel that this is not consistent with the Congressional intent which formed the basis for the 4(c) exemption, and have proposed this statutory language to resolve the difficulties created by this case. The revision would authorize the Secretary to administer Federal highway programs in cooperation with State and local officials either individually or collectively without the procedural burdens of the Federal Advisory Committee Act. The procedural requirements and safeguards which apply to the rulemaking process under the Administrative Procedure Act and related procedures of this Department would not be affected by this revision.

SECTION 236—OBLIGATION LIMITATION

This section provides an obligation limitation of $11.0 billion for FY 83 for Federal-aid highways and highway safety construction programs. The limitation does not apply to emergency relief projects, two bridge demonstration projects, the Woodrow Wilson bridge project and the Union Station project. The usual allocation formula, provision to provide sufficient authority to prevent lapse, and provision to set aside authority for administrative expenses and forest highways are included.

SECTION 237—HIGHWAY SCENIC HIGHWAY

This section would amend section 161(f) of the Federal-Aid Highway Act of 1973, as amended by section 21 of Public Law 96-106, to remove a technical problem presently preventing the State of West Virginia from maintaining the Highway Scenic Highway,

located partially within and adjacent to the Monongahela National Forest in the State. It would also allow local light truck traffic and limited commercial truck traffic on a permit basis only.

The Highland Scenic Highway was originally designed and constructed as a multipurpose State highway on the Federal-aid Highway System. As such, it was maintained by the State until the passage of the Federal-Aid Highway Act of 1973 which designated it as a scenic highway with portions limited solely to scenic and recreational use and passenger car use. The scenic highway designation precludes community service vehicles such as bread trucks, service trucks and farm trucks from using the highway and precludes use of the road for National Forest management activities requiring use of trucks. This designation thus made the highway a limited service highway which prevents maintenance by the State as State law prohibits the expenditure of maintenance funds on limited service highways.

This amendment would correct this anomaly by modifying the vehicle limitation so that the State could maintain the road and, at the same time, would protect the important recreational and scenic values of the highway.

SECTION 238—APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

Subsection (a) of this section would transfer the functions, powers, and duties of the Appalachian Regional Commission related to the Appalachian Development Highway System to the Secretary of Transportation. Subsections (b), (c), (d), (e), and (f) are technical transfer provisions and savings provisions.

Subsection (g) provides authorizations out of the HTF for the Appalachian Development Highway System of $80 million for FY 1984 and 1985, and $60 million for FY 1986. Sums authorized are available for obligation when appropriated. There is no contract authority. Sums authorized may be expended as appropriate for the repayment to States for prefinanced (advance construction) projects, for the completion of stage construction projects, and when sums are made available beyond those purposes, for the development of additional projects on the Appalachian Development Highway System. Funds will be made available to States in the Appalachian region based on their prorata share of the sums appropriated from the 4-year authorizations.

SECTION 239—TOLL HEARINGS

This section amends various Federal statutes to eliminate the authority of the Federal Highway Administrator to regulate the rate of tolls on bridges by determining the reasonableness of those tolls. States and toll authorities would be given greater flexibility in operating toll facilities. This Federal oversight of the reasonableness of tolls has proven to be administratively burdensome, legally unproductive, and has interjected the Federal Government in the role of a mediator in a dispute which could more appropriately be settled at the State and local level.

SECTION 240—WOODROW WILSON BRIDGE

This section amends section 9 of the Federal-Aid Highway Act of 1981, by adding subsection (e). Subsection (e) authorizes the Secretary of Transportation to approve projects for the reconstruction, resurfacing, restoration and rehabilitation of the Woodrow Wilson Memorial Bridge by the States of Maryland and Virginia and the District of Columbia. Eleven ($11) million from Interstate 4R apportionments for the fiscal year 1984 are set aside for purposes of this subsection. Subsection (e) projects cover the cost of future reconstruction and may include bascule spans, operating devices, and widening of the bridge. It also provides that these projects shall be carried out in accordance with the provisions of title 23, United States Code, unless the Secretary waives provisions not consistent with this section. Sums authorized under this subsection are not deducted from a State's apportionments nor included in the Federal-Aid Highway obligation limitation. The Federal share of the cost of projects shall not exceed 90 percent. The Secretary cannot approve any project under this subsection until title to the bridge is transferred and each of the three jurisdictions accepts title to their respective portions of the bridge without monetary consideration.

SECTION-BY-SECTION ANALYSIS: TITLE III

SECTION 301—SHORT TITLE

This Act may be referred to as the "Transit Assistance Authorization Act of 1982."

SECTION 302—AMENDMENTS TO SECTION 3—DISCRETIONARY CAPITAL GRANT PROGRAM

This section amends the Federal discretionary capital grant program for State and local transit systems. The section 3 program will proivde the Secretary a degree of flexibility to meet special capital needs that cannot be met through an annual formula. The discretionary program will also be available to fund existing Federal commitments for transit systems presently under construction.

Section 302(a) of the bill amends the section 3 program to require that recipients of capital grants have the technical and financial capability to maintain facilities and equipment that are purchased with Federal funds. Since operating assistance is proposed to be phased out, there is a Federal interest in ensuring that operating costs are not turned into capital costs by deferring maintenance. However, the Federal Government will not prescribe specific maintenance activities, because that is a local responsibility.

Section 302(b) of the bill revises the Federal share for section 3 capital projects. The statute currently requires the Federal Government to pay 80 percent of a project's costs. The amendment would revise the section 3 capital share to 50 percent. This amendment would reduce the demand on the discretionary resource and promote greater deliberation on the part of potential applicants and local officials with respect to local financial capacity, transit operating economics and efficiency before turning to the Federal Government for these discretionary funds.

Section 302(c) of the bill revises section 3 authorizations by discontinuing authorizations under section 4(c)(3)(A) after fiscal year 1983. Section 3 authorizations will continue under section 4(e) of the Urban Mass Transportation Act as amended by section 3 of the bill.

SECTION 203—ADMINISTRATIVE EXPENSES AND CAPITAL AUTHORIZATIONS

Section 303(a) of the bill authorizes appropriations for administrative costs to carry out the UMT Act. Current authorizations expired after fiscal year 1982. Such sums as are necessary are proposed to be authorized for administrative expenses. This section also deletes an authorization for a program to conform to the program changes made by section 207 of the bill.

Section 303(b) of the bill amends section 4(e) and provides authorizations under section 4(e)(1) for fiscal year 1984 through fiscal year 1988 for the section 3 discretionary capital grant program, the section 4(i) innovative methods and techniques grant program, the section 8 planning program, and the section 9 urbanized area capital formula program and the 16(b)(2) program to meet special needs of the elderly and the handicapped. These authorizations total approximately $9.9 billion. This amendment stipulates that, of the amounts available under section 4(e)(1), the Secretary shall make available a total of 10 percent for grants under the section 3 discretionary program, the section 4(i) innovative methods and techniques program and the section 16(b)(2) programs, and a total of 90 percent for grants under the section 9 capital formula program for urbanized areas and the section 8 planning program.

The authorization levels for the fiscal years 1984 through 1988 include amounts carried over from an adjustment to the special funding available for rail construction in the Washington, D.C. metropolitan area under P.L. 96-184. These adjustments are being proposed to avoid a duplication of construction funding sources.

Section 303(b) of the bill also provides authorizations under section 4(e)(3) for the section 18 formula grant program to other than urbanized areas and for the newly created section 21 capital formula program to other than urbanized areas. This provision authorizes $75 million for the non-urban grant programs in each fiscal year from 1983 through 1988. Section 203(b) of the bill permits concurrent funding of the sections 18 and 21 programs during fiscal years 1983 and 1984, but prohibits any new authorizations for section 18 after fiscal year 1984.

Section 303(c) of the bill also provides authorizations under section 4(f) for public transportation projects substituted for Interstate segments withdrawn under title 23. This interstate transfer authorization amount is $650 million per year for each fiscal year 1984 through 1988.

SECTION 304—RESEARCH AND TRAINING

This section authorizes and extends the programs for research, development, demonstration, and training expenses. These authorizations are expressed cumulatively. Budget authority which is not appropriated would be available to be appropriated in later years. This structure addresses the long-term nature and schedule variability of the research projects administered under the transit program.

SECTION 305—AMENDMENTS TO SECTION 5 FORMULA GRANT PROGRAM

The current section 5 formula capital and operating grant program for urbanized areas is not authorized after fiscal year 1982. The amendments proposed by this section create a phase out of operating assistance grants by fiscal year 1985. Beginning in fiscal year 1984, the section 5 formula capital grant program would be incorporated within the section 9 program created by section 6 of this bill.

Section 305(a) of the bill contains the authorizations for the first three tiers of section 5. These are sections 5(a)(1), 5(a)(2), and 5(a)(3), respectively. Operating assistance authorizations are contained in sections 5(a)(1), 5(a)(2), and 5(a)(3) and are proposed only through fiscal year 1984. The authorizations for the capital only tier of section 5, tier IV, have been added to the unitary authorization for the section 3 dis-

cretionary program, the section 4(i) innovative methods and techniques program, the section 8 planning program, the section 9 urbanized area capital formula program, and the section 16(b)(2) program to meet the special needs of the elderly and the handicapped. The operating assistance has been gradually reduced since fiscal year 1982 to give State and local governments time to adjust their programs and funding mechanisms.

Section 305(b) of the bill provides for one-fourth of the funds appropriated under tiers I and II, the two operating assistance tiers determined on the basis of population and population density, to be apportioned and allocated one-fourth on the basis of the 1970 Federal census and the other three-fourths to be allocated and apportioned on the basis of the 1980 Federal census. The Federal operating assistance program is being phased out by 1985. Retaining the use of the 1970 census for twenty-five percent of the funds appropriated for tiers I and II in fiscal year 1984 will lessen the negative impact upon current recipients of section 5 operating assistance. Moreover, Section 205(b) of the bill is similar to a Congressional instruction for tiers I and II in the Continuing Resolution for fiscal year 1982 (P.L. 97-276) and would continue this instruction through fiscal year 1984.

Section 305(c) of the bill amends the formula grant program to revise Federal lapse provisions. Since the operating assistance tiers will be phased out by fiscal year 1985, apportionments that have not been obligated by designated recipients or Governors within four years of the date of original apportionments cannot be added to these operating assistance tiers. The amendment provides that after September 30, 1983, funds that are not obligated by the Secretary with the four year period or are deobligated when a project is closed out after the end of the four year period of availability, will be added to the unitary authorization for the sections 3, 4(i), 8, 9, and 16(b)(2) programs.

The last sentence of section 305(c)(3) of the bill corrects a technical problem with the lapse of 1975 and 1976 apportionments. The Act had never been amended to reflect the change to a new Federal fiscal year in 1976 that changed the lapse of funds from June 30 to September 30. This amendment reflects that change and is consistent with the budgetary documentation that has been provided to Congress since the inception of the section 5 program.

Section 305(d) of the bill contains the amendment that ensures that no new operating assistance projects will be approved by the Secretary after the close of Federal fiscal year 1984. No new authorizations are provided for the first three tiers of section 5 after fiscal year 1984. The apportionments can, however, continue to be used for capital projects until the funds lapse.

Section 305(e) of the bill adds a maintenance requirement to section 5 that is similar to the maintenance requirement added to section 3 by section 2(a) of this bill.

Section 305(f) of the bill amends the current Federal requirement regarding public hearings prior to changes in fares or service. This requirement has been the impetus for a Federal regulation that transit operators have found burdensome. Many transit operators have mechanisms to consider public comment already and the current Federal statute reduces local flexibility.

This amendment would continue the requirement of a public comment process, but that public comment process can be locally determined. The requirement would be a condition only of operating assistance grants, and so the Federal requirement will be phased out when operating assistance is phased out.

Section 305(g) of the bill repeals the current Federal requirement that transit operators who receive Federal funds must provide off-peak service to elderly and handicapped persons at half-fare. This requirement is being repealed because it is a Federal intrusion into the non-Federal area of determining local fares. Many areas already have their own special fares for special groups of users. The timing of these fares, their level and eligibility should be locally determined and not dictated by the Federal Government.

SECTION 306—CAPITAL FORMULA PROGRAM FOR URBANIZED AREAS

This section creates a capital formula program for projects in urbanized areas. The principal benefits of the capital formula program include greater simplicity, enhanced predictability in funding, and greater flexibility for State and local governments. More specifically, the capital formula program would turn much of the control now exercised at the Federal level over to State and local governments, allow UMTA to administer more effectively its complete range of program and policy activities by reducing staffing requirements associated with a large discretionary program, and reduce the paperwork burden at all levels of government.

Capital formula program assistance for urbanized areas would be delivered on the basis of a revenue matching formula set forth in the new section 9(a). Section 9(a) provides that each urbanized area will receive an apportionment equal to its share of the total national non-Federal mass transportation operating revenue, although no urbanized area or portion thereof which is within one state can receive more than 20 percent of the total amount apportioned by formula. As used in the statute, non-Federal mass transportation operating revenue includes passenger fares; transportation revenues—special fares, school bus, freight and tariffs, charter service and auxiliary transportation revenues; non-transportation revenues; direct taxes levied by transit systems; State and local cash grants and reimbursements; State and local special fare assistance; and subsidies from other sectors of operations. Non-capital subsidies and revenues are those that are available for other than capital expenses.

The term "operating revenues" is intended in this section to refer to the funds used to pay ordinary, day-to-day costs of providing public transportation. It is intended that these terms exclude any items that are of a capital nature, such as equipment purchase or rental, repayment of earlier bond issues, land leases and any types of "creative financing" used to obtain equipment and facilities.

Section 9(b)(1) would limit the use of the capital formula program funds to mass transportation capital activities. Capital activities would include the purchase of spare parts for transit vehicles where the expected service life of the spare part exceeds one year. This would permit the purchase of items such as compressors and engine blocks that maintain the usefulness of vehicles.

The capital formula program funds cannot be used to construct new fixed-guideway systems or extensions to existing systems without the concurrence of the Secretary. Exceptions are made for exclusive busway facilities, for projects covered by existing letters of intent and full funding contracts, and for the federally agreed upon scope of the Washington, D.C. metropolitan area transit system. This section would not preclude the use of funds for the modernization of existing rail and other fixed-guideway systems.

Section 9(b)(2) would provide a funding source for section 8 planning activities and for the deployment innovative demonstration results. In order for local decisionmakers to make intelligent decisions regarding transportation projects in their communities, it is important that they be provided with adequate information. This requirement would ensure, in a non-intrusive way, that planning activities take place. Section 9(h) would apply section 8 planning requirements to the section 9 program. Section 9(b)(2) would set aside 2.5 percent of each apportionment for planning and the deployment of innovative transit techniques. Upon application by the Governor in areas under 200,000 and the designated recipient in areas of 200,000 or more, the Secretary would be able to waive the required set aside. The Governor or recipient would have to apply with the concurrence of the metropolitan planning organization.

Section 9(b)(3) would provide an 80 percent Federal share for section 9 grants.

Subsections (c), (d), (e), (f), and (h) of section 9 set forth a number of Federal requirements as a condition of assistance. Under subsection (c), UMTA would continue to enforce Title VI of the Civil Rights Act of 1964, and the private enterprise participation, charter bus and school bus provisions of the UMT Act. In addition, in order to receive a section 9 grant, a recipient would certify (1) legal, financial, and technical capacity; (2) authority to apply; (3) compliance with the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970, and the relocation provision of the UMT Act; (4) compliance with the Davis-Bacon Act; (5) continuing control; (6) except as provided for bus procurements pursuant to the new section 12(b)(3), compliance with competitive procurement systems and the Buy America provision of the Surface Transportation Assistance Act of 1978; (7) compliance with the National Flood Insurance Act of 1968; (8) compliance with the public hearing requirements set forth in the new section 9(e), and (9) ability to meet the local share requirement.

Section 9(e) would require each recipient to prepare a proposed statement of activities and objectives. This statement would provide information concerning the amount of funds available to the recipient under section 9 and the range of activities that the recipient proposes to undertake under those funds. The recipient would be required to publish the statement for public examination and hold at least one public hearing to obtain the views of citizens. After considering public comments, the recipient would prepare a final statement which would also be available to the public.

Section 9(f) would permit recipients "to stand in the shoes" of the responsible Federal official with respect to the provisions of the National Environmental Policy Act of 1969 and other statutes concerning the environment. This provision is identical to an environmental provision in the Housing and Community Development Act of 1974 for the Community Development Block Grant. It enables the recipient to assume all responsibilities for environmental review deci-

sion-making and action. The subsection stipulates that the Secretary would issue regulations in consultation with the Council on Environmental Quality for the implementation of this provision.

Section 9(g)(1) provides for the selection of designated recipients to receive and dispense funds for urbanized areas of 200,000 or more. This provision differs from the section 5 designated recipient provision in that section 9(g)(1) does not include the sentence in section 5(b)(1) which requires that certain public transportation providers automatically become designated recipients. Moreover, not all designated recipients may wish to enter into annual projects agreements with UMTA, in which case UMTA will be dealing directly with the recipients of the funds. Hence the use in some cases of the word "recipient" rather than "designated recipient," makes it clear that the recipient of the funds (which in some cases may not be a designated recipient) must meet the self-certification and other requirements in section 9.

Section 9(g)(2) provides for the fair and equitable distribution by the Governor of section 9 funds for urbanized areas with populations under 200,000 and section 9(g)(3) provides for section 9 funds to remain available to the Governor or designated recipient for a period of four years. Both paragraphs (2) and (3) parallel provisions in the existing section 5 urban formula program.

As described above, section 9(h) would apply the section 8 planning requirements to section 9 grants.

Section 9(i) specifies that the Secretary would enter into an annual grant agreement as soon as practicable after receiving the submissions required under section 9.

Section 9(j) sets forth the audit requirements. The provision would require the recipient to make such reviews and audits as the Secretary deems appropriate. These reviews and audits would take place at least annually and would indicate whether the recipient has and can continue to carry out its activities in a timely manner and in a manner that is not plainly inconsistent with the requirements of the UMT Act.

Under section 9(k), any recipient which submitted a false or fraudulent statement or certification would be subject to criminal penalties under Title 18 of the United States Code. Title 18 would apply to the section 9 recipients whether or not section 9(k) were included in this bill. However, section 9(k) was included to clearly emphasize the importance which DOT places on an accurate self-certification process.

Section 9(l) is designed to provide an optional mechanism for the recipient of section 9 funds to seek DOT approval that it has a competitive procurement system. Section 9(l) ensures that a review of a recipients procurement system by the Department of Transportation is binding on the Department of Transportation until withdrawn. The recipient must still agree to follow the procurement system.

Finally, section 9(m) would ensure that no additional requirements under the UMT Act would encumber the section 9 capital forumla program.

SECTION 307—OPERATING COSTS FOR UNIVERSITIES

This Section repeals the special program to establish and operate transportation education programs at colleges and universities. This program was added to the Act in 1978 but has never received appropriations from Congress. The authorization for appropriations contained in section 4(d) of the Act is deleted by section 3 of this bill.

DOT will continue to provide grants to colleges and universities to conduct specific research and training activities under the existing section 11(a). However, in a time of dwindling transit funding, establishment of Transportation Education Centers as presently provided for by section 11(b) of the Act could commit DOT to pay for general overhead and salary costs associated with the operation of centers that would represent non-productive costs to the Department. Section 11(a) provides adequate flexibility for DOT to involve universities in the urban transportation program.

SECTION 308—FEDERAL PROCUREMENT FACTORS

This section would allow the Secretary the authority to determine benchmark prices for buses. Section 308 of the bill would give recipients the ability to include additional items or features at their own cost. Once a recipient has elected to use the benchmark price to purchase buses and certified that it has and will utilize a competitive procurement system, that recipient would no longer be required to comply with Attachment O of OMB Circular A-102, or Life Cycle Costing provisions and other Federal procurement requirements. However, the recipient would be required to comply with Buy America provisions (section 401 of Public Law 95-599).

SECTION 309—LABOR STANDARDS

Section 309(a)(1) of the bill would transfer the responsibility under section 13(c) from the Secretary of Labor to the Secretary of Transportation. This would allow greater flexibility to ensure that these labor protections are administered consistently with transportation policy. Section 209(b) of the bill would authorize the Director of OMB to provide for the transfer of personnel, and other resources required by the transfer section 13(c) responsibility from the Secretary of Labor to the Secretary of Transportation. This provision would also enable the Director to establish the date of transfer.

The implications of the section 13(c) labor protection provision of the UMT Act as it relates to paratransit services are potentially far reaching in terms of cost and applicability and have prohibited the development of paratransit services by public transit operators. Paratransit could be a useful means of providing solutions to certain transportation problems facing our nation's urban areas. Accordingly, the development of these services shoud be encouraged. Section 309(a)(2) of this bill would exempt such privately-provided service from section 13(c) and thereby encourage transit providers to develop paratransit services.

SECTION 310—AMENDMENTS TO THE REPORTING SYSTEM

This section extends the reporting requirements of section 15 of the UMT Act to the recipients of grants under sections 9, 21, and 22. Section 15 currently requires recipients of section 5 urban formula grants to provide UMTA with certain public mass transportation financial and operating information using a uniform system. This information has been helpful to Federal, State, and local governments in assessing public transportation needs.

SECTION 311—AMENDMENTS TO THE SPECIAL NEEDS PROGRAM

Section 311 of the bill is a technical amendment to ensure that the 16(b)(2) program continues to be eligible for Federal funding.

SECTION 312—AMENDMENTS TO FORMULA GRANTS FOR NONURBANIZED AREAS

Section 312(a) of the bill provides for one-forth of the funds appropriated under the section 18 formula grant program for nonurbanized areas to be apportioned and allocated on the basis of the 1970 Federal census and the remaining three-fourths to be apportioned and allocated on the basis of the 1980 Federal census. This provision parallels an amendment to section 5 to lessen the negative impact of census changes.

Section 312(b) of the bill provides that the Secretary cannot approve operating expenses for the section 18 program after September 30, 1984. This provision parallels the phase out of operating assistance in the section 5 urban formula program.

Section 312(c) of the bill is a technical change to ensure that lapsed section 18 funds recycle into the proper authorizing section.

SECTION 313—CAPITAL FORMULA PROGRAM FOR AREAS OTHER THAN URBANIZED AREAS

Section 313 of the bill repeals section 21 of the Act. Section 21 currently authorizes grants for the terminal development program. This program was created in 1978 and has never received appropriations from Congress. The terminal development program is unnecessary because it describes project activities that can be funded under broader UMTA programs. Allocation and priorities for funds should be shaped by the level of local commitment, the degree of local need, and the annual national priorities for Federal funds rather than by narrow categorical grant programs like the terminal development program.

Section 313 of the bill creates a new section 21 of the Act which embodies a separate capital formula program for capital projects in non-urbanized areas. The new section 21 is designed to be consistent with the capital formula program for urbanized areas provided for in section 9. The new section 21 program springs from an acknowledgment that the proliferation of transit programs in non-urbanized areas calls for an equal and even-handed approach in servicing the capital projects of non-urbanized, as well as urbanized, mass transportation systems.

The capital formula program for non-urbanized areas would be made available on the basis of the formula set out in the new section 21(a). Each State would be entitled to receive a portion of the total amount of funding available which corresponds to that State's share of the national non-urbanized and urual population.

The new section 21(b)(1) would limit the use of capital formula program funds, as does section 9(b)(1), to mass transportation capital activities. As under section 9, capital activities would include the purchase of spare parts for transit vehicles where the expected service life of the spare part exceeds one year.

The new section 21(b)(2) would set aside 2.5 percent of the new section 21 apportionment for planning activities. As with section 9(b)(2), this set-aside seeks to ensure rational decision-making and may be waived by the Secretary.

The new section 21(b)(3) would provide a 80 percent Federal share for section 21 grants.

The Governor must distribute the new section 21 funds in a fair and equitable manner. These funds are available for obligation by the Governor for four years and may, at the Governor's discretion, be trans-

ferred to smaller urbanized areas. The new section 21(e) would also permit the Governor to transfer funds from smaller urbanized areas to rural areas.

Most of the requirements of the section 9 capital formula program for urbanized areas would also apply to the new section 21 grants.

SECTION 314—CAPITAL INFRASTRUCTURE DEVELOPMENT PROJECTS

This section repeals section 22 of the UMT Act. Section 22 authorizes grants for intercity bus service. The program, like the section 21 terminal development program, was created in 1978 and has never received appropriations from Congress. The project activities set forth in this program can be funded under other UMTA programs. To the extent that section 22 authorizes grants for operating expenses in intercity bus service, eliminating this provision is consistent with the phase-out of operating assistance.

Section 314 of the bill also creates a new section 22 of the Act which provides for the distribution of the equivalent of one cent of the Administration's proposed increase in the highway user fee.

Section 22(a)(1) provides authorizations for appropriations from the Transit Account of the Highway Trust Fund for fiscal years 1983 through 1988 in the total amount of $6,050,000,000. Annual appropriations shall be based on the amount as estimated annually by the Secretary of the Treasury to be received in the Transit Account of the Highway Trust Fund in each such fiscal year from subsections (a) and (b) of section 4041 of the Internal Revenue Code of 1954 (relating to taxes on diesel fuel and special motor fuel) and from section 4081(a) of such code (relating to tax on gasoline) regardless of whether that amount is greater or lesser than the authorization provided for in section 22(a).

Section 22(b)(1) provides that the funds shall be available to finance urban transit capital infrastructure development projects in accordance with an administrative formula to be developed by the Secretary. The Secretary would establish the formula taking into consideration the age, size, and condition of a recipient's transit system, and other factors the Secretary deems appropriate as measurements of the infrastructure rehabilitation needs of such system. UMTA currently informally applies an administrative formula under its rail modernization program using such criteria as route miles, car miles, train miles, seat miles, number of vehicles, daily rides, and number of stations. Similar criteria will be developed for the infrastructure development formula, as well as criteria based on bus facilities and rolling stock factors. The Secretary would publish the formula annually in the Federal Register. Grants under this section would be subject to most of the requirements applicable to grants under proposed section 9 of the UMT Act.

Section 22(b)(1) also provides for the selection of designated recipients to receive and dispense funds for urbanized areas of 200,000 or more. The designation process is similar to that used for section 9 funds. However, a publicly owned operator or planner exclusively of mass transportation services may not, after the effective date of section 22, be designated as the recipient of grants under that section unless it was selected, prior to such date, as the designated recipient of other funds under the Urban Mass Transportation Act.

Section 22(b)(2) provides a definition of the term "transit capital infrastructure development project." That term means any project in an urbanized area involving the rehabilitation and replacement of rolling stock, the rehabilitation and modernization of commuter rail and fixed guideway systems and the rehabilitation and modernization of bus facilities and related equipment, and intermodal terminals. Grantees making bus procurements are encouraged to use section 9 capital formula funds for such purposes before utilizing section 22 funds for bus purchases.

Section 22(b)(3) provides that the recipient of the funds—the Governor in the case of an urbanized area with a population of less than 200,000, and the designated recipient in the case of an area of or over 200,000—may request the Secretary's approval to substitute highway projects in the State (that are eligible for assistance under Title 23 U.S.C.) for mass transportation projects.

With respect to any such request made by the Governor, section 22(b)(4) provides that the request shall include a statement that the Governor agrees that no section 3 funds should be given to any applicant in an urbanized area of less than 200,000 population in the State for any transit capital infrastructure development project that could have been funded under this section. Prior to making such a request, the Governor must notify each such possible applicant of his proposed transfer request and provide an opportunity for comment.

With respect to any such request under section 22(b)(3) made by the designated recipient, section 22(b)(5) provides that the request shall include a statement from the designated recipient that it will not apply for section 3 funds for any transit capital infrastructure development project that could have been funded under this section and that no applicant in the urbanized area should receive section 3 funds for a project that could have been funded under this section. Prior to making such request, the designated recipient must notify each such possible applicant of its proposed transfer request and provide an opportunity for comment.

Section 22(b)(6) provides that the Secretary will approve any such request made by the Governor if he concurs in the statement by the Governor required under section 22(b)(4). Upon approval by the Secretary, such sums shall be made available to the Governor for projects eligible for assistance under title 23, United States Code.

Section 22(b)(7) provides that the Secretary will approve any such request made by the designated recipient if he concurs in the statement from the designated recipient required under section 22(b)(5). Upon approval by the Secretary such funds shall be made available to the urbanized area for highway projects in the urbanized area eligible under Title 23.

Section 22(b)(8) provides that any publicly owned operator of mass transportation services that is a designated recipient of funds under section 22 for an urbanized area must, as part of its public hearing under section 9(e), consider the relative needs, for those particular funds, of transit capital infrastructure projects in such urbanized area and projects in such urbanized area that are eligible for assistance under Title 23, United States Code.

Finally, section 22(c) provides that no State shall receive less than one-half of one percent of the annual distribution under section 22.

SECTION 315—WATERBORNE TRANSPORTATION DEMONSTRATION PROJECT

This section amends section 320 of the Surface Transportation Assistance Act of 1978 (P.L. 95-599) to ensure that no funds are appropriated for the high-speed waterborne transportation demonstration project in New York after September 30, 1983. Given the present economic condition, the Department of Transportation should concentrate its resources on basic transportation services and avoid high cost, special demonstration projects.

SECTION 316—REPEAL OF SAFETY AUTHORITY

This section repeals section 107 of the National Mass Transportation Assistance Act of 1974 (Public Law 93-503). Section 107 requires DOT to investigate transit equipment, facilities, and operations funded by UMTA which create a serious hazard of injury. If the Secretary finds an unsafe condition in a bus, subway, or light rail system, grants funds can be withheld.

Section 107 currently puts UMTA in a position of being both banker and policeman for transit systems. UMTA's primary role under the UMT Act is to provide technical and financial assistance to transit systems. The section 107 safety provision diverts UMTA from its primary mission. UMTA's small staff gives it very limited capacity to undertake comprehensive safety investigations. If this investigation safety role is proper for the Federal Government, it could be done better by agencies that have more staff resources and the investigatory expertise to carry it out.

Section 107 also places transit authorities in anomalous situations because section 107 is unlike other Federal safety statutes. For instance, the Federal Railroad Safety Act (Public Law 91-458) gives the Federal Railroad Administration (FRA) comprehensive authority over commuter passenger railroads. The statute provides for due process and permits FRA to levy fines. Section 107 does not have similar provisions. Therefore, a transit authority who operates both commuter rail lines under FRA jurisdiction and subway lines under UMTA jurisdiction is subjected to two different statutes, two different standards and two different penalties.

Section 107 can be overly intrusive on local operations. Transit service that is confined to a local area should not give rise to a Federal transit safety role. The fact that the Federal Government assists local housing, for example, has never necessitated a specific statute so that a Federal grant agency would enforce elevator safety. Local transit safety should be a matter of State and local concern. UMTA will continue to offer technical assistance on safe technologies, equipment, and design and help transit authorities develop local safety programs. This is a better approach than the reactive process established in section 107 and is a better use of UMTA's limited staff resources.

SECTION 317—SAVINGS PROVISION

This provision has been added to provide that full funding contracts and letters of intent existing as of the date of enactment of this legislation will continue to be funded at the Federal share level set forth in any such full funding contract or letter of intent, notwithstanding the revised Federal share levels proposed in this legislation. This preserves the status quo with respect to such full funding contracts and letters of intent.

SECTION 318—EFFECTIVE DATES

This section specifies that most of the provisions of the Transit Assistance Act of 1982 would become effective on January 1, 1983. The provisions authorizing appropriations to finance grants under the section 3 discretionary grant program, the section 4(i) program for the development of innovative techniques and methods, the section 8 planning program, the section 9 capital formula grant program, the section 16(b)(2) program to meet special needs for the elderly and the handicapped, the research and training programs under sections 6, 10, and 11, and for administrative expenses shall become effective at the beginning of fiscal year 1984.

SECTION-BY-SECTION ANALYSIS—TITLE IV

SECTION 401—AUTHORIZATIONS

Subsection (1) authorizes for highway safety research and development by the Federal Highway Administration (FHWA) $13 million per FY for each of the FY's 1985, 1986, 1987, and 1988. Authorizations for this program for FY 1984 are in the Omnibus Reconciliation Act of 1981.

Subsection (2) authorizes $100 million per FY for each of the FY's 1985, 1986, 1987, and 1988 for highway safety programs by the National Highway Traffic Safety Administration (NHTSA). Authorizations for this program for FY 1984 are in the Omnibus Reconciliation Act of 1981.

Subsection (3) authorizes $31 million per FY for each of the FY's 1985, 1986, 1987, and 1988 for highway safety research and development by NHTSA. Authorizations for this program for FY 1984 are in the Omnibus Reconciliation Act of 1981.

SECTION 402—APPORTIONMENT

Subsection (a) strikes the definition of "State" in section 401 of title 23, United States Code.

Subsection (b) amends section 402 of title 23, United States Code, regarding the annual highway safety apportionment by striking exceptions relating to the Virgin Islands, Guam and American Samoa.

SECTION 403—COMMERCIAL MOTOR VEHICLE SIZE

Subsection (a)(1) increases the maximum width from 96 inches to 102 inches making mandatory the maximum width of 102 inches.

Subsection (a)(2) deletes a provision allowing 102 inch wide buses that is unnecessary given the 102 inch width limit for all commercial vehicles.

Subsection (b)(1) ensures that double-bottom combinations are allowed to operate on the Interstate System in every State. In addition this subsection provides that no State shall set length limits of less than 48 feet for trailers operating in a single bottom combination and 28 feet each for trailers operating in a double bottom combination on the Interstate System. No State may establish an overall length limitation for single bottom combinations or double bottom combinations on the Interstate System. This subsection also defines "truck tractor" as used in section 127, title 23, United States Code.

Subsection (b)(2) provides a grace period so that States will have an opportunity to revise their size and weight restrictions before apportionments are withheld under this section.

SECTION 404—NATIONAL UNIFORM STATE REGULATION

Section 19 of the Motor Carrier Act of 1980, Pub. L. 96-296, requires the Department of Transportation and the Interstate Commerce Commission to develop legislative or other recommendations to provide a more efficient and equitable system of State motor carrier regulations. After soliciting public comments, both written and oral, a final report detailing the various inconsistencies between State regulations in these areas has been prepared.

This section provides that a working group be established to review the various State licensing and State taxing requirements of interstate motor carriers by highway. This working group will recommend standards to the Secretary of Transportation. The Secretary may then initiate a rulemaking action to adopt or otherwise implement these standards. As a minimum such standards are to include: (1) standardized procedures and forms; (2) base State certification; (3) a single State unit for filings, applications, and permits; (4) payment of fees and taxes to the base State; (5) equitable distribution of revenues; (6) a common basis for taxation in each area of requirements; and (7) reasonable limits on fees paid for identification stickers, plates or other indicia.

Subsection (a) establishes a working group.

Subsection (b) defines the responsibilities of the working group. The working group is to develop uniform State procedural standards for vehicle registration, fuel tax, and third structural tax requirements.

Subsection (c) provides for the expenses to be paid to the members of the working group.

Subsection (d) provides that after the working group has completed its work, it must submit recommended standards to the Secretary, Department of Transportation, within 30 months of the date of enactment of this Act. It is believed that the Secretary will establish this working group within 6 months of date of enactment of this section. Therefore, the working group will have two years in which to complete its task.

Subsection (e) provides that the Secretary may initiate rulemaking to implement the recommended standards found acceptable.

Subsection (f) provides that, if the working group fails to act, the Secretary may develop such standards and initiate rulemaking.

This section envisions preemption of certain State procedures, e.g., the manner in which States collect fuel taxes; administer vehicle registration. We feel FHWA lacks persuasive, and probably sufficient, statutory authority to establish regulations to implement the national standards envisioned.

SECTION 405—MINIMUM FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS

This section amends the financial responsibility requirements contained in section 30 for motor carriers of property.

Subsection (a) would remove the limitation on the levels of financial responsibility for motor carriers of property established by the Secretary and allow the Secretary to determine appropriate levels through public rulemaking action.

Subsection (c) would do three things: (1) complement the proposed amendment to Section 30(b)(1) and subject motor vehicles transporting certain specified hazardous materials, substances, or wastes in foreign commerce to the financial responsibility provisions of Section 30; (2) change the language of subsection (c) to be consistent with the Department's hazardous materials regulations; and (3) remove the limitations on the levels of financial responsibility established by the Secretary, and allow the Secretary to determine future appropriate levels through public rulemaking action.

Subsection (d) would also do three things: (1) complement the proposed amendment to Section 30(b)(1) and subject motor vehicles transporting other hazardous materials, substances, or wastes in foreign commerce to the financial responsibility provisions of Section 30; (2) remove the limitations on the levels of financial responsibility established by the Secretary and allow the Secretary to determine future appropriate levels required through public rulemaking action; and (3) effectively exempt many more small businesses from the financial responsibility requirements of Section 30 without compromising highway safety.

Subsection (e) would also do two things: (1) complement the proposed amendment to Section 30(b)(1) and subject motor vehicles transporting any hazardous materials, substances, and wastes in foreign commerce to the financial responsibility provisions of Section 30; and (2) remove the limitation on the limits established by the Secretary and allow the Secretary to determine future appropriate levels required through public rulemaking action.

Subsection (f) amends the 10,000 pound GVWR exemption to Section 30. It would exclude from the 10,000 pound GVWR exemption those vehicles transporting any quantity of Class A or B explosives, poison gas, or large quantity radioactive materials in interstate or foreign commerce.

SECTION 406—FEDERAL-AID MOTOR CARRIER SAFETY PROGRAM

This section authorizes the Secretary to provide grants to the States, from available funds appropriated from the Highway Trust Fund, to assist them in implementing programs for the enforcement of commercial motor vehicle safety standards.

The grant program authorized by this section is designed to enhance enforcement by utilizing the State enforcement personnel already in place and available to enforce violations by intrastate operations subject to the Secretary's jurisdiction as "affecting" interstate commerce, as well as violations by interstate carriers operating in a particular State. Recent State efforts to improve motor carrier safety have shown that State enforcement can be effective. The Motor Carrier Safety Inspection and Weighing Demonstration Program has also demonstrated the effectiveness of federally funded, State-operated inspectional activity.

By authorizing $10-$50 million annually in grants for commercial motor vehicle safety at a 70 percent Federal share, this bill is expected to make employers and employees rethink the assumption that violations will go undetected. A phase-in period for Federal funding is provided so as to afford States the opportunity to adjust their programs to qualify for these grants. Ten ($10) million will be adequate for the first year of this program, as will $20 million for the second, $30 million for the third, $40 million for the fourth, $50 million for the fifth.

Federal grants for enforcement of commercial motor vehicle safety standards under this section may not be used to maintain efforts in this area already undertaken by State governments. The purposes of the grant program is to raise the level of enforcement, not to substitute Federal for State and * * *.

SECTION 407—MOTOR CARRIER SAFETY; PENALTY AUTHORITY

This section sets forth the penalties available to the Secretary in enforcing violations of motor carrier safety regulations and the procedures to be utilized in imposing those penalties. The section provides for civil penalties and injunctive relief.

The DOT has long considered that one of the most pressing legislative priorities in the motor vehicle safety area is the need to provide that, as a general rule, violations of Federal commercial motor vehicle safety regulations should be punishable by civil penalties and that civil penalty authority should allow for significant fines.

At present, FHWA has civil penalty authority only with respect to reporting and filing violations, and even this limited civil penalty authority does not reach private carriers, only common, contract, and exempt carriers. The present maximum civil penalty is $500. Substantive violations, by any type of carrier, are punishable only by criminal penalties from $100 to $500 per violation, with special provisions for criminal penalties up to $5,000 for recordkeeping violations.

Criminal penalties require the establishment, to the satisfaction of a court, that a violation was knowingly and willfully committed, thereby frustrating the imposition of penalties in cases where it is extremely difficult to show that a violator knew he was subject to the regulations and that he knew and permitted a particular action or omission to take place. Further, in many jurisdictions, cases may be several years old before they are presented to a judge because of heavy case loads. Utilization of civil penalty mechanism is a more efficient and effective system to deal with motor vehicle safety violations, while also assuring basic procedural rights. Additionally, a limitation of the present reliance on criminal penalties is that the presentation of certain types of counts, particularly those involving vehicle defects, is made very difficult because of scattered venue. A particular carrier might have 10 vehicles placed out of service over a period of time and, under criminal procedures, because of the locations at which the vehicles were inspected, it is likely that as many as 10 separate and distinct cases would have to be prepared and presented in separate courts, thereby greatly weakening the chances of successful prosecution. Also, even in the case of a criminal conviction or settlement, present levels of criminal penalties can amount to little more than a routine cost of doing business.

Subsection (a) of the proposed section provides that the Secretary may issue a notice identifying a violation of the Federal Motor Carrier Safety Regulations and setting forth a reasonable time for abatement of the violation, the amount of the civil penalty to be imposed, if any, and any further actions to be taken to avoid subsequent similar violations. An alleged violator would be afforded the opportunity for a formal administrative hearing. Orders by the Secretary shall be considered final.

Subsection (b) establishes the amounts of civil penalties which may be imposed. Civil penalties of up to $500 per each offense would be extended to private motor carriers for recordkeeping violations. Each day of a continuing offense is to be considered a separate offense and the total amount of civil penalties for any single recordkeeping violation may not exceed $10,000. The subsection also provides for a civil penalty of up to $2,500 for each substantive violation (nonrecordkeeping), with each day of a violation considered as a separate offense, and for a civil penalty of up to $10,000 for each substantive violation which the Secretary determines has led to, or could lead to, serious personal injury or death, with each day of a violation considered as a separate offense. In the case of employees, however, civil penalty authority is limited to recordkeeping violations or those substantive violations which the Secretary determines have lead to, or could lead to, serious personal injury or death, but in no instance may the penalty exceed $5,000 against an employee. The assessment of penalties in all instances is to be calculated to induce compliance.

Subsection (c) authorizes the Secretary to require a violator to post notice of the violation. This is intended to serve as an educational tool in order to avoid subsequent similar violations.

Subsection (d) provides that the Attorney General may seek enforcement in the U.S. District Court of any order issued or penalty imposed by the Secretary.

Subsection (e) provides that an aggrieved person, after a final Secretarial order, may obtain judicial review of that order in the United States Court of Appeals. It is believed that, inasmuch as each day of a continuing violation is to be considered a separate offense, some mechanism ought to be provided to an aggrieved person to obtain judicial review of an order or penalty without having to await the bringing of an enforcement action by the Attorney General.

Subsection (f) provides for depositing the penalties collected under this section into the Treasury.

Subsection (g) provides for the issuance of injunctions before the Secretary holds a hearing in those instances where the violation presents a substantial risk to public health and safety.

Subsection (h) provides the definition of "employee" for purposes of this section. Essentially, it provides that any person whose activities directly affect commercial motor safety would be covered. A definition of "person" is not provided inasmuch as that term is defined elsewhere in title 49, U.S.C., and is used in this section as so defined.

Mr. DOLE. Mr. President, I am today pleased to join my colleagues in introducing the administration's highway bill which is designed to improve our Nation's highway system.

BACKGROUND

In its 25 years of existence, the Interstate Highway System has assumed enormous importance within the Nation's transportation system. Interstate routes carry approximately 19 percent of the Nation's auto travel and an estimated 75 percent of the value of freight shipments and 65 percent of all military shipments. The Interstate System has reshaped where Americans live, work, shop, and vacation.

The Nation's economy has come to rely more and more on the efficient movement of people and freight. The highway and transit systems, which have provided the essential transportation links as well as a major source of employment for U.S. workers, now face a future of rapidly accelerating deterioration if the commitment to meet capital investment is not made soon.

Although most Americans take the Interstate Highway System for granted, its future is threatened by several emerging problems and the need for renewed investment in the highway system is critical. Four thousand miles of the Interstate System pavement, nearly 10 percent of the total system, must be resurfaced or replaced now or in the very near future. Through 1995 the entire Interstate System will need to be resurfaced. Fifty percent of the primary system will reach the end of its design life during the 1980's. Forty percent of our bridges are more than 40 years old, and the design life of most bridges is 50 years.

HIGHWAY TRUST FUND

The 1956 Highway Act created the highway trust fund to insure a stable source of funds to build the Interstate System and other highway related projects. Receipts from various highway excise taxes are deposited in the highway trust fund. These funds are earmarked for highway projects, including the Interstate System, the primary system, secondary rural roads, urban roads, and more than 30 other similarly authorized programs and projects. This earmarking insures a source of long-term funding for multiyear construction projects such as the Interstate Highway System. Once authorized, funds for highway projects are virtually assured for the entire construction period.

Mr. President, the administration's highway bill would substantially restructure the current taxes that go into the highway trust fund. In addition to increasing the tax on gasoline and diesel by 5 cents per gallon, the proposal would modify the taxes on tires, and tubes, increase the tax on new trucks and trailers, repeal the tax on lubricating oil and substantially increase the use tax on trucks of 55,000 gross weight or more. The new tax structure substantially shifts the tax burden on heavy trucks consistent with the Department of Transportation cost allocation study. I agree that heavy trucks should pay their fair share of the cost of maintaining the highway system. Nevertheless, in examining the allocation of more highway taxes to heavy trucks, we also need to consider the ability of such a depressed industry to pay more taxes and the effect steep highway tax increases would have on related service industries.

I intend to carefully review this issue and other questions I have about the administration proposal before the committee schedules any markup. It seems to this Senator that the administration's bill might be improved in several areas.

EMPLOYMENT EFFECTS

While the primary purpose of this program is to rehabilitate the Nation's highways and bridges, we can expect

substantial positive employment effects. An analysis for the Department of Transportation estimates 31,000 new jobs in onsight construction and in offsite, materials-supplying industries for every $1 billion in new expenditures. Therefore, the total impact of the $5.5 billion program will be approximately 170,000 construction-related jobs. In addition, employment in other sectors is expected to rise by 150,000 as the $5.5 billion stimulus creates a "ripple" effect throughout the remainder of the economy, making a total of 320,000 new jobs.

Others have argued that the gasoline tax will lower consumer spending, causing offsetting employment losses in other areas. However, the tax increase for the average consumer will be less than $1 per week. There is room for doubt that an amount this small will have any noticeable impact on spending habits. Further, the effective date of the tax will be delayed. The best economic evidence is that tax changes do not begin to affect output or employment until after a lag of several months. So if there is any effect of the 5-cents per gallon tax increase on demand, it would not be felt until early 1984. Meanwhile, the expenditure portion of the program would be stimulating employment in 1983, when unemployment is expected to be at its peak.

Finally better roads and bridges will have positive long-term employment consequences. An improved transportation system would lower distribution costs and stimulate increased production and jobs. Just as we believe that private capital formation is necessary to expand employment opportunties, public investment also is essential.

The administration's proposal is a needed and sound one that I hope will promptly move forward in the Congress. In an effort to speed up consideration of the legislation I have scheduled hearings on the revenue title tomorrow afternoon at 2 p.m. in the Senate Judiciary Committee hearing room, 2228 Dirksen Senate Office Building.

Mr. GARN. Mr. President, the Committee on Banking, Housing, and Urban Affairs will have jurisdiction over title III of this bill which deals with mass transit. As chairman of that committee, I am pleased to introduce, by request of the Senate leadership, title III. The committee will act in as expeditious a way as possible.

Mr. PACKWOOD. Mr. President, I am pleased to join with the majority leader in his efforts to improve the Nation's surface transportation system. As chairman of the Senate Committee on Commerce, Science, and Transportation I will review the provisions of title IV of the bill relating to truck size and highway safety as expeditiously as possible. I look forward to working with my colleagues in the Senate and the House to pass this or similar legislation.

ADDITIONAL COSPONSORS

S. 27

At the request of Mr. DOLE, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 27, a bill to amend the Internal Revenue Code of 1954 to make permanent the allowance of a deduction for eliminating architectural and transportation barriers for the handicapped and to increase the amount of such deduction from $25,000 to $100,000.

S. 2631

At the request of Mr. KASTEN, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 2631, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 2822

At the request of Mr. NICKLES, the names of the Senator from Wyoming (Mr. WALLOP), the Senator from California (Mr. HAYAKAWA), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 2822, a bill to amend title IV of the Higher Education Act of 1965 to provide standards for students for maintaining satisfactory progress as a condition for assistance under that title.

S. 2902

At the request of Mr. THURMOND, the name of the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of S. 2902, a bill to define the affirmative defense of insanity and to provide a procedure for the commitment of offenders suffering from a mental disease or defect, and for other purposes.

S. 2929

At the request of Mr. NICKLES, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 2929, a bill to amend the Davis-Bacon Act.

S. 2942

At the request of Mr. COHEN, the names of the Senator from Georgia (Mr. NUNN), and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 2942, a bill to provide that disability benefits under title II of the Social Security Act shall continue to be paid through the end of the administrative appeals process, and that periodic reviews of disability cases shall be carried out only to the extent determined to be appropriate.

S. 2948

At the request of Mr. DOLE, the names of the Senator from Pennsylvania, (Mr. HEINZ), the Senator from Iowa, (Mr. JEPSEN), the Senator from Montana (Mr. MELCHER), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2948, a bill to promote the development of nonanimal methods of research experimentation, and testing, and to insure humane care of animals used in scientific research, experimentation, and testing.

SENATE JOINT RESOLUTION 244

At the request of Mr. WARNER, the names of the Senator from Louisiana (Mr. JOHNSTON), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of Senate Joint Resolution 244, a joint resolution designating January 17, 1983, as Public Employees' Appreciation Day.

SENATE JOINT RESOLUTION 257

At the request of Mr. WEICKER, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Maine (Mr. MITCHELL), and the Senator from Tennessee (Mr. SASSER) were added as cosponsors of Senate Joint Resolution 257, a joint resolution to designate the month of November 1982, as National Diabetes Month.

SENATE JOINT RESOLUTION 263

At the request of Mr. THURMOND, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Washington (Mr. JACKSON) the Senator from Arkansas (Mr. PRYOR), the Senator from Washington (Mr. GORTON), the Senator from Indiana (Mr. LUGAR), the Senator from Arizona (Mr. GOLDWATER), the Senator from Georgia (Mr. MATTINGLY), the Senator from North Carolina (Mr. EAST), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Georgia (Mr. NUNN), the Senator from Nevada (Mr. LAXALT), the Senator from North Carolina (Mr. HELMS), the Senator from Montana (Mr. MELCHER), and the Senator from Illinois (Mr. PERCY), the Senator from Florida (Mr. CHILES), and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of Senate Joint Resolution 263, a joint resolution to authorize the President to issue a proclamation designating the week beginning on March 13, 1983, as National Surveyors Week.

SENATE JOINT RESOLUTION 265

At the request of Mr. DENTON, the names of the Senator from Alabama (Mr. HEFLIN), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from North Carolina (Mr. EAST) were added as cosponsors of Senate Joint Resolution 265, a joint resolution to authorize and request the President to proclaim 1983 as the National Year of Voluntarism.

SENATE CONCURRENT RESOLUTION 121

At the request of Mr. DOLE, the names of the Senator from Arkansas (Mr. BUMPERS), the Senator from New York (Mr. D'AMATO), the Senator from Arizona (Mr. DECONCINI), the Senator from Georgia (Mr. NUNN), the Senator from Mississippi (Mr. STENNIS), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of Senate Concurrent Resolution 121, a

concurrent resolution expressing the sense of the Congress that the United States should maintain Federal involvement in, and support for, the child nutrition programs, and for other purposes.

SENATE CONCURRENT RESOLUTION 122

At the request of Mr. PERCY, the name of the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of Senate Concurrent Resolution 122, a concurrent resolution relating to the processed product share of U.S. agricultural exports.

AMENDMENTS SUBMITTED FOR PRINTING

CONTINUING APPROPRIATIONS FOR 1983

AMENDMENT NO. 3637

(Ordered to be printed and to lie on the table.)

Mr. JEPSEN submitted an amendment intended to be proposed by him to a joint resolution to be introduced making further continuing appropriations for fiscal year 1983.

PAY RAISE UNWARRANTED

● Mr. JEPSEN. Mr. President, prior to the election recess, the Senate and House extended the pay cap for high level Federal employees and Members of Congress. Had this not been done, Members of Congress would have received a 4-percent pay raise on October 1.

While I supported the pay cap extension, I was disappointed that we did not extend the cap for the entire fiscal year. As my colleagues know, this could have been done.

Mr. President, I believe it would be wrong for Congress to accept a pay raise, particularly at a time when so many Americans are unemployed. How do we justify a pay raise for ourselves, when millions of social security recipients, living on fixed incomes, are faced with skyrocketing utility prices? How do we explain the pay raise to farmers who have seen their prices go steadily downward?

I firmly believe the economy is beginning to turn around. If we expect this to continue then we, above all others, must show restraint. It is up to us to set an example for the rest of the country. If we accept this pay raise, I am afraid we will be sending the wrong signal to the American people.

For this reason, Mr. President, I am submitting an amendment which would extend the pay cap for the remainder of this fiscal year. I intend to call up my amendment at the earliest possible date.

Furthermore, I want to alert my colleagues that I intend to pursue this until it is resolved.

This is not a partisan issue, Mr. President. Rather, it is one of priorities. Adoption of my amendment will demonstrate that the U.S. Senate is prepared to put the welfare of the Nation above all else.●

ARCTIC RESEARCH AND POLICY ACT

AMENDMENT NO. 3638

(Ordered to be printed and lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill (S. 1562) to provide a comprehensive national policy dealing with national needs and objectives in the Arctic:

● Mr. MURKOWSKI. Mr. President, I am submitting for printing an amendment to the committee amendment to S. 1562, the Arctic Research and Policy Act.

The Committee on Governmental Affairs has reported S. 1562, with amendments, to the full Senate with a favorable recommendation. There have been some questions raised, however, about one section of the bill proposing to exempt the Arctic Science Policy Council and the Arctic Research Commission from the requirement of filing environmental impact statements (EIS) that might be required by the National Environmental Policy Act (NEPA).

Having reviewed S. 1562 and NEPA once again, it is clear that there would not be any activities the Council or Commission might perform which would require an EIS to be filed. Therefore, the NEPA exemption is unnecessary and may only serve to confuse my colleagues in the Senate and Members of the House. Therefore, I propose this amendment which would strike section 12 of the bill.

My amendment also proposes the addition of some additional language under the "Findings and Purpose" section of the bill which recognizes importance of Arctic research to increased international cooperation in the Arctic.

I ask unanimous consent that the proposed amendment be printed in the RECORD following my remarks.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 3638

Under section 2(a), on page 13, line 15, strike the work "and" after the semicolon. On page 13, line 19, strike the period and insert a semicolon. On page 13, after line 19, insert the following:

(15) Arctic Research has significant value for expanding knowledge of the Arctic which can enhance the lives of Arctic residents, increase opportunities for international cooperation among Arctic rim countries and foster a national policy for the Arctic; and

(16) The Alaskan Arctic provides essential habitat for marine mammals, migratory water fowl and other forms of wildlife which are important to the nation and which are essential to Arctic residents.

On page 26, strike section 12.●

SENATE RESOLUTION 496—RESOLUTION RELATIVE TO GRAIN AGREEMENTS WITH THE SOVIET UNION

Mr. PRESSLER submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 496

Whereas the Soviet Union has signed long-term grain supply agreements with Canada, Argentina, France and other grain-producing nations since the 1980 U.S. grain export embargo; and

Whereas the Soviet Union continues to consider the United States of America as a secondary source of grain because of supply uncertainty considerations arising from that embargo; and

Whereas the Soviet Union will continue to import large amounts of grain in the future and the United States of America has a large surplus of exportable grain; and

Whereas the Soviet Union will not be able to purchase large quantities of U.S. grain during winter months because of limited port facilities and adverse weather conditions: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States of America extend a grain export sales contract sanctity guarantee to the Soviet Union from November 30, 1982 until November 30, 1983, be it further

Resolved, That the United States of America should initiate trade discussions with the Soviet Union for the purpose of establishing a new long-term grain sales agreement with high minimum purchase requirements.

● Mr. PRESSLER. Mr. President, today I am submitting a resolution expressing the sense of Congress that negotiation of a new long-term grain agreement with the Soviet Union begin and the contract sanctity guarantee made by the President to the Soviet Union be extended beyond November 30, 1982. These actions are needed for several reasons.

The Soviet Union continues to go elsewhere for an increasing share of its grain import needs and to negotiate long-term grain agreements with other nations. The Soviets recently signed a long-term grain agreement with France and have purchased nearly 1.5-million metric tons of grain from them. The Soviets have also purchased large amounts of grain from Canada, Argentina, and Spain, while purchases from the United States have been very limited. To date, the Soviets have purchased less than 2.5-million metric tons of corn from the United States. We must reestablish the United States as a reliable supplier of grain, rather than a residual supplier. Extension of the contract sanctity guarantee would help to do this and negotiation of a new long-term grain agreement would assure us of a portion of the Soviet market in the future.

With the death of Soviet President Brezhnev, the Soviet grain purchasing policies may well be reviewed and it is important that we take advantage of every opportunity to regain our major share of the Soviet market. With the

recent improvement in United States-Soviet relations, negotiation of a new long-term grain agreement would be an effective next step in continuing to improve our relations.

The Soviet concern about the wheat scab problem in the United States has also slowed purchases. Soviet inspectors have been looking at U.S. wheat this month to see the extent of damage caused by scab. We must allow the Soviets time to make purchases after they have seen that we have high quality grain.

Domestically, we also need to regain our preembargo share of the Soviet market and increase exports to boost farm prices. Currently, the farm economy is suffering through the most depressed time since the 1930's and the United States has record grain surpluses. Meanwhile, U.S. agricultural export values declined to $39.1 billion in fiscal year 1982, down 11 percent from fiscal year 1981 and down 3 percent from fiscal year 1980. The lower export values also reduced the U.S. agricultural trade surplus by 11 percent from fiscal year 1981. If we are to boost domestic farm prices, agricultural exports must be increased, and regaining the Soviet market is important to increasing our exports.

I urge my colleagues to join me in support of this resolution in an effort to regain a share of the Soviet market, increase agricultural exports, and boost domestic farm prices.●

NOTICES OF HEARINGS

SUBCOMMITTEE ON EMPLOYMENT AND PRODUCTIVITY

Mr. QUAYLE. Mr. President, the Subcommittee on Employment and Productivity will hold hearings starting January 12, 1983, addressed to the following questions:

First. What job creation programs has the Federal Government undertaken and how successful have they been? Have they created net additional jobs; at what cost; with what time lags; with what general effects on the economy?

Second. Is it appropriate for the Federal Government to try to stimulate public or private employment through methods other than general economic policy—such as fiscal and monetary policy?

Third. What possible options—excluding fiscal and monetary policy—are there for such programs?

Persons desiring to testify should submit written requests to the Subcommittee on Employment and Productivity, 4230 Dirksen Senate Office Building, Washington, D.C. 20510. Attention: Bob Guttman, indicating the issue on which they wish to testify. Written testimony will be accepted from persons who cannot be scheduled for oral presentation. Requests to testify must be received by December 31, 1982.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Committee on Energy and Natural Resources to consider the nominations of Donald P. Hodel, of Oregon, to be Secretary of Energy; and Martha O. Hesse, of Illinois, to be an Assistant Secretary of Energy (Management and Administration).

The hearing will be held on Wednesday, December 1, beginning at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, room 3104, Dirksen Senate Office Building, Washington, D.C. 20510.

For further information regarding this hearing, you may wish to contact Mr. David Doane of the committee staff at 224-7144.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Public Lands and Reserved Water to consider the following bills: H.R. 6011, to designate certain lands in Alabama as wilderness, and for other purposes; S. 2955, to establish the Cheaha Wilderness in Talladega National Forest, Ala.; S. 1117, to designate certain lands in the Shasta Trinity National Forest, Calif., as the Mount Shasta Wilderness; and S. 2157, to provide for the establishment of the Illinois and Michigan Canal National Heritage Corridor, and for other purposes.

The hearing will be held on Tuesday, November 30, beginning at 9:30 a.m. in room 3110 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Public Lands and Reserved Water, room 3104, Dirksen Senate Office Building, Washington, D.C. 20510, or call Mr. Tony Bevinetto of the subcommittee staff at 202-224-5161.

Witnesses are requested to provide the subcommittee with 25 copies of their written testimony 24 hours before the hearing, as required by the rules of the committee. Witnesses may be arranged in panels and are requested to limit their oral testimony to 5 minutes.

For further information regarding this hearing, please contact Mr. Bevinetto.

SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES

Mr. WARNER. Mr. President, I would like to announce for the information of the Senate and the Public the scheduling of a public hearing before the Subcommittee on Energy and Mineral Resources to consider S. 2503, to authorize the Secretary of the Interior to consider a petition for reinstatement of a certain oil and gas lease; S. 2680, to provide for the reinstatement of U.S. oil and gas lease numbered U-26485; and U-26505; S. 2681, to provide for the reinstatement and validation of U.S. oil and gas lease numbered U-14654; and S. 2824, to provide for the reinstatement of oil and gas lease in Eddy County, N. Mex.

The hearing will be held on Friday, December 10, beginning at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Energy and Mineral Resources, Room 3104, Dirksen Senate Office Building, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Roger Sindelar of the subcommittee staff at 224-4236.

ADDITIONAL STATEMENTS

NATIONAL HOME HEALTH CARE WEEK

Mr. HATCH. A Presidential proclamation, based on a congressional resolution, designates November 28 through December 4 as "National Home Health Care Week." I introduced this resolution in the Senate to honor the many dedicated individuals who work to provide home care for millions of Americans.

My interest in home care and its improvement stretches well beyond the memorial week. I am the principal sponsor of S. 234, the Community Home Health Services Act. I became acutely aware of the need for these services and their benefits after a visit to a home health agency in my home State of Utah.

After seeing home care in action, I studied and reviewed the medicare statute regarding home care, and subsequently introduced S. 234. An obvious benefit of providing home care is its support of the patient's dignity and well-being. However, beyond that, home health care can, and often does, provide cost savings by avoiding unnecessary institutionalization and prolonged hospital stays.

While I have worked hard for 3 years to improve home health care services, many others deserve much credit for having pushed the delivery of these services under current law.

Further, many of these very special persons have joined me in the fight for better home health care legislation.

One such person is Elmer Cerin, who voluntarily represents the Amyotrophic Lateral Sclerosis (ALS) Society of America. He believes in home health care for much the same reasons as I have listed, but for even more personal reasons because Elmer Cerin's life has been affected by the difficulties of obtaining home health care.

In 1977, Mr. Cerin's wife was diagnosed as having ALS, the disease that killed baseball immortal Lou Gehrig. ALS is a type of motor disorder of the nervous system. Early symptoms include weakness of the muscles, and atrophy occurs as the disease progresses.

Mrs. Cerin's feet were affected first; it became difficult for her to walk without assistance. The singing she loved ended when a progressive bulbar palsy, affecting her tongue, pharynx and larynx, overtook her. During the early stages of his wife's illness, Elmer cared for her with the assistance of two nurses who stayed with her while Elmer was at work. For a year and a half, the routine continued until Elmer consented, upon the urging of his family, to place his wife in a nursing home.

Though the nursing home was a good one, Elmer was not satisifed with the care his wife received. He spent many hours caring for her during her stay in the nursing home and spent many more hours assisting other patients in the home.

Issues of lower costs for home care versus institutional care have been hotly debated in Congress. But Elmer feels the answers are clear. The costs of the nursing home care, both monetarily and emotionally, were very much higher, substantially more than what he paid for home care.

Mrs. Cerin died in the nursing home nearly 2 years after she had been diagnosed as having ALS. Elmer's story is one all too familiar to many families around the country who face the tragedy of loved ones afflicted with myriads of illnesses and who choose to care for them at home as long as they can.

Elmer feels they need our support. He feels that by expanding medicare home service benefits, the needed support would be provided and at a much reduced cost compared to that of prolonged hospital or institutional care. I agree.

Dedication and hard work have become second nature to Elmer; it showed during his wife's long illness, and now as he walks the halls of Congress representing the ALS Society. He is, and has been, a great example of volunteerism. He has become a special friend to me and my staff. To Elmer, we say, "Thank you," and dedicate Home Health Care Week to him and the many like him.

Mr. President, I would also like this statement which was written to commemorate "National Home Health Care Week" in my home State of Utah to be printed in the RECORD.

The statement follows:

STATEMENT OF SENATOR ORRIN HATCH COMMEMORATING HOME HEALTH CARE WEEK, NOVEMBER 29, 1982

It's been two years and many long legislative hours since I first introduced legislation to improve "home health care." During 1981 hearings in the Labor and Human Resources Committee, the media and public packed the hearing room to hear and see Helen Hayes, as well as home health and other well qualifed and knowledgeable experts testify on behalf of my bill, S. 234, the "Community Home Health Services Act." I've studied countless briefs and cost reports, heard hours of testimony, met with providers and patients, read letters and given speeches, all in the name of "home health."

But after the cameras stopped clicking and the speeches were memories, the real reason why I joined this crusade stuck in my mind: The people, our aged and disabled citizens who need home health services. Thousands of families care for their ailing and aged family members at home. The burdens are great, but family loyalties and the urge to care for "one's own" create the strong desire to keep them at home.

I am dedicated to continuing my work toward this end. I have seen great strides in volunteer and private efforts toward finding solutions, and it is fitting that during this week, we take time to commend those efforts.

But my interest in home care isn't prompted only by the cost-savings to the Federal Government. In 1979, I visited a home health agency in Utah and became acutely aware of the need for, and potential of, home health services. Most recently, I have become aware of home services provided in the most southerly regions of our State where elderly citizens are often geographically isolated by distance. Barbara Williams, home health coordinator for the Southern Utah District Health Department notes home health services in that area cost much less compared to more expended services. She has provided the following descriptions of home patients currently under her care.

"Mr. C. was 78 years old and in the final stages of terminal cancer when he was referred to home health. With vigilant nursing supervision and dedicated home health aides, we were able to support his wife and family and allow him to spend his last months at home among his loved ones, and die with dignity.

"Mary and Jane are 94- and 96-year-old mothers of an elderly couple, John and Alice. Both ladies need almost total care. With home health intervention, Alice, who is nearly blind and John, who is severely hard of hearing, can take care of their mothers in familiar surroundings.

Mrs. A. is 87 years old with no family and lives alone. In the fall of 1980, she suffered a severe heart attack. On discharge from the hospital with a heart pacemaker inserted, she was put on daily home health visits. Our homemaker home health aides provided personal care and homemaking assistance. With the new telephone monitoring system, our nurses were able to evaluate her response to the pacer and report regularly to her physician in Salt Lake City. She has gradually improved to the maximum of her potential and is doing quite well in her own environment, enjoying her independence.

"Mr. B. is a blind diabetic with severely compromised peripheral circulation. Home health provided insulin injections daily and dressings to an ulcer on his leg. After amputation was required, he was again placed on home health and is walking with a prosthesis, and a member of his family has been taught to give him insulin injections. Result: Semi-independence, no extended care facility.

"Henry M. is a paraplegic confined to a wheelchair. He has fought Parkinson's disease for 20 years. With assistance from the home health staff, he has been able to remain at home. He states that our assistance has allowed him to have a full life in the companionship of his wife and family."

Ms. Williams concludes, "Home health is a viable service that allows our elderly citizens to remain at home with their families and stay alert and as productive as their health will allow." It is for dedicated home health workers like Barbara Williams that Congress, at my urging, has designated this week, November 28th through December 4th, as "National Home Health Week."●

SOLIDARITY

● Mr. LEVIN. At the November 10 "Solidarity Lives" rally in Hamtramck, Mich., an important resolution was unanimously adopted by the gathering. It should be read far and wide as a statement of strong determination that Polish freedom should be restored.

I ask that that statement and my own remarks at that rally be printed in the RECORD.

The material follows:

RESOLUTION ADOPTED ON NOVEMBER 10, 1982, AT THE "SOLIDARITY LIVES" RALLY, HELD AT THE P.N.A. HALL, HAMTRAMCK, MICH.

The Polish-Americans and the Poles assembled in Hamtramck, Michigan on November 10, 1982, in support of their sisters and brothers in Poland who suffer the oppression of Soviet-imposed communist dictatorship, express their admiration to the Polish nation, the Polish religious leaders, workers, peasants, intellectuals and students, for their heroic fight for freedom and Polish ideals.

Ruthless repressions directed against those who dare to defy the Moscow-led tyranny will not result in the submission of the Polish people. Polish patriots endured the persecution on the part of the Tsarist imperialists and the Nazi henchmen, and they will not compromise with a small bunch of Soviet puppets whose rule is based on brutal force.

Unable to gain any respect or support of the population, hated by all classes of the nation, the ruling clique attempts to strengthen its grip on the country by various means, ranging from the "internment" and arrest of some of the best sons of the nation to Soviet-inspired and dictated legislation amounting to the introduction of slave labor into Poland. As in the past, such measures will not crush the Polish spirit, and when the nation will emerge from this dark period of her history, the Polish herit-

age will revive and bring inspiration to the world, as it did in the past.

In this hope we demand:

That all brutality ends;

That martial law be abolished;

That Lech Walesa and all internees and political prisoners be freed;

That independent trade union Solidarity which was legally registered two years ago today be again allowed to function;

That basic human rights and freedoms be restored;

That honest dialogue with Solidarity and the Church be initiated.

Only these measures can create conditions for rescueing economic and social life of the country from fast approaching total collapse.

We urge our government and all free nations of the world to continue and increase the economic and political sanctions against the Soviet Union which is principally responsible for the introduction and continuation of the brutal oppression of the people of Poland.

Long live Solidarity.

Long live Poland.

LONG LIVE SOLIDARITY

(Remarks of Senator Carl Levin at the "Solidarity Lives" rally, Nov. 10, 1982)

For decades, we've seen the Soviet bear's paw claw Poland. But despite this oppressive environment, we saw Poland's love of civil and political freedom come to life in the form of Solidarity. It was an extraordinary and daring political experiment *and* for a while it seemed to escape the bear's paw. We marveled at and applauded Poland's undaunted spirit in their struggle to determine their own political, social and cultural destinies. We held our breath in anxious anticipation over what the future of the fledgling Solidarity might be.

What recently unfolded is not what we had hoped for—the great bear took a vicious swipe at Solidarity, knocked it from its freedom flight, and now seeks to trap it beneath its paw. Just about one month ago, the Communist dominated Parliament in Poland tried to decree the death of Solidarity. They outlawed the 9 million member independent union federation that had for 16 months raised the hopes of Poles and friends of a free Poland and had rattled the entire Soviet network in Eastern Europe.

The Soviets may have been successful in having Solidarity banned, but they can't banish Polish determination; the Soviets may have had Solidarity's leaders jailed, but they can't put the Polish spirit behind bars.

That free spirit is what helped give birth to Solidarity and is testimony to the courage and perseverance of the Polish people. And this is only the most recent act inspired by the Poles' love of freedom. For centuries we've seen the Poles join together under the banner of self-determination and political sovereignty. In a major triumph for the cause of freedom, the modern state of Poland was born 64 years tomorrow. The Polish love of freedom helped us during our own struggle for independence here in the United States when Kosciuszko and Pulaski provided leadership in the struggle to expel the oppressors from our shores 200 years ago.

We see that very same spirit of fighting for political and civil liberties burning today in the hearts of the Polish people. We see it in people like Lech Walesa, a man driven by a desire to see his people free—free of foreign domination, free to form their destiny, free to create their own future. That spirit has endured the test of time and will not be extinguished by the Soviets' most recent blow.

And that blow cannot go unanswered by freedom-loving countries. It is the Soviets who are responsible for the deprivation of the civil and political liberties of Poles and of the legal rights of Solidarity. It is the Soviets who should pay dearly, not the Poles.

We must continue to lend unswerving support to the Polish quest for freedom. We must help keep Solidarity's flame aglow. By virtue of its very existence, what it represents, and what it achieved, Solidarity has made an indelible impact on the course Poland will follow and on the consciousness of us all.

The Archbishop of Poland recently said, "Nothing of that which is great and just will be lost of that which was born in the course of the last two years, and thanks to which, today we feel ourselves more than ever masters of this land."

I can add no more to those words than to lend my full voice to the cry heard the world over, "Niech Zyje Solidarnocs."●

DR. MARCUS WALLENBERG—A FRIEND OF THE UNITED STATES

● Mr. BRADY. Mr. President, Marcus Wallenberg passed away on September 13, 1982. Although he was the leading banker and industrialist in Sweden for many decades, and very deeply attached to his nation's land, Marcus Wallenberg was truly international in his views and deeds. With all his worldwide interests, he had a very deep and personal affection for the United States, ever since his first days in this country as a young banker in the early 1920's. Marcus Wallenberg, throughout his life, attached an enormous importance to developments in the United States, not only because he saw this country as the ultimate defender and symbol of the free world's democratic institutions, but also because of his personal affinity for and attachment to many individuals and institutions here.

Throughout his long career as a leader of a large number of Swedish corporations, he worked for the development of business relations and trade between Sweden and the United States. To support these efforts he played a key role as the force behind improved communications and contacts between the two countries. In this context his work as a founder of Scandinavian Airlines Systems, which became the first airline to operate a post-war commercial route across the North Atlantic, is just one of a number of achievements. Perhaps the most lasting and tangible evidence of his efforts is the number of large Swedish companies which, at his urging, have established important subsidiaries in the United States.

The United States held real importance to Marc. During World War II, he helped to organize the United States-Sweden Trade Delegation. On a personal note, he came to the United States to observe, really to participate in, every U.S. Presidential election from 1928 through 1980, with the exception of 1944 when World War II would not permit his travel here. During World War II, he was closely associated with a group that helped downed U.S. flyers escape from Nazi Germany.

Marcus Wallenberg's friendship for the United States was well known and recognized in this country on many occasions. He received an honorary doctorate from Georgetown University and in 1981 Babson University nominated him "Entrepreneur of the Year," the first European to receive this award.

With the death of Marcus Wallenberg, a unique man is gone. He will be remembered in this country as a prominent financier, entrepreneur, diplomat and sportsman and, above all, one of the best friends the United States ever had.●

B'NAI B'RITH WOMEN PRINCE GEORGES CHAPTER

● Mr. SARBANES. Mr. President, I am pleased to recognize and pay tribute to B'nai B'rith Women on the occasion of its 85th birthday. In this area, the outstanding programs of B'nai B'rith Women to make the world a better place to live have been well represented by B'nai B'rith Women Prince Georges Chapter, celebrating its 43d anniversary, and by Abram Simon Chapter, completing its 30th year of service.

For 85 years, B'nai B'rith Women has performed dedicated service on behalf of basic American principles—the protection of the constitutional rights of our people and the defense of basic human rights around the world. The emphasis placed by its public-spirited members on community involvement and education has strengthened communication and respect among our people.

Mr. President, the compassion of B'nai B'rith Women Prince Georges Chapter and Abram Simon Chapter has touched the people of their communities deeply, and their programs have benefited the many people they have served. I ask my colleagues to join me in congratulating the chapters for their outstanding work and in wishing their members continued success in the years ahead.●

200TH ANNIVERSARY OF PRESIDENT MARTIN VAN BUREN'S BIRTH

● Mr. D'AMATO. Mr. President, today I offer these remarks in commemoration of the 200th anniversary of the birth of Martin Van Buren, a native New Yorker, a former Member of this august body, and eighth President of the United States. Martin Van Buren,

the son of Abraham and Maria (Hoes) Van Buren, was born December 5, 1782 in the village of Kinderhook, N.Y., about 20 miles south of Albany. The late President maintained a permanent residence in Kinderhook all his life, a devotion to his home that earned him the nickname "Old Kinderhook" and which gave birth to the expression "OK". As a New Yorker, I am especially privileged to pay tribute to this truly great American and I join the residents of Kinderhook in honoring Martin Van Buren on this his 200th birthday.

From his inauspicious beginning as the son of a truck farmer and tavern keeper, Van Buren staged a meteoric climb in the world of 19th century politics. At the age of 14, having a penchant for law and politics, he entered the law firm of Francis Silvester. Here he did everything from sweeping floors to studying law. Van Buren soon began adopting the Republican sentiments that became his trademark and in 1800 he went to New York City where he campaigned for Thomas Jefferson. Following Jefferson's election to the Presidency, Van Buren returned to his law career, working for attorney William P. Van Ness, and in 1803 he began his own practice in Kinderhook.

In the years that followed, Martin Van Buren became a New York Supreme Court Counselor and a surrogate of Columbia County. In 1812, he was elected to the New York Senate. As State senator, Van Buren supported construction of the Erie Canal and the revision of the New York State Constitution. He also was one of the first legislators to sponsor a bill abolishing imprisonment for personal debt.

In 1821, Van Buren was elected to the U.S. Senate. In 1828 he became Governor of New York but soon after he was asked to be Secretary of State by President Andrew Jackson. As Secretary of State, Van Buren served as an influential link between the President and the foreign ministers with whom the United States dealt. One French minister praised him as "superior, as a man of the world, (compared) to those compatriots I have seen until now." On domestic concerns, Van Buren argued against unconstitutional intrusion by the Federal Government into State affairs. In 1832, Jackson named Van Buren his Vice Presidential running mate. Finally, in 1836, Martin Van Buren was elected 8th President of the United States, the first to have been born an American citizen. In the White House, Van Buren remained amiable and diplomatic, always believing that political opponents could be personal friends as well. Under his administration, an independent U.S. Treasury was established for the deposit of all Federal funds. Van Buren was proud that his Presidency was one of peace and economic growth for America.

President Van Buren retired to Kinderhook, in upstate Columbia County, N.Y., in 1841 where he continued his active involvement in national politics. In the last years of his life, Van Buren was greatly distressed by the eventuality of the Civil War, and he lent his strong endorsement to then Presidential candidate Abraham Lincoln. Martin Van Buren died July 29, 1862.

Martin Van Buren's exemplary service to our Nation and his devotion to strengthening our democratic processes have earned him a lasting place in American history. As U.S. Senator, Secretary of State, Vice President, and as President, he demonstrated time and again his unyielding patriotism and dedication to America. In celebration of the 200th anniversary of his birth, the town of Kinderhook and Columbia County have paid tribute throughout the year to their native son. Restoration of his beloved home, a national historic monument, continues and a portion of the house is now open to the public. On December 5, the day of his birth, there will be a formal ceremony at the site of Martin Van Buren's grave in Kinderhook. Additionally, a commemorative stamp is planned by the U.S. Postal Service in honor of the late President.

I urge my distinguished colleagues and, indeed, all citizens to reflect on the life of New York's native son on this, the 200th year of his birth. President Van Buren's commitment to democracy, justice, and freedom has been an example to all who have followed in that prestigious office.●

THE DELUSION OF CIVIL DEFENSE

● Mr. LEVIN. Mr. President, I recently read an incisive article by Arthur Vander in the fall of 1982 Michigan Quarterly Review entitled "The Delusion of Civil Defense."

I commend it to all those who look to civil defense as a deterrent or defense to nuclear war.

I ask that it be printed in the RECORD.

The article follows:

THE DELUSION OF CIVIL DEFENSE

(By Arthur J. Vander)

(Everybody's going to make it if there are enough shovels to go around. Dig a hole and cover it with a couple of doors and then throw three feet of dirt on top of it. It's that dirt that does it.—T. K. Jones, Deputy Under-Secretary of Defense for Strategic Theater Nuclear Forces.

(People who think that even with a week's warning they could evacuate two-thirds of the American people, feed them for a month in remote fallout shelters and then resume life in 300 or more devastated cities ought themselves to be evacuated from government forthwith.—New York Times editorial (April 3, 1982).)

Once again, a national debate over the role of civil defense against nuclear attack is taking place in this country. In March, 1982, President Reagan authorized a greatly expanded civil defense program to cost $4.3 billion over the next seven years. It is claimed that the existence of such a program will double the number of American survivors in the event of a nuclear war and will make the occurrence of such a war less likely by persuading the Soviet Union that it cannot destroy the United States population in a nuclear strike against our cities. The basic plan did not originate with the Reagan administration; it dates back at least to the Ford administration and was given greatly added momentum by Carter's Presidential Directive No. 41 in 1978. A great deal of highly specific planning has been completed since then. The lack of public awareness of the plan until recently is only one more testament to the anesthetic fog, now lifting, which has dulled our senses to all issues concerning nuclear war.

Unlike the earlier civil defense plans of the late 1950s and early 1960s which gave us air-raid drills and called for the building of urban shelters, the present program focuses on mass evacuation prior to an attack. Known as crisis relocation, it is designed to evacuate 80 percent of urban dwellers from about 400 high-risk areas—cities with more than 50,000 people as well as other areas with important military or economic installations. It is assumed that the other 20 percent are either non-movable (severely ill hospital patients, for example) or will refuse to evacuate. This huge mass of people, two-thirds of our entire population, is to be received by about 3000 host sites all over rural America, some as far away as 300 miles from the evacuees's cities, and all assumed to be outside the range of immediate destruction from direct hits on the target areas. In these host areas, the evacuees are to be protected from radioactive fallout, fed, and cared-for over a period of 2-4 weeks or longer should an attack actually occur. The details of the evacuation are being formulated piecemeal by state and local government officials under the guidance of the Federal Emergency Management Agency (FEMA), the civilian agency that coordinates planning and relief for both natural and military disasters.

The logic behind the evacuation plans seems, at first glance, quite straightforward. A nuclear attack against American cities by even a small fraction of the present Russian strategic arsenal would result, within minutes, in the death of or severe injury to almost all the inhabitants, and the virtual leveling of the cities' buildings. The deaths and destruction would be due almost entirely to just two of the types of energy generated by nuclear weapons—the blast wave (and its associated high winds), and heat, which directly burns exposed persons and ignites lethal fires. Because the blast and heat effects decrease with distance (deaths and injuries from these forces may extend out 20-30 miles or more from the site of explosion), it is unquestionably true that urban populations could be protected from them if they could be evacuated from the cities into far-enough-removed rural areas before the bombs land. FEMA estimates that approximately one week will be required for the full plan to be implemented—3 days for the actual evacuation and a like

Footnotes at the end of the article.

number for the evacuees to provide themselves with fallout protection.

Formulation of a plan which requires a week's notice may seem strange in an era when Soviet missiles can reach us in 5–30 minutes and when surprise preemptive first-strikes are becoming the major concern. However, proponents of the plan argue that a war is most likely to occur after a period of intense international tension during which the Soviet Union can be expected to evacuate its own citizens before risking an attack. Detection of the beginning of such an evacuation would be the signal for us also to evacuate over the same period.

I do not believe that this very questionable assumption of a week's warning time should dominate discussion of the proposal's merits. As its proponents have emphasized, no economically feasible plan could be effective against all attack scenarios, and crisis relocation should be judged on the merits of what it can achieve in this one, not completely unlikely, scenario for the start of a nuclear war.

But there is another all-important assumption, other than the availability of time, inherent in this plan, one which is not dealt with or even mentioned in any of the FEMA literature. The plan completely ignores the obvious and easily accomplished maneuvre the Soviet Union could perform if they wished to destroy our population: with a single twist of the dials, as former Defense Secretary Harold Brown pointed out, missiles can be retargeted to blanket the evacuation areas, all of which will be known in advance. The numbers are quite adequate—there are some 3000 sites, and the Russians have more than 7500 missiles pointed at us at present with a destructive power equivalent to half a million Hiroshima bombs. (The same argument, of course, applies to our arsenal and a Russian evacuation).

But, as we shall see, there really is no need to bother re-aiming one's missiles in order to destroy an unacceptably large number of the opponent's population, so let us assume that the week's grace period has been granted for the evacuation and sheltering, and that the Soviets have chosen not to re-aim their missiles at the host areas but simply to go ahead and attack with full force the relatively empty cities, and most military installations, fuel depots, refining plants, and other critical industrial sites. FEMA's estimate is that 80 percent of Americans would survive such an attack compared to 40 percent had there been no civil defense measures.[1] The estimates are always given in this euphemistic way—in terms of numbers of survivors rather than numbers killed. This calculates, of course, into 20 percent dead, and that is more than 40 million people. Twenty times more than all Americans killed in all the wars we have thus far fought, twice as many as the Russians lost in World War II, and not over 6 years but rather within minutes or hours.

Would any sane person wish to argue that holding loss of life to "only" 40 million people, along with the destruction of our cities and industrial infrastructure, "reduces the possibility that the Soviets could coerce us in time of increased tension",[2] one of the two goals of crisis relocation? Does such a number (and remember it represents FEMA's most optimistic goal) lend credence to statements like that of one of the top officials in Michigan's Civil Preparedness/Emergency Medical Services: "We want to make a nuclear attack futile. If we can protect our population, what is the other side going to gain by attacking us?" [3]

Can crisis relocation really keep the number of dead "as low as" 40 million people? The answer is, "no". The belief that crisis relocation can protect the lives of 80 percent of our population is a delusion. Such preparations are futile, the result of assumptions based on a combination of psychological denial, wishful thinking, and an ignorance of the overall medical and ecological consequences of nuclear war. We must look closely at these assumptions.

The first is that 80 percent of urban dwellers can be evacuated in the hoped-for three or more days. There is little need for spending much time on this question, since as we will see, it is perhaps the least important of the flaws in this plan. Moreover it has already received much deserved criticism in the mass media, perhaps because it is so easy to conjure up the monumental traffic jams which would result when 150 million persons try to leave the cities all at once, mainly in their own cars; under such conditions, movement could come to a total standstill. Perhaps also because insensitivity to expected human behavior is so much in evidence in many of the specifics of the evacuation process. Those of us who sat in lines for hours during the gasoline shortage a few years ago in order to "tip-up" our cars' tanks know how unlikely it is that we would be willing to do this routinely for the indefinite future (the plan requires us all to maintain our gas tanks relatively full at all times.).

To take another example, in Washington, D.C., city buses are to be used for the many residents without automobiles; drivers are to make three round trips to quite distant locations. As the congressman who elicited this information asked, can one really imagine the typical metro bus drive taking his wife and family on the first trip, then being talked into leaving them and making two more round trips back when a nuclear holocaust is coming? [4]

A key to understanding this insensitivity to the likelihood of widespread, counterproductive and frankly antisocial behavior is provided by the answer to question 31 in the FEMA booklet, "Questions and Answers on Crisis Relocation Planning": "As for the likelihood of police officers, truck drivers, and others carrying out their assigned jobs in a crisis relocation emergency, there can be no absolute certainty. But in *peacetime disasters* [italics added], most people who have a job to do get it done." Many of the suppositions underlying the predicted effectiveness of the evacuation process, per se, are based on FEMA's past experiences with evacuations in the face of localized natural disasters, situations not at all comparable to impending nationwide nuclear holocaust.

The second assumption inherent in the 80 percent survival figure is that no deaths will occur among the evacuees from radiation sickness (or other attack-related causes) during the shelter period. This is a totally unrealistic assumption given the extremely high radiation levels which will exist in many areas and the types of protection available or proposed. Unlike that for blast and heat, the lethal zone of the radioactive fallout generated by nuclear explosions is not limited to the direct target area, for the generated radioactive particles may be borne by the winds for many hundreds of miles before returning to earth as a fine dust during the first hours and days. The amount of radiation produced by the deposited fallout decreases with time as the radioactive elements "decay". Any all-out nuclear attack with hundreds or thousands of warheads, many of which will be exploded on the ground (air explosions produce less fallout), would blanket virtually the entire country with large amounts of radioactive fallout, amounts adequate to produce death or severe radiation sickness within days to weeks in unprotected persons.

The crisis relocation plan recognizes the existence of the fallout problem and calls for all the evacuees and residents of host areas to have fallout protection available. The planners acknowledge that the amount of fallout protection now existing in host areas is less than adequate even for the present residents. Therefore evacuees, upon arrival, would have to develop their own additional fallout protection, mainly by adding earth alongside and on top of existing structures. But this is no easy matter. It takes 18 inches of dirt piled against windows and exposed walls to reduce the level of radiation by 10-fold. Moving dry unfrozen earth requires considerable time and effort when done by hand (and FEMA acknowledges this will be the case); a cubic foot of earth weighs about 100 lbs, a cubic yard almost a ton and a half. And what if the attack occurs in winter when the ground is frozen? And, of course, this is all predicated upon having a building (preferably with a basement) against which to pile the dirt. In this regard it is not comforting to discover that present FEMA plans call for a contingent of 179,000 residents of Washington, D.C. to go to an area of the Shenandoah Valley 130 miles away, where the principal facilities consist of one hotel and a golf course.[5] Examples of this kind are becoming legion as specific FEMA plans come under greater scrutiny.

Shielding against radiation is not the only prerequisite for an adequate shelter. Once the attack has occurred, people must remain inside the shelters until the outside fallout decays to a safe level, a period which may exceed one month if the intensity of fallout has been great. Therefore, the shelter must have adequate ventilation and sanitation facilities, and it must be stocked with sufficient food, water, and other supplies. There seems to have been very little appreciation of these simple facts by the planners, and even if they were recognized, there is little if anything that could be done given the discrepancy between available host facilities and the huge number of evacuees.

Look, for example, at the plans for feeding the evacuees. The FEMA booklet asks, "What would people eat?" and answers:

"People will be asked to bring non-perishable food with them. This could provide several days' food supply for each family. Also there will be another several days' inventory of food in the host area retail stores. For the longer term, reliance would be on plans for food distributors to change their normal wholesale-to-retail distribution patterns . . . this plan would depend almost entirely on present commercial distributors—the people who feed 220 million Americans today." [6]

But America following a nuclear attack will not be the America of "today"! There will be no "food distribution patterns" after the cities have been destroyed and the countryside covered with radioactive fallout, certainly not for the first months, or even longer. There will be no way to bring in food from the outside once the bombs have fallen, for there will no longer be a functioning "outside".

The inescapable conclusion is that a large number of persons will be inadequately protected from radioactive fallout and will die

from radiation sickness within the first few weeks after an attack. A much larger number will have received nonlethal doses of radiation and will be already ill or severely weakened from other causes, such as lack of food, when they emerge from their shelters to face an incredibly altered world.

And this brings us to the third major assumption underlying the 80 percent survival figure, and it is the most significant illusion of all. It is the unstated assumption that the primary effects of nuclear weapons—blast and heat (to be protected against by evacuation), and radioactive fallout (to be protected against by sheltering in the host areas)—are the only ways in which nuclear warfare kills. If the crisis relocation plans represent an inadequate appreciation of the problems of the shelter period, they show an absolute failure to contemplate the fate of the evacuees beyond this period. The basic point emphasized by many scientists and physcians is that a very large fraction of those who emerge from their shelters will die within months of causes which reflect conditions in the post-attack world. This has been stated succinctly by Kevin N. Lewis (writing of the Russian evacuation plans):

"Even if the . . . evacuation plans were successful they would only defer, not prevent, the impact of the war on civilians. A nation's fixed medical, technical, and educational base would, after all, be destroyed in a nuclear war. Recovery stockpiles and facilities would also be targeted and if some food, pharmaceuticals, clothing, equipment, and spare parts did survive, there would be neither the administrative structure to allocate the goods nor the transport to ship them where they were needed. The destruction of refineries and electric-power stations could interdict resupply, and shortages could develop quickly. Perishable goods, including many foods and drugs, would be lost if electric power were cut off. The devastation of housing would make summer life difficult and winter existence intolerable. In short, civil defense might protect some people, but it could not prevent the widespread destruction of property essential to the support of life; the economic interdependence of an industrialized nation is a vulnerability that cannot be defended." [7]

Question 42 in the FEMA booklet asks: "If there ever were a nuclear attack on the United States, what kind of world would the survivors face?" And the answer: "In a word: grim". What an incredible understatement! The simple fact is that that the entire infrastructure upon which survival in a complex industrial society depends will have been largely destroyed.

Focus only on food supplies for the moment. Most livestock will have been killed by radioactive fallout. The entire year's crop may also have been destroyed, particularly if the attack occurs during the spring or at harvest time. There are almost no food surpluses stored away in the United States anymore, and almost all of the storage facilities that do exist will have been destroyed as will processing plants and transport facilities for whatever food is available. Massive food shortages and starvation would occur immediately and be prolonged for years as a result of lack of fuel, fertilizers, pesticides, and the physical agricultural infrastructure.

Infection will also be rampant, for every factor known to breed disease will be present. Malnutrition, for example, need not kill a person from outright starvation; it need only weaken his resistance to infection, and the microbes will do the rest. Add to this the fact that radiation, in much smaller doses than that which kills directly, causes a marked reduction in the body's ability to fight off infection. For example, it takes 400-500 radiation units to kill the average person outright, whereas 50 such units can significantly reduce his resistance to infection.

The public health problems which will increase the spread of infection among such persons already weakened by malnutrition and even small doses of radiation will be multiple and profound. The survivors will have already been crammed together for weeks in highly congested shelters in which adequate ventilation is precluded by the need to keep out fallout, and crowding will continue to be intense for many months. Anywhere near the bomb blasts the sewers will not be working, and a clean unpolluted water supply will not be available. There will be millions of rotting human and animal corpses fed upon by insects and bacteria, which unlike us are highly resistant to radiation and will thrive. Medical services will be hopelessly inadequate—those few rural hospitals with doctors not dead or sick themselves, will have literally millions of patients, and there will be little or no medication to treat them with. The results of such conditions are predictable: Recent medical analyses have concluded that in the post-attack period we can expect epidemics the likes of which we have not seen since the Middle Ages—cholera, tuberculosis, plague, typhoid fever, and the like. Estimates are that as many as 35 percent of the survivors will die of infection in the first year.[9]

Starvation and infection will not be the only killers during this first year—many more persons will die from exposure during the winter, for there will be little or no fuel and inadequate housing.

All this is to say nothing of the increases in leukemia, other cancers and, possibly, birth defects we can expect in subsequent years in whatever long-term survivors there are. Again it is essential to understand that doses of radiation which do not directly kill increase the incidences of these diseases. Indeed, scientists now accept that there are no safe levels of radiation as far as the effects on cancer and birth defects are concerned, and keep in mind that for many months after the attack the radiation levels will still be far higher than presently accepted as peacetime levels. Just how high depends on whether the Soviet Union chooses to target the large number of nuclear power plants in this country. Most of the radioactive elements in these plants decay much more slowly than most of the radioactive elements generated by the explosion of the weapons themselves. If a nuclear plant were blown up, these elements would be sucked into the mushroom cloud and deposited downwind as a part of the total radioactive fallout. The results would be that a very sizable proportion of the entire country would be uninhabitable for decades or even centuries.[10]

There is, unhappily, more: the potential global ecological effects of an all-out nuclear war—effects which are difficult to predict quantitatively but which may be the most destructive of all to survival, not just in the attacked countries, but in all the nations of the world. In 1975, a report[11] by the National Academy of Sciences concluded that major nuclear exchange could cause marked depletion of stratospheric ozone by nitrogen oxides generated by the explosions and injected into the stratosphere. This ozone layer protects all living organisms from the sun's ultraviolet radiation, and loss of a significant fraction of it would result, as the report pointed out, in blindness in all animals—mammals, birds, insects, and unprotected humans. It would produce irreversible injury to the land and aquatic plantlife which constitute the beginning of the food-chains for all living creatures. It would cause direct damage to human health through burns and skin cancers. The report also predicted that atmospheric effects of ozone depletion and injection of dust into the upper atmosphere could lead to major worldwide decreases in temperature. These effects, along with those of globally distributed radioactive fallout, threaten such severe disruptions of worldwide ecological systems as to call into question the very survival of many forms of life, including the human species.

The message in all this has been stated simply by Jonathan Schell:

"Nuclear weapons . . . do not only kill directly, with their tremendous violence, but also kill indirectly, by breaking down the man-made and natural systems on which individuals lives collectively depend. Human beings require constant provision and care, supplied both by their societies and by the natural environment, and if these are suddenly removed people will die just as surely as if they had been struck by a bullet.[12]

Yes, crisis relocation might very well save many persons (though certainly not 80 percent) from immediate death during a nuclear bombardment, only to have many, perhaps most, of them die later from infection, starvation, cold, cancer, and perhaps simply the lack of desire to live in such a devastated world.

My final criticism of crisis relocation is, perhaps, the most important of all—the plan is profoundly dangerous. It is medicine which is likely to bring about the very disease for which the medicine is prescribed. Why is this so crucial to understand? Because without this recognition the proponents for the plan could simply reply to the other criticisms, "Yes, perhaps there are practical problems and long-term consequences which would result in many more fatalities than we originally predicted, but surely *some* additional persons would be saved by the plan; surely this is better than doing nothing." Unreal and bizarre as it may seem to be making such comparisons when the minimum numbers of dead amount to tens of millions, there is a cold computer-like logic to this view—until one adds to the balance the strong likelihood that crisis relocation may lead to a nuclear holocaust which might otherwise not have occurred.

Creation of an American crisis relocation plan does not contribute to deterrence or stability, one of its goals. Rather it is, for two reasons, dangerously destabilizing. First, the belief, mistaken as it is, that we have an effective way of protecting our population can only encourage the irresponsible, indeed mad, idea that it is feasible to fight, survive, and win a nuclear war; and this can have pernicious effects on the way we conduct our foreign policy. Indeed, it is easy to see that the new civil defense policy is an important component of the progressive shift from the previously dominant strategy known as "mutual assured destruction" (MAD) to one which (as described in the Pentagon's recent Fiscal Year 1984-1988 Defense Guidance) emphasizes nuclear war-fighting strategies and the need to "prevail"

over the Soviet Union, even in a "protracted nuclear war."[12]

As pointed out by Dr. J. Klugman, a Yale University Pyschiatrist: ". . . to plan for nuclear war is tantamount to fostering a psychotic denial of such a war's devasation in our citizenry and our government."[13] Not only might belief in an effective civil defense plan make our foregin policy and weapons programs more provocative, the actual initiation of evacuation in a time of crisis could trigger an attack by the opposition. Consider for a moment the following scenario: It is 1985; a new crisis in Iran has led to an actual confrontation of Soviet troops and American rapid-deployment forces in the Iranian oil fields. Conventional weapons are being used and perhaps even a few battlefield nuclear weapons. As the crisis mounts, the leaders of both sides are under enormous pressure, fearing that the opponent may, in a panic, go for a pre-emptive first stike at the other's homeland. The President of the United States agonizingly decides that his duty is to protect our population by calling for an evacuation. How do you think the Soviets will interpret this? We know and announce publicly that we are doing so only because we are afraid we are about to be attacked. But they can only assume that we are evacuating so that we may then launch a first strike against them. They feel they have no choice but to beat us to the punch, and the button is pushed. Change the names and the order of events if you wish—it makes no difference.

The view that crisis relocation planning is destabilizing is, of course, precisely the opposite of that taken by the plan's proponents. Indeed, as mentioned briefly earlier, one of the two major goals of the program (the first being to enhance survivability should a nuclear war occur) is to help prevent nuclear war:

"The U.S. civil defense program should enhance deterrence and stability, and *contribute to perceptions of the overall U.S./Soviet strategic balance* and to crisis stability, and also reduce the possibility that the Soviets could coerce us in times of increased tension [italics added][14]

What exactly does this convoluted sentence really mean and how does the program achieve the stated goal? Nowhere in the questions-and-answers booklet in which it appears are these matters taken up again. Yet, inevitably, when the goal is described and elaborated upon publicly it is in the context of the Soviet civil-defense program, even though Administration officials (and the FEMA publication) deny that the justification for the American effort is based on the existence of the Soviet program. Moreover, it is difficult to interpret the reference to "U.S./Soviet Strategic Balance" in any other terms.

In brief, the proponents of the American plan contend that the Soviet Union has an extremely effective evacuation and shelter plan which must be matched; otherwise in a crisis the Soviet Union could protect its own population by evacuating them and then subject us to nuclear blackmail.

There is no question that the Russians have, indeed, directed a large effort to civil defense measures—elaborate evacuation plans and instruction manuals, shelters for most of the country's leaders and some industrial personnel, civil-defense drills and compulsory training for civilians, survival techniques, and the like. The CIA has estimated that the full-time civil defense establishment numbers more than 100,000 people and that a similar program in the United States could cost $2 billion a year.

Yet there remains a great and persistent skepticism in American foreign policy and intelligence circles about the effectiveness of the Soviet effort. (It has been reported that Administration officials have privately stated that this skepticism is a major reason for not relying on comparisons to the Soviet effort for justification of the proposed American Program.[15]) For example, two former American ambassadors to Moscow concluded that the Soviet Union did not have a program which could protect a large part of the civilian population.[16] In this regard, a crucial point has been made by William Hyland, a top official in the Nixon and Ford Administrations: "It's a mistake to confuse a program to protect leaders and key industrial personnel with effective civil defense for the population."[17] The United States also spends hundreds of millions of dollars annually to provide for protection of key officials in the case of nuclear war, but this money is not included in our civil defense budget, unlike the situation in the Soviet Union.

Even within Russia, as the most recent first hand Western study emphasizes, the civil defense program for the civilian population has serious credibility problems:

"Many Russians have apparently concluded that nothing the Kremlin has done . . . has significantly lowered the probability of annihilation if a nuclear conflict comes. . . . In practice, much of the [evacuation] effort seems to have gone into lectures and demonstrations. It is these that have given rise to much of the cynicism among ordinary people since the precautions advocated are widely regarded as inadequate to the threat. Public apathy is suggested by the nickname given to the program . . . the Russian word for coffin."[18]

This public view is well-deserved. All of the problems which make our own plan impractical and futile apply to the Soviet Union's plan, indeed more so. This was succinctly emphasized by retired Rear Admiral Eugene J. Carrol, Jr., deputy director of the Center for Defense Information, a private study group:

"Strangely, a great deal of the rationale for our relocation plan is based on the fact that the Russians have such a plan. If we can foresee major problems with our plan, how can the Soviets relocate and survive when they can scarcely feed their nation in peacetime? When their transportation system and roads are primitive and only five per cent of the population have cars?[19]

Just one example: Because of lack of transport the Soviet plan calls for the great majority of its urban masses to evacuate the cities on foot!

But, it could be agreed, public apathy and the futility of the Soviet plan are not really the issue—what really matters for stability and deterrence is the Kremlin's view. In this regard, a remarkable transition in Soviet public policy seems to be occurring:

"For years, the Kremlin hid such horrors [of the effects of nuclear war] from the population. Military writers suggested that a nuclear war with the United States was winnable and civil defense pamphlets pictured a nuclear attack in terms suggesting that it would be somewhat like the conventional bombing that Russians underwent in World War II, only more severe.

"Leonid I. Brezhnev and other leaders, seeking to refute the myth that they regard a nuclear exchange as winnable by the Soviet Union, have declared that it would be a universal disaster for mankind.

"A recent edition of the Communist Party Daily Pravda carried a stark forecast of the impact of a new war on the Soviet homeland . . . 'If during the Second World War our country sacrified 20 million lives to the god of war, now in a few hours the number of victims . . . would exceed that many times over.'"[20]

The Pravda article's author, one of the country's leading cancer specialists, went on to paint precisely the same picture of horror described by physicians in this country. Moreover, the Soviet Union has shown on its national television "The War Game," the most vivid depiction of nuclear war ever filmed—a movie never shown on the BBC, for which it was made many years ago.

I do not wish to exaggerate or indulge in wishful thinking; we of course do not really know how effective the Soviet leaders conceive their civil defense measures to be, but I deny that this should be an important consideration in our own decisions concerning civil defense. If we know such plans to be futile and dangerous, how can we possibly argue that having such a program would add to stability and deterrence? Are two hostile persons more likely to come to blows when both are deluded or when at least one maintains his grip on reality?

Futile and dangerous—the recognition of these facts is leading communities all across America—Ann Arbor, Boulder, Cambridge, Philadelphia, New York City, and others—to refuse to participate in any way in civil defense planning. This is one more step in the direction of sanity, in the resurgence of common peoples' common sense, which tells them that civil defense against nuclear war is a delusion, that the only possible defense against nuclear war is prevention.

FOOTNOTES

[1] Federal Emergency Management Agency, *Questions and Answers on Crisis Relocation Planning*, P&P-4, Oct. 1980,, p. 5. This booklet will be abbreviated FEMA in subsequent notes.

[2] Ibid., p. 4.

[3] Cited in *The Ann Arbor News*, June 20, 1981, p. A2.

[4] *New York Times*, June 17, 1982, p. 16.

[5] Ibid.

[6] FEMA, p. 6.

[7] K. N. Lewis, "The Prompt and Delayed Effects of Nuclear War," *Scientific American*, Vol. 241 (1979), p. 45.

[8] FEMA, p. 26.

[9] H. L. Abrams and W. E. Von Kaenel, "Medical Problems of Survivors of Nuclear War," *New England Journal of Medicine*, Vol. 305 (1981), pp. 1226-1232.

[10] S. A. Fetter and K. Tsipis, "Catastrophic Releases of Radioactivity," *Scientific American*, Vol. 244 (1981), pp. 46-47.

[11] National Academy of Sciences, *Long Term Worldwide Effects of Multiple Nuclear Weapons Detonations*, Washington, D.C., 1975.

[12] *The Fate of the Earth* (New York: Knopf, 1982), p. 23.

[13] Cited in *The Ann Arbor News*, April 23, 1982, p. A9.

[14] FEMA, p. 4.

[15] *New York Times*, July 10, 1982, p. 19.

[16] Ibid.

[17] Ibid.

[18] *New York Times*, June 11, 1982, p. 4.

[19] *New York Times*, June 17, 1982, p. 16.

[20] *New York Times*, June 11, 1982, p. 4.●

REDUCTION IN PRICE SUPPORT PROGRAM FOR TOBACCO IS UNWARRANTED

● Mr. SASSER. Mr. President, during the recent recess, Secretary of Agriculture John Block used his discretionary authority granted under the No Net Cost Tobacco Act and lowered the price support for burley tobacco 6

cents a pound. I wrote the Secretary at that time to register my discontent with his action. This is a matter of such significance during these economically pressed times in the farming community that I feel it deserves further comment.

The tobacco industry is particularly important in my home State of Tennessee. With over 45,000 tobacco farmers, Tennessee is the Nation's fourth largest producer of tobacco. As these figures suggest, tobacco is central to Tennessee's economy. There are jobs in every one of Tennessee's 95 counties that are related to the tobacco industry. In fact, 1 out of every 32 Tennessee jobs, roughly 3 percent, exists because of tobacco. Total tobacco related income from these jobs was $614 million in 1979.

Secretary Block's action is very untimely since it came so close to the opening of the tobacco marketing season. Burley tobacco had already been harvested and prepared for market when the price support was suddenly lowered. In my letter to the Secretary I pointed out that such action at this late date would undermine plans farmers had made based on previously announced price support levels. In effect, Mr. Block pulled the rug out from underneath farmers who had calculated the income their harvest would bring. The lowered price support level could mean the loss of $30 million to burley farmers in addition to wreaking havoc on market conditions.

My fears in this regard were borne out when farmers in Johnson City, Tenn., unhappy with the prices offered for their burley crops, forced sales of their product to shut down for 2 days. The tobacco growers were expressing their outrage at being told one price existed for the price support program only to find that price changed when they came to market. Their anger was understandable and their plight serves to underscore this administration's continued insensitivity to the problems facing American farmers today.

Let me point out that I recognize the need to keep stocks from becoming excessive. However, there is little evidence to suggest that reductions in the price support level will result in significant reductions in the quantity of to stocks going under loan. Indeed, the quantities of tobacco the burley tobacco growers co-op may take under loan are not expected to exceed levels handled in previous years. Nor are additions to pool stocks expected to result in a total inventory larger than others the co-op has satisfactorily managed during 40 years of operation.

In summary, Secretary Block's actions in lowering the price support level for burley tobacco compounds an already bleak picture for many American farmers. At a time when farm prices are greatly depressed and farm income continues downward, further price reductions are unwarranted.

TEXAS RESOLUTION COMMENDING THE ELDERLY

● Mr. TOWER. Mr. President, at the request of Texas State Representative Tim Von Dohlen, I should like to have printed in the RECORD the following resolution recently adopted during the special session of the Texas State Legislature. I most firmly believe that our Nation's elderly are among our country's most valuable resources of knowledge and experience, and for this reason, we must continue our efforts to insure that the special needs of this vital segment of the population are met in a responsible and compassionate manner.

The resolution follows:

HOUSE CONCURRENT RESOLUTION

Whereas, the number of elderly persons in Texas is growing rapidly; the 1980 census reflects more than 1.9 million Texans age 60 and older, and the total is projected to increase to more than 3 million by the year 2000; and

Whereas, the quality of life of senior citizens is very important, and insofar as possible, the aging should be able to enjoy within their own families and communities a life of fulfillment, health, security, and contentment and should be appreciated as an integral part of society; and

Whereas, the great majority of these persons are able to live full and useful lives. For some, however, advancing age brings increasing dependence on their families, communities, and governments. Older people in this society should be able to participate in the full continuum of community life in order to enhance their physical and mental health; and

Whereas, complex issues require a working partnership among individuals, families, communities, volunteers, private enterprise, and government to plan for the most efficient and effective use of resources from every sector to meet the needs of our elderly population; and

Whereas, being part of the work force is conducive to better mental and physical health, and appropriate opportunities for obtaining financial stability, through employment, public or private subsidies, or other forms of assistance pension plans, should be fostered for the elderly; and

Whereas, senior citizens in Texas have undertaken to help themselves by means of a statewide network of area agencies on aging sponsored by regional councils, local governments, and private nonprofit organizations through programs administered and supported by the Texas Department on Aging; and

Whereas, improper nutrition is recognized as an acute problem among the elderly, with many older persons being unable to afford quality food for well-balanced diets or lacking mobility or incentive to prepare nutritious meals; and

Whereas, proper nutrition is an essential component of good health and is essential for people to live productive, meaningful, and independent lives; now, therefore, be it

Resolved by the Texas House of Representatives, (the Senate concurring), That the 67th Legislature, 3rd Called Session, commend all components of the Texas State Aging Network for their outstanding efforts on behalf of the elderly; and, be it further

Resolved, That the 67th Legislature recommend that meeting the needs of older persons be a continuing legislative commitment; and, be it further

Resolved, That the Texas Legislature hereby respectfully memorialize the Congress of the United States to give priority consideration to providing adequate funding to maintain and strengthen comprehensive and coordinate services for the elderly citizens of our nation, particularly those services providing adequate and proper nutrition; and, be it further

Resolved, That a copy of this resolution be prepared and forwarded to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States Congress, and all members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.●

DETROIT'S JEWISH HOME FOR AGED COMMEMORATES 75TH ANNIVERSARY

● Mr. LEVIN. Mr. President, the Jewish Home for Aged of Metropolitan Detroit is celebrating 75 years of service to the Jewish community of Detroit. On Sunday evening, December 5, the yearlong celebration will conclude with a dinner for its friends and supporters.

The Jewish Home began in 1907 when a small house was purchased to shelter elderly and homeless Jews. There have been several locations over the years, and today there are two separate facilities with a combined population of 310 people.

Recently, ground was broken for still another residence which will house approximately 100 "well" elderly, a new concept in supportive living for senior citizens.

The home satisfies a great range of needs among Detroit's Jewish elderly. It is a progressive geriatric facility which offers skilled nursing care, advanced methods for rehabilitation, a day care program and sheltered workship, training for medical and social work students and many other services. The home's programs are copied and studied throughout the country.

Equally as important as the physical care is the spiritual value to the residents of living in a familiar Jewish setting. Kosher food is served, Jewish holidays are observed, there is a synagogue for daily prayer and culture and tradition are emphasized. It is a place which adds dignity and quality to the lives of the residents—a place where love radiates out from staff, family and friends to those who will spend the remainder of their lives under the care of the entire Jewish community.

I commend the Jewish Home for Aged for 75 years of devoted service and I send special congratulations to

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its president, Marvin Fleishman, its executive vice president, Charles Wolfe, and to its entire board of directors. I am sure that the Jewish Home for Aged will continue to be a source of strength and support to all those who reside there now and to those who will look to it as a place of shelter in the future.●

CHARLES LUCAS

● Mr. HEINZ. Mr. President, I want to recognize as a matter of public record an individual from whom all of us in the U.S. Senate can draw inspiration. Charles Lucas of Brackenridge, Pa., epitomizes the ideals of commitment to human dignity, leadership, and service which ought always to motivate us in our work as public servants.

Mr. Lucas' commitment to the dignity of each individual human being has made a profound impact on Allegheny County, Pa. In 1948, he went to work for Allegheny Ludlum Steel in Brackenridge. It was years before the Brown decision, years before the Civil Rights Act or the Voting Rights Act, years before affirmative action. This young black man had a strong sense of personal pride and worth and was deeply offended by the indignities he and other black people were forced to suffer in the workplace. On his own, he began writing letters to the president of the corporation and to local newspapers holding the corporation to account. Within 5 years, as a direct result of Mr. Lucas' courageous and unselfish efforts, the company began to change its policies. But Charles Lucas did not end his fight there. He expanded his efforts to other companies that practiced discrimination and achieved similar results.

I have related how one young man demanded the respect which is the right of every human being—regardless of color. But that is only part of the story. Charles Lucas also understood early on the limitations of working alone, and the value of banding together to get a job done. Over the last quarter century, he has worked and risen to leadership within a dozen major community service organizations: The Allegheny Valley Association for Racial Equality, the Allegheny-Kiski Valley Citizens for Peace, the Umbrella Drug Program, the YMCA, Goodwill Industries, the Allegheny County Anti-Poverty Council, the Special Educational Council to recruit minority students for Pennsylvania State University, the Highlands Community Action Committee, the Brackenridge Borough Advisory Council, the Allegheny County Community Service Advisory Board, the Chamber of Commerce, and by far the most important of all, the National Association for the Advancement of Colored People, where he served for many years as president of the Allegheny-Kiski Valley NAACP, as a member of the State board, and as chairman of the State Board's Direct Action Committee. As a leader, Charles Lucas has an extraordinary ability to convince others that there is no substitute for justice. And under his direction, these groups have helped change attitudes in virtually every institution in Allegheny County.

To those of us who know him, a third theme emerges in Charles Lucas' work: service to others. I have mentioned some of the service organizations which, through his leadership, became stronger forces in the lives of the people of Allegheny County. But more important even than these prestigious organization are Charles Lucas' goals in working through those organizations. He has sought to end discrimination wherever it is found; to secure jobs and housing for minorities; to improve services to the poor and disadvantaged; and to provide minority youth with equal access to education and other opportunities. He has made an enormous difference in each of these areas, but let us look at just one—education. Mr. Lucas, as president of the Allegheny-Kiski NAACP and working through the Education Committee, was a prime mover in a law suit to force the city of New Kensington to improve its educational system and its curriculum to benefit minority students. In addition, he aided in establishing the Martin Luther King, Jr., scholarship fund to help deserving black high school seniors go to college. My friends, that is caring, that is helping, that is service.

I hope that I have succeeded in conveying the spirit of this man—proud yet humble; humorous yet earnest, tough yet compassionate. He has devoted and is continuing to devote his life to insuring that all people are treated with dignity—regardless of race, creed, color, or economic status. He has made a total commitment to guaranteeing that all people have equal access to the benefits of our society. Our body can only gain from following his example.●

ORDER OF BUSINESS

Mr. BAKER. Mr. President, in a moment, I intend to move that the Senate stand in adjourment until 2 p.m. tomorrow, in accordance with the order previously entered.

I anticipate that on tomorrow an effort will be made to place before the Senate S. 995, which was the subject of an extensive colloquy during the day today. Senators should be on notice of that.

Mr. President, there is on order, I believe, that bills, resolutions, petitions, memorials, and statements may be received and placed in the RECORD until 5 p.m. today. Is that not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. I am advised that the minority leader does not wish to be present at the time such a motion is made.

I inquire of the acting minority leader if he has any need for additional time for the Senate to be in session.

Mr. EXON. The majority leader is correct. We have nothing further that we know of on this side.

Mr. BAKER. I thank the Senator.

ADJOURNMENT UNTIL 2 P.M. TOMORROW

Mr. BAKER. Mr. President, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 2 p.m. tomorrow.

The motion was agreed to; and at 2:03 p.m. the Senate adjourned until tomorrow, November 30, 1982, at 2 p.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate October 20, 1982, under the authority of the order of the Senate of October 2, 1982:

DEPARTMENT OF JUSTICE

Daniel F. Lopez Romo, of Puerto Rico, to be U.S. attorney for the district of Puerto Rico for the term of 4 years vice Raymond L. Acosta.

Matthew Chabal, Jr., of Pennsylvania, to be U.S. Marshal for the middle district of Pennsylvania fo. the term of 4 years, vice John L. Buck, term expired.

NATIONAL INSTITUTE OF EDUCATION

Manuel J. Justiz, of New Mexico, to be Director of the National Institute of Education, vice Edward A. Curran, resigned.

NATIONAL INSTITUTE OF HANDICAPPED RESEARCH

Douglas A. Fenderson, of Minnesota, to be Director of the National Institute of Handicapped Research, vice Margaret Joan Giannini.

U.S. COAST GUARD

The following Regular officers of the U.S. Coast Guard for promotion to the grade of captain:

Philip M. Lebet	David H. Whitten
Richard A. McBride	Lance A. Eagan
James D. Prout	Hugh L. Thomas, Jr.
James M. Seabrooke	William J. Wallace, Jr.
William E. Zimmerman, Jr.	Harold L. Bonnet
James L. Walker	Elmer Sorensen, Jr.
Robert A. Bastek	Raymond D. Bland
Ronald M. Potter	James F. Greene, Jr.
George A. Casimir	Joseph J. Smith
Thomas P. Keane	Walter M. Coburn
John G. Schmidtman	Wade M. Moncrief, Jr.
Richard A. Walsh	Glenn E. Haines
Harvey F. Orr	Peter T. Muth
Rudy K. Peschel	Michael O. Murtagh
Philip J. Kies	James A. Umberger
John W. Lockwood	Kwang P. Hsu
Harold G. Fletcher, Jr.	Albert F. Baker
Cecil W. Gray, Jr.	George E. Mason
Thomas W. Boerger	Norman H. Huff
John G. Denninger, Jr.	Thomas D. Smith
	David K. Carey

Wayne P. Stevens
Joseph R. Finelli
Scott D. McCowen
David V. V. Wood
Kent M. Ballantyne
Robert G. Bates
Kent H. Williams

The following-named Reserve officers of the Coast Guard to be permanent commissioned officers in the grades indicated:

Lieutenant

Joseph P. Drazek, II

Lieutenant (junior grade)

Michael J. Bechtel
Robert Y. Ben-Hanania
Kent D. Morris

U.S. ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be general

Gen. Frederick J. Kroesen, [redacted] (age 59), U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned in his current grade to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Gen. Glenn K. Otis, [redacted] U.S. Army.

U.S. AIR FORCE

The following officer for appointment in the Regular Air Force in the grade indicated, under the provisions of section 531 and 716, title 10, United States Code, with date of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

To be captain

Thunker, Robert R., [redacted]

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with grades and dates of rank to be determined by the Secretary of the Air Force in accordance with section 533, title 10, United States Code.

MEDICAL CORPS

Bogner, David F., [redacted]
Fornal, Robert E., [redacted]
Gillette, Robert K., [redacted]
Glifort, Kenneth F., [redacted]
Lohr, David C., [redacted]
Sargent, Daniel T., [redacted]

DENTAL CORPS

Ballesteros, Tomas J., [redacted]
Duckett, Mark A., [redacted]
Eschler, Bradford M., [redacted]
Floyd, Claborne L., [redacted]
Gimlin, Dennis R., [redacted]
Hartgerink, Dale V., [redacted]
Kielt, Laurence W., [redacted]
Murchison, David F., [redacted]
Satrom, Lirk D., [redacted]
Schmeltzer, Lawrence D., [redacted]
Underhill, Ronald R., [redacted]

The following persons for appointment as Reserve of the Air Force, in the grade indicated, under the provisions of section 593, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code to perform the duties indicated.

MEDICAL CORPS

To be colonel

Conrad, Larry L., [redacted]

To be lieutenant colonel

Borgesen, Paul B., [redacted]
Gahagan, Thomas G., [redacted]
Howlett, Nelson E., [redacted]
Ildefonso, Valentin T., [redacted]
Lee, Jones A., [redacted]
McLaughlin, Chester S., Jr., [redacted]

The following person for appointment as Reserve of the Air Force (ANGUS) in the grade indicated under the provisions of sections 593 and 8351, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code.

MEDICAL CORPS

To be lieutenant colonel

Hales, Robert E., [redacted]

The following officer for promotion in the Air Force Reserve, under the provisions of sections 1552 and 8367, title 10, United States Code (Non-EAD).

DENTAL CORPS

To be lieutenant colonel

Jimenez-Puig, Gabriel, [redacted]

The following officers for promotion in the Air Force Reserve, under the provisions of section 8376, title 10, United States Code (Non-EAD).

MEDICAL CORPS

To be lieutenant colonel

Osorio, Paul A., [redacted]
Palmer, Patrick M., [redacted]

The following-named officers for permanent promotion in the U.S. Air Force, in accordance with section 601, title VI, transition provisions, Defense Officer Personnel Management Act of 1980, with dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

To be colonel

Jensen, Stanley F., [redacted]

To be lieutenant colonel

Cobean, John E., [redacted]

To be major

Amrhein, Philip C., Jr., [redacted]

Executive nominations received by the Secretary of the Senate October 22, 1982, under authority of the order of the Senate of October 2, 1982:

DEPARTMENT OF STATE

Edward Lionel Peck, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Mauritania.

INTERNATIONAL BANKS

W. Allen Wallis, of New York, to be U.S. Alternate Governor of the International Bank for Reconstruction and Development for a term of 5 years; U.S. Alternate Governor of the Inter-American Development Bank for a term 5 years; U.S. Alternate Governor of the Asian Development Bank; and U.S. Alternate Governor of the African Development Fund, vice Myer Rashish, resigned.

ACTION AGENCY

Betty H. Brake, of Oklahoma, to be Deputy Director of the ACTION Agency, vice Winifred Ann Pizzano.

FEDERAL COUNCIL ON THE AGING

Edmund T. Dombrowski, of California, to be a Member of the Federal Council on the Aging for a term expiring June 5, 1985, vice Aaron E. Henry, term expired.

NATIONAL COUNCIL ON THE HANDICAPPED

Nanette Fabray MacDougall, of California, to be a Member of the National Council on the Handicapped for a term expiring September 17, 1984 (reappointment).

U.S. AIR FORCE

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of section 593(a) title 10 of the United States Code, as amended:

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. Bruce C. Bechtel, [redacted]
Maj. Jimmie D. Benton, [redacted]
Maj. Kenneth E. Brown, [redacted]
Maj. George E. Donnelly, [redacted]
Maj. James W. Glasser, [redacted]
Maj. Robert R. Hardy, [redacted]
Maj. Larry G. Harrison, [redacted]
Maj. Warren D. Krise, [redacted]
Maj. Herman W. McAllester, Jr., [redacted]
Maj. Charles J. Meitz, [redacted]
Maj. Ismael Melendez, [redacted]
Maj. Kenneth S. Peterson, [redacted]
Maj. Lloyd L. Prevett, Jr., [redacted]
Maj. James M. Reuss, [redacted]

CHAPLAIN

Maj. Johnny M. Embery, [redacted]

MEDICAL CORPS

Maj. Leonard D. Dileo, [redacted]
Maj. Wilbur F. Howard Jr., [redacted]
Maj. Birendra N. Tandan, [redacted]

NURSE CORPS

Maj. Mary A. Bechik, [redacted]

BIOMEDICAL SCIENCES CORPS

Maj. Carl L. Alden, [redacted]

U.S. NAVY

The following-named candidates in the enlisted commissioning program to be appointed permanent ensign in the line or staff corps of the U.S. Navy, subject to qualification therefor as provided by law:

Avery, Gary A.
DeJose, Edward S.
Gatewood, Darnell
Jarvis, James V.
Jones, Calvin A.
Lawson, John E.
Meloncon, Claude C.
Nelson, Gary J.
Stuart, Charlie F.
Bosserman, James L.
Galione, Richard J.
Hodges, Brian D.
Johnson, Kirk A.
Kelly, Martin G.
Logan, Michael A.
Moore, James E.
Simpson, Karen E.

The following-named Naval Reserve officers for permanent appointment in the line or staff corps of the U.S. Navy in the permanent grade of ensign, subject to qualification therefor as provided by law:

Anderson, Daniel J.
Caruso, Frank J., Jr.
Croteau, Michael G.
Deemie, Robert W.
Griffith, James G.
Hoekstra, Jerry M.
Kernen, Joel W.
Morehead, Jack R.
O'Regan, Richard M.
Preiser, Peter P., Jr.
Sult, David B.
Trupia, Joanne L.
Walpole, Joseph L., Jr.
Carlson, Carl F., II
Clements, Jerry D.
Curtiss, Dwayne H.
Foster, Martin H.
Hall, William M.
Howard, Harold H., III
Lovell, Janice S.
O'Hara, Richard A.
Poole, Philip A.
Rose, Douglas H.
Swicker, Charles C.
Venlet, Douglas J.

Commander Thaddeus R. Grant, U.S. Navy, retired, to be reappointed a permanent commander from the Temporary Dis-

ability Retired List, subject to qualification therefor as provided by law.

Kenneth G. Gross, U.S. Navy officer, to be appointed a permanent captain in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

Clarence W. Rawson, Jr., ex-Naval Reserve officer, to be appointed a permanent captain in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

John J. Demakas, U.S. Navy officer, to be appointed a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

The following-named ex-U.S. Navy officers, to be appointed permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law:

Busch, Frederick M.
Stone, Ronald K.

The following-named medical graduates to be appointed permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law:

Carlisle, James H., IV
Liu, Paul I.

U.S. NAVY

The following-named candidates in the enlisted commissioning program to be appointed permanent ensign in the line or staff corps of the U.S. Navy, subject to qualification therefor as provided by law:

Frage, Ernst P.
Munoz, Hermogenes R.
Taylor, Kenneth R.
Hicks, James
Putman, David R.

Charles L. Hopkins, III, Navy enlisted scientific education program officer, to be appointed permanent ensign in the line of the U.S. Navy, subject to qualification therefor as provided by law.

The following-named Naval Reserve officers for permanent appointment in the line or staff corps of the U.S. Navy in the permanent grade of ensign, subject to qualification therefor as provided by law:

Bakarich, Matthew S.
Bell, Sherry S.
Curran, Stephen J.
Freeseman, Douglas D.
Glazer, Gary F.
Greni, Sterling R.
Grossman, Richard R.
Horst, John D.
Lindell, Frank A.
Lymburner, Robert J.
McCullough, John M.
Olson, Steven A.
Pavlat, Kurt E.
Prince, Daniel E.
Rosser, Steven C.
Shand, Robert D.
Taylor, Margaret A.
White, Emmett R.
Barker, Douglas A.
Burroughs, Jerry K.
Fletcher, Mark I.
Galloway, Gary D.
Gragen, Michael M.
Griswold, Peter F.
Henry, John M.
Knowles, Jeffrey W.
Little, John W.
Mack, Bryan D.
Moore, Norman B.
Owens, Philip W.
Peterson, Norman K.
Reeves, Robert J.
Schack, Paul A.
Sweeney, John H.
Van Hooser, Perry F., III
Willer, David B.

The following-named Navy enlisted candidates to be appointed permanent chief warrant officer, W-2, in the U.S. Navy, subject to qualification therefor as provided by law:

Colleton, Thomas, L., Jr.
Pintar, Kenneth E.
Tice, Lee E.

Irvine G. McQuarrie, ex-Naval Reserve officer, to be appointed a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

The following-named medical college graduates to be appointed permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law:

Chesnick, John, Jr.
Somerville, William, Jr.

Ives C. Thillet, U.S. Navy officer, to be appointed a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

Executive nominations received by the Secretary of the Senate October 26, 1982, under authority of the order of the Senate of October 2, 1982:

DEPARTMENT OF STATE

Lev E. Dobriansky, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to The Commonwealth of The Bahamas.

Executive nominations received by the Secretary of the Senate November 5, 1982, under authority of the order of the Senate of October 2, 1982:

DEPARTMENT OF STATE

Samuel Friedlander Hart, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ecuador.

U.S. PAROLE COMMISSION

Victor M. F. Reyes, of Texas, to be a Commissioner of the U.S. Parole Commission for a term of 6 years, vice Richard T. Mulcrone, resigned.

DEPARTMENT OF EDUCATION

Wendy Hawley Borcherdt, of California, to be Deputy Under Secretary for Intergovernmental and Interagency Affairs, Department of Education, vice John H. Rodriguez, resigned.

NATIONAL COUNCIL ON THE ARTS

The following-named persons to be Members of the National Council on the Arts for terms expiring September 3, 1988:

Allen Drury, of California, vice Willard L. Boyd, term expired.

Celeste Holm, of New York, vice Theodore Bikel, term expired.

Raymond J. Learsy, of New York, vice William H. Eells, term expired.

Samuel Lipman, of New York, vice Martina Arroyo, term expired.

George L. Schaefer, of California, vice Harold Prince, term expired.

Robert Stack, of California, vice J. C. Dickinson, Jr., term expired.

NATIONAL SCIENCE FOUNDATION

The following-named persons to be Members of the National Science Board, National Science Foundation, for terms expiring May 10, 1988:

Robert F. Gilkeson, of Pennsylvania, vice Herbert D. Doan, term expired.

William F. Miller, of California, vice John R. Hogness, term expired.

William A. Nierenberg, or California, vice Joseph Mayo Pettit, term expired.

U.S. AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with grades and dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

Abney, Larry D., xxx-xx-xxxx
Adame, Angel D., xxx-xx-xxxx
Adams, Carla G., xxx-xx-xxxx
Adams, Joseph W., Jr., xxx-xx-xxxx
Adams, Susan M., xxx-xx-xxxx
Ahearn, Gary E., xxx-xx-xxxx
Ahiers, Joseph E., xxx-xx-xxxx
Alaback, David L., xxx-xx-xxxx
Albaugh, Stanley E., xxx-xx-xxxx
Aldridge, Millard M., xxx-xx-xxxx
Aldridge, Ronnie W., xxx-xx-xxxx
Alfert, Osvaldo R., xxx-xx-xxxx
Allen, Christopher C., xxx-xx-xxxx
Allen, Gordon R., xxx-xx-xxxx
Allen, John M., IV, xxx-xx-xxxx
Allen, Kenneth W., xxx-xx-xxxx
Allen, Leroy, Jr., xxx-xx-xxxx
Allen, Robert S., xxx-xx-xxxx
Allison, Arvie M., xxx-xx-xxxx
Allman, Ronald M., xxx-xx-xxxx
Alsing, Paul M., xxx-xx-xxxx
Alston, Thomas I., xxx-xx-xxxx
Alstott, James D., xxx-xx-xxxx
Altizer, Deidre D., xxx-xx-xxxx
Altman, Robert H., xxx-xx-xxxx
Alton, Francisco I., xxx-xx-xxxx
Anderson, Warren R., Jr., xxx-xx-xxxx
Angelina, Saundra J., xxx-xx-xxxx
Answay, Susan A., xxx-xx-xxxx
Armesto, Alberto A., xxx-xx-xxxx
Armstrong, Jake T., Jr., xxx-xx-xxxx
Armstrong, Ronald R., xxx-xx-xxxx
Arnold, Rhonda L., xxx-xx-xxxx
Arocho, Omar R., xxx-xx-xxxx
Arvin, Richard G., xxx-xx-xxxx
Assaid, Edward F., xxx-xx-xxxx
Atkins, John R., xxx-xx-xxxx
Atkins, Stephen G., xxx-xx-xxxx
Aubuchon, Stephen, xxx-xx-xxxx
Avery, Robert L., xxx-xx-xxxx
Aydelotte, Denise L., xxx-xx-xxxx
Backes, Keith H., xxx-xx-xxxx
Backhus, Daniel Ray, xxx-xx-xxxx
Bailey, Laura L., xxx-xx-xxxx
Baillie, Patricia A., xxx-xx-xxxx
Bailor, Paul D., xxx-xx-xxxx
Baize, James B., xxx-xx-xxxx
Baker, Alan K., xxx-xx-xxxx
Baker, Ben C., xxx-xx-xxxx
Baker, Bruce W., xxx-xx-xxxx
Baker, Richard W., xxx-xx-xxxx
Baker, William R., xxx-xx-xxxx
Balser, Rosanne E., xxx-xx-xxxx
Barentine, Gregory B., xxx-xx-xxxx
Barlow, Steven J., xxx-xx-xxxx
Barnes, John S., III, xxx-xx-xxxx
Barnett, Mark E., xxx-xx-xxxx
Barr, Eugene D., xxx-xx-xxxx
Barrett, Larry D., xxx-xx-xxxx
Barrett, Phillip L., xxx-xx-xxxx
Barrett, Steven F., xxx-xx-xxxx
Barron, Glenn W., xxx-xx-xxxx
Bartlett, James M., xxx-xx-xxxx
Basile, Jeffrey M., xxx-xx-xxxx
Basla, Michael J., xxx-xx-xxxx
Bass, Douglas M., xxx-xx-xxxx
Bates, Richard D., xxx-xx-xxxx
Bauerle, John R., Jr., xxx-xx-xxxx
Bauman, Christine M., xxx-xx-xxxx
Beach, Glenn E., xxx-xx-xxxx
Beavers, Randy R., xxx-xx-xxxx
Beecher, Matthew V., xxx-xx-xxxx
Belford, Anthony W., xxx-xx-xxxx
Belford, Frances P., xxx-xx-xxxx
Bellamy, Lemuel C. H., xxx-xx-xxxx
Bennett, Raymond H., xxx-xx-xxxx
Bentley, Van P., xxx-xx-xxxx
Bernard, Craig E., xxx-xx-xxxx
Berti, Joseph C., xxx-xx-xxxx
Bettis, George F., II, xxx-xx-xxxx
Beuerlein, Robert J., xxx-xx-xxxx
Bew, Robert W., xxx-xx-xxxx
Bickerstaff, Larry G., xxx-xx-xxxx
Bielling, Deborah A., xxx-xx-xxxx
Bier, Jeffrey A., xxx-xx-xxxx

Biesheuvel, David L., xxx-xx-xxxx
Bishop, Robert C., xxx-xx-xxxx
Bitting, David P., xxx-xx-xxxx
Bixler, James P., xxx-xx-xxxx
Black, James A., III, xxx-xx-xxxx
Black, Jeanne E., xxx-xx-xxxx
Black, Kenneth R., xxx-xx-xxxx
Black, William R., xxx-xx-xxxx
Blackwelder, Glenn W., xxx-xx-xxxx
Blair, Kenneth A., xxx-xx-xxxx
Blalock, Martha F., xxx-xx-xxxx
Blackenship, Robert H., xxx-xx-xxxx
Blanton, Richard L., Jr., xxx-xx-xxxx
Blevins, Tamara G., xxx-xx-xxxx
Blomstrom, Carl E., xxx-xx-xxxx
Blum, William J., xxx-xx-xxxx
Boatwright, Roger W., xxx-xx-xxxx
Bobbitt, Marvin D., xxx-xx-xxxx
Bodison, Herbert, Jr., xxx-xx-xxxx
Bogardus, Paul H., III, xxx-xx-xxxx
Bohnke, Roger D., xxx-xx-xxxx
Bolen, Christopher P., xxx-xx-xxxx
Bonar, Dennis B., xxx-xx-xxxx
Bonnell, Stephen R., xxx-xx-xxxx
Borders, Betty J., xxx-xx-xxxx
Bost, Steven M., xxx-xx-xxxx
Both, Leroy E., xxx-xx-xxxx
Bouma, Henry R., xxx-xx-xxxx
Bowen, Douglas L., xxx-xx-xxxx
Bower, Howard A., xxx-xx-xxxx
Bowler, George T., xxx-xx-xxxx
Bowling, Edward D., xxx-xx-xxxx
Boyd, Deborah A., xxx-xx-xxxx
Bradberry, William H., xxx-xx-xxxx
Braman, Steven C., xxx-xx-xxxx
Branch, Ernest L., xxx-xx-xxxx
Branch, Steven D., xxx-xx-xxxx
Braunstein, Robert S., xxx-xx-xxxx
Brazeau, Craig E., xxx-xx-xxxx
Bridges, Jimmy R., xxx-xx-xxxx
Bridges, Stuart F., xxx-xx-xxxx
Bridges, Timothy K., xxx-xx-xxxx
Briem, Keith A., xxx-xx-xxxx
Briggs, Cecil D., Jr., xxx-xx-xxxx
Briggs, James E., xxx-xx-xxxx
Brill, John R., xxx-xx-xxxx
Brisbois, Judith E., xxx-xx-xxxx
Britanik, Thomas P., xxx-xx-xxxx
Brock, Russell L., xxx-xx-xxxx
Broek, Harold D., xxx-xx-xxxx
Brooke, Deborah L., xxx-xx-xxxx
Brooks, David E., xxx-xx-xxxx
Brooks, Joseph D., xxx-xx-xxxx
Broshear, Paul R., xxx-xx-xxxx
Brown, Alan M., xxx-xx-xxxx
Brown, Dale F., xxx-xx-xxxx
Brown, David D., xxx-xx-xxxx
Brown, John H., xxx-xx-xxxx
Brown, Mark R., xxx-xx-xxxx
Brown, Robert N., xxx-xx-xxxx
Brown, Susan E., xxx-xx-xxxx
Browne, James M., xxx-xx-xxxx
Browning, Malvis R., xxx-xx-xxxx
Broyles, Bradley H., xxx-xx-xxxx
Brozena, Joseph J., Jr., xxx-xx-xxxx
Bruback, Rudy K., xxx-xx-xxxx
Brunke, Herman C., Jr., xxx-xx-xxxx
Byrant, Harrison S., xxx-xx-xxxx
Bryson, Gary C., xxx-xx-xxxx
Bublick, Tania xxx-xx-xxxx
Buckland, Randy L., xxx-xx-xxxx
Buckman, Charles E., xxx-xx-xxxx
Buckman, Renee S., xxx-xx-xxxx
Buckner, John L., xxx-xx-xxxx
Buehn, Kenneth P., xxx-xx-xxxx
Burdsal, Charles L., xxx-xx-xxxx
Burgess, John C., Jr., xxx-xx-xxxx
Burgner, Theodore W., xxx-xx-xxxx
Burian, Philip E., xxx-xx-xxxx
Burke, Barbara L., xxx-xx-xxxx
Burleson, David xxx-xx-xxxx
Burleson, Jean M., xxx-xx-xxxx
Burns, Christopher N., xxx-xx-xxxx
Burton, Jay K., xxx-xx-xxxx
Buss, Edward C., xxx-xx-xxxx
Butler, Robert J., Jr. xxx-xx-xxxx
Bulter, Stephen L., xxx-xx-xxxx
Byrum, Steven W., xxx-xx-xxxx
Caccamise, Donald S., xxx-xx-xxxx
Cail, John S., xxx-xx-xxxx
Callow, James F., III, xxx-xx-xxxx
Camel, Kenneth E., xxx-xx-xxxx
Cameron, Thomas R., xxx-xx-xxxx
Camp, Gary A., xxx-xx-xxxx
Campbell, Clinton L., xxx-xx-xxxx
Campbell, David L., xxx-xx-xxxx
Campbell, Edmund E., Jr., xxx-xx-xxxx
Campbell, John E., xxx-xx-xxxx
Campbell, Kevin S., xxx-xx-xxxx
Cannava, Gregory J., xxx-xx-xxxx
Caputo, Ralph C., xxx-xx-xxxx
Carpenter, Donald O., xxx-xx-xxxx
Carr, Paul W., xxx-xx-xxxx
Carroll, Cory D., xxx-xx-xxxx
Carter, Anne S., xxx-xx-xxxx
Carter, James M., II, xxx-xx-xxxx
Carter, Robert J., Jr. xxx-xx-xxxx
Cary, John L., xxx-xx-xxxx
Casey, Maureen C., xxx-xx-xxxx
Caskey, David A., xxx-xx-xxxx
Cassidy, Anthony G., xxx-xx-xxxx
Cathcart, John T. xxx-xx-xxxx
Cecchettini, Thomas D., xxx-xx-xxxx
Chandler, George R., Jr., xxx-xx-xxxx
Chase, Earl S., xxx-xx-xxxx
Chavez, Robert J., xxx-xx-xxxx
Cheatham, Herbert E., Jr. xxx-xx-xxxx
Chernek, Paul J., xxx-xx-xxxx
Chitwood, Clois W., xxx-xx-xxxx
Chorpenning, Kenneth L., xxx-xx-xxxx
Christie, Thomas B., xxx-xx-xxxx
Christina, John F., Jr. xxx-xx-xxxx
Chuck, Arthur C., xxx-xx-xxxx
Ciardi, Edward J., xxx-xx-xxxx
Cink, John A., xxx-xx-xxxx
Cinque, Jack G., xxx-xx-xxxx
Claborn, Lewis J., xxx-xx-xxxx
Clanton, James E., xxx-xx-xxxx
Clark, George R., xxx-xx-xxxx
Clark, Laurence xxx-xx-xxxx
Clark, Stephen M., xxx-xx-xxxx
Clarke, William H., xxx-xx-xxxx
Cline, Robert W., xxx-xx-xxxx
Coates, James E., Jr., xxx-xx-xxxx
Cocchiarella, Claude M., xxx-xx-xxxx
Cocozzoli, Kevin A., xxx-xx-xxxx
Coe, Geoffrey B., xxx-xx-xxxx
Coggins, Robert A., II, xxx-xx-xxxx
Cohen, Julie B., xxx-xx-xxxx
Cohen, Randal L., xxx-xx-xxxx
Cole, Alan J., xxx-xx-xxxx
Coleman, Larry C., xxx-xx-xxxx
Collett, David L., xxx-xx-xxxx
Collins, Jacqueline M., xxx-xx-xxxx
Colwell, Billy R., xxx-xx-xxxx
Colwell, Linda D., xxx-xx-xxxx
Combs, Hobart G., xxx-xx-xxxx
Conder, Karen F., xxx-xx-xxxx
Condon, John R., II, xxx-xx-xxxx
Conley, Sheila R., xxx-xx-xxxx
Conroy, Thomas M., Jr., xxx-xx-xxxx
Constantine, Maria C., xxx-xx-xxxx
Cook, Billy R., xxx-xx-xxxx
Cook, Michael R., xxx-xx-xxxx
Cooper, Melvin J., Jr., xxx-xx-xxxx
Cooper, Vicki A., xxx-xx-xxxx
Copeland, Gloria A., L., xxx-xx-xxxx
Corbett, Richard W., xxx-xx-xxxx
Cordle, Michael F., xxx-xx-xxxx
Corrigan, James P., xxx-xx-xxxx
Cortes, Ramon xxx-xx-xxxx
Cox, Elizabeth J., xxx-xx-xxxx
Cox, Mickey C., xxx-xx-xxxx
Cox, William T., xxx-xx-xxxx
Coxe, Alfred C., III, xxx-xx-xxxx
Cranston, Rick A., xxx-xx-xxxx
Credit, Paul R., xxx-xx-xxxx
Crews, Allane A., xxx-xx-xxxx
Crocker, John M., xxx-xx-xxxx
Crow, Fraser, B., Jr., xxx-xx-xxxx
Crowley, Francis P., xxx-xx-xxxx
Cullen, Stephen G., xxx-xx-xxxx
Cunningham, Cynthia A., xxx-xx-xxxx
Cunningham, Linda M., xxx-xx-xxxx
Currie, Karen W., xxx-xx-xxxx
Curtis, Gwendolyn L., xxx-xx-xxxx
Curtis, Michael P., xxx-xx-xxxx
Cushine, Lloyd G., xxx-xx-xxxx
Daley, David W., xxx-xx-xxxx
Dama, Richard D., xxx-xx-xxxx
Daniels, Karen M., xxx-xx-xxxx
Davis, Darrol E., Jr., xxx-xx-xxxx
Davis, Lawrence P., xxx-xx-xxxx
Davis, Lois J., xxx-xx-xxxx
Davis, William J., Jr., xxx-xx-xxxx
Day, Eric R., xxx-xx-xxxx
Dear, Billy W., xxx-xx-xxxx
Dearman, Roger A., xxx-xx-xxxx
Decker, Lauren R., Jr., xxx-xx-xxxx
Degrate, Lucius R., Jr., xxx-xx-xxxx
Dekinder, Dale L., xxx-xx-xxxx
Delisio, David C., xxx-xx-xxxx
Deloatch, William A., Jr., xxx-xx-xxxx
Delvecchio, Michael A., xxx-xx-xxxx
Deneault, Leslie S., xxx-xx-xxxx
Denney, James T., Jr., xxx-xx-xxxx
Dennier, Richard E., xxx-xx-xxxx
Dent, Michael L., xxx-xx-xxxx
Desgranges, Roddy J., xxx-xx-xxxx
Detmold, Susan L., xxx-xx-xxxx
Devine, Michael F., xxx-xx-xxxx
Dewan, Rakesh N., xxx-xx-xxxx
Dewerff, Stephen J., xxx-xx-xxxx
Dicampli, Dennis P., xxx-xx-xxxx
Dicharry, James P., xxx-xx-xxxx
Dickens, Heinrich, xxx-xx-xxxx
Dickerson, Phyllis D., xxx-xx-xxxx
Dieringer, Gary W., xxx-xx-xxxx
Dietter, Barry A., xxx-xx-xxxx
Dinsmore, Frederick E., xxx-xx-xxxx
Dion, Joseph C., Jr., xxx-xx-xxxx
Dipalma, David T., xxx-xx-xxxx
Disla, Mayobanex, xxx-xx-xxxx
Dittmyre, Bruce A., xxx-xx-xxxx
Dockery, Richard K., xxx-xx-xxxx
Dodge, John D., xxx-xx-xxxx
Donohue, Juliet A., xxx-xx-xxxx
Doolittle, Charles T., xxx-xx-xxxx
Dospil, Lawrence A., xxx-xx-xxxx
Dotson, Douglas K., xxx-xx-xxxx
Dougherty, Michael E., xxx-xx-xxxx
Douglas, Scott M., xxx-xx-xxxx
Dourte, William G., III, xxx-xx-xxxx
Dowd, John F., xxx-xx-xxxx
Dower, Catherine J., xxx-xx-xxxx
Down, Marcia L., xxx-xx-xxxx
Downey, Paul J., xxx-xx-xxxx
Drummond, Alvin L., xxx-xx-xxxx
Drutok, Harry L., xxx-xx-xxxx
Dryden, Frank H., xxx-xx-xxxx
Dubel, Jefferson K., xxx-xx-xxxx
Dudley, Jon B., xxx-xx-xxxx
Dugan, Tracy L., xxx-xx-xxxx
Dugas, Gerald, xxx-xx-xxxx
Duke, Martin F., xxx-xx-xxxx
Dula, James A., xxx-xx-xxxx
Duncan, Robert E., xxx-xx-xxxx
Dundon, Christopher L., xxx-xx-xxxx
Dunton, Sylvia M., xxx-xx-xxxx
Duray, Jeffery P., xxx-xx-xxxx
Durika, William G., xxx-xx-xxxx
Durrer, John R., xxx-xx-xxxx
Dutcher, David J., xxx-xx-xxxx
Dwyer, Kathleen D., xxx-xx-xxxx
Eames, Johnnie W., xxx-xx-xxxx
Eaton, Mark R., xxx-xx-xxxx
Ebert, Karen L., xxx-xx-xxxx
Eckerly, John M., xxx-xx-xxxx
Eckley, Randy R., xxx-xx-xxxx
Eddy, Bruno R., xxx-xx-xxxx
Edelblute, Gary R., xxx-xx-xxxx
Edell, Richard A., xxx-xx-xxxx

Eden, Noble K., xxx-xx-xxxx
Eggeman, James L., xxx-xx-xxxx
Eiband, Kay, xxx-xx-xxxx
Eischens, George N., xxx-xx-xxxx
Ekblaw, Neilw, Jr., xxx-xx-xxxx
Elders, Karl L., xxx-xx-xxxx
Elliott, Gary L., xxx-xx-xxxx
Ellis, Theda B., xxx-xx-xxxx
Elza, Larry A., xxx-xx-xxxx
Eng, Frank, xxx-xx-xxxx
Engholm, Larry F., xxx-xx-xxxx
Engleson, Kenneth M., Jr., xxx-xx-xxxx
Ennis, William M., xxx-xx-xxxx
Epley, Deborah A., xxx-xx-xxxx
Erickson, Tenley K., xxx-xx-xxxx
Espinosa, Reynaldo, Jr., xxx-xx-xxxx
Evans, Carol A., xxx-xx-xxxx
Evans, David W., xxx-xx-xxxx
Evans, Elizabeth D., xxx-xx-xxxx
Evans Garry L., xxx-xx-xxxx
Evans James I., xxx-xx-xxxx
Evans Larry G., xxx-xx-xxxx
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Ewan, Russell E., xxx-xx-xxxx
Faber, Peter R., xxx-xx-xxxx
Fagan, Joe E., xxx-xx-xxxx
Falls, Donald R., xxx-xx-xxxx
Falvey, Patricia W., xxx-xx-xxxx
Fant Daniel B., xxx-xx-xxxx
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Farlow, Charles R., Jr., xxx-xx-xxxx
Farrar, James H., xxx-xx-xxxx
Farris, Kay J., xxx-xx-xxxx
Farrow, Steve D., xxx-xx-xxxx
Faulk, Robert J., xxx-xx-xxxx
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Felice, Conrad W., xxx-xx-xxxx
Felkey, Mark A., xxx-xx-xxxx
Fennessy, Teresa, L., xxx-xx-xxxx
Fenoglio, Charles L., xxx-xx-xxxx
Feole, John H., xxx-xx-xxxx
Fields, Charlie B., xxx-xx-xxxx
Fineran, Daniel, xxx-xx-xxxx
Fischer, David C., xxx-xx-xxxx
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Fisher, Kenneth G. xxx-xx-xxxx
Fitzpatrick James L., xxx-xx-xxxx
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Fletcher, Joseph Jay, xxx-xx-xxxx
Flick, Marianne L., xxx-xx-xxxx
Folmar, Thomas, L., xxx-xx-xxxx
Fong, Keenan, K. N., xxx-xx-xxxx
Forbes, Alexander W., xxx-xx-xxxx
Ford, Kelvin D., xxx-xx-xxxx
Forester, Lisa A., xxx-xx-xxxx
Forren, Ronald G., xxx-xx-xxxx
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Foster, Jeffrey L., xxx-xx-xxxx
Foster, William J., xxx-xx-xxxx
Fowlkes Stephen M., xxx-xx-xxxx
Fox, William J., xxx-xx-xxxx
Foy, Dana R., xxx-xx-xxxx
Francis, David B., xxx-xx-xxxx
Frandsen, Gregory R., xxx-xx-xxxx
Franz, Vincent S., xxx-xx-xxxx
Fraser, Michael G., xxx-xx-xxxx
French, Douglas L., xxx-xx-xxxx
Fretz, William A., Jr., xxx-xx-xxxx
Frisvold, Cynthia L., xxx-xx-xxxx
Fromm, Roger L., xxx-xx-xxxx
Fry, Dale W., xxx-xx-xxxx
Fry, Michael E., xxx-xx-xxxx
Fry, Verna J., xxx-xx-xxxx
Frye, Harold W., Jr., xxx-xx-xxxx
Fukawa, Thomas K., xxx-xx-xxxx
Fulks, Paula J., xxx-xx-xxxx
Fuller, Kent L., xxx-xx-xxxx
Fuller, Willie D. C., Jr., xxx-xx-xxxx
Funk, Steven Carl, xxx-xx-xxxx
Furlonge, Theda A., xxx-xx-xxxx
Furr, Ronald W., xxx-xx-xxxx
Gaffney, Jane E., xxx-xx-xxxx
Gaglio, Samuel S., xxx-xx-xxxx
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Gaines, Gregory D., xxx-xx-xxxx
Gale, Alan C., xxx-xx-xxxx
Gallagher, Thomas J., xxx-xx-xxxx
Gallardo, Carlos L., xxx-xx-xxxx
Gallo, Anthony xxx-xx-xxxx
Gannon, Michael T., xxx-xx-xxxx
Ganos, Todd C., xxx-xx-xxxx
Garcia, Patricio R., xxx-xx-xxxx
Garcia, Rebecca J., xxx-xx-xxxx
Gardner, Rodney V., xxx-xx-xxxx
Garrard, Mark E., xxx-xx-xxxx
Garrison, Lawrence D., Jr., xxx-xx-xxxx
Garside, Gary W., xxx-xx-xxxx
Gathright, Michael E., xxx-xx-xxxx
Gaudette, Maureen C., xxx-xx-xxxx
Gaudin, Stephen A., xxx-xx-xxxx
Gazur, James E., xxx-xx-xxxx
George, Gordon D., Jr., xxx-xx-xxxx
Giacomini, Andrew L., Jr., xxx-xx-xxxx
Giamelle, Louis J., xxx-xx-xxxx
Gibbs, Gary W., xxx-xx-xxxx
Gibson, Thomas E., Jr., xxx-xx-xxxx
Gierard, Robert A., xxx-xx-xxxx
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Samuels, Cynthia E., xxx-xx-xxxx
Sanders, Charles G., Jr., xxx-xx-xxxx
Santiago, Kenneth V., xxx-xx-xxxx
Santin, Marita A., xxx-xx-xxxx
Sapp, Betty J., xxx-xx-xxxx
Sartori, Olivia A., xxx-xx-xxxx
Saucier, Brian G., xxx-xx-xxxx
Schaub, David L., xxx-xx-xxxx
Schauberger, Edward F., xxx-xx-xxxx
Schersing, Frank A., xxx-xx-xxxx
Schilling, Warren M., xxx-xx-xxxx
Schmidt, Steven M., xxx-xx-xxxx
Schmitt, Russell P., xxx-xx-xxxx
Schoonover, Charles F., Jr., xxx-xx-xxxx
Schouten, William A. S., xxx-xx-xxxx
Schreiber, Cheryl L., xxx-xx-xxxx
Schroeder, W. Paul, xxx-xx-xxxx
Schull, Jane W., xxx-xx-xxxx
Schultz, Mark W., xxx-xx-xxxx
Schwartz, Joseph, xxx-xx-xxxx
Schwartz, Victoria A., xxx-xx-xxxx
Schwendtner, Thomas A., xxx-xx-xxxx
Schwing, Ronald H., xxx-xx-xxxx
Schworm, Brenda L., xxx-xx-xxxx
Scott, David B., xxx-xx-xxxx
Scott, Robert G., xxx-xx-xxxx
Seawell, Joseph K., xxx-xx-xxxx
Sebring, Timothy J., xxx-xx-xxxx
Seitz, Jeffrey P., xxx-xx-xxxx
Sentelle, Gary L., xxx-xx-xxxx
Shane, Norris D., xxx-xx-xxxx
Shawley, Barry R., xxx-xx-xxxx
Shea, Barbara J., xxx-xx-xxxx
Sherline, Ellen K., xxx-xx-xxxx
Shipley, Anthony P., xxx-xx-xxxx
Shippy, John D., xxx-xx-xxxx
Shody, Stephen S., xxx-xx-xxxx
Short, Howard, xxx-xx-xxxx
Short, Kevin D., xxx-xx-xxxx
Shrum, Joe D., xxx-xx-xxxx
Shuman, Roger A., xxx-xx-xxxx
Siegel, John E., xxx-xx-xxxx
Silva, Jaime R., xxx-xx-xxxx
Silverstein, Bruce I., xxx-xx-xxxx
Simpson, Linda M., xxx-xx-xxxx
Simpson, Thomas J., xxx-xx-xxxx
Sims, Loail M., Jr., xxx-xx-xxxx

Singer, Bonnie S., xxx-xx-xxxx
Singer, Nolan L., xxx-xx-xxxx
Skaar, Rodney M., xxx-xx-xxxx
Skowronek, Thomas M., xxx-xx-xxxx
Slaughter, Jerry T., xxx-xx-xxxx
Sleight, John C., xxx-xx-xxxx
Small, Gregory F., xxx-xx-xxxx
Smedley, Richard D., Jr., xxx-xx-xxxx
Smith, Buddie G., xxx-xx-xxxx
Smith, Clarence E., Jr., xxx-xx-xxxx
Smith, Clifford D., II., xxx-xx-xxxx
Smith, Daniel J., xxx-xx-xxxx
Smith, Eleanor L., xxx-xx-xxxx
Smith, Gina R., xxx-xx-xxxx
Smith, James P. K., xxx-xx-xxxx
Smith, James C., xxx-xx-xxxx
Smith, James W., xxx-xx-xxxx
Smith, John F., xxx-xx-xxxx
Smith, Leonard L., xxx-xx-xxxx
Smith, Michael G., xxx-xx-xxxx
Smith, Robert D., xxx-xx-xxxx
Smith, Sheila D., xxx-xx-xxxx
Smith Thomas M., xxx-xx-xxxx
Smith, Tony M., xxx-xx-xxxx
Smith, William D., Jr., xxx-xx-xxxx
Smither Chester P., III, xxx-xx-xxxx
Snider, Patrick L., xxx-xx-xxxx
Snipes, Jasper, xxx-xx-xxxx
Sokol, Joseph, Jr., xxx-xx-xxxx
Sokol, Sandra E., xxx-xx-xxxx
Sollars, John D., xxx-xx-xxxx
Sonner, Paul D., Jr., xxx-xx-xxxx
Speakman, Winford A., xxx-xx-xxxx
Speers Wally L., xxx-xx-xxxx
Spencer, Ellis D., xxx-xx-xxxx
Spencer, George R., xxx-xx-xxxx
Sperry Steven L., xxx-xx-xxxx
Spillers, David P., xxx-xx-xxxx
Sprenger, Richard K., xxx-xx-xxxx
Springer Scott T., xxx-xx-xxxx
Stackhouse, Jack W., Jr., xxx-xx-xxxx
Standley, Gail J., xxx-xx-xxxx
Stanley, Anna J., xxx-xx-xxxx
Stannard, Roger A., xxx-xx-xxxx
Staples, John T., xxx-xx-xxxx
Staten, Kathryn G., xxx-xx-xxxx
Stearns, Wayne A., xxx-xx-xxxx
Steblin, Mark E., xxx-xx-xxxx
Stedman, Wyatt K., xxx-xx-xxxx
Steed, Thomas M., xxx-xx-xxxx
Steele, William G., xxx-xx-xxxx
Sterling, Marianne xxx-xx-xxxx
Stern, Edmund H., xxx-xx-xxxx
Stevens, William L., Jr., xxx-xx-xxxx
Stinger, Darrell E., xxx-xx-xxxx
Stratton, Edward L., xxx-xx-xxxx
Streety, Sharon F., xxx-xx-xxxx
Strickland, Gregory T., xxx-xx-xxxx
Strohfus, Joseph E., xxx-xx-xxxx
Stromski, Edward A., xxx-xx-xxxx
Stutsman, Donald E., xxx-xx-xxxx
Sudduth, Robert C., xxx-xx-xxxx
Sullivan, Jessica M., xxx-xx-xxxx
Sullivan, Kevin M., xxx-xx-xxxx
Sumpter, Beverly J., xxx-xx-xxxx
Sundquist, Janet R., xxx-xx-xxxx
Swaffer, Frederick L., Jr., xxx-xx-xxxx
Swanson, Roland B., xxx-xx-xxxx
Swift, Cameron E., xxx-xx-xxxx
Swigartsmith, Janice A., xxx-xx-xxxx
Tabler, Paul E., xxx-xx-xxxx
Tank, Patrick J., xxx-xx-xxxx
Tappan, John A., xxx-xx-xxxx
Tarpinian, Grant M., xxx-xx-xxxx
Tate, Timothy A., xxx-xx-xxxx
Tavenner, Charles T., xxx-xx-xxxx
Taylor, David L., xxx-xx-xxxx
Taylor, Robert B., xxx-xx-xxxx
Tereszkiewicz, John J., xxx-xx-xxxx
Terrell, James B., xxx-xx-xxxx
Terry, Kenneth P., xxx-xx-xxxx
Thie, Julia A., xxx-xx-xxxx
Thomas, Merrill L., xxx-xx-xxxx
Thompson, Noel E., xxx-xx-xxxx
Thompson, Stephen A., xxx-xx-xxxx
Thompson, William T., Jr., xxx-xx-xxxx
Thomson, Roger K., xxx-xx-xxxx
Thorne, Jeremy A., xxx-xx-xxxx
Thorpe, York D., xxx-xx-xxxx
Thorstad, James B., xxx-xx-xxxx
Thurman, Bennie L., xxx-xx-xxxx
Thurman, E. Starr, xxx-xx-xxxx
Tiller, Terrence C., xxx-xx-xxxx
Timmerman, Guinn R., Jr., xxx-xx-xxxx
Tobias, Rodney D., xxx-xx-xxxx
Torres, Emilio M., xxx-xx-xxxx
Tosh, Terry D., xxx-xx-xxxx
Toth, Nathan G., xxx-xx-xxxx
Townsend, Robert L., xxx-xx-xxxx
Traub, Brian S., xxx-xx-xxxx
Travis, Mark A., xxx-xx-xxxx
Treankler, Glen E., xxx-xx-xxxx
Triebold, Howard O., III, xxx-xx-xxxx
Trilli, Lucio F., xxx-xx-xxxx
Troop, Gary W., xxx-xx-xxxx
Trout, Jill R., xxx-xx-xxxx
Truesdale, Kenneth G., xxx-xx-xxxx
Tucker, Arthur A., Jr., xxx-xx-xxxx
Tucker, Carl M., xxx-xx-xxxx
Tucker, Joe E., xxx-xx-xxxx
Tunstall, Marion D., xxx-xx-xxxx
Tuohy, John S., xxx-xx-xxxx
Tweddell, David J., xxx-xx-xxxx
Tyler, Arthur Q., Jr., xxx-xx-xxxx
Umberger, Carol L., xxx-xx-xxxx
Urban, Gray J., xxx-xx-xxxx
Urban, Michael A., xxx-xx-xxxx
Valentini, Gerald, xxx-xx-xxxx
Vance, Douglas B., xxx-xx-xxxx
Vanetten, Thomas R., xxx-xx-xxxx
Vanlue, Nancy S., xxx-xx-xxxx
Vanscotter, James R., xxx-xx-xxxx
Vess, Donald S., xxx-xx-xxxx
Vial, Dan H., Jr., xxx-xx-xxxx
Villareal, Daryl K., xxx-xx-xxxx
Vitucci, Paul C., xxx-xx-xxxx
Voegtlin, Michael J., xxx-xx-xxxx
Vonderschmidt, Donald J., xxx-xx-xxxx
Voorhees, Randall S., xxx-xx-xxxx
Wade, Henry M., Jr., xxx-xx-xxxx
Wade, Karen V., xxx-xx-xxxx
Waggoner, Larry D., xxx-xx-xxxx
Wagner, Gail N. T., xxx-xx-xxxx
Waldo, Clarence R., xxx-xx-xxxx
Walke, Steven J., xxx-xx-xxxx
Walker, Brette M., xxx-xx-xxxx
Wallace, Joe S., xxx-xx-xxxx
Waller, Gail, xxx-xx-xxxx
Walley, Richard D., xxx-xx-xxxx
Walters, Barbara L., xxx-xx-xxxx
Warren, Jean L., xxx-xx-xxxx
Warren, John D., xxx-xx-xxxx
Warren, Wayne D., xxx-xx-xxxx
Washington, Lonnie L., xxx-xx-xxxx
Wasser, Jerry Lee, xxx-xx-xxxx
Wayne, Steven E., xxx-xx-xxxx
Weaver, Charles M., xxx-xx-xxxx
Webb, Barry W., xxx-xx-xxxx
Weber, Harry B., xxx-xx-xxxx
Wegener, Karl A., xxx-xx-xxxx
Wegner, Ronald, A., xxx-xx-xxxx
Weikel, Thomas L., Jr., xxx-xx-xxxx
Weinhold, Robert L., xxx-xx-xxxx
Welander, Paul D., xxx-xx-xxxx
Welch, Donald A., xxx-xx-xxxx
Welch, Ronald L., xxx-xx-xxxx
Wells, Adrian, xxx-xx-xxxx
Wengryn, Steven E., xxx-xx-xxxx
Werner, David T., xxx-xx-xxxx
West, Timothy N., xxx-xx-xxxx
Wheeler, Alan D., Jr., xxx-xx-xxxx
Wheeler, Wright G., Jr., xxx-xx-xxxx
White, Mark, A., xxx-xx-xxxx
White, Richard D., xxx-xx-xxxx
White, Richard W., Jr., xxx-xx-xxxx
White, Ronald A., xxx-xx-xxxx
White, Walter H., xxx-xx-xxxx
Whitehead, Craig C., xxx-xx-xxxx
Whiteley, Jan W., xxx-xx-xxxx
Whitney, James F., Jr., xxx-xx-xxxx
Widner, Larry W., xxx-xx-xxxx
Wiegman, Rochelle D., xxx-xx-xxxx
Wiesmann, Francis P., xxx-xx-xxxx
Wiggins, Burton D., xxx-xx-xxxx
Wilkerson, Robert C., xxx-xx-xxxx
Wilkerson, Steven V., xxx-xx-xxxx
Williams, Janice M., xxx-xx-xxxx
Williams, Michael S., xxx-xx-xxxx
Williams, Rhonda K., xxx-xx-xxxx
Williams, Robin V., xxx-xx-xxxx
Williams, Ronald L., xxx-xx-xxxx
Williams, William R., xxx-xx-xxxx
Willis, Cydney J., xxx-xx-xxxx
Wills, Eze E., xxx-xx-xxxx
Willis, Timothy B., xxx-xx-xxxx
Wilson, Donald L., xxx-xx-xxxx
Wilson, Kim L., xxx-xx-xxxx
Wilson, Mark E., xxx-xx-xxxx
Wilson, Mary L., xxx-xx-xxxx
Winegarden, Jerry D., xxx-xx-xxxx
Winkopp, Heather C., xxx-xx-xxxx
Wintemute, Thomas C., xxx-xx-xxxx
Winter, Bruce N., xxx-xx-xxxx
Wirsing, Frederick C., xxx-xx-xxxx
Wirwahn, David S., xxx-xx-xxxx
Wise, Dennis G., xxx-xx-xxxx
Wolf, Susan S., xxx-xx-xxxx
Wolfe, William K., xxx-xx-xxxx
Wolfert, Linda L., xxx-xx-xxxx
Wollan, Arden R., xxx-xx-xxxx
Wood, Mary H., xxx-xx-xxxx
Wood, Phillip S., xxx-xx-xxxx
Wood, Sheila K., xxx-xx-xxxx
Woodlee, Susan L., xxx-xx-xxxx
Woods, T. Michael, xxx-xx-xxxx
Woolridge, Rudolph T., xxx-xx-xxxx
Woosley, Benny L., xxx-xx-xxxx
Wright, John M., xxx-xx-xxxx
Wright, John D., xxx-xx-xxxx
Wright, Susan E., xxx-xx-xxxx
Wytcherly, Bradley W., xxx-xx-xxxx
Yamamoto, Alan K., xxx-xx-xxxx
Yetman, William R., Jr., xxx-xx-xxxx
Young, Dana E., Jr., xxx-xx-xxxx
Young, Glenda M., xxx-xx-xxxx
Zaleskie, Richard T., xxx-xx-xxxx
Zanol, Susan P., xxx-xx-xxxx
Zarookian, Nejdeh, xxx-xx-xxxx
Zepka, James M., xxx-xx-xxxx
Zetkulic, Joseph G., Jr., xxx-xx-xxxx
Ziegler, Frederick T., II, xxx-xx-xxxx
Ziegler Timothy D., xxx-xx-xxxx
Zimmerman, James A., xxx-xx-xxxx

U.S. AIR FORCE

The following cadets, U.S. Air Force Reserve Officer Training Corps, for appointment as second lieutenants in the Regular Air Force, under the provisions of section 531, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Adams, Glenn E., xxx-xx-xxxx
Allen, Kimberly M., xxx-xx-xxxx
Allen, Scotty R., xxx-xx-xxxx
Alyea, Michael Charles, xxx-xx-xxxx
Anderson, Betty J. A., xxx-xx-xxxx
Anderson, James P., xxx-xx-xxxx
Babcock, Michael R., xxx-xx-xxxx
Bainter, Eric L., xxx-xx-xxxx
Bartman, Mark E., xxx-xx-xxxx
Bauerlin, Brian M., xxx-xx-xxxx
Beaudoin, Deborah A., xxx-xx-xxxx
Blatt, Jeanine M., xxx-xx-xxxx
Brackett, Paula C., xxx-xx-xxxx
Bright, Matthew R., xxx-xx-xxxx
Brown, David Wayne, xxx-xx-xxxx
Burkett, Randy P., xxx-xx-xxxx
Campos, Mariano C., Jr., xxx-xx-xxxx
Canfield, Christopher J., xxx-xx-xxxx
Cantor, David E., xxx-xx-xxxx
Carlson, Deborah E., xxx-xx-xxxx

Carney, Michael K., xxx-xx-xxxx
Carson, Jeffrey L., xxx-xx-xxxx
Carter, John R., Jr., xxx-xx-xxxx
Carter, Prentice, H., xxx-xx-xxxx
Casella, Matthew G., xxx-xx-xxxx
Caton, Jeffrey L., xxx-xx-xxxx
Child, Michael O., xxx-xx-xxxx
Chubbuck, David J., xxx-xx-xxxx
Clemens, David A., xxx-xx-xxxx
Cleveland, Benjamin N., xxx-xx-xxxx
Clontz, Ronald G., xxx-xx-xxxx
Cole, Robert L., Jr., xxx-xx-xxxx
Conrad, Edwin L., Jr., xxx-xx-xxxx
Cook, Julia E., xxx-xx-xxxx
Cooper, Robert W., xxx-xx-xxxx
Cull, Ray A., xxx-xx-xxxx
Daehnick, Christian C., xxx-xx-xxxx
Davies, Steven T., xxx-xx-xxxx
Decarlo, Kean J., xxx-xx-xxxx
Dice, James A., xxx-xx-xxxx
Downs, James E., xxx-xx-xxxx
Driehorst, Thomas L., xxx-xx-xxxx
Edwards, Erney S., xxx-xx-xxxx
Edwards, Michael R., xxx-xx-xxxx
Elkins, Harold A., xxx-xx-xxxx
Esch, James A., xxx-xx-xxxx
Fetech, William J., xxx-xx-xxxx
Fink, Barry J., xxx-xx-xxxx
Fleming, Robert B., xxx-xx-xxxx
Frankel, Frederick G., xxx-xx-xxxx
Franklin, Michael S., xxx-xx-xxxx
Freeman, Eric A., xxx-xx-xxxx
Gibbs, Laurie L., xxx-xx-xxxx
Gilmore, Susan P., xxx-xx-xxxx
Gilreath, Ronald B., xxx-xx-xxxx
Goehring, Scott E., xxx-xx-xxxx
Grant, Michael J., xxx-xx-xxxx
Graves, Kevin W., xxx-xx-xxxx
Gruden, James M., xxx-xx-xxxx
Haines, Robert M., xxx-xx-xxxx
Hale, Christopher B., xxx-xx-xxxx
Hardin, Anthony L., xxx-xx-xxxx
Harris, Raymond Douglas, Jr., xxx-xx-xxxx
Hebert, Lernes J., xxx-xx-xxxx
Herr, William E., xxx-xx-xxxx
High, Michael C., xxx-xx-xxxx
Hite, William A., xxx-xx-xxxx
Hoffman, Theresa L., xxx-xx-xxxx
Hopper, Michael E., xxx-xx-xxxx
Hrebik, Randolph L., xxx-xx-xxxx
Hysong, David W., xxx-xx-xxxx
Iverson, Thomas R., xxx-xx-xxxx
Jackson, Joseph A., xxx-xx-xxxx
Jackson, Richard S., xxx-xx-xxxx
Johnson, Thaddaeus P., xxx-xx-xxxx
Karlovic, Martin S., xxx-xx-xxxx
Keder, Daniel, xxx-xx-xxxx
Keffer, Jim H., xxx-xx-xxxx
Kenny, Barbara H., xxx-xx-xxxx
Kormanik, Joseph D., Jr., xxx-xx-xxxx
Koslow, John R., xxx-xx-xxxx
Kuiper, David L., xxx-xx-xxxx
Kyle, Sam M., Jr., xxx-xx-xxxx
Lacombe, Michael J., xxx-xx-xxxx
Lang, Barbara J., xxx-xx-xxxx
Laurenzo, Steven J., xxx-xx-xxxx
Lepp, Kristen A., xxx-xx-xxxx
Levine, Alan N., xxx-xx-xxxx
Levison, Jonathan H., xxx-xx-xxxx
Lex, Lamar M., xxx-xx-xxxx
Little, Duane K., xxx-xx-xxxx
Long, Wesley W., xxx-xx-xxxx
Ludlow, Nelson D., xxx-xx-xxxx
Lutes, Charles D., xxx-xx-xxxx
Maddox, Scott A., xxx-xx-xxxx
Major, Karl B., xxx-xx-xxxx
Mattern, Steven F., xxx-xx-xxxx
McColaugh, Craig R., xxx-xx-xxxx
McNeil, Thomas E., xxx-xx-xxxx
Mercer, James J., xxx-xx-xxxx
Meyer, Linda S., xxx-xx-xxxx
Miller, Kelly A., xxx-xx-xxxx
Mize, David W., xxx-xx-xxxx
Moore, James C., II, xxx-xx-xxxx
Mullin, Virginia M., xxx-xx-xxxx
Mundt, Brian D., xxx-xx-xxxx
Nardone, Anthony, xxx-xx-xxxx
Nazarek, David A., xxx-xx-xxxx
Nelson, Thomas N., xxx-xx-xxxx
Nygren, Scott A., xxx-xx-xxxx
Oakes, Mary K., xxx-xx-xxxx
O'Boyle, Michael E., xxx-xx-xxxx
Oltman, Ray A., xxx-xx-xxxx
Ostrye, G. Mark, xxx-xx-xxxx
Paolilli, Joseph M., xxx-xx-xxxx
Parker, Gregory J., xxx-xx-xxxx
Parker, Ronnie E., xxx-xx-xxxx
Patton, Grant R., xxx-xx-xxxx
Pawlowski, Brian J., xxx-xx-xxxx
Perry, Guy F., xxx-xx-xxxx
Poe, Jonathan K. W. L., xxx-xx-xxxx
Ravenberg, Sharrie L., xxx-xx-xxxx
Reed, Kevin M., xxx-xx-xxxx
Ridgely, Margaret P. M., xxx-xx-xxxx
Rigotti, Marie Y., xxx-xx-xxxx
Robertson, Thurman H. III, xxx-xx-xxxx
Robinson, Elaine A., xxx-xx-xxxx
Rogers, Frank K., xxx-xx-xxxx
Rogers, Peter T., xxx-xx-xxxx
Roose, Kenneth J., xxx-xx-xxxx
Russell, Kay McReynolds, xxx-xx-xxxx
Rust, Jeffrey J., xxx-xx-xxxx
Sanborn, Lewis M., xxx-xx-xxxx
Schennberg, Richard P., xxx-xx-xxxx
Schikora, Paul F., xxx-xx-xxxx
Sharp, Keith W., xxx-xx-xxxx
Shofner, Robert C., xxx-xx-xxxx
Signorelli, Joel, xxx-xx-xxxx
Simon, Lisa J., xxx-xx-xxxx
Sizemore, David G., xxx-xx-xxxx
Smariga, Russell B., xxx-xx-xxxx
Smith, Adam L., xxx-xx-xxxx
Smith, Michael C., xxx-xx-xxxx
Sousa, Joe A., xxx-xx-xxxx
Spurgeon, Debra K., xxx-xx-xxxx
Strack, Jay M., xxx-xx-xxxx
Strauss, Jack L., xxx-xx-xxxx
Struble, Daniel W., xxx-xx-xxxx
Talley, Benta L., xxx-xx-xxxx
Tanaka, David K., xxx-xx-xxxx
Thee, Paul L., xxx-xx-xxxx
Tingquist, David R., xxx-xx-xxxx
Todd, Michael D., xxx-xx-xxxx
Trout, Brian D., xxx-xx-xxxx
Vanderwarker, Bradley W., xxx-xx-xxxx
Vandivier, Calvin L., xxx-xx-xxxx
Vick, Steven D., xxx-xx-xxxx
Visco, Stephen G., xxx-xx-xxxx
Volchansky, Louis R., xxx-xx-xxxx
Wagner, Howard N., xxx-xx-xxxx
Ware, Keith Alan, xxx-xx-xxxx
Ware, Mark E., xxx-xx-xxxx
Warren, William S., xxx-xx-xxxx
Watts, Wade B., xxx-xx-xxxx
Weelborg, Deanna L., xxx-xx-xxxx
Weinstein, Jack, xxx-xx-xxxx
Weiss, Marcia L., xxx-xx-xxxx
Werner, Rodney A., xxx-xx-xxxx
Wesche, Richard L., xxx-xx-xxxx
White, Christopher H., xxx-xx-xxxx
Whitman, John T., xxx-xx-xxxx
Wiebener, John W., xxx-xx-xxxx
Wilkerson, James M., xxx-xx-xxxx
Wilkes, Thomas L., xxx-xx-xxxx
Willets, Gary W., xxx-xx-xxxx
Williams, Aulick B., Jr., xxx-xx-xxxx
Winder, Richard P., II, xxx-xx-xxxx
Woika, Brian G., xxx-xx-xxxx
Yates, Kenneth L., xxx-xx-xxxx
Zampedro, Jon E., xxx-xx-xxxx

U.S. Navy

The following-named Naval Reserve Officers Training Corps candidates to be appointed permanent ensign in the line or staff corps of the U.S. Navy, subject to qualification therefor as provided by law:

Adams, Tracy A.	Barry, Michael S.
Bocovich, Michael	Bodine, Daniel L.
Brunton, Neil B.	Burroughs, William H.
Catlett, Neil A.	Dizon, Jose S.
Dowell, Jonathan A.	Edelson, Thomas D.
Edwards, Scott A.	Fleming, Scott M.
Foote, Lawrence J.	Foster, Bradly C.
Hoyle, Scott B.	Keil, David H.
Lackemacher, James M.	Laurence, Harold A.
Lyon, Stephen J.	McAllister, Thomas F.
McGinnis, Roger D.	O'Neil, Peter F.
Osborn, Kristen E.	Perry, Dan H.
Rall, Raoul A.	Ramirez, Alan C.
Russell, Don D.	Schofield, Michael A.
Sioda, Paul A.	Staniland, Richard C.
Sweet, William C.	Tighe, Gerard P.
Todd, John C.	Traver, Lance E.
Weatherly, Walter B.	

Commander Lee E. Artman, Medical Corps, U.S. Naval Reserve, to be appointed a permanent commander in the Medical Corps of the U.S. Navy, subject to qualification therefor as provided by law.

Capt. Joseph C. Smith, U.S. Navy, retired, to be reappointed a permanent captain from the Temporary Disability Retired List, subject to qualification therefor as provided by law.

Chief Warrant Officer, W-4 Chester Capodilupo, U.S. Navy, retired, to be reappointed a permanent chief warrant officer, W-4, from the Temporary Disability Retired List, subject to qualification therefor as provided by law.

The following-named Naval reserve officers for permanent appointment in the line or staff corps of the U.S. Navy in the permanent grade of ensign, subject to qualification therefor as provided by law:

Capasso, Michael A.	Gries, Brian L.
Jennings, David D.	Kirchoff, Kevin B.
Love, James H.	Munn, Lyle V.
O'Connor, Michael J.	Townsend, Ronald
Wagner, James S.	Webb, George R., III

William F. Farr, ex-U.S. Navy officer, to be appointed a permanent captain in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

John H. Hughes, medical college graduate, to be appointed a permanent captain in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

Executive nominations received by the Secretary of the Senate November 15, 1982, under authority of the order of the Senate of October 2, 1982:

Department of Energy

Donald P. Hodel, of Oregon, to be Secretary of Energy, to which position he was appointed during the current recess of the Senate.

Martha O. Hesse, of Illinois, to be an Assistant Secretary of Energy (Management and Administration), vice William Stewart Heffelfinger, resigned, to which position she was appointed during the current recess of the Senate.

Department of Education

Edward M. Elmendorf, of Vermont, to be Assistant Secretary for Postsecondary Education, Department of Education, vice Thomas Patrick Melady, resigned.

Department of Justice

Peter K. Nunez, of California, to be U.S. attorney for the southern district of California, vice William H. Kennedy.

COPYRIGHT ROYALTY TRIBUNAL

Katherine D. Ortega, of New Mexico, to be a Commissioner of the Copyright Royalty Tribunal for a term of 7 years from September 27, 1982, vice Frances Garcia, term expired.

U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

E. Robert Wallach, of California, to be a Member of the U.S. Advisory Commission on Public Diplomacy for a term expiring July 1, 1985, vice Lewis Manilow, term expired.

U.S. INTERNATIONAL TRADE COMMISSION

Enrique J. Leon, of New York, to be a Member of the U.S. International Trade Commission for the remainder of the term expiring December 16, 1982, vice Eugene J. Frank, resigned.

Susan Wittenberg Liebeler, of California, to be a Member of the U.S. International Trade Commission for the remainder of the term expiring December 16, 1988, vice Michael J. Calhoun, resigned.

Enrique J. Leon, of New York, to be a Member of the U.S. International Trade Commission for the term expiring December 16, 1990 (reappointment).

U.S. AIR FORCE

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of chapters 34, 831, and 837, title 10, United States Code:

To be major general

Brig. Gen. Dan C. Mills, xxx-xx-xxxx FG, Air National Guard of the United States.

Brig. Gen. John A. Wilson III, xxx-xx-xxxx xxx-... FG, Air National Guard of the United States.

Brig. Gen. Charles J. Young, Jr., xxx-xx-x... xxx-... FG, Air National Guard of the United States.

To be brigadier general

Col. Edward R. Aguiar, xxx-xx-xxxx FG, Air National Guard of the United States.

Col. Clifton N. Bishop, xxx-xx-xxxx FG, Air National Guard of the United States.

Col. Carl T. Butterworth, xxx-xx-xxxx FG, Air National Guard of the United States.

Col. Andrew Cali III, xxx-xx-xxxx FG, Air National Guard of the United States.

Col. Russell C. Davis, xxx-xx-xxxx FG, Air National Guard of the United States.

Col. Donne C. Harned, xxx-xx-xxxx FG, Air National Guard of the United States.

Col. Richard S. Johnson, xxx-xx-xxxx FG, Air National Guard of the United States.

Col. William S. Mahler, xxx-xx-xxxx FG, Air National Guard of the United States.

Col. Dominick C. Marchesiello, xxx-xx-x... xxx-... FG, Air National Guard of the United States.

Col. John L. Matthews, xxx-xx-xxxx FG, Air National Guard of the United States.

Col. Alvah S. Mattox, Jr., xxx-xx-xxxx FG, Air National Guard of the United States.

Col. Robert D. McFrye, xxx-xx-xxxx FG, Air National Guard of the United States.

Col. James R. Mercer, xxx-xx-xxxx FG, Air National Guard of the United States.

Col. Fred L. Michel, xxx-xx-xxxx FG, Air National Guard of the United States.

Col. Edward V. Richardson, xxx-xx-xxxx xxx-... FG, Air National Guard of the United States.

Col. James E. Womack, xxx-xx-xxxx FG, Air National Guard of the United States.

U.S. AIR FORCE

The following-named officers for promotion as a Reserve of the Air Force, under the appropriate provisions of chapters 35 and 837, title 10, United States Code.

LINE OF THE AIR FORCE

Lieutenant colonel to colonel

Applegate, Ralph W., xxx-xx-xxxx
Bergman, Otis W., xxx-xx-xxxx
Bundy, William T., Jr., xxx-xx-xxxx
Cook, James C., xxx-xx-xxxx
Driggers, Charles R., xxx-xx-xxxx
Duffy, Daniel, M., xxx-xx-xxxx
Dunbar, Samuel D., xxx-xx-xxxx
Foster, Dewey D., Jr., xxx-xx-xxxx
Glenn, John S., xxx-xx-xxxx
Godfrey, Richard W., xxx-xx-xxxx
Hall, Harold R., xxx-xx-xxxx
Harris, John P., xxx-xx-xxxx
Henderson, Harris R., xxx-xx-xxxx
Higgins, R. Clark, xxx-xx-xxxx
Hollenbeck, Orville K., xxx-xx-xxxx
Hoyt, Peter G., xxx-xx-xxxx
Jennings, Thomas R., xxx-xx-xxxx
Lofink, William J., xxx-xx-xxxx
Mackel, Richard A., xxx-xx-xxxx
Manning, Darrell V., xxx-xx-xxxx
Manning, David C., xxx-xx-xxxx
Mullin, Henry A., Jr., xxx-xx-xxxx
Oliver, Carl G., xxx-xx-xxxx
Pedigo, Hughie, R., xxx-xx-xxxx
Piazza, Ralph A., xxx-xx-xxxx
Rossi, Victor D., xxx-xx-xxxx
Seavers, Victor C., xxx-xx-xxxx
Smith, Joe S., xxx-xx-xxxx
Sparks, George R., xxx-xx-xxxx
Stoikes, Harold L., xxx-xx-xxxx
Thomas, James G., xxx-xx-xxxx
Totten, Richard N., xxx-xx-xxxx

CHAPLAIN

McCosh, Earl C., xxx-xx-xxxx

MEDICAL CORPS

Dalessandro, Angelo A., xxx-xx-xxxx
Decarlo, Gasto, xxx-xx-xxxx
Little, Harry, xxx-xx-xxxx
Milano, Anthony F., xxx-xx-xxxx
Spann, Joseph L., xxx-xx-xxxx
Walgren, Harold N., xxx-xx-xxxx

U.S. NAVY

The following-named Naval Reserve Officers Training Corps candidates to be appointed permanent ensign in the line or staff corps of the U.S. Navy subject to qualification therefor as provided by law:

Achenbach, Mark R.
Bjork, Karl A.
Hohmann, Timothy J.
Klein, Paul R.
Layman, John S.
Meadors, Anthony W.
Scheuermann, Arthur L.
Smith, Royce L.
Baker, James B.
Gerontes, Nicholas P.
Justesen, Larry R.
Krambeck, Scott D.
Lovell, Adrian D., Jr.
Reyes, Gustavo A.
Shappell, Joseph R.
Watkins, Richard M.

The following-named Naval Reserve officers for permanent appointment in the line or staff corps of the U.S. Navy in the permanent grade of ensign, subject to qualification therefor as provided by law:

Anderson, William M.
Furukawa, Richard K.
Ziska, Matthew W.
Ferran, William B.
Hazelbaker, Brad A.

Frederick M. Busch, ex-U.S. Navy officer, to be appointed a permanent captain in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

Richard W. Hartmann, Jr., ex-Naval Reserve officer, to be appointed a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

Jalal A. Najafi, medical college graduate, to be appointed a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

Executive nominations received by the Secretary of the Senate November 19, 1982, under authority of the order of the Senate of October 2, 1982:

U.S. CLAIMS COURT

Joseph V. Colaianni, of Maryland, to be a judge of the U.S. Claims Court for a term of 15 years (reappointment).

Robert J. Yock, of Virginia, to be a judge of the U.S. Claims Court for a term of 15 years (reappointment).

DEPARTMENT OF JUSTICE

Dwight G. Williams, of Mississippi, to be U.S. marshal for the northern district of Mississippi for the term of 4 years vice H. Brooks Phillips, term expired.

Charles E. Healey, of New York, to be U.S. marshal for the eastern district of New York for the term of 4 years vice Louis J. Soscia, term expired.

Daniel B. Wright, of New York, to be U.S. marshal for the western district of New York for the term of 4 years vice Joseph I. St. George, term expired.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

David L. Slate, of California, to be General Counsel of the Equal Employment Opportunity Commission for a term of 4 years, vice Michael Joseph Connolly, resigned.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

C. Douglas Dillon, of New Jersey, to be a member of the National Council on the Arts for a term expiring September 3, 1988, vice Franklin J. Schaffner, term expired.

POSTAL RATE COMMISSION

Henry R. Folsom, of Delaware, to be a Commissioner of the Postal Rate Commission for the term expiring October 14, 1988 (reappointment).

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

William G. Simpson, of Illinois, to be a member of the Board of Directors of the Overseas Private Investment Corp. for a term expiring December 17, 1984, vice William M. Landau, term expired.

U.S. INFORMATION AGENCY

Kenneth Y. Tomlinson, of New York, to be an Associate Director of the U.S. Information Agency, vice Robert John Hughes.

U.S. AIR FORCE

The following officers for appointment in the U.S. Air Force under the provisions of chapter 36, title 10 of the United States Code:

To be major general

Brig. Gen. Clarence R. Autery, xxx-xx-xxxx xxx-... FR, Regular Air Force.

Brig. Gen. Carl N. Beer, xxx-xx-xxxx FR, Regular Air Force.

Brig. Gen. Schuyler Bissell, xxx-xx-xxxx xxx-... FR, Regular Air Force.

Brig. Gen. William P. Bowden, xxx-xx-xx... xxx-... FR, Regular Air Force.

Brig. Gen. William J. Breckner, Jr., xxx-... xxx-xx-x... FR, Regular Air Force.

Brig. Gen. Donald D. Brown, xxx-xx-xxxx xxx-... FR, Regular Air Force.

Brig. Gen. Thomas L. Craig, xxx-xx-xxxx xxx-... FR, Regular Air Force.

Brig. Gen. William H. Greendyke, xxx-xx-x... xxx-... FR, Regular Air Force, Medical.

Brig. Gen. Alfred G. Hansen, xxx-xx-xxxx xxx-...FR, Regular Air Force.
Brig. Gen. Thomas J. Hickey, xxx-xx-xx... xxx-...FR, Regular Air Force.
Brig. Gen. Harley A. Hughes, xxx-xx-xxxx xxx-...FR, Regular Air Force.
Brig. Gen. Ralph H. Jacobson, xxx-xx-xxxx xxx-...FR, Regular Air Force.
Brig. Gen. James G. Jones, xxx-xx-xxxx xxx-...FR, Regular Air Force.
Brig. Gen. Donald P. Litke, xxx-xx-xxxx xxx-...FR, Regular Air Force.
Brig. Gen. James P. McCarthy, xxx-xx-xx... xxx-...FR, Regular Air Force.
Brig. Gen. Thomas G. McInerney, xxx-xx-x... xxx-...FR, Regular Air Force.
Brig. Gen. Merrill A. McPeak, xxx-xx-xxxx xxx-...FR, Regular Air Force.
Brig. Gen. George L. Monahan, Jr., xxx-... xxx-xx-xxxxFR, Regular Air Force.
Brig. Gen. Joe P. Morgan, xxx-xx-xxxx FR, Regular Air Force.
Brig. Gen. Robert C. Oaks, xxx-xx-xxxx xxx-...FR, Regular Air Force.
Brig. Gen. William E. Overacker, xxx-xx-x... xxx-...FR, Regular Air Force.
Brig. Gen. Maurice C. Padden, xxx-xx-xxxx xxx-...FR, Regular Air Force.
Brig. Gen. Richard W. Phillips, Jr., xxx-... xxx-xx-xxxxFR, Regular Air Force.
Brig. Gen. Craven C. Rogers, Jr., xxx-xx-x... xxx-...FR, Regular Air Force.
Brig. Gen. Thomas W. Sawyer, xxx-xx-xx... xxx-...FR, Regular Air Force.
Brig. Gen. John A. Shaud, xxx-xx-xxxx FR, Regular Air Force.
Brig. Gen. Monroe T. Smith, xxx-xx-xxxx xxx-...FR, Regular Air Force.
Brig. Gen. John H. Storrie, xxx-xx-xxxx xxx-...FR, Regular Air Force.
Brig. Gen. William T. Twinting, xxx-xx-x... xxx-...FR, Regular Air Force.
Brig. Gen. Russell L. Violett, xxx-xx-xxxx xxx-...FR, Regular Air Force.
Brig. Gen. Harold J. M. Williams, xxx-xx-x... xxx-...FR, Regular Air Force.

Executive nominations received by the Secretary of the Senate November 22, 1982, under authority of the order of the Senate of October 2, 1982:

Department of State

Jerome W. Van Gorkom, of Illinois, to be Under Secretary of State for Management, vice Richard T. Kennedy.

U.S. Army

The following-named officers for appointment in the Regular Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 611(a) and 624:

To be permanent major general

Brig. Gen. Archie S. Cannon, Jr., xxx-xx-x... xxx-..., U.S. Army.
Brig. Gen. Kenneth A. Jolemore, xxx-xx-x... xxx-..., U.S. Army.
Brig. Gen. Eugene S. Korpal, xxx-xx-xxxx, U.S. Army.
Brig. Gen. John P. Prillaman, xxx-xx-xxxx xxx-..., U.S. Army.
Brig. Gen. Maurice O. Edmonds, xxx-xx-x... xxx-..., U.S. Army.
Brig. Gen. Ronald L. Watts, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Joseph P. Franklin, xxx-xx-xxxx xxx-..., U.S. Army.
Brig. Gen. Henry J. Hatch xxx-xx-xxxx, U.S. Army.
Brig. Gen. William E. Klein, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Bobby B. Porter, xxx-xx-xxxx, U.S. Army.
Brig. Gen. David W. Stallings, xxx-xx-x... xxx-..., U.S. Army.
Brig. Gen. Thomas W. Kelly, xxx-xx-xxxx, U.S. Army.
Brig. Gen. James E. Thompson, Jr., xxx-... xxx-xx-x... U.S. Army.
Brig. Gen. Dave R. Palmer, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Kenneth C. Leuer, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Leonard P. Wishart III, xxx-xx-x... xxx-..., U.S. Army.
Brig. Gen. Colin L. Powell, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Jack O. Bradshaw, xxx-xx-xxxx, U.S. Army.
Brig. Gen. George R. Stotser, xxx-xx-xxxx, U.S. Army.
Brig. Gen. James E. Drummond, xxx-xx-x... xxx-..., U.S. Army.
Brig. Gen. Gerald T. Bartlett, xxx-xx-xx... xxx-..., U.S. Army.
Brig. Gen. James R. DeMoss, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Robert J. Sunell xxx-xx-xxxx, U.S. Army.
Brig. Gen. Donald R. Morelli, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Peter G. Burbules, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Kenneth E. Lewi, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Richard G. Graves, xxx-xx-xx... xxx-..., U.S. Army.
Brig. Gen. Hugh J. Quinn xxx-xx-xxxx, U.S. Army.
Brig. Gen. James F. McCall, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Robert B. Adams, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Charles W. Brown, xxx-xx-xxxx xxx-..., U.S. Army.
Brig. Gen. Harold M. Davis, Jr., xxx-xx-xx... xxx-..., U.S. Army.
Brig. Gen. Bobby J. Maddox, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Llyle J. Barker, Jr., xxx-xx-xx... xxx-..., U.S. Army.
Brig. Gen. Julius Parker, Jr. xxx-xx-xxxx, U.S. Army.
Brig. Gen. Charles F. Drenz, xxx-xx-xxxx, U.S. Army.

U.S. Navy

The following-named temporary captains of the U.S. Navy and Naval Reserve for permanent promotion to the grade of captain in the various staff corps, as indicated, subject to qualifications therefor as provided by law:

MEDICAL CORPS

Sadick, Stanford P.

SUPPLY CORPS

Andersen, Thomas C.

The following-named temporary commander in the Medical Corps of the U.S. Naval Reserve for permanent promotion to the grade of commander, as indicated, subject to qualifications therefor as provided by law:

Dolan, Michael P.

The following-named temporary Chief Warrant Officer, W-4 of the U.S. Navy for permanent promotion to the grade of Chief Warrant Officer, W-4, as indicated, subject to qualifications therefor as provided by law:

Allerdings, Robert D.

The following-named temporary lieutenant commanders of the U.S. Navy and Naval Reserve for permanent promotion to the grade of lieutenant commander in the line and staff corps, as indicated, subject to qualifications therefor as provided by law:

LINE

Prior, Melville E., Jr.
Robertson, Thomas A.

MEDICAL CORPS

Angrabanes, Jose C.
Gilmore, Judith M.
Benemerito, Eusebio Z.
Rasmussen, Clyde M.

The following-named officers of the Supply Corps, of the U.S. Navy, for appointment in the line, as permanent lieutenant, subject to qualifications therefor as provided by law:

Crossley, Scott E.
Shultz, Stanley P.

The following-named officers of the line of the U.S. Navy, for appointment in the various staff corps, as indicated, as permanent lieutenant, subject to qualifications therefor as provided by law:

SUPPLY CORPS

Bakke, Thomas Q.
Hopper, Rene R.
Butherus, Robert J.
Lovgren, Gary W.

CIVIL ENGINEER CORPS

Bianchi, Donel S.
Pipkin, Wiley E.
Smith, Robert M.
Mears, David W.
Rotz, Robert D.
Stirling, James S.

The following-named officers of the line of the U.S. Navy, for appointment in the various staff corps, as indicated, as permanent lieutenant (junior grade), subject to qualifications therefor as provided by law:

SUPPLY CORPS

Fegurgur, Benny A.
Paddock, Christopher D.

CIVIL ENGINEER CORPS

Dullum, Pamela I.

The following-named officer of the Supply Corps, of the U.S. Navy, for appointment in the Civil Engineer Corps, as permanent lieutenant (junior grade), subject to qualifications therefor as provided as law:

Dukette, Scott E.

The following-named officer of the line of the U.S. Navy, for appointment in the Supply Corps, as indicated, as permanent ensign, subject to qualifications therefor as provided by law:

McKeown, Kevin J.

Executive nominations received by the Secretary of the Senate November 23, 1982, under authority of the order of the Senate of October 2, 1982:

The Judiciary

Paul E. Plunkett, of Illinois, to be U.S. district judge for the northern district of Illinois vice James B. Parsons, retired.

John W. Bissell, of New Jersey, to be U.S. district judge for the district of New Jersey vice Vincent P. Biunno, retired.

Frank X. Altimari, of New York, to be U.S. district judge for the eastern district of New York vice Edward R. Neaher, retired.

Frank W. Bullock, Jr., of North Carolina, to be U.S. district judge for the middle district of North Carolina vice Eugene A. Gordon, retired.

Sam H. Bell, of Ohio, to be U.S. district judge for the northern district of Ohio vice Robert B. Krupansky, elevated.

Christine Cook Nettesheim, of the District of Columbia, to be a judge of the U.S. Claims Court for a term of 15 years vice David Schwartz, retired.

Executive nominations received by the Secretary of the Senate November 24, 1982, under authority of the order of the Senate of October 2, 1982:

DEPARTMENT OF STATE

John Herbert Holdridge, of Maryland, a Career Member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Indonesia.

VETERANS' ADMINISTRATION

Harry N. Walters, of Virginia, to be Administrator of Veterans' Affairs, vice Robert P. Nimmo, resigned.

THE JUDICIARY

Geoffrey M. Alprin, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia for a term of 15 years, vice Margaret A. Haywood, retired.

Virginia L. Riley, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia for the term of years prescribed by Public Law 91-358, as amended, vice Samuel B. Block, retired.

NATIONAL LABOR RELATIONS BOARD

Donald L. Dotson, of Pennsylvania, to be a Member of the National Labor Relations Board for the term of 5 years expiring December 15, 1987, vice John Harold Fanning, term expiring.

NATIONAL COUNCIL ON THE ARTS

William Laurens Van Alen, of Pennsylvania, to be a Member of the National Council on the Arts for the term expiring September 3, 1988, vice Geralding Stutz, term expired.

HOUSE OF REPRESENTATIVES—*Monday, November 29, 1982*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, from whom comes every good gift, bless, we pray, all those who work for righteousness and good will among people. We especially remember those who labor in this place that their efforts will give direction to the common good and confidence and security to the people of this Nation. Teach all of us to know the paths of truth and honor that ought be the standards of those who call upon You, that with diligence and resolve we will do those things that bring justice and mercy upon our land and allow us to be the people You would have us be. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 273. An act for the relief of William Vojislav Rankovic, Stanislava Rankovic, husband and wife; and William Rankovic, Jr., and Natalie Rankovic, their children;

S. 369. An act for the relief of Ludina V. Dave;

S. 370. An act for the relief of Cecilia Dagmang;

S. 372. An act for the relief of Dr. Mahmooda Haquani;

S. 374. An act for the relief of Rosita A. Genio;

S. 375. An act for the relief of Irma A. Gunda;

S. 377. An act for the relief of Estrellita Tapang;

S. 379. An act for the relief of Lily T. Paragas;

S. 617. An act for the relief of Mrs. Elsie B. Lawson;

S. 642. An act for the relief of Nesca Nicolas and her children Patricia Robert Nicolas and Bernard Robert Nicolas;

S. 717. An act for the relief of Carole Joy Maxfield-Raynor and Bruce Sherlock Maxfield-Raynor, wife and husband, and their children Charlton Bruce Maxfield-Raynor and Maxine Anne Maxfield-Raynor;

S. 747. An act for the relief of Seela Jeremiah Piula;

S. 1329. An act for the relief of Samuel Joseph Edgar;

S. 1465. An act for the relief of Kwok Tung Yu;

S. 1470. An act for the relief of Grietje Rhea Pietens Beumer, Johan Christian Beumer, Cindy Larissa Beumer, and Cedric Grant Beumer;

S. 1499. An act for the relief of Prashant Agarwal;

S. 1513. An act for the relief of Cirilo Raagas Costa and Wilma Raagas Costa;

S. 1547. An act for the relief of Alberto Hernandez Perez;

S. 1636. An act for the relief of Kim Hae Ok Heimberger;

S. 1782. An act to amend section 305 of the Federal Property and Administrative Services Act of 1949 pertaining to contract progress payments made by agencies of the Federal Government, providing for the elimination of retainage in certain instances, and for other purposes;

S. 1838. An act for the relief of Cesar Noel Jump;

S. 2039. An act for the relief of Margit Liberda and her daughter, Veronika Koszegi; and

S. 2103. An act for the relief of Kok Djen Su and Grace Su, husband and wife.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

NOVEMBER 23, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the Certificate of Election for the Honorable Katie Hall, who was duly elected Representative in Congress from the 1st Congressional District of the State of Indiana in a Special Election held on November 2, 1982.

With kind regards, I am

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

SWEARING IN OF HON. KATIE HALL OF INDIANA AS A MEMBER OF THE HOUSE

The SPEAKER. Will the gentleman from Indiana (Mr. HAMILTON), the dean of the Indiana delegation, along with the members of the delegation from Indiana, escort the newly elected Member to the rostrum?

Mrs. HALL of Indiana appeared at the bar of the House and took the oath of office.

The SPEAKER. Congratulations. The gentlewoman is a Member of the Congress of the United States.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

NOVEMBER 29, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the House of Representatives, the Clerk received, on October 4, 1982, the following messages from the Secretary of the Senate:

(1) That the Senate agree to the conference report to H.R. 6968.

(2) That the Senate agree to the House amendments to the Senate amendments Numbers 3, 5, and 8, and recede from its amendments Numbers 2, 4, 6, and 7, to H.R. 5228.

(3) That the Senate agree to the House amendment to S.J. Res. 113.

(4) That the Senate agree to the conference report to H.R. 6976.

(5) That the Senate agree to the House amendments to the Senate amendment to H.R. 4613.

(6) That the Senate agree to the conference report to H.R. 4717.

(7) That the Senate passed the following without amendment: H.R. 5879, H.R. 4476, H.R. 6170, H.R. 6865, H.R. 3451, H.R. 3592, H.R. 2340, H.R. 1481, H.R. 7292, H.R. 5941, H.R. 3171, H.R. 6273, H.R. 3278, H.R. 5658, H.J. Res. 568, H.R. 1281, H.R. 684, H.R. 6029, H.R. 6811, H.R. 825, H.R. 2193, H.R. 1826, H.R. 6276, H.R. 6142, H.R. 4490, H.R. 7115, H.R. 6156, H.J. Res. 588, H.J. Res. 486, H.R. 5662, H.R. 828, H. Con. Res. 364, H.R. 4662, H.R. 2342, H.R. 1841, H.R. 1783, H.R. 6188, H.R. 4468, H.R. 4828, H.R. 7293, H.R. 2528, and H.J. Res. 612.

(8) That the Senate agree to the House amendment to S. 2386.

(9) That the Senate agree to the House amendment to S. 478.

(10) That the Senate agree to the House amendment to S. 1698.

(11) That the Senate agree to the House amendment to S. 2574.

(12) That the Senate agree to the House amendment to S. 1573.

(13) That the Senate agree to the House amendment to S. 2375.

(14) That the Senate agree to the House amendment to the Senate amendments to the House amendments to S. 1210.

With kind regards, I am

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills on Monday, October 4, 1982:

H.R. 684. An act for the relief of Ok-Boon Kang;

H.R. 825. An act for the relief of Yick Bong Au Yeung;

H.R. 1281. An act to provide for the conveyance of certain lands in Alaska comprising trade and trade manufacturing site A-056802 without regard to the 80-rod limitation provided by existing law;

H.R. 1481. An act for the relief of George Herbert Weston;

H.R. 1783. An act for the relief of Felipe B. Manala and Maria Monita A. Manalo;

H.R. 1841. An act for the relief of Isabelita Clima Portilla.

H.R. 3171. An act for the relief of Doctor David Pass;

H.R. 3278. An act to amend title 10, United States Code, to provide additional standards for determining the amount of space to be programed for military retirees and their dependents in medical facilities of the uniformed services, and for other purposes;

H.R. 3451. An act for the relief of Danuta Gworzdz;

H.R. 3467. An act to authorize appropriations under the Arms Control and Disarmament Act, and for other purposes;

H.R. 4476. An act to amend the Administrative Conference Act, by authorizing appropriations therefor;

H.R. 4490. An act for the relief of Lehi L. Pitchforth, Jr.

H.R. 6164. An act to authorize the Secretary of Agriculture to implement the agreement on the international carriage of perishable foodstuffs and on the special equipment to be used for such carriage (ATP), and for other purposes;

H.R. 6188. An act to authorize the Secretary of the Interior to participate with the State of Nebraska in studies of Platte River water resource use and development, and for other purposes;

H.R. 6276. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to allow the issuance of revenue bonds to finance college and university programs which provide student educational loans;

H.R. 6968. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1983, and for other purposes; and

H.R. 6976. An act to amend title 28, United States Code, to require the Attorney General to acquire and exchange information to assist Federal, State, and local officials in the identification of certain deceased individuals and in the location of missing persons (including unemancipated persons).

H.J. Res. 486. Joint resolution authorizing and requesting the President to issue a proclamation designating the period from October 3, 1982, through October 9, 1982, as "National Schoolbus Safety Week of 1982";

H.J. Res. 568. Joint resolution to provide for the designation of October 5, 1982, as "Dr. Robert H. Goddard Day";

H.J. Res. 588. Joint resolution to provide for the designation of the month of October 1982, as "Head Start Awareness Month"; and

H.J. Res. 612. Joint resolution to provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes.

S. 2252. An act to authorize appropriations for the Coast Guard for fiscal years 1983 and 1984, and for other purposes;

S. 2375. An act to extend the expiration date of the Defense Production Act of 1950; and

S. 2436. An act to designate the Mary McLeod Bethune Council House in Washington, District of Columbia, as a national historic site, and for other purposes.

S.J. Res. 239. Joint resolution designating October 16, 1982, as "National Newspaper Carriers Appreciation Day"; and

S.J. Res. 241. Joint resolution to provide for the designation of week of December 12, 1982, through December 18, 1982, as "National Drunk and Drugged Driving Awareness Week."

And the following enrolled bills on Tuesday, October 5, 1982:

H.R. 1371. An act to amend section 12 of the Contract Disputes Act of 1978;

H.R. 1486. An act to establish the Protection Island National Wildlife Refuge, Jefferson County, State of Washington;

H.R. 1826. An act for the relief of Shinji Oniki;

H.R. 2193. An act for the relief of Berendina Antonia Maria Van Kleeff;

H.R. 2340. An act for the relief of Theodore Anthony Dominguez;

H.R. 2528. An act to amend the Economy Act to provide that all departments and agencies may obtain materials or services from other agencies by contract, and for other purposes;

H.R. 4468. An act to amend chapter 84, section 1752 of title 18, United States Code, to authorize the Secretary of the Treasury to establish zones of protection for certain persons protected by the United States Secret Service;

H.R. 4662. An act for the relief of Eun Ok Han;

H.R. 5228. An act to amend title 18 of the United States Code to implement the convention on the physical protection of nuclear material, and for other purposes;

H.R. 5658. An act to authorize the use of education block grant funds to teach the principles of citizenship;

H.R. 5662. An act to extend until October 1, 1983, the authority and authorization of appropriations for certain programs under the Fish and Wildlife Act of 1956;

H.R. 5890. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes;

H.R. 5941. An act to designate the building known as the Federal Building and United States Courthouse in Greenville, South Carolina, as the "Clement F. Haynesworth, Jr., Federal Building," the building known as the Quincy Post Office in Quincy, Massachusetts, as the "James A. Burke Post Office," and the United States Post Office Building in Portsmouth, Ohio, as the "William H. Harsha United States Post Office Building";

H.R. 6156. An act to clarify the jurisdiction of the Securities and Exchange Commission and the definition of security, and for other purposes;

H.R. 6273. An act to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1983, 1984, and 1985, and for other purposes;

H.R. 6811. An act for the relief of Alejo White and Sonia White;

H.R. 6865. An act to amend the Perishable Agricultural Commodities Act, 1930, to require the Secretary of Agriculture to accept the payment of monetary penalties for certain admitted and infrequent violations involving misrepresentation under such act, and for other purposes; and

H.R. 7115. An act to authorize the transfer of nine naval vessels to certain foreign governments.

S. 478. An act to provide for the partitioning of certain restricted Indian land in the State of Kansas;

S. 734. An act to encourage exports by facilitating the formation and operation of export trading companies, export trade associations, and the expansion of export trade services generally;

S. 1210. An act to authorize appropriations for the operations of the office of environmental quality and the council of environmental quality during fiscal years 1982, 1983, and 1984, and withdraw certain lands within the Mount Baker-Snoqualmie National Forest from leasing under mineral and geothermal leasing laws;

S. 1573. An act to exmpt the Lake Oswego, Oregon, Hydroelectric facility from part I of the Federal Power Act (Act of June 10, 1920) as amended, and for other purposes;

S. 1872. An act to provide for a study of grazing phaseout at Capitol Reef National Park, and for other purposes;

S. 2036. An act to provide for a job training program and for other purposes;

S. 2386. An act to require the Director of the Office of Management and Budget to prepare an annual report consolidating the available data on the geographic distribution of Federal funds, and for other purposes;

S. 2457. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia; and

S. 2574. An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

S.J. Res. 113. Joint resolution to designate the week beginning November 28 through December 4, 1982, as "National Home Health Care Week."

And the following enrolled bills on Sunday, October 10, 1982:

H.R. 828. An act for the relief of George G. Barrios, Doctor of Medicine, his wife Olga T. Cruz, and their children Kurt F. Barrios and Karl S. Barrios and Katrina Adelaida Theresa;

H.R. 2342. An act for the relief of Maria Cecilia Gabella-Ossa;

H.R. 3592. An act for the relief of Uili Tuifua, Talameafoou Tuifua, Heta Tuifua, Sateki Tuifua, Ilaisaane Tuifua, and Ofa Hemooni Tuifua;

H.R. 3787. An act to amend sections 10 and 11 of the act of October 21, 1970 (Public Law 91-479; 16 U.S.C. 460x), entitled "An Act to Establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes";

H.R. 4441. An act to amend title 17 of the United States Code with respect to the fees of the Copyright Office, and for other purposes;

H.R. 4613. An act to increase the efficiency of Government-wide efforts to collect debts owed the United States and to provide additional procedures for the collection of debts owed the United States;

H.R. 4717. An act to reduce the amount of LIFO recapture in the case of certain plans of liquidation adopted during 1982, to make adjustments in the net operating loss carryback and carryforward rules for the Federal National Mortgage Association, and for other purposes;

H.R. 4828. An act to set aside certain surplus vessels for use in the provision of health and other humanitarian services to developing countries;

H.R. 5139. An act to authorize appropriations for certain insular areas of the United States, and for other purposes;

H.R. 5145. An act to amend title 5, United States Code, to provide training opportunities for employees under the Office of Architect of the Capitol and the Botanic Garden, and for other purposes;

H.R. 5879. An act to amend chapter 2 of title IV of the Immigration and Nationality Act to extend for 1 year the authorization of appropriations for refugee assistance, and for other purposes;

H.R. 6029. An act to authorize the Secretary of the Interior to acquire by exchange certain lands within the Indiana Dunes National Lakeshore in the State of Indiana;

H.R. 6055. An act to revise subchapter S of the Internal Revenue Code of 1954 (relating to small business corporations);

H.R. 6142. An act to authorize the Commodity Credit Corporation to process its accumulated stocks of agricultural commodities into liquid fuels and agricultural commodity byproducts, and for the disposition thereof, and for other purposes;

H.R. 6170. An act to amend title 23, United States Code, to encourage the establishment by States of effective alcohol traffic safety programs and to require the Secretary of Transportation to administer a national driver register to assist State driver licensing officials in electronically exchanging information regarding the motor vehicle driving records of certain individuals;

H.R. 6267. An act to revitalize the housing industry by strengthening the financial stability of home mortgage lending institutions and ensuring the availability of mortgage loans;

H.R. 7292. An act to establish a White House Conference on productivity; and

H.R. 7293. An act to provide financial assistance to the Wolf Trap Foundation for the Performing Arts for reconstruction of the Filene Center and Wolf Trap Farm Park, and for other purposes.

S. 1018. An act to protect and conserve fish and wildlife resources, and for other purposes;

S. 1698. An act to amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of United States Citizens;

S. 2146. An act to extend the lease terms of Federal Oil and Gas Leases, W66245, W66246, W66247, and W66250;

S. 2420. An act to provide additional protections and assistance to victims and witnesses in Federal cases; and

S. 2577. An act to authorize appropriations for environmental research, development, and demonstration for the fiscal years 1983 and 1984, and for other purposes.

S.J. Res. 249. Joint resolution to provide for the designation of the month of October 1982, as "National Spinal Cord Injury Month";

S.J. Res. 257. Joint resolution to designate the month of November 1982, as "National Diabetes Month";

S.J. Res. 261. Joint resolution to designate "National Housing Week"; and

S.J. Res. 262. Joint resolution to designate the month of November 1982 as "National Christmas Seal Month."

APPOINTMENT AS MEMBERS OF U.S. GROUP OF NORTH ATLANTIC ASSEMBLY

The SPEAKER. The Speaker desires to announce that, pursuant to the order of the House of October 1, 1982, empowering him to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House, he did, on November 10, pursuant to the provisions of section 1, Public Law 689, 84th Congress, as amended, appoint as members of the U.S. group of the North Atlantic Assembly to be held November 14–19, 1982, in London, England, the following Members on the part of the House:

Mr. PHILLIP BURTON of California, chairman;
Mr. HAMILTON of Indiana, vice chairman;
Mr. BROOKS of Texas;
Mr. ROSE of North Carolina;
Ms. OAKAR of Ohio;
Mr. GARCIA of New York;
Mr. ROSENTHAL of New York;
Mr. STARK of California;
Mr. BROOMFIELD of Michigan;
Mr. WHITEHURST of Virginia;
Mr. BADHAM of California; and
Mr. ROTH of Wisconsin.

CONGRESS MUST ADMIT TO GRAVITY OF NATION'S PROBLEMS AND DEMONSTRATE A SPIRIT OF COOPERATION

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, we meet in unusual circumstances. It is a time of severe economic distress unprecedented in the past 40 years. More than 13 million Americans are out of work and more than 6 million others who need full-time employment are working part time. Nearly one-third of our industrial capacity lies idle.

In the national elections earlier this month, the American people made it clear that they expect Congress to act. The time available to us in this post-election session is short. We cannot hope to do all or even most of the things necessary to stimulate a lasting recovery. But we can at least arrest the downward drift of the stagnant economy.

Our first task must be to move people off the unemployment rolls and onto productive payrolls. We can begin the renewal of our highways and bridges, and the rest of the Nation's deteriorating infrastructure. We must reassert the will of Congress to direct the Federal Reserve Board to return to a sustained and steady policy of affordable interest rates without which no lasting economic recovery will be possible.

We can make a beginning on each of these necessities in the short days that lie before us, Mr. Speaker, if we can inspire among us a spirit of cooperation sufficient to subdue the temptations to petty confrontation. We shall not agree on everything, but we owe it to the public to admit the gravity of the Nation's problems and confront them frankly. Such a spirit has predominated at times in our Nation's past. May we strive to engender that constructive spirit in the few days that remain to us this year.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

NOVEMBER 29, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope from The White House, received in the Clerk's Office at 4:00 p.m. on Friday, October 15, 1982 and said to contain H.R. 1371, an Act to amend section 12 of the Contract Disputes Act of 1978, and a veto message thereon.

With kind regards, I am

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

CONTRACT DISPUTES ACT OF 1978 AMENDMENTS—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 97-253)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning without my approval H.R. 1371, a bill "To amend section 12 of the Contract Disputes Act of 1978."

H.R. 1371 would require the Federal Government to pay interest to contractors on claims in excess of $50,000 without regard to the date the claims are certified, as now required by section 6(c) of the Contract Disputes Act. The bill would also require the Secretary of the Treasury to determine interest rates to be paid contractors, taking into account the rates of interest on current commercial loans maturing in approximately 5 years.

The payment of interest by the Government on contractual claims has a long history. Traditionally, the Government's sovereign immunity has barred interest payments unless the terms of a specific statute or contract required it. Among other reforms suggested by the Commission on Government Procurement in 1972 was a recommendation that the Federal Government pay interest on contractual claims. As a result of this recommen-

dation, Congress passed the Contract Disputes Act of 1978.

I have no objection to the language in H.R. 1371 concerning the way in which interest rates on contractual claims against the Government are determined. I strongly object, however, to other language in the bill that would amend the Contract Disputes Act to require that interest on a claim run from the time a claim is submitted without regard to the date of certification of the contractor's claim. This provision is inconsistent with the purpose of the certification requirement of the Contract Disputes Act. That requirement is intended to discourage the submission of inflated claims against the Government by requiring contractors to certify that their claims are made in good faith and are accurate and complete to the best of their knowledge.

By permitting interest to run from the date a claim is submitted, instead of from the date of certification, as current law provides, H.R. 1371 could result in a large increase in Governmental obligations without any corresponding benefit to the claims resolution process so carefully established in the Contract Disputes Act. For this reason, and considering that there have been no hearings or studies conducted addressing the need for such a substantial departure from existing law, I find the bill unacceptable.

RONALD REAGAN.

THE WHITE HOUSE, *October 15, 1982.*

□ 1215

The SPEAKER pro tempore (Mr. WRIGHT). The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that the veto message of the President, together with the accompanying bill, H.R. 1371, be referred to the Committee on the Judiciary.

This has been cleared with the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

MORE UNEMPLOYED CITIZENS TODAY THAN TOTAL CITIZENS WHEN NATION WAS FOUNDED OVER 200 YEARS AGO

(Mr. BLANCHARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLANCHARD. Mr. Speaker, there are more unemployed citizens in our country today than there were total citizens in America when our Nation was founded over 200 years ago.

In fact, Mr. Speaker, there are three times as many people out of work here in America than there were people at the time of the birth of our Nation.

Action to put our people back to work is long overdue. Many parts of our country have been living with a serious recession for several years. In Michigan we have more unemployed people than some States have people. We have more unemployed people than there are people in Vermont, Alaska, North Dakota, South Dakota, Delaware, and Wyoming.

And the Federal Government must act to begin to address this problem now.

One way is to promptly enact comprehensive public works and construction legislation during the remaining days of this session to begin to rebuild America's aging infrastructure and put our people back to work.

The need is clear. America's public facilities are wearing out and the cost of repairing them grows by the day, and it grows with our neglect. Failure to repair and maintain our roads, bridges, sewer and water systems, and other aging public facilities threatens our public health and safety, erodes our quality of life, and cripples our economic development.

Someday we will have to face up to this problem, why not now, when we so desperately need to put American men and women back to work?

Past testimony before the Economic Stabilization Subcommittee which I am privileged to chair, documents the erosion of America's public facilities. For example, one out of every five bridges in our country requires major rehabilitation or total reconstruction; 1 out of every 4 miles of our Interstate Highway System requires replacement.

In Michigan there is urgent need for infrastructure improvements in every corner of our State. I have in my hand a lengthy list of important projects, already on the drawing boards, but there are no funds to get these projects going. Whether it is water supply improvement in Menominee, sewer repairs in Ferndale, or bridge repairs in Wayne County, there is much work to be done. In surveying just 5 of the 13 cities I represent, we came up with 27 projects worthy of funding.

Even here in Washington, D.C., over half of the city's water mains need replacement.

The fact is that America's public works investment has dropped 28 percent in the past 15 years. Is it any wonder why we are on our way to being a second-rate economic power with such a lack of investment?

It is time for action. All the sophisticated weaponry we can develop and produce will not save us from ourselves, will not protect and preserve our country if we neglect our communities and our people in distress.

I urge my colleagues to enact a comprehensive public works and construction program that is fair, workable, and targeted where it is needed most. It is time to begin investing in our future. Let us get on with the job.

NATURAL GAS PRICE INCREASES: PEOPLE CANNOT TAKE IT ANY MORE

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, as it gets colder, more and more we will see people across the country faced with the choice of "heat or eat." Why? Because their natural gas bills are literally going through the ceiling in spite of surplus supplies. Over just the last year, rates have gone up an average of 25 percent.

This situation is intolerable, and it is one that we have to deal with quickly. To that end, I am introducing two bills today which I urge all of you to support.

My first bill would roll back gas prices to their October 1 levels and freeze them there through the end of 1984. That would give us the time we need to review the Natural Gas Policy Act and to make needed changes while protecting consumers in the meantime.

The second bill would strike down take or pay clauses now in effect and prohibit such clauses in new contracts. Take or pay provisions in contracts have locked pipelines into purchasing large amounts of costly new and decontrolled gas while lower priced old gas is left sitting in the ground. They are throwing the market way out of balance. Under the bill certain present take or pay provisions could be reinstated after FERC review if they are found to be necessary to prevent disruption of underlying financial agreements and if they would not lead to unreasonable consumer prices.

Mr. Speaker, I keep hearing this issue is too complicated for consideration in the lameduck session. How do you tell a working family whose gas bills are skyrocketing while the thermometers are plummeting that we do not have time to deal with the problem now?

THE LATE GRADY NUTT, "PRIME MINISTER OF HUMOR"

(Mr. HIGHTOWER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIGHTOWER. Mr. Speaker, he was introduced as the "Prime Minister of Humor." Grady Nutt was an ordained Baptist minister whose unique ministry of humor made him one of the most popular of entertainers.

Grady Nutt, who appeared regularly on the "Hee Haw" television show, was killed November 23 when a plane crashed after taking off from a Vinemont, Ala., airport.

Grady Nutt was a native or Amarillo, Tex., in my district, where he lived until he was 14 years old. He attended Wayland Baptist University before graduating from Baylor University and Southern Baptist Theological Seminary.

His stories about church and preachers endeared him to the hearts of millions. "Hee Haw" cohost Buck Owens described Nutt as an original whose brand of humor cannot be replaced.

In a 1980 interview Grady Nutt said:

Only the most foolish people think that if I have faith in God I'll never face any calamity. The healthy ones realize that with God I can face any calamity.

We thank God for the life and witness of Grady Nutt. He is survived by his wife, the former Eleanor Wilson of Lyndon, Ky., and two sons, Perry, 24, and Toby, 22.

Mr. MAZZOLI. Mr. Speaker, will the gentleman yield?

Mr. HIGHTOWER. I would be happy to yield.

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman for taking the time to mention our friend, Grady Nutt. He lived in my congressional district at the time of his death. He was a very fine man, and a respected ordained minister. We will miss him very much in Kentucky.

MRS. TRUMAN

The SPEAKER pro tempore (Mr. KILDEE). The Chair recognizes the gentleman from Missouri (Mr. SKELTON) who is about to speak about someone well known in this country, and well loved by everyone in this country.

Mr. SKELTON. Mr Speaker, while Congress was in recess prior to the 1982 general election, we were all saddened by the death of former First Lady Bess Truman, who passed away on Monday, October 18, 1982, in Independence, Mo., at the age of 97.

Mrs. Truman was one of the most loved and respected First Ladies in our Nation's history. A gracious lady, with a wonderful sense of humor, dignity, and a quiet pride, she embodied qualities and values treasured by all Americans.

So that our colleagues here in the House might have the chance to pay tribute to Mrs. Truman, and express their sympathies to the members of the Truman family, I have arranged for a special order to take place at the close of business on Wednesday, December 8, 1982.

Mr. Speaker, I invite all Members of the House to join me at that time in honoring this great lady, on behalf of themselves and their constituents. Mrs. Truman will be missed—but her long, full life will continue to serve as an inspiration to us all.

LET US NOT UNDERMINE AMERICA'S STRENGTH

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, last week the chairman and members of the House Armed Services Committee returned from a 10-day trip to Europe designed to get a first-hand assessment of the state of our NATO Alliance, as well as the progress of the nuclear arms reductions talks in Geneva.

We met with the members of the North Atlantic Assembly in London; with members of the new West German Government and with opposition leaders in Bonn and in Berlin; and with our own nuclear arms negotiators in Geneva, Ambassadors Nitze and Rowny.

Three key points were made most forcefully to our committee, which I believe should be shared with this House as we begin work on the crucial appropriation bills for fiscal 1983.

First. Any action by this Congress to withdraw any U.S. forces from Europe, a move already underway in the other body, would seriously undermine the North Atlantic Alliance and undercut the new Federal German Government in Bonn, which has emphatically pledged itself to close cooperation with the United States and has vigorously reaffirmed its commitment to carrying forward the two-track decision of the zero option INF negotiations in Geneva, at the same time preparing for installing the U.S. Pershing II missile on its territory if those negotiations should fail.

Second. Any action of the U.S. Congress to deny or delay the planned positioning of the Pershing II in Germany in accord with the earlier NATO decision will also gravely undermine our relations with the current German Government, and seriously weaken the entire NATO Aliiance. To cut out funds now for the Pershing while months still remain to correct any current technical flaws in the weapons, would be shortsighted in the extreme.

Third. Any failure on the part of this remaining session of the 97th Congress to provide funds for the MX-Peacekeeper weapon, will, as Secretary Weinberger said yesterday on television, virtually wipe out the strategic nuclear reduction talks now underway in Geneva. If Congress, by its failure to fund MX, publicly demonstrates its unwillingness to counterbalance recent Soviet strategic missile capabilities, the Soviet negotiators would no longer have any incentive to agree to the substantial strategic reductions contained in the U.S. proposal, on which, by the way, our negotiators gave us their judgment the Soviets were currently involved in serious negotiations.

Whatever may have been the lesson of the November 2 elections, and whatever the predilections of individual Members of this House might be on the three key issues, I urge my colleagues not to cast your votes in this lameduck session without having fully pondered the long-range implications of your action on the future security and foreign policy of the United States.

THE ADMINISTRATION'S WEAK ECONOMIC POLICIES

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, during the election recess, debate among candidates focused attention on the administration's economic policies: Its hollow promises to balance the Federal budget; its reckless tax cuts; its insensitive reductions in Government programs for the needy; its reversal to raise taxes; and, its record deficits.

The American people discovered that the Reagan administration had no coherent economic policy. So, it was on November 2 that the voters said "No" to Reaganomics.

We are fortunate to have the advantage of this postelection session to begin the job of repairing the damage that this administration has done to our economy. Let us begin today to put America back to work.

THIS IS STILL THE REGULAR 2D SESSION OF THE 97TH CONGRESS

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, in this day of inexact English usage, let the record show that this is not a special session of the 97th Congress. It is not a special session called by President Reagan. It is not even in the strictest sense of the traditional vernacular the "lameduck" session of the 97th Congress. It is the regular 2d session of the 97th Congress during which the election intervened.

□ 1230

REPORT ON SOCIAL SECURITY

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, I would like to announce that at the

close of business today I am going to take an hour to talk about the social security situation.

It is my opinion, Mr. Speaker, that the leadership is making a mistake in not using the Commission which has now adjourned its meeting until December 10 to try to achieve a permanent solution, both short-term and long-term, to the social security dilemma now facing us.

We know that has been the subject of sensitive political rhetoric in recent months, but it seems to me that it would be very wise for the Congress to try to get this issue behind us. The Commission is a valuable tool for achieving that end.

It is obvious that the President and the Speaker must be parties to the negotiations within the Commission, but we all know what has to be done.

I would like to give a report to the Congress on the most recent meeting of the Commission and the prospects for resolution of the problem. Social security is a bad issue to give new Members of Congress to teethe on next spring. In a budget context next spring it will be very difficult to handle, but during a lameduck session—if it is not too late to change our minds about that—it could be possible to achieve the permanent solution that would make us all heroes as we go to our respective political rewards with the end of the 97th Congress.

REPEAL THE DAIRY DEDUCTION

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, last August Congress approved a 50-cent deduction from the price support for milk in the belief that the deduction would result in reduced Commodity Credit Corporation purchases of dairy products.

At that time, several Members, including myself, warned that a reduction in dairy price supports would increase, not decrease, milk production.

Projections recently released by the USDA confirm this prediction as the CCC is expected to purchase 13.9 billion pounds—milk equivalent—of dairy products in the current fiscal year—300 million pounds more than last year.

The only thing the 50-cent deduction will do is force some fine young and family dairy farmers out of business. While we cannot prevent the deduction from being implemented on December 1, Congress can make sure that it is short lived.

Clearly, we need to do two things. First, I am today introducing a bill that would repeal the deduction and keep the level of dairy price supports at $13.10 per hundredweight. Second, we must develop and pass a more comprehensive solution to the problems facing the dairy price support program early in the next Congress.

I urge my colleagues to cosponsor this legislation esssential to the survival of family dairy farms.

LET US RETAIN THE CAP ON CONGRESSIONAL PAY

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, I rise to state my complete and absolute opposition to the outrageous congressional pay raise which is scheduled to go into effect on December 18.

Certainly, I see nothing wrong with compensating Government workers for inflation, but the scheduled 27 percent, $17,000 congressional pay raise is clearly excessive.

I do not know about your districts, but in the Sixth District of Wisconsin, $17,000 is a lot of money. Many of my constituents would be happy to be earning $17,000, much less getting a $17,000 raise.

When people are hurting in Wisconsin and all across the country due to the current economic climate, it is unconscionable that Congress should seek to reward itself in this manner.

Accordingly, I intend to work to maintain the cap on congressional pay. This is not the time for feathering our own congressional nests.

FREEZE CONGRESSIONAL SALARIES

(Mr. SMITH of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Oregon. Mr. Speaker, we all know that leadership should begin at the top.

Now it is time to put our money where our mouths are.

Today I am introducing a bill that would freeze congressional salaries at the present level.

For many months I have been advocating a total freeze on Federal spending to balance the budget. This pay freeze bill is really no different.

It simply says we will take no more, and no less than we are right now.

If we do not act by December 17, Members of Congress will get a raise between $2,426 and $16,637.

How fair is that?

How the devil can we even consider raising our own salaries at a time when millions of Americans are out of work and many more are accepting wage cuts just to stay employed.

We simply cannot. Leadership begins right here.

I for one am not going home to the unemployed in Oregon to justify a pay raise because Congress cannot put a lid on Federal spending.

That is not my idea of a Christmas present.

I urge every responsible Member to join me in supporting this pay freeze bill.

If we are really serious about restoring fiscal sanity we can start by freezing our salaries right where they are.

WADING THROUGH THE RHETORIC

(Mr. GOODLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLING. Mr. Speaker, I am amazed and confused by the rhetoric I hear from many of my colleagues when they tell me what the people were saying in the last election.

Now, if my colleagues want to see what the people were saying in the last election, when you have a national election right after a redistricting, we have to look at the Senate. Of course, everything stayed the same in the Senate.

Now, if we must look at the House, I would suggest Members look at two of my dear friends, one a moderate Republican from New York, an incumbent, who ran against a Democrat from New York, an incumbent, who put more rhetoric in the CONGRESSIONAL RECORD the last 2 years against the President's program than any other Member of Congress.

Now, what was the public saying in that election since the moderate Republican won?

A TRIBUTE TO THE LATE CRAIG HOSMER, FORMER MEMBER OF THE HOUSE

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, it is my sad duty to announce to the House of Representatives the passing away last month of Craig Hosmer, who served 22 years of distinction as a Member of this Chamber.

At the time of his retirement from Congress in 1974, Representative Hosmer served as ranking minority member of the Interior Committee and on the Joint Committee on Atomic Energy. In addition for being known for his dry humor in the Halls of the Capitol, Representative Hosmer was considered one of the leading authorities in Congress on water resources and nuclear power. He was also one of the principal architects of the Colorado River Basin project, which allocates water to California and other Southwestern States.

A native of Orange County in California, Congressman Hosmer was first elected in 1952 and was reelected 10

times, by as much as 70 percent, to represent many of the cities from Long Beach through Huntington Beach, which I currently have the privilege of representing.

On Tuesday, December 7 I will be sponsoring a special order in Craig Hosmer's honor, and would like to invite the participation of those Members interested in commemorating Representative Hosmer's service in the Congress.

TRIBUTE TO DEPARTING MEMBERS OF ILLINOIS DELEGATION

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I want to announce to the House that I intend later in the day to request a special order for tomorrow, hopefully to be joined in by my colleague, the gentleman from Illinois (Mr. ERLENBORN), to pay special, appropriate tribute to the four Members of our Illinois delegation who will not be back in the 98th Congress: ED DERWINSKI, BOB MCCLORY, PAUL FINDLEY, and TOM RAILSBACK.

I suspect that as the session draws to a conclusion, there will be other special orders requested for similar purposes. I would encourage Members to schedule those orders as early as possible, so that we can avoid having them pile up during the last couple of days we are in session, when the press of business is normally the greatest.

Again, that will be tomorrow for the four Members of whom we made mention.

NATIONAL POLICY FOR DISPOSAL OF NUCLEAR WASTES

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, I rise to urge this body to carefully consider legislation that will establish a national policy for disposal of nuclear wastes.

In particular, I want to urge my colleagues to give their support to the provision that requires that both Houses of Congress vote in the affirmative before the decision of a State Governor can be overridden. Every major organization representing the States—National Governor's Association, National Conference of State Legislatures, and State Planning Council—have endorsed the two-House procedure.

This process assures that all concerned parties will have a role to play in the decisionmaking process. It establishes a system of checks and balances so that the President, Congress, Governor, and State legislature will all be fully involved. It is a good procedure, and merits our support.

PROPOSED AGENDA FOR THE LAMEDUCK SESSION

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, first, I would like to take this opportunity to congratulate all of my colleagues who successfully sought reelection this past month, and to offer my personal best wishes to those who will not be returning to the 98th Congress.

In the meantime, however, the so-called lameduck session of the 97th Congress has now begun.

Despite all the rhetoric which has flowed during and since the campaign season, it is my firm belief that the majority of Americans expect the Congress to exercise the kind of fiscal restraint which will be necessary to limit the growth in Federal spending and reduce future deficits. We will have that opportunity during the next 3 weeks, as the House will begin consideration of the several remaining appropriations bills.

It appears likely that the Congress will do little more, however. Nowhere on the current schedule prepared by the Democratic leadership is the regulatory reform bill. Also missing are action on the Caribbean Basin and enterprize zones initiatives, immigration reform, and a host of other legislation which has been logjammed for months by the Democratic leadership.

Without action on these important measures, and if it follows historical precedent, the current "lameduck" session could very well end up being a "turkey."

CONCERN OVER A NUCLEAR CONFRONTATION

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, a week ago when the President addressed the Nation in a speech which will be remembered for its Orwellian renaming of the MX missile, the most awesomely destructive device projected in the history of mankind as the peacekeeper, he expressed some concern at what he noted was the fear in letters and communications he received from the children of this country concerning a possible nuclear war.

In essence, he told the American people in essence that tne children should not be subjected to that kind of fear; that they need not worry because he was taking care of things.

Mr. Speaker, I have had occasion during this break to address schoolchildren of various age groups throughout my district, and, in truth the children are worried. They are worried because their parents are worried. Indeed, all of America is deeply concerned about the direction in which this administration is taking us toward increased nuclear confrontation.

Mr. Speaker, there will soon come a time for the membership of this body in the early days of the new Congress, to say no to the MX. That will be the best and most effective way to begin to erase some of the fears of the children of America.

Mr. DAN DANIEL. Mr. Speaker, this Member recently returned from an overseas mission which was the most rewarding of any I have undertaken since I have been a Member of this body. I visited with the 6th Fleet, our troops in Lebanon and Sicily, and then went on to the Pacific, with stops in Korea, Japan, the Philippines, Okinawa, and Guam.

In the Mediterranean, I was especially encouraged by the enthusiasm of our forces, and by the Navy-Marine Corps teamwork both in the landing of the Marines in Lebanon and in the continuing operation.

My optimism is somewhat dimmed by the continuing shortfalls in equipment and spare parts, and unacceptable length of time it takes to get essential items to the fleet. The men out there are doing the job they were sent to do despite these shortfalls. But, it is because of their ingenuity, their "can do" spirit, that the mission has been successful thus far.

In the Western Pacific, my purpose was to assess the state of our military readiness and observe firsthand the living conditions and quality of life programs provided our military personnel, particularly those stationed along the demilitarized zone and other remote, and isolated sites.

I want to report to the Members that the quality of the people serving in our armed services today far surpasses anything that I found on my last trip just 2 years ago. I think that comes about for three reasons. No. 1, of course, is that we are getting a better type recruit now. No. 2, is the emphasis that has been put on people programs and leadership training.

The third thing I was impressed with is that we are now beginning to reap dividends from those extra dollars that we have been authorizing and appropriating for operation and maintenance.

There is no question that improvements are heavily attributable to additional funding over the past 2 years. Here as elsewhere the key to increased readiness is the quality, dedication, professionalism and high morale of our military personnel. It makes no difference how sophisticated or effec-

tive our weapon systems are if we do not have qualified and properly motivated people to operate them.

Serious deficiencies remain. We do not have adequate training facilities, ammunition, flying hours, or steaming days to maintain proficiency levels. There is also a shortage of funding for joint exercises needed to improve coordination between the services and allied forces. Finally, the material readiness of critical communications and support equipment continues to be a problem due to the lack of spare parts and trained maintenance personnel.

Our forces and those of our allies are ready to meet the formidable challenges facing them today. Sustainability is the biggest challenge we face at this time. We must build up war reserve stocks in critical areas of fuel, ammunition, spare parts, and major equipment.

In general, the same trend observed in the readiness areas also applies to quality of life programs. Conditions have improved somewhat, but there is much to be done. It seems all too often that people-oriented activities rank at the bottom of the priority list. Overseas, the PX, commissary, gym, and recreation activities represent the only activities to fill the void, and provide our military personnel and their families with some of the comforts we here in the States take for granted.

It was shocking to learn that 48 percent of military personnel stationed in Korea live in substandard housing. Many are being housed in quonset huts built more than 30 years ago. At one remote site, we saw a sign painted on one such hut: "We have done so much for so long with so little that we can now do almost anything with nothing."

Increasing sustainability, improving housing and working conditions, and providing adequate recreation facilities are areas that require congressional support. Improvement in these areas will greatly increase our military readiness.

The operation and maintenance money we have provided is going into people programs, and into making our people ready, which we have done. I certainly hope that trend will continue.

NO SUBMINIMUM WAGE IN ENTERPRISE ZONES

Mr. GARCIA. Mr. Speaker, it has been brought to my attention that sometime during the course of the day the President will be addressing the National League of Cities in Los Angeles. I understand that one of the topics that he will be talking about is enterprise zones and the necessity for pushing enterprise zones during this lame-duck session. As the sponsor of that legislation, I would hope that that would be a reality.

But what concerns me, Mr. Speaker, if I understand a story on the AP wire service, is that there may be an amendment proposed that would in fact add a subminimum wage for teenage workers to the enterprise zone legislation. I want to make it clear that both myself and my colleague from New York (MR. KEMP), have worked very hard. We have struck an agreement with the administration that the minimum wage in an enterprise zone will not be undermined. The legislation does not now contain such language and it was our understanding that no such language would be added.

I want to make it clear that if in fact the enterprise zone comes to this floor and anybody tampers with the minimum wage, after we have all worked very hard over the last several months to make sure it is not tampered with, then I will withdraw my support of that legislation.

A PRAYER FOR HENRY HYDE

Mr. JOHN L. BURTON. Mr. Speaker and Members, after seeing our good colleague, HENRY HYDE, I meditated for a while and came up with a prayer:

"Oh tender Lord, show us Your mercy. Do not let HENRY HYDE run against CHUCK PERCY."

INCREASING AUTHORIZATION OF APPROPRIATIONS FOR ALLEN J. ELLENDER FELLOWSHIP PROGRAM

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of the Senate bill (S. 3002) to increase the authorization of appropriations for the Allen J. Ellender fellowship program, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. ERLENBORN. Mr. Speaker, reserving the right to object, I would like to ask my chairman, is this a version of the bill that the House has already passed, a different version having to do with the Ellender fellowships, having passed the other body, and the gentleman is going to ask that the bill passed by the body be amended with the House language and then request a conference?

Mr. PERKINS. That is correct.

Mr. Speaker, if the gentleman will yield, the House on September 29 passed under suspension of the rules H.R. 7137. That bill increases the authorizations for the Close Up Foundation's Ellender fellowship program by $500,000 a year for fiscal years 1983 and 1984. It also extends the authorization for that program for an additional fiscal year and sets the authorization at $1.5 million.

The Senate bill, S. 3002, contains identical provisions as regards the Close Up Foundation.

However, the House passed-bill contains three additional items not included in the Senate bill. These items are:

First, a guarantee of funding for law-related education in the Secretary's discretionary fund in the new education block grant.

Second, an increase in the authorization of appropriations for the law school clinical experience program from $1 to $2 million a year for 2 years.

Third, an authorization of appropriations for the Chappie James Aerospace Memorial at Tuskegee University. This amount is set at $9.6 million.

Mr. ERLENBORN. Mr. Speaker, I have no objection to this request, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the total amount which may be appropriated to carry out the joint resolution of October 19, 1972 (86 Stat. 907), relating to the Allen J. Ellender fellowship program, shall not exceed $1,500,000 for each of the fiscal years 1983, 1984, and 1985.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. PERKINS: Strike out everything after the enacting clause and insert in lieu thereof the following:

LAW RELATED EDUCATION

SECTION 1. (a) Notwithstanding any other provision of law, the total amount which may be appropriated to carry out the part E of title IX of the Higher Education Act of 1965, relating to law school clinical experience programs, shall not exceed $2,000,000 for each of the fiscal years 1983 and 1984.

(b)(1) Section 583(b) of the Education Consolidation and Improvement Act of 1981 is amended by striking out "and" at the end of paragraph (2), by inserting "and" at the end of paragraph (3), and by inserting after paragraph (3) the following new paragraph:

"(4) the law-related education program formerly authorized by part G of title III of the Elementary and Secondary Education Act of 1965,".

(2) Such section is further amended by inserting "(or $500,000 in the case of the pro-

gram referred to in paragraph (4))" after "fiscal year 1981".

ELLENDER FELLOWSHIP PROGRAM

SEC. 2. Notwithstanding any other provision of law, there is authorized to be appropriated to carry out the joint resolution of October 19, 1972 (86 Stat. 907), relating to the Allen J. Ellender fellowship program, not more than $1,500,000 for each of the fiscal years 1983, 1984, and 1985.

GENERAL DANIEL JAMES MEMORIAL HEALTH EDUCATION CENTER

SEC. 3. Notwithstanding any other provision of law, the total amount which may be appropriated to carry out subpart 2 of part H of title XIII of the Education Amendments of 1980, relating to the General Daniel James Memorial Health Education Center, shall not exceed $9,600,000 for the fiscal years 1983 and 1984.

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. PERKINS. Mr. Speaker, I move the previous question on the Senate bill and the amendment.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Kentucky (Mr. PERKINS).

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An act to increase the authorization of appropriations for certain education programs, and for other purposes."

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 3002

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the House insist on its amendment and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and without objection, appoints the following conferees: Messrs. PERKINS, FORD of Michigan, ANDREWS, MILLER of California, CORRADA, KILDEE, WILLIAMS of Montana, HAWKINS, BIAGGI, RATCHFORD, WASHINGTON, SMITH of Iowa, GOODLING, JEFFORDS, COLEMAN, ERDAHL, and PETRI, Mrs. ROUKEMA, Messrs. DENARDIS, CRAIG, and ERLENBORN, and Mrs. FENWICK.

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

NOVEMBER 29, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, U. S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House as follows:

(1) At 3:10 p.m. on Monday, October 25, 1982 and said to contain a message from the President on Federal Pay.

(2) At 3:10 p.m. on Monday, October 25, 1982 and said to contain a message from the President wherein he transmits the Annual Report of the Railroad Retirement Board for fiscal year 1981.

(3) At 3:10 p.m. on Monday, October 25, 1982 and said to contain a message from the President wherein he transmits the 14th Annual Reports on the administration of the Highway Safety Act of 1966 and the National Motor Vehicle and Traffic Safety Act of 1966.

(4) At 3:45 p.m. on Monday, November 1, 1982 and said to contain a message from the President wherein he reports under the International Emergency Economic Powers Act with regard to Iran.

(5) At 1:45 p.m. on Friday, November 5, 1982 and said to contain a message from the President wherein he transmits the Twelfth Annual Report on Hazardous Materials Transportation for calendar year 1981.

(6) At 3:25 p.m. on Monday, November 8, 1982 and said to contain a message from the President wherein he notified the Congress of his extension of the national emergency with regard to Iran for a period beyond November 14, 1982.

(7) At 3:25 p.m. on Monday, November 15, 1982 and said to contain a message from the President whereby he transmits a memorandum of law as required by Section 3 of the Energy Emergency Preparedness Act of 1982.

(8) At 3:35 p.m. on Monday, November 15, 1982 and said to contain a message from the President wherein he transmits the seventeenth annual report of the Department of Housing and Urban Development covering calendar year 1981.

(9) At 3:35 p.m. on Monday, November 15, 1982 and said to contain a message from the President wherein he transmits the Thirteenth and Final Report of the National Council on Economic Opportunity.

(10) At 3:35 p.m. on Monday, November 15, 1982 and said to contain a message from the President wherein he transmits the first annual report on Alaska's mineral resources covering 1982.

(11) At 10:40 a.m. on Thursday, November 18, 1982 and said to contain a message from the President wherein he transmits the 26th Annual Report on Trade Agreements Program.

With kind regards, I am,
Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

FEDERAL PAY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 97-254)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Post Office and Civil Service and ordered to be printed:

(For message, see proceedings of the Senate of today, Monday, November 29, 1982.)

ANNUAL REPORT OF RAILROAD RETIREMENT BOARD FOR FISCAL YEAR 1982—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

(For message, see proceedings of the Senate of today, Monday, November 29, 1982.)

ANNUAL REPORT ON ADMINISTRATION OF HIGHWAY SAFETY ACT OF 1966 AND NATIONAL MOTOR VEHICLE AND TRAFFIC SAFETY ACT OF 1966—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce and the Committee on Public Works and Transportation:

(For message, see proceedings of the Senate of today, Monday, November 29, 1982.)

INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs:

(For message, see proceedings of the Senate of today, Monday, November 29, 1982.)

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ANNUAL REPORT ON HAZARDOUS MATERIALS TRANSPORTATION, 1981—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, with-

out objection, referred to the Committee on Energy and Commerce, the Committee on Merchant Marine and Fisheries, and the Committee on Public Works and Transportation:

(For message, see proceedings of the Senate of today, Monday, November 29, 1982.)

EXTENSION OF NATIONAL EMERGENCY WITH REGARD TO IRAN FOR A PERIOD BEYOND NOVEMBER 14, 1982—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs:

(For message, see proceedings of the Senate of today, Monday, November 29, 1982.)

FIRST ANNUAL REPORT ON ALASKA'S MINERAL RESOURCES COVERING 1982—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Interior and Insular Affairs:

(For message, see proceedings of the Senate of today, Monday, November 29, 1982.)

ANNUAL REPORT OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, 1982—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking, Finance and Urban Affairs:

(For message, see proceedings of the Senate of today, Monday, November 29, 1982.)

MEMORANDUM OF LAW, PURSUANT TO PROVISIONS OF THE ENERGY EMERGENCY PREPAREDNESS ACT OF 1982—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

(For message, see proceedings of the Senate of today, Monday, November 29, 1982.)

THIRTEENTH AND FINAL REPORT OF NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of te United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

(For message, see proceedings of the Senate of today, Monday, November 29, 1982.)

ANNUAL REPORT ON TRADE AGREEMENTS PROGRAM 1981-82—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means:

(For message, see proceedings of the Senate of today, Monday, November 29, 1982.)

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the Chairman of the Committee on Public Works and Transportation, which was read, and without objection, referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
Washington, D.C., October 6, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives
Washington, D.C.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted by the Committee on Public Works and Transportation on September 23, 1982. These resolutions approve four watershed projects of the Soil Conservation Service in accordance with the provisions of Public Law 566, Eighty-third Congress.

Every best wish.

Sincerely,

JAMES J. HOWARD,
Chairman.

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the Chairman of the Committee on Public Works and Transportation, which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
Washington, D.C., October 6, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted by the Committee on Public Works and Transportation on September 23, 1982. These resolutions authorize studies of potential water resources projects by the Corps of Engineers in accordance with the provisions of Section 4 of the Act of March 4, 1913, as amended.

Every best wish.

Sincerely,

JAMES J. HOWARD,
Chairman.

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the Chairman of the Committee on Public Works and Transportation, which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION
Washington, D.C., October 14, 1982.

Hon. THOMAS P. O'NEILL,
The Speaker, U.S. House of Representatives,
Washington, D.C.

Dear Mr. Speaker: Pursuant to the provisions of the Public Buildings Act of 1959, as amended, the House Committee on Public Works and Transportation approved the following projects on June 9, 1982:

Lease Construction: Wilkes-Barre, Pennsylvania, Federal Building.

Lease Consolidation: Boston, Massachusetts, Food and Drug Administration.

Washington, D.C., International Communications Agency.

Construction: San Francisco, California, Federal Building.

The original and one copy of the authorizing resolutions are enclosed.

Every best wish.

Sincerely,

JAMES J. HOWARD,
Chairman.

There was no objection.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the

Committee on Public Works and Transportation, which was read and, without objection referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, D.C., October 15, 1982.

Hon. THOMAS P. O'NEILL,
The Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, as amended, the House Committee on Public Works and Transportation approved the following projects on September 16, 1982:

REPAIR AND ALTERATION

Anchorage, Alaska, Federal Building-Courthouse, 4th and F Streets.
Washington, D.C., National Archives.
St. Louis, Missouri, Building 110, 4300 Goodfellow Boulevard.
Suitland, Maryland, Oceanographic Building.
Phoenix, Arizona, Federal Building-Courthouse, 230 North First Avenue.
Alexandria, Virginia, Hybla Valley Federal Building, 6801 Telegraph Road.
Detroit Michigan, Patrick V. McNamara Federal Building.
Cleveland, Ohio, Anthony J. Celebrezze Federal Building.
Boston, Massachusetts, John F. Kennedy Federal Building.
Chicago, Illinois, J. C. Kluczynski Federal Building.

REPAIR AND ALTERATION/PRELIMINARY ENGINEERING AND DESIGN

Washington, D.C., Auditors Building.
Washington, D.C., Interior Building, 19th and C Streets, N.W.
Des Moines, Iowa, Federal Building, 210 Walnut Street.
Sioux City, Iowa, U.S. Post Office and Courthouse, 316 6th Street.
New Orleans, Louisiana, F. Edward Hébert Federal Building.
Las Vegas, Nevada, Federal Building and U.S. Courthouse, 300 Las Vegas Boulevard, South.
Manchester, New Hampshire, U.S. Post Office.
Columbus, Ohio, Old Post Office.
Scranton, Pennsylvania, U.S. Post Office and Courthouse, Washington Avenue and Linden Street.
San Antonio, Texas, U.S. Post Office and Courthouse.
Pittsburgh, Pennsylvania, U.S. Post Office and Courthouse, 7th Avenue and Grant Street.
San Francisco, California, Appraisers Building, 630 Sansome Street.

LEASES

Los Angeles, California, Department of Defense, 4727 Wilshire Boulevard.
Los Angeles, California, Defense Contract Administration Service Region, Defense Contract Administration Services, Management Area.
Los Angeles, California, 2500 Wilshire Boulevard.
Los Angeles, California, Multiple Agencies-Consolidation.
Los Angeles, California, 1521-33 West Pico Boulevard.
Los Angeles, California, 3250 Wilshire Boulevard.
Pasadena, California, 150 S. Los Robles.
El Monte, California, 9100 E. Flair Drive.
Phoenix, Arizona, 201 North Central Avenue.
Phoenix, Arizona, Veterans Administration, 3225 North Central Avenue.
Phoenix, Arizona, Federal Bureau of Investigation.
Colorado Springs, Colorado, Chidlaw Building, 221 East Bijou Street.
Houston, Texas, IRS District Office.

NATIONAL CAPITOL REGION

Washington, D.C., Capitol Mall North, 500 North Capitol Street.
Washington, D.C., 1900 Hall Street Building, 1900 Half Street, S.W.
Arlington, Virginia, Ballston Center Tower 1, 800 N. Quincy Street.
Arlington, Virginia, Rosslyn Plaza Building E, 1621 N. Kent Street.
Silver Spring, Maryland, Gramax Building, 8060 13th Street.
Bethesda, Maryland, Phillips Building Extension, 7920 Norfolk Avenue.
Washington, D.C., Todd Building, 550 11th Street, N.W.
Washington, D.C., Federal Triangle Building, 9th and D Streets, N.W.
Arlington, Virginia, Crystal Plaza 5, 2211 Jefferson Davis Highway.
Riverdale, Maryland, ACF Complex, 6501 Lafayette Avenue.

The original and one copy of the authorizing resolutions are enclosed.

Every best wish.

Sincerely,

JAMES J. HOWARD,
Chairman.

There was no objection.

NUCLEAR WASTE POLICY ACT OF 1982

Mr. UDALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3809), to provide for repositories for the disposal of high-level radioactive waste, transuranic waste, and spent nuclear fuel, to amend provisions of the Atomic Energy Act of 1954 relating to low-level waste, to modify the Price-Anderson provisions of the Atomic Energy Act of 1954 and certain other provisions pertaining to facility licensing and safety, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. UDALL).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. UDALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 333, nays 4, not voting 96, as follows:

[Roll No. 393]

YEAS—333

Addabbo	Applegate	Bailey (PA)
Albosta	Archer	Barnard
Alexander	Aspin	Barnes
Anderson	AuCoin	Beard
Andrews	Badham	Bedell
Annunzio	Bailey (MO)	Beilenson
Benedict	Frost	Molinari
Bennett	Fuqua	Mollohan
Bereuter	Garcia	Moore
Bethune	Gejdenson	Moorhead
Bevill	Gibbons	Morrison
Biaggi	Gilman	Mottl
Bliley	Gingrich	Murphy
Boland	Ginn	Murtha
Boner	Glickman	Myers
Bonior	Gonzalez	Natcher
Bonker	Goodling	Neal
Bouquard	Gore	Nelligan
Bowen	Gradison	Nelson
Breaux	Gramm	Nichols
Brinkley	Green	Oakar
Brodhead	Gregg	Oberstar
Brooks	Grisham	Ottinger
Broomfield	Guarini	Oxley
Brown (CA)	Gunderson	Panetta
Brown (CO)	Hall (IN)	Parris
Broyhill	Hall, Ralph	Pashayan
Burton, Phillip	Hall, Sam	Patterson
Butler	Hamilton	Paul
Byron	Hammerschmidt	Pease
Carman	Hance	Pepper
Carney	Hansen (ID)	Perkins
Chappie	Hansen (UT)	Petri
Cheney	Harkin	Peyser
Clausen	Hartnett	Pickle
Clay	Hatcher	Price
Clinger	Hefner	Pritchard
Coats	Hendon	Quillen
Coelho	Hightower	Rahall
Coleman	Hillis	Ratchford
Collins (IL)	Holt	Regula
Collins (TX)	Hopkins	Reuss
Conable	Horton	Rhodes
Conte	Howard	Rinaldo
Corcoran	Hoyer	Roberts (KS)
Coughlin	Hubbard	Roberts (SD)
Courter	Huckaby	Robinson
Craig	Hughes	Rodino
Crane, Philip	Hunter	Roemer
D'Amours	Hutto	Rogers
Daniel, Dan	Hyde	Rose
Daniel, R. W.	Jeffries	Rostenkowski
Dannemeyer	Jenkins	Roth
Daub	Johnston	Roukema
de la Garza	Kastenmeier	Rousselot
Dellums	Kazen	Roybal
Derrick	Kennelly	Rudd
Derwinski	Kildee	Russo
Dickinson	Kindness	Sabo
Dingell	Kramer	Sawyer
Dixon	LaFalce	Scheuer
Donnelly	Lagomarsino	Schroeder
Dorgan	Lantos	Schulze
Dornan	Latta	Schumer
Dowdy	Leath	Seiberling
Downey	LeBoutillier	Sensenbrenner
Dreier	Leland	Shamansky
Duncan	Lent	Shannon
Dunn	Loeffler	Sharp
Dwyer	Long (LA)	Shaw
Dyson	Lott	Shelby
Early	Lowery (CA)	Shumway
Eckart	Lowry (WA)	Simon
Edgar	Lujan	Skeen
Edwards (AL)	Luken	Skelton
Emerson	Lundine	Smith (AL)
English	Lungren	Smith (IA)
Erdahl	Madigan	Smith (NE)
Erlenborn	Markey	Smith (OR)
Ertel	Marlenee	Snyder
Evans (GA)	Marriott	Solarz
Evans (IA)	Martin (IL)	Solomon
Evans (IN)	Martin (NC)	Stark
Fary	Martin (NY)	Staton
Fascell	Matsui	Stenholm
Fazio	Mattox	Stokes
Fenwick	Mavroules	Stratton
Ferraro	Mazzoli	Studds
Fiedler	McClory	Stump
Fields	McCollum	Swift
Findley	McCurdy	Synar
Fish	McDade	Tauzin
Fithian	McDonald	Taylor
Flippo	McEwen	Thomas
Florio	McGrath	Trible
Foglietta	Mica	Udall
Foley	Mikulski	Vander Jagt
Ford (MI)	Miller (CA)	Vento
Ford (TN)	Miller (OH)	Volkmer
Fountain	Mineta	Walgren
Frank	Minish	Walker
Frenzel	Moakley	Wampler

Watkins	Whittaker	Wright
Waxman	Whitten	Wyden
Weaver	Williams (MT)	Wylie
Weber (MN)	Williams (OH)	Yatron
Weber (OH)	Winn	Young (AK)
Weiss	Wirth	Young (FL)
White	Wolf	Young (MO)
Whitehurst	Wolpe	Zablocki
Whitley	Wortley	Zeferetti

NAYS—4

Burton, John	Jacobs
Conyers	Mitchell (MD)

NOT VOTING—96

Akaka	Gephardt	Mitchell (NY)
Anthony	Goldwater	Moffett
Ashbrook	Gray	Montgomery
Atkinson	Hagedorn	Napier
Bafalis	Hall (OH)	Nowak
Bingham	Hawkins	O'Brien
Blanchard	Heckler	Obey
Boggs	Heftel	Patman
Bolling	Hertel	Porter
Brown (OH)	Hiler	Pursell
Burgener	Holland	Railsback
Campbell	Hollenbeck	Rangel
Chappell	Ireland	Ritter
Chisholm	Jeffords	Roe
Coyne, James	Jones (NC)	Rosenthal
Coyne, William	Jones (OK)	Santini
Crane, Daniel	Jones (TN)	Savage
Crockett	Kemp	Schneider
Daschle	Kogovsek	Shuster
Davis	Leach	Siljander
Deckard	Lee	Smith (NJ)
DeNardis	Lehman	Smith (PA)
Dicks	Levitas	Snowe
Dougherty	Lewis	Spence
Dymally	Livingston	St Germain
Edwards (CA)	Long (MD)	Stangeland
Edwards (OK)	Marks	Stanton
Emery	Martinez	Tauke
Evans (DE)	McCloskey	Traxler
Forsythe	McHugh	Washington
Fowler	McKinney	Wilson
Gaydos	Michel	Yates

□ 1315

Mr. ERDAHL changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3809, with Mr. PANETTA in the chair.

□ 1330

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Thursday, September 30, 1982, the text of H.R. 7187 was considered as an original bill for the purpose of amendment.

Are there any further amendments which are made in order pursuant to the rule?

AMENDMENT OFFERED BY MR. UDALL

Mr. UDALL. Mr. Chairman, I offer an amendment, which is made in order by the rule.

The Clerk read as follows:

Amendment offered by Mr. UDALL: Strike out section 141 and insert in lieu thereof the following:

MONITORED RETRIEVABLE STORAGE

SEC. 141. (a) FINDINGS.—The Congress finds that—

(1) the executive branch and the Congress should proceed as expeditiously as possible to consider fully a proposal for construction of one or more monitored retrievable storage facilities to provide long-term storage of high-level radioactive waste and spent nuclear fuel;

(2) the generators and owners of the high-level radioactive waste and spent nuclear fuel to be stored in such facilities have the primary responsibility to provide for, and the responsibility to pay the costs of, the long-term storage of such waste and spent fuel until such waste and spent fuel is accepted by the Secretary in accordance with the provisions of this title; and

(3) disposal of high-level radioactive waste and spent nuclear fuel in a repository developed under this Act should proceed regardless of any construction of a monitored retrievable storage facility pursuant to this section.

(b) SUBMISSION OF PROPOSAL BY SECRETARY.—(1) Not later than 5 years after the date of the enactment of this Act, the Secretary shall complete a detailed study of the need for and feasibility of, and shall submit to the Congress a proposal for, the construction of one or more monitored retrievable storage facilities for high-level radioactive waste and spent nuclear fuel. Each such facility shall be designed—

(A) to accommodate spent nuclear fuel and high-level radioactive waste resulting from civilian nuclear activities;

(B) to permit continuous monitoring, management, and maintenance of such spent fuel and waste for the foreseeable future;

(C) to provide for the ready retrieval of such spent fuel and waste for further processing or disposal; and

(D) to safely store such spent fuel and waste as long as may be necessary by maintaining such facility through appropriate means, including any required replacement of such facility.

(2) Such proposal shall include—

(A) the establishment of a Federal program for the siting, development, construction, and operation of facilities capable of safely storing high-level radioactive waste and spent nuclear fuel, which facilities are to be licensed by the Commission;

(B) a plan for the funding of the construction and operation of such facilities, which plan shall provide that the costs of such activities shall be borne by the generators and owners of the high-level radioactive waste and spent nuclear fuel to be stored in such facilities;

(C) site-specific designs, specifications, and cost estimates sufficient to (i) solicit bids for the construction of the first such facility; (ii) support congressional authorization of the construction of such facility; and (iii) enable completion and operation of such facility as soon as practicable following congressional authorization of such facility; and

(D) a plan for intergrating facilities constructed pursuant to this section with other storage and disposal facilities authorized in this Act.

(3) In formulating such proposal, the Secretary shall consult with the Commission and the Administrator, and shall submit their comments on such proposal to the Congress at the time such proposal is submitted.

(4) Nothing in this subsection shall be construed to authorize the Secretary to select a specific site for the location of a monitored retrievable storage facility.

(c) ENVIRONMENTAL IMPACT STATEMENTS.—(1) Preparation and submission to the Congress of the proposal required in this section shall not be considered a major Federal action under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The Secretary shall prepare, in accordance with regulations issued by the Secretary implementing such Act, an environmental assessment with respect to such proposal. Such environmental assessment shall be based upon available information regarding alternative technologies for the storage of spent nuclear fuel and high-level radioactive waste. The Secretary shall submit such environmental assessment to the Congress at the time such proposal is submitted.

(2) The requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall apply with respect to the construction of any monitored retrievable storage facility developed pursuant to this section.

(d) LICENSING.—Any monitored retrievable storage facility developed pursuant to this section shall be subject to licensing under section 202(3) of the Energy Reorganization Act of 1974 (42 U.S.C. 5842(3)).

(e) IMPACT ASSISTANCE.—(1) Upon receipt by the Secretary of congressional authorization to construct a facility described in subsection (b), the Secretary shall commence making annual impact aid payments to appropriate units of general local government in order to mitigate any social or economic impacts resulting from the construction and subsequent operation of any such facility within the jurisdictional boundaries of any such unit.

(2) Payments made available to units of general local government under this subsection shall be—

(A) allocated in a fair and equitable manner, with priority given to units of general local government determined by the Secretary to be most severely affected; and

(B) utilized by units of general local government only for planning, construction, maintenance, and provision of public services related to the siting of such facility.

(3) Such payments shall be subject to such terms and conditions as the Secretary determines are necessary to ensure achievement of the purposes of this subsection. The Secretary shall issue such regulations as may be necessary to carry out the provisions of this subsection.

(4) Such payments shall be made available entirely from funds held in the Interim Storage Fund established in section 137(c) and shall be available only to the extent provided in advance in appropriation Acts.

(5) The Secretary may consult with appropriate units of general local government in advance of commencement of construction of any such facility in an effort to determine the level of payments each such unit is eligible to receive under this subsection.

(f) LIMITATIONS.—(1) No monitored retrievable storage facility developed pursuant to this section may be constructed in any State in which there is located any site approved for site characterization under section 112. No repository may be developed under this Act in any State in which there is located any monitored retrievable storage facility developed pursuant to this section.

(2) No monitored retrievable storage facility developed pursuant to this section may be constructed unless the Congress by law specifically authorizes such construction and thereafter approves appropriations for such construction.

Mr. UDALL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. UDALL. Mr. Chairman, from the beginning of the nuclear age about 40 years ago, we have ground up and created in this country every day some quantities of nuclear waste. This country has failed, to this moment, to dispose of a single pound of these deadly wastes which now are in temporary repositories in different parts of the country.

This bill dealing with this subject has been before the Congress now for a number of years. This is the third Congress in which we have attempted to secure enactment of a nuclear waste bill.

Mr. Chairman, the passage of this bill will, for the first time, give us a national policy on high-level nuclear waste. It will give us an opportunity to set in motion a procedure by which we will choose for permanent deep geological storage a main repository for the nuclear waste.

Let me emphasize that nuclear waste put in this repository will not be accessible. It will amount to a decision on the part of our country that this is going to be the permanent storage. It will be buried, and it will not be available for us or for future generations. This is the main issue.

The passage of this bill will set in motion a chain of events and decision points by which we will have in the United States a facility licensed and available for permanent storage of high-level nuclear waste.

Let me emphasize in the debate there will be three kinds of facilities that we will be discussing. I am discussing now the major facility for deep geological and permanent storage of nuclear waste. It is time the country made a decision on this and that we have some answers on it.

The second kind of facility that we will be discussing in this debate is what is called AFR, away from reactor storage, to deal with the spent fuel rods from our civilian nuclear power plants.

Originally we calculated on the need for little away-from-reactor storage because we were going to go immediately to reprocessing. Now the reprocessing option is very much in doubt. So we provide in this bill a small, modest size away-from-reactor storage program that cannot exceed 1,700 metric tons capacity and which will be available for emergencies where we have rods that we need a place for and the company cannot do it on-site. We will have a program that cannot exceed 1,700 metric tons where we can take rods in an emergency and where we can carry out commitments we have made to other countries in connection with their nuclear power program.

The third kind of facility—and that is the one that is involved in my amendment—is what is known as monitored retrievable storage. This is another idea of saving the spent nuclear fuel rods, putting them in a cavern or a near-the-surface facility and saving them for the day when, presumably, according to some in America, we will need the fuel, the energy, that is locked up in those rods, and we will be able to go back and get them out and put them to use.

We do not know all of the answers about this monitored retrievable storage. Certainly in the light of the surprises we have had about other nuclear waste and about our nuclear power plants which are more costly and much more difficult to operate than we had imagined, we do not know all of the answers, and I, for one, want to keep this option alive. I think it is an option we ought to keep alive.

So the bill which came out of the various committees had a provision for a study by the Energy Department to tell us within 2 to 5 years—and the argument comes on the 2- to 5-year period—what kind of a facility it should be, where it might be located, and other features of it.

It would then come to the Congress, and if the Congress affirmatively acted, we would then have this monitored retrievable storage facility.

The monitored retrievable storage section of H.R. 7187 is intended to provide research and reports which will assure that special waste management technology will be available if it is needed as part of the waste management program.

This "MRS" technology is not the best answer to our national nuclear waste problem. It does not provide a permanent solution, but rather would require that nuclear wastes be under guard at constant expense until some permanent solution was developed. Nonetheless, it is probably important that we have this back-up technology available to assure that technical or institutional failure in our effort to develop permanent deep geologic facilities does not leave us unable to fulfill our obligation to provide some answer to the waste problem.

Upon review of our MRS section, the chairman and ranking minority members of the Interior and Commerce committees and subcommittees have agreed on some changes to that section which we believe would improve its operation:

First. We would increase the amount of time the Secretary has to provide the required MRS report from 2 to 5 years. The report we request must include detailed engineering designs adequate to enable the solicitation of bids for a facility and to enable complete construction and operation of an MRS facility. The report must be accompanied be an environmental assessment and by a need and feasibility study.

DOE has flip-flopped on its ability to provide this study in time. But there is no urgency to acquisition of this information, since an MRS decision will not have to be made until well into the next decade.

Second. We remove exemptions from licensing considerations and NEPA. If they are developed, MRS facilities could become indefinite repositories for high-level waste and spent fuel. They may serve other functions, such as storage of spent fuel pending reprocessing. Future decision on the use of any MRS facility, and on its size, must be related to decisions on licensing requirements and on appropriate sites for the facility. We can not remove the regulatory and NEPA reviews that may be required unless we more fully understand the nature of the technology.

Third. We make clear that the decision when to construct an MRS facility, whether it is needed, and what role it will have in the waste management system, is left to future Congresses, which will have a better understanding of these issues.

Our changes in the MRS section do not reduce the information that will be produced, or alter the congressional commitment to assure that this technology will be ready to go if it is needed.

I urge your support for these modifications.

Mr. HUCKABY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I certainly concur with a lot that our distinguished colleague, the chairman of the Interior Committee, the gentleman from Arizona (Mr. UDALL), just stated. The monitored retrievable storage system I think can properly be characterized as a backup system. I think anybody that knows much about the nuclear industry today recognizes the fact that France is probably the world's leader in this industry. This is how the French store their nuclear waste today, in an environment where they can monitor it, where, if necessary, they can retrieve it, because they recognize that we today, with our state of the technology today, do not know, we do not have all of the answers.

What does MRS buy for us? It buys several things for us.

First of all, it gives us additional years, perhaps up to 50 additional years, to obtain additional technical information, because let me tell you this: It is theoretically possible to reduce the half lives of the really hot radioactive materials from literally hundreds of thousands of years down

to a few hundred years. But we do not know how to do that today.

If you stored this for a period of 50 years, there is tremendous heat dissipation, so that once you put it into a permanent repository it would be far, far safer. But there is one basic flaw with the chairman's amendment to this section. It calls for a 5-year study.

□ 1345

Within 5 years this bill mandates that the President pick the site for the permanent repository.

The Department of Energy informs me that they have the capability of completing an indepth, detailed study of how you would go about developing a monitored retrievable storage system and reporting back to Congress within 2 years. And that is what the basic bill calls for. It does not authorize an MRS. It tells the DOE to make an in-depth study and come back and a future Congress could make that determination, if it were necessary, if as the chairman stated we ran into serious technical problems in determining a permanent repository.

So if you want a backup system, if you want a system that makes sense, I think you have got to recognize that the timeframe is the operative section here, and to put out to 5 years the time of just when a study is due to be reported back to Congress will negate the whole impact of this Nation ever possibly having the option of going with an MRS if we should need it in the future.

And that is why I would urge a "no" vote on this amendment.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. HUCKABY. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

I wonder if the gentleman has something new from the Department of Energy. The reason we chose the 5-year period is the testimony the Department of Energy gave in the Senate hearings. And what they communicated to the Congress was that it would take 5 years. This is not just a study. It is a site specific selection including the complete studies involved in putting a MRS at a specific site. And they testified to the Congress, and I will read the testimony if the gentleman likes, that they could not do this in less than 5 years. That is why it was selected.

There is no desire to delay unduly. As a matter of fact, I think the MRS is the way to go.

Mr. HUCKABY. As the gentleman is very well aware, there have been studies that the Department of Energy has contracted out to private contractors ongoing in the last several years. And I think that the timeframe the gentleman talked about was the entire timeframe of time that has already elapsed.

In my communications with them, they have indicated that 2 years is ample time to go ahead—where it would be in a sequence on a PERT chart—so that if it was necessary to bring it into play we would still have the option, whereas after 5 years we might not have that option.

Mr. OTTINGER. Has the Department of Energy communicated this to the gentleman in any way?

Mr. HUCKABY. I did not hear the gentleman.

Mr. OTTINGER. Has the Department of Energy communicated this to the gentleman in any way? It has not communicated it to the committee.

Mr. HUCKABY. Yes.

Mr. OTTINGER. How? Does the gentleman have it in writing?

Mr. HUCKABY. No. Strictly telephone.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. HUCKABY. I yield to the gentleman from Arizona.

Mr. UDALL. I thank the gentleman for yielding.

I hope the gentleman will note and I am sure he is aware of the fact that my amendment says not more than 5 years. And the plan is to be produced by the Department of Energy in not more than 5 years.

It seems to me with the uncertainty the Department has shown on this issue that the language in the amendment, is appropriate. If they can bring it in 3, do it in 3, if they can bring it in 4, do it in 4. Four is not more than 5 and 3 is not more than 5.

Mr. HUCKABY. As the gentleman very well knows in no place in our country does Parkinson's law operate better than in the Department of Energy. If you give them 5 years, they will take 5; if you give them 2 years, they will take 2 years.

Mr. MARRIOTT. Mr. Chairman, will the gentleman yield?

Mr. HUCKABY. I yield to the gentleman from Utah.

Mr. MARRIOTT. I thank the gentleman for yielding.

I would like to congratulate the gentleman on his efforts here in this regard and reiterate what the gentleman has said.

The CHAIRMAN. The time of the gentleman from Louisiana (Mr. HUCKABY) has expired.

(At the request of Mr. MARRIOTT and by unanimous consent, Mr. HUCKABY was allowed to proceed for 1 additional minute.

Mr. MARRIOTT. If the gentleman will continue to yield, if we give them 5 years, they will take 5 years. If we give them 2 years, they will take 2 years. And I would think we would get this study done in 2 years. And I applaud the gentleman for his amendment.

Mr. HUCKABY. I thank the gentleman for his comments.

Mr. LUJAN. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition of the amendment.

I want to congratulate the gentleman from Louisiana. He has been persistent in his idea of the monitored retrievable storage plan. And I agree with him.

One of the things that has bothered me about the entire question of burying nuclear wastes is that it is such a waste of money, simply to bury the spent fuel rods. My understanding of the figures is that it is about $5 million value per value for each reactor, and we have 70, that is about $350 million a year that we are just pouring down the hole.

We should have an alternative, if the deep repository is not feasible. And this amendment would delay it for 5 years, when you look at the fact that we must make a choice within 2 years, and perhaps even start digging the shaft for the repository within a reasonable period of time, much less than 5 years. So if we stick to the proposal which is offered today of a 5-year study, and the repository is not feasible, then we will have no plan at all.

Finally, I might just say that the 2-year idea appeals to me. Maybe the Department of Energy might not be able to do it in 2 years and probably cannot. We can always have an extension. But if we give them 5 years, it will be 10 years before we have a plan.

So I would congratulate the gentleman from Louisiana for his foresight in offering such an amendment.

Mr. MARRIOTT. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Utah.

Mr. MARRIOTT. Did I misunderstand the gentleman? Is the gentleman speaking for the amendment or against the amendment?

Mr. LUJAN. I am speaking against the amendment. I am speaking in favor of the gentleman from Louisiana.

Mr. MARRIOTT. I thank the gentleman for clarifying that.

Mr. OTTINGER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in strong support of the amendment offered by my colleague from Arizona (Mr. UDALL). This amendment was offered on behalf of all those who negotiated on this bill. It was clearly a part of the agreement that we made with the minority; it was signed on to by the chairman of the Energy and Commerce Committee, by myself, chair of the appropriate subcommittee of the Committee on Energy and Commerce, by the gentleman from Arizona (Mr. UDALL), and it is my understanding

that the minority of the Interior and Insular Affairs Committee signed on as well.

I am strongly in favor of an MRS. based on the past experience of the Department of Energy the chances are that they are not going to succeed in establishing a permanent repository that does not leak. Their previous efforts in Lyons, Kans., and indeed at the WIPP site in New Mexico, would indicate it is actively possible that they will be unable to come up with a permanent repository that is totally secure. So I think having monitored retrievable storage available to us is a very worthwhile endeavor. But siting monitored retrievable storage in a way that protects the communities where it is located is vitally important. It is designed to store wastes for some 50 to 100 years. A great many hazards are attached to it that would not be present in a permanent repository and I do not think we ought to rush to a decision on it without providing the kind of safeguards that we provide for a permanent repository.

For example, the legislation would set a very bad precedent in allowing for the first time the environmental impact statement to be restricted so you could not consider alternative sites or alternative designs. In addition, the NRC would be restricted in its licensing to protect the health and safety of the public by preventing them from considering alternate sites and alternate designs—I think that is a very unwise provision.

Moreover, the timetable is so short that the Department of Energy could not possibly meet it. And as the gentleman from Arizona (Mr. UDALL) has indicated, this amendment does not mandate that they take 5 years. It just says up to 5 years.

The Department of Energy testified last year before the Senate, and I will quote their testimony.

"If this provision is enacted, then a specific site must be selected to comply with it. It is not feasible to complete such activities within the one year allowed * * *" in the bill as it was in the Senate.

It would also take 9 months to 1 year just to solicit bids from and select an architect/engineering firm to prepare necessary designs and an additional 2 years to complete actual detailed design specifications and drawings required for solicitation of bids for facility construction. In addition to the architectural/engineering selection process and detailed site-specific specifications, 2 years would be required to identify and select a specific site for a MRS facility. This would include:

(1) Development of detailed siting requirements and criteria;

(2) A thorough analysis of potential sites proceeding from a national perspective through regional and area reviews to actual sites for consideration in the final selection process;

(3) Coordination of activities with states in which potential sites for an MRS facility are located.

These and other factors would extend beyond the limitation in the bill.

So what we are talking about here is not just an abstract study of what an MRS would look like. What is called for in this bill is a site specific design that would permit us to go ahead with just a simple additional authorization by Congress to construction. This is a very complex endeavor; it is something that has never been constructed before in this country. It poses considerable hazards to the States if it is not done properly. It does not require the same safeguards and procedures that we require for a permanent repository, and that concerns me.

I think that the protections provided by the gentleman from Arizona, to allow adequate time to do this right, No. 1, and do it within the time that DOE says it needs, and second, to assure that there is an adequate environmental impact statement, and to assure that the NRC is not restricted in its ability to review and license this first-of-a-kind technology is very important.

For that reason, I strongly urge adoption of the amendment.

The CHAIRMAN. The time of the gentleman from New York (Mr. OTTINGER) has expired.

(By unanimous consent, Mr. OTTINGER was allowed to proceed for 1 additional minute.)

Mr. MARRIOTT. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Utah.

Mr. MARRIOTT. I thank the gentleman for yielding.

Does the gentleman see the retrievable system being something different than the permanent repository? The question I have is if in fact we ought to have a retrievable system, then maybe we should not move ahead so quickly on the permanent repository.

And if we have a shorter study time, perhaps we can find one repository that is retrievable and not wind up with two different systems.

And I wonder if the gentleman would comment on that issue.

Mr. OTTINGER. I would be glad to comment. There is a major difference. A permanent repository is designed so that spent fuel and high level nuclear waste can be disposed of in a nonretrievable form which is environmentally safe and secure.

Monitored retrievable storage is designed for long-term storage, 50 to 100 years, in a manner that would be retrievable so if something goes wrong you could get back at it.

Mr. MARRIOTT. So the gentleman thinks there should then be two different systems, a permanent repository and a separate retrievable system?

Mr. OTTINGER. I do indeed.

The CHAIRMAN. The time of the gentleman from New York (Mr. OTTINGER) has expired.

(By unanimous consent, Mr. OTTINGER was allowed to proceed for 2 additional minutes.)

Mr. OTTINGER. I think that we ought to take our time about a permanent storage facility, because the experience of the Department in developing a permanent disposal facility has been so bad in the past. It is very difficult to find a geological formation that is stable enough to reasonably guarantee that these highly radioactive substances can be safely disposed of for the tens of thousands of years they are going to remain dangerous.

So I do not think we ought to rush that process. It is in part to give us the time that is needed to find a permanent repository that I favor the monitored retrievable storage concept. I do not think we ought to abandon permanent disposal, but this alleviates the pressure to rush to a poor choice.

Mr. MARRIOTT. If the gentleman will continue to yield, the problem I am faced with now is that DOE is moving along on five permanent repository sites. They are going to move ahead and they are going to make a decision. In fact, the press states they are about to make that decision any minute.

Now the question I have is if in fact that is premature, maybe we better speed up the study on the retrievable system and delay the permanent repository until we know what we are doing.

Mr. OTTINGER. Well, my point is that you cannot speed up the site specific design called for in this bill in such a manner as to pose a potential hazard to the communities that would qualify as a site. And the gentleman's district may be one of the areas in which that retrievable storage is in fact placed. I am sure the gentleman would not want it put there without full environmental review or without full NRC licensing procedures to assure that the storage is secure. That is what this amendment provides.

If they can do it in 2 years, so much the better. And I would be glad to join in putting pressure on the Department to move as quickly as possible. But I do not think we ought to tie their hands in the manner in which the language in the bill does. As I mentioned, DOE has already testified that they could not accomplish the bill's requirements on a sound and safe basis.

□ 1400

Mr. MARRIOTT. I thank the gentleman.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. Of course, I would be glad to yield.

Mr. BROYHILL. I just wanted to comment on the statement of the gentleman from Utah. He has a somewhat different view of this legislation than I do. It is important that we select a permanent repository.

The CHAIRMAN. The time of the gentleman from New York has expired.

(At the request of Mr. BROYHILL, and by unanimous consent, Mr. OTTINGER was allowed to proceed for 2 additional minutes.)

Mr. BROYHILL. Mr. Chairman, if the gentleman will yield further, it is not my understanding that the Department's selection is imminent. In fact, under the terms of the bill, that selection may not occur until as late as 1987 or it could be as late as a year thereafter.

I would also point out, and I looked back into the law to make sure that it is a fact, that any repository, the final repository, permanent repository, that is constructed, shall be designed and constructed to permit the retrieval of any spent nuclear fuel that is placed in that repository. Is that not correct?

Mr. OTTINGER. That is absolutely correct. Everything the gentleman has said is correct.

Mr. BROYHILL. I do not disagree with the MRS that has been proposed here. My only concern, as always, has been the timeframe in which these decisions can be made. If it has taken these many years to come up with the siting and the design and the plans and so forth for the permanent facility, it does not seem reasonable that we are going to be able to make these same decisions in just a few short months on an MRS.

I certainly do not disagree with it, but we at least ought to give them a little more time in order to make sure that they do the right thing.

Mr. OTTINGER. My friend, the gentleman from North Carolina, is supporting the Udall amendment then; am I correct?

Mr. BROYHILL. That is correct.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Udall amendment to H.R. 7187 relating to monitored retrievable storage facilities (MRS).

Although I have the greatest respect for the gentleman from Arizona and appreciate greatly his tireless efforts to bring this essential legislation to the floor, I must oppose him on this issue. As the cosponsor of the MRS sections of the Interior Committee's bill, H.R. 3809, with my distinguished colleague from Louisiana, Mr. HUCKABY, I believe that it is imperative that this amendment be defeated.

I contend that at least my support for the MRS concept comes from no selfish or parochial motive. As a Representative of a State which is not under consideration for a deep geological storage site, nor likely to be because of the geology, my advancement of the MRS concept indeed raises the possibility that the district or State I represent could become a repository for high level nuclear wastes. Nevertheless, I think it is important that this amendment be defeated. I believe that parallel implementation of the MRS program is imperative. That implementation must occur without the unnecessary delay envisioned and resulting from the Udall amendment.

For more than 40 years, we have used excuse after excuse to delay the final decision on nuclear waste disposal—less time for high level nuclear waste, but I think that timeframe is accurate for nuclear waste. No doubt, we can keep thinking up logical sounding excuses for more and more decades. The time for excuses is over, however. The time for action has come.

I support the MRS concept because I believe that the deep geological storage option will be beset by continued delay and objection. You are dealing with uncertainty when you are dealing natural geology. In fact, this Nation may never see a permanent deep geological waste storage facility due to political and technological obstacles. Waste storage cannot continue in the temporary, unsafe fashion that it has maintained for these decades. We are just courting disaster if we continue to take that course.

Our Nation must find some safe method of waste isolation. The MRS concept offers our Nation a way to isolate wastes, yet still monitor them for the continued safety of our citizens. It is a concept which must at least be kept on a parallel track with the other ongoing efforts, like deep geologic storage, or else we may wake up 5 or 6 years from now still without any waste disposal option or solutions readily available to us for the storage of high level nuclear wastes.

For these reasons, I think we ought to move on parallel tracks and we ought to move rapidly on those parallel tracks.

This amendment, while it keeps alive the concept of MRS, MRS does not move us in parallel fashion. Therefore, I urge my colleagues to defeat the Udall amendment.

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment and I do so for a number of reasons; but preeminent among them is the real belief that I have that if we do not pass this amendment, then the monitored retrieval storage facility will displace the permanent nuclear waste facility. A permanent repository should be the centerpiece of any piece of legislation which we produce in this body this week. Under the existing language in the legislation, there is only a 2-year timeframe for reporting back to the Congress as to the site and the type of MRS facility which ought to be constructed.

Now what will transpire is this: With the possibly construction of a facility of a huge nature—an MRS facility could perhaps store for several hundred years the surplus nuclear wastes which we have in this country. An MRS would, without question, derail any efforts to construct, in the ensuing years, a permanent waste repository.

So the real issue here is, are we serious about putting together a permanent waste repository bill? If we are, then we cannot possibly use the present language of H.R. 7187, because that language calls for a monitored retrieval storage facility in 2 years. While the Department of Energy testified that it would take at least 5 years for them to comply with the terms of the bill with regard to reporting back the logistical difficulties in putting together such an MRS project. And, H.R. 7187 as before the House would telescope the timeframe down to 2 years. Such a proposition exposes what I believe is the real agenda of the present bill and the underlying assumption of this bill which is to replace the permanent repository which should be the real objective of the legislation.

The estimated cost of monitored retrievable storage facility is upward of $3.8 billion—that is $3.8 billion. Do we seriously believe that we are going to be able to appropriate $3.8 billion for an MRS facility and then find the money, $3 billion or $4 billion or $5 billion for a depository. Do you think that will happen when this interim facility will take care of all the problems for several hundred years? I doubt very seriously whether that would ever be the case.

What we have in front of us is an attempt to bait and switch, a very attractive and superficially alluring proposal to take care of an interim problem; when in fact what we are asking for is a streamlined process: Cutting back on environmental protections, cutting back on public participation, very costly, and ultimately something which will kneecap any attempts which we have at finding a permanent repository.

My hope is that we can keep on a clear track, that we can keep the objective very clearly in front of us. By doing so is how we put together a bill which will take care of our permanent waste problems.

I believe that the amendment which has been put together by the gentleman from Arizona (Mr. UDALL), the gentleman from Michigan (Mr. DINGELL), and the gentleman from New

York (Mr. OTTINGER) very aptly deals with the problem.

We say to those proponents of the language in H.R. 7187, let us have a 5-year study period. Let us have it reported back to Congress, since it is only in its conceptual form right now. And, it says that if in 5 years it does not appear likely that a permanent repository is ever going to be constructed, then perhaps we can consider some interim type of facility on a massive basis such as this. But, here as we enter into for the first time the area of permanent repositories, it seems to me to be counterproductive and ultimately will signal the death knell of any permanent repository if we go forward with the current language.

What I ask you to do is to consider very seriously the proposal put forth by the chairman. I think that it is a solid one. I think it is one that takes care of the problems of public participation, of the environmentalists, and of the taxpayers, which I genuinely believe want to see their dollars expended wisely in this coming era of austerity at the Federal level.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I would be glad to yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for yielding.

I do have a question. Given what I think the gentleman would agree to, given the fact that we are dealing with uncertainty when we are dealing with natural geologic structures, we cannot know precisely about the consistency, the possibility of voids, unless we go into the type of drilling and testing which really ruins the geologic media itself.

Is the gentleman willing to assure this Member and other Members of the body that we are not going to reach an impasse in 4 to 6 years, whereby questions about the unknown in geologic storage simply delay us again from finding a high level nuclear waste geologic repository that will work?

Mr. MARKEY. I cannot guarantee the gentleman that they will find a permanent respository that will be suitable for storing these materials for 10,000 years.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

(By unanimous consent, Mr. MARKEY was allowed to proceed for 2 additional minutes.)

Mr. MARKEY. I can give the gentleman one guarantee, however, that if we pass this monitored retrievable storage facility legislation in its present form, we will never have a permanent repository in this country. The political will to accomplish the goal of pressuring a State to accept the Nation's nuclear waste will end, because potential repository States can argue, and argue convincingly, that the Nation will have a monitored retrievable storage facility that will hold this waste for 200 or 300 years. Let the next generation worry about the problem.

This is the problem that we have faced for the past 20 years, the problem of parochialism. The only way that we are going to be able to circumvent it, is if we take out the roadblocks and we keep our minds straight on the problem ahead of us. Any other approach on the question of a monitored retrievable storage facility, as superficially appealing as it appears to be, will in fact be counterproductive and will result in the exact contrary with what is the objective of the gentleman.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield again?

Mr. MARKEY. I would be glad to yield to the gentleman.

Mr. BEREUTER. I thank the gentleman for yielding again.

I come from a State that has no possibility of having geologic media that can be used for high level nuclear waste storage. I do not share the conclusions of the gentleman about what MRS will do.

It seems to me that it is just inevitable that 4 to 6 years from now the gentleman and I, or our successors, are going to be here and we are going to be hearing about all the reasons why deep geologic waste contains these uncertainties, which make it unacceptable for the storage of high-level nuclear waste.

Mr. MARKEY. The problem is that the gentleman is now conceding that there is no permanent geologic repository possible. I believe that it is possible; but the only way in which it can be done, is if we rally all the forces, that includes the utilities, the nuclear vendors, and public opinion and the Congress together in commitment to a single common objective.

What we are now talking about is constructing interim facilities which can be used by the nuclear utility companies in this country to take care of their public relations problem, which has prohibited them from constructing any new nuclear powerplants until there is a permanent waste repository.

The headline, saying we have found a permanent solution, will give them that victory; but coupling it with a monitored retrievable storage facility will be a hollow victory for the people of this country that do want a permanent waste repository.

Mr. LUNDINE. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the amendment.

I think a lot of important points with respect to the Udall amendment have already been made. I certainly do not want to be redundant; but I would like to add my support infavor of the Udall amendment.

The idea of an MRS is another interim technology. At a hearing of the Science and Technology Committee earlier this year, I asked the Department of Energy what this facility, MRS, would look like, where it might be located. The witness from the Department of Energy had no idea. He had no basic concept. He said the Department had no engineering plans, no criteria for such a facility.

Mr. HUCKABY. Mr. Chairman, will the gentleman yield on that point?

Mr. LUNDINE. I would be glad to yield if the gentleman will let me finish with just that point.

The Department of Energy had no concept with respect to the issue even of whether it would be colocated at a permanent site or it would be set apart at another site.

Now I would be happy to yield to the gentleman.

Mr. HUCKABY. The Department of Energy has spent hundreds of thousands of dollars on studies already. There are artists' sketches in detail of how this might be stored inside mountains or in deserts. Numerous other alternative scenarios presently exist in the hands of the Department of Energy of how an MRS might be constructed, plus we have the knowledge of the French who are doing it today.

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Mr. LUNDINE. This testimony this year before the Committee on Science and Technology left unequivocal the point that we are at only the conceptual design stage of such a facility. It seems to me not unreasonable to ask that a technology which is interim and which is going to be very expensive, as this would, be given the same amount of attention as was given to a permanent repository because we are talking about something that is going to be very expensive.

As the gentleman from Massachusetts has already indicated, it is not likely we are going to have an MRS and a permanent repository. The chances are that we are going to have one or the other.

Now, it just seems to me to be reasonable and, considering the technological progress today, considering the likely expense and keeping in mind that it is our object to develop a permanent answer to isolating these radioactive elements from the biosphere, we must allow for the proper amount of time for this study, and that is the reason I support the Udall amendment.

Mr. VENTO. Mr. Chairman, will the gentleman yield to me?

Mr. LUNDINE. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman for his statement. I would rise in support of the Udall amendment. The fact is that while the MRS idea or concept may not necessarily be intended to short circuit a so-called permanent type of storage facility—it may very well do so. I do not think that is the intent of the authors and I hope that is not the consequence of the MRS facility, irrespective of what direction this particular amendment takes.

There are different types of high-level wastes, some of which can be retrieved, some that do have an economic value, because of simply the nature of the qualities of the waste in fact, from light-water reactors. How to deal with these wastes is the question we are trying to address. We do not have breeders. We do not have a reprocessing system in place. Different types of wastes therefore can indeed justify a monitored-retrievable-storage-type facility.

Nevertheless, if we are going to pursue this particular goal, this particular facility, to deal with waste, it seems to me it deserves a fair hearing. It deserves, for instance, an adequate environmental impact statement with respect to where it is located, if it is Minnesota, Indiana, or New York.

All of us want to have an adequate criterion of the area that the waste goes to. I think in the same instance, it deserves an adequate review and licensure by the NRC.

I am concerned with the attempt and object to in terms of the MRS not only with the fact that it competes with and has a potential to short circuit a permanent type of solution to this problem, which I understand no one agrees with as a goal. We are concerned about that; but what we object to is the attempt to force this particular type of decision.

After all, the delay with regard to permanent disposal of nuclear wastes, and in most instances justified by the lack of knowledge and uncertainty that continues to exist, we do not need false hopes raised with an MRS system that is based on half-baked concepts and an unjustified optimism. I urge a vote to adopt the Udall amendment and a realistic timeframe for the consideration of the MRS facility.

The CHAIRMAN. The time of the gentleman from New York (Mr. LUNDINE) has expired.

(On request of Mr. VENTO and by unanimous consent, Mr. LUNDINE was allowed to proceed for 2 additional minutes.)

Mr. VENTO. Mr. Chairman, indeed there is uncertainty. The idea to force the MRS and push it is the type of concept that is going to create more problems than it is going to solve.

So I appeal to my colleagues to support the amendment today which would provide us adequate time for a relatively new concept, a new concept brought about because of the lack of reprocessing, because of the lack of a breeder reactor, and the lack of an answer as to what to do with spent nuclear fuel rods.

Mr. Chairman, all we are asking for is adequate time. This time gives what is relatively a new concept of MRS adequate time for licensure, adequate time for an environmental impact statement before we go off with a half-baked idea in a couple of years to force a decision.

So if we can accomplish this today, I think we will have a parallel system of two tracks, and hopefully it will not short circuit the answer and solution to this particular problem.

Mr. LUNDINE. Mr. Chairman, I thank the gentleman for his contribution and for his support of my position in this regard, even though our analysis of the overall situation may be slightly different.

I think the point is, we ought to take a careful look at this MRS proposal. We ought to make progress, but we ought to allow the Department of Energy to do a proper job. This is exactly what the Udall amendment is directed toward achieving, and that is why I am so strongly in support of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. UDALL. Mr. Chairman, I do not know of too many more speakers on this amendment. I would like to see if we could get an agreement.

Mr. Chairman, I ask unanimous consent that all debate on the pending amendment cease at 2:30.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona that all debate on the Udall amendment cease at 2:30?

There was no objection.

Mr. TAUZIN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the Udall amendment.

Mr. Chairman, the proponents of the Udall amendment would have you believe that the present bill authorizes the construction of an MRS without EIS evaluation and without proper evaluation by this Congress of a site recommended by the study. That is not so.

The legislation before us does not authorize an MRS facility to be constructed. It certainly does not authorize one to be constructed before this Congress approves one; nor does it authorize one to be constructed without a proper environmental impact statement and evaluation. In fact, the present legislation provides that within 2 years the Department of Energy would recommend this Congress a concept for construction of a site-specific MRS. Then it would be the prerogative of this Congress to examine, with appropriate hearings, that study, that decision by the Department to recommend to the Congress.

Those hearings could last ad infinitum if we so choose. Those hearings could go on as long as we determine there were questions unanswered by the DOE study. Those hearings would not necessarily produce an MRS; those hearings would simply be the basis upon which this Congress could then make a decision as to whether the DOE recommendations made sense or did not make sense.

Those hearings would not produce the construction of an MRS unless the construction is then authorized. Even that authorization would not produce an MRS until proper environmental impact statements were obtained and the total environmental aspects of that project would be evaluated and acted upon.

So the proponents of the Udall amendment who would make you believe that the current status of this bill produces an MRS without an environmental impact statement, without proper action considered by this Congress, are simply in error.

The Udall amendment, on the other hand, would extend by 3 additional years the study, the information that this Congress ought to have in order to determine whether the MRS concept makes sense.

I think it makes sense. Some of the proponents of the Udall amendment do not believe that the MRS makes sense. They would rather see us make a decision on the permanent deep-geologic storage question prior to determining whether or not we can monitor the storage of nuclear wastes and find out exactly some of the answers to the questions that have gone unanswered all these years with reference to deep-geologic storage.

So, those proponents of the Udall amendment would have us reach that point somewhere down the way where we would have to make a decision on deep storage when all the facts are not in a point in time when we have to decide or begin shutting down nuclear plants. They would have us reach that point without the advantage of this study by DOE on a monitored retrievable system of storing nuclear wastes pending the final decision on a deep-geologic study.

Gentlemen, I believe the Udall amendment extends unduly the study by DOE. It does not in any way give further protection to the establishment of an MRS than does the present bill, which adequately protects this Congress and the American people in regard to the environmental concerns that we all share in the disposition of nuclear wastes.

Extending the study by 3 years simply means we are not going to have an MRS. We are, instead, going to be

faced with the hard question of where do we permanently store nuclear wastes without having all the answers. Therefore, I think this amendment ought to be defeated.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. UDALL) for the concluding 5 minutes of debate.

Mr. UDALL. Mr. Chairman, I just wanted to make a couple of points.

Neither our amendment nor the original bill mandates 5 years. It says "not more than 5 years." The most vigorous proponent of the legislation for getting something done has been the Department of Energy, and that Department will be in charge of this 2-year or 3-year or 4-year or 5-year study, whatever it is.

Mr. Chairman, I want to emphasize that in voting for my amendment, Members are for the MRS, they are for it as a backup system. What we are saying is: Let us get going on a decision framework for the main deep-geologic repository, but in the event it does not work out, in the event conditions occur that make it required, we will have a backup system such as the MRS under study and hopefully under constuction at some point.

So I would urge the adoption of the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Under the unanimous-consent request, all further debate on the amendment offered by the gentleman from Arizona (Mr. UDALL) is suspended.

The question is on the amendment offered by the gentleman from Arizona (Mr. UDALL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LUJAN

Mr. LUJAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is the amendment permitted under the rule?

Mr. LUJAN. Yes, Mr. Chairman, it is.

The Clerk read as follows:

Amendment offered by Mr. LUJAN:

Page 79, beginning on line 21, strike out section 135(f)(3) in its entirety and insert in lieu thereof the following:

(3)(A) If any notice of disapproval is submitted to the Congress under paragraph (2), the proposed provision of 300 or more metric tons of storage capacity at the site involved shall be approved unless, during the first period of 90 calendar days of the Congress following the date of the receipt by the Congress of such notice of disapproval, either House of Congress passes a resolution in accordance with this subsection disapproving such proposed provision of storage capacity in accordance with the procedures established in this paragraph. For purposes of this paragraph, the term "resolution" means a resolution of either House of the Congress, the matter after the resolving clause of which is as follows: "That there hereby is approved the notice of disapproval regarding the disapproval of the provision of 300 or more metric tons of spent nuclear fuel storage capacity at the site located at ——, with respect to which a notice of disapproval was submitted by —— —— on ——.". The first blank space in such resolution shall be filled with the geographic location of the site involved; the second blank space in such resolution shall be filled with the designation of the State Governor and legislature or Indian tribe governing body submitting the notice of disapproval involved; and the last blank space in such resolution shall be filled with the date of submission of such notice of disapproval.

(B)(i) The provisions of this subparagraph are enacted by the Congress—

(I) as an exercise of the rulemaking power of the Senate, and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of resolutions under this paragraph, and such provisions supersede other rules of the Senate only to the extent that they are inconsistent with such other rules; and

(II) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

(ii)(I) Not later than the first day of session following the day on which any notice of disapproval under paragraph (2) is submitted to the Congress, a resolution under this paragraph shall be introduced (by request) in the Senate by the chairman of the committee to which such notice of disapproval is referred, or by a Member or Members of the Senate designated by such chairman.

(II) Upon introduction, a resolution under this paragraph shall be referred to the appropriate committee or committees of the Senate by the President of the Senate, and all such resolutions with respect to the same storage capacity shall be referred to the same committee or committees. Upon the expiration of 45 calendar days of continuous session after the introduction of the first resolution under this section with respect to any site, each committee to which such resolution was referred shall make its recommendations to the Senate.

(iii) If any committee to which is referred a resolution introduced under this paragraph, or, in the absence of such a resolution, any other resolution under this paragraph introduced with respect to the capacity involved, has not reported such resolution at the end of 45 days of continuous session of Congress after introduction of such resolution, such committee shall be deemed to be discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the Senate.

(iv)(I) When each committee to which a resolution under this paragraph has been referred has reported, or has been deemed to be discharged from further consideration of, a resolution described in clause (III), it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. Such motion shall not be subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which such motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of such resolution is agreed to, such resolution shall remain the unfinished business of the Senate until disposed of.

(II) Debate on a resolution under this paragraph and on all debatable motions and appeals in connection with such resolution, shall be limited to not more than 10 hours, which shall be divided equally between Members favoring and Members opposing such resolution. A motion further to limit debate shall be in order and shall not be debatable. Such motion shall not be subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business, and a motion to recommit such resolution shall not be in order. A motion to reconsider the vote by which such resolution is agreed to or disagreed to shall not be in order.

(III) Immediately following the conclusion of the debate on a resolution under this paragraph and a single quorum call at the conclusion of such debate if requested in accordance with the rules of the Senate, the vote on final approval of such resolution shall occur.

(IV) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a resolution under this paragraph shall be decided without debate.

(C)(i) The provisions of this subparagraph are enacted by the Congress—

(I) as an exercise of the rulemaking power of the House of Representatives, and as such they are deemed a part of the rules of the House, but applicable only with respect to the procedure to be followed in the House in the case of resolutions under this paragraph and such provisions supersede other rules of the House only to the extent that they are inconsistent with such other rules; and

(II) with full recognition of the constitutional right of the House to changes the rules (so far as relating to the procedure of the House) at any time, in the same manner and to the same extent as in the case of any other rule of the House.

(ii) Resolutions under this paragraph shall, upon introduction, be immediately referred by the Speaker of the House to the appropriate committee or committees of the House. Any such resolution received from the Senate shall be held at the Speaker's table.

(iii) Upon the expiration of 45 days of continuous session after the introduction of the first resolution under this paragraph with respect to any site, each committee to which such resolution was referred shall be discharged from further consideration of such resolution, and such resolution shall be referred to the appropriate calendar, unless such resolution or an identical resolution was previously reported by each committee to which it was referred.

(iv) It shall be in order for the Speaker to recognize a Member favoring a resolution to call up a resolution under this section after it has been on the appropriate calendar for 5 legislative days. When any such resolution is called up, the House shall proceed to its immediate consideration and the Speaker shall recognize the Member calling up such resolution and a Member opposed to such resolution for 2 hours of debate in the House, to be equally divided and controlled by such Members. When such time has expired, the previous question shall be considered as ordered on the resolution without

intervening motion. No amendment to any such resolution shall be in order, nor shall it be in order to move to reconsider the vote by which such resolution is agreed to or disagreed to.

(D) For purposes of this paragraph—

(i) continuity of session of Congress is broken only by an adjournment sine die; and

(ii) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 90-day period referred to in this paragraph and the 45 day period referred to in this paragraph.

Mr. LUJAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. LUJAN. Mr. Chairman, the amendment which I am offering deals with section 135 in subtitle B of this act, specifically with the process which the States will have, to object to siting of interim storage facilities within their boundaries.

Let me briefly summarize and then contrast the act's existing language with my proposed amendment on this process. As currently proposed in this act, once the Secretary of Energy has decided to provide for 300 or more metric tons of interim storage for spent nuclear fuel at an existing Federal facility, he must first notify the affected State's Governor and legislature of his decision. The Governor and legislature may then, if they so choose, jointly submit a notice of disapproval to the Congress, a disapproval which becomes effective unless a majority of both Houses of Congress pass a resolution overturning the objection. My amendment changes the last step of this process. Instead of requiring a two-House congressional override of a State's objection, my amendment requires that a State's notice of disapproval be sustained by a majority vote of one House of Congress before it can become effective. This is not applicable to the permanent repository—only to the last resort interim storage facility.

Mr. Chairman, let me now present my supporting arguments for this amendment. This Congress, by passing a high level nuclear waste act, will be mandating a major Federal program for the ultimate solution of this Nation's growing radioactive waste problem. The last resort, interim storage facilities provided for in this act are an integral part of a relatively small, but essential, subprogram which contributes to the comprehensive solution. It makes no sense for this Congress to now pass legislation for a major Federal program, one whose ultimate purpose is clearly in the overriding national interest, but then require that a subsequent Congress enact another separate law in order for subprograms established within this act to take effect. But that is exactly what the currently existing two-House overrride provision in this act requires. I agree that it is essential that we provide processes within this act by which the States can participate in decisions which impact them. The difference between the existing two-House override provision and my proposed one-House sustain provision is that my amendment effectively requires that a State submit, along with its notice of disapproval, the basis for its objections. If the State's rationale is determined to be sound after congressional review, then the State should have little trouble in convincing a majority in one House of Congress to vote to sustain its notice of disapproval.

Realistically we can expect some States to be reluctant partners in hosting last resort, interim storage facilities. Unfortunately, this reluctance will not necessarily arise from sound technical arguments, or for reasons affecting the public health, safety, and the environment. Rather, in some cases, this reluctance will appear simply because it is politically expedient in these times for a State to adopt such a position. In crafting this legislation we certainly must be careful where we choose to preempt or redefine the State's authority. However, we must be equally careful not to allow summary or frivolous actions on the part of any State to unnecessarily impede the progress of a major Federal program whose ultimate purpose is clearly in the overriding national interest.

Let me present some additional reasons which support my amendment. I ask my colleagues to remember that what we are talking about are last resort, interim storage facilities with limited capacity. This act authorizes the Department of Energy to provide a maximum of 1,900 metric tons of interim storage capacity. This is estimated to represent less than 3 percent of the utilities' spent fuel storage needs through the year 2000. This interim storage is to be provided at existing Federal facilities, so we are not talking about acquiring additional land. And most importantly, this storage is only temporary. Once a permanent deep geologic facility has been constructed and licensed to operate, as is provided for in other sections of this bill, the radioactive waste stored at these interim storage facilities will be transferred to the permanent disposal site. Thus these interim storage facilities do not represent a permanent burden to the individual States in which they are sited. While it can be argued that the permanent disposal sites, ultimately holding materials which will remain radioactive for thousands of years, require stronger States participation in their siting, these interim storage facilities will have no long-term and relatively little short-term impact on their host States.

Mr. Chairman, before closing let me briefly address one last reservation which some of my colleagues may have with my proposed one-House sustain provision. The constitutionality of the one-House sustain provision as a form of legislative veto is currently under review by the courts. My feeling is that the one-House sustain provision which I am proposing for this act is not a direct legislative veto of an Executive order, but rather an action related to a State objection. Historically, a large number of pieces of legislation have been passed containing forms of congressional vetoes, and the courts have accorded to Congress broad discretion to draft necessary institutional arrangements. In any case, I do not feel that we as the legislative branch of the Government should allow the possible actions of the judicial branch to predetermine our course of action in this matter. To do so would be to improperly tip the constitutionally mandated balance of power.

Mr. Chairman, in closing let me just reiterate that we must assure that this legislation clearly establishes a democratic process by which legitimate concerns of the affected States will be heard and resolved by the Federal Government prior to siting of interim storage facilities within their boundaries. I know from the ongoing experience of my State of New Mexico with the Department of Energy's waste isolation pilot plant program that failure to do so can cause substantial problems, delays, and bad feelings between the Federal and State governments. I feel that my amendment will establish an interfacing process between the States and Federal Government which will achieve a proper balance between States rights and the national need to move forward toward the solution of this Nation's radioactive waste problem. I ask my colleagues to support passage of this amendment.

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The CHAIRMAN. The time of the gentleman from New Mexico (Mr. LUJAN) has expired.

(On request of Mr. UDALL and by unanimous consent, Mr. LUJAN was allowed to proceed for 2 additional minutes.)

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I will be glad to yield.

Mr. UDALL. Mr. Chairman, let me say that I am going to support the gentleman's amendment personally, and give just a couple of reasons why.

I have always been in favor of a State veto on these major nuclear facilities. I think rather than running over the States, we ought to bring them into the process. We ought to re-

quire at some point that a State, after having been selected for the site, can say, "No thanks" and veto it.

But, there has to be a mechanism so that the Federal Government, in the national interest, the national welfare, can act as we have to do in wartime when we need a military base of some kind, simply override the State in the national interest. We have machinery to do that.

The question in this amendment, this issue here, is how tough should it be. Should we load the dice so that it is fairly easy for the State to veto and get away with it and make it stick, or should we make it tougher for them?

With regard to the away-from-reactor (AFR) spent fuel storage facility that is in the gentleman's amendment, it seems to me that if the State can convince one House of the Congress to agree with it, it ought to be able to avoid the honor of having this AFR facility.

With regard to the deep geologic storage, I take a different view, and I think I am consistent in doing so, but I think the gentleman's approach is the correct one and I would personally support the gentleman's amendment.

Mr. LUJAN. I thank the gentleman.

Mr. MARRIOTT. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Utah.

Mr. MARRIOTT. Mr. Chairman, I am just curious here about why the gentleman wants to weaken the States' position. Under the current bill we treat AFR's like we do permanent repositories. Now, the gentleman is coming along and treating AFR's differently, and is weakening the States' power.

Why should AFR's be treated any differently than a permanent repository? They are just as dangerous to the public, are they not?

Mr. LUJAN. Well, there are two different types of facility. The permanent repository will last for thousands of years. This one, the gentleman must remember, is simply an interim storage facility.

The CHAIRMAN. The time of the gentleman from New Mexico has again expired.

(At the request of Mr. MARRIOTT and by unanimous consent, Mr. LUJAN was allowed to proceed for 2 additional minutes.)

Mr. LUJAN. This, the gentleman must agree, is simply a temporary, interim storage facility so that as soon as the permanent repository is completed these will be taken out of there and there will be no permanent damage done.

Mr. MARRIOTT. I understand that, but from the State's point of view, it seems to me the States should be just as concerned about nuclear waste material coming in on a temporary basis as they are on a permanent basis. In fact, they might have more security if they knew we had a permanent Federal repository. I am wondering why it is you want to weaken the States' position. Why not leave it like it is?

Mr. LUJAN. The gentleman must understand what we are doing here. We are just hedging our bet a little bit if the repository is not ready yet. It is limited to 1,900 metric tons, a infinitesimal amount of what is needed, so it is just for a very short time that these materials will be there before they are moved to the permanent repository.

Mr. MARRIOTT. But if there is any doubt that this is in the national interest, does it not make sense that both Houses will override the veto anyway?

Mr. LUJAN. Well, under the present provisions of the bill, I might just tell the gentleman there is another point that must be considered. The State might say, "We do not want it," and give absolutely no reason, and then it must take the two Houses to override. Under this, they must give their reasons why they do not want it, to say if there is some technical problem or some public health problem—not just because it is politically popular to say that they do not want it. We are going to get that from everyone of the 50 States, so we make some additional provisions to strengthen it.

Mr. MARRIOTT. I thank the gentleman.

Mr. OTTINGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. There were very few areas on which we were unable to reach agreement when push finally came to shove at the 11th hour on this bill, but this was one of the areas. There are a great many of us who felt that there was no need for the AFR provided by the Federal Government at all, and indeed an amendment in our committee which would have knocked out the AFR provisions lost by only a few votes.

The fact of the matter is that the utilities have done nothing to expand their spent fuel storage, waiting for the Federal Government to act. That is not entirely their fault, since at various times various administrations have indicated that the administration would in fact act first by supporting reprocessing, and then, as under the Carter administration, by supplying an AFR. But, the process of getting approval to add to a spent fuel storage facility is so simple—these things are essentially swimming pools—but no utility has requested permission from NRC for this very simple thing. Once the utilities understand that the Federal Government is not going to pick up this ball for them, then I think they will be able to act readily.

It was the structure of the compromise and the bill we put through that we would have last resort storage capacity just in case, for some unforeseen reason, utilities could not expand existing onsite storage, or by installing dry storage. The NRC testified before our committee that dry storage technologies could be approved within 1 year, and that it was some 5 or 6 years before any utility would need this AFR capacity.

But, just in case something fouled it up, we decided to establish a last resort AFR, but put as many obstacles to creating a Federal AFR as possible to put pressure on the utilities to provide for spent fuel storage themselves. We provided, for example, that the NRC would have to make a determination that in fact there would be no AFR facility unless a utility could show to the NRC in an on-the-record hearing that failure to provide such storage would interfere with the orderly operation of the reactor; that in fact a reactor would have to close down if AFR facilities were not created.

One of the other things we provided was a two-House veto so that if a State objected to the siting of an AFR, the State would have an enforceable means to exclude an AFR it felt to be unnecessary. Certainly, the State is going to be very much concerned. If the State feels that a utility in that State is going to have to close down and therefore buy higher cost replacement power, the State is not going to seek to veto that application. But, if the State feels that the utility is acting arbitrarily or operating in such a way as to increase spent fuel transportation to an AFR or increase the danger to its residents it ought to have an effective means to veto that decision.

The second argument of the gentleman from New Mexico is the constitutional question; that is to say, that there is a recent Federal court case that has declared the one House veto unconstitutional, and if the Supreme Court concurs, this provision could be eliminated. That means that under the separability clause as provided in this legislation, there would be no State protection whatsoever. This is a precursor to an argument that will be made for an amendment offered by my good friend from North Carolina sometime following this amendment, that there should be a one-House veto with respect to a permanent repository. Clearly, what my friends are seeking to do is take the easier case with the AFR section. If they can get a one-House veto here, they can say, "You have already done it here, why not do it on the other."

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield.

Mr. LUJAN. Mr. Chairman, the gentleman is completly incorrect. As a

matter of fact, in the Interior Committee I have always supported the two-House override for permanent repositories. I just thought in this particular case, as a last resort, interim storage facilities, the one-House approval was better.

Let me also raise one additional point. We do consider it, as the gentleman has said, a last resort, interim storage facility. As the gentleman knows, we have done everything we can in the bill to encourage the utilities to expand at the prime site to the maximum that they possibly can, and only—and only in the case where it is found that they cannot do that, then we have to have a place to put it as an alternative to closing down the powerplant.

Mr. OTTINGER. Well, I felt that an AFR was not needed. I still feel it, but I was willing to go along with the last resort storage since there was so much pressure and so much interest in it by so many Members, but I do think it really ought to be a last resort. Part of that making it a really last resort is to give the States an effective right. That is the reason I am differing from my colleague from New Mexico and feel that a two-House veto is warranted in this case particularly, in view of the fact that if the one-House veto is declared unconstitutional, the State would have no protection at all.

Mr. BROYHILL. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I want to make it clear that the section of the bill which we are addressing at this time is that section which provides for a last resort temporary interim storage facility at present Federal sites for spent fuel. I might point out, of course, that this last resort spent fuel program does include, of course, a number of environmental protections as well as State participation guarantees.

It has already been pointed out by the gentleman from New Mexico that this program is limited to only 1,900 metric tons. In other words, only 1,900 metric tons can be stored in these last resort fuel storage facilities. That is less than 3 percent of the total spent fuel that was projected to be generated by nuclear powerplants by the year 2000.

We are not sure as to when the permanent repository is going to be in place or be available. What concerns us is that there may be a window in the later 1980's or early 1990's where some utility in some part of the country is going to have a problem.

□ 1445

They will not be able to pull the used spent fuel and to have any place to put it. The bill, of course, requires the utilities to make every effort to provide for themselves. In fact, the NRC has to make that determination as to whether or not they have met and done everything they can to provide the storage space for themselves, but having done that, there may be some emergency and for that reason we feel there should be some place that could be used as a temporary storage facility.

As I pointed out, this only provides for 1,900 metric tons in a last resort interim spent fuel storage facility. Now, one of the concerns that was brought up in the debate, as well as in all of the negotiations that occurred on this bill, was as to where these 1,900 tons are going to end up, and it was never the intent of the sponsors of this AFR amendment that those 1,900 tons end up in one particular State, region or one particular area. It was always the intent that the spent fuel be scattered around the country, and it was for that reason that we provided the State veto of more than 300 or more metric tons of storage at any one Federal facility. We feel that will have the practical effect of assuring that these materials will be scattered at Federal facilities that are presently storing or presently handling nuclear spent fuel so that that will be scattered around the country.

Mr. Chairman, I urge the adoption of this amendment. This amendment provides that if the Governor does veto it, he would have to come to the Congress and get one House to sustain his action. It seems to me that this is entirely reasonable, but I suspect that it will not be needed inasmuch as our intent is to try to scatter these materials around the country, and I doubt that the State veto would even come up under those circumstances.

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

I rise in opposition to the amendment because it sets the precedent for saying that the States ought not to have full participation in decisions which will affect them for perhaps generations and perhaps a lot longer than that. We cannot have any guarantees as to what the timeframe will be for the construction of a permanent respository in this country. We can guarantee a meaningful State role.

We have heard arguments that interim storage, really, is not as serious a problem as the permanent repository. Therefore, we can have a one-House veto for interim storage rather than a two-House veto. We hear that State role is not a serious problem? We hear that it is for only—and I repeat only—1,900 or 2,000 metric tons of high level nuclear waste.

Only? Only 2,000 metric tons, that is all. They tell us that is a minor problem; we do not need a two-House veto on something like that; we can just select any State and dump it in that State and we do not have to give them the full rights of participation.

My belief is that the State ought to have the strongest possible role. It is ironic that here in the House we hear those most ardent supporters of States rights come down on the opposite side of that issue when issues which most seriously and dramatically affect the long-term environments in their State are at issue. Here, for some reason or other, many Members are willing to argue that the States ought not to have a strong role. They argue that States should yield to the Federal Government. It ought to be "Big Daddy" that decides to select any site in America it wants. The Washington bureaucrat should decide that they will plunk down a facility in the middle of your State and give you 2,000 tons of nuclear waste, severely constraining the ability of the State to fully participate in that decisionmaking process.

As much as it might seem to be contradictory, those of us who believe that the States ought to have a full role in decisionmaking come from States that are not ordinarily identified with that issue. But we believe that on issues of this nature it makes a lot of sense to give our States that full role.

Now, why is this State role amendment a problem? It is a problem for a number of reasons. It gives the States which will eventually just be swept out of the way by an administration, which is fully committed to those States' right to raise questions as to how much transportation of nuclear waste will be increased within their borders, and what will be the routes, and what will be the nature of the facility, and what kind of conditional environmental safeguards we build in it. It gives each State the leverage in negotiations with the Federal Government that each State is going to need to insure that it has the strongest possible set of protections are built into any facility.

Now, we are also running into another very serious problem. A Federal district court of the District of Columbia has ruled recently that the one-House veto is most likely unconstitutional. Therefore, what we might be talking about here is whether we should adopt a provision of this bill that is likely to be struck down as unconstitutional. And with the severability clause of this legislation, we are debating whether we will allow no State role in the bill because we have not included in it the strongest possible protection for the States.

What have the courts said? The courts have said—and it is being interpreted now in its broadest possible terms—that not only is a one-House veto considered unconstitutional, but a two-House veto is unconstitutional. It

is only a two-House action with the President's signature. A joint resolution is within the scope of the law, according to a full reading of the Federal district court decision.

So what we are talking about is not something that just runs contrary to commonsense; it also runs contrary to law, to the constitutional protections which are built into a Presidential decision.

So what we need to have is commonsense reign. We are talking about the most serious environmental problem any State could possibly encounter as soon as a State is designated for an away-from-reactor facility. If we establish the precedent here that we do not recognize State role for the away-from-reactor storage, then we would be hard pressed to argue that there ought not to be an exception made for the permanent repository. We are going to have to be intellectually consistent here. The extent of the problem is relatively the same whether we talk about permanent or interim storage of these materials. And, I would argue that it is not going to do anyone any good to try to include a provision which ultimately is going to be struck down by the Supreme Court. We should not offer the States an empty role in the decisionmaking process.

So, Mr. Chairman, I would hope that the amendment offered by the gentleman from New Mexico (Mr. LUJAN) is rejected as an attempt to undermine the full role which the States should have in considering the placement of nuclear waste repositories within their boundaries.

The CHAIRMAN. If there is no further debate, the question is on the amendment offered by the gentleman from New Mexico (Mr. LUJAN).

The question was taken, and the chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HUCKABY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 181, noes 194, not voting 58, as follows:

[Roll No. 394]

AYES—181

Andrews	Broyhill	Daub
Annunzio	Butler	de la Garza
Archer	Byron	Derrick
Atkinson	Campbell	Dickinson
Badham	Carman	Dornan
Bailey (MO)	Carney	Dreier
Bailey (PA)	Chappie	Duncan
Barnard	Cheney	Dunn
Beard	Clausen	Edwards (AL)
Benedict	Clinger	Edwards (OK)
Bennett	Coats	Emerson
Bethune	Coleman	Erdahl
Bingham	Collins (TX)	Erlenborn
Bliley	Conable	Evans (IA)
Bouquard	Coyne, James	Fary
Brinkley	Crane, Philip	Fascell
Brooks	D'Amours	Fazio
Broomfield	Daniel, Dan	Fenwick
Brown (CO)	Daniel, R. W.	Fiedler
Brown (OH)	Dannemeyer	Findley
Flippo	Martin (NC)	Rousselot
Frenzel	Martin (NY)	Rudd
Frost	McClory	Sawyer
Fuqua	McCollum	Scheuer
Gejdenson	McDonald	Schulze
Gingrich	McEwen	Shelby
Ginn	McGrath	Shumway
Gradison	McKinney	Skeen
Gramm	Mica	Smith (AL)
Gregg	Michel	Smith (NE)
Hall (IN)	Miller (OH)	Smith (OR)
Hamilton	Molinari	Snyder
Hammerschmidt	Mollohan	Solomon
Hartnett	Moorhead	Stangeland
Hatcher	Morrison	Stenholm
Hendon	Mottl	Stratton
Hillis	Murphy	Stump
Hollenbeck	Myers	Synar
Holt	Napier	Taylor
Hopkins	Nichols	Thomas
Horton	Oxley	Trible
Hubbard	Parris	Udall
Hunter	Pashayan	Vander Jagt
Hutto	Pease	Walker
Jeffries	Pickle	Wampler
Johnston	Porter	Weber (OH)
Kazen	Price	White
Kennelly	Quillen	Whitehurst
Kindness	Rahall	Whitley
Kramer	Railsback	Whittaker
Lagomarsino	Regula	Williams (OH)
Latta	Rhodes	Wilson
Leath	Rinaldo	Winn
LeBoutillier	Ritter	Wolf
Lent	Roberts (KS)	Wortley
Lewis	Roberts (SD)	Wright
Loeffler	Robinson	Wylie
Lowery (CA)	Roe	Young (AK)
Lujan	Rogers	Young (MO)
Lungren	Rostenkowski	
Madigan	Roukema	

NOES—194

Addabbo	Evans (IN)	Luken
Albosta	Ferraro	Lundine
Alexander	Fields	Markey
Anderson	Fish	Marlenee
Applegate	Fithian	Marriott
Aspin	Florio	Martin (IL)
AuCoin	Foglietta	Martinez
Barnes	Foley	Matsui
Bedell	Ford (MI)	Mattox
Beilenson	Ford (TN)	Mavroules
Bereuter	Frank	Mazzoli
Bevill	Garcia	McCurdy
Biaggi	Gaydos	McDade
Boggs	Gibbons	McHugh
Boland	Gilman	Mikulski
Boner	Glickman	Miller (CA)
Bonior	Gonzalez	Mineta
Bonker	Goodling	Minish
Bowen	Gore	Mitchell (MD)
Breaux	Gray	Moakley
Brodhead	Green	Montgomery
Brown (CA)	Guarini	Moore
Burton, John	Gunderson	Murtha
Burton, Phillip	Hall, Ralph	Natcher
Clay	Hall, Sam	Neal
Coelho	Hance	Nelligan
Collins (IL)	Hansen (ID)	Nelson
Conte	Hansen (UT)	Nowak
Conyers	Harkin	Oakar
Corcoran	Hawkins	Oberstar
Coughlin	Heckler	Obey
Courter	Hefner	Ottinger
Coyne, William	Hertel	Panetta
Craig	Hightower	Patterson
Crockett	Howard	Paul
Dellums	Hoyer	Pepper
DeNardis	Huckaby	Perkins
Dicks	Hughes	Petri
Dingell	Hyde	Peyser
Dixon	Jacobs	Ratchford
Donnelly	Jenkins	Reuss
Dorgan	Kastenmeier	Rodino
Dowdy	Kemp	Roemer
Downey	Kildee	Rose
Dwyer	LaFalce	Rosenthal
Dyson	Lantos	Roth
Early	Leland	Roybal
Eckart	Livingston	Russo
Edgar	Long (LA)	Sabo
Edwards (CA)	Long (MD)	Santini
English	Lott	Savage
Ertel	Lowry (WA)	Schneider
Schroeder	Spence	Waxman
Schumer	St Germain	Weaver
Seiberling	Stark	Weber (MN)
Sensenbrenner	Staton	Weiss
Shamansky	Stokes	Whitten
Shannon	Studds	Williams (MT)
Sharp	Swift	Wirth
Shaw	Tauzin	Wolpe
Simon	Traxler	Wyden
Skelton	Vento	Yatron
Smith (IA)	Volkmer	Zablocki
Snowe	Walgren	Zeferetti
Solarz	Watkins	

NOT VOTING—58

Akaka	Fountain	Marks
Anthony	Fowler	McCloskey
Ashbrook	Gephardt	Mitchell (NY)
Bafalis	Goldwater	Moffett
Blanchard	Grisham	O'Brien
Bolling	Hagedorn	Patman
Burgener	Hall (OH)	Pritchard
Chappell	Heftel	Pursell
Chisholm	Hiler	Rangel
Crane, Daniel	Holland	Shuster
Daschle	Ireland	Siljander
Davis	Jeffords	Smith (NJ)
Deckard	Jones (NC)	Smith (PA)
Derwinski	Jones (OK)	Stanton
Dougherty	Jones (TN)	Tauke
Dymally	Kogovsek	Washington
Emery	Leach	Yates
Evans (DE)	Lee	Young (FL)
Evans (GA)	Lehman	
Forsythe	Levitas	

□ 1510

Messrs. VOLKMER, WIRTH, CRAIG, and HANSEN of Idaho changed their votes from "aye" to "no."

Messrs. WILSON, BADHAM, and GEJDENSON changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

REQUEST FOR CONSIDERATION OF AMENDMENT

Mr. HUCKABY. Mr. Chairman, I have an amendment at the desk, and I ask unanimous consent for its immediate consideration.

The CHAIRMAN pro tempore (Mr. BIAGGI). Is there objection to the request of the gentleman from Louisiana?

Mr. TAUZIN. Mr. Chairman, reserving the right to object, I would like to inquire of the author of the amendment the nature of the amendment which he is seeking unanimous consent to offer.

Mr. HUCKABY. Mr. Chairman, I think, as most Members of the House realize, this is a unique bill. In fact, both the Commerce Committee and the Interior Committee had joint jurisdiction over this legislation.

When Members were invited to testify before the Rules Committee, Mr. Chairman, there was not a printed bill that is before the Members today. The staffs were in the process of merging the Interior Committee bill with the Commerce Committee bill when the Members testified before the Rules Committee, Mr. Chairman.

I assumed, as I think many Members assumed, that provisions that were identical in the two bills would emerge as identical in the bill that is before the Members of the House. And hence,

Mr. Chairman, I did not ask for a rule that would reinstate a section of the bill that was passed in the same language by both the Commerce Committee and the Interior Committee. That is why I find myself in the unique position of having to come before the House to ask unanimous consent to present an amendment that has been voted on and has been approved by both the Commerce Committee and by the Interior Committee.

□ 1520

Mr. Chairman, I think that the integrity of the House is at stake here, and the fact that we as the Members may not have an opportunity to vote on this provision that was passed identical by both committees.

Mr. TAUZIN. Mr. Chairman, reserving the right to object, I would like one additional question answered by the author of the amendment.

As a relatively new Member of this body, I am taken by surprise by the action that has occurred here. Is the gentleman saying that the Rules Committee has reported out a bill that is different from the language that was adopted in both the Energy and Commerce Committee and the Interior Committee?

Mr. HUCKABY. Mr. Chairman, if the gentleman will yield further, that is exactly right. If I might refer to the nature of the amendment. The Interior bill directs the Department of Energy to go henceforth and select three sites, narrow down this selection process to three sites in three different geological media. The Commerce bill also has directed them to pick three sites, but in at least two media. But both said they must pick three sites.

Today we have before us a bill that says you must now go out and pick five sites in two media. What does this do, Mr. Chairman? The Department of Energy has estimated it will cost at least an additional $100 million, which they consider wasted money. Plus it puts us into a possible scenario of the fact that since they only have to have two different media the Department of Energy could possibly not pick their second choice now.

An amendment to be offered by the gentleman from Mississippi will eliminate the third choice, the State of Mississippi. The Department of Energy has an agreement with the State of Louisiana at the very highest levels to exclude that State which is their fourth choice.

So this legislation could very well mandate that if we have problems with the first choice, you have to jump all the way down to the fifth choice in the order of priorities of which site should be chosen.

I think there are numerous flaws. I do not know exactly how these numbers were changed in the committee process, but I would urge the chairman and the ranking minority members to at least give the Members of the House of Representatives the opportunity to hear the debate and consider what both committees have already passed and what we thought would be reported to the floor of the House of Representatives.

Mr. TAUZIN. Mr. Chairman, further reserving the right to object, I yield to the gentleman from Louisiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, as I understand it the point that the gentleman from Louisiana makes is that his amendment would adhere to what has come out of both the Committee on Energy and Commerce and the Committee on Interior and Insular Affairs in regard to number of sites selected, and that would be three.

Am I correct in that?

Mr. TAUZIN. That is the explanation I just received. What appalls me, however, is that having served on the Committee on Energy and Commerce, having voted with that committee to report a bill that provided for the selection of three sites, having seen the Interior bill providing for the selection of three sites, I cannot yet understand by what procedure are we looking at a bill that now provides for five sites. I do not understand that.

Perhaps the gentleman could answer that question.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from New York.

Mr. OTTINGER. I think I can clarify this situation somewhat. The representation from the gentleman from Louisiana is not wholly accurate. The Commerce bill in fact provides for the selection of six sites, and the Interior bill provides for five sites. The substitute before us provides for the selection of five sites with one additional site at a later date. Only the dates for site selection have been changed, not the number of sites to be selected.

Mr. STRATTON. Mr. Chairman, I make a point of order. I object.

The CHAIRMAN pro tempore. The Chair will inquire, what is the gentleman's point of order?

Mr. STRATTON. Mr. Chairman, I object. Does that not bring to a halt the reservations?

The CHAIRMAN pro tempore. Objection is heard. The unanimous-consent request of the gentleman from Louisiana (Mr. HUCKABY) is denied.

AMENDMENT OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman, I offer an amendment which is in order under the rule.

The Clerk read as follows:

Amendment offered by Mr. STRATTON: On page 10, after line 25, insert the following new section:

APPLICABILITY

SEC. 8. (a) ATOMIC ENERGY DEFENSE ACTIVITIES.—Subject to the provisions of subsection (c), the provisions of this Act shall not apply with respect to any atomic energy defense activity or to any facility used in connection with any such activity.

(b) EVALUATION BY PRESIDENT.—(1) Not later than 2 years after the date of the enactment of this Act, the President shall evaluate the use of disposal capacity at one or more repositories to be developed under subtitle A of title I for the disposal of high-level radioactive waste resulting from atomic energy defense activities. Such evaluation shall take into consideration factors relating to cost, efficiency, health and safety, regulation, transportation, public acceptability, and national security.

(2) Unless the President finds, after conducting the evaluation required in paragraph (1), that the development of a repository for the disposal of high-level radioactive waste resulting from atomic energy defense activities only is required, taking into account all of the factors described in such subsection, the Secretary shall proceed promptly with arrangement for the use of one or more of the repositories to be developed under subtitle A of title I for the disposal of such waste.

(3) Any repository for the disposal of high-level radioactive waste resulting from atomic energy defense activities only shall (A) be subject to licensing under section 202 of the Energy Reorganization Act of 1973 (42 U.S.C. 5842); and (B) comply with all requirements of the Commission for the siting, development, construction, and operation of a repository.

(c) APPLICABILITY TO CERTAIN REPOSITORIES.—The provisions of this Act shall apply with respect to any repository not used exclusively for the disposal of high-level radioactive waste or spent nuclear fuel resulting from atomic energy defense activities, research and development activities of the Secretary, or both.

On page 11, strike out line 5 and all that follows through line 15 on page 12 (and redesignate the following section accordingly).

On page 12, line 20, strike out "section 101" and insert in lieu thereof "section 8".

On page 72, beginning on line 2, strike out "section 102" and insert in lieu thereof "section 8".

On page 98, strike out lines 22 through 25 and insert in lieu thereof the following:

SEC. 212. The provisions of this title are subject to section 8 and shall not apply to facilities that are used for the disposal of high-level radioactive waste, low-level radioactive waste, transuranic waste, or spent nuclear fuel resulting from atomic energy defense activities.

On page 137, beginning on line 8, strike out "section 102" and insert in lieu thereof "section 8".

Conform the table of contents on page 2 accordingly.

Mr. STRATTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STRATTON. Mr. Chairman, I hesitate to interrupt the enlightening discussion that was going on just a

moment ago. But the Rules Committee, on considering this highly complex bill, did provide for the consideration of a number of specific amendments; and those individuals who had other amendments, which the Rules Committee in their wisdom did not consider as important to the legislation, had to request unanimous consent. I think in pursuit of orderly procedure we ought to deal first with those matters which the Rules Committee had felt were of primary importance.

At this particular point, Mr. Chairman, there is a good deal of confusion as to exactly what is going on. This amendment, which I offer on behalf of the Armed Services Committee, is a very simple one and one on which I do not believe there is a great deal of controversy, either on the part of the chairman of the committee or the ranking member on the other side.

It would simply exclude from the provisions of the bill, not merely in title I and in title III, but in all three titles—the nuclear defense activities of the Department of Energy.

I would yield at this point to the chairman of the committee, the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. I thank the gentleman for yielding.

He and I have one major difference on this whole nuclear waste business, and that is I would hope that we would have a repository for both defense and commercial nuclear material.

The Armed Services Committee and the distinguished gentleman from New York have resisted this very strongly. I suspect some day the military is going to be up there knocking on the door, when we get it all built, and asking us to put in the civilian repository, the military waste.

But that is not involved in this fight today, and it is not involved in the bill coming before us.

As I understand the gentleman's amendment, he is simply trying to nail down that the exemption of military waste from the Commerce and Interior titles of the bill and also from the title of subcommittee of the Committee on Science and Technology chaired by the gentlewoman from Tennessee (Mrs. BOUQUARD) turned out, that that exemption continues in full force and effect. I agree with that, and I see no objection to the amendment because I think it carries out what we intended to carry out anyway.

□ 1530

Mr. STRATTON. I appreciate the chairman's comment and let me just say that I also share the view of the gentleman from Arizona (Mr. UDALL). In fact, at some future date I am sure there will be a common repository for defense wastes, as well as for civilian wastes, but that will be many years down the road, as I see it.

The point is that today, in the defense activities of the Department of Energy, we have a number of specific kinds of waste facilities, and we do not believe that it is in the national interest to have those comingled with the various facilities that are contemplated in the other titles of this bill.

Mrs. BOUQUARD. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I would be glad to yield to my friend, the gentlewoman from Tennessee.

Mrs. BOUQUARD. Mr. Chairman, I rise in support of the gentleman's amendment. It is merely a technical amendment to clarify several provisions of the bill dealing with the atomic energy defense activities. I do not think it changes the substance of the bill. I do support the amendment.

Mr. STRATTON. I thank the gentlewoman for her support.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield.

Mr. STRATTON. I would be glad to yield to my friend, the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I have no objection to the gentleman's amendment. My understanding is that it just applies to the science title of the bill, those provisions with respect to atomic energy defense activities that already exist with respect to the other titles of the bill. That being the case, while I agree with the gentleman from Arizona (Mr. UDALL), I would rather have provided for a commingling at this point, the provisions of the bill provide for that eventually if the President so decides.

I have no objection to the gentleman's amendment.

Mr. STRATTON. Mr. Chairman, I wonder if I could have the attention of the gentleman from North Carolina (Mr. BROYHILL).

Since these other leaders in the nuclear energy legislation have indicated their willingness to support this House Armed Services Committee amendment, I am just wondering whether the gentleman might want to add his accolades as well.

Mr. BROYHILL. Yes. The amendment is acceptable on this side.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I am glad to yield to the gentleman from New Mexico.

Mr. LUJAN. Mr. Chairman, I have consulted with my colleagues over here on this side. We have absolutely no objection to the gentleman's amendment.

Mr. MARKEY. Mr. Chairman, the issue whether or not defense wastes ought to be included in any permanent waste solution that we put together for this country this week is a central concern. Ninety percent of all nuclear wastes in this country by volume is military nuclear waste. Ordinary citizens cannot differentiate between civilian waste and military waste as it is stored near population centers.

As we establish the rules and regulations by which any facility will be constructed it is critical that we do so on a uniform basis. We cannot establish arbitarily two classes of nuclear waste, when in fact conceptually they are indivisible in the minds of people who have been clamoring for a permanent waste repository for the past generation.

What we see in this amendment is an attempt to undermine the process by which a test and evaluation facility could be used to determine the feasibility of a potential permanent military or civilian nuclear waste facility.

What I am asking for, and because I will later make an amendment to include military waste in this legislation, is for us to leave the bill as it is because it is critical—it is critical if we want to gain the respect of the people in this country who are asking us to put together a permanent nuclear waste bill. We cannot exclude 90 percent of the problem and give a public relations victory for the nuclear utility industry at the expense of the people in this country who so desperately want us to deal with the full realm of nuclear waste in this country.

So I would ask that the amendment by the gentleman from New York be defeated. We must understand that this is a permanent facility for all nuclear waste; that it is impossible to differentiate between military and civilian waste; and that if we are going to be serious about this problem, we cannot allow the sacred cow of defense security to be able in any way to mitigate our efforts to deal with this problem in a comprehensive way. That is what has to be the critical word in any negotiations or any deliberations today: comprehensive.

We are talking about all the nuclear waste which has been generated over the past generations and all that will be generated in the years to come. Otherwise, what we have put together here is nothing but a bailout for the private nuclear utility industry and we will not have dealt with the problem of all the nuclear wastes generated in this country.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I would be glad to yield to the gentleman from New York.

Mr. OTTINGER. I am sure the gentleman is aware of it, because he has been working so hard on this bill, but I would like for the sake of the committee to point out where we stand on this.

The science and technology section of the bill, title II, already has a military exclusion in it.

The other titles to the bill have the following provisions: First of all, that if there is a separate military facility, and there is no mandate that there be a separate military facility, but if a separate military only repository is created, then it will be subject to the State participation provisions of this act, but not to the other provisions of the act. This very important provision was included through the leadership of the gentleman from Mississippi (Mr. MONTGOMERY).

A comingled repository is subject to all provisions of the act.

Lastly, we provide that there will be comingling unless the President finds after a 2-year study that is mandated in the act that there are national security and other important reasons for not providing that comingling. That is the best we could get in our negotiations. It goes a long way toward the position that the gentleman desires. I am sorry that we could not go all the way, but so far as this amendment is concerned, it really has very little to do with the ultimate question which the gentleman so ably addressed.

Mr. MARKEY. Mr. Chairman, if I might reclaim my time, I would argue that from beginning to end there ought to be no distinction between civilian and military wastes. As long as we can provide for the security purposes of the disguising of the military nuclear wastes, then that ought to be the only limitation upon its being treated identically to any civilian wastes.

We have been assured by Department of Energy and by Nuclear Regulatory Commission officials that that is the case. That being the case, I see no reason why we should set up two separate tracks that will engage in different procedures and different safeguards in terms of the construction of any facility for the treatment of any nuclear wastes.

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts has expired.

(At the request of Mr. SANTINI, and by unanimous consent, Mr. MARKEY was allowed to proceed for 2 additional minutes.)

Mr. SANTINI. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I am happy to yield to the gentleman.

Mr. SANTINI. Mr. Chairman, I think the gentleman makes an extremely valuable point that should be emphasized time and time again in the course of the deliberations on this legislation, and that is essentially that this legislation is addressing approximately 20 percent of the problem, the civilian waste. It ignores or postpones any meaningful decision response to 80 percent of the problem, and that is the military waste.

Now, whether it is in the context of this particular amendment or 2 years hence, we cannot ignore the reality of the fact that 80 percent of the problem solving is being postponed. That is being done for political expediency purposes of the moment, but that chicken will come home to roost in various Members' nests long after certain lameducks have quacked off into the sunset.

I think the gentleman's point should be understood and appreciated. We are beginning the debate on the disposition of nuclear wastes. We are not resolving the question.

Mr. MARKEY. I thank the gentleman for his point.

I would argue once again that to remove military waste is arbitrary. We have to put together a comprehensive bill. To not do so would be dangerous to the environment and to the people of this country. I argue for rejection of the amendment of the gentleman from New York.

Mrs. HOLT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I urge acceptance of the Stratton amendment. It is simply technical in nature.

□ 1540

The gentleman from Massachusetts is wrong. This is included in one title of the bill, and all we are asking is that it be included in three titles of the bill. It is purely a technical shifting of the applicability provisions regarding the defense activities from section 101 of title I to a new section 8.

Mr. STRATTON. Mr. Chairman, will the gentlewoman yield to me?

Mrs. HOLT. I will be happy to yield to the gentleman from New York.

Mr. STRATTON. I thank the gentlewoman for yielding to me.

Mr. Chairman, as the ranking Republican member of the subcommittee, the gentlewoman from Maryland is an extremely able participant in these discussions. She is well aware that the allegation that has just been made by the gentleman from Massachusetts that this somehow does not apply to nuclear waste provided by defense activities of the DOE is completely wrong. In fact, 98 percent of the substitute bill would not apply to a DOE defense program in any case.

The purpose of the substitute legislation is that it deals with repositories of permanent high-level waste and the interim storage of spent power reactor fuels.

The fact of the matter is that it will be 10 years before defense high-level wastes are even in an appropriate form for disposal, if we assume that all of the bureaucratic State and regulatory hurdles have been crossed by that time.

As I referred in my colloquy earlier with the chariman of the committee, the gentleman from Arizona (Mr. UDALL), at that time we anticipate that the defense and civilian fuels will very likely be commingled in those repositories.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. STRATTON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MARRIOTT

Mr. MARRIOTT. Mr. Chairman, I offer an amendment.

Mr. OTTINGER. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN pro tempore. The gentleman from New York (Mr. OTTINGER) reserves a point of order.

Mr. OTTINGER. Mr. Chairman, I would like to ask the gentleman if his amendment is made in order by the rule.

Mr. MARRIOTT. Yes, it is, Mr. Chairman. I have three amendments, and all three of them have been made in order.

Mr. OTTINGER. Mr. Chairman, may I ask the gentleman which amendment this is?

Mr. MARRIOTT. Mr. Chairman, we will be issuing amendment No. 1, printed in the RECORD on page H7739, having to do with the transportation of nuclear waste.

Mr. OTTINGER. Mr. Chairman, I withdraw my reservation of a point of order.

The CHAIRMAN pro tempore. The clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MARRIOTT: Page 16, line 24, insert after the period the following new sentence: "Such guidelines shall take into consideration the proximity to sites where high-level radioactive waste is generated or temporarily stored and the transportation and safety factors involved in moving such waste to a repository.".

Mr. MARRIOTT. Mr. Chairman, currently under section 112A, the Secretary must take into account certain guidelines in selecting a repository. He has to take into account the proximity to the water supplies, national parks, the effect on population and natural resources.

What my amendment does is simply require the Secretary, in establishing guidelines for a permanent repository, to consider the proximity to nuclear reactors and the transportation factors when recommending sites for characterization.

This would minimize the danger to public health and safety by carefully considering the distance this material will be shipped.

More than 3,000 metric tons of high-level radioactive waste will be shipped by rail or truck annually through highly populated areas, and all we are doing here is asking the Secretary to make, as part of his guidelines, the transportation safety issues as well as some of the others.

Mr. UDALL. Mr. Chairman, will the gentleman yield to me?

Mr. MARRIOTT. I yield to the gentleman from Arizona.

Mr. UDALL. I thank the gentleman for yielding to me.

Mr. Chairman, I have no objection to the amendment. I think what we are doing here will be followed by a number of other amendments where we are saying to the Secretary that as he develops the guidelines for this facility, consider so-and-so.

Here the gentleman from Utah focuses on transportation. Obviously, that is a key consideration that ought to be looked at.

Mr. Chairman, I have no objection to the amendment.

Mr. MARRIOTT. Mr. Chairman, we focus on transportation and the distance between the reactor and the repository site.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield to me?

Mr. MARRIOTT. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding to me.

Mr. Chairman, I think the gentleman's amendment makes a good deal of sense, and we should try to locate these respositories as close as possible to the reactors and, therefore, we have no objection to the amendment.

Mr. LUJAN. Mr. Chairman, will the gentleman yield to me?

Mr. MARRIOTT. I yield to the gentleman from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding to me.

Mr. Chairman, as I understand the amendment, it just adds transportation as one of the factors to be considered in the selection of a site. Is that correct?

Mr. MARRIOTT. Also proximity to the reactor.

Mr. LUJAN. Mr. Chairman, we have no objection to the amendment.

Mr. MARRIOTT. Mr. Chairman, with all that support, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Utah (Mr. MARRIOTT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MARRIOTT

Mr. MARRIOTT. Mr. Chairman, I offer a second amendment.

The Clerk read as follows:

Amendment offered by Mr. MARRIOTT: Page 23, beginning on line 1, strike out "at not less than 3 candidate sites approved under section 112" and insert in lieu thereof the following: "beginning with 3 candidate sites that have been approved under section 112 and are located in at least 2 different geologic media".

Mr. MARRIOTT. Mr. Chairman, this amendment requires the Secretary to carry out characterization activities of at least three sites in two different geologic media. The original intent of this bill reported out of committee was that three sites should be recommended for characterization in the first phase, and three sites would actually be characterized.

All these, however, could be characterized in one medium. It was the intent of the committee that we use three different media—salt, basalt, and tuff—to be evaluated.

During the drafting of the final compromise, changes made to require five sites to be recommended by DOE with at least three to be characterized, and all sites could be characterized in one medium, clearly not the intent of the Committee on Interior and Insular Affairs, the Committee on Energy and Commerce, or the Department of Energy.

Therefore, what this amendment does is to restore us to the original intent of the committees.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. MARRIOTT. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding to me.

Mr. Chairman, this was actually what had been provided by, I think, both of the committees. It is the intent of our committee that two geologic media be included and, therefore, I support the amendment.

Mr. UDALL. Mr. Chairman, will the gentleman yield to me?

Mr. MARRIOTT. I yield to the gentleman from Arizona.

Mr. UDALL. I thank the gentleman for yielding to me.

Mr. Chairman, this does, as the gentleman suggests, correct a drafting error. This is what was intended.

Mr. Chairman, I have no objection.

Mr. LUJAN. Mr. Chairman, will the gentleman yield to me?

Mr. MARRIOTT. I yield to the gentleman from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding to me.

Mr. Chairman, I would ask the gentleman to clarify something for me.

The amendment says "not less than three candidate sites approved under section 112," and further, "in at least two different geologic media."

Let us assume that we get to the point where we decided that one particular medium is the one where it should be. It is the gentleman's feeling that we still ought to characterize that medium that we think is the best or the probable one, and then another that we may have found that we are not going to use at all?

Mr. MARRIOTT. No. It is the intent of the author of this amendment to say that we need to evaluate all of the various media, salts, basalt, and tuff.

Right now, as I read the way the bill was written, it really would say that we could do all of our characterization in one medium, say salt only, and not be concerned with evaluating either basalt or tuff. This amendment requires at least evaluation of two different media.

Mr. LUJAN. I thank the gentleman for his explanation.

Mr. Chairman, we have no objection to the gentleman's amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Utah (Mr. MARRIOTT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MARRIOTT

Mr. MARRIOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARRIOTT: Page 24, line 7, insert "and for the mitigation of any significant adverse environmental impacts caused by site characterization activities" after "candidate site".

Page 26, after line 22, insert the following new paragraph:

(4) If a site is determined to be unsuitable for application for a construction authorization for a repository, the Secretary shall take reasonable and necessary steps to reclaim the site and to mitigate any significant adverse environmental impacts caused by site characterization activities.

□ 1550

Mr. MARRIOTT. Mr. Chairman, the Secretary under the current bill is required only to minimize environmental impact during characterization activities. Plans for site characterization contain no plan for mitigation, only those activities which are permanently terminated. This amendment requires the site characterization plan for a candidate site to include a plan of mitigation. It also requires the Secretary to reclaim the land and mitigate significant environmental impacts once a candidate site is determined unsuitable for a repository.

It provides front-end assurance to States that these concerns have been looked at and addressed at the Federal level. It is logical to assume that the DOE will go ahead and remove the evidence of this work and restore the land. The concrete assurance is absent from the bill.

Potential impacts of these studies requiring mitigation would be the removal of surface facilities, revegetation, and most important, the disposal of the quantity of material removed from the exploratory shelf. The quantity of material from inside the shaft to be disposed of is staggering. DOE estimates moving as much as 40,000 to 50,000 cubic yards of salt during its study of that medium. The amendment will not leave the fate of the restoration of this land in the air.

What the amendment does in layman's language, is say that when the Federal Government has completed its studies, it will in fact mitigate any damages caused if the site is unacceptable.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. MARRIOTT. I yield.

Mr. OTTINGER. Mr. Chairman, I would like to tell the gentleman that this amendment is so good that I wish that I had thought of it myself. We enthusiastically support the gentleman's amendment.

Mr. MARRIOTT. I thank the gentleman.

Mr. UDALL. Mr. Chairman, if the gentleman will yield, I am in favor of the gentleman's amendment.

Mr. MARRIOTT. Mr. Chairman, with this overwhelming support I will take my seat.

The CHAIRMAN pro tempore (Mr. BIAGGI). The question is on the amendment offered by the gentleman from Utah (Mr. MARRIOTT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LOTT

Mr. LOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows: The sentence beginning on page 16, line 24, and ending on page 17, line 4, is amended to read as follows: "Such guidelines shall specify population factors that will disqualify any site from development as a repository if any such site would be located (1) in a highly populated area; or (2) adjacent to an area 1 mile by 1 mile having a population of not less than 1,000 individuals."

Mr. LOTT. Mr. Chairman, I rise today to offer an amendment which makes certain that the people of our country are not the losers when a decision is made on where to locate a nuclear waste repository.

It is incredible to me that the paramount issue of the health and safety of our citizens is not assured in this bill. Health and safety are not even given one fraction of the protection which the Congress afforded the snail darter in that landmark legislation of the last Congress.

That is why I am offering my amendment which states simply that a nuclear waste repository cannot be located adjacent to a 1 mile by 1 mile area containing at least 1,000 individuals.

This is not a parochial question. This square mile area could be a section of the city of Clevelend, Ohio, or a town within the State of Mississippi. My amendment is not intended to make distinctions among regions of the country. What it does is to make a universal statement that the rights of people are primary in deciding where to locate nuclear waste facilities, just as they have been in deciding where to locate atomic reactors.

The population language in the bill before us falls short of providing that safeguard by focusing on the "surface facility" on a repository site, instead of the buried highly radioactive waste itself.

The population language in H.R. 7187 states that a site will be disqualified from development as a repository if its "surface facility" is located adjacent to a square mile area of 1,000 persons or more. First, you must understand that a "surface facility" is the above-ground structure—a plywood shack will do—which sits atop a vertical ground shaft leading to the underground area where nuclear waste will be stored.

You must understand as well that no nuclear waste will be enclosed in that surface facility, that shack from which this bill professes to protect the public. Nuclear waste, however, will be stored in horizontal tunnels extending out from that vertical shaft—underground tunnels that will extend laterally in all directions.

As a result, radioactive material could end up, not 1 or 2 miles away from a populated area, but directly underneath the residents of a city.

Clearly this is not Congress legislative intent, and I am offering my amendment to clarify that the final resting place of these contaminated materials—not a benign surface facility—is the focus of concern.

The Senate companion to the legislation we are considering today, S. 1662, which was approved earlier, contains no population density standard, leaving DOE to decide questions of safety. I urge you not to leave this decision to others.

Since the development of nuclear power during World War II, population has been the primary consideration in deciding where to locate atomic facilities. In fact, the Nuclear Regulatory Commission has declined to license several powerplants because of their proximity to populated areas. Now, when we come to the question of where to discard our highly radioactive nuclear wastes, are we going to abandon 40 years of prudent practice and say that population does not count?

Within the past year, the Office of Technology Assessment released a widely respected study which concluded that the most difficult aspect of the whole repository program is the fact that the public has lost confidence in the Federal Government's ability to effectively manage the nuclear waste disposal program. What do you think will be the effect on this matter of public confidence if the population question is ignored in this legislation?

The vote before you is on the question of protecting the rights of citizens in all communities and cities as an integral part of setting national policy for nuclear waste disposal.

Under this legislation, five candidate sites will be recommended to the President by DOE in 1984 for selection as a repository.

If you have not already had the opportunity to do so, I strongly urge you to study the maps which are available off the floor which show the locations where nuclear waste may one day be buried.

If your communities are not now targeted, you may be next. You will be prudent to vote cautiously on this basic safety standard for protecting the public.

Members might say that this does not affect them, but I urge them to take a look at that map showing different geological formations. I think they will see that probably as many as 30 of the States could have an area that could be touched, and some of these formations are in the Northeast, running into Pennsylvania and New York and the Midwest; some of them are out West, and some of them are in the South.

All I am saying here is that we should pay attention to population density, and we should say clearly what the general area and the population level is that should be considered. This is not a regional question.

Mr. MORRISON. Mr. Chairman, will the gentleman yield?

Mr. LOTT. I would be glad to yield to the gentleman from Washington.

Mr. MORRISON. Mr. Chairman, I thank the gentleman for yielding. This amendment does represent a population density compromise, and my district has a direct interest in this matter. I find the amendment satisfactory to us in the West.

Mr. LOTT. I appreciate the gentleman's comment.

Mr. MARRIOTT. Mr. Chairman, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Utah.

Mr. MARRIOTT. Mr. Chairman, I wish I could share that enthusiasm for the amendment, but apparently there are about five States now being considered for these repositories.

The CHAIRMAN pro tempore. The time of the gentleman from Mississippi has expired.

(At the request of Mr. MARRIOTT and by unanimous consent, Mr. LOTT was allowed to proceed for 2 additional minutes.)

Mr. MARRIOTT. What this amendment does is really exclude Mississippi from being one of the plans, does it not?

Mr. LOTT. It does not. I am glad the gentleman raised that question, because even in my own congressional district it would only affect one of the two sites being considered. As a matter of fact, two of the top three in the Nation are in my district.

All I intend to say is where we have people in the immediate area, that factor should be a major consideration.

Mr. MARRIOTT. We do not want to increase the odds of having this in Utah by excluding Mississippi. I mean, that is what the bottom line is.

Mr. LOTT. I want to emphasize again that my State still will have one of the major sites.

Mr. MARRIOTT. We would like all sites to be looked at equally. In the guidelines, does it now require the Secretary to look at the population issue? If that is already in there, then I am wondering exactly what purpose this amendment serves.

□ 1600

Mr. LOTT. What guidelines is the gentleman referring to, the existing guidelines?

Mr. MARRIOTT. No.

Mr. LOTT. We do not know what those will be.

Mr. MARRIOTT. In the bill we established guidelines the Secretary must adhere to in selecting a repository. One of those was a proximity to national parks, one was population density, and one was the effect on water.

I just put the amendment in now that dealt with transportation agencies. Now, if that is in the bill, then it looks to me like what the gentleman is doing is going beyond that now and excluding a certain region of the country.

Mr. LOTT. Mr. Chairman, if the gentleman will allow me to make this comment, there will be efforts, I presume, later to knock even that reference out. There are those Members here who are going to be saying that we should give more consideration to maintaining pristine areas then to the consideration of human beings in making these determinations.

So I want to reemphasize that there are areas all over the country that may be affected by this population question, maybe not this year or next year, but they do exist as possible sites in the future. It is not a question that would affect population in just the East or the Midwest, but it would also affect the West.

Mr. MARRIOTT. Does this amendment, then, exclude specifically an area in Mississippi?

Mr. LOTT. It would have the effect of excluding one, but not both of the ones that are now under consideration.

Mr. MARRIOTT. Mr. Chairman, I thank the gentleman.

Mr. LOTT. Mr. Chairman, I urge a favorable vote on this amendment.

Mr. JOHN L. BURTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened to the debate here for some time, and I believe everybody has a theory about nuclear waste, that it ought to be stored here or there but not in their own backyards, and I can appreciate that.

I think in the spirit of compromise maybe the chairman of the committee should offer an amendment that says we do not produce any more nuclear waste, and then we would not have this problem.

I wonder if the distinguished Republican whip would support that type of approach?

Mr. LOTT. Mr. Chairman, will the gentleman yield?

Mr. JOHN L. BURTON. I am happy to yield to my good friend, the Republican whip.

Mr. LOTT. Mr. Chairman, I do not think I would support that approach. I have confidence that all the various committees that have worked on this legislation and the House will be able to come up with a finished product that will help us deal with the materials involved and still allow us to have the benefit of nuclear power.

Mr. JOHN L. BURTON. As long as it is not in Mississippi?

Mr. LOTT. I want to reemphasize that there is still at least one site in Mississippi that would be qualified under my amendment, and there could be others.

Mr. JOHN L. BURTON. Is that in SONNY MONTGOMERY's district?

Mr. LOTT. No.

Mr. UDALL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I have great admiration for the gentleman from Mississippi (Mr. LOTT). He is one of the outstanding Members of this House. He fights very hard for his people and his district, and I suspect that most of us, given his situation, would be doing what he is doing here today.

But one of the most depressing things in public life is to find paralysis, to find that you cannot make a decision because you have paralysis. We are going to be tested on this amendment and a half a dozen more like it before we are through here, where we have a little old amendment that says this in effect: They usually do not come right out and say it, but they say in effect, "you can't put this in my district or in my State."

We already have guidelines in the bill. We came out of the committee with a bill with a number of guidelines, and I think it is fair and I think it is right, when the Secretary of Energy is trying to decide where this thing goes and make recommendations to us, that we mandate that you consider transportation, that we mandate that you consider population, and we do not put this in Central Park in New York City, other things being equal.

We are now going beyond that. In the bill we have all kinds of guidelines, and my friend, the gentleman from Mississippi, is talking about population areas, and so on. His amendment would transfer what are sensible guidelines, which we have accepted in the mandat i results, and I do not think we should take that step.

It was kind of interesting to me when we were at the committee stage and in the Rules Committee that the gentleman from Mississippi came in and said that he wants an amendment saying we cannot have these repositories where there are a lot of people, and within a very few days the folks in Utah were upon us—not the gentleman from Utah who is on our committee and has been a statesman and very fairminded in voting on this. People were coming in, some of them, and saying, "well, you can't have Mississippi because there are too many people in Congressman LOTT's district," and they were saying, "you can't have it in Utah because there aren't any people." They were proposing to put it out near the Canyonlands National Park. That is a desolate beautiful place, and you do not mess up a beautiful desolate place with some kind of nuclear repository.

So the answer is to reject amendments of this kind to have guidelines. We will have the final say here in the Congress when we come back with the suggested way to handle this, and that is the way to do it. But we are going to open the door if we pass this amendment. We are going to open the door and will consistently have to support a lot of other amendments that will have the net result of canceling out every one of the potential sites.

I remember an old story of my father's that he told about the guy going into a restaurant to eat. He hung up his coat and began to dine, and he saw a thief come in and pick up his coat and put it on and go out the door. He chased him down the street. He would not stop, and he enlisted a cop or policeman, and the policeman, after the fellow with the coat would not stop, raised his gun to fire, and the owner of the coat yelled, "shoot him in the pants."

Well, let me tell you something. We cannot do that as national policy. We cannot sit here in this consideration and, one by one, exclude the sites where this thing ought to go. We want fair consideration. We provided a strong State veto. We have set it up so the final decision would be made by the Congress, and before any studies are made, before any conclusions are drawn, and before any of the myriad protections are set up here, it is wrong for us in this debate now to rule out one of the prime sites, even though it happens to be in the district of my good friend, the gentleman from Mississippi (Mr. LOTT). As I say, I suspect I would be doing the same thing if it were in my district.

This amendment really ought to be defeated. It is a test of whether we are going to have a workable bill or not. If we are going to have a repository, believe me, it will be in one of the 50 States. It will be in one of the 50 States, and we would be excluded a great State, one of the 50 States, or at least most of it, that part that is in the gentleman's district, if we adopt this amendment.

Mr. LOTT. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Mississippi.

Mr. LOTT. Mr. Chairman, will the gentleman acknowledge that there is still one site that is not excluded in my own State by this language?

Mr. UDALL. The gentleman is correct. I wonder if the gentleman from Mississippi, Mr. MONTGOMERY or some other Member would claim parentage of that other site.

Mr. LOTT. No, it is in my district too.

Mr. UDALL. Why should we pick out one of two sites? Why should the Congress decide now that this one is no good and the other one might be considered?

Mr. LOTT. Because of the population, because of the people that are located on top of this particular area. And is it not a fact, I ask the committee chairman, that exemptions have already been given to such things as territories and possessions, which would exclude the Pacific Trust Territories; to ocean disposal, which would exclude the Atlantic and Pacific coastal areas; and defense waste repositories, which would exclude some States that already may have defense wastes? Is there not, as a matter of fact, even broader population density language that would exclude Cleveland, Ohio, and New York City?

Is it not a fact, then, that in this bill there are already several similar exemptions that have been established?

Mr. UDALL. If there are several, I hope the gentleman will help me get them out of there. There are a lot of guidelines, and the difference in this proposal from that of the gentleman from Utah, Mr. MARRIOTT, is that it says we must consider and in any report we must talk about transportation and weigh that.

Mr. LOTT. I have a list of 20 specific exemptions that I would be glad to present to the gentleman so he could go over them. I just mentioned five or six.

Let me say to the committee chairman that I understand his position. He has done a great job with a tough bill that has been evolving over several years, but I am just trying to emphasize that population density should be considered.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. UDALL) has expired.

(By unanimous consent, Mr. UDALL was allowed to proceed for 2 additional minutes.)

Mr. UDALL. Mr. Chairman, I do not have any prejudgment on this, but I am told by the experts that the site the gentleman excludes is one of the choice sites, that it is one of the very likely sites. If we had to pick out seven, if we got a bunch of scientists to say, "give us seven sites," it would be considered clearly that this is one of the seven that would be picked.

Mr. MARRIOTT. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Utah.

Mr. MARRIOTT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I do have great regard for the gentleman from Mississippi, the minority whip, but I would like to indicate this: That we have been led to believe by Dr. Kaufman and others in the last several months that every site will be evaluated fairly and evenly, that there is no hanky-panky going on, that no deals have been cut underneath the table, and that every site will be looked upon and we will then evaluate them based upon the criteria.

I would think, since we now have this bill—and the committee chairman will correct me if I am wrong—that the concerns of the gentleman from Mississippi have been addressed. They will look at population density among other things, and I would think that is the only way to come out with a bill.

Mr. UDALL. Mr. Chairman, the gentleman is correct, and he has shown real statesmanship on this because one of the choice sites is in Utah.

I want to make a commitment to the gentleman from Mississippi (Mr. LOTT) that I made in Salt Lake City to the gentleman's Governor and others there, that if the choice should come down to Utah as one of the sites or if the choice should come down to Mississippi and I am still around and have anything to do with it, there are going to be hearings on the ground by congressional committees. I think we owe that to the people in Utah and in Mississippi, to go down and take a look and see if they have a real case for prohibiting that site from construction or from serious consideration.

□ 1610

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding.

The statement has been made two or three times here that among the guidelines is one which provides for the consideration of population. Would someone elucidate on just how population is to be considered? Do the guidelines specify the manner in which it is to be considered?

Mr. UDALL. We have several pages of guidelines and suggestions and that is what they are.

I think what we are saying with population is that, other things being equal, you put it in a lightly populated area. That is what it means to me.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield so I may quote the language?

Mr. UDALL. I yield to the gentleman from New York.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. UDALL) has expired.

(At the request of Mr. OTTINGER and by unanimous consent Mr. UDALL was allowed to proceed for 2 additional minutes.)

Mr. OTTINGER. The bill, on page 16, line 24, after specifying the Secretary's ability to set guidelines for consideration in selecting a site says:

Such guidelines shall specify population factors that will disqualify any site from development as a repository if any surface facility of such repository would be located (1) in a highly populated area; or (2) adjacent to an area one mile by one mile having a population of not less than 1,000 individuals.

Mr. UDALL. Bear in mind that this will come back to Congress. We are not deciding this today. We are saying get some site characterization done and eventually the President and the Department of Energy will say to the Congress, "We pick this one here."

Mr. KINDNESS. Will the gentleman yield further on that point?

Mr. UDALL. I yield to the gentleman.

Mr. KINDNESS. On the point about population the consideration seems to be only with respect to the surface, not where the nuclear waste is stored or located.

Mr. UDALL. The gentleman makes a very good point. What this thing will look like when we get through is you are going to have a very large underground cavern. It may go a mile or two. You go down 4,000 or 5,000 feet, then you go out into the underground a good distance. On top you have a few buildings where they process this stuff, and they have the machinery to operate the mine shaft and all of the rest. But this is not going to be some huge facility. It is probably going to occupy a few dozen acres at best.

Mr. KINDNESS. If it conforms to that prescription then what would be the objection to this amendment? I do not understand.

Mr. UDALL. I cannot see it myself. But I have never met a State Governor or been to a State where the State Governor has any enthusiasm about going into the dark for the next 250,000 years. I am joking.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. UDALL) has again expired.

(At the request of Ms. OAKAR and by unanimous consent Mr. UDALL was allowed to proceed for 2 additional minutes.)

Mr. UDALL. Nobody is enthused about that. But one of our colleagues I saw here a little earlier said his State and his district would be glad to have it. But I got a quick message from the Senator from that State very shortly thereafter that not all of the people

were in favor of having it in their State.

I frankly do not think it is going to be as bad as people think. One can go out in almost any one of our States where it has been suggested and find grave concern. I suppose the politicians reflect it. I suppose I would, too, in that situation.

Mr. KINDNESS. If the gentleman will yield further, if the guideline with respect to surface structures is appropriate, then what is wrong with this amendment? I have completely lost track.

Mr. UDALL. The thing that is wrong with the amendment is that there are five, six, or seven prime sites. In all likelihood if I wrote a list on the back of an envelope of seven places, it is probably going to be in one of those seven places, and what is wrong with this amendment is that it cuts it down to six.

You are simply saying, without any information, any study, that we are going to eliminate this because he is a nice guy, he comes from a nice State, and we are going to eliminate one of the prime areas.

Mr. KINDNESS. The gentleman is surely suggesting, because the guidelines already indicate for surface structures that you want to avoid such population.

Mr. UDALL. These are guidelines and they are not mandatory. They say, all other things being equal, let us take the low population place and not the high population place.

Mr. KINDNESS. Now I understand.

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentlewoman from Ohio.

Ms. OAKAR. I want the gentleman to know that I certaintly respect him and I believe him, but I have never believed the Department of Energy. I think that is the problem that I have with the situation.

For some time in the previous administration and in this administration they have tried to do nuclear testing in the city of Cleveland, right below downtown Cleveland, with the view of burying that nuclear waste underneath the most densely populated area in Ohio. That is why I am reluctant.

If the gentleman were the head of the Department of Energy I would believe it. But I know all of the tricks and the games that they have tried to pull.

Mr. UDALL. Let me say to my friend from Ohio, trust me.

Ms. OAKAR. I do trust you. That is the problem.

Mr. UDALL. This thing will have to come back to the Congress or there will not be a repository anywhere. In about 1985, or 1986, when this whole study is completed, they will say this is the place and they will bring it back to the Congress and we have to make the final decision.

Ms. OAKAR. If I could just add one more thing. This administration is so pro nuclear in its attitude instead of alternative sources of energy that we have more and more wastes and I understand obviously the problem. I just do not trust that they will not plant it in densely populated areas.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. UDALL) has again expired.

(By unanimous consent Mr. UDALL was allowed to proceed for 2 additional minutes.)

Mrs. BYRON. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentlewoman from Maryland.

Mrs. BYRON. I rise in agreement with the gentleman from Arizona.

What I would like to say to the gentleman from Mississippi is that if the issues he has brought forward today are valid ones then the Select Committee that is going to make that decision between the seven sites will take that into consideration. I think the gentleman has little faith in that committee.

I have to agree with our chairman.

Mr. SANTINI. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Nevada.

Mr. SANTINI. The chairman, as usual, is overwhelming in his logic and persuasion, and I am leaning very strongly to go with my chairman on this issue.

However, if my good friend, the imaginative author of this amendment, the gentleman from Mississippi (Mr. LOTT), would consider by unanimous consent some minor language modifications of his amendment perhaps I could be persuaded to join him in support.

Mr. UDALL. Would those modifications include the exclusion of sites in Nevada?

Mr. SANTINI. No, no, much more objective than that, Mr. Chairman. Any site located within a radius of 112 miles of a major tourism, travel, recreation center in the United States of America that is visited by over 1 million people on an annual basis.

I can see by the gentleman's acquiescence that unanimous consent is agreed to, and I thank him very much.

Mr. LOTT. If the gentleman would yield, may I respond to that?

Mr. UDALL. I yield to the gentleman from Mississippi.

Mr. LOTT. As the Representative of that beautiful tourist area of Biloxi, Miss., I think we might well qualify under that criteria.

Mr. SANTINI. I hope the gentleman does, and I know we do.

Has unanimous consent been agreed to, Mr. Chairman?

Mr. UDALL. I object.

The CHAIRMAN. Objection is heard.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to my friend from Mississippi.

Mr. MONTGOMERY. I will be very brief with the gentleman in the well.

As I understand the amendment, it says the nuclear waste site cannot be put within a mile of where 1,000 individuals live. That does not seem too unreasonable to this gentleman.

What are we going to do with the 1,000 people? Do they move out, do they stay there, or what?

Mr. UDALL. No; I think there is a misconception my friend has about what we are talking about. There will be a shaft which is 10, 15 feet wide, and they will drill down like they do for a mine and have some equipment to bring things up at the bottom of the shaft.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. UDALL) has again expired.

(At the request of Mr. MONTGOMERY and by unanimous consent, Mr. UDALL was allowed to proceed for 1 additional minute.)

Mr. UDALL. They will have a couple of buildings to process this stuff and to house the personnel that are concerned with it. We are not talking about a big military base or hundreds of buildings. It is a relatively small operation.

I think we can and we ought to go along with it.

Mr. MONTGOMERY. You will not move the people out? It will go underground and people will live on top of this nuclear waste.

Mr. UDALL. During construction there will be some of this but no one is going down permanently underneath the ground.

We hope these will be permanent things. They will put the wastes in there and they will backfill it and they will store it and they will block it up and it is going to be there forever, 5,000 feet underground. It is not going to bother anybody on the top of the ground.

Mr. MONTGOMERY. I rise in support of the Lott amendment and even though this is not in my district I certainly would not want these people to get hurt or feel uncomfortable even though the site under consideration is not in my district.

I thank the gentleman.

Mr. SANTINI. Will the gentleman yield again?

Mr. UDALL. Would the gentleman like the shaft I am talking about in his district?

Mr. SANTINI. I was concerned with precisely where that shaft was going, Mr. Chairman.

Mr. UDALL. I urge the defeat of the amendment.

Mr. OTTINGER. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment.

There is very little I can add to the fine words of my friend from Arizona as augmented very ably by my colleague on our committee from Nevada, Mr. SANTINI, who is on both committees.

□ 1620

The fact is that there is a real difference in the language of the bill as it presently stands and the language of the amendment. The language of the amendment would have the effect of absolutely excluding the site of Richton, Miss., the only site in the country that would be excluded. I think that kind of a provision—which would be requested for each area that was under consideration—is a tremendous mistake. I think that language specifying 1 mile from a population of 1,000 individuals is arbitrary. It was originally included because of the tremendous power and prestige and influence of the gentleman from Mississippi. I do not think it belongs in the bill. I think we ought to have a general population criteria, then have the Secretary come back with a specific standard. I understand the gentleman from Colorado (Mr. WIRTH) will offer such an amendment. It seems to me that that is the correct way to go. That would leave all of the areas of the country at equal jeopardy, with an objective look-see at which are the best sites and then take a look at the particular objections of an individual State when one site is tentatively selected and is going to be characterized.

Mr. LOTT. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Mississippi.

Mr. LOTT. I take it that the gentleman does think that population density is a factor that should have major consideration in deciding where a repository should go.

Mr. OTTINGER. Absolutely. It ought to be a very important consideration.

Mr. LOTT. And the gentleman does acknowledge that the two words "surface facility" significantly alter the population density language now included in the bill?

Mr. OTTINGER. It does indeed.

I understand it was intended to take care of the situation which the gentleman is now trying to address. It does not. That is why I would like to see that language out of there altogether. The language as it presently exists would not exclude the gentleman's site, which is why he is offering the amendment. If we took this 1 mile by 1 mile area and population of not less than 1,000 individuals out altogether, then we would have the most objective look at it. And that is what I would support at the appropriate time.

Mr. LOTT. I know the gentleman cannot see this map, but I think he will understand the question. The gentleman would acknowledge that, even with this language that I proposed, it is possible that a repository site could actually still be put in the so-called Richton dome which is beyond the 1-mile radius of where you have 1,000 people. Would the gentleman acknowledge that?

Mr. OTTINGER. No; my information is that the language that the gentleman now has included would effectively preclude the Richton site. But I do not think that whether it is effective or whether it is not effective in achieving that result really ought to be governing. The fact is that we ought not to be setting these parameters in the legislation in such a way as to exclude important sites. There is that chance, and I think we are best off not having that provision in the bill.

Mr. MARKEY. Mr. Chairman, I rise in opposition to the amendment.

Briefly, Mr. Chairman, we have twin obstacles that we are trying to overcome in putting together a permanent repository that will bury as deeply and as long as is possible the nuclear waste that we are generating in this country.

We have, on the one hand, the problem of special interests, that is, people who are interested in finding a temporary solution to the problem. These special interests include the utilities who have a problem with referenda passing in State after State around this country and who would like to see some kind of bill passed that just gets this stuff off their facilities and into interim facilities. We will then let future generations worry about it.

We have got the other problem of parochialism, that is, people who do not want it buried in their State at all. And this amendment is very much indicative of that problem.

For those who are very interested in seeing a permanent waste repository, neither of those obstacles ought to be allowed to get in the way of a good, solid bill. This is the objective of all people who have looked at this problem over the past years.

So you might get people who are going to get up and say, "Well, we do not want a repository here because it affects a lot of people."

Or you might get people, like the gentleman from Mississippi, who say, "Do not put it in my district because it affects the people of LOTT."

But in either situation you are going to wind up with somebody who is trying to protect a very, very narrow interest, because this is a very politically volatile issue. It is why you want to have a good strong States' right protection. But building in those protections is what is critical to insuring that when you reach issues of population density, issues of environmental protection, and issues of public health and safety, that there is a good remedy which is available to States to insure that they have had a complete vindication of all of the issues to which they are concerned.

I think in this instance that it makes no sense for us to allow a site specific amendment to be included in this legislation, because it would set a precedent which would, like dominoes, allow legislator after legislator to get up here and to exempt through very narrow wording of an amendment all of the potential sites in this country. I think it would set a bad precedent, and I hope that the amendment is defeated.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. LOTT).

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. LOTT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 81, noes 296, not voting 56, as follows:

[Roll No. 395]

AYES—81

Anderson	Gregg	Oakar
Applegate	Grisham	Oxley
Archer	Hall, Sam	Parris
Atkinson	Hartnett	Petri
Badham	Hendon	Quillen
Bailey (MO)	Hutto	Roberts (SD)
Beard	Johnston	Rogers
Bereuter	Kindness	Rousselot
Bowen	Latta	Rudd
Breaux	Lewis	Schneider
Broyhill	Loeffler	Sensenbrenner
Campbell	Lott	Shumway
Collins (TX)	Madigan	Siljander
Coyne, James	Marlenee	Smith (NE)
Crane, Philip	Martin (NC)	Smith (OR)
Daniel, R. W.	McClory	Solomon
Daub	McDade	Spence
Dowdy	McEwen	Stangeland
Dreier	Miller (OH)	Staton
Eckart	Molinari	Stump
Edwards (AL)	Mollohan	Taylor
Edwards (OK)	Montgomery	Thomas
Emerson	Morrison	Walker
Evans (IA)	Mottl	Wampler
Fields	Napier	Weber (MN)
Goodling	Nelligan	Whitten
Gramm	Nichols	Wortley

NOES—296

Addabbo	Boland	Clausen
Albosta	Boner	Clay
Alexander	Bonior	Clinger
Andrews	Bonker	Coats
Annunzio	Bouquard	Coelho
Aspin	Brinkley	Coleman
AuCoin	Brodhead	Collins (IL)
Bailey (PA)	Brooks	Conable
Barnard	Broomfield	Conte
Barnes	Brown (CA)	Conyers
Bedell	Brown (CO)	Corcoran
Beilenson	Brown (OH)	Coughlin
Benedict	Burton, John	Courter
Bennett	Burton, Phillip	Coyne, William
Bethune	Butler	Craig
Bevill	Byron	Crockett
Biaggi	Carman	D'Amours
Bingham	Carney	Daniel, Dan
Bliley	Chappie	Dannemeyer
Boggs	Cheney	de la Garza

Dellums	Huckaby	Regula
Derrick	Hughes	Reuss
Dickinson	Hunter	Rhodes
Dicks	Hyde	Rinaldo
Dingell	Jacobs	Ritter
Dixon	Jeffries	Roberts (KS)
Donnelly	Jenkins	Robinson
Dorgan	Kastenmeier	Rodino
Dornan	Kazen	Roe
Downey	Kemp	Roemer
Duncan	Kennelly	Rose
Dunn	Kildee	Rosenthal
Dwyer	Kramer	Rostenkowski
Dyson	LaFalce	Roth
Early	Lagomarsino	Roukema
Edgar	Lantos	Roybal
Edwards (CA)	Leath	Russo
English	LeBoutillier	Sabo
Erdahl	Leland	Santini
Erlenborn	Lent	Savage
Ertel	Livingston	Sawyer
Evans (IN)	Long (LA)	Scheuer
Fary	Long (MD)	Schroeder
Fascell	Lowery (CA)	Schulze
Fazio	Lowry (WA)	Schumer
Fenwick	Lujan	Seiberling
Ferraro	Luken	Shamansky
Fiedler	Lundine	Shannon
Findley	Lungren	Sharp
Fish	Markey	Shaw
Fithian	Marriott	Shelby
Flippo	Martin (IL)	Simon
Florio	Martin (NY)	Skeen
Foglietta	Martinez	Skelton
Foley	Matsui	Smith (AL)
Ford (MI)	Mattox	Smith (IA)
Ford (TN)	Mavroules	Snowe
Forsythe	Mazzoli	Snyder
Fountain	McCollum	Solarz
Frank	McCurdy	St Germain
Frenzel	McDonald	Stenholm
Frost	McGrath	Stokes
Fuqua	McHugh	Stratton
Garcia	McKinney	Studds
Gaydos	Mica	Swift
Gejdenson	Michel	Synar
Gibbons	Mikulski	Tauke
Gilman	Miller (CA)	Tauzin
Gingrich	Mineta	Traxler
Glickman	Minish	Trible
Gonzalez	Mitchell (MD)	Udall
Gore	Moakley	Vander Jagt
Gradison	Moore	Vento
Gray	Moorhead	Volkmer
Green	Murphy	Walgren
Guarini	Murtha	Watkins
Gunderson	Myers	Waxman
Hall (IN)	Natcher	Weaver
Hall, Ralph	Neal	Weber (OH)
Hamilton	Nelson	Weiss
Hammerschmidt	Nowak	White
Hance	Oberstar	Whitehurst
Hansen (ID)	Obey	Whitley
Hansen (UT)	Ottinger	Whittaker
Harkin	Panetta	Williams (MT)
Hatcher	Pashayan	Williams (OH)
Hawkins	Patman	Wilson
Heckler	Patterson	Winn
Hefner	Paul	Wirth
Hertel	Pease	Wolf
Hightower	Pepper	Wolpe
Hillis	Perkins	Wright
Hollenbeck	Peyser	Wyden
Holt	Pickle	Wylie
Hopkins	Porter	Yatron
Horton	Price	Young (MO)
Howard	Rahall	Zablocki
Hoyer	Railsback	Zeferetti
Hubbard	Ratchford	

NOT VOTING—56

Akaka	Derwinski	Holland
Anthony	Dougherty	Ireland
Ashbrook	Dymally	Jeffords
Bafalis	Emery	Jones (NC)
Blanchard	Evans (DE)	Jones (OK)
Bolling	Evans (GA)	Jones (TN)
Burgener	Fowler	Kogovsek
Chappell	Gephardt	Leach
Chisholm	Ginn	Lee
Crane, Daniel	Goldwater	Lehman
Daschle	Hagedorn	Levitas
Davis	Hall (OH)	Marks
Deckard	Heftel	McCloskey
DeNardis	Hiler	Mitchell (NY)
Moffett	Shuster	Washington
O'Brien	Smith (NJ)	Yates
Pritchard	Smith (PA)	Young (AK)
Pursell	Stanton	Young (FL)
Rangel	Stark	

□ 1640

Mr. ROSTENKOWSKI changed his vote from "aye" to "no."

Mr. DAUB changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BROYHILL

Mr. BROYHILL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair will inquire, is the amendment in order under the rule?

Mr. BROYHILL. Yes, Mr. Chairman. It has been printed.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BROYHILL: Page 35, beginning on line 19, strike out section 115 in its entirety and insert in lieu thereof the following:

REVIEW OF REPOSITORY SITE SELECTION

SEC. 115. (a) IN GENERAL.—The designation of a site as suitable for application for a construction authorization for a repository shall be effective at the end of the 60-day period beginning on the date that the President recommends such site to the Congress under section 114, unless the Governor of the State in which such site is located, or the governing body of an Indian tribe on whose reservation such site is located, as the case may be, submits to the Congress a notice of disapproval under section 116 or 118. If any such notice of disapproval is submitted, the designation of such site shall not be effective except as provided under subsection (b).

(b) CONGRESSIONAL REVIEW OF SITES.—If any notice of disapproval of a repository site designation is submitted to the Congress under section 116 or 118 after a recommendation for approval of such site is made by the President under section 114, the designation of such site as suitable for license application as a repository shall be effective upon the expiration of the first period of 90 calendar days of continuous session of the Congress following the date of the receipt by the Congress of such notice of disapproval unless, during such period, either House of the Congress passes a resolution in accordance with this subsection disapproving such site designation.

(c) DEFINITION.—For purposes of this subsection, the term "resolution under this section" means a resolution of either House of the Congress, the matter after the resolving clause of which is as follows: "That the ——— hereby approves the notice of disapproval submitted by ——— regarding the disapproval of the site at ——— for a repository for the disposal of high-level radioactive waste and spent nuclear fuel.". The first blank space in such resolution shall be filled with the designation of the appropriate House of the Congress; the second blank space in such resolution shall be filled with the designation of the State Governor or Indian tribe governing body submitting the notice of disapproval involved; and the last blank space in such resolution shall be filled with the geographic location of the proposed repository site involved.

(d) PROCEDURES APPLICABLE TO THE SENATE.—(1) The provisions of this subsection are enacted by the Congress—

(A) as an exercise of the rulemaking power of the Senate, and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of resolutions under this section, and such provisions supersede other rules of the Senate only to the extent that they are inconsistent with such other rules; and

(B) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

(2)(A) Not later than the first day of session following the day on which any notice of disapproval of a repository site selection is submitted to the Congress under section 116 or 118, a resolution under this section shall be introduced (by request) in the Senate by the chairman of the committee to which such notice of disapproval is referred, or by a Member or Members of the Senate designated by such chairman.

(B) Upon introduction, a resolution under this section shall be referred to the appropriate committee or committees of the Senate by the President of the Senate, and all such resolutions with respect to the same repository site shall be referred to the same committee or committees. Upon the expiration of 60 calendar days of continuous session after the introduction of the first resolution under this section with respect to any site, each committee to which such resolution was referred shall make its recommendations to the Senate.

(3) If any committee to which is referred a resolution introduced under paragraph (2)(A), or, in the absence of such a resolution, any other resolution under this section introduced with respect to the site involved, has not reported such resolution at the end of 45 days of continous session of Congress after introduction of such resolution, such committee shall be deemed to be discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the Senate.

(4)(A) When each committee to which a resolution under this section has been referred has reported, or has been deemed to be discharged from further consideration of, a resolution described in paragraph (3), it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. Such motion shall not be subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which such motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of such resolution is agreed to, such resolution shall remain the unfinished business of the Senate until disposed of.

(B) Debate on a resolution under this section and on all debatable motions and appeals in connection with such resolution, shall be limited to not more than 10 hours, which shall be divided equally between Members favoring and Members opposing such resolution. A motion further to limit debate shall be in order and shall not be de-

batable. Such motion shall not be subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business, and a motion to recommit such resolution shall not be in order. A motion to reconsider the vote by which such resolution is agreed to or disagreed to shall not be in order.

(C) Immediately following the conclusion of the debate on a resolution under this section and a single quorum call at the conclusion of such debate if requested in accordance with the rules of the Senate, the vote on final approval of such resolution shall occur.

(D) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a resolution under this section shall be decided without debate.

(e) PROCEDURES APPLICABLE TO THE HOUSE OF REPRESENTATIVES.—(1) The provisions of this section are enacted by the Congress—

(A) as an exercise of the rulemaking power of the House of Representatives, and as such they are deemed a part of the rules of the House, but applicable only with respect to the procedure to be followed in the House in the case of resolutions under this section and such provisions supersede other rules of the House only to the extent that they are inconsistent with such other rules; and

(B) with full recognition of the constitutional right of the House to change the rules (so far as relating to the procedure of the House) at any time, in the same manner and to the same extent as in the case of any other rule of the House.

(2) Resolutions of repository siting approval shall, upon introduction, be immediately referred by the Speaker of the House to the appropriate committee or committees of the House. Any such resolution received from the Senate shall be held at the Speaker's table.

(3) Upon the expiration of 45 days of continuous session after the introduction of the first resolution under this section with respect to any site, each committee to which such resolution was referred shall be discharged from further consideration of such resolution, and such resolution shall be referred to the appropriate calendar, unless such resolution or an identical resolution was previously reported by each committee to which it was referred.

(4) It shall be in order for the Speaker to recognize a Member favoring a resolution to call up a resolution under this section after it has been on the appropriate calendar for 5 legislative days, When any such resolution is called up, the House shall proceed to its immediate consideration and the Speaker shall recognize the Member calling up such resolution and a Member opposed to such resolution for 2 hours of debate in the House, to be equally divided and controlled by such Members. When such time has expired, the previous question shall be considered as ordered on the resolution without intervening motion. No amendment to any such resolution shall be in order, nor shall it be in order to move to reconsider the vote by which such resolution is agreed to or disagreed to.

(f) COMPUTATION OF DAYS.—For purposes of this section—

(1) continuity of session of Congress is broken only by an adjournment sine die; and

(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 90-day period referred to in subsection (c) and the 45-day period referred to in subsections (d) and (e).

(g) INFORMATION PROVIDED TO CONGRESS.—In considering any notice of disapproval submitted to the Congress under section 116 or 118, the Congress may obtain any comments of the Commission with respect to such notice of disapproval. The provision of such comments by the Commission shall not be construed as binding the Commission with respect to any licensing or authorization action concerning the repository involved.

Page 30, line 17, strike out "and legislature".

Page 44, line 10, strike out "and legislature".

Page 44, line 11, strike out "jointly".

Page 44, line 15, strike out "and legislature".

Page 44, line 19, strike out "and legislature".

Page 44, line 21, strike out "and legislature".

Page 45, line 5, strike out "and legislature".

Page 45, line 7, strike out "and legislature".

Mr. BROYHILL (during the reading). Mr. Chairman, I ask unanimous consent that the amendmant be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. OTTINGER. Reserving the right to object, Mr. Chairman, I shall not object, but I make this reservation to ascertain from the gentleman which one of the two rather long and similar amendments he is offering. One is a one-House sustained and the other is a two-House sustained.

Mr. BROYHILL. The one I called up was the one-House sustained. I hope that is the one that the Clerk read.

The CHAIRMAN. Is that on page 35?

Mr. BROYHILL. Yes.

The CHAIRMAN. That is the one-House.

Mr. OTTINGER. Mr. Chairman, I thank the gentleman, and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

□ 1650

Mr. BROYHILL. Mr. Chairman, apparently much of the controversy that we have had over this bill up to this time, and this, of course, has come out in the debate today, is what role the Governor will have at the time that a final repository is selected.

We also discussed, an hour or so ago, an amendment offered by the gentleman from New Mexico (Mr. LUJAN) the role that the Governor would have in the placement of more than 300 tons of spent fuel on a temporary basis in a particular State.

My amendment provides for the so-called one-House sustain State veto. Let me explain to my colleagues why we are asking you to vote for this amendment and why we feel that it is imperative that this language go into the final bill that is approved by this House.

This bill provides for a very detailed road map that the Department of Energy and the President and the other agencies that are involved must follow in the selection of a final repository for spent nuclear fuel.

All through this bill there are ample environmental protections. The repository is subject to NEPA, an environmental impact statement is required and, of course, the DOE must, before they even set foot on a site, start that procedure.

Environmental assessments are all through this bill. Also, if my colleagues will consult the text of the bill, they will find that the Governors and Indian tribes are consulted all during the process and the procedure as it goes forward.

Now, the main sponsors of this bill, the gentleman from Arizona and others, have put a provision in here, though, that gives the Governor, after going through that entire process, an absolute veto over what had been done. In other words, we could spend several years, 7 or 8 years, up until 1987 or beyond, and several hundred million dollars, in making the selection and then have a Governor veto the project, overriding the decision of this Congress, overriding the decision that had been made by the President, on the advice and counsel of a major department and other agencies of the Government.

I think that is going too far. I do not think that is the way we ought to go.

My amendment calls for a one-House sustain; that is, if the Governor objects, and one House sustains that objection, then that objection shall stand.

It seems to me that that is a fair compromise between those who would say that a Governor could have absolute veto over these projects as opposed to those who might say, "Well, the Governor should have no say whatsoever in this decision once it is finally made."

I think that the Governors and the States should be consulted not just at the final end, but all during the process. That is why we have added amendments in this bill to assure Governors are consulted, the States are consulted, all during the procedure, all during the process.

But once that decision has been made as to where the final repository is to be, it seems to me that that decision should stand unless we find that one House of the Congress should go along with the Governor and vote to sustain that Governor's veto.

Mr. Chairman, I might point out as a matter of legislative history that this House, the full House, back in 1980, by a substantial vote, refused to allow a State to veto a President's final selection of a repository. This one-House sustain veto was contained in the 1980 bill that passed this House. It was also included in the Senate-passed bill this past year, and also in the Committee on Energy and Commerce reported bill as well as the Committee on Science and Technology reported bill.

The one-House sustain veto is fair, it is balanced. Clearly to me it is the middle ground between the extreme two-House override in the fill now, and no State veto at all.

Mr. Chairman, I would urge the adoption of this middle ground amendment.

Mr. CORCORAN. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I would be glad to yield to the gentleman from Illinois.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. BROYHILL) has expired.

(On request of Mr. CORCORAN and by unanimous consent, Mr. BROYHILL was allowed to proceed for 1 additional minute.)

Mr. CORCORAN. I thank the gentleman for yielding to me.

Mr. Chairman, my question to the gentleman from North Carolina is in connection with the procedure that he has described here. Is he talking about the final repository or is he talking about the last-resort, interim, away-from-reactor storage program?

Mr. BROYHILL. We are talking about the final repository. This amendment has nothing to do with the temporary away-from-reactor storage facility. We have already passed that part in the bill, and the House voted not to go along with that, but we are talking now about an entirely different part of the bill. We are talking about the final repository that will be selected and should be selected under the terms of this bill by 1987.

Mr. CORCORAN. If the gentleman will yield further, in view of the fact that the gentleman is talking about Federal power and the preemption of that power with respect to the final repository, I would urge my colleagues to support the amendment.

Mr. BROYHILL. I thank the gentleman for his support.

Mr. FUQUA. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, the amendment offered by the gentleman from North Carolina and I helps make this a much more workable bill. We have spent considerable time in bringing forth from three committees, I think, a very, very good bill.

This is the one flaw that I find in this bill, even though two of the three committees involved opt for this type of language. However, in the final version that was meshed together as a result of the rule, this part was left as it came out of the Committee on the Interior, but what we are proposing, and the gentleman from North Carolina has outlined it very clearly, I think, is that there will be participation by the Governors of the several States, but instead of Congress putting itself with the States in a confrontational type atmosphere, one House would sustain the veto should a Governor so exercise that prerogative.

As the gentleman from North Carolina also pointed out, this is not new. On December 3, 1980, on rollcall 662, the House took a position rather overwhelmingly to support this position of the one-House sustained veto.

□ 1700

I think it makes it a very workable bill. It recognizes the rights of the States, and yet on the other hand does not put the Congress in a confrontational-type position. The House as well as the Senate on previous occasions has taken this position, and I think it would help make this a more workable bill, so that we could achieve a meaningful waste disposal that this bill envisions rather than having the two Houses having to override a veto of a governor.

I think it gives all the rights that we need. It has been done in the House. I think it is constitutional. Questions have been raised that it may or may not be constitutional. There is a separability clause in the bill, and I do not see that this item that has been not only used in previous Congresses, but I do not see this being a matter for making the entire bill unconstitutional.

So, I think all of the provisions have been met, as was mentioned by the previous speaker, such as environmental impact. All of the factors that must be considered, and the Governor has that right to make this objection, but we put the Congress acting in a positive rather than in a negative fashion in the sustained veto. So, I urge my colleagues to vote in favor of this amendment that was offered by the gentleman from North Carolina and which I have cosponsored with him.

Mr. MOORHEAD. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in support of this compromise amendment to provide that one House of Congress must sustain a State veto of a repository site.

Between the position or requiring either two Houses to sustain or two Houses to override a State veto, there is a clear and compelling compromise provision that would require only one House of Congress to sustain such veto. This is the middle ground found irresistable by the House in 1980, the Senate in 1982, and by both the Energy and Commerce Committee and the Science and Technology Committee during their consideration of this legislation this session.

It is my understanding that the only reason a one-House sustain provision was not included in H.R. 3809 was because of concern about the constitutionality of a one-House legislative veto. Clearly such concern is unfounded.

We are not dealing with what has been traditionally called a legislative veto in our amendment. We are not requesting that one House of Congress be allowed to veto an action of the executive branch of the Federal Government.

We are only providing that Congress can exert some influence on a State veto of a Federal project. We give the State the opportunity to have its veto sustained by either House of Congress. It is this Federal legislation which grants the State the right to a veto in the first place—and I submit that there is absolutely no constitutional problem whatsoever in requiring that such State veto be sustained by one House of Congress prior to it becoming effective. For over 150 years, the courts have permitted Congress broad discretion to effectuate the powers delegated to it under the necessary and proper clause (article I, sec. 8, cl. 18) of the Constitution. H.R. 3809 clearly provides that the Federal Government has the responsibility to provide for the permanent disposal of nuclear waste—it provides that this is a national problem demanding a national solution. There is, of course, no constitutional requirement that a single State have any veto whatsoever over Congress solution to this national problem—and there is certainly no constitutional requirement that Congress cannot limit such a State veto by requiring one House to sustain that veto before it becomes effective.

Nuclear power issues have always been under the province of the Federal Government because of the valid concerns about the national welfare and public health and safety. Just because Congress has seen fit in this legislation to grant to the States a strong role in the approval of a nuclear waste repository site does not mean that the Federal Government can only override that role by passing new legislation. This is what H.R. 3809 currently requires.

The proper balance of State and Federal power on such a critical issue should be as follows:

Yes—allow the States to disapprove of a repository site in their territory—but simply require that one House of

Congress must sustain that veto before it takes effect.

Make no mistake, I have been a strong advocate of the States' role in the selection of a nuclear waste repository site. H.R. 3809 contains extensive opportunities for the States to participate in the siting process through a strong Federal-State agreement covering virtually every aspect of the repository siting and development that might affect the health and safety of the States' residents, or that might affect the environment of the State. Our bill provides for total compensation for any costs incurred by the States during this participation in this process. From beginning to end, the State has been made a close partner with the Federal agencies responsible for this project.

All we seek through this amendment is the opportunity to restore balance to this partnership. I urge you to vote yes on this amendment requiring one House of Congress to sustain a State if it chooses to veto this desperately needed Federal project.

Mr. OTTINGER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, it may strike many as being ironic that the gentleman from North Carolina (Mr. BROYHILL), the gentleman from Florida (Mr. FUQUA), and the gentleman from California (Mr. MOORHEAD) are arguing against States rights, and here I am arguing for them. But, this is about as drastic a thing as one can do to a State. Members saw how drastic it is. We just went through an hour's debate on whether we ought to exclude a particular site in Mississippi from having this repository. The State of Louisiana went so far as to get a commitment from the previous administration that a repository would not be put in the State of Louisiana. There are strong feelings and fears about putting a repository in any particular State.

What we are talking about in this amendment is how effective protection we will give, and to require full congressional deliberation of a State's objections. Under the amendment offered by the gentleman from North Carolina, the State would have to actively pursue support in the two Houses, because if neither House did anything, the objection would never be effective.

I think that the States deserve better protection than that. Further there is a very serious constitutional problem with the "one House sustain" formula that the gentleman from North Carolina puts forward. In a District of Columbia Court of Appeals decision on January 29 of this year, in the case of Consumer Energy Council of America et al. against the Federal Energy Regulatory Commission, the Court ruled that a one-House congressional veto is unconstitutional, now quoting from the opinion:

> Both by preventing the President from exercising his veto power and by permitting legislative action by only one House of the Congress.

The formula provided in the bill provides for consideration by both Houses of Congress and signature by the President, so it clearly is constitutional.

The gentleman from Florida, who is my good chairman, and I love him very deeply, says yes, but there is a separability clause. But, the separability clause here causes untold damage because if this provision is found to be unconstitutional, then the State will have no protection whatsoever, and the Secretary of Energy would not have to pay attention to the State whatsoever.

□ 1710

With an action that is this drastic and of this much concern to the people of the State, certainly the State ought to have a voice.

I tried in committee to get an agreement from the minority on a provision that says if this provision is deemed unconstitutional by the Supreme Court, then the two-House veto provision would take effect. I said then I agreed to the Broyhill language under those conditions. There was no willingness to agree.

For effective protection of our States against these drastic actions, to at least have the full Congress and the President of the United States consider the States' objections, you should vote against this amendment.

Mr. SWIFT. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Washington.

Mr. SWIFT. It is true, is it not, that this House voted just a few minutes ago on a one-House veto for AFR?

Mr. OTTINGER. Against a one-House veto.

Mr. SWIFT. To retain its two-House veto for AFR?

Mr. OTTINGER. That is correct.

Mr. SWIFT. If we were to pass this amendment we would then have an outrageous inconsistency. We will have had the more strict two-House veto for the AFR but only a one-House veto for the final repository site and have given the more stringent State veto for, if you will, the lesser problem than for the final one where we are going to be living with it for thousands of years and we would have for that but a one-House veto if in fact the House does not vote consistently as it did before and vote down the one-House veto, vote down this amendment. Is that correct?

Mr. OTTINGER. The gentleman is absolutely correct. It would be an ironic situation to have the more stringent review for temporary storage and have no effective State protection with respect to a permanent repository that is going to store high level wastes for hundreds of thousands of years.

Mr. BROYHILL. Will the gentleman yield on that point?

Mr. OTTINGER. Surely.

Mr. BROYHILL. I do not want to take much of the gentleman's time. But I certainly can understand why people would have some concern about the presence of temporary storage of nuclear spent fuel materials in their State. But we are talking about something entirely different. We are talking about a selection of a permanent repository which everybody wants and wants to expedite.

Mr. OTTINGER. I have the greatest respect for the gentleman from North Carolina and would like to say the compromise that is before us is due largely to his flexibility and statesmanship. But I think this is one area on which we could not agree. I just do not think adequate protection is provided under the formula which he advances.

Mrs. BOUQUARD. Mr. Chairman, I move to strike the requisite number of words and rise in support of the amendment.

I think it is important we realize in the last session of Congress that both the other body and the House passed comprehensive nuclear waste legislation which contained the requirement that a State objection can be sustained by a majority vote of one House of Congress.

It is also relevant that the other body has recently passed such legislation as well.

Referring to the one-House provision and its constitutionality, I think it is worthwhile to point out that a one-House concurrence with the State should be constitutionally permissible because we are not dealing with decisions on individual rights. We are talking about a regulation proposed to be promulgated pursuant to an Act of Congress. We are dealing with a proposal to locate a Federal facility at a particular site.

If the Congress can give the final decision to the State under the current provision then constitutionally it is consistent for Congress to be permitted to retain part of the override authority.

If a two-House override is required by the Constitution, then the Congress cannot give away more authority than it has by allowing a State to override the President.

The only permissible State veto would then be one where both Houses must agree with the State in order for the veto to become effective.

I ask that we do support this amendment and yield back the balance of my time.

Mr. SANTINI. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

I ask my colleagues to consider and weigh carefully the formula that is being offered by the gentleman from North Carolina (Mr. BROYHILL) and the formula that is contained in the bill as it was sent to this House by the Rules Committee.

The Department of Energy, the President of the United States makes a decision about the permanent repository. The Department of Energy and the President select State X. State X objects.

Question: What happens under the bill as it is being considered by this committee at this time; what happens under the proposed amendment?

Under the bill as sent to us by the Rules Committee there is a 90-day timeframe. Within that 90-day time frame the objection would stand unless the House and the other body overrode that objection.

What in essence this creates is an affirmative burden of proof and persuasion in the Department of Energy to come to the committees of jurisdiction and say here is the reason and basis that we selected State X. Within 90 days then to have the House and the other body support that position of the Department of Energy and the President of the United States.

Conversely, under the amendment offered by the gentleman from North Carolina, the State veto or objections would be tubed unless one House of the U.S. Congress supported State X.

I plead and appeal to you as individual Members with sensitivity within your own districts and within your own congressional concerns, understand in practical terms what we are looking at here this afternoon.

We are considering in practical, realistic, real world terms whether or not State X, whether it is Louisiana, South Carolina, Utah, Nevada, Texas, whether State X is going to have any chance to have its cares and its concerns enunciated, heard and understood.

The State of Washington may not have any concerns and may be receptive to the location. But in practical terms if you were a legislator representing the district in which the permanent repository had been selected you would be virtually and in practical terms under the gentleman from North Carolina's amendment precluded, foreclosed, foreclosed from having your opportunity within 90 days to express your own concerns to this body and the similar body in the U.S. Senate.

In essence, you would be denied your day or opportunity to present your issues and your concerns of your State and your congressional district because the gentleman from North Carolina in all sincerity offers to this body a State participation which is in essence a fraud and a sham.

There is no conceivable way that State X is going to come before the House of Representatives or the U.S. Senate and persuade a majority of its Members to support its position, however meritorious, however valid its concerns, however justified those complaints.

You see the sophisticated but very important difference between the amendment being proposed and the language in the committee bill is the Department of Energy, the Government agency that made the decision to locate the permanent repository has the burden of proof and persuasion to you as Members of this body, to the U.S. Senate. It is a decision that will last 1,000 years, 100,000 years, in terms of impact on that State, on that congressional district and on this Nation, and it is a decision that deserves a fair and honest and open and aired hearings before this body and the U.S. Senate. It is a decision that will never receive a fair, honest, or open hearing under the amendment offered by the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. SANTINI. I yield to the gentleman from North Carolina.

Mr. BROYHILL. The gentleman is giving the Members the impression that there is no consultation with the States in this whole procedure and the gentleman knows that is not true.

The CHAIRMAN. The time of the gentleman from Nevada (Mr. SANTINI) has expired.

Mr. BROYHILL. Mr. Chairman, I ask unanimous consent that the gentleman from Nevada (Mr. SANTINI) be given 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. UDALL. Mr. Chairman, reserving the right to object, I am trying to keep my commitment to the leadership to wind this thing up at 5:30 and also get a vote on this amendment.

I hope there will be no further requests for additional time.

Mr. Chairman, I withdraw my reservation of objection.

□ 1720

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina (Mr. BROYHILL)?

There was no objection.

The CHAIRMAN. The gentleman from Nevada (Mr. SANTINI) is recognized for 2 additional minutes.

Mr. BROYHILL. If the gentleman will yield further, the gentleman would agree that before even sinking any sites in the shaft in the characterization stage the DOE must consult with the States, and they must also perform environmental assessments and that these assessments are judicially reviewable.

Mr. SANTINI. If the gentleman will permit me to reclaim my time, the precious 2 minutes that have been allocated to us, if my good friend on the Commerce and Energy Committee would honestly recognize that those who have been ecstatic and enthusiastic about the cooperative communications from the Department of Energy in the past to individual States and congressional districts, they should be ecstatic and consoled with the language in that bill.

But there is nothing that protects the individual State unless it is the largesse and the good will of the Department of Energy reaching out to State X and saying, "We will bring you in for a consultation." If my good friend could only understand those of us who have dealt with Federal agencies in the past and have found ourselves perhaps not the beneficiaries of an extension of good will—"Hi, we are from the Federal Government, we are here to help you today"—we are concerned about the fact that in practical terms the gentleman's amendment wipes out any meaningful State role, because what you do by shifting the burden of proof from the Department of Energy over to the State is to require the State to come in and prove that it was wrong, instead of the Department of Energy to come in and prove it is right. That is a significant and substantial difference that will produce in the Department of Energy a sense of arrogance, a sense of indifference, and all of the consultation language in the world will not protect that State if that kind of language such as you propose goes in here.

Mr. BROYHILL. If the gentleman will yield, the gentleman is not giving any credit whatsoever to the amendments that we put in here at his request, the request of the Governors, requiring timely response from the DOE to a request from the Governors, and if those requests are not made in a timely way, the DOE must halt all progress in the program.

Mr. SANTINI. I do not have any faith in the bureaucracy when it comes to arbitrary decisionmaking. No, I do not.

Mr. BROYHILL. All of this is judicially reviewable.

Mr. UDALL. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment close at 5:35 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

Mr. DANNEMEYER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. UDALL. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment close at 5:40 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. Members standing at the time the unanimous consent request was granted will be recognized for 1½ minutes each.

The Chair recognizes the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I rise in opposition to the amendment.

The gentleman from Nevada is totally right that this amendment by Mr. BROYHILL totally weakens the States rights under the bill reported by the committees. It totally wipes out the two-House override and basically says that if Congress is quiet, then the Governors' veto is ignored. It is just not fair.

I serve on the House Armed Services Committee. We amended the bill for the two-House override in the House Armed Services Committee. It was adopted 25 to 6. You are eliminating what we did in the three committees.

Now, I think the strongest point is when a State site has been picked, that State is going to have a tough time. Forty-nine other States are going to be ganged up against it. So what is wrong with giving that State Governor as much chance as possible under the House and let him have the two-House override? And if this is such a good amendment that Mr. BROYHILL has offered, I really cannot understand why three committees which handled this bill did not vote up this amendment. I certainly hope that Members will defeat the amendment. It is a bad amendment and it should be defeated.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield on that point? I would like to correct what the gentleman has said.

The CHAIRMAN. The time of the gentleman from Mississippi (Mr. MONTGOMERY) has expired.

The CHAIRMAN. The Chair recognizes the gentlewoman from Maryland (Mrs. BYRON).

Mrs. BYRON. Mr. Chairman, I rise in support of the amendment to substitute new language for existing section 115. The provision allows States de facto veto authority over the siting of a high level radioactive waste repository. I believe that the amendment will improve the high level waste bill, which I am pleased to cosponsor and support.

Under existing law, the authority of States and Indian tribes to participate in the decisionmaking process leading to the siting of high level waste repositories is quite limited. This is a reflection of the fundamentally Federal character of our atomic energy program and the important national purpose to develop atomic energy technology which underlies that program.

While I firmly believe in appropriate participation by States and by Indian tribes in decisions relating to the siting of high level radioactive waste repositories, I similarly believe that such participation must be in agreement with the fundamental national interests involved.

The current section 115 of the waste bill does not reflect the proper balance in State and Federal interests. The section essentially permits a State to veto a siting decision lawfully made by the Department of Energy and the President, even after the Department and the President have reviewed and taken into account all legitimate concerns raised by the State and all other interested members of the public. The only way that this State veto could be overriden would be for Congress to pass a law within 90 days of learning of the State action.

Mr. Chairman, the failure of the proposed section 115 to reflect important national interests is especially troubling in view of the applicability of the section to defense wastes under other provisions of the bill. It is a questionable and potentially dangerous policy to confer veto authority upon States and Indian tribes over any aspect of our atomic energy defense activities.

The substitute for section 115 addresses these concerns and yet amply recognizes the legitimate interests of States and Indian tribes in this area. The amendment authorizes States and Indian tribes to submit notices of disapproval to Congress. The State disapprovals will be effective, however, only if sustained by at least one House of Congress within a specified period. This provision allows States and Indian tribes to call upon Congress to review a siting decision, yet does not require us to pass yet another law to resolve the high level waste issue.

This is essentially the mechanism provided in the bills reported by two of the three major committees in the House and is closer in nature to the mechanism for State participation provided in the bill adopted by the Senate. It allows the Federal Government to select an optimal repository location without the roadblock of an unwarranted and unsupported veto by a State or Indian tribe.

I believe that the substitute will facilitate the siting, construction, and operation of the very best high level waste repositories which we can reasonably expect to achieve. In addition, it will do this without inflicting unreasonable additional costs and delays on ratepayers, taxpayers, our national defense, and the power companies. I urge my colleagues to vote in favor of this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. Mr. Chairman, the French have shown the world how to dispose of high-level nuclear waste in a safe manner. For the last 3 years they have been operating a facility in the south part of their country that stores high-level nuclear waste, and it is about the size of a basketball court, I am told. It consists of concrete about 30-feet deep, and in this concrete they have drilled cylinders about a foot in diameter, and in these cylinders they placed two 6-foot heights of virtrified high-level nuclear waste at the bottom, a total of 12 feet, and at the top of that they put a 12-foot cork of concrete.

Now, that is sufficient shielding for people in that region—this representation has been made to me—that 100 people working on that site walk around the top of that facility. Now think of that. Now, if the French can build that kind of facility in the premier—one of the premier—wine-growing regions of the country, which obviously makes it a premier tourist attraction for France, are we really doing anything constructive here in this great Chamber backing and filling? There is an underlying fear, I think, in the Members that if we place this waste disposal site in any of our 50 States, we are going to expose the citizens of that State to perilous danger. Nothing could be further from the truth.

The gut issue on this amendment is whether we in this country who run the political affairs want to have a means of disposing of high-level nuclear waste. That is the issue. Because if we turn down this amendment, there is not any elected Member of this body who really believes——

The CHAIRMAN. The time of the gentleman from California (Mr. DANNEMEYER) has expired.

The CHAIR recognizes the gentleman from Washington (Mr. SWIFT).

Mr. SWIFT. Mr. Chairman, I would suggest that the gentleman who just spoke misses the point entirely. What we are deciding here today is whether or not the State in which the Nation decides they are going to place the waste has any say-so about it and what is the nature of that say-so.

The information that the gentleman shared with us and all of the Members in the Chamber is information that is also available to the States. I am surprised, serving on the committee with the gentleman as I am, and knowing his concern for States rights, and that people in Washington, D.C., do not dictate the fate of the people out in the local communities, that he would not see that it clearly is an issue not of our making a decision based on the lack of information, but his not having

faith that the States are able to use that same information in making wise judgments.

Mr. DANNEMEYER. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from California.

Mr. DANNEMEYER. I am a firm proponent of States rights. But let us face it: This is an issue of national significance. It transcends States interests and rights.

Mr. SWIFT. I ask the gentleman if he believes the States ought to have a significant right of say-so of what the Federal Government puts in their back yard.

Mr. DANNEMEYER. I agree the States should have that input. But somebody has to decide.

Mr. SWIFT. They should have it, but not meaningful enough so that in fact their say-so has any effect at all, is that what the gentleman is saying?

Mr. DANNEMEYER. It is in the bill so that States can have an input. They will stay there even if we adopt the Broyhill amendment.

Mr. SWIFT. They can have input as long as they cannot affect the decision.

Mr. DANNEMEYER. And the States will have input and their input will be evaluated and given the dignity to which they are entitled.

□ 1530

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, this is really a question of whether the Federal system under which we have been operating for over 200 years will prevail in a field as important to our national security and to our economic development as is nuclear energy.

As the gentleman who is offering the amendment, the gentleman from North Carolina (Mr. BROYHILL), pointed out a moment ago, everybody says that we have got to solve the problem of nuclear waste. This is precisely what this bill is designed to do. And yet here we are undercutting that effort by imposing impossible conditions on getting any kind of design or decision approved.

What the amendment of the gentleman from North Carolina would do is simply permit any one State that does not want the repository to come before either House of Congress and make its case. And certainly one House is as good as the other for making that decision. What better court could they have? If they cannot get one House to support them, then they are really in trouble.

But what the committee bill does, what it says that they have got to undertake, the Government itself has got to get two Houses of Congress to oppose the State and then to get the President to disagree. That is a formula for doing nothing whatsoever; and as the gentleman from California has indicated, we are going to be way behind our French colleagues if this is the way we run our atomic railroad.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, the railroad would be run through States that did not have that much political clout to begin with.

Let us take a State like Nevada. This is a State that obviously will not be able to put a big roadblock in the path of the nuclear railroad: One Congressman and two Senators against the President of the United States, the Secretary of Energy, and most likely every other State that was not unlucky enough to get the nuclear repository all lined up against it. One Congressman and two Senators saying, Please, Congress, will you just listen to our case. There are a few criteria that should have been looked at. We wanted to know whether or not the NRC reviews have been an integral part of the site selection process; if sufficient study has been done to determine suitable geologic media; if public comments and criticisms have been responsibly assessed by DOE. And then, if there is no reason to give any credence to any of the objections of the Representatives from Nevada, then override them.

And most likely it would be 434 to 1 with a great sigh of relief from all of the nonwinners of this Congress who avoided becoming the nuclear garbage can of the United States for the next 20,000 years. This is all we are trying to build into this law: An opportunity by the Senators and the Congressmen of the least densely populated States to come before their respective bodies and make a case that a little bit more caution ought to be put into the siting of the Nation's permanent high-level nuclear waste facility.

Most likely some modest change will be made and the facility will be built in any circumstance. But that does not seem like too high a concession to make to a State as it is being asked to become the nuclear garbage can of this country for eternity.

The CHAIRMAN. The Chair recognizes the gentleman from Utah (Mr. MARRIOTT).

Mr. MARRIOTT. Mr. Chairman, I rise in opposition to the Broyhill amendment and support a two-House override. The Governors are coming to me and saying they do not believe they have enough authority in this area, and here we are now trying to weaken the bill evermore.

This two-House override really gives the States some teeth, it gives them some attention, and I think it is a necessary step.

Putting a repository in any State is not a simple matter. It is a very serious proposition. If a Presidential selected site is really in the national interest, then I believe we will override that State veto. But until that happens, I think we ought to give the States the benefit of the doubt.

(By unanimous consent, Mr. OTTINGER yielded his time to Mr. UDALL).

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. BROYHILL).

Mrs. HOLT. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield to the gentlewoman from Maryland.

Mrs. HOLT. Mr. Chairman, I rise in support of the substitute.

Mr. BROYHILL. Mr. Chairman, there seems to be the implication here in this debate from the other side that there is nothing in this bill that protects any rights of the States during this whole procedure of selection of the final repository.

I just hope that Members will take time to read the bill. All through it it states notification, consultation, three sets of public hearings, all through this bill, consultation on site characterization, a timely response from States who request information or cooperation and have the power to halt the procedures and the process if they do not get that.

Environmental assessment of each one of the candidate sites which is judicially reviewable. And also a final environmental impact statement which also is reviewable. Also environmental assessment all through this legislation.

All we are talking about here after going through these years and years of consideration, then a Governor can come up and just halt the thing in its tracks.

We are saying that the Governor under our amendment will have his say and if he comes to the Congress and gets one House to go along with it, then his veto will stand. But we do not think it is right that a Governor's veto would just halt the project in its tracks. We think that that is the wrong approach.

We think that the Members should consider very carefully the impact that this language, which is presently in the bill, is going to have on the delicate balance that we do have in this legislation.

If the repository is delayed, we only have ourselves to blame. If the only alternative is temporary solutions for the next decade on two, such as away-from-reactor facilities, we do not think that is a solution. Let us have a final, permanent solution.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. UDALL) for 3 minutes to conclude debate.

Mr. UDALL. Mr. Chairman, we have built a consensus as we went through about five different committees in con-

sideration of this bill, and I think a commonsense consensus on most major points. I do not see the differences here as being all that cosmic or all that vital.

This consensus has been reached with all of the committees that we have worked with. We are all agreed that the States ought to have a veto. If you are going to put something as important as this in a State, then the State through its Governor or legislature ought to be able to say no thanks.

We are also agreed that once the State has made that veto, that there ought to be a mechanism so that, in the national interest, it could be overridden as we do in war when we need an air base or at other times when we need Federal eminent domain.

The questions here really surround how tough it should be to override the State's veto, where should the burden of proof lie, and so on.

I prefer the language now in the bill. I prefer that and oppose the amendment. What the language now in the bill says is that you must get both the House and the Senate to override a Governor or the State's decision stands. That means there is a presumption that the State's veto of that site will stand and it takes both the House and Senate to override the Governor's decision.

The Broyhill amendment says that unless one of the Houses votes to sustain the State Governor, then the State loses. The presumption stands against the State veto.

As I say, I do not see great cosmic differences between them. We do have a possible conflict problem, a constitutional problem with the one House veto, and for these and the reasons I have stated I prefer the language now in the bill to the language offered by my good friend from North Carolina.

Mr. BROYHILL. Mr. Chairman, I must point out this is a considerable switch from where the gentleman was a couple of years ago when he appealed to everybody to vote down the Kostmayer amendment. At that time he was saying that the bill before us gives us a road map for a solution to the problem and urged everybody to vote down that amendment.

So I hate to see that we are on different sides here. But it seems to me that he is not arguing very vehemently against my amendment. So perhaps I ought to be quiet.

Mr. UDALL. Well, if I have a moment left at the end of the day, I can tell one of my favorite stories about old Senator Ashurst from Arizona, chairman of the Judiciary Committee.

□ 1740

President Roosevelt did not like the Supreme Court decisions and he introduced a bill to add six members to the nine-member Court so that he could get a better quality decision. Senator Ashurst introduced that bill and got it out of the Judiciary Committee and caught so much hell from Arizona that he turned around and led the fight on the Senate floor to defeat his own bill.

He used to tell about a telegram from a lady in Phoenix who sent a telegram saying, "Thank God for your courageous stand on that Supreme Court bill."

And he wired back, "Which one?"

So I guess I have not been all that consistent, but I think here the amendment ought to be defeated.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from North Carolina (Mr. BROYHILL).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BROYHILL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 190, noes 184, not voting 59, as follows:

[Roll No. 396]

AYES—190

Anderson	Evans (IA)	Martin (NC)
Archer	Evans (IN)	Martin (NY)
Atkinson	Fary	McClory
Badham	Fascell	McCollum
Bafalis	Fiedler	McDade
Bailey (MO)	Findley	McDonald
Bailey (PA)	Flippo	McEwen
Benedict	Forsythe	McGrath
Bennett	Fountain	McKinney
Bereuter	Frenzel	Mica
Bethune	Frost	Michel
Bevill	Fuqua	Mineta
Bliley	Gingrich	Molinari
Bouquard	Ginn	Mollohan
Brinkley	Goldwater	Moorhead
Brooks	Goodling	Murtha
Broomfield	Gradison	Myers
Brown (CO)	Gramm	Napier
Brown (OH)	Gray	Natcher
Broyhill	Gregg	Nelligan
Butler	Hagedorn	Nichols
Byron	Hamilton	Oakar
Campbell	Hammerschmidt	Oxley
Carman	Hansen (ID)	Parris
Carney	Hartnett	Pashayan
Chappell	Hatcher	Patman
Chappie	Heckler	Pease
Cheney	Hendon	Perkins
Clausen	Hillis	Pickle
Clinger	Hollenbeck	Porter
Coats	Holt	Quillen
Coleman	Hopkins	Railsback
Collins (TX)	Hubbard	Rhodes
Conable	Hunter	Rinaldo
Corcoran	Huito	Ritter
Courter	Hyde	Roberts (KS)
Coyne, James	Jeffries	Roberts (SD)
Craig	Jenkins	Robinson
D'Amours	Johnston	Roe
Daniel, Dan	Kazen	Rogers
Daniel, R. W.	Kemp	Roukema
Dannemeyer	Kennelly	Rousselot
Daub	Kramer	Rudd
de la Garza	Latta	Sawyer
Dornan	Leath	Schulze
Dreier	LeBoutillier	Sharp
Duncan	Lent	Shaw
Dunn	Lewis	Shelby
Edwards (AL)	Loeffler	Shumway
Edwards (OK)	Lowery (CA)	Siljander
Emerson	Lungren	Skeen
Erdahl	Madigan	Skelton
Erlenborn	Marks	Smith (AL)
Evans (GA)	Martin (IL)	Smith (NE)
Snyder	Thomas	Williams (OH)
Solomon	Vander Jagt	Wilson
Spence	Volkmer	Winn
Stangeland	Walker	Wolf
Stenholm	Wampler	Wortley
Stratton	Weber (OH)	Wright
Stump	White	Wylie
Synar	Whitehurst	Young (MO)
Tauke	Whitley	
Taylor	Whittaker	

NOES—184

Addabbo	Gilman	Ottinger
Albosta	Glickman	Panetta
Alexander	Gonzalez	Patterson
Annunzio	Gore	Paul
Applegate	Green	Pepper
Aspin	Gunderson	Petri
AuCoin	Hall, Ralph	Peyser
Barnard	Hall, Sam	Pritchard
Barnes	Hance	Rahall
Beard	Hansen (UT)	Ratchford
Bedell	Harkin	Regula
Beilenson	Hawkins	Reuss
Biaggi	Hefner	Rodino
Bingham	Hertel	Roemer
Boggs	Hightower	Rose
Boland	Horton	Rosenthal
Boner	Howard	Rostenkowski
Bonior	Hoyer	Roth
Bonker	Huckaby	Roybal
Bowen	Hughes	Russo
Breaux	Jacobs	Sabo
Brodhead	Kastenmeier	Santini
Brown (CA)	Kildee	Savage
Burton, John	Kindness	Scheuer
Burton, Phillip	LaFalce	Schneider
Conte	Lagomarsino	Schroeder
Conyers	Lantos	Schumer
Coughlin	Leland	Seiberling
Coyne, William	Livingston	Sensenbrenner
Crockett	Long (LA)	Shamansky
Dellums	Long (MD)	Shannon
DeNardis	Lott	Simon
Derrick	Lowry (WA)	Smith (IA)
Dicks	Lujan	Smith (OR)
Dingell	Luken	Snowe
Dixon	Lundine	Solarz
Donnelly	Markey	St Germain
Dorgan	Marlenee	Staton
Dowdy	Marriott	Stokes
Downey	Martinez	Studds
Dwyer	Matsui	Swift
Dymally	Mattox	Tauzin
Dyson	Mavroules	Traxler
Early	Mazzoli	Udall
Eckart	McCurdy	Vento
Edgar	McHugh	Walgren
Edwards (CA)	Mikulski	Watkins
English	Miller (CA)	Waxman
Fazio	Miller (OH)	Weaver
Fenwick	Minish	Weber (MN)
Fields	Mitchell (MD)	Weiss
Fish	Moakley	Whitten
Fithian	Montgomery	Williams (MT)
Florio	Moore	Wirth
Foglietta	Morrison	Wolpe
Foley	Mottl	Wyden
Ford (MI)	Murphy	Yatron
Ford (TN)	Neal	Young (AK)
Frank	Nelson	Zablocki
Gaydos	Nowak	Zeferetti
Gejdenson	Oberstar	
Gibbons	Obey	

NOT VOTING—59

Akaka	Ertel	Lee
Andrews	Evans (DE)	Lehman
Anthony	Ferraro	Levitas
Ashbrook	Fowler	McCloskey
Blanchard	Garcia	Mitchell (NY)
Bolling	Gephardt	Moffett
Burgener	Grisham	O'Brien
Chisholm	Guarini	Price
Clay	Hall (IN)	Pursell
Coelho	Hall (OH)	Rangel
Collins (IL)	Heftel	Shuster
Crane, Daniel	Hiler	Smith (NJ)
Crane, Philip	Holland	Smith (PA)
Daschle	Ireland	Stanton
Davis	Jeffords	Stark
Deckard	Jones (NC)	Trible
Derwinski	Jones (OK)	Washington
Dickinson	Jones (TN)	Yates
Dougherty	Kogovsek	Young (FL)
Emery	Leach	

□ 1750

Messrs. CROCKETT, MURPHY, DENARDIS, and BEARD changed their votes from "aye" to "no."

Mr. LUNGREN and Mr. FINDLEY changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1800

Mr. UDALL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PANETTA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3809) to provide for repositories for the disposal of high-level radioactive waste, transuranic waste, and spent nuclear fuel, to amend provisions of the Atomic Energy Act of 1954 relating to low-level waste, to modify the Price-Anderson provisions of the Atomic Energy Act of 1954 and certain other provisions pertaining to facility licensing and safety, and for other purposes, had come to no resolution thereon.

MAKING JOBS—AND SAVING THEM

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and to include extraneous material.)

Mr. MAZZOLI. Mr. Speaker, the Congress is laboring to find job creation bills, job mechanisms to put Americans back to work.

One bill which I think would very aptly fill that definition and, therefore, should be part of the agenda for the lameduck session of Congress is H.R. 6514, which is the Immigration Reform and Control Act of 1982.

Depending on whose estimate one would use, as many as 1 million to 2 million jobs, and certainly no fewer than half a million jobs, would become available to Americans, those jobs now being held by people in this country without the proper documentation.

I think all of us who campaigned over the last 2 months know that the people back home, the grassroots, want H.R. 6514 passed so that jobs in America are held by Americans.

I would ask the leadership of the House to schedule, during this lameduck session, the bill, H.R. 6514, and make jobs for Americans and put Americans back to work.

Mr. Speaker, I include an article from the New York Times of November 25, 1982, entitled "Making Jobs—and Saving Them."

The article follows:

[From the New York Times, Nov. 25, 1982]

MAKING JOBS—AND SAVING THEM

"Our first priority," says House Speaker O'Neill, "must be to put the millions of unemployed back to work." The Speaker has his social priorities straight; he's willing to act urgently to make jobs. But is he equally willing to act urgently to save them? Doing that is within his grasp, and that of the lame-duck Congress starting next week—by passing the nearly finished legislation to reform the immigration laws.

One need not be an economic scholar to see the connection between unemployment and illegal immigration. Undocumented aliens pour across the borders in search of jobs. True, many of those jobs are so menial that Americans won't take them, or might be automated if there were no illegals willing to do them for low pay. Nevertheless, the Labor Department estimates that for every five jobs taken by illegal immigrants, one American is deprived of a job.

How many jobs are lost that way? The facts are spongy. No one knows how many illegals come in each year, or how many leave. But the United States Ambassador to Mexico recently reported that if the immigration laws were strengthened, "Probably between one and two million Mexicans would be forced to return to Mexico." And Mexico supplies only half the illegal entrants.

It seems reasonable to guess that some 500,000 illegal immigrants a year are added to the work force, displacing at least 100,000 American workers. That leads to an obvious question. The Speaker—and the President—want quick action on a $33 billion infrastructure program that would make 320,000 jobs. Why not equally quick action on an immensely cheaper immigration bill that could save 100,000 or more jobs?

Quick does not mean hasty. On the contrary. The Simpson-Mazzoli immigration reform bill is the painstaking, balanced result of years of study, adjustment and compromise. It would do much more than save jobs. Without being nativist, racist or mean, it would put the country back in charge of its own borders, while bringing humane status to illegal immigrants already here.

The Administration supports the bill enthusiastically; so do leading Democrats, which explains why it passed the Senate in August by a lopsided 80-to-19 margin. The bill would probably pass the House, too, if it were brought to the floor during the lame-duck session starting next week. If not, it will die and have to run the whole Congressional gauntlet again next year.

That's where Speaker O'Neill comes in. Making jobs is on his priority list for the session; saving jobs is on his "possible" list. If Mr. O'Neill is truly concerned about unemployment, not to mention fairness and humanity, he will give immigration reform the priority it deserves.

SATURDAY'S SHAME

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WOLF. Mr. Speaker, I would like to call to the attention of my colleagues an editorial in this morning's edition of the Washington Post entitled, "Saturday's Shame." The violence which rocked the streets of our Nation's Capital on Saturday was indeed shameful, just as shameful as the prejudicial attitudes of the Klan in this country.

We should not concentrate on criticizing groups at this time but rather emphasize that Washington, D.C., is supposed to reflect the best of this Nation. The frightening, ugly display on our city's streets did not do justice to the city or what it represents.

I wholeheartedly agree with the Post editorial in calling for vigorous prosecution of those involved in the acts of violence and destruction which rocked the downtown area. We must let these lawbreakers know that their action will not be tolerated.

I want to especially mention the police of this city, many of whom sustained injury in the line of duty on Saturday. They responded with professionalism in quelling the disturbance and protecting the citizens and property of the city and they deserve special commendation.

Now we must go forward. If anything, Saturday's demonstration has focused on the need to solve our problems, not through hatred and violence, but through love and reconciliation. Just think of the good which could have come if those in this city on Saturday had concentrated their energies in the direction of groups such as the Greater Washington Board of Trade, which was holding a jobs conference, or the churches of the area which were feeding the needy on that day.

[From the Washington Post, Nov. 29, 1982]

SATURDAY'S SHAME

Please, no excuses for the rampage of Saturday. Even to grace those mindless rock- and bottle-throwers and looters with the label of "anti-Klan protesters" gives them a status they don't deserve to enjoy. It is equally bubble-headed to explain the violence and destruction as an outburst in reaction to unemployment, the Reagan administration, Israel, South Africa or any of the other named objects of complaint. All it took was a handful of practiced delinquents and trouble-hungry instigators to stir things up.

There are some episodes that have no handy, built-in insights or great moral lessons to impart—but only self-evident truths to be understood. Foremost among such truths this weekend is that the Ku Klux Klan is no less despicable because a crowd of vandals behaved so recklessly. If the Klan members' bid for attention and trouble was an objective, consider it accomplished. But they were still bit players in the action, their message no less ugly than it ever has been.

Who got hurt? Not the Klan; all it may have gotten is the last laugh, and that's a shame, too. Bystanders were physically hurt, police officers were injured, people with messages of tolerance and words of peace were knocked around. Worst of all, the people of Washington—those whom the Klan would like to hurt the most—ended up with wounds that will be long in healing.

Police Chief Maurice Turner, as much as anyone, had his hands full and responded

professionally to the pressures. So did the rank and file, who were stretched beyond instant-response capabilities in many instances but who did what they could to arrest as many suspects as possible. Prosecution, we expect, will be vigorous. This may not calm the understandably furious merchants whose downtown stores and offices were destroyed, but everyone deserves assurances that the laws of the city are being enforced as effectively as possible.

Washington has been, and will continue to be, host city to demonstrators with messages that run the full range, from the bigotry of the Klan to what many would consider to be significant and important petitions to their government. In the past, this city has reacted as well as any in ensuring the rights of peaceful protest while protecting all people from violence. That was the assignment of the authorities on Saturday, and it will remain so.

REPORT ON COMMISSION ON SOCIAL SECURITY REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CONABLE) is recognized for 60 minutes.

Mr. CONABLE. Mr. Speaker, I take this time—and I doubt that I will use my entire hour—for the purpose of advising the Members of the House of the deliberations and accomplishments, if such they be, of the Commission on Social Security Reform which was appointed some time ago and which has been meeting throughout this year, having a 3-day meeting beginning on the 11th of November for the purpose of putting together its thoughts on the difficulties the social security system is facing.

This came, Mr. Speaker, after the very difficult election in which social security was a major issue for many candidates, and I must say that many of the people who spoke on the subject knew comparatively little about it. The fact is that the Commission, meeting almost monthly throughout the year, had to gather together a considerable body of information, and there was some hope that the 3-day meeting in November would bring about substantial agreement on the subject for the consideration of the lameduck session. Unfortunately, leaders in the House have made clear that the lameduck session will not consider social security, saying that instead the issue is to be left for another time, and presumably for another Congress.

Mr. Speaker, initially I opposed the appointment of this Commission. It seemed to me that the appropriate time to deal with the social security problem was last fall, and for a while there was a serious bipartisan effort to bring a reform bill to the floor. Leadership opposition, however, on the majority side made impossible any action at that time. The inflammatory rhetoric which was addressed to earlier proposals put out by the President led him to seek, through the Commission, to reduce the polarization.

The Commission was appointed with five members selected by the President, five by the Speaker, and five by the majority leader of the Senate. It included seven Members of the Congress, two former Members of the Congress, and six private citizens who were appointed variously, some of them by the Speaker, some of them by the Senate and some by the President.

The chairman of the Commission was Alan Greenspan, a distinguished economist. The other public members were Alexander Trowbridge, the former Democratic Secretary of Commerce, now the head of the NAM; Robert Ball the long-time Commissioner of Social Security; Lane Kirkland, head of the AFL-CIO; Mary Falvey Fuller, a well-known business woman from the west coast who was previously experienced in social security; and Robert Beck, the chairman of the board of Prudential Insurance Co.

□ 1810

Together with the Members of Congress and the former Members of Congress, this considerable Commission formed a bulwark behind which the Congress could retreat if it wished, or behind which it could advance if it wished. It could shield us, in short, if we wished to use it as a shield.

The Commission was, in its November meeting, a disappointment to some because it did not come out with a strong majority report. However, it did make some accomplishments.

For instance, there was close to a consensus as to the dimension of the problem. Many have been saying, "There's nothing wrong; don't touch it." The Commission decided that between now and 1990 there would be a shortfall in social security funds of between $150 and $200 billion.

That shortfall was not based on the most pessimistic of economic scenarios. It was based on the so-called middle course of economic assumptions; and, therefore, taking that middle course it was assumed that we would need some sort of fail-safe proposal, a contingency which would protect the further erosion of the fund in the event the most pessimistic economic scenario proved to be the acutal one.

There was at least a strong majority agreement of the Commission that we should extend the coverage of social security to new civilian Federal hires; that we should move toward universal coverage. This proposal is controversial to Federal employees only. There is very strong support for it among the public at large.

Provided we do not get into the difficulty of transition rules for existing Federal employees who, as you know, do not have vested pension benefits under the civil service retirement system for the first 5 years they work—provided we avoid this pitfall—it seems entirely appropriate to try to work out some sort of an integrated system for the civil service retirement program and social security, not a merger by an integrated system. This would ultimately be in the best interests of all, and current employees would not be disadvantaged in any way.

There was agreement also in the Commission that we should have a balanced program, that we should not put the total burden of reform on one element of those involved with the social security system the social security payroll taxpayers or the beneficiaries, those who in many cases are dependent on social security for their sustenance.

It was agreed in short that we should come up with a proposal that would have a number of people unhappy but nobody unfairly or exclusively burdened by the solution.

At the end of our deliberations, the end of the 3-day meeting, we agreed that also it was necessary if we were to play an effective role that the principals in this action; namely, the Speaker and the President, must be involved and must be willing to let the Commission serve as a negotiating element in trying to arrive at a balanced reform package.

The problem otherwise would be this: We would find one side or the other making concessions which the other side would put in its pocket and it would become the starting point for negotiations which ultimately must be consummated here in the Congress and between Congress and the President.

Thus it was felt that any strong majority report of the Commission to be effective must have the understanding and the support of the Speaker and the President.

Having failed to go beyond that, the Commission is now meeting again on December 10 to prepare its final report. If we have not been able to get any substantial areas of agreement between the White House and the Congress, obviously, our final report will simply list a series of options and urge that they be put together in some sort of a balanced form.

Those are the alternatives that face us, either a majority report with the agreement of the President and the Speaker behind it or a list of options left to the next Congress. It is still not too late to do something in this Congress.

I would like to talk the politics of social security a little at this point because we are now in a different condition than we were at the time of the election when this so inflamed the rhetoric of the campaign trail.

First of all I think it is apparent the Commission can be a useful tool. It is willing, but it knows the final solution

lies in the Congress and not in its majority report.

It is a useful tool because it is a commission that should not be ignored. Congress can simply duplicate its effort by going through a whole series of hearings similar to those already held by the Commission and can ignore its findings and the body of knowledge about the social security system that it has built up. This would be wasteful and duplicative.

Obviously the members of the Commission are happy to appear before congressional committees. But if we were to act in this lameduck session on social security the Commission could provide a bulwark against public opinion and provide an alternative rather than the purely political forum that the Congress is likely to be on a subject which has been so recently the matter of intense debate.

A second point I want to make about the politics of this is that if we do not do it in the lameduck session we are going to be considering it in a budget context. What do I mean by that?

On February 1 the President is going to have to submit the budget for fiscal year 1984. We all know there is going to be very disturbing deficits in whatever proposal the President makes. We know the deficit for fiscal year 1983 is burgeoning. Budgets are going to be a major concern following the February 1 submission by the President of his budget to the Congress. It is going to be almost inevitable then that during the deliberation about social security early next year, if we put it off until then, the budget people are going to be talking about how nice it would be if we could just cap entitlements or if we could just save some money in the social security system.

Mr. Speaker, one thing I am sure of after this election campaign we have just come through is that the American people will not let you reduce the deficit or balance the budget on the backs of pensioners. It is not a budget issue. It should not be a budget issue.

What we do to social security should be designed to save the system and not to cure our fiscal disorders.

Yet well intentioned people in the budget area, looking at the large amount of moneys involved in social security, are inevitably going to talk wistfully about the necessity of capping entitlements, to many people a code word for social security.

Thus it is my impression that politically we would be much better off trying to deal with this issue now when budget matters do not predominate. Yet, as I hear the leadership, there is talk of starting hearings in Ways and Means early in January and having a bill on the floor by the middle of March when the budget process will be in full bloom. This timetable will add greatly to the difficulty of resolving the social security issue. People will inevitably be confused and suspicious about why we are raising taxes or suppressing the growth of benefits.

A third political point, Mr. Speaker, is that dealing with social security early next year, and it must be dealt with early next year, is going to be a very tough vote for our new Members to cut their teeth on. They, after all, many of them are coming here because they have made a big issue of social security. It was one of the critical issues of this past election and they are not going to be free agents, certainly not in the minds of most of them, to do what may be necessary in order to save the system. No one can blame an eager candidate from making incorrect assumptions about the necessity of our action, but it is embarrassing and difficult to change one's tune so soon after a first election.

□ 1820

We have, I think, a clear indication that the system is badly out of balance. Every indication, also, leads us to believe that sometime between April and July of next year, if further steps are not taken, we will have at least the temporary embarrassment of not being able to send the checks out. And so we do not have the option of postponing reform any longer. That is the fourth point I want to make politically. This is not an issue that can be temporized any longer. We have run out bailing wire. Social security is in a crisis that must be met, and if it is not met in the lameduck session, it must be made early, at the beginning of the next session, with new Members, with many people who are not informed about it and will not have the opportunity to use the Commission's work to the same degree that it could be used in this lameduck session. The Members of the new Congress would be grateful for our action now. It is not too late, Mr. Speaker.

I remain optimistic. I believe that ultimately the Congress does what it must do. I acknowledge it does what is necessary at the last possible moment; but I do believe that it is important that the Members understand that now is the last possible moment to deal effectively with social security.

I deeply regret that the leadership has decided that we are not going to use the Commission as a shield but are going to try to duplicate its work. I deeply regret that they have decided that we are not going to deal with it now, when it will be clear that we are dealing with it in order to save the system, rather than in order to reduce our budget deficit that will be such a looming presence when we do take it up next year. I deeply regret that we are not using the lameduck session and the low political sensitivity that always attends a period of congressional session immediately following an election, but instead are going to take this subject up during a period of rising political interest again as the new Congress starts out on its new programs.

It is the last moment, Mr. Speaker. It is my sincere hope that the Members will speak to our leadership and urge them to try to work out, using the Commission as a bargaining agent, some kind of a majority report, a balanced report, that would permit us to certify to the beneficiaries that they are going to get next month's check, and to certify to those young people who are going to have to pay for the rest of their working lives that, by the time they retire, they will still have a system that will be of substantial benefit to them. It remains to be seen if we have the wisdom to do that. I would like to predict, however, that if we do not take this course and try to resolve it now, it will be all the harder to resolve with the imminence of the crisis facing us next year in a budget context.

Mr. Speaker, that is all the time I wish to take at this point. I have accomplished my purpose. If any Member has any questions, I would be happy to answer them.

GENERAL LEAVE

Mr. CONABLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order on today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SENSE OF HOUSE RESOLUTION INTRODUCED URGING HOUSE LEADERSHIP TO ACT ON DRAMATIC RISE IN PRICE OF NATURAL AND PROPANE GAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. WINN) is recognized for 30 minutes.

Mr. WINN. Mr. Speaker, I have introduced today a sense of the House resolution urging the House leadership as well as the appropriate committee chairmen having jurisdiction to act on the dramatic rise in the price of natural and propane gas. We can talk endlessly about the problem of higher gas bills for our constituents, but actions speak louder than words and it is essential that the House put this dilemma at the top of the legislative calendar in this lameduck session.

A flood of bills have been introduced this year and certainly many have merit. At last count, there are some 50 pieces of legislation in the hopper dealing with the sharp rise in natural gas prices. It is vital that we create a

clear consensus on this issue which affects the daily lives of people who will deal with one of the coldest winters in recent history. My challenge to the leadership is to consolidate the good ideas put forth in current proposed legislation and lead the concerted action we must have. My challenge to committee chairmen is to move the necessary legislation along so it can reach the floor of the House where it can be acted upon during this lame-duck session.

This resolution does not advocate any one bill or solution but is intended to impress upon Congress, and particularly the leadership and the appropriate committees, that the thousands and thousands of natural gas customers who have written to their Representatives and Senators demand decisive action by the Congress as a whole. It is our responsibility to act on behalf of our constituents.

The impact of natural gas price increases has had the most devastating impact on residential users. Depending on the locality, gas rates have increased anywhere from 15 percent to near 60 percent. But the commercial sector is also feeling the pinch of higher energy costs which are ultimately passed on to the consumer. In a recent updated energy analysis study, reported by the American Gas Association, educational, health service such as hospitals and nonresidential apartments or building represent almost 40 percent of the U.S. commercial sales volume. And notwithstanding the application of energy efficiency measures to reduce consumption, overall costs have continued to rise.

I recently received data from Rockhurst College in my area showing that despite a considerable effort and expense to successfully achieve a 25-percent reduction in energy use over a 4-year period from 1979 through 1982, total MCF usage has decreased from 47,517 to 36,457.06 while total costs have increased from $82,277.82 to $151,816.45.

In my district, as perhaps in yours, coordinated efforts are underway to assist individuals and families with their gas bill. Numerous private, church, and social service agencies, as well as cities and counties, are actively involved in raising funds. While most of these projects are voluntarily financed, I can tell you also of both city and county endeavors which have earmarked a portion of their respective budgets to help people pay high utility bills. The city of Overland Park, Kans., for example, has committed $15,000 to a special mayor's fund with a final goal set at $30,000. The Johnson County Commission is contributing $50,000 for needy households. The cities of Kansas City, Kans.; Olathe; Mission; and Lenexa have all begun relief programs. KCMO television has raised money for needy households, through call-in pledges—and the newspapers, the Kansas City Star, Kansas City Kansan have highly publicized the problem.

I have been gratified at the amount of monetary support that has been generated by churches, social service agencies, and cities and counties in my district, but the funds passed on to people struggling to pay their gas bills is just a beginning in tackling the sometimes complicated task of limiting natural gas price increases. Congress did not intend for the Natural Gas Price Act of 1978 to cause this sort of hardship in the natural gas market.

I am sure many of you have received the enormous volume of mail, just as I have. The people we represent are sending us a clear message and are asking for our help. We can help them—even if it is in the short term—by taking action in this lameduck session of Congress. Many of the people who write me are wondering how they are going to keep warm, and at the same time, feed their families. It is a desperate situation.

Talking and debating the causes of this price hardship will not make life easier for the people. Only quick and decisive action can relieve gas consumers besieged with the highest gas bills in history. In large part, it is the NGPA and contractual problems which created this situation—legislation I did not support—and I believe a legislative remedy can at least partially undo the injustices of the past.

Let us show our resolve as well as our compassion and move ahead with substantive legislation to lessen the burden on people who put us here.

□ 1830

INTERNATIONAL SALES AND SERVICES CORPORATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 20 minutes.

● Mr. FRENZEL. Mr. Speaker, I am today, for myself and Mr. GIBBONS of Florida, introducing legislation that is designed to offer a meaningful, substantive, and inexpensive solution to our mounting trade deficit problems. Our bill, the International Sales and Services Corporation Act of 1982, is designated to further the debate as to a possible replacement for the current Domestic International Sales Corporation (DISC) legislation, and is intended as an update replacement for a bill we introduced last year, H.R. 5179.

Over the past year, it has become evident that the DISC is doomed to extinction. DISC, which was originally enacted in 1971 as a means of partially offsetting the export incentives offered by the European tax systems, has been under attack for the past several years as a subsidy that does not conform to the General Agreement on Tariffs and Trade (GATT). Earlier this year, the U.S. Treasury finally acquiesced to the GATT, and agreed that the meager benefits provided by the DISC were not in conformity with GATT rules. The problems with the GATT were discussed fully in my RECORD Statement of December 11, 1981, on page H9410.

In admitting that the DISC was not in conformity with the GATT, the Secretary of the Treasury indicated that the Treasury would seek legislative changes in the DISC program in order to bring it in line with the GATT's requirements. Several proposals have been developed by various Members of Congress, the Treasury Department, and several business organizations whose members would be adversely effected by the repeal of the DISC. All of the proposals represent a serious attempt to resolve the current difficulties DISC is facing.

Our bill, the International Sales and Services Corporation Act of 1982 is similar to several of the proposals that are being circulated in that it attempts to address the GATT's domestic tax subsidy argument by requiring ISSC's to be incorporated outside of the United States. The bill also, however, attempts to respond to other GATT concerns by requiring some substance in the foreign corporation, making modifications in the arms-length pricing rules, and altering the method by which the ISSC is taxed.

In general, as stated earlier, our bill would require an ISSC to be incorporated outside of the United States including Puerto Rico. The ISSC would generally not be permitted to have a U.S. office, although rules have been provided to significantly ease the harshness of this rule. The shareholders of the ISSC will be deemed to have received 60 percent of the ISSC's earnings as a taxable dividend. The shareholders would also receive a pro rata portion of any foreign tax credits earned by the ISSC on the taxable deemed distribution. Forty percent of the earnings of the ISSC would be required to be invested in a qualified export asset for a period of no less than 1 year. After the 1-year period, the 40 percent would be considered to be previously taxed income. The shareholders of the ISSC would not have any U.S. tax liability for the dividends they receive out of previously taxed income.

In order to facilitate the use of ISSC's by smaller exporters, those exporters with less than $200,000 in qualified export receipts would be relieved of the requirement in the bill that the ISSC not have a U.S. office. In addition, no limit has been placed on the number of shareholders in an ISSC, thereby opening the door to multiple company ISSC's.

The bill also expands the definition of services in the bill to include virtually all exportable services. However, due to the revenue loss to the Treasury of such a proposal, services will not be considered qualified export receipts until 3 years after the effective date of the bill.

Our bill represents a substantive attempt to address the problems with the DISC in the GATT. It does not attempt to make DISC GATT-conforming by making minor, cosmetic changes. Rather it is an attempt to provide a workable, beneficial, GATT conforming export incentive. In my judgment, the Congress must enact a substantive proposal if it is going to make a serious effort to convince the GATT that the new proposal is GATT conforming. A cosmetic solution, such as one that merely moves DISC offshore without making any other changes in the program, and maintains current DISC for smaller exporters would, I believe, be a serious mistake. A nonsubstantive change would not show the GATT that we are serious about conforming to GATT guidelines, but rather, could be perceived as a perpetuation of our admittedly current non-GATT conforming policies. In addition, a cosmetic solution such as moving DISC off-shore intact could be seen by our major trading partners as generally bad-faith bargaining, and could set back our negotiations with the GATT several years, not only on the DISC issue, but on other issues as well.

This bill is not intended to be the final solution to the DISC problem, but rather is intended as a means of furthering the discussion as to a GATT conforming, substantive export program. The bill represents the end products of the hundreds of suggestions for changes I have received from various business groups, and the suggestions transmitted to me by my colleagues. There are still flaws with the bill, especially with the definition and mechanics of the U.S. office. On this issue, and on any other of the provisions in the bill, I would welcome additional comment. On the whole, however, we think that this bill is a step in the right direction to developing a useful, GATT conforming, export incentive for U.S. businesses. A more detailed explanation of the bill follows.●

PAST, PRESENT, AND THE FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. COLLINS) is recognized for 30 minutes.

● Mr. COLLINS of Texas. Mr. Speaker, learn from the past. Live in the present. Build for the future. That has been the code that I determined for my own life. And it is a good way to live.

There is so much we can learn from past history.

We ought to live in the present, yet we see so many people that live in memories. You see some people that borrow too much money and overspend.

But what makes for success is to build for the future. When I was in business, we used to keep our expenses to the minimum, we used to save all we could and as we built up reserves, we plowed this back to buy land, buildings, machinery, inventory for a better future for the business.

I think about my code as I lived my eight terms in Congress. The more I see of the American public, the more I believe that they are mainly interested in the present. Too many people do not seem to learn from the past. And many people today certainly do not want to wait for the future. They want to know what is in it for them right now.

If we are going to build a great country; if we are going to build a greater America, we would do well to learn from past experiences. In the first 5 years of this Republic, the country spent more money. The continental dollar in the first 5 years of this Republic dropped from a dollar to 1 penny. We had an expression, "It is not worth a continental dollar." Today in Congress we hear that America should borrow more money, print more money and that will take care of the present.

As to the future, experience proves the best way that you can build for the future is by saving, We hear people constantly who say Congress should spend and spend, because as we spend we will make the country rich. They do not realize that you can no more spend yourself rich than you can drink youself sober.

There is one answer for America, and that is for Congress to pass the balanced budget constitutional amendment. When Congress starts balancing our budget, the American people will have some of their salary left to save. This will provide a lower prime interest rate under 7 percent. A balanced budget will provide the momentum on which this country can grow.

There is too much emphasis on what each person can get out of things today. People want to know how short the work week would be. They want to know how many days vacation there are. How much cost of living can they get. This is living in the present, but we do not hear much about building for the future. When you are working in a business, do employees talk about quality control, do they talk about putting out a good product so you will have repeat customers come back in 3 years? Do they talk about saving money, so that the company can buy new machinery? Do they talk about reducing costs and making more profits for retained cash so the company will not need to borrow money at high interest rates.

America needs a return to religion. We need to live by the Golden Rule. Read the good book every day, and we will have more love and happiness.

It is a good code to live by. Learn from the past. Live in the present. Build for the future.●

SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. ARCHER) is recognized for 10 minutes.

● Mr. ARCHER. Mr. Speaker, this lameduck session of Congress is the best opportunity we will have to act in a nonpartisan climate on the serious question of social security financing.

All of us in this Chamber know the trust funds will be insolvent in a few short months. We know we must act before that occurs so that current beneficiaries will not be denied any portion of their earned benefits. We know the options that are available. We know there are no painless, easy solutions. The question is whether we will act now, without political bias, to make those tough decisions in a responsible fashion.

Two years ago, at the start of the 97th Congress, the Social Security Subcommittee on which I serve began the difficult task of shaping a bipartisan solution to the problem. After months of work under the able leadership of our chairman, JAKE PICKLE, we were making significant progress on such a plan. Democrats and Republicans alike on the subcommittee were working toward a common goal—to forge a bipartisan bill to present to the House.

We were stopped dead in our tracks when you, Mr. Speaker, told the subcommittee to halt its work. We then were forced to stand idle while the Democratic National Committee sent out its series of election year mailings playing on the fears of the Nation's elderly. Governmental responsibility took a back seat to political opportunism. Congress could have acted then. It should have acted then. It did not because you refused to permit it.

The elections are over now and whatever political gain may have been derived from the delaying tactic has already been realized. It is time now to put partisanship behind us and to consider social security in a calm, rational climate.

There are 36 million people out there receiving benefits today who want our final assurance that their benefits will be continued. There are 117 million people in America who are paying the taxes to support those benefits. They, too, want to know for certain that social security will be there

when they retire—and what the cost to them will be during the remainder of their working lives.

We owe it to those people to avoid any further delays in making our difficult decisions.

No, there are not any easy, painless solutions we can pull out of a hat. But we were not elected to make only those decisions which are easy. When each of us ran for office we willingly chose to accept the responsibility for the difficult decisions as well.

Mr. Speaker, I implore you again, as I did a year ago, to permit this House of Representatives to meet its responsibility on the issue of social security financing. As before, you have the power, by virtue of the office you hold, to let this House proceed with its work. I urge you to use that power to help us enact a responsible, bipartisan solution to social security before final adjournment of this Congress.●

MARY OBERSTAR: A TRIBUTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. OBERSTAR) is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Speaker, my grandmother, Mary Oberstar, was born in the small rural village of Sodrazica, in what is today the Republic of Solvenia, Yugoslavia, on March 16, 1891. She died this past Tuesday, November 23, 1982, in Chisholm, Minn. Between those two milestones was lived a life both simple in its manner and extraordinary in its impact on us members of the family and on others whose lives she touched. A beautiful moving funeral mass was concelebrated Saturday, November 27 at St. Joseph's Church by our pastor, Father Cornelius Kelleher, and Father Frank Perkovich, a lifelong family friend. Grandma Oberstar, as everyone affectionately called her, was the central force in our family, a magnet drawing all of us to her and, through her, to each other—a very special woman.

It was my privilege at that mass to offer a eulogy on behalf of the family. I would like to include those remarks at this point in the RECORD.

GRANDMA OBERSTAR

Every great work of art needs a frame. Life, the greatest work of all art, is framed by birth and death.

The final line has now been drawn around Grandma's great work of art, framing her life. But a part of her lives on in each of us members of the Oberstar family, and in others whose lives have been touched by her.

If we look closely, we can learn much from this life, this great work of art. We can learn about love, persistence, strength, and courage.

We can learn about the courage it took to leave a familiar home on a long journey across Europe and the Atlantic to an unfamiliar land and an uncertain future.

There were no TV cameras, no photographers or reporters on hand to record her arrival in America or to chronicle her innermost thoughts.

She might have been thinking something like this: "With hopeful hearts we arrived in New York harbor. After nine days of stormy voyage on the Atlantic, I recall how all my friends had sea sickness. On passing the Statue of Liberty, we greeted her: 'Pozdravljena Amerika! Bodi nam dobra' ('Greetings to you, America! Be good to us.')."

And there, on landing, standing in line to see the immigration inspector: "The word spread that everybody must have $5 in cash or be deported. I was frantic. I had only $3 left. I begged the woman ahead of me to pass me her $5 behind her back after she had seen the inspector. I proudly showed my $8 and the inspector didn't as much as look at my money."

Those impressions of her arrival here were recorded by Marie Prisland, founder of ZVEZA (The Slovenian Women's National Union), of which Grandma was one of Chisholm's earliest members—but they were undoubtedly similar to the experience of most immigrants of that time—and not much different from Grandma's experience, as I recall her telling it recently.

We don't know what emotions Grandma felt when she left her beloved Slovenia where, from sunrise to sunset, hard labor earned you 15¢ and a meal—probably zhgonce; where a dress cost two weeks' work; where ocean liner passage took two years' earnings. But we can imagine how demoralizing it must have been in her first encounter with the new world, when this inexperienced teenager was cheated out of the first class ocean liner passage her family had paid for her.

But, typically, Grandma overcame the adversity, found friends aboard ship and made the best of it.

Next came New York harbor, Ellis Island, a long train ride to Minnesota. Here she found, not a land flowing with milk and honey, as many had been led to expect, but hard work and unforeseen hardship: serving rough-hewn miners in the boarding house, carrying buckets of water through harsh, sub-zero winters, losing her husband in the prime of life, raising eight children on a meager income, one good leg and a crutch.

A lesser person would have succumbed. Many do today, in the face of less imposing obstacles.

There is a Yiddish proverb that says: "God gave us burdens, but he also gave us shoulders." Grandma has been "shoulders" to all of us. A pillar of strength, an inspiring example of ironwilled persistence and determination to overcome.

We can also learn about independence from a spirit fiercely independent to the last.

We can learn about the wit and good humor that characterized her life and which she imparted to each of us. I vividly recall returning home in January 1975 shortly after I had been sworn in to my first term in Congress. Dad and I walked through a light snow fall to Grandma's for a visit—my first opportunity to see her after being sworn in to office.

Her first words were not: "Congratulations on being a Member of Congress," or "How nice of you to come visit," but: "Jimmy, where are your rubbers. You are going to catch cold."

Dad quickly said: "Ma, you can't talk to him like that anymore. He is a Member of Congress." Grandma responded very softly but firmly with that twinkle in her eye: "He is still my grandson. I still have to worry about him." And so it went with each of us; the care and concern expressed with a touch of wit and good humor.

We can learn about concern for the well-being of others. Who can measure the impact of her remarks to us as children: "You such good boy!" (Said with her gentle Slovenian accent.) It made you want to do better.

Or her mini-sermons: "You have to obey father and mother." It made you want to head for the nearest confessional for breaking the 4th Commandment, or go home and do some good deed.

Who can forget her words of praise that lightened the heart and lasted a lifetime within us, as a recurring inspiration of confidence.

We can learn about love—for our family—the way she always seemed to find something good to say about each one of us—that made us feel very special, and much loved.

Most of all, we can learn faith—simple, open, uncomplicated, unquestioning faith. The kind that moves mountains; that keeps a family together on one good leg and a crutch; that conquered life's most formidable obstacles; that now has conquered death itself and earned life everlasting. Her unshakable faith was the deep well from which she drew her extraordinary strength.

Irving Howe, a noted contemporary thinker, philospher, writer, in a recent book wondered: what if we have gone through all this existence of ours and find there is nothing after life. It was an awesome dilemma for him.

I doubt if such a thought ever occurred to Grandma. Her faith told her that life is eternal.

Death is not defeat. We read about so many herioc efforts in medicine; about doctors who begin thinking they've failed when the patient dies.

Spiritually, for the Christian, death is a triumph—the entry to eternal life. That, I'm sure, is how Gradma saw it—in a way uncomplicated by a philosophy or theorlogy; for her, it was a reality, it was truth.

More than 2,000 years ago, the great Roman Senator and orator Cicero said: "Gratitude is not only the greatest virtue; it is the parent of all others."

We are gathered here in gratitude to Grandma—for the sharing, the caring, the sacrifice, the love, that she showered upon each of us.

The finest testimonial, the finest expression of gratitude we can offer to her is for each of us to bear proudly within us the indelible lessons of her life, and to live our lives as a tribute to her.

THE SITUATION IN EL SALVADOR AND CENTRAL AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, I am impelled to rise at this point because of the extremely growing concern and apprehension that I have expressed before with respect to the quagmire that is building up now in Mexico. The last time I spoke out was with respect to Central America. And I will remind my colleagues very seldom have I addressed myself to this subject matter,

and for the first time did so on April 1, 1980, at which time I addressed myself to then President Carter, because I had been unable to reach anybody on the State Department or the White House decisionmaking-process level.

And again I was motivated to do so because if one will only go back and dig a little bit into history, by April 1, 1980, the situation was reported to me to be very much deteriorating in El Salvador. I pointed out to the President that the United States would have at the most, if we were lucky, 90 days at the most, 3 months, in which it could exercise some of the last remaining leverage of leadership that our country still had at the time.

And when I talk about leadership, I am talking about suasion, not pressure. And unfortunately, I failed, and I think the rest is history.

I also forewarned that I did not think we would get the 90 days, but if we did, and we let it go by without exerting that leadership, American leadership, that then no matter what the United States would do, and it would have to, it would be wrong, that is would be reacting in meager fashion. And we did.

I predicted at the time that it was far better to anticipate, even if it meant that we would have to amend some sections of the Assistance Act, rather than to later find ourselves having to invest our boys in the jungles of South and Central America.

Well, we have our boys and they have been there, and ironically some have been my constituents, and some are still serving in El Salvador. And some in Honduras. And the situation is very precarious. In fact, it has deteriorated to the point where I saw now on the eve of the President's departure to South America, Central America, that I only wish I had had my letter written to him in anticipation of this trip, and dated November 6 when I first read that he was planning definitely to go.

Of course, if Jimmy Carter was inaccessible in 1980, let me tell my colleagues that this President is the most inaccessible I have worked with in 21 years, with six different Presidents. This is the first President who does not even answer a Congressman's letter, but rather delegates the acknowledgement of the letter to some assistant in the White House.

So that I rise only because, Mr. Speaker, the United States will be lucky now if Mexico—now, forget about Central America. At the time I was speaking last, Mexico had not deteriorated, though I had spoken out on the matter and had said in my reports back home on television and radio, in English and Spanish, that Mexico was in a terrible crisis. But nobody would report it. Nobody wanted to see it. In fact, I got heavily criticized and vilified in Mexico, in fact if I had gone to Mexico I would have probably been shot, because it was interpreted down there by the controlled press that I was anti-Mexican. Here a man whose ancestry goes back to northern Mexico, to 1561, and who's members of that family are still in that area.

So that it shows you, though, the situation now.

The United States, I say at this time, we will be lucky, the United States will be lucky if Mexico turns out to be our Poland. But I am afraid that I must be pessimistic and say that it is more likely that Mexico is going to turn out to be our Afghanistan.

Now, this sounds again very, very flamboyant, and I only hope and pray that I am dead wrong.

In the bitter days of the Vietnam war, the conflict and our policy toward Vietnam generally were often described as being in an endless swamp, a quagmire. A wise and prudent policy it was said would have avoided a miserable and tragic conflict, too costly in life, limb, and treasure for any conceivable gain. History will be the judge of those bitterly argued issues. But in the meanwhile, we are faced here and now with new challenges and new choices.

Now the field is much closer to home. Now the challenges in Latin America beginning immediately south of us in Mexico and parts of which the President departs today to visit.

I regret to say that after my experience in speaking out on El Salvador generally, and related subject matters later, that I find the same obtuseness that I discovered all during the process of what turned out to be the Vietnam war.

Latin America is plagued by poverty, it is a poverty compounded by the general recession in the world today.

Matters that we notice but little in our own great economy have catastrophic effects in Latin America. A drop in the demand or price for tin has enormous consequences in Boliva. Chile reels when copper sales are off. Aluminum-dependent economies in other countries feel tremendous disruption if the use of their product declines or the price drops.

□ 1840

Latin America has been something of history's orphan. Well, let me say that it is the U.S. history's orphan; but the accumulated grief of centuries is ready to burst. We see the warning signs everywhere.

The so-called Sandinista revolution, the brutality that is a fact of life, not ony in Salvador now, but in Guatemala and on the border along with Mexico.

I visited just last week with a high religious dignitary, a church official who serves in the Diocese of Chiapus, which is a Mexican State bordering with Guatemala. That visit with him has been one of the most devastating and sad and tragic stories I have ever heard, with the United States deeply involved and yet not one report in our press have I seen.

As I am speaking here today, babies of the peasants in northern Guatemala are having their stomachs ripped out by soldiers' bayonets, bayonets made in the USA.

We are having all the brutality that some of us have read about in wars generally and specifically in these wars that have been marking the development of history since 1945.

The atrocities being perpetrated now in Guatemala, with a growing danger of conflict between Mexico and Guatemala because of old feuds and disputes that exist there, that our media does not either report or reflect in the least. I have yet to see any story written on that and yet right now the situation is tense along the Mexican-Guatemalan border.

Now I know why. When I reported to this House and exposed the secret deal between our Government and Mexico in 1980 whereby we provided Mexico with about a dozen F-5-E's and then I was the one who reported earlier this year on this floor the so-called sale of two of our destroyers from our active duty destroyer list as scrap to Mexico, and I raised the question, why? This is a radical departure from Mexican policy since the revolution, since 1910.

All Mexican leaders have prided themselves in not advocating anything that would be consistent with what any other country would define as a large standing army. Their proudful boast has been, "We are not an aggressor nation and never will be. We are the preachers of the doctrine of 'auto determinacion,' self-determination, no intervention." And proudfully, all of a sudden, here is a President who finds it necessary to arm Mexico in a big way.

Also as I have brought out, and I have not seen it reported in the press, our deal to give about 14 F-16's to Venezuela. Why?

The F-16 is a big issue with Israel—but Venezuela? What is the purpose behind all this. Well, at the time of the Mexican deal I did not know, but now that the shapes are developing, I can say that it was that mistaken erroneous Haig-Reagan policy of sowing dragon's teeth along the Caribbean and south of us and now we are going to see those dragon teeth sprouting horrible and calamitous consequences for us and our boys.

What I am saying here today, even if we were to have acted on some suggestions that I have written the President about, I have not been so closed minded that I am not willing to risk the debate of exposure of my ideas

and recommendations, but I do think that they deserve at least some attention, but they have not, either in the Congress or in the White House.

I have written letters to the proper committee chairmen. At least I have had them acknowledged, which is more than I have had from President Reagan; but what I am saying right now, and I repeat and I hope I am dead wrong, but if I felt that the odds were even 50-50, I would not be wasting anybody's time here today, but we are going to have our Poland, if we are lucky; Afghanistan, if we jog along the way we are.

Mexico is a great and proud nation. It is ravaged by economic misfortune, monstrous human suffering, and lamentably terrible corruption—terrible corruption. Yet we have no real program to help overcome the misfortune or to alleviate the suffering. Mexico is our poor cousin, as I said, our Poland.

In Central America also we have too little idea of what the realities and the possibilities are. We have wasted too much time in declining to confront the issues, the realities, and in deciding what to do. Even now there is no clear policy.

Just look. Haig in this general arms pushing and selling, twisted Argentina's leaders to send a military component to help us "destabilize" the Sandinista regime in Nicaragua.

Is it surprising that Argentina then felt that at least we had a moral obligation when they got into a war with England?

The American press reports nothing that I have seen in any of our great organs or in the electronic media about what that feeling is now in Latin America, even though most of those countries have had no use for the Argentinian regime.

A great friend of America, the present leader in Peru, refused—refused any kind of courtesy visit or reception to protest America abandoning the Pact of Rio when we went in and sided with England in an active way.

Why should not the Argentinians have felt we were in communication with them when they let us have their soldiers on our insistence?

What press has reported that we have got a thousand Colombians in the Sinai with our so-called peace keeping troops there, and we have over 1,200 of our military from the 81st Airborne right there in the Sinai. Do you read about it? You read about the Marines in Beirut. What about the others? And what about the thousand Colombians who are there because we simply told the Colombian leaders, "If you want to keep on receiving any aid from us, you better let us have some soldiers over here. We need some country to join us in this"—what I consider to be a misbegotten venture, which incidentally the Congress is responsible for. We debated this almost a year ago next month the first time, an unprecedented resolution passed by this Congress mandating military. This has never happened since the First Congress and we got those men there and we got 1,000 Colombians. Has that been reported in the press?

Let me assure you, maybe we have not, maybe our Americans are not informed, but the Europeans are, the Latin Americans are, the Russians are.

We cannot make any mistake now. We have vital interests in Latin America. We do have a positive role to play and we have no time to waste.

I have twice written President Reagan asking that he establish a clear national commitment for long-range progress, but asserting his leadership and the U.S. leadership with our sister nations through the OAS, a program of hope in place of repression.

□ 1850

We, right now, as were the soldiers ripping open the bellies of infants in Guatemala, right now, are identified with the rippers. We are everywhere else. In El Salvador, it is our arms that are killing from both sides. Our CIA, cheek by jowl with the assassins of the archbishop, four nuns and two American labor consultants that were murdered; nothing done about it, and it is not being done.

How long can America continue the luxury of being identified with those forces of oppression, of tyranny, of murder, and of injustice, and still say that we are going to avoid a confrontation, except that the way they will put it is that we have got to put down communism or Castroism or intervention by either of them.

I am certain, of course, that Reagan has not seen any of my letters. I can only hope that whatever desk they have been shuffled to will be seen by somebody who can at least—at least—have the policymakers in the State Department evaluate.

His trip now, for instance, where he will stop, is inciting very heavy criticism from some of the neighboring countries he is going to skip over. His trip is not to announce a grand purpose, as I have suggested, but it is a traveling sales circus, and that is no substitute for a seriously and progressively humane policy.

If we wait for the crisis to burst—and at this point I do not see how it is being avoided—we have waited too long. If we do nothing until the gunfire starts or the banks shut down for good all over, we have waited too long.

Time is not on our side, as I warned, I repeat, on April 1, 1980. There are steps that we can take, immediate actions that we could initiate. I outlined such a program in my letters to the President. I have offered and offer now a repeat of those letters for the RECORD in the hope and in the trust that they will draw some attention toward an area of the world that has sadly lacked our genuine interest much less our priority.

The letters referred to follow:

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 27, 1982.

Hon. RONALD REAGAN,
President of the United States,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: Between 1975 and this year, the foreign indebtedness of Latin American countries quadrupled. During that same time, American bank lending in Latin America doubled. U.S. bank loans to Argentina increased sixfold in that period, while loans to Mexico increased fourfold. Neither Argentina nor Mexico is able to repay its debt. Brazil is also in great difficulty.

The extraordinary problems in Mexico caused the United States to take emergency action to stave off an outright collapse of the Mexican economy. There is still considerable question about Mexico's future. The future course of Mexico and other hard-pressed nations is very much an open question. These are not matters that trouble only the affected countries; economic crises do not respect national borders, they affect us all.

The problems of Mexico, for example, have caused U.S. citizens to take large losses on debts owed to them by Mexico. One constituent of mine is owed almost $200,000 for goods sold in Mexico. He has been told that he can be paid only in pesos, at a rate that would cause him to lose forty per cent of the amount due. The result will be ruinous. Another individual, a wholesaler, has found his business wiped out because his Mexican customers can no longer obtain currency to deal with him. Dozens of others who had a large Mexican retail trade now find their businesses in grave difficulty. Thousands of U.S. citizens with dollar deposits in Mexico are unable to recover their deposits. Hundreds of businesses throughout the border region are near collapse, unemployment is up, and there is no prospect for relief. At the same time, massive unemployment, rapid inflation, and growing desperation is sure to cause a large increase in illegal immigration from Mexico. These are matters that affect Americans, and as such they are of real and immediate concern to our country.

You know, I am certain, that economic disintegration soon leads to social unrest and political disorder. The threat facing Mexico is real. There is no question that disorder in Mexico would create enormous problems in our country, and pose serious challenges to our policy.

The United States cannot ignore the problems of Mexico. Your clear recognition of this fact is evidenced by the emergency action that you took earlier this year. But more than emergency action is needed. It is necessary now for the United States to work with Mexico and other Latin American nations to forge a blueprint for the future. United States leadership and cooperation is essential if the economic problems of Latin America are to be resolved. Failure to address these problems will only complicate our already difficult domestic situation.

I know that you are planning a trip to Latin America at the end of November. Before that time, I believe that the United States should propose a mini-Bretton Woods Conference, to devise workable programs to deal with the debt crisis facing

Latin America, to devise programs for recovery, and to establish mechanisms for cooperation. The problems that exist are too complex to be dealt with on an ad hoc, bilateral basis. They are too difficult to be resolved with emergency actions. They require a genuine program, and a genuine commitment of United States leadership. It was just such a program, just such leadership, and just such commitment at Bretton Woods that enabled the world to recover from the chaos and destruction of World War II, and to benefit from the longest and greatest economic growth of all time.

As matters now stand, the world is threatened with trade warfare, more so than at any time in the past five decades. We know, from long and bitter experience, that beggar-thy-neighbor actions not only fail to resolve domestic problems, but lead down the road to universal tragedy. This need not happen. We can best help ourselves, and our neighbors, by positive and responsive leadership. I urge that you act at once to establish a Western Hemisphere Conference on economic recovery, stabilization and cooperation. This type of conference, like Bretton Woods, offers the best hope of exerting the leadership that is essential to resolving the very great problems that our country and neighbors must face together.

Respectfully yours,

HENRY B. GONZALEZ,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, D.C., November 6, 1982.

Hon. RONALD REAGAN,
President of the United States,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: Though for the past two years national attention has been concentrated on domestic economic issues, these are momentous times in the realm of foreign policy. Your planned meetings with heads of state in Washington, and your forthcoming journey to Latin America, clearly evidence the scope and depth of urgent problems.

I am, as you know, gravely concerned about the economic and social problems of our neighboring countries—problems that are reflected in grave political events. It was this concern that led me to suggest earlier a hemispheric version of the Bretton Woods talks. Concentrating on economic problems, these talks produced the framework of economic growth, international cooperation, and political stability that blessed the industrial world in postwar times. Since President Nixon ended the Bretton Woods monetary policy in 1971, there has been nothing to replace it. During the intervening years, we have seen an explosive growth in debt, a rapid erosion in trade terms for developing countries, and a steady march toward protectionism and similar beggar-thy-neighbor policies.

It is no secret that the prospect for world economic growth is not very bright today, nor that country after country is finding itself unable to repay debt, resist the drift toward trade warfare (for example, the threat only this week by Secretary Block to dump U.S. dairy products on the world market; Japan's deliberate cheapening of the yen; unwarranted European and Japanese export subsidies), or maintain political stability. More and more, it seems, there is a drift toward radical schemes that promise something different—though the radical is not often something that works. All of this, I think, reflects a growing kind of anarchy. This trend can be stopped, and must be. It can only be done if the world finds within itself the leadership and discipline to agree on sensible programs for the benefit of all—which is what Bretton Woods was all about. If ever there was a time when new arrangements were needed, it is now. If ever there was an opportunity for American leadership, it is now. Opportunity is at hand, and you can grasp it by the forelock, and I urge that you do.

Not only do I think that you should propose a hemispheric conference, on the order of Bretton Woods, I believe you should reassert American commitment to democracy and human rights. This could be done by revising the Haig policy of vast arms sales. It could be done by maintaining insistence (for example) that the Government of El Salvador make genuine progress toward redressing the grivances of that country's people. Violence is no substitute for honest government, and no substitute for necessary reform. The flight of hundreds of thousands of political refugees to our country signifies but one thing: that ours is a land of honest government, a land of open voices, a land where peaceful change is possible.

Our country is frequently blamed for all the problems of neighboring nations. Mexican politicians, no less than Fidel Castro, are prone to blame their ills on the United States. Yet everywhere, the great mass of people look to the United States as the hope for reform, for progress, for a better world. To the extent that our policy nourishes those hopes, helps to realize them, we remain true to our Revolution, our national principles. But if we merely peddle arms, ignore abuse and grievance, and stand silent in the face of overwhelming abuse, we not only fail to live up to our own ideals, we promote enmity elsewhere. Therefore, I hope that you will use your forthcoming journey to revise the Haig arms sales drive, call for a Hemispheric Conference on economic and human progress, and hold high the American dream of freedom for all people.

With all good wishes, I am,

Respectfully yours,

HENRY B. GONZALEZ,
Member of Congress.

SOVIETS CONTINUE TO DENY HUMAN RIGHTS TO VIKTOR AND BATSHEVA YELISTRATOV

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, I rise to call to the attention of my colleagues the unfortunate plight of Viktor and Batsheva Yelistratov, who have been repeatedly denied permission to leave the Soviet Union. Their tragic story is representative of Soviet treatment of Jews and the numerous human righs violations committed against them by the Communists.

The Yelistratovs first applied for an exit visa in 1972, and because of this application, Viktor was fired from his job as a translator of foreign publications. Ever since that time, Viktor has moved from menial job to menial job, and the Soviets have subjected Viktor and his wife, Batsheva, to continued harassment and persecution.

Although over the last decade the Communists have tried to prohibit the Yelistratovs from practicing their religion and from helping other refuseniks, with actions including arrests, imprisonments, beatings, wiretaps, and threats of sending them to the East, the Soviets have been unable to crush their spirit, their determination to emigrate to Israel, and their selfless and fearless assistance to others who are also harassed by the Communists. Their dedication is a source of strength and inspiration for all refusenik families living in the Soviet Union, and all freedom-loving people throughout the world.

The Communists have consistently denied the Yelistratovs permission to emigrate to Israel on the false grounds that Viktor held a job with a secret classification and had access to military secrets. Viktor's closest access to any military secrets was his 2 years of service in the Soviet Army as a radio engineer from 1968 to 1970. This was over 12 years ago, so such a reason given by the Soviets is clearly a poor excuse for prohibiting the Yelistratovs from leaving the country.

Mr. Speaker, unfortunately, the tragic case of Viktor and Batsheva Yelistratov is not unique. Thousands of Soviet Jews daily must face a dismal life of tyranny and oppression under Communist rule, and harassment of Jews seeking to leave the country has increased in recent months. In addition, the rate of Soviet Jewish emigration has significantly declined from a monthly average of approximately 4,000 in 1979 to about 200 at present.

We must protest these human rights violations by the Soviets in the strongest possible terms, and make clear that we will not tolerate such conduct which is inconsistent with the Helsinki Agreement on Human Rights, signed by the Soviets in 1975. I encourage my colleagues in the Congress, and all freedom-loving people throughout the world, to write the Soviet leaders, on behalf of the Yelistratovs, demanding that they be granted freedom to emigrate to Israel, and that persecution of all Soviet Jews must cease, so human rights of Soviet Jews are not trampled on by the Communists.●

REMARKS OF ROBERT L. HARDESTY, CHAIRMAN, BOARD OF GOVERNORS, U.S. POSTAL SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. FORD) is recognized for 15 minutes.

● Mr. FORD of Michigan. Mr. Speaker, published reports during the past few weeks indicate that the Reagan administration is preparing to launch an effort aimed at undermining the foundation of the traditional American postal system: The Private Express Statutes. This body of law—

which has existed in one form or another since 1775—gives the U.S. Postal Service a partial monopoly over the delivery of letter mail, thereby giving the Postal Service the financial underpinning it needs to carry out its mandate to provide reliable service at reasonable rates in every corner of the Nation.

In anticipation of the coming debate over this vital public policy issue, I want to share with the Members of the House a speech made during the recess by the Chairman of the Postal Service Board of Governors, Robert L. Hardesty. Although admittedly a party at interest in this case, Mr. Hardesty, who is also president of Southwest Texas State University in San Marcos, Tex., presents an objective, lucid, and comprehensive defense of the private express statutes—and of the national postal system which they make possible. I commend Mr. Hardesty on an outstanding presentation and I urge Members to consider his remarks most carefully.

ADDRESS BY ROBERT L. HARDESTY, CHAIRMAN OF THE BOARD OF GOVERNORS, U.S. POSTAL SERVICE, BEFORE THE CONVENTION OF THE NATIONAL ASSOCIATION OF POSTMASTERS, BILOXI, MISS., OCTOBER 6, 1982

I bring you greetings from the Board of Governors of the U.S. Postal Service.

It's a real privilege to be here with you today. You are the front-line managers who deserve so much of the credit for the progress of the Postal Service since postal reorganization. Your skillful management has been essential to the productivity gains of the past decade. Your continued commitment is critical as we work to improve what is already the finest postal operation in the world.

I am proud to be associated with you as we face the challenges and opportunities of the 1980's. To meet those challenges and make the most of those opportunities, the Postal Service, as an institution, must be strong and healthy.

Today, I would like to talk with you about a threat to the strength and health of the Postal Service—a threat that could subvert its fundamental mission to serve all Americans. I refer to the current round of proposals to abolish the private express statutes. As you know, these statutes grant the Postal Service a partial monopoly over the delivery of letter mail, to assure the American people of mail delivery throughout the Nation at uniform rates.

A great debate is beginning in America about the future of these private express laws. This debate is erupting in the Congress, in the executive branch, among mailing groups, in the press, on university campuses. The debate is one the Postal Service must join with deadly earnest. As the key officials on the front line of the Postal Service, you must bring home to every community in America the significance of the postal monopoly to our citizens—and the frightening ramifications of eliminating it.

The past few years have seen numerous calls from influential sources to abolish the private express statutes.

In a 1977 report, the Antitrust Division of the Department of Justice claimed that private express statutes could no longer be justified and that they should be repealed "absent very compelling public policy reasons."

In 1981, the Heritage Foundation stated:

"The postal monopoly is based upon 19th century concepts which are almost completely inappropriate to today's methods of communication. The postal monopoly . . . should probably be abolished entirely. . . . The long term future of the Postal Service should be reexamined. In a competitive age in which the telephone, not the post, provides essential communications, it is unclear why there should be a publicly owned and supported national document delivery company."

In this Congress, four bills to abolish the private express statutes have been introduced.

A few week ago, in testimony before the Joint Economic Committee of the Congress, James Miller, the Chairman of the Federal Trade Commission, challenged the Postal Service to demonstrate that it still deserved the postal monopoly.

I am here today to accept that challenge.

After years of association with the Postal Service—both before and after postal reorganization in 1971—it is my firm conviction that the private express statutes are essential to the public interest as a whole. Those statutes are critical if the Postal Service is to continue to provide universal letter delivery at uniform rates. As the chairman of the House Post Office and Civil Service Committee, William Ford, has stated, the private express statutes are "the financial underpinning [that the Postal Service] needs to provide reliable service at reasonable rates to every corner of the nation."

The private express statutes do not exist to protect the Postal Service. They exist to protect the mailing public. Their abolition would be costly to our taxpayers, chaotic to our systems of commerce and communications, and corrosive to the fabric of our democracy.

It is important to remember what the private express laws are. Basically, they prohibit anyone except the Postal Service from carrying letters on post roads for compensation.

As a practical matter, what does this mean? The Postal Service monopoly applies only to letter mail. In addition, traditional exemptions from the statutes permit a letter to be sent outside the Postal Service, if the sender uses his own carriers or if the carrier receives no compensation. And the Postal Service has suspended the statutes in particular instances. For example, time-sensitive mail may be carried outside the Postal Service.

The private express laws are an important part of our Nation's history. They have existed in one form or another since the beginning of the American postal system in 1775. The Articles of Confederation expressly granted the Government a monopoly over the delivery of letters. Article 9 provided that:

"The United States in Congress assembled shall . . . have the sole and exclusive right and power of . . . establishing and regulating post-offices from one State to another, throughout all the United States, and exacting such postage on the papers passing thro' the same as may be requisite to defray the expenses of the said office."

The authority of the Congress over the provision of postal services was preserved in Article I of the Constitution, which provided that "The Congress shall have Power . . . To establish Post Offices and Post Roads."

In the first years of the Republic, the monopoly permitted the postal system to nourish and consolidate the dramatic growth of the American Nation. The number of post offices doubled every three years during the early decades of the Republic, as postal operations expanded from east coast cities to frontier after frontier.

Our first national leaders recognized the importance of this expansion and the monopoly that made it possible. George Washington advocated expansion of the postal network as a means of increasing the bond between the frontier settlers and the East. "These settlers," he said, "are on a pivot and the touch of a feather would turn them away . . . Let us bind these people to us with a chain that can never be broken." The Postal Service provided strong links for that chain. The expansion of the Postal Service to the frontiers of the South and West was funded largely with mail revenues derived from the eastern cities.

These mail revenues also subsidized certain services critical to the development and preservation of our democracy. To assist the flow of information from Members of Congress to the citizens they represented, these revenues subsidized the free delivery of franked correspondence to and from Federal officeholders. To encourage the publication of local newspapers and help assure the vitality of a free press, these revenues made possible the free delivery of newspapers and news pamphlets within each county in America.

By the 1820's, as volume grew, private express companies began circumventing the rather loose postal monopoly laws then in existence. By the early 1840's, up to half of postal volume—undoubtedly the most profitable half—was being carried outside the postal system. Postal deficits grew so large that in 1845, the Congress revised the law to tighten the postal monopoly, and lowered postage rates. In passing the bill, the Congress indicated that the Government should provide service to all areas, even though such service might not be self-supporting. Losses from rural service were to be offset by revenues from more populous areas. The Congress established a uniform rate for nationwide service. New services were introduced, such as free city delivery in 1863, and free rural delivery in 1896. These services, made possible by the postal monopoly, permitted the development of the mail order industry, which helped bring an ever increasing variety of consumer goods to rural America.

The history of our Nation is marked by a series of very pragmatic contracts between the Federal Government and the American people, to bolster our national strength and promote the public welfare. The private express statutes are one of the most succesful of these historic contracts. We, the people, agreed to give up a small measure of our individual commercial freedom to secure for ourselves and our country the far greater benefit of nationwide mail service, at uniform rates. If we now default on this historic contract, a small number of businesses might profit, but the American people will lose.

Those who would abolish the private express laws believe that men and women driven by the profit motive can deliver all the mail more efficiently, and at a lower cost, than the Postal Service. This is nonsense, the Postal Service is exactly what the word says—a service—not just a business to be dominated by the desire to take home a profit. Sure, a private business can make a profit by delivering some mail at a lower price in certain easily accessible, densely

populated areas. But the consequences for nationwide postal delivery would be disastrous. The universal postal system, as we know it today, would be destroyed.

Scores of private postal operators would spring up in populated areas to offer delivery services for local mail. As smart businessmen, these operators would limit themselves to high-volume, low-cost areas, like Wall Street, and similar downtown business districts. They simply would not bother to deliver mail to high-cost areas such as rural America, less densely populated suburbs, and poor inner-city neighborhoods. They would also not be likely to offer postal consumers conveniences that we have come to rely on, such as window service. No wonder mail service by some of the private operators would be less expensive—they would only provide low-budget delivery service in high-profit areas.

The consequences for the Postal Service would be ominous. This "cream-skimming," as it is called, would take a considerable volume of mail away from the Postal Service. The cost of providing service to rural communities, center-city neighborhoods, and other high-cost areas would skyrocket due to the loss of the urban business volume. The Postal Service would either have to raise its rates dramatically, or more likely, look to the Congress for the lost revenue. The mailers or the taxpayers would be left to bear these costs. If the postal monopoly were eliminated today, and the taxpayers subsidized delivery in nonprofitable areas, the cost of delivering mail to those areas would add $100 billion to the federal deficit by the mid-1990's.

The consequences for the American consumer would be worse, for we would have a balkanized postal service with many delivery systems. In addition to first and second class mail, we would have first and second class communities.

Where does the buck stop under such a balkanized system?

Who accepts the ultimate responsibility for the many services the public has come to expect?

For forwarding the mail when it has to go to another part of the country?

For protecting the privacy of the mail?

For protecting the public against fraud and false advertising?

For handling the huge volumes of foreign mail?

For assuring uniformity of service?

To force the American people to depend on the services of private carriers is to ask them to play Russian roulette with their personal correspondence, their bills, and their financial transactions.

It imposes upon them a crazy quilt system of rates that a genius couldn't keep in his head. If you think that the public has trouble with parcel post rates, just let people try to figure the cost of mailing a letter from New York to Louisville to a rural route outside of Paducah, Ky.—via three different carriers, or two carriers plus the Postal Service.

Having a nationwide system is a clear benefit to the American public and to American business. It justifies a uniform rate for a first class stamp, even if every mailer does not at all times take advantage of the nationwide feature of the system. In putting a first class stamp on his letter, a mailer in New York City or Biloxi, Miss., or Honolulu, Hawaii, can reach anyone in the fifty states from the local mailbox on the nearby street corner. In a world without the private express statutes, the Postal Service simply could not offer such service to everyone at a relatively low uniform price.

Abolition of the private express statutes would have other damaging consequences. The Postal Service's nationwide network would be curtailed, if not abolished. The Federal Government would lose the one contact that most Americans have with the Government on a daily basis. There are over 30,000 post offices in this country, and the Postal Service, through its network of carriers, reaches every point in this land.

Without its nationwide reach, the Postal Service could not provide the Federal Government with such special assistance as selective service registration, or help the FBI and other law enforcement agencies. Programs like "Carrier Alert," where postal carriers check daily on the elderly and handicapped, could not continue. This program has already saved dozens of lives because dedicated mail carriers noticed something wrong at the home of an elderly or handicapped citizen. I doubt whether many private companies, eager to earn a profit on their delivery service, would be interested in conducting such a program.

Other services Americans now take for granted would be likely casualties of a repeal of the private express statutes. The price of the first class stamp covers the cost of forwarding mail in case the addressee has moved. The letter follows the individual until it reaches him. This service is possible under a universal system that can keep track of millions of Americans who change their residences annually. In a balkanized postal world, it is not clear who would be responsible for forwarding mail or who would take mail from one local delivery system to another—and at what surcharge.

And how would international mail be handled? At a time of increasing interdependence, with international communications growing rapidly, predictable and regular communications among Nations are essential. How would foreign postal systems deal with a variety of private postal operations in large cities?

And what about the privacy of mail without a postal monopoly? Today, when someone deposits a check, or letter, or contract in the mail, he is confident that it will not be subject to prying eyes while in the postal system. Indeed, by law, a search warrant issued by a Federal judge is generally required before a first class letter may be opened. As a result, valuable documents and merchandise are placed in the postal system daily without a second though that they will be opened or stolen in transit. Simply put, the mail is safe, and it is private. In the brave new world of several postal systems, I would be less confident about the security and sanctity of any communication that I might send.

Other services would be in jeopardy. At present, postal inspectors help guard the public against mail fraud and false advertising. These frauds, often directed at the naive and the elderly, frequently involve sophisticated nationwide schemes. Enforcement of mail fraud and false representation laws would be virtually impossible if the unscrupulous could operate among many private mail services. Who would enforce these laws? The private companies would certainly not be interested in maintaining an investigative force that would lower profits. And what authority would any private investigative group have? To whom would any such private investigators be answerable?

It is said that abolition of the private express statutes will lead to competition in the delivery of mail, and that this will hold down postal rates. Competition, however, already exists and is having precisely that effect. The Postal Service is but one supplier of communication services in the fiercely competitive communications market. In that market, the Postal Service's share of all communications has declined from 70 percent in 1900 to less than 20 percent today. Of course, the telephone is our greatest competitor, and it is responsible in large part for our declining share of the communications market. On the horizon, an even more formidable competitor looms—electronic communications. As electronic mail and electronic fund transfers become more common and their costs decline, they will compete for a substantial portion of the business transaction service that we now provide.

These communications alternatives serve to hold down postal prices. They require that the Postal Service be as efficient as possible in providing its universal delivery. For if the Postal Service is to compete with electronic communications services, it must be able to provide mailers with a nationwide network that can reach all the people at the lowest price possible.

You and I know that the U.S. Postal Service remains the most efficient postal system in the world, providing reliable, universal service at uniform rates. We know that the private express statutes are essential if we are to continue to be the best, continue to do our job.

But we must take our message to the American people. We must remind each citizen what a universal postal system means to him and to her. That is why I have come to speak to you today—to urge you to take this message back to every community and every citizen in America.

When you return to your home, remind the citizens in the communities you serve what the Postal Service with its universal delivery system means to them.

It means that any American can send a letter to any part of the country no matter how far away, at a uniform rate.

It means that each American gets the same high delivery standards—whether poor or old, a wealthy businessman or a storeroom clerk, or whether he lives in Biloxi, Miss., Harlem in New York City, or at an Alaskan outpost.

It means that the carrier who delivers the mail in you neighborhood is a trusted, reliable employee of an agency of the U.S. Government.

It means that each American can send a private letter, knowing that privacy will be protected as a sacred right.

It means that wherever you live in this Nation, there is a mail carrier who will deliver your letters to you.

It means that when you move to another street, or another city or another State, your important mail will follow you.

It means that you can trace a lost social security check, no matter where in the country you live.

It means that you can be protected from fraudulent mail schemes and false advertising.

If you remind your friends and customers what a universal postal system means to each of them, they will stand with you and with the Board of Governors of U.S. Postal Service. They will join us in the fight to preserve the postal service that has meant so much to the commercial development of this great Nation and the individual liberty of its citizens.●

COMMENTS BY CHARLES McDOWELL ON VIETNAM WAR MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. WIRTH) is recognized for 5 minutes.

● Mr. WIRTH. Mr. Speaker, I had the privilege of first visiting the Vietnam War Memorial with a group of Colorado Vietnam veterans on November 12. It was a most moving experience. The sight of 57,939 names on that gleaming black wall was a stunning reminder of the tragedy of that war, and I hope it will help prevent our country from ever becoming involved in such a conflict again.

I watched many veterans and family members of the dead who gathered to look for names of friends, sons, husbands, and brothers in those stark panels which reflected their own faces. I shared a moment with one of the Colorado veterans who held a bouquet below the name of one of those who gave his life in Vietnam—someone who had been his close childhood friend. The monument evoked many such intimate personal responses from all who were touched by the Vietnam war. Despite the controversy surrounding the design, I did not see anyone at the memorial who was unmoved by its painful message, and I would like to commend those dedicated people responsible for its construction.

Many eloquent words have been written about the memorial and the national ceremonies to honor the Vietnam veterans. I would like to commend to my colleagues one particularly beautiful statement—that made by Charles McDowell of the Richmond Times-Dispatch on Washington Week in Review on November 12:

TRANSCRIPT OF REMARKS BY CHARLES McDOWELL OF THE RICHMOND TIME-DISPATCH ON WASHINGTON WEEK IN REVIEW, NOVEMBER 12, 1982

PAUL DUKE: We've had thousands of people streaming into the capital this week, Charlie, to salute and honor some people who have not been saluted and honored before, the veterans of the Vietnam War.

CHARLES McDOWELL: We've had a week of ceremonies to salute those veterans. Vietnam veterans are people who feel as if they've been ignored, indeed disdained, for a very long time. Saturday we will dedicate the Vietnam Veterans Memorial, which is more than a memorial. It seems to me it's a symbol of all our needs to come to terms with that war and to come to terms with ourselves. So on the Mall, with Lincoln and Washington and the great museums of our heritage, we have a new monument for a war we didn't win, a war that wore away at most of the things that hold us together, a war that divided the generations—young and old, and a war that divided the young generation against itself.

Of the people eligible for service in the Vietnam War, far more than half avoided military service. Of the minority that was left, 2 million of them went to Vietnam and they took the casualties of body and in spirit. They were largely the poor, the black, the less sophisticated among us, perhaps can be said. In any case, they weren't in college. Because they weren't in college, they weren't deferred from being killed, is a harsh way to put it. Many were responding just to a call to duty of their country. Few probably knew a lot about the more sophisticated notion that a government can be wrong, and a government can be tragically wrong, and if it's wrong enough, resistance becomes moral; that was probably more than some of those people got into. In any case, the bitterness of the division of that generation left its mark on all of us to this day. A monument to a national trauma like that is necessarily somewhat ambiguous. It seems to me that in this monument's ambiguousness—ambiguity—there's truth, and the simple truth is to be found in 57,939 names carved in a black marble wall. Those are the dead, and those are the first things to remember when you remember Vietnam.

CHARLES CORDDRY: Charlie, there's been in my memory hardly as much controversy about anything in this city as about what this memorial's shape would be. It seems a little obvious to me that you've been down there looking at it. What do you make of it?

CHARLES McDOWELL: Charlie, it's an amazing place. It causes a tremendous quiet to come over you even if you've come to dislike it or like it. A lot of that memorial is what you've been through, I think that's probably proper. It's a 500-foot wall; it's angled like a PFC stripe; it's black granite—one of the most reflective substances in the world. As you look at it, at 58 thousand names, you realize the reflections you're seeing. You do see the Washington Monument; you do see the Lincoln Memorial. You see earth and sky and grass and trees. And if you look more closely you see the people looking at the names as clearly as you see the names. You see old couples holding hands; you see buddies from Vietnam taking pictures, or touching the monument—or crying. You see a man rolling a wheel-chair 500 feet, the length of that monument, and if you're low enough to look up as I was, he's moving across the sky itself. A lot happens there. Always one thing is constant in these images that change—57,939 names.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEHMAN (at the request of Mr. WRIGHT) for this week, on account of illness.

Mr. SHUSTER (at the request of Mr. MICHEL), for today and the balance of the week, on account of recuperation necessitated by several major surgeries due to an auto accident in the Ninth District on October 11, 1982.

Mr. TAUKE (at the request of Mr. MICHEL), for today until 4 p.m., on account of official business.

Mr. YATES (at the request of Mr. WRIGHT), for today, on account of illness in the family.

Mr. YOUNG of Florida (at the request of Mr. MICHEL), for today after 1:30 p.m., on account of a death in the family.

Mr. JONES of North Carolina (at the request of Mr. WRIGHT), for today, on account of medical reasons.

Mr. JONES of Tennessee (at the request of Mr. WRIGHT), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. CONABLE, for 60 minutes, today.

(The following Members (at the request of Mr. MORRISON) to revise and extend their remarks and include extraneous material:)

Mr. WINN, for 30 minutes, today.

Mr. SCHULZE, for 10 minutes, today.

Mr. FRENZEL, for 20 minutes, today.

Mr. COLLINS of Texas, for 30 minutes, today.

Mr. ARCHER, for 10 minutes, today.

Mr. MICHEL, for 60 minutes on November 30.

Mr. ERLENBORN, for 60 minutes on November 30.

Mr. DORNAN of California, for 60 minutes on December 3.

Mr. DORNAN of California, for 60 minutes on December 7.

Mr. LUNGREN, for 60 minutes on December 7.

Mr. DORNAN of California, for 60 minutes on December 9.

Mr. DORNAN of California, for 60 minutes on December 13.

Mr. DORNAN of California, for 60 minutes on December 14.

Mr. DORNAN of California, for 60 minutes on December 16.

(The following Members (at the request of Mr. DORGAN of North Dakota) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 30 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. OBERSTAR, for 5 minutes, today.

Mr. FORD of Michigan, for 15 minutes, today.

Mr. WIRTH, for 5 minutes, today.

Mr. LEVITAS, for 60 minutes, on December 2.

Mr. LEVITAS, for 60 minutes, on December 6.

Mr. SKELTON, for 60 minutes, on December 8.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MORRISON) and to exclude extraneous matter:)

Mr. BROYHILL.

Mr. PURSELL.

Mr. LEWIS in two instances.

Mr. PARRIS in two instances.

Mr. BROOMFIELD.

Mr. GREEN.

Mr. RHODES.

Mr. FISH in two instances.

Ms. FIEDLER in two instances.

Mr. OXLEY.
Mr. HYDE.
Mr. THOMAS.
Mr. BEREUTER.
Mr. MCGRATH.
Mr. ARCHER.
Mr. LOWERY of California.
Mr. MOORHEAD.
Mr. LUJAN.
Mr. ROUSSELOT.
Mr. GINGRICH.
Mr. CONTE.
Mr. PASHAYAN.
Mr. YOUNG of Alaska.
Mr. SAWYER.
Mr. LAGOMARSINO.

(The following Members (at the request of Mr. DORGAN of North Dakota) and to include extraneous matter:)

Mr. KILDEE in two instances.
Mr. SIMON in two instances.
Mr. MATSUI in two instances.
Mr. CLAY in two instances.
Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. ROSENTHAL in 10 instances.
Mrs. BOUQUARD in five instances.
Mr. HAMILTON in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. JONES of Tennessee in 10 instances.
Mr. BONER of Tennessee in five instances.
Mr. WAXMAN.
Mr. OTTINGER.
Mr. FRANK in five instances.
Mr. COELHO.
Mr. MOFFETT.
Mr. FORD of Michigan.
Mr. GAYDOS.
Mr. BOLAND.
Mr. LANTOS.
Mr. GUARINI in two instances.
Mr. YATRON in two instances.
Mr. D'AMOURS.
Mr. SAVAGE.
Mr. HUBBARD.
Mr. SKELTON in three instances.
Mr. MOTTL in two instances.
Mr. CONYERS.
Mr. BROOKS.
Mr. BINGHAM.
Mr. MILLER of California.
Mr. AUCOIN.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 273. An act for the relief of William Vojislav Rankovic, Stanislava Rankovic, husband and wife; and William Rankovic, Junior, and Natalie Rankovic, their children; to the Committee on the Judiciary;

S. 369. An act for the relief of Ludina V. Dave; to the Committee on the Judiciary;

S. 370. An act for the relief of Cecilia Dagmang; to the Committee on the Judiciary;

S. 372. An act for the relief of Dr. Mahmooda Haquani; to the Committee on the Judiciary;

S. 374. An act for the relief of Rosita A. Genio; to the Committee on the Judiciary;

S. 375. An act for the relief of Irma A. Gunda; to the Committee on the Judiciary.

S. 377. An act for the relief of Estrellita Tapang; to the Committee on the Judiciary.

S. 379. An act for the relief of Lily T. Paragas; to the Committee on the Judiciary.

S. 617. An act for the relief of Mrs. Elsie B. Lawson; to the Committee on the Judiciary.

S. 642. An act for the relief of Nesca Nicolas and her children Patricia Robert Nicolas and Bernard Robert Nicolas; to the Committee on the Judiciary.

S. 717. An act for the relief of Carole Joy Maxfield-Raynor and Bruce Sherlock Maxfield-Raynor, wife and husband, and their children Charlton Bruce Maxfield-Raynor and Maxine Anne Maxfield-Raynor; to the Committee on the Judiciary.

S. 747. An act for the relief of Seela Jeremiah Piula; to the Committee on the Judiciary.

S. 1329. An act for the relief of Samuel Joseph Edgar; to the Committee on the Judiciary.

S. 1465. An act for the relief of Kwok Tung Yu; to the Committee on the Judiciary.

S. 1470. An act for the relief of Grietje Rhea Pietens Beumer, Johan Christian Beumer, Cindy Larissa Beumer, and Cedric Grant Beumer; to the Committee on the Judiciary.

S. 1499. An act for the relief of Prashant Agarwal; to the committee on the Judiciary.

S. 1513. An act for the relief of Cirilo Raagas Costa and Wilma Raagas Costa; to the Committee on the Judiciary.

S. 1547. An act for the relief of Alberto Hernandez Perez; to the Committee on the Judiciary.

S. 1636. An act for the relief of Kim Hae Ok Heimberger; to the Committee on the Judiciary.

S. 1782. An act to amend section 305 of the Federal Property and Administrative Services Act of 1949 pertaining to contract progress payments made by agencies of the Federal Government, providing for the elimination of retainage in certain instances, and for other purposes; to the Committee on Government Operations.

S. 1838. An act for the relief of Cesar Noel Jump; to the Committee on the Judiciary.

S. 2039. An act for the relief of Margit Liberda and her daughter, Veronika Koszegi; to the Committee on the Judiciary.

S. 2103. An act for the relief of Kok Djen Su and Grace Su, husband and wife; to the Committee on the Judiciary.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 478. An act to provide for the partitioning of certain restricted Indian land in the State of Kansas;

S. 734. An act to encourage exports by facilitating the formation and operation of export trading companies, export trade associations, and the expansion of export trade services generally;

S. 1018. An act to protect and conserve fish and wildlife resources, and for other purposes;

S. 1210. An act to authorize appropriations for the operations of the Office of Environmental Quality and the Council on Environmental Quality during fiscal years 1982, 1983, and 1984, and withdraw certain lands within the Mount Baker-Snoqualmie National Forest from leasing under mineral and geothermal leasing laws;

S. 1573. An act to exempt the Lake Oswego, Oregon, hydroelectric facility from part I of the Federal Power Act (Act of June 10, 1920) as amended, and for other purposes;

S. 1698. An act to amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of U.S. citizens;

S. 1872. An act to provide for a study of grazing phaseout at Capitol Reef National Park, and for other purposes;

S. 2036. An act to provide for a job training program and for other purposes;

S. 2146. An act to extend the lease terms of Federal oil and gas leases, W66245, W66246, W66247, and W66250;

S. 2252. An act to authorize appropriations for the Coast Guard for fiscal years 1983 and 1984, and for other purposes;

S. 2375. An act to extend the expiration date of the Defense Production Act of 1950;

S. 2386. An act to require the Director of the Office of Management and Budget to prepare an annual report consolidating the available data on the geographic distribution of Federal funds, and for other purposes;

S. 2420. An act to provide additional protections and assistance to victims and witnesses in Federal cases;

S. 2436. An act to designate the Mary McLeod Bethune Council House in Washington, District of Columbia, as a national historic site, and for other purposes;

S. 2457. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia;

S. 2574. An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes;

S. 2577. An act to authorize appropriations for environmental research, development, and demonstration for the fiscal years 1983 and 1984, and for other purposes;

S.J. Res. 113. Joint resolution to designate the week beginning November 28 through December 4, 1982, as "National Home Health Care Week";

S.J. Res. 239. Joint resolution designating October 16, 1982, as "National Newspaper Carriers Appreciation Day";

S.J. Res. 241. Joint resolution to provide for the designation of the week of December 12, 1982, through December 18, 1982, as "National Drunk and Drugged Driving Awareness Week";

S.J. Res. 249. Joint resolution to provide for the designation of the month of October 1982 as "National Spinal Cord Injury Month";

S.J. Res. 257. Joint resolution to designate the month of November 1982 as "National Diabetes Month";

S.J. Res. 261. Joint resolution to designating the week of October 24 through 31, 1982, as "National Housing Week"; and

S.J. Res. 262. Joint resolution to designate the month of November 1982 as "National Christmas Seal Month."

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 684. An act for the relief of Ok-Boon Kang;

H.R. 825. An act for the relief of Yick Bong Au Yeung;

H.R. 828. An act for the relief of George G. Barrios, doctor of medicine, his wife Olga T. Cruz, and their children Kurt E. Barrios and Karl S. Barrios and Katrina Adelaida Theresa;

H.R. 1281. An act to provide for the conveyance of certain lands in Alaska comprising trade and trade manufacturing site A-056802 without regard to the 80-rod limitation provided by existing law;

H.R. 1371. An act to amend section 12 of the Contract Disputes Act of 1978;

H.R. 1481. An act for the relief of George Herbert Weston;

H.R. 1486. An act to establish the Protection Island National Wildlife Refuge, Jefferson County, State of Washington;

H.R. 1783. An act for the relief of Felipe B. Manala and Maria Monita A. Manalo;

H.R. 1826. An act for the relief of Shinji Oniki;

H.R. 1841. An act for the relief of Isabelita Clima Portilla;

H.R. 2193. An act for the relief of Berendina Antonia Maria van Kleeff;

H.R. 2340. An act for the relief of Theodore Anthony Dominquez;

H.R. 2342. An act for the relief of Maria Cecilia Gabella-Ossa;

H.R. 2528. An act to amend the Economy Act to provide that all departments and agencies may obtain materials or services from other agencies by contract, and for other purposes;

H.R. 3171. An act for the relief of Dr. David Pass;

H.R. 3278. An act to amend title 10, United States Code, to provide additional standards for determining the amount of space to be programed for military retirees and their dependents in medical facilities of the uniformed services, and for other purposes;

H.R. 3451. An act for the relief of Danuta Gworzdz;

H.R. 3467. An act to authorize appropriations under the Arms Control and Disarmament Act, and for other purposes;

H.R. 3592. An act for the relief of Uili Tuifua, Talameafoou Tuifua, Heta Tuifua, Sateki Tuifua, Ilaisaane Tuifua, an Ofa Hemooni Tuifua;

H.R. 3787. An act to amend sections 10 and 11 of the act of October 21, 1970 (Public Law 91-479; 16 U.S.C. 460x), entitled "An Act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes";

H.R. 4441. An act to amend title 17 of the United States Code with respect to the fees of the Copyright Office, and for other purposes;

H.R. 4468. An act to amend chapter 84, section 1752 of title 18, United States Code, to authorize the Secretary of the Treasury to establish zones of protection for certain persons protected by the U.S. Secret Service.

H.R. 4476. An act to amend the Administrative Conference Act, by authorizing appropriations therefore;

H.R. 4490. An act for the relief of Lehi L. Pitchforth, Jr.;

H.R. 4613. An act to increase the efficiency of Government-wide efforts to collect debts owed the United States and to provide additional procedures for the collection of debts owed the United States;

H.R. 4662. An act for the relief of Eun Ok Han;

H.R. 4717. An act to reduce the amount of LIFO recapture in the case of certain plans of liquidation adopted during 1982, to make adjustments in the net operating loss carryback and carryforward rules for the Federal National Mortgage Association, and for other purposes;

H.R. 4828. An act to set aside certain surplus vessels for use in the provision of health and other humanitarian services to developing countries;

H.R. 5139. An act to authorize appropriations for certain insular areas of the United States, and for other purposes,

H.R. 5145. An act to amend title 5, United States Code, to provide training opportunities for employees under the Office of the Architect of the Capitol and the Botanic Garden, and for other purposes;

H.R. 5228. An act to amend title 18 of the United States Code to implement the Convention on the Physical Protection of Nuclear Material, and for other purposes;

H.R. 5658. An act to authorize the use of education block grant funds to teach the principles of citizenship;

H.R. 5662. An act to extend until October 1, 1983 the authority and authorization of appropriations for certain programs under the Fish and Wildlife Act of 1956;

H.R. 5879. An act to amend chapter 2 of title IV of the Immigration and Nationality Act to extend for one year the authorization of appropriations for refugee assistance, and for other purposes;

H.R. 5890. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes;

H.R. 5941. An act to designate the building known as the Federal Building and U.S. Courthouse in Greenville, S.C., as the "Clement F. Haynesworth, Jr., Federal Building", the building known as the Quincy Post Office in Quincy, Mass., as the "James A. Burke Post Office", and the U.S. Post Office Building in Portsmouth, Ohio, as the "William H. Harsha U.S. Post Office Building";

H.R. 6029. An act to authorize the Secretary of the Interior to acquire by exchange certain lands within the Indiana Dunes National Lakeshore in the State of Indiana;

H.R. 6055. An act to revise subchapter S of the Internal Revenue Code of 1954 (relating to small business corporations);

H.R. 6142. An act to authorize the Commodity Credit Corporation to process its accumulated stocks of agricultural commodities into liquid fuels and agricultural commodity byproducts, and for the disposition thereof, and for other purposes;

H.R. 6156. An act to clarify the jurisdiction of the Securities and Exchange Commission and the definition of security, and for other purposes;

H.R. 6164. An act to authorize the Secretary of Agriculture to implement the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for Such Carriage (ATP), and for other purposes;

H.R. 6170. An act to amend title 23, United States Code, to encourage the establishment by States of effective alcohol traffic safety programs and to require the Secretary of Transportation to administer a national driver register to assist State driver licensing officials in electronically exchanging information regarding the motor vehicle driving records of certain individuals;

H.R. 6188. An act to authorize the Secretary of the Interior to participate with the State of Nebraska in studies of Platte River water resource use and development, and for other purposes;

H.R. 6267. An act to revitalize the housing industry by strengthening the financial stability of home mortgage lending institutions and ensuring the availability of mortgage loans;

H.R. 6273. An act to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1983, 1984, and 1985, and for other purposes;

H.R. 6276. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to allow the issuance of revenue bonds to finance college and university programs which provide student educational loans;

H.R. 6811. An act for the relief of Alejo White and Sonia White;

H.R. 6865. An act to amend the Perishable Agricultural Commodities Act, 1930, to require the Secretary of Agriculture to accept the payment of monetary penalties for certain admitted and infrequent violations involving misrepresentation under such Act, and for other purposes;

H.R. 6968. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1983, and for other purposes;

H.R. 6976. An act to amend title 28, United States Code, to require the Attorney General to acquire and exchange information to assist Federal, State, and local officials in the identification of certain deceased individuals and in the location of missing persons (including unemancipated persons);

H.R. 7115. An act to authorize the transfer of nine naval vessels to certain foreign governments;

H.R. 7292. An act to establish a White House Conference on Productivity;

H.R. 7293. An act to provide financial assistance to the Wolf Trap Foundation for the Performing Arts for reconstruction of the Filene Center and Wolf Trap Farm Park, and for other purposes;

H.J. Res. 486. Joint resolution authorizing and requesting the President to issue a proclamation designating the period from October 3, 1982, through October 9, 1982, as "National Schoolbus Safety Week of 1982";

H.J. Res. 568. Joint resolution to provide for the designation of October 5, 1982, as "Dr. Robert H. Goddard Day";

H.J. Res. 588. Joint resolution to provide for the designation of the month of October 1982, as "Head Start Awareness Month"; and

H.J. Res. 612. Joint resolution to provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported

that that committee did on the following date present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On October 2, 1982:

H.R. 2035. An act to authorize certain employees of the U.S. Department of Agriculture charged with the enforcement of animal quarantine laws to carry firearms for self-protection and to improve the quality of table grapes for marketing to the United States;

H.R. 5930. An act to extend the aviation insurance program for 5 years;

H.R. 6422. An act to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain land previously conveyed to the State of Connecticut;

H.R. 6782. An act to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans, to increase the rates of dependency and indemnity compensation for surviving spouses and children, and to modify and improve the educational assistance programs administered by the Veterans' Administration and the veterans' employment programs administered by the Department of Labor; and for other purposes; and

H.J. Res. 599. An act making continuing appropriations for the fiscal year 1983, and for other purposes.

On October 4, 1982:

H.R. 684. An act for the relief of Ok-Boon Kang;

H.R. 825. An act for the relief of Yick Bong Au Yeung;

H.R. 1281. An act to provide for the conveyance of certain lands in Alaska comprising trade and trade manufacturing site A-056812 without regard to the 8-rod limitation provided by exisitng law;

H.R. 1481. An act for the relief of George Herbert Weston;

H.R. 1783. An act for the relief of Felipe B. Manala and Maria Monita A. Manala;

H.R. 1841. An act for the relief of Isabelita Clima Portilla;

H.R. 3171. An act for the relief of Dr. David Pass;

H.R. 3278. An act to amend title 10, United States Code, to provide additional standards for determining the amount of space to be programed for miltary retirees and their dependents in medical facilities of the uniformed services, and for other purposes;

H.R. 3451. An act for the relief of Danuta Gworzdz;

H.R. 3467. An act to authorize appropriations under the Arms Control and Disarmament Act, and for other purposes;

H.R. 4476. An act to amend the Administrative Conference Act, by authorizing appropriations therefor;

H.R. 4490. An act for the relief of Lehi L. Pitchforth, Jr.;

H.R. 6164. An act to authorize the Secretary of Agriculture to implement the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for Such Carriage (ATP), and for other purposes;

H.R. 6188. An act to authorize the Secretary of the Interior to participate with the State of Nebraska in studies of Platte River water resource use and development, and for other purposes;

H.R. 6276. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to allow the issuance of revenue bonds to finance college and university programs which provide student educational loans;

H.R. 6968. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1983, and for other purposes;

H.R. 6976. An act to amend title 28, United States Code, to require the Attorney General to acquire and exchange information to assist Federal, State, and local officials in the identification of certain deceased individuals and in the location of missing persons (including unemancipated persons);

H.J. Res. 486. An act authorizing and requesting the President to issue a proclamation designating the period from October 3, 1982, through October 9, 1982, as "National Schoolbus Safety Week of 1982";

H.J. Res. 568. An act to provide for the designation of October 5, 1982, as "Dr. Robert H. Goddard Day";

H.J. Res. 588. An act to provide for the designation of the month of October 1982, as "Head Start Awareness Month"; and

H.J. Res. 612. An act to provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes.

On October 5, 1982:

H.R. 1826. An act for the relief of Shinji Oniki;

H.R. 2193. An act for the relief of Berendina Antonia Maria van Kleeff;

H.R. 2340. An act for the relief of Theodor Anthony Dominquez;

H.R. 2528. An act to amend the Economy Act to provide that all departments and agencies may obtain materials or services from other agencies by contract, and for other purposes;

H.R. 4468. An act to amend chapter 84, section 1752 of title 18, United States Code, to authorize the Secretary of the Treasury to establish zones of protection for certain persons protected by the U.S. Secret Service;

H.R. 4662. An act for the relief of Eun Ok Han;

H.R. 5658. An act to authorize the use of education block grant funds to teach the principles of citizenship; and

H.R. 5890. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

On October 6, 1982:

H.R. 1371. An act to amend section 12 of the Contract Disputes Act of 1978;

H.R. 1486. An act to establish the Protection Island National Wildlife Refuge, Jefferson County, State of Washington;

H.R. 5228. An act to amend title 18, of the United States Code to implement the Convention on the Physical Protection of Nuclear Material, and for other purposes;

H.R. 5662. An act to extend until October 1, 1983, the authority and authorization of appropriations for certain programs under the Fish and Wildlife Act of 1956;

H.R. 5941. An act to designate the building known as the Federal Building and U.S. Courthouse in Greenville, S.C., as the "Clement F. Haynsworth, Jr., Federal Building", the building known as the Quincy Post Office in Quincy, Mass., as the "James A. Burke Post Office," and the U.S. Post Office Building in Portsmouth, Ohio, as the "William H. Harsha U.S. Post Office Building";

6156. An act to clarify the jurisdiction of the Securities and Exchange Commission and the definition of security, and for other purposes;

H.R. 6273. An act to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1983, 1984, and 1985 and for other purposes;

H.R. 6811. An act for the relief of Alejo White and Sonia White;

H.R. 6865. An act to amend the Perishable Agricultural Commodities Act, 1930, to require the Secretary of Agriculture to accept the payment of monetary penalties for certain admitted and infrequent violations involving misrepresentation under such act, and for other purposes; and

H.R. 7115. An act to authorize the transfer of nine naval vessels to certain foreign governments.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 54 minutes p.m.) the House adjourned until Tuesday, November 30, 1982, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4918. A communication from the President of the United States, transmitting a request for appropriation amendments and amended appropriation language for fiscal year 1983 (H. Doc. No. 97-247); to the Committee on Appropriations and ordered to be printed.

4919. A communication from the President of the United States, transmitting a request for appropriation amendments and amended appropriation language for fiscal year 1983 (H. Doc. No. 97-248); to the Committee on Appropriations and ordered to be printed.

4920. A letter from the Secretary of State, transmitting a report explaining the manner in which the national interest of the United States has been served by payments made to private individuals or corporations in satisfaction of assurance agreements or under loan guarantees with respect to loans made or credits extended to the Polish People's Republic in the absence of a declaration of default, pursuant to section 306 of Public Law 97-257; to the Committee on Appropriations.

4921. A letter from the Secretary of State, transmitting a report explaining the manner in which the national interest of the United States has been served by payments made to private individuals or corporations during the month of October in satisfaction of assurance agreements or under loan guarantees with respect to loans made or credits extended to the Polish People's Republic in the absence of a declaration of default, pursuant to section 306 of Public Law 97-257; to the Committee on Appropriations.

4922. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a cumulative report on rescissions and deferrals of budget authority as of October 1, 1982, pursuant to section 1014(e) of Public Law 93-344 (H. Doc. No. 97-246); to the Committee on Appropriations and ordered to be printed.

4923. A letter from the Comptroller General of the United States, transmitting a report on a revision to an existing deferral increasing the amount deferred, proposal D82-249A, contained in the message from the President dated September 23, 1982, pursuant to section 1013 of the Impoundment Control Act; to the Committee on Appropriations.

4924. A letter from the Acting Assistant Secretary of Defense (Comptroller), transmitting notice of transfers of funds appropriated to the Department of Defense, pursuant to section 733 of Public Law 97-114; to the Committee on Appropriations.

4925. A letter from the Principal Deputy Assistant Secretary of Defense (Comptroller), transmitting a report of the value of property, supplies, and commodities provided by the Berlin Magistrate and under German Offset Agreement for the quarter July 1, 1982, through September 30, 1982, pursuant to section 719 of Public Law 97-114; to the Committee on Appropriations.

4926. A letter from the Secretary of the Air Force, transmitting a report that a weapon system has exceeded a baseline unit cost by more than 25 percent, pursuant to section 917(c)(2) of Public Law 97-86; to the Committee on Armed Services.

4927. A letter from the Secretary of the Navy, transmitting notice of the Department's delay in submitting formal 30-day reports on unit cost increases in excess of 15 percent, pursuant to section 139b(d)(3)(A) of Public Law 97-252; to the Committee on Armed Services.

4928. A letter from the Secretary of the Navy, transmitting a report that a weapon system has exceeded a baseline unit cost by more than 25 percent, pursuant to section 917(c)(2) of Public Law 97-86; to the Committee on Armed Services.

4929. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Presidential Determination No. 82-20 regarding the sale of communications equipment to Lebanon and a plan for the prompt replenishment of defense stocks as a result of this sale, pursuant to 10 U.S.C. 975(b); to the Committee on Armed Services.

4930. A letter from the Director, Federal Emergency Management Agency, transmitting a report that the Agency acquired no real or personal property during the quarter ending September 30, 1982, pursuant to section 201(h) of the Federal Civil Defense Act of 1951; to the Committee on the Armed Services.

4931. A letter from the Deputy Assistant Secretary of Defense, transmitting notice of the Navy's intention to omit the clause authorizing the Comptroller General to examine certain records which would otherwise be required to be included in the contract with the Golcuk Naval Shipyard, Golcuk, Turkey, for repair and alteration to U.S. 6th Fleet vessels, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

4932. A letter from the Deputy Assistant Secretary of Defense, transmitting notice of the Navy's intention to omit the clause authorizing the Comptroller General to examine certain records which would otherwise be required to be included in the contract with the Oficinas Gerais De Material Aeronautico, Alverca, Portugal, for standard depot level maintenance services on U.S. Navy C-1A, C-2, C-130, and C-131 aircraft; to the Committee on Armed Services.

4933. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of the Army's intention to exclude the examination of records by the Comptroller General from a contract with the Swiss Government, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

4934. A letter from the Deputy Assistant Secretary of Defense (Comptroller-Administration), transmitting notice of the Navy's intention to exclude the examination of records by the Comptroller General from a contract with the United Kingdom, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

4935. A letter from the Deputy Assistant Secretary of Defense (Comptroller-Administration), transmitting notice of the Navy's intention to exclude the examination or records by the Comptroller General from a contract with the Ministry of Defence, United Kingdom, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

4936. A letter from the Acting Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics), transmitting the annual report and audit of the American National Red Cross Society, pursuant to the act of January 5, 1905, section 6; to the Committee on Armed Services.

4937. A letter from the Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the Army's decision to convert to contractor performance the cadet mess activity at the U.S. Military Academy, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4938. A letter from the Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the Army's decision to convert to contractor performance the transportation motor pool activity at Cameron Station, Va., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4939. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the keypunch function at the Public Works Center, Norfolk, Va., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4940. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the proposed conversion to contractor performance of the grounds and surfaced areas function at the naval shipyard, Norfolk, Va., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4941. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the proposed conversion to contractor performance of the key entry function at the naval shipyard, Mare Island, Calif., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4942. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the proposed conversion to contractor performance of the night shelf stocking function at the Naval Commissary Store Region, Patuxent River, Md., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4943. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the proposed conversion to contractor performance of the data transcription/data entry function at the naval shipyard, Puget Sound, Wash., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4944. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the data transcription/entry function at the naval air station, North Island, Calif., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4945. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the proposed conversion to contractor performance of the transportation operations and maintenance function at the naval station, Roosevelt Roads, P.R., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4946. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the proposed conversion to contractor performance of the ground maintenance function at the naval air station, Corpus Christi, Tex., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4947. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the proposed conversion to contractor performance of the material turned into store function at the naval supply center, Oakland, Calif., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4948. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the custodial services function at the Naval Communication Station, Stockton, Calif., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4949. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the outfitting function at the Naval Supply Center, Oakland, Calif., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4950. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the grounds maintenance function at the Public Works Center, San Diego, Calif., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4951. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the mess attendant services function at the Naval Communication Station, Stockton, Calif., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4952. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the keypunch function at the naval air station, Key West, Fla., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4953. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of

the Navy's decision to convert to contractor performance the custodial services function at the Navy Public Works Center, San Francisco, Calif., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4954. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the grounds maintenance function at the Navy Public Works Center, San Francisco, Calif., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4955. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the word processing function at the Naval Support Center, Crane, Ind., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4956. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the laundry services function at the Naval Regional Medical Center, Philadelphia, Pa., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4957. A letter from the Secretary of Housing and Urban Development, transmitting a report on recent evidence regarding the costs of HUD housing subsidy programs in response to a congressional request completed in May 1982; to the Committee on Banking, Finance and Urban Affairs.

4958. A letter from the Secretary of Housing and Urban Development, transmitting a report on alternative methods for recapturing Federal costs of front-end investment in units removed from the section 8 program, pursuant to section 326(b)(2) of Public Law 97-35; to the Committee on Banking, Finance and Urban Affairs.

4959. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee, and insurance transactions supported by Eximbank during August 1982 to Communist countries, pursuant to section 2(b)(2) of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Finance and Urban Affairs.

4960. A letter from the President and Chairman of the Export-Import Bank of the United States, transmitting notice of an increase in the financing to be provided by Eximbank for a project in Indonesia, which financing was reported to Congress in March 1982 (Executive Communication No. 3456), pursuant to section 2(b)(3)(iii) of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Finance and Urban Affairs.

4961. A letter from the Executive Director, Neighborhood Reinvestment Corporation, transmitting the annual report on the Corporation's activities and fiscal status, pursuant to section 607(a) of Public Law 95-557; to the Committee on Banking, Finance and Urban Affairs.

4962. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-241, "Real Property Tax Rates for Tax Year 1983 Act of 1982," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

4963. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-242, "Minority Contracting Act of 1976 Amendments Act of 1982," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

4964. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-243, "Ward Designation Act of 1982," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

4965. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-244, "Closing of a Portion of a Public Alley in Square 1743 Act of 1982," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

4966. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-245, "Closing and Dedication of Public Alleys in Square 669 Act of 1982," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

4967. A letter from the Chairman, Council of the District of Columbia, transmitting initiative measure No. 9, "D.C. Mandatory-Minimum Sentences Initiative of 1981," and election results, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

4968. A letter from the District of Columbia Auditor, transmitting a report entitled "Report on Audits of Advisory Neighborhood Commissions," pursuant to section 455(d) of Public Law 93-198; to the Committee on the District of Columbia.

4969. A letter from the District of Columbia Auditor, transmitting his report on the collection of outstanding ticket fines for low numbered plates 1 to 1250, pursuant to section 455(d) of Public Law 93-198; to the Committee on the District of Columbia.

4970. A letter from the District of Columbia Auditor, transmitting a report on the Washington Convention Center, pursuant to section 455(d) of Public Law 93-198; to the Committee on the District of Columbia.

4971. A letter from the District of Columbia Auditor, transmitting a report entitled, "University of the District of Columbia Athletic Department", pursuant to section 455(d) of Public Law 93-198; to the Committee on the District of Columbia.

4972. A letter from the Secretary, Council of the District of Columbia, transmitting D.C. Act 4-633, "Transfer of Jurisdiction over a portion of square 5778 resolution of 1982", pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

4973. A letter from the Secretary, Council of the District of Columbia, transmitting D.C. Act 4-638, "Transfers of Jurisdiction at Union Station Plaza resolution of 1982", pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

4974. A letter from the Secretary of Education, transmitting the annual report of the Women's Education Equity Act (WEEA) program for fiscal year 1982, pursuant to section 937 of the Elementary and Secondary Education Amendments Act (92 Stat. 2300); to the Committee on Education and Labor.

4975. A letter from the Secretary of Education, transmitting a revised report on the definition of Indian, pursuant to section 442(b)(6) of Public Law 92-318; to the Committee on Education and Labor.

4976. A letter from the Secretary of Education, transmitting the annual report on the Centers for Educational Media and Materials for the Handicapped, pursuant to section 653(c) of Public Law 91-230, as amended; to the Committee on Education and Labor

4977. A letter from the Secretary of Education, transmitting copy of the 1983-84 Pell grant program family contribution schedule, pursuant to section 482(a)(2) of the Higher Education Act of 1965, as amended; to the Committee on Education and Labor.

4978. A letter from the Secretary of Education, transmitting a report concerning institutions which did not satisfy the criterion under section 312(2)(A)(ii) or section 322(a)(2)(A)(ii), but were determined to be eligible under part A or part B of institutional aid programs, pursuant to section 342(a)(2) of the Higher Education Act; to the Committee on Education and Labor.

4979. A letter from the Secretary of Education, transmitting proposed final regulations for chapters 1 and 2 of the Education Consolidation and Improvement Act of 1981, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

4980. A letter from the Secretary of the Treasury, transmitting the annual audit of the Student Loan Marketing Association, pursuant to section 439(K) of the Higher Education Act of 1965, as amended; to the Committee on Education and Labor.

4981. A letter from the Director, ACTION Agency, transmitting notice of a final regulation "Final Notice of Guidelines for the Fixed Income Consumer Counseling Program", pursuant to section 420(d) of Public Law 93-113, as amended; to the Committee on Education and Labor.

4982. A letter from the Executive Director, Intergovernmental Advisory Council on Education, transmitting the Council's 1982 biennial report covering the period of activities during September 1980 through September 1982, pursuant to section 213(b)(1)(D) of Public Law 96-88; to the Committee on Education and Labor.

4983. A letter from the Chairman, Board of Trustees, Harry S. Truman Scholarship Foundation, transmitting the annual report of the Foundation for 1981-82, pursuant to section 13(b) of Public Law 93-642; to the Committee on Education and Labor.

4984. A letter from the Acting Director, National Council on Educational Research, transmitting the sixth report of the National Council on Educational Research, pursuant to section 405(c)(3) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

4985. A letter from the Secretary of the Interior, and the Secretary of Agriculture, transmitting a joint report on the Youth Conservation Corps for 1981, pursuant to section 5 of Public Law 93-408; to the Committee on Education and Labor.

4986. A letter from the Secretary of Energy, transmitting the third annual report of progress by State authorities and nonregulated utilities in complying with the statute's requirements related to their consideration of 11 ratemaking and regulatory policy standards for the period July 1, 1980 through November 9, 1981, pursuant to section 116(b) of the Public Utility Regulatory Policies Act of 1978 (Public Law 95-617); to the Committee on Energy and Commerce.

4987. A letter from the Secretary of Health and Human Services, transmitting a report on State compliance with medicaid utilization control requirements, pursuant to section 1903(g)(6) of the Social Security Act, as amended; to the Committee on Energy and Commerce.

4988. A letter from the Secretary of Health and Human Services, transmitting an evaluation of "insider" transactions involving health maintenance organizations, pursuant to section 1318(e) of the Public Health Service Act, as amended; to the Committee on Energy and Commerce.

4989. A letter from the General Counsel, Department of Energy, transmitting notice of a meeting relating to the International Energy Program to be held on October 25, 1982, in Paris, France; to the Committee on Energy and Commerce.

4990. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting a report entitled "Energy Company Development Patterns in the Postembargo Era"; to the Committee on Energy and Commerce.

4991. A letter from the Chairman, Interstate Commerce Commission, transmitting a report on the adequacy of provisions of 49 U.S.C. 10705a in addressing the joint rate problems of rail carriers, pursuant to section 217(c)(2) of Public Law 96-448; to the Committee on Energy and Commerce.

4992. A letter from the Secretary, Interstate Commerce Commission, transmitting notice that the Commission will be unable to render a final decision in No. 37583, *Mobil Chemical Company* v. *Seaboard Line Railroad Company*, within the specified 180-day period, pursuant to 49 U.S.C. 10707 (b)(1) and (c)(1); to the Committee on Energy and Commerce.

4993. A letter from the Chairman, National Mediation Board, transmitting the 47th annual report of the Board, including the report of the National Railroad Adjustment Board, covering fiscal year 1981, pursuant to sections 4 (second) and 3 (first) (w) of the act of May 20, 1946; to the Committee on Energy and Commerce.

4994. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting the financial report of the Corporation for the month of July 1982, pursuant to section 308(a)(1) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Energy and Commerce.

4995. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting a report covering the month of August 1982, on the number of passengers per day on board each train operated, and the on-time performance at the final destination of each train operated, by route and by railroad, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Energy and Commerce.

4996. A letter from the Director, Division of Congressional Liaison, Federal Energy Regulatory Commission, transmitting the Commission's report, "Impact of 1982-83 Winter Gas Supply for 24 Pipeline Companies", for the period November 1982, through March 1983; to the Committee on Energy and Commerce.

4997. A letter from the Chairman, Federal Trade Commission, transmitting the report of the Commission on the Residential Energy Conservation Service, pursuant to section 205 of Public Law 95-619, as amended; to the Committee on Energy and Commerce.

4998. A letter from the Director, Defense Security Assistance Agency, transmitting a report that the Defense Department has provided certain defense articles, services, and training to El Salvador under the authority of Presidential Determination No. 82-5, pursuant to section 506(b)(2) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

4999. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting notice of the proposed issuance of a license for the export of certain defense equipment sold commercially to the United Republic of Cameroon, (Transmittal No. MC-17-82), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5000. A letter from the Assistant Secretary of State for Congressional Relations, transmitting the proposed allocations to countries and international organizations of the military assistance program, international military education and training program and economic support fund for fiscal year 1982, pursuant to section 653(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

5001. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting a report on the use of fiscal year 1982 funds for special requirements in the Middle East, pursuant to section 532(b)(4) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

5002. A letter from the Assistant Secretary of State for Congressional Relations, transmitting Presidential Determination No. 83-1, authorizing international education and military training for Yugoslavia, pursuant to section 614(a)(2) and 620(f) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

5003. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

5004. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

5005. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

5006. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

5007. A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting notice of the proposed issuance of a license for the export of certain defense equipment sold commercially to the Democratic and Popular Republic of Algeria (Transmittal No. MC-1-83), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5008. A letter from the Chairman, the Board of Foreign Scholarships, transmitting the annual report of the Board for 1981, pursuant to section 107 of Public Law 87-256; to the Committee on Foreign Affairs.

5009. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

5010. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements; other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

5011. A letter from the Assistant Secretary of State (Congressional Relations), transmitting a report of political contributions of Ambassador-designate Lev E. Dobriansky, and members of his family, pursuant to section 304(b)(2) of Public Law 96-465; to the Committee on Foreign Affairs.

5012. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

5013. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

5014. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

5015. A letter from the Ambassador at large, U.S. Coordinator for Refugee Affairs; a report on costs for refugees and Cuban and Haitian entrants, pursuant to section 502 of Public Law 97-241; to the Committee on Foreign Affairs.

5016. A letter from the Assistant Secretary for Congressional Relations, Department of State transmitting notice of the President's determination to the sale of defense articles and services to Zimbabwe (Presidential Determination No. 73-10), pursuant to section 3(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5017. A letter from the Director, Defense Security Assistance Agency, transmitting the quarterly report for the period ending September 30, 1982, of the price and availability of certain defense articles, pursuant to section 28 of the Arms Export Control Act; to the Committee on Foreign Affairs.

5018. A letter from the Army Central Retirement Fund, Department of the Army (Adjutant General), transmitting the annual report for the U.S. Army nonappropriated fund employee retirement plan for the fiscal year ending September 30, 1981, pursuant to section 121(a)(2) of Public Law 95-595; to the Committee on Government Operations.

5019. A letter from the Assistant Secretary for Administration, U.S. Department of Transportation, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5020. A letter from the Deputy Assistant Secretary of the Interior, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5021. A letter from the Deputy Assistant Secretary of Defense, transmitting notice of an altered record system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5022. A letter from the Plan Administrator, Farm Credit Banks of Omaha, Nebr., transmitting the annual report of the Eighth Farm Credit District retirement plan, covering calender year 1981, pursuant to section 121(a)(2) of the Budget and Accounting Procedures Act of 1950, as amended; to the Committee on Government Operations.

5023. A letter from the Deputy Assistant Secretary of Defense, Comptroller (Administration), transmitting notice of a proposed altered record system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5024. A letter from the Chief, Army and Air Force Exchange Service, Departments of the Army and the Air Force, transmitting the annual report for the retirement annuity plan for the employees of the Army and Air Force Exchange Service for the fiscal year ended December 31, 1981, pursuant to section 121(a)(2) of the Budget and Accounting Procedures Act of 1950, as amended; to the Committee on Government Operations.

5025. A letter from the Assistant Secretary for Health, Department of Health and Human Services, transmitting notice of an altered records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5026. A letter from the Assistant Secretary for Health, Department of Health and Human Services, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5027. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of an altered records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5028. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during September 1982, pursuant to section 234 of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

5029. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during October 1982, pursuant to section 234 of Public Law 91-510; to the Committee on Government Operations.

5030. A letter from the Assistant Secretary of the Treasury (Administration), transmitting notice of a proposed new system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5031. A letter from the Acting Legal Counsel, Equal Employment Opportunity Commission, transmitting notice of proposed amendments to two Privacy Act systems of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5032. A letter from the Administrator of General Services, transmitting the annual report for fiscal year 1982 on the disposal of surplus Federal real property for historic monument purposes, pursuant to section 203(o) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

5033. A letter from the Attorney General, transmitting the fourth report on steps taken by the Department of Justice to comply with the intent of Congress that section 1073 of title 18 of the United States Code apply to cases involving parental kidnaping and interstate or international flight to avoid prosecution under applicable State felony statutes, pursuant to section 10(b) of Public Law 96-611; to the Committee on the Judiciary.

5034. A letter from the Secretary of Commerce, transmitting the semiannual report of the Inspector General of the Department for the period ended September 30, 1982, pursuant to section 5(b) of Public Law 95-452; to the Committee on Government Operations.

5035. A letter from the Administrator, Agency for International Development, transmitting the semiannual report of the Inspector General covering the period from April 1, 1982, through September 30, 1982, pursuant to section 5(b) of Public Law 95-452; to the Committee on Government Operations.

5036. A letter from the Secretary of Labor, transmitting a report on the Department's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

5037. A letter from the Under Secretary of State for Management, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5038. A letter from the Assistant Secretary, Department of Housing and Urban Development, transmitting a notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5039. A letter from the Chairman, Federal Labor Relations Authority, transmitting a report of the Authority's activities under the Government in the Sunshine Act during the calendar year 1980, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

5040. A letter from the Chairman, Federal Labor Relations Authority, transmitting a report of the Authority's activities under the Government in the Sunshine Act during the calendar year 1981, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

5041. A letter from the Assistant Vice President, Farm Credit Banks of Springfield, transmitting the annual report of the Farm Credit Banks of Springfield retirement plan, covering calendar year April 1, 1981, to March 31, 1982, pursuant to section 121(a)(2) of Public Law 95-595; to the Committee on Government Operations.

5042. A letter from the Secretary of Transportation, transmitting the annual report of the U.S. Coast Guard retirement system as of September 30, 1982, pursuant to section 121(a)(2) of Public Law 95-595; to the Committee on Government Operations.

5043. A letter from the Assistant Secretary-Treasurer, Trustees of the Seventh Farm Credit District employee benefits program, transmitting the annual report of the Seventh Farm Credit District retirement plan, covering calendar year December 31, 1980, to December 31, 1981, pursuant to section 121(a)(2) of Public Law 95-595; to the Committee on Government Operations.

5044. A letter from the Secretary of the Interior, transmitting notice of the receipt of an application for a loan under the Small Reclamation Projects Act of 1956 from the Columbia Irrigation District, Washington, pursuant to section 10 of the act; to the Committee on Interior and Insular Affairs.

5045. A letter from the Secretary of the Interior, transmitting the second annual report on the oil and gas leasing program for non-North Slope Federal lands in Alaska, pursuant to section 1008(b)(4) of Public Law 96-487; to the Committee on Interior and Insular Affairs.

5046. A letter from the Acting Secretary of the Interior, transmitting notice of leasing systems to be used in oil and gas lease sale No. 69, Gulf of Mexico, to be held on November 17, 1982, pursuant to section 8(a)(8) of the Outer Continental Shelf Lands Act, as amended; to the Committee on Interior and Insular Affairs.

5047. A letter from the Acting Secretary of the Interior, transmitting notification of a proposal received under the Small Reclamation Projects Act of 1956, pursuant to section 10 of the act; to the Committee on Interior and Insular Affairs.

5048. A letter from the Director, Minerals Management Service, Department of the Interior, transmitting notice of the proposed refund of $213,414.97 to Texaco, Inc., and the Superior Oil Co. for an excess royalty payment, pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

5049. A letter from the Clerk, U.S. Court of Claims, transmitting a copy of the court's opinion in Docket No. 326-C-1, *Shoshone-Bannock Tribes, etc.* v. *the United States*; to the Committee on Interior and Insular Affairs.

5050. A letter from the Assistant Secretary of the Interior for Territorial and International Affairs, transmitting the annual report of the U.S. Government Comptroller for Guam on the fiscal condition of the Government of Guam for the fiscal year ended September 30, 1981, pursuant to section 9-A(g) of the act of August 1, 1950, as amended; to the Committee on Interior and Insular Affairs.

5051. A letter from the Assistant Secretary of the Interior (Territorial and International Affairs), transmitting the annual report on the financial condition of the Commonwealth of the Northern Mariana Islands for the fiscal year ended September 30, 1981, pursuant to section 4(g) of the act of June 30, 1954, as amended; to the Committee on Interior and Insular Affairs.

5052. A letter from the Acting Director, Minerals Management Service, Department of the Interior, transmitting notice of the proposed refund of $1,277.01 in excess royalties to Gulf Oil Corp., pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

5053. A letter from the Director, Minerals Management Service, Department of the Interior, transmitting the annual report for fiscal years 1980 and 1981 on delinquent royalty accounts under leases for development of oil and gas on Federal lands, pursuant to section 602 of Public Law 95-372; to the Committee on Interior and Insular Affairs.

5054. A letter from the Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of the judgment funds awarded to the Red Lake Band of Chippewa Indians of the Red Lake Reservation, Minn., by the U.S. Court of Claims in Docket No. 189-C (exception 8-1904 act disposal claim), pursuant to section 2(a) and 4 of Public Law 93-134; to the Committee on Interior and Insular Affairs.

5055. A letter from the Director, Minerals Management Service, Department of the Interior, transmitting notice of the proposed refund of $760,769.48 to the Union Texas Petroleum and the Superior Oil Co. for an excess royalty payment, pursuant to section

10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

5056. A letter from the Chief Deputy Clerk, U.S. Claims Court, transmitting copy of the court's opinion in Docket No. 178-A, *The Confederated Tribes of the Colville Reservation* v. *The United States;* to the Committee on Interior and Insular Affairs.

5057. A letter from the Director, Minerals Management Service, Department of the Interior, transmitting notice of the proposed refund of $88,652.45 to ARCO Oil & Gas Co. for excess royalty payment, pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

5058. A letter from the Director, Minerals Management Service, Department of the Interior, transmitting notice of the proposed refund of $12,037.57 to Conoco, Inc., for excess royalty payment, pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

5059. A letter from the Acting Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of the judgment funds awarded to the Maricopa Ak-Chin Indians of Maricopa Ak-Chin Reservation by the U.S. Court of Claims in Docket No. 235, pursuant to section 2(a) and 4 of Public Law 93-134; to the Committee on Interior and Insular Affairs.

5060. A letter from the Director, Minerals Management Service, Department of the Interior, transmitting notice of the proposed refund of $48,244.39 to Conoco, Inc., for excess royalty payment, pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

5061. A letter from the Director, Minerals Management Service, Department of the Interior, transmitting notice of the proposed refund of $58,869.35 to McMoRan Oil & Gas Co., Conoco, Inc., Phillips Petroleum Co., Getty Oil Co., and Texas Gas Exploration Corp., for excess royalty payment, pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

5062. A letter from the Director, Minerals Management Service, Department of the Interior, transmitting notice of the proposed refund of $67,844.95 to Shell Oil Co. and Gulf Oil Corp., for excess royalty payment, pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

5063. A letter from the Director, Minerals Management Service, Department of the Interior, transmitting notice of the proposed refund of $102,143.43 to General American Oil Co. of Texas, Amoco Production Co., Gulf Oil Corp., Getty Oil Co., and Conoco, Inc., for excess royalty payment, pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

5064. A letter from the Attorney General of the United States, transmitting the annual report for calendar year 1981 on the administration of the Foreign Agents Registration Act, pursuant to section 211 of the act, as amended; to the Committee on the Judiciary.

5065. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting a copy of an order suspending deportion of an individual under the authority of section 244(a)(2) of the Immigration and Nationality Act, pursuant to section 244(c) of the act; to the Committee on the Judiciary.

5066. A letter from the President, American Council of Learned Societies, transmitting a copy of the council's audited financial statement, as of June 30, 1982, pursuant to its Federal charter; to the Committee on the Judiciary.

5067. A letter from the Acting Secretary, Smithsonian Institution, transmitting the proceedings of the 91st Continental Congress of the National Society of the Daughters of the American Revolution, pursuant to section 3 of the act of February 20, 1896; to the Committee on the Judiciary.

5068. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation under the authority of section 244(a)(1) of the Immigration and Nationality Act, together with a list of the persons involved, pursuant to section 244(c) of the act; to the Committee on the Judiciary.

5069. A letter from the National Quartermaster and Adjutant, Veterans of World War I of the U.S.A., Inc., transmitting the proceedings of the organization's national convention and its financial statements for the 9 months ended June 30, 1982, pursuant to section 16 of Public Law 85-530, and section 3 of Public Law 88-504 (H. Doc. No. 97-249); to the Committee on the Judiciary and ordered to be printed.

5070. A letter from the President, National Safety Council, transmitting the audit report of the organization for the fiscal year ended June 30, 1982, pursuant to section 3 of Public Law 88-504; to the Committee on the Judiciary.

5071. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation under the authority of section 244(a)(1) of the Immigration and Nationality Act, together with a list of the persons involved, pursuant to section 244(c) of the act; to the Committee on the Judiciary.

5072. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend title 14, United States Code, to provide for selective preappointment travel to the Coast Guard Academy for cadet applicants; to the Committee on Merchant Marine and Fisheries.

5073. A letter from the Secretary of the Interior and the Secretary of Commerce, transmitting the second report on activities of the Departments with respect to the emergency striped bass research study during 1981, pursuant to section 7(b) of Public Law 89-304, as amended; to the Committee on Merchant Marine and Fisheries.

5074. A letter from the Administrator, Panama Canal Commission, transmitting a report on a claim exceeding $120,000 for damages to a vessel in canal waters outside the locks, pursuant to section 1415(b) of Public Law 96-70; to the Committee on Merchant Marine and Fisheries.

5075. A letter from the Administrator, Panama Canal Commission, transmitting a report on a claim exceeding $120,000 for damages to a vessel in canal waters outside the locks, pursuant to section 1415(b) of Public Law 96-70; to the Committee on Merchant Marine and Fisheries.

5076. A letter from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting a report, including a financial statement, covering the actual amount of revenues deposited in the Panama Canal Commission fund during the fiscal year 1982, pursuant to section 1312 of Public Law 96-70; to the Committee on Merchant Marine and Fisheries.

5077. A letter from the Special Counsel, Merit Systems Protection Board, transmitting the annual report of the Office of the Special Counsel for calendar year 1981, pursuant to 5 U.S.C. 1206(m); to the Committee on Post Office and Civil Service.

5078. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, on Big Five Drainage and Levee Districts, Illinois, pursuant to section 11 of the Flood Control Act of 1946; to the Committee on Public Works and Transportation.

5079. A letter from the Secretary of Transportation, transmitting a quarterly report on Urban Mass Transportation Administration obligations by State and activity as of June 30, 1982, pursuant to section 4(h)(1) of the Urban Mass Transportation Act, as amended; to the Committee on Public Works and Transportation.

5080. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report on the Barataria Bay Waterway, Dupre Cut, La., which is in response to resolutions adopted by the Committee on Public Works; to the Committee on Public Works and Transportation.

5081. A letter from the Deputy Administrator of General Services, transmitting various prospectus amendments proposing the lease of space, pursuant to section 7 of the Public Buildings Act of 1959, as amended; to the Committee on Public Works and Transportation.

5082. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers on Carmel River, Monterey County, Calif., pursuant to section 4 of the Flood Control Act of 1941; to the Committee on Public Works and Transportation.

5083. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from The Army's Chief of Engineers on flood control and related water resources development for Grand Lake, St. Marys, Ohio, pursuant to section 217 of Public Law 91-611; to the Committee on Public Works and Transportation.

5084. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from Army's Chief of Engineers on Memphis metropolitan area study, Mississippi, Arkansas, and Tennessee, pursuant to a resolution adopted by the House Committee on Public Works and Transportation; to the Committee on Public Works and Transportation.

5085. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Army's Chief of Engineers on Searsport Harbor, Maine, pursuant to a resolution adopted by the House Committee on Public Works and Transportation; to the Committee on Public Works and Transportation.

5086. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Army's Chief of Engineers on Sabine River and Tributaries, Tex. and La., pursuant to resolutions adopted by the House Committee on Public Works and Transportation; to the Committee on Public Works and Transportation.

5087. A letter from the Administrator, Federal Aviation Administration, transmitting the Administration's semiannual report on the effectiveness of the civil aviation security program for the period January 1

through June 30, 1982, pursuant to section 315(a) of the Federal Aviation Act; to the Committee on Public Works and Transportation.

5088. A letter from the Deputy Administrator of General Services, transmitting proposed lease prospectuses at various locations, pursuant to section 7 of the Public Buildings Act of 1959, as amended; to the Committee on Public Works and Transportation.

5089. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers on New Orleans-Baton Rouge metropolitan area, Louisiana, pursuant to resolutions adopted by the House Committee on Public Works and Transportation; to the Committee on Public Works and Transportation.

5090. A letter from the Secretary of Energy, transmitting a report on the actual performance of wind systems in various applications, pursuant to section 11(4) of Public Law 96-345; to the Committee on Science and Technology.

5091. A letter from the Assistant Secretary of Energy for Conservation and Renewable Energy, transmitting the sixth annual report from the Interagency Geothermal Coordinating Council on the activities and programs in geothermal energy, pursuant to section 302(a) of Public Law 93-410; to the Committee on Science and Technology.

5092. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the plan to report to the General Services Administration, as excess real property, 10.308 acres of land and sanitary sewage treatment facilities at the NASA Plum Brook Station, Sandusky, Ohio, pursuant to section 207 of Public Law 85-568; to the Committee on Science and Technology.

5093. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on negotiated contracts for property or services determined to be for experimental development, or research work, or for making or furnishing property for experiment, test, development, or research, covering the period January 1, 1982 through June 30, 1982, pursuant to 10 U.S.C. 2304(e); to the Committee on Science and Technology.

5094. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend section 3301 of title 38 of the United States Code; to the Committee on Veterans' Affairs.

5095. A letter from the Executive Secretary, Office of the Secretary of Defense, transmitting a report covering the period October 1981 through July 1982 on Defense Department procurement from small and other business firms, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Small Business.

5096. A letter from the Executive Secretary, Department of Defense, transmitting a report on Defense Department procurement from small and other business firms for October 1981 through August 1982, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Small Business.

5097. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a copy of a Presidential proclamation issued October 27 concerning the suspension of most favored nation tariff status for Poland; to the Committee on Ways and Means.

5098. A letter from the Chairman, U.S. International Trade Commission, transmitting the 33d report on the operation of the trade agreements program, pursuant to section 163(b) of the Trade Act of 1974; to the Committee on Ways and Means.

5099. A letter from the U.S. Trade Representative, Executive Office of the President, transmitting the annual report for fiscal year 1982 on the operation of the International Coffee Agreement, pursuant to section 5 of Public Law 96-599; to the Committee on Ways and Means.

5100. A letter from the Acting Under Secretary for International Affairs and Commodity Programs, Department of Agriculture, transmitting the initial report and table of the commodity and country allocation of planned programing of food assistance under title I/III of the Agricultural Trade Development and Assistance Act for fiscal year 1983, pursuant to section 408(b) of the act, as amended; jointly, to the Committees on Agriculture and Foreign Affairs.

5101. A letter from the Under Secretary for International Affairs and Commodity Programs, Department of Agriculture, transmitting a table showing the final country and commodity allocations of planned programing of food assistance under title I/III of the Agricultural Trade Development and Assistance Act for fiscal year 1982, pursuant to section 408(b) of the act, as amended; jointly, to the Committees on Agriculture and Foreign Affairs.

5102. A letter from the Assistant Secretary for Human Development Services, Department of Health and Human Services, transmitting a report entitled "A Preliminary Short-term Evaluation of the Basic Grants Program of the Administration for Native Americans," pursuant to section 810(e) of Public Law 93-644; jointly, to the Committees on Education and Labor and Interior and Insular Affairs.

5103. A letter from the Federal Inspector, Alaska Natural Gas Transportation System, transmitting his 13th quarterly report on the status of the Alaska Natural Gas Transportation System, pursuant to section 7(a)(5)(E) of Public Law 94-586; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

5104. A letter from the Chairman, U.S. Nuclear Regulatory Commission, transmitting reports on the feasibility and value of licensing plant managers and senior licensee officers responsible for the operation of nuclear power facilities, pursuant to section 307(b) of Public Law 96-295; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

5105. A letter from the Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting the biennial report on the program of research and monitoring for early detection of stratospheric ozone change, pursuant to section 154(a) of the Clean Air Act, as amended; jointly, to the Committees on Energy and Commerce and Science and Technology.

5106. A letter from the Comptroller General of the United States, transmitting a report on the access to records problem encountered by the General Accounting Office at the Department of the Air Force, pursuant to section 313(b)(1) of the Budget and Accounting Act of 1921, as amended; jointly, to the Committees on Government Operations and Armed Services.

5107. A letter from the Comptroller General of the United States, transmitting a report on the examination of the Export-Import Bank's fiscal year 1981 financial operations (GAO/ID-83-12, November 18, 1982); jointly, to the Committees on Government Operations and Banking, Fianance and Urban Affairs.

5108. A letter from the Comptroller General of the United States, transmitting a report on the Department of the Interior's annual report on the monitoring of offshore shut-in and flaring gas well activities ((GAO/RCED-83-10; October 5, 1982); jointly, to the Committees on Government Operations and Interior and Insular Affairs.

5109. A letter from the Comptroller General of the United States, transmitting a report on the review of the National Credit Union Administration central liquidity facility's (CLF's) fiscal year 1981 financial statements, (GAO/AFMD-82-117; October 5, 1982); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

5110. A letter from the Comptroller General of the United States, transmitting a report on the review of the civil service retirement system's annual report for fiscal year 1980 (GAO/AFMD-83-3; October 22, 1982); jointly, to the Committees on Government Operations and Post Office and Civil Service.

5111. A letter from the Comptroller General of the United States, transmitting a report on the Small Business Administration's 8(a) procurement program's impact on the Department of Defense (GAO/PLRD-83-4; October 12, 1982); jointly, to the Committees on Government Operations, Small Business, and Armed Services.

5112. A letter from the Secretary of Commerce, transmitting the first report on the status of the small business export development assistance program, pursuant to sections 302 and 303 of Public Law 96-481; jointly, to the Committees on Small Business and Foreign Affairs.

5113. A letter from the Comptroller General of the United States, transmitting a report on the status of the 1978 Navy shipbuilding claim settlement with the Electric Boat Division, General Dynamics Corp., as of December 26, 1981 (GAO/PLRD-83-5; October 26, 1982); jointly, to the Committees on Government Operations and Armed Services.

5114. A letter from the Director, Office of Management and Budget, transmitting a watershed plan and environmental impact statement for the Tehachapi watershed, California, pursuant to sections 104 and 204 of Public Law 89-80; to the Committee on Agriculture.

5115. A letter from the Assistant Secretary for Conservation and Renewable Energy, Department of Energy, transmitting notification of a delay in the submittal of a report on power generation using stratified solar brine ponds (Arkansas-Red River chloride control project; to the Committee on Appropriations.

5116. A letter from the Comptroller General of the United States, transmitting his review of the proposed deferrals contained in the message from the President dated October 1, 1982 (H. Doc. No. 97-245); of 20 deferrals, pursuant to sections 1014 (b) and (c) of Public Law 93-344 (H. Doc. No. 97-251); to the Committee on Appropriations and ordered to be printed.

5117. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a cumulative report on deferrals of budget authority as of November 1, 1982, pursuant to section 1014(e) of Public Law 93-344 (H. Doc. No. 97-250); to the Committee on Appropriations and ordered to be printed.

5118. A letter from the Director of Legislative Affairs, Agency for International Development, transmitting reports on the status of the continuation of the strengthening health delivery systems project and contract with Boston University under that project, pursuant to House Report No. 97-673; to the Committee on Appropriations.

5119. A communication from the President of the United States, transmitting notice of the basing mode in which the MX missile system will be deployed, pursuant to section 130(c) of Public Law 97-252 (H. Doc. No. 97-252); to the Committee on Armed Services and ordered to be printed.

5120. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Navy's proposed sale of certain defense articles to Columbia (Transmittal No. 83-03), pursuant to 10 U.S.C. 133b; to the Committee on Armed Services.

5121. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Navy's proposed sale of certain defense articles to Saudi Arabia (Transmittal No. 83-05), pursuant to 10 U.S.C. 133b; to the Committee on Armed Services.

5122. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Army's proposed sale of certain defense articles to Saudi Arabia (Transmittal No. 83-06), pursuant to 10 U.S.C. 133b; to the Committee on Armed Services.

5123. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Air Force's proposed sale of certain defense articles to Saudi Arabia (Transmittal No. 83-04), pursuant to 10 U.S.C. 133b; to the Committee on Armed Services.

5124. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Navy's proposed sale of certain defense articles to Korea (Transmittal No. 83-08), pursuant to 10 U.S.C. 133b; to the Committee on Armed Services.

5125. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Navy's proposed sale of certain defense articles to the United Kingdom (Transmittal No. 83-09), pursuant to 10 U.S.C. 133b; to the Committee on Armed Services.

5126. A letter from the Acting Assistant Secretary of Defense (Comptroller), transmitting a list of contract award dates for the period October 15, 1982, to December 15, 1982, pursuant to 10 U.S.C. 139; to the Committee on Armed Services.

5127. A letter from the Principal Deputy Assistant Secretary of Defense (Comptroller), transmitting a list of contract award dates for the period December 15, 1982, to February 15, 1982, pursuant to 10 U.S.C. 139; to the Committee on Armed Services.

5128. A letter from the Acting Assistant Secretary of Defense (Comptroller), transmitting selected acquisition reports and SAR summary tables for the quarter ended September 30, 1982, pursuant to section 811(a) of Public Law 94-106, as amended; to the Committee on Armed Services.

5129. A letter from the Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the recent discovery and disposal of a chemical agent munition at Chemical Laboratory, Aberdeen Proving Ground, Md., pursuant to section 409(b)(4) of Public Law 91-121 and section 506(d) of Public Law 91-441; to the Committee on Armed Services.

5130. A letter from the Principal Deputy Assistant Secretary of the Navy, transmitting notice of the proposed conversion to contractor performance of the POV processing function at the Naval Supply Center, Norfolk, Va., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5131. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the proposed conversion to contractor performance of the outfitting function at the Naval Supply Center, Norfolk, Va., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5132. A letter from the Principal Deputy Assistant Secretary of the Navy (Suipbuilding and Logistics), transmitting notice of the proposed conversion to contractor performance of the physical inventory function at the Naval Supply Center, Norfolk, Va., pursuant to 503(b) of Public Law 96-342; to the Committee on Armed Services.

5133. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the Servmart function at the Naval Supply Center, Norfolk, Va., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5134. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the motor vehicle operations and maintenance function at the Naval Training Center, Orlando, Fla., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5135. A letter from the Chairman, National Advisory Council on International Monetary and Financial Policies, transmitting the annual report of the Council for fiscal year 1981; to the Committee on Banking, Finance and Urban Affairs.

5136. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-249, "Veterinary Practice Act of 1982", pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5137. A letter from the District of Columbia Auditor, transmitting a followup to audit of the Board of Elections and Ethics, pursuant to section 455 of Public Law 93-198; to the Committee on District of Columbia.

5138. A letter from the Secretary of Education, transmitting a copy of the document "final Funding Priority under the Strengthening Institutions program and the Special Needs program—Fiscal Year 1982 Supplemental Competitions," scheduled for publication in the Federal Register, pursuant to section 405 of Public Law 94-482; to the Committee on Education and Labor.

5139. A letter from the Secretary of Commerce, transmitting a long-range plan for public telecommunications, pursuant to section 105 of Public Law 95-567; to the Committee on Energy and Commerce.

5140. A letter from the Secretary of Health and Human Services, transmitting the third biennial report on research activities of relevance to the Clean Air Act, pursuant to section 154(e) of Public Law 95-95; to the Committee on Energy and Commerce.

5141. A letter from the Secretary of Health and Human Services, transmitting a report on hospital prospective payment systems, pursuant to section 2173 of Public Law 97-35; to the Committee on Energy and Commerce.

5142. A letter from the Chairman, Federal Trade Commission, transmitting a report to Congress on the Federal Cigarette Labeling and Advertising Act for the Year 1980, pursuant to 15 U.S.C. section 1331, et seq.; to the Committee on Energy and Commerce.

5143. A letter from the Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness, Department of Energy, transmitting a draft environmental impact statement for conversion to coal of Holyoke Water Power Co's Mount Tom Generating Station (DOE/EI0-0092-D) (October 1982), pursuant to the Energy Supply and Environmental Coordination Act of 1974, as amended; to the Committee on Energy and Commerce.

5144. A letter from the Chairman, President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, transmitting a report on making health care decisions, pursuant to section 1802(a)(4) of Public Law 95-622; to the Committee on Energy and Commerce.

5145. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense articles to the United Kingdom (Transmittal No. 83-09), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5146. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense articles to Colombia (Transmittal No. 83-03), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5147. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense articles to Saudi Arabia (Transmittal No. 83-04), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5148. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense articles to Saudi Arabia (Transmittal No. 83-05), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5149. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense services to Saudi Arabia (Transmittal No. 83-06), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5150. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense articles to Korea (Transmittal No. 83-08), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5151. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting notice of the proposed issuance of a license to export certain major defense equipment sold commercially to the Republic of Indonesia (Transmittal No. MC-18-82), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5152. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant

to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

5153. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, transmitting copies of international agreements other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

5154. A letter from the Director, Office of Management and Budget, transmitting a report on the Office's activities the Freedom of Information Act during calendar year 1982, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

5155. A letter from the Commissioner of Social Security, transmitting copies of a proposed new system of records for the Commission, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

5156. A letter from the Executive Director, Committee For Purchase From the Blind and Other Severely Handicapped, transmitting the committee's annual report of activities for the fiscal year ending September 30, 1981, pursuant to section 1(i) of Public Law 92-28; to the Committee on Government Operations.

5157. A letter from the Secretary of Health and Human Services, transmitting notice of necessary delay until end of fiscal year 1983 to submit report required pursuant to section 212(j)(2)(C) of the Immigration and Nationality Act Amendments of 1981; to the Committee on the Judiciary.

5158. A letter from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to amend sections 5315 and 5316 of title 5, United States Code, to change the position of Chief Counsel for the Internal Revenue Service, Department of the Treasury, from level V to level IV of the executive schedule; to the Committee on Post Office and Civil Service.

5159. A letter from the Secretary of Commerce, transmitting a proposed prospectus for a succeeding lease for the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Pacific Marine Center, located on Lake Union, Seattle, Wash., pursuant to section 7 of the Public Buildings Act of 1959, as amended; to the Committee on Public Works and Transportation.

5160. A letter from the Administrator of General Services, transmitting proposed lease prospectuses at various locations, pursuant to section 7 of the Public Buildings Act of 1959, as amended; to the Committee on Public Works and Transportation.

5161. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, on Lockwoods Folly and Shallotte River Inlets, N.C., together with other pertinent reports, pursuant to a resolution adopted by the Committee on Public Works, July 1958; to the Committee on Public Works and Transportation.

5162. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers on the Mississippi River year-round navigation study, pursuant to a resolution adopted by the House Committee on Public Works and Transportation; to the Committee on Public Works and Transportation.

5163. A letter from the Assistance Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers on Metro Wheeling urban study, West Virginia and Ohio, pursuant to a resolution adopted by the House Committee on Public Works and Transportation; to the Committee on Public Works and Transportation.

5164. A letter from the Administrator, National Aeronautics and Space Administration, transmitting notice of proposed relocation of a 26-meter antenna from Honeysuckle Creek, Australia to Tidbinbilla, Australia, pursuant to section 3 of Public Law 97-96; to the Committee on Science and Technology.

5165. A letter from the Secretary of Health and Human Services, transmitting a report on the efficiency and effectiveness of State social service programs, pursuant to section 2355 of Public Law 97-35; to the Committee on Ways and Means.

5166. A letter from the Managing Trustee, Secretary of the Treasury, transmitting notice of a loan transferred from the Federal old-age and survivors insurance trust fund and the Federal disability insurance trust fund, pursuant to SSA, section 201(1)(4) (95 Stat. 1659); to the Committee on Ways and Means.

5167. A letter from the Deputy U.S. Trade Representative, Executive Office of the President, transmitting the semiannual report on the operations and effect of the International Sugar Agreement, pursuant to section 5 of Public Law 96-236; jointly, to the Committees on Agriculture and Ways and Means.

5168. A letter from the Secretary of Labor, transmitting the 1981 annual report on the administration of the Employee Retirement Income Security Act (ERISA), pursuant to section 513(b) of that act; to the Committee on Education and Labor and Ways and Means.

5169. A letter from the Secretary of Health and Human Services, transmitting a report on the study of equitable formulas for the allocation of block grant funds for Preventive Health and Health Services; Alcohol and Drug Abuse and Mental Health Services; and Maternal and Child Health Services, pursuant to section 1902(e) and section 1912(d) of the Public Service Health Act, and section 2192(b)(2) of Public Law 97-35; jointly, to the Committees on Energy and Commerce and Ways and Means.

5170. A letter from the Comptroller General of the United States, transmitting a report on how the Department of Housing and Urban Development establishes and reports information on the extent to which lower income persons benefit from the community development block grant program (GAO/RCED-83-15, November 3, 1982); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

5171. A letter from the Comptroller General of the United States, transmitting a report on the problems hampering the Foreign Commercial Service's RX progress, (GAO/ID-83-10, October 18, 1982); jointly, to the Committees on Government Operations and Foreign Affairs.

5172. A letter from the Comptroller General of the United States, transmitting a report on the Veterans' Administration's agent orange examinations, (GAO/HRD-83-6, October 25, 1982); jointly, to the Committees on Government Operations and Veterans' Affairs.

5173. A letter from the Comptroller General of the United States, transmitting a report on the problems of the Department of Interior on public range land improvement (GAO/RCED-83-23; October 14, 1982); jointly, to the Committees on Government Operations, Interior and Insular Affairs, and Agriculture.

5174. A letter from the Comptroller General of the United States, transmitting a report on a comprehensive approach needed to help control prescription drug abuse; jointly, to the Committees on Government Operations, Energy and Commerce, and the Judiciary.

5175. A letter from the Comptroller General of the United States, transmitting a report on how existing appropriations practices used to fund relief programs for major disaster such as Mount St. Helens could hamper recovery from future catastrophic disasters (GAO/RCED-83-16, November 15, 1982); jointly, to the Committees on Government Operations, Appropriations, and Public Works and Transportation.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X:

Consideration of H.R. 6514 by the Committees on Agriculture, Education and Labor, Energy and Commerce, and Ways and Means extended for an additional period ending not later than December 1, 1982.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 7305. A bill to insure that a country receiving foreign assistance cooperate with the Government of the United States in its efforts to reduce the flow of illicit drugs from such country; to the Committee on Foreign Affairs.

H.R. 7306. A bill to amend the Internal Revenue Code of 1954 to deny the benefits of the accelerated cost recovery system to any business which does not expand its employment; to the Committee on Ways and Means.

By Mr. BIAGGI:

H.R. 7307. A bill to amend the Internal Revenue Code of 1954 to permit certain cooperative housing corporations to replace conventional financing with tax-exempt financing; to the Committee on Ways and Means.

By Mr. BROYHILL (for himself and Mr. MADIGAN):

H.R. 7308. A bill to amend the Motor Vehicle Information and Cost Savings Act to provide for the use of the Webster-heise valve by 10 percent of new gasoline-powered Government passenger vehicles purchased in model year 1984 and thereafter; to the Committee on Energy and Commerce.

By Mr. CONTE (for himself, Mr. HYDE, Mr. REUSS, Mr. DORNAN of California, Mr. BARNES, Mr. CORRADA, Mrs. BOGGS, Mr. LEHMAN, Mr. HUGHES, Mr. HORTON, Mr. ROE, Mr. FRENZEL, Mr. FRANK, Mrs. HECKLER, Mr. ADDABBO, Mr. MARKEY, Mr. CONABLE, Mr. EDGAR, Mr. PERKINS, Mr. HAMMERSCHMIDT, Mr. BIAGGI, Mr. O'BRIEN, Mr. YATRON, Mrs. CHISHOLM, Mr. FISH, Mr. BENNETT, Mr. PEPPER, Mr. CROCKETT, Mr. PORTER, Mr. HOYER, Mr. HOWARD, Mr. KEMP, Mr. SUNIA, Mr. FINDLEY, Mr. HANSEN of Idaho, Mr. LUNGREN, Mr. NAPIER, Mr. FORD of Tennessee, Mr. DOWDY, Mr. RATCHFORD, Mr. DASCHLE, Mr. LELAND, Mr. SAWYER, Mr. LEBOUTILLIER, Mrs. KENNELLY, Mr. CORCORAN,

Mr. MOFFETT, Mr. BUTLER, Mr. MAVROULES, Mr. LEVITAS, Mr. EMERY, Mr. PRITCHARD, Mrs. ROUKEMA, Mr. RUDD, Mr. YOUNG of Florida, Mr. MOTTL, Mr. BAILEY of Missouri, Mr. ERDAHL, Mr. DAUB, Mr. BLILEY, Mr. SIMON, Mr. GINGRICH, Mr. HALL of Ohio, Mr. DUNCAN, Mr. TAUKE, Mrs. SNOWE, Mr. SCHEUER, Mr. LONG of Louisiana, Mr. VANDER JAGT, Mr. YOUNG of Alaska, Mr. FAUNTROY, Mr. MOAKLEY, Mr. BEVILL, Mr. GRISHAM, Mr. THOMAS, Mr. DREIER, Mr. LOWRY of Washington, Mr. BEILENSON, and Mr. DENARDIS):

H.R. 7309. A bill to provide for the establishment of a Commission on the Bicentennial of the Constitution; to the Committee on Post Office and Civil Service.

By Mr. DOWDY:

H.R. 7310. A bill to amend the Agricultural Act of 1949 to repeal the authority of the Secretary of Agriculture to make certain deductions from the proceeds of sale of milk marketed commercially by producers; to the Committee on Agriculture.

By Mr. FRENZEL (for himself and Mr. GIBBONS):

H.R. 7311. A bill to amend the Internal Revenue Code of 1954 to provide more equitable taxation of foreign source income, and for other purposes; to the Committee on Ways and Means.

By Mr. GLICKMAN (for himself, Mr. SKELTON, Mr. SIMON, Mr. MINISH, Mr. BEDELL, Mr. STOKES, Mr. MAZZOLI, Mr. WHITTAKER, and Mr. HOWARD):

H.R. 7312. A bill to amend the Natural Gas Policy Act of 1978 to limit the use of "take or pay" clauses and to impose a prudence test; to the Committee on Energy and Commerce.

By Mr. GLICKMAN (for himself, Mr. SKELTON, Mr. SIMON, Mr. MINISH, Mr. STOKES, Mr. MOTTL, Mr. MINETA, and Mr. HOWARD):

H.R. 7313. A bill to amend the Natural Gas Policy Act of 1978 to impose a moratorium on price increases; to the Committee on Energy and Commerce.

By Mr. GUNDERSON:

H.R. 7314. A bill to amend the Agricultural Act of 1949 to modify the dairy price support program for fiscal years 1983 through 1985; to the Committee on Agriculture.

By Mr. LANTOS:

H.R. 7315. A bill to freeze for fiscal year 1983 the rate of salary payable to Members of Congress; to the Committee on Post Office and Civil Service.

By Mr. LUJAN:

H.R. 7316. A bill to establish the National Park Visitor Facilities Fund, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. NOWAK:

H.R. 7317. A bill to prohibit increases in the wellhead prices of natural gas during the 6-month period beginning December 1, 1982; to the Committee on Energy and Commerce.

By Mr. OBERSTAR:

H.R. 7318. A bill to amend the Railroad Retirement Act of 1974 with regard to the definition of the term "spouse"; to the Committee on Energy and Commerce.

By Mr. SABO:

H.R. 7319. A bill to amend the Internal Revenue Code of 1954 to impose an additional 10-cent tax on any liquid sold for use or used as a fuel in a highway vehicle and to provide that the revenue from such tax shall be available to State and local governments for maintenance of public roads and for other traffic-related purposes; jointly, to the Committees on Ways and Means and Public Works and Transportation.

By Mr. SMITH of Oregon (for himself and Mr. APPLEGATE):

H.R. 7320. A bill to freeze for fiscal year 1983 the rate of salary payable to Members of Congress; to the Committee on Post Office and Civil Service.

By Mr. STANGELAND:

H.R. 7321. A bill to amend the Agricultural Act of 1949 to modify the dairy price support program; to the Committee on Agriculture.

By Mr. STARK (for himself and Mr. DREIER):

H.R. 7322. A bill to direct the President to seek negotiations with the Soviet Union for the establishment of a permanent joint United States-Soviet Communications Center to provide an additional channel for communications in order to reduce the threat of an accidental nuclear war; to the Committee on Foreign Affairs.

By Mr. STUDDS (for himself, Mr. BARNES, and Mrs. ROUKEMA):

H.R. 7323. A bill with regard to Presidential certifications on conditions in El Salvador; to the Committee on Foreign Affairs.

By Mr. APPLEGATE:

H.J. Res. 625. Joint resolution to designate the week beginning January 2, 1983, as "National Buy American Products Week"; to the Committee on Post Office and Civil Service.

By Mr. BONKER:

H. Con. Res. 428. Concurrent resolution condemning all forms of religious persecution and discrimination as a violation of human rights; to the Committee on Foreign Affairs.

By Mr. LOTT:

H. Res. 609. Resolution providing for the consideration of the bill (H.R. 746) to amend the Administrative Procedure Act to make regulations more cost effective, to insure periodic review of old rules, to improve regulatory planning and management, to eliminate needless formality and delay, to enhance public participation in the regulatory process, and for other purposes; to the Committee on Rules.

By Mr. WINN (for himself, Mr. ROBERTS of Kansas, Mr. WHITTAKER, Mr. JEFFRIES, Mrs. SMITH of Nebraska, Mr. COLEMAN, Mr. BEREUTER, and Mr. TAYLOR):

H. Res. 610. Resolution expressing the sense of the House regarding the need for changing the laws governing the natural and propane gas markets in order to provide relief for consumers from excessive natural gas prices; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

508. By the SPEAKER: Memorial of the Legislature of the State of Texas, relative to comprehensive and coordinated services for elderly citizens; to the Committee on Education and Labor.

509. Also, memorial of the Legislature of the Territory of Guam, relative to the Government Comptroller for Guam; to the Committee on Interior and Insular Affairs.

510. Also, memorial of the Legislature of the State of Montana, relative to distribution of aviation industry Federal taxes to units of State and local governments; to the Committee on Public Works and Transportation.

511. Also, memorial of the Legislature of the State of California, relative to vessel emissions, jointly, to the Committees on Energy and Commerce and Merchant Marine and Fisheries.

512. Also, memorial of the Legislature of the Territory of Guam, relative to U.S. citizenship for former members of a special military unit known as the Philippine Scouts; jointly, to the Committee on Veterans' Affairs and the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HUBBARD:

H.R. 7324. A bill for the relief of Mithila Rajendra Agshikar Bharne; to the Committee on the Judiciary.

By Mr. PERKINS:

H.R. 7325. A bill for the relief of Carmen Villagran; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2034: Mr. HUBBARD.
H.R. 2205: Mr. OTTINGER.
H.R. 2645: Mr. MONTGOMERY.
H.R. 3300: Mr. SKEEN and Mr. WALKER.
H.R. 3904: Mr. MOFFETT.
H.R. 4147: Mr. COELHO.
H.R. 4309: Mr. PRICE and Mr. DANIEL B. CRANE.
H.R. 4467: Mr. DAVIS.
H.R. 4657: Mr. PRITCHARD.
H.R. 5583: Mr. EVANS of Iowa.
H.R. 5833: Mr. STRATTON.
H.R. 5918: Mr. EVANS of Iowa and Mr. EMERY.
H.R. 6015: Mr. EVANS of Iowa, Mr. WASHINGTON, Mr. DWYER, Mr. CROCKETT, Mr. MARKEY, Mr. DAUB, and Mrs. HECKLER.
H.R. 6092: Mr. GRAY.
H.R. 6175: Mr. PEPPER.
H.R. 6460: Mr. ERDAHL, Mr. DAVIS, Mr. MARTINEZ, Mr. MINETA, Mr. MCDADE, and Mr. PAUL.
H.R. 6461: Mr. CORCORAN.
H.R. 6467: Mr. BRINKLEY, Mr. BARNARD, Mr. BROWN of Ohio, and Mr. SHARP.
H.R. 6526: Mr. BENNETT and Mr. STANGELAND.
H.R. 6527: Mr. BENNETT and Mr. STANGELAND.
H.R. 6600: Mr. FISH.
H.R. 6607: Mr. HERTEL.
H.R. 6608: Mr. HERTEL.
H.R. 6656: Mr. GINGRICH.
H.R. 6674: Mr. WILLIAMS of Montana.
H.R. 6803: Mr. MCDADE and Mr. FISH.
H.R. 7023: Mr. DENARDIS, Mr. DOWDY, Mr. ANDREWS, Mrs. CHISHOLM, Mr. LANTOS, Mr. MINISH, Mr. NOWAK, Mr. MOTTL, Mr. ZABLOCKI, Mr. CLAY, Mr. HEFTEL, Mr. BENNETT, Mr. HALL of Ohio, Mr. GUARINI, Mr. RATCHFORD, Mr. YATRON, Mr. MAVROULES, Mr. SHANNON, Mr. SANTINI, Mr. EDGAR, Mrs. SNOWE, Mr. MCDADE, Mr. MITCHELL of Maryland, Mr. MOLLOHAN, Mr. BINGHAM, Mr. BONER of Tennessee, Mrs. FENWICK, Mr. HAMMERSCHMIDT, Mr. JACOBS, Mr. HORTON, Mr. YATES, Mr. ROE, Mr. EDWARDS of California, Mr. MINETA, Mr. GILMAN, Mr.

WEAVER, Mr. RINALDO, Mr. WOLF, Mr. HOLLENBECK, Mr. LONG of Maryland, Mr. PRICE, Mr. LENT, Mr. BAILEY of Pennsylvania, Mr. CARNEY, and Mr. HOWARD.

H.R. 7081: Mr. MOFFETT.

H.R. 7090: Mr. MCCOLLUM and Mr. MURTHA.

H.R. 7091: Mr. LAFALCE.

H.R. 7108: Mr. HALL of Ohio, Mr. ASPIN, Mr. YOUNG of Florida, and Mr. DERRICK.

H.R. 7122: Mr. FINDLEY, Mr. GOODLING, Mr. WHITTAKER, and Mr. WINN.

H.R. 7142: Mr. LONG of Maryland.

H.R. 7192: Mr. WEISS.

H.R. 7193: Mr. WEISS.

H.R. 7200: Mr. ROSENTHAL, Mr. WHITEHURST, Mr. FRENZEL, Mr. LAGOMARSINO, and Mr. PASHAYAN.

H.R. 7249: Mr. PEPPER.

H.R. 7263: Mr. YOUNG of Florida and Mr. ROBERTS of South Dakota.

H.R. 7268: Mr. FAZIO and Mr. MARLENEE.

H.R. 7273: Mr. NELLIGAN.

H.J. Res. 121: Mr. PETRI.

H.J. Res. 125: Mr. NELLIGAN.

H.J. Res. 407: Mr. HAMILTON.

H.J. Res. 545: Mr. FAZIO, Mr. MITCHELL of Maryland, Mr. MINETA, Mr. SCHEUER, Mr. SIMON, Mr. ROSE, Mr. MCHUGH, Mr. FASCELL, Mr. HALL of Ohio, Mr. WIRTH, Mr. BEDELL, Mr. STOKES, and Mrs. COLLINS of Illinois.

H.J. Res. 571: Mr. SABO.

H.J. Res. 591: Mr. AKAKA, Mr. ALBOSTA, Mr. ASPIN, Mr. BAILEY of Pennsylvania, Mr. BENNETT, Mrs. BOGGS, Mr. BONIOR of Michigan, Mr. BROYHILL, Mr. BUTLER, Mr. CAMPBELL, Mr. CONABLE, Mr. CORCORAN, Mr. D'AMOURS, Mr. DICKS, Mr. FOLEY, Mr. GINN, Mr. HAGEDORN, Mr. HARTNETT, Mr. HENDON, Mr. HERTEL, Mr. HIGHTOWER, Mr. HOWARD, Mr. JEFFRIES, Mrs. KENNELLY, Mr. KILDEE, Mr. LAFALCE, Mr. LENT, Mr. LOWRY of Washington, Mr. LUJAN, Mr. MARRIOTT, Mr. MICA, Mr. MOLLOHAN, Mr. MORRISON, Mr. MURPHY, Mr. NAPIER, Mr. PETRI, Mr. PRITCHARD, Mr. SANTINI, Mr. SAWYER, Mr. SKEEN, Mr. SPENCE, Mr. SWIFT, Mr. THOMAS, Mr. VANDER JAGT, and Mr. WORTLEY.

H.J. Res. 611: Mr. DAUB, Mr. WILSON, and Mr. GINGRICH.

H. Con. Res. 192: Mrs. SCHNEIDER.

H. Con. Res. 275: Mr. EVANS of Delaware.

H. Con. Res. 276: Mr. BROWN of California.

H. Con. Res. 379: Mr. MCKINNEY.

H. Con. Res. 427: Mr. RANGEL, Mr. HORTON, Mr. WILSON, Mr. BARNES, Mr. PORTER, Mr. MCGRATH, Ms. FIEDLER, Mr. DORNAN of California, Mr. FROST, Mr. DOUGHERTY, Mr. HUGHES, Mr. MARKEY, Mr. BEDELL, and Mr. BADHAM.

H. Res. 497: Mr. BINGHAM.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

636. By the Speaker: Petition of the City Council, Berkeley, Calif., relative to the Western Regional Research Center, Albany, Calif., to the Committee on Agriculture.

637. Also, petition of the Enlisted Association of the National Guard of the United States (EANGUS), relative to the readiness of the National Guard; to the Committee on Armed Services.

638. Also, petition of the National Association of Retail Druggists, Alexandria, Va., relative to efforts to produce tamperproof medication and packaging of nonprescription, over-the-counter products; to the Committee on Energy and Commerce.

639. Also, petition of the Episcopal Diocese of Milwaukee, Wis., relative to nuclear weapons; to the Committee on Foreign Affairs.

640. Also, petition of the Secretary of State, State of Wisconsin, relative to voter referendum adopted regarding nuclear weapons moratorium and reduction; to the Committee on Foreign Affairs.

641. Also, petition of the Sixth General Assembly of the International Federation of Rural Catholic Adult Movements, Recife, Brazil, relative to human rights; to the Committee on Foreign Affairs.

642. Also, petition of the Lake County Parks and Recreation Board, Crown Point, Ind., relative to the Indiana Dunes National Lakeshore Park, Inc.; to the Committee on Interior and Insular Affairs.

643. Also, petition of the Miller Citizens Corp., Gary, Ind., relative to the late Honorable Adam Benjamin, Jr.; to the Committee on Interior and Insular Affairs.

644. Also, petition of the European Parliament, Brussels, Belgium, relative to visa reciprocity between the United States and the European Community; to the Committee on the Judiciary.

645. Also, petition of the Conference of State Sanitary Engineers, Westminster, Md., relative to the Clean Water Act; to the Committee on Public Works and Transportation.

646. Also, petition of Frank Rucinski, Chicago, Ill., et al, relative to the social security system; to the Committee on Ways and Means.

647. Also, petition of the Hudson Guild-Fulton Senior Center Association, New York, N.Y., relative to social security; to the Committee on Ways and Means.

648. Also, petition of the Los Angeles City Council on Aging, Los Angeles, Calif., relative to the social security system; to the Committee on Ways and Means.

649. Also, petition of the Municipal Council of the city of Paterson, N.J., relative to a nuclear weapons freeze; jointly, to the Committees on Armed Services and Foreign Affairs.

650. Also, petition of the Allegheny County Board of Commissioners, Pittsburgh, Pa., relative to a nuclear freeze; jointly, to the Committees on Armed Services and Foreign Affairs.

651. Also, petition of the Borough Council, Borough of Milltown, county of Middlesex, N.J., relative to a nuclear freeze; jointly, to the Committees on Armed Services and Foreign Affairs.

652. Also, petition of the City Council, Lincoln, Nebr., relative to the nuclear arms race; jointly, to the Committees on Armed Services and Foreign Affairs.

653. Also, petition of the City Council, Seattle, Wash., relative to Federal funds for local jobs in vital services; to the Committee on Appropriations.

654. Also, petition the Board of Governors of the National Association of Housing and Redevelopment Officials, Washington, D.C., relative to public housing programs; to the Committee on Banking, Finance and Urban Affairs.

655. Also, petition of Board for International Broadcasting, relative to amending the Board for International Broadcasting Act of 1973; to the Committee on Foreign Affairs.

656. Also, petition of the City Council, Berkeley, Calif., relative to the Hardin Flat power project, California; to the Committee on Interior and Insular Affairs.

657. Also, petition of the Commission on Self-Determination, Territory of Guam, relative to commonwealth status; to the Committee on Interior and Insular Affairs.

658. Also, petition of the City Council, Elizabeth, N.J., relative to the Fifth Preference Quota in Immigration Rules and Regulations; to the Committee on the Judiciary.

659. Also, petition of the General Conference of the United Pentecostal Church International, Marianna, Ark., relative to the passage of H.R. 2873; to the Committee on the Judiciary.

660. Also, petition of the Korean Committee to Retain the Fifth Preference, Fremont, Calif., relative to the family preference system as contained in H.R. 6514; to the Committee on the Judiciary.

661. Also, petition of the City Council, Berkeley, Calif., relative to an infiltration/inflow correction program; to the Committee on Ways and Means.

662. Also, petition of the Board of Directors of the Metropolitan Washington Council of Governments (COG), Washington, D.C., relative to a bilateral nuclear freeze; jointly, to the Committees on Armed Services and Foreign Affairs.

663. Also, petition of the City of Kearney, Nebr., relative to nuclear freeze; jointly, to the Committees on Armed Services and Foreign Affairs.

664. Also, petition of the Society of American Archivists, Chicago, Ill., relative to nuclear weapons; jointly, to the Committees on Armed Services and Foreign Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6514

By Mr. EDWARDS of California:

Purpose: To require a properly executed warrant before an officer or employee of the Immigration and Naturalization Service may enter a farm or other outdoor operation without the consent of the owner (or agent thereof).

—At the appropriate place in section 111, add the following:

(c) Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357) is amended by adding at the end thereof the following:

"(d) Notwithstanding any other provision of this section, other than paragraph (3) subsection (a), an officer or employee of the Service shall not enter without the consent of the owner (or agent thereof) or a properly executed warrant onto the premises of a farm or other outdoor operation for the purpose of interrogating a person believed to be an alien as to the person's right to be or to remain in the United States."

H.R. 7205

By Mr. FOGLIETTA:

—Page 29, line 6, strike out "$1,850,000,000" and insert in lieu thereof "$1,875,000,000."

—Page 30, line 20, strike out "$1,737,211,000" and insert in lieu thereof "$1,786,712,000".

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the third calendar quarter 1982:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.....

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:
(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)
(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".
(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:
(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.
(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (a) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (b) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(a) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§302(e).
(b) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).
(c) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (a) Short titles of statutes and bills; (b) House and Senate numbers of bills, where known; (c) citations of statutes, where known; (d) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (a) Description, (b) quantity distributed; (c) date of distribution, (d) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.

AFFIDAVIT

[Omitted in printing]

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Organization or Individual Filing	Employer/Client
RAYMOND W. ACKERMAN, 469 JAMES STREET, #19 SYRACUSE NY 13203	AMERICAN FEDERATION OF INDEPENDENT BUSINESS
ADAMS, DUQUE & HAZELTINE, SUITE 420 1920 N STREET, NW WASHINGTON DC 20036	NATIONAL COUNCIL ON TEACHER RETIREMENT
ADVOATION, INC., 1127 11TH STREET, #925 SACRAMENTO CA 95814	FAIR CONG TASK FORCE OF THE FEDERATION OF AMERICAN IMMIGRATION REFORM
AFRICAN FRIENDS OF ISRAEL, INC., 4801 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20016	
AKIN, CUMP, STRAUSS, HAUER & FELD, SUITE 400 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	AMERICAN STOCK EXCHANGE, INC
Do	CITIES SERVICE COMPANY
Do	GOLDMAN SACHS & COMPANY.
Do	RJ REYNOLDS INDUSTRIES, INC.
Do	WESTERN AIR LINES, INC.
KAREN D. ALEXANDER, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.
AMERICAN LORBY FOR PRES. REAGAN'S BALANCED BUDGET AMENDMENT , 2307 RIVIERA DRIVE VIENNA VA 22180	
AMERICAN METAL DETECTOR MANUFACTURERS' ASSOCIATION, P.O. BOX 445 SWEET HOME OR 97386	
AMERICAN TRADE AND FINANCE COMPANY, 2001 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	
LORI A. ANTOLOCK, 604 SOLAR BUILDING 1000 16TH STREET, NW WASHINGTON DC 20036	AMERICAN LAND DEVELOPMENT ASSOCIATION
ARENT, FOX, KINTNER, PLOTKIN & KAHN, 1819 H STREET, NW WASHINGTON DC 20006	GUARDIAN LIFE INSURANCE COMPANY OF AMERICA
CARL F. ARNOLD, 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	MEAD CORPORATION
ARTER HADDEN & HEMENDINGER, 1919 PENNSYLVANIA AVENUE NW WASHINGTON DC 20036	PROQUINAL, LTDA
THOMAS LUDLOW ASHLEY, P.C., 1129 20TH STREET, NW, SUITE 407 WASHINGTON DC 20036	SAVINGS BANK OF PUGET SOUND
Do	WITKOWSKI, WEINER, MCCAFFREY & BRODSKY, P.C.
AUDIO RECORDING RIGHTS COALITION, 2001 EYE STREET, NW WASHINGTON DC 20006	
ROBERT A. BACHA, 1625 MASSACHUSETTS AVENUE, NW, #505 WASHINGTON DC 20036	KEEFE COMPANY (FOR: ALVIN NEDERLANDER ASSOCIATES, INC.)
LORNE D. BAIN, FIRST INTERNATIONAL PLAZA P.O. BOX 4455 HOUSTON TX 77210	ROY M. HUFFINGTON, INC.
BAKER & HOSTETLER, 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	FEDERAL CARTRIDGE CORPORATION
Do	TIMKEN FOUNDATION
EUGENE BAKER, 2010 COLEBROOKE DRIVE TEMPLE HILLS MD 20748	
KEITH L. BAKER, 1000 POTOMAC STREET, NW, #302 WASHINGTON DC 20007	FEDERATION EMPLOYMENT & GUIDANCE SERVICE
KAREN S. BALL, 610 LOCUST COURT BUILDING, HARRISBURG PA 17101	PHILADELPHIA STOCK EXCHANGE
BARNETT & ALAGIA, 1627 K ST., NW, #900 WASHINGTON DC 20006	CUBAN AMERICAN NATIONAL FOUNDATION
BARNETT, YINGLING, & SHAY, SUITE 810 1090 VERMONT AVENUE, NW WASHINGTON DC 20005	SAVINGS BANK OF PUGET SOUND
BARRETT SMITH SCHAPIRO SIMON & ARMSTRONG, SUITE 1400 26 BROADWAY NEW YORK NY 10004	NEW YORK FUTURES EXCHANGE, INC.
JOEL E. BASSETT, 1819 H STREET, NW WASHINGTON DC 20006	ARENT, FOX, KINTNER, PLOTKIN & KAHN
BAYH, TABBERT & CAPEHART, SUITE 1025 1575 I STREET, NW WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSOCIATION
Do	SUGAR USERS GROUP
GEORGE W. BEATTY, 1200 18TH ST., NW WASHINGTON DC 20036	SQUIBB CORPORATION
DANIEL E. BEREN, 610 LOCUST COURT BUILDING HARRISBURG PA 17101	PHILADELPHIA STOCK EXCHANGE
BEVERIDGE & DIAMOND, P.C., 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	UNITED CHURCH OF CHRIST
RICHARD A. BISHOP, 1616 H STREET, NW, #813 WASHINGTON DC 20006	INTERNATIONAL TELEPHONE & TELEGRPAH CORPORATION
DAVID A. BLAIR, 1000 16TH STREET, NW, #800 WASHINGTON DC 20036	BETHLEHEM STEEL CORPORTAION
VIRGINIA B. BLISS, 1725 K STREET, NW WASHINGTON DC 20006	COURTNEY, MCCAMANT & TURNEY
JACK A. BLUM, 1015 18TH ST., NW WASHINGTON DC 20036	MERCK & COMPANY
ROBERT A. BLUM, THREE EMBARCADERO CENTER 28TH FLOOR SAN FRANCISCO CA 94111	MCCUTCHEN, DOYLE, BROWN & ENERSEN (FOR: PERMANENTE MEDICAL GROUP, INC.)
ROBERT SPURRIER BOEGE, 1575 EYE STREET, NW WASHINGTON DC 20005	AMERICAN SOCIETY OF ASSOCIATION EXECUTIVES
MARION L. BOSWELL, 6646 MADISON-MCLEAN DRIVE, MCLEAN VA 22101	ITALIAN AEROSPACE INDUSTRIES (U.S.A.), INC.
JOHN E. BOUCHARD, 1000 16TH STREET, NW, #800 WASHINGTON DC 20036	BETHLEHEM STEEL CORPORATION
BOWMAN, CONNER, TOUHEY & THORNTON, 2828 PENNSYLVANIA AVENUE, NW, #203 WASHINGTON DC 20007	COUNCIL OF AMERICAN FLAG SHIP OPERATORS
THURMAN L. BOYKIN, 2772 S. RANDOLPH ST., #202 ARLINGTON VA 22206	AGRISTORE SYSTEMS COMPANY
BRACEWELL & PATTERSON, SUITE 1200 1825 EYE ST., N.W. WASHINGTON DC 20006	COMDISCO, INC.
Do	U.S. TUNA FOUNDATION
BRACY WILLIAMS & COMPANY, SUITE 304 1000 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ENERGY ABSORPTION SYSTEMS, INC.
MARY E. BROOOKS, 1730 M STREET, NW WASHINGTON DC 20036	LEAGUE OF WOMEN VOTERS OF THE U.S.
BROWN & FINN, SUITE 510 1920 N STREET, NW WASHINGTON DC 20036	SUBURBAN CABLEVISION AND WAYNE CABLEVISION
BROWN, ROADY, BONVILLIAN & GOLD, 1300 19TH STREET, NW, #300 WASHINGTON DC 20036	WESTERN RIVER GUIDES ASSOCIATION
BROWNSTEIN ZEIDMAN & SCHOMER, SUITE 900 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	REMCO ENTERPRISES, INC.
DAVID BRUBAKER, P.O. BOX 329 B-110 EPHRATA PA 17522	PENNAG INDUSTRIES ASSOCIATION
LOUIS J. BRUNE, III, 1600 RHODE ISLAND AVENUE, NW, WASHINGTON DC 20036	NATIONAL RIFLE ASSOCIATION OF AMERICA
DOUGLAS E. BUIE, 1185 AVENUE OF THE AMERICAS NEW YORK NY 10036	J.P. STEVENS & COMPANY, INC.
BURCH & MANDEL, P.C., 1320 19TH STREET, NW, #200 WASHINGTON DC 20036	M.A.N. TRUCK & BUS CORPORATION
J. THOMAS BURCH JR., 1320 19TH STREET, NW, #200 WASHINGTON DC 20036	BURCH AND MANDEL, P.C. (FOR: M.A.N. TRUCK & BUS CORPORATION)
BUTLER BINION RICE COOK & KNAPP, 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	PENINSULA AIRWAYS, INC.
CALIFANO, ROSS & HEINEMAN, 1575 I ST., NW SUITE 600 WASHINGTON DC 20005	HORN & HARDART COMPANY
CALIFORNIA HOUSING COUNCIL, 1225 8TH STREET, #325 SACRAMENTO CA 95814	
CALMAR COMMUNICATIONS, 500 NORTH DEARBORN STREET, #1115 CHICAGO IL 60610	SUGAR USERS GROUP
CAMP, CARMOUCHE, PALMER, BARSH & HUNTER, 2550 M ST., NW, #275 WASHINGTON DC 20037	JOSEPH CANIZARO
Do	EG&G SYNFUELS, INC.
Do	INTERMEDICS
Do	WRIGHT & MCGILL COMPANY
CAPITOL ADVOCATES, 1127 11TH ST., SUITE 605 SACRAMENTO CA 95814	PACIFIC MERCHANT SHIPPING ASSOCIATION
SARAH C. CAREY, SUITE 420 1920 N STREET, NW WASHINGTON DC 20036	ADAMS, DUQUE & HAZELTINE (FOR: NATIONAL COUNCIL ON TEACHER RETIREMENT)
ROBERT E. CARLSTROM JR., 1730 RHODE ISLAND AVENUE, NW, #612 WASHINGTON DC 20036	ST. JOE MINERALS CORPORATION
WOODRUFF LEE CARROLL, 918 ONONDAGA SAVINGS BANK BUILDING, SYRACUSE NY 13202	DAIRY FARMER DISTRIBUTORS OF AMERICA, INC.
CHARTER BUSINESS SERVICES, INC., 3471 NORTH FEDERAL HIGHWAY, #511 FORT LAUDERDALE FL 33306	
CLEARY, GOTTLIEB, STEEN & HAMILTON, SUITE 400 1250 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	BEAR, STEARNS & COMPANY; LEHMAN COMMERCIAL PAPER, INC
CLIFFORD & WARNKE, 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	J. C. MAXTONE-MAILER
Do	PHILLIPS PETROLEUM COMPANY
DAVID COHEN, 1322 HOLLY STREET, NW WASHINGTON DC 20012	CRAVER, MATTHEWS, SMITH & COMPANY
COLLIER, SHANNON, RILL, & SCOTT, SUITE 308 1055 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	WEST TEXAS LAND & ROYALTY OWNERS ASSOCIATION
COMMITTEE FOR CONSTITUTIONAL INTEGRITY, 1900 L STREET, NW, #610 WASHINGTON DC 20036	
LEONARD J. CONENNA, 1185 AVENUE OF THE AMERICAS NEW YORK NY 10036	J.P. STEVENS & COMPANY, INC.
JAY CONSTANTINE, SUITE 350 1300 N. 17TH STREET, ARLINGTON VA 22209	AMERICAN NURSES' ASSOCIATION
COOK, PURCELL, HANSEN & HENDERSON, 11TH FLOOR 1015 18TH ST., NW WASHINGTON DC 20036	AUDIO RECORDING RIGHTS COALITION
Do	BENENSON CAPITAL COMPANY
Do	EMPLOYEE ORGANIZATION FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM ASSOCIATION
Do	OHIO VALLEY IMPROVEMENT ASSOCIATION, INC
WILHELMINA REUBEN COOKE, GEORGETOWN UNIVERSITY LAW CENTER WASHINGTON DC 20001	INSTITUTE FOR PUBLIC REPRESENTATION
COUNCIL FOR TECHNOLOGICAL GROWTH, 1200 18TH STREET, NW, #1175 WASHINGTON DC 20036	
COVINGTON & BURLING, 1201 PENNSYLVANIA AVENUE, NW P.O. BOX 7566 WASHINGTON DC 20044	FIRSTMARK CORPORATION
Do	POST-NEWSWEEK STATIONS, INC.
W. O. CRAFT JR., BLISS & CRAFT 1050 THOMAS JEFFERSON ST., NW, 6TH FL. WASHINGTON DC 20007	FLUOR CORPORATION
Do	GOVERNMENT OF AMERICAN SAMOA
Do	MARLINE OIL CORPORATION
Do	NAVAJO-HOPI RELOCATION COMMISSION
Do	ST. JOE MINERALS CORPORATION
Do	SUNOCO ENERGY DEVELOPMENT COMPANY (SUNEDCO)
Do	WESTERN GEOPHYSICAL
CRAMER HOFFMAN & HABER, 1320 19TH ST., NW SUITE 200 WASHINGTON DC 20036	M.A.N. TRUCK & BUS CORPORATION
WILLIAM C. CRAMER, 1320 19TH ST., NW, #200 WASHINGTON DC 20036	CRAMER HOFFMAN & HABER (FOR: M.A.N. TRUCK & BUS CORPORATION)
JOHN R. CRANE, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE
CHARLES S. CRAWFORD, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: BENDIX CORPORATION)
KEN A. CRERAR, 1611 NO. KENT STREET, #900 ARLINGTON VA 22209	FOOTWEAR INDUSTRIES OF AMERICA
PHILIP R. CROESSMANN, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	
DAVID T. CROW, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES
CROWELL & MORING, 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	TRW, INC.
KATHLEEN L. CURRY, 1717 MASSACHUSETTS AVENUE, NW, #503 WASHINGTON DC 20036	NATIONAL ASSOCIATION OF INDEPENDENT COLLEGES & UNIVERSITIES
RICHARD C. CURRY, 6819 ELM STREET, #3 MCLEAN VA 22101	FIRE ISLAND ASSOCIATES, INC.
EDWIN I. DAVIS, 1510 FIRST CITY EAST BUILDING HOUSTON TX 77002	COASTAL CORPORATION
DAVIS SIMPICH & SIENA, 1301 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	CALIFORNIA HOUSING COUNCIL
THOMAS A. DAVIS, SUITE 407 499 S. CAPITOL ST., SW WASHINGTON DC 20003	COUPON BOND COMMITTEE
Do	DREXEL BURNHAM LAMBERT
THOMAS C. DAWSON, 1730 RHODE ISLAND AVENUE, NW, #1200 WASHINGTON DC 20036	SMITH DAWSON ASSOCIATES, INC.
DAVID W. DENSFORD, 1050 31ST STREET, NW WASHINGTON DC 20007	ASSOCIATION OF TRIAL LAWYERS OF AMERICA
DEWEY BALLANTINE BUSHBY PALMER & WOOD, 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	PHIBRO-SALOMON, INC.
HARLEY M. DIRKS, STANTON SQUARE 420 C ST., NE WASHINGTON DC 20002	PROFESSIONAL SERVICES COUNCIL
GREGORY S. DOLE, 1111 19TH STREET, NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE
MARLA M. DONAHUE, 1625 K STREET, NW WASHINGTON DC 20006	COUNCIL OF AMRICAN-FLAG SHIP OPERATORS
DOROTHY J. DRUMMER, 1025 CONNECTICUT AVENUE, NW, #209 WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE, INC.

Organization or Individual Filing	Employer/Client
ROBERT B. DUNCAN, 1000 POTOMAC STREET, NW, #302 WASHINGTON DC 20007	NIEDERMEYER-MARTIN COMPANY
DANIEL A. DUTKO, SUITE 214 412 FIRST STREET, SE WASHINGTON DC 20003	HILLCREST EQUITIES, INC.
Do	INDEPENDENT PETROLEUM ASSOCIATION OF THE MOUNTAIN STATES
ROBERT C. ECKHARDT, 1750 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	SLURRY TRANSPORT ASSOCIATION
ALBERT C. EISENBERG, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INSTITUTE OF ARCHITECTS
ALLISON JOHN EPPERSON, 1140 CONNECTICUT AVENUE, NW, #310 WASHINGTON DC 20036	COUNCIL OF ENERGY RESOURCE TRIBES
INGOLF G. ESDERS, 815 16TH STREET, NW WASHINGTON DC 20006	INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO
ESTATE OF MABEL R. LADD, R.R. 1 BUNKER HILL IN 46914	
ALEXANDER J. EUCARE JR., 1025 CONNECTICUT AVENUE, NW, #300 WASHINGTON DC 20036	ENVIRONMENTAL MANAGEMENT CONSULTANTS, INC.
EVERETT, JOHNSON & BRECKINRIDGE, 20 EXCHANGE PLACE NEW YORK NY 10005	BACARDI CORPORATION
Do	STERLING DRUG, INC.
WAYNE S. EWING, ASSOCIATED PETROLEUM INDUSTRIES OF PA P.O. BOX 925 HARRISBURG PA 17108	AMERICAN PETROLEUM INSTITUTE
JUDITH W. FENSTERER, 600 THIRD AVENUE, 18TH FLOOR NEW YORK NY 10016	GENERIC PHARMACEUTICAL INDUSTRY ASSOCIATION
FIDELITY UNION LIFE, P.O. BOX 500 DALLAS TX 75221	
FINLEY KUMBLE WAGNER HEINE UNDERBERG & CASEY, 10TH FLOOR 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ASSOCIATION OF SPANISH FISHERMEN
Do	AT-SEA INCINERATION, INC.
Do	PLAINTIFF CLASS, CORRUGATED CONTAINER ANTITRUST LITIGATION
Do	PLAINTIFF CLASS, PLYWOOD ANTITRUST LITIGATION
LAURI J. FITZ, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: NATIONAL COALITION FOR A FREE CUBA)
NANCY P. FOSTER, 1750 K STREET, NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE
FRANCIS ASSOCIATES, LTD., 316 PENNSYLVANIA AVENUE, SE, #200 WASHINGTON DC 20003	STEIN DAVIDOFF MALITO, ET AL (FOR: NATIONAL PASSENGER TRAFFIC ASSOCIATION)
THOMAS C. FRANKS, 604 SOLAR BUILDING 1000 16TH STREET, NW WASHINGTON DC 20036	AMERICAN LAND DEVELOPMENT ASSOCIATION
D. MICHAL FREEDMAN, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE
RONNA FREIBERG, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)
Do	GRAY AND COMPANY (FOR: HEALTH INSURANCE ASSOCIATION OF AMERICA)
Do	GRAY AND COMPANY (FOR: MINIMUM TAX COALITION)
Do	GRAY AND COMPANY (FOR: SHAKLEE CORPORATION)
Do	GRAY AND COMPANY (FOR: RICHARD L. SINNOTT & COMPANY)
Do	GRAY AND COMPANY (FOR: TOBACCO INSTITUTE)
SUSAN T. FRITSCHLER, 1111 19TH STREET, NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE
FULBRIGHT & JAWORSKI, 1150 CONNECTICUT AVENUE, NW, #400 WASHINGTON DC 20036	HOUSTON POST COMPANY
KARL GALLANT, 8001 BRADDOCK ROAD SPRINGFIELD VA 22160	NATIONAL RIGHT TO WORK COMMITTEE
KIMBERLY A. GAMBLE, 110 MARYLAND AVENUE, NE WASHINGTON DC 20002	U.S. COMMITTEE FOR UNICEF
GARDNER, CARTON & DOUGLAS, 1875 I ST., NW WASHINGTON DC 20006	AMERICAN HEALTH CARE ASSOCIATION
NANCY WHORTON GEORGE, 499 SOUTH CAPITOL STREET, SW, #400 WASHINGTON DC 20003	CELERON
GERARD, BYLER & ASSOCIATES, INC., 1100 17TH ST., NW, #1100 WASHINGTON DC 20036	DAMSON OIL CORPORATION
ALVIN J. GESKE, DAVIS & MCLEOD 499 S. CAPITOL ST., SW, #407 WASHINGTON DC 20003	NATIONAL CATTLEMEN'S ASSOCIATION
Do	NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS
GIBSON, DUNN & CRUTCHER, 1776 G STREET, NW WASHINGTON DC 20006	ASSOCIATED SPECIALTY CONTRACTORS, INC.
Do	MECHANICAL CONTRACTORS ASSOCIATION OF AMERICA, INC
JOSEPH S. GILL, BRICKER & ECKLER 100 E. BROAD STREET COLUMBUS OH 43215	NORFOLK SOUTHERN
GNAU, CARTER, JACOBSEN & ASSOCIATES, INC., 1777 F STREET, NW WASHINGTON DC 20006	AMYRCON CORPORATION
Do	CAC ASSOCIATES
Do	R. J. CHAMBERS
Do	GRAND TRAVERSE DEVELOPMENT, INC.
Do	MOVE DETROIT FORWARD FUND
Do	POTTER INSTRUMENT COMPANY, INC.
Do	SANDERS CORPORATION
Do	URBAN REVITALIZATION, INC.
MARTIN B. GOLD, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: RICHARD L. SINNOTT & COMPANY)
GORGE DEFENSE LEAGUE, C/O ROBERT K. LEICK STEVENSON WA 98648	GORGE DEFENSE LEAGUE
ROBERT K. GRAY, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: BENDIX CORPORATION)
Do	GRAY AND COMPANY (FOR: NATIONAL COALITION FOR A FREE CUBA)
Do	GRAY AND COMPANY (FOR: NICHOLAS SALGO)
Do	GRAY AND COMPANY (FOR: SHAKLEE CORPORATION)
Do	GRAY AND COMPANY (FOR: TOBACCO INSTITUTE)
LAURENCE M. GRONER, 1819 H STREET, NW WASHINGTON DC 20006	ARENT, FOX, KINTNER, PLOTKIN & KAHN
GROOM & NORDBERG, 1775 PENNSYLVANIA AVENUE, NW, #450 WASHINGTON DC 20006	BAXTER TRAVENOL LABORATORIES, INC
Do	GLOBAL MARINE, INC.
Do	READING & BATES CORPORATION
DAVID B. GROSS, SUITE 108 7490 BROMPTON HOUSTON TX 77025	
MARTIN HALEY COMPANIES, 1015 15TH ST., NW WASHINGTON DC 20005	CALIFORNIA FEDERAL SAVINGS & LOAN ASSOCIATION
MARIAN HALL-CRAWFORD, 316 PENNSYLVANIA AVENUE, SE, #301 WASHINGTON DC 20003	SAN DIEGO GAS & ELECTRIC
J. PHILLIP HALSTEAD, P.O. BOX 24305 OAKLAND CA 94623	CLOROX COMPANY
HAMEL PARK MCCABE & SAUNDERS, 888 16TH STREET, NW WASHINGTON DC 20006	NOKOTA COMPANY
Do	PUERTO RICO FEDERAL AFFAIRS ADMINISTRATION
TIMOTHY A. HANAN, 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	MOBIL CORPORATION
HANNAFORD INTERNATIONAL, INC, SUITE 207 905 16TH STREET, NW WASHINGTON DC 20006	LEBANESE INFORMATION & RESEARCH CENTER
HANSELL POST BRANDON & DORSEY, 5TH FL. 1915 I ST., NW WASHINGTON, DC 20006	FIRST NATIONAL BANK OF ATLANTA
Do	INDEPENDENT VALLEY ENERGY COMPANY
Do	PORTMAN PROPERTIES
J. RICHARD HARGIS, 2550 M STREET, NW, #770 WASHINGTON DC 20037	RJR INDUSTRIES, INC.
BILL HECHT, SUITE 501 499 SOUTH CAPITOL STREET, NW WASHINGTON DC 20003	BROWN & WILLIAMSON TOBACCO CORPORATION
Do	LOS ANGELES RAIDERS
Do	U.S. TOBACCO COMPANY
EDWARD D. HEFFERNAN, 1875 EYE ST., NW, # 1025 WASHINGTON DC 20006	HAZELTINE CORPORATION
Do	INTER-REGIONAL FINANCIAL GROUP LEASING COMPANY
CATHERINE L. HERON, 1775 K STREET, NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE
KIM HETHERINGTON, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSOCIATION, INC.
E. JOSEPH HILLINGS, 1627 K STREET, NW, #200 WASHINGTON DC 20006	FLUOR CORPORATION
THOMAS F. HOFFMAN, 1701 PENNSYLVANIA AVENUE, NW, #900 WASHINGTON DC 20006	CONSOLIDATION COAL COMPANY
HOGAN & HARTSON, 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	ATARI, INC.
Do	DIGITAL EQUIPMENT CORPORATION
Do	EL PASO EXPLORATION COMPANY; ENTERPRISE GAS COMPANY
Do	HEWLETT-PACKARD COMPANY
Do	INLET JOINT VENTURE
Do	INTEL CORPORATION
NIELS HOLCH, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)
Do	GRAY AND COMPANY (FOR: EASTERN MICROWAVE, INC.)
Do	GRAY AND COMPANY (FOR: HEALTH INSURANCE ASSOCIATION OF AMERICA)
Do	GRAY AND COMPANY (FOR: NEW CHANNELS CORPORATION)
Do	GRAY AND COMPANY (FOR: QUIXOTE CORPORATION)
Do	GRAY AND COMPANY (FOR: SHAKLEE CORPORATION)
Do	GRAY AND COMPANY (FOR: RICHARD L. SINNOTT AND COMPANY)
Do	GRAY AND COMPANY (FOR: TOBACCO INSTITUTE)
Do	GRAY AND COMPANY (FOR: U.S. BANKNOTE)
PHILIP C. HOLLADAY, 1025 CONNECTICUT AVENUE, NW, #200 WASHINGTON DC 20036	SHELL OIL COMPANY
STEPHEN B. HOLLAND, 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	ARMCO, INC.
JOHN C. HOOPER, 530 BUSH STREET SAN FRANCISCO CA 94108	SIERRA CLUB
LILLIE E. HOOVER, P.O. BOX 1085 MARTINSBURG WV 25401	NATIONAL PEACH COUNCIL
HARRY J. HORROCKS II , 40 IVY STREET, SE WASHINGTON DC 20003	NATIONAL LUMBER & BUILDING MATERIAL DEALERS ASSOCIATION
JACK M. HOWELL, 2029 K STREET, NW WASHINGTON DC 20006	AMERICAN SOCIETY OF MECHANICAL ENGINEERS
BETTY HUDSON, 1627 K STREET, NW, #200 WASHINGTON DC 20006	FLUOR CORPORATION
ROY M. HUFFINGTON, FIRST INTERNATIONAL PLAZA P.O. BOX 4455 HOUSTON TX 77210	ROY M. HUFFINGTON, INC.
VESTER T. HUGHES JR., HUGHES & HILL 1000 MERCANTILE DALLAS BUILDING DALLAS TX 75201	FIDELITY UNION LIFE
VINCENT C. HUGHES, 1235 JEFFERSON DAVIS HIGHWAY, #500 ARLINGTON VA 22202	ITALIAN AEROSPACE INDUSTRIES (U.S.A.), INC.
GARY HYMEL, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: SHAKLEE CORPORATION)
Do	GRAY AND COMPANY (FOR: RICHARD L. SINNOTT & COMPANY)
Do	GRAY AND COMPANY (FOR: THYSSEN NORDSEEWERKE GMBH)
Do	GRAY AND COMPAY (FOR: TOBACCO INSTITUTE)
Do	GRAY AND COMPANY (FOR: U.S. BANKNOTE)
RICHARD H. ICHORD, SUITE 201 1140 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AAI CORPORATION
ANNELISE ILSCHENKO, 101 S. REYNOLDS STREET, #H-116 ALEXANDRIA VA 22304	
G. CONLEY INGRAM, ALSTON, MILLER & GAINES 35 BROAD ST., #1200 ATLANTA GA 30335	CONTINENTAL INSURANCE COMPANIES
LEON E. IRISH, 1101 17TH STREET, NW, #1100 WASHINGTON DC 20036	CAPLIN & DRYSDALE, CHTD. (FOR: PERMANENTE MEDICAL GROUP, INC.)

Organization or Individual Filing	Employer/Client
IVINS, PHILLIPS & BARKER, 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	J.P. STEVENS & COMPANY, INC.
JONES, DAY, REAVIS & POGUE, 1735 I ST., NW WASHINGTON DC 20006	AMERICAN MOTORS CORPORATION
Do	HANNA MINING COMPANY
Do	ITT WORLD HEADQUARTERS
Do	DR. RALPH LANDAU
Do	PFIZER, INC.
Do	PHARMACEUTICAL MANUFACTURERS ASSOCIATION
K & S ASSOCIATES, INC., 280 HOBART STREET PERTH AMBOY NJ 08861	
EDWIN L. KAHN, 1819 H STREET, NW WASHINGTON DC 20006	ARENT, FOX, KINTNER, PLOTKIN & KAHN
LINDA E. KATZ, 3350 HUNTLEY SQUARE DRIVE, T-2 TEMPLE HILLS MD 20031	CHICAGO, ROCK ISLAND & PACIFIC R.R. COMPANY
Do	WESTINGHOUSE
KAYE, SCHOLER, FIERMAN, HAYS & HANDLER, 1575 I ST., NW SUITE 1150 WASHINGTON DC 20005	CHRIS CRAFT INDUSTRIES, INC.
J. H. KENT, KENT & O'CONNOR 1919 PENNSYLVANIA AVENUE, NW SUITE 300 WASHINGTON DC 20006	GOULD, INC.
AUBREY C. KING, 1625 EYE STREET, NW, #609 WASHINGTON DC 20006	NATIONAL CLUB ASSOCIATION
CECILIA ANNE KIRBY, 1101 CONNECTICUT AVENUE, NW, #1006 WASHINGTON DC 20036	AMERICAN HOTEL & MOTEL ASSOCIATION
ROBERT A. KIRSHNER, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSOCIATION
KRIVIT & KRIVIT, 101 DUDDINGTON PLACE, SE WASHINGTON DC 20003	CITY OF CAMDEN—OFFICE OF THE MAYOR
JEFFREY KURZWEIL, KASWELL, PERAZICK & WATSON, P.C. 1825 K STREET, NW WASHINGTON DC 20006	MARRIOTT CORPORATION
HENRY J. KUSS JR., 1426 LADY BIRD DRIVE MCLEAN VA 22101	AMERICAN TRADE AND FINANCE COMPANY
KUTAK, ROCK & HUIE, 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	FIRST NATIONAL BANK OF OMAHA
JAMES H. LAKE, SUITE 420 1200 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	CALIFORNIA WESTSIDE FARMERS
Do	CHICAGO MERCANTILE EXCHANGE
DAVID M. F. LAMBERT, 1000 POTOMAC STREET, NW, #302 SUITE 900 WASHINGTON DC 20007	FEDERATION EMPLOYMENT & GUIDANCE SERVICE
THOMAS LAMOTHE, 1525 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	PUBLIC INTEREST ECONOMICS FOUNDATION
LARKIN, MCCARTHY, NOEL & FALK, 1301 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	AMERICAN SHIP BUILDING COMPANY
TERRY L. LEITZELL, BOGLE & GATES 1575 EYE STREET, NW, #725 WASHINGTON DC 20005	AMERICAN SHRIMPBOAT ASSOCIATION
Do	FLORIDA SHRIMP ASSOCIATION
Do	MARINE CONSTRUCTION & DESIGN COMPANY
Do	PORT OF SEATTLE
CATHY A. LEWIS, 1101 CONNECTICUT AVENUE, NW SUITE 900 WASHINGTON DC 20036	VINSON & ELKINS (FOR: GALVESTON WHARVES OF THE CITY OF GALVESTON)
STEPHEN R. LINDAUER, 1957 E STREET, NW WASHINGTON DC 20515	ASSOCIATED GENERAL CONTRACTORS
LIPSEN, HAMBERGER, WHITTEN & HAMBERGER, SUITE 800 1725 DESALES STREET, NW WASHINGTON DC 20036	TRANSPORTATION INSTITUTE
DONALD C. LUBICK, 1776 F STREET, NW WASHINGTON DC 20006	HAWAIIAN SUGAR TRANSPORTATION COMPANY
PETER J. LUCIANO, 923 15TH STREET, NW, WASHINGTON DC 20005	TRANSPORTATION INSTITUTE
JOHN C. LYNCH, 1615 H STREET, NW WASHINGTON DC 20062	CITIZEN'S CHOICE, INC.
KURT L. MALMGREN, 1000 16TH STREET, NW, #800 WASHINGTON DC 20036	BETHLEHEM STEEL CORPORATION
MANAGEMENT IMPROVEMENT CROP. OF AMERICA, P.O. BOX 8737, DURHAM NC 27707	
MANATT, PHELPS, ROTHENBERG & TUNNEY, SUITE 200 1200 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	COUPON BOND TAX COMMITTEE
Do	ETHYL CORPORATION
Do	MANUFACTURERS HANOVER LEASING CORPORATION
Do	MOTION PICTURE & TELEVISION TAX INSTITUTE
Do	TOBACCO INSTITUTE
RODERICK D. MARCOUX, 420 COLUMBUS AVENUE VALHALLA NY 10595	SAVIN CORPORATION
ROBERT J. MARTIN, 1140 CONNECTICUT AVENUE, NW, #310 WASHINGTON DC 20037	COUNCIL OF ENERGY RESOURCE TRIBES
MAXELL CORPORATION OF AMERICA, 60 OXFORD DRIVE MOONACHIE NJ 07074	
MBT ASSOCIATES, INC., 240 WEST STATE STREET, #829 TRENTON NJ 08608	
MCDERMOTT, WILL & EMERY, 1850 K STREET, NW #500 WASHINGTON, DC 20006	FEDERATION OF JAPAN SALMON FISHERIES COOPERATIVE ASSOCIATION
Do	TUNA RESEARCH FOUNDATION, INC.
MCGLEN ASSOCIATES, 2337 LEMOINE AVENUE FORT LEE NJ 07024	
MCHALE, COOK & WELCH, P.C., 1122 CHAMBER OF COMMERCE BUILDING INDIANAPOLIS IN 46204	ESTATE OF MABEL R. LADD
MICHAEL R. MCLEOD, 499 S. CAPITOL ST., SW #407 WASHINGTON DC 20003	AMERICAN ASSOCIATION OF CROP INSURERS
MCNAIR GLENN KONDUROS CORLEY SINGLETARY PORTER & DIBBLE, 1155 15TH STREET, NW WASHINGTON DC 20005	NATIONAL FOOTBALL LEAGUE
MICHAEL J. MCSHANE, 1200 NEW HAMPSHIRE AVENUE, NW, #320 WASHINGTON DC 20036	TECHNOLOGY FOR ENERGY CORPORATION
EDWARD A. MERLIS, 1010 WISCONSIN AVENUE, NW WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC.
ORREN MERREN, 1000 POTOMAC ST., NW #204, WASHINGTON DC 20007	PORTFOLIO OF AGRICULTURE & CAYMAN TURTLE FARM, LTD.
MIDDLE INCOME LOBBY OF AMERICA, 359 WASHINGTON AVENUE OAKMONT PA 15139	
MILES & STOCKBRIDGE, SUITE 500 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	BLACK AND DECKER MANUFACTURING COMPANY
MILLER & CHEVALIER, CHARTERED, 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	BARKLEY COMPANY OF ARIZONA
Do	CAPITAL HOLDING CORPORATION
C.G. PETE MILLIGAN, 4360 N.E. JOE'S POINT STUART FL 33494	AMERICAN TELEPHONE & TELEGRAPH COMPANY
RICHARD M. MILLMAN, P.C., SUITE 908 1730 M STREET, NW WASHINGTON DC 20036	FAIRCHILD INDUSTRIES, INC.
APRIL MOORE, 711 G STREET, SE WASHINGTON DC 20003	NATIONAL CAMPAIGN TO STOP THE MX
M. MELISSA MOORE, 2029 K STREET, NW WASHINGTON DC 20006	AMERICAN SOCIETY OF MECHANICAL ENGINEERS
MORRISON & FOERSTER, 1920 N STREET, N.W. WASHINGTON DC 20036	REEF CORPORATION (FOR: EAGLE MANAGEMENT TRUST)
FRANK D. MORUZZI, SUITE 500 1235 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	ITALIAN AEROSPACE INDUSTRIES (U.S.A.), INC.
ROBERT E. MOSS, SUITE 500 1899 L STREET, NW WASHINGTON DC 20036	AMERICAN NATURAL RESOURCES COMPANY
MOSS, MCGEE, BELLMON, BRADLEY, USHIO & FOLEY, 1740 N STREET, NW WASHINGTON DC 20036	NATIONAL COMMUNITY ACTION FOUNDATION
Do	NATIONAL BANKERS ASSOCIATION
Do	NATIONAL CENTER FOR APPROPRIATE TECHNOLOGY
MUDGE ROSE GUTHRIE & ALEXANDER, 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	MUDGE ROSE GUTHRIE & ALEXANDER
RICHARD MUNSON, 1001 CONNECTICUT AVENUE, NW, #510 WASHINGTON DC 20036	SOLAR LOBBY
KEITH MURPHY, KEMP, KLEIN, ENDELMEN & BEER 300 TOWN CENTER, #2700 SOUTHFIELD MI 48075	M.A.N. TRUCK & BUS CORPORATION
CRAIG E. MUSICK, 5913 OAKLAND PARK DRIVE BURKE VA 22015	AMERICAN TRADE AND FINANCE COMPANY
GARY D. MYERS, 1800 MASSACHUSETTS AVENUE, NW, WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES
NATIONAL AUDUBON SOCIETY, 950 THIRD AVENUE NEW YORK NY 10022	
NATIONAL COMMERCIAL FINANCE CONFERENCE, ONE PENN PLAZA NEW YORK NY 10001	
NATIONAL PEACH COUNCIL, P.O. BOX 1085 MARTINSBURG WV 25401	
JOSEPH M. NORMANDY III, 1101 17TH STREET, NW WASHINGTON DC 20036	PRIVATE TRUCK COUNCIL OF AMERICA, INC.
JAMES NORTON, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY
NOSSAMAN, KRUEGER & KNOX, 1140 19TH ST., NW, #600 WASHINGTON DC 20036	GENERAL ELECTRIC COMPANY
Do	UTOTEM, INC.
LAWRENCE F. O'BRIEN, BREED, ABBOTT & MORGAN 1875 EYE STREET, NW, #1000 WASHINGTON DC 20006	AMERICAN STOCK EXCHANGE, INC.
LAWRENCE J. O'BRIEN JR., 1607 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20009	AMERICAN GLOBAL LINES, INC.
O'CONNOR & HANNAN, 1919 PENNSYLVANIA AVENUE, NW, #800 WASHINGTON DC 20006	INDEPENDENT FEDERAL SAVINGS
Do	NATIONAL CITY BANCORPORATION
Do	WINE AND SPIRITS WHOLESALERS OF AMERICA, INC.
GEORGE E. O'CONNOR, 600 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20037	
JAMES W. O'DONNELL, 1601 CONNECTICUT AVENUE, NW WASHINGTON DC 20009	AMERICAN HEALTH PLANNING ASSOCIATION
O'NEILL AND HAASE, P.C., SUITE 1110 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	CRUISE AMERICA, INC.
MARTIN K. O'TOOLE, 227 MASSACHUSETTS AVENUE, NW, #321 WASHINGTON DC 20002	CONSERVATIVES FOR IMMIGRATION REFORM
HARRY R. OBLEY, MELLON SQUARE PITTSBURGH PA 15230	MELLON BANK N.A. AND MELLON NATIONAL CORPORATION
CLARK ONSTAD, 1050 THOMAS JEFFERSON STREET, NW SIXTH FLOOR WASHINGTON DC 20007	TEXAS AIR CORPORATION AND CONTINENTAL AIR LINES
RONALD C. PADDOCK & COMPANY, 5151 E. BROADWAY, #125 TUCSON AZ 85711	
WILLIAM STEVEN PALEOS, P.O. BOX 57466-0466 WASHINGTON DC 20037	
BRADLEY D. PALMER, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE
PATTON BOGGS & BLOW, SUITE 800 2550 M ST., NW WASHINGTON DC 20037	ARTPAC
Do	CHICAGO BOARD OPTIONS EXCHANGE
Do	CITY INVESTING COMPANY
Do	FLUOR CORPORATION
CARL F. PAUL, 1320 19TH STREET, NW, #200 WASHINGTON DC 20036	BURCH & MANDEL, P.C. (FOR: M.A.N. TRUCK & BUS CORPORATION)
PAUL WEISS RIFKIND WHARTON & GARRISON, 1714 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	FIRST STERLING CORPORATION
Do	REVLON, INC.
PEPPER HAMILTON & SCHEETZ, 1777 F STREET, NW WASHINGTON DC 20006	STROMBERG-CARLSON CORPORATION
Do	UNITED TECHNOLOGIES COMMUNICATIONS COMPANY
PIERSON BALL & DOWD, 1200 18TH ST., NW WASHINGTON DC 20036	WESTERN FARMERS ELECTRIC COOPERATIVE
Do	ASPEN SYSTEMS CORPORATION
DOUG PIKE, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY
DANIEL J. PILIERO II , 1750 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	AD HOC COMMITTEE FOR RESPONSIBLE TAX POLICY
IRVING M. POLLACK, 13010 CARNEY STREET WHEATON MD 20906	INVESTMENT COMPANY INSTITUTE
KAREN POLLITZ, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE
SUSAN C. PORTIN, 1201 PENNSYLVANIA AVENUE, NW, #700 WASHINGTON DC 20004	HILL AND KNOWLTON, INC. (FOR: FLORISTS' TRANSWORLD DELIVERY)
Do	HILL AND KNOWLTON, INC. (FOR: MOTION PICTURE ASSOCIATION OF AMERICA, INC)
SHARON T. PORTNOY, ONE PENN PLAZA NEW YORK NY 10001	NATIONAL COMMERCIAL FINANCE CONFERENCE
POWELL GOLDSTEIN FRAZER & MURPHY, SUITE 1050 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	NATIONAL RESTAURANT ASSOCIATION
Do	RCA CORPORATION

Organization or Individual Filing	Employer/Client
Do	SECURITY LIFE OF DENVER
PRESTON THORGRIMSON ELLIS & HOLMAN, 1776 G ST., NW, #500 WASHINGTON DC 20006	ALASKA LUMBER & PULP COMPANY/LOUISIANA PACIFIC OF KETCHIKAN
Do	CITIES FOR CABLE
Do	COUNCIL OF AMERICAN-FLAG SHIP OPERATORS
Do	PHARMACEUTICAL MANUFACTURING ASSOCIATION
DAVID P. PROSPERI, 1725 K STREET, NW, #909 WASHINGTON DC 20006	SUPERIOR OIL COMPANY & SUPERIOR FARMING COMPANY
ROBERT RAFFA, 420 COLUMBUS AVENUE VALHALLA NY 10595	SAVIN CORPORATION
ROBERT A. RAGLAND, P.O. BOX 24305 OAKLAND CA 94623	CLOROX COMPANY
HELEN RAUCH, 1755 MASSACHUSETTS AVENUE, NW, #300 WASHINGTON DC 20036	CONSORTIUM OF SOCIAL SCIENCE ASSOCIATIONS
EILER C. RAVNHOLT, 723 INVESTMENT BUILDING. WASHINGTON DC 20005	HAWAIIAN SUGAR PLANTERS' ASSOCIATION
REED ROBERTS HUMAN RESOURCE SERVICES, P.O. BOX 1817 CLIFTON NJ 07013	
REID & PRIEST, 1111 19TH ST.,NW WASHINGTON DC 20036	B. ALTMAN & COMPANY
Do	AMERICAN EXPRESS COMPANY
Do	FRED T. FRANZIA, JOHN G. FRANZIA & JOSEPH S. FRANZIA
Do	PFIZER, INC.
GEORGE E. RENAULT, 2108 YALE DRIVE ALEXANDRIA VA 22307	MANUFACTURED HOUSING INSTITUTE
ALAN V. REUTHER, 1757 N STREET, NW WASHINGTON DC 20036	UAW
MARK E. REY, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSOCIATION
SUSAN RILEY, 1150 17TH STREET. NW, #306 WASHINGTON DC 20036	NATIONAL MULTI HOUSING COUNCIL
JAMES E. RITCHIE & ASSOCIATES, SUITE 400 499 S. CAPITOL ST., SW WASHINGTON DC 20003	GOLDEN NUGGET, INC.
Do	LIBERTY FINANCIAL
RIVKIN, SHERMAN AND LEVY, 900 17TH STREET, NW WASHINGTON DC 20006	SAVIN CORPORATION
JOHN S. ROBERTSON, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: RICHARD L. SINNOTT & COMPANY)
ROGERS HOGE & HILLS, SUITE 301 1111 19TH STREET, NW WASHINGTON DC 20036	BACARDI CORPORATION
JOHN D. ROGERS, 1575 I STREET, NW WASHINGTON DC 20005	DAVIS POLK & WARDWELL (FOR: ROY M. HUFFINGTON, INC. & INDEPENDENT VALLEY ENERGY COMPANY)
GAIL E. ROSS, 918 16TH STREET, NW WASHINGTON DC 20006	PLANNED PARENTHOOD
EDWIN ROTHSCHILD, 2000 P ST., NW, #310 WASHINGTON DC 20036	CITIZEN/LABOR ENERGY COALITION
ROBERT STEWART ROYER, 1025 CONNECTICUT AVENUE, NW, #707 WASHINGTON DC 20036	AMERICAN MILITARY SALES
Do	CHRYSLER MILITARY SALES CORPORATION
Do	CITY OF AKRON, OHIO
Do	FORD, RIFF & BURGESS
Do	HARLEY-DAVIDSON MILITARY SALES
Do	INTERNATIONAL FUTURES EXCHANGE
Do	INTEX HOLDINGS (BERMUDA) LIMITED
Do	MICHIGAN TRADE EXCHANGE
Do	MORGAN STANLEY & COMPANY, INC.
Do	OVERSEAS MILITARY SALES GROUP
Do	SECURITIES INDUSTRY ASSOCIATION
JOHN RUNYAN, 1730 NORTH LYNN STREET SUITE 409 ARLINGTON VA 22209	PRINTING INDUSTRIES OF AMERICA, INC.
SACHS, GREENBAUM & TAYLER, 1620 EYE STREET, NW WASHINGTON DC 20006	PHILLIPS COLLEGES; BETZ COLLEGE; DRAUGHONS JUNIOR COLLEGE
BRUCE W. SANFORD, BAKER & HOSTETLER 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	SOCIETY OF PROFESSIONAL JOURNALISTS, SIGMA DELTA CHI
SAVIN CORPORATION, 420 COLUMBUS AVENUE VALHALLA NY 10595	
C. M. SCHAUERTE, P.O. BOX 3247 HOUSTON TX 77001	AMERICAN GENERAL CORPORATION
SCHIFF HARDIN & WAITE, 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CHICAGO BOARD OPTIONS EXCHANGE, INC.
SCHLOSSBERG-CASSIDY & ASSOCIATES, INC., 955 L'ENFANT PLAZA, S.W. SUITE 1401 WASHINGTON DC 20024	CATHOLIC UNIVERSITY OF AMERICA
Do	COLUMBIA UNIVERSITY
Do	ELECTRONICS CORPORATION OF AMERICA
SCHWABE, WILLIAMSON, WYATT, MOORE & ROBERTS, 1000 POTOMAC STREET NW, #302 WASHINGTON DC 20007	LAKE OSWEGO CORPORATION
Do	PIASECKI AIRCRAFT CORPORATION
SCOTT COMPANY, INC., 8 JACANA ROAD HILTON HEAD SC 29928	FLORIDA LAND COMPANY
JUDY SCOTT, 815 16TH STREET, NW WASHINGTON DC 20006	INDUSTRIAL UNION DEPARTMENT., AFL-CIO
SCRIBNER HALL & THOMPSON, SUITE 700 1875 EYE STREET, NW WASHINGTON DC 20006	JEFFERSON-PILOT CORPORATION AND SUBSIDIARIES
SEWARD & KISSEL, 919 18TH ST., NW WASHINGTON DC 20006	ALLIANCE CAPITAL MANAGEMENT CORPORATION
Do	ROSENBERG REAL ESTATE EQUITY FUND
Do	VISA U.S.A., INC.
SHEA & GOULD, 330 MADISON AVENUE NEW YORK NY 10017	PHILLIP MORRIS, INC.
Do	DESERT GROUP, INC.
Do	SQUIBB CORPORATION
SILVERSTEIN & MULLENS, 1776 K ST., NW WASHINGTON DC 20006	MEDAL DISTILLED PRODUCTS, INC.
JON SIMMS, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY
MARGARET SIMS, 2025 M STREET, NW WASHINGTON DC 20036	NATIONAL PUBLIC RADIO
RICHARD L. SINNOTT & COMPANY, SUITE 306 2021 K ST., NW WASHINGTON DC 20006	NATIONAL FOOTBALL LEAGUE
Do	OAKLAND COLISEUM
SKADDEN, ARPS, SLATE, MEAGHER & FLOM, 919 THIRD AVENUE NEW YORK NY 10022	J.P. STEVENS & COMPANY, INC.
PETER SMALL & ASSOCIATES, INC., 400 MADISON AVENUE NEW YORK NY 10017	NATIONAL ASSOCIATION OF OPTOMETRISTS & OPTICIANS
JENNIFER L. SMITH, 900 17TH STREET, NW, #520 WASHINGTON DC 20006	WEST MEXICO VEGETABLE DISTRIBUTORS ASSOCIATION
SOUTHEASTERN RESEARCH, INC., 2611 FOREST DRIVE, #204 COLUMBIA SC 29204	
CHARLES E. SOUTHWICK, 1627 K STREET, NW, #200 WASHINGTON DC 20006	FLUOR CORPORATION
PHILIP SPESER, 5070 MACARTHUR BOULEVARD, NW WASHINGTON DC 20016	SOCIETY FOR AMERICAN ARCHAEOLOGY
DAVID P. STANG, P.C., SUITE 601 1629 K ST., NW WASHINGTON DC 20006	BROWN & ROOT, INC.
Do	OIL INVESTMENT INSTITUTE
LOIS STARKEY, 156 DUDDINGTON PLACE, SE WASHINGTON DC 20003	MANUFACTURED HOUSING INSTITUTE
RONALD J. STRECK, P.O. BOX 238 ALEXANDRIA VA 22313	NATIONAL WHOLESALE DRUGGISTS' ASSOCIATION
STROOCK & STROOCK & LAVAN, 1150 17TH ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSOCIATIONS
Do	CITY OF TUCSON
Do	DREYFUS CORPORATION
Do	ORMOND RE GROUP, INC.
PAUL SUPLIZIO ASSOCIATES, 5001 SEMINARY RD., #310 ALEXANDRIA VA 22311	MANAGEMENT IMPROVEMENT CORPORATION, ET AL.
SURREY & MORSE, 1156 15TH ST., NW WASHINGTON DC 20005	BOEING COMPANY
SUTHERLAND ASBILL & BRENNAN, 1666 K ST., NW WASHINGTON DC 20006	ROLLINS, INC.
DANIEL J. SWILLINGER, 920 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	UNITED STATES AUTOMOBILE ASSOCIATION
PAUL TENDLER, 818 CONNECTICUT AVENUE, NW, WASHINGTON DC 20006	PAUL TENDLER ASSOCIATES., INC. (FOR: BASCOM, INC.)
THOMPSON & CRAWFORD, SUITE 325 1575 EYE STREET, NW WASHINGTON DC 20005	TENNESSEE SAVINGS & LOAN LEAGUE
SAMUEL C. THOMPSON JR., SCHIFF HARDIN & WAITE 1101 CONNECTICUT AVENUE, NW, #600 WASHINGTON DC 20036	CHIAGO BOARD OPTIONS EXCHANGE, INC.
JOHN A. THORNE, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSOCIATION
ROGER TILLES, SUITE 1050 1111 19TH ST., NW WASHINGTON DC 20036	FILMS, INC.
JEFFREY B. TRAMMELL, 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)
Do	GRAY AND COMPANY (FOR: MINIMUM TAX COALITION)
Do	GRAY AND COMPANY (FOR: SHAKLEE CORPORATION)
Do	GRAY AND COMPANY (FOR: RICHARD L. SINNOTT & COMPANY)
Do	GRAY AND COMPANY (FOR: TOBACCO INSTITUTE)
MARIAN TROYER, 1242 D STREET, SE WASHINGTON DC 20003	BONNEVILLE ASSOCIATES, INC (FOR: INTERMOUNTAIN HEALTH CARE)
TUCKER & ASSOCIATES, 1015 18TH STREET, NW, #802 WASHINGTON DC 20036	FIRST NATIONAL BANK IN HARVEY
Do	REGIONAL TRANSPORTATION AUTHORITY
NORMAN B. TURE, 1100 CONNECTICUT AVENUE, NW, #550 WASHINGTON DC 20036	
ULLMAN CONSULTANTS, INC., 1000 POTOMAC ST., N.W. SUITE 302 WASHINGTON DC 20007	EXXON CORPORATION
Do	U.S. LEAGUE OF SAVINGS ASSOCIATIONS
A. RUSSELL UPSHAW, JR., 1030 15TH ST., NW, WASHINGTON, DC 20005	EASTERN AIRLINES
VAN FLEET ASSOCIATES, SUITE 102 499 SOUTH CAPITOL ST., SW WASHINGTON DC 20003	MARCONI ELECTRONICS
VAN NESS, FELDMAN, SUTCLIFFE, CURTIS & LEVENBERG, 7TH FLOOR 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	JACOBS ENGINEERING GROUP, INC.
Do	TEXAS AIR CORPORATION AND CONTINENTAL AIR LINES
CARL ROBERT WAGNER, 2550 M STREET, NW, #300 WASHINGTON DC 20036	GROUP W CABLE
SARAH L. WAGONER, 6TH FLOOR 1050 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	MARLINE OIL CORPORATION
CHARLS E. WALKER ASSOCIATES, INC., 1730 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	COUPON BOND TAX COMMITTEE
Do	FEDERAL PAPER BOARD COMPANY, INC.
Do	ROY M. HUFFINGTON, INC.
Do	JOHNSON & JOHNSON
Do	WASTE MANAGEMENT, INC.
MARTIN A. WALL, 1025 VERMONT AVENUE, NW, #800 WASHINGTON DC 20005	AMERICAN OSTEOPATHIC HOSPITAL ASSOCIATION
ROGER W. WALLACE, FIRST INTERNATIONAL PLAZA P.O. BOX 4455 HOUSTON TX 77210	ROY M. HUFFINGTON, INC.
NANCY WALLACE, INC., 5003 FORT SUMNER DRIVE BETHESDA MD 20816	
ERNEST R. WARNER JR , 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTERNATIONAL, INC. (FOR: DIR INTERNATIONAL AFF OF THE GEN DEL FOR ARMEMENTS)
GREGORY JAMES WEAVER, 1411 K STREET, NW WASHINGTON DC 20005	AMERICANS FOR DEMOCRATIC ACTION

Organization or Individual Filing	Employer/Client
WEBSTER AND SHEFFIELD, 1200 NEW HAMPSHIRE AVENUE, NW, #350 WASHINGTON DC 20036	NORTH ALABAMA COAL GASIFICATION CONSORTIUM
KENNETH W. WEINSTEIN, MCKENNA, CONNER & CUNEO 1575 EYE STREET, NW WASHINGTON DC 20005	NATIONAL AGRICULTURAL CHEMICALS ASSOCIATION
ARTHUR E. WEISBERG, SUITE 675 NORTH 1800 M STREET, NW WASHINGTON DC 20036	DORSEY & WHITNEY
WELLFORD, WEGMAN, KRULWICH, GOLD & HOFF, SUITE 802 1015 18TH STREET, NW WASHINGTON DC 20036	FIRST NATIONAL BANK IN HARVEY
DOUGLAS P. WENDEL, 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BUS ASSOCIATION
WEST TEXAS LAND & ROYALTY OWNERS ASSOCIATION, 4302 AIRPORT BLVD. AUSTIN TX 78722	
SHIRLEY H. WESTER, 1601 CONNECTICUT AVENUE, NW WASHINGTON DC 20009	AMERICAN HEALTH PLANNING ASSOCIATION
LAURIE A. WESTLEY, 1411 K STREET, NW, #1100 WASHINGTON DC 20005	NATIONAL WOMEN'S POLITICAL CAUCUS
WHITE FINE & VERVILLE, SUITE 302 1156 15TH ST., NW WASHINGTON DC 20005	AFL-CIO MARITIME COMMITTEE
Do	CENTRAL HUDSON GAS & ELECTRIC CORPORATION
WILLIAM E. WICKERT JR., 1000 16TH STREET, NW, #800 WASHINGTON DC 20036	BETHLEHEM STEEL CORPORATION
WILLIAMS & CONNOLLY, 839 17TH ST., NW WASHINGTON DC 20006	GADSDEN TIMES, INC.
Do	PUBLIC WELFARE FOUNDATION, INC.
Do	SPARTANBURG HERALD & JOURNAL, INC
Do	TUSCALOOSA NEWS, INC.
WILLIAMS & JENSEN, P.C., 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	PROTECTIVE CORPORATION
Do	SMITHKLINE CORPORATION
Do	SOUTHLAND ROYALTY COMPANY
Do	THUNDERBIRD FINANCIAL CORPORATION
LEONARD B. WILLIAMS, 1000 16TH STREET, NW, #800 WASHINGTON DC 20036	BETHLEHEM STEEL CORPORATION
THOMAS C. WILLIAMSON, 38 IVY ST., SE, WASHINGTON DC 20003	AMERICAN CONSERVATIVE UNION
WILMER, CUTLER & PICKERING, 1666 K ST., NW WASHINGTON DC 20006	CITICORP
JOHN P. WINBURN, SUITE 1040 1101 15TH STREET, NW WASHINGTON DC 20005	BROWN & WILLIAMSON TOBACCO COMPANY
Do	DIRECT SELLING ASSOCIATION
Do	EQUITABLE LIFE ASSURANCE ASSOCIATION OF THE U.S.
Do	R.J. REYNOLDS TOBACCO COMPANY
WINSTON & STRAWN, #500 2550 M ST., NW WASHINGTON DC 20037	BEATRIC FOODS COMPANY
Do	MIDWEST PENSION FUND OF CENTRAL STATES JOINT BOARD, AFL-CIO
Do	TERSON COMPANY, INC.
Do	VOLVO OF AMERICA CORPORATION
ROBERT M. WOLCOTT, 1525 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	PUBLIC INTEREST ECONOMICS FOUNDATION
WOMEN AGAINST MILITARY MADNESS POLITICAL ACTION COMM (WAMM), 3255 HENNEPIN AVENUE MINNEAPOLIS MN 55408	
DAVID V. YADEN, 1101 15TH STREET, NW, #200 WASHINGTON DC 20005	NERCO, INC.
ZUCKERT, SCOUTT & RASENBERGER, 888 17TH ST., NW WASHINGTON DC 20006	DREYFUS CORPORATION
Do	TOBACCO INSTITUTE

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the third calendar quarter 1982:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.....

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:
(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)
(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".
(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:
(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.
(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:
1. State name, address, and nature of business.

2. If this Report is for an employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (a) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (b) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(a) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).
(b) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).
(c) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (a) Short titles of statutes and bills; (b) House and Senate numbers of bills, where known; (c) citations of statutes, where known; (d) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (a) Description, (b) quantity distributed; (c) date of distribution, (d) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.

AFFIDAVIT

[Omitted in printing]

PAGE 1

NOTE ON ITEM "D."—(a) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $.....Dues and assessments
2. $.....Gifts of money or anything of value
3. $.....Printed or duplicated matter received as a gift
4. $.....Receipts from sale of printed or duplicated matter
5. $.....Received for services (e.g., salary, fee, etc.)

6. $.....TOTAL for this Quarter (Add items "1" through "5")
7. $.....Received during previous Quarters of calendar year

8. $.....TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $.....TOTAL now owed to others on account of loans
10. $.....Borrowed from others during this Quarter
11. $.....Repaid to others during this Quarter

12. $.....Expense money" and Reimbursements received this Quarter

Contributors of $500 or more (from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": .....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under ~~under~~ the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and address of Contributor* ("*Period*" from Jan. 1 through....., 19.....)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(a) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $.....Public relations and advertising services
2. $.....Wages, salaries, fees, commissions (other than item "1")
3. $.....Gifts or contributions made during Quarter
4. $.....Printed or duplicated matter, including distribution cost
5. $.....Office overhead (rent, supplies, utilities, etc.)
6. $.....Telephone and telegraph
7. $.....Travel, food, lodging, and entertainment
8. $.....All other expenditures

9. $.....TOTAL for this Quarter (Add "1" through "8")
10. $.....Expended during previous Quarters of calendar year

11. $.....TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $.....TOTAL now owed to person filing
13. $.....Lent to others during this Quarter
14. $.....Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
ROBERT J. AAGRE, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	1,440.00	240.35
PAUL C. ABENANTE, SUITE 850 2020 K ST., NW WASHINGTON DC 20006	AMERICAN BAKERS ASSOCIATION	1,073.25	7.50
THOMAS G. ABERNETHY SR., 3973 STUART PLACE JACKSON MS 39211	U.S. CANE SUGAR REFINERS' ASSOCIATION		
SHERMAN ABRAHAMSON, SUITE 370 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	CONTROL DATA CORPORATION		
ACLI INTERNATIONAL, INC, 717 WESTCHESTER AVENUE WHITE PLAINS NY 10604			
ACTION FOR CHILDREN'S TELEVISION, 46 AUSTIN ST. NEWTONVILLE MA 02160		44,089.21	3,464.98
ACTION, INC., 713 D STREET, S.E. WASHINGTON DC 20003	AMERICAN HOME ECONOMICS ASSOCIATION		
Do	AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM	3,132.00	2,350.60
Do	NATIONAL CONGRESS OF AMERICAN INDIANS	3,500.00	1,646.25
JOHN J. ADAMS, 1919 PENNSYLVANIA AVENUE, NW, #700 WASHINGTON DC 20006	ETHYL CORPORATION		
Do	VEPCO	7,732.92	
THOMAS L. ADAMS JR., 1101 15TH STREET, NW WASHINGTON DC 20005	REPUBLIC STEEL CORPORATION		
ADAMS, DUQUE & HAZELTINE, SUITE 420 1920 N STREET, NW WASHINGTON DC 20036	NATIONAL COUNCIL ON TEACHER RETIREMENT		
HOBSON H. ADCOCK, 700 ANDERSON HILL RD. PURCHASE NY 10577	PEPSICO, INC.		
V. J. ADDUCI, 1909 K ST., NW, #300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC.	70.00	
ADVANCE COAL MANAGEMENT CORPORATION, 805 NEWTOWN CIRCLE LEXINGTON KY 40511	RSV MINING EQUIPMENT B.V.		
AEROSPACE INDUSTRIES ASSOCIATION OF AMERICA, INC, 1725 DESALES ST., NW WASHINGTON DC 20036		34,602.51	34,602.51
AFL-CIO MARITIME COMM, 100 INDIANA AVENUE, NW WASHINGTON DC 20001		5,645.00	5,223.31
AGENCY FOR INSTRUCTIONAL TELEVISION, BOX A BLOOMINGTON IN 47401			
ELIZABETH AGLE, 530 7TH ST., SE WASHINGTON DC 20003	NATIONAL CLEAN AIR COALITION, INC.	7,193.14	
ROBERT S. AGMAN, 100 INDIANA AVENUE, NW WASHINGTON DC 20001	LABOR-MANAGEMENT MARITIME COMMITTEE	1,302.60	
HERBERT ALLEN AILSWORTH, SUITE 1101 1050 17TH STREET, NW WASHINGTON DC 20036	SANDOZ, INC.		32.00
AIR PRODUCTS & CHEMICALS, INC, 1800 K ST., NW SUITE 1016 WASHINGTON DC 20006			515.00
AIR TRANSPORT ASSOCIATION OF AMERICA, 1709 NEW YORK AVENUE, NW WASHINGTON DC 20006		34,720.00	34,720.00
RANDOLF H. AIRES, 1211 CONNECTICUT AVENUE, NW, #802 WASHINGTON DC 20036	SEARS, ROEBUCK AND COMPANY	2,550.00	168.75
MICHAEL A. AISENBERG, 8300 PROFESSIONAL PLACE LANDOVER MD 20785	DIGITAL EQUIPMENT CORPORATION	8,750.00	
G. COLBURN AKER, 1201 PENNSYLVANIA AVENUE, NW SUITE 700 WASHINGTON DC 20004	HILL & KNOWLTON, INC.		
AKIN, GUMP, STRAUSS, HAUER & FELD, SUITE 400 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	AG - ENERGY RESOURCES, INC.		
Do	AIR FREIGHT ASSOCIATION	1,500.00	
Do	ALASKA INTERSTATE COMPANY		
Do	AMERADA HESS CORPORATION		
Do	AMERICAN QUASAR PETROLEUM COMPANY	500.00	
Do	AMERICAN STOCK EXCHANGE, INC.	2,500.00	
Do	AMERICAN TELEPHONE & TELEGRAPH COMPANY	3,200.00	
Do	ARCHER DANIELS MIDLAND COMPANY	200.00	
Do	BEACON OIL COMPANY	250.00	
Do	BENEFICIAL CORPORATION	3,000.00	
Do	CAPITAL BANK		
Do	CITIES SERVICE COMPANY	5,000.00	
Do	COALITION OF SERVICE INDUSTRIES, INC.	3,000.00	
Do	COASTAL CORPORATION	250.00	
Do	CONTINENTAL AIRLINES		
Do	DAMSON OIL CORPORATION	500.00	
Do	DESERT GRAPE GROWERS LEAGUE OF CALIFORNIA	7,500.00	
Do	E & J GALLO WINERY	5,000.00	
Do	EQUITABLE BANK		
Do	GOLDMAN SACHS & COMPANY	250.00	
Do	HEMISPHERE NATIONAL BANK		
Do	LONE STAR INDUSTRIES, INC.		
Do	MAPCO INC.	750.00	
Do	MARLEX PETROLEUM, INC.	1,000.00	
Do	METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY	7,900.00	
Do	MILITARY ACCESSORIES SERVICE ASSOCIATION, INC.	400.00	
Do	MISSOURI TERMINAL OIL COMPANY, INC.		
Do	MOTION PICTURE ASSOCIATION OF AMERICA, INC.	22,000.00	
Do	MURPHY OIL CORPORATION	500.00	
Do	NATIONAL FOOTBALL LEAGUE	25,000.00	80.25
Do	NEW ENERGY CORPORATION OF INDIANA		
Do	NORTHWEST ALASKAN PIPELINE COMPANY	2,000.00	
Do	NORTHWEST PIPELINE COMPANY	500.00	
Do	NORTON SIMON, INC.	400.00	
Do	RINGLING BROS. BARNUM AND BAILEY	5,000.00	
Do	RJ REYNOLDS INDUSTRIES, INC.	250.00	
Do	SOUTH HAMPTON, INC	200.00	
Do	SOUTHLAND ROYALTY COMPANY	500.00	
Do	SUN COMPANY, INC.		
Do	TEXAS AIR CORPORATION	9,700.00	
Do	TEXAS INSTRUMENTS INC.		
Do	U.S. COMPANIES, INC.		
Do	VALERO ENERGY CORPORATION	500.00	
Do	WAGNER & BROWN	500.00	
Do	WESTERN AIR LINES, INC.	1,750.00	
JAMES J. ALBERTINE, 1660 L ST., NW, #601 WASHINGTON DC 20036	INTERSTATE NATURAL GAS ASSOCIATION OF AMERICA	300.00	
JOHN M. ALBERTINE, SUITE 209 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE	1,562.50	300.45
ALCALDE, HENDERSON & O'BANNON, 1901 N. FT. MYER DRIVE SUITE 1204 ROSSLYN VA 22209	AMERICAN FISHING TACKLE MANUFACTURERS ASSOCIATION	1,500.00	
Do	AMERICANS FOR THE NATIONAL DIVIDEND ACT, INC.	45,000.00	
Do	ASSOCIATED INDUSTRIES OF FLORIDA	600.00	
Do	BRUNSWICK CORPORATION		
Do	COALITION FOR ENERGY EFFICIENT TRANSPORTATION		
Do	COMPUTER SCIENCES CORPORATION	1,500.00	
Do	CONTINENTAL GROUP, INC.		
Do	DADE COUNTY AVIATION DEPARTMENT	1,500.00	
Do	DADE COUNTY SEAPORT AUTHORITY	1,500.00	
Do	JIM WALTER CORPORATION	3,000.00	
Do	NEWSPAPER-BROADCASTER COMMITTEE	15,000.00	
Do	PAN AMERICAN WORLD AIRWAYS, INC		
Do	TAMPA PORT AUTHORITY	3,600.00	
H. MEADE ALCORN JR., ALCORN, BAKEWELL & SMITH ONE AMERICAN ROW HARTFORD CT 06103	HELEN WODELL HALBACH ESTATE		
DONALD C. ALEXANDER, MORGAN LEWIS & BOCKIUS 1800 M ST., NW, #800 NORTH WASHINGTON DC 20036	ASSOCIATED TELEPHONE ANSWERING EXCHANGES, INC.		
Do	BALDWIN-UNITED CORPORATION	250.00	
Do	COMMITTEE FOR CAPITAL FORMATION THROUGH DIVIDEND REINVESTMENT	60.00	
Do	DISABLED AMERICAN VETERANS		
Do	EASTERN AIR LINES, INC	50.00	
Do	MERRILL LYNCH LIFE AGENCY, INC		
Do	SEQUOIA VENTURES, INC	380.00	
WILLIS W. ALEXANDER, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BANKERS ASSOCIATION	2,500.00	65.41
MAXTON ALLCOX, 400 FIRST ST., NW, RM 801 WASHINGTON DC 20001	BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES	11,403.24	
JOSEPH P. ALLEN, 1899 L ST., N.W. SUITE 400 WASHINGTON DC 20036	INTELLECTUAL PROPERTY OWNERS, INC.	12,640.50	399.82
ROBERT G. ALLEN, 511 C STREET, NE WASHINGTON DC 20002	CONTINENTAL ASSOCIATION OF RESOLUTE EMPLOYERS (C.A.R.E.)		
ALLIANCE FOR CANNABIS THERAPEUTICS, PO BOX 23691 L'ENFANT PLAZA STATION WASHINGTON DC 20024			
ALLIANCE FOR IMMIGRATION REFORM, SUITE 103 1000 POTOMAC STREET, NW WASHINGTON DC 20007		9,500.00	24,867.94
ALLIANCE OF AMERICAN INSURERS, 20 NORTH WACKER DRIVE CHICAGO IL 60606			4,653.95
ALLIANCE TO SAVE ENERGY, 1925 K ST., NW SUITE 507 WASHINGTON DC 20006			565.32
PETER ALLSTROM, 815 16TH ST., NW WASHINGTON DC 20006	FOOD AND BEVERAGE TRADES DEPARTMENT, AFL-CIO	2,406.24	
JOSEPH C. ALLWARDEN, DANIEL WEBSTER HIGHWAY SOUTH MERRIMACK NH 03054	KOLLSMAN INSTRUMENT COMPANY		
HARVEY ALTER, 1615 H STREET., N.W. WASHINGTON DC 20062	U.S. CHAMBER OF COMMERCE	200.00	
RICHARD H. ALTMAN, 444 NORTH CAPITOL ST., NW, #412 WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	1,260.00	
AMALGAMATED TRANSIT UNION, AFL-CIO, 5025 WISCONSIN AVENUE, NW, WASHINGTON DC 20016			8,150.00
JEROME A. AMBRO ASSOCIATES, 2301 SOUTH JEFFERSON DAVIS DRIVE ARLINGTON VA 22202	ASSOCIATED UNIVERSITIES		
Do	COUNTY OF SUFFOLK	8,375.00	8,834.34
Do	NEW YORK STATE DEPARTMENT OF TRANSPORTATION	2,500.00	2,681.84
AMERICAN ACADEMY OF FAMILY PHYSICIANS, 1740 WEST 92ND ST. KANSAS CITY MO 64114		8,096.25	8,096.25
AMERICAN ACADEMY OF OPHTHALMOLOGY, SUITE 300 1101 VERMONT AVENUE, N.W. WASHINGTON DC 20005			926.63
AMERICAN ADVERTISING FEDERATION, 1225 CONNECTICUT AVENUE, NW #401 WASHINGTON DC 20036			
AMERICAN ARTS ALLIANCE, 424 C ST., NE WASHINGTON DC 20002		176,811.19	70,270.14

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
AMERICAN ASSOCIATION OF EQUIPMENT LESSORS, SUITE 1010 1300 NORTH 17TH STREET ARLINGTON VA 22209		5,320.00	5,320.00
AMERICAN ASSOCIATION OF FOUNDATIONS FOR MEDICAL CARE, SUITE 210 5410 GROSVENOR LANE BETHESDA MD 20814			
AMERICAN ASSOCIATION OF HOMES FOR THE AGING, SUITE 770 1050 17TH ST., NW WASHINGTON DC 20036		3,410.00	3,410.00
AMERICAN ASSOCIATION OF MEAT PROCESSORS, P.O. BOX 269 ELIZABETHTOWN PA 17022		43.79	2,903.04
AMERICAN ASSOCIATION OF PORT AUTHORITIES, INC, 1612 K ST., NW WASHINGTON DC 20006			19,778.20
AMERICAN ASSOCIATION OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS, 5410 GROSVENOR LANE, #210 BETHESDA MD 20814.			70.30
AMERICAN AUTOMOBILE ASSOCIATION, 8111 GATEHOUSE RD. FALLS CHURCH VA 22047			
AMERICAN BANKERS ASSOCIATION, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036		54,428.12	54,428.12
AMERICAN BUSINESS CONFERENCE, 1025 CONNECTICUT AVENUE, N.W. SUITE 209 WASHINGTON DC 20036		2,400.00	2,167.51
AMERICAN COUNCIL FOR CAPITAL FORMATION, SUITE 520 1850 K ST., NW WASHINGTON DC 20006		3,545.00	8,659.00
AMERICAN COUNCIL OF LIFE INSURANCE, INC, 1850 K ST., NW WASHINGTON DC 20006			67,180.73
AMERICAN COUNCIL ON ALCOHOL PROBLEMS, 6955 UNIVERSITY AVENUE DES MOINES IA 50311			
AMERICAN FARM BUREAU FEDERATION, 225 TOUHY AVENUE PARK RIDGE IL 60068		117,090.00	117,090.00
AMERICAN FEDERATION OF LABOR AND CONG OF INDUSTRIAL ORGANIZATIONS, 815 16TH ST., NW WASHINGTON DC 20006			450,251.61
AMERICAN FEDERATION OF STATE, COUNTY & MUNICIPAL EMPLOYEES, 1625 L ST., NW WASHINGTON DC 20036			64,635.02
AMERICAN FEED MANUFACTURERS ASSOCIATION, 1701 N. FT. MYER DRIVE ARLINGTON VA 22209		3,000.00	3,000.00
AMERICAN GENERAL LIFE INSURANCE COMPANY, 2727 ALLEN PARKWAY HOUSTON TX 77001			
AMERICAN HELLENIC INSTITUTE PUBLIC AFFAIRS COMMITTEE, 1730 K ST., NW WASHINGTON DC 20006			
AMERICAN HONEY PRODUCERS ASSOCIATION, PO BOX 368 MINCO OK 73059			
AMERICAN HOSPITAL ASSOCIATION, 840 N. LAKE SHORE DRIVE CHICAGO IL 60611		177,504.76	177,504.76
AMERICAN HOTEL & MOTEL ASSOCIATION, 888 SEVENTH AVENUE NEW YORK NY 10019		15,752.43	7,694.17
AMERICAN INSTITUTE OF MERCHANT SHIPPING, SUITE 1000 1625 K ST., NW WASHINGTON DC 20006			1,422.65
AMERICAN INSURANCE ASSOCIATION, 85 JOHN ST. NEW YORK NY 10038		2,202.00	2,202.00
AMERICAN ISRAEL PUBLIC AFFAIRS COMM, #412 444 N. CAPITOL ST., NW WASHINGTON DC 20001		74,888.00	84,522.27
AMERICAN LAND TITLE ASSOCIATION, 1828 L ST., NW WASHINGTON DC 20036			5,638.00
AMERICAN LEAGUE FOR EXPORTS & SECURITY ASSISTANCE, #4400 475 L'ENFANT PLAZA, SW WASHINGTON DC 20024		23,181.87	23,181.87
AMERICAN LIBRARY ASSOCIATION, 50 E. HURON ST. CHICAGO IL 60611		1,289.25	5,360.86
AMERICAN LOBBY FOR PRES. REAGAN'S BALANCED BUDGET AMENDMENT , 2307 RIVIERA DRIVE VIENNA VA 22180		46,606.70	
AMERICAN MARITIME ASSOCIATION, 17 BATTERY PLACE-NORTH NEW YORK NY 10004			
AMERICAN MEAT INSTITUTE, PO BOX 3556 WASHINGTON DC 20007		7,906.08	7,906.08
AMERICAN MEDICAL ASSOCIATION, 535 NORTH DEARBORN ST. CHICAGO IL 60610		1,113.75	58,149.58
AMERICAN METAL DETECTOR MANUFACTURERS' ASSOCIATION, P.O. BOX 446 SWEET HOME OR 97386			
AMERICAN MOVERS CONFERENCE, 400 ARMY-NAVY DRIVE ARLINGTON VA 22202			2,826.00
AMERICAN NATIONAL INSURANCE COMPANY, ONE MOODY PLAZA GALVESTON TX 77550			2,270.04
AMERICAN NEWSPAPER PUBLISHERS ASSOCIATION, BOX 17407 DULLES INTERNATIONAL AIRPORT WASHINGTON DC 20041		25,408.75	25,408.75
AMERICAN NUCLEAR ENERGY COUNCIL, 410 1ST ST., SE WASHINGTON DC 20003		52,059.42	90,866.49
AMERICAN NURSES' ASSOCIATION, 2420 PERSHING RD KANSAS CITY MO 64108		19,100.14	19,100.14
AMERICAN OPTOMETRIC ASSOCIATION, C/O JOHN D. TUMBLIN SUITE 400E 600 MARYLAND AVENUE, SW WASHINGTON DC 20024.		743.32	743.32
AMERICAN ORTHOTIC AND PROSTHETIC ASSOCIATION, 717 PENDLETON ST. ALEXANDRIA VA 22314			
AMERICAN PAPER INSTITUTE, INC, 260 MADISON AVENUE NEW YORK NY 10016			
AMERICAN PARATRANSIT INSTITUTE, P.O. BOX 340276 CORAL GABLES FL 33134			2,400.00
AMERICAN PERSONNEL & GUIDANCE ASSOCIATION, 5203 LEESBURG PIKE FALLS CHURCH VA 22041		26,195.89	16,728.49
AMERICAN PETROLEUM INSTITUTE, 2101 L ST., NW WASHINGTON DC 20037		226,045.00	208,079.00
AMERICAN PHYSICAL THERAPY ASSOCIATION, 1156 15TH ST., NW WASHINGTON DC 20005		8,390.55	5,570.49
AMERICAN PODIATRY ASSOCIATION, 20 CHEVY CHASE CIRCLE WASHINGTON DC 20015			18,852.95
AMERICAN POSTAL WORKERS UNION, AFL-CIO, 817 14TH ST., NW WASHINGTON DC 20005		4,468,711.43	263,934.96
AMERICAN PUBLIC TRANSIT ASSOCIATION, 1225 CONNECTICUT AVENUE, NW WASHINGTON DC 20036		22,872.00	22,872.00
AMERICAN PULPWOOD ASSOCIATION, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036			
AMERICAN SEED TRADE ASSOCIATION, SUITE 964 1030 15TH ST., NW WASHINGTON DC 20005			11,350.00
AMERICAN SHORT LINE RAILROAD ASSOCIATION, 2000 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036			
AMERICAN SOYBEAN ASSOCIATION, SUITE 510 600 MARYLAND AVENUE, S.W. WASHINGTON DC 20024		4,125.00	2,782.48
AMERICAN SURVEYS, EMBASSY SQUARE (SUITE 901) 2000 N ST., NW WASHINGTON DC 20036	NATIONAL CUSTOMS BROKERS & FORWARDERS ASSOCIATION OF AMERICA	512.25	308.38
AMERICAN TEXTILE MANUFACTURERS INSTITUTE, SUITE 300 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036		38,904.60	38,904.60
AMERICAN TRUCKING ASSOCIATION, INC, 1616 P ST., NW WASHINGTON DC 20036		10,290.06	76,683.24
AMERICAN VETERINARY MEDICAL ASSOCIATION, SUITE 828 1522 K ST., NW WASHINGTON DC 20005			
AMERICAN WATERWAYS OPERATORS, INC, SUITE 1000 1600 WILSON BLVD. ARLINGTON VA 22209		12,129.92	2,813.05
AMERICAN WATERWAYS SHIPYARD CONFERENCE, SUITE 1101 1600 WILSON BOULEVARD ARLINGTON VA 22209			
AMERICANS FOR THE NATIONAL VOTER INITIATIVE AMENDMENT, 3115 N ST., NW WASHINGTON DC 20007			
MORRIS J. AMITAY, SUITE 168 400 N. CAPITOL ST., NW WASHINGTON DC 20001	NATIONAL SATELLITE CABLE ASSOCIATION	2,000.00	
Do	NORTHROP CORPORATION	3,000.00	
Do	PAN AMERICAN WORLD AIRWAYS, INC	4,500.00	
JOHN G. AMS, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSOCIATION OF REALTORS	1,750.00	279.46
EDWARD ANDERSEN, 1616 H ST., NW WASHINGTON DC 20006	NATIONAL GRANGE	785.00	
ANDERSON & PENDLETON, SUITE 707 1000 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	MILITARY MISSION OF CHILE		
ANTHONY L. ANDERSON, 1800 K ST., NW, SUITE 820 WASHINGTON DC 20006	SUN COMPANY, INC	4,934.00	234.15
ARNE ANDERSON, 1325 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20005	AMERICAN FEDERATION OF GOVERNMENT EMPOLOYEES	6,517.98	
GWEN A. ANDERSON, SUITE 101 1220 19TH STREET, NW WASHINGTON DC 20036	SMALL BUSINESS ON-PREMISE SIGN FOUNDATION		
J. LEM ANDERSON, 888 16TH ST., NW WASHINGTON DC 20006	TIME INC	2,500.00	14.96
M. KENT ANDERSON, BOX 300 TULSA OK 74102	CITIES SERVICE COMPANY		
ROBERT L. ANDERSON, JOHN DEERE RD. MOLINE IL 61265	DEERE & COMPANY		
WAYNE C. ANDERSON, 1629 K ST., NW WASHINGTON DC 20006	NABISCO, INC	5,000.00	1,313.87
WILLIAM C. ANDERSON, 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		36.25
JACK O. ANDRESEN, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
ANDREWS & KURTH, 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	SPACE SERVICES INC. OF AMERICA		
ROBERT ANGEL, 1000 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	JAPAN ECONOMIC INSTITUTE OF AMERICA	300.00	
JACK R. ANGELL, 1101 17TH ST., NW SUITE 704 WASHINGTON DC 20036	UNITED GAS PIPE LINE COMPANY		
JAY ANGOFF, 215 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	CONGRESS WATCH	3,749.99	
J. DONALD ANNETT, 1050 17TH ST., NW, #500 WASHINGTON DC 20036	TEXACO, INC	500.00	
TOBIAS ANTHONY, 1612 K ST., NW, WASHINGTON DC 20006	RESEARCH-COTTRELL, INC	3,000.00	208.20
APARTMENT & OFFICE BUILDING ASSOCIATED OF METROPOLITAN WASH.D.C., SUITE 600 1413 K ST., NW WASHINGTON DC 20005.			
JOHN D. AQUILINO JR , 1600 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	NATIONAL RIFLE ASSOCIATION OF AMERICA		
JOHN CHRISTIAN ARCHER, 1730 RHODE ISLAND AVENUE, NW, #213 WASHINGTON DC 20036	BROWN & ROOT, INC		
JOHN ARCHER, 8111 GATEHOUSE RD. FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSOCIATION		
ROY A. ARCHIBALD, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSOCIATION		
ARENT, FOX, KINTNER, PLOTKIN & KAHN, 1815 H STREET, NW WASHINGTON DC 20006	CENTRAL STATES SE & SW AREAS HEALTH, WELFARE & PENSION FUNDS	120,499.65	6,052.09
Do	GUARDIAN LIFE INSURANCE COMPANY OF AMERICA		497.92
Do	INTELSAT	15,579.23	290.05
Do	MOTOR & EQUIPMENT MANUFACTURERS ASSOCIATION	25,000.00	
Do	URANERZBERGBAU-GMBH		843.28
J. KNOX ARGO, ARGO & ENSLEN, P.C. P.O. BOX 1550 MONTGOMERY AL 36102	MOTION PICTURE ASSOCIATION OF AMERICA, INC		
ARMOUR HANDCRAFTS, INC., 230 5TH AVENUE NEW YORK NY 10001			
ARNOLD & PORTER, 1200 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	LONE STAR INDUSTRIES, INC	200.00	
CARL F. ARNOLD, 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN FAMILY CORPORATION	480.00	
Do	AMERICAN IRON & STEEL INSTITUTE	500.00	
Do	AMERICAN PETROLEUM INSTITUTE	11,250.00	
Do	CORPORATE PROPERTY INVESTORS	500.00	
Do	MEAD CORPORATION	720.00	
Do	MORTGAGE GUARANTY INSURANCE CORPORATION	350.00	
Do	NATIONAL REALTY COMMITTEE	600.00	
Do	QUINTANA PETROLEUM CORPORATION	375.00	
Do	QUINTANA REFINERY COMPANY	375.00	
Do	SECURITIES INDUSTRY ASSOCIATION	467.00	
Do	SECURITY FIRST GROUP, INC	500.00	
ARTER HADDEN & HEMMENDINGER, 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	PROQUINAL, LTDA. & AD HOC COMM. OF AMERICAN VINYL DISTRIBUTORS & UPHOLSTERY MANUFACTURERS.	600.00	225.00
ASBILL & JUNKIN, SUITE 401 419 7TH STREET, NW WASHINGTON DC 20004	COALITION ON SMOKING OR HEALTH	23,976.25	14,121.95
THOMAS LUDLOW ASHLEY, P.C., 1730 PENNSYLVANIA AVENUE, N.W. SUITE 1050 WASHINGTON DC 20006	AMERICAN INTERNATIONAL GROUP, INC		
Do	FEDERAL HOME LOAN MORTGAGE CORPORATION	18,900.00	11,318.41
Do	GENERAL PUBLIC UTILITIES, INC	15,000.00	8,822.11
Do	IRVING TRUST COMPANY		
Do	LOCKHEED CORPORATION	8,312.50	9.00
Do	SAVINGS BANK OF PUGET SOUND	2,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	TELEDYNE CAE		
Do	TOLEDO-LUCAS COUNTY PORT AUTHORITY		
Do	WITKOWSKI, WEINER, MCCAFFREY & BRODSKY, P.C.		
JOSEPH ASHOOH, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
ASPHALT ROOFING MANUFACTURERS ASSOCIATION, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON, DC 20036			
ASSOCIATED BUILDERS & CONTRACTORS, INC, 729 15TH ST., NW WASHINGTON DC 20005		10,000.00	
ASSOCIATED CREDIT BUREAUS, INC, 16211 PARK-TEN PLACE P.O. BOX 218300 HOUSTON TX 77084			53.40
ASSOCIATED EMPLOYERS, INC., 1222 N. MAIN, #315A, SAN ANTONIO, TX 78212			
ASSOCIATED GENERAL CONTRACTORS OF AMERICA, 1957 E ST., NW WASHINGTON DC 20006			
ASSOCIATION FOR BIOMEDICAL RESEARCH, 400-2 TOTTEN POND ROAD SUITE 200 WALTHAM MA 02154		33,375.00	8,619.65
ASSOCIATION FOR THE IMPROVEMENT OF THE MISSISSIPPI RIVER, 10 BROADWAY ST.LOUIS MO 63102			7,979.10
ASSOCIATION OF AMERICAN FOREIGN SERVICE WOMEN, P.O. BOX 8068 WASHINGTON DC 20024		2,430.00	
ASSOCIATION OF AMERICAN LAW SCHOOLS, ONE DUPONT CIRCLE, NW, #370 WASHINGTON DC 20036			
ASSOCIATION OF AMERICAN PUBLISHERS, 2005 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036		8,063.63	8,063.63
ASSOCIATION OF AMERICAN RAILROADS, AMERICAN RAILROADS BUILDING, SUITE 720 1920 L ST., NW WASHINGTON DC 20036.		40,129.03	40,129.03
ASSOCIATION OF AMERICAN VETERINARY MEDICAL COLLEGES, SUITE 828 1522 K ST., NW WASHINGTON DC 20005			
ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATIONS, 1300 NORTH 17TH ST. SUITE 300 ARLINGTON VA 22209			
ASSOCIATION OF GOVERNMENT ACCOUNTANTS, SUITE 100 727 SOUTH 23RD ST. ARLINGTON VA 22202			
ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC, 1735 DESALES ST., NW WASHINGTON DC 20036			6,464.28
ASSOCIATION OF PRIVATE PENSION & WELFARE PLANS, INC., 1201 PENNSYLVANIA AVENUE, NW, #340, WASHINGTON, DC 20004.		29,384.14	34,736.97
ASSOCIATION OF TRIAL LAWYERS OF AMERICA, 1050 31ST ST., NW WASHINGTON DC 20007		9,632.50	9,632.50
GEORGE J. ASTE, 1825 K ST., NW, #607 WASHINGTON DC 20006	UNITED AIRLINES	500.00	
CARL E. ATKINSON, 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	U.S. STEEL CORPORATION		
ATLANTIC RICHFIELD COMPANY, SUITE 1001 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036			2,580.00
LLOYD G. ATOR JR., 1120 CONNECTICUT AVENUE, NW WASHINGTON, DC 20036	AMERICAN BANKERS ASSOCIATION	1,500.00	673.27
FRITZ E. ATTAWAY, 1600 EYE ST., NW WASHINGTON DC 20006	MOTION PICTURE ASSOCIATION OF AMERICA, INC.	38.46	6.25
GEORGE L. ATWOOD, SUITE 500 700 S. COLORADO BLVD. DENVER CO 80222	MONSANTO CO.	5,400.00	4,285.18
AUDIO RECORDING RIGHTS COALITION, 2001 EYE STREET, NW WASHINGTON DC 20006		113,000.00	78,539.56
DAVID AUSTERN, 918 16TH STREET, NW WASHINGTON DC 20006	AMERICAN LOGISTICS ASSOCIATION		
CLAUDIA MANSFIELD AUSTIN, 1801 N. MOORE STREET ARLINGTON VA 22209	AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS		
RONALD R. AUSTIN, 1201 16TH STREET, NW WASHINGTON DC 20036	OVERSEAS EDUCATION ASSOCIATION & NATIONAL EDUCATION ASSOCIATION		
AUTOMOTIVE PARTS REBUILDERS ASSOCIATION, 6849 OLD DOMINION DRIVE MCLEAN VA 22101		4,371.00	4,370.21
JOHN S. AUTRY, SUITE 810 2000 L ST., NW WASHINGTON DC 20036	SPERRY CORPORATION	2,000.00	2,500.00
AVENEL ASSOCIATES, INC, BOX 53131 WASHINGTON DC 20009	BROWARD FEDERAL SAVINGS & LOAN ASSOCIATION	3,050.00	108.75
AVIATION CONSUMER ACTION PROJECT, 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036			20.09
WILLIAM H AXTMAN, RM. 160 950 N. GLEBE RD. ARLINGTON VA 22203	AMERICAN BOILER MANUFACTURERS ASSOCIATION		
PAMELA S. AYCOCK, 2601 WOODLEY PL., NW WASHINGTON DC 20008	O'BRIEN, FIERCE & EBERLE (FOR HUNTON & WILLIAMS)		
WALTER C. AYERS, VIRGINIA PETROLEUM COUNCIL 1809 STAPLES MILL RD. RICHMOND VA 23230	AMERICAN PETROLEUM INSTITUTE		
CRAIG H. BAAB, 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSOCIATION	400.00	5.00
JED L. BABBIN, 4910 NORTH 27TH STREET ARLINGTON VA 22207	SHIPBUILDERS COUNCIL OF AMERICA	13,750.00	102.83
HOPE M. BABCOCK, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	1,211.00	279.19
PATTI JO BABER, 919 18TH ST., NW #400 WASHINGTON DC 20006	DIAMOND SHAMROCK CORPORATION	1,500.00	25.10
DALE R. BABIONE, 1700 N. MOORE ST. ROSSLYN VA 22209	BOEING COMPANY		
BACHE, HALSEY, STUART, SHIELDS INC., 100 GOLD ST. NEW YORK NY 10272			750.00
WILLIAM DOUGLAS BADGER, 12695 CASTILE CT. WOODBRIDGE VA 22192	CHRISTIAN ACTION COUNCIL, INC.	5,162.50	6,249.93
BAER MARKS & UPHAM, 299 PARK AVENUE NEW YORK NY 10171	COMMODITY EXCHANGE, INC.		
CARL E. BAGGE, COAL BUILDING WASHINGTON DC 20036	NATIONAL COAL ASSOCIATION	3,050.00	81.11
JOAN N. BAGGETT, 815 15TH ST., NW WASHINGTON DC 20005	INTERNATIONAL UNION OF BRICKLAYERS AND ALLIED CRAFTSMEN	3,000.00	405.50
GEORGE F. BAILEY JR., P.O. BOX 21 MONTGOMERY AL 36101	ALABAMA RAILROAD ASSOCIATION		
PAUL C. BAILEY JR., 1545 18TH STREET, NW WASHINGTON DC 20036	SOUTHERN COMPANY SERVICES, INC.	405.00	457.21
WILLIAM W. BAILEY, 1050 17TH ST., NW SUITE 650 WASHINGTON DC 20036	MERCK & COMPANY, INC.	1,000.00	370.74
JUDITH L. BAIRD, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	ATLANTIC RICHFIELD COMPANY	250.00	
JOHN BAIZE, CAPITOL GALLERY BUILDING, #510 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN SOYBEAN ASSOCIATION	1,125.02	325.00
EDWARD R. BAJER, 1015 15TH ST., NW, #802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	450.00	
BAKER & BOTTS, 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	HOUSTON LIGHTING & POWER COMPANY	203.00	
Do	PENNZOIL COMPANY		307.67
Do	ROTAN MOSLE, INC.		
Do	TEXAS INTERNATIONAL AIRLINES, INC.		
BAKER & DANIELS, SUITE 600 1920 N ST..NW WASHINGTON DC 20036	ROCK ISLAND REFINING CORPORATION	350.00	
BAKER & HOSTETLER, 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	CLEVELAND INSTITUTE OF ELECTRONICS		
Do	FEDERAL CARTRIDGE CORPORATION		
Do	TIMKEN FOUNDATION		
EMIL F. BAKER, 1303 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	FLEET RESERVE ASSOCIATION		
JAMES JAY BAKER, 1600 RHODE ISLAND AVENUE, N.W. WASHINGTON DC 20036	NATIONAL RIFLE ASSOCIATION OF AMERICA	675.00	70.80
WALDON L. BAKER, SUITE 802 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	100.00	
BARBARA J. BALCH, 2350 5TH STREET ROCK ISLAND IL 61201	THER-A-PEDIC MIDWEST, INC.		
ALBERT L. BALDOCK, 1050 17TH ST., NW WASHINGTON DC 20036	RICHARDSON-VICKS INC.	140,000.00	
DONALD BALE, 7436 CHUMMLEY COURT FALLS CHURCH VA 22043	CENTER TO PROTECT WORKERS' RIGHTS	9,999.99	415.21
H.R. BALIKOV, THORNALL STREET EDISON NJ 08818	J. M. HUBER CORPORATION		
JACQUELINE BALK-TUSA, 1625 EYE ST., NW, #809 WASHINGTON DC 20006	BOISE CASCADE CORPORATION		
W. ALLEN BALL, P.O. BOX 12910 CHARLESTON SC 29142	KIAWAH ISLAND COMPANY	472.50	946.40
BALLARD, SPAHR, ANDREWS & INGERSOLL, SUITE 1100 1850 K STREET, NW WASHINGTON DC 20006	ALASKA INDUSTRIAL DEVELOPMENT AUTHORITY		2,027.87
Do	AMERICAN CAN COMPANY		
Do	DELAWARE RIVER PORT AUTHORITY		268.74
Do	PENNSYLVANIA ASSOCIATION OF INDUSTRIAL DEVELOPMENT AUTHORITIES		
Do	PHILADELPHIA PORT CORPORATION		160.64
Do	PORT OF WILMINGTON, DELAWARE		53.05
Do	SOUTH JERSEY PORT CORPORATION		53.05
Do	WEST VIRGINIA INDUSTRIAL DEVELOPMENT ASSOCIATION		3.39
MICHAEL BALY III, 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSOCIATION	4,000.00	49.20
WILLIAM BARCLIFT, 923 15TH ST., N.W. WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	4,500.00	511.14
JUDY BARDACKE 11 DUPONT CIRCLE,NW WASHINGTON DC 20036	AMERICAN FEDERATION OF TEACHERS		
ROBERT O. BARKER, 801 NORTHLAND TOWERS WEST SOUTHFIELD MI 48075	NATIONAL ASSOCIATION OF MANUFACTURERS	1,500.00	23.50
THOMAS H. BARKSDALE JR., 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INSTITUTE	5,500.00	367.80
BARLEY AND MALT INSTITUTE, 733 N. VAN BUREN ST. SUITE 610 MILWAUKEE WI 53202		29,788.14	5,350.00
DONNA R. BARNAKO, 2600 VIRGINIA AVENUE, NW SUITE 1100 WASHINGTON DC 20037	NATIONAL COUNCIL OF HEALTH CENTERS	1,062.00	118.35
JOHN H. BARNARD JR., 50 BEALE ST., PO BOX 3965 SAN FRANCISCO CA 94119	BECHTEL CORPORATION		
BARNES RICHARDSON & COLBURN, SUITE 400 1819 H ST., NW WASHINGTON DC 20006	FLORIDA CITRUS MUTUAL		
Do	INDUSTRIAS QUIMICAS Y TARTARICAS, S.A.		
Do	TARTARIC CHEMICALS CORPORATION		
Do	WOODHOUSE, DRAKE & CAREY (TRADING), INC.		
Do	WORLD CARRIER, INC.	3,662.50	
Do	STRATTON HATS, INC.	12,500.00	112.35
Do	U.S. CANTALOUPE GROWERS & IMPORTERS ASSOCIATION	6,465.00	109.30
BARNETT & ALAGIA, 1627 K ST., NW, #900 WASHINGTON DC 20006	CUBAN AMERICAN PUBLIC AFFAIRS COUNCIL	1,812.54	
Do	DADE COUNTY FARM BUREAU	75.06	
Do	FLORDIA FRUIT AND VEGETABLE	10,088.83	
Do	FLORIDA TOMATO EXCHANGE	5,696.59	
Do	NATIONAL MILK PRODUCERS FEDERATION		122.58
LARRY P. BARNETT, 1709 NEW YORK AVENUE, NW WASHINGTON DC 20006	AIR TRANSPORT ASSOCIATION OF AMERICA	7,000.00	
PAMELA H. BARNETT, 100 MARYLAND AVENUE, N.E. WASHINGTON DC 20002	RELIGIOUS COALITION FOR ABORTION RIGHTS, INC.	4,999.98	
BARNETT, YINGLING, & SHAY, SUITE 810 1090 VERMONT AVENUE, NW WASHINGTON DC 20005	SAVINGS BANK OF PUGET SOUND	120.00	4.00
Do	CITIBANK, N.A.	410.00	8.00
Do	CROCKER NATIONAL BANK		
NEIL D. BARON, BOOTH & BARON 122 EAST 42ND ST. NEW YORK NY 10168	STANDARD & POOR'S CORPORATION		
JAMES C. BARR, 1730 RHODE ISLAND AVENUE, NW, #810 WASHINGTON DC 20036	CREDIT UNION NATIONAL ASSOCIATION, INC.	300.00	50.39
DAVID M. BARRETT, BARRETT, HANNA, DALY & GASPAR 2550 M STREET, NW, #475 WASHINGTON DC 20037	ENERGY CONSUMERS AND PRODUCERS ASSOCIATION	6,000.00	2,326.78
Do	NATIONAL MEDICAL ENTERPRISES, INC.	4,175.00	1,377.11
BARRETT SMITH SCHAPIRO SIMON & ARMSTRONG, SUITE 1400 26 BROADWAY NEW YORK NY 10004	HUGO NEU & SONS, INC.		
Do	IRVING TRUST COMPANY		
Do	METROPOLITAN TRANSPORTATION AUTHORITY	5,821.00	
Do	NEW YORK FUTURES EXCHANGE, INC.	925.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	NEW YORK STATE MORTGAGE LOAN ENFORCEMENT & ADMINISTRATION CORPORATION.		
Do	NEW YORK STATE URBAN DEVELOPMENT CORPORATION		
ROBERT W. BARRIE, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC COMPANY	2,500.00	
HARVEY BARRISON, 291 BROADWAY NEW YORK NY 10007	C. A. SHEA & COMPANY, INC		
THEA ROSSI BARRON, 150 LITTLE FALLS STREET FALLS CHURCH VA 22046	RIGHT TO LIFE CRUSADE	1,500.00	5.06
DAVID S. BARROWS, 1201 S. W. 12TH, #200 PORTLAND OR 97205	ASSOCIATION OF OREGON & CALIFORNIA LAND GRANT COUNTIES	1,200.00	
JOHN BARRY, 715 EIGHTH STREET, NW WASHINGTON DC 20003	NATIONAL VICTIMS OF CRIME		
ROGER V. BARTH, 1120 20TH ST., NW SUITE 300 SOUTH WASHINGTON DC 20036	AMERICAN ASSOCIATION FOR CLINICAL CHEMISTRY		
LINDA LEIGH BARTLETT, 1010 WISCONSIN AVENUE, NW, #800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC		
RICHARD A. BARTON, 1730 K ST., NW, #905 WASHINGTON DC 20006	DIRECT MAILMARKETING ASSOCIATION	1,400.00	
JAMES P. BASS, 1101 17TH ST., NW WASHINGTON DC 20036	AMERICAN AIRLINES, INC	675.00	
ROBERT E. BATES JR , 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	MOBIL OIL CORPORATION	1,125.00	
ROSE F. BATES, 1050 THOMAS JEFFERSON ST., N.W. WASHINGTON DC 20007	AMERICAN SAMOA		
Do	OASIS PETROLEUM COMPANY		
Do	ST. JOE MINERALS CORPORATION		
Do	WESTWOOD ENERGY, INC		
DAVIS M. BATSON, 1155 15TH ST., NW SUITE 611 WASHINGTON DC 20005	ETHYL CORPORATION	1,600.00	
LAURIE C. BATTLE, 1709 NEW YORK AVENUE, NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	2,600.00	
LYNNE D. BATTLE, 1101 CONNECTICUT AVENUE, NW, #705 WASHINGTON DC 20036	COLLEGE PLACEMENT COUNCIL, INC		
JOHN F. BATTLES, C/O MASSACHUSETTS PETROLEUM COUNCIL 11 BEACON ST., #515 BOSTON MA 02108	AMERICAN PETROLEUM INSTITUTE	1,000.00	699.30
BATZELL NUNN & BODE, 1015 15TH ST., NW WASHINGTON DC 20005	INDEPENDENT TERMINAL OPERATORS ASSOCIATION	500.00	
JOHN E. BAUGHMAN, 400 N. THIRD ST. HARRISBURG PA 17101	PENNSYLVANIA STATE EDUCATION ASSOCIATION		
ROBERT J. BAUGHMAN, 717 PENDLETON ST. ALEXANDRIA VA 22314	AMERICAN ORTHOTIC AND PROSTHETIC ASSOCIATION		
JAMES R. BAXTER, 2033 K ST., NW, #200 WASHINGTON DC 20006	NATIONAL CONSTRUCTION EMPLOYERS COUNCIL		
TINA MARTS BEACH, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC COMPANY	84.00	
BRUCE A. BEAM, SUITE 1041 1801 K ST., NW WASHINGTON DC 20006	AMERICAN ELECTRIC POWER CORPORATION	331.40	336.17
REGINALD E. BEANE, 205 EAST 42ND STREET NEW YORK NY 10017	RISK AND INSURANCE MANAGEMENT SOCIETY, INC		
DANIEL P. BEARD, BEARD AND ASSOCIATES P.O. BOX 2394 COLUMBIA MD 21045	AMERICAN RIVERS CONSERVATION COUNCIL		
MICHAEL K. BEARD, 100 MARYLAND AVENUE, NE WASHINGTON DC 20002	NATIONAL COALITION TO BAN HANDGUNS		
THERESA E. BEARMAN, 9TH FLOOR 1111 19TH STREET, NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	2,250.00	500.00
DONALD S. BEATTIE, 400 FIRST ST., NW WASHINGTON DC 20001	RAILWAY LABOR EXECUTIVES' ASSOCIATION	2,891.95	
CHRISTINE T. BEATTY, 1730 RHODE ISLAND AVENUE, NW, #612 WASHINGTON DC 20036	ST. JOE MINERALS CORPORATION	7,500.00	434.08
HUBERT BEATTY, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
LAURA L. BEATY, 806 N. JEFFERSON ST. ARLINGTON VA 22205	NATIONAL PARKS & CONSERVATION ASSOCIATION	1,039.50	26.50
JANET F. BECHERER, 400 N. THIRD STREET BOX 1724 HARRISBURG PA 17101	PA STATE EDUCATION ASSOCIATION		
EDWARD A. BECK III, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSOCIATION OF HOME BUILDERS OF THE U.S.		
ROBERT G. BECKEL, 115 D ST., SE, #108, WASHINGTON DC 20003	NATIONAL COALITION OF TELECOMMUNICATIONS USERS & PROVIDERS		
ROBERT J. BECKER, 3077 W JEFFERSON, SUITE 204 JOLIET IL 60435	JOINT COUNCIL OF ALLERGY & IMMUNOLOGY		
WILLIAM W. BEDDOW, 1101 15TH ST., NW WASHINGTON DC 20005	NATIONAL CONSTRUCTORS ASSOCIATION	925.00	
JON CHARLES BEDNERIK, 499 SOUTH CAPITOL ST., S.W. SUITE 417 WASHINGTON DC 20003	INTERNATIONAL ASSOCIATION OF DRILLING CONTRACTORS	1,400.00	
EDWIN L. BEHRENS, 1801 K ST., NW, #230 WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING COMPANY	50.00	
MAX J. BEILKE, 5535 HEMPSTEAD WAY P.O. BOX 1406 SPRINGFIELD VA 22151	NATIONAL ASSOCIATION FOR UNIFORMED SERVICES	1,437.50	
ALEXANDER B. BELL, 9618 COTTRELL TERRACE SILVER SPRING MD 20903	UNITED ASSOCIATION OF JOURNEYMEN & APPRENTICES OF PLUMBING & PIPEFITTING INDUSTRY.	3,750.00	218.20
BELL BOYD & LLOYD, THREE FIRST NATIONAL PLAZA 70 WEST MADISON STREET CHICAGO IL 60602	BOISE CASCADE CORPORATION		
HOWARD H. BELL, 1225 CONNECTICUT AVENUE, NW, #401 WASHINGTON DC 20036	AMERICAN ADVERTISING FEDERATION		
WINSTON EVERETT BELL, P.O. BOX 26543 LAS VEGAS NV 89126			
C. THOMAS BENDORF, 3615 OVERCREEK DRIVE COLUMBIA SC 29206	ASSOCIATION OF TRIAL LAWYERS OF AMERICA	5,000.00	450.00
BENEFICIAL MANAGEMENT CORPORATION OF AMERICA, 1100 CARR RD. WILMINGTON DE 19899			14.04
BRUCE BENEFIELD, SUITE 2600 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
BENESCH, FRIEDLANDER, COPLAN & ARONOFF, 1100 CITIZENS BUILDING CLEVELAND OH 44114	MIDWEST ALLIANCE FOR INDUSTRIAL FINANCING & RESTRUCTURING		
KENNETH U. BENJAMIN JR , 1101 VERMONT AVENUE, NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSOCIATION	2,887.00	229.70
W. M. BENKERT, 1625 K ST., NW, #1000 WASHINGTON DC 20006	AMERICAN INSTITUTE OF MERCHANT SHIPPING	1,250.00	3.65
DOUGLAS P. BENNETT, 3238 PROSPECT ST., NW WASHINGTON DC 20007	ASSOCIATION OF EXECUTIVE RECRUITING CONSULTANTS, INC		
JAMES M. BENNETT, 3514 NORTH SUMMIT AVENUE, SHOREWOOD, WI 53211	JOS. SCHLITZ BREWING COMPANY		
WILLIAM C. BENNETT JR , 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	ATLANTIC RICHFIELD COMPANY	650.00	
JOHN C. BENNISON, 4400 MACARTHUR BLVD., NW WASHINGTON DC 20007	AMERICAN SOCIETY OF TRAVEL AGENTS	6,000.00	
FREDERICK S. BENSON III, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PAPER INSTITUTE, INC		
NANCY C. BENSON, 1575 EYE ST., NW, #220 WASHINGTON DC 20005	AMERICAN CYANAMID COMPANY	760.00	180.45
JAMES E. BENTON, N. J. PETROLEUM COUNCIL 170 W. STATE ST. TRENTON NJ 08608	AMERICAN PETROLEUM INSTITUTE	32.00	
DAVID A. BEREN, 910 17TH ST., NW WASHINGTON DC 20006	INTERNATIONAL ASSOCIATION OF ICE CREAM MANUFACTURERS & MILK INDUSTRIES FOUNDATION.		
GEORGE L. BERG JR., 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FEDERATION	4,950.00	175.00
REBECCA J. BERG, 2550 M ST., NW SUITE 770 WASHINGTON DC 20037	RJR INDUSTRIES, INC	400.00	198.42
O. M. BERGE, 12050 WOODWARD AVENUE DETROIT MI 48203	BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES		
EDWIN M. BERGSMARK, THREE SEAGATE TOLEDO OH 43603	TOLEDO TRUST COMPANY	37.00	
PAUL C. BERGSON, 2550 M ST., NW WASHINGTON DC 20037	RJR INDUSTRIES, INC	2,356.00	80.00
JANE W. BERGWIN, SUITE 290 1050 17TH ST.,NW WASHINGTON DC 20036	CONSUMERS POWER COMPANY	200.00	
FRANK BRETT BERLIN, 1612 K ST., NW SUITE 1100 WASHINGTON DC 20006	CRAY RESEARCH, INC		
JASON S. BERMAN, SUITE 250 2020 K ST., NW WASHINGTON DC 20006	WARNER COMMUNICATIONS INC	15,000.00	31,065.44
RICHARD B. BERMAN, P.O. BOX 222102 DALLAS TX 75222	STEAK & ALE RESTAURANTS OF AMERICA, INC		
WILLIAM R. BERMAN, 8111 GATEHOUSE RD. FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSOCIATION		
MARY E. BERNHARD, 1090 VERMONT AVENUE, N.W. SUITE 500 WASHINGTON DC 20005	FLEXIBLE PACKAGING ASSOCIATION		
CHARLES BERNHARDT, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
GEORGE K. BERNSTEIN, 1730 K ST., NW WASHINGTON DC 20006	AMERICAN INSURANCE ASSOCIATION	2,500.00	
Do	CRUM & FORSTER INSURANCE COMPANIES		
RACHELLE B. BERNSTEIN, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	1,200.00	31.34
MAX N. BERRY, 3213 O ST., NW WASHINGTON DC 20007	CENTRE NATIONAL INTERPROFESSIONNEL DE L'ECONOMIC LAITIERE		
Do	COMMITTEE TO ASSURE THE AVAILABILITY OF CASEIN		
Do	MEAT PRODUCTS GROUP, AMERICAN IMPORTERS ASSOCIATION		
FRANK S. BESSON III, 1129 20TH STREET, NW WASHINGTON DC 20036	AM GENERAL CORPORATION	1,450.00	58.02
ROBERT A. BEST, SUITE 4400 475 L'ENFANT PLAZA, SW WASHINGTON DC 20024	AMERICAN LEAGUE FOR EXPORTS & SECURITY ASSISTANCE	10,000.00	
Do	ARCHER-DANIELS-MIDLAND COMPANY	3,000.00	
WILLIAM M. BEUTE, 25 BROADWAY CLARK NJ 07066			
ROBERT L. BEVAN, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BANKERS ASSOCIATION	6,000.00	167.67
BEVERIDGE & DIAMOND, P.C., 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	DOW CHEMICAL COMPANY		
Do	EDISON ELECTRIC INSTITUTE		
Do	NEW ENGLAND ELECTRIC SYSTEM	902.50	19.00
Do	UNION CAMP CORPORATION	666.25	24.00
Do	UNION MINES		
Do	UNITED CHURCH OF CHRIST	4,675.00	66.53
FRANK BIANCO, 1835 MATTHEWS AVENUE BRONX NY 10462	10TH PRO LIFE CONGRESSIONAL DIST ACTION COMM		
JAMES N. BIERMAN, 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	FOLEY,LARDNER,HOLLABAUGH & JACOBS (FOR: INDEPENDENT REFINERS ASSOCIATION OF AMERICA).		
MOE BILLER, 817 14TH ST., NW WASHINGTON DC 20005	AMERICAN POSTAL WORKERS UNION, AFL-CIO	8,953.21	
BILLIG SHER & JONES, 2033 K ST., NW WASHINGTON DC 20006	ADHERENCE GROUP, INC		7.00
Do	SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION, DIVISION OF RAILROADS		
Do	STEAMSHIP CONFERENCES	7,200.00	1,080.59
LEON G. BILLINGS, INC., SUITE 713 1660 L STREET, NW WASHINGTON DC 20036	STATE OF MONTANA	9,250.00	
BINGHAM, DANA & GOULD, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	CONSUMER BANKERS ASSOCIATION		72.35
Do	FEDERATION FOR AMERICAN IMMIGRATION REFORM		
BIRCH HORTON BITTNER & MONROE, SUITE 1100 1140 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ALASKA NATIONAL BANK OF THE NORTH		
Do	ALASKA POWER AUTHORITY		
Do	CALISTA CORPORATION		
Do	CHUGACH NATIVES, INC		
Do	COASTAL CORPORATION		
Do	COOK INLET REGION, INC		
Do	FIRST FEDERAL SAVINGS & LOAN ASSOCIATION		
Do	JIM JONES, GOVERNMENT RESEARCH & DEVELOPMENT CORPORATION		
Do	MAPCO INC		
Do	SEALASKA CORPORATION		
Do	ST. GEORGE/TANAQ CORPORATION		
Do	TEAMSTERS LOCAL 959		
Do	WESTINGHOUSE ELECTRIC CORPORATION		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	WIEN AIR ALASKA		
BONNIE G. BIRD, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSOCIATION OF MANUFACTURERS		
WILLIAM J. BIRKHOFER, 1015 - 15TH STREET, N.W. # 802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	875.00	
WILLIAM H. BIRTCIL JR., SUITE 2700 1090 WILSON BOULEVARD ARLINGTON VA 22209	TRW, INC.	1,000.00	
H. RADFORD BISHOP, P.O. BOX 52163 ATLANTA GA 30355	NATIONAL HEALTH CARE FINANCING ASSOCIATION		
RICHARD A. BISHOP, 1616 H STREET, NW, #813 WASHINGTON DC 20006	INTERNATIONAL TELEPHONE & TELEGRPAH CORPORATION		
PHIL M. BITTER, 1700 K STREET N W. SUITE 1204 WASHINGTON DC 20006	CHEVRON USA, INC	490.00	
NEAL R. BJORNSON, 1840 WILSON BOULEVARD ARLINGTON, VA 22201	NATIONAL MILK PRODUCERS FEDERATION	2,950.00	98.20
TOM G. BLACK, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
BLACK, MANAFORT, & STONE, INC., 435 NORTH LEE ST. ALEXANDRIA VA 22314	NATIONAL SECURITIES CLEARING CORPORATION		
Do	AMERICAN NEWSPAPER PUBLISHERS ASSOCIATION	15,000.00	
Do	TOSCO CORPORATION	14,025.00	395.83
HELEN BLANK, 1520 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	CHILDREN'S DEFENSE FUND	200.55	9.40
BLATCHFORD, EPSTEIN & BRADY, 1000 POTOMAC ST., NW WASHINGTON DC 20007	ARMOUR HANDCRAFTS, INC.		266.03
Do	CARON INTERNATIONAL/COLUMBIA MINERVA		266.03
Do	CONSTRUCTORA NACIONAL DE CARROS DE FERROCARRIL, S.A.		
Do	DIMENSIONS, INC.	1,500.00	266.03
Do	NATIONAL ASSOCIATION OF PRIVATE ENTERPRISE	5,000.00	
Do	SUNSET DESIGNS		266.03
KENNETH T. BLAYLOCK, 1325 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20005	AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES	18,729.06	3,575.73
SAMUEL A. BLEICHER, BLANK, ROME, COMISKY & MCCAULEY 1700 K STREET, NW, #404 WASHINGTON DC 20006	A & S TRANSPORTATION COMPANY	8,112.50	
Do	RADNOR CORPORATION	13,342.50	1,475.90
RICHARD W. BLISS, BLISS & CRAFT 1050 THOMAS JEFFERSON ST., NW, 6TH FL. WASHINGTON DC 20007	CONOCO, INC.		
Do	MARLINE OIL CORPORATION		
Do	NORTHERN VIRGINIA SAVINGS & LOAN ASSOCIATION		
Do	OASIS PETROLEUM COMPANY		
Do	WESTWOOD ENERGY, INC		
JERALD BLIZIN, HILL & KNOWLTON, INC, 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20009	HILL & KNOWLTON, INC		
ELLEN BLOCK, 3RD FLOOR 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	825.00	
L. THOMAS BLOCK, ONE WALL STREET NEW YORK NY 10015	IRVING TRUST COMPANY	1,000.00	1,647.00
PETER L. BLOCKLIN, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BANKERS ASSOCIATION	1,000.00	
HOLTON E. BLOMGREN, 1745 JEFFERSON DAVIS HWY, SUITE 511, ARLINGTON VA 22202	NATIONAL MANUFACTURED HOUSING FEDERATION	12,501.81	
DOUGLAS M. BLOOMFIELD, 444 NORTH CAPITOL ST. NW #412 WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	14,454.96	
MARK BLOOMFIELD, SUITE 520 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL FOR CAPITAL FORMATION	1,833.00	
BLUM & NASH, SUITE 408 1015 18TH ST., NW WASHINGTON DC 20036	GENERAL ELECTRIC COMPANY		
Do	MERCK & COMPANY, INC.	5,500.00	40.00
Do	TIME, INC.		
Do	TWIN COASTS NEWSPAPER, INC		
JACK A. BLUM, 1015 18TH ST., NW WASHINGTON DC 20036	INDEPENDENT GASOLINE MARKETERS COUNCIL	25,000.00	750.00
JARED O. BLUM, 1730 M ST., NW, #610 WASHINGTON DC 20036	DIRECT SELLING ASSOCIATION	900.00	120.90
ROBERT A. BLUM, THREE EMBARCADERO CENTER 28TH FLOOR SAN FRANCISCO CA 94111	MCCUTCHEN, DOYLE, BROWN & ENERSEN (FOR: PERMANENTE MEDICAL GROUP, INC.).	5,500.00	11,927.28
WAYNE F. BOAN, 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSOCIATION OF MANUFACTURERS	1,300.00	
BOAT OWNERS ASSOCIATION OF THE U.S., 880 S. PICKETT ST. ALEXANDRIA VA 22304		25,000.00	34,256.28
DAVID A. BOCKORNY, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSOCIATION OF REALTORS	2,500.00	495.57
ROBERT Z. BOHAN, 1101 16TH ST., NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSOCIATION	54.80	11.30
PATRICIA BOINSKI, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	ATLANTIC RICHFIELD COMPANY		
ROBERT J. BOLGER, P.O. BOX 1417-D49 ALEXANDRIA VA 22313	NATIONAL ASSOCIATION OF CHAIN DRUG STORES, INC	1,650.00	
BERNADETTE BOLTON, 400 FIRST ST., NW SUITE 800 WASHINGTON DC 20001	BROTHERHOOD OF RAILROAD SIGNALMEN	300.00	
A. DEWEY BOND, P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	500.00	
JAY BONITT, 300 MARYLAND AVENUE, NE WASHINGTON DC 20002	BENDIX CORPORATION	800.00	90.00
SHARON LEE BONITT, 1025 CONNECTICUT AVENUE, NW, #200 WASHINGTON DC 20036	SHELL OIL COMPANY	500.00	
BONSIB, INC, P.O. BOX 1807 WASHINGTON DC 20013			
GAYLON B. BOOKER, 1918 N. PARKWAY MEMPHIS TN 38112	NATIONAL COTTON COUNCIL OF AMERICA		
EDWARD T. BORDA, 1625 EYE ST., NW, #1023 WASHINGTON DC 20006	ASSOCIATION OF GENERAL MERCHANDISE CHAINS	4,000.00	
LAURENCE D. BORY, SUITE 802 1015 15TH ST. NW WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	750.00	
CHARLES E. BOSWELL, 100 INDIANA AVENUE, NW, #403 WASHINGTON DC 20001	AMALGAMATED TRANSIT UNION, NATIONAL CAPITOL DIVISION 689		
G. STEWART BOSWELL, 1611 NORTH KENT ST., #800 ARLINGTON VA 22209	AMERICAN APPAREL MANUFACTURERS ASSOCIATION, INC	5,417.00	53.80
MARION L. BOSWELL, 6646 MADISON MCLEAN VA 22101	ITALIAN AEROSPACE INDUSTRIES (U.S.A.), INC.	40.00	12.00
CHARLES G. BOTSFORD, SUITE 515 1730 M ST., NW WASHINGTON DC 20036		1,500.00	138.00
STEPHEN F. BOTSFORD, 4320 PAYNE AVENUE, CLEVELAND, OH 44103	MIDWEST ALLIANCE FOR INDUSTRIAL FINANCING & RESTRUCTURING		
ALBERT D. BOURLAND, 1660 L ST., NW, #800 WASHINGTON DC 20036	GENERAL MOTORS CORPORATION	3,000.00	1,835.67
FRANK J. BOWDEN JR , ASSOCIATED PETROLEUM INDUSTRIES OF PA P.O. BOX 925 HARRISBURG PA 17108	AMERICAN PETROLEUM INSTITUTE		
M. STEPHANIE BOWER, 102 LYNMOOR DRIVE SILVER SPRING MD 20901	UNITED FARM WORKERS OF AMERICA, AFL-CIO	2,250.00	880.32
DAVID W. BOWERS, 1801 K ST., NW, #1201 WASHINGTON DC 20006	U.S. INDEPENDENT TELEPHONE ASSOCIATION	1,000.00	
ROBERT R. BOWERS, WEST VIRGINIA PETROLEUM COUNCIL SUITE 714 ATLAS BUILDING CHARLESTON WV 25301	AMERICAN PETROLEUM INSTITUTE		
BOWERY SAVINGS BANK, 110 EAST 42ND STREET NEW YORK NY 10017			854.05
EDWARD L. BOWLEY, 15600 CANDY HILL RD., UPPER MARLBORO, MD 20772	NATIONAL LEAGUE OF POSTMASTER		
RANDAL BOWMAN, 1612 K ST., NW WASHINGTON DC 20006	WILDLIFE LEGISLATIVE FUND OF AMERICA	4,478.00	
BOWMAN, CONNER, TOUHEY & THORNTON, 2828 PENNSYLVANIA AVENUE, NW, #203 WASHINGTON DC 20007	NATIONAL ASSOCIATION OF ARCRAFT & COMMUNICATION SUPPLIERS, INC	7,725.00	793.75
BOWMER COURTNEY BURLESON & PEMBERTON, P.O. BOX 844 TEMPLE TX 76503	TRIBAL COUNCIL AND COUSHATTA TRIBE		3,765.25
JIM D. BOWMER, P.O. BOX 844 TEMPLE TX 76503	TRIBAL COUNCIL OF THE COUSHATTA TRIBE OF LOUISIANA		2,618.81
JOAN COSTAIN BOWYER, 1015 15TH ST., NW WASHINGTON DC 20005	PHELPS DODGE CORPORATION	150.00	
JOHN G. BOYD, 1801 K ST., NW WASHINGTON DC 20006	INTERNATIONAL BUSINESS MACHINES CORPORATION	517.50	104.25
ROBERT K. BOYD, 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSOCIATION	3,500.00	789.05
VAN R. BOYETTE, P.O. BOX 33728 WASHINGTON DC 20033	AMERICAN PETROLEUM REFINERS ASSOCIATION	75.00	
THURMAN L. BOYKIN, 2772 S. RANDOLPH ST., #202 ARLINGTON VA 22206	ARKANSAS 2000, INC		
J. PATRICK BOYLE, 727 N WASHINGTON ST., ALEXANDRIA VA 22314	UNITED FRESH FRUIT & VEGETABLE ASSOCIATION	950.00	66.70
STEPHEN S. BOYNTON, SUITE 1204 1901 N. FT. MYER DRIVE ARLINGTON VA 22209	AMERICAN FUR RESOURCES INSTITUTE	500.00	10.00
BRACEWELL & PATTERSON, SUITE 1200 1825 EYE ST., N.W. WASHINGTON DC 20006	CLC OF AMERICA, INC.		
Do	COMDISCO, INC.	450.00	179.55
Do	DRESSER INDUSTRIES	900.00	359.10
Do	HOUSTON NATURAL GAS CORPORATION	825.00	329.17
Do	SOUTHDOWN/PELTO OIL COMPANY	450.00	179.55
Do	U.S. TUNA FOUNDATION	150.00	59.85
Do	VALERO ENERGY CORPORATION	900.00	359.00
BRACY WILLIAMS & COMPANY, SUITE 304 1000 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CALIFORNIA NICKEL CORPORATION	15,000.00	15,017.00
Do	CITY OF TUCSON	7,000.00	5,282.00
Do	ENERGY ABSORPTION SYSTEMS, INC	2,000.00	2,021.00
Do	PRATT & WHITNEY AIRCRAFT GROUP	10,000.00	4,968.00
Do	QUIXOTE CORPORATION	2,000.00	2,035.00
FRANK W. BRADLEY, 1700 K ST., NW WASHINGTON DC 20006	CHEVRON USA, INC	3,000.00	
WAYNE W. BRADLEY, 1101 VERMONT AVENUE, NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSOCIATION	625.00	16.00
DENNIS M. BRADSHAW, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
CHARLES N. BRADY, 8111 GATEHOUSE RD. FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSOCIATION		
CHARLES G. BRAGG, P.O. BOX 12285 MEMPHIS TN 38112	NATIONAL COTTON COUNCIL OF AMERICA		
KENNETH N. BRAGG, 105 E STREET, SE WASHINGTON DC 20003	HOLY LAND STATE COMMITTEE		
RAYMOND F. BRAGG JR , P.O. BOX 33728 WASHINGTON DC 20033	AMERICAN PETROLEUM REFINERS ASSOCIATION	100.00	
STUART J. BRAHS, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	3,244.80	6,810.32
MARK BRAND, SUITE 905 1625 K ST., NW WASHINGTON DC 20006	CREAMER DICKSON BASFORD, INC.		
Do	KANSAS CITY, MISSOURI		
THOMAS EDWARD BRASWELL, CORCORAN, YOUNGMAN & ROWE 888 17TH ST., NW, SUITE 600 WASHINGTON DC 20006	NEWPORT NEWS SHIPBUILDING & DRYDOCK COMPANY	1,000.00	
ROY BRAUNSTEIN, 817 14TH ST., NW WASHINGTON DC 20005	AMERICAN POSTAL WORKERS UNION, AFL-CIO	13,476.81	358.10
PETER ELLIOT BRAVEMAN, 500 NEWPORT CENTER DRIVE SUITE 555 NEWPORT BEACH CA 92660	LOEB AND LOEB (FOR: JOAN IRVINE SMITH)	15,750.00	161.00
NOEL BRAZIL, 600 MARYLAND AVENUE, SW SUITE 400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSOCIATION		
EDWARD T. BREATHITT, 920 15TH ST., NW WASHINGTON DC 20005	NORFOLK SOUTHERN CORPORATION	1,000.00	
JOHN HENRY BREBBIA, ALSTON MILLER & GAINES 1800 M ST., NW, #1000 WASHINGTON DC 20036	BOARD OF TRADE CLEARING CORPORATION		
Do	RCA GLOBAL COMMUNICATIONS, INC.		
ROY S. BREDDER, SUITE 1004 1101 17TH ST., NW WASHINGTON DC 20036	AMERICAN DENTAL ASSOCIATION	1,000.00	
BREED, ABBOTT & MORGAN, 1875 EYE ST., NW, #1000 WASHINGTON DC 20006	ASSOCIATED HOSPITAL SERVICE OF NEW YORK		
Do	DONALD C. LUBICK (FOR: TALISMAN FUND)	2,845.00	3.00
Do	HANDY AND HARMAN	1,490.00	7.00
BRENDA I. BREGMAN, 100 MARYLAND AVENUE , N.E. WASHINGTON DC 20002	PANHANDLE EASTERN PIPE LINE COMPANY		15.00
BREGMAN, ABELL & KAY, SUITE 610 1900 L ST., NW WASHINGTON DC 20036	RELIGIOUS COALITION FOR ABORTION RIGHTS, INC.	3,150.00	
	AFL-CIO	2,100.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	AIR TRANSPORT ASSOCIATION OF AMERICA	800.00	
Do	AMERICAN CAR RENTAL ASSOCIATION	1,250.00	
Do	COMMITTEE FOR EFFECTIVE TAX INCENTIVES		
Do	CONSOLIDATED FREIGHTWAY CORPORATION		
Do	HILTON INTERNATIONAL, INC		
Do	NORTON SIMON, INC	5,000.00	
Do	ROADWAY EXPRESS, INC		
Do	RYDER SYSTEMS, INC	2,000.00	
Do	TRANS WORLD AIRLINES, INC		
Do	TRANS WORLD CORPORATION		
Do	TRUCK RENTING & LEASING ASSOCIATION	1,250.00	
MICHAEL J. BRENNAN, 1750 NEW YORK AVENUE, NW WASHINGTON DC 20006	INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCT. & ORNAMENTAL IRON WORKERS	10,800.00	546.30
RICHARD M. BRENNAN, 1100 15TH ST., NW WASHINGTON DC 20005	UNION CARBIDE CORPORATION		
MILES H. BRESEE JR., 50 BEALE ST., P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
JOHN B. BREWER, P.O. BOX 2303 400 ARMY-NAVY DRIVE ARLINGTON VA 22202	AMERICAN MOVERS CONFERENCE		
ALBERT E. BREWSTER, SUITE 2300 1000 WILSON BLVD. ARLINGTON VA 22209	NORTHROP CORPORATION		
ALAN E. BRIAN, P.O. BOX 130 LEVIS, QUEBEC, CANADA	DAVIE SHIPBUILDING LIMITED		
JAMES R. BRIDGES, THELEN, MARRIN, JOHNSON & BRIDGES TWO EMBARCADERO CENTER SAN FRANCISCO CA 94111	SEQUOIA VENTURES, INC	1,600.00	
CLAUDE S. BRINEGAR, 461 S. BOYLSTON ST. LOS ANGELES CA 90017	UNION OIL COMPANY OF CALIFORNIA		
BELVA B. BRISSETT, 1771 N ST., NW WASHINGTON DC 20036	NATIONAL ASSOCIATION OF BROADCASTERS	1,500.00	332.00
ELIZABETH Y. BRITTON, 2550 M STREET, N.W. WASHINGTON DC 20037	RJR INDUSTRIES, INC	230.10	39.14
ELLEN BROADMAN, 1511 K ST., NW SUITE 1033 WASHINGTON DC 20005	CONSUMERS UNION OF U.S., INC	60.00	4.00
DAVID A. BRODY, 1640 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH	1,920.00	
PHILLIP J. BROMAN, SUITE 600 919 18TH STREET, NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, USA, INC	600.00	27.00
MICHAEL D. BROMBERG, 1111 19TH ST., NW, #402 WASHINGTON DC 20036	FEDERATION OF AMERICAN HOSPITALS	4,500.00	
MICHAEL R. BROMWICH, 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: INDEPENDENT REFINERS ASSOCIATION OF AMERICA).		
PHILLIP W. BROOKS, VOLUNTEER STATE OIL COMM 18TH FLOOR, THIRD NATIONAL BANK BUILDING NASHVILLE TN 37219	AMERICAN PETROLEUM INSTITUTE	590.00	29.25
DAVID W. BROOME, 1800 M ST., NW, #870-S WASHINGTON DC 20036	BURLINGTON INDUSTRIES, INC	2,500.00	19,100.00
DANIEL T. BROSS, 1101 17TH ST., NW SUITE 704 WASHINGTON DC 20036	UNITED GAS PIPE LINE COMPANY	950.00	248.93
MARIO BROSSI, 5713 WILSON LANE, BETHESDA, MD. 20817	DIRECT SELLING ASSOCIATION	500.00	
DONALD G. BROTZMAN, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	RUBBER MANUFACTURERS ASSOCIATION	10,000.00	
BEN JARRATT BROWN, SUITE 103 1000 POTOMAC STREET, NW WASHINGTON DC 20007	CORPORATION FOR GOVERNMENT ACTION, INC	2,500.00	
CHARLES B. BROWN, 900 17TH ST., NW WASHINGTON DC 20006	KAISER ALUMINUM & CHEMICAL CORPORATION	480.00	6.00
CHARLES T. BROWN, BOX 100 MIAMI AZ 85539	CITIES SERVICE COMPANY		52.80
DAVID S. J. BROWN, 1101 17TH ST., NW, #604 WASHINGTON DC 20036	MONSANTO COMPANY	450.00	288.40
ELLEN B. BROWN, 729 15TH ST, NW, WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS		
ELLEN S. BROWN, SUITE 310 1140 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	COUNCIL OF ENERGY RESOURCE TRIBES		
JAMES F. BROWN, 410 FIRST STREET, SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	450.00	
JESSE B. BROWN, 1900 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20068	POTOMAC ELECTRIC POWER COMPANY	27.02	
JESSE P. BROWN JR., 1918 N. PARKWAY MEMPHIS TN 38112	NATIONAL COTTON COUNCIL OF AMERICA		
MARY ELIZABETH BROWN, 1201 16TH ST., NW WASHINGTON, DC 20036	NATIONAL EDUCATION ASSOCIATION		
RALPH BROWN, SUITE 107 701 S. 22ND STREET OMAHA NB 68102	M.O.A.A.I.O.A. & SUBS, INC		
BROWN TODD & HEYBURN, 1600 CITIZENS PLAZA LOUISVILLE KY 40202	BROWN & WILLIAMSON TOBACCO CORPORATION	4,469.00	
VINCENT D. BROWN, 800 SO. 13TH STREET P.O. BOX 95063 LINCOLN NB 68509	AMERICAN PETROLEUM INSTITUTE	500.00	1.60
WILLIAM E. BROWN, 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	FORD MOTOR COMPANY	529.20	164.27
WILLIAM R. BROWN, 499 SOUTH CAPITOL STREET, S.W. SUITE 412 WASHINGTON DC 20003	COUNCIL OF STATE CHAMBERS OF COMMERCE	183.28	
BROWN, RODAY, BONVILLIAN & GOLD, 1300 19TH STREET, NW, #300 WASHINGTON DC 20036	DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION		872.23
Do	KANSAS CITY SOUTHERN RAILWAY	21,300.00	2,698.24
Do	LOUISVILLE & NASHVILLE RAILROAD		
Do	METROPOLITAN TRANSIT AUTHORITY	4,875.00	475.71
DONALD T. BROWNE, 205 EAST 42ND STREET NEW YORK NY 10017	RISK & INSURANCE MANAGEMENT SOCIETY, INC		
THOMAS H. BROWNELL, P. O. BOX 3999 SEATTLE WA 98124	BOEING COMPANY	265.65	234.70
BROWNSTEIN ZEIDMAN & SCHOMER, SUITE 900 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	INTERNATIONAL FOODSERVICE MANUFACTURERS ASSOCIATION		
Do	INTERNATIONAL FRANCHISE ASSOCIATION		
Do	MORTGAGE GUARANTY INSURANCE CORPORATION		
Do	NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS		
Do	NATIONAL HOUSING REHABILITATION ASSOCIATION		
Do	NEW YORK STATE URBAN DEVELOPMENT CORPORATION		
JOHN R. BRUCH, P.O. BOX 5000 CLEVELAND OH 44101	CLEVELAND ELECTRIC ILLUMINATING COMPANY		618.50
JAMES W. BRUNER JR., 2197 LAKE TAHOE BLVD. P.O. BOX 10110 SOUTH LAKE TAHOE CA 95731	LEAGUE TO SAVE LAKE TAHOE	9,000.00	612.45
KATHRYNE M. BRUNER, 2021 K ST., NW, #709 WASHINGTON DC 20006	GENERAL ATOMIC COMPANY	725.00	139.61
WILLIAM K. BRUNETTE, 1909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSOCIATION OF RETIRED PERSONS	363.46	116.50
ROBERT O. BRUNNER, 1909 K ST., NW WASHINGTON DC 20049	AMERICAN ASSOCIATION OF RETIRED PERSONS	424.03	12.92
J. CHARLES BRUSE, 1211 CONNECTICUT AVENUE, NW, #802, WASHINGTON, DC 20036	ALLSTATE ENTERPRISES, INC		
Do	ALLSTATE INSURANCE GROUP	690.00	178.99
HARVEY F. BRUSH, 50 BEALE ST., PO BOX 3965 SAN FRANCISCO CA 94119	BECHTEL INC		
MARGARET H. BRYANT, 1899 L ST., NW, #500 WASHINGTON DC 20036	AMERICAN NATURAL RESOURCES COMPANY	670.00	84.00
SUSAN BUCK, 108 S. AKARD STREET DALLAS TX 75202	U.S. TELEPHONE COMMUNICATIONS, INC	1,150.00	2,836.00
JOHN S. BUCKLEY, SUITE 600 1523 L STREET, NW WASHINGTON DC 20005	NATIONAL TAX LIMITATION COMMITTEE	4,000.00	75.00
ROBERT D. BUEHLER, 1800 K ST., NW, #929 WASHINGTON DC 20006	BF GOODRICH COMPANY	400.00	
SUSAN M. BUFFONE, 3604 34TH STREET, NW WASHINGTON DC 20008	NATIONAL PARKS AND CONSERVATION ASSOCIATION	150.00	
DOUGLAS E. BUIE, 1185 AVENUE OF THE AMERICAS NEW YORK NY 10036	J.P. STEVENS & COMPANY, INC	360.00	567.80
BUILDING OWNERS & MANAGERS ASSOCIATION INTERNATIONAL, 1221 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20005.			
DOUGLAS W. BULCAO, 1101 CONNECTICUT AVENUE, NW, #300 WASHINGTON DC 20036	AMERICAN TEXTILE MANUFACTURERS INSTITUTE	1,000.00	10.80
DARREL D. BUNGE, MINNESOTA PETROLEUM COUNCIL 300 NORTHERN FEDERAL BUILDING ST. PAUL MN 55102	AMERICAN PETROLEUM INSTITUTE	150.00	
DAVID A. BUNN, SUITE 406 1211 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	HEARST CORPORATION	900.00	
Do	MAGAZINE PUBLISHERS ASSOCIATION, INC	4,000.00	
Do	PARCEL SHIPPERS ASSOCIATION	1,000.00	
LAWRENCE E. BURCH, 1735 JEFFERSON DAVIS HWY, #903 ARLINGTON VA 22202	POTATO CHIP/SNACK FOOD ASSOCIATION		
NORMAN D. BURCH, SUITE 401 1101 VERMONT AVENUE, NW WASHINGTON DC 20005	COLLEGE OF AMERICAN PATHOLOGISTS	5,220.00	80.10
DAVID G. BURDEN, 200 E. RANDOLPH DRIVE CHICAGO IL 60601	STANDARD OIL COMPANY		
PAUL F. BURDETT, 10 EMERSON COURT SEVERNA PARK MD 21146	MERRELL DOW PHARMACEUTICALS INC		38.00
HARRIET HUNT BURGESS, 82 2ND ST. SAN FRANCISCO CA 94105	TRUST FOR PUBLIC LAND	2,100.00	2,472.11
WILLIAM J. BURHOP, 1709 NEW YORK AVENUE, NW WASHINGTON DC 20006	AIR TRANSPORT ASSOCIATION OF AMERICA	10,000.00	
GERARD P. BURKE, 1117 SPOTSWOOD DRIVE, SILVER SPRING, MD. 20904	INTERNATIONAL AIR LEASES, INC		
J.J. BURKE JR., 40 E. BROADWAY BUTTE MT 59701	MONTANA POWER COMPANY		376.51
BURLEY & DARK LEAF TOBACCO EXPORT ASSOCIATION, 1100 17TH ST., NW WASHINGTON DC 20036		29,111.79	1,391.18
BILL D. BURLISON, 499 SOUTH CAPITOL STREET, S.W. SUITE 102 WASHINGTON DC 20003	EMERSON ELECTRIC COMPANY	3,750.00	114.61
Do	MCDONNELL DOUGLAS CORPORATION	8,750.00	240.54
Do	PLANNING RESEARCH CORPORATION	2,500.00	114.61
DAVID G. BURNEY, 2040 HARBOR ISLAND DRIVE, #206 SAN DIEGO CA 92101	U.S. TUNA FOUNDATION	6,000.00	3,000.00
CHARLES S. BURNS, 1015 15TH ST., NW WASHINGTON DC 20005	PHELPS DODGE CORPORATION	1,200.00	
GERRIE BJORNSON BURNS, 1800 K ST., NW, #929 WASHINGTON DC 20006	B.F. GOODRICH COMPANY	100.00	
TIMOTHY F. BURNS, 2501 M ST., NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC	300.00	
BURR PEASE & KURTZ, INC, 810 N ST. ANCHORAGE AK 99501	EKLUTNA, INC		
B. KENT BURTON, 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSOCIATION, INC	8,000.00	141.89
BUSBY, REHM & LEONARD, 1629 K ST., NW, #1100 WASHINGTON DC 20006	UNIVERSAL LEAF TOBACCO COMPANY, INC		
BUSINESS PRODUCTS COUNCIL ASSOCIATION, P.O. BOX 53964 FAYETTEVILLE NC 28305			
JAMES J. BUTERA, 1709 NEW YORK AVENUE, NW SUITE 200 WASHINGTON DC 20006	NATIONAL ASSOCIATION OF MUTUAL SAVINGS BANKS	3,937.50	
BUTLER BINION RICE COOK & KNAPP, 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	BROWARD COUNTY, FLORIDA	1,050.00	
Do	CITY OF HOUSTON/DEPARTMENT OF AVIATION	1,790.00	63.00
Do	CITY OF PHILADELPHIA	35,047.50	794.60
Do	INEXCO OIL COMPANY		
Do	PENNSYLVANIA SHIPBUILDING COMPANY	180.00	
Do	PEOPLE EXPRESS AIRLINES, INC	22,430.00	1,071.00
JOHN W. BUTLER, SUITE 310 1140 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	COUNCIL OF ENERGY RESOURCE TRIBES		
WILLIAM A. BUTLER, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	5,000.00	150.00
THOMAS D. BYRNE, 2111 JEFFERSON DAVIS HIGHWAY, 917 NORTH ARLINGTON VA 22202	STONE CONTAINER CORPORATION		
JOHN W. BYRNES, 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: INSURANCE ASSOCIATION OF CONNECTICUT).		
JOHN F. BYSET, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.		
C & B ASSOCIATES, 1750 NEW YORK AVENUE, NW WASHINGTON DC 20006	CLADOUHOS & BRASHARES (FOR: TOYOTA MOTOR SALES,USA)	300.00	
Do	CLADOUHOS & BRASHARES (FOR SECURITIES GROUP)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	CLADOUHOS & BRASHARES (FOR SMITH, BARNEY, HARRIS & UPHAM COMPANY)	250.00	
Do	CARL M. FREEMAN ASSOCIATES, INC	300.00	
Do	LOCKHEED CORPORATION	200.00	
Do	WASHINGTON PSYCHIATRIC SOCIETY	150.00	
Do	WORLDWIDE INFORMATION RESOURCES (FOR STATE OF MONTANA)		
CADWALADER, WICKERSHAM & TAFT, 7TH FLOOR 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	ASPHALT ROOFING MANUFACTURERS ASSOCIATION		
Do	GENERAL DYNAMICS CORPORATION		
Do	KWAJALEIN ATOLL CORPORATION		6.00
Do	MOCATTA METALS CORPORATION		
Do	PHILADELPHIA STOCK EXCHANGE, INC	637.00	572.00
Do	SHELL OIL COMPANY		
ROY C. CAHOON, 6100 KNOLLWOOD DRIVE FALLS CHURCH VA 22041	NATIONAL AUTOMATIC MERCHANDISING ASSOCIATION		
MORRISON G. CAIN, 1625 I ST., NW, #1023 WASHINGTON DC 20006	ASSOCIATION OF GENERAL MERCHANDISE CHAINS	6,250.00	
ALAN CALDWELL, SUITE 770 2550 M STREET, NW WASHINGTON DC 20037	RJR INDUSTRIES, INC	1,200.00	119.00
FRANK W. CALHOUN, 3400 TEXAS COMMERCE TOWER HOUSTON TX 77002	HOUSTON ENDOWMENT, INC		5,388.63
CALIFANO, ROSS & HEINEMAN, 1575 I ST., NW SUITE 600 WASHINGTON DC 20005	COCA-COLA COMPANY		
Do	FEDERAL NATIONAL MORTGAGE ASSOCIATION	1,730.00	
Do	FLUOR CORPORATION	1,960.00	
Do	GENERAL TIRE & RUBBER COMPANY		
Do	HORN & HARDART COMPANY		
Do	NATIONAL ASSOCIATION OF PUBLIC HOSPITALS	130.00	
Do	SENIOR CORPORATION		
CALIFORNIA HOUSING COUNCIL, 1225 8TH STREET, #325 SACRAMENTO CA 95814			
PETER E. CALLANAN, 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	HONEYWELL, INC	250.00	450.00
JOHN C. CALLIHAN, 299 PARK AVENUE NEW YORK NY 10171	WESTVACO CORPORATION	350.00	234.00
CALMAR COMMUNICATIONS, 500 NORTH DEARBORN STREET, #1115 CHICAGO IL 60610	SUGAR USERS GROUP	5,000.00	
CALORIE CONTROL COUNCIL, #500-D 5775 PEACHTREE-DUNWOODY RD. ATLANTA GA 30342			3,053.00
GORDON L. CALVERT, BOX 34-531 WASHINGTON DC 20817	COMMERICIAL LAW LEAGUE OF AMERICA, COMM COLL. AGENCY SECTION		
ARTHUR E. CAMERON, SUITE 110 499 S. CAPITOL ST., SW WASHINGTON DC 20003	AMERICAN GREYHOUND TRACK OPERATORS ASSOCIATION	4,500.00	
Do	FERRO CORPORATION, CATAPHOTE DIVISION	5,688.00	
Do	SAFETRAN SYSTEMS CORPORATION	5,850.00	
CAMP, CARMOUCHE, PALMER, BARSH & HUNTER, 2550 M ST., NW, #275 WASHINGTON DC 20037	GEORGE K. BAUM & COMPANY	300.00	
Do	BLYTH EASTMAN PAINE WEBBER, INC	300.00	
Do	JOSEPH CANIZARO		
Do	CHAPMAN & CUTLER	300.00	
Do	COALITION FOR AN EFFECTIVE ENERGY INVESTMENT TAX CREDIT	75.00	
Do	CUMBERLAND SECURITIES	300.00	
Do	EASTERN CENTRAL MOTOR CARRIERS ASSOCIATION	75.00	
Do	EG&G SYNFUELS, INC	225.00	
Do	ESSEX	300.00	
Do	FRAZER LANIER COMPANY	300.00	
Do	GOLDMAN SACKS & COMPANY	300.00	
Do	INTERMEDICS	262.50	
Do	KIDDER, PEABODY	300.00	
Do	KING & SPALDING	300.00	
Do	LEHMAN BROTHERS	300.00	
Do	MCDONALD & COMPANY	300.00	
Do	MOBIL OIL CORPORATION	1,537.50	
Do	NATURAL GAS SUPPLY ASSOCIATION	300.00	
Do	NORTH, HASKELL, SLAUGHTER, YOUNG AND LEWIS	300.00	
Do	LEWIS		
Do	PENNZOIL COMPANY	150.00	
Do	PPG INDUSTRIES, INC	300.00	
Do	RAUSCHER PIERCE REFSNES	300.00	
Do	STERN, AGEE & LEACH	300.00	
Do	THORNTON, FARISH & GAUNTT	300.00	
Do	U.S. LEAGUE OF SAVINGS ASSOCIATIONS		
Do	UNION PACIFIC RAILROAD		
Do	WHEAT FIRST SECURITIES, INC	300.00	
ANGELA CAMPBELL, 600 NEW JERSEY AVE. NW, WASHINGTON, DC 20001	WRIGHT & MCGILL COMPANY	150.00	
C. R. CAMPBELL JR., SUITE 900 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	INSTITUTE FOR PUBLIC REPRESENTATION	150.00	
CARL C. CAMPBELL, 1030 15TH ST., NW, SUITE 700 WASHINGTON DC 20005	GENERAL TELEPHONE & ELECTRONICS	3,000.00	
CHARLES ARGYLL CAMPBELL, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL COTTON COUNCIL OF AMERICA	454.55	
JEANNE CAMPBELL, 1800 MASSACHUSETTS AVENUE, NW, #510 WASHINGTON DC 20036	NATIONAL ASSOCIATION OF MANUFACTURERS		
JERRY L. CAMPBELL, 831 CHESTNUT ST. CHATTANOOGA TN 37402	NEW ENGLAND COUNCIL, INC		
KEVIN B. CAMPBELL, 101 CONSTITUTION AVENUE, N.W. WASHINGTON DC 20001	TENNESSEE VALLEY PUBLIC POWER ASSOCIATION		
THOMAS D. CAMPBELL, SUITE 500 1000 16TH ST., NW WASHINGTON DC 20036	UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA	6,300.00	2,160.00
ALYCE D. CANADAY, 918 16TH ST., NW WASHINGTON DC 20006	STANDARD OIL COMPANY (INDIANA)	1,500.00	572.46
ROBERT P. CANAVAN, 1201 16TH ST., NW WASHINGTON DC 20036	PACIFIC POWER AND LIGHT COMPANY	740.00	692.21
SHARON M. CANAVAN, 1125 15TH ST., NW WASHINGTON DC 20005	NATIONAL EDUCATION ASSOCIATION	2,123.45	129.00
CANDLELIGHTERS, 123 C ST., SE WASHINGTON DC 20003	MORTGAGE BANKERS ASSOCIATION OF AMERICA	4,800.00	73.00
PAUL W. CANE, 50 BEALE ST., P.O. BOX 3965 SAN FRANCISCO CA 94119	CANDLELIGHTERS		
DAVE CANNARD, 113 W. 1ST VANCOUVER WA 98660	BECHTEL POWER CORPORATION		
W. DEAN CANNON JR., 9800 S. SEPULVEDA BLVD. SUITE 500 LOS ANGELES CA 90045	FRIENDS OF THE COLUMBIA GORGE		82.00
DAVID L. CANTOR, SUITE 1200 1133 15TH STREET, NW WASHINGTON DC 20005	CALIFORNIA SAVINGS & LOAN LEAGUE	3,000.00	4,610.37
RICHARD A. CANTOR, P.O. BOX 8293 WASHINGTON DC 20024	COALITION FOR ENVIRONMENTAL ENERGY BALANCE (CEEB)	432.00	
CAPITAL COUNSELORS, INC., 1700 K STREET, N.W. WASHINGTON DC 20006	OIL INVESTMENT INSTITUTE		
GERALD M. CAPLAN, 733 15TH STREET, NW WASHINGTON DC 20005	ELECTRONIC DATA SYSTEMS CORPORATION		
CAPLIN & DRYSDALE, SUITE 1100 1101 17TH ST., NW WASHINGTON DC 20036	LEGAL SERVICES CORPORATION	44.19	6.00
Do	AETNA LIFE & CASUALTY	7,386.00	13.23
DONALD L. CAPSHAW, 2426 DOGWOOD TRAIL DRIVE GERMANTOWN TN 38138	AMERICAN FAMILY LIFE ASSURANCE COMPANY OF GA		
ARNOLD P. CAPUTO, 1970 HOPEWOOD DRIVE FALLS CHURCH, VA 22043	AIRLINE PILOTS ASSOCIATED		
CONSTANTINE G. CARAS, 2344 S. RALFE ST. ARLINGTON VA 22202	NATIONAL CONCRETE MASONRY ASSOCIATION	80.00	53.50
NORVAL E. CAREY, 2021 K ST., NW, SUITE 709 WASHINGTON DC 20006	OGDEN CORPORATION	5,000.00	51.00
SARAH C. CAREY, SUITE 420 1920 N STREET, NW WASHINGTON DC 20036	GENERAL ATOMIC COMPANY	5,052.00	169.09
	ADAMS, DUQUE & HAZELTINE (FOR: NATIONAL COUNCIL ON TEACHER RETIREMENT)		
CAROLE R. CARLIN, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSOCIATION OF HOME BUILDERS OF THE U.S.		
ROBERT E. CARLSTROM JR., 1730 RHODE ISLAND AVENUE, NW, #612 WASHINGTON DC 20036	ST. JOE MINERALS CORPORATION	4,000.00	67.05
WALTER L. CARMO JR., 400 N. THIRD STREET HARRISBURG PA 17101	PENNSYLVANIA STATE EDUCATION ASSOCIATION		
CARMODY, SYRDAL, DANELO & KLEIN, P.S., 24TH FLOOR FOURTH & BLANCHARD BUILDING SEATTLE WA 98121	WASHINGTON STATE CHARTER BOAT ASSOCIATION		
CARON INTERNATIONAL/COLUMBIA MINERVA, 230 5TH AVENUE NEW YORK NY 10001			
CHAPIN CARPENTER JR., 1211 CONNECTICUT AVENUE, NW, #406 WASHINGTON DC 20036	MAGAZINE PUBLISHERS ASSOCIATION, INC	1,500.00	
GEORGE D. CARPENTER, 7162 READING ROAD CINCINNATI OH 45222	PROCTER & GAMBLE COMPANY	23.65	
LAWRENCE W. CARROLL, 100 N.E. ADAMS STREET PEORIA IL 61629	CATERPILLAR TRACTOR COMPANY	600.00	1,200.00
PATRICIA CARROLL, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSOCIATION, INC	312.50	
JOHN R. CARSON, 20 CHEVY CHASE CIRCLE WASHINGTON DC 20015	AMERICAN PODIATRY ASSOCIATION	16,000.00	
HANS L CARSTENSEN, 1625 EYE STREET N.W. #902 WASHINGTON DC 20006	WEYERHAEUSER COMPANY	1,225.00	215.95
DAVID C. CARTER, 1156 15TH ST., NW SUITE 1019 WASHINGTON DC 20005	U.S. BEET SUGAR ASSOCIATION		
JOHN R. CARTER, 1000 WILSON BOULEVARD SUITE 2600 ARLINGTON VA 22209	TRW, INC	1,000.00	
JOSEPH L. CARTER JR., 412 FIRST ST., SE, #200 WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	740.25	437.14
JAMES P. CARTY, 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSOCIATION OF MANUFACTURERS	500.00	
SUSAN B. CARVER, 1130 17TH STREET, NW WASHINGTON DC 20036	NATIONAL COAL ASSOCIATION	232.00	1,109.18
JIM CASEY, 3470 MILDRED DRIVE FALLS CHURCH VA 22042	AMFAC GARDEN PRODUCTS, INC	2,400.00	71.00
Do	BELLE FOURCHE IRRIGATION DISTRICT	600.00	19.00
Do	COMMITTEE OF POWER FOR THE SOUTHWEST, INC		
Do	GARRISON DIVERSION CONSERVANCY DISTRICT	900.00	27.00
Do	LEAFFER COMPANY, INC	900.00	27.00
Do	SALT RIVER VALLEY WATER USERS ASSOCIATION	1,500.00	46.00
JAMES B. CASH JR., 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BANKERS ASSOCIATION	2,000.00	
ALLEN R. CASKIE, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
EUGENE I. CASRAISS JR., 1757 N ST., NW WASHINGTON DC 20036	UNITED AUTO, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS	11,443.98	138.30
J. WARREN CASSIDY, 1600 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	NATIONAL RIFLE ASSOCIATION	1,575.00	
JOHN J. CASTELLANI, 27TH FLOOR 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
RITA L. CASTLE, 100 NE ADAMS PEORIA IL 61629	CATERPILLAR TRACTOR COMPANY		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
G. THOMAS CATOR, 1050 17TH STREET, NW WASHINGTON DC 20036	GOVERNMENT GUARANTEED LOAN COMMITTEE	2,000.00	1,800.00
Do	NATIONAL ASSOCIATION OF DEVELOPMENT COMPANIES (NADCO)	200.00	200.00
Do	NEECE, CATOR & ASSOCIATES, INC (FOR: SOUTHEASTERN LUMBER MANUFACTURERS ASSOCIATION).	1,800.00	1,800.00
JOSEPH E. CAVANAGH, 1125 15TH ST., NW WASHINGTON DC 20005	INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO-CLC	2,675.00	
DOROTHY D. CECELSKI, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	4,125.00	2,233.57
CEDERBERG & ASSOCIATES, 7100 SUSSEX PLACE ALEXANDRIA VA 22307	GRUMMAN CORPORATION	200.00	
Do	MARTIN MARIETTA CORPORATION	200.00	
Do	RCA	150.00	
Do	UNITED TECHNOLOGIES CORPORATION	150.00	
CENTRAL STATES RESOURCE CENTER, P.O. BOX 577 URBANA IL 61801		16,500.00	674.42
CF INDUSTRIES, INC., SALEM LAKE DRIVE LONG GROVE IL 60047			500.00
CHARLES M. CHAFER, 2550 M STREET, NW WASHINGTON DC 20037	SPACE SERVICES INC OF AMERICA		
CHAIN SAW MANUFACTURERS ASSOCIATION, SUITE 1008 4340 EAST-WEST HIGHWAY BETHESDA MD 20814			
DURWOOD CHALKER, 2700 ONE MAIN PLACE DALLAS TX 75250	CENTRAL AND SOUTH WEST CORPORATION		
ELIZABETH PREWITT CHALMERS, 1735 NEW YORK AVENUE,NW WASHINGTON DC 20006	AMERICAN INSTITUTE OF ARCHITECTS	750.00	
WALTON M. CHALMERS II , 6815 GEORGIA STREET CHEVY CHASE MD 20815	CITIZENS FOR A NUCLEAR FREEZE	800.00	
R. S. CHAMBERLIN, 1800 M ST., NW, SUITE 700 SOUTH WASHINGTON DC 20036	DOW CHEMICAL COMPANY	420.00	480.00
CHAMBERS ASSOCIATES, SUITE 1000 1100 17TH STREET, NW WASHINGTON DC 20036	AMERICAN POSTAL WORKERS UNION	3,335.00	
Do	COMMISSIONED OFFICERS ASSOCIATION OF THE PUBLIC HEALTH SERVICE	750.00	
Do	FACET, CORPORATION	700.00	
ED CHANDLER, 7901 WESTPARK CR. MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSOCIATION	7,623.00	500.00
J. W. CHANDLER, 1575 I ST., NW WASHINGTON DC 20005	YORK DIVISION, BORG-WARNER CORPORATION		76.30
WILLIAM J. CHANDLER, SUITE 300 1717 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATURE CONSERVANCY	6,195.19	664.65
WILLIAM C. CHAPMAN, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORPORATION	3,000.00	2,237.47
RICHARD M. CHARLTON, 229 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ELECTRONIC DATA SYSTEMS CORPORATION	288.00	273.03
J. WILLIAM CHARRIER JR., 2828 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20007	DELTA STEAMSHIP LINES, INC.	1,200.00	8.50
CHARTER BUSINESS SERVICES, INC., 3471 NORTH FEDERAL HIGHWAY, #511 FORT LAUDERDALE FL 33306			500.00
LESLIE CHEEK III, 1120 CONNECTICUT AVENUE, NW, #1142 WASHINGTON DC 20036	CRUM & FOSTER CORPORATION	16,250.00	445.05
JANE CHEEVER, 100 FEDERAL ST. BOSTON MA 02110	FIRST NATIONAL BANK OF BOSTON		
Do	FIRST NATIONAL BOSTON CORPORATION		
CHEMICAL MANUFACTURERS ASSOCIATION, INC., 2501 M ST.,NW WASHINGTON DC 20037		5,000.00	3,000.00
CHEMICAL SPECIALTIES MANUFACTURERS ASSOCIATION, 1001 CONNECTICUT AVENUE, NW WASHINGTON DC 20036			3,656.94
WILLIAM B. CHERNASKY, SUITE 1005 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	INTERNATIONAL FRANCHISE ASSOCIATION	650.00	105.00
B. H. CHERRY, 100 INTERPACE PARKWAY PARSIPPANY NJ 07054	GPU SERVICE CORPORATION	2,460.00	252.00
HOWARD P. CHESTER, SUITE 305 218 N. LEE ST. ALEXANDRIA VA 22314	STONE, GLASS & CLAY COORDINATING COMM.		
CHILDREN'S TELEVISION WORKSHOP, ONE LINCOLN PLAZA NEW YORK NY 10023			
BLAIR G. CHILDS, P.O. BOX 7610, 8F STATION WASHINGTON DC 20044	SENIOR EXECUTIVES ASSOCIATION		
BRUCE L. CHRISTENSEN, 955 L'ENFANT PLAZA, SW WASHINGTON DC 20024	NATIONAL ASSOCIATION OF PUBLIC TELEVISION STATIONS	600.00	150.00
WILLIAM T. CHRISTIAN, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON, DC 20036	ATLANTIC RICHFIELD COMPANY	250.00	
JACK E. CHRISTY, 2909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSOCIATION OF RETIRED PERSONS	403.85	130.10
DONALD T. CHUNN, ROUTE 2, BOX 89 COLUMBIA TN 38401	TITLE ASSOCIATES, INC.		
CHWAT/WEIGEND ASSOCIATES, 226 MASSACHUSETTS AVENUE, NE WASHINGTON DC 20002	AMERICAN HOME SEWING ASSOCIATION, INC	500.00	601.81
Do	LONG ISLAND UNIVERSITY		6.50
Do	MORSE TYPEWRITER COMPANY, INC.	1,500.00	1,500.00
Do	NATIONAL ASSOCIATION OF TOBACCO DISTRIBUTORS	3,000.00	3,153.32
CIGAR ASSOCIATION OF AMERICA, INC. SUITE 1201 1100 17TH STREET, NW WASHINGTON DC 20036			564.75
CITIZEN VICTIMS OF CHRYSLER, 934 CALLIE AVENUE TAHLEQUAH OK 74464			
CITIZENS COMM FOR THE RIGHT TO KEEP & BEAR ARMS, #151 1601 114TH SE BELLEVUE WA 98004		639,018.39	269,820.45
CITIZENS FOR GOVERNMENT FAIRNESS, PO BOX 1336 BRAWLEY CA 92227			
CLADOUHOS & BRASHARES, 1750 NEW YORK AVENUE, NW WASHINGTON DC 20006	ASHLAND OIL, INC.		
Do	CROWN CENTRAL PETROLEUM CORPORATION		
Do	INTERNATIONAL PROCESSORS		
Do	SEAVIEW PETROLEUM COMPANY		
Do	SECURITIES GROUP		
Do	SMITH, BARNEY, HARRIS, UPHAM & COMPANY	50.00	
Do	TOYOTA MOTOR SALES, U.S.A., INC.	700.00	
BOB CLARK & ASSOCIATES, SUITE 1908 400 MADISON ST. ALEXANDRIA VA 22314	RYDER SYSTEMS, INC.		
JAMES W. CLARK JR , 600 MARYLAND AVENUE, SW SUITE 400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSOCIATION	196.08	326.24
JOSEPH J. F. CLARK, 1750 K ST., NW, #260 WASHINGTON DC 20006	EATON ASSOCIATES, INC.		
JULIE CLARK, 1625 K ST., NW EIGHTH FLOOR WASHINGTON DC 20006	NATIONAL LEGAL AID & DEFENDERS ASSOCIATION	9,347.00	169.35
KIMBALL CLARK, 412 FIRST ST., SE, #200 WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	556.88	290.60
VERNON A. CLARK, 1899 L ST., NW, #403 WASHINGTON DC 20036	OUTDOOR ADVERTISING ASSOCIATION OF AMERICA, INC.	1,613.00	683.00
DONALD M. CLARKE, COLLINS & SMITH ASSOCIATES, INC 6269 FRANCONIA ROAD ALEXANDRIA VA 22310	INTERNATIONAL HARVESTER	2,250.00	
WADE P. CLARKE JR , JOHN DEERE RD MOLINE IL 61265	DEERE & COMPANY		
JOAN CLAYBROOK, SUITE 605 2000 P ST., NW WASHINGTON DC 20036	PUBLIC CITIZEN, INC.	55.00	
CLEARY, GOTTLIEB, STEEN & HAMILTON, SUITE 400 1250 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN INDUSTRIAL HEALTH COUNCIL		
Do	BEAR, STEARNS & COMPANY; LEHMAN COMMERCIAL PAPER, INC		17.60
Do	NATIONAL SECURITIES CLEARING CORPORATION	900.00	
Do	SALOMON BROTHERS, INC		136.00
Do	SPORTING ARMS AND AMMUNITION MANUFACTURERS INSTITUTE		
Do	SYNTHETIC ORGANIC CHEMICAL MANUFACTURERS ASSOCIATION		
JACQUELINE W. CLEMENTS, SUITE 900 1015 15TH STREET, NW WASHINGTON DC 20005	INTERNORTH	1,500.00	
RONALD D. CLEMENTS, 1111 19TH ST., NW, 9TH FLOOR WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	3,400.00	480.00
CLEVELAND ELECTRIC ILLUMINATING COMPANY, 55 PUBLIC SQUARE P.O. BOX 5000 CLEVELAND OH 44113			9,266.74
CLIFFORD & WARNKE, 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	INGERSOLL-RAND COMPANY		32.00
Do	J. C. MAXTONE-MAILER	5,000.00	1,512.00
Do	NATIONAL TOUR BROKERS ASSOCIATION, INC.	5,515.00	1,663.00
Do	PHILLIPS PETROLEUM COMPANY	6,250.00	1,882.00
Do	WARNER-LAMBERT COMPANY		
DERMAINE CLOHAN, 1101 VERMONT AVENUE, NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSOCIATION	3,769.00	
CHRISTOPHER E. CLOUSER, 25TH & MCGEE KANSAS CITY MO 64108	HALLMARK CARDS, INC		
COALITION FOR UNIFORM PRODUCT LIABILITY LAW, SUITE 303 1901 L STREET, NW WASHINGTON DC 20036			
COALITION OF CONCERNED CHARITIES, C/O PEPPER, HAMILTON & SCHEETZ 1777 F ST., NW, SUITE 200 WASHINGTON DC 20006.			
COAN, COUTURE, LYONS & MOORHEAD, SUITE 1015 1625 EYE ST., NW WASHINGTON DC 20006	A - C VALLEY CORPORATION		
Do	TOSCO		
Do	WESTINGHOUSE ELECTRIC CORPORATION	1,000.00	
COASTAL PROPERTIES INSTITUTE, INC., P.O. BOX 6255 HILTON HEAD SC 29938			
THOMAS B. COATES, CONNECTICUT PETROLEUM COUNCIL 410 ASYLUM ST. HARTFORD CT 06103	AMERICAN PETROLEUM INSTITUTE		
JOE COBB, COBB GREEN & ASSOCIATES, LTD. P.O. BOX 974 LAS VEGAS NV 89125			
RICHARD B. COBB, PETROLEUM COUNCIL OF GA 230 PEACHTREE ST., NW, ATLANTA GA 30303	AMERICAN PETROLEUM INSTITUTE	540.00	539.65
JOHN J. COFFEY, 1700 K ST., NW WASHINGTON DC 20006	CHEVRON USA, INC	650.00	
DON V. COGMAN, 1100 CONNECTICUT AVENUE, NW SUITE 820 WASHINGTON DC 20036	MAPCO INC.	3,750.00	305.35
COHEN AND URETZ, 4TH FLOOR 1775 K ST., NW WASHINGTON DC 20006	ITT CORPORATION		468.65
Do	NORTHWEST ENERGY COMPANY	42,084.50	745.77
MICHAEL J. COHEN, 1225 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN INTERNATIONAL GROUP		
DIANE B. COHN, SUITE 700 2100 P STREET, NW WASHINGTON DC 20036	PUBLIC CITIZEN, INC.	1,667.00	14.35
HERBERT B. COHN, MORGAN, LEWIS, & BOCKIUS 1800 M ST., NW WASHINGTON DC 20036	COMMITTEE FOR CAPITAL FORMATION THROUGH DIVIDEND REINVESTMENT		
COLE & CORETTE, P.C., 1110 Vermont Ave. NW WASHINGTON DC 20005	AMERICAN EXPRESS COMPANY		
Do	AMERICAN PETROLEUM REFINERS ASSOCIATION		
Do	CHASE MANHATTAN BANK, N.A.	450.00	10.00
Do	DOW CHEMICAL COMPANY	120.00	12.50
Do	GOVERNMENT OF THE NETHERLANDS ANTILLES		
Do	GRAHAM-WHITE MANUFACTURING COMPANY	360.00	15.00
Do	MEDTRONIC, INC.	3,516.56	258.20
Do	MILLIPORE CORPORATION	2,406.01	258.20
Do	MINPECO S.A.		
Do	MOHAWK DATA SCIENCES CORPORATION	703,514.00	49.88
ANN COLE, 311 FIRST STREET, NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSOCIATION		
E. WILLIAM COLE, 1100 CONNECTICUT AVENUE, NW SUITE 800 WASHINGTON DC 20036	UNION OIL COMPANY OF CALIFORNIA	600.00	68.50
STACEY W. COLE, NEW HAMPSHIRE PETROLEUM COUNCIL 23 SCHOOL ST. CONCORD NH 03301	AMERICAN PETROLEUM INSTITUTE		
JOHN M. COLLIER, 4436 PERRIER ST. NEW ORLEANS LA 70115	SOUTHERN FOREST PRODUCTS ASSOCIATION	10,232.52	
COLLIER, SHANNON, RILL, & SCOTT, SUITE 308-1055 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	AMERICAN FROZEN FOOD INSTITUTE		
Do	AMERICAN MEAT INSTITUTE		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	CROP INSURANCE RESEARCH BUREAU		
Do	FERROS SCRAP CONSUMERS COALITION		
Do	FOOD MARKETING INSTITUTE		
Do	INDEPENDENT LUBRICANT MANUFACTURERS ASSOCIATION		
Do	NATIONAL BROILER COUNCIL	1,000.00	1,000.00
Do	NORRIS INDUSTRIES	3,700.00	66.00
Do	OUTDOOR POWER EQUIPMENT INSTITUTE		
Do	SPECIALTY STEEL INDUSTRY OF THE UNITED STATES		
GEORGE COLLINS, 1126 16TH ST., NW WASHINGTON DC 20036	INTERNATIONAL UNION OF ELECTRICAL, RADIO & MACHINE WORKERS	600.00	300.00
MARVIN COLLINS, 1850 K STREET,N.W. WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	3,650.00	24.00
MARY M. COLLINS, 1025 CONNECTICUT AVENUE, NW SUITE 200 WASHINGTON DC 20036	SHELL OIL COMPANY	500.00	
STEPHEN J. COLLINS, 1909 K STREET, N.W. SUITE 300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC	400.00	31.00
WILLIAM P. COLLINS, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSOCIATION OF HOME BUILDERS OF THE U.S.		
COLORADO RAILROAD ASSOCIATION, 420 DENVER CLUB BUILDING DENVER CO 80202			
W. KENT COMBS, 1801 K ST., NW WASHINGTON DC 20006	INTERNATIONAL BUSINESS MACHINES CORPORATION	1,113.00	307.99
COMMERCIAL UNION INSURANCE COMPANIES, ONE BEACON STREET BOSTON MA 02108			
COMMITTEE FOR CAPITAL FORMATION THROUGH DIVIDEND REINVESTMENT, C/O HERBERT COHN 1800 M ST., NW, #800 NORTH WASHINGTON DC 20036.		120.00	120.00
COMMITTEE FOR CONSTITUTIONAL INTEGRITY, 1900 L STREET, NW, #610 WASHINGTON DC 20036			1,300.00
COMMITTEE FOR EFFECTIVE CAPITAL RECOVERY, SUITE 303 1901 L ST., NW WASHINGTON DC 20036		7,111.03	7,111.03
COMMITTEE FOR EFFECTIVE TAX INCENTIVES, SUITE 303 1901 L ST., NW WASHINGTON DC 20036			
COMMITTEE FOR HUMANE LEGISLATION, INC, 11 WEST 60TH ST. NEW YORK NY 10023		11,929.30	34,652.21
COMMITTEE FOR PROPOSITION THIRTY, P.O. BOX 915 HARTSELLE AL 35640			381.22
COMMITTEE OF URBAN PROGRAM UNIVERSITIES, SUITE 228 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036		21,200.00	11,986.06
COMMITTEE TO ASSURE THE AVAILABILITY OF CASEIN, 3213 O ST., NW WASHINGTON DC 20007		20,500.00	
COMMON CAUSE, 2030 M ST., NW WASHINGTON DC 20036		2,192,399.00	436,884.09
COMMUNITY NUTRITION INSTITUTE, RM. 300 1146 19TH ST., NW WASHINGTON DC 20036			693.64
LANCE COMPA, 1411 K ST., NW, #410 WASHINGTON DC 20005	UNITED ELECTRICAL, RADIO & MACHINE WORKERS OF AMERICA	4,877.42	1.47
COMPUTER & COMMUNICATIONS INDUSTRY ASSOCIATION, 1500 WILSON BLVD SUITE 512 ARLINGTON VA 22209			
EDWARD C. CONE P.O. BOX 1788 FOREST PARK GA 30051	SOUTHEASTERN LUMBER MANUFACTURERS ASSOCIATION		
LEONARD J. CONENNA, 1185 AVENUE OF THE AMERICAS NEW YORK NY 10036	J.P. STEVENS & COMPANY, INC.	360.00	165.00
CAROLE K. COBES, SUITE 301 1515 N. COURTHOUSE RD. ARLINGTON VA 22201	DCM GROUP (FOR: AD HOC COMMITTEE FOR AMERICAN SILVER)	6,312.50	58.03
CONFERENCE OF STATE BANK SUPERVISORS, 1015 18TH ST., NW WASHINGTON DC 20036			2,599.39
CONGRESS WATCH, 215 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003		63,690.12	63,297.16
CONGRESSIONAL DIST ACTION COMM, DIST 7, C/O JOE TOMAINO 2735 IVY ST. TAMPA FL 33607			
RAYMOND F. CONKLING, 1050 17TH ST., NW WASHINGTON DC 20036	TEXACO, INC.	300.00	20.50
JOHN B. CONNALLY, SUITE 900 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	VINSON & ELKINS (FOR: TRAVELERS INSURANCE COMPANY)		8.02
JAMES T. CONNER, SUITE 500 1025 VERMONT AVENUE, NW WASHINGTON DC 20005	MOBAY CHEMICAL CORPORATION		
ROBERT J. CONNER JR , 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CHRYSLER CORPORATION	500.00	1,773.74
STEPHEN N. CONNER, THE WILLOWS ROUTE L, BOX 165 EASTON MD 21601	FOREIGN MINISTRY OF KINGDOM OF SAUDI ARABIA	40,000.00	1,111.25
JOHN P. CONNOLLY, SUITE 802 2000 L STREET, NW WASHINGTON DC 20036	POPHAM, HAIK, ET AL (FOR CHICAGO MERCANTILE EXCHANGE)	5,325.48	
Do	POPHAM, HAIK, ET AL (FOR NEWCOMB SECURITIES COMPANY)		
RICHARD J. CONNOR JR , 425 13TH STREET, NW WASHINGTON DC 20004	DISTILLED SPIRITS COUNCIL OF THE U.S., INC.	1,725.00	150.00
JERRY C. CONNORS, 8111 GATEHOUSE RD. FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSOCIATION		
CONSERVATIVES AGAINST LIBERAL LEGISLATION, SUITE 308 5707 SEMINARY ROAD FALLS CHURCH VA 22041		21.00	21.00
CONSERVATIVES FOR IMMIGRATION REFORM, INC, SUITE 321 227 MASSACHUSETTS AVENUE, NE WASHINGTON DC 20002			81.50
CONSOLIDATED EDISON COMPANY OF NEW YORK, INC, 4 IRVING PLACE NEW YORK NY 10003			512.50
CONSOLIDATED NATURAL GAS SERVICE COMPANY, INC, FOUR GATEWAY CENTER PITTSBURGH PA 15222		4,000.00	
CONSOLIDATED RAIL CORPORATION, P.O. BOX 23451, WASHINGTON, DC 20024			10,215.00
CONSORTIUM OF SOCIAL SCIENCE ASSOCIATIONS, SUITE 300 1755 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036		4,670.00	3,278.84
JAY CONSTANTINE, 1300 N 17TH ST. SUITE 350, ARLINGTON, VA 22209	AMERICAN NURSES' ASSOCIATION	4,000.00	385.78
CONSTRUCTORA NACIONAL DE CARROS DE FERROCARRIL, S.A., SAN LORENZO NO. 925, 5 PISO MEXICO, D.F., MEXICO			
CONSUMERS UNION OF U.S., INC., 256 WASHINGTON ST. MOUNT VERNON NY 10550			10,599.00
CONTINENTAL ASSOCIATION OF RESOLUTE EMPLOYERS (C.A.R.E.), 511 C STREET, NE WASHINGTON DC 20002			
CONTINENTAL RESOURCES COMPANY, P. O. BOX 44 WINTER PARK FL 32790			5,080.13
JOHN J. CONTNEY, 1250 E. HOLLANDALE BEACH BLVD. HOLLANDALE FL 33009	TEXTILE RENTAL SERVICES ASSOCIATION OF AMERICA		
CONTRACT CARRIER CONFERENCE, 1730 RHODE ISLAND AVENUE, NW SUITE 801 WASHINGTON DC 20036			
DANA CONTRATTO, 1100 CONNECTICUT AVENUE NW WASHINGTON DC 20036	ASSOCIATED GAS DISTRIBUTORS		
JOHN A. CONWAY, 1201 16TH STREET, NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSOCIATION		
JOHN T. CONWAY, 410 1ST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	7,875.00	1,422.03
EMERY S. CONYERS, P.O. BOX 1706 MIDLAND MI 48640	DOW CHEMICAL COMPANY		
ALEXANDRA W. COOK, 229 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ELECTRONIC DATA SYSTEMS CORPORATION	264.00	274.54
FREDERCK N. COOK, VERMONT PETROLEUM ASSOCIATION P.O. BOX 566 MONTPELIER VT 05602	AMERICAN PETROLEUM INSTITUTE	450.00	
HARRY N. COOK, 1130 17TH ST., NW WASHINGTON DC 20036	NATIONAL WATERWAYS CONFERENCE, INC.		
K. RICHARD COOK, 777 14TH ST., NW, SUITE 700 WASHINGTON DC 20005	GENERAL ELECTRIC COMPANY	500.00	
THOMAS M. COOK, SUITE 1032 425 13TH STREET, NW WASHINGTON DC 20004	NATIONAL CATTLEMEN'S ASSOCIATION	1,000.00	
COOK, PURCELL, HANSEN & HENDERSON, 11TH FLOOR 1015 18TH ST., NW WASHINGTON DC 20036	ALEUT CORPORATION	500.00	94.43
Do	AMERICAN ACADEMY OF OPHTHALMOLOGY		
Do	AMERICAN MOTORCYCLIST ASSOCIATION	781.25	
Do	ASHLAND OIL, INC.		
Do	AUDIO RECORDING RIGHTS COALITION	8,090.90	72.40
Do	B.A.T. INDUSTRIES, LTD.	16,362.50	
Do	BENENSON CAPITAL COMPANY	8,679.38	
Do	CITIZENS DEPOSIT BANK		
Do	CNA INSURANCE COMPANY OF CHICAGO, ILLINOIS	550.00	
Do	COMPREHENSIVE CARE CORPORATION		
Do	CONGRESS OF COUNTY MEDICAL SOCIETIES		
Do	CONSOLIDATED NATURAL GAS COMPANY	4,800.00	
Do	EMPLOYEE ORGANIZATION FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM ASSOCIATION	1,200.00	
Do	FIRST BANK AND TRUST COMPANY	3,025.00	
Do	GUAM AIRPORT AUTHORITY	7,293.00	
Do	HARLEY-DAVIDSON MOTOR COMPANY, INC	3,016.32	
Do	HOME RECORDING RIGHTS COALITION	12,831.00	
Do	NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES	2,200.00	
Do	NATIONAL FOOTBALL LEAGUE	25,780.50	74.02
Do	OHIO VALLEY IMPROVEMENT ASSOCIATION INC.		
Do	ROADWAY EXPRESS, INC	3,500.00	
Do	TANADGUSIX CORPORATION	2,000.00	
Do	TEXACO, INC.		
Do	TEXAS GAS TRANSMISSION CORPORATION		
Do	TOBACCO INSTITUTE	16,875.00	63.03
Do	WESTERN UNION TELEGRAPH COMPANY		
EILEEN D. COOKE, 110 MARYLAND AVENUE, NE, SUITE 101, BOX 54 WASHINGTON DC 20002	AMERICAN LIBRARY ASSOCIATION	1,131.00	
BERNARD J. COONEY, SUITE 900 1730 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	CATERPILLAR TRACTOR COMPANY	330.00	16.00
PAUL E. COONEY, 1775 PENNSYLVANIA AVENUE, NW, #1000 WASHINGTON DC 20006	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: CITY OF MINNEAPOLIS)		
Do	FIRST WISCONSIN NATIONAL BANK OF MILWAUKEE		
Do	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: LAWYERS TITLE INSURANCE CORPORATION).		
Do	PHOSPHATE ROCK EXPORT ASSOCIATION		
BENJAMIN Y. COOPER JR , 1730 NORTH LYNN ST. ARLINGTON VA 22209	PRINTING INDUSTRIES OF AMERICA, INC	7,500.00	
C. WILLIAM COOPER, 159 TOWN HALL SQUARE FALMOUTH MA 02540	UNITED DISTRIBUTION COMPANIES		
JESSE D. COOPER, SUITE 314 1155 15TH ST., NW WASHINGTON DC 20005	ROCKY MOUNTAIN OIL & GAS ASSOCIATION	1,100.00	942.22
JOSHUA W. COOPER, 626 S. LEE ST. ALEXANDRIA VA 22314	PORTSMOUTH-KITTERY ARMED SERVICES COMM, INC	2,800.00	1,054.98
KATHY J. COOPER, SUITE 1204 1700 K STREET, NW WASHINGTON DC 20006	CHEVRON USA, INC.	125.00	
MITCHELL J. COOPER, 1001 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	COUNCIL OF FOREST INDUSTRIES	3,000.00	10.60
Do	FOOTWEAR DIVISION, RUBBER MANUFACTURERS ASSOCIATION	11,550.00	99.65
COOPERATIVE LEAGUE OF THE USA, SUITE 1100 1828 L ST., NW WASHINGTON DC 20036		30,610.00	4,215.42
DARRELL COOVER, 499 SOUTH CAPITOL ST., SW, #401 WASHINGTON DC 20003	NATIONAL ASSOCIATION OF INDEPENDENT INSURERS	2,000.00	445.00
JAMES M. COPELAND, SUITE 801 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CHICAGO MERCANTILE EXCHANGE	6,999.00	
CONSTANCE E.R. CORBINO, 1015 15TH ST., N.W. # 802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	50.00	
JOHN F. CORCORAN, 920 15TH ST., NW WASHINGTON DC 20005	NORFOLK SOUTHERN COMPANY	1,000.00	
PATRICK H. CORCORAN, SUITE 1208 1725 K ST., NW WASHINGTON DC 20006	ASSOCIATION OF OIL PIPE LINES		
CORCORAN, HARDESTY, EWART, WHYTE & POLITO, P.C., SUITE 510 1575 EYE STREET, NW WASHINGTON DC 20005	CONTINENTAL RESOURCES COMPANY		
ALFRED C. CORDON, GORDON & JACOBS 2000 L ST., NW, #616 WASHINGTON DC 20036	BUFFALO BROADCASTING COMPANY, INC.		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
BENNETT J. CORN, FOUR WORLD TRADE CENTER NEW YORK NY 10048	COFFEE, SUGAR & COCOA EXCHANGE, INC		
CORN REFINERS ASSOCIATION, INC., 1001 CONNECTICUT AVENUE, NW WASHINGTON DC 20036		4,400.00	1,778.00
CORNELL, PEKOVITS & BRENNER ECONOMISTS, INC. SUITE 708, 1211 CONNECTICUT AVENUE, NW WASHINGTON, DC 20036	SONY CORPORATION		
CORPORATION FOR GOVERNMENT ACTION, SUITE 103 1000 POTOMAC STREET, NW WASHINGTON DC 20007		7,000.00	11,949.19
ERNEST J. CORRADO, SUITE 1000 1625 K STREET, NW WASHINGTON DC 20006	AMERICAN INSTITUTE OF MERCHANT SHIPPING	165.00	4.00
MARY MARCOTTE CORRIGAN, 1600 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	NATIONAL RIFLE ASSOCIATION OF AMERICA		
RICHARD L. CORRIGAN, SUITE 560 1090 VERMONT AVENUE, NW WASHINGTON DC 20005	CH2M HILL, INC	1,200.00	
MARTY CORRY, 1909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSOCIATION OF RETIRED PERSONS	812.00	321.85
ALLAN D. CORS, 1800 K ST., NW, SUITE 1104 WASHINGTON DC 20006	CORNING GLASS WORKS	500.00	
GLEN S. CORSO, 1125 15TH ST., NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSOCIATION OF AMERICA	7,480.00	232.00
WILLIAM R. CORSON, 1707 H ST., NW WASHINGTON DC 20006	PENTHOUSE INTERNATIONAL LTD	10,500.00	7,450.00
R. H. CORY, 1510 AMERICAN BANK TOWER AUSTIN TX 78701	CENTRAL AND SOUTH WEST SERVICES, INC	360.00	774.83
TOM COSGROVE, 530 7TH ST., S.E. WASHINGTON DC 20003	NATIONAL CLEAN AIR COALITION, INC	2,762.92	
COSMETIC, TOILETRY & FRAGRANCE ASSOCIATION, INC, SUITE 800 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	COSMETIC, TOILETRY & FRAGRANCE ASSOCIATION, INC		
JAMES R. COSTELLO JR., 1101 CONNECTICUT AVENUE, NW, #300 WASHINGTON DC 20036	AMERICAN TEXTILE MANUFACTURERS INSTITUTE	500.00	81.75
MICHAEL E. COSTELLO, SUITE 600 1090 VERMONT AVENUE, NW WASHINGTON DC 20036	TEXAS EASTERN TRANSMISSION CORPORATION		566.15
MARY ALICE COTTER, 410 FIRST STREET, SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	800.00	
COTTON FARMERS ASSOCIATION, 700 TEXAS CENTER 900 WASHINGTON WACO TX 76703	COTTON FARMERS ASSOCIATION		
COUDERT BROTHERS, ONE FARRAGUT SQUARE SOUTH WASHINGTON DC 20006	U.S. TELPHONE COMMUNICATIONS, INC		3,272.16
J. BARRY COUGHLIN, 815 CONNECTICUT AVENUE N.W. WASHINGTON DC 20006	FORD MOTOR COMPANY	257.50	499.93
COUNCIL FOR LANGUAGES AND OTHER INTERNATIONAL STUDIES, SUITE 210 11 DUPONT CIRCLE, NW WASHINGTON DC 20036.		6,066.61	5,212.41
COUNCIL OF STATE CHAMBERS OF COMMERCE, SUITE 412 499 S. CAPITOL ST., SW WASHINGTON DC 20003		773.00	433.59
COURSEN & COMPANY, 910 17TH STREET, NW WASHINGTON DC 20006	ESTATE OF HELEN HALBACH	5,775.00	576.00
WILLIAM R. COURTNEY, P.O. BOX 844 TEMPLE TX 76503	TRIBAL COUNCIL OF THE COUSHATTA TRIBE OF LOUISIANA		1,173.47
JAMES COUSINS, 1101 15TH ST., NW, #400 WASHINGTON DC 20005	NATIONAL SAVINGS & LOAN LEAGUE	4,000.00	
JOHN F. COVE, SUITE 702 918 16TH ST., NW WASHINGTON DC 20006	COVE ASSOCIATES INC. (FOR: ASSOCIATION OF U.S. NIGHT VISION MANUFACTURERS).		
COVINGTON & BURLING, 1201 PENNSYLVANIA AVENUE, NW P.O. BOX 7566 WASHINGTON DC 20044	AMERICAN ASSOCIATION OF ORAL & MAXILLOFACIAL SURGEONS		
Do	AMERICAN WATCH ASSOCIATION	1,260.00	9.30
Do	ANCHOR NATIONAL LIFE INSURANCE COMPANY		560.62
Do	FACET ENTERPRISES, INC		
Do	FIRSTMARK CORPORATION		8.00
Do	INTERNATIONAL BUSINESS MACHINES CORPORATION		85.00
Do	INVESTMENT COMPANY INSTITUTE	12,000.00	337.33
Do	IRVING TRUST COMPANY		
Do	MIDWEST TELEVISION, INC		11.90
Do	NATIONAL FOOTBALL LEAGUE		94.80
Do	NEW YORK STATE URBAN DEVELOPMENT CORPORATION	10,000.00	
Do	POST-NEWSWEEK STATIONS, INC	440.00	
Do	REICHHOLD ENERGY CORPORATION		57.88
Do	SECURITIES INDUSTRY ASSOCIATION		
EUGENE S. COWEN, 2759 UNICORN LN., NW WASHINGTON DC 20015	AMERICAN BROADCASTING COMPANY	96.00	
ARCHIBALD COX, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	4,492.50	1,087.28
C. BRYAN COX, PO BOX 139 KANSAS CITY MO 64141	KANSAS CITY LIFE INSURANCE COMPANY	205.40	800.81
KENNETH A. COX, 1133 19TH ST., NW WASHINGTON DC 20036	MCI COMMUNICATIONS CORPORATION	498.02	9.40
W. O. CRAFT JR., BLISS & CRAFT 1050 THOMAS JEFFERSON ST., NW, 6TH FL. WASHINGTON DC 20007	GOVERNMENT OF AMERICAN SAMOA		
Do	MARLINE OIL CORPORATION		
Do	WESTERN GEOPHYSICAL		
JOSEPH S. CRANE, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INSTITUTE OF ARCHITECTS	437.50	
CHARLES S. CRAWFORD, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: AMERICAN IRON & STEEL INSTITUTE)		
Do	GRAY AND COMPANY (FOR: AMERICAN MARITIME ASSOCIATION)		
Do	GRAY AND COMPANY (FOR: AVIS ENTERPRISES)		
Do	GRAY AND COMPANY (FOR: HTB CORPORATION)		
Do	GRAY AND COMPANY (FOR: JOINT MARITIME CONGRESS)		
Do	TERA CORPORATION		
WILLIAM D. CRAWFORD, 400 FIRST ST., NW WASHINGTON DC 20001	BROTHERHOOD OF RAILWAY CARMEN OF THE U.S. & CANADA	2,032.53	
CREDIT UNION NATIONAL ASSOCIATION, INC. SUITE 810 1730 RHODE ISLAND AVENUE WASHINGTON DC 20036		300.00	763.03
RICHARD C. CREIGHTON, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA	5,000.00	500.00
DONALD J. CREOLA, 400 N. THIRD STREET P.O. BOX 1724 HARRISBURG PA 17105	PENNSYLVANIA STATE EDUCATION ASSOCIATION		
KEN A. CRERAR, 1611 NO. KENT STREET, #900 ARLINGTON VA 22209	FOOTWEAR INDUSTRIES OF AMERICA	700.00	
JOSEPH M. CRIBBEN, 6900 VALLEY BROOK DRIVE FALLS CHURCH VA 22042	UNITED ASSOCIATION OF JOURNEYMEN & APPRENTICES OF PLUMBING & PIPEFITTING INDUSTRY.	1,750.00	30.00
RICHARD E. CRISTOL, 5775 PEACHTREE-DUNWOODY RD., #500D ATLANTA GA 30342	ROBERT H. KELLEN COMPANY (FOR: CALORIE CONTROL COUNCIL)	70.00	
P. H. CROFT, 2000 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN SHORT LINE RAILROAD ASSOCIATION		
ROBERT W. CROMARTIE, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION	150.00	
CHARLES H. CROMWELL, INC., 6709 GEORGIA ST. CHEVY CHASE MD 20015	GENERAL ELECTRIC COMPANY		
Do	HUGHES HELICOPTERS		
Do	MOTOROLA, INC		
Do	NORTHROP CORPORATION		
DONALD J. CRONIN, SUITE 1100 1511 K STREET, NW WASHINGTON DC 20005	FRANK G. KINGSLEY	3,000.00	250.00
Do	MILLIKEN & COMPANY	5,000.00	200.00
DONALD A. CROSIER, NEBRASKA PETROLEUM COUNCIL 334 S. 13TH ST., PO BOX 95063 LINCOLN NB 68509	AMERICAN PETROLEUM INSTITUTE		
AARON W. CROSS, 1801 K STREET, NW WASHINGTON DC 20006	INTERNATIONAL BUSINESS MACHINES CORPORATION	159.37	32.00
BOBBY E. CROW, PO BOX 683 HOUSTON TX 77001	COLUMBIA GULF TRANSMISSION COMPANY		
CROWELL & MORING, 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ASARCO, INC	1,232.50	10.00
Do	ASSOCIATED GAS DISTRIBUTORS		
Do	AVON PRODUCTS, INC	360.00	10.00
Do	BROOKLYN UNION GAS COMPANY	127.00	10.00
Do	COMMUNICATIONS SATELLITE CORPORATION		20.00
Do	CONTROL DATA CORPORATION		
Do	ELI LILLY AND COMPANY	5,270.00	10.00
Do	HELICOPTER ASSOCIATION INTERNATIONAL		
Do	NATIONAL ASSOCIATION OF WHOLESALER-DISTRIBUTORS	11,517.50	10.00
Do	REGIONAL AIRLINE ASSOCIATION		
Do	SIERRA PACIFIC POWER COMPANY		
Do	ZIMPRO, INC		
CUBA CLAIMS ASSOCIATION, PO BOX 014004 MIAMI FL 33101			1,812.54
CUBAN AMERICAN PUBLIC AFFAIRS COUNCIL, 1627 K STREET, NW, NINTH FLOOR WASHINGTON DC 20006	CHRYSLER CORPORATION	2,000.00	90.00
CHARLES T. CUDLIP, 1100 CONNECTICUT AVENUE, N.W. WASHINGTON DC 20036	INTERNATIONAL PAPER COMPANY	85.00	
BARRY M. CULLEN, 1620 EYE ST., NW, #700 WASHINGTON DC 20006	MORTGAGE BANKERS ASSOCIATION OF AMERICA		
WILLIAM E. CUMBERLAND, 1125 15TH ST., NW WASHINGTON DC 20005	CALIFORNIA CANNERS & GROWERS	5,000.00	300.00
RICHARD C. CUNAN, 3100 FERRY BUILDING SAN FRANCISCO CA 94106	UNION CARBIDE CORPORATION		
SCOTT S. CUNNINGHAM, 1100 15TH STREET, NW WASHINGTON DC 20005	LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, AFL-CIO	13,282.50	384.50
JOHN T. CURRAN, 905 16TH ST., NW WASHINGTON DC 20006	NATIONAL COORDINATING COMM FOR MULTIEMPLOYER PLANS		
Do	AMERICAN INSTITUTE OF ARCHITECTS	1,400.00	
SHARON ALLEN CURRENS, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	NATIONAL ASSOCIATION OF INDEPENDENT COLLEGES & UNIVERSITIES	2,000.00	
KATHLEEN L. CURRY, 1717 MASSACHUSETTS AVENUE, NW, #503 WASHINGTON DC 20036		2,830.00	137.73
RICHARD C. CURRY, 6819 ELM STREET, #3 MCLEAN VA 22101	DON RICH COMPANY		
CARL T. CURTIS, 1101 CONNECTICUT AVENUE, NW SUITE 800 WASHINGTON DC 20036	MINISTRY OF THE ENVIRONMENT PROVINCE OF ONTARIO, CANADA	2,650.00	937.59
EDWARD P. CURTIS JR., 36 WEST MAIN STREET ROCHESTER NY 14614	AIR TRANSPORT ASSOCIATION OF AMERICA		
CURTIS, MALLET-PREVOST, COLT & MOSLE, 100 WALL ST. NEW YORK NY 10005	NATIONAL AUDUBON SOCIETY	300.00	205.39
M. RUPERT CUTLER, 950 THIRD AVENUE NEW YORK NY 10022	OREGON RAILROAD ASSOCIATION		
EVERETT E. CUTTER, 620 SW FIFTH AVENUE BUILDING, SUITE 912 PORTLAND OR 97204			
RUDOLPH N. D'AGARIS, 15 W. MONTGOMERY AVENUE ROCKVILLE MD 20850	AMERICAN NEWSPAPER PUBLISHERS ASSOCIATION	8,000.00	114.75
TERESE C. D'ALESSIO, 2020 NORTH 14TH ST. ARLINGTON VA 22201	MEDIA GENERAL, INC	1,920.00	92.45
Do	NATIONAL ASSOCIATION FOR NEIGHBORHOOD SCHOOLS, INC		
WILLIAM D. D'ONOFRIO, 1800 W. 8TH ST. WILMINGTON DE 19805	AMERICAN RETAIL FEDERATION	2,100.00	150.35
WILLIAM KAY DAINES, 1616 H ST., NW WASHINGTON DC 20006	AIR PRODUCTS & CHEMICALS, INC	225.00	40.00
LEWIS I. DALE, SUITE 1016 1800 K STREET, NW WASHINGTON DC 20006	AMERICAN CYNAMID COMPANY (FOR: LEDERLE LABORATORIES)	4,650.00	335.73
DONALD W. DALRYMPLE, 1575 I ST., NW WASHINGTON DC 20005	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	2,500.00	
JAMES G. DALTON, 2029 K ST., NW WASHINGTON DC 20006	ACLI INTERNATIONAL, INC		
JOHN M. DAMGARD, 1735 I ST., NW SUITE 716 WASHINGTON DC 20006	COASTAL CORPORATION	180.00	71.34
DAMRELL, DAMRELL & NELSON, P.C., 911 13TH STREET P.O. BOX 3489 MODESTO CA 95353	DESERT GRAPE GROWERS LEAGUE OF CALIFORNIA	1,225.50	616.15
Do			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
TRACY DANESE, P.O. BOX 14000 JUNO BEACH FL 33408	FLORIDA POWER & LIGHT COMPANY		7,033.91
ALICE DANIEL, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	112.50	
DAVID S. DANIELSON, SUITE 400 E 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSOCIATION		
WILLIAM H. DARDEN, SUITE 200 412 FIRST STREET, SE WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	615.00	
ONEIDA L. DARLEY, 3251 OLD LEE HIGHWAY SUITE 500 FAIRFAX VA 22030	NATIONAL LIMESTONE INSTITUTE, INC.		
DIANE DAVENNY DARNEILLE, 1100 17TH ST., NW, #1206 WASHINGTON DC 20036	SCHERING-PLOUGH CORPORATION	9,135.00	6,923.69
THOMAS ROGER DART, ALABAMA PETROLEUM COUNCIL P.O. BOX 4220 MONTGOMERY AL 36195	AMERICAN PETROLEUM INSTITUTE	160.33	
JOHN C. DATT, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FEDERATION	4,688.00	
M. DENNIS DAUGHERTY, 733 15TH STREET, NW WASHINGTON DC 20005	LEGAL SERVICES CORPORATION	346.01	33.75
PHILLIP DAUGHERTY, 815 16TH ST., NW WASHINGTON DC 20006	INDUSTRIAL UNION DEPARTMENT, AFL-CIO	8,293.50	30.00
JOHN B. DAVENPORT JR., 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION	165.00	
LARRY C. DAVENPORT, 5775 PEACHTREE-DUNWOODY RD. SUITE 500-D ATLANTA GA 30342	ROBERT H. KELLEN COMPANY (FOR: CALORIE CONTROL COUNCIL)		
EARL F. DAVID, SUITE 1107 1825 K STREET, NW WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY		
DANIEL I. DAVIDSON, 2600 VIRGINIA AVENUE, NW WASHINGTON DC 20037	SPIEGEL & MCDIARMID (FOR: NORTHERN CALIFORNIA POWER AGENCY)		
CHERYL C. DAVIS, 510 C ST..N.E. WASHINGTON DC 20002	NATIONAL ASSOCIATION OF CREDIT MANAGEMENT	75.00	
CHRISTOPHER L. DAVIS, SUITE 650 1920 N STREET, NW WASHINGTON DC 20036	AMERICAN BUREAU OF COLLECTIONS, INC.		
Do	ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY		
Do	NATIONAL SKEET SHOOTING ASSOCIATION		
Do	TECHNOLOGY CENTER, INC.		
DAVID R. DAVIS, INDIANA PETROLEUM COUNCIL 714 HARRISON BUILDING INDIANAPOLIS IN 46204	AMERICAN PETROLEUM INSTITUTE		
DREW M DAVIS, 1101 16TH ST., NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSOCIATION	111.06	100.00
EDWARD M. DAVIS, 410 FIRST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	5,780.24	676.45
EDWIN L. DAVIS, 1510 FIRST CITY EAST BUILDING HOUSTON TX 77002	COASTAL CORPORATION		
FRED G. DAVIS, 1111 19TH STREET, N.W. WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	1,227.00	550.50
DAVIS GRAHAM & STUBBS, SUITE 810 1920 N STREET, NW WASHINGTON DC 20036	INTEGRITY OIL & GAS COMPANY	1,720.50	1,715.34
Do	MUNICIPAL SUBDISTRICT, NORTHERN COLORADO WATER CONSERVANCY DISTRICT	8,447.50	8,447.50
Do	NORTHERN COLORADO WATER CONSERVANCY DISTRICT	8,447.50	8,447.50
Do	SNYDER OIL COMPANY	1,720.50	1,715.34
Do	TENNECO OIL COMPANY	3,100.00	3,090.70
KENNETH E. DAVIS, SUITE 743 1434 NEW YORK AVENUE, NW WASHINGTON DC 20005	ROHM & HAAS COMPANY	500.00	25.00
OVID R. DAVIS, P.O. DRAWER 1734 ATLANTA GA 30301	COCA-COLA COMPANY		
DAVIS POLK & WARDWELL, 1575 EYE ST., NW WASHINGTON DC 20005	INTERNATIONAL PAPER COMPANY	3,240.00	25.00
Do	MORGAN GUARANTY TRUST COMPANY OF NEW YORK		
Do	SOCIETE GENERALE (FOR: HUDSON SECURITIES, INC)		
R. HILTON DAVIS, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	305.00	
ROBERT DAVIS, 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	FORD MOTOR COMPANY	721.00	493.00
DAVIS SIMPICH & SIENA, 1301 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	CALIFORNIA HOUSING COUNCIL		417.01
WILLIAM LEE DAVIS, 299 PARK AVENUE NEW YORK NY 10171	WESTVACO CORPORATION	2,833.33	1,791.43
DAVIS, WRIGHT, TODD, RIESE & JONES, 6TH FLOOR 1050 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	NATIONAL INDEPENDENT DAIRY FOODS ASSOCIATION	970.00	12.00
Do	SOUTHERN PACIFIC COMMUNICATIONS COMPANY	1,215.00	57.29
P. M. DAVISON JR., 418 E. ROSSER AVENUE P.O. BOX 938 BISMARCK ND 58501	NORTH DAKOTA RAILWAY LINES		985.78
J. EDWARD DAY, 9TH FL. 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	ELECTRONIC INDUSTRIES ASSOCIATION		
Do	THIRD CLASS MAIL ASSOCIATION		
DCM GROUP, SUITE 301 1515 N. COURTHOUSE ROAD ARLINGTON VA 22201	AD HOC COMMITTEE FOR AMERICAN SILVER	9,218.75	11,588.25
O. MARK DE MICHELE, P.O. BOX 21666 PHOENIX AZ 85036	ARIZONA PUBLIC SERVICE COMPANY		
JOHN RUSSELL DEANE III, 1607 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20009	AMERICAN METAL DETECTORS MANUFACTURERS, INC.		
Do	COALITION OF AUTOMOTIVE ASSOCIATION		
Do	NATIONAL OUTDOOR COALITION		
Do	SPECIALTY EQUIPMENT MARKET ASSOCIATION	9,916.67	5,571.48
ROBERT L. DEBO, MISSOURI OIL COUNCIL 428 E. CAPITOL, #203 JEFFERSON CIY MO 65101	AMERICAN PETROLEUM INSTITUTE		
EDWARD S. DEBOLT, SUITE 301 1515 N. COURTHOUSE ROAD ARLINGTON VA 22201	DCM GROUP (FOR: AD HOC COMMITTEE FOR AMERICAN SILVER)	2,906.25	
MARK O. DECKER, SUITE 1100 1707 H STREET, NW WASHINGTON DC 20006	NATIONAL OIL JOBBERS COUNCIL	230.00	
WINSTON M. DECKER, SUITE 828 1522 K ST., NW WASHINGTON DC 20005	AMERICAN VETERINARY MEDICAL ASSOCIATION		
Do	ASSOCIATION OF AMERICAN VETERINARY MEDICAL COLLEGES		
BRIAN DEERY, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
DONALD H. DEFOE, 100 N.E. ADAMS STREET PEORIA IL 61629	CATERPILLAR TRACTOR COMPANY	295.31	720.77
GEORGE K. DEGNON ASSOCIATES, INC., SUITE 3A 1311-A DOLLEY MADISON BUILDING MCLEAN VA 22107	ASSOCIATION OF STATE & TERRITORIAL HEALTH OFFICIALS		500.00
Do	NATIONAL ASSOCIATION OF CHILDREN'S HOSPITALS & RELATED INSTITUTIONS		1,000.00
DEHART ASSOCIATES, INC, 1505 22ND ST., NW WASHINGTON DC 20037	RECORDING INDUSTRY ASSOCIATION OF AMERICA, INC.	2,325.00	527.39
JOHN P. DEKANY, SUITE 823 201 I STREET, SW WASHINGTON DC 20024	MANUFACTURERS OF EMISSION CONTROLS ASSOCIATION		
STEPHEN T. DELAMATER, 2600 SOUTHLAND CENTER DALLAS TX 75201	HALLIBURTON COMPANY		
JOHN W. DELANEY, 100 FEDERAL ST. BOSTON MA 02110	FIRST NATIONAL BANK OF BOSTON		
Do	FIRST NATIONAL BOSTON CORPORATION		
ROBERT B. DELANO, 225 TOUHY AVENUE PARK RIDGE IL 60068	AMERICAN FARM BUREAU FEDERATION	2,500.00	
CARTHA D. DELOACH, 700 ANDERSON HILL ROAD PURCHASE NY 10577	PEPSICO, INC.		
MICHAEL J. DELOOSE, 1015 18TH STREET, NW WASHINGTON DC 20036	CONFERENCE OF STATE BANK SUPERVISORS	967.00	247.79
SUSAN C. DEMARR, 1615 H ST., N.W. WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	2,500.00	
ELIZABETH C. DEMATO, 815 16TH STREET, N.W. RM. 510 WASHINGTON DC 20006	SEAFARERS INTERNATIONAL UNION	3,000.00	191.95
TANIA DEMCHUK, 499 SOUTH CAPITOL ST., SW SUITE 401 WASHINGTON DC 20003	NATIONAL ASSOCIATION OF INDEPENDENT INSURERS	100.00	
BRADFORD T. DEMPSEY, 512 W. MAPLE AVENUE SUITE 210 VIENNA VA 22180	BRADFORD T. DEMPSEY		
GEORGE H. DENISON, 4837 DEL RAY AVENUE WASHINGTON DC 20814	NATIONAL OFFICE PRODUCTS ASSOCIATION	1,200.00	
Do	WESTINGHOUSE ELECTRIC CORPORATION	1,800.00	
RAY DENISON, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	15,191.15	172.00
JOHN H. DENMAN, MISSOURI OIL COUNCIL 428 E. CAPITAL ST., #203 JEFFERSON CITY MO 65101	AMERICAN PETROLEUM INSTITUTE	600.00	706.45
DAVID W. DENSFORD, 1050 31ST STREET, NW WASHINGTON DC 20007	ASSOCIATION OF TRIAL LAWYERS OF AMERICA	1,000.00	100.00
WELLS DENYES, 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	EASTMAN CHEMICAL PRODUCTS, INC.	800.00	73.20
DEPARTMENT FOR PROFESSIONAL EMPLOYEES, AFL-CIO, 815 16TH ST., NW WASHINGTON DC 20006		9,661.82	9,661.82
DERREL BLAURETT DEPASSE, 1100 CONNECTICUT AVENUE, NW, #540 WASHINGTON DC 20036	CONTAINER CORPORATION OF AMERICA	9,750.00	4,950.00
HELEN B. DESAI, 1015 15TH ST., NW, #802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	375.00	
MARCIA L. DESMOND, 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSOCIATION	431.54	120.59
JAMES T. DEVINE, LEONARD COHEN & GETTINGS 900 17TH ST., NW, #1020 WASHINGTON DC 20006	BOWLING PROPRIETORS ASSOCIATION OF AMERICA		
SAMUEL L. DEVINE, 1301 PENNSYLVANIA AVENUE, N.W. SUITE 1150 WASHINGTON DC 20004	AMERICAN SMALL AND RURAL HOSPITAL ASSOCIATION, OHIO CHAPTER		
Do	GROCERY MANUFACTURERS OF AMERICA, INC.	1,196.25	
Do	O'CONNOR & HANNAN		
Do	OCCIDENTAL PETROLEUM CORPORATION	19,999.98	
Do	PAYCO AMERICAN CORPORATION		
Do	PEPSICO, INC.	5,000.00	21.52
R. DANIEL DEVLIN, 1000 16TH ST., NW WASHINGTON DC 20036	TRANS WORLD AIRLINES, INC.	385.00	
RALPH B. DEWEY, 1050 17TH ST., NW, #1180 WASHINGTON DC 20036	PACIFIC GAS & ELECTRIC COMPANY	1,035.30	853.55
KENDALL P. DEXTER, 9 COUNTRY CLUB ROAD MOBILE AL 36608	MACMILLAN BLOEDEL INC.	1,750.00	1,117.00
DGA INTERNATIONAL INC, 1225 19TH ST., NW WASHINGTON DC 20036	AIRBUS INDUSTRIE	1,120.00	311.55
Do	DIR INTERNATIONAL AFF OF THE GEN DEL FOR ARMEMENTS	1,400.00	
Do	SOFREAVIA		
LOUIS H. DIAMOND, 10TH FLOOR 1120 CONNECTICUT AVENUE,NW WASHINGTON DC 20036	FINLEY KUMBLE WAGNER HEINE UNDERBERG & CASEY		
DIAMOND SHAMROCK CORPORATION, 717 N. HARWOOD STREET DALLAS TX 75201			
CHARLES J. DIBONA, 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INSTITUTE	1,875.00	
JOHN M. DICKERMAN, JOHN DICKERMAN & ASSOCIATES, INC. 1015 15TH STREET, NW, #700 WASHINGTON DC 20036	NATIONAL LUMBER & BUILDING MATERIAL DEALERS ASSOCIATION	3,000.00	237.22
CHESTER T. DICKERSON JR., 1101 17TH STREET, N.W. SUITE 604 WASHINGTON DC 20036	MONSANTO COMPANY		628.75
ANN SANDERS DICKEY, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	7,182.00	72.00
WILLIAM E. DICKINSON, SUITE 300 206 N. WASHINGTON STREET ALEXANDRIA VA 22314	SALT INSTITUTE	3,000.00	250.00
DICKINSON, WRIGHT, MOON, VAN DUSEN & FREEMAN, 1901 L ST., NW SUITE 801 WASHINGTON DC 20036	GENERAL MOTORS CORPORATION	4,920.00	363.10
Do	K MART CORPORATION	500.00	519.05
Do	OAKLAND COUNTY D.P.W.		
Do	ROYAL HAWAIIAN CRUISES, INC.	1,107.50	
DICKSTEIN SHAPIRO & MORIN, 2101 L ST., NW WASHINGTON DC 20037	CORAL PETROLEUM, INC.	4,500.00	
Do	CUSTOM AUTOMOTIVE SOUND ASSOCIATION, INC.	1,000.00	
Do	FEDERATED CASH MANAGEMENT SYSTEMS	2,300.00	
Do	GILBANE BUILDING COMPANY		
Do	HOME HEALTH SERVICES & STAFFING ASSOCIATION	7,500.00	
Do	HVIDE SHIPPING, INC.	1,500.00	
Do	MARINE ENGINEERS' BENEFICIAL ASSOCIATION		
Do	METROPOLITAN TRANSPORTATION AUTHORITY		
Do	NATIONAL FEDERATION OF SOCIETIES FOR CLINICAL SOCIAL WORK	500.00	
NANCY DIETZ, 45 EVERETT ST. NEWTON CENTER MA 02159	ACTION FOR CHILDREN'S TELEVISION	500.00	
TIMOTHY V. A. DILLON, 1850 K ST., NW, #380 WASHIONGTON DC 20006	WESTLANDS WATER DISTRICT	2,467.71	217.71

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
DIMENSIONS, INC., 641 MCKNIGHT STREET READING PA 19601			2,102.14
THOMAS A. DINE, 444 NORTH CAPITOL ST, NW, #412 WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	10,156.26	
MICHAEL F. DINEEN, 600 PENNSYLVANIA AVENUE, SE, #206 WASHINGTON DC 20003	LUMBERMENS MUTUAL CASUALTY COMPANY	1,800.00	
HARLEY M. DIRKS, STANTON SQUARE 420 C ST., NE WASHINGTON DC 20002	HEALTH & MEDICINE COUNSEL OF WASHINGTON		
Do	PROFESSIONAL SERVICES COUNCIL	63.00	
DISABLED AMERICAN VETERANS, 3725 ALEXANDRIA PIKE COLD SPRING KY 41076		101,748.49	101,748.49
DENNIS C. DIX, 1901 L ST., N.W. WASHINGTON DC 20036	OUTDOOR POWER EQUIPMENT INSTITUTE		
PATSY B. DIX, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSOCIATION	1,660.10	41.00
O. L. DIXON III, P.O. BOX 1151 PENSACOLA FL 32520	GULF POWER COMPANY	1,714.00	1,046.43
STEVEN P. DOEHLER, SUITE 1405 1725 K ST., NW WASHINGTON DC 20006	MORTGAGE INSURANCE COMPANIES OF AMERICA	2,500.00	
WILLIAM BARROWS DOGGETT, SUITE 600 1001 22ND ST., NW WASHINGTON DC 20007	STANDARD OIL COMPANY (OHIO)	225.00	28.00
JAMES F. DOHERTY, 624 9TH ST., NW 7TH FL. WASHINGTON DC 20001	GROUP HEALTH ASSOCIATION OF AMERICA, INC.		
GREGORY S. DOLE, 1111 19TH STREET, NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	812.34	87.75
ROBIN C. DOLE, SUITE 704 1000 16TH ST. NW WASHINGTON DC 20036	CENTURY 21 REAL ESTATE CORPORATION	1,250.00	
JULIE DOMENICK, 1775 K STREET, NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE	450.00	743.93
DOMESTIC WILDCATTERS ASSOCIATION, P.O. BOX 4394 HOUSTON TX 77210			39,419.89
MICHAEL DONAGHUE, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSOCIATION, INC	400.00	
LEO J. DONAHUE, 230 SOUTHERN BUILDING WASHINGTON DC 20005	AMERICAN ASSOCIATION OF NURSERYMEN		
MARLA M. DONAHUE, 1625 K STREET, NW WASHINGTON DC 20006	COUNCIL OF AMRICAN-FLAG SHIP OPERATORS	1,250.00	2.30
RICHARD M. DONALDSON, 1738 GUILDHALL BUILDING CLEVELAND OH 44115	STANDARD OIL COMPANY (OHIO)	22.50	
THOMAS J. DONOHUE, 1615 H ST., NW WASHINGTON DC 20062	CITIZENS' CHOICE, INC	5,000.10	
JACK C. DONOVAN, P. O. BOX 5000, #612 CLEVELAND OH 44101	CLEVELAND ELECTRIC ILLUMINATING COMPANY		
WILLIAM DONOVAN, 1111 N. 19TH ST, #700 ARLINGTON VA 22209	NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS	2,500.00	
FRANCIS X. DOOLEY, 525 SCHOOL ST., SW WASHINGTON DC 20024	AMERICAN ROAD & TRANSPORTATION BLDRS ASSOCIATION	6,000.00	400.00
IRA DORFMAN, SUITE 850 2020 K STREET, NW WASHINGTON DC 20006	AMERICAN BAKERS ASSOCIATION	866.25	6.30
MAY DEL RIO DORFMAN, 380 SECOND AVENUE NEW YORK NY 10010	PLANNED PARENTHOOD OF NEW YORK CITY, INC	101.00	
JAMES A. DORSCH, 1750 K ST., NW WASHINGTON DC 20006	HEALTH INSURANCE ASSOCIATION OF AMERICA, INC.		
DEAN R. DORT II , SUITE 808 910 17TH ST., NW WASHINGTON DC 20006	DEERE & COMPANY	630.00	
JOSEPH K. DOSS, 3251 OLD LEE HIGHWAY,SUITE 500 FAIRFAX, VA 22030	NATIONAL LIMESTONE INSTITUTE, INC.		
GORDON JACK DOVER, 1321 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	RENDON COMPANY		
DOW LOHNES & ALBERTSON, 1225 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	EASTERN MICROWAVE, INC	656.75	581.00
CHARLES P. DOWNER, 7901 WESTPARK DRIVE MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSOCIATION	900.00	250.00
JANE LIND DOWNEY, P.O. OC 2303 400 ARMY-NAVY DRIVE ARLINGTON VA 22002	AMERICAN MOVERS CONFERENCE	1,377.00	
JOHN H. DOWNS JR., 1101 16TH STREET, NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSOCIATION		
JOHN P. DOYLE, SUITE 1100 1090 VERMONT AVENUE, NW WASHINGTON DC 20005	BELL HELICOPTER TEXTRON	3,479.62	1,867.18
ROBERT H. DOYLE, SUITE 230 1130 17TH STREET, NW WASHINGTON DC 20036	WATER QUALITY ASSOCIATION	997.50	
NANCY DRABBLE, 215 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	CONGRESS WATCH	4,250.00	
JAMES E. DRAKE, 1101 VERMONT AVENUE, NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSOCIATION	4,300.00	
JOAN ALBERT DREUX, 600 PENN AVENUE SE #202 WASHINGTON DC 20015	NATIONAL ASSOCIATION OF CASUALTY & SURETY AGENTS	1,875.00	982.39
JEROME L. DREYER, 1300 N. 17TH ST. SUITE 300 ARLINGTON VA 22209	ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATIONS		
STEPHEN D. DRIESLER, SUITE 306 1150 17TH ST., NW WASHINGTON DC 20036	NATIONAL MULTI HOUSING COUNCIL		
KEVIN J. DRISCOLL, 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSOCIATION	400.00	50.00
EDWIN JASON DRYER, 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	FOLEY,LARDNER,HOLLABAUGH & JACOBS (FOR: INDEPENDENT REFINERS ASSOCIATION OF AMERICA).		
EVELYN DUBROW, 1710 BROADWAY NEW YORK NY 10019	INTERNATIONAL LADIES' GARMENT WORKERS UNION	8,916.00	3,342.10
MORGAN D. DUBROW, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION	140.00	
BARBARA S. DUDECK, 955 L'ENFANT PLAZA, SW # 905 WASHINGTON DC 20024	AMERICAN HONDA MOTOR COMPANY, INC.	200.00	58.35
JANE MCPIKE DUDLEY, 1101 15TH STREET, N.W. WASHINGTON DC 20005	NATIONAL CONSTRUCTORS ASSOCIATION	375.00	
DOUGLAS F. DUERR, 1730 RHODE ISLAND AVENUE SUITE 810 WASHINGTON DC 20036	CREDIT UNION NATIONAL ASSOCIATION, INC.	300.00	188.71
ANN ANDERSON DUFF, 222 S. PROSPECT AVENUE PARK RIDGE IL 60068	NATIONAL ASSOCIATION OF MANUFACTURERS	1,200.00	
FRANCIS J. DUGGAN, 412 FIRST ST., SE, #200 WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	269.42	464.86
LAURIE DUKER, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	4,950.00	149.25
EVELYN DUKOVIC, 3 EAST 86TH ST. NEW YORK NY 10028	MORALITY IN MEDIA, INC.		
MERVIN E. DULLUM, 1629 K ST., NW, #204 WASHINGTON DC 20006	DELTA AIR LINES, INC.	200.00	68.75
DON R. DUNCAN, 1825 K ST.,NW SUITE 1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY		
ROBERT B. DUNCAN, 1000 POTOMAC STREET, NW, #302 WASHINGTON DC 20007	SCHWABE, WILLIAMSON, WYATT, MOORE AND ROBERTS (FOR: HELICOPTER LOGGERS ASSOCIATION).	8,428.52	3,142.28
Do	SCHWABE, WILLIAMSON, WYATT, MOORE AND ROBERTS (FOR: LITCHSTREET COMPANY).		4.48
Do	MOUNTAIN STATES ENERGY, INC.	3,704.74	1,381.24
Do	OTIS ELEVATOR COMPANY	3,293.34	1,228.44
Do	SCHWABE, WILLIAMSON, WYATT, MOORE AND ROBERTS (FOR: STATE OF OREGON/ CITY OF PORTLAND, OREGON).	10,851.12	4,046.96
DUNCAN, WEINBERG, & MILLER, SUITE 1200 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	ADOLPH KIZAS		
Do	EAST BAY REGIONAL PARK DISTRICT		
Do	IVA MAY HARVEY		
Do	HURON-CLINTON METROPOLITAN AUTHORITY		
Do	KONIAG, INC.	50.00	2.00
Do	MID WEST ELECTRIC CONSUMERS' ASSOCIATION, INC.		
Do	STATE OF NORTH DAKOTA		
Do	WESTERN FUELS ASSOCIATION, INC.		
JAMES W. DUNLOP, 195 MONTAGUE ST. BROOKLYN NY 11201	BROOKLYN UNION GAS COMPANY		
MARI LEE DUNN, SUITE 520 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL FOR CAPITAL FORMATION	498.00	
JAMES A. DUPREE, 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	FORD MOTOR COMPANY	4,014.00	1,340.90
MICHAEL V. DURANDO, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FEDERATION	2,475.00	103.00
B. J. DURHAM, P.O. BOX 2121 CORPUS CHRISTI TX 78403	CENTRAL POWER AND LIGHT COMPANY	228.00	1,030.89
DANIEL A. DUTKO, SUITE 214 412 FIRST STREET, SE WASHINGTON DC 20003	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA	2,499.00	
Do	CALIFORNIA WESTSIDE FARMERS	2,500.00	
Do	DOUGLAS OIL PURCHASING CORPORATION	8,333.32	
Do	HILLCREST EQUITIES, INC.	3,333.33	
Do	INDEPENDENT PETROLEUM ASSOCIATION OF THE MOUNTAIN STATES		
DENIS J. DWYER, 700 NORTH FAIRFAX ST. ALEXANDRIA VA 22314	RAILWAY PROGRESS INSTITUTE	342.00	
DENNIS J. EARHART, 1753 EUCLID AVENUE, NW WASHINGTON DC 20009	BONNEVILLE ASSOCIATES, INC. (FOR: WESTERN REGIONAL COUNCIL)	1,227.63	
JACK D. EARLY, 1155 15TH ST., NW, #514 WASHINGTON DC 20005	NATIONAL AGRICULTURAL CHEMICALS ASSOCIATION	332.50	59.50
ROY W. EASLEY, 1735 DE SALES ST., NW WASHINGTON DC 20036	ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC		
GEORGE H. EATMAN, SUITE 3210 490 L'ENFANT PLAZA, SW WASHINGTON DC 20024	SLURRY TRANSPORT ASSOCIATION	1,000.00	
EATON ASSOCIATES, INC, 1750 K ST., NW, SUITE 260 WASHINGTON DC 20006			
CHARLES H. EATON, SUITE 260 1750 K STREET, NW WASHINGTON DC 20006	EATON ASSOCIATES, INC.		
ROBERT E. L. EATON, 1750 K ST., NW, SUITE 260 WASHINGTON DC 20006	EATON ASSOCIATES, INC.		
ROBERT E. EBEL, 1025 CONNECTICUT AVENUE, NW, #1014 WASHINGTON DC 20036	ENSERCH CORPORATION	1,450.00	877.00
HAROLD F. EBERLE, 1828 L ST., NW, #201, WASHINGTON, DC 20036	AMERICAN ELECTRONICS ASSOCIATION	3,000.00	50.00
N. BOYD ECKER, 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	MOBIL OIL CORPORATION	1,500.00	56.00
ROBERT C. ECKHARDT, 1750 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	CONSOLIDATED NATURAL GAS COMPANY	5,000.00	
Do	CONSUMER FEDERATION OF AMERICA		
Do	INVESTMENT COMPANY INSTITUTE	5,000.00	
Do	SLURRY TRANSPORT ASSOCIATION	5,000.00	116.00
ECONOMIC SERVICE CONSORTIUM, P.O. BOX 2009 ARLINGTON VA 22202			
PATRICIA K. ECONOMOS, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSOCIATION OF HOME BUILDERS OF THE U.S.		
EDELMAN INTERNATIONAL CORPORATION, 1730 PENNSYLVANIA AVENUE, NW, #460 WASHINGTON DC 20006	DGA INTERNATIONAL (FOR: AIRBUS INDUSTRIE)		
Do	DGA INTERNATIONAL (FOR: SOFREAVIA)		
Do	ELECTRONIC INDUSTRIES ASSOCIATION OF JAPAN		
Do	REPUBLIC OF UGANDA		
PETER B. EDELMAN, 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	FOLEY, LARDNER, HOLLABAUGH & JACOBS (FOR: CITY OF MINNEAPOLIS)		
Do	FOLEY, LARDNER, HOLLABAUGH & JACOBS (FOR: INDEPENDENT REFINERS ASSOCIATION OF AMERICA).		
DANIEL J. EDELMAN, INC., SUITE 460 1730 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	AMERICAN SEAT BELT COUNCIL		
Do	ROSES, INC	4,000.00	311.30
Do	SONY CORPORATION OF AMERICA		
Do	WHITTAKER CORPORATION		
WILLIAM R. EDGAR, SUITE 401 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	GATES LEARJET CORPORATION		150.00
HELEN H. EDGE, 700 N. FAIRFAX ST. ALEXANDRIA VA 22314	RAILWAY PROGRESS INSTITUTE	391.25	
ARTHUR B. EDGEWORTH JR , 1709 NEW YORK AVENUE, NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	3,750.00	
EDISON ELECTRIC INSTITUTE, 9TH FLOOR 1111 19TH ST., NW WASHINGTON DC 20036		19,041.52	100,560.65
V. ANNE EDLUND, 1909 K ST., NW, #300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC.		
STEPHEN L. EDMISTON, 807 MAINE AVENUE, SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS	11,463.20	2,929.36

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
ED EDMONDSON, BOX 11 MUSKOGEE OK 74401	AMERICAN INLAND WATERWAYS COMM		
Do	CHEROKEE NATION		
Do	DOSS AVIATION, INC		
Do	IU INTERNATIONAL MANAGEMENT CORPORATION		
Do	OKLAHOMA ASSOCIATION OF ELECTRIC COOPS		
Do	U.S. MARITIME COMMITTEE, INC		
EDS CORPORATION, 229 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003			2,056.28
EDWARDS ASSOCIATES, 507 SECOND ST., NE WASHINGTON DC 20002	PORTLAND GENERAL ELECTRIC COMPANY		
CHRISTINE A. EDWARDS, 1211 CONNECTICUT AVENUE, NW, WASHINGTON, DC 20036	SEARS, ROEBUCK & COMPANY	280.00	20.80
J. RODNEY EDWARDS, 260 MADISON AVENUE NEW YORK NY 10016	AMERICAN PAPER INSTITUTE, INC		
MACON T. EDWARDS, 1030 15TH ST., NW, #700 WASHINGTON DC 20005	NATIONAL COTTON COUNCIL OF AMERICA	2,100.00	61.80
MICHAEL D. EDWARDS, 1201 16TH STREET, NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSOCIATION	1,891.80	156.50
WILLIAM A. EDWARDS, 250 OLD COUNTRY ROAD MINEOLA NY 11501	LONG ISLAND LIGHTING COMPANY	1,925.00	1,181.89
PAUL S. EGAN, 1608 K ST., NW WASHINGTON DC 20006	AMERICAN LEGION	6,951.00	165.22
EGGERS & GREENE, 1407 MAIN ST. SUITE 335 DALLAS TX 75202	LTV CORPORATION	3,000.00	1,261.35
SARA EHRMAN, 444 NORTH CAPITOL ST., NW, #412 WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	1,704.66	
MARY ANN EICHENBERGER, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INSTITUTE OF ARCHITECTS	2,800.00	
CARL W. EK, SUITE 202 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	4,153.86	79.96
JONATHAN P. ELA, 142 W. GORHAM MADISON WI 53703	SIERRA CLUB	1,377.00	1,175.40
H. J. ELAM III, 1201 MAPLE ST. GREENSBORO NC 27405	CONE MILLS CORPORATION		
JANE E. ELDER, 142 W. GORHAM MADISON WI 53703	SIERRA CLUB	1,282.50	763.60
TIMOTHY L. ELDER, 1850 K ST., NW SUITE 925 WASHINGTON DC 20006	CATERPILLAR TRACTOR COMPANY	2,500.00	726.66
GEORGE K. ELIADES, 1401 WILSON BLVD., #205 ARLINGTON VA 22209	SOCIETY OF AMERICAN WOOD PRESERVERS, INC	250.00	335.00
C. M. ELKINS ASSOCIATES, SUITE 310 1100 17TH ST., NW WASHINGTON DC 20036	DELAWARE & HUDSON RAILWAY COMPANY		
Do	MISSOURI KANSAS TEXAS RAILROAD		
Do	PITTSBURGH & LAKE ERIE RAILROAD		
J. BURTON ELLER JR., 425 13TH ST., NW, #1020 WASHINGTON DC 20004	NATIONAL CATTLEMEN'S ASSOCIATION	1,000.00	
CHARLES W. ELLIOTT, WISCONSIN PETROLEUM COUNCIL 25 W. MAIN ST., #703 MADISON WI 53703	AMERICAN PETROLEUM INSTITUTE	57.50	
JOHN DOYLE ELLIOTT, 5500 QUINCY ST. HYATTSVILLE MD 20784			84.90
STEVE ELLIOTT, 765 BROAD ST NEWARK NJ 07101	FIDELITY UNION TRUST COMPANY		
JOHN ELLIS, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
KEITH H. ELLIS, 1015 18TH ST.,NW WASHINGTON DC 20036	CONFERENCE OF STATE BANK SUPERVISORS	1,238.00	39.00
DOROTHY A. ELLSWORTH, 1300 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS	11,747.18	67.60
PERRY R. ELLSWORTH, SUITE 435 1425 H ST., NW WASHINGTON DC 20005	NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS	1,500.00	35.00
JOSEPH T. ELVOVE, 54 SURFWATCH DRIVE KIAWAH ISLAND SC 29455	PUBLICKER INDUSTRIES, INC		
ELY RITTS PIETROWSKI & BRICKFIELD, SUITE 915 WATERGATE 600 BUILDING WASHINGTON DC 20037	OCEAN MINING ASSOCIATES		
ELY, GUESS & RUDD, 1090 VERMONT AVENUE, N. W. WASHINGTON DC 20005			
CARL F. EMDE, 1800 K ST., NW, #1016 WASHINGTON DC 20006	AIR PRODUCTS & CHEMICALS, INC	250.00	
EMERGENCY COMMITTEE FOR AMERICAN TRADE, 12M CONNECTICUT AVENUE WASHINGTON DC 20036		104,880.45	119,073.23
EMERSON ELECTRIC COMPANY, 8000 FLORISSANT ST. LOUIS MO 63136			1,238.96
EMPLOYEE RELOCATION COUNCIL, SUITE 600 1627 K ST., NW WASHINGTON DC 20006			7,606.97
EMPLOYERS COUNCIL ON FLEXIBLE COMPENSATION, 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006		12.00	25.00
LOWELL J. ENDAHL, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION	160.00	
ENERGY CONSUMERS & PRODUCERS ASSOCIATION, BOX 1726 PETROLEUM PLAZA SEMINOLE OK 74868		28,005.00	20,305.29
GERTRUDE ENGEL, 2450 VIRGINIA AVENUE, NW WASHINGTON DC 20037	NATIONAL HEALTH FEDERATION	3,000.00	
RALPH ENGEL, 1001 CONNECTICUT AVENUE, NW, #1120 WASHINGTON DC 20036	CHEMICAL SPECIALTIES MANUFACTURERS ASSOCIATION	89.71	12.25
STEVEN L. ENGELBERG, 2033 M ST., NW, #404 WASHINGTON DC 20036	AMERICAN ASSOCIATION FOR MARRIAGE & FAMILY THERAPY		
LEWIS A. ENGMAN, 1100 15TH ST., NW WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSOCIATION	2,500.00	
PATRICIA HANAHAN ENGMAN, 1155 15TH ST., NW WASHINGTON DC 20005	BRISTOL-MYERS COMPANY	5,000.00	
CHRISTOPHER ENGQUIST, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
M. DALE ENSIGN, 1100 17TH ST., NW SUITE 406 WASHINGTON DC 20036	SINCLAIR OIL CORPORATION	500.00	85.47
VICKIE L. ERICKSON, SUITE 514 900 17TH STREET, NW WASHINGTON DC 20006	NATIONAL HOME FURNISHINGS ASSOCIATION		
JOHN M. ERSKINE JR., 1108 LAVACA, SUITE 400 AUSTIN TX 78701	STANDARD OIL COMPANY (INDIANA)		
SAM J. ERVIN JR., P.O. BOX 69 MORGANTON NC 28655	MEAD CORPORATION, ANHEUSER-BUSCH & WESTVACO		
INGOLF G. ESDERS, 815 16TH STREET, NW WASHINGTON DC 20006	INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO	3,978.12	
GEORGE T. ESHERICK, 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	U.S. STEEL CORPORATION	658.00	228.00
JANE B. ESTERLY, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	225.00	186.30
ETHYL CORPORATION, SUITE 611 1155 15TH ST., NW WASHINGTON DC 20005			4,500.00
STEPHEN E. EURE, P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	2,000.00	712.89
DONALD C. EVANS, P.O. BOX 1496 SARASOTA FL 33577			
JOHN FORD EVANS JR., O'CONNOR & HANNAN 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	R.M. SINGER & ASSOCIATES, INC		
Do	TRANSPORT MUTUAL SERVICES, INC		
Do	UNITED KINGDOM MUTUAL STEAM SHIP ASSURANCE ASSOCIATION (BERMUDA)		
Do	WEST OF ENGLAND SHIP OWNERS MUTUAL PROTECT. & INDEMNITY ASSOCIATION		
JOSEPH O. EVANS, APARTMENT 21 4401 LEE HWY. ARLINGTON VA 22207	UNITED ACTION FOR ANIMALS, INC		
RAE FORKER EVANS, SUITE 210 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	HALLMARK CARDS, INC		
ROBERT D. EVANS, 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSOCIATION	400.00	50.00
FAWN K. EVENSON, 1611 NORTH KENT ST. SUITE 900 ARLINGTON VA 22209	FOOTWEAR INDUSTRIES OF AMERICA	4,000.00	421.78
EVERETT, JOHNSON & BRECKINRIDGE, 20 EXCHANGE PLACE NEW YORK NY 10005	BACARDI CORPORATION		
Do	STERLING DRUG, INC	200.00	8.00
ELLEN E. EVES, NEW MURPHY RD. AND CONCORD PIKE WILMINGTON DE 19897	ICI AMERICAS, INC		
JEFFREY P. EVES, SCOTT PLAZA PHILADELPHIA PA 19113	SCOTT PAPER COMPANY	1,500.00	1,612.65
KY P. EWING JR., 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	VINSON & ELKINS (FOR: AMERICAN GENERAL CORPORATION)	33,384.62	665.54
Do	VINSON & ELKINS (FOR: GATX TERMINALS CORPORATION)	4,568.14	458.91
Do	VINSON & ELKINS (FOR: TRAVELERS INSURANCE COMPANY)		
ROBBIE G. EXLEY, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
F/P RESEARCH ASSOCIATES, SUITE 303 1700 K STREET, NW WASHINGTON DC 20006	NATIONAL CABLE TELEVISION ASSOCIATION	3,600.00	14.50
Do	SLURRY TRANSPORT ASSOCIATION	2,500.00	6.00
Do	WAGNER & BAROODY (FOR AMERICAN BUS ASSOCIATION)	1,500.00	13.82
THOMAS L. FAGAN, 777 - 14TH STREET, N.W. WASHINGTON DC 20003	GENERAL ELECTRIC COMPANY	250.00	
ROBERT R. FAHS, SUITE 250 1101 15TH ST., NW WASHINGTON DC 20005	CARGILL INC	2,500.00	74.25
DALE W. FALLAT, FIRST FEDERAL BUILDING 5740 SOUTHWYCK BLVD. TOLEDO OH 43614	ANDERSONS		
ROBERT C FARBER, 6712 OLD MCLEAN VILLAGE DRIVE MCLEAN VA 22101	TOSCO CORPORATION	10,150.00	578.85
THOMAS B. FARLEY II, 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INSTITUTE	7,312.00	103.05
FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA, P.O. BOX 2251 DENVER CO 80251		53,212.50	70,831.84
JOHN W. FARQUHAR, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	300.00	
DAGMAR T. FARR, 1750 K STREET, N.W. WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	450.00	
DOLORES L. FARR, SUITE 200 1101 14TH ST., NW WASHINGTON DC 20005	AMERICAN NURSES' ASSOCIATION	4,051.36	240.56
MICHAEL FARRAR, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PAPER INSTITUTE, INC		
PENELOPE S. FARTHING, SUITE 415 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN INSURANCE ASSOCIATION	260.00	
MARCUS G. FAUST, SUITE 200 2000 L STREET, NW WASHINGTON DC 20036	KENNECOTT CORPORATION	9,000.00	
Do	KIRTON, MCCONKIE AND BUSHNELL	10,387.50	331.32
CLINTON B. FAWCETT, NINE GREENWAY PLAZA HOUSTON TX 77046	COASTAL CORPORATION		
JANE FAWCETT-HOOVER, 1801 K ST., NW, #230 WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING COMPANY	224.92	
FEDERAL EXPRESS CORPORATION, BOX 727 MEMPHIS TN 38194			37,082.15
FEDERATION OF AMERICAN CONTROLLED SHIPPING, 50 BROADWAY NEW YORK NY 10004		1,488.00	1,488.00
FEDERATION OF AMERICAN HOSPITALS, SUITE 402 1111 19TH ST., NW WASHINGTON DC 20036		9,000.00	9,000.00
FEDERATION OF AMERICAN SCIENTISTS, 307 MASSACHUSETTS AVENUE, NE WASHINGTON DC 20002			1,496.48
MICHAEL FEINSTEIN, 1319 F STREET, NW WASHINGTON DC 20004	NATIONAL ASSOCIATION OF PRIVATE PSYCHIATRIC HOSPITALS	120.00	
KENNETH E. FELTMAN, 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSOCIATION OF MANUFACTURERS		
JANICE A. FENBERG, SUITE 602 1155 15TH STREET, NW WASHINGTON DC 20005	PENNZOIL COMPANY	90.00	
C. WELLES FENDRICH, P. O. BOX 1500 SOMERVILLE NJ 08876	RESEARCH-COTTRELL, INC		
JUDITH W. FENSTERER, 600 THIRD AVENUE, 18TH FLOOR NEW YORK NY 10016	GENERIC PHARMACEUTICAL INDUSTRY ASSOCIATION	684.00	674.15
FENSTERWALD & ASSOCIATES, 1000 WILSON BLVD SUITE 900 ARLINGTON VA 22209	NATIONAL NUTRITIONAL FOODS ASSOCIATION	4,374.99	875.31
EDWARD T. FERGUS, 100 GOLD ST. NEW YORK NY 10038	BACHE, HALSEY, STUART, SHIELDS INC	750.00	
JACK FERGUSON ASSOCIATES, 203 MARYLAND AVENUE, NE WASHINGTON DC 20002	ALASCOM, INC	3,900.00	675.00
Do	ALASKA INTERNATIONAL INDUSTRIES		675.00
Do	FOSS LAUNCH & TUG COMPANY; FOSS ALASKA LINE	7,800.00	675.00
Do	NORTHWEST ALASKAN PIPELINE COMPANY	4,950.00	675.00
Do	U.S. BORAX	8,520.83	675.00
Do	WESTERN AIRLINES		
BETSY FERGUSON, 1875 EYE STREET,N.W. SUITE 1110 WASHINGTON DC 20006	TIMES MIRROR COMPANY		
JAMES H. FERGUSON, 1140 CONNECTICUT AVENUE, NW, #609 WASHINGTON DC 20036	AMERICAN SOCIETY FOR PERSONNEL ADMINISTRATION	13,000.00	8,966.00
JOHN T. FERGUSON II, 1875 EYE STREET, NW WASHINGTON DC 20006	GEORGIA-PACIFIC CORPORATION	750.00	13.00
JOHN L. FESTA, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PAPER INSTITUTE, INC		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
FIDELITY UNION LIFE, P.O. BOX 500 DALLAS TX 75221			3,695.41
BLAINE FIELDING, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PAPER INSTITUTE, INC		
FRED C. FIELDING, 1129 20TH STREET, NW WASHINGTON DC 20036	AM GENERAL CORPORATION	2,400.00	189.00
C. H. FIELDS, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FEDERATION	4,450.00	73.00
GARY W. FIELDS, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BANKERS ASSOCIATION	250.00	
EDITH U. FIERST, 1140 CONNECTICUT AVENUE, N.W. SUITE 5u1 WASHINGTON DC 20036	ASSOCIATION OF AMERICAN FORIEGN SERVICE WOMEN		
HERBERT A. FIERST, 610 RING BUILDING 1200 18TH ST., NW WASHINGTON DC 20036	COUNCIL OF FOREST INDUSTRIES OF B.C.	13,125.00	475.00
MATTHEW P. FINK, 1775 K ST., NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE		
E. JAY FINKEL, SUITE 1200 1133 15TH STREET, NW WASHINGTON DC 20005	PORTER WRIGHT MORRIS & ARTHUR (FOR: J. ROYAL PARKER ASSOCIATES)		
FINLEY KUMBLE WAGNER HEINE UNDERBERG & CASEY, 10TH FLOOR 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036.		900.00	900.00
Do	ASSOCIATION OF SPANISH FISHERMEN	912.00	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, 1775 K STREET, NW WASHINGTON DC 20006	INTERNATIONAL COMMUNICATIONS ASSOCIATION	2,000.00	350.00
THOMAS D. FINNIGAN, OLD RIDGEBURY ROAD SECTION D228 DANBURY CT 06817	UNION CARBIDE CORPORATION		
JILL FINSEN, 923 15TH ST., N.W. WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	3,000.00	747.00
M. J. FIOCCO, 1090 VERMONT AVENUE, NW WASHINGTON DC 20005	NATIONAL INDUSTRIAL TRAFFIC LEAGUE	3,000.00	21.00
LAURIE A. FIORI, 1909 K ST., NW WASHINGTON DC 20049	AMERICAN ASSOCIATION OF RETIRED PERSONS	467.11	112.75
FIRST CLASS MAILERS ASSOCIATION, INC, SUITE 107 1101 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20037			103.00
FIRST NATIONAL BANK OF BOSTON, 100 FEDERAL ST. BOSTON MA 02110			10,886.04
FIRST NATIONAL BOSTON CORPORATION, 100 FEDERAL ST. BOSTON MA 02110			
RICHARD L. FISCHER, 1000 16TH ST., NW WASHINGTON DC 20036	STANDARD OIL COMPANY (INDIANA)	677.00	
FISHER & SINICK, P.C., SUITE 440 2020 K ST. NW WASHINGTON DC 20006	LEAGUE OF NEW YORK THEATRES & PRODUCERS, INC		
DONALD W. FISHER, 3814 IVANHOE LANE ALEXANDRIA VA 22310	AMERICAN GROUP PRACTICE ASSOCIATION, INC	1,322.00	3.00
CHRISTINE M. FISHKIN, 1707 L STREET,NW SUITE 200 WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION		135.00
JOHN H. FITCH JR., 1725 K STREET, NW SUITE 1200 WASHINGTON DC 20006	NATIONAL ASSOCIATION OF WHOLESALER-DISTRIBUTORS		
LAURI J. FITZ, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: NATIONAL COALITION FOR A FREE CUBA)	4,860.00	
MARK FITZGERALD, 15TH & M ST., NW WASHINGTON DC 20005	NATIONAL ASSOCIATION OF HOME BUILDERS OF THE U.S.		
HILLIARD J. FJORD, 602 MAIN ST., #600 CINCINNATI OH 45202	OHIO RIVER COMPANY	1,500.00	483.70
SUSAN G. FLACK, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	2,000.00	57.00
DANIEL V. FLANAGAN JR., SUITE 900 1776 K STREET, NW WASHINGTON DC 20006			
JAMES J. FLANAGAN, 25 RESEARCH DRIVE WESTBOROUGH MA 01581	NEW ENGLAND POWER SERVICE COMPANY	579.65	148.70
MICHAEL FLEMING, SUITE 1010 1300 NORTH 17TH STREET ARLINGTON VA 22209	AMERICAN ASSOCIATION OF EQUIPMENT LESSORS	2,300.00	12.10
RUTH FLOWER, 245 SECOND ST., NE. WASHINGTON DC 20002	FRIENDS COMMITTEE ON NATIONAL LEGISLATION	3,047.64	
DAVID H. FOERSTER, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSOCIATION		
WILLIAM J. FOGARTY, 2029 K STREET, NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	2,000.00	
HOWARD W. FOGT, FOLEY, LARDNER, HOLLABAUGH & JACOBS 1775 PENNSYLVANIA AVENUE, NW, SUITE 1000 WASHINGTON DC 20006.	PHOSPHATE ROCK EXPORT ASSOCIATION		
FOLEY LARDNER HOLLABAUGH & JACOBS, 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	CITY OF MINNEAPOLIS	17,370.00	257.12
Do	FIRST WISCONSIN NATIONAL BANK OF MILWAUKEE		
Do	INDEPENDENT REFINERS ASSOCIATION OF AMERICA	7,938.00	488.52
Do	INSURANCE ASSOCIATION OF CONNECTICUT	4,540.00	13.68
Do	LAWYERS TITLE INSURANCE CORPORATION		67.44
Do	NATIONAL GYPSUM COMPANY/CEMENT DIVISION		
Do	PHOSPHATE ROCK EXPORT ASSOCIATION	1,310.00	5.65
LEANDER J. FOLEY III, 267 CAPE ST. JOHN RD. CAPE ST. JOHN MD 21401	NATIONAL FEDERATION OF COMMUNITY DEVELOPMENT CREDIT UNIONS	2,500.00	
Do	NATIONAL RURAL DEVELOPMENT & FINANCE CORPORATION	7,500.00	
RAYMOND J. FOLEY, 1430 K ST., NW, #1000 WASHINGTON DC 20005	NATIONAL CANDY WHOLESALERS ASSOCIATION, INC		
FOOD AND BEVERAGE TRADES DEPARTMENT, AFL-CIO, 815 16TH ST., NW WASHINGTON DC 20006		12,058.86	12,058.85
FOOD MARKETING INSTITUTE, 1750 K ST., NW WASHINGTON DC 20006			4,750.00
FOODSERVICE & LODGING INSTITUTE, 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006			
GORDON FORBES, 303 HANOVER BUILDING, 480 CEDAR ST. ST. PAUL MN 55101	MINNESOTA RAILROADS	515.00	700.21
CHARLES A. FORD, 1909 K STREET, N.W. SUITE 300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
LAURENCE S. FORDHAM, FOLEY, HOAG & ELIOT ONE POST OFFICE SQUARE BOSTON MA 02109	C & S WHOLESALE GROCERS, INC	250.00	
DONALD D. FOREMAN, SUITE 343 4640 W. 77TH MINNEAPOLIS MN 55437	STANDARD OIL COMPANY (INDIANA)	1,050.00	
FOREST FARMERS ASSOCIATION, P.O. BOX 95385 ATLANTA GA 30347			
FOREST INDUSTRIES COMMITTEE ON TIMBER VALUATION & TAXATION, 1250 CONNECTICUT AVENUE, NW WASHINGTON DC 20036.		582.35	852.35
EDWARD H. FORGOTSON, 1627 K ST., NW 10TH FLOOR WASHINGTON DC 20006	TEXAS OIL & GAS CORPORATION		
MARK A. FORMAN, SUITE 600 S 1120 20TH STREET, NW WASHINGTON DC 20036	UNION PACIFIC CORPORATION	625.00	
SALLIE H. FORMAN, 1825 K ST., NW WASHINGTON DC 20006	NATIONAL BROADCASTING COMPANY, INC	1,650.00	51.70
NANCY E. FOSTER, SUITE 510 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN SOYBEAN ASSOCIATION	759.00	12.00
ROBERT U. FOSTER, SUITE 1250 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	SHIPBUILDERS COUNCIL OF AMERICA		
EBERT E. FOURNACE, 3706 EATON RD., NW CANTON OH 44708	AMERICAN ELECTRIC POWER SERVICE CORPORATION		
ERIC R. FOX, 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	EMPLOYEE RELOCATION COUNCIL		
DAVID E. FRANASIAK, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	3,042.00	106.50
WILLIAM H. G. FRANCE, 1701 K ST., NW SUITE 1204 WASHINGTON DC 20006	NATIONAL MOTORSPORTS COMM OF ACCUS		
FRANCIS ASSOCIATES, LTD., 316 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL EDUCATION ASSOCIATION		
DOUGLAS L. FRANCISCO, 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		71.25
PETER M. FRANK, SUITE 906 1625 K STREET, NW WASHINGTON DC 20006	KERR-MCGEE CORPORATION	2,500.00	474.04
ALFRED S. FRANK, JR., SUITE 320 1140 19TH ST., NW WASHINGTON DC 20036	NCR CORPORATION		
WALTER L. FRANKLAND JR , 1717 K ST., NW WASHINGTON DC 20006	SILVER USERS ASSOCIATION, INC	1,300.20	93.10
THOMAS C. FRANKS, 604 SOLAR BUILDING 1000 16TH STREET, NW WASHINGTON DC 20036	NATIONAL ASSOCIATION OF REALTORS		
CHARLES W. FRANZ, 1133 19TH STREET, NW WASHINGTON DC 20036	MCI COMMUNICATIONS CORPORATION	10,375.00	169.50
CHARLES L. FRAZIER, 475 L'ENFANT PLAZA, SW, #2250 WASHINGTON DC 20024	NATIONAL FARMERS ORGANIZATION	5,041.67	2,413.11
DONALD A. FREDERICK, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	233.00	
ROBERT M. FREDERICK, 1616 H ST., NW WASHINGTON DC 20006	NATIONAL GRANGE	4,625.00	
D. MICHAL FREEDMAN, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	1,362.06	
JAMES O. FREEMAN, 1709 NEW YORK AVENUE, NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	3,575.00	38.00
LINDA J. FREEMAN, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSOCIATION, INC	353.08	
PAULA A. FREER, 1800 M ST., NW, #975 WASHINGTON DC 20036	MARATHON OIL COMPANY		
ROBERT E. FREER, SUITE 2200 1000 WILSON BLVD. ARLINGTON VA 22209	KIMBERLY-CLARK CORPORATION		
RONNA FREIBERG, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: ASARCO)		
Do	GRAY AND COMPANY (FOR: BUDD COMPANY)		
Do	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)	57.50	
Do	GRAY AND COMPANY (FOR: GENERAL TELEPHONE & ELECTRONICS)		
Do	GRAY AND COMPANY (FOR: GROUP W)		
Do	GRAY AND COMPANY (FOR: HAMBROS BANK LIMITED)	230.00	
Do	GRAY AND COMPANY (FOR: HEALTH INSURANCE ASSOCIATION OF AMERICA)		
Do	GRAY AND COMPANY (FOR: MINIMUM TAX COALITION)	28.75	
Do	GRAY AND COMPANY (FOR: MOTOROLA)		
Do	GRAY AND COMPANY (FOR: SHAKLEE CORPORATION)	57.50	
Do	GRAY AND COMPANY (FOR: SHARPS, PIXLEY & COMPANY, LTD.)	230.00	
Do	GRAY AND COMPANY (FOR: RICHARD L. SINNOTT & COMPANY)	28.75	
Do	GRAY AND COMPANY (FOR: TOBACCO INSTITUTE)	28.75	
Do	GRAY AND COMPANY (FOR: WARNER COMMUNICATIONS)		
VERRICK O. FRENCH, 1000 CONNECTICUT AVENUE, NW, #700 WASHINGTON DC 20036	NATIONAL RETAIL MERCHANTS ASSOCIATION	550.00	15.00
SARA HAMRIC FREUND, 260 MADISON AVENUE NEW YORK NY 10016	AMERICAN PAPER INSTITUTE, INC		
GEORGE L. FRICK, C/O DELAWARE PETROLEUM COUNCIL 20 E. DIVISION ST. DOVER DE 19901	AMERICAN PETROLEUM INSTITUTE		
SUSAN FRIDY, 1840 WILSON BLVD. ARLINGTON, VA. 22201	NATIONAL MILK PRODUCERS FEDERATION	2,490.00	
FRIED FRANK HARRIS SHRIVER & KAMPELMAN, SUITE 1000 600 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20037	AGRIGENETICS CORPORATION	920.50	543.73
Do	CHEYENNE RIVER SIOUX TRIBE	2,038.00	21.75
Do	DIAMOND DEALERS CLUB, INC	5,000.00	25.10
Do	DOYON, LIMITED	352.25	10.50
Do	MAKAH INDIAN TRIBE		
Do	METLAKATLA INDIAN COMMUNITY		
Do	MICCOSUKEE TRIBE OF INDIANS OF FLORIDA		23.85
Do	NATIONAL ASSOCIATION OF PENSION FUNDS		18.78
Do	NEZ PERCE TRIBE		10.70
Do	NORTON SOUND HEALTH CORPORATION		
Do	PUEBLO OF LAGUNA	4,005.90	14.90
Do	SCHENLEY INDUSTRIES, INC	7,381.75	199.94
Do	SENECA NATION OF INDIANS	1,403.00	26.50
PHILIP P. FRIEDLANDER JR , 1343 L ST., NW WASHINGTON DC 20005	NATIONAL TIRE DEALERS & RETREADERS ASSOCIATION	1,200.00	
FRIEDMAN & MANN, P.C., 810 18TH ST., NW WASHINGTON DC 20006	COUSHATTA TRIBE OF LOUISIANA		
BARRY A. FRIEDMAN, WILNER & SCHEINER 1200 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	AMERICAN SOCIETY OF TRAVEL AGENTS		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
JAMES M. FRIEDMAN, 700 TERMINAL TOWER CLEVELAND OH 44113	CLEVELAND ELECTRIC ILLUMINATING COMPANY		
GAY H. FRIEDMANN, 1150 CONNECTICUT AVENUE, NW, #717 WASHINGTON DC 20036	SOUTHERN CALIFORNIA GAS COMPANY	7,075.00	103.00
FRIENDS COMMITTEE ON NATIONAL LEGISLATION, 245 2ND ST., NE WASHINGTON DC 20002			25,725.04
FRIENDS OF THE COLUMBIA GORGE, ROOM 303 519 SW THIRD PORTLAND OR 97204		8,771.00	221.00
GUSTAVE FRITSCHIE, 1101 CONNECTICUT AVENUE, NW, #700 WASHINGTON DC 20036	NATIONAL FISHERIES INSTITUTE	6,000.00	20.00
SUSAN T. FRITSCHLER, 1111 19TH STREET, NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	730.00	
CHARLES H. FRITTS, 2009 NORTH 14TH ST. SUITE 600 ARLINGTON VA 22201	NEW BEDFORD SEAFOOD COUNCIL, INC.	6,600.00	557.22
CHARLES H. FRITZEL, 499 S. CAPITOL ST., SE, #401 WASHINGTON DC 20003	NATIONAL ASSOCIATION OF INDEPENDENT INSURERS	300.00	450.00
JEFFRIY FRITZLEN, 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	TENNECO INC	1,000.00	
RICHARD B. FROH, SUITE 1014 900 17TH STREET, NW WASHINGTON DC 20006	KAISER FOUNDATION HEALTH PLAN	15,500.00	2,027.94
GORDON H. FRY, SUITE 1201 1100 17TH ST., NW WASHINGTON DC 20036	CIGAR ASSOCIATION OF AMERICA, INC.		
FULBRIGHT & JAWORSKI, 1150 CONNECTICUT AVENUE, NW, #400 WASHINGTON DC 20036	CRYSTAL OIL COMPANY		
Do	NATIONAL ASSOCIATION OF REAL ESTATE INVESTMENT TRUSTS	5,250.00	124.50
Do	UNDERWOOD NEUHAUS		
Do	UNITED STATES LEASING INTERNATIONAL, INC.		
RONALD K. FULLER, 316 PENNSYLVANIA AVENUE, SE, #517 WASHINGTON DC 20003	SAN DIEGO GAS & ELECTRIC	1,846.80	2,573.02
CLAUDIA R. FUQUAY, 1133 20TH ST., NW WASHINGTON DC 20036	NATIONAL FOOD PROCESSORS ASSOCIATION	500.00	37.00
NANCY H. FUSSELL, 1700 N. MOORE ST. ROSSLYN VA 22209	BOEING COMPANY	265.80	197.95
DAVID H. FYOCK, SUITE 520 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	GPU SERVICE CORPORATION	5,375.00	760.85
G-4 CHILDREN'S COALITION, ROOM 1100 1666 K STREET, NW WASHINGTON DC 20006		17,670.68	11,332.47
MARC P. GABOR, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO	3,000.00	160.21
TERRY GABRIELSON, 490 L'ENFANT PLAZA, SW, #3202 WASHINGTON DC 20024	TRANSCONTINENTAL GAS PIPELINE CORPORATION		
JAMES E. GAFFIGAN, SUITE 607 1899 L STREET, NW WASHINGTON DC 20036	TRAVEL & TOURISM GOVERNMENT AFFAIRS POLICY COUNCIL	1,625.00	
NORMAN S. GAINES, 2550 M ST., NW, #770 WASHINGTON DC 20037	RJR INDUSTRIES, INC.	2,200.54	290.51
JOE H. GALIS, P.O. BOX 1100 SLOTE 1455 AVON PARK FL 33825			
LAWRENCE H. GALL, P.O. BOX 1396 HOUSTON TX 77251	TRANSCO COMPANIES, INC.		
ANN E. GALLAGHER, 1111 NORTH 19TH STREET, SUITE 700 ARLINGTON, VA 22209	NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS	600.00	
LINDA P. GALLAGHER, 1925 K STREET, NW WASHINGTON DC 20006	ALLIANCE TO SAVE ENERGY		
KARL GALLANT, 8001 BRADDOCK ROAD SPRINGFIELD VA 22160	NATIONAL RIGHT TO WORK COMMITTEE	375.00	131.60
LARRY GALLO, 1001 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CHEMICAL SPECIALTIES MANUFACTURERS ASSOCIATION	173.80	27.00
WILLIAM R. GANSER JR., 4804 FOLSE DRIVE METAIRIE LA 70002	SOUTHERN FOREST PRODUCTS ASSOCIATION	2,006.25	
NICOLE GARA, SUITE 700 2341 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	AMERICAN ACADEMY OF PHYSICIAN ASSISTANTS	5,811.13	178.93
MICHAEL N. GARABEDIAN, 14TH FLOOR 228 E. 45TH STREET NEW YORK NY 10017	SIERRA CLUB	52.70	
SHERWIN GARDNER, 1010 WISCONSIN AVENUE, NW SUITE 800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC.		
GARDNER, CARTON & DOUGLAS, 1875 I ST., NW WASHINGTON DC 20006	AMERICAN HEALTH CARE ASSOCIATION	80.00	5.50
EDWARD A. GARMATZ, 2210 LAKE AVENUE BALTIMORE MD 21090	BALTIMORE GAS & ELECTRIC COMPANY		
NICHOLAS P. GARNETT, 1025 VERMONT AVENUE, NW, WASHINGTON, DC 20005	NATIONAL INSULATION CONTRATORS ASSOCIATION		
JAMES J. GARRY, 4TH FLOOR FOUR WORLD TRADE CENTER NEW YORK NY 10048	COFFEE, SUGAR & COCOA EXCHANGE, INC.		
JOHN C. GARTLAND, 1019 19TH STREET, NW WASHINGTON DC 20036	AMWAY CORPORATION	8,250.00	251.51
GARVEY, SCHUBERT, ADAMS & BARER, 1000 POTOMAC ST., NW WASHINGTON DC 20007	AMERICAN PYROTECHNICS ASSOCIATION		
Do	COMINCO AMERICAN, INC		
Do	GTE SERVICE CORPORATION	1,925.00	
Do	NORANDA MINING INC.	17,282.50	
Do	NORTHWEST MARINE IRON WORKS	1,558.00	5.91
Do	PACCAR, INC.		
Do	PACIFIC RIM TRADE ASSOCIATION		
Do	PORT OF TILLAMOOK BAY & TILLAMOOK COUNTY	230.00	37.26
Do	TRAILWAYS, INC.		
Do	WASHINGTON CITIZENS FOR WORLD TRADE	162.50	
E. JUNE GARVIN, OHIO PETROLEUM COUNCIL 88 E. BROAD SUITE 1960 COLUMBUS OH 43215	AMERICAN PETROLEUM INSTITUTE	3,500.00	921.25
PHILIP GASTEYER, 1709 NEW YORK AVENUE, NW SUITE 801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	5,875.00	
JOHN GAUTHIER, 923 15TH STREET, N.W. WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	3,000.00	174.00
DWIGHT M. GEDULDIG, 444 NORTH CAPITOL ST.,N.W. #500 WASHINGTON DC 20001	AMERICAN HOSPITAL ASSOCIATION	2,051.97	631.27
JOHN R. GEIGER, SUITE 506 1660 L ST., NW WASHINGTON DC 20036	GOULDS PUMPS, INC.	500.00	
ROBERT C. GELARDI, 5775 PEACHTREE-DUNWOODY RD. #500-D ATLANTA GA 30342	ROBERT H. KELLEN COMPANY (FOR: CALORIE CONTROL COUNCIL)	300.00	
JOSE A. GEMEIL, SUITE 302 1100 17TH STREET, NW WASHINGTON DC 20036	SAMUEL E. STAVISKY & ASSOCIATES, INC (FOR: INSTITUTO BRASILEIRO DO CAFE)		
GENERAL AVIATION MANUFACTURERS ASSOCIATION, SUITE 517 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036			3,226.14
GENERAL INSTRUMENT CORPORATION, 1775 BROADWAY NEW YORK NY 10019		700.00	873.53
GENERIC PHARMACEUTICAL INDUSTRY ASSOCIATION, 18TH FLOOR 600 THIRD AVENUE NEW YORK NY 10016		10,527.65	10,527.65
FRED J. GENTILE, 195 MONTAGUE STREET BROOKLYN NY 11201	BROOKLYN UNION GAS COMPANY		
JOHN GENTILLE, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
GEORGE AND GEORGE, 499 SOUTH CAPITOL ST., SW SUITE 400 WASHINGTON DC 20003	PEPSICO, INC.		
Do	RISS INTERNATIONAL		
GEORGIA ASSOCIATION OF PETROLEUM RETAILERS, INC., 315 W PONCE DE LEON AVENUE 933 FIRST NATIONAL BANK BUILDING P.O. BOX 789 DECATUR GA 30031.	SERVICE STATION DEALERS OF AMERICA, INC.		
JOSEPH G. GERARD, 918 16TH ST., N.W. # 402 WASHINGTON DC 20006	SOUTHERN FURNITURE MANUFACTURERS ASSOCIATION	1,500.00	1,567.17
GERARD, BYLER & ASSOCIATES, INC., 1100 17TH ST., NW, #1100 WASHINGTON DC 20036	AK CHIN INDIAN COMMUNITY		
Do	COLVILLE INDIAN TRIBE		
Do	COMMISSIONED OFFICERS ASSOCIATION OF THE U.S. PUBLIC HEALTH SERVICE	636.00	
Do	DAMSON OIL CORPORATION	800.00	
Do	MINNESOTA CHIPPEWA TRIBE	556.00	
Do	PAPAGO TRIBE OF ARIZONA	2,636.96	
Do	TULALIP TRIBES		
LOUIS GERBER, 1925 K ST., NW WASHINGTON DC 20006	COMMUNICATIONS WORKERS OF AMERICA	5,967.88	138.90
LLEWELLYN H. GERSON, 425 13TH STREET, NW WASHINGTON DC 20004	DISTILLED SPIRITS COUNCIL OF THE U.S., INC	2,000.00	300.00
PHYLLIS H. GERSTELL, 1850 K ST., NW WASHINGTON DC 20037	AMERICAN COUNCIL OF LIFE INSURANCE, INC.		
ALVIN J. GESKE, DAVIS & MCLEOD 499 S. CAPITOL ST., SW, #407 WASHINGTON DC 20003	NATIONAL CATTLEMEN'S ASSOCIATION		
Do	NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS		
DOROTHY F. GEVINSON, 1801 K ST., NW SUITE 230 WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING COMPANY	10.00	
ROBERT N. GIAIMO, 499 SOUTH CAPITOL ST., S.W. SUITE 110 WASHINGTON DC 20003	INSURANCE ASSOCIATION OF CONNECTICUT	11,500.00	
ANNE MARIE GIBBONS, THIRD FLOOR 2301 M STREET, NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSOCIATION	500.00	
CLIFFORD S. GIBBONS, 1010 WISCONSIN AVENUE, N.W. SUITE 800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC.	71.80	
WAYNE GIBBONS, 1919 PENNSYLVANIA AVENUE, NW, #503 WASHINGTON, DC 20006	MID-CONTINENT OIL & GAS ASSOCIATION	7,960.00	105.25
GIBSON, DUNN & CRUTCHER, 1776 G STREET, NW WASHINGTON DC 20006	ASSOCIATED SPECIALTY CONTRACTORS, INC.	1,053.00	18.00
Do	MECHANICAL CONTRACTORS ASSOCIATION OF AMERICA, INC	325.00	6.00
GIC FINANCIAL SERVICES CORPORATION, SUITE 420 9701 W. HIGGINS ROAD ROSEMONT IL 60018			
WILLIAM G. GIERY, 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	FOODSERVICE & LODGING INSTITUTE		
NORMA J. GILBERT, 1776 K ST., NW, #200 WASHINGTON DC 20006	MOTOROLA, INC.	1,500.00	82.78
RICHARD GILBERT, 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN PUBLIC HEALTH ASSOCIATION	1,222.00	
ARTHUR P. GILDEA, 274 GLENFIELD CT. CINCINNATI OH 45238	BREWERY & SOFT DRINK WORKERS, NATIONAL CONFERENCE		
MICHAEL GILDEA, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	13,607.49	
JOHN E. GILES, 1600 EYE ST., NW WASHINGTON DC 20006	MOTION PICTURE ASSOCIATION OF AMERICA, INC.	2,000.00	1,777.65
FLOYD H. GILKEY, 2111 HARBOR DRIVE ANNAPOLIS MD 21401	CHESAPEAKE INDUSTRIES, INC.		
JOSEPH S. GILL, BRICKER & ECKLER 100 E. BROAD STREET COLUMBUS OH 43215	NORFOLK SOUTHERN	5,000.00	
JACQUELINE GILLAN, 215 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	CONGRESS WATCH	3,166.67	
MARK W. GILLASPIE, P.O. BOX 1188 HOUSTON TX 77001	HOUSTON NATURAL GAS CORPORATION		
NEAL P. GILLEN, 1707 L ST., NW, #460 WASHINGTON DC 20036	AMERICAN COTTON SHIPPERS ASSOCIATION	24,000.00	799.99
WILLIAM GILMARTIN, SUITE 303 1220 19TH STREET, NW WASHINGTON DC 20036	PLANNED PARENTHOOD FEDERATION OF AMERICA, INC.	320.00	56.00
JOE L GILMORE, 1745 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	GENERAL DYNAMICS LAND SYS.		
DAVID S. GILROY, 715 EIGHTH STREET, NW WASHINGTON DC 20003	NATIONAL VICTIMS OF CRIME		
MARLA F. GILSON, 444 NORTH CAPITOL STREET, N.W. # 412 WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	718.74	
SAMUEL P. GINDER, 2361 S. JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	PRESEARCH, INC		
GINSBURG, FELDMAN AND BRESS, 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	COAL OIL PRODUCERS ASSOCIATION	750.00	174.07
Do	BELCHER TOWING COMPANY	213.75	38.23
GERARD GIOVANIELLO, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSOCIATION OF REALTORS	2,500.00	461.63
MICHAEL K. GIRE, BRICKER & ECKLER 100 E. BROAD ST. COLUMBUS OH 43215	AMERICAN SMALL AND RURAL HOSPITAL ASSOCIATION, OHIO CHAPTER		
BRENDA M. GIRTON, 1211 CONNECTICUT AVENUE, NW WASHINGTON, DC 20036	SEARS, ROEBUCK & COMPANY		
JONAH GITLITZ, SUITE 905 1730 K ST., NW WASHINGTON DC 20006	DIRECT MAIL MARKETING ASSOCIATION		
MICHAEL J. GIUFFRIDA, SUITE 450 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	NATIONAL FROZEN FOOD ASSOCIATION	2,250.00	
DAVID B. GLANCEY, 2600 THE FIDELITY BUILDING PHILADELPHIA PA 19109	PHILADELPHIA STOCK EXCHANGE	3,000.00	130.60
JAY W. GLASMANN, 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	EMPLOYEE RELOCATION COUNCIL		
SOL GLASNER, SUITE 810 2000 L ST., NW WASHINGTON DC 20036	SPERRY CORPORATION		
GEORGE L. GLEASON, 410 1ST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	6,675.01	338.03
JOHN P. GLEASON, 1750 OLD MEADOW RD. MCLEAN VA 22102	BRICK INSTITUTE OF AMERICA		
LAW OFFICES OF THOMAS W. GLEASON ONE STATE STREET PLAZA NEW YORK NY 10004	INTERNATIONAL LONGSHOREMAN'S ASSOCIATION, AFL-CIO	6,545.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
ROBERT GLEASON, 815 SIXTEENTH STREET, N.W. WASHINGTON DC 20006	INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO	6,105.60	229.81
GLENMEDE TRUST COMPANY, 229 S. 18TH ST. PHILADELPHIA PA 19103	CSX CORPORATION	3,000.00	664.23
JAMES T. GLENN, 840 WASHINGTON BUILDING 15TH STREET & NEW YORK AVENUE, NW WASHINGTON DC 20005	H&R BLOCK, INC.		
A. JAMES GOLATO, 1701 K STREET, NW WASHINGTON DC 20006	VELSICOL CHEMICAL CORPORATION	675.00	246.24
HARVEY S. GOLD, 1015 15TH ST., NW, #909 WASHINGTON DC 20005	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)		
MARTIN B. GOLD, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: EASTERN MICROWAVE, INC)	1,755.00	
Do	GRAY AND COMPANY (FOR: NEWCHANNELS CORPORATION)	1,755.00	
Do	GRAY AND COMPANY (FOR: RICHARD L. SINNOTT & COMPANY)	6,825.00	
Do	GRAY AND COMPANY (FOR: WARNER COMMUNICATIONS, INC)	450.00	
HOWARD S. GOLDBERG, 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTERNATIONAL, INC (FOR: AIRBUS INDUSTRIE)		
Do	DGA INTERNATIONAL, INC. (FOR: SOFREAVIA)		
JANE A. GOLDEN, 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	FOLEY, LARDNER, HOLLABAUGH & JACOBS (FOR: NATIONAL GYPSUM COMPANY/ CEMENT DIVISION).		
JACK GOLODNER, 815 16TH ST., N.W. WASHINGTON DC 20006	DEPARTMENT FOR PROFESSIONAL EMPLOYEES, AFL-CIO	3,585.69	
JOHN GONELLA, SUITE 200 412 FIRST STREET, SE WWASHINGTON DC 20036	ASSOCIATION OF AMERICAN RAILROADS	541.87	425.25
ALFONSO J. GONZALEZ, 7981 EASTERN AVENUE, SILVER SPRING, MARYLAND 20910	NATIONAL ASSOCIATION OF SOCIAL WORKERS	10,000.00	530.00
RUTH GONZE, THIRD FLOOR 2301 M STREET, NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSOCIATION	500.00	
CHARLES E. GOODELL, 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTERNATIONAL, INC. (FOR: SOFREAVIA)		
VANCE V. GOODFELLOW, 307 4TH AVENUE, SOUTH, P.O. BOX 15047 MINNEAPOLIS MN 55415	CROP QUALITY COUNCIL		10,201.29
BENJAMIN GORDON, 2000 P ST., NW, #708 WASHINGTON DC 20036	HEALTH RESEARCH GROUP		
DOUGLAS GORDON, 1133 20TH STREET, N.W. WASHINGTON DC 20036	NATIONAL FOOD PROCESSORS ASSOCIATION	375.00	
IRMGARD GORDOS, PO BOX 722 JEFFERSON CITY MO 65102	AMERICAN SECURITY COUNCIL		
BRENDA J. GORE, SUITE 2600 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC.	1,000.00	
MILLICENT GORHAM, SUITE 400E 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSOCIATION		
JAMES M. GORMAN, 258 W. CLINTON AVENUE TENAFLY NJ 07670	C. A. SHEA & COMPANY, INC.		
JAMES D. GORMLEY, 1025 CONNECTICUT AVENUE, N.W. SUITE 517 WASHINGTON DC 20036	GENERAL AVIATION MANUFACTURERS ASSOCIATION	1,361.53	
PETER GOSSENS, 1717 MASSACHUSETTS AVENUE, NW, #503 WASHINGTON DC 20036	NATIONAL ASSOCIATION OF INDEPENDENT COLLEGES & UNIVERSITIES	11,250.00	310.00
JOHN T. GOULD JR., SUITE 805 1625 EYE STREET, NW WASHINGTON DC 20006	ST. REGIS PAPER COMPANY	500.00	700.00
GOVERNMENT RELATIONS ASSOCIATES, INC., SUITE 401 1629 K STREET, NW WASHINGTON DC 20006	KAISER STEEL CORPORATION	970.00	970.00
EDMOND GRABER, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
JOHN R. GRAFF, SUITE 330 1025 VERMONT AVENUE, NW WASHINGTON DC 20005	INTERNATIONAL ASSOCIATION OF AMUSEMENT PARKS AND ATTRACTIONS	32.00	186.00
DONALD E. GRAHAM, 1800 MASSACHUSETTS AVENUE, NW, #604 WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	686.25	
LAWRENCE T. GRAHAM, 1101 CONNECTICUT AVENUE, NW, #1006 WASHINGTON DC 20036	AMERICAN HOTEL & MOTEL ASSOCIATION	1,178.61	
JOHN K. GRAM, 714 OREGON BANK BUILDING PORTLAND OR 97204	PUBLIC TIMBER PURCHASERS GROUP	1,781.25	580.00
LUIS L. GRANADOS, 1725 DESALES STREET,N.W.,SUITE 401 WASHINGTON, DC 20036	ESOP ASSOCIATION OF AMERICA	19,400.00	4,627.48
WILLIAM W. GRANT, SUITE 710 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	UTAH INTERNATIONAL, INC		112.20
JAMES L. GRANUM, 920 15TH ST., NW WASHINGTON DC 20005	NORFOLK SOUTHERN CORPORATION	1,000.00	
MICHAEL R. GRAUL, 1725 DESALES ST., NW SUITE 401 WASHINGTON DC 20036	AMERICAN HARDWARE MANUFACTURERS ASSOCIATION	1,000.00	
Do	CUTTING TOOL MANUFACTURERS ASSOCIATION & METAL CUTTING TOOL INSTITUTE	1,200.00	
JAMES A. GRAY, 7901 WESTPARK DRIVE MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSOCIATION	725.00	25.00
ROBERT K. GRAY, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: AMERICAN IRON AND STEEL INSTITUTE)		
Do	GRAY AND COMPANY (FOR: AMERICAN MARITIME ASSOCIATION)		
Do	GRAY AND COMPANY (FOR: AMERICAN TRUCKING ASSOCIATION)		
Do	GRAY AND COMPANY (FOR: ASARCO)		
Do	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)		
Do	GRAY AND COMPANY (FOR: COUNCIL OF STATE HOUSING AGENCIES)		
Do	GRAY AND COMPANY (FOR: EASTERN MICROWAVE, INC)		
Do	GRAY AND COMPANY (FOR: EL PASO NATURAL GAS)		
Do	GENERAL TELEPHONE & ELECTRONICS		
Do	GRAY AND COMPANY		
Do	GRAY AND COMPANY (FOR: GROUP W)		
Do	GRAY AND COMPANY (FOR: HAMBROS BANK LIMITED)		
Do	GRAY AND COMPANY (FOR: HEALTH INSURANCE ASSOCIATION OF AMERICA)		
Do	GRAY AND COMPANY (FOR: HTB CORPORATION)		
Do	GRAY AND COMPANY (FOR: MINIMUM TAX COALITION)		
Do	GRAY AND COMPANY (FOR: MOTOROLA, INC)		
Do	GRAY AND COMPANY (FOR: NEW CHANNELS CORPORATION)		
Do	GRAY AND COMPANY (FOR: QUIXOTE CORPORATION)		
Do	GRAY AND COMPANY (FOR: REPUBLIC AIRLINES)		
Do	GRAY AND COMPANY (FOR: SHAKLEE CORPORATION)		
Do	GRAY AND COMPANY (FOR: SHARPS, PIXLEY & COMPANY, LTD.)		
Do	GRAY AND COMPANY (FOR: TOBACCO INSTITUTE)		
Do	GRAY AND COMPANY (FOR: WARNER COMMUNICATIONS)	87.50	
JOHN F. GRAYBEAL, SUITE 1000 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: LAWYERS TITLE INSURANCE CORPORATION).		
MARK E. GRAYSON, 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	HILL & KNOWLTON, INC		
SAMUEL A. GRAYSON, P.O. BOX 1745 BOISE ID 83701	UNION PACIFIC RAILROAD		
GREAT WESTERN SUGAR COMPANY, P.O. BOX 5308 DENVER CO 80217			3,680.46
GREATER WASHINGTON BOARD OF TRADE, 1129 20TH ST., NW WASHINGTON DC 20036			
JAMES R. GRECO, P.O. BOX 3151 HOUSTON TX 77001	BROWNING-FERRIS INDUSTRIES, INC		
DONALD R. GREELEY, 1101 17TH ST., NW, #307 WASHINGTON DC 20036	CELANESE CORPORATION	1,000.00	253.48
GEORGE R. GREEN, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	450.00	
JAMES W. GREEN, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSOCIATION	2,536.20	185.80
JOHN K. GREEN, 800 NEBRASKA SAVINGS BUILDING OMAHA NB 68102	PAPILLION NEBRASKA SCHOOL DISTRICT	536.00	47.75
MICAH S. GREEN, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSOCIATION OF REALTORS	2,500.00	441.74
JANE E. GREENBAUM, SUITE 210 1201 PENNSYLVANIA AVENUE NW WASHINGTON DC 20004	HALLMARK CARDS, INC		
ALLEN GREENBERG, SUITE 708 2000 P STREET, NW WASHINGTON DC 20036	HEALTH RESEARCH GROUP	.82	
CALVIN REGINALD GREENE, JR., 115 D St. NW #108 WASHINGTON, DC 20003	NATIONAL COALITION OF TELECOMMUNICATIONS USERS AND PROVIDERS		
ROBERT GREENSTEIN, 236 MASSACHUSETTS AVENUE, NE WASHINGTON DC 20002	CENTER ON BUDGET & POLICY PRIORITIES	1,501.46	281.27
DALE W. GREENWOOD, 612 HOGE BUILDING SEATTLE WA 98104	WASHINGTON RAILROAD ASSOCIATION	446.24	927.43
SAUNDERS GREGG, PO BOX 2628 HOUSTON TX 77001	ENTEX, INC		
CHELLIS O. GREGORY, 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	HILL & KNOWLTON, INC (FOR: MOTION PICTURE ASSOCIATION OF AMERICA)	1,280.00	17.30
WILLIAM G. GREIF, 1155 15TH ST., NW WASHINGTON DC 20005	BRISTOL-MYERS COMPANY	35,000.00	
ELLEN GRIFFEE, SUITE 723 425 13TH STREET, NW WASHINGTON DC 20004	NATIONAL ORGANIZATION FOR WOMEN	2,575.00	96.00
L. GEORGE GRIFFIN, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSOCIATION OF REALTORS	2,000.00	117.85
MARK N. GRIFFITHS, 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSOCIATION OF MANUFACTURERS	200.00	
JACK GRIMES, 8100 OAK STREET, DUN LORING	NATIONAL PEST CONTROL ASSOCIATION		
VINCENT A. GRIZANTI JR., 311 10TH AVENUE S. SELMA AL 36701	ORGANIZATION OF ALABAMIAN TAXPAYERS EMPLOYED & UNEMPLOYED		
OLGA GRKAVAC, 1300 NORTH 17TH STREET SUITE 300 ARLINGTON VA 22209	ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATIONS		
GROCERY MANUFACTURERS OF AMERICA, INC., SUITE 800 1010 WISCONSIN AVENUE, NW WASHINGTON DC 20007			1,504.81
GROOM & NORDBERG, 1775 PENNSYLVANIA AVENUE, NW, #450 WASHINGTON DC 20006	AD HOC GROUP ON LIFE INSURANCE COMPANY TAXATION OF PENSION FUNDS		
Do	AETNA LIFE & CASUALTY	200.00	6.00
Do	BAXTER TRAVENOL LABORATORIES, INC		
Do	CONNECTICUT GENERAL LIFE INSURANCE COMPANY		
Do	ELI LILLY AND COMPANY		
Do	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S.	200.00	6.00
Do	GLOBAL MARINE, INC	300.00	6.00
Do	GOLDMAN, SACHS & COMPANY	300.00	6.00
Do	GULF OIL CORPORATION	1,000.00	15.00
Do	JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY	200.00	6.00
Do	PHILLIPS PETROLEUM COMPANY	100.00	2.00
Do	PHOENIX MUTUAL LIFE INSURANCE COMPANY	200.00	6.00
Do	PRUDENTIAL INSURANCE COMPANY OF AMERICA	2,500.00	60.00
Do	READING & BATES CORPORATION	300.00	6.00
Do	TRAVELERS		
Do	WESTERN CONFERENCE OF TEAMSTERS PENSION TRUST FUND	100.00	2.00
Do	WESTINGHOUSE ELECTRIC CORPORATION	100.00	2.00
NINA G. GROSS, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BANKERS ASSOCIATION	800.00	47.76
STANLEY C. GROSS, 249 MAITLAND AVENUE ALTAMONE SPRINGS FL 32701	INSTITUTE OF INTERNAL AUDITORS, INC		
FRANK N. GROSSMAN, SUITE 840 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SANTA FE INDUSTRIES, INC	1,500.00	
JOHN R. GROUNDWATER JR , 3251 OLD LEE HIGHWAY SUITE 501 FAIRFAX VA 22030	NATIONAL LIMESTONE INSTITUTE, INC		
JOHN T. GRUPENHOFF, SUITE 306 10,000 FALLS ROAD POTOMAC MD 20854	AMERICAN ACADEMY OF DERMATOLOGY	2,600.00	352.60
Do	AMERICAN GASTROENTEROLOGICAL ASSOCIATION	4,550.00	474.00
Do	AMERICAN SOCIETY FOR GASTROINTESTINAL ENDOSCOPY	4,550.00	474.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	NATIONAL ASSOCIATION FOR HOSPITAL DEVELOPMENT		
LARRY GRUPP, BOX 8032 MOSCOW ID 83843	J. R. SIMPLOT COMPANY		
RICHARD F. GUAY, 1101 15TH ST., NW WASHINGTON DC 20005	NATIONAL CONSTRUCTORS ASSOCIATION	3,375.00	
CLARK J. GUILD JR., GUILD, HAGEN & CLARK, LTD. 102 ROFF WAY RENO NV 89505	MOTION PICTURE ASSOCIATION OF AMERICA, INC.	6,868.75	2,246.13
JEROME R. GULAN, 1604 K ST., NW WASHINGTON DC 20006	NATIONAL SMALL BUSINESS ASSOCIATION	4,500.00	
Do	SMALL BUSINESS LEGISLATIVE COUNCIL	2,500.00	
GUN OWNERS OF AMERICA, INC., 5881 LEESBURG PIKE #204, FALLS CHURCH, VA 22041		199,411.42	194,391.41
THOMAS M. GUNN, PO BOX 516 ST. LOUIS MO 63166	MCDONNELL DOUGLAS CORPORATION		
DAVID GUSKY, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	9,235.56	
SUSAN L. GUSTAFSON, 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSOCIATION		
NED H. GUTHRIE, 209 HAYES AVENUE CHARLESTON WV 25314	AMERICAN FEDERATION OF MUSICIANS	880.00	2,136.35
ROBERT F. GUTHRIE, #608 815 16TH ST., NW WASHINGTON DC 20006	DEPARTMENT FOR PROFESSIONAL EMPLOYEES, AFL-CIO	4,554.37	
JAMES L. GYORY, SUITE 709 2021 K STREET, NW WASHINGTON DC 20006	JAMES L. GYORY	1,000.00	235.16
C. JAMES HACKETT, P.O. BOX 11700 TACOMA WA 98411	AMERICAN PLYWOOD ASSOCIATION		
JAMES M. HACKING, 1909 K ST., NW WASHINGTON DC 20049	NATIONAL RETIRED TEACHERS ASSOCIATION/AMERICAN ASSOCIATION OF RETIRED PERSONS.	646.15	259.95
CRAIG HACKLER, 412 FIRST ST., SE SUITE 214 WASHINGTON DC 20003	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA	1,000.00	
Do	CADILLAC FAIRVIEW U.S., INC.	3,000.00	
Do	CALIFORNIA WESTSIDE FARMERS	2,500.00	
Do	GUAM OIL & REFINING COMPANY		
Do	HILLCREST EQUITIES, INC.	3,333.33	
Do	NATIONAL LIVING CENTERS	2,000.00	
Do	STICHTING PHILIPS PENSIOENFONDS A AND B		
LOYD HACKLER, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	2,000.00	66.75
CHARLES W. HACKNEY JR., 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSOCIATION OF HOME BUILDERS OF THE U.S.		
WILLIAM F. HADDAD, 322 W. 57TH ST. NEW YORK NY 10019	GENERIC PHARMACEUTICAL INDUSTRY ASSOCIATION	3,800.00	183.50
THOMAS M. HAGAN, 1510 AMERICAN BANK TOWER AUSTIN TX 78701	CENTRAL AND SOUTH WEST SERVICES, INC.	2,430.00	2,678.28
ANN HAGEMANN, 1150 17TH ST., NW WASHINGTON DC 20036	AMERICAN BROADCASTING COMPANY		
WILLIAM D. HAGER, 1835 K ST., NW, #515 WASHINGTON DC 20006	AMERICAN ACADEMY OF ACTUARIES		
BRUCE N. HAHN, 9300 LIVINGSTON RD. FORT WASHINGTON, MD. 20744	NATIONAL TOOLING & MACHINING ASSOCIATION		
THOMAS F. HAIRSTON, 1100 CONNECTICUT AVENUE, NW, #800 WASHINGTON DC 20036	UNION OIL COMPANY OF CALIFORNIA	5,750.00	643.72
HALE AND DORR, SUITE 807 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	GHK COMPANIES	23,788.03	4,281.49
Do	INDIAN LAND CLAIM COMMITTEE	1,890.00	
Do	TOWN OF MASHPEE		
RANDOLPH M. HALE, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSOCIATION OF MANUFACTURERS		
BEVERLY HALEM, 414 HIGH POINT DRIVE, #206 COCA FL 32922	HALEM INDUSTRIES, INC.		
HALEY BADER & POTTS, SUITE 700 1730 M ST., NW WASHINGTON DC 20036	PILOTS RIGHTS ASSOCIATION	246.75	52.57
MARTIN HALEY COMPANIES, 1015 15TH ST., NW WASHINGTON DC 20005	AGRI-BUSINESS INC.		
Do	LOUIS DREYFUS CORPORATION		
Do	M&M/MARS DIVISION OF MARS, INC.		
Do	MARION LABORATORIES, INC.		
Do	NEW ENGLAND COUNCIL, INC.		
Do	NEW ENGLAND MUTUAL LIFE INSURANCE COMPANY		
Do	POWER AUTHORITY OF THE STATE OF NEW YORK		
Do	TELEPHONE & DATA SYSTEMS, INC.		
HALL ESTILL HARDWICK GABLE COLLINGSWORTH & NELSON, SUITE 350 1750 K ST., NW WASHINGTON DC 20006	WILLIAMS COMPANIES	100.00	
JOHN F. HALL, 1619 MASSACHUSETTS AVENUE, N.W. WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSOCIATION	800.00	
RICHARD F. HALL, SUITE 800 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	UNION OIL COMPANY OF CALIFORNIA	2,000.00	1,159.63
NORMAN S. HALLIDAY, SUITE 300 600 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20003	NATIONAL ASSOCIATION OF GREETING CARD PUBLISHERS		
JOSEPH HALOW, SUITE 610-N 1800 M ST., NW WASHINGTON DC 20036	NORTH AMERICAN EXPORT GRAIN ASSOCIATION, INC.		
MAURICE E. HALSEY, SUITE 202 1627 K ST., NW WASHINGTON DC 20006	NORTHERN ILLINOIS GAS COMPANY	2,500.00	
PAUL T. HALUZA, 1120 19TH ST., NW, #333, WASHINGTON, DC 20036	MOTOR & EQUIPMENT MANUFACTURERS ASSOCIATION	3,000.00	1,002.44
JERALD V. HALVORSEN, COAL BUILDING WASHINGTON DC 20036	NATIONAL COAL ASSOCIATION	7,000.00	2,020.96
HAMEL PARK MCCABE & SAUNDERS, 888 16TH STREET, NW WASHINGTON DC 20006	BENEFICIAL FOUNDATION		
Do	ESTATE OF HELEN WODELL HALBACH	562.50	200.00
Do	GOVERNMENT OF THE U.S. VIRGIN ISLANDS		
Do	PUERTO RICO FEDERAL AFFAIRS ADMINISTRATION		200.00
Do	STATE OF ALASKA		
Do	TANDY CORPORATION		
Do	UNITED STUDENT AID FUNDS, INC.		
Do	VIRGIN ISLANDS TRADE & ECONOMIC DEVELOPMENT INSTITUTE		
Do	GRAEPER-VAN NOY-WAGNER, INC.		
BRUCE HAMILTON, BOX 1078 LANDER WY 82520	SIERRA CLUB	1,451.05	523.05
JAMES L. HAMILTON III, 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	U.S. STEEL CORPORATION	625.00	26.93
J. LEE HAMILTON, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSOCIATION OF MANUFACTURERS	178.04	35.00
STANLEY HAMILTON, 1616 P ST., NW, #204 WASHINGTON DC 20036	COMMON CARRIER CONFERENCE-IRREGULAR ROUTE	500.00	50.00
WILLIAM W. HAMILTON JR., SUITE 303 1220 19TH STREET, NW WASHINGTON DC 20036	PLANNED PARENTHOOD FEDERATION OF AMERICA, INC.	1,064.90	125.40
SUSAN WOODWARD HAMLIN, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
ROBERT E. HAMPTON, NEW MURPHY ROAD & CONCORD PIKE WILMINGTON DE 19897	ICI AMERICAS, INC.		
ROBERT N. HAMPTON, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	843.75	
TIMOTHY A. HANAN, 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	MOBIL CORPORATION	1,500.00	
NOLAN W. HANCOCK, 1126 16TH ST., NW WASHINGTON DC 20036	OIL, CHEMICAL & ATOMIC WORKERS INTERNATIONAL UNION	4,787.50	
TED HANDEL, THIRD FLOOR 2301 M STREET, NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSOCIATION	500.00	
DONALD K. HANES, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	150.25	
JAMES M. HANLEY, JAMES M. HANLEY AND ASSOCIATES 1301 PENNSYLVANIA AVENUE, NW, #1150 WASHINGTON DC 20004.	ALLIANCE OF THIRD CLASS NON-PROFIT MAILERS	15,000.00	575.00
ELIZABETH HANLIN, SUITE 810 2000 L ST., NW WASHINGTON DC 20036	SPERRY CORPORATION		
HANNAFORD COMPANY, INC., SUITE 750 1225 19TH STREET, NW WASHINGTON DC 20036	AMERICAN SOCIETY OF COMPOSERS, AUTHORS & PUBLISHERS		
Do	BALTIC AMERICAN FREEDOM LEAGUE		
Do	CENTURY 21	3,750.00	152.68
Do	CHINA EXTERNAL TRADE DEVELOPMENT COUNCIL		
Do	FIREMAN'S FUND INSURANCE COMPANIES		
Do	GENERAL MOTORS CORPORATION		
Do	HUBBARD BROADCASTING COMPANY		
Do	NATIONAL VENTURE CAPITAL ASSOCIATION	8,400.00	460.44
Do	NORTHWEST ALASKAN PIPELINE COMPANY		
Do	TOSCO OIL CORPORATION		
Do	TRANS WORLD AIRLINES, INC.	3,973.75	217.11
HANNAFORD INTERNATIONAL, INC, SUITE 207 905 16TH STREET, NW WASHINGTON DC 20006	LEBANESE INFORMATION & RESEARCH CENTER	4,458.90	1,043.61
Do	STABILEX CORPORATION	900.00	35.95
HANSELL POST BRANDON & DORSEY, 5TH FL. 1915 I ST., NW WASHINGTON, DC 20006	ASSOCIATED BUILDERS & CONTRACTORS, INC.		33.35
Do	EASTERN AIR LINES, INC.		49.15
Do	FIRST NATIONAL BANK OF ATLANTA		
Do	INDEPENDENT VALLEY ENERGY COMPANY	3,500.00	18.20
Do	PORTMAN PROPERTIES	9,066.00	
Do	ROCKWELL INTERNATIONAL CORPORATION		
ERLING HANSEN, 624 9TH ST., NW, 7TH FL. WASHINGTON DC 20001	GROUP HEALTH ASSOCIATION OF AMERICA, INC.		
J. E. HANSEN, 400 1ST ST., NW WASHINGTON DC 20001	BROTHERHOOD OF RAILROAD SIGNALMEN	350.00	
HARBISON FORD, INC., ROUTE 1, MORRISVILLE, PA 19067			
MARGARET K. HARDING, 1000 WILSON BLVD. ARLINGTON VA 22209	KIMBERLY-CLARK CORPORATION	126.00	37.50
WILLIAM E. HARDMAN, 9300 LIVINGSTON ROAD FT. WASHINGTON MD 20744	NATIONAL TOOLING & MACHINING ASSOCIATION		
DAVID T. HARDY, 1600 RHODE ISLAND AVENUE WASHINGTON DC 20036	NATIONAL RIFLE ASSOCIATION OF AMERICA		
EUGENE J. HARDY, SUITE 1000 1100 17TH ST., NW WASHINGTON DC 20036	GERBER PRODUCTS COMPANY	500.00	18.50
HELEN S. HARGADON, 1100 15TH STREET, NW WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSOCIATION	4,000.00	62.25
J. RICHARD HARGIS, 2550 M STREET, NW, #720 WASHINGTON DC 20037	RJR INDUSTRIES, INC.		
CHARLES N. HARKEY, 1700 NORTH MOORE ST. 1925 ROSSLYN CENTER BUILDING ARLINGTON VA 22209	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		
WILLIAM G. HARLEY, SUITE 606 1235 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	NATIONAL UTILITY CONTRACTORS ASSOCIATION		
DAN R. HARLOW, 919 18TH ST., NW WASHINGTON DC 20006	DIAMOND SHAMROCK CORPORATION	3,000.00	
DONALD L. HARLOW, 310 RILEY ST. FALLS CHURCH VA 22046	AIR FORCE SERGEANTS ASSOCIATION, INC.		
CHARLES E. HARMAN JR., PETROLEUM COUNCIL OF GEORGIA 230 PEACHTREE ST., NW, #L500 ATLANTA GA 30303	AMERICAN PETROLEUM INSTITUTE	9.72	7.00
WILEY C. HARRELL JR., 1211 CONNECTICUT AVENUE, NW, #502 WASHINGTON DC 20036	ANHEUSER-BUSCH COMPANIES, INC.		
MICHAEL T. HARRIGAN, 421 KING ST. ALEXANDRIA VA 22314	U.S. OLYMPIC COMMITTEE	100.00	
TONI HARRINGTON, 955 L'ENFANT PLAZA NORTH, SW, #905 WASHINGTON DC 20024	AMERICAN HONDA MOTOR COMPANY, INC.	200.00	64.55
ALLEN HARRIS, SUITE 316 1330 CLASSEN BUILDING OKLAHOMA CITY OK 73106	SOUTHWEST KANSAS IRRIGATION ASSOCIATION		
Do	TEXAS COUNTY IRRIGATION & WATER RESOURCES ASSOCIATION		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
HARRIS COMMUNICATIONS, INC, 80 TROWBRIDGE STREET CAMBRIDGE MA 02138	ALARM DEVICE MANUFACTURING COMPANY		
HUBERT L. HARRIS, 729 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC	2,500.00	
JUDY L. HARRIS, 729 15TH STREET, NW. WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC	2,500.00	
ROBERT L. HARRIS, 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	ALUMINUM ASSOCIATION		50.00
HARRIS, BERG & CRESKOFF, 1100 15TH ST., N.W. WASHINGTON DC 20005	ASSOCIATION OF FOOD INDUSTRIES, INC	8,500.00	291.69
Do	COMMITTEE OF DOMESTIC STEEL WIRE ROPE & SPECIALTY CABLE MANUFACTURERS		
Do	P.L. THOMAS & COMPANY, INC		
JIM HARRISON, SUITE 228 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	COMMITTEE OF URBAN PROGRAM UNIVERSITIES	6,250.00	54.90
WILLIAM H. HARSHA, 1102 DELF DRIVE MCLEAN VA 22101	WM. H. HARSHA & ASSOCIATES, INC. (FOR: AIRLINE PILOTS' ASSOCIATION)	5,000.00	98.00
Do	WM. H. HARSHA & ASSOCIATES, INC. (FOR: AMERICAN TRUCKING ASSOCIATION)	7,500.00	126.62
Do	WM. H. HARSHA & ASSSOCIATES, INC (FOR: APPALACHIAN REGIONAL COMMISSION).	6,000.00	322.07
Do	WM. H. HARSHA & ASSOCIATES, INC. (FOR: COMMUTER AIRLINE ASSOCIATION OF AMERICA).	3,000.00	
Do	WM. H. HARSHA & ASSOCIATES, INC. (FOR: GRUMMAN FLXIBLE)	4,500.00	
Do	WM. H. HARSHA & ASSOCIATES, INC. (FOR: SLURRY TRANSPORT ASSOCIATION)	12,000.00	
LYNN S. HART, 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSOCIATION	773.30	239.38
RICHARD HART, 601 N. VERMONT AVENUE LOS ANGELES CA 90004	NATIONAL ASSOCIATION OF MANUFACTURERS		
HARTFORD FIRE INSURANCE COMPANY, HARTFORD PLAZA HARTFORD CT 06115			12,120.02
HARTKE & HARTKE, 7637 LEESBURG PIKE FALLS CHURCH VA 22043	NATIONAL CULTURAL LIBERATION MOVEMENT & S.A. BLACK ALLIANCE		
CHARLES D. HARTMAN, 1050 17TH ST., NW, SUITE 500 WASHINGTON DC 20036	TEXACO, INC	2,054.80	
MARY L. HARTMAN, 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSOCIATION		
NORMAN B. HARTNETT, 807 MAINE AVENUE, SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS	22,349.60	1,734.08
EDWIN HAROLD HARVEY, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
JULIANE B. HARVEY, SUITE 220 1575 EYE STREET, NW WASHINGTON DC 20005	AMERICAN CYANAMID COMPANY	129.62	30.10
CLIFFORD J. HARVISON, 1616 P ST., NW WASHINGTON DC 20036	NATIONAL TANK TRUCK CARRIERS, INC		
HOLLY HASSETT, SUITE 801 1629 K STREET, NW WASHINGTON DC 20006	HERSHEY FOODS CORPORATION		
LEWIS B. HASTINGS, 1776 K ST., NW, #200 WASHINGTON DC 20006	MOTOROLA, INC	300.00	
WALTER A. HASTY JR , SUITE 230 1801 K ST., NW WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING COMPANY	268.49	
L. ANDREA HATFIELD, 618 WASHINGTON BUILDING WASHINGTON DC 20005	NATIONAL ASSOCIATION OF SMALL BUSINESS INVESTMENT COMPANIES	1,000.00	
JANET HATHAWAY, 215 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	CONGRESS WATCH	2,500.00	
BARBARA J. HAUGH, SUITE 800 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	UNION OIL COMPANY OF CALIFORNIA		1,762.30
RODNEY E. HAUGH, SUITE 903 1735 JEFFERSON DAVIS HWY. ARLINGTON, VA 22202	POTATO CHIP/SNACK FOOD ASSOCIATION	600.00	
MARY W. HAUGHT, 1800 K ST., NW, #820 WASHINGTON DC 20006	SUN COMPANY, INC	700.00	
CHARLES W. HAVENS III, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	LEBOEUF, LAMB, LEIBY & MACRAE		
SIDNEY G. HAWKES, 1000 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	MEAD CORPORATION	3,000.00	217.00
DAVID G. HAWKINS, 1725 I ST., NW WASHINGTON DC 20006	NATURAL RESOURCES DEFENSE COUNCIL, INC	5,263.74	27.20
JOHN H. HAWKINS JR , 600 N. 18TH ST. BIRMINGHAM AL 35291	ALABAMA POWER COMPANY	12,058.00	793.65
BRUCE R. HAWLEY, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FEDERATION	6,900.00	16.00
WESLEY F. HAYDEN, 5224 CHEROKEE AVENUE ALEXANDRIA VA 22312	INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES	7,125.00	68.70
JUNIUS HAYES III, 1800 M ST., NW WASHINGTON DC 20036	PROGRESS INC		
ROBERT A. HAYNOS, 4711 HUNT CIRCLE HARRISBURG PA 17112	HARSCO CORPORATION	12,250.00	13,086.64
HEALTH INSURANCE ASSOCIATION OF AMERICA, INC., 1750 K ST., NW WASHINGTON DC 20006			
HEALTH RESEARCH GROUP, SUITE 708 2000 P ST., NW WASHINGTON DC 20036		27.93	27.93
PATRICK B. HEALY, 1840 WILSON BOULEVARD, ARLINGTON, VA 22201	NATIONAL MILK PRODUCERS FEDERATION	543.75	
ROBERT L. HEALY, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	ATLANTIC RICHFIELD COMPANY	300.00	
CHARLES L. HEBNER, NEW MURPHY ROAD & CONCORD PIKE WILMINGTON DE 19897	ICI AMERICAS, INC		
BILL HECHT, SUITE 501 499 SOUTH CAPITOL STREET, NW WASHINGTON DC 20003	BROWN & WILLIAMSON TOBACCO CORPORATION	800.00	
Do	LOS ANGELES RAIDERS		
Do	U.S. TOBACCO COMPANY	200.00	
MARY CONNELL HEDBERG, SUITE 321 227 MASSACHUSETTS AVENUE, NE WASHINGTON DC 20002	CONSERVATIVES FOR IMMIGRATION REFORM, INC	25.00	
JAMES B. HEDLUND, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSOCIATION, INC	3,200.00	
JAY HEDLUND, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	7,500.00	1,789.29
EDWARD D. HEFFERNAN, 1875 EYE ST., NW, # 1025 WASHINGTON DC 20006	DUCTILE IRON PIPE RESEARCH ASSOCIATION		
Do	HAZELTINE CORPORATION	5,000.00	64.11
Do	INTER-REGIONAL FINANCIAL GROUP LEASING COMPANY	14,000.00	2,806.80
Do	SOUTHERN CALIFORNIA GAS COMPANY	5,000.00	5.64
JOHN HEFFNER, 1957 E STREET, N.W. WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
ROBERT E. HEGGESTAD, CASEY, SCOTT & CANFIELD 1435 G ST., NW WASHINGTON DC 20005	MANUFACTURED HOUSING INSTITUTE		
LON H. HEIBECK, 400 NORTH THIRD ST. HARRISBURG PA 17101	PENNSYLVANIA STATE EDUCATION ASSOCIATION		
ELIZABETH W. HEILIG, 1660 L STREET, NW, #215 WASHINGTON DC 20036	CROWN ZELLERBACH		
JOHN F. HEILMAN, 807 MAINE AVENUE, SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS	15,668.80	653.16
HELICOPTER ASSOCIATION INTERNATIONAL, 1110 VERMONT AVENUE, NW SUITE 430 WASHINGTON DC 20005			29,964.31
RICHARD L. HELLWEGE, 1911 JEFFERSON DAVIS HIGHWAY, #1002 ARLINGTON VA 22202	LEAR SIEGLER, INC		
NOEL HEMMENDINGER, 1919 PENNSYLVANIA AVENUE, NW, #400 WASHINGTON DC 20006	ARTER HADDEN & HEMMENDINGER (FOR: JAPAN IRON & STEEL EXPORTERS' ASSOCIATION).		
CAROL C. HENDERSON, 110 MARYLAND AVENUE, NE, #101, BOX 54 WASHINGTON DC 20002	AMERICAN LIBRARY ASSOCIATION	666.00	
RICHARD DEAN HENDERSON, SUITE 310 1101 17TH ST., NW WASHINGTON DC 20036	PRIVATE TRUCK COUNCIL OF AMERICA, INC		40.00
TOM HENDERSON, 108 S. AKARD STREET DALLAS TX 75202	U.S. TELEPHONE COMMUNICATIONS, INC	15,000.00	4,497.11
ELIZABETH E. HENDRIX, 311 FIRST ST., NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSOCIATION		
C. DAYLE HENINGTON, 1101 CONNECTICUT AVENUE, NW, #801 WASHINGTON DC 20036	CHICAGO MERCANTILE EXCHANGE		
EDMUND P. HENNELLY, 150 E. 42ND ST. NEW YORK NY 10017	MOBIL OIL CORPORATION	1,500.00	
GEORGE F. HENNRIKUS JR , 201 N. WASHINGTON ST. ALEXANDRIA VA 22314	RETIRED OFFICERS ASSOCIATION	5,534.00	
LEANN HENSCHE, 2550 M STREET, NW SUITE 770 WASHINGTON DC 20037	RJR INDUSTRIES, INC	263.74	132.11
BRUCE HEPPEN, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	210.10	8.50
LYLA M. HERNANDEZ, SUITE 210 5410 GROSVENOR LN. BETHESDA MD 20814	AMERICAN ASSOCIATION OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS		70.30
CATHERINE L. HERON, 1775 K STREET, NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE	78.20	12.25
HERRICK & SMITH, 100 FEDERAL STREET BOSTON MA 02110	SMITH COLLEGE		
CAROL M. HERRINGTON, 1235 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	EMERSON ELECTRIC COMPANY		
FRED HERVEY, P.O. BOX 20230 4500 S.40TH ST. PHOENIX AZ 85036	CIRCLE K CORPORATION		
Do	REDUCE OUR DEBT FOUNDATION		6,838.30
PAT I. HETH, SUITE 906 1625 K STREET, NW WASHINGTON DC 20006	KERR-MCGEE CORPORATION	2,500.00	353.78
HEUBLEIN, INC., C/O MAUREEN BRIGGS MUNSON RD. FARMINGTON CT 06032			33,601.50
TED ALLEN HEYDINGER, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	3,150.00	187.75
G. BROCKWEL HEYLIN, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
ANDREW I. HICKEY JR , 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSOCIATION	15,750.00	1,554.25
PAUL T. HICKS, RHODE ISLAND PETROLEUM ASSOCIATION 154 FRANCIS ST. PROVIDENCE RI 02903	AMERICAN PETROLEUM INSTITUTE		
J. THOMAS HIGGINBOTHAM, MELLON BANK, N.A. PITTSBURGH PA 15230	MELLON BANK, N.A. & MELLON NATIONAL CORPORATION	2,000.00	1,217.96
SHARON L. HILDEBRANDT, 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSOCIATION	3,320.64	109.09
CLIFTON T. HILDERLEY JR., SUITE 507 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	U.S. FILTER CORPORATION	1,000.00	
ALAN D. HILL, 1825 K STREET, N.W. SUITE 1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY		
HILL AND KNOWLTON, INC, SUITE 700 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	FLORISTS' TRANSWORLD DELIVERY ASSOCIATION	2,062.50	
GERALD 'JERRY' HILL, 6 EXECUTIVE PARK DRIVE ATLANTA GA 30029	STANDARD OIL COMPANY (INDIANA)		
J. ELDRED HILL JR , SUITE 603 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	UBA, INC	2,000.00	
MORTON A. HILL, 980 PARK AVENUE NEW YORK NY 10028	MORALITY IN MEDIA, INC	10.00	
PATRICIA HILL, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PAPER INSTITUTE, INC		
ROBERT B. HILL, 2501 M STREET, N.W. WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC	300.00	
HILLSDALE COUNTY RAILWAY COMPANY, 50 MONROE STREET HILLSDALE MI 49242			6,368.11
CORNISH F. HITCHCOCK, 2000 P STREET, NW, #700, WASHINGTON DC 20036	AVIATION CONSUMER ACTION PROJECT		20.00
STEPHEN HITCHNER, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	11,250.00	12.00
SHEILA K. HIXSON, 1101 17TH ST., NW WASHINGTON DC 20036	AMERICAN DENTAL ASSOCIATION	1,000.00	
LAWRENCE S. HOBART, 2301 M ST., NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSOCIATION	1,500.00	
CLAUDE E. HOBBS, 1801 K ST., NW WASHINGTON DC 20006	WESTINGHOUSE ELECTRIC CORPORATION	3,700.00	105.00
ROBERT J. HOBBS, 11 BEACON ST. BOSTON MA 02108	NATIONAL CONSUMER LAW CENTER		
JERALD E. HOBSON, 1775 K ST., NW SUITE 310 WASHINGTON DC 20006	EL PASO COMPANY	2,500.00	167.04
HODGSON, RUSS, ANDREWS, WOODS & GOODYEAR, 1776 F STREET, NW WASHINGTON DC 20006	J. C. BROCK CORPORATION	950.00	
HOWARD E. HOELTER, ILLINOIS PETROLEUM COUNCIL P.O. BOX 5034 SPRINGFIELD IL 62705	AMERICAN PETROLEUM INSTITUTE		
GLEN D. HOFER, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	2,075.00	
IRVIN A. HOFF, 20 N. LIVE OAK RD. HILTON HEAD ISLAND SC 29928	U.S. CANE SUGAR REFINERS' ASSOCIATION	1,250.00	218.40
ELLEN S. HOFFMAN, 1520 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	CHILDREN'S DEFENSE FUND OF THE WASH RESEARCH PROJECT, INC	1,554.15	387.40
WILLIAM H. HOFFMAN, 1000 16TH ST., NW WASHINGTON DC 20036	AMERICAN IRON & STEEL INSTITUTE		
WILLIAM L. HOFFMAN, 516 FIRST ST., S.E. WASHINGTON DC 20003	AMERICAN UNIVERSITY OF BEIRUT	9,900.00	1,229.52
F. NORDY HOFFMANN AND ASSOCIATES, INC, SUITE 327 400 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	ARCHER DANIELS MIDLAND COMPANY		
Do	EPIC	400.00	
Do	INTERNATIONAL TELEPHONE & TELEGRAPH	800.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	MARINE ENGINEERS BENEFICIAL ASSOCIATION		
Do	O'CONNOR & HANNAN		
Do	PAGE AIRWAYS		
Do	WESTINGHOUSE ELECTRIC		
HOGAN & HARTSON, 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	AMERICAN ELECTRONICS ASSOCIATION	4,482.50	
Do	ATARI, INC.	1,835.00	423.80
Do	COMPUTER & BUSINESS EQUIPMENT MANUFACTURERS ASSOCIATION	5,265.00	
Do	COUNCIL OF EUROPEAN & JAPANESE NATIONAL SHIPOWNERS' ASSOCIATION	275.00	5.75
Do	DESIGN PROFESSIONS GROUP	575.00	28.65
Do	DIGITAL EQUIPMENT CORPORATION	4,215.00	423.80
Do	DIRECT SELLING ASSOCIATION	9,863.00	
Do	EL PASO EXPLORATION COMPANY; ENTERPRISE GAS COMPANY	420.00	7.53
Do	ETSI PIPELINE PROJECT	400.00	9.50
Do	GLENDALE FEDERAL SAVINGS & LOAN ASSOCIATION		
Do	HEWLETT-PACKARD COMPANY	4,215.00	423.80
Do	INLET JOINT VENTURE	515.00	49.68
Do	INTEL CORPORATION	4,720.00	423.80
Do	MOTORCYCLE INDUSTRY COUNCIL, INC.	125.00	
Do	NATIONAL FARMERS ORGANIZATION		6.35
Do	NATIONAL HOSPICE EDUCATION PROJECT		3.00
Do	NATIONAL SOFT DRINK ASSOCIATION	475.00	31.92
Do	NEWSPAPER-BROADCASTER COMMITTEE		
Do	SCIENTIFIC APPARATUS MAKERS ASSOCIATION	1,645.00	
Do	SEMICONDUCTOR INDUSTRY ASSOCIATION	5,378.74	
Do	TOYOTA MOTOR SALES, U.S.A., INC.	7,586.25	76.00
JAMES F. HOGG, P.O. BOX 0 MINNEAPOLIS MN 55440	CONTROL DATA CORPORATION		
RICHARD F. HOHLT, 1709 NEW YORK AVENUE, NW SUITE 801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	5,750.00	206.90
WALTER HOLAN, 20 NORTH WACKER DRIVE CHICAGO IL 60606	PROFIT SHARING COUNCIL OF AMERICA		
WILLIAM J. HOLAYTER, 1300 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS	6,460.87	
BRUCE E. HOLBEIN, 111 POWDERMILL RD. (B79) MAYNARD MA 01754	DIGITAL EQUIPMENT CORPORATION	10,750.00	808.00
MICHELE O'DONNELL HOLBROOK, 10 LAFAYETTE SQUARE ROOM 900 BUFFALO NY 14203	NATIONAL FUEL GAS DISTRIBUTION CORPORATION, ET AL	440.00	1,275.14
NIELS HOLCH, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: AMERICAN IRON & STEEL INSTITUTE)		
Do	GRAY AND COMPANY (FOR: AMERICAN MARITIME ASSOCIATION)		
Do	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)	137.50	
Do	GRAY AND COMPANY (FOR: HEALTH INSURANCE ASSOCIATION OF AMERICA)	27.50	
Do	GRAY AND COMPANY (FOR: MINIMUM TAX COALITION)	577.50	
Do	GRAY AND COMPANY (FOR: SHAKLEE CORPORATION)	220.00	
Do	GRAY AND COMPANY (FOR: TOBACCO INSTITUTE)	137.50	
Do	GRAY AND COMPANY (FOR: U.S. BANKNOTE)	220.00	
ROBERT L. HOLDING, 1901 L ST., NW, RM. 730 WASHINGTON DC 20036	ASSOCIATION OF HOME APPLIANCE MANUFACTURERS		
HOLIDAY INNS, INC, 3742 LAMAR AVENUE MEMPHIS TN 38195	HOLIDAY INNS, INC		2,250.00
MARCUS A. HOLLABAUGH, 1775 PENNSYLVANIA AVENUE, NW, #1000 WASHINGTON DC 20006	PHOSPHATE ROCK EXPORT ASSOCIATION		
PHILIP C. HOLLADAY, 1025 CONNECTICUT AVENUE, NW, #200 WASHINGTON DC 20036	SHELL OIL COMPANY	500.00	
HOLLAND & KNIGHT, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	RSV MINING EQUIPMENT B.V.		
Do	WACKENHUT CORPORATION	995.00	2,515.00
WENDELL M. HOLLOWAY, 815 CONNECTICUT AVENUE, NW, #900 WASHINGTON DC 20006	FORD MOTOR COMPANY	2,490.00	1,370.05
HOLME, ROBERTS & OWEN, 1700 BROADWAY DENVER CO 80290	PARAHO DEVELOPMENT CORPORATION	1,296.25	701.03
LEE B. HOLMES, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSOCIATION OF REALTORS	5,000.00	15.10
MOSES D. HOLMES JR., 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSOCIATION	2,239.20	30.00
PETER E. HOLMES, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC COMPANY	750.00	
E.Y. HOLT JR., 1111 NORTH 19TH ST., #700 ARLINGTON VA 22209	NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS		
A. LINWOOD HOLTON JR., 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC.	1,200.00	
JOHN W. HOLTON, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BANKERS ASSOCIATION		
HOME RECORDING RIGHTS COALITION, 2001 EYE ST., NW WASHINGTON DC 20006		70,000.00	63,928.63
KAREN C. HONTZ, 1875 EYE STREET, N.W. SUITE 940 WASHINGTON DC 20006	GULF & WESTERN INDUSTRIES COMPANY	1,303.00	142.37
FORTESCUE HOPKINS, BOX 218 DALEVILLE VA 24083	GRAHAM-WHITE MFRG COMPANY & GRAHAM-WHITE SALES CORPORATION		
VIRGINIA E. HOPKINS, 1800 MASSASHUSETTS AVENUE, N.W. WASHINGTON DC 20036	TAFT, STETTINIUS & HOLLISTER (FOR: MIAMI CONSERVANCY DISTRICT)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: TAFT BROADCASTING COMPANY)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: TELEPHONE AND DATA SYSTEMS, INC.)		
WILLIAM B. HOPKINS, P.O. BOX 13366 ROANOKE VA 24033	TULARE LAKE WATER USERS COMMITTEE	10,950.00	6,191.87
ROBERT JACK HORN, SUITE 480 1990 M ST., NW WASHINGTON DC 20036	DETROIT EDISON COMPANY	518.00	40.00
HARRY J. HORROCKS II, 40 IVY STREET, SE WASHINGTON DC 20003	NATIONAL LUMBER & BUILDING MATERIAL DEALERS ASSOCIATION	5,554.80	91.00
ALISON HORTON, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	4,250.00	800.00
SANFORD D. HORWITT, 5935 N. 5TH ROAD ARLINGTON VA 22203	COMMITTEE FOR HUMANE LEGISLATION	9,333.32	68.74
Do	FRIENDS OF ANIMALS, INC.		
WILLIAM J. HOTES, 919 18TH ST., NW, #400 WASHINGTON DC 20006	DIAMOND SHAMROCK CORPORATION	1,000.00	100.40
HOUSLEY, GOLDBERG & KANTARIAN, P.C., SUITE 500 2301 M ST., NW WASHINGTON DC 20037			
JACK W. HOUSTON, 315 W. PONCE DE LEON AVENUE DECATUR GA 30031	GEORGIA ASSOCIATION OF PETROLEUM RETAILERS, INC.		
MARY GREER HOUSTON, 1901 L ST., NW, #711 WASHINGTON DC 20036	WILSON E. HAMILTON & ASSOCIATES, INC (FOR: FARM LABOR RESEARCH COMM.)		
HOUSTON NATURAL GAS CORPORATION, P.O. BOX 1188 HOUSTON TX 77001			210.78
C.T. HOVERSTEN, 6 HARBOR VIEW CT. SAVANNAH, GA 31411	NATIONAL ADVERTISING COMPANY		
HOWELL CORPORATION, 1010 LAMAR SUITE 1800 HOUSTON TX 77002			
J. WILLIAM HOWELL, 1801 K ST., NW WASHINGTON DC 20006	INTERNATIONAL BUSINESS MACHINES CORPORATION	5,650.80	86.88
JACK M. HOWELL, 2029 K STREET, NW WASHINGTON DC 20006	AMERICAN SOCIETY OF MECHANICAL ENGINEERS		
JAMES P. HOWELL, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	962.50	
MARY J. LYNCH HOWELL, SUITE 1100 1090 VERMONT AVENUE, NW WASHINGTON DC 20005	TEXTRON, INC.	1,500.00	280.00
STEVEN K. HOWELL, SUITE 1800 1010 LAMAR HOUSTON TX 77002	HOWELL CORPORATION		
JOHN B. HOWERTON, 1730 RHODE ISLAND AVENUE, NW, #209 WASHINGTON DC 20036	ASARCO INC.	2,000.00	
JOANNE MASSEY HOWES, SUITE 303 1220 19TH STREET, NW WASHINGTON DC 20036	PLANNED PARENTHOOD FEDERATION OF AMERICA, INC.	2,560.40	118.65
JOHN A. HOWES, SUITE 290 1050 17TH STREET, NW WASHINGTON DC 20036	CONSUMERS POWER COMPANY	600.00	
MARY HOYER, P.O. BOX 7610, BF STATION WASHINGTON DC 20044	SENIOR EXECUTIVES ASSOCIATION		
KARL T. HOYLE, SUITE 810 1730 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	CREDIT UNION NATIONAL ASSOCIATION, INC.	300.00	286.24
PAUL R. HUARD, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSOCIATION OF MANUFACTURERS	1,500.00	
MARGARET RENKEN HUDSON, 2550 M ST., NW SUITE 450 WASHINGTON DC 20037	KORF INDUSTRIES, INC.		
DAVID EMERY HUGHES, 2211 CONGRESS ST. PORTLAND ME 04122	UNION MUTUAL LIFE INSURANCE COMPANY	150.00	356.41
GARY E. HUGHES, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC.		
HUGHES HUBBARD & REED, SUITE 300 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	BUSINESS ROUNDTABLE	800.00	8.00
Do	CONTINENTAL AIR LINES, INC.	225.00	
Do	FORD MOTOR COMPANY		
Do	GROCERY MANUFACTURERS OF AMERICA, INC.		
PETER W. HUGHES, 1909 K ST., NW WASHINGTON DC 20049	AMERICAN ASSOCIATION OF RETIRED PERSONS	1,074.23	286.08
VESTER T. HUGHES JR., HUGHES & HILL 1000 MERCANTILE DALLAS BUILDING DALLAS TX 75201	AMERICAN GENERAL LIFE INSURANCE COMPANY		
Do	AMERICAN NATIONAL INSURANCE COMPANY	500.00	1,770.04
Do	FIDELITY UNION LIFE	500.00	3,195.41
Do	REPUBLIC NATIONAL LIFE INSURANCE COMPANY		
Do	SAMMONS ENTERPRISES, INC.	500.00	1,799.81
VINCENT C. HUGHES, 1235 JEFFERSON DAVIS HIGHWAY, #500 ARLINGTON VA 22202	ITALIAN AEROSPACE INDUSTRIES (U.S.A.), INC.	75.00	79.50
WILLIAM HUGHES, 1522 K ST., NW, #836 WASHINGTON DC 20005	NATIONAL ASSOCIATION OF FEDERAL VETERINARIANS	34.92	
EDWARD L. HUIE, WHEATON PLAZA NORTH, #415 WHEATON MD 20902	NATIONAL ASSOCIATION OF AIR TRAFFIC SPECIALISTS	7,382.40	1,176.76
CORDELL W. HULL, 50 BEALE ST., P O BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
DAVID C. HULL, 1030 15TH ST., NW, #700 WASHINGTON DC 20005	NATIONAL COTTON COUNCIL OF AMERICA		
MARGOT SMILEY HUMPHREY, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	KOTEEN & NAFTALIN (FOR: ALASCOM, INC)	525.00	
Do	KOTEEN & NAFTALIN (FOR: TELEPHONE & DATA SYSTEMS, INC)	5,680.00	68.30
HUNT OIL COMPANY, 2900 FIRST NATIONAL BANK BUILDING DALLAS TX 75202			345.11
PETER C. HUNT, 195 MONTAGUE ST. BROOKLYN NY 11201	BROOKLYN UNION GAS COMPANY		
RICHARD M. HUNT, 1150 CONNECTICUT AVENUE, NW, #1009 WASHINGTON DC 20036	NL INDUSTRIES, INC.	4,775.00	
HARRY HUNTER, SUITE 809 3 SKYLINE PLACE 5201 LEESBURG PIKE FALLS CHURCH VA 22041	NATIONAL ASSOCIATION OF CONVENIENCE STORES		
JAMES C. HUNTER, SUITE 207 1660 L STREET, NW WASHINGTON DC 20036	CITIES SERVICE COMPANY	2,856.00	
MICHAEL M. HUNTER, 1707 L ST., NW WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION	3,000.00	60.00
WILLIAM J. HUNTER JR., SUITE 900 1730 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	MEAD CORPORATION	7,930.00	503.57
MILTON F. HUNTINGTON, MAINE PETROLEUM ASSOCIATION 283 WATER ST. AUGUSTA ME 04330	AMERICAN PETROLEUM INSTITUTE	38.00	24.00
HUNTON & WILLIAMS, P.O. BOX 1535 RICHMOND VA 23212	EDISON ELECTRIC INSTITUTE	10,147.50	172.96
J. JAMES HUR, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	ATLANTIC RICHFIELD COMPANY		
ADELE M. HURLEY, SUITE 206 1825 K ST., NW WASHINGTON DC 20006	CANADIAN COALITION ON ACID RAIN		
GERARD F. HURLEY, 1625 I ST., NW, #609 WASHINGTON DC 20006	NATIONAL CLUB ASSOCIATION	1,000.00	11,351.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
JOHN EDWARD HURLEY, SUITE 107 1101 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20037			
Do	NATIONAL ASSOCIATION FOR FREE ENTERPRISE		
ROBERT R. HURT, SUITE 650 1050 17TH STREET, NW WASHINGTON DC 20036	MERCK & COMPANY, INC		
BENJAMIN MELVIN HURWITZ, SUITE 200 1925 K ST., NW WASHINGTON DC 20006	MITCHELL ENERGY & DEVELOPMENT CORPORATION		200.00
GEOFFREY B. HURWITZ, SUITE 743 1434 NEW YORK AVENUE, NW WASHINGTON DC 20005	ROHM AND HAAS COMPANY	500.00	28.45
DEWEY M. HUTCHINS, 1919 PENNSYLVANIA AVENUE, NW, # 705 WASHINGTON DC 20006	EASTMAN KODAK COMPANY	450.00	125.00
PHILIP A. HUTCHINSON, SUITE 2450 475 L'ENFANT PLAZA, SW WASHINGTON DC 20024	VOLKSWAGEN OF AMERICA, INC	250.00	
ROBERT E. HUTCHINSON, P.O. BOX 29021 2645 EAST WASHINGTON PHOENIX AZ 85038	CIRCLE K CORPORATION		
Do	REDUCE OUR DEBT FOUNDATION		6,838.30
RANDY HUWA, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	7,500.00	111.20
GARY HYMEL, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: AMERICAN IRON & STEEL INSTITUTE)		
Do	GRAY AND COMPANY (FOR: ASARCO)		
Do	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)	57.50	
Do	GRAY AND COMPANY (FOR: COUNCIL OF STATE HOUSING AGENCIES)		
Do	GRAY AND COMPANY (FOR: EASTERN MICROWAVE, INC)	1,150.00	
Do	GRAY AND COMPANY (FOR: GENERAL TELEPHONE & ELECTRONICS)		
Do	GRAY AND COMPANY (FOR: GROUP W)		
Do	GRAY AND COMPANY (FOR: HAMBROS BANK LIMITED)	201.25	
Do	GRAY AND COMPANY (FOR: HEALTH INSURANCE ASSOCIATION OF AMERICA)	57.50	
Do	GRAY AND COMPANY (FOR: HTB CORPORATION)		
Do	GRAY AND COMPANY (FOR: MINIMUM TAX COALITION)	172.50	
Do	GRAY AND COMPANY (FOR: MOTOROLA)		
Do	NEW CHANNELS CORPORATION		
Do	GRAY AND COMPANY (FOR: QUIXOTE CORPORATION)		
Do	GRAY AND COMPANY (FOR: REPUBLIC AIRLINES)		
Do	GRAY AND COMPANY (FOR: SHAKLEE CORPORATION)	57.50	
Do	GRAY AND COMPANY (FOR: SHARPS, PIXLEY & COMPANY, LTD.)	201.25	
Do	GRAY AND COMPANY (FOR: RICHARD L. SINNOTT & COMPANY)	1,150.00	
Do	GRAY AND COMPAY (FOR: TOBACCO INSTITUTE)	57.50	
Do	GRAY AND COMPANY (FOR: U.S. BANKNOTE)	57.50	
Do	GRAY AND COMPANY (FOR: WARNER COMMUNICATIONS/FRANKLIN MINT)		
ROBERT D. HYNES JR., SUITE 807 1825 K ST., NW WASHINGTON DC 20006	NATIONAL BROADCASTING COMPANY, INC	500.00	110.31
RICHARD H. ICHORD, SUITE 201 1140 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AAI CORPORATION	488.75	120.15
Do	EMERSON ELECTRIC COMPANY	262.50	387.75
Do	MAGNAVOX GOVERNMENT & INDUSTRIAL ELECTRONICS COMPANY	312.50	
Do	WASHINGTON INDUSTRIAL TEAM, INC	600.00	
FRANK N. IKARD, TENTH FLOOR 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	FINLEY KUMBLE WAGNER HEINE UNDERBERG & CASEY		
RONALD K. IKEJIRI, 1730 RHODE ISLAND AVENUE, NW, #204 WASHINGTON DC 20036	JAPANESE AMERICAN CITIZENS LEAGUE	465.00	12.00
ANNELISE ILSCHENKO, 101 S. REYNOLDS STREET, #H-116 ALEXANDRIA VA 22304			
BERNARD J IMMING, 727 N. WASHINGTON ST. ALEXANDRIA VA 22314	UNITED FRESH FRUIT & VEGETABLE ASSOCIATION		
INDEPENDENT INSURANCE AGENTS OF AMERICA, INC., 100 CHURCH ST. NEW YORK NY 10007		18,748.34	18,748.34
INDEPENDENT LOCAL NEWSPAPER ASSOCIATION, 1050 17TH ST., NW WASHINGTON DC 20036			
INDEPENDENT LUBRICANT MANUFACTURERS ASSOCIATION, 1055 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007			
INDEPENDENT PRODUCERS GROUP, 240 PAGE COURT 220 W. DOUGLAS WICHITA KS 67202		8,509.36	13,518.57
INDEPENDENT TELECOMMUNICATIONS SUPPLIERS' COUNCIL, C/O PIERSON, BALL & DOWD 1200 18TH ST., NW WASHINGTON DC 20036.		27,000.00	28,111.98
INDUSTRIAL UNION DEPARTMENT, AFL-CIO, 815 16TH ST., NW WASHINGTON DC 20006		21,906.20	21,906.20
NANCY J. INGALSBEE, SUITE 300 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	U. S. SKI ASSOCIATION		
G. CONLEY INGRAM, ALSTON, MILLER & GAINES 35 BROAD ST., #1200 ATLANTA GA 30335	CONTINENTAL INSURANCE COMPANIES	255.00	
ANDREA L. INNES, COAL BUILDING WASHINGTON DC 20036	NATIONAL COAL ASSOCIATION	4,625.00	484.20
INSURANCE ECONOMICS SOCIETY OF AMERICA, SUITE 590 1700 PENNSYLVANIA AVENUE, NW WASHINGTON, DC 20006		8,863.29	
INTER-AMERICAN MARKETING ASSOCIATION INTERNATIONAL, #736 ARLINGTON VA 22202	INTER-AMERICAN MARKETING ASSOCIATION INTERNATIONAL		
INTER-AMERICAN SERVICES, INC. SUITE 102 1804 N.E. LOOP 410 SAN ANTONIO TX 78217			
INTERLAKE, INC, 2015 SPRING RD. OAK BROOK IL 60521	INTERLAKE, INC		16,601.35
INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCT. & ORNAMENTAL IRON WORKERS, 1750 NEW YORK AVENUE, NW WASHINGTON DC 20006.			10,800.00
INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, 1300 CONNECTICUT AVENUE, NW WASHINGTON DC 20036.			23,816.59
INTERNATIONAL BROTHERHOOD OF TEAMSTERS, 25 LOUISIANA AVENUE, NW WASHINGTON DC 20001			40,501.89
INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO, 17 BATTERY PLACE SUITE 1500 NEW YORK NY 10004			49,568.30
INTERNATIONAL UNION OF BRICKLAYERS & ALLIED CRAFTSMEN, 815 15TH ST., NW WASHINGTON DC 20005			3,519.74
INVESTMENT COMPANY INSTITUTE, 1775 K ST., NW WASHINGTON DC 20006			17,406.16
INVESTMENT COUNSEL ASSOCIATION OF AMERICA, INC., 50 BROAD ST. NEW YORK NY 10004			789.00
CHARLES C. IRIONS, 400 ARMY-NAVY DRIVE ARLINGTON VA 22202	AMERICAN MOVERS CONFERENCE	1,419.00	
IRON ORE LESSORS ASSOCIATION, INC, 1500 FIRST NATIONAL BANK BUILDING SAINT PAUL MN 55101		23,940.27	11,906.81
ITEL CORPORATION, CONTAINER DIVISION, #2 EMBARCADERO CENTER 24TH FLOOR SAN FRANCISCO CA 94111			
JOSEPH S IVES, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION	125.00	
IVINS, PHILLIPS & BARKER, 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	EMPLOYERS COUNCIL ON FLEXIBLE COMPENSATION	25.00	
ROBERT A. JABLON, SPIEGAL & MCDIARMID 2600 VIRGINIA AVENUE, NW WASHINGTON DC 20037	FT. PIERCE UTILITIES AUTHORITY OF THE CITY OF FT. PIERCE, ET AL		
CHARLES L. JACKSON, 1850 K STREET, NW WASHINGTON DC 20006	SHOOSHAN & JACKSON, INC (FOR: U.S. CABLESYSTEMS, INC)	200.00	
MERCER L. JACKSON, 1101 17TH ST., NW SUITE 700 WASHINGTON DC 20036	NATIONAL ASSOCIATION OF REAL ESTATE INVESTMENT TRUSTS, INC	800.00	35.10
ROBERT S. JACKSON, 1133 19TH STREET, NW WASHINGTON DC 20036	MCI COMMUNICATIONS CORPORATION	12,375.00	46,432.38
WALTER K. JAENICKE, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSOCIATION	4,500.00	
E. A. JAENKE & ASSOCIATES, INC, 1575 EYE ST., NW, SUITE 230 WASHINGTON DC 20005	FARMLAND INDUSTRIES	500.00	
Do	UNIVERSITY OF KANSAS	250.00	
DANIEL L. JAFFE, SUITE 401 1225 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN ADVERTISING FEDERATION		
MARGO L. JAMES, 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSOCIATION	5,000.00	52.45
JAPAN ECONOMIC INSTITUTE OF AMERICA, 1000 CONNECTICUT AVENUE, NW WASHINGTON DC 20036		4,965.97	4,965.97
JOSEPH J. JAQUAY, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO		
T. DESTRY JARVIS, 529 TENNESSEE AVENUE ALEXANDRIA VA 22305	NATIONAL PARKS & CONSERVATION ASSOCIATION	1,842.12	72.95
EVELYN JARVIS-FERRIS, 444 MARKET STREET SAN FRANCISCO CA 94111	SHAKLEE CORPORATION	1,000.00	2,364.00
JERRY J. JASINOWSKI, 1776 F STREET, N.W. WASHINGTON DC 20006	NATIONAL ASSOCIATION OF MANUFACTURERS	2,000.00	
PATRICIA A. JEFFERS, SUITE 209 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE	65.00	25.00
JOSEPH S. JENCKES, 1730 M ST., NW, #808 WASHINGTON DC 20036	ABBOTT LABORATORIES	5,000.00	349.42
LINDA JENCKES, 1750 K ST., NW WASHINGTON DC 20006	HEALTH INSURANCE ASSOCIATION OF AMERICA, INC		
JENKENS & GILCHRIST, 2200 FIRST NATIONAL BANK BUILDING DALLAS TX 75202	AMERICAN COLLEGE OF EMERGENCY PHYSICIANS		
JAMES C. JENNINGS, THE POWER HOUSE WASHINGTON DC 20007	GRAY AND COMPANY		
JENNINGS, STROUSS & SALMON, 111 WEST MONROE PHOENIX AZ 85003	SHAMROCK FOODS CO	25.00	
CHRIS L. JENSEN, FLORIDA PETROLEUM COUNCIL 111 NORTH GADSDEN ST. TALLAHASSEE FL 32301	AMERICAN PETROLEUM INSTITUTE		
JENSEN, SANDERS & MCCONNELL, SUITE 1275 1875 EYE ST., NW WASHINGTON DC 20006	CARMA-SANDLING GROUP		
Do	COUNTY OF ORANGE	9,500.00	519.00
Do	ORANGE COUNTY TRANSPORTATION COMMISSION	6,500.00	347.00
Do	SANTA ANA RIVER FLOOD PROTECTION AGENCY	300.00	
Do	SANTA ANA VALLEY IRRIGATION COMPANY		
NANCY H. JESSICK, 425 13TH STREET, NW WASHINGTON DC 20004	HIRAM WALKER & SONS, INC		
GUY E. JESTER, 2150 KIENLEN AVENUE ST. LOUIS MO 63121	ASSOCIATION FOR THE IMPROVEMENT OF THE MISSISSIPPI RIVER		
CHARLES E. JOECKEL JR., 807 MAINE AVENUE, SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS	12,672.80	2,439.83
DOUGLAS F. JOHN, MCDERMOTT, WILL & EMERY 1850 K STREET, NW, #500 WASHINGTON DC 20006	MEDINA ELECTRIC COOPERATIVE, INC		
Do	SOUTH TEXAS ELECTRIC COOPERATIVE, INC		
JOHNSON & SWANSON, 4700 FIRST INTERNATIONAL BUILDING DALLAS TX 75270	HARBISON FORD, INC		
Do	HUNT OIL COMPANY	343.75	1.36
CARL T. JOHNSON, SUITE 1104 1800 K STREET, NW WASHINGTON DC 20006	CORNING GLASS WORKS	400.00	
CLIFFORD T. JOHNSON, 1700 NORTH MOORE STREET ROSSLYN VA 22209	BOEING MILITARY AIRPLANE COMPANY		
DAVID H. JOHNSON, MISSISSIPPI PETROLEUM COUNCIL 215 LAMAR LIFE BUILDING, P.O. BOX 42 JACKSON MS 39205	AMERICAN PETROLEUM INSTITUTE		
GEORGE DEAN JOHNSON JR., JOHNSON SMITH & HIBBARD P.O. BOX 5524 SPARTANBURG SC 29304	MILLIKEN & COMPANY		
Do	WASTE MANAGEMENT, INC		
JESS JOHNSON JR., SUITE 200 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SHELL OIL COMPANY	500.00	
JOHN B. JOHNSON, ALABAMA PETROLEUM COUNCIL P.O. BOX 4220 MONTGOMERY AL 36195	AMERICAN PETROLEUM INSTITUTE	1,554.58	476.08
JOHN D. JOHNSON, SUITE 1014 900 17TH STREET, NW WASHINGTON DC 20006	KAISER PERMANENTE MEDICAL GROUP	15,500.00	2,207.94
LARRY W. JOHNSON, P.O. BOX 3000 LEESBURG VA 22075	VOCATIONAL INDUSTRIAL CLUBS OF AMERICA, INC		
LINDA MEYER JOHNSON, 7700 LITTLE RIVER TURNPIKE ANNANDALE VA 22003	ROLM CORPORATION	8,750.00	1,725.30
RADY A. JOHNSON, 1000 16TH ST., NW WASHINGTON DC 20036	STANDARD OIL COMPANY (INDIANA)		
RICHARD W. JOHNSON JR, 219 N. WASHINGTON ST. ALEXANDRIA, VA 22314	NON COMMISSIONED OFFICERS ASSOCIATION OF THE USA	4,999.27	84.00
SPENCER A. JOHNSON, SUITE 411 1101 VERMONT AVENUE, NW WASHINGTON DC 20005	PAPERBOARD PACKAGING COUNCIL		
STANLEY L. JOHNSON, 1050 17TH ST., NW WASHINGTON DC 20036	TEXACO, INC	150.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
WILLIAM L. JOHNSON, SUITE 301 1050 17TH STREET, NW WASHINGTON DC 20036	MICHIGAN CONSOLIDATED GAS COMPANY	1,000.00	
BARBARA W. JOHNSTON, 1150 CONNECTICUT AVENUE NW #710 WASHINGTON DC 20036	UTAH INTERNATIONAL INC.		113.25
DAVID JOHNSTON, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
JAMES D. JOHNSTON, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORPORATION	3,600.00	4,301.65
JOINT CORPORATE COMM ON CUBAN CLAIMS, C/O LONE STAR INDUSTRIES, INC PO BOX 5050 GREENWICH CT 06830	JOINT CORPORATE COMM ON CUBAN CLAIMS		180.00
JOINT COUNCIL ON INTERNATIONAL CHILDRENS SERVICES FROM NORTH AMERICA			
JOINT TASK FORCE ON FEDERAL FINANCIAL ASSIST. FOR STUDENTS, C/O LAW SCHOOL ADMISSION COUNCIL 11 DUPONT CIRCLE, NW WASHINGTON DC 20036.			
MARY KAAREN JOLLY, 1600 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	NATIONAL RIFLE ASSOCIATION OF AMERICA	750.00	226.50
ALLAN R. JONES, 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSOCIATION, INC	9,000.00	720.25
CHARLIE W. JONES, SUITE 310 1150 17TH ST., NW WASHINGTON DC 20036	MAN-MADE FIBER PRODUCERS ASSOCIATION, INC.	300.00	150.00
ERNEST W. JONES, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
GERALD R. JONES, SUITE 810 2000 L STREET, NW WASHINGTON DC 20036	SPERRY CORPORATION		
JAMES E. JONES JR., 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	ALLIANCE OF AMERICAN INSURERS	170.00	60.00
JAMES E. JONES, 40 FRANKLIN RD., SW P.O. BOX 2021 ROANOKE VA 24022	APPALACHIAN POWER COMPANY		
JONES JONES BELL CLOSE & BROWN, LTD., 700 VALLEY BANK PLAZA 300 S. FOURTH ST. LAS VEGAS NV 89101	MEAD CORPORATION	3,100.00	473.25
NORVILL JONES, 1620 EYE ST., NW WASHINGTON DC 20006	REYNOLDS METALS COMPANY	250.00	
RANDALL T. JONES, 1030 15TH ST., NW, #700 WASHINGTON DC 20005	NATIONAL COTTON COUNCIL OF AMERICA	945.00	28.83
GREGORY N. JONSSON, 1629 K ST., NW WASHINGTON DC 20006	UNITED STATES INDUSTRIAL COUNCIL		13,248.62
DE SOTO JORDAN, 229 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ELECTRONIC DATA SYSTEMS CORPORATION	231.00	123.71
JAMES V. JORDAN III, PO BOX 2563 BIRMINGHAM AL 35202	SOUTHERN NATURAL GAS COMPANY		
JEFFREY H. JOSEPH, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	1,365.00	14.00
ELLEN JOSEPHSON, 1625 K ST., NW 8TH FLOOR WASHINGTON DC 20006	NATIONAL LEGAL AID & DEFENDERS ASSOCIATION	9,080.00	26.30
ROBERT E. JULIANO, 1875 I ST., NW, #450 WASHINGTON DC 20006	HOTEL & RESTAURANT EMPLOYEES & BARTENDERS INTERNATIONAL UNION	16,238.52	868.49
BYRON E. KABOT, LEGAL DEPARTMENT - 43-33 77 WEST 45TH ST. NEW YORK NY 10036	INTERNATIONAL PAPER COMPANY	4,500.00	329.97
GEZA KADAR, 1750 K STREET, N.W. WASHINGTON DC 20006	HEALTH INSURANCE ASSOCIATION OF AMERICA, INC.		
VICTOR S. KAMBER, SUITE 800 1899 L STREET, NW WASHINGTON DC 20036	KAMBER GROUP (FOR: NATIONAL FOOTBALL LEAGUE PLAYERS ASSOCIATION)	1,500.00	479.02
LINDA HELLER KAMM, 1775 PENNSYLVANIA AVENUE, NW SUITE 1000 WASHINGTON DC 20006	FOLEY, LARDNER, HOLLABAUGH & JACOBS (FOR: CITY OF MINNEAPOLIS)		
Do	FOLEY, LARDNER, HOLLABAUGH & JACOBS (FOR: INDEPENDENT REFINERS ASSOCIATION OF AMERICA).		
Do	FOLEY, LARDNER, HOLLABAUGH & JACOBS (FOR: LAWYERS TITLE INSURANCE CORPORATION).		
Do	FOLEY, LARDNER, HOLLABAUGH & JACOBS (FOR: NATIONAL GYPSUM COMPANY/CEMENT DIVISION).		
Do	PHOSPHATE ROCK EXPORT ASSOCIATION		
DONALD J. KANIEWSKI, 905 16TH ST., NW WASHINGTON DC 20006	LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, AFL-CIO	5,747.49	175.55
ELIZABETH R. KAPLAN, 530 7TH ST., SE WASHINGTON DC 20003	FRIENDS OF THE EARTH	1,965.70	
KAPLAN RUSSIN & VECCHI, 1218 16TH STREET, NW WASHINGTON DC 20036	AMERICAN CHAMBER OF COMMERCE OF THE DOMINICAN REPUBLIC	5,000.00	871.92
Do	TADIRAN ISRAEL ELECTRONICS INDUSTRIES, LTD	21,928.15	438.50
CHARLES W. KARCHER, MIDLAND BUILDING, ROOM 1702 CLEVELAND OH 44115	STANDARD OIL COMPANY (OHIO)		
FRED G. KAREM, SHUFFETT, KENTON, CURRY & KAREM 109 NORTH MILL STREET LEXINGTON KY 40507	LINCOLN PROPERTY COMPANY	2,000.00	571.02
Do	NATIONAL MULTI HOUSING COUNCIL		
JOSEPH E. KARTH, 102 W. BOCA RALON RD. PHOENIX AZ 85023	ARCHER-DANIELS-MIDLAND COMPANY		
MARYANN M. KASWELL, SUITE 1200 1300 NORTH 17TH STREET ARLINGTON VA 22209	CONSUMER BANKERS ASSOCIATION	1,300.00	516.13
PATRICIA L. KATSON, 11215 OAK LEAF DRIVE #415, SILVER SPRING, MD. 20901	LIBERTY LOBBY	4,500.00	
HOWARD C. KATZ, 160 WATER ST. NEW YORK NY 10038	COFFEE, SUGAR & COCOA EXCHANGE, INC.		
LAWRENCE W. KATZ, 8283 GREENSBORO DRIVE MCLEAN VA 22102	SATELLITE BUSINESS SYSTEMS	150.00	17.50
LINDA E. KATZ, 3350 HUNTLEY SQUARE DRIVE, T-2 TEMPLE HILLS MD 20031	CHICAGO, ROCK ISLAND & PACIFIC R.R. COMPANY	1,500.00	114.78
Do	EDISON ELECTRIC INSTITUTE	321.43	423.99
Do	WESTINGHOUSE	2,720.00	213.53
ALAN C. KAUFFMAN, 2600 FIDELITY BUILDING PHILADELPHIA PA 19109	PHILADELPHIA STOCK EXCHANGE	3,000.00	1,294.10
EVERETT E. KAVANAUGH, SUITE 800 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	COSMETIC, TOILETRY & FRAGRANCE ASSOCIATION, INC.		
KAYE, SCHOLER, FIERMAN, HAYS & HANDLER, 1575 I ST., NW SUITE 1150 WASHINGTON DC 20005	AMERICAN PSYCHOANALYTIC ASSOCIATION		
RICHARD F. KEATING, SUITE 502 1211 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ANHEUSER-BUSCH COMPANIES		
WILLIAM J. KEATING, 725 15TH ST., NW WASHINGTON DC 20005	NATIONAL GRAIN & FEED ASSOCIATION		
HOWARD B. KECK, 555 S. FLOWER ST. LOS ANGELES CA 90071	SUPERIOR OIL COMPANY		300.00
W. M. KECK JR., 1801 AVENUE OF THE STARS SUITE 1110 LOS ANGELES CA 90067			
TERESA A. KEEFE, 1730 M ST., NW WASHINGTON DC 20036	LEAGUE OF WOMEN VOTERS OF THE U.S.	4,210.00	7.00
JOSEPH D. KEEFER, SUITE 1050 1825 EYE STREET, NW WASHINGTON DC 20006	NATIONAL COUNCIL ON SYNTHETIC FUELS PRODUCTION		
DAVID A. KEENE, 919 PRINCE ST. ALEXANDRIA VA 22314	NATIONAL TAX LIMITATION COMMITTEE	500.00	10.00
KEITH KEENEY, SUITE 500-D 5775 PEACHTREE-DUNWOODY RD. ATLANTA GA 30342	ROBERT H. KELLEN COMPANY (FOR: CALORIE CONTROL COUNCIL)	280.00	
JEFFERSON D. KEITH, 8100 OAK ST. DUNN LORING VA 22027	NATIONAL PEST CONTROL ASSOCIATION		
ROBERT H. KELLEN, 5775 PEACHTREE-DUNWOODY RD., #500-D ATLANTA GA 30342	ROBERT H. KELLEN COMPANY (FOR: CALORIE CONTROL COUNCIL)	180.00	
KELLER & HECKMAN, 1150 17TH ST., NW WASHINGTON DC 20036	SPECIALTY ADVERTISING ASSOCIATION INTERNATIONAL	687.50	9.50
CANDACE KELLER, 624 9TH ST., NW 7TH FLOOR WASHINGTON DC 20001	GROUP HEALTH ASSOCIATION OF AMERICA, INC.	4,000.00	
DONALD W. KELLER, 601 JEFFERSON HOUSTON TX 77002	QUINTANA REFINERY COMPANY		
JOHN G. KELLER, 1899 L STREET, N.W. SUITE 1100 WASHINGTON DC 20036	EXXON CORPORATION		305.02
DONALD KELLERMANN, SUITE 1110 1875 EYE ST., NW WASHINGTON DC 20006	TIMES MIRROR COMPANY		
JOHN B. KELLEY, 1025 CONNECTICUT AVENUE, NW, #1200 WASHINGTON DC 20036	AVCO CORPORATION	2,500.00	
TY KELLEY, P.O. BOX 1417-D49 ALEXANDRIA VA 22313	NATIONAL ASSOCIATION OF CHAIN DRUG STORES, INC.	1,500.00	
STEPHEN G. KELLISON, 1835 K ST., NW, #515 WASHINGTON DC 20006	AMERICAN ACADEMY OF ACTUARIES		
STEPHEN S. KELLNER, 1001 CONNECTICUT AVENUE, NW, #1120 WASHINGTON DC 20036	CHEMICAL SPECIALTIES MANUFACTURERS ASSOCIATION	1,188.90	124.20
BRIAN F. KELLY, 1211 CONNECTICUT AVENUE, NW, WASHINGTON, DC 20036	SEARS, ROEBUCK & COMPANY	200.00	68.40
EARL KELLY, 4350 EAST-WEST HWY., #300 WASHINGTON DC 20014	PARALYZED VETERANS OF AMERICA	7,104.48	
ERNEST B. KELLY III, 1301 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	COMMUNICATIONS SATELLITE CORPORATION	1,250.00	340.15
HAROLD V. KELLY, 1101 15TH ST., NW WASHINGTON DC 20005	REPUBLIC STEEL CORPORATION		
JOHN D. KELLY, 1875 EYE STREET, NW WASHINGTON DC 20006	TOBACCO INSTITUTE	550.00	
MICHAEL J. KELLY, 1775 PENNSYLVANIA AVENUE, N.W., WASHINGTON, D.C. 20006	FOLEY & LARDNER (FOR: NATIONAL GYPSUM COMPANY/CEMENT DIVISION)		
MARK L. KEMMER, 1660 L STREET, N.W. WASHINGTON DC 20036	GENERAL MOTORS CORPORATION	2,500.00	1,093.75
WILLIAM T. KENDALL, SUITE 210 1750 NEW YORK AVENUE, NW WASHINGTON DC 20006	ALLIANCE FOR FREE ENTERPRISE		
JOSEPH W. KENNEBECK, 475 L'ENFANT PLAZA, S.W. SUITE 2450 WASHINGTON DC 20024	VOLKSWAGEN OF AMERICA, INC	300.00	
ART KENNEDY, P.O. BOX 3576 ECB ANCHORAGE AK 99501	ALASKA RESOURCE ANALYSTS, INC	20,420.00	4,531.09
JOHN E. KENNEDY, VINSON & ELKINS 3300 FIRST CITY TOWER HOUSTON TX 77002	ASSOCIATION OF OIL PIPELINES	117,268.30	
MICHAEL E. KENNEDY, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
EDWARD B. KENNEY & ASSOCIATES, INC., SUITE 1610 1700 NORTH MOORE STREET ARLINGTON VA 22209	LOCKHEED-GEORGIA CORPORATION	620.00	
PETER B. KENNEY, 1825 K ST., NW WASHINGTON DC 20006	NATIONAL BROADCASTING COMPANY, INC.	1,750.00	36.01
BRENDAN KENNY, 1709 NEW YORK AVENUE, N.W. WASHINGTON DC 20006	AIR TRANSPORT ASSOCIATION OF AMERICA	5,500.00	
JEREMIAH J. KENNEY, JR., 1100 15TH ST., NW, WASHINGTON, DC 20005	UNION CARBIDE CORPORATION		1,911.60
J. H. KENT, KENT & O'CONNOR 1919 PENNSYLVANIA AVENUE, NW SUITE 300 WASHINGTON DC 20006	AMERICAN SUPPLY ASSOCIATION	2,651.16	1,350.76
Do	AMERICAN WAREHOUSEMEN'S ASSOCIATION		
Do	GOULD, INC.	2,000.00	1,024.71
Do	MOTOR CARRIER LAWYERS ASSOCIATION		
PHIL KENT, SUITE 321 227 MASSACHUSETTS AVENUE, NE WASHINGTON DC 20002	CONSERVATIVES FOR IMMIGRATION REFORM		
PAUL A. KERSCHNER, 1909 K STREET, NW WASHINGTON DC 20049	NATIONAL RETIRED TEACHERS ASSOCIATION/AMERICAN ASSOCIATION OF RETIRED PERSONS.	794.23	97.16
ROBERT M. KETCHEL, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC COMPANY		
GILBERT W. KEYES, PO BOX 3999 SEATTLE WA 98124	BOEING COMPANY		
EARLINE A. KEYSER, 1620 I ST., NW, #703 WASHINGTON DC 20006			
KIAWAH ISLAND COMPANY, P.O. BOX 12910 CHARLESTON SC 29142			
RICHARD F. KIBBEN, 200 PARK AVENUE NEW YORK NY 10166	BUSINESS ROUNDTABLE		
EDWARD J. KIERNAN, 422 1ST ST., SE WASHINGTON DC 20003	INTERNATIONAL UNION OF POLICE ASSOCIATIONS		
ROBERT W. KIERNAN, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSOCIATION OF MANUFACTURERS		
KIKKOMAN FOODS, INC, P.O. BOX 69 WALWORTH WI 53184			
MARYANN KILDUFF, 923 15TH ST., N.W. WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	3,000.00	292.00
DANIEL L. KILEY, 8 NORTH JEFFERSON ST. ROANOKE VA 24042	NORFOLK & WESTERN RAILWAY COMPANY		
MARGARET A. KIMBALL, 1620 I ST., NW, #703 WASHINGTON DC 20006	BECHTEL POWER CORPORATION		
RICHARD H. KIMBERLY, 1000 WILSON BOULEVARD SUITE 2200 ARLINGTON VA 22209	KIMBERLY-CLARK CORPORATION	183.54	770.48
KIMBERLY-CLARK CORPORATION, 401 NORTH LAKE ST. NEENAH WI 54956			1,302.57
GENE KIMMELMAN, 215 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	CONGRESS WATCH	3,000.00	
KING & SPALDING, 1915 I STREET, NW WASHINGTON DC 20006	CAPITAL HOLDING CORPORATION	34,500.00	2,725.84
Do	GEORGIA-PACIFIC CORPORATION	127,500.00	6,010.50
Do			10,184.07
CHARLES L. KING, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC.	1,320.00	
EDWARD H. KING, 200 WILMOT RD. DEERFIELD IL 60015	WALGREEN COMPANY		
G. JACK KING, WASHINGTON NATIONAL AIRPORT WASHINGTON DC 20001	U.S. AIR, INC.	1000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
W. RUSSELL KING, 1730 RHODE ISLAND AVENUE, NW, WASHINGTON, DC 20036	FREEPORT-MCMORAN, INC	300.00	98.00
ROGER P. KINGSLEY, 10801 ROCKVILLE PIKE ROCKVILLE MD 20852	AMERICAN SPEECH-LANGUAGE-HEARING ASSOCIATION		
FRANK J. KINNEY, 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSOCIATION	2,884.62	245.48
JANIE A. KINNEY, #408 1015 18TH ST., NW WASHINGTON DC 20036	TWIN COAST NEWSPAPERS, INC		
Do	MERCK & COMPANY, INC		
KIRBY & GILLICK, SUITE 303 600 MARYLAND AVENUE, S.W. WASHINGTON DC 20024	AMERICAN BUS ASSOCIATION		
Do	COMMUNITIES FOR AN EFFECTIVE AIR TRANSPORTATION SYSTEM		
Do	NATIONAL COUNCIL OF FARMER COOPERATIVES		
Do	SLURRY TRANSPORT ASSOCIATION	7,850.00	180.46
CECILIA ANNE KIRBY, 1101 CONNECTICUT AVENUE, NW, #1006 WASHINGTON DC 20036	AMERICAN HOTEL & MOTEL ASSOCIATION	769.23	
CAROL KIRCHNER, 4598 SW CALDEW PORTLAND OR 97219	FRIENDS OF THE COLUMBIA GORGE	84.00	
ALAN G. KIRK II, 1900 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20068	POTOMAC ELECTRIC POWER COMPANY	22.85	
JOHN R. KIRK, BINGHAM, DANA & GOULD 100 FEDERAL ST. BOSTON MA 02110	FIRST NATIONAL BANK OF BOSTON		
PAUL G. KIRK JR., SULLIVAN & WORCESTER 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	NATIONAL FOOTBALL LEAGUE	24,860.00	195.20
SALLY ANN KIRKPATRICK, 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	ALLIANCE OF AMERICAN INSURERS	588.00	74.00
KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS, 1900 M ST., NW WASHINGTON DC 20036	AMERICAN STOCK EXCHANGE	565.00	
Do	COLUMBIA PICTURES INDUSTRIES, INC		
Do	COUNCIL OF STATE HOUSING AGENCIES	1,260.00	
Do	GROCERY MANUFACTURERS OF AMERICA		
Do	MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY		
Do	MORGAN GUARANTY TRUST COMPANY OF NEW YORK		
Do	REPUBLIC NATIONAL BANK OF NEW YORK		
Do	SEARCH GROUP, INC		
Do	SOUTHERN SHIPBUILDING CORPORATION	180.00	
Do	WHITNEY NATIONAL BANK OF NEW ORLEANS	1,440.00	
KIRLIN, CAMPBELL & KEATING, SUITE 800 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	COUNCIL OF EUROPEAN & JAPANESE NATIONAL SHIPOWNERS' ASSOCIATION		2,989.25
ROBERT A. KIRSHNER, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSOCIATION	500.00	
SAUL B. KLAMAN, 200 PARK AVENUE NEW YORK NY 10166	NATIONAL ASSOCIATION OF MUTUAL SAVINGS BANKS	1,599.99	
CATHERINE B. KLARFELD, 1775 PENNSYLVANIA AVENUE, NW, #1000 WASHINGTON DC 20006	PHOSPHATE ROCK EXPORT ASSOCIATION		
RICHARD L. KLASS, 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTERNATIONAL INC (FOR: DIR INTERNATIONAL AFF OF THE GEN DEL FOR ARMEMENTS).	147.72	104.42
RICHARD P. KLEEMAN, 2005 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS		
MARK KLEINMAN, 3800 VEAZEY ST., NW, WASHINGTON DC 20016			
RICHARD A. KLINE, 650 INDEPENDENCE AVENUE, SE WASHINGTON DC 20003	COUNCIL OF ACTIVE INDEPENDENT OIL & GAS PRODUCERS	7,629.00	
KLINE, KNOPF & WOJDAK, INC., 111 STATE STREET HARRISBURG PA 17101	GENERAL PUBLIC UTILITIES CORPORATION		
WILLIAM J. KLINEFELTER, 815 16TH ST., NW SUITE 706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMERICA	9,762.20	
JOHN J. KLOCKO III, 1701 PENNSYLVANIA AVENUE, NW SUITE 1120 WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & COMPANY		100.00
GLENN KNAPP, 773 DARTMOUTH AVENUE SAN CARLOS CA 94070			
JEFFREY W. KNIGHT, 1045 SANSOME ST. SAN FRANCISCO CA 94111	FRIENDS OF THE EARTH		
DANIEL F. KNISE, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
JOHN C. KNOTT, 6800 POWDERHOUSE RD. CHEYENNE WY 82001	BURLINGTON NORTHERN RAILROAD COMPANY	684.92	768.61
RUTH E. KOBELL, SUITE 202 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	5,472.94	97.26
THOMAS G. KOBUS, SUITE 350 2000 K ST., NW WASHINGTON DC 20006	NATIONAL PARKING ASSOCIATION	15,346.10	
BRADLEY R. KOCH, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION	142.50	
GEORGE W. KOCH, 1010 WISCONSIN AVENUE, NW, #800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC	107.50	
PATRICK C. KOCH, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSOCIATION, INC	800.00	
PAUL E. KOHL, 1633 BROADWAY 43RD FLOOR NEW YORK NY 10019	ARCHDIOCESE OF NEW YORK CONGRESSIONAL DISTRICT ACTION COMMITTEE FOR PRO LIFE ACTIVITIES.	3000.00	
STANLEY E. KOLBE JR., 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INSTITUTE OF ARCHITECTS		
MICHAEL S. KOLEDA, SUITE 1050 1825 EYE ST., NW WASHINGTON DC 20006	NATIONAL COUNCIL ON SYNTHETIC FUELS PRODUCTION		
KOMINERS, FORT, SCHLEFER & BOYER, 1776 F ST., NW WASHINGTON DC 20006	AMERICAN TANKSHIPS, INC. & INGRAM TANKSHIPS, INC		
Do	COMMITTEE FOR TITLE XI VESSEL FINANCING	6,000.00	17,498.27
Do	COUNCIL OF EDUCATIONAL SHIPOWNERS	3,224.26	3,224.26
NICHOLAS KOMINUS, 1001 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	U.S. CANE SUGAR REFINERS' ASSOCIATION	1,342.69	34.94
STEPHEN KOPLAN, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	14,441.31	438.04
EUGENE P. KOPP, SUITE 600 SOUTH 1120 20TH STREET, NW WASHINGTON DC 20036	UNION PACIFIC CORPORATION	1,250.00	
STEVEN KOPPERUD, 1701 N. FT. MYER DRIVE ARLINGTON VA 22209	AMERICAN FEED MANUFACTURERS' ASSOCIATION	3,000.00	
HORACE R. KORNEGAY, 1875 I ST., NW, #800 WASHINGTON DC 20006	TOBACCO INSTITUTE	600.00	276.50
PETER H. KOSTMAYER, 1825 K STREET, NW WASHINGTON DC 20006	JOHN ADAMS ASSOCIATES		
KENNETH S. KOVACK, 815 16TH ST., NW, #706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMERICA	9,762.20	
E. J. KRABACHER, 4701 MARBURG AVENUE CINCINNATI OH 45209	CINCINNATI MILACRON INC		
MYLIO S. KRAJA, 1608 K ST., NW WASHINGTON DC 20006	AMERICAN LEGION	10,338.00	533.54
THOMAS G. KRAJEWSKI, SUITE 1100 1828 L STREET, NW WASHINGTON DC 20036	COOPERATIVE LEGAUE OF THE USA	842.00	
AMOS KRAMER, KANSAS PETROLEUM COUNCIL SUITE 1414 MERCHANTS BANK BUILDING 8TH & JACKSON STS. TOPEKA KS 66612.	AMERICAN PETROLEUM INSTITUTE		
JOSEPH H. KRAMER III, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: HTB CORPORATION)		
STEPHEN W. KRAUS, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
RAYMOND ROGER KRAUSE, SUITE 2700 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
LAWRENCE E. KREIDER, 1015 18TH ST., NW WASHINGTON DC 20036	CONFERENCE OF STATE BANK SUPERVISORS		
KROGER COMPANY, 1014 VINE ST. CINCINNATI OH			2,833.00
JAMES C. KRONE, 1152 HASLETT ROAD P.O. BOX 99 HASLETT MI 48840	ROSES, INC	1,500.00	267.32
ARTHUR J. KROPP, 2029 K STREET, NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	1,250.00	
NEIL B. KRUGMAN, SUITE 320 1050 17TH STREET, NW WASHINGTON DC 20036	FAMILY HEALTH PROGRAM, INC	1,875.00	106.85
JAMES S. KRZYMINSKI, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	1,565.00	
ANTHONY J. KUCERA, 1600 WILSON BLVD., #1101 ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC	400.00	
JOSEPH A. KUCHLER, 444 NORTH CAPITOL ST., NW, #500 WASHINGTON DC 20001	AMERICAN HOSPITAL ASSOCIATION	1,092.32	77.87
PHILIP KUGLER, 11 DUPONT CIRCLE, NW WASHINGTON DC 20036	AMERICAN FEDERATION OF TEACHERS		
LLOYD R. KUHN, 1725 DESALES ST., NW WASHINGTON DC 20036	AEROSPACE INDUSTRIES ASSOCIATION OF AMERICA, INC	13,272.00	
THOMAS R. KUHN, 410 FIRST ST., SE WASHINGTON DC	AMERICAN NUCLEAR ENERGY COUNCIL	5,687.51	244.18
JUDITH KUNOFSKY, 530 BUSH STREET SAN FRANCISCO CA 94108	SIERRA CLUB	1,880.25	
ESTER KURZ, SUITE 412 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	9,999.99	
JEFFREY KURZWEIL, KASWELL, PERAZICK & WATSON, P.C. 1825 K STREET, NW WASHINGTON DC 20006	MARRIOTT CORPORATION	17,270.00	140.15
DANIEL M. KUSH, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	2,000.00	360.00
E. J. KUSHAN, SUITE 500 1828 L STREET, NW WASHINGTON DC 20036	SOUTHERN PACIFIC COMMUNICATIONS COMPANY	300.00	5,531.77
KUTAK, ROCK & HUIE, 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	FIRST NATIONAL BANK OF OMAHA	1,372.75	146.32
Do	HAYES, INC	3,381.03	118.25
Do	NATIONAL ASSOCIATION OF INDUSTRIAL & OFFICE PARKS		141.59
Do	RONALD E. ROBINSON	925.00	59.96
KWAJALEIN ATOLL CORPORATION, P.O. BOX 5220 KWAJALEIN EBEYE MARSHALL ISLAN			5,021.00
LABOR BUREAU, INC., 1200 15TH ST., NW SUITE 505 WASHINGTON DC 20005			
LABOR-MANAGEMENT MARITIME COMMITTEE, 100 INDIANA AVENUE, NW WASHINGTON DC 20001		8,260.00	7,083.00
LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, AFL-CIO, 905 16TH ST., NW WASHINGTON DC 20006			19,590.04
PHILLIP RAY LACKEY, 823 15TH ST., NW SUITE 1001 WASHINGTON DC 20005	INTERNATIONAL MASONRY INSTITUTE	1,588.00	
JOHN D. LACOPO, 229 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	EDS CORPORATION	56.00	60.00
ROBERT A. LADIG, SCOTT PLAZA PHILADELPHIA PA 19113	SCOTT PAPER COMPANY	1,500.00	923.31
WALTER LAESSIG, 1115 MASSACHUSETTS AVENUE, SUITE 6 WASHINGTON DC 20005	NATIONAL ASSOCIATION OF REAL ESTATE INVESTMENT TRUSTS, INC	5,185.00	38.00
JACK L. LAHR, 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: INDEPENDENT REFINERS ASSOCIATION OF AMERICA).		
RALPH D. B. LAIME, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSOCIATION		
SARAH M. LAIRD, 1730 M ST., NW WASHINGTON DC 20036	LEAGUE OF WOMEN VOTERS OF THE U.S.	5,050.00	66.00
LAKE CARRIERS' ASSOCIATION, 1411 ROCKEFELLER BUILDING CLEVELAND OH 44113			
JAMES H. LAKE, SUITE 420 1200 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	AMERICAN BAKERS ASSOCIATION	3,900.00	
Do	CALIFORNIA WESTSIDE FARMERS		
Do	CHICAGO MERCANTILE EXCHANGE	3,500.00	
Do	NATIONAL POTATO COUNCIL		
Do	RSV MINING COMPANY		
Do	SUNMAID RAISIN GROWERS OF CALIFORNIA		
Do	WESTERN COTTON GROWERS ASSOCIATION		
Do	WESTERN GROWERS ASSOCIATION		
ROBERT LAMB, 2101 L STREET, N.W. WASHINGTON DC 20037	AMERICAN PETROLEUM INST	5,000.00	271.70
V. KIM LAMB, SUITE 515 1835 K STREET, NW WASHINGTON DC 20006	AMERICAN ACADEMY OF ACTUARIES		
DAVID F. LAMBERT III, 2001 JEFFERSON DAVIS HWY. SUITE 1101 ARLINGTON VA 22202	AUTOMOTIVE OCCUPANT PROTECTION ASSOCIATION		
DAVID R. LAMBERT, 1030 15TH ST., NW SUITE 964 WASHINGTON DC 20005	AMERICAN SEED TRADE ASSOCIATION	5,000.00	
STEPHEN K. LAMBRIGHT, 1211 CONNECTICUT AVENUE, NW, #502 WASHINGTON DC 20036	ANHEUSER-BUSCH COMPANIES, INC		
LAMON, ELROD & HARKLEROAD, 2500 PEACHTREE CENTER- CAIN TOWER 229 PEACHTREE STREET, NE ATLANTA GA 30303	NATIONAL ASSOCIATION OF PENSION CONSULTANTS & ADMINISTRATORS	2,500.00	859.53

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
CONSTANCE M. LAMONICA, 1410 N. THIRD STREET P.O. BOX 25489 PHOENIX AZ 85002	SAMARITAN HEALTH SERVICE		
L. CHARLES LANDGRAF, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	LEBOEUF, LAMB, LEIBY & MACRAE	278.88	
THOMAS M. LANDIN, 1500 SPRING GARDEN ST. PHILADELPHIA PA 19101	SMITHKLINE BECKMAN CORPORATION		
LANDIS, COHEN, SINGMAN AND RAUH, 1019 19TH STREET, N.W. # 500 WASHINGTON DC 20036	AMERICAN SOCIETY OF COMPOSERS, AUTHORS & PUBLISHERS	1,500.00	
Do	COUNCIL OF CREATIVE ARTISTS, LIBRARIES AND MUSEUMS	500.00	
Do	NATIONAL FOOTBALL LEAGUE PLAYERS ASSOCIATION	4,000.00	
KARL S. LANDSTROM, 510 N. EDISON ST. ARLINGTON VA 22203	GEOTHERMAL RESOURCES INTERNATIONAL, INC	750.00	5.00
BRUCE ALAN LANDY, 2700 VIRGINIA AVENUE, NW WASHINGTON DC 20037			
Do	B.A.I. COMPANY		
Do	CRYOGENIC VACUUM TECHNOLOGY COMPANY		
LANE & EDSON, SUITE 400 SOUTH 1800 M ST., NW WASHINGTON DC 20036	CITY OF BALTIMORE	2,500.00	
Do	COUNCIL FOR RURAL HOUSING AND DEVELOPMENT	600.00	
ALBERT E. LANE, 1377 K STREET, N.W. SUITE 537 WASHINGTON DC 20005	PEOPLE OPPOSED TO ENERGY LOBBY - POTEL		
LAURENCE F. LANE, SUITE 770 1050 17TH ST. WASHINGTON DC 20036	AMERICAN ASSOCIATION OF HOMES FOR THE AGING	1,352.00	50.00
RICHARD F. LANE, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
LANGHAM PETROLEUM EXPLORATION CORPORATION, SUITE 3100 11 GREENWAY PLAZA HOUSTON TX 77046			
ROBIN W. LANIER, 1000 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	NATIONAL RETAIL MERCHANTS ASSOCIATION	100.00	5.00
CLIFFORD LAPLANTE, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC COMPANY	1,000.00	
REED E. LARSON, 8001 BRADDOCK ROAD, #600 SPRINGFIELD VA 22160	NATIONAL RIGHT TO WORK COMM		
JAMES LASALA, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO		
LASALLE NATIONAL BANK, 135 SOUTH LASALLE ST. CHICAGO IL 60690			
MICHAEL LASHBROOK, 1600 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	NATIONAL RIFLE ASSOCIATION OF AMERICA	925.00	
LATHAM, WATKINS, & HILLS, SUITE 1200 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	WILSHIRE TERRACE COOPERATIVE HOUSING CORPORATION	2,180.00	95.86
THEODORE A. LATTANZIO, 1600 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	NATIONAL RIFLE ASSOCIATION OF AMERICA	750.00	
LOUIS F. LAUN, 260 MADISON AVENUE, NEW YORK NY 10016	AMERICAN PAPER INST, INC		
JOAN H. LAVOR, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
KATHRYN M. LAVRIHA, 1730 M ST., NW WASHINGTON DC 20015	LEAGUE OF WOMEN VOTERS OF THE U.S.	2,987.00	70.00
GEORGE H. LAWRENCE, 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSOCIATION	415.00	
HENRY J. LAWRENCE, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INSTITUTE OF ARCHITECTS	2,500.00	
LINDA L. LAWRENCE, 1730 RHODE ISLAND AVENUE, NW, #213 WASHINGTON DC 20036	BROWN & ROOT, INC		
JOHN I. LE BERRE, 900 17TH ST., NW WASHINGTON DC 20006	KAISER ALUMINUM & CHEMICAL CORPORATION	280.00	55.00
ERNEST M. LE SUEUR, 1700 NORTH MOORE ST. 1925 ROSSLYN CENTER BUILDING ARLINGTON VA 22209	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		
LEAD-ZINC PRODUCERS COMMITTEE, 120 BROADWAY, ROOM 3415, NY, NY 10271		20,000.00	9,847.88
LEAGUE OF NEW YORK THEATRES & PRODUCERS, INC., 226 WEST 47TH STREET NEW YORK NY 10036			
LEAGUE OF WOMEN VOTERS OF THE U.S., 1730 M ST., NW WASHINGTON DC 20036		31,962.00	31,962.00
LEAGUE TO SAVE LAKE TAHOE, 2197 LAKE TAHOE BLVD. P.O. BOX 10110 SOUTH LAKE TAHOE CA 95731		9,000.00	612.45
CORNELIUS J. LEARY, 2113 COUNTRYSIDE DRIVE SILVER SPRING MD 20904	AMERICAN COUNCIL OF INTERNATIONAL PERSONNEL, INC	1,800.00	250.00
RICHARD J. LEASE, 2145 BOISE DRIVE LAS CRUCES NM 88001			
KERLEY LEBOEUF, SUITE 809 THREE SKYLINE PLACE 5201 LEESSBURG PIKE FALLS CHURCH VA 22041	NATIONAL ASSOCIATION OF CONVENIENCE STORES		
LEBOEUF LAMB LEIBY & MACRAE, 1333 NEW HAMPSHIRE AVENUE, NW, #1100 WASHINGTON DC 20036	SHIPPING CORPORATION OF INDIA, LTD	7.25	
Do	UNDERWRITERS AT LLOYD'S LONDON		278.88
LECHNER & BUTSAVAGE, P.C., 3101 SOUTH ST., NW WASHINGTON DC 20007	NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS	13,500.00	1,957.22
ROBERT F. LEDERER, 230 SOUTHERN BUILDING WASHINGTON DC 20005	AMERICAN ASSOCIATION OF NURSERYMEN		
THOMAS J. LEE JR., P.O. BOX 2628 HOUSTON TX 77001	ENTEX, INC		
RICHARD A. LEGATSKI, SUITE 700 1050 17TH ST., NW WASHINGTON DC 20036	NATIONAL OCEAN INDUSTRIES ASSOCIATION		
CAROLINE MILLS LEGETTE, 215 PENNSYLVANIA AVENUE, S.E. WASHINGTON DC 20003	CONGRESS WATCH	4,000.00	
MARY NELL LEHNHARD, 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	BLUE CROSS & BLUE SHIELD		
LEIGHTON CONKLIN LEMOV JACOBS & BUCKLEY, SUITE 800 2033 M ST., NW WASHINGTON DC 20036	ADHESIVE & SEALANT COUNCIL, INC		
Do	AMERICAN ASSOCIATION OF NURSE ANESTHETISTS		
Do	AMERICAN DENTAL ASSISTANTS ASSOCIATION		
Do	AMERICAN EXPRESS COMPANY		
Do	CITY & REGIONAL MAGAZINE ASSOCIATION		
Do	CLOROX COMPANY		
Do	FEDERATION OF APPAREL MANUFACTURERS		
Do	FIREMAN'S FUND AMERICAN LIFE INSURANCE COMPANY		
Do	FRED T. AND CENUS N. FRANZIA, ET AL		
Do	GENERAL ATOMIC COMPANY	2,587.50	633.90
Do	GENERAL INSTRUMENT CORPORATION		
Do	GROCERY MANUFACTURERS OF AMERICA, INC		
Do	INTRAOCULAR LENS MFRS ASSOCIATION		
Do	KAISER ALUMINUM & CHEMICAL CORPORATION		
Do	NATIONAL BULK VENDORS ASSOCIATION		
Do	NATIONAL CABLE TELEVISION ASSOCIATION, INC		
Do	NATIONAL GLASS DEALERS ASSOCIATION		
Do	OLIN CORPORATION		
Do	PROFESSIONAL AIR TRAFFIC CONTROLLERS ORGANIZATION		
Do	TURNER BROADCASTING SYSTEM, INC		
Do	WHEY PRODUCTS INST		
JOSEPH L. LEITZINGER, 900 4TH AVENUE, SEATTLE WA 98164	SIMPSON TIMBER COMPANY	980.00	292.00
GILBERT LEKANDER, SUITE 801 1629 K ST., NW WASHINGTON DC 20006	MONTANA POWER COMPANY & WASHINGTON WATER POWER COMPANY	300.00	
ELIZABETH LEMOND, 1111 19TH STREET, NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	362.00	610.74
LYNETTE B. LENARD, 1800 M STREET, NW, #700S WASHINGTON DC 20036	DOW CHEMICAL COMPANY	125.00	62.50
JOHN LENGEL, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)		
ANN LENTS, VINSON & ELKINS 3000 FIRST CITY TOWER HOUSTON TX 77002	ASSOCIATION OF OIL PIPELINES	117,268.30	
BETTY JANE LEONARD, P.O. BOX 21368 GREENSBORO NC 27420	UNIFI, INC	4,185.81	448.76
EARL T. LEONARD JR., P.O. DRAWER 1734 ATLANTA GA 30301	COCA-COLA COMPANY	573.00	575.39
LLOYD LEONARD, 1750 M ST., NW WASHINGTON DC 20036	LEAGUE OF WOMEN VOTERS OF THE U.S.	3,768.00	91.00
RODNEY E. LEONARD, 1146 19TH ST., NW, #300 WASHINGTON DC 20036	COMMUNITY NUTRITION INSTITUTE		
LEONARD, KOEHN, ROSE AND HURT, P.C., SUITE 317 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036			
CHARLES LEPPERT JR., 1801 K ST., NW, #230 WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING COMPANY		
RICHARD L. LESHER, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	300.00	
DALE LESTINA, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSOCIATION	2,239.20	234.25
JOSEPH A. LETORNEY, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSOCIATION		
LEVA HAWES SYMINGTON MARTIN & OPPENHEIMER, SUITE 1001 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	COMMERZBANK AG		
Do	COOPERATIVE FOR AMERICAN RELIEF EVERYWHERE, INC. (CARE)		
Do	DON LANGENEGGER, ET AL		6.00
Do	FINNIGAN CORPORATION		
Do	GK TECHNOLOGIES, INC		
Do	U.S. INDUSTRIES, INC		
Do	UNION INVESTMENT GMBH		
Do	UPPER HUMBOLDT RIVER WATER USERS ASSOCIATION		
ROBERT JOHN LEVERING, 1730 M ST., NW, #610 WASHINGTON DC 20036	DIRECT SELLING ASSOCIATION	300.00	40.00
CARL LEVIN, 1800 M ST., NW WASHINGTON DC 20036	BURSON-MARSTELLER (FOR: NEWPORT NEWS SHIPBUILDING & DRYDOCK COMPANY)		
MORRIS J. LEVIN, 1050 17TH ST., NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN RAILROADS	2,500.00	
Do	INDEPENDENT LOCAL NEWSPAPER ASSOCIATION		
HARRY LEVINE JR., 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC COMPANY	469.00	
LESLIE LEVY, 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE	6,499.98	
CATHY A. LEWIS, 1101 CONNECTICUT AVENUE, NW SUITE 900 WASHINGTON DC 20036	VINSON & ELKINS (FOR: GALVESTON WHARVES OF THE CITY OF GALVESTON)		6.00
CHARLES L. LEWIS, 5203 LEESBURG PIKE, SUITE 400 FALLS CHURCH VA 22041	AMERICAN PERSONNEL & GUIDANCE ASSOCIATION	214.00	
DAVID LEWIS, 600 MARYLAND AVENUE, SW SUITE 400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSOCIATION		
E. DAVID LEWIS, 1401 WILSON BLVD., #205 ARLINGTON VA 22209	SOCIETY OF AMERICAN WOOD PRESERVERS, INC	230.00	355.00
JOHN F. LEWIS, BOX 10023 1665 N. 4TH STREET, #6 COLS OH 43201	ASR INC./LMMCA		
MICHAEL R. LEWIS, 1133 15TH ST., NW SUITE 640 WASHINGTON DC 20005	INTERNATIONAL LONGSHOREMEN'S & WAREHOUSEMEN'S UNION	8,946.00	958.67
STUART A. LEWIS, SUITE 300 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	MANUFACTURERS HANOVER CORPORATION	800.00	
Do	NATIONAL BANK OF DETROIT	400.00	
Do	SEATTLE FIRST NATIONAL BANK	400.00	
JOHN F. LEYDEN, 815 - 16TH ST., N.W. WASHINGTON DC 20006	PUBLIC EMPLOYEE DEPARTMENT, AFL-CIO	3,746.36	
WILLIAM J. LHOTA, 301 CLEVELAND AVENUE, SW CANTON OH 44702	OHIO POWER COMPANY		
HERBERT LIEBENSON, 1604 K ST., NW WASHINGTON DC 20006	NATIONAL SMALL BUSINESS ASSOCIATION	5,625.00	
Do	SMALL BUSINESS LEGISLATIVE COUNCIL		
WILLIAM C. LIENESCH, 238 10TH ST., SE WASHINGTON DC 20003	NATIONAL PARKS & CONSERVATION ASSOCIATION	698.70	23.60
RUSSELL B. LIGHT, 1700 NORTH MOORE ST. ARLINGTON VA 22209	BOEING COMPANY	100.00	
DIANE PALMER LILLY, 1200 NORTHWESTERN BANK BUILDING, MINNEAPOLIS, MN 55480	NORTHWEST BANCORPORATION		
EDWARD J. LINCOLN, 1000 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	JAPAN ECONOMIC INSTITUTE OF AMERICA	100.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
KATHLEEN M. LINEHAN, 1025 CONNECTICUT AVENUE, NW, #700 WASHINGTON DC 20036	GULF OIL CORPORATION	300.00	170.00
ELENA LINTHICUM, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ALLIED CORPORATION		
THOMAS LINTON C., 1700 K STREET, NW #1204 WASHINGTON DC 20006	CHEVRON USA, INC	400.00	
JANICE C. LIPSEN, 900 17TH ST., NW, #504 WASHINGTON DC 20006	COUNSELORS FOR MANAGEMENT, INC. (FOR: INDEPENDENT ZINC ALLOYERS ASSOCIATION).		
LIPSEN, HAMBERGER, WHITTEN & HAMBERGER, SUITE 800 1725 DESALES STREET, NW WASHINGTON DC 20036	AMERICAN WATERWAYS OPERATORS, INC	3,900.00	150.00
Do	DRAVO CORPORATION		
Do	GREATER PHILADELPHIA CHAMBER OF COMMERCE	1,000.00	106.25
Do	MHD INDUSTRIAL FORUM		
Do	OLIVETTI CORPORATION OF AMERICA	875.00	131.25
Do	STONE & WEBSTER ENGINEERING CORPORATION	1,250.00	93.75
Do	WESTINGHOUSE ELECTRIC CORPORATION	15,000.00	
ROBERT G. LITSCHERT, 1111 19TH ST., NW, 9TH FLOOR WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	872.72	400.16
BARBARA A. LITTLE, SUITE 611 1155 15TH STREET, NW WASHINGTON DC 20005	ETHYL CORPORATION	900.00	
CHARLES B. LITTLE, SUITE 603 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	UBA, INC	1,000.00	
WILLIAM F. LITTLE, 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	FORD MOTOR COMPANY	362.50	318.25
ROY LITTLEFIELD, 1343 L ST., NW WASHINGTON DC 20005	NATIONAL TIRE DEALERS & RETREADERS ASSOCIATION	5,250.00	210.00
THEODORE M. LITTMAN, 12214 LAKEWOOD BLVD, DOWNEY CA 90241	ROCKWELL INTERNATIONAL		
DAVID A. LITVIN, SUITE 600 1001 22ND ST., NW WASHINGTON DC 20037	STANDARD OIL COMPANY (OHIO)	1,025.00	160.64
E.F. LIVAUDAIS JR., 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	ATLANTIC RICHFIELD COMPANY	420.00	
LIVESTOCK MARKETING ASSOCIATION, 3100 E. ARMOUR BLVD, KANSAS CITY MO 64111			
LOBEL NOVINS & LAMONT, 1523 L ST., NW WASHINGTON DC 20005	GENERIC PHARMACEUTICAL INDUSTRY ASSOCIATION	2,946.00	1,008.40
CHARLES H. LOCKWOOD II, 300 NEW CENTER BUILDING DETROIT MI 48202	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC	2,720.00	1,725.77
HAROLD D. LODEN, 1030 15TH ST., NW, #964 WASHINGTON DC 20005	AMERICAN SEED ASSOCIATION	4,000.00	
NILS LOFGREN, 1909 K ST., NW SUITE 300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
LAW OFCS OF SHELDON I. LONDON, SUITE 401 1725 DESALES ST., NW WASHINGTON DC 20036	AMERICAN HARDWARE MANUFACTURERS ASSOCIATION	1,500.00	
THOMAS R. LONG, 299 PARK AVENUE, NEW YORK, NY 10171	WESTVACO CORPORATION	100.00	108.00
JOHN H. LONNQUIST, 1025 CONNECTICUT AVENUE, NW SUITE 214 WASHINGTON DC 20036	MANVILLE CORPORATION	100.00	
LOOMIS OWEN FELLMAN & HOWE, 2020 K ST., NW WASHINGTON DC 20006	ASSOCIATION OF BITUMINOUS CONTRACTORS		
Do	BOOK MANUFACTURERS' INSTITUTE, INC		
Do	CLASSROOM (PERIODICAL) PUBLISHERS ASSOCIATION		
Do	INDUSTRIAL DIAMOND ASSOCIATION		
Do	OPTICAL MANUFACTURERS ASSOCIATION		
Do	TEXTILE RENTAL SERVICES ASSOCIATION OF AMERICA		
SUSAN J. LOOMIS, 1957 E STREET, N.W. WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA	2,000.00	500.00
KENNETH T. LOPATKA, FOLEY, HOAG & ELIOT ONE POST OFFICE SQUARE BOSTON MA 02109	C & S WHOLESALE GROCERS, INC	250.00	
LORD, DAY & LORD, 25 BROADWAY NEW YORK NY 10004	BOWATER NORTH AMERICA CORPORATION	1,179.04	
Do	PHOSPHATE CHEMICALS EXPORT ASSOCIATION, INC		75.22
PHILIP J. LOREE, 50 BROADWAY NEW YORK NY 10004	FEDERATION OF AMERICAN CONTROLLED SHIPPING	200.00	
ROBERT E. LOSCH, 1716 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20009	AMERICAN DREDGING COMPANY, ET AL	17,500.00	3,161.67
Do	PELICAN TERMINAL CORPORATION & PORT OF GALVESTON		
DAVID S. LOTT, 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	FOLEY & LARDNER (FOR: NATIONAL GYPSUM COMPANY/CEMENT DIVISION)		
CLAUDIA J. LOUIS, 1101 16TH ST., NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSOCIATION	14.90	
JAMES F. LOVETT, 1801 K ST., NW WASHINGTON DC 20006	WESTINGHOUSE ELECTRIC CORPORATION	500.00	200.00
RICHARD J. LOVETT, 1200 NORTHWESTERN BANK BUILDING MINNEAPOLIS MN 55480	NORTHWEST BANCORPORATION	1,400.00	1,396.07
ROBERT C. LOWER, ALSTON MILLER & GAINES 35 BROAD ST., #1200 ATLANTA GA 30335	BOARD OF TRADE CLEARING CORPORATION		
RODNEY W. LOWMAN, SUITE 700 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	GULF OIL CORPORATION	50.00	39.37
WILLIAM C. LOWREY, 1025 CONNECTICUT AVENUE, NW, #200 WASHINGTON DC 20036	SHELL OIL COMPANY	500.00	
GERALD M. LOWRIE, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BANKERS ASSOCIATION	6,000.00	
DONALD C. LUBICK, 1776 F STREET, NW WASHINGTON DC 20006	HAWAIIAN SUGAR TRANSPORTATION COMPANY		
Do	TALISMAN FUND	1,310.00	660.00
MRS. FREDDIE H. LUCAS, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORPORATION	3,000.00	609.78
SUSAN LUIPERSBECK, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	2,833.36	
LUMBERMENS MUTUAL CASUALTY COMPANY, LONG GROVE IL 60049			2,860.78
MILTON F. LUNCH, 2029 K ST., NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	1,000.00	
CHRISTIAN J. LUND, 1125 15TH ST., NW WASHINGTON DC 20005	UNITED TECHNOLOGIES CORPORATION	13,975.00	
LUND, LEVIN & O'BRIEN, 1625 EYE ST., NW WASHINGTON DC 20006	FEDERATION OF AMERICAN CONTROLLED SHIPPING	600.00	36.81
Do	NATIONAL PRODUCT LIABILITY COUNCIL	600.00	50.08
Do	PENNSYLVANIA POWER & LIGHT COMPANY	2,765.00	175.22
W. FLETCHER LUTZ, SUITE 100 727 SOUTH 23RD STREET ARLINGTON VA 22202	ASSOCIATION OF GOVERNMENT ACCOUNTANTS		
EDWARD LYLE, 1925 K STREET, NW WASHINGTON DC 20006	ALLIANCE TO SAVE ENERGY		
JOHN C. LYNCH, 1615 H STREET, NW WASHINGTON DC 20062	CITIZEN'S CHOICE, INC	26,000.00	
TIMOTHY P. LYNCH, SUITE 910 1510 WILSON BLVD. ARLINGTON VA 22209	ROADWAY EXPRESS, INC	400.00	200.00
WILLIAM T. LYONS, SUITE 700 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	CIBA-GEIGY CORPORATION	4,063.00	3,257.00
M.O.A./AIDA & SUBS, INC, SUITE 107 701 S. 22ND OMAHA NB 68102			
TIMOTHY MACCARTHY, 1909 K ST., NW, #300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC	832.00	
RUSSELL MACCLEERY, 1343 L ST., NW WASHINGTON DC 20005	NATIONAL TIRE DEALERS & RETREADERS ASSOCIATION	4,600.00	79.00
JACK A. MACDONALD, SUITE 915 2600 VIRGINIA AVENUE, NW WASHINGTON DC 20037	NATIONAL COUNCIL OF HEALTH CARE SERVICES	1,125.00	130.54
JAMES H. MACK, 7901 WESTPARK DRIVE MCLEAN VA 22101	NATIONAL MACHINE TOOL BUILDERS' ASSOCIATION	12,375.00	500.00
THOMAS L. MACK, 1620 I ST, NW. SUITE 703, WASHINGTON, DC 20006	BECHTEL POWER CORPORATION		
CURTIS T. MACKEY, 1025 VERMONT AVENUE, NW WASHINGTON DC 20005	NATIONAL INSULATION CONTRACTORS ASSOCIATION		
JOHN P. MACKEY, SUITE 302 605 14TH ST., NW WASHINGTON DC 20005	AD HOC COMM IN DEFENSE OF LIFE, INC	11,668.00	4,417.25
MARK J. MACKEY, 1775 K STREET, NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE	49.50	
J. LYNN MADDOX, SUITE 1204 1700 K STREET, NW WASHINGTON DC 20006	CHEVRON U.S.A., INC	150.00	
FRANCIS E. MAGUIRE JR., 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BANKERS ASSOCIATION	1,000.00	
W. TERRY MAGUIRE, BOX 17407 DULLES INTERNATIONAL AIRPORT WASHINGTON DC 20041	AMERICAN NEWSPAPER PUBLISHERS ASSOCIATION	1,500.00	
DAVID L. MAHAN, 1225 19TH STREET, NW WASHINGTON DC 20036	DGA INTERNATIONAL, INC. (FOR: AIRBUS INDUSTRIE)	150.00	
Do	DGA INTERNATIONAL, INC. (FOR: SOFREAVIA)		
THOMAS D. MAHER, 1775 K STREET,N.W. WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE		
JOHN F. MAHONEY, 1101 VERMONT AVENUE, NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSOCIATION	4,400.00	154.60
ROBERT L. MAIER, SUITE 1000 900 17TH ST., NW WASHINGTON DC 20006	KAISER ALUMINUM & CHEMICAL CORPORATION	240.00	
STEVEN R. MAIMON, P.O. BOX 7579 WASHINGTON, DC. 20044			
F. ANTHONY MAIO, FOLEY, LARDNER, HOLLABAUGH & JACOBS 1775 PENNSYLVANIA AVENUE, NW, SUITE 1000 WASHINGTON DC 20006.	FIRST WISCONSIN NATIONAL BANK OF MILWAUKEE		
ANDRE MAISONPIERRE, 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	ALLIANCE OF AMERICAN INSURERS	525.00	
DAVID L. MALLINO, 815 16TH ST., NW SUITE 706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMERICA	9,762.20	
J. WILSON MALLOY JR., 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	EASTMAN CHEMICAL PRODUCTS, INC	825.00	79.70
MARY JO MALONE, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INSTITUTE OF ARCHITECTS	1,875.00	2,234.00
MAN-MADE FIBER PRODUCERS ASSOCIATION, INC, SUITE 310 1150 17TH ST., NW WASHINGTON DC 20036			600.00
CARTER MANASCO, 5932 CHESTERBROOK RD. MCLEAN VA 22101	NATIONAL COAL ASSOCIATION	6,774.01	129.79
MANATT, PHELPS, ROTHENBERG & TUNNEY, SUITE 200 1200 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	COUPON BOND TAX COMMITTEE	8,212.50	
Do	ETHYL CORPORATION	4,825.00	
Do	GATX CORPORATION	23,112.50	
Do	GENERAL TELEPHONE COMPANY OF CALIFORNIA	9,675.00	
Do	IBAR	9,987.50	
Do	JMB REALTY CORPORATION	11,900.00	
Do	LATHAM, WATKINS & HILLS	2,250.00	
Do	LUZ INTERNATIONAL LTD		
Do	MAGANA, CATHCART, ET AL (FOR: MARINE & SHPBUILDING WORKERS AFL-CIO)	250.00	
Do	MANUFACTURERS HANOVER LEASING CORPORATION	7,962.50	
Do	MARLINE OIL CORPORATION	13,700.00	
Do	MOTION PICTURE & TELEVISION TAX INSTITUTE	3,287.50	
Do	MUSIC CORPORATION OF AMERICA, INC	2,375.00	
Do	NORTHROP CORPORATION	20,527.50	
Do	NORTHWEST ALASKAN PIPELINE COMPANY	26,712.50	
Do	PHARMACEUTICAL MANUFACTURERS ASSOCIATION	17,637.50	
Do	TOBACCO INSTITUTE	5,562.50	
MANCHESTER ASSOCIATES, LTD., 1155 15TH ST.NW. SUITE 1010 WASHINGTON, DC 20005	NISSAN MOTOR COMPANY, LTD	7,423.00	8,316.00
FORBES MANN, 1155 15TH ST., NW, #1004 WASHINGTON DC 20005	LTV CORPORATION	500.00	20.00
TED R. MANNEN, 1030 15TH STREET, N.W. SUITE 1100 WASHINGTON DC 20005	HEALTH INDUSTRY MANUFACTURERS ASSOCIATION		
MICHAEL J. MANNING, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	PETRO-LEWIS CORPORATION	15,813.75	219.55
RICHARD J. MANNIX, 195 MONTAGUE ST. BROOKLYN NY 11201	BROOKLYN UNION GAS COMPANY		239.00
CYNTHIA MANSFIELD, SUITE 520 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	GPU SERVICE CORPORATION	2,285.65	288.62
ARMAND G MANSON, 1090 VERMONT AVENUE, N.W. STE 1100 WASHINGTON DC 20006	BELL AEROSPACE TEXTRON		
MANUFACTURERS OF EMISSION CONTROLS ASSOCIATION, SUITE 1104 1800 K STREET, NW WASHINGTON DC 20006			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
MARCH FOR LIFE, INC, PO BOX 2950 WASHINGTON DC 20013		8,129.83	9,054.23
CHARLES T. MARCK, 1800 M ST., NW, SUITE 700 SOUTH WASHINGTON DC 20036	DOW CHEMICAL COMPANY	1,000.00	250.00
MARITIME INSTITUTE FOR RESEARCH & INDUSTRIAL DEVELOPMENT, SUITE 600 1133 15TH STREET, NW WASHINGTON DC 20005.			
RICHARD MARK, 3RD FLOOR 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	5,500.02	1,740.31
DAVID J. MARKEY, 1771 N ST., NW WASHINGTON DC 20036	NATIONAL ASSOCIATION OF BROADCASTERS		
RICHARD P. MARKEY, 729 15TH ST., NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC.		
E. VERNON MARKHAM III, SUITE 500 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	STEPHENS OVERSEAS SERVICES, INC.	42.21	
LAWRENCE D. MARKLEY, PO BOX 3518 ANCHORAGE AK 99501	CHUGACH ELECTRIC ASSOCIATION, INC	270.00	70.75
NATHAN FRED MARKS, 685 N.W. 8TH STREET GRESHAM OR 97030			
RONALD ANTHONY MARKS, 685 N.W. 8TH ST. GRESHAM OR 97030			
LUTHER A. MARKWART, SUITE 1019 1156 15TH STREET, NW WASHINGTON DC 20005	AMERICAN SUGARBEET GROWERS ASSOCIATION		
JOHN C. MARLIN, 307 W. NEVADA URBANA IL 61801	CENTRAL STATES RESOURCE CENTER	514.00	
HOWARD MARLOWE, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	14,691.30	1,043.85
CHALMERS H. MARQUIS, SUITE 7200 955 L'ENFANT PLAZA, SW WASHINGTON DC 20024	AGENCY FOR INSTRUCTIONAL TELEVISION		
Do	CHILDREN'S TELEVISION WORKSHOP		
Do	NATIONAL ASSOCIATION FOR PUBLIC TELEVISION STATIONS	600.00	150.00
C. TRAVIS MARSHALL, 1776 K ST., NW WASHINGTON DC 20006	MOTOROLA, INC	1,500.00	65.08
DAVID S. MARSHALL, 1600 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	NATIONAL RIFLE ASSOCIATION OF AMERICA	687.50	
DAVID O. MARTIN, NORTH LAKE ST. NEENAH WI 54956	KIMBERLY-CLARK CORPORATION	62.50	122.55
JAMES D. MARTIN, 4600 72ND AVENUE, LANDOVER HILLS MD 20784	COMMUNICATIONS SATELLITE CORPORATION	2,000.00	195.90
JOHN M. MARTIN JR., 6909 FORT HUNT ROAD ALEXANDRIA VA 22307	FOOD MARKETING INSTITUTE	300.00	
Do	JEWELRY INDUSTRY COORDINATING COMMITTEE	500.00	
Do	TENNECO, INC	100.00	
KATHERINE E. MARTIN, 412 FIRST ST., SE, #200 WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	550.01	219.00
LARRY K. MARTIN, 1150 17TH ST., NW WASHINGTON DC 20036	MAN-MADE FIBER PRODUCERS ASSOCIATION, INC	150.00	
THOMAS A. MARTIN, 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST	225.00	
ERNEST MARTY, 85 RIDGE ST. NORTH SIDNEY, NSW 2060 AUSTRALIA			
JUDITH MARTY, 85 RIDGE ST. NORTH SYDNEY, NSW 2060 AUSTRALIA			
JOSEPH J. MARTYAK, 12TH FL. 1100 15TH ST., NW WASHINGTON DC 20005	UNION CARBIDE CORPORATION		
MARYLAND SAVINGS-SHARE INSURANCE CORPORATION, 901 NORTH HOWARD ST. BALTIMORE MD 21201			204.82
MIKE M. MASAOKA, SUITE 520, THE FARRAGUT BUILDING 900 17TH ST., NW WASHINGTON DC 20006	AMERICAN JAPANESE TRADE COMM		
Do	MATSUSHITA ELECTRIC CORPORATION OF AMERICA	650.00	
Do	NISEI LOBBY		
Do	TOYOTA MOTOR SALES, U.S.A., INC	750.00	
Do	WEST MEXICO VEGETABLE DISTRIBUTORS ASSOCIATION	500.00	
SCOTT A. MASON, 9967 COPPERTON DRIVE, OAKTON, VA 22124	NATIONAL HEALTH ADVISORS, LTD.		
W. A. MASON, P.O. BOX 21106 SHREVEPORT LA 71156	SOUTHWESTERN ELECTRIC POWER COMPANY	233.82	
DAVID MASSELLI, 530 7TH ST., SE, WASHINGTON, DC 20003	FRIENDS OF THE EARTH		
JAMES D. MASSIE, 1015 - 18TH STREET, N.W. WASHINGTON DC 20036	FERTILIZER INSTITUTE	5,000.00	2,125.58
WILLIAM F. MASSMANN, PO BOX 225086 DALLAS TX 75265	DR PEPPER COMPANY		
COLIN D. MATHEWS, 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	VINSON & ELKINS (FOR: AMERICAN GENERAL CORPORATION)		
Do	VINSON & ELKINS (FOR: GATX TERMINALS CORPORATION)		
Do	VINSON & ELKINS (FOR: TRAVELERS INSURANCE COMPANY)		
ROBERT A. MATTHEWS, 700 NORTH FAIRFAX ST. ALEXANDRIA VA 22314	RAILWAY PROGRESS INST	937.50	
JOANNE E. MATTIACE, 1211 CONNECTICUT AVENUE, NW, #802 WASHINGTON DC 20036	SEARS, ROEBUCK AND COMPANY	60.00	33.00
MARSHALL L. MATZ, BARNETT & ALAGIA 1627 K STREET, NW WASHINGTON DC 20006	AFFILIATED FOOD PROCESSORS, INC		
Do	AMERICAN BAKERS ASSOCIATION	2,251.38	
C.V. & R.V. MAUDLIN, 1334 G ST., NW WASHINGTON DC 20005	BRASS AND BRONZE INGOT INSTITUTE		
ANTHONY F. MAURIELLO, NY STATE PETROLEUM COUNCIL 551 FIFTH AVENUE, RM. 718 NEW YORK NY 10176	AMERICAN PETROLEUM INST		
SAMUEL L. MAURY, SUITE 402 1828 L STREET, NW WASHINGTON DC 20036	BUSINESS ROUNDTABLE	150.00	12.00
CHARLES H. MAUZY, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSOCIATION		
THOMAS H. MAXEDON, KENTUCKY PETROLEUM COUNCIL 612-A SHELBY STREET FRANKFORT KY 40601	AMERICAN PETROLEUM INST		
ALBERT E. MAY, 1625 K ST., NW WASHINGTON DC 20006	COUNCIL OF AMERICAN-FLAG SHIP OPERATORS	4,112.50	10.59
WALTER R. MAY, 7004 PARK TERRACE DRIVE ALEXANDRIA VA 22307	YELLOW FREIGHT SYSTEM, INC	9,750.00	707.70
ARNOLD MAYER, 1775 K ST., NW WASHINGTON DC 20006	UNITED FOOD & COMMERCIAL WORKERS INTERNATIONAL UNION	18,846.17	366.51
MAYER, BROWN & PLATT, 888 17TH ST., NW WASHINGTON DC 20006	AEROSPACE INDUSTRIES ASSOCIATION OF AMERICA, INC		
Do	BRUNSWICK CORPORATION		
Do	COMDISCO, INC		
Do	ERISA INDUSTRY COMMITTEE	888.25	
Do	GATX CORPORATION		
Do	GENERAL TELEPHONE & ELECTRONICS CORPORATION		
Do	JMB REALTY CORPORATION	1,620.30	
Do	NATIONAL ASSOCIATION OF MANUFACTURERS' FTC-ANTITRUST SUBCMTE		
C. H. MAYER, INC., SUITE 901 3421 NORTH CAUSEWAY BLVD. METAIRIE LA 70002	L.P. MANAGEMENT CORPORATION		
JEFFREY G. MAYS, SUITE 400E 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSOCIATION		
H. WESLEY MCADEN, SUITE 424 1155 15TH ST., NW WASHINGTON DC 20005	J. G. BOSWELL COMPANY	9,000.00	2,140.00
WILLIAM J. MCAULIFFE JR., 1828 L ST., NW WASHINGTON DC 20036	AMERICAN LAND TITLE ASSOCIATION		
LARRY D. MCBENNETT, 15th & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSOCIATION OF HOME BUILDERS OF THE U.S.		
ANN MCBRIDE, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	11,250.00	2,753.62
MARTHA MCCABE, 1828 L ST., N.W. SUITE 1100 WASHINGTON DC 20036	COOPERATIVE LEAGUE OF THE USA	2,083.33	
MICHAEL J. MCCABE, ALLSTATE PLAZA NORTHBROOK IL 60062	ALLSTATE ENTERPRISES, INC		
Do	ALLSTATE INSURANCE COMPANIES		
JOHN A. MCCAHILL, 1250 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	U.S. OLYMPIC COMMITTEE	200.00	
JULIE P. MCCAHILL, SUITE 715 1000 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	MEAD CORPORATION	275.00	
A.R. MCCAMMON, TENNESSEE RAILROAD ASSOCIATION 916 NASHVILLE TRUST BUILDING NASHVILLE TN 37201	CLASS I RAILROADS		
LAW OFFICES OF R. C. MCCANDLESS, 1707 H ST., NW WASHINGTON DC 20006	INTERNATIONAL PAPER COMPANY		
Do	MILLER & SCHROEDER MUNICIPALS, INC	7,467.00	2,598.66
Do	TRANSAMERICA CORPORATION	8,626.50	957.04
Do	TRANSAMERICA-OCCIDENTAL INSURANCE CORPORATION	71,575.50	20,600.03
KATHERINE S. MCCARTER, 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN PUBLIC HEALTH ASSOCIATION	2,566.00	
CAROLYN KIM MCCARTHY, 7901 WESTPARK DRIVE MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSOCIATION	1,015.00	500.00
JAMES R. MCCARTHY, 2101 L STREET, NW WASHINGTON DC 20037	AMERICAN PETROLEUM INSTITUTE	200.00	
JAMES W MCCARTHY, 1515 WILSON BLVD ARLINGTON VA 22209	AMERICAN GAS ASSOCIATION	3,000.00	1,171.31
JOHN C. MCCARTHY, BOX 1300 MCLEAN VA 22102	MELAMINE CHEMICALS, INC	1,000.00	800.00
Do	STATE OF LOUISIANA	20,000.00	7,250.00
MCCARTY NOONE & WILLIAMS, SUITE 3306 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	AMERICAN MEDICAL TECHNOLOGISTS	225.00	41.35
MCCLURE & TROTTER, SUITE 600 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CITIES SERVICE COMPANY		44.66
Do	COCA-COLA COMPANY		198.67
Do	GULF & WESTERN INDUSTRIES, INC		395.64
Do	MOBIL OIL CORPORATION	8,715.00	113.26
Do	TRACOR, INC		
ROBERT S. MCCONNAUGHEY, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
JOEL C. MCCONNELL JR., 1625 MASSACHUSETTS AVENUE, NW, #202 WASHINGTON DC 20036	INDEPENDENT BANKERS ASSOCIATION OF AMERICA		
MOLLY MCCORMICK, 2301 MARKET ST., S23-1 PHILADELPHIA PA 19101	PHILADELPHIA ELECTRIC COMPANY	1,875.00	520.39
SALLY MCCORMICK, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	6,750.00	2,142.97
E. L. MCCULLOCH, 819 RAILWAY LABOR BUILDING, 400 1ST ST., NW WASHINGTON DC 20001	BROTHERHOOD OF LOCOMOTIVE ENGINEERS	284.60	1,138.92
DAVID F. MCDERMITT, SUITE 606 1235 JEFFERSON-DAVIS HIGHWAY ARLINGTON VA 22202	NATIONAL UTILITY CONTRACTORS ASSOCIATION		1,661.77
ALBERT L. MCDERMOTT, 1101 CONNECTICUT AVENUE, NW, #1006 WASHINGTON DC 20036	AMERICAN HOTEL & MOTEL ASSOCIATION	1,895.70	
MARIANNE MCDERMOTT, 1201 PENNSYLVANIA AVENUE, N.W. WASHINGTON DC 20004	HILL & KNOWLTON, INC		
MARK T. MCDERMOTT, JOSEPH, POWELL, MCDERMOTT & REINER, P.C. 1300 19TH STREET, NW, #400 WASHINGTON DC 20036.	CIVIL PILOTS FOR REGULATORY REFORM	556.00	
JAMES MCDONALD, 9311 WOODLAND DRIVE SILVER SPRING MD 20910	JACK MCDONALD ASSOCIATES (FOR: NORTHROP CORPORATION)		
MICHAEL D. MCDONALD, MARYLAND PETROLEUM ASSOCIATION 60 WEST ST. ANNAPOLIS MD 21401	AMERICAN PETROLEUM INST	50.00	
PATRICK J. MCDONOUGH, 5203 LEESBURG PIKE, SUITE 400 FALLS CHURCH VA 22041	AMERICAN PERSONNEL & GUIDANCE ASSOCIATION	3,483.00	
DINAH D. MCELFRESH, SUITE 1030N 1800 M ST., NW WASHINGTON DC 20036	HAUCK & ASSOCIATES (FOR: NATIONAL ASSOCIATION OF CHILD CARE MANAGEMENT)		
ROBERT H. MCFADDEN, 1909 K ST., NW SUITE 300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC	200.00	58.45
JAMES M. MCGARRY JR., 1750 K ST., NW WASHINGTON DC 20006	EATON ASSOCIATES, INC		
PAUL J. MCGEADY, 27 THOMPTON PL. RUTLEY NJ 07110	MORALITY IN MEDIA, INC	30.00	
GALE W. MCGEE ASSOCIATES, SUITE 700-1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	DGA INTERNATIONAL, INC		
DONNA LEE MCGEE, 1800 M STREET,N.W. #870-S WASHINGTON DC 20036	BURLINGTON INDUSTRIES, INC		
W. CURT MCGEE, 1620 I ST., NW, SUITE 703 WASHINGTON DC 20006	BECHTEL NATIONAL, INC		
P. ANNE MCGHEE, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	450.00	
ROBERT M. MCGLOTTEN, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	14,441.31	1,044.84

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
CHRISTOPHER C. MCGRATH, N. Y. S. PETROLEUM COUNCIL 551 5TH AVENUE, #718 NEW YORK NY 10176	AMERICAN PETROLEUM INST.		
JEROME J. MCGRATH, 1660 L ST., NW, #601 WASHINGTON DC 20036	INTERSTATE NATURAL GAS ASSOCIATION OF AMERICA	500.00	
TERRENCE G. MCGREEVY, FIRST CITY TOWER HOUSTON TX 77002	VINSON & ELKINS (FOR: PELICAN TERMINAL)		
JOSEPH M. MCGUIRE, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSOCIATION OF HOME BUILDERS OF THE U.S.		
PETER E. MCGUIRE, 400 FIRST ST., NW WASHINGTON DC 20001	NATIONAL ASSOCIATION OF RETIRED & VETERAN RAILWAY EMPLOYEES	5,999.98	142.90
WILLIAM P. MCGUIRE, 1600 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	NATIONAL RIFLE ASSOCIATION OF AMERICA	600.00	
MCHALE, COOK & WELCH, P.C., 1122 CHAMBER OF COMMERCE BUILDING INDIANAPOLIS IN 46204	ESTATE OF MABEL R. LADD		365.00
CLARENCE M. MCINTOSH JR., 400 FIRST ST., NW WASHINGTON DC 20001	RAILWAY LABOR EXECUTIVES' ASSOCIATION	1,253.62	
LYN R. MCINTOSH-SCHWAB, 410 1ST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	2,520.00	143.92
ROBERT MCINTYRE, ROOM 200 2020 K ST., NW WASHINGTON DC 20006	CITIZENS FOR TAX JUSTICE	5,711.54	22.00
CHRISTINE E. MCKECHNIE, 2550 M ST., NW SUITE 770 WASHINGTON DC 20037	RJR INDUSTRIES, INC.	250.00	178.40
WILLIAM F. MCKENNA, SUITE 500 2301 M ST., NW WASHINGTON DC 20037	HOUSLEY, GOLDBERG & KANTARIAN		
MCKENNA, CONNER & CUNEO, 3435 WILSHIRE BOULEVARD LOS ANGELES CA 90010	AHMANSON FOUNDATION	41,950.00	55.05
JAN E. MCKENZIE, 1111 19TH ST., NW SUITE 702 WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	2,220.00	593.12
ROBERT T. MCKERNAN, 1619 MASSACHUSETTS AVENUE, N.W. WASHINGTON DC 20036	AMERICAN PAPER INST. INC		
WILLIAM COLM MCKEVENY, 30 ROCKEFELLER PLAZA NEW YORK NY 10112	AMERICAN PULPWOOD ASSOCIATION		
JAMES D. MCKEVITT, SUITE 695 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	3,500.00	150.00
C. A. 'MACK' MCKINNEY, BOX 43 110 MARYLAND AVENUE, NE WASHINGTON DC 20002	NON COMMISSIONED OFFICERS ASSOCIATION OF THE USA	7,123.14	16,867.68
JAMES D. MCLAUGHLIN, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BANKERS ASSOCIATION	1,400.00	114.44
WILLIAM F. MCMANUS, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC COMPANY	637.00	
JAMES D. MCMILLAN, 1899 L ST., NW, #1100 WASHINGTON DC	EXXON CORPORATION		852.92
ROBERT R. MCMILLAN, 9 WEST 57TH STREET NEW YORK NY 10019	AVON PRODUCTS, INC.		20.00
WILLIAM G. MCMURTRIE, 8150 LEESBURG PIKE VIENNA VA 22180	WILLIAM H. SULLIVAN JR.		
MCNAIR GLENN KONDUROS CORLEY SINGLETARY PORTER & DIBBLE, 1155 15TH STREET, NW WASHINGTON DC 20005	AIRCO, INC.		
Do	AMERICAN PETROLEUM INSTITUTE		
Do	BUSINESS ROUNDTABLE	20,195.25	725.99
Do	DAVIS POLK & WARDWELL	1,475.00	460.41
Do	GENERAL TELEPHONE & ELECTRONICS CORPORATION		49.46
Do	GEORGIA PACIFIC CORPORATION		214.24
Do	KLINE IRON & STEEL COMPANY		
Do	NATIONAL ASSOCIATION OF REALTORS	250.00	
Do	NATIONAL FOOTBALL LEAGUE	7,500.00	542.83
Do	NATIONAL OFFICE MACHINE DEALERS ASSOCIATION	7,821.75	419.34
Do	PHARMACEUTICAL MANUFACTURERS' ASSOCIATION	4,527.00	430.74
Do	SONY CORPORATION OF AMERICA	15,362.00	523.65
Do	WESTINGHOUSE ELECTRIC CORPORATION	661.00	82.67
LARAMIE FAITH MCNAMARA, SUITE 2700 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC.	1,000.00	
PETER F. MCNEISH, 618 WASHINGTON BUILDING WASHINGTON DC 20005	NATIONAL ASSOCIATION OF SMALL BUSINESS INVESTMENT COMPANIES	2,000.00	
MICHAEL J. MCSHANE, 1200 NEW HAMPSHIRE AVENUE, NW, #320 WASHINGTON DC 20036	TECHNOLOGY FOR ENERGY CORPORATION		
ROBERT MCVICKER, 2001 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	KOLLSMAN INSTRUMENT COMPANY		
RONALD E. MCWILLIAMS, 1700 N. MOORE ST. ROSSLYN VA 22209	BOEING COMMERCIAL AIRPLANE COMPANY	295.00	115.15
GEORGE G. MEAD, 430 FIRST ST., SE WASHINGTON DC 20003	AMERICAN TRUCKING ASSOCIATION, INC	10,000.00	56.75
JOHN K. MEAGHER, 1155 15TH ST. N.W. SUITE 1004 WASHINGTON DC 20005	LTV CORPORATION	2,500.00	610.00
JOSEPH J. MEDER, SUITE 1160 1050 17TH ST., NW WASHINGTON DC 20036	INTERLAKE, INC	9,000.00	352.29
MEEHAN & STOELKER, 2200 TWO GIRARD PLAZA PHILADELPHIA PA 19102	MILLIKEN RESEARCH CORPORATION		
DAVID O. MEEKER, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INSTITUTE OF ARCHITECTS	1,500.00	
WILLIAM H. MEGONNELL, 1111 19TH ST., NW, 9TH FLOOR WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	935.06	269.68
RICHARD A. MEHLER, 1742 N ST., NW WASHINGTON DC 20036	AUTOMOTIVE PARTS REBUILDERS ASSOCIATION		
R. OTTO MELETZKE, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
PATRICK L. MELLON, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSOCIATION, INC	312.50	
STEPHEN J. MELMAN, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSOCIATION OF HOME BUILDERS OF THE U.S.		
HOWARD H. MENAKER, 600 MARYLAND AVENUE, SW SUITE 400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSOCIATION		
MARILEE MENARD, P.O. BOX 3556 WASHINGTON DC 20007	AMERICANICAN MEAT INSTITUTE	2,000.00	
MENDELSOHN ASSOCIATES, INC., 1826 JEFFERSON PLACE, NW WASHINGTON DC 20036	AMERICANICAN PRESIDENT LINES		
Do	WOLF TRAP FOUNDATION FOR THE PERFORMING ARTS	7,000.00	110.67
EDWARD L. MENNING, 1522 K STREET N.W. SUITE 836 WASHINGTON DC 20005	ASSOCIATION OF FEDERAL VETERINARIANS	23.12	
ELLIS E. MEREDITH, 1611 NORTH KENT ST. ARLINGTON VA 22209	AMERICAN APPAREL MANUFACTURERS ASSOCIATION, INC		
CHARLES L. MERIN, 1750 PENNSYLVANIA AVENUE, NW, #1204 WASHINGTON DC 20006	NATIONAL RURAL LETTER CARRIERS' ASSOCIATION	9,560.00	708.14
EDWARD A. MERLIS, 1010 WISCONSIN AVENUE, NW WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC.	120.00	
EDWARD L. MERRIGAN, 6000 CONNECTICUT AVENUE, NW WASHINGTON DC 20015	CENTRAL GULF LINES, INC.	5,000.00	127.25
Do	NATIONAL ASSOCIATION OF RECYCLING INDUSTRIES, INC.	7,500.00	598.25
BRIAN M. MEYER, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BANKERS ASSOCIATION	300.00	
M. BARRY MEYER, 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	ALUMINUM ASSOCIATION		
LARRY D. MEYERS, SUITE 214 412 FIRST STREET, SE WASHINGTON DC 20003	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA	2,499.00	
Do	INDEPENDENT CATTLEMEN ASSOCIATION	4,500.00	
Do	NATIONAL PEANUT GROWERS GROUP	1,500.00	
Do	NORTH CAROLINA FARM BUREAU	3,500.00	
Do	CALIFORNIA WESTSIDE FARMERS	2,500.00	
JAMES G. MICHAUX, 1801 K ST., NW, #903 WASHINGTON DC 20006	FEDERATED DEPARTMENT STORES, INC	500.00	
RONALD A. MICHIELI, SUITE 1020 425 13TH ST., NW WASHINGTON DC 20004	NATIONAL CATTLEMEN'S ASSOCIATION	1,000.00	
MID CONTINENT WILDCATTERS ASSOCIATION, 200 DOUGLAS BUILDING WICHITA KS 67202		70,669.89	7,729.00
MID-CONTINENT OIL & GAS ASSOCIATION, 711 ADAMS OFFICE BUILDING TULSA OK 74103		845.35	15,970.71
JOY MIDMAN, 1319 F ST., NW WASHINGTON DC 20004	NATIONAL ASSOCIATION OF PRIVATE PSYCHIATRIC HOSPITALS	400.00	
MIDWEST ALLIANCE FOR INDUSTRIAL FINANCING & RESTRUCTURING, 1520 OHIO SAVINGS PLAZA CLEVELAND OH 44114			
S. F. MIERS JR., BOX 300 TULSA OK 74102	CITIES SERVICE COMPANY		
PAUL J. MIGNINI SR., 815 16TH STREET, NW WASHINGTON DC 20006	AMALGAMATED CLOTHING & TEXTILE WORKERS UNION	2,595.00	40.90
MIGRANT LEGAL ACTION PROGRAM, INC., 806 15TH ST., NW WASHINGTON DC 20005			2,138.28
MILBANK, TWEED, HADLEY & MCCLOY, 1825 EYE ST., NW WASHINGTON DC 20006	CHASE MANHATTAN BANK		
Do	JOINT TASK FORCE ON FEDERAL FINAN. ASSIST. FOR LAW STUDENTS		
Do	LASALLE NATIONAL BANK		
MILES & STOCKBRIDGE, SUITE 500 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	PIZZA HUT, INC.		
ROY H. MILLENSON, 1707 L ST., NW, #480 WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS	2,215.00	72.64
MILLER & CHEVALIER, CHARTERED, 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	AEROSPACE INDUSTRIES ASSOCIATION	18,956.25	
Do	ASSOCIATION OF PRIVATE PENSION & WELFARE PLANS, INC.	31,111.97	
Do	BARKLEY COMPANY OF ARIZONA		
Do	CAPITAL HOLDING CORPORATION		
Do	LOCKHEED CORPORATION	9,300.00	
Do	NUCLEAR FUEL SERVICES, INC.		
Do	WHEELABRATOR-FRYE, INC	1,221.87	
MILLER ASSOCIATES, INC., 2500 QUE ST., NW WASHINGTON DC 20007	TOSCO CORPORATION	1,200.00	41.50
DALE MILLER, 1200 16TH ST., NW, #300 WASHINGTON DC 20036	GULF INTRACOASTAL CANAL ASSOCIATION		
Do	TEXASGULF, INC.		
DANIEL R. MILLER, 1020 PRINCESS ST. ALEXANDRIA VA 22314	TRUCK TRAILER MANUFACTURERS ASSOCIATION	700.00	26.60
DEBORAH IMLE MILLER, 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSOCIATION OF HOME BUILDERS OF THE U.S.	3,784.60	30.00
JAMES C. MILLER, 1616 H ST, NW WASHINGTON DC 20006	NATIONAL GRANGE	3,250.00	
JOE D. MILLER, 535 NORTH DEARBORN ST. CHICAGO IL 60610	AMERICAN MEDICAL ASSOCIATION		
JOHN R. MILLER, 1750 MIDLAND BUILDING CLEVELAND OH 44115	STANDARD OIL COMPANY (OHIO)	174.00	
PAUL J. MILLER, 8000 SEARS TOWER CHICAGO IL 60606	INVESTMENT COUNSEL ASSOCIATION OF AMERICA, INC.		
ROBERT H. MILLER, 490 L'ENFANT PLAZA EAST, SW, #2202 WASHINGTON DC 20024	TENNECO INC		
ROBERTA BALSTAD MILLER, SUITE 300 1755 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	CONSORTIUM OF SOCIAL SCIENCE ASSOCIATION	900.00	
ROBIN MILLER, 1925 K STREET, NW WASHINGTON DC 20006	ALLIANCE TO SAVE ENERGY	351.50	
W. KIRK MILLER, 733 N. VAN BUREN ST. SUITE 610 MILWAUKEE WI 53202	BARLEY AND MALT INSTITUTE	4,250.00	
MILLER, CANFIELD, PADDOCK & STONE, SUITE 300 2555 M ST., NW WASHINGTON DC 20037	INTERNATIONAL PAPER COMPANY	915.00	169.46
MILLER, CASSIDY, LARROCA & LEWIN, SUITE 500 2555 M ST., NW WASHINGTON DC 20037	NATIONAL PUBLIC RADIO	200.00	11.55
C.G. PETE MILLIGAN, 4360 N.E. JOE'S POINT STUART FL 33494	AMERICAN TELEPHONE & TELEGRAPH COMPANY	1,660.00	141.63
Do	ILLINOIS BELL TELEPHONE COMPANY	720.00	
CHRISTINE TOPPING MILLIKEN, 1717 MASSACHUSETTS AVENUE, #503 WASHINGTON DC 20036	NATIONAL ASSOCIATION OF INDEPENDENT COLLEGES & UNIVERSITIES	10,200.00	354.00
JOHN C. MILLINER P.O. BOX 1788 FOREST PARK GA 30051	SOUTHEASTERN LUMBER MANUFACTURERS ASSOCIATION	242.32	
RICHARD M. MILLMAN, P.C., SUITE 908 1730 M STREET, NW WASHINGTON DC 20036	FAIRCHILD INDUSTRIES, INC.	45,250.00	
Do	HOUSE OF REPRESENTATIVES, SAN JUAN, PR	6,387.50	848.23
Do	SENATE OF PUERTO RICO		
JOHN F. MILLS, 1875 I ST., NW WASHINGTON DC 20006	TOBACCO INSTITUTE	900.00	75.50
RICHARD V. MINCK, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	2,100.00	
MINERALS EXPLORATION COALITION, INC., 790 WEST TENNESSEE AVENUE, SUITE 103 DENVER CO 80223		11,235.00	5,722.00
THOMAS B. MIRANDA, 410 FIRST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	2,187.51	120.01

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
STAFFORD MICHAEL MISHOE, P.O. BOX 10383, DES MOINES, IOWA 50306	NATIONAL PORK PRODUCERS COUNCIL	225.00	170.00
MARK R. MISIOROWSKI, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
THOMAS F. MITCHELL, 1875 I ST., NW WASHINGTON DC 20006	GEORGIA-PACIFIC CORPORATION		350.00
STACEY J. MOBLEY, 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & COMPANY		
MICHAEL S. MOE, 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	TENNECO INC		
ROBERT M. MOLITER, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC COMPANY	221.00	
JOHN V. MOLLER, 1155 15TH ST., NW SUITE 1010 WASHINGTON DC 20006	MANCHESTER ASSOCIATES, LTD. (FOR: NISSAN MOTOR COMPANY, LTD.)	5,625.00	16.00
ROBERT A. MOLOFSKY, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO	5,000.00	68.00
MICHAEL J. MOLONY, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION	60.00	
C. MANLY MOLPUS, P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	1,000.00	
HERMAN J. MOLZAHN, 1600 WILSON BLVD., #1101 ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC		
CHRISTOPHER MONEK, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
JOHN M. MONLEY, SUITE 600 1090 VERMONT AVENUE, NW WASHINGTON DC 20005	TEXAS EASTERN TRANSMISSION CORPORATION		
ELIZABETH R. MONRO, 1709 NEW YORK AVENUE, NW WASHINGTON DC 20006	AIR TRANSPORT ASSOCIATION OF AMERICA	5,000.00	
STEVEN M. MOODIE, 910 16TH STREET ROOM 302 WASHINGTON DC 20006	FEDERATION OF AMERICAN CONTROLLED SHIPPING	200.00	
G. MERRILL MOODY, 412 FIRST ST., SE, #200 WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	44.88	34.65
JAMES P. MOONEY, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSOCIATION, INC	5,700.00	
ALAN J. MOORE, SUITE 840, 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY	1,000.00	
APRIL MOORE, 711 G STREET, SE WASHINGTON DC 20003	NATIONAL CAMPAIGN TO STOP THE MX		
JANIS E. MOORE, 1776 F ST., NW WASHINGTON, DC 20006	NATIONAL ASSOCIATION OF MANUFACTURERS	250.00	
M. MELISSA MOORE, 2029 K STREET, NW WASHINGTON DC 20006	AMERICAN SOCIETY OF MECHANICAL ENGINEERS		
MORALITY IN MEDIA, INC., 475 RIVERSIDE DRIVE SUITE 239 NEW YORK NY 10115		140.00	140.00
VINCENT L. MORELLI, 2550 M ST., NW SUITE 225 WASHINGTON DC 20037	CONGOLEUM CORPORATION	399.00	116.82
JOHN MORGAN, 1925 K ST., NW WASHINGTON DC 20006	COMMUNICATIONS WORKERS OF AMERICA	875.00	48.45
MORGAN, LEWIS & BOCKIUS, SUITE 800 NORTH 1800 M ST., NW WASHINGTON DC 20036	COMMITTEE FOR CAP FORMATION THROUGH DIVIDEND REINVESTMENT	120.00	60.00
Do	CONSOLIDATED NATURAL GAS COMPANY		
Do	KNOLL FINE CHEMICALS, INC		
JEANNE MORIN, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	700.00	75.61
ROBERT E. MORIN, 2600 VIRGINIA AVENUE, NW #901 WASHINGTON DC 20037	SOCIETY OF REAL ESTATE APPRAISERS		
JAMES A. MORRILL, SCOTT PLAZA I PHILADELPHIA PA 19113	SCOTT PAPER COMPANY	2,250.00	3,385.76
MARGARET M. MORRIS, 1750 OLD MEADOW ROAD MCLEAN VA 22102	BRICK INSTITUTE OF AMERICA		
MARTIN S. MORRIS, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
MORRISON & FOERSTER, 1920 N STREET, N.W. WASHINGTON DC 20036	CITY AND COUNTY OF SAN FRANCISCO	1,885.00	67.25
WILLIAM C. MORRISON, 2001 NORTH ADAMS ST. ARLINGTON VA 20001	MEAT IMPORTERS COUNCIL OF AMERICA, INC	875.00	
FRANK D. MORUZZI, SUITE 500 1235 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	ITALIAN AEROSPACE INDUSTRIES (U.S.A.), INC		
RUSSELL N. MOSHER, SUITE 160 950 N. GLEBE RD. ARLINGTON VA 22203	AMERICAN BOILER MANUFACTURERS ASSOCIATION, INC		
SOL MOSHER, 1660 L ST., NW, #215 WASHINGTON DC 20036	CROWN ZELLERBACH CORPORATION		
BERNARD MOSS, 2440 VIRGINIA AVENUE, NW WASHINGTON DC 20037	ASSOCIATION OF BANK HOLDING COMPANIES	900.00	
ROBERT E. MOSS, SUITE 500 1899 L STREET, NW WASHINGTON DC 20036	AMERICAN NATURAL RESOURCES COMPANY	8,030.00	105.00
MOSS, MCGEE, BELLMON, BRADLEY, USHIO & FOLEY, 1740 N STREET, NW WASHINGTON DC 20036	NATIONAL BANKERS ASSOCIATION	3,657.50	
Do	NATIONAL COMMUNITY ACTION FOUNDATION	30,000.00	
LYNN E. MOTE, 1015 15TH ST., NW, #900 WASHINGTON DC 20005	INTERNORTH	2,000.00	
MOTION PICTURE ASSOCIATION OF AMERICA, INC, 1600 EYE STREET, NW WASHINGTON DC 20006		30,000.00	30,302.11
JOHN J. MOTLEY, SUITE 695 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	2,250.00	200.00
MOTOR AND EQUIPMENT MANUFACTURERS ASSOCIATION, 1120 19TH ST., NW SUITE 333 WASHINGTON DC 20036			4,002.44
MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC., 300 NEW CENTER BUILDING DETROIT MI 48202		11,414.00	11,414.00
MOTORCYCLE INDUSTRY COUNCIL, INC., 1001 CONNECTICUT AVENUE, N.W. WASHINGTON DC 20036			
KELLY HOLLEY MOUNTAIN, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC		
MOUNTAIN WEST ASSOCIATES, 2000 L ST., NW # 200 WASHINGTON DC 20036	GREAT NATIONAL CORPORATION	16,000.00	214.56
Do	UTAH POWER & LIGHT COMPANY	18,648.00	4,089.52
HAROLD P. MUELLER III, P.O. BOX 7755 PHILADELPHIA PA 19101	TAXPAYERS FOR FEDERAL PENSION REFORM	8,750.00	
WILLIAM G. MULLEN, 1725 K ST., NW, #607 WASHINGTON DC 20006	THIRD CLASS MAIL ASSOCIATION	600.00	
RICHARD J. MULLER, 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CHRYSLER CORPORATION	2,000.00	105.00
JOHN P. MULLIGAN, 1101 17TH ST., NW WASHINGTON DC 20036	TUNA RESEARCH FOUNDATION	1,590.00	
ALBERT E. MULLIN JR., 111 POWDERMILL RD. (B79) MAYNARD MA 01754	DIGITAL EQUIPMENT CORPORATION	4,000.00	
TRACY MULLIN, 1000 CONNECTICUT AVENUE, NW, #700 WASHINGTON DC 20036	NATIONAL RETAIL MERCHANTS ASSOCIATION	100.00	15.00
ROBERT J. MULLINS, SUITE 202 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	8,374.13	49.39
DANIEL J. MUNDY, 815 16TH ST., NW, #603 WASHINGTON DC 20006	BUILDING & CONSTRUCTION TRADES DEPARTMENT	14,481.87	3,426.20
MUNICIPAL LABOR COMMITTEE, 140 PARK PLACE NEW YORK NY 10007		12,127.63	12,127.63
RICHARD W. MURPHY, 1133 20TH ST., NW WASHINGTON DC 20036	NATIONAL FOOD PROCESSORS ASSOCIATION	500.00	19.85
D. MICHAEL MURRAY, SUITE 695 2500 M ST., NW WASHINGTON DC 20037	CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RRS	500.00	
Do	CLEVELAND CLIFFS IRON COMPANY	250.00	
Do	FREEPORT MINERALS COMPANY	300.00	
Do	IRON ORE LESSORS ASSOCIATION, INC	250.00	
Do	LTV CORPORATION	450.00	
Do	NATIONAL COUNCIL OF COAL LESSORS	250.00	
GORDON L. MURRAY, SUITE 1002 1911 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	LEAR SIEGLER, INC./ENERGY PRODUCTS DIVISION		
WILLIAM E. MURRAY, 1800 MASS. AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION	179.50	
FRANK DOMINIC MUSICA, 1625 EYE STREET, NW WASHINGTON DC 20006	AMERICAN SOCIETY OF CIVIL ENGINEERS		
HAROLD D. MUTH, 1600 WILSON BLVD., #1000 ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC	300.00	
ROBERT J. MUTH, 120 BROADWAY NEW YORK NY 10271	ASARCO INC	400.00	920.85
LAWRENCE P. MUTTER, 6849 OLD DOMINION DRIVE MCLEAN VA 22102	AUTOMOTIVE PARTS REBUILDERS ASSOCIATION		
FRED J. MUTZ, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BANKERS ASSOCIATION	3,000.00	10.00
PAUL J. MYER, 1150 17TH ST., NW, 11TH FLOOR WASHINGTON DC 20036	AMERICAN BROADCASTING COMPANY		
GARY D. MYERS, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	FERTILIZER INSTITUTE	500.00	
J. WALTER MYERS JR., P.O. BOX 95385 ATLANTA GA 30347	FOREST FARMERS ASSOCIATION		
KENNETH NADEN, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	320.00	
CLIFFORD M. NAEVE, SUITE 503 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	MID-CONTINENT OIL & GAS ASSOCIATION	7,030.00	77.00
ALAN Y. NAFTALIN, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	KOTEEN & NAFTALIN (FOR: ALASCOM, INC)	600.00	
Do	KOTEEN & NAFTALIN (FOR: TELEPHONE & DATA SYSTEMS, INC)	905.00	
GERALD P. NAGY, 900 17TH ST., NW, #514 WASHINGTON DC 20006	NATIONAL HOME FURNISHINGS ASSOCIATION		
LOUIS NAGY, BOND COURT BUILDING CLEVELAND OH 44114	MIDWEST ALLIANCE FOR INDUSTRIAL FINANCING & RSTRUCTURING		
NANCY A. NAGY, SUITE 209 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE	62.50	25.00
LINDA K. NAIDA, 1616 H STREET, NW, WASHINGTON, DC 20006	NATIONAL GRANGE	812.50	
NAMAN, HOWELL, SMITH, LEE & MULDROW, 700 TEXAS CENTER 900 WASHINGTON WACO TX 76703	COTTON FARMERS ASSOCIATION		
BERNARD NASH, 1015 18TH ST., NW SUITE 408 WASHINGTON DC 20036	GENERAL ELECTRIC COMPANY		
Do	MERCK & COMPANY, INC		
Do	TIME, INC		
FRANCES E NATHAN, 455 FIFTH AVENUE NEW YORK NY 10016	NEW YORK PUBLIC LIBRARY	4,305.00	
HARDY L. NATHAN, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	900.00	
RAYMOND NATHAN, 4242 EAST-WEST HWY CHEVY CHASE MD 20015	AMERICAN ETHICAL UNION	555.00	163.69
NATIONAL AGRICULTURAL CHEMICALS ASSOCIATION, 1155 15TH ST., NW WASHINGTON DC 20005		6,082.95	6,082.95
NATIONAL AIR CARRIER ASSOCIATION, SUITE 710 1730 M ST., NW WASHINGTON DC 20036			
NATIONAL ASSOCIATION FOR FREE ENTERPRISE, SUITE 107 1101 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20037			
NATIONAL ASSOCIATION FOR HUMANE LEGISLATION, INC, PO BOX 11675 ST. PETERSBURG FL 33733		11.67	16.36
NATIONAL ASSOCIATION FOR NEIGHBORHOOD SCHOOLS, INC, P.O. BOX 14887 COLUMBUS OH 43214		3,819.03	7,336.83
NATIONAL ASSOCIATION FOR UNIFORMED SERVICES, P.O. BOX 1406 5535 HEMPSTEAD WAY SPRINGFIELD VA 22151		2,127.06	2,377.35
NATIONAL ASSOCIATION OF AIR TRAFFIC SPECIALISTS, SUITE 415 WHEATON PLAZA NORTH WHEATON MD 20902		111,779.04	8,559.16
NATIONAL ASSOCIATION OF AIRCRAFT & COMMUNICATIONS SUPPLIERS, INC, 7360 LAUREL CANYON BLVD. NORTH HOLLYWOOD CA 91605.		6,700.00	15,824.82
NATIONAL ASSOCIATION OF BEVERAGE IMPORTERS, 1025 VERMONT AVENUE, NW, #1205, WASHINGTON, DC 20005			375.00
NATIONAL ASSOCIATION OF CHAIN DRUG STORES, INC., P.O. BOX 1417-D49 ALEXANDRIA VA 22313			5,079.33
NATIONAL ASSOCIATION OF CONVENIENCE STORES, SUITE 809 THREE SKYLINE PLACE 5201 LEESBURG PIKE FALLS CHURCH VA 22041.			250.00
NATIONAL ASSOCIATION OF FEDERAL VETERINARIANS, SUITE 836 1522 K ST., NW WASHINGTON DC 20005			58.04
NATIONAL ASSOCIATION OF FEDERALLY LICENSED FIREARMS DEALERS, 2801 E. OAKLAND PARK BLVD. FT. LAUDERDALE FL 33306.			
NATIONAL ASSOCIATION OF HOMES FOR CHILDREN, 104 EAST 35TH ST. NEW YORK NY 10016			1,400.00
NATIONAL ASSOCIATION OF INDEPENDENT COLLEGES & UNIVERSITIES, SUITE 503 1717 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036.		539,390.00	155,869.00
NATIONAL ASSOCIATION OF INSURANCE BROKERS, INC, SUITE 700 311 FIRST STREET, NW WASHINGTON DC 20001			
NATIONAL ASSOCIATION OF MANUFACTURERS, 1776 F ST., NW WASHINGTON DC 20006		57,083.07	57,083.07
NATIONAL ASSOCIATION OF MARGARINE MANUFACTURERS, SUITE 1024-A 1625 I ST., NW WASHINGTON DC 20006			
NATIONAL ASSOCIATION OF MUTUAL INSURANCE COMPANIES, 3707 WOODVIEW TRACE P.O. BOX 68700 INDIANAPOLIS IN 46268.			

Organization or Individual Filing*	Employer/Client	Receipts	Expenditures
NATIONAL ASSOCIATION OF MUTUAL SAVINGS BANKS, 200 PARK AVENUE, NEW YORK NY 10166		16,064.65	16,064.65
NATIONAL ASSOCIATION OF PENSION CONSULTANTS & ADMINISTRATORS, INC, SUITE 300 3 PIEDMONT CENTER ATLANTA GA 30042.		2,000.00	3,907.18
NATIONAL ASSOCIATION OF PENSION FUNDS, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036			
NATIONAL ASSOCIATION OF PERSONNEL CONSULTANTS, 1432 DUKE ST. ALEXANDRIA VA 22314		2,685.06	6,100.00
NATIONAL ASSOCIATION OF PRIVATE ENTERPRISE, ALAMEDA ROOSEVELT 2827 SAN SALVADOR, EL SALVADOR			5,000.00
NATIONAL ASSOCIATION OF REAL ESTATE INVESTMENT TRUSTS, INC., 1101 17TH ST., NW SUITE 700 WASHINGTON DC 20036.		8,000.00	11,937.11
NATIONAL ASSOCIATION OF TRUCK STOP OPERATORS, INC, SUITE 505 700 N. FAIRFAX ST. ALEXANDRIA VA 22314			519.29
NATIONAL ASSOCIATION OF WHEAT GROWERS, SUITE 300 415 2ND ST., NE WASHINGTON DC 20002			4,333.49
NATIONAL AUDIO-VISUAL ASSOCIATION, INC, 3150 SPRING ST. FAIRFAX VA 22031		28,133.00	4,923.72
NATIONAL BUSINESS AIRCRAFT ASSOCIATION, ONE FARRAGUT SQUARE SOUTH WASHINGTON DC 20006			
NATIONAL CABLE TELEVISION ASSOCIATION, INC, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036		13,002.83	13,002.83
NATIONAL CATTLEMEN'S ASSOCIATION, 5420 S. QUEBEC ST. P.O. BOX 3469 ENGLEWOOD COMPANY 80155			3,000.00
NATIONAL CLEAN AIR COALITION, INC, 530 7TH ST., SE WASHINGTON DC 20003		7,543.36	28,565.40
NATIONAL CLUB ASSOCIATION, 1625 EYE ST., NW, #609 WASHINGTON DC 20006		1,000.00	11,351.00
NATIONAL COAL ASSOCIATION, COAL BUILDING WASHINGTON DC 20036		1,284,122.82	25,238.00
NATIONAL COALITION FOR MARINE CONSERVATION, INC., P.O. BOX 23298 SAVANNAH GA 31403		24,869.00	20,678.36
NATIONAL COALITION TO BAN HANDGUNS, 100 MARYLAND AVENUE, NE WASHINGTON DC 20002			
NATIONAL COMM ON SMALL ISSUE INDUSTRIAL DEVELOPMENT BONDS, BOX 1, 900 SOUTH 1800 M ST., NW WASHINGTON DC 20036.		20,301.15	20,301.15
NATIONAL COMMERCIAL FINANCE CONFERENCE, ONE PENN PLAZA NEW YORK NY 10001		2,081.25	1,563.34
NATIONAL CONSUMER CENTER FOR LEGAL SERVICES, 1302 18TH ST., NW, #303 WASHINGTON DC 20036			
NATIONAL COTTON COUNCIL OF AMERICA, P.O. BOX 12285 MEMPHIS TN 38112		8,430.46	8,430.46
NATIONAL COUNCIL FOR RESPONSIBLE FIREARMS POLICY, INC, 7216 STAFFORD RD. ALEXANDRIA VA 22307			
NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, 435 SOUTHERN BUILDING 1425 H ST., NW WASHINGTON DC 20005		1,001.00	1,865.00
NATIONAL COUNCIL OF FARMER COOPERATIVES, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036		47,988.41	37,737.47
NATIONAL COUNCIL OF HEALTH CENTERS, SUITE 915 2600 VIRGINIA AVENUE, NW WASHINGTON DC 20037		6,168.66	3,567.74
NATIONAL COUNCIL OF TECHNICAL SERVICE INDUSTRIES, SUITE 1190 1850 K STREET, NW WASHINGTON DC 20006		828.17	853.93
NATIONAL COUNCIL ON SYNTHETIC FUELS PRODUCTION, SUITE 960 1875 EYE ST., NW WASHINGTON DC 20006			
NATIONAL ELECTRICAL MANUFACTURERS ASSOCIATION, 2101 L ST., NW WASHINGTON DC 20037		41.76	41.76
NATIONAL FEDERATION OF BUSINESS & PROFESSIONAL WOMEN'S CLUBS, 2012 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036.		542,384.00	12,478.53
NATIONAL FEDERATION OF FEDERAL EMPLOYEES, 1016 16TH ST., NW WASHINGTON DC 20036		51,562.31	51,562.31
NATIONAL FEDERATION OF INDEPENDENT BUSINESS, 150 W. 20TH AVENUE, SAN MATEO CA 94403		13,450.00	13,450.00
NATIONAL FERTILIZER SOLUTIONS ASSOCIATION, 8823 NORTH INDUSTRIAL ROAD PEORIA IL 61615		1,489 55	1,489.55
NATIONAL FOOD PROCESSORS ASSOCIATION, 1133 20TH ST., NW WASHINGTON DC 20036		5,000.00	2,472.15
NATIONAL GRAIN & FEED ASSOCIATION, 725 15TH ST., NW WASHINGTON DC 20005			
NATIONAL GRANGE, 1616 H ST., NW WASHINGTON DC 20006		12,500.00	9,472.50
NATIONAL GUARD ASSOCIATION OF THE U.S., ONE MASSACHUSETTS AVENUE, NW WASHINGTON DC 20001		796,755.00	1,434.80
NATIONAL HOME FURNISHINGS ASSOCIATION, SUITE 514 900 17TH ST., NW WASHINGTON DC 20006			
NATIONAL INDUSTRIAL TRAFFIC LEAGUE, SUITE 410 1090 VERMONT AVENUE, NW WASHINGTON DC 20005		4,125.00	3,660.00
NATIONAL LIMESTONE INST, INC, SUITE 500 3251 OLD LEE HWY. FAIRFAX VA 22030		19,609.77	19,609.77
NATIONAL MARITIME COUNCIL, 1748 N ST., NW WASHINGTON DC 20036			
NATIONAL MILK PRODUCERS FED, 1840 WILSON BLVD., ARLINGTON, VA 22201		8,731.70	8,731.70
NATIONAL MOTORSPORTS COMM OF ACCUS, SUITE 1204 1701 K ST., NW WASHINGTON DC 20006			
NATIONAL OFFICE MACHINE DEALERS ASSOCIATION, 810 LIVELY BLVD. P.O. BOX 707, WOOD DALE, IL 60191		96.00	2.90
NATIONAL OIL JOBBERS COUNCIL, INC., 1707 H ST., NW 11TH FLOOR WASHINGTON DC 20006		214,284.00	16,594.36
NATIONAL ORGANIZATION FOR WOMEN, 425 13TH ST., NW WASHINGTON DC 20004			3,080.00
NATIONAL PARKING ASSOCIATION, 2000 K ST., NW, #350 WASHINGTON DC 20036			22,433.84
NATIONAL PEST CONTROL ASSOCIATION, 8100 OAK ST., DUNN LORING VA 22027			
NATIONAL POTATO COUNCIL, SUITE 420 1200 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036			1,000.00
NATIONAL PRODUCT LIABILITY COUNCIL, 20 N. WACKER DRIVE CHICAGO IL 60606			650.08
NATIONAL PUBLIC AFFAIRS CORPORATION, ONE FARRAGUT SQUARE SOUTH WASHINGTON DC 20006	WESTINGHOUSE ELECTRIC CORPORATION	300.00	
NATIONAL REALTY COMMITTEE, 2033 M ST., NW WASHINGTON DC 20036		3,188.69	3,188.69
NATIONAL RESEARCH CENTER FOR CONSUMERS OF LEGAL SERVICES, 1302 18TH ST., NW, #303 WASHINGTON DC 20036			
NATIONAL RETAIL MERCHANTS ASSOCIATION, 100 W. 31ST ST. NEW YORK NY 10001			2,285.00
NATIONAL RIGHT TO WORK COMM, SUITE 600 8001 BRADDOCK RD. SPRINGFIELD VA 22160		5,754.81	5,754.81
NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036			4,164.41
NATIONAL RURAL LETTER CARRIERS' ASSOCIATION, SUITE 1204 1750 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006		15,343.00	19,381.00
NATIONAL SAVINGS & LOAN LEAGUE, SUITE 400 1101 15TH ST., NW WASHINGTON DC 20005		11,139.00	
NATIONAL SECURITY TRADERS ASSOCIATION, INC, SUITE 4511 ONE WORLD TRADE CENTER NEW YORK NY 10048			3,125.00
NATIONAL SMALL BUSINESS ASSOCIATION, 1604 K ST., NW WASHINGTON DC 20006		5,000.00	1,527.32
NATIONAL SMALL BUSINESS INDEX, R.R. #1 AITKIN MN 56431			
NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS, 2029 K ST., NW WASHINGTON DC 20006		12,500.00	8,850.00
NATIONAL SOFT DRINK ASSOCIATION, 1101 16TH ST., NW WASHINGTON DC 20036			40,941.04
NATIONAL SOLID WASTES MANAGEMENT ASSOCIATION, SUITE 930 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036.			
NATIONAL TAX EQUALITY ASSOCIATION, 1000 CONNECTICUT AVENUE, NW WASHINGTON DC 20036		4,414.00	6,638.03
NATIONAL TAX LIMITATION COMMITTEE, SUITE 600 1523 L STREET, NW WASHINGTON DC 20005		28,000.00	27,867.50
NATIONAL TIRE DEALERS & RETREADERS ASSOCIATION, 1343 L ST., NW WASHINGTON DC 20005		26,468.40	26,468.40
NATIONAL VICTIMS OF CRIME, 715 EIGHTH STREET, NW WASHINGTON DC 20003		14,619.40	8,885.52
NATIONAL WATER RESOURCES ASSOCIATION, SUITE 1202 955 L'ENFANT PLAZA NORTH, SW WASHINGTON DC 20024		7,104.00	13,035.00
SUSAN BINGHAM NEAL, CAPITAL GALLERY EAST, SUITE 695, 600 MARYLAND AVENUE, S.W. WASHINGTON, DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	2,250.00	200.00
KAREN J. NEALE, 2501 M STREET N.W. WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC.	300.00	
ALAN M. NEDRY, 1111 19TH ST., NW, #303 WASHINGTON DC 20036	SOUTHERN CALIFORNIA EDISON COMPANY	50.00	50.00
ALLEN NEECE JR., 1050 17TH STREET, NW WASHINGTON DC 20036	NEECE, CATOR & ASSOCIATES, INC (FOR: NATIONAL VENTURE CAPITAL ASSOCIATION).	2,500.00	2,500.00
Do	NEECE, CATOR & ASSOCIATES, INC (FOR: SMALL BUSINESS DEVELOPMENT CENTER DIRECTORS ASSOCIATION).	1,400.00	1,400.00
Do	NEECE, CATOR & ASSOCIATES, INC (FOR: SMALL BUSINESS UNITED)	1,500.00	1,500.00
NEECE, CATOR & ASSOCIATES, INC, 1050 17TH STREET, NW WASHINGTON DC 20036	GOVERNMENT GUARANTEED LOAN COMMITTEE	2,000.00	1,800.00
Do	NATIONAL ASSOCIATION OF DEVELOPMENT COMPANIES (NADCO)	200.00	200.00
Do	NATIONAL VENTURE CAPITAL ASSOCIATION	2,500.00	2,500.00
Do	SMALL BUSINESS DEVELOPMENT CENTER DIRECTORS ASSOCIATION	1,400.00	1,400.00
Do	SMALL BUSINESS UNITED	1,500.00	1,500.00
Do	SOUTHEASTERN LUMBER MANUFACTURERS ASSOCIATION (SLMA)	1,800.00	1,800.00
C. B. NEELY JR., P.O. BOX 829 RALEIGH NC 27602	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		14.04
FRANCES E. NEELY, 245 2ND ST., NE WASHINGTON DC 20002	FRIENDS COMMITTEE ON NATIONAL LEGISLATION	3,628.14	
MARY ELIZABETH NEESE, 1101 15TH ST., NW, #400 WASHINGTON DC 20005	NATIONAL SAVINGS & LOAN LEAGUE	1,000.00	
STANLEY NEHMER, 1320 19TH ST., NW WASHINGTON DC 20036	LEAD-ZINC PRODUCERS COMMITTEE	500.00	350.00
NEILL & COMPANY, INC, SUITE 410 1100 17TH STREET, NW WASHINGTON DC 20036	ARAB REPUBLIC OF EGYPT		300.00
Do	GOVERNMENT OF EL SALVADOR		
NEILL & MULLENHOLZ, SUITE 410 1100 17TH STREET, NW WASHINGTON DC 20036	GOVERNMENT OF EL SALVADOR	40,000.00	75.00
Do	NATIONAL FARM & POWER EQUIPMENT DEALERS ASSOCIATION		
CAROLYN B. NELSON, #2 METROPLEX DRIVE, SUITE 500 BIRMINGHAM AL 35209	METROPOLITAN PROPERTIES, INC		
GORDON E. NELSON, 12005 MILLSTREAM DRIVE BOWIE MD 20715	FARM WATER ALLIANCE	21,600.00	1,819.48
MARK D. NELSON, SUITE 1120 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & COMPANY		
MICHAEL A. NEMEROFF, SIDLEY & AUSTIN 1720 EYE ST., NW WASHINGTON DC 20006	DEKALB AGRESEARCH, INC		
A. S. NEMIR ASSOCIATES, SUITE 1230 PENNSYLVANIA BUILDING WASHINGTON DC 20004	BRAZILIAN SUGAR & ALCOHOL INSTITUTE	58,500.00	372.63
WILLIAM D. NESBEITT, SUITE 150 2655 VILLA CREEK DRIVE DALLAS TX 75234	UNI-BELL PLASTIC PIPE ASSOCIATION		
MILTON E. NESHEK, THE GODFREY BUILDING 11 N. WISCONSIN ST. ELKHORN WI 53121	KIKKOMAN FOODS, INC		
MAL NESTLERODE, SUITE 700 1111 NORTH 19TH STREET ARLINGTON VA 22209	NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS	1,400.00	
NETWORK, 806 RHODE ISLAND AVENUE, NE WASHINGTON DC 20018		33,163.04	38,609.15
CARLA NEUSCHEL, 1101 VERMONT AVENUE, NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSOCIATION	2,400.00	145.33
ROBERT B. NEVILLE, 311 1ST ST., NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSOCIATION		3,600.00
LOUIS H. NEVINS, 1709 NEW YORK AVENUE, NW, #200 WASHINGTON DC 20006	NATIONAL ASSOCIATION OF MUTUAL SAVINGS BANKS	5,718.75	
NEW YORK COMM OF INTERNATIONAL COMM OF PASSENGER LINES, 25 BROADWAY NEW YORK NY 10004			
BILL NEWBOLD, 1519 N. 12TH ST., #204 ARLINGTON VA 22209	BILL NEWBOLD AND ASSOCIATES (FOR: AMERICAN PROTESTANT HOSPITAL ASSOCIATION).	11,250.00	
Do	BILL NEWBOLD & ASSOCIATES (FOR: TEXAS HOSPITAL ASSOCIATION)	4,500.00	
LESLIE F. NEWCOMER, 226 W. RITTENHOUSE SQUARE PHILADELPHIA PA 19101	PHILADELPHIA NATIONAL BANK	400.00	
KATHRYN L. NEWMAN, 1101 15TH ST., NW WASHINGTON DC 20005	REPUBLIC STEEL CORPORATION		
THOMAS E. NEWMAN, 1719 ROUTE 10 PARSIPPANY NJ 07054	NATIONAL ASSOCIATION OF MANUFACTURERS	600.00	86.78
WILLIAM B. NEWMAN, JR., 2234 N. COLUMBUS ST., ARLINGTON, VA 22207	CONSOLIDATED RAIL CORPORATION	2,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
JANET G. NEWPORT, 1707 H ST., NW, 11TH FL. WASHINGTON DC 20006	NATIONAL OIL JOBBERS COUNCIL	5,000.00	112.00
CHARLES E. NICHOLS, 101 CONSTITUTION AVENUE, NW WASHINGTON DC 20001	UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA	21,125.00	1,907.99
NICHOLAS JOHN NICHOLS, 1620 EYE ST., NW WASHINGTON DC 20006	AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS	1,000.00	8,529.40
ROBERT W. NICHOLS, 1511 K STREET, N.W. SUITE 1033 WASHINGTON DC 20005	CONSUMERS UNION OF U.S., INC.	7,500.00	30.00
PATRICK J. NILAN, 817 14TH ST., NW WASHINGTON DC 20005	AMERICAN POSTAL WORKERS UNION, AFL-CIO	14,365.67	5,552.73
NISSAN MOTOR COMPANY, LTD., P.O. BOX 1606 560 SYLVAN AVENUE ENGLEWOOD CLIFFS NJ 07632			8,316.00
NL INDUSTRIES, INC, 1230 AVENUE OF THE AMERICAS NEW YORK NY 10020			7,630.10
ROBERT W. NOLAN, 1303 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	FLEET RESERVE ASSOCIATION	100.00	
WALKER F. NOLAN, 1171-19TH STREET,N.W. 9TH FLOOR WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	2,500.00	831.49
H. CHRISTOPHER NOLDE, 2501 M ST.,NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC.	300.00	
CHARLES M. NOONE, 490 L'ENFANT PLAZA EAST SUITE 3306 WASHINGTON DC 20024	NATIONAL ASSOCIATION OF SMALL BUSINESS INVESTMENT COMPANIES	1,800.00	126.80
JULIA J. NORRELL, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC.	357.00	174.61
NORTH AMERICAN EXPORT GRAIN ASSOCIATION, INC., 1800 M ST., NW, SUITE 610-N WASHINGTON DC 20036			
NORTH AMERICAN TELEPHONE ASSOCIATION, 511 2ND ST.,NE WASHINGTON DC 20002		34,100.00	34,100.00
CLIFFORD R. NORTHUP, 1730 RHODE ISLAND AVENUE, NW, #810 WASHINGTON DC 20036	CREDIT UNION NATIONAL ASSOCIATION, INC.	300.00	237.69
MORGAN NORVAL, 1202 S. WASHINGTON ST., #2 ALEXANDRIA VA 22314	CITIZENS COMM FOR THE RIGHT TO KEEP & BEAR ARMS	300.00	
NOSSAMAN, KRUEGER & KNOX, 1140 19TH ST., NW, #600 WASHINGTON DC 20036	AETNA LIFE & CASUALTY	840.00	1,560.00
Do	BURLINGTON NORTHERN		
Do	CALIFORNIA STUDENT LOAN FINANCE CORPORATION	100.00	
Do	DIVIDEND SUPPORT GROUP		
Do	FOOD MARKETING INSTITUTE	15,265.10	
Do	GENERAL ELECTRIC COMPANY	1,100.00	880.00
Do	HELIONETICS, INC.		400.00
Do	INSTITUTE OF ELECTRICAL & ELECTRONICS ENGINEERS, INC	8.55	
Do	INSURANCE ASSOCIATION OF CONNECTICUT		700.00
Do	MISSION RESOURCES		
Do	MOBIL OIL CORPORATION		200.00
Do	NEW YORK LIFE INSURANCE COMPANY	300.00	
Do	PHOENIX MUTUAL LIFE INSURANCE COMPANY		
Do	UTOTEM, INC.		
RALPH D. NURNBERGER, SUITE 412 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE	9,296.70	
FRANKLIN W. NUTTER, 1025 CONNECTICUT AVENUE, NW, #512 WASHINGTON DC 20036	REINSURANCE ASSOCIATION OF AMERICA		
MARK J. NUZZACO, 7901 WESTPARK DRIVE MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSOCIATION	5,000.00	500.00
C.D. NYBERG, P.O. BOX 800 AUSTIN MN 55912	GEO. A. HORMEL & COMPANY		
PHILIP S. NYBORG, 1133 19TH STREET, NW WASHINGTON DC 20036	MCI COMMUNICATIONS CORPORATION	4,400.00	
HUBERT K. O'BANNON, 1544 33RD ST, NW, WASHINGTON, DC 20007	CONSOLIDATED RAIL CORPORATION	1,284.00	
GEORGE O'BEA JR , 815 16TH ST., NW, #304 WASHINGTON DC 20006	UNITED PAPERWORKERS INTERNATIONAL UNION		
COLEMAN C. O'BRIEN, 1709 NEW YORK AVENUE, NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	5,250.00	69.75
DAVID D. O'BRIEN, O'BRIEN FIERCE & EBERLE, INC. 1828 L STREET, NW, #201 WASHINGTON DC 20036	UTILITY GROUP	10,780.00	62.00
O'BRIEN, FIERCE & EBERLE, INC., 1828 L ST., NW, WASHINGTON, DC 20036	TITLE XI VESSEL FINANCE COMMITTEE		100.00
JOHN F. O'BRIEN, CONNECTICUT PETROLEUM COUNCIL 410 ASYLUM ST. HARTFORD CT 06103	AMERICAN PETROLEUM INST.		
LAWRENCE F. O'BRIEN, BREED, ABBOTT & MORGAN 1875 EYE STREET, NW, #1000 WASHINGTON DC 20006	AMERICAN STOCK EXCHANGE, INC.		3.00
MARY EILEEN O'BRIEN, 1800 M ST., NW, SUITE 710 SOUTH WASHINGTON DC 20036	DOW CORNING CORPORATION		
RAYMOND V. O'BRIEN, 1707 L ST., NW, #200 WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION	1,500.00	300.00
ROSEMARY L. O'BRIEN, SUITE 640 2550 M ST., NW WASHINGTON DC 20037	CF INDUSTRIES, INC.	500.00	93.24
DAVID S. O'BRYON, 1916 WILSON BLVD. ARLINGTON VA 22201	AMERICAN CHIROPRACTIC ASSOCIATION	450.00	121.60
JAMES J. O'CONNELL, 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	CONTROL DATA CORPORATION	290.33	80.85
WILLIAM B. O'CONNELL, 111 EAST WACKER DRIVE CHICAGO IL 60601	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	10,312.00	4,199.94
O'CONNOR & HANNAN, 1919 PENNSYLVANIA AVENUE, NW, #800 WASHINGTON DC 20006	AMERICAN CLINICAL LABORATORY ASSOCIATION	437.50	
Do	AMERICAN FAMILY LIFE ASSURANCE COMPANY		
Do	AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS	5,800.00	
Do	AUTOMOTIVE PARTS & ACCESSORIES ASSOCIATION		
Do	BERENERGY CORPORATION		
Do	BLYTH EASTMAN PAINE WEBBER		
Do	BLYTH EASTMAN PAINE WEBBER HEALTH CARE FUNDING, INC.	5,000.00	
Do	BORDEN, INC.		
Do	CHARLES RIVER BREEDING LABORATORIES, INC.		
Do	CKLW RADIO BROADCASTING, LTD.		
Do	CLAIBORNE GASOLINE COMPANY		
Do	CNA INSURANCE	250.00	
Do	COMPETITIVE TELECOMMUNICATIONS COALITION		
Do	CRINCO INVESTMENTS, INC.		
Do	ELECTRONIC DATA SYSTEMS CORPORATION	2,173.00	
Do	FIRST NATIONAL MONETARY CORPORATION	250.00	
Do	GLASS PACKAGING INSTITUTE	726.00	
Do	GOLDEN GATEWAY CENTER	1,000.00	
Do	GOLDMAN SACHS & COMPANY		
Do	GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO		
Do	HEALTH CARE FINANCING STUDY GROUP	4,400.00	
Do	HENNEPIN COUNTY		
Do	INVESTMENT COMPANY INSTITUTE		
Do	INVESTORS DIVERSIFIED SERVICES, INC.		
Do	J. C. PENNEY COMPANY, INC.	538.00	
Do	JOHN NUVEEN & COMPANY, INC.		
Do	JOSEPH E. SEAGRAM & SONS, INC.	250.00	
Do	KIMBERLY-CLARK CORPORATION	660.00	
Do	LORD, BISSELL & BROOK		
Do	MERRILL LYNCH WHITE WELD CAPITAL MARKETS GROUP	5,000.00	
Do	MINNEAPOLIS COMMUNITY DEVELOPMENT AGENCY		
Do	NATIONAL ASSOCIATION OF NUMISMATIC PROFESSIONALS		
Do	NATIONAL CITY BANCORPORATION		
Do	NATIONAL COAL CONSUMERS ALLIANCE	526.00	
Do	NATIONAL COMM FOR QUALITY HEALTH CARE	4,000.00	
Do	NEIGHBORHOOD TV COMPANY, INC.	2,000.00	
Do	PADDOCK PUBLICATIONS, INC.		
Do	PFIZER, INC.		
Do	SECURITIES INDUSTRY ASSOCIATION	19,371.00	
Do	TENNESSEE TOMBIGBEE WATERWAY DEVELOPMENT AUTHORITY	1,750.00	
Do	WESTINGHOUSE ELECTRIC CORPORATION		
Do	WORLD BOOK LIFE INSURANCE COMPANY		
LEONARD F. O'CONNOR, 100 FEDERAL ST BOSTON MA 02110	FIRST NATIONAL BANK OF BOSTON		
PATRICK C. O'CONNOR, KENT & O'CONNOR 1919 PENNSYLVANIA AVENUE, NW, #300 WASHINGTON DC 20006	AMERICAN SUPPLY ASSOCIATION	2,651.16	1,114.59
Do	AMERICAN WAREHOUSEMEN'S ASSOCIATION	2,550.00	1,063.35
Do	MOTOR CARRIER LAWYERS ASSOCIATION	2,890.95	1,217.08
JOHN B. O'DAY, SUITE 590 1700 PENNSYLVANIA AVENUE, NW WASHINGTON, DC 20006	INSURANCE ECONOMICS SOCIETY OF AMERICA		
THOMAS A. O'DAY, 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	ALLIANCE OF AMERICAN INSURERS	650.00	411.95
ASHTON J. O'DONNELL, 50 BEALE ST., PO BOX 3965 SAN FRANCISCO CA 94119	BECHTEL INC.		
JANE O'GRADY, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	15,161.31	289.05
BARBARA E. O'HARA, 4400 MACARTHUR BLVD., NW WASHINGTON DC 20007	AMERICAN SOCIETY OF TRAVEL AGENTS	100.00	
BARTLEY O'HARA, 25 LOUISIANA AVENUE, NW WASHINGTON DC 20001	INTERNATIONAL BROTHERHOOD OF TEAMSTERS	11,942.01	
KATHLEEN O'LEARY, 1625 EYE ST., N. W. ROOM 301 WASHINGTON DC 20006	COLUMBIA GAS DISTRIBUTION COMPANIES	3,500.00	187.12
O'MELVENY & MYERS, 1800 M ST., NW WASHINGTON DC 20036	AIR TRANSPORT ASSOCIATION OF AMERICA	29,400.00	304.65
Do	WARNER COMMUNICATIONS, INC.		
O'NEILL AND HAASE, P.C., SUITE 1110 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	ALLEGHENY COUNTY COMMISSION		
Do	COMMERCIAL UNION ASSURANCE COMPANIES		
Do	GLASS PACKAGING INSTITUTE		
Do	HOUSTON NATURAL GAS CORPORATION		
Do	LEGISLATIVE ALLIANCE OF PHILATELISTS, HRD ASSET DLRS & CLTRS		
Do	MAHONING VALLEY ECONOMIC DEVELOPMENT CORPORATION		
Do	MARRIOTT CORPORATION		
Do	PANHANDLE PRODUCING COMPANY		
Do	SUGAR USERS GROUP		
Do	TEXAS UTILITIES SERVICES, INC.		
Do	WESTERN UNION TELEGRAPH COMPANY		
Do	WESTINGHOUSE ELECTRIC CORPORATION		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
DONALD K. O'NEILL, SUITE 2600 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC.	1,000.00	
KATHLEEN A. O'NEILL, 115 D ST., SE. WASHINGTON, DC 20003	NATIONAL COALITION OF TELECOMMUNICATIONS USERS & PROVIDERS		
J. DENIS O'TOOLE, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BANKERS ASSOCIATION	4,500.00	
M. DIANE O'TOOLE, SUITE 2300 1000 WILSON BLVD. ARLINGTON VA 22209	NORTHROP CORPORATION		133.78
MARTIN K. O'TOOLE, 227 MASSACHUSETTS AVENUE, NW. #321 WASHINGTON DC 20002	CONSERVATIVES FOR IMMIGRATION REFORM	50.00	
STEPHEN E. O'TOOLE, 1660 L STREET, N.W. WASHINGTON DC 20036	GENERAL MOTORS CORPORATION	3,000.00	1,938.81
HARRY R. OBLEY, MELLON SQUARE MELLON PA 15230	MELLON BANK N.A. AND MELLON NATIONAL CORPORATION	2,000.00	690.35
G. H. OCHENRIDER, 1000 WILSON BLVD. ARLINGTON VA 22209	GRUMMAN AEROSPACE CORPORATION	2,500.00	1,292.23
T. J. ODEN, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSOCIATION	4,500.00	
BRADFORD C. OELMAN, 900 17TH ST., NW WASHINGTON DC 20006	OWENS-CORNING FIBERGLAS CORPORATION		
OIL INVESTMENT INST, PO BOX 8293 WASHINGTON DC 20024			
R.Q. OLD AND ASSOCIATES, INC., 205 THE STRAND ALEXANDRIA VA 22314	FORD AEROSPACE & COMMUNICATIONS CORPORATION		
Do	GENERAL ELECTRIC COMPANY		77.64
Do	GOULD, INC.		129.29
Do	GRUMMAN AEROSPACE CORPORATION		811.06
Do	SPERRY DIVISION		138.65
ROBERT A. OLEXY, P.O. BOX 3151 HOUSTON TX 77001	BROWNING-FERRIS INDUSTRIES, INC.		
ALVIN E. OLIVER, 725 15TH ST., NW WASHINGTON DC 20005	NATIONAL GRAIN & FEED ASSOCIATION		
AUSTIN P. OLNEY, 1333 NEW HAMPSHIRE AVENUE, NW, #1100 WASHINGTON DC 20036	LEBOEUF, LAMB, LEIBY & MACRAE (FOR: SHIPPING CORPORATION OF INDIA, INC)		
DENNIS M. OLSEN, 485 E STREET IDAHO FALLS ID 83402	AETNA INSURANCE COMPANY	3.70	.13
Do	AMERICAN BANKER'S INSURANCE COMPANY OF FLORIA	23.44	.88
Do	CENTENNIAL INSURANCE COMPANY	1.76	.06
Do	CHARTER OAK INSURANCE	1.78	.06
Do	FLORISTS' MUTUAL INSURANCE COMPANY	8.77	.33
Do	FOREMOST INSURANCE COMPANY	46.77	1.76
Do	GREAT AMERICAN INSURANCE COMPANY	5.02	.18
Do	MINNEHOMA INSURANCE COMPANY	1.62	.06
Do	MONSANTO COMPANY	5,798.00	1,260.81
Do	NATIONAL FARMERS UNION PROPERTY & CASUALTY INSURANCE COMPANY	8.26	.31
Do	STATE FARM FIRE AND CASUALTY COMPANY	4.05	.15
Do	STATE FARM INSURANCE COMPANY	33.71	1.26
Do	STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY	54.84	2.06
Do	TRAVELER'S INDEMNITY OF RHODE ISLAND	2.18	.08
Do	TRAVELERS	48.60	1.82
VAN R. OLSEN, 1156 15TH ST., NW, #1019 WASHINGTON DC 20006	U.S. BEET SUGAR ASSOCIATION		
GERALD L. OLSON, 200 S. 6TH ST. MINNEAPOLIS MN 55402	PILLSBURY COMPANY		
ROY E. OLSON, 260 MADISON AVENUE, NEW YORK NY 10016	AMERICAN PAPER INST, INC		
ALAN M. OLSZEWSKI, 1608 K STREET, NW WASHINGTON DC 20006	AMERICAN LEGION	5,874.00	37.10
CLARK ONSTAD, 1050 THOMAS JEFFERSON STREET, NW SIXTH FLOOR WASHINGTON DC 20007	TEXAS AIR CORPORATION AND CONTINENTAL AIR LINES	6,240.00	
ORGANIZATION FOR PROTECTION & ADVANCEMENT OF SMALL TELEPHONE COMPANIES, 1200 NEW HAMPSHIRE AVENUE, N.W. SUITE 320 WASHINGTON DC 20036.			900.00
ABRAHAM ORLOFSKY, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	1,025.43	
JOHN L. OSHINSKI, 815 16TH ST., NW, #706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMERICA	9,819.29	
JOHN J. OSICK, SUITE 700 SOUTH 1800 M STREET, NW WASHINGTON DC 20036	DOW CHEMICAL U.S.A.		
HIDEAKI OTAKA, SUITE 600 919 18TH STREET, NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, USA, INC.	204.00	813.44
ROLAND A. OUELLETTE, 1660 L ST., NW, #501 WASHINGTON DC 20036	GENERAL MOTORS CORPORATION	3,600.00	1,988.77
CLIFF OUSE, 1800 MASSACHUSETTS AVENUE, N.W., WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION	25.00	
OUTDOOR POWER EQUIPMENT INSTITUTE, SUITE 700 1901 L ST., NW WASHINGTON DC 20036			
JACK W. OWEN, SUITE 500 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSOCIATION	164.77	
THOMAS J. OWENS, P.O. BOX 12277 SEATTLE WA 98101	DOLLAR SAVINGS BANK AND WASHINGTON MUTUAL SAVINGS BANK	28,810.00	15,820.91
WILLIAM H. OWENS JR., SUITE 1004 1101 17TH ST., NW WASHINGTON DC 20036	AMERICAN DENTAL ASSOCIATION	1,000.00	
R. RAY PAABO, SUITE 840 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SANTA FE INDUSTRIES, INC	1,000.00	
LEE W. PADEN, P.O. BOX 201 TULSA OK 74102	PUBLIC SERVICE COMPANY OF OKLAHOMA		
W. D. PAGE, 1581 PHOENIX BLVD, #6 ATLANTA GA 30349	AMERICAN PLYWOOD ASSOCIATION		
JOHN M. PALATIELLO, 210 LITTLE FALLS STREET FALLS CHURCH VA 22046	AMERICAN CONGRESS ON SURVEYING & MAPPING	8,076.95	7,183.85
HENRY S. PALAU, 201 N WASHINGTON ST. ALEXANDRIA VA 22314	RETIRED OFFICERS ASSOCIATION	905.00	
WILLIAM STEVEN PALEOS, P.O. BOX 57466-0466 WASHINGTON DC 20037			
FRED PANZER, 1875 EYE ST., NW, #800 WASHINGTON DC 20006	TOBACCO INSTITUTE	250.00	55.00
PAPERBOARD PACKAGING COUNCIL, SUITE 411 1101 VERMONT AVENUE, NW WASHINGTON DC 20005			
G. OLIVER PAPPS, N.J. PETROLEUM COUNCIL 170 W. STATE ST. TRENTON NJ 08608	AMERICAN PETRGLEUM INST	76.00	
PARAHO DEVELOPMENT CORPORATION, 183 IVERNESS DRIVE WEST #300-A ENGLEWOOD COMPANY 80112			1,997.28
HERSCHELL E. PARENT, ARKANSAS PETROLEUM COUNCIL 302 COMMERCIAL NATIONAL BANK BUILDING LITTLE ROCK AR 72201.	AMERICAN PETROLEUM INST	493.00	838.47
DOUGLAS L. PARKER, 600 NEW JERSEY AVENUE, NW WASHINGTON DC 20001	INSTITUTE FOR PUBLIC REPRESENTATION		
JOHN N. PARKER, 1100 CONNECTICUT AVENUE, NW SUITE 620 WASHINGTON DC 20036	MOBIL OIL CORPORATION	375.00	
KIMBERLY C. PARKER, 1325 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20005	AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES	6,807.92	64.00
PRUDENCE H. PARKS, 1100 H STREET, NW WASHINGTON DC 20080	WASHINGTON GAS LIGHT COMPANY	589.09	
KEN PARMELEE, 1155 15TH ST., NW SUITE 611 WASHINGTON DC 20005	ETHYL CORPORATION	2,000.00	
TOM E. PARO, 1735 DESALES ST., NW WASHINGTON DC 20036	ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC	2,752.00	
PARRISH & CHAMBERS, INC., SUITE 1510 1300 N. 17TH STREET ARLINGTON VA 22209	AEROSPATIALE HELICOPTER CORPORATION	11,775.00	2,120.68
Do	BANGOR & AROOSTOOK RAILROAD	3,600.00	4,742.41
Do	BOSTON & MAINE RAILROAD	4,749.99	2,576.93
Do	CHICAGO & NORTHWESTERN TRANSPORTATION COMPANY	21,000.00	2,709.63
Do	DELAWARE OTSEGO SYSTEM	2,800.00	2,728.91
Do	FORUM COMMUNICATIONS		2,576.93
Do	GENESEE & WYOMING INDUSTRIES	750.00	2,520.68
Do	OY WARTSILA AB	13,333.33	2,520.68
Do	PITTSBURG & SHAWMUT RAILROAD	2,100.00	2,520.68
Do	WESTINGHOUSE ELECTRIC CORPORATION	6,700.00	2,520.68
RENEE PARSONS, 530 7TH ST., SE WASHINGTON DC 20003	FRIENDS OF THE EARTH	1,836.51	
JACK PARTRIDGE, 1014 VINE ST. CINCINNATI OH 45201	KROGER COMPANY	2,000.00	673.88
ROBERT D. PARTRIDGE, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION	518.00	
ALAN K. PARVER, 1050 17TH ST., NW, #770 WASHINGTON DC 20036	AMERICAN ASSOCIATION OF HOMES FOR THE AGING	1,308.00	50.00
PASKUS, GORDON & HYMAN, 2005 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL MUSIC PUBLISHERS' ASSOCIATION		
RICHARD M. PATTERSON, 1800 M ST., NW, #700 SOUTH WASHINGTON DC 20036	DOW CHEMICAL COMPANY	500.00	239.50
THOMAS PATTERSON, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSOCIATION, INC	231.00	
WILLIAM H. PATTERSON, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC COMPANY	220.00	
KENTON H. PATTIE, 3150 SPRING ST. FAIRFAX VA 22031	NATIONAL AUDIO-VISUAL ASSOCIATION, INC.	3,188.00	
DAVID J. PATTISON, 1750 K ST., NW WASHINGTON DC 20006	HEALTH INSURANCE ASSOCIATION OF AMERICA, INC.		
EDWARD W. PATTISON, 22 FIRST STREET TROY NY 12180	NATIONAL MUSIC PUBLISHERS ASSOCIATION, INC	4,167.00	
PATTON BOGGS & BLOW, SUITE 800 2550 M ST., NW WASHINGTON DC 20037	AKAI AMERICA, LTD.	35.52	7.90
Do	AMERICAN COLLEGE OF MORTGAGE ATTORNEYS	405.00	
Do	AMERICAN CONGRESS OF SURVEYORS AND MAPPERS	315.00	
Do	AMERICAN EXPRESS COMPANY	5,395.00	
Do	AMERICAN INTERNATIONAL AUTOMOBILE DEALERS ASSOCIATION	10,250.00	254.74
Do	AMERICAN MARITIME ASSOCIATION	250.00	
Do	AMERICAN MOVERS CONFERENCE	672.50	13.50
Do	AMERICAN PRESIDENT LINES	470.00	
Do	AMERICAN RETAIL FEDERATION		
Do	AMERICAN SOCIETY OF ASSOCIATION EXECUTIVES		
Do	ARMCO INC.		
Do	ARTPAC	250.00	
Do	ASOCIACION DE AMIGOS DEL PAIS		
Do	ASOCIACION DE AZUCAREROS DE GUATEMALA		
Do	ASSOCIATION OF TRIAL LAWYERS OF AMERICA	500.00	
Do	BURLINGTON INDUSTRIES, INC.	5,992.50	45.40
Do	BUSINESS ROUNDTABLE	1,100.00	
Do	CALIFORNIA WESTSIDE FARMERS	3,300.00	52.50
Do	CASTLE & COOKE, INC.		
Do	CHICAGO BOARD OPTIONS EXCHANGE	1,500.00	
Do	CHYSLER CORPORATION	3,782.50	267.00
Do	CITY INVESTING COMPANY	250.00	14.50
Do	CITY NATIONAL BANK OF BEVERLY HILLS, CA.	5,170.00	8.70
Do	COUNCIL OF STATE CHAMBERS OF COMMERCE		
Do	COUPON BOND TAX COMMITTEE	33,485.00	5,039.73

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	DONALDSON, LUFKIN & JENRETTE, INC		
Do	DREDGING INDUSTRY SIZE STANDARDS COMMITTEE (DISSC)		
Do	DUTY FREE SHOPPERS, LTD	1,800.00	90.00
Do	E.G.G. INDUSTRIES & THE ESSEX COMPANY		
Do	ENERGY RESEARCH CORPORATION	240.00	
Do	FLUOR CORPORATION	6,180.00	75.00
Do	HAMPTON-WINSOR CORPORATION		
Do	HITACHI SALES CORPORATION OF AMERICA	139.65	31.07
Do	HOBBY INDUSTRY OF AMERICA		
Do	E.F. HUTTON LIFE INSURANCE COMPANY	9,435.00	254.50
Do	INDECO, INC	2,072.50	
Do	INSTITUTE OF SCRAP IRON & STEEL, INC		
Do	LASCO SHIPPING COMPANY	307.50	
Do	LITTON INDUSTRIES, INC		
Do	LOCKHEED AIRCRAFT	3,285.00	
Do	LOOP, INC		
Do	LOSS RESERVE DEDUCTION COMM		
Do	MARATHON OIL COMPANY		
Do	MARS, INC	3,990.00	
Do	MCI TELECOMMUNICATIONS, INC	2,977.50	73.50
Do	MITSUBISHI ELECTRIC SALES AMERICA, INC	139.65	31.07
Do	MATSUSHITA ELECTRIC CORPORATION OF AMERICA	139.65	31.07
Do	MOCATTA METALS CORPORATION		
Do	MULTI MINERAL CORPORATION		
Do	NATIONAL ASSOCIATION OF SMALL BUSINESS INVESTMENT COMPANIES		13.90
Do	NATIONAL CABLE TELEVISION ASSOCIATION	1,950.00	6.00
Do	NATIONAL COALITION FOR PORT PROGRESS	1,150.00	
Do	NATIONAL MARINE MFRS ASSOCIATION	6,730.00	93.25
Do	NATIONAL MULTI HOUSING COUNCIL		
Do	NATIONAL SOFT DRINK ASSOCIATION		
Do	NEC ELECTRONICS (USA) INC	72.28	16.06
Do	NEW PROCESS COMPANY		
Do	NORTHWEST ENERGY CORPORATION		
Do	OCEAN MINERALS COMPANY	7,637.50	
Do	OPTIONS CLEARING CORPORATION		
Do	OSG BULK SHIPS, INC	235.00	
Do	PENN CENTRAL CORPORATION		
Do	PEPSICO, INC		
Do	READER'S DIGEST ASSOCIATION, INC	3,000.00	
Do	REDWOOD INDUSTRY PARK COMM	1,000.00	
Do	RETAIL TAX COMMITTEE	3,550.00	76.00
Do	ROCKWELL INTERNATIONAL CORPORATION		
Do	SANYO ELECTRIC INC	139.65	31.07
Do	SHARP ELECTRONICS CORPORATION	139.65	31.07
Do	SHERIDAN-KALORAMA NEIGHBORHOOD COUNCIL		
Do	SONY CORPORATION OF AMERICA	139.65	31.07
Do	ST. JOE MINERALS CORPORATION	115.00	
Do	STATE OF LA. DEPARTMENT OF CONSERVATION		
Do	SULTANATE OF OMAN	1,920.00	
Do	TOSHIBA AMERICAN, INC	139.65	31.07
Do	US JVC CORPORATION	139.65	31.07
Do	WILSHIRE OIL COMPANY OF TEXAS	2,115.00	
ANDREW R. PAUL, 1875 EYE ST., NW #940 WASHINGTON DC 20006	GULF & WESTERN INDUSTRIES, INC	1,250.00	18.00
PAUL WEISS RIFKIND WHARTON & GARRISON, 1714 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	CHRIS-CRAFT INDUSTRIES, INC	12,500.00	381.19
Do	COLT INDUSTRIES, INC		
Do	FIRST STERLING CORPORATION	63,250.00	2,401.98
Do	NIPPON ELECTRIC COMPANY, LTD		1,093.70
Do	REVLON, INC	425.00	732.04
PAUL, HASTINGS, JANOFSKY & WALKER, 6TH FLOOR 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	AMERICAN TELEPHONE & TELEGRAPH COMPANY	3,082.50	120.36
Do	BEST EMPLOYERS ASSOCIATION		
Do	ENSERCH CORPORATION		
Do	SECURITY LIFE OF DENVER	45,386.00	2,081.78
LARRY E. PAULICK, 2000 K ST., NW WASHINGTON DC 20006	NATIONAL SPA & POOL INSTITUTE		
RICHARD A. PAYSOR, SUITE 135 1415 ELBRIDGE PAYNE RD. ST. LOUIS MO 63017	FIRST CAPITOL ASSOCIATES - GATEWAY, INC		
PEABODY, LAMBERT & MEYERS, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	TUNA RESEARCH FOUNDATION		
FRANK PECQUEX, 815 16TH ST., NW. #510 WASHINGTON DC 20006	SEAFARERS INTERNATIONAL UNION	3,000.00	162.10
JAMES M. PEIRCE JR., 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	1,551.22	
PELTON RESEARCH CENTER, 1400 S. JOYCE STREET ARLINGTON VA 22202	HELP, INC		
HUMBERTO R. PENA, 1155 15TH ST., NW. WASHINGTON, DC 20005	BRISTOL-MYERS COMPANY	1,000.00	
ANDREW PENN, 918 16TH STREET, NW WASHINGTON DC 20006	AMERICAN LOGISTICS ASSOCIATION		
PENNSYLVANIA POWER & LIGHT COMPANY, 2 N. 9TH ST. ALLENTOWN PA 18101			2,940.22
DOMINIC V. PENSABENE, 1700 K ST., NW WASHINGTON DC 20006	CHEVRON USA, INC	1,000.00	
GREGORY M. PENSABENE, 1100 CONNECTICUT AVENUE, NW, #840 WASHINGTON DC 20036	SANTA FE INDUSTRIES, INC	1,875.00	
PENSION RIGHTS CENTER, 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036		10.00	251.93
PEPPER & CORAZZINI, 1776 K ST., NW WASHINGTON DC 20006	SOUTHERN SATELITE SYSTEMS INC	2,084.55	60.00
PEPPER HAMILTON & SCHEETZ, 1777 F STREET, NW WASHINGTON DC 20006	ALARM DEVICE MANUFACTURING COMPANY	13,750.00	
Do	ALARM INDUSTRIES TELECOMM COMM OF NATIONAL BURGLAR & FIRE ALARM ASSOCIATION	5,199.50	100.00
Do	COALITION OF CONCERNED CHARITIES		
Do	DIRECT BROADCAST SATELLITE CORPORATION	280.00	
Do	GENERAL DYNAMICS CORPORATION	3,800.00	
Do	GLENMEDE TRUST COMPANY		
Do	MILLICOM INCORPORATED	502.00	
Do	NATIONAL ASSOCIATION OF RETAIL DRUGGISTS		
Do	SOUTHERN PACIFIC COMMUNICATION COMPANY	1,932.59	30.00
Do	SUN SHIPBUILDING & DRY DOCK COMPANY	192.50	
Do	TRT TELECOMMUNICATIONS CORPORATION	155.00	
Do	TURNER BROADCASTING SYSTEM, INC	405.00	
BARBARA K. PEQUET, 1921 KALORAMA RD., NW. #103 WASHINGTON DC 20009	NATIONAL CONSUMERS LEAGUE	787.50	40.00
VICTOR J. PERINI JR., 1776 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	HIGHWAY USERS FEDERATION FOR SAFETY & MOBILITY		
PERITO, DUEHR, CARLSON & PINCO, P.C., 1140 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ADVANCED HEALTH SYSTEMS, INC		
Do	NATIONAL ASSOCIATION OF ALCOHOLISM TREATMENT PROGRAMS, INC		
Do	SOCIETY OF REAL ESTATE APPRAISERS	360.00	
PERKINS COIE STONE OLSEN & WILLIAMS, SUITE 1200 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	BOEING COMPANY	16,047.20	367.14
Do	BURLINGTON NORTHERN, INC	3,048.80	
TONY PERKINS, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION	125.00	
GARY J. PERKINSON, 1700 NORTH MOORE STREET 1925 RUSSYLN CENTER BUILDING ARLINGTON VA 22209	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		
ERNEST MICHAEL PERLEY, SUITE 504 112 ST CLAIR AVENUE, WEST TORUNTO, ONTARIO MV4 2Y3	CANADIAN COALITION ON ACID RAIN		
JEFFRY L. PERLMAN, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S	2,420.00	387.35
LEONARD PERLMAN, SUITE 400 5203 LEESBURG PIKE FALLS CHURCH VA 22041	AMERICAN PERSONNEL & GUIDANCE ASSOCIATION	5,325.00	350.25
MARK PERMAR, P.O. BOX 12910 CHARLESTON SC 29142	KIAWAH ISLAND COMPANY	290.00	348.42
RICHARD J. PERRY, 1575 I ST NW, WASHINGTON DC 20005	CALIFORNIA SAVING & LOAN LEAGUE	10,937.50	85.01
SUSAN PERRY, 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BUS ASSOCIATION	2,687.50	75.00
JOHN J. PESCH, 3422 STONEYBRAE DRIVE FALLS CHURCH VA 22044	NORTHROP CORPORATION		
EDWARD B. PETERSEN, SUITE 700 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	GULF OIL CORPORATION	50.00	28.81
GEOFFREY G. PETERSON, SUITE 1300 425 13TH ST., NW WASHINGTON DC 20004	DISTILLED SPIRITS COUNCIL OF THE U.S	2,000.00	400.00
KENNETH PETERSON, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	14,441.31	216.91
LARS E. PETERSON, 1750 K STREET, NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	450.00	
MARY B. PETERSON, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORPORATION	3,000.00	658.02
RUSSELL W. PETERSON, 950 THIRD AVENUE NEW YORK NY 10022	NATIONAL AUDUBON SOCIETY	1,000.00	120.00
PETERSON, ENGBERG & PETERSON, SUITE 907 1730 M ST., NW WASHINGTON DC 20036	FEDERATED RESEARCH CORPORATION	14,330.00	436.87
SUSAN F. PETNIUNAS, SUITE 214 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20034	MANVILLE CORPORATION	100.00	
MICHAEL J. PETRINA JR., 1155 15TH ST., NW WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSOCIATION	4,000.00	152.55
PAUL F. PETRUS, 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	MOBIL OIL CORPORATION	1,200.00	
H. WILLIAM PETRY, P.O. BOX 1927 SPARTANBURG SC 29304	MILLIKEN RESEARCH CORPORATION		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
JAMES R. PHALEN, 1100 CONNECTICUT AVENUE, NW SUITE 820 WASHINGTON DC 20036	MAPCO INC.	2,500.00	338.51
PHARMACEUTICAL MANUFACTURERS ASSOCIATION, 1155 15TH ST., NW WASHINGTON DC 20005		66,915.77	66,915.77
GWEN PHARO, 1101 S. ARLINGTON RIDGE RD., #1213 ARLINGTON VA 22202	OILFIELD INDUSTRIAL LINES, INC.		
MARSHALL A. PHARR, 6103 ADIRONDACK AMARILLO TX 79106	SOUTHWESTERN PUBLIC SERVICE	877.20	134.25
DEBORAH M. PHILLIPS, SUITE 320 1200 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	GENERAL INSTRUMENT CORPORATION	100.00	168.30
JOHN D. PHILLIPS, SUITE 503 1717 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL ASSOCIATION OF INDEPENDENT COLLEGES & UNIVERSITIES	12,000.00	616.00
RICHARD F. PHILLIPS, 1825 K STREET,N.W. SUITE 1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY		
SUSAN L. PHILLIPS, 815 16TH ST., NW WASHINGTON DC 20006	INDUSTRIAL UNION DEPARTMENT, AFL-CIO	4,754.00	37.70
WILLIAM G. PHILLIPS, D.C. ASSOCIATES, INC. 402 THIRD STREET, SE WASHINGTON DC 20003	AMERICAN VOCATIONAL ASSOCIATION	6,000.00	341.34
Do	ASSOCIATION OF UNIV. PROGRAMS IN OCCUPA HEALTH & SAFETY	1,200.00	315.82
Do	ASSOCIATION OF UNIVERSITY ENVIRONMENTAL HEALTH CENTERS	6,000.00	65.60
PHOSPHATE CHEMICALS EXPORT ASSOCIATION, INC., 8410 W. BRYN MAWR AVENUE, CHICAGO IL 60631			
JOAN PICCOLO, 2020 K ST. NW, WASHINGTON, DC 20006	COMMODITY EXCHANGE, INC.	600.00	
SAM PICKARD, 1101 17TH ST., NW, #604 WASHINGTON DC 20036	MONSANTO COMPANY	500.00	
BILL PICKENS, 1111 19TH ST., NW SUITE 900 WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	1,698.00	227.71
W.D. PICKETT, 400 FIRST ST. WASHINGTON DC 20001	BROTHERHOOD OF RAILROAD SIGNALMEN	350.00	
M. M. PIERCE, 1001 22ND ST., NW SUITE 600 WASHINGTON DC 20037	STANDARD OIL COMPANY (OHIO)	50.00	
MOLLY J. PIERCE, 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	BLUE CROSS & BLUE SHIELD		
PIERSON BALL & DOWD, 1200 18TH ST., NW WASHINGTON DC 20036	ASPEN SYSTEMS CORPORATION		
Do	BOEING COMPANY		
Do	COMMUNITY PSYCHIATRIC CENTERS	3,826.98	
Do	COMPETITIVE TELECOMMUNICATIONS COALITION	2,052.01	
Do	DUN & BRADSTREET CORPORATION		
Do	GENENTECH, INC	10,692.38	
Do	GENERAL TIRE & RUBBER COMPANY	1,750.00	
Do	INDEPENDENT TELECOMMUNICATIONS SUPPLIERS' COUNCIL	28,111.99	
Do	INFECTIOUS DISEASES SOCIETY OF AMERICA	4,830.04	
Do	INTERNATIONAL FUTURES EXCHANGE (BERMUDA) LTD		
Do	INTEX HOLDINGS (BERMUDA) LTD		
Do	NATIONAL ASSOCIATION OF CASUALTY & SURETY AGENTS	6,565.31	
Do	NATIONAL MUSIC PUBLISHERS ASSOCIATION	2,770.03	
Do	PHARMACEUTICAL MANUFACTURERS ASSOCIATION	7,785.90	
Do	SATELLITE BUSINESS SYSTEMS	2,500.00	
Do	WESTERN FARMERS ELECTRIC COOPERATIVE	1,000.00	
PIERSON SEMMES CROLIUS & FINLEY, 1054 31ST ST., NW WASHINGTON DC 20007	AMERICAN LAND TITLE ASSOCIATION	1,345.00	77.70
PILOTS RIGHTS ASSOCIATION, P.O. BOX 7000-367 REDONDO BEACH CA 90277		12,062.00	6,912.20
PINEAPPLE GROWERS ASSOCIATION OF HAWAII, 1902 FINANCIAL PLAZA OF THE PACIFIC HONOLULU HI 96813			
LINDA PINEGAR, 1709 NEW YORK AVENUE, NW WASHINGTON DC 20006	AIR TRANSPORT ASSOCIATION OF AMERICA	3,000.00	
PIPER & MARBURY, 888 16TH STREET, NW FIFTH FLOOR WASHINGTON DC 20006	PHH GROUP, INC.	3,010.00	7,240.07
Do	RYDER SYSTEMS, INC.		
Do	U.S. AIR, INC.		
LILLIAN M.S. PITCAITHLY, SUITE 209 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE	100.00	25.00
PITNEY BOWES, 69 WHEELER DRIVE STAMFORD CT 06904			
PLAINS COTTON GROWERS, INC, PO BOX 3640 LUBBOCK TX 79452			
PLANNED PARENTHOOD FEDERATION OF AMERICA, INC., SUITE 303 1220 19TH STREET, NW WASHINGTON DC 20036		5,933.72	5,933.72
PLANNED PARENTHOOD OF NEW YORK CITY, INC, 380 SECOND AVENUE NEW YORK NY 10010			640.00
RONALD L. PLATT, P.O. BOX 520783 GENERAL MAIL FACILITY MIAMI FL 33152	BURGER KING CORPORATION		
WYLL W. PLEGER, 1730 RHODE ISLAND AVENUE, N.W. # 213 WASHINGTON DC 20036	BROWN & ROOT, INC.		
RONALD L. PLESSER, BLUM & NASH 1015 18TH ST., NW, #408 WASHINGTON DC 20036	TWIN COASTS NEWSPAPER, INC.		
SHERMAN S. POLAND, ROSS, MARSH & FOSTER 888 16TH STREET, NW WASHINGTON DC 20006	DORCHESTER GAS PRODUCING COMPANY	1,375.00	52.70
IRVING M. POLLACK, 13010 CARNEY STREET WHEATON MD 20906	INVESTMENT COMPANY INSTITUTE	2,100.00	10.75
RICHARD J. POLLACK, 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSOCIATION	3,096.92	430.01
FRANCES A. POLLAK, SUITE 390 1850 K STREET, NW WASHINGTON DC 20006	UNION CAMP CORPORATION	634.59	416.32
ALFRED M. POLLARD, SUITE 702 1901 L STREET, NW WASHINGTON DC 20036	SECURITY PACIFIC NATIONAL BANK		
KAREN POLLITZ, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	3,090.00	
HENRY E. POOLE, 9 WEST 57TH ST. NEW YORK NY 10019	AVON PRODUCTS, INC		
RAYMOND K. POPE, 1639 K ST., NW, #800 WASHINGTON DC 20006	AMFAC, INC.	3,145.00	163.86
JAMES J. POPHAM, 1771 N STREET, NW WASHINGTON DC 20036	NATIONAL ASSOCIATION OF BROADCASTERS		
PAULA D. PORPILIA, 1120 CONNECTICUT AVENUE, N.W. SEVENTH FLOOR WASHINGTON DC 20036	AMERICAN BANKERS ASSOCIATION	850.00	194.68
PORT OF SEATTLE, P.O. BOX 1209 SEATTLE WA 98111	PORT OF SEATTLE		105.00
PHILLIP PORTE & ASSOCIATES, INC., SUITE 208 1301 ARLINGTON RIDGE RD. ARLINGTON VA 22202	AMERICAN ASSOCIATION FOR RESPIRATORY THERAPY	8,000.00	
Do	NATIONAL ASSOCIATION OF MEDICAL DIRECTORS OF RESPIRATORY CARE	3,000.00	
CAROL ALICE PORTER, SUITE 1101 1612 K STREET, NW WASHINGTON DC 20006	WILDLIFE LEGISLATIVE FUND OF AMERICA	3,421.00	
ROBERT W. PORTER, SUITE 420 1200 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	NATIONAL POTATO COUNCIL	1,000.00	
Do	WESTERN GROWERS ASSOCIATION		
PORTER, WRIGHT, MORRIS & ARTHUR, 37 WEST BROAD STREET COLUMBUS OH 43215	COALITION FOR ENVIRONMENTAL-ENERGY BALANCE	17,357.50	3,535.41
SHARON T. PORTNOY, ONE PENN PLAZA NEW YORK NY 10001	NATIONAL COMMERCIAL FINANCE CONFERENCE	1,403.84	158.84
JOHN POST, SUITE 402 1828 L ST., NW WASHINGTON DC 20036	BUSINESS ROUNDTABLE	200.00	40.00
MARY E. POST, 5203 LEESBURG PIKE, SUITE 400 FALLS CHURCH VA 22041	AMERICAN PERSONNEL & GUIDANCE ASSOCIATION	6,960.62	
MARK POWDEN, SUITE 408 815 16TH STREET, NW WASHINGTON DC 20006	FOOD AND BEVERAGE TRADES DEPARTMENT, AFL-CIO	358.27	
JOHN MICHAEL POWDERLY, 815 16TH ST., NW, #706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMERICA	9,762.20	
POWELL GOLDSTEIN FRAZER & MURPHY, SUITE 1050 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	AHRENS AIRCRAFT, INC.		
Do	ASSOCIATION OF EXECUTIVE RECRUITING CONSULTANTS, INC		
Do	COALITION FOR EMPLOYMENT THROUGH EXPORTS		
Do	COMMITTEE AGAINST REGULATION OF VIDEO ENTERPRISES		
Do	COUNCIL OF STATE HOUSING AGENCIES	1,280.00	
Do	FEDERAL NATIONAL MORTGAGE ASSOCIATION	1,150.00	
Do	GATX CORPORATION		
Do	INTERGRAPH CORPORATION		
Do	INTERNATIONAL PAPER COMPANY	21,512.80	41.05
Do	JACQUES BOREL ENTERPRISES, INC.		
Do	MARYLAND SAVINGS-SHARE INSURANCE CORPORATION		
Do	NATIONAL COUNCIL FOR INDUSTRIAL INNOVATION	1,000.00	
Do	NATIONAL MULTI HOUSING COUNCIL	5,374.00	
Do	NATIONAL RESTAURANT ASSOCIATION		
Do	RUBBER MANUFACTURERS ASSOCIATION		
Do	SECURITY LIFE OF DENVER		
Do	WESTINGHOUSE ELECTRIC CORPORATION		72.89
RICHARD M. POWELL, 7315 WISCONSIN AVENUE, BETHESDA, MD 20814	INTERNATIONAL ASSOCIATION OF REFRIGERATED WAREHOUSES		
ROBERT D. POWELL, SUITE 400 1300 19TH ST., NW WASHINGTON DC 20036	NATIONAL BUSINESS AIRCRAFT ASSOCIATION		
JOHN J. POWER, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	13,167.44	
GRAYDON R. POWERS JR , 1101 16TH ST., NW WASHINGTON DC 20036	SCIENTIFIC APPARATUS MAKERS ASSOCIATION		
BRAINARD E. PRESCOTT, 670 MAIN ST. EAST AURORA NY 14052	SECURITY NEW YORK STATE CORPORATION	1,500.00	
LLOYD T. PRESLAR, 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTERNATIONAL, INC (FOR: AIRBUS INDUSTRIE)		
Do	DGA INTERNATIONAL, INC. (FOR: SOFREAVIA)		
PRESTON THORGRIMSON ELLIS & HOLMAN, 1776 G ST., NW, #500 WASHINGTON DC 20006	AMERICAN PRESIDENT LINES	5,208.00	
Do	AMERICAN WATERWAYS SHIPYARD CONFERENCE		
Do	BELLINGHAM COLD STORAGE	2,714.50	
Do	BOEING COMPANY	6,100.00	210.00
Do	BPA INDUSTRIAL CUSTOMERS		
Do	CALISTA CORPORATION		
Do	CHUGACH NATIVES, INC.	182.00	
Do	CITIES AND COUNTIES FOR CABLE		
Do	COMMERCIAL UNION ASSURANCE COMPANIES		
Do	COUNCIL OF AMERICAN-FLAG SHIP OPERATORS		
Do	CROWLEY MARITIME CORPORATION		
Do	DRAVO CORPORATION		
Do	EMPLOYERS REINSURANCE CORPORATION		
Do	MOORE MCCORMACK RESOURCES, INC.		
Do	NORTHERN TIER PIPELINE COMPANY		
Do	PORT OF SEATTLE	2,736.68	
Do	PORT OF TACOMA	2,736.68	
Do	ST. JOE MINERALS CORPORATION		
Do	TENNESSEE GAS PIPELINE COMPANY	736.50	154.06
Do	TRANSPORTATION INSTITUTE	2,736.68	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	U.S. CRUISES, INC		
Do	WESTERN RESOURCE ALLIANCE	2,209.00	
Do	WOMETCO ENTERPRISES, INC	14,908.50	470.89
Do	YARDARM KNOT CORPORATION		
Do	ALASKA LUMBER & PULP COMPANY/LOUISIANA PACIFIC OF KETCHIKAN	165.00	
KEITH A. PRETTY, 322 W. OTTAWA LANSING MI 48933	STANDARD OIL COMPANY (INDIANA)		
FORREST J. PRETTYMAN, 730 15TH ST., NW WASHINGTON DC 20005	ASSOCIATION OF BANK HOLDING COMPANIES	962.50	
BARBARA J. PRICE, SUITE 1107 1825 K STREET, NW WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY		
WOODRUFF M. PRICE, 840 WASHINGTON BUILDING 15TH ST. & NEW YORK AVENUE, WASHINGTON DC 20005	CSX CORPORATION	3,000.00	494.16
PATRICIA PRIDE, 1129 20TH ST., NW WASHINGTON DC 20036	FINANCIAL ACCOUNTING STANDARDS BOARD	90.80	33.80
GWENYTH PRITCHARD, 600 MARYLAND AVENUE, SW #695 WASHINGTON DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	2,250.00	200.00
PRO-LIFE CDAC 12, P.O. BOX 7145 MENLO PARK CA 94025		1,296.92	375.22
PRO-LIFE CONGRESSIONAL DIST ACTION COMM, IN/2, 208 TINKLER LAFAYETTE IN 47901			
STUART PROCTOR, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	4,875.00	47.00
PROFIT SHARING COUNCIL OF AMERICA, 20 N. WACKER DRIVE CHICAGO IL 60606			
PROJECT ADVISORY GROUP, 1029 VERMONT AVENUE, NW SUITE 860 WASHINGTON DC 20005			1,953.00
PROPRIETARY ASSOCIATION, 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006			2,837.50
PROSKAUER ROSE GOETZ & MENDELSOHN, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	LEAGUE OF NEW YORK THEATRES AND PRODUCERS, INC		
Do	TORONTO STOCK EXCHANGE		
DAVID P. PROSPERI, 1725 K STREET, NW, #909 WASHINGTON DC 20006	SUPERIOR OIL COMPANY & SUPERIOR FARMING COMPANY		
JAMES C. PRUITT, SUITE 500 1050 17TH STREET, NW WASHINGTON DC 20036	TEXACO, INC	83.00	
STEVEN L. PRUITT, SUITE 308 815 16TH STREET, NW WASHINGTON DC 20006	PUBLIC EMPLOYEE DEPARTMENT, AFL-CIO	10,853.84	
PUBLIC EMPLOYEE DEPARTMENT, AFL-CIO, 815 16TH ST., NW WASHINGTON DC 20006		34,422.34	23,310.79
PUBLIC TIMBER PURCHASERS GROUP, 714 OREGON BANK BUILDING 319 S.W. WASHINGTON ST. PORTLAND OR 97204		31,750.19	4,424.81
DAVID E. PUI LEN, 1025 CONNECTICUT AVENUE, NW, #214 WASHINGTON DC 20036	MANVILLE CORPORATION	700.00	
DIANA PULLIN, SUITE 510 236 MASSACHUSETTS AVENUE, NE WASHINGTON DC 20002	CENTER FOR LAW AND EDUCATION, INC		
F. EUGENE PURCELL, 1919 PENNSYLVANIA AVENUE, N.W. SUITE 300 WASHINGTON DC 20006	LONE STAR INDUSTRIES, INC	1,000.00	205.00
WILLIAM E. PURSLEY, 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SHELL OIL COMPANY	500.00	
EARLE W. PUTNAM, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO		
HOWARD PYLE III, 4930 QUEBEC ST., NW WASHINGTON DC 20016	HOUSTON LIGHTING & POWER COMPANY	3,600.00	
ROBERT N. PYLE, P.O. BOX 3731 WASHINGTON DC 20007	INDEPENDENT BAKERS ASSOCIATION	3,000.00	
JOHN R. QUARLES JR., MORGAN, LEWIS & BOCKIUS 1800 M ST., NW WASHINGTON DC 20036	NATIONAL ENVIRONMENTAL DEVELOPMENT ASSOCIATION CLEAN AIR ACT PROJ	1,000.00	50.00
JAMES M. QUIGLEY, SUITE 540 1875 EYE STREET, NW WASHINGTON DC 20006	CHAMPION INTERNATIONAL CORPORATION		
WILLIAM A. QUINLAN, 3045 RIVA RD. RIVA MD 21140	NATIONAL CANDY WHOLESALERS ASSOCIATION, INC		
Do	RETAIL BAKERS OF AMERICA		
R/A AND ASSOCIATES, SUITE 801 1100 17TH STREET, NW WASHINGTON DC 20036	WAGNER & BARODDY	7,312.50	
CLIFFORD RABER, ONE MCDONALD'S PLAZA OAK BROOK IL 60521	MCDONALD'S SYSTEMS, INC	162.50	84.71
ALEX RADIN, 2301 M ST., NW WASHINGTON DC 20036	AMERICAN PUBLIC POWER ASSOCIATION	612.90	
TESS A. RAE, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE		
ROBERT A. RAGLAND, P.O. BOX 24305 OAKLAND CA 94623	CLOROX COMPANY	150.00	
RICHARD W. RAHN, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	2,064.00	250.60
RAILWAY LABOR EXECUTIVES' ASSOCIATION, 400 FIRST ST., NW SUITE 804 WASHINGTON DC 20001		57,900.00	85,856.05
RAILWAY PROGRESS INST, 700 NORTH FAIRFAX ST. ALEXANDRIA VA 22314			
LAW OFFICES OF JOHN V. RAINBOLT SUITE 920 1800 K STREET, N.W. WASHINGTON DC 20006	BOARD OF TRADE CLEARING CORPORATION	8,925.00	955.38
Do	LONDON COMMODITY EXCHANGE COMPANY, LTD	12,362.50	2,362.31
Do	LONDON GOLD FUTURES MARKET	12,362.50	2,362.31
Do	LONDON INTERNATIONAL FINANCIAL FUTURES EXCHANGE, LTD	12,362.50	2,362.31
Do	METAL MARKET & EXCHANGE COMPANY, LTD	12,362.50	2,362.31
Do	MIDAMERICA COMMODITY EXCHANGE	36,025.57	2,047.86
JOYCE RAMONAS, SUITE 480 1990 M STREET, NW WASHINGTON DC 20036	DETROIT EDISON COMPANY	225.00	15.00
RANDALL & BANGERT, 1625 K ST., NW WASHINGTON DC 20006	BUSINESS ROUNDTABLE		
Do	NATIONAL INDEPENDENT DAIRY-FOODS ASSOCIATION	2,000.00	
Do	PHARMACEUTICAL MANUFACTURERS ASSOCIATION	1,305.00	
DONALD A. RANDALL, SUITE 1205 1625 K ST., NW WASHINGTON DC 20006	AUTOMOTIVE SERVICE COUNCILS, INC	3,149.70	
GARY B. RANDALL, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION	125.00	
ROBERT RANDALL, P.O. BOX 23691 WASHINGTON DC 20024	ALLIANCE FOR CANNABIS THERAPEUTICS		
CAROL RANDLES, 1771 N STREET, NW WASHINGTON DC 20036	NATIONAL ASSOCIATION OF BROADCASTERS	1,500.00	534.00
R. RAY RANDLETT, 1150 CONNECTICUT AVENUE, NW, #700 WASHINGTON DC 20036	ALLIED CORPORATION	300.00	
GAYLE RANDOL, 1828 L STREET, N.W. SUITE 402 WASHINGTON DC 20036	BUSINESS ROUNDTABLE	200.00	40.00
ARTHUR G. RANDOL III, 1899 L ST., NW, #1100 WASHINGTON DC 20036	EXXON CORPORATION		274.20
D. MICHAEL RAPPOPORT, P.O. BOX 1980 PHOENIX AZ 85001	SALT RIVER PROJECT	1,680.00	4,683.51
RARE ANIMAL RELIEF EFFORT, INC, C/O NATIONAL AUDUBON SOC 950 THIRD AVENUE, NEW YORK NY 10022			
HELEN RAUCH, 1755 MASSACHUSETTS AVENUE, NW, #300 WASHINGTON DC 20036	CONSORTIUM OF SOCIAL SCIENCE ASSOCIATIONS	468.75	
ROBERT RAUCH, SUITE 1000 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	KOTEEN & BURT (FOR: CSL ENERGY CONTROLS, INC)		
CAROL L. RAULSTON, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC		
W. LEE RAWLS, 1155 15TH ST., NW SUITE 602 WASHINGTON DC 20005	PENNZOIL COMPANY	750.00	23.54
W. RANDALL RAWSON, 3251 OLD LEE HIGHWAY, #500 FAIRFAX VA 22030	NATIONAL LIMESTONE INST, INC	7,018.23	
J. GENE RAYMOND, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	1,091.52	
JULIAN O. READ, 807 BRAZOS, #907 AUSTIN TX 78701	CENTRAL AND SOUTH WEST CORPORATION		
SYDNEY C. REAGAN, 10 DUNCANNON CT. DALLAS TX 75225	SOUTHWESTERN PEANUT SHELLERS ASSOCIATION		
LINDA S. REARICK, 1707 H STREET, NW WASHINGTON DC 20006	NATIONAL OIL JOBBERS COUNCIL	3,100.00	64.00
HARRY M. REASONER, VINSON & ELKINS 3000 FIRST CITY TOWER HOUSTON TX 77002	ASSOCIATION OF OIL PIPELINES	117,268.30	
REAVIS & MCGRATH, 1776 F ST., NW WASHINGTON DC 20006	BUSINESS ROUNDTABLE		
SUSAN E. RECCE, 1600 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	NATIONAL RIFLE ASSOCIATION OF AMERICA	875.00	103.96
JOHN M. RECTOR, 205 DAINGERFIELD RD. ALEXANDRIA VA 22314	NATIONAL ASSOCIATION OF RETAIL DRUGGISTS	700.00	150.00
ROBERT E REDDING, 425 13TH STREET N.W. SUITE 915 WASHINGTON DC 20004	SHIPPERS NATIONAL FREIGHT CLAIM COUNCIL, INC		
TIMOTHY J. REDMON, 600 MARYLAND AVENUE, SW SUITE 400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSOCIATION		
DWIGHT C. REED, 1101 16TH ST., NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSOCIATION	84.13	
JO REED, 1909 K STREET, NW WASHINGTON DC 20049	NATIONAL RETIRED TEACHERS ASSOCIATION-AMERICAN ASSOCIATION OF RETIRED PERSONS.	340.57	
CHARLES C. REELY, 3251 OLD LEE HIGHWAY,SUITE 500 FAIRFAX VA 22030	NATIONAL LIMESTONE INST, INC		
MARTHA L. REES, 1701 PENNSYLVANIA AVENUE, NW SUITE 1120 WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & COMPANY	40.00	4.00
ROBERT S. REESE JR., 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSOCIATION, INC	9,000.00	625.44
J. RONALD REEVES, WASHINGTON NATIONAL AIRPORT WASHINGTON DC 20001	U.S. AIR, INC	2,000.00	212.50
JOHN T. REGGITTS JR., 95 BOOTON AVENUE, P.O. BOX 470 BOONTON NJ 07005			
FRANK D. REGISTER, 1825 SAMUEL MORSE DRIVE RESTON VA 22090	NATIONAL ASSOCIATION OF RETAIL GROCERS OF THE U.S	50.00	
REID & PRIEST, 1111 19TH ST.,NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	284.00	5.00
Do	SOUTH CAROLINA ELECTRIC & GAS COMPANY		
Do	TUCSON ELECTRIC POWER COMPANY	740.00	29.38
Do	UTILITY GROUP		23,479.02
REID & RIEGE, P.C., ONE CONSTITUTION PLAZA HARTFORD CT 06103	WESLEYAN UNIVERSITY	4,740.00	
CHARLOTTE REID, 200 NORTH PICKETT ST. ALEXANDRIA VA 22304	MOTOROLA, INC	3,000.00	
MICHAEL W. REID, SUITE 507 1925 K STREET, NW WASHINGTON DC 20006	ALLIANCE TO SAVE ENERGY		
JERRY E. REIDER, 1235 JEFFERSON DAVIS HWY., #305 ARLINGTON VA 22202	EMERSON ELECTRIC COMPANY		
GARY B. REIMER, 1800 K ST., NW SUITE 600 WASHINGTON DC 20006	TIGER INTERNATIONAL, INC	1,410.00	808.99
WILLIAM W. REINERTSON, SUITE 400E 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSOCIATION		
J. E. REINKE, 1030 15TH ST., NW WASHINGTON DC 20005	EASTERN AIR LINES, INC		3,075.00
HARRY O. REINSCH, 50 BEALE ST. P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
MURRAY P. REISER, 73 TREMONT ST. BOSTON MA 02108	EDWARD BLANKSTEIN, INC		
JACK REITER, 1800 K STREET, N.W. SUITE 600 WASHINGTON DC 20006	TIGER INTERNATIONAL, INC	2,100.00	594.55
RELIGIOUS COALITION FOR ABORTION RIGHTS, INC., 100 MARYLAND AVENUE, N.E. WASHINGTON DC 20002		15,103.07	16,267.52
JOHN W. RENDON JR., 1321 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	RENDON COMPANY		
W. W. RENFROE, 69 FOUNTAIN PL. FRANKFORT KY 40601	KENTUCKY RAILROAD ASSOCIATION		444.31
DIANE RENNERT, 2005 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS	3,300.00	337.38
REPUBLIC NATIONAL LIFE INSURANCE COMPANY, 3988 N. CENTRAL EXPRESSWAY DALLAS TX 75204			
RESEARCH-COTTRELL, INC, P.O. BOX 1500 SOMERVILLE NJ 08876			3,208.20
RESOURCES FUND, INC., 810 18TH ST., NW, #804 WASHINGTON DC 20006		15,000.00	
RETIRED OFFICERS ASSOCIATION, 201 N. WASHINGTON ST. ALEXANDRIA VA 22314		8,255.00	
FORREST I. RETTGERS, 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSOCIATION OF MANUFACTURERS		
JOHN H. REURS, 25 BROADWAY NEW YORK NY 10004	NEW YORK COMM OF INTERNATIONAL COMM OF PASSENGER LINES		
ALAN V. REUTHER, 1757 N STREET, NW WASHINGTON DC 20036	UAW	3,286.70	37.15
JOHN REUTHER, SUITE 810 1050 17TH STREET, NW WASHINGTON DC 20036	SATRA CORPORATION	3,200.00	300.00
ALLAN R. REXINGER, 1700 PENNSYLVANIA AVENUE, NW, #700 WASHINGTON DC 20006	PROPRIETARY ASSOCIATION	2,687.50	150.00
MARK E. REY, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSOCIATION	800.00	
NANCY C. REYNOLDS, 300 MARYLAND AVENUE, NE WASHINGTON DC 20002	BENDIX CORPORATION	1,500.00	170.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
AUSTIN T. RHOADS, 910 17TH ST., NW WASHINGTON DC 20006	INTERNATIONAL ASSOCIATION OF ICE CREAM MFRS & MILK IND. FOUNDATION		1,186.53
EDMUND B. RICE, 444 NORTH CAPITOL ST., NW, #500 WASHINGTON DC 20001	AMERICAN HOSPITAL ASSOCIATION	4,732.97	91.96
RICE GENOCIDE RESEARCH, 3046 ROOSEVELT STREET DETROIT MI 48216			224.23
GRACE ELLEN RICE, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	4,450.00	55.00
LOIS D. RICE, 1201 PENNSYLVANIA AVNEUE, NW WASHINGTON DC 20004	CONTROL DATA CORPORATION	95.60	
THERON J. RICE, 1025 CONNECTICUT AVENUE, NW, #1000 WASHINGTON DC 20036	CONOCO		
JAMES E. RICH, JR., 1025 CONNECTICUT AVENUE, NW, WASHINGTON, DC 20036	SHELL OIL COMPANY	500.00	
STACY RICHARDS, SUITE 802 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	375.00	
ALAN H. RICHARDSON, 2301 M ST., NW, WASHINGTON, DC 20037	AMERICAN PUBLIC POWER ASSOCIATION	2,000.00	
JOHN G. RICHARDSON, 2774 NORTH HILLS DRIVE, NE ATLANTA GA 30305	GEORGIA POWER COMPANY	14,097.00	5,365.10
JUDY NOEL RIDDLE, 6630 W. BROAD ST., RICHMOND, VA 23230	LAWYERS TITLE INSURANCE CORPORATION		
LOWELL J. RIDGEWAY, NORTH DAKOTA PETROLEUM COUNCIL 418 EAST ROSSER, P.O. BOX 1395 BISMARCK ND 58502	AMERICAN PETROLEUM INST	512.00	
E. GEORGE RIEDEL, SUITE 200 1707 L STREET, NW WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION	1,650.00	72.00
MARK J. RIEDY, 1125 15TH ST., NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSOCIATION OF AMERICA		
SIERT F. RIEPMA, SUITE 1024-A 1625 I ST., NW WASHINGTON DC 20006	NATIONAL ASSOCIATION OF MARGARINE MANUFACTURERS		
E. PHILIP RIGGIN, 1608 K ST., NW WASHINGTON DC 20006	AMERICAN LEGION	9,462.00	648.13
VALERIE M. RIGGINS, 1700 NORTH MOORE STREET 1925 ROSSYLN CENTER BUILDING ARLINGTON VA 22209	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		
SUSAN RILEY, 1150 17TH STREET, NW, #306 WASHINGTON DC 20036	NATIONAL MULTI HOUSING COUNCIL		
R. SCOTT RINN, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
KEVIN J. RIORDAN, 1025 CONNECTICUT AVENUE, N.W. #700 WASHINGTON DC 20036	GULF OIL CORPORATION	325.00	165.00
JOHN S. RIPPEY, 730 15TH ST., NW WASHINGTON DC 20005	ASSOCIATION OF BANK HOLDING COMPANIES	875.00	29.00
CAROL A. RISHER, 2005 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS	1,200.00	21.60
ROBIN RISSO, 511 C STREET, NE WASHINGTON DC 20002	CONTINENTAL ASSOCIATION OF RESOLUTE EMPLOYERS (C.A.R.E.)		
JAMES E. RITCHIE & ASSOCIATES, SUITE 400 499 S. CAPITOL ST., SW WASHINGTON DC 20003	GAMING INDUSTRY ASSOCIATION OF NEVADA, INC.	3,200.00	1,071.96
Do	GOLDEN NUGGET, INC	5,000.00	988.01
Do	NATIONAL ASSOCIATION OF OFF-TRACK BETTING CORPORATION, INC	2,000.00	851.17
Do	NATIONAL ASSOCIATION OF OPTOMETRISTS & OPTICIANS, INC		
Do	NEVADA RESORT ASSOCIATION	4,800.00	1,607.93
STARK RITCHIE, 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST		
RIVKIN, SHERMAN AND LEVY, 900 17TH STREET, NW WASHINGTON DC 20006	SAVIN CORPORATION		
Do	TOYOTA MOTOR CORPORATION	3,487.50	197.20
RJR INDUSTRIES, INC, 1100 REYNOLDS BLVD. WINSTON-SALEM NC 27105			10,530.11
RAY ROBERTS & ASSOCIATES, 2224 PEMBROOKE DENTON TX 76201	CENTEX CORPORATION	3,000.00	1,014.86
Do	GUAM OIL & REFINING COMPANY, INC	9,000.00	2,814.83
Do	NORTH TEXAS MUNICIPAL WATER DISTRICT	3,000.00	877.62
Do	TEXAS UTILITIES SERVICES, INC	3,000.00	702.17
GEORGE ROBERTS, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSOCIATION		
PATRICIA L. ROBERTS, SUITE 1107 1825 K STREET, NW WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY		
PERRY A. ROBERTS, 8000 FLORISSANT ST. LOUIS MO 63136	EMERSON ELECTRIC COMPANY		1,136.91
RICHARD R. ROBERTS, 1899 L STREET, N.W. SUTIE 403 WASHINGTON DC 20036	OUTDOOR ADVERTISING ASSOCIATION OF AMERICA, INC	304.00	1,088.00
JOHN S. ROBERTSON, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)	525.00	
Do	GRAY AND COMPANY (FOR: MULTI-FAMILY ACTION COUNCIL)	210.00	
Do	GRAY AND COMPANY (FOR: RICHARD L. SINNOTT & COMPANY)		
BETTY S. ROBINSON, 1757 N ST., NW WASHINGTON DC 20036	UNITED AUTO, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS	11,443.98	248.90
CHARLES A. ROBINSON JR., 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION	301.27	
RONN ROBINSON, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSOCIATION		
THOMAS E. ROBINSON, SUITE 700 1101 17TH STREET, NW WASHINGTON DC 20036	NATIONAL ASSOCIATION OF REAL ESTATE INVESTMENT TRUST, INC	480.00	24.50
ROBINSON, SILVERMAN, PEARCE, ARONSOHN & BERMAN, 230 PARK AVENUE, NEW YORK, NY 10169	NATIONAL REALTY COMMITTEE		
ANTOINETTE K. ROCHE, 2021 K ST., NW, SUITE 709 WASHINGTON DC 20006	GENERAL ATOMIC COMPANY	1,000.00	200.00
THOMAS G. RODERICK, 1101 16TH ST., NW, #400 WASHINGTON DC 20036	CONSOLIDATED NATURAL GAS SERVICE COMPANY, INC	4,000.00	
RODEY, DICKASON, SLOAN, AKIN & ROBB, P.O. BOX 1888 ALBURQERQUE NM 87103	NAVAJO TRIBE		
QUINCY RODGERS, 1200 NEW HAMPSHIRE AVENUE, NW SUITE 320 WASHINGTON DC 20036	GENERAL INSTRUMENT CORPORATION	600.00	502.53
WILLI ROELLI, VOLHART BROTHERS, INC. 120 WALL ST. NEW YORK NY 10005	COFFEE, SUGAR & COCOA EXCHANGE, INC		
ROGERS & WELLS, 1737 H ST., NW WASHINGTON DC 20006	A. JOHNSON & COMPANY, INC		
Do	DESERT PALACE, INC		
Do	WILLIAM ANTHONY HOGAN		
Do	MAGIC PANTRY FOODS, INC		
Do	MERRILL LYNCH & COMPANY		
Do	MERRILL LYNCH COMMODITIES, INC		
Do	MERRILL LYNCH LEASING, INC		
Do	NATIONAL COAL CONSUMERS ALLIANCE		
Do	SQUIBB CORPORATION		
Do	TEACHERS INSURANCE & ANNUITY ASSOCIATION/COLLEGE RETIRED EQUITIES FUND		
BRUCE N. ROGERS, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORPORATION	2,500.00	2,546.94
DONALD L. ROGERS, 730 15TH ST., NW WASHINGTON DC 20005	ASSOCIATION OF BANK HOLDING COMPANIES	1,900.00	
ROGERS HOGE & HILLS, SUITE 301 1111 19TH STREET, NW WASHINGTON DC 20036	FORMALDEHYDE INSTITUTE		
Do	NATIONAL ASSOCIATION OF CHAIN DRUG STORES		
JAMES T. ROGERS, 311 FIRST STREET, NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSOCIATION		
JOHN D. ROGERS, 1575 I STREET, NW WASHINGTON DC 20005	DAVIS POLK & WARDWELL (FOR: ROY M. HUFFINGTON, INC. & INDEPENDENT VALLEY ENERGY COMPANY).	300.00	950.00
MARGARET ROGERS, 1730 NORTH LYNN ST. ARLINGTON VA 22209	PRINTING INDUSTRIES OF AMERICA, INC	1,000.00	
SUSAN M. ROGERS, 1600 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	NATIONAL RIFLE ASSOCIATION OF AMERICA		
TERRENCE L. ROGERS, 1325 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20005	AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES	8,008.98	60.40
CAROLE M. ROGIN, 1800 M ST., NW, #1030 #1030 WASHINGTON DC 20036	HAUCK & ASSOCIATES, INC. (FOR: NATIONAL ASSOCIATION FOR CHILD CARE MANAGEMENT).		
RICHARD A. ROHRBACH, 1625 I ST., NW SUITE 809 WASHINGTON DC 20006	BOISE CASCADE CORPORATION	22,250.00	
JACK ROLLINS, 1201 16TH STREET, NW WASHINGTON DC 20036	OVERSEAS EDUCATION ASSOCIATION & NATIONAL EDUCATION ASSOCIATION		
JOHN F. ROLPH III, SUITE 350 1200 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	CITIBANK, N.A	1,500.00	
KENNETH S. ROLSTON JR., 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PULPWOOD ASSOCIATION		
EMIL A. ROMAGNOLI, 120 BROADWAY NEW YORK NY 10271	ASARCO INC	800.00	1,146.12
TENO RONCALIO, P.O. BOX 1707 CHEYENNE WY 82001	ENERGY FUELS CORPORATION	1,000.00	
Do	NORTHWEST ALASKAN PIPELINE COMPANY & COLORADO INTERSTATE GAS COMPANY.		
TATIANA ROODKOWSKY, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	2,500.00	56.08
NICHOLAS ROOMY JR., P.O. BOX 1986 CHARLESTON WV 25327	APPALACHIAN POWER COMPANY	270.00	364.75
FRED B. ROONEY, 6TH FL. 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	PAUL, HASTINGS, JANOFSKY & WALKER (FOR: AM GENERAL CORPORATION)	225.00	
Do	AMERICAN IRON AND STEEL INSTITUTE	125.00	
Do	ASSOCIATION OF AMERICAN RAILROADS	325.00	
Do	CALIFORNIA PORTLAND CEMENT COMPANY	125.00	
Do	PAUL, HASTINGS, JANOFSKY & WALKER (FOR: SECURITY LIFE OF DENVER)	350.00	
JOHN C. ROOTS, SUITE 1001 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	ATLANTIC RICHFIELD COMPANY	310.00	
ROPES & GRAY, SUITE 360 1200 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	AMHERST COLLEGE; WELLESLEY COLLEGE		12.95
LOUISE L. ROSEMAN, SUITE 603 1620 I STREET, NW WASHINGTON DC 20006	VISA U.S.A., INC		
RICHARD ROSEN, SUITE 118 5010 WISCONSIN AVENUE, NW WASHINGTON DC 20016			
ALBERT B. ROSENBAUM III, 1616 P ST., NW WASHINGTON DC 20036	NATIONAL TANK TRUCK CARRIERS, INC		
SARA ROSENBAUM, 1520 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	CHILDREN'S DEFENSE FUND	750.00	
FRANCIS C. ROSENBERGER, 6809 MELROSE DRIVE MCLEAN VA 22101	NATIONAL CONFERENCE OF BANKRUPTCY JUDGES	3,750.00	
PETER ROSENSTEIN, SUITE 700 2341 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	AMERICAN ACADEMY OF PHYSICIAN ASSISTANTS	876.92	
ROGER C. ROSENTHAL, SUITE 600 806 15TH STREET, NW WASHINGTON DC 20005	MIGRANT LEGAL ACTION PROGRAM, INC	71.42	
ROSES, INC., 1152 HASLETT ROAD P.O. BOX 99 HASLETT MI 48840		3,745.30	7,947.32
GAIL E. ROSS, 918 16TH STREET NW WASHINGTON DC 20006	PLANNED PARENTHOOD		
JOE ROSS, 927 DONAGHEY BUILDING LITTLE ROCK AR 72201			
WILLIAM F. ROSS, SOUTH CAROLINA PETROLEUM COUNCIL 716 KEENAN BUILDING COLUMBIA SC 29201	AMERICAN PETROLEUM INST	214.00	707.27
ALAN J. ROTH, SPIEGEL & MCDIARMID 2600 VIRGINIA AVENUE, NW WASHINGTON DC 20037	FT. PIERCE UTILITIES AUTHORITY OF THE CITY OF FT. PIERCE, ET AL		
BARRY N. ROTH, 1750 K ST., NW, #350 WASHINGTON DC 20006	WILLIAMS COMPANIES	100.00	
DONALD D. ROUNDS, SOUTH DAKOTA PETROLEUM COUNCIL P.O. BOX 669 PIERRE SD 57501	AMERICAN PETROLEUM INST		
WILLIAM C. ROUNTREE, SUITE 600 1001 22ND ST., NW WASHINGTON DC 20037	STANDARD OIL COMPANY (OHIO)		
MICHAEL O. ROUSH, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	2,250.00	200.00
MARK ROVNER, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	4,180.03	
EUGENE F. ROWAN, 1156 15TH ST., NW WASHINGTON DC 20005	J. C. PENNEY COMPANY, INC		
JAMES C. ROWLAND JR., 1100 15TH ST., NW WASHINGTON DC 20005	UNION CARBIDE CORPORATION		
JOHN W. ROWLAND, 5025 WISCONSIN AVENUE,NW WASHINGTON DC 20006	AMALGAMATED TRANSIT UNION, AFL-C I		
KEVIN P. ROWLAND, 511 C STREET, NE WASHINGTON DC 20002	CONTINENTAL ASSOCIATION OF RESOLU E EMPLOYERS (C.A.R.E.)		
TOBI Z. ROZEN, 910 17TH STREET, NW WASHINGTON DC 20006	INTERNATIONAL ASSOCIATION OF ICE CREAM MFRS & MILK IND. FOUNDATION		
ERIC M. RUBIN, 4TH FLOOR 1737 H ST., NW WASHINGTON DC 20006	OUTDOOR ADVERTISING ASSOCIATION OF AMERICA, INC	3,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
JAMES S. RUBIN, 1150 CONNECTICUT AVENUE, NW, #700 WASHINGTON DC 20036	ALLIED CORPORATION	510.00	
PAUL M. RUDEN, WILNER & SCHEINER 1200 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	AMERICAN SOCIETY OF TRAVEL AGENTS	400.00	10.00
DEBORAH K. RUDOLPH, 1225 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN PUBLIC TRANSIT ASSOCIATION	5,800.00	
JOHN RUNYAN, 1730 NORTH LYNN STREET SUITE 409 ARLINGTON VA 22209	PRINTING INDUSTRIES OF AMERICA, INC.	300.00	250.00
LEONARD H. RUPPERT, NEW JERSEY PETROLEUM COUNCIL 170 W. STATE ST. TRENTON NJ 08608	AMERICAN PETROLEUM INST	62.00	
CHARLOTTE RUSH, SUITE 700 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	GULF OIL CORPORATION	75.00	69.04
ALBERT R. RUSSELL, PO BOX 12285 MEMPHIS TN 38112	NATIONAL COTTON COUNCIL OF AMERICA	191.67	
BARRY RUSSELL, 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		30.00
CHRISTINE ANNE RUSSELL; 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	7,300.00	472.53
JOHN R. RUSSELL, JOHNSON, SMITH & HIBBARD 220 N. CHURCH STREET, SUITE 6 P.O. BOX 5524 SPARTANBURG SC 29304.	MILLIKEN & COMPANY		
NANCY RUSSELL, 4921 SW HEWETT BLVD. PORTLAND OR 97221	FRIENDS OF THE COLUMBIA GORGE, INC.		
WALLY RUSTAD, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION	50.00	
HERMAN MAX RUTH, BOX 1000 OTISVILLE, NY 10963			
ELLA MARICE RYAN, 1156 15TH ST., NW WASHINGTON DC 20005	J. C. PENNEY COMPANY, INC.	100.00	
FRANK T. RYAN, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	RUBBER MANUFACTURERS ASSOCIATION	2,500.00	
JOHN F. RYAN, 1707 L ST., NW, #200 WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION	379.00	24.00
JOHN G. RYAN, 1700 K STREET, NW WASHINGTON DC 20006	SQUIBB CORPORATION		
JOSEPH RYAN, SUITE 800 1725 DESALES STREET, NW WASHINGTON DC 20036	GENERAL INSTRUMENT CORPORATION		202.70
SACHS, GREENBAUM & TAYLER, 1620 EYE STREET, NW WASHINGTON DC 20006	PHILLIPS COLLEGES; BETZ COLLEGE; DRAUGHONS JUNIOR COLLEGE	1,357.50	
PAUL R. SACIA, 600 MARYLAND AVENUE, SW, #202 WASHINGTON DC 20024	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	4,153.86	25.53
THOMAS L. SAGER, 1701 PENNSYLVANIA AVENUE, NW SUITE 1120 WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & COMPANY	82.50	
SAMARITAN HEALTH SERVICE, 1410 NORTH 3RD ST. P.O. BOX 25489 PHOENIX AZ 85002			2,299.81
SAMMONS ENTERPRISES, INC., 403 SOUTH AKARD DALLAS TX 75202	AMERICAN MEDICAL ASSOCIATION	750.00	
JAMES H. SAMMONS, 535 NORTH DEARBORN STREET CHICAGO IL 60610	SIGNAL COMPANIES, INC.	925.00	
FRANK P. SANDERS, 1575 I ST, NW WASHINGTON DC 20005	BECHTEL POWER CORPORATION		
CHARLES W. SANDFORD, 15740 SHADY GROVE RD GAITHERSBURG MD 20877	NATIONAL ASSOCIATION OF TRUCK STOP OPERATORS		
BETTY CAROLYN SANDLER, 700 N. FAIRFAX ST., #505 ALEXANDRIA, VA 22314	AMERICAN PETROLEUM INSTITUTE	5,000.00	
CHARLES E. SANDLER, 2101 L ST., NW WASHINGTON DC 20037	SOCIETY OF PROFESSIONAL JOURNALISTS, SIGMA DELTA CHI	1,500.00	366.84
BRUCE W. SANFORD, BAKER & HOSTETLER 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	EMPRESA BRASILEIRA DE AERONAUTICA, S.A.	500.00	300.00
DONALD E. SANTARELLI, SUITE 700 2033 M ST., NW WASHINGTON DC 20036	KINGS RIVER WATER USERS COMM.	3,000.00	620.00
Do	SAFARI CLUB INTERNATIONAL	2,500.00	435.00
Do	STURM, RUGER COMPANY, INC.	500.00	190.00
Do	HOUSTON ENDOWMENT, INC		3,202.12
CHARLES SAPP, 3400 TEXAS COMMERCE TOWER HOUSTON TX 77002	SCENIC HUDSON, INC.		
KLARA B. SAUER, 9 VASSAR STREET POUGHKEEPSIE NY 12601	PHARMACEUTICAL MANUFACTURERS ASSOCIATION	4,000.00	22.70
ALBERT C. SAUNDERS, 1100 15TH ST., NW WASHINGTON DC 20005		13,174.50	23,864.12
SAVE OUR SECURITY, SUITE 222 1201 16TH STREET, NW WASHINGTON DC 20036	CALIFORNIA CANNERS AND GROWERS		
HENRY SCHACHT, 3100 FERRY BUILDING SAN FRANCISCO, CA 94111	ENSERCH CORPORATION	1,979.00	1,197.70
VICTORIA V. SCHAFF, SUITE 1014 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	MINNESOTA MINING & MANUFACTURING COMPANY	10,000.00	94.00
JEROME D. SCHALLER, 1101 15TH ST., NW WASHINGTON DC 20005	AMERICAN LEAGUE FOR EXPORTS & SECURITY ASSISTANCE	1,000.00	40.55
HERBERT Y. SCHANDLER, 475 L'ENFANT PLAZA, SW, #4400 WASHINGTON DC 20024	AMERICAN GENERAL CORPORATION	6,250.00	6,253.79
C. M. SCHAUERTE, P.O. BOX 3247 HOUSTON TX 77253	AMERICAN HOECHST CORPORATION		
JAY T. SCHECK JR., SUITE 802 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	FINLEY KUMBLE WAGNER HEINE UNDERBERG & CASEY		
MARC J. SCHEINESON, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	GATX CORPORATION		
DALE E. SCHELL, 1919 PENNSYLVANIA AVENUE, NW, #300 WASHINGTON DC 20006	CHEVRON U.S.A., INC.	110.00	
JANE N. SCHERER, SUITE 1204 1700 K STREET, NW WASHINGTON DC 20006	AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS		
JOSEPH SCHERER, 1801 NORTH MOORE ST. ARLINGTON VA 22209	CHICAGO BOARD OPTIONS EXCHANGE, INC.		
SCHIFF HARDIN & WAITE, 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	MARYLAND SAVINGS-SHARE INSURANCE CORPORATION		204.82
JACQUES T. SCHLENGER, 1800 MERCANTILE BANK & TRUST BUILDING THE HOPKINS PLAZA BALTIMORE MD 21201	ASSOCIATED BUILDERS & CONTRACTORS, INC	2,500.00	
JAMES P. SCHLICHT, 729 15TH STREET, NW WASHINGTON DC 20005	NATIONAL RIFLE ASSOCIATION OF AMERICA	875.00	40.86
KENNETH D. SCHLOMAN, 1600 RHODE ISLAND AVENUE, N.W. WASHINGTON DC 20036	BOSTON UNIVERSITY	1,600.00	48.00
SCHLOSSBERG-CASSIDY & ASSOCIATES, INC., 955 L'ENFANT PLAZA, S.W. SUITE 1401 WASHINGTON DC 20024	CATHOLIC UNIVERSITY OF AMERICA	200.00	5.00
Do	COLUMBIA UNIVERSITY	200.00	5.00
Do	ELECTRONICS CORPORATION OF AMERICA	1,600.00	48.00
Do	OCEAN SPRAY CRANBERRIES, INC.	700.00	24.00
Do	TUFTS UNIVERSITY	1,000.00	20.00
FOREST S. SCHMELING, 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSOCIATION	500.00	173.80
RICHARD M. SCHMIDT JR., SUITE 600 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS	500.00	
ARTHUR L. SCHMUHL, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
FRANK SCHNELLER, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
MICHAEL M. SCHOOR, 729 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC	2,500.00	
ROBERT I. SCHRAMM, 1725 K ST., NW, #909 WASHINGTON DC 20006	SUPERIOR OIL COMPANY & SUPERIOR FARMING COMPANY		
H. B. W. SCHROEDER, 1050 17TH STREET, NW SUITE 290 WASHINGTON DC 20036	CONSUMERS POWER COMPANY	600.00	
N. DONALD SCHROEDER, MARYLAND PETROLEUM COUNCIL 60 WEST ST. ANNAPOLIS MD 21401	AMERICAN PETROLEUM INSTITUTE		
MARK SCHULTZ, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	5,000.00	144.18
ROBERT L. SCHULZ, C/O IOWA PETROLEUM COUNCIL 1012 FLEMING BUILDING DES MOINES IA 50309	AMERICAN PETROLEUM INSTITUTE	940.00	881.20
WALTER A. SCHUMANN III, 1511 NATALIE JOY LN. MCLEAN VA 22101	POTOMAC OVERLOOK ASSOCIATES		
JAMES H SCHUYLER, 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSOCIATION OF HOME BUILDERS OF THE U.S.		
DONALD H. SCHWAB, 200 MARYLAND AVENUE, NE WASHINGTON DC 20002	VETERANS OF FOREIGN WARS OF THE U.S.	5,000.00	888.30
SCHWABE, WILLIAMSON, WYATT, MOORE & ROBERTS, 1000 POTOMAC STREET, NW #302 WASHINGTON DC 20007	LAKE OSWEGO CORPORATION	4,120.55	1,537.37
Do	NATIONAL FOREST PRODUCTS ASSOCIATION		5.92
Do	NORTHWEST INLAND WATERWAYS COMMITTEE	2,129.00	
ELIZABETH NASH SCHWARTZ, 1700 N. MOORE ST. ROSSLYN VA 22209	BOEING COMPANY	800.00	802.90
RICHARD SCHWARTZ, 880 S. PICKETT ST. ALEXANDRIA VA 22304	BOAT OWNERS ASSOCIATION OF THE U.S.	4,000.00	
CARL F. SCHWENSEN, 415 2ND ST., NE SUITE 300 WASHINGTON DC 20002	NATIONAL ASSOCIATION OF WHEAT GROWERS	1,756.67	
SCIENTIFIC APPARATUS MAKERS ASSOCIATION, 1101 16TH ST., NW WASHINGTON DC 20036		6,798.57	4,581.03
MICHAEL SCIULLA, 880 S. PICKETT ST. ALEXANDRIA VA 22304	BOAT OWNERS ASSOCIATION OF THE U.S.	4,000.00	
HAROLD B. SCOGGINS, 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		40.77
SCOTT COMPANY, INC., 8 JACANA ROAD HILTON HEAD SC 29928	BLACK ISLAND PLANTATION	150.00	125.00
Do	CHARLOTTE HARBOR LAND COMPANY, INC.	150.00	125.00
Do	COASTAL PROPERTIES INSTITUTE		
Do	DAUFUSKIE ISLAND LAND TRUST	150.00	125.00
Do	FLORIDA LAND COMPANY	150.00	125.00
Do	GREENWOOD DEVELOPMENT CORPORATION	150.00	125.00
Do	HARBOR ISLAND DEVELOPMENT COMPANY	150.00	125.00
Do	ISLAND DUNES	150.00	125.00
Do	KIAWAH ISLAND COMPANY	150.00	125.00
Do	LEISURE PROPERTIES, LTD	150.00	125.00
Do	MILAM & WILBUR	150.00	125.00
Do	NEW SEABURY	150.00	125.00
Do	RDC, INC	150.00	125.00
Do	SEABROOK ISLAND COMPANY	150.00	125.00
Do	STOCKMAN WHATLEY DAVIN & COMPANY	150.00	125.00
JAMES M. SCOTT, 8 JACANA ROAD HILTON HEAD SC 29928	SCOTT COMPANY	700.00	700.00
SCRIBNER HALL & THOMPSON, SUITE 700 1875 EYE STREET, NW WASHINGTON DC 20006	JEFFERSON-PILOT CORPORATION AND SUBSIDIARIES		
Do	OCCIDENTAL LIFE INSURANCE COMPANY OF CALIFORNIA		
Do	PHILADELPHIA LIFE INSURANCE COMPANY		
Do	SECURITY LIFE & ACCIDENT INSURANCE COMPANY		
WILLIAM E. SEALE, SUITE 435 2020 K ST., NW WASHINGTON DC 20006	COMMODITY EXCHANGE, INC.	2,500.00	2,025.00
EARL W. SEARS, P.O. BOX 12285 MEMPHIS TN 38112	NATIONAL COTTON COUNCIL OF AMERICA	723.00	31.73
SANDY SEDACCA, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	2,591.04	
CHARLES M. SEEGER III, SUITE 802 2000 L STREET, NW WASHINGTON DC 20036	POPHAM, HAIK, ET AL (FOR CHICAGO MERCANTILE EXCHANGE)	5,325.48	
Do	POPHAM, HAIK ET AL (FOR NEWCOMB COMMODITIES CORPORATION)		
Do	POPHAM, HAIK ET AL (FOR NEWCOMB SECURITIES COMPANY)		
H. RICHARD SEIBERT JR., 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSOCIATION OF MANUFACTURERS	405.00	
GEORGE M. SEITTS, SUITE 900 1015 15TH STREET, NW WASHINGTON DC 20005	NORTHERN PLAINS NATURAL GAS COMPANY	1,300.00	
ARMISTEAD I. SELDEN, SUITE 4400 475 L'ENFANT PLAZA, SW WASHINGTON, DC 20024	AMERICAN LEAGUE FOR EXPORTS & SECURITY ASSISTANCE	10,000.00	18.00
STANTON P. SENDER, 1211 CONNECTICUT AVENUE, NW, WASHINGTON, DC 20036	SEARS, ROEBUCK & COMPANY	945.00	7.45
STUART D. SERKIN, SUITE 3210 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	SLURRY TRANSPORT ASSOCIATION	1,000.00	
SERVICE MASTER INDUSTRIES, INC, 2300 WARRENVILLE ROAD DOWNERS GROVE IL 60515			1,250.00
SEVEN MONTHS SESSION FOR CONGRESS, 3306 YELLOWSHIRE TERRACE AUSTIN TX 78757			561.00
SEWARD & KISSEL, 919 18TH ST., NW WASHINGTON DC 20006	A. I. LEASING CORPORATION		729.76
Do	ALLIANCE CAPITAL MANAGEMENT CORPORATION		9.25

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	HALLAC ASSOCIATES, INC.		7.25
Do	MERRILL LYNCH MONEY MARKETS, INC.		22.70
Do	ROSENBERG REAL ESTATE EQUITY FUND		224.08
Do	VISA U.S.A., INC.		9.25
J. RICHARD SEWELL 1111 19TH ST., NW, #1102 WASHINGTON DC 20036	FLORIDA POWER & LIGHT COMPANY	1,760.00	497.16
SEYFARTH SHAW FAIRWEATHER & GERALDSON, 1111 19TH ST., NW WASHINGTON DC 20036	AGRICULTURAL PRODUCERS	9,888.09	
Do	NATIONAL MULTI HOUSING COUNCIL		
Do	SHIPBUILDERS COUNCIL OF AMERICA		
CLIVE SEYMOUR, P.O. BOX 2511 HOUSTON TX 77001	TENNESSEE GAS PIPELINE COMPANY		
SHACK & KIMBALL, P.C., 1129 20TH ST., NW SUITE 500 WASHINGTON DC 20036	EAZOR EXPRESS, INC.		
Do	FIVE TRIBES CONFEDERACY OF NORTH CENTRAL OKLAHOMA		
Do	KIOWA-COMANCHE-APACHE INTERTRIBAL LAND USE COMMITTEE		
Do	KOOTZNOOWOO, INC		
Do	SENECA-CAYUGA TRIBE OF OKLAHOMA		
Do	UKPEAGVIK INUPIAT CORPORATION		
YVONNE L. SHAFER, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSOCIATION		
WILLIAM H. SHAKER, SUITE 600 1523 L STREET, NW WASHINGTON DC 20005	NATIONAL TAX LIMITATION COMMITTEE	5,000.00	125.00
JAMES M. SHAMBERGER, 1025 CONNECTICUT AVENUE, NW, #512 WASHINGTON DC 20036	REINSURANCE ASSOCIATION OF AMERICA		
SHAMROCK FOODS COMPANY, 2228 N. BLACK CANYON PHOENIX AZ 85009			25.00
SHANK, IRWIN, CONANT & WILLIAMSON, SUITE 210 1300 19TH STREET, NW WASHINGTON DC 20036	ASSOCIATION FOR EQUAL ACCESS TO NATURAL GAS MRKTS & SUPPLIES	6,920.00	59.34
Do	DOW CHEMICAL COMPANY	1,172.50	97.33
DEBBIE SHANNON, 5TH FLOOR 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSOCIATION OF REALTORS	2,500.00	417.77
DAVID L. SHAPIRO, 729 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC		
HARRY D. SHAPIRO, 1800 MERCANTILE BANK & TRUST BUILDING TWO HOPKINS PLAZA BALTIMORE MD 21201	MARYLAND SAVINGS-SHARE INSURANCE CORPORATION		204.82
ROBERT B. SHAPIRO, 1025 CONNECTICUT AVENUE, NW, WASHINGTON, DC 20036	AMERICAN INSURANCE ASSOCIATION	245.00	12.50
NORMAN F. SHARP, SUITE 1210 1100 17TH ST., NW WASHINGTON DC 20036	CIGAR ASSOCIATION OF AMERICA, INC.		
G. JERRY SHAW, P.O. BOX 7610, BEN FRANKLIN STATION WASHINGTON DC 20044	SENIOR EXECUTIVES ASSOCIATION	1,000.00	300.00
LUTHER W. SHAW, SUITE 514 1155 15TH ST., NW WASHINGTON DC 20005	NATIONAL AGRICULTURAL CHEMICALS ASSOCIATION	5,625.00	65.95
SHAW PITTMAN POTTS & TROWBRIDGE, 1800 M ST., NW, #900-S WASHINGTON DC 20036	AKAI AMERICA, LTD	420.00	266.21
Do	ASSOCIATION FOR THE IMPROVEMENT OF THE MISSISSIPPI RIVER	475.50	3.60
Do	ATLAS MINERALS DIVISION	846.45	16.00
Do	EMERSON ELECTRIC COMPANY		
Do	HITACHI SALES CORPORATION OF AMERICA	1,650.00	26.21
Do	INSTITUTE OF FOREIGN BANKERS	4,000.00	
Do	INVESTMENT COMPANY INSTITUTE	1,200.00	
Do	INVESTMENT COUNSEL ASSOCIATION OF AMERICA, INC.	763.00	26.00
Do	MATSUSHITA ELECTRIC CORPORATION OF AMERICA	1,650.00	307.71
Do	MITSUBISHI ELECTRIC SALES OF AMERICA, INC.	1,650.00	266.21
Do	NATIONAL COMM ON SMALL ISSUE INDUSTRIAL DEVELOPMENT BONDS	20,207.85	93.30
Do	NEC ELECTRONICS (USA) INC	840.00	266.21
Do	SANSUI ELECTRONICS CORPORATION	540.00	266.21
Do	SANYO ELECTRIC, INC	1,650.00	266.21
Do	SHARP ELECTRONICS CORPORATION	1,650.00	226.21
Do	SONY CORPORATION OF AMERICA	1,650.00	266.21
Do	TOSHIBA AMERICA, INC	1,650.00	266.21
Do	US JVC CORPORATION	1,650.00	266.21
RUSSELL H. SHAY, 6014 COLLEGE AVENUE OAKLAND CA 94618	UTILITY NUCLEAR WASTE MANAGEMENT GROUP	1,025.87	66.21
SHEA & GOULD, 330 MADISON AVENUE NEW YORK NY 10017	SIERRA CLUB	1,190.00	466.89
Do	CHAMPION INTERNATIONAL CORPORATION		30.81
Do	CINCINNATI MILACRON		93.15
Do	DANVILLE RESOURCES, INC		
Do	DESERT GROUP, INC.	50,000.00	
Do	ELEANOR A. CLARK		155.69
Do	HOSPITAL CORPORATION OF AMERICA	8,000.00	944.24
Do	NABISCO, INC.		213.44
Do	SQUIBB CORPORATION		
SHEARMAN & STERLING, 153 EAST 53RD STREET NEW YORK, NY 10022	BUSINESS ROUNDTABLE		374.56
JOHN J. SHEEHAN, 815 16TH ST., NW, #706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMERICA	12,609.36	
KATHLEEN SHEEKEY, 3RD FLOOR 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	7,500.00	214.75
JOHN P. SHEFFEY, 5535 HEMPSTEAD WAY SPRINGFIELD VA 22151	NATIONAL ASSOCIATION FOR UNIFORMED SERVICES	703.40	
JONATHAN R. SHEINER, 410 FIRST ST., SE WASHINGTON DC 20003	CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.	512.50	
DEBRA K. SHELTON, SUITE 1300 425 13TH ST., NW WASHINGTON DC 20004	DISTILLED SPIRITS COUNCIL OF THE U.S., INC.	275.00	28.00
JOHN J. SHEPPARD, 267 WESTERVELT PLACE ENGLEWOOD CLIFFS NJ 07632	C. A. SHEA & COMPANY, INC.		
SEYMOUR SHERIFF, 1126 WOODWARD BUILDING WASHINGTON DC 20005	MAN-MADE FIBER PRODUCERS ASSOCIATION, INC.		
JAY SHERMAN, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	5,250.00	193.71
RUSSELL L. SHIPLEY JR., 1430 K ST., NW, #1000 WASHINGTON DC 20005	NATIONAL CANDY WHOLESALERS ASSOCIATION, INC		
SHIPLEY SMOAK & HENRY, SUITE 820 910 17TH ST., NW WASHINGTON DC 20006	BLUEJAY OIL COMPANY		
Do	FEDERATED DEPARTMENT STORES, INC.	2,500.00	1,000.00
Do	FLANIGAN'S ENTERPRISES, INC.		
Do	FORT SILL GARDENS, INC.		
Do	NATIONAL COMMITTEE OF DISCOUNT SECURITIES BROKERS		
Do	STEADMAN MUTUAL FUNDS		
Do	STEADMAN SECURITY CORPORATION		
Do	U.S.-SOUTH WEST AFRICA TRADE & CULTURAL COUNCIL	5,000.00	3,500.00
Do	WBNO RADIO AND WLKM RADIO		
ELIZABETH SHIPLEY-MOSES, 1107 JACKSON COURT FALLS CHURCH VA 22046	SOCIETY FOR NUTRITION EDUCATION	206.00	14.00
HARVEY A. SHIPMAN, 1776 G ST., NW, #502 WASHINGTON DC 20006	PENN CENTRAL CORPORATION	50.00	145.00
FRED B. SHIPPEE, 1611 N. KENT ST., #800 ARLINGTON VA 22209	AMERICAN APPAREL MANUFACTURERS ASSOCIATION, INC.		
SHIPPERS NATIONAL FREIGHT CLAIM COUNCIL, INC, 425 13TH STREET N.W. SUITE 915 WASHINGTON DC 20004			
MARY FRANCES SHLAGEL, 1100 CONNECTICUT AVENUE, NW, #800 WASHINGTON DC 20036	UNION OIL COMPANY OF CALIFORNIA		
W. RAY SHOCKLEY, 1101 CONNECTICUT AVENUE, NW, #300 WASHINGTON DC 20036	AMERICAN TEXTILE MANUFACTURERS INSTITUTE	2,550.00	8.00
DEBBIE LEILANI SHON, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSOCIATION	1,891.80	22.60
SHOOSHAN & JACKSON, INC., 1850 K STREET, NW WASHINGTON DC 20006	U.S. CABLESYSTEMS, INC.	3,600.00	1,600.00
HARRY M. SHOOSHAN III, 1850 K STREET, NW WASHINGTON DC 20006	SHOOSHAN & JACKSON, INC (FOR: U.S. CABLESYSTEMS, INC)	150.00	
SCOTT SHOTWELL, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSOCIATION	2,475.00	
RICHARD G. SHOUP, SUITE 600 SOUTH 1120 20TH ST. NW WASHINGTON DC 20036	UNION PACIFIC CORPORATION	2,850.00	
A. Z. SHOWS, RM 203 1801 COLUMBIA RD., NW WASHINGTON DC 20007			
JOHN SHUEY, P.O. BOX 3151 HOUSTON TX 77253	BROWNING-FERRIS INDUSTRIES, INC.		
CANDICE J. SHY, 1025 CONNECTICUT AVENUE, NW, #1014 WASHINGTON DC 20036	ENSERCH CORPORATION	3,625.00	1,829.96
RICHARD H. SIEMSEN, 8000 W. FLORISSANT ST. LOUIS MO 63136	EMERSON ELECTRIC COMPANY		
BERNARD H. SIERACKI, ILLINOIS PETROLEUM COUNCIL 79 W. MONROE ST., #514 CHICAGO IL 60603	AMERICAN PETROLEUM INSTITUTE		
MARK SILBERGELD, 1511 K ST., NW SUITE 1033 WASHINGTON DC 20005	CONSUMERS UNION OF U.S., INC.	2,200.00	15.00
DAVID SILVER, 1775 K ST., NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE	88.20	4.00
SILVER USERS ASSOCIATION, INC, 1717 K ST., NW WASHINGTON DC 20006		469.00	2,859.78
BRUCE A. SILVERGLADE, 1755 S STREET, NW WASHINGTON DC 20009	CENTER FOR SCIENCE IN THE PUBLIC INTEREST		
SILVERSTEIN & MULLENS, 1776 K ST., NW WASHINGTON DC 20006	AMERICAN STOCK EXCHANGE		
Do	ASSOCIATION FOR ADVANCED LIFE UNDERWRITING	15,000.00	
Do	BRISTOL-MYERS COMPANY		
Do	CHAMPION INTERNATIONAL CORPORATION		
Do	F.W. WOOLWORTH COMPANY		
Do	FEDERAL NATIONAL MORTGAGE ASSOCIATION		
Do	GATX CORPORATION		
Do	HWL PROPERTIES	500.00	
Do	MEDAL DISTILLED PRODUCTS, INC.		
Do	MUSIC CORPORATION OF AMERICA, INC.		
Do	NATIONAL ASSOCIATION OF HOME BUILDERS OF THE U.S.		
Do	NATIONAL SAVINGS & LOAN LEAGUE		
GARY D. SIMMS, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
BARBARA I. SIMON, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY		
DON SIMON, 3RD FLOOR 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	217.48	
SIMON, DEITHCH, SIEFMAN, TUCKER & FRIEDMAN, PC, SUITE 1500 4000 TOWN CENTER SOUTHFIELD MI 48075	FIRST NATIONAL MONETARY CORPORATION		
TALMAGE E. SIMPKINS, 100 INDIANA AVENUE, NW WASHINGTON DC 20001	AFL-CIO MARITIME COMM.	300.00	82.36
Do	LABOR-MANAGEMENT MARITIME COMMITTEE	1,302.60	85.00
C. KYLE SIMPSON, 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSOCIATION	3,250.00	1,463.25
JEAN SINDAB, 2480 16TH ST., NW, #610, WASHINGTON DC 20009	WASHINGTON OFFICE ON AFRICA	4,280.01	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
MARGOT A. SINGLETON, SUITE 600 1523 L STREET, NW WASHINGTON DC 20005	NATIONAL TAX LIMITATION COMMITTEE	3,500.00	75.00
RICHARD L. SINNOTT & COMPANY, SUITE 306 2021 K ST., NW WASHINGTON DC 20006	AMERICAN PRESIDENT LINES		
Do	PORT OF OAKLAND		
Do	OAKLAND COLISEUM	34,437.50	17,339.18
SKADDEN, ARPS, SLATE, MEAGHER & FLOM, 919 THIRD AVENUE NEW YORK NY 10022	J.P. STEVENS & COMPANY, INC.	2,875.00	132.50
GREGG P. SKALL, BLUM & NASH 1015 18TH STREET, NW WASHINGTON DC 20036	DAYTIME BROADCASTERS ASSOCIATION		8.00
Do	GENERAL ELECTRIC COMPANY		8.00
Do	TIME, INC.		8.00
Do	UNIDEN CORPORATION OF AMERICA		8.00
ANGELA G. SKELTON, N.C. PETROLEUM COUNCIL P.O. BOX 167 RALEIGH NC 27602	AMERICAN PETROLEUM INSTITUTE		
WILLIAM I. SKINNER, 815 15TH ST., NW WASHINGTON DC 20005	U.S. PHARMACOPEIAL CONVENTION, INC	171.80	4.00
BARNEY J. SKLADANY JR., 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	MOBIL OIL CORPORATION	1,125.00	
RUTH L. SKY, 2211 CONGRESS ST. PORTLAND ME 04122	UNION MUTUAL LIFE INSURANCE COMPANY		
SL SOMMER & ASSOCIATES,INC., 3129 WORTHINGTON ST., NW WASHINGTON DC 20015	NORTHROP CORPORATION	1,500.00	1,212.50
CARSTENS SLACK, 1825 K ST., NW SUITE 1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY		
SLADE, PELLMAN & BIEHL, 850 THIRD AVENUE NEW YORK NY 10022	LAURA H. BEER, ET AL	2,000.00	223.56
F. SLATINSHEK & ASSOCIATES, INC., 1102 BELLE VISTA DRIVE ALEXANDRIA VA 20007	GRUMMAN AERO CORPORATION; D.L. LYNCH & ASSOCIATES & GULFSTREAM AMERICA COMPANY.	400.00	
MATTHEW B. SLEPIN, SUITE 1100 1828 L STREET, NW WASHINGTON DC 20036	COOPERATIVE LEAGUE OF THE USA		
CATHERINE REISS SLOAN, 1850 K STREET, NW WASHINGTON DC 20006	SHOOSHAN & JACKSON, INC (FOR: U.S. CABLESYSTEMS, INC)	735.00	
SLURRY TRANSPORT ASSOCIATION, 490 L'ENFANT PLAZA EAST, SW SUITE 3210 WASHINGTON DC 20024		2,000.00	
PETER SMALL & ASSOCIATES, INC., 400 MADISON AVENUE NEW YORK NY 10017	NATIONAL ASSOCIATION OF OPTOMETRISTS & OPTICIANS	500.00	75.00
SMALL BUSINESS COUNCIL OF AMERICA, INC, P.O. BOX 4299 COLUMBUS GA 31904		46,220.00	108,594.15
SMALL BUSINESS LEGISLATIVE COUNCIL, 1604 K ST., NW WASHINGTON DC 20006		3,000.00	884.52
PETER SMALL, 400 MADISON AVENUE NEW YORK NY 10017	PETER SMALL & ASSOCIATES INC (FOR: WILLIAM M. MERCER, INC.)	2,150.00	502.32
DONALD E. SMILEY, 1899 L ST., NW, #1100 WASHINGTON DC 20036	EXXON CORPORATION		64.52
JAMES R. SMIRCINA, P.O. BOX 5000 CLEVELAND OH 44101	CLEVELAND ELECTRIC ILLUMINATING COMPANY	307.50	691.74
ARTHUR J. SMITH, 1025 CONNECTICUT AVENUE, NW, #200 WASHINGTON DC 20036	SHELL OIL COMPANY	500.00	
CATHERINE S. SMITH, 1025 CONNECTICUT AVENUE, N.W. SUITE 209 WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE	112.50	25.00
SMITH DAWSON ASSOCIATES, INC, SUITE 304 1000 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	METROPOLITAN TRANSPORTATION AUTHORITY	6,500.00	6,982.95
DEL SMITH, 5218 KINGS PARK DRIVE, SPRINGFIELD, VA 22151	DEL SMITH & COMPANY		
ELIZABETH M. SMITH, 815 16TH ST., NW, #310 WASHINGTON DC 20006	AMALGAMATED CLOTHING & TEXTILE WORKERS UNION	4,744.48	2,108.31
GORDON L. SMITH, 1201 PENNSYLVANIA AVENUE, NW, #700 WASHINGTON DC 20004	HILL & KNOWLTON, INC (FOR: FLORISTS' TRANSWORLD DELIVERY ASSOCIATION)	2,062.50	
GRACE H. SMITH, 1800 M STREET, NW WASHINGTON DC 20036	TELOCATOR NETWORK OF AMERICA	8,077.00	379.00
JEFFREY A. SMITH, SUITE 600 919 18TH STREET, NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, USA, INC.	140.00	12.00
JULIAN H. SMITH JR., 600 NORTH 18TH STREET BIRMINGHAM AL 35291	ALABAMA POWER COMPANY	10,070.97	3,228.26
KERN SMITH, BOX 24200 SW STATION WASHINGTON DC 20024	AMERICAN HEALTH INDUSTRIES INSTITUTE	750.00	620.00
MICHAEL P. SMITH, 485 LEXINGTON AVENUE NEW YORK NY 10017	NEW YORK STATE BANKERS ASSOCIATION	912.00	555.00
ROBERT BLAND SMITH JR., 1100 15TH ST., NW WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSOCIATION	4,000.00	100.25
THOMAS BLAISDELL SMITH, 1146 19TH STREET, N.W. WASHINGTON DC 20036	COMMUNITY NUTRITION INSTITUTE		
WILLIAM H. SMITH, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BANKERS ASSOCIATION		
WAYNE H. SMITHEY, 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	FORD MOTOR COMPANY	2,250.00	707.25
ARTHUR V. SMYTH, 1625 EYE ST., NW, #902 WASHINGTON DC 20006	WEYERHAEUSER COMPANY	1,550.00	20.90
THOMAS M. SNEERINGER, 1050 31ST STREET, NW WASHINGTON DC 20007	ASSOCIATION OF TRIAL LAWYERS OF AMERICA	2,000.00	100.00
PETER LEIGH SNELL, 510 C ST.,NE WASHINGTON DC 20002	NATIONAL ASSOCIATION OF CREDIT MANAGEMENT	1,000.00	
FRANK B. SNODGRASS, 1100 17TH ST., NW, #306 WASHINGTON DC 20036	BURLEY & DARK LEAF TOBACCO EXPORT ASSOCIATION	1,000.47	390.71
LARRY S. SNOWHITE, 1015 15TH ST., N.W. WASHINGTON DC 20005	MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO (FOR: LION LINES, LTD.)		
Do	MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO (FOR: MASS. CONSTRUCTION INDUS. COUNCIL TRUCK WEIGHT COMM).	978.75	
Do	MINTZ, LEVIN, COHN, GLOVSKY AND POPEO (FOR: SCA SERVICES)	12,397.50	
Do	MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO (FOR: SECURITIES INDUSTRY ASSOCIATION).		
SNYDER & BALL ASSOCIATES, INC, SUITE 1610 1700 N. MOORE ST. ARLINGTON VA 22209	DSP, INC.		
Do	GOULD, INC.		
EDWARD F. SNYDER, 245 2ND ST., NE WASHINGTON DC 20002	FRIENDS COMMITTEE ON NATIONAL LEGISLATION	3,918.39	
J. R. SNYDER, 400 1ST ST., NW, #704 WASHINGTON DC 20001	UNITED TRANSPORTATION UNION		1,800.00
JOHN M. SNYDER, 600 PENNSYLVANIA AVENUE, S.E. SUITE 205 WASHINGTON DC 20003	CITIZENS COMM FOR THE RIGHT TO KEEP & BEAR ARMS	6,000.00	
SOCIETY FOR ANIMAL PROTECTIVE LEGISLATION, P.O. BOX 3719 GEORGETOWN STATION WASHINGTON DC 20007		28,859.38	13,414.87
STEVEN EDWARD SOME, SUITE 205 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	COASTAL CORPORATION	300.00	25.50
EDMUND T. SOMMER JR., 1625 K ST., NW, #1200 WASHINGTON DC 20006	COUNCIL OF AMERICAN-FLAG SHIP OPERATORS	1,000.00	9.75
CHARLES R. SONNIER, P.O. DRAWER 1101 ABBEVILLE LA 70510	COUSHATTA TRIBE OF LOUISIANA		
SONOSKY CHAMBERS SACHSE & GUIDO, 1050 31ST ST., NW WASHINGTON DC 20007	ASSINIBOINE AND SIOUX TRIBES		
Do	MULTI-HOUSING LAUNDRY ASSOCIATION, INC.		
Do	SHOSHONE INDIAN TRIBE		
Do	STANDING ROCK SIOUX TRIBE		
SOUTHERN FOREST PRODUCTS ASSOCIATION, P.O. BOX 52468 NEW ORLEANS LA 70152		34,918.33	34,918.33
SOUTHERN SATELLITE SYSTEMS, INC., P. O. BOX 45684 TULSA OK 74145	SOUTHERN SATELLITE SYSTEMS, INC.		6,009.00
SOUTHWEST HOME FURNISHINGS ASSOCIATION, 4313 NORTH CENTRAL EXPRESSWAY P.O. BOX 64545 DALLAS TX 75206			
SOUTHWESTERN PEANUT SHELLERS ASSOCIATION, 10 DUNCANNON CT. DALLAS TX 75225			
FRANK J. SPECHT, 1725 DESALES ST., NW WASHINGTON DC 20036	SCHENLEY DISTILLERS, INC		
SPECIALIZED CARRIERS & RIGGING ASSOCIATION, 733 15TH ST., NW, #1120 WASHINGTON DC 20005			
JOHN F. SPEER JR., 910 17TH ST., NW WASHINGTON DC 20006	INTERNATIONAL ASSOCIATION OF ICE CREAM MANUFACTURERS & MILK INDUSTRIES FOUNDATION.		1,098.82
SPEISER, KRAUSE & MADOLE, 1216 16TH ST., NW WASHINGTON DC 20036	MRS. VERA C. CLEMENTE, ET AL		
WILLIAM C. SPENCE, 3805 W. ALABAMA HOUSTON TX 77027	COLUMBIA GULF TRANSMISSION COMPANY		
PHILIP SPESER, 5070 MACARTHUR BOULEVARD, NW WASHINGTON DC 20016	CONSORTIUM OF SOCIAL SCIENCE ASSOCIATION	608.00	
Do	EMERGENCY COMM TO PASS THE SMALL BUS INNOVATION RESEARCH ACT	1,500.00	93.71
SPIEGEL & MCDIARMID, 2600 VIRGINIA AVENUE, NW WASHINGTON DC 20037	NORTHERN CALIFORNIA POWER AGENCY, ET AL		
GEORGE SPIEGEL, SPIEGEL & MCDIARMID 2600 VIRGINIA AVENUE, NW WASHINGTON DC 20037	NORTHERN CALIFORNIA POWER AGENCY		
NICHOLAS J. SPIEZIO, 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSOCIATION	11,000.00	142.68
LARRY N. SPILLER, 1015 15TH ST., NW, #802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	900.00	
JOSEPH L. SPILMAN JR., 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INSTITUTE	200.00	
FREDERICK C. SPREYER, SUITE 540 2501 M ST., NW WASHINGTON DC 20007	PACIFIC RESOURCES, INC.	500.00	
EARL C. SPURRIER, 1101 17TH ST., NW, #604 WASHINGTON DC 20036	MONSANTO COMPANY		
ELISABETH A. SQUEGLIA, BRICKER & ECKLER 1301 PENNSYLVANIA AVENUE, N.W. SUITE 1150 WASHINGTON DC 20515	AMERICAN SMALL AND RURAL HOSPITAL ASSOCIATION, OHIO CHAPTER		
SQUIRE, SANDERS & DEMPSEY, 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	AMERICAN CHAMBER OF COMMERCE IN EUROPE & THE MEDITERRANEAN		
Do	AMERICAN CHAMBER OF COMMERCE IN ITALY, INC.		
Do	AMERICAN CHAMBER OF COMMERCE IN SPAIN, INC.		
Do	AMERICAN SOCIETY OF ANESTHESIOLOGISTS		
Do	NATIONAL COLLEGIATE ATHLETIC ASSOCIATION		
Do	U.S. WRESTLING FEDERATION		
JOHN W. SROKA, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
ROBERT P. ST. LOUIS, 2550 M ST., NW, #225 WASHINGTON DC 20037	CONGOLEUM CORPORATION	1,000.00	347.22
DAVID E. STAHL, 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSOCIATION OF HOME BUILDERS OF THE U.S.		
MELVIN R. STAHL, SUITE 1410 1235 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	MOTORCYCLE INDUSTRY COUNCIL		
LYNN E. STALBAUM, 1840 WILSON BOULEVARD, ARLINGTON, VA., 22201	NATIONAL MILK PRODUCERS FEDERATION	2,610.00	87.69
STANDARD OIL COMPANY (OHIO), MIDLAND BUILDING CLEVELAND OH 44115	STANDARD OIL COMPANY (OHIO)		23,353.16
MITCHEL STANFIELD, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	COASTAL CORPORATION	400.00	25.20
DAVID P. STANG, P.C., SUITE 601 1629 K ST., NW WASHINGTON DC 20006	AMERICAN TRUCK DEALERS	37.92	
Do	BROWN & ROOT, INC.	12.43	
Do	EMPLOYEE STOCK OWNERSHIP ASSOCIATION	25.00	
Do	INTERNATIONAL ASSOCIATION OF DRILLING CONTRACTORS	5.44	
Do	OCEAN MINERALS COMPANY	167.65	
Do	OFFSHORE INDUSTRY COMMITTEE	223.50	
Do	OIL INVESTMENT INSTITUTE	13.60	
Do	ROWAN COMPANIES, INC.	15.12	
Do	ZAPATA CORPORATION		
MICHAEL J. STANTON, 1909 K ST., NW, #300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC.	1,687.00	
MELVIN L. STARK, SUITE 321 1707 L ST., NW WASHINGTON DC 20036	HARTFORD FIRE INSURANCE COMPANY	6,000.00	
WALTER M. STARKE, P.O. BOX 2563 BIRMINGHAM AL 35202	SOUTHERN NATURAL GAS COMPANY		
ROBERT R. STATHAM, ROBERT R. STATHAM & ASSOCIATES 1000 VERMONT AVENUE, NW WASHINGTON DC 20005	COMMITTEE FOR COMMERCIAL ENERGY CONSERVATION		
JEAN C. STATLER, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	6,125.00	553.75
CHARLES D. STATTON, 50 BEALE ST., P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
SAMUEL E. STAVISKY & ASSOCIATES, INC, SUITE 302 1100 17TH STREET, NW WASHINGTON DC 20036	BROADCAST MUSIC INC. (BMI)	200.00	50.00
Do	INSTITUTO BRASILEIRO DO CAFE		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
SAMUEL E. STAVISKY, 1100 17TH ST., NW, #302 WASHINGTON DC 20036	SAMUEL E. STAVISKY ASSOCIATES INC. (FOR: BROADCAST MUSIC INC. (BMI))		30.00
Do	SAMUEL E. STAVISKY & ASSOCIATES, INC (FOR: INSTITUTO BRASILEIRO DO CAFE)		
RANDOLPH J. STAYIN, 1800 MASSACHUSETTS AVENUE, NW, #708 WASHINGTON DC 20036	TAFT, STETTINIUS & HOLLISTER (FOR: AMERICAN HOT DIP GALVANIZERS ASSOCIATION).		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: MACHINERY DEALERS NATIONAL ASSOCIATION).	1,192.50	24.01
Do	TAFT STETTINIUS & HOLLISTER (FOR: SPECIAL COMM FOR WORKPLACE PRODUCT LIABILITY REFORM).		
J. C. STEEN, 412 FIRST STREET, SE WASHINGTON DC 20003	FORD AEROSPACE & COMMUNICATIONS CORPORATION	300.00	54.48
DAVID J. STEINBERG, 7216 STAFFORD RD. ALEXANDRIA VA 22307	NATIONAL COUNCIL FOR RESPONSIBLE FIREARMS POLICY, INC		
MARCY STEPHENS, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	2,360.45	373.97
STEPHENS OVERSEAS SERVICES, INC., SUITE 500 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	NATIONAL OFFICE MACHINE DEALERS ASSOCIATION	83.89	16.79
Do		146.46	176.27
MICHAEL K. STEPHENSON, SUITE 703 1620 EYE ST., NW WASHINGTON DC 20006	BECHTEL POWER CORPORATION		
WILLIAM P. STEPONKUS, STEPONKUS & ASSOCIATES 815 CONNECTICUT AVENUE, NW, #810 WASHINGTON DC 20006	UNITED SERVICES AUTOMOBILE ASSOCIATION	6,612.50	814.50
STEPTOE & JOHNSON, 1250 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ALLIANCE FOR CANNABIS THERAPEUTICS		121.88
Do	COALITION FOR UNIFORM PRODUCT LIABILITY LAW		
Do	COMMITTEE FOR EFFECTIVE CAPITAL RECOVERY		7,111.03
Do	EASTERN CENTRAL MOTOR CARRIERS ASSOCIATION		
Do	FOREST INDUSTRIES COMMITTEE ON TIMBER VALUATION & TAXATION		852.35
Do	INTERNATIONAL PAPER COMPANY	3,000.00	50.00
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY, ET AL	2,500.00	50.00
Do	RULE OF LAW COMMITTE		
RICHARD H. STERN, 2555 M ST., NW WASHINGTON DC 20037	INTEL CORPORATION		
RICHARD W. STERNBERG, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION	110.00	
MICHAEL E. STEWARD, 7957 REVENNA LANE SPRINGFIELD VA 22153	PUGET SOUND POWER & LIGHT COMPANY	7,500.00	610.54
Do	VITRO ENGINEERING CORPORATION		46.45
EUGENE L. STEWART, 1001 CONNECTICUT AVENUE, NW, #910 WASHINGTON DC 20036	ROSES, INC.	1,680.00	5,287.38
TRAVIS B. STEWART, SUITE 401, 1050 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	HOFFMANN-LA ROCHE INC		
WALTER J. STEWART, SUITE 1225 1133 15TH STREET, NW WASHINGTON DC 20005	SONAT, INC.		
WARREN E. STICKLE, SUITE 1120 1001 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CHEMICAL SPECIALITIES MANUFACTURERS ASSOCIATION	1,881.67	159.41
MICHAEL STIENTJES, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FEDERATION	2,737.00	4.00
LAVERNE STILL, 1030 15TH ST., NW, #700 WASHINGTON DC 20005	NATIONAL COTTON COUNCIL OF AMERICA	345.00	35.43
JOHN W. STILLWAGGON, SUITE 2256, ONE WORLD TRADE CENTER NEW YORK NY 10038	COFFEE, SUGAR & COCOA EXCHANGE, INC.		
EDWARD W. STIMPSON, 1025 CONNECTICUT AVENUE, NW, #517 WASHINGTON DC 20036	GENERAL AVIATION MANUFACTURERS ASSOCIATION	1,864.61	
KENNETH F. STINGER, 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSOCIATION, INC	9,000.00	421.30
STOCKHOLDERS OF AMERICA, INC., 1625 EYE ST., N.W # 724A WASHINGTON DC 20006	STOCKHOLDERS OF AMERICA, INC.	7,555.00	1,056.10
STEVEN F. STOCKMEYER, 1771 N STREET, NW WASHINGTON DC 20036	NATIONAL ASSOCIATION OF BROADCASTERS	3,000.00	249.00
PATTI A. STOLL, 100 FEDERAL STREET BOSTON MA 02110	FIRST NATIONAL BANK OF BOSTON		
Do	FIRST NATIONAL BOSTON CORPORATION		
LISA STOLP, 1101 CONNECTICUT AVENUE, NW, #900 WASHINGTON DC 20036	VINSON & ELKINS (FOR: CONTINENTAL RESOURCES COMPANY)		
Do	VINSON & ELKINS (FOR: SLURRY TRANSPORT ASSOCIATION)	1,507.50	15.00
ADAM D. STOLPEN, SUITE 203 1101 30TH ST., NW WASHINGTON DC 20007	PITNEY BOWES		
GEORGE W. STONE, 12025 EAST 45TH AVENUE DENVER CO 80251	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	8,750.00	8.85
JOHN C. STONE, BOX 1300 MCLEAN VA 22102	MELAMINE CHEMICALS, INC	1,000.00	800.00
Do	STATE OF LOUISIANA	20,000.00	7,250.00
ALAN STOVER, 1735 NEW YORK AVENUE,NW WASHINGTON DC 20006	AMERICAN INSTITUTE OF ARCHITECTS		
WILLIAM M. STOVER, 2501 M ST., NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC.		
DAVID E. STRACHAN, 15TH FLOOR 1012 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSOCIATION OF PERSONNAL CONSULTANTS	4,500.00	
STRADLEY, RONON, STEVENS & YOUNG, 1100 ONE FRANKLIN PLAZA PHILADELPHIA PA 19102	MILLIKEN RESEARCH CORPORATION		
TERRENCE D. STRAUB, 818 CONNECTICUT AVENUE, N.W. WASHINGTON DC 20006	U.S. STEEL CORPORATION	750.00	175.13
RONALD J. STRECK, P.O. BOX 238 ALEXANDRIA VA 22313	NATIONAL WHOLESALE DRUGGISTS' ASSOCIATION		
ROGER J. STROH, 727 N. WASHINGTON ST., ALEXANDRIA VA 22314	UNITED FRESH FRUIT & VEGETABLE ASSOCIATION		
JOEL B. STRONBERG, 1750 OLD MEADOW ROAD MCLEAN VA 22102	BRICK INSTITUTE OF AMERICA		
STROOCK & STROOCK & LAVAN, 1150 17TH ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSOCIATIONS	1,080.00	17.00
Do	CHEMOLIMPEX		
Do	CHINOIN		
Do	CITY OF TUCSON	18,500.00	171.00
Do	DREYFUS CORPORATION	6,500.00	75.00
Do	J. ARON & COMPANY, INC.	3,100.00	87.00
Do	ORMOND RE GROUP, INC.	6,062.00	786.28
Do	PUERTO RICO FEDERAL AFFAIRS ADMINISTRATION	6,300.00	304.00
Do	SHEARSON/AMERICAN EXPRESS INC.	660.00	25.00
Do	TENANT-OWNED APARTMENT ASSOCIATION, INC.	2,650.00	47.00
Do	WARNER COMMUNICATIONS, INC	1,100.00	28.00
GEORGE STRUMPH, 624 9TH ST., NW, 7TH FL. WASHINGTON DC 20001	GROUP HEALTH ASSOCIATION OF AMERICA, INC.		
NORMAN STRUNK, 111 E. WACKER DRIVE CHICAGO IL 60601	U.S. LEAGUE OF SAVINGS ASSOCIATIONS		
WALTER B. STULTS, 618 WASHINGTON BUILDING WASHINGTON DC 20005	NATIONAL ASSOCIATION OF SMALL BUSINESS INVESTMENT COMPANIES	3,000.00	
SUBSCRIPTION TELEVISION ASSOCIATION—POLITICAL ACTION COMMITTEE, 1425 21ST STREET, NW WASHINGTON DC 20036			
SULLIVAN & CROMWELL, 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	AMERICAN INTERNATIONAL GROUP, INC.		
Do	GOLDMAN SACHS & COMPANY		
Do	INCO UNITED STATES, INC		
Do	INTERCONTINENTAL HOTELS CORPORATION		2.00
Do	LIGGETT GROUP, INC.		4.00
Do	MERRILL LYNCH PIERCE FENNER & SMITH, INC.		7.50
Do	SECURITY LIFE OF DENVER		4.00
SULLIVAN & WORCESTER, 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	WASHINGTON MUTUAL SAVINGS BANK		153.73
Do	MARION LABORATORES, INC.	14,862.05	68.80
AUSTIN P. SULLIVAN JR , P.O. BOX 1113 MINNEAPOLIS MN 55440	GENERAL MILLS, INC		
GAEL M. SULLIVAN, SUITE 1004 1155 15TH STREET, NW WASHINGTON DC 20005	LTV CORPORATION	2,344.00	610.00
HAROLD R. SULLIVAN, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	900.00	
JUDY M. SULLIVAN, SUITE S-700 1120 20TH STREET, NW WASHINGTON DC 20036	NORTHWEST PIPELINE CORPORATION		
MARCIA Z. SULLIVAN, SUITE 1200 1300 N. 17TH STREET ARLINGTON VA 22209	CONSUMER BANKERS ASSOCIATION	825.00	927.26
MARGARET COX SULLIVAN, 1625 EYE ST., N.W. # 724A WASHINGTON DC 20006	STOCKHOLDERS OF AMERICA, INC.		
MARY BETH SULLIVAN, 923 15TH ST., N.W. WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	3,000.00	759.35
PATRICK J. SULLIVAN, 815 SIXTEENTH STREET, N.W. WASHINGTON DC 20006	INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO	6,930.00	1,503.25
RICHARD C. SULLIVAN, SUITE 409 110 MARYLAND AVENUE, N.E. WASHINGTON DC 20002	NATIONAL PEACE ACADEMY CAMPAIGN	4,500.00	51.28
GARY R. SUMMERS, SUITE 1014 900 17TH STREET, NW WASHINGTON DC 20006	KAISER FOUNDATION HEALTH PLAN	10,750.00	2,207.94
PETER B. SUMMERVILLE, 1133 20TH ST., NW WASHINGTON DC 20036	NATIONAL FOOD PROCESSORS ASSOCIATION	500.00	164.24
SUNMAID RAISIN GROWERS OF CALIFORNIA, SUITE 420 1200 NEW HAMPSHIRE AVENUE WASHINGTON DC 20035	SUNMAID RAISIN GROWERS OF CALIFORNIA		
SUNSET DESIGNS, 3401 CROW CANYON ROAD SAN RAMON CA 94583	SUNSET DESIGNS		602.14
SURREY & MORSE, 1156 15TH ST., NW WASHINGTON DC 20005	BENCH AD COMPANY		
Do	BOEING COMPANY	3,425.00	12.00
Do	GOVERNMENT OF THE REPUBLIC OF ZAIRE		
Do	PHARMACEUTICAL MANUFACTURERS ASSOCIATION		
Do	PIETRO BERETTA, S.P.A.	25.00	
THOMAS M. SUSMAN, 1200 NEW HAMPSHIRE AVENUE, N.W. SUITE 360 WASHINGTON DC 20036	WILLIAM CARTER COMPANY		
SUTHERLAND ASBILL & BRENNAN, 1666 K ST., NW WASHINGTON DC 20006	AMERICAN INDUSTRIAL CLAY & GEORGIA KAOLIN	2,555.91	5.64
Do	ANGLO-AMERICAN CLAYS CORPORATION	2,555.91	5.64
Do	CONSUMER CREDIT INSURANCE ASSOCIATION	814.00	
Do	ENGELHARD MINERALS & CHEMICALS CORPORATION	2,555.91	5.64
Do	EQUIFAX, INC.	1,689.75	16.70
Do	FREEPORT KAOLIN	2,555.19	5.64
Do	J. M. HUBER CORPORATION	2,555.91	5.64
Do	KANSAS FARM BUREAU LIFE INSURANCE COMPANY; FARM BUREAU MUTUAL INSURANCE COMPANY.		
Do	KENTUCKY FARM BUREAU MUTUAL INSURANCE COMPANY; FARM BUREAU INSURANCE COMPANY.		
Do	LIFETIME COMMUNITIES, INC.	715.62	27.72
Do	MACCABEES MUTUAL LIFE INSURANCE COMPANY	563.00	46.50
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY		
Do	MULLITE COMPANY OF AMERICA	2,555.91	5.64
Do	MUTUAL OF OMAHA INSURANCE COMPANY	150.00	
Do	NATIONAL ASSOCIATION OF LIFE COMPANIES	1,500.00	679.56
Do	NATIONAL HOME LIFE ASSURANCE COMPANY		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	NORD RESOURCES CORPORATION	2,555.91	5.64
Do	SOUTHERN FARM BUREAU LIFE INSURANCE COMPANY, ET AL.		
Do	STOCK INFORMATION GROUP	45,048.00	1,714.21
Do	THIELE KAOLIN COMPANY	2,555.91	5.64
Do	UNITED FARM BUREAU FAMILY LIFE INSURANCE COMPANY, ET AL.		
WILLIAM F. SUTHERLAND, 1750 K STREET, NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	300.00	
DONNAE SUTHERLIN, SUITE 341 17 W. MARKET STREET INDIANAPOLIS IN 46204	NATIONAL ASSOCIATION OF MANUFACTURERS	400.00	
SUTIN, THAYER & BROWNE, P.O. BOX 1945 ALBUQUERQUE NM 87103	TAXATION & REVENUE DEPARTMENT	2,001.60	438.63
W. THOMAS SUTTLE, 1741 T ST., NW, #104 WASHINGTON DC 20009	INSTITUTE OF ELECTRICAL & ELECTRONICS ENGINEERS	2,000.00	702.00
WILLIAM W. SUTTLE, 1025 CONNECTICUT AVENUE, NW SUITE 415 WASHINGTON DC 20036	AMERICAN INSURANCE ASSOCIATION	415.00	4.65
IRVING W. SWANSON, 2600 VIRGINIA AVENUE, NW WASHINGTON DC 20037	HARRIS CORPORATION		
DAVID A. SWEENEY, 25 LOUISIANA AVENUE, NW WASHINGTON DC 20001	INTERNATIONAL BROTHERHOOD OF TEAMSTERS	16,096.67	
JOHN R. SWEENEY, 800 SOLAR BUILDING 1000 16TH ST., NW WASHINGTON DC 20036	BETHLEHEM STEEL CORPORATION		
ROSEMARIE SWEENEY, 475 L'ENFANT PLAZA WEST, SW #2970 WASHINGTON DC 20024	AMERICAN ACADEMY OF FAMILY PHYSICIANS	1,875.00	732.43
TRICIA L. SWIFT, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSOCIATION	1,200.00	
A. B. SWINDELL IV , P.O. BOX 2635 RALEIGH NC 27602	NORTH CAROLINA RAILROAD ASSOCIATION		
RUSSELL A. SWINDELL, P.O. BOX 2635 RALEIGH NC 27602	NORTH CAROLINA RAILROAD ASSOCIATION	608.32	322.30
MERRIBEL SYMINGTON, SUITE 540 1875 EYE STREET, NW WASHINGTON DC 20006	CHAMPION INTERNATIONAL CORPORATION		
Z. MICHAEL SZAZ, 7202 BEVERLY PARK DRIVE SPRINGFIELD VA 22100	EMBASSY OF THE DEMOCRATIC REPUBLIC OF SOMALIA	1,000.00	
ALBERT S. TABOR JR., VINSON & ELKINS 3300 FIRST CITY TOWER HOUSTON TX 77002	ASSOCIATION OF OIL PIPELINES	117,268.30	
ROBERT TAFT JR , 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	TAFT STETTINIUS & HOLLISTER (FOR: STORER BROADCASTING COMPANY)	3,500.00	24.60
Do	TAFT, STETTINIUS & HOLLISTER (FOR: AMERICAN HOSPITAL ASSOCIATION)	1,000.00	9.89
Do	TAFT, STETTINIUS & HOLLISTER (FOR: AMERICAN HOT DIP GALVANIZERS ASSOCIATION).		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: CINCINNATI STOCK EXCHANGE)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: HANNA-BARBERA PRODUCTIONS, INC.)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: MACHINERY DEALERS NATIONAL ASSOCIATION).		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: MIAMI CONSERVANCY DISTRICT)	5,102.50	32.64
Do	TAFT, STETTINIUS & HOLLISTER (FOR: OHIO ASSOCIATION OF COMMUNITY ACTION AGENCIES).		268.04
Do	TAFT, STETTINIUS & HOLLISTER (FOR: SPECIAL COMM FOR WORKPLACE PRODUCT LIABILITY REFORM).		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: TAFT BROADCASTING COMPANY)	2,200.00	
Do	TAFT, STETTINIUS & HOLLISTER (FOR: TELEPHONE & DATA SYSTEMS, INC.)	69,000.00	1,638.16
WALTER G. TALAREK, 1651 OLD MEADOW ROAD MCLEAN VA 22102	AMERICAN WOOD PRESERVERS INSTITUTE		
TALCOTT MCCABE & BOWSER, SUITE 302, WEST WING 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	HOLIDAY INNS, INC	2,250.00	
Do	NATIONAL ASSOCIATION OF HOMES FOR CHILDREN	1,400.00	
Do	SERVICEMASTER INDUSTRIES, INC	1,250.00	
JOE TALLAKSON, SUITE 421 1010 VERMONT AVENUE, NW WASHINGTON DC 20005	SENSE, INC (FOR: ONEIDA TRIBE OF WISCONSIN)		
Do	SENSE, INC. (FOR: QUINAULT INDIAN NATION)	2,750.00	733.80
TANAKA WALDERS & RITGER, 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	BRIDGESTONE TIRE COMPANY, LTD.		
Do	ELECTRONIC INDUSTRIES ASSOCIATION OF JAPAN		
SUSAN TANNENBAUM, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	4,743.78	68.50
C. MICHAEL TARONE, 2033 M ST., NW, #700 WASHINGTON DC 20036	EMPRESA BRASILEIRA DE AERONAUTICA, S.A.		
Do	SANTARELLI & GIMER (FOR: KINGS RIVER WATER USERS COMM)		
LINDA TARR-WHELAN, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSOCIATION	1,375.00	36.00
DAN C. TATE, 1825 K STREET, NW WASHINGTON DC 20006	NATIONAL BROADCASTING COMPANY, INC.		
JOHN F. TATE, 8428 AUBREY DRIVE MANASSAS VA 22111	U.S. DEFENSE COMMITTEE	175.00	
GRACA DA SILVA TAVARES, 17 PERKINS STREET WEST NEWTON MA 02165	GRACA DA SILVA TAVARES		
TAXPAYERS FOR FEDERAL PENSION REFORM, P.O. BOX 7755 PHILADELPHIA PA 19101		1,700.00	1,135.57
CHARLES A. TAYLOR III, 499 SOUTH CAPITOL ST., SW, #401 WASHINGTON DC 20003	NATIONAL ASSOCIATION OF INDEPENDENT INSURERS	1,000.00	
DENNIS J. TAYLOR, SUITE 650 1090 VERMONT AVENUE, NW WASHINGTON DC 20005	CENTRAL STATES HEALTH & LIFE COMPANY OF OMAHA		
Do	MULTI-STATE COMMUNICATIONS, INC.	5,000.00	
FRANK A. TAYLOR, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
PEGGY TAYLOR, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	14,441.31	444.14
R. WILLIAM TAYLOR, 1575 EYE STREET, NW WASHINGTON DC 20005	AMERICAN SOCIETY OF ASSOCIATION EXECUTIVES		
B. W. TEAGUE, P.O. BOX 2121 CORPUS CHRISTI TX 78403	CENTRAL POWER AND LIGHT COMPANY		
TEAMSTERS FOR A DEMOCRATIC UNION, 2000 P ST., NW, #612 WASHINGTON DC 20036	TEAMSTERS FOR A DEMOCRATIC UNION		
ELAYNE L. TEMPEL, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
PAUL M. TENDLER, 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	PAUL TENDLER ASSOCIATES, INC (FOR: BASCOM, INC.)		
Do	PAUL TENDLER ASSOCIATES (FOR: NATIONAL FEDERATION OF LICENSED PRACTICAL NURSES).	2,500.00	370.00
Do	PAUL TENDLER ASSOCIATES (FOR: RASCH ELEKTRONIK)		
Do	PAUL TENDLER ASSOCIATES, INC (FOR: SCHOENEMAN, INC)		
BETTY-GRACE TERPSTRA, 918 16TH ST., NW, #402 WASHINGTON DC 20006	SOUTHERN FURNITURE MANUFACTURERS ASSOCIATION	750.00	762.69
EDWARD F. TERRAR JR., 499 SOUTH CAPITOL ST., S.W. ROOM 400 WASHINGTON DC 20003	WASHINGTON INDUSTRIAL TEAM, INC.	600.00	
JAY D. TERRY, SUITE 317 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	LEONARD, KOEHN, ROSE AND HURT, P.C.		
MARY KAY THATCHER, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FEDERATION	4,500.00	10.00
THER-A-PEDIC MIDWEST, INC, 2350 5TH STREET ROCK ISLAND IL 61201	THER-A-PEDIC MIDWEST, INC		
BRUCE D. THEVENOT, 1155 15TH ST., NW, #424 WASHINGTON DC 20005	CASSON, CALLIGARO & MUTRYN (FOR: HUMANA,INC.)	1,500.00	
Do	OKLAHOMA STATE NURSING HOME ASSOCIATION	2,370.00	
Do	SPECTRUM EMERGENCY CARE, INC.	3,162.00	
THEVENOT, MURRAY & SCHEER, SUITE 695 2550 M ST., NW WASHINGTON DC 20037	NATIONAL BUSINESS AIRCRAFT ASSOCIATION	450.00	
CRAIG G. THIBAUDEAU, 3251 OLD LEE HIGHWAY, #500 FAIRFAX VA 22030	NATIONAL LIMESTONE INSTITUTE, INC.		
BARBARA BRENDES THIES, RM. 330W 1500 PLANNING RESEARCH DRIVE MCLEAN VA 22102	PLANNING RESEARCH CORPORATION		363.38
THIRD CLASS MAIL ASSOCIATION, SUITE 630 1010 WISCONSIN AVENUE, NW WASHINGTON DC 20007		600.00	600.00
DORIS I. THOMAS, 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSOCIATION OF HOME BUILDERS OF THE U.S.		
JOHN W. THOMAS, SUITE 828 1522 K ST., NW WASHINGTON DC 20005	AMERICAN VETERINARY MEDICAL ASSOCIATION		
Do	ASSOCIATION OF AMERICAN VETERINARY MEDICAL COLLEGES		
LAWRENCE L. THOMAS, 50 BEALE ST. P.O. BOX 3965 SAN FRANCISCO CA 94105	BECHTEL POWER CORPORATION		
PATRICIA THOMAS, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	5,890.75	
ROBERT L. THOMAS, 1319 F ST., NW WASHINGTON DC 20004	NATIONAL ASSOCIATION OF PRIVATE PSYCHIATRIC HOSPITALS	100.00	
THOMAS & CRAWFORD, SUITE 325 1575 EYE STREET, NW WASHINGTON DC 20005	CABLE AMERICA, INC.	2,941.18	
Do	CENTRAL STATES SE & SW AREAS HEALTH, WELFARE & PENSION FUNDS	5,082.00	
Do	TENNESSEE SAVINGS & LOAN LEAGUE, INC.	800.00	
Do	U.S. CABLESYSTEMS, INC.	1,176.47	
Do	WESTINGHOUSE ELECTRIC CORPORATION	5,233.50	
THOMPSON & MITCHELL, SUITE 3400 ONE MERCANTILE CENTER ST. LOUIS MO 63101	AMERICAN INLAND WATERWAYS COMMITTEE	1,138.00	
Do	MIDLAND ENTERPRISES, INC.		
Do	VALLEY LINE COMPANY		
BOYD THOMPSON, SUITE 210 5410 GROSVENOR BETHESDA MD 20814	AMERICAN ASSOCIATION OF FOUNDATIONS FOR MEDICAL CARE		
Do	AMERICAN ASSOCIATION OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS		
GARY C. THOMPSON, 1126-16TH ST., N.W. WASHINGTON DC 20036	OIL, CHEMICAL & ATOMIC WORKERS INTERNATIONAL UNION	4,111.25	
JAMES F. THOMPSON JR., 1957 E STREET, N.W. WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
KENNETH W. THOMPSON, 1660 L ST., NW, #601 WASHINGTON DC 20036	INTERSTATE NATURAL GAS ASSOCIATION OF AMERICA	300.00	
NANCY THOMPSON, 1600 EYE STREET, NW WASHINGTON DC 20006	MOTION PICTURE ASSOCIATION OF AMERICA, INC.	225.00	8.75
RICHARD L THOMPSON, 1730 M ST., NW, #808 WASHINGTON DC 20036	ABBOTT LABORATORIES	4,500.00	
ROGER G. THOMPSON, 1701 CENTRAL AVENUE ASHLAND KY 41101	KENTUCKY POWER COMPANY	1,665.00	2,584.41
SAMUEL C. THOMPSON JR., SCHIFF HARDIN & WAITE 1101 CONNECTICUT AVENUE, NW, #600 WASHINGTON DC 20036	CHIAGO BOARD OPTIONS EXCHANGE, INC		
W. REID THOMPSON, 1900 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20068	POTOMAC ELECTRIC POWER COMPANY	64.85	
WILLIAM D. THOMPSON, 1001 CONNECTICUT AVENUE, NW, #601 WASHINGTON DC 20036	LEAR SIEGLER, INC.	3,000.00	132.78
THOMPSON, HINE & FLORY, 1920 N ST., NW WASHINGTON DC 20036	GREAT WESTERN SUGAR COMPANY	3,411.50	47.38
TERENCE H. THORN, SUITE 919 1700 NORTH MOORE STREET ARLINGTON VA 22209	HOUSTON NATURAL GAS CORPORATION	163.45	47.33
CYNTHIA L. THORNBURG, P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	1,500.00	193.19
RICHARD B. THORNBURG, SUITE 505 5205 LEESBURG PIKE FALLS CHURCH VA 22041	NATIONAL BEER WHOLESALERS' ASSOCIATION	195.83	195.83
JOHN A. THORNER, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSOCIATION	800.00	
WILLIAM R. THORNHILL, P.O. BOX 2511 HOUSTON TX 77001	TENNESSEE GAS PIPELINE COMPANY	1.91	6.00
MARGO THORNING, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL FOR CAPITAL FORMATION	373.00	
D. WHITNEY THORNTON II , SUITE 203 2828 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20007	FLYER INDUSTRIES LTD.		
SAMUEL THURM, 1725 K ST., NW WASHINGTON DC 20006	ASSOCIATION OF NATIONAL ADVERTISERS		
CYRUS C. TICHENOR III, 1050 17TH ST., NW, #1104 WASHINGTON DC 20036	A. H. ROBINS COMPANY, INC.	785.00	68.00
DREW V. TIDWELL, SUITE 1200 1300 N. 17TH ST. ARLINGTON VA 22209	CONSUMER BANKERS ASSOCIATION	2,250.00	2,341.95
ROBERT O. TIERNAN, 1800 M STREET, NW, SUITE 299 WASHINGTON DC 20036	PENN CENTRAL CORPORATION		2,605.85
ROGER TILLES, SUITE 1050 1111 19TH ST., NW WASHINGTON DC 20036	CITIES IN SCHOOLS, INC.		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	MICHIGAN DEPARTMENT OF EDUCATION	23,333.34	3,738.49
Do	NATIONAL CON-SERV, INC	3,310.00	32.82
Do	WASHINGTON PSYCHIATRIC SOCIETY	12,350.00	812.10
WALLACE TILLMAN, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION	150.00	
MARTIN R. TILSON JR , PO BOX 2563 BIRMINGHAM AL 35202	SOUTHERN NATURAL GAS COMPANY	139.75	177.43
PATTI A. TILSON, SUITE 520 900 17TH STREET, NW WASHINGTON DC 20006	MATSUSHITA ELECTRIC CORPORATION OF AMERICA	400.00	
Do	TOYOTA MOTOR SALES, U.S.A., INC	500.00	
C. H. TIMBERLAKE, 1825 K ST., NW, #1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY		
TIMMONS & COMPANY, INC, 1850 K ST., NW, #850 WASHINGTON DC 20006	AMERICAN BROADCASTING COMPANIES, INC	431.25	
Do	ANHEUSER-BUSCH COMPANIES, INC	1,164.38	
Do	AMERICAN INLAND WATERWAYS COMM	474.38	
Do	AMERICAN PETROLEUM INSTITUTE	86.25	
Do	ASSOCIATION OF TRIAL LAWYERS OF AMERICA	632.50	
Do	CHRYSLER CORPORATION	1,078.13	
Do	EASTERN AIR LINES, INC	1,897.50	
Do	FILMWAYS, INC		
Do	G. D. SEARLE & COMPANY	1,336.88	
Do	H. J. HEINZ COMPANY	172.50	
Do	LOS ANGELES OLYMPIC ORGANIZING COMMITTEE, ET AL		
Do	MAJOR LEAGUE BASEBALL	2,113.13	
Do	MIDDLE SOUTH SERVICES	690.00	
Do	NATIONAL RIFLE ASSOCIATION OF AMERICA	172.50	
Do	NORTHROP CORPORATION	1,312.50	
Do	OFFICE OF THE GOVERNOR OF THE STATE OF AK	603.75	
Do	STANDARD OIL COMPANY (INDIANA)	646.88	
E. LINWOOD TIPTON, 910 17TH ST., NW WASHINGTON DC 20006	INTERNATIONAL ASSOCIATION OF ICE CREAM MANUFACTURERS & MILK INDUSTRIES FOUNDATION		603.70
EBEN S. TISDALE, 1101 16TH ST., NW SUITE 300 WASHINGTON DC 20036	SCIENTIFIC APPARATUS MAKERS ASSOCIATION	1,450.00	53.45
TITLE ASSOCIATES, INC., RT.2, BOX 89 COLUMBIA TN 38401	TITLE ASSOCIATES, INC		
TOBACCO ASSOCIATES, INC, SUITE 912 1101 17TH ST., NW WASHINGTON DC 20036	TOBACCO ASSOCIATES, INC		2,869.49
JAMES R. TOBIN, MACK CENTRE DRIVE PARAMUS NJ 07652	BECTON, DICKINSON & COMPANY	2,000.00	
WILLIAM J. TOBIN, SUITE 600 1523 L STREET, NW WASHINGTON DC 20005	NATIONAL TAX LIMITATION COMMITTEE	4,500.00	100.00
M. DOUGLAS TODD, SUITE 2300 1000 WILSON BOULEVARD ARLINGTON VA 22209	NORTHROP CORPORATION		
DAVID R. TOLL, SUITE 1100 1111 19TH STREET, NW WASHINGTON DC 20036	WESTERN UTILITIES CLEAN AIR GROUP	450.00	450.00
WILLIAM R. TOLLEY JR , PO BOX 37 MELBOURNE FL 32919	HARRIS CORPORATION		339.45
SALLY AUSTEN TOM, SUITE 1120 1522 K STREET, NW WASHINGTON DC 20005	AMERICAN COLLEGE OF NURSE-MIDWIVES		
EDWARD TONAT, 6723 BRIGADOON DRIVE BETHESDA MD 20034	ROBERT GOFF & ASSOCIATES, INC		
ANN TONJES, 955 L'ENFANT PLAZA, SW WASHINGTON DC 20024	NATIONAL ASSOCIATION OF PUBLIC TELEVISION STATIONS	600.00	115.00
JOHN B. TOONE, P.O. BOX 970 FORT WORTH TX 76101	TEXAS ELECTRIC SERVICE COMPANY	168.65	51.16
JOHN G. TOTH, 11935 BARREL COOPER CT. RESTON VA 22091	RESTON ADVISER COMMITTEE		
WANDA TOWNSEND, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSOCIATION, INC	318.75	
JOHN P. TRACEY, 1801 K ST., NW, #1201 WASHINGTON DC 20006	U.S. INDEPENDENT TELEPHONE ASSOCIATION	1,000.00	
RICHARD L. TRACHTMAN, SUITE 500 1101 VERMONT AVENUE NW WASHINGTON DC 20005	AMERICAN SOCIETY OF INTERNAL MEDICINE	1,910.46	241.67
JEFFREY B. TRAMMELL, 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)		
Do	GRAY AND COMPANY (FOR: EASTERN MICROWAVE, ICN)		
Do	GRAY AND COMPANY		
Do	GRAY AND COMPANY (FOR: GROUP W)		
Do	GRAY AND COMPANY (FOR: HEALTH INSURANCE ASSOCIATION OF AMERICA)		
Do	GRAY AND COMPANY (FOR: MINIMUM TAX COALITION)	65.00	
Do	GRAY AND COMPANY (FOR: MOTOROLA)		
Do	GRAY AND COMPANY (FOR: NEW CHANNELS CORPORATION)		
Do	GRAY AND COMPANY (FOR: REPUBLIC AIRLINES)	27.75	
Do	GRAY AND COMPANY (FOR: SHAKLEE CORPORATION)	65.00	
Do	GRAY AND COMPANY (FOR: RICHARD L. SINNOTT & COMPANY)	850.00	
Do	GRAY AND COMPANY (FOR: TOBACCO INSTITUTE)		
TRANSPORTATION ASSOCIATION OF AMERICA, SUITE 1107 1100 17TH ST., NW WASHINGTON DC 20036		845.00	948.00
TRANSPORTATION INSTITUTE, 923 15TH ST., NW WASHINGTON DC 20005			23,527.00
HUBERT TRAVAILLE, SUITE 510 1090 VERMONT AVENUE, NW WASHINGTON DC 20005	POTLATCH CORPORATION	2,000.00	
TRAVEL INDUSTRY ASSOCIATION OF AMERICA, 1899 L ST., NW, WASHINGTON, DC 20036			
TRAVEL & TOURISM GOVERNMENT AFFAIRS POLICY COUNCIL, SUITE 607 1899 L STREET, NW WASHINGTON DC 20036		1,650.00	1,650.00
ERNEST B. TREMMEL, INC., 5908 ROSSMORE DRIVE BETHESDA MD 20014	BURNS AND ROE, INC	1,273.00	235.67
R. S. TRIBBE, 1000 16TH ST., NW WASHINGTON DC 20036	TRANS WORLD AIRLINES, INC	270.00	
LAURENCE H. TRIBE, P.C., 1525 MASSACHUSETTS AVENUE CAMBRIDGE MA 0?138	MOTION PICTURE ASSOCIATION OF AMERICA, INC		
PAUL E. TRIMBLE, 1411 ROCKEFELLER BUILDING CLEVELAND OH 44113	LAKE CARRIERS' ASSOCIATION		
SALLY A. TRIPLETT, SUITE 302 1100 17TH STREET, NW WASHINGTON DC 20036	SAMUEL E. STAVISKY & ASSOCIATES, INC (FOR: BROADCAST MUSIC, INC)		20.00
EUGENE M. TRISKO, 9817 ROSENSTEEL AVENUE SILVER SPRING MD 20910	STERN BROS., INC	8,182.00	1,616.00
GLENWOOD S. TROOP JR , 1709 NEW YORK AVENUE, NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS		
MICHAEL G. TROOP, SUITE 700 1111 NORTH 19TH STREET, NW ARLINGTON VA 22209	NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS	1,300.00	
GEORGE G. TROUTMAN, SUITE 1100 1090 VERMONT AVENUE, NW WASHINGTON DC 20005	BELL HELICOPTER TEXTRON	150.00	
ALEXANDER B. TROWBRIDGE, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSOCIATION OF MANUFACTURERS	2,150.00	
MARIAN TROYER, 1242 D STREET, SE WASHINGTON DC 20003	BONNEVILLE ASSOCIATES, INC (FOR: INTERMOUNTAIN HEALTH CARE)	3,430.00	
THOMAS L. TRUEBLOOD, 401 NORTH MICHIGAN AVENUE CHICAGO IL 60611	INTERNATIONAL HARVESTER	1,000.00	2,892.83
TRUST FOR PUBLIC LAND, 82 SECOND ST. SAN FRANCISCO CA 94105			5,110.51
ANH TU, SUITE 501 800 25TH STREET, NW WASHINGTON DC 20037	PROJECT ADVISORY GROUP	675.00	
TUNA RESEARCH FOUNDATION, 1101 17TH ST., NW WASHINGTON DC 20036	TUNA RESEARCH FOUNDATION	2,925.64	4,601.54
NORMAN B. TURE, 1100 CONNECTICUT AVENUE, NW, #550 WASHINGTON DC 20036		15,524.75	1,981.51
WILLIAM J. TURENNE, 1901 L STREET, NW WASHINGTON DC 20036	ELI LILLY AND COMPANY	3,000.00	331.65
BRIAN TURNER, 815 16TH STREET, NW WASHINGTON DC 20006	INDUSTRIAL UNION DEPARTMENT, AFL-CIO	7,923.50	67.50
RICHARD F. TURNEY, 1725 K ST., NW WASHINGTON DC 20006	COURTNEY, MCCAMANT & TURNEY	300.00	
W. GLENN TUSSEY, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FEDERATION	6,475.00	36.00
ST. CLAIR J. TWEEDIE, SUITE 220 1575 EYE STREET, NW WASHINGTON DC 20005	AMERICAN CYANAMID COMPANY	6,250.00	122.30
EDGAR H. TWINE, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	ATLANTIC RICHFIELD COMPANY	500.00	
JOSEPH D. TYDINGS, 10TH FLOOR 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	PLAINTIFF CLASS, CORRUGATED CONTAINER ANTITRUST LITIGATION	184.00	
Do	PLAINTIFF CLASS, PLYWOOD ANTITRUST LITIGATION	1,081.00	
U.S. CANE SUGAR REFINERS' ASSOCIATION, 1001 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	U.S. CANE SUGAR REFINERS' ASSOCIATION	5,134.00	4,474.00
U.S. CANTALOUPE GROWERS & IMPORTERS ASSOCIATION, P.O. BOX 366 HIDALGO TX 78557	U.S. CANTALOUPE GROWERS & IMPORTERS ASSOCIATION		
U.S. DEFENSE COMMITTEE, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE	425.00	606.60
U.S. LEAGUE OF SAVINGS ASSOCIATIONS, 111 E. WACKER DRIVE CHICAGO IL 60601	U.S. LEAGUE OF SAVINGS ASSOCIATIONS		140,881.27
U.S. SKI ASSOCIATION, SUITE 300 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006			
JERRY G. UDELL, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	200.00	55.00
LEWIS K. UHLER, SUITE 600 1523 L ST., NW WASHINGTON DC 20005	NATIONAL TAX LIMITATION COMMITTEE	5,000.00	125.00
ULLMAN CONSULTANTS, INC., 1000 POTOMAC ST., N.W. SUITE 302 WASHINGTON DC 20007	CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION	1,175.00	
Do	EXXON CORPORATION	500.00	
Do	INTERNATIONAL TITANIUM, INC	4,500.00	
Do	MERCK & COMPANY, INC	7,500.00	17.80
Do	OREGON METALLURGICAL CORPORATION	4,500.00	
Do	PUBLIC UTILITY TAX COMMITTEE	15,000.00	
Do	SPRUELL DEVELOPMENT CORPORATION	4,500.00	
Do	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	12,000.00	
Do	WESTERN FOREST INDUSTRIES ASSOCIATION		
MANYA S. UNGAR, 10 BRANDYWINE COURT SCOTCH PLAINS NJ 07076	NATIONAL CONGRESS OF PARENTS & TEACHERS		843.13
UNIFI, INC., 7201 W. FRIENDLY RD. P.O. BOX 21368 GREENSBORO NC 27420			4,634.57
UNION MUTUAL LIFE INSURANCE COMPANY, 2211 CONGRESS ST. PORTLAND ME 04122			501.00
UNITED AUTO, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS, WORKERS OF AMERICA (UAW) 8000 E. JEFFERSON DETROIT MI 48214		72,149.31	72,149.31
UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA, 101 CONSTITUTION AVENUE, NW WASHINGTON DC 20001			31,492.99
UNITED FOOD & COMMERCIAL WORKERS INTERNATIONAL UNION, 1775 K ST., NW WASHINGTON DC 20006			
UNITED FRESH FRUIT & VEGETABLE ASSOCIATION, 727 N. WASHINGTON ST. ALEXANDRIA VA 22314		1,980.03	1,980.03
UNITED GAS PIPE LINE COMPANY, PO BOX 1478 HOUSTON TX 77001			1,879.28
UNITED IRISH & AMERICAN SOCIETY OF ILLINOIS, BOX 219 3400 W. 111TH STREET CHICAGO IL 60655		534.00	1,205.67
UNITED SERVICES AUTOMOBILE ASSOCIATION, USAA BUILDING SAN ANTONIO TX 78288			
LLOYD N. UNSELL, 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		37.50
DREW A. UPTON, 1100 16TH ST., NW WASHINGTON DC 20036	SCIENTIFIC APPARATUS MAKERS ASSOCIATION		
MARIAN S. URNIKIS, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036			
YOSHINORI USUI, SUITE 600 919 18TH STREET, NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, USA, INC	75.00	46.34

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
UTILITY NUCLEAR WASTE MANAGEMENT GROUP, C/O EDISON ELECTRIC INSTITUTE 1111 19TH ST., NW WASHINGTON DC 20036.	UTILITY NUCLEAR WASTE MANAGEMENT GROUP	1,092.08	1,092.08
RONALD D. UTT, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	384.00	67.69
JACK J. VALENTI, 1600 EYE ST., NW WASHINGTON DC 20006	MOTION PICTURE ASSOCIATION OF AMERICA, INC	360.00	
R. THOMAS VAN ARSDALL, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	1,437.50	
RICHARD A. VAN DEUREN, REINHART, BOERNER, VAN DEUREN, ET AL. 111 E. WUSCONSIN AVENUE, SUITE 1800 MILWAUKEE WI 53202.	NATIONAL EMPLOYEE BENEFITS INSTITUTE		
VAN FLEET ASSOCIATES, SUITE 102 499 SOUTH CAPITOL ST., SW WASHINGTON DC 20003	MARCONI ELECTRONICS	3,687.50	
Do	CADILLAC GAGE	11,250.00	1,089.26
C. D. VAN HOUWELING, P.O. BOX 69 CENTREVILLE VA 22020	NATIONAL PORK PRODUCERS COUNCIL	112.50	
NICK L. VAN NELSON, SUITE 540 1875 EYE STREET, NW WASHINGTON DC 20006	CHAMPION INTERNATIONAL CORPORATION		
VAN NESS, FELDMAN, SUTCLIFFE, CURTIS & LEVENBERG, 7TH FLOOR 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007.	PEABODY COAL COMPANY	787.50	17.04
Do	NATOMAS COMPANY	206.25	
Do	ALLIED-GENERAL NUCLEAR SERVICES		
Do	AMERICAN ELECTRIC POWER COMPANY, INC., ET AL	2,235.00	116.03
Do	AMERICAN INSTITUTE FOR CERTIFIED PUBLIC ACCOUNTANTS	2,550.00	13.00
Do	AMERICAN PRESIDENT LINES, LTD	2,865.00	24.25
Do	ARCTIC SLOPE REGIONAL CORPORATION		
Do	ASHLEY, THOMAS LUDLOW (FOR GENERAL PUBLIC UTILIES)	1,050.00	6.00
Do	REPUBLIC OF PALAU, COMMITTEE ON STATUS AND TRANSITION		
Do	FLORIDA AGRICULTURE COALITION, INC		
Do	HAWAIIAN ELECTRIC COMPANY	206.25	
Do	METROPOLITAN DISTRICT COMMISSION		
Do	PACIFIC GAS & ELECTRIC COMPANY		
Do	PALM BEACH-BROWARD FARMERS COMM. FOR LEGISLATIVE ACTION		
Do	REPUBLIC GEOTHERMAL, INC	37.50	15.00
Do	JOSEPH SEAGRAM & SONS, INC		
Do	SLURRY TRANSPORT ASSOCIATION	4,312.50	82.98
Do	SOUTH FLORIDA TOMATO & VEGETABLE GROWERS ASSOCIATION		
Do	SOUTH WEST WINTER VEGETABLE GROWERS ASSOCIATION		
Do	STANDARD OIL COMPANY (INDIANA)		
Do	STATE OF ALASKA	337.50	
Do	TEXAS AIR CORPORATION AND CONTINENTAL AIR LINES	8,945.00	65.03
Do	U.S. ETHANOL CORPORATION		
Do	UNION CARBIDE CORPORATION		
Do	WHEELABRATOR-FRYE, INC		
Do	WINDFARMS, LTD		
GLENN R. VAN SCHOONEVELD, SUITE 702 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	ARMCO	1,597.80	296.60
R. DICK VANDER WOUDE, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSOCIATION		
JAY N. VARON, SUITE 1000 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: LAWYERS TITLE INSURANCE CORPORATION).		
JENNIFER VASILOFF, 530 7TH STREET, SE WASHINGTON DC 20003	NATIONAL CLEAN AIR COALITION	2,939.85	10.75
MURLE L. VAUGHAN, 1700 NORTH MOORE ST. 1925 ROSSLYN CENTER BUILDING ARLINGTON VA 22209	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		
A. RANDALL VEHAR, 900 15TH ST., NW WASHINGTON DC 20005	UNITED MINE WORKERS OF AMERICA		
VELSICOL CHEMICAL CORPORATION, 341 EAST OHIO ST. CHICAGO IL 60611	VELSICOL CHEMICAL CORPORATION		921.24
VENABLE, BAETJER, HOWARD & CIVILETTI, SUITE 704 1301 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	PHARMACEUTICAL MANUFACTURERS ASSOCIATION	6,535.30	21.65
Do	WESTVACO CORPORATION	59,010.30	647.03
VENTURE ENTREPRENEURS, INC., SUITE 206 1201 SAN MARCO BLVD. JACKSONVILLE FL 32207			
C. JOHN VERMILYE, 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	U.S. STEEL CORPORATION		
VERNER, LIIPFERT, BERNHARD & MCPHERSON, 1660 L ST., NW WASHINGTON DC 20036	LABOR-INDUSTRY COALITION FOR INTERNATIONAL TRADE		
Do	PAN AMERICAN WORLD AIRWAYS, INC		
Do	TRAVELERS CORPORATION	365.00	
FRANK VERRASTRO, SUITE 702 2000 L STREET, NW WASHINGTON DC 20036	TOSCO CORPORATION		
LINDA VICKERS, 1706 23RD ST., SOUTH ARLINGTON VA 22202	NATIONAL ASSOCIATION OF CROP INSURANCE AGENTS	6,500.00	
DAVID VIENNA, 510 C ST., NE WASHINGTON DC 20002	NATIONAL ASSOCIATION OF CREDIT MANAGEMENT	1,875.00	
R. ERIC VIGE, 1660 L ST., NW, #207 WASHINGTON DC 20036	CITIES SERVICE COMPANY	475.00	
STEVE A. VILLAS, SUITE 600 1001 22ND ST., NW WASHINGTON DC 20037	STANDARD OIL COMPANY (OHIO)	62.50	8.00
HOWARD A. VINE, 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSOCIATION OF MANUFACTURERS	400.00	
WALTER D. VINYARD JR., ALSTON MILLER & GAINES 1800 M ST., NW WASHINGTON DC 20036	CONTINENTAL INSURANCE COMPANIES	3,500.00	
Do	HARTFORD INSURANCE GROUP	5,000.00	
VIRGINIA ASSOCIATION OF RAILWAY PATRONS, P.O.BOX 867 RICHMOND VA 23207	VIRGINIA ASSOCIATION OF RAILWAY PATRONS	7.14	7.14
CHRISTOPHER N. VISHER, SUITE 800 1016 16TH STREET, NW WASHINGTON DC 20036	ROISMAN, RENO & CAVANAUGH (FOR: NATIONAL HOUSING LAW PROJECT)	5,000.00	20.00
ANDREW VITALI JR., 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INSTITUTE	6,000.00	98.66
VOLKSWAGEN OF AMERICA, INC, SUITE 2450 475 L'ENFANT PLAZA, SW WASHINGTON DC 20024	VOLKSWAGEN OF AMERICA, INC		1,044.42
DOUGLAS K. VOLLMER, 4350 EAST WEST HIGHWAY, SUITE 900 WASHINGTON DC 20014	PARALYZED VETERANS OF AMERICA	8,505.00	
VOLPE, BOSKEY & LYONS, SUITE 602 918 16TH STREET, NW WASHINGTON DC 20006	AMERICAN ASSOCIATION OF EQUIPMENT LESSORS	150.00	2.90
INGRID A. VOORHEES, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA	2,000.00	500.00
VORYS, SATER, SEYMOUR & PEASE, SUITE 1111 1828 L ST., NW WASHINGTON DC 20036	BOWERY SAVINGS BANK		
Do	CABOT CORPORATION	10,026.25	168.05
Do	COMMITTEE OF PUBLICLY OWNED COMPANIES		
Do	DOMINION-CONSOLIDATED TRUCK LINES, LTD		
Do	GROCERY MANUFACTURERS OF AMERICA, INC		
Do	MOWSAFE PRODUCTS, INC		
Do	OHIO MANUFACTURERS ASSOCIATION	343.75	6.85
Do	SMALL BUSINESS COALITION FOR POLLUTION CONTROL		1,601.41
Do	TOLEDO TRUST COMPANY	14,800.90	395.47
SADAMI WADA, 9 WEST 57TH STREET NEW YORK NY 10019	WAGNALLS MEMORIAL		
CATHERINE WAELDER, 1016 16TH ST., NW WASHINGTON DC 20036	SONY CORPORATION OF AMERICA	1,500.00	2,468.93
ROBERT J. WAGER, 2020 K ST., NW, #850 WASHINGTON DC 20006	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	216.92	8.00
CARL ROBERT WAGNER, 2550 M STREET, NW, #300 WASHINGTON DC 20036	AMERICAN BAKERS ASSOCIATION	2,126.25	7.50
SARAH L. WAGONER, 6TH FLOOR 1050 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	GROUP W CABLE	13,750.00	444.72
Do	AMERICAN SAMOA		
HOWARD W. WAHL, 777 E. EISENHOWER PKWY P.O. BOX 1000 ANN ARBOR MI 48106	ST. JOE MINERALS CORPORATION		
CHRISTINE M. WAISANEN, NEW MURPHY ROAD & CONCORD PIKE WILMINGTON DE 19897	BECHTEL POWER CORPORATION		
HERBERT R. WAITE, 100 FEDERAL ST. BOSTON MA 02110	ICI AMERICAS, INC		
Do	FIRST NATIONAL BANK OF BOSTON	5,800.00	5,885.04
WALD, HARKRADER & ROSS, 1300 19TH ST., NW WASHINGTON DC 20036	FIRST NATIONAL BOSTON CORPORATION		
Do	HARTFORD STEAM BOILER INSPECTION & INSURANCE COMPANY	450.00	5.00
ROBERT E. WALDRON, ASSOCIATED PETROLEUM INDUSTRIES OF MICHI 930 MICHIGAN NATIONAL TOWER, PO BOX 10070 LANSING MI 48901.	HILLSDALE COUNTY RAILWAY COMPANY	6,368.11	
CHARLS E. WALKER ASSOCIATES, INC., 1730 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	AMERICAN PETROLEUM INSTITUTE	722.50	
Do		750.00	
Do	AEROSPACE INDUSTRIES ASSOCIATION OF AMERICA	20,000.00	
Do	AGRICO CHEMICAL COMPANY ET AL	750.00	
Do	AIR TRANSPORT ASSOCIATION OF AMERICA	1,250.00	
Do	ALUMINUM COMPANY OF AMERICA	362.50	
Do	AMERICAN AIRLINES, INC		
Do	AMERICAN GUILD OF AUTHORS & COMPOSERS	2,000.00	
Do	AMERICAN TELEPHONE & TELEGRAPH COMPANY	4,112.50	
Do	ASHLAND CHEMICAL		
Do	BECHTEL CORPORATION	362.50	
Do	BETHLEHEM STEEL CORPORATION	362.50	
Do	CIGAR ASSOCIATION OF AMERICA, INC		
Do	COUPON BOND TAX COMMITTEE	6,250.00	
Do	CSX CORPORATION	625.00	
Do	DEALER BANK ASSOCIATION	1,037.50	
Do	DEERE & COMPANY	362.50	
Do	DRESSER INDUSTRIES, INC	362.50	
Do	EASTERN AIR LINES, INC	625.00	
Do	FEDERAL NATIONAL MORTGAGE ASSOCIATION		
Do	FEDERAL PAPER BOARD COMPANY, INC	1,250.00	
Do	FIRST CHICAGO CORPORATION	1,250.00	
Do	FORD MOTOR COMPANY	750.00	
Do	GENERAL ELECTRIC COMPANY	362.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	GENERAL PUBLIC UTILITIES CORPORATION	15,000.00	
Do	GENERAL TELEPHONE & ELECTRONICS	362.50	
Do	GOODYEAR TIRE & RUBBER COMPANY	362.50	
Do	HAMPSHIRE ENERGY		
Do	ROY M. HUFFINGTON, INC.	500.00	
Do	IDEAL BASIC INDUSTRIES		
Do	INLAND STEEL CORPORATION		
Do	INTERNATIONAL PAPER COMPANY	362.50	
Do	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION	1,250.00	
Do	J. P. MORGAN & COMPANY, INC., ET AL		
Do	JOHNSON & JOHNSON	1,875.00	
Do	KAISER ALUMINUM & CHEMICAL CORPORATION		
Do	LONE STAR INDUSTRIES, INC.		
Do	LONE STAR STEEL COMPANY		
Do	MEAD CORPORATION	9,000.00	
Do	NATIONAL STEEL CORPORATION		
Do	NATIONAL TAX LIMITATION COMMITTEE	2,470.00	
Do	NORTHWESTERN MUTUAL LIFE INSURANCE COMPANY	3,750.00	
Do	OWENS-ILLINOIS	362.50	
Do	PHELPS DODGE CORPORATION	625.00	
Do	POTLATCH CORPORATION	312.50	
Do	PROCTER & GAMBLE MANUFACTURING COMPANY	362.50	
Do	REPUBLIC STEEL CORPORATION		
Do	SCOTT PAPER COMPANY	312.50	
Do	UNION CARBIDE CORPORATION	362.50	
Do	UNITED AIRLINES	625.00	
Do	WASTE MANAGEMENT, INC.		
Do	WEYERHAEUSER COMPANY		
CHARLES W. WALKER, 1125 15TH ST., NW WASHINGTON DC 20005	INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS	9,987.50	
R. DUFFY WALL, 1730 RHODE ISLAND AVENUE, NW #400, WASHINGTON DC 20036	FREEPORT-MCMORAN, INC.	350.00	68.00
DON WALLACE ASSOCIATES, INC., 232 E. CAPITOL ST. WASHINGTON DC 20003	AMERICAN SUGAR CANE LEAGUE OF THE USA, INC.	6,000.00	4,329.83
Do	COTTON WAREHOUSE ASSOCIATION OF AMERICA	11,000.00	1,829.35
RAYMOND C. WALLACE, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO		
LIONEL L. WALLENROD, 260 MADISON AVENUE NEW YORK NY 10016	AMERICAN PAPER INSTITUTE, INC.		
R. DOUGLAS WALLIN JR., 1235 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	EMERSON ELECTRIC COMPANY		102.05
JAMES P. WALSH, 6TH FL. 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	AMERICAN TUNABOAT ASSOCIATION	7,500.00	1,173.83
HENRY L. WALTHER, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE	250.00	
JOHN F. WANAMAKER, 201 N. WASHINGTON, ST. ALEXANDRIA VA 22314	RETIRED OFFICERS ASSOCIATION	1,816.00	
BARBARA WANNER, 1000 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	JAPAN ECONOMIC INSTITUTE OF AMERICA	300.00	
ALAN S. WARD, 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	BAKER & HOSTETLER (FOR: SOAP & DETERGENT ASSOCIATION)		
JOHN E. WARD, 182 SOUNDVIEW AVENUE WHITE PLAINS NY 10606	MEAT IMPORTERS COUNCIL OF AMERICA, INC.		
RICHARD D. WARDEN, 1757 N ST., NW WASHINGTON DC 20036	UNITED AUTO, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS	16,803.64	288.75
JACK WARE, 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INSTITUTE	9,485.00	350.55
MICHAEL O. WARE, 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CONOCO, INC.	1,200.00	
PETER F. WARKER, SUITE 2700 1000 WILSON BOULEVARD ARLINGTON VA 22209	TRW, INC.	1,250.00	
ERNEST R. WARNER JR., 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTERNATIONAL, INC. (FOR: DIR INTERNATIONAL AFF OF THE GEN DEL FOR ARMEMENTS).	32.31	36.62
Do	DGA INTERNATIONAL, INC. (FOR: AIRBUS INDUSTRIE)	161.55	175.94
Do	DGA INTERNATIONAL INC. (FOR: SOFREAVIA)		
CHRISTINE M. WARNKE, SUITE 300 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN TEXTILE MANUFACTURERS INSTITUTE	400.00	217.30
WASHINGTON GAS LIGHT COMPANY, 1100 H ST., NW WASHINGTON DC 20080			1,932.23
WASHINGTON INDUSTRIAL TEAM, INC., 499 SOUTH CAPITOL ST.,S.W. ROOM 400 WASHINGTON DC 20003	BOEING COMPANY	450.00	351.27
Do	GENERAL DYNAMICS CORPORATION	450.00	351.27
Do	HUGHES AIRCRAFT COMPANY	450.00	351.27
Do	MCDONNELL DOUGLAS CORPORATION	450.00	351.27
Do	RAYTHEON COMPANY	450.00	351.27
Do	ROCKWELL INTERNATIONAL	450.00	351.27
Do	TRW, INC.	450.00	351.27
Do	UNITED TECHNOLOGIES CORPORATION	450.00	351.27
Do	WESTINGHOUSE ELECTRIC CORPORATION	450.00	351.27
WASHINGTON OFFICE ON AFRICA, 110 MARYLAND AVENUE, NE WASHINGTON DC 20002	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC.		
ROBERT E. WATKINS, 1909 K STREET, N.W. SUITE 300 WASHINGTON DC 20006	WESTLAND COMPANIES, INC.		
CLARKE R. WATSON, 1722 LAFAYETTE ST. DENVER CO 80218	ROCKWELL INTERNATIONAL	495.00	257.09
RALPH J. WATSON, 1745 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION	50.00	
CAROLYN HERR WATTS, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COAL ASSOCIATION	4,750.00	1,373.41
BRUCE H. WATZMAN, 1130 17TH STREET, N.W. WASHINGTON DC 20036	NATIONAL HEALTH LAW PROGRAM	1,756.46	2,037.03
JUDITH G. WAXMAN, 1424 16TH ST., NW SUITE 304 WASHINGTON DC 20036	GENERAL MOTORS CORPORATION	2,500.00	1,374.26
WILLIAM J. WAY, 1660 L ST., NW WASHINGTON DC 20036	AMERICAN PETROLEUM INSTITUTE	1,000.00	1,228.93
WILLIAM H. WEATHERSPOON, NORTH CAROLINA PETROLEUM COUNCIL PO BOX 167 RALEIGH NC 27602	STEPHENS OVERSEAS SERVICES, INC.	104.25	
VERNON WEAVER, SUITE 500 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	STANDARD OIL COMPANY (OHIO)		
DOUGLAS M. WEBB, 1001 22ND STREET, NW, SUITE 600 WASHINGTON DC 20037	IOWA ELECTRIC LIGHT AND POWER COMPANY		
HORACE S. WEBB, P.O. BOX 351 CEDAR RAPIDS IA 52406	EDISON ELECTRIC INSTITUTE	4,725.00	207.85
FREDERICK L. WEBBER, 1111 19TH ST., NW WASHINGTON DC 20036	ADAMS COUNTY, COLORADO		316.05
WEBSTER AND SHEFFIELD, 1200 NEW HAMPSHIRE AVENUE, NW, #350 WASHINGTON DC 20036	NORTH ALABAMA COAL GASIFICATION CONSORTIUM		46.80
Do	PENOBSCOT NATION	9,967.31	122.77
Do	SKANSKA (U.S.A.), INC.	10,900.00	28.06
Do	AMERICAN PARATRANSIT INSTITUTE	2,400.00	
WEBSTER, CHAMBERLIN & BEAN, 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	PROFESSIONAL INSURANCE AGENTS	500.00	410.00
CHARLES W. WEGNER JR., 600 PENNSYLVANIA AVENUE, S.E. SUITE 202 WASHINGTON DC 20003	ROHM AND HAAS COMPANY	500.00	111.55
NANCY WEINBERG, SUITE 743 WASHINGTON BUILDING, 1434 NEW YORK AVENUE, NW WASHINGTON DC 20005	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	1,500.00	
DONALD G. WEINERT, 2029 K ST., NW WASHINGTON DC 20006	NATIONAL AGRICULTURAL CHEMICALS ASSOCIATION	11,736.63	
KENNETH W. WEINSTEIN, MCKENNA CONNER & CUNEO, 1575 EYE ST., NW WASHINGTON DC 20005	ACUREX SOLAR CORPORATION	4,062.54	350.04
JOEL A. WEISS, 1730 N. LYNN ST. # 400 ROSSLYN VA 22209	TENNECO INC.		75.00
MICHAEL A. WEISS, 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	NATIONAL SECURITY TRADERS ASSOCIATION, INC.	3,125.00	
MORTON N. WEISS, SUITE 4511 ONE WORLD TRADE CENTER NEW YORK NY 10048	CHILDREN'S DEFENSE FUND	256.93	21.90
JUDITH H. WEITZ, 1520 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	WEST TEXAS UTILITIES COMPANY		
DON WELCH, P.O. BOX 841 ABILENE TX 79604	NATIONAL COUNCIL OF FARMER COOPERATIVES	1,375.00	
PAUL S. WELLER JR., 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	DEPARTMENT OF NATURAL RESOURCES	4,700.00	
WELLFORD, WEGMAN, KRULWICH, GOLD & HOFF, SUITE 802 1015 18TH STREET, NW WASHINGTON DC 20036	JOHNS-MANVILLE		
Do	PETRO-LEWIS CORPORATION		
Do	SHELL OIL COMPANY	500.00	
L. H. WELLS, SUITE 200 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BUS ASSOCIATION	3,000.00	376.27
DOUGLAS P. WENDEL, 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	DIRECT MAIL MARKETING ASSOCIATION		
ANNE P. WERNER, 1730 K STREET, NW WASHINGTON DC 20006	CERTAINTEED CORPORATION		
W. R. WERNER, P.O. BOX 860 VALLEY FORGE PA 19483	COMMON CAUSE	13,475.04	132.00
FRED WERTHEIMER, 2030 M ST., NW WASHINGTON DC 20036	NATIONAL ASSOCIATION OF REALTORS	2,500.00	392.40
FRANK WEST, 777 14TH STREET, NW WASHINGTON DC 20005			1,000.00
WEST MEXICO VEGETABLE DISTRIBUTORS ASSOCIATION, PO BOX 848 NOGALES AZ 85621	WEST TEXAS LAND & ROYALTY OWNERS ASSOCIATION	50.00	1,100.00
WEST TEXAS LAND & ROYALTY OWNERS ASSOCIATION, 4302 AIRPORT BLVD. AUSTIN TX 78722	DELTA AIR LINES, INC.	273.00	144.44
W. P. WEST 1629 K ST., NW ROOM 204 WASHINGTON DC 20006	ST. REGIS PAPER COMPANY	1,650.00	850.00
HARRY H. WESTBAY III, SUITE 805 1625 EYE ST., NW WASHINGTON DC 20006	WESTERN COTTON GROWERS ASSOCIATION		
WESTERN COTTON GROWERS ASSOCIATION, SUITE 420 1200 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036			
WESTERN GROWERS ASSOCIATION, SUITE 420 1200 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036			18,000.00
WESTERN RADIOLOGICAL GROUP, 2044 ARMACOST AVENUE, #2, LOS ANGELES, CA 90015			2,209.00
WESTERN RESOURCE ALLIANCE, 2565 W. 23RD ST. EUGENE OR 97401	DAIRYMEN, INC.	8,750.00	1,293.68
JOSEPH J. WESTWATER, 10140 LINN STATION ROAD LOUISVILLE KY 40223	MOTORCYCLE INDUSTRY COUNCIL, INC.	500.00	5.00
JOHN F. WETZEL, 1235 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	SUBSCRIPTION TELEVISION ASSOCIATION		
WILLIAM WEWER, 1425 21ST STREET, NW WASHINGTON DC 20036	ARMCO INC.		
WEXLER AND ASSOCIATES, INC, SUITE 400 1616 H STREET, NW WASHINGTON DC 20006	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA	30.00	
Do	BENENSON REALTY COMPANY	2,380.00	33.50
Do	GHK COMPANIES	10,750.00	2,426.11
Do	INDEPENDENT GAS PRODUCERS COMMITTEE (IGPC)		
Do	MOTION PICTURE ASSOCIATION OF AMERICA	2,606.00	
Do	NATIONAL FOOTBALL LEAGUE	14,655.00	101.90

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	NATIONAL RADIO BROADCASTERS ASSOCIATION	540.00	
Do	TOSCO CORPORATION	60.00	
ROBERT G. WEYMUELLER, 1101 VERMONT AVENUE, NW, #402 WASHINGTON DC 20005	AMERICAN LUNG ASSOCIATION	3,600.00	2,614.00
BRIAN B. WHALEN JR., 401 N. MICHIGAN AVENUE CHICAGO IL 60611	INTERNATIONAL HARVESTER	1,250.00	68.48
CURTIS E. WHALEN, P.O. BOX 44 WINTER PARK FL 32790	CONTINENTAL RESOURCES COMPANY	3,300.00	1,780.13
CLYDE A. WHEELER JR., SUITE 820 1800 K ST., NW WASHINGTON DC 20006	SUN COMPANY, INC.	15,000.00	516.64
DALE J. WHEELER, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSOCIATION OF HOME BUILDERS OF THE U.S.		
EDWIN M. WHEELER, 1015 18TH ST., NW WASHINGTON DC 20036	FERTILIZER INSTITUTE		25.00
THOMAS E. WHEELER, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSOCIATION, INC	1,375.00	
JUNE M. WHELAN, SUITE 600 S 1120 20TH ST.,NW WASHINGTON DC 20006	UNION PACIFIC CORPORATION	1,250.00	
WILLIAM WHICHARD JR., 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	UNION OIL COMPANY OF CALIFORNIA		
WHITE & CASE, 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	COMMERCIAL UNION LEASING CORPORATION		
Do	REPUBLIC OF INDONESIA		
BRENDA WHITE, ROOM 807 140 PARK PLACE NEW YORK NY 10007	MUNICIPAL LABOR COMMITTEE	10,324.99	485.89
DONALD F. WHITE, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	1,500.00	110.00
WHITE FINE & VERVILLE, SUITE 302 1156 15TH ST., NW WASHINGTON DC 20005	AFL-CIO MARITIME COMMITTEE		
Do	CENTRAL HUDSON GAS & ELECTRIC CORPORATION	511.35	39.67
Do	NORTHWEST ALASKAN PIPELINE COMPANY		
Do	TURLOCK IRRIGATION DIST. AND MODESTO IRRIGATION DIST.		
Do	WESTINGHOUSE	8,500.00	
JOHN C. WHITE, SUITE 207 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	COASTAL CORPORATION & CHICAGO MERCANTILE EXCHANGE		
JOHN S. WHITE, 1800 M ST., NW, #975 WASHINGTON DC 20036	MARATHON OIL COMPANY		
JOHN THOMAS WHITE II, SUITE 2202 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	TENNECO INC		
DONALD W. WHITEHEAD, SUITE 335 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	WASHINGTON STATES REPRESENTATIVES	7,500.00	
ALTON W. WHITEHOUSE JR., 1750 MIDLAND BUILDING CLEVELAND OH 44115	STANDARD OIL COMPANY (OHIO)		
MARSHALL E. WHITENTON, SUITE 600 1001 22ND ST., NW WASHINGTON DC 20037	STANDARD OIL COMPANY (OHIO)	420.00	32.35
W. EDWARD WHITFIELD, 840 WASHINGTON BUILDING 15TH STREET & NEW YORK AVENUE, NW WASHINGTON DC 20005	CSX CORPORATION	3,000.00	485.73
BENNETT C. WHITLOCK JR., 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSOCIATIONS, INC.	7,500.00	636.12
WHITMAN & RANSOM, 1333 NEW HAMPSHIRE AVENUE, NW, #650 WASHINGTON DC 20036	THE BELZ INSTITUTE OF ISRAEL—SECONDARY EDUCATION		11.25
Do	JAPAN EXTERNAL TRADE ORGANIZATION (JETRO)		24.37
JAMES A. WHITMAN, P.O. BOX 1417-D49 ALEXANDRIA VA 22313	NATIONAL ASSOCIATION OF CHAIN DRUG STORES, INC.	500.00	
WILLIAM F. WHITSITT, 1800 K ST., NW SUITE 820 WASHINGTON DC 20006	SUN COMPANY, INC.	2,400.00	498.54
DAVID E. WHITTEN, 1015 18TH ST., NW WASHINGTON DC 20036	FERTILIZER INSTITUTE	5,000.00	1,900.74
WICKWIRE, LEWIS, GOLDMARK, & SCHOOR, 500 MAYNARD BUILDING SEATTLE WA 98104	ARCTIC SLOPE REGIONAL CORPORATION, ET AL		
Do	STATE OF ALASKA, TRANSPOKTATION SECTION	13,223.50	4,397.08
RICHARD J. WIECHMANN, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PAPER INSTITUTE, INC.		
HARRY G. WILES II, 499 S. CAPITOL ST., SW SUITE 40L WASHINGTON DC 20003	NATIONAL ASSOCIATION OF INDEPENDENT INSURERS		84.00
GUENTHER O. WILHELM, SUITE 1100 1899 L STREET, NW WASHINGTON DC 20036	EXXON CORPORATION		
CARL B. WILKERSON, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC.		
JERRY C. WILKERSON, 1025 CONNECTICUT AVENUE, NW, #1005 WASHINGTON DC 20036	INTERNATIONAL FRANCHISE ASSOCIATION	825.00	2,600.00
WILKINSON, CRAGUN & BARKER, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	ARAPAHOE TRIBE OF INDIANS		
Do	THOMAS L. ASHLEY, P.C.	1,789.50	51.35
Do	CONFEDERATED SALISH & KOOTENAI TRIBES OF THE FLATHEAD RES.		9.26
Do	INDEPENDENT INSURANCE AGENTS OF AMERICA, INC.	705.00	63.97
Do	LOUISIANA PACIFIC CORPORATION		
Do	MARATHON OIL COMPANY		
Do	NATIONAL CONGRESS OF AMERICAN INDIANS, INC.		30.45
Do	PUEBLO DE COCHITI		4.00
Do	SHEE ATIKA, INC.		
Do	THREE AFFILIATED TRIBES OF THE FT. BERTHOLD RESERVATION		
Do	WICHITA & AFFILIATED TRIBES		
SANDRA L. WILLETT, 624 C ST., SE WASHINGTON DC 20003	NATIONAL CONSUMERS LEAGUE	750.00	5.00
WILLIAMS & CONNOLLY, 1000 HILL BUILDING, NW WASHINGTON DC 20006	BENENSON REALTY COMPANY	600.00	3,313.50
Do	GADSDEN TIMES, INC.		
Do	PUBLIC WELFARE FOUNDATION, INC.		
Do	SPARTANBURG HERALD & JOURNAL, INC.		
Do	WILLIAM H. SULLIVAN JR.		
Do	TUSCALOOSA NEWS, INC.		
JAMES H. WILLIAMS, 3251 OLD LEE HIGHWAY # 500 FAIRFAX VA 22030	NATIONAL LIMESTONE INSTITUTE, INC.		
LAWRENCE F. WILLIAMS, 330 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	SIERRA CLUB	6,500.00	
LEE WILLIAMS, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	1,600.00	
LUCINDA WILLIAMS, 1111 19TH ST., NW, #402 ARLINGTON VA 20036	FEDERATION OF AMERICAN HOSPITALS	4,500.00	
MARGIE R. WILLIAMS, 415 2ND ST., NE SUITE 300 WASHINGTON DC 20002	NATIONAL ASSOCIATION OF WHEAT GROWERS	684.15	
ROBERT E. WILLIAMS, 1825 K ST., NW, #607 WASHINGTON DC 20006	UNITED AIRLINES	1,500.00	
W.G. WILLIAMS, 1100 SEVENTEETH STREET, N.W. SUITE 1000 WASHINGTON DC 20036	W.G. WILLIAMS		
WILLIAMS, MYERS & QUIGGLE, 888 17TH ST., NW WASHINGTON DC 20006	CHURCH ALLIANCE FOR CLARIFICATION OF ERISA	30,500.00	1,245.90
JOHN C. WILLIAMSON, SUITE 1402 1725 K ST., NW WASHINGTON DC 20006	MORTGAGE INSURANCE COMPANIES OF AMERICA	2,700.00	
DAVID K. WILLIS, 1909 K ST., NW SUITE 300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC.		
WILLKIE FARR & GALLAGHER, 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	RELIANCE GROUP, INC	4,095.00	
CHARLOTTE M. WILMER, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION	200.00	
WILMER, CUTLER & PICKERING, 1666 K ST., NW WASHINGTON DC 20006	BUSINESS ROUNDTABLE		52.95
Do	CBS, INC	53,936.25	1,247.67
Do	CITICORP	277.50	13.40
Do	CPC INTERNATIONAL INC.		
Do	DEALER BANK ASSOCIATION		
Do	FORD MOTOR COMPANY		
Do	G-4 CHILDREN'S COALITION	11,332.47	23.71
Do	HANDGUN CONTROL, INC.		13.44
Do	HAPAG-LLOYD, A.G.	500.00	114.35
Do	MORGAN GUARANTY TRUST COMPANY		
Do	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC.		
Do	NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS		
Do	OWENS-ILLINOIS		
CHARLES D. WILSON, 1850 K ST., NW, #390 WASHINGTON DC 20006	UNION CAMP CORPORATION	1,375.00	511.21
DENA L. WILSON, SUITE 1000 1600 WILSON BLVD. ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC	1,954.00	159.05
DONNIE E. WILSON, 1800 M ST., NW, #295 WASHINGTON DC 20036	HUSKY OIL COMPANY	250.00	
DOROTHY WILSON, 4201 CATHEDRAL AVENUE, NW SUITE 1205E WASHINGTON DC 20016	COALITION OF CONCERNED CHARITIES		
JAMES L. WILSON, JR., 1150 17TH ST., NW #500 WASHINGTON DC 20036	MCDONNELL DOUGLAS CORPORATION		
JOHN R. WILSON, 1520 OHIO SAVINGS PLAZA CLEVELAND OH 44114	MIDWEST ALLIANCE FOR INDUSTRIAL FINANCING & RESTRUCTURING		
ROBERT C. WILSON, RM 400 499 S. CAPITOL ST., SW WASHINGTON DC 20003	RMI, INC.	350.00	
Do	SOUTHWEST MARINE, INC.	120.00	
Do	WASHINGTON INDUSTRIAL TEAM, INC.	600.00	
WILLIAM A. WILSON III, 8001 BRADDOCK ROAD SUITE 500 SPRINGFIELD VA 22160	NATIONAL RIGHT TO WORK COMM	400.00	
ZANE ARTHUR WILSON, 255 GALEN DRIVE, #3E, KEY BISCAYNE, FL 33149	KEY BISCAYNE PROPERTY TAXPAYERS ASSOCIATION		650.00
JUDITH A. WINCHESTER, 1620 I ST., NW WASHINGTON DC 20036	CITY OF PHILADELPHIA		
WINDELS,MARX, DAVIES & IVES, SUITE 940 1701 PENNSYLVANIA AVENUE,NW WASHINGTON DC 20006	SOLITRON DEVICES, INC.		
JOSEPH B. WINKELMANN, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSOCIATION OF REALTORS	2,500.00	294.64
KATHLEEN J. WINN, 1155 15TH ST., NW SUITE 602 WASHINGTON DC 20005	PENNZOIL COMPANY	475.00	29.21
JAMES R. WINNIE, PO BOX 25128 OKLAHOMA CITY OK 73125	CITIES SERVICE GAS COMPANY		
WINSTON & STRAWN, #500 2550 M ST., NW WASHINGTON DC 20037	AMERICAN ASSOCIATION OF MUSEUMS	204.00	
Do	BEATRIC FOODS COMPANY		34.60
Do	BUILDING OWNERS & MANAGERS ASSOCIATION INC.		
Do	CUMMINS ENGINE COMPANY, INC.		
Do	GIC FINANCIAL SERVICES CORPORATION		
Do	GOULD, INC.		
Do	INTERNATIONAL COUNCIL OF SHOPPING CENTERS	600.00	145.85
Do	LEASE MANAGEMENT CORPORATION		
Do	VOLVO OF AMERICAN CORPORATION		
MARK E. WINTER, 1828 L ST., NW WASHINGTON DC 20036	AMERICAN LAND TITLE ASSOCIATION	3,000.00	
ANN R. WISE, 112 WASHINGTON ST. EAST WALPOLE MA 02032	HOLLINGSWORTH & VOSE COMPANY		
ALAN M. WISEMAN, SUITE 900 1730 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	MEAD CORPORATION	1,993.75	361.98
ROBERT V. WITECK, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR MINIMUM TAX COALITION)	50.00	
RICHARD F. WITHERALL, 420 DENVER CLUB BUILDING DENVER CO 80202	COLORADO RAILROAD ASSOCIATION		
WITKOWSKI, WEINER, MCCAFFREY & BRODSKY, SUITE 350 1575 I ST., NW WASHINGTON DC 20005	COMMERCIAL CREDIT CORPORATION	1,502.15	1,529.15
Do	COORDINATING COUNCIL ON MANUFACTURED HOUSING FINANCE	4,273.50	4,663.38

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	NATIONAL MANUFACTURED HOUSING FINANCE ASSOCIATION		
Do	NATIONAL TRUCK EQUIPMENT ASSOCIATION		
Do	TASK FORCE ON CREATIVE FINANCE FOR MANUFACTURED HOUSING	11,144.20	11,448.70
GLENN P. WITTE, 910 17TH ST., NW WASHINGTON DC 20006	INTERNATIONAL ASSOCIATION OF ICE CREAM MANUFACTURERS & MILK INDUSTRIES FOUNDATION.		
HERMAN C. WITTHAUS, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORPORATION	3,000.00	1,589.04
JAMES E. WOLF, 2020 14TH ST., NORTH ARLINGTON VA 22201	TRANE COMPANY	3,500.00	
JAMES WOLF, 1925 K STREET, NW WASHINGTON DC 20006	ALLIANCE TO SAVE ENERGY		
SIDNEY M. WOLFE, 2000 P ST., NW, #708 WASHINGTON DC 20036	HEALTH RESEARCH GROUP	20.00	
BENJAMIN WOLFF, 1730 P ST. N.W WASHINGTON DC 20036	U.S. WINDPOWER ASSOCIATION		
VENLO WOLFSOHN, 1110 SPRING STREET SILVER SPRING MD 20910	MACHINERY DEALERS NATIONAL ASSOCIATION		3,100.00
BRUCE WOLPE, 2025 M STREET, NW WASHINGTON DC 20036	NATIONAL PUBLIC RADIO	9,631.00	128.00
RONALD WOLSEY, P.O. BOX 507, BALTIMORE MD 21203	AMOCO OIL COMPANY		
DON WOMACK, SUITE 303 1825 K ST., NW WASHINGTON DC 20006	TEXAS UTILITIES SERVICES, INC	2,575.00	115.63
WOMEN AGAINST MILITARY MADNESS POLITICAL ACTION COMM (WAMM) , 3255 HENNEPIN AVENUE MINNEAPOLIS MN 55408.			
BURTON C. WOOD, 1125 15TH ST., NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSOCIATION OF AMERICA	10,950.00	3,824.00
CHARLES A. WOOD, 10 LAFAYETTE SQUARE BUFFALO NY 14203	NATIONAL FUEL GAS DISTRIBUTION CORPORATION, ET AL	142.80	381.76
JOHN L. WOOD, 2700 ONE MAIN PLACE DALLAS TX 75202	CENTRAL AND SOUTH WEST CORPORATION	197.00	
Do	EDISON ELECTRIC INSTITUTE		
WILBUR S. WOOD, 1750 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	NATIONAL RURAL LETTER CARRIERS' ASSOCIATION		31.25
W. ALAN WOODFORD, 2501 M ST.,NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC	300.00	
DIANE WOODRUFF, SUITE 228 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	COMMITTEE OF URBAN PROGRAM UNIVERSITIES	3,250.00	
M. ALAN WOODS, 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTERNATIONAL, INC (FOR: AIRBUS INDUSTRIE)		
Do	DGA INTERNATIONAL, INC (FOR: DIR INTERNATIONAL AFF OF THE GEN DEL FOR ARMEMENTS).		
Do	DGA INTERNATIONAL, INC. (FOR: SOFREAVIA)		
RICHARD P. WOODS, 2501 M ST., N.W. SUITE 540 WASHINGTON DC 20037	PACIFIC RESOURCES, INC	500.00	
WILLIAM E. WOODS, 205 DAINGERFIELD RD. ALEXANDRIA VA 22314	NATIONAL ASSOCIATION OF RETAIL DRUGGISTS	1,500.00	300.00
EDWARD A. WOOLLEY, BEDFORD CONSULTANTS BUILDING P.O. BOX 605 BEDFORD NY 10506	CTI-CONTAINER TRANSPORT INTERNATIONAL, INC., ET AL	156.93	16.96
LINDA ANZALONE WOOLLEY, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	2,500.00	
RONALD L. WOOTEN, #1000 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CONSOLIDATION COAL COMPANY		
DEE WORKMAN, VALKYRIE ENTERPRISES, INC. 405 LEXINGTON AVENUE NEW YORK NY 10017	MOBIL OIL CORPORATION	18,750.00	1,600.00
WORLD FEDERALIST POLITICAL EDUCATION COMM, 600 VALLEY RD. WAYNE NJ 07470		3,408.67	6,845.98
W. ROBERT WORLEY, 1736 CREEK CROSSING ROAD VIENNA VA 22180	SOUTHERN COMPANY SERVICES, INC	44.00	678.16
STEVEN M. WORTH, 3255 GRACE ST., NW THE POWER HOUSE WASHINGTON DC 20007	GRAY AND COMPANY (FOR: AMERICAN MARITIME ASSOCIATION)		
Do	GRAY AND COMPANY (FOR: THYSSEN NORDSEEWERKE GMBH)		
FRANKLIN L. WRIGHT JR , 1709 NEW YORK AVENUE, NW, #200 WASHINGTON DC 20006	NATIONAL ASSOCIATION OF MUTUAL SAVINGS BANKS	3,312.50	
WYATT, SALTZSTEIN, LIPSEN & HAMBERGER, 8TH FLOOR 1725 DESALES STREET, NW WASHINGTON DC 20036	DRAVO CORPORATION		
RICHARD E. WYCKOFF, 1771 N ST., NW WASHINGTON DC 20036	NATIONAL ASSOCIATION OF BROADCASTERS	1,500.00	182.00
FREDERICK S. WYLE, 3 GREENWOOD COMMON, BERKELEY CA 94708	FEDERATED STATES OF MICRONESIA		
WYMAN, BAUTZER, ROTHMAN, KUCHEL & SILBERT, SUITE 580 600 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20037.	AMERICAN BOILER MANUFACTURERS ASSOCIATION, INC		
Do	AUTOMOTIVE DISMANTLERS & RECYCLERS ASSOCIATION		
Do	BRISTOL BAY NATIVE CORPORATION		
Do	CARL M. FREEMAN ASSOCIATES		56.00
Do	EKLUTNA, INC		
Do	FILMWAYS, INC		
MARC D. YACKER, 1619 MASSOCHUSETTS AVENUE, N.W. WASHINGTON DC 20036	AMERICAN PAPER INSTITUTE, INC		
DAVID V. YADEN, 1101 15TH STREET, NW, #200 WASHINGTON DC 20005	NERCO, INC	300.00	27.15
T. ALBERT YAMADA, SUITE 520 900 17TH ST., NW WASHINGTON DC 20006	MATSUSHITA ELECTRIC CORPORATION OF AMERICA	500.00	
Do	TOYOTA MOTOR SALES, U.S.A., INC	500.00	
Do	WEST MEXICO VEGETABLE DISTRIBUTORS ASSOCIATION	500.00	
EDWARD R. YAWN, 1111 19TH ST., NW WASHINGTON DC 20035	EDISON ELECTRIC INSTITUTE	1,142.86	553.71
JACK YELVERTON, 1303 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	FLEET RESERVE ASSOCIATION		
PATRICIA D. YODER, SUITE 1000 1600 WILSON BLVD. ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC		
D. SCOTT YOHE, 1629 K ST., NW, #204 WASHINGTON DC 20006	DELTA AIR LINES, INC	390.00	97.20
EDWARD A. YOPP, P.O. BOX 1072 EL PASO TX 79958	STATE NATIONAL BANK OF EL PASO		
G. REYNOLDS YOUNG, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BANKERS ASSOCIATION	1,000.00	
HUGH F. YOUNG JR , 1500 RHODE ISLAND AVENUE, NW WASHINGTON DC 20005	NATIONAL PAINT & COATINGS ASSOCIATION, INC	3,000.00	
JOHN ANDREW YOUNG, 1333 NEW HAMPSHIRE AVENUE, NW, #207 WASHINGTON DC 20036	COASTAL CORPORATION	1,000.00	
JUDITH A. YOUNG, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSOCIATION OF REALTORS	1,500.00	167.43
THANE YOUNG, 777 14TH STREET, N.W. WASHINGTON DC 20005	NATIONAL ASSOCIATION OF REALTORS	1,500.00	150.21
BETSY YOUNKINS, SUITE 600 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INSTITUTE	6,000.00	150.11
EUGENE A. YOURCH, 50 BROADWAY NEW YORK NY 10004	FEDERATION OF AMERICAN CONTROLLED SHIPPING	200.00	
DONALD ZAHN, 8001 BRADDOCK RD., #600 SPRINGFIELD VA 22150	NATIONAL RIGHT TO WORK COMM	528.00	418.48
LYNN ZAKUPOWSKY, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC COMPANY	1,000.00	
STEVEN S. ZALESNICK, 1909 K ST., NW WASHINGTON DC 20049	AMERICAN ASSOCIATION OF RETIRED PERSONS	397.12	62.10
BARRY W. ZANDER, 6113 AMHURST ST. METAIRIE LA 70003	SOUTHERN FOREST PRODUCTS ASSOCIATION	7,062.54	
JOHN S. ZAPP, 1101 VERMONT AVENUE, NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSOCIATION	4,500.00	100.25
JANICE ZARRO, SUITE 715-16 1660 L ST., NW WASHINGTON DC 20036	AMON PRODUCTS, INC	120.80	35.00
L. ANDREW ZAUSNER, 1155 15TH ST., NW, #602 WASHINGTON DC 20005	PENNZOIL COMPANY	1,000.00	12.50
PHILIP F. ZEIDMAN, 1025 CONNECTICUT AVENUE, NW, #900 WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE		
JEROME M. ZEIFMAN, 1424 16TH ST., NW SUITE 300 WASHINGTON DC 20036	NATIONAL SENIOR CITIZENS LAW CENTER	4,280.25	2,312.75
DON J. ZELLER, SUITE 503 1000 16TH STREET, NW WASHINGTON DC 20036	STANDARD OIL COMPANY (INDIANA)	1,500.00	59.88
RONALD L. ZIEGLER, SUITE 505 700 N. FAIRFAX ST. ALEXANDRIA VA 22314	NATIONAL ASSOCIATION OF TRUCK STOP OPERATORS		
KENNETH ZINN, 1837 WYOMING AVENUE, NW WASHINGTON DC 20009	WASHINGTON OFFICE ON AFRICA	2,749.98	
ZIONTZ, PIRTLE, MORRISSET, ERNSTOFF, & CHESTNUT, METROPOLITAN PARK, 16TH FLOOR 1100 OLIVE WAY SEATTLE WA 98101.	CONFEDERATED TRIBES OF THE COLVILLE INDIAN RESERVATION		
Do	INUPIAT COMMUNITY OF THE ARCTIC SLOPE		
Do	LUMMI TRIBE OF INDIANS		
Do	MAKAH INDIAN TRIBE		
Do	METLAKATLA INDIAN COMMUNITY		
Do	NORTHERN CHEYENNE INDIAN TRIBE		
Do	QUILEUTE INDIAN TRIBE		
Do	TULALIP INDIAN TRIBE		
Do	UKPEAGVIK INUPIAT CORPORATION		
ZOOLOGICAL ACTION COMM, SUITE 400 1320 19TH ST., NW WASHINGTON DC 20036			
JOHN L. ZORACK, COOK, PURCELL HANSEN, & HENDERSON 1015 18TH ST., NW WASHINGTON DC 20006	FEDERAL EXPRESS CORPORATION	15,833.00	
ZUCKERT, SCOUTT, RASENBERGER & DELANEY, 888 17TH ST., NW WASHINGTON DC 20006	ANTAEUS ENTERPRISES, INC		
Do	DREYFUS CORPORATION	11,945.00	629.34
Do	HARCOURT BRACE JOVANOVICH	16,315.00	572.86
Do	HAZARDOUS WASTE TREATMENT COUNCIL	10,200.00	2,625.55
Do	REPUBLIC AIRLINES, INC	3,861.00	74.50
Do	TOBACCO INSTITUTE	4,110.00	269.88
Do	WORLD AIRWAYS, INC		4.67
LEIGH ANN ZUNKE, 1133 20TH STREET, NW WASHINGTON DC 20036	NATIONAL FOOD PROCESSORS ASSOCIATION	375.00	
CHARLES O. ZWIER, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BANKERS ASSOCIATION	3,000.00	
CARL E. ZWISLER III, 1025 CONNECTICUT AVENUE, NW, #1005 WASHINGTON DC 20036	INTERNATIONAL FRANCHISE ASSOCIATION		
1ST PRO-LIFE CONG DISTRICT ACTION COMM (RI), 6 MAXFIELD CT. BARRINGTON RI 02806		1,000.00	913.45
23RD CONGRESSIONAL DISTRICT ACTION COMM., 575 CHARLES ST. ST. MARYS PA 15857		300.00	20.45
36TH CONGRESSIONAL DISTRICT ACTION COMM., 129 BELMONT AVENUE BUFFALO NY 14223			
38TH PRO-LIFE CONGRESSIONAL DISTRICT ACTION COMM, 8654 BONVIEW TERRACE WILLIAMSVILLE NY 14221			255.53
39TH CONGRESSIONAL DISTRICT ACTION COMM, RD 2 ALLEGANY NY 14706			
6TH PRO-LIFE CONG DISTRICT ACTION COMM (FL), #1 PLAZA PLACE, NE. SUITE 1003 ST. PETERSBURG FL 33701			

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the second calendar quarter of 1982 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.....

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:
(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)
(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".
(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:
(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.
(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:
1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (a) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (b) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(a) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).
(b) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).
(c) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (a) Short titles of statutes and bills; (b) House and Senate numbers of bills, where known; (c) citations of statutes, where known; (d) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (a) Description, (b) quantity distributed; (c) date of distribution, (d) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.

AFFIDAVIT

[Omitted in printing]

PAGE 1

NOTE ON ITEM "D."—(a) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $.....Dues and assessments
2. $.....Gifts of money or anything of value
3. $.....Printed or duplicated matter received as a gift
4. $.....Receipts from sale of printed or duplicated matter
5. $.....Received for services (e.g., salary, fee, etc.)

6. $.....TOTAL for this Quarter (Add items "1" through "5")
7. $.....Received during previous Quarters of calendar year

8. $.....TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $.....TOTAL now owed to others on account of loans
10. $.....Borrowed from others during this Quarter
11. $.....Repaid to others during this Quarter

12. $.....Expense money" and Reimbursements received this Quarter

Contributors of $500 or more (from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": .....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and address of Contributor* ("*Period*" from Jan. 1 through....., 19.....)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(a) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $.....Public relations and advertising services
2. $.....Wages, salaries, fees, commissions (other than item "1")
3. $.....Gifts or contributions made during Quarter
4. $.....Printed or duplicated matter, including distribution cost
5. $.....Office overhead (rent, supplies, utilities, etc.)
6. $.....Telephone and telegraph
7. $.....Travel, food, lodging, and entertainment
8. $.....All other expenditures

9. $.....TOTAL for this Quarter (Add "1" through "8")
10. $.....Expended during previous Quarters of calendar year

11. $.....TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $.....TOTAL now owed to person filing
13. $.....Lent to others during this Quarter
14. $.....Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A-K ASSOCIATES,INC., 1225 8TH STREET, STE 590 SACRAMENTO, CA 95814	CALIFORNIA AIR TANKER OPERATORS ASSOCIATION	6,666.66	3,733.43
Do	CALIFORNIA SOCIETY OF PATHOLOGISTS	6,999.99	2,769.82
Do	CITY OF SOUTH LAKE TAHOE	8,750.01	2,900.02
Do	PATHOLOGIST PRACTICE ASSOCIATION	18,000.00	8,419.68
Do	SISKIYOU COUNTY SUPERINTENDENT OF SCHOOLS	3,333.33	2,769.82
LEANNE J. ABDNOR, SUITE 1250 1899 L STREET, NW WASHINGTON DC 20036	VENNERS AND COMPANY, LTD. (FOR: KOCH INDUSTRIES)		
GEORGIA ABRAHAM, 1825 CONNECTICUT AVENUE, NW WASHINGTON DC 20009	NATIONAL ASSOCIATION OF ARAB AMERICANS	1,125.00	350.00
AD HOC COMM FOR COMPETITIVE TELECOMMUNICATIONS, 415 SECOND ST., NE WASHINGTON DC 20002		26,305.79	26,305.79
CHARLES F. ADAMS, SUITE 700 1899 L ST., NW WASHINGTON DC 20036	AMERICAN ASSOCIATION OF ADVERTISING AGENCIES	2,500.00	750.00
ADVOCATES TO SAVE LEGAL SERVICES, INC., 1625 K STREET, N.W. 8TH FLOOR WASHINGTON DC 20006		25.00	196.60
AGENCY FOR INSTRUCTIONAL TELEVISION, BOX A BLOOMINGTON IN 47401			
MICHAEL A. AISENBERG, 8301 PROFESSIONAL PLACE LANDOVER MD 20785	DIGITAL EQUIPTMENT CORPORATION	8,750.00	
SUSAN ALEXANDER, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY	204.16	32.50
JEFF SAMUEL ALLDER, 16630 IMPERIAL VALLEY DRIVE HOUSTON TX 77060			
ALLIANCE FOR IMMIGRATION REFORM, SUITE 103 1009 POTOMAC STREET, NW WASHINGTON DC 20007		26,500.00	33,910.08
ROBERT ALVAREZ, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY CENTER	1,666.67	
JEROME A. AMBRO ASSOCIATES, 2301 SOUTH JEFFERSON DAVIS DRIVE ARLINGTON VA 22202	ASSOCIATED UNIVERSITIES	5,500.00	5,021.13
Do	COUNTY OF SUFFOLK	4,875.00	3,985.75
Do	NEW YORK STATE DEPARTMENT OF TRANSPORTATION	6,125.00	4,934.75
AMERICAN ACADEMY OF OPHTHALMOLOGY, SUITE 300 1101 VERMONT AVENUE, N.W. WASHINGTON DC 20005			386.73
AMERICAN ASSOCIATION FOR RESPIRATORY THERAPY, 1720 REGAL ROW DALLAS TX 75235		1,854.88	18,799.44
AMERICAN ASSOCIATION OF EQUIPMENT LESSORS, SUITE 1010 1300 NORTH 17TH STREET ARLINGTON VA 22209			
AMERICAN CANCER SOCIETY, INC., 777 THIRD AVENUE, NEW YORK, NY 10017			14,700.00
AMERICAN COUNCIL ON ALCOHOL PROBLEMS, 6955 UNIVERSITY AVENUE DES MOINES IA 50311			
AMERICAN DENTAL ASSOCIATION, 211 E. CHICAGO AVENUE CHICAGO IL 60611		34,495.37	34,495.37
AMERICAN FEDERATION OF STATE, COUNTY & MUNICIPAL EMPLOYEES, 1625 L ST., NW WASHINGTON DC 20005			68,594.80
AMERICAN GAS ASSOCIATION, 1515 WILSON BLVD ARLINGTON VA 22209		38,274.00	38,274.00
AMERICAN HEALTH PLANNING ASSOCIATION, 1601 CONNECTICUT AVENUE, NW WASHINGTON DC 20036		51,256.90	9,808.86
AMERICAN HOSPITAL ASSOCIATION, 840 N. LAKE SHORE DRIVE CHICAGO IL 60611		33,649.12	33,649.12
AMERICAN HUMANE ASSOCIATION, 9725 EAST HAMPDEN DENVER CO 80231			10,020.00
AMERICAN LOGISTICS ASSOCIATION, SUITE 1213 5205 LEESBURG PIKE FALLS CHURCH VA 22401		1,500.00	1,500.00
AMERICAN RIVERS CONSERVATION COUNCIL, 323 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003			
AMERICAN SUBCONTRACTORS ASSOCIATION, SUITE 540 8401 CORPORATE DRIVE LANDOVER MD 20785			800.00
AMERICAN TEXTILE MACHINERY ASSOCIATION, 7297 N. LEE HWY. FALLS CHURCH VA 22042		135.00	
AMERICAN WATERWAYS SHIPYARD CONFERENCE, SUITE 1101 1600 WILSON BOULEVARD ARLINGTON VA 22209			
AMERICANS FOR NATIONAL VOTER INITIATIVE AMENDMENT, 3115 N STREET, NW, WASHINGTON, DC 20007			
NANCY AMIDEI, SUITE 500 1319 F ST., NW WASHINGTON DC 20004	FOOD RESEARCH & ACTION CENTER	108.12	
JOHN G. AMS, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSOCIATION OF REALTORS	1,750.00	112.46
GWEN A. ANDERSON, SUITE 101 1220 19TH STREET, NW WASHINGTON DC 20036	SMALL BUSINESS ON-PREMISE SIGN FOUNDATION		
SCOTT G. ANDERSON, 600 MARYLAND AVENUE SW WASHINGTON DC 20024	BURLINGTON NORTHERN INC.	1,900.00	1,396.74
L. J. ANDOLSEK, 1533 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES	442.00	
ARMOUR HANDCRAFTS, INC., 230 5TH AVENUE NEW YORK NY 10001			4,500.00
W. STANLEY ARMSTRONG, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS	90.00	9.50
ARNOLD & PORTER, 1200 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	AHMANSON FOUNDATION		5.20
Do	BUILDING & CONSTRUCTION TRADES DEPARTMENT, AFL-CIO	1,089.00	50.00
Do	LONDON COMMODITY EXCHANGE COMPANY, LTD.		48.41
Do	LONDON GOLD FUTURES MARKET		
Do	LONDON INTERNATIONAL FINANCIAL FUTURES EXCHANGE, LTD.	5,020.00	87.90
Do	LONE STAR INDUSTRIES, INC.	1,650.00	200.00
Do	METAL MARKET & EXCHANGE COMPANY, LTD.		
NAN ARON, 600 NEW JERSEY AVENUE, NW WASHINGTON DC 20001	ALLIANCE FOR JUSTICE	62.80	
ASSOCIATION FOR BIOMEDICAL RESEARCH, 400-2 TOTTEN POND ROAD SUITE 200 WALTHAM MA 02154		36,500.00	9,753.04
ASSOCIATION OF AMERICAN FOREIGN SERVICE WOMEN, P.O. BOX 8068 WASHINGTON DC 20024		1,346.42	
GEORGE J. ASTE, 1825 K ST., NW, #607 WASHINGTON DC 20006	UNITED AIRLINES	500.00	
DAVID AUSTERN, 918 16TH STREET, NW WASHINGTON DC 20006	AMERICAN LOGISTICS ASSOCIATION	750.00	
HOPE M. BABCOCK, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	1,211.00	228.55
ROBERT A. BACHA, 1625 MASSACHUSETTS AVENUE, NW, #505 WASHINGTON DC 20036	KEEFE COMPANY (FOR: AMERICAN FAMILY LIFE ASSURANCE COMPANY)		
Do	THE KEEFE COMPANY (FOR: WESTINGHOUSE ELECTRIC CORPORATION)	2,500.00	426.88
Do	KEEFE COMPANY (FOR: YOUNGS DRUG PRODUCTS CORPORATION)	1,500.00	
BAKER & MCKENZIE, 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	GEOSOURCE, INC.		
DENNIS J. BAKER, 1 NEW BOND ST. WESTMINSTER MA 01473	NORTON COMPANY	9,600.00	
SHEILA MACDONALD BAMBERGER, 311 1ST ST., NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSOCIATION	1,000.00	
PATTY BANKSON, SUIETE 408 1725 K STREET, NW WASHINGTON DC 20006	NATIONAL BOARD OF YOUNG MEN'S CHRISTIAN ASSOCIATIONS	208.33	
ROBERT D. BANNISTER, 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSOCIATION OF HOME BUILDERS OF THE U.S.	18,173.09	85.10
SAMUEL J. BAPTISTA, SUITE 603 1620 EYE STREET, NW WASHINGTON DC 20006	AMERICAN BANKERS ASSOCIATION		
BARNETT & ALAGIA, 1627 K ST., NW, #900 WASHINGTON DC 20006	DAIRYMEN, INC.	14,844.00	
Do	NATIONAL MILK PRODUCERS FEDERATION	12,500.00	323.66
RICHARD L. BARR, P.O. BOX 834, DES MOINES, IA 50304	IOWA RAILWAY ASSOCIATION		1,038.65
BARRETT SMITH SCHAPIRO SIMON & ARMSTRONG, SUITE 1400 26 BROADWAY NEW YORK NY 10004	NEW YORK STATE MORTGAGE LOAN ENFORCEMENT & ADMINISTRATION CORPORATION.		
Do	NEW YORK STATE URBAN DEVELOPMENT CORPORATION		
DAVID S. BARROWS, 1201 S. W. 12TH, #200 PORTLAND OR 97205	ASSOCIATION OF OREGON & CALIFORNIA LAND GRANT COUNTIES	1,200.00	
ROGER V. BARTH, 1120 20TH ST., NW SUITE 300 SOUTH WASHINGTON DC 20036	AMERICAN ASSOCIATION FOR CLINICAL CHEMISTRY		
WELDON V. BARTON, 1625 MASSACHUSETTS AVENUE, N.W. # 202 WASHINGTON DC 20036	INDEPENDENT BANKERS ASSOCIATION OF AMERICA	10,000.00	
ROSE F. BATES, 1899 L ST., N.W. SUITE 1200 WASHINGTON DC 20036	AMERICAN SAMOA		
Do	OASIS PETROLEUM COMPANY		
Do	ST. JOE MINERALS CORPORATION		
Do	WESTWOOD ENERGY, INC.		
JOHN E. BAUGHMAN, 400 N. THIRD ST. HARRISBURG PA 17101	PENNSYLVANIA STATE EDUCATION ASSOCIATION		
REGINALD E. BEANE, 205 EAST 42ND STREET NEW YORK NY 10017	RISK AND INSURANCE MANAGEMENT SOCIETY, INC.		
DANIEL P. BEARD, BEARD AND ASSOCIATES P.O. BOX 2394 COLUMBIA MD 21045	AMERICAN RIVERS CONSERVATION COUNCIL	700.00	
Do	SENECA AND ASSOCIATES, INC.	5,476.80	1,505.75
JANET F. BECHERER, 400 N. THIRD STREET BOX 1724 HARRISBURG PA 17105	PA STATE EDUCATION ASSOCIATION		
EDWARD A. BECK III, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSOCIATION OF HOME BUILDERS OF THE U.S.		
BECKEL, FINCHEM, TORRICELLI & ASSOCIATES, INC, 1731 21ST STREET, NW WASHINGTON DC 20009	WESTINGHOUSE ELECTRIC		
ROBERT J. BECKER, 3077 W. JEFFERSON, SUITE 204 JOLIET IL 60435	JOINT COUNCIL OF ALLERGY & IMMUNOLOGY		
JOSIAH BEEMAN, 1625 L ST., NW WASHINGTON DC 20036	AMERICAN FEDERATION OF STATE, COUNTY & MUNICIPAL EMPLOYEES	14,918.76	675.31
LOUIS BEER, KEMP, KLEIN, ENDELMAN & BEER 3000 TOWN CENTER SOUTHFIELD, MI 48075	M.A.N. TRUCK & BUS CORPORATION		10.00
WALTER L. BENNING, 2301 S. JEFFERSON DAVIS HWY #1302 ARLINGTON, VA 22202	MANUFACTURED HOUSING INSTITUTE	2,500.00	
GEORGE L. BERG JR., 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FEDERATION	4,950.00	72.67
JANE W. BERGWIN, SUITE 290 1050 17TH ST.,NW WASHINGTON DC 20036	CONSUMERS POWER COMPANY	200.00	
DAVID BERICK, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY CENTER	2,666.67	
FRANK BRETT BERLIN, SUITE 1100 1612 K STREET, NW WASHINGTON DC 20006	CRAY RESEARCH, INC		
RACHELLE B. BERNSTEIN, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	1,800.00	26.88
WILLIAM M. BEUTE, 25 BROADWAY CLARK NJ 07066			
RALPH A. BIEDERMANN, ONE BRUNSWICK PLAZA SKOKIE IL 60077	BRUNSWICK CORPORATION		5,029.36
JAMES N. BIERMAN, 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	FOLEY, LARDNER, HOLLABAUGH & JACOBS (FOR: VGS CORPORATION)		
BIRCH HORTON BITTNER & MONROE, SUITE 1100 1140 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ST. GEORGE TANAQ CORPORATION		
ROBERT J. BIRD, SUITE 900 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ZACHRY, INC.		
ROBERT BIRD, 1200 NEW HAMPSHIRE AVENUE, NW, #370 WASHINGTON DC 20036	GENERAL MILLS, INC	700.00	90.40
BRENT BLACKWELDER, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY CENTER	3,500.01	
NEAL B. BLAIR, SUITE 1400 1875 SOUTH STATE STREET OREM UT 84057	FREE THE EAGLE & TARGET, INC	18,000.00	
SMITH BLAIR, 1533 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES	1,861.50	6.50
BLATCHFORD, EPSTEIN & BRADY, 1000 POTOMAC ST., NW WASHINGTON DC 20007	ARMOUR HANDCRAFTS, INC.	4,500.00	1,602.14
Do	CARON INTERNATIONAL/COLUMBIA MINERVA	4,500.00	1,602.14
Do	DIMENSIONS, INC.	3,000.00	1,602.14
Do	SUNSET DESIGNS	4,500.00	1,602.14
RICHARD W. BLISS, BLISS & CRAFT 1050 THOMAS JEFFERSON ST., NW, 6TH FL. WASHINGTON DC 20036	CONOCO, INC.		
Do	FLUOR CORPORATION	1,894.00	44.00
Do	GOVERNMENT OF AMERICAN SOMOA		
Do	MARLINE OIL CORPORATION	753.50	33.40
Do	NORTHERN VIRGINIA SAVINGS & LOAN ASSOCIATION		
Do	OASIS PETROLEUM COMPANY		
Do	ST. JOE MINERALS CORPORATION	2,300.03	144.94
Do	SUNEDCO	1,800.00	229.80

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	WESTWOOD ENERGY, INC		
CHARLES R. BLUMENFELD, BOGLE & GATES THE BANK OF CALIFORNIA CENTER SEATTLE WA 98164	PACIFIC SEAFOOD PROCESSORS ASSOCIATION	1,500.00	
BOASBERG HEWES FINKLESTEIN & KLORES, 2101 L ST., NW WASHINGTON DC 20037	COMMITTEE FOR FARMWORKER PROGRAMS	7,079.56	
LARRY A. BOGGS, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
EDWARD N. BOND, 1700 NORTH MOORE ST. ROSSLYN VA 22209	BOEING COMPANY	1,575.00	675.25
BONNEVILLE ASSOCIATES, SUITE 300 200 E. SOUTH TEMPLE SALT LAKE CITY UT 84102	WESTERN REGIONAL COUNCIL	1,587.50	5,786.40
ROBERT N. BORENS, 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	GETTY OIL COMPANY	2,567.00	264.02
LAURENCE D. BORY, SUITE 802 1015 15TH ST., NW WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	750.00	
BOWERY SAVINGS BANK, 110 EAST 42ND STREET NEW YORK NY 10017			1,511.20
RANDAL BOWMAN, 1612 K ST., NW WASHINGTON DC 20006	WILDLIFE LEGISLATIVE FUND OF AMERICA	4,478.00	
MARGUERITE BRACY, 1625 L ST., NW WASHINGTON DC 20036	AMERICAN FEDERATION OF STATE, COUNTY & MUNICIPAL EMPLOYEES	7,631.10	118.92
DAVID A. BRADLEY, 205 PRICESS ST. FREDERICKSBURG VA 22401	NATIONAL COMMUNITY ACTION FOUNDATION, INC.		
GENE M. BRADLEY, 12738 KEYSTONE DRIVE SUNCITY AZ 85375	BOEING COMPANY		
THERESA M. BRADY, 444 NORTH CAPITOL STREET, N.W. SUITE 801 WASHINGTON DC 20001	JOINT MARITIME CONGRESS	703.20	
ROBERT M. BRANDON, 1300 CONNECTICUT AVENUE, NW, #401 WASHINGTON DC 20036	CITIZEN/LABOR ENERGY COALITION	1,850.00	144.50
ALBERT E. BREWSTER, SUITE 2300 1000 WILSON BLVD. ARLINGTON VA 22209	NORTHROP CORPORATION	48.00	
CAROLYN BRICKEY, SUITE 500 1319 F STREET, NW WASHINGTON DC 20004	FOOD RESEARCH AND ACTION CENTER	2,859.69	14.30
BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS, FREIGHT HANDLERS, EXPRESS & STATION EMPL 815 16TH ST., NW WASHINGTON DC 20006.		42,245.42	42,245.42
BROWN & FINN, SUITE 510 1920 N STREET, NW WASHINGTON DC 20036	S.P.A.C.E.	18,742.00	
BEN JARRATT BROWN, SUITE 103 1000 POTOMAC STREET, NW WASHINGTON DC 20007	CORPORATION FOR GOVERNMENT ACTION, INC.	12,500.00	
DIANE V. BROWN 1620 EYE ST., NW, #700 WASHINGTON DC 20006	INTERNATIONAL PAPER COMPANY	2,000.00	300.00
DONALD K. BROWN, 1127 11TH ST., #544 SACRAMENTO CA 95814	CROWLEY MARITIME CORPORATION		
Do	SUMMA CORPORATION	680.23	
DOREEN L. BROWN 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CONSUMERS FOR WORLD TRADE		
JOHN J. BROWN 1125 17TH ST., NW WASHINGTON DC 20036	INTERNATIONAL UNION OF OPERATING ENGINEERS	8,500.00	487.00
DONALD T. BROWNE 205 EAST 42ND STREET NEW YORK NY 10017	RISK & INSURANCE MANAGEMENT SOCIETY, INC		
THOMAS H. BROWNELL, P. O. BOX 3999 SEATTLE WA 98124	BOEING COMPANY	184.00	198.93
WALTER W. BRUDNO, 1800 FIRST NATIONAL BANK BUILDING DALLAS TX 75202	DEMINEX U.S. OIL COMPANY	12,499.98	
Do	TEXASGULF, INC	12,499.98	
GARRY BRYANT, 806 15TH ST., NW SUITE 600 WASHINGTON DC 20005	MIGRANT LEGAL ACTION PROGRAM, INC	722.28	
MARGARET H. BRYANT, 1899 L ST., NW, #500 WASHINGTON DC 20036	AMERICAN NATURAL SERVICE COMPANY	288.00	42.00
BUCHANAN, INGERSOLL, RODEWALD, KYLE & BUERGER, P.C., 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036.	INTERNATIONAL DISTRICT HEATING ASSOCIATION		
BUILDING OWNERS & MANAGERS ASSOCIATION INTERNATIONAL, 1221 MASSACHUSETTS AVENUE,N.W. WASHINGTON DC 20005.			
CHRISTINE CAPITO BURCH, 1625 L STREET, N.W. WASHINGTON DC 20036	AMERICAN FEDERATION OF STATE, COUNTY & MUNICIPAL EMPLOYEES	8,022.00	301.55
B. KENT BURTON, 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSOCIATIONS, INC	8,000.00	
BUSBY, REHM & LEONARD, 1629 K ST., NW, #1100 WASHINGTON DC 20006	AUTOMOBILE IMPORTERS OF AMERICA, INC	100.00	5.00
Do	BACARDI IMPORTS INC	225.00	8.00
NICHOLAS J. BUSH, SUITE 402 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	NATURAL GAS SUPPLY ASSOCIATION	1,685.91	925.90
ROBERT W. BUSHA, 6811 KENILWORTH AVENUE P.O. BOX 517 RIVERDALE MD 20737	NATIONAL ASPHALT PAVEMENT ASSOCIATION		
BUSINESS COUNCIL FOR IMPROVED TRANSPORT POLICIES, SUITE 200 1000 CONNECTICUT AVENUE, NW WASHINGTON DC 20036.			
BUSINESS PRODUCTS COUNCIL ASSOCIATION, P.O. BOX 53964 FAYETTEVILLE NC 28305			
CADWALADER, WICKERSHAM & TAFT, 7TH FLOOR 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	GENERAL DYNAMICS CORPORATION		
Do	SHELL OIL COMPANY		
HARRY P. CAIN, SUITE 700 1601 CONNECTICUT AVENUE, NW WASHINGTON DC 20009	AMERICAN HEALTH PLANNING ASSOCIATION	5,991.70	234.32
DONALD L. CALVIN, 11 WALL ST. NEW YORK NY 10005	NEW YORK STOCK EXCHANGE, INC		
CAMPAIGN FOR COMMUNITY - BASED ECONOMIC DEVELOPMENT, SUITE 805 2025 EYE ST., NW WASHINGTON DC 20006		9,250.00	8,495.99
DAVE CANNARD, 113 W. 1ST VANCOUVER WA 98660	FRIENDS OF THE COLUMBIA GORGE		
RICHARD A. CANTOR, P.O. BOX 8293 WASHINGTON DC 20024	OIL INVESTMENT INSTITUTE		
CAPITOL ADVOCATES, 1127 11TH ST., SUITE 605 SACRAMENTO CA 95814	CROWLEY ADVOCATES		
Do	DISTILLED SPIRITS COUNCIL OF THE U.S.		
Do	PACIFIC MERCHANT SHIPPING ASSOCIATION		
Do	SUMMA CORPORATION	6,970.35	
DONALD L. CAPSHAW, 2426 DOGWOOD TRAIL DRIVE GERMANTOWN TN 38138	AIRLINE PILOTS ASSOCIATED		
PETER CARLSON, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY CENTER	1,500.01	
WALTER L. CARMO JR., 400 N. THIRD STREET P.O. BOX 1724 HARRISBURG PA 17105	PENNSYLVANIA STATE EDUCATION ASSOCIATION		
CARON INTERNATIONAL/COLUMBIA MINERVA, 230 5TH AVENUE NEW YORK NY 10001			4,500.00
CHAPIN CARPENTER JR., 1629 K ST., NW, #603 WASHINGTON DC 20006	MAGAZINE PUBLISHERS ASSOCIATION, INC	1,500.00	
JANET B. CARROLL, SUITE 402 419 7TH STREET, NW WASHINGTON DC 20004	NATIONAL RIGHT TO LIFE COMMITTEE	4,500.00	52.75
JIM CASEY, 3470 MILDRED DRIVE FALLS CHURCH VA 22042	BELLE FOURCHE IRRIGATION DISTRICT		
KATHLEEN CASEY, 8229 BOONE BLVD. VIENNA VA 22180	GTE TELENET INC.		
GORDON CAVANAUGH, SUITE 800 1016 16TH STREET, NW WASHINGTON DC 20036	ROISMAN, RENO & CAVANAUGH (FOR: CITIZENS HOUSING & PLANNING ASSOCIATION, INC).	4,000.00	173.75
Do	ROISMAN, RENO & CAVANAUGH (FOR: COUNCIL OF LARGE PUBLIC HOUSING AUTHORITIES).	8,000.00	141.20
Do	ROISMAN, RENO & CAVANAUGH (FOR: FIRST CENTRUM CORPORATION)	1,000.00	30.00
CAYMAN TURTLE FARM, LTD., P. O. BOX 645 GRAND CAYMAN ISLAND CAYMAN ISLANDS, BRITISH W. I.			
BARBARA ANN CEBUHAR, 2734 OLIVE STREET, NW WASHINGTON DC 20007	NATIONAL COALITION OF TELECOMMUNICATIONS USERS & PROVIDERS		
CENTER FOR LAW AND EDUCATION, INC., 6 APPIAN WAY CAMBRIDGE MA 02138		81,828.10	31.60
CENTRAL STATES RESOURCE CENTER, P.O. BOX 577 URBANA IL 61801		2,500.00	1,105.82
HENRY CHAJET, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS	90.00	
R. S. CHAMBERLIN, 1800 M ST., NW, SUITE 700 SOUTH WASHINGTON DC 20036	DOW CHEMICAL COMPANY	390.00	420.00
WILLIAM J. CHANDLER, SUITE 300 1717 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATURE CONSERVANCY	2,638.28	3,050.98
WILLIAM U. CHANDLER, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY CENTER	1,999.99	
CHILDREN'S TELEVISION WORKSHOP, ONE LINCOLN PLAZA NEW YORK NY 10023			
HAL M. CHRISTENSEN, 1101 17TH ST., NW WASHINGTON DC 20036	AMERICAN DENTAL ASSOCIATION	3,000.00	
LARRY E. CHRISTENSEN, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	BUCHANAN, INGERSOLL, RODEWALD, KYLE & BUERGER, P.C. (FOR: INTERNATIONAL DISTRICT HEATING ASSOCIATION).		
CITIZEN/LABOR ENERGY COALITION, RM. 401 1300 CONNECTICUT AVENUE, NW WASHINGTON DC 20036		5,369.70	5,369.70
CLADOUHOS & BRASHARES, 1750 NEW YORK AVENUE, NW WASHINGTON DC 20006	ASHLAND OIL, INC		
Do	TOYOTA MOTOR SALES, U.S.A., INC	331.25	1,325.00
CLIFFORD & WARNKE, 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	NATIONAL TOUR BROKERS ASSOCIATION, INC		12.50
CHARLES M. CLUSEN, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY	1,982.93	68.96
COALITION FOR FULL NUCLEAR ACCOUNTABILITY, ENVIRONMENTAL POLICY CENTER 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003.		3,584.15	3,584.15
COALITION FOR LEGAL SERVICES, INC., 1625 K STREET, N.W. ROOM 908 WASHINGTON DC 20006		4,918.30	24,171.72
COAN, COUTURE, LYONS & MOORHEAD, SUITE 1015 1625 EYE ST., NW WASHINGTON DC 20006	TOSCO		
COASTAL PROPERTIES INSTITUTE, INC., P.O. BOX 6255 HILTON HEAD SC 29938			
COHEN AND URETZ, 4TH FLOOR 1775 K ST., NW WASHINGTON DC 20006	CONTRACT STAFFING OF AMERICA, INC		
Do	ESTATE OF SYLVIA S. BURING		30.13
Do	STICHTING PHILIPS PENSIOENFONDS A AND B		80.39
DAVID COHEN, 1322 HOLLY STREET, NW WASHINGTON DC 20012	CRAVER, MATTHEWS, SMITH & COMPANY	6,000.00	
Do	HANDGUN CONTROL, INC	6,000.00	
DIANE B. COHN, SUITE 700 2000 P STREET, NW WASHINGTON DC 20036	PUBLIC CITIZEN, INC	1,667.00	49.77
COLE & CORETTE, P.C., 1200 17TH ST., NW WASHINGTON DC 20036	TRANSOL SUNBELT, INC		
ROBERT E. COLE, 900 17TH ST., NW WASHINGTON DC 20006	KAISER ALUMINUM & CHEMICAL CORPORATION	200.00	
COMMITTEE FOR FARMWORKER PROGRAMS, SUITE 906 2101 L STREET, NW WASHINGTON DC 20037			7,079.56
COMMITTEE FOR 806.30 AND 807, INC, SUITE 800 1611 NORTH KENT ST. ARLINGTON VA 22209		8,233.20	17,849.54
COMMUNITY SERVICE SOCIETY OF NEW YORK, 105 EAST 22ND STREET NEW YORK NY 10010			2,939.09
CONFERENCE OF STATE BANK SUPERVISORS, 1015 18TH ST., NW WASHINGTON DC 20036			2,396.28
ROBERT J. CONLAN, 1630 CONNECTICUT AVENUE, NW WASHINGTON DC 20009	NATIONAL CONSUMER COOPERATIVE BANK	8,683.20	21.70
JEFFREY B. CONLEY, NEDA/CAAP 605 14TH STREET, NW WASHINGTON DC 20005	E. BRUCE HARRISON COMPANY, INC		
GERALD R. CONNOR, 6500 WISCONSIN AVENUE CHEVY CHASE MD 20015	AMERICAN PUBLIC HEALTH ASSOCIATION	594.00	231.45
Do	THOMAS E. BRYANT		32.80
Do	CONGRSS OF ADVOCATES FOR THE RETARDED, INC	251.00	97.71
Do	VOLUNTEER TRUSTEES OF NOT-FOR-PROFIT HSOPITALS	750.00	292.44
LORI CONSADORI, 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CONSUMERS FOR WORLD TRADE	100.00	
CONSERVATIVES FOR IMMIGRATION REFORM, INC, SUITE 321 227 MASSACHUSETTS AVENUE, NE WASHINGTON DC 20002			863.50
CONSOLIDATED EDISON COMPANY OF NEW YORK, INC, 4 IRVING PLACE NEW YORK NY 10003			512.50
CONSOLIDATED RAIL CORPORATION, PO BOX 23451 WASHINGTON DC 20024			11,162.00
CONSORTIUM OF SOCIAL SCIENCE ASSOCIATIONS, SUITE 300 1755 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036		6,706.88	4,649.27
CONSUMERS FOR WORLD TRADE, 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036		177.25	177.25

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
CONTINENTAL RESOURCES COMPANY, P. O. BOX 44 WINTER PARK FL 32790			4,945.97
COOK, PURCELL, HANSEN & HENDERSON, 11TH FLOOR 1015 18TH ST., NW WASHINGTON DC 20036	ALEUT CORPORATION	1,300.00	
Do	AMERICAN ACADEMY OF OPHTHALMOLOGY		
Do	AMERICAN MOTORCYCLIST ASSOCIATION	1,806.25	
Do	ASHLAND OIL, INC.		
Do	B.A.T. INDUSTRIES, LTD.	84,337.50	
Do	CITIZENS DEPOSIT BANK		
Do	CNA INSURANCE COMPANY OF CHICAGO, ILLINOIS		
Do	COMPREHENSIVE CARE CORPORATION		
Do	CONGRESS OF COUNTY MEDICAL SOCIETIES		
Do	CONSOLIDATED NATURAL GAS COMPANY	2,000.00	
Do	FIRST BANK AND TRUST COMPANY	662.50	
Do	HARLEY-DAVIDSON MOTOR COMPANY, INC	1,281.25	
Do	HOME RECORDING RIGHTS COALITION	11,665.50	211.37
Do	N. C. MACHINERY		
Do	NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES	600.00	
Do	NATIONAL FOOTBALL LEAGUE	11,977.50	
Do	OHIO VALLEY IMPROVEMENT ASSOCIATION, INC	4,000.00	
Do	ROADWAY EXPRESS, INC	5,580.00	
Do	ST. GEORGE TANAQ CORPORATION		
Do	TANADGUSIX CORPORATION	529.20	
Do	TEXACO, INC	3,900.00	
Do	TEXAS GAS TRANSMISSION CORPORATION		
Do	TOBACCO INSTITUTE	28,125.00	237.62
Do	WESTERN UNION TELEGRAPH COMPANY		
EDWARD COONEY, SUITE 500 1319 F ST., NW WASHINGTON DC 20004	FOOD RESEARCH & ACTION CENTER	549.96	
PETER COPPELMAN, 1901 PENNSYLVANIA AVENUE, N.W. WASHINGTON DC 20006	WILDERNESS SOCIETY	3,278.17	81.25
WILLIAM C. H. COPPOLA, #283650 ELLIS UNIT HUNTSVILLE TX 77340	COMMITTEE TO SAFEGUARD PRISONERS RIGHTS		
CORCORAN, YOUNGMAN & ROWE, SUITE 1100 1511 K ST., NW WASHINGTON DC 20006	FRANK G. KINGSLEY	10,000.00	258.00
SAMUEL C. COREY JR., 2500 DEKALB PIKE NORRISTOWN PA 19404	PROVIDENT INDEMNITY LIFE INSURANCE COMPANY		
SAMUEL C. COREY, 2500 DEKALB PIKE NORRISTOWN PA 19404	PROVIDENT INDEMNITY LIFE INSURANCE COMPANY		
CORPORATION FOR GOVERNMENT ACTION, SUITE 103 1000 POTOMAC STREET, NW WASHINGTON DC 20007		26,179.45	36,017.20
MARTY CORRY, 1909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSOCIATION OF RETIRED PERSONS	616.00	196.80
WILLIAM R. CORSON, 1707 H ST., NW WASHINGTON DC 20006	PENTHOUSE INTERNATIONAL LTD	10,500.00	7,450.00
PHILIP S. CORWIN, SUITE 202 1625 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	INDEPENDENT BANKERS ASSOCIATION OF AMERICA	10,750.00	543.03
COUNCIL OF INDUSTRIAL BOILER OWNERS, 11222 SILVERLEAF DRIVE FAIRFAX STATION VA 22039			
COUNCIL OF STATE HOSPITAL FINANCE AUTHORITIES, SUITE 2188 35 EAST WACKER DRIVE CHICAGO IL 60601			364.83
JEAN ANNE COUREY, 1825 CONNECTICUT AVENUE, NW WASHINGTON DC 20009	NATIONAL ASSOCIATION OF ARAB AMERICANS	2,125.00	425.00
ERIC COX, SUITE W-219 1011 ARLINGTON BLVD. ARLINGTON VA 22209	WORLD FEDERALIST POLITICAL EDUCATION COMM	859.96	
JOSEPH S. CRANE, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INSTITUTE OF ARCHITECTS	437.50	
WILLIAM D. CRAWFORD, 400 FIRST ST., NW WASHINGTON DC 20001	BROTHERHOOD OF RAILWAY CARMEN OF THE U.S. & CANADA	2,032.53	
DONALD J. CREOLA, 400 N. THIRD STREET P.O. BOX 1724 HARRISBURG PA 17105	PENNSYLVANIA STATE EDUCATION ASSOCIATION		
DONALD J. CRONIN, SUITE 1100 1511 K STREET, NW WASHINGTON DC 20005	MILLIKEN & COMPANY	5,000.00	140.00
Do	FRANK G. KINGSLEY	3,000.00	195.00
SHARON ALLEN CURRENS, 1735 NEW YORK AVENUE,NW WASHINGTON DC 20006	AMERICAN INSTITUTE OF ARCHITECTS	1,400.00	
JAY B. CUTLER, 1333 NEW HAMPSHIRE AVENUE, #670 WASHINGTON DC 20036	AMERICAN PSYCHIATRIC ASSOCIATION	5,077.13	1,056.60
RUDOLPH N. D'AGARIS, 15 W. MONTGOMERY AVENUE ROCKVILLE MD 20850			
WILLIAM D. D'ONOFRIO, 1800 W. 8TH ST. WILMINGTON DE 19805	NATIONAL ASSOCIATION FOR NEIGHBORHOOD SCHOOLS, INC		
LESLIE DACH, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	7,500.00	4,822.23
DANIELS, HOULIHAN & PALMETER, P.C., 1819 H ST., NW WASHINGTON DC 20006	JAPAN LUMBER IMPORTERS ASSOCIATION		
ONEIDA L. DARLEY, 3251 OLD LEE HIGHWAY SUITE 500 FAIRFAX VA 22030	NATIONAL LIMESTONE INSTITUTE, INC.		
RICHARD C. DARLING, 1156 15TH ST., NW WASHINGTON DC 20005	J. C. PENNEY COMPANY, INC	630.00	50.00
DIANE DAVENNY DARNELLE, 1100 17TH ST., NW, #1206 WASHINGTON DC 20036	SCHERING-PLOUGH CORPORATION	635.16	532.55
JOHN C. DATT, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FEDERATION	4,688.00	
CHERYL C. DAVIS, 510 C ST.,N.E. WASHINGTON DC 20002	NATIONAL ASSOCIATION OF CREDIT MANAGEMENT	75.00	
THOMAS A. DAVIS, SUITE 407 499 S. CAPITOL ST., SW WASHINGTON DC 20003	AMERICAN HORSE COUNCIL	2,750.00	342.30
Do	ASSOCIATION FOR SPORTFISHING'S FUTURE		
Do	CHICAGO BOARD OF TRADE	7,200.00	554.90
Do	DREXEL BURNHAM LAMBERT	1,750.00	
Do	FLORIDA POWER & LIGHT COMPANY		53.14
Do	FLORIDA SUGAR CANE LEAGUE, INC	1,475.00	74.95
Do	NATIONAL CATTLEMEN'S ASSOCIATION	600.00	50.94
Do	NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS		
Do	NATIONAL LIFE & ACCIDENT INSURANCE COMPANY	4,250.00	442.34
Do	UNITED EGG PRODUCERS		
DAWSON, RIDDELL, FOX, HOLROYD & WILSON, 723 WASHINGTON BUILDING WASHINGTON DC 20005	ANHEUSER-BUSCH, INC		
Do	BENEFICIAL FINANCE COMPANY		
Do	C.I.T. FINANCIAL CORPORATION		
Do	DIAL FINANCIAL CORPORATION		
Do	W. K. KELLOGG FOUNDATION		
Do	ROHM & HAAS COMPANY	1,000.00	
Do	U.S. BREWERS ASSOCIATION, INC	10,000.00	
Do	WILLIAMS COMPANIES		
DEALER BANK ASSOCIATION, SUITE 1014 1800 K ST., NW WASHINGTON DC 20006		12,500.00	12,500.00
BARBARA JOAN DEFURIA, # 307 5300 COLUMBIA PIKE ARLINGTON VA 22209	ROUNDTABLE ISSUES & ANSWERS		
MICHAEL J. DELOOSE, 1015 18TH STREET, NW WASHINGTON DC 20036	CONFERENCE OF STATE BANK SUPERVISORS	967.00	191.28
DEMINEX U.S. OIL COMPANY, SUITE 840, LOCK BOX 340 PLAZA OF THE AMERICAS, NORTH TOWER DALLAS TX 75201			49,383.41
MARCIA L. DESMOND, 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSOCIATION	1,238.54	91.62
JAMES T. DEVINE, LEONARD COHEN & GETTINGS 900 17TH ST., NW, #1020 WASHINGTON DC 20006	BOWLING PROPRIETORS ASSOCIATION OF AMERICAN		
DEWEY BALLANTINE BUSHBY PALMER & WOOD, 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	BENEFICIAL CORPORATION		
Do	GENERAL ELECTRIC PENSION TRUST		
Do	TEACHERS INSURANCE AND ANNUITY ASSOCIATION OF AMERICA		
PATRICK DI CHIRO, SUITE 508 2301 S. JEFFERSON DAVIS HWY. ARLINGTON VA 22202	MANUFACTURED HOUSING INSTITUTE		
JAMES J. DICKMAN, 12TH FLOOR 80 BROAD STREET NEW YORK NY 10004	NEW YORK SHIPPING ASSOCIATION, INC		140.00
DIMENSIONS, INC., 641 MCKNIGHT STREET READING PA 19601			3,000.00
DIRECT SELLING ASSOCIATION, 1730 M ST., NW WASHINGTON DC 20036			9,840.18
DMA ASSOCIATES, 308 E. CAPITOL ST WASHINGTON DC 20002	AMERICAN CYANAMID COMPANY		
Do	REFRIGERATED TRANSPORT, INC		
Do	SAFT AMERICA, INC		
ROBIN C. DOLE, SUITE 704 1000 16TH ST. NW WASHINGTON DC 20036	CENTURY 21 REAL ESTATE CORPORATION	560.00	
DOMESTIC PETROLEUM COUNCIL TRADE ASSOCIATION, 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036			
JOSEPH K. DOSS, 3251 OLD LEE HIGHWAY,SUITE 500 FAIRFAX, VA 22030	NATIONAL LIMESTONE INSTITUTE, INC.		
CHARLENE DOUGHERTY, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	8,000.00	2,525.00
JOHN C. DOYLE JR., 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY CENTER	1,999.99	
W.H. DRUSHEL JR., 3500 FIRST CITY TOWERS HOUSTON TX 77002	VINSON & ELKINS (FOR: QUINTANA REFINERY COMPANY)		
EARL C. DUDLEY JR., NUSSBAUM & OWEN 1800 M STREET, NW WASHINGTON DC 20036	PLAINTIFFS' ANTI-TRUST LIAISON SOCIETY	3,209.00	231.51
C. R. DUGGAN, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	1,100.00	1,100.00
ROBERT B. DUNCAN, 1000 POTOMAC STREET, NW, #302 WASHINGTON DC 20007	GENERAL AVIATION MANUFACTURERS ASSOCIATION		
Do	SCHWABE, WILLIAMSON, WYATT, MOORE AND ROBERTS (FOR: HELICOPTER LOGGERS ASSOCIATION).	6,246.01	6,256.86
Do	SCHWABE, WILLIAMSON, WYATT, MOORE AND ROBERTS (FOR: LITCHSTREET COMPANY).		13.38
Do	MOUNTAIN STATES ENERGY, INC	1,611.24	1,614.21
Do	NIEDERMEYER-MARTIN COMPANY	666.66	667.99
Do	OTIS ELEVATOR COMPANY	2,909.81	273.83
Do	SCHWABE, WILLIAMSON, WYATT, MOORE AND ROBERTS (FOR: STATE OF OREGON/ CITY OF PORTLAND, OREGON).	10,892.75	10,910.33
LOUISE C. DUNLAP, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY CENTER	1,291.67	
H. STEWART DUNN JR., SUITE 600 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	JOURNAL COMPANY		
MICHAEL V. DURANDO, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FEDERATION	2,475.00	60.64
B. J. DURHAM, P.O. BOX 2121 CORPUS CHRISTI TX 78403	CENTRAL POWER AND LIGHT COMPANY	540.00	961.15
JEAN DURNING, 4TH AND PIKE BUILDING, ROOM 622 1424 FOURTH AVENUE SEATTLE WA 98101	WILDERNESS SOCIETY	1,420.48	469.65
GEORGE H. EATMAN, SUITE 3210 490 L'ENFANT PLAZA, SW WASHINGTON DC 20024	SLURRY TRANSPORT ASSOCIATION	1,000.00	
DONALD R. EBE, 1800 K ST., NW, #800 WASHINGTON DC 20006	GOODYEAR TIRE & RUBBER COMPANY	3,125.00	
EDELMAN INTERNATIONAL CORPORATION, 1730 PENNSYLVANIA AVENUE, NW, #460 WASHINGTON DC 20006	DGA INTERNATIONAL (FOR: AIRBUS INDUSTRIE)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	DGA INTERNATIONAL (FOR: SOFREAVIA)		
Do	REPUBLIC OF UGANDA		
DANIEL J. EDELMAN, INC., SUITE 460 1730 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WHITTAKER CORPORATION		
PHYLLIS EISEN, 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ZERO POPULATION GROWTH, INC	561.00	26.00
JONATHAN P. ELA, 142 W. GORHAM MADISON WI 53703	SIERRA CLUB	1,377.00	1,798.32
JANE E. ELDER, 142 W. GORHAM MADISON WI 53703	SIERRA CLUB	1,282.50	790.20
TIMOTHY L. ELDER, 1850 K ST., NW SUITE 925 WASHINGTON DC 20006	CATERPILLAR TRACTOR COMPANY	2,500.00	1,716.34
C. M. ELKINS ASSOCIATES, SUITE 310 1100 17TH ST., NW WASHINGTON DC 20036	DELAWARE & HUDSON RAILWAY COMPANY		
Do	MISSOURI KANSAS TEXAS RAILROAD		
Do	PITTSBURGH & LAKE ERIE RAILROAD		
KEITH H. ELLIS, 1015 18TH ST.,NW WASHINGTON DC 20036	CONFERENCE OF STATE BANK SUPERVISORS	1,238.00	
ENVIRONMENTAL POLICY CENTER, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003		68,189.73	56,852.76
PAUL A. EQUALE, SUITE 503 1120 19TH ST., NW WASHINGTON DC 20036	INDEPENDENT INSURANCE AGENTS OF AMERICA, INC	7,730.78	
JONATHAN ERLITZ, 105 EAST 22ND STREET NEW YORK NY 10010	COMMUNITY SERVICE SOCIETY	224.00	
JOHN T. ESTES, 1150 CONNECTICUT AVENUE, NW #700 WASHINGTON DC 20036	ALLIED CHEMICAL CORPORATION	300.00	28.00
FAWN K. EVENSON, 1611 NORTH KENT ST. SUITE 900 ARLINGTON VA 22289	FOOTWEAR INDUSTRIES OF AMERICA	4,000.00	784.20
GEORGE W. FALLTRICK, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD CF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
FARMERS FOR FAIRNESS, P.O. BOX 6288 CAMILLA GA 31730			
FREDERICK FEDELI, SUITE 670 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	AMERICAN PSYCHIATRIC ASSOCIATION	1,628.80	847.40
FENSTERWALD & ASSOCIATES, 1000 WILSON BLVD SUITE 900 ARLINGTON VA 22209	NATIONAL NUTRITIONAL FOODS ASSOCIATION	4,374.99	376.71
C. H. FIELDS, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FEDERATION	4,450.01	115.42
MANUEL D. FIERRO, SUITE 800 2101 L STREET, NW WASHINGTON DC 20037	DICKSTEIN, SHAPIRO & MORIN	1,500.00	240.00
EDITH U. FIERST, 1140 CONNECTICUT AVENUE, N.W. SUITE 501 WASHINGTON DC 20036	ASSOCIATION OF AMERICAN FORIEGN SERVICE WOMEN		
THEODORA FINE, 1333 NEW HAMPSHIRE AVENUE, NW, #670 WASHINGTON DC 20036	AMERICAN PSYCHIATRIC ASSOCIATION	2,262.09	1,125.38
DAVID M. FITZGERALD, 206 KING ST. ALEXANDRIA VA 22314	GOODYEAR AEROSPACE CORPORATION	100.00	25.00
Do	LITTON DATA SYSTEMS	200.00	
T. E. FITZGERALD, 18913 QUAIL VALLEY BLVD. GAITHERSBURG MD 20760	HOUSEHOLD INTERNATIONAL	4,150.00	600.59
RUTH FLOWER, 245 SECOND ST., NE. WASHINGTON DC 20002	FRIENDS COMMITTEE ON NATIONAL LEGISLATION	3,047.64	
JOHN J. FLYNN, 1125 17TH STREET, NW WASHINGTON DC 20036	INTERNATIONAL UNION OF OPERATING ENGINEERS	7,500.00	441.00
FOOD RESEARCH & ACTION CENTER, C/O HELAINECOHEN SUITE 500 1319 F ST. NW WASHINGTON DC 20004			10,506.77
ALBERT A. FOX JR , 1150 CONNECTICUT AVENUE, NW, #700 WASHINGTON DC 20036	ALLIED CHEMICAL CORPORATION	200.00	45.00
DONALD FRAHER, 810 18TH ST., NW WASHINGTON DC 20006	HANDGUN CONTROL, INC	4,326.90	52.50
DAVID E. FRANASIAK, 1615 H ST., NW, WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	982.80	79.05
FRANCIS ASSOCIATES, LTD., 316 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL EDUCATION ASSOCIATION		
GREGORY W. FRAZIER, P.O. BOX 427 ENGLEWOOD CO 80151	INTERNATIONAL ENERGY BROKERS, INC.		
FREE THE EAGLE NATIONAL CITIZEN'S LOBBY, SUITE 1400 1875 S. STATE ST. OREM UT 84057		175,070.91	174,879.31
LEWIS R. FREEMAN JR , 1724 H ST., NW WASHINGTON DC 20006	SOCIETY OF THE PLASTICS INDUSTRY		
FRIENDS COMMITTEE ON NATIONAL LEGISLATION, 245 2ND ST., NE WASHINGTON DC 20002			27,892.78
FRIENDS OF THE EARTH, 530 7TH ST., SE WASHINGTON DC 20003		44,220.85	61,485.38
ROBERT D. FRITZ, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	2,600.00	2,600.00
FULBRIGHT & JAWORSKI, 1150 CONNECTICUT AVENUE, NW, #400 WASHINGTON DC 20036	ALAMO RENT A CAR	17,850.00	414.26
NANCY H. FUSSELL, 1700 N. MOORE ST. ROSSLYN VA 22209	BOEING COMPANY	1,300.00	377.62
G-4 CHILDREN'S COALITION, ROOM 1100 1666 K STREET, NW WASHINGTON DC 20006		41,247.30	34,343.75
TERRY GABRIELSON, 490 L'ENFANT PLAZA, SW, #3202 WASHINGTON DC 20024	TRANSCONTINENTAL GAS PIPELINE CORPORATION	450.00	
MICHAEL N. GARABEDIAN, 14TH FLOOR 228 E. 45TH STREET NEW YORK NY 10017	SIERRA CLUB	434.99	137.06
GARVEY, SCHUBERT, ADAMS & BARER, 1000 POTOMAC ST., NW WASHINGTON DC 20006	PORT OF TILLAMOOK BAY & TILLAMOOK COUNTY	2,700.00	72.00
DWIGHT M. GEDULDIG, 444 NORTH CAPITOL ST.,N.W. #500 WASHINGTON DC 20001	AMERICAN HOSPITAL ASSOCIATION	5,831.00	434.86
FRED J. GENTILE, 195 MONTAGUE STREET BROOKLYN NY 11201	BROOKLYN UNION GAS COMPANY		
CLAIRE M. GEOGHEGAN, 415 2ND ST., NE WASHINGTON DC 20002	AD HOC COMM FOR COMPETITIVE TELECOMMUNICATIONS	6,690.41	
GEORGE W. GEPHART, 1412 GAS & ELECTRIC BUILDING, P.O. BOX 1475 BALTIMORE MD 21203	BALTIMORE GAS & ELECTRIC COMPANY		
GERARD, BYLER & ASSOCIATES, INC., 1100 17TH ST., NW, #1100 WASHINGTON DC 20036	AK CHIN INDIAN COMMUNITY	684.00	
Do	COLVILLE BUSINESS COUNCIL		
Do	COMMISSIONED OFFICERS ASSOCIATION OF THE U.S. PUBLIC HEALTH SERVICE	1,848.00	17.91
Do	DAMSON OIL CORPORATION		36.05
Do	MINNESOTA CHIPPEWA TRIBE	514.00	
Do	PAPAGO TRIBE OF ARIZONA	5,821.48	53.35
Do	TULALIP TRIBES	1,207.40	
GETTY OIL COMPANY, 3810 WILSHIRE BLVD. LOS ANGELES CA 90010			30,344.12
GIC FINANCIAL SERVICES CORPORATION, SUITE 420 9701 W. HIGGINS ROAD ROSEMONT IL 60018			
FLOYD H. GILKEY, 2111 HARBOR DRIVE ANNAPOLIS MD 21401	CHESAPEAKE INDUSTRIES, INC		
CLAUDE R. GLAZE, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	400.00	400.00
GLENMEDE TRUST COMPANY, 229 S. 18TH ST. PHILADELPHIA PA 19103			
JERE W. GLOVER, SUITE 1201 1001 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL FOR INDUSTRIAL INNOVATION		72.85
Do	SERVICE STATION DEALERS OF AMERICA	11,406.68	94.69
GODFREY ASSOCIATED, INC, SUITE S-501 918 16TH ST., NW WASHINGTON DC 20006			
HORACE D. GODFREY, 918 16TH ST., NW, SUITE S-501 WASHINGTON DC 20006	GODFREY ASSOCIATED, INC		
THOMAS G. GODFREY, P.O. BOX 69 WOLWORTH WI 53184	KIKKOMAN FOODS, INC		
A. JAMES GOLATO, 1701 K STREET, NW WASHINGTON DC 20006	H&R BLOCK, INC	455.00	71.90
NEIL B. GOLDSTEIN, 228 E. 45TH ST. NEW YORK NY 10017	SIERRA CLUB	1,560.00	3,876.29
ALFONSO J. GONZALEZ, 7981 EASTERN AVENUE, SILVER SPRING MD 20910	NATIONAL ASSOCIATION OF SOCIAL WORKERS	10,000.00	520.00
ROBERT D. GORDON, 422 FIRST ST., SE WASHINGTON DC 20003	INTERNATIONAL UNION OF POLICE ASSOCIATIONS, AFL-CIO		
EDWARD S. GRANDIS, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY CENTER	1,666.66	
MICHAEL R. GRAUL, 1725 DESALES ST., NW SUITE 401 WASHINGTON DC 20036	AMERICAN HARDWARE MANUFACTURERS ASSOCIATION	1,000.00	
RUTH P. GRAVES, SUITE 500 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	READING IS FUNDAMENTAL, INC	15.00	8.00
GREAT WESTERN SUGAR COMPANY, P.O. BOX 5308 DENVER CO 80217			
GREATER WASHINGTON BOARD OF TRADE, 1129 20TH ST., NW WASHINGTON DC 20036			
PHYLLIS GREENBERGER, 1333 NEW HAMPSHIRE AVENUE, N.W. SUITE 670 WASHINGTON DC 20036	AMERICAN PSYCHIATRIC ASSOCIATION	1,576.75	1,132.86
GROOM & NORDBERG, 1775 PENNSYLVANIA AVENUE. NW, #450 WASHINGTON DC 20006	BAXTER TRAVENOL LABORATORIES, INC	300.00	6.00
Do	GLOBAL MARINE, INC	300.00	6.00
Do	GOLDMAN, SACHS & COMPANY	100.00	4.00
Do	READING & BATES CORPORATION	300.00	6.00
DAVID B. GROSS, SUITE 108 7490 BROMPTON HOUSTON TX 77025			
JOHN R. GROUNDWATER JR , 3251 OLD LEE HIGHWAY SUITE 501 FAIRFAX VA 22030	NATIONAL LIMESTONE INSTITUTE, INC		
GAIL P. GRUBB, SUITE 800 2101 L STREET, NW WASHINGTON DC 20037	HOME HEALTH SERVICES ASSOCIATION	7,500.00	
KENNETH A. GUENTHER, 1625 MASSACHUAETTS AVENUE, #202 WASHINGTON DC 20036	INDEPENDENT BANKERS ASSOCIATION OF AMERICA		
ELLEN HAAS, 1146 19TH ST., NW, #300 WASHINGTON DC 20036	COMMUNITY NUTRITION INSTITUTE		
HALE AND DORR, SUITE 807 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	INDIAN LAND CLAIM COMMITTEE		884.35
Do	TOWN OF MASHPEE		
WILLIAM F. HALL, P.O. BOX 16241 ST. LOUIS MO 63105	WILLIAM HALL & ASSOCIATES, INC		
NORMAN S. HALLIDAY, SUITE 300 600 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20003	NATIONAL ASSOCIATION OF GREETING CARD PUBLISHERS		
HALLMARK CARDS, INC., 25TH & MCGEE ST. KANSAS CITY MO 64108			2,200.00
HALT, INC, SUITE 319 201 MASSACHUSETTS AVENUE, NE WASHINGTON DC 20002		641.00	446.00
HAMEL PARK MCCABE & SAUNDERS, 888 16TH STREET, NW WASHINGTON DC 20006	GOVERNMENT OF THE U.S. VIRGIN ISLANDS		
Do	VIRGIN ISLANDS TRADE & ECONOMIC DEVELOPMENT INSTITUTE		
HANDGUN CONTROL, INC., 810 18TH ST., NW WASHINGTON DC 20006		449,325.33	175,226.78
DAVID T. HARDY, 1600 RHODE ISLAND AVENUE WASHINGTON DC 20036	NATIONAL RIFLE ASSOCIATION OF AMERICA		
ALLEN HARRIS, SUITE 316 1330 CLASSEN BUILDING OKLAHOMA CITY OK 73106	SOUTHWEST KANSAS IRRIGATION ASSOCIATION		
Do	TEXAS COUNTY IRRIGATION & WATER RESOURCES ASSOCIATION		
LYNN S. HART, 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSOCIATION	847.59	305.77
HARTFORD FIRE INSURANCE COMPANY, HARTFORD PLAZA HARTFORD CT 06115			10,115.00
PAUL T. HASSE, 201 MASSACHUSETTS AVENUE, NE, #319 WASHINGTON DC 20002	HALT, INC	250.00	5.00
BRUCE R. HAWLEY, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FEDERATION	7,070.00	32.20
STEVEN B. HELLEM, 605 14TH STREET, NW WASHINGTON DC 20005	E. BRUCE HARRISON COMPANY, INC		
BARBARA HELLER, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY CENTER	1,145.93	
SCOTT HEMPLING, ROOM 401 1300 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CITIZEN/LABOR ENERGY COALITION	2,430.00	120.20
THOMAS M. HENNESSY, 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	GETTY OIL COMPANY	4,672.00	246.35
HERCULES INCORPORATED, 910 MARKET ST. WILMINGTON DE 19899			7,355.00
LAWRENCE R. HERMAN, 1120 19TH ST., NW, #503 WASHINGTON DC 20036	INDEPENDENT INSURANCE AGENTS OF AMERICA, INC	8,342.32	
SHARON L. HILDEBRANDT, 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSOCIATION	3,041.84	36.87
ALLAN D. HILL, 1825 K STREET, N.W. SUITE 1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY		
ROBERT AINSLEY HILLIARD, 400 MADISON AVENUE NEW YORK NY 10017	PETER SMALL & ASSOCIATES, INC (FOR: WILLIAM M. MERCER, INC)		
E. JOSEPH HILLINGS, 1627 K STREET, NW, #200 WASHINGTON DC 20006	FLUOR CORPORATION	10,000.00	1,894.00
HILLSDALE COUNTY RAILWAY COMPANY, 50 MONROE STREET HILLSDALE MI 49242			
J.D. HITTLE, 3137 S. 14TH ST. ARLINGTON VA	VOUGHT CORPORATION	3,000.00	544.40
LAWRENCE S. HOFFHEIMER, SUITE 520 1120 20TH STREET, NW WASHINGTON DC 20037	AMERICAN ASSOCIATION OF HOMES FOR THE AGING	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	BRAZOS RIVER HARBOR NAVIGATION DISTRICT	8,800.00	928.00
Do	NATIONAL MULTIPLE SCLEROSIS SOCIETY	5,100.00	267.00
HOGAN & HARTSON, 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	ELECTRONICS INDUSTRIES ASSOCIATION		
ROBERT L. HOLDING, 20 N. WACKER DRIVE CHICAGO IL 60606	ASSOCIATION OF HOME APPLIANCE MANUFACTURERS		3,450.00
HOLIDAY INNS, INC, 3742 LAMAR AVENUE MEMPHIS TN 38195	AMERICAN MINING CONGRESS		
RICHARD C. HOLMQUIST, 1920 N ST., NW WASHINGTON DC 20036	NEW YORK MERCANTILE EXCHANGE		
HOLT CICATIELLO NEISWANGER, INC., 1441 IRVING ST. RAHWAY NJ 07065	ENVIRONMENTAL POLICY CENTER	1,333.34	
HARRIET HOLTZMAN - PARCELLS, 317 PENNSYLVANIA AVENUE, S.E. WASHINGTON DC 20003	CBI INDUSTRIES, INC		
HOPKINS & SUTTER, SUITE 4200 THREE FIRST NATIONAL PLAZA CHICAGO IL 60602	CHICAGO BOARD OF TRADE CLEARING CORPORATION		
Do	COMMONWEALTH EDISON COMPANY		
Do	FIRST CHICAGO CORPORATION	425.00	
Do	INLAND STEEL COMPANY		
Do	MANAGEMENT INSIGHTS, INC		
Do	NATIONAL ASSOCIATION OF INDEPENDENT INSURERS	4,480.00	
Do	NORTHWEST INDUSTRIES, INC		
Do	PEOPLES ENERGY CORPORATION		
Do	SEARS, ROEBUCK AND COMPANY		
Do	TRANS UNION CORPORATION		
ROBERT JACK HORN, SUITE 480 1990 M ST., NW WASHINGTON DC 20036	DETROIT EDISON COMPANY	518.00	25.00
MARY GREER HOUSTON, 1901 L ST., NW, #711 WASHINGTON DC 20036	WILSON E. HAMILTON & ASSOCIATES, INC (FOR: FARM LABOR RESEARCH COMM)		
C.T. HOVERSTEN, 6850 S. HARLEM AVENUE, ARGO P.O. BEDFORD PARK IL 60501	NATIONAL ADVERTISING COMPANY		
JOHN A. HOWES, SUITE 290 1050 17TH STREET, NW WASHINGTON DC 20036	CONSUMERS POWER COMPANY	600.00	
BETTY HUDSON, 1627 K STREET, NW, #200 WASHINGTON DC 20006	FLUOR CORPORATION	5,000.00	1,486.00
HUDSON, LEFTWICH & DAVENPORT, SUITE 806 1101 15TH ST., NW WASHINGTON DC 20005	CITY OF DETROIT		
RICHARD M. HUNT, 1150 CONNECTICUT AVENUE, NW, #1009 WASHINGTON DC 20036	NL INDUSTRIES, INC	4,775.00	
ROBERT BRUCE HUNTER, 1621 RIPON PLACE ALEXANDRIA VA 22302	AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS		
ISABEL E. HYDE, 1800 K STREET, NW WASHINGTON DC 20006	GOODYEAR TIRE AND RUBBER COMPANY	1,750.00	
INDEPENDENT BANKERS ASSOCIATION OF AMERICA, 1625 MASSACHUSETTS AVENUE, NW, #202 WASHINGTON DC 20036		78,509.00	51,833.11
INDEPENDENT DATA COMMUNICATIONS MANUFACTURERS ASSOCIATION, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006		8,207.20	8,207.20
INDEPENDENT PRODUCERS GROUP, 240 PAGE COURT 220 W. DOUGLAS WICHITA KS 67202		1,054.98	590.55
JOHN H. INGRAM, NICKERSON-INGRAM & ASSOCIATES, INC 1150 17TH STREET, NW, #607 WASHINGTON DC 20036	MASSACHUSETTS BAY TRANSPORTATION AUTHORITY	13,554.00	382.64
INSTITUTE OF FOREIGN BANKERS, SUITE 303 EAST, RM. 23 200 PARK AVENUE NEW YORK NY 10017		4,000.00	4,000.00
INTERLAKE, INC, 2015 SPRING RD. OAK BROOK IL 60521			16,699.96
INTERNATIONAL UNION OF OPERATING ENGINEERS, 1125 17TH ST., NW WASHINGTON DC 20036		16,000.00	928.00
CLARENCE L. JAMES JR., SUITE 505 1625 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	KEEFE COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)		
Do	KEEFE COMPANY (FOR: PUBLIC EMPLOYEES BENEFIT SERVICES COMPANY)		
Do	KEEFE COMPANY (FOR: RIVIANA FOODS)		
Do	KEEFE COMPANY (FOR: WESTINGHOUSE ELECTRIC CORPORATION)	3,500.00	
JAPANESE AMERICAN CITIZENS LEAGUE, 1765 SUTTER STREET SAN FRANCISCO CA 94115			
HERBERT N. JASPER, 415 2ND ST., NE WASHINGTON DC 20002	AD HOC COMM FOR COMPETITIVE TELECOMMUNICATIONS	19,615.38	
PHILIP F. JEHLE, 1150 CONNECTICUT AVENUE, NW, #310 WASHINGTON DC 20036	SMITHKLINE CORPORATION	1,500.00	300.00
KEMPTON B. JENKINS, SUITE 702 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	ARMCO	600.00	217.10
JAMES C. JENNINGS, 3255 GRACE ST. NW WASHINGTON DC 20007	GRAY AND COMPANY		
DOUGLAS F. JOHN, MCDERMOTT, WILL & EMERY 1850 K STREET, NW, #500 WASHINGTON DC 20006	MEDINA ELECTRIC COOPERATIVE, INC		
Do	SOUTH TEXAS ELECTRIC COOPERATIVE, INC		
WALTER W. JOHN, RM. 1414 SOUTH BUILDING USDA WASHINGTON DC 20250	ORGANIZATION OF PROFESSIONAL EMPLOYEES OF USDA	756.00	
RONALD P. JOHNSEN, SUITE 303 1625 EYE ST., NW WASHINGTON DC 20006	COLUMBIA GAS SYSTEM SERVICE CORPORATION	175.00	254.69
B. GERALD JOHNSON, 500 MAYNARD BUILDING SEATTLE WA 98104	PUBLIC HEALTH HOSPITAL PRESERVATION & DEVELOPMENT AUTHORITY		
CALVIN P. JOHNSON, HOFFHEIMER, JOHNSON & PETERSON 1120 20TH STREET, NW, #520 WASHINGTON DC 20036	COMPUTER SCIENCES CORPORATION	18,000.00	2,389.00
DOUGLAS JOHNSON, SUITE 402 419 7TH STREET, NW WASHINGTON DC 20004	NATIONAL RIGHT TO LIFE COMMITTEE, INC	4,999.98	268.67
JOHN PAUL JOHNSON, 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	NATURAL GAS SUPPLY ASSOCIATION		
LARRY W. JOHNSON, P.O. BOX 3000 LEESBURG VA 22075	VOCATIONAL INDUSTRIAL CLUBS OF AMERICA, INC		
JOINT MARITIME CONGRESS, 444 N. CAPITOL ST. WASHINGTON DC 20001		15,338.68	15,600.27
JONES & WINBURN, SUITE 1040 1101 15TH STREET, NW WASHINGTON DC 20005	AMERICAN ASSOCIATION OF EQUIPMENT LESSORS	16,000.00	28,678.54
LINDA WOLF JONES, 105 E. 22 STREET NEW YORK NY 10010	COMMUNITY SERVICE SOCIETY	190.00	
THEODORE L. JONES, 3081 TEDDY DRIVE BATON ROUGE LA 70809	INSURANCE ASSOCIATION OF CONNECTICUT	15,000.00	19,634.00
JONES, DAY, REAVIS & POGUE, 1735 I ST., NW WASHINGTON DC 20006	CITIES SERVICE COMPANY		
Do	FOOD POLICY CENTER		
Do	KOLLMORGEN CORPORATION		
Do	MARATHON OIL COMPANY		
Do	MISSISSIPPI CHEMICAL CORPORATION	8,601.00	33.00
DONALD L. JORDAN, SUITE 700 311 FIRST ST., NW WASHINGTON DC 20001	NATIONAL ASSOCIATION OF INSURANCE BROKERS		
LAUREL B. KAMEN, SUITE 702 1700 K STREET, NW WASHINGTON DC 20006	AMERICAN EXPRESS COMPANY		
PATRICIA L. KATSON, 905 ST. STEPHENS ROAD ALEXANDRIA VA 22304	LIBERTY LOBBY	4,500.00	
LAURA JO KATZ, 2101 L STREET, NW WASHINGTON DC 20037	SHRIMP HARVESTERS COAL. OF THE GULF & S. ATLANTIC STS		
KAYE, SCHOLER, FIERMAN, HAYS & HANDLER, 1575 I ST., NW SUITE 1150 WASHINGTON DC 20005	DOW CHEMICAL COMPANY	325.00	412.50
Do	ELSEVIER SCIENTIFIC PUBLISHERS		
DAVID L. KEATING, 325 PENNSYLVANIA AVENUE, SE, WASHINGTON DC 20003	NATIONAL TAXPAYERS UNION	1,500.00	
ROBERT J. KEEFE, 1625 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	KEEFE COMPANY (FOR: ALVIN NEDERLANDER ASSOCIATES, INC)		
Do	KEEFE COMPANY (FOR: AMERICAN FAMILY LIFE ASSURANCE COMPANY)	2,500.00	
Do	KEEFE COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)		
Do	THE KEEFE COMPANY (FOR: CORDAGE INSTITUTE)	6,100.00	
Do	KEEFE COMPANY (FOR: KNOXVILLE INTERNATIONAL ENERGY EXPOSITION)	1,250.00	
KEIKI KEHOE, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	KEEFE COMPANY (FOR: WESTINGHOUSE ELECTRIC CORPORATION)	4,500.00	
CANDACE KELLER, 624 9TH ST., NW 7TH FLOOR WASHINGTON DC 20001	ENVIRONMENTAL POLICY CENTER	1,916.66	
EARL KELLY, 4350 EAST-WEST HWY., #300 WASHINGTON DC 20014	GROUP HEALTH ASSOCIATION OF AMERICA, INC	5,000.00	
WILLIAM F. KENNEDY, 3125 EASTON TURNPIKE BUILDING WS-23 FAIRFIELD CT 06431	PARALYZED VETERANS OF AMERICA	7,104.48	
PAUL A. KIEFER, KIEFER & MORRISON SUITE 602 1341 G STREET, NW, WASHINGTON DC 20005	GENERAL ELECTRIC COMPANY		
KIKKOMAN FOODS, INC, P.O. BOX 69 WALWORTH WI 53184	AMERICAN FUR INDUSTRY, INC; FUR CONSERVATION INSTITUTE OF AMERICA	12,465.34	2,321.86
KILGORE & KILGORE, INC, 1800 FIRST NATIONAL BANK BUILDING DALLAS TX 75202	DEMINEX U.S. OIL COMPANY	9,473.00	22,767.55
Do	TEXASGULF, INC	20,000.00	22,815.07
RUFUS KING, 910 17TH STREET, NW WASHINGTON DC 20006	AMUSEMENT DEVICE MANUFACTURERS ASSOCIATION		
FRANK J. KINNEY, 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSOCIATION	2,224.38	312.28
PETER C. KIRBY, 1901 PENNSYLVANIA AVENUE,N.W. WASHINGTON DC 20006	WILDERNESS SOCIETY	108.33	14.00
KIRLIN, CAMPBELL & KEATING, SUITE 800 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	COUNCIL OF EUROPEAN & JAPANESE NATIONAL SHIPOWNERS' ASSOCIATION		679.72
DONALD R. KIRTLEY, 910 MARKET ST. WILMINGTON DE 19899	HERCULES INC		
RALPH W. KITTLE, 1620 EYE ST., NW, #700 WASHINGTON DC 20006	INTERNATIONAL PAPER COMPANY	8,000.00	9,725.47
LAURENCE KLEIN, 105 EAST 22ND STREET NEW YORK NY 10010	COMMUNITY SERVICE SOCIETY	1,311.00	
KLINE, KNOPF & WOJDAK, INC., 111 STATE STREET HARRISBURG PA 17101	HAHNEMANN MEDICAL COLLEGE & HOSPITAL	7,500.00	1,122.34
Do	MEDICAL COLLEGE OF PENNSYLVANIA	500.00	922.99
Do	ST. CHRISTOPHER'S HOSPITAL FOR CHILDREN	6,000.00	1,012.46
JEFFREY W. KNIGHT, 1045 SANSOME ST. SAN FRANCISCO CA 94111	FRIENDS OF THE EARTH		
MARY G. KNOPKE, P.O. BOX 53369 WASHINGTON DC 20009	AMERICAN HUMANE ASSOCIATION	8,000.00	985.00
LEONARD THOMAS KOCH, 950 L'ENFANT PLAZA, SW WASHINGTON DC 20024	COMMUNICATIONS SATELLITE CORPORATION	2,750.00	
PAUL E. KOHL, 330 EAST 33RD ST NEW YORK NY 10016	18TH CONG. DIST. FOR PRO-LIFE ACTIVITIES		
JEANNE P. KOWALSKI, SUITE 500 1828 L ST., NW WASHINGTON DC 20006	SOUTHERN PACIFIC COMMUNICATIONS COMPANY	3,440.00	150.09
STEPHEN W. KRAUS, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
LAWRENCE E. KREIDER, 1015 18TH ST., NW WASHINGTON DC 20036	CONFERENCE OF STATE BANK SUPERVISORS		
JOSEPH A. KUCHLER, 444 NORTH CAPITOL ST., NW #500 WASHINGTON DC 20001	AMERICAN HOSPITAL ASSOCIATION	1,276.30	92.64
PHILIP KUGLER, 11 DUPONT CIRCLE, NW WASHINGTON DC 20036	AMERICAN FEDERATION OF TEACHERS		
PETER M. LAFEN, 530 7TH ST., SE WASHINGTON DC 20003	FRIENDS OF THE EARTH	2,329.71	
ERIC T. LAITY, 1800 FIRST NATIONAL BANK BUILDING DALLAS TX 75202	DEMINEX U.S. OIL COMPANY	7,500.00	
Do	TEXASGULF, INC	7,500.00	
JAMES H. LAKE, SUITE 420 1200 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	CALIFORNIA WESTSIDE FARMERS	5,216.75	
C. P. LAMBOS, 29 BROADWAY NEW YORK NY 10006	NEW YORK SHIPPING ASSOCIATION, INC		296.00
LANE & EDSON, SUITE 400 SOUTH 1800 M ST., NW WASHINGTON DC 20036	COUNCIL FOR RURAL HOUSING AND DEVELOPMENT	600.00	
CLIFFORD LAPLANTE, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC COMPANY	1,000.00	
DENNIS LAVALLEE, 1016 20TH ST., NW WASHINGTON DC 20036	NATIONAL ASSOCIATION OF PLUMBING-HEATING-COOLING CONTRACTORS	500.00	60.80
JOHN H. LEACH II, P.O. BOX 11125 SANTA ANA CA 92711	LET THE PEOPLE BE HEARD COMM		
LEAD-ZINC PRODUCERS COMMITTEE, 120 BROADWAY, #3415 NEW YORK, NY 10271			9,193.38
LEAGUE OF CALIFORNIA MILK PRODUCERS, 1225 8TH ST. SACRAMENTO CA 95814			3,418.92
DAVID A. LEFEVE, 1100 CONNECTICUT AVENUE, NW SUITE 340 WASHINGTON DC 20036	MERRILL LYNCH & COMPANY, INC		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
DAVID A. LEFF, 444 NORTH CAPITOL WASHINGTON DC 20001	JOINT MARITIME CONGRESS	901.35	
MARY NELL LEHNHARD, 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	BLUE CROSS & BLUE SHIELD		
LEIGHTON CONKLIN LEMOV JACOBS & BUCKLEY, SUITE 800 2033 M ST., NW WASHINGTON DC 20036	AMERICAN DENTAL ASSISTANTS ASSOCIATION		
Do	AMERICAN EXPRESS COMPANY		
Do	FEDERATION OF APPAREL MANUFACTURERS	2,477.50	1,169.47
Do	FIREMAN'S FUND AMERICAN LIFE INSURANCE COMPANY	926.50	864.22
Do	GENERAL ATOMIC COMPANY	2,968.75	2,634.42
Do	KAISER ALUMINUM & CHEMICAL CORPORATION	187.50	198.32
Do	NATIONAL BULK VENDORS ASSOCIATION	6,587.03	6,145.84
LEVA HAWES SYMINGTON MARTIN & OPPENHEIMER, SUITE 1001 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	AIRCO, INC	440.00	
Do	DON LANGENEGGER, ET AL		
Do	UPPER HUMBOLDT RIVER WATER USERS ASSOCIATION		
HARRY LEVINE JR , 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC COMPANY	313.00	
MANUEL LEVINE, APT. 417 6317 PARK HEIGHTS AVENUE BALTIMORE MD 21215	WOOD, LUCKSINGER & EPSTEIN		
ROGER N. LEVY, 1120 19TH ST., NW, #503 WASHINGTON DC 20036	INDEPENDENT INSURANCE AGENTS OF AMERICA, INC	11,538.48	
JOHN F. LEWIS, BOX 10023 1665 N. 4TH STREET, #6 COLS OH 43201	ASR INC./LMMCA		
LEWIS RICE TUCKER ALLEN & CHUBB, SUITE 1400 611 OLIVE ST. ST. LOUIS MO 63101	SPECTRUM EMERGENCY CARE, INC	14,428.25	338.11
Do	ST. LOUIS MERCANTILE LIBRARY ASSOCIATION	235.74	39.32
LILLIAN LIBURDI, SUITE 1510 1300 N. 17TH STREET ARLINGTON VA 22209	GANZ MAVAG		
Do	WESTINGHOUSE ELECTRIC CORPORATION		
JAN PITTMAN LIEBMAN, 1120 20TH ST., NW SUITE 520 WASHINGTON DC 20036	NATIONAL COMM FOR RES IN NEUROLOGIC & COMMUNICATIVE DISEASES	8,500.00	75.00
RUSSELL B. LIGHT, 1700 NORTH MOORE ST. ARLINGTON VA 22209	BOEING COMPANY	1,000.00	28.00
LILLICK MCHOSE & CHARLES, 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	FAR EAST CONFERENCE		
Do	JONES, LOYD & WEBSTER, INC		
Do	KAISER STEEL CORPORATION		219.03
Do	PACIFIC WESTBOUND CONFERENCE	10,044.40	1,098.99
CHARLES B. LIPSEN, 1826 CALVERT ST., NW WASHINGTON DC 20006	M.A.N. TRUCK & BUS CORPORATION	800.00	
JANICE C. LIPSEN, 900 17TH ST., NW, #504 WASHINGTON DC 20006	COUNSELORS FOR MANAGEMENT, INC. (FOR: INDEPENDENT ZINC ALLOYERS ASSOCIATION).		
LIPSEN, HAMBERGER, WHITTEN & HAMBERGER, SUITE 800 1725 DESALES STREET, NW WASHINGTON DC 20036	DATAPOINT CORPORATION		
Do	PEN, INC		
JIM LLOYD, 1325 18TH ST., NW WASHINGTON DC 20036	HUGHES HELICOPTERS, INC		
Do	WIEN AIR ALASKA		
LORD, DAY & LORD, 1120 20TH ST. NW WASHINGTON DC 20036	LESLIE SALT COMPANY	3,257.90	
CHARLES M. LOVELESS, 1625 L STREET, NW WASHINGTON DC 20036	AMERICAN FEDERATION OF STATE, COUNTY & MUNICIPAL EMPLOYEES, AFL-CIO	7,819.56	181.35
CHRISTIAN J. LUND, 1125 15TH ST., NW WASHINGTON DC 20005	UNITED TECHNOLOGIES CORPORATION	13,975.00	
SAMUEL A. MABRY, 1800 K ST., NW WASHINGTON DC 20006	HERCULES INC	2,250.00	801.00
MARION M. MACRAE, 1800 K ST., NW, #920 WASHINGTON DC 20006	BANKAMERICA CORPORATION		
EDWARD MAGUIRE, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	BUCHANAN, INGERSOLL, RODEWALD, KYLE & BUERGER (FOR: INTERNATIONAL DISTRICT HEATING ASSOCIATION).		
STEVEN R. MAIMON, P.O. BOX 7579 WASHINGTON DC 20044			
FREDERICK MANN, SUITE E-101 2346 S. LYNHURST DRIVE INDIANAPOLIS IN 46241	PARENT ADVOCATE LOBBY, INC		
MANUFACTURED HOUSING INSTITUTE, 1745 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202		3,375.00	
R. V. MARIANI, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	1,200.00	1,200.00
JOHN C. MARLIN, 307 W. NEVADA URBANA IL 61801	CENTRAL STATES RESOURCE CENTER	958.00	
CHALMERS H. MARQUIS, 3430 BLAIR RD, FALLS CHURCH VA 22041	AGENCY FOR INSTRUCTIONAL TELEVISION		
Do	CHILDREN'S TELEVISION WORKSHOP		
ELEANOR MARSHALL, 105 EAST 22ND STREET NEW YORK NY 10010	COMMUNITY SERVICE SOCIETY	218.50	
JAMES D. MARTIN, 4600 72ND AVENUE LANDOVER HILLS MD 20784	COMMUNICATIONS SATELLITE CORPORATION	2,000.00	34.00
CHARLES D. MATTHEWS, SUITE 700 1050 17TH ST., NW WASHINGTON DC 20036	NATIONAL OCEAN INDUSTRIES ASSOCIATION	2,500.00	500.00
HERBERT S. MATTHEWS, BOX 72 MECHANICSVILLE MD 20659	MARTIN-MARIETTA AEROSPACE	6,325.00	126.24
JAMES C. MAY, 1010 WISCONSIN AVENUE, NW WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC		
H. WESLEY MCADEN, SUITE 424 1155 15TH ST., NW WASHINGTON DC 20005	J. G. BOSWELL COMPANY	9,000.00	2,100.00
KATHERINE S. MCCARTER, 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN PUBLIC HEALTH ASSOCIATION	2,566.00	1,538.89
MCCLURE & TROTTER, SUITE 600 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CIGAR ASSOCIATION OF AMERICA, INC		
JOEL C. MCCONNELL JR , 1625 MASSACHUSETTS AVENUE, NW, #202 WASHINGTON DC 20036	INDEPENDENT BANKERS ASSOCIATION OF AMERICA		
JOHN L. MCCORMICK, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY CENTER	2,833.33	
TONI MCCRARY, 1920 N STREET WASHINGTON DC 20036	AMERICAN MINING CONGRESS	20.00	
E. T. MCDONALD, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	3,400.00	3,400.00
NORRIS MCDONALD, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY CENTER	500.01	
PHIL A. MCKENAEY, 11 DUPONT CIRCLE, NW WASHINGTON DC 20036	AMERICAN FEDERATION OF TEACHERS	9,635.08	160.00
MICHAEL R. MCLEOD, DAVIS & MCLEOD 499 SOUTH CAPITOL ST., SW WASHINGTON DC 20003	AMERICAN ASSOCIATION OF CROP INSURERS	490.00	
Do	CHICAGO BOARD OF TRADE	3,373.75	
Do	FLORIDA SUGAR CANE LEAGUE, INC		
Do	LEAF TOBACCO EXPORTERS ASSOCIATION	2,512.50	
Do	NATIONAL CATTLEMEN'S ASSOCIATION		
Do	OLD REPUBLIC COMPANIES		
Do	RENEWABLE FUELS ASSOCIATION		
Do	SOCIETY OF AMERICAN FLORISTS		
Do	UNITED EGG PRODUCERS		
MCNAIR GLENN KONDUROS CORLEY SINGLETARY PORTER & DIBBLE, 18TH FLOOR, BANKERS TRUST TOWERS, COLUMBIA SC	AIRCO, INC		
JAMES A. MCPHERSON, P.O. BOX 1160 KANSAS CITY KS 66117	MISSOURI-ARKANSAS BASINS FLOOD CONTROL & CONSERVATION ASSOCIATION		
FRANCIS X. MEANEY, 1015 15TH ST. NW, SUITE 1025 WASHINGTON DC 20005	MINTZ, LEVIN, COHN, FERRIS, GLOVSKY, AND POPEO (FOR: GOLDMAN SACHS & COMPANY).		
Do	MINTZ, LEVIN, COHN, FERRIS, GLOVSKY, AND POPEO (FOR: NORTHERN ENERGY CORPORATION).		
Do	MINTZ, LEVIN, COHN, FERRIS, GLOVSKY, AND POPEO (FOR: REFUSE FUELS, INC.)		
Do	MINTZ, LEVIN, COHN, FERRIS, GLOVSKY, AND POPEO (FOR: SCA SERVICES)		
Do	MINTZ, LEVIN, COHN, FERRIS, GLOVSKY, AND POPEO (FOR: SECURITIES INDUSTRY ASSOCIATION).	1,500.00	
NANINE MEIKLEJOHN, 1625 L ST., NW WASHINGTON DC 20036	AMERICAN FEDERATION OF STATE, COUNTY & MUNICIPAL EMPLOYEES	9,493.74	144.00
JULIE MENCHER, SUITE 320 2000 L STREET, NW WASHINGTON DC 20036	CONSUMER ENERGY COUNCIL OF AMERICA		94.88
CHARLES L. MERIN, 1750 PENNSYLVANIA AVENUE, NW, #1204 WASHINGTON DC 20006	NATIONAL RURAL LETTER CARRIERS' ASSOCIATION	10,643.00	387.19
EDWARD A. MERLIS, 1010 WISCONSIN AVENUE, NW WASHINGTON DC 20007	NEW ENERGY CORPORATION OF INDIANA		
HAROLD E. MESIROW, 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	LILLICK, MCHOSE & CHARLES (FOR: FOSS LAUNCH & TUG COMPANY; FOSS ALASKA LINE).	1,356.00	161.19
Do	WESTERN PIONEER, INC		
METZGER, SHADYAC & SCHWARZ, ONE FARRAGUT SQUARE SOUTH WASHINGTON DC 20006	PHILADELPHIA NATIONAL BANK		
KATHERINE A. MEYER, SUITE 700 2000 P STREET, NW WASHINGTON DC 20036	PUBILC CITIZEN, INC	1,593.00	49.77
MIGRANT LEGAL ACTION PROGRAM, INC., 806 15TH ST., NW WASHINGTON DC 20005			4,120.82
FRED MILLAR, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY CENTER	999.99	
CLINTON R. MILLER, 212 W. FOOTHILL BLVD. MONROVIA CA 91016	NATIONAL HEALTH FEDERATION	769.60	3,958.59
LINDA B. MILLER, 2550 M ST., NW SUITE 450 WASHINGTON DC 20037	VOLUNTEER TRUSTEES OF NOT-FOR-PROFIT HOSPITALS	5,000.00	
RICHARD L. MILLER, 1700 NORTH MOORE ST ARLINGTON VA 22209	BOEING COMPANY		
ROBERTA BALSTAD MILLER, SUITE 300 1755 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	CONSORTIUM OF SOCIAL SCIENCE ASSOCIATIONS	1,410.00	
LUIS MIRANDA, 105 EAST 22ND STREET NEW YORK NY 10010	COMMUNITY SERVICE SOCIETY	759.00	
JOSEPH A. MITCHELL, HOFFHEIMER, JOHNSON & PETERSON 1120 20TH STREET, NW, #520 WASHINGTON DC 20036	CHURCH WORLD SERVICE		
J. MICHAEL MORGAN, SUITE 802 2000 L STREET, NW WASHINGTON DC 20036	POPHAM, HAIK ET AL. (FOR: AMAX, INC.)		
Do	POPHAM, HAIK ET AL. (FOR: ROCKY MOUNTAIN ENERGY COMPANY)		
JOHN MORGAN, 1925 K ST., NW WASHINGTON DC 20006	COMMUNICATIONS WORKERS OF AMERICA	875.00	130.30
GERALD A. MORRIS, 11 DUPONT CIRCLE WASHINGTON DC 20036	AMERICAN FEDERATION OF TEACHERS/AFL-CIO	9,215.40	60.00
SOL MOSHER, 1660 L ST., NW, #215 WASHINGTON DC 20036	CROWN ZELLERBACH CORPORATION		
ROBERT E. MOSS, SUITE 500 1899 L STREET, NW WASHINGTON DC 20036	DILWORTH, PAXSON, KALISH & LEVY (FOR: NORTHWEST ALASKAN PIPELINE COMPANY).		
Do	DILWORTH, PAXSON (FOR: WESTERN PENN. COAL MINING ASSOCIATION)		
Do	DILWORTH, PAXSON, KALISH & KAUFFMAN (FOR: WESTINGHOUSE CORPORATION)		
MOSS, MCGEE, BELLMON, BRADLEY, USHIO & FOLEY, 1740 N STREET, NW WASHINGTON DC 20036	NATIONAL COMMUNITY ACTION FOUNDATION	40,000.00	
MOTOR AND EQUIPMENT MANUFACTURERS ASSOCIATION, 1120 19TH ST., NW SUITE 333 WASHINGTON DC 20036			3,899.71
JAMES MULAR, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	600.00	600.00
JEANNE MARIE MURPHY, 1625 MASSACHUSETTS AVENUE, N.W. # 202 WASHINGTON DC 20036	INDEPENDENT BANKERS ASSOCIATION OF AMERICA	7,500.00	230.91
KEITH MURPHY, KEMP, KLEIN, ENDELMEN & BEER 300 TOWN CENTER, #2700 SOUTHFIELD MI 48075	M.A.N. TRUCK & BUS CORPORATION		18.00
ROSEMARY GRIFFIN MURRAY, SUITE 901 1660 L ST., NW WASHINGTON DC 20036	PAN AMERICAN WORLD AIRWAYS, INC	765.00	487.13
CLIFFORD M. NAEVE, SUITE 503 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	MID-CONTINENT OIL & GAS ASSOCIATION	2,406.74	24.00
NATIONAL ABORTION RIGHTS ACTION LEAGUE, 1424 K ST., NW WASHINGTON DC 20005		5,307.72	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
NATIONAL ASSOCIATION OF AIRCRAFT & COMMUNICATIONS SUPPLIERS, INC, 7360 LAUREL CANYON BLVD. NORTH HOLLYWOOD CA 91605.		14,900.00	10,013.51
NATIONAL ASSOCIATION OF HOME BUILDERS OF THE U.S., 15TH & M STS., NW WASHINGTON DC 20005		48,283.25	89,468.16
NATIONAL ASSOCIATION OF HOMES FOR CHILDREN, 104 EAST 35TH ST. NEW YORK NY 10016			1,200.00
NATIONAL ASSOCIATION OF MARGARINE MANUFACTURERS, SUITE 1024-A 1625 I ST., NW WASHINGTON DC 20006			
NATIONAL ASSOCIATION OF PENSION FUNDS, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036			
NATIONAL ASSOCIATION OF PLUMBING-HEATING-COOLING CONTRACTORS, 1016 20TH ST., NW WASHINGTON DC 20036		892.03	892.03
NATIONAL ASSOCIATION OF REALTORS, 777 14TH ST., NW WASHINGTON, DC 20005			47,357.59
NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES, 1533 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036		4,361.94	5,390.44
NATIONAL ASSOCIATION OF WHEAT GROWERS, SUITE 300 415 2ND ST., NE WASHINGTON DC 20002			2,648.97
NATIONAL AUDIO-VISUAL ASSOCIATION, INC, 3150 SPRING ST. FAIRFAX VA 22031		44,123.00	4,027.80
NATIONAL COMM FOR CITIZENS IN EDUCATION, SUITE 410 WILDE LAKE VILLAGE GREEN COLUMBIA MD 21044			
NATIONAL COMMUNITY ACTION FOUNDATION, INC., 2101 L STREET, N.W. SUITE 906 WASHINGTON DC 20037		56,899.00	37,462.00
NATIONAL CONSUMER CENTER FOR LEGAL SERVICES, 1302 18TH ST., NW, #303 WASHINGTON DC 20036			
NATIONAL EDUCATION ASSOCIATION, 1201 16TH ST., NW WASHINGTON DC 20036		22,300.91	22,300.91
NATIONAL FAMILY PLANNING & REPRODUCTIVE HEALTH ASSOCIATION, INC, 1110 VERMONT AVENUE, N.W. SUITE 950 WASHINGTON DC 20005.		17,289.00	1,883.00
NATIONAL FEDERATION OF BUSINESS & PROFESSIONAL WOMEN'S CLUBS, 2012 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036.		686,079.00	12,774.91
NATIONAL FEDERATION OF COMMUNITY DEVELOPMENT CREDIT UNIONS, 16 COURT ST., #1804, BROOKLYN NY 11201			2,500.00
NATIONAL FEDERATION OF LICENSED PRACTICAL NURSES, P.O. BOX 11407 214 SOUTH DRIVE DURHAM NC 27703		2,870.00	2,870.00
NATIONAL FRANCHISE ASSOCIATION COALITION, P.O. BOX 366 FOX LAKE IL 60020			
NATIONAL LIMESTONE INSTITUTE, INC, SUITE 500 3251 OLD LEE HWY. FAIRFAX VA 22030		19,719.85	19,719.85
NATIONAL POTATO COUNCIL, SUITE 420 1200 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036			800.00
NATIONAL RESEARCH CENTER FOR CONSUMERS OF LEGAL SERVICES, 1302 18TH ST., NW, #303 WASHINGTON DC 20036			
NATIONAL RIFLE ASSOCIATION OF AMERICA, 1600 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036		224,588.80	108,930.59
NATIONAL RIGHT TO LIFE COMMITTEE, INC, SUITE 402 419 7TH ST., NW WASHINGTON DC 20004		339,429.00	50,315.00
NATIONAL RURAL DEVELOPMENT & FINANCE CORPORATION, SUITE 360 1300 19TH STREET, NW WASHINGTON DC 20036			5,000.00
NATIONAL RURAL LETTER CARRIERS' ASSOCIATION, SUITE 1204 1750 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006		13,025.00	13,174.00
NATIONAL TAXPAYERS UNION, 325 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003		10,723.25	8,425.00
NATIONAL TOUR BROKERS ASSOCIATION, INC., 120 KENTUCKY AVENUE LEXINGTON KY 40502		22,110.00	22,110.00
NATIONAL WATER RESOURCES ASSOCIATION, SUITE 1202 955 L'ENFANT PLAZA NORTH, SW WASHINGTON DC 20024		10,212.00	13,554.00
NATURAL GAS SUPPLY ASSOCIATION, 1025 CONNECTICUT AVENUE, NW, #402 WASHINGTON DC 20036		216,200.00	15,567.87
FRANCES E. NEELY, 245 2ND ST., NE WASHINGTON DC 20002	FRIENDS COMMITTEE ON NATIONAL LEGISLATION	3,628.14	
NEILL & COMPANY, INC, SUITE 410 1100 17TH STREET, NW WASHINGTON DC 20036	ARAB REPUBLIC OF EGYPT	180,000.00	450.00
Do	GOVERNMENT OF EL SALVADOR		
NEILL & MULLENHOLZ, SUITE 410 1100 17TH STREET, NW WASHINGTON DC 20036	GOVERNMENT OF EL SALVADOR	40,000.00	80.00
Do	NATIONAL FARM & POWER EQUIPMENT DEALERS ASSOCIATION	1,500.00	
CAROLYN B. NELSON, #2 METROPLEX DRIVE, SUITE 500 BIRMINGHAM AL 35209	METROPOLITAN PROPERTIES, INC		
E. COLETTE NELSON, SUITE 540 8401 CORPORATE DRIVE LANDOVER MD 20785	AMERICAN SUBCONTRACTORS ASSOCIATION, INC	800.00	
GAYLORD NELSON, 1901 PENNSYLVANIA AVENUE, N.W. WASHINGTON DC 20006	WILDERNESS SOCIETY	145.94	14.75
THOMAS C. NELSON, 1920 N STREET,N.W. WASHINGTON DC 20036	AMERICAN MINING CONGRESS	60.00	
A. S. NEMIR ASSOCIATES, SUITE 1230 PENNSYLVANIA BUILDING WASHINGTON DC 20004	BRAZILIAN SUGAR & ALCOHOL INSTITUTE		330.08
E. JOHN NEUMANN, SUITE 820 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	BALTIMORE GAS & ELECTRIC COMPANY	1,559.78	744.30
NEW YORK SHIPPING ASSOCIATION, 80 BROAD ST. NEW YORK NY 10004			436.00
WILLIAM B. NEWMAN,JR., 2234 NORTH COLUMBUS STREET ARLINGTON VA 22207	CONSOLIDATED RAIL CORPORATION	2,500.00	
WILLIAM W. NICKERSON, SUITE 607 1150 17TH ST., NW WASHINGTON DC 20036	MASSACHUSETTS BAY TRANSIT AUTHORITY		
NL INDUSTRIES, INC, 1230 AVENUE OF THE AMERICAS NEW YORK NY 10020			7,630.10
NONPROFIT MAILERS FEDERATION, SUITE 405 2550 M STREET, NW WASHINGTON DC 20037			300.00
NORTH AMERICAN TELEPHONE ASSOCIATION, 511 2ND ST.,NE WASHINGTON DC 20002		61,200.46	61,200.46
J. HALLOCK NORTHCOTT, 1101 15TH ST., NW WASHINGTON DC 20005	MINNESOTA MINING & MANUFACTURING COMPANY	2,000.00	
EDWARD M. NORTON JR., 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY		
NOSSAMAN, KRUEGER & KNOX, 1140 19TH ST., NW, #600 WASHINGTON DC 20036	AETNA LIFE & CASUALTY	200.00	840.00
Do	CALIFORNIA STUDENT LOAN FINANCE CORPORATION		100.00
Do	DIVIDEND SUPPORT GROUP		
Do	GENERAL ELECTRIC COMPANY		1,100.00
Do	HELIONETICS, INC		
Do	INSURANCE ASSOCIATION OF CONNECTICUT	200.00	
Do	JOINT TRAWLERS (NORTH AMERICA), LTD		
Do	MOBIL OIL CORPORATION		200.00
Do	NEW YORK LIFE INSURANCE COMPANY		300.00
Do	OCEAN ENERGY COUNCIL		
Do	OFFICE OF THE GOVERNOR, NORTHERN MARIANA ISLANDS		
Do	PHOENIX MUTUAL LIFE INSURANCE COMPANY		
MICHAEL NOVELLI, 3012 CAMBRIDGE PLACE, NW WASHINGTON DC 20007	PACIFIC POTOMAC SERVICES		
HUBERT K. O'BANNON, 1544 33RD ST., NW WASHINGTON DC 20007	CONSOLIDATED RAIL CORPORATION	1,284.00	
LAWRENCE J. O'BRIEN JR., 1607 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20009	AMERICAN GLOBAL LINES, INC	5,906.25	1,354.80
ROSEMARY L. O'BRIEN, SUITE 640 2550 M ST., NW WASHINGTON DC 20037	CF INDUSTRIES, INC	500.00	540.67
TERRENCE M. O'CONNELL II , SUITE 505 1625 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	KEEFE AND COMPANY (FOR: AMERICAN FAMILY LIFE ASSURANCE COMPANY)		
Do	KEEFE AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)		
Do	KEEFE COMPANY (FOR: KNOXVILLE INTERNATIONAL ENERGY EXPO)		
Do	KEEFE COMPANY (FOR: PUBLIC EMPLOYEES BENEFIT SERVICES COMPANY)		
Do	KEEFE COMPANY (FOR: RIVIANA FOODS)		
Do	KEEFE COMPANY (FOR: TENNESSEE VALLEY AUTHORITY)		
Do	KEEFE COMPANY (FOR: WESTINGHOUSE ELECTRIC CORPORATION)	6,200.00	
MATTHEW O'HARA, 1200 NEW HAMPSHIRE AVENUE, NW SUITE 370 WASHINGTON DC 20036	GENERAL MILLS, INC	98.40	
O'NEAL & CLAASSEN, CHTD., SUITE 952 600 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20037	COMMODITY EXCHANGE, INC	3,500.00	
Do	INTERNATIONAL PRECIOUS METALS CORPORATION	1,575.00	
Do	NATIONAL AIR TANKERS ASSOCIATION	3,000.00	
Do	NATIONAL REA TELEPHONE ASSOCIATION		
M. DIANE O'TOOLE, SUITE 2300 1000 WILSON BLVD. ARLINGTON VA 22209	NORTHROP CORPORATION		
MARY E. OAKES, 1800 K ST., NW WASHINGTON DC 20006	HERCULES, INC	795.00	102.00
NEIL H. OFFEN, 1730 M ST., NW WASHINGTON DC 20036	DIRECT SELLING ASSOCIATION	1,000.00	
WILLIAM J. OLSON, 1819 H ST., NW WASHINGTON DC 20006	ALLIANCE OF THIRD CLASS NON-PROFIT MAILERS	23,240.50	5,318.39
CHARLES J. ORASIN, 810 18TH ST., NW WASHINGTON DC 20006	HANDGUN CONTROL, INC	4,184.60	
ORGANIZATION OF PROFESSIONAL EMPLOYEES OF USDA, RM. 1414 S. BUILDING U.S. DEPARTMENT OF AGRICULTURE WASHINGTON DC 20250.		1,772.67	1,389.19
ORGANIZATION FOR PROTECTION & ADVANCEMENT OF SMALL TELEPHONE COMPANIES, 1200 NEW HAMPSHIRE AVENUE, N.W. SUITE 320 WASHINGTON DC 20036.			475.85
ELVIRA J. ORLY, 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	GETTY OIL COMPANY	1,437.60	540.75
J. ALLEN OVERTON, 1920 N ST.,NW SUITE 300 WASHINGTON DC 20006	AMERICAN MINING CONGRESS	1,912.50	86.00
JACK W. OWEN, SUITE 500 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSOCIATION	138.46	
W. D. PAGE, 1581 PHOENIX BLVD., SUITE 6 ATLANTA GA 30349	AMERICAN PLYWOOD ASSOCIATION		
GERARD PAUL PANARO, WEBSTER & CHAMBERLAIN 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	RETAIL BAKERS OF AMERICA	907.00	
PARENT ADVOCATE LOBBY, INC., SUITE E-101 2346 S. LYNHURST AVENUE INDIANAPOLIS IN 46241			
JUDITH E. PARK, 1533 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES	8,708.00	
SARA LYNN PARKER, 1319 F. ST.,NW SUITE 500 WASHINGTON DC 20004	FOOD RESEARCH & ACTION CENTER		
PARRISH & CHAMBERS, INC., SUITE 1510 1300 17TH STREET ARLINGTON VA 22209	CHICAGO & NORTHWESTERN TRANSPORTATION COMPANY	21,000.00	2,875.30
RENEE PARSONS, 530 7TH ST., SE WASHINGTON DC 20003	FRIENDS OF THE EARTH	1,719.99	
WILLIAM H. PATTERSON, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC COMPANY	120.00	
KENTON H. PATTIE, 3150 SPRING ST. FAIRFAX VA 22031	NATIONAL AUDIO-VISUAL ASSOCIATION, INC	3,188.00	
PAUL, HASTINGS, JANOFSKY & WALKER, 6TH FLOOR 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	AM GENERAL, INC	8,500.00	
PEABODY, LAMBERT & MEYERS, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	GUARDIAN AD LITEM, AIR CRASH DISASTER NEAR SAIGON		
DAVID PELTIER, 408 W. GORHAM MADISON, WI 53703			
ELIN PELTZ, 723 INVESTMENT BUILDING WASHINGTON DC 20005	HAWAIIAN SUGAR PLANTERS' ASSOCIATION	300.00	110.00
GEORGE C. PENDLETON, 1000 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CANNED & COOKED MEAT IMPORTERS' ASSOCIATION		
ANDREW PENN, 918 16TH STREET, NW WASHINGTON DC 20006	AMERICAN LOGISTICS ASSOCIATION	450.00	
PENSION RIGHTS CENTER, 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036		118.50	219.79
EDMUND J. PERRET II, 1333 NEW HAMPSHIRE AVENUE, NW, #670 WASHINGTON DC 20036	AMERICAN PSYCHIATRIC ASSOCIATION	1,783.89	969.15
JOHN J. PESCH, SUITE 2300 1000 WILSON BLVD. FALLS CHURCH VA 22042	NORTHROP CORPORATION		
A. HAROLD PETERSON, 715 CARGILL BUILDING MINNEAPOLIS MN 55402	NATIONAL R.E.A. TELEPHONE ASSOCIATION	1,500.00	1,009.45
RICHARD W. PETERSON, 1135 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT BANKERS ASSOCIATION OF AMERICA	1,000.00	
H. WILLIAM PETRY, P.O. BOX 1927 SPARTANBURG SC 29304	MILLIKEN RESEARCH CORPORATION		
JOHN PFLIEGER, 888 16TH ST., NW WASHINGTON DC 20006	TIME INC		
JOAN PICCOLO, SUITE 435 2020 K ST., NW WASHINGTON DC 20006	COMMODITY EXCHANGE, INC	600.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
DANIEL J. PILIERO II ; 1750 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	AD HOC COMMITTEE OF MUTUAL FUND MANAGERS	5,000.00	843.50
SUMNER PINGREE, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY	162.50	11.05
PLAINTIFFS' ANTITRUST LIAISON SOCIETY, SUITE 708 1776 K STREET, NW WASHINGTON DC 20006		6,000.00	6,890.30
MICHAEL PODHORZER, SUITE 401 1300 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CITIZEN/LABOR ENERGY COALITION	750.00	75.00
RICHARD J. POLLACK, 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSOCIATION	228.06	22.34
CAROL ALICE PORTER, SUITE 1101 1612 K ST., NW WASHINGTON DC 20036	WILDLIFE LEGISLATIVE FUND OF AMERICA	3,421.00	
ROBERT W. PORTER, SUITE 420 1200 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	NATIONAL POTATO COUNCIL	800.00	
Do	WESTERN GROWERS ASSOCIATION		
SUSAN C. PORTIN, 1201 PENNSYLVANIA AVENUE, NW. #700 WASHINGTON DC 20004	HILL AND KNOWLTON, INC. (FOR: FLORISTS' TRANSWORLD DELIVERY)		
Do	HILL AND KNOWLTON, INC. (FOR: MOTION PICTURE ASSOCIATION OF AMERICA, INC).		
MARGARET POWER, SUITE 906 2101 L STREET, NW WASHINGTON DC 20037	NATIONAL COMMUNITY ACTION FOUNDATION, INC.	5,000.00	145.34
PRATHER SEEGER DOOLITTLE & FARMER, 1101 16TH ST., NW WASHINGTON DC 20036	BANKER'S ASSOCIATION FOR FOREIGN TRADE	7,000.00	250.00
ARNOLD J. PRIMA, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INSTITUTE OF ARCHITECTS	1,200.00	
PRO/LIFE CONGRESSIONAL DISTRICT 11, P.O. BOX 727 SAN CARLOS CA 94070		1,324.05	794.15
STUART PROCTOR, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FEDERATION	4,875.00	51.80
PROSKAUER ROSE GOETZ & MENDELSOHN, 300 PARK AVENUE NEW YORK NY 10022	LEAGUE OF NEW YORK THEATRES AND PRODUCERS, INC.		
Do	TORONTO STOCK EXCHANGE		164.62
PROTECT THE INNOCENT, INC., 451 SOUTH INDIANA STREET MOORESVILLE IN 46158			
DAVID E. PULLEN, 1025 CONNECTICUT AVENUE, NW, #214 WASHINGTON DC 20036	JOHNS-MANVILLE CORPORATION	600.00	
DIANA PULLIN, SUITE 510 236 MASSACHUSETTS AVENUE, NE WASHINGTON DC 20002	CENTER FOR LAW AND EDUCATION, INC.		
LAW OFFICES OF JOHN RAINBOLT SUITE 429 1800 K STREET, N.W. WASHINGTON DC 20006	BOARD OF TRADE CLEARING CORPORATION	3,391.87	416.83
Do	LONDON COMMODITY EXCHANGE COMPANY, LTD.	46,762.50	1,631.46
Do	LONDON GOLD FUTURES MARKET	46,762.50	1,631.46
Do	LONDON INTERNATIONAL FINANCIAL FUTURES EXCHANGE, LTD.	46,762.50	1,631.46
Do	METAL MARKET & EXCHANGE COMPANY, LTD.	46,762.50	1,631.46
Do	MIDAMERICAN COMMODITY EXCHANGE	20,226.93	443.15
LANI HUMMEL RALEIGH, 950 L'ENFANT PLAZA, SW WASHINGTON DC 20024	COMMUNICATIONS SATELLITE CORPORATION	5,000.00	263.00
JOYCE RAMONAS, SUITE 480 1990 M ST., NW WASHINGTON DC 20006	DETROIT EDISON COMPANY	210.00	25.00
HOWARD W. RANDOLPH JR , 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	2,500.00	2,500.00
D. MICHAEL RAPROPORT, P.O. BOX 1980 PHOENIX AZ 85001	SALT RIVER PROJECT	1,680.00	4,670.47
EILER C. RAVNHOLT, 723 INVESTMENT BUILDING WASHINGTON DC 20005	HAWAIIAN SUGAR PLANTERS' ASSOCIATION	400.00	116.60
W. RANDALL RAWSON, 3251 OLD LEE HIGHWAY, #501 FAIRFAX VA 22030	NATIONAL LIMESTONE INSTITUTE, INC.	7,018.23	40.30
READING IS FUNDAMENTAL, INC., 600 MARYLAND AVENUE,SW RM 500 WASHINGTON DC 20560			27.00
REAVIS & MCGRATH, 1776 F ST., NW WASHINGTON DC 20006	BUSINESS ROUNDTABLE		
CHARLES C. REELY, 3251 OLD LEE HIGHWAY,SUITE 500 FAIRFAX VA 22030	NATIONAL LIMESTONE INSTITUTE, INC.		
JOSEPH M. REES, SUITE 505 1625 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	KEEFE COMPANY (FOR: CORDAGE INSTITUTE)		
Do	KEEFE COMPANY (FOR: YOUNG DRUG PRODUCTS)	1,500.00	
Do	DELTA DENTAL PLANS ASSOCIATION		
REID & PRIEST, 1111 19TH ST.,NW WASHINGTON DC 20036	CSX CORPORATION	7,500.00	330.00
Do	FRED T. FRANZIA, JOHN G. FRANZIA & JOSEPH S. FRANZIA	6,000.00	30.84
Do	KAMEHAMEH SCHOOLS/BERNICE P. BISHOP ESTATE	15,000.00	310.00
REID & RIEGE, P.C., ONE CONSTITUTION PLAZA HARTFORD CT 06103	WESLEYAN UNIVERSITY	6,445.00	322.52
WOLFGANG REINECKE, SUITE 840, LOCK BOX 340 PLAZA OF THE AMERICAS, NORTH TOWER DALLAS TX 75201	DEMINEX U.S. OIL COMPANY	37,125.00	
J. E. REINKE, 1030 15TH ST., NW WASHINGTON DC 20005	EASTERN AIR LINES, INC.		4,578.00
RENEWABLE FUELS ASSOCIATION, 499 S. CAPITOL STREET, S.W. # 420 WASHINGTON DC 20003	RENEWABLE FUELS ASSOCIATION	76,364.00	3,685.00
RESERVE OFFICERS ASSOCIATION OF THE US, 1 CONSTITUTION AVENUE, NE WASHINGTON DC 20002		1,895.33	23,647.46
JOHN REUTHER, SUITE 680 1050 17TH STREET, NW WASHINGTON DC 20036	SATRA CORPORATION	3,200.00	300.00
LYNNE REVO.COHEN, SUITE 521 1010 VERMONT AVENUE, NW WASHINGTON DC 20005	FEDERALLY EMPLOYED WOMEN, INC.	4,500.00	1,020.90
EDMUND B. RICE, 444 NORTH CAPITOL ST., NW, #500 WASHINGTON DC 20001	AMERICAN HOSPITAL ASSOCIATION	3,422.34	78.29
RICE GENOCIDE RESEARCH, 3046 ROOSEVELT STREET DETROIT MI 48216			178.28
GRACE-ELLEN RICE, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FEDERATION	4,050.00	141.93
K. O. RICHARDSON, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	3,000.00	3,000.00
DON RICKETTS, 1920 N STREET, N.W. WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
SIERT F. RIEPMA, SUITE 1024-A 1625 I ST., NW WASHINGTON DC 20006	NATIONAL ASSOCIATION OF MARGARINE MANUFACTURERS		
LEONARD I. RIPPA, 325 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL TAXPAYERS UNION	3,125.00	
RJR INDUSTRIES, INC, 1100 REYNOLDS BLVD. WINSTON-SALEM NC 27106	RJR INDUSTRIES, INC.		10,954.41
ROBERT ROACH, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY CENTER	1,833.33	
RAY ROBERTS & ASSOCIATES, 2224 PEMBROOKE DENTON TX 76201	TEXAS UTILITIES SERVICES, INC.	3,000.00	759.31
STEVEN M. ROBERTS, 1700 K STREET, N.W. WASHINGTON DC 20006	AMERICAN EXPRESS COMPANY		
JEROME ROBINSON, 1065 N. E. 125TH ST. SUITE 409 MIAMI FL 33161	FLORIDA RESTAURANT ASSOCIATION		
KENNETH MICHAEL ROBINSON, 301 EYE ST., NW WASHINGTON DC 20001			
TOM ROBINSON, 419 6TH ST., #321 JUNEAU AK 99801	WILDERNESS SOCIETY		
HOWARD W. ROBISON, 10 WEST SIDE DRIVE REHOBOTH BEACH DE 19971	CONSOLIDATED RAIL CORPORATION	730.00	
LEE ROGERS, 3000 TOWN CENTER SOUTHFIELD MI 48075	M.A.N. TRUCK & BUS CORPORATION		
SUSAN M. ROGERS, 1600 RHODE ISLAND AVENUE,NW WASHINGTON DC 20036	NATIONAL RIFLE ASSOCIATION OF AMERICA	612.50	
BURT ROSEN, 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	PFIZER, INC.	200.00	445.19
ERIC M. RUBIN, 4TH FLOOR 1737 H ST., NW WASHINGTON DC 20006	OUTDOOR ADVERTISING ASSOCIATION OF AMERICA, INC.	3,500.00	
GLORIA CATANEO RUDMAN, SUITE 801 444 N. CAPITOL ST., NW WASHINGTON DC 20001	JOINT MARITIME CONGRESS	324.45	
NANCY RUSSELL, 4921 SW HEWETT BLVD. PORTLAND OR 97221	FRIENDS OF THE COLUMBIA GORGE, INC.		
DAVID J. SADD, 1825 CONNECTICUT AVENUE, NW WASHINGTON DC 20009	NATIONAL ASSOCIATION OF ARAB AMERICANS	3,000.00	425.00
V. ALARIC SAMPLE JR., 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY	228.66	13.40
WILLIAM SAMUEL, 1730 K ST., NW SUITE 1101 WASHINGTON DC 20006	NATIONAL TREASURY EMPLOYEES UNION	7,061.25	
DONALD E. SANTARELLI, SUITE 700 2033 M ST., NW WASHINGTON DC 20036	EMPRESA BRASILEIRA DE AERONAUTICA, S.A.	250.00	260.00
Do	KINGS RIVER WATER USERS COMM.	3,000.00	627.25
Do	SAFARI CLUB INTERNATIONAL	2,500.00	610.00
Do	STURM, RUGER COMPANY, INC.	500.00	140.00
MARK S. SCHACHT, 3941 DAVIS PLACE, NW WASHINGTON DC 20006	FARMWORKER JUSTICE FUND, INC	4,050.00	3,774.00
C. M. SCHAUERTE, P.O. BOX 3247 HOUSTON TX 77001	AMERICAN GENERAL CORPORATION	6,250.00	165.00
JOSEPH SCHERER, 1801 NORTH MOORE ST. ARLINGTON VA 22209	AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS		
MARSHA SCHRAMM, 1101 CONNECTICUT AVENUE, NW, #500 WASHINGTON DC 20036	DOMESTIC PETROLEUM COUNCIL, INC		
H. B. W. SCHROEDER, 1050 17TH STREET, NW SUITE 290 WASHINGTON DC 20036	CONSUMERS POWER COMPANY	600.00	
BARI SCHWARTZ, 1625 K STREET, NW WASHINGTON DC 20006	COALITION FOR LEGAL SERVICES	11,666.62	238.83
ELIZABETH NASH SCHWARTZ, 1700 N. MOORE ST. ROSSLYN VA 22209	BOEING COMPANY	600.00	1,209.34
CARL F. SCHWENSEN, 415 2ND ST., NE SUITE 300 WASHINGTON DC 20002	NATIONAL ASSOCIATION OF WHEAT GROWERS	85.00	115.77
SCOTT COMPANY, INC., 8 JACANA ROAD HILTON HEAD SC 29928	BLACK ISLAND PLANTATION	400.00	350.00
Do	CHARLOTTE HARBOR LAND COMPANY, INC.	400.00	350.00
Do	COASTAL PROPERTIES INSTITUTE		
Do	DAUFUSKIE ISLAND LAND TRUST	400.00	350.00
Do	FLORIDA LAND COMPANY	400.00	350.00
Do	GREENWOOD DEVELOPMENT CORPORATION	400.00	350.00
Do	HARBOR ISLAND DEVELOPMENT COMPANY	400.00	350.00
Do	ISLAND DUNES	400.00	350.00
Do	KIAWAH ISLAND COMPANY	400.00	350.00
Do	LEISURE PROPERTIES, LTD	400.00	350.00
Do	MILAM & WILBUR	400.00	350.00
Do	NEW SEABURY	400.00	350.00
Do	RDC, INC	400.00	350.00
Do	SEABROOK ISLAND COMPANY	400.00	350.00
Do	STOCKMAN WHATLEY DAVIN & COMPANY	400.00	350.00
JAMES M. SCOTT, 8 JACANA ROAD HILTON HEAD SC 29928	SCOTT COMPANY	2,800.00	1,400.00
WILLIAM F. SEALE, SUITE 435 2020 K ST., NW WASHINGTON DC 20006	COMMODITY EXCHANGE, INC.	3,200.00	2,045.00
PAMELA SEDERHOLM, 8224 OLD COURTHOUSE ROAD VIENNA VA 22180	SHEET METAL & AIR CONDITIONING CONTRACTORS NATIONAL ASSOCIATION		
SERVICE MASTER INDUSTRIES, INC. 2300 WARRENVILLE ROAD DOWNERS GROVE IL 60515			3,500.00
KAREN DOLMATCH SHAW, SUITE 920 1800 K ST., NW WASHINGTON DC 20006	BANKAMERICA CORPORATION	787.09	2,181.72
SHAW PITTMAN POTTS & TROWBRIDGE, 1800 M ST., NW, #900-S WASHINGTON DC 20036	AKAI AMERICA, LTD	420.00	266.21
Do	HITACHI SALES CORPORATION OF AMERICA	1,650.00	266.21
Do	MATSUSHITA ELECTRIC CORPORATION OF AMERICA	1,650.00	266.21
Do	MITSUBISHI ELECTRIC SALES OF AMERICA, INC.	1,650.00	266.21
Do	NEC ELECTRONICS (USA) INC.	840.00	266.21
Do	SANSUI ELECTRONICS CORPORATION	540.00	266.21
Do	SANYO ELECTRIC, INC.	1,650.00	266.21
Do	SHARP ELECTRONICS CORPORATION	1,650.00	226.21
Do	SONY CORPORATION OF AMERICA	1,650.00	266.21
Do	TOSHIBA AMERICA, INC.	1,650.00	266.21

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	US JVC CORPORATION	1,650.00	266.21
RUSSELL H. SHAY, 6014 COLLEGE AVENUE OAKLAND CA 94618	SIERRA CLUB	1,190.00	490.56
SHEARMAN & STERLING, 153 EAST 53RD ST. NEW YORK NY 10022	BUSINESS ROUNDTABLE	6,700.00	60.10
JONATHAN R. SHEINER, 410 FIRST ST., SE WASHINGTON DC 20003	CONSOLIDATED EDISON COMPANY OF NEW YORK, INC	512.50	
JOHN J. SHEPPARD, 267 WESTERVELT PLACE ENGLEWOOD CLIFFS NJ 07632	C. A. SHEA & COMPANY, INC		
NELSON T. SHIELDS, 810 18TH ST., NW WASHINGTON DC 20006	HANDGUN CONTROL, INC	6,531.81	
ELIZABETH SHIPLEY-MOSES, 1107 JACKSON COURT FALLS CHURCH VA 22046	SOCIETY FOR NUTRITION EDUCATION		
SHOOSHAN & JACKSON, INC., 1850 K STREET, NW WASHINGTON DC 20006	U.S. CABLESYSTEMS, INC		500.00
HARRY M. SHOOSHAN III, 1850 K STREET, NW WASHINGTON DC 20006	SHOOSHAN & JACKSON, INC (FOR: U.S. CABLESYSTEMS, INC)	400.00	
RICHARD H. SIEMSEN, 8000 FLORISSANT ST. LOUIS MO 63136	EMERSON ELECTRIC COMPANY		
SIERRA CLUB, 530 BUSH ST. SAN FRANCISCO CA 94108		219,570.11	219,570.11
STEPHEN SILBIGER, 1625 L ST., NW WASHINGTON DC 20036	AMERICAN FEDERATION OF STATE, COUNTY & MUNICIPAL EMPLOYEES	11,528.28	128.06
SILVERSTEIN & MULLENS, 1776 K ST., NW WASHINGTON DC 20006	BRISTOL-MYERS COMPANY		
Do	F.W. WOOLWORTH COMPANY		
Do	GENERAL AMERICAN TRANSPORTATION COMPANY		
Do	JACQUES BOREL		
Do	NATIONAL ASSOCIATION OF HOME BUILDERS OF THE U.S.	5,000.00	
WILLIAM G. SIMPSON, SUITE 424 1155 15TH STREET, NW WASHINGTON DC 20005	FIRST MISSISSIPPI CORPORATION	2,000.00	
Do	FIRST MISSISSIPPI NATIONAL BANK	1,000.00	
Do	MISSISSIPPI POWER & LIGHT COMPANY	2,000.00	
Do	J.R. SCRIBNER ENTERPRISES	2,000.00	
Do	STATE OF MISSISSIPPI	3,000.00	
RICHARD L. SINNOTT & COMPANY, SUITE 306 2021 K ST., NW WASHINGTON DC 20006	AMERICAN PRESIDENT LINES		
Do	PORT OF OAKLAND	1,250.00	
STEPHEN L. SKARDON JR., 1533 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES	7,703.00	44.00
SL SOMMER & ASSOCIATES,INC., 3129 WORTHINGTON ST., NW WASHINGTON DC 20015	NORTHROP CORPORATION	1,500.00	1,936.00
ROBERT SLAUGHTER, SUITE 402 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	NATURAL GAS SUPPLY ASSOCIATION	9,343.74	172.85
SLURRY TRANSPORT ASSOCIATION, 490 L'ENFANT PLAZA EAST, SW SUITE 3210 WASHINGTON DC 20024		2,000.00	
PETER SMALL & ASSOCIATES, INC., 400 MADISON AVENUE NEW YORK NY 10017	WILLIAM M. MERCER, INC.		
SMALL BUSINESS COUNCIL OF AMERICA, INC. P.O. BOX 4299 COLUMBUS GA 31904		79,950.00	30,770.97
SMATHERS SYMINGTON & HERLONG, SUITE 400 1700 K ST., NW WASHINGTON DC 20006	AMERICAN HORSE COUNCIL	3,666.00	
Do	AMERICAN INLAND WATERWAYS COMM	3,500.00	
Do	FLORIDA EAST COAST RAILWAY COMPANY	750.00	
Do	GOLDMAN SACHS & COMPANY	1,500.00	
Do	NATIONAL HOCKEY LEAGUE	7,553.55	
Do	PENNZOIL COMPANY	6,000.00	
Do	REPUBLIC OF SOUTH AFRICA	7,500.00	
DOUGLAS J. SMITH & ASSOCIATES, 1220 19TH STREET, N. W. SUITE 101 WASHINGTON DC 20036	AMERICAN SIGN & INDICATOR CORPORATION		
Do	INSTITUTE OF SIGNAGE RESEARCH		
Do	NATIONAL ELECTRIC SIGN ASSOCIATION		
Do	NORANDA MINING INC.		
Do	SPERRY GYROSCOPE		
DEL SMITH & COMPANY, 5218 KINGS PARK DRIVE SPRINGFIELD VA 22151			
DEL SMITH, 5218 KINGS PARK DRIVE SPRINGFIELD VA 22151	DEL SMITH & COMPANY		
HUGH H. SMITH, 1700 K ST., #707 WASHINGTON DC 20036	AMERICAN EXPRESS COMPANY		
LEIGH SNELL, 510 C ST.,NE WASHINGTON DC 20002	NATIONAL ASSOCIATION OF CREDIT MANAGEMENT	575.00	
STEVEN S. SNIDER, SUITE 600 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	JOURNAL COMPANY		
EDWARD F. SNYDER, 245 2ND ST., NE WASHINGTON DC 20002	FRIENDS COMMITTEE ON NATIONAL LEGISLATION	3,918.39	
SOCIETY FOR NUTRITION EDUCATION, 1736 FRANKLIN STREET OAKLAND CA 94612			
CHARLES R. SONNIER, P.O. DRAWER 1101 ABBEVILLE LA 70510	COUSHATTA TRIBE OF LOUISIANA		
SONOSKY CHAMBERS SACHSE & GUIDO, 1050 31ST ST., NW WASHINGTON DC 20007	ASSINIBOINE AND SIOUX TRIBES		
Do	MULTI-HOUSING LAUNDRY ASSOCIATION, INC		
Do	SHOSHONE INDIAN TRIBE		
Do	STANDING ROCK SIOUX TRIBE		
TERRY SOPHER, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY	2,550.49	180.44
SOUTHERN SATELLITE SYSTEMS, INC., P. O. BOX 45684 TULSA OK 74145			1,446.00
SOUTHWEST HOME FURNISHINGS ASSOCIATION, P.O. BOX 64545 DALLAS TX 75206			
CHARLES E. SOUTHWICK, 1627 K STREET, NW, #200 WASHINGTON DC 20006	FLUOR CORPORATION	10,000.00	1,486.00
PHILIP SPESER, 1755 MASSACHUSETTS AVENUE, NW SUITE 300 WASHINGTON DC 20016	CONSORTIUM OF SOCIAL SCIENCE ASSOCIATIONS	2,240.00	
ST. LOUIS MERCANTILE LIBRARY ASSOCIATION, 510 LOCUST ST. ST. LOUIS MO 63188		235.74	39.32
STATE & FEDERAL ASSOCIATES, INC, SUITE 204 1101 15TH ST., NW WASHINGTON DC 20005	WASTE MANAGEMENT, INC	22,864.20	11,196.69
STEIN DAVIDOFF MALITO KATZ & HUTCHER, 100 E. 42ND ST., NEW YORK NY 10017	NATIONAL PASSENGER TRAFFIC ASSOCIATION		
STEPTOE & JOHNSON, 1250 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ALLIANCE FOR CANNABIS THERAPEUTICS		221.17
MICHAEL STIENTJES, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FEDERATION	2,737.00	11.80
JACK MARK STOLIER, SUITE 500 1319 F STREET, NW WASHINGTON DC 20004	FOOD RESEARCH & ACTION CENTER		
ROS STOVALL, 451 S. INDIANA STREET MOORESVILLE IN 46158	PARENT ADVOCATE, INC		
Do	PROTECT THE INNOCENT, INC		
KAREN PELTZ STRAUSS, 600 NEW JERSEY AVENUE, NW WASHINGTON DC 20001	INSTITUTE FOR PUBLIC REPRESENTATION	86.00	
RICHARD H. STREETER, 1729 H STREET, NW WASHINGTON DC 20006	CAST NORTH AMERICA LTD	1,000.00	105.01
SULLIVAN & BEAUREGARD, 1800 M ST., NW WASHINGTON DC 20036	SHIPBUILDERS COUNCIL OF AMERICA		
SUNSET DESIGNS, 3401 CROW CANYON ROAD SAN RAMON CA 94583			4,500.00
STEPHEN D SUSMAN, SUSMAN & MCGOWAN 1200 MILAM, SUITE 900 HOUSTON TX 77002	PLANTIFF CLASS, CORRUGATED CONT ANTI-TRUST LIT		1,899.35
SUTHERLAND ASBILL & BRENNAN, 1666 K ST., NW WASHINGTON DC 20006	COUNCIL OF INDUSTRIAL BOILER OWNERS		
Do	HOLLYWOOD, INC		
Do	INDUSTRIAL OIL CONSUMERS GROUP		
Do	LOYAL TRUST	400.00	8.00
Do	OGLETHORPE POWER CORPORATION	2,025.00	
Do	PROCESS GAS CONSUMERS GROUP	612.00	
DONNAE SUTHERLIN, SUITE 502 17 W. MARKET STREET INDIANAPOLIS IN 46204	NATIONAL ASSOCIATION OF MANUFACTURERS		
IRVING W. SWANSON, 2500 VIRGINIA AVENUE, NW WASHINGTON DC 20037	HARRIS CORPORATION		
DEBORAH SWARTZ, 1611 N. KENT ST., ARLINGTON VA 22209	FOOTWEAR INDUSTRIES OF AMERICA	2,000.00	25.00
DONALD R. SWEITZER, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	5,000.00	1,386.39
SCOTT R. SWIRLING, SUITE 950 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	NATIONAL FAMILY PLANNING AND REPRODUCTIVE HEALTH ASSOCIATED, INC	1,872.00	
ELAINE J.K. LEGAS SWOPE, 3907 MINDEN ROAD WHEATON MD 20906			
Z. MICHAEL SZAZ, 7202 BEVERLY PARK DRIVE SPRINGFIELD VA 22150	EMBASSY OF THE DEMOCRATIC REPUBLIC OF SOMALIA	1,500.00	
TALCOTT MCCABE & BOWSER, SUITE 302, WEST WING 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	HOLIDAY INNS, INC	3,450.00	
Do	NATIONAL ASSOCIATION OF HOMES FOR CHILDREN	1,200.00	
Do	SERVICEMASTER INDUSTRIES, INC	3,500.00	
SUZETTE TAPPER, 1011 CONNECTICUT AVENUE, NW, #510 WASHINGTON DC 20036	SOLAR LOBBY	852.30	
TARGET, INC., 2411 OLD CROW CANYON ROAD SAN RAMON CA 94583			6,000.00
C. MICHAEL TARONE, 2033 M ST., NW, #700 WASHINGTON DC 20036	EMPRESA BRASILEIRA DE AERONAUTICA, S.A.		
Do	SANTARELLI & GIMER (FOR: KINGS RIVER WATER USERS COMM)		
TEAMSTERS FOR A DEMOCRATIC UNION, 2000 P ST., NW, #612 WASHINGTON DC 20036			
LLOYD V. TEMME, 1260 21ST ST., NW WASHINGTON DC 20006			
TENNESSEE HOME MEDICAL PROVIDERS ASSOCIATION, INC., 424 NORTH CENTRAL AVENUE KNOXVILLE TN 37917			
TEXASGULF, INC., HIGH RIDGE PARK STAMFORD CT 06904			20,000.00
MARY KAY THATCHER, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FEDERATION	4,500.00	97.90
CRAIG G. THIBAUDEAU, 3251 OLD LEE HIGHWAY, #500 FAIRFAX VA 22030	NATIONAL LIMESTONE INSTITUTE, INC		
LAWRENCE L. THOMAS, 50 BEALE ST P.O. BOX 3965 SAN FRANCISCO CA 94105	BECHTEL POWER CORPORATION		
THOMPSON, HINE & FLORY, 1920 N ST., NW WASHINGTON DC 20036	GREAT WESTERN SUGAR COMPANY		
Do	ORKIN EXTERMINATING COMPANY INC		
ROBERT N. THOMSON, ONE LANDMARK SQ. STAMFORD CT 06901	MOORE MCCORMACK RESOURCES, INC	5,000.00	241.00
JAMES L. THORNE, P.O. BOX 2511 HOUSTON TX 77001	TENNECO INC		
GRACE F. THORPE, P.O. BOX 1517 TAHLEQUAH OK 74464			
GIL THURM, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSOCIATION OF REALTORS	2,500.00	
TIMMONS & COMPANY, INC, 1850 K ST., NW, #850 WASHINGTON DC 20006	ANHEUSER-BUSCH COMPANIES, INC		
RON TIPTON, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY	1,648.31	16.00
W. DOUGLAS TODD, SUITE 2300 1000 WILSON BOULEVARD ARLINGTON VA 22209	NORTHROP CORPORATION		
RICHARD L. TRACHTMAN, SUITE 500 1101 VERMONT AVENUE NW WASHINGTON DC 20005	AMERICAN SOCIETY OF INTERNAL MEDICINE	1,838.36	333.79
JOSEPH P. TRAINOR, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	3,000.00	1,259.03
TRANSAFRICA, SUITE 202 1325 18TH ST., NW WASHINGTON DC 20036		133,343.00	77,328.74
THOMAS TRUAX, 1401 21ST STREET SACRAMENTO CA 95814	AMERICAN HEALTH CARE ASSOCIATION	3,000.00	1,090.78
W. GLENN TUSSEY, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FEDERATION	6,475.00	35.90
JOSEPH R. TYLER, 101 S. MAIN ST. DELPHOS OH 45833	U.S. FIBER CORPORATION		
MATHEW VALENCIC, 201 MASSACHUSETTS AVENUE, NE SUITE 319 WASHINGTON DC 20002	HALT, INC		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
RICHARD A. VAN DEUREN, 111 E. WISCONSIN AVENUE, #1800, MILWAUKEE, WI 53202	NATIONAL EMPLOYEE BENEFITS INSTITUTE		
JOHN A. VANCE, 1050 17TH ST., NW, #1180 WASHINGTON DC 20036	PACIFIC GAS & ELECTRIC COMPANY	2,585.00	1,551.95
JOHN P. VENNERS, 1899 L ST., NW, #1250 WASHINGTON DC 20036	VENNERS & COMPANY (FOR: KOCH INDUSTRIES)		
DAVID VIENNA, 510 C ST., NE WASHINGTON DC 20005	NATIONAL ASSOCIATION OF CREDIT MANAGEMENT	1,135.00	
RUDOLPH A. VIGNONE, 1800 K ST., NW, #800 WASHINGTON DC 20006	GOODYEAR TIRE & RUBBER COMPANY	3,500.00	
RON VLASKAMP, 323 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	AMERICAN RIVERS CONSERVATION COUNCIL		
DOUGLAS K. VOLLMER, 4350 EAST WEST HIGHWAY , SUITE 900 WASHINGTON DC 20014	PARALYZED VETERANS OF AMERICA	8,505.00	
VOLUME FOOTWEAR RETAILERS OF AMERICA, 1319 F ST., NW WASHINGTON DC 20004			
SARAH L. WAGONER, 6TH FLOOR 1050 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	AMERICAN SAMOA		
Do	ST. JOE MINERALS CORPORATION		
CARL S. WALLACE, 8315 ASHWOOD DRIVE ALEXANDRIA VA 22308	PUROLATER, INC		
ELEANOR WALTERS, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY CENTER	916.67	
RAYMOND J. WEATHERLY, 2733 CARTER FARM COURT ARLINGTON VA 22306	MANUFACTURED HOUSING INSTITUTE	875.00	80.79
PAUL WECKSTEIN, SUITE 510 236 MASSACHUSETTS AVENUE, NE WASHINGTON DC 20002	CENTER FOR LAW AND EDUCATION, INC	31.60	
LANCE WELLS, P.O. BOX 6003 ANCHORAGE AK 99502	SEA AIRMOTIVE, INC., AIR NORTH, ET AL		
ANNE P. WERNER, 1730 K STREET, NW WASHINGTON DC 20006	DIRECT MAIL MARKETING ASSOCIATION		
WESTERN RADIOLOGICAL GROUP, SUITE 2 2044 ARMACOST AVENUE LOS ANGELES CA 90015			19,126.21
WESTERN RESOURCE ALLIANCE, 2565 W. 23RD ST. EUGENE OR 97401			
JOSEPH J. WESTWATER, 10140 LINN STATION ROAD LOUISVILLE KY 40223	DAIRYMEN, INC	8,750.00	1,592.68
WILLIAM WEWER, 1425 21ST STREET, NW WASHINGTON DC 20036	SUBSCRIPTION TELEVISION ASSOCIATION		
STEPHEN M. WHEELER, 530 7TH STREET, SE WASHINGTON DC 20003	FRIENDS OF THE EARTH	891.75	
WHITE FINE & VERVILLE, SUITE 302 1156 15TH ST., NW WASHINGTON DC 20005	NORTHWEST ALASKAN PIPELINE COMPANY		
Do	TURLOCK IRRIGATION DIST. AND MODESTO IRRIGATION DIST		
Do	WESTINGHOUSE	10,944.00	
BRYAN K. WHITEHEAD, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
DONALD W. WHITEHEAD, SUITE 335 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	WASHINGTON STATES REPRESENTATIVES	7,500.00	
WHITMAN & RANSOM, 1333 NEW HAMPSHIRE AVENUE, NW, #650 WASHINGTON DC 20036	JAPAN EXTERNAL TRADE ORGANIZATION (JETRO)		52.96
WICKWIRE, LEWIS, GOLDMARK, & SCHOOR, 500 MAYNARD BUILDING SEATTLE WA 98104	STATE OF ALASKA, TRANSPORTATION SECTION	6,316.50	2,498.25
N. FAYE WIDENMANN, P.O. BOX 21666 PHOENIX AZ 85036	ARIZONA PUBLIC SERVICE COMPANY	387.00	1,111.85
WILCOX & SHAROOD, SUITE 705 1899 L ST., NW WASHINGTON DC 20036	NATIONAL ASSOCIATION OF STEVEDORES	6,600.00	583.00
WILLIAMS & CONNOLLY, 839 17TH ST., NW WASHINGTON DC 20006	WILLIAM H. SULLIVAN JR.		
WILLIAMS & JENSEN, P.C., 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN PHYSICAL THERAPY ASSOCIATION	698.50	77.10
Do	THOMAS L. ASHLEY, P.C		12.85
Do	BURGER KING CORPORATION	437.50	38.55
Do	CENTURY 21 REAL ESTATE CORPORATION	700.00	38.55
Do	CIGNA	4,887.50	218.44
Do	COMMITTEE FOR EMPLOYMENT OPPORTUNITIES	1,437.50	77.10
Do	COMPETITIVE TELECOMMUNICATION COALITION	2,000.00	141.33
Do	CONSOLIDATED FOODS CORPORATION		25.70
Do	ESTEE LAUDER, INC	700.00	38.55
Do	FEDERATION FOR AMERICAN IMMIGRATION REFORM	775.00	77.10
Do	FIRST BOSTON CORPORATION	562.50	51.40
Do	GENERAL ELECTRIC CREDIT CORPORATION	4,437.50	218.44
Do	HIGHER EDUATION ASSISTANCE FOUNDATION	420.00	64.25
Do	HOUSTON ENDOWMENT, INC	1,250.00	64.25
Do	IU INTERNATIONAL MANAGEMENT CORPORATION	2,774.50	282.68
Do	KELLOGG COMPANY	837.50	51.40
Do	KRAUSE MILLING COMPANY	135.00	25.70
Do	MUSTANG FUEL CORPORATION	875.00	64.25
Do	NATIONAL ASSOCIATION OF WATER COMPANIES	960.00	89.94
Do	NATIONAL SOFT DRINK ASSOCIATION		
Do	NATIONWIDE INSURANCE COMPANIES		25.70
Do	OLYMPIA & YORK DEVELOPMENTS LTD	87.50	12.85
Do	PARALYZED VETERANS OF AMERICA	698.50	89.94
Do	PFIZER, INC		25.70
Do	RECORDING INDUSTRY OF AMERICA, INC	3,370.00	262.68
Do	SOUTHERN RAILWAY SYSTEM		
Do	STUDENT LOAN MARKETING ASSOCIATION		144.17
Do	UNIVERSAL FOODS , INC		
JAMES H. WILLIAMS, 3251 OLD LEE HIGHWAY # 500 FAIRFAX VA 22030	NATIONAL LIMESTONE INSTITUTE, INC		
LEE WILLIAMS, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	1,600.00	
MARGIE R. WILLIAMS, 415 2ND ST., NE SUITE 300 WASHINGTON DC 20002	NATIONAL ASSOCIATION OF WHEAT GROWERS	957.82	12.70
WILLKIE FARR & GALLAGHER, 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	RELIANCE GROUP, INC	1,852.50	
WILMER, CUTLER & PICKERING, 1666 K ST., NW WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
VENLO WOLFSOHN, 1110 SPRING STREET, SILVER SPRING MD 20910	MACHINERY DEALERS NATIONAL ASSOCIATION	3,100.00	
WILBUR S. WOOD, 1750 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	NATIONAL RURAL LETTER CARRIERS' ASSOCIATION		
DANIEL R. WRIGHT, 540 MADISON AVENUE NEW YORK NY 10022	BARON/CANNING & COMPANY, INC (FOR: ELECTRONIC INDUSTRIES ASSOCIATION OF JAPAN).		
WYATT, SALTZSTEIN, LIPSEN & HAMBERGER, 8TH FLOOR 1725 DESALES STREET, NW WASHINGTON DC 20036	DRAVO CORPORATION	625.00	
Do	AMERICAN WATERWAYS OPERATORS, INC	3,900.00	150.00
Do	GREATER PHILADELPHIA CHAMBER OF COMMERCE	1,000.00	106.25
Do	MHD INDUSTRIAL FORUM		
Do	OLIVETTI CORPORATION OF AMERICA	875.00	131.25
Do	STONE & WEBSTER ENGINEERING CORPORATION	1,250.00	93.75
Do	WESTINGHOUSE ELECTRIC CORPORATION	15,000.00	
FREDERICK S. WYLE, 1400 ALCOA BUILDING ONE MARITIME PLAZA SAN FRANCISCO CA 94111	FEDERATED STATES OF MICRONESIA		
JUDITH A. YOUNG, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSOCIATION OF REALTORS	1,500.00	100.76
ZERO POPULATION GROWTH, INC, 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036		967.00	1,482.00
ZIONTZ, PIRTLE, MORRISSET, ERNSTOFF, & CHESTNUT, METROPOLITAN PARK, 16TH FLOOR 1100 OLIVE WAY SEATTLE WA 98101.	CONFEDERATED TRIBES OF THE COLVILLE INDIAN RESERVATION		
Do	INUPIAT COMMUNITY OF THE ARCTIC SLOPE		
Do	LUMMI TRIBE OF INDIANS		
Do	MAKAH INDIAN TRIBE		
Do	METLAKATLA INDIAN COMMUNITY		
Do	NORTHERN CHEYENNE INDIAN TRIBE		
Do	QUILEUTE INDIAN TRIBE		
Do	TULALIP INDIAN TRIBE		
Do	UKPEAGVIK INUPIAT CORPORATION		
ZOOLOGICAL ACTION COMM, SUITE 400 1320 19TH ST., NW WASHINGTON DC 20036			800.00
13TH CONGRESSIONAL DISTRICT ACTION COMM, 986 VICAR LANE SAN JOSE CA 95117		286.00	208.31
13TH PRO-LIFE CONGRESSIONAL DISTRICT ACTION COMMITTEE, 6308 MIDNIGHT PASS RD. SARASOTA FL 33581		150.00	102.51

EXTENSIONS OF REMARKS

NEW CHALLENGES IN INTERNATIONAL TRADE

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. RHODES. Mr. Speaker, we all are aware of the enormous problems our Nation is experiencing in international trade. We no longer enjoy our former position of prominence as an exporting country. On the other hand, today, we are the biggest importer, providing other exporting countries with a large and prosperous market. There has been considerable commentary about and analysis of this problem, as well as speculation about the proper course to follow to improve our balance of trade.

Last month, at a dinner sponsored by the American Graduate School of International Management, I had the privilege of hearing Robert H. Malott, chairman of the board of FMC Corp., deliver his thoughts on this issue, including his suggestions for improving our balance of trade, and making the international trade market more equitably accessible to all trading nations.

I would like to share Mr. Malott's insights into this critical matter with my colleagues. The text of his remarks follows:

The economic challenges we faced as we entered the 1980's loom increasingly large. Developing countries are struggling to manage foreign debt loads, protectionist pressures are on the increase, and everywhere countries are trying to dispel their economic woes by expanding exports, limiting imports, and passing local content legislation. It is a sobering and disturbing picture.

If there's one overriding issue in world trade today, it seems to me it is the question of the relevance of the general agreement on tariffs and trade. When GATT was established in 1947, the United States was supreme in technology, management skills, and productive capacity. The other major industrialized countries were still recovering from the devastation of World War II, and what we now call the developing countries were primarily struggling for political independence. Since that time, the structure of the world economy has changed dramatically—although the U.S. remains the single largest exporter in the world, we have dropped to second place in the critical area of manufactured goods, and developed and developing countries have become stiff competitors for both our domestic and export markets.

In most of the post-war period, GATT served us well. Through three rounds of trade negotiations, it succeeded in progressively reducing tariffs to a minimum among the industralized trading nations. But GATT may have been a victim of its own success. Now that import duties have become almost negligible in many cases, we have moved into the more subtle and complex arena of non-tariff barriers—including export subsidies, import licensing requirements, and local content rules—to name just a few. These are the barriers which are responsible for distorting current trade relationships. These are the barriers which today impede the development of economically sound trade patterns. And these are the barriers which create the increasingly vindictive political issues that interfere with normal relations between nations.

The issue we must face squarely is this: Can GATT handle the realities of today? Can it handle the tough problems of nontariff barriers? Or do we need new, more comprehensive guidelines on which to base future international trade?

With this issue in mind, I'd like to address five problems in international trade that urgently require solutions.

The first problem concerns the increasing lack of respect for industrial property rights in the international marketplace. In the 1950's, the United States possessed most of the world's technology and controlled the majority of its patents. But since that time, new technology has been transferred out of this country and has become common knowledge throughout the world. Much of this technology transfer has occurred through joint-venture or licensing arrangements, but recently there's been an alarming and expanding disrespect for patent agreements and an increase in surreptitious transfers.

FMC has had to combat this problem with a state-owned enterprise in Hungary that was selling in Brazil a counterfeit version of our pesticide, Furadan. Although we have a valid patent in Brazil for our product, it has taken five years of litigation to stop imports of the Hungarian product into that country.

Many developing countries do not belong to the 1883 Paris convention on industrial property rights, the convention which binds member countries to respect one another's patents. Many that do belong want to change the rules so they can obtain immediate and cost-free access to developed country technology. In the United Nations, where the Paris codes are being revised, developing country Governments have been pressing for agreements which would allow them to seize patented technology and give it to their own domestic firms if multinational patent owners did not exercise their patent rights within a set time period—perhaps as little as 30 months!

Should the developing countries succeed in this effort, they may well impede technology development and transfer throughout the world. For if the industrialized countries have no ability to protect their patents, they will have less incentive to spend money on R & D and, in the long run, will have less technology to transfer.

Recently, FMC has been working with Senator Danforth to amend the U.S. Trade Act of 1974 to give U.S. companies greater recourse against violators of U.S. patent rights. Under this amendment, the President would have powers to raise tariffs, impose quotas, or even revoke most-favored nation status. We believe this change in legislation would be an important first step in preventing other countries from pirating the technology that U.S. firms have worked so long and hard to develop.

In another, more subtle invasion of property rights, a former Common Market commissioner by the name of Vredeling has proposed a plan to the European Parliament which would require multinational companies operating in Europe to share their long-term strategic plans with their labor unions. It would be absurd to try to operate a business effectively if all long-range strategies were laid bare to the competition!

Surprisingly, this issue is expected to come to a vote shortly in the EEC Parliament, and only the British have indicated they would veto it. Issues like this are appearing with increasing frequency in the debates of the EEC, the deliberations of the United Nations and the economic concessions demanded by the less developed countries.

A second major problem is the recent escalation of credit wars, as industrial countries resort to subsidized financing packages to stimulate exports. Over the past decade, trade officials from major exporting countries have admittedly made some effort to curb the problem through negotiations leading to "gentlemen's agreements" on export credits.

But isn't it a bit naive to assume that countries which depend on trade for 20 to 40% of their gross national product can avoid domestic political pressures that support aggressive export efforts? Won't these pressures make gentlemen's agreements difficult to enforce?

Let me pose an alternative. We might consider establishing a new international export credit agency to enforce common rules on export financing, much as the IMF, supported by its enormous financial resources, oversees international monetary practices. If all major trading nations agreed to abide by the same export credit rules, export financing would no longer be the determining factor in international buy/sell decisions.

Certainly the status quo is not acceptable—the current export credit war is irrational, costly, and leads to serious misallocation of resources. It must be stopped.

The third major problem concerns tax subsidies on export sales. Like export credits, tax subsidies create enormous distortions to international trade. They are particularly insidious because they are so difficult to identify, measure and verify with accuracy.

The industrial countries are wasting an enormous amount of time, energy, and money just to stalemate each other's export subsidies. Shouldn't we devote our efforts instead to reaching an understanding on common standards for export tax relief?

A fourth area of concern is the increasingly predatory manipulation of foreign exchange rates. In 1971, when the U.S. went off the gold standard, the world officially switched from fixed to floating exchange rates. But floating rates have turned out to be more an illusion than a reality—most nations have endeavored to manage their floats very carefully. The manipulation is

not overt but is often hidden in a maze of capital or financial market controls.

Japan, in my judgment, is a prime example. The Japanese have been able to keep the value of the yen artificially low. At present, the yen is trading at the depressed level of about 265 to the dollar, when most experts agree it should be trading between 180 and 200 to the dollar if, in fact, the rate reflected market conditions. This managed float strongly encourages Japanese exports and discourages imports. Not surprisingly, Japan's trade surplus with the United States is expected to reach $20 billion this year—or almost half America's projected trade deficit with the entire world in 1982.

One possible solution might be to broaden the scope of the International Monetary Fund to include explicit authority over exchange rate manipulation. The fund's member countries could give the IMF the power to impose appropriate sanctions on nations which did *not* allow their currencies to move freely in response to underlying market forces.

The fifth and last item on my agenda, is the exceedingly tough issue of assuring fair market access. It seems that most countries in the world today hope to export their way to economic salvation. It should be obvious that they cannot all succeed as exporters if no one is willing to be an importer.

The U.S. represents the biggest import market in the world and, by and large, we've made this great asset available to our trading partners with relatively few restrictions. But we're at the point now where we can't continue giving foreign producers unfettered access to our markets unless we gain equivalent access to theirs.

The market barriers American producers face overseas come in many guises. For instance, they may be told their products don't meet local specifications or consumer tastes. Or, they may be told their products don't meet domestic safety standards even if they have passed international standards accepted by the importing country. In other cases, they may have to comply with restrictive licensing requirements or agree to manufacture a certain percentage of their product in the importing country. All of these restrictions severely limit the ability of U.S. companies to penetrate foreign markets.

Japan has been particularly effective in restricting access to its markets. Let me recount the experience of FMC and other American companies in marketing soda ash, the principal ingredient in manufacturing glass. Although U.S. producers of soda ash have had a substantial cost advantage over Japanese producers, they've been restricted for the past 10 years to only 5% of the Japanese market. If U.S. producers could compete head-to-head with the Japanese manufacturers, it's been estimated that they could capture up to 40% of the Japanese soda ash market.

In the case of soda ash, there are no problems with product quality, reliability, or distribution capability—factors which the Japanese have traditionally used to explain the failure of foreign goods to penetrate their markets. Nor is there a problem in meeting specifications for the home market, a requirement Japan often invokes, since soda ash is a commodity chemical with universal properties. It is a clear case of import restrictions to protect Japanese producers.

We're a country that truly believes in open markets and the free entry of goods, but our trading partners must know that we are no longer willing to tolerate one-way streets. Free access to all markets of the world must be an unending objective as we seek better guidelines for international trade.

In summary: The protection of industrial property rights; an armistice in export credit wars; the elimination of competition in tax subsidies; the control of exchange rate manipulation; and, above all, the assurance of fair access to world markets; are five international trade challenges we must confront successfully during the 1980's.

I opened my remarks by questioning whether GATT is capable of effectively addressing issues as tough as these. By asking the question, I don't mean to suggest the answer is "no," but it is apparent that changes must be made, either within the structure of the GATT or as a supplement to the agreement, to address the changes that have taken place in international trade over the last 35 years.

A drift away from a free trading system could close off the longest ERA of prosperity the world has ever known. But free international trade faces its greatest challenge since World War II, as neither we, nor any other nation, have yet eliminated the lure of protectionist responses to increasingly severe problems.

The stakes are enormous. In my judgment, we must develop broader, more comprehensive guidelines to address the complex realities of international trade today and prepare for the challenges of tomorrow. Just as there is no shortage of challenges, I am confident there will be no shortage of creative solutions.●

A DAY OF SORROW

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. BIAGGI. Mr. Speaker, November 7 marked the 65th anniversary of the "October Revolution," the day in which the Russian people were deprived of their liberty by the Bolshevik Communist Party. It is a day of sorrow for the Russian people, Russian Americans, and freedom-loving persons everywhere; but it is also a day that must not be forgotten.

The occasion serves as a grim reminder of the terrible suffering the Russian people have been forced to endure at the hands of the Communist-controlled Soviet Government since 1917.

During my 14 years in Congress, I have joined my colleagues in calling on the Soviet Government to end their constant violations of basic human rights, particularly against their Jewish citizens. Regrettably, these violations continue.

With this in mind, we must use this occasion of the "October Revolution" to renew our commitment to secure basic human rights for the Soviet citizens, and oppressed people everywhere.

At this time, Mr. Speaker, I insert an important statement about the "October Revolution," prepared by the Congress of Russian-Americans, Inc., who are based in my home district in New York:

A DAY OF SORROW

On the 65th anniversary of the "October Revolution", we, as Russian-Americans, wish to remind the Free World that on November 7, 1917 the Bolshevik Communist Party deprived the peoples of Russia of their liberty.

Since that day the Soviet government under the leadership of its Communist Party had continually perpetrated crimes that are an affront to humanity. Among them:

The creation of an Orwellian state founded on a basis of human fear and ignorance and maintained by a ruthless military police;

The "reedification" of the Russian peoples, a policy inaugurated by the heinous murder of the royal family and pursued in the hopes of stripping the Russian peoples of their heritage and thereby creating the ideal human cipher, Homo Sovieticus;

The desecration and destruction of over 50,000 churches and monasteries;

The forcible collectivization of peasants, an act which resulted in the death by starvation of seven million people;

The exploitation of workers and the reduction of peasants to the status of government serfs;

The abandonment of Soviet P.O.W.'s (branded "traitors" by the Soviet regime) in Nazi war camps, resulting in the death of 4,650,000 native sons by starvation and disease;

The forceable repatriation of Soviet citizens remaining in Western European countries after the war and the subsequent imprisonment of these citizens in concentration camps;

The extermination of tens of millions of people in concentration camps and prisons;

The mental and physical torture of countless millions without regard to human rights or dignities;

The military suppression of any popular uprisings within the Soviet Union or any of its satellite nations, particularly Hungary, Czechoslovakia, and Poland;

The creation, through the wanton exploitation of natural resources and environment, of an aggressive military machine which continues to grow at the expense of the people's needs and aspirations;

The suppression of the freedoms of religion, thought, speech and the press and the persecution of individuals for their religious convictions and their beliefs in basic human rights.

No document can enumerate the countless crimes perpetrated by the Soviet government against its peoples. Only the tears of an anguished and suffering people can serve to measure these atrocities. To these tears we direct our hopes, our prayers, and our actions.

The 7th of November, the day of pompous Soviet celebrations, parades and deceitful proclamations about the "struggle for peace" and about the "joyous life" of Soviet citizens, we designate as a Day of Sorrow and Irreconcilability.

This Day of Sorrow and Irreconcilability has been faithfully observed by Russian-Americans and by all Free Russians for the past six decades. Throughout all these years Russians free in mind and spirit have continually attempted to warn the Free World of the threatening Communist danger, but to no avail.

Once again, we appeal to the government of the United States of America to proclaim this day as a Day of Sorrow and Irreconcilability and we invite the citizens of this country to join us in prayers for those who perished at the hands of Communism and for the deliverance of those presently living under the yoke of Communism.●

INDIANA'S ECONOMY: I

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to submit my Washington Report for November 3, 1982 into the CONGRESSIONAL RECORD:

INDIANA'S ECONOMY: I

Indiana's economy is in the worst shape I can recall during my service in Congress. Never have Indiana resident's expressed to me so frankly and forcefully their concerns about their economic future.

Hoosiers with whom I have spoken want more jobs, lower interest rates, and fewer price increases. I have spent many long hours thinking about these problems and trying to see how to solve them. This newsletter and the one to follow give some of my thoughts on Indiana's economy, its troubles, and the steps we must take to strengthen it.

Everyone recognizes that the health of the national economy has a profound impact on the health of the Hoosier economy. Renewed growth in the national economy is the best thing that could happen to Indiana. However, Hoosiers should not just sit back to see what happens at the national level. There are a number of steps we can take at home, and we should take them as quickly as possible.

In addition to the recession, Indiana's economy has had to cope with long-term structural changes which altered opportunities for employment in its major industries. But the double-digit unemployment and massive dislocation that afflict Indiana and other states in the industrial heartland are neither inevitable nor irreversible. Our state has natural advantages that we can build upon to keep the Hoosier economy vibrant and healthy.

Hoosiers are painfully familiar with our state's current economic predicament. At the start of the 1980's basic manufacturing provided 40 percent of the income earned by the people of Indiana, compared to less than 30 percent for the nation as a whole. Nearly one Hoosier in four worked in the production of durable goods, and four heavy industries—steel, automobiles, machinery and electric equipment—accounted for more than one sixth of our state's employment. But basic manufacturing—the dominant employer in Indiana and a traditional backbone of the Hoosier State's economy—has contracted quite sharply during the recession.

Unemployment in Indiana has ranged from two to three percentage points above the national average. Testimony at congressional hearings I held in Indianapolis indicated that roughly 45,000 Hoosier jobs have been lost in automobile and steel production alone. Even without the hardship of back-to-back recessions, however, these key industries have been weakening. Among other factors, aging plants, government regulation, and the high cost of energy and financing have lessened their ability to meet increasingly stiff competition from abroad.

Neither Indiana nor the nation as a whole can afford to abandon basic manufacturing. We must help basic industry toward recovery. At the same time, we must acknowledge that some of the jobs recently lost in automobile factories and steel mills will never be restored. We must move into new fields of commerce, industry, and trade where the potential for employment and economic growth is strong.

So far, it has been difficult for new, high-technology industries—those producing lasers, semi-conductors, robots and the like—to become firmly established in Indiana. There are, for example, only three robotics firms in Indiana, compared to 17 in Michigan and eight apiece in Ohio and Illinois. The availability of skilled labor is one of the major factors determining where such firms locate.

Indiana has a strong educational base, but it has not achieved its full potential. Hoosiers graduate from high school at a rate above the national average (75.1 percent in Indiana, compared to 73.6 percent nationwide), but only 11 percent of our residents are college graduates, compared to a national average of 13.9 percent. With our first-rate institutions of higher learning, Indiana should have the highly skilled labor force to meet the challenge presented by the new industries; instead, many young, highly skilled workers trained in Indiana have taken jobs elsewhere. We need to encourage our young people to achieve their full educational potential. At the same time, we must insure that people with specialized training do not need to leave our state to find jobs.

There are also steps that we can take to utilize existing manpower and industrial capacity. One of the most important is to improve our public infrastructure. There are 4,700 bridges in Indiana, many of which, like the 45 percent of all bridges throughout the nation, are structurally deficient or functionally obsolete. It is estimated that bad bridges and roads alone cost the private sector $30 billion per year nationwide in damages and lost business. Water mains, parks, sewer systems, ports, public buildings, and railroads are also in desperate need of repair. Delays in repairing these facilities cost millions of dollars and thousands of jobs each year. Despite budgetary constraints, we can find ways to put our people to work restoring the vital public infrastructure on which all economic growth is ultimately based.

We should take steps to prompt a broad range and wide variety of investments—in education and training, in public infrastructure, in research and development—which would help attract the new, innovative businesses upon which Indiana must rely for future growth. Such investments would clearly complement efforts to improve our position in basic manufacturing as well. We will also need to strengthen cooperative relationships among labor, business, and government, and find more effective means of combining public and private resources for the good of our state.

(Note: In next week's newsletter I will discuss these proposals in more detail. Also, I will make specific recommendations to help solve our state's pressing economic problems.)●

AN AMERICAN CELEBRATES 25 YEARS OF CITIZENSHIP

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. THOMAS. Mr. Speaker, the Nation has just finished celebrating Thanksgiving, a day when we stop to reflect upon all that we have for which to be grateful. Thanksgiving held special significance this year for one of my constituents, Mr. John Florian of Bakersfield, Calif.

John Florian and his wife recently celebrated their 25th year as citizens of the United States, having fled the Communist regime in Hungary in 1957. I would like to share Mr. Florian's recent letter to me, because I think it is a fine expression of the spirit upon which our Nation was founded. It should also serve to remind each of us that Americans have one thing we can all be grateful for—we have our freedom:

DEAR CONGRESSMAN THOMAS: I am writing to you because my wife and I reached a very cherished anniversary of our life. For twenty five years, we enjoyed freedom and privileged living in this wonderful country.

In September 1957 we came as refugees from Hungary and we were accepted as citizens of this great nation which we proudly call home. This past quarter of a century brought us many happiness and satisfaction both in our family and professional lives.

We cannot think of a more proper way to celebrate than expressing our thanks and gratitude to the American People, and no better way to communicate than through our elected representative.

Thank you America for opening your doors and letting us come and enjoy the freedom and opportunities of this majestic land! Bless the people who have given us the helping hands, so we may do the same for others.

Respectfully yours.

JOHN FLORIAN.●

DAN CRYSTAL, DEFENDER OF CIVIL LIBERTIES

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. CONYERS. Mr. Speaker, for close to a decade, the Judiciary Committee—and the Subcommittee on Criminal Justice in particular—has been the fortunate recipient of the assistance and counsel of Daniel Crystal, the chairperson of New Jersey Coalition to Defend the Bill of Rights.

In our efforts to reform the Federal Criminal Code, for example, Mr. Crystal has been our constructive and most indefatigable critic. In a recent article, Mr. Crystal has detailed a previous instance in which he provided Members of Congress with invaluable help. I be-

lieve that my colleagues may find this article of interest.

[From the Reporter, Spring 1982]

A FOOTNOTE TO HISTORY, OR HOW I HAD A HAND IN THE DISGORGEMENT OF THE PENTAGON PAPERS AND OTHER UNLIKELY EVENTS AND MARVELS

(By Daniel Crystal)

Everyone is writing his or her memoirs these days.

Henry Kissinger has just weighed in with the second volume of his new version of the Arabian Nights in which Air Force One takes the place of the flying carpet. The Watergate conspirators have made zillions of bucks from their books and on the lecture circuit. My Bergen County neighbor, Richard M. Nixon (he's now from Saddle River; I'm downcounty in Saddle Brook) is slithering his way back to respectability as a so-called elder statesman. ("Cry, the Beloved Country" is a useful title to remember).

Its high time then for me to tell Reporter readers of how I once taught a valuable discovery technique to the House of Representatives and at least in my own mind, became a legitimate footnote in history as a result.*

The surprising (but entirely true) tale begins (if anything ever has a real beginning) with the election of Bella Abzug to the House. Her staff had asked a lawyer I know, Morton Stavis, now of Hoboken, to brief her on the intricacies of House parliamentary procedure. He lacked time, having to write a brief for the United States Supreme Court. He asked me to take over. Ignoring the old saying about fools rushing in, I agreed. I obtained a copy of the "Rules of Procedure of the House of Representatives," dutifully looked the rules over, researched reform ideas on Congressional procedure, and in general made myself a Man Friday to Bella. I can't say I learned all that much since much of parliamentary procedure is arcane and unwritten. It reposes in the notes of the House Parliamentarian who, at least then, played ball with the powers that be, and not with those who weren't in the inner circle.

Years loped along, and we suffered the agony of the war in Vietnam. And along the line (1973, if memory is accurate) we began to learn of the secret and horrendous bombing of Cambodia. It will be interesting to read the minuet that Henry Kissinger undoubtedly dances in telling of his part in that massive use of airpower against civilian targets.

Now the story commences.

On one Friday afternoon, just before I was leaving the office for the weekend, the phone rang. It was someone in Bella's office, asking if I could suggest a way to break through the wall of secrecy about the bombing in Cambodia.

I said the honest thing: "I don't know anything offhand, but let me think about it."

I had nothing to go on but the copy of the "Rules of Procedure of the House of Representatives" I had acquired years before. It was (at least then) poorly indexed, perhaps to protect the turf of the House Parliamentarian. In fact, it has two sets of rules in it, one those originally formulated by Thomas Jefferson, the other a more modern set.

There was, of course, nothing to do but to start fishing the hard way—that is, to read the whole damned, dull book.

About three quarters of the way through that long Friday evening, I recapitulated Archimedes. Fable has it that he said, "Eureka" when he found the answer to a scientific problem. I said, "Aha!"

What I had run across in my methodical reading of the House rules was something called "A Resolution of Inquiry." It's a discovery rule. It provides that the House can pose factual questions to the executive department. I spotted the kicker immediately. If the Cabinet member, President, or other executive department official does not respond and turn over the desired information in seven calendar days, it becomes the privileged business of the House.

"Privileged business!" That means it cuts through the Rules Committee and the other road blocks and parliamentary obstructions barring House action. It's a veritable blockbuster of a rule. It makes possible an end-run around both the Administration and its allies in the House.

Next day, Saturday, I spent at Rutgers Law School Library. Years before, at the time of the March to Selma, Alabama, I had holed up there, researching material for a brief on behalf of the Mississippi Freedom Democratic Party challenging the right of the Congressional delegation from Mississippi to be seated in view of the racist violation of the voting rights of blacks in that state. That's another yarn for these offbeat memoirs. What's pertinent now is that I had then become familiar with a set of massive books called, "Precedents of the House of Representatives. It had originally come out in 1917 or 1919. There was an annotation and supplement in 1931 or 1933. After that, silence, and ask the help of the House Parliamentarian (if you're a favored member of the Congressional club).

So with that useful knowledge, I hied myself to the law school and xeroxed or photostated the numerous precedents I found when my discovery, the Resolution of Inquiry, had been actually used. It developed later that it had not been used for some forty-one years or so before I rediscovered it that boring night, of now so many years past sleepily reading all the rules of the House of Representatives.

I sent off the envelope of xeroxes to Bella's office with an explanatory letter, and went about my own affairs. In fact, eventually I forgot completely about my foray into Congressional parliamentary procedure. Bella filed a Resolution of Inquiry, but nothing came of it, just then.

Nothing is forever, not even forgetfulness.

Time passed, and I received another phone call from Bella's office, once again on a late Friday afternoon.

This one was different, though.

If I could make anything out of this call, I was being congratulated for helping spring the Pentagon Papers loose from Richard M. Nixon.

Pentagon Papers! Me and the Pentagon Papers? The Pentagon Papers and I?

What's going on here? I felt as remote from the Pentagon Papers as I do now from the budget cut planning by the only President we have.

Then memory took over.

I asked if Bella had filed a Resolution of Inquiry.

She had, and that explained it. Nixon had sent the Pentagon Papers to Congress under tight security. Members of Congress could read the Pentagon Papers volumes under those restrictions. They couldn't get copies, but they could read the actual volumes.

The press was giving Bella credit for ripping the Pentagon Papers loose from Nixon's clutches. And her staff was courteously sharing the credit with me.

It was an unreal feeling of disbelief and pride.

I equaled that quite incredible mood some time later following the impeachment of Nixon and President Gerald Ford's pardon of the man who now is the resident squire of Saddle River. The unprecedented happened. A sitting President came before a subcommittee of the House Judiciary Committee to answer a Resolution of Inquiry directed at why he had pardoned Richard M. Nixon for high and low crimes, felonies, misdemeanors, and parking tickets.

I had recently had surgery and was convalescing. I sat enthralled, watching the subcommittee hearing on television. And I marveled that I, the third son of Jewish immigrants, Joseph and Jennie Crystal, who had lived with the entire family of eight of us in two rooms behind a Mom-and-Pop grocery store in East Orange, had somehow been able to reach into the Oval Office of the White House and help force a President of the United States to do something he didn't want to do.

Resolutions of Inquiry are used all the time by Congress now. In recent months, a member of President Reagan's cabinet came close to being held in contempt of Congress by defying the House as to information demanded about energy. Like any other rule, all groupings in the House use it now, the right as well as the moderates and the liberals.

What I did was to go into Congress' museum of obsolete weapons, blow the dust off one of them, bow and hand it to the House for modern usage. As any lawyer familiar with interrogatories and depositions would readily know, it works. Somehow, by tedious reading, I had given the House a valuable aid in the constant battle between two co-equal departments of our government, the legislative and the executive. I had resurrected yet another check or balance of the sort we all learned about when we first took civics in junior high school.

That night's solitary reading of the "Rules of Procedure of the House of Representatives" (a soporific volume if ever I drowsed over one) has turned out to be the most important single achievement of mine in the practice of law. It just goes to prove again what powerful instruments for truth are our discovery rules.

Nevertheless, it still feels totally unreal to have ever had anyone link me with the disgorgement of the Pentagon Papers from the grip of that "historian" who has grown accustomed to disgrace. Daniel Ellsberg nearly went to prison because of the Pentagon Papers. Most emphatically, those trying to let the country know about what was going on in Vietnam did not win the favor of Richard M. Nixon, once the peripatetic tenant of Key Biscayne, San Clemente, and 1600 Pennsylvania Avenue in the District of Columbia, and now my near neighbor in Bergen County.

Understandably, we're still not talking to each other.●

* To quote a wise observer of the passing scene, Dorothy Leavy, history always begins on the day of one's birth.

THE SOPHISTICATED CRIMINAL

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. BIAGGI. Mr. Speaker, today's criminal, are becoming much more sophisticated and, thus, much more dangerous. Of special concern is the increasing criminal use of bullet-resistant vests, similar to those used by police.

In last year's Nyack, N.Y., Brink's robbery, a criminal's vest stopped a police bullet, allowing the robber to return the fire and kill two law enforcement officers.

Other incidents include one of the FBI's most wanted killers, Joseph "Mad Dog" Sullivan, being captured earlier this year wearing a bullet-resistant vest; and two New York City drug dealers, after being arrested, boasting to police that "our vests are better than yours."

In a more recent incident, the New York Daily News reports that two New York City bank robbery suspects "wore bulletproof vests" during a robbery and subsequent shootout with police. One of the vests stopped a police bullet that would have disabled one of the robbers, but instead, both criminals escaped. At this time, Mr. Speaker, I wish to insert the full text of the New York Daily News article, which discusses the event in further detail:

[From the New York Daily News, Nov. 19, 1982]

BANK-HEIST SUSPECT IN 3-HOUR SIEGE

(By Bernard Rabin and Don Singleton)

A bank robbery suspect with a submachine gun held police and FBI agents at bay yesterday for three hours at a Queens rooming house before surrendering.

Walter Anderson, 21, had been traced by New Rochelle FBI men to 102-35 Remington St. off Liberty Ave. in South Jamaica.

After the agents and Queens detectives asked the landlady if Anderson was there, she called to him, and he yelled: "I'm not coming out! I have a submachine gun and I won't be taken!".

Beginning at 9:15 a.m., the lawmen negotiated with Anderson, who was in a room with a girlfriend, Liza Borden. Hearing a report that he had fragmentation grenades, police evacuated adjoining houses. The rumor was unfounded.

Early in the siege, Anderson swapped a .38-caliber revolver for a pack of cigarettes. Anderson made no demands but said he was reluctant to give himself up for fear of being injured by police.

At 11:55 a.m., with the house surrounded by flak-jacketed cops, Anderson agreed to give up. Agents entered and emerged at 12:03 p.m. with Anderson and Borden. One agent carried Anderson's Uzi submachine gun.

Detective Inspector Roy Richter said Anderson was wanted in four bank robberies in Westchester County.

Richter said Anderson and another suspect, Wayne Glover, had evaded arrest Nov. 1, after a shootout at 175th St. and Walton Ave. in the Bronx. The suspects wore bulletproof vests, and Anderson's stopped a bullet that would have penetrated his chest, Richter said.

Glover reportedly was captured a few days later.

Anderson was taken to Manhattan Federal Court to await arraignment on charges of holding up the Bank of North America at 928 McLean Ave., Yonkers, on Oct. 13, and the Knickerbocker Savings & Loan Association at 929 McLean Ave. on Oct. 18.

During my 23 years as a New York City police officer, I was wounded 10 times in the line of duty. As a result, much of my work in Congress has been devoted to better protecting the lives of our law enforcement officers. An important part of this effort is insuring that police officers are better equipped than the criminals they are protecting us against.

This means that criminals must not be allowed such easy access to bullet-resistant vests. I have authored two bills that would help in this regard. Specifically, my bills, H.R. 4978 and H.R. 5559, would place tighter controls on those persons selling and buying bullet-resistant vest, and would impose tough new penalties for any person caught wearing a bullet-resistant vest during the commission of a crime.

The prompt and favorable consideration of this legislation is essential to the future well-being of our Nation's 528,000 law enforcement officers.●

BURDEN SHARING

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to submit my foreign affairs newsletter for October 1982 into the CONGRESSIONAL RECORD.

The article from the newsletter follows:

BURDEN SHARING

One of my impressions from the campaign is that Americans are questioning the burden placed on them by America's role in the world. Why, they ask, should so many of our tax dollars be sent abroad when there are so many needs at home? This newsletter addresses only one aspect of that question: the perception that our allies have not done enough to respond to Soviet militarism. The feeling runs deep in America that we bear too big a share of the burden of defending the West. It made news when a Senate subcommittee voted to cut our troop strength in Europe to its 1980 level.

The issue of burden sharing is not new. In 1950, the original members of NATO agreed to divide the defense burden equitably. In 1966, Senator Mansfield criticized the expense of our troops in Europe and drafted a bill to bring some troops home. In the 1970's, American and European leaders tried to devise a formula to spread the cost of defense. A 1978 accord stated that NATO members would hike their real defense spending by 3 percent annually. With this formula, it was hoped, NATO would match the Soviet military build-up and Europeans would do more in their own defense.

Americans are concerned about burden sharing for two reasons: the American economy, and allied policies toward the Soviet Union. Confronted with a bigger defense budget and an economy in recession, members of Congress are looking for ways to save money. Some members say that the economies of Western Europe and Japan are stronger than in the 1950's and can now carry more costs. The desire in Europe to expand commercial contact with the Soviet Union is also a problem. Lack of support for all our sanctions against Poland and the Soviet Union has emphasized the difference between the allies and us on the question of how to deal with the Soviet Union. Some Americans wonder why nearly 350,000 troops should be kept in Europe without a firmer European commitment to stronger defenses against the Soviets.

Americans know that the alliance has kept the peace for more than 35 years and still serves our interests. Such an alliance should not be lightly discarded, especially when the alternatives to it are not clear. At present, the Soviet Union is engaged in a massive military expansion, and only through joint effort can the West preserve its security. Americans are also aware that the global duties we have carried since 1945 demand sacrifices. These include high defense costs and the regular stationing of our forces abroad.

Europeans say that a cut in American forces would be a blow to their security and to their confidence in us. They argue that we cannot afford to compromise our own security for short-term financial gain. They cite statistics to show that Europe is pulling its weight. The United States paid 53% of the total allied defense bill in 1980, down from 61% in 1971. During the 1970's, American defense spending decreased by 1% per year while the European members of NATO raised theirs by 2% per year. Many of the allies have the military draft, in part for the alliance, and it skews comparisons of defense budgets since conscripts tend to cost less than volunteers.

Contrasted with these statistics are others which show the extent of America's sacrifice. In 1980, the United States and Greece each spent 5.6% of gross domestic product (GDP) on defense. No other NATO member matched this figure, and Japan spent only 1% of its 1980 GDP on defense. As a percentage of population, we have more men under arms then do any of our allies. Per capita, we spend $607 per year for defense, compared to NATO's collective average of $434 and Japan's $84. Our forces in the Mediterranean Sea and those we have committed to the Persian Gulf protect European sources of oil. They should be counted as part of the cost of defending the allies.

Perhaps the standard by which burden sharing should be judged is the 3% formula established in 1978. Only the United States and Luxembourg have met the goal each year. France has missed it only once. NATO as a whole has raised its defense spending by 2.1% to 2.6% annually. West Germany, the country most central to European security, has increased its defense budget by 2.8% annually during the last decade. Some critics charge that the 3% formula is unrealistic in light of the worldwide recession, but without the formula the ends of the alliance would be harder to achieve.

Western security would not be enhanced if we attempted to settle the issue of burden

sharing by unilaterally bringing forces home. An objective of our foreign policy is to prevent the Soviet Union from decisively influencing Europe, but to reduce our conventional strength in Europe would only mean riskier reliance on nuclear deterrence. Such a move would also undermine negotiations on the mutual withdrawal of Soviet and American forces from Europe. Odd as it seems, the redeployment of our Europe-based troops in America might even add $17 billion to our defense costs.

The allies say that their troubled economies will not allow them to expand their military establishments substantially. They do have major economic problems, but this fact must not prevent negotiations on burden sharing. Many options exist. For example, the allies could gradually contribute more to the maintenance of our forces within their boundaries. Also, burden sharing would be promoted by a vigorous effort to end duplication and waste in NATO. Talks to encourage the production of more weapons by the allies could advance burden sharing as well. Finally, it does make sense to bring our troops home if Soviet troops are also removed from Europe. At talks in Vienna, NATO itself has proposed to cut ground forces on each side to 700,000, with cuts in American and Soviet ranks before all others.

As it responds to the growing weariness of Americans with global duties, Congress needs to determine which options promote burden sharing and work for a consistent foreign policy toward Europe and Japan. The mixed signals we have sent Europe on the pipeline and grain sales have confused the allies. Without steady leadership from us, agreement on burden sharing cannot be expected. If we and the allies cannot decide how to divide defense costs, only the Soviet Union will benefit.●

LELAN F. SILLIN, JR. RECIPIENT OF THE NEW ENGLAND COUNCIL, INC., 1982 DISTINQUISHED SERVICE AWARD

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. GEJDENSON. Mr. Speaker, I would like to take this opportunity to recognize the outstanding accomplishments and contributions of one of my constituents Lelan F. Sillin, Jr., who was chosen as the recipient of the New England Council's 1982 Distinguished Service Award. The New England Council, Inc., a 58-year-old business association representing 1,200 corporations and industries throughout New England has worked assiduously to advance the objectives of the region's business community. Mr. Sillin has been a key element in that effort.

In addition, Mr. Sillin's contributions to the field of energy development and his strong sense of community leadership truly represent the American spirit of enterprise in action. The Council's Distinquished Service Award honored Mr. Sillin for these qualities among many others.

Mr. Sillin, who lives in Lyme, Conn., with his wife Joan and their four children, is chairman of the board of trustees and chief executive officer of Northeast Utilities, He also serves as chairman of Connecticut Yankee Atomic Power Co.

Mr. Sillin was born in Tampa, Fla., and earned his law degree from the University of Michigan Law School in 1942. In 1969, he received an honorary degree of doctor of laws from Wesleyan University, Middletown, Conn.

Mr. Sillin began his business career in 1945 with the New York City law firm of Gould & Wilkie as general counsel for Central Hudson Gas & Electric Corp. In 1951, he was named secretary and assistant treasurer of Central Hudson, becoming an assistant general manager in 1953 and elected vice president and a member of the board of directors 2 years later. He was named president in 1960, and became chief executive in 1964.

Mr. Sillin has given his time and energies unstintingly in order to enrich the lives of others. He is a member of the National Leadership Council of ELDERHOSTEL, an independent national nonprofit corporation whose goal is to serve older adults; He is also a member of the National Industrial Advisory Council of Opportunities Industrialization Centers of America, and an active member of the Utilities Publication Committee and director of Public Utilities Reports, Inc.

He serves as well, as a member of the National Advisory Board, Federation of Americans Supporting Science and Technology (FASST).

Prior to Mr. Sillin's current work he served from April 1979 to February 1981 as a member of the Committee on Prevention of Significant Deterioration of Air Quality of the National Research Council's Environmental Studies Board. The board is a unit of the Commission on Natural Resources of the National Research Council, which is the joint operating body of the National Academy of Sciences and the National Academy of Engineering.

Last month, the New England Council, Inc., formally honored Lee Sillin at its board of directors annual dinner in Boston. During these ceremonies several congratulatory telegrams and letters were presented. One, from the president of the American Nuclear Energy Council, John T. Conway, said of Mr. Sillin, "Because of your foresight and courageous actions in the field of energy development, our Nation's security and the well-being of the people of New England will be greatly enhanced during the coming decades."

Indeed, Lelan Sillin, proud son of Connecticut, has earned the praise of his colleagues, as well as the distinguished academic and civic awards granted him over the years. I would like to bring to the attention of my colleagues the many achievements of Lee Sillin.●

DEFENSE APPETITES MUST BE CURBED

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. GREEN. Mr. Speaker, near the top of our agenda as we return today must be consideration of the 1983 Defense Department appropriations. During our break for this year's elections, the New York Times printed an able summary by Fred Kaplan of what goes wrong when Congress considers the Nation's defense needs. I draw my colleagues' attention to Mr. Kaplan's comments with the hope that porkbarrel politics and shortsighted cuts in vital military operations and maintenance (O&M) do not overtake this year's DOD bill.

Mr. Kaplan points out that O&M cuts have the attraction of reducing outlays, and therefore the deficient. He notes that even "dovish" Members support defense programs of only parochial merit, and describes the enthusiasm gold-plated strategic gadgetry arouses in Members. In contrast, although it is the area of defense in which we are most deficit, readiness has no outspoken, moneyed lobbies to protect it, and is basically a mundane aspect of defense.

What makes these typical irrationalities of defense politics worse today is the fact that the current administration and especially the Secretary of Defense are not playing their appointed roles as arbiters of the demands of the Joint Chiefs and the legitimate needs of our Armed Forces. Instead, DOD has acceded to virtually every whim of the services, no matter how unnecessary or how out of line with current budget realities. Because the military budget lacks proper oversight at the Department of Defense, Congress must fulfill that responsibility better than is usually the case.

I ask that Fred Kaplan's essay, "Defense Nuts and Bolts" be printed in the RECORD at this point.

DEFENSE NUTS AND BOLTS

(By Fred Kaplan)

WASHINGTON.—President Reagan's defense budget will almost certainly be cut substantially next year. Federal deficits are intolerably high, social programs have been cut to the bone; the new, more liberal 98th Congress will surely insist that the Pentagon start making its share of sacrifices.

However, if Congress behaves in the usual fashion, it is likely that the wrong things will be cut. The burden will fall disproportionately upon spare parts, fuel, ammunition, depot repair and other elements of the operations and maintenance account that comprise "military readiness."

In short, the items that Congress tends to cut most heavily are those that are most essential to fighting a conventional war for longer than a couple of weeks.

In the past year or so, Congress has paid more attention, in rhetoric anyway, to the importance of readiness. Yet it continues to cut still further the one section of the defense budget that is underfunded to begin with. The reason has to do with incentives that lie close to the heart of the legislative system.

First, cutting the production of major weapons yields relatively small savings in immediate outlays. It takes several years to build tanks, missiles, airplanes, ships; only a small fraction of the appropriated money—2 percent in the case of aircraft carriers, about 15 percent for tanks—is actually spent in the first year of outlays.

However, the workaday items of operations and maintenance are used almost right away; a $1 billion cut in this account produces, on average, an $850 million saving in first-year outlays. At a time of enormous deficits and demands for quick solutions, this situation makes the readiness account a tempting target.

Second, there really is a military-industrial complex, and Congress is caught in the middle of its workings. Even liberal legislators are often persuaded by arms manufacturers in their districts to preserve otherwise useless weapons programs that mean big money and thousands of jobs for constituents. For example, Alan Cranston, Democrat of California, one of the Senate's leading nuclear-freeze advocates, always votes for the B-1 bomber, manufactured by his home state's Rockwell International Corporation. And if some Congressmen have no such interests to serve, they may need to trade favors on other bills with those who do. By comparison, the makers of spare parts and bullets carry no measurable clout.

Third, to a much greater degree than is casually assumed, Congress still defers to the wisdom of the Joint Chiefs of Staff (who in this Administration also appear to have the Secretary of Defense firmly in their pocket). Even if some members are skeptical of the military's requests for bigger and more expensive weapons, there is no consensus among the 535 individuals and their staffs in Congress for any coherent alternative.

Finally, there is a visceral dimension that few would openly acknowledge but that is very obvious to anyone who has observed relations between Congress and the Petagon for a while—and that is that big, fancy weapons systems are sexy, while the mundane supplies that keep the weapons operational are not. Few experiences aside from a roller-coaster provide the thrills of watching—or better yet, riding in—an M-1 tank tearing across the countryside at 35 miles per hour (even though it breaks down after a few hours of wear), an F-15 jet zooming at Mach 2 (even if no pilot flies that fast in combat), an Aegis destroyer with dozens of radar-control switches lighting up (even if the radar makes the ship vulnerable to antiradiation missiles).

On the other hand, reports on depot backlogs, low readiness rates and spare-parts shortfalls tend to be boring.

To the extent that Congress cuts funding for major weapons at all, it usually just stretches out the procurement schedule—thus accomplishing little more than making the weapon still more expensive, because of future inflation, in the end.

A great defense debate has been raging in the news media over fundamental issues concerning weapons procurement: Should we buy small numbers of expensive weapons or a larger number of cheaper, simpler ones? Since many new weapons have failed miserably in testing, why fund them any further? Is the counterforce strategy that justifies many of the Pentagon's new nuclear missiles prudent or practical?

The story to watch is whether members of the new Congress will be able to overcome the incentives that lead them to dodge such issues, or whether they will continue to slash the essentials and let the bloated parts remain. It may well be that only a President can hope to control the Pentagon's appetite—and Ronald Reagan has not revealed an inclination to do so.●

PERSONAL TRIBUTE TO VIETNAM VETERANS BY FRANK UMBRO, ARDSLEY, N.Y.

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. OTTINGER. Mr. Speaker, I rise today to share with my colleagues a personal tribute by Mr. Frank Umbro of Ardsley, N.Y., to the thousands of American men and women who gave their lives while serving in Vietnam. Mr. Umbro, a veteran himself, served with the 30th Artillery Division in Vietnam from 1967–68, has sent me his own salute, in the form of a poem, to the Vietnam Veterans Memorial dedicated on November 13, 1982.

For the 2.7 million Americans who served and the 57,939 who sacrificed their lives in this unpopular war the "National Salute to Vietnam Veterans," and the Vietnam Veterans Memorial were more than a 5-day tribute and the dedication of another monument. They represent a lasting tribute to the service and dedication of Americans who deserve a place of honor beside the men and women who fought in all America's battles.

The historic week of November 10 to 14, will be remembered for the reading of nearly 58,000 names of those lost forever or missing in Vietnam, shows, vigils, ceremonies, unit reunions, concerts, receptions, a parade, and the culmination of the week with nationwide religious services and prayers, remembering and honoring all those who served in Vietnam. Mr. Umbro's personal salute follows:

"V"

Soon there will be a monument, erected for the children.
Who gave their lives, without question, and didn't choose to run;
For political or whatever reasons, they stayed in their country's name.
And forfeited their freedom, I ask you who's to blame?
Since '68, I've watched each sunrise, and so much time has since elapsed.
Yet every night, I still hear, that mournful sound of "Taps".
For them, I pray in silence, and bid them; rest in peace.
And hope I never again be a part; of war, such a terrible disease.
At last; there will be a monument, standing solemnly in twilight's calm.
A "V" for all the valor, for those who gave their lives in Vietnam.
And for those of us, who came home, a question, come November.
Will you pay your final respects, Will you at least remember?
And you; the unsuspecting, the tourist, from near and far.
Kneel down, and give abundant thanks, for knowing where your children are . . .

—FRANK V. UMBRO.●

UNITED NATIONS WORLD ASSEMBLY ON AGING

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. BIAGGI. Mr. Speaker, one of the most significant events to take place this year on behalf of senior citizens was the first U.N. World Assembly on Aging held in Vienna, Austria between July 26 and August 6. I was proud to have been named by President Reagan to be a member of the U.S. delegation which included the illustrious chairman of the House Select Committee on Aging, CLAUDE PEPPER.

The World Assembly marked the first time in history that governments of the world gathered together to discuss the implications of the aging of society both in the developed and developing world. There are an estimated 300 million people 60 and over in the world today. This number is expected to double by the year 2000 and by that time fully two-thirds of the elderly will be living in the developing nations.

The World Assembly on Aging provided a first time opportunity to discuss the global perspective of aging. It was a frank discussion of how a society responds to its elder members and how that in turn impacts the economic political and social fabric of all societies.

As an original member of the House Select Committee on Aging, I joined with a majority of my colleagues in 1977 in supporting legislation which called for the convening of and U.S. participation in a World Assembly on Aging. The purposes of this meeting were set forth in a 1980 resolution adopted by the United Nations General Assembly.

To focus attention of various governments on issues of aging in designing policies and programs for economic and social development in both developed and developing countries;

To provide an international forum for the exchange of views among governments on the ways and means of dealing with the aging—both legislatively and administratively;

To identify aspects of various issues and consider how nations can cooperatively benefit from collective thinking on these issues; and

To focus attention and encourage wider support for future activities of the United Nations and related organizations in the field of aging.

The U.S. delegation, representing the nation that first advanced the idea of the conference, was composed of a number of notable policymakers, from both the public and private sectors, as well as advocates from the aging network. I wish to commend Secretary Schweiker, as head of the delegation as well as the alternate delegates and advisers who joined the official U.S. party. These delegates included Dorcas Hardy, Assistant Secretary for Human Development Services; Dr. C. Everett Koop, Surgeon General of the U.S. Public Health Services; Virginia Knauer, Special Assistant to President Reagan; Commissioner on Aging, Dr. Lennie-Marie Tolliver; Chairman of the Federal Council on Aging, Adelaide Attard; Ambassador Roger Kirk of the U.S. Mission to UNIDO, and their advisers. Private sector participants included Constance Armitage, president of the 1981 White House Conference on Aging; Cyril Brickfield, executive director of the American Association of Retired Persons; Eleanor Cain, president of the board of NASUA; George Telisman, president of the board of N4A; and Curt Clinkscales, national director of the National Alliance for Senior Citizens. All these delegates worked extremely hard and were especially effective in presenting our country's position in a unified and articulate fashion.

Preparation by the United States for participation in the WAA was extensive and comprehensive. In early 1981, a Federal Interagency Committee was established, which included Members of Congress, in order to monitor and assess each stage of U.S. participation. Nongovernmental organizations also played a key role in fashioning our position. On an international level, an NGO Committee on Aging was organized in New York in 1977 which regularly sponsors meetings through the U.N. Secretariat and other international aging groups. There is also an NGO Committee on Aging in Vienna which provides for a comprehensive and coordinated approach to international aging issues. On a national level, there are approximately 40 aging organizations with a total membership of 18 million. It is undoubtedly clear that these 18 million citizens have made themselves actively allies of the elderly and are critical to policy formulation on Federal, State, and local levels.

THE CALL FOR INTERNATIONAL ACTION

The basic force behind the convening of the WAA is the basic fact that we are growing older as a society and the concurrent acknowledgment that this aging process has major political, social, and economic implications. Statistics best illustrate this point: The world's total population will increase from about 4.1 billion in 1975 to 6.1 billion in the year 2000—a 49-percent jump. Of this increase, the aged population is expected to grow from 348 million to 590 million—an increase of 70 percent. This increase will be especially pronounced in less developed countries which anticipate that their cumulative populations will double—from 180 million to 360 million. Compare this to developed countries which will experience a 39-percent jump in the same time period, from 166 to 230 million.

Concurrent with the demographics question are the socioeconomic questions that also arise. These issues cover a broad range of issues from health care to housing to education. One of the key roles of the WAA was to identify critical areas of mutual concern and share this information with participants. In a world of ever-diminishing resources, the method by which these resources are allocated and the beneficiaries of these resources must come under close scrutiny. The elderly, which are most often most severely effected by changes in the socioeconomic fabric of a polity, must be assured an adequate standard of living. Just how this standard is and must be addressed in the world of today was a bold and farsighted challenge which was presented to the delegates at the WAA.

The final document adopted by the delegates, known as the Vienna International Plan of Action on Aging was overwhelmingly approved and will be submitted to the United Nations this fall for final approval. The final conference document closely reflected the U.S. goals and initiatives which:

Designated an appropriate intergovernmental body, the ECOSOC Commission for Social Development as responsibile for oversight of the adopted plan of action;

Designation of the UN's Administrative Committee on Coordination as the liaison between the UN agencies and those responsible for implementation of the plan;

Designation of the U.N. Center for Social Development in Vienna as the focal point for any followup activities; and

The continuation of the WAA voluntary trust fund to financially support the work of those organizations and individuals who will implement the plan of action through both the public and the private sectors—which will also be encouraged to lend their contributions to the maintenance of the trust fund.

As we assess the success of the U.N. World Assembly on Aging, let me focus on two particular points. The first was the tremendous work performed by Ambassador John McDonald who was the main administrative officer for the delegation but more importantly the inspiration of the group. He has done extensive work with his counterparts from other nations in the months prior to the Assembly and as a result the U.S. delegation was able to be very productive and was looked to by other delegations to set the tone on policy discussions. Ambassador McDonald is deserving of high praise for his work.

A second point which tarnished the otherwise successful conference were the actions of a group of some 50 nations which attempted to politicize the Assembly through their opposition to Israel. More specifically, delegates from 53 nations staged a walkout from the conference during the speech given by the head of the Israeli delegation. It was so unfortunate to have a nongermane political issue interjected into still another U.N. conference. I considered it an insult to all who came to the conference for the express purpose of trying to improve the lives of the 300 million elderly citizens of the world. I was further dismayed to learn that the conference despite the opposition of the United States did include language in their final document which was critical of Israel and their actions in Lebanon.

The United Nations World Assembly on Aging afforded us an opportunity to reflect with pride on all that this Nation has done with respect to the development of policies to aid the elderly. We are especially sophisticated and advanced in our Federal programs which provide important social and human services to our elderly citizens. Such legislative programs as those under the Older Americans Act provide us with good models for the rest of the world in terms of developing partnerships between different levels of government to insure the provision of services.

The relationships, the dialogs, and the sharing of information between various nations were all beneficial aspects of this World Assembly. This event should be viewed as a catalyst for future and further action by the world community on behalf of its older citizens. What we can better for society today will be the benefit of all of mankind's tomorrow.●

USE OF POTENTIAL AUTO BREAKTHROUGH BY FEDERAL FLEET

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. BROYHILL. Mr. Speaker, the Federal Government has imposed many responsibilities upon the auto industry in this country. Two major responsibilities are to increase the fuel economy of automobiles to lessen our dependence upon foreign oil, and to

cut the emissions of harmful pollutants which adversely affect the health of the American people. The auto industry has done an admirable job addressing these concerns in the past several years.

Every year different people claim to have invented engines or devices which will enable vehicles to squeeze even more miles out of each gallon of fuel or release even less pollutants from the tailpipe. Inevitably, thorough testing has exposed these inventions as failures.

A new device has been developed in the last 3 years known as the Webster-Heise valve. This valve has been tested by a U.S. EPA-certified laboratory, at the inventor's expense, and has come through with some remarkable results. Cars equipped with this simple device have registered the following advances: Fuel efficiency increases of up to 20 percent; increases in torque—power—of up to 40 percent; reductions in nitrogen oxide emissions of up to 50 percent; reductions in carbon monoxide emissions of up to 45 percent; and reductions in unburned hydrocarbon emissions of up to 13 percent. Furthermore, cars equipped with the valve operated best on 75 octane gasoline.

The Congressional Research Service issued an exhaustive analysis of this test data and has concluded that the device presents the "potential for substantial national benefits in fuel efficiency, reduced dependence on imported oil, improved balance of payments position, and reduced automotive air pollution." Based on this preliminary data and analysis, Congressman MADIGAN and I recommended to Secretary Drew Lewis that the Department of Transportation conduct tests of the Webster-Heise valve. These tests are now ongoing.

Today, Mr. MADIGAN and I are introducing a bill which we feel provides the next logical step in the testing of this device. The bill amends title V of the Motor Vehicle Information and Cost Savings Act to allow the Administrator of the Government Services Administration, in consultation with the Secretary of Transportation, to require that at least 10 percent of new gasoline-powered cars in the Federal fleet be equipped with the valve. This decision would be based on a finding by the Secretary that there is a substantial likelihood that the valve results in increased fuel efficiency and decreased auto pollutants, based on the ongoing DOT tests.

I do not know if this valve works or not, I only know that test results so far are very promising. I feel that the ongoing DOT tests which I requested along with the program established by this bill will give us a clear answer. If that answer is affirmative, the positive consequences to the American consumer and the country as a whole could be tremendous.●

THE MOOD OF HOOSIERS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to submit my Washington Report for October 27, 1982, into the CONGRESSIONAL RECORD:

THE MOOD OF HOOSIERS

A few weeks of intensive visiting with Hoosiers always sharpen my impressions of the things on their minds. A politician is forever trying to catch the mood of his constituents, but that mood, like the wind, is constantly shifting. So I try to monitor it and assess it, testing its direction and force. Measuring the mood of Hoosiers toward government and the economy is, in my view, absolutely critical to the decisions I must make as I vote on legislation and oversee the operation of government. For what they are worth, these are some of my impressions of that mood today.

Several themes are prominent in Hoosiers' thinking. Hoosiers want to reduce the size and cost of government. They want to eliminate waste and fraud in government. They want to cut down federal regulation and red tape. They want to live in a more stable and peaceful world, and they believe that strengthening American military power and launching bold initiatives for peace are essential to that goal. At the same time, they show signs of weariness with the costs and risks of being a world power. In this regard, the size of the foreign aid budget and the danger faced by our Marines in Lebanon are two things which trouble them. Most important of all, Hoosiers want to have a growing economy with jobs for all who need them and low rates of inflation and interest. They recognize that the Hoosier economy is down, but they are holding tight for now and they expect a brighter future.

One of the questions which Hoosiers are wrestling with is the proper role of government. Many of them like the idea of reducing that role, but as specific steps are taken to do so they begin to have second thoughts and they come to think that perhaps the recent budget cuts may be going too far. They have the sense that the scales have been tipped against the average person. Many now say, for example, that cutting spending for social security and pollution control is a misstep, a false economy. Hoosiers reject the excesses of government in the past, but among them the feeling that we may be going from one extreme to the other is growing.

As much as anything else, Hoosiers are seeking a proper balance between government which cuts too much and government which spends too much. They seem to want a lot done, and they accept (even if they are not happy about) the fact that there is no recourse but for government to have some important responsibilities. They also know that big government creates all kinds of problems. So they want public officials to reshape the institutions of government, improve the capacity of government, and show that governmental systems can work better. They want to be assured that government is an institution worthy of their confidence. They are seeking real changes in the conduct of the public's business, but they do not want radical or revolutionary changes. The mood in favor of limits to government action and retrenchment in government budgets seems strong. My guess is that it is likely to be with us for an extended period of time.

Hoosiers are also interested in a whole set of social issues—more so, I think, than the polls may indicate. Issues such as education, crime, drunk driving, and child abuse are very much on their minds. In education, for example, the question is not only busing and federal funding, but also a demand for discipline and competency in the classroom. On crime and drunk driving, the mood is definitely one in favor of an immediate, uncompromising crackdown. Hoosiers want criminals off the street and drunk drivers off the road—period. I have been impressed by the growing number of people who express a genuine desire for more action on child-related problems—child abuse especially, but also the problem of runaways and missing children.

Everywhere I go in Indiana, people want government to develop a coherent policy to deal with the future. There is a widespread sense that our problems are accumulating, even piling up on us, and that they are not being disposed of efficiently or effectively. Very noticeable among Hoosiers is the wish that government do much more to make the world a safer place to live and work—whether the danger be from poisoned medicines, impure water, muggers, terrorists, or nuclear weapons.

When politicians talk about how complex our problems are, there is, I fear, a note of condescension in their voices. However, Hoosiers know that the world is complicated and that the solutions to problems are not easy to come by, but they really do not expect politicians to perform miracles. At the same time, Hoosiers are saying that adjustments are necessary and that staying put will only get the country into deeper trouble. They are quite prepared, even willing, to endure some temporary pain if they believe that the pain will help us reach our long-term goals. The question for politicians, of course, is what and how much temporary pain people are willing to bear.

When he comments on foreign affairs, many a Hoosier will say that he really cannot abide the thought that United States is being pushed around in the world, whether by friend or foe. Just as often, however, he will volunteer his opinion that it is unwise to allow so much international tension to build up. I have been struck by Hoosiers' uneasiness with moves which increase international tension. They want their leaders to be assertive, but not belicose, in the conduct of foreign policy. Hoosiers invariably favor initiatives which enhance chances for stability and peace.

All this is written with some sense of tentativeness. The more I study and deal with the public mood, the more reluctant I am to conclude that people are demanding a particular action and the more certain I am that whatever the mood today, it will probably be slightly different tomorrow.●

CONGRESS, THE PRESIDENCY, AND FOREIGN POLICY

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. BROOMFIELD. Mr. Speaker, my colleagues will be interested to learn that on November 9-10, a 2-day symposium on "The Congress, the President, and Foreign Policy" was held at the Ford Presidential Library in Ann Arbor. Although it was not possible for me to accept the invitation to participate, I have had the opportunity to review the remarks of Dr. Walter W. Rostow, who addressed the panelists at a dinner hosted by the University of Michigan. As a historian, experienced public servant, and adviser to Presidents Kennedy and Johnson, Dr. Rostow speaks with authority on the role of Congress and the Presidency in the foreign policy arena, an issue particularly timely today in the midst of remembering the Vietnam war and the controversies surrounding its conduct, the aftermath of its legacies, and the sacrificies made by hundreds of thousands of the young Americans involved in it. I commend his cogent observations to all my colleagues, Republicans and Democrats alike, for we all bear a heavy measure of responsibility to promote bipartisanship in the formulation of foreign policy.

I would like to add a word about the foreign policy seminar at the Ford Presidential Library, cosponsored by the Gerald R. Ford Foundation; the Association of Former Members of Congress, the 600-member congressional alumni organization; the Atlantic Council; and the University of Michigan. A group of distinguished public servants and scholars participated in the panel discussions, including three former Secretaries of State. Their deliberations initiated a 2-year study by former Members of Congress and the Atlantic Council to explore, in depth, the interrelationships between the executive and legislative branches in all matters of foreign policymaking. Those who will be working on the project possess a great reservoir of practical experience in the political and governmental affairs of the United States, and I look forward to the results of their research. Their perceptions and subsequent recommendations promise to make a substantial, constructive contribution, not only to the work of all of us here in the Congress, but to a clearer public understanding of the problems.

Dr. Rostow's remarks follow:

FOREIGN POLICY: THE PRESIDENT, CONGRESS, AND PUBLIC OPINION

A few days ago I suddenly recalled, while in the office of the Dean of the LBJ School of Public Affairs—who happens to be my wife—that I was committed to speak here tonight. I turned to the Dean and asked if she had some books on her shelves on the subject of this symposium. Without a word she began to collect and deliver one armload of books after another until I said: "Thanks; enough." Among others in the pile were Morison, Bemis, Bailey, Spanier and Nogee, Crabb and Holt—even the report of a 1979 joint LBJ School and Library symposium on the Presidency and the Congress. As I refreshed my memory of the accumulated wisdom on this well-worked but still elusive subject, I was struck by the following passage from the lead article in Foreign Affairs for the spring of 1979, which was also included in the Dean's pile and underlined in red: ". . . I confess to increasingly serious misgivings about the ability of the Congress to play a constructive role in our foreign relations." The author: J. William Fulbright.

There is a good deal to be said for the distinguished Senator's retrospective scepticism. In fact, there were times when I wished he, as an active Senator, had accepted this dictum. We all know that the Constitution is written so as to focus the attention of Congress on their districts and states and, therefore, on local public opinion. We all know that Congress is a diffuse and changing body. There are experienced and wise members of Congress, with a knowledge of foreign affairs to match any in the Executive Branch. Presidents should and often do seek their views; but advice is different from responsibility. Collectively, Congress can, at certain moments, act and, even, act decisively in foreign policy; but there is no continuing locus of responsibility. Moveover, the Congress can change its view on an issue of foreign policy, responding to the swings of public opinion, in a way denied to the President. Above all, Congress can, if it wishes, avoid acting on a problem, leaving the burden of action and political risk to the President.

Wilbur Mills, for example, captured the relationship well at a meeting at the LBJ Ranch early in 1968. President Johnson was asking the leadership for prompt legislative action on a controversial balance of payments measure. At the end, Mills delivered his negative response in the following words: "Mr. President, you sure have my sympathy. You've got more troubles than a dog has fleas." On this matter, clearly, the fleas were going to be Lyndon Johnson's, not Wilbur Mills'. And that's a part of what a President is paid for. The Constitution is so written that foreign policy is inescapably the President's problem; whereas the members of Congress, after consultation, can return to the Hill and leave it to the man occupying 1600 Pennsylvania Avenue.

Having been involved in the business of the Executive Branch, in one way or another, on and off since the summer of 1941, I wish I could, on this occasion, accept the Fulbright Doctrine and make a straightforward case for a Presidential monopoly in foreign affairs. but neither my knowledge as an historian, nor my experience as a public servant, nor, above all, the dictates of the Constitution permit me to do so. Constructive or not, the Constitution mandates an important role for Congress in foreign affairs; and, in the end, I am sure the Founding Fathers were wise in this as in other matters.

So I am back where, I suspect, you have been since this symposium started this morning: trying to sort out the patterns and lessons to be drawn from 194 years of Executive-Congressional relations in foreign policy: years of quiet, of occasional sturdy partnership, and of stormy contention—never more stormy, incidentally, than in the first quarter century of the nation's constitutional life.

II

In preparing these brief remarks, I made four lists:

Examples of constructive Congressional initiatives in foreign policy;

Examples of constructive partnership between Congress and the Executive Branch;

Examples of costly contention between Congress and the Executive Branch; and

Examples of essentially unilateral presidential action in which Congress acquiesced without major opposition.

The first is a short but not trivial list. And I am pleased to note, given my initial quotation, that on any such list one would have to place the Fulbright Fellowships. Of greater constitutional interest is the role of certain Senators, in the late 1950's, in breaking a kind of schizophrenic deadlock within the Executive Branch on the question of development assistance to Latin America, Africa, the Middle East, and Asia. There was a stand-off within the Administration between supporters and opponents of development aid from 1953 forward which, for whatever reasons, President Eisenhower was not prepared firmly to settle. In the late 1950's a group of Senators of both parties took a series of initiatives, of which the Kennedy-Cooper resolutions of 1958-1959 on aid to the Indian subcontinent are a good example. As John Kennedy said on March 25, 1958: "There is no visible political glory for either party in coming to the aid of India. . . ." Nevertheless, his and other enterprises went forward. They not only permitted Eisenhower and Dulles to support the Development Loan Fund but also to respond positively to a series of crises in 1958 in Latin America and elsewhere. The creation of the Inter-American Development Bank and the World Bank's International Development Association were among the fruits of this period.

There are no doubt other examples; but I did not wish to leave Fulbright's somewhat self-flagellating dictum unchallenged.

III

As for effective partnerships—my second list—there have been a good many and they are worth recalling and studying carefully.

The collaboration of a series of Presidents with key Senators in the other party to achieve the creation of the United Nations, support for the Truman Doctrine, the Marshall Plan, NATO, SHAPE, and, most recently, the more controversial passage of the Panama Canal treaties.

There was also the collaboration of President Eisenhower with Senator Lyndon Johnson, which, I heard Eisenhower explain to Johnson in the summer of 1968, was a necessary condition for conducting a "civilized foreign policy" in his time of responsibility.

A number of Senators, at considerable risk, and President Ford performed that function with respect to the Panama Canal Treaties.

The role of Senators Vandenberg, Dirksen, Johnson, and others who helped unite the Executive Branch, the Congress, and the nation at critical moments is a proud aspect of our Constitutional history.

At this point I would simply note that the key to success in all such ventures in Presidential-Congressional collaboration was the rallying of public opinion—and opinion leaders—by full and effective presentation of

the facts. Senator Vandenberg's statement of February 27, 1947, to President Truman of the conditions for supporting the Truman Doctrine is the prototype. He demanded:[1] ". . . a message to Congress and an explanation to the American people, in which the grim facts of the larger situation should be laid publicly on the line as they had been at their meeting that day." Let me recall that Truman's popularity at the time was low; he was generally regarded as a lame duck; Vandenberg was judged to be a quite likely successor; but Vandenberg was wise enough to understand that only the blunt laying of the facts before the people by the President would permit Vandenberg to carry the Senate and Congress in support of what the nation then required. In short, the successes hinged on making the triangle that links the President and Congress work—the crucial third side being public opinion.

IV

Now my third list: the failures of Presidential-Congressional collaboration. There are more than we would wish, but I will cite only three.

Wilson's failure to carry the Senate on the Versailles Treaty and entrance into the League of Nations.

Franklin Roosevelt's failure to persuade the Congress and the people to abandon isolationism until Hitler controlled the European continent and the Japanese attacked Pearl Harbor.

The division between Presidents Nixon and Ford and the Congress over policy toward Southeast Asia in 1973-75 leading to the unilateral Congressional destruction of South Vietnamese military capabilities and morale by radical reductions in the military aid promised by President Nixon to the South Vietnamese government as a condition for acquiescence in the terms of the 1973 agreement.

Merely to evoke these painful episodes is to recall how complex the issues in contention can become. There is Wilson's peculiar personality and style and Henry Cabot Lodge's, as well; there is the disabused interwar interpretation by the Congress and the people of the First World War—an interpretation that played a significant part in the process that led to the Second World War; and, of course, as President Ford's memoir and all other evidence make clear, there is the interweaving of Watergate and the weakening of the Presidency with the destruction by Congress of the peace agreement of 1973, painfully earned, over more than eight years, with the blood of South Vietnamese, Americans, Australians, Koreans, and others who supported the purposes of the Southeast Asia Treaty. (I have stated the nature of the tragedy of 1973-1975 as I feel it; but the tragedy is equally real for those who believed or came to believe we had no business making strategic commitments to Southeast Asia in the first place and that Congress rescued the nation from a costly and misguided policy.)

Before characterizing the nature of these failures, let me give some examples from my fourth list—major unilateral presidential initiatives that occurred with Congressional acclaim or without great or protracted controversy: the Berlin airlift; President Eisenhower's Open Skies proposal of 1955; the Cuba missile crisis; the U.S. intervention in the Dominican Republic in 1965; President Nixon's opening to China; President Carter's negotiation of the Camp David Accords.

The reason for the relative success of these initiatives is, of course, that they had substantial majority support in public opinion. They either appeared to move the world in the direction of peace, or they dealt with a potential source of military conflict without significant bloodshed and promptly.

Here, I believe, is the clue to the cases of tragic failure—my third category—and to the essential nature of the relations of President and Congress in foreign policy. The failures are all cases where public opinion was a key variable. The Presidents either failed to sustain public support or could not do so because there was no lucid, deeply-rooted concept of the nation's abiding interests on the world scene to see the nation through a protracted crisis.

Wilson did not explain our declaration of war in 1917 as necessary to protect the nation's abiding interest in avoiding hostile control of the Atlantic and in maintaining a favorable balance of power on the European continent. He held up a transcendent vision of a world made safe for democracy—an admirable vision but beyond the capacity of the United States to achieve. By the time the battle over the Versailles Treaty occurred, it was clear to the American people that, League of Nations or not, it was going to be, still, a pretty ugly world; and a revulsion began that persisted and even gathered strength in the 1930's. Democratic liberals like Harry Hopkins converged with Republican conservatives like former President Hoover to argue, with overwhelming majority support in public opinion, that we could and should keep out of the conflict of the 1930's raging in Asia and obviously about to break out in Europe. The eloquence of one of our most popular and persuasive presidents could neither evoke U.S. action to try to prevent the coming war nor, even, prepare the nation to defend itself.

With respect to Southeast Asia in 1975—despite overwhelming support for the Manila Treaty two decades earlier—there was no solid understanding in the Congress or public opinion of why seven successive presidents, from Franklin Roosevelt to Gerald Ford, had made or reaffirmed serious strategic commitments to Southeast Asia. (With President Carter's and President Reagan's reaffirmation of the application of the Southeast Asia Treaty to Thailand, the number is now nine.) The opening to China and apparent détente with the Soviet Union converged with Watergate and other forces to lead Congress and a popular majority to believe that, without significant cost to the national interest, we could turn South Vietnam over to the Communists.

I conclude much in the vein of President Washington's Farewell Address, after eight years when he tried to protect the interests of a young country with no lucid or stable sense of its national interest. Almost two centuries later, the major conflicts between the President and the Congress in foreign policy are still the consequence of a lack of stable consensus in our society on the national interest. With respect to Europe and the European balance of power, perhaps something of a consensus has been achieved and institutionalized; although the consensus is periodically challenged and cannot be taken for granted. And we have three times reacted strongly to reestablish, after going slack, what we hoped was an adequate military balance with the Soviet Union—after the invasion of South Korea in June 1950; after the Soviet launching of Sputnik in October 1957; and in the wake of the Soviet invasion of Afghanistan. But, by and large, the behavior of the U.S. in foreign policy in this century has conformed to Dr. Samuel Johnson's dictum: "Depend upon it, Sir, when a man knows he is to be hanged in a fortnight, it concentrates his mind wonderfully." We have oscillated between isolationism, indifference, wishful thinking and complacency, on the one hand, and, on the other, the panic-stricken retrieval of situations already advanced in dangerous deterioration. We recognized our national interest only when we faced real and present danger—a rather dangerous habit in a nuclear age.

That is roughly what Alexis de Tocqueville, writing a century and a half ago, said we would do. And that oscillation explains, I believe, a high proportion—not all—of the tensions between the President and the Congress in foreign policy. By and large—without higher intellect or virtue and with some exceptions—Presidents have perceived the national interest in a steadier way than public opinion or a Congress mandated by the Constitution to be attentive and sensitive to public opinion.

The remedy for this dangerous cyclical behavior, to the extent there is a remedy, clearly lies in a sustained effort by our political leaders to develop a wide bipartisan consensus on the nature of the nation's abiding interests on the world scene—an effort not rendered easier because there is an ideological strand embedded within us which would deny that we, like other nations, have abiding interests.

V

That is about all I have time for tonight except for a final reflection. We can hope that our society evolves a more mature and stable notion of its relation to the rest of the world; and we can all try to contribute to the emergence of a more stable, forehanded consensus. But we shall still need from time to time, I suspect, the exercise by our Presidents of a little noted extra-constitutional dimension of our political life.

The White House is, in a good sense, a haunted house. The family quarters are cheerful and, indeed, modest by standards of other homes of heads of state. All the presidents since John Adams lived there—Adams for only a few months. Lincoln slept and ran the war from what is now known as the Lincoln Bedroom. It is hard for a President in that house to escape a living sense of his predecessors and successors. He knows that his predecessors often left office defeated—and, if not defeated, with the mob howling at their heels, as did President Washington. Often this was because they did what they deeply believed was the right but unpopular thing for the country. Presidents are and should be politicians, and they don't like to be unpopular; but they also wish to be worthy of the best in their predecessors and to be respected by their successors.

From, say, John Adams' determination to avoid war with France at the cost of the possibility of his re-election, down through Harry Truman's firing of Douglas MacArthur and Lyndon Johnson's stoic pursuit of a cautious and unpopular strategy in Southeast Asia to Gerald Ford's response to the *Mayaguez* incident in the midst of a political mood that simply wanted Southeast Asia to disappear from the face of the earth, we have needed that kind of lonely, unilateral

[1] J. M. Jones, "The Fifteen Weeks," New York; Viking, 1955, p. 142.

courage by our Presidents. We shall continue to need it.●

AMERICAN GATHERING OF JEWISH HOLOCAUST SURVIVORS NOVEMBER MASS REGISTRATION MONTH

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. WAXMAN. Mr. Speaker, in June 1981, the World Gathering of Jewish Holocaust Survivors was held in Israel. No one who witnessed the ceremonies at Yad Vashem will forget the poignancy of the memorial services which brought together survivors from all parts of the world. United by their experiences and rememberances of lost loved ones, they were joined by dignitaries from throughout the world in paying homage to the victims of Nazi tyranny. Those who viewed the event on television or read the newspaper accounts were similarly moved.

November has been designated as American Gathering of Jewish Holocaust Survivors Month, to mark the beginning of mass registration for the American gathering which will be held in Washington, D.C., in April 1983. An outgrowth of last year's world gathering, it will mark the 40th anniversary of the Warsaw ghetto uprising.

Led by the President of the United States ceremonies will take place at the Lincoln Memorial, at Arlington National Cemetery, and at the site of the planned Holocaust Museum and Memorial. It will also mark the first national meeting of Our Children, the second generation of survivors. The gathering will host delegations from Israel and other countries who have pledged themselves to keep alive forever the memory of the fighters and martyrs of the Holocaust and to remain a unified force in the ongoing battle against anti-Semitism.

The Southern California Council of Post-War Jewish Organizations, Survivors of the Nazi Holocaust has been in the forefront of the national movement for the establishment of the newly formed American Gathering. Approximately 20 percent of all survivors in America reside in southern California.

On the national executive committee, the Southland is represented by Irving Peters of Los Angeles, a national vice president, Fred Diament, and a number of other community leaders. Ben Meed of New York is national president. Elie Wiesel, who also serves as chairman of the U.S. Holocaust Memorial Council, is honorary president.

I ask the Members to join me in recognizing November as American Gathering of Jewish Holocaust Survivors Month, as the mass registration begins for this historic event. ●

STATEMENT OF CONGRESSMAN JACK BROOKS BEFORE THE U.S. HOUSE OF REPRESENTATIVES

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. BROOKS. Mr. Speaker, the Texas State Legislature has passed a resolution regarding the importance of maintaining a strong commitment to the Nation's elderly on both the State and Federal levels. The resolution reflects my own views and, I believe, those of other concerned legislators that we not forget the accomplishments and contributions the elderly have made to this great society. Now more than ever, with economic conditions and this administration's budget cuts threatening the very livelihood of these citizens, we must maintain our commitment to providing our senior citizens the support and opportunity to live in comfort and security. I am pleased to insert the resolution into the RECORD for the Members to read.

The resolution follows:

HOUSE CONCURRENT RESOLUTION

Whereas, the number of elderly persons in Texas is growing rapidly; the 1980 census reflects more than 1.9 million Texans age 60 and older, and the total is projected to increase to more than 3 million by the year 2000; and

Whereas, the quality of life of senior citizens is very important, and insofar as possible, the aging should be able to enjoy within their own families and communities a life of fulfillment, health, security, and contentment and should be appreciated as an integral part of society; and

Whereas, the great majority of these persons are able to live full and useful lives. For some, however, advancing age brings increasing dependence on their families, communities, and governments. Older people in this society should be able to participate in the full continuum of community life in order to enhance their physical and mental health; and

Whereas, complex issues require a working partnership among individuals, families, communities, volunteers, private enterprise, and government to plan for the most efficient and effective use of resources from every sector to meet the needs of our elderly population; and

Whereas, being part of the work force is conducive to better mental and physical health, and appropriate opportunities for obtaining financial stability, through employment, public or private subsidies, or other forms of assistance pension plans, should be fostered for the elderly; and

Whereas, senior citizens in Texas have undertaken to help themselves by means of a statewide network of area agencies on aging sponsored by regional councils, local governments, and private nonprofit organizations through programs administered and supported by the Texas Department on Aging; and

Whereas, improper nutrition is recognized as an acute problem among the elderly, with many older persons being unable to afford quality food for well-balanced diets or lacking mobility or incentive to prepare nutritious meals; and

Whereas, proper nutrition is an essential component of good health and is essential for people to live productive, meaningful, and independent lives; now, therefore, be it

Resolved by the Texas House of Representatives, (the Senate concurring), That the 67th Legislature, 3rd Called Session, commend all components of the Texas State Aging Network for their outstanding efforts on behalf of the elderly; and, be it further

Resolved, That the 67th Legislature recommend that meeting the needs of older persons be a continuing legislative commitment; and, be it further

Resolved, That the Texas Legislature hereby respectfully memorialize the Congress of the United States to give priority consideration to providing adequate funding to maintain and strengthen comprehensive and coordinated services for the elderly citizens of our nation, particularly those services providing adequate and proper nutrition; and, be it further

Resolved, That a copy of this resolution be prepared and forwarded to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States Congress, and all members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.●

IMMIGRATION REFORM AND CONTROL ACT

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. FISH. Mr. Speaker, on Friday, November 12, 1982, the Poughkeepsie Journal published an editorial concerning H.R. 6514, the Immigration Reform and Control Act. The House Judiciary Committee has worked very hard on this legislation, a similar version of which has passed the Senate, and I urge my colleagues to support the committee's efforts to enact this vital immigration measure into law this year. There are many deserving bills waiting to be debated on the floor of the House, but few affect the basic structure of our society as much as H.R. 6514.

I would like to bring the editorial to the attention of my colleagues to demonstrate the importance of the bill and the notice it has received not only in Washington, but in local communities throughout the United States.

The editorial follows:

ALIENS AND THE LAW

Last August, the United States Senate had the good sense to adopt the Immigration Reform and Control Act by the overwhelming, bipartisan vote of 80 to 19. The House of Representatives is scheduled to vote on the bill when Congress reconvenes later this month.

The House bill is essentially the same as the one adopted by the Senate—with one notable exception. That exception—which

addresses welfare benefits available to certain illegal aliens—could severely undermine the bill's effectiveness and could cost American taxpayers billions of dollars. It ought to be dropped from the House bill.

The authors of both versions of the bill recognize that the government has neither the inclination nor the manpower to locate, uproot and deport millions of illegal aliens already living here, Most provisions in both bills are aimed at stopping future illegal immigration by imposing stiff sanctions against employers who knowingly hire illegal aliens.

Both bills permit illegal aliens who have been here for more than five years to apply for permanent resident status, and both provide for temporary status for those who immigrated here in the last five years. Law-abiding immigrants who hold jobs and conform to other standards would eventually be given permanent legal status.

The Senate version of the bill excludes aliens placed on temporary status from receiving aid through such federal welfare programs as food and Medicaid. The bill does provide block grants to states for medical care and other emergency services for these immigrants on a case-by-case basis.

The House bill goes much farther—too far, in fact. It provides federal money for all state and local welfare programs for all immigrants who are granted temporary resident status.

The Justice Department has estimated that the House version of the bill could cost an extra $4 billion over the next three years. In addition, we believe, it would encourage others to immigrate here illegally. Illegal aliens should not automatically be entitled to the same welfare benefits as legal aliens or American citizens.

Before the House votes on the immigration bill, we urge House leaders to amend it to conform with the Senate version.●

TRIBUTE TO CECIL E. MacKINNON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. KILDEE. Mr. Speaker, Flint, Mich. lost one of its most unforgettable native sons on November 5 with the passing away of Cecil E. MacKinnon. He lived his entire 81 years there, spending much of that time in sharing his delight with life and his sense of fun and neighborliness.

He becomes widely known for his sense of humor, his pride in the history of Flint and his gift of time in helping others. This concern showed itself especially at this time of year when it is customary for the Salvation Army to sponsor a Tree of Lights. He was chairman for 20 years.

Never having lost the child's anticipation for Christmas morning, Cecil MacKinnon worked and urged others to give so that every light on the Tree of Lights could glow. When he saw the light on top of the tree go on, he knew that many children would awaken to a fine Christmas.

He was Flint's Tom Sawyer in many ways: Boy and man. As a redheaded boy singing in the choir while his mother played the organ, he would respond to the sound of horses' hooves, and fire wagon bells, and often disappear from the choir loft to follow. He hung around the fire station until they showed him the door, but the day came when they honored him with a Fire Chief's honorary badge and named him "Fire Buff of the Year."

A teller of tales about the old days, he passed along the colorful events of Flint's early 1900's. He became a recognized historian, one to whom people could go for bits of information, whether they were students writing compositions or city officials in need of reliable data.

He used his longtime knowledge of the city to follow a phase of history usually overlooked—the naming of streets and avenues. He made a study of city directories and collected the small details that enrich local history in hopes of publishing a book on Flint's streets.

Through his interest and efforts, a fine, old marble fountain that once stood in the center of downtown Flint was brought out of retirement and placed in a park. A plaque inscribed with his name is evidence of his contribution.

Honors came, one after another: The Hands of Mercy Award from the Salvation Army, the Liberty Bell Award for community achievement from the Genesee County Bar Association, the Heritage Award from the Genesee County Historical Society, and Florist of the Year Award from others in his own profession.

Cecil MacKinnon will be missed by his family, his friends, and his community. Far into the future, when Flint's Tree of Lights shines brightly, people will think of him when the topmost light begins to glow.●

TAXING UNEMPLOYMENT BENEFITS—AN IDEA WHOSE TIME ALMOST CAME BUT NOW SEEMS TO HAVE WENT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. BIAGGI. Mr. Speaker, the Thanksgiving holiday was rudely interrupted for millions of Americans when news reports surfaced that the administration was contemplating a new tax on unemployment benefits. The flap has subsided somewhat by virtue of the President's statements disassociating himself from the recommendations of an administration task force which included a new tax on all unemployment benefits as compared to current law which makes benefits tax exempt for those with incomes under $12,000, individual, and $18,000, family.

As a senior member of the House Education and Labor Committee I wish to state my absolute opposition to any taxation of unemployment benefits beyond what is provided for under current law. To subject the unemployed to a tax on their weekly benefits is to make these unfortunate Americans double jeopardy victims of our recessed economy. We cannot overlook the fact that millions of Americans have become unemployed as a result of the failure of the President's economic policies. To then subject their means of existence to a new tax is to compound their victimization.

In practical terms, the average weekly unemployment benefit is less than $115 a week. In many home State of New York for the first 6 months of this year the benefit level was a mere $102.64 a week. At what level would we tax these benefits? What basic item of existence would an unemployed worker or their family have to give up to pay this tax?

Further, one of the main rationales for this proposal was that it would help to provide some $2 billion in new revenues which could be used to fund a new job training program. There are several fallacies associated with this idea not the least of which is the fact that job training is not employment. This administration seems to place great faith in job training initiatives as the means to reduce unemployment. However it is one thing to train people for work, it is something entirely different to actually find employment. The recession we are in is discouraging employers in the private sector from hiring. Further, it should be noted that many of those unemployed today have already been trained and in fact are skilled workers in their own right. Their problem was economic hard times caused their business or factory or industry to scale back their work force. These people do not need new training—they need their old jobs back or to be placed in a new job where their already acquired skills can be used.

I am pleased that this latest administration economic trial balloon was shot down by an outraged public. One assumes that it will not be refloated later but I am confident that if it is Congress will take steps to oppose any such initiative.

As we begin this lameduck session of Congress let us concentrate our resources on getting the tragic double-digit unemployment rate lowered. Let us strive to improve the quality of life for the millions who today are victims of the recession. Let us not compound their miseries with ill-timed and ill-conceived proposals such as the biggest Thanksgiving turkey of 1982—the unemployment benefit tax proposal.●

JULIUS WILE SONS & CO. OPPOSES SHIPPING ACT OF 1982

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. McGRATH. Mr. Speaker, I have been asked by Harry G. Smith, general traffic manager of Julius Wile Sons & Co., Inc., to correct an apparent misunderstanding of the firm's position on H.R. 4374, the Shipping Act of 1982.

During the September 13 debate on H.R. 4374, a list of firms supporting the legislation was inserted in the RECORD on page H6904. Julius Wile Sons & Co. is listed as supporting the measure when, in fact, it opposed passage.

I insert in the RECORD at this point a letter I received from Mr. Smith on November 2, together with several attachments to that letter.

JULIUS WILE SONS & CO., INC.,
Lake Success, N.Y., November 2, 1982.

Re H.R. 4374.
Hon. RAY MCGRATH,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR MR. MCGRATH: The Congressional Record—House dated September 13, 1982, shows that Julius Wile Sons & Co., Inc. supported the above captioned bill.

This is an error and I am attaching copies of my letters and telegrams in opposition to same as follows:

1. Letter to Honorable Drew Lewis, DOT, dated April 27;

2. Telegram to Honorable Peter W. Rodino, Jr., dated April 29;

3. Telegram to Honorable Mario Biaggi dated May 6;

4. Telegrams to Honorable Paul N. McCloskey, William Carney, Carroll Hubbard, Jr., William J. Hughes, Gene Snyder, Edwin Forsythe, Norman Lent, dated May 6;

5. Letter to Honorable Paul N. McCloskey, Jr., dated June 16;

6. Letter to Honorable Paul N. McCloskey, Jr., dated August 10;

7. Letters to Honorable William Carney, Peter W. Rodino, Jr., William J. Hughes, Hamilton Fish, Jr., Mario Biaggi, Edwin B. Forsythe, Norman F. Lent, dated July 16.

I also attach copies of my letters dated July 13 to Senators Alfonse M. D'Amato and Daniel Patrick Moynihan regarding S. 1593, the Senate version of H.R. 5374, urging that this bill not be passed.

In addition, I telephoned your office and voiced my opposition to H.R. 4374 and asked that you vote against it.

Would you please see to it that a correction is made in the RECORD indicating that Julius Wile Sons & Co., Inc. opposed H.R. 4374.

Very truly yours,
JULIUS WILE SONS & CO., INC.,
HARRY G. SMITH,
General Traffic Manager.

APRIL 27, 1982.

Re S. 1593; H.R. 4374.
Hon. DREW LEWIS,
Secretary of Transportation,
Department of Transportation,
Washington, D.C.

DEAR MR. LEWIS: The purpose of this letter is to register our support of S. 1593 and opposition to H.R. 4374 with regard to conferences and shippers' councils.

We feel that open conferences with loyalty contracts and the right of independent action is more than enough for the conference members to insure their survival. We believe closed conferences would enable members to maintain whatever rates suited them in good times and bad legally protected through statute.

Shippers' councils have not been previously permitted in the United States, however, we see ourselves at a distinct disadvantage in negotiating with conferences. We are a small shipper and have a small voice at the bargaining table. We do not feel there would be any negotiating with the conferences but rather they would dictate the rate.

Shippers' councils may also prove to be ineffective in negotiating with the conferences but at least we would be subject to the same ground rules as they and we would be allowed to bargain collectively.

We trust you will take our position into consideration.

Very truly yours,
JULIUS WILE SONS & CO., INC.,
HARRY G. SMITH,
General Traffic Manager.

LAKE SUCCESS, N.Y. *May 6, 1982.*

Re H.R. 4374.
Hon. MARIO BIAGGI, CARROLL HUBBARD, JR., WILLIAM J. HUGHES, GENE SNYDER, EDWIN FORSYTHE, NORMAN LENT, WILLIAM CARNEY,
House of Representatives,
Washington, D.C.
Hand Del.

We believe that the exclusion of shippers' councils in this bill, while granting wide antitrust immunity to the carriers, is unfair and will put us at a distinct disadvantage in negotiating rates and service with them. Provisions to allow shippers' councils should be made part of the bill.

JULIUS WILE SONS & CO., INC.,
HARRY G. SMITH, JR.,
General Traffic Manager.

JUNE 16, 1982.

Re H.R. 4374.
Hon. Paul N. McCloskey, Jr.
Merchant Marine and Fisheries Committee,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR MR. MCCLOSKEY: Thank you for your letter of June 4, with attachments regarding the above and requesting our views.

In brief I would advise that:

1. It stifles competition through expanded anti-trust immunity and permits closed conferences, pooling arrangements, allotment of ports and sailings, regulates the volume and character of cargo, engagement in exclusive, preferential or cooperative working arrangements, enter into other arrangements to control, regulate or prevent competition.

2. It does not provide for shippers' councils which we believe is essential, if we are not to be thrown to the complete mercy of the carriers.

Hopefully you will be successful in amending this bill to permit shippers' councils and bring it more in line with S. 1592 which we find more palatable.

Very truly yours,
JULIUS WILE SONS & CO., INC.,
HARRY G. SMITH, JR.,
General Traffic Manager.●

U.N. PROCLAMATION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. FRANK. Mr. Speaker, earlier this month my home city of Newton, Mass., commemorated United Nations Day in a ceremony in the city hall. The city issued a proclamation that reaffirmed strong support for the founding principles of the United Nations—international peace, human rights, economic and social cooperation—but also recognized the serious problems that have occurred within the United Nations in recent years.

I support the proclamation made by the city of Newton and I wish to share it with my colleagues. The goals of the United Nations are exemplary. We must give serious thought however, to some of the negative occurrences in the United Nations and consider how we as a nation ought to respond.

The proclamation follows:

PROCLAMATION

Whereas, United Nations Day is designated by the U.N. General Assembly each year to commemorate the founding of the Organization on October 24, 1945; and

Whereas, on this occasion, we join with the peoples of the world in reaffirming our commitment to the principles upon which the U.N. was founded: international peace and security, respect for human rights, and the promotion of social and economic cooperation among nations. United Nations Day also gives us the opportunity to examine our involvement in the world's problems and their solutions; and

Whereas, since the U.N. was founded 37 years ago, the world has changed dramatically, with the addition of more than 100 nations to its membership. In this global community, it is clear that the power to solve the world's problems no longer lies solely in the hands of a few nations. Instead all nations must work together to relieve the suffering of millions, to halt nuclear proliferation, and to promote economic development; and

Whereas, The United Nations recently has become mired in political infighting and has been unable or unwilling to fulfill its role as peacemaker; and has in fact ignored areas of the world in which war and the deprivation of human rights is a daily reality while engaging in diatribes against the United States and its allies for problems caused by other member nations;

Now, therefore, I, Theodore D. Mann, Mayor of the City of Newton, do hereby declare October 24, 1982 as "United Nations Day" and urge all citizens to support the restoration and reaffirmation of the principles and ideals for which the United Nations was created and until which time as that occurs, to consider carefully whether or not

the United Nations, as it is today, merits our continued support.

THE MESSAGE OF THE 1982 ELECTION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, November 17, 1982, into the CONGRESSIONAL RECORD:

THE MESSAGE OF THE 1982 ELECTION—I

The strongest message of the 1982 election, at least to this politician, is that the voters want the economy straightened out. They want policies which will stop the disastrous rise in unemployment and set the country on the path toward stable, non-inflationary growth.

One way to view the election result is as a grand compromise, with the voters calling for a new political partnership to address the country's economic problems. The preservation of the Senate's Republican majority ensures that the President's domestic objectives will get priority, but the enhanced Democratic House majority opens those objectives to compromise and modification. The ambiguous result certainly improves the competitiveness of American politics.

In many respects, the election amounted to a solid success for the Democrats. By winning seven governorships (despite the loss of California's), the Democrats increased the number of statehouses under their control from 27 to 34. They now have both houses of the legislature in 34 states. They picked up 26 seats in the House, going from 241 to 267, but they were held to no gain in the Senate.

Behind all the numbers, a few facts stand out. The Republicans held the Senate. They lost heavily in the House and even more heavily in the states. In fact, the Democrats' strengthened position in state and local governments may be one of the more important outcomes of the election because of the base it will give the Democrats in 1984. However, neither side felt smug about the result. The Republicans saw that the people continue to like the President, but they also saw that some real doubts about the President's economic program are being openly expressed. The Democrats' win was not as impressive as it might have been. Voters were clearly unhappy—even angry. The recession prompted two of every five of them to say that unemployment was the main problem. Other issues were dwarfed by the question of joblessness. The fact that the Democrats did not do better may mean that the people believe the Democrats have no easy solution to the nation's economic problems.

The Democrats' gains at the state and local levels almost wiped out Republican efforts, underway for several years, to rebuild at the grass roots. Only a few short months ago, the Republicans were viewing 1982 as a realigning election: they planned to add to their margin in the Senate, seize control of the House, and rout the Democrats in a number of states. It is no exaggeration to say that the hopes for a new Republican era, fed by the successes of 1980, have been set back. The President must be assessing the damage done to his economic program. He must also be plotting a strategy to maintain his momentum. He will have to work harder to get his initiatives through Congress in 1983 and 1984.

The President's aura of invincibility has been dispelled by the election. Legislators are now more likely to be independent of him, and considerations of political survival will dictate a new congressional receptivity to changes in economic policy. In the months to come, the challenge for the President will be to forestall a stalemate of government while showing flexibility in grappling with the issues. The challenge for Congress will be to display a willingness to work with the President while mustering the discipline to lift the country out of recession.

The Democrats must now formulate alternatives to the present economic course. In the campaign, they often talked about a "mid-course correction" without really suggesting what they meant. When they do define their alternatives more clearly, they will emphasize the creation of jobs.

Campaign rhetoric always tends toward the dramatic but fortunately the voters are wise enough to discount the politicians' inclination to overstate issues. I do not mean to make light of the very real choices of policy that the voters make in an election. The point is that differences among candidates and parties are sometimes to be found on the margins. Despite the partisan sparring, no sharp shift in policies of taxing and spending is likely even though there will be some adjustment.

The election did not show me an electorate that is committed to an ideology. Instead, I see an electorate that wants results. I believe that the political pendulum has swung back to the broad center. There has been no victory for either the extreme right or the extreme left. The American instinct for moderation has expressed itself once again. Also, I do not think that Americans voted to stay the course, nor do I think that they rejected the President or embraced the Democrats. The election revealed few clear trends: it shed little light on steps to be taken to deal with deficits, unemployment, or social security.

It is apparent that there will have to be some bending on the part of both parties. I hope that the election will force the President and Congress into constructive compromises. These compromises should include a cutback in the President's huge increases in military spending, adjustments in the entitlement programs (including social security), efforts to create jobs, and some modification of the tax cuts to reduce the deficit that now looms ahead. Another area of compromise may be the President's drive for new federalism. With the Democrats controlling two thirds of the statehouses, it is unlikely that governors and state legislators will be ready to take on extra functions without additional sources of revenue.

Political commentators have already said that the election gives us a choice between deadlock and compromise. If that is the choice, the wiser course by far would be to negotiate out our differences in an effort to reach a compromise. The President should extend his hand in bipartisan cooperation now, and the Democrats should take him up on his offer.●

FOREIGN TRADE PRACTICES PUTTING AMERICANS OUT OF WORK

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. HUBBARD. Mr. Speaker, I have received an excellent letter from my good friend and constituent, Mr. B. B. Forristall, of Mayfield, Ky. Bash Forristall has written to me concerning a most important issue, our Nation's international trade policies. Indeed, his comments concerning our foreign trade practices and the unfair competitive edge that face our American workers are timely and worthy of consideration. The Congress must take the appropriate actions to alleviate the burdens facing our American workers. I believe my colleagues will be interested in Mr. Forristall's letter, and I would like to share it with them at this time. The letter follows:

MAYFIELD, KY.
October 26, 1982.

Hon. CARROLL HUBBARD,
2244 Rayburn House Office Building, Washington, D.C.

DEAR CARROLL: This is to confirm our recent conversation, primarily on the subject of U.S. International trade. As International Product Manager for the Mayfield based Ingersoll-Rand Centac Compressor Division, I have become increasingly frustrated when because of the strength of the U.S. dollar, high U.S. interest rates, and the export practices of our major foreign competitors and their parent nations; to protect our market share and income as a multi-national producer of large industrial air compressors, we have been diverting business to a sister operation in Milan, Italy. In the past year to my knowledge at least $2 million worth of complete machine orders have been so diverted which in prior years would have been manufactured in Mayfield. Conservatively estimated this would have meant at least 10 more jobs on the local payroll, not to mention the benefits of their wages to the community.

The enclosed article from the Paducah Sun (Oct. 18) concerning Caterpillar Tractor's loss of foreign market share is just another example of the problems almost all major American machinery manufacturers are faced with today. And its costing a lot of Americans their jobs.

It is not the fault of MNC managers for such policies because their own survival depends on Worldwide results for a nation that grew and prospered from strong export trading policies from colonial days until after W.W. II it is a sad state of affairs, when many of our basic industrial products are no longer economically exportable. We pratically give away some of our state of the art technology for foreign nations to build and sell to whom ever they please, and permit ourselves to be a dumping ground for the products of not only developing nations but also some developed countries. Sure, some of the dumpers get slapped on the wrist now and then, and there is much talk about import limitations on products such as automobiles. These are not solutions. American needs a comprehensive Interna-

tional Export Program that would permit us to export manufactured products on equal terms with our major foreign competitors. That is not to say that we should accept orders below cost as our Japanese competitors will do in slack times. But we should have access to low interest funds and preferential taxation on export products.

There is considerable evidence that many American workers in industries facing strong foreign competition, now recognize they cannot afford to price themselves out of the market, and that product quality is an essential ingredient for success. The severe adversary positions of American labor, management, and government of past years now seems to be mellowing a bit. Our social systems can never be expected to be blessed with underlying harmony that exists between Japanese labor, management, and government; or the strong ethnic pride of the Germans. Except for occasional rhetorical bombasts their bottom line is invariably what is best for our nation.

As for Japan, I should know. I lived and worked with them for two years recently. As individuals I respect them, but as a nation behind many false faces exists a very devious and cunning foe.

With improving labor-management relations and more supportive government export policies, it will certainly put more Americans back to work.

Sincerely yours,

BASH FORRISTALL.●

TO REVIEW FINDINGS OF SLAYINGS IN MIRACLE VALLEY, ARIZ.

HON. GUS SAVAGE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. SAVAGE. Mr. Speaker, I hope that my colleagues who are not already familiar with the situation in Miracle Valley, Ariz., will take a few minutes to read the following statement that I am inserting into the RECORD today.

In this statement, Rev. Jesse L. Jackson explains that he, along with a delegation of ministers from the State of Arizona, intend to review the findings of the slayings that took place there on October 23, in the hopes that, through increased public awareness of this incident, an impartial and full-scale investigation will be ordered.

I wholeheartedly support Reverend Jackson's efforts to restore harmony to this torn Arizona community, and applaud his continuing efforts for justice and peace. I sincerely hope my colleagues will also lend support to this cause.

STATEMENT OF REV. JESSE L. JACKSON AND DELEGATE OF MINISTERS, NOVEMBER 10, 1982 TO REVIEW FINDINGS OF MIRACLE VALLEY SLAYINGS

A. WHY HAS PUSH COME TO ARIZONA?

PUSH has come to Arizona because a respected and concerned group of Ministers and citizens in this State have come together across denominational and political lines and asked for our assistance relative to a problem in Miracle Valley, Arizona. Governor Bruce Babbitt has also asked for our help.

PUSH and our team of ministers will attempt to reduce unnecessary tension where possible. We will also attempt to eliminate unfounded fears and reverse the atmosphere of hysteria by discussing the facts and the issues surrounding the Miracle Valley Church situation in a civil, but straightforward manner. We are willing to mediate, attempt to reconcile and to establish or re-establish lines of communications where that will be helpful and where we can. However, my role is not that of mediator, but of advocate. Fundamentally, I am a human and civil rights advocate.

Thus, we come to Arizona seeking justice and peace, not merely quiet. Quiet is the absence of noise, but a lasting and genuine peace requires the presence of justice.

B. WHAT DO WE HOPE TO ACCOMPLISH?

1. PUSH wants to end the community-church confrontation in Miracle Valley.

2. We want to get a first hand look at the situation in Miracle Valley and the surrounding circumstances.

3. We want to bring greater public attention, awareness, so as to insure that a full-scale impartial investigation into the incident of October 23rd and those leading up to October 23rd are fully investigated by state and federal investigation teams. We also urge that the investigative arm of the press do all it can to reveal all it can about the situation.

4. We want to make a determination of under what circumstances and with what guarantees members of the Miracle Valley church can return to the property that they own and have the human and civil rights of all concerns protected.

5. We want to insure that the Religious liberty and the free practice of one's religion is preserved and protected.

6. We want to insure that the orderly, but fair processes of the judicial order proceed so as to provide "equal protection" and "due process" for all involved.

C. WHAT HAVE WE DONE SO FAR?

1. We have seen television footage of some of the surrounding events at Miracle Valley on Saturday, October 23rd, involving October 23 situation.

2. Several hundred still pictures.

3. We have talked with Pastor Frances Thomas and members of the Miracle Valley Church before and after our visit to Miracle Valley.

4. We have talked with the lawyers representing the two persons who were shot on October 23rd.

5. We have talked with Governor Bruce Babbitt by phone and in person.

6. We have talked with you—William Bradford Reynolds at the Justice Department.

7. We have talked with the leaders of Ministerial Associations around the country.

D. WHAT ARE THE KNOWN FACTS SO FAR?

1. Two black men are dead, two were wounded, two sheriff's police were wounded. Many more church members and officials were injured.

2. Ten blacks are in jail with bail set at $68,500 each—which appears to be excessive.

3. The judge has limited the lawyers fees for the two men who were shot to $7,500 and has excluded transportation expenses from Chicago to Tucson. On Monday, it is our understanding that he will seek to have these lawyers dismissed from the case.

4. The coroner's report is in apparent contradiction with eyewitnesses accounts as well as the report of the mortician who attended to the two bodies i.e., both men were shot in the back not in the front. Gus Tate shot three or four times in the back. Other shot . . . .

E. WHAT IS OUR SCHEDULE OF ACTIVITIES FOR THURSDAY?

1. 8:00 a.m.-9:15 a.m. Breakfast meeting with local ministers. Rev. Warren H. Stewart, pastor, First Institutional Baptist Church, 1141 East Jefferson (602) 258-1998.

2. 9:30 a.m.—Meeting with Governor Babbitt at State Capital followed by a Press Conference. Shared information, pictures. News media projected group as extraneous, religious cult not unlike Jim Jones and People Temple in Guyana. The group led by a charismatic Frances Thomas, not an on live denomination. However, to have read or watched news accounts after shooting, one got impression this was a secluded, religiously fanatical, armed and dangerous group of people.

3. 11:00 a.m.—Depart for Sierra Vista.

4. 1:30 p.m.—Arrive Miracle Valley.

5. 1:30 p.m.—Return to Sierra Vista for flight to Tucson.

6. 2:30 p.m.—Arrive Tucson/Reverend Jackson and Governor Babbitt. Marriott Hotel, 180 West Broadway, Tucson, Ariz. (602) 624-8711.

7. 7:00 p.m.—Meeting with Arizona Baptist Convention. Mt. Calvary Baptist Church, 210 Lester Street, Rev. T. Ellsworth Gantt, pastor.●

POLICY STATEMENT ON NUCLEAR WAR

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. FRANK. Mr. Speaker, the issue of nuclear war remains the most critical issue facing our country today and I am very pleased that the voters of my State, Massachusetts, adopted a nuclear weapons freeze on the November 2 ballot. Many individuals and groups within Massachusetts contributed to the nuclear freeze campaign and one such group is the Massachusetts Health Council. The council adopted a resolution in support of the nuclear weapons freeze and I wish to share that resolution with my colleagues.

The resolution follows:

POLICY STATEMENT OF NUCLEAR WAR

Whereas the Massachusetts Health Council, Inc. believes that the threat of nuclear war is a danger to the health of the citizens of the Commonwealth; and

Whereas the Massachusetts Health Council, Inc. believes that the prevention of nuclear war should be a primary concern of all health care providers and other members of the general public; and

Whereas the Massachusetts Health Council, Inc. believes that a comprehensive freeze by all countries on the testing, production and deployment of nuclear weapons is in the best interest of all mankind; and

Whereas the Massachusetts Health Council, Inc. believes that nuclear weapons should eventually be banned;

Be it resolved, That the Massachusetts Health Council, Inc. recommends that its member organizations and individual members join the Council in speaking out on the dangers and threat of nuclear war, against nuclear weapons and their use by any country including the USSR and that the Massachusetts Health Council, Inc. will inform its state and national elected representatives of its position in favor of increasing the effort to end the risk of nuclear war.●

JAMES WEBB ON VIETNAM VETERANS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. HYDE. Mr. Speaker, Veterans Day was very special this year, as the Vietnam veteran moved front and center in long-delayed national recognition. A part of this included the dedication of a new and controversial monument on the Washington Mall.

The views I most respect have been expressed by Vietnam veterans such as Tom Carhart and James Webb. Mr. Webb was interviewed by the Washington Times November 12 and his comments deserve thoughtful study by my colleagues.

[From the Washington Times, Nov. 12, 1982]

WEBB SAYS VETS HAVE PRIDE, NEED RESPECT—INTERVIEW

VIETNAM VETERAN AND AUTHOR JAMES WEBB ON THE WAR, THE MEMORIAL AND THE CONTROVERSY

About 250,000 Vietnam veterans are expected to gather here this week to celebrate Veterans Day and to participate in a belated National Salute to Vietnam Veterans. One of the highlights of the five-day event is the American Legion-sponsored dedication Saturday of the controversial Vietnam Veterans Memorial in Constitution Gardens near the Lincoln Memorial.

A principal leader of thought and action behind the memorial is James Webb. In 1979, Webb was the recipient of the American Legion National Commanders Public Relations Award—given to the one person each year who best epitomizes the Legion's view of service to God and country.

Webb graduated from the U.S. Naval Academy in 1968. He served as a Marine rifle platoon and company commander in Vietnam, where he was wounded twice, and was one of the most highly decorated Marines of that war. After earning a law degree at the Georgetown University Law Center, he served as minority counsel to the House Committee on Veterans affairs, and was one of the principal contenders for the position of administrator of veterans affairs when President Reagan took office. He also has taught courses on poetry and the novel at the college level, and has written numerous articles and two books, including the widely acclaimed "Fields of Fire" and "A Sense of Honor." He now is writing full time to finish his third novel, which will be release next year by Doubleday Publishers.

Webb was interviewed yesterday—Veterans Day—by Washington Times Deputy Op-Ed Editor Charlie Wheeler.

Question. Yesterday was Veterans Day. Do you believe such celebrations still have meaning in our society?

Answer. Of course they do. I believe that every indicator shows that the American people hold the men and women who have served their country, particularly during wartime, in the highest esteem. For instance, in the most comprehensive survey done on attitudes of and toward Vietnam veterans—the Harris Survey commissioned by the Veterans Administration and published in June 1980—those surveyed placed Vietnam POWs at 10 on a scale of one to 10, and those who served "in country" at a 9.8. Those who opposed the war were somewhat around a five, and those who went to Canada were down around a three.

And veterans themselves retain a great deal of pride in their service. That same survey revealed that 91 percent of our combat veterans were proud they have served their country, that 74 percent actually enjoyed their time in the military, and that two out of three would do it again, even given the outcome of the war. These are figures from Vietnam. I'm sure figures from other wars would be comparable.

I'd like to emphasize something. This is Veterans Day. We have rightly become concerned about the lack of dignity that was accorded our Vietnam veterans, and I'm delighted to see the attention they are now receiving. But there are about 30 million veterans in this country today, and I feel deeply appreciative to every one of them who served honorably. My father flew bombers in World War II. My father-in-law was one ridge down when they planted the flag on Iwo Jima. They never failed to honor and appreciate what we did in Vietnam. I never saw a generation gap when I came home; I saw a culture gap within my own generation. I honor their service. I'll never forget them. That's what this day is all about.

Question. Tomorrow the controversial Vietnam Veterans Memorial will be dedicated. Vietnam veterans from around the nation are expected to attend and participate in a parade and the dedication itself. Are people going to come? How do the veterans feel about the dedication and these events?

Answer. The problem with the events of this week is that we are asking veterans, and particularly Vietnam veterans, to rally around a negative symbol when they dedicate this memorial. I would rather wait to see the reaction of those who have served when they see the wall before I speak too broadly, but every indication I have had, including my own admitted bias, is that this is not an appropriate symbol of honor and recognition.

Question. I suppose we should clarify for the record that you were involved in the Memorial project, first as an initial member of the National Sponsoring Committee and later as a vocal opponent of the winning design. You speak of indications other than your own feelings. What are they?

Answer. Some of them are purely visceral and subjective, others are more demonstrative. I travel a good deal, and over the past year have talked to hundreds of combat veterans. The reaction is overwhelmingly negative, to the point of tears and unmuted anger. It is as if the black walls are a continual insult, as powerful as the flag-burning demonstrations during the war. That may not be fair, and it may not even be logical. But we forget that art is metaphorical. It creates symbols that people react to. Public art, particularly that which is dedicated to a political event, is unavoidably political in itself. And when someone designs a black gash of earth with the names of the dead tossed upon it in no particularly recognizable manner, the symbolism hits you in the gut. And you get mad.

The more objective things are the Gallup survey done for Ross Perot, which the Memorial Fund participated in preparing, and which has been covered in your newspaper already. It showed overwhelmingly negative feelings. One of the most striking figures is that only 18 percent of the respondents believed that Vietnam veterans would like the Memorial. And this wasn't an insignificant survey—324 former POWs responded. In the $6 million Harris Survey I mentioned earlier, which represents a comprehensive panorama of Vietnam veterans, only 1,176 men were interviewed. The reason a follow-up survey of all Vietnam veterans, rather than the POWs, wasn't done by Perot is that the Memorial Fund agreed to the compromise which allowed a statue and a flag to be placed prominently on the site.

Question. Which isn't being done?

Answer. Which, I hope, will be done. The Fine Arts Commission and the Department of Interior appear to be in a stalemate right now. Perhaps we need an exit poll at the dedication, to gauge once and for all the feelings of the subject class. I hope that will happen. The most important thing isn't my feelings or the Memorial Fund's, or any one individual's. The important thing is to get it right for the people who served. They've been dumped on long enough.

The most incisive comment I've heard came from Al Santoli, a former enlisted soldier, wounded three times—who wrote "Everything We Had." He said, "This isn't a Memorial. It's a place to go and be depressed. Harvard and Yale gave us the war, they avoided fighting it, and now they are trying to tell us what we are supposed to like for a Memorial."

Question. You were recently quoted in Newsweek to the effect that reactions to the Memorial constitute a "Rorschach test for attitudes toward the Vietnam war." Are we ever going to get over Vietnam? What needs to happen in this society before we can move on?

Answer. We'll never "get over" Vietnam any more than we've gotten over the Civil War, or any more than a person gets over a death or a divorce. It will always be there. The most important thing is to try and assimilate it, to try to come to grips with the way it changes us as a society. The first, and most difficult hurdle to overcome, is to recognize that for many people, the loss of the war was not a defeat. It was a victory.

I'll never forget when the movie "Hearts and Minds" won an Academy award for best documentary, its producers rather delightedly read a congratulatory telegram from the Vietnamese Communist delegation in Paris. The people who supported the North Vietnamese effort to subjugate the South have a lot to live with right now, and it must make them extremely uncomfortable. They made a mistake. There was no "pure flame" of revolution in the South. We have to admit that, rather than ignore it.

We blew it in Vietnam, but not in the manner the anti-war movement was suggesting. I am not trying to point a finger. The time for recrimination has passed. But honesty is the first step toward resolution, so let's be honest.

Question. So, who lost the Vietnam war?

Answer. The political apparatus of our country, which first never articulated our mission clearly enough, causing the distress that became the anti-war movement, and second could not keep its fingers out of the day-to-day conduct of the war.

I believe that Lyndon Johnson created a scenario which made the war a disaster, particularly in the way he conducted the air war in the North. We sent pilots on ridiculous targets, creating the illusion that the North Vietnamese could withstand American airpower, while never using our strategic aircraft for their proper purpose until 1972.

On the ground, the United States military was never defeated on the battlefield, even in one major engagement. That's not revisionism, it's the truth. The North Vietnamese themselves have admitted to losing at least 600,000 men. In ratio terms, that's the equivalent of 6 million Americans. We did our job, under enormously difficult conditions, sometimes including the lack of appreciation of our own countrymen. I'm very proud of the men I served under, with and over. Again, that's what this week is about.

Question. Your age group was deeply divided by Vietnam—some say permanently. What do you say to the people who opposed the war?

Answer. This is a multicultural society. On any moral issue we're going to be in a state of abrasion. I have no quarrel with those who dissent on political issues in this country. That freedom is the wonder of this country. But let's be honest about what happened, not so we can decide who was right and who was wrong, but so we can learn and grow. The real bottom line is this: There are things in this world worth dying for, and if you don't believe that, you deserve to live as a slave.●

JEWISH WAR VETERANS ADOPT RESOLUTION CONDEMNING RISE IN ANTISEMITIC VIOLENCE AND VANDALISM

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. BIAGGI. Mr. Speaker, at their 87th annual convention, the Jewish War Veterans adopted an important resolution which merits the close consideration of my colleagues.

The resolution discusses the very disturbing rise in the reported cases of anti-Semitic violence and vandalism in this Nation. It is a problem which has more than doubled over the past 2 years.

In February of 1981, I introduced H.R. 2085, a bill to impose stiff new Federal penalties for acts of religious violence or vandalism as well as those attempts at such acts as well as those intended to infringe upon a person's right to free exercise of religious beliefs. Despite the proliferation of this problem the bill continues to languish in the House Judiciary Committee.

No one level of government should be expected to bear the entire responsibility for solving this problem. On the other side of the coin neither should all levels of government avoid taking action on the problem. A partnership of purpose is needed to end the wanton destruction of sacred houses of worship and religious articles within—a partnership of purpose must be formed to keep religious figures from being assaulted and beaten. This partnership of purpose must be developed within each level of government and done so quickly. In the words of Edmund Burke "All that is necessary for evil to triumph is for good men to do nothing."

At this point in the RECORD I wish to insert a summary of the Jewish War Veterans resolution pertaining to antisemitism.

ANTI-SEMITISM IN THE UNITED STATES

JWV believes that the recent rise of "hate" groups and the increase of vandalism dictate American vigilance against anti-Semitism and other forms of bigotry. JWV reaffirms its commitment to actively confront all "hate" groups and to join with other ethnic, racial and religious groups in the battle to combat anti-Semitism and racism through education, civic and action programs. JWV also supports legislation to increase penalties for religious and ethnic connected vandalism.●

NUCLEAR WASTE LEGISLATION

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. BROYHILL. Mr. Speaker, on September 30, the Washington Post published a column on nuclear waste legislation by Mary McGrory which made rather egregious errors of fact.

To keep the record straight on this important bill, whose consideration resumes today, I am submitting the letter I sent to the Post correcting Ms. McGrory's errors. While our Capital's leading newspaper did not believe the letter merited publication, I am pleased to see it included in the RECORD for my colleagues to judge.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, D.C., October 1, 1982.

LETTERS EDITOR,
Washington Post,
Washington, D.C.

DEAR SIR OR MADAM: Mary McGrory's column of September 30 contains serious errors of fact which undermine her ad hominem attack on the nuclear waste legislation pending in the House.

First, she implies that the public would have to bear the burden of financing interim storage of civilian plants' nuclear waste before completion of a permanent repository, by stating "taxpayers" would have to "take over the 40-to-50 year burden. . . ." In fact, the bill provides that interim storage would be entirely financed by the nuclear utility industry so that no Federal tax dollars would be used.

An even more egregious error is Ms. McGrory's assertion that certain language inserted in the Senate bill by Senator McClure would preempt a State from challenging the designation of a permanent waste site in its territory. The phrase quoted is merely a statement of justification for the legislation and is completely separate and apart from the provisions for a State's challenge to the siting of a permanent repository.

In fact, the House legislation provides for full State consultation in each step of the process for the siting and construction of a permanent waste repository, as well as for the use of facilities within a State for interim storage. Most importantly, the bill allows a State to veto the choice of a permanent waste repository, subject to an override by Congress. Curiously, Ms. McGrory's devotion to the principle of States' rights, which heretofore has been kept from her readers, now surfaces in connection with legislation she opposes.

Finally, the "rush to judgment" which Ms. McGrory protests so passionately follows the consideration of nuclear waste legislation since 1976. In 1980, both the House and Senate passed bills, but were unable to resolve their differences before the end of the session. The 1982 House bill, sponsored by Mo Udall, John Dingell, Dick Ottinger, Don Fuqua, Manny Lujan, Marilyn Bouquard, Beverly Byron, Carlos Moorhead and myself, is a consensus developed after 18 months of good faith compromises and action by 5 major Committees representing over 160 Members.

On May 10 of this year, the Post, in its lead editorial, urged the necessity of nuclear waste legislation, stating, "All but the most diehard opponents of nuclear power agree on one thing—the industry desperately needs a waste disposal plan." After the failures of recent years, the Post continued, "It would be a tragedy for Congress to fail again." Ironically, the delay in bringing this year's bill to the Floor in large measure is attributable to the efforts of proponents of legislation to accommodate the interests of all affected parties, most especially State governments. Had Ms. McGrory taken the trouble to study the issue, she could have given her readers some of the hard facts instead of facile emotionalism.

Sincerely,

JAMES T. BROYHILL,
Ranking Minority Member,
Committee on Energy and Commerce.●

TEXTILE WEEK

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. COELHO. Mr. Speaker, during our recent recess, the week of October 17–24 was observed as "Textile Week," a period set aside to recognize the importance of one of our most basic and essential industries.

Even though textiles touch our lives every day with literally thousands of products for consumers, few people realize the economic importance of this industry to our entire Nation.

The textile industry is extremely important to my home State of California, providing 14,000 jobs directly and supporting another 107,000 in the related apparel industry. In addition, 45,000 cotton farmers and more than

6,000 woolgrowers are dependent on the textile industry.

Nationally, the fiber-textile-apparel complex provides some 2 million jobs—1 of every 9 in manufacturing—forming our largest industrial complex.

The United States depends on textile products for clothing, homefurnishings, transportation, industrial products, defense, health care, space exploration, and recreation.

Textiles have helped make ours the highest standard of living in the world. Americans consume in an average year nearly 60 pounds of textiles per person. That is about twice the amount used in Western Europe and as much as 10 times that used in other countries of the world.

Americans spend almost $100 billion for clothing alone.

Other major uses of textile products include towels and sheets and curtains, carpets and upholstery. They also are used extensively for medical dressings and surgical sutures, fish nets and filters. Our Armed Forces use some 25,000 different textile items from rifle slings to bulletproof vests and pontoon bridges and parachutes.

Today, the United States has the most productive textile industry in the world and while productivity in American industry in general has declined in recent years, the textile industry has actually increased its productivity 4 percent a year over the past decade.

Although we sometimes take our textile industry for granted, it is one of our most vital national resources.●

NUCLEAR WAR IN WELLESLEY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. FRANK. Mr. Speaker, unquestionably the growing movement in the United States today to halt the nuclear arms race is a credit to our Nation's citizens who have taken the lead—ahead of the elected officials in many cases—to show beyond any doubt the terrible implications of a nuclear war. One such example of this effort is the booklet prepared by the Wellesley Committee for a Nuclear Weapons Freeze in Wellesley, Mass. I wish to share large parts of this booklet with my colleagues because it is an example of what concerned citizens can do when they realize that the only solution to the nuclear weapons issue is to prevent a nuclear war.

I commend the following booklet to my colleagues:

NUCLEAR WAR IN WELLESLEY

"One day both sides will have to meet at the conference table with the understanding that the era of armaments has ended, and the human race must conform its actions to this truth or die."

Dwight D. Eisenhower letter—1965.

This booklet has been prepared by: The Wellesley Committee for a Nuclear Weapons Freeze, Post Office Box 2000, Wellesley, Massachusetts 02181.

This Committee is a Wellesley group of about 150 townspeople, non-partisan and non-sectarian, who want to halt the nuclear arms race.

The booklet is about something unpleasant and frightening: nuclear war and the death and destruction of all that you treasure, including our own community. This booklet is in five parts. The first part describes nuclear weapons, how many there are and how powerful. The following part describes what would happen in Wellesley if a single one-megaton bomb were dropped over the Raytheon plant in Waltham. The third part describes the plans for evacuation of people ("crisis relocation") from our area. The fourth section concerns the prevention of nuclear war. The final section tells what you can do.

In preparing this booklet, some material was taken from two similar works, Nuclear War in Vermont and Cambridge and Nuclear Weapons, and from recent government publications. Further information can be obtained from members of the Wellesley Committee for a Nuclear Weapons Freeze steering committee: Bradford Bachrach (235-2161), Don Crawshaw (237-7453), Kitty Gladstone (235-2152), Jerome Grossman, President (235-4678), Alba Jameson (235-3918), Shirley Quinn (235-8463), Abner Shimony (235-8485).

NUCLEAR WEAPONS: HOW MANY? HOW POWERFUL?

Each nuclear warhead is extremely powerful. The explosive power of a bomb or warhead is described by the word "megaton". A one-megaton bomb would have the explosive power of one million (1,000,000) tons of TNT. The bombs which destroyed the Japanese cities of Hiroshima and Nagasaki to end World War II had the explosive power of only 10 to 20 thousand tons of TNT. Therefore, a one-megaton bomb—the size of the kind which could hit us—is 70 times more powerful!

	Hiroshima	Nagasaki
Date/time bomb exploded	Aug. 6, 1945—8:16 a.m.	Aug. 9, 1945—11:02 a.m.
Bomb's explosive power	12.5 kilotons (KT) (12,500 tons of TNT).	22 kilotons (KT) (22,000 tons of TNT).
Distance above ground	1,670 ft	1,640 ft.
Population of city	350,000	280,000.
Persons killed	140,000 up to Dec. 31, 1945. Most died instantly.	74,000 up to Dec. 31, 1945. Most died instantly.
Property damage:		
Area reduced to rubble	5.02 square miles	2.59 square miles.
Total buildings in city	76,000	51,000.
Number destroyed	51,680 or 68 percent	12,750 or 25 percent.
Number seriously damaged	18,240 or 24 percent	5,610 or 11 percent.

"20 million U.S. fatalities represent a level 'compatible with Western values'." (Report in Boston Globe, August 15, 1982, of a statement by Colin Gray, a member of the advisory board for the Arms Control and Disarmament Agency.)

Altogether the United States and the Soviet Union have so many megatons of large weapons that in a war they would produce nearly 1,000,000 times the explosive power used against Hiroshima. This doesn't include all the smaller, so-called tactical nuclear weapons each side has, or the nuclear weapons held by other countries. It means that if a nuclear war were started, by accident or on purpose, by a superpower or another nation or group, the destruction would be beyond anything ever before experienced by the human race.

WHAT A ONE-MEGATON NUCLEAR WEAPON OVER WALTHAM WOULD DO TO WELLESLEY

Suppose a one-megaton bomb were dropped near ground level over the Raytheon plant in Waltham.

0-2 miles: Out to Exit 16 on the Mass. Pike there will be total destruction of buildings with winds up to 410 miles per hour and with 99 percent of the people dead.

2-3 miles: From Exit 16 to Newton-Wellesley Hospital most buildings will be flattened, with winds up to 180 miles per hour. 50 percent dead from the explosion. Another 25 percent dead later from injuries and burns.

3-5 miles: From Newton-Wellesley Hospital to the Hills Congregational Church, most buildings will be damaged beyond repair with winds up to 150 miles per hour and with up to 50 percent of the population dead. There will also be the risk of deafness from ruptured eardrums.

5-10 miles: From Brigham's in Wellesley Hills to beyond Wellesley College, most buildings will be damaged with winds up to 100 miles per hour and 25 percent dead. Anyone in the open would receive at least 2nd degree burns. A reflex glance at the initial flash from as far away as 35 miles from the explosion would probably cause blindness. A fire storm would kill thousands more either directly or indirectly by suffocation, the fire having consumed all the oxygen.

Lethal radiation would be spread throughout the Wellesley area and beyond for a period of days to weeks, depending upon the weather conditions, nature of the bomb and other factors. Death from radiation would be either rapid or delayed several weeks, depending upon the radiation exposure.

WHAT PLANS HAVE BEEN DRAFTED FOR EVACUATING THE WELLESLEY POPULATION?

The town of Wellesley is part of the Greater Boston Risk Area Suburban West region. Relocation instructions have been prepared. Excerpts and summaries are included in this booklet so that you may determine for yourself whether the crisis relocation plan is an appropriate response to the threat of nuclear war.

The Federal Emergency Management Agency (FEMA) stated in its pamphlet Crisis Relocation Planning (October, 1980), "It seems likely that a crisis would not be abrupt . . . that people would have time to see, discuss, and understand the instructions for relocation." According to FEMA plans, it will take two and a half days to evacuate the Boston region.

The FEMA Relocation Instructions state that Wellesley and Weston (combined population 38,474) have been assigned to Milford, N.H. (population 8,685). This host community should be reached by using Route 128 to Route 3 to Everett Turnpike to 101A to 101 to Milford. The map on the next page indicates the host community assignments of some of our neighboring communities. Other communities nearby assigned to Route 128 north are Needham, Newton, Wayland, Waltham and Watertown. Because of the number of vehicles that would be heading away from Boston and the metropolitan risk area, car markers are being prepared for residents to clip out and attach to car windshields with tape or glue.

In the FEMA pamphlet, Relocation Instructions, there is a list of survival supplies. In addition to a two-week stockpile of food, families should have on hand and plan to take tools—especially shovels, picks, ham-

mers—essential in improvising a fallout shelter. "Both the residents of the host areas and the city evacuees will have to work hard for a day or more to construct improvised shelters to protect against fallout. In this case, radiation protection would be cheap as 'dirt'."

Crisis Relocation Planning says that the food supply after a few days "would depend almost entirely on present commercial distributors—the people who feed 220 million Americans today." The effect of a nuclear attack upon the distribution system is not mentioned. Little or nothing is said about the destruction of medical facilities at a time when millions may be severely burned; nor of the unavailability of medicines, including morphine for people in great pain; nor of the contamination of water supplies and destruction of sewage facilities; nor of the likelihood of epidemics. Although the possibility of anti-social behavior by evacuees and hostility towards them by the host communities is not dismissed, the pamphlet assures that "in an emergency, people tend to be jolted out of their normal routines and patterns—and many people go out of their way to help others."

THE ONLY DEFENSE AGAINST A NUCLEAR ATTACK: PREVENTION

Civil defense programs, including massive evacuations and shelter buildings, would diminish the loss of life somewhat in the nuclear war. But the statement that "a reasonably effective crisis location program could result in total survival of 80-90 percent of the population" (Crisis Relocation Planning, p. 5) is groundless. And even this excessively optimistic estimate cannot hide the fact that the nuclear attack would cause unprecedented suffering and probably the complete disruption of the society. The painful truth is that there is no defense against nuclear attack, there is no place to hide.

The only sane defense is prevention of a nuclear war. Moreover, further increase of our nuclear armaments is not an effective means of prevention. As former CIA Deputy Director, Herbert Scoville, said, "The U.S. has always been ahead of the Soviet Union in nuclear weapons technology." There is rough parity between the superpowers, each having the capacity to inflict horrible losses on its opponent even if attacked first. This retaliatory capacity constitutes a deterrent to a first strike by either side. This is the main fact that now prevents a nuclear war. A further escalation of the nuclear arms race will make us less rather than more secure. It would increase tension, making each side fear that the enemy may strike first, thus motivating a first strike in the other direction. Deployment of more and faster weapons, with more reliance on radar and computer systems, would greatly increase the probability that war will begin by accident.

Religious groups, scientists, physicians, public officials, ordinary citizens—men and women from all walks of life—are raising their voices to prevent such a war from starting, either by design or accident, through human or mechanical error. At the 1981 National Conference of Catholic Bishops, Archbishop John R. Roach of Minneapolis said: "On a global scale, the most dangerous moral issue in the public order today is the nuclear arms race. The church in the United States has a special responsibility to address this question. . . . The church needs to say 'no' clearly and decisively to the use of nuclear arms."

Many eminent Catholic, Jewish, and Protestant clergymen have made statements asserting that the nuclear arms race threatens the peace of the world, the continuation of civilization, and the survival of the human race. As a first step to halting this plunge toward disaster, many have endorsed a bilateral, verifiable freeze by the United States and the Soviet Union on further deployment, testing, and production of nuclear weapons.●

A NEED FOR FURTHER REFORM

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. ARCHER. Mr. Speaker, I would like to share with my colleagues in the House an outstanding editorial which appeared in the December 1982 edition of Venture magazine regarding the Congress recent action liberalizing the treatment of subchapter S corporations:

A NEED FOR FURTHER REFORM

(By Arthur Lipper III)

While I heartily endorse Congress' action to liberalize Subchapter S treatment for corporations, and applaud the Securities & Exchange Commission for sponsorship of its Government-Business Forum on Small Business Capital Formation, further actions are required to encourage the flow of capital into new ventures.

Any consideration of providing investors with favorable tax treatment for investing in new or small businesses must recognize that most of these businesses lose money, at least in the early stages. And it is generally acknowledged that the primary reasons for small business' high failure rate and broad inability to generate substantial profit are a lack of experienced management and the absence of adequate funding. Therefore, the objective must be to create investment incentives for investors who have both the financial resources and the management acumen to offer to small businesses.

I believe the most appropriate means of encouraging professional investors to commit their money and management skills to small businesses, and particularly new ventures, is to amend Subchapter S regulations to permit the negotiated allocation of operating and non-operating losses among various classes of stockholders. This would be similar to that currently possible between general and limited partners. Such an allocation of losses would, in the case of successful companies, result in those companies becoming taxpayers sooner than would be the case without loss allocations, and should therefore not adversely affect overall tax collections.

Were this proposal adopted, a significantly enhanced rationale would exist for professional investors to assist small businesses. Perhaps more importantly, failure rates should materially decline in those instances where professional investors expend their resources in new and smaller ventures than would otherwise be the case.

Many excellent ideas came out of the SEC forum, and it was gratifying to see a governmental body soliciting comments in an open and honest atmosphere. However, the suggestions which came from the forum cannot lie fallow or get buried in some bureaucratic quagmire. I especially encourage the approval of a small business or new venture capital gains tax "rollover" provision—similar to that offered homeowners—and a further reduction in capital gains taxes to encourage professional investments in new ventures. The time has come to genuinely foster capital formation for small and growing businesses through regulatory reform and legislative initiative.●

SENATE JUDICIARY CONSIDERATION OF LEGISLATION TO REVISE THE JUDICIAL SURVIVORS' ANNUITY PROGRAM

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. SAWYER. Mr. Speaker, I would like to bring the attention of the House of Representatives to an issue which seriously affects the Federal judiciary. In 1956, Congress established the judicial survivors' annuity program (JSAP) in order to provide for the payment of substantial annual benefits to the eligible surviving spouses and children of deceased Federal judges and justices.

Unfortunately, the original formula for funding the annuity program was not thoroughly analyzed in 1956 and it subsequently proved to be actuarially unsound. In 1976, Congress successfully acted to revise and stabilize the annuity program, but concern still exists on the Federal bench over this issue.

The 1976 legislation made JSAP actuarially sound but a number of judges feel that, due to salary freezes and inflation, the program will not adequately protect their spouses and children in the event of their death. The serious consequences of this problem cannot be overstated: Ample evidence exists that members of the bar turn down appointments to the Federal bench and several prominent members on the bench have resigned because of inadequate salaries and benefits.

Because this issue affects not only the quality of our judges, but also the quality of our justice, legislation has been introduced in this Congress to attempt to improve judicial survivors' annuities. On September 24, 1982, the Senate Judiciary Committee's Subcommittee on Courts held hearings on this legislation, S. 1403 and S. 1874.

The Honorable James Harvey, a respected judge from the District Court of the United States for the Eastern District of Michigan, testified before the Subcommittee on Courts. Jim is a distinguished former Member of Congress from my home State of Michigan who appeared in the Senate on behalf of the judicial administration division of the American Bar Association. As a sponsor and original cosponsor of the companion legislation in the House of

Representatives, H.R. 3909 and H.R. 4763, I include Judge Harvey's statement before the subcommittee in the CONGRESSIONAL RECORD at this point.

STATEMENT OF HON. JAMES HARVEY, U.S. DISTRICT JUDGE

Mr. Chairman, my name is James Harvey. I have been a United States District Judge in the Eastern District of Michigan for almost nine years. Prior to that time, I served as a member of the U.S. House of Representatives for almost fourteen years, after having practiced law in Michigan for twelve years. I have been a member of the American Bar Association for approximately 25 years, and it is in behalf of that organization, particularly the Judicial Administration Division, that I appear here today.

It is presumptuous of me, Senator Heflin, to tell you about the Judicial Administration Division of the American Bar Association, whom I am authorized to represent. However, it consists of seven conferences, including the National Conference of Federal Judges, of which I am chairman. In the Judicial Administration Division are nearly 7,000 judges from state and federal, trial and appellate courts, as well as administrative law courts, and lawyers with special interest in the Judiciary.

The problem of providing adequate survivors annuities for the Federal Judiciary has been with us for several years. I can recall that during the years I served in Congress, it was necessary on one occasion to pass a special bill to handle the problem faced by the widow of one of the most prominent Justices on the U.S. Supreme Court. It was not, however, until recent years that the increased number of resignations by Federal Judges focused attention on the inadequacy of the survivors annuity program for the U.S. Judiciary. The figures have been cited before. Only seven judges resigned during the 1950's; only eight during the 1960's—but twenty-four resigned in the 1970's; three in 1980 and four in 1981.

It is of great concern to all members of the Bar when we lose the services of a distinguished judge, such as former Judge William H. Mulligan of the Second Circuit Court of Appeals, as well as Judge Philip W. Tone of the Seventh Circuit Court of Appeals, both of whom are with us today.

It is of equally great concern to members of the Bar, also, that we may fail to attract to the Federal bench the exceptionally well-qualified lawyer, for the same reasons that caused Judge Mulligan and Judge Tone to resign, namely an inadequate program of survivors annuities.

I therefore wish to express not only my own personal support, but also the support of the Judicial Administration Division of the American Bar Association for the principles of the legislation embodied in S. 1874 and H.R. 4763, either of which bills will help to remedy the inadequacies of the present system.

We are grateful to Chief Justice Warren Burger, and to Judge Irving R. Kaufman of the Second Circuit Court of Appeals, for the leadership they have shown in this effort.

Mr. Chairman, I ask that the brief statement of support that I have been authorized to make by the Judicial Administration Division of the American Bar Association be included in the record following my remarks. Thank you for this opportunity to appear.

IN BEHALF OF JUDICIAL ADMINISTRATION DIVISION, ABA, IN SUPPORT OF S. 1874 AND H.R. 4763

The Judicial Administration of the American Bar Association wholeheartedly supports the principles of the legislation embodied in S. 1874 and H.R. 4763. We are mindful that there are slight differences between the two bills. However, we are keenly aware of the problems that an inadequate survivors' annuities program has caused within the Federal Judiciary, and we believe that enactment of either S. 1874 or H.R. 4763 would go a long way toward solving these problems. The Judicial Administration Division of the ABA believes that the maintenance of an independent Federal Judiciary is absolutely essential to the future of our Nation. Legislation such as either S. 1874 or H.R. 4763, helps to maintain that independent judiciary by providing a system of survivors annuities that will encourage well-qualified lawyers to accept appointments to positions on the Federal Bench, and will at the same time discourage resignations, of which there have been so many in recent years. For all of these reasons, the Judicial Administration Division supports the enactment of either S. 1874 or H.R. 4763.●

THE 25TH ANNIVERSARY OF THE VALLEY NATIONAL BANK

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. MOORHEAD. Mr. Speaker, 25 years ago, the Valley National Bank was founded in Glendale, Calif. In 1957, unlike today, new banks were a rarity, and Valley National was the community's only independent and locally owned banking institution.

One of the first organizers and a major stockholder was Casey Stengel, longtime Glendale resident, baseball immortal, peerless manager of the New York Yankees, and creator of his own unique brand of English known as "Stengelese."

Valley National, or Casey's Bank as it was often called, was a success from the first day when deposits exceeded $1 million. After the first year, they exceeded $5.5 million and within 3 years, the bank had deposits of $10 million.

In 1960, three former Glendale mayors served on the board of directors. They were John Lawson, Sr., Paul L. Burkhard, Sr., and Robert Wian, founder of the nationally known "Bob's Big Boy" hamburger. That same year, the bank opened its first branch office in Toluca Lake.

Today, Valley National has a solid record of success with six full service branches and assets in excess of $138 million.

But the greatest asset of Valley National is its people who have demonstrated an enduring motivation to support their community and country, constantly giving time and energy to those organizations and programs which make a society strong.

Mr. Speaker, I am grateful for the countless contributions made to the people of my district by this very fine organization and I am delighted to join with Clarence Jones, president; Linus Southwick, chairman of the board and founding president; and the board of directors, in celebrating the 25th birthday of Valley National Bank, a community asset of unchallenged value.●

TRIBUTE TO SENATOR ALAN SIEROTY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. ANDERSON. Mr. Speaker, today I rise to pay tribute to a man who is retiring after 21 years of dedicated public service to California: State Senator Alan Sieroty. On December 13 his friends will gather at a special dinner to honor him. I have had the privilege of working with this man, so I know that his retirement from public office is our loss.

Alan Sieroty was born in Los Angeles in 1930 and attended Beverly Hills High School. He graduated Phi Beta Kappa from Stanford University with a degree in economics and received his law degree from the University of Southern California School of Law. From 1961 through 1965, while I held the office of Lieutenant Governor, Alan served that office, first as administrative assistant, and later as executive secretary. In 1965, he was appointed by Governor Brown to serve as deputy director of the Chile-California program.

Alan Sieroty was elected to the State assembly in November 1966, and was reelected five times. He then successfully ran for the State senate in the March 1977 special election. As State senator, he has served as chairman of the Senate Education Committee, and as a member of the Revenue and Taxation Natural Resources and Wildlife, Finance, and Judiciary Committees. Senator Sieroty is also a member of the States and the Arts Committee of the National Conference of State Legislatures.

Senator Sieroty's whole career has been marked by a concern for the protection of constitutional rights and civil liberties. He has also been a strong voice for both consumer and environmental protection, and is known as the author of the California Coastal Zone Conservation Act, adopted by the voters in 1972 as proposition 20. Senator Sieroty has been committed to insuring a quality public education at all levels. He has consistently supported programs which attack

problems of discrimination, unemployment, poverty and the lack of adequate housing and health facilities, particularly as they affect senior citizens. He has been in the forefront of child care legislation and efforts to remove architectural barriers for the physically handicapped.

For his work Senator Sieroty has received awards and commendations from a large number of organizations, including the Los Angeles Children's Center, Los Angeles Junior Chamber of Commerce, National Rehabilitation Association of Southern California, Stamp Out Smog, California Park and Recreation Society, California Association of the Physically Handicapped, California Trial Lawyers Association, Beverly Hills B'nai B'rith, the city of Los Angeles, Correctional Counselors Association, Easter Seal Society, South Bay Chapter of the American Civil Liberties Union of Southern California, Artists for Economic Action, Artist's Equity, Laurel Children's Center, National Council of Jewish Women, California Art Education, and the California Association for the Education of Young Children.

In 1977 Alan Sieroty was appointed by the president of the American Bar Association to serve on the A.B.A. Commission on Correctional Facilities and Services. He is a member of American, California, and Los Angeles County Bar Associations, and of the World Peace Through World Law Association.

His community activities include participation in the American Civil Liberties Union, American Jewish Committee, American Jewish Congress, Amie Karen Cancer Fund for Children, B'nai B'rith, Friends of the Santa Monica Mountains State Park, the NAACP Legal Defense and Educational Fund, the Alcoholism Council of California, the Thalians, Vista Del Mar Men's Association, Western Center for Law and the Handicapped, and the Venice Family Clinic.

I am proud to know a man whose community has honored him in so many ways. My wife, Lee, and I wish all the best for Alan, and his recent bride, Shelli, in their new life together.●

I BELIEVE IN AMERICA

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. LOWERY of California. Mr. Speaker, once in a very great while, I come across something that exemplifies the American dream. Just recently, I heard Miss Dayna Marie Waitley deliver a poem she wrote as part of her successful competition in the Miss San Diego contest. I urge all my colleagues in the House and Senate to take a moment and read her poem. It will, no doubt, inspire you and reaffirm your commitment to a better tomorrow for all Americans.

I BELIEVE IN AMERICA

(By Dayna Marie Waitley)

I believe in America, I always have and always will.
And, you know, I still get a thrill when I see our flag unfurled . . .
As the strongest hope for freedom in this battle-weary world.
Why do I believe in America?
I can protest, I can preach, I can learn, I can teach.
I can earn, and I can reach.
I can travel anywhere, if I can pay the fare.
I can go from rags to riches, or be happy digging ditches
In America, I'm free, to be the me I choose to be!
Where else can you believe what you want?
Worship as you want?
Stay or leave when you want?
And where else can you come from ghettos into greatness,
Like O.J., Sugar Ray, and Dr. J.!
And where else can you write what you want?
Recite what you want?
Go day or night where you want?
Only in America, and I believe in America because we still have a dream
Like when recession ends and inflation ceases.
When our bills are paid and our pay increases.
When our children are safe and free to grow.
And when the other nations can go it alone!
But to believe in America is to believe in ourselves!
That we can ride our own black stallion, or wear that gold madallion!
We can upset Tracy Austin, win a marathon in Boston!
Be a football player, or finish-off Darth Vader!
We can win our race, conquer outer space!
Find world peace, and the treasure that we seek!
We can stay in love, we can rise above!
Reach our highest goal, and be happy in our soul!
So let's grab that dream and then believe it!
Go out and work, and we will achieve it!
Let's love ourselves, but give away all the love we can today!
And close our eyes and truly see the people we'd most like to be!
In America, we're free to be who we choose to be!●

OUTSTANDING ACHIEVEMENTS OF BLUE SPRINGS, MO.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. SKELTON. Mr. Speaker, It gives me great pleasure to recognize the outstanding achievements of Blue Springs, Mo., a hard-working city in my district which recently became a member of an elite group of Missouri cities. On October 18, 1982, the honorable mayor of Blue Springs, John Michael, accepted the "All Missouri Certified City Award" presented by the Missouri community betterment program. One of only about 20 cities in the State to receive this award, Blue Springs is the only city in Jackson County, as well as statewide in the 25,000 to 50,000 population class, so honored for its high quality of life, citizen involvement, and favorable economic development conditions.

This is an important step for the city of Blue Springs and the State of Missouri as a whole. Cities receiving this honor reap statewide recognition, an edge in attracting business and industry, and increased civic pride which reflects favorably upon all of us.

I would like to also recognize the city of Nevada, Mo., previously a recipient of this award, which received a renewal of this great distinction this year.

I am proud that the people of the Fourth Congressional District have taken such an active role in the development of this outstanding community. Their pride and civic accomplishments should be taken to heart by all as we look for a means to better our everyday lives.●

ZERO HOUR FOR SOCIAL SECURITY

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. PARRIS. Mr. Speaker, in the very near future, the President's bipartisan commission on the future of social security will deliver its report to the Congress. While it appears unlikely that this important issue will be taken up for consideration by the lameduck session of the 97th Congress, it will certainly be considered by the incoming 98th Congress.

During the midterm elections, many politicians sought to gain political advantage by using the social security issue as a means to frighten their constituents into supporting their candidacies. The time has come for an end to partisan speechmaking and a beginning toward seeking meaningful solutions to the problem of future funding of benefits given the dwindling base from which the fund can be supported.

While I do not support the merger of social security with the civil service retirement system, I do recognize the need for structural changes in the benefit formula and the tax rate. I do not pretend to know exactly which combination of factors will produce solvency for the social security system, but I am prepared to review the options presented to the Congress and to work for the program which will insure the continuation of this vital program while

distributing the burden for its funding equitably among our Nation's citizens.

A recent interesting article on the subject of social security appeared in the November 8, 1982, issue of U.S. News and World Report which I commend to my colleagues for their information and review.

The article follows:

[From U.S. News and World Report, Nov. 8, 1982]

ZERO HOUR FOR SOCIAL SECURITY

(By Marvin Stone)

Politicians have been finding that any mention of steps to rescue Social Security, as Senator Bob Dole says, is "like talking about the plague." Now, with the election campaigns over, facts must be faced. Something will be done, and few will like it; but if nothing were done, we would like it even less.

In short term, the system could go bankrupt without some new action. In the long term, so few workers would be supporting so many retired people that an ugly confrontation could result.

Till the end of this year, old-age checks can be kept flowing by borrowing billions from the disability-benefit and health-insurance trust funds to supplement tax payments coming in for Old-Age and Survivors Insurance. If that borrowing authority is not renewed, too little will be in hand by the middle of 1983 to make monthly mailings to the retired. If it is renewed, all three funds will go broke in 1984. There's got to be another way.

Suggesting a solution is the business of National Commission on Social Security Reform. Soon the commission will take this political hot potato off the back burner and serve up its recommendation to Congress. That will be a choice or combination of changes that nobody wants but everybody must weigh.

Social Security's short-term needs may be met by speeding up the scheduled increases in payroll taxes, pruning benefits of future retirees, lowering cost-of-living adjustments, drafting federal workers into the system, contributing cash out of the general revenues, increasing and earmarking excise taxes and/or making some part of the benefits subject to the federal income tax. This last step naturally is poison to politicians, but it does recommend itself in one way: Normal operation of the tax law would spare the very poor who have little income from other sources.

The confrontation after the year 2000 is on a different order. It grows out of the maturing of the country, its people and its institutions—an inexorable and somewhat frightening process. In 1950, fifteen years after the creation of Social Security, more than 16 workers were paying taxes into the system's coffers for every retired person who was drawing benefits, and it seemed as if the trust fund would stay in surplus forever.

It took a long time, but that had to change. Bigger and bigger numbers retired. The life span lengthened: Life expectancy after 65 increased substantially, and that meant more people living to draw benefits. Today, the ratio of taxable workers to retired beneficiaries is only a little over 3 to 1. By the year 2025, which many Americans now employed will live to see, there will be only approximately 2 workers for every beneficiary. Workers might rebel. The result could be an unpleasant scene, requiring painful, even catastrophic, readjustments. Better that the changes be planned in advance.

Some of the measures discussed to preserve Social Security over the next few years could come into the picture also for the longer run, but the most promising long-range suggestion is to put off retirement under the plan to a later age—perhaps, eventually, 68.

This idea has been around for a while, but the commission, in its preliminary studies, has supplied a rationale and outlined a tentative formula for phasing in the new retirement dates by a few months each year.

Because Americans' life expectancy at 65 has increased by more than three years since the program began, advocates of longer careers believe such a solution is justified. And, aware that people need time to plan their lives, they do not propose to have the shift begin till A.D. 1990 or 2000.

But a decision on the future of Social Security must not be put off until a moment of desperation, when hostility, failure and distress may result. If legislators cannot, as seems likely, find time for it in the coming special session, then the new Congress in January must make ready for early action.●

HONORING REDLANDS UNIVERSITY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. LEWIS. Mr. Speaker, this year marks the 75th anniversary of one of California's leading universities, the University of Redlands located in Redlands, Calif. I would like to take this opportunity to join with the graduates, students, faculty, and administrators in honoring this fine institution today.

Chartered on November 25, 1907, the University of Redlands admitted its first students in September 1909. The story of the University of Redlands is the story of an institution much changed from its founding and yet in spirit unchanged from its original commitment to educate not only the mind but also the heart.

The University of Redlands was born out of the devastation of the San Francisco earthquake when the Rev. Jasper Newton Field decided to move his Baptist college from the crumbled city to Redlands. There, the college has been nurtured and has matured into one of California's leading universities.

In 1909 9 professors and 52 students made the school a reality in the midst of the construction of the administration building. A graduating class of four, including President Field's daughter, proudly accepted their diplomas in June.

Traditions began with important links which are presently shared by members of the university and community today. The "R" in the local mountains was created by energetic undergraduates in 1913-14. The Zanja Fiesta became an annual musical extravaganza. A school newspaper, fraternities and sororities, athletics and campus life began to coalesce. Most significant was the commitment to the liberal arts tradition and to the education of students who would be sent forth to do good and undertake service to improve their world.

Victor Leroy Duke, a member of the original faculty and a man of vision, guided the university during the 1920's. He and the trustees rejoiced in the Rockefeller Foundation grant which enabled great strides to be made academically. More dormitories were added to the residential campus, additional classrooms were built, a handsome Memorial Chapel now anchored the north end of the quad, and the University of Redlands was unequivocably adopted.

The thirties brought a close campus rapport under the administration of President Clarence Howe Thurber. Thurber brought with him the air of the cosmopolitan East, a highly charged academic commitment, and a determination to make Redlands' students "learners." The depths of the depression were reached in 1936, and it proved that Redlands was no Camelot either. Thurber resigned and the university was vying within itself for a sense of direction.

Elam J. Anderson became president of the University of Redlands until his sudden death in 1944. World War II profoundly changed the university. With the building of a new commons and the coming of a new president, George H. Armacost, a new phase of university life began. It was a time of continuity, new social life developments, a vigorous building campaign, and an increase in the endowment. Those post-World War II years saw veterans returning as students and the dorms nearly bursting their seams.

President Armacost concluded 25 years of service retiring in 1965. During his tenure enrollments were up, the pool of students high, government money for higher education plentiful. As a result, academic achievement, sporting achievements, and student living innovations excelled at a high pace.

Certain innovations from the 1960's provided positive experiences for Redlands. Excellence in scientific programs, firm commitment to liberal arts, and the advantages of foreign resident programs. A new college for returning of older students was begun.

The end of the 1970's brought about intense discussions and a firm resolve to secure the university's future and keep undiminished its purpose of liberal arts education with quality.

Following the resignation of Dr. Eugene E. Dawson as president in 1978, the new—and current—President Douglas R. Moore inherited an institu-

tion vulnerable to the challenges afflicting all private higher education: less money, higher costs, fewer students. At present the strength of the campus, the ongoing growth of its programs and outreach, the quality of its students and its higher enrollment is the answer that the university community gave to the priorities of President Moore.

The 75th anniversary speaks of achievements and of work and of efforts to care for, guide, and exert love for an institution. Its original resolve remains bright: to serve the mind and heart.

Mr. Speaker, it is an honor and a privilege to commend the University of Redlands to the House of Representatives for not only its past achievements, but for future limitless possibilities in the educational forum.●

THE TROUBLED TANK

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. CLAY. Mr. Speaker, the issue of extravagance in the military continues. It is apparent that we are not getting maximum benefit in terms of the taxpayers' dollars expended for the Defense Department. I have had occasion to address this matter a number of times in regard to shortfalls, mismanagement, and sheer waste in defense spending. The time has come to tackle this matter head on and to make certain that we do not allow this type of waste to continue.

Insofar as the litany of sorrows is concerned, the M-1 tank is a classic example of incompetence and costly expenditures in the military.

I would like to share with my colleagues, a recent editorial, "The Troubled Tank" which appeared in the New York Times. This article provides a graphic account of military extravagance.

The article follows:

[From the New York Times, Oct. 22, 1982]

THE TROUBLED TANK

The Army's new tank, the M-1, is the centerpiece of efforts to improve the United States' conventional forces. Yet this critical weapon appears to have severe problems and despite the Army's constant assurances, the success of the $19 billion program is far from certain.

The M-1 is the Army's third attempt to build a new tank, its two predecessors having being canceled by Congress as too costly and too complex. The Army's own tests of the M-1, made public by the Project on Defense Procurement, reveal a disturbingly similar pattern.

The versions tested last fall proved so delicate as to require six times the maintenance of the Army's present main battle tank, the M-60. As a test of durability, half the M-1's are supposed to be able to travel 4,000 miles without major breakdown in the power train. But only 15 percent did so in last year's operational tests, a decrease from 47 percent in 1979. The Army says the problems have been corrected, but recently new durability tests were suspended after all five tanks taking part broke down.

Even if the M-1's persistent glitches can be fixed, critics consider the tank to have fundamental design errors. Chief among these is the choice of a gas turbine engine. The M-1 uses twice as much fuel as the diesel-driven M-60, is sensitive to dust and gives off intense heat that will attract infrared-seeking missiles and emblazon its position on the thermal viewing devices of Soviet tanks. No other tank in the world has a jet engine; why the M-1? The Army gambles that it will be hardier and easier to fix.

The M-1 is protected by a novel armor designed to keep out the "shaped charge" fired by infantrymen. But this Chobham armor is so bulky that it is used only on the front half. The rear is more thinly armored than the M-60. Also, Chobham armor does not always defeat the standard kinetic-energy round used by tanks against one another, yet the M-1's designers take an extraordinary risk, that of storing its ammunition above the line between hull and turret, just where most hits are scored.

Ironically, the best feature of the M-1 is its 105-millimeter cannon, identical to that on the M-60. Yet the complex electronics added to the gun seem in some instances to degrade its performance and are often switched off by the crew.

Without doubt the M-1 is a hot-rod tank—it can cruise at 45 miles an hour and has wonderful suspension. But on present evidence it is in many ways a less effective weapon than the M-60, designed more than 20 years ago. During the war in Lebanon Israeli M-60's, cheaply but thoroughly modified, were highly successful against Syria's Soviet T-72's. Would the M-1 have performed as well? In last year's tests, half the tanks dropped out of action in five days from mechanical failures alone.

Soviet tanks evolve in gradual, risk-avoiding steps. The M-1 seems a more radical leap than the U.S. Army can comfortably manage. Its complexity has driven costs to a remarkable $2.6 million per tank and has made manufacture so difficult that the United States can produce fewer new tanks than even inefficient Soviet industry.

Congress has wisely kept under development the diesel engine originally proposed by General Motors. Substituting that for the Chrysler-version gas turbine would cause little real delay and greatly improve reliability. Meanwhile, a new tank needs to be designed—and not the preposterous turretless version of the M-1 that the tank bureaucracy contemplates. A simpler, cost-effective weapon should be shaped by users and tacticians instead of a bureaucratic process in which requirements are piled on, never deleted, until a fighting vehicle becomes a suffering behemoth.●

IS IT TIME FOR A NEW JOLT TO SPUR EDUCATION?

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. SIMON. Mr. Speaker, Mike Bowler, an editorial writer for the Paducah Evening Sun, has written an editorial piece commenting on where we are 25 years after sputnik in the field of education.

The implication of his article is clear: That if the Nation is not to fall behind, it has to pay more attention to education.

And I concur with that conclusion completely.

I urge my colleagues to read the article.

IS IT TIME FOR A NEW JOLT TO SPUR EDUCATION?

"The message which this little ball carries to Americans, if they but stop and listen, is that in the last one-half of the Twentieth Century . . . nothing is as important as the trained and educated mind."—Chancellor Franklin D. Murphy of the University of Kansas, commenting on the launching of Sputnik, 25 years ago tomorrow.

(By Mike Bowler)

Sputnik changed the face of American education as perhaps no other event in the Twentieth Century. Seen as a threat to national security, Iskustvennyi Sputnik Zemli—"artificial traveler around the earth"—spurred a massive federal effort to improve education in mathematics, science and foreign langauges.

Today, most observers believe a similar crisis is at hand. The statistics bear them out. But while the crisis may be similar, the times have changed.

In the first days, no one made the connection with a failing U.S. education system. There was worry about America's defense posture, about Sputnik's potential for spying, about when and where it would land.

Then it began to sink in. On October 7, three days after Sputnik was launched, G. Mennan Williams, the governor of Michigan, said Sputnik "reminds us uncomfortably that Soviet education has for some years turned out twice as many engineers and scientists as have we."

Others quickly got on the bandwagon. Statistics spewed forth: A third of all high school students qualified for college failed to continue their education because of lack of funds. The proportion of top-quality faculty members was declining. Less than 15 percent of public high school students were studying a foreign language.

President Eisenhower and others who opposed a large federal presence in education began to see scientific illiteracy as a threat to national security. Congress sifted through a bundle of aid-to-education bills—some 150 in all—and enacted the National Defense Education Act of 1958, a compact, 25-page document (including a loyalty oath requirement) that clearly placed the federal government as a partner in education.

By the time Neil Armstrong walked on the moon 11 years later, 1.5 million men and women had gone to college under NDEA's Title II National Student Loan Program. Title III, originally written to strengthen elementary and secondary instruction in science, had been broadened to include 50-50 matching grants to the states covering a wide range of subjects.

The Title IV graduate fellowship program had enabled more than 15,000 students to complete doctoral degrees. Thousands of teachers had gone to NDEA summer workshops. And so on. The NDEA had invested

some $3 billion in American education by the time of the moon walk.

Scientific research and a rewriting of much of the nation's public school curriculum also were prompted by Sputnik. To build up scientific and engineering manpower, the National Science Foundation eventually sponsored 53 curriculum projects. A new curriculum in physics was soon followed by mathematics, chemistry, biology and the social sciences.

Not all were successful, but the Biological Sciences Curriculum Study, the only reform project still alive, revolutionized the teaching of high school biology. Students no longer memorized biological facts systematically. They considered the *process* of life's development, and they got a heavy dose of evolutionary theory, which BSCS called the "warp and woof" of modern biology. "There isn't a textbook that isn't influenced by BSCS," says William V. Meyer, a former director.

But this 25th anniversary of Sputnik is marked by irony. A number of factors in the 1970s—the change in federal emphasis to the war on poverty, television, grade inflation, the emphasis on "relevance" over basics, the political right's trampling of some of the more daring curriculum reforms, and now the federal retreat from aid to education in general—either singly or in combination put the nation back to Square 1.

The American Association for the Advancement of Science complains: "even now too few Americans have the science or mathematics grounding to keep America in the forefront technologically and economically." There is a scarcity of trained personnel in several scientific fields. Only one junior or senior in 14 takes physics. Much of the laboratory equipment in colleges and uiversities is obsolete or worn out. College and university research suffers.

At the root of the problem is a severe shortage of qualified science and mathematics teachers. Last year a survey of state science supervisors found a shortage of high school chemistry teachers in 38 states, a shortage of math teachers in 43 states and a shortage of physics teachers in 42 states.

Last spring, only 17 new mathematics teachers graduated in Maryland, and eight went into teaching. There is a related but no less bleak statistic: Scholastic Aptitude Test scores of would-be teachers are lower on the average than those of almost all other college-bound students.

The status of science and mathematics teaching is so critical because, even by optimistic estimation, it will take a decade or more to reverse the trend. Meanwhile, proposals to attract students to math and science teaching by giving them extra pay run into fierce opposition from teachers' unions.

"Of course, we could solve the problem by next Monday if we really wanted to," says Stephen Willolughby, president of the National Council of Teachers of Mathematics. "All we have to do is double all teachers' salaries—not just mathematics teachers. It would take $30 billion to $40 billion and is probably politically not feasible, but it's a drop in the bucket compared to what we spend on defense.

"The problem isn't a shortage of people willing and able to do the job. It's a shortage of math teachers, and it's chronic shortage. Only in 1969 were there as many teachers as there were jobs. We've always experienced a drain of math teachers to higher paying jobs outside of education."

Steven Muller, president of Johns Hopkins University, agrees. "The quality of the public schools has deteriorated substantially over the past two decades," he says, "and the best evidence is what teachers are paid. There's a sad irony here. That is that we're getting more than our money's worth."

Terrel H. Bell was a new superintendent in Ogden, Utah, when Sputnik was launched. Today he is Secretary of Education. He does not deny that there are "serious and urgent" problems with American education, but neither does he promise a new NDEA.

"We can't afford it with the economy we have now," he says in an interview.

Secretary Bell is not without solutions. Schools could simply dictate more study of science and math, or they could put an end to the single salary schedule for teachers, paving the way for rewarding those in science, math and foreign languages. More attention could be paid to gifted students. Colleges could make entrance exams more stringent. Teachers could be rewarded for not becoming administrators. "There are many things that could be done immediately, if only local boards and teachers would do them."

And if they cost money, who will pay? "The place where I'd like to see more initiative is the state legislatures. That's where the responsibility rests. Legislatures ought to take education more seriously than they do. Education ought to be as important to the states as defense is to the federal government."

Everyone says another Sputnik jolt is in order, but no one can predict what form one might take. Perhaps, Dr. Muller and others suggest, what has happened has been more subtle. "Sputnik gave us a benign jolt," Dr. Muller says. "It gave us pause without giving us critical injury."

In 1982 perhaps real damage has been done. Dr. Muller cites the U.S. failure to meet the "Japanese challenge" in technology and the "virtual collapse" of the domestic auto and steel industries. (Unlike the U.S., secondary education in Japan is heavily weighted toward science and math, and Japanese colleges grant four times the U.S. number of baccalaureate degrees in engineering and eight times the number of advanced engineering degrees.)

Jolt or no jolt, there are plenty of plans afoot. An "American Defense Education Act," a modern version of the discarded NDEA, was introduced in Congress in June. In early September, three senators introduced legislation that would devote $400 million to training in mathematics, science and foreign language.

There are also more far-reaching proposals, such as Boston University President John Silber's "GI Bill in reverse," which would make federal funds available prospectively to those who promise to become doctors, nurses, scientists or teachers. Dr. Muller says he personally prefers a combining of voluntary national service, not restricted to the military, with a "reborn GI Bill."

Most observers believe the way to the Reagan administration's heart is through national defense, just as it was the way to another Republican administration's heart a quarter of a century ago. But Dr. Bell offers no hope that the administration will support bills that cost money—and almost all of them do.

"This administration ought to be willing to make the necessary changes," says the mathematics council's Dr. Willoughby. "If they're really interested in the long-term defense of the country, and they say they are, then clearly the way to keep the national defense strong is through better education."●

GEORGIA'S SMALL BUSINESS DEVELOPMENT CENTER

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. MITCHELL of Maryland. Mr. Speaker, I wish to commend the magnanimous efforts of Dr. Fred C. Davison, president of the University of Georgia, and Dr. William C. Flewellen, Jr., professor of business and industrial development at the University of Georgia. These individuals have tirelessly worked to improve the availability of the university's small business development center (SBDC) to the State's small and minority businesses.

In the age of huge conglomerates and transnational corporations, Dr. Davison and Dr. Flewellen have remembered the essential role small businesses play in the Nation's overall economic health. We must realize the small and minority businessses account for almost half of the Nation's private gross national product. Small businesses are the primary sources for new private sector employment and account for 50 percent of all major innovations. Finally, the small business sector is the most competitive segment of the economy at a time when the free market is more highly regarded in theory than in practice.

The University of Georgia's SBDC will inject vitality into the small business community by providing counseling, continuing education, and applied research services. In addition, Georgia's small businesses will benefit from the university's technological breakthroughs by way of the SBDC. For instance, the University of Georgia is in the forefront of research concerning the conversion of biomass into food, fiber, chemicals, fuel for fermentation, and energy. The SBDC will insure that once patents for these conversion processes exists, they will be available to the State's small businesses. Consequently, Georgia will contain a number of profitable enterprises which provide marketable services for the expanding needs of the world population.

It has been estimated that the SBDC, through its 10 district offices, is in a position to assist the 120,000 businesses in Georgia. In 1982-83, for example, the SBDC will assist 4,000 businesses with counseling services and 13,500 with short courses. I believe these statistics are a clear indication of the almost boundless potential of the SBDC to assist Georgia's small businesses. Clearly, the University of Georgia's SBDC, under the judicious

guidance of Dr. Davison and Dr. Flewellen, will assist small businesses in their attempts to stay afloat on the precarious economic waves that Reaganomics has created.

THE UNIVERSITY OF GEORGIA,
Athens, Ga., October 14, 1982.

Hon. PARREN J. MITCHELL,
U.S. House of Representatives,
Rayburn Building,
Washington, D.C.

DEAR PARREN: When Dr. Fred Davison, President of the University of Georgia, and I visited with you last month, you requested a brief written statement about the prominent role within the University that has been given the Small Business Development Center at the University of Georgia so that you could read the statement into the Congressional Record.

I am looking forward to working with you to improve the status of small business in the U.S. and to working toward better small business relations with the African nations.

Sincerely yours,

W. C. FLEWELLEN, JR.,
University Professor of
Business & Industrial Devlopment.●

PHARMACY ROBBERY STATISTICS

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. ROUSSELOT. Mr. Speaker, I would like to take this opportunity to point out that 186 Members of the House have joined as cosponsors—as I have done—to legislation (H.R. 2034) introduced by Representative HENRY HYDE, which would make the armed robbery or attempted armed robbery of controlled substances from a pharmacy a Federal offense.

Counting this overwhelming cosponsorship and other separate bill introductions that are almost identical to Mr. HYDE'S proposal, there are more that 200 House Members who are on record in favor of seeking a greatly needed change in the law to combat a national epidemic of crimes against drugstores and the ugly byproduct of death and violence that accompanies theft by force. In addition, it is my understanding that a majority of the Senate has also sponsored companion bills.

In view of this broad base of support in both Chambers for pharmacy robbery legislation, it is my hope that the House and Senate leadership will give all due consideration to schedule one of these pending measures during the special session since crimes against our Nation's community pharmacies have been escalating at an alarming rate. The most recent statistics from the Drug Enforcement Administration (DEA) show that there were 1,908 such armed robberies in 1981 involving a staggering total of more than 4.8 million dosage units of controlled substances. The estimated street value of these narcotics would very easily exceed $250 million.

The DEA drugstore robbery statistics represent an increase of 160 percent in the number of robberies between 1973 and 1981. During this 8-year period some 11,786 drugstores became targets for the criminal element, and according to the Justice Department, 1 out of every 5 of these armed robberies results in either serious injury or death.

Finally, I would like to express my concern for remarks that were recently printed in the Washington Post Sunday Magazine on November 7, 1982, in which a colleague was quoted as saying that the pharmacy crime matter was an issue that had been invented by a lobbyist representing pharmacies in order to justify his job. Certainly the statistics I have referred to that have been compiled by the DEA and the DOJ prove just the opposite. I think that the pharmacy organizations and individual pharmacists should be commended for bringing this matter to our attention because this particular crime problem is growing as our Federal law enforcement agencies have become more effective in tightening the reins against illicit drug traffic. With the Reagan administration waging an all-out war against traffickers, addicts, and criminals, I believe that the Congress also has an obligation to crack down on crime and find some form of protective relief for pharmacists. These health-care professionals are providing an important service to our communities by dispensing drugs that cure illnesses and relieve pain, but pharmacists are also being victimized and killed because they stock and dispense certain medications that can command astronomical street prices.

Although the Hyde bill or Senator THURMOND'S proposal (S. 2572) may not be the entire answer that we seek to remedy the problem, I feel that the provisions contained in these measures calling for more stringent penalties and sentencing are appropriate for debate. It is my hope that the House Judiciary Committee will find time in its demanding schedule to review this entire matter, since the violence and the diversion of dangerous drugs is an important issue worthy of congressional attention.●

THE YEAR OF THE ST. LOUIS CARDINALS: A TRIBUTE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. CLAY. Mr. Speaker, the extraordinary athletic wizardry and flawless ability of our beloved St. Louis Cardinals in capturing the 1982 World Series have brought great fame and recognition to our beloved St. Louis.

All of us were thrilled by their tenacity, drive, stamina, and "Never Say Die" attitude as they came from behind to decisively defeat the Milwaukee Brewers.

The 1982 St. Louis Cardinals represent profiles in courage. They possess remarkable talent and serve as exemplars for all residents of St. Louis. Their talented play, high resolve, splendid sportsmanship, and infectious spirit of bonhomie continued long after the final play. Each citizen of St. Louis and Missouri can take justifiable pride in their enduring accomplishments.

Mr. Speaker, I, too, am proud to congratulate an unusual group of Red Birds: The St. Louis Cardinals. They are a class group and they have etched an indelible athletic record that sustains and inspires the world. Truly, they are world champions, and I exemplify the spirit and thought of every Missourian in saying: "We are most proud of you Cardinals, and you have given us a rich legacy to treasure in years to come." Congratulations.●

THE RETIREMENT OF JUDGE HAROLD H. BOBIER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. KILDEE. Mr. Speaker, on October 11 the legal community and numerous citizens in Genesee County, Mich., held a reception to honor Harold H. Bobier, who was retiring after a distinguished career completed by 11 years as Federal bankruptcy judge for the U.S. District Court for Michigan's Eastern District. I was pleased to participate in that event honoring Judge Bobier and would like to share here the highlights of his career.

Judge Bobier's career was marked by accomplishment first in the business community and then in the legal profession, as well as by his great contributions of service to the public. At his retirement, he had been a member of the board of trustees of the Flint Osteopathic Hospital for more than 30 years, exemplifying his strong commitment to public service. He also served on the Dye School Board for 14 years, 11 as president, and was a former director of Goodwill Industries, Flint Civitan Club, and the Visiting Nurses Association.

He lived in Flint for most of his life, arriving there in 1919. He worked in the automobile factories of Flint and Pontiac in his youth, and then helped organize the Pure Seal Dairy, Inc., in

1938. He was president of the dairy at the time of its sale in 1958.

Judge Bobier studied law under a proctorship beginning in 1936 and he passed the Michigan Bar in 1943. He was in private practice in Flint from 1943 until 1961, when he was appointed to the bankruptcy court. Throughout his career of both private practice and as a Federal bankruptcy judge he was active in numerous legal organizations, holding a great many leadership positions at the local, State, and national levels. He was a member of the Fellows of the American Bar Foundation and served on the seminar staff of the National Conference of Bankruptcy Judges.●

PATRIOTISM

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. FISH. Mr. Speaker, on July 4, 1982, a young woman from Cornwall, N.Y., part of my new congressional district, was the main speaker during the flag ceremony following the July 4 parade. Miss Merritt, who is now in her freshman year at Cornell University, was secretary of the Independence Day Committee and demonstrates by her work and her words the commitment to the American spirit that is being revitalized throughout the United States.

Susan Merritt is an exceptional young woman. She graduated first in her class at Cornwall Central High School, was a national merit finalist, president of the national honor society, captain of the track team, and vice president of the Cornwall youth council. Miss Merritt also showed her community spirit by becoming an integral part of the July 4 planning and ceremonies.

I was quite impressed with the depth of feeling in her speech, and I would like to share Susan Merritt's words with my colleagues as a reminder that the American spirit remains strong in our young people, the real strength and future of America.

FLAG CEREMONY, JULY 4, 1982, CORNWALL, N.Y.

(By Susan Merritt)

As I was thinking over ways to express my feelings as well as those of the July 4th Committee, I came across the word patriotism. My first thoughts upon hearing that word are quite different than those of my parents' generation or my grandparents' generation. I wondered why they should be different. All three generations were born in America, and we have all lived within a few miles of Cornwall. Our history and values are also very similar. The difference is war; uniting against a common enemy. I have never been touched by the patriotism which is spawned in aggression and I have never seen my rights threatened. I hope to God that I never do. Thus, patriotism is a word seldom used by young people because it has not yet been experienced. However, there certainly are other ways to build patriotic feelings: one is direct threat and another is peacetime celebration. Festivities like those of today are aimed at having a lot of fun, but also at strengthening our patriotism and showing the younger generation how fortunate we are to be Americans.

I know that most of you have heard that sentence before; "You don't know how lucky you are to . . ." Fill in whatever comes next; have a job, have food on the table, go to school, etc. But the truth is that luck plays no part in those and other privileges. The men and women who fought for those rights over 200 years ago did not say to themselves, "I hope we get lucky this time!" They paid the price so that we could be privileged, not lucky.

One of the greatest privileges we can exercise is freedom of choice. My classmates and I have just made one of the most vital choices of our lives. The question was, "Do I get a job, do I get married, or do I go to college?" The decision was difficult, but the important thing is that our country allows the choice to be ours. Many times our right to choose the course of our own lives is taken for granted. Personal preference on smaller issues and majority vote on larger issues has been the norm in all our lifetimes, but in many societies it is not. Our lives were given to us at birth, but our freedom was earned on this date at the birth of our nation.

The young have the same freedoms as adults, though they are the first to say that they don't. Freedom of speech was recently exercised by young people when they made their feelings known about the Village Bench Law. They spoke and the right people listened. How many times have we stood in front of the TV so that our little brother or sister could not see, and answered their cries with, "It's a free country, I can stand wherever I want." Well, the argument works, but in this case it has been misused. Our freedoms of choice, speech, religion, and the press imply responsibility. The responsibility to protect these same rights for others. A child does indeed have the right to stand wherever he likes, provided that, in doing so, he does not infringe upon the right of the other child to watch television. Freedoms cannot exist without the responsibility to use them well.

This weekend's events are aimed primarily at creating a revival of old-time spirit. We are trying to reach as many people as possible with the theme God and Country. For the young, we hope to persuade them to think seriously. I know that old-time spirit does not mean very much to kids, but it has to begin somewhere. Celebrations such as this one help a great deal, but the spirit starts by thinking.

The huge parade we have just seen is proof that the town and village can unite and accomplish great things together. It is this unity which the Independence Day Committee has worked to achieve. Our nation came together in much the same way in 1776, and the results were equally laudable.●

THE RETIREMENT OF JEROME H. BERENSON

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues the retirement of the presiding judge of the Ventura County Superior Court, Jerome H. Berenson.

Jerome H. Berenson was born May 13, 1914 at Salida, Colo. In 1920 his family moved to California and settled in the San Diego area. He attended public school in La Jolla, Calif., and thereafter attended the University of California at Berkeley where he received his undergraduate degree in 1935 and his law degree from Boalt Hall School of Law in 1938. He was admitted to the bar on November 1, 1938.

In 1939, Berenson returned to his family home in San Diego and served as assistant public attorney in that area. In 1942, with the world at war, he joined the U.S. Navy and served until 1946, retiring with the rank of lieutenant commander.

After the war, he settled in Oxnard where he entered practice with Ben Nordman in 1947. He remained in practice until 1962 when he was appointed to the Ventura County superior court bench by then Gov. Edmund G. Brown, taking office November 1, 1962.

Following appointment in 1962, Judge Berenson was elected to his office in 1964 and reelected in 1970 and 1976. During 15 of the 20 years Judge Berenson has served on the superior court, he has been the presiding judge (longer than any other judge in California sitting in a multijudge court).

Judge Berenson is presently the senior member of the court in terms of the number of years of service on the bench. He has been presiding judge and a member of the appellate department for 5 years and has been the presiding judge of the juvenile court for 7 years.

In 1976, Judge Berenson was appointed by Chief Justice Donald Wright, of the California Supreme Court, to head the sentencing practices advisory committee to formulate criteria for the implementation of the new determinant sentencing law.

Judge Berenson is the past president of the Ventura County Board of Education, the Ventura County Bar Association and the Ventura County Council of Navy League of the United States.

On October 1, 1947, Jerome Berenson married Carolyn Straus and currently resides with his wife of 35 years in the city of Oxnard. The Berensons

have two grown sons, Jeffrey and Craig.

Jerry Berenson is an outstanding, courageous jurist, an excellent lawyer and a very good friend. I ask my colleagues to join me in congratulating him on his career and wishing him the best in the future.●

SOVIETS' NUCLEAR BUILDUP CONTRADICTS TALK OF PEACE

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. BEREUTER. Mr. Speaker, as we return to finish the business of the 97th Congress, I would like to call to the attention of my colleagues a short editorial which was published in the Omaha World Herald on October 25, 1982. The commentary provides a sharp insight into several aspects of the current nuclear freeze movement, and is reprinted below:

The article follows:

[From the Omaha World Herald, Oct. 25, 1982]

SOVIETS' NUCLEAR BUILDUP CONTRADICTS TALK OF PEACE

President Reagan and Sen. Jeremiah Denton, Ala., earlier this month found themselves charged with McCarthyism, or "guilt by association," in connection with statements each made about the nuclear freeze movement.

Denton irritated some of his Senate colleagues during debate on a "Peace Day" resolution supported by several wives of senators. He called the proposal a "sucker deal" and suggested that the organizers, either consciously or unconsciously, were doing the work of the Soviet KGB.

Reagan, several days later, infuriated advocates of a nuclear freeze by saying that the freeze movement was being "manipulated" by "some who want the weakening of America."

There is no evidence that the nuclear freeze movement in this country is inspired or manipulated by Communists.

On the other hand, it would have been fair and accurate for Reagan or Denton to note that the call for a nuclear freeze is consistent with the Kremlin's goals.

The point can be made—without impugning the motives of the anti-nuclear people—that the Soviets oppose the modernization of the U.S. nuclear deterrent and that a freeze would have the same effect.

The Soviet's pro-freeze position is transparently self-serving. The Kremlin continues to trumpet the theme that the United States is responsible for an "arms race." But the dramatic buildup of Soviet armaments that has upset the nuclear balance in recent years is ignored.

While leading the applause for a freeze and for anti-U.S. demonstrations in recent months, the Soviets have ruthlessly suppressed a Russian peace organization that had the temerity to organize in Moscow without government sponsorship.

One of the organizers said the group was formed because all other Soviet peace groups "reflect only the government point of view." The group called upon the Soviet Union, as well as the United States, to halt nuclear testing and to seek a reduction in tensions.

For this offense, members of the group were arrested, harassed and isolated from a group of government-sanctioned peace marchers from Scandinavia who had been given permission to enter the Soviet Union.●

AFTER LEBANON: AN OPPORTUNITY FOR PEACE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. BINGHAM. Mr. Speaker, I would like to share with you and my colleagues an insightful speech on the Middle East made recently by our distinguished colleague from New York, BENJAMIN ROSENTHAL. The occasion for his speech was the biannual national board conference in New York City of Women's American ORT (Organization for Rehabilitation through Training).

ORT has often been called the charity to end all charity because of its policy of teaching people skills so they can stand on their own feet. Since 1880. In Czarist Russia, ORT has built a worldwide network of 800 vocational and technical schools on five continents which has helped more than 2 million people of all colors and creeds to become independent, productive citizens.

In speaking to this prominent organization, Representative ROSENTHAL presented some interesting reflections on recent events in Lebanon which I feel are deserving of wider dissemination:

I am particularly honored to be speaking before you today at your Biannual National Board Conference. For over a century ORT has been helping the Jewish people. And, since the birth of Israel, you have diligently contributed to the growth and prosperity of Israeli society. By your dedication you have assumed a special place in her future.

You have heard from many wise men and women over the years—scholars, spiritual leaders, statesmen. All of them, as all of us, have participated in the great conversation which is so much a part of our history and practice as Jews. I am honored to be among their number, and here with you now.

I speak today as a member of the U.S. Congress, as a senior member of the House Foreign Affairs Committee, and as someone whose principle mission for twenty years has been to stand for the interests of Israel and to mobilize support for that nation in the councils of American government. No duty has been more important, more demanding, and more complex.

What I can share with you from my own specific vantage point in Congress is the general sense of the landscape after Lebanon—the atmosphere and mood in Washington against which we must all measure our present and future purpose. It is an atmosphere that contains much speculation but little information. There has been all too much sensationalism and simplification of events. The media have presented us more with the spectacle of conflict than the search for meaning. But clearly the stakes of this historical moment are high indeed. And so, I would say, it is time for the passion and fury of recent months to quiet, and yield to sober reflection and judgment. It really is time to think.

I can tell you, first of all, that no event in Israel's history has affected public and congressional opinion more intensely than the conflict in Lebanon. To be honest, I must also say that the effect in the short run has been negative. In the short run, I'm not measuring this in public opinion polls, though they confirm it. I have in mind scores of personal conversations with trusted friends and colleagues—informal and genuinely candid exchanges in the halls of Congress, as we talk together in relative privacy. It's been very hard. Old friends have been shaken, potential allies put off. Again and again, I found it necessary to urge colleagues to wait, to reflect, to look at the larger picture, to consider the long-run.

However, as two factors emerge from the fog of sensationalism, I fully expect that the mood in Congress will shift. First is the extraordinary and exemplary behavior of the people of Israel. Their soul-searching, their honesty, their passion for justice, and their willingness to draw meaning from the painful events—all have reinforced our common ethical and democratic values. In their willingness to ask hard questions of themselves, the Israeli people have reminded Americans of what is best in ourselves, and in shared political and moral legacy.

Insofar as all of us have participated in that process—Jews all around the world—I think we have reason to be proud. It hasn't been easy. All of you know this, from experiences in your own communities, with your own friends and associates. But it is a processs that has strengthened us, and we will look back on this period as one of deepened understanding and moral resolve. In this, the people of Israel, once again, have made a statement to the world—one, perhaps all of us here today should acknowledge and affirm.

To this reaffirmation of the morality of the Israeli people, we must add the new geopolitical realities of the region brought about by recent events. The northern borders of Israel are now secure from relentless terrorism. There is peace and stability for the tens of thousands who have lived so long with the fear of death. The army of terrorism—the PLO—has itself been routed and split apart. So, too, the weakness of the rejectionist Arab states and their failure to enlist others in their cause has been dramatically exposed. Fanaticism in the Arab world has proven to be a vehicle for suicide. The Soviet Union has been discredited as a protector of the Arab bloc. A stable and peaceful Lebanon—once merely a pipe dream—is now at least a possibility. And finally, perhaps most important, Israel has secured a genuine opportunity to conduct peaceful negotiations from a position of strength.

Here the picture is more difficult to read. I believe that present circumstances present a relatively unique occasion for diplomatic progress. But I think it would be a mistake to ignore the complexity of the moment, and the difficulties which lie before us.

Clearly, after Lebanon, the way of war has never seemed less promising to thoughtful, moderate Arabs. But they will only come forward if they are encouraged to do so—not with false promises and gestures—

but with tough-minded actions by the United States to make clear the potential rewards of peace and the consequences of failure.

And what of Israel? While the ultimate decision lies with israel, her friends can, and should, contribute to the dialogue with a vigorous assessment of the choices. This is both proper and productive and a source of strength—not of division.

I do not believe that it is ultimately in Israel's interests to rest with the status quo. I think it is in her interests to build through aggressive diplomacy upon what has been achieved through painful conflict. Camp David proved that.

There are those—and they have, as always, considerable influence in official Washington—who see negotiations primarily as a means to court the oil-producing Arab nations, not to bring about a just peace. Israelis and their friends are not wrong to be suspicious of calls for negotiations coming from such quarters. And I can assure you that we who stand for Israel in Congress will be outspoken when such peace plans are discussed with us, formally and in private.

For American Jews this approach adds yet another dimension of complexity. How do we see our role, caught between different degrees of allegiances, in the midst of an enormously complex situation?

The present job of the American Jewish community, it seems to me, is twofold. We must stand united in our unswerving support for the state of Israel itself. And we must keep the American government principled and honest in its role as Middle East negotiator.

That means saying Yes to Camp David, but No to the participation therein of the PLO. That means saying Yes to conciliation, but no to any effort which does not begin with Arab recognition of Israel's right to exist—a simple recognition of reality, and not some diplomatic concession to be rewarded in kind.

And it means saying Yes to the Reagan Administration's desire to advance the process of peace, but No to any effort to write the script of a settlement in advance.

I take a dim view, for example, of efforts to tell Israel what her borders ought to be, or wherein her security truly lies. And I take a dim view of welcoming an Arab delegation with pomp and geniality, while the Administration prepares for the visit of Prime Minister Begin by leaking stories of its intention to reprimand him. This is not the course of peace, and we must be forthright in saying so.

Matters like these make all the more clear how important the U.S. Congress is to the future of Israel. When the history of this period is written, I believe the importance of Congressional independence will be even more clear.

Again and again, congressional action has been necessary when the Executive branch has tilted toward Arab nations. I have had to help initiate such action all too often in my twenty years of service and activity on the Foreign Affairs Committee.

In 1967, we had to pressure President Johnson to speed up deliveries of Phantom jets to Israel. A year later, we had to push President Nixon to make good on a similar sale. In 1975, President Ford ordered a punitive "reappraisal" of relations with Israel, which was not terminated until Congress expressed its clear displeasure. That same year, we had to fight the sale of Hawk missiles to Jordan. In 1977, we had to attack President Carter's proposal to convene a peace conference jointly with the Russians. And you all remember the bitter fight over the sale of AWACs to Saudi Arabia.

The U.S. Congress must be a watchdog for the interests of Israel in any peace process initiated by the U.S. government. And the job of organizations like yours, quite frankly, is to make sure the watchdog is awake.

In coming months, I think such action will be critical. There are too many signs that the administration feels peace in the Middle East requires pressure on Israel. It won't work, and it's not just. Initiative must now come from moderate Arab leaders, recognizing their own self-interest and the clear facts of life in the region. We are at a point—and I say this with great respect for the difficulties—where Arab leaders and people must make a decision of their own, A decision about their own history, their own future, their own identity. The rest of us—Israelis, Americans, Jews—can respect that decision, and make it clear that the course of genuine reconciliation will be rewarded.

The challenge, then, is to be both tough and patient, smart and open. We must be tough about any effort to impose peace, but patient with the process itself. We must be smart in judging how best to conduct negotiations, but we must be open in appreciating the difficulties facing moderate Arab leaders. They face no small task. Everyone saw what it meant for Anwar Sadat.

So too, we must be patient and open with ourselves. Recent events have shown us that even the most painful episodes can be shared and pondered without in any way weakening our essential commitment to Israel. This is an important lesson. There is no reason why it cannnot be applied to the great debate which must now begin over terms for peace in the Middle East.

For my part, I want to assure you that Israel's friends in Congress will remain vigilant. No major initiative, no policy decision, no diplomatic effort will be made without our participation. And, in turn, we will take no steps ourselves without talking to people like you, whose strength and wisdom is so much a source of our own. We have not come this far, and gone through this much, to allow Israel's security to be compromised by America's diplomacy. I am convinced that this will ultimately promote, not prevent, the chances for peace in the Middle East.

To all of you, meanwhile, my thanks for myself and for may colleagues in Congress. I cannot tell you how important it is to know that you are here—active and committed and thoughtful—and how important it is to all of us that you continue your good and hard work.●

TRIBUTE TO MARY MASON

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. FOGLIETTA. Mr. Speaker, I would like to enter into the RECORD a copy of a statement I made at a recent dinner honoring Mary Mason, a fellow Philadelphian and an outstanding journalist.

Whereas Mary Mason is celebrating twenty-five years of broadcasting and community service;

Whereas she has been an asset to her community, by working to build strong families and proud neighborhoods;

Whereas she has been an inspiration to young people throughout Philadelphia by advocating the truth and by fighting injustice;

Whereas Ms. Mason enjoys an excellent national reputation for fairness and high quality in broadcasting; and

Whereas she has freely given of her time, her energy, and her personal resources to help others: Now, therefore do I

Commend Mary Mason before the United States House of Representatives, in recognition of her outstanding work and the shining example she has set for her fellow Philadelphians and all Americans.●

A TRIBUTE TO GORDON D. SCHABER

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. MATSUI. Mr. Speaker, it is my honor and my pleasure to officially recognize the outstanding contributions of one of America's finest legal educators, Gordon D. Schaber, who has completed 25 years of leadership as dean of the McGeorge School of Law, University of the Pacific, in Sacramento, Calif.

When he began his tenure in 1957, Gordon Schaber was the youngest dean of a law school in the United States. He is now senior in years of service to any other current law school dean in our country.

Dean Schaber has pursued a distinguished and many-faceted career in his profession. After receiving his law degree from the Hastings College of Law in San Francisco, he was in private practice as a partner in the firm of Schaber & Cecchettini in Sacramento from 1953 to 1965. From 1965 to 1969, he was presiding judge of the Sacramento County Superior Court. And in 1970, after serving part time as dean and professor of the McGeorge School of Law for 13 years, he retired as presiding judge to devote full time to the school.

Complementing Dean Schaber's professional activities has been his service with over 40 boards, commissions, foundations, and committees at the city, county, State, National, and international levels. He is currently serving as chairman of the section of legal education and admissions to the bar of the American Bar Association.

Standing as a testimonial to the quality of service Dean Schaber has rendered to McGeorge Law School is the distinguished faculty he has attracted to the institution in his quarter century of service. Teaching at McGeorge are 50 full-time and about the same number of adjunct faculty members drawn from the local bench and bar. The school now boasts of

almost 4,000 graduates, a great many of whom have been educated during Dean Schaber's tenure.

On October 28, 1982, Gordon Schaber was honored with a silver anniversary testimonial dinner, organized by an appreciative Sacramento community. He was also honored by a resolution adopted by the California Senate and Assembly.

I am sure that all Members of this Congress will join me in paying further tribute to one of America's truly outstanding legal educators, Dean Gordon D. Schaber.●

PRIVATE VERSUS PUBLIC AGAIN, SLOPPILY

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. SIMON. Mr. Speaker, Albert Shanker, president of the American Federation of Teachers, has a weekly column in the New York Times, a column which is paid for by the Federation of Teachers. But unlike most advertising, it is frequently thoughtful and worth reading with care.

Recently, he had a column in response to an article in the New Republic that said some things that need to be said.

I urge my colleagues to read his column.

WHERE WE STAND

(By Albert Shanker, President, American Federation of Teachers)

Coleman Revisited, With a New Twist

PRIVATE VERSUS PUBLIC AGAIN, SLOPPILY

A large part of the problems facing our public schools comes from sloppy thinking, reporting and writing in the press. The latest example is in one of our nation's best weekly magazines, The New Republic. The November 1 cover story is "Lessons for the Public Schools," by Phil Keisling. Inside the magazine the title is "How To Save The Public Schools," and it turns out to be a review of a somewhat updated version of the discredited Coleman report on private and public high school achievement which first received public attention a year ago.

The Coleman report claimed that students in private schools, even though such schools pay their teachers less and often have larger class sizes, achieve more. Keisling cites the vast body of professional rejection of the Coleman report, including the judgment of Professor Arthur S. Goldberger of the University of Wisconsin that the report "reeked of incompetence and irresponsibility." Keisling also notes that "Coleman doesn't fully account for the effect on a child's achievement of having parents who care enough about education to begin with that they're willing to pay private school tuition." And he points out that Coleman's major conclusions do not show the superiority of private schools but, rather, that those private and public schools which give rigorous courses, require homework, enforce discipline and emphasize academnic subjects produce students who are better in academic areas—a conclusion which is as close to the obvious as one could get.

You would think that, at this point, Keisling would press for most public schools to change in the ways indicated in order to improve student achievement, and he certainly does this. But he also has an additional agenda of his own.

He criticizes the Democrats for stressing two items in their program—opposition to tuition tax credits and greatly increased spending for education. He agrees that tuition tax credits are bad, but he says that we've already increased spending tremendously without improving quality—an opinion which flies in the face of clear evidence showing that the prime targets of federal spending on education, disadvantaged children, have profited handsomely from this attention.

He places blame for educational failure in the public schools on the quality of America's 2.2 million teachers. He points to the inability of teacher training institutions to attract more gifted college students, and he also notes the fact that many talented women who in the past became teachers are no longer entering teaching because they have many other opportunities open to them. Ironically, the very same Keisling who a few lines earlier argues against increasing expenditures for education, here suggests the opposite—paying teachers more. He says: "Something is seriously amiss when a society gives more financial reward to those who hunch over a convoluted legal brief, in search of some new obstructionist tactic to use in an obscure contract dispute, than to those who teach a child to appreciate the eloquence of the written word or the elegance of mathematics." The priorities are right but the thinking is muddled. You can't reward teachers better and thereby attract better teachers unless you upgrade spending—not vastly decrease it as the Reagan Administration has done.

He says big culprits in educational failure are tenure systems and the existence of strong unions. Keisling here perpetuates the myth that it's all but impossible to fire tenured teachers, citing as "evidence" the information that in the last six years, "Philadelphia has dismissed only 24 of its 13,000 teachers." Private schools are better, Keisling suggests, because they can get rid of poor teachers. What's wrong with this? Simply that he has no evidence at all. The Philadelphia figure is phony. He's talking about 24 teachers who decided to fight their dismissal—not about the hundreds who, warned by the principal, left of their own accord . . . or the hundreds who, unable to control a class of 30 or more pupils or overcome by the stress of several years of teaching, opted out. Also, Keisling has no evidence that private schools dismiss teachers with any greater frequency than public schools. In fact, some teachers who are unable to make it in public schools succeed and stay in private schools where they don't have to deal with students who are tough discipline problems.

It always amazes me how those who attack teacher tenure and teacher unions fail to tell us how wonderful the teachers are and how marvelous the student achievement is in states where there are no tenure provisions or strong unions. Have schools been better, for example, in Texas, where there is no tenure and where collective bargaining is just beginning, than in New York? Or California? Again, the evidence doesn't support the conclusion Keisling reaches.

He also blames layoff by seniority for the public schools' deficiencies. But he doesn't suggest another system which would not further damage teacher morale—and make it even more difficult to hire good new teachers. With teacher layoffs a fact of life all around the country every year, who will enter teaching unless down the line, after the career investment has been made, there is some reason to feel secure?

Keisling would have done better to stick to the agenda the research—Coleman's and others'—suggests. We have to get back to a rigorous academic program and enforce discipline. (Keisling correctly points out that it takes only "a few disruptive students to poison the learning atmosphere for everyone" and suggests that many such students "should be removed from regular classrooms so that teachers can focus their energies on students who've shown a willingness to learn.") And, if we have adequate salary incentives to attract good people, test teachers before they're hired, appoint management with the guts to weed out those who, even with help, don't shape up during the probationary period—we'll have the staff Keisling wants. Tenure, seniority and strong unions aren't the obstacles. What's been going on is a failure of will.●

IN RECOGNITION OF TIM MEISTER, LIMA, OHIO

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. OXLEY. Mr. Speaker, in these times when it seems that so much news is bad, I would like to share with my colleagues a good news incident which occurred in October in the Fourth District that I represent. It is the story of a heroic and successful effort to rescue the life of a small boy.

During dinner one night, 2½-year-old Danial Spence began choking on a piece of chicken. First aid administered by the child's parents, Gale and Anthony Spence, proved unsuccessful as Danial stopped breathing completely, turned black, and went into convulsions. By this time, having reached the early stages of panic, Mrs. Spence rushed her child outdoors in the desperate hope that fresh air would alleviate Danial's condition or that someone would appear who could miraculously save Danial's life.

As she stood on the street, clutching her child and screaming for help, more than a dozen cars drove by, occasionally honking their horns, but offering no help. Finally, a passing driver, Tim Meister, recognized the severity of the situation and performed the miracle Mrs. Spence had hoped for. Almost before Mrs. Spence realized what was happening, Tim managed to dislodge the bone in Danial's throat and Danial began breathing again. Almost simultaneously, an ambulance appeared at the scene, but Mrs. Spence's "knight in shining armor" had disappeared. Mrs. Spence later learned through a

relative of Tim's that it was he who had saved Danial's life.

Tim Meister is truly an individual worth of commendation. He is a person who cares about others, even strangers to him, enough to become involved in their lives. Had he not stopped to help Mrs. Spence, Danial would certainly have choked to death. Mrs. Spence is exceedingly grateful and thankful for Tim's willingness to help. "There should be more people like him in the world," she commented. "I don't know how many cars went by honking horns. He was the only one who stopped and cared enough to help."

It is important to recognize Tim as one whose horizons extend beyond his own personal interests. I admire him greatly for his courage, understanding, and willingness to become involved. I know my colleagues will be proud to join with the Spences and me in expressing our respect and gratitude to Tim Meister of Lima, Ohio.●

INTEREST AND DIVIDEND WITHHOLDING IS BAD LAW

HON. NORMAN E. D'AMOURS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. D'AMOURS. Mr. Speaker, during the weeks that this Chamber has stood in recess, private citizens have continued to debate the desirability of requiring financial institutions and others to withhold the Federal tax due on interest and dividends. I am pleased to see that the withholding issue is receiving great attention in private sector debates, where true experts and objectively assessing the merits of withholding.

I would like to bring to the attention of my colleagues the views of one expert in the operations of our Nation's credit unions: John J. Hutchinson. Mr. Hutchinson, who is the president of the National Association of Federal Credit Unions (NAFCU), is also manager of Hamilton Standard Federal Credit Union in Windsor Locks, Conn. In his dual capacity as president of a national organization and also as manager of a moderate-sized credit union, Mr. Hutchinson is in the unique position to be able to address not only the public policy reasons to repeal withholding, but also the day-to-day operational reasons why withholding should be repealed.

I ask that a letter from Mr. Hutchinson, which appeared in the New York Times of November 16, be inserted at this point.

LETTERS: INTEREST AND DIVIDEND WITHHOLDING IS BAD LAW

WASHINGTON, *November 9, 1982.*

To the Editor:

On behalf of the National Association of Federal Credit Unions, I must strongly disagree with your Nov. 9 editorial "Withholding, in the Public Interest." Withholding of the taxes owed on interest and dividend income is not in the public interest. It is bad law and will penalize individuals who wish to save.

You state that withholding is "not a new tax." It will indeed be a new tax for a large segment of the taxpaying public.

About 75 percent of all individuals filing Federal tax returns receive refunds. Through over-withholding on their wages, these people already have the taxes due on their interest and dividend payments set aside. For them, withholding is a new tax. Also, the government will be getting an interest-free loan for several months at the expense of individuals, who will lose the benefits of compounding for some of the interest or dividends due on their accounts.

You correctly note that "the exemptions will create their own problems." The exemption system as provided under the act will be complicated and costly. It is optional, and many small financial institutions may be unable to offer exemptions because of cost burdens. In addition, it will not be easy to explain the exemption system to qualifying individuals, who will be required to file an exemption certificate with each institution from which they receive interest or dividends.

You indicate that withholding of taxes on interest and dividends will help balance the budget, but the revenue from withholding will not be as great as has been predicted.

During the debate on the 1982 tax act, the Administration argued that withholding will bring in $4 billion in fiscal year 1983: However, this figure ignores both the exemption system and the delay in the start-up date (to July 1, 1983). As a vast number of accounts credit interest or dividends quarterly, the delay in the effective date means that for many accounts withholding will not start until the beginning of fiscal year 1984.

Furthermore, the cost to financial institutions of implementing the withholding program may well exceed the added revenues. And that cost will of necessity be passed on to savers and borrowers. This is particularly true for credit unions, which are cooperative, member-owned institutions. Thus, their members may in effect be subjected to double taxation.

You maintain that "blatant evasion undermines the whole tax system." I could not agree more. However, let's look at who is evading.

The Internal Revenue Service confirms that there is a 96.7 percent voluntary compliance rate for the reporting of taxes owed on interest and dividends from financial institution accounts and stock holdings. Financial institutions report interest and dividend income paid out to account holders on Form 1099. However, the Treasury does not have such a reporting system for the bonds, notes, etc., that it sells, and reporting compliance is much lower for holders of these obligations.

In response to your question "What substitute would the repealers propose to keep the Federal deficit from growing even larger?" we recommend that Congress require the Treasury to report to the I.R.S. the interest paid on its obligations and to send copies of the reports to the individuals receiving the payments, as financial institutions are required to do.

Financial institutions, including credit unions, are eager to do their part to support our American system and to help get the economy back on its feet, but a costly withholding system that will not accomplish its objectives is not the answer.

JOHN J. HUTCHINSON,
President, National Association Of Federal Credit Unions.

Mr. Speaker, I applaud Mr. Hutchinson for the responsible manner in which he addresses the issue of withholding. As my colleagues know, I fully agree with the National Association of Federal Credit Unions that "withholding of the taxes owed on interest and dividend income is not in the public interest. It is bad law and will penalize individuals who wish to save."

Withholding on interest and dividend income is not the answer to America's financial problems. In fact, it is a classic example of "overkill." There are simpler ways of addressing the issue of tax evaders than the imposition of withholding. I urge my colleagues to commit themselves to a reexamination of this controversial issue. Any Members wishing to join with me and 66 other Members of this body in calling for the repeal of withholding on interest and dividends are invited to cosponsor H.R. 7108.●

LEGISLATION TO ESTABLISH A COMMISSION ON THE BICENTENNIAL OF THE CONSTITUTION

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. CONTE. Mr. Speaker, I am today introducing legislation to provide for the establishment of a Commission on the Bicentennial of the Constitution. The Senate passed a similar bill in the closing hours of the session that ended October first.

September 17, 1987, will mark the 200th anniversary of an important day in the world's history—the bicentennial of the day the Constitutional Convention adopted our Constitution. This bill would establish a Commission to plan appropriate celebrations for, and study events leading to, the ratification of the Constitution.

This important date is less than 5 years away. In order for any commission to fully study the important events leading up to the Constitution's ratification—the Mount Vernon Convention, for example—we need to pass this bill now, in the lameduck session. Sometimes, I think, we tend to forget the importance of this date. Our Nation's real birthday is September 17. July 4, 1776, was the date the Declaration of Independence was signed, and who can ever forget those eloquent challenges: "We hold these truths to be self-evident: That all men are created equal, that they are endowed by their creator with certain unalienable

rights, and that among these are life, liberty, and the pursuit of happiness."

Thus, the Declaration provided the end goal of what 13 separate and distinct Colonies would and should become. The Constitution provided the means to achieve those goals. Two hundred years from when that document was signed, we should be able to have the resources and the abilities to see how far we have come to achieve those purposes. This Commission will provide those resources and abilities to do that.

On the Centennial of the Constitution, President Grover Cleveland said:

If the American People are true to their sacred trust, another centennial day will come, and millions yet unborn will inquire concerning our stewardship and the safety of their Constitution. God grant that they may find it unimpaired, and as we rejoice today in the patriotism and devotion of those who lived 100 years ago, so may those who follow us rejoice in our fidelity and love for Constitutional liberty.

Let us start now to live up to the sacred trust Grover Cleveland spoke of in 1887. Let us pledge that millions of Americans yet unborn will celebrate the tricentennial of this historic document that gives hope and faith to all of the world. Let us begin now to plan for 1987, and for those yet to come. I urge my colleagues to cosponsor this bill, and help to get it passed in the 97th Congress.●

COLONEL ROSS DAVIDSON, HONORARY CONGRESSMAN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. MATSUI. Mr. Speaker, I am pleased today to recognize the many achievements of one of Sacramento County, Calif.'s most accomplished citizens, Mr. Ross Davidson of Carmichael, a retired U.S. Air Force colonel.

To compliment a host of other "honorary" titles that have been bestowed on Colonel Davidson, it is my pleasure to designate him as Honorary Congressman from Carmichael.

Now a successful real estate developer in our community, Colonel Davidson served with the Air Force in a career that spanned 28 years and three wars. He commanded several tactical units, including Sacramento's only combat unit in southeast Asia during the Vietnam war, where his performance won him many honors, including the coveted Legion of Merit. During his career, he received 49 U.S. and foreign awards and decorations.

During his service as a combat pilot in both World War II and Vietnam, Colonel Davidson flew 87 missions, having his aircraft damaged by enemy fire during 30 of those missions.

This designated Sacramento County citizen served 6 years in exploration of the North Polar Basin, and, along with Admiral Byrd and Admiral Peary, is a member of the world renowned Explorers Club. As deputy joint services project officer for the distant early warning line (Dewline), he was in charge of constructing and testing a $1 billion chain of radar stations across 3,000 miles of Arctic wasteland, from Alaska to Greenland, an undertaking previously considered impossible.

While stationed at Mather and McClellan Air Force Bases in the Sacramento area and after his retirement, he has served on many governmental and civic boards and commissions, at the city, county, and State level. He has been president of two State advisory commissions and the Carmichael Chamber of Commerce.

He was the first honorary mayor of Carmichael, serving six terms, and now holds the title, honorary mayor emeritus in perpetuity. His other honorary titles include: honorary district governor of Carmichael—by the Sacramento Board of Supervisors—honorary judge for the State of California; honorary fire chief of Carmichael; honorary Sacramento County deputy sheriff; honorary watermaster of the Carmichael Water District; and honorary superior court judge for the county of Sacramento. He has also been honored in resolutions by the California State Senate and the Sacramento County Board.

In consideration of his outstanding service to his community, State, and Nation, I hereby designate Col. Ross Davidson as honorary Congressman from Carmichael.●

THE RETIREMENT OF DR. JOSEPH SHELTON COPE, M.D.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. SKELTON. Mr. Speaker, on Friday, November 5, 1982, Dr. Joseph Shelton Cope, M.D., retired and ended a career of 50 years of serving people in west-central Missouri.

Dr. Cope's record of service to his country and his community is one we all should strive to emulate. He received his doctorate during the Depression of the 1930's. His academic achievement earned him cum laude honors as he finished sixth in his class. He began his career of service by working in the Civilian Conservation Corps as a medical service director.

Dr. Cope also served in this country's Armed Forces. He joined the Army Reserve in 1933 and was called to active duty in 1942.

In the years since World War II, Dr. Cope has practiced his profession in a distinguished manner. He has worked in several medical organizations including the American Medical Association and the Missouri State Medical Association. He is a fellow of the American College of Surgeons, a founding member of the Southwest Surgical Congress, a member of the Missouri State Surgical Association, and has served on the State Board of Registration for the Healing Arts. He also served recently as vice president of the Missouri State Medical Association.

With all of the honor and acclaim which has come to him through the years, it is particularly noteworthy that in a recent interview Dr. Cope stated, "My greatest honor has been to be able to take care of people who need help with the realization that I have been helpful to someone whether they can pay for my services or not."

It is my pleasure, Mr. Speaker, to join the people of Lexington in wishing Dr. Cope a long, beneficial retirement. He has served us well.●

THE GREEN MOVEMENT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. YOUNG of Alaska. Mr. Speaker, as we convene for this short session of Congress, the plight of the unemployed worker in America is on all of our minds. Many of the solutions that have been mentioned deal with the construction of new transportation infrastructure and the maintenance of decaying existing roads and bridges. I urge my colleagues to remember that the cement and the reinforcement rods and the metal for the bridges are all products of one indispensable industry—an industry suffering today not only with the burden of a recession, but further weakened by constant attempts to shut it down by a group of Americans apparently unconcerned with the American worker. I speak of the professional environmental community in the United States.

This group has consistently mouthed concern for the poor and the economically displaced in this country, while seeking to thwart development that would better the lives of those who are at the bottom of the economic ladder. They forget that the business interests they continue to degrade are the very institutions that employ people, and allow people to better their lot in one of the last places on Earth that still allows upward mobility.

They are antimining, antipersonal automobile, antiwater projects, antinuclear power, antioil and gas drilling, anticoal, and quite frankly, antihuman. They forget that God has granted this Nation a wealth of natural resources and a system that allows

people to better themselves through their own hard work. He did not intend for us to deny ourselves the wealth of our land or of our brains, yet today these groups do exactly that, by rejecting the science of geology and substituting Lysenkoism that not only rejects science, but does so at the cost of thousands of American jobs in productive enterprises. To think that a relatively small group of Americans would place a higher price on having their own playgrounds on the public lands at the expense of the economically displaced in America is unconscionable to me, and I will continue to work with the conservationists in America to reject the economic stagnation and "small is beautiful" notions of these preservationists.

I would like to insert into the RECORD a copy of a recent paper written on the "Greens" in Europe and the United States by J. Allen Overton, president of the American Mining Congress. Mr. Speaker, we cannot have jobs if we do not develop our resources.

[From the Mining Congress Journal, November 1982]

THE GREEN MOVEMENT

(By J. Allen Overton, Jr., President, American Mining Congress)

The so-called Green Movement has been on the upsurge in Northern Europe and reached its apogee to date in the recent elections in the West German state of Hesse, when it displaced the Free Democrats as the third largest party behind the two traditional leaders. If the trend continues there and elsewhere, it could portend real instability in the governance of nations.

Those whom the Europeans call the Greens began very much like the early environmentalists in the United States, and they echoed the same calls for a new dedication to ecological responsibility, which was laudable in its aims and admittedly overdue. The movement has evolved, however, into what *The Economist* recently described as a "misty mixture of anti-nuclearism, anti-growth environmentalism and incipient neutralism."

The same tendency, unfortunately, is increasingly evident in this country and could produce a bad skewing of social and economic policies and the conduct of foreign affairs.

It is ironic and tragic that the same people who preach no-growth economics also proclaim their solicitude for the underprivileged and the need for a more congenial society. They speak of creating more and better jobs, humanizing the workplace, using new technologies to render life and labor more pleasant, building schools and hospitals and decent housing, and rebuilding the dilapidated parts of the nation's infrastructure.

How, one must ask, are these things to be done, if we establish a public policy of permanent stagnation? Most assuredly they will never be achieved without an abundance of minerals, yet the Greens of this country are implacable in their hostility to the mining industry.

Likewise, they affirm a fierce attachment to individual rights and political freedoms, but they have a nonchalant disregard of the national security posture needed to defend them and a naive faith in the goodwill of America's adversaries. Consequently, the Greens feel safe and comfortable in denouncing the industrial might, military arsenal and minerals development of the nation, which are the very things that allow them to be safe and comfortable.

The sham of all this should be readily apparent, but the movement evokes warm support from the many people who yearn for simple answers in a complicated age. Moreover, it draws on enormous resources.

First, there is money, which has aptly been called "the mother's milk of politics." The myth is still fostered that the environmentalists are a ragged little band working out of storefronts, while corporations ladle out funds from fat war chests. The facts are quite different.

Many corporations are on the financial ropes today. On the other hand, a recent article in Fortune lists 14 organizations under the heading "The Green Lobby" and shows them to have aggregate budgets this year of $92 million. Obviously lucre isn't considered filthy in the right hands.

These organizations are headed by full-time professionals who are highly skilled at raising money by appealing to people's best instincts and worst fears. Indeed, they have to be skilled at it, if they are to pay their own salaries.

Next there are people. The groups listed in Fortune have a combined membership of nearly 5½ million, highly organized and orchestrated in a network that stretches across the country and covers rural, suburban and metropolitan communities. They are devoted to their cause and diligent in advancing it, as was shown not long ago when one congressman felt the need to buttress his re-election campaign. A call for help immediately brought out 150 environmentalists to walk door to door buttonholing the voters.

These are people who vote, volunteer and push their friends to do the same. When one considers that the turnout at the polls in nonpresidential elections has dropped to nearly one-third of the eligible electorate (much less in many crucial primaries), it becomes clear that the movement exercises tremendous political clout, and the Greens are basically a one-issue pressure group that is unforgiving in applying its own strict litmus test to determine its friends and foes.

Finally, the leaders of the movement are adept in the arts of polemics and proganda. They can be shrill and strident with denunciations and seductive with appeals, invariably managing to draw issues and choices in the most stark black and white terms. They are clever with slogans and oversimplifications and superb when it comes to manipulating the media.

A visual medium like television suits their purposes well, because it lends itself to vivid dramatizations and arguments that can be encapsulated in a 40-second film clip. Industries such as mining are hard put to respond, because often the responsible reply involves scientific studies, engineering data, economic analyses, statistical compilations, technological explanations and other things that are considered too dull or lengthy for the evening news.

The mining industry, among others, has no easy way to counter the Green Movement. I certainly have no magic formula to suggest, but can only reiterate the frequent plea that we stir ourselves to political activism and work harder at promoting public enlightenment.●

DENSEPACK—MOVING TARGET FOR ARMS CONTROL

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. MARKEY. Mr. Speaker, the Reagan administration's decision to base the MX missile in the Densepack basing mode marks the greatest leap into the unknown this administration has yet taken with nuclear weapons.

In effect, the administration has decided to spend $26 billion on a basing scheme that rests on the theory of fratricide and the thin hope that the Soviets will not overcome it any time soon. I commend to my colleagues an article by R. Jeffrey Smith from the October 1982 issue of Arms Control Today. As Mr. Smith notes, it is only a matter of time before the Soviets would develop a way to overcome Densepack. Consequently, the Densepack deployment will only start a new round of the action-reaction arms race between the United States and the Soviet Union.

It is now incumbent on the Congress to reject Densepack because, first, it does not solve the problem of ICBM vulnerability, second, the Densepack deployment merely heats up the arms race and third, the MX missile itself is a first-strike weapon that contributes nothing to the retaliatory capacity of this country.

Mr. Smith's article follows:

[From Arms Control Today, October 1982]

DENSE PACK—MOVING TARGET FOR ARMS CONTROL

(By R. Jeffrey Smith)

To those who have followed all but the latest developments in the debate on the MX nuclear missile, President Reagan's forthcoming decision in favor of a basing mode known as Dense Pack may seem ridiculous. Since the late 1970's, a central justification for the MX has been the need to ensure that land-based missiles can be protected from Soviet attack. Yet it is impossible to know if the MX, deployed in Dense Pack basing, will be secure from attack.

The requirement for missile invulnerability arose from concern among some weapons experts over increased Soviet missile accuracy, which would supposedly permit the destruction of the existing Minuteman missile force in a Soviet first strike. Dense Pack is the latest in a long string of ideas conceived to address this problem. Superficially, it is an attractively simple idea. One hundred MX missiles will be deployed in 100 silos. The silos will be spaced less than 2000 feet apart, so as to increase the likelihood of so-called warhead fratricide—the tendency of one warhead to destroy or deflect another when it detonates, through the release of radiation, the production of intense pressures, or the elevation of dust and debris.

Fratricide can be avoided if the attacking warheads are timed to detonate within milliseconds of one another, a technical demand that U.S. weapons experts say the Soviets will be unable to meet for many years. It

can also be avoided through the use of only a few extremely high yield warheads capable of destroying more than one silo each. But U.S. weapons experts say that Dense Pack silos can be constructed so as to survive the effects of all but direct hits. The steel exteriors will be made to deform in response to short-term pressure peaks. Power cells and communications may be protected. Enormous amounts of sand and porous concrete will be used as shock absorbers, and a cap of earth or water may be used atop each silo opening.

There are, however, several other potential ways of defeating Dense Pack. One possibility, which the Soviets could attempt by the early 1990's, is to attack with low yield maneuvering warheads capable of pinpoint accuracy. The Air Force says that these would be vulnerable to countermeasures such as electronic jamming or a simple form of silo defense, which the United States could deploy by then.

An even better alternative, also possible in the early 1990's, is for the Soviets to use warheads that penetrate the earth or land softly on the surface. Earth penetrators avoid fratricide by simply burrowing into the earth before detonating, a tactic that minimizes the dispersal of radiation. Soft landers act as surface mines. They can be fused to detonate simultaneously, before any U.S. missiles are launched, or singly, at the moment each missile is launched. The Air Force maintains that soft landers and earth penetrators could be destroyed by a ballistic missile defense, because they must be launched in clumps and must slow considerably after reentering the earth's atmosphere. One weapons official seriously insists that earth penetrators can also be defeated by rolling tremendous boulders into the space between each silo, inhibiting penetration.

A final strategy available to the Soviets is the detonation of many warheads in a rapid sequence over the Dense Pack missile field, which would generate such a storm of radiation and blast effects that the MX could not survive after launch. It would then be feasible to drop warheads onto, say, every third silo, so that fratricide is diminished. The high-altitude detonations, or "pin-down," could be maintained until all of the MX are destroyed. Kent Johnson, a physicist at Lawrence Livermore National Laboratory, recently served on a Defense Department panel that analyzed "pin-down" and other attack strategies. He points out that a "pin-down" may not be in the Soviet Union's best interests, because it would require the use of many weapons and result in the destruction of only a portion of the U.S. arsenal. He notes that "there is no way of breaking the pin-down," short of disrupting the attack with a ballistic missile defense or a similar pin of Soviet silos by missiles launched from U.S. submarines. This is a remarkable suggestion, because the Air Force has previously claimed that each leg of the U.S. strategic triad must be capable of surviving on its own, and that submarines could not be depended on for quick retaliation against a Soviet attack.

The most optimistic outcome of these estimates is that some—but not all—of the MX in Dense Pack silos would survive for an hour or two. Eventually, all missiles that are not launched promptly will perish. Even this temporary survivability depends on a set of theoretical assumptions. The first of these has to do with the magnitude of fratricide. Two warheads have never been detonated simultaneously above ground, so U.S. estimates are based entirely on computer models. The second has to do with the speed with which the Soviets can deploy threatening means of attack. Soviet technical progress can be forecast with some assurance, but the United States has been wrong in its estimates before. A third assumption is the speed with which the United States can deploy countermeasures, which depend on new inventions in difficult areas. For example, some form of ballistic missile defense will be essential to the survival of Dense Pack within a decade. Major General Stewart Meyer, a former director of the Army's BMD program, believes that construction of a successful defense will be enormously difficult because of the inherent expense and vulnerability of the radars on which such a system depends. Another assumption is that the silos will actually withstand high yield explosions. Eugene Sevin, a top scientist at the Defense Nuclear Agency, believes that the requisite silo hardening "is probably workable." But he cautions that realistic tests of a superhard silo will be impossible. He says that any decision on Dense Pack will be "highly judgmental."

The Air Force response to this uncertainty is to emphasize the flexibility of Dense Pack: more silos can eventually be constructed to deceive Soviet targeters. A missile defense can be constructed in 1989 if necessary, Air Force officials say. Only two conclusions seem possible amidst such speculation: first, that construction of a Dense Pack will draw the United States and the Soviet Union into a new spiraling arms race, as one side reacts and the other attempts to anticipate the reaction; and second, tensions could develop at any point if the United States stumbles and the Soviets advance.

All of the uncertainties extend to the diplomatic arena as well. Dense Pack may violate provisions in the unratified SALT II treaty barring the construction of new missile silos. But the Administration intends to assert that the silos are not silos at all, but merely missile shelters, or temporary resting places for missiles that are inherently mobile. The Soviets will protest, with good reason. No one knows how this dispute will affect the ongoing START negotiations. Similarly, deployment of a missile defense will violate provisions in SALT I requiring it to be located either at Grand Forks, N.D., or Washington, D.C. The Air Force is optimistic that the Soviets will agree to an amendment transferring the permissible missile defense from Grand Forks to the Dense Pack location, wherever it may be. No one can predict what concessions the Soviets will seek in return.

Why is the Administration willing to spend $25 billion (in constant dollars, not including missile defense costs) on a system of uncertain political or strategic value? The answer is that, despite a contrary public impression, the Pentagon believes the MX is valuable even if these predictions are all wrong—even if the MX cannot survive in Dense Pack basing. This becomes evident from a close study of congressional testimony on the MX.

In 1976, for example, members of Congress asked Pentagon officials if concern for the vulnerability of existing ICBMs was the primary factor pacing MX development. No, the Pentagon said. The primary pacing factor was the increasing invulnerability of Soviet targets, a circumstance that could best be addressed by the MX's increased accuracy. The missile is, in short, necessary for the United States to destroy hardened Soviet targets—a mission of dubious importance if the United States is interested only in retaliation. Verne Orr, the current Air Force Secretary, is unabashed in this regard. "Today, in the ballistic missile age of nuclear weaponry and in the absence of an effective ABM system, the 'only' defence against nuclear attack is a strong offense," he wrote recently in Air Force magazine.

In a slightly different vein, General Lewis Allen, the former Air Force Chief of Staff, testified last year that invulnerability was a needless requirement for MX that constructing a vulnerable target was sufficient to advance U.S. interests. "If the system required the Soviets to disarm themselves [by expending attacking warheads] then that system did the job we wanted it to do," Allen said with reference to previous MX basing plans. "That is, it changed the balance in such a way that the Soviets could no longer face us with this great superiority of ICBMs." It is apparently not worrisome that a successful Soviet attack could make $25 billion go up in smoke. What Allen seeks is a nuclear sponge to soak up Soviet warheads, solely to redress an alleged imbalance in the number and lethality of weapons held by the Soviets and the United States.

This view is widely shared in Washington, and is gaining wide support in the Congress. Representative Samual Stratton, a Democrat from New York, was instrumental recently in getting the House to approve production of the first five MX missiles, despite the lack of any assurance that they can be protected from attack. Stratton, who chairs a subcommittee on military nuclear systems, said on the House floor that "the statement is frequently being made that we do not have an invulnerable method of basing, and therefore we somehow have to wait until the Pentagon can develop an invulnerable method of basing. I think we have gotten a little too dependent on our scientists. . . . If we are going to insist on absolute perfection in the basing modes of our missiles we are asking the impossible . . . . I think we ought to disabuse ourselves of the idea that we have to have something invulnerable when it comes to MX."

Stratton wants the MX mainly because the existing U.S. ICBM—the Minuteman—is dwarfed in size by existing Soviet missiles. Before the recent House vote, he arranged for models of these missiles to be placed outside the chamber. "I say to the members, particularly those who are not here in the chamber, before you vote, do not vote until you go out in the Speaker's lobby and take a look once again at those Soviet missiles," he said. "That is a true image of the relative sizes of our two missiles, and what we are talking about is providing an adequate defense against the Soviet SS-18, the SS-17, and the SS-19." The size of the MX, in and of itself, is justification for its deployment, to Stratton's way of thinking. If the Soviets have big missiles, we must have them too, even if they are vulnberable to attack.

Key officials at the White House also believe the missile is valuable if it cannot survive. William Clark, the President's national security adviser, stated last May that the modernization of land-based strategic forces "is too important to allow the risk of technical, environmental, or arms-control debates to delay the introduction of the missile into the force." Similarly, Thomas Reed, a former Air Force Secretary who serves on the National Security Council, stated in June that "the President views the production of a new, larger, more accurate, and more easily maintained ICBM, with the earliest possible introduction into the oper-

ational force, as absolutely essential . . . we must have a steady, ongoing ICBM program without turbulence." Turbulence, in Reed's view, is created by excessive concern about the ability of the MX to survive a Soviet assault. Both Clark and Reed have stated that MX basing in existing, highly vulnerable silos is acceptable if secure basing cannot be found.

Critics of the MX will learn this December that Dense Pack is an elusive target. There are grave uncertainties about its ability to provide sufficient protection. But this is not really a fruitful topic of debate, as the Pentagon and the White House do not really care about missile invulnerability. The MX is no longer thought of as a solution to the problem of decreased Minuteman survivability, if it ever was. There are other, darker reasons for its construction, the most important being the capability it gives the United States to fight a nuclear war.

This is what the arms control community must explore with the public between now and the day of the President's announcement. It is going to be an uphill battle.●

ELEANOR ROBLES MONTANO HONORED BY THE WILMINGTON CHAMBER OF COMMERCE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. ANDERSON. Mr. Speaker, it is with distinct pleasure that I take this opportunity to pay tribute to Eleanor Robles Montano, who is being honored by the Wilmington Chamber of Commerce on December 1. Indeed, Eleanor's many accomplishments and contributions to the area have made her worthy of such an honor.

Eleanor was born in Long Beach, Calif., and was educated both there and in neighboring Wilmington. After graduating from Phineas Banning High School in Wilmington, she began her service to the community by working in St. Mary's Hospital in Long Beach for 2 years. Later, she married Emilio Montano and began raising her family of five children. Eleanor and Emilio are also foster parents to seven boys.

During these years, Eleanor began a hobby which has grown into what is today a successful business: cake decorating. Not only does Eleanor teach cake decorating, but she also serves as a judge for cake shows every year. She attended Bixby Knolls Park School and Edith Gates School of Cake Decorating, as well as taking graduate courses on cake decorating from Mexican, Australian, English, and South African masters. Related to her interest in this field, Eleanor is a member of the Sweet Arts Cake Club, the Retail Bakers of America, the California Cake Club, and the Fancy Frosters Cake Club, of which she is a past president.

Aside from her interest in cake decorating, Eleanor Montano has done extensive work in her community. Among her many activities, she is a member of the Harbor Community Police Task Force, the board of directors for the Boys Club of Wilmington, the Harbor Area Police Community Council, and the Wilmington Chamber of Commerce, of which she was program chairman and ways and means chairman. She is a member of three PTA's. Eleanor is a former vice president and is now president of the Los Angeles Police Department LITES, as well as being vice president and program chairman of the community support program. In this capacity, Eleanor has presented programs which have been televised and include such topics as "Gangs and What Is Being Done About Them," "Senior Citizen Rip-Offs" and "Crusade Against Crime in the Schools."

Quite deservedly, Eleanor was named Wilmington's Citizen of the Year in 1980, and is Wilmington's 1982 outgoing honorary mayor.

But to merely list Eleanor's activities would not do justice to her truly outstanding and tireless dedication to her community. My wife, Lee, and I have known Eleanor for many years, and we can only wonder how she finds enough hours in a day to contribute so much to both her community and her family. Indeed, Eleanor Montano is a truly remarkable woman.

Mr. Speaker, in light of Eleanor Montano's outstanding and continuing contributions to her community. I know you and my colleagues will join me in paying tribute to this most deserving and distinguished woman. My wife, Lee, joins me in wishing Eleanor Robles Montano, her husband Emilio, and their five children, Ricardo, Marina, Loretta, Mario, and Jaime only the best in the years ahead.●

TAYLOR'S FUTURE AT STAKE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. FORD of Michigan. Mr. Speaker, I very much want to bring to my colleagues' attention the challenge facing the residents of my hometown, Taylor, Mich. Like last year at this time, my constituents must choose whether to pass a millage and keep their schools open for the full academic year or put their 14,300 students' fugures in jeopardy and put the plans of their graduating seniors in limbo.

Last year, the Taylor schools made national headlines with their plight. Many of the doomsayers predicted that Taylor residents, already suffering from the ravages of the highest unemployment in the Nation, severe inflation, and far-reaching State budget cuts would turn thumbs down on the millage proposal. But I am extremely proud that my constituents met that challenge and set a precedent for several other Michigan school districts encountering similar fiscal dilemmas.

Many of the same factors which constituted last year's critical millage scenario remain: a sound economic prediction that the State will face a significant shortfall in revenue during this fiscal year; the constitutional requirement for a balanced budget; and the contention by the Governor, speaker of the house, senate majority leader, and the minority leaders of both houses in the State legislature that there will be no "bailout" for suffering local school districts.

And, our respected Attorney General, Frank Kelley, stands by his statement of last year:

. . . the financial fate of the local school district is in the hands of local voters.

The Michigan Constitution does not impose a duty on the Michigan Legislature to appropriate additional State funds to those school districts where the electors have refused to approve property tax limitation increases for school operating purposes. It is a mistake for anyone to believe that the State has funds available for aid to school districts which run out of funds.

Unless the 5.4 mills are renewed, the schools will be closed by April. Our community cannot afford to let its children have any less education and opportunity than other cities in Wayne County or the State. Our reputation as a quality place to live, do business and raise one's family cannot withstand the defeat of this millage and the subsequent closing of schools.

Michigan's long-time respected tradition of local control must be maintained. It is a policy I fought for as a young attorney for the then-Taylor Township schools, as a delegate to the State constitutional convention, as a State senator, and one I am committed to as a senior, ranking member of the House Education and Labor Committee in the U.S. House of Representatives.

The December 6 millage vote gives the Taylor voters another opportunity to maintain and enrich this important commitment to "local control." It gives them the prerogative of insuring that their children and my grandchildren receive the same chance for a successful future that we had. I strongly believe that the voters cannot afford to shut the school doors and rob their children of just 1 year of education. It could very well mean the difference between success or failure in many students' educational careers or even lifetime success.

When Taylor residents went to the polls last year, many questioned the viability of their school district. Since then, with the strong support and expert assistance of State Superintendent of Public Instruction Phillip

E. Runkel and his staff, the Taylor schools have made significant improvements in many practices. And, in that very thorough report, the State department staff found several "good things happening" in the Taylor schools.

Undeniably, the passage of the millage makes good sense for the future of our children, but it also makes good economic sense. If the millage is not approved, Taylor could well be the only municipality in the entire State without public schools. The dire consequences this would have on home values, and on the ability of our mayor and city council to retain and attract business would be devastating. The issues are clear. It is now up to the voters to decide the future of our children and our community.●

MX MISSILE

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. AuCOIN. Mr. Speaker, if war is peace, if an arms race is arms control, then the President is right that the MX missile is a "peacekeeper." But none of those things is true, and the President is reckless and wrong.

The MX missile shatters the informal agreement of the superpowers to abide by the terms of the SALT II Treaty. It depends on a basing system that no one knows will work. It may cause the abrogation of the ABM treaties. It will cost billions upon billions of dollars when the economy is staggering under a $200 billion deficit and millions are out of work. It escalates the arms race when a huge majority of Americans in nine States voted on November 2 for a mutual, verifiable nuclear weapons freeze.

The President's speech on November 22 should offend all Americans for its oversimplifications. The President tried to make it seem that U.S. defenses are inferior to the Soviet Union's. But even members of the Joint Chiefs of Staff have said they would not trade America's defenses for the Soviet Union's.

The Soviet Government is in transition—a priceless opportunity for the United Staes. But there was absolutely nothing in the President's speech that gave an opening that would exploit this opportunity for peace.

Thus, it was a dangerous speech and the MX decision is a dangerous decision. Now there will be a furious battle in Congress over the MX. It will be close because despite overwhelming opposition across the country, no President has ever been denied a major weapon he sought. It is imperative that we do so now.

I will be among those in Congress who will fight the MX missile. Everyone who supported and voted for the nuclear weapons freeze must now focus their energies on stopping the funding of this unnecessary, costly, and reckless weapon.●

HONORING EVON CODY

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. PASHAYAN. Mr. Speaker, I should like to call to the attention of my colleagues that on December 11, Mr. Evon Cody will end nearly three decades of public service in Kings County, Calif.

Born and raised in Kings County, Evon began his public service as a member of the Kings County Planning Commission. He was elected to the board of supervisors in June 1954 and has served continuously since then.

Evon has been most active as a member of the board, serving as president of the San Joaquin Valley Supervisors Association, and as a director for the California Supervisors Association. Since 1975 he has served on the Governor's Employment Services Board.

His public service has included the Kings County Red Cross, State Tuberculosis Association, Salvation Army Board, YMCA, Outreach Boy's Ranch, Community Hospital, Kings County Symphony and Art League, as well as numerous other charitable organizations. Additionally, Evon has been very active in both the Kings County Farm Bureau and Navy League and has served as lieutenant governor of the Kiwanis Club International.

During Evon's tenure as supervisor, he was actively engaged in the development of the greenbelt concept, which protects the integrity of the Lemoore Naval Air Station, the development of the county park system, and, as an expression of his concern for orderly development, was a strong supporter of a general plan that protects both the urban and rural interests of the county.

Also, Evon has been a strong supporter of city-county cooperation, evidenced by consolidation of library and fire services and numerous other agreements with the various cities that resulted in providing a more efficient delivery of specific services.

Evon was instrumental in assuring that Kings County's space requirements were met well into the future. The county's space needs will be met for many years to come with the development of a government center in Hanford, as well as government centers in Corcoran, Avenal, and Lemoore. He played an active role in modernizing the fire department from the standpoint of both facilities and equipment.

Evon and his wife Marie have been married 48 years. They have two children, Carol and Robin, and two grandchildren.●

THE DEATH OF JOHN WILLIAM CARTER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. SKELTON. Mr. Speaker, recently, I was saddened to learn of the death of a long-time acquaintance in my hometown. John William Carter died Sunday, October 31 in Lexington, Mo.

Mr. Carter was a respected member of his community. He had served for years as an instructor and administrator in a local school. He was an active member of his church and of the Masons. He served as a trustee of the Forest Grove Cemetery. The community has benefited from the life of Mr. Carter and shares the loss of his passing with his wife and daughter.●

HONORING MRS. SUNNY RABENSTOCK

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. LEWIS. Mr. Speaker, the 370,000 women of Hadassah are solely responsible for the Hadassah Medical Organization and the Hadassah hospitals in Israel. Diligently supporting the national organization, the Arrowhead Chapter of Hadassah has, with great pride, provided needed equipment in Hadassah hospitals. Annually, the Arrowhead Chapter honors a woman whose contribution to the organization has been particularly outstanding. This year, I would like to join with the Arrowhead Chapter of Hadassah, and honor Sunny Rabenstock for her tireless efforts on behalf of the people of Israel and for her selfless service to her community.

Sunny has been instrumental in the success enjoyed by Hadassah. At the local level, she has served for many years as a board member, as well as serving as chapter president for 2 years. In addition, she was secretary of the Southern California Regional Board.

An active member of her community, Sunny has demonstrated extensive capabilities as a member of the San Bernardino Unified School District Budget Committee, and as a senior counselor at Juvenile Hall. She has been president of the Jewish War Veterans' Auxiliary, president of the Sisterhood of Congregation Emanu-El,

and has served as a member of the Temple's board of directors and secretary of the congregation as well.

An achiever in the best sense of the word, Sunny received her B.A. in education from Brooklyn College and her law degree from Brooklyn Law School. She later practiced law in New York City. Sunny is currently a legal assistant.

Sunny and her husband, Norman, reside with their children, Steven and Robin, in San Bernardino, Calif.

Mr. Speaker, it is with great pride and admiration that I recognize and commend Sunny Rabenstock to the House of Representatives.●

HARRY E. FIGGIE, JR.—SUCCESS SHARED

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. MOTTL. Mr. Speaker, there are many elements in a success story, but one main theme can be read clearly. To be truly successful, one must share the experience. Harry E. Figgie is a man with much to share for he is a success in every sense of the word.

In 1964 Harry, a fifth generation Clevelander, took charge of the small automatic sprinkler firm. Under his guidance, the company has evolved into Figgie International, formerly A-T-O Inc., a company boasting over $750 million in sales last year and made up of over 30 divisions including such familiar names as Rawlings Sporting Goods and American La-France. Harry is currently Chairman and Chief Executive officer of the company that bears his name as well as member of the board of directors of the Western Union Corp., a position he has held since 1966.

Harry Figgie is also man of education, which is perhaps why he has chosen this medium to share his knowledge and experience. Harry holds a degree in metallurgical engineering from Case Institute of Technology which he received after a stint in the infantry in World War II, an M.B.A. from Harvard Business School, and both a J.D. law degree from Cleveland Marshall Law School and a master's degree in industrial engineering from Case which he completed at night, while working full time.

Harry holds two honorary degrees. One is from Garfield Senior College and the other is from the American College of Switzerland for his commitment to economic education and free enterprise. This commitment to economic education is clear and comes at a time when such information is sorely needed.

He extends his knowledge and experience to others through lectures to graduate students at Harvard, Northwestern, the University of Virginia, and Case Western Reserve and through economic education programs for teachers. The teaching programs, which Harry was instrumental in creating, are extensive. Over 330 teachers from across the country have been trained in the last 5 years with the help of Figgie International.

Mr. Speaker, Members of the House, I ask you to join with me in paying tribute and thanks to Harry E. Figgie, Jr., a successful man sharing that success with his country.●

THE CONGRESSIONAL SALARY FREEZE ACT OF 1982

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. LANTOS. Mr. Speaker, unless we take decisive action during these closing days of the 97th Congress, Members of the House and the Senate will receive an automatic pay raise starting in January 1983.

With the current severe recession we are experiencing throughout our country, it would be unconscionable for Congress to provide itself with a pay increase. With unemployment lines as long as those during the Great Depression, I find it unacceptable for Congress to raise its own salary.

Our energies should be focused on getting the economy back to full health again, rather than on concern for our own compensation.

It is in this spirit that today I have introduced the Congressional Salary Freeze Act of 1982. This legislation would hold the rate of salary payable to Members of Congress at current levels. Americans in all walks of life have agreed to wage freezes and pay cuts; in all fairness, Congress should do the same.●

THE NEW ENGLAND COUNCIL, INC., HONORS F. EUGENE PURCELL, CHAIRMAN OF THE WASHINGTON GROUP

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. MOFFETT. Mr. Speaker, the New England Council, Inc., a regional trade association which represents 1,200 companies in the region employing over a million employees, is honoring Mr. F. Eugene Purcell for his outstanding service as the chairman of the council's Washington group, a committee of Washington based business executives of New England companies.

Gene serves as senior vice president, public affairs, for Lone Star Industries, which is based in Connecticut and is one of the largest manufacturers and distributors of concrete and cement products in the country. He joined the company in 1971 as vice president and assistant to the president, becoming vice president—corporate affairs in 1973. In his present position, to which he was appointed in 1978, he is responsible for corporate communications, office administration, and employee and labor relations.

A native of Las Vegas, N. Mex., Gene Purcell earned his bachelor of science and master of science from New Mexico Highlands University and a juris doctors degree from the University of Baltimore. He served in the military from 1951 to 1954 and currently holds a reserve commission as captain in the U.S. Air Force Reserve.

Active in industry affairs, Mr. Purcell serves on the board of directors of the Public Affairs Council and is a member of the Washington Affairs Committee of the Portland Cement Association. He has also served as trustee for the Connecticut Public Expenditures Council.

Since Gene Purcell was highly instrumental in the success of opening the council's Washington office and establishing the Washington Group, a brief description of these activities gives some idea of Gene's efforts and energies on behalf of the council's Washington office. The following is an excerpt from the November issue of the Council Report.

One year ago the New England Council, Inc. opened the doors of its Washington Office with an ambitious goal: to bring the concerns and legislative needs of the Council's 1,200 member business interests to prominence in the Capital.

A year later the Council's Washington base of operations has achieved major success on several fronts, but chiefly as a strong link between the region's business leaders, who forge Council policies, and Congressional and White House leaders, who form national policy.

Opportunities for dialogue, debate and influential exchange are numerous for Council members acutely aware of the need to meet with their lawmakers in Washington as well as at home.

In addition to increased individual contact with Congressional offices, the Washington Office, under the direction of Jeanne Campbell, Vice President, who formerly served in both leadership and New England Congressional offices, provided several forums for Council members to maximize their government relations and public affairs efforts.

The Washington Group is a linchpin in the critical process that allows Council policies to play a dynamic part in the legislative process. The Washington Group is representative of the Council's broad base of support from a wide business and industrial spectrum.

Washington Group participants, whose number is necessarily limited, meet quarterly to coordinate lobbying efforts on behalf of Council positions, share legislative intelli-

gence, spot bills key to the region, and assess their chances for passage. The Group, a Washington reflection of the strength of The Council as a coalition, caps each business meeting with a reception and dinner, inviting a member of the New England delegation to meet one-on-one with Council members and address The Group off the record. Guests to date include Senator Warren Rudman and Congressmen Jim Shannon, Dave Emery and Joe Moakley, all of whom shared timely and valuable perspectives on legislation decisive to the region's economy.

The Council entered its second year in a new D.C. location. In August, of 1982 The Council set up shop in Suite 510, 1800 Massachusetts Avenue, N.W., within the law offices of Herrick & Smith, a leading New England law firm. Herrick & Smith, will assist The Council in identifying and analyzing national and local legislative issues important to the business community.

With The Council providing a continuing Washington presence, business can parlay its past—as a preeminent region where both politics and commerce began—and position its future—as a strong, rich and textured region that offers substantial rewards to those who live and work in New England.

Mr. Speaker, I bring Gene Purcell's efforts to the attention of my colleagues and commend the council for honoring his work as chairman of the Washington Group.●

MISS PORT OF LOS ANGELES—1981-82

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. ANDERSON. Mr. Speaker, today I would like to honor someone who has done a fine job of representing the Port of Los Angeles for the past year—lovely Marlise Ricardos, Miss Port of Los Angeles 1981-82.

Miss Ricardos, born and raised in San Pedro, graduated from San Pedro High School in 1979. At the Miss Port of Los Angeles Pageant on October 10, 1981, Miss Ricardos was chosen to represent the port as the new Miss Port of Los Angeles, a title she has held for the past year. Miss Ricardos never failed to live up to the busy pace of her new role, and, indeed, brought her own unique personality and excitement to the job.

Beginning with the 1981-82 harbor holidays, where she was officially introduced as the new Miss Port of Los Angeles, Miss Ricardos was kept very busy attending many dinners and other events. Her first official appearances as Miss Port were in the 1981 San Pedro Christmas Parade and in the grand marshall's boat in the Harbor Christmas Afloat. Later, she represented the Port of Los Angeles by riding on a float at the 1982 Rose Parade, and was a contestant in the 1982 Miss California Pageant.

The celebration of anniversaries also kept Marlise Ricardos in the public eye. In a reception aboard the *Sea Princess* during her maiden voyage, Miss Ricardos helped celebrate Matson Lines' 100 years of service. The Port of Los Angeles' 75th anniversary, held at the American President Lines terminals provided another opportunity for Miss Ricardos to assist in the festivities.

Miss Ricardos is currently majoring in drama at U.S.C.'s School of Performing Arts, and recently appeared in a production of "Grease." I applaud the initiative and hard work of this talented young woman, and, with my wife Lee, wish Marlise Ricardos all the best in pursuing her chosen career.●

CZECHOSLOVAK SOCIETY HOLDS WORLD CONGRESS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. GAYDOS. Mr. Speaker, during the recent recess, the University of Pittsburgh, Pittsburgh, Pa., was the site of a most impressive convocation of scholars, artists, musicians, and writers.

It was the 11th world congress of the Czechoslovak Society of Arts and Sciences and was held over the weekend of October 28-31.

The society is a nonpartisan, nonprofit organization of 1,600 members, dedicated to the principles of free search for truth and knowledge and the free dissemination of ideas. They come from the ranks of refugees who fled Czechoslovakia after the Nazi occupation in 1939, the Communist coup in 1948 and the invasion of the Warsaw pact powers in 1968.

The organization of these intellectuals and professional people began in 1958 under the leadership of the late Prof. Vaclav Hlavaty, a mathematician at the University of Indiana, and Dr. Jaroslav Nemec of the National Library of Medicine.

Bound by the common purpose of advancing Czechoslovak culture, research, and scholarship in an atmosphere of freedom, the Society held its first congress in April 1962, here in Washington, D.C.

Since then, the society has met biannually throughout the United States with interim congresses at Switzerland, Canada, and Los Angeles, Calif.

It has made its presence known throughout the world. In the West, its establishment has been welcomed and supported over the past 24 years. However, comments in the controlled press of Czechoslovakia range from outright condemnation to reluctant acknowledgement of its significance.

The society has local chapters scattered throughout the United States and abroad. Its members teach at approximately 100 colleges and universities in the United States, Canada, and Western Europe.

From its inception, the Czechoslovak Society of Arts and Sciences has maintained its nonpolitical character, refusing to become an instrument of the so-called cold war. Its membership is opposed to any totalitarian ideology of either the left or the right, being fully aware that culture and freedom are inseparable.

Mr. Speaker, I deem it appropriate and proper to insert into the CONGRESSIONAL RECORD this recognition of the Czechoslovak Society of Arts and Sciences for the attention of my colleagues.●

NORTHRIDGE ALL-STAR GIRLS ROSTER

HON. BOBBI FIEDLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Ms. FIEDLER. Mr. Speaker, it has come to my attention and I would like to bring it to the attention of the Members of the House, that the Senior Girls All Stars, who won the State championship, come from my hometown.

I believe these young women and their coaches and parents deserve the recognition of the Congress. Therefore, I am today placing in our official RECORD their names and their record.

NORTHRIDGE ALL-STAR GIRLS ROSTER

Kim Bernstein, catcher.
Joanne DeFrisco, center field.
Chrissy DeSantis, 3rd base.
Rochelle Dicker, 1st base.
Amy Himber, pitcher.
Jennifer Goodman, pitcher and 1st base.
Carina Katurich, pitcher.
Carol MacGregor, out field.
Sandra Martin, pitcher.
Stephanie Rimington, 2nd base.
Renee Rosenbaum, out field.
Karen Secky, short stop.
Stacy Tobias, out field.
Christine Valentini, left field and short stop.
Manager, Bill Peel.
Coaches—Reggie Peel, Jon Goodman, Cheryl McDonald, Jerry Slaton, Spiro Chialtas.
Scores:
Sectional in Venice—Northridge vs.:
Glendale, lost 6-5.
North Venice, won 13-2.
San Valley, won 12-7.
Glendale, won 8-2.
Glendale, won 9-6.
Divisional in Hawthorne—Northridge vs.:
Temple City, won 4-1.
Wiseburn, won 15-12.
Wiseburn, won 3-1.
Western Regional in Pittsburg, Calif.—Northridge vs.:
Rose City, lost 8-2.
Sunnyside, won 7-5.
Red Bluff, won 9-5.
Rose City, lost 12-3.

I am proud of what these young women have accomplished and wish them the best of luck in the coming season.●

A GREAT DAY FOR BARRE

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. BOLAND. Mr. Speaker, on October 23, 1982, the citizens of Barre, Mass., dedicated their town hall.

This event was especially signficant because on January 6, 1981, the town hall was seriously damaged by fire. The fire presented the people of Barre with the considerable challenge of rebuilding their town hall. It was a challenge to which they responded with the kind of effort and commitment that has characterized Barre since its inception. The town hall reconstruction project became a matter of civic pride, and the results are certainly worthy of pride. The town hall has been beautifully and painstakingly returned to its status as an historic site. It stands as not only the focus of the town's civic attention, but as a monument to the love of its people for their community.

Mr. Speaker, I want to congratulate Town Hall Rebuilding Committee Chairman Gerard Gariepy, the members of his committee, and the people of Barre on their achievement. I also want to include at this point in the RECORD an article from the Barre Gazette which details the rebuilding effort.

[From the Barre Gazette, Oct. 20, 1982]

FROM THE ASHES A MASTERPIECE IS HEWN

(By Dorothy Banks)

When the Town Hall burned in January of 1981 no one realized what the months ahead would involve or who would be involved in the reconstruction. The focus of this article will be on the reconstruction and those involved, especially on two men whose part in the rebuilding of this structure was crucial to bringing Barre's Town house back to the stately historic site it once was and thanks to them, now is.

David Robinson was first brought to our attention though the Town Hall Rebuilding Committee Chairman Gerard Gariepy. Gerry gave me a tour of the Town Hall as work was progressing this summer.

"He's a real take charge guy," said Gerry of Dave as we went inside. He had to order special wide-pine boards of the wainscoting which runs two feet up the wall in every room. They were beaded too, for the period look of the 1800's which Robinson was effectively recreating. The wainscoting in the Grange Hall on the upper floor had to be completely replaced whereas downstairs it had been hidden by panelling and was thus painstakingly refurbished.

Gerry praised Dave repeatedly for his attention to detail, and as we continued to tour the rest of the building right up to the massive timbers in the roof and cupola I began to get a sense of the men who were behind it all.

Shortly thereafter I repeated the tour with Dave Robinson, a handsome man of 28 years, six feet tall and curly blond hair and a mustache and beard tinged with red. He is a rugged and proud man but not at all boastful. He had agreed to do a job and put his skill and attention to every phase of it.

Dave was appointed verbally through the selectmen with the agreement of Utica Insurance as the general contractor to oversee all phases of the reconstruction of the Town Hall. In fact the insurance company was the actual general contractor. To clear any doubt as to money involved Dave was paid an hourly rate. There was "no gravy involved," commented Dave's brother, William Robinson whose own involvement I'll touch on later. "Contractor's usually get 5 percent," he continued. "Dave got nothing." And that's how he wanted it.

When Dave took on the job he and his brother Bill who, for clarification's sake was appointed clerk of the works by the insurance company, sat down and studied the blueprints. They then had to talk bids with different companies and they went to extremes to come up with the best deal they could for the town.

"A lot of people donated to the whole thing," Dave said. And by this he meant time and materials as well as effort. He mentioned Tommy Thompson of Manufacturer's Millwork in Auburn who had the oak floors brought in from Arkansas at his own expense. He praised his father, J. Warner Robinson of Hardwick who had made the "circle in a square" design, two of which are on the top of each side of every door casing. At first he had made 12 and Dave told him he needed two dozen more. Dave soon had two dozen more and no money was involved.

"My brother has donated more than anyone," Dave said. "Bill has gone to extremes to get wholesale prices (for materials) and he never took a commission."

Bill, who owns W. R. Robinson Lumber Co. in Barre, is, like his younger brother, handsome and rugged and a man of unquestionable values. He simplifies his involvement in the reconstruction by saying "I felt bad when the building burned, . . . but once I said I would do something," he adds unquestionably, "I did."

So with these two men behind it all the process of reconstruction began—

On May 4, 1981 the cupola was lowered to the sidewalk in front of the Town Hall.

"It was a scary situation," Bill Robinson recalled when he and Dave learned that the cupola was going to be taken down. No actual measurements had been taken, only estimates had been written down by the architects, Millete & Hovsepian of Worcester and those were done by looking at a photo. So Bill and Dave got together the night before the cupola was removed and Dave went up and took his own measurements on little scraps of paper. It was through these measurements that the cupola base was repaired and it is to the Robinson's credit that those measurements were taken. It was learned later that the measurements the architectural firm had taken were wrong as a result of the distortion being taken from a photo. They were 13 feet short in height. The roof of the Town Hall would have been incorrect too. Dave wisely chose also to follow his own detailed sketches of the molding and pitch of the roof line.

When Leo's Construction Co. of Webster finished their job of removing the debris, the Robinsons' job had long since begun. Plans were underway.

The roof and cupola base were carefully designed with massive beams for supports. Bill Robinson had donated these. This type of construction used througout the building was called mortice and tennon. Once a common form of building technique used in the 19th century, the timbers interlock the wood by exact cuts of each piece which then allows one piece to fit snugly into the other, similar to post and beam construction.

Work continued throughout the summer.

Howard Hastings, another local artisan applied his exact carpentry craft to the cupola and the clock. Robert "Bob" Bentley was in charge of having the clock repaired and both did their jobs well. Howard told me that the cupola was not that badly damaged. His main task came in refurbishing the clock. He says that he got his ideas on the new clock faces and the louvres beneath by looking at other clocks in the towns of Petersham, Hubbardston and Templeton.

He decided on pine boards for the face of the clock, again donated by Bill Robinson. The faces needed a long-lasting covering . "The best way to do it," Howard said, "was to use painted crushed black glass called smaltz." Although it was time-consuming and more expensive, "It is cost effective in the long run," Howard indicated as it can't fade. He noted that one sign painter in Worcester was the only source he could find. With other dealers Howard recalled them saying, " 'Oh, Yeah, I remember using that 20 years or so ago.' "

The numbers on the clock were made of anodized aluminum and were made in the shop of Barre's selectman Earl N. Sample. Earl donated the use of the machinery and tools needed. The ones using them to complete the careful job of balancing the hands were Alan Dextradeur and Charles Payne. Valerie Dextradeur, Nancy Thorng and Betsy Clarkson were the ones who handfiled and de-burred the Roman numerals for the clock to make them smooth. Earl also donated the stainless steel pulley and bracket for the flag pole "and, after considerable thought managed to find a suitable 'ball fixture' for the very top of the flag pole." I understand Earl was quite flushed after this accomplishment.

The clock was donated to the town from the First Parish Community Church during the Barre Bicentennial and the church trustees have maintained the clock, have paid for its repair and will continue to pay for its maintenance.

The cupola, while grounded, got a new copper roof and Bill Robinson here is quick to praise Utica Insurance. "Just because the insurance company picked up the tab doesn't mean we needed frills," Robinson stated. "The insurance company treated the town real well," he continued. Utica gave the town the go ahead on the copper roof, air-conditioning for the offices downstairs, and the hardwood floors on the first floor rather than inlaid. "The insurance company treated the town fairly and I'd like more people to realize that," Bill concluded.

John Paulson, Assistant Secretary of Property Claims for Utica Nationwide returned the compliment in a phone conversation in August and directed one himself towards the elder Robinson. "I think the town of Barre is lucky to have a Bill Robinson." He noted the unusual circumstances of the townspeople wanting to get involved. He added that with Bill there was "no hassle. He always had the interest of the town first," Paulson said. "We (Utica) gave so much because we got a fair shake with Bill cutting the costs," he concluded.

Paulson, who has 25 years experience in claims, estimated that because of Bill and

Dave's diligence in getting the best for the least, Utica realized a savings of between $150,000 to $175,000. (Although a few bills are still outstanding the cost of rebuilding, according to Paulson, is slightly in excess $405,000.) I would mention at this point that both Dave and Selectman Chairman J. Howard Thompson had both given me a rough figure of savings that they thought was about $20,000. Their modest figure only reinsures the knowledge that it was dedicated men who brought the town hall back to its modern stature in an old-fashioned motif.

Thus as progress visibly continued throughout the summer on the outside, progress within was also taking shape.

The offices downstairs were completely renovated first with Town Clerk Alice Orszulak and Tax Collector Alice Heyes delighted to be back in their old place again by mid-summer. As those offices were modernized the real intricate part of bringing the rest of the building into an 1800 design was going on.

Robert "Bob" Duval handled the plumbing and effectively so. Bob said the most difficult part of his job was breaking up and removing the concrete floor to get to the old pipes. He and his son, Bob A. Duval, and son-in-law Jeff Mitchell, accomplished this through use of a jackhammer.

On all levels of the Town House the plumbing is now brand new.

As mentioned before the wainscoting was carefully restored. The doorcasings needed to be replaced and G&H Woodworking of Worcester was able to do the fluted design needed to bring them back to their original form. They also reproduced the moldings for both the interior and exterior of the building throughout. Dave noted that there were 13 layers of paint on the inside moldings that had to be removed.

The doors themselves that needed replacement were made in Dave's shop by one of his carpenters, Diony Van Gerven. The two inside doors of the Town Hall leading into the auditorium are especially noteworthy as Dave took the time to see that these gracefully curved doors were repaired exactly. It would have been much simpler to put standard straight doors in, but again Dave's concern for detail would not allow him to make that sacrifice.

The front entrances to the left and right of the main doors both had to be replaced and the craftsmanship in each is remarkable. Each door is made up of 115 pieces. 115! The mortice and tennon technique is used here, too, on these raised-panel doors.

The light fixtures were taken from the Henry Woods Building and installed. These copper-toned fixtures had been in storage in the Henry Woods Building for some time. Dave said that John LaPierre, the electrician was "easy to work with." You might want to note that the wall-plates for the sockets also match the paint color in each main room, impressing again the care to detail that was given.

The curving staircases, one that had been used and now another that has been made usable on the opposite side of each front entryway, were both heavily damaged by rain. Dave preserved what he could and made new treads where necessary. The finished staircases with their rich wood banisters and shining wood steps are beautifully done.

Dave had a crew working with him that appeared as devoted to this particular job as Gerry Gariepy indicated when he said, "Dave's made sure everyone put their heart into it."

Doug Morrison a painting contractor of North Brookfield was always cheerful, always busy when I stopped by periodically to see the progress inside. "Doug has done a tremendous job," said Dave in high praise. Doug saw to it that the painting was done to Dave's specifications if Dave wasn't there to oversee it himself.

The tremendous efforts of everyone involved should be appreciated all the more when one realizes all the things that could have gone wrong had not each and every individual made the effort to cooperate. It was a combination of care, cooperation and dedication to a common goal that has brought Barre's Town Hall back to the masterpiece that it is. Had the Robinsons not been the moving force behind it all, the outcome might have been different. The outcome is that the Rededication of the Barre Town Hall will take place October 23, 1982, one year and ten months after the fire.●

HOSPITAL OFFICIAL TO RETIRE

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. YATRON. Mr. Speaker, I want to take this opportunity to pay tribute to Mr. James C. Kirk, president and chief executive officer of the Pottsville Hospital and Warne Clinic, located in Pottsville, Pa. Mr. Kirk will retire on January 1, 1983, after 35 years of dedicated service to the hospital and the community.

Mr. Kirk was appointed administrator of the Pottsville Hospital in 1948. He has been an outstanding citizen whose contributions to the institution and the community are immeasurable.

Before coming to Pottsville, Mr. Kirk was the assistant superintendent of the Perth Amboy General Hospital in New Jersey. Prior to serving at Perth Amboy, he was an accountant for Jones & Laughlin Steel Co. in Pittsburgh and the Crucible Steel Co. of America in Jersey City.

As the administrator of the Pottsville Hospital, he was responsible for guiding the institution through several major building projects which increased the hospital's size from 150 to 266 beds, making the Pottsville Hospital and Warne Clinic the largest hospital in Schuylkill County. In addition to the hospital expansion projects, a new school of nursing building was constructed in the midsixties.

Mr. Kirk, a native of Port Carbon, Pa., received his education at the Carnegie Institute of Technology in Pittsburgh. He is a member of the American Hospital Association, the Hospital Association of Pennsylvania, and the Health Systems Agency of Northeastern Pennsylvania. He was also a member of the Commonwealth of Pennsylvania's State Welfare Board.

Mr. Kirk is a man of many accomplishments which have benefited thousands of people, not only in Schuylkill County, but throughout Pennsylvania. Without a doubt, the Pottsville Hospital and Warne Clinic will be losing a man with exceptional talent, skill, and ability.

Mr. Speaker, it gives me great pleasure to honor this fine American before my House colleagues. Mr. Kirk was a true humanitarian with a complete devotion to providing the best possible health care for the citizens of Schuylkill County.●

NATIONAL PARK VISITOR FACILITIES FUND ACT

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. LUJAN. Mr. Speaker, I am pleased to introduce today legislation that will provide a viable means to solve the problems with overnight visitor facilities in our national parks for which the Government has nonroutine maintenance and rehabilitation responsibilities.

Of the approximately 16,000 buildings in national park areas, there are some 1,000 Government-owned facilities which are used for overnight accommodations of visitors and support services and in which there are no outstanding possessory interests by a concessioner. These tend to be small cabins and related facilities used by visitors seeking clean, comfortable, and safe accommodations during their park visit. Unfortunately, the rehabilitation of these facilities has often been neglected in the press of more comprehensive park plans for construction and repair, which generally focus on larger structures. Delay of necessary rehabilitation and repair has resulted in many of these small visitor facilities deteriorating to the point that they do not meet minimum health and safety standards. This bill will provide the financial, practical, and expeditious means to accomplish the needed rehabilitation to these Government-owned cabins, motels, and food facilities.

This legislation is the counterpart to S. 2715, which was introduced by Senator WALLOP in July. The Senate Subcommittee on Public Lands and Reserved Water of the Committee on Energy and Natural Resources held hearings on this bill on July 30, 1982. In testimony, the bill received strong support from all witnesses, including the Department of the Interior, the National Park Service, the National Park Foundation, the National Parks and Conservation Association, and the

Conference of National Park Concessioners. The legislation would permit the combination of revenues generated from franchise fees paid by operators in the national parks, along with private contributions and management resources to upgrade the quality of national park overnight visitor accommodations. Under the bill, revenues received from concessioners' franchise fees, authorized by section 3 of the act of August 25, 1916, would be paid into a special fund, the National Park Visitor Facilities Fund, in the Treasury. The Department of the Interior estimates that revenues from concessions franchise fees would average approximately $5 million per year. My bill would authorize this amount to be paid into the fund annually. The bill would authorize annual appropriation in this amount from the fund for grants to the foundation, with an additional appropriation authorization of up to $1 million to be available for matching, dollar for dollar, both cash and material contributions donated to the Foundation by private citizens and corporations for restoration and repair of visitor facilities. The building program would be paid for by appropriations from the Visitor Facilities Fund to the National Park Service for grants to the National Park Foundation, which would manage the program. The foundation is a federally chartered nonprofit instrumentality authorized, in the action of December 18, 1967 (Public Law 90-209), to accept and administer gifts for the benefit of the national park system. The range of projects considered shall include the construction and rehabilitation of overnight visitor accommodations and related facilities, as well as the relocation of existing facilities to other locations within the park, or the removal of structures from the park entirely.

The National Park Foundation has established a strong record of support for the National Park Service. It has a highly qualified board of private-sector individuals who can assure the competent and effective management of this project, as well as being able to attract contributions of both cash and materials. The foundation's sole function as to concessions would be to contract privately for the actual "bricks and mortar" repairs and construction of facilities according to needs identified by the National Park Service. Improvements made by the foundation would become the property of the Federal Government.

I strongly recommend enactment of this bill, which provides an energetic and imaginative joint Government/private-sector approach to a narrowly focused, but difficult problem in our parks.●

WALTER J. SEMPROCH—ENTREPRENEUR EXTRAORDINAIRE

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. MOTTL. Mr. Speaker, today I would like to call your attention to the accomplishments of a Clevelander who is a prominent example of individual success, Mr. Walter J. Semproch.

Walter has owned and managed Broglio's restaurant in Independence, Ohio, since 1961. As is the case with any well-run business, Broglio's has become famous throughout the community for the quality and service provided by Walter Semproch. He has earned this exemplary position by virtue of his own dedicated efforts, and his entrepreneurial spirit.

Walter is a self-taught businessman. He was born on the southeast side of Cleveland 65 years ago. Walter attended Sacred Heart of Jesus Elementary School, and graduated from South High School in 1936. While at South High, Walter worked part time for Fisher Foods.

In 1936 Walter was employed as an "all-around" man for Kaase Bakery, his first full-time job. He worked his way from a position in the bakery plant to sales supervisor, then to sales manager. Walter went to work for Broglio's in 1954, fulfilling their need for a manager. He invested his own money—as well as a great deal of his time and energy—in the restaurant. Walter bought a quarter of the stock in 1956, and gradually acquired the remainder over the next 5 years. Since then, Broglio's revenues have reached well over a million dollars, thanks to his dedication and perseverence.

In addition to these successes, Walter Semproch is active in many community organizations in Greater Cleveland. These include the Marymount Hospital advisory board, the Cleveland Polish Society, the Sports Media Association, and, in keeping with his life's work, the Northeast Ohio Restaurant Association.

Mr. Speaker, my colleagues in the House, please join me in the extension of this gesture to Walter J. Semproch. His hard work has made him an eminent member of his community, and a man we should be proud to honor.●

THE 64TH ANNIVERSARY OF THE INDEPENDENCE OF POLAND

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. ANNUNZIO. Mr. Speaker, on November 11, 1918, the courageous people of Poland declared their independence, and reasserted the nation's right to live in freedom and human dignity after more than a century of enslavement.

The history of Poland and its people has been one of both triumphs and tyranny. Although one of the first democratic constitutions known to the world was established in Poland, unfortunately shortly thereafter, the Polish people saw their homeland invaded by three of the country's powerful neighboring nations. These nations exploited and brutalized the newly conquered Polish territory until 1918, and they responded with terrible repressive measures whenever the Polish people made gallant efforts to achieve self-government and to preserve their cultural heritage.

After World War I, however, the signing of the Treaty of Versailles enabled the Poles to reassert their own national destiny, and to freely develop their national, religious, and cultural institutions without foreign interference. Sadly, this glorious revival of freedom lasted only for one generation. In 1939, Poland became a victim of Nazi aggression, and her people were subjected not only to another foreign occupation, but also to the most extreme savagery, racial persecution, and brutal enslavement. Although 1945 marked the end of this Nazi oppression, the Polish people were forced to submit to a new tyranny in the form of the communism imposed with force by the Red Army.

Today, the Communists continue to be ruthless in their attempts to wipe out the culture and religious heritage of the Polish people. Nevertheless, they have been unable to completely crush the spirit of the Poles, and their desire for human rights, human dignity, and liberty. These dedicated men and women of Poland, who daily must face a dismal existence under the tyranny and oppression of the Communists, continue their fight against overwhelming odds in an effort to achieve self-determination.

Mr. Speaker, I am proud to join Americans of Polish descent in the 11th District of Illinois which I am honored to represent, in Chicago, and throughout the country as they commemorate the 64th anniversary of the independence of Poland, and I join them in their hopes and prayers for the success of the Polish people to one day overcome their Communist oppressors, and live in freedom in their own beloved country.●

BUSINESS LEADERS SAY "CHANGE THE COURSE"

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. MILLER of California. Mr. Speaker, the voters of this country sent a strong signal to the Congress and to the administration to alter the disastrous course of Reaganomics. Since the election, nearly every economic indicator has worsened still further, and the prospects for any significant, long-term improvement of the economy has become even bleaker.

It is perhaps understandable that the architects of Reaganomics resist the calls for change when they are made by those of us who decried the strategy when it was first proposed. Now, however, even some of our country's most prominent business leaders are viewing the strict supply-side, Reaganomics course as the "voodoo economics" originally described by George Bush in 1980.

Both supporters and critics of Reaganomics would do well to read the following two articles, both by men who are hardly known as hostile to the interests of business. The first, by John Wilson, traces both the original flaws in the theory underlying Reaganomics as well as its abysmal performance in practice. It should be noted that Mr. Wilson is the senior vice president and chief economist of the Bank of America.

The second article is by publisher Malcolm Forbes, who calls for major changes in spending and defense policies as essential to a reduction in President Reagan's record-shattering deficits.

(The articles follow:)

CAN REAGANOMICS BE SALVAGED?

WE MUST INVEST IN OUR FUTURE

(By John Oliver Wilson, Delivered at the Town Hall of California, Los Angeles, Calif., Sept. 16, 1982)

Only eighteen months ago Reaganomics was born. It was an historic moment in our nation's history. Who can forget the dramatics of the event as it was broadcast live on nationwide television.

The date was February 18, 1981. President Ronald Reagan entered the packed Chamber of the House of Representatives to a thunderous standing ovation. As the Members of Congress gathered to hear the new President lay out the details of his economic program, expectations were high, for rumors had been growing that this new program would represent a dramatic departure from the past.

After first cautioning that "we can no longer procrastinate and hope that things will get better . . . they will not" the President went on to propose "a comprehensive four-point program."

It is a program, the President explained, that: First, is aimed at reducing the growth in government spending: second, reforming and eliminating regulations which are unnecessary and unproductive: third, encouraging a consistent monetary policy that reduces inflation: and fourth, reduces taxes.

It was the proposal to reduce taxes that became the most important part of the economic program. In his proposals for tax reductions, the President was far from conservative. Tax rates were to be cut by 30 percent. Tax revenues were to be reduced by $44 billion in 1982 and eventually result in a $500 billion reduction over the next five years. Never before in the history of the nation had a President proposed reducing taxes by so much for such a long period of time.

Drawing upon his prodigious abilities to communicate, and demonstrating an unexpected flair for playing the rough and tumble game of political arm-twisting in Washington, President Reagan moved quickly toward a vote in Congress on his tax bill. On July 29, 1981, after a mere seven hours of debate, the Prsident won a landslide victory.

As the newspapers reported: "In 190 days President Reagan has not only wrought a dramatic conservative shift in the nation's economic policies and the role of the Federal Government in American life but he also swept to a political mastery of Congress not seen since Lyndon B. Johnson."

It was now official. The accepted economic policy for the nation was christened: Supply-side economics. This new set of policies was expected to produce tremendous results. For 1982 projections were for an economy that would grow at a positive 5 percent real rate. Inflation would decline significantly, and the budget defict would be a mere $45 billion. By 1984 the budget was to be totally in balance.

It seemed almost too good to be true. Massive tax reductions would stimulate such strong economic growth that sufficient tax revenues would be generated to balance the budget.

As all of us are only too painfully aware, this economic utopia has not occurred. There is little prospect that it will.

Rather than the economy expanding at a vigorous 5 percent, we find it declining at a negative 1.5 percent rate. Rather than a mere $45 billion deficit, we are faced with a massive $150 billion deficit. Rather than basking in economic euphoria, we are caught in the throes of the most serious economic recession in fifty years.

We clutch for every small indicator of economic improvement, knowing that unless we are on the verge of a protracted recession, or a depression, the economy should recover. There exist numerous self-corrective forces within our economy that act to turn a recession around. These forces are very powerful. A slowdown in inventory disinvestment and continued consumer spending are the most certain forces that typically act to turn around a recession. And it is just these forces that are operating today to give us what economic strength that we have.

However it is a weak economic recovery at best: The weakest economic recovery in our entire postwar history!

The seriousness of our current economic situation cannot be underestimated. In the economic debris of this recession we will be left with a frightening legacy: The highest unemployment rate since 1941 . . . the largest number of business bankruptices since 1932 . . . the weakest recovery in business investment in forty years.

There is the very real possibility that such debris will simply overwhelm the expected economic recovery, and we will face a continued and prolonged economic recession.

In the President's own words, "we can no longer procrastinate and hope that things will get better."

Why is the economy in such dire straits? What happened to turn the euphoria of the Regan economic program into pessimism?

Let us look at these questions. Specifically, let us look at two major issues: First, why has supply-side economics failed? And second, what can be done to salvage Reaganomics?

I separate Reaganomics from supply-side economics, for there are strong indications that the President is no longer wedded to his initial supply-side beliefs. Even more important, if Reaganomics is to survive, it must be separated from those beliefs.

Supply-side economics as advocated in the early days of the Reagan Administration has come apart for several reasons:

One: Overly optimistic assumptions were made regarding the role of expectations in our economy.

Two: The clash between expansionary fiscal policy and tight monetary policy, and the resultant rise in interest rates, was underestimated.

Three: The main engine for economic growth was assumed to be business investment; however, the impact on investment of high interest rates, a recession, and basic structural change was ignored.

Four: The impact of disinflation on the financial position of corporations was not taken into account.

Now, let's examine these reasons for the failure of supply-side economics in more detail.

First, overly optimistic assumptions were made regarding the role of expectations in our economy.

The role of expectations in our economy has become a major topic among economists in recent years. It is well known that past rates of inflation help form expectations about future rates of inflation. And it is generally felt that changes in economic policies have a significant impact on economic behavior. But what is not known is how fast inflationary expectations change and economic behavior is altered. The supply-side economists of the Reagan Administration assumed a very rapid response.

It was assumed that there would be a very rapid reaction to the announced economic policies of the new Administration.

Inflation would decline from then existing levels of 11 percent to 6 percent or less within a matter of months.

Business investment would be strongly stimulated by the mere passage of the economic program, long before the actual economic incentives had time to take effect.

Workers and consumers would begin to respond immediately to the new tax incentives designed to encourage greater work effort and a higher level of savings.

So strong would be the response to the new economic program that the Administration projected economic growth rising to 5 percent and inflation declining to 6 percent for 1982, while most private sector economists, using more conservative and traditional assumptions on the role of expectations, projected growth at 2.5 percent and inflation of 8 percent for the year.

In retrospect, it is clear that the Administration was much too optimistic in estimating the impact of expectations.

The second reason for the failure of supply-side economics was the clash between expansionary fiscal policy and tight monetary policy.

Once the President had signed into law his historic tax cut program, he set out to prepare his first budget. This was the budget that was presented to Congress in January, 1982. It was here that serious problems began to surface.

The President proposed massive increases in defense spending, $44 billion in FY 1983 alone, and against the strong recommendation of his advisers, he refused to accept sufficient tax increases to attain a more reasonable budget balance. Having run out of areas where social programs could be reduced, the Administration was faced with a budget deficit of $150 billion in 1982. And rather than achieve a balanced budget by 1984, the deficit was projected to continue to be $150 billion.

Such stong fiscal stimulus, unprecedented in our entire history, left the Federal Reserve Bank with no choice but to pursue a restrictive monetary policy. The result was an increase in interest rates. After having dropped by 600 basis points in the aftermath of the initial Reagan euphoria, short term rates soared by 400 basis points between December, 1981, and February 1982. This was the period when the financial markets clearly perceived the true implications of the Reagan economic program.

As we know, interest rates have remained stuck at these high levels until July of this year, even though inflation was significantly declining and the economy was plunged into a serious recession. The markets simply were unwilling to move until the Administration faced up to the reality of their proposed budget deficits, and the Administration showed no signs of compromise as they engaged in a head-to-head confrontation with Congress.

It was only after the seriousness of the recession was finally acknowledged, and the intractableness of the financial markets was understood, that the Administration and Congress reached agreement on a proposed tax increase. But by then, the damage to the economy, and supply-side economics, had been done.

The third reason for the failure of supply-side economics was the assumption that business investment would provide the main source of renewed growth.

Unfortunately, rather than increasing, business investment declined. Little investment occurred when interest rates surged upward. Then when the recession occurred, and idle capacity began to develop, there was no need for new investment. But more important, business is faced with an uncertain future; a future of massive structural change and intense competition.

There have been few times in our history when our basic industries have gone through such significant change. My own business, the financial industry, for instance, faces the most dramatic change in over 50 years. We face intense competition from abroad as foreign banks enter American markets in increasing numbers. At the same time such nonbanking institutions as Sears, Merrill Lynch and others are broadening into financial services. Our costs have increased manyfold as we now pay market rates of interest for our source of funds. The risks of the banking business have grown substantially.

What is true of the banking industry is also true for airlines, automobiles, steel, computers, construction, agriculture, and aerospace.

At a time of such massive structural change in nearly all of our most basic and important industries, it was rather naive of the supply-side economic plan to place so much emphasis on a strong renewal of business investment.

The fourth area where the Administration miscalculated was in the impact of disinflation on the financial position of corporations.

During the past decade of high inflation, American corporations greatly altered their behavior. Debt financing was substituted for equity financing. Short-term debt was substituted for long-term debt. Capital investments were made assuming continued high inflation. Expectations about future income and profits were increased. Above all, borrowing was greatly expanded. All of these changes were normal reactions to a high inflation era. However, these actions created tremendous problems for all of us when disinflation occurred in 1982.

With the decline in inflation, the prices of products also dropped. Furthermore, many of your industries were locked into labor contracts where the cost of labor declined less rapidly than prices, and debt obligations where interest rates remained high. Consequently your business firms have been faced with declining prices but continued high cost for labor, interest payments on debt, and other fixed costs. The result has been a tremendous squeeze on corporate profits.

To counter this profit squeeze, firms have been scaling back on their investment plans. They have greatly cut all controllable expenses and delayed research and development activities. At the same time they were forced to continue borrowing at high interest rates in order to survive.

When the history of the 1982 recession is written, the most unusual occurrence will probably be the impact of disinflation on corporate financial strength. And this impact was almost totally excluded from consideration in the Reagan economic program.

Having discussed what has brought about the failure of supply-side economics, we now turn to the more interesting—and relevant—question of what can be done. Can Reaganomics be salvaged?

My answer is yes, for the Administration has many pluses working for it.

The first plus is the American economy. Our economy is still by far the largest in the world, accounting for one-quarter of the total gross national product of the global economy. This means that our markets are large and rich. We still offer the greatest economic opportunity for any manufacturer or entrepreneur in the world, whether that individual be American, Japanese or French.

The second plus is that we have absorbed the postwar baby boom into our labor force, thus we no longer face this problem that slowed down our productivity growth during the nineteen-seventies.

The third plus is that we have completed much of our investment in cleaning up our environment, another source of slower growth in productivity. We can maintain our commitment to a clean environment with far less resources than in the past, and now allocate those resources to other areas.

The fourth plus is the fact that the OPEC shock, which ushered in the era of high energy costs, is behind us, and we are well on our way towards adjusting to a more energy efficient future.

These pluses are so strong that the decade of the nineteen-eighties holds out the promise of potential growth rates in productivity that are two to three times that of the past decade.

However, to realize this potential growth we must alter our current economic policies. Specifically, these policies must be designed to expand investment in America's future.

This may seem a strange recommendation to make since the Reagan economic program was largely sold to business and to the public on its ability to increase productive investment. Indeed it was viewed as the most pro-business economic program in many years.

Unfortunately, it has put American business in their most precarious financial position in fifty years. It has stifled private investment. It has slashed public investment in housing, education, research and development, alternative energy sources, and public transportation. It is jeopardizing our future.

What needs to be done?

The first policy change would be to reduce the expected budget deficits. No one would suggest that we should attempt to balance the budget this year. To do so would only plunge the economy into a depression. Nor it may not be possible, or even desirable, to reach a budget balance in the foreseeable future. But to consciously undertake policies that are designed to produce budget deficits of $100 to $150 billion from not until at least 1985, long after the economy will presumably be recovered from this recession, is to ask for trouble.

The second policy change would be to achieve greater balance between fiscal policy and monetary policy.

Smaller budget deficits are essential to achieving this balance. Once the proposed budget deficits are attained, the FED will be in a position to moderately ease on the growth of the monetary base without endangering our long-run commitment to fighting inflation.

Currently, the FED is attempting to expand the money supply, but with large budget deficits this is a risky undertaking. It is only because of the weakness of the economy that the FED is able to ease to the extent it has without setting off renewed inflationary expectations and higher interest rates.

The third policy change is to reduce proposed increases in defense spending.

The Reagan budget proposes to increase federal government outlays by $322 billion between 1981 and 1987. Two-thirds of this increase is earmarked for defense! Two out of every three additional dollars spent by the government between now and 1987 will go to defense. (The remaining amount is slated for social security and medicare-medicaid.)

The defense establishment and the elderly will receive every single dollar of proposed budget increases for the next six years. There will be no increases for research and development . . . no increases for education . . . none for energy, public transportation, natural resources, and housing.

It will be impossible to achieve a more balanced budget without reductions in the $204 billion increase planned for defense. We simple do not have enough social programs left to be cut. Nor will procedural reforms, such as constitutional amendments to require a balanced budget or changes in the budget procedure, solve the problem. The solution requires some difficult political decisions on budget priorities; which leads me to my final proposal for change.

The fourth policy change is to increase both private and public investment.

Almost all of the emphasis in the current economic policy debate has focused on private investment. But private investment, by

itself, will be insufficient to do the job. We need stronger and better public investment as well.

Unfortunately this is the area that has received the sharpest budget reductions. If we examine proposed budget outlays for the next five years in terms of four major categories; Defense, income security and health, general government operating expenditures, and public investment, we find that the only area where large reductions are proposed is public investment.

Defense is slated to increase from 24 percent of our budget in 1981 to 37 percent in 1987. Income transfer programs such as social security, medicaid and medicare will remain constant at 47 percent of the total. The cost of operating government, including interest on the debt, will remain constant at around 15 percent of the total. But public investment will decline from 16 percent of the budget outlays in 1981 to just 6 percent in 1987. We will reduce outlays on public investment by nearly one-half.

This is a high cost to pay.

At a time when our major competitors—the Japanese, Germans, French and other industrialized nations—are increasing their public investment, we are reducing ours. At a time when they have programs for strengthening their industrial base, we have none. We need more investment in research and technology, new developments in energy and computers and a better educated labor force—not less.

We must face the fact that for the overall economic health and security of this nation, we must take a careful look at our expenditure priorities. We must achieve a better balance between fiscal policy and monetary policy. We must increase both our private and public investment: We must invest in our future.

While these policy changes are not politically popular, Congress and the White House have no choice. If our political leaders do their job, and we voters support them in their task, I am confident that Reaganomics will survive. But more important than Reaganomics, I am confident that our economy will survive.

Thank you.

[From Forbes Magazine, Dec. 6, 1982]

FACT AND COMMENT

(By Malcolm S. Forbes, editor-in-chief)

SOMEONE HAS TO GIVE, AND THAT SOMEONE IS THE PRESIDENT

There's just no way the Congress can, should or will go along with an Administration budget that projects a $200 billion deficit. The Administration would be nuts to submit such a folly.

If the White House does, the Congress—principally the House's substantial Democratic majority—will write its own budget. The President will veto it. This shoot-out will bloody not just the Administration, the Congress, the Republicans and the Democrats, but—of far greater consequence—will abort our struggling economic recovery.

The defense budget is going to be cut appreciably. And should be. It's utter foolishness for the Secretary of Defense & Spending & Travel, Cap the Butterknife to throw a fit when Budget's Stockman asks him for his order of priorities on cuts in weapon systems. (For the foremost candidate for such, see below.) Cuts are going to be made and one would think that Secretary Weinberger would want to have some input instead of an output of tantrums.

Then there's going to be either a rescinding of the programmed additional income tax cut or the imposition of additional taxes. Or some of both, billions more in cuts in federal, social and welfare programs? Forget it. Neither the lame duck Congress nor the new one will do anything but a nick here and a nick there.

Until the economy's flourishing again, the President has to tack to make progress against the economic and political winds beating hard against the Administration's basically sound thrust.

ONLY A DUNCE COULD PACK SUCH DENSITY BETWEEN TWO EARS

It may seem beyond believing, but the Defense Department really is proposing to base the controversial, unfathomably expensive MX missile in a cluster of silos about 1,800 feet from each other. One hundred of them. The idea?

The Soviets would aim so many missiles at this cluster that they'd bang into each other and explode before any hit the target. Yup, it's actually what they're proposing.

"Dense pack," it's called. A dunce pack they are.●

WHAT THE WAR IN LEBANON AND THE FALKLANDS TELLS US ABOUT OURSELVES

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. GINGRICH. Mr. Speaker, the wars in Lebanon and the Falklands provoked a flurry of articles on "lessons learned."

The article below by William S. Lind is another, but one with a difference.

Lind looked not only at the questions of what and why events unfolded as they did, but also at why our official institutions interpreted events as they did.

It is this perspective that makes Mr. Lind's essay unique, for the greatest lesson of those two wars is what they tell us about ourselves.

I urge my colleagues to read Bill Lind's fine essay.

SIMPLE TANKS WOULD SUFFICE

(By William S. Lind)

Thanks largely to the threat of nuclear weapons, major powers do not fight many conventional wars anymore. This is a development for which we should be very grateful, but it represents a problem for our military planners and strategists, for whom war is the only genuine opportunity to learn from experience. Since World War II, entire weapons systems have been developed, put into service, and retired as obsolete, without their builders ever knowing if they would have worked in an actual battle.

So the wars that erupted last spring in the Falklands and the Middle East—whatever their political necessity or impact—had special significance in the current debate between the Pentagon and the "military reform" movement. In the press, this fight is usually portrayed as a battle between proponents of sophisticated, high-technology weapons and advocates of cheap, low-technology weapons, but this is an oversimplification.

The first principle for military reformers is one of tactics: the importance of innovation and agility—what is called "maneuver warfare"—as opposed to the ponderous, inflexible style of "attrition warfare" favored by much of our military establishment. Reformers like weapons that lend themselves to this maneuver style of warfare, and they point out that complex weapons that look good on paper don't necessarily work in the dust and chaos of battle. As a result, they argue, our defense dollars would be better spent buying a lot of relatively simple weapons rather than a few expensive, complicated weapons.

Which side of this debate did the experience of real wars in the Falklands and the Middle East support? If you read the newspapers, you might have concluded that the Pentagon had won a stunning victory. American military officials have been particularly eager to take credit for Israel's success in Lebanon. "Pentagon chiefs boast that real wars justify fancy hardware," began an account in the Wall Street Journal. The Washington Post reported that "interviews in the Pentagon suggest the outcome thus far in Lebanon supports the view that the more sophisticated weapons are worth the extra price." Gen. David C. Jones, the retiring chairman of the Joint Chiefs of Staff, allowed that "It should put to rest the argument of our equipment being too complicated."

Where these the real lessons of the Falklands and Lebanon wars? The facts aren't all in, but the ones that are suggest not.

Take Lebanon first. Whatever else the Israeli action was, at a tactical and operational level it has, as of this writing, been brillant. The Israelis used surprise, speed, and unorthodox tactics (such as amphibious landings of mechanized forces) to shatter the enemy's cohesion, in a style of warfare reminiscent of the German blitzkrieg through France in 1940. Israel's success points up the importance for combat of tactics, of daring leaders, of an army that is agile and innovative. This is precisely the maneuver style of warfare American forces have generally been unwilling or unable to emulate. (The failed Iran rescue mission was the most striking recent example of American inflexibility. With only five of the six helicopters required by their "plan," our commanders couldn't do anything except call the whole effort off.)

But looking at Lebanon the Pentagon didn't see tactics, only hardware. Even in that department, its claims to vindication are dubious. After Israel demolished Syria's Russian-built SA-6 antiaircraft missile batteries, for example, there was considerable boasting about how newfangled American weapons had defeated the Soviet missiles. "Where are the low-tech boys now?" cackled one air force officer to the press.

However, while information is still sketchy, the key to the Israeli success is more likely to have been tactics than technology. According to most reports, the Israelis destroyed the SA-6s with missiles that home in on radar after using drones—pilotless airplanes—to lure the Syrians into turning their radar on. Israel probably used American Shrike or Harm missiles—nothing new or particularly fancy. We have had them since 1967, and Israel used lots of them in the 1973 war.

The Pentagon and press have also boasted about the performance of the costly ($25 million apiece) F-15 jet fighter ("flying electronic marvels," said Newsweek). Yet the gun-camera films available to date from air-to-air combat over Lebanon are from Israeli F-16s—the simpler, cheaper U.S. fighter—

not from the complex F-15s. Nor do our generals like to point out that the Israeli airplanes outnumbered their Syrian opponents, probably by about three to two. So the Lebanon experience certainly doesn't support the Pentagon's crucial prediction that a few high-tech planes can defeat a swarm of less advanced aircraft—precisely the situation our F-15s would find themselves in if they ever took on the Russians. Finally, the real decider in the air over Lebanon was, as usual, pilot skill. You could probably safely bet that even if the Israeli and Syrian air forces traded planes, the Israelis would still triumph.

The military establishment's post-Lebanon rush to take credit for its favorite weapons was reminiscent of one of the canards that emerged from the 1973 war. For several years after that war, it was claimed that the complex, radar-guided, air-to-air Sparrow missile, the raison d'être of the F-15, had been responsible for about a third of the Arab aircraft shot down. Then Israeli General Hod let out the full story: lots of Sparrows were fired, but their performance had been abysmal. The Israelis credited them with between zero and one kill.

In the latest Middle East war, as in the last (and in the Falklands), the missile that did work was the infrared-seeking Sidewinder. This is not such a complicated weapon. And because it steers itself without radar it can be launched from relatively simple jets—like the F-16's or Britain's now famous Harriers—that don't possess an F-15's expensive on-board radar system. Military reformers have consistently supported the Sidewinder for precisely that reason, while the Pentagon has pushed the Sparrow, which costs over ten times as much per missile.

Another widely touted winner in the Lebanon war was the American-built E-2C Hawkeye surveillance aircraft. Press reports speculated that Israeli Hawkeyes must have picked up Syrian planes as they taxied down their runways for takeoff. These reports strain credulity, however, given the Hawkeye's previously poor showing at picking out planes over land (as opposed to over water)—unless the Israelis somehow modified the planes to help them distinguish low-flying aircraft from "ground clutter."

In fact, the Israelis frequently alter the weapons we sell them, perhaps because, unlike the planners in the Pentagon, they know their own survival will more than likely depend on whether the weapons work. They designed their own tank, the Merkava, rather than buy the fragile, gas-guzzling $2.7 million Abrams M-1 tank that our own GIs are being equipped with.

Finally, you may have noticed in the TV news shots how Israeli troops in their American-built armored personnel carriers have not really been in them but on them, riding on the outside or hanging out the hatches. Our own troops did the same in Vietnam. Why? Because if the carrier hits a mine when the troops are "buttoned up" inside, as the designers say they should be, they all die, If they are inside when the carrier is hit by one of the many light antitank weapons found on modern battlefields, they burn to death, because the aluminum hull vaporizes and burns. The U.S. Army is now buying a new personnel carrier, the Bradley Fighting Vehicle. It costs eight times as much as the current carrier. Again, everybody is expected to ride inside. Again, the hull is aluminum.

The "lessons" the Pentagon has drawn from the Falklands have been equally perverse. Here the central issue is big aircraft carriers versus small ones. The fact is that the Argentine air force, operating at the extreme limits of its range and using mostly old-fashioned "iron bombs" rather than fancy guided missiles, sent four modern British warships to the bottom. This should, logically, trouble the U.S. Navy, whose entire surface fleet is currently dependent on just over a dozen ships, in the form of its large, nuclear-powered carriers.

In the same war, Britain's smaller carriers, *Invincible* and *Hermes*, acquitted themselves well. They were able to continue operations in bad weather conditiions and (if scattered reports are correct) after sustaining damage—two things only big carriers were supposed to be able to do, according to Pentagon dogma. Britain's vertical-takeoff Harrier jets—favored by reformers largely because they can take off from the decks of small carriers as well as from rudimentary landing strips—held their own in the Falkland skies against Argentina's faster Mirages.

Despite these events, Secretary of Defense Caspar Weinberger quickly announced that there had been no "brand-new lessons" from the Falklands fighting, even suggesting that "there has been a strengthening of the case for large carriers." Adm. Thomas B. Hayward, the chief of naval operations, agreed. With a hubris that one expects the gods have duly noted, Hayward proclaimed that American technology and tactical know-how would surely prevent any "two-bit navy around the globe with a handful of missiles" from sinking our ships.

The Pentagon's main argument was that big nuclear carriers like the U.S.S. *Nimitz* can carry long-range reconnaissance aircraft, which the smaller British carriers could not. In theory, such aircraft can spot enemy ships and aircraft before they get close enough to launch any Exocet-type missiles. Argentine planes, bragged Secretary of the Navy John Lehman, "never would have come close to a U.S. carrier task force."

But that is wildly overestimating the ability of reconnaissance planes—or any of the navy's other elaborate antimissile defenses, like the new $1.1 billion Aegis cruiser—to protect our precious carriers. In exercise after exercise, "enemy" planes, submarines, and missiles have been able to find holes in these defenses and clobber the carriers.

No, if there is one thing to be learned from the South Atlantic war, it is probably that all surface warships are now vulnerable to attack from both air and sea. It follows that we should try to distribute our navy's offensive power over as many ships as possible, to minimize the chance that a single successful attack would cost us an entire battle. The issue is not, as Secretary Lehman suggests, whether the British would rather have had the *Nimitz* or the *Invincible* off the Falklands. For the price of one *Nimitz*, we could buy six or seven *Invincibles*.

The vulnerability of surface ships is not a recent revelation. In that sense, Secretary Weinberger is right to the extent that he suggests there were no "brand-new" Falklands lessons. The first warship to fall victim to a modern antiship guided missile, the Israeli destroyer *Elath*, went down in 1967, and the evidence has been mounting ever since.

Has the Pentagon consciously deceived the public? I don't think so. There is a scarier probability: that Messrs. Weinberger et al. actually think what they say they think. The most fundamental problem we face, then, may not be high-tech versus low-tech, or big versus small, but the sorry state of our military thinking in general. We seem to tolerate a quality of analysis in our military that would never be tolerated in, say, medicine, where a large number of lives are also at stake.

Part of the problem is sheer ignorance. Understanding warfare requires, above all, a grasp of military history. It is not going too far to suggest, for example, that neither the British ground victory in the Falklands nor the Israeli success in Lebanon can be understood without an understanding of the revolution in German infantry tactics during World War I, where modern maneuver warfare started. Yet our military schools and colleges teach little history. With no historical context in which to place new events, our experts sometimes cannot understand even that which they can see.

The largest part of the problem, however, is the institutional setting in which military thinking occurs. Virtually all components of our armed services are large bureaucracies, and the process of selecting a new weapon, or planning a mission, is one of brokering and logrolling: "If my shop lets yours get that assignment [or mission, or weapon], then mine gets this other one in return." The focus in such a brokering process is not external—on the enemy—but internal—on how to come up with something that everybody in the bureaucracy can live with.

This internal political process is stressful, intricate, and time-consuming. Changing a decision means going "back into the tank," back into the endless meetings, the hairpulling and -splitting, the threats to careers if some interests don't "get their share." No one wants to alter a compromise, once arrived at, even though the external world is changing all the time (as it changed when the *Elath* was sunk). So there is an inevitable tendency to juggle, misstate, or ignore the external world, to obviate the need for change.

Big carriers offer something for every branch of the bureaucracy—comfy flagships for admirals, planes for naval aviators, nuclear power plants for Admiral Rickover's old shop. And for the navy, over the past three decades, the large aircraft carrier has been the Procrustean bed for which reality is cut or stretched to fit. An unwritten rule in the navy's war games prohibits an American carrier from being declared sunk. Thomas Etzold, a professor of strategy at the Naval War College, has reported that "In more than five years of experience as an umpire and adviser in high-level war games, I have witnessed the unwillingness of senior naval officers to permit carriers to be sunk, even when taken under overwhelming attack."

Real threats are simply ignored. The Russian navy is primarily a submarine navy—the Soviets have only about thirty major surface ships armed with antiship missiles. They have almost 300 subs. In a hearing early last year, Admiral Hayward admitted that "There is no commander afloat today who would consider the use of the aircraft carrier as the principal weapon to go after submarines, large or small." In other words, no one in the U.S. Navy would apparently suggest using carriers to fight the main element of the Russian navy.

In many respects one of the military forces that fought in last spring's real-life battles closely resembled our own. Divided into dickering branches, cursed by a rigid bureaucratic chain of command, brimming

with false confidence in its own abilities, incapable of quick maneuver or innovative strategy, it had adequate weapons but didn't know how best to use them, and it was quickly overwhelmed by a smaller, more skilled force. As one American commentator said after the valiant defenders of the Malvinas collapsed in a heap: "Don't laugh. We are also Argentines."●

LATVIAN INDEPENDENCE DAY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1982

● Mr. ANNUNZIO. Mr. Speaker, on November 18, Latvians throughout the world celebrated the 64th anniversary of the creation of the modern Republic of Latvia, and on Sunday, November 14 of this year, a commemorative program in observance of this event was held in the Taft High School auditorium, sponsored by the United Latvian Association of Chicago, which is under the able leadership of Ilmars Bergmanis, chairman.

Although the Communists continue in their attempt to destroy the heritage and culture of the Latvian people, the Soviets have been unable to crush the spirit of Latvians and their determination to live in a free Latvia. Excerpts follow from the report on the Implementation of the Helsinki Final Act in Soviet Occupied Latvia: 1982, prepared by the World Federation of Free Latvians, which describe recent acts of brutality by the Soviets against the Latvians.

Excerpts from the report follow:

SOVIET GOVERNMENT'S POLICIES IN THE BALTIC STATES: A PROGRAM OF TERRORISM

State Terrorism in the Baltic States is Increasing and Methods Used by the KGB are Becoming More Brutal.

* * * The development and extent of individual persecutions is as follows:

1. Political prisoners previously sentenced to long-term imprisonment are still confined to Soviet prison camps.

2. Innumerable civil and human rights activists still are being held in special psychiatric institutions.

3. Show-trials are staged, where the advocates of civil and human rights are imprisoned or placed in special psychiatric institutions.

4. There is a noticeable increase in the number of assaults directed against those people who have voiced opposition to Soviet policies. Some have been murdered by "unknown assailants."

5. Arbitrary acts of terrorism are being committed against former political prisoners and other persons in disagreement with the regime.

6. Simultaneously, propaganda campaigns are being carried out more frequently in the mass media in order to intimidate the general populace.

In spite of the intensification of political terror and the brutality of KGB operatives, opposition is increasing within the population, especially among the younger people.

I

Notwithstanding diverse appeals and petitions to the Soviet Government, to the United Nations Committee of Human Rights, to the CSCE Followup Conference in Madrid and to other international authorities, political prisoners from Estonia, Latvia and Lithuania, sentenced to long-term imprisonment still are incarcerated in Soviet prison camps. No leniency towards human rights activists has been shown by the Soviet Government. Frequently the state of health of these prisoners is alarming, a condition aggravated by the fact that medical assistance from abroad is prohibited by the Soviet authorities. Some of these prisoners are:

	Sentenced in—	Term of imprisonment (years)
* * * * *		
Latvians:		
Andrejs Pūce	1973	15
Ivars Grabāns	1967	15
Žanis Skudra	1978	12
Richard Špalinš	1979	7
Juris Bōmeistars	1981	15
Dainis Lismanis	1981	10
* * * * *		

In most of the cases mentioned above, the completed prison term is followed by several years of internal exile.

* * * * *

Recently, there has been an increase in the number of show trials being staged in all three Baltic States and many civil and human rights advocates are being sentenced to long prison terms. In Latvia activists from diverse groups have been brought to trial and received harsh sentences.

Those sentenced frequently have been immediately subject to enforced psychiatric treatment. The following are but a few examples:

	Sentenced in–	Type of sentence
* * * * *		
Latvians:		
Juris Bōmeisters	1981	15 years imprisonment.
Teovils Kuma	1980	3 years imprisonment followed by internment in a psychiatric hospital.
Dainis Lismanis	1981	10 years imprisonment.
Juris Vinkelis	1982	2 years imprisonment.
Alfreds Zarins	1981	3 years imprisonment.
* * * * *		

There is an alarming increase in terrorist activities carried out by "unknown assailants" against the clergy, the defenders of civil rights and other dissidents in the occupied Baltic States. By eliminating some people and interning others in psychiatric institutions, the authorities are relieved of the complicated task of organizing the scarcely plausible and often embarassing show-trials. Generally the victim is taken by surprise, and the relatives are pressured to acquiesce. Some of the more recent incidents are:

* * * * *

On August 19, 1980, the body of Latvian Catholic priest Andrejs Turlajs was discovered in a lake;

On December 13, 1980, the Latvian Peteris Samtins, a stage worker at Riga Dailes-Theater, was assaulted by two militiamen in uniform. A few days later his corpse was recovered from the river Daugava and relatives were told that he had committed suicide. They were made to understand that further queries into the matter would be undesirable;

In the summer of 1981 the Latvian, Janis Vitolins, was found dead in Rīga prison OC-78-7. Shortly before his imprisonment he had tried, in vain, to gain entrance into the United States Embassy in Moscow;

In the summer of 1981 a Latvian teenager was killed, again in prison OC-78-7 in Rīga. He and three friends had been imprisoned at the beginning of the year because of their involvement in the duplication of a forbidden history book on the mass deportations carried out by the Soviet regime in Latvia;

Acts of terrorism, such as assassinations, administration of drugs or overt physical assaults are being carried out in order to intimidate persons undesirable to the regime, in particular, and the population, in general:

* * * * *

In October 1980 the Latvian, Pēteris Tomsons, a Public Controller was tortured in the militia station in Rīga, insidiously treated with drugs and upon release, beaten up in broad daylight. In his capacity as Public Controller, he had disclosed widespread improprieties and graft in the food distribution system of his district and had reported this to the District Attorney;

In August 1981, an attempt was made to assassinate former Latvian political prisoner, Māris Tilgals. At an intersection "unknown assailants" shoved him against the red light, into the path of an approaching vehicle. Because of his youthful dexterity, and the driver's presence of mind, Tilgals managed to survive;

During the entire year of 1981 the Latvian, Ģederts Melngailis, periodically was assaulted publicly and it has been made known to him that further acts of terror will follow. He is a practicing Christian and attended academic courses of the Evangelical Church in Rīga in 1974-75;

In January 1982 an attempt was made in Rīga to run down the former Latvian political prisoner, Maigonis Rāviņš, with a snowplough. Alerted by shouts from passers-by, he was barely able to save himself.

ADDENDUM

Since this report was prepared, the World Federation of Free Latvians has received additional information regarding terror and human rights violations by the Soviet government—

Augusts Žilvinskis, a Catholic priest of the Svente parish, missing since December 1981, was found murdered in a forest near Grīva on May 7, 1982.

On December 21, 1981 Ieva Biševaja, a Latvian Seventh Day Adventist, was sentenced to a year and a half of hard labor for mailing religious literature.

On November 18, 1981, Latvian Independence Day, several teenagers displaying the outlawed national flag were arrested. One of

those arrested was Igors Āuravskis, 17 years old. His fate is not currently known.

Another teenager Haralds Burnickis (17 years old) has been continuously terrorized by the KGB until he became severely depressed and was placed in a psychiatric clinic.

At a Latvian high school in Ilğuciems (Public High School #54, Baltaja iela 22) KGB agents examined student handwritings in order to discover the author of handwritten political proclamations.

Mr. Speaker, many Latvians have emigrated to the United States over the past several decades because of the brutal oppression and tyranny of the Communists. They have brought their hopes of freedom to our shores, and have contributed to the greatness of our country. I am pleased to join Latvian Americans in the 11th District which I am honored to represent, and Latvian Americans all over this country in their desire that the people of Latvia will again achieve self-determination and live in freedom and human dignity in their beloved homeland.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, November 30, 1982, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 1

10:00 a.m.
Energy and Natural Resources
To hold hearings on the nominations of Donald P. Hodel, of Oregon, to be Secretary of Energy, and Martha O. Hesse, of Illinois, to be Assistant Secretary of Energy for Management and Administration.
3110 Dirksen Building

Environment and Public Works
To hold hearings on infrastructure job opportunities.
4200 Dirksen Building

Foreign Relations
To hold hearings on the current situation in Lebanon.
4221 Dirksen Building

Joint Economic
Closed briefing on the allocation of resources to the Soviet Union and China.
5110 Dirksen Building

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

Small Business
To hold joint hearings with the House Committee on Small Business to review government findings of the Securities and Exchange Commission business forum on small business capital formation.
2359A Rayburn Building

DECEMBER 2

9:30 a.m.
Rules and Administration
To hold hearings on Senate Concurrent Resolution 32 and House Concurrent Resolution 153, measures authorizing a bust or statue of Dr. Martin Luther King, Jr., to be placed in the Capitol.
301 Russell Building

10:00 a.m.
Judiciary
Agency Administration Subcommittee
To resume oversight hearings on the indemnification of and contributions to government contractors.
2228 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
Business meeting, to mark up proposed legislation appropriating funds for fiscal year 1983 for the Departments of Labor, Health and Human Services, and Education.
1114 Dirksen Building

DECEMBER 3

9:30 a.m.
Commerce, Science, and Transportation
To hold joint hearings with the Committee on the Judiciary on H.R. 5949, proposed Cable Copyright Act.
235 Russell Building

Judiciary
To hold joint hearings with the Committee on Commerce, Science, and Transportation on H.R. 5949, proposed Cable Copyright Act.
235 Russell Building

Joint Economic
To hold hearings on the employment/unemployment situation for November.
2128 Rayburn Building

10:30 a.m.
Foreign Relations
To hold hearings on the nomination of John H. Holdridge, of Maryland, to be Ambassador to the Republic of Indonesia.
4221 Dirksen Building

DECEMBER 6

2:00 p.m.
Foreign Relations
To hold hearings on the nominations of Lev E. Dobriansky, of Virginia, to be Ambassador to the Commonwealth of the Bahamas, Samuel F. Hart, of Virginia, to be Ambassador to Ecuador, and Victor Blanco, of California, to be a Member of the Board of Directors of the Inter-American Foundation.
4221 Dirksen Building

DECEMBER 7

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Business meeting, to consider proposed amendments to S. 2432, authorizing funds for fiscal years 1983 and 1984 for programs of the Solid Waste Disposal Act and Resource Conservation and Recovery Act (pending on Senate calendar), and other pending business matters.
4200 Dirksen Building

Finance
Energy and Agricultural Taxation Subcommittee
To hold hearings on S. 1911 and S. 2642, bills providing for the establishment of reserves for surface mining land reclamation expenses and for the deduction of amounts added to such reserves.
2221 Dirksen Building

Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

DECEMBER 8

9:00 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
235 Russell Building

10:00 a.m.
Armed Services
To hold open and closed hearings on the MX missile and associated Presidential basing decisions.
1318 Dirksen Building

Commerce, Science, and Transportation
To hold hearings on the nomination of George W. Douglas, of Texas, to be a Federal Trade Commissioner.
235 Russell Building

Rules and Administration
To hold hearings on computer and communications systems for the U.S. Senate.
301 Russell Building

Select on Intelligence
Closed briefing on intelligence matters.
S-407, Capitol

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

DECEMBER 9

9:30 a.m.
Rules and Administration
Business meeting, to consider pending legislative and administrative business.
301 Russell Building

10:00 a.m.
Judiciary
Separation of Powers Subcommittee
To hold hearings on judicial leniency.
5110 Dirksen Building

Judiciary
Agency Administration Subcommittee
To hold oversight hearings on the implementation of the Equal Access to Justice Act (Public Law 96-481).
2228 Dirksen Building

Select on Intelligence
Closed briefing on intelligence matters.
S-407, Capitol

DECEMBER 10

10:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on the implementation of the Household Goods Transportation Act (Public Law 96-454).
235 Russell Building

Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 2503, S. 2680, S. 2681, and S. 2824, bills providing for the reinstatement of certain oil and gas leases.
3110 Dirksen Building

Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 2856, increasing the penalties for the sexual exploitation of children.
2228 Dirksen Building

DECEMBER 13

10:00 a.m.
Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold hearings on Government payments and the potential for fraud.
3302 Dirksen Building

Select on Intelligence
Closed briefing on intelligence matters.
S-407, Capitol

DECEMBER 14

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on the report of banking regulators regarding the Penn Square National Bank in Oklahoma.
5302 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on the implementation of the Motor Carrier Act (Public Law 96-296).
235 Russell Building

DECEMBER 15

9:30 a.m.
Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold hearings on Government debt collection procedures.
5302 Dirksen Building

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on computer matching programs to detect fraud and mismanagement in Government programs.
3302 Dirksen Building

DECEMBER 16

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To continue oversight hearings on computer matching programs to detect fraud and mismanagement in Government programs.
3302 Dirksen Building

Small Business
To hold oversight hearings on the small business investment companies (SBIC) program of the Small Business Administration.
424 Russell Building

10:00 a.m.
Select on Intelligence
Budget Authorization Subcommittee
Closed meeting on budget matters relating to intelligence activities.
S-407, Capitol

SENATE—*Tuesday, November 30, 1982*

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Lord God of hosts, father of Abraham, Isaac, and Jacob, of our Lord Jesus Christ and the apostles, sovereign Lord of history—worthy art Thou to receive glory and honor and praise. Be present in this place today, as well as in the offices and homes of the Senators. Help us to be aware of Thy presence and of our accountability to Thee and to the people. Guide the leadership as the agenda for this session evolves—give discernment and agreement—deliver from the tyranny of the urgent so that the really important may be accomplished. May the Senators' achievements during this session vitiate the cynicism about the selfishness of politicians.

We pray for the President of the United States in his strategic visit with our Latin American friends. Keep him in health and strength, anoint him with Godly wisdom, prosper his efforts and enable his safe return home. In the name of Him who "upholds all things by the word of His power." Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I believe there is an order, is there not, for dispensing with the reading of the Journal, that no resolutions may come over under the rule, and that the call of the calendar shall be dispensed with.

The PRESIDENT pro tempore. The Senator is correct.

Mr. BAKER. The next order of business then, Mr. President, is the recognition of the two leaders under the standing order; is that correct?

The PRESIDENT pro tempore. The Senator is correct.

TELEVISED PROCEEDINGS

Mr. BAKER. Mr. President, 82 years ago today, just moments before his death, Oscar Wilde looked up from his bed at his room's wallpaper and remarked, "Well, one of us had to go."

I can assure my colleagues that I offer no such wisdom or insight this afternoon, but I would like to follow up on a series of conversations that took place on the Senate floor yesterday.

Shortly after my announcement that it was my intention to make time in this lameduck session for deliberation on a resolution calling for television and radio coverage of Senate proceedings, several Members indicated to me that they did not believe that we would have time to debate such an issue because there were more important issues to consider.

I wish to state today, as I did yesterday, that I am fully aware of the measures which the Senate must act on in the next few weeks, and that at no time would I ask the Senate to postpone a matter of importance to move to Senate Resolution 20. But on the other hand, I view the issue of televised proceedings as a most important issue that will affect citizens across the country by giving them the opportunity to observe the Senate in action. This resolution has been on the Senate agenda for close to 2 years, and it is both my hope and expectation that something will be able to be worked out to facilitate this provision in the next few weeks.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, there are three special orders today in favor of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Michigan (Mr. LEVIN), and the Senator from Georgia (Mr. MATTINGLY).

At the conclusion of their time there will be a period for the transaction of routine morning business to extend for not longer than 1 hour in which Senators may speak for not more than 5 minutes each.

At the close of morning business, whenever that may be, it is the present intention of the leadership on this side to ask the Senate to proceed to the consideration of S. 995, Calendar Order No. 511, antitrust contributions. It is my hope that we can do that by agreement; if not, it will be my intention to make a motion to that effect.

Mr. President, I have no further requirement for my time under the standing order, and I am prepared to yield time to any Senator seeking recognition.

I see no Senator on this side seeking recognition. I offer my remaining time to the minority leader if he has use for it.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished majority leader and I accept his generous proposal. If he should wish any of the time back he may, of course, have it.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. LUGAR). The minority leader is recognized.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may introduce a resolution at this time as though in morning business and ask that it be printed in the RECORD and appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 128—RELATING TO MONETARY POLICY

Mr. ROBERT C. BYRD. Mr. President, I send to the desk a concurrent resolution and out of my own time ask that it be read by the clerk.

I will ask that this resolution be printed in the RECORD and appropriately referred.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk proceeded to read the concurrent resolution.

Mr. ROBERT C. BYRD. Mr. President, I modify the verbage in the resolution to include the words "agricultural sector" in one of the "Whereas" clauses.

The PRESIDING OFFICER. The resolution is so modified.

The modified resolution is as follows:

S. CON. RES. 128

Whereas, The nation's economy is entering the seventeenth month of a severe recession, with few signs of recovery;

Whereas, Nearly 20 million people are underemployed or unemployed due to this recession;

Whereas, Our nation's steel, auto, housing industries, and agricultural sector remain mired in a depression;

Whereas, Given the current underutilization of both labor and capital, lower interest rates will not rekindle inflation;

And Whereas, Lower interest rates are the key to higher employment, higher production and sustained economic growth; Therefore, be it

Resolved by the Senate (the House of Representatives concurring), The Board of Governors of the Federal Reserve and the Federal Open Market Committee should take such actions as are necessary to achieve and maintain a level of interest rates low enough to generate significant

economic growth and thereby reduce the current intolerable level of unemployment.

Mr. ROBERT C. BYRD. Mr. President, as we reconvene for the final weeks of the 97th Congress, the tragic recession that has been with us for 17 months lingers on. Unemployment has darkened the lives of 11.5 million people, and nearly 20 million willing and able Americans remain underemployed. Industrial production continues to plummet, and we learned today that last week's steel production set new record lows as only 31 percent of its capacity was in use.

The spotty and anemic signals of recovery during the last few months have been wiped out by renewed losses the month after they were cheered by administration economists. Retailers are now concerned that the Christmas sales surge will fade as did the previously predicted recoveries from spring buying, summer tax cuts and fall back-to-school sales.

The road and bridge repair bill and the jobs programs being considered by the Senate and House are important stopgaps, and together will help nearly 600,000 Americans find work they desperately need. But for the other 19,400,000 Americans who are underemployed, only a strong and sustained recovery will put them back to work.

Mr. President, since last spring, we Democrats have maintained that only a sharp drop in interest rates will get this economy moving again. With lower, affordable rates, companies can buy again, companies can invest again, and builders can build again.

In July, Democrats in both Houses introduced legislation entitled the Balanced Monetary Policy Act of 1982, designed to force the Federal Reserve Board to look at real interest rates as well as money supply when setting policy. This legislation was designed to force interest rates down closer to historic real levels. Events of August and October, as the Fed moved decisively away from monetarism and toward a more balanced approach, showed that the Fed could bring interest rates down dramatically.

Late in the summer, we welcomed the support of our Republican friends on the House side who introduced legislation substantially similar to ours and brought a welcome bipartisan spirit to our proposals.

Together, we sent a shot across the Fed's bow this summer, and the results speak for themselves. However, in the last few weeks, the actions of the Federal Reserve have raised questions as to their willingness to continue on a path to lower interest rates. Interest rates have remained largely stagnant, and in fact some short-term rates turned up slightly yesterday. The stock market and financial markets have been looking for a strong signal from the Fed that it will continue to support the necessary monetary easing and lower interest rates needed to promote a healthy recovery. But the Federal Reserve has not taken that lead, and uncertainty has returned once more to the market.

Our Nation's industrial capacity is underused by more than 30 percent—which is a postwar record. Our Nation's human capacity is underemployed by 20 million citizens—which is another postwar record. In such dire straits we need not worry that inflation is just around the corner.

As interest rates linger above affordable levels for most Americans, the economy continues to sink lower and lower into this recession. Recently, many of our Republican colleagues, including the distinguished majority leader and the chairman of the Senate Budget Committee, have expressed their exasperation with continued high levels of interest rates.

I hope these public expressions represent a chance for swift bipartisan action to convince the Federal Reserve Board that lower interest rates must come if the economy is to recover. By nearly all estimates, there is substantial room for lower interest rates and higher money growth before any inflationary pressures would begin to appear.

In the hope that bipartisanship can prevail in these terrible times, I am today introducing a concurrent resolution that I believe all of my colleagues can support. I believe the Federal Reserve Board needs a strong signal from Congress that it has the full faith and support of both Houses in continuing to press rates down and promote economic recovery.

The Board's reaction to our bills of last summer was positive, and took us part way toward affordable rates. By supporting and passing a sense of Congress resolution at this time, I believe we can stiffen the Fed's resolve to bring rates down while avoiding the need for permanent legislation.

The sense of Congress resolution I propose is not designed to give the Board of Governors explicit instructions about how to bring rates down, they have shown that they know how to bring rates down when they so choose. It is not designed to compromise the integrity of the Federal Reserve Board, but it is designed to show that Congress remains committed to lower interest rates, and that the Fed's course of late summer and early fall should be renewed and maintained to produce a strong and sustained recovery.

I hope all of my colleagues can cosponsor and support this resolution. So I have offered this resolution this afternoon in that spirit. I hope for bipartisan support.

I ask unanimous consent, if the majority leader will not object, that the concurrent resolution lay at the desk throughout the remainder of this day, before it is referred, for cosponsors. Of course, if it is referred, they can obtain permission to cosponsor it after today without objection. If the majority leader has no objection, I make that request for today only.

Mr. BAKER. I have no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank the majority leader and the Chair, and if the majority leader wishes some time which was yielded to me, I will yield it back to him.

Mr. BAKER. I thank the minority leader. I have no further use for my time.

Mr. ROBERT C. BYRD. If no other Senator wishes to have time, I yield back the remainder of the time.

RECOGNITION OF SENATOR SPECTER

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania (Mr. SPECTER) is recognized for a time not to exceed 15 minutes.

S. 3045—TO ALLOW HOME EQUITY CONVERSIONS THROUGH SALE-LEASEBACK ARRANGEMENTS

Mr. SPECTER. Mr. President, I rise today to introduce legislation which will enable elderly homeowners to keep their homes while, at the same time, converting the equity in their homes into guaranteed annual incomes.

Our elderly homeowners who must live on fixed incomes are often faced with a cruel choice. Confronted by ever-rising living costs, they must either reduce their standard of living or sell their most precious asset, their home, just to pay their bills.

The trauma of losing a home for which persons have worked for a lifetime is profound. But the alternative is equally dismaying: living out one's last years—the allegedly golden ones—in materially constrained circumstances. It is a choice no elderly homeowner should have to face if an alternative can be devised.

My bill encourages a mechanism known as sale leasebacks. Its purpose is simple. Rather than having to sell for funds to meet living expenses and moving to an apartment, elderly homeowners can sell to a financial institution but continue to live in their home under a lease while being paid an annuity.

Tax barriers to sale leasebacks would be eliminated by the legislation which I am today proposing. First, the elderly homeowner in the sale-leaseback transaction would be entitled to

the one-time capital gains tax exemption that is otherwise available to homeowners past the age of 55 who sell their homes. And, second, the purchaser/lessor could depreciate the value of the residential property it had purchased and then leased back.

With these tax barriers removed, I am confident that the sale-leaseback transaction will prove attractive to financial institutions.

The President's Commission on Housing has estimated that the potential market for these home equity transactions to be between $30 and $40 billion. And the Commission has said that this market can be expected to increase as the number of older Americans increases and the idea of home equity conversion gains acceptance.

Access to the rewards of home equity—which has been dearly earned—should be given to our elderly Americans during their lifetimes. It is of no value to them after their deaths. And it will go a long way toward making their last years truly golden ones.

This legislation will make sale leasebacks feasible. It will make them attractive both to the elderly homeowner and to the purchasing financial institution.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (d) of section 121 of the Internal Revenue Code of 1954 (relating to one-time exclusion of gain from sale of principal residence by individual who has attained age 55) is amended by adding at the end thereof the following new paragraph:

"(9) Sale or exchange defined.—For purposes of this section, the term sale or exchange shall include a transaction in which the seller retains a life estate in the property and the net proceeds from the transaction are used to purchase a qualified joint and survivor annuity (as defined in section 481(a)(11)(G)(iii)) for the seller.".

(b) Subsection (b) of section 167 of such Code (relating to depreciation for life tenants and beneficiaries of trusts and estates) is amended to read as follows:

"(h) Life Tenants.—

"(1) GENERAL RULE.—In the case of property held by one person for life with remainder to another person, the deduction shall be computed, except in a transaction described in paragraph (2), as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant.

"(2) SECTION 121 SALE OR EXCHANGE.—In the case of property held by one person for life with remainder to another person, pursuant to a sale or exchange under section 121, the deduction shall be computed as if the remainderman were the absolute owner and shall be allowed to the remainderman;".

(c) Section 167 of such Code is amended by adding after subsection (h) the following new subsection:

"(i) BENEFICIARIES OF TRUSTS AND ESTATES.—

"(1) BENEFICIARIES OF TRUSTS.—In the case of property held in trust, the allowable deduction shall be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the instrument creating the trust, or, in the absence of such provisions, on the basis of the trust income allocable to each.

"(2) BENEFICIARIES OF ESTATES.—In the case of an estate, the allowable deduction shall be apportioned between the estate and the heirs, legatees, and devisees on the basis of the income of the estate allocable to each.".

(d) The amendments made by this Act shall apply to sales or exchanges after the date of the enactment of this Act, in taxable years ending after such date.

Mr. SPECTER. I thank the Chair, and I yield the floor.

RECOGNITION OF SENATOR LEVIN

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan (Mr. LEVIN) is recognized for not to exceed 15 minutes.

Mr. LEVIN. I thank the Chair.

SOCIAL SECURITY TITLE II DISABILITY REVIEWS

Mr. LEVIN. Mr. President, I asked for some time today in order to remind my colleagues of a very dire situation for the severely disabled former workers of this country—that is the unjust way in which beneficiaries of title II social security disability are being reviewed and terminated.

In 1980, Congress passed legislation which mandated the Social Security Administration to conduct continuing disability examinations of individuals receiving disability benefits once every 3 years. These periodic reviews were intended to insure that only those who are severely disabled and unable to work continue to receive benefits. Congress specifically directed the Social Security Administration to begin these reviews in January 1982, in order to allow time to establish the necessary procedures and to hire and train additional staff to insure that the reviews would be conducted efficiently and fairly.

However, rather than waiting until 1982 as the Congress had recommended, the Social Security Administration decided to start the reviews early and increase the volume of reviews. Predictably, reports from all over the country revealed a disturbing pattern of burgeoning caseloads and backlogs at all levels, poor development of medical evidence, undue reliance on hasty and incomplete consultative examinations, a disregard for the beneficiaries' complete medical history, and inadequate notice to beneficiaries.

On May 25, the Oversight Subcommittee of the Governmental Affairs Committee held a hearing where witness after witness sharply criticized the way in which the continuing disability reviews are being conducted and the frequently unjust results of those reviews. On August 18, the Senate Finance Committee heard similar testimony.

The situation has not significantly changed since those hearings. Although we went away for 8 weeks, this problem did not. Seriously disabled, desperately sick people are still being unjustly terminated from the disability program only to be reinstated some 9 to 12 months later—9 to 12 months during which they receive no benefits and no assistance for medical expenses. This is not the way we should be treating the workers of this country. I say "workers" because title II social security disability is not a welfare program—it is a disability insurance program. Individuals work and employers pay for the protections this program is supposed to afford.

A constituent of mine in northern Michigan was recently notified by an administrative law judge—on October 7, 1982—that indeed, the decision to terminate his benefits in January 1982, 10 months ago, was wrong. In the meantime, the constituent had spent over 30 days at the Mayo Clinic in Rochester, Minn., for treatment of his illness (which is lupus) and incurred medical expenses in excess of $10,000. His medicare coverage was terminated when his benefits stopped in January.

In another case, a woman from Michigan who was found to be disabled due to severe mental illness was told this past month that she would be terminated from the disability program even though the same psychiatrist whose diagnosis was used to bring her into the program stated that she is worse now than she was before. "There is no difference in her condition," the psychiatrist said, "except that her paranoia is more prominent and she is hearing voices."

In yet another case of a Michigan resident, who is of Greek descent and cannot speak English, this man was reinstated by an administrative law judge on November 17, 1982, 11 months after his benefits were terminated. This was because a Greek speaking attorney was able to fully explain this man's disability to the administrative law judge. Because of the loss of benefits during appeal, however, this man's house was to be sold at a sheriff's sale on November 19. The reinstatement of his benefits barely might be able to save his home.

These stories are being repeated in every State in this country. They are an embarrassment to our Government. "I believe," a reader wrote to the Detroit News in October, "that the system is trying to destroy our belief in justice."

89-059 O-86-39 (Pt. 20)

Mr. President, the 97th Congress cannot in good conscience adjourn without addressing this critically important problem. I understand that the substantive issues of the review process itself are complex and merit study—the dual standards used by the administrative law judges and the State disability examiners, the use of consultative exams versus treating physician reports, the proper time for a face to face interview, and so forth—and I am confident we can address these questions through hearings and legislation next year. But, until these fundamental changes are made, we must do something in the short term. The vehicle for a temporary solution and relief is H.R. 7093, which contains a provision sponsored by Senator COHEN and myself that was reported by the Finance Committee on September 30. It would continue the payment of benefits for persons terminated from the social security disability program until the appeal to an administrative law judge has been concluded. Since approximately two-thirds of the persons who appeal their terminations by the State disability examiners are reinstated on appeal, the payment of benefits through this period is the only responsible temporary remedy. Any benefits paid to a person whose termination is upheld on appeal would be subject to recapture by the Social Security Administration.

I repeat that this is only a temporary measure. By the terms of an amended version of the bill itself, it will apply to terminations only through September 1983. It is anticipated that by that time a permanent, comprehensive reform bill will have been adopted and the necessary substantive changes in place.

This bill currently has the support of 25 Members of the Senate who have cosponsored it, reflecting the broadest possible political spectrum. I want my colleagues to know, Mr. President, that the urgency of this bill, the need for this bill has not diminished one iota in the last 8 weeks. The horror stories have not gone away. They pile up daily. The problems are still present. The Congress must act.

I ask unanimous consent that several articles and letters depicting current examples of this tragic situation be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. Mr. President, I hope that our colleagues will read these articles and, in realizing the extent of the problem nationwide, will join in getting H.R. 7093 enacted into law before we adjourn in December.

I thank the Chair and I yield back the remainder of my time.

EXHIBIT 1

[From the Charleston (W. Va.) Gazette-Mail, Aug. 29, 1982]

DISABILITY—QUESTION OF BENEFIT ELIGIBILITY LEAVES THOUSANDS IN LIMBO

(By Beth Spence)

Two months after her disability Social Security benefits were cut off, Anna Carter went back to the work she knew best—waitressing.

She lasted less than three days before she collapsed and had to be carried out of the restaurant by her disabled husband, John.

That was in May. Today the 51-year-old Mrs. Carter is in a wheelchair with both her legs in knee-high casts. She has had one operation on her feet and faces further surgery, but she already has been told she probably will never again walk unaided.

"I went back to work because I was thinking we couldn't make it on what John gets a month on his disability," said Mrs. Carter, a serene-looking woman with a hint of Virginia in her Monroe County speech. "We were having a hard enough time with both our checks."

Mrs. Carter's case is not unique. Across the country, thousands of disabled people have been cut from the Social Security rolls during the past year and a half in a massive review of claims by the Reagan administration.

Between May 1, 1981, and May 28, 1982, state disability determination boards terminated benefits for 106,862 persons—or more than 44.4 percent of the cases reviewed. In West Virginia, 1,509 people lost their benefits.

A majority of the cases—Social Security officials say 55 percent—eventually are won on appeal, but lawyers representing disabled clients are frustrated with the length of time it is taking to process the appeals.

They also say tremendous pressure to deny claims is being placed on examiners who make the determinations and on administrative law judges who hear the appeals.

Joseph D. Coffman, manager of the Charleston Social Security office, said the reason for the increased number of re-evaluations is 1979 congressional action requiring review of all claims at least once every three years to make sure recipients still qualify for benefits.

Thomas H. Zerbe, managing attorney for the West Virginia Legal Services Plan in Lewisburg, argues that the review is being used as an excuse to terminate benefits for recipients whose conditions have not improved.

"Sometimes this results in a disabled individual being forced to go against his doctor's advice and return to work while his case is pending," Zerbe said. "The consequences can be tragic."

Anna Carter can attest to that. A sickly child, Mrs. Carter can remember that her father had to carry her from room to room when at 9 she developed a condition doctors diagnosed as an inflammation of the bones in her legs.

Through the years, the infection has recurred in different parts of her body. Mrs. Carter says the initial attack left her legs so weak that even as an adult her ankles turn if she steps on something as small as a matchstick.

At 16 she quit school to get married and she and her husband moved to Virginia. By the time she was 19, she was divorced, on her own, and had a child to support.

She took a job waiting tables, but was soon forced to take a second job at a ribbon factory to make ends meet. For six years, she worked 16 hours a day—an 8-hour shift at the restaurant, followed by an 8-hour shift at the factory.

When the ribbon factory closed, she worked for three years at a book-binding factory, standing on her feet 8 hours a day.

During that time her health began to deteriorate. Between 1949 and 1980 Mrs. Carter had 23 operations, including the removal of 16 inches of her intestines, part of her stomach, her gall bladder, a disc from her back and a large gland from her neck.

In addition, she was diagnosed as having angina, for which she takes nitroglycerine, and an aneurysm in her temple.

Mrs. Carter qualified for Social Security disability benefits in 1973, after she had to quit working at the small grocery store she and Carter, her second husband, bought after they were married in 1967.

One of her more severe health problems is dumping syndrome, a condition in which food passes rapidly through the body. She developed the problem after 75 percent of her stomach was removed in 1963.

"When I eat, it goes right through me," she explains. "I got to where I only weighed 98 pounds and the doctor told me to eat six times a day and lie down for an hour after I eat."

By following her doctor's instructions, Mrs. Carter had managed to spend more than a year off the operating table when she was told by Social Security officials to go for an examination early in 1981.

"The doctor told me to move my neck and hands, which I did, and touch my toes, which I couldn't do, and that was the examination," she explained.

In February, examiners determined that Mrs. Carter again could work in a store, and she was told that her checks would be cut off in March and her Medicare benefits would end in April.

"I knew I had to go to work," she said. "I thought I was lucky to find the job I did."

The first day, her heels bothered her, but she thought they would be all right, that she just had sore feet because she wasn't used to standing all day.

"For the three days I worked I never ate a mouthful of food because I knew the owner would let me go if I had to keep going to the bathroom," Mrs. Carter explained.

The second day her feet were worse. "The third day I just couldn't put weight on my heels. John had to come and get me and carry me out. If he couldn't have helped me, I would have had to crawl."

Her doctor said the infection, which had spread through her body since childhood, had been touched off again and she should not bear weight on her feet.

"But you know how it is, sometimes you have to get around," she said. "I let the dog out and she was in heat. A male dog came around and I just forgot about my feet. I took two steps toward the dog and I must have hit the back of my heel on the doorsill. The tendons snapped in both my heels."

Mrs. Carter had to have the tendons wired back to the bones in her ankles. Complications developed in her right leg, which doctors have told her will require further surgery, and a large sore has appeared on her ankle.

"I asked if I would walk and the doctor said he was afraid I'd never walk like I did," she said.

As Mrs. Carter's medical bills mount and her appeal drags on, she and her husband are trying to sell their two-story farmhouse just outside Alderson in Monroe County.

They plan to move to Virginia and care for Carter's aging mother in exchange for food and shelter.

"We had planned on this for our retirement home," said Carter, who has had a heart attack and triple bypass surgery. "We've been more contented here than anywhere we ever lived. But we just can't make it."

Social Security officials are convinced that situations like Mrs. Carter's are rare.

"We are concerned that some people have been taken off the rolls who are indeed disabled, although we believe that number is small," said John Trollinger, deputy press officer for the Social Security Administration in Baltimore.

Trollinger said the agency has found an error rate of only 3 percent in monitoring state decisions.

In West Virginia, Social Security disability claims are reviewed by the Disability Determination Section of the state Division of Vocational Rehabilitation.

A. J. Allen, administrator of the DDS, said reviews show that the conditions of a number of individuals have improved, making them no longer eligible for benefits. Others weren't disabled in the first place, he said.

Allen said he believes "far too many claims" denied by examiners are being reversed by administrative law judges.

Asked if the Reagan administration has set a national goal of terminating 25 percent of the cases reviewed, Allen said briskly, "No. But we'll probably terminate more than that."

Trollinger cited a number of reasons for the high number of reversals by administrative law judges.

"Sometimes the condition may have worsened," he said. "Sometimes medical evidence can be presented that wasn't available when the decision was made to terminate benefits. And when the administrative law judge hears the case, he or she has the ability to look at the person. Sometimes you can tell a lot more when you see someone."

For Janet Friedman, the paralegal in Lewisburg who is handling Mrs. Carter's appeal, the reversals aren't happening quickly or often enough.

"I feel that attitudes are changing," Ms. Friedman said. "I'm just not winning the cases I used to win. One examiner as much as said to me that he wanted to decide the case in favor of the client, but he was afraid it would be kicked back to him.

"It's a waste of time, energy and money," she said. "They hired more people in DDS when they had to start making the decisions, they get rooms at Holiday Inns, hearing assistants are paid. Where's the saving? It seems like the money is being redirected instead of going to recipients."

A case that was decided quickly, according to Ms. Friedman, involved a client whose benefits were cut off in March. His hearing was Aug. 11 and the decision to restore his benefits made on Aug. 19.

But that was "unusually fast," according to Zerbe. More typical is the case of a client who was terminated in March 1981, had a hearing in November and didn't get a decision until the following June.

"So many of these people are being asked to do without benefits for more than a year and, because our funds have been cut, we're having to turn away clients," Zerbe said. "There's not only an injustice here, but peoples' ability to respond legally is being cut off."

Zerbe said examiners and administrative judges have admitted privately they are under a lot of pressure to get people off the disability rolls.

He said decisions in favor of the clients—both by DDS officials and administrative law judges—are being carefully scrutinized, while decisions against clients are not being monitored.

Trollinger said his statistics show more reviews of cases decided against clients. "We have reviewed twice as many reviews that terminated benefits as those that allowed benefits," he said.

Social Security "is such a political football and no one wants to cut old age and survivors off," according to Zerbe. "This seems to be a way that required no congressional action and no one had to take the heat."

No one, that is, except people like Anna and John Carter, who can't hide their bitterness toward the Reagan administration.

Wiping tears from her eyes, Mrs. Carter said, "When I woke up after that last surgery, if President Reagan had been standing at the foot of my bed, I would have told him what I thought. Just think, all of this for 2½ days work."

"This is all on account of Reagan," Carter said. "Because of him, what walking she'll be doing will be on crutches."

[From the Detroit News, Oct. 3, 1982]

SOCIAL SECURITY: A SIEGE CRISIS

(By John McAleenan)

In March of this year, word went out to Social Security offices in Michigan and across the country: Get tough.

A month or so later, people started getting tough right back.

The "tightening up" procedures and case reviews spawned an avalanche of threatening telephone calls to Social Security and disability-determination offices around the country.

Officials in Michigan say it wasn't uncommon at many offices to have a caller let loose a series of threats, then repeatedly click the hammer of a gun in the telephone headset. These threats have doubled and tripled in recent months. A bomb was mailed to the Southfield Social Security office early this summer.

At the suggestion of Michigan State Police, disability-review officials had all the windows bulletproofed in the three offices around the state; took down identifying signs in front of the facilities; and beefed up security throughout the buildings. "We're not scared," says one worker, "we're just being sensible."

Recently, a man committed suicide in the parking lot of the Social Security office in Lansing after being denied disability benefits. In Los Angeles, 11 persons were reported to have died of illnesses for which they had applied for federal aid, but were denied.

In that fractious and sometimes tragic atmosphere, it is not surprising that a lot of people are coming to agreement on one point. The Social Security's Disability Determination Service in this country is a system searching for an overhaul.

Some think it is too tough. Others say there are too many cracks through which fraud can escape.

Congressional offices, both in Michigan and across the country, are being inundated with letters from irate constitutents who have either (1) been yanked unceremoniously from the disability rolls or (2) been denied disability benefits or (3) know someone who has.

Ivan Cotman, an associate superintendent for the Michigan Department of Education, the agency the government subcontracts the disability claim work to, is admittedly the man on the point in of all this. He's in charge—and at times it pains him.

Cotman hurries to say: "We are very sensitive to the impact we have on people, despite the picture they paint of us. We are also very insistent on making sure they get hooked into the rehabilitation processes available if they are denied benefits.

"We don't leave people stranded, just knock them off the rolls and let them hang there. There are a variety of tools we can provide, from vocational counseling to employment leads.

"The bottom line is that we are in the middle of this. We don't write the federal guidelines, we implement them. And if we did a lousy job at that, the contract (worth $22 million this year) would go to some other agency and 580 people would be looking for work. If there are going to be any changes, they will have to come at the congressional level."

A point well made by Cotman, since it was at the congressional level during the Carter administration, and at the president's urging, that a Social Security amendment was passed in 1980 mandating more frequent reviews of disability cases already on file; a toughening up of medical standards and reviews for persons filing disability claims; and in general, just a closer look at where the estimated $102 billion (in 1980) paid out in disability benefits is going.

One government survey, in 1978, suggested that at least 20 percent of the people then receiving disability benefits (584,000), either no longer qualified or shouldn't have received them in the first place.

(For the record, the Social Security Administration defines disability as: "the inability to do any substantial, gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted, or can be expected to last, for a continuous period of not less than 12 months . . .")

The Reagan administration, which is getting much of the heat for the uproar the new procedures are causing, did little more than accelerate the process, moving the timetable from September of this year back to early March.

In quick succession, the following developments began to make news:

There was an immediate 15 percent increase in continuing disability reviews and a nationwide average of 70 percent denial in new disability claims.

A congressional amendment to allow disability benefits to continue to be paid while a denial was being appealed was voted out of the Senate Finance Committee late last week. The amendment is still under consideration.

A growth industry in the legal profession took place, with one West Coast group of "public service" attorneys successfully appealing 59,000 cases in 1981 alone, earning fees for themselves totaling $65.2 million.

A troublesome paradox quickly became apparent in the Social Security office of Hearings and Appeals. On one hand, the disability claim offices were found to be making strict and correct interpretations of regulations denying benefits. Yet, when these denials reach an administrative law judge on appeal, many of them (the average nationwide is close to 65 percent) are reversed and payment is granted.

Several moves are currently being studied to get these judges in line with the disability denials. Among them would be having

Social Security attorneys present to argue the government's position and the issuance of a "manual" for judges emphasizing the use of the same criteria and the need for uniform agency policies.

The government also has hired 140 new judges, bringing the total to 800, to ease the docket load and cut down on hearing times. The appeals process, from the original disability denial to an administrative law judge hearing, can be as long as four to six months. There were 1.78 million disability claims nationwide in 1981. Of these, 252,600 eventually wound up in law judge hearings.

William Edmunson, director of Michigan's three disability claims offices, says that "there's been an awful lot of heat generated since we went to work under the 1980 guidelines. I'm pretty sure there will be a reduction in the review procedures in the next couple of years."

Edmunson, like Cotman, is a man in the middle of the battle. He's doing a good job. Which also means a lot of people on the short end of a disability decisions don't like him. Michigan's examiners were graded at 90 percent plus recently in a quality assessment review, meaning they were pretty close to perfect in making a strict and correct interpretation of disability claims.

"There are goals in our operation," says Edmunson, "but primarily we look at accuracy. If an examiner is not accurate in determining a disability, then we have achieved nothing."

Pete Griswold, state director of Michigan's rehabilitation services, didn't want to get in the middle of all this along with Cotman and Edmunson, but finds himself there anyway.

His office gets referrals from the disability office when a claim is denied. His program, at least on paper, is designed to find another job for that person, either by retraining, vocational counseling, or other means.

In the beginning of 1981, Griswold was looking at $3.4 million in federal contributions to help him with this job. In October 1981, he was looking at zero, as he is now.

"There is simply no federal money available to continue the program. We still have state aid, of course, and some from other sources, but lack of money is eroding of staff, services, counseling, everything.

"It seems to me the present administration is trying to cut down money in the front end to look good at budget time, but that kind of thinking is creating dependency instead of independency—which means they will pay for it in the long run. We are creating a pool of people who are not unemployable, but simply unemployed."

Another man is not in the middle of anything. He got out. After three years as a disability claim examiner, he quit recently and started his own consulting firm, helping persons who have been denied benefits. He requested anonymity to protect an already fragile working relationship he has with State Social Security officials. He contends there was a sense of "hurry up" about the job.

"From the administration point of view, the idea was to get the claims in and out as fast as possible, but adhering as closely to the guidelines as possible. It was, in the strictest sense, management by objectives, and the objective was to move those claims along. You could argue for more time, but if it (a decision) was not forthcoming very soon, it got shipped out."

On an average, this person processed about 25 decisions a week. Only a few cases came alive during all that paper shuffling.

"Some of them were very hard to work on, because you could sense the dilemma, or pain or something, but in the end, if the book says the hemorrhoids have got to be three inches long, then they've got to be three inces long—and that's it.

"It was an assembly line operation, there's no question about it. The head office in Baltimore runs the system like a dictatorship, and they crack the whip. We didn't have an official motto in my office, but 'Get It Out' would come close.

"If you ran into a deadline and were still unsure about the claim, the thinking was to send out a denial, figuring the client always had another crack at it on reconsideration.

"I, for one, am certainly glad the people have the administrative law judge procedure down the line. We just looked at the rules, but couldn't look at the pain. We could look at a guy with five or six back operations behind him and maybe figure out how much he could lift, but have no sense of how he felt. As examiners, we just looked at the guidelines, the law. The judges can look at the spirit of the law."

[From the Detroit News, Oct. 3, 1982]

ONE LIFE TO LIVE . . . SIX MONTHS TO LIVE IT

(By John McAleenan)

Ken and Connie Marsee celebrated their 14th wedding anniversary at home two weeks ago. It was a private party, just Ken and Connie sitting at the dining-room table. The kids, Mike and Marc, were in bed.

They talked about the tapes Ken had been making and what colleges the kids might go to when the time came. They talked about some favorite dreams. They talked about bills. They talked about Ken's nagging cough. They talked about many things except the one thing they had already talked to much about.

And then, as the night grew old, they went to bed and held each other tightly, falling asleep knowing there would never be a 15th wedding anniversary.

The Marsees' suburban brick home in Warren is nothing less than House and Garden lovely, and Connie will blush just a little when Ken mentions that she did all the decorating herself. Mike is 9 and at school and Marc, who is 4, is in the basement banging around, doing a little redecorating.

The sun is shining outside, birds are at the feeder, somewhere children are playing, Ken and Connie are chuckling at a private joke, and there is nothing, absolutely nothing in this pretty house, to tell you that (1) Kenneth Marsee is walking around with a malignant brain tumor that will kill him in six months or a year at the most, and (2) the Social Security Department has denied, for the second time, his claim for disability benefits.

"It was not what you would call a bang-up summer," say Connie, "First Ken gets a death notice, and then we get what amounts to a notice saying I better start thinking about food stamps. That's a pretty good one-two punch.

"We didn't always have a sense of humor about this, but we quickly found out you can't live a normal life talking about nothing but dying all the time, so we've put that aside. We do just one day at at time, trying to cram as much as we can in that day."

What Ken and Connie did not put aside, and will not put aside, is a letter dated Sept. 16 from the Social Security's Disability Determination Service. It sits centerpiece on the dining room table. It reads, in part: "The medical information shows that you do have a brain tumor . . . however, your condition does not restrict you to the extent that you would qualify for Social Security benefits."

Period.

Ken leans back in the chair, lights a cigaret and smiles a soft smile. He knows the explosion is coming. Connie does it better than he can. And in a sense, it's her battle. His is over.

"What in God's name are those people thinking about? Do we really have to wait until he's paralyzed or blind to get benefits? What more do they want? How disabled do you have to be?" It is not a hammering-on-the-table kind of explosion, but still, Connie sits down again, somewhat exhausted. She has asked the same questions many times. So Social Security sent her another letter.

This read, in part, "We realize that your condition prevents you from doing your job as supervisor, but it does not prevent you from doing work . . . that is not difficult and which can be learned in a short period of time. You do not have a disability severe enough . . ." etc.

Period.

They can both laugh at that letter. "Well, they were right about one thing," says Ken. "At least they are qualifying me for work I can learn in a short period of time."

If Ken and Connie were amazed at the response from the Social Security office, their physician, neuosurgeon Dr. Warren Hardy is . . . well, he's dumbfound.

Dr. Hardy performed the surgery on Ken last March, when it was determined that after two months of splitting headaches, he had developed a fast-growing frontal lobe tumor.

The operation was only partially successful. A portion of the tumor, which proved to be malignant, could not be removed, and following six weeks of intense, daily radiation treatments, a CAT scan showed it was rapidly growing again. Further radiation and chemotherapy treatments were considered "marginal" efforts at best.

Ken, just a shade past 36, once a foreman in the steel construction field, once a bowler, once a swimmer, once a dancer, once a man who sometimes made $50,000 a year, went home angry and hid for a while. He did not want to see or talk to anyone.

Dr. Hardy wrote "astrocytome, grade II" on the disability form sent for him to fill out and answered a series of other questions. He later sent a letter to the Social Security office restating his opinion that Ken was "completely and totally disabled." He added: "This is permanent, and life expectancy for this patient is six months to one year."

Dr. Hardy went over his letter again a few days ago. "It's a mystery to me how the agency can react that way with the information I gave them. I don't understand it. In fact, I can hardly believe it. Maybe they asked the wrong questions, or were too general about what they wanted. I just don't know.

"Ken can't work. Hell, I wouldn't hire him to do anything. I can't imagine anyone that would. As the tumor continues to grow, he will experience increasing drowsiness. His personality will change. He'll lose his appetite. Eventually he may have seizures or become paralyzed. His judgment will be impaired, he'll have poor memory. He will become very weak. I simply can't understand what those people are thinking about."

When all this is said, however, that disability denial is, at the moment, more utter frustration than a full-blown catastrophe. An attorney has been hired to take the claim to the third level of appeals, before an administrative law judge.

Connie is certain they will fall upon someone who is sane in the system, if not sooner, then later. She would like it sooner, if for no other reason than to avoid having to apply for food stamps. The money, you see, is also fast running out.

At the dining-room table, Ken and Connie have sort of divided the problems.

Connie: "I have myself and the kids to keep me busy. I worry about them. That keeps me from bothering Ken too much. The money is becoming a hassle. We are getting $50 a month now in insurance disability from the union where Ken worked. We did get $94.30 a week for 26 weeks, but that ran out. I guess you could say we are sweating it out as far as that goes. The disability money, should we get it, would be $1,100 or $1,200 a month and that certainly would make a difference. It would take some worry from both of us. I could go shopping for school clothes, little things like that I can't do now."

Ken is worried about his rotten cough and a dramatic 30-pound weight loss. "But you still have to have a little sense of humor. I found that very important. I can even laugh a little at this silly wig I wear sometimes. The bad news I sort of put away. I don't think about it anymore."

"The good news is you tend to see things more sharply. Everything is like . . . well, in a tight focus. You hold things more closely. I miss some things. The baseball season with Michael, for instance. He played outfield in the league and I helped coach. But I can't do that any longer. The doctor closed all the doors."

With a summer of tears behind them, with the dreams resurrected the last time and put away, Ken and Connie simply get up every morning like anyone else and get through the day as best they can. In other times, there were wishes to be brought out and fantasies to examine, but that is gone now.

Connie: "The dream we had the longest was that on our 25th anniversary, the kids grown a little and off to college, we'd vacation in Hawaii. Ken has always promised me we'd go there. I guess not now. You know, you think about all this and it seems so unreal. We would have laughed if someone told us this would be happening to us a year ago."

Ken has a few things he's looking for as the season turns to autumn. Not much. "I'd like a little dignity as this winds down. I'm hoping Mike will remember me. I think he will. We've done lots together.

"I've got tapes made for the kids to listen to as they grow older, special tapes for special times in their lives. I'll be around that way. It's not enough, but it's all I can do. I just told them they could be president of the U.S. if they wanted to. And although I wouldn't be here, I expected them to do the right things at the right time. Especially to go to college.

"I will always love them. I told them that. I'm sometimes sad about this because I wanted to see them grow up. That would have been one of my greatest pleasures.

"Some time ago I promised Marc I'd take him to Disney World, but I put it off, and put it off. I was always putting things off, always saying, 'Wait 'til tomorrow.' I was something of a procrastinator."

Ken laughs a little at this point, as much to himself as anyone. "You know, a malignant brain tumor is a tough way to cure a procrastinating problem, but it's very effective."

[From the Philadelphia Daily News, Nov. 11, 1982]

SURVIVAL: THE SYSTEM VERSUS WALTER DAVIS

(By Julia Lawlor)

In the daytime, when the sun warms the grassy field where Walter Davis sleeps, it is easier to see why he would call it home.

His bed—a 6-foot square of soiled blankets—is nestled just behind a furniture factory at Richmond and Cambria streets in Port Richmond. Overhead cars whiz by on I-95, and at night Conrail trains rumble down nearby tracks. Rats scurry over him in the darkness, heading for a trash heap on the other side of the factory. He says he sleeps well, that no one bothers him. Always there is the faint smell of rotting garbage.

Davis, 47, has been sleeping outdoors since his Social Security disability checks were cut off early last month. He is one of more than 4,000 Pennsylvanians who have lost their disability benefits under the Reagan administration's controversial stepped-up review process, begun in March 1981.

He had been collecting $490 a month in disability benefits for the 17 years since an operation to remove a brain tumor left him with a paralyzed left arm and leg and suffering from epileptic seizures and poor vision.

Although Davis has tried to get on welfare, in order to apply he must get a copy of his birth certificate at City Hall and a medical report from a doctor. He does not appear to be in any hurry to do either. His friends say this is because he is incapable of taking care of himself, especially in times of stress.

Lately, he claims he's been having as many as three seizures a day as a result of the pressure he's been under since he lost his monthly check and was thrown out of his rented room.

Most days, Walter Davis wears an old brown-and-white cap pulled over his head, a striped shirt, a stained polyester jacket, red pants and an old green plastic raincoat. He walks slowly, hunched over and dragging his left leg.

His blue eyes stand out against his dark, weathered face. "They sparkle," he says proudly. "They do the talkin' for me."

Much of his day is spent in the Rose Garden Flower Shop at 2964 Richmond St., where he occasionally mails a letter or takes a ride in the delivery truck. There he is treated as "one of the guys." He may look like he has given up, but there is something that remains in him of his old self that endears him to people.

"I've known him five, six, 10 years," says John Petaccio, owner of the Rose Garden. "He's just been around. He's no problem at all to anyone, other than he's dirty. He's a good citizen—no villain by any means. He came in here the other day and wanted to know if we all voted. He got up and voted bright and early—Republican." Petaccio chuckles, thinking about it. "He's a passive type of person. He's not lazy, he's a good guy. There's not a mean bone in his body."

Petaccio is outraged that anyone could think Davis is capable of working. He has made repeated calls to the local Social Security Administration office, with no effect. In the meantime, flower shop employees feed Davis, give him money for medicine, store his clothes in their garage and offer him a warm place to stay until closing time.

"Social Security believes that if he took his medicine (to control epileptic seizures) he could work," says Petaccio. "He's not capable of working, whether he has a seizure or not. Eleven million people are unemployed in this country and some guy is gonna hire him?

"This is just not right in today's society. Walt is a human being—he's a victim of circumstances. All he wants is a place to live."

"He's in bad shape," says David Hill, an attorney in Community Legal Services' Kensington-Allegheny office who is appealing Davis' case to the Social Security Administration. "He's fortunate he has his friends, because there's no way he could manage on his own."

Hill said Davis could conceivably be without an income for a year or more because of the backlog of cases before administrative law judges who decide on disability claims. Meanwhile, Social Security has agreed to reconsider Davis' case.

Davis has been living on Social Security disability for so long that he doesn't remember exactly when the first check arrived. He believes it was in 1965 or '66 a year or so after the brain surgery. That's why it was such a shock to him when the letter cutting off his benefits arrived at the flower shop in July.

"The evidence in file shows that the strength in your arms and legs is good," reads the letter to him from the Disability Determination Division dated July 2, 1982. ". . . You could be capable of working at unskilled and uncomplicated jobs such as machine cleaner, sorter or assembler . . . You are able to do jobs which require lifting of not over 50 pounds, frequent carrying of not more than 25 pounds, and standing and walking for up to six hours of an eight-hour workday . . . ."

This conclusion was based on reports from the three "consulting" physicians hired by the Disability Determination Division in Wilkes-Barre, Pa., a state agency that holds a contract with Social Security to perform periodic reviews of disability cases. None of Davis' physicians at Hahnemann Hospital's seizure clinic was asked for an opinion.

"We did not obtain any other reports because the ones shown had enough information to evaluate your claim," the letter stated.

One of the doctors who examined Davis last May, Dr. Mark Faynberg, reported that Davis told him he gets only three to six seizures a year. He said Davis told him three of the seizures had occurred in the previous week.

Faynberg disputed Davis' contention that his left arm and leg were paralyzed.

"As far as a possible seizure order is concerned," he wrote, "the description, duration and complete lack of weakness are inconsistent with epileptiform disease [epilepsy]."

Hill says that although Faynberg's report alone may have indicated that Davis was able to work, his past medical history and other impairments—poor vision and difficult in using his left hand and arm—should have been considered. He added that since Davis was dropped from the rolls, he claims he has had as many as 50 seizures.

"Some of the things they said are fairly ridiculous," Hill says. "You can tell by looking at him that he can't lift 50 pounds, or carry 25 pounds."

No one who made the decision to cut off Davis' checks had ever seen him.

"We don't think the decision was wrong," said Rose LePore, regional commissioner for Social Security in Philadelphia. She refused to discuss details of the doctors' reports, or how the decision was reached.

"Based on evidence in the file, based on the information he provided to a doctor, the individual is not disabled to the point where he cannot work," she said.

LePore said her agency felt no responsibility to ensure that Davis had enough money to feed, clothe and shelter himself once his checks were stopped in early October. "Our responsibility is to assure that people receiving benefits are entitled to those benefits," she said. "There are hospices, and other agencies [for people in Davis' situation].

His memories of childhood are vague—he says his mother put him in the Northern Home for Children, a private home for dependent and neglected children in Roxborough, when he was 4. He recalls suffering from excruciating headaches, which he believes came from a tumor in his brain that was not diagnosed until he was much older.

His first marriage, to a woman named Angelina, lasted seven years.

In 1959, he married again, and had three children with his wife, Judy. He worked as a machinist in a knitting mill at 10th and Callowhill streets. He believes that an auto accident he had in 1962 triggered the growth of his brain tumor, which had expanded so much that by 1963 he was unable to work.

He had an operation to remove the tumor at Germantown Hospital in 1964, he says. The doctor who performed the operation and cared for him in the years following, died earlier this year.

"I was in the hospital a good year or better," Davis recalls. "I couldn't do anything. It took me a couple years to get over it."

But he was never the same again. And when his wife left him after a trip to Florida in 1965, he seemed to lose all will to live.

"She never came home," he says, tears in his eyes. He shows a visitor a handful of faded color snapshots he carries in his pocket. One shows his oldest daughter Judy, posing for the camera in the family's Germantown home on her first communion.

Davis moved in with a friend in Port Richmond after his wife left him. He's been there, or in one boarding home or another, ever since.

In September, U.S. Secretary of Health and Human Services Richard Schweiker announced changes in the Social Security disability review process in response to several suicides committed throughout the country by despondent recipients whose benefits had been terminated.

Beginning Oct. 1, all claimants were supposed to be seen in a face-to-face interview before a decision was made on their cases.

Even if Davis had been eligible under this new requirement, says Jonathan Stein, chief of law reform for Community Legal Services, it would not have helped him.

Stein calls the new change a "public relations gesture." The interviews, he says, are conducted at local Social Security offices instead of by disability determination workers upstate who make the ultimate decision.

"The adjudicator still does not see the claimant," says Stein. "The decision is still made on paper."

"They had repeatedly found [Davis] was eligible [in the past],' he continued. "Now they're reversing their own decision. What we've been arguing is that you can't treat him as a new applicant. Social Security should have the burden to prove someone has medically improved. They don't want to do that. They want to make it easier for themselves."

Stein and Social Security has also quietly instituted a practice of considering each disability a person has individually, instead of looking at the overall combined effects of "multiple impairments" as the regulators require.

Barry Stern, state secretary of labor and industry, testified on Social Security's review process before the U.S. Senate Finance Committee last August.

". . . [Social Security] no longer considers the combined effect of all impairments of an individual, rather evaluates each impairment singularly, resulting in many of the multiple disabled being terminated from the disability rolls."

Stein believes that this may be the reason why Davis was dumped after 17 years. If he appeals the decision to an administrative law judge, he has a good chance of winning—67 percent of those who appeal win their cases. Half those who are terminated, though, never appeal.

While Davis waits for is case to be decided, he continues to sleep in the field.

The Daily News contacted Franklin Anderson, a social worker for the adult services section of the city's Department of Public Welfare, last Friday about Davis.

"The city's going to get him off the street as soon as possible," said Anderson. Davis spent three more nights in the cold. "So far, we haven't been able to locate him. Anderson explained Monday. "Everything indicates this man ought to be in protective service with us. We're marking this urgent."

Yesterday, Davis had an appointment with a city social worker for 4 p.m. at the flower shop. The social worker never showed up.

A letter from Mark Caldwell, an attorney from Phoenix, Arizona, who represents disability claimants, to several members of Congress, dated September 24, 1982, states in part:

"As an attorney who does a great deal of disability work, I would like to share with you two recent examples from my own case load that . . . illustrate (the disability review) problem . . . . The second example from my current case load involves an individual who was found to be no longer disabled as of November, 1981. We proceeded to hearing which was finally held in June of 1982. Thereafter, the claimant was ultimately issued a favorable decision by administrative law judge in July of 1982 wherein he was found to remain disabled. Unfortunately, the claimant was not able to celebrate the results of his lengthy battle with the SSA bureaucracy since he died from his disability (a cardiac impairment) on July 1, 1982. The claimant's survivors have indicated to me that the claimant's doctor indicated to them that he felt the added stress of having the claimant's only income taken away from him while legal proceedings continued was a factor in the fatal heart attack.

"I note that the enclosed article finds that the Social Security Administration has audited the Social Security Administration finding that only three percent (3 percent) of the cessation decisions are erroneous. My personal experience in handling quite a few of these cases indicates that considerably more than 75 percent of my clients who survive this process are ultimately found to be suffering from a continuing disability. The tragedy, of course, is that many people cannot tolerate the inhumane process which they are forced to endure in establishing their continuing entitlement. I applaud your concern for these victims of governmental bureaucracy.

"Sincerely,

"FRIEDMAN & CALDWELL,
"MARK CALDWELL."

PHOENIX, ARIZ.
August 19, 1982.

Re: (Name withheld for purposes of confidentiality) claim for period of disability and disability insurance benefits

Mr. RICHARD S. SCHWEIKER,
Secretary of Health and Human Services,
Washington, D.C.

DEAR SECRETARY SCHWEIKER: I have received a copy of the Department of Health and Human Services' "Social Security Award Certificate" dated August 6, 1982. This office represented———in his proceedings before your agency.

When———was denied disability insurance benefits upon reconsideration, the "explanation" attached to that decision in March of 1982 indicated that he maintained a stable weight. Indeed, when I visited Mr.———home to discuss his claim in May of 1982, it appeared that he would have the opportunity to lose very little weight since he indicated to me he weighed only 73 pounds.

I note that the award certificate indicates that "Since your condition may improve, we have scheduled a review for June, 1983." I regret that your organization will not have the opportunity to conduct this review, since———died from his illness prior to the issuance of a favorable decision by an administrative law judge. No further improvement is expected in Mr.———condition, although I do believe he has now satisfied his burden of proof in proving disability.

Sincerely,

FRIEDMAN & CALDWELL,
MARK CALDWELL.

NOVEMBER 8, 1982.

CARL LEVIN,
U.S. Senate
Washington, D.C.

DEAR SENATOR LEVIN: You are the first I am writing to concerning the favorable Social Security decision. The final outcome was obvious, because the original decision was without basis. I hope you will continue to take the time to review what had happened to us. The file is quite detailed and interesting reading.

The file will not include what it has personally cost us:

Our bank account of $10,000.00 is gone.

A rental property was sold because we could not meet the payments nor obtain a loan with no income. The loss here another $10,000.

Hundreds of dollars gone on postage and xerox copies.

Thousands on doctor bills—and they still aren't paid.

The back payments received did not cover the money we borrowed, finance charges we paid during the purge. Nor did the government pay us interest.

Our credit is ruined. I had requested a letter to submit to our creditors explaining what had happened and that the decision was unfounded and beyond our control. My request was ignored.

With our cash and investment gone, we will be unable to meet a $20,000 demand note due on our property in 1984. We will lose our custom built home. I've already had

it appraised. If we sell now—IF it can be sold—we will lose another $40,000.

My husband's overall condition has deteriorated. Emotionally, we are both drained.

Finally, my mother didn't make it. She was weak from cancer, just as she showed some improvement, our hearing was held and more waiting began. The stress and worry over her child and grandchildren added to her already overwhelming stress. The day after she died the first check arrived. While we were at her wake the children's check came. The day of her funeral, my husband's check awaited us. She was only 60 . . . Never collected a penny from Social Security nor Welfare—but she died totally disgusted with this country and our government.

In ten years, I do hope you'll look for the sons of the doctors who cheated us, the politicians who didn't care, the social workers who are being bribed—but don't come looking for my sons. You've taken everything else we have.

You personally have been outspoken in behalf of us and others like us. We sincerely thank you.

Name withheld for purposes of confidentiality.

[From the Detroit News, Oct. 3, 1982]

(The Social Security disability stories in today's Accent are a followup to an article written by John McAleenan and published in this section July 25. Entitled "In the Matter of Frank Williams' Back," it considered the case of a Detroit man who hobbled around with excruciating back pain, certified by his doctor, after two operations had been performed. Yet he was ruled "not disabled" and was cut off from Social Security disability payments. Following are some readers' reactions, edited for space. Contributing to this series of stories was Contact 10 editor Roy Courtade.)

"DEAR SIRS: I am presently facing almost identical circumstances as those of Mr. Williams. One year ago I was stripped of my Social Security disability benefits, just like he was. I has been receiving them since May of 1974. I also have a severe back injury that two surgical attempts at correction have further complicated. I assume the administrators at the Disability Determination Service believe that any attempt to surgically correct or prevent further deterrioration, by virtue of its implementation, must be successful . . .

"The judge reviewing Mr. Williams' claim stated that several times he appeared hostile in the proceedings. After waiting the better part of a year in the belief you will be given an impartial hearing, and then finding the judge is an advocate of the system trying to destroy you, it is not the ideal situation to remain unperturbed. You're damn right Mr. Williams was hostile. So am I."—Kenneth Kreager, Port Clinton, Ohio.

"DEAR SIRS: I, like Mr. Williams, am trying to collect Social Security benefits. I have three minor children, can't drive a car or lift a bag of groceries. I am not a candidate for surgery, but I have arthritis, myelitis and a slipped disc. I was denied my first application for disability because of a clerical error on their part. I filed for reconsideration, and this, too, was denied. Since then I have been hospitalized for ulcers and spastic colitis.

"I must write this because I feel, as does Mr. Williams, that the system is trying to destroy our belief in justice and the right to appeal. If denied a third time, I will appeal again and again. There is nothing else to do. Yes, Mr. Williams, I am walking in your shoes."—Betty J. Dumas, Detroit.

"DEAR SIRS: I just read your story on Mr. Williams' bad back. What gets me upset is this judge has the right to say that Williams can do *some* kind of work. How can this man sit back and judge someone else's pain? I have a bad back and do not wish bad luck to anyone, but I wish the judge would have his back go out on him one day, like mine does frequently, and let him know what it's like not to be able to get off the toilet or get dressed or walk down the stairs.

"Let him sit down in a chair and try to get back up again, or take what it seems like hours just to roll over in bed. Thank you for the story on behalf of everyone who has experienced that kind of pain."—Christine See, Detroit.

"DEAR SIRS: Thank goodness you have finally made the public aware of what's going on with the disability reviews. I, too, am going through the same thing with a bad back and fighting like hell with the insurance company and their 'hired guns' to maintain my workman's comp benefits. There are many, many people out there who are being cut off and denied benefits they deserve."—Ed Rowland, Westland.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. I suggest that the Senator from Georgia be recognized.

RECOGNITION OF SENATOR MATTINGLY

The PRESIDING OFFICER. The Senator from Georgia will now be recognized for not to exceed 15 minutes.

Mr. MATTINGLY. I thank the Chair.

S. 3049 THE POULTRY AND EGG EXPORT EQUALIZATION PLAN

Mr. MATTINGLY. Mr. President, it is apparent the Ministerial Conference under the General Agreement on Tariffs and Trade (GATT) will offer no relief for American farmers from the adverse effect of export subsidies. The European Economic Community continues to insist the GATT allows them to use export subsidies to take an unfair share of the world market. In light of the stalemate and the EC's unwillingness to resolve this issue bilaterally or multilaterally, it is now up to Congress to achieve solutions to this critical agricultural trade problem.

As a first step, I intend to propose to the President, the Department of Agriculture, the U.S. Trade Representative, and Congress a plan they can enact that will place American broiler and egg producers on an equal footing with their foreign competitors, who now have an unfair advantage in foreign markets due to the export subsidy practices of their government. This plan, the poultry and egg export equalization plan, is designed to offset the adverse effects of export subsidy schemes currently practiced by other countries on U.S. exports. These unfair subsidy schemes have drastically reduced our share of world poultry and egg markets.

To regain the share of sales that our production efficiency would allow in a world market free of subsidies, I propose a targeted program that uses domestic surplus commodities to offset the advantage that foreign governments give their exporters. This program will entail the distribution of surplus corn to poultry and egg producers. Under the plan, each ton of poultry and eggs for export will qualify our domestic producer for a proportionate amount of surplus corn currently held by the Commodity Credit Corporation. This will reduce production costs to the poultry and egg producer and enable him to meet unfair overseas competition. The program also has the advantage of reducing excess supplies of corn, which are depressing American grain farmers' prices. A third advantage would be to relieve taxpayers of the costly burden of maintaining these surpluses in storage. Finally, many workers in our poultry and egg processing plants will be able to go back to work.

Most of all, this program is fully consistent with our international commitment under the GATT not to use export subsidies to gain more than an equitable share of world export trade. Our export markets have been stolen by subsidized competitors. This program will be designed only to regain that equitable share we have lost to unfair subsidized competition.

I want to emphasize that we have tried to solve the subsidy problem within the context of the GATT process by formally complaining to countries that engage in these practices. We have also used the occasion of the GATT Ministerial to call for a multilateral commitment to reduce export subsidies over a reasonable period of time. These efforts have led us to a dead end and the time is now here for unilateral action. The proposal I am making is within our rights and obligations under the GATT.

Mr. President, while this action involves Government intervention in the marketplace, which is distasteful to me personally and to American poultry and egg producers, there is now no other alternative. We have exhausted all other possibilities. The only other choice is to withdraw from the world market—a totally unacceptable solution.

I hope this action will lead our trading partners to recognize the foolishness of their practices. It is almost unbelievable to me that countries would

subsidize the sale of poultry and eggs and hand the bill to their own taxpayers. When and if these countries realize their folly, we will be ready to negotiate an end to these practices by all countries.

Mr. President, the GATT Ministerial Conference that was held this past week has focused attention on the world trade problems. We, the Congress, and people in this country, should not accept the status quo. To do so would be to cut our own throats. Ignoring the world trade problems is not going to solve the world trade problems. We cannot ignore the trade barriers established by the Japanese to hinder American exports. We cannot ignore the $8 billion in subsidies of agricultural exports by the European Community.

This country and this Congress must stand up for our industrial and agricultural private sectors so they can be treated fairly in the world markets. The GATT Conference was held, among other things, to encourage the elimination or the rollback of barriers and subsidies to trade. This was not accomplished, so we could not return to fair trade as a result of the GATT Conference. If we continue our nonaction, we shall continue with the present unfair trade obstacles.

In order to create fair trade for the United States and stop the job loss, we must contemplate what measures the United States should use to encourage rollback of subsidies by the European Community and the lifting of trade barriers by Japan. As a first step, our trading partners have to know that we are serious in the United States. They almost got that impression at the GATT Conference, but obviously, by the language that is included in the final agreement, they are saying, "We do not expect the United States to act and we will not stop our current practices."

Mr. President, there is a time when you can no longer turn the other cheek. We must allow the United States to compete fairly. We must allow our producers in the United States to compete fairly, on a level playing field with everyone else. It is only right that we in Congress assure that for our American producers.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MATTINGLY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. BAUCUS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued to call the roll.

Mr. MATTINGLY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATTINGLY. Mr. President, I wish to introduce legislation to be a part of the statement I have just completed. The bill I introduce would authorize the Secretary of Agriculture to make available stocks of corn of the Commodity Credit Corporation to poultry and egg producers of the United States in order to encourage export markets for poultry.

Mr. President, this legislation would be enabling legislation to allow the Department of Agriculture to proceed to enact this program I have just spoken of on the floor of the Senate.

I ask unanimous consent to have the bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3049

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, in order to encourage and facilitate the expansion and development of export markets for poultry and eggs produced in the United States, the Secretary of Agriculture may make available to poultry and egg producers in the United States supplies of corn owned by the Commodity Credit Corporation. The Secretary shall make such corn available in such quantities and under such terms and conditions as he determines appropriate.

Mr. MATTINGLY. Mr. President, I suggest the absence of a quorum.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 60 minutes, with statements therein limited to 5 minutes each.

THE AMERICAN CHARACTER

Mr. THURMOND. Mr. President, over 4 years ago, a radio show known as "The American Character" was created with the sole purpose of sharing true stores of caring and selfless individuals who exemplify the American spirit.

"The American Character," which is broadcast weekly, is narrated by the famed author and philanthropist, Dr. Norman Vincent Peale. Dr. Peale is perhaps best known for his book, "The Power of Positive Thinking," which has greatly influenced millions of people throughout the world.

During each show, Dr. Peale highlights outstanding contributions of people from across America who have served their fellow man in extraordinary ways.

Mr. President, "The American Character" represents that which is good, wholesome, and honorable about Americans. Yet, this unique show not only recognizes individual achievements, but it also serves to inspire others to do noble things.

This special program is made possible by the International Telephone and Telegraph Corp., and ITT is to be commended for sponsoring such a worthwhile service.

In order to share more about the nature of "The American Character," with my colleagues, and to acknowledge those who make this program possible, I ask unanimous consent that a transcript of the proceedings honoring "The American Character" be included in the RECORD at the conclusion of my remarks.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

TRANSCRIPT OF PROCEEDINGS HONORING "THE AMERICAN CHARACTER" IN THE U.S. SENATE CAUCUS ROOM

Mr. NED GERRITY. Good evening ladies and gentlemen. I'm Ned Gerrity of ITT, proud to welcome such a distinguished gathering. Since March of 1978, it has been my company's privilege to be associated with a unique project, "The American Character", narrated by Dr. Norman Vincent Peale. Its goal is to inspire Americans by daily reporting on what is not considered necessarily newsworthy by the mass media. We like to report the acts of heroism, compassion, perseverance and generosity which go into making up that character that we distinguish as uniquely being American. For those who have not heard the program, I would like to play a very special episode that was broadcast earlier this year.

ANN. Here is Norman Vincent Peale on "The American Character."

Dr. PEALE. What in the world do you call a man who's saved the lives of at least three dozen people? In fiction, you might call him the hero's hero. But in fact, you'd call him Pete Vallas of Hackensack, New Jersey. As volunteer fireman and civilian, Pete has spent years preserving life—often by facing death. Once, he dashed into a burning building to rescue two children. He was carrying them out when an accumulation of gas exploded. The kids were okay. But Pete was severely burned. Another time, he dragged two teenagers from an overturned car seconds before it exploded. Then, when a swimmer suffered a heart attack, Pete kept him alive with C-P-R until medics arrived. But not all of his lifesaving is so dramatic. You see, he also works with juvenile offenders, saving them from lives on the wrong side of the law. And right now he's setting up a youth anti-drug program. For his good works, Pete Vallas has received many citations—including several from state governors and one from a member of Congress. So it is with special pleasure that we recognize the accomplishments of this extraordinary American on this, the one-thousandth broadcast in a series dedicated to the best in America—"The American Character."

ANN. Norman Vincent Peale on "The American Character" is funded in the pub-

lic interest by ITT, International Telephone and Telegraph Corporation.

You will meet this remarkable man, Pete Vallas, in a few minutes, but now it is my high honor to introduce the President pro tem of the United States Senate who, with his lovely wife, Nancy, were among the first to support the concept of "The American Character" series. It is my pleasure to introduce the distinguished Senior Senator from South Carolina, the honorable Strom Thurmond.

Senator THURMOND. Thank you very much.

Mr. Chairman, Dr. Peale, distinguished guests—the purpose of inviting you here this evening is to help us salute a positive influence in our national life. I am referring to "The American Character", not in the generic sense of our national character, but in the specific sense of the radio program by that name which tells us what is best about ourselves. I was introduced to "The American Character" when it was first broadcast on the air over four years ago. I felt then, as I feel now, that it is a celebration of what is good, wholesome and positive in our national life and that it could inspire similar activity by others who heard it. The beauty of "The American Character" is that it does more than simply praise American values. It also cultivates them by presenting examples of these values, reflected in the every day lives of every day Americans, the average citizens whose courage, dedication and kindheartedness are featured daily on "The American Character" typify the goodness to which we hope all Americans aspire. Commonsense tells us that nothing fosters good works so much as a good example. Speaking of good examples, I would like to thank Dr. Norman Vincent Peale, narrator of "The American Character" for his enduring example of positivism in American life. I would like to recognize the corporate example of International Telephone and Telegraph Corporation in contributing to the interests of our nation at large by commiting itself to bringing "The American Character" to listeners throughout the country by providing the program to radio stations without charge. This kind of private sector initiative ought to be encouraged and applauded. We all hope to see more of it. Thank you for inviting us here today and saying these few words. We are delighted to have everyone of you here on this occasion to meet this great American, Norman Vincent Peale, and to salute these people who sponsor this program and we are very honored that you could take the time to come. Thanks very much.

Mr. GERRITY. Thank you, Senator Thurmond—and now I take great pleasure in introducing the Chairman, President and Chief Executive Officer of ITT, Mr. Rand Araskog, Rand:

Mr. ARASKOG. First of all, I would like to say that tonight Dr. Peale told me that each of his broadcasts has a maximum limit of 80 seconds. Ned Gerrity gave me 25 so I simply want to make a couple of comments. First of all, the hero that is being celebrated here this evening has a real heroine because I am sure she realizes that every time he leaves the house he may go out and save someone at great danger to his own life and I think she qualifies for applause as well. Secondly, I certainly appreciate the efforts of Senator and Mrs. Thurmond, Nancy, and the efforts of Dr. Peale, his wife Ruth. This is a very fine evening. We are very complimented by those who have come—the many honored people here in Washington, D.C.

We at ITT sponsor many events that we hope will contribute in a great way to the American way of life. This particular program is one of which we are most proud. We have the very real belief that it is making a positive contribution because of the efforts of Dr. Peale and because of those great efforts taking place every day in America that he is recognizing. So we are going to continue to support this program in a major way and we are confident he will continue to devote energy to it because I have discovered that over the last four years or so that I have known him that he does get younger every year. Thank you.

Mr. GERRITY. Thank you, Rand. It is no exaggeration to say that millions of people, not only in this country, but around the world know Norman Vincent Peale—and I put quotes around the word "know". They know him in many ways—they have heard him speak, they have read his books. Norman Vincent Peale is the soul (soul) and the guiding light of The American Character. He is a clergyman, a lecture. He is the author of "The Power of Positive Thinking." We need more people like Norman Peale and I am delighted to introduce him to you now. Dr. Norman Vincent Peale.

Mr. PEALE. Mr. Ned Gerrity, Mr. Araskog, Senator Thurmond. Now it didn't do that for anyone else. (Referring to feedback from public address system)—(laughter). We milled around here for awhile, Mr. Gerrity, and then at Senator Thurmond's suggestion, we formed a receiving line. Now, I liked that because it gave me the pleasure of standing by the charming Mrs. Thurmond and Mr. Araskog on the other. It wasn't all that perfect because everyone that came along lingered inordinately at Mrs. Thurmond and left poor Mr. Araskog and myself dangling at the end of the line.

I want to thank Senator Thurmond and Mrs. Thurmond for all they have done to make this possible this afternoon. I have long admired his statesmanship and his leadership in this country and it is a pleasure, Sir, to be associated with you again this afternoon. I want to thank you folks for coming out today. I know you are all very busy. You hold important positions in this city and your time is at a premium. So, you honor us greatly by coming to be with us today.

This program, "The American Character", was initiated by two friends of mine—John Scott and Howard Greene—and they spoke to Mr. Araskog and George Massaua and you, my good friend, about ITT funding this program. I think it is a very great thing when one of our greatest corporations in the United States cares about people and I wish to express my great appreciation to them today for all they have done.

The thing that impresses me as I present the stories over the air is that we are better than we think we are. We have a tendency in America to put ourselves down, but as I read the stories of men and women (and I read many of them over the year), I am convinced that Americans are the greatest people that the good Lord ever made. (applause) And I don't mean to exclude the distinguished gentleman from Egypt that I met here this afternoon, and others. They get in under this umbrella of humanity. The stories that we give over the air are about people like Pete Vallas who with no concern for his life saved the lives of other people or by neighbors who helped neighbors. Little children who have saved aged grandmothers, for example, from fire—one after the other of these stories indicates that there is in everyone of us a hero. I think Thomas Carlisle first pointed that out. So that what you are doing, Mr. Araskog and others by making this program available to the American people is to remind the American people that they are greater than they have every imagined. And while there is evil in this country, there is a lot of good also. And I am one of those who believe that if we give publicity to the good, the good will finally triumph over the evil. That is known as the philosophy of optimism. But I have tried to be a positive thinker all my life. (applause) And I would just like to say from the heart—God bless you everyone.

Mr. GERRITY. Thank you, Dr. Peale. Now, we would like to have all of you meet Mrs. Ruth Peale, who has been the inspiration for Dr. Peale for all these years, Ruth. She is right here with Senator Thurmond. (applause) And now we would like you to meet that remarkable man who the tape described a few minutes ago. And I would guess that he is the standard bearer of all those people Dr. Peale has described in "The American Character". I would like to have Peter Vallas join us here on the podium along with Senator Thurmond and Mr. Araskog and Dr. Peale. Come on up, Peter.

Mr. ARASKOG. While this award simply states that the deeds of Peter Vallas are hereby cited as outstanding examples of those inspiring qualities which best reflect the ideals of "The American Character" program and Dr. Peale and I have countersigned this with sincerest congratulations for a small recognition of what you have done.

PETER VALLAS. Senator Thurmond, Dr. and Mrs. Peale, Mr. Araskog, honored guests. Ever since I found out that I was receiving this award, people I know have been asking what I was receiving the award for. So, I would mention some of the things you just heard, the life saving, the drug programs, etc. But in thinking about it, I really don't think that the doing of those things got me here today. I feel that it was more the reasons I did them that brings me before you as an expression of "The American Character". For most of the 200 years that we have been a nation, we had to depend on each other to survive. To help one another. To care how a neighbor was doing and it became a habit. If we wanted to live in a good town we couldn't wait for someone else to make it a good place in which to live. And, we had to invest our time and our energies to make it work. In today's world, some people do not feel the same as they did years ago. But I feel "The American Character" is an example which our heritage is built on. It should continue forever. The Bible says, "If I am not for myself, who will be for me?" But if I am not for my brother, then what good am I? I have tried to follow that in directing my life. And now, I look to you, Nicholas D'Jimas, my nephew, to perpetuate the goodness of America and to take my place by living the life of "The American Character". Thank you ladies and gentlemen. I am very proud to accept this award.

Mr. GERRITY. Before we close, I would like to read a letter delivered to Dr. Peale. This is from the President of the United States.

THE WHITE HOUSE,
Washington, D.C., September 14, 1982.

Dr. NORMAN VINCENT PEALE,
New York, N.Y.

DEAR DR. PEALE: Nancy and I welcome the opportunity to extend our congratulations

and best wishes on the 500,000th broadcast of your program, "The American Character."

In each of these broadcasts, some good deed by an American citizen, young person or adult, is told. You have provided great inspiration for our citizens, and we appreciate the uplifting spirit of this series.

With warm personal regard and, again, congratulations.

Sincerely,

RONALD REAGAN.

Congratulations, Dr. Peale, Peter Vallas, and all of you who exemplify "The American Character".

THE DEATH OF STEFANO TACHÈ

Mr. PROXMIRE. Mr. President, while the Senate was in recess, a grave anti-Semitic offense took place in Rome. On October 9, terrorists fired submachineguns and threw handgrenades at Jewish worshippers leaving a synagogue after Sabbath services. Thirty-four people were wounded, including a 4-year-old boy, Marco Tachè, who suffered severe head wounds. His 2-year-old brother, Stefano, was killed. It is a grim irony that Marco and Stefano were taken to services to celebrate Shemini Atzereth, a holiday on which children receive a special blessing in the synagogue.

This incident is a painful reminder that millions of Jewish children lost their lives during World War II, only 40 years ago. Moveover, it is a warning that anti-Semitism did not die with those children, and still poses a threat to Jewish citizens.

Mr. President, this wanton act of violence should not be taken lightly, for every small offense can lead to a larger one. I remind the Senate that the tide of anti-Semitism in Nazi Germany began with the desecration of synagogues, and ended with systematic mass murder. Attacking a synagogue may appear minor compared to Nazi concentration camps, but the oak tree was once an acorn.

Mr. President, let us work to prevent further recurrences of anti-Semitism, before we have to record another human nightmare in the history books of our country. The first step in this effort is the ratification of the Genocide Convention, which guarantees to all groups the right to live free from persecution, regardless of their race, religion, or creed. Moreover, it makes genocide a crime under international law.

Many nations have signed this treaty—82, to be exact. But the United States, a decisive force in defeating the Nazis in World War II, is not yet a party to this treaty.

The death of Stefano Tachè should be a reminder and an inspiration. We must recall that anti-Semitism led to genocide in the past, and we must resolve to prevent another genocide in the future. Therefore, I call upon the Senate to ratify the Genocide Convention without delay.

POSSIBLE CHANGES IN POLICY BY THE SOVIET UNION

Mr. THURMOND. Mr. President, the recent death of Soviet President Leonid Brezhnev has caused a flurry of speculation about possible policy changes by the Soviet Government.

While I fervently hope that our two countries can begin to work together more closely and cooperate on projects of mutual interest, I continue to believe that the goals and objectives of the Soviet Union will remain the same, and, therefore, that there is little hope that policies toward the West will change.

The prime directive of the Soviet Government has been, and will continue to be, world domination. Some of this country's most learned "Kremlinologists" have speculated that the new Soviet leader, Yuri Andropov, will lead his government toward a new, more conciliatory relationship with the United States.

I am not a political scientist, but I do not share the optimism of those who believe that a change in Soviet leadership will, necessarily, precipitate a moderation of Russia's goals.

The Soviet Union, Mr. President, is a country unlike ours in that changes in leadership do not bring about great sweeping changes in policies.

We should remember that the Soviet Politburo—the real governing body in Russia—chooses that country's leaders and spokesmen. Little, if anything, on an official level is said or done in the U.S.S.R. without the express consent of the Politburo.

I want to also remind my colleagues that Mr. Andropov is a former head of the Soviet Secret Police—better known as the KGB—and that he has espoused Russia's goal of expansionism.

A recent editorial analysis in the Washington Post, written by Robert Kaiser, points out the tremendous influence of the Politburo in the Soviet Union and concludes that Andropov's elevation to power does not signal immediate changes in policy.

Critics, however, will insist that Mr. Kaiser's conclusions are the product of so-called "Cold War Mentality."

Mr. President, I dislike sounding like a cynic, but I believe that changes in Soviet policy, if any are forthcoming, will manifest themselves in events—not rhetoric. At the risk of sounding trite: The proof will be in the pudding.

I ask unanimous consent that the article, entitled "No, Russia Won't Change," be included in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 14, 1982]

"NO, RUSSIA WON'T CHANGE"

(By Robert Kaiser)

Hard as it may be for Americans to believe, the death of Leonid I. Brezhnev is unlikely to bring any early or dramatic changes in Soviet policies or Soviet-American relations. This is true because—alas—the Soviet Union is so profoundly different a country than we are used to.

We have already heard prominent Americans predicting that the transition period will be a time of Soviet militarism, or a good moment for a peace offensive, but all such predictions are improbable. Forecasts of sudden change in Russian policies can only be made by outsiders who project their own patterns of behavior onto the Russians.

In America a new president sweeps clean the slate of state: New officials blithely implement new policies (often contradicting the old ones) as though history began the day they took office. The West European democracies are more consistent, but they, too, can switch directions abruptly.

Not the Russians. Apart from the Bolshevik Revolution itself, changes of government in Russia have been marked not by departures but by a striving for continuity, at least for a couple of years. Yuri Andropov will not ignore that tradition.

From a Russian point of view this makes eminent sense. The challenge to Andropov and his colleagues is to preserve a claim on legitimacy by reassuring the people that they will keep the historic bargain between Russians and their rulers. This bargain is simple: The people give up any right to choose their leaders or influence their policies (in other words, they give up any claim to freedom) in return for basic security, order and the staples of daily life.

An abrupt change in the party line would only raise doubts that the new leaders could make good on their end of the bargain. Abrupt changes would rekindle the ancient Russian fear of disorder or anarchy. So the new Soviet leaders will try to avoid abrupt changes.

This does not mean a new Soviet government is bound to stick forever to the path set in the Brezhnev era. On the contrary, the many grave problems, domestic and international, that the Soviets now face will require significant policy changes in the years ahead. But changes will not come in the years immediately ahead. They are likely in the mid-1980s and beyond.

The money men on Wall Street talk about the way the stock market "discounts" a big event before it takes place—an election, a new tax cut, whatever. In a similar way, both the soviet elite in Moscow and the rest of the world have already discounted the death of Leonid Brezhnev. Like Konrad Adenauer or Mao Tse-tung, Brezhnev was one of those fixtures on the international stage who actually prepares the world for their eventual departure by defying the actuarial tables and sticking around so long.

In Moscow, maneuvering in preparation for the end of the Brezhnev era has been going on for years.

The committee that has been running the country for the last 18 years has had to jigger its membership as others of the old men at the top have died or retired, and lately the jiggering has suggested that the committee was preparing for the post-Brezhnev era. The quick selection of Andropov on Friday as the new general secretary of the Communist Party indicates that the ruling committee has known where it was headed for a long time.

The crucial point here is the existence of that committee. For all the eagerness of the news media to make Brezhnev into a personal dictator, he has never been one. He has always shared power—willingly, by all ap-

pearances—with others in the group who conspired with him to oust Nikita Khrushchev (who really was a personal dictator) in October 1964.

The record on the committee's importance is clear. That record is sprinkled through Richard Nixon's and Henry Kissinger's memoirs of the 1972-74 period when detente was in bloom, and all important matters in Soviet-American relations were referred to the Politburo for final decision. In 18 years as the leader of the Soviet Communist Party, Brezhnev never gave an extemporaneous speech. He invariably read from a prepared text—a text presumably approved by the Politburo.

Recently, when Brezhnev reportedly could work no more than a few hours a day, the committee was obviously running the country without him—as it will be running it now.

Andropov was an important member of the committee in the Brezhnev era, particularly since 1967, when he was sent to the KGB to handle a top-priority matter for the leadership: the reassertion of strict control over unorthodox political behavior. Andropov must have become a hero of sorts to the committee when he managed—over more than a dozen years, with patient diligence—to wipe out the political dissidence that arose in the '60s. Dissidents terrified the committee, because they seemed to challenge its legitimacy, its right to rule in the name of the people. Thanks to Andropov, today there are virtually no dissidents.

The cardinal domestic achievement of the Brezhnev era was to broaden the Soviet regime's base of active support. When the Brezhnev group took over in 1964, a relatively small Soviet elite benefited personally from the system. Under Brezhnev the system of privileges and special rewards for members of the elite grew dramatically, as did the size of the elite that was eligible for them.

By giving hundreds of thousands and probably millions of people a direct personal stake in the system—a stake based on improved housing conditions, better food to eat, opportunities to travel abroad and the like—Brezhnev enhanced the stability of the Soviet regime.

But there was a downside to that accomplishment. By creating such a large group with a personal stake in the status quo, Brezhnev made it terribly difficult to alter the status quo. Thus it turned out that all the Brezhnev group's attempts at reform, particularly of the Soviet economy and agriculture, came a cropper. A vast layer of the Soviet establishment just wasn't interested in reform.

This inertia is not something a new leader can abolish with a wave of his hand. It is now a fact of Soviet life, and it will remain one for years.

Whether Andropov will even want to challenge this inertia remains to be seen. At 68, he is already six years beyond the life expectancy for a Soviet man. He reportedly has heart trouble. Many Kremlinologists expect him to be a transitional figure who will prepare the way for a member of the next generation, someone now in his 50s, to preside over the next phase of Soviet history.

But even if Andropov wanted to make a strong individual mark as leader, history suggests it will take him several years to be able to try. Three years after the Brezhnev group took power, the Soviet spokesman at a Soviet-American "summit" meeting in Glassboro, N.J., was Alexei N. Kosygin, not Brezhnev. After Stalin died there was several years of tumult inside the ruling committee before Khrushchev emerged on top. The committee moves slowly when deliberating policy departures, and it takes time for one man to consolidate a position of personal ascendancy.

Even Brezhnev, who did achieve personal ascendancy within the committee, apparently never had the personal power to impose a significant policy change on his colleagues. He built a consensus on the committee for his detente policy, but he didn't dictate it. His greatest personal power may have been negative. According to one intriguing story that is told by well-informed people in Moscow, Brezhnev did personally prevent a Soviet invasion of Poland at the end of 1980—the committee was ready to do it, but Brezhnev denied his colleagues the consensus they required for such a big step. It's just a rumor, but a plausible one.

That there will be change in Russia is inevitable. The '80s may prove to be a decade of abrupt discontinuity in Soviet history. A generation gap has emerged in the Soviet Union—the Russians may be about to have their version of the '60s. The economy has stopped growing, agriculture is deteriorating and the system of control in East Europe is no longer effective. These are grave problems, and none can be dealt with effectively with the kind of marginal policy adjustments that typified the Brezhnev era.

At least theoretically, the Soviets' need to make changes creates opportunities for the United States and its allies. It became clear in the '70s that the West *can* influence the Soviet Union, sometimes (though not always) in positive directions. Détente did open Soviet society to an unprecedented degree. It pushed the Soviets for the first time into the international (capitalist) economic system. It made Solidarity possible in Poland. The '80s might provide a chance to make the Russians more responsible members of the international community. But the Reagan administration seems committed to pursuing a confrontational policy toward the Russians, rather than exploiting new opportunities for different kinds of approaches.

President Reagan's decision not to attend Brezhnev's funeral can be defended on numerous grounds, but there is no doubt about how the Soviets will interpret it: as an affront. If the American president is not interested in attending a Soviet leader's funeral, he obviously isn't interested in a better Soviet-American relationship—that will be, understandably, the Soviet view.

The Reagan policy until now could be described as the "uncle" policy—the United States will put so much pressure on the Soviets that they will eventually cry uncle, agreeing to American terms for arms reductions, agreeing to withdraw from Afghanistan, agreeing to grant more human rights to Soviet citizens and Poles.

The chance of this approach succeeding was always slim; with new leaders in the Kremlin it is nonexistent. The most obvious thing new leaders cannot do under any circumstances is to begin acceding to the demands of "imperilists," as they like to call us. No signal would be more threatening to the Soviet elite than a hint that their new leaders can be intimidated by the United States.

So, ironically, American policy will reinforce the Soviet tendency not to change course in the aftermath of a change of leadership. There are no foreseeable prospects for a better Soviet-American relationship.

BUS DEREGULATION

Mr. PRESSLER. Mr. President, last spring, I fought legislation to deregulate the bus industry because of its negative impact on small carriers and rural bus service. I was the only member of the Senate Commerce Committee to vote against this bill. On the Senate floor, only a handful of my colleagues joined me in opposition to this measure, which has recently been signed into law. Only now are organizations and associations beginning to realize the potential harm resulting from industry deregulation.

The American Newspaper Publishers Association recently published an article in its November issue of Presstime. I ask unanimous consent that the text of this article be included in the RECORD immediately after my remarks. ANPA expresses serious concern about the loss of bus service and probable rate hikes in rural areas because of deregulation. Six months ago, I argued the very same objections here in the Senate.

My home State of South Dakota has already suffered severe loss of railroad and commercial air service because of deregulation. Intercity bus service reductions resulting from deregulation will also have a dramatic impact on rural life. Many small businesses, including community newspapers, depend on intercity bus service for mail delivery. Rising transportation and distribution costs simply cannot be absorbed by these small businessmen who are also battling a slow economy and high interest rates.

In the rush to deregulate, Congress appears to be ignoring the common carrier obligation which is essential to rural transportation services. I am very concerned that our rural citizens will become more and more isolated unless we pay closer attention to the special needs of our farming and ranching communities. I urge Congress to closely monitor the impact of bus deregulation on small community passenger and mail service. We must encourage adequate and dependable transportation for the many Americans who do not benefit from competition afforded by deregulation in some parts of the country.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Presstime, November 1982]

BUS DEREGULATION COULD RAISE RATES, DECREASE SERVICE

The bus deregulation law that takes effect Nov. 20 could lead to higher rates for shipment of newspapers as well as a decrease in service in some places.

Many ANPA members use bus transportation for some newspaper distribution. It is suggested that circulation departments consult with bus companies on any changes in service that may affect subscribers.

Under the Bus Regulatory Reform Act of 1982, signed by President Reagan Sept. 20,

the bus industry will get new freedoms that are even broader than those accorded trucking companies in 1980.

The act allows companies:

Greater freedom of entry into and exit from the bus market.

To set rates and fares within a "zone of reasonableness," with the zone to widen progressively over the years. Initially, bus companies will be allowed to raise rates or fares by 10 percent or lower them by 20 percent compared with year-before levels.

Federal preemption of some state bus regulations.

Moratorium on grants of U.S. operating rights to Canadian and Mexican carriers without approval by the U.S. trade representative.

Elimination of antitrust immunity to set rates collectively.

To stop applying separately for authority to carry freight shipments as well as passengers [Presstime, Jan. 1982, p. 15].

TRIBUTE TO VIETNAM VETERANS

Mr. THURMOND. Mr. President, on November 11, the Nation paid its annual tribute to the millions of men and women who have served in our Armed Forces and who have fought to preserve the freedom which we hold dear. This year the Nation paid special tribute to its Vietnam veterans and to those who gave their lives for freedom in that war. On November 11, I attended a ceremony in the White House in honor of the Vietnam veterans; on November 13, I had the great honor and privilege of participating in ceremonies held at the National Cathedral, where the names of all those men and women killed in Vietnam were read over a 5-day period.

Mr. President, the tribute to Vietnam veterans served as a long overdue welcome home to these brave Americans. After their service in Vietnam, rather than returning to parades and crowds of grateful Americans, most Vietnam veterans were greeted by war protesters and by those who condemned them for their service. Now many Americans have taken the time to honor these men and women who answered the call of their country and served just as other Americans have in other wars.

Mr. President, many lessons can be learned from our experience in Vietnam if we are willing to recognize them. I believe that the greatest lesson which must be remembered is that we must never again send our men and women to fight in a cause while pursuing a military policy which prevents them from winning. We must all recognize that the men and women who served our country in Vietnam did not lose the war. They fought with courage and with great skill, and victory was prevented by our policymakers.

On November 13, 1982, the Vietnam Veterans' Memorial was dedicated in Washington, D.C. This memorial bears the names of the more than 57,000 Americans who died in Vietnam. I find a memorial to Vietnam veterans highly appropriate, and I commend the individuals and organizations who made it possible. Through such a memorial, the American people will never forget the sacrifice and devotion to our country which was shown by those who served in Vietnam.

Mr. President, great controversy surrounded the Vietnam war. There has also been considerable controversy surrounding the Vietnam Veterans' Memorial. But there should be no controversy about the fact that the men and women who answered the call of this Nation and who served in the Vietnam war showed the same courage and valor as shown by other Americans during other wars in our history. For this, we are forever in their debt.

WHERE SHOULD WE CUT THE DEFENSE BUDGET?

Mr. PROXMIRE. Mr. President, Fred Kaplan, a noted defense expert, recently published an essay in the New York Times, November 17, 1982, called "Defense Nuts and Bolts." In this article he raises the questions of what items in the military budget are most vulnerable to spending cuts in the near future, and why. His answer is that Congress will be inclined to leave expensive weapons untouched, while chipping away at the "nuts and bolts" of the defense system: spare parts, ammunition, fuel, and other items essential to conventional military readiness.

Kaplan gives four reasons for this. First, he says, cutting military operations and maintenance results in large and immediate savings in the annual defense budget. Major weapons, on the other hand, are built over a period of years, and therefore scrapping them does not always offer the charm of a sizable reduction in next year's defense budget.

Second, Kaplan points to the political clout of major weapons manufacturers to explain congressional reluctance to scrap major weapons projects. As we know, defense is a billion dollar industry in the United States, and accordingly, Rockwell International, Hughes International and McDonnell Douglas all play a key role in the politics of weapon building. Manufacturers of spare parts and ammunition do not.

Third, Kaplan argues that those at the Defense Department who think we could reduce spending in other ways than slashing the readiness account have not offered coherent alternatives.

Finally, Kaplan touches on perhaps the most basic reason why we tend to cut small essentials rather than large weapons. Everyone agrees that B-1 bombers and MX missiles are inherently more exciting and glamorous than a bullet or a spare part. There is a natural human inclination to choose the beautiful frill over the boring essential. Besides, when have we ever sacrificed sleekness for practicality in our defense budget? Why start now?

Kaplan urges us to start taking practical considerations into account when we start thinking about ways to reduce the defense budget. He believes we have already cut too deeply into the readiness section of the defense budget, and can no longer safely afford to do so. Therefore, he urges us to resist our attraction to the beautiful frill and subject it to careful scrutiny. Do we really need so many major weapons at the expense of reducing our conventional military readiness?

Mr. President, I ask unanimous consent that this article from the New York Times be reprinted in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEFENSE NUTS AND BOLTS

(By Fred Kaplan)

WASHINGTON.—President Reagan's defense budget will almost certainly be cut substantially next year. Federal deficits are intolerably high, social programs have been cut to the bone; the new, more liberal 98th Congress will surely insist that the Pentagon start making its share of sacrifices.

However, if Congress behaves in the usual fashion, it is likely that the wrong things will be cut. The burden will fall disproportionately upon spare parts, fuel, ammunition, depot repair and other elements of the operations and maintenance account that comprise "military readiness."

In short, the items that Congress tends to cut most heavily are those that are most essential to fighting a conventional war for longer than a couple of weeks.

In the past year or so, Congress has paid more attention, in rhetoric anyway, to the importance of readiness. Yet it continues to cut still further the one section of the defense budget that is underfunded to begin with. The reason has do with incentives that lie close to the heart of the legislative system.

First, cutting the production of major weapons yields relatively small savings in immediate outlays. It takes several years to build tanks, missiles, airplanes, ships; only a small fraction of the appropriated money—2 percent in the case of aircraft carriers, about 15 percent for tanks—is actually spent in the first year of outlays.

However, the workaday items of operation and maintenance are used almost right away; a $1 billion cut in this account produces, on average, an $850 million saving in first year outlays. At a time of enormous deficits and demands for quick solutions, this situation make the readiness account a tempting target.

Second, there really is a military industrial complex, and Congress is caught in the middle of its workings. Even liberal legislators are often persuaded by arms manufacturers in their districts to preserve otherwise useless weapons programs that mean big money and thousands of jobs for constituents. For example, Alan Cranston, Democrat of California, one of the Senate's leading nuclear-freeze advocates, always votes for the B-1 bomber, manufactured by his home state's Rockwell International

Corporation. And if some Congressmen have no such interests to serve, they may need to trade favors on other bills with those who do. By comparison, the makers of spare parts and bullets carry no measurable clout.

Third, to a much greater degree than is casually assumed, Congress still defers to the wisdom of the Joint Chiefs of Staff (who in this Administration also appear to have the Secretary of Defense firmly in their pocket). Even if some members are skeptical of the military's requests for bigger and more expensive weapons, there is no consensus among the 535 individuals and their staffs in Congress for any coherent alternative.

Finally, there is a visceral dimension that few would openly acknowledge but that is very obvious to anyone who has observed relations between Congress and the Pentagon for a while—and that is that big, fancy weapons systems are sexy, while the mundane supplies that keep the weapons operational are not. Few experiences aside from a roller-coaster provide the thrills of watching—or, better yet, riding in—an M-1 tank tearing across the countryside at 35 miles per hour (even though it breaks down after a few hours of wear), an F-15 jet zooming at Mach 2 (even if no pilot flies that fast in combat), an Aegis destroyer with dozens of radar-control switches lighting up (even if the radar makes the ship vulnerable to antiradiation missiles).

On the other hand, reports on depot backlogs, low readiness rates and spare-parts shortfalls tend to be boring.

To the extent that Congress cuts funding for major weapons at all, it usually just stretches out the procurement schedule—thus accomplishing little more than making the weapon still more expensive, because of future inflation, in the end.

A great defense debate has been raging in the news media over fundamental issues concerning weapons procurement: Should we buy small numbers of expensive weapons or a larger number of cheaper, simpler ones? Since many new weapons have failed miserably in testing, why fund them any further? Is the counterforce strategy that justifies many of the Pentagon's new nuclear missiles prudent or practical?

The story to watch is whether members of the new Congress will be able to overcome the incentives that lead them to dodge such issues, or whether they will continue to slash the essentials and let the bloated parts remain. It may well be that only a President can hope to control the Pentagon's appetite—and Ronald Reagan has not revealed an inclination to do so.

MAYOR JESSE HELMS OF GREENVILLE, S.C.

Mr. THURMOND. Mr. President, I rise today to pay tribute to the former mayor of Greenville, S.C., Hon. Jesse Helms, who passed away on November 8, at the age of 73. To his lovely wife, Louise, and his family and friends, I extend my deepest sympathy.

Those who knew him well realize that his life may best be described as one of inexhaustible service to his fellow man, his State and Country, and God.

Mayor Helms was a man whose deep faith in God influenced every aspect of his life. Indeed, many would say that his success in life can be attributed to the fact that he sought God's direction and guidance in everything he did.

In the business world, Mayor Helms became successful as the founder, president, and chairman of Southern Foods, Inc., which has flourished as a leading distributor of food products in the Piedmont region of our State. His leadership in the food industry is well-known, as he was a cofounder of the National Institutional Food Distributor Associates (NIFDA), which is one of the largest organizations of its kind in America.

Mayor Helms' exceptional administrative abilities proved to be valuable in areas other than business. For 6 years, he served as a member of the City Council of Greenville, a position which enabled him to serve his fellow man.

Perhaps the most valuable public service Jesse Helms rendered to the community was his role as mayor of Greenville, South Carolina's second largest city and one of the premier textile producing areas of this country. Under his direction, Mayor Helms brought new optimism to the business sector through his involvement in the redevelopment of the city's business district. Recognizing Greenville's potential as a progressive metropolitan area, Mayor Helms maintained excellent rapport with business and industry so that the cooperative efforts of commerce and Government would allow Greenville to flourish economically.

Over the years, I have enjoyed working with Mayor Helms on various projects for the city of Greenville. I know first hand of his outstanding leadership abilities and of his desire to help the citizens of the city he loved so much. He gave much to Greenville and its people, and his service will greatly be missed. Yet, his numerous contributions to this thriving city will long be remembered.

Mr. President, Mayor Jesse Helms was a man of uncompromising character, firm convictions, and concern for people.

In order to share more about this remarkable individual with my colleagues, I ask unanimous consent that two editorials and an article from Mayor Helms' hometown newspapers, The Greenville News and the Greenville Piedmont, be included in the RECORD at the conclusion of my remarks.

There being no objection, the article and editorials were ordered to be printed in the RECORD, as follows:

[From the Greenville Piedmont, Nov. 8, 1982]

HELMS' FRIENDS REMEMBER HIM AS BEING A MAN OF CONVICTION

Jesse Helms was a man of convictions—in his love for the city of Greenville and in his religion, his associates in business and politics said today.

His death will be a great loss to the city of Greenville, they said.

"The thing that dominated Jesse Helms more than anything else was his strong will and his single-mindedness," said City Councilman David Thomas, like Helms a Republican. "He was probably the most strong-willed person I've ever known. Once he made up his mind, he would never change it."

"He said to me one time that some folks tried to play politics, but he never did," said Democratic City Councilman Joe Mathis. "He told me he always talked with the Lord, and the Lord told him what to do. He never made compromises."

Mike Burton, chairman of the Greenville County Republican Party said Helms' death came as a shock to him. He said he saw Helms a few days ago and Helms "was very optimistic about the upcoming (mayoral) elections."

Helms had said recently he was "full steam ahead" towards a second term, although he had not made a final decision.

His associates said today that Helms' greatest accomplishments were in the area of economic development of the central business district. He will be remembered for his work in securing the Greenville Commons Project and the U.S. Shelter Corp. highrise, City Council members said.

"The mayor was a very sincere and dedicated person who took his role as mayor in a fashion that he definitely wanted to contribute to the city of Greenville," said City Manager John Dullea, who worked with Helms for the three years he served the city as mayor.

Helms would have said the creation of the Greenville Central Area Partnership—a board of public and private officials who have initiated a plan of downtown redevelopment—was his greatest landslide victory over Democratic Greenville lawyer Doug Dent.

One of the most controversial aspects of Helms' administration was his management of the Mayor's Prayer Breakfast, an all-faiths annual gathering of Greenvillians hosted by the mayor and the Greenville Ministerial Association.

The breakfast began during the Heller administration and was cosponsored by the Greenville Ministerial Association. But the association withdrew its support from this year's gathering, and a spokesman for the organization said the move was because of Helms' comments on his fundamentalist Christian beliefs.

The Rev. George Tolleson, pastor of the Unitarian Church of Greenville and then-president of the association, said the association withdrew as sponsors because the breakfast was for Christians and non-Christians alike and the statements embarrassed non-Christians.

The breakfast also cost Helms his seat on the Bob Jones University Board of Directors. BJU Chancellor Bob Jones wrote Helms a letter in March 1980 stating Helms was not reappointed because of his participation in thc breakfast. Jones called the breakfast an "ecumenical mockery of the Lord Jesus Christ" in a letter to Helms announcing BJU's decision.

Helms said, "I have no apologies to make. Under the curcumstances I did what I should have done as mayor," by participating in the breakfast.

Helms was proud of his negotiations with the U.S. Shelter Corp. that helped secure a 17-story office building now under construction downtown.

The city was forced to arrange a financial package for a public parking garage when the federal government turned down a grant application.

Helms also took pride in his administration's supervision of the Greenville Commons Project to its fruition in January. When Helms took over as mayor he inherited a complicated financial package supporting the project, which had been planned and developed by Heller.

Helms founded Southern Foods Inc., a wholesale food distribution business, and ran the business for 30 years. The company supplies food to hotels, restaurants, hospitals, schools and other institutions.

Helms resigned as president of Southern Foods in the late 1970s and continued to serve as chairman of the board.

Helms was born June 7, 1909, in Columbia, the son of Jesse Newton and Hattie Reaves Helms. He went to Columbia High School in Columbia. From 1930 to 1934 he was a store manager for Home Stores in Columbia and from 1934 to 1948 he was district manager and salesman for Standard Brands Inc.

After founding Southern 10 years previously, in 1958 Helms helped organize National Institutional Foods Distributor Associates Inc., a distribution organization which had a dollar volume in excess of $1 billion in 1975 when Helms served as president.

Helms was a Mason and member of Greenville Lions Club, Greater Greenville Chamber of Commerce, Greenville Country Club, Poinsett Club and Hejaz Shrine Temple. He also was on the board of trustees of the Greenville Rescue Mission and the board of directors of Goodwill Industries.

In addition to his widow, Helms is survived by two sons, Jesse Lee Helms Jr. of Greenville and W. E. Helms of Columbia; two daughters, Mrs. Anne H. Eastland and Mrs. Doris H. Blair, both of Greenville; two sisters, Mrs. Gertrude Hammond and Mrs. Corrine McGrady, both of Columbia; nine grandchildren; and four great-grandchildren.

Funeral services are scheduled for 11 a.m. Wednesday at Mitchell Road Presbyterian Church. Burial will be in Woodlawn Memorial Park Mausoleum.

Visitation will be Tuesday between 7 p.m. and 9 p.m. at Mackey Mortuary. Memorials can be made to Miracle Hill, Mitchell Road Presbyterian Church or North Greenville College.

[From the Greenville News, Nov. 9, 1982]

MAYOR JESSE HELMS

Jesse Helms approached the job of Greenville mayor as he did every aspect of his life—with vigor and deep sincerity.

For six years as a city council member and nearly four as mayor, Helms dedicated himself to the betterment of this community. He will be remembered most for his role in the redevelopment of the city's business district, and for his conciliatory influence in city-county relations.

As founder, president and then chairman of a successful food distribution company, and as a city official, he combined a businesslike conservatism with compassion for others.

The strong religious convictions that guided his public actions at times led him into controversy, as when the Greenville Ministerial Association withdrew its sponsorship of the interfaith Mayor's Prayer Breakfast because Helms offended some association members. But even those who disagreed with him respected his sincerity and directness.

Jesse Helms' death at 73 leaves a void at City Hall and in all of Greenville.

[From the Greenville Piedmont, Nov. 9, 1982]

MAYOR JESSE L. HELMS: AN ENTHUSIASTIC LEADER

Greenville Mayor Jesse L. Helms was a good man with a strong sense of commitment to church, community and family. His death Monday at the age of 73 removes from public life an individual motivated by sincere beliefs.

He often said, "Greenville has been good to me, and I want to give something back to the community." The difference between Mayor Helms and other politicians was that he meant every word.

He dearly loved the city and its residents. He worked diligently as a councilman and then as mayor to honor his mandate as a public official, but he refused to sacrifice his religious convictions.

His position on the Mayor's Prayer Breakfast resulted in a good deal of criticism from various quarters. It is a measure of Mayor Helms' dedication to principle that he could not compromise on the matter of his personal religion.

Mayor Helms had tremendous faith in the free enterprise system. He enjoyed telling how he founded Southern Foods Inc., a major wholesale food distribution business, and helped organize National Institutional Foods Distributor Associates Inc.

It is the success story of a self-made man in the very best American tradition. And Jesse Helms remained true to the values on which his success was based.

He enjoyed being mayor. He filled the office on City Hall's tenth floor with exuberance and good will. One of his last acts was to write a letter to the Greenville Piedmont.

It was not a letter of complaint about an editorial or a news story. His letter to the editor, which was received Friday, was in "appreciation and gratitude" to the people of the greater Greenville area "for the tremendous expression of cordiality and hospitality they extended to the many guests and visitors to our city" during the recent international textile machinery exhibition at Textile Hall.

"I have had letters and telephone calls," he wrote, "from people all around the world expressing their pleasure and appreciation for the warm welcome they received here in Greenville and I want to share these compliments with all of you." It is typical of Mayor Helms' enthusiasm for Greenville that he wanted to share with all of us the positive reaction to our city. His total joy in being a Greenvillian will be missed.

AERIAL RECONNAISSANCE CAMERAS

Mr. DIXON. Mr. President, last April I spoke on the floor regarding a sole-source procurement by the Navy for low-altitude aerial reconnaissance cameras.

Mr. President, I was prepared last May to offer an amendment which would have halted the purchase of these cameras until an investigation by the General Accounting Office into the entire purchasing decision of the Navy had been completed.

After a telephone conversation with Mr. James F. Goodrich, the Acting Secretary of the Navy at that time, I withdrew my amendment.

Mr. President, my colleagues, Senator PERCY and Congressman PHILIP CRANE, and I met with Secretary Lehman in October and presented to him our Illinois delegation's opinion that the Navy had been in error by sole sourcing this procurement. We presented to the Secretary a proposal by an Illinois firm which involved a competitive "fly-off" between its camera and the foreign camera—acompetition which would not delay the Navy's scheduled purchase plans. Mr. President, the Illinois company further proposed to develop its camera at no cost to the Navy and, in fact, to begin to manufacture the camera not knowing if it had won the "fly-off" competition, thereby insuring that the Navy's procurement schedule would be met. Secretary Lehman expressed interest in the idea and indicated he would seriously consider the proposal.

The Secretary sent a letter to Senator PERCY, Congressman CRANE, and me on November 15 stating that his decision was to allow the purchase of 10 cameras in fiscal year 1983 on a sole-source basis, but to allow a competition for the procurements in fiscal years 1984 and 1985.

Mr. Lehman is a fine man, but I, along with my Illinois colleagues, feel that in this decision, he has been ill-served by his staff.

Mr. President, this contract is for only $13.8 million, but it has far-reaching consequences for the Navy which apply to the replacement of the RF-4B aircraft in the next decade with the RF-A-18A.

Mr. President, the Secretary's offer is nothing more than a subterfuge to allow a continued sole-source procurement. The Secretary knows that once a company has begun production, it is placed at a significant advantage in bidding on future contracts. But Mr. President, let us just say for argument's sake that a different company does win the fiscal year 1984-85 procurements. That means the Marine Corps would be forced to establish training systems, spare parts inventories, maintenance programs, and all the rest for two different cameras in the same plane. Is that cost effective?

No, Mr. President, the Navy is just trying to placate the Illinois delegation with this decision, and is hoping we forget this contract in a few years. We will not. This contract award is symbolic to the State of Illinois. Our State's taxpayers receive a minuscule amount in defense spending based on how much they contribute to the defense budget. The members of the Illinois delegation are not demanding that sole-source contracts be awarded to companies in our State. We just

want our companies—and every State's companies—to have a chance to bid on projects. This cannot fail to produce for the military the best product at the lowest cost to the taxpayers.

Mr. President, at the proper time my senior colleague, Senator PERCY, and I will be introducing an amendment to the fiscal year 1983 defense appropriations bill.

This amendment will be very simple. It will prohibit the Navy from spending any moneys on the procurement of low altitude aerial reconnaissance camera for the RF-4B aircraft until the General Accounting Office transmits to the Committees on Appropriations and Armed Services results of an examination of the Navy's sole-source purchasing decision for these cameras.

Mr. President, I ask unanimous consent to have printed in the RECORD Secretary of the Navy Lehman's recent letter and the response to that letter from Senator PERCY, Congressman CRANE, and myself.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE NAVY,
Washington, D.C., November 15, 1982.

Hon. ALAN J. DIXON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DIXON: At your request I have thoroughly reviewed the procurement of the reconnaissance camera for the low altitude high speed mission of the U.S. Marine Corps RF-4B. I agree this procurement should be competed and U.S. camera manufacturers should have the opportunity to participate. I have directed that future requirements be purchased in this manner which should give CAI the time to develop its CA-810 to meet the requirements for the RF-4B.

Currently we are faced with a time-sensitive requirement to purchase ten of these cameras. It is apparent that only the Zeiss KA-107C camera now meets the RF-4B requirement. No U.S. manufacturer, including CAI, is able to compete without imposing unacceptable schedule and cost risks upon the government. Notwithstanding that CAI did not respond in a timely manner to the pre-qualification solicitation for this purchase, the CA-810 is still in a preliminary design stage and would need modification before it fully satisfies USMC RF-4B requirements. Because of this the Navy has decided to proceed with initial procurement of the Zeiss KA-107C camera.

Should CAI continue to develop their CA-810 camera meeting Navy specification, CAI would be welcome to compete for the fiscal year 1984 and fiscal year 1985 procurements. Navy will definitely conduct a competition for the remaining twenty-eight camera procurement.

The negotiated Zeiss contract captures the majority of total price for U.S. businesses and provides for production expansion and technology transfer to Tricor Systems, Inc., located in Dundee, Illinois. I appreciate your interest in the Navy/Marine Corps aerial reconnaissance mission. CAI should be aware that if the Navy determines that the RF/A-18A is required to perform a low altitude photoreconnaissance mission, it is our intention to conduct a full and open competition.

Sincerely,

JOHN LEHMAN.

U.S. CONGRESS,
THE ILLINOIS DELEGATION,
Washington, D.C., November 24, 1982.

Hon. JOHN LEHMAN,
Secretary of the Navy,
Washington, D.C.

DEAR MR. SECRETARY: We are writing to express our dismay over your action with respect to the Navy's acquisition of a new low level reconnaissance camera for the RF-4B. Particularly distressing is the fact that you did not consult with us—as you said you would—prior to taking this action. In our opinion, the decision which the Navy has reached does not provide for fair and open competition.

Equally disappointing has been the response of Navy personnel to the specific concerns which we raised on this issue. Not only were our questions to your staff repeatedly not answered, and not only was information deliberately withheld; but, based upon our own assessment of this matter, we can only conclude that the facts and observations about this case which we raised were, in our view, improperly conveyed to others for the purposes of thwarting our efforts to get to the bottom of this matter.

As we stated at the outset, our only objective has been to secure fair and honest competition in this procurement. As you pointed out in our meeting, this buy by the Navy has far reaching consequences. We well appreciate and applaud your efforts to encourage additional competitive sources of supply for the United States Navy but in all candor, Mr. Secretary, the actions which the Navy has taken with respect to this procurement and our legitimate efforts to gather information about it, far exceed the bounds of propriety, and perhaps the letter of the law.

Accordingly, we—as well as other members of the Congress—shall proceed with the necessary steps to ventilate this entire matter; and if the evidence thereby revealed so warrants, reverse the effect of this decision.

Enclosed you will find a list of specific questions which have been directed to the Navy in various forms on previous occasions. Would you be so kind as to have specific and complete answers provided to each of us no later than the close of business on December 6?

We do have one immediate question, however. Your letter of November 15 stated that the Navy has decided to buy ten of the 38 cameras from Zeiss on a sole source basis and that the "Navy will definitely conduct a competition for the remaining twenty eight camera procurement." But even this statement does not seem to square with the facts. We have learned that the Navy has instructed the contracting authority to sign a two year procurement contract (FY82 & FY83) which, according to the Navy's RFP, provides for eighteen cameras from Zeiss—not ten as stated in your letter to us. Mr. Secretary, what are we to believe?

In closing we wish to express our regret over the necessity for this letter and our attendant future actions; however, based on the long and disquieting experience of attempting to resolve this matter by reasonable and diligent effort, the Navy has left us with no other choice. Only more regretful is the failure of Navy personnel to live up to your personal commitment.

Please feel free to call on us. Our goal as I'm sure is yours, is to serve the people of Illinois and the nation.

Respectfully,

CHARLES H. PERCY.
ALAN J. DIXON.
PHILIP M. CRANE.

UNANSWERED QUESTIONS ON U.S. NAVY PROCUREMENT OF LOW ALTITUDE AERIAL RECONNAISSANCE CAMERAS FOR RF-4B AIRCRAFT

1. Why, during the period 1977-1981, did the Navy work only with Zeiss Avionics to develop a new low altitude aerial reconnaissance camera?

2. Did Naval personnel deliberately or otherwise keep secret from U.S. Sources the Navy's requirement for a new low altitude area reconnaissance camera and did the Navy specifically and purposefully keep secret from CAI Recon/Optical, Inc., its developing relationship with Zeiss Avionics for the purpose of establishing a second, competitive source of supply for aerial cameras? Why did Naval personnel on numerous occasions between 1977 and 1980 falsely state, in response to specific inquiries from representatives of CAI Recon/Optical, Inc., that there was no requirement for a camera of this type when, in fact, those same personnel were during that same period discussing precisely such a requirement with Zeiss Avionics?

3. Why did Naval personnel state to representatives of CAI Recon/Optical in the Spring of 1979 that the sole purpose of the initial acquisition of the Zeiss KA-107 camera was an unsolicited routine technical evaluation directed at no specific requirement? How does the Navy reconcile such statements with Assistant Secretary Sawyer's statement (March 26 letter to Senator Dixon) that a specific requirement has indeed existed since 1978?

4. Was there collusion between Naval personnel and Zeiss to the exclusion of U.S. industry? Has the Navy investigated, as requested by members of the Illinois Congressional delegation, the relationship between the current head of Zeiss Avionics, who retired from the Navy in 1980 after holding positions of responsibility for major procurement decisions on aerial reconnaissance cameras, and who then continued to work closely and in confidence with former associates and personnel still in the Navy who were instrumental in Zeiss' development of the KA-107/KA-108 cameras and who have subsequently had major responsibility for shaping the current sole source procurement? Did any current Navy personnel play any role in connection with the hiring of the head of Zeiss Avionics?

5. What is the Navy's justification for (a) awarding to Zeiss in July 1980 a $320,000 sole source contract for automatic test set for the KA-107/KA-108 cameras, and (b) developing with Zeiss and approving in April 1981 an Integrated Logistic Support Plan for the KA-107C camera, when the Navy admits that the Marine Corps' formal operational request for a new camera was not made until June 1981?

6. What efforts did the Navy make, prior to September 1981, to open the camera procurement to competition by U.S. sources? What companies were contacted? By whom? When? What were they told? What evidence does the Navy have of its efforts to work with U.S. sources?

7. Why was the September 1981 Commerce Business Daily (CBD) notice of source solicitation issued only after CAI

Recon/Optical directed inquiries to the Navy concerning the Navy's previously undisclosed plans for procurement of production quantities of the Zeiss Camera?

8. Why were the camera criteria listed in the CBD source solicitation tailored to the Zeiss camera,[1] effectively precluding fair competition by U.S. sources?

9. Since the Navy (a) imposed a 14-day response time in the CBD notice, (b) stipulated an "off-the-shelf" camera, and (c) said there was an "imminent need" for the camera (see Assistant Secretary Sawyer's letter to Senator Dixon dated March 26, 1982), why did the Navy take more than seven months—until April 15, 1982—to issue a Request for Proposals for the camera, and then establish in that RFP an extended delivery schedule—with first article delivery 540 days after contract award, first production camera delivery roughly two years after contract award, and final camera delivery not until FY 1986?

10. How can the Navy claim that the KA-107C camera contains no deviations from the criteria set forth in the CBD notice (as Assistant Secretary Sawyer asserted in his March 26, 1982 letter to Senator Dixon) when in a paper presented by Zeiss itself to the Society of Photo-Optical and Instrumentation Engineers in August 1982, the company states that the camera can provide a maximum of only 10.8 pictures per second, while the CBD notice required a minimum of 12.6 pictures per second? If the Navy is relaxing its requirement to allow Zeiss such a major deviation from the specifications and if the Navy is seriously considering competition, why has not the Navy notified potential competitors of changes to the requirements contained in the CBD notice?

11. How can the Navy claim that the KA-107C camera is an "off-the-shelf" camera, meaning "proven equipment" in Assistant Secretary Sawyer's words, when the Navy and Zeiss have encountered massive hardware failures, have engaged in substantial systems redesign, and are still encountering fundamental technical difficulties with the camera's performance more than a year after Zeiss responded to the CBD notice?

12. Why did the Navy proceed (without informing Congressional representatives as the Navy had promised to do) with further flight tests of the Zeiss camera in September 1982 when Assistant Secretary Pyatt explicitly stated to the Congressional delegation that there would be no further activity of *any* kind on this procurement until the delegation's questions were resolved?

13. In the Determination and Findings required by the Armed Services Procurement act of 1947 and the implementing Defense Acquisition Regulations, what basis is cited as justifying a sole source procurement to Zeiss? When was the D&F signed? By whom?

14. Why is the Navy continuing to insist that only the KA-107C camera meets the RF-4B requirement, knowing of the problems with the Zeiss camera, when CAI can produce a competitive camera satisfying the Navy's publicly stated criteria and meeting the Navy's announced production delivery schedule?

Why has the Navy repeatedly refused to respond to Congressional requests for the Navy-Air Force Evaluation Group's evaluation reports on the CA-810 camera? What schedule risk is Secretary Lehman referring to in his November 15, 1982 letters to Senators Percy and Dixon and Congressman Crane? What cost risk is Secretary Lehman talking about, since the production contract is to be awarded on a firm fixed price basis? Why does Secretary Lehman assert that the CA-810 camera would require modification to fully satisfy the RF-4B requirements, when the camera already meets all of the specifications set forth in the CBD and the RFP? Has the Navy altered those requirements without notifying U.S. sources?

15. How can the Navy seriously consider giving a sole source award to Zeiss for the first 10 cameras and then open the FY 1984 and FY 1985 procurements to competition, as Secretary Lehman says it will do, given that different cameras procured for the RF-4B would obviously force the Marine Corps to establish separate training systems, spare parts inventories, maintenance programs, etc? Wouldn't this initial commitment to Zeiss work to the disadvantage of companies other than Zeiss in any subsequent competition?

16. Assuming the Navy were to allow open competition after procuring the first 10 cameras, how does the Navy intend to conduct the out-year procurements? Will a separate procurement be conducted for each fiscal year? Is a single multi-year procurement contemplated? In addition, what happens to the 8 cameras originally programmed for procurement in FY 1983; as Secretary Lehman's November 15, 1982 letters imply?

17. with respect to the Navy's assertion that the sole service contract with Zeiss Avionics captures the majority of total price for U.S. business and provides for production expansion and technology transfer to Tricor Systems, Inc., located in Dundee, Illinois, at what time was this decision made by Zeiss Avionics and how much technology and what percentage of production will be transferred to Tricor Systems, Inc., and at what time will such transfer occur? Has the Navy investigated and satisfied itself that such offers of technology and production transfer are credible in light of Tricor's total lack of technical expertise or prior experience in the production of any kind of aerial reconnissance camera? Was this offer, which has no current prospect of being realized, a subterfuge by Zeiss and Navy personnel designed to mollify the Illinois Congressional delegation when questions were raised about production of this camera in Germany?

18. Has the Navy at any time disclosed sensitive or classified Government information to Zeiss Avionics, a company owned and controlled by the Carl Zeiss Foundation of Germany, a company which at the time of these negotiations did not have appropriate Department of Defense security clearances? Does Zeiss Avionics now have appropriate security clearances, and if so, when were they issued? Would the Navy be acting illegally in disclosing sensitive or classified Government information to Tricor Systems, Inc., if that company is at least partially owned or controlled by Zeiss Avionics?

[1] September 1, 1981 CBD items showing that camera requirements were tailored to Zeiss' KA 107 camera included the following:

(c) V/H limit: 10 RAD/SEC.

(b) Lateral field of view: 140° minimum.

(h) must accept any emulsion or base film including IR without laboratory refocusing.

(m) image distortion sufficiently low to permit accurate mensuration without complex rectification. Item (m) specifically excluded panoramic cameras which is the type of camera design used by all U.S. companies to meet the low altitude requirement prior to the publication of this notice.

MEETING THE CHALLENGE OF THE AUGUST RALLY

Mr. RIEGLE. Mr. President, as the ranking Democrat on the Senate Banking, Housing, and Urban Affairs Committee and as a member of the Commerce Committee, I have maintained a longstanding interest in both the securities industry and the communications industry.

In the 96th Congress I served on the Communications Subcommittee of the Commerce Committee and I am now actively involved in the work of the Securities Subcommittee of the Banking Committee.

Like so many other Americans, I have recently been fascinated by the activity and trading volume in our capital markets. But what has intrigued me the most has been the outstanding interrelationship between our markets and our advanced electronic communications systems which have coordinated so brilliantly to service the investing needs of the public.

I believe very deeply in our free market system and nowhere is this system better exemplified than on the floor of our exchanges.

In the past few months we have witnessed not only a rally in the stock market but unprecedented and historic trading volume.

In my opinion, a study of this experience will show once again that we in America have not only the most advanced free market system in the world, but also the world's No. 1 communications network.

To me it is not surprising that in a democracy we should be leaders in both of these vital industries. But sometimes it is taken for granted.

Mr. President, today I am submitting a copy of an article written by Donald Stone, senior partner of Lasker, Stone & Stern and vice chairman of the New York Stock Exchange, entitled "Meeting the Challenge of the August Rally" and I will ask unanimous consent that it be inserted in full in the CONGRESSIONAL RECORD.

Mr. Stone's article appeared in the October 1982 edition of Registered Representative and captures in detail the spirit of the August rally as well as the advanced technology of the New York Stock Exchange which made handling of the heavy volume possible.

I commend this article to all of my colleagues in the U.S. Senate and I congratulate the entire leadership of the New York Stock Exchange for stressing the importance of advance

planning in installing the modern systems for trading and communications that met so successfully the August challenge, and hopefully will meet the many challenges of the future.

I ask unanimous consent that the article I referred to earlier be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEETING THE CHALLENGE OF THE AUGUST RALLY

(By Donald Stone)

The two-week, record-breaking August rally marked the most exciting period of trading any of us had ever seen. As a specialist on the floor of the New York Stock Exchange, it was gratifying to see how well the personnel and computer systems functioned under th pressures of the heavy volume. The modern trading support communications systems permitted rapid transmission of orders from RRs to the trading floor and back to member firms with efficiency and speed.

More than two years of work and $70 million in expenditures had resulted in what is generally regarded as the most advanced privately owned computer system in the country. But until late August we were not entirely certain; the system had never been tested at the "supersonic" volumes for which it was designed.

As a trader, I have been on this floor for 32 years, and have seen bull and bear thrash it out many times. But the rally of '82 became one of the most exciting periods I can recall. The tempo of any trading day is hectic, but this was magnified even more than in the past.

The mood at the beginning of the rally was right. The economy remained stagnant, and interest rates had begun to fall. The trigger was the Federal Reserve lowering the discount rate three times. Its effect was expedited by Henry Kaufmann, the respected economist for Salomon Brothers, who reversed his previous view that interest rates would remain high.

His pronouncement on Tuesday, August 17, sent the market soaring to a volume of 93.8 million, just under the record set on January 7, 1981. A furious buying spree—some called it a buying panic—followed on Wednesday, and on the days after.

At the closing bell on Friday, August 27, the end of "the second week that was," a record 549,830,554 shares for one week had been traded on the floor of the NYSE—more shares than had been traded in the entire year of 1960, and well above the record set the week before, 455,127,820 shares. For the two weeks, more than one billion shares were traded, and August was a new record month with 1.7 billion shares traded.

In a letter praising members and employees for their handling of the heavy volume, NYSE Chairman William M. Batten stressed the importance of advance planning by the Exchange in installing the modern systems for trading and communications that met the August challenge.

"The people and systems performed extremely well," Batten said, "in the face of the demands put on them during the period. Our electronic systems, which are very flexible, handled unexpected sharp increases in volume, using a combination of experienced professionals supported by our advanced computer and communications systems."

August 26, the biggest day in Exchange history, saw 137,280,490 shares traded in 89,751 transactions.

A sense of urgency marked late August, and it continued through the coming days of the rally. At the opening each day, members and pages could be seen moving more swiftly than usual across the floor, a sign of many orders and heightened interest. Noise levels were high, another indication of an active market. Cheering swept the floor—populated by 2,700 individuals—at 1:54 p.m. on August 18 when trading passed the 100 million mark for the first time, and again at the close when a new record was set. The scene was repeated over and over in the subsequent days.

From the gallery at one end of the main room visitors jammed against the tinted plate glass, and from the other end a dozen television cameras peered relentlessly. Afterwards, newsmen crowded the lobby trying to get interviews as all access to the floor by visitors had been prohibited. Following that first day, a dozen or more members cancelled their vacations to return to trading. So much for the August doldrums.

In the first hour of trading on August 18, 37,020,000 shares changed hands, far more than ever before during that period. Block trades (10,000 shares or more) totaled 2,456, sharply up from the record 1,596 blocks only a day before. Institutional traders were a powerful force in the early stages of the rally, followed by individual investors the second week.

At the New York Futures Exchange, an NYSE subsidiary, a record 11,103 contracts in the NYSE index contract were traded, fallout from the nearby activity on the Exchange floor. It was further evidence of the growing interest in the use of the index futures contract as an investing strategy.

Meantime, the NYSE Composite Index itself was rising dramatically. On Tuesday, August 17, the index, which reflects the movement of all 1,517 common stocks, gained a record 2.66, compared with the previous record increase for one day of 2.13 set November 1, 1978. For the week, the NYSE Index rose 5.11, surpassing a one week record of 4.61 set in 1980. (The Dow Jones Industrial Average rose 38.81 on Tuesday, surpassing the record gain for one day of 35.34 set November 1, 1978, and was up 81.24 for the week, overcoming the old record 73.61 increase the week ending October 11, 1974.)

How was this volume handled with such professionalism and with seeming ease? The answer lies in the NYSE's "Capacity Increase" program. It was undertaken in the firm belief that trading volumes would increase immensely in the '80s.

The Exchange goal was a trading capacity of 150 million shares on a peak day and 90 to 100 million shares over a longer period. To achieve this, 11 electronic systems were installed to support the trading activities of brokers on the floor. Any of you who have visited the Exchange recently have seen the large superstructure suspended overhead that carries the power and communications cables to the posts below, and to the heavy reliance on television monitors at each trading post for current information. Fourteen modern new trading posts were installed as part of the capacity increase program, replacing the 50-year-old posts that were restored by the Exchange and then donated to museums and universities across the country.

What are these systems we talk about? Let me describe several of them briefly.

One system, known as DOT for Designation Order Turnaround, is an electronic transmission system that permits a member firm to route market orders of up to 599 shares directly from their offices anywhere in the country to the appropriate trading post on the floor of the Exchange. On the floor, the specialist represents the investor in the trading crowd, assuring him the best possible price.

Another, the Limit Order System, electronically files the orders priced away from the current market, assigns a turnaround number to each and delivers the printed order to the specialist for appropriate action. "Day" limit orders up to 500 shares and "good 'til cancelled" orders are in the system.

OARS, Opening Automated Report Service, facilitates efficient and accurate processing of eligible orders up to 1,099 shares. When a specialist opens trading in a stock, he feeds the opening into the system which assigns the price to each stored order and transmits a full execution report to the originating member firm.

MDS, Market Data System, processes all NYSE last sale and quotation data and last sale data for other market centers in the National Market System.

It was no accident in late August that all systems performed magnificently. The Exchange knew this was coming and was prepared. The Exchange's research studies have indicated growing interest in the ownership of corporate stocks by both insitutions and individuals. Our Public Transaction Study (PTS) in late 1980 confirmed that institutions and intermediaries such as banks and insurance companies continued as a dominant force in the market but that the growth in institutional trading had stabilized. Institutions then were trading an average of 46.4 million shares a day. At the same time, individuals were buying and selling an average of 25 million shares a day.

If these clues were not enough, the Exchange went further and surveyed individual shareowners across the country, developing a portrait of the modern day shareowner. These shareowners had a median income of $29,200, generally higher than the national level. Their portfolio median was $5,450, and their median age was 46 years, lower than in previous studies.

The Exchange's most recent survey of shareownership, conducted in mid-1981, showed that in one year the number of individuals owning corporate stock rose by seven percent to a record high of 32, 260,000. The total represented an increase of 2,020,000 shareholders since the previous survey a year earlier.

All of this, of course, pointed in the direction of future growth as you, the registered representatives, are finding out.

The New York Stock Exchange, meanwhile, is aware that trading may reach the level of 200 million shares on a peak day, and has already gone forward with the expansion of its trading floor by 25 percent to accomplish this goal.

It is quite possible that by the time you read this we shall have set new records.

NEW YORK STOCK EXCHANGE TRADING ACTIVITY, AUGUST 16–27, 1982

	Monday, Aug. 16	Tuesday, Aug. 17	Wednesday, Aug. 18	Thursday, Aug. 19	Friday, Aug. 20
NYSE volume	55,422,220	92,864,700	132,681,120	78,269,940	95,889,840
Trades	43,695	56,618	82,385	56,157	61,699
Block volume	22,706,900	43,811,600	66,413,400	31,866,600	45,192,900
Block trades	909	1,596	[1] 2,456	1,307	1,821
Total volume, week ended Aug. 20					455,127,820

	Monday, Aug. 23	Tuesday, Aug. 24	Wednesday, Aug. 25	Thursday, Aug. 26	Friday, Aug. 27
NYSE volume	110,305,550	121,655,704	106,197,110	[1] 137,280,490	74,391,700
Trades	80,013	80,829	74,017	89,751	61,692
Block Volume	46,816,000	57,600,000	46,500,000	64,167,900	29,674,260
Block trades	2,086	2,107	1,800	2,388	1,135
Total volume, week ended Aug. 27					[1] 549,830,554
Total volume, 2 weeks ended Aug. 27					1,004,958,374
Record month: August 1982					1,700,000,000
Previous record month: March 1982					1,300,000,000

[1] Records as of Sept. 1, 1982.

OTHER STOCK EXCHANGES [1] VOLUME DURING THOSE 2 WEEKS

	Wednesday, Aug. 18	Week, ending Aug. 20	Thursday, Aug. 26	Week, ending Aug. 27
Pacific Stock Exchange [1]	5,283,000	19,643,000	[2] 5,656,000	24,946,000
American Stock Exchange [1]	9,001,225	32,655,725	10,445,595	37,744,905
Boston Stock Exchange	525,000	2,580,000	860,000	3,600,000
Midwest Stock Exchange	8,474,000	32,487,000	[2] 10,252,000	38,349,000
Philadephia Stock Exchange	1,705,739	6,815,753	2,207,962	10,149,212
Over the Counter	41,834,100	159,506,600	50,845,000	205,563,800

[1] Does not include options.
[2] Records as of Sept. 1, 1982.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations and withdrawal received today are printed at the end of the Senate proceedings.)

PROPOSED LEGISLATION ON HIGHWAY CONSTRUCTION MESSAGE FROM THE PRESIDENT—PM-196

The Presiding Officer laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Finance.

To the Congress of the United States:

I am submitting for your consideration and appropriate reference a draft bill "To authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes."

This legislation proposes an increase in highway user charges by 5 cents per gallon to help meet the needs of our deteriorating highway and transit systems. These systems are essential for the efficient movement of people and freight and to a healthy national economy. Investments by all levels of government are falling well short of the amount necessary to complete the Interstate System and to keep our nation's highway system, including its bridges, from facing rapidly accelerating deterioration. Urban rail and bus transit capital investment needs will total almost $50 billion over the next 10 years to maintain our existing systems. Transit needs cannot be viewed as separate, since highways and transit form a complementary and interdependent system for the efficient and economical movement of goods and people in urban areas.

The primary objective of this legislation is to provide renewed investment to help rebuild our nation's deteriorating infrastructure. In addition to supporting economic recovery by providing an effective transportation network that is crucial to commerce, this bill sets the framework for several other beneficial effects on the economy. For example, this legislation would create an estimated 320,000 jobs, 170,000 direct and indirect in construction industries and 150,000 more jobs "induced" by the construction. The bill also proposes a reallocation of existing user charges to make the current user fee structure more equitable. The bill eliminates a large portion of the existing cross-subsidy from lighter to heavier trucks, and it assesses motorists as directly as possible for the highway costs they impose. Finally, this legislation proposes changes to truck size and weight laws to help bring about uniformity and provide significant productivity benefits for the trucking industry.

This bill does not contain a Federalism turnback. However, the Administration remains committed to Federalism and will strive to return to State and local governments programs that are primarily of local interest and responsibility. The Administration is consulting with the Governors, affected State and local officials, and the Congress on a bill which will implement the appropriate turnback of highway programs and accompanying revenues. The current status of the consultative process is that $2.2 billion (equivalent to 2 cents of the current motor fuel tax) and the Federal-aid programs relating to urban, secondary, non-primary bridges and safety construction would be turned back. The attached bill treats these programs in a manner that will allow them to be easily incorporated into Federalism legislation.

Major provisions of the legislation are discussed below.

Title I—Federal-Aid Highway Program

This legislation continues the direction established by the Federal-Aid Highway Act of 1981. The extent of Federal involvement in all Federal-aid highway programs has been analyzed and the total program is restructured to emphasize the highway systems that warrant Federal interest. This legislation continues to make completion of the Interstate System and its rehabilitation and preservation the highest Federal priority. The bill provides program authorizations for the Interstate, primary, secondary, urban, bridge rehabilitation, and certain other programs through FY 1988. The 1982 Federal-Aid Highway Act provided authorizations in FY 1983 for several highway programs, but reduced the amount available for obligation by a factor based on the number of days in the continuing resolution passed by Congress (Pub. L. 97-276). This legislation establishes authorizations for the full fiscal year 1983 for the major highway programs.

Interstate Program

The Federal-Aid Highway Act of 1981 reduced the cost to complete the Interstate System by limiting eligible construction items to those that provide a minimum level of acceptable service on a safely operating system. This bill continues that definition, but increases the authorizations for Interstate construction to $4.0 billion in FY 1985, 1989, 1990, and 1991 and to $4.500 billion for FY 1986, 1987, and 1988. The FY 1985 authorizations actually become available beginning in FY 1984 because they are apportioned one year in advance of the year of authorization. The one-half percent minimum Interstate construction apportionment is not continued because it is contradictory to our emphasis on completing the Interstate System.

To further the expeditious completion of the System, the bill revises the criteria for distribution of Interstate discretionary funds. Rather than being allocated on a first come, first served basis as under present law, the funds will be allocated by the Secretary on a priority basis to projects that will help complete Interstate segments not open to traffic and to projects of unusually high cost relative to a State's apportionment. The discretionary fund will consist of $300 million per year set aside from Interstate construction authorizations and will also contain lapsed amounts from previous apportionments. Also, when Interstate substitute actions occur, sums equal to the amounts deducted from a State's unobligated Interstate apportionment will be added to the discretionary fund.

The importance of rehabilitation and preservation of the Interstate System is indicated in the bill by the increased levels of Interstate 4R authorizations. These increase from $2.5 billion for FY 1985 to $3.9 billion for FY 1989. These authorizations are apportioned a year in advance. Interstate 4R apportionments not needed for 4R purposes may be used to fund Interstate construction or primary system improvements. Interstate 4R apportionments will be adjusted in FY 1983 and FY 1984 to compensate States for any reductions in total Interstate authorizations that might occur due to the elimination of the one-half percent minimum Interstate construction apportionment.

Several modifications are made to existing Interstate substitution provisions. A specific authorization for appropriation of $650 million for each fiscal year from 1984 to 1988 is provided from the Highway Trust Fund for highway substitute projects. These funds will be available for two years. The 1983 Cost Estimate (ICE) is established as the base for costs of Interstate withdrawals approved after 1983. Construction cost adjustments to withdrawals will be prohibited after Congress approves the 1983 ICE.

Non-Interstate Programs

Primary Program. Authorizations are provided for this program through FY 1988. The priority primary program and the connector primary demonstration program are eliminated so that States can select those projects that reflect their own priorities.

Bridge Program. The bridge replacement and rehabilitation program authorizations are extended through FY 1988 and separate bridge apportionment formulas are established for primary bridges and non-primary bridges to provide more equitable distribution of funds. Apportionments are available for 2 years, after which unobligated funds may be redistributed to other States. A discretionary bridge fund of $300 million is set aside from the authorization for each year through 1988 for use on high cost bridges. Projects eligible for these funds must cost more than $10 million or at least twice a State's annual program apportionment.

Secondary and Urban System. The bill would continue funding for the secondary and urban programs at the FY 1982 level for each of the fiscal years 1983 to 1988.

Highway Safety Improvement Program. A new safety program is established to combine the separate categorical programs that now exist: Hazard Elimination, Rail-Highway Crossing, and FHWA's 402 Safety programs. Funding for this new program is provided through FY 1988.

Program Consolidation. The bill eliminates a number of existing categorical highway programs and rescinds any unappropriated authorizations. Unobligated balances will remain available until expended or the periods of availability expire. Most of these programs are eligible activities under regular primary, secondary, and urban programs. The bill also contains several provisions that will allow the Federal-aid highway program to be more effective and efficiently managed.

Title II—Transit Program

The mass transportation portion of this bill makes important changes in the structure of Federal transit assistance to begin to shift decisionmaking responsibility from Federal to State and local authorities. The bill would create a capital formula program for transit assistance and would phase out transit operating assistance by the end of FY 1984. In addition, the bill would establish a new transit infrastructure program to be funded from a portion of the proposed increase in the highway user fee. The bill would authorize Federal transit funding for fiscal years 1984 through 1988. Transit authorizations for the five-year period ending 1988 would total approximately $19.54 billion. The bill also includes $550 million in new fiscal year 1983 authorizations for the transit infrastructure program.

Infrastructure Program

Approximately $1.1 billion would be available annually for transit infrastructure projects from the one cent of the proposed increase in the highway user fee. This bill would add a new section 22 capital infrastructure development program to the Urban Mass Transportation Act of 1964, as amended (UMT Act), which would distribute these funds to urbanized areas by an administrative formula to be devised by the Secretary of Transportation. The funds would be available for transit infrastructure development projects involving the rehabilitation or replacement of transit facilities and equipment. These funds would be subject to the same streamlined requirements as that proposed for the new section 9 capital formula program (see below) with a proposed Federal/local share of 80/20.

The administrative formula, to be published annually in the *Federal Register,* would be based on the size, age, and condition of mass transit systems and the infrastructure needs of those systems. Each State, however, would receive no less than one-half of one percent of the total funds annually available under this program. Moreover, apportionments of a Governor or designated recipient in an urbanized area would be eligible to be used for highway projects in the State or urbanized area instead of for a transit infrastructure development project. However, the decision to release these funds for highway purposes will limit the availability of transit discretionary

funds to fund any project that could have been funded under this program.

Capital Assistance

This bill would add a new section 9 to the UMT Act, which would authorize $8.914 billion in capital funds to be distributed through a capital formula program for urbanized areas over 50,000 population. The Federal share for the capital formula program would be 80 percent.

The section 9 formula program funds would be eligible for capital purposes only, including planning, acquisition, construction, deployment of innovative demonstration results, and improvement of facilities and equipment. Capital activities would include the direct costs of spare parts for transit vehicles where the expected service life of the spare part exceeds one year. Federal participation in the cost of spare parts will enhance the ability of transit operators to keep their equipment in service and help to protect the original Federal capital investment in these items. New rail starts and rail extensions would not be eligible activities under section 9 without the prior concurrence of the Secretary of Transportation.

The capital program funds would be distributed based on a "revenue match" formula. Under this new formula each urbanized area would receive an apportionment equal to its share of the total national non-Federal mass transportation revenues (including State and local assistance).

The bill provides for local self-certification that recipients are meeting a number of existing Federal requirements. This certification process would provide for greater simplicity and flexibility for State and local governments. It would reduce the complexity of applications and thus the paperwork burden at all levels of governments. Finally, it is consistent with the Administration's philosophy of placing greater responsibility for program implementation at the State and local level.

The transit bill also includes a transfer of responsibility under Section 13(c) from the Secretary of Labor to the Secretary of Transportation, to provide greater flexibility to ensure that these labor protections are administered consistently with transportation policy. In addition, the bill contains a change in present procurement requirements which would allow the Secretary to determine a benchmark price for buses.

Title III—Highway Trust Fund and Revenue Provision

The revenue title features a five cent highway user fee increase. Four cents will be channeled into the Federal highway program and one cent of the increase will be available for public transportation or highway programs. This title also includes adjustments to the user charge structure to make a more equitable distribution of costs among the various classes of vehicles. As mentioned above, changes in the Federal size and weight standards have been coupled with the fee structure changes. This title provides that the user fee levels provided in this bill will be in effect through March 31, 1990 and permits expenditures to be made from the Highway Trust Fund through fiscal year 1991.

The program restructuring and authorization levels proposed in this bill represent a strong Federal commitment to an effective national transportation system. The new Federal focus on national interest programs accompanied by greater responsibility for the States will ensure fulfillment of the nation's transportation needs.

RONALD REAGAN.

THE WHITE HOUSE, *November 30, 1982.*

PRESIDENTIAL APPROVALS

A message from the President of the United States reported that he had approved and signed the following enrolled bills and joint resolutions:

On September 22, 1982:

S.J. Res. 250. Joint resolution to provide for resolution of the single outstanding issue in the current railway labor-management dispute, and for other purposes.

On September 24, 1982:

S. 2582. An act to amend the act to establish a Permanent Committee for the Oliver Wendell Holmes Devise, and for other purposes.

S.J. Res. 186. Joint resolution to authorize and request the President to designate the week of September 19 through 25, 1982, as "National Cystic Fibrosis Week".

S.J. Res. 205. Joint resolution to designate September 1982 as "National Sewing Month".

On September 27, 1982:

S. 923. An act to amend chapter 207 of title 18, United States Code, relating to pretrial services.

On October 1, 1982:

S. 215. An act for the relief of Lourie Ann Eder.

S. 1628. An act to amend the Emergency Fund Act (Act of June 26, 1948, 62 Stat. 1052).

On October 4, 1982:

S.J. Res. 165. Joint resolution authorizing and requesting the President to proclaim 1983 as the "Year of the Bible".

S.J. Res. 193. Joint resolution designating the week of November 7 through November 13, 1982, as "National Respiratory Therapy Week".

On October 5, 1982:

S. 2405. An act to further amend the boundary of the Cibola National Forest to allow an exchange of lands with the city of Albuquerque, New Mexico.

S.J. Res. 174. Joint resolution to authorize and request the President to designate October 16, 1982, as "World Food Day".

On October 6, 1982:

S. 907. An act to amend sections 351 and 1751 of title 18 of the United States Code to provide penalties for crimes against Cabinet officers, Supreme Court Justices, and Presidential staff members, and for other purposes.

S. 2271. An act to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1983, and for other purposes.

On October 8, 1982:

S. 734. An act to encourage exports by facilitating the formation and operation of export trading companies, export trade associations, and the expansion of export trade services generally.

On October 12, 1982:

S. 1409. An act to authorize the Secretary of the Interior to construct, operate, and maintain modifications of the existing Buffalo Dam and Reservoir, Shoshone project, Pick-Sloan Missouri Basin program, Wyoming, and for other purposes.

S. 2420. An act to provide additional protections and assistance to victims and witnesses in Federal cases.

S.J. Res. 239. Joint resolution designating October 16, 1982, as "National Newspaper Carriers Appreciation Day".

On October 13, 1982:

S. 2036. An act to provide for a job training program and for other purposes.

S. 2852. An act to require a separate family contribution schedule for Pell grants for academic years 1983-84 and 1984-85, to establish restrictions upon the contents of such schedule, and for other purposes.

On October 14, 1982:

S. 188. An act to authorize the Secretary of Agriculture to convey certain lands in the Gallatin National Forest, and for other purposes.

S. 2874. An act to amend the Act of March 16, 1934, as amended, to credit entrance fees for the migratory-bird hunting and conservation stamp contest to the account which pays for the administration of the contest.

S.J. Res. 113. Joint resolution to designate the week beginning November 28 through December 4, 1982, as "National Home Health Care Week".

S.J. Res. 197. Joint resolution to provide for the designation of the week of October 17 through October 23, 1982, as "Myasthenia Gravis Awareness Week".

S.J. Res. 235. Joint resolution to proclaim March 21, 1983, as "National Agriculture Day".

S.J. Res. 249. Joint Resolution to provide for the designation of the month of October 1982, as "National Spinal Cord Injury Month".

On October 15, 1982:

S. 478. An act to provide for the partitioning of certain restricted Indian land in the State of Kansas.

S. 1573. An act to exempt the Lake Oswego, Oreg., hydroelectric facility from part I of the Federal Power Act (Act of June 10, 1920) as amended, and for other purposes.

S. 1777. An act relating to the establishment of a permanent boundary for that portion of the Acadia National Park as lies within the town of Isle au Haut, Maine.

S. 1872. An act to provide for a study of grazing phaseout at Capitol Reef National Park, and for other purposes.

S. 2252. An act to authorize appropriations for the Coast Guard for fiscal year 1983 and 1984, and for other purposes.

S. 2375. An act to extend the expiration date of the Defense Production Act of 1950.

S. 2386. An act to require the Director of the Office of Management and Budget to prepare an annual report consolidating the available data on the geographic distribution of Federal funds, and for other purposes.

S. 2436. An act to designate the Mary McLeod Bethune Council House in Washington, District of Columbia, as a national historic site, and for other purposes.

S. 2457. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia.

S. 2574. An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States, and for other purposes.

S. 2586. An act to authorize certain construction at military installations for fiscal year 1983, and for other purposes.

S.J. Res. 241. Joint resolution to provide for the designation of the week of December 12, 1982, through December 18, 1982, as "National Drunk and Drugged Driving Awareness Week".

On October 18, 1982:

S. 1018. An act to protect and conserve fish and wildlife resources, and for other purposes.

S. 1210. An act to authorize appropriations for the operations of the Office of Environmental Quality and the Council on Environmental Quality during fiscal years 1982, 1983, and 1984, and withdraw certain lands with the Mount Baker-Snoqualmie National Forest from leasing under mineral and geothermal leasing laws.

S.J. Res. 261. Joint resolution to designate "National Housing Week".

On October 19, 1982:

S. 2146. An act to extend the lease terms of Federal oil and gas leases, W66245, W66246, W66247, W66250.

S.J. Res. 257. Joint resolution to designate the month of November 1982, as "National Diabetes Month".

S.J. Res. 262. Joint resolution to designate the month of November 1982 as National Christmas Seal Month".

On October 22, 1982:

S. 1698. An act to amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of U.S. citizens.

MESSAGE FROM THE HOUSE

At 4:30 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 7072) making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1983, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. WHITTEN, Mr. TRAXLER, Mr. ALEXANDER, Mr. MCHUGH, Mr. NATCHER, Mr. HIGHTOWER, Mr. AKAKA, Mr. WATKINS, Mrs. SMITH of Nebraska, Mr. ROBINSON, Mr. MYERS, Mr. LEWIS, and Mr. CONTE as managers of the conference on the part of the House.

The message also announced that pursuant to the provisions of section 1, Public Law 689, 84th Congress, as amended, the Speaker, on November 10, 1982, appointed as members of the U.S. group of the North Atlantic Assembly held November 14–19, 1982, in London, England, the following Members on the part of the House: Mr. PHILLIP BURTON, chairman, Mr. HAMILTON, vice chairman, Mr. BROOKS, Mr. ROSE, Ms. OAKER, Mr. GARCIA, Mr. ROSENTHAL, Mr. STARK, Mr. BROOMFIELD, Mr. WHITEHURST, Mr. BADHAM, and Mr. ROTH.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4313. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report to Hon. Adam Benjamin, Jr., House of Representatives, entitled "Further Examination of the East Chicago, Indiana Highway Ramp Collapse Could Help Prevent Similar Accidents"; to the Committee on Environment and Public Works.

EC-4314. A communication from the Acting Director of the Office of Legislative Affairs, Agency for International Development, transmitting, pursuant to law, justification for increased foreign assistance funding for Spain; to the Committee on Foreign Relations.

EC-4315. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, copies of international agreements, other than treaties, entered into by the United States within the previous 60 days; to the Committee on Foreign Relations.

EC-4316. A communication from the Executive Secretary of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-4317. A communication from the Deputy Assistant Secretary of Defense for Administration, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-4318. A communication from the Secretary of Housing and Urban Affairs, transmitting a draft of proposed legislation relative to the powers of a bankruptcy court and the effect of stays relating to multifamily mortgages; to the Committee on the Judiciary.

EC-4319. A communication from the Administrative Director of the Arms Control and Disarmament Agency, transmitting the Agency's 1981 annual report under the Freedom of Information Act; to the Committee on the Judiciary.

EC-4320. A communication from the Assistant Secretary of Health and Human Services for Human Development Services, transmitting, pursuant to law, a short-term evaluation of the basic grants program for native Americans; to the Committee on Labor and Human Resources.

EC-4321. A communication from the Acting General Counsel of the General Accounting Office, transmitting, pursuant to law, a report on the status of budget authority proposed for rescission, but for which no rescission bill was passed by the Congress; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations, the Committee on the Budget, and the Committee on Energy and Natural Resources.

EC-4322. A communication from the President of the United States, transmitting, pursuant to law, a report, under the War Powers Act, of the deployment and mission of U.S. Armed Forces as part of a multinational presence in Beirut, Lebanon (received and referred in the Senate on October 5, 1982); to the Committee on Foreign Relations.

EC-4323. A communication from the Clerk of the U.S. Court of Claims, transmitting, pursuant to law, a copy of the Court's judgment order for the plaintiffs in the matter of *Lower Sioux Indian Community in Minnesota, et al,* v. *The United States,* No. 363; to the Committee on Appropriations.

EC-4324. A communication from the Assistant Secretary of Defense, Comptroller, transmitting, pursuant to law, a secret report on certain contract award dates for the period October 15, 1982, to December 15, 1982; to the Committee on Armed Services.

EC-4325. A communication from the Assistant Secretary of the Navy for Shipbuilding and Logistics, transmitting, pursuant to law, a report on a decision made to study the conversion of certain functions at various installations to performance under contract; to the Committee on Armed Services.

EC-4326. A communication from the Assistant Secretary of the Navy for Shipbuilding and Logistics, transmitting, pursuant to law, a report on a decision made to convert the physical inventory function at the Naval Supply Center, Oakland, Calif., to performance under contract; to the Committee on Armed Services.

EC-4327. A communication from the Assistant Secretary of Defense, transmitting, pursuant to law, a report making certain certifications with respect to the IR Maverick missile system; to the Committee on Armed Services.

EC-4328. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a report on the strategic and critical materials stockpile; to the Committee on Armed Services.

EC-4329. A communication from the Chairman of the Securities and Exchange Commission, transmitting a draft of proposed legislation to impose tougher sanctions on persons purchasing or selling securities while in possession of material nonpublic information; to the Committee on Banking, Housing, and Urban Affairs.

EC-4330. A communication from the Vice President for Government Affairs of Amtrak, transmitting, pursuant to law, a report for July 1982 on the average number of passengers per day and the ontime performance for each train operated; to the Committee on Commerce, Science, and Transportation.

EC-4331. A communication from the Vice President for Government Affairs of Amtrak, transmitting, pursuant to law, a report for June 1982 on itemized revenues and expenses of the National Railroad Passenger Corporation; to the Committee on Commerce, Science, and Transportation.

EC-4332. A communication from the Director of the Office of Management and Budget, transmitting, pursuant to law, a plan for the Los Olmos Creek Watershed, Tex.; to the Committee on Environment and Public Works.

EC-4333. A communication from the Inspector General of the Department of

Health and Human Services, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-4334. A communication from the Inspector General of the Department of Health and Human Services, transmitting, pursuant to law, a copy of a health care provider fraud and abuse manual entitled "Dental Investigative Guide"; to the Committee on Governmental Affairs.

EC-4335. A communication from the Acting Assistant Secretary of the Interior for Indian Affairs, transmitting, pursuant to law, the fiscal years 1981 and 1982 reports on the status of tribally controlled community colleges; to the Select Committee on Indian Affairs.

EC-4336. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report and recommendations concerning the claim of the Atlanta Journal for advertising provided for the Army Division, Fort Stewart, Ga. To the Committee on the Judiciary.

EC-4337. A communication from the Executive Secretary of the office of the Secretary of Defense, transmitting, pursuant to law, a report on DOD procurement from small and other business firms October-May, 1982; to the Committee on small Business.

EC-4338. A communication from the Executive Secretary of the office of the Secretary of Defense, transmitting, pursuant to law, a report on DOD procurement from small and other business firms for October-April, 1982; to the Committee on small Business.

EC-4339. A communication from the Executive Secretary of the office of the Secretary of Defense, transmitting, pursuant to law, a report on DOD procurement from small and other business firms for October 1981-June 1982; to the Committee on small Business.

EC-4340. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Review of the Disabled American Veterans National Headquarters' Financial Statements for the Year Ended December 31, 1981"; to the Committee on Veterans Affairs.

EC-4341. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "An Analysis of Fiscal and Monetary Policies"; to the Committee on Appropriations.

EC-4342. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a confidential report on a foreign military assistance sale to Japan; to the Committee on Armed Services.

EC-4343. A communication from the Deputy Assistant Secretary of Defense for Administration, transmitting, pursuant to law, a report on the exclusion from examination by the Comptroller General of certain records in connection with a contract between the Navy and Golcuk Naval Shipyard, Golcuk, Turkey, for the repair and alteration to U.S. 6th Fleet vessels; to the Committee on Armed Services.

EC-4344. A communication from the Principal Deputy Assistant Secretary of the Navy for Shipbuilding and Logistics, transmitting, pursuant to law, a report on a decision made to convert the data transcription/entry function at the Naval Air Station, North Island, Calif. to performance under contract; to the Committee on Armed Services.

EC-4345. A communication from the General Counsel of the Department of Defense, transmitting, pursuant to law, a copy of certain amendments to the "Manual for Courts-Martial, United States"; to the Committee on Armed Services.

EC-4346. A communication from the Principal Assistant Secretary of the Navy for Shipbuilding and Logistics, transmitting, pursuant to law, a report on a decision made to convert the keypunch function at the Naval Shipyard, Norfolk, Va. to performance under contract; to the Committee on Armed Services.

EC-4347. A communication from the Director, Facility Requirements and Resources, Office of the Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics, transmitting, pursuant to law, a report on certain Air Force Reserve construction projects; to the Committee on Armed Services.

EC-4348. A communication from the Principal Deputy Assistant Secretary of the Navy for Shipbuilding and Logistics, transmitting, pursuant to law, a report on a decision made to convert the administrative telephone service function at the Naval Shipyard, Norfolk, Va., to performance under contract; to the Committee on Armed Services.

EC-4349. A communication from the Assistant Secretary of the Air Force, transmitting, pursuant to law, a report on a decision made to convert the military family housing maintenance function at Nellis Air Force Base, Nev., to performance under contract; to the Committee on Armed Services.

EC-4350. A communication from the Principal Deputy Assistant Secretary of the Navy for Shipbuilding and Logistics, transmitting, pursuant to law, a report on a decision made to convert the inactive ship maintenance function at the Naval Inactive Ship Maintenance Facility, Portsmouth, Va., to performance under contract; to the Committee on Armed Services.

EC-4351. A communication from the Deputy Assistant Secretary of the Air Force for Logistics and Communications, transmitting, pursuant to law, a report on cancellation of certain proposed conversions to performance under contract and certain other functions to be studied for possible conversion to performance under contract; to the Committee on Armed Services.

EC-4352. A communication from the Acting Assistant Secretary of Defense for Health Affairs, transmitting, pursuant to law, a review of special pays for military health professionals; to the Committee on Armed Services.

EC-4353. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Review of the National Credit Union Administration Central Liquidity Facility's Financial Statements for the Year Ended September 30, 1981"; to the Committee on Banking, Housing, and Urban Affairs.

EC-4354. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Anaylsis of Options for Aiding the Homebuilding and Forest Products Industries"; to the Committee on Banking, Housing, and Urban Affairs.

EC-4355. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on loan, guarantee, and insurance transactions of the Bank with Communist countries; to the Committee on Banking, Housing, and Urban Affairs.

EC-4356. A communication from the Secretary of Transportation, transmitting, pursuant to law, the 1982 third-quarter report of the Urban Mass Transportation Administration; to the Committee on Banking, Housing, and Urban Affairs.

EC-4357. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the authorization for construction of six vessels for a subsidized company in a foreign shipyard; to the Committee on Commerce, Science, and Transportation.

EC-4358. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the authorization for construction of two vessels for a subsidized company in a foreign shipyard; to the Committee on Commerce, Science, and Transportation.

EC-4359. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the authorization for the construction of 10 vessels for a subsidized company in a foreign shipyard; to the Committee on Commerce, Science, and Transportation.

EC-4360. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the authorization for construction of two vessels for a subsidizerd company in a foreign shipyard; to the Committee on Commerce, Science, and Transportation.

EC-4361. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the authorization for the reconstruction of a vessel for a subsidized company in a foreign shipyard; to the Committee on Commerce, Science, and Transportation.

EC-4362. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the authorization of reconstruction of three vessels for a subsidized company in a foreign shipyard; to the Committee on Commerce, Science, and Transportation.

EC-4363. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the authorization for the construction of 14 vessels for a subsidized company in a foreign shipyard; to the Committee on Commerce, Science, and Transportation.

EC-4364. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the authorization for the construction of two vessels for a subsidized company in a foreign shipyard; to the Committee on Commerce, Science, and Transportation.

EC-4365. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a trade regulation governing funeral industry practices; to the Committee on Commerce, Science, and Transportation.

EC-4366. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the 1984 budget submission of the National Transportation Safety Board; to the Committee on Commerce, Science, and Transportation.

EC-4367. A communication from the Secretary of the Interior, transmitting pursuant to law, the second annual report on the establishment of an oil and gas leasing program for the non-North Slope Federal lands; to the Committee on Energy and Natural Resources.

EC-4368. A communication from the Secretary of the Interior, transmitting, pursu-

ant to law, an application for a loan under the Small Reclamation Projects Act from the Columbia Irrigation District, Washington; to the Committee on Energy and Natural Resources.

EC-4369. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Interior's Report of Shut-In Or Flaring Wells Unnecessary, But Oversight Should Continue"; to the Committee on Energy and Natural Resources.

EC-4370. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on progress by State authorities and nonregulated utilities in complying with State requirements on certain ratemaking and regulatory policy standards for the period July 1, 1980, to November 9, 1981; to the Committee on Energy and Natural Resources.

EC-4371. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, notice of meetings related to the international energy program; to the Committee on Energy and Natural Resources.

EC-4372. A communication from the Secretary of the Interior, transmitting, pursuant to law, an application for a loan under the Small Reclamation Projects Act by the Fallbrook Public Utility District, California; to the Committee on Energy and Natural Resources.

EC-4373. A communication from the chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the annual report of the Commission for fiscal year 1981; to the Committee on Energy and Natural Resources.

EC-4374. A communication from the Secretary of the Interior, transmitting, pursuant to law, notice of a transfer to fill the position of U.S. Comptroller for the Virgin Islands; to the Committee on Energy and Natural resources.

EC-4375. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, proposed lease prospectus amendments; to the Committee on Environment and Public Works.

EC-4376. A communication from the chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report on the study of the feasibility of licensing plant managers and senior licensee officers responsible for the operation of nuclear power facilities; to the Committee on Environment and Public Works.

EC-4377. A communication from the U.S. Trade Representative, transmitting, pursuant to law, the annual report on the operation of the International Coffee Agreement; to the Committee on Finance.

EC-4378. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international greements, other than treaties, entered into by the United States in the 60-day period prior to October 1, 1982; to the Committee on Foreign Relations.

EC-4379. A communication from the Acting Assistant Legal Adviser for Treaty Affairs of the Department of State transmitting, pursuant to law, a list of international agreements other than treaties entered into by the United States within the last 60 days; to the Committee on Foreign Relations.

EC-4380. A communication from the Acting Assistant Legal Adviser for Treaty Affairs of the Department of State transmitting, pursuant to law, a list of international agreements other than treaties entered into by the United States within the last 60 days; to the Committee on Foreign Relations.

EC-4381. A communication from the President's Task Force on Management Reform of the Office of Management and Budget transmitting a notification on new directives to improve Government management and reduce fraud and waste relating to agency audits; to the Committee on Governmental Affairs.

EC-4382. A communication from the District of Columbia Auditor transmitting, pursuant to law, a report on audits of Advisory Neighborhood Commissions; to the Committee on Governmental Affairs.

EC-4383. A communication from the District of Columbia Auditor transmitting, pursuant to law, a report on the Washington Convention Center; to the Committee on Governmental Affairs.

EC-4384. A communication from the Assistant Secretary for Health of the Department of Health and Human Services transmitting, pursuant to law, a report on a system of records on shipment of drugs of abuse to authorized researchers; to the Committee on Governmental Affairs.

EC-4385. A communication from the Assistant Secretary for Administration of the Department of Transportation transmitting, pursuant to law, a report on an alteration of a system of records; to the Committee on Governmental Affairs.

EC-4386. A communication from the Deputy Assistant Secretary of the Interior transmitting, pursuant to law, a report on a new system of records and a proposed computer matching program; to the Committee on Governmental Affairs.

EC-4387. A communication from the Secretary of the Postal Rate Commission transmitting, pursuant to law, advance notice of proposed rulemaking; to the Committee on Governmental Affairs.

EC-4388. A communication from the District of Columbia Auditor transmitting, pursuant to law, a report on a review of vendor payments processed through the District's Financial Management System; to the Committee on Governmental Affairs.

EC-4389. A communication from the District of Columbia Auditor transmitting, pursuant to law, a report on the Washington Convention Center; to the Committee on Governmental Affairs.

EC-4390. A communication from the Secretary of the Trust Committee transmitting, pursuant to law, a statement of general information for the plan year ended February 28, 1982; to the Committee on Governmental Affairs.

EC-4391. A communication from the Assistant Secretary for Health of the Department of Health and Human Services transmitting, pursuant to law, a report on a new system of records on biomedical research; to the Committee on Governmental Affairs.

EC-4392. A communication from the Secretary of Education transmitting, pursuant to law, a "Revised Report on the Definition of Indian"; to the Select Committee on Indian Affairs.

EC-4393. A communication from the Assistant Secretary of Indian Affairs of the Department of the Interior transmitting, pursuant to law, a proposed plan for the use and distribution of judgment funds awarded to the Red Lake Band of Chippewa Indians of the Red Lake Reservation, Minnesota; to the Select Committee on Indian Affairs.

EC-4394. A communication from the Commissioner of the Immigration and Naturalization Service of the Department of Justice transmitting, pursuant to law, copies of orders suspending deportation and a list of the persons involved; to the Committee on the Judiciary.

EC-4395. A communication from the Attorney General transmitting a draft of the administration's proposed Immigration Emergency Act; to the Committee on the Judiciary.

EC-4396. A communication from the Secretary of Education transmitting, pursuant to law, the annual report on the Centers for Educational Media and Materials for the Handicapped; to the Committee on Labor and Human Resources.

EC-4397. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on assessing efficiency and effectiveness of State social service programs and the feasibility of a Federal incentive system in these programs; to the Committee on Labor and Human Resources.

EC-4398. A communication from the Secretary of Education transmitting, pursuant to law, the 1982 annual report of the Women's Education Equity Act Program; to the Committee on Labor and Human Resources.

EC-4399. A communication from the Acting Under Secretary for International Affairs and Commodity Programs of the Department of Agriculture transmitting, pursuant to law, the initial commodity and country allocation table showing the planned programing of food assistance under title I-III of Public Law 480 for fiscal year 1983; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4400. A communication from the Under Secretary for International Affairs and Commodity Programs of the Department of Agriculture transmitting, pursuant to law, a table showing the final Public Law 480 title I-III country and commodity allocations for fiscal year 1982; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4401. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, the fiscal year 1982 cumulative report on rescissions and deferrals; to the Committee on the Budget and the Committee on Appropriations, jointly, pursuant to the order of January 30, 1975.

EC-4402. A communication from the Acting Assistant Secretary of Defense (Comptroller) transmitting, pursuant to law, notification of transfer of funds; to the Committee on Appropriations.

EC-4403. A communication from the Secretary of the Navy transmitting a notification concerning a quarterly unit cost report for the LAMPS MK III Program; to the Committee on Armed Services.

EC-4404. A communication from the Assistant Secretary of the Navy (Shipbuilding and Logistics) transmitting, pursuant to law, notification of a study conducted at the Public Works Center, Norfolk, Va.; to the Committee on Armed Services.

EC-4405. A communication from the Director of the Mission Analysis and Systems Acquisition Division of the General Accounting Office transmitting information regarding Trident II (D-5) Missile configured Trident submarine costs and schedule; to the Committee on Armed Services.

EC-4406. A communication from the Secretary of Housing and Urban Development transmitting the Department's report on recent evidence regarding the costs of HUD

housing subsidy programs; to the Committee on Banking, Housing, and Urban Affairs.

EC-4407. A communication from the President and Chairman of the Export-Import Bank of the United States transmitting, pursuant to law, a report on loan, guarantee, and insurance transactions supported by Eximbank during August 1982 to Communist countries; to the Committee on Banking, Housing, and Urban Affairs.

EC-4408. A communication from the Vice President for Government Affairs of the National Railroad Passenger Corporation transmitting, pursuant to law, a report on rail passenger service for the month of July 1982; to the Committee on Commerce, Science, and Transportation.

EC-4409. A communication from the Assistant Secretary for Territorial and International Affairs of the Department of the Interior transmitting, pursuant to law, the annual report on the fiscal condition of the Government of Guam for the year ended September 30, 1981; to the Committee on Energy and Natural Resources.

EC-4410. A communication from the Director of the Division of Congressional Liaison of the Federal Energy Regulatory Commission transmitting a report on the impact of 1982-83 winter gas supply for 24 pipeline companies, covering the period November 1982 through March 1983; to the Committee on Energy and Natural Resources.

EC-4411. A communication from the Director of the Minerals Management Service of the Department of the Interior transmitting, pursuant to law, notification of a refund to be made to Union Texas Petroleum and the Superior Oil Co.; to the Committee on Energy and Natural Resources.

EC-4412. A communication from the Director of the Minerals Management Service of the Department of the Interior transmitting, pursuant to law, a summary of refunds due Texaco Inc. and The Superior Oil Co. under section 10 of the Outer Continental Shelf Lands Act; to the Committee on Energy and Natural Resources.

EC-4413. A communication from the Comptroller General of the United States transmitting a report to the Congress on public rangeland improvement; to the Committee on Energy and Natural Resources.

EC-4414. A communication from the General Counsel of the Department of Energy transmitting, pursuant to law, notice of a meeting related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-4415. A communication from the General Counsel of the Department of Energy transmitting, pursuant to law, notice of a meeting related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-4416. A communication from the Secretary of Energy transmitting, pursuant to law, a report on the performance of wind systems installed under the Federal Wind Program; to the Committee on Energy and Natural Resources.

EC-4417. A communication from the Acting Assistant Legal Adviser for Treaty Affairs of the Department of State transmitting, pursuant to law, a list of international agreements, other than treaties, entered into by the United States within the last 60 days; to the Committee on Foreign Relations.

EC-4418. A communication from the Deputy Assistant Secretary of Defense transmitting, pursuant to law, a report of an altered record system retitled "Family Advocacy Case Management Files"; to the Committee on Governmental Affairs.

EC-4419. A communication from the Deputy Assistant Secretary of Defense transmitting, pursuant to law, a report of an altered system of records entitled "Investigatory (Fraud) System"; to the Committee on Governmental Affairs.

EC-4420. A communication from the Assistant Secretary of Health of the Department of Health and Human Services transmitting, pursuant to law, a report of an altered Privacy Act system of records; to the Committee on Governmental Affairs.

EC-4421. A communication from the Comptroller General of the United States transmitting, pursuant to law, a list of General Accounting Office reports from September 1982; to the Committee on Governmental Affairs.

EC-4422. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report of hospital prospective payment systems; to the Committee on Finance.

EC-4423. A communication from the Administrator of the Veterans' Administration transmitting a draft of proposed legislation clarifying the Administrator's authority to approve the release of information from VA record systems; to the Committee on Veterans Affairs.

EC-4424. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals for November 1982; pursuant to the order of January 30, 1975, referred jointly to the Committee on the Budget, the Committee on Appropriations, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Labor and Human Resources, the Committee on Foreign Relations, the Committee on Finance, and the Committee on Governmental Affairs.

EC-4425. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the President's first special message for fiscal year 1983; pursuant to the order of January 30, 1975, referred jointly to the Committee on the Budget, the Committee on Appropriations, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Labor and Human Resources, the Committee on Foreign Relations, the Committee on Finance, and the Committee on Governmental Affairs.

EC-4426. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on a certain deferral of budget authority; pursuant to the order of January 30, 1975, referred jointly to the Committee on the Budget, the Committee on Appropriations, the Committee on Commerce, Science, and Transportation, and the Committee on Foreign Relations.

EC-4427. A communication from the Clerk of the U.S. Claims Court, transmitting, pursuant to law, a copy of the court's judgment in the case Shoshone-Bannock Tribes, etc., v. the United States; to the Committee on Appropriations.

EC-4428. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, a report on an accident in the Canal; to the Committee on Armed Services.

EC-4429. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, a report on an accident in the Canal; to the Committee on Armed Services.

EC-4430. A communication from the Acting Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, a report on contract award information from the period October 15, 1982 to December 15, 1982; to the Committee on Armed Services.

EC-4431. A communication from the Acting Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, selected acquisition reports for the period ending September 30, 1982; to the Committee on Armed Services.

EC-4432. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on the intention of the Department of the Navy to exclude certain records from examination by the Comptroller General; to the Committee on Armed Services.

EC-4433. A communication from the Deputy Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, a report on the intention of the Department of the Navy to exclude certain records from examination by the Comptroller General; to the Committee on Armed Services.

EC-4434. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report on the cost of a selected major defense weapon system; to the Committee on Armed Services.

EC-4435. A communication from the Acting Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, a report on the actual amount of revenues deposited in the Panama Canal Commission Fund during fiscal year 1982; to the Committee on Armed Services.

EC-4436. A communication from the Principal Deputy Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, a report of the value of property, supplies, and commodities provided by the Berlin Magistrate and under the German Offset Agreement for the quarter ended September 30, 1982; to the Committee on Armed Services.

EC-4437. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report on the cost of a selected major weapon system; to the Committee on Armed Services.

EC-4438. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a report on property acquisition of emergency supplies and equipment; to the Committee on Armed Services.

EC-4439. A communication from the Deputy Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, a report on the intention of the Department of the Navy to exclude certain records from examination by the Comptroller General; to the Committee on Armed Services.

EC-4440. A communication from the Deputy Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, a report on the intention of the Department of the Army to exclude certain records from examination by the Comptroller General; to the Committee on Armed Services.

EC-4441. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on a Presidential determination re-

garding the sale of communications equipment to Lebanon; to the Committee on Armed Services.

EC-4442. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Improving The Air Force Modification Process Will Benefit Management of Spare Parts In The Air Force and Defense Logistics Agency"; to the Committee on Armed Services.

EC-4443. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "The 1978 Navy Shipbuilding Claim Settlement At Electric Boat—Status As Of December 26, 1981"; to the Committee on Armed Services.

EC-4444. A communication from the Assistant Secretary of the Army (Installations, Logistics, and Financial Management), transmitting, pursuant to law, a report on the conversion of a certain function to contractor performance; to the Committee on Armed Services.

EC-4445. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of a certain function to contractor performance; to the Committee on Armed Services.

EC-4446. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of a certain function to contractor performance; to the Committee on Armed Services.

EC-4447. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of a function to contractor performance; to the Committee on Armed Services.

EC-4448. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of a function to contractor performance; to the Committee on Armed Services.

EC-4449. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of a function to contractor performance; to the Committee on Armed Services.

EC-4450. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of a function to contractor performance; to the Committee on Armed Services.

EC-4451. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of a function to contractor performance; to the Committee on Armed Services.

EC-4452. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of a function to contractor performance; to the Committee on Armed Services.

EC-4453. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of a function to contractor performance; to the Committee on Armed Services.

EC-4454. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of a function to contractor performance; to the Committee on Armed Services.

EC-4455. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of a function to contractor performance; to the Committee on Armed Services.

EC-4456. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of a function to contractor performance; to the Committee on Armed Services.

EC-4457. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of a function to contractor performance; to the Committee on Armed Services.

EC-4458. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of a function to contractor performance; to the Committee on Armed Services.

EC-4459. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of a function to contractor performance; to the Committee on Armed Services.

EC-4460. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting; pursuant to law, a report on the conversion of a function to contractor performance; to the Committee on Armed Services.

EC-4461. A communication from the Principal Deputy Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, notice of decision to study the conversion to contractor performance of a commercial or industrial-type function then being performed by Defense employees; to the Committee on Armed Services.

EC-4462. A communication from the President and Chairman of the Export-Import Bank of the United States transmitting, pursuant to law, a report of an increase in the financing to be provided by Eximbank for a project in Indonesia; to the Committee on Banking, Housing, and Urban Affairs.

EC-4463. A communication from the executive director of the Neighborhood Reinvestment Corp. transmitting, pursuant to law, a report on the activities and fiscal status of the Neighborhood Reinvestment Corp.; to the Committee on Banking, Housing, and Urban Affairs.

EC-4464. A communication from the Secretary of Housing and Urban Development transmitting, pursuant to law, a report of the recapture of front-end investment cost for withdrawn section 8 units; to the Committee on Banking, Housing, and Urban Affairs.

EC-4465. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on the examination of the Export-Import Bank's fiscal year 1981 financial operations and related issues; to the Committee on Banking, Housing, and Urban Affairs.

EC-4466. A communication from the Acting Comptroller General of the United States transmitting a report on the extent to which lower income persons benefit from the community development block grant program; to the Committee on Banking, Housing, and Urban Affairs.

EC-4467. A communication from the Secretary of Transportation transmitting a draft of a proposed bill to amend title 14, United States Code, to provide for selective preappointment travel to the Coast Guard Academy for cadet applicants; to the Committee on Commerce, Science, and Transportation.

EC-4468. A communication from the Secretary of Commerce transmitting, pursuant to law, the annual report on the activities of the U.S. Travel Service for fiscal year 1981; to the Committee on Commerce, Science, and Transportation.

EC-4469. A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, a proposal of an extension of the specified 180-day period on a decision in *Mobil Chemical Company* v. *Seaboard Coast Line Railroad Company;* to the Committee on Commerce, Science, and Transportation.

EC-4470. A communication from the Chairman of the Federal Trade Commission transmitting, pursuant to law, the updated 1980 report on sales and advertising data under the Federal Cigarette Labeling and Advertising Act; to the Committee on Commerce, Science, and Transportation.

EC-4471. A communication from the Vice President for Government Affairs of Amtrak transmitting, pursuant to law, passenger and train information for the month of August 1982 of the National Railroad Passenger Corporation; to the Committee on Commerce, Science, and Transportation.

EC-4472. A communication from the Administrator of the Federal Aviation Administration transmitting, pursuant to law, the semiannual report on the effectiveness of the civil aviation security program; to the Committee on Commerce, Science, and Transportation.

EC-4473. A communication from the Chairman of the Interstate Commerce Commission transmitting, pursuant to law, a report on the joint rate problems of rail carriers; to the Committee on Commerce, Science, and Transportation.

EC-4474. A communication from the Administrator of the National Oceanic and Atmospheric Administration transmitting, pursuant to law, biennial report of the findings of the program of research and monitoring for early detection of stratospheric ozone change; to the Committee on Commerce, Science, and Transportation.

EC-4475. A communication from the Secretary of Commerce transmitting, pursuant to law, a report on the long range plan for public telecommunications facilities; to the Committee on Commerce, Science, and Transportation.

EC-4476. A communication from the Director of the Minerals Management Service of the Department of the Interior transmitting, pursuant to law, a report on review and revision of royalty payments for fiscal years 1980 and 1981 for Federal onshore and Outer Continental Shelf oil and gas leases; to the Committee on Energy and Natural Resources.

EC-4477. A communication from the Federal Inspector of the Alaska Natural Gas System transmitting, pursuant to law, the quarterly report for July through September 1982 on the status of the Alaska Natural Gas. Transportation System; to the Committee on Energy and Natural Resources.

EC-4478. A communication from the Director of the Minerals Management Service transmitting, pursuant to law, notice of a refund of an excess royalty payment to

Conoco Inc.; to the Committee on Energy and Natural Resources.

EC-4479. A communication from the Director of the Minerals Management Service transmitting, pursuant to law, notice of a refund of an excess royalty payment to Conoco Inc.; to the Committee on Energy and Natural Resources.

EC-4480. A communication from the Director of Minerals Management Service transmitting, pursuant to law, notice of a refund of an excess royalty payment to ARCO Oil and Gas Co.; to the Committee on Energy and Natural Resources.

EC-4481. A communication from the Acting Secretary of the Interior transmitting, pursuant to law, a notice on leasing systems for the Oil and Gas Lease Sale No. 69 Gulf of Mexico; to the Committee on Energy and Natural Resources.

EC-4482. A communication from the Director of the Minerals Management Service transmitting, pursuant to law, notice of refund of an excess royalty payment to McMorna Oil & Gas Co., Conoco Inc., Phillips Petroleum Co., Getty Oil Co., and Texas Gas Exploration Corp.; to the Committee on Energy and Natural Resources.

EC-4483. A communication from the Director of the Minerals Management Service transmitting, pursuant to law, notice of refund of an excess royalty payment to Shell Oil Co.; to the Committee on Energy and Natural Resources.

EC-4484. A communication from the Director of the Minerals Management Service transmitting, pursuant to law, notice of a refund of an excess royalty payment to General American Oil Co. of Texas, Amoco Production Co., Gulf Oil Corp., Getty Oil Co., and Conoco Inc.; to the Committee on Energy and Natural Resources.

EC-4485. A communication from the Director of the Minerals Management Service transmitting, pursuant to law, notice of refund of an excess royalty payment to Gulf Oil Corp.; to the Committee on Energy and Natural Resources.

EC-4486. A communication from the Acting Secretary of the Interior transmitting, pursuant to law, notice of an application for a loan from the East Bench Gravity Co.; to the Committee on Energy and Natural Resources.

EC-4487. A communication from the Assistant Secretary for Conservation and Renewable Energy of the Department of Energy transmitting, pursuant to law, the annual report for fiscal year 1981 on Federal activities and programs in geothermal energy; to the Committee on Energy and Natural Resources.

EC-4488. A communication from the Assistant Secretary for Territorial and International Affairs of the Department of the Interior transmitting, pursuant to law, the annual report on the financial condition of the Commonwealth of the Northern Mariana Islands for the fiscal year ended September 30, 1981; to the Committee on Energy and Natural Resources.

EC-4489. A communication from the Administrator of the Energy Information Administration of the Department of Energy transmitting, pursuant to law, a report on Energy Company Development Patterns in the Postembargo Era, 1974-80; to the Committee on Energy and Natural Resources.

EC-4490. A communication from the Deputy Administrator of the General Services Administration transmitting, pursuant to law, a list of lease prospectuses; to the Committee on Environment and Public Works; to the Committee on Environment and Public Works.

EC-4491. A communication from the managing trustee of the Federal old-age and survivors insurance trust fund, transmitting, pursuant to law, notice that such fund has borrowed $581,252,899.48 from the Federal disability insurance trust fund; to the Committee on Finance.

EC-4492. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the Department's report on State medicaid program compliance with the Social Security Act; to the Committee on Finance.

EC-4493. A communication from the Deputy U.S. Trade Representative transmitting, pursuant to law, a report on the operation and effect of the International Sugar Agreement; to the Committee on Finance.

EC-4494. A communication from the Chairman of the U.S. International Trade Commission transmitting, pursuant to law, a report on the operation of U.S. trade agreements during 1980 and 1981; to the Committee on Finance.

EC-4495. A communication from the Chairman of the Board of Foreign Scholarships transmitting, pursuant to law, a report entitled "Fulbright Program Exchanges, 1981"; to the Committee on Foreign Relations.

EC-4496. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on the provision of emergency military assistance to El Salvador totaling $55 million; to the Committee on Foreign Relations.

EC-4497. A communication from the Chairman of the National Advisory Council on International Monetary and Financial Policies transmitting, pursuant to law, the annual report of the Council for fiscal year 1981; to the Committee on Foreign Relations.

EC-4498. A communication from the Acting Assistant Legal Adviser for Treaty Affairs transmitting, pursuant to law, copies of international agreements, other, than treaties, entered into by the United States within the previous 60 days; to the Committee on Foreign Relations.

EC-4499. A communication from the Acting Assistant Legal Adviser for Treaty Affairs transmitting, pursuant to law, copies of international agreements, other than treaties, entered into by the United States within the previous 60 days; to the Committee on Foreign Relations.

EC-4500. A communication from the Acting Assistant Legal Adviser for Treaty Affairs transmitting, pursuant to law, copies of international agreements, other than treaties, entered into by the United States within the previous 60 days; to the Committee on Foreign Relations.

EC-4501. A communication from the Acting Assistant Legal Adviser for Treaty Affairs transmitting, pursuant to law, copies of international agreements, other than treaties, entered into by the United States within the previous 60 days; to the Committee on Foreign Relations.

EC-4502. A communication from the Acting Assistant Legal Adviser for Treaty Affairs transmitting, pursuant to law, copies of international agreements, other than treaties, entered into by the United States within the previous 60 days; to the Committee on Foreign Relations.

EC-4503. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, copies of international agreements, other than treaties, entered into by the United States within the previous 60 days; to the Committee on Foreign Relations.

EC-4504. A communication from the Secretary of the U.S. Postal Rate Commission transmitting, pursuant to law, notice of proposed rulemaking promulgated by the Commission; to the Committee on Governmental Affairs.

EC-4505. A communication from the Secretary of Commerce transmitting, pursuant to law, the report of the Inspector General of the Department of Commerce for the period April 1 to September 30, 1982; to the Committee on Governmental Affairs.

EC-4506. A communication from the Assistant Secretary of the Treasury for Administration transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-4507. A communication from the Under Secretary of State for Management transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-4508. A communication from the Deputy Assistant Secretary of Defense for Administration transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-4509. A communication from the Inspector General of the Department of Health and Human Services transmitting, pursuant to law, a copy of the Pharmacy Investigative Manual; to the Committee on Governmental Affairs.

EC-4510. A communication from the custodian of the Army central retirement fund transmitting, pursuant to law, a report on the U.S. Army nonappropriated fund employee retirement plan for fiscal year 1981; to the Committee on Governmental Affairs.

EC-4511. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on the valuation of the U.S. Coast Guard retirement system for 1981; to the Committee on Governmental Affairs.

EC-4512. A communication from the Administrator of the General Services Administration transmitting, pursuant to law, a report on the disposal of surplus Federal real property for historic monument purposes for fiscal year 1982; to the Committee on Governmental Affairs.

EC-4513. A communication from the Comptroller General of the United States transmitting, pursuant to law, a list of the General Accounting Office reports released in October 1982; to the Committee on Governmental Affairs.

EC-4514. A communication from the Administrator of the Agency for International Development transmitting, pursuant to law, the semiannual report of the Agency's Inspector General; to the Committee on Governmental Affairs.

EC-4515. A communication from the Assistant Secretary of Housing and Urban Development for Administration transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-4516. A communication from the Chairman of the Federal Labor Relations Authority transmitting, pursuant to law, a report of the Authority on its implementation of the Government in the Sunshine Act for calendar year 1981; to the Committee on Governmental Affairs.

EC-4517. A communication from the Chairman of the Federal Labor Relations

Authority transmitting, pursuant to law, a report on the implementation of the Government in the Sunshine Act for calendar year 1980; to the Commitee on Governmental Affairs.

EC-4518. A communication from the Special Counsel of the U.S. Merit Systems Protection Board transmitting, pursuant to law, the annual report of the Special Counsel for calendar year 1981; to the Committee on Governmental Affairs.

EC-4519. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Inadequate Internal Controls Affect Quality and Reliability of the Civil Service Retirement System's Annual Report"; to the Committee on Governmental Affairs.

EC-4520. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of D.C. Initiative Measure No. 9; to the Committee on Governmental Affairs.

EC-4521. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of D.C. Act 4-245; to the Committee on Governmental Affairs.

EC-4522. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of D.C. Act 4-243; to the Committee on Governmental Affairs.

EC-4523. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of D.C. Act 4-244; to the Committee on Governmental Affairs.

EC-4524. A communication from the Secretary to the District of Columbia Council transmitting, pursuant to law, a copy of D.C. Resolution 4-638; to the Committee on Governmental Affairs.

EC-4525. A communication from the Secretary to the District of Columbia Council transmitting, pursuant to law, a copy of D.C. Resolution 4-633; to the Committee on Governmental Affairs.

EC-4526. A communication from the District of Columbia Auditor transmitting, pursuant to law, a followup audit report on the Board of Election and Ethics; to the Committee on Governmental Affairs.

EC-4527. A communication from the District of Columbia Auditor transmitting, pursuant to law, a report entitled "Collection of Outstanding Ticket Fines for Low Numbered Plates 1-1250"; to the Committee on Governmental Affairs.

EC-4528. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of D.C. Act 4-241; to the Committee on Governmental Affairs.

EC-4529. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of D.C. Act 4-242; to the Committee on Governmental Affairs.

EC-4530. A communication from the District of Columbia Auditor transmitting, pursuant to law, a report on the University of the District of Columbia Athletic Department; to the Committee on Governmental Affairs.

EC-4531. A communication from the Secretary of the U.S. Postal Rate Commission transmitting, pursuant to law, a report on a decision to provide uniform parcel size and weight limitations; to the Committee on Governmental Affairs.

EC-4532. A communication from the Assistant Secretary-Treasurer, Seventh Farm Credit District transmitting, pursuant to law, a report on the retirement plan for employees of the district; to the Committee on Governmental Affairs.

EC-4533. A communication from the Assistant vice president and director of human resources of the Farm Credit Banks of Springfield transmitting, pursuant to law, the annual report on the group retirement plan for the first farm credit district; to the Committee on Governmental Affairs.

EC-4534. A communication from the plan administrator, Eighth Farm Credit District employee benefit trust, transmitting, pursuant to law, the report from the Farm Credit Banks of Omaha; to the Committee on Governmental Affairs.

EC-4535. A communication from the Secretary of the U.S. Postal Rate Commission transmitting, pursuant to law, notice of proposed rulemaking; to the Committee on Governmental Affairs.

EC-4536. A communication from the Acting Assistant Secretary of the Interior for Indian Affairs transmitting, pursuant to law, a proposed plan for the distribution of Maricopa Ak-Chin Indian judgment funds; to the Select Committee on Indian Affairs.

EC-4537. A communication from the Governors of Maryland and Pennsylvania transmitting, pursuant to law, a copy of the Interstate Emergency Management and Civil Defense Compact entered into by the State of Maryland and the State of Pennsylvania; to the Committee on the Judiciary.

EC-4538. A communication from the Secretary of Labor transmitting, pursuant to law, the annual report of the Department of Labor under the Freedom of Information Act; to the Committee on the Judiciary.

EC-4539. A communication from the Attorney General of the United States transmitting, pursuant to law, a report on the implementation of the Parental Kidnapping Prevention Act; to the Committee on the Judiciary.

EC-4540. A communication from the Acting Comptroller General of the United States transmitting, pursuant to law, a report entitled "Comprehensive Approach Needed To Help Control Prescription Drug Abuse"; to the Committee on the Judiciary.

EC-4541. A communication from the Attorney General of the United States transmitting, pursuant to law, a report on the administration of the Foreign Agents Registration Act; to the Committee on the Judiciary.

EC-4542. A communication from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, a report on orders suspending certain deportations under section 244(a)(1) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-4543. A communication from the Secretary of Education transmitting, pursuant to law, a report on certain waivers of eligibility requirements under the Higher Education Act for certain institutions; to the Committee on Labor and Human Resources.

EC-4544. A communication from the Executive Director of the Intergovernmental Advisory Council on Education transmitting, pursuant to law, a report on the activities of the Council from September 1980 through September 1982; to the Committee on Labor and Human Resources.

EC-4546. A communication from the Director of ACTION transmitting, pursuant to law, a report on the financial notice of guidelines for the fixed income consumer counseling program; to the Committee on Labor and Human Resources.

EC-4547. A communication from the Secretary of Labor transmitting, pursuant to law, the ERISA annual report for 1981; to the Committee on Labor and Human Resources.

EC-4548. A communication from the Secretary of the Treasury transmitting, pursuant to law, the annual audit for calendar year 1981 of the Student Loan Marketing Association; to the Committee on Labor and Human Resources.

EC-4549. A communication from the Acting Director of the National Institution of Education transmitting, pursuant to law, the Sixth Annual Report of the Institute; to the Committee on Labor and Human Resources.

EC-4550. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the report on financial disclosure of federally qualified health maintenance organizations; to the Committee on Labor and Human Resources.

EC-4551. A communication from the Chairman of the National Mediation Board transmitting, pursuant to law, the annual report of the National Mediation Board including the report of the National Railroad Adjustment Board; to the Committee on Labor and Human Resources.

EC-4552. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for chapter 1 of the Education Consolidation and Improvement Act; to the Committee on Labor and Human Resources.

EC-4553. A communication from the Executive Secretary of the Office of the Secretary of Defense transmitting, pursuant to law, the report of the Department on its procurement from small and other business firms for October 1981 through August 1982; to the Committee on Small Business.

EC-4554. A communication from the Executive Secretary of the Office of the Secretary of Defense transmitting, pursuant to law, the report on procurement from small and other business firms for October 1981 through July 1982; to the Committee on Small Business.

EC-4555. A communication from the Secretary of Commerce transmitting, pursuant to law, a report on the status of the small business export development assistance program; to the Committee on Small Business.

EC-4556. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Proposals for Minimizing the Impact of the 8(a) Program on Defense Procurement"; to the Committee on Small Business.

EC-4557. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "VA's Agent Orange Examination Program: Actions Needed to More Effectively Address Veterans' Health Concerns"; to the Committee on Veterans' Affairs.

EC-4558. A communication from the Chairman of the Board of the U.S. Synthetic Fuels Corporation, transmitting, pursuant to law, the quarterly report of the Corporation for the period ending June 30, 1982; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2469. A bill to amend the Communications Act of 1934 to provide for improved international telecommunications, and for other purposes (with additional views) (Rept. No. 97-669).

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 474. A resolution waiving section 402(c) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2411.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 3045. A bill to amend the Internal Revenue Code of 1954 to allow home equity conversions through sale-leaseback arrangements; to the Committee on Finance.

By Mr. PERCY:

S. 3046. A bill for the relief of Mrs. Spyros Agriopoulos; to the Committee on the Judiciary.

By Mr. KASTEN:

S. 3047. A bill to repeal the withholding of tax from interest and dividends and to require statements to be filed by the taxpayer with respect to interest, dividends, and patronage dividends; to the Committee on Finance.

By Mr. THURMOND (for himself, Mr. EAST and Mr. BIDEN):

S. 3048. A bill to amend Title 18, United States Code, to combat, deter, and punish individuals who adulterate or otherwise tamper with food, drug, cosmetic and other products with intent to cause personal injury, death, or other harm; to the Committee on the Judiciary.

By Mr. MATTINGLY:

S. 3049. A bill to authorize the Secretary of Agriculture to make available stocks of corn of the Commodity Credit Corporation to poultry and egg producers in the United States in order to encourage the development of export markets for poultry; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HELMS (for himself and Mr. THURMOND):

S. 3050. A bill to limit the use of appropriated funds to increase the pay of Members of Congress, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SASSER:

S. 3051. A bill for the relief of John Smitherman; to the Committee on the Judiciary.

By Mr. PERCY (by request):

S. 3052. A bill to amend the Board for International Broadcasting Act of 1973 to authorize an amended appropriation for fiscal year 1983; to the Committee on Foreign Relations.

By Mr. D'AMATO (for himself, Mr. MURKOWSKI, Mr. BAUCUS, Mr. MOYNIHAN, Mr. HEFLIN, Mr. KASTEN, Mr. SASSER, Mr. PROXMIRE, Mr. THURMOND, Mr. BOREN, and Mr. PRESSLER):

S. 3053. A bill to amend the Agriculture Act of 1949 to modify the dairy price support program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. KASSEBAUM:

S. 3054. A bill to amend the Natural Gas Policy Act of 1978, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MURKOWSKI:

S. Res. 497. A resolution relating to the crisis in Poland and the imprisonment of Polish patriot Lech Walesa; to the Committee on the Judiciary.

By Mr. ROBERT C. BYRD:

S. Con. Res. 128. A concurrent resolution relating to monetary policy; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 3045. A bill to amend the Internal Revenue Code of 1954 to allow home equity conversions through sale-leaseback arrangements; to the Committee on Finance.

(The remarks of Mr. SPECTER on this legislation appear earlier in today's RECORD.)

By Mr. THURMOND (for himself, Mr. EAST, and Mr. BIDEN):

S. 3048. A bill to amend title 18, United States Code, to combat, deter, and punish individuals who adulterate or otherwise tamper with food, drug, cosmetic, and other products with intent to cause personal injury, death, or other harm; to the Committee on the Judiciary.

FEDERAL ANTI-TAMPERING ACT

Mr. THURMOND. Mr. President, recently the people of this country have been terrorized by a series of events so reprehensible that most of us would not have thought them possible in this country. This reign of terror began in Chicago, where one or more persons, still unknown, inserted cyanide in capsules of Tylenol, which were then sold to unsuspecting customers of a local drug store. As we all know, several deaths resulted from these poisoned capsules, including three people from a single family. No sooner had accounts of these deaths appeared in the news media, than copycat crimes began to occur in other parts of the country, with other products, such as eyedrops, being adulterated so as to cause harm to unsuspecting customers. The fear that any product, no matter how innocent, might pose a threat of death became so widespread that many parents throughout the country refused to permit their children to go trick or treating on Halloween.

Mr. President, I can think of few things more despicable than the types of actions I have described. To poison capsules of headache remedies or to substitute acid for eyedrops and then return these items to a drug store shelf, not caring who will purchase them or whether those purchasers will be seriously injured or even killed is almost incomprehensible in its viciousness and callous disregard of human life.

For this reason, Mr. President, I am today introducing legislation that will make such activity a crime punishable by up to life in prison if death or personal injury occurs as a result of it and by a maximum of up to 20 years in prison where no such injury results. These penalties will apply not only where the intent of the perpetrator is to actually cause harm to another but also where his intention in committing such acts is to damage the reputation of another's business. In other words, the perpetrator of such an act will not be allowed to escape penalty by pleading that he did not really want to hurt anyone. Regardless of the intent, the conduct this bill would address is so malicious as to merit this type of punishment.

It should be noted that this bill will encourage the use of Federal investigative resources to discover and apprehend those who commit these acts in appropriate circumstances. Although it appears not to have been the case with respect to the Tylenol deaths in Chicago, it is easy to imagine a situation where a product is poisoned in one State and shipped into another, where an injury or death then occurs. In such an instance, the State where the victim resides would be limited in its investigative capability by the confines of its borders and investigative assistance at the Federal level is appropriate.

Mr. President, it is my hope that this bill will serve as a vehicle through which the Senate can consider an extremely serious problem that now confronts us and devise an appropriate remedy for it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3048

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Anti-Tampering Act."

SEC. 2. Title 18, United States Code, is amended by adding the following new chapter:

"Chapter 56—ADULTERATION

"§ 1211. Malicious Injury by Adulterating a Product

"(a) Whoever, with intent to injure, kill, or endanger the health or safety of any person, or with intent to cause damage or injury to the business reputation of an individual, partnership, corporation, association, or other business entity (1) does any act which results in a food, drug, device, or cosmetic being adulterated or attempts to do any such act or (2) tampers or attempts to tamper with any hazardous substance or any other article, product, or commodity of any kind or class which is produced or distributed for consumption by individuals or

use by individuals for purposes of personal care or in the performance of services rendered within the household, if such act of adulteration or tampering occurs before the food, drug, device, cosmetic, hazardous substance or other article, product or commodity is introduced or delivered for introduction into interstate commerce, while such item is in interstate commerce, while such item is held for sale (whether or not the first sale) after shipment in interstate commerce or if such act of adulteration or tampering otherwise affects interstate commerce, shall be punished by imprisonment for not more than twenty years or fined not more than $20,000, or both, or, if personal injury or death results to another, by imprisonment for any term of years or for life.

"(b) Whoever, with willful and malicious intent, imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would constitute a violation of subsection (a) shall be punished by imprisonment for not more than twenty years or fined not more than $20,000, or both, or, if personal injury or death results to another, by imprisonment for any terms of years or for life.

"(c) As used in subsection (a), 'food,' 'drug,' 'device,' 'cosmetic,' and 'adulterated' shall have the meanings ascribed to those terms in the Federal Food, Drug, and Cosmetic Act, as amended, 21 U.S.C. 301-392; 'hazardous substance' shall have the meaning ascribed to that term in the Federal Hazardous Substances Act, 15 U.S.C. 1261(f)."

SEC. 3. If any provision of this Act is held invalid, all valid provisions that are severable shall remain in effect. If a provision of this act is held invalid in one or more of its applications, the provision shall remain in effect in all of its valid applications that are severable.

SEC. 4. The analysis of Part I of Title 18, United States Code, is amended by adding the following:

"56. Adulteration ..... 1211"

By Mr. MATTINGLY:

S. 3049. A bill to authorize the Secretary of Agriculture to make available stocks of corn of the Commodity Credit Corporation to poultry and egg producers in the United States in order to encourage the development of export markets for poultry; to the Committee on Agriculture, Nutrition, and Forestry.

(The remarks of Mr. MATTINGLY on this legislation appear earlier in today's RECORD.)

By Mr. HELMS (for himself and Mr. THURMOND):

S. 3050. A bill to limit the use of appropriated funds to increase the pay of Members of Congress, and for other purposes to the Committee on Governmental Affairs.

PAY INCREASES FOR MEMBERS OF CONGRESS

Mr. HELMS. Mr. President, today I am introducing legislation to require an affirmative vote of Congress before Members of Congress receive any increase in pay, benefits, or other emoluments.

I have always objected to the process by which Members of Congress are eligible to receive annual salary increases without voting for them. This backdoor pay raise system is repugnant to most Americans, and properly so. Moreover, Mr. President, I am persuaded that the credibility of Congress is at stake.

Mr. President, how did this process evolve and why? I think the answer is obvious. Certain Members of Congress, somewhere back in the eons of time, wanted to guarantee themselves a pay raise without having to face the voters after the fact. So they created the present system. The salaries of Members of Congress are tied to the salaries of white-collar Federal employees. Members of Congress and white-collar Federal employees receive an automatic raise each year—unless Congress blocks the raise. Here is how the system works:

Federal law—the Pay Comparability Act—requires the salaries of white-collar Federal employees, and thus Members of Congress, to be adjusted to achieve comparability with the wages paid persons performing comparable jobs in the private sector. The President's pay advisers are required to report to the President the pay raise necessary to achieve comparability. This year, for example, the pay advisers set that figure at 18.47 percent.

Now, Mr. President, is there any wonder that there is growing cynicism across America about things going on in Washington, D.C.?

Mr. President, this recommendation takes effect automatically unless the President recommends a lower figure. Congress can accept that figure by doing nothing or veto it, in which case the pay advisers' recommendation will take effect.

A pay increase for Members of Congress is perhaps the most controversial issue to come before the Congress since I came to the Senate in 1973. The vast majority of those who are taxed to pay the salaries of Members of Congress make nowhere near as much money as a Member of Congress.

As of now the legal rate of pay for Members of Congress is $74,300 per year, but because the pay cap is in effect the present salary of a Senator or Representative is $60,667.50. But if the pay cap comes off, up go the salaries, automatically, to $74,300.

Mr. President, if Members of Congress are willing to vote themselves a raise, fine. I will not vote with them, but they have a right to do so if they choose. What is unconscionable, however, is that Members could receive a hefty pay raise without voting for it.

I propose to do whatever I can to change this system, Mr. President, and I urge my colleagues to support my legislation, whether it be in the form of a freestanding bill or as an amendment to other legislation.

Mr. President, I ask that the bill be appropriately referred, and that it be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3050

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law—

(1) no appropriated funds shall be obligated or expended to increase the pay, rate of compensation, or other emoluments of any Member of Congress unless the increase is previously authorized by a law setting forth specifically the precise amount of such increase; and

(2) in no event shall any such increase take effect for the Congress authorizing the increase.

By Mr. PERCY (by request):

S. 3052. A bill to amend the Board for International Broadcasting Act of 1973 to authorize an amended appropriation for fiscal year 1983; to the Committee on Foreign Relations.

BOARD FOR INTERNATIONAL BROADCASTING AUTHORIZATION ACT, FISCAL YEARS 1982 AND 1983

● Mr. PERCY. Mr. President, by request, I introduce for appropriate reference a bill to amend the Board for International Broadcasting Act of 1973.

This legislation has been requested by the BIB and I am introducing the proposed legislation in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Chairman of the Board for International Broadcasting to the President of the Senate dated November 23, 1982.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3052

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Board for International Broadcasting Authorization Act, Fiscal Years 1982 and 1983".

AUTHORIZATION OF APPROPRIATIONS

SEC. 1. Subparagraph A of section 8(a)(1) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877(a)(1)(A)) is amended by striking after "and" "$98,317,000" and inserting in lieu thereof "$111,600,000".

BOARD FOR INTERNATIONAL BROADCASTING,
Washington, D.C., November 23, 2982.

Hon. GEORGE BUSH,
President of the Senate,
U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: On November 4 the President sent a letter to you asking the Congress to consider an amended appropriation request for the Board for International Broadcasting (BIB) in the amount of $21.3 million for fiscal year 1983.

This request exceeds the current fiscal year 1983 authorization by $13,283,000. I therefore ask the Congress to increase the BIB authorization to $111.6 million. There is transmitted herewith proposed legislation to make the required amendment to the BIB Act of 1973 which would authorize the $21.3 million appropriation request.

A sectional analysis of the proposed legislation is also enclosed.

The Office of Management and Budget has advised the BIB that there is no objection to the presentation of this proposal to the Congress and that its enactment would be in accord with the program of the President.

Respectfully,
FRANK SHAKESPEARE, *Chairman.*

Enclosure.

SECTIONAL ANALYSIS

Section 1. This paragraph authorizes an amended appropriation of funds to the Board for International Broadcasting for improvements in the programs and facilities of Radio Free Europe/Radio Liberty, Inc. in fiscal year 1983.●

By Mr. D'AMATO (for himself, Mr. MURKOWSKI, Mr. BAUCUS, Mr. MOYNIHAN, Mr. HEFLIN, Mr. KASTEN, Mr. SASSER, Mr. PROXMIRE, Mr. THURMOND, Mr. BOREN, and Mr. PRESSLER):

S. 3053. A bill to amend the Agricultural Act of 1949 to modify the dairy price support program; to the Committee on Agriculture, Nutrition, and Forestry.

MODIFICATION OF DAIRY PRICE SUPPORT PROGRAM

● Mr. D'AMATO. Mr. President, today I am introducing legislation which would repeal the Secretary of Agriculture's authority to deduct 50 cents from the hundredweight of milk marketed commercially by producers. Scheduled to begin on December 1, 1982. This bill would also repeal the Secretary's authority to impose a second 50-cent assessment on April 1, 1983, should the Commodity Credit Corporation (CCC) projected purchases exceed 7.5 billion pounds of milk equivalent for the current marketing year. Such authority was granted to the Secretary in the Omnibus Reconciliation Act of 1982, which became Public Law 97-253 on September 8, 1982.

Mr. President, we are all well aware that the costs to the Federal Government of the dairy support program have escalated substantially in recent years. Although there is unanimous agreement amongst all concerned parties that the program is in dire need of comprehensive revision, the 97th Congress has been stymied in its attempts to formulate workable alternatives to the current system. Under the pressures of the budget process a frustrated Congress hastily devised the 50-cent deduction in a well-intentioned effort to curb the runaway costs of the dairy support program. Since enactment of the reconciliation bill, everyone agrees that the 50-cent assessment is a glaring mistake which only exacerbates the fundamental problems inherent in the price support program leaving future Congresses with bigger problems which sooner or later must be confronted. Just today, it was reported in the Washington Post that 50,000 dairy farmers are "curdingly mad at Secretary Block." Notwithstanding that the comments recorded at the Agriculture Department are running 50,000 to 20 in opposition, the Secretary is planning to begin collecting this fee on Wednesday.

The foremost problem facing this country's dairy industry is surplus dairy products that are piling higher and higher in Government warehouses at an enormous expense to the American taxpayer. As the dairy support program is currently constituted, it has become profitable for dairy farmers to produce with the sole intention of selling their products to the Federal Government. More than $3 billion of surplus butter, cheese, and dry milk purchased by the CCC is presently kept in Federal storage facilities at a cost of more than $100 million per year.

Instead of solving the surplus problem the 50-cent assessment will only compound it. It is reported from around the country that dairy farmers are increasing their production in order to meet their current costs in light of the new 50-cent deduction. Such a reaction will increase the quantity of surplus which the Government must purchase under the current program. In fact, the deduction will only curtail production by forcing the young and efficient farmers out of business due to their inability to meet heavy debt commitments at exorbitant interest rates.

Additionally, the 50-cent deduction will not result in lower prices for dairy products in the commercial market. With prices remaining at current levels, no incentive will be provided to American consumers to purchase more dairy products, which would alleviate the multiplying accumulation of Government surplus.

It would seem that any logically formulated revision of the support program would have as its highest priorities the removal of existing surplus held by the Government and, more importantly, the trimming of future surplus production. The 50-cent deduction, however, would not accomplish either of these two goals.

There is virtually unanimous agreement that the dairy support program is a complex problem that requires further study in order for a workable and lasting solution to be formulated. Indeed, such a study was mandated by Congress in the Agriculture and Food Act of 1981 (Public Law 97-98). Therein, Congress requested a report from the Secretary of Agriculture "describing the strengths and weaknesses of existing Federal programs, and the consequences of possible new programs, for controlling * * * surpluses of fluid milk and products thereof." The Secretary is expected to release interim results of the study by December 31, 1982.

I am confident that the findings of the Secretary will shed new light on the dairy support program giving the 98th Congress an improved informational base with which it can effectively confront the program's fundamental problems. More immediately, however, I believe the 50-cent deduction is a hastily considered compromise which will have unintended an untoward effects on the dairy industry.

Thus, in proposing to repeal the Secretary's authority to implement this assessment, this bill offers the 97th Congress the opportunity to correct this mistake. I urge immediate action by the 98th Congress to work toward a revision of the dairy price support program which will have long-term, positive effects on dairy farmers, consumers, and the Federal budget.

Mr. President, I ask unanimous consent that the test of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3053

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraphs (2) through (7) of section 201(d) of the Agricultural Act of 1949 (7 U.S.C. 1446(d) (2) through (7)), as amended by section 101(2) of the Omnibus Budget Reconciliation Act of 1982, are repealed.

(b) Section 201(d) of such Act, as amended by subsection (a), is amended—

(1) by striking out "(A)"; and

(2) by redesignating subparagraphs (B) and (C) as paragraphs (2) and (3), respectively.●

By Mrs. KASSEBAUM:

S. 3054. A bill to amend the Natural Gas Policy Act of 1978, and for other purposes; to the Committee on Energy and Natural Resources.

AMENDMENT OF NATURAL GAS POLICY ACT

Mrs. KASSEBAUM. Mr. President, today I am offering legislation aimed at alleviating a problem which is approaching crisis proportions for large segments of our population, that of spiraling natural gas prices. Prices that consumers must pay to heat their homes have already risen to such

levels that many people, even with careful budgeting, are unable to meet their monthly gas bills. Large numbers of commercial users are finding the price of gas so high that they are switching to alternate fuels, further increasing the costs to residential users. It is clear that something must be done.

These high natural gas prices cannot be justified by current market conditions. The natural gas market today is a distorted, inefficient allocator of our energy resources. One simple, stark fact is sufficient to establish the existence of this distorted market—the price is increasing for a commodity of which we have a surplus. It is simply unconscionable that natural gas consumers are forced to pay high rates, rapidly increasing, in a time of surplus supplies. We clearly do not need a further increase of rates in order to stimulate production.

In order to arrive at the source of this artificial price inflation, it is necessary to break down the total wellhead price increase. From mid-1981 to mid-1982, the average wellhead price of natural gas rose approximately 17 percent. Some of this increase is attributable to the increased ceiling prices for gas set in the NGPA. According to figures released by the Energy Information Administration, however, more than 75 percent of the increase is due to increasing purchases of high cost, section 107 gas. This trend is strikingly evident in the vast Hugoton gas field in Kansas. There, gas with an average price of $0.50 per Mcf is being shut-in in preference to supplies ranging from $6 to $9 per Mcf.

The pervasive existence of take-or-pay obligations requiring payment for gas whether it is taken or not is largely responsible for this seemingly irrational behavior of the natural gas market. High take-or-pay percentages based on open-well deliverability have so restricted the natural gas market that it cannot respond in a rational manner to changes in demand. Coupled with the mechanism of the purchased gas adjustment, these take-or-pay obligations lead to the abandonment of low-cost sources of gas first in a period of slackening demand.

My legislation attacks the problem of take-or-pay obligations by specifically granting FERC the authority to modify these obligations in cases where they are found to materially restrict the ability of a pipeline to purchase available supplies of low cost gas. My bill also adds imprudence to the list of factors contained in section 601 of the NGPA which permits FERC to disallow the passthrough of purchased gas costs.

To help insure that pipelines have sufficient incentive to purchase lower cost gas, my legislation requires FERC to apply an incentive rate-of-return procedure in pipeline cases. The goal of such a device will be to encourage a pipeline to contract for the maximum amount of low cost gas which is consistent with that pipeline's long-term supply and demand posture and its physical characteristics.

In addition to dealing with the take-of-pay contract situation, my bill freezes the wellhead ceiling prices set by the NGPA at their October 1, 1982, levels for a 2-year period. Gas which currently has no ceiling price specified for it and which is produced from a well the surface drilling of which began after October 1, 1982, would remain free of any price restriction. I believe that this freeze is necessary to give my other proposals an opportunity to work. It is my hope that at the end of the 2-year freeze, the action of moderating the operation of the onerous take-or-pay requirements will have obviated the need for the freeze.

In the final analysis, it matters very little who is to blame for the current spiraling gas costs. What is important is that we return to the goal that led to the enactment of the NGPA in the first place: Provide adequate supplies of natural gas at prices consumers can afford. It has become increasingly clear in the last few weeks that we have failed to achieve that goal. Congress must not turn its back on the people who bear the consequences of a gas market gone awry. We must take decisive action to set us back on the road to a rational natural gas policy and away from dependence on imported oil. I welcome the support of my colleagues in my attempt to restore some measure of sanity to the natural gas marketplace.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3054

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subtitle A of title I of the Natural Gas Policy Act of 1978 is amended by adding at the end thereof the following:

"Sec. 111. Price freeze on natural gas.

"(a) PRICE FREEZE.—Notwithstanding any other provision of law, the maximum lawful price applicable to any first sale of any natural gas in effect on October 1, 1982, shall continue to be the maximum lawful price applicable to such sale for the period starting October 1, 1982, through January 1, 1985. Any first sale of natural gas which has a price lower than the applicable maximum lawful price on October 1, 1982, may increase by the lesser of (i) the rate provided in the contract for such sale, or (ii) the annual inflation adjustment factor as determined in section 101(a)(1); but increases permitted hereunder may not cause the first sale price to exceed the applicable maximum lawful price in effect on October 1, 1982, during the freeze period.

"(b) PRICE FREEZE ON NATURAL GAS NOT COVERED BY WELLHEAD PRICE CONTROLS.—Notwithstanding any other provision of law, the maximum lawful price for the period commencing October 1, 1982, and ending January 1, 1985, for any first sale of natural gas from a well the surface drilling of which began by October 1, 1982, and for which there was no applicable maximum lawful price on October 1, 1982 under this title, shall be the contract price specified for deliveries of such natural gas on October 1, 1982, or if there was no contract price specified for deliveries of such natural gas on such date, the maximum lawful price shall be the average of the prices paid on October 1, 1982, for the same category of natural gas from the three nearest wells by surface location.

"(c) EXPIRATION OF PRICE FREEZE.—Following the expiration of the price freeze imposed by this section, the maximum lawful price for any first sale of natural gas for which a ceiling price is specified on October 1, 1982, shall increase from the October 1, 1982, level at the rate specified by this Act for that category of natural gas.".

(b) The table of contents for subtitle A of title I of the Natural Gas Policy Act of 1978 is amended by adding at the end thereof the following:

"Section 111. Price freeze on natural gas.".

Sec. 2. (a) Section 121 of subtitle B of title I of the Natural Gas Policy Act of 1978 is amended—

(1) in the matter before clause (1) of subsection (a) by striking out "January 1, 1985" and inserting in lieu thereof "January 1, 1987"; and

(2) in subsection (c), by striking out "July 1, 1987" and inserting in lieu thereof "July 1, 1989".

(b) Section 122 of such Act is amended—

(1) by striking out subsection (b)(1) and inserting in lieu thereof the following:

"(1) may not take effect earlier than July 1, 1987, nor later than June 30, 1989; and"; and

(2) in subsection (c), by striking out "May 31, 1985" both places it appears and inserting in lieu thereof "May 31, 1987".

(c) Section 123(a) of such Act is amended by striking out "On or before January 1, 1984, and on or before January 1, 1985," and inserting in lieu thereof "On or before January 1, 1986, and on or before January 1, 1987,".

Sec. 3. (a) Subsection (c)(2) of section 601 of title VI of the Natural Gas Policy Act of 1978 is amended (1) by inserting "imprudence," immediately after "abuse," and (2) by adding the following new paragraph:

"(3) Whenever the Commission, after a hearing had upon its own motion or upon petition of any party, shall find that any gas sales or purchase contract contains a provision which the Commission determines prevents the purchaser from responding to the demands of customers or other market forces by requiring the purchaser to pay for a minimum contract quantity of gas whether or not such gas is taken, the Commission shall have the authority to take such appropriate action as it may deem necessary including the rescission, annulment, or modification of such contract provision.".

(b) The Federal Energy Regulatory Commission shall take such action as may be necessary, within the 90-day period following the date of the enactment of this Act, to devise and put into effect an incentive procedure for determining the appropriate rate of return that a pipeline company may earn under section 4 of the Natural Gas Act. The purpose of this procedure shall be to stimulate the purchase of the maximum amount

of lower-cost gas which is consistent with gas availability and the need for a steady supply.

ADDITIONAL COSPONSORS

S. 1581

At the request of Mr. JEPSEN, the name of the Senator from California (Mr. HAYAKAWA) was added as a cosponsor of S. 1581, a bill to amend the Internal Revenue Code of 1954 to allow the taxpayer the choice of a tax credit or a deduction for each household which includes a dependent person who is at least 65 years old.

S. 1939

At the request of Mr. GOLDWATER, the names of the Senator from Maine (Mr. MITCHELL), the Senator from Wyoming (Mr. SIMPSON), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Texas (Mr. BENTSEN), the Senator from New Hampshire (Mr. HUMPHREY), and the Senator from Minnesota (Mr. DURENBERGER) were added as cosponsors of S. 1939, a bill to amend the Public Health Service Act to establish a National Institute on Arthritis and Musculoskeletal Diseases.

S. 1956

At the request of Mr. THURMOND, the name of the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of S. 1956, a bill to amend title 38, United States Code, to authorize reimbursement for the reasonable charge for chiropractic services provided to certain veterans.

S. 2061

At the request of Mr. MOYNIHAN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2061, a bill to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public and Indian lands, and for other purposes.

S. 2300

At the request of Mr. RIEGLE, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 2300, a bill to establish domestic content requirements for motor vehicles sold in the United States, and for other purposes.

S. 2804

At the request of Mr. PELL, the name of the Senator from Nevada (Mr. CANNON) was added as a cosponsor of S. 2804, a bill to authorize the Secretary of Education to provide financial assistance to States for use in expanding educational programs in juvenile and adult correctional institutions to assist in the rehabilitation of criminal offenders, and for other purposes.

S. 2919

At the request of Mr. LUGAR, the names of the Senator from New Jersey (Mr. BRADLEY), and the Senator from Ohio (Mr. GLENN) were added as cosponsors of S. 2919, a bill to help insure the Nation's independent factual knowledge of Soviet-bloc countries, to help maintain the national capability for advanced research and training on which that knowledge depends, and to provide partial financial support for national programs to serve both purposes.

S. 2953

At the request of Mr. PELL, the names of the Senator from Hawaii (Mr. INOUYE), and the Senator from Connecticut (Mr. WEICKER) were added as cosponsors of S. 2953, a bill to provide for a program of financial assistance to States in order to strengthen instruction in mathematics, science, computer education, foreign languages, and vocational education, and for other purposes.

S. 2954

At the request of Mr. PELL, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2954, a bill to amend part E of the Higher Education Act of 1965 to provide cancellation of loans for certain teachers who enter the teaching profession in the field of mathematics, science, or computer education.

SENATE JOINT RESOLUTION 222

At the request of Mr. WEICKER, the names of the Senator from New Jersey (Mr. BRADLEY), the Senator from Florida (Mr. CHILES), and the Senator from Alabama (Mr. HEFLIN) were added as cosponsors of Senate Joint Resolution 222, a joint resolution to designate the week of February 13 through February 19, 1983, as "National Police Athletic League Week."

SENATE JOINT RESOLUTION 254

At the request of Mr. JEPSEN, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Montana (Mr. BAUCUS), the Senator from Indiana (Mr. LUGAR), the Senator from Illinois (Mr. PERCY), the Senator from Georgia (Mr. MATTINGLY), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Arizona (Mr. DECONCINI), the Senator from Texas (Mr. TOWER), and the Senator from New York (Mr. D'AMATO) were added as cosponsors of Senate Joint Resolution 254, a joint resolution designating September 22, 1983, as "American Business Women's Day."

SENATE JOINT RESOLUTION 255

At the request of Mr. HEFLIN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of Senate Joint Resolution 255, a joint resolution to designate the week of October 10, 1982, through October 16, 1982, as "Freedom Week U.S.A."

SENATE JOINT RESOLUTION 258

At the request of Mr. WEICKER, the names of the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. COCHRAN), the Senator from New York (Mr. D'AMATO), the Senator from Arizona (Mr. DECONCINI), the Senator from Illinois (Mr. DIXON), the Senator from Kansas (Mr. DOLE), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Washington (Mr. GORTON), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. HAYAKAWA), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Wisconsin (Mr. KASTEN), the Senator from Vermont (Mr. LEAHY), the Senator from Indiana (Mr. LUGAR), the Senator from Maryland (Mr. MATHIAS), the Senator from Ohio (Mr. METZENBAUM), the Senator from Georgia (Mr. NUNN), the Senator from Illinois (Mr. PERCY), and the Senator from Michigan (Mr. RIEGLE) were added as cosponsors of Senate Joint Resolution 258, a joint resolution to authorize and request the President to designate the month of December 1982 as "National Close-Captioned Television Month."

SENATE CONCURRENT RESOLUTION 124

At the request of Mr. SASSER, the names of the Senator from South Dakota (Mr. PRESSLER), and the Senator from Iowa (Mr. JEPSEN) were added as cosponsors of Senate Concurrent Resolution 124, a concurrent resolution concerning the administration's study of hydroelectric power.

SENATE CONCURRENT RESOLUTION 128—CONCURRENT RESOLUTION RELATING TO MONETARY POLICY

Mr. ROBERT C. BYRD submitted the following concurrent resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. CON. RES. 128

Whereas the Nation's economy is entering the seventeenth month of a severe recession, with few signs of recovery;

Whereas nearly twenty million people are underempioyed or unemployed due to this recession;

Whereas our Nation's steel, auto, housing industries, and agricultural sector remain mired in a depression;

Whereas given the current underutilization of both labor and capital, lower interest rates will not rekindle inflation; and

Whereas lower interest rates are the key to higher employment, higher production and sustained economic growth: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), The Board of Governors of the Federal Reserve and the Federal Open Market Committee should take such actions as are necessary to achieve and maintain a level of interest rates low enough to generate significant economic growth and thereby reduce the current intolerable level of unemployment.

SENATE RESOLUTION 497—RESOLUTION RELATING TO POLISH SOLIDARITY

Mr. MURKOWSKI submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 497

Whereas the American people and the people of Poland share a close and lasting friendship which is founded upon an unfaltering respect for freedom; and,

Whereas the imposition of martial law and the eradication of the Polish worker's chosen trade union Solidarity represent grave abridgements of the civil rights and personal liberties of the Polish people; and,

Whereas a military government has engaged in a systematic and brutal supression of human freedoms in Poland since December 13, 1981; and,

Whereas the people's chosen trade union representative, Lech Walesa, was imprisoned for several months and deprived of the voice of leadership democratically conferred upon him by the Polish people; and,

Whereas the martial law regime continues in Poland to engage in acts of violence and repression against its own citizens in contravention of the indomitable right of the Polish people to determine their own future:

Now, therefore, be it

Resolved, That it is the sense of the United States Senate that:

(1) the Senate fully supports the efforts of the Polish people to secure and express the privileges and immunities of democratic freedom;

(2) the Senate condemns and abhors the suppression of civil liberties and human rights by the martial law government in Poland;

(3) the American people respect and admire the commitment to the ideals of freedom and independence manifested by the Polish people and Mr. Lech Walesa in particular;

(4) the Polish people have an unalienable right to choose their representatives in all matters, free from external influence or coercion;

(5) the President and his advisors should strive to explore possible means of solving the crisis in Poland in concert with America's allies so as to remove the obstacles to the democratization process in Poland;

(6) that December 13, 1982, should be declared Polish Solidarity Day, a day on which all Americans should pause to consider the plight of the Polish people and thereafter reaffirm their commitment to maintaining the dream of freedom, as an expression of solidarity with the Polish people.

Mr. MURKOWSKI. Mr. President, I am submitting today a resolution pertaining to the continuing crisis in Poland. Most Americans are aware that martial law was imposed in Poland late in the evening of December 13, 1981. The 21-member Polish military junta led by General Jaruzelski has, since that date, engaged in a systematic eradication of the precious few civil liberties which the Polish citizens and their chosen trade representative, Solidarity, had previously negotiated. The brief period of democratization which Poland experienced during the months before last December 13 has ended, but must not be forgotten.

The Polish people stand today deprived of basic human rights and freedoms by General Jaruzelski's regime. The swiftness with which the military moved and the severity of the military's response to opposition in Poland were startling. The brutality and oppression which the Polish people have suffered at the hands of their own Communist government should be recognized and remembered by the citizens of all free nations as evidence of the need for unfailing vigilance in defense of democracy.

The purpose of this resolution is to establish December 13, 1982, as "Polish Solidarity Day," a day of national prayer and reflection on which all Americans pause to consider the plight of the Polish people and to reaffirm their commitment to the ideals of freedom and democracy. I hope that through this expression of support and unity, all Americans can symbolically demonstrate to the people of Poland and to the world our commitment to the goal of freedom.

AMENDMENTS SUBMITTED FOR PRINTING

FURTHER CONTINUING APPROPRIATIONS, 1983

AMENDMENT NO. 3639

(Ordered to be printed and to lie on the table.)

Mr. PRESSLER submitted an amendment intended to be proposed by him to a joint resolution to be considered making further continuing appropriations for the fiscal year ending 1983, and for other purposes.

AUTOMATIC PAY RAISE

● Mr. PRESSLER. Mr. President, I send to the desk an amendment that will block the automatic pay raise Congress would otherwise receive December 17, 1982, on the expiration of the current continuing resolution.

My objections to this pay raise are the same as those of almost every other American citizen. Quite simply, it is not right for Congress to increase its salary automatically in light of the hardships many sections of the economy currently are facing.

Some Members of Congress may disagree with me, and say that congressional pay is not high enough. However, there can be no doubt that the method being used to achieve this pay hike is a repeat of past efforts to avoid a direct up-or-down vote on the matter of Senators' and Representatives' salaries.

If a pay raise is needed, then the question should stand alone and not be an amendment to some other legislation. The implementation of a pay raise should not be automatic. These efforts seeking "backdoor" pay raises probably will always fail because a majority of Congress feels as I do—that we should address the question of pay raises openly and honestly.

I ask unanimous consent that the full text of my amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD as follows:

At the appropriate place in the joint resolution, insert the following:

SEC. . (a) For the purposes of this section, the term "Member" means an individual who is a Senator, Member of the House of Representatives, Delegate to the House of Representatives, Resident Commissioner from Puerto Rico, President pro tempore of the Senate, Deputy President pro tempore of the Senate, Majority Leader of the Senate, Minority Leader of the Senate, Majority Leader of the House of Representatives, Minority Leader of the House of Representatives, or Speaker of the House of Representatives.

(b) No part of the funds appropriated for the fiscal year ending September 30, 1983, by this Act or any other Act may be used to pay any Member at an annual rate of pay which exceeds the annual rate (or maximum annual rate, if higher) of pay payable to such Member for September 30, 1982.

(c) For purposes of administering any provisions of law, rule, or regulation which provides retirement, life insurance, or other employee benefit, which requires any deduction or contribution, or which imposes any requirement or limitation, on the basis of a rate of pay, the rate of pay payable after the application of this section shall be treated as the rate of pay.●

COMMITTEE AUTHORITY TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. STEVENS. Madam President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, December 1, at 10 a.m., to hold a hearing to consider the nominations of Donald P. Hodel, of Oregon, to be the Secretary of Energy; and Martha O. Hesse, of Illinois, to be an Assistant Secretary of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Madam President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, December 1, at 2:30 p.m., to hold a secret level consultation to discuss the Guatamala situation.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BAKER (for Mr. MATHIAS). Mr. President, the Committee on Rules

and Administration will hold a meeting on Thursday, December 2, 1982, at 9:30 a.m., in room 301, Russell Senate Office Building, to receive testimony on two measures currently pending before the committee: Senate Concurrent Resolution 32 and House Concurrent Resolution 153, both to authorize a bust or statue of the late Dr. Martin Luther King, Jr., to be placed in the U.S. Capitol.

Senators and Representatives wishing to testify and those wishing to submit a statement for the record should contact Anthony L. Harvey of the Rules Committee staff on 224-9078.

Mr. President, on Wednesday, December 8, 1982, at 10 a.m., in room 301, Russell Senate Office Building, the Committee on Rules and Administration will meet to receive testimony from Senators and from officials of the electronics industry on computer and communication systems and services for the 1980's.

Anyone wishing to testify or to submit a statement for the record should contact John K. Swearingen of the Rules Committee staff on 224-305.

Mr. President, at 9:30 a.m. on Thurday, December 9, 1982, the Committee on Rules and Administration will have a business meeting in room 301, Russell Senate Office Building, to consider legislative and administrative business items currently pending before it.

For further information regarding this meeting, please contact Carole Blessington of the Rules Committee staff on x40278.

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee and the House Small Business Committee will hold a joint hearing on "the Findings of the Securities and Exchange Commission Government-Business Forum on Small Business Capital Formation," on December 1, 1982, in room 2359A of the Rayburn House Office Building, beginning at 2 p.m. Senator D'AMATO and Representative NOWAK will cochair the hearing. For further information, contact Mike Haynes at 224-8487.

Mr. President, I would like to announce that the Senate Small Business Committee will conduct an Oversight hearing on "the Small Business Administration's SBIC Program," December 16, 1982, in room 424 of the Russell Senate Office Building, beginning at 9:30 a.m. For further information, contact Mike Haynes at 224-8487.

ADDITIONAL STATEMENTS

APPOINTMENT OF CALVERT BRAND

● Mr. LUGAR. Mr. President, today I rise to bring to the attention of my colleagues an appointment made by the administration during the recess. I am pleased to inform the Senate that my good friend, Calvert Brand, has been named General Deputy Assistant Secretary for Housing-Federal Housing Commissioner at HUD.

This is an important post with significant responsibility for the quarter-trillion-dollar subsidized housing program and the equally important FHA programs. Fortunately, Cal Brand is a man uniquely qualified for service in this position. His background combines experiences as a businessman, a housing developer, a legislator, and a government executive. One might be able to imagine a background better suited to managing Federal housing policy at such a critical time in our Nation's history but it would not be easy.

Cal Brand is a native of Columbus, Ind., where he has played an important role in the development of that progressive city while building a very successful business in lumber and building materials. However, he is much more than a public spirited businessman.

In 1955, he Began his service as an elected representative, first as a city councilman and then in the Indiana State Legislature. In the legislature, he was chairman of the house budget and ways and means committees.

In 1970, he joined the staff of Gov. Edgar D. Whitcomb, first serving as administrative assistant and then as State budget director. In each of these positions, he had a reputation for integrity, imagination, hard work, and the highest levels of public service.

He began his Federal service last year as a Deputy Assistant Secretary for Policy and Budget at HUD. He has come to Washington at great cost both in the personal sense as well as the financial sense.

Cal Brand does not need this job. He has agreed to help the Reagan administration out of a sense of responsibility and duty. He has the knowledge, experience, and skills needed to administer one of the most difficult Federal agencies during a time of great turmoil. We are fortunate to have him in Government and I am fortunate to have him as a friend.●

DEDICATION OF A VIETNAM WAR MEMORIAL

● Mr. PELL. Mr. President, during the recent congressional recess I had the honor of participating in the dedication of a memorial to those who served and died in the war in Vietnam. This memorial was erected in the village of Harrisville, R.I., under the sponsorship of the Berard-Desjarlais Post of the American Legion. Otis E. Jolly, commander of the post, led the effort to erect the memorial, assisted by Norman H. Manville, town clerk of the town of Burrillville within which the village of Harrisville is located.

Harrisville is the kind of picturesque village we envision when we think of small towns in New England. There are white church steeples, a town common and a dam forming a still pond which reflects the surrounding homes and trees of the close-knit community. It is by that pond on a small patch of grass that Harrisville chose to honor the memory of six young men who left their lives in Rhode Island and lost their lives in Vietnam.

To a town the size of Harrisville, six is an enormous number of deaths. To a community as close as Harrisville, even one is a burden.

Whatever thoughts the individual residents of Harrisville may have about the course of the war in Vietnam, it was evident at this dedication that they are united in honoring the memory of the young men who lost their lives in the service of their country in this conflict. The memorial lists their names: Pfc. James A. Blanchard, Maj. Walter F. DeCorta, Sp. Peter Kapas, Jr., Capt. Edward A. Lapierre, Sgt. Owen S. McCann, and Pfc. Allen B. McCutcheon.

The dedication ceremony included a moving address by State Senator Irene P. Smith, who represents Harrisville in the Rhode Island General Assembly. Senator Smith eloquently expressed the thoughts of many Americans today about the war in Vietnam and about the men and women who fought in it. I ask that the text of her address be printed at this point in the RECORD.

The address follows:

REMARKS BY SENATOR IRENE P. SMITH

"Memory" said Cicero, "is the treasury and guardian of all things." "Praising what is lost," said Shakespeare, "makes the remembrance dear."

We come here today in that spirit. We are gathered to treasure and praise those who have been lost to us, and thereby to make the memory even more meaningful.

The function of this gathering is to renew the memory of the impact on our lives of those whose journey through life preceded ours. We are reminded here of what that journey left behind.

Life is a long highway, with twists and turns to our lives—some get off the highway after only a few miles, and some stay on the highway for many miles. Those we honor here today, journeyed only a few short miles on this road to life.

But, we have not come together here today, however, just to reinforce our individual memories of those so well worth remembering. We came also for a very real purpose of trying to show those nearest and dearest to them that their deep sense of loss is shared—shared by us as individuals, shared by a community.

We hope that in some way, by showing our own sense of loss and fond remembrance, we can help further the sense of a life well lived—a time on Earth well spent—a heritage of lasting meaning.

The Vietnam conflict was different—where WWII brought Americans together—Vietnam divided us;

Where WWII saw young men, some not even old enough, flock to enlist in the

Armed Forces; Vietnam, to a very frightening extent, disaffected a substantial fraction of an entire generation.

The Vietnam conflict prompted riots and even affected elections on March 2, 1973, when the United States, the Viet Cong, the North and South Vietnamese, signed a peace treaty in Paris, that ended so many years of a far off, often questioned war—the end came like a whimper.

Unlike the headlines of the New York Daily News when WWII ended—Peace Breaks Out!!!—a truly appropriate phrase, because peace is precisely that—a breakout, a break away from the grinding horrors of war. In 1945 the bands played, the crowds cheered and the churches of all denominations were packed on that night—celebrations lasted for weeks, and each time one more veteran came home, another parade, another celebration.

When Vietnam was over, it was as though we just turned the television to another channel—for some reason, and it certainly was not done intentionally—we made the Vietnam veteran feel that he had to simply slip quietly back into his own country and back into our lives. It was as though the American public said it is over—now let us get back to something else.

The Vietnam war was different—its conclusions much less definitive than WWII or even Korea, and the homecomings much less triumphant, but the commitment of those who served was no less heroic.

Why, one might ask, did it happen this way. I am sure that each of you here today has a different answer depending upon which generation you belong to. Was it because our attitudes about war have changed—perhaps. But it should not lessen our sensitivities to the loss of lives.

It should not make the sacrifices made by those who died or those they left behind any less meaningful.

Let us never forget and always remember—peace and freedom, wherever it might be, has always been, and always will be very expensive. And the cost is in human lives.

I remember very well all of those young men whom we honor here today, some I knew well, some I knew casually. And as I sat here thinking about them, about their families and about the community and why we were gathered here: I asked myself what would they want us to do for the Vietnam veterans who came home to find no jobs; who came home to hospitals; and who came home to one disappointment after another.

I think they would want us to understand—to reach out and help—not pity—but be sensitive that Vietnam was a very different kind of conflict and they came back to us with very different problems, very different concerns. These veterans fought a war in and for a different culture—it tore at the very fabric of those who fought—it was psychological; it was a war of nerves.

Their problems are different, let our solutions to their problems and concerns be different—let us understand.

As we dedicate this monument to them today as a mark of our respect and our dedication to peace and freedom, let us be assured that they did not sacrifice their lives in vain, because the greatest monument to them and to their bravery, is the peace and freedom we enjoy today. Let us guard it well. Let us be very jealous of our freedom.

Christopher Wren's epitaph in St. Paul's in London, reads, "If you would see their monument—look around." I would like to paraphrase that here today, "If you would see the real monument to those human beings we memorialize today, look around." It is in your faces, it is in your hearts.●

SOLZHENITSYN TELLS TAIWAN TO RELY ON ITSELF

(By request of Mr. BAKER, the following statement was ordered to be printed in the RECORD:)

● Mr. GOLDWATER. Mr. President, one of the greatest writers of this century, a man who is a brillant observer of historical trends, Alexandr Solzhenitsyn, recently gave an important speech in Taipei, Taiwan, in which he warned Free China not to rely on support by the United States for its future survival.

Mr. Solzhenitsyn, who was a Nobel Prize winner in 1970, was invited to give a lecture in Taipei by the Wu Shan-lien Literature Foundation. In his Taipei speech, which was delivered before an audience of academics and students on October 23, Mr. Solzhenitsyn expressed his amazement at the abandonment of Taiwan by nations of the world which should be able to clearly perceive the difference between democratic developments and economic progress on Taiwan and the totalitarian brutality and economic poverty of the Communist system.

According to Mr. Solzhenitsyn, the problem lies in the fact that the Free Western World is less and less prepared to pay for the price of freedom. Western nations are even afraid to sell Taiwan weapons for its own defense out of fear of angering Peking.

Solzhenitsyn believes the United States has also succumbed to the general world trend to leave the Republic of China to its perils. We have abrogated diplomatic relations and a defense treaty with Taiwan, promised to reduce military support and have denied much of what Taiwan needs.

Mr. Solzhenitsyn warns Taiwan that it can rely only on its own strength. He raises hope, however, that the destructive elements of communism will finally bring about its own collapse.

Mr. President, I believe Mr. Solzhenitsyn's message offers a valuable lesson for all persons who love liberty. I submit the text of his speech for the RECORD.

[From the Washington Times, Oct. 25, 1982]

WEST'S "FEAR" SEEN A THREAT TO TAIWAN

(By Alexandr Solzhevitsyn)

For 33 years, Taiwan, I believe, has attracted, by its specific fate, the attention of many people throughout the world. I myself felt that way long ago. Three score countries have already fallen under the yoke of communism. Scarcely one of them has been fortunate enough to retain even a tiny patch of its independent national territory, where its state authority could continue to develop despite the disruption, and through comparison show the world the difference between itself and communist disorganization. In Russia, such a patch of land could have been Wrangel's Crimea. But lacking any external support and abandoned by its unfaithful former allies, it was soon crushed by the communists. But in China, thanks to a wide strait, a fragment of the former state became the Republic of China on Taiwan, which, for a third of a century, has proved to the world what heights of development could have been reached if the whole of China had not fallen under the yoke of communism. Today, the Republic of China on Taiwan differs from others in its development, its industrial achievements and the well-being of its population, thereby proving how logically the forces of a nation can be guided, if they are not in inimical hands.

It would seem that the population of our planet should clearly perceive such an instructive comparison and should have its eyes opened to see how peoples who escape communism flourish and how those who fall victim to communist tenets perish by the millions. The history of communist destructions in the Soviet Union, Poland and Cambodia are now known to all. The history of the millions destroyed in China, Vietnam or North Korea is yet to be revealed in detail, but many signs allow us to judge this history even now.

But no. It is free China which has had to endure and suffer from the greatest injustices and ignoble attitudes of other countries. The United Nations, long degraded to an irresponsible side show, disgraced itself by expelling from membership the 17 millions of Free China. The majority of countries on our planet treacherously expelled your country from the U.N., whose delegates, adding insult to injury, whistled, jeered and shouted. The majority of Third World countries behaved like madmen who don't know the price of freedom but are themselves waiting for the kick of the boot.

For centuries the Western world has known very well the price of freedom. But with years passing and well-being achieved, it is less and less prepared to pay for it. The western people value their state systems but are less and less inclined to defend them with their own bodies. From decade to decade, the West has become increasingly senile and unable to defend itself. The betrayal of one country after another had already begun before the second world war. Afterward, no scruples were felt in abrogating the whole of Eastern Europe just for the sake of the West's own well-being. How easy it was to betray the government of Mikolaychik, how easy it was to withdraw support from one's ally Chiang Kai-shek. And soon we shall witness how one country will betray another for the price of surviving just a little longer. Should it be surprising that the majority of the frightened western countries are even afraid to sell you weapons for fear of angering Peking. That's how much their drive and concern for freedom is worth. Meanwhile, threatened Europe should understand your position better but is so cowardly that it fails to recognize that the Republic of China and other countries of Asia are themselves endangered. Just recently, the former premier of Japan declared that the arming of Free China would destabilize the Far East. What more can be said?

They are all obsessed with the search for self-protection and the quest for a stand-in. So there emerged an attractive myth—that there are "bad" and "good" communisms. And out of such a myth grew the image of Communist China as a good-natured peacemaker. But should that be surprising—when in South Korea, which herself survived a Communist assault, there exists a myth that actually the Soviet Union is not directly hostile to them, not so much an enemy,

not like North Korea. The South Koreans have also been doing their utmost to curry favor with Peking. Now they are hesitating about whether to give a defecting Red Chinese aircraft to Free China.

No, it is not out of short sightedness, not out of stupidity, that such myths are believed, but out of despair, out of the loss of spirit.

In a particular relationship to you is the United States of America. Up to this day, the United States provides the only outside guaranty restraining the Communists from attacking your island. But how difficult it becomes for the United States to remain faithful to Taiwan, how much has already been lost on the way. The Americans have also succumbed to the general world trend to leave the Republic of China to its perils, to abandon it to its fate. America moved to abrogate its diplomatic relations with the R.O.C. for what? For what fault of hers? Only to follow the futile western dream of gaining an ally in Communist China. America has restricted its connections with you, curtailed its military support and is denying you much of what you need.

What pressures have been exerted upon American presidents, urging surrender of Taiwan. Not all of them could bear the strain. Here we have a former president, just back from a visit to China, where he flattered his hosts by saying that "A strong Communist China is a guarantee for peace" and that America seems to be interested in a strong Red China. Such people in former years have governed the United States and there is no guarantee that another such person might not succeed President Reagan.

The United States is highly heterogeneous. There are many currents, of which the capitulatory tides are quite powerful. Extremely powerful circles are leaning toward betrayal of a free country in favor of a friendship with a totalitarian one. They gladly picked up the hypocritical offer from Communist China on "peaceful unification." Many American journalists cry from the housetops that Peking is now "bound by promises" to effect unification peacefully. They wanted to forget, and therefore successfully forgot, how many times the communists have already cheated. The experience of "governments in concert with communists" in postwar Eastern Europe has taught no lesson. This helpless experiment now is being conducted in Cambodia. Similarly, according to Kissinger's agreement, North Vietnam was "bound by a ceasefire"—until it set the day for the seizure of South Vietnam. And leading American newsmen reached such heights of stupidity as to write that the United States doesn't make mistakes. If Red China "breaks its promise" and seizes Taiwan by force—then—only then—America would be freed from obligations and could again start to deliver arms . . . to whom, then? . . . Yes, such delirium appears on the pages of leading American newspapers, and they don't realize what they are doing.

And thus the influential circles in the United States want to force Taiwan to accept capitulatory negotiations, to relinquish voluntarily its freedom and power.

What, then, does Communist China want from you? Certainly, it is eager to grab your blossoming economy to plunder and devour it. After all that has happened in the 20th century, only shortsighted simpletons can trust Peking's promises that it will totally preserve your economic and social system, and even your armed forces along with some elements of freedom. But the main issue is not to take away from wealth, to steal the fruits of your hard work. The main thing is that the communist system does not tolerate any deviation in anything or anywhere. Not even the wealth of your island is important, what matters is the deviation from their system. Communist China hates you for your economic and social superiority. For them it is not permissible that other Chinese should know that there can be a better life without communism. The communist ideology does not tolerate any islets of freedom. And so, with all their might, the communists want to cut off the sale to you even of defensive arms, to try to weaken your defense capability, to disturb your balance of power in the strait—and thus to bring closer the day of intrusion into your island.

In order to nurture the apathy of the United States, Red China plays speculatively on the negotiations between Peking and Moscow on matters of China-Soviet rapproachement. Such rapprochement is not make-believe. It is a very realistic perspective. Both governments have long had common roots, a fact which everybody seems to forget. As far back as 1923, a Soviet agent Grusemberg, alias "Borodin," prepared a communist coup, and it was he who promoted Mao Tse-Tung and Chou En-Lai to the highest positions in the party.

All that I am telling you—because of the deadly danger in which you find yourself—is understood well by many, if not yet by all. The threat is understood better here than in South Korea, where the young generation, the students, have quite forgotten the brief horrors of communist intrusion, so that the present freedom seems to them not enough. But they will remember and revalue their present "nonfreedom" when, after a command "hands back," they are driven under armed guards into concentration camps.

It seems to be fashionable in the West: to demand from all who stand in the forefront of defense, under machine-gun fire, to demand the widest democracy, and not just simple but absolute democracy, bordering on total dissoluteness, on state treason, on the right to destroy their own state and country—such freedom as western countries tolerate. Such is the price the West demands from each menaced country, including yours. But it seems that on your island the logical limits are known and will sustain your struggle.

There is another danger stalking you. Your economic successes, your living standards and well-being are of a two fold nature. There are the bright hope of all the Chinese people. But they also can become your weakness. All prosperous people tend to lose the awareness of danger, an addiction of the good living conditions of today, and consequently lose their will for resistance. I hope and I urge you to avoid such a weakening. Don't permit the youth of your country to become soft and placid, to become slaves to material goods, until finally they will prefer captivity and slavery to the struggle for freedom. That for 33 years you lived peacefully does not mean that you might not be attacked in the following three years. You are not a serene, care-free island, you are an army, constantly under the menace of war.

You are 18 millions, about as many as there are Jews in the world and your problem is of the same dimensions. But the Jewish problem attracts the attention of all states and has become one of the central problems of contemporary times. Comparing this with the uniqueness of your position, I don't preceive why the fate of Taiwan should not command the equal attention of the world.

But in today's world betrayal from weakness reigns supreme, and it is only your own strength upon which you can really rely. But there is also one more big and bigger hope: the peoples of the enslaved nations, who will not endure indefinitely but who will rise in one menacing hour—menacing to their communist rulers.

In your books you write that your island is "a bastion of national recovery." So be it. Not only defense, not only self-preservation should be your goal—but help, but the liberation of your compatriots suffering on the mainland, and first of all, free and courageous radio broadcasts.

It may seem, since no one comes to mind, that you have no firm, reliable allies, although them might appear in the hour of destruction. But you have the most formidable ally in the world: One billion Chinese people. Their sympathy is your moral and spiritual support. Just a few days ago, you had an encouraging signal from your compatriots through the act of defection of a Red Chinese air force pilot. Often I think of still anonymous prisoners of the Chinese gulags whose true story might not be told until the 21st century.

All the oppressed people, including the peoples of the Soviet Union, cannot rely on outside help, only on their own strength. At the best, the whole world would watch indifferently by possibly with a great deal of relief, if the mad rulers of China and the USSR should unleash war among them. I hope that won't happen. But in any case, let us testify here and now to the mutual amicability and trust between the Chinese and Russian peoples, to the absence of contraditions amongst them, even more, let us hope for a union of our long suffering compatriots against both communist governments. Whatever might happen between these two self-interested, anti-national governments, let us preserve mutual understanding, mutual compassion and frendship. Let's not allow them to blind our eyes and deaden our ears through fruitless national hatred.

We don't know how long the plague of communism will affect our world. One hundred and thirty-five years ago, who would have told the leaders of the then great empires that the tiny group of utopists—communists who organized themselves in Europe—would conquer them all with iron and blood and force to their knees their might and pride? They would not even have smiled at such a prophecy. Such forces could not then be seen anywhere. The strength of the communists was based on their drive and their cruelty, the weakness of the West was rooted in the absence of the will to fight.

We don't know what whimsical zigzags human history will follow. I have already expressed a supposition that would communism will outlive both Soviet and Chinese communist regimes and spread over other countries, many of which are still eager to experience communism. But in our two countries national common sense shall finally prevail.

Anyway, both our peoples have suffered too much, lost too much. They are already moving along the way of liberation and recovery.●

ARMANDO VALLADARES

● Mr. JACKSON. Mr. President, after 22 years of imprisonment in Cuban jails as a political prisoner Armando Valladares was released by the Castro government last month. He is at last a free man and we rejoice in his release.

Mr. Valladares' refusal to bow to the arbitrary and inhumane dictates of the Castro regime is particularly remarkable and attests to his extraordinary courage and integrity. And, his long and cruel imprisonment for his religious and philosophical views is yet another example of the lengths to which the Castro government will go to silence dissenting points of view.

Mr. President, I ask that an October 24 article from the New York Times and a November 17 article from the Washington Post relating to Mr. Valladares' release from Cuba be printed in the RECORD.

The articles follow:

[From the New York Times, Oct. 24, 1982]

POET FREED BY HAVANA TELLS OF 7 YEARS IN UNLIGHTED CELL

(By John Vinocur)

PARIS, October 24.—Armando Valladares, a Cuban poet who was freed in Havana last week after 22 years in prison, said tonight that he had been kept for seven years in a cell without light.

The poet arrived in Paris Friday after his release following a personal appeal from President Francois Mitterrand to Fidel Castro, the Cuban leader. He said he had been informed of the decision only three or four days before he was placed aboard a plane in Havana on Thursday.

The French Government had expressed particular interest in his case, and Régis Debray, Mr. Mitterrand's special counselor for cultural affairs, and a friend of the late Ernesto Che Guevara, the Latin American revolutionary, visited Havana to discuss the matter earlier this month.

Mr. Valladares's comments tonight were made in brief, fragmentary interviews with two of the French television networks. The translation of his replies to two reporters' questions was broadcast over the poet's own voice and it was impossible to hear his remarks in Spanish

AVERAGE DAY DESCRIBED

Mr. Valladares said in the interview that he was never a terrorist or an operative of the United States Central Intelligence Agency. Rather, he told the television network, he was accused of being an enemy of the revolution.

Mr. Valladares gave no details on his isolation in the cell, but described an average day as one in which he got up at 4 a.m. to crush stones in withering heat until 6 or 7 p.m. "It was forced labor," he said. On return to his cell, he went on, there was only a little water in which to wash.

When asked if he had been tortured, Mr. Valladares replied: "I can't really reply in three minutes. I'll tell it all in my book."

Normally, Mr. Valladares would have been released from prison in 1986. He was sentenced to a 30-year term in 1961 for what was charged was his involvement in terrorist activities but his sentence was later reduced.

During his time in prison the poet was able to communicate to friends outside of Cuba that his legs had become paralyzed, and the title of a collection of his work was called "From My Wheelchair."

ABLE TO WALK AGAIN

In the interviews today, Mr. Valladares said he had received treatment in Cuba from late 1978 until his release. Six months after the treatments began, the poet said, he was once again able to walk. He told of being furnished orthopedic devices for his knees and ankles. Accompanying pictures showed the poet, who is 45 years old, walking in the streets with his wife.

When one of the interviewers asked what event had impressed him most since leaving prison, Mr. Valladares replied that it was the situation in Poland. "There was a true alliance there between workers and students to change the Communist system," he said.

In answer to another question about the difference between the Batista and Castro dictatorships in Cuba, the poet said, "The most awful dictatorship that humanity has known is the dictatorship of the proletariat."

[From the Washington Post, Nov. 17, 1982]

RELEASED POET DESCRIBES LIFE AS POLITICAL PRISONER INSIDE CUBA

(By Karen DeYoung)

PARIS.—Twenty-two years ago, Armando Valladares, a young Cuban working as a minor bureaucrat in the new revolutionary government of Fidel Castro, was arrested and sentenced to 30 years in prison as an enemy of the state.

Last month, eight years short of the completion of his sentence, Valladares was abruptly released as a "good-will gesture" to France following a personal appeal to Castro by French President Francois Mitterrand. Quickly flown out of the country, he now lives with Marta, the Cuban woman he married in a 1969 prison ceremony, in a small hotel in downtown Paris while he decides what to do with the rest of his life.

Thousands of political prisoners were arrested in the first years after Castro's 1959 takeover, most of them, like Valladares, anonymous. But Valladares' case has been special since 1977, when a book of poems he had smuggled out of jail was published abroad. Titled "From My Wheelchair," its story of how the young prisoner had become paralyzed due to prison-induced starvation brought international sympathy and demands for his release.

Cuba said the paralysis was faked to discredit the Castro regime. But it presented no public proof of his health, and cancelled his visit and letter-writing privileges. From 1979 until recently, no one from the outside saw or heard directly from Valladares.

When his imminent release was announced, there was considerable curiosity. The first photographs were taken in Cuba, showing a frail, pale Valladares walking unaided up the ramp of an Air France jet, and he has not been seen in a wheelchair since. Those who had believed his story from the first said they were glad of his recovery. Others, including some French officials familiar with the case, said they were suspicious.

But even the most skeptical agree, as one official here noted, that "there is no mystery for us. The man spent 22 years in prison, and I don't care about the state of his legs or his head or anything else." These officials deny there was a "deal" involved in Valladares' release—the promise of an invitation, much coveted by Castro, for an official state visit to France—as has also been suggested in the French press.

It was a question of "principle" that prompted Mitterrand first to write Castro about the poet nearly a year ago, French officials said, after he received an appeal from the Spanish writer Fernando Arrabal. On Oct. 18, with only a few days' warning, Valladares was brought to the airport in Havana and handed over to Regis Debray, Mitterrand's adviser on Third World affairs.

The story Valladares tells, with little malice but a constant tapping of his fingers on the table top is one of faith and fortitude in the face of the arbitrary, almost casual injustice of an all-powerful state. Unlike others before him, he does not denounce his captors, and makes no profound political statements. He survived his imprisonment, he says, because of "my indestructible [Roman Catholic] religious conviction, and the love of my wife. Because of this, there is not one atom of hatred in my heart for anyone, not even my jailers."

A slight man, Valladares appears younger than his 45 years, with a quick, gamin-like vitality that matches the rapid speech of his homeland. There is no evidence of paralysis, and as he describes his 1961 trial as a counterrevolutionary, he kicks his feet easily up on the table in imitation of the guerrilla judge who read a newspaper during the proceedings and casually sentenced him to 30 years.

"I was arrested on Dec. 28, 1960. I had no explosives, no arms, no subversive literature, nothing to implicate me as a conspirator. There were two periods of interrogation, each lasting 15 minutes. There was no proof against me, but they said they knew I was a 'potential enemy of the state.'"

Although the government charged that Valladares had been a member of the police force of Fulgencio Batista, whom Castro overthrew, he denies this.

"I worked in an office giving tests to police applicants, working part-time, 8:30 to 11 a.m., to earn money" for his studies in administration at the University of Havana. After Castro's victory, he was investigated by a revolutionary "purge commission" and got a minor bureaucratic job in the Communications Ministry.

He was arrested nearly a year later, Valladares said, because, "in my workplace, in assemblies, I had spoken out against communism. I refused to join the militia. I wouldn't put on a uniform. I'm not a criminal or a terrorist. I was never involved in violence. If I had been involved in any activities, they would have shot me that first day."

Instead, they held him until Jan. 11, when, with no charges and no witnesses, he was brought before a revolutionary tribunal. Two days later he was in prison at the Isle of Pines, off Cuba's southern shore, sentenced to 30 years.

"It all happened so fast," he said. Three months later, he said, charges were entered associating him with sabotage and bombing, although there was no new trial and no proof submitted.

[A Cuban diplomat in Washington said that Valladares was found guilty of "conspiratorial and terrorist acts" involving a number of bombings, as part of a "group led by someone who was connected to Batista."]

Valladares appears to remember things in blocks of years—the years he was in solitary, the years the prisoners got no letters, the year he was moved from one prison to another, the years of visits and those of none. In 1967, political prisoners were ordered to put on the same uniforms as common criminals and those who had

agreed to submit to a "rehabilitation" program. Some accepted, Valladares said, but 900 refused, and "we went naked."

In 1969 he and Marta, whom he met when she visited her prisoner father in 1961 at the Isle of Pines, were permitted to marry in a 15-minute prison ceremony.

Marta left Cuba in 1972. From 1970 to 1978, he said, no visits were permitted for those who refused to participate in the rehabilitation program.

It was in 1974, during one of the periodic battles of will between the jailed and their jailers, Valladares said, that he and a number of others were deprived of food for 46 days.

"Six of us ended up in wheelchairs," he said.

Valladares pulled out what appeared to be documents from the Cuban Health Ministry, sent to Amnesty International, describing his condition as "polyneuropathy." Medical dictionaries describe it as a flaccidity of the muscles, sometimes leading to paralysis of the lower extremities, that can be caused by malnutrition.

The condition is reversible with therapy, and although he tried to exercise his muscles, Valladares said he received no professional treatment until 1979. That was the year Castro released about 3,600 political prisoners in one of his sporadic good-will gestures. While other imprisoned invalids were pardoned, Valladares was not, because, he said, the authorities were angry about the book of poems published in 1977.

The first poem in the book speaks of the day when "my wheel chair will grow wings/ [and] I will fly over parks/ carpeted with children and violets./ My wheelchair will be a winged dream/ without the alienating obsession of the prison bars."

Instead, he was sent to a hospital "on the street," outside the prison. He was there nearly a year and a half, and learned to walk fairly well with braces, before being sent back to Combinado del Este prison on the edge of Havana. There, he said, he was kept in virtual solitary confinement, led into another room twice daily for therapy. "They wanted me to be ready," he said. "They wanted to say I was never crippled."

Other than waiting for relatives to join him here, marrying in a religious ceremony, and "doing what I can" to help free what he says are still about 330 "old" political prisoners from the early days of the Castro government, Valladares said he has no plans.

"I'm not going to write any more poetry. That is what I did in jail, to think, to express myself."●

DAVID STOCKMAN, WHERE ARE YOU?

● Mr. ABDNOR. Mr. President, the November 12, 1982, edition of the Wall Street Journal contained an article by a professor of political science at Texas A&M University which should be required reading for every Member of Congress.

There is little doubt in my mind that although Congress ordered this Outlook, most of the copies delivered to Capitol Hill wound up in the circular file beside some staffer's desk. If Mr. Payne's assessment of its worth is on target, the waste of its publication would be compounded by the waste of anyone's time.

One wonders how many more of these bagatelles we have out there—and when we will get around to calling a halt to such nonsense.

I ask that the article be printed in the RECORD.

The article follows:

[From the Wall Street Journal, Nov. 12, 1982]

THE HIGH COST OF WRITING A BOOK FOR CONGRESS

(By James L. Payne)

Last January, I received a book to review for Science Books and Films, a magazine put out by the American Association for the Advancement of Science. The volume was "Outlook for Science and Technology: The Next Five Years," written by the National Research Council and published in 1982 by W. H. Freeman. I have no idea how I was selected to handle the volume, but in retrospect, the AAAS probably commissioned one of the best qualified reviewers they could have found. My education in science is quite strong, especially in chemistry, biochemistry, and electronics, and my various hobbies and interests have kept me in touch with a wide variety of technical fields, from geology to psychophysics. As a political scientist, I was qualified to comment on the public policy aspects of science and technology—the ostensible focus of the volume. And finally, I was independent of the scientific establishment that had produced the volume, and therefore disinterested.

I found the volume disappointing, and, feeling myself under an obligation to try to explain the failure, I began to look into its background. It turned out that the book was the product of a $367,000 federal grant given by the National Science Foundation to the National Research Council. This grant, in turn, represented the implementation of an act of Congress, the National Science and Technology Policy, Organization and Priorities Act of 1976.

I dug out the law in question, and, sure enough, buried in the torrent of platitudes and redundancies was the injunction that someone keep Congress informed about "problems of national significance that are identified through scientific research." Whether congressmen actually had specific "problems" in mind when they approved this pretty-sounding language is doubtful. If, for example, scientists discovered a giant meteor hurtling on a collision course with the Earth, it hardly seems that a special federal bureaucracy would be needed to bring the matter to our attention.

If Congress wanted accounts of more mundane scientific developments, all it had to do was buy a subscription to, say, Scientific American for about one ten-thousandth of the cost of an NSF/NRC report. (If congressmen proved to be avid readers, two subscriptions could be entered, one for the House and one for the Senate.)

Naturally, the bureaucrats never pointed out that Congress had empowered them to deliver a bagatelle. They simply played the game out to its wasteful end. Scores of scientists, diverted from their own research by the honoraria dangled before them, were set to writing what a steering committee guessed congressmen might have wanted in a report they never intended to read. The result was the book in question.

I wrote my review, compressing the critique into the 200-word limit, and mailed it off in time to make the requested deadline. It never appeared in Science Books and Films, and apparently never will. In explaining why she killed the review, the editor declared that her action was "dictated" by "procedures" which, owing to certain inefficiencies, could not be followed in this case. Cynics will say that that doesn't sound very logical, and point to the vested interest of the AAAS, as an academic lobby for federal bucks, in supressing any suggestion that these bucks sometimes go astray. Personally, I believe the editor because her voice on the telephone had a ring of sincerity to it. Anyway, here's the review they never published:

"This book is unlikely to have users—a not surprising result for a volume conceived and written by committees expending governments funds to fulfill a congressional whim.

"The 17 chapter topics follow no discernible principle of selection; they range from plant diseases to cognition, from nutrition to the sun. The chapters themselves lack focus or purpose. The bits and pieces they contain are not integrated into any detectable theme, message or conclusion. The level of treatment varies both in depth and style, from superficial generalizations (in the ecology and water quality chapters, for example), to narrow, technical presentations (the chemical synthesis chapter, for example).

"It is almost as if someone had entered a science and technology library and torn pages from all the volumes at random and then pasted them together in this book. There is nothing particularly wrong with the individual paragraphs, but combined together by 112 members of 17 subcommittees, the result is an unreadable hodgepodge. And since the coverage of each topic is so fragmentary, the volume cannot even serve as a reference book.

"The Preface reports that the NSF and NRC intend to continue to inflict these pointless 'Outlook' volumes upon us every other year or so forever. David Stockman, where are you?"●

JULIA MIRANDA

Mr. JACKSON. Mr. President, today Mia Miranda, the document clerk of the Committee on Energy and Natural Resources, has an especially difficult task. This afternoon funeral services were held for her young daughter, Julia, who died unexpectedly last week.

Julia visited us often in room 3200 of the Dirksen Senate Office Building, where her mother manages, with competence and poise, the availability to staff and the public of copies of bills, printed hearing records, committee reports and other documents published by the Committee on Energy and Natural Resources.

Julia was, quite simply, a pleasure to all who knew her. There is very little we can say to make sense of the untimely loss of someone so young and so perfect. We can try to make our feelings of loss known and offer to her mother, a valued friend and colleague, our deepest sympathy.

It just seems so inadequate.

A CONGRESSIONAL SALUTE TO DR. CHARLES KELMAN

● Mr. D'AMATO. Mr. President, the God-given gift of sight is one of our most treasured abilities thus it is altogether proper and fitting that I take this opportunity to pay tribute to Dr. Charles Kelman of Glen Oaks, N.Y., who has restored the sight of thousands of people who would otherwise know a world of darkness and shadow.

To tell you about Charles Kelman, the physician, would indeed be shortsighted. Rather, I want you all to know Charles Kelman, the musician, the author, the pilot, the professional golfer, and above all, the humanitarian. He is a man who routinely donates his operative skills to restore the sight of those who cannot afford surgery.

In fact, in December Dr. Kelman will operate on a 4-month-old infant from Italy, afflicted with both congenital eye defects and cataracts. The operation will be the first in a hands-across-the-sea humanitarian project sponsored by the Nassau County, L.I., New York Sons of Italy in cooperation with Lydia E. Hall Hospital in Freeport, N.Y., were Dr. Kelman is chief of ophthalmology. Lydia E. Hall Hospital will absorb most of the expenses of the baby's surgery and Dr. Kelman will contribute his services. The Sons of Italy hope to bring at least 12 children to this country for eye surgery.

In the highly technological world of ophthalmology, Dr. Kelman is best known as the man who pioneered cataract phacoemulsification. Stated simply, an ultrasonic tool, also developed by Dr. Kelman, fragments the cataract, which is then drawn out of the eye through a tiny incision in the cornea. Prior to phacoemulsification, which Dr. Kelman developed in the late sixties, cataract surgery was at best a difficult and risky procedure that required weeks of hospitalization and recovery. Today, 30 percent of cataract surgery throughout the world utilizes Dr. Kelman's revolutionary 7-minute procedure, and hospitalization is a brief 1 day or shorter.

Dr. Kelman's story has appeared in Newsday, the New York Times, People Magazine, even Reader's Digest. He has appeared on "The Tonight Show," "Real People," and "The Tomorrow Show." His patients have included such notables as jazz great Lionel Hampton, screen legend Hedy Lamarr, disc Jockey William B. Wiliams, boxer Joe Frazier, opera star Jan Peerce, and actress Ann Miller.

While Charles Kelman is at home in the operating theater, so too does he perform in theaters all over the world, where he has entertained thousands with his saxophone, his own songs, and comedy. He has performed at Carnegie Hall, Fountainbleu Hotel in Miami Beach, Summit Hotel in Manhattan, and the Concord Hotel in the Catskill Mountains. Once every few months, Dr. Kelman takes to the stage for his patients, so, as he puts it "they can see my other side." I salute Dr. Kelman and his musical talents, which he frequently calls upon for the benefit of the Louis Braille Foundation for Blind Musicians and the Ichilov Hospital in Tel Aviv.

I have focused on Dr. Kelman, the physician, the musician, and the humanitarian. There is also Charles Kelman, the teacher. Not satisfied with helping only the patients who can come to his New York facilities, Dr. Kelman has traveled around the world, at his own expense, to teach phacoemulsification to more than 1,400 ophthalmologists. He spends about 40 percent of his time teaching others at Lydia E. Hall Hospital and at New York Medical College, where he is a full professor of ophthalmology. Dedicated to informing the world about cataracts, and in an effort to ease the fears of potential patients, Dr. Kelman has just written "Cataracts: What You Need To Know About Them."

No tribute to Charles Kelman would be complete without mentioning his prowess on the golf course—where he performed well enough to win a class A award last year—to his expertise in the sky—at the controls of his own helicopter.

Mr. President, my esteemed colleagues, please join me in saying thank you to Dr. Charles Kelman for giving so many people the gift of sight, the sound of music, and the benefits of his outstanding intellectual skills.●

ATHLETIC ACHIEVEMENTS OF THE SEIBEL FAMILY OF VERMILLION, S. DAK.

● Mr. ABDNOR. Mr. President, as a graduate of the University of Nebraska, I took great pride and pleasure from the Cornhuskers' win over Oklahoma last week that clinched another Big Eight championship. As a South Dakotan, though, last week's game took on an additional meaning.

Kevin Seibel, Nebraska's kicker, was perfect on all of his extra point attempts to give the Cornhuskers their 4-point victory margin. His efforts capped an incredible year for Seibel and three of his brothers, all of whom are kickers for college or high school grid squads.

It is unusual enough for one family to have four boys playing at the same position at the same sport but, to top it off, they have all achieved great success in their specialty. Each of the Seibel siblings have made at least 60 percent of their fieldgoal attempts and they have combined for a remarkable 61-of-63 record in extra point tries.

And, on October 25 of this year, they pulled off another remarkable feat. Each of them kicked their respective teams to victory. Kevin kicked three fieldgoals in Nebraska's 23-19 win over Missouri. One younger brother, Kurt, kicked a fieldgoal with 3:32 to play to give the University of South Dakota a 13-10 victory over Morningside College.

Kent Seibel, a freshman at Augustana College in Sioux Falls, kicked two fieldgoals to pace Augustana to a 13-10 win over South Dakota State, and Kyle Seibel booted 3 extra points in a Vermillion High School victory over Canton.

Of course, the Seibel siblings cannot take total credit for their achievements. Much of that kicking talent must have been inherited from their father Willie, who played for Herreid High School and the University of South Dakota as a kicker.

And those talented toes are not limited to the father and his four eldest sons. Look out for Karl Seibel, now a seventh-grade linebacker and wingback who will begin kicking for his team next season.

Mr. President, I ask to include the attached material in the CONGRESSIONAL RECORD.

The material follows:

KICKING FOOTBALLS TO HELP TEAMS' WIN A FAMILY ACT FOR SEIBELS

(By Steve Matthies)

VERMILLION, S.D.—Kurt Seibel stood on the turf of the University of South Dakota's Dakota Dome Saturday night looking for anyone who had heard how Augustana College and South Dakota State University fared.

When the score was announced his eyes twinkled in the darkened Dome.

"That means we all won. It's the first time this season we've all won on the same day," Seibel, a junioir placekicker for USD, said.

It was a football day that saw:

Kevin Seibel, a senior, kick three field goals and two extra points as the University of Nebraska beat Missouri 23-19.

Kurt Seibel, a junior, kick two field goals and an extra point as USD beat Morningside College 13-10, his second field goal coming with 3 minutes and 32 seconds to play.

Kent Seibel, a freshman, kick two field goals and an extra point as Augustana beat SDSU 13-10, his second field goal coming with 3:28 to play.

Kyle Seibel, a senior, kick three extra points as Vermillion High School beat Canton 21-8.

"We made all four games, too," Willie Seibel, the boys' father said.

"Lois, my wife, went to Nebraska with her mother (Billie Bruyer). I drove my motorcycle to Canton so Kyle could use it to go watch Augustana play and I came home with the (Tanager) team on the bus to watch the University."

Such is the Saturday life of Willie and Lois Seibel—and family.

"We make our plans the first of the week as to who's going where." Willie, who is an assistant football and the head wrestling coach at Vermillion High, said.

"One weekend, Kyle and I went to Nebraska and then hustled back to watch Augustana play," he said. "It makes for a long day when you start out around 7:30 a.m. and finish after the last game. But I'm glad we

can do it. And I'm glad all the schools are near the interstate (29)."

Seibel said he doesn't know how many miles he and his family have traveled to get their kicks out of football.

"The only thing I worry about is having enough money to put gas in the car and buy a hot dog when I get there," he laughed.

But, before the season is out, things will get a little easier.

"November the sixth," Willie said. "It's a big day. We've chartered a private plane and will go to Nebraska. They're honoring Kevin, as they do all the seniors, and it's his turn. We want to be able to stay for a little bit of the reception. Then we'll fly back for the University's game against Augustana (in the Dakota Dome)."

The 1982 family travel schedule—that often includes Bruyer, who is better known around the house as Mrs. B's—is something none of the Seibels had sights on when the boys first began kicking in the Punt, Pass and Kick competition sponsored by the Ford Motor Company.

"It all started 13 years ago," Willie said, "with an ad in the paper for the Punt, Pass and Kick competition, and we're thankful for it and Jack Stewart, who runs it in Vermillion.

"We talked to the boys about it and encouraged them. One thing led to another. We won a lot of trips."

And a little notoriety.

"After the first year, we talked about it and said wouldn't it be nice it one of the boys became a national (PP&K) champion. It came true with Kurt (in 1974). Kyle missed out by 2½ feet in the semifinals."

The idea that the four oldest boys would all be kicking for a college or high school on the same day, however, was never a thought.

Making sure each one got an education has been more important, Willie said. That education has been family oriented, as well as at school.

"This has brought a lot of repect and unity for each other. We have our ups and downs, but whenever there's a communications problem, we get right on it. Without communications, everything goes haywire."

Only when Kevin Seibel began kicking for Nebraska's Cornhuskers did the thought of the Seibel boys all kicking in college become a thought for the family.

Kevin had the fortune of kicking for four years at Vermillion High. Kent kicked for three years. Kurt and Kyle will have one-year kicking careers for the Tanagers. "I wish they all could have kicked for three years, but the oldest one got to do the kicking and they understand that."

While his sons have been kicking for glory, even though their names are often confused in some sports stories and broadcasts, Willie Seibal has had to endure some heat himself. Many people thought he was pushing his boys into kicking, football and athletics.

"Through all those years, I shagged a lot of footballs and I don't regret it," he said. "But I don't feel I was pushing. We've encouraged them to participate, and I've always been willing to work with them. Athletics are our livelihood."

Dad still helps out, too.

"We usually don't talk about the bad times," he said. "We will talk about how to improve or be ready for a situation."

Only once does Willie Seibel, a three-year letterman for USD who did some kicking for the Coyotes, admit to being tense watching his boys kick.

"That was when Kevin kicked off for the first time at Nebraska," he said. "I was up in section 109, 10 minutes before the kickoff. I knew he could do it, but my knees were really shaking. That's the last time I really got nervous."

South Dakota wrestling fans might find that interesting. Willie Seibel is often the focus of close matches when his Tanagers are on the mat.

He still has plenty of chances to get nervous watching his boys kick, though.

Not only do Kurt, Kent and Kyle have collegiate eligibility remaining, but Karl is in the seventh grade. Currently a linebacker and wingback for his school team, Karl will get into kicking next year, and his father emphasized, "If he wants to."

A halfback and defensive lineman at Herreid, S.D., High School, Willie Seibel's involvement in kicking isn't anything new. "I did all the kicking there, too," he said.

CLINCH RIVER—A NET LOSS

● Mr. HUMPHREY. Mr. President, proponents of the Clinch River breeder reactor (CRBR) project, estimated to cost nearly $9 billion by the General Accounting Office (GAO), claim the controversial project will generate anywhere from $8 to $20 billion in revenues from sale of electricity. This estimate is contained, for instance, in a report of the House Appropriations Committee in its energy and water development appropriations bill report. The report states that:

> On a straight profit and loss basis, reasonable estimates of the value of CRBR's electricity over the cost to complete the project, would show a net return of about $9 billion while fulfilling the project's objectives as a research, development and demonstration activity.

Proponents of Clinch are wrong about profitability. What the House Appropriations Committee report neglects to mention is that this $9 billion net return is really an estimate of Clinch River's gross revenues in year-of-receipt dollars. This net return is bloated by inflation and fails to consider expenses of financing, construction, and operation and maintenance. When these additional costs are considered, at best the real value of Clinch River's net operating revenues turns out to be one-fifth of what proponents claim.

A Congressional Research Service (CRS) study I am releasing today drives this point home: After deflating these revenues into 1982 dollars and applying the discount rate the Tennessee Valley Authority (TVA)—the anticipated purchasers of Clinch—would use to calculate the cost of buying the plant, CRS concludes that the range of gross revenues from Clinch River over its 30-year lifetime is between $0.76 billion—assuming a discount rate that the Office of Management and Budget now uses—to $2.6 billion, without any discount rate. CRS also estimates Clinch River's net operating revenues, or gross revenues minus the costs of operating and maintaining the reactor, to be between one-half to two-thirds of gross revenues. I calculate that figure to be approximately $0.38 to $1.72 billion.

The Department of Energy, another Clinch proponent, sets Clinch River's total cost at $3.6 billion, or $5.2 billion less than GAO. Using DOE's total cost estimate, it is easy to see that net revenues—what would be left after subtracting the costs of financing, construction, and operation and maintenance—are nonexistent.

Even the most optimistic estimates of Clinch River's anticipated net operating revenues are minimal. A June 1981 estimate by the Tennessee Valley Authority of Clinch's expected revenues, after subtracting operating and maintenance, shows that Clinch River would only produce $542.4 million and are based on four optimistic assumptions: First, that Clinch would operate at 80 percent of its designated capacity compared to the industry norm of 65 percent; second, that Clinch's capacity, unlike other reactors, would not decline; third, that TVA would pay more than what they are obligated to pay for Clinch's electricity, and fourth, that reprocessing Clinch's fuel, requiring the construction of a $1 billion plant, will cost nothing.

Other Government studies now underway are more pessimistic, suggesting that Clinch River's net operating revenues, after subtracting operation and maintenance costs, to be nonexistent. The GAO is currently completing a study that concludes there will be no net revenues from Clinch River. Even after accruing revenues from the sale of electricity, the operators of the Clinch River breeder reactor, according to GAO, will be in red ink to the tune of $3 billion due to high operation and maintenance costs.

Given these considerations, it is difficult to imagine that TVA, which already has a large surplus of nuclear generating capacity, would be willing to buy or operate Clinch River. Indeed, there is good reason to doubt that TVA is willing to buy the plant at all. And, if TVA refuses to buy the Clinch River breeder reactor project, the Federal Government will be forced to decide either to operate the plant or to cut its losses and mothball the facility.

These points are important and should be considered before we vote on whether to continue the current lameduck session. Certainly, Congress should benefit from the same information used by the Department of Energy to determine Clinch's net revenues. Since this information, contained in the aforementioned TVA study, was conducted for the current Washington director of the breeder

project, and since the CRS study corroborates its findings, I ask that the complete text of both studies be printed in the RECORD.

The material follows:

JUNE 5, 1981.

MR. GORDON CHIPMAN,
Room B, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHIPMAN: In response to your request for a determination of the "plant life revenues" of the Clinch River Breeder Reactor, we have prepared the following information.

Based on a 30-year life and beginning operation in 1990, the plant has been evaluated using the energy output levels provided us and listed below:

	Megawatt years
1990	146.25
1991	187.5
1992	225.0
1993-2020	281.25

We have also included the operating costs of $544.5 million in the first five years of operation which were provided to us. Beyond the fifth year, we have used $26.5 million (fuel) and $15.0 million operation and maintenance expenses as provided to us. We have escalated these values at the appropriate escalation rate of 9.7 percent for fuel and 11.5 percent for operation and maintenance costs.

The enclosed table provides the detailed calculations in determining this plant life revenue. Since we do not estimate rates beyond 2000, general trends were observed to determine the level of wholesale rates beyond that year.

Using the 14⅜-percent discount rate you requested, the 30-year net worth of generation from the Clinch River Breeder Reactor is approximately $542 million (1981 dollars). For the initial five-year period of operation, this value is approximately $63 million.

It should be noted that present contractual arrangements call for purchase of power from the Clinch River Project at the cost of generation displaced on the TVA system. This rate is generally lower than the wholesale rate.

If you have further questions, please let us know.

Sincerely,

LYNN C. MAXWELL,
Chief, Power Planning Staff, Tennessee Valley Authority.

CLINCH RIVER BREEDER REACTOR

Year	Operating value			Operating costs (millions)			Net Value (millions)	Present worth of net value [3]
	Wholesale rate [1]	Generation [2]	Operating benefits (millions)	Fuel	O&M	Total		
1990	73.7	1,281	$94.4			$108.9	−$14.5	−$4.3
1991	80.2	1,643	131.8			108.9	22.9	5.0
1992	86.0	1,971	169.5			108.9	60.6	5.0
1993	92.2	2,464	227.2			108.9	118.3	23.6
1994	99.1	2,464	244.2			108.9	135.3	23.6
1995	106.8	2,464	263.2	$26.5	$15.0	41.5	221.5	33.8
1996	115.2	2,464	283.9	29.1	16.7	45.8	238.1	31.8
1997	123.4	2,464	304.1	31.9	18.6	50.5	253.6	29.6
1998	132.6	2,464	326.7	35.0	20.8	55.8	270.9	27.6
1999	142.6	2,464	351.4	38.4	23.2	61.6	289.8	25.8
2000	153.7	2,464	378.7	42.1	25.9	68.0	310.7	24.2
2001	166.8	2,464	411.0	46.2	28.8	75.0	336.0	22.9
2002	181.6	2,464	447.5	50.7	32.1	82.8	364.7	21.7
2003	198.0	2,464	487.9	55.6	35.8	91.4	396.5	20.7
2004	216.3	2,464	533.0	61.0	40.0	101.0	432.0	19.7
2005	236.6	2,464	583.0	66.9	44.5	111.4	471.6	18.8
2006	259.4	2,464	639.2	73.4	49.7	123.1	516.1	18.0
2007	284.8	2,464	701.7	80.5	55.4	135.9	565.8	17.2
2008	313.3	2,464	772.0	88.3	61.8	150.1	621.9	16.6
2009	345.3	2,464	850.8	96.9	68.9	165.8	685.0	15.9
2010	379.9	2,464	936.1	106.3	76.8	183.1	753.0	15.3
2011	416.0	2,464	1,025.0	116.6	85.6	202.2	822.8	14.6
2012	455.5	2,464	1,122.4	127.9	95.4	223.3	899.1	14.0
2013	498.8	2,464	1,229.0	140.3	106.4	246.7	982.3	13.4
2014	546.2	2,464	1,345.8	153.9	118.7	272.6	1,073.2	12.8
2015	598.1	2,464	1,473.7	168.8	132.3	301.1	1,172.6	12.2
2016	654.9	2,464	1,613.7	185.2	147.5	332.7	1,281.0	11.6
2017	717.1	2,464	1,766.9	203.1	164.5	367.6	1,399.3	11.1
2018	785.2	2,464	1,934.7	222.8	183.4	406.2	1,528.5	10.6
2019	859.8	2,464	2,118.5	244.5	204.5	449.0	1,669.5	10.1
2020	941.5	2,464	2,319.9	268.2	228.0	496.2	1,823.7	9.7
30-year sum							19,701.8	542.4

[1] Dollars per Mega Watt hours. [2] Kilowatt hours in millions. [3] 1981 dollars at 14.38 percent.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, D.C., October 26, 1982.

Attention: Henry Sokolski.
To: Hon. Gordon J. Humphrey.
From: Robert L. Civiak, Analyst in Energy Technology, Science Policy Research Division.
Subject: Clinch River Breeder Reactor Revenues.

In response to your request, enclosed is a report on the projected revenues from the sale of electricity from the Clinch River Breeder Reactor (CRBR). This report expands upon a September 27 memorandum that I prepared for you on CRBR revenues.

We hope you will find this useful. Please call if we can be of further assistance (237-7055).

PROJECTED REVENUES FROM THE CLINCH RIVER BREEDER REACTOR

There is considerable debate in Congress over whether to continue funding for the controversial Clinch River Breeder Reactor (CRBR). One issue of contention is the amount of gross revenue that can be expected to be received from the sale of the electricity produced by the plant. This report shows that dramatically different estimates of CRBR gross revenues—$769 million to $19.2 billion over 30 years—are within the realm of possibility depending upon the assumptions used. It should be emphasized that the above figures are for gross revenues. Net revenues are even less certain, but would be considerably lower. Net operating revenues would be gross revenues minus fuel, operating, and maintenance costs. Net revenues would be net operating revenues minus capital costs.

In order to project CRBR revenues, one must estimate a rate for the sale of a kilowatt-hour (kw-hr) of electricity, what percentage of its maximum output the plant will produce (capacity factor), the future rate of inflation, and any possible deviation of electricity rates from the general inflation rate. Different estimates of these variables contribute to the variance between projections of CRBR gross revenues. However, perhaps the greatest variance comes from different assumptions about the discount rate to apply to future revenues[1] and from presenting [illegible] revenues in terms of dollars of different value (i.e., different base years). In this report mid-range values for the first four variables are assumed; CRBR gross revenues are then calculated for a wide range of discount rates and base year dollars, and the results compared.

Gross revenues are projected both for the first 5 years of CRBR operation and for the full 30-year expected life of the plant. The revenues during the first 5 years are significant, because according to current contracts for the construction and operation of the plant the gross revenues are to be returned to the U.S. Treasury.[2] At the end of 5 years the Tennessee Valley Administration (TVA) may buy the plant from the Government. While this means that revenues received after the first 5 years may not be returned to the Treasury, the value of CRBR at the time of the sale may depend upon the expected net operating revenues, which are of course substantially less than the gross revenues.

Assumptions

In the revenue projections presented below it is assumed that CRBR begins oper-

ation in 1989, as currently planned by the Department of Energy (DOE), and that it operates at its 350 megawatt design capacity for the full 30-year design lifetime.

The general inflation rate used in the projections is 8.0 percent, which is the rate that DOE uses in estimating the cost to build CRBR. It is further assumed that electricity prices will increase at a rate of 1 percent per year faster than inflation for the entire period studied. This latter assumption may be compared to the Energy Information Administrations projection that electricity prices will increase between 1½ 2 and percent faster than inflation until 1995,[3] but at a rate of less than one-tenth of one percent per year above inflation from 2000 to 2020.[4]

According to the contract between TVA and DOE, TVA will buy the electricity produced by CRBR at a price equivalent to the cost to TVA to produce the power it replaces. Using TVA's 1981 costs, DOE estimates a rate of 3.06 cents per kw-hr in 1981 dollars as a base for projecting CRBR revenues.[5] In the projections below, an equivalent rate of 3.3 cents per kw-hr in 1982 dollars has been used.

The average capacity factors used are 60 percent for the first 5 years and 68.5 percent for the full 30 years. These compare to an average capacity factor of about 65 percent for nuclear reactors in operation in the United States over the past 5 years. It is assumed that CRBR's capacity factor will be slightly lower than the national average during its first 5 years because it is a demonstration reactor with an untried design. The 30-year average capacity factor of 68.5 percent is the same as that used by the Nuclear Regulatory Commission in its 1977 Environmental Impact Statement on CRBR.[1]

When these assumptions are combined, the estimate gross revenue from the sale of electricity produced by CRBR in its first year of operation is: 350 megawatts X .60 capacity X 24 hours/day X 365 days/year X 3.3 cents/kw-hr X 1.08^7 (for inflation) X 1.01^7 (electricity prices),[7] which equals $111.5 million in 1989 dollars. Similarly, for a 68.5 percent capacity factor, the "base year" gross revenue is calculated to be $127.3 million in 1989 dollars.

Results

Projected gross revenues from the sale of the electricity generated by CRBR in its first 5 years of operation are given in table 1, and gross revenues for the full 30-year design life of the plant are given in table 2. Revenues are given for three different ways of valuing dollars and for four discount rates. In the first column in each table gross revenues are shown in undiscounted, year-of-receipt dollars. For this calculation, the revenue in the "nth" year of CRBR operation is taken as the revenue in the base year times $(1.08 \times 1.01)^n$. The factor of 1.08 accounts for general inflation and the factor of 1.01 is for the extra increase in electricity price above inflation.

TABLE 1.—PROJECTED GROSS REVENUES FROM THE FIRST 5 YEARS OF CRBR OPERATION

Discount rate (percent)	Gross revenues (millions of dollars)		
	Undiscounted	Discounted to 1989	
	Year-of-receipt (dollars)	1989 (dollars)	1982 (dollars)
0	729	574	335
3.7	729	515	300
5.6	729	489	285
10.0	729	435	254

In the second column in each table the gross revenues are calculated in 1989 dollars, discounted to 1989 (the planned first year of CRBR operation), at discount rates of 0, 3.7, 5.6 and 10.0 percent. For this column the revenue in the n th year is the base year revenue times $[(1.01)/(1+i)]^n$, where i is the relevant discount rate.[8] In this case the factor of 1.08 does not appear because the calculation is in constant 1989 dollars, but the factor of 1.01 is retained to account for the assumption that electricity prices increase faster than inflation.

In the third column in each table the gross revenues are discounted to 1989, but shown in 1982 dollars. For this column the results of column two are divided by $(1.08)^7$.

TABLE 2.—PROJECTED GROSS REVENUES FROM 30 YEARS OF OPERATION OF CRBR

Discount rate (percent)	Gross revenues (billions of dollars)		
	Undiscounted	Discounted to 1989	
	Year-of-receipt (dollars)	1989 (dollars)	1982 (dollars)
0	19.21	4.472	2.609
3.7	19.21	2.604	1.519
5.6	19.21	2.061	1.203
10.0	19.21	1.318	0.769

Discussion

According to table 1, the gross revenue from the sale of the electricity produced during the first five years of CRBR operation might be projected at from $254 million (1982 dollars discounted at 10 percent per year to 1989) to $729 million (year-of-receipt dollars). These two numbers differ by nearly a factor of three, but there is a much greater difference between the various ways of calculating the CRBR gross revenues over a 30-year period. The 30-year gross revenues (table 2) are projected to be from $769 million to $19.2 billion.

Depending upon the context, it might be correct to say either that the gross revenues from CRBR will be $769 million (1982 dollars discounted at 10 percent per year to 1989) or $19.2 billion (undiscounted year-of-receipt dollars). The larger figure represents the actual revenues from the sale of the electricity produced as they are received, while the smaller figure represents the value of the revenues at the time the plant will begin operation (1989) in terms (1982 dollars), which are most familiar. Great care must be taken when using these figures, however. Neither is appropriate for a comparison with the cost of building the plant.

A proper cost/benefit comparison of CRBR would compare the costs of building the plant (including interest), expressed in constant year dollars of some base year (most conveniently 1989) with the discounted net operating revenues (gross revenues minus operating and fuel costs) from its operation. Depending on the discount rate used, the discounted gross revenue from the sale of electricity is estimated (table 2) at $1.3—2.6 billion (1989 dollars) and the net operating revenues might be expected to be about 1/2 to 2/3 of the gross revenue.[9]

On the cost side, DOE estimates a total cost of $3.7 billion to build the plant in as-spent dollars, which range from 1974 dollars to 1989 dollars.[10]

The comparable cost in 1989 dollars would be considerably higher. In addition, the U.S. General Accounting Office (GAO) has estimated that the cumulative interest on the money spent to build CRBR would be another $3.9 billion (mixed 1974-1994 dollars).[11] Hence, it is clear that the net operating revenue from CRBR is expected to be considerably less than the cost to build the plant, i.e. there is projected to be a large net cost associated with building and operating CRBR rather than a net revenue.

On the other hand, CRBR was never designed to operate at a profit. Its value is as a research, development, and demonstration facility. Benefits accruing from these functions have not been included in the above oversimplified cost/benefit analysis.

APPENDIX A

The discount rate[12]

Capital spending projects in the public sector are often evaluated by a method called cost-benefit analysis. Cost-benefit analysis involves identifying and measuring the costs and benefits associated with each project.

In order to evaluate the benefits and the costs which accrue at different rates over different periods of time, their values must be stated in terms of a common reference point. This common reference point is usually, but not necessarily, the present.

The flow of costs and benefits for an investment project are discounted to their "present value" through the application of an appropriate discount rate. The application of the discount rate is much like the compounding of interest, only it is generally backwards in time instead of forward.

The present value of a quantity may be defined as $1/(1+i)^n$ times that quantity, where i is the discount rate and n is the number of years through which the quantity is being discounted. The term present value is used even if the common reference point is not the present. Present values of costs and benefits can be compared to compute the net benefit of each individual project. The problem then is to determine the appropriate discount rate.

Many economists believe that the discount rate used to evaluate Government projects should measure the opportunity cost of capital to the Government. The opportunity cost of capital is the value of the commodity which would have been produced had the capital been invested in its most productive alternative. The alternative to public investment is private investment; thus the opportunity cost of capital to the Government is the rate of return earned on productive resources in the private sector. We are still left, however, with the difficulty of measuring the rate of return on investment of the private sector of the economy.

The Office of Management and Budget (OMB) has provided some guidance in this regard. OMB Circular A-94[13] establishes a fixed discount rate of 10 percent for all evaluations of applicable programs and projects (water projects, real property, commercial-type services, and automatic data processing equipment are exempted). The circular states that this discount rate "represents an estimate of the average rate of return on private investment, before taxes and after inflation." Hence according to OMB, the 10 percent discount rate should be used in establishing the present value of future costs and benefits expressed in constant dollars.

A 1977 Congressional Research Service investigation[14] into the question of the appropriate discount rate to be used in Government cost-benefit analysis offers another means of approximating the opportunity cost of capital to the Government. That investigation concluded that the interest rate on new, long-term Government bonds is the

best approximation of the opportunity cost of capital to the Government.

The interest rate on long-term Government bonds has recently been about 14 percent. However, that rate must be corrected for inflation to establish the discount rate to be used in determining the present value of future costs expressed in constant dollars. The discount rate is the absence of inflation, "i", is related to the discount rate that reflects the current bond market, "c", and the inflation rate, "e", by the following equation.

$$i=1-(1+c)/(1+e)$$

If inflation is projected to be 8 percent, then substituting 0.08 for e and 0.14 for c gives i=0.056, or a discount rate of 5.6 percent for use with quantities expressed in constant dollars.

Another candidate for a discount rate comes from the Technical Assessmen Guide (TAG) prepared by the Electri Power Research Institute (EPRI).[15] Th TAG is intended to provide "a consisten economic methodology for determining the relative cost to electric utility customers of the potential results of alternative R&D efforts." The TAG specifies a constant dollar discount rate of 3.7 percent based on EPRI's analysis of utility rates of return on their investment. It should be noted, however, that this discount rate is suggested for calculations made in an electric utility setting rather than for public sector R&D projects.

Another study of discount rates, by Econ, Inc.,[16] analyzes the choice of discount rate for long-term Federal energy R&D programs (specifically fusion energy) and finds that "the use of a 10 percent discount rate is clearly unwarranted for the evaluation of long-term projects. . . . High discount rates strongly favor the selection of short-term projects and nearly doom competing long-term projects, despite the potential benefits offered." They note that the use of a 10 percent discount rate may be justified when the risks in a project are large and uncertain. However, they suggest that a discount rate in the range of 3 to 5 percent be used in the evaluation of long-term energy R&D programs when the risk is considered in the expression of the costs and benefits.

It can be seen that, while the concept of discounting may be generally accepted, there is a considerable range of discount rates suggested for use. The discount rates used in the above analysis of projected revenues from the sale of electricity produced by the Clinch River Breeder Reactor (0, 3.7, 5.6, and 10.0 percent) were chosen to span the range of suggested values.

FOOTNOTES

[1] Because receiving a dollar 10 years from now is not as desirable as receiving that dollar tomorrow (even without inflation), a technique called discounting is generally used for placing streams of revenue with different time patterns on a common basis. In its simplest terms, discounting is accomplished by dividing future revenues by a constant factor for each year in the future that they will be received. While the technique of discounting is generally accepted, there is a large variation in the discount rates that are used. Discount rates of 0, 3.7 percent, 5.6 percent, and 10.0 percent are used in this report. The choice of a discount rate is discussed in appendix A.

[2] The contracts are printed in: U.S. Congress. House. Committee on Science and Technology. Closeout Costs: Clinch River Breeder Reactor Project. Hearing, 97th Cong., 1st Sess., May 11, 1981. Washington, U.S. Govt. Print. Off., 1981. 321 p.

[3] U.S. Energy Information Administration. Annual Report to Congress. Washington, Feb. 1982, v. 3, p. 155.

[4] U.S. Energy Information Administration. Annual Report to Congress. Washington, Mar. 1981, v. 3. p. 161.

[5] Letter from Gordon L. Chipman, Jr., DOE Deputy Assistant Secretary for Breeder Reactor Programs to J. Dexter Peach, U.S. General Accounting Office, Oct. 13, 1982.

[6] U.S. Nuclear Regulatory Commission. Final Environmental Statement: Clinch River Breeder Reactor Plant. Washington, Feb. 1977. NUREG-0139. p. 10-7.

[7] The exponent in the inflation factors is 7 because there are that many years from 1982 to 1989.

[8] See Appendix A for a discussion of the methodology of discounting and the reasons for choosing different discount rates.

[9] The difference between gross revenue and net operating revenue is based upon a comparison of our $19.2 million undiscounted year-of-receipt gross revenue estimate with DOE's project operating cost of $8.5 billion in undiscounted year-as-spent dollars presented in the letter from Gordon Chipman to J. Dexter Peach, op. cit.

[10] DOE's latest official cost estimate for CRBR is $3.6 billion, but that includes about 0.1 billion credit for projected net revenues during the first 5 years of operation.

[11] U.S. General Accounting Office. Interim Report on GAO's Review of the Total Cost Estimate for the Clinch River Breeder Reactor Project; Letter of Sept. 23, 1982. EMD-81-131. Washington, 1982. p. 12.

[12] This appendix is based in part upon U.S. Library of Congress. Congressional Research Service. A Critique of an ERDA Paper—The Updated Cost-Benefit Analysis of the LMFBR. Typed Report by Alvin Kaufman et al. Washington, 1978. p. 39-40.

[13] U.S. Office of Management and Budget. Discount Rates to be Used in Evaluating Time-Distributed Costs and Benefits. OMB Circular A-94. Revised Mar. 27, 1972.

[14] U.S. Library of Congress. Congressional Research Service. Calculating Discount Rates in Benefit/Cost Valuations. An Economic Appraisal. Typed Report by Warren E. Farb et al. May 23, 1977. Washington, 1977. 20 p.

[15] Electric Power Research Institute. Technical Assessment Guide. EPRI, Palo Alto, Calif. May 1982. EPRI P-2410-SR

[16] Econ, Inc. Methods of Economic Analysis Applied to Fusion Research: Discount Rate Determination and the Fossil Fuel Price Effect. Prepared for the Department of Energy, Division of Magnetic Fusion Energy. Sept. 25, 1978. 169 p. DOE Rept. C00/4181-2; Econ Rept. 78-159-2.●

MEMORIES OF MRS. JESSIE BAKER

Mr. GRASSLEY. Mr. President, it is a great pleasure to call to the attention of my colleagues the article sent to me by the Reverend Richard Henningfield, the Lutheran Church—Missouri Synod, of Council Bluffs, Iowa. The article relates some memories of Mrs. Jessie Baker, of the Twilight Acres Home, at Council Bluffs, Iowa. Mrs. Baker celebrated her 101st birthday on October 4, 1982. I ask that the article be printed in the RECORD.

The article follows:

MRS. JESSIE BAKER CELEBRATES 101ST BIRTHDAY

On October 4, 1982 Jessie Baker celebrated her 101 birthday at Twilight Acres. She was born in Wisconsin and moved to this area in 1887 at the age of six.

As a child, Mrs. Baker recalls Wall Lake with a dirt road main street. There was a harness shop in the spot where the current bank building now stands. Her parents operated a small hotel where the bowling alley is. Other businesses on main street at that time included another large hotel, a doctor's office and two general stores.

In those days it was an everyday occurrence to see a covered wagon pass through Wall Lake. Their extra team of horses or oxen would be tied to the back of the wagon. Most of them were headed west, going to the gold fields in California.

Some of her fondest memories are from her childhood. "Children were kept as babies for as long as they could be back then. Children today are much sharper and grow up much faster. I'm not sure that's best. The things I enjoyed most as a child were the long rides to see the circus and to see 'Little Eva' and 'Toppsie' in the Tent Shows."

As a member of the "class of 1900", Mrs. Baker is the oldest living graduate of Wall Lake High School. Following her graduation she taught school in the rural Sac county school systems. She was married in 1907 and has four children. Following the death of her husband, Mrs. Baker traveled around the country visiting relatives, which included three grandchildren, seven great-grandchildren, and one great-great-grandchild.

Mrs. Baker has lived from the time of the covered wagon, to the advent of the automobile, to having a man walk on the moon. She commented on the speed of current technology by saying that "It's just too much, too fast. I just don't know how much longer it can go on this way. We didn't have any of the things that they have now, no modern machinery, no indoor plumbing, and no telephone." They used to get their news, when they picked up the paper on Saturday, on their weekly trip to town.

"Those were the good ole days. I certainly wouldn't trade them for now. I used to walk one mile to get to school." In those days it took a long time to get anywhere. It was 1907 before Mrs. Baker saw her first automobile. "It wasn't long before everyone had to have one," she added. Since that time Mrs. Baker had ridden in an automobile many, many times and now even enjoys flying in airplanes.

One of the eras that Jessie Baker has experienced was the Great Depression. When asked how it compared with today's economic conditions she responded that she didn't feel that it was as bad then as it is now. "Back then we didn't have all the payments that people do today. If you were out of a job then you could somehow manager to get by. Today, if you loose your job it's pretty near impossible because of the bills."

One example of inflated costs offered by Mrs. Baker were the doctor bills for the birth of her four sons. The bill for the first two was $10 and the second two, $25. The doctor bill alone for the birth of a child now runs in the neighborhood of $500, not including hospital costs and others expenses.

The Great Depression, however, was not the most tragic portion of history for Mrs. Baker. The event that offers the most bitter memories was WWII. She and her husband lost a son aboard the "Indianapolis" when it was sank.

Another event that brings back vivid memories is the assassination of President McKinley. Mrs. Baker was working on a soap demonstration crew. "We were sitting at the breakfast table at the hotel in Lewis, Ia. when the lady who ran the hotel came over and told us the president had been shot.

Six years ago Mrs. Baker moved to Twilight Acres. Since moving there she has been two time champions at both checkers and spelling. She tied in a third spelling tournament with one of her former pupils, who also resides at Twilight Acres.

Mrs. Baker attributes her long life to the fact that she was born healthy. She is extremely proud of the claim that she takes the least medication of any of the residents at Twilight Acres. "I've never had much use for doctors. I had all the childhood illnesses

but my mother took care of me with home remedies."

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

● Mr. WALLOP. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD this notice of Senate employees who proposed to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Mr. Rick Rolf, of the staff of Senator MARK HATFIELD, and Mr. Scott W. Martin, of the staff of Senator RUDY BOSCHWITZ, to participate in a program sponsored by Korea University, in South Korea, from November 12 to 21, 1982.

The committee has determined that participation by Messrs. Rolf and Martin in the program in South Korea, at the expense of Korea University, to discuss United States-South Korea relations, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Ms. Gina Despres, of the staff of Senator BILL BRADLEY, to participate in a program sponsored by Korea University in South Korea from November 12 to 21, 1982.

The committee has determined that participation by Ms. Despres in the program in South Korea, at the expense of Korea University, to participate in discussions on United States-Korea relations, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Mr. Robert Vastine, of the staff of Senator CHAFEE, Mr. Lester Rosen, of the staff of Senator QUAYLE, and Ms. Mary Hawkins, of the staff of Senator DECONCINI, to participate in a program sponsored by a foreign educational organization, Tunghai University, in the Republic of China, from November 5 to 14, 1982.

The committee has determined that participation by Messrs. Vastine and Rosen and Ms. Hawkins, in the program in the Republic of China, at the expense of Tunghai University, to participate in economic and political issue discussions, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Mr. William Canis, of the staff of Senator CHARLES H. PERCY, to participate in a program in the Republic of Korea from November 12 to 21, 1982, sponsored by a foreign educational organization, Korea University.

The committee has determined that participation by Mr. Canis in the program in Korea, at the expense of the Asiatic Research Center of Korea University, to tour Korea's industry, government, and educational institutions, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Mr. Earl Eisenhower and Mrs. Judy Eisenhower, of the personal staff of Senator BARRY GOLDWATER, to participate in a program sponsored by Soochow University, in the Republic of China, from November 7 to 15, 1982.

The committee has determined that participation of Mr. Eisenhower and Mrs. Eisenhower in the program in the Republic of China, at the expense of Soochow University, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Ms. Lorraine Huang, of the personal staff of Senator ALAN CRANSTON, to participate in a program sponsored by a foreign educational organization, Korea University, in South Korea, from November 12 to 21, 1982.

The committee has determined that participation by Ms. Huang in the program in South Korea, at the expense of Korea University, to participate in seminars and meetings on United States-Korean economic, political, and security relations, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Ms. Dorothea Roberson, of the staff of the Select Committee on Intelligence, to participate in a program sponsored by a foreign educational organization, Soochow University, in Taiwan, from November 6 to 15, 1982.

The committee has determined that participation by Ms. Roberson in the program in Taiwan, at the expense of Soochow University, to participate in discussions regarding events in Taiwan and general issues of mutual concern, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Ms. Susan Schwab, of the staff of Senator JOHN DANFORTH, to participate in a program sponsored by the European Parliament and the Commission of the European Community in Europe from November 6 to 27, 1982.

The committee has determined that participation by Ms. Schwab in the program in Europe, at the expense of the European Parliament and the Commission of the European Community, to discuss issues of mutual concern with Europeans who have an active interest in United States-European relations, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Ms. Kathleen Connolly, of the staff of Senator JOHN GLENN, to participate in a program sponsored by a foreign educational organization, Soochow University, in Taipei, Taiwan, from November 6-14, 1982.

The committee has determined that participation by Ms. Connolly in the program in Taipei, at the expense of Soochow University, to discuss Taiwanese culture and institutions, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Mr. Richard F. Kaufman of the staff of the Joint Economic Committee, Mr. Winslow Wheeler of the staff of Senator NANCY KASSEBAUM, and Mr. Henry J. Steenstra, Jr., of the staff of Senator DAN QUAYLE, to participate in a program sponsored by a foreign educational organization, the Japan Center for International Exchange, in Tokyo, Japan, from November 7-13, 1982.

The committee has determined that participation by Messrs. Kaufman, Wheeler, Spencer, and Steenstra in the program in Tokyo, at the expense of the Japan Center for International Exchange, to discuss United States-Japan relations, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Ms. Margo Carlisle, of the staff of Senator JAMES MCCLURE, to participate in a program sponsored by a foreign educational organization, Konrad-Adenauer-Staftung Foundation, in Bad Godesberg, Germany, from November 19-21, 1982.

The committee has determined that participation by Ms. Carlisle in the program in Bad Godesberg, at the expense of the Konrad-Adenauer-Staftung Foundation, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Mr. Brent Budowsky, a member of the staff of Senator MAX BAUCUS, to participate in a program sponsored by a foreign educational organization, the Japan Center for International Exchange, in Tokyo, Japan, from November 6-14, 1982.

The committee has determined that participation by Mr. Budowsky, at the expense of the Japan Center for International Exchange, to discuss United States-Japan trade relations, is in the

interest of the Senate and the United States.

The Select Committee on Ethics has received a request from Mr. Charles Mitchell, a member of the personal staff of Senator HEFLIN, to participate in a program sponsored by a foreign educational organization, Tunghai University in the Republic of China, from November 4–15, 1982.

The committee has determined that participation by Mr. Mitchell in the program in the Republic of China, at the expense of Tunghai University, to discuss trade and policy issues, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received a request from Mr. Jade West, a member of the personal staff of Senator SYMMS, to participate in a program sponsored by a foreign educational organization, Tunghai University in the Republic of China, from November 5 to 14, 1982.

The committee has determined that participation by Mr. West in the program in the Republic of China, at the expense of Tunghai University, to discuss trade and policy issues, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Mr. James P. Lucier and Mrs. Mary Grace Lucier, of the staff of Senator JESSE HELMS, to participate in a program sponsored by a foreign educational organization, Soochow University, in the Republic of China, in early November 1982.

The committee has determined that participation by Mr. and Mrs. Lucier in the program in Taiwan, at the expense of Soochow University, to participate in discussions with faculty members and students of the university and leading officials of the Republic of China, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Ms. Diana Smith, of the staff of the Committee on Foreign Relations, to participate in a program sponsored by the NATO Euro-group of discussions with high level government officials of the NATO Euro-group countries from October 14 to 24, 1982.

The committee has determined that participation by Ms. Smith in the program, at the expense of the NATO Euro-group, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Messrs. Richard Finn and Drew Harker, of the staff of the Armed Services Committee, to participate in a program sponsored by the NATO Euro-group countries, to travel to Turkey, Greece, Italy, and Portugal, to discuss foreign policy and mutual security issues from October 13 to October 24, 1982.

The committee has determined that participation by Messrs. Finn and Harker in this program, at the expense of the NATO Euro-group countries, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Messrs. Geryld Christianson, Edward G. Sanders, Patrick Balestrieri, and John Ritch, of the staff of the Committee on Foreign Relations, to participate in a program of discussions with high level government officials of the NATO Euro-group countries (Turkey, Greece, Italy, and Portugal) concerning foreign policy and security issues on the southern flank, and relations with the United States, from October 14–24, 1982.

The committee has determined that participation by Messrs. Christianson, Sanders, Balestrieri, and Ritch in the program, at the expense of the NATO group, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received a request from Mr. Douglas L. Miller, a member of the personal staff of Senator LARRY PRESSLER, to participate in a program sponsored by a foreign educational organization, Tunghai University, in the Republic of China, from November 4–18, 1982.

The committee has determined that participation by Mrs. Miller in the program in the Republic of China, at the expense of Tunghai University, to discuss trade and policy issues, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Ms. Margo Carlisle, an employee of the Senate Republican Conference, to participate in a program in Guatemala from October 13 to 21, 1982, sponsored by the Guatemala Freedom Foundation.

The committee has determined that participation by Ms. Carlisle in the program in Guatemala, at the expense of the Guatemala Freedom Foundation, to participate in educational meetings, is in the interest of the Senate and the United States.●

JACK KEY'S SERVICE TO SENATE WAS EXTRAORDINARY

● Mr. NUNN. Mr. President, Jack Key, who has been a most effective member of the staff of the Senate Permanent Subcommittee on Investigations for the past 3 years, is leaving Washington to return to his native Florida where he will enter the business community of Manatee County. Jack Key has been one of my most valuable aides. His competence, sound judgment, and loyalty will be missed.

Jack, who was chief investigator when I was chairman of the subcommittee and now serves in that capacity on the minority staff, made many important contributions to our work, particularly in the effort to strengthen the Government's ability to combat organized crime and to immobilize the international drug syndicates.

A nationally recognized expert on organized crime and drug abuse, Jack brought to the subcommittee proven investigative ability and experience gained in nearly two decades of law enforcement work at the State, county, and local levels in Florida.

Calling upon lessons learned in a wide variety of law enforcement assignments, from undercover drug duty to security operations at the 1972 national political conventions in Miami Beach, Jack Key knows and understands police work, he knows and understands the criminal justice system and he knows and understands how the Federal Government can assist local officials. He is a unique perspective, one that constituted a great resource for the Permanent Subcommittee on Investigations as we sought to carry out our mandate to examine organized and syndicated crime and recommend methods to control it.

But Jack Key did not limit his contributions to cases relating to organized crime and drug trafficking. He played a vital role in the subcommittee's recent inquiry into the Government's ability to control the illegal diversion of militarily critical technology to the Soviet Union. The subcommittee's investigation of the Government's failures in examining the Teamsters Central States Pension Fund was very much enhanced by the participation of Jack Key. Additionally, in the waterfront corruption hearing, his many contacts in law enforcement agencies throughout the Nation resulted in the subcommittee's having the unprecedented testimony of a New Jersey State police officer who, in an undercover capacity, had penetrated the core of a major organized crime family.

Jack Key is one of the most capable men I have had the pleasure of working with. I know I speak for other members of the subcommittee when I say that we are grateful for the service he gave. We wish Jack good luck in all his future endeavors.●

THE DEATH OF MR. KORCZAK ZIOLKOWSKI

● Mr. ABDNOR. Mr. President, on October 21, South Dakota and the Nation lost one of the most remarkable individuals of our time with the death of Mr. Korczak Ziolkowski.

While there might be many who might not recognize his name, there are few that do not know of this remarkable man's efforts to turn a mountain in South Dakota into a timeless memorial.

Korczak, as he preferred to be called, was invited in 1939 by Sioux Chief Henry Standing Bear to carve an Indian memorial in the Black Hills which would honor the legendary Indian Chief Crazy Horse.

In 1948, he began work on the sculpting of an entire 600-foot mountain in the round. When completed Crazy Horse will stand taller than the Great Pyramid or the Washington Monument.

Nine years before, he began his work with $174 in his pocket and lived in a tent at the base of Thunderhead Mountain as he struggled to carve the heritage of the Indian Nation in stone.

Up until his death at age 73, not a day went by that he did not spend on his mountain. He singlehandedly raised the needed funds to meet his expenses and twice spurned offers of Federal assistance. Day after day for 35 years he worked to move his dream nearer to reality.

In these efforts he was not alone. His beloved wife, Ruth, was his partner in every sense of the word. They were joined by their 10 children (5 boys and 5 girls) who gave their love and support to this man and his dream.

They will now carry on his dream, as he requested in his final words to his family.

Korczak once said that "when legends die, the dreams end; when the dreams end, there is no more greatness." Well, this monument to man's greatness will live on as a legend for all time—not only to Crazy Horse and the noble character he epitomizes, but also for Korczak Ziolkowski who lies buried at the foot of his beloved mountain.

Mr. President, I ask to include the following material in the CONGRESSIONAL RECORD.

The material follows:

THE THUNDER IS GONE FROM THUNDERHEAD MOUNTAIN

[From the Rapid City Journal, Oct. 22, 1982]

ZIOLKOWSKI: AN ARTIST, A DREAMER

(By Marguerite Weisbeck)

"You must keep building. The only good is in building. Crazy Horse must be finished. You must work on the mountain—but slowly, so you do it right."

Korczak Ziolkowski's last words to his wife and children.

The thunder is gone from Thunderhead Mountain. Korczak Ziolkowski is dead.

He was a strong man, a stubborn man. He knew what he wanted and he usually got it. He was independent. He made things happen. He brooked no interference.

That was the side of him so many people saw. But there was another side. he was an artist, a romantic. He was a dreamer. In many ways, he still embodied in his bear-like frame the wonder of a child.

He was enthralled by the romance of the West and the romance of the American Indian, with the way things used to be but so seldom were any more. He was drawn to the authentic, the beautiful, the creative.

The old chiefs of the Sioux, he revered. Of Gutzon Borglum, the original mountain sculptor, he spoke with awe. He has an eye for every lovely thing on his mountain, from the grain of the rust in the granite, to the long views from the mountaintop, to the patterns of ancient lichens on ancient stone.

"I believe I'm just about the only white man ever invited out here by the Indians," he said once, with satisfaction. He would take no money from the government to help with the work on Crazy Horse Monument. He had promised the Indians a humanitarian project, with health and educational centers, and he didn't believe the government would keep a promise to build them any better than they had kept any other promises to the Indian people.

Like a child, he believed implicitly in his dream. He couldn't understand that some people don't believe in dreams, that some people don't dream at all. "When the legends die, the dreams end. When the dreams end, there is no more greatness," he would quote with relish, not remembering who has said it, but liking the philosophy.

He aspired to greatness. The first plan for the monument was small, a carving on a mountain. Soon, it became a carving of a mountain. It would be the biggest, the most dramatic, the most unforgettable monument even seen. Nobody in the history of the world had carved a heroic figure, in the round, out of a mountain.

But he was also the most realistic of men. He carved his own coffin out of pine grown on his own land and kept it in the art gallery that contained the other treasures of his hands, the wood and stone carvings, the furniture and the history of his work told in newspaper and magazine clippings that covered an entire wall.

"Maybe it's like carrying an umbrella," he said of the coffin. "As long as you carry it, it doesn't rain."

And he carved his own tomb out of the rock of the valley floor and designed the great metal door that swings shut at the touch of a finger. He planned his own funeral.

Korczak the strong man is dead. But Korczak the dreamer lives on in his dream. When the long arm of the figure on the mountain is finished and gleams white in the sun, when the words on Crazy Horse are repeated on the wide veranda where thousands of visitors come to view the mountain: "My lands are where my dead lie buried," Korczak will be there.

[From the Rapid City Journal, Oct. 22, 1982]

KORCZAK ZIOLKOWSKI—MAN ON THE MOUNTAIN

Korczak Ziolkowski left his mark on the Black Hills in more ways than one.

For 35 years he devoted his life and considerable talent to a dream he shared with Sioux Indian elders of a generation ago—a gigantic monument to the great Sioux leader, Crazy Horse.

To fulfill that dream, he purchased the land surrounding Thunderhead Mountain north of Custer to be the site not only of the monument but of an Indian university and medical center.

Early on, Ziolkowski exhibited his single-mindedness and fierce independence (some would call it stubbornness) by refusing financial help from the federal government because it was conditioned on abandoning plans for the university and medical center and concentrating on the monument.

Having to depend on contributions from benefactors and tourists slowed work on the monument. Often Ziolkowski worked alone blasting rock and pushing it from the mountain to rough out the form of Crazy Horse astride a horse with his arm outstretched over the horse's head. The monument was to depict an incident in which Crazy Horse answered the taunts of a soldier by saying, "My lands are where my dead lie buried."

Ziolkowski was a man of contrasts. At times his language was from the gutter, at other times from the drawing room. He could tell a crude story or discuss fine arts. He easily made the transition from dirty buckskins and battered western hat to a silk-lined cape and top hat. Over the years he cut off people who had been friends, supporters or benefactors, often for insignificant reasons. A genial host, he was difficult to get to see. He had harsh words for his critics. If you weren't for him, you were against him.

Even though he fell behind his timetable, and the years began to take their toll on his massive frame, he persisted in saying the Crazy Horse Monument would be finished. Finally realizing it couldn't be done in his lifetime, he trained some of his children to carry on the work.

Whether the monument to Crazy Horse ever emerges or remains nothing more than a scar on Thunderhead Mountain, Ziolkowski's name will remain etched on the pages of South Dakota history.

Here was a man who was as flinty and stubborn as the Black Hills granite which challenged his determination and talent and kept him from realizing his dream.

[From the Argus Leader, Sioux Falls, S. Dak., Oct. 22, 1982]

ZIOLKOWSKI: LEGEND LIKE CRAZY HORSE MOUNTAIN

South Dakota's man on the mountain—Korczak Ziolkowski—didn't get the six more good years that he wanted to work on his sculpture of Crazy Horse in the Black Hills. But he got one year—1981—and hope for another before he died Wednesday night at age 74.

According to spokesman Rob DeWall, the sculptor's family will carry on the work of completing his monument to the great Sioux Indian Chief Crazy Horse. That's appropriate for the honoree and the sculptor Ziolkowski was a great South Dakotan and American artist.

He worked 35 years on Crazy Horse Mountain and became a legend himself—so much a part of the Black Hills and South Dakota that it's easy to forget his origin and how he began the monument.

Ziolkowski was orphaned in Boston when he was a year old. He came to the Black Hills in 1939 to work for sculptor Gutzon Borglum on Mount Rushmore. That was the year that Sioux Chief Henry Standing Bear asked Ziolkowski to carve a mountain memorial to Crazy Horse.

Ziolkowski began the task after World War II, blasting 7.2 million tons of rock from the mountain before he died. Another 2 million tons must be removed before detail work can be started.

Throughout his work on Crazy Horse mountain, Ziolkowski saved the most difficult and dangerous tasks for himself. His

wife, Ruth, and his children have helped him with the project; sons worked on the mountain with him. His daughters assisted Mrs. Ziolkowski with the operation of the visitor's complex. One daughter made models of Crazy Horse Memorial as part of the money-raising effort.

Ziolkowski consistently refused federal aid for his project, relying instead on admission fees and private financing. It is estimated that 1.1 million visitors saw Crazy Horse Mountain in 1981.

The U.S. Post Office issued the Crazy Horse 13-cent postage stamp at the memorial last January. Other recent notable recognition for Ziolkowski came from Northwestern Bell. The company put a color photo of the sculptor and his wife and Crazy Horse Mountain on the cover of its South Dakota phone books.

There are many anecdotes about Ziolkowski, his attention to detail and his allcomsuming interest in the project. At the same time, he was a devoted family man and a friend of innumerable South Dakotans and others who visited him at Crazy Horse.

Ziolkowski's research about Native Americans led to admiration for them and disgust with the federal government's breaking innumerable treaties with the tribes. He met with many Sioux leaders and also with Mari Sandoz, the famed Nebraska author, to gain insight for his monument.

Ziolkowski persisted in working on the mountain in recent years despite seveal back operations. His death resulted from complications following recent heart surgery.

His plans for his family to carry on the work were made carefully.

Now its up to them to carry on—and complete the dream Ziolkowski had for Crazy Horse Mountain.●

EXTREMISTS SUPPORT NUCLEAR FREEZE

● Mr. EAST. Mr. President, in the last 2 months several major newspapers and public figures have made charges of a "revival of McCarthyism" in response to allegations made by President Reagan, Senator DENTON, and others that the so-called nuclear freeze movement has been penetrated and influenced by Communists, pro-Soviet elements, and far left activists. While I believe that those Americans who support the freeze are mistaken in their support, the majority of those who do support the freeze are nevertheless patriotic citizens who are unaware of the ulterior motives that are harbored by some of the leaders and more prominent figures who promote the freeze.

I shall provide here extensive documentation from reliable and publicly available sources for the allegation that pro-Soviet, Communist, Communist Party front groups, and far left activists are indeed present in the freeze movement and have exerted considerable influence within it. I am submitting these articles today not in order to expose the freeze movement but in order to inform other Americans—especially those who are not aware of the far left influences within it—of the presence and influence of those elements.

While it is certainly the right of American citizens to support those policies in which they believe, I would ask supporters of the freeze movement to ask themselves about the goals and purposes of that movement and about the security of their own country and its institutions:

First, why does the Soviet Union want a nuclear freeze? Is it because the largest totalitarian state in the world—a nation that persecutes its own citizens and is currently invading and destroying Afghanistan and other nations behind the Iron Curtain—is really interested in peace? Is it because the Soviet Union—which in the last 15 years embarked on the largest nuclear buildup in history—wants an end to the arms race? There is in fact no arms race on the part of the United States, since we have not deployed a single new land-based nuclear weapon system since the early 1970's. Or does the Soviet Union support a nuclear arms freeze because it now enjoys nuclear superiority in the European theater and elsewhere and knows that its superiority would be ended by the planned deployment of Pershing II and ground-launched cruise missiles by the United States in NATO by the end of 1983?

Second, is it not likely that the Soviet Union would use its immense propaganda assets in the KGB, the international department and the information department of the Central Committee of the Soviet Communist Party, in the Communist Parties of the world and their front groups, and other assets as well to promote a policy that the Soviets deem to be in their interest? Is that an unreasonable possibility?

Third, are those persons really interested in peace and disarmament who have taken the side of the Soviet Union, Cuba, North Vietnam, and other Communist states over the years; who have traveled to the Soviet Union to take part in "peace" conferences sponsored by the Soviet Government and presided over by known Communist Party members; who have denounced the United States and its foreign and military policies repeatedly as well as its fundamental institutions; or who have generally supported anti-American and anti-Western causes, countries, and movements? Or are such persons and organizations really motivated by some other desire than the security and best interests of the United States?

Fourth, are those leaders of the freeze movement who have not been explicitly or implicitly pro-Communist or anti-American in their rhetoric or activities but who dismiss charges of a Communist presence in the freeze movement as absurd or who say it is irrelevant—are such leaders acting responsibly and in a manner intended to promote the best interests of the United States?

Mr. President, I pray that all Americans will ask themselves these questions about the freeze movement and seek serious answers to them as they read the articles and materials below, and I ask that the articles be printed in the CONGRESSIONAL RECORD in full at the conclusion of these remarks.

The articles are as follows:

(1) Robert Moss, "The Intelligence War—Long Arm of KGB on Disarmers," Daily Telegraph (London), November 2, 1981, p. 5.

(2) "The Nuclear Freeze Network," Peace Through Strength Report (American Security Council), April 17, 1982.

(3) "How Far Left Is Manipulating U.S. Nuclear Freeze Movement," Human Events, April 17, 1982.

(4) Allan Brownfeld, "'Peace' Visitors Sing a Soviet Song," Washington Times, April 21, 1982, p. 8A.

(5) Jeffrey G. Barlow, "Moscow and the Peace Offensive," (Backgrounder No. 184) Heritage Foundation, May 14, 1982.

(6) Vladimir Bukovsky, "The Peace Movement and the Soviet Union," Commentary (May 1982), pp. 25-41.

(7) "The Nuclear Weapons Freeze Movement," Washington Report (American Security Council), June 1982.

(8) Rael Jean and Erich Isaac, "The Counterfeit Peacemakers: Atomic Freeze," The American Spectator, June 1982.

(9) Dorothy Rabinowitz, "The Building Blocks of the Freeze Movement," Wall Street Journal, June 10, 1982, p. 18.

(10) John Barron, "Nuclear Freeze Campaign Instigated by KGB," (opinion editorial), Washington Times, October 18, 1982, p. 11A.

(11) "The KGB's Role in Vermont's Nuclear Freeze Referendum," Human Events, October 30, 1982, p. 5.

(12) "The Activists: Familiar Faces, A Familiar Fight, Different Arena," Washington Post, October 1, 1982, p. A12.

THE INTELLIGENCE WAR—LONG ARM OF KGB ON DISARMERS

(By Robert Moss)

Evidence has come to light of the direct involvement by the KGB, the Russian secret police, in efforts to promote unilateral disarmament campaigns in Nato countries.

Last April, the Dutch government expelled a 31-year-old Russian called Vadim Vassilevich Leonov, supposedly a correspondent for the Tass news agency in Holland.

Mr. Leonov had been identified by the Dutch security service as a KGB officer who was actively engaged in espionage and covert operations.

Mr. Leonov's primary role was to maintain contacts with leaders of the Ban-the-Bomb movement.

He was to help orchestrate mass demonstrations and propaganda operations according to instructions forwarded from Moscow via the top-secret telex in the KGB Referentura (or code-room) inside the Soviet Embassy in The Hague.

Several months after Mr. Leonov's expulsion, a Dutch religious newspaper, the Reformatorisch Dagblad, published some remarkable disclosures by an unidentified church activist who had been cultivated by the KGB man.

According to the newspaper report, Mr. Leonov had boasted one evening that "if Moscow decides that 50,000 demonstrators must take to the streets in Holland, then they take to the streets.

"A message through my channels is sufficient.

"Everything is organized with military precision under the leadership of people who are essentially conscientious objectors.

"I should know," Mr. Leonov went on, "becasue not only am I involved in these clandestine activities on a daily basis, but I am also one of those who transmit the orders coming from Moscow."

Mr. Leonov's indiscretion—no doubt expressed to his confidant while never suspecting that he would later be quoted in print—is singularly revealing.

BAN CIRCUMVENTED

On the other side of the Atlantic, Mr. Leonov's role appears to be paralleled by that of Yuri Kapralov, whose nominal post is that of counsellor at the Soviet Embassy in Washington.

Mr. Kapralov has become a familiar figure at rallies and seminars organized to oppose the Reagan Administration's defence programme.

Last August, he was scheduled to address a disarmament rally that was to be held at the end of a march between the symbolically-named Vermont towns of Washington and Moscow.

The State Department intervened to prohibit Mr. Kapralov from speaking in Washington, Moscow, or two other towns along the route.

But the order failed to mention a fifth village along the line of the march, so Mr. Kapralov was able to make his speech at the Wesley Methodist Church in Waterbury, Vermont.

He spoke in support of a moratorium on the development of both nuclear and conventional arms by the two superpowers—a freeze that would confirm the present superiority enjoyed by the Soviet Union.

THE NUCLEAR FREEZE NETWORK

A well-organized international campaign to freeze U.S.-Soviet nuclear arms is now well underway in this country. The subject of extensive coverage in the national news, including a cover story in Time magazine last month, this is without question the largest and best-organized disarmament campaign yet. The flurry of freeze activity has already led to significant Congressional action, and a major co-ordinating effort will be concentrated in this month's Ground Zero Week.

A joint Congressional Resolution, introduced by Sens. Edward Kennedy (D.-Mass.) and Mark Hatfield (R.-Ore.) and Reps. Edward Markey (D.-Mass.) and Silvio Conte (R.-Mass.) has also garnered the support of 179 Congressmen. Also actively lobbying on behalf of the freeze are prominent social activists such as Screen Actors Guild president Ed Asner, composer-conductor Leonard Bernstein, entertainer Joan Baez, and politicians George McGovern and Bella Abzug.

Scheduled to begin April 19, Ground Zero Week's goal is to reach as many Americans as possible in some 300 targeted communities nationwide through teach-ins, seminars, lectures and other presentations with the message that nuclear weapons "are the biggest threat in the world." Rapidly gaining momentum in more than 100 free nations, the movement is building up to a climax in June when massive lobbying efforts and rallies are expected throughout the world, according to the Communist newspaper Daily World. In fact, key organizers of the international freeze campaign are the World Peace Council and its American affiliate, the U.S. Peace Council. President Reagan has already publicly described the Council as being "bought and paid for by the Soviet Union."

Critics of the freeze initiative argue that it does not address the issue of historic Soviet expansionism and is based on the assumption that the U.S. and Soviet Union have equal nuclear arsenals, while leading defense experts report the USSR has more than double the nuclear destructive force possessed by the U.S.

Calling the nuclear arms race the first step to the possible "annihilation of humanity," Sen. Kennedy said, "The only sure choice is for both sides to halt and then to reverse the race." He suggested the planet Earth is "an endangered species" because "we are nearing a time when the world as we know it will be only a second away from nothingness."

The anti-nuclear advocates have created a broad network of member groups dedicated to the implementation of such a proposed freeze. As such, while a relatively small number of core organizations co-ordinate strategy, the uprisings appear to emerge from the local—or grassroots—level.

The plan seems to be working well, as evidenced by the overwhelming success scored in New England with the American Friends Service Committee pushing for inclusion of the freeze resolution on hundreds of town warrants. Countless other groups are conducting direct-mail campaigns to solicit funds and support for the freeze, and speakers are being brought to college campuses from both the U.S. and Europe to lecture on the merits of a nuclear arms freeze.

"It would be the end of our strategic modernization program," declared Defense Secretary Caspar Weinberger of the proposed nuclear arms freeze. Calling the freeze an "open invitation" to the Soviet Union to keep up its military drive, Weinberger added that the Soviets have been consistently outinvesting the U.S. in defense hardware.

Professor William Van Cleave, Defense Department transition team leader and head of a strategic studies program at the University of Southern California, explained that "every single, relevant, strategic index, with the possible exception of nuclear warheads, and that's very debatable, now favors the Soviet Union. The Soviets are ahead in equivalent megatonnage, hard-target kill capability, number of launchers, and in my view, even warheads, when you include the Backfire Bomber and Soviet missile reload capabilities. . . ."

Bearing Banners with such slogans as "Babies Can't Survive Nuclear War" and a butterfly-emblazoned sign reading "Give Children Dreams, Not Nuclear Nightmares," such groups as SANE, the Union of Concerned Scientists, International Physicians for the Prevention of Nuclear War, the Lawyer's Alliance for Nuclear Arms Control, the Business Alert to Nuclear War, and Artists for Survival, among a whole host of others, are converging to make nuclear weapons so frightening that sufficient fear is inspired to have citizens demand a halt to the production of nuclear weapons at all costs.

Politically-savvy Linda Jones, editor of The Maine Paper, a Hallowell, Maine-based bi-weekly, suggests that by moving from the universities and "think tanks" into "middle-of-the-road" communities, organizer-activists manage to influence local people to support their concepts and thus succeed in creating the illusion of a "grass-roots uprising."

"To produce the necessary ground swell," Jones explained, "a great many pamphlets have to be dispatched to community groups, churches and organizational affiliates.

"Initiatives are introduced at the local level to bring the mandate back up through the U.S. populace to complete the process," she continued, "making the demand on Congress from grassroots America."

NUCLEAR WEAPONS FREEZE CAMPAIGN NATIONAL CLEARINGHOUSE

One extraordinarily successful group, largely responsible for getting the arms freeze proposal on town meeting warrants in scores of New England communities, is the St. Louis, Missouri based Nuclear Weapons Freeze Campaign National Clearinghouse.

Former Freeze Campaign director and current member of the Massachusetts-based Institute for Defense and Disarmament, Mark Neidergang, told us that St. Louis was chosen because "we felt that if this issue were going to convince the broad majority of the people, we needed to demonstrate that we were sort of symbolically 'middle-of-the-road,' not an east coast liberal establishment movement, or a west coast flaky movement."

Over 60 groups operate nationally under the wings of the Freeze Campaign, including Clergy and Laity Concerned (CALC), and the American Friends Service Committee.

CLERGY AND LAITY CONCERNED (CALC)

Clergy and Laity Concerned (CALC) was formed in 1965 as the "Emergency Committee of Clergy and Laymen Concerned about Vietnam," and they had over 50,000 members by 1970. CALC currently boasts 20,000 members and hopes to add another 3,000 this year.

CALC calls the nuclear freeze its top priority and plans to co-sponsor with the American Friends Service Committee a two-week visit by ten major European "peace leaders" next month. This delegation will split into groups of two and lecture in a total of 36 cities during their U.S. stay.

Extremely active in both the planning and development of the Nuclear Weapons Freeze Campaign, CALC is now working towards involving all 42 of its chapters in sponsorship of Freeze conferences.

AMERICAN FRIENDS SERVICE COMMITTEE

The American Friends Service Committee, originally established by and for Quaker conscientious objectors to war, has grown into an activist organization with emphasis on social issues ranging from world hunger to social justice.

Right now the main focus of the Service Committee is the weapons freeze initiative. The group was highly successful in organizing opposition at New England town meetings and its campus speakers bureau is said to be the most effective in the anti-defense community.

COALITION FOR A NEW FOREIGN AND MILITARY POLICY (CNFMP)

The Coalition for a New Foreign and Military Policy (CNFMP) is being credited by the national media as having mounted the most comprehensive anti-defense effort yet. Like the Nuclear Weapons Freeze Campaign National Clearinghouse, CNFMP is a central operation with 70 member groups running the gamut from religious organizations like the National Council of Churches to self-described progressive lobbying groups

and think-tanks, such as the Institute of Policy Studies.

Other CNFMP member groups include, again, CALC and the American Friends Service Committee, the National Center to Slash Military spending, the International Longshoremen's Union, Members of Congress for Peace Through Law, the National Council of Churches, and Americans for Democratic Action.

There is reportedly a great deal of cross-membership among the smaller groups in these large "pulse-centers" of anti-defense activity that suggests to many an "interlocking directorate" of control.

As these oranizations march and lobby to influence the remaining members of Congress to join in their call for a nuclear arms freeze, President Reagan and Caspar Weinberger will continue to argue the case for increased weapons development to "keep America strong."

HOW FAR LEFT IS MANIPULATING U.S. NUCLEAR "FREEZE" MOVEMENT

Where did the idea of a "nuclear freeze" come from? When Senators Edward Kennedy (D.-Mass.) and Mark Hatfield (R.-Ore.) introduced their resolution calling for such a freeze, they implied that the proposal was their own and that it was simply a response to "grass-roots" pressure. However, there is evidence to indicate that the freeze proposal is the product of the extreme left, and that identified Communist-front organizations and actual Soviet agents have had a role in promoting it.

An internal document of the anti-nuclear forces obtained by Human Events identifies a disarmanment activist by the name of Randall Forsberg as the "intellectual author" of the freeze campaign. This document, dated February 22 and written by Anne B. Zill, a representative of liberal financier Stewart Mott, reveals the inner workings of the anti-nuclear movement and how it is manipulating the media.

Ms. Forsberg, who was unavailable for comment, is identified in the document as the head of the Institute for Defense and Disarmanent Studies in Brookline, Mass. Formed in 1979, the group recently obtained tax-exempt status, according to the document. "With a staff of eight full-time and three part-time employes," it says, "Randall Forsberg plans to have her first newspaper in May, called 'Defense and Disarmament News.' Also in preparation is listing all American peace and peace-related organizations, both national and local. The goal is to increase the amount of cooperation."

It just so happens that Ms. Forsberg is well connected with those "peace organizations." One of the directors of her institute is Richard J. Barnet, a founder of the extreme-left Institute for Policy Studies (IPS), which has served as "watering hole" for apologists of Communist regimes such as Cuba and North Vietnam.

The Mobilizer, a newspaper of the anti-nuclear group, Mobilization for Survival (MFS), reported in its April/May 1981 issue that Ms. Forsberg delivered a "keynote address" to the December 1979 MFS conference. She then "proposed a joint U.S.-USSR freeze on all nuclear weapons as a concrete step to halt the nuclear arms race," the newspaper reported. "That idea was well-received, and Ms. Forsberg was encouraged to develop it into a full-blown proposal."

That Ms. Forsberg would attend a conference of the Mobilization of Survival is significant because the MFS is one of the most radical anti-nuclear groups on the scene. Its affiliate members include the Communist party and the U.S. Peace Council, the American branch of the World Peace Council, an organization described by President Reagan as "bought and paid for by the Soviet Union." It is not surprising, therefore, that her freeze proposal, which would lock in Soviet nuclear superiority, would receive such a warm reception.

According to The Mobilizer, Ms. Forsberg then produced a paper, "A Call to Halt the Nuclear Arms Race," incorporating the freeze concept. The paper picked up a number of endorsements, including that of the MFS national coordinator. "Soon after this," the newspaper said, "organizational commitments began to follow, and an interim steering committee (again with MFS participation) was formed to launch the freeze as a major national campaign. That committee agreed that the first step in building the campaign should be a national strategy conference, in which local organizers and groups who had not been previously involved could both get excited about it and help shape it."

In March 1981 the first national strategy conference of the freeze campaign was held in Washington, D.C. The MFS newspaper reported that it featured almost 300 people "gathered from 33 states, Great Britain and the Soviet Union," and that Ms. Forsberg participated, as did Yuriy S. Kapralov of the Soviet Embassy.

In February 1982 the second national conference of the freeze campaign was held in Denver, Colo., and Senators Kennedy and Hatfield followed by introducing their freeze resolution in Congress. Did the Kennedy-Hatfield forces contact Ms. Forsberg's Institute for Defense and Disarmament Studies before they went ahead? "Yes, they did," replied institute spokesman Melinda Fine.

The congressional action suddenly focused national attention on the freeze campaign. Major newspapers and news magazines carried stories about a supposedly "broadly based" and "grass roots" movement, ignoring the fact that the freeze proposal had been nurtured from the beginning by the extreme left.

While the freeze proposal has attracted a number of congressional supporters, most of them liberal Democrats, and while it has generated support in town meetings, city councils and even some state legislatures, there is no reason to believe that most Americans support the Kennedy-Hatfield proposal or anything like it. A Newsweek magazine poll reported, for instance, that 61 per cent of the people opposed a nuclear freeze which gave the Soviets an edge. The Soviets, as President Reagan noted at his last news conference, do have just such an edge.

Nevertheless, the anti-nuclear forces are working hard to create the illusion of popular support for their cause. The Zill document mentioned earlier describes in detail how the anti-nuclear groups are moving their propaganda into the media.

Zill notes, for instance, that the Nuclear Weapons Freeze Campaign in St. Louis has a staff of only five people, but that a reporter for U.S. News & World Report contacted the group's coordinator and then "concluded that the push for a nuclear weapons freeze is rooted in local referenda and churches and that it is spreading through middle America."

Evidence of such popular support can't be found in the document. In fact, Zill complains that some of the "peace groups" are poorly funded and she laments "the absence of a high-powered, effective peace lobby." She suggests that groups pool their efforts and concentrate on projects that will attract media attention.

"The three biggest calendar events of the year," she says, "are the Ground Zero Week in April, the second Special Session On Disarmament at the United Nations with an accompanying mass rally in June, and a Veterans Day repeat of last year's successful university teach-ins on November 11."

The mass really, scheduled for June 12, has received strong backing from the U.S. Peace Council. In a recent letter to its supporters, the pro-Soviet group said the rally will be an expression of support for the U.S. disarmament session, an event which "comes at the urging of the non-aligned movement and the Socialist countries. . . ." It called the rally "a matter of great urgency."

In the face of this anti-nuclear propaganda assault, complete with the Vietnam-like street protests and demonstrations, the Administration can't afford to retreat in its effort to rebuild America's deterrent, especially in view of mounting evidence that the Soviets have already—in blatant violation of SALT II—begun to deploy the mobile SS-16 (see page 3). The American people will back the Administration, but the President's political advisers—Jim Baker, Dave Gergen and pollster Richard Wirthlin—have to allow him to make the hard-hitting statements necessary to rally the electorate.

[From the Washington Times, Apr. 21, 1982]

"PEACE" VISITORS SING A SOVIET SONG

(By Allan Brownfeld)

During April, a group of European supporters of a "nuclear freeze" is touring the U.S. under the auspices of what they call the "U.S.-Europan Peace Tour."

In the group are Joan Ruddeck, chairwoman, of the Coalition for Nuclear Disarmament in Great Britain and Bruce Kent, a Roman Catholic priest from England who runs the CND.

When these "peace" advocates portray themselves as supporters of a world without war, they present themselves as something other than what they are. Fortunately, several young Englishmen committed to a far different philosophy also are visiting the U.S. to tell the truth about their countrymen. They are Francis Leonard Holihan, director of the Coalition for Peace Through Security of London, and Edward Leigh, who served as correspondence secretary to Margaret Thatcher and since 1977 has been a Conservative member of the Greater London Council.

Leigh declares: "We became alarmed about the growth of the Campaign for Nuclear Disarmament. It has grown phenomenally in the last two years. They believe not in mutual disarmament but in the unilateral disarmament of the West. While in the U.S., they disguise their real purposes and pretend to be non-political and well-meaning churchmen. The Soviets are desperate that the Pershing missiles not be placed in Europe. They are convinced that the European 'peace' movement will do their work for them. Now they are bringing it to the U.S., hoping to stir public opinion in the direction of disarmament on both sides of the Atlantic."

SOVIET FUNDING

Holihan says: "We are facing a global threat from world communism but have no global strategy with which to combat it. It is essential that Americans understand the radical political nature of the so-called 'peace' movement in Europe. There is absolute proof of Soviet funding of some elements of the European 'peace' movement. There is even strong circumstantial evidence of Soviet involvement in the CND."

Evidence of Soviet involvement is growing. Last November, the Danish government expelled a Soviet diplomat, Vladimir Merkoulov, for channeling funds to the "peace" groups. Several months earlier, Denmark expelled Vadim Leonov, a KGB agent posing as a Tass news agency correspondent and link with the "peace" groups. At one point he declared: "If Moscow decides that 50,000 demonstrators must take to the streets in Holland, they will take to the streets."

The British CND group, which has growing links with American groups such as the American Friends Service Committee and Clergy and Liaty Concerned, has clear Communist connections. In November 1981, when President Reagan proposed canceling U.S. loans for installing Cruise and Pershing II missiles in Europe if the Soviets would dismantle their equivalent missiles, the CND denounced the proposal as a "propaganda ploy." Novelist John Braine, a CND member who left the movement, said: "The CND reaction to the Reagan initiative once again gave the game away. Despite its great protestations of political impartiality, CND is about as independent of the Soviet line as a ventriloquist's dummy. Indeed, it provides a textbook example of the way in which Communists involved in any movement will take it over."

CHURCHES CALLED HANDICAPPED

A leading CND figure now traveling in the United States is Monsignor Bruce Kent. With 11 other full-time staffers—two of whom admit being Communist Party members—Kent states: "The churches are handicapped by profound anti-Communism at variance with Christian teaching."

When the Soviet Union invaded Afghanistan, the CND criticized not the Russians but the reaction in the West. Thus, Dr. Michael Pentz, CND national councilor, attacked President Carter and Prime Minister Thatcher for "reviving the cold war by cynically exploiting the Afghanistan crisis." A CND pamphlet said the invasion, which it called an "intervention, may well have been caused "partly by the Soviet Union's fear of growing encirclement." The author: Communist Party Member Betty England.

In its July 27, 1981 issue, "The London Daily Telegraph" reported a quarter of the CND's council was in the Communist party of Great Britain. While Kent denies receiving money from the World Peace Council, clearly identified as a Soviet front, he cabled congratulations to its meeting in Bulgaria in September 1980. Speaking on the BBC World Service of May 15, 1981, Kent said NATO was "preparing for annihilation." He already had attacked Cruise missiles during a broadcast from East Berlin on Dec. 17, 1980.

TO VISIT 50 CITIES

At this time, the CND has dispatched about 30 key personnel to the United States. Their itinerary will include some 150 college campuses and 50 cities in an effort to capture control of the U.S. "peace" movement.

Many churchmen in England fully recognize the truth about Monsignor Kent and his colleagues. The Rev. William Inge, a former dean of St. Paul's Cathedral, said: "There is not much use in the sheep passing resolutions in favor of vegetarianism while there are still wolves who like mutton." Similarly, the Rev. William Oddie, an Oxford University chaplain, said: "The easy moral indignation and strident calls by some church leaders to abandon nuclear weapons unilaterally are not only dangerously naive but even constitute a form of spiritual escapism. By closing their eyes to the suffering of millions in the Soviet bloc, they demonstrate a lack of contact with reality which will make any Christian contribution towards the practical problem of genuine disarmament impossible."

Americans should not be misled by these wolves in sheep's clothing who now urge us to surrender.

(Allan Brownfeld is a Washington area writer.)

[From the Backgrounder, May 14, 1982]

MOSCOW AND THE PEACE OFFENSIVE

INTRODUCTION

The United States today confronts a task of major proportions in attempting to fulfill the 1979 NATO decision to deploy new Pershing II and ground-launched cruise missiles in Western Europe. Designed as a means of countering the Soviet theater-range missile buildup, the program now faces formidable opposition in the West. In some European NATO countries, support for the plan is plummeting under assault from increasingly strong peace and disarmament movements.

This shift in European sentiment is, in great part, the result of the Soviet Union's massive disarmament propaganda campaign. Moscow's propaganda apparatus comprises a variety of organizations primarily under the control of the Central Committee of the Communist Party of the Soviet Union. These agencies in turn influence the activities of organizations in the Western European countries that have been set up as front groups by the pro-Soviet national Communist parties.

This standard propaganda arrangement has been made even more effective in the past few years by a Soviet decision to allow the communist organizations to work on the disarmament—"safeguarding the peace"—issue with groups of almost any political character. In order to counter this effort by Moscow to prevent the deployment of NATO's new missiles, the United States must understand the nature of Soviet disarmament campaigns.

The first Soviet disarmament campaign to utilize a European front group successfully as a national mobilizing force was the fight against the "neutron bomb." With the aid of "independent" religious peace groups, the Dutch Communist Party broadened public support for its 1977-1978 "Stop the Neutron Bomb" movement far beyond the communist, lefist, and pacifist circles traditionally active in such campaigns.

Having realized the success of this broad support concept, Soviet leaders determined to use it in other "peace offensives." The Soviet Union's campaign against NATO's modernization of its theater nuclear forces proved a remarkable success in 1981, which has continued into 1982. This resulted in no small part from the USSR's decision to ally its disarmament forces with European peace groups of differing political outlook in order to present a united front on disarmament. This broadening of support has provided Soviet propaganda activities with Western European coloration—legitimizing Soviet anti-U.S. and anti-NATO efforts in the guise of genuine European nuclear fears.

The nuclear freeze campaign now gaining momentum in the United States is a cousin to the European disarmament movement. Its roots are American, but its emotional arguments parallel those used by the Europeans, its leaders have begun receiving organizing advice from European peace movement figures, and for all its high-minded idealism, its effects prove no less beneficial to Soviet propagandists.

THE SOVIET UNION'S PROPAGANDA APPARATUS

Propaganda has always loomed large in the work of the Communist Party of the Soviet Union. Lenin maintained that the political and ideological work of the Party was distributed among three categories—theoretical activity, propaganda and agitation.[1] Theoretical activity was the preservation and elaboration of the doctrines of Marx and Lenin. Propaganda was the dissemination of doctrinal messages on specific subjects to an elite audience consisting primarily of Communist Party cadres. And agitation was the dissemination of more simplified doctrinal messages to the great mass of the common people. These last two categories are commonly recognized today as propaganda.

The Soviet Union uses a variety of agencies—overt and covert—to target the West with its propaganda. The Central Intelligence Agency estimates that the USSR spends the equivalent of some $3.3 billion each year on these efforts. Overt activities include Radio Moscow's foreign service—broadcasting 2,022 hours a week in eighty-two languages—and TASS (Telegraph Agency of the Soviet Union), the Soviet news agency. By contrast, the United States' Voice of America broadcasts 904.75 hours a week in only forty languages. The most important USSR agency lending covert support to Soviet propaganda initiatives is the KGB or Committee for State Security.

The Politburo of the CPSU Central Committee approves the major propaganda themes and the methods to be used to disseminate them. It also rules on the use of major support actions by the KGB. Departments of the CPSU Central Committee with a direct responsibility for propaganda efforts are the International Information Department, an organization established in recent years, which directs overt propaganda activities against non-Communist countries, and the International Department, which directs relations with non-ruling Communist parties.

Heading the International Information Department is Leonid Zamyatin, a member of the CPSU Central Committee and former Director General of TASS. The Department's First Deputy Chief is Valentin Falin, the former Ambassador to the Federal Republic of Germany. Until his death on January 25, 1982, Mikhail Suslov, the CPSU's ideologist, advised Zamyatin on propaganda efforts, in connection with his role as ideological overseer for Soviet foreign policy.

The CPSU Central Committee's International Department is headed by Boris Ponomarev, Candidate Member of the Politburo and Secretary of the Central Committee, a man with twenty-five years of experience in the job. Ponomarev's First Deputy Chief is Vadim Zagladin, a member of the CPSU Central Committee. Because of its responsi-

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[1] Footnotes at end of article.

bility for dealing with Communist parties in non-Communist states, the International Department funnels its covert propaganda requirements through both the Communist parties themselves and, utilizing its International Organizations Section, the various pro-Soviet international front organizations.[2]

The Soviet leadership's view is that national Communist parties should support CPSU policy initiatives down the line. Of course, the actual role that a particular Communist party plays in a Soviet propaganda campaign is determined in large part by the strength of its pro-Soviet alignment or, in the case of parties with basic policy disagreements with the USSR, by whether or not the propaganda issue is one of common concern. Peace and disarmament are issues of natural agreement between the Soviet Union and the vast majority of Western Europe's communist parties, because of the latter's anti-military stance.

The most prominent Soviet international front group in the disarmament effort is the World Peace Council (WPC), established in Paris in 1949 as part of Joseph Stalin's "peace offensive" of the late 1940s. The Council's first propaganda effort was its 1950 Stockholm Appeal, a "peace petition" that demanded "the outlawing of the atomic weapons as instruments of aggression" and "the strict international control" of atomic weapons. Expelled from Paris in 1951 and outlawed in Austria in 1957, the WPC remained in Vienna under the cover of a new organization, the International Institute for Peace, until it moved to its present Helsinki headquarters in 1968. The president is Romesh Chandra, a veteran Indian Communist involved in the Soviet international front movement for some twenty-five years.[3]

The KGB's covert role in the propaganda campaign apparatus often is to furnish disinformation to its agents of influence, to provide clandestine funding for cooperating organizations in various countries (particularly money for mass demonstrations), and to forge documents. Such "active measures" are the responsibility of Service A of the KGB's First Chief Directorate (Foreign Intelligence).[4] Disinformation (dezinformatsiya) is defined by the Soviets as "the dissemination of false and provocative information." In practice it encompasses the distribution of forged documents and photographs, the spread of misleading rumors and erroneous information, duping non-Communist visitors to the Soviet Union, and perpetration of physical violence for psychological effect. One Soviet defector described a successful disinformation operation in which he had participated:

"One example, in Tanzania, was our 'work' to discredit the American Peace Corps. The line was that it was a CIA front organization and its subversive activity had to be 'exposed.' We tried, often successfully, to place prepared articles into local papers—preferably signed by the Tanzanians. The 'authors' were always paid well, and 'their' articles worked: Tanzania, and then Uganda, started refusing Peace Corps Services." [5]

FORMER SOVIET DISARMAMENT CAMPAIGNS

The Soviets have used peace propaganda extensively since the late 1940s, first to check America's potential use of its atomic weapons monopoly for political capital at a time when the USSR had none or only a few of such weapons and then, late, to hinder the United States' arms buildup and the American defense of South Vietnam. Nikita Khrushchev stressed the usefulness of peace propaganda in a January 1961 strategy speech: "Every day bigger sections of the population should be drawn into the struggle for peace . . . The banner of peace enables us to rally the masses around us. By holding aloft this banner we will be even more successful." This Soviet line was immediately picked up by Gus Hall, the leader of the U.S. Communist Party, in a major report to the Party's National Committee:

"It is necessary to widen the struggle for peace, to raise its level, to involve far greater numbers, to make it an issue in every community, every people's organization, every labor union, every church, every house, every street, every point of gathering of our people. * * *

"It is essential to give full support to the existing peace bodies, to their movements and the struggles they initiate, to building and strengthening their organizations. . . . It is also necessary to recognize the need for additional peace organizations. * * *"

* * * * *

"Above all, Communists will intensify their work for peace, and their efforts to build up peace organizations." [6]

PROPAGANDIZING AGAINST THE "NEUTRON BOMB"

On June 4, 1977, Washington Post staff writer Walter Pincus called attention to the Defense Department's decision to request congressional funding of the enhanced radiation warhead (ERW). In his newpaper article, Pincus stated:

"The United States is about to begin production of its first nuclear battlefield weapon specifically designed to kill people through the release of neutrons rather than to destroy military installations through heat and blast.

"Funds to start building an "enhanced radiation" warhead for the 56-mile range Lance missile are buried in the Energy Research and Development Administration portion of the $10.7 billion public works appropriations bill now before Congress." [7]

This Post article and the newspaper's negative editorial on the new weapon quickly gained public attention, and in the subsequent few weeks, negative reporting in influential newspapers around the country aroused a small public furor over the issue.

The Soviets joined in with an article on the "neutron bomb" in Pravda on June 19, 1977, castigating the weapon as "according to the press assessments, practically a chemical warfare weapon. . . ." On July 13, the U.S. Senate passed the appropriations legislation allowing the spending for enhanced radiation warheads. The Carter Administration, however, delayed a decision on production.

Within a few days of the Senate decision, the Soviets launched a full-scale assault on the "neutron bomb." Beginning on July 19, one Soviet international front group after another initiated formal protests against United States production of the weapon. The following week, the World Peace Council announced that an International Week Against the Neutron Bomb would be observed from August 6 to 13—dates coinciding, not surprisingly, with the annual commemorations of the Hiroshima and Nagasaki atomic bombings of World War II.

On August 20, 1977, at the initiative of the Dutch Communist Party (CPN), 130 Dutchmen launched an appeal in the Communist daily De Waarheid to start a widely based movement against the "neutron bomb." This movement was furnished immediate organizational strength by two cooperation groups whose ties had begun in 1976, the Christians for Socialism (CVS), a known communist front organization, and the Inter-Church Peace Council (IKV). Throughout that fall, the "Stop the Neutron Bomb" campaign gathered momentum in the Netherlands in its avowed goal of mobilizing Dutch public opinion against the weapon, even as Dutch and Belgian Communist Party leaders were jointly discussing the campaign's strategy (one such meeting taking place in De Haan, Belgium).

By October 1977, President Carter was still undecided on whether to produce ERWs, and later that month, Secretary of Defense Harold Brown informed NATO representatives that the United States would probably not proceed with production unless a consensus in favor of the weapon's deployment could be formed by the Western European countries. The public announcement of this altered American position gave Soviet propagandists and their agents incentive to further increase their anti-neutron agitation in Europe.

By this time, local anti-neutron groups throughout Holland consisted not only of Communists, but also of pacifists and concerned Christians who had been drawn into the Communist campaign largely unaware of its real sponsorship. The active participation of the Inter-Church Peace Council was particularly useful in broadening the movement's base.

The emerging situation demonstrated the sucessful working relationship of the open Soviet propaganda apparatus, which orchestrated strong public denunciations of the weapon with the Soviet covert apparatus, largely used to manipulate public sentiment in Western Europe through the machinations of Western European Communist Parties and their front groups.

Anti-neutron sentiments were by now gaining strenth throughout the Continent, aided by the constant attention of the media. In West Germany, where most of the neutron warheads would have been deployed, Secretary General Egon Bahr of Chancellor Schmidt's own Social Democratic Party (SPD) in July 1977 publicly denounced the "neutron bomb" as "a symbol for the perversion of human thinking." And although its public efforts in the propaganda campaign received less attention than those of the Dutch "Stop the Neutron Bomb" group, the German Peace Society-United War Service Resisters (DFG-KV), with close links to the West German Communist Party (DKP) and its affiliated organization, the Socialist German Workers' Youth (SDAJ), set aside the August 6 anniversary of Hiroshima as a day of demonstrations against the neutron weapon in more than forty German cities.

Meanwhile, overt Soviet propaganda continued. In the course of his address commemorating the sixtieth anniversary of the October Revolution, Soviet leader Leonid Brezhnev presented two "new" disarmament proposals; one urged that "agreement be reached on a simultaneous halt in the production of nuclear weapons by all states—all such weapons[,] whether atomic, hydrogen or neutron bombs or missiles."

Nevertheless, most of the Soviet propaganda was negative in nature, attempting to picture deployment of the ERW as a plot by the Carter Administration to lower the nuclear threshold in Europe.[8] And in a December 1977 Pravda interview, Brezhnev announced that the Soviet Union would not remain a "passive onlooker" if such a

weapon were developed but would instead answer the challenge. These Soviet messages were relayed directly to President Carter by Polish leader Edward Gierick, when Carter visited Poland in late December.

On December 15, 1977, the World Peace Council announced an effort "to secure a ban on the neutron bomb in 1978."[9] It held a series of meetings and "peace conferences" at which the "neutron bomb" was a major topic of abuse. For example, the WPC Bureau met for the first time in the United States, in Washington, D.C., in January 1978. There the group called, among other things, for all world peace forces to step up the struggle against the arms race, especially the manufacture of the "neutron bomb."

That same month, Leonid Brezhnev sent personal letters to the heads of each Western European NATO government. In harshly worded letters, the Soviet General Secretary warned that NATO should reject American efforts to produce and deploy neutron weapons. Other "official" Soviet propaganda activities included a proposal on March 9, 1978, made by the Soviet delegate to the thirty-country Geneva Disarmament Conference, to prohibit the production, stockpiling, and deployment of "neutron bombs." At about the same time, the Soviets attacked U.S. actions during the Belgrade conference assembled to review the Helsinki agreement.

On March 18, an "International Forum" supported by the CPSU was held in Amsterdam on the "neutron bomb" matter. The following day the "Stop the Neutron Bomb" movement, augmented by prominent East bloc representatives marched through the streets of Holland's largest city, more than 40,000 strong. The leaders of the movement presented Parliament with a "poll of the people"—the signatures of more than one million of people opposed to the "bomb" which their organization had been gathering since August 1977.[10] It was the culmination of months of patient effort by the Dutch Communist Party and its front organizations in the Netherlands, all in service to the propaganda needs of the Communist Party of the Soviet Union.

On April 7, 1978, President Carter capitulated and announced that the United States had decided against the "incorporation of enhanced radiation features" into U.S. battlefield weapons. The final American decision, he averred, would be influenced by the degree of restraint shown by the Soviets in their future military programs and force deployments. The Soviets had won their propaganda offensive. In an address given the same day as Carter's decision, Brezhnev "scoffed at making the neutron bomb 'the subject of bargaining and tying in this weapon with unrelated issues.'"

THE SOVIET PROPAGANDA CAMPAIGN AGAINST TNF MODERNIZATION: 1979

On October 1, 1979, Brezhnev fired the opening salvo of what has since become a major propaganda offensive against the United States' latest effort to strengthen NATO's nuclear deterrent forces. The Soviet leaders apparently decided to mount such a campaign when they realized that the decision on the development and deployment of new NATO theater nuclear weapons was imminent.

For all the campaign's later momentum, its opening shot was all but inconspicuous. In an otherwise undistinguished recounting of Soviet disarmament policies made on October 1 to a Socialist International Working Group on Disarmament, Brezhnev remarked: ". . . the initiators of the arms race, including those who are now pushing plans for turning Western Europe into a launching pad for American nuclear weapons targeted on the U.S.S.R. . . . are playing a dangerous game with fire." However, the Soviet leader followed up this brief statement with a major address in East Berlin five days later. He proposed a number of initiatives designed to keep NATO from procuring and deploying Pershing II ballistic missiles and ground-launched cruise missiles.

There were several threats in the Brezhnev speech. One was the warning that the USSR would be forced to strengthen its forces if NATO deployed the new theater nuclear weapons. Specifically the General Secretary noted: "The Socialist countries would not, of course, watch indifferently the efforts of the NATO militarists. We would have in such a case to take the necessary extra steps to strengthen our security. There would be no way out left to us." Another was the threat that, were the Federal Republic of Germany and other European NATO countries to allow missiles on their soil, they would suffer dire consequences if these new weapons were ever used. This threat was coupled with the assertion that the Soviet Union would "never use nuclear arms against those states that renounce the production and acquisition of such arms and do not have them on their territory."

The pledges of good will made explicit in the Soviet leader's address but clearly contingent upon NATO's decision not to deploy the new weapons were twofold—first, an announcement that the Soviet Union was prepared to reduce the number of medium-range weapons deployed in the western USSR; and second, a promise of "further expansion of measures of trust in Europe," including early agreement on notification of large exercises of ground forces (already provided for in the Helsinki Final Act), timely notification of large-scale troop movements, and the immediate commencement of SALT III talks once SALT II was ratified. Interestingly, a third pledge was not made contingent upon NATO actions but was given as a sign of Soviet "good faith." It promised the USSR's unilateral withdrawal of up to 20,000 Soviet troops, 1,000 tanks, and "also a certain amount of other military hardware" from East Germany over twelve months. This was not the first time that a Soviet leader had promised troop withdrawals in the hope of forestalling the deployment of U.S. missiles in Europe. In early January 1958, just three weeks after NATO had agreed to allow Jupiter IRBMs on European soil, Nikita Khrushchev announced that he was withdrawing 40,000 troops from Eastern Europe. And indeed some 41,000 Soviet troops were withdrawn. Yet, within six months of Khrushchev's announcement, the Soviets were again heating up the situation in Berlin.

Following the Brezhnev speech, the Soviet propaganda campaign against NATO nuclear force (TNF) modernization expanded in many directions. Articles began appearing in prominent Soviet news organs reiterating Brezhnev's points or challenging Western press interpretations of them. For example, Valentin Falin, the First Deputy Chief of the CPSU Central Committee's International Information Department (and reputed leader of the anti-TNF propaganda campaign), wrote in Pravda: "If 400 or 600 new carrier rockets were to be deployed in Western Europe . . . then, of course, this would lead to the appearance in the East of systems adequate to counterbalance them." And Izvestiya criticized the Western press on October 10 for "distorting [the] clear-cut, practical and concrete proposals" which had been made by the Soviet General Secretary.

The immediate American response to the Brezhnev address was firm. At a press conference on October 9, President Carter responded: "It is not quite as constructive a proposal as at first blush it seems to be. What he is offering in effect is to continue their own rate of modernization as it has been, provided we don't modernize at all. . . . The decision ought to be made to modernize the Western allies' military strength and then negotiate with a full commitment and determination mutually to lower armaments on both sides. . . ."

As the days passed the Soviet press hardened its line. In maneuvers designed more for European than for American consumption, Soviet news organs began claiming that the introduction of new, medium-range, theater nuclear weapons by NATO would violate American-Soviet, understandings as set forth in SALT II, and that the Pershing II missiles were being fitted to carry "neutron warheads." The SALT-related charge was made by Falin in a Soviet television news commentary program that was quickly sent worldwide by TASS. The charge that the U.S. missiles proposed for European deployment would eventually carry "neutron" warheads was made on a television program by a senior Soviet officer and quickly distributed in the West by the Novosti Press Agency. This was obviously intended to link the new American plan to the "neutron bomb" which an earlier Soviet propaganda campaign had discredited so successfully in Western Europe the year before.

While this public propaganda effort was in full swing, the Soviet government was actively employing diplomatic pressure. Brezhnev sent each European NATO government a private letter reiterating his proposals.

Meanwhile, outside the Soviet Union, allied agents of the USSR's campaign of persuasion used their influence to good advantage. On October 17, the "parliaments" of the Warsaw Pact countries issued an appeal for Western European legislators to raise their voices against the plans for the deployment of "new types of American nuclear missile weapons on the European continent." In Brussels, a public disarmament forum was held from October 26 to 28, giving Warsaw Pact representatives a perfect opportunity to air anti-TNF views extensively. The East German government, especially, participated energetically. At the beginning of November, in Sofia, Bulgaria, Secretary General Erich Honecker of East Germany's Socialist Unity Party warned the Federal Republic of Germany that NATO approval of TNF modernization would cause deterioration of East-West relations and would specifically endanger the recently improved relationship between East Germany and West Berlin. That same week the Honecker government requested East Germans to sign petitions against the new Western weapons. In addition, the GDR dispatched a special "anti-missile" delegation, headed by Politburo member Kurt Hager, to canvas for support in Belgium, the Netherlands, and Luxembourg.

And then, the Soviet campaign was aided unintentionally by a visit to Denmark of three American arms control advocates. The men—Herbert Scoville (a former assistant

director of the Arms Control and Disarmament Agency), Arthur M. Cox, and Richard Barnet—had come to Copenhagen under the sponsorship of the Danish newspaper *Information* and the United Nations Association to meet with influential Danes to urge them to oppose the deployment of the new weapons in NATO.[11] The Americans argued that if NATO did not deploy the new weapons, the Soviet Union might begin withdrawing its old SS-4 and SS-5 missiles from inventory.[12] Their advice was well received by the sizeable left wing of Denmark's ruling Social Democrats, already ideologically predisposed against the new weapons; in addition, the advice had a significant impact on many centrist Danes.

The approach of the scheduled November 13-14 NATO Nuclear Planning Group (NPG) meeting, which both the United States and the Soviet Union saw as a bellwether of the North Atlantic Council's December vote, gave renewed impetus to Soviet anti-TNF agitation efforts. On October 25, in a major Pravda article, obviously directed at Western Europe, Soviet Defense Minister Dmitriy Ustinov charged the United States, Great Britain, and West Germany with attempting to implement "schemes hostile to the cause of peace." He warned European leaders that "West European countries would suffer retaliation if the deployed weapons were put into operation by their masters."

That same day, the United States responded to Brezhnev's original proposal with a disarmament offer of its own. Having first discussed the idea with European allies, the Carter Administration announced that it was considering the withdrawal of up to 1,000 older nuclear warheads from Western Europe, contingent upon a favorable NATO decision on the deployment of the new weapons.[13] Apart from its value in matching the Soviet disarmament initiative, the proposal was seen by the Carter Administration as a way of garnering additional European support for procurement and deployment of the new weapons.

With time for the NATO decision growing closer, the Soviet Union attempted to rekindle Western European interest in the Brezhnev proposals by stressing the positive aspects. On November 6, 1979, *Pravda* published a commentary by Leonid Brezhnev on the issue of immediate negotiations. In it, the General Secretary emphasized:

"As regards a practical solution of the problem of these weapons, there is only one way to follow—that of embarking on negotiations. The Soviet Union is of the view that the negotiations must be embarked on without delay. We are prepared for this. Now it is up to the Western powers. It is important, however, that no hasty actions be taken which might complicate the situation or obstruct the attainment of positive results. There will be a greater chance of obtaining such results if no decisions are taken on the production and deployment in Western Europe of the above-mentioned means pending the outcome of the negotiations. And conversely, the chances will be undermined if such decisions are taken within the framework of NATO." [14]

Although the new Soviet propaganda tack did not alter the outcome of the Nuclear Planning Group meeting at the Hague, it did rekindle doubts about the necessity of an immediate decision on deployment of the missiles in the parliaments of several NATO countries. On November 14, the NPG national members unofficially endorsed the United States' plan to procure and deploy 572 Pershing II and ground-launched cruise missiles in Western Europe. The Netherlands, however, withheld full approval. Noting approval of procurement of the weapons, the Dutch urged that the decision to deploy the missiles be deferred two years, during which the Soviet Union's good faith in negotiating adequate theater nuclear force reductions would be tested.

The near solidarity on the issue expressed at the NPG meeting was not lost on the Soviets. Although Soviet propaganda against theater nuclear force modernization did not slacken in the month between the NPG meeting and the December 1979 meeting of the North Atlantic Council, its emphasis gradually shifted to the possibility of TNF arms reduction negotiations. As the editors of *Soviet World Outlook* later commented:

"Soviet Foreign Minister Gromyko and other Soviet personages fanned out throughout Europe in a last-ditch effort to dissuade NATO from accepting deployment of U.S. medium-range nuclear missiles. However, a marked shift of emphasis from the stick to the carrot suggested that Moscow has already reconciled itself to the positive decision reached by the NATO on December 12 and is now intent upon frustrating implementation of the decision."

During a well-publicized visit to West Germany in late November, Gromyko told reporters that the NATO erred in its view that once it had made the decision to produce the missiles it could then start negotiations with the Soviets. He remarked: "We have openly stated that such a formulation of the matter means political preconditions. This destroys the basis for talks." Gromyko's strong statement was later modified by the Soviet government to fit with Brezhnev statements that an adverse NATO decision would undermine the potential success of future arms control talks.

With just a week to go before the momentous North Atlantic Council decision, the Soviets began a high-profile withdrawal of some 150 men and 18 T-62 tanks (a contingent of the 6th Soviet Tank Division) from East Germany, the first step in their purported 20,000-man troop withdrawal. Western reporters, including television camera crews, were treated to speeches from East German officials decrying NATO's "preparations for war." A day later, in a maneuver that came as somewhat of a surprise to Western observers, the foreign ministers of the Warsaw Pact countries issued a communique appealing for a conference on general disarmament as soon as possible. In a distinct change from the prevailing Soviet propaganda line, the communique implied that European disarmament talks could take place right up to the actual deployment of the new missiles.

On December 12, 1979, the North Atlantic Council endorsed the theater nuclear force modernization program. Only Belgium and the Netherlands withheld full approval. The immediate Soviet reaction was not unexpected. The brunt of the Soviet attack centered on the United States, which was pictured as a villain who had used "arm twisting tactics" on allies unable to stand up for themselves. This interpretation was clearly designed to enlarge the desired split between the U.S. and its European partners.

THE SOVIET PROPAGANDA CAMPAIGN AGAINST TNF MODERNIZATION: GEARING UP IN 1980

Even as the Soviet Union began readying an extensive propaganda effort against NATO's modernization of its theater nuclear forces in late 1979, Western Europe's communist parties were moving to consolidate their influence on the emerging national peace movements. During the last half of 1979, the Dutch Communist Party, whose "Stop the Neutron Bomb" movement had been so successful the previous year, broadened this effort into a new international campaign—"Stop the Neutron Bomb, Stop the Arms of Mass Destruction"—which could target the new NATO theater nuclear forces plan as well.[15] And in West Germany, the Communist controlled Committee for Peace, Disarmament, and Cooperation staged an International Antiwar Day on September 1 which was supported by a variety of groups, including the Association of German Students, Nature Friend Youth, and local organizations of the Young Socialists and the Catholic and Protestant churches, which were to loom large in the "nonaligned" peace marches two years later.

It became clear by mid-1980 that the Communist Party of the Soviet Union had mastered the primary lesson of the "neutron bomb" campaign: that major participation in the disarmament efforts of the CPSU by pacifist, religious, and ecological groups not directly linked to the USSR could assist significantly in influencing popular and government sentiments in NATO countries on nuclear weapons issues. The CPSU could see that two measures were necessary to ensure such broadly based European support: first, to downplay differences between the CPSU and the non-Communist European Left on all non-germane issues, thereby allowing the Soviets and their European Communist allies to embrace the gamut of European leftist groups in the struggle for "peace"; and second, to manipulate carefully in Europe peace themes and popular fears about the dangers of nuclear war in order to bring into the peace movements such groups as alienated young people who would be otherwise leaderless.

This theme was stressed by Bulgarian state and party leader Todor Zhivkov in his address to the World Parliament of Peoples for Peace, in September 1980:

"We must consider the efforts of social organizations and the masses. I am talking about the activities of the World Peace Council, which is the initiator of our present international meeting, and also about the activities of all peace-loving forces. * * *

* * * * *

"To state this objectively, there is no other social movement capable of joining together dozens and hundreds of millions of people, capable of organizing their efforts. * * * For the sake of this glorious goal we must together find the paths leading toward coordination of the joint initiatives of all peace-loving organizations, movements and forces on a national as well as international scale. * * *

"The role of youths and the intelligentsia is essential in the struggle for peace. * * *

"We are called upon to do everything in our power in order to involve the overwhelming majority of youths in the struggle for peace and happiness. * * *" [16]

The World Peace Council came out of its Sofia meeting determined to push at all levels for the adoption of the Soviet sponsored disarmament initiatives during 1981. Increasing popular support for the various European national peace organizations became the WPC's major priority. As the Council's 1981 "Programme of Action" detailed:

"This programme seeks to make 1981 the year of the decisive offensive of peace

forces, to make the 80s the Decade for new victories for peace, for disarmament and detente, for national independence, justice, democracy and social progress.

* * * * *

"The World Peace Council's Programme of Action for 1981 places its main emphasis on common united mass actions by the widest range of forces, campaigns, conferences, seminars and symposia at national levels. It's directed particularly at the strengthening of national and local peace movements." [17]

Communist dominated front organizations were active even then in the anti-TNF modernization effort in West Germany. In November 1980, at the initiative of the German Peace Union (DFU), a long-time Communist front organization, the so-called Krefelder Apell (Krefeld Forum) was promulgated by representatives of the Green Party (Germany's left-leaning ecology party), small trade union groups, the German Communist Party, the German Peace Union, German Evangelical Church groups (particularly the Lutherans), and pacifists and conscientious objectors.[18] The Forum, directed specifically against NATO, called upon the government to reverse its "erroneous and fatal decision" authorizing the stationing of new American theater nuclear weapons on German soil. Among the most prominent participants in the *Krefelder Apell* were Petra Kelly, leader of the Green Party, Pastor Martin Niemoeller, a well-known German theologian and honorary member of the World Peace Council's Presidium, who had been awarded the Lenin Peace Prize by the Soviet Union in 1967, and Major General (Ret.) Gert Bastian, a former Bundeswehr Division Commander who, since retiring, had participated as one of the "Generals for Peace" in the "peace" work of various World Peace Council front groups.[19] Mainly because of its seemingly non-Communist sponsorship, the Krefeld Forum was to prove very successful during 1981—signatures backing the Forum numbered 20,000 by early January and reached a reported 1.5 million by the end of the year.

THE 1981 CAMPAIGN AGAINST TNF MODERNIZATION

Soviet leaders undoubtedly were heartened to see the various national peace movements gearing up in early 1981 for massive protests against the TNF modernization plan. On January 12, 1981, Pravda looked to the possibility of a "mass movement" against missiles in both the Netherlands and Belgium, and the journal, New Times, noted in two January articles the mass campaigns in Italy and the United Kingdom and the increasing level of protests in West Germany.[20]

Needless to say, having done so much behind the scenes to initiate the anti-NATO activities of these groups, the Soviet Union hastened into public print to deny any connection with these efforts. As TASS commentator Vadim Biryukov proclaimed: "The protest against deployment of nuclear missiles in Europe can by no means be presented as a 'hand of Moscow.' Protest is being voiced by politicians, military men, scientists, trade union leaders, peace champions."

The major Soviet anti-TNF effort for 1981 started in late February, following Brezhnev's "peace offensive" speech to the 26th Soviet Party Congress. He declared that there is "currently no more important task on the international plane for our party, our people and all the people of the world than the defense of peace." [21] And although the actual "peace" proposal put forth during the 26th CPSU Congress were really reworked repetitions of older Soviet proposals, Soviet propagandists used them as the basis for their renewed efforts in Western Europe. On March 9, 1981, Soviet ambassadors in the Western European countries presented letters to their host governments from Brezhnev rehashing the proposals in his February speech. [22]

Meanwhile, Soviet "journalists" and "academicians" traveled around Europe providing the CPSU peace propaganda line to Western reporters. One of the most effective of these spokesmen was Georgiy Arbatov, the newly promoted full member of the CPSU Central Committee who is widely viewed in the United States as a shrewd, non-ideological observer of U.S.-Soviet matters. Arbatov's effectiveness as a propagandist and disinformation expert is directly linked to his position as director of the USSR Institute of the United States of America and Canada, an academic research institute subordinate to the Economics Department of the USSR Academy of Sciences. Despite its seeming independence from the formal Soviet propaganda apparatus, the Institute spokesmen who deal with Westerners always place the propaganda value of their comments above other considerations. In addition, the CIA has estimated that some fifteen percent of the identified personnel of the Institute have a current or former intelligence affiliation. Despite this, Arbatov and his colleagues enjoy a measure of credibility with the Western press—even Americans.

Georgiy Arbatov played on two themes in his interviews with Western European reporters—the harmlessness of ongoing Soviet theater nuclear force modernization efforts and the dangers inherent in planned U.S. and NATO efforts to counter them. In a Dutch newspaper interview, Arbatov noted:

"What is the SS-20? A replacement, a modernization of old missiles known in the West as SS-4's and SS-5's. No doubt the new missiles will be a better weapon—I am no military expert—but their function is no different from that of the outdated missiles and the total number will not increase. It is unfair to say that this gives us something which the other side does not have." [23]

And in a Bonn television interview, Arbatov carefully equated the proposed NATO theater nuclear force modernization effort with the Soviet Union's 1962 emplacement of strategic missiles in Cuba and then hinted darkly about the possible consequences of following through with the NATO action.[24]

As the Soviet Union's Euromissile propaganda campaign accelerated, the efforts of all cooperating Soviet State organizations increased dramatically. KGB support tactics were used in ways almost certain to lead to exposure, such as what happened in the Netherlands in April 1981. A TASS "correspondent" named Vadim Leonov was accused of espionage and other activities and was expelled by the Dutch government. It turned out that Leonov had boasted, when intoxicated, of his role in manipulating the Dutch peace movement for Moscow. He had told his listener:

"Do you know that all those well meaning people in the Netherlands are being taken for a ride? They believe that the anti-neutron bomb movement and the reaction against the cruise missiles and other NATO activities have grown out of a pure idealism based on compassion for and concern with the fate of one's fellow man and his children. Oh, if those people just knew that everything is taking place according to a blueprint in Moscow, how they are being manipulated by a small group of communist ideologues who receive their instructions through me.

"If Moscow decides that 50,000 demonstrators must take to the streets in the Netherlands, then they take to the streets. Do you know how you can get 50,000 demonstrators at a certain place within a week? A message through my channels is sufficient. Everything is organized with military precision under the leadership of essentially conscientious objectors. I should know because not only am I daily involved with these clandestine activities, I am also one of those who transmit the orders coming in from Moscow." [25]

During 1981, several other such disclosures of direct KGB involvement were made. In October, the Danish government expelled Soviet Embassy Second Secretary Vladimir Merkoulov for subversive activities, after he had paid Danish author Herlov Petersen $2,000 to buy newspaper ads promoting a "Nordic nuclear free zone." Other Merkoulov-Petersen activities apparently included attempting to influence Danish public opinion-makers by treating them to expensive lunches and gifts. Merkoulov had been working with the Cooperation Committee for Peace and Security, a Danish Communist Party front organization with links to the World Peace Council. And in late November, two Soviet diplomats were up for expulsion from Norway because of their subversive activities. One of them, Soviet Embassy First Secretary Stanislaw Chebotok, had offered money to several Norwegians to write letters against nuclear arms to Norwegian newspapers.[26]

But because accounts of these matters were scattered while the press gave overwhelming attention to the nationalist flavor of many of the European peace groups, no public attempt was made to ask whether such covert Soviet activities were but shadows of a larger Soviet influence on the European disarmament movement.

In April 1981, the World Peace Council held its presidential meeting in Havana, Cuba. At the closing session, Romesh Chandra delivered an address which emphasized the role of mass demonstration in thwarting America's TNF modernization plans for Europe. Chandra also asserted at this meeting that the WPC had reached a "compromise with all political forces, with all governments, with all mass movements, with all organizations, with all workers, with the church, with the youth, with the women, with all existing mass movements."

During the spring and summer of 1981, the Soviet Union continued its overt propaganda for the United States to respond to Brezhnev's "generous" peace proposals. In June, in what apparently was intended as a warning to West Germany about the new missiles, Soviet propagandists reversed the previous decade's low-key propaganda line and accused the Germans of returning to "neonazism and revanchism." Obviously, all was not yet lost in the Federal Republic, since peace forces were increasing their strength there. As A. Grigoryants wrote in Izvestiya:

"A mass-based, truly popular movement against 'arms upgrading' is mounting in the FRG. Over 1 million people have already signed the Krefeld appeal calling on the federal government to reverse its agreement to the deployment of U.S. Pershing II missiles and cruise missiles in the FRG. Fer-

ment is growing in both ruling parties. The SPD's major land and district organizations are demanding that their leaders annul the 'arms upgrading' decision."[27]

Later that month, the Supreme Soviet of the USSR released an "Appeal To the Parliaments and Peoples of the World." It "called on the law-making bodies of all countries resolutely to declare for business-like and honest talks with the aim of preventing a new round of the nuclear arms race."

In July, the CPSU Central Committee sent a messager on the problems of peace and disarmament to socialist and social democratic parties throughout Western Europe: "[O]ur appeal to you is based on the belief that remedying the international situation depends not only on the Soviet Union but also on the will of other states and their political parties and movements and on their willingness to make the necessary efforts to safeguard peace." It went on to note that since the socialist and social democratic parties enjoyed influence among the masses and the trade unions, "the way in which the international situation evolves depends in many respects on the social democrats' commitment. * * *"

The news on August 9, 1981, that the United States would produce and stockpile enhanced radiation warheads caused the Soviet Union to revive its anti-"neutron bomb" agitation. A TASS broadcast the same day proclaimed: "The U.S. administration has taken another extremely dangerous step towards the further spiralling of the arms race and enhancing the threat of nuclear war." And a day later Radio Moscow charged: "The proposed production of that most inhuman weapon of mass destruction signals a new step in preparations for a global nuclear holocaust."[28]

In West Germany, Communist Party chief Herbert Mies called on all German citizens to protest the Reagan Administration's "neutron" decision. In Helsinki, the World Peace Council issued a statement condemning the decision as threatening to accelerate the U.S. arms build-up "to the point of no return." On August 14, the Soviet Committee for European Security and Cooperation called the Reagan decision a threat to Europe and acknowledged its support for mass actions by the Western Europeans against this inhuman weapon. And at sessions of the U.N. Disarmament Committee, delegations from the Soviet Union and a number of Eastern European Countries, including the German Democratic Republic, Hungary, and Czechoslovakia, introduced a proposal calling for the immediate start of debate on the question of drafting an international convention banning production, stockpiling, deployment, or use of the neutron weapons.

By the end of August 1981, Soviet propagandists and their allies effectively had merged the renewed "neutron bomb" agitation effort with the ongoing campaign against NATO's TNF modernization. This proved especially useful in raising the level of fear in Western Europe about the specter of nuclear war.

The culmination of the Soviet Union's 1981 propaganda efforts was the spectacle of massive national peace demonstrations in European capitals in the fall. Soviet propagandists had been anticipating these mass protests for months, and while they had done much to avoid exposing the range of the USSR's support for these peace demonstrations, they had not hesitated to make good use of the KGB's forgery capability to heighten the atmosphere for such protests.

In country after country during 1981, copies of "top secret" U.S. nuclear plans were conveniently "discovered" and passed on to sympathetic newspaper editors. In February, for example, a package containing a collection of documents purporting to be operational plans for American forces in Europe were mysteriously mailed from Birmingham, England, to a variety of Danish politicians and reporters. These documents described targets in Denmark, which supposedly would be bombed in time of war by U.S. forces. At the beginning of August, the Italian weekly *Panorama* published extracts ostensibly from two U.S. military directives—Directive 10-1, which related a plan to transfer special U.S. Army nuclear and chemical weapons units to Europe in emergency situations, and Document 100-7, a supposed Headquarters CINCEUR operations plan, which asserted that the decision to use nuclear weapons in the territories of the European NATO allies would be made by the U.S. Command without consulting the Europeans.[29] While in October, Austrian readers were informed of the finding of U.S. Document 77707/10-70 "in a safe" located in the barracks of a military saboteur training school in Bavaria. This document set forth U.S. plans to target Austrian cities and installations for nuclear destruction.[30] Such Soviet forgeries undoubtedly "took in" a good many unwary readers in Western European countries.

In West Germany the peace protests intensified in late summer. On August 29, 1981, a number of demonstrations were held in various areas. At Pirmasens, in the Palatinate, some 5,000 people protested the stockpiling of U.S. chemical weapons in the region. One of the major speakers was Petra Kelly of the Green Party. In Berlin that same day, about 30,000 people rallied against the neutron weapon and NATO's TNF modernization decision. In addition, groups of 3,000 and 1,500, respectively, demonstrated in Bremen and Hanover. These demonstrations were merely preliminaries to the planned major demonstration.

On September 13, Secretary of State Alexander Haig visited Berlin to meet with leaders and to deliver a foreign policy address on the Soviet threat and European relations. Haig's presence in the divided city was used as pretext for a major disarmament demonstration by the left-wing Young Socialists (Jusos) and some twenty other groups, including the German Communist Party. Planning for the protest had been under the leadership of Jusos chairman, Willy Piecyk. Piecyk had clearly been echoing the Soviet propaganda line when, a few days before Haig arrived, he had remarked to a German reporter that NATO and the United States were steering toward confrontation with the Soviet Union and lowering the threshold of nuclear war by their weapons decisions. The September 13 demonstration by some 50,000 protesters began peacefully but climaxed in rioting in which a small hard-core portion of the participants looted and destroyed property; 251 (police officers and protesters) were injured.

The culmination of the 1981 West German disarmament campaign was for October 10. Organizers for this massive demonstration were chiefly Evangelical Church groups, established disarmament organizations, the German Communist Party, and hundreds of smaller peace, environmental, and Marxist groups.[31] Nevertheless, the FRG's Social Democrat/Free Democrat ruling coalition was most concerned by the participation of left-wing SPD parliamentarians, the most prominent of whom was Erhard Eppler, a member of the SPD Presidium. He announced on September 21 that he would speak at the demonstration and had been sympathetic with the Soviet position on theater nuclear forces for some time. In February 1981 he had told Der Spiegel:

"[I]t was obvious even at the time [when NATO approved TNF modernization] that the U.S. Government would not even dream of entering into serious talks on disarmament of the Eurostrategic weapons. The so-called zero option never existed at any time as far as the Americans were concerned. And now this measure, which was passed off as absolutely necessary for the military balance—whatever you wish to interpret as balance—is being included in a strategy which is no longer aimed at balance but at preponderance."[32]

He had just returned in August 1981 from talks in Moscow with CPSU Central Committee staff members Vadim Zagladin and Valentin Falin asserting that the Soviet Union's SS-20 missiles were not nearly as dangerous as thought in the West. The Soviets were "making intense preparations and they will try to make the best of these [TNF] negotiations" with the United States, even though they doubted that country's good faith.

The planned participation by Eppler and some fifty-eight SPD Bundestag members sparked a sharp vocal reaction from the Schmidt government. On October 2, Peter Corterier, Minister of state at the Foreign ministry, told Bild Am Sonntag that Social Democrats who participated in the so-called peace demonstration would be violating the SPD's irreconcilability resolution which prohibits joint activities with Communists. He went on to say: "Anyone who continues to demonstrate with Communists against the government must ask himself whether he can remain a member of this party." And during the course of a Bundestag debate on the "peace demonstration" on October 9, 1981, Chancellor Schmidt responded: "Unfortunately, it has become quite clear that the organizers—I am referring to the organizers and not to the demonstrators—refused to repudiate a number of supporting communist groups. . . ."

In the end, some 250.000 Germans rallied on October 10 in Bonn, including the large left-wing SPD Bundestag delegation and thousands of rank-and-file SPD party members. The participants listened to speeches castigating the German government for agreeing to NATO's decision to modernize its theater nuclear forces and calling on Germany to repudiate its "colonization" by the United States. The demonstration was a major Soviet propaganda victory. Pravda hailed the German anti-missile movement, which it claimed had reached "Unparalleled proportions," and noted with evident satisfaction that the demonstration was "a manifestation of an emergent alliance of people who are coming to realize, despite all obstacles and difference of their world outlooks, their responsibility for safeguarding world peace." Just the day after the German mass rally, Welt Am Sonntag released news of a recent study by the Federal Office for the Protection of the Constitution ("Security-Endangering Leftwing Extremist Trends in the Struggle for Peace"), which acknowledged that Communist and ecological groups had drawn up a three-year plan for actions against "counterarming"—a plan that included "resistance actions" against

military installations in the Federal Republic.

The peace and disarmament activities in other Western European countries during the summer and fall of 1981 also revealed stage-managing by Communist front organizations. For instance, the largest disarmament demonstration of the summer—the "1981 March for Peace"—consisted of a six-week (late June through early August) "peace walk" from Copenhagen to Paris. It was organized by Women for Peace, a Danish disarmament group claiming to have 500,000 members. The march attracted wide attention in Europe, particularly because many of the participants were colorfully clad young people reminiscent of the "hippies" of the 1960s. What was not revealed at the time, however, was that Women for Peace had strong ties with Denmark's Cooperation committee for Peace and Security, the largest Communist front group in the country. In fact, the two Danish organizations make little effort to disguise their connection, both sharing the same Copenhagen address in Gothersgade—in a building that had earlier housed the Danish-Cuban Friendship Association.[33]

The mass demonstrations in the fall of 1981 varied in the amount of overt Communist participation—from the marches in Paris and Rome, where groups tied to the national Communist parties were the chief organizers, to the demonstrations in London, Brussels and Amsterdam, where the organizing was done by more broadly based groups.[34] Even in the latter cases, the extensive planning and support of Communist influenced or dominated peace groups was noticeable to informed observers. Despite this clear link to Moscow, the protests received massive, favorable press coverage and had a significant impact on European public opinion.

PRESIDENT REAGAN'S ZERO OPTION

On November 19, 1981, President Ronald Reagan, in part to reassure Europe that the United States was determined to undertake serious arms control negotiations with the Soviet Union, delivered a major address on the American program for peace and arms control. In this speech, the President offered to cancel the planned deployment in Europe of new Pershing II and ground-launched cruise missiles if the Soviet Union agreed to dismantle its SS-20, SS-4 and SS-5 missiles already deployed.

This "zero option" proposal was immediately denounced by the Soviet Union. As Sergey Losev wrote in Izvestiya: "Unfortunately, the point at issue is in fact a propaganda 'cushion' designed to soften the unfavorable political consequences of the line pursued by the United States of starting a fresh steep round in the nuclear missile weapons race.* * *"

And not surprisingly, the leadership of a number of the "independent" European disarmament groups criticized President Reagan's zero option in almost the same words as those used by the Soviets. Britain's Campaign for Nuclear Disarmament (CND) warned that the zero option "was mainly about propaganda and not about disarmament." And the main speakers at the second "Krefeld Forum" were equally villifying in their comments. Josef Weber, for instance, exclaimed that there "is no doubt that with his propaganda coup Reagan intends first and foremost to mislead the peace movement rather than to begin serious negotiations."

In late November, Brezhnev visited West Germany. At a dinner given in his honor by Chancellor Schmidt, Brezhnev set forth the latest version of the USSR's TNF disarmament proposal, aimed at preventing the deployment of U.S. Pershing IIs and cruise missiles. The Soviet leader told his audience:

"To facilitate the dialogue and to create a favourable atmosphere for it, we have put forward this proposal: that while the talks continue, both sides should abstain from deploying new and modernising the existing medium-range nuclear means in Europe. * * *

"Besides, as we have informed the federal chancellor today, should the other side consent to the moratorium I have just spoken about, the Soviet Union would be prepared not only to discontinue a further deployment of its SS-20 missiles. We would go even further.

"As an act of goodwill, we could unilaterally reduce a part of our medium-range nuclear weapons in the European part of the USSR. . . . This is a new and substantive element in our position." [35]

Here the Soviet leader was attempting to counter the favorable impression made on Western European leaders by Reagan's zero option. Moscow as claiming to have offered a greater concession. Soviet commentaries in the following weeks stressed that Leonid Brezhnev's proposals were the "genuine 'zero option.'"

Despite Soviet statements about its concessions and the need for balanced negotiating positions, the Soviet leadership continued to depend upon the communists' alliance with the European disarmament movements as the focus of attack against U.S. deployment of the new missiles. In December 1981, International Department Head, Boris Ponomarev, in a speech to an all-union scientific students conference, declared:

"The question of war and peace has advanced into the focus of attention of wide sections of world public opinion. The anti-war movement in Western Europe, and in recent months also in the United States, and a number of other countries reached an unprecedented scale. . . . However, the interests of peoples and the interests of preserving peace call for further deployment of the anti-war movement, since no one has cancelled the U.S. giant military programmes or Reagan's decision to manufacture neutron weapons. * * *" [36]

The need for even greater participation in the efforts of the "peace forces" by people of all backgrounds was echoed by the World Peace Council. The Bureau of the WPC Presidential Committee issued a statement following its January 1982 meeting which noted:

"The WPC calls on all peace movements and all peace workers to redouble their efforts to halt the arms race. * * *

"The WPC, as always, stands ready to encourage and support all initiatives along these lines, wherever and whenever they are undertaken, to have dialogue and to cooperate on an equal footing with all other peace forces." [37]

BREZHNEV'S MARCH MORATORIUM

The Soviet Union's most recent overt propaganda initiative was unveiled on March 16, 1982, in a speech by Brezhnev to the 17th Congress of Soviet Trade Unions. He announced a unilateral moratorium "on the development of medium-range nuclear armaments in the European part of the USSR"—freezing the futher deployment of SS-20 missiles as "replacements" for the older SS-4s and SS-5s. Brezhnev further stated that the moratorium would stay in force either until the United States and the Soviet Union reached agreement on reducing medium-range missiles or until the U.S. began "practical preparations" for deploying Perishing IIs and GLCMs in Europe.

The thrust of the Soviet proposals was well timed to reinforce the growing support in the United States for a nuclear freeze. And although the Reagan Administration has since pointed out the major strategic inequalities inherent in this all-too-obvious Soviet propaganda ploy, the Brezhnev initiative has been given a more than respectful hearing on both sides of the Atlantic.

As it stands now, the Soviet disarmament campaign directed against NATO's deployment of modernized theater nuclear forces is moving ahead on all fronts. The disarmament movement in West Germany held Eastern peace marches in twenty German cities. And the World Peace Council is gearing up its allied "peace forces" for a major push timed to coincide with the U.N. General Assembly's June 7-July 9 Second Special Session Devoted to Disarmament. Clearly, the United States should be attempting to devise a strategy to cope with the increasingly effective mass movement tactics of the Soviet propagandists.

CONCLUSION

Events in the past year demonstrate the effectiveness of the Soviet disarmament propaganda campaign when joined with European peace group efforts. It seems certain that the anti-nuclear sentiment in Western Europe, and now in the United States, will continue to grow unless it is checked by a well-organized counter-effort by the Reagan Administration.

Alerting the European and American publics to the incontrovertible facts of the strategic balance is the vital first step. Soviet propagandists and their allies (witting and unwitting) thrive on the public's ignorance of relative U.S. and USSR military capabilities. Exploiting this ignorance are peace groups on both sides of the Atlantic, which have established firm ties with leaders of the Protestant and Catholic churches and are laying the groundwork for grass-roots campaigns against American nuclear weapons. A massive rally is now scheduled to coincide with the June opening of the U.N. Special Session on Disarmament in New York. The nuclear freeze statements passed recently in several states and in dozens of localities in New England and California testify to the success of the American groups' preliminary organizing efforts.

Blunting the drive of nuclear freeze organizers in this country and of the disarmament movement in Western Europe will require far more than a few speeches by the President and his Secretaries of State and Defense. Needed is an effort at least equivalent to the Carter Administration's SALT-selling campaign of 1979. State, Defense and ACDA must mobilize a corps of speakers to travel to the towns, cities, and campuses across the United States. They must talk to citizens about the realities of the military balance, the questions raised about the Soviet Union's compliance with past arms limitation treaties, and the role that the Soviet propaganda apparatus is playing in the supposedly independent peace movement.

In Western Europe, activities of this sort should be coordinated through NATO and its affiliated public support organizations. It would be extremely useful for NATO delegations to share information concerning the links in their countries between known

Communist front groups and the "independent" peace groups. Such data would permit an overall assessment of Soviet influence on the European disarmament movement.

A U.S. effort of this magnitude will prove difficult to organize and will cost more than the several millions of dollars that the Carter Administration spent in its SALT-selling effort, but nothing less than a major drive to counter the disarmament campaign now under way will be effective. Without such an effort, Washington will find itself increasingly hampered in its plans for strengthening U.S. and NATO nuclear deterrent forces. This deterrent offers the best guarantee of the peace that the disarmament movement so passionately desires. It is for this reason that the Soviet propaganda campaign and its coopting of other groups has become a major threat to peace. It is this story that the Reagan Administration must start telling.

FOOTNOTES

[1] Evron M. Kirkpatrick, ed., "Year of Crisis: Communist Propaganda Activities in 1956" New York: The Macmillan Company, 1957), p. 31.

[2] "Forgery, Disinformation and Political Operations," Department of State Bulletin, Vol. 81 (November 1981), p. 53. Among the first Communist leaders to stress the importance of front organizations was the Finn, Otto Kuusinen, Secretary of the Communist International from 1921 to 1943. In 1926, at a Comintern executive committee meeting, Kuusinen advanced the idea of "creating a whole solar system or [sic] organizations and smaller committees around the Communist Party . . . actually working under the influence of the Party, but not under its mechanical control." Quoted in "International Communist Front Organizations: Introduction," in Yearbook On International Communist Affairs 1968, edited by Richard V. Allen (Stanford: Hoover Institution Press, 1969), p. 695.

[3] For information on Chandra's background in the front groups, see "Biographies of Prominent International Communist Figures," in Yearbook on International Communist Affairs 1979, edited by Richard F. Staar (Stanford: Hoover Institution Press, 1979), p. 449.

[4] Service A was apparently upgraded from Department to Service status in the mid-1970s. "The Communist Propaganda Apparatus and Other Threats to the Media," (American Bar Association Standing Committee on Law and National Security) Intelligence Report, Vol. 3 (April 1981, pp. 1-2.

[5] Quoted in "How the KGB Operates; Answers from a KGB Defector," (American Bar Association Standing Committee on Law and National Security) Intelligence Report, Vol. 3 (July 1981), p. 3. This was an interview with a former KGB officer, Ilya Dzhirkvelov, who defected to the British, early in 1980. In partial confirmation of Dzhirkvelov's KGB background, Appendix D of John Barron's book (published six years before Dzhirkvelov defected), listing Soviets engaged in clandestine operations abroad, shows that one Ilya Dzhirkvelov was expelled from turkey and was subsequently stationed in Sudan (1971). John Barron "KGB: The Secret Work of Soviet Secret Agents" (New York: Reader's Digest Press, 1974), p. 385.

[6] Quoted in House, Committee on Un-American Activities, Communist Activities in the Peace Movement (Women Strike for Peace and Certain Other Groups): Hearings, 87th Congress, 2d Session, USGPO, pp. 2065-2066.

[7] Quoted in S. T. Cohen, "The Neutron Bomb: Political, Technological and Military Issues" (Cambridge, Massachusetts: Institute for Foreign Policy Analysis, 1978); p. 35.

[8] Brezhnev noted in an interview in Pravda on December 24, 1977, for example, "This inhuman weapon, especially dangerous because it is presented as a 'tactical,' almost 'innocent' one, is now being persistently foisted upon the world. Thereby, attempts are being made to erase the distinction between conventional and nuclear arms, to make the transition to a nuclear war outwardly, so to say, unnoticeable for the peoples." Quoted in "Year-end Soviet Optimism in Foreign Sphere: Focus on Further Disarmament Successes," Soviet World Outlook, January 15, 1978, p. 4.

[9] Ibid., p. 5.

[10] C. C. van den Heuvel, "Netherlands," in Yearbook on International Communist Affairs 1979, p. 186; and J. G. Heitink, ["The Influence of the Christians for Socialism Movement on the IKV"], De Telegraaf (Amsterdam), July 25, 1981, p. 9; translated and reprinted in Current News: Foreign Media Edition, October 28, 1981, p. 5.

[11] Leonard Downie, Jr., "Denmark Faces Crucial Decisions on Defense Spending," The Washington Post, November 5, 1979, p. A20; and "Pro-SALT Americans Urge Denmark to Oppose NATO Missiles," Defense/Space Business Daily, November 6, 1979, pp. 22-23. Both Scoville and Barnet have had continuing ties with organizations on the American Left—Scoville has been on the Board of the Center for Defense Information, and Barnet was formerly a co-director of the Institute for Policy Studies. For detailed information on the above-named organizations, see William T. Poole, "The Anti-Defense Lobby: Part I, Center for Defense Information," Heritage Foundation Institution Analysis No. 10, April 19, 1979; and William T. Poole, "Institute for Policy Studies," Heritage Foundation Institution Analysis No. 2, April 19, 1977.

[12] It should be understood that the Soviets have been purposely delaying the retirement of these older missiles, possibly in an effort to use them as bargaining chips in future arms negotiations. Some 140 had been retired by late 1979, but nearly all of these had been targeted on China.

[13] "U.S. May Withdraw 1,000 NATO Weapons," The New York Times, October 26, 1979, p. A6. It was not a new idea. In 1975, Secretary of Defense James Schlesinger unsuccessfully had proposed reducing NATO's stock of obsolescent tactical nuclear warheads.

[14] (Emphasis added.) Quoted in "Campaign on Euromissiles Grows in Scope and Intensity, U.S. Charged with Circumvention of SALT II," *Soviet World Outlook*, November 15, 1979, p. 5.

[15] C. C. van den Heuvel, "Netherlands," in Yearbook on International Communist Affairs 1980, edited by Richard F. Staar (Stanford: Hoover Institution Press, 1980), p. 192. Another name given to this group is the "Joint Committee—Stop the Neutron Bomb—Stop the Nuclear Armament Race." "Forgery, Disinformation, and Political Operations," Department of State Bulletin, November 1981, p. 54.

[16] "Zhivkov Speaks Before World Peace Parliament in Sofia," Sofia Domestic Service (Bulgaria), in Foreign Broadcast Information Service Daily Report: Eastern Europe, September 24, 1980, pp. C7-C8.

[17] World Peace Council Programme of Action 1981 (Helsinki: World Peace Council, [1980], pp. 6-7.

[18] West German Chancellor Helmut Schmidt characterized the circumstances surrounding the Krefelder Apell in this way: "regarding the Krefeld peace appeal, it was preformulated by the German Peace Union which is one of the many groups around that are established with strong communist influence. Many people are members of the Peace Union as well as of the Communist Party." Interview with Helmut Schmidt: "Chancellor Schmidt Comments on Peace Movement," ZDF Television Network (Mainz), August 30, 1981, in Foreign Broadcast Information Service Daily Report: Western Europe, September 1, 1981, p. J2. For information on the German Communist Party's influence over German peace organizations such as the German Peace Union, see "Germany: Federal Republic of Germany," in Yearbook on International Communist Affairs 1968, p. 236. The Green Party was not founded as a left-wing party, per se, but was completely taken over by the Left (always a majority of the membership) during the course of its first party conventions, culminating in the one of March 21-23, 1980. See Elizabeth Pond, "Dissension sprouts in West Germany's Green Party," The Christian Science Monitor, March 25, 1980, p. 4. For information on the ecological parties in Western Europe, see J. F. Pilat, *"Ecological Politics: The Rise of the Green Movement,"* (The Center for Strategic and International Studies, Georgetown University) The Washington Papers Volume 8, Number 77 (Beverly Hills: Sage Publications, 1980).

[19] Jean Stead, "Western Europe's anti-war fever," The Guardian (London), April 7, 1981, p. 17. For information on Petra Kelly's background, see Roger Berthoud, "Radical 'Greens' alliance hopes to capitalize on provincial success," The Times (London), September 16, 1980; and "The Soviet Peace Offensive," Information Digest, December 25, 1981, pp. 385-386. For information on Martin Niemoeller's receipt of the Lenin Peace Prize, see "Germany: Federal Republic of Germany;" in Yearbook on International Communist Affairs 1968, p. 236. For a representative sampling of information on Gert Bastian's disarmament activities, see Christian Potyka, "Attack on the Missile Arsenal," Sueddeutsche Zeitung (Munich), January 9, 1981, p. 3, in Foreign Broadcast Information Service Daily Report: Western Europe, January 12, 1981, p. J3; J. G. Heitink ["The finances of the anti-nuclear arms clubs and their income from abroad"], De Telegraaf, July 29, 1981, p. 9, reprinted in Current News: Foreign Media Edition, October 28, 1981, p. 7; and Charles Austin, "Antinuclear Groups Seeking A Global Network," The New York Times, December 6, 1981, p. 75. The views of Bastian and other former NATO generals and admirals in the "Generals for Peace" group are getting extensive play not only in Germany but also in the USSR, where the Soviet magazine Za Rubezhom has been printing translations of the writings of these retired officers.

[20] "Massive Campaign Heralded Against Euromissiles," Soviet World Outlook, Vol. 6 (February 15, 1981), p. 3).

[21] Quoted in an article in "Kommunist" by Boris Pononmarev, entitled "The International Significance of the 26th CPSU Congress"; excerpted in Loen Goure and Michael J. Deane, "The Soviet Strategic View: The 26th CPSU Congress and the Soviet 'Peace Campaign,'" Strategic Review, Vol. 9 (Summer 1981), p. 76. For a slightly different translation of the same passage, see Keith Payne, "The Soviet Peace Program," (Hudson Institute) Hudson Communique, Vol. 1 (September 1981), p. 1.

[22] Brezhnev Uses 26th Soviet Congress to Launch Double-Edged Peace Offensive," Soviet World Outlook, March 15, 1981, p. 3.

[23] Paul Brill, "Detente Is Not Dead," "De Volkskrant" (Amsterdam), March 16, 1981, in Foreign Broadcast Information Service Daily Report: Soviet Union, March 20, 1981, p. G4.

[24] "[Questioner] If individual West European states deploy missiles within the framework of NATO's decision to counterarm, would this entail sanctions from the Soviet side?

[Arbatov] Oh well, you understand that very serious arms are involved. There is the Pershing II which we can compare—you know with what?—with Soviet missiles stationed in Cuba in 1962. You remember what the reaction of the American's [sic] was at that time.

[Questioner] Yet, Mr. Arbatov, would that lead to a similar situation as in 1962 in Cuba? The missile crisis?

[Arbatov] You know, I do not want to talk about that.

[Questioner] You introduced it yourself.

[Arbatov] I just want to say that the Soviet Union takes it very, very seriously. It would, therefore, be much better to avoid it. . . . But naturally there will be consequences. Naturally it will aggrevate and spoil the situation in Europe." Arbatov interview, ZDF Television Network (Mainz), March 16, 1981, in Foreign Broadcast Information Service Daily Report: Soviet Union, March 18, 1981, pp. G1-G2.

[25] Quoted in J. G. Heitink, [no article title given], De Telegraaf, July 22, 1981, p. 9, reprinted in Current News: Foreign Media Edition, October 28, 1981, pp. 3-4.

[26] Merkoulov-Petersen: "Soviet Diplomat Expelled for Espionage Activities," AFP (Paris), November 4, 1981, in Foreign Broadcast Information Service Daily Report: Western Europe, November 4, 1981, p. P1; and "The Soviet Peace Offensive," Information Digest, pp. 386-387. For detailed information on the Cooperation Committee for Peace and Security, see John Wagner, Per Nyholm and William Schwarck, "Soviet-Oriented Communism Behind Danish Peace Movements (Part One)," Jyllands-Posten (Denmark), May 17, 1981. Chebotok: "Police Seek Expulsion of Two Soviet Diplomats," Stockholm Domestic Service, November 27, 1981, in Foreign Broadcast Information Service Daily Report: Western Europe, November 30, 1981, p. P1; and Information Digest, p. 387. More recently, on January 22, 1982, the Portuguese government expelled two Soviet diplomats—press attache Yuri A. Babiants and attache Mikhail M. Morozov—for "engaging in activities which exceeded their diplomatic status," in connection with the January 16 disarmament march in Lisbon. "Disarmament Offensive," Information Digest, January 29, 1982, pp. 21-22.

[27] A. Grigoryants, "Letter from Bonn: Considering the Lessons of the Past," Izvestiya, June 21, 1981, p. 5, in Foreign Broadcast Information Daily Report: Soviet Union, June 26, 1981, p. AA2.

[28] "Decision 'Open Challenge,'" Moscow World Service, August 19, 1981, in Foreign Broadcast Information Service Daily Report: Soviet Union, August 11, 1981, p. AA2.

[29] "'Classified Pentagon Documents' Reveal U.S. Plans," TASS, August 6, 1981, in Foreign Broadcast Information Service Daily Report: Soviet Union, August 7, 1981, pp. AA4–AA5.

[30] B. Pechnikov, "Notes: When the Secret Comes Out," Komsomolskaya Pravda (Moscow), October 9, 1981, p. 3, in Foreign Broadcast Information Service Daily Report: Soviet Union, October 16, 1981, p. G3.

[31] Disclaimers to the contrary, many experienced German observers saw the fine hand of the communist-dominated German Peace Union behind much of the Evangelical Church's planning activities. German Communist Party (KPD) infiltration of Christian religious organizations had first begun in earnest in the late 1960s, with the formation of a KPD special "Friedensbewegung" (Peace Commission). See "Germany: Federal Republic of Germany," in Yearbook on International Communist Affairs 1968, p. 236.

[32] ["SPD Leader Discusses Present State of Party"], Der Spiegel, February 9, 1981, in Foreign Broadcast Information Service Daily Report: Western Europe, February 11, 1981, p. J11.

[33] The two organizations had previously shared quarters at Reventlowsgade 12, Copenhagen, together with the group known as the Association of Democratic Women in Denmark, the Danish branch of the international Communist front organization, the Women's International Democratic Federation (WIDF). See John Wagner, Per Nyholm and William Schwarck, "Soviet-Oriented Communism Behind Danish Peace Movements (Part Two)," Jyllands-Posten (Denmark), May 23, 1981. For the historical background on the WIDF, see "Women's International Democratic Federation," in Yearbook on International Communist Affairs 1968, pp. 726–728.

[34] In the case of the Paris demonstration, a number of groups, including the trade union CFDT and the Socialist Party, refused to participate because of the organizers' obvious pro-Soviet stance.

[35] "Brezhnev Dinner Speech," TASS, November 23, 1981, in Foreign Broadcast Information Service Daily Report: Soviet Union, November 24, 1981, p. 69.

[36] "Boris Ponomarev About Soviet Peace Initiatives," TASS, December 12, 1981, in Foreign Broadcast Information Service Daily Report: Soviet Union, December 14, 1981, p. AA1.

[37] "WPC Bureau Calls for Negotiations, an End to Arms Race," (World Peace Council) Disarmament Forum, Vol. 1 (January 1982), p. 4. Interestingly, two United States Congressmen—Representative John Conyers of Michigan and Representative Gus Savage of Illinois—both members of the Congressional Black Caucus, were active participants in the WPC's Bureau meeting in Copenhagen. See their recorded comments in "WPC Bureau Meeting in Copenhagen Urges: Negotiations, Not Confrontation!" (World Peace Council) Peace Courier, Vol. 13 (January–February 1982), pp. 2–3. In addition, Congressman Savage was one of the honored participants in the Portugese "peace marches" that occurred on January 16, 1982—the same marches over which two Soviet diplomats were expelled from Portugal (see footnote 26). "Portugese Peace Marchers Call for End to Arms Race," Ibid., p. 6.

THE PEACE MOVEMENT AND THE SOVIET UNION

(By Vladimir Bukovsky)

(Peace will be preserved and strengthened if the people take the cause of peace into their own hands and defend it to the end.—Joseph Stalin, 1952.)

The "struggle for peace" has always been a cornerstone of Soviet foreign policy. Indeed, the Soviet Union itself rose out of the ashes of World War I under the banner of "Peace to the People! Power to the Soviets!" Probably from the very first, Bolshevik ideologists were aware of how powerful a weapon for them the universal craving for peace would be—how gullible and irrational people could be whenever they were offered the slightest temptation to believe that peace was at hand.

Only a year before the Bolsheviks raised their banner, the most terrible prospect for any Russian would have been to see an enemy burning down his villages and defiling his churches. Yet once blinded by the slogan. "A just peace without annexations or tribute," he was to rush from the front lines, along with hundreds of thousands of his fellow soldiers, sweeping away the last remnants of the Russian national state. He did not want to know that his desertion had done no more than simply prolong the war for another year, not only condemning thousands more to death on the Western front, but ending in that very German occupation of the Ukraine and Russia he had so much dreaded just a year ago. For the moment the only thing that mattered was peace—right now, and at any price.

Hardly anyone taking part in the stampede back home in 1917 knew the first thing about the ideology of Communism—except possibly for a couple of simple slogans and this one incendiary word: Peace. In a country of 70 million there were only 40,000 Communists. Anyone who had taken the trouble to read the Communists' "fine print" with just a little care could have discovered that what their soon-to-be masters meant by "peace" was not peace at all but rather the "transformation of imperialist war into civil war."

The Russian people were in any case so fed up with the war by then that they did not care. Anything seemed better, or at least not worse. After three years of civil war, however, in which some 20 million people were slaughtered or died of starvation, cold, and typhoid (i.e., ten times as many as were killed at the front during the whole of World War I), the war came to seem a trifle by comparison, a sort of frontier skirmish somewhere in the Byelorussian swamps.

And once again an irresistible craving for peace drove people to accept Soviet rule—as a lesser evil. Anything was now preferable to this monstrous slaughter, starvation, and typhoid. They would give anything for some kind of order.

The order imposed by the Communists was nothing more than a permanent state of civil war, both inside the country and around the world. Or as Lenin put it, "As an ultimate objective peace simply means Communist world control." Thus, while comrade Chicherin, at the Conference of Genoa in 1922, was appealing to the entire world for total and immediate disarmament, crowds of bewildered people in the Soviet Union were marching to the cheerful song:

We'll fan the worldwide flame,
Churches and prisons we'll raze to the ground.
The Red Army is strongest of all
From Moscow to the British islands.

Indeed, the churches were the first to be put to the torch, As for the prisons, the Communists were in no hurry to carry out their bold promise. Quite the contrary, the number of prisons grew with each year to accommodate tens of millions of "class enemies" or "enemies of the people." And speaking of worldwide flame, one need only compare the map of the world of, say, 1921 with that of 1981 to see that the song's promise was not entirely empty.

Once they recognized the power of "peace" as a weapon, the Communists have never let go of it. In this respect, it must be admitted, Soviet politics have invariably been most "peaceful." We must at the same time bear in mind that according to Communist dogma, wars are the "inevitable consequence of the clash of imperialist interests under capitalism," and therefore they will continue to be inevitable as long as capitalism exists. The only way to save humanity from the evil of wars, then, is to "liberate" it from the "chains of capitalism." Accordingly, there is a very precise distinction to be made between "just wars" and "unjust wars." "Just wars" are those fought "in the interests of the proletariat." It is perfectly simple and perfectly clear: just wars are absolutely justifiable because they lead to the creation of a world in which there will be no wars, forevermore. Proletarians are all brothers, are they not? So, once the world is rid of capitalists, imperialists, and various other class enemies, why should those who are left fight one another?

By this same impeccable logic, the interests of the proletariat are best known to the advance-guard of the proletariat, that is, the Communist party, and should be defined by Lenin, Stalin, Khrushchev, and Brezhnev, since they are in turn the advance-guard of the Communist party.

As soon as we have pinned down this formula and deciphered its terminology, the course of history becomes absolutely clear. For instance, Soviet occupation of the Baltic states and Bessarabia, or the war with Finland in 1939–40, were of course perfectly just, as was the partition of Poland, achieved in cooperation with Nazi Germany in 1939. On the other hand, the Nazi attack on the Soviet Union in 1941 was blatantly unjust. By the same token, any attack by the Arabs on Israel is just, at least insofar as it is successful. If Israeli resistance to attack is successful, however, then all peace-loving peoples must protest.

It goes without saying that world public opinion must accept the distinction I have outlined above and direct every effort in the struggle for peace toward establishing it. Fortunately, there are a great many "progressive" people in the world, people for whom any direction taken by Moscow is progressive because by definition it is taken in the service of socialism. Thus, before the Molotov-Ribbentrop pact of 1939 was signed, the energies of all progressive people were mobilized against fascism, whether in Spain, Italy, or Germany. As soon as the pact was signed, the notion of what was progressive and what was not changed drastically.[1]

On February 2, 1940, for example, the German Communist leader, Walter Ulbricht, later to become head of the East German state, was permitted by the Nazi government to publish an article in *Die Welt* in which he said: "Those who intrigue against the friendship of the German and Soviet peoples are enemies of the German people and are branded as accomplices of British imperialism."

The British *Daily Worker* adopted a similar line and greeted the new alliance as a victory for peace, as did the American *Daily Worker,* On September 19, 1939, when the was was raging in Poland, it published a declaration of the National Committee of the American Communist party proclaiming the war declared by France and Britain on Nazi Germany to be an imperialist (that is, "unjust") one, which should be opposed by the workers. This appeal was immediately supported by fellow-travelers like Theodore Dreiser, and Communist trade unions set out to sabotage production in munitions fac-

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[1] Much of the material that follows here on the early days of World War II is taken from the book by Nikolai Tolstoy, *Stalin's Secret War* (1981), where the appropriate references can be found.

tories, lest any aid reach Britain or France. Right up to the eve of the Nazi invasion of Russia, Communist propaganda did everything possible to dissuade the United States from helping the European democracies in their war against Nazi Germany. These pages in the history of the glorious "struggle for peace" by the progressive social forces are not much spoken of any more, particularly where the young might hear.

But nowhere was this "struggle for peace" as influential as in France, where the Communist party and its fellow-travelers were openly defeatist before, and remained so during—and some time after—the Nazi invasion of France. The French Communist party, which was quite considerable in strength, worked so energetically to undermine the French war effort as to suggest a fifth column. Within a month of France's declaration of war the party's leader, Maurice Thorez, fled to Moscow to direct the resistance to French preparations against Germany. In November 1940 Thorez and his associate Jacques Duclos exulted openly over the fall of France, Thorez declaring that "the struggle of the French people has the same aim as the struggle of German imperialism."

The Franco-German alliance alluded to by Thorez expressed itself in concrete terms. German propaganda leaflets dropped over the Maginot line pointed out that "Germany, after her victory over Poland and since her pact with Russia, disposes of inexhaustible resources in men and material," while all the Communist deputies petitioned President Herriot to make peace in response to Hitler's appeal. After Communist publications had been suspended by decree in France, the party continued to publish its propaganda on German presses. Its leaflets urged troops, dockers, and others engaged in essential war work to resist and to sabotage the country's effort. In March 1940, a party leaflet claimed that the Allied failure to launch an offensive was due to the effectiveness of the party's defeatist propaganda. And there can be no doubt that this effective spreading of defeatism, coupled with a serious campaign of sabotage in munitions factories, played a major role in the catastrophic French defeat of June 1940.

At the very time that General de Gaulle, in London, was issuing his appeal for resistance, the French Communist paper *l'Humanité* said: "General de Gaulle and other agents of British capital would like to compel Frenchmen to fight for the City. . . ."

Later Khrushchev was to recall that "Stalin once told me that Hitler had sent a request for a favor through secret channels. Hitler wanted Stalin, as the man with the most authority and prestige in the Communist world, to persuade the French Communists not to lead the resistance against the German occupation of France." Evidently Hitler's request was not denied.

Even in Yugoslavia, where the Communist movement had directed all its efforts to vilifying the British and French, Tito's first appeal for a struggle against the German invaders did not come until June 22, 1941. It was not the German conquest of Yugoslavia that aroused his ire, but the German invasion of the Soviet Union. Even in far-off Buenos Aires, a British diplomat had noticed that Nazi diplomats were "collaborating with local Communists in a very dangerous attempt to win over the masses with the cry of 'away with British capitalism and commercial exploitation.'"

As soon as Nazi Germany turned against its great Eastern ally, the "struggle for peace" was instantly terminated. Indeed, the sudden outburst of patriotism among the "progressive social forces" was remarkable. No strikes, no condemnation of Western imperialism—as if the latter had never existed. For the remainder of World War II the Allies were to enjoy a happy time of industrial peace and a relaxation of the class struggle. The war, of course, was now a "just" one.

Oddly, the passion for peace was resurrected shortly after the war was over, while the Soviet Union was swallowing a dozen countries in Central Europe and threatening to engulf the rest of the continent. At that time, some "imperialist warmongers" were sounding the alarm over Soviet conduct and even suggesting the creation of a "very aggressive" NATO alliance. The "reactionary forces" in the world were starting a "cold war." Beyond this, the Soviet Union was troublesomely lagging behind the U.S. in the development of nuclear weapons. For some curious reason, however, the "imperialist military-industrial complex"—all those Dr. Strangeloves—failed to drop the atom bomb on Moscow while they still enjoyed a monopoly on it. This should undoubtedly be ascribed to the success of a great movement of peace-lovers. How could it be explained otherwise, short of the reactionary suggestion that NATO generals were not in the least aggressive?

In any case, members of the older generation can still remember the marches, the rallies, and the petitions of the 1950's (particularly the famous Stockholm Appeal and the meetings of the indefatigable World Peace Council). It is hardly a secret now that the whole campaign was organized, conducted, and financed from Moscow, through the so-called Peace Fund and the Soviet-dominated World Peace Council—where a safe majority was secured by such figures as Ilya Ehrenburg, A.N. Tikhonov, etc. This was the period when comrade Stalin presented his memorable recipe for peace that is the epigraph to this article. Stalin's formulation was enthusiastically taken up by millions, some of them Communists, some loyal fellow-travelers, a number of them muddleheaded intellectuals, or hypocrites seeking popularity, or clerics hungry for publicity—not to mention professional campaigners, incorrigible fools, youths eager to rebel against anything, and outright Soviet agents. Surprisingly, this odd mixture constitutes a fairly sizable population in any Western society, and in no time at all the new peace campaign had reached grandiose proportions. It became fashionable to join it and rather risky to decline.

The purpose of all this peace pandemonium was well calculated in the Kremlin. First, the threat of nuclear war (of which the Soviets periodically created a reminder by fomenting an international crisis) combined with the scope of the peace movement should both frighten the bourgeoisie and make it more tractable. Second, the recent Soviet subjugation of Central European countries should be accepted with more serenity by Western public opinion and quickly forgotten. Third, the movement should help to stir up anti-American sentiment among the Europeans, along with a mistrust of their own governments, thus moving the political spectrum to the Left. Fourth, it should make military expenditures and the placement of strategic nuclear weapons so unpopular, so politically embarrassing, that in the end the process of strengthening Western defenses would be considerably slowed, giving the Soviets crucial time to catch up. Fifth, since the odd mixture of fools and knaves described above is usually drawn from the most socially active element in the population, its activism should be given the right direction.

The results were to exceed all expectations. Soviet money had clearly been well spent. The perception of the Soviet Union as an ally of the West (rather than of Nazi Germany) was still fresh in peoples' minds, which undoubtedly contributed to the success of the "struggle for peace."

Subsequently, the death of Stalin, the shock created by the official disclosure of his crimes, the Khrushchev "thaw" in international relations, and, above all, the fact that the Soviets had caught up with the West in nuclear weapons, were to make the peace movement temporarily redundant; it ceased to exist just as suddenly as it had once appeared. Meanwhile, the inefficiency of the Soviet economy once again brought it to the point of collapse. The Soviet Union badly needed Western goods, technology, and credits. Without these, there would have to be very substantial economic reform, dangerous to continued party control over the entire economic life of the Soviet Union. At the same time it was from the strategic point of view important for the Soviets to legitimize their territorial holdings in Eastern Europe and to secure for themselves the freedom to move further. Something new was called for. Out of the depths of the Kremlin, the doctrine of détente was born.

Though the peace movement was put in cold storage, the issue of peace was nevertheless central to this new Kremlin policy as well. The West had grown so exhausted by the constant tension of the previous decades that the temptation to relax, when offered by the Kremlin, was simply irresistible. And after a decade of a ruthless "struggle for peace," no Western government could get away with rejecting a proposal to limit the arms race—however well some of them understood that it would be senseless to try to reach an agreement with the Soviets while the essentially aggressive nature of Communist power remained in force. Probably some such recognition explains why the Western governments insisted on linking participation in the Helsinki agreements to the observance of human-rights agreements inside the Communist bloc. Their idea was to force the internal relaxation of the Soviet regime and to make it more open and less aggressive. In exchange the West provided almost everything Brezhnev demanded in his "Peach Program" of the 24th Party Congress in 1971. "The inviolability of the postwar frontiers in Europe"—that is, the legitimation of the Soviet territorial annexations between 1939 and 1948—as well as a substantial increase in economic, scientific, and cultural cooperation were solemnly granted by the Western countries in Helsinki in 1975. Earlier a separate treaty had perpetuated the artificial division of Germany without even a reference to the Berlin Wall.

The Western democracies had displayed such readiness to accommodate their Soviet partners that their behavior was perceived as weakness. Probably the most disgusting features of détente could be seen in Germany where the "free flow of people and ideas" had very quickly degenerated into trading people like cattle, the right to visit one's relatives in the East becoming a kind of reward conditional on the "good behavior" of the West German government. By playing on this sensitive issue the Soviets

were able to blackmail the whole country and to "modify" the policies of its government. Unfortunately, Germany is a key factor in East-West relations because in order to avoid a major split in the Western alliance the other members have to adjust their positions in accordance with Germany's. So it was that Soviet influence came to be exerted through the back door, and the West was politically paralyzed.

In addition, far from making the Soviets more dependent—as the proponents of détente had assured us—increased trade, and particularly huge Western credits, have made the West more and more dependent on the Soviet Union. The dimensions of this disaster became clear only recently, when the discussion of economic sanctions against the Polish military rulers and their Soviet masters revealed the inability of the Western countries to reduce once-established economic relations with the Eastern bloc without harming themselves even more. In fact, by now the Soviets are in a position to threaten the West with economic sanctions. Undoubtedly, they will take advantage of it very soon.

In the meantime, far from relaxing internally, the Soviet regime had stepped up its repressive policies, totally ignoring the weak Western protests against Soviet violations of the human-rights agreements. The weakness of these protests had in turn served only as further incitement for the Soviets to proceed in their course of repression without restraint. Clearly, then ideological war waged by the Soviets through all those earlier years had only increased in intensity during the era of détente. Nor did they try to camouflage this warfare. On the contrary, Leonid Brezhnev stated openly in his speech to the 25th Party Congress, on February 24, 1977: ". . . it is clear as can be that détente and peaceful coexistence relate to interstate relations. Détente in no way rescinds, or can rescind, the laws of the class struggle."

Furthermore, as it transpired, instead of reducing their military expenditures and arms build-up, as the Western nations had during those years, the Soviet Union, taking advantage of Western relaxation, had significantly increased its arsenal. So much so that if in the 1960's it could be said that a certain parity between East and West had been achieved, by now the Soviets have reached a point of clear advantage over the West. We also now know that the benefits to the Soviet Union of trade with the West were invariably put to military use. For example, the Kama River truck factory built by Americans in the 1970's has recently begun manufacturing the military trucks that were observed in action—during the Soviet invasion of Afghanistan.

By the end of the 1970's the West was becoming increasingly aware of these dangerous developments. The usefulness of détente, long challenged by some, was now being questioned by many. And then came the final blow—on Christmas 1979. Just at the moment when most people in the West were preoccupied with such things as Christmas cards and presents, something like 100,000 Soviet soldiers moved in to occupy neighboring Afghanistan, an officially "nonaligned" country with a population of about 17 million. The world was shocked and the USSR was immediately placed in isolation. Even the Communist parties of many countries condemned the Soviet action as a piece of blatant aggression. The invasion of Afghanistan, followed by the arbitrary banishment to internal exile of Nobel laureate Andrei Sakharov, followed still later by the threatening of Poland (leading, finally, to the imposition of martial law), virtually terminated the era of détente.

This termination has cost the Soviets dear. In fact, they have lost almost everything they had gradually managed to gain while the West was enjoying its bout of unilateral relaxation. Ratification of the SALT II agreement was suspended indefinitely. The Americans were awakened from their prolonged lethargy to discover with horror how weak, ineffective, and unproductive their country had become. In this new psychological atmosphere, the victory of Ronald Reagan was inevitable, promising an end to American defense cut-backs, the deployment of a new, previously shelved, generation of weapons like the B-1 bomber, the cruise missile, the MX, and the neutron bomb. It seemed equally inevitable that the military budgets of all the other Western countries would be increased, while the trade, technology, and credit arrangements with the Soviets would be reduced, or at least be made more difficult to obtain.

Thus, if this trend were to continue, the Soviets would lose their position of military superiority—especially in view of the fact that their economy is so much less efficient than that of "rotten capitalism." Add to this the new wave of international hostility noticeable especially in the Muslim world (the United Nations General Assembly voted against the Soviets on Afghanistan, for the first time since the Korean war), a continuing crisis in Poland, a hopeless war in Afghanistan, and a growing unrest among the population at home caused by food shortages, and the picture grew so gloomy as to be just short of disaster. Clearly the Soviet rulers had to undertake something dramatic to avoid a total catastrophe.

I myself, to tell the truth, was not very much surprised when suddenly, within a year, a mighty peace movement came into being in Western Europe. Especially since, by some strange coincidence, this movement showed itself first of all precisely in those European countries where the old missiles were to be replaced by newer Pershings and cruise missiles. I make no claim to special prescience; it is just that after 34 years of life in my beloved Communist motherland, I have some sense of its government's bag of tricks, pranks, and stunts. In fact, it was not a very difficult thing to predict, for the Soviet state is not a particularly intelligent creature. If you think of it rather as a huge, brainless, antediluvian reptile with a more or less fixed set of reflexes, you cannot go far wrong. "Well, here we are, back to the 1950's again," I thought to myself.

What was much more amusing to observe was the ease with which presumably mature and responsible people had by the thousands fallen into the Soviet booby-trap. It is as if history were repeating itself before our eyes, offering us a chance to see how the Russian state collapsed in 1917, or how France collapsed within one month in 1940. It is also quite amusing, if one has a taste for such amusement, to be reminded of how people are practically incapable of deriving any useful knowledge from even the recent lessons of history. Once again, the universal craving for peace right now, this very moment, and at any price, has rendered people utterly illogical and irrational, and left them simply unable to think calmly. Their current arguments, if one may call them that, are so childish, senseless, selfish, that an involuntary smile comes immediately to one's lips. Even at best what one hears is a parroting of the kind of old moldy Soviet slogans and clichés that even schoolchildren in the Soviet Union would laugh at.

To begin with, why is it that everyone has suddenly begun to be so apprehensive about nuclear war again? What has happened to make it more real than it was, say, two or three years ago? The entire history of East-West relations shows that the only way to force the Soviets to respect agreements is to deal from a position of strength. So are we to understand that because the Soviets might cease to be militarily superior to us, nuclear war is once again a reality? Should we, then, take this proposition to its logical conclusion and say that the only guarantee of peace is Soviet military superiority?

Meanwhile, countless TV programs have suddenly sprung up that unfold before us images of the great treasures of our civilization—paintings, sculptures, pyramids, antiquities, etc.—and at the end of each the narrator reminds us, his voice trembling with noble passion, how terrible it would be if all these treasures were to be destroyed along with the great civilization that produced them. And on other channels, we are treated to documentary after documentary about nuclear explosions and the consequences of radiation. After such relentless, programming, naturally public-opinion polls show a sudden increase in the number of those who believe that nuclear war is imminent.

Then there is the catchy new idea that "Our deterrent does not deter anymore," Why? Has a nuclear war begun already? Have the Soviets attacked any NATO country? Or is it simply because those who like to say the deterrent no longer deters have seen their full quota of televised nuclear explosions?

It is so easy to start a panic. The question is: who is served by the is panic? The Soviet-controlled World Peace Council declared in 1980 (and the whole European peace movement repeats it as if under a hypnotic spell): "The people of the world are alarmed. Never before has there been so great a danger of a world nuclear holocaust. The nuclear arms build-up, the accumulation of deadly arsenals, has reached a critical point. Further escalation in the arms build-up could create a most dangerous situation, facing humanity with the threat of annihilation."

Never before. But was not the world in as much danger a year earlier? The leaders of the European peace movement themselves claim that the nuclear potential accumulated on both sides is sufficient for them to destroy one another ten times. Is there any technical reason why "twenty times" is more dangerous than, say, "five times"? Or is it that, like a nuclear charge itself, the accumulation must reach a "critical mass" in order to explode?

Somehow, in the midst of all this nuclear hysteria it seems to be totally forgotten that bombs themselves are quite harmless, unless somebody wishes to drop them. So why are we suddenly alarmed by the stockpile of hardware and not by the Soviet military move toward the Persian Gulf?

Again, quite suddenly, voices begin to cry out in a huge chorus, "Nuclear weapons are immoral!" Wait a minute. Did these weapons just become immoral? Are conventional weapons moral? Why should this idea come all at once into the minds of so many people? Take as another example the question of the new missiles to be deployed in Europe. Why is it more dangerous to replace the old missiles with the new ones than to

leave the old ones where they are? Are not the old ones equipped with nuclear warheads as well? To be sure, the new missiles are more accurate. So what? We can thank God that they are on our side. They may make life more difficult for the Kremlin adventurers, but why should millions of people in the West perceive that as a tragedy and danger?

Deep in their hearts most of these terrified people have a very simple answer to all these "whys." They know that the only real source of danger is the Soviet Union and that anything which might make the Soviets angry is dangerous for that very reason. But fear is a paralyzing and deranging force. So deranging as to lead some people to advocate the abolition of the police because the criminals are becoming too aggressive.

Indeed, the most amazing aspect of the present antiwar hysteria—aside from the fact that it has arisen at a time so remarkably favorable for Moscow—is the direction of the campaign. Millions of people in Great Britain, Germany, Holland, Belgium, France, and Italy, supposedly of sound mind and with no evidence of the influence of LSD, march about claiming that the threat of war comes from . . . their own governments and the government of the U.S.! A psychoanalyst might characterize this behavior as the Freudian replacement of a real object of fear with an imaginary one. Except that even a psychoanalyst might conclude that pro-Soviet propaganda had something to do with the delusion in this particular case.

The facts are too obvious to discuss here. One may like or dislike President Reagan or Chancellor Schmidt, but unlike comrade Brezhnev, they were elected by the majority of their respective populations and are fully accountable in their actions to the parliaments and to the people. They simply cannot declare a war on their own. Besides, it is quite enough to look around to see the real source of aggression. Was it American or Soviet troops who occupied half of Germany and built a wall in Berlin? Is it not the Soviets who still occupy Hungary, Czechoslovakia, the Baltic states, not to mention Afghanistan, very much against the wishes of the people in these countries? Was it East or West German troops who took part in the occupation of Czechoslovakia and who are prepared to invade Poland?

Everything in the West is done quite openly—one might say, far too openly. But what do we know about the decisions made by 14 old fools in the Politburo whom nobody ever elected to make these decisons and whom nobody can call to account? No press is allowed to criticize them, no demonstrations to protest against their dictate. Anyone refusing to obey their secret orders would instantly disappear forever. There is in fact very little difference between the Soviet system and that of Nazi Germany. Is there anyone who supposes that he should have trusted Hitler more than the democracies?

After the experience of speaking several times with members of the current European peace movement, however, I know only too well how futile is the recourse to rational argument. They announce unabashedly that there is no Soviet military superiority. It is all, they say, CIA propaganda; the only reliable source of information as far as they are concerned seems to be the KGB. They refer one to the findings of a certain Stockholm International Peace Research Institute, leaving one to guess at the kind of methods employed by this institute for assessing the Soviet arsenal. Since the Institute has no satellites at its disposal, its "researchers" are undoubtedly left in a painful dilemma: whether to obtain their information from the blue sky, or from the Sputniks. Nobody in the European peace movement, it seems, has ever wondered about the reliability of this obscure establishment.

But this is just a trifle. More seriously, our peace-lovers—repeating word for word an old *Pravda cliché*—maintain that the "crazy American generals" are so trigger-happy as to push the button just for the fun of it. I have never been able to understand why generals must invariably be crazy—American generals, of course, not the Soviet kind, who seem to have some innate immunity from craziness—and if they are crazy, why they did not push the damn button long ago. In any case, it is hard to imagine that the generals, who at least have some technical education, are less equipped to understand nuclear problems than the primary-school teachers who are so heavily represented in the peace movement.

Some of the "peace-makers" sincerely believe that as soon as the West disarms itself, the Soviets will follow suit, and with an almost literally incredible naiveté they urge us to "try" this suicidal experiment. Others, far more sophisticated, know perfectly well that their Soviet comrades need to gain time so as to enjoy a more advantageous posture in future negotiations with the Americans. What they urge is that the West start negotiations first and improve the Western position later. Still others are more candidly selfish and object only to the deployment of nuclear weapons near their own village, so to speak—as if being protected is more dangerous than not being protected. Or better still, as if any single village, city, or country could maintain neutrality during a nuclear war. "Let the Americans fight the Russians," they say, implying that the entire problem of the modern world grows out of some stupid far-off quarrel between "Americans and Russians," who are apparently in some kind of conspiracy to destroy the poor Europeans. Surely if comrade Brezhnev promised to respect the "nuclear-free zones" in case of war, people could heave a sigh of relief and go to sleep untroubled. If Brezhnev says so, there will be no nuclear-armed submarines off your shores. After all, has comrade Brezhnev ever broken his word? Of course not. He is an honest man. He is so honest he can even guarantee you in what direction the contaminated clouds will move and locate for you the radioactive fallout. "Why should the Russians attack us, if we are disarmed?" Why indeed? Ask the Afghan peasants, they would probably know the answer.

There is no sense in rehearsing all the various "peace arguments," so contradictory and even incompatible that one wonders how those who make them manage to get along together in the same movement. Only one thing these various strands have in common: panic, and a readiness to capitulate to the Soviet threat even before such capitulation is demanded. Better red than dead. That is why current Soviet propaganda has so quickly become so remarkably successful.

Indeed, it is difficult to imagine a more openly pro-Soviet line than that of the European peace movement. It is even more pro-Soviet than that of the local Communist parties, who after all at least have to camouflage themselves with a cover of independence from Moscow. Nothing is more obvious, for example, than that the present increase in international tension was brought about by the Soviet invasion of Afghanistan. There is hardly a country, a political party (including some Communist parties), or an international organization that did not condemn the Soviet aggression unequivocally. The only public movement in Western Europe that never condemned the invasion, paradoxically, is the one that calls itself the "peace movement." No such condemnation has ever been pronounced at a peace-movement rally in Western Europe, or passed as a resolution, or published in one of the movement's major publications, or circulated as a mass petition. Perhaps you will imagine that the peace groups condemned the invasion in their hearts? On the contrary, the evidence is far more convincing that they simply justify this international crime.

Not long ago I myself was publicly charged by the leaders of the British Campaign for Nuclear Disarmament (CND) with having distorted their position on Afghanistan. Therefore I find it particularly useful to quote from an official CND booklet, *Why We Need Action, Not Words,* by Betty England: "The intervention in Afghanistan may well have been caused partly by the Soviet Union's fear of its growing encirclement. The fear cannot be called unreasonable after Sir Neil Cameron's statement in Peking . . ." (p. 12). In other words, the poor Russians whom Sir Neil, Marshal of the Royal Air Force, so frightened with a speech critical of them, must have good reason for what they do. By this logic, we ought to be imposing strict censorship on anti-Soviet speeches lest we be faced with Soviet occupation of the entire world. But the implications are even more important. The idea buried in Miss England's passage is that the only way to keep the peace is gradually to accept the Soviet system and Soviet demands.

Even more outspoken than the CND is the World Peace Council. Its booklet, *Program of Action 1981,* contains a direct instruction to support the present puppet government of Afghanistan (p. 25). This program was *unanimously* adopted in 1980 by a gathering in Sofia, Bulgaria of representatives of most of the peace groups (about this gathering, more later). After this it comes as no surprise that at the recent International Peace Conference in Denmark it was decided to convene the next meeting in Kabul, the capital of Afghanistan, within six months.

It is obvious that a Soviet invasion of Poland would bring us closer to world war, or, to be more precise, would make any real relaxation of international tension quite impossible for ten or fifteen years. And once again, the only public movement that has never condemned the continuous Soviet threat to Poland (and is still uncertain about its reaction to the Soviet-dictated imposition of martial law) is the peace movement. The leaders of the biggest British peace group, CND, went even further, publicly praising themselves for not "overreacting" to the events in Poland (B. Kent, letter to the London *Times,* December 9, 1981) only a few days before the imposition of martial law, and displaying their "impartiality" by equating the Polish crisis with that in East Timor. Perhaps the leaders of the movement seeking to promote peace in Europe should be reminded that in 1975 the 35 countries of Europe, together with Canada and the U.S., solemnly recognized an inseparable link between security in

Europe and respect for human rights in the participating countries. Should we assume that the CND leadership refuses to accept the Helsinki agreement, or are we to conclude that it is indifferent to the question of European security?

At least about Poland not all in the movement can be accused of indifference. I have, for instance, never heard of a case in which a representative of the Chilean or Argentinean government was invited to expound his government's views before any international peace conference. But for some strange reason, an exception was recently made for a representative of the Polish junta, who was invited by the World Peace Council to address the International Peace Conference in Denmark. His vicious lies about Solidarity and personal slanders against Lech Walesa (see the *Guardian*, January 11, 1982) were greeted with hearty applause by the peace-lovers (BBC report).

It is simple common sense to try to restrain both sides of any would-be conflict if one wishes to preserve peace. But the European peace movement is so remarkably unilateral that it seems barely conscious of "the other side." It cries shame on the Americans for as yet nonexistent weapons like the neutron bomb, or the not-yet-deployed cruise and Pershing missiles, but speaks only in whispers, if that, of the hundreds of Soviet SS-20's already aimed at Europe.

Since, again, I have provoked an angry reaction from the CND leaders for pointing out this particular instance of extreme unilateralism (London *Times*, December 9, 1981), I looked through the major CND publications once more. The booklet by Betty England quoted above does not contain a single mention of the SS-20's, though it is virtually saturated with the names of American missiles. Nor does a widely distributed report on the CND annual conference of 1981 (the latest to my knowledge), nor the official CND leaflet, *Nuclear War and You*, dropped into my mailbox by some caring hand. Only recently I have learned that a decision to mention the SS-20 was finally taken by CND after many heated debates and very much against the wishes of the CND leadership, many of whom are also members of the British Communist party.

Oddly enough, there are many in the European peace movement who have worked (some still do) with Amnesty International in support of prisoners of conscience in the Communist countries. Unfortunately, this by itself does not seem to prevent one from making dangerous political mistakes, nor, to judge from the results, does it guarantee any moderating influence on the movement's leadership. Be that as it may, the fact is that the European peace movement (including its large constituent organizations) has never said a word in support of the thousands of people in the USSR who are imprisoned for opposing aggressive Soviet policies, for refusing to serve in the army on errands of aggression, or to shoot civilians in Afghanistan. During all the time that hundreds of thousands of "peace-lovers" were noisily expressing their one-sided feelings on the streets of London, Bonn, Amsterdam, and Brussels, not one word was said about Sakharov, still in exile and on a hunger strike—Sakharov, who has done more than anyone in the world to halt nuclear testing. These peaceful souls would happily throw stones at General Haig, but they would welcome Marshal Brezhnev with servile smiles.

This is not to deny that there are plenty of well-intentioned, and genuinely concerned and frightened people in the movement's ranks. I am certain that the overwhelming majority of them are. Just as it did in the 1950's, the movement today probably consists of the same odd mixture of Communists, fellow-travelers, muddleheaded intellectuals, hypocrites seeking popularity, professional political speculators, frightened bourgeois, and youths eager to rebel just for the sake of rebelling. There are also the inevitable Catholic priests with a "mission" and other religious people who believe that God has chosen them to make peace on earth right now. But there is also not the slightest doubt that this motley crowd is manipulated by a handful of scoundrels instructed directly from Moscow.

In fact, just as this essay was going to press, John Vinocur reported in the New York *Times* (April 6, 1982) "the first public substantiation from inside the antinuclear movement . . . that the West German Communist party, at the direction of the Soviet Union, has attempted to coopt public sentiment against nuclear weapons." The environmentalist party known as the Greens "charged that the West German Communist party, which is aligned with Moscow, dominated and manipulated a meeting [in Bonn] Sunday [April 4] in which representatives of 37 groups, describing themselves as elements of the antimissile movement, planned a major demonstration against President Reagan when he visits Bonn . . . June 10." The Greens, who participated in the meeting, acknowledge that they themselves have cooperated with the Communists "on certain local issues," but what happened in Bonn was "scandalous" even to them. "The Communists dominated the meeting completely. It took place under seemingly democratic rules, but that was a joke. We could barely get a word in." The meeting—at which were represented such groups as the German Student Federation, the Evangelical Student Committee, the Federation of German Youth Groups, and the German Peace Society—rejected resolutions condemning Soviet interference in Poland and Soviet intervention in Afghanistan, and the delegates refused to express support for Solidarity. "They adopted, however, by a large majority, a motion condemning United States actions in Central America, the Middle East, southern Africa, and other regions."

Earlier, as I was in the process of writing this essay, news came that one of the Danish leaders of the movement, Arne Petersen, was arrested along with his wife for channeling Soviet money into the funds of the peace movement. His master, the Second Secretary of the Soviet embassy in Copenhagen, was expelled from the country. Now and then we hear about subsidized trips taken by peace activists to the best Soviet resorts where they are wined and dined royally—and, of course, shown kindergartens, schools, and hosptials (no munitions factories).

The majority of the European peace movement is undoubtedly not aware of these facts. Probably they will ignore the charges of the Greens, just as they missed the reports of Mr. Petersen's activities, which involved placing paid advertisements (out of Soviet donations) for the Danish peace movement in the Danish papers, ads signed by a number of prominent Danish intellectuals (who for sure knew nothing about it). And even our angry CND leaders "know nothing of the subsidized trips to Soviet resorts" (London *Times*, December 9, 1981). Well, sometimes it is very comfortable—even for professional intellectuals—not to know things. . . .

For those, however, who do wish to know, let us track down the origin of the current revival of the "struggle for peace." Anyone who has read thus far will not be surprised to hear that the earliest traces of this revival are to be found in Soviet publications, quite clear for those who know how to read them:

"The first bright colors of autumn have already touched the emerald green parks of Sofia. The golden leaves of maples and aspens are trembling on the breeze. And everywhere the tenderblue streamers bearing the insignia of the World Peace Council. Sofia is expecting an important event: the World Parliament of the Peoples for Peace will be working here from 23 to 27 of September. It is the biggest and the most representative meeting of the world's peace forces convened in the last years by the World Peace Council." (*Izvestia*, September 23, 1980)

The same day *Pravda* referred to "the biggest gathering in history of the fighters for peace." Indeed, the most peaceful and independent country of the world, Bulgaria, played host during those September days to 2,260 peace-lovers from 137 countries, claiming to represent 330 political parties, 100 international and over 3,000 national nongovernmental organizations. To be sure, this was no ordinary meeting of the international Communist movement. The political spectrum of those represented was exceptionally wide: 200 members of different national parliaments, 200 trade-union leaders, 129 leading Social Democrats (33 of them members of their respective national executive bodies), 150 writers and poets, 33 representatives of different liberation movements (including the Association in Defense of Civil Rights from Northern Ireland), women's organizations (like the National Assembly of British Women), youth organizations, the World Council of Churches and other religious organizations, 18 representatives of different UN specialized committees and commissions, representatives of the Organization of African Unity and of OPEC, ex-military people, some of them generals, and representatives of 83 Communist parties (*Pravda*, September 23, 24, 25, 26, 27, 28, 29, November 5, 1980; *Izvestia*, September 23, 24, 27, 28, 1980).

It had all started about a year earlier, as we are informed by a talkative Bulgarian, the chairman of the Organizational Bureau, responsible for the "practical preparation" for this show (*Pravda*, September 23, 1980). They had expected, you see, only 1,500 delegates, but 2,200 came. No wonder the chairman wished to talk about his success.

Yet a year earlier—in 1979—none of the conditions now cited to explain the current miraculous resurrection of the peace movement existed. There was no so-called "new strategy of the Pentagon," the famous presidential directive 59; there was no new escalation of the arms race; there was no neutron bomb. The Vienna summit meeting had just been successfully concluded with the signing of SALT II. September 1979 was a time of universal happiness, the sky was cloudless. Only one significant thing happened in September 1979: a sudden wave of mass arrest in the Soviet Union and, as we have learned now, a decision to reactivate the peace movement. Who could have predicted in September 1979 that within a year the cold war would be back—who else but those involved in "practical preparations" for the invasion of Afghanistan? Given the

nature of the Soviet planned economy, with its fabulously inflexible, slow, and inefficient workings, the Soviets must prepare everything well in advance. Why should they have allocated such a large sum of money to hold a Bulgarian peace show in the middle of happy times, if not in anticipation of grave political trouble ahead?

Furthermore, we learn from comrade Zhivkov, the Bulgarian Communist leader who oppened the meeting with a long speech, about an appropriate decision taken by the Political Consultative Committee of the Warsaw Bloc countries in May 1980 (*Pravda*, September 24, 1980), as well as an appropriate resolution of the Plenary Session of the Central Committee in June 1980 (*Pravda*, September 29, 1980). Comrade Zhivkov was simply revealing the ways decisions and resolutions first travel through the Communist bureaucratic machinery on their way to rubberstamping by a "representative" body—in this case, the Sofia "Parliament" in September.

Indeed, the whole show was depressingly familiar to anyone acquainted with the methods the Kremlin producers applied to the same scenario in the time of Stalin. Even the dramatis personae were the same. There was the same World Peace Council with its immortal President Ramesh Chandra; there was the same chief conductor, Boris Ponomarev, former official of the Comintern (now responsible in the Politburo for contacts with fraternal Communist parties as well as for intelligence). Even the slogan adopted for the occasion, "The people have the power to preserve peace—their basic right," was remarkably similar to the unforgettable words of comrade Stalin in 1952.

Only this time the personal message that comrade Ponomarev brought to those convened was from comrade Brezhnev, not comrade Stalin. The latter, of course, would never have tolerated even the mention of the term "rights"—basic or any other—in his slogans. Well, the times have changed after all. Still, those damned "human rights" had gotten out of hand. Hence, better to find something like "basic rights."

The first to speak, as I said, was comrade Zhivkov, and he spilled the beans about the Soviets' real concern (*Pravda*, September 24, 1980). The aggressive circles in America, he said, refuse to accept the present balance of forces in the world. They don't wish to submit to their historically predestined defeat. They have become so arrogant as to reject all of the recent Soviet peace proposals. They have decided to replace détente with a policy based on a "position of strength." They don't observe agreements on cooperation; they interrupt political and economic contacts; they interfere with cultural and scientific exchange; they dissolve sporting and tourist connections (in other words, the grain embargo, the Olympic boycott, the scientific boycott, etc., responses to the invasion of Afghanistan and the persecution of scientists in the USSR).

This theme was taken up by most of the speakers with only minor variations. The main speaker, comrade Ponomarev, suggested a whole program of action intended to bring America's aggressive circles into compliance. He appealed for unity among all those concerned with preservation of peace, irrespective of their political views. "The time has come for action, not words," he said. (Wait a minute, have we not met this sentiment somewhere already? Surely not in the CND official booklet?)

The show proceeded smoothly, exhibiting the whole gallery of monsters, from the greatest peacelover of our time, Yasir Arafat, to a "representative" of Afghanistan.

How did all these 2,260 representatives of Social Democrats, trade unions, youth, women, and religious organizations react? Did they rush out in disgust? Did they demand the withdrawal of the Soviet troops from Afghanistan in order to remove the main obstacle to détente? Did they express concern about the massive Soviet arms build-up and the deployment of SS-20's? By no means. This self-appointed World Parliament issued an Appeal in which the main ideas of comrade Ponomarev's speech were repeated. Thus, the "Parliament" is opposed "to the vast machine and arms build-up of the most aggressive forces of imperialism which seek to take the world toward a nuclear abyss; to the falsehoods and lies of the propaganda in favor of the arms build-up, which are disseminated through imperialist-controlled mass media."

Translated from party jargon, this constitutes a clear directive to work against the armament programs of the Western countries (first of all, of course, the U.S.—the "most aggressive forces of imperialism"), and to reject any "lies" of the mass media about the Soviet arms build-up.

Beyond this, the "parliamentarians" set "the new tasks and duties . . . for action of the peoples of all continents" and worked out the Charter of the Peoples for Peace which was adopted unanimously (!) together with the Peoples' Program for Peace for the 1980's. The year 1981 was chosen to be "the springboard of the 80's, a year of a decisive offensive of the peace forces to achieve a breakthrough in curbing the arms build-up."

Most of the program was carried out, the mass demonstrations of October 1981 in the European capitals having been planned within a framework of what is called in the Soviet program "UN Disarmament Week (October 24-31)." How on earth could the Soviets have known in 1980 about events that would take place at the end of 1981, unless they were running the whole show?

My pointing out this strange coincidence, which I did in an article in the London *Times* (December 4, 1981), was bound to provoke heated denials; and did so. The Soviets in *Literaturnaya Gazetta* (December 23, 1981), as well as the CND leaders in the London *Times* (December 9, 1981), made much of the fact that UN Disarmament Week had originally been designated as an annual observance by the UN General Assembly as early as June 1978. Now, the UN flag may seem to many to be a perfect cover. One must ask, however, why virtually nothing happened during that all-important week in 1978 or 1979—even the Sofia meeting was scheduled in September, not October, of 1980—until details for its observance were specified by the Soviet-inspired program? Moreover, if one looks through the *Final Document of the Assembly Session on Disarmament (May 23-July 1, 1978)*, issued by the UN, one can find hundreds of designated weeks, months, years, and decades, all totally ignored by our peace-lovers, whereas the suggestion singled out by the Soviets was the one, the *only* one, to gather thousands in the streets. For example, was anyone aware that the decade 1969 to 1979 was solemnly declared by the United Nations to be "The Decade of Disarmament"? If there were any huge rallies or vigorous campaigns during these ten years, they seem to have escaped notice.

But let us return to this remarkable program, unanimously adopted by the international community of peace-lovers. (It is published by the World Peace Council in Helsinki, as already noted, and is available in English under the title, *Program of Action (1981.)*

This program includes such items as the "elimination of all artificial barriers to world trade," an amazingly frank recognition of the Soviet need for Western goods and technology and its desire to be granted the status of most favored nation. But what this has to do with the problem of peace and why all peace-loving people should fight for it tooth and nail is hardly made clear.

As could be expected, the program contains a clear definition of "just" and "unjust" wars: "The policy of destabilization of *progressive regimes* in developing countries actually constitutes an aggression, waged by psychological, economic, political, and other means, including armed intervention." However, similar acts against "racist and fascist" regimes are quite justified because the mere existence of non-progressive regimes "is abhorrent to the conscience of humankind." Accordingly, the sale of arms to these "abhorrent" countries should be banned, but nothing need restrain the peace-loving from selling arms to "progressive" regimes and to "liberation movements."

And, of course, there are directives to the mass media, which "must serve the cause of peace and not the military-industrial complex by confusing public opinion with lies and disinformation." (In other words, the media should not report on the Soviet arms build-up.) A similar directive is issued to those "who bear responsibility for educating a new generation."

The program further specifies precisely which events and campaigns to undertake, and designates weeks for the collection of signatures on various petitions, etc., all around the world. It constantly emphasizes the urgent need for "further intensification of actions against the deployment of the new U.S. weapons of mass annihilation in Western Europe" and plans for "strengthening and broadening of national movements into a worldwide network of peace organizations."

It is not possible here to discuss all the details of this remarkable document. It simply introduces each and every aspect of Soviet foreign policy wrapped around with the phraseology of peace. Not surprisingly, therefore, it includes Afghanistan under the guise of a "week of solidarity, with special emphasis on support for a political settlement as proposed by the Afghan government." For Ethiopia it proposes "a week of solidarity with the Ethiopian revolution" and "support for the struggle of the Ethiopian people against imperialist and reactionary conspiracies and plans in the Horn of Africa." For Kampuchea there should be an "international campaign of solidarity with the government and people of Kampuchea led by the National United Front for National Salvation and an international campaign for recognition of the People's Revolutionary Council of Kampuchea and the seating of its representatives in the UN; exposure of the conspiracies of the Peking hegemonists who are working in collusion with the U.S. imperialists against Kampuchea." For Israel: "Support for the peace forces in Israel in their struggle for the complete withdrawal of Israel from the occupied territories and for the realization of the inalienable national rights of the Palestinian people." Whereas for the Middle East in

general: a "campaign of solidarity with the Arab peoples in their struggle to liquidate the political and military consequences of the Camp David and Washington accords; solidarity actions with Libya against the threats of aggression by the Egyptian regime and U.S. imperialism." As for the U.S., even in so totally pro-Soviet a document as this the instruction to campaign for the "release of political prisoners in the United States of America" reads like a bad joke. Clearly, the love of peace dulls the sense of humor. The only countries where violations of human rights are recognized by the unanimous vote of 2,260 delegates from 137 countries are: Bolivia, Chile, El Salvador, Guatemala, Haiti, Israel, Paraguay, Uruguay, Indonesia, South Korea, Northern Ireland, and the U.S. Has the world not undergone a remarkable improvement?

After the successful adoption of this program, what followed was simple. Returning from Sofia, the enthusiastic delegates threw themselves into a hectic round of implementing the program, pressing for appropriate resolutions, actions, and commitments in each of their respective organizations (*Pravda*, November 5, 1980). An additional impetus was given to the campaign by an endorsement from the World Council of Churches at their meeting in Dresden (East Germany) on August 28, 1981, thus committing a huge number of adherents of the various Christian denominations to following the Soviet line. And in no time hundreds of thousands in the West came honestly to believe that they were out to save world peace.

Well, is there any further need to explain why the Soviet Union is so interested in the peace movement? There is a term in party jargon coined by Lenin himself: "a useful idiot." Now, in spite all their blunders, senseless adventures, economic disasters, the Polish crisis and the stubborn resistance of the Afghan peasants, Reagan's rearmament plan and UN resolutions, the Soviet rulers have scored a spectacular victory: they have recruited millions of useful idiots to implement their bankrupt foreign policy. They are no longer isolated and there is still a big question as to whether the Americans will be allowed to place missiles in Europe.

True enough, the American economy is vastly more productive and efficient than the Soviet, but the Americans don't have a weapon like the "struggle for peace." True again, this peace movement will be expensive for the Soviet people (the meeting in Bulgaria alone must have cost them millions, to say nothing of subsidizing all peace activists on those jaunts to the best Soviet resorts; the cost of running this worldwide campaign must be simply astronomical). Still, it is cheaper than another round of the arms race, let alone the cost of maintaining a priceless military superiority. And the result will be long-lasting.

Mind you, we are into only the second year of a planned ten-year "struggle for peace." Within a few years, the whole earth will be trembling under the marching feet of the useful idiots, for their resources are inexhaustible.

I remember in the 50's, when the previous peace campaign was still in full swing, there was a popular joke which people in the Soviet Union whispered to each other: "A Jew came to his rabbi and asked: 'Rabbi, you are a very wise man. Tell me, is there going to be a war?' 'There will be no war,' replied the rabbi, 'but there will be such a struggle for peace that no stone will be left standing.'"

II

One of the most serious mistakes of the Western peace movement and of its ideologists is the obdurate refusal to understand the nature of the Soviet regime, and the concomitant effort to lift the question of peace out of the context of the broader problem of East-West relations. After several decades of listening to what they believe to be "anti-Communist propaganda," they have simply got "fed-up with it." They ascribe everything they hear about the East to a "cold-war-type brainwashing," and make no attempt to distinguish what is true from what is not. This attitude, which I can only describe as a combination of ignorance and arrogance, makes them an easy target for any pseudo-theory (or outright Soviet propaganda) that happens to be fashionable at any given moment. Besides, baffled by endless and contradictory arguments among the "specialists" about the nature of the Soviet system, the leaders of the peace movement believe they have found a "new approach" which makes the entire problem irrelevant.

A few months ago in England, I attended a public debate on the problem of unilateral disarmament. The leader of a big peace group opened his speech by saying that from his standpoint, it is irrelevant who is the aggressor and who the victim. He said: "It is like when two boys have a fight in the churchyard. It is impossible to find out who started the fight, nor is there any need to do so. What we should do is to stop them."

This metaphor reflects very well the prevailing attitude among peace-movement members. They believe they have gotten around a baffling problem, whereas they have in fact inadvertently adopted the concept of the "normal opponent." From the "churchyard" standpoint, the present conflict seems very ordinary: two bullies have become so embittered by their prolonged quarrel—in which anyway the essence of the disagreement has been lost or forgotten—that they are quite prepared to kill each other and everybody else around. They are temporarily insane, mad, but are basically normal human beings. Pride and fury will not permit them to come to their senses, unless we, the sane people around them, are prepared to intervene. Let us make them talk to one another, let us pin down their hands, let us distract them from their quarrel. We cannot, to be sure, pin down the hands of one of them. Then, in the best Christian tradition, let us make the other repent, in all good Christian humility. Let us disarm him to convince his adversary of his peaceful intentions. Let us turn the other cheek. Sooner or later the other will come to feel ashamed.

This view sums up exactly what I mean by a combination of ignorance and arrogance. Indeed, if we look upon the world from the "churchyard" standpoint, there probably is no need to find out who is the aggressor and who the victim. There is no need for police or armed forces. All we can see is a row of graves with the dead lying orderly in them and a couple of children quarreling with each other. Unfortunately, outside the church walls there is a bigger and far more dangerous world with gangsters, murderers, rapists, and other perverse characters.

Needless to say, this churchyard model simply does not merit serious consideration. Unfortunately, it is a widespread belief (and not only within the peace movement) that the Soviet government, like any other government, is preoccupied with the well-being of its people, and will therefore be eager to reduce military expenditures. This notice comes so naturally to our peace-makers that they just do not notice they have taken on a view of the Soviet system which is both very old and unquestionably wrong. If they only took the trouble to study a little Soviet history, they would know immediately how misleading this seemingly natural view is. Not only are the Soviet rulers indifferent to the living condition of their populace, they *deliberately* keep it low; on the other hand, disarmament (irrespective of the problem of well-being) would lead very rapidly to the collapse of the Soviet empire.

Normally we try to understand an opponent by taking his place, getting into his shoes, so to speak. That is why most people try to explain Soviet behavior in terms of "normal human motives," that is, by motives familiar to them. And that is exactly why they constantly pile one mistake upon another. For it is extremely difficult for a "normal" human being to put himself inside the skin of a mentally ill one. It is almost as in nature itself: when we test natural phenomena under extreme conditions, we suddenly find some unpredictable anomaly that is baffling to us. Logic itself becomes abnormal in certain extreme cases. If we add up two numbers, say, or multiply or divide them, we invariably obtain a new number. But if we use zero or infinity our whole rule suddenly goes wrong.

But let us take an example relevant to the present discussion. Let us take the key question: why is the Soviet Union so aggressive, so eager to expand? We see how many schools of thought there are among those studying the problem (and we see, too, how all of them are wrong).

There are some people who believe that the present Soviet expansionism is just a continuation of the Russian pre-revolutionary colonial policy. In other words, it is a bad legacy. Indeed, this notion about Soviet expansionism was the dominant one for a very long time—and still is in some quarters. In line with it, there have been repeated attempts to offer the Soviets a division of the world into spheres of influence. We owe to it the Yalta agreement, the Potsdam agreement, and assorted other disasters. Each time the Soviets have accepted the division into spheres of influence, and each time they have violated it. Is this because they need more mineral resources, more territory, a wider market for their goods? No. Their own territory is undeveloped, their own mineral resources are in the earth, they do not have enough goods for their own internal market. There are no useful mineral deposits in Cuba or Afghanistan. There is no Russian national interest in Angola or Vietnam. In fact, these new "colonies" cost the Soviet people many millions of dollars a day apiece. So, Soviet policy is no classical case of colonialism.

Then there is another theory, far more pernicious because much more widely accepted and because to reject it one needs a real knowledge of Soviet life. I mean the theory according to which Soviet aggressiveness is the result of the fear of hostile encirclement. The proponents of this theory argue that Russian history, particularly the history of repeated invasions of Russian territory within the last century, has made the Russian people almost paranoid about an external threat.

This theory sounds very scientific because many facts may be cited to back it up. Still, it is no more than a shrewd combination of obvious lies, wrong interpretations, and very perfunctory knowledge. It is mainly based

on an overestimation of the importance of history for any given nation and on an oversimplification of the Soviet system.

To begin with, there is an obvious lie in this theory—that is, a deliberate confusion between the people and the government in the USSR. Those who know the Soviet system only moderately well may still need to be reminded that the people have no privilege of representation in the government—that is, have no free elections. Thus, the government does not reflect the feelings of the population. So if we are to believe that the population is frightened by the long history of invasions, the government has no reason to share these fears. The Soviet government, with its vast and omnipresent intelligence system, is extremly well-informed about every move and every smallest intention of the West (anyway not very difficult to achieve in view of the remarkable openness of Western societies). By 1978-79, when their arms build-up was at a high pitch, whom were they supposed to be so afraid of? Their great friend, the French President Giscard? Or their even better friend in West Germany, Willy Brandt? Britain, with its puny armed forces (and ongoing discussion on unilateral disarmament), or perhaps Nixon and Carter, who between them shelved all the major armament programs? Japan, which has no army at all?

Clearly the Soviet government had no reason to be frightened. In fact, the theory of Soviet paranoia does not imply a frightened government, but rather a frightened *nation*. In a "normal" country this might drive the government to become aggressive. But in the Soviet Union the people mean nothing and have no way of pressuring their government to do anything. They would not be allowed to voice any fears. So, who is so frightened in the Soviet Union? Besides, as far as the rulers are concerned, their own experience of war, World War II, could not frighten them for a very simple reason: they won the war. Can you show me any victorious general who is so afraid of war as to become paranoid? The psychology of Soviet rulers is in any case totally different.

One need only look at a map of the world to see how ridiculous this theory is. Can we honestly believe that the poor Communists in the Kremlin are so frightened that they must protect themselves by sending their troops to Cuba and Cuban troops to Angola? By sending military equipment and advisers to Ethiopia and Vietnam and then by sending Vietnamese troops to Kampucahea? Take another look at that map: it is not at all obvious that the USSR is encircled by hostile powers. Rather the other way around: it is the Western world that is encircled by the hostile hordes of the Communists. Well, if their paranoia can be satisfied only by surrendering the whole world to their control, what difference can it make to use whether they act out of fear or out of endemic aggressiveness?

Finally, and most importantly for an understanding of this pernicious theory, is the fact that it was invented by the Kremlin propaganda experts. It was very successfully exploited in the years of détente, when Western governments, acting under its influence, deliberately permitted the Soviets to achieve military superiority. They would probably deny it now, but I remember very well the discussions of that period. The argument of the ideologists of détente was that once the Soviets caught up, they would relax; this would in turn lead to the internal as well as external relaxation of the Communist regime, i.e., to *liberalization*. The results of this brilliant experiment we can see now.

The Soviet population, too, has been subjected, day after day for sixty-five years, to an intense propaganda campaign about this putative "hostile encirclement." The Communist rulers unscrupulously exploit the tragedy of the Soviet people in World War II for the purpose of justifying both their oppressive regime and their monstrous military spending. They try their best to instill into the people a pathological fear of the "capitalist world." Fortunately, the people are sane enough to laugh at the very idea. Thus, contrary to this theory, there is no paranoid population demanding to be protected in the Soviet Union, despite the best efforts of a perfectly sober and cruel government.

No, it is not the fear of invasion or a World War II hangover that has driven the Soviet rulers to wage an undeclared war against the whole world for half a century now. It is their commitment—repeated quite openly every five years at each Party Congress since the beginning of this century—to support the "forces of progress and socialism," to support "liberation movements," everywhere on the globe.

Are we then to assume that the Soviet leadership consists of fanatics aiming at global control? Even such a model, crazy as it might sound, still imputes too much "normality" to the Soviet leaders. Or, more precisely, it is too big a simplification. This theory, too—fortunately for us—does not fit a number of the facts. Paradoxically, none of the present Communist leaders believes any longer in Communist doctrine. Fortunately, because no real fanatic would ever tolerate the destruction of the object of his obsession. He would rather witness the destruction of the entire world.

The Soviet rulers are a totally cynical lot, much more preoccupied with their own privileges and pleasures than with Marxist ideas. They probably hate Communist dogma more than any Western capitalist. Moreover, the majority of the Soviet people are as cynical as their leaders. There are many more sincere Communists to be found in the West than in the USSR.

But this fact has also created false hopes among Western politicians and the public. The same false hopes encouraged by the theory of encirclement—that it will be possible to treat the Soviets as normal partners at last, that it will be possible to negotiate, to cooperate, and to relax. Both theories lead equally to the same mistaken policy.

So what is the truth about the damned Soviet system?

Certainly, there was a period when the Soviet leaders were Communist fanatics, ready to sacrifice the whole world to their faith. There was a period, too, when at least some part of the population was prepared to greet this new idea with considerable enthusiasm. The people of my country, I suppose, could be excused for their delusion, because Communism was indeed a new idea and one that might be thought by the inexperienced to appeal to the best qualities in human nature. Is it after all not a worthy purpose, to secure unalloyed happiness for all future generations, to liberate and unite the whole of mankind? Naturally, such a thing will not be easy, but it is worth a great deal of sacrifice to achieve. Just as naturally there will be many selfish people to oppose it and we should learn to be ruthless with them. Only millions of individual wills fused into a single invincible "we," united by the iron fist of a Leader, can achieve so difficult an end.

This period of ecstasy, however, was very short-lived. One by one, the various elements of the Soviet population cooled down, sobered up, and then could not believe in their own former enthusiasm. The besieged minority reacted to this desertion of the public by becoming even more ruthless and single-minded: "We will make them happy against their will; their children will be grateful to us." I will not describe the mass slaughter that resulted from this great determination. It has been described many times. A terrorized majority obeyed with sham enthusiasm, because it was a crime to look gloomy. But underneath there was a silent, passive resistance. The minority of "believers" over time became simply a ruling clique which had lost its ideals in the constant fight for survival, in corruption, and in its abuses of power and its privileges. The ensuing political situation can best be described as a latent civil war in which a kind of balance has been maintained by political terror.

In this way the Soviet Union reached a condition in which absolute power was exercised by absolutely cynical people over absolutely cynical people, each side vociferously assuring the other that they were all still sincerely building an ideal future society. But the ideology exists now almost as in a work of science fiction: it has separated itself from its substratum and has petrified in the structure of the society. It has become an institution in which nobody (not even the top executive) is allowed verbally to deviate from the dead dogma. The will of millions is still being taken from them and welded into the iron fist of abstraction.

There is practically no free human being inside the entire country. The state—the only employer—will not allow anyone to be financially independent—as indeed no independence of any kind will be tolerated. Everybody must be carrying out a useful task, performing a needed function. Several nationwide networks of security and secret police spy first on each other and then together on everybody else. Such a system has created a new type of a man, who thinks one thing, publicly expresses another, and does a third.

The enormous inertia of this system is not surprising. There is no internal "class enemy" any more; there is no need to terrorize so many millions. Still, there are huge concentration camps, because they have become an integral part of the country's economic, political, and spiritual life. Nobody believes now in the ultimate victory of Communism in the world, but the policy of external subversion and the promotion of "socialist forces" everywhere has became an integral part of the state machinery. The system rules the people.

Beyond inertia, there is something else, something even more decisive: the instinct of self-preservation of the ruling clique. Once you are riding a tiger, it is difficult to jump off. Any attempt at internal liberalization might prove fatal. If the central power were to weaken, the sheer amount of hatred accumulated within the population for these sixty-five years of the socialist experiment would be so dangerous, the results of any reform so unpredictable—and, above all, the power, the fabulous privileges, the very physical survival of the ruling clique would become so tenuous—that one would be mad to expect the Soviet leaders to play with liberal ideas. Only the imminent threat of

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total collapse might force them to introduce internal reforms.

The two sides of the Soviet regime—internal oppression and external aggression—are inseparably interlocked, creating a sort of vicious circle. The more the regime becomes rotten inside, the more pains are taken by its leaders to present a formidable facade to the outside world. They need international tension as a thief needs the darkness of the night. In the political climate of latent civil war, given the enormous and senseless sacrifices of the last fifty years, the constant economic difficulties, and the lack of basic rights—not to mention, again, the extraordinary privileges enjoyed by the ruling clique—the only hope for stability lies in the need to cope with an external threat: "hostile encirclement" and the subversive activity of "world imperialism." In this artificially created state of war, the worker's demand for a better deal, or a captive nation's demand for its independence, can then be treated as an act of subversion, "playing into the hands of the enemy."

Nor is it enough to create a devil in order to maintain one's religious zeal. This imaginary enemy must be defeated over and over again or there will be the risk that he will seduce you. American "imperialism" must be defeated at any cost, and the liberation of proletarians in the capitalist countries must be promoted by all means. The failure to support a "friendly government," to establish Communist rule in a new country, will immediately be perceived as a weakening of Soviet power, and therefore an encouragement to the sullen and embittered population at home. Any failure of the Soviet international adventure may thus trigger a chain reaction leading to the ultimate collapse of the Soviet rulers. This is why they cannot allow a popular uprising in Hungary, a "Prague Spring" in Czechoslovakia, an anti-Communist "Holy War" in Afghanistan, or an independent alternative center of power in Poland. Immediate repercussions would be felt in all the other countries of the Socialist camp as well as in the Ukraine, the Baltic states, Central Asia, and other occupied territories. The scenario of aggression is depressingly uniform. First, the Soviets undermine a democratic state, helping the friendly "progressive forces" come to power. Next, they have to save their bankrupt "progressive" friends, when the resistance of the population threatens to overthrow them.

Are they frightened to the point of aggressiveness? Yes, but not by your piles of hardware, not by your clumsy attempts at defense. They are frightened by their own people, because they know the end is inevitable. That is why they must score victory after victory over the "hostile encirclement." Behind every victory is a very simple message addressed to their own enslaved population: "Look, we are still very strong and nobody dares to challenge our might."

If they are afraid of you, it is because they are afraid of your freedom and your prosperity. They cannot tolerate a democratic state close to their borders (and then, close to the borders of their buffer-states), because a bad example of thriving democracy so close at hand might prove to be too provocative.

Knowing, all this, let us ask ourselves a question: What would happen if the West were to disarm unilaterally? Could the Soviets follow suit? Certainly not. It would mean the rapid disintegration of their empire and a general collapse of their power. Does this mean they will simply roll over the now defenseless Western countries? Again, the answer is: no. They don't need your territory, which would be difficult to hold anyway. Above all, where would they acquire goods, technology, credits, grain, etc., if they were to impose on you their inefficient economic system? They need you in the way China needs Hong Kong. *But from that very moment you will gradually begin to lose your freedom, being exposed to constant and unrestrained Soviet blackmail.*

You may like or dislike your trade unions, but would you like them to have to consider a possibility of foreign invasion every time they wanted to declare a strike—as Solidarity had to do in Poland for eighteen months? You may like or dislike your mass media, but would you like to see the self-censorship of your press in order to avoid an angry reaction by a powerful neighbor—as in Finland? You may like or dislike your system of representation, but at least you are free to elect those whom you choose without considering the desires of a foreign power. Nobody threatens to come into your country and impose a government of its choosing—as in Afghanistan. The nature of the Soviets system is such that it can never be satisfied until you are similar to them and are totally under their control.

So, we come to a very important conclusion: the issue now is not "peace versus war," but rather "freedom versus slavery." Peace and freedom appear to be inseparable, and the old formula "Better red than dead" is simply fatuous. Those who live by it will be both red *and* dead. Whether we like it or not, there will be no peace in our world, no relaxation of international tension, no fruitful cooperation between East and West, until the Soviet internal system changes drastically.

Has this simple and self-evident truth ever been understood by Western decision-makers? I doubt it. In a way, I can share some of the concern of the peace movement. Because for the West to react stereotypically by increasing military spending and stockpiling new hardware every time the Soviet instability-aggression complex manifests itself is simply to miss the target. At any rate, it is not enough. It is not going to change the Soviet system. It is not going to prevent Soviet expansion, especially in the Third World. Soviet ideological warfare is far shrewder than a big nuclear bludgeon. Would we, for instance, consider a nuclear bombardment if tomorrow there were to be a revolt of various tribes in Pakistan, instigated by Moscow? Or a Communist takeover in Iran?

There are plenty of "natural" troubles in the world, brought on by local conditions. But the influence of Moscow immediately turns them into major strategic problems. It would be senseless to try to solve all such problems by military means all over the globe. Simple logic suggests that we must deal first of all with the *source* of the world's major trouble—i.e., the Soviet system. We must find an effective way to help the Soviet population in its struggle for change. After all, they are our biggest ally.

Unfortunately, this has so far never been appreciated by the West, which has instead been continuously strengthening the Soviet system by credits, trade, technology. Why should the Soviets bother to introduce any internal reforms if their inefficient economy is periodically saved by the West? The West is still rich enough to help them out, and Siberia is also rich enough in turn to sell natural gas, gold, diamonds.

We may shake with indignation whenever we hear about the Soviet invasion of yet another country. We hate these little obedient soldiers, ever ready to do whatever they are told. Are they robots? But what do we propose that they should do? Do we honestly expect them to rebel and face a firing squad, while the entire world continues to provide their executioners with goods, credits, and modern technology? Don't we demand of them much more than we demand of ourselves? Somewhere, somehow, this vicious circle must be broken, if we are to survive as human beings. Why not start where it is easier?

There are 90,000 of these "robots" trapped in Afghanistan at this very moment. They cannot rebel because they will be shot down. Even so, there are occasional rebellions (and executions). They cannot desert, because they will either be killed in the process or, if they are lucky and manage to reach Pakistan, the Pakistani authorities will return them to the Soviet command (that is, again, to the firing squad). Does any government try to help them? No. Instead, several European governments have decided to buy Soviet natural gas, perhaps the very same gas that is being pumped out of Afghanistan by the Soviet occupation authorities as compensation for "liberating" Afghanistan.

There is a lot of noise about Poland right now. A lot of noise, and a lot of smoke screens. But does any government sacrifice anything? After issuing thunderous condemnations, the European governments decided not to apply economic sanctions against the Eastern bloc, because sanctions would "harm us, probably, more than them." Why should you establish the kind of relations that only make you more vulnerable than the enemy? Why do you continue to sign new agreements of the same type (natural gas, for example)? The American banks recently decided to cover the huge Polish deficit because the "bankruptcy of Poland would undermine the world financial system." What would happen, I wonder, if tomorrow the Soviet-bloc countries were to refuse to pay their debts and to suspend all trade?

This is what the struggle for peace and freedom boils down to: the people in the East should sacrifice their lives, but you should not sacrific your profits. Small wonder that the Polish army does not rebel.

In fact, the imposition of economic sanctions on the Polish military junta and on their Soviet masters is not just a possible step; it is the actual *obligation* of the Western countries under the terms of the Helsinki agreement. A direct link among security, economic cooperation, and the observance of human rights is the very essence of this agreement. If that is forgotten now, of what point is all the noise lately heard from Madrid?

To tell the truth, I do not believe that any of it has been forgotten. Neither do I believe that the Western banks, industrialists, and governments are so "stupid" as to tie themselves to the Eastern chariot wheels by mistake. It is their deliberate policy, overtly articulated in the time of détente, and covertly now. Moreover, it is their philosophy. They love stability, these bankers and businessmen. And they are much against any resistance movement in the Communist countries, very much against any prospect of liberation for the enslaved nations of the East. They are the greatest peacelovers of all, far more powerful than all those crowds on the streets of the European capitals. Thanks to

them, we descend slowly into the Age of Darkness.

III

This article is not addressed to the bankers, or to the governments. I do not expect any help from them. In spite of all the harsh words used in it, I wish it to be read by sincere people who are seriously concerned with the problems of peace and freedom. They will probably dislike many of the things I have said here. I hope, however, that they will understand its main point: that peace has never been preserved by a hysterical desire to survive at any price. Nor has it ever been promoted by catchy phrases and cheap slogans. There are 400 million people in the East whose freedom was stolen from them and whose existence is miserable. It so happens that peace is impossible while they remain enslaved, and only with them (not with their executioners) should you work to secure real peace in our world.

Your recent mass demonstrations were disastrous, because in them you identified yourselves, willingly or unwillingly, with the rulers of the Eastern countries. To make broad alliances with any public (or governmental) forces just for the sake of power is a tremendous mistake. This mistake must be corrected if we are to live in peace and freedom. We should know who are our friends and who are our enemies. The fate of Solidarity should open our eyes.

[From the Washington Report, June 1982]

THE NUCLEAR WEAPONS FREEZE MOVEMENT

America is a land where things novel, bizarre, and even radical, can grip large segments of the population almost overnight. Sometimes these phenomena seem to arise spontaneously in the natural course of human events; in other cases, as with Rubik's cube, they are the result of someone's shrewd and calculated effort.

Few trends or fads have seemingly burst upon the nation more spontaneously or spread more rapidly than the so called nuclear "freeze" movement. The media have touted the movement, hailed its "grassroots" nature, and described it as sweeping like a prairie fire, from resolutions in New England town meetings to an agenda item next fall on the California state referenda. But the timing of this phenomenon was not accidental. It is evident from the literature of the organizations concerned that the freeze call was designed to reach a crescendo just as the United Nations Special Session on Disarmament takes place, June to July of this year. Moreover, behind the seeming spontaneity there is a complex hierarchy of professional organizers, following a carefully designed strategy.

It is no coincidence that this strategy serves to implement the aims of the Soviet Union. It is clearly an integral part of the massive campaign to disarm the West which the Soviets have conducted over the past five years. This effort has been very effective so far, resulting in the cancelling of plans to develop the so-called neutron bomb in 1978 by President Carter, and more recently in making it politically impossible to deploy Pershing II and cruise missiles in Holland and Belgium when these weapons become available.

There is no overt data, as such, on the sums being spent by the Soviet Union to promote the U.S. freeze campaigns, and in fact much of the funding for these initiatives comes from American foundations and from the donations of thousands of well-intentioned but exploited Americans. But in any case, Soviet propaganda has made a critical contribution to the overall atmosphere of the freeze campaign, by creating a climate of fear.

The movement is rapidly becoming a divisive political force. Senators Ted Kennedy and Mark Hatfield have embraced the concept as their own by co-sponsoring a freeze-now, equalize-through-negotiations-later resolution in the Senate. Bantam Books has cooperated with the Senators by rushing into print in a near-record six days a paperback entitled *Freeze*, ostensibly written by Kennedy and Hatfield.

In response, Senators Jackson and Warner have sponsored Senate Joint Resolution 177, which calls for "a longterm, mutual and verifiable nuclear forces freeze at equal and sharply reduced levels of forces." The operative word in this initiative is "equal," reflecting the view that parity does not now exist. The Kennedy-Hatfield resolution mustered only twenty co-sponsors, compared with fifty-eight for the Jackson-Warner resolution.

On the other hand, President Reagan has opposed a freeze, as such at this time, which would "legitimize a condition of great advantage to the Soviets." Recently, he challenged the USSR by proposing a cut of one-third in the strategic nuclear weapons of both sides. In a second phase, he suggested, missile throw-weights would be reduced to equal and verifiable levels.

The Soviet response to Reagan's proposal came in Leonid Brezhnev's speech to the Young Communist League on May 17. Reflecting the Soviets' sense of their own superior strategic position, Brezhnev said: "We would be prepared to reach agreement that the strategic armaments of the USSR and the U.S. be frozen right now, as soon as the talks begin. Frozen quantitatively."

In the same statement the Soviet leader reiterated his country's willingness to freeze present levels of medium-range missiles in Europe, in other words, to maintain the present unanswered threat to Western Europe posed by the Soviet SS-20 weapons. In recent months the Soviet government has also offered to guarantee not to use nuclear weapons against countries in Northern Europe, the Balkans, and Mediterranean which would declare a freeze on deployment of any nuclear weapons in their territories. This latter offer of course represents scarcely-disguised blackmail, a threat to use Soviet nuclear might against those countries which harbor NATO installations.

The differences in approach to the question of arms reduction promise to become a prime area of domestic political dispute from now until November of 1984.

One possible consequence of adopting a nuclear freeze is a halt in U.S. weapons production but not in Soviet weapons production. This would pose the greatest single threat to U.S. security since the Cuban missile crisis of 1962.

With the security of this country and its allies at stake, the American people should take a close look at the genesis and aims of the nuclear freeze movement. The American Security Council Foundation has just published a report prepared by Gilbert Stubbs, a scientist at the Massachusetts Institute of Technology. This 30-page analysis systematically refutes the tenets of the freeze proposal written by Randall Forsberg and circulated by the American Friends Service Committee (AFSC). (See the editor's note on page 8 for availability.)

In addition to Stubbs' investigation of the individual freeze arguments, we shall examine here in some detail the history of the movement, and the organizations and personalities which have been the prime movers in its rise to prominence. In particular, we shall question the spontaneity of this campaign, the sources of its financial and other support, and the interests—other than the laudable but illusory goal of instantaneous world peace—which will be served if an immediate freeze on strategic nuclear weapons should become American policy.

FREEZE ORIGINS

The history of the nuclear freeze idea reveals that several distinct initiatives have gone into the present makeup of the movement. It also shows the extensive ties and cooperation which exist among the organizations that have been most active in propagandizing the American public on this issue.

In treating the present freeze movement, most media observers have focused attention on three initiatives:

(1) The Kennedy-Hatfield resolution.

(2) The appeal for an unqualified freeze contained in the *Call to Halt the Nuclear Arms Race*, written by Randall Forsberg of the Institute for Defense & Disarmament Studies (IDDS) in Brookline, Mass., with the collaboration of the American Friends Service Committee (AFCS). Ms. Forsberg is described by an antidefense analyst as "the intellectual author" of the nuclear freeze campaign.

(3) The more recent "Ground Zero" initiative.

A prime thesis among the advocates of nuclear freeze is that the U.S. and its development of nuclear weapons forced the U.S.S.R. into the nuclear arms race. The argument follows, therefore, that the U.S. must take the initiative and assume the risks involved in nuclear disarmament. The historical record does not support this argument.

A plan for total nuclear disarmament was presented by the United States to the U.N. in the summer of 1946. It is identified with Ambassador Bernard Baruch who spoke on its behalf in the United Nations. The United States was then the sole atomic power. Yet Baruch called for halting the manufacture of U.S. bombs, destroying existing U.S. stocks, and turning over to a U.N. authority the know-how for production. The plan further specified that the veto power enjoyed by the U.N.'s "Big 5" powers would not apply in the field of atomic energy. Significantly, the Soviet Union vetoed this first attempt at outlawing nuclear weapons.

Since then the United States has made numerous proposals to the Soviet Union regarding the freezing of nuclear weapons stockpiles. For example, in a White House briefing on SALT in 1972, Henry Kissinger used the word eight times in less than two pages of text. It was the avowed purpose of SALT I to cap or freeze the nuclear arms race.

Such initiatives made sense for this country, since they were proposed at times when America was either ahead in nuclear capability, or was at or near parity. Now, when we are at a relative disadvantage in strategic weapons, freezing current levels of armament has the effect of locking our country into a dangerous condition of inferiority, of being "second best" to a Soviet Union which avowedly seeks the demise of the United States as the leader of the Western free-enterprise system.

John Fisher, president of the American Security Council Foundation, points out in

his foreword to Stubb's analysis that it is scarcely a coincidence that the campaign gained full prominence when it suited Soviet strategic interests. No protest was raised when Soviet SS-20 missiles and Backfire bombers were being deployed, but now that the U.S. Pershing IIs and cruise missiles are to be deployed in Western Europe to counter the Soviet threat, there is a cry for a weapons freeze. Similarly, when the President announced last fall a plan for modernizing U.S. strategic forces, including the resurrection of the once-killed B-1 bomber, there was an immediate demand for a moratorium on further modernizing of U.S. weapons, to the professionally-orchestrated accompaniment of a full chorus of doomsday experts.

Some of the individuals connected with the current freeze movement claim to have invented the idea. Kosta Tsipis, an M.I.T. professor and disarmament advocate, told Gilbert Stubbs that he, George Kistiakowski, and Bernard T. Feld developed the idea in 1975.

In Chapter 7 of the Kennedy-Hatfield Freeze, a liberal/left and revisionist view of the freeze history is presented: "It is the story of an idea that took root in America in the 1980's because the time was right and the country was ready."

The theme recurs throughout the book that the campaign is a grass-roots phenomenon. But even a quick reading of Freeze belies this. It becomes obvious that a unique cadre of dedicated individuals worked long and hard for years to bring the concept to its present state.

Many of these activists are given due credit in *Freeze.* But for a more revealing look at their manifold activities, we must turn to the literature of the hard-line left. For example, the April 14, 1981, issue of *The Daily World* (organ of the Communist Party USA) names the two Americans who originated the International Peace Petition which is now being circulated in 100 countries, demanding that the two superpowers ". . . as a first step . . . terminate immediately all research, development, testing, manufacture and deployment of nuclear bombs and missiles; and progressively, but quickly, destroy present stockpiles."

The two individuals named are Sidney Lens and Stewart Meacham. Both these men are long-time leftist activists. Lens (a pseudonym) was an official of the ultra-radical Revolutionary Workers' League until its demise in the mid-1940's. After writing a landmark think-piece, *The Doomsday Strategy* in 1976, Lens founded a new group, the Mobilization for Survival, in 1977.

The above proposal from the International Peace Petition sounds reasonable. It does not appear to be anti-American. But in his many articles, Lens set the tone for U.S. leftist nuclear disarmament policy, as in the following two points:

"Neither the Soviet Union nor the communist ideology can possibly threaten American world interests as much as they are threatened by nuclear technology. . . .

"Americans need defense against their own leadership more urgently than they need defense against a foreign invasion."

Lens further advised the American people not to become "resigned to the win syndrome, the closed society tyranny and ultimate suicide." This is a classic assemblage of communist terms in a single sentence.

Lens' associate in the international peace petition effort, Stewart Meacham, heads the AFSC's Peace Education Division. Meacham's past includes a generation of "pacifist" activity, from a beginning as a Quaker missionary. His zeal for political organization led to his expulsion from India. Later, according to the *Daily Worker,* Meacham was a leader in the 1960 "Campaign for Disarmament" which among other things called for the United States to ban nuclear testing and agree to total disarmament.

Lens himself, in an article in *The Progressive* of May 1982, identifies three other key persons who have breathed life into the freeze movement. One was Senator Mark Hatfield of Oregon, who proposed an "executive amendment" to the SALT II treaty calling for the freezing of R&D, testing, manufacture, and deployment of new nuclear weapons and delivery systems. In Lens' words, this was "a compromise to which the 'left-wing' critics of SALT II . . . could and did subscribe." The amendment died along with SALT II.

In a modest moment, Lens gave credit for the present impetus in the nuclear freeze movement to the efforts of two others, Terry Provance, national coordinator of the AFSC's disarmament program, and Randall Forsberg, president of IDDS.

Provance has a history of anti-U.S. military activism dating to the Vietnam era. He was also a member of Lens' Mobilization for Survival.

Forsberg is also a veteran "peace" campaigner. After a start in U.S. left issues, she became an analyst in the Stockholm International Peace Research Institute (SIPRI) in 1968, working in the area of arms control. She returned to the United States in 1974 for study at MIT and to co-found the Boston Study Group. In the Spring of 1981 the AFSC published her *Call to Halt the Nuclear Arms Race.* for practical purposes, as far as media attention is concerned, the U.S. nuclear freeze movement dates from that time.

In addition to the AFSC and Mobilization for Survival, initial support for the new freeze movement was also provided by two other established antidefense groups, Clergy & Laity Concerned (CALC) and the Fellowship of Reconciliation. Through its more than 40 chapters around the country, CALC, in particular, lent critical support to the campaigns.

BROADENING THE FREEZE INITIATIVE

Another element of the freeze campaign originated in the western Massachusetts leftist colony centered in the five universities located in Amherst, Northampton, and South Hadley. Randy Kehler of the Traprock Center and the Northampton chapter of AFSC made a pioneering effort to place a nuclear weapons freeze on the ballot in three Massachusetts senatorial districts in the fall of 1980. After obtaining the necessary voter signatures to accomplish this, Kehler and his associates waged a media and bumpersticker blitz which resulted in victory by a 59-to-41 ratio.

This achievement became the model for similar freeze campaigns in other states. In California a couple named Seidita copied Kehler's techniques to collect 750,000 signatures, more than twice the number needed to place a freeze referendum on the ballot for the 1982 elections in California. The campaign there is being financed by millionaire Harold Willens, a long-time disarmament activist and founder of the Center for Defense Information. Meanwhile, Kehler has become codirector of a National Clearinghouse for the Nuclear Weapons Freeze Campaign, with headquarters in St. Louis.

Many of the old guard antidefense organizations have lined up behind the Forsberg/AFSC freeze proposal and are working through the Clearinghouse.

Organizations, besides those mentioned already, include: Council for a New Foreign & Military Policy (CNFMP); Democratic Socialists of America; National Council of Churches (NCC); Physicians for Social Responsibility; SANE; Sojourners; Women Strike for Peace (WSP); Women's International League for Peace & Freedom (WILPF).

A workhorse in the freeze effort has been the Physicians for Social Responsibility, a 1960's group which had become practically moribund until it was revived with a vengeance in 1980 when Dr. Helen Caldicott, an Australian, was appointed president. Of Caldicott, Sidney Lens once said, "She can wring a heart of stone with her recitations of the horrors of nuclear radiation." She and such other speakers as Dr. Jack Geiger and ex-SIPRI peace specialist Kosta Tsipis, now at MIT, have preached to live and television audiences of millions about the imminent doom of our planet unless we renounce nuclear weapons.

One antidefense group which is pursuing a more or less independent course of antinuclear propagandizing is the Union of Concerned Scientists (UCS). Its full-page ad in the April 25 issue of The New York Times urged that NATO announce a "Policy of No First Use of Nuclear Weapons in Europe," and also that NATO withdraw its forward-based tactical nuclear weapons and ask that the USSR do the same.

The UCS's position closely parallels the approach taken by former disarmament specialists Robert McNamara, McGeorge Bundy, George Kennan, and Gerard Smith, as expressed in a major article in Foreign Affairs, Spring 1982. Both these initiatives would couple a no-first-strike declaration to a buildup of conventional military strength in Europe.

George Kennan is also the author of a proposal for the superpowers to cut their present nuclear arsenals by 50 percent. This recommendation is endorsed by another organization, the Committee for East-West Accord.

Another important network of antidefense organizations is working along lines closely paralleling the freeze movement. This is the Fund for Peace group. It comprises the Center for Defense Information, Center for International Policy, and Center for National Security Studies, all in Washington; and the Institute for Study of World Politics plus a nationwide network of radio programs, "In the Public Interest," with headquarters in New York. Some of the funding for this group is provided by the Stewart Mott organization/United Methodist Church complex in Washington. According to a February 1982 report by this group's Anne Zill, the Center for Defense Information will stage a major disarmament happening in June, in conjunction with the United Nations Special Session in Disarmament. This will include bringing together a clutch of ex-NATO and Warsaw Pact officers. CDI's "Nuclear War Prevention Kit" for speakers is to be updated for this event.

An affiliated organization, the Council for a Livable World (CLW), is reportedly setting up a "nuclear hotline" to assist antidefense groups around the country with details of legislation, hearing, and so forth.

Another organization, Ground Zero, headed by former National Security Council nuclear specialist Roger Molander, is a relative newcomer to the antinuclear scene. In spite of this, it has managed in a very short

time to seize the media spotlight by staging a "Ground Zero Week" in April 1982 and by publishing a folksy paperback entitled *Nuclear War—What's in It for You?*

Ground Zero literature takes considerable pains to project an image of impartiality. Nevertheless, the purpose and net effect of its programs is to promote a nuclear freeze and to generate fear in the U.S. public. It is reportedly coordinating its actions with the Physicians for Social Responsibility. Ground Zero specializes in flooding the country with its extensive stable of speakers.

It should be noted in passing that a number of formal nuclear disarmament initiatives have existed for many years, usually involving annual conferences of American and Soviet disarmament "experts" or peace advocates. Chief among these are the Pugwash and Dartmouth conferences which have become a tradition, the "Airlie" conferences which feature antinuclear declarations by U.S., Soviet, and other foreign medical authorities, and the Stanley Foundation's conferences. Their efforts have by no means stirred sizable grass-roots reaction.

THE EUROPEAN CONNECTION

The ongoing U.S. nuclear freeze campaigns are closely associated with similar efforts in Western Europe. Indeed, there is a which-came-first question. It is difficult to tell whether individual freeze initiatives began in America and/or Europe. It is clear, however, that close coordination and cooperation exists between some U.S. groups and activists on the other side of the Atlantic. For example, a West German Protestant disarmament activist credits the American group Clergy & Laity Concerned with originating the disarmament campaign ideas put to use in Germany.

On the other hand, British Roman Catholic priest Bruce Kent heads an organization called Campaign for Nuclear Disarmament, which has led the drive to create local "nuclear-free" regions in many parts of England. It is the special goal of CND (which includes a number of British communist members) to block the deployment of U.S.-made cruise missiles in Britain. CND also calls for unilateral British disarmament, particularly an end to British ownership of Trident-equipped submarines. In early 1982, Kent and other CND persons toured a number of U.S. cities and universities, in a briefing and propaganda campaign arranged by the AFSC's Peace Committee, CALC, and others.

Similarly, SANE recently imported such German nuclear disarmament figures as Petra Kelly and retired Bundeswehr general Gerd Bastian, to speak against U.S. nuclear weapons programs. Ms. Kelly exemplifies the inextricable interconnection between U.S. and European "peaceniks." Stepdaughter of a U.S. military officer, reared in West Germany and educated in U.S. universities, she participated in antidefense activities in Washington from 1966 to 1970. Returning to Europe as a European Common Market advisor in Brussels, Kelly worked her way up to into a leadership position in the West German "Green" (ecological) movement, which soon reoriented itself toward antinuclear issues. She and Bastian were leaders in the "Krefeld Appeal" of 1981, which induced over two million Europeans to sign a call for an end to nuclear weapons in Europe. The German news magazine *Der Spiegel* describes Kelly as "the personification of activism," and "always under high tension." On either side of the Atlantic she is a driving force in movements to disarm the West.

THE SOVIET CONNECTION

Demonstrating the interconnections between such movements and U.S. counterparts is not especially difficult. Tying them directly to Soviet interests, however, is another matter. Only occasional bits of information appear which clearly show Soviet coordination or control of European disarmament groups. For example, TASS employee Vadim Leonov was obliged to leave the Netherlands after it became known that he had passed orders and funds to Dutch communist and peace groups. Similar incidents have occurred in the Scandinavian countries.

No such Soviet intelligence links to American organizations have been made public. However, we can cite in this regard statements made in a CIA report to the Congress in 1980: "Soviet international fronts—organizations which appear to be independent from the CPSU but in fact are funded and guided by Moscow—were and are active in issuing propaganda statements supporting Brezhnev's [disarmament] proposals. . . . The World Peace Council (WPC), largest of the thirteen major Soviet front groups, has played a leading role in organizing demonstrations and in issuing formal condemnations of NATO plans."

Among the more than 130 worldwide affiliates of the WPC is the United States Peace Council (USPC), which is headquartered in New York City. We can catch a glimpse of the close liaison which exists between this group and its parent body by noting that it hosted a ten-city speaking tour of the United States by the WPC a year ago. The delegation included WPC president Romesh Chandra, a member of the Central Committee of the Indian Communist party.

This year the USPC is participating actively in the June 12 demonstrations planned to coincide with the U.N. Special Session on Disarmament in New York. The Council outlines its own contribution to this occasion: "For our part, we will make special efforts to guarantee massive participation from labor and the Black, Hispanic and other oppressed minority communities."

The futility of gestures by peaceniks like E.P. Thompson to press their disarmament ideas "deep into Russian opinion also" was shown with special clarity on April 19, when seven West European disarmament activists attempted to unfurl a banner and hand out leaflets in Moscow's Red Square. KGB agents, apparently alerted in advance, hustled the men off before a single leaflet could be passed out.

Some disarmament sentiment has been manifested in East Germany, chiefly among Protestant leaders and conscientious objectors. The fact that this trend also has elements of pan-German nationalism, calling for a unified Germany free of both U.S. and Soviet military power, has made the Soviets uneasy. This resulted in an official East German crackdown on any displays of this sentiment. Police have stripped peace emblems from the jackets of hundreds of students, and some have been threatened with dismissal from higher education. The Soviet Union is spending billions of dollars to spur disarmament initiatives in the West. But this is strictly a one-way street; the communist system cannot afford to allow citizen participation in its security policies.

THE SOVIET CONNECTION GOES PUBLIC

A new avenue of linkage, however, between U.S. disarmament groups and the Soviet Union seems to have been opened in recent months. This phenomenon, carried on with little attempt at secrecy could have far-reaching implications for U.S. security.

Last December, Randall Forsberg, the intellectual mother of the present freeze movement, spent two weeks in the Soviet Union, apparently under the auspices of the AFSC. While there she conferred with Soviet disarmament experts at "five research institutes."

In April of this year a delegation of eight persons from the U.S. Peace Council also traveled to Moscow, according to the *Daily World*, at the invitation of the Soviet Peace Council. The *Daily World* quotes the vice chairman of the Soviet group to the effect that *the stated goals of the American representatives "fully coincided with the goals of the Soviet Peace campaign."* These goals include "negotiations to prevent the introduction of additional nuclear weapons in the European theater." In other words, the Pershing IIs and cruise missiles must be excluded, but the Soviet SS-20s can remain.

An even more blatant flouting of U.S. security interests was the trip to Moscow, also in April, of a ten-member delegation sponsored by the leftist think-tank Institute for Policy Studies. According to the *Washington Post's* Moscow correspondent, these Americans, including top IPS brass Robert Borosage and Marcus Raskin, conferred with five members of the Communist Party of the Soviet Union. Among the latter was Vadim Zagladin, deputy chief of the party's International Department. In its report to the Congress in 1980, cited earlier, the CIA said that the International Department "maintains liaison with many foreign organizations which are frequently used to disseminate Soviet propaganda and views on international affairs."

With such major U.S. antidefense groups forging direct connections with the Soviet government, *inside the USSR*, there is less need for intrigue, for Soviet diplomats or TASS "correspondents" to risk disclosure for paying off Western disarmament groups. The United States now has no effective mechanism to block this form of subversion, in the absence of an Attorney General's list or other specific legislation; indeed, we cannot even define the term. Citizens like Forsberg and the IPS chiefs can travel legally and openly to Moscow, and there receive advice, instructions, or whatever, directly from the party hierarchy. The doors and windows to U.S. society are wide open, and the American left is taking advantage of it by riding the Moscow shuttle.

It should be noted also that Soviet policies can be targeted directly against the Congress, through the medium of the quasi-official Members of Congress for Peace through Law. This body is closely linked to the IPS, for example, through its participation in the "Washington Seminars" conducted by IPS.

IMPACT OF THE FREEZE MOVEMENT

The freeze has probably achieved much of its impact from the fact that the media have over-reported the issue. For example, across the country the public response to the "Ground Zero Week" of last April fail completely to match the exaggerated attention given to it in advance by network and local television and *Newsweek* magazine.

By contrast, the American Security Council's Peace Through Strength Resolution has been passed by more state legislatures (13 states plus the territory of Guam) than have adopted the Kennedy-Hatfield freeze

resolution (eight), and has been sponsored by more members of the U.S. Congress (288) than have endorsed the freeze (about 190). This record has been achieved in spite of the fact that Peace Through Strength has never once been mentioned on any evening TV news program.

The fact that these successes have been scored by Peace Through Strength without benefit of intense media "hype," and without the aid of a corps of dedicated activists, shows clearly that the tenets of Peace Through Strength reflect truer indications of American sentiment regarding the threat of nuclear war than do the craven alarms of the freeze proponents. A majority of Americans obviously still face the future with courage, resolve, and hope.

A blizzard of pamphlets, resolutions, and even bound volumes advocating various forms of nuclear arms freeze has blanketed the country in a few short months. Kennedy-Hatfield's Freeze has managed to upstage so far the mammoth statement of the freeze philosophy in the book by Jonathan Schell, which has yet to appear in bound form (the text has been released in three installments in the New Yorker magazine). Hundreds of pages of material, pro and con, have been entered into the Congressional Record, and every editorial writer in the nation has aired his opinion of the movement.

One of the most reasoned of the comments was that of columnist David Wilson in the Boston Globe of April 12, 1982. On the question: "What ought I to be doing, at this instant, to prevent nuclear war?", Wilson says:

"The instinct is to 'do something.' Of course, doing nothing is, in a way, doing something, and frequently is the most benign course among options of conduct. . . .

"To be opposed to nuclear war is rather like being opposed to crime or cancer. Everybody is, but very few know how to go about it. . . .

"The certain consequence is that those individuals who vote and campaign for a freeze will experience the satisfaction of believing that they have 'done something' to stop nuclear war. The act will make them 'feel good.'

"Instead, it seems to me, they are increasing the likelihood of conflict by inviting hostilities to arise from existing and potential situations of tension around the world.

"What Americans certainly can anticipate, as spring warms into summer this year, is a new and divisive national debate in which political partisanship and ambition will be mixed with religious conviction and misguided idealism in a confrontation remarkably resembling the anti-war movement of the 60s."

Wilson's description touches on two key points which should be kept in mind in regard to the freeze and similar disarmament initiatives. First, the great majority of concerned persons who become involved in some form of political or social action in this vital and emotional issue are well-intentioned, patriotic citizens.

At the same time, however, it should be clearly understood that many of the activists in the new "freeze" organizations are professional leftists with backgrounds of prior work in antidefense causes. Among themselves, and in the literature of the "alternative" world, they make no secret of their political beliefs and aims. A majority of these professionals are Marxists of some stamp or other, whose whole lives have been devoted to bringing about the eventual end of the capitalist system in America. Heated issues such as survival in the nuclear age offer them unexcelled opportunities to weaken our country's defenses and thereby bring the attainment of their goal a little nearer.

The other point is that the nuclear freeze issue promises to become as divisive as the Vietnam war. The parallel may be even closer than envisioned by Wilson, since many of the freeze leaders were deeply involved in the radical organizations and movements during that period. Some of the present groups date from Vietnam days; others are skeleton cadres from such groups, but with new names and causes to exploit the problems of today's world.

There are other valid objections to the idea of an immediate nuclear freeze. One of these is the realistic fact that a blanket freeze of *all* nuclear weapons really does not correspond to Soviet desires at this point, in spite of Brezhnev's apparent willingness. The Soviets want more military advantage, not a freeze. Therefore, the whole exercise is futile on face value, *except as a devise to frighten and confuse the American public and halt American military programs.*

Another objection is the unlikelihood that the Soviet Union will ever agree to a reliable verification system which would cover all aspects of R&D, testing, manufacture, and deployment. As Stubbs points out, the claim of the freeze proponents that all this is feasible by "national technical means" is patently ridiculous.

But the most basic flaw in the freeze concept, in our view, is that it focuses on the existence of nuclear weapons as the primary threat to America. In reality the overriding menace is the inescapable fact that the Soviet Union is bent on winning, on imposing its political system on the world, by any and all means possible. This is the impetus for the massive "peace" offensive aimed at locking us into inferiority.

Therefore, as opposed to a freeze of nuclear weapons followed by negotiations aimed at reductions—with no guarantees or stipulations ahead of time—the American Security Council believes that the proper policy for our national security is to place primary reliance on our national strength. The U.S. should and must be willing to negotiate, but it must avoid the delusions and self-deceptions of the past 12 years of SALT. Detente is not only dead; it never lived. We have tried the course of self-restraint and unilateral arms reduction, in the hope of Soviet reciprocation. There has been no reciprocation. Moreover, the United States must enter any new rounds of negotiations with a full appreciation for the fact that the negotiating process is not important of and by itself. What is important are the terms of the finished product. In the interest of our freedom we must set as our high standard the resolve that we will not accept any arms control agreement which does not truly contribute to world peace and stability and enhance our own survival.

THE COUNTERFEIT PEACEMAKERS: ATOMIC FREEZE

(By Rael Jean Isaac and Erich Isaac)

WHO'S BEHIND THE POLITICS OF NUCLEAR NEUROSIS? THE CRABSHELL-KREMLIN ALLIANCE?

What the media have dubbed a "peace crusade" is sweeping the country. It centers on something known as the Nuclear Freeze petition, which calls for a mutual freeze by the United States and the Soviet Union on the testing, production, and deployment of nuclear weapons and their delivery systems. Nuclear freeze petitions are on street corners, in front of super-markets, in churches and synagogues. State legislatures have passed freeze resolutions with scarcely a demurring vote. In California, a drive to put the freeze on the ballot collected the requisite 350,000 signatures in two months and more than twice that number are expected to be collected by the deadline for submitting them. There seems every prospect of its passage, since polls show that Americans would vote for a freeze on local bollots by a margin of 3 to 2. Mass demonstrations are on the way, scheduled to coincide with the UN Special Session on Disarmament beginning June 9. Some of their footpower will come from the campuses, energized by April's week-long teach-in campaign.

Every effort is being made to galvanize the unimaginative. In the first week of March, buildings, signs, office elevators, and windows at 17th and M Streets in Washington, just north of the White House, were plastered with two-inch circular gummed labels that said: "Flash! Boom! You're dead!!!" The presumably startled reader was enlightened by the small print: "A small nuclear bomb explodes over the White House. Standing here, you have a 98 percent chance of dying immediately, from leveled buildings, intense heat, lethal radiation, or debris flying to 500 m.p.h." On a national scale there is the effort of a group called Physicians for Social Responsibility to spell out the physical suffering their audiences will experence following a nuclear explosion: the starvation, dehydration, radiation sickness, and infections. These doctors will provide you with an entire bibliography explaining the horrible aftermath of nuclear war and their total inability as physicians to help any of the survivors. (Not that they want to improve their capacity to cope. Far from urging rational civil defense measures, which the Soviets have taken, a film produced by the Physicians for Social Responsibility includes a statement that it is a breach of medical ethics for a physician to participate in planning for emergency medical services in the event of nuclear attack.)

While no one doubts the dreadful consequences of nuclear war and the need to avert it, this can scarcely explain the peace crusade. The nuclear age has been with us since 1945. Why the sudden ferment, to the point that a Wall Street Journal front page headline reports "Town of Pella, Iowa talks of little other than nuclear attack"? Where did the nuclear freeze come from? Where do its initiators plan to take us? Answers to these questions are in order before the public throws itself headlong into a current whose direction it little understands.

The nuclear freeze was initially coordinated in early 1980 by two pacifist organizations: the American Friends Service Committee (AFSC) and the Fellowship of Reconciliation. The first is wealthier and better known, but both originated at the end of World War I as religiously based organizations committed to nonviolence. The freeze quickly won the support of almost all the organizations that make up what in current jargon could be called "the peace community." These are both pacifist and nonpacifist groups devoted to reducing the prospects of war: The best established of those who signed the initial "Call to Halt the Nuclear Arms Race," as the freeze was originally titled, were Clergy and Laity Concerned and SANE (which have been the most active in procuring signatures for the freeze), Mobilization for Survival, Pax Christi (a Catholic organization), Riverside Church Disarma-

ment Program, and Women's International League for Peace and Freedom. Once the freeze caught on, the Nuclear Freeze Weapons Campaign, consisting primarily of organizations which signed the initial "Call," decided to establish a special clearing-house in the center of the country. Using the tax exemption of one of them (the Council for a Liveable World Education Fund), the clearing house opened in St. Louis in January 1982.

Most Americans have a warm, if hazy, image of peace organizations, especially pacifist groups, whose dedication to nonviolence is seen as admirable, if impractical. A closer look, however, would produce some major surprises. The major pacifist organizations—the AFSC, the Fellowship of Reconciliation (FOR), the War Resisters League (WRL), and the Women's International League for Peace and Freedom (WILPF)—are centers of radicalism whose relation to nonviolence is highly problematical, since in practice they condone violence to achieve the goals of what the Left defines as, "liberation movements". The distinction between pacifist and nonpacifist peace organizations, indeed between most peace organizations and radical left-wing political groups, has become a distinction without a difference.

Intrinsic to pacifism, of course, is the view that means and ends cannot be separated, and all the pacifist organizations continue to pay lip service to this principle. A 1980 article in the Fellowship of Reconciliation's journal states the case as eloquently as ever: "Nonviolent activists dispute the assertion that the end justifies the means: they see means and ends as one and inseparable. . . . The means invariably become embodied in the end, however noble, and skew and distort that end—often beyond recognition." The article quotes a pithy phrase: "You can't grow a rose from a cactus seed." Similar passages could readily be produced from every pacifist publication.

One dramatic example of the gap between pacifist rhetoric and reality is the attitude of these groups toward the Palestine Liberation Organization. As the world's chief terror organization, the inspiration and actual training agency for the world's proliferating terror groups, from the Baader Meinhof to the Red Brigades to a host of groups in Latin America, the PLO should be especially abhorrent to pacifists. Instead, the attitude of the pacifist organizations toward the PLO is one of warmth, even admiration. For example, in 1975 the Fellowship of Reconciliation sent a group to PLO headquarters in Lebanon. The members returned to praise the PLO officials with whom they had spoken, and were particularly enthusiastic about one whom they said "spoke in near pacifist terms about guerrilla violence." (The very fact that such a phrase could be formulated says something about what has happened to American pacifism.) One member of the Fellowship group criticized Secretary of State Henry Kissinger, then engaged in his famous "shuttle diplomacy" in the Middle East, for "inviting Palestinian militants to return to terrorist tactics in the absence of any peaceful alternative for justice." If the United States did not give the PLO what it wanted, the PLO had no "alternative" except violence.

The Women's International League for Peace and Freedom seems almost obsessed with the PLO. In a recent year its journal, Peace and Freedom, ran ten articles on the Middle East, the purport always the need to involve the PLO. WILPF's 1979 resolution on the Middle East calls for negotiations with the PLO without any suggestion that the PLO abandon terrorism or recognize Israel's right to exist. International WILPF (for years headed by Americans, first Kay Camp, now Carol Pendell, wife of a Methodist minister in California) sent its journal's editor as the organization's delegate to a PLO conference in Lebanon. This pacifist lady described with obvious relish being "driven into town escorted by jeeps full of Palestine Liberation Army soldiers" who permitted nothing "to break our line." Her only regret was that "more of us could not be there to come to understand why the struggle of the Palestinian people must continue."

The AFSC meanwhile has done more. Its activities in Israel, ostensibly "humanitarian," provoked the Israeli government to the point where it sought to remove the AFSC's Middle East respresentative for pro-PLO activities. The AFSC maintains a Community Information and Legal Aid Center in East Jerusalem. While the Israeli authorities were told it would be a counseling center, it rapidly developed into a legal aid service for captured PLO terrorists. In an interview in 1979 Jean de Muralt, then its director, said: "We help the small fry. The big people have their own connections and don't need our help." In the United States the AFSC has organized lobbying efforts on behalf of the PLO and speaking tours for its propagandists.

The identification of pacifist organizations with the PLO is a particularly striking illustration of the breakdown of pacifist principles; however, instances of pacifist support for terrorist groups could be multiplied. Almost any Third World "liberation movement," provided it attacks the West, can count at the very least on full moral support from the U.S. pacifist organizations whose fundamental principle, to use the words of an AFSC brochure, is that "violence can never be right."

Although the breakdown of American pacifism is a phenomenon only of the last fifteen years, the tensions that led to its disintegration are much older. They stemmed from the conviction of pacifists that war would be eliminated only if the cause of war were eliminated, this cause being social injustice. With the Bolshevik Revolution, many pacifists became attracted to revolutionary Marxism and its promise to eliminate injustice once and for all. The Fellowship of Reconciliation was the most influential pacifist organization in the interwar years, and it was repeatedly battered by conflicts between those who opposed all violence and those who were convinced that class warfare was necessary to prevent international warfare. The Fellowship came down on the side of non-violence, and in the mid-thirties, the dissidents—who at one point included the organization's executive secretary, J. B. Matthews—were forced to resign. The most famous American pacifist, A. J. Muste, briefly left the Fellowship for a fling at Communism, becoming general secretary of the Communist League of America, a section of the Trotskyite Fourth International. He returned to pacifism, and the Fellowship, in 1937.

All this ferment left its mark. While still a pacifist but undergoing the intellectual development that would make him, if only temporarily, a Communist, Muste developed a radical conception of pacifism outlined in his 1928 essay, "Pacifism and Class War." Here he expanded the definition of violence, declaring that "the basic fact is that the economic, social, political order in which we live was built up largely by violence, is now being extended by violence and is maintained only by violence." He insisted that since 90 percent of the violence in the world was perpetrated by forces of the status quo, it was somewhat "ludicrous" that public concern centered on the 10 percent of violence used by rebels against repression. Not only did Muste minimize the importance of revolutionary violence, but he argued that it is improper even to counsel nonviolence so long as we benefit from the existing "violent" order.

After World War II, Muste's doctrines became pacifist orthodoxy. Conscientious objectors, particularly those who chose prison over the forms of alternative service offered by the government, emerged with a new conception of nonviolent tactics as the way "to shake the present order to its foundations." Although the Fellowship initially resisted, the War Resisters League (a nonreligiously based pacifist group that developed out of the Fellowship in 1923) resolved in 1947 to work for "political, economic and social revolution by nonviolent means." David Dellinger, a member of the League's executive committee, published a paper called Direct Action whose first issue advocated "strikes, sabotage and seizure of public property now being held by private owners." One writer suggested that a mass invasion of A&P supermarkets by housewives with hungry families, for the express purpose of emptying shelves, would be a good way of keeping down the profits of the masters." The editor felt called upon to object, protesting that "taking goods surreptitiously" would imply they rightfully belonged to store-owners, "thereby continually paying homage to capitalist ideals of property."

What happened when Muste's broadened definition of violence was accepted was that the distinction between violence and nonviolence disappeared. All governments, including democratic governments, were violent because they implicitly had the sanctions of violence behind them. There then was no way of distinguishing between the violence of the status quo and the bombs and guns of the revolutionaries who challenge it. Indeed revolutionaries were to be preferred, for they merely respond to the prior violence of the established order and seek to achieve greater justice.

Pacifists thus have so extended the meaning of violence that it no longer even refers to the use of force, implicit or explicit. According to David McReynolds, a War Resisters League staffer, nonviolence is "most deeply violated" when it is confined to the area where "the state kills people"; poor housing, racism, and sexism are equally "violent," and the violence of unemployment is as real "as napalm falling on Vietnam." An article in the Fellowship of Reconciliation's Fellowship claims that "where a woman is denied equal pay for equal work . . . it is an example of violence." War Resisters League President Norma Becker believes all our institutions must be overturned "because unless these institutions are eradicated," it doesn't seem likely that we "will be in a position to really practice nonviolence."

Another revealing glimpse into modern pacifism comes from the reading list compiled by the War Resisters League in response to requests for books on the meaning of pacifism and nonviolence today. Under the heading of "Race" the League offers five books, two of them attacks on nonvio-

lence: Eldridge Cleaver's Soul on Ice and Frantz Fanon's extended paean to the therapeutic power of violence, Wretched of the Earth. Under "Socialism" seven books are offered, including the Communist Manifesto, German Communist Rosa Luxemburg's The Russian Revolution, and Carl Oglesby and Richard Shaull's Continuity and Change. (Oglesby was a New Left organizer and Shaull is a liberation theologian who believes that only at the center of the revolution can man "perceive what God is doing.") Under the heading of "Biography" one would expect to find books describing the lives of great pacifists. But of the eight biographies presented, only two are of pacifists. Among the others are Leon Trotsky, labor radical Eugene Debs, anarchist Emma Goldman, and black revolutionary Malcolm X.

While pacifist identification of revolutionary socialism with "justice" is the most obvious explanation for such reading lists, there may be deeper factors involved in the power violent revolutionaries have exercised over the imagination of modern pacifists. George Orwell, writing during World War II, noted the attraction some leading pacifists felt toward Hitler. A revealing reply to Orwell's charges came from D. S. Savage, one of the pacifists to whom Orwell had pointed. He wrote:

"The pacifists' championing of Hitler referred to by Orwell is simply a recognition by us that Hitler and Germany contain a real historical dynamic, whereas we do not . . . Personally I do not care for Hitler. He is, however, 'realler' than Chamberlain, Churchill, Cripps, etc. in that he is the vehicle of raw historical forces, whereas they are stuffed dummies, waxwork figures, living in unreality."

Although it is difficult to know to what extent modern pacifists respond to a sense that Yassir Arafat represents "raw historical forces" in contrast to the "waxwork figures" cut by Western statesmen, there may well be a psychological component of this sort in the attraction men who live by violence exert upon those who have renounced it.

Given the breakdown of pacifism in traditional pacifist organizations, it is hardly surprising that the formally nonpacifist peace organizations that have sprung up since World War II have also come to identify with violent movements. The most important to develop prior to the Vietnam war were SANE in 1957 and Women Strike for Peace in 1961, both of which arose to protest nuclear atmospheric testing. (Physicians for Social Responsibility also dates to 1961 but became moribund until revived by pediatrician Helen Caldicott in 1979.) The Vietnam war produced a series of organizations, the most lasting of which has been Clergy and Laity Concerned about the Vietnam War (CALC). After the war was over, it dropped the last four words in its title. CALC is now simply "Concerned," chiefly about the evils of the American Empire. Several of the prominent peace organizations are coalitions: The Coalition for a New Foreign and Military Policy brings together many of the organizations active against the Vietnam war, especially the churches; the Mobilization for Survival combines anti-nuclear energy groups with disarmament and radical political groups.

Insofar as they are influential, disarmament movements by their very nature serve to weaken Western defenses and inhibit the willingness of Western countries to project their forces beyond their borders. It thus goes without saying that these movements are an obvious target for Soviet manipulation and penetration. If the Soviet Union can manipulate them to focus exclusively on Western disarmament and discount the existence of external threats—or better still to serve as apologists for aggressive Soviet actions—they are even more useful to the Soviets. The point is to help the Soviet Union project an image of itself as the major force for peace in the world, its initiatives thwarted by Western militarism.

The Soviet Union has a front organization, the World Peace Council (WPC), designed to identify the Soviet Union as the world's chief force for peace among Third World countries and to manipulate Western public opinion, especially Western peace movements, on issues the Soviet Union deems vital to its interests. Created shortly after World War II, the WPC sponsored the Stockholm Peace Petition Campaign of 1950 as its first major effort. The Campaign obtained almost 500 million signatures worldwide, over a million of them in the United States, where most of the signatories had no idea of the campaign's origin. In 1975 the WPC launched a second Stockholm Peace Petition, this time obtaining 700 million signatures.

While the WPC has devoted much effort to extolling the Soviet Union, promoting Soviet-backed liberation movements, and attacking the United States and its "puppets," it has in the last few years assumed an even larger role mobilizing the Western disarmament protests. It has been trying to block U.S. plans to modernize NATO's Theater Nuclear Forces with medium range Pershing II and cruise missiles and to upgrade NATO's antitank capabilities with neutron bombs. In an article in Ons Leger in October 1981, Dutch journalist J.A.E. Vermaat analyzes the extensive role the World Peace Council and a sister Soviet front, the Christian Peace Conference, have played since 1977 in the Dutch peace movement, that major testing ground in the Soviet effort to promote Western disarmament initiatives. Obviously pleased by the success of the Dutch movement and its spread throughout Western Europe, Boris Ponomarev, veteran head of the Communist Party's International Department, told a group of Soviet and foreign scientists in 1981 that even though the antiwar movement had reached unprecedented proportions, "the interests of preserving peace call for further development of the anti-war movement."

The World Peace Council, of course, is the most transparent of fronts, the "peace" in its title the purest Orwellian doublethink. IN 1975 the Council gave its highest award, the Frederic Joliot-Curie Gold Medal for Peace, to Yassir Arafat. That same year it gave a lesser peace award to Lolita Lebron as an "outstanding Puerto Rican freedom fighter . . . who has been in U.S. jails for the last 20 years." (Lebron was one of four Puerto Rican terrorists who opened fire on the U.S. House of Representatives from the visitors' gallery during the Truman Administration.) Another former winner of the Joliot-Curie Gold Medal for Peace is Leonid Brezhnev. On its thirtieth anniversary the World Peace Council celebrated ever new "victories for peace" in "Ethiopia, Afghanistan, Iran." Presumably to help celebrate one of these Soviet "victories for peace," the WPC has scheduled its next meeting in Afghanistan.

In reaching public opinion in the United States, the WPC has been aided since 1979 by the presence of an American affiliate, the United States Peace Council. The groundwork for the U.S. Peace Council was laid in 1975 when a nine-member delegation from the WPC came to this country to publicize the WPC's Second Stockholm Peace Petition.

The reaction of established U.S. peace organizations to the WPC visit was revealing. In the past, and for all their internal tensions, U.S. pacifist organizations would have been wary of Communist manipulation. "Communist-inspired 'peace campaigns' are not genuine," announced the Fellowship of Reconciliation when the first Stockholm Peace Campaign was launched, and lead "to building up the Communist party rather than pacifism or peace." This time, however, none of them decried the delegation as a fraud and several in fact used their standing to give the delegation credibility among unsuspecting American political and religious leaders. The delegation's Washington visit, for instance, was coordinated by Edith Villastrigo, director of the Washington office of Women Strike for Peace. As a result, the WPC delegation was able to meet with twenty members of Congress (several of whom hosted a luncheon for the delegation) and was welcomed at the Methodist Church Center by leading clergymen. Thanks to preparations by various peace and church groups in the fifteen cities it visited, the delegation met with local and state officials, spoke at church meetings, campuses, even high schools (the delegation reported that following its presentation at University High School in Milwaukee many students asked if they could join the World Peace Council). Delegation members appeared on television and met with editorial boards of major daily newspapers.

Indeed, the reception accorded this delegation of the world's leading communist front was nothing short of amazing. In New York City, Ambassador Angier Biddle Duke, on behalf of then mayor Abraham Beame, presented delegation members with Bicentennial Medals. In both Los Angeles and Milwaukee the delegation accepted mayoral proclamations in its honor. In Detroit the delegation won a sheriff's escort and keys to the city. It also accepted a "Spirit of Detroit Award" given to the WPC for its "substantial effort to achieve peace." In South Bend, Indiana, the delegation received keys to the city and a luncheon in its honor was given by the Chamber of Commerce! In each community—and the delegation also visisted Seattle, Cleveland, and San Francisco—the group left behind what it described as an "ongoing WPC committee." Local Peace Councils already existed in Los Angeles and Chicago. The delegation's report mentioned that the Chicago Peace Council would continue "as always to maintain contact with the WPC."

The seeds planted by the delegation came to fruition in 1979 with the establishment of the United States Peace Council. The Communist Daily World hailed its advent, saying the organization "may mean the difference between life and death for humanity." WPC President Romesh Chandra showed up for the first national conference, echoing in his speech the WPC line that liberation struggles are the peace movements of their people. In the words of this former member of the central committee of the Communist Party of India:

"People ask me, 'You are a peace movement. Why do you support the armed struggles in Nicaragua. Palestine, Vietnam?' And I reply, 'The armed struggle in these countries is the peace movement.'"

U.S. Peace Council executive director Michael Myerson, a long-time official of the U.S. Communist Party, announced at the conference that "the main threat to world peace is the U.S. military industrial machine."

Wherever possible, the resolutions passed by the conference packaged Soviet foreign policy objectives to appeal to segments of American society. The conference appealed to the anti-nuclear energy movement by linking the need to shut down nuclear plants with "the recognition that nuclear arms production is even more dangerous and needs to be shut down also." It appealed to distinctive American preoccupations by emphasizing the threat "the draft poses to human rights." It resolved not only to work closely with existing anti-draft registration organizations but to form a GI and Veterans Committee "to organize the thirty million American veterans and two million GIs to fight for peace."

On the whole, however, the conference simply passed resolutions conforming to major Soviet objectives: support for Third World liberation movements and U.S. disarmament. It passed a resolution, "In Solidarity with the Arab People of Palestine and Their Central Issue: Palestine," which condemned the Camp David accords as "a cornerstone of a new U.S. offensive in the Middle East." Another resolution called for withdrawal of U.S. bases from the Philippines and an end to all aid to that country. On the other hand, resolutions called for U.S. aid to Communist Vietnam, Laos, and Kampuchea. Other resolutions concentrated on cutting back U.S. defense expenditures and "forming coalitions of peace groups." Resolutions were passed opposed to all new U.S. weapons systems.

The U.S. Peace Council has established a "Peace Education Foundation," which has received tax exempt status from the IRS. The Fund is headed by Abe Feinglass, a World Peace Council Presidium member and secretary-treasurer of the Amalgamated Meatcutters Union. The Fund has announced plans to explore the effects of the military budget on blacks and other minorities. At its second national conference in 1981, the U.S. Peace Council established a youth caucus, designed to reach out to junior high and high school youth with antidraft and antiwar themes, and announced development of a curriculum guide for courses on peace in public schools.

Even the symbol at the top of U.S. Peace Council literature tells the story: It is a dove shaped into a clenched fist.

It is bad enough that established U.S. peace organizations have failed to denounce the U.S. Peace Council and its transparent effort to channel the desire for peace to serve Soviet purposes. But even worse than their silence has been that virtually all of them have become involved with the U.S. Peace Council in some way. Before its founding conference the U.S. Peace Council issued a "Call" which said:

"We who initiate this Call believe that there is a peace majority in our country. . . . We seek to help organize our peace majority in its entire spectrum because only then can our people compel peace."

Those who gave their names as sponsors of this Call in effect endorsed the U.S. Peace Council as a bona fide peace-seeking organization. Yet the sponsors included the president of the Women's International League for Peace and Freedom, the executive director of SANE, the disarmament coordinator of the American Friends Service Committee, the director of the Washington office of Women Strike for Peace (who had coordinated the 1975 WPC visit), and a leader of Clergy and Laity Concerned. For many, more than sponsorship was involved. At the founding conference the executive director of SANE, the disarmament director of the AFSC, an official of the Women's International League for Peace and Freedom, and a representative of Clergy and Laity Concerned conducted workshops. When the U.S. Peace Council took out a full-page ad in the New York Times in June 1979 to attack Joan Baez and others who had criticized human rights violations in Vietnam (the U.S. Peace Council ad countered that "Vietnam now enjoys human rights as it has never known in history"), it was signed not only by assorted Communists and far leftists, but by the president and vice-president of Women's International League for Peace and Freedom and by several leaders of Clergy and Laity Concerned.

Two pacifist organizations were conspicuous by their absence as sponsors of the U.S. Peace Council "Call"—the Fellowship for Reconciliation and the War Resisters League. The League did send an observer to the 1979 U.S. Peace Council conference who was sufficiently disturbed by the proceedings—she noted that Communist Party literature was "everywhere"—to prepare a critical statement which she tried to read to those assembled. The organizers, however, told her that there was "no time."

Nonetheless, the Fellowship and the War Resisters League together with the other peace organizations have been working with the U.S. Peace Council in a series of strategy groups set up to plan demonstrations for the UN Special Session on Disarmament scheduled to begin this June. Indeed the U.S. Peace Council has begun to show up regularly at meetings of the various peace organizations. Add to this the increasingly frequent references in peace group literature to joint local projects of peace and Peace Council groups and the picture is clear: The U.S. Peace Council is fast becoming an accepted member of the "Peace Club."

Nor are joint strategy sessions the only form cooperation takes. The Mobilization for Survival (MFS) can serve as a model of how Communist and peace organizations have become intertwined. Until recently, when the size of the crowds expected this June made it too much for one organization to handle, the MFS has primary responsibility for organizing the mass demonstrations planned for the Second UN Special Session on Disarmament. (Now, organizing will be done by over a dozen groups making up the June 12 Rally Committee, among them the U.S. Peace Council.) According to the published accounts by MFS leaders, the organization was established in 1977 after Peggy Duff, a leader in the British disarmament movement long active in the World Peace Council, told U.S. peace group representatives that the first UN Special Session on Disarmament (which started as a WPC project in 1975), scheduled for May 1978, was of "historic importance" and it was up to American peace groups to make sure it had maximum public impact. Labor organizer Sidney Lens, long active in the Chicago Peace Council, and sociology professor Dr. Sidney Peck, identified in a 1970 staff study prepared for the Internal Security Committee of the House of Representatives as a member of the Wisconsin State Committee of the Communist Party, took the initiative in establishing the Mobilization for Survival which then organized demonstrations in connection with the 1978 UN Special Session on Disarmament. According to its own no doubt generous estimate, MFS was able to produce only 25,000 demonstrators for that first disarmament session. It is a mark of the peace-movement explosion about 250,000 demonstrators are now expected. A delegation is coming from Europe, and from Japan alone 1,000 demonstrators are being flown in.

The Fellowship of Reconciliation and the War Resisters League and other pacifist organizations became part of MFS upon its founding in 1977. So did SANE and Clergy and Laity Concerned, the U.S. Communist Party with three of its fronts, and in 1979 the U.S. Peace Council. The third element in the MFS was anti-nuclear energy groups. No national environmental organizations joined, but a host of local groups did, their names ranging from Mississippi Alliance for the Environment to the more colorful Appletree, Dogwood, Jackrabbit and Crabshell Alliance.

With a double constituency of anti-nuclear energy and anti-nuclear weapons groups, the Mobilization has worked on both fronts, using such slogans as "Zero Nuclear Weapons" and "Ban Nuclear Power." But there is little doubt that the primary interest of its leaders is in disarmament. A 1979 MFS demonstration in Washington, D.C. brought a World Peace Council delegation to address the rally, including Werner Rumpel, head of the East German Peace Council and Nicholas Schouten, a leader of the Communist Party of the Netherlands, who played a key role in organizing the anti-neutron bomb campaign there.

Those directing MFS activities wear a variety of hats. The head of its Labor Taskforce is Gil Green, a member of the U.S. Communist Party's central committee, whose major responsibility within the Party has been coordinating relations with peace organizations. Head of the MFS International Task Force is Terry Provance, who also heads the AFSC's Disarmament Task Force and was one of the sponsors of the U.S. Peace Council.

Needless to say, what such developments as the founding and growing acceptance of the U.S. Peace Council or the unabashed fellow-travelling of the Mobilization for Survival coalition signify is that the Soviets do indeed have input into the U.S. Peace movement. And whenever well-intentioned people, who are not necessarily wise people, have tried to cooperate with Communists for what they are persuaded are common goals, the results have been disastrous to the well-intentioned. So well did a socialist-pacifist like Norman Thomas learn this lesson that, shortly before America's entry into World War II, in his last ditch effort to keep America out of the war, he cooperated with the America First movement, which he detested, but refused to cooperate with the Communists (then opposed to entering the war because the Stalin-Hitler pact was in effect). Even A. J. Muste knew better than he spoke when he encouraged pacifists to enter into coalitions with Communists during the Vietnam era. At the time of the Korean War, Muste wrote that Communists advocate coalition governments because the strictly disciplined Communist Party always dominates such coalitions and before long takes them over. It is presumably a principle equally applicable to coalitions with Communists outside of government.

Does it then follow that the nuclear freeze is an example of successful Soviet manipulation? Is the specific proposal simply a target of opportunity, or is more involved? According to journalist Peter Pringle, writing in the New Republic, the nuclear freeze proposal had its origin in a meeting called by the American Friends Service Committee in the summer of 1979. Sidney Lens writes in April's Progressive that the freeze was "organized on the initiative" of Terry Provance and Randall Forsberg. Forsberg, formerly of the Stockholm Peace Research Institute, has now established her own think tank, the Institute for Defense and Disarmament Studies. Provance, as we just noted, is disarmament director of the American Friends Service Committee, head of the MFS International Task Force, and was a sponsor of the U.S. Peace Council. But he wears yet another hat. Terry Provance is one of 40 official U.S. members of the World Peace Council. He was elected to this position at the WPC's 1977 meeting in Warsaw. Whatever the case, it is clear that the Soviets want to see the freeze grow. Last August, when the AFSC was trying to build momentum for the freeze, it staged a three-day march in New England. En route the marchers were addressed by Yuri Kapralov, a counselor at the Soviet Embassy in Washington, who said that the Soviet Union had "a very favorable view of the idea of a weapons freeze." The International Secretariat of the Christian Peace Conference, the Soviet front that targets Western churches, declared at a meeting in Moscow in January 1982 that "the principle task of the peace movement today is to support all efforts for a freeze on nuclear weapons as a first step toward disarmament." The U.S. Peace Council has thrown itself into freeze work. U.S. Peace Council chairman Michael Myerson signed the initial "Call" for the freeze and the World Peace Council's Peace Courier in December 1981 praised the role the U.S Peace Council was taking in collecting signatures for it. U.S. Peace Council sponsor and U.S. delegate to the 1980 World Peace Council conference in Bulgaria Irving Stolberg, who is also a Connecticut state legislator, coordinated the campaign that passed the freeze proposal at the state level in Connecticut and Michigan state senators and U.S. Peace Council sponsors Jackie Vaughan III and Perry Bullard worked for it in the Michigan legislature.

There is small cause for wonder that the Soviet Union encourages the freeze campaign; Secretary Haig, however, calls it "not only bad defense and security policy . . . [but] bad arms control policy as well." The Administration's skepticism is warranted. the freeze is bad security policy because the U.S. land-based missile force is vulnerable to a Soviet first strike—and a nuclear freeze would freeze its vulnerability, ensuring the Soviet Union an enormous strategic advantage in any future negotiations. In Europe, now targeted by 300 Soviet mobile missiles equipped with 900 warheads, failure to deploy the Pershing II and cruise missiles would ensure its neutralization, eventually giving the Soviet Union the kind of dominant influence it exerts over Finland. It is bad arms control policy because the soviet Union would have no incentive to negotiate arms reduction—the goal of arms control policies—once its superiority were frozen. From the Soviet standpoint, the fervor over the freeze offers the opportunity to revert to earlier proposals and call them a freeze: Brezhnev has proposed that in exchange for a U.S. "freeze" in not deploying any weapons systems to counter the SS20s, the Soviet Union will withdraw the latter behind the Urals. Since the missiles are mobile, however, they could be returned at the Soviet Union's convenience; moreover, even from behind the Urals they could devastate any European target.

Does the Soviet Union want a freeze on nuclear weapons beyond Europe? Not if it is verifiable, i.e., with on-site inspection. (Aware of this, freeze leaders say satellite inspection will be ample.) For the Soviet Union the ideal situation is prolonged negotiations over the content (and method of verification) of a freeze, during which the United States would be restrained by public opinion from deploying new systems or even increasing defense expenditures while the Soviet Union methodically continued to build up its arsenal.

Nonetheless, the idea of the freeze has tremendous power. One organization, the War Resisters League, was initially lukewarm on the grounds that the freeze failed to make connections to "anti-racist, anti-sexist and a whole variety of other oppressed peoples' struggles." But this is precisely its attraction. The freeze appeals to the fears everyone shares of nuclear war and presents a measure that is simple, one the man in the street feels he can fully grasp. Moreover, it sounds even-handed for it calls upon the United States and Soviet Union to adopt a mutual freeze. And why should one expect the average person to think more carefully of the implications of the freeze when congressmen, with staffs hired to consider the ramifications of legislation, are piling on the freeze bandwagon? By March 10, 129 congressmen had announced they would seek a resolution of both houses asking the President to negotiate an atomic-weapons freeze.

Why have peace organizations, both the traditional pacifist ones and the newer breed of post-World War II organizations, shown so little resistance to Soviet manipulation? Why were the organizations, under their initial leadership, so much more wary of Communism? For one thing, some of the earlier leaders had been burned by actual experience and their subsequent vigilance sheltered a newer generation. Stalin's death was immensely important allowing the leaders of peace organizations to delude themselves that the Communist world had been transformed. The greater sophistication of some of the post-war peace fronts also played a role. The Christian Peace Conference, for instance, which gives Soviet policies a theological aura, convinced many organizations—and churches—that there are independent peace movements behind the Iron Curtain.

A major turning point in making cooperation with Communists acceptable was the Vietnam war. A. J. Muste's influence was again important. He eased pacifist fears of cooperating with groups that endorsed revolutionary violence by suggesting that radical pacifists were equally compromised by cooperating with those who "in practice are aligned with Western nations and are less sensitive to factors of violence, suppression and evil in American and Western culture than in the non-Western world." Critics within the pacifist movement charged that the end result of all the coalitions of peace groups and sectarian varieties of Communists was to destroy pacifism. Albert Hassler, a Fellowship of Reconciliation staffer for 32 years, and executive secretary from 1960 until his retirement in 1974, wrote:

"The question for pacifists, I think is whether, in their proper sympathy for the exploited and oppressed of the world, they are willing to justify the use of killing violence to rectify the situation, when it is used by 'liberation' movements. If they are, then pacifism itself was one of the casualties of Vietnam."

Nonpacifist peace organizations, including SANE and Women Strike for Peace, were equally affected. SANE experienced sharp divisions, with its executive director, Donald Keys, and others on the staff resigning after a number of chapters were captured by radicals. During the war years, a number of U.S. peace organizations began to send delegations to participate in World Peace Council conferences which, under Soviet guidance, were designed to coordinate activities in opposition to the war.

Deliberate Communist infiltration is yet another factor that has driven the peace movements leftward. SANE and Women Strike for Peace have been Communist targets from their inception. SANE was forced to purge itself of Communists in 1960, only three years after its formation; so successful had the infiltration been that a fourth of the chapters had to be expelled from the organization. But, as we have seen, with the Vietnam war SANE was again radicalized. In 1962, Congress held hearings on Communist infiltration of Women Strike for Peace. The women achieved a publicity victory by packing the hearing room with their babies and handing flowers to each of the women called to testify. In the end penetration continued unchecked. Lawrence Scott, an executive of the American Friends Service Committee who initiated SANE as an attempt to reach out to nonpacifists, acknowledged the problem of Communist infiltration over twenty years ago. He believed that pacifist organizations were better protected because of their refusal to separate ends and means. Of course, with the breakdown of the commitment to that principle, pacifist groups have become equally subject to infiltration and manipulation. The process is furthest advanced in Europe. According to the annual report of the Office for the Defense of the Constitution of the West German Ministry of the Interior, Communists have leading positions in the national executive of the West German War Resisters League.

But by far the most important factor in facilitating the transformation of the peace organizations into channels that, for all practical purposes, serve Soviet interests has been a common view of the world all the peace groups discussed here have come to share; the vision of the United States as the greatest threat to world peace and the chief agent of militarism, imperialism, racism, and economic exploitation. In a by no means atypical article, a Women's International League for Peace and Freedom staffer writes that United Staes society is "an oligarchy composed of a very few wealthy people who have been able to spread considerable well-being among their supporters, agents, willing serfs and the general public by plundering the ignorant and weak here and in other parts of the world." The cochairman of Clergy and Laity Concerned, John Collins, quotes approvingly the words of another CALC official who said that corporate capitalism "needs a hungry world to enable it to operate 'efficiently.'" A 1981 conference held by the War Resisters League on Feminism and Militarism turned into a burlesque of these causes. A graduate student in "Irish Liberation Theology" explained the sexism inherent in the neutron

bomb which "would destroy all that was born of women or the earth, while preserving men's creative efforts." A black lesbian organizer with the Marxist-Leninist People's Anti-War Mobilization tore into capitalism and imperialism.

There is, in other words, hardly any gap between the the peace movement's perspective and that of the Soviet Union on how to create a more just global society. The World Peace Council's publications also inveigh against the evils of imperialism, militarism, sexism, racism, all of which they too define as the peculiar property of the United States and its "puppets." It is difficult to distinguish between the foreign policy the World Peace Council, under Soviet guidance, would like the United States to pursue, and the policy the peace organizations would like it to pursue. Indeed, given the identity of underlying views, is there any reason for peace organizations to resist Soviet infiltration and manipulation?

We are left, finally, with an approach to peacemaking whose essence is the double standard. After the Soviet invasion of Afghanistan the pacifist organizations, all of which make a strong point of their belief in resistance—nonviolent resistance—to aggression, might have been expected to support United States responses that stopped short of violence, including the Olympic boycott and the grain embargo. In fact, they sharply opposed any U.S. efforts to counter the Soviet action. (The same thing happened after the repression of Solidarity in Poland. WILPF passed a statement that ignored events in Poland but attacked Reagan's "political and economic sanctions" and called on him "to restore ties with Poland and the Soviet Union to their previous levels.") An article in WILPF's journal by then WILPF international president Kay Camp summed up the organization's view of the invasion of Afghanistan: "While military intervention is always regrettable, the Soviet interest in having close relations with a neighboring country with which it shares a 2000 mile border is understandable."

The peace organizations are concerned almost wholly with U.S. disarmament. David McReynolds of the War Resisters League says frankly that the only "politically realistic" approach is bold unilateral initiatives and the League is in fact circulating a statement calling for unilateral nuclear disarmament. The Riverside Church Disarmament Program minimizes the Soviet "threat" which its publications put in quotation marks. It relies heavily on publications and speakers from the American-the-enemy think tank, the Institute for Policy Studies. This is scarcely surprising since the program is headed by Cora Weiss, daughter of Samuel Rubin, whose Samuel Rubin Foundation, directed by Cora and her husband Peter Weiss, has long served as the major funder of IPS. We are even hearing Soviet slogans passed off as native American peace products. The Women's International League for Peace and Freedom recently announced a new program called STAR, standing for Stop the Arms Race. An innocent enough sounding phrase, it was the slogan of the World Peace Council's 1975 Second Stockholm Appeal campaign, repeated as a litany in its documents: To Make Détente Irreversible—Stop the Arms Race, To Defend the Peace and Build a New World—Stop the Arms Race. What the Women's International League for Peace and Freedom has been able to add is some Hollywood stars—Joanne Woodward, Marlo Thomas, Vinie Burrows, and Polly Bergen are participating in this latest World Peace Council propaganda triumph.

For all their fraudulence, the American peace organizations have grounds to hope that they may find themselves at the center of a great mass movement for disarmament in the United States. Peace organizations have been mushrooming—there are now sixty sizable ones. The older organizations are growing. The Fellowship doubled its membership last year; Physicians for Social Responsibility increased its membership sevenfold; SANE reported an 88-percent increase; the U.S. Peace Council now boasts forty chapters around the country. Other organizations are rediscovering the bomb. The Union of Cncerned Scientists, which began in 1969 as a disarmament group, turned almost all its attention in the 1970s to the then more fashionable issue of nuclear power. Now it is back with the bomb, organizing teachins on campuses around the country, a consciousness-raising tactic which proved effective in the Vietnam war period.

Much more important than the growth of the peace organizations themselves is the influence they are having on major institutions, especially the church. An "Abolitionist Covenant" is circulating through the churches which affirms willingness to live without nuclear weapons as a religious commitment and calls for a freeze as a first step. The Presbyterian Church, the United Church of Chirst, the Disciples of Christ, the Methodist Church, and the Episcopal Church have all voted to make "peace" their priority issue. This is being translated into such measures as the creation, by the United Church of Christ, of "Peace Advocacy" groups in every state to encourage people to "lobby for peace" in Washington. The umbrella National Council of Churches has already endorsed the freeze. The Riverside Church Disarmament Program is training Disciples of Christ ministers to become peace pastors. And the National Conference of Catholic Bishops is taking an active role, condemning any threat to use the American nuclear arsenal, even in response to Soviet prior use. Last November, 29 Catholic bishops condemned the very possession of nuclear weapons as "immoral."

Major environmental organizations, long wary of becoming involved in defense issues, are beginning to man the peace barricades. The Physicians for Social Responsibility's Helen Caldicott, who recently called the nuclear arms race a case of "missile envy" stemming "from an inadequate male sexual complex on the part of world leaders," has urged the Sierra Club to come in on the ground that nuclear war would destroy mammals, birds, and the ozone layer. Caldicott suggested that this was really her own primary concern. She said she had "come to terms with my own death" but "I just worship this earth. . . . So I really care immensely if this earth is to be destroyed. And that's where the Sierra Club comes in." The Sierra Club, whose ranks have been swollen to 300,000 members in 1982, a 44-percent increase in one year, shows every sign of indeed coming in. Its executive committee has already adopted a resolution to lend "support for worldwide disarmament," a cautious entry to be sure, but one likely to lead to what, from the standpoint of the peace movement, are better things. Environmental groups see new propaganda potentialities for their long-standing fight against nuclear power. The Environmental Policy Center now calculates the "warhead equivalent" of commercial reactors. South Carolina's anti-nuclear energy Palmetto Alliance argues that "every time you flick a switch and it's nuclear generated electricity, you're helping to make a bomb." The Alliance notes happily that "people really respond to that."

What explains the current runaway success of the disarmament movement? Fear of nuclear war, never far below the surface of public consciousness, has in the past been tempered by other fears and by confidence in public authorities. For the generation of World War II the Soviet threat was real, as was belief in the need for American strength to contain it. Whatever moral reservations were held regarding nuclear bombs, the right and even necessity of their being a component of the U.S. arsenal was not generally challenged.

What is new is distrust of the U.S. government by its citizens which in recent years has mounted to such an extent that for significant numbers the mere fact that the government states something is sufficient warrant to believe the opposite is true. Long nurtured by the extreme Left, this attitude has spilled over to segments of the media, to the universities, to the leadership of mainline churches. The resolutions passed by these churches in the last decade reflect a view of American institutions as oppressive and of America's role in the world as one of global oppressor. Such attitudes made the climate ripe for Soviet propaganda offensives conducted chiefly through the World Peace Council, which had been able to establish ties with elements of the adversary culture.

The election of Ronald Reagan was a galvanizing experience for those in the adversary culture—at the same time a shattering defeat and a proof that their worst fears were on the verge of being realized. The nuclear freeze proposal, with its evenhanded veneer, has served as a brilliant, even inspired lever by which to mobilize the public's inevitable anxieties about living in the nuclear age into a weapon to prevent achievement of the Reagan Administration's keystone effort: the restoration of U.S. defense capabilities.

Only two years ago a study of peace organizations commissioned by the Institute of World Order found them discouraged and demoralized. Thanks largely to the runaway success of the freeze, they are today transformed. This is not to say that all the peace organizations are enamored of the freeze. We have already noted the objections of the War Resisters League. Roger Molander, head of Ground Zero, which for a week in April raised consciousness by hypothesizing direct hits in several hundred cities and describing how they would look after an atomic bomb has hit them, says he does not like the freeze because it will not lead to arms reductions.

Even the most ardent proponents of the freeze see it as just the begining. Don Ebener of the Fellowship of Reconciliation says "the freeze is only the first step toward total disarmament and it's only to be used as a tool toward that end." Peace groups have plenty of other proposals in the works, including tax resistance, initially in the "symbolic" form of withholding the federal tax on the telephone bill. The project dearest to the heart of the peace movement is "conversion," i.e., converting military industries to civilian production. Pacifist organizations, of course, want to eliminate our war-making potential altogether. Other groups propose cutting military expenditures by 50-80 percent, cuts they say are

feasible even if no further arms agreements are reached with the Soviets.

Given the international realities, it is all too obvious where the peace movement would lead us. *Contentions*, the newsletter of the Committee for the Free World, whose executive director is writer Midge Decter, has put it succinctly:

"The people who claim to seek universal disarmament, to the extent that their efforts will succeed, will bring about only the disarmament of the democracies. A world in which the democracies have renounced the means to defend themselves against a mightily armed totalitarianism is a world in which there will be no freedom *and* no peace."

There are signs some peace organizations are aware of what lies down the road. If disarmament lead to invasion, they are calling for "transarmament," which means nonviolent resistance and noncooperation. They assure us it will make effective occupation of this country "impossible." Indeed, an article in the War Resisters League journal suggests that it is time for the United States to start thinking about the nonviolent defense of the country.

[From the New York Times, June 18, 1982]

ANTINUCLEAR MOVEMENT AND ITS GOALS

(By Fox Butterfield)

As thousands of marchers inched past a platform in front of the United Nations at last Saturday's huge disarmament march, Elizabeth Holtzman, Brooklyn's District Attorney, told those in the crowd that they constituted a message to President Reagan and the Soviet leader, Leonid I. Brezhnev.

"If you don't listen to us now, we will be five million people the next time, and 50 million the next time and 500 million after that," Miss Holtzman shouted over a battery of loudspeakers. "We won't stop until we win, because we are for the forces of life."

This week, with the fading of the euphoria over what has been described as the nation's largest rally on a political issue, the leaders of the movement against nuclear arms are trying to assess how great an impact they had and whether Miss Holtzman's suggestion that the movement can muster growing strength will prove correct.

PRAYER VIGIL IS PLANNED

In the weeks ahead, the movement's supporters plan an array of activities, such as a rally in Oregon, a demonstration in Nebraska, a conference in New Hampshire and, in August, a nationwide prayer vigil. And the Union of Concerned Scientists is organizing a series of teach-ins on university campuses for next Veterans Day.

The movement itself is an amorphous one aimed at seeking an end to the arms race. The freeze idea has proved popular, but is only one of several proposals and has drawn criticism even within the movement as being simplistic. Some question whether the movement can make real progress without a sharper focus.

But the movement's supporters say their real goal is educational, to raise public concern about the issue. They believe that the key question is whether they can convert the rapidly growing public concern about the nuclear arms race into votes in Congress.

The first test of whether last Saturday's demonstration will carry any political influence may come next Tuesday, when the House Foreign Affairs Committee is scheduled to vote on a resolution calling for a mutual and verifiable freeze on nuclear arsenals in the United States and the Soviet Union. A similar freeze proposal, considered to be the most politically acceptable organizing device that the movement has come up with, was rejected by the Senate Foreign Relations Committee last week, before the rally, on a strict partyline vote, 9 to 6.

THEY VOLUNTEER FOR CAMPAIGNS

Representative Edward Markey, Democrat of Massachusetts, one of the original sponsors of the freeze idea in the House, says: "Everyone in the House that I've spoken to recently who has talked to their constituents about the nuclear arms issue ends up walking out of the room with 15 or 20 more volunteers for their campaign next fall."

Whatever the outcome of the committee vote, the leaders of the disparate peace groups are clearly ecstatic about the size, composition and good behavior of last weekend's marchers, who were estimated by the police to number 600,000 to 700,000.

"It was far more people than we expected," said Dr. James Muller, secretary of the International Physicians for the Prevention of Nuclear War and an assistant professor or cardiology at the Harvard Medical School.

Dr. Muller, who traveled to New York by bus with a group organized by the Wellesley Freeze Committee in suburban Boston, noted that, unlike earlier protest marches he had been in, there were many middle-aged and elderly people with middle-class backgrounds.

"LIKE THE ABOLITION MOVEMENT"

"I think we are going to be stronger and more broad based than the anti-Vietnam War movement," Dr. Muller predicted. "This is going to be more like the abolition movement that ended slavery."

Patrick H. Caddell, the Carter Administration's poll-taker, said that last weekend's demonstration tended to confirm his impression that "the antinuclear arms movement is the most significant movement since the environmental movement in the late 1960's."

One of its key features, he said, is that "most of the impetus has come inside the political process, from things like town meetings and state-wide initiatives."

"This is not just a protest movement, which leads you to believe in the end it will have some political impact," Mr. Caddell went on.

HE SEES PEAK AFTER NOVEMBER

In Mr. Caddell's view, it is still hard to tell what shape the movement will eventually have. In this November's Congressional elections the antinuclear movement may still be a secondary issue to the economy, he said, "but I think you should look at it as a long-term movement that will come to a head after November."

On the other hand, Lance Tarrance, Jr., a poll-taker who works mainly for Republicans, said that when he measured public attitudes toward the freeze in states from Maine to Wyoming, he found support for it not firm.

Although many polls show that 75 percent of the population favor a moratorium on nuclear weapons, he said, when people are asked if they want a freeze that would leave the United States militarily behind the Soviet Union, "many people fall off the bandwagon."

For example, a New York Times/CBS News Poll conducted May 19 to 23 found 72 percent of those responding favored "putting a stop to the testing" of nuclear arms, but half that group said they would oppose a moratorium if it would give the Soviet Union a nuclear advantage over the United States.

Mr. Tarrance has advised his clients not to be afraid of being hurt by the freeze issue. "It is not going to have a detonator affect in national politics," he said.

White House officials are very concerned about the impact the movement might have. But they have decided that the best approach is to put forward proposals for arms reductions rather than criticize the movement.

Officially, Defense Secretary Caspar W. Weinberger says last weekend's demonstration will not influence the Reagan Administration. But it has already affected Mr. Reagan's public statements, if not his private thinking.

After years of arguing that arms control was wrong, Mr. Reagan has now put forward a series of sweeping and dramatic arms control proposals to Moscow.

Some skeptics have asked whether the movement has concentrated on stopping the buildup of arms of the United States while ignoring the Soviet threat. But Dr. Muller of Harvard said that he and two colleagues from the International Physicians group had been invited to appear on Russian television for an hour on June 30.

They will discuss the medical consequences of nuclear war, and Dr. Muller, who studied in the Soviet Union, plans to speak in Russian appealing to the Russian people to join the United States as allies against the arms race just as the two countries fought together against the Nazis in World War II.

[From the Wall Street Journal, June 10, 1982]

THE BUILDING BLOCKS OF THE FREEZE MOVEMENT

(By Dorothy Rabinowitz)

Within a day or so, the disarmament movement begins the climactic hour of its spring "peace offensive." Nuclear freeze proponents along with peace activists of every stripe will converge on New York City for a series of demonstrations this weekend to coincide with the United Nations special session on disarmament.

The mammoth size of the crowds will, freeze coordinators contend, bear out their claim that the clamor for a nuclear freeze is a spontaneous movement of ordinary citizens concerned about the perils of nuclear war. The details of the American peace movement, however, are a good deal more complicated and interesting than its proponents would have us believe. Indeed a good many people who have spent the last months gathering nuclear-freeze petitions, as well as many of the church and professional groups that have signed on as sponsors, might be taken aback by the aims and allegiances of the architects of the freeze in whose campaign they have enlisted.

Prominent among them are the American Friends Service Committee, which had the key role in conceiving the freeze idea in 1979; the Fellowship of Reconciliation, and the Women's International League for Peace and Freedom. All are old-line peace organizations that in the past 10 years have drifted far from the pacifist idealism of their beginnings.

One of the central freeze events, planned to coincide with the UN disarmament conference, is a sit-in next Monday in New York to block entrances to the resident mis-

sions of the five nations that now possess nuclear arms. The sponsoring organizations listed in the literature being distributed to promote the sit-in include the War Resisters League, a nominally paicifist group founded in 1923, whose chief energies today are spent advancing the cause of world revolution; Clergy and Laity Concerned, formed to oppose the Vietnam war and today the principal left-wing network among U.S. churches; Mobilization for Survival, an umbrella disarmament organization composed chiefly of radical activists, Communists and assorted peace groups.

SAME ANTI-AMERICAN ATTITUDE

These well-established peace groups have in common a remarkably consistent sociopolitical outlook, not the least significant aspect of which is a unity of attitude about the government of the United States and its role in the world. It is an attitude these groups have purveyed repeatedly and publicly during the past decade. One does not have to look far for a reflection of this attitude. (Indeed a good portion of the material drawn on for this piece is in the peace collection of the Swarthmore College library in Bryn Mawr, Pa.)

The Women's International League for Peace and Freedom in a statement on foreign policy: "All life on earth is threatened by U.S. imperialism." The avowedly pacifist women's league is an enthusiastic public supporter of the Palestine Liberation Organization.

For Clergy and Laity Concerned, the movement against the Vietnam war represented a "struggle against American imperialism and exploitation in just about every corner of the world." The task now, the group said, was to join those who "hate the corporate power which the United States presently represents. . . ."

A pamphlet written under the auspices of the Quaker American Friends Service Committee warns against passing judgment on the violence perpetrated by "liberation" movements; the writer explains that the worst violence begins with those who "control weapons and institutions of repressive violence," The most prominent agent of this control is identified as the United States, "Before we deplore 'terrorism,' " writes this representative of the nation's most venerable pacifist organization, "it is essential for us to recognize clearly whose terrorism came first." The pamphlet's author, James Bristol, writes that to much of the world, "the United States is an outlaw nation."

The groups organizing next week's sit-in, or "Civil Disobedience Campaign," have published an official handbook for the event. Anyone under the impression that the freeze campaign planned by the disarmament movement expresses the voice of grassroots America might note this handbook's introduction, which includes the information that, "The foreign policy of the U.S. continues to profit the very rich and powerful while stripping everyone else of self-determination, resources and money."

The established groups at the center of the nuclear-freeze movement also share a common view of the Soviet Union and the Communist world. That view is best reflected in the marked incapacity of these groups to perceive in the practices or policies of the Soviet Union or its allies anything meriting blame. The same organizational newsletters that inveigh endlessly against U.S. imperialism contain no word of condemnation for the invasion of Afghanistan or the events in Poland.

The leader of the Women's International League for Peace and Freedom said of the Soviet invasion of Afghanistan that while military intervention was always "regrettable," it was nonetheless "understandable," given the "Soviet interest in having close relations with a neighboring country with which it shares a 2,000-mile border."

Similarly, a member of Clergy and Laity Concerned at a disarmament conference held at the Cathedral of St. John the Divine in New York City last month explained that Afghanistan is "within the Soviet sphere of influence" and that the Soviet Union was thus doing only what it considered necessary under the circumstances.

No country, however, evokes more solidarity or exculpatory wisdom among the peace groups now leading the nuclear freeze movement than Cuba.

A 1977 report on a visit to Castro's Cuba in the journal of the Women's International League for Peace and Freedom concludes that "the healthy relation of the individual to society is a priority in Cuba." The exposure to healthy individualism in Cuba had come, the writer reports, from her experience of marching in the Cuban May Day Parade, watching Cuban government films on liberation struggles and attending a Paul Robeson memorial festival.

Russell Johnson, an official of the American Friends Service Committee, notes in a 1982 article in the Fellowship of Reconciliation magazine that "Our nation [the U.S.] today is the very fount of violence in many places in the Third World," and cites as his authority a Cuban who told American visitors, "Maybe we wouldn't have to carry weapons here in Cuba" if "you North Americans would go back to your country and work to disarm it."

Nowhere is the propensity to exculpate the Soviets and the socialist countries more evident than in the question of disarmament. Notwithstanding the suggestion of even-handedness implicit in a mutual freeze, it is clear from the testimony offered up by the movement's guiding spirits that the U.S. is the main culprit in the arms race.

The Fellowship of Reconciliation and the Methodist Peace Fellowship, for example, published a joint, September 1981 flyer titled "Anti-Soviet Fixation Rules the U.S." The Women's International League for Peace and Freedom puts out "Who Sets the Pace for the Arms Race?" as well as "The Myth of the Soviet Threat."

The congeniality of views between the Soviet Union and the socialist countries and these prominent Western peace groups has its roots in good measure in the success of the Soviet peace offensive in Europe. Soviet expropriation of the peace issue goes back to the early 1950s and the Stockholm Peace Appeal, the earliest in a series of campaigns to stir up and exploit popular fear of nuclear war.

The principal outlet for Soviet peace propaganda since then has been the World Peace Council. Founded in the late 1940s, the council functions, today as then, as a Soviet front organization. In 1975, it presented its highest award, the Joliet Curie Gold Medal, to Yasser Arafat and gave a peace award to Lolita Lebrun, one of the Puerto Rican terrorists who invaded and shot up the U.S. House of Representatives in the 1950s.

DON'T CONSIDER USSR A THREAT

Now headquartered in Helsinki, having been expelled from various other European countries, the World Peace Council took a leading role in two recent successful disarmament offensive mounted by the Soviets: the stop-the-neutron-bomb movement of 1977-78 and the Soviets more recent campaign against modernization of NATO theater nuclear weapons, which eventually broadened into the current disarmament movement.

The connection between the European peace movement and many of the groups organizing the disarmament movement in the U.S. comes through the U.S. Peace Council, a domestic affiliate of the Soviet-dominated World Peace Council. The U.S. Peace Council has elicited support for its activities from most of the key figures in the U.S. freeze movement.

For instance, the World Peace Council lists the disarmament director of the American Friends Service Committee as one of its 40 official U.S. members. In an interview, Terry Provance, the committee's disarmament director and one of the chief originators of the freeze idea, denies that he belongs to the council but says it is necessary "in an important cause such as this to work with groups like the U.S. Peace Council and also to support their right."

The fact is there is almost no distinguishable difference between the foreign policy pronouncements of Michael Meyerson, the head of the U.S. Peace Council and a member of the U.S. Communist party, that "the main threat to world peace is the U.S. military industrial machine" and that of any number of similar statements by officials of Clergy and Laity Concerned, the American Friends Service Committee, the Fellowship of Reconciliation, Women's International League for Peace and Freedom, the War Resisters League, Mobilization for Survival or the Coalition for a new Foreign and Military Policy.

This, in short, is the constituency that today presumes to counsel us on our security interest, a constituency that refuses to consider the Soviet Union a threat but that holds the United States to be the chief enemy of peace and freedom. Those multitudes now enlisting in their ranks would do well to consider these credentials and to ponder just whose music it is they will be marching to behind the nuclear-freeze banners.

[From the Washington Times, Oct. 18, 1982]

COMMENTARY—NUCLEAR FREEZE CAMPAIGN INSTIGATED BY KGB

(By John Barron)

It has spread like a raging fever throughout the world. From Bonn to Istanbul, Lima to New York, millions upon millions of people have joined in the nuclear freeze movement. It is a movement largely made up of patriotic, sensible people who earnestly believe that they are doing what they must to prevent nuclear war.

But it is also a movement that has been penetrated, manipulated and distorted to an amazing degree by people who have but one aim—to promote communist tyranny by weakening the United States.

Whether Americans want to acknowledge the fact or not, the evidence is clear: the Soviet Committee for State Security, better known as the KGB, and other arms of the Soviet government have been involved from day number one in the U.S. disarmament campaign.

Throughout the 1980 presidential campaign, candidate Ronald Reagan declared that, if elected, he would restore American military power to the degree necessary to deter Soviet intimidation or attack. A few

days after Reagan won, the Soviet Union instigated a great new campaign to reverse the American election results by nullifying the defense buildup implicitly mandated by the voters.

On Feb. 23, 1981, Leonid Brezhnev, addressing the 26th Communist Party Congress, issued an official call for a nuclear freeze—an immediate cessation of development of any new weapons system.

Such a moratorium would achieve the fundamental Soviet objective of aborting American production and deployment of the enhanced radiation warhead, the mobile MX, Pershing II and cruise missiles and a new manned bomber, the B-1. It would leave Western Europe vulnerable to 315 deadly SS-20 missiles. It would leave the United States with a fleet of old, obsolete strategic bombers unlikely to penetrate Soviet air defenses and with an aging force of fixed land-based missiles vulnerable to a first strike by gigantic new Soviet missiles.

Instantly the KGB and the International Department of the Central Committee of the Soviet Communist Party heeded Brezhnev's call. On March 20, 1981, less than one month later, the first national strategy conference of the American Nuclear Freeze Campaign convened for three days in a meeting hall at Georgetown University in Washington.

Virtually the entire blueprint for the nuclear freeze campaign that followed was drawn in comprehensive detail. According to a "peace" movement newspaper, the organizers at Georgetown comprised "between 275 and 300 predominantly white middle-class people from 33 states, Great Britain and the Soviet Union."

Records available today identify two of the invited Soviet guests. One was Oleg Bogdanov, an International Department specialist who flew in from Moscow. The other was Yuri S. Kapralov, who represents himself as a counselor at the Soviet embassy in Washington but is in actuality a KGB officer who, since arriving in the United States in 1978, has dedicated himself to penetrating the peace movement.

Kapralov was not merely an observer. He mingled with disarmament proponents, urging them on in their efforts to abort new American weapons. He was an official member of the discussion panel, and, as one listener put it, his statements were "very impressive." Thus, little more than two miles from the White House, the KGB helped organize and inaugurate the American "nuclear freeze" campaign.

Following the Georgetown conference, a delegation of the Soviet-controlled World Peace Council arrived to tour American cities. The appearance most beneficial to the visitors, led by an Indian communist, was on Capitol Hill where, in May, Reps. John Conyers Jr., D-Mich., Don Edwards, D-Calif., Mervyn Dymally, D-Calif., George Crockett Jr., D-Mich., Ted Weiss, D-N.Y., and Mickey Leland, D-Texas, invited colleagues to meet and listen to the WPC delegates.

On orders from KGB headquarters in Moscow's old Lubyanka Prison, the KGB residency in New York concentrated much of its manpower upon the freeze campaign. U.S. counterintelligence identified more than 20 Soviet agents endeavoring to influence elements of the peace movement, particularly leaders in religion, labor and science. Typical of them were KGB officers Sergei Paramonov, Vladimir Shustov and Sergei Divilkovsky, all of whom masquerade as diplomats at the U.N.

The Soviets supplemented the labors of their New York and Washington residencies by sending people from the Lubyanka "Center" into the United States on temporary assignments. Even before the freeze movement materialized, a Soviet delegation including KGB officer Andrei Afanasyevich Kokoshin toured the United States, visiting Americans who were to be prominent in the campaign. Another delegation led by Nikolai Mostovets, who heads the North American section of the International Department, plotted strategy with the U.S. Peace Council.

Of the Soviets who applied for visas to attend a disarmament conference sponsored by the National Academy of Sciences in Washington in January 1982, roughly half were known intelligence officers. The State Department refused entry to most of them. Nevertheless, of those who came, almost half were co-opted KGB agents or International Department operatives.

Throughout the U.S., town councils and county boards of supervisors paused in their deliberations about zoning, sewage systems and school budgets to pass resolutions favoring the nuclear freeze. Nearly 600,000 Californians petitioned for a referendum to record their state in favor of the freeze. Prominent religious leaders, educators, scientists, artists, entertainers and other public figures endorsed the nuclear freeze.

In anticipation of a massive nuclear freeze rally on June 12, 1982, emissaries from 13 Soviet international fronts flooded into New York City. They joined more than 700,000 Americans who paraded and spoke out for peace.

The following week the Soviet Union staged a terrifying rehearsal of a surprise nuclear attack on the United States and Western Europe. In a span of seven hours, they fired land- and sea-based missiles designed to kill American satellites, destroy U.S. retaliatory power, obliterate American cities and wipe out Europe. There was, of course, no great outcry against these ominous Soviet preparations. Neither has there been any outcry against the relentless Soviet buildup of offensive nuclear weapons.

Not long after the mammoth New York demonstration, on Aug. 8, the Associated Press reported from Moscow: "A co-founder of Moscow's only independent disarmament group is being administered depressant drugs against his will in the psychiatric hospital where he is being held, his wife said today."

Thanks in large part to the efforts of the Soviet KGB, talk of a nuclear freeze sounds resonantly in the West today. In the KGB's own backyard, of course, it is business as usual. Moscow's military buildup continues unabated, and any talk of nuclear disarmament is quickly put to rest.

[From Human Events, Oct. 30, 1982]

THE KGB'S ROLE IN VERMONT'S NUCLEAR FREEZE REFERENDUM

The latest word on the nuclear disarmament front is that 24 national organizations have combined to form a coalition boasting an estimated membership of 18 million. The aim, according to its president, Terry Herndon, is to make the Administration "respond to the absolute urgency" of reducing the nuclear arms race.

One might add, tell it to the Russians. But the suggestion would fall on deaf ears. Not only are the coalition's disarmers not listening, they are also bitterly attacking anyone who dares to question their political judgment. No more vivid example of the latter can be found than in Vermont, where the nuclear freeze movement had its inception and gained national attention by placing a nuclear moratorium resolution on its town ballot in March of this year.

Republican State Sen. Madeline B. Harwood has long been a strong but lonely voice, crying out in the political wilderness of Vermont's heavily orchestrated nuclear freeze campaign. Unlike most of Vermont's elected representatives—state and national—the doughty senator knows exactly where she stands on the issue. Her support of the President and his Administration in dealing with the Soviets from a position of strength has been steadfast in the face of a rising tide of liberal attack, climaxed on October 8 by an editorial in the Rutland (Vt.) *Daily Herald*, accusing her of McCarthyism.

The roots of the accusation can be found in a peace march organized by David McCauley of the American Friends Service Committee in August 1981. About 400 marchers hiked some 35 miles between Washington and Moscow, Vt., to hear McCauley's special guest speaker, Soviet Embassy Counselor Yuri S. Kapralov, maintain that the Kremlin is not opposed to a nuclear freeze, or a reduction of forces, and is willing to allow "necessary" on-site inspection of nuclear facilities.

Kapralov's talk was given a wide play in both the news and editorial columns of Vermont's dailies, most of the comment praiseworthy. Sen. Harwood raised her voice in warning, joined by a handful of other realists, and was generally ignored.

In March of this year, 177 towns in Vermont voted in favor of a nuclear freeze resolution, and the Rutland Daily Herald gave McCauley credit for organizing the vote. On March 11, following the vote, Sen. Harwood spoke on the Senate floor against the ratification of the resolution. "The Resolution," she said, "calls for a moratorium with immediate cessation of testing, producing and deployment of all nuclear warheads, missiles and delivery systems—this, at a time of Soviet superiority.

"The wording is such that almost anyone might be expected to agree with it. The problem is, there's a hook in this attractive bit of bait." She went on to describe the hook to her fellow senators: the military balance in the Kremlin's favor and the Soviet's long record of refusal to consider on-site inspection.

"Some important points," she said, "must be considered before voting for this Resolution. Why was it important for David McCauley of Putney, one of 15 peace workers from across the United States, to travel to Western Europe in a delegation organized by the American Friends Service Committee National Disarmament Program last November to find out what made the antinuclear demonstrations so successful there?"

Another question she asked her fellow solons was: "Why was Yuri Kapralov invited to be a speaker at the Wesley Methodist Church in Waterbury, Vt., on August 8 [1981]?"

The senator then gave some prescient information to her listeners about Kapralov which the Vermont press ignored. "Kapralov does not take his orders from the Soviet Embassy—his instructions come from the Central Committee in Moscow," she advised. "He is a point man in the Kremlin's No. 1 priority, U.S. disarmament. Kapralov is known to be a disinformation specialist. . . ."

As noted, no one paid much attention to the senator's warnings about the weakness

in the Resolution or the kind of supporters its leaders had so proudly enlisted and the state Senate voted ratification.

A month ago, Sen. Harwood shook up the peace movement and the Vermont newspapers that support it. She sent them all a letter, declaring that Yuri Kapralov was indeed a KGB agent and his assignment since his arrival in Washington, D.C., in 1978 had been to penetrate and influence the peace movement. Somehow, the senator, who is seeking her seventh term and has been a Republican National Committeewoman since 1973, had gotten hold of advance word on John Barron's explosive Reader's Digest exposé detailing Soviet involvement in the nuclear freeze campaign, and she spoke out before the magazine hit the newsstands.

Said Barron, "While the Soviet-inspired demonstrations against NATO and the new missiles raged across Europe, protests in America initially were scant and inconsequential. But on March 20, 1981, less than one month after Brezhnev called for a nuclear freeze, the first national strategy conference of the American Nuclear Freeze Campaign convened for three days in a meeting hall at Georgetown University in Washington.

"Virtually the entire blueprint for the nuclear-freeze campaign that followed was drawn in comprehensive detail. Speakers stressed that the beauty of the nuclear freeze derives from its simplicity. It would enable all people sincerely concerned about the danger of nuclear war to answer for themselves the question, 'What can I do?' "

According to a peace movement newspaper, the organizers at Georgetown comprised "between 275 and 300 predominantly white middle-class people from 33 states, Great Britain and the Soviet Union." Records available today identify only two of the invited Soviet guests. One was Oleg Bogdanov, an International Department specialist in Active Measures, who flew in from Moscow. The other was Yuri S. Kapralov, who represents himself as a counselor at the Soviet Embassy in Washington.

Kapralov was not merely an observer. He mingled with disarmament proponents, urging them on in their efforts to abort new American weapons. He was an official member of the discussion panel, and, as one listener put it, his statements were "very impressive."

"But Yuri Kapralov did not speak just for himself. Kapralov is a KGB officer who, ever since arriving in the United States in 1978, has dedicated himself to penetrating the peace movement. Thus, little more than two miles from the White House, the KGB helped organize and inaugurate the American nuclear freeze campaign.

On September 21, according to Sen. Harwood, reporter Dan Gillmor, of the Times-Argus, owned by the Rutland Herald, wanted to know how the senator had obtained her information. Sen. Harwood wanted to know, in turn, why, if he had seen her letter, it had not been published. (It was not published until October 2.) The senator refused to divulge her sources but suggested that the reporter might read Barron's KGB for information purposes.

Gillmor, she said, wanted to know what that had to do with the question and asked the senator her opinion of the many people who had voted for the nuclear freeze. She responded that she felt they were not well informed. She suggested they might begin reading U.S. News & World Report for starters. She then reminded the reporter of her previous statements on the issue and said that it made little difference to her whether Kapralov was KGB or not, for he was following the Kremlin's propaganda line. At the conclusion of the conversation the senator said she told Gillmor how he could go about reaching The Reader's Digest.

[From the Washington Post, Oct. 1, 1982]

THE ACTIVISTS: FAMILIAR FACES, A FAMILIAR FIGHT, DIFFERENT ARENA

(By Joyce Wadler)

Benjamin Spock, the grand old pediatrician of the anti-Vietnam movement, is 79 now and lives much of the time in his solar-heated home in rural Arkansas. Throughout the year, however, he can be found lecturing on such issues as a nuclear arms freeze or organizing against a local nuclear plant.

Dave Dellinger, the oldest of the Chicago Seven, lives in the small Vermont town of Peacham and has been active in organizing a protest that prevented the shipment of nuclear wastes from Canada through Vermont. He became involved in the protest through Abbie Hoffman, another '60s activist, who is in the St. Lawrence River area, about an hour away.

In the rapidly expanding anti-nuclear political movement there are many familiar faces from the '60s and '70s.

Daniel Ellsberg, who lives near Oakland, Calif., has been protesting the development of nuclear warheads at the nearby Lawrence Livermore Laboratories. The Berrigan brothers, proponents of civil disobedience, were found guilty this past July—with nine others—of destroying nuclear missile nose cones at a break-in at a General Electric plant in Pennsylvania. The Berrigans pleaded "not guilty by reason of government insanity."

Have they suddenly found a new cause after years of silence? Are they the base of the new anti-nuclear political movement? The answer, according to movement leaders, is no.

"I don't want it to seem that this movement is simply old retreads," said Randy Kehler, national coordinator of the Nuclear Weapons Freeze Campaign and a former anti-Vietman leader. "What makes this movement exciting is that there are a lot of people who are now active who have never been active before."

But there are also many people who have given their lives to political activism, and to whom the nuclear issue is not suddenly this year's issue, but one that is 30 years old.

"We didn't come out of nowhere, you know," laughed Dave McReynolds, of the War Resisters League. "A lot of us were active in the radical movement before Vietnam. There are a lot of new people, but there are also people who belonged to political formations.

"I lived through a student upsurge in 1947 when there was the same fear of nuclear war. We had just used the bomb and it had an impact . . . it exploded inside people's minds, it changed the ways we thought. The fear broke out again in the '50s and now there is a third wave of fear, with totally new people who have never thought about it. . . ."

The concern about nuclear power and the environment led many into the nuclear arms freeze movement.

Kehler, who went to jail for two years as a Vietnam draft resister, became involved in local economic and nuclear issues after moving to western Massachusetts.

"I worked on agricultural revitalization, on the local economy, and on a safe energy issue—there were two nuclear powerplants in the area, and there was a move to build two more," Kehler said. "My energy—until moving to St. Louis for the Freeze Campaign—became very much focused within the community context. I think this is the story of a great many activists from the '60s—they realized that they can't make great changes overnight . . . that perhaps change does have to start on a grassroots level."●

SOVIET USE OF CHEMICAL AGENTS

● Mr. BOREN. Mr. President, I have been concerned for some time about the reports that the Soviet Union has been using chemical agents as weapons in their conflict in Afghanistan and in their involvement in Kampuchea.

There has been a growing body of persuasive evidence that toxin weapons have been used in these areas. I have followed with interest and dismay the reports on "yellow rain" that have appeared in the Wall Street Journal and other noted publications. I have read the periodic reports released by the State Department containing evidence of not only the use of these substances, but of Soviet complicity in that use.

Today in the Washington Post an article by Philip J. Hilts chronicles new evidence of these atrocities. The world cannot, through silence, condone these actions. I ask my colleagues to read this latest report and to reflect on both its contents and what it portends as to the nature of the Soviet leadership and the respect they may have for treaties and protocols to which they are a signatory.

Mr. President, I ask that the entire text of Mr. Hilts' article be published in the RECORD.

The article follows:

[From the Washington Post]

PROOF OF SOVIET TOXIC WARFARE CLAIMED BY U.S.

(By Philip J. Hilts)

Secretary of State George P. Shultz said yesterday the United States has conclusive proof, including two captured Soviet gas masks contaminated with toxins, that the Soviets are using chemical warfare in Afghanistan.

The gas masks are the first physical evidence to support claims that "yellow rain" toxin is being used in Afghanistan, although guerrilla fighters and journalists have reported incidents of chemical warfare there for several years.

In half a dozen previous reports, the United States has attempted to document the use of chemical and toxin warfare by the Soviets and their allies in Asia, chiefly in Kampuchea, formerly known as Cambodia, and Laos. The evidence has included samples of the "yellow rain" toxin itself from areas of alleged attacks, as well as samples of toxin-contaminated blood, tissue and urine from 16 victims. The samples were shipped to the United States for analysis.

In the new report, Shultz once again accused the Soviets and their allies of violating both the 1925 Geneva Protocol on chemical warfare and the 1972 Biological and Toxin Weapons convention. He called on other nations to speak out against the use of chemical warfare. State Department spokesmen say chemical attacks in Asia have been reported within the past six weeks.

The report delivered to the Congress and the United Nations yesterday said, "For the first time we have obtained convincing evidence of the use of mycotoxins [fungal poisons] by Soviet forces through analyses of two contaminated Soviet gas masks acquired from Afghanistan."

Officials said that the two masks were standard-issue Soviet-manufactured gas masks, equipped with the latest breathing canister made by the Soviets.

State Department intelligence officer Gary Crocker said that one of the two masks was torn from the head of a dead Soviet soldier somewhere in Afghanistan in December, 1981. The other mask—which was on display for the press yesterday—was obtained in Kabul, the capital of Afghanistan, in September, 1981, according to the State Department report.

Crocker said he could not elaborate on how the masks were obtained, except to say that both were obtained as a result of U.S. efforts to get evidence of chemical warfare in Afghanistan.

Both masks were swabbed with solvents which then were analyzed by two laboratories for traces of the "yellow rain," so called because it is often reported by refugees to be sprayed in a yellow cloud of gas from an airplane or a rocket.

The mask obtained in Kabul had the yellow rain toxin called T2, a variety of poison that is a member of the mycotoxin family called trichothecenes, a plant-destroying fungus.

Toxins are poisonous substances secreted by certain organisms. Various kinds are alleged to have been used by the Soviet in their effort to subdue resistance forces in Afghanistan and to have been supplied by the Soviets to their Vietnamese and Laotian allies.

Small quantities of the trichothecenes, which have historically been found in agricultural outbreaks of fungus, can cause vomiting, nausea, a severe skin blistering, and sometimes death.

The second mask had T2 toxin as well as several other varieties of trichothecene toxins, according to lab tests conducted by two separate laboratories, including that of Chester Mirocha of the University of Minnesota, an expert on such toxins.

Further evidence from Southeast Asia collected in 1982 was also presented in the report, which stated that "To date, biomedical samples (blood, urine, and/or tissue) from 33 alleged victims have been screened. Specimens from 16 of these individuals show the presence of trichothecene mycotoxins. In addition, six environmental samples from alleged attack sites have been analyzed by Dr. Mirocha. Five show the presence of unusually high concentrations and combinations of trichothecene mycotoxins."

The State Department has said in previous reports that chemical attacks have killed 10,000 persons in the three nations, but "we believe there are many more" that could not be verified from intelligence sources, said Crocker.

State Department spokesmen said that the United States has had some difficulty in convincing other nations and a United Nations commission on the subject to accept their accumulating body of evidence on chemical warfare in Asia.

All but three nations—Canada, Britain and Thailand—shied away from the subject, Crocker said, chiefly for political reasons. Skepticism about the evidence itself and whether it could be faked has faded within the past year, chiefly because of the poisons found in the blood and tissues of victims, something that would be extremely difficult to fake.

The United Nations is scheduled to issue its own report within weeks. Officials who said they have seen a draft copy said it takes note of the samples from the United States and other sources, but draws no conclusion about validity of the evidence.

Critics have said that the rules under which the commission is operating are so restrictive that unless the commission collects and analyzes evidence immediately after an attack, no verdict could be reached. The commission has been denied access to the war zones in Kampuchea and Laos, making any such evidence-gathering impossible.●

HAROLD HAYDEN

● Mr. RIEGLE. Mr. President, recently my hometown of Flint, Mich., and the people of Genesee County honored one of their most outstanding community leaders, Harold Hayden. If it is not already, Harold Hayden's record of service to his city and county should be a model for all of us who have chosen public service as a career.

That service began many years ago with Harold's activities in United Autoworkers Local No. 659, and has reached all the way to national leadership with the National Association of Counties. Along the way, Harold Hayden found several ways to provide service to the people of Genesee County through leadership roles at Flint General Hospital, with the Boy Scouts of America, with the NAACP, with the Urban League, and with and endless list of community groups.

Perhaps his most noteworthy accomplishment was the service and leadership he provided to our community as a member—and eventually as chairman—of the Genesee County Board of Commissioners. If his 13 years on the county board are not a record for their longevity, they should be a record for dedication to the county.

Harold Hayden's record of public service is marked in another positive way. He kept in touch with the people all along the way—his has been a career marked with concern and compassion.

I am proud to join all the citizens of Genesee County in this tribute to Harold Hayden, and to Harold, Margaret, and their family—I wish the best for the future; a future that has been made better because men like Harold Hayden helped shape it.●

THE ECONOMIC CRISIS

● Mr. BOREN. Mr. President, during this past recess, I spent a great deal of time traveling in my State and talking to Oklahomans about their concerns. I found that people are generally worried about their own personal future and the future of their country. While the worries expressed cover a wide range, I believe that it can be fairly said that the basis of their concern is rooted in the economic condition of the country.

The people of the United States have been buffeted continuously with bad and worsening economic news. Two years ago it was double-digit inflation, which melded directly into astronomical interest rates which, in turn, pushed the country into an economic slowdown, which slid into a mild and then deep recession and, for some segments of the economy such as agriculture, a full-fledged depression. All this seemed to occur within the space of a relatively few months.

These same people were told by those who were in an apparent position to know, that things would get better. It seemed that the blacker the economic clouds became, the rosier were the predictions that recovery was just around the corner. It is certainly true that there were political overtones to both the rhetoric of despair and the rhetoric of hope. I believe that by their votes in this past election, the people of Oklahoma and this country were casting their ballots for a moderation of both rhetoric and the economic experiments in which we have engaged.

The people of Oklahoma believe today, as they have believed all along, that the way to economic health requires action on a wide front. The Federal Reserve Board must do its part by moderating its policies; the administration must do its part by realistically proposing revenues and expenditures; and the Congress must do its part through restraint and through steady progress toward balancing Federal revenues and outlays.

The people in Oklahoma have listened with the rest of the country to repeated calls for a balanced budget while, at the same time, deficits have done nothing but increase. Just in my short tenure in the Senate, I can recall being shocked at projections of deficits approaching $50 billion. Now we are told that we can expect deficits in fiscal 1983 to approach $200 billion, and even $250 billion in 1987. I have told the people of Oklahoma that without corrective action, our $1 trillion national debt will double in the next 5 or 6 years. What a tragedy this is, Mr. President.

I returned to Washington to find news headlines quoting the President as saying that only economic recovery, rather than budget cuts or tax increases, can reduce Federal deficits. These reports contain references to a new and frightening phrase called

structural deficits. In a speech to the National League of Cities in Los Angeles, the President applauded the reduction in the annual increase of Federal spending, but warned that budget cuts alone or increasing taxes alone will not deal with the structural deficits built into the budget.

Mr. President, many of my colleagues will recall the emphasis placed by this Congress a few short months ago on the need to increase productivity in the United States. Certainly the President is right in reemphasizing that need. But we must not fall victim to the blandishments that increased productivity alone will resolve this economic crisis. It is disturbing to hear some Members of Congress say that they do not believe that the next Congress will significantly reduce social spending or defense spending, and to hear others say that certain programs designed to alleviate near-term problems will increase the budget deficit. It is the return to the old idea that deficits do not matter. Deficits do matter, Mr. President, and they lie very close to the heart of this country's economic condition. Everyone must sacrifice to remedy our current ills. There are no quick fixes or single panaceas. American agriculture is devastated. And when the family farm disappears, the economic infrastructure of this country will not be far behind.

During this lameduck session, I am going to expand on the points I have made today and suggest actions which will help meet the needs of the times. For now, I am sounding a warning note that just as all of us are now being touched by the economic depression of the moment, so all of us must do our share to achieve and enjoy the fruits of recovery.●

QUORUM CALL

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order of the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

The majority leader is recognized.

Mr. BAKER. Mr. President, I see no Senator seeking recognition.

Would the Chair be disposed to inquire if there is further morning business?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ANTITRUST EQUAL ENFORCEMENT

Mr. BAKER. Mr. President, previously I had indicated to the minority leader and other Senators that I would today move to the consideration of S. 995, Calendar Order No. 511.

This is a matter that has been discussed at some length both yesterday in the Chamber, previously, and in private conversation.

Mr. President, I now move that the Senate proceed to the consideration of S. 995, Calendar Order No. 511.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

Mr. METZENBAUM. Mr. President, I ask for the yeas and nays on the motion to proceed.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee to proceed to the consideration of S. 995.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Mississippi (Mr. COCHRAN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Iowa (Mr. JEPSEN), and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mr. PRYOR), the Senator from Maryland (Mr. SARBANES), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I further announce that the Senator from Nevada (Mr. CANNON) is absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 20, as follows:

[Rollcall Vote No. 388 Leg.]

YEAS—67

Abdnor	DeConcini	Heinz
Andrews	Denton	Helms
Armstrong	Dixon	Jackson
Baker	Dole	Johnston
Bentsen	Domenici	Kassebaum
Boren	East	Kasten
Boschwitz	Ford	Laxalt
Brady	Garn	Leahy
Bumpers	Glenn	Levin
Byrd, Harry F., Jr.	Gorton	Long
	Grassley	Lugar
Byrd, Robert C.	Hatch	Mattingly
Chafee	Hatfield	McClure
Chiles	Hawkins	Melcher
D'Amato	Hayakawa	Mitchell
Danforth	Heflin	Murkowski
Nickles	Randolph	Stevens
Nunn	Riegle	Symms
Packwood	Roth	Thurmond
Pell	Sasser	Tower
Percy	Schmitt	Wallop
Pressler	Simpson	Warner
Quayle	Specter	

NAYS—20

Baucus	Eagleton	Proxmire
Bradley	Exon	Rudman
Burdick	Humphrey	Stafford
Cohen	Inouye	Stennis
Cranston	Matsunaga	Weicker
Dodd	Metzenbaum	Zorinsky
Durenberger	Moynihan	

NOT VOTING—13

Biden	Hollings	Pryor
Cannon	Huddleston	Sarbanes
Cochran	Jepsen	Tsongas
Goldwater	Kennedy	
Hart	Mathias	

So the motion to proceed to the consideration of S. 995 was agreed to.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, will the Chair please announce the result of the vote once more?

The PRESIDING OFFICER. The yeas were 67, the nays were 20. The motion was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. WALLOP. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause, and insert the following:

Clayton Act (15 U.S.C. 12 et seq.) is amended by inserting after section 4H the following new section:

"SEC. 41. (a) Two or more persons who are subject to liability for damages attributable to an agreement to fix, maintain, or stabilize prices under section 4, 4A, or 4C of this Act may claim contribution among them according to the damages attributable to each such person's sales or purchases of goods or services. A claim for contribution by such person or persons against whom an action has been commenced may be asserted by cross-claim, counterclaim, third-party claim, or in a separate action, whether or not an action has been brought or a judgment has been rendered against the persons from whom contribution is sought.

"(b) A release or a covenant not to sue or not to enforce a judgement received in settlement by one of two or more persons subject to contribution under this section shall not discharge any other persons from liability unless its terms expressly so provide. The court shall reduce the claim of the person giving the release or covenant against other persons subject to liability by the greatest of: (1) any amount stipulated by the release or covenant, (2) the amount of consideration paid for it, or (3) treble the actual damages attributable to the settling person's sales or purchases of goods or services. Under item (3) above, actual damages shall not be trebled in proceedings under section 4A of this Act.

"(c) A release or covenant, or an agreement which provides for a release or covenant, entered into in good faith, relieves the recipient from liability to any other person for contribution, with respect to the claim of the person giving the release or covenant, or agreement, unless the settlement provided for in any such release, covenant, or agreement is not consummated.

"(d) Nothing in this section shall affect the joint and several liability of any person who enters into an agreement to fix, maintain, or stabilize prices.

"(e) This section shall apply to all actions under section 4, 4A, or 4C of this Act commenced after the date of enactment of this section.

"(f)(1) The claim reduction principle of subsection (b) of this section shall also apply to actions alleging an agreement to fix, maintain, or stabilize prices under section 4, 4A, or 4C of this Act which are pending on the date of enactment of this section, if upon proof by any party subject to liability for damages in such an action, the court determines that it would be inequitable, in light of all the circumstances and notwithstanding subsection (f)(2), not to apply the principle in that action. In ruling on a request to apply claim reduction, the court shall find the facts specially.

"(f)(2) No agreement to settle, compromise, or release a claim under section 4, 4A, or 4C of this Act which has been signed by the parties prior to the date of enactment of this section may be rescinded, disapproved, reformed, or modified by the parties or by the court because of the application of the claim reduction principle, except upon the written consent of all the parties thereto.

"(g) Each subsection of this section is severable from all other subsections, and the invalidity of any subsection for any reason shall not affect the validity of the remaining subsections: *Provided*, That subsections (f)(1) and (f)(2) are not severable from each other, and the invalidity of any provision of those subsections as applied in an action shall render the remainder to those subsections inapplicable in that action.".

Mr. BAKER. Mr. President, what is the business pending before the Senate?

The PRESIDING OFFICER. The committee amendment to S. 995.

Mr. BAKER. Mr. President, may we first have order in the Senate? After that, we shall have debate on this measure. I expect we shall stay on this measure, S. 995, for a reasonable length of time today. I hope we might be able to arrange to lay this measure aside temporarily and take up an appropriations bill. That has not yet been accomplished and it may not be possible to do so.

Senators should know that we shall be on S. 995 for perhaps the next hour.

Mr. BAUCUS. Will the Senator yield?

Mr. BAKER. Yes, Mr. President.

Mr. BAUCUS. Would it be proper to ask for the yeas and nays on the amendment at this time?

Mr. BAKER. Mr. President, is there an amendment pending?

The PRESIDING OFFICER. The committee amendment is pending.

Mr. BAKER. I assume it is in order, but prior to that, if the Senator will permit me, I promised the Senator from Kansas to yield for an unrelated matter.

Mr. BAUCUS. This will take just a moment to ask for the yeas and nays on the amendment.

Mr. BAKER. I yield.

Mr. BAUCUS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. Mr. President, there is no time agreement on this measure.

The PRESIDING OFFICER. Will the Senate be in order? The majority leader is making a statement and cannot be heard.

Mr. BAKER. Mr. President, there is no time agreement on this bill. In a moment, I shall yield the floor so the distinguished chairman of the Committee on the Judiciary (Mr. THURMOND), the President pro tempore, may seek recognition. Before I do so, I wish to yield to the distinguished Senator from Minnesota for the purpose of making an introduction.

Mr. President, I ask unanimous consent that, after the introduction is made, the Senate stand in recess for 1 minute so that we may greet our visitor.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY THE VICE SPEAKER OF THE TUNISIAN ASSEMBLY

Mr. BOSCHWITZ. Mr. President, it is my pleasure to welcome today Mr. Abbella Ziz Beltaief, who is the Vice Speaker of the Tunisian Assembly. I ask unanimous consent that we set aside one moment so we may greet him.

(Applause, Senators rising.)

RECESS FOR 1 MINUTE

The PRESIDING OFFICER. Without objection, there will be a brief recess for 1 minute so that Senators may greet our guest.

There being no objection, the Senate, at 3:33 p.m., recessed for 1 minute; whereupon, at 3:34 p.m. the Senate reassemble when called to order by the Presiding Officer (Mr. GORTON).

ANTITRUST EQUAL ENFORCEMENT

Mr. LEAHY. Mr. President, may we have a modicum of order, just for practice?

The PRESIDING OFFICER. The Senate will be in order so that the Senator from Vermont may be heard.

The Senator may proceed.

Mr. LEAHY. Mr. President, I note for the record that I voted to proceed with S. 995. It has been my longstanding practice to support, whenever possible, the Senate majority leader of either party when he seeks to bring up a bill. I suspect that will continue to be my practice. I would not want that to be construed as indicating that I favor S. 995 precisely the way it is now written, since it may be applied retroactively. I note for the Senate that I may well have amendments to the bill as presented before the Senate. I certainly will have a number of statements I shall want to make about it, focusing on the retroactivity provisions of the bill.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

In my capacity as Senator from the State of Washington, I suggest the absence of a quorum. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. METZENBAUM. I object.

Mr. BAUCUS. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The bill clerk continued to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAYAKAWA). Without objection, it is so ordered.

Mr. THURMOND. Mr. President, today I am pleased to present for consideration by the Senate, S. 995, the Antitrust Equal Enforcement Act. This bill is designed to improve the equity and the effectiveness of antitrust law enforcement by establishing a right of contribution and claim reduction among defendants subject to liability in horizontal price-fixing cases.

The distinguished Senator from Montana has asked for the yeas and nays on the amendment as reported from the Committee on the Judiciary. I favor the committee amendment and I hope the Senate will adopt it.

The bill applies only to price fixing among competitors, known as horizontal price fixing.

Under the present law of joint and several liability, a single price-fixing defendant may be subject to treble damage liability based on a plaintiff's total damages attributable to the actions of all participants in the price-fixing conspiracy. If a plaintiff settles with some defendants for less than treble the actual damages caused by those defendants, the excess damages can be recovered from nonsettling defendants. Thus, even though one de-

fendant's sales may account for only a small portion of a plaintiff's damages, the defendant nevertheless may find himself responsible for the damages caused by many other co-conspirators, trebled in accordance with the provisions of the Clayton Act.

The question of whether effective antitrust law enforcement requires modification of the present law to provide that a single defendant will be held accountable only for treble the damages caused by his own wrongdoing has been expressly left to Congress by the Supreme Court. In 1981, in the case of Texas Industries, Inc. against Radcliff Materials, Inc., the Court held that there is no express or implied right of contribution under the antitrust laws, nor does such a right exist under Federal common law. However, the Court took note of the far-reaching policy questions involved in the contribution issue and concluded that the matter was one for Congress to resolve. Recognizing its responsibility to consider these important issues, the Committee on the Judiciary conducted hearings both in the present Congress and in the 96th Congress. Based on the extensive record compiled in these hearings, the committee has concluded that a right of contribution should be established for antitrust price-fixing cases.

In recent years, the existence of the principle of joint and several liability without contribution has fostered the increasing use of whipsaw tactics by plaintiffs in price-fixing cases. Once a plaintiff commences such litigation against several defendants, he typically settles for low amounts with a few defendants at an early stage in the litigation. Then, armed with the threat of treble liability for all remaining damages resulting from the conspiracy, the plaintiff is able to bring increasing pressure to bear on the remaining defendants to settle at ever higher amounts.

The use of this coercive practice was well documented during committee hearings on S. 995. For example, Mr. George Kress, chairman of the board of Green Bay Packaging, Inc., related how his company was forced to forgo the defense of its innocence and to settle for $5.5 million in the Corrugated Container litigation, after concluding that its potential liability could otherwise reach $5 billion. Green Bay Packaging's settlement amounted to $3.7 million per market percentage point whereas the first defendants to settle escaped for $500,000 per market percentage point. Despite the inequities of this settlement result, companies in Green Bay Packaging's position have no realistic alternative. Even if they choose to litigate and ultimately establish their innocence, the victory may prove hollow due to the severe impact on the company's borrowing capabilities created by the pending litigation. Because of the existence of contingent liabilities of such magnitude, smaller companies which do not settle have found it difficult, if not impossible, to obtain necessary financing to keep their businesses going as long as the litigation remains unresolved.

S. 995 will put a stop to the inequitable results I have just described. The bill will achieve this first by permitting defendants who are sued or held accountable for price-fixing damages caused by other conspirators to seek contribution from the co-conspirators. This right of contribution may be asserted through procedural mechanisms already established by the Federal Rules of Civil Procedure. Each defendant's share of the damage liability will be based upon its own sales to or purchases from the plaintiffs.

To further insure that each defendant pays no more than his fair share of the plaintiff's damages, the bill provides a carve out formula pursuant to which any damages attributable to defendants who settle the litigation will not be charged to those defendants who do not choose to settle. Basically, the formula operates to reduce the litigating defendants' liability by the amount of any settlement agreed to by the plaintiff and settling defendants or three times the actual damages attributable to the settling defendants' misconduct, whichever is greater.

One of the threshold issues that the committee confronted in its consideration of S. 995 was whether contribution among price-fixing defendants is appropriate from a philosophical standpoint. It was argued by some that the courts and Congress should not be concerned over whether equity is achieved among wrongdoers through contribution.

Although a rule against contribution among joint tort-feasors was originally established in 18th century English common law, the contribution concept has had a much more favorable reception in the United States. At least 37 States have statutes which expressly permit contribution. The Federal courts have established a contribution rule governing tort situations, and Congress has specifically enacted provisions in several statutes permitting contribution even where the wrongdoing is intentional.

It is evident that jurisprudence in the United States is moving more and more toward permitting contribution. Our legal philosophy clearly reflects a belief that every wrongdoer must pay his share of the damages caused. As the Honorable Charles B. Renfrew, a distinguished former Federal judge and current antitrust law practitioner observed in his testimony before the committee: "There has been a clear and unmistakable trend in the law permitting contribution based upon principles of fundamental fairness, and it reflects the policy of allocating damages in an equitable manner upon the responsible parties." The committee therefore concluded that the adoption of a contribution rule in price-fixing cases would be in harmony with our principles of jurisprudence.

It has also been argued by some that allowance of contribution among price-fixing defendants would do harm to the deterrent factor embodied in the principle of joint and several liability without contribution. According to this theory, a potential price fixer is more readily discouraged from illegal conduct if he faces the prospect of having to pay treble the total damages caused by all the conspirators.

The committee carefully considered and rejected this argument for several reasons. First, numerous witnesses testified that actual treble damage liability, coupled with the threat of criminal fines and jail sentences, provide adequate deterrence to world-be price fixers. The Honorable Griffin Bell, former Attorney General of the United States, testified that "the best deterrent to price fixing is vigorous criminal prosecutions" by the Department of Justice, and further, "that treble damages based on the defendants' own market share afford a sufficient deterrent to price fixing." These conclusions were shared by numerous other experts who testified at the hearings and have been affirmed by several noted antitrust scholars.

Second, rather than deterrence being reduced by contribution, some experts feel contribution would actually improve deterrence by providing certainty to all would-be violators that they cannot avoid liability simply by being excluded from direct suits by plaintiffs. Prof. Lawrence Sullivan, for example, has observed that by insuring a larger number of antitrust violators are subject to liability, contribution "maximizes the deterrence goal of certainty of punishment."

It also has been suggested that contribution and claim reduction will discourage settlements in price-fixing cases. The committee found little evidence that the provisions in S. 995 would have an adverse effect on legitimate settlements whereby plaintiffs and defendants enter into a true compromise of their claims. The bill might, however, discourage the coercive settlements that plaintiffs presently are able to extract through the threat that full treble liability for the sins of all conspirators will be visited upon the heads of one or a few defendants.

The very nature of the litigation settlement is compromise. A plaintiff relinquishes some of the damages to which he might otherwise be entitled in exchange for the avoidance of the expense and uncertainty of going to trial. It is indeed ironic that, under current antitrust principles, a price-

fixing plaintiff can "settle," and in reality give up nothing because he retains the right to collect all of his damages from other defendants. It is this very situation that has led to the strategy of plaintiffs' demanding ever higher settlements from the remaining defendants in price-fixing cases.

The hearing record established that price-fixing defendants often are compelled to abandon their defenses and settle in order to avoid massive potential liability occasioned by the absence of contribution. On too many occasions, these defendants, after having paid their settlement amounts, are judged not to have been civilly or criminally liable for antitrust violations. While legitimate settlements of complex antitrust ligitation should be encouraged, defendants should not be forced to forego their day in court because of the high-pressure situations described to the committee.

The Honorable William Baxter, Assistant Attorney General in charge of the Antitrust Division of the Department of Justice, gave his assessment of the situation in his testimony before the committee last December. According to Professor Baxter:

> The kind of settlement in which interference will be at its greatest is the dynamic whipsaw financing kind of settlement, whereby the first defendant gets out for half a cent on the dollar and the next one for one cent on the dollar and the last one winds up facing an enormous potential liability because he essentially is in a position of having to respond to potential liability for the entire industry.

Professor Baxter then observed that:

> If these cases are made somewhat more difficult to settle, I am not at all sure that should be grieved.

The committee shares Professor Baxter's sentiments.

Some critics of S. 995 objected that contribution issues inserted in the midst of antitrust trials would greatly complicate the already complex litigation and deprive plaintiffs of control of their cases. This objection ignores the fact that the Federal Rules of Civil Procedure provide Federal judges with adequate tools to prevent such an occurrence. Under the Federal rules, judges have the authority to order separate trials on some issues. Thus, the courts may allow plaintiffs to prove the collect their total damages in trials against one or any number of defendants. The amount of contribution due from each defendant or from other conspirators not named in the suit clearly is a separate issue which can be tried alone without harming the plaintiff's case.

The committee spent an entire hearing session on the question of whether the contribution and claim reduction provisions of S. 995 should apply to pending cases. After careful consideration of the testimony of numerous antitrust and constitutional scholars, as well as statements from representatives of companies on both sides of price-fixing suits, the committee concluded not to make the contribution section of the bill applicable to pending cases. The committee did, however, adopt a provision making the claim reduction section of the bill applicable to any case pending before the courts on the date of enactment if the presiding judge determines that it would be inequitable not to apply the principle to the particular case.

In adopting this provision, the committee recognized that the question of whether equity and fairness required application of the claim reduction section of S. 995 could not necessarily be resolved in the same manner for all pending cases. By directing the courts to consider this issue, the individual circumstances of each case will be the determining factor and the Federal judges, who are in the best position to determine the equities in each case, can choose to apply or not apply the claim reduction principle as equity demands.

In conclusion, Mr. President, after an exhaustive examination of the issues, it is the opinion of the Committee on the Judiciary that the provisions of S. 995, establishing a right of contribution and claim reduction in antitrust price-fixing cases, will greatly improve the effectiveness of enforcement of the antitrust laws. The principles embodied in the bill reflect a growing consensus in this country that some wrongdoers should not be permitted to escape the payment of their fair share of damages resulting from a conspiracy in which they participated. The bill will not reduce the deterrence factor already embodied in the antitrust laws, nor will it complicate antitrust litigation or hinder legitimate settlements of price-fixing cases. The only settlements that might be reduced are those which permit plaintiffs to intimidate other defendants into foregoing their day in court due to potentially massive liabilities based on damages caused by all participants in a conspiracy. Finally, S. 995 appropriately recognizes that in some situations, equity and fairness may demand that the claim reduction principles embodied in the bill be applied to pending cases. This decision has been left to the Federal judges presiding over the cases, who are in the best position to weigh the equitable concerns of all parties.

In closing, Mr. President, I would like to take this opportunity to thank the cosponsors of S. 995, the distinguished Senator from Montana (Mr. BAUCUS), the distinguished Senator from Arizona (Mr. DECONCINI), the distinguished Senator from Alabama (Mr. HEFLIN), the distinguished Senator from Nevada (Mr. LAXALT), and the distinguished Senator from Utah (Mr. HATCH) for their thoughtful insight and dedicated work on this bill.

Mr. President, I ask my colleagues to join me and the cosponsors of S. 995 in approving this most important and beneficial revision to our system of antitrust law enforcement.

Mr. President, I want to make this clear so people will understand. Nothing in this bill is retroactive as to cases that have been settled. It only provides that in the event that the trial judge feels it would be unjust not to apply it to a case that has not been finally adjudicated, it would be lawful to do so. If the trial judge thinks that it should be applied to a pending case, then he would apply it; otherwise, he would not.

I wanted to clarify that fact because a good many Senators have asked about this. This is not a bill to sanction any price fixing. Some people in some statements in the news media have said something about relieving price fixing. That simply is not true. It merely provides that anyone that is sued for damages under the antitrust laws may only be responsible for their pro rata share of the damages caused.

We think that if the principle of claim reduction is good to apply to future cases, the courts should have the discretion to apply it to pending cases. It does not affect any case that has been finally adjudicated and it does not affect any settlement that has been made.

Now some defendants have made settlements and were concerned about them. The committee put in a special provision in this bill to protect settlements. It reads this way:

> No agreement to settle, compromise, or release a claim under section 4, 4A, or 4C of this Act which has been signed by the parties prior to the date of enactment of this section may be rescinded, disapproved, reformed, or modified by the parties or by the court because of the application of the claim reduction principle, except upon the written consent of all the parties thereto.

So, Mr. President, we think that this bill is fair; we think it is just; and we think it will be a great improvement in the antitrust laws on the books today.

I yield to the distinguished Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. I thank the distinguished chairman, the Senator from South Carolina, Mr. THURMOND.

Mr. President, I am pleased to be here today working for the passage of the Antitrust Equal Enforcement Act, S. 995. In my opinion, there is a crucial need for changes in our antitrust laws to restore fairness and equity and to eliminate the ability of some defendants to escape responsibility for their actions. I believe, Mr. President, that the single most important mechanism for antitrust law enforcement is the knowledge on the part of potential violators that, if they are caught, they will face certain and severe punish-

ment. Today, this fundamental enforcement mechanism does not exist. Instead, it is common knowledge that antitrust violators can, and do, avoid the serious consequences of their activities by entering into "sweetheart" settlements with private antitrust plaintiffs. As long as we permit potential violators to gamble on the fact that the financial rewards of price fixing can be substantial, even if they are caught, we will insure that such violations will continue to occur and that respect for the law will deteriorate.

Because S. 995 closes this significant law enforcement loophole, it is one of the most important antitrust law changes that Congress has considered in recent years. If we adopt S. 995, we will send a message to those who would engage in price fixing that the treble damage liability provisions of the antitrust laws are for real. We will inform plaintiffs and defendants alike that Congress adheres to the predominant legal philosophy in this country that multiple wrongdoers should share equally in compensating the victims of their misconducts. And we will say to the defendants in price fixing cases that we believe they should have an opportunity for their day in court, without fear of massive liability far out of proportion to any damages they themselves possibly could have caused.

I have listened to the primary policy arguments that are raised against S. 995. I submit they are without merit. It is argued by some that the present situation, where some price fixers escape liability while others bear the burden for the entire industry is a greater deterrent to price fixing than the S. 995 approach, which insures that all violators receive their just punishment. I know of no evidence upon which such a conclusion can be based. It certainly seems more logical to me, however, that potential price fixers would be less likely to gamble on illegality if punishment in the form of treble the actual damages they caused was more certain.

I have also heard it said that S. 995 will discourage settlements. The only settlements it will discourage are the "sweetheart" arrangements and the consequent "blackmail" settlements which the present law makes possible. Since I do not believe these inequitable settlements should be countenanced, in any event, I would not be grieved to see them made more difficult.

In conclusion, Mr. President, the antitrust law enforcement system in this country needs this legislation. We should no longer wait for its passage.

All the Senators involved in this legislation have worked hard to achieve meaningful antitrust law reform. Of particular note have been the efforts of the chairman of the Judiciary Committee, Senator THURMOND, and the Senator from Nevada, Senator LAXALT, the Senator from Utah, Senator HATCH, and the Senator from Montana, Senator BAUCUS, as well as the Senator from Ohio, Senator METZENBAUM.

We all agreed on the basic principles embodied in this bill. Following many hearings and discussions among members of the committee, we have approached near unanimity on how to handle almost all key portions of the bill. The only remaining issue to be resolved is whether to apply claim reduction to pending cases. It is my hope that this last remaining issue can be resolved quickly.

Mr. President, I urge my colleagues to approach this task with all the skill and acumen they possess in order that this vital piece of legislation can be processed quickly and that this body can proceed to other vital pending matters.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, no one in the Senate is more saddened by the current circumstances surrounding S. 995 than this Senator. I am a strong supporter of S. 995 as it was introduced. I have worked hard to promote the passage of S. 995 as it was introduced.

Therefore, Mr. President, it troubles me greatly that that bill is now here in a form that I cannot support and that I believe cannot pass Congress. I believe that S. 995, as introduced, was a positive piece of legislation, and that it now has been converted to nothing short of a bailout for price fixers.

Mr. President, the reason that this bill is here before us today, as a private relief bill, is that a few companies are trying to undo the work of our Federal courts. They are coming here attempting to use this body as a court of last resort, and I believe that is wrong.

As I have served in this Congress, I have become more and more impressed with the brilliance of the design of our Constitution. I have repeatedly discussed here on the Senate floor the wisdom of our Founding Fathers in separating the functions of the legislative and the judicial branches.

Once again, Mr. President, we have before us today legislation that ignores the important distinction between the judicial and legislative branches. The legislature is to make the law and the judicial branch is to interpret it. If we permit the legislature to become a court of last resort, then the role of the judicial branch is profoundly undercut. We in the Senate must remain sensitive to the essential doctrine of the separation of powers and the legislation before us blatantly violates that doctrine.

Mr. President, I wish that we had a consensus piece of legislation before us. I wish that S. 995 could breeze through the Senate and the House and be passed by the end of this session of Congress. But, unfortunately, this bill is no longer a consensus bill to make our antitrust laws more fair. Rather, it is now a private relief bill for price fixers who are trying to lessen their liability through the legislative process.

Such a controversial and offensive provision is not the kind of business that should be before us during the lame duck session of Congress. The country wants us working on creating jobs and on appropriating money for the Government. Let us bail out the economy—not price fixers.

S. 995, as introduced, is a bill that I continue to support. I underline "as introduced." It is unfortunate that because of the greed of a few companies that we cannot pass that legislation and benefit the entire business community, which, in my view, should benefit because of the underlying thrust of the bill. However, those few companies and the sponsors of the retroactivity provision are the people who have killed this bill and prevented the businesses of this country from having its benefits far into the future.

The sponsors of the retroactivity provision are responsible for this bill's not passing and the business community should hold them accountable for its not having been enacted during the 97th Congress.

I deeply regret that I cannot wholeheartedly support a bill today on the floor that I have advocated for two Congresses.

I am a primary cosponsor of this bill and I cosponsored a bill that I introduced in the last Congress. I wish that the few companies who are insisting on retroactive application would now back down and allow us to enact an imminently fair bill. If they do not do that, I will feel obliged to do all I can to keep the bill in its current form from passing.

If we permit a few companies to come into Congress now and get bailed out from liability imposed on them by the Federal courts, we are extending an open invitation to every party who is subject to an adverse ruling in a Federal court to come to Congress and try to get bailed out. We cannot let that happen and that is why I cannot support this legislation in its current form.

Mr. President, I yield the floor.

Mr. METZENBAUM. Mr. President, I rise not to address myself at this time to the merit of lack of merit of this legislation but, rather, to address myself to the fact that the matter is before the Senate at all. At this very moment, there is 10.5 percent unemployment in this country. The President, in an ad lib, off-the-cuff remark, mentioned just recently that the economy is in a mess, that the international situation is certainly nothing to be enthused about, that trade negotiations in Europe have not moved forward satisfactorily. There is hardly any problem of major concern that is moving forward in a satisfactory manner, and what does the U.S. Senate do? It stops its action in connection with the special session that was convened at the request of the President to consider certain appropriations bills and we take up a special-interest piece of legislation.

The New York Times today, on the front page, said "Campaign Season Persuades Parties That Voters Want Unemployment Action." This bill is hardly any unemployment action. We are too busy to get into that. No, we have to take up S. 995 because some special interest lobbyists were told that the bill would be taken up during this special session.

As a matter of fact, there is a jobs bill and a program dealing with the economy that the Democrats indicated they wanted to bring up. According to the report in the New York Times:

> Senate Republican leaders, however, warned that there would probably not be enough time to consider the new measure in the special post-election session that began this afternoon.
>
> The new measure that would deal with work renovating veterans hospitals and low-cost housing and other public facilities.

We do not have time to do anything that is important. We have plenty of time to take up every special interest bill that any high-priced lobbyist pushes before the Congress of the United States. This legislation should not be taken up during this special session. It does not belong on our agenda. The American people are not asking for this bill. Some special groups are asking for this bill. This is the session that will be remembered as the one in which every special interest in the country wanted to be exempted from the antitrust laws.

There will be an effort made, I am told, to exempt the shipping industry, in another bill that is waiting to be brought up on the floor of the U.S. Senate, from the antitrust laws; a special effort to bring up the bill to exempt beverage dealers from the antitrust laws; a special effort to exempt the National Football League from the antitrust laws; a special effort to exempt the doctors, the attorneys, and the professions from the antitrust laws; and a special bill to exempt agricultural crops from antitrust laws. Is it not wonderful that the U.S. Senate was brought back for a special session to deal with the appropriations bills and, instead of doing that, we address ourselves to S. 995?

You do not have to be a genius or a profound student of what is going on in Washington to know that there have been more lobbyists hired on both sides of this issue, more high-priced lobbyists than probably any other measure pending before the Congress. This is a high-priced bill, but it is a low-priority measure for the people of this country.

There are 230 million Americans, and I would guess there are not 10,000 of them concerned about this bill. We owe it to them to be doing something about unemployment, something about the economy. But oh, no, it is Tuesday. Wednesday will drag on, Thursday will drag on, and Friday will drag on, and an effort will be made to come in by a side door on one of these other measures. But this bill will have the priority on the floor of the U.S. Senate and only by unanimous consent will it be set aside.

I say to the Members of the U.S. Senate that this bill does not belong here today. It never should have been brought up. It is legislation that, if it should have been taken up at all, should have been taken up in the regular session. We are wasting the time of this body and we are insulting the intelligence of the American people to be debating S. 995 when there are so many pressing problems confronting this Nation.

At a more appropriate time at a later point in this debate, I shall address myself to the lack of merit of this legislation—not alone the basic bill, which I think has no merit, but the amendment that was included having to do with the retroactive aspects of it. For the moment, I shall just rest my case by saying to the Republican leadership of the Senate, this bill does not belong on the agenda and the sooner you take it down, the more gratified will the people of this Nation be.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAXALT. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAXALT. Mr. President, S. 995 is urgently needed to correct what the Wall Street Journal has called "one of the most perverse injustices in our antitrust laws."

Under existing law, any company named in a private antitrust case is potentially liable for treble damages based upon nationwide sales of an entire industry, irrespective of its market share. A company with only a 1-percent market share can be liable for 100 percent of the alleged damages based upon the sales of the entire industry. In a multi-defendant case, a non-settling defendant can be liable for damages based upon the sales of settling defendants.

The unforeseen combination of a number of unrelated legal developments which leads to this problem has created all the wrong incentives. Culpable defendants, who know they cannot go to trial, often settle first for far less than their proportionate shares. Innocent companies, which believe they injured no one and seek to prove it in court, become liable for damages attributable to settlers. This increased damage exposure deprives them, as a practical matter, of their fundamental rights to trial and appeal because they cannot take the risk of an adverse result. Many find themselves with no choice but to pay whatever amount plaintiffs ask. This is a deplorable situation.

Mr. President, I might say the majority of members of the committee came to the same conclusion. The basic bill has been in our committee for an extended length of time, originally espoused, by the way, by Senator BIRCH BAYH of Indiana. It was later in the course of this particular session that we caused to be injected in the debate—necessarily, a majority of us felt—the matter of pending cases.

I think there is nothing new or novel about the injustice that has been created in the whole field in this relatively new area of law. The matter that has recently been involved is how you treat pending cases.

I might say the distinguished chairman of the committee (Mr. THURMOND) worked long and hard to find equitable means whereby you can take pending cases without retroactive result, address them in court, and end with an adverse result. Each company should be responsible for damages it caused. No company should be able to shift its liability to its competitors.

Although the need for this reform has become urgent in the antitrust field only during the last several years, neither the problem nor the legislative solution is new or unique. Similar rights were provided for Federal securities litigation in 1933 and 1934. Great Britain provided similar rights by act of Parliament in 1935. Almost 40 States have enacted statutes of this sort, so there is nothing new or novel about the approach. These various States have recognized, as our committee did, that unless you apply legislation of this kind, you can obtain disproportionate results and the defendant will be forced to settle or to be adjudicated to a result far in excess of its appropriate share.

The hundreds of companies, small and large, involved in pending litigation affected by S. 995 should have their day in court. They should be given the opportunity to prove their innocence without facing enormous damages based upon the actions of other defendants that settled for less than their share.

S. 995, as reported, is remedial legislation which properly provides for limited application in pending cases. It neither mandates application nor arbitrarily prevents the courts from applying it in those cases where application would be just. The bill gives the courts the discretion to apply claim reduction in pending cases where the defendants establish that it would be "inequitable" not to do so. S. 995 does not permit contribution claims in pending cases. Settlements entered into prior to the date of enactment are completely safeguarded.

An amendment to S. 995 to make the bill "prospective only" would be an arbitrary decision by the Congress that no matter what the circumstances, claim reduction shall not apply. It obviously would unfairly discriminate against the parties in pending cases which gave rise to the need for the legislation in the first place. Moreover, it may prejudice rights asserted in pending cases. For example, in the linerboard case in Philadelphia, five defendants settled with plaintiffs and provided in their settlement agreements that if Congress enacted contribution legislation, the nonsettling companies would not be liable for damages based upon the sales of the settling companies. A prospective-only bill would preclude the benefits of this legislation in that case even though all the parties expressly contemplated the possibility of this legislation. If S. 995 were made expressly applicable only to cases commenced after the date of enactment, such would directly prejudice the rights of the defendants in that and other cases.

There is widespread agreement that S. 995's application to pending cases is proper and necessary. As professor and former Solicitor General Robert Bork wrote prior to being named to the Court of Appeals for the D.C. Circuit:

The patent unfairness that prompted S. 995 is as prominent in existing litigation as it will be in future litigation. Indeed, it was the stark injustice of what is occurring now that led to this bill. It would be a cruel irony to promise a cure for the future while leaving current victims of injustice to suffer the very fate which called for the cure.

Former Attorney General Griffin Bell testified:

I would recommend to the committee only a single change in S. 995. The bill as now written applies only to price-fixing cases that are brought after it becomes law. Yet there are cases now pending that should be subject to this bill. *S. 995 is designed to correct a serious injustice, and the injustice is equally present in pending and future cases.* There is no Constitutional prohibition against making S. 995 apply to pending cases since S. 995 concerns only the remedy for price-fixing. In fact, Congress has made many statutes in the past applicable to pending cases.

The provision of S. 995 *May well lead to settlement of pending cases with the result of a lesser case load in the courts and some modicum of economic stability in the business community at a time when the nation badly needs it.* (Tr. at 19, italic added.)

Former Attorney General Benjamin Civiletti wrote:

The legislation sought would permit claim reduction to be applied in pending cases only if the courts determine that it would be fair to do so. How can it be an "outrage" for Congress to place the determination of fairness in the hands of the courts?

Remedial legislation almost always applies to pending cases to correct or prevent injustice. This remedial legislation is needed to correct a great harm, and it would be both tragic and perverse not to apply it to the very cases which so vividly demonstrate that need.

Former district judge, Deputy Attorney General, and antitrust practitioner, Charles Renfrew, wrote in his statement to the Senate Committee on the Judiciary:

Congress has on many occasions made numerous antitrust and other statutes applicable to pending cases. Indeed, a basic rule of statutory construction is that newly enacted legislation is to be applied immediately upon its effective date and in pending cases, unless to do so would result in manifest injustice or Congress expressly provided otherwise.

There are many examples of legislation applicable to pending cases in the antitrust field. The Antitrust Reciprocity Act was passed by the Senate on July 9, 1981, by voice vote. Last Congress, the Soft Drink Interbrand Competition Act was applicable to pending cases. Numerous other statutes affecting substantial rights have applied to pending cases.

As former Senator Sam Ervin states:

To be fair to all, the claim reduction provisions of S. 995 should be available in pending as well as future cases. The arguments against the amendment to S. 995 adopted by the Senate Judiciary Committee boil down to this—that Congress should delay correcting the widespread abuses of the treble damage provision of the Clayton Act and continue to permit gross injustices to be perpetrated in pending cases.

The reason we have the Congress of the United States is so the Congress can change unjust laws. Administration of justice ought not to be like playing Russian Roulette. Nobody has a vested right in an unjust law. Where the ability to perpetrate an injustice arises out of a law which Congress passed with the best of intentions, it is all the more incumbent upon Congress to change the unjust law.

Mr. President, I suggest the absence of a quorum.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I wonder if my good friend from Nevada, who wears two hats, as I understand it——

Mr. LAXALT. At least.

Mr. METZENBAUM. At least—and who certainly has an authoritative position with respect to the other party in this body, would not care to address himself to the issue that the Senator from Ohio raised and that is whether or not in a session which has been specially convened by the President of the United States, at least asked for by him to deal with appropriations measures, he does not feel that there is some inappropriateness in taking up a measure of this kind rather than some of the more pressing issues having to do with jobs, the MX, and some of the other issues that certainly seem to have greater national concern than does this one? And I ask him in friendliness because I know that the Senator from Nevada has been a very straight-talking person and has been very frank, and although at times I have seen fit to disagree with him I have ualways respected his opinion. I might say in passing that I also want to congratulate him upon assuming his new responsibilities on behalf of the other party. I think that the party has chosen well.

Mr. LAXALT. I thank my friend, the distinguished Senator from Ohio.

I think everybody on this side of the aisle shares the concerns expressed by the Senator from Ohio. Surely we are all concerned with the state of the economy. Surely we are all concerned about the unemployment problem. I might say, in reference to the President, that he called this session, yes, for the principal purpose of our addressing ourselves, as we should, to the appropriations process, feeling, as most of us do in this body, that we have indulged in this Congress, and certainly even in this body, for far too long in stopgap legislation. That is the reason why, despite, I think, a total lack of appreciation of his problem in both Houses and on both sides, he went ahead and pressed his demand.

But I think the good Senator from Ohio also recognizes, as any former Governor would, that you call a special session but the Executive cannot prescribe the agenda—and that is essentially the case here. Certainly, President Reagan has no control over what we consider. He has established what he deems to be his priority, that of the matter of the appropriation bills.

Now, with respect to S. 995, this has been in the hopper for a long while. It has been addressed to the attention of our leader for a long while. Our esteemed chairman, Senator THURMOND, has asked for action on this. We thought we were going to get action before we went out the last time, and

for reasons well beyond our control, and certainly beyond the control of the leader, he indicated that we, too, should have our day in court, so to speak, and that we would have, as our first order of business, consideration of S. 995. That is precisely where we are, with the understanding, it is to be sure, that the consideration of this legislation will in no manner impede the proper consideration of the problems which are far more serious, and those relate to the state of the economy and unemployment. I rather hope that we could address ourselves to the cogent points involved in this legislation, being especially the present cases amendment, and dispose of them. Then we can move forward and handle the bills that Senator HATFIELD wants so badly handled by way of the appropriations process.

Mr. METZENBAUM. I thank the Senator.

Mr. LAXALT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Mrs. KASSEBAUM assumed the chair.)

Mr. THURMOND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Madam President, does anybody on this side desire to speak on this measure? I do not hear anyone.

Does anybody else on the other side wish to speak? Does Senator METZENBAUM know of anyone on the other side who wants to speak?

Mr. METZENBAUM. I do not.

Mr. THURMOND. Then, I guess we are ready for a vote.

Mr. METZENBAUM. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THURMOND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. METZENBAUM. Objection.

The PRESIDING OFFICER. Objection is heard.

The bill clerk continued with the call of the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTIONS

Mr. STEVENS. Madam President, I send a cloture motion on the amendment to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee amendment to S. 995, a bill to provide for contribution of damages attributable to an agreement by two or more persons to fix, maintain, or stabilize prices under section 4, 4A, or 4C of the Clayton Act.

Strom Thurmond, Paul Laxalt, Howell Heflin, Orrin Hatch, Mark Hatfield, Dennis DeConcini, John Glenn, Chuck Grassley, Jesse Helms, Don Nickles, Dan Quayle, Jennings Randolph, Steve Symms, Ted Stevens, James A. McClure, and John Tower.

Mr. STEVENS. Madam President, it is my understanding that is the cloture motion on the pending amendment.

I send to the desk another cloture motion on the bill itself.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill S. 995.

Strom Thurmond, Paul Laxalt, Howell Heflin, Orrin Hatch, Mark Hatfield, Dennis DeConcini, John Glenn, Chuck Grassley, Jesse Helms, Don Nickles, Dan Quayle, Jennings Randolph, Steve Symms, Ted Stevens, James A. McClure, and John Tower.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Madam President, will the Chair advise whether the Senator from Ohio is correct that this matter will come to a vote on the motion filed 2 hours after we reconvene on Thursday? Is that my understanding, unless otherwise agreed upon?

The PRESIDING OFFICER. Under the rules, it would be 1 hour after the Senate reconvenes and a quorum is established.

Mr. METZENBAUM. One hour after the Senate reconvenes?

The PRESIDING OFFICER. And a quorum is established.

Mr. METZENBAUM. When will the vote take place with respect to the second cloture motion?

The PRESIDING OFFICER. If cloture is not invoked, then a vote on the second motion will be taken immediately.

Mr. METZENBAUM. Madam President, will the Chair advise the Senator from Ohio until what time may amendments be filed with respect to the first cloture motion and until what hour may amendments be filed with respect to the second cloture motion?

The PRESIDING OFFICER. On the first cloture motion, which is a motion to the committee amendment, amendments may be filed 1 hour prior——

Mr. METZENBAUM. Before the vote?

The PRESIDING OFFICER. Yes.

Mr. METZENBAUM. And on the second cloture motion?

The PRESIDING OFFICER. Let me see if I have it straight. First-degree amendments must be filed by 1 p.m. tomorrow.

Mr. METZENBAUM. By 1 p.m. tomorrow?

The PRESIDING OFFICER. Second-degree amendments may be filed up to 1 hour prior to a vote.

Mr. METZENBAUM. Under what circumstances are amendments required to be filed by 1 p.m. tomorrow? Do you have only the night to lay over where you have an opportunity to offer amendments; is it the Senator from Ohio's understanding that you always have that period up until the cloture vote or just 1 hour prior thereto? I am curious to know why there is a distinction between the first-degree amendments and the second-degree amendments as to when they must be filed.

The PRESIDING OFFICER. The distinction is found in rule XXII, paragraph 2, where there is a distinction made between first- and second-degree amendments.

Mr. METZENBAUM. Madam President, a further parliamentary inquiry. In view of the fact there are two cloture motions and, therefore, it is entirely possible that the amendment may be adopted to the measure itself, and the cloture motion in connection with the measure itself has been filed, is it necessary that amendments be drafted in the alternative, that is, as if the amendment were adopted and on the assumption it will not be adopted in order to offer amendments to the bill itself? Does the Parliamentarian understand the question?

The PRESIDING OFFICER. I am not sure the Presiding Officer did.

I will say to the Senator from Ohio that amendments technically impossible would be out of order and, therefore, an amendment should not be offered that would be just an obstructionist amendment.

Mr. METZENBAUM. The Senator from Ohio is not talking about obstructionist amendments. He is talking about amendments that are germane and whether or not they may be offered, or whether or not they have to be drafted to the bill itself on the assumption that the amendment is adopted, or on the assumption that it is not, or need they be offered in the alternative?

The PRESIDING OFFICER. The amendments may be offered in the alternative.

Mr. METZENBAUM. Madam President, will the acting majority leader be good enough to advise as to what time he intends to reconvene the Senate in the morning?

Mr. STEVENS. It is my intention, the intention of the leadership, to recess until 11 a.m. tomorrow when that time comes. It may be slightly earlier because of routine business or special orders, but we would intend for it to be approximately 11 a.m.

Mr. METZENBAUM. I thank the acting majority leader and I thank the Chair.

Mr. THURMOND. Madam President, I wonder if the distinguished Senator from Ohio would care to have a cloture vote tomorrow and dispose of this matter so we can move on to other important things in this short session.

Mr. METZENBAUM. The answer is no.

Mr. STEVENS. Madam President, I do want to thank the Senator from South Carolina, the Senator from Montana, and the Senator from Ohio for their consideration on how this matter has just been handled.

It is not my intention to attempt to terminate debate at this point. If there is any further discussion on the bill, I would like to know it. If there is no further discussion in this bill now, it would be my hope we would be able to go to some routine matters. I see the distinguished minority leader is here, and we would be prepared to handle some routine matters and then ask the Senate to recess until tomorrow morning. It would be our intention to announce there will be no further votes or requests for attendance of Senators this evening, if that is agreeable with everybody concerned.

ORDER FOR THE RECOGNITION OF VARIOUS SENATORS ON TOMORROW

Mr. STEVENS. Madam President, I ask unanimous consent that Senator SPECTER and Senator HARRY F. BYRD, JR., be recognized on tomorrow, December 1, 1982, for a period of not to exceed 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETO MESSAGE ON S. 2577 INDEFINITELY POSTPONED

Mr. STEVENS. Madam President, I ask unanimous consent that the veto message on S. 2577, the Environmental Research, Development and Demonstration Act of 1983, be postponed indefinitely.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR BUDGET COMMITTEE WAIVER TO BE FILED BY 6 P.M. TODAY ON S. 2411

Mr. STEVENS. Madam President, I ask unanimous consent that the Budget Committee have until 6 p.m. today to file a budget waiver to accompany S. 2411.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 10:30 A.M. TOMORROW

Mr. STEVENS. Madam President, I ask unanimous consent that when the Senate stands in recess today it stand in recess until the hour of 10:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, is there further business to come before the Senate?

The PRESIDING OFFICER. Is there further business?

Mr. STEVENS. May I inquire of the Senator from Ohio and the Senator from Montana if there is any further business to come before the Senate this evening?

Mr. METZENBAUM. I have nothing.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. STEVENS. Madam President, if there is no further business to come before the Senate, I move that the Senate stand in recess in accordance with the previous order.

The motion was agreed to; and at 5:32 p.m., the Senate recessed until Wednesday, December 1, 1982, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate November 30, 1982:

The following-named persons for the positions indicated, to which positions they were appointed during the last recess of the Senate:

Manuel H. Johnson, Jr., of Virginia, to be an Assistant Secretary of the Treasury, vice Paul Craig Roberts, resigned.

Orville G. Bentley, of Illinois, to be an Assistant Secretary of Agriculture (new position).

Martin S. Feldstein, of Massachusetts, to be a member of the Council of Economic Advisers, vice Murray L. Weidenbaum, resigned.

L. Clair Nelson, of Virginia, to be a member of the Federal Mine Safety and Health Review Commission for a term of 6 years expiring August 30, 1988, vice Marian Pearlman Nease, resigned.

Caroline H. Hume, of California, to be a member of the National Museum Services Board for a term expiring December 6, 1985, vice Dorothy Graham-Wheeler.

Edward A. Knapp, of New Mexico, to be Director of the National Science Foundation for a term of 6 years, vice John Brooks Slaughter, resigned.

Jean Broward Shevlin Gerard, of New York, to be the Representative of the United States of America to the Fourth Extraordinary Session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization.

James Daniel Phillips, of the District of Columbia, to be the Alternate Representative of the United States of America to the Fourth Extraordinary Session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization.

WITHDRAWAL

Executive nomination withdrawn from the Senate November 30, 1982:

Norman Terrell, of California, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency, vice Thomas D. Davies, resigned, which was sent to the Senate on January 28, 1982.

HOUSE OF REPRESENTATIVES—*Tuesday, November 30, 1982*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, we pray that You will strengthen our faith and make bold our convictions that we will stand for right and truth. Help us to focus on actions that help people from every region and from all backgrounds that we truly become ambassadors of peace and messengers of good will. Enable us to learn from others so that our perpective will grow till all Your people share in Your gifts, and division and suspicion be put aside. Grant this our prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On September 20, 1982:

H.R. 3663. An act to amend subtitle IV of title 49, United States Code, to provide for more effective regulation of motor carriers of passengers.

On September 24, 1982:

H.R. 1710. An act to authorize the use of the frank for official mail sent by the Law Revision Counsel of the House of Representatives; and

H.R. 3835. An act for the relief of Rutherford K. Clarke and his wife Ida T. Clarke.

On September 27, 1982:

H.R. 3620. An act transferring certain Federal property to the city of Hoboken, N.J.; and

H.R. 6068. An act to authorize appropriations for fiscal year 1983 for intelligence and intelligence-related activities of the U.S. Government, for the intelligence community staff, for the Central Intelligence Agency Retirement and Disability System, to authorize supplemental appropriations for fiscal year 1982 for the intelligence and intelligence-related activities of the U.S. Government, and for other purposes.

On September 30, 1982:

H.R. 3517. An act to authorize the granting of permanent residence status to certain nonimmigrant aliens residing in the Virgin Islands of the United States, and for other purposes.

H.R. 4347. An act to authorize the Secretary of the Interior to proceed with development of the WEB pipeline, to provide for the study of South Dakota water projects to be developed in lieu of the Oahe and Pollock-Herreid irrigation projects, and to make available Missouri basin pumping power to projects authorized by the Flood Control Act of 1944 to receive such power.

H.R. 6956. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1982, and for other purposes.

H.R. 7065. An act to amend the Community Services Block Grant Act to clarify the authority of the Secretary of Health and Human Services to designate community action agencies for certain community action programs administered by the Secretary for fiscal year 1982, and for other purposes; and

H.J. Res. 520. Joint resolution to provide for a temporary increase in the public debt limit.

On October 2, 1982:

H.J. Res. 599. Joint resolution making continuing appropriations for fiscal year 1983, and for other purposes.

On October 4, 1982:

H.R. 5288. An act granting the consent of Congress to the compact between the States of New Hampshire and Vermont concerning solid waste; and

H.J. Res. 496. Joint resolution to provide for the designation of the week beginning on November 21, 1982, as "National Alzheimer's Disease Week."

On October 5, 1982:

H.J. Res. 486. Joint resolution authorizing and requesting the President to issue a proclamation designating the period from October 3, 1982, through October 9, 1982, as "National Schoolbus Safety Week of 1982"; and

H.J. Res. 568. Joint resolution to provide for the designation of October 5, 1982, as "Dr. Robert H. Goddard Day."

On October 6, 1982:

H.R. 3589. An act to authorize the exchange of certain land held by the Navajo Tribe and the Bureau of Land Management, and for other purposes;

H.R. 5081. An act to declare that the United States holds certain lands in trust for the Washoe Tribe of Nevada and California and to transfer certain other lands to the administration of the U.S. Forest Service; and

H.J. Res. 612. Joint resolution to provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes.

On October 12, 1982:

H.R. 4623. An act to amend titles 10, 14, 37, and 38, United States Code, to codify recent law and to improve the code;

H.R. 5154. An act to amend the Lanham Trademark Act to prohibit any State from requiring that a registered trademark be altered for use within such State, and to encourage private enterprise with special emphasis on the preservation of small business;

H.R. 6168. An act to amend title 18, United States Code, to provide a criminal penalty for threats against former Presidents, major Presidential candidates, and certain other persons protected by the Secret Service, and for other purposes;

H.R. 6454. An act to amend title 18, United States Code, to clarify the applicability of offenses involving explosives and fire;

H.R. 6976. An act to amend title 28, United States Code, to require the Attorney General to acquire and exchange information to assist Federal, State, and local officials in the identification of certain deceased individuals and in the location of missing persons (including unemancipated persons); and

H.J. Res. 207. Joint resolution to require the Secretary of the Interior to place a plaque at the U.S. Marine Corps War Memorial honoring Joseph Rosenthal, photographer of the scene depicted by the memorial.

On October 13, 1982:

H.R. 3881. An act to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain lands conveyed to the Arkansas Forestry Commission, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such lands to such commission;

H.R. 6133. An act to authorize appropriations to carry out the provisions of the Endangered Species Act of 1973 for fiscal years 1983, 1984, and 1985, and for other purposes; and

H.R. 6156. An act to clarify the jurisdiction of the Securities and Exchange Commission and the definition of security, and for other purposes.

On October 14, 1982:

H.R. 825. An act for the relief of Yick Bong Au Yeung;

H.R. 1783. An act for the relief of Felipe B. Manalo and Maria Monita A. Manalo;

H.R. 1841. An act for the relief of Isabelita Clima Portilla;

H.R. 2035. An act to authorize certain employees of the U.S. Department of Agriculture charged with the enforcement of animal quarantine laws to carry firearms for self-protection and to improve the quality of table grapes for marketing in the United States;

H.R. 4468. An act to amend chapter 84, section 1752 of title 18, United States Code, to authorize the Secretary of the Treasury to establish zones of protection for certain persons protected by the U.S. Secret Service;

H.R. 4490. An act for the relief of Lehi L. Pitchforth, Jr.;

H.R. 5658. An act to authorize the use of education block grant funds to teach the principles of citizenship;

H.R. 5930. An act to extend the aviation insurance program for 5 years;

H.R. 5941. An act to designate the building known as the Federal Building and U.S. Courthouse in Greenville, S.C., as the "Clement F. Haynsworth, Jr., Federal Building," the building known as the Quincy Post Office in Quincy, Mass., as the "James A. Burke Post Office," and the U.S. Post Office

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Building in Portsmouth, Ohio, as the "William H. Harsha U.S. Post Office Building";

H.R. 6422. An act to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain land previously conveyed to the State of Connecticut;

H.R. 6782. An act to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans, to increase the rates of dependency and indemnity compensation for surviving spouses and children, and to modify and improve the educational assistance programs administered by the Veterans' Administration and the veterans' employment programs administered by the Department of Labor; and for other purposes;

H.R. 7293. An act to provide financial assistance to the Wolf Trap Foundation for the Performing Arts for reconstruction of the Filene Center in Wolf Trap Farm Park, and for other purposes; and

H.J. Res. 588. Joint resolution to provide for the designation of the month of October 1982, as "Head Start Awareness Month."

On October 15, 1982:

H.R. 684. An act for the relief of Ok-Boon Kang;

H.R. 1281. An act to provide for the conveyance of certain lands in Alaska comprising trade and trade manufacturing site A-056802 without regard to the 80-rod limitation provided by existing law;

H.R. 1481. An act for the relief of George Herbert Weston;

H.R. 1486. An act to establish the Protection Island National Wildlife Refuge, Jefferson County, State of Washington;

H.R. 1826. An act for the relief of Shinji Oniki;

H.R. 2193. An act for the relief of Berendina Antonia Maria van Kleeff;

H.R. 2340. An act for the relief of Theodore Anthony Dominguez;

H.R. 2528. An act to amend the Economy Act to provide that all departments and agencies may obtain materials or services from other agencies by contract, and for other purposes;

H.R. 3171. An act for the relief of Dr. David Pass;

H.R. 3278. An act to amend title 10, United States Code, to provide additional standard for determining the amount of space to be programed for military retirees and their dependents in medical facilities of the uniformed services, and for other purposes;

H.R. 3451. An act for the relief of Danuta Gwozdz; and

H.R. 3467. An act to authorize appropriations under the Arms Control and Disarmament Act, and for other purposes;

H.R. 4476. An act to amend the Administrative Conference Act, by authorizing appropriations therefor;

H.R. 4662. An act for the relief of Eun Ok Han;

H.R. 5145. An act to amend title 5, United States Code, to provide training opportunities for employees under the Office of the Architect of the Capitol and the Botanic Garden, and for other purposes;

H.R. 5890. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes;

H.R. 6164. An act to authorize the Secretary of Agriculture to implement the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment To Be Used for Such Carriage (ATP), and for other purposes;

H.R. 6188. An act to authorize the Secretary of the Interior to participate with the State of Nebraska in studies of Platte River water resource use and development, and for other purposes;

H.R. 6267. An act to revitalize the housing industry by strengthening the financial stability of home mortgage lending institutions and insuring the availability of home mortgage loans;

H.R. 6273. An act to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1983, 1984, and 1985, and for other purposes;

H.R. 6276. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to allow the issuance of revenue bonds to finance college and university programs which provide student educational loans;

H.R. 6811. An act for the relief of Alejo White and Sonia White;

H.R. 6968. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1983, and for other purposes; and

H.R. 7115. An act to authorize the transfer of nine naval vessels to certain foreign governments.

On October 18, 1982:

H.R. 5228. An act to amend title 18 of the United States Code to implement the Convention on the Physical Protection of Nuclear Material, and for other purposes;

H.R. 5662. An act to extend until October 1, 1983, the authority and authorization of appropriations for certain programs under the Fish and Wildlife Act of 1956; and

H.R. 6865. An act to amend the Perishable Agricultural Commodities Act, 1930, to require the Secretary of Agriculture to accept the payment of monetary penalties for certain admitted and infrequent violations involving misrepresentation under such act, and for other purposes.

On October 19, 1982:

H.R. 5139. An act to authorize appropriations for certain insular areas of the United States, and for other purposes;

H.R. 6029. An act to authorize the Secretary of the Interior to acquire by exchange certain lands within the Indiana Dunes National Lakeshore in the State of Indiana; and

H.R. 6055. An act to revise subchapter S of the Internal Revenue Code of 1954 (relating to small business corporations).

On October 21, 1982:

H.R. 6142. An act to authorize the Commodity Credit Corporation to process its accumulated stocks of agricultural commodities into liquid fuels and agricultural commodity byproducts, and for the disposition thereof, and for other purposes.

On October 22, 1982:

H.R. 828. An act for the relief of George G. Barrios, doctor of medicine, his wife Olga T. Curz, and their children Kurt F. Barrios, and Karl S. Barrios, and Katrina Adelaida Theresa;

H.R. 2342. An act for the relief of Maria Cecilia Gabella-Ossa;

H.R. 3592. An act for the relief of Uili Tuifua, Talameafoou Tuifua, Heta Tuifua, Sateki Tuifua, Ilaisaane Tuifua, and Ofa Hemooni Tuifua;

H.R. 3787. An act to amend sections 10 and 11 of the act of October 21, 1970 (Public Law 91-479; 16 U.S.C. 460x), entitled "An act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes"; and

H.R. 4828. An act to set aside certain surplus vessels for use in the provision of health and other humanitarian services to developing countries.

On October 25, 1982:

H.R. 4441. An act to amend title 17 of the United States Code with respect to the fees of the Copyright Office, and for other purposes;

H.R. 4613. An act to increase the efficiency of Government-wide efforts to collect debts owed the United States and to provide additional procedures for the collection of debts owed the United States;

H.R. 4717. An act to reduce the amount of LIFO recapture in the case of certain plans of liquidation adopted during 1982, to make adjustments in the net operating loss carryback and carryforward rules for the Federal National Mortgage Association, and for other purposes;

H.R. 5879. An act to amend chapter 2 of title IV of the Immigration and Nationality Act to extend for 1 year the authorization of appropriations for refugee assistance, and for other purposes;

H.R. 6170. An act to amend title 23, United States Code, to encourage the establishment by States of effective alcohol traffic safety programs and to require the Secretary of Transportation to administer a national driver register to assist State driver licensing officials in electronically exchanging information regarding the motor vehicle driving records of certain individuals; and

H.R. 7292. An act to establish a White House Conference on Productivity.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 6928

Mrs. FENWICK. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 6928.

The SPEAKER. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

LAMEDUCKS COULD BE SOARING EAGLES

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, it is interesting to note how ducks seem to have been used to describe certain situations in our country. I am sure that many of us remember the ruptured ducks of World War II. And we all now know of course about the lameducks as they pertain to sessions of Congress after election.

Certainly the millions of enlisted men who received the ruptured-duck emblem upon discharge from the armed services in World War II were anything but ruptured or in any way disabled. And it certainly is not necessary or even fitting that this lameduck session of Congress be crippled or handicapped in any way.

The truth is that we are in a position to take some very constructive steps that will not only help the Congress, but will help the country as a whole.

I am hopeful that we will act on such programs as jobs, MX missile, immigration, and appropriations bills. And, Mr. Speaker, it would be my hope that this 97th Congress can finish up not as a lameduck, but really as a soaring eagle.

SOVIETS SHOULD BE PERMITTED TO BUY GRAIN

(Mr. DASCHLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DASCHLE. Mr. Speaker, this is the last day of the U.S. Government's offer to the Soviet Union to guarantee 6-month delivery on 15 million metric tons of grain. I am not able to understand why the President wants to tie our hands by taking away a glimmer of hope for our economically beleaguered farmers—farmers who now face a fourth consecutive year of declining income—by arbitrarily ending our 6-month delivery offer.

I am introducing a resolution today which extends, through the extension of our current United States-Soviet Grain Agreement, the U.S. offer of 6-month guaranteed delivery on 15 million metric tons of grain. The remaining 6 to 8 million metric tons of grain which we will sell the Soviets has a 1-year guaranteed delivery.

The President, by his policy of delaying renegotiating a grain agreement with the Soviet Union, and then by signing only a 1-year extension of the agreement, has not acted in the interest of the United States. The result has been that the Soviets have already purchased 25 to 30 million metric tons of grain this year, most of it not from the United States. The Soviet Union may not, in fact, now need to purchase much more than 6 to 8 million metric tons of American grain. The administration's hard line policy and needless delay has cost this country, and American farmers in particular, dearly. The least we can do is pursue a policy which will maximize the amount of grain we can export commercially.

FAMILY FARMERS DESERVE BETTER

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, let me also join the gentleman from South Dakota in urging the President to back away from a foreign policy that I think is fundamentally wrong and one that injures the family farmers in America.

The President has now removed the sanctions against firms that deal with the Soviets on the natural gas pipeline. And now the only people who are still paying the price in our Government's fumbling foreign policy are the family farmers whose grain markets have been denied the relief that would come from a long-term grain agreement with the Soviets.

I think it is time for us to remind the administration that the refrain "Stay the Course" is a refrain that asks family farmers to try and stay on an obstacle course that pushes many of them off the financial cliff. And I urge the President on behalf of our family farmers to back away from this restriction against a long-term grain trade agreement with the Soviets. Open up those markets, let us improve those markets, and let us give family farmers in this country a chance to survive.

CONGRESS MUST DO MORE THAN TALK

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, the American farmer and industry have been told that they will be protected from unfair trade. America fought for free trade and lost. We came away empty-handed at GATT. Now we must do more than talk, talk. We have to show that we have some muscle.

Two years ago I appeared before the Rules Committee and asked that my bill on casein imports to restrict casein imports to 50 percent of the present level be brought before the Congress. I was told this was not an agricultural issue but a trade issue.

Well, let us dust off this legislation and bring it before Congress and send a signal to the rest of the world.

Bill Brock, our representative at GATT, told the representatives of other nations that the American Congress will not remain idle. And he was told by the French representative that the American Congress is not the center of the universe.

Well, we may not be the center of the universe but I hope that we will do more than talk. I think it is about time we send a signal and tell the rest of the world that we will not be taken advantage of in trade policies.

OUR TRADING PARTNERS HAVE TO KNOW WE MEAN BUSINESS

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, this week we saw the result—or lack of result—in the recently concluded GATT talks as a serious setback for world trade.

For generations our Nation has been bearing the brunt of discriminatory trade practices throughout the world at large. And we alone, or nearly alone, have carried the torch for free trade among the free nations of the world.

I am extremely disappointed that the conference concluded without substantial progress in lowering the discriminatory trade barriers in the Common Market countries affecting our agricultural exports.

Now, I totally agree that it is time for us in this Congress to take note of the lack of resolve among our trading partners, and show the American people that we will no longer sit back and allow our trading partners to kick us in the teeth.

CALL OF THE HOUSE

Mr. UDALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 397]

Addabbo	Conte	Foglietta
Akaka	Conyers	Ford (MI)
Albosta	Corcoran	Ford (TN)
Alexander	Coughlin	Fountain
Anderson	Courter	Frank
Andrews	Coyne, William	Frenzel
Annunzio	Craig	Fuqua
Ashbrook	Crane, Philip	Garcia
AuCoin	Daniel, Dan	Gejdenson
Badham	Daniel, R. W.	Gephardt
Bafalis	Dannemeyer	Gilman
Bailey (MO)	Daschle	Ginn
Barnard	Daub	Glickman
Barnes	Davis	Gonzalez
Beard	de la Garza	Goodling
Bedell	Dellums	Gore
Bennett	Derrick	Gradison
Bereuter	Dickinson	Gramm
Bethune	Dicks	Gray
Bevill	Dixon	Green
Biaggi	Donnelly	Gregg
Biliey	Dorgan	Grisham
Boland	Dornan	Gunderson
Boner	Dougherty	Hagedorn
Bonior	Dowdy	Hall (IN)
Bonker	Downey	Hall (OH)
Bouquard	Dreier	Hall, Ralph
Bowen	Duncan	Hall, Sam
Brinkley	Dunn	Hamilton
Brodhead	Dwyer	Hammerschmidt
Brooks	Dymally	Hance
Broomfield	Dyson	Hansen (ID)
Brown (CA)	Early	Hansen (UT)
Brown (CO)	Eckart	Harkin
Brown (OH)	Edwards (AL)	Hartnett
Broyhill	Edwards (CA)	Hatcher
Burgener	Edwards (OK)	Hawkins
Burton, John	Emerson	Hefner
Burton, Phillip	English	Heftel
Butler	Erdahl	Hendon
Byron	Erlenborn	Hightower
Campbell	Ertel	Hiler
Carman	Evans (IN)	Hillis
Carney	Fascell	Holland
Chappie	Fazio	Hollenbeck
Cheney	Fenwick	Holt
Clausen	Ferraro	Hopkins
Clinger	Fiedler	Horton
Coats	Fields	Howard
Coelho	Findley	Hoyer
Coleman	Fish	Hubbard
Collins (IL)	Fithian	Huckaby
Collins (TX)	Flippo	Hughes
Conable	Florio	Hunter

Hutto	Mollohan	Shamansky
Hyde	Montgomery	Shannon
Ireland	Moore	Sharp
Jacobs	Moorhead	Shaw
Jeffords	Morrison	Shelby
Jeffries	Mottl	Shumway
Jenkins	Murphy	Siljander
Jones (NC)	Murtha	Simon
Jones (OK)	Myers	Skeen
Jones (TN)	Natcher	Skelton
Kastenmeier	Neal	Smith (AL)
Kazen	Nelligan	Smith (IA)
Kemp	Nelson	Smith (NE)
Kennelly	Nichols	Smith (NJ)
Kildee	Nowak	Smith (OR)
Kindness	O'Brien	Smith (PA)
Kogovsek	Oakar	Snowe
Kramer	Oberstar	Snyder
LaFalce	Obey	Solarz
Lagomarsino	Ottinger	Solomon
Latta	Oxley	Spence
Leach	Panetta	St Germain
Leath	Parris	Stangeland
LeBoutillier	Pashayan	Staton
Leland	Patman	Stokes
Lent	Patterson	Stratton
Lewis	Paul	Studds
Livingston	Pease	Stump
Loeffler	Pepper	Swift
Long (LA)	Perkins	Synar
Long (MD)	Peyser	Tauke
Lowery (CA)	Pickle	Tauzin
Lowry (WA)	Porter	Taylor
Lujan	Price	Thomas
Luken	Pritchard	Traxler
Lundine	Quillen	Trible
Lungren	Rahall	Udall
Madigan	Railsback	Vander Jagt
Markey	Rangel	Vento
Marlenee	Ratchford	Volkmer
Marriott	Regula	Walgren
Martin (IL)	Reuss	Walker
Martin (NC)	Rhodes	Watkins
Martin (NY)	Rinaldo	Waxman
Martinez	Ritter	Weber (MN)
Matsui	Roberts (KS)	Weber (OH)
Mattox	Robinson	White
Mavroules	Rodino	Whitehurst
Mazzoli	Roe	Whitley
McClory	Roemer	Whittaker
McCloskey	Rogers	Whitten
McCollum	Rose	Williams (OH)
McCurdy	Rosenthal	Wilson
McDade	Rostenkowski	Winn
McEwen	Roth	Wirth
McGrath	Roukema	Wolf
McHugh	Roybal	Wolpe
Mica	Rudd	Wortley
Michel	Russo	Wright
Mikulski	Sabo	Wyden
Miller (OH)	Sawyer	Wylie
Mineta	Schneider	Yatron
Minish	Schroeder	Young (AK)
Mitchell (MD)	Schulze	Young (FL)
Mitchell (NY)	Schumer	Young (MO)
Moakley	Seiberling	Zablocki
Molinari	Sensenbrenner	Zeferetti

□ 1230

The SPEAKER. On this rollcall, 363 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

□ 1230

AMERICANS STILL MISSING AND UNACCOUNTED FOR IN SOUTHEAST ASIA

(Mr. FOGLIETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FOGLIETTA. Mr. Speaker, last October 1, just before our election recess, I introduced Concurrent Resolution 425, concerning the almost 2,500 Americans still missing and unaccounted for in Southeast Asia. Over 500 of these Americans are presumed to be located in Laos.

Currently, the resolution is before the Asian and Pacific Affairs Subcommittee of the Foreign Affairs Committee. I am very hopeful that the subcommittee and the committee will quickly consider and report the resolution, which I believe is noncontroversial.

Mr. Speaker, it is almost a decade since American troops have come home from the conflict in Southeast Asia. For the most part, the governments of the Southeast Asian nations have not been cooperative at all in locating and returning Americans unaccounted for, or their remains. Recently, the Government of Laos received a delegation of Americans from the National League of Families of Americans Missing or Prisoners in Southeast Asia. These Americans were accompanied by U.S. officials and visited several areas that might contain information on missing Americans.

I am heartened by this recent indication of willingness to cooperate that the Lao Government has expressed, and I am hopeful that the House can consider and pass House Concurrent Resolution 425 during this busy session. It is my understanding that Senator HAYAKAWA has introduced an identical resolution, and the Senate anticipates early action.

I am pleased to have among current cosponsors of this resolution my colleague from Mississippi, Mr. MONTGOMERY, my colleague from California, Mr. DORNAN, and my colleague from Massachusetts, Mr. FRANK. I urge my colleagues' support of this resolution, and would be more than pleased to have as many Members as possible as cosponsors.

CURRENT COSPONSORS OF H. CON. RES. 425

Sonny Montgomery, Robert Dornan, Barney Frank, Billy Tauzin, Jim Santini, Robert Roe, Larry Winn, Doug Applegate, Don Young, and John LeBoutillier.

ESTABLISHING THE HOUSE OF REPRESENTATIVES PAGE BOARD FOR SUPERVISION AND EDUCATION OF PAGES

Mr. WRIGHT. Mr. Speaker, I offer a resolution (H. Res. 611), and I ask unanimous consent for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 611

Resolved, That until otherwise provided by law, there is hereby established a board to be known as the House of Representatives Page Board to insure that the page program is conducted in a manner that is consistent with the efficient functioning of the House and the welfare of the pages.

SEC. 2. (a) The Page Board shall consist of—

(1) two Members of the House appointed by the Speaker and one Member of the House appointed by the minority leader;

(2) the Clerk, Doorkeeper, and Sergeant at Arms of the House; and

(3) the Architect of the Capitol.

(b) As used in this resolution, the term "Member of the House" means a Representative in, and a Delegate or Resident Commissioner to, the Congress.

SEC. 3. The Page Board shall have authority to prescribe such regulations as may be necessary to carry out this resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF THE HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER. Pursuant to House Resolution 611, 97th Congress, the Chair appoints as members of the House of Representatives Page Board the following Members of the House:

Mr. MINISH of New Jersey, and

Mr. FAZIO of California.

The Chair recognizes the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, pursuant to House Resolution 611, 97th Congress, I appoint the gentleman from Indiana (Mr. MYERS) as a member of the House of Representatives Page Board.

REMOVAL OF NAME OF MEMBER AS A COSPONSOR OF HOUSE RESOLUTION 48

Mr. VOLKMER. Mr. Speaker, I ask unanimous consent that my name be removed from cosponsorship of House Resolution 48.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 7072, AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS, 1983

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7072) making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1983, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi? The Chair hears none, and appoints the following conferees: Messrs. WHITTEN, TRAXLER, ALEXANDER, MCHUGH, NATCHER, HIGHTOWER,

AKAKA, and WATKINS, Mrs. SMITH of Nebraska, and Messrs. ROBINSON, MYERS, LEWIS, and CONTE.

NUCLEAR WASTE POLICY ACT OF 1982

Mr. UDALL. Mr. Speaker, I move that the House resolve itself into the Committees of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3809) to provide for repositories for the disposal of high-level radioactive waste, transuranic waste, and spent nuclear fuel, to amend provisions of the Atomic Energy Act of 1954 relating to low-level waste, to modify the Price-Anderson provisions of the Atomic Energy Act of 1954 and certain other provisions pertaining to facility licensing and safety, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Arizona (Mr. UDALL).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3809, with Mr. PANETTA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, November 29, 1982, the text of H.R. 7187 was considered as an original bill for the purpose of amendment.

Are there any further amendments which are made in order pursuant to the rule?

AMENDMENT OFFERED BY MR. LUNDINE

Mr. LUNDINE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is the amendment in order under the rule?

Mr. LUNDINE. Yes, Mr. Chairman, it is.

The Clerk read as follows:

Amendment offered by Mr. LUNDINE: On page 66, strike lines 11 through 18.

On page 67, strike lines 1 through 10.

Beginning on page 72, strike sections 135, 136, and 137.

On page 94, strike lines 21 through 24.

On page 117, strike section 218(c)(2).

On page 118, strike section 218(e).

On page 138, line 6, strike the words, "under section 137(a)".

Redesignate sections accordingly.

Mr. LUNDINE. Mr. Chairman, my amendment would strike from this bill the provisions mandating 2,000 metric tons of Federal interim storage for utility spent fuel. At the outset of the debate on this amendment, I want to make clear that I am a supporter of this legislation and my efforts are not designed to endanger its passage. Neither do I put forward this amendment as someone opposed to nuclear energy. I support nuclear energy and regard it as a necessary energy source for our future economic well-being.

At the same time, after many years of study of the nuclear waste issue, I have concluded that a direct Federal role in the interim storage of utility spent fuel is both unnecessary and ill advised.

The provisions providing for Federal interim spent fuel storage are unnecessary for two basic reasons. First, the technology for storing spent fuel on an interim basis is well known and the utilities to date have had an excellent safety record in this regard. Therefore, there is no overriding health and safety reason the Federal Government must assume this responsibility.

Second, a Federal role cannot be justified on the basis of need. Estimates by the DOE of projected shortfall in utility storage have continued to be revised downward since 1977. When a Federal interim storage program was first proposed in 1977, DOE estimates of the need for surplus storage capacity were greatly overestimated. In 1977, DOE told the Congress that this program was needed to address an anticipated shortfall in utility spent fuel storage by 1983 of 1,700 metric tons, 5,700 metric tons by 1986, and 14,400 metric tons by 1990. In 1978, DOE issued an updated estimate which stated that only 560 metric tons of additional storage would be needed by 1983, and only 6,940 by 1990. In 1980, DOE revised its estimates even further downward to claim a need for only 377 metric tons of storage by 1983, 1,047 by 1986, and 3,277 by 1990. In 1981, in testimony before the Nuclear Regulatory Commission during the waste confidence rulemaking, the Department of Energy testified that a Federal interim storage program for utility spent fuel was no longer necessary. The most recent update from the DOE shows that the earliest date when utilities will need additional storage capacity is in 1986 when they estimate there will be a shortfall of 8 metric tons. Now, DOE only projects a shortfall in 1990 of 400 metric tons.

It is clear from these figures that the critical time period for spent fuel storage will be between 1986 and 1990. What is important to focus on is the fact that DOE's own recent estimates of 8 metric tons up to 400 metric tons does not take into account the potential contribution that new technologies such as rod consolidation and dry storage can make to resolving this modest shortfall. A recently completed plant-by-plant survey by the Nuclear Regulatory Commission of the near-term utility spent fuel storage problems points out that each of these utilities has available to it options to solve its problem. Transshipment, reracking, rod consolidation, utilization of dry storage technologies, and construction and development of additional pools are available.

In addition, DOE, OTA, and NRC have all recognized the potential cost advantage of rod consolidation and dry storage technologies over a centralized interim storage program. A recent report prepared for the DOE estimates that several different dry storage options could be available by 1986 and that they would cost less than centralized Federal storage.

The technology push aspect of this whole debate must not be overlooked. It is important that these new technologies be brought through the demonstration phase and to commercialization. For this reason, under my amendment the section of this bill which provides for an accelerated research and development program for these technologies is retained. It is also important to note that as part of this research and development program, the Federal Government would be permitted to take up to 300 metric tons of spent fuel from utilities for research purposes. Therefore, the research program itself provides a modest safety valve for a utility that might have a storage problem which cannot be resolved.

My amendment would also preserve provisions in the bill for expedited NRC licensing provisions for at reactor interim storage. These streamlined procedures at the NRC will insure timely action on licensing issues.

A recent memorandum from the Office of Technology Assessment which analyzed the pending legislation, I think summarizes my arguments very well:

DOE's most recent analysis of spent fuel storage needs indicates that the amount of emergency storage capacity needed could be quite small, provided that it is indeed limited to cases in which utilities are experiencing unavoidable delays in their good-faith efforts to provide their own storage, and does not serve as a relatively low cost, more convenient substitute for such storage. Specifically, DOE estimates that if applications for reracking of existing basins, and for transshipments to reactors that have additional storage capacity, are approved by the NRC in a timely manner, 400 metric tons of storage in new facilities would be needed through 1990 to ensure that every reactor maintains full core reserve. If this amount of storage in new facilities were made available, the 23 reactors expected to exhaust the maximum capacity of their existing basins by the end of 1990 would have time to construct and license a new water basin, a storage technology for which licensing should be quite easy. If the more flexible and less expensive dry storage technologies could be implemented sooner, which appears likely (particularly if DOE takes an active role in promoting their commercialization, as contemplated in these bills), this would further reduce—perhaps greatly—the need for any emergency backup storage capacity.

The OTA analysis goes on to make one other important point which I have not mentioned. They point out that the amount of spent fuel that the Department of Energy is going to need to acquire from utilities for test and

evaluation activities connected to permanent repository development under the bill could be considerably greater than 400 metric tons. After making this point, OTA states:

Thus the establishment of such a T&E program could render moot the question of whether a special federal last resort AFR storage program is needed at all—at least at this time.

For all of the above reasons, I believe a direct Federal role in interim storage of utility spent fuel is unnecessary. But, as I remarked earlier, it is also, in my opinion, ill advised for the following reasons.

First, too great a Federal involvement in interim storage of utility spent fuel is likely to detract from efforts to development of a permanent repository program. Development of permanent repositories must be our foremost goal.

Second, reliance on centralized Federal storage of utility spent fuel will lead to increased transportation of radioactive materials over our highways.

Third, I believe if a direct Federal role in storage of utility spent fuel is begun under this bill, it will really represent just the nose of the camel under the tent. In future years, once the program is established, we will undoubtedly see requests to increase the metric ton allotment of Federal storage. Once this Federal program is begun the inclination on the part of the utilities will be to avoid taking initiative to solve their own problems because they will be able to count on the feds coming to their rescue.

I urge you to support my amendment. The direct Federal role contained in the bill before us today for storage of utility spent fuel offers the utilities a convenient bailout from their problems. The problems can be solved by them with application of new technology and innovative approaches. The choice is yours and mine to make. Let us choose to establish a clear policy that identifies whose responsibility the interim storage of spent fuel is, and then get on with the business of development of a permanent solution to disposal of our radioactive wastes.

The CHAIRMAN. The time of the gentleman from New York (Mr. LUNDINE) has expired.

(On request of Mr. CORCORAN and by unanimous consent, Mr. LUNDINE was allowed to proceed for 3 additional minutes.)

□ 1245

Mr. LUNDINE. Second, you are authorizing the transportation of this spent fuel all over the United States. If you keep it at the reactor site until it has to go to the permanent repository, you cut down on the amount of transportation. Third, it will inhibit the utilities from taking the initiative on their own to solve their own problems.

Mr. CORCORAN. Mr. Chairman, will the gentleman yield?

Mr. LUNDINE. I yield to the gentleman from Illinois.

Mr. CORCORAN. Mr. Chairman, I thank my good friend from New York for yielding, and I ask for this time in order to get some clarification with respect to his amendment. It is my understanding as I read the pending amendment that the effect of the amendment would be to delete section 135; is that correct?

Mr. LUNDINE. Yes.

Mr. CORCORAN. I wonder if the gentleman is aware of section 135, subsection (j), which applies to a concern I know that the gentleman has had with respect to his district. It is a concern that the gentleman from South Carolina (Mr. DERRICK) has had over the past several years with regard to his district, and of course, as the gentleman well knows, it is a concern that I have had for quite some time that also relates to my district.

The concern that I have with respect to section 135, subsection (j), is that—and I will quote for the benefit of my friend from New York and our colleagues the relative section here, because I think it goes to the heart of the problem that many of us have; that is, the concern about whether or not private away-from-reactor storage facilities would be vulnerable to a Federal takeover under this legislation. I quote:

(j) APPLICATION.—Notwithstanding any other provision of law, nothing in this Act shall be construed to encourage, authorize, or require the private or Federal use, purchase, lease, or other acquisition of any storage facility located away from the site of any civilian nuclear power reactor and not owned by the Federal Government on the date of the enactment of this Act.

The concern I have is that the amendment would delete that particular prohibition. I just wonder if the gentleman is aware of that consequence of his amendment?

Mr. LUNDINE. I am well aware of it. Now, let me explain to the gentleman and others in the Committee that this is not a parochial amendment. The gentleman has correctly pointed out that West Valley, Morris, Ill., and Barnwell, S.C., have effectively been eliminated by the subsection the gentleman mentions, but I would point out to the gentleman that what this amendment does is, is to set aside any AFR program at a federally owned site or at a privately owned site. So, the gentleman's concern I think is obliterated by the purpose of the amendment, which is not to authorize an AFR program at either site, and I think that subsection is unnecessary.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(At the request of Mr. CORCORAN and by unanimous consent, Mr. LUNDINE was allowed to proceed for 2 additional minutes.)

Mr. LUNDINE. So, I think there are two points to make. First, the situation the gentleman is concerned about has not been forgotten, and I have not forgotten West Valley in regard to this amendment, but to all the members of the Committee I want to assure them that there is nothing parochial about this. Second, I want to point out that I have an AFR in my district. I have been involved in the negotiations with utilities to take back some of their spent fuel, and if we go on and authorize an AFR, we might as well forget about the utilities taking any responsibility for it because they are going to try to get rid of as much as they can and then forget about it.

Mr. CORCORAN. I think the concern that some of us have is precisely this: If we do not have some sort of storage program for the accumulated spent fuel, then West Valley, Barnwell, and Morris, are more vulnerable than they otherwise would be not only to Federal takeover, but also to the prospect that they would be brought into the leasing arrangement, the acquisition arrangement, whereby under emergency circumstances, not in the deliberation that we have enjoyed for the past several months—in fact, all of this particular Congress—in trying to construct a reasonable compromise to deal with the problem, but under emergency circumstances to preclude the shutdown of a powerplant because of a lack of storage that those particular sites in Morris, in West Valley, and Barnwell would be in fact the subject of emergency legislation to authoring a takeover by the Federal Government.

Mr. LUNDINE. Just to answer the gentleman, earlier in this debate the gentleman from Arizona said to somebody else, "Trust me." I am sure I would be asking the gentleman in this respect. I am well aware of the gentleman's concern. I share that concern, and I know the gentleman from South Carolina does also, but what we are doing here, and I think the gentleman can trust what we are doing, is, we are eliminating congressional intent to establish an AFR program at any site, and I would point out to the gentleman that with Federal spent fuel research and development activities, and with the need for radioactive materials for the T&E facility, there will be plenty of capability to relieve an emergency.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(At the request of Mr. CORCORAN and by unanimous consent, Mr. LUNDINE was allowed to proceed for 2 additional minutes.)

Mr. LUNDINE. As I pointed out in my original statement, there are 300

metric tons in here for spent fuel research and development purposes. There is a test and evaluation facility. If a utility, having exhausted every option at its disposal—transshipment, building a new dry storage capacity at its reactor, or building a new pool at the site of the reactor—if every other option is exhausted there is plenty of capacity within this bill for the Department of Energy to use its research means to meet that crisis situation.

Mr. CORCORAN. Will the gentleman yield further?

Mr. LUNDINE. Certainly.

Mr. CORCORAN. The gentleman asked the gentleman from Illinois and the gentleman from South Carolina and the Members of the Committee of the Whole to trust him. I can understand why from his position it is easier than it might be for us to ask for trust. The point is, of course, that the West Valley site in no way would really be targeted because of the research project on solidifying high-level liquid waste that is taking place there. Therefore you could not combine an AFR program at the same site as that R&D project as a practical matter.

Mr. LUNDINE. I have to ask for my time back. I disagree with the gentleman. West Valley is there; there is a pool there; it is an AFR today. If we were looking for quick storage capacity in America today, it would not go to Barnwell; it would not go to Morris; it would go to West Valley. So, I think I am taking a greater risk than anybody in this House if the gentleman's fears should be the operative concern. But, I am confident that that will not occur because I am confident that our interim storage needs will be and can be met at the sites of reactors, and with our research program.

I thank the gentleman for his interest and his concern. I urge the adoption of the amendment. I hope that all of the Members of the Committee will understand that this is not from a parochial point of view, but it is from the point of view of somebody who has lived with an AFR in his district and seen how these matters operate.

Mr. CHAIRMAN. The time of the gentleman from New York has again expired.

(At the request of Mr. WEISS and by unanimous consent, Mr. LUNDINE was allowed to proceed for 2 additional minutes.)

Mr. WEISS. Mr. Chairman, will the gentleman yield to me?

Mr. LUNDINE. I yield to the gentleman from New York.

Mr. WEISS. Mr. Chairman, I urge my colleagues to support Representative LUNDINE's amendment to eliminate provisions for away-from-reactor interim storage of spent nuclear fuel.

Many problems would be created by establishing interim storage sites, but perhaps the most dangerous is that it would encourage utilities to ship their spent fuel to temporary facilities. In fact, according to some projections, there could be more than 6,000 truckloads of spent fuel shipped annually from nuclear plants to storage facilities by the year 2000.

The potential for disaster created by this increase in handling and transporting nuclear fuel is enormous. Millions of lives could be endangered should an accident occur in a densely populated area such as New York City. If the thought of shipping nuclear fuel through the streets of New York is unthinkable to anyone who has attempted to drive those streets, consider that the State of New York has already battled with the Federal Government over regulations that would allow hazardous shipments through the city.

From our experience in New York, we have learned that Federal legislation on nuclear waste disposal must include as a fundamental principle the protection of public health. The nuclear industry has been promoting a Federal AFR program so that they will be absolved of the responsibility of storing spent nuclear fuel. But it is their responsibility, not that of the taxpayers who should not have to bear the cost and the danger of time bombs rumbling through their neighborhoods.

We must speak for the local communities which will be responsible ultimately for the health and welfare of their citizens, should a transportation accident occur.

In a draft study, the National Academy of Sciences has characterized the Federal plan for regulating radioactive transport as primitive. The Academy predicts that serious impasses will occur between State and local officials if localities are not offered a stronger say in regulating fuel shipments through their areas.

Without a dramatic shift in the Federal policy toward transportation of hazardous wastes, the probability of serious accidents is bound to increase. That shift begins with the passage of the Lundine amendment.

Mr. LUNDINE. I thank the gentleman, and I think he raises a very good point. For those Members who are not that familiar with the situation, the question is. Are you going to keep the spent fuel rods at the end of the nuclear generating process at the site of the reactor, or are you going to ship them all over the country to various away-from-reactor storage sites, thereby incurring possible danger? I thank the gentleman for his contribution, and I urge the adoption of the amendment.

Mr. LUJAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think the thing we need to remember that we are providing for in the legislation is a last resort interim storage facility. I emphasize, the last resort facility, because none of us want to get into the situation where because we do have interim storage facilities, that it would delay the construction of a repository site.

The reason that we put this in here is because we have all kinds of testimony and information about reactors that are getting full. The capacity for the spent fuel rods is being exhausted. We have information that by 1989 or 1990 that we will have some 39 reactors where they will not have the capacity at the sites.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. Certainly.

Mr. FUQUA. Mr. Chairman, I appreciate the gentleman yielding, and I wish to amplify on the gentleman's remarks. Many of the operating reactors now are approaching capacity for storage of spent fuel rods, and there is a need which is further exacerbated by the fact that we as a Congress and the the Government have not moved forward with some type of permanent disposal for high-level waste. This is not the fault of the utilities; it is the fault of Congress and the fault of the Government. That is why this AFR is needed as an interim method.

Hopefully, we will not have to use it, but should there be some type of delay, legitimate or not, in construction of the permanent facility, at least we have some means whereby we can give relief to many of the reactors.

I know the gentleman pointed out that some 38 reactors are approaching capacity at this time, and that is why this amendment should be defeated.

Mr. LUJAN. That is exactly correct, and let me continue on.

What happens if the reactor site is full and we do not have the repository ready? The only alternative, of course, is either to ship it off to some other reactor site, which makes the problem even worse, or that we shut down the reactor completely. We have been very careful to specify that it would be only at existing Federal sites, so that any Member does not have to worry about whether or not a new interim storage facility is going to come into his district.

Mr. LUNDINE. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I will in a minute, because I want to make a point to the author of the amendment; that in his own home State of New York, for example, there are three reactors that are presently facing that problem. The Power Authority of the State of New York has one called the J. A. Fitzpatrick, Unit Three at Indian Point; and one at Rochester Gas & Electric has one, so even in his own State we face this same problem of having to shut down a reactor because we do not have any place to take the spent fuel rods.

If the final repository is not ready, I agree with the gentleman, we would

not want to delay the repository, but we have to be careful that we do have some contingency plan in the event that the repository slows down and there is not any room for the spent fuel rods.

Now, I yield to the gentleman from New York.

Mr. LUNDINE. I thank the gentleman. Strictly on the point of how much capacity is needed, does the gentleman accept the Department of Energy, June 1982, report that indicates that with transshipment there is only a need for 8 metric tons by 1986, and for 400 metric tons by 1990, and that we do not get up to the 1,700 metric tons here authorized until after the year 1993?

Mr. LUJAN. I will tell the gentleman that, as he knows, in drafting legislation one just comes up with some figures. I am not totally certain 1,900 metric tons is the answer to all the problems. I will just tell the gentleman that there were some who wanted more and there were some who wanted less, and we just compromised at a figure of 1,900.

Mr. CORCORAN. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield.

Mr. CORCORAN. Mr. Chairman, I want to thank my friend from New Mexico for yielding. Of course, we can look at what the Department of Energy has to say on this question and interpret its recommendation as we want.

Mr. CORCORAN. However, Mr. Chairman, one of the other Federal agencies that has evaluated this problem of need, which is a crucial element in this whole debate, has been the agency with responsibility for the regulation of the nuclear industry and, particularly, of course, the utilities that are using nuclear power on a commercial basis, and that is the U.S. Nuclear Regulatory Commission. Perhaps it is coincidental, but their report is dated June 1982, and this is based on the assumption, which is, I believe, the compelling assumption that all the committees of the House have used, Mr. Chairman, in trying to determine just what the magnitude of the need is, and that is that the final repository will not be coming on line until sometime between 1998 and the year 2000, probably closer to the end of that timeframe.

Now, the gentleman from New York (Mr. LUNDINE) has already said that even the DOE report indicates that the problem becomes one of constipation, shall we say, in 1983. What we are dealing with here is a timeframe around the turn of the century.

If we look at the NRC report, what that shows is that the following utilities—and I will not take the time of the House to read the names of all these utilities—will be in trouble long before 1998 and the year 2000—and I will read just a few of them—

Alabama Power & Light, 1992; Arkansas Power & Light, 1987; Boston Edison Co., 1994; Commonwealth Edison Co. of Chicago, 1989; and Florida Power & Light, 1987.

So what we are saying is that the need will arise long before the final repository becomes operational, and that is why section 135 ought to be protected as is and that is why the Lundine amendment ought to be rejected.

The CHAIRMAN. The time of the gentleman from New Mexico (Mr. LUJAN) has again expired.

(On request of Mr. CORCORAN and by unanimous consent, Mr. LUJAN was allowed to proceed for 2 additional minutes.)

Mr. LUJAN. Mr. Chairman, let me tell the gentleman that he is absolutely correct on the list of power companies that he read.

Mr. CORCORAN. Mr. Chairman, if the gentleman will yield, is this the gentleman from Illinois to whom he is making reference?

Mr. LUJAN. Yes. I am sorry.

Mr. Chairman, if we total those up, the NRC has suggested that by the year 1990—now, that is just 8 years away—by the year 1990 we will have a shortfall of roughly 2,800 metric tons storage capacity at reactor site, and we are only authorizing 1,900 metric tons as a very last resort.

Mr. LUNDINE. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from New York.

Mr. LUNDINE. Mr. Chairman, let me ask the gentleman, is it not true that the NRC has also said that these figures assume no transshipment between pools owned by the same utility and they assume no dry storage technology, which the NRC is pushing itself to try to implement in developing these numbers?

Mr. LUJAN. Mr. Chairman, here is what I have found: Even allowing for construction of additional reactor site cooling ponds and for reracking of the spent fuel, shortfalls in reactor storage capacity are anticipated. This analysis shows a shortfall in spent fuel capacity of roughly 2,800 metric tons by 1990.

I have always found that anytime we get into a discussion of some kind and we want to quote figures, or anybody does—DOE or NRC or EPA or any governmental agency—we can always find some figure to justify what we are trying to sell. In this particular case—and I am being honest about it—we compromised at 1,900 because some wanted more and some wanted less, and, frankly, that is the only way we could come up with an acceptable figure.

I reiterate that this is simply a last resort interim storage facility, and that we will need it. There is no question in my mind that such a facility would be needed, and we would be foolish in stripping this figure from the bill.

Mr. BROYHILL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, as the debate on this amendment, which I oppose, moves on, I think we should not lose sight of the purposes of this bill, and I would like to make a very quick walkthrough of what we are trying to do with respect to this bill and point out why this amendment does not make sense when we take a look at it in that way.

The major purpose of this bill is to come up with the selection of a final permanent repository, a resting place for spent nuclear fuel. Under the terms of the bill the timetable calls for a selection by 1987. There is a possibility of an extension for a year, but at the latest that selection would occur in 1988.

As has already been mentioned in this debate, the Department of Energy estimates that the completion of that final repository may take as much as 10 years or more so that the repository would not be available for the introduction of spent fuel until 1998 or later, and if it is like most things around here, it could be up into the year 2000 or beyond.

Now, what do we do to take care of the spent fuel problems that will occur and are occurring in nuclear generating plants all across the country between now and the year 2000?

Well, another purpose of the bill is this: Section 131, starting on page 65, and continuing through sections 132, 133, and 134, provides for expedited consideration of applications for expansion of onsite storage of these spent fuels, and certainly there is a crying need for these expedited procedures. Generally speaking, I would say there is agreement that these expedited procedures for the licensing of these onsite facilities are needed, and if there is no final resting place by 1998, obviously there is going to have to be some consideration for the expansion of onsite storage.

Now, there are going to be certain delays. We have seen this happen in the past. There are going to be regulatory delays and other delays, and there are those of us who feel there should be a safety valve program written in here. That is why in section 135, on page 72, we provide for a very small amount of storage capability, the storage of 1,900 metric tons at present Federal facilities. We are not talking about the construction of new facilities; we are talking about the possibility of storage at present Federal facili-

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ties that are handling or storing defense waste.

Now, this 1,900 metric tons amounts to about 3 percent of the spent fuel that will be generated between now and the year 2000, and this ability or this storage capacity cannot be used unless there are certain findings that are made by the NRC, the Nuclear Regulatory Commission. On page 74, we see listed those findings that must be made by the NRC before a utility has access to these Federal facilities, and that is why they have to show that the storage capacity cannot be reasonably provided at their facilities, either onsite or at another nuclear facility that they own, and that they have been pursuing and are diligently pursuing licensing alternatives. If they show to the satisfaction of the NRC that they have been diligently pursuing licensing alternatives and they show they cannot reasonably provide that storage capacity in their own system, then they would have access to these Federal facilities, and only then.

So, as we can see, this is not an automatic right to these Federal facilities; it is only a safety valve in case it is needed.

Otherwise the particular generating plant would have to close down, and, of course, it is not in the public interest to cause that kind of dislocation that could occur.

Mr. Chairman, I urge defeat of the amendment.

Mr. Chairman, I do not have time now to enumerate all the various utilities around the country that are projected to lose their full-core reserve by the late 1980's or the 1990's. However, I think the Members should have this information, so I am including for the record the following table:

NRC STUDY—JUNE 1982, UTILITIES NEEDING AN "AFR" BY 1990

TABLE 2.—UTILITIES AND REACTORS WITH PROJECTED LOSS OF FULL-CORE RESERVE PRIOR TO 1990

Utility and reactor	Loss of on-site storage capacity	
	Year projected to lose FCR	Year projected to lose discharge capability
Alabama Power Co.: J. Farley 1	1990	1992
Arkansas Power & Light Co.:		
Arkansas Nuclear 1	1984	1987
Arkansas Nuclear 2	1985	1989
Boston Edison Co.: Pilgrim 1	1989	1994
Carolina Power & Light Co.:		
Brunswick 1	1983	1987
Brunswick 2	1983	1987
Robinson 2	[1] 1986	1989
Cincinnati Gas & Electric Co.: Zimmer 1	1987	1991
Commonwealth Edison Co.:		
LaSalle 1	1987	1989
LaSalle 2	1987	1989
Consumers Power Co.: Palisades	1986	1989
Dairyland Power Co.: LaCrosse	1990	1993
Duke Power Co.:		
McGuire 1	1990	1993
McGuire 2	1990	1993
Oconee 1	1986	1988
Oconee 2	1986	1988
Oconee 3	1986	1988

NRC STUDY—JUNE 1982, UTILITIES NEEDING AN "AFR" BY 1990—Continued

Utility and reactor	Loss of on-site storage capacity	
	Year projected to lose FCR	Year projected to lose discharge capability
Florida Power & Light Co:		
St. Lucie 1	1984	1987
St. Lucie 2	1989	1992
Turkey Point 3	1987	1989
Turkey Point 4	1987	1989
General Public Utilities: Oyster Creek	1986	1990
Northeast Nuclear Energy Co.:		
Millstone 1	1985	1989
Millstone 2	1984	1987
Northern States Power Co.: Monticello	1989	1992
Omaha Public Power District: Fort Calhoun	1985	1988
Power Authority of State of New York:		
J. A. Fitzpatrick	1988	1992
Indian Point 3	1990	1993
Philadelphia Electric Co.:		
Peach Bottom 2	1987	1990
Peach Bottom 3	1987	1990
Portland General Electric Co.: Trojan	1985	1988
Rochester Gas & Electric Corp.: R. E. Ginna	1988	1992
Sacramento Municipal Utility District: Rancho Seco	1986	1989
Southern California Edison Co.: San Onofre 1	1982	1984
Virginia Electric & Power Co.:		
North Anna 1	1988	1989
North Anna 2	1988	1989
Surry 1	1984	1986
Surry 2	1984	1986
Vermont Yankee Nuclear Power Co.: Vermont Yankee	1988	1991

[1] Projection made on basis that pending application of reracking is approved.

Reference: NUREG/CR-2704, June 1982.

Mr. UDALL. Mr. Chairman, we have 19 amendments pending, and I had hoped that we could move along toward the conclusion of this bill. Therefore, I ask unanimous consent that all debate on the pending amendment cease at 1:25 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

Mr. MARKEY. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mrs. SCHNEIDER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York. I think most of us are united in favoring a comprehensive nuclear waste policy, and it is obvious that the leadership of the Commerce, Interior, and Science Committees have worked very hard to put together a compromise bill. The gentleman's amendment strengthens the legislation by concentrating Federal resources on our main purpose—the establishment of a deep, geological repository for the safe, permanent storage of nuclear waste. The temporary, away-from-reactor storage provided in the bill is an unnecessary distraction from the goal, and should be eliminated.

Members may want to keep three points in mind when considering this amendment. First, the Department of Energy's estimates as to the amount of away-from-reactor storage utilities will need has been continually revised downward over the past 5 years. It now appears that improved storage methods at the site of existing reactors are a cheaper and more effective alternative than setting up separate, temporary facilities to hold spent fuel rods until a permanent repository can be established.

Second, the creation of AFR sites could double the hazards associated with transporting radioactive materials, as these would have to be moved first to temporary storage and then, theoretically at least, to their final resting place in a permanent repository. I think most of our constituents would prefer that we keep the circulation of nuclear waste on our Nation's highways and railroads to a minimum.

Third, the language in the bill charges the utilities a one-time fee to finance AFR's. That leaves the taxpayers responsible for footing the bill for any cost overruns. Given the Department of Energy's rather poor track record in managing similar contractual arrangements, it seems unwise to give DOE a blank check to cover costs that private industry ought to absorb. While the safe disposal of nuclear waste is a public problem, the responsibility for financing the solution must rest with private industry.

The nuclear waste bill that we enact should preserve an important principle—it should avoid halfway measures and move us directly toward our primary goal, which is to provide for the permanent, safe storage of nuclear waste. Temporary, away-from-reactor storage sites just do not measure up to this principle. I urge my colleagues to vote for this amendment.

Mr. WIRTH. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, first let me say that I want to associate myself with the remarks of the gentlewoman from Rhode Island, Mrs. SCHNEIDER, on the costs of this provision. I think we ought to be aware that what we are assuming here involves significant further costs to the taxpayer. Through its long history, nuclear power in this country has been subsidized over and over and over again by the taxpayer, and this is another example.

Second, what we are doing with this provision is opening up the possibility for some very, very significant further involvement by the Federal Government.

Mr. CORCORAN. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. Let me complete my statement, and then I will be happy to yield if I have time.

Mr. CORCORAN. Mr. Chairman, I thank the gentleman.

Mr. WIRTH. Mr. Chairman, as I was saying, the second issue we have here is opening up a large new area for Federal involvement with nuclear power,

in that away-from-reactor storage raises the possibility of the Federal Government taking all kinds of responsibilities that should be carried by the private sector. We have heard an enormous amount of discussion over the last 2 years about the private sector's assuming its responsibilities and limiting the responsibility of the Federal Government, and here we are, in a very bizarre fashion, doing precisely the opposite, opening up a very large box—away-from-reactor storage—into which the private sector is going to run with a series of problems that are created by nuclear power.

Third, I would point out to my colleagues the language on page 72 of H.R. 7187, from line 16 on. In developing away-from-reactor storage, what are we allowing to happen?

First, the away-from-reactor storage facilities—and this is lines 16 through 19—are exempt from the Nuclear Regulatory Commission's licensing procedure. Why is that? Why is there an exemption from the licensing procedure? What are we going to say in this language they are going to get away with?

According to line 20 through line 2 on page 73, no environmental impact statement is required in the development of away-from-reactor storage capability.

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Why is that? Why is there no Nuclear Regulatory Commission licensing as there are for other facilities, and why no environmental impact statement? It does not make any sense.

Something is wrong when, one, we are saying the Federal Government is going to get into this new operation but is getting into it without the kind of licensing procedure and environmental impact statement that is required for every other major endeavor that is embarked upon by the public sector or the private sector.

To further compound the problem, if we get into section d on page 73, the bill authorizes the Department of Energy to construct storage capacity on any other site, at any other nuclear reactor site, again without an EIS, again without licensing. It just does not make any sense.

I think the gentleman from New York has offered an amendment that is rational, that says in summary that clearly there is a problem in terms of storage. But as the gentleman has pointed out, let us push the technology, let us leave that responsibility in the private sector. Let us not have the taxpayer assume the burden, as the gentlewoman from Rhode Island was pointing out. Let us not develop a whole series of new responsibilities for the Federal Government, and let us maintain the process of licensing under the Nuclear Regulatory Commission and maintain the very, very important process of the environmental impact statement required under NEPA.

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. CORCORAN. Mr. Chairman, will the gentleman yield for purposes of clarification at this point?

Mr. MARKEY. Am I going to be doing the clarification, or the gentleman?

Mr. CORCORAN. I am going to try to clarify the financing issue discussed by Mr. WIRTH of Colorado.

Mr. MARKEY. I yield to the gentleman.

Mr. CORCORAN. I thank the gentleman very much for yielding. On the question of financing the interim storage fund, our good friend from Colorado (Mr. WIRTH) indicated that the taxpayers would have to finance it. As the gentleman from Massachusetts well knows, section 137 of the bill dealing with the interim storage fund makes it clear that the generators of the waste will have to finance the program.

Mr. MARKEY. I thank the gentleman for that clarification.

Of course the generators of the wastes will then dun their ratepayers and as far as the ratepayer is concerned it is very easy for him to take off his taxpayer hat and put on his ratepaying hat and in the wash sometimes it seems very difficult for him to differentiate between one hand or the other in the pocket.

The problem here is this: The utilities want an away-from-reactor storage program. That is priority No. 1. A permanent waste bill is something which is desirable, something that might take place in 1995 or the year 2005. But that is a secondary consideration.

We have all of this waste building up at our existing reactors and it is so critical for us to say to the utilities that we get away-from-reactor storage capacity.

Why is that? The problem is this: The utilities do not want to build any more storage capacity onsite. When a nuclear powerplant is licensed you have one building that has the reactor generating all of the electricity. The fuel rods in that building, when they wear out, when they cannot produce any more electricity, are put in a building right next door in a swimming pool, where they are going to be held until a permanent waste repository can be constructed in this country.

The waste will then be put on trucks and transported to the permanent repository.

What the utilities are saying is rather than having us, as our waste builds up onsite, build an additional swimming pool next to the existing one, we want it to be put in another place maybe 500 miles away or maybe 1,000 miles away. Put the nuclear waste on the highway and drive it to an away-from-reactor storage facility. Then in 15 or 20 years when the permanent nuclear repository is constructed, then take it from the AFR and put it in the permanent repository.

Here is the problem: We will never have a permanent repository if the utilities do not have a need for one. If we take the problem the utilities now have of getting their wastes off of their own premises, then the pressure which will be applied to deal with the problem of permanent waste disposal will be alleviated. As a result, all of the political consensus which wraps around this bill today will be somewhat mitigated since the key party to having a permanent repository will now have its problems somewhat pushed back in time into the indefinite future.

What we have to do is to say to the utilities: "Why don't you make applications for additional storage capacity onsite; why don't you make application to go to dry cask technology of nuclear wastes onsite; why don't you make requests for transshipment between your own utilities in a very small local area and try to minimize the amount of travel of this nuclear waste?"

For every nuclear powerplant in this country, every 1,000 megawatts, it means about 40 to 60 truck shipments per year of nuclear waste on the highways heading toward this away-from-reactor facility.

We do not have any need for an away-from-reactor facility. We do not have any problem with telling the utilities to build additional storage capacity onsite.

Diablo Canyon, Pilgrim, Three-Mile Island, Seabrook, Florida Power & Light, North Carolina Power & Light, no matter where you come from, we will help you expedite through the Department of Energy, through the Nuclear Regulatory Commission, a process that makes it possible for you to take care of your own problems.

It is not the job of the Federal Government to bail out the private sector. It is not our job to put together a program that ought to be put together by the private sector or the self-help program for a problem which the utilities have created and for which they have the facilities and the capacity to deal with themselves.

We are talking about the Federal Government injecting itself into an area of the private sector that it has no business being in until there is a permanent repository which is a legitimate Federal responsibility. There is no role for the Federal Government in bailing out the utilities for the short term.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. MARKEY) has expired.

(At the request of Mr. MARRIOTT and by unanimous consent Mr. MARKEY was allowed to proceed for 2 additional minutes.)

Mr. MARRIOTT. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I am glad to yield.

Mr. MARRIOTT. My friend knows I share his concerns about getting a permanent repository and doing it properly.

Let me ask this question. The gentleman brings up the point that the existing reactors now have the capability of storing all of the spent fuel without going to AFR's. Does the gentleman believe that they would have little difficulty getting licensing, No. 1 from the NRC to do that and does he believe that the storing in these reactors, some of which are very close to large population areas, would be as safe in the long run as transferring them to some AFR?

Does the gentleman have reactors in his district? Would the gentleman's people sign off on increasing the storage capacity at the reactor? Do they feel no problems with that possibility?

Mr. MARKEY. This is a Republican administration. The Republican administration is in office on the pledge that it is going to try to cut redtape, reduce and minimize bureaucratic interference with private sectors activities. If between you and I, Nunzio Palladino, Don Hodel, and Ronald Reagan we cannot put together a program which expedites the construction of additional onsite capacity for our nuclear power facilities, then there is something terribly wrong.

Second, 30 percent of the electricity in New England, and in my district, is generated from nuclear power. My district would much prefer to keep the wastes onsite until there is a permanent repository and then once put it on the highways and take it through the distict.

Let me tell the gentleman something else. We are all deluding ourselves if we believe this stuff is going to be put on the highways and we are not going to see the granola crowd and some ponytail crowd out there protesting. This is going to be like the nuclear freeze movement. There are going to be middle-class mothers and fathers out in the middle of the highway saying "What are you doing putting nuclear wastes on our highways when you do not have any reason to do so?"

I do not think we have any idea of the political volatility of this issue.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. MARKEY) has again expired.

(At the request of Mr. MARRIOTT and by unanimous consent Mr. MARKEY was allowed to proceed for 2 additional minutes.)

Mr. LUNDINE. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from New York briefly.

Mr. LUNDINE. I think the whole idea of the technology push that the gentleman has alluded to operates here, too.

It has been the Nuclear Regulatory Commission that has been encouraging the utilities to adopt dry storage on top.

TVA is proving this can be done. We are not talking about some technology that is in the far distant future, nor are we talking about a regulatory agency that in any way is hostile to what the gentleman has suggested should occur.

Mr. MARKEY. If I may reclaim my time, there has never been in the history of this country one utility that has asked for permission to expand its onsite capacity. Utilities have reracked. They have tried to use to the best of their ability the space available in the existing water cooling area. But they have never asked to build additional facilities.

There is something wrong with that and what is wrong with it is clearly the need for the utility industry to come to big sugar daddy, to come to the big Federal Government and say "You build them for us; you figure out how to solve the problem because we do not want to do it. We promised you, we promised the people when we built these nuclear powerplants in their area that we would take care of the problem. But now Federal Government, you do it instead."

But now when push comes to shove they want you, big daddy, to pick up the bill, and I do not think we ought to do it.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from New Mexico.

Mr. LUJAN. I think the gentleman is mistaken in his statement. He continually says that the Federal Government is going to pay for all these things. The bill provides that the users, the utilities are the ones that are going to have to pay for it.

The gentleman says well, then, they will just pass it on to the ratepayers.

The alternative is that the Federal Government pick up the tab. I guess that is what the gentleman is advocating, that the Federal Government pick up the tab instead of the utilities picking up the tab. I really cannot understand what side the gentleman is on.

Mr. MARKEY. Let me reclaim my time.

The gentleman from New Mexico makes a mistake in leaving the impression on his listeners that the cost is the same whether you put it off site or you put it on site. In fact, it costs twice as much to put it offsite in an AFR as it does to put it onsite; that is, the taxpayer/ratepayer, depending on the hat, gets stuck with the bill.

Mr. MARRIOTT. Mr. Chairman, I move to strike the requisite number of words.

Could I enter into a colloquy with the author of the amendment because I think it is an important issue to discuss. Does not the present bill require the utilities to try to expand onsite storage before they apply for AFR's?

Mr. LUNDINE. Will the gentleman yield?

Mr. MARRIOTT. I yield to the gentleman.

Mr. LUNDINE. Yes.

Mr. MARRIOTT. Then I do not understand what the problem is. If we have enough capacity to store 1,900 or 2,800 metric tons at the present reactor site then what is the controversy?

We have then only to go to AFR's if in fact it was necessary and the reactors could make that point.

No. 2, the State still has a veto on that, do they not, that requires a two-House congressional override?

So I do not understand if those two things are in place why we need this amendment.

Mr. LUNDINE. If the gentleman will yield, the problem is you are creating a presumption that there is a need for a Federal facility if this amendment is rejected and all you have is a regulatory proceeding to determine whether or not the utility is making the efforts that they can.

Third, you do not have to consider any new technology. We are just at a breakthrough point that if we relieve this and we provide that the answer to this is away-from-reactor storage pools, we will see the development of dry storage and other new technologies for at-reactor-site disposition or interim storage absolutely grind to a halt.

Believe me, I have seen it. I have seen it where they have it in a pool and as soon as you say you do not have any permanent right to keep it here, they say take us to court.

The push is not toward solving the problem where it is. The push will be to get rid of it and the gentleman is entirely correct; the only protection we have is that the NRC, as the gentleman from New Mexico correctly pointed out, does have these three criteria before they can authorize an AFR.

Mr. MARRIOTT. If I could make one other point, if in fact we put it at the reactor and we do not have an AFR, it seems to me that might expedite the permanent repository process.

Mr. LUNDINE. Exactly.

Mr. MARRIOTT. Which may not be good. That is, we may not be ready yet in the next year or year after to say how we are going to store this stuff on a permanent basis and you may well

be forcing us to make some decision we do not want to make.

Mr. LUNDINE. If the gentleman will yield on that point, I agree with the Reagan administration and with this Department of Energy that it is absolutely imperative that we accelerate the final repository, the final disposition. We have delayed in this country for 30 years the development of a repository. I think the gentleman's analysis is correct.

Mr. MARRIOTT. If I could reclaim my time, the point I want to make is when you go out to a western State where you have underground water table problems, salt problems, proximity to national parks, you do not make those decisions overnight. I do not want to be put in the position where they are going to ramrod something down our throat because we are forced to because we have no AFR's.

Mr. CORCORAN. Mr. Chairman, will the gentleman yield?

Mr. MARRIOTT. I am happy to yield to my friend.

Mr. CORCORAN. I thank my friend from Utah for yielding because one of the issues here is whether or not with the adoption of the Lundine amendment the pressure and the authority would be in the legislation to require the Nuclear Regulatory Commission to make certain that the utilities have exhausted all of the other remedies before going to the last resort.

□ 1330

One of the unfortunate consequences, Mr. Chairman, of the Lundine amendment is that it strikes out section 135, subsection (i), which requires that the NRC issue the guidelines and implement requirements so that the utilities in fact exhaust all of these other technologies, exhaust all of the other steps, to make certain that they solve their problems themselves.

Mr. MARRIOTT. Mr. Chairman, I would just like to say that I applaud what is trying to be done by removing the AFR's, but I think it causes more potential damage than it does good.

Mr. LUNDINE. Mr. Chairman, will the gentleman yield?

Mr. MARRIOTT. I yield to the gentleman from New York.

Mr. LUNDINE. Mr. Chairman, the whole point I have tried to make to the gentleman from Illinois is that this amendment eliminates the entire AFR section, and if there is no authorization for an AFR, then there is no reason to limit it to Federal sites and there is no reason to have NRC criteria. The purpose of this amendment is to try to solve the problem on site, not at away-from-reactor storage sites.

Mr. MARRIOTT. I would just simply conclude, if I have any time left, to say that I think the amendment is a bad one. The present bill provides reasonable stopgaps. I would urge that we support the bill.

Ms. FERRARO. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, the amendment before us really might be referred to as a prime purpose amendment. By that I mean that the amendment will help to preserve the prime purpose of the legislation before us.

It is generally understood that this bill is designed to move the nuclear power industry toward a permanent repository for spent fuel. Yet one provision of the bill would establish what the industry has referred to as a "last resort" option—a federally supplied interim storage facility with a capacity of 1,700 metric tons of spent fuel from civilian reactors.

As the gentleman from New York (Mr. LUNDINE) has made clear, such a facility is very likely to become one of first reliance for the industry rather than last resort. Given the alternatives of expanding their own onsite storage capacity or taking advantage of a ready made Federal facility, utilities are sure to take the easiest and cheapest course.

The amendment before us would eliminate the requirement for a Federal interim storage capacity. At the same time, the amendment leaves in the bill the provisions which accelerate Federal research, development, and demonstration programs for cost-effective technologies for storing spent fuel onsite. It would also expedite NRC licensing of onsite storage capacity.

The proposed interim storage facility has been justified as necessary to avoid a crunch in existing storage space. The fact is, however, that estimates of needed storage capacity have steadily been revised downward in recent years. While the Department of Energy estimated in 1977 that 1,700 metric tons of interim storage would be required by 1983, the latest Department estimates are that utilities will not need any Federal capacity until at least 1986.

Another argument against building the interim storage facility is the increase in transportation and handling of spent nuclear fuel which would result. I have been actively involved in the Department of Transportation's efforts to draft new regulations governing the transportation of spent fuel. The DOT's first plan was widely criticized by city officials and environmental groups on grounds that it did not adequately provide for the safety of residents of metropolitan areas through which spent fuel would be shipped. Those concerns were underscored earlier this year when a Federal district court judge in New York struck down the proposed regulations.

The judge ruled that DOT had not given sufficient consideration to the possible use of alternative modes of transportation to the highways, and that more emphasis must be placed on the problems surrounding shipments through densely populated urban areas.

The Department of Transportation has announced its intention to appeal the decision, but the status of Federal regulation of spent fuel shipments is very much in doubt. Given the likelihood that establishment of an interim storage facility would result in an additional 4,750 truck shipments of spent fuel, I believe it would be ill-advised to require such a facility be created before the transportation questions are resolved.

As I said earlier, this amendment serves only to reinforce the principal purpose of the Nuclear Waste Policy Act, which is to encourage new initiatives to develop permanent repositories for spent fuel. I urge adoption of the amendment.

Mr. UDALL. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment cease in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. Members standing at the time the unanimous-consent request was agreed to will be recognized for 1 minute each.

(By unanimous consent, Mr. WEISS and Mr. DOWNEY yielded their time to Mr. LUNDINE.)

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. KEMP.)

Mr. KEMP. Mr. Chairman, I rise in support of the amendment offered by my colleague, the gentleman from New York (Mr. LUNDINE), to delete the interim storage provisions of H.R. 3809, the Nuclear Waste Disposal Act, and I congratulate him for his hard work.

First, let me say how much I appreciate the very hard work—and hard bargaining by everyone that went into this nuclear waste bill. Devising a plan for permanent nuclear waste storage has, I know, often been a thankless task. Members of both sides of the aisle who have worked long and hard on this legislation deserve our thanks, and also our congratulations for coming up with a fair and workable long-term solution.

I want to emphasize as well that my concern about the interim storage provisions of this bill does not stem from purely parochial interests. It is true that I strongly oppose allowing the West Valley site, in our community of western New York, to become a storage site. Congress is spending millions of dollars cleaning up the nuclear reprocessing plant at West Valley, precisely because the nuclear waste now stored there represents a real and very

significant threat to public health. West Valley is not and would not be an appropriate storage site, because of well-established geographical and geological factors.

I oppose interim storage for these reasons: First, I do not believe it is necessary; second, it increases the danger from transporting wastes; and third, it provides an opportunity and incentive for delaying action on a permanent repository site.

When the Department of Energy first proposed a Federal interim storage program, in 1977, they estimated that by 1990 we would need storage space for 14,400 metric tons of spent fuel. In 1978 the Department revised that figure down to 6,940—a decrease of over 100 percent. And in 1980 they revised it once again, this time down to 3,277 metric tons. At the same time the estimates of waste needing storage have declined, the development of alternative storage technologies has proceeded apace. Fuel rod consolidation, and even more dry storage techniques, now offer onsite storage alternatives that are much cheaper than constructing an interim storage facility—and keep the Federal Government out of the business of providing short-term waste storage for the nuclear industry.

These alternative technologies also reduce the need to transport waste. Clearly the less we need to move this waste along the roads and railways the less we will endanger public health and safety. What is more, the transportation of nuclear waste will become one more area of conflict used to halt the development of nuclear energy, which I know is not the aim of the sponsors of this legislation.

My biggest fear, however, is that by permitting interim storage we will make it easier to put off those hard decisions about permanent storage. Interim storage facilities set up to meet the needs for just a few years might easily be strained beyond their capacities. The pressure on the Federal Government, the States, and the nuclear industry to reach a mutually acceptable solution would be eased. And we would have created one more Federal support program for industry—the kind of program that tends to acquire a long life of its own.

I support this legislation. The nuclear waste accumulating around the Nation, the nuclear waste now being prepared for solidification at the West Valley demonstration site, must find a safe and permanent home. We must reform the licensing procedures for waste management to allow promising new technologies to be used. I do not, however, believe that interim storage is necessary for resolving the nuclear waste problem. Instead, it may stand in the way of a true, long-term solution.

The CHAIRMAN. The Chair recognizes the gentlewoman from Tennessee (Mrs. BOUQUARD).

Mrs. BOUQUARD. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, I think it should be pointed out that the Government has had a rather ambivalent policy in regard to our nuclear plants. When they were originally built and for a long time afterwards, the concept of reprocessing was much agreed upon and encouraged by the Government. Then a recent administration banned reprocessing, and it left the industry without the facilities or the capacity to handle the spent fuels. I think, particularly because of that inconsistent energy policy that we have created this problem, and it is the responsibility of the Federal Government to provide for emergency storage with this so called last resort away-from-reactor spent fuel storage facility. I, therefore, urge rejection of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. CORCORAN).

Mr. CORCORAN. Mr. Chairman, the contents of this legislation in the form of the pending amendment offered by our good friend from New York (Mr. LUNDINE) have been adequately discussed, and I think our colleagues know what is in it.

I would like to address one other facet of this matter in the time that I have remaining, and that is the impact of the Lundine amendment on the entire legislation.

Mr. Chairman, in the 96th Congress we came sputtering to the end and we came very close to passing a nuclear waste bill. It got tied up in conference over the military aspect of the program. Now we are coming again to this away-from-reactor storage question which, in my judgment, if the Lundine amendment, God forbid, is adopted, will cause the death of nuclear waste legislation in this Congress. There is no question about the fact that a lot of people, not the author of this amendment, but a lot of other people have already written to the Speaker of the House and the leadership of the various committees involved, who, by the way, are all opposed to this amendment—I do not know the position of the Speaker—and they have asked that the bill itself be pulled from the Calendar for this Congress. They do not want a good sensible nuclear waste bill. And that may be why they are supporting the Lundine amendment.

For this reason as well as many others which I have already discussed during the course of this debate, I urge the resounding rejection of this ill-advised amendment.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL. Mr. Chairman, I would point out to the Members that the last resort interim storage program is limited to existing Federal facilities, and those facilities which have undergone a public health and safety review by NRC. And I would also say that we have special statutory language in section 135, which the gentleman from New York now would have us strike, that would exclude the use of private away-from-reactor facilities for the storage of spent fuel. We specifically put this language in here to take care of the problem that he and others have talked about; that is, the concerns that they have expressed as the possible use of privately owned facilities in their particular districts. And he now wants to strike the language that we put in the bill for the express purpose of saying that there will be no funds used for the private facilities.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. LUNDINE).

Mr. LUNDINE. Mr. Chairman, to address the last point to my good friend from North Carolina, I have tried to state, and I honestly believe, this is not a parochial amendment. The gentleman is entirely correct. I believe that the districts of the gentleman from Illinois, the gentleman from South Carolina, and myself are protected by the compromise language in this amendment.

The gentleman also knows that the other body has passed a bill that has no limitations whatever. We have no assurance that these limitations would in fact be in the final legislation that may be adopted at the very latest hour.

Mr. CORCORAN. Mr. Chairman, will the gentleman yield?

Mr. LUNDINE. I will yield to the gentleman if he will be brief.

Mr. CORCORAN. The point I would like to make is that if the House adopts the Lundine amendment and the Senate has already rejected similar legislation, the Senate in the conference between the two Houses will be able to insist on its language in authorizing the Federal takeover of private facilities such as at Morris, Ill., and that is what concerns me and many of my colleagues very, very much.

Mr. LUNDINE. I would like to address that point. I honestly am in favor of this legislation. I do not believe the gentleman's analysis is correct. I think if the House adopts the Lundine amendment, and the Senate has a provision in their bill, we will compromise somewhere in between, which will probably be something like the language in this bill. But if the Lundine amendment is rejected, I think the gentleman is at risk, I think this gentleman is at risk, and I think

everybody who cares about an unlimited AFR is at risk. And that is the reason I am going to insist on this amendment.

Mr. Chairman, it is very simple: An away-from-reactor storage facility would be more expensive and it would be more dangerous than the adoption of the Lundine amendment. There are new technologies coming on line which can solve this problem. We have the capacity with the research and development capability of the Federal Government, should there be an emergency, for up to 300 metric tons of space and fuel storage, and additional storage in the T&E facility beyond that. But the fundamental question here is: Is the Federal Government going to step in and undertake a new activity? Or is the basic responsibility going to be on those utilities whose users have had the benefit of the nuclear power up to this time?

I urge the adoption of this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. Mr. Chairman, we all would like to see the problem solved in the way that we would prefer it would be solved. And I believe it would be wonderful if we did not need an AFR, if we did not need an interim storage facility. But we live in the world that is, not in the world that ought to be.

So it is my feeling that, at some point, these reactor facilities are going to be filled up, and we have to have an alternative to closing those utilities.

We have considered this amendment in Interior. We have had long, long hours of debate on this, and it was the wisdom of the committee to turn it down at that time. I think that the last thing we ought to remember is that this is a last resort interim storage facility. Only after the utilities have done everything they possibly can to increase the storage capacity onsite would this facility be used.

So it is just a backstop so that if we ever find ourselves in the position where we have no capacity, the utilities will not be closed.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. UDALL) to conclude debate.

Mr. UDALL. Mr. Chairman, this amendment ought to be defeated. It is well intended, and the gentleman from New York is fighting very hard. He is not parochial; he has not been parochial around here, and I accept his statement in that regard.

We have retreated and retreated and retreated on AFR. Frankly, I have no great enthusiasm for a lot of AFR facility, and I do not think we are going to have any. This is a careful, limited, last-resort, last-ditch facility that we need, for two things: First, if there is an emergency, if the reactor finds that they have rods that they simply do not have space for, they have run out of pools, we will have a Federal program which can accept those rods; and second, we have made a lot of international commitments over the years to nations urging them to use nuclear technology. We have a lot of international commitments that we will provide that space if needed.

So you have a highly limited, 2,000-metric-ton program. The utilities will have to show that they cannot provide storage space at reactor sites, utilities that will use this Federal space will pay for it, and they have to be able to get out as soon as new capacity can be reasonably constructed.

So we should not eliminate the AFR totally. This leaves a very small AFR program, and the amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. LUNDINE).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. LUNDINE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 84, noes 308, not voting 41, as follows:

[Roll No. 398]

AYES—84

Addabbo	Gray	Paul
AuCoin	Gregg	Rangel
Bedell	Hartnett	Reuss
Beilenson	Heftel	Rodino
Biaggi	Howard	Roemer
Bingham	Huckaby	Rosenthal
Brodhead	Kastenmeier	Roybal
Burton, John	LaFalce	Savage
Burton, Phillip	Leland	Scheuer
Campbell	Lowry (WA)	Schneider
Clay	Lundine	Schroeder
Clinger	Markey	Schumer
Conyers	Martin (IL)	Shannon
Crockett	Martin (NY)	Simon
Deckard	Mavroules	Solarz
Dellums	McGrath	Spence
Derrick	McHugh	Stark
Downey	Minish	Stokes
Dymally	Mitchell (MD)	Studds
Eckart	Moakley	Vento
Edgar	Molinari	Waxman
Edwards (CA)	Mottl	Weaver
Ferraro	Napier	Weber (MN)
Ford (TN)	Nowak	Weiss
Garcia	Oakar	Williams (MT)
Gejdenson	Oberstar	Wirth
Gilman	Obey	Wolpe
Gore	Panetta	Wyden

NOES—308

Akaka	Bennett	Burgener
Albosta	Bereuter	Butler
Alexander	Bethune	Byron
Anderson	Bevill	Carman
Andrews	Bliley	Carney
Annunzio	Boggs	Chappell
Applegate	Boland	Chappie
Archer	Boner	Cheney
Aspin	Bonior	Clausen
Atkinson	Bouquard	Coats
Badham	Bowen	Coelho
Bafalis	Brinkley	Coleman
Bailey (MO)	Brooks	Collins (IL)
Bailey (PA)	Broomfield	Collins (TX)
Barnard	Brown (CA)	Conable
Barnes	Brown (CO)	Conte
Beard	Brown (OH)	Corcoran
Benedict	Broyhill	Coughlin
Courter	Hightower	Petri
Coyne, James	Hiler	Peyser
Coyne, William	Hillis	Pickle
Craig	Holland	Porter
Crane, Daniel	Holt	Price
Crane, Philip	Hopkins	Pritchard
D'Amours	Horton	Quillen
Daniel, Dan	Hoyer	Rahall
Daniel, R. W.	Hubbard	Railsback
Dannemeyer	Hughes	Ratchford
Daschle	Hunter	Regula
Daub	Hutto	Rhodes
Davis	Hyde	Rinaldo
Derwinski	Ireland	Ritter
Dickinson	Jacobs	Roberts (KS)
Dicks	Jeffords	Roberts (SD)
Dingell	Jeffries	Robinson
Dixon	Jenkins	Roe
Donnelly	Johnston	Rogers
Dorgan	Jones (NC)	Rostenkowski
Dornan	Jones (OK)	Roth
Dougherty	Jones (TN)	Roukema
Dowdy	Kazen	Rudd
Dreier	Kennelly	Russo
Duncan	Kildee	Sabo
Dunn	Kogovsek	Santini
Dwyer	Kramer	Sawyer
Dyson	Lagomarsino	Schulze
Early	Latta	Sensenbrenner
Edwards (AL)	Leach	Shamansky
Edwards (OK)	Leath	Sharp
Emerson	Lent	Shaw
English	Lewis	Shelby
Erdahl	Livingston	Shumway
Erlenborn	Loeffler	Siljander
Ertel	Long (LA)	Skeen
Evans (DE)	Long (MD)	Skelton
Evans (IN)	Lott	Smith (AL)
Fary	Lowery (CA)	Smith (IA)
Fascell	Lujan	Smith (NE)
Fazio	Luken	Smith (NJ)
Fenwick	Lungren	Smith (OR)
Fiedler	Madigan	Smith (PA)
Fields	Marlenee	Snowe
Findley	Marriott	Snyder
Fithian	Martin (NC)	Solomon
Flippo	Martinez	St Germain
Florio	Matsui	Stangeland
Foglietta	Mattox	Stanton
Foley	Mazzoli	Staton
Ford (MI)	McClory	Stratton
Forsythe	McCloskey	Stump
Fountain	McCollum	Swift
Frank	McCurdy	Synar
Frenzel	McDade	Tauke
Frost	McDonald	Tauzin
Fuqua	McEwen	Taylor
Gaydos	Mica	Thomas
Gephardt	Michel	Trible
Gibbons	Mikulski	Udall
Ginn	Miller (OH)	Vander Jagt
Glickman	Mineta	Volkmer
Goldwater	Mitchell (NY)	Walgren
Gonzalez	Montgomery	Walker
Goodling	Moore	Wampler
Gradison	Moorhead	Watkins
Gramm	Morrison	Weber (OH)
Green	Murphy	White
Grisham	Murtha	Whitehurst
Guarini	Myers	Whitley
Gunderson	Natcher	Whittaker
Hagedorn	Neal	Whitten
Hall (IN)	Nelligan	Williams (OH)
Hall (OH)	Nelson	Wilson
Hall, Ralph	Nichols	Winn
Hall, Sam	O'Brien	Wolf
Hamilton	Ottinger	Wortley
Hammerschmidt	Oxley	Wright
Hance	Parris	Wylie
Hansen (ID)	Pashayan	Yatron
Hansen (UT)	Patman	Young (AK)
Harkin	Patterson	Young (FL)
Hatcher	Pease	Young (MO)
Hefner	Pepper	Zablocki
Hendon	Perkins	

NOT VOTING—41

Anthony	DeNardis	Heckler
Ashbrook	Emery	Hertel
Blanchard	Evans (GA)	Hollenbeck
Bolling	Evans (IA)	Kemp
Bonker	Fish	Kindness
Breaux	Fowler	Lantos
Chisholm	Gingrich	LeBoutillier
de la Garza	Hawkins	Lee

Lehman	Mollohan	Stenholm
Levitas	Pursell	Traxler
Marks	Rose	Washington
McKinney	Rousselot	Yates
Miller (CA)	Seiberling	Zeferetti
Moffett	Shuster	

□ 1400

The Clerk announced the following pair:

On this vote:

Mr. Washington for, with Mr. Mollohan against.

Mr. STANGELAND and Mr. RINALDO changed their votes from "aye" to "no."

Mr. WAXMAN and Mr. LELAND changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SWIFT

Mr. SWIFT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SWIFT: At page 141, line 24, strike all after "repositories;" through the end of line 3 on page 142 and insert in lieu thereof the following: "and (B) the Secretary may not commence construction or excavation of any Test and Evaluation Facility prior to issuance by the Commission of a construction authorization for a repository at the site involved.".

Mr. SWIFT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SWIFT. Mr. Chairman, the purpose of this legislation, among other things, is to assure an objective and a technical decision as to where a repository should be located. It is, therefore, also true that one of the purposes of this legislation must be to avoid prejudicing the decision as to where the permanent repository will be located by spending huge sums of money on it prior to that decision being made, so that we have the camel's-nose-under-the-tent syndrome taking place, saying, "We must locate it here. We have already spent so much money on this location."

The amendment that I am offering takes care of a problem that I see in the bill as written. There is a major ambiguity in the bill which my amendment seeks to clarify. The bill, as I read it, says that the test and evaluation facility located at a candidate or repository site may not commence construction of a surface facility until the Nuclear Regulatory Commission gives a construction authorization. Notice that it says a surface facility.

You go back to page 9 where the definitions are and look at the definition of a test and evaluation facility, it says that that means an at-depth underground cavity with subsurface lateral excavations extending from a central shaft, and so forth.

It seems to me there is a clear ambiguity as to what section 306 means if, in fact, it refers to a test and evaluation facility and then uses only the words "surface facility".

When you consider that such a T&E facility can cost anywhere between a quarter and one billion dollars, should this be located at a candidate site for a permanent repository?

Clearly, the argument is going to arise, "We have spent this quarter of a billion dollars or this billion dollars here. Now we might as well put the site there."

In other words, the objectivity of the decision as to where the site will be, it would seem to me, could be harmed by the ambiguity in the act as it presently exists. It will certainly skew the decision as to where the ultimate site for the permanent repository will go.

Now, you can make a number of arguments about T&E facilities themselves. The Senate bill, for example, does not even allow integration of T&E facilities with a candidate site. T&E itself is a very controversial concept at best. There are activities similar to T&E going on already in a number of places, so that you have a whole question as to whether a test and evaluation facility is something that we need at all; but that is not basically my point.

My point is that the bill as currently written is very unclear as to whether or not it would permit excavation to be done on a T&E facility at a candidate site prior to that site receiving its construction authorization from the Nuclear Regulatory Commission; thereby giving that site an edge in the competition, or to put it around another way, a greater chance of being selected than another site in which there was not a T&E facility. I really believe this ambiguity in the bill must be clarified so that that kind of event could not occur.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I am happy to yield to the gentleman from Florida.

Mr. FUQUA. I appreciate the gentleman yielding.

I certainly understand the concern that the gentleman is expressing to the committee; but let me point out to the gentleman that on page 141, that the gentleman referred to, in section 306(b), this language was worked out in cooperation with Chairman UDALL, Chairman DINGELL; the minority members, the gentleman from North Carolina (Mr. BROYHILL), the gentleman from New Mexico (Mr. LUJAN), and also the gentleman from New York (Mr. OTTINGER), who chairs the subcommittee of the Energy and Commerce Committee. It was with their agreement, and this was the compromise language. It says:

(b) PROCEDURES.—(1) If the test and evaluation facility is to be located at any candidate site or repository site (A) site selection and development of such facility shall be conducted in accordance with the procedures and requirements established in title I—

Now, title I is all the procedures for the permanent repository—

with respect to the site selection and development of repositories;

And it goes on to say, and this is the language that the gentleman is changing:

and (B) the Secretary may not commence construction of any surface facility. * * *

The subsurface facility, the shaft, is part of the test procedure to see if this is a site. Now, if the Secretary determines that this should be the site of a repository as well as a test facility, then he must go through and comply with the procedures as outlined in title I.

So I appreciate the concern that the gentleman is addressing himself to, but I think it has been taken care of in the bill, because we were very careful in drafting the language to take care of exactly the problem that the gentleman is expressing.

Mr. SWIFT. Well, if I could regain my time, then I have elucidated here what my concern is. The gentleman feels that my concern is unfounded because the language in this bill would preclude this.

The CHAIRMAN. The time of the gentleman from Washington has expired.

(At the request of Mr. OTTINGER, and by unanimous consent, Mr. SWIFT was allowed to proceed for 3 additional minutes.)

Mr. SWIFT. So that the gentleman feels that my concern is unfounded, that they could not go ahead and put in a T&E facility and do expensive excavation and therefore, give priority, if you will, in selecting that site for a permanent storage facility. Is that correct, that could not occur?

Mr. FUQUA. Well, let me say that the gentleman is perfectly within his rights to express his concern and those concerns were expressed by many other people. That is why we have this language; but to colocate a test and evaluation facility and then later put a repository there would not be possible under the language that is currently in the bill, because the Secretary of Energy must comply with title I if he thinks that this T&E site might be a suitable site for a repository. Then he must comply with title I.

Now, as far as the shaft is concerned, that is part of the test procedure. They may have several shafts in places to determine the geographic formations, whether they are suitable, and they must go down and do core drillings and other types of drillings in

order to make this determination; but they are prohibited from locating the surface facility and any of the other things there until such time as they have complied with title I, which as I mentioned and outlined and the gentleman is familiar with, outlines the procedures.

Mr. SWIFT. Mr. Chairman, I thank the gentleman for his remarks.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I thank the gentleman for yielding.

I believe that the concerns of the gentleman are taken care of; though I would acknowledge that it is not as clear as it might be.

The language of section 306(b) says quite clearly that if the test and evaluation facility is to be located at any candidate site or repository site—even just a candidate site, it applies—site selection and development of such facility shall be conducted in accordance with the procedures and requirements established in title I.

□ 1415

As Chairman FUQUA has indicated, that would clearly require a construction authorization prior to excavation of a facility. The way I look at subsection (b), it is an additional requirement that says one cannot even locate surface facilities at that facility without getting a construction authorization for a repository.

So I think that subparagraph (B) is an additional requirement; quite clearly, if you are going to have a facility there, under title I which is made to apply, the construction authorization would be required.

Mr. FUQUA. Mr. Chairman, will the gentleman yield further?

Mr. SWIFT. I yield to the gentleman from Florida.

The CHAIRMAN. The time of the gentleman from Washington has expired.

(On request of Mr. FUQUA and by unanimous consent, Mr. SWIFT was allowed to proceed for 2 additional minutes.)

Mr. FUQUA. Mr. Chairman, on page 142, line 4, under subparagraph (2)—

No test and evaluation facility may be converted into a repository unless site selection and development of such facility was conducted in accordance with the procedures and requirements established in title I with respect to the site selection and development of repositories.

Mr. Chairman, I therefore, think the concerns that the gentleman has are addressed. The intent was that one could not convert a T&E facility into a repository unless the Secretary complied with title I and the additional procedures of site selection.

Mr. SWIFT. I thank the gentleman, and would ask him a question: Does he essentially agree with what the gentleman from New York (Mr. OTTINGER) said, then, as I understand it?

Mr. FUQUA. Mr. Chairman, the gentleman from New York, I think, was quoting from line 9 of page 142, which says:

The Secretary may not commence construction of a test and evaluation facility at a candidate site or site recommended as the location for a repository prior to the date on which the designation of such site is effective under section 115.

So that is a further clarification. It was added by the gentleman from New York (Mr. OTTINGER) in our negotiations.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield to me?

Mr. SWIFT. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding to me.

Mr. Chairman, I think as the gentleman has indicated, Chairman FUQUA and I are in agreement on this and I think the gentleman's concerns are addressed. Therefore, I do not think an amendment is really necessary on this matter.

Mr. SWIFT. Mr. Chairman, with those assurances from the two gentlemen, I ask unanimous ccnsent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

AMENDMENT OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair will inquire, is the amendment in order under the rule?

Mr. RAHALL. Yes, it is, Mr. Chairman.

The Clerk read as follows:

Amendment offered by Mr. RAHALL: Section 151 is amended by adding the following at the end thereof:

"(c) SPECIAL SITES.—If the low-level radioactive waste involved is the result of a licensed activity to recover zirconium, hafnium, and rare earths from source material, the Secretary, upon request of the owner of the site involved, shall assume title and custody of such waste and the land on which it is disposed when such site has been decontaminated and stabilized in accordance with the requirements established by the Commission and when such owner has made adequate financial arrangements approved by the Commission for the long-term maintenance and monitoring of such site."

Mr. RAHALL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Chairman, the amendment I am proposing is virtually identical to a provision contained in the Energy and Commerce Committee's bill and similar in intent to a provision contained in the Interior and Insular Affairs Committee bill. However, it appears that in the rush to put the substitute, H.R. 7187, together, this provision was inadvertantly omitted.

In any event, it is my understanding that both the Interior and Energy Committees have no objection to this amendment.

This amendment builds upon the low-level waste provisions of H.R. 7187 but addresses a very important difference. The sites my amendment addresses would not be used as commercial low-level disposal sites. Instead, my amendment concerns sites used for Atomic Energy Commission licensed activity which have been stabilized by the landowner in accordance with NRC criteria. Once stabilized, the landowner may request the Secretary of Energy to assume title and custody of the site. I would like to stress that the stabilization would be at the landowner's expense, and, that the Secretary could take title only at the request of the landowner. Furthermore, the landowner would have to make financial arrangements with the Secretary for the long-term maintenance and monitoring of the site.

Enabling the Secretary to take title to these sites will assure that they remain undisturbed and provide for a permanent record of their location. Situations addressed by this amendment—and there are only a very few—should be recognized as a shared responsibility of the Government.

This amendment does not preclude the option of having contaminated material moved off the site, and, does not affect the possibility that certain sites may require Federal assistance during the cleanup procedure.

Mr. ROE. Mr. Chairman, will the gentleman yield to me?

Mr. RAHALL. I yield to the gentleman from New Jersey.

Mr. ROE. I thank the gentleman for yielding.

Mr. Chairman, I have a similar situation existing in my State and in my district where we have a low-level radiation thorium material which is an extract, as you know, from rare earth.

I am concerned with the amendment because I want to be sure that this amendment does not forestall nor usurp the position and responsibility of the Federal Government in previous law on the removal of that material.

We are going through a whole examination now by the Federal Government, Nuclear Regulatory Commission, and so forth, so I would like to ask the gentleman specifically—and I thank the gentleman again for yielding—am I correct in understanding that his amendment does not address the question of financial responsibility for the decontamination of low-level-

rad waste sites that are not to be transferred to the custody of the Federal Government, or the disposal of such wastes from such sites, nor is it intended to change existing law relating to the cleanup or care of such sites?

Mr. RAHALL. Mr. Chairman, the gentleman is completely correct. There is no intent in my amendment to establish financial responsibility for such cleanup and caretaking operations or to change existing law relating thereto.

It is my intent merely to create a legal mechanism whereby certain sites may be transferred to the Government for long-term oversight.

Mr. ROE. Mr. Chairman, I thank the gentleman very much for that clarification for the situation.

Mr. RAHALL. I thank the gentleman from New Jersey for his clarification.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield to me?

Mr. RAHALL. I yield to the gentleman from North Carolina.

Mr. BROYHILL. Mr. Chairman, the gentleman's amendment provides that the owner may make adequate financial arrangements that are approved by the Commission for the long-term maintenance and monitoring of the site.

My question is: Is it the intention of the gentleman, in his amendment, in approving the adequacy of these financial arrangements with the owner that the Nuclear Regulatory Commission consult with the Department of Energy?

Mr. RAHALL. Yes, it is my intent that such consultation would take place.

Mr. BROYHILL. Mr. Chairman, would the gentleman indicate: Will the Department have any powers of concurring with these financial arrangements or is it the intent that the final decision rests with the Commission?

Mr. RAHALL. The final decision would rest with the Commission, as I understand the way the amendment is structured.

I might add that the sites that I mentioned that may be covered by this amendment—and this is from Department of Energy information—are only two sites, one in Cook County, Ill., and one in Norton, Maine. The NRC identified a site in Parkersburg, W. Va.

Mr. BROYHILL. So the gentleman is stating that consultation is intended with the Department of Energy by the Nuclear Regulatory Commission in the determination of the adequacy of these financial arrangements?

Mr. RAHALL. The gentleman is correct.

The CHAIRMAN. The time of the gentleman from West Virginia (Mr. RAHALL) has expired.

(On request of Mr. LUJAN and by unanimous consent, Mr. RAHALL was allowed to proceed for 2 additional minutes.)

Mr. LUJAN. Mr. Chairman, will the gentleman yield to me?

Mr. RAHALL. I yield to the gentleman from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding.

Mr. Chairman, I support the gentleman's amendment. I would only like to ask the gentleman: As I remember, we passed this through the Committee on Interior and Insular Affairs at one time, at the time that we were working on the bill. It is my understanding that it passed the Committee on Energy and Commerce also. So how come it is not in the bill? What happened between the time that we passed it in Interior and they passed it over at Energy and Commerce, and now it is necessary for the gentleman to offer an amendment?

Mr. RAHALL. I cannot adequately describe what happened. I was not sitting in during the process, but when it came to the floor it was not there. I am attempting to correct that oversight.

Mr. LUJAN. Mr. Chairman, will the gentleman yield further?

Mr. RAHALL. I would be happy to yield further to the gentleman from New Mexico.

Mr. LUJAN. I understand exactly. I simply wanted to raise the question at this point, because this is one of the things that has disturbed me about assigning jurisdiction to various committees and then a group of people, including myself, I must admit, get together and craft a bill and take things out that were passed by each committee as though it is not a big deal.

I raise this question because I think maybe we ought to have a change in the Rules of the House that once the committees of jurisdiction pass a particular provision, that maybe we should not be messing around with it and it ought to stay in the bill if, as a matter of fact, it did come from both committees of jurisdiction.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. Chairman, I do not think that is an accurate representation of what happened, either yesterday with respect to the number of repository sites selected where it was alleged that we did something entirely different, where in fact both of the committees provided for 5 or 6 sites for repositories, with different time schedules. The schedule for site selection was resolved in the substitute.

In this situation we had differing language in the 2 committee bills. We attempted to resolve that. We went to the gentleman from West Virginia (Mr. RAHALL). The gentleman from West Virginia indicated that the language that we have in the bill at the present time, in fact, resolved the problem.

The CHAIRMAN. The time of the gentleman from West Virginia (Mr. RAHALL) has again expired.

(On request of Mr. OTTINGER and by unanimous consent, Mr. RAHALL was allowed to proceed for 2 additional minutes.)

Mr. OTTINGER. Mr. Chairman, will the gentleman yield further?

Mr. RAHALL. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. Chairman, that did in fact resolve the problem. Then later it appeared that the language was not adequate to resolve the problem. So we are quite agreeable to changing the language for that purpose. But this is not something that is done underhandedly by the committees in violation of what was done in the bill. An attempt was made to give an interpretation that would adequately solve the problem of the gentleman from West Virginia. We thought we had done that originally. Now we have found that it does not. We are trying to accommodate the gentleman.

Mr. LUJAN. Mr. Chairman, will the gentleman yield further?

Mr. RAHALL. I yield to the gentleman from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding.

Mr. Chairman, it is no my contention that it was done underhandedly. Absolutely not. It is done right out in the open.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield further to me?

Mr. RAHALL. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. Chairman, we have not done something that was not passed in either committee and suddenly it appears here, and that is what the gentleman, as I understand it, was seeking to imply. That really is not an accurate representation of what was done.

Mr. Chairman, I have no objection to the amendment.

Mr. RAHALL. I thank the gentleman from New York.

Mr. Chairman, I yield back the balance of my time, and I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WIRTH

Mr. WIRTH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WIRTH: Page 65, strike out line 8 and all that follows down through line 14 and substitute: "The Secretary may not develop a repository at any site unless the Secretary determines that such development, and the construction and operation of such repository, will not require any purchase or other acquisition of water rights that will have significant adverse effect on the present or future development of the area in which such site is located.".

Mr. WIRTH. Mr. Chairman, in dealing with our national nuclear waste problem, a few States will eventually accept a disproportionate responsibility for the waste disposal. We all understand that. There is no problem with that. However, I think that we must not abrogate existing State rights in our move toward developing nuclear waste legislation.

The water rights amendment which I am offering strikes a balance between these two concerns. Water is the lifeline of Western communities and is the essential resource for all development, especially energy projects which are increasing in size and number all over the West.

As we became more concerned about developing our own sources of energy in the last decade, the West has seen tremendous growth in all energy fields. However, the development of coal and synthetic fuels all need a great deal of water and we have to be careful not to create conflicts between various uses of this very scarce resource.

□ 1430

If it is decided that repository is going to be located in an area of energy development; the Secretary of Energy should assess the impact the repository's 1-billion-gallon-per-year water need will have on other competing demands in that area. This is all my amendment requires. The Secretary shall determine what all the demands are for the scarce resource of water. Is it going to go for the storage facility, or is this going to go for energy development? In the West there simply is not enough water to do both things.

Under the bill, the Secretary of Energy is required to consider the effects that a repository will have on local rights, but he is not required to make any determination. That consideration can be just the Secretary saying, "Yes, I have considered it. I did it in my dreams last night or at breakfast this morning, or whatever." No formal consideration of the use for this extremely important resource is required. I am requiring in this amendment that the Secretary make a determination.

Why is this amendment necessary? First, the amount of water that a repository will consume during its construction and operation requires 1 billion gallons of water per year—1 billion gallons of water per year. That is 3 million gallons a day. The Energy Department has told us that this does not constitute a significant amount of water. If that is the case, then there should not be any opposition to the amendment.

My amendment is not antidevelopment in any way. On the contrary, it simply requires careful planning for the successful accommodation of all kinds of competing uses of scarce water. The amendment prohibits nothing. It requires the Secretary of Energy to consider water supplies before taking any action to make a finding on the repository's impact on the surrounding community.

Unlike the population language in the bill, this gives special treatment to no one area, no one place. Under my amendment, all the sites under consideration are treated equally. I would urge my colleagues to support the amendment. We should look carefully before allocating water for one use and not another.

Mr. OTTINGER. Mr. Chairman, would the gentleman yield?

Mr. WIRTH. I would be happy to yield.

Mr. OTTINGER. Mr. Chairman, I am very sympathetic to the problems that the gentleman is seeking to address here, and I would like to give him the maximum protection that is possible. I wonder if we could not engage in a colloquy here that maybe would take care of him, and it would not be necessary to pursue the amendment.

Under the amendment as I read it, it creates an absolute requirement. It says that the Secretary may not develop a repository at any site unless the Secretary determines that there is no possible damage.

Mr. WIRTH. Correct.

Mr. OTTINGER. That is a very drastic requirement that I think would in fact eliminate many sites, even though there might be an infinitesimal amount of damage that could be found. The language of the bill in section 125 says:

The Secretary shall give full consideration to whether the development, construction and operation of a repository may require any purchase or other acquisition of water rights that will have a significant adverse effect on the present or future development of the area in which the repository is located, and the Secretary shall mitigate any adverse effects to the maximum extent practicable.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

(At the request of Mr. OTTINGER and by unanimous consent, Mr. WIRTH was allowed to proceed for 3 additional minutes.)

Mr. OTTINGER. In the guideline section of the bill, section 112, page 16, one of the guidelines that must be developed is a guideline that affects the proximity to water supplies. I am perfectly willing to stipulate with the gentleman that we ought not to have any development of one of these repositories that will have a significant adverse effect on future development of the area, and that the Secretary ought to interpret this language very severely, but I do not think I can go so far as the gentleman's amendment goes in saying that if there is any adverse effect whatsoever on future development, then the repository cannot be developed. Would that be acceptable to the gentleman?

Mr. WIRTH. Would the gentleman be willing to agree that the Secretary should make a determination? Consideration, as the gentleman knows, is scarcely the kind of terminology that carries with it the capacity to see that there has in fact been any thorough study. Again, the part I am making is that there are competing demands for a very scarce resource. To say "consider" particularly with our friends in the current Department of Energy, does not mean very much. A determination, however, is a much more formal proceeding, and if we could include language on determination, that would solve one of the problems, I believe.

Mr. OTTINGER. I would have no problem with that at all. As I interpreted this language, "Full consideration" when read in conjunction with the language of section 16, which requires a formal determination with regard to guidelines, would require the kind of determination that the gentleman requires.

Mr. WIRTH. Can we interpret line 8 on page 65 as full consideration, meaning the Secretary shall make a determination?

Mr. OTTINGER. I would so interpret it.

Mr. WIRTH. Is that acceptable to the gentleman from Arizona and the gentleman from New Mexico, that we are talking about full consideration, that it in fact means that there shall be a formal determination on competing water needs? That addresses the problem that the gentleman from New York points out, which may be a valid concern.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. I yield.

Mr. UDALL. My attention was distracted. Is the gentleman withdrawing his amendment?

Mr. WIRTH. What we are doing is coming to an agreement as to what would be meant by this language. Instead of having the amendment, I would support the interpretation given to the language cited by the gentleman from New York on page 65, that the interpretation of full consideration on line 8 is to mean that the Secretary shall make a determination.

Mr. UDALL. It has got to be clearly understood as far as I am concerned

that we are not crossing this line we talked about yesterday. I have turned down a dozen Members, who have descriptions or definitions that would eliminate certain sites. I think the Secretary ought to consider, ought to look at, ought to weigh all these factors, and specifically water ought to be considered carefully.

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

(By unanimous consent, Mr. WIRTH was allowed to proceed for 3 additional minutes.)

Mr. UDALL. If the amendment were to be withdrawn and the colloquy goes to the language on page 65 and simply is interpreted to mean what I am sure my friend, Mr. OTTINGER, just covered, I have no objection.

Mr. WIRTH. To make full consideration mean determination?

Mr. UDALL. The amendment requires the Secretary to dump the site and not to consider it and stop any facility whatever if there will be an adverse effect on water rights.

Mr. WIRTH. So the gentleman from New York might state his interpretation.

Mr. OTTINGER. Let me make it clear that I think an absolute prohibition against doing anything which has any kind of significant effect on water goes too far. That is what I told the gentleman, but his concern is that the language as it presently stands on page 65, line 8, says the Secretary shall merely give full consideration. He says that there ought to be a more formal determination. My reply to him was that on page 16, in setting up guidelines in accordance with a formal determination process, one of the determinations that has to be made is the proximity to water supplies, and that that, read in conjunction with this section 124, I thought really did require that the Secretary make a formal determination with respect to the effect on water supplies and not just give it some kind of casual consideration. I think that interpretation we could accept, not a determination that says that if there is an adverse effect then the site is disqualified altogether.

Mr. UDALL. I would agree with the gentleman from New York's interpretation of those sections already in the bill, if the amendment were withdrawn.

Mr. WIRTH. Therefore, it could be the understanding following this colloquy and in the report following the legislation, then I would also like to make sure we are all in agreement on this and get the opinion of the distinguished gentleman from New Mexico. I yield to him for that purpose.

Mr. LUJAN. It is perfectly all right. As a matter of fact, I think in many ways that is intended, because part of the guidelines shall take into consideration the effect upon the rights of communities of water. I think that is what the gentleman is saying, that it specifically be included in a study, that he did take these into consideration, and he found that it is not going to adversely, or did not believe adversely affect any users.

Mr. WIRTH. The gentleman understands my concern that consideration by a Secretary of Energy from a water-rich area of the country, who is not experienced in the kinds of water problems familiar to the gentleman from New Mexico and the gentleman from Arizona, may cause very severe problems. What I am concerned about is having a much clearer understanding and determination that there are competing demands, and that those have really been looked at very carefully and not just given the back of the hand.

Mr. LUJAN. I wholeheartedly agree.

Mrs. BOUQUARD. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. I yield to the gentlewoman.

Mrs. BOUQUARD. Mr. Chairman, the clarification is acceptable to me if the gentleman withdraws his amendment.

Mr. WIRTH. I would be happy to withdraw the amendment.

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

(By unanimous concent, Mr. WIRTH was allowed to proceed for 1 additional minute.)

Mr. WIRTH. Mr. Chairman, I will agree to withdraw the amendment. Let me also point out that, as the gentleman from Arizona pointed out, what we are not doing is precluding any particular area from consideration. Is that not what the gentleman from Arizona has indicated to us, that the purpose of the authors and managers of the bill is not to preclude from consideration any of the potential sites in the country?

Mr. UDALL. Exactly right.

Mr. WIRTH. That is exactly correct.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

AMENDMENT OFFERED BY MR. WIRTH

Mr. WIRTH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WIRTH: Strike out the fourth sentence of 112(a), page 16, line 24, after the period through the period on page 17 line 4, and substitute: "Such guidelines shall specify population factors that will disqualify any site from development as a repository if any surface facility of such repository would be located in a highly populated area.".

Mr. WIRTH. Mr. Chairman, this amendment is fully consistent with the colloquy we just had on the previous amendment. The colloquy on the previous amendment that we had, and particularly with the gentleman from Arizona (Mr. UDALL), said that in this legislation it was the intent of the managers of the bill not to preclude consideration of any particular site. Now, if that is the case, and if we want to have this legislation to be consistent with the intent of the authors and managers of the bill, then the authors and the managers of the bill should accept this amendment.

What this amendment does is simply to say that among the other considerations it was not going to be in a highly populated area, line 17 down to line 3, and that we cut out the language on line 3, adjacent to an area 1 mile by 1 mile having a population of not less than 1,000 individuals.

What is that all about? One mile by one mile having a population of not less than 1,000 individuals is specific language, and that is in here not as a general guideline, which is what I have heard from the managers of the bill, that they are concerned about general guidelines. It is in here to preclude one particular site.

Let us be consistent. We either have a broad set of guidelines to the Department of Energy or we are going to go through and eliminate one site, eliminate another site, eliminate another site because of the concerns of particular Members. Let us be consistent and accept this amendment.

This amendment is exactly consistent with the discussion we just had, involving the gentleman from Arizona, the gentleman from New York, the gentleman from New Mexico and the author of the amendment, and the gentlewoman from Tennessee which stressed the need to have broad general approaches. This language on line 3 is not a broad general approach. It is a site-specific amendment designed to preclude one particular site in the Southern part of the country.

I would ask the authors of the amendment if it is not the case that we want to keep this language general and not to make this language specific to one particular area of the country. I will ask the gentleman from New York.

□ 1445

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. I am happy to yield to the gentleman from New York, and then I will yield to the gentleman from North Carolina in a minute.

Mr. OTTINGER. Mr. Chairman, the gentleman from Colorado is correct, and the amendment offered by the gentleman from Mississippi (Mr. LOTT) yesterday was kind of ironic because the language that was in fact adopted

does not adequately protect the area he wanted to make sure would not be the subject of repository. But this language is very mischievous and ambiguous because it says you cannot have a repository adjacent to an area 1 mile by 1 mile having a population of not less than 1,000 individuals.

It is not very clear how that 1 mile is measured, it is not clear as to what time you figure the population, and we could very well rule out many legitimate sites on the basis of this language. It seems to me much more desirable to keep this in, and certainly we do not want sites next to highly populated areas.

Mr. WIRTH. Which is what we say in line 2.

Mr. OTTINGER. Looking at the language in line 2, it says that no repository would be located in a highly populated area, and it allows the Secretary the leeway for the determination of that language.

Mr. WIRTH. So the gentleman would think, in line with the discussions we have had in the last 15 minutes about providing general guidelines and general approaches to the Department of Energy, that the amendment offered by the gentleman from Colorado should be accepted?

Mr. OTTINGER. Yes, and I think the population consideration is a very important one.

Mr. WIRTH. Which is what we have in line 2.

Mr. OTTINGER. And it deserves our determination, just as I agreed with the gentleman that the water problem is a very important problem and ought to be subject to determination.

Mr. WIRTH. But we should not make it specific.

Mr. OTTINGER. But we should not make a specific requirement.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I felt very badly yesterday having to oppose the gentleman from Mississippi (Mr. LOTT) with his concerns, and I have felt very badly in the last few days after hearing other Members who had concerns that they wanted to protect.

I have been in favor of guidelines that make sense; I have been opposed to formulas that rule out one or two specific sites. I tell the gentleman very frankly that I like his language better than what we have in the bill, but we made an arrangement between us, with bipartisan support on these matters, and I know it is very painful to my friends on the other side of the aisle now to stand up to the gentleman from Mississippi (Mr. LOTT). And I think everyone knows how close I have been over the years to the gentleman from Colorado.

Mr. WIRTH. That is true.

Mr. UDALL. But unless there is agreement on the other side, I am constrained to keep my part of the agreement that I made with my friends on the other side.

Mr. WIRTH. Mr. Chairman, I understand the gentleman's position. The gentleman from Arizona is between a rock and a hard place on this, and I understand that completely. I just wanted to point out that the gentleman from Colorado in his earlier amendment was accommodating an understanding that we are looking for general guidelines. But now we have become very specific.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. I am happy to yield to the gentleman from North Carolina.

Mr. BROYHILL. Mr. Chairman, the gentleman is aware of course, that the committee yesterday defeated an amendment which would have had the effect of eliminating at least one site for consideration.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. WIRTH) has expired.

(By unanimous consent, Mr. WIRTH was allowed to proceed for 3 additional minutes.)

Mr. BROYHILL. Mr. Chairman, I will ask, is the gentleman aware of that?

Mr. WIRTH. I am very aware of that. That was an attempt to make this particular language even more specific in eliminating this particular area which the gentleman is familiar with, as is the gentleman from North Carolina.

Mr. BROYHILL. Mr. Chairman, is the gentleman in favor of citing one of these respositories 1 mile from a population of not less than a 1,000?

Mr. WIRTH. That is not the point.

Mr. BROYHILL. Well, I just wondered about that.

Mr. WIRTH. The gentleman from Colorado agrees that we should not put a site in broad areas next to a highly populated area.

Now, to get so specific as to say, that in an area 1 mile by 1 mile having a population of not less than 1,000 individuals is, as the gentleman from North Carolina clearly understands, focusing only on one area in Mississippi, it is in there for the purposes of eliminating that area.

Now, if we are going to be consistent—and all I am asking for is that we be consistent—I will not go ahead and say that we should eliminate one or two or three sites in the West, but I do not think it is fair to then go ahead in the legislation and eliminate one specific site because a Member was able to get that in the legislation. That is not playing it straight.

Mr. BROYHILL. Mr. Chairman, if the gentleman will yield, I wondered if the gentleman was aware that the amendment the gentleman from Mississippi wanted was defeated?

Mr. WIRTH. Yes. And that was offered to make this even more specific, as the gentleman knows, with the Richton Dome potential of siting in Mississippi.

Mr. BROYHILL. Mr. Chairman, if the gentleman will yield, the point I was trying to make is that the gentleman from Mississippi does not feel this is restrictive enough.

Mr. WIRTH. So can the gentleman from North Carolina enlighten the gentleman from Colorado as to what site he had in mind by saying, "1 mile by 1 mile, having a population of not less than 1,000 individuals"?

Mr. BROYHILL. This has no site in mind.

Mr. WIRTH. Then why is this language there, then, the language that says, "1 mile by 1 mile, having a population of not less than 1,000 individuals"?

Mr. BROYHILL. It is the same reason that the language having to do with proximity to water supplies is there.

Mr. WIRTH. This is not proximity. The "highly populated area" is proximity to population consistent with the discussion we had earlier about general guidelines. I say, "you can't have your cake and eat it, too." I am saying we should have broad guidelines, but we are then going to eliminate one site that is appropriate for one Member of the House. That is not playing it straight.

Mr. BROYHILL. We are also saying in this legislation that the Secretary should take into consideration the proximity, not only the water supply proximity and proximity to populations, but proximity to components of the National Park Service.

Mr. WIRTH. Absolutely. I agree with the gentleman. It is all there. So let us keep it general. As the gentleman has just pointed out, let us keep it general and get rid of the language in here which is specific to one site, which is what this bill language is.

Mr. BROYHILL. Mr. Chairman, if the gentleman will yield, I can only say what this Member would do. It would seem to me that what we are saying is that a "highly populated area" would be an area of a 1,000 people or more, and that 1 mile would be as close as we would want to go and we do not want to get any closer.

Mr. WIRTH. Then we would have to get back to the water amendment I offered. Let us get into various specifics as to what "proximity" means and what "determination" means and get even more specific. The gentleman knows, as well as I do and as do all the authors of the bill, why we have done this.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. WIRTH) has expired.

(On request of Mr. OTTINGER and by unanimous consent, Mr. WIRTH was allowed to proceed for 2 additional minutes.)

Mr. WIRTH. Mr. Chairman, the gentleman knows and I know and everybody here knows that the language here is focused on one particular area. Let us be straight about it. That is what it is all about. Let us not try to fuzz it over and say that this means a "highly populated area."

The "highly populated area" is in line 2, and the Richton Dome is in line 3. I am proposing this: let us take out the Richton Dome language and leave it general as everything else is general and have the bill be consistent.

It seems to me that if we are going to have general guidelines and we are not going to focus on one area, let us be consistent with the legislation. Let us not have one rule for all other Members of the House and another rule for one specific Member of the House.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I would like to clarify the point raised by my good friend, the gentleman from Arizona (Mr. UDALL), with respect to whether this language is sacrosanct because it was agreed on between the various committee members.

I would just point out that the gentleman from North Carolina did not so interpret it yesterday, because he supported the Lott amendment, which would have changed this language to make it more specific.

Mr. WIRTH. And the gentleman did support the Lott amendment yesterday?

Mr. OTTINGER. Yes, indeed.

Mr. WIRTH. I thought there was an agreement between the managers not to support any amendment.

Mr. OTTINGER. So it seems to me quite clearly that this is not part of the agreed on language among the committees to which at least the minority felt itself bound. So I think, therefore, we can make this improvement and accept this amendment.

Mr. WIRTH. Mr. Chairman, if the gentleman will allow me to say this, perhaps since he mentioned the gentleman from North Carolina, he can clarify what the agreement was between the managers on this and why yesterday he supported the Lott amendment which is a site-specific amendment.

Anyway, Mr. Chairman, we have had a discussion about this, and it seems to me that what we are trying to do in the bill is to make it general and provide general approaches for the determination of where the site or sites are going to be, and that we have agreed not to preclude one, two, or three of the almost two dozen sites.

Therefore, Mr. Chairman, this amendment ought to be accepted.

The CHAIRMAN. If there is no further debate on the amendment, the question is on the amendment offered by the gentleman from Colorado (Mr. WIRTH).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WIRTH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 109, noes 293, not voting 31, as follows:

[Roll No. 399]

AYES—109

Addabbo	Garcia	Pease
Applegate	Gejdenson	Peyser
Aspin	Gilman	Rangel
AuCoin	Glickman	Ratchford
Bedell	Gore	Reuss
Beilenson	Gray	Rodino
Bennett	Guarini	Roe
Bingham	Hall (IN)	Rosenthal
Boggs	Harkin	Roybal
Bonior	Heckler	Sabo
Brodhead	Heftel	Savage
Brown (CA)	Howard	Schneider
Burton, John	Huckaby	Schroeder
Burton, Phillip	Jacobs	Schumer
Clay	Kastenmeier	Shamansky
Coelho	Kennelly	Shannon
Collins (IL)	Kildee	Sharp
Conyers	Kogovsek	Solarz
Coughlin	LaFalce	Stark
Crockett	Leland	Stokes
Deckard	Long (MD)	Studds
Dellums	Lowry (WA)	Swift
DeNardis	Lundine	Synar
Dorgan	Markey	Tauzin
Downey	Martinez	Vento
Dwyer	Matsui	Volkmer
Dymally	McCloskey	Walgren
Edgar	McHugh	Waxman
Edwards (CA)	Mikulski	Weaver
Fascell	Minish	Weiss
Fazio	Mitchell (MD)	Williams (MT)
Ferraro	Moakley	Wirth
Florio	Moore	Wolpe
Foglietta	Nowak	Wyden
Ford (TN)	Oberstar	Zablocki
Frank	Obey	
Frost	Ottinger	

NOES—293

Akaka	Bouquard	Coyne, William
Albosta	Bowen	Craig
Alexander	Brinkley	Crane, Daniel
Anderson	Brooks	Crane, Philip
Andrews	Broomfield	D'Amours
Annunzio	Brown (CO)	Daniel, Dan
Anthony	Brown (OH)	Daniel, R. W.
Archer	Broyhill	Dannemeyer
Ashbrook	Butler	Daschle
Atkinson	Byron	Daub
Badham	Campbell	Davis
Bafalis	Carman	Derrick
Bailey (MO)	Carney	Derwinski
Bailey (PA)	Chappell	Dickinson
Barnard	Chappie	Dicks
Barnes	Cheney	Dingell
Beard	Clausen	Dixon
Benedict	Clinger	Dornan
Bereuter	Coats	Dougherty
Bethune	Coleman	Dowdy
Bevill	Collins (TX)	Dreier
Biaggi	Conable	Duncan
Bliley	Conte	Dunn
Boland	Corcoran	Dyson
Boner	Courter	Early
Bonker	Coyne, James	Eckart
Edwards (AL)	Kramer	Regula
Edwards (OK)	Lagomarsino	Rhodes
Emerson	Latta	Rinaldo
English	Leach	Ritter
Erdahl	Leath	Roberts (KS)
Erlenborn	LeBoutillier	Roberts (SD)
Ertel	Lee	Robinson
Evans (DE)	Lent	Roemer
Evans (IA)	Lewis	Rogers
Evans (IN)	Livingston	Rose
Fary	Loeffler	Rostenkowski
Fenwick	Long (LA)	Roth
Fiedler	Lott	Roukema
Fields	Lowery (CA)	Rudd
Findley	Lujan	Russo
Fithian	Luken	Santini
Flippo	Lungren	Sawyer
Foley	Madigan	Scheuer
Ford (MI)	Marlenee	Schulze
Forsythe	Marriott	Seiberling
Fountain	Martin (IL)	Sensenbrenner
Frenzel	Martin (NC)	Shaw
Fuqua	Martin (NY)	Shelby
Gaydos	Mattox	Shumway
Gephardt	Mazzoli	Siljander
Gibbons	McClory	Simon
Ginn	McCollum	Skeen
Goldwater	McCurdy	Skelton
Gonzalez	McDade	Smith (AL)
Goodling	McDonald	Smith (IA)
Gradison	McEwen	Smith (NE)
Gramm	McGrath	Smith (NJ)
Green	McKinney	Smith (OR)
Gregg	Mica	Snowe
Grisham	Michel	Snyder
Gunderson	Miller (OH)	Solomon
Hagedorn	Mineta	Spence
Hall (OH)	Mitchell (NY)	St Germain
Hall, Ralph	Molinari	Stangeland
Hall, Sam	Mollohan	Staton
Hamilton	Montgomery	Stratton
Hammerschmidt	Moorhead	Stump
Hance	Morrison	Tauke
Hansen (ID)	Motti	Taylor
Hansen (UT)	Murphy	Thomas
Hartnett	Murtha	Traxler
Hatcher	Myers	Trible
Hefner	Napier	Udall
Hendon	Natcher	Vander Jagt
Hightower	Neal	Walker
Hiler	Nelligan	Wampler
Hillis	Nelson	Watkins
Holland	Nichols	Weber (MN)
Holt	O'Brien	Weber (OH)
Hopkins	Oakar	White
Hoyer	Oxley	Whitehurst
Hubbard	Panetta	Whitley
Hughes	Parris	Whittaker
Hunter	Pashayan	Whitten
Hutto	Patman	Williams (OH)
Hyde	Patterson	Wilson
Ireland	Paul	Winn
Jeffords	Pepper	Wolf
Jeffries	Perkins	Wortley
Jenkins	Petri	Wright
Johnston	Pickle	Wylie
Jones (NC)	Porter	Yatron
Jones (OK)	Price	Young (AK)
Jones (TN)	Pritchard	Young (FL)
Kazen	Quillen	Young (MO)
Kemp	Rahall	Zeferetti
Kindness	Railsback	

NOT VOTING—31

Blanchard	Gingrich	Moffett
Bolling	Hawkins	Pursell
Breaux	Hertel	Rousselot
Burgener	Hollenbeck	Shuster
Chisholm	Horton	Smith (PA)
de la Garza	Lantos	Stanton
Donnelly	Lehman	Stenholm
Emery	Levitas	Washington
Evans (GA)	Marks	Yates
Fish	Mavroules	
Fowler	Miller (CA)	

□ 1510

Messrs. MARLENEE, ANDERSON, SKELTON, SANTINI, and BADHAM changed their votes from "aye" to "no."

Mr. FOGLIETTA and Mr. APPLEGATE changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any further amendments which are made in order pursuant to the rule?

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARKEY: In section 114(a)(3), strike out "and legislature" and insert in lieu thereof "or legislature".

In section 115(a), strike out "and legislature" and insert in lieu thereof "or legislature".

In section 115(b), strike out "and legislature" and insert in lieu thereof "or legislature".

In section 116(a)(1), strike out "and legislature" in the first sentence and insert in lieu thereof "or legislature".

In section 116(a)(1), strike out "jointly" in the first sentence.

In section 116(a)(1), strike out "and legislature" in the second sentence and insert in lieu thereof "or legislature".

In section 116(a)(2), strike out "and legislature" in the first sentence and insert in lieu thereof "or legislature".

In section 116(a)(2), strike out "and legislature" in the second sentence and insert in lieu thereof "or legislature".

In section 116(a)(2), strike out "and legislature" in the last sentence and insert in lieu thereof "or legislature".

In section 135(f)(2)(A), strike out "and legislature" in the first sentence and insert in lieu thereof "or legislature".

In section 135(f)(2)(A), strike out "and legislature" in the last sentence and insert in lieu thereof "or legislature".

In section 135(f)(2)(B), strike out "and legislature" in the first sentence and insert in lieu thereof "or legislature".

In section 135(f)(2)(B), strike out "jointly" in the first sentence.

In section 135(f)(2)(B), strike out "and legislature" in the last sentence and insert in lieu thereof "or legislature".

Mr. MARKEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. STRATTON. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk will continue to read the amendment.

The Clerk concluded the reading of the amendment.

POINT OF ORDER

Mr. BROYHILL. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The Chair would advise the gentleman from North Carolina that the amendment is made in order under the rule.

The gentleman from North Carolina is recognized on his point of order.

Mr. BROYHILL. Mr. Chairman, the point of order is that the language that we adopted on yesterday has already amended the sections and has stricken out "legislature," and thus this amendment would not be in order, since it is action on amendments and sections that have already been amended.

Mr. OTTINGER. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman from New York (Mr. OTTINGER) is recognized on the point of order.

Mr. OTTINGER. Mr. Chairman, I think the amendment is clearly in order, because under the rule that was adopted for consideration of this bill, House Resolution 601, on page 3, in lines 14, 15, and 16, it says: "and all such amendments shall be in order even if changing portions of the text of said substitute already changed by amendment."

That, clearly, seems designed to cover this situation, and whatever is last adopted will prevail.

Therefore, I would urge that the point of order is not well taken and it should be denied.

□ 1520

The CHAIRMAN. Is there any further discussion on the point of order? If not, the Chair will rule pursuant to the rule that was adopted on page 3, lines 14 through 16, it clearly states that all such amendments shall be in order even if changing portions of the text of said substitute already changed by amendment. And therefore, the point of order is not well taken, and it is overruled.

The gentleman from Massachusetts (Mr. MARKEY) is recognized for 5 minutes.

Mr. MARKEY. Mr. Chairman, the amendment now pending is another attempt to strengthen the hands of the States to insure that they will be able to play a role of real significance in any siting decision pertaining to a nuclear waste repository in their State. This amendment is a very, very minor change.

This amendment is strongly endorsed by the National Governors' Association and by the National Conference of State Legislatures. The reason that they feel so strongly about this is that when that issue of State veto raises its head, and when a State is going through the process of deciding whether or not it wants to object to the decision by the Federal Government of polling the Federal repository in their State, many States' legislatures may not even be in session. Many State legislatures meet for only 30 to 60 days out of the year. And in some States the State legislature only meets once every 2 years. This body has very limited knowledge as to what rules on filibustering or other tactics might exist in a State that could make it more difficult for the State to meet a very narrow window of days allowed to decide whether or not it wants to object to the siting of a facility.

This amendment quite simply says that a State legislature or a Governor can object to the siting of a waste repository. And that gives the State the responsibility for making a decision as to where this responsibility actually ought to lie.

It ought not be for us to tell a State whose legislature meets only once every 2 years, or for 2 months a year, that it is the legislature that should formally object to the siting of a permanent waste repository. It should be the Governor perhaps in that instance. Other times, it might be the legislature in formulating its own rules and regulations that wants to supercede the judgment of a Governor.

But in any instance we ought to leave that option clearly open to a State since it is the State's rights that are being vindicated in any process that they are going through.

So this is a very simple amendment. It is one that just says to the States, if you must object, you establish the process; you decide if it is the State legislature or the Governor who will formally object; we give to you either/or, Governor or legislature or both or any other formulation that you want to construct as your remedy for any arbitrary decision by the Federal Government in imposing this repository on your citizens' backs.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Arizona.

Mr. UDALL. I thank the gentleman for yielding.

What the gentleman says, and as I understand his amendment, it makes sense to me. But the gentleman from North Carolina and I had worked out an agreement on some of these things and he seems to have the view that what the gentleman is trying to do is impose on the States a rule that the legislature alone can do this job. And it seems to me from the gentleman's explanation and the amendment that that is not the case.

Mr. MARKEY. That is not the case. That is not the intention of the amendment at all. The intention of it is to give to the State the authority to make a decision within its own boundaries as to how these issues should be decided.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from North Carolina.

Mr. BROYHILL. I thank the gentleman for yielding.

Well, it is certainly not the intention of this Member to put any limitations on the power of the State to make these determinations. In fact, it says

in line 9 that, it specifically says that the State has the residual power to make that determination. The concern I have with the gentleman's amendment is the confusion that may occur as to who has the ultimate authority to submit a notice of disapproval to the Congress. Can the gentleman respond to that concern?

Mr. MARKEY. The intention is just to give to the State the authority of establishing a mechanism that allows it to respond. I do not intend in this amendment to establish the process by which a State must abide. Rather I am trying to open it up so that we do not restrict the States decisionmaking process.

Mr. BROYHILL. Well, I have no objection with that explanation. I was concerned that there might be some confusion.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding.

Does not the gentleman think to make it only the Governor that it makes it a highly political item. That almost any Governor is going to be forced to say, "Well, I do not want it over here."

At least if you have the legislature, you will have some deliberation on the subject.

Mr. CHAIRMAN. The time of the gentleman from Massachusetts (Mr. MARKEY) has expired.

(At the request of Mr. LUJAN and by unanimous consent, Mr. MARKEY was allowed to proceed for 2 additional minutes.)

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I would be happy to yield.

Mr. BROYHILL. It is my understanding that is the gentleman's intent.

Mr. MARKEY. That is the intention of this amendment.

The Governor or the State legislative can object.

Mr. BROYHILL. If that is the intent I have no objection.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Arizona.

Mr. UDALL. The gentleman's amendment as I understand it says to the State, "You have a veto, we hereby grant you the further power to decide who will exercise that State veto."

It could be the Governor alone, the legislature alone, it could be a special commission set up under State law or any other formulation or arrangement the State wanted to put into effect.

Mr. MARKEY. That is the intention of the amendment.

Mr. UDALL. I think we ought to accept it.

Mr. BROYHILL. If that is the intent, I have no objection.

Mr. MARKEY. We will make the record clear that that is the intention.

Mrs. BOUQUARD. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentlewoman from Tennessee.

Mrs. BOUQUARD. I thank the gentleman for yielding.

If the gentleman from North Carolina and the gentleman from Arizona have no objection, I certainly have no objection.

Mr. OTTINGER. We have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The amendment was agreed to.

Mr. UDALL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

□ 1530

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PANETTA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3809) to provide for repositories for the disposal of high-level radioactive waste, transuranic waste, and spent nuclear fuel, to amend provisions of the Atomic Energy Act of 1954 relating to low-level waste, to modify the Price-Anderson provisions of the Atomic Energy Act of 1954 and certain other provisions pertaining to facility licensing and safety, and for other purposes, had come to no resolution thereon.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATION BILL, 1983

Mr. ROYBAL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7158) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1983, and for other purposes, and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Ohio (Mr. MILLER) and myself.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. ROYBAL).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 7158, with Mr. STUDDS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from California (Mr. ROYBAL) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. MILLER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. ROYBAL).

Mr. ROYBAL. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, the Treasury, Postal Service, and General Government Subcommittee has reported a bill for your consideration that provides $10.8 billion in recommended appropriations. That is $285 million more than the amount requested in the President's budget. The primary reason for this increase is because the committee recommends full funding of $708 million for revenue foregone payment to the Postal Service. This is $208 million above the President's budget request of $500 million. The revenue foregone subsidy is money appropriated to the Postal Service solely for the purpose of holding down rates for certain second, third, and fourth class nonprofit mailers. If the subsidy is reduced the Postal Service is required by law to raise the rates to these mailers. Included in the House report on page 30 is a list illustrating what the rates would be under various appropriation levels. Since so many domestic programs are being cut and the charitable institutions of the country are being asked to increase their contributions, the committee felt that to impose an additional burden on $208 million in increased mailing rates would not be advisable at this time. The committee has, therefore, recommended the full amount authorized by law.

With regard to the Treasury Department, the committee added $20 million to the Bureau of Alcohol, Tobacco and Firearms and $38.7 million to the Customs Service so that these two law enforcement agencies could continue to operate at the 1982 level. We did not recommend any additional personnel above the 1982 levels for either of these agencies, but considering the almost epidemic level of crime involving firearms and drugs, it does not seem that Federal law enforcement should be reduced in these areas. It should be noted that in several instances in the past 2 years this committee has recommended funds above the President's budget for law enforcement activities. Then, several months later the President has realized the

damage done to law enforcement by these draconian cuts and has requested that the money they proposed to cut be restored. A great deal of damage has often resulted from this type of delayed reaction to real needs. We have another case of this in this current bill. Just a few days ago the President sent up a request for an additional $30 million for the U.S. Customs Service. I will offer a motion at the appropriate time to deal with this issue, but I do want to point out the committee has already recommended a restoration of $38.2 million that the administration proposed to reduce. They apparently have finally realized that not only were they wrong when they proposed the reduction of $38.2 million, but that they should have increased it an additional $30 million. We have put a cap of $25,000 on the overtime that can be paid to Customs employees. This cap can be waived by the Commissioner when circumstances warrant. I would like to point out that the average salary in the private sector in this country is about $16,000 a year, which is less than many customs employees receive in overtime pay alone. Furthermore, if employees are required to work such excessive overtime, it can only lead to reduced effectiveness as well as being detrimental to their health. The committee does not support this kind of treatment of employees.

The committee also added $50 million to the Internal Revenue Service for the taxpayer assistance program. In adding these funds, the committee only restored the taxpayer assistance program to the 1982 level of operations. The committee felt that the restoration of these funds was necessary because of the complexity of the tax laws and the recognition that the Government has some obligation to assist the taxpayer in complying with those laws. The General Accounting Office indicated that there is an alarming rise in noncompliance with the tax laws. While most of us are for tax reductions, those reductions should not be given to those who are filing erroneous returns and gambling on not being caught. Even with the recommended increase the percentage of returns being audited is very low. (Less than 2 percent.)

In the Executive Office of the President we inserted a provision which prohibits the Office of Management and Budget from interfering with regulatory agencies. The committee is concerned that the Office of Management and Budget is getting too involved in regulatory matters, even to the extent of overruling the regulations issued by agencies that were established by law and authorized to issue regulations in their respective fields.

In GSA we have included funding for the allowances and office staffs for former Presidents at the level requested in the budget. We have provided $3 million to continue grants for the National Historical Records and Publications Commission. The subcommittee has also added a general provision (sec. 612) regarding the standard level user charges imposed by the General Services Administration. This provision freezes the rate per square foot charged to all Government agencies by GSA for space in 1983 to the same rate charged in 1982. This will result in a lower cost per square foot in 1982 than was requested in agency budgets for fiscal year 1983. It is a 1 year stop-gap measure which will save about $350 million Government-wide in 1983, but can be done for 1 year only. If continued beyond 1 fiscal year, a very severe adverse impact on all construction, repairs, alterations, leases, and other real property operations would result.

The committee rejected an industrial funding proposal recommended in the budget for certain GSA functions for several reasons. First, legislation authorizing this type of funding was rejected by the Congress. In addition, the committee has opposed this type of funding for a number of years because it would remove these functions from the annual budgetary review process by the Congress. It would also disperse the cost of these functions throughout the Government so that the Congress and the public would not know the total cost.

In connection with the national defense stockpile, the committee is recommending a limitation of $120 million for purchases for the stockpile in fiscal year 1983, the amount requested in the budget. A change in the funding of the stockpile is recommended to allow proceeds from sales from the stockpile to be used for new purchases rather than new budget authority. Limitations on amounts will continue to be as specified in annual appropriations acts, as provided by law.

Finally, the committee has eliminated three general provisions dealing with the tax exempt status of private schools which were added to previous bills by floor amendments.

Mr. Chairman, this is a good bill—a reasonable bill which the Appropriations Committee believes provides adequately and fairly for the agencies under its jurisdiction. We urge your support.

□ 1540

Mr. KAZEN. Mr. Chairman, will the gentleman yield to me?

Mr. ROYBAL. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

Mr. Chairman, let me ask the gentleman specifically: What is the situation under the bill with reference to customs inspectors at the international border? What I am after is finding out if there has been an increase in the amount of money to require the Service to emply more customs inspectors.

Mr. ROYBAL. May I answer the gentleman by telling him that the administration requested an appropriation that would decrease the number of personnel by 2,300 employees. The committee, however, restored that amount. Therefore, the money that is now in the appropriations bill provides for the employment of at least 2,300 employees that the administration was seeking to reduce.

Mr. KAZEN. If the gentleman will yield further, my problem is not the fact that we are staying where we have been, but my worry is that we are not increasing the size of the personnel in the Service.

As the gentleman well knows, I represent two international entry ports on the Mexico-United States border, Laredo and Eagle Pass. I have just been told that over the Thanksgiving holidays just this last week, there were cars stretching for some 2 miles waiting to enter the United States because we did not have enough lanes open because we did not have the personnel to man those lanes.

That is what troubles me. Particularly with the holidays coming upon us, the Christmas holidays and later on New Years, at Laredo, if the gentleman will permit me further, they are opening up a brandnew racetrack in Nuevo Laredo, we have a new international bridge, a new facility. This Member worries about the fact that we are not going to have enough personnel to take care of the traffic that is going to be generated, is being generated now, and will be generated in the future, which will be even greater.

My worry is that we have not increased the amount of money for additional personnel.

Mr. ROYBAL. May I respond to the gentleman by saying that these are worries that I have had for many years. We do have a racetrack in Agua Caliente adjacent to Tijuana. We know exactly what the situation is on Saturdays and Sundays or, whenever the track is in operation. We also know that there is not enough personnel provided to take care of that situation.

I know what the gentleman is thinking. I understand his worry. The truth of the matter is that the committee has, in fact, restored funds and personnel that the administration was seeking to reduce.

We were not able to go beyond that, and did not, but I sincerely hope that the personnel that are now in place under this legislation will be used at border stations where they are actually needed.

Mr. KAZEN. Mr. Chairman, will the gentleman yield further?

Mr. ROYBAL. I yield further to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

Mr. Chairman, how can we assure such a thing? Can we just, by amendment to the gentleman's bill here on the floor, add some additional personnel? What would keep us from doing that?

Mr. ROYBAL. That would be perfectly all right. I would be amenable to discussing this matter with the gentleman and provide a proper motion for that purpose.

Mr. KAZEN. I thank the gentleman.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. MILLER).

Mr. MILLER of Ohio. Mr. Chairman, I want to commend our distinguished chairman of the Treasury-Postal Service-General Government Subcommittee of the Committee on Appropriations for his remarks and for his hard word and ability as chairman of our subcommittee.

I have offered on this House floor many times an amendment that would reduce spending, and we attempted to hold down spending in our own subcommittee bill. I think it is vitally important that we start with the subcommittees in order to reduce spending.

We have a couple other gentlemen on the floor here, "Tex" Gunnels and Bill Smith, staff members of the Subcommittee on Treasury, Postal Service, and General Government, who have worked diligently on this bill. I wanted to make sure that they were recognized for their efforts and contributions to the work of our subcommittee.

Everyone on this subcommittee put in a lot of hard work examining in detail the operations of the various agencies, departments, committees, and commissions that come to this subcommittee for their appropriations.

We do have a number of items that do not exactly jibe. Frankly, I am concerned. We have a Budget Committee that says x amount of dollars should be allocated to the Appropriations Committee. We then have the Appropriations Committee chairman who allocates the funds, the 302(b) funds, to the 13 major subcommittees. OMB is "scorekeeping" on the basis of their interpretation of the congressional budget and frankly, at the present time, we are considered by OMB to be over the budget.

□ 1550

When we say over the budget, what budget? For example, when it comes to the strategic materials stockpile, we changed the way we handle that account, and made it a limitation. That limitation was for $120 million that could be spent for strategic materials for the stockpile. The Office of Management and Budget does not feel that the $120 million that is allocated for strategic materials should be allowed without being under the full appropriations process.

With regard to this item, and another item I will discuss, OMB feels that we have used a phony way to get around the appropriation. The other item relates to the standard level user charge, known as the SLUC funding. Under our bill, GSA is limited to collecting from the various agencies no more than the amount they collected in 1982. Now, for the agencies funded under this particular bill there would be about a $50 million savings. Under all the appropriation bills Government-wide there would be approximately $350 million savings. Again OMB is calling that phony. Now, it is very possible that it is, and we have to be careful that we do not try to make the deficit picture look better by not putting the expenditure on the proper side of the ledger.

I think all of this is very important, and I believe it is something that the appropriation process is going to have to look into as we move along, because I am afraid we are on the wrong road at the present time. We are finding ways to make the deficit picture look better while still spending, and in that spending we are not really showing it on the proper side of the ledger.

We have in our legislation items that are very important to the operation of the total Government. Most of the dollars in our appropriation are for personnel—we have agencies that are personnel-intensive. This bill probably has more dollars used for personnel than any other piece of legislation that will be coming before us.

I know that there are many who are interested in the national debt. Today we have a national debt of over $1 trillion. Most people are not aware that just to manage that national debt requires expenditure. In this bill we have $209 million just to manage the national debt. It is becoming larger every year, and I guess that is a responsibility that we are going to have to face up to as we move along, because the debt is not decreasing. There is absolutely no doubt about that.

If we continue to spend here we are going to wind up with not only that national debt increasing, but the amount to administer the national debt will be increasing.

I will not take more time to discuss the bill now, and will comment on other issues as we move along.

Mr. ROYBAL. Mr. Chairman, I yield such time as he may require to the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Chairman, my colleagues, I rise in support of H.R. 7158.

In a way, Mr. Chairman, my colleagues, this is a crime-fighting bill because in this bill we provide the extra funds needed for Customs, and we exceed the budget for Customs because we feel that much money was wasted in moving men and women of Customs from one place or problem to another, such as moving from the Northeast down to Florida, for we know the smugglers simply move their operations. We felt that it was more important to bring forth proper number of personnel to cover all points of entry to protect this Nation against the high increase of narcotics.

Mr. Chairman, I commend one colleague, ED ROYBAL of California, chairman of the subcommittee, whose hard work and discerning judgment is evidenced in the bill now before the House: The Treasury, Postal Service and general government appropriations bill for fiscal year 1983. I extend my respects also to the ranking minority member, CLARENCE MILLER of Ohio, and to my fellow members of the subcommittee, our excellent staff, Tex Gunnels, Bill Smith, and Lee Brady.

As Members of the House may recall, the fiscal year 1982 bill was passed by the House on July 30, 1981. The Senate bill, although reported, did not reach the floor. Therefore, the agencies and programs covered by the bill have been carried under the stringent terms of the continuing resolution. We do not want that to happen again this year.

The fiscal year 1983 bill before us now appropriates $10.77 billion in new budget authority. It is $284.5 million above the administration's budget estimates. This is because some of the reductions proposed in the budget were judged by the committee to be totally contrary to our national interest. Funding had to be restored in order to sustain essential programs. At the same time, savings have been recommended. Most notably, the bill contains a general provision which prohibits the General Services Administration from raising the standard level user charges (SLUC) above the fiscal year 1982 level. This provision will reduce Government-wide rental charges by about $350 billion. In this bill alone, the reductions thus made total nearly $50 million.

Title I of the bill makes appropriations for the Treasury Department. Examination of this section shows why the committee did not accept some of the reductions proposed in the budget.

For example, no funds were requested for the Bureau of Government Financial Operations for the costs of issuing social security checks. Language was requested in this appropriation bill that would authorize the Social Security Administration to reimburse the Bureau $68.9 million for this ex-

pense. Not only is this bookkeeping switch unauthorized but funds had to be provided in the urgent supplemental because of Treasury's decision not to request funding for this purpose last year. The funding has, therefore, been included in the bill.

No funding was requested for the Bureau of Alcohol, Tobacco and Firearms. Treasury had proposed to abolish BATF and transfer its functions and some supporting funds to Secret Service and Customs. The committee and Congress rejected that proposal as unwise and directed in the urgent supplemental that the bureau be continued. The committee had to transfer back to BATF the funding included in the Secret Service and Customs Service budgets, and add more, so that BATF can continue to carry out its important missions in fiscal year 1983.

The support of this House for the maintenance of a strong Customs Service has been clearly recorded time and time again. The "Major Themes" budget document for fiscal year 1983 includes a chapter entitled "Reducing Federal Employment." On page 248, with specific reference to the Treasury Department, it states:

> Reductions will occur in selected activities with staffing held relatively constant in direct law enforcement and revenue collection functions.

The Customs Service is both a law enforcement and a revenue collection agency. Nonetheless the administration proposed to reduce the Service by more than 2,000 permanent positions. The committee rejected that proposal and restored $38.7 million for Customs personnel.

The bill continues the Customs overtime pay cap at $25,000 per person in fiscal year 1983. My own position is that the cap should be removed. The Service itself requested that the ceiling be taken off. It has been costly and difficult to administer. Personnel had to be temporarily transferred to locations where local employees had reached the pay cap. The cap remains in place but language has been included to permit the Commissioner of Customs, or his designee, to waive the cap in individual cases.

Of paramount concern to me is the role of the Customs Service as our first line of defense against the entry of illegal drugs into this country. This year we have seen the need to establish a special task force to combat the crisis in drug trafficking in south Florida. I support the provision of all necessary resources to combat that problem. However, the task force was put in place at the expense of transporting trained personnel from their posts in other areas of the country. If we are to win our all-out war against drugs, we must keep up our guard everywhere. The drugrunners must be forestalled from any attempt to divert their traffic to other points of entry. On October 14 the President announced his plan to increase our efforts in the war on drugs. As part of this, additional regional task forces would be set up. A program such as this would have my strong support but, to be successful, it must be adequately manned and adequately funded without detriment to other essential programs.

The bill provides the additional funding and personnel requested to strengthen tax enforcement by the Internal Revenue Service. Those who are in one way or another deliberately dodging their responsibilities as taxpayers must be brought into compliance with the law. However, the budget also proposed a drastic cutback in taxpayers assistance. This would have serious impact on citizens who need and want help in figuring out their taxes but who cannot afford to pay for private counseling. To cut this program would cause further erosion of voluntary compliance which is the very foundation of our tax program. The committee restored $50 million to maintain taxpayers assistance, including Volunteers in Tax Assistance and Tax Counseling for the Elderly, at the 1982 level.

Within the Secret Service budget the administration proposed to slash by two-thirds the funding for Federal reimbursement for protection of foreign diplomatic missions—other than the District of Columbia—in the United States. This would specifically impact my city of New York where protection related to the United Nations is provided by city police. This is the most cost-effective and security-effective method of providing the security so vitally needed. Past levels of funding have been inadequate to cover legitimate, approved claims and a backlog of Federal debt to the city has accumulated. The House endorsed the need to increase Federal appropriations and address the backlogged claims by passing H.R. 6254 on June 15 of this year. The committee, therefore, did not approve the proposed reduction and funding has been added for this program.

These are some of the issues that were addressed in title I of this bill. I will mention only two other items as examples of the significant programs, large and small, included in other sections of the bill.

Title II appropriates funds for the Postal Service. Both Houses of Congress have underscored their concern regarding the revenue foregone program by providing additional funding in the supplemental bills. These appropriations subsidize mail rates for our charitable and other nonprofit organizations. The administration has blithely called upon private charities and institutions to expand their efforts to make up for the drastic cutbacks in Federal funding of social programs. Many of these groups depend heavily on the mails to raise funds. To increase their postal rates would be counterproductive. It would decrease the ability to raise funds and would eat into the resources available for program delivery. These are the reasons I proposed, and the committee approved the full authorized funding level of $708 million for revenue foregone. This amount is $208 million above the budget request.

The bill also includes some very small but significant programs. The National Historical Publications and Records Commission is one. The bill earmarks $3 million for the Commission whose mission is the preservation of our national heritage.

The Executive Office of the President is funded in this bill. So is the General Services Administration, the Office of Personnel Management and a number of other independent offices that make up the General Government portion of the bill. The committee report spells out clearly and in detail the recommendations contained in H.R. 7158.

I urge the adoption of this bill by the House. I would also urge our colleagues in the Senate to move forward and complete action so that we can go to conference and get the Treasury, Postal Service, and General Government appropriations bill out from under a continuing resolution.

Mr. ROYBAL. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. ANDERSON).

Mr. ANDERSON. Mr. Chairman, I rise to join with my colleagues in expressing my support for this piece of legislation, H.R. 7158, which makes appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1983.

I commend the chairman of the Appropriations Subcommittee on Treasury, Postal Service, and General Government, the Honorable ED ROYBAL, and the ranking minority member of the subcommittee, the Honorable CLARENCE MILLER, for their tireless efforts in producing this measure. And, of course, commendations are in order for the full committee chairman, the Honorable JAMIE WHITTEN, and the ranking member of the full committee, the Honorable SILVIO CONTE, for their many contributions to this legislation.

Of particular interest to me is language contained in the Federal Buildings Fund for the General Services Administration (title IV) which earmarks $3 million for site and design of a new Long Beach Federal Building.

As you know, earlier this year the House authorized the construction of this facility which is estimated to cost $21,680,000 and will contain 105,000 occupiable square feet.

In July of this year the Public Works and Transportation Subcommittee on Public Buildings and Grounds held a field hearing in Long Beach to explore the feasibility and desirability of constructing a new Federal building in concert with the city's downtown redevelopment project.

At that time we learned that if Congress continued to allow the Federal Government the option of leasing space in Long Beach, it could cost the American taxpayers literally millions of dollars in annual rent payments—and, we would not have anything to show for it in the end. Also, officials from the General Services Administration estimate that the lease which they were planning to sign for office space in Long Beach would cost a whopping $68.9 million over a 30-year period.

Currently, Long Beach has a vast array of Federal Government activities with offices located in rented office space scattered throughout the city, or located in the congested downtown section of Los Angeles, requiring considerable travel by persons having business with the Federal Government.

A new Federal building for the city of Long Beach will save time and money for area residents who must conduct business with the Government. And, most importantly, the cost of this new facility will quickly pay for itself many times over because we will no longer be spending millions in annual rent payments just to house the needed functions of the Federal Government.

As such, I hope this committee will continue to place this badly needed project in the high priority category as you enter a conference with the Senate and in future appropriation bills.

□ 1600

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. I am happy to yield to the gentleman from California.

Mr. ROYBAL. Mr. Chairman, I thank the gentleman from California for his kind remarks concerning the work of this committee. They are deeply appreciated.

I would like to associate myself with the gentleman's remarks concerning the need for a new Federal building in downtown Long Beach, Calif. As most of you know, I am from southern California and I am personally acquainted with the business needs of this vital and expanding region. And, I am also familiar with the frustrations which our citizens experience when they are forced to fight the freeway traffic to get to downtown Los Angeles from Long Beach to conduct business with agencies of the Federal Government who are located there, or even worse, scattered in rented space in remote parts of the area.

I think that when the Subcommittee on Public Buildings and Grounds visited Long Beach, they did a great service not only to the citizens of Long Beach but, to our Nation as a whole, by pointing out the considerable savings which can be realized by the construction of a Federal building in Long Beach, and what this will mean to the citizens in terms of convenience, efficiency, and savings in conducting their own business. The savings to the Government alone are sufficient to warrant construction of this building, but coupled with the savings to private industry and the need to provide a convenient location to our citizens who deal with Federal agencies make its construction mandatory. I am pleased that both the authorizing and appropriating committees have included this building in their bills, and I strongly feel that this is one item which must remain through the conference procedure and in future appropriation bills.

Mr. ANDERSON. Mr. Chairman, I thank the gentleman from California (Mr. ROYBAL) for his remarks.

Mr. ROYBAL. Mr. Chairman, I yield 3 minutes to the gentlewoman from Colorado (Mrs. SCHROEDER).

Mrs. SCHROEDER. Mr. Chairman, the bill before us contains just over $100 million for operating expenses of the Office of Personnel Management. A fair portion of this money goes not for the central personnel management of the Federal Government but rather for the inflated salaries of a gaggle of political hacks who Director Donald Devine has brought on board. Last spring, Dr. Devine bragged to a right wing group of his success in bringing far right political activists onto the Federal payroll. Although his boast was then premature, Dr. Devine has since made good on his word.

The day after the elections, Dr. Devine issued a press release announcing his umpteenth staff reorganization. In this press release, Devine listed six new appointees. A few days later, another political appointment was made. These seven politicos join dozens of other rightwingers already on board. At a time when thousands of dedicated career civil servants are being separated through reductions in force or losing pay through furloughs, it is hypocrisy for the Reagan administration to be padding the payroll with job-seeking Republicans. And these people are being appointed at high salary levels, far higher than most of them earned in the private sector.

These last five individuals have been appointed to GS-14 jobs, which pay a minimum of $41,277 and a maximum of $53,661 a year. The law states that to be classified at this level a position must be made up of duties "which are to perform, under general administrative direction, with wide latitude for the exercise of independent judgment; work of exceptional difficulty and responsibility along special technical, supervisory, or administrative lines which has demonstrated leadership and unusual attainments." The qualifications standards require, generally, graduate training and strong experience. None of the candidates could qualify for such a position. The other three individuals are all paid at Senior Executive Service rates, which range from $56,945 to $58,500. So, just these eight individuals will cost the taxpayers between $377,000 and $444,000. As I said, there are numerous other similar people on board.

It makes a mockery of the merit personnel system for Dr. Devine to appoint wholly unqualified, political campaign workers to such high level jobs. Such appointments lead to public hostility toward the Federal bureaucracy in general, a misplaced but easily understood reaction. It leads to further isolation of the career staff from, the political appointees and reduces the efficiency of the Federal Government. The fact that Dr. Devine is reducing the budget for essential functions to create these unnecessary jobs to provide employment for Republican Party activists is nothing short of a scandal.

I strongly urge Chairman ROYBAL to audit Dr. Devine's appointments to OPM to see whether $100 million is needed. Without appointees like these, I suspect the taxpayers could save a lot of money.

Mr. Chairman, in 1978, Congress firmly decided that Federal employees who blow the whistle on waste, fraud and abuse would be protected from reprisals by agency management. To insure that whistleblowers had protection and to guarantee that their allegations would be seriously investigated, we created on Office of Special Counsel. This office was intended to be part legal aid office for the employee who might be the victim of an illegal reprisal and part prosecutor who was supposed to make sure that the management official who took the reprisal was punished and to monitor the investigation of the whistleblower charge.

We had high hopes and good intentions in 1978. Presidential disinterest or malice and bureaucratic sabotage have turned the Office of Special Counsel from a protector of employees to a protector of management; from a merit system cop into a sting operation. No congressional plan has been as ruthlessly torpedoed as the Office of Special Counsel. For this reason, I introduced H.R. 6392 in May to abolish the Office.

Since that time, Alex Kozinski, who converted the Office from one which was lackluster and directionless to one which was vicious and promanage-

ment, resigned, and President Reagan appointed a well-regarded former Justice Department prosecutor, K. William O'Connor, to succeed him. Mr. O'Connor asked for 6 months to put the Office in shape. Respecting this request, I will wait until spring to decide whether to push H.R. 6392 to enactment.

Still, I think it is worthwhile to talk about the failures of the Office of Special Counsel.

How should one measure the success of this office? I think looking at satisfied customers is one good way, since the Office was set up to help and protect Federal employees. The subcommittee has contacted and been contacted by a high proportion of those who have attempted to use the Office. The reality is that there are no satisfied customers. Those who got some action out of the Office did so because they had their own lawyers, or union lawyers, who investigated and prepared the case, not because the Office did any meaningful investigation. Useful field investigations have frequently been suppressed by higher management. Indeed, a number of good investigators left the Office because their investigative findings were ignored.

Perhaps, the Office should be measured by the number of cases it takes to the Merit Board. From April 1 of last year until November 1 of this year, stays have been asked for in four cases, corrective action in none. Four sets of allegations were sent to agencies for serious investigation. Disciplinary action was sought against four Hatch Act violators and one nepotism law violator. One Hatch Act case was thrown out by the Merit Board because it was so outrageously inadequate. This is the total output of a $4 million a year 100 employee office over 19 months. The Special Counsel invariably accepts the results of agency investigations. In one case, the Special Counsel accepted Treasury's whitewash of its savings bond division. The General Accounting Office in August issued a report which substantiated each of the charges raised by the whistleblower.

In its role as cop, the Office is supposed to force the investigation of the substance of whistleblower complaints. It does this by requiring agencies to investigate substantial complaints and then, in theory, by reviewing the agency report. This key authority has remained virtually unused. The statutory time constraints have been completely ignored.

The Subcommittee on Civil Service receives 20 or 30 letters a month from people who have had unsuccessful dealings with the Office of Special Counsel. Letter after letter tells of long delays after filing with the Special Counsel with no contact at all, followed by a letter dismissing the case for some technical reason. For example, one person wrote, "my complaints were dismissed in a one sentence letter without the Office of Special Counsel having even contacted me or any of my co-workers." Another letter tells of numerous futile phone calls to the Office of Special Counsel to find out the status of a case. Another says, "The response from the Office of Special Counsel was to sit on his case for over a year, and then finally do nothing." The subcommittee has dozens of similar letters.

With each of these letters comes a complete set of correspondence between the employee of the Special Counsel. Some of the allegations do seem a bit strange. Most of them, however, are well worthy of investigation. In my mind, calling agency management and asking them why they did what they did is not an investigation. In many cases, the Office of Special Counsel did not even do that. It just tries to figure out, through an unjustifiably rigid reading of the statute, how to dismiss the case for lack of jurisdiction. This exercise is conducted in complete ignorance of congressional intent in passing the statute.

In one case, the Office went even further. This was the highly publicized case of John Gingles from the Department of the Interior. Gingles was removed from the National Park Service because Jim Watt thought he was a Democrat, or worse, an environmentalist. Gingles sought his own counsel and went to the Merit Board. The Special Counsel, not surprisingly, sought to intervene. When they did, however, the Special Counsel wrote to the Interior Department to say, "it is not necessarily intervening on behalf of the complainant." The Special Counsel had so lost sight of its mission that it was no longer seeing injured employees as its clients.

This shift of bias grew worse, for in April of this year, the Special Counsel held a special seminar before FCC management on how to stay out of trouble with the Office of Special Counsel. It was like the Food and Drug Administration advising drug manufacturers on how to get their drugs approved. There is no authorization anywhere in the law for this sort of activity.

In a recent case, a Commerce Department employee went to the Inspector General to tell of fraud at the Knoxville Energy Expo 82 office. The Inspector General found gross misconduct and caused the removal of two malfeasors. The Commerce Department fired the whistleblower. She went to the Office of Special Counsel. In a meeting with the Commerce Inspector General, Kozinski ridiculed the whistleblower. Commerce Inspector General Sherman Funk is so mad about this that he included a section in his December 1, 1982, biennial report to Congress on how there is no protection for whistleblowers and how the "Special Counsel failed to fulfill adequately (its) statutory responsibility."

To be fair, the Special Counsel's Office has been troubled since its inception. There have been acute funding shortages, serious organizational problems, antipathy from the Merit Board, a lack of stability of leadership, and personality conflicts of truly Olympian proportions. It is only since President Reagan appointed Alex Kozinski in June 1981, however, that the Office lost sight of its mission and started working on protecting management from employees.

The Office of Special Counsel has had the highest turnover of any Government office over the last year and a half. Many long-time employees of the Office were fired by Mr. Kozinski. Others were forced out by his poor management or heavy-handed tactics. The incidence of prohibited personnel practices in the Office is very high, bringing up the ancient question of who guards the guardian. Mary Eastwood, the former Acting Special Counsel, was given a punitive transfer to San Francisco. It may be not surprising that the Special Counsel is blind to prohibited personnel practices in other agencies when they are so prevalent right in front of his own eyes.

Mr. Kozinski publicly argues that he has professionalized the Office. No doubt, the Office of Special Counsel could not be considered a professional law office prior to Mr. Kozinski's arrival. Mr. Kozinski established a work measurement system, built around a computer known as Oscar. While this machine tracks what each employee does in every 15-minute period, it is incapable of generating information requested by Congress on how many stays were requested in cases involving reprisals for whistleblowing, for example. This work measurement system is a classic case of measuring process, not output.

Most of these horror stories occurred during the fortunately short reign of Alex Kozinski or are a direct legacy of his mismanagement of the Office. It is too early to judge Bill O'Connor's performance as Special Counsel. He did seek and win a stay of removal in the case of Dr. Maxine Savitz who was being forced out of the Department of Energy because she did too good a job in running the energy conservation program, something which the current administration opposes. He has not, however, aggressively sought to reopen cases swiftly and inappropriately closed by the prior Special Counsel.

So, I will not today move to strike funding for the Office of Special Counsel. I hope the $4 million in this

bill will not be wasted as was a similar amount last year. But, I do want to serve notice on my colleagues that, unless there is a massive change in the performance and attitude of the Office of Special Counsel in the next few months, I will no longer sit still while the taxpayer's money is wasted.

Mr. GREEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to commend the Subcommittee on Treasury and Postal Operations and its distinguished chairman, Mr. ROYBAL, and to urge my colleagues to join me in support of this bill.

This legislation has a number of favorable features, but I would like to make special mention of a provision of great interest and concern to the citizens of New York City: The bill appropriates $15 million for reimbursements to New York City for the cost of extraordinary protection of foreign missions. Of this $15 million, $8 million is to be used to repay New York for the costs of mission protection in past years, and $7 million is for costs during fiscal year 1983.

I am very pleased by this action. I was actively involved earlier this year in changing the authorization levels for this function, which was taken on by the Federal Government in 1975 with the enactment of Public Law 94-96. For several years, the authorization of only $3.5 million per year for this Federal responsibility was inadequate to cover the actual costs of protecting missions by New York City. However, on June 15, the House passed H.R. 6254, which I introduced along with the gentlewoman from New York Ms. FERRARO, and the gentleman from New York, Mr. MOLINARI. Our bill raised the authorization level to $7 million per year, and permitted appropriations for repayment of claims from prior years of up to $17.7 million. That bill is pending in the Senate.

This change in the authorization, along with the increase in appropriations, will remove a burden New Yorkers have shouldered for too long. The subcommittee has wisely recognized the unfairness of making a locality shoulder a Federal responsibility, the need for diplomatic protection in a world increasingly plagued by terrorism, and the professionalism and cost-effectiveness with which the New York City Police Department carries out its duties in this area. I urge my colleagues to support the bill.

● Mr. ZEFERETTI. Mr. Chairman, I rise in support of H.R. 7158, the Treasury, Postal Service, and general government appropriations bill for fiscal year 1983. In particular, I want to express my support for the appropriation included in the bill for the Customs Service.

H.R. 7158 provides $528.7 million for Customs in 1983. This amount, which is $1.5 million more than appropriated in 1982 and almost $30 million more than the administration's request for Customs functions in 1983, is the minimum appropriation needed to maintain Customs personnel and services during 1983 at 1982 levels.

Under the administration's proposed budget for 1983, Customs would have to reduce its staff by some 2,300 positions or nearly 17 percent of its present authorized strength. These personnel cuts would include the loss of close to 900 inspectors and 100 patrol officers.

As chairman of the Select Committee on Narcotics Abuse and Control, I have no doubt that such a reduction would gravely weaken the Nation's primary border law enforcement agency at a time when the threat from illicit narcotics traffic is greater than ever before. According to the most recent Government estimates, retail sales of illegal drugs in the United States in 1980 generated $79 billion, a 22-percent increase over 1979. Most of these drugs are smuggled into the country. With the resources currently allocated to our law enforcement agencies, we are only interdicting approximately 10 percent of the total quantity of illicit drugs imported from abroad.

The Customs Service has made valuable contributions in our Nation's effort to stem the massive drug trade. From 1978 to 1981, the value of narcotics and other illicit drugs seized by Customs rose from $2 to $5.2 billion. Virtually all of the heroin seizures and a high percentage of the cocaine seizures by Customs in recent years have been made by inspectors. Customs patrol personnel have also played a vital role in interdicting drug traffic. It is difficult to understand how the administration could expect that Customs could improve, or even maintain, its drug interdiction record—not to mention its many other responsibilities—under the severe reductions proposed in the budget.

The bill before us restores the 2,300 Customs positions proposed for elimination by the administration, thereby avoiding any serious adverse impact on Customs drug control capabilities. For this reason, I urge my colleagues to vote for H.R. 7158. If we are to have any hope of significantly reducing the massive illicit drug trade, however, the resources of Customs as well as our other drug law enforcement agencies must be increased substantially. The President has now proposed to establish 12 new crime task forces around the country, in addition to the ongoing "South Florida Task Force," to focus on organized crime and drug trafficking. I understand that the administration will submit its plan to fund these task forces to Congress this week. While it remains to be seen whether the administration's proposals will reflect a serious commitment to provide adequate resources for a strong drug law enforcement program, I urge the House to assume a leadership role in assuring that our narcotics control agencies have the tools they need to do an effective job.●

● Ms. OAKAR. Mr. Chairman, I rise in support of H.R. 7158, the Treasury, Postal, General Government appropriations bill for fiscal year 1983. I commend Chairman ROYBAL and the Appropriations Committee for crafting a bill that balances the legitimate obligations of Government agencies with our present budgetary difficulties. I am particularly pleased with the funding levels for the Postal Service revenue foregone that will allow nonprofit charitable groups to mail at reduced rates. While this appropriation is not as high as many Members would like, it is a substantial improvement over the amount provided in the budget resolution.

This bill also contains sufficient funding to pay the Government's obligation to the civil service retirement system and the Federal employees health benefits program—two programs that are vitally important to millions of retirees. Most Members are aware of the continuing problem in the FEHBP and this appropriation will provide badly needed stability to the program.

I especially want to commend the committee for the bill report language that directs the continuation of VITA, the tax counseling program for the elderly; the continuation of the toll-free telephone assistance program; and the walk-in assistance program. The committee is to be commended for providing an additional $50 million to continue these worthwhile programs that are of such assistance to our taxpayers, especially the elderly.

Mr. Chairman, I hope the House will support H.R. 7158.●

● Mr. LEATH of Texas. Mr. Chairman, yesterday the House approved the Edgar amendment to the Treasury-Postal appropriations bill, H.R. 7158, which provides that funds available to the General Services Administration shall not be used to contract for jobs which are presently being performed by individuals as Federal civil service employees.

The Edgar amendment will stop the contracting out of some 13,000 jobs in the GSA during this fiscal year. I am told by representatives of the veterans organizations and the American Federation of Government Employees that 80 percent of the jobs are held by veterans, under a provision of law which reserves these jobs for veterans so long as veterans are available. I am referring to section 3310 of title 5, United States Code, which was enacted in 1966, to help veterans of the Vietnam era make a successful readjustment to civilian life following their service.

It came as a shock to learn that the contracting out of these jobs has already begun in the GSA and, unless Congress acts promptly, it will be too late. Even more incredible is the fact that this was going on during the very week that the eyes of the Nation were riveted on Washington on Veterans Day and the dedication of the Vietnam Veterans Memorial in memory of the more than 57,000 individuals who died in Vietnam.

BOB EDGAR'S amendment is in line with an amendment that I offered, which has now become law, Public Law 97-306, which prohibits contracting out within the Veterans' Administration's Department of Medicine and Surgery for services which are determined to be direct patient care or incident to direct patient care. The Office of Management and Budget has shown a zealousness to carry out its circular A-76, which is successful, would have seriously impaired the capacity of the Veterans' Administration to provide the quality of medical care that veterans deserve and Congress intended.

In the same vein, BOB EDGAR'S amendment will serve notice to the Office of Management and Budget that Congress does not tolerate contracting for civil service jobs which are reserved for veterans. I commend the House for promptly approving the Edgar amendment, and urge the Senate to do likewise. Time is of the essence and the Edgar amendment must be aproved without delay.

Mr. Chairman, the message the House is giving the executive branch on the contracting issue is this, were veterans are concerned, there will be no contracting out for services—there will be no loss of jobs. In other words, the message is we are going to protect veterans and the programs that are designed to enhance the lives of those who served in defense of their country.●

● Mr. FORD of Michigan. Mr. Chairman, I rise in strong support of the amendment to H.R. 7158 dealing with funding for the toll-free telephone assistance program of the Internal Revenue Service.

There is a recognized need to continue this necessary program to the taxpayers and we have provided $50 million to maintain this service at the current level. Nevertheless, IRS announced on November 5 that they would go ahead with a plan to dismantle the toll-free telephone program.

Our voluntary compliance system depends upon each citizen's understanding the tax law and assessing their own tax. Tax forms have become more complicated and difficult to understand as tax laws have become more complex. The toll-free telephone assistance program was designed to meet the need for tax assistance. The Federal Government has a responsibility to provide this kind of assistance.

If we allow the administration's plan to be adopted, many tax law questions no longer will be answered. Only 12.6 million calls would be answered in fiscal year 1983, compared to 36 million in fiscal year 1981.

An IRS study tells us that 38 percent of the taxpayers who contact IRS by telephone have adjusted gross incomes of $15,000 or less. About 11 million taxpayers who had tax law questions fell into this category in fiscal year 1981. These taxpayers, who would have more difficulty understanding an IRS publication and would have less financial ability to turn to a commercial preparer, would probably go unserved if toll-free telephone assistance were curtailed as the administration proposes.

There is no doubt in my mind that this would have a negative affect on voluntary compliance. In an October 29, 1981, memorandum to the Deputy Secretary of the Treasury, the Commissioner of the Internal Revenue Service said that if IRS did not provide answers to tax law questions, "large numbers of taxpayers can be expected to interpret the law in a way favorable to themselves, with little likelihood of detection," and "a significant decline in voluntary compliance and a concurrent decline in revenues may result."

I think it would be penny-wise and pound-foolish to adopt a measure that would result in a loss of revenue at a time when we are facing the biggest deficit in history.●

● Mr. FROST. Mr. Chairman, I am in opposition to the Dornan amendment which proposes to prohibit the use of funds to deny tax exemptions to private schools that have racially discriminatory policies. The Dornan amendment should be rejected because to pass it would be to jeopardize the progressive reputation of this body when it comes to matters of civil rights.

The point has been made during this debate that most of the private schools that now qualify for tax exempt status are not havens for bigots but are in fact providing an alternative source of traditional education. This may be true. But one or two of the schools in question—the Bob Jones University being one of them—have racially discriminatory admission policies. Minority students who are able to pay the tuition and who can meet all other standards are denied admission to these schools. What Mr. DORNAN proposes to do with his amendment is to protect the one or two bad apples in the lot by allowing them to continue to qualify for preferential tax status. More important, by designing the amendment as he has, Mr. DORNAN seeks to preempt the judiciary on this issue by denying funds to implement any future Supreme Court decision that allows the IRS to continue demanding equal opportunity in the private school system.

Moreover, Mr. Chairman, the proponents of this amendment have presented it under the guise of protecting legislative prerogatives. To discuss the Dornan amendment in terms of anything but its civil rights implications is to deliberately mislead the American public as to its true effects. The Dornan amendment will force our Government to subsidize racial segregation in the private school system. A tax exemption is nothing more than financial assistance. This amendment says in effect that it is the policy of this Government to underwrite the prejudiced policies of private schools. If it is passed, an official stamp of approval will be extended to this and all other forms of bigotry that are not specifically prohibited by law.

In the final analysis, this is a civil rights amendment that will have a regressive impact on the human rights record of our country. It should be soundly defeated.●

Mr. ROYBAL. Mr. Chairman, I have no further requests for time.

Mr. MILLER of Ohio. Mr. Chairman, I have no requests for time, and I yield back the balance of my time.

Mr. ROYBAL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase of two hundred passenger motor vehicles for replacement only, including one hundred and ninety for police-type use; acquisition (purchase of 1), operation and maintenance of aircraft; hire of passenger motor vehicles and aircraft; and awards of compensation to informers, as authorized by section 1 of title VI of the Act of June 15, 1917 (22 U.S.C. 401); $528,700,000, of which not to exceed $150,000 should be available for payment for rental space in connection with preclearance operations: *Provided*, That none of the funds made available by this Act shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000: *Provided further*, That the Commissioner or his designee may waive this limitation in individual cases in order to prevent excessive costs or to meet emergency requirements of the Service: *Provided further*, That none of the funds made available by this Act shall be available for administrative expenses to reduce the number of Customs Service regions below nine during fiscal year 1983 without advance approval from both House and Senate Commitees on Appropriations: *Provided further*, That none of the funds made available by this Act may be used for administrative expenses in connection with the proposed redirection of the Equal Employment Opportunity Program.

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE: On page 4, line 22, strike out "$528,700,000," and insert in lieu thereof the following: "$548,700,000, of which not to exceed $30,000,000 shall be available for Project Exodus, and".

Mr. CONTE. Mr. Chairman, I am offering this amendment today at the request of the President and the Secretaries of Defense and Treasury. The amendment simply provides an additional $20 million to the U.S. Customs Service to continue and expand Project Exodus, a program to prevent the illegal export of critical and high-technology material to the Soviet Union and her allies.

The U.S. Customs Service is responsible for the enforcement of laws governing merchandise exportation. Included in this category is technology consisting of equipment or components of such a sophisticated nature that their shipment or diversion to unfriendly countries could pose a threat to the security of the United States. This is particularly true for electronic equipment, manufactured for civilian use which also has military applications.

All of us here are aware that the Soviet Union, for many years, has undertaken a well-coordinated effort to obtain sophisticated U.S.-manufactured or designed technology to enhance their own economic and defense capabilities. In recent years, this problem has reached critical proportions for two reasons: First, our sophisticated technology is of a very high quality; and second, the tremendous research and development costs which our adversaries would have to cover to develop a comparable technological level.

Sometimes companies in our country, because of financial pressures, get involved in questionable sales, or involved in situations where technology is unknowingly diverted. Sometimes they are the victims of clandestine operations which result in critical technical data being transferred to adversaries.

For these reasons, Project Exodus was begun in October of 1982, and has since picked up its operational pace following the development of a system based on intelligence activities. To date, customs officials have seized aircraft parts, communications equipment, computer parts, and various pieces of technical data all over the United States.

The magnitude of this problem is great and is growing. The amount of money being requested at this admittedly late date will allow customs the needed resources to adequately support an expansion of Project Exodus in fiscal year 1983 to a more effective national program.

The $20 million contained in this amendment, I am advised, will be fully offset by a $30 million reduction in the Defense Department's fiscal year 1983 budget.

Mr. Chairman, we have all read of this problem and we have heard statements from officials on its magnitude. The President and his Secretaries of Defense and Treasury consider it a national security question and I agree with them.

I say let us go ahead and give the needed resources to customs and support their efforts, and at the same time, communicate to them that we will want to be kept abreast of this program, and that we expect to discuss in upcoming fiscal year 1984 appropriations hearings, the progress of the program's operations.

□ 1610

I would like to take this opportunity to compliment Chairman ROYBAL for his able leadership in running that committee.

Twenty-four years ago I served under the great chairmanship of Tom Steed. ED ROYBAL is following in Tom Steed's tradition. He is a good man, a good leader.

Also CLARENCE MILLER, ranking minority member, has done a very conscientious, hard-working job in making sure the dollar was well spent and there was no waste in the budget. I want to compliment both these men.

Mr. ROYBAL. Mr. Chairman, I move to strike the requisite number of words.

After those very nice words I must rise in support of the amendment.

Mr. Chairman, I recognize that the loss of American technology through illegal exports is a very serious problem and should be a high priority concern of the Government. I might point out that the committee included approximately $8,000,000 for this program in the fiscal year 1982 bill which was not requested by the administration. In addition, even though the administration did not request any funds for this program in fiscal year 1983, the committee has included approximately $10,000,000 and 300 positions to continue this important program.

Now, the administration is requesting $30,000,000 for the program, but let me tell you how it happened. On November 12, 1982, the President signed a budget request for $30,000,000 for the program and requested 292 positions. The Treasury Department did not contact the Appropriations Committee or provide any information or justifications for the request until November 30, 1982. The committee has not had an opportunity to hear testimony on the program and no guidelines have been prepared, so far as we know, so the Customs Service personnel in the field can properly administer the greatly expanded program. In addition, the informal budget justification material has some internal inconsistencies within the document itself.

I do not think it is the proper way to appropriate public funds to agree to amendments that are handled in such a cavalier fashion.

I believe, Mr. Chairman, it is time the committee put the Department of Treasury on notice that we expect the Department to provide adequate justifications, including appearances before the committee in a timely manner.

I realize, Mr. Chairman, these things could happen and there are problems and realizing that some problems must have arisen I wholeheartedly support the amendment that has been presented. I think it is most important and most necessary. I sincerely hope that it meets with the agreement of the Members of the House.

AMENDMENT OFFERED BY MR. KAZEN TO THE AMENDMENT OFFERED BY MR. CONTE

Mr. KAZEN. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. KAZEN to the amendment offered by Mr. CONTE: Amend the Conte amendment by striking out the figure "$548,700,000" and insert in lieu thereof the figure "$553,700,000".

Mr. KAZEN. Mr. Chairman, I thoroughly agree with the amendment proposed by the gentleman from Massachusetts (Mr. CONTE).

I think that that project is a very worthy project and we do have to have the personnel.

May I also call attention to another place where we must have some additional personnel, and that is in the Customs Service. They are one of the services in this country that bring in revenue. Every single person that we put on the Customs Service generates income for the Treasury of the United States.

Down along the Texas-Mexican border, and I am sure along the entire Mexican border with the United States, there is now a shortage of Customs personnel. However, I can only speak for my district. I have the privilege of representing the largest inland port in the United States which is Laredo, Tex. I also have a second port at Eagle Pass.

We have just built a brandnew international bridge with the entire Federal complex, consisting of all services for a port of entry in Laredo. So we now have two international bridges connecting Mexico and the United States at that point.

I am told that this last week during the Thanksgiving holidays there were lines of cars as long as 2 miles waiting to come into the United States because only two or three lanes were open on the bridges on the American side for lack of personnel.

All I am doing in this amendment is adding $5 million to the figure in the Conte amendment, but these $5 million I would hope would be used, if adopted by the Congress, for addition-

al personnel on the Mexican border which are very sorely needed.

I sincerely ask for your particular attention to this matter because it is something that is needed. We have lots of crossings and a tremendous amount of freight that moves accross the border and we cannot man our facilities. Every single person that we put on there will generate income for the Treasury.

It is a shame to hold up the people who come into the United States, whether they be our neighbors from Mexico or our own people coming back from Mexico and submit them to the frustration of having to wait a long time to get cleared into the United States.

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman.

Mr. ROYBAL. Do I understand the gentleman correctly when he states that his amendment provides for $5 million additional?

Mr. KAZEN. That is correct.

Mr. ROYBAL. And that that money is to dispense or pay for personnel along the border?

Mr. KAZEN. That is correct, Mr. Chairman.

I cannot, as you well know, specify in the bill that particular provision. But in order to make legislative history, this colloquy between you and me should serve as directive to the Customs agency that this is what this Congress intends these $5 million to be used for.

Mr. ROYBAL. Mr. Chairman, the gentleman from Texas and I are totally in agreement. We both know the situation at the border.

□ 1620

He has a problem in his own district and adjacent to his district. I have a problem in the southern part of California. The problem is exactly the same. We do know that 2- and 3-mile long lines are not unusual on any holiday and that more personnel are needed not only during those times but during the week, as well, so that these people who cross this border can be quickly expedited, and their needs met with efficiency. The need for more personnel along the border States is apparent more and more every day.

So I agree with the gentleman that this money should be used for that purpose, and I sincerely hope that that is the end result.

May I also state that Customs has problems throughout its area of operations. One of the potential problems that we envision is at Los Angeles International Airport where Federal inspections of arriving passengers currently take place at two locations—one at the Western Airlines facility and the other at Satellite 2. Presently, Mexicana Airlines, which clears Customs at the Western Airlines facility, is on strike and thus, operations at that particular facility have been reduced significantly. Because of this decrease, Customs officials have closed the facility from 10 a.m. to 4 p.m. and international flights arriving at the Western Airlines terminal presently clear Federal inspections at Satellite 2. While this represents an inconvenience for those passengers, this appears to be a temporary situation and an efficient utilization of customs personnel. However, when Mexicana Airlines resumes operations, we fully expect Customs to again open the Western Airlines facility between 10 a.m. and 4 p.m. and to resume those inspections at that facility.

Prior to the strike by Mexicana employees, between 25 and 30 percent of the international passengers clearing Customs at Los Angeles International Airport were processed at the Western facility. I say this to express my concern with regard to the overall problems that confront the Customs Department, as well as problems at the border in which we are in total agreement. I too hope that the money proposed by your amendment is used for additional border personnel.

Mr. KAZEN. I thank the distinguished gentleman and I appreciate his support. Let me, however, make this observation: That is not the situation that exists only on holidays. In these structures that I am talking about in Laredo, we are now closing one of the bridges for a considerable number of hours every single day because of the lack of personnel. If we had the personnel, those bridges would be open a lot longer, and it would expedite a lot more traffic. I would appreciate your support and vote for my amendment.

Mr. MILLER of Ohio. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

The $20 million that is allowed by that amendment is not additional spending. This funding was deleted from the Defense appropriation bill in markup, and is being transferred to this particular bill, so it does not represent an overall spending increase. It will not increase the deficit by being in this bill instead of the Defense bill. We have the Customs Service in our bill, and I support the amendment. I think most everyone is deeply concerned about the high technology products that are moving from this country into the U.S.S.R. It is happening frequently. Many of you are acquainted with the Kama River truck plant, with the ball bearing plant, with the problems that we had at the time. In the case of this truck plant, the Russians were not to use the engine-building capabilities of the plant for military use, but the engines were found in trucks that were moving troops into Afghanistan. So I think it is very important that we do all we can in order to hold back the high technology on which we have spent billions of dollars in research in this country from moving to the Soviet Union and other Communist countries. Therefore, I support the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. KAZEN) to the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CONTE), as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. WYDEN

Mr. WYDEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYDEN: Page 5, line 14, insert *"Provided further,* That none of the funds made available by this Act shall be used to close the United States Customs Service Office at Portland, Oregon, or to reduce or consolidate with another office the personnel, programs, or functions of such office" before the period.

Mr. WYDEN. Mr. Chairman, my amendment would prohibit the Customs Service from proceeding with any plans to consolidate the appraisement section of the Oregon division office with any other office, relocate import classification specialists from the Oregon office or downgrade the Oregon office in any other manner.

The Oregon District Office—which is responsible for processing and collecting duties on all goods flowing into Oregon, southwest Washington and Alaska—has actually experienced a sharp increase in activity in recent years. Duties collected rose from $89.8 million in 1978 to $120 million in 1980 and then took a 35-percent jump to $161.5 million in 1981.

In 1979 and 1980, 25 Customs Service districts showed a decrease in net dollar collections and 21 experienced an increase. Only three of these had a larger percentage increase than Oregon.

It is my understanding that the 1980–81 percentage increase was again well above the national average and was, in fact, exceeded only by Houston, Tex. In 1980—before the duties collected jumped 35 percent the following year—the Oregon office was the 20th largest in the country.

Any consolidation of the Portland Customs office with any other office would result in increased costs and time delays for Portland traders. Many of the Customs officials in Portland have established a high level of

expertise in handling long-established Portland product lines.

The ports of the Columbia River have a long history of excellent service in a timely and cost effective manner to importers and exporters alike.

Beyond the statistical picture, any downgrading of the Customs Service operations in Oregon would be a serious blow to our efforts to become a major international trading center. Oregon's economy is in desperate condition and—because of our heavy dependence on the housing and timber industries—we see very little light at the end of the tunnel.

What we need to do above all is diversify our economy and lessen our reliance on timber and housing. Because of our geographical location and our tremendous potential for increased waterway commerce, we feel that our best bet is increased international trade with the Pacific Rim countries.

The Columbia River system is a distinct transportation area and unique trade gateway. There is a clear need to maintain a full-service Customs presence to serve the needs of the ports of Oregon and southwest Washington.

To succeed in our efforts to diversify our economy, we need to make sure that Oregon develops and maintains the ability to function as a full-service international trading center. In order to increase goods flowing out, we also need to be able to handle goods flowing in quickly and efficiently. Any move by the U.S. Customs Service to downgrade or otherwise reduce their presence in Oregon would be a serious blow to our efforts.

I would like to in particular commend the chairman, the gentleman from California (Mr. ROYBAL), and his staff for their cooperation. The gentleman from Ohio (Mr. MILLER) has been consulted on this, as well. I urge it upon my colleagues.

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. WYDEN. I yield to the chairman.

Mr. ROYBAL. Mr. Chairman, I would like to say to the gentleman that we will look into this matter very closely and examine whatever problems he may have in Oregon.

However, I also wish to assure the gentleman that we have no objections to his amendment at this time.

Mr. WYDEN. I very much appreciate the chairman's support and assistance in this area.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. WYDEN. I yield to my friend, the gentleman from Oregon.

Mr. AUCOIN. Since the gentleman from Oregon, my colleague from across the Willamette River, has just won the support of the chairman of the committee, I shall be short and brief. I just want to say that this amendment is very important to the whole inland Columbia River system, which is an international trade system. And it is very vital that we have the Customs' support to serve the capacity that the Columbia River represents and its potential in international trade. The Portland office is a productive office, and for that reason this language is needed.

Mr. WYDEN. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. WYDEN).

The amendment was agreed to.

POINT OF ORDER

Mr. FRENZEL. Mr. Chairman, I make a point of order against the language in lines 6 through 10 on page 5 of H.R. 7158. These lines constitute legislation on an appropriation bill and are, therefore, in violation of clause 2 of rule XXI. If the Chair will permit me, I would like to be heard on my point of order.

The CHAIRMAN. The Chair will advise the gentleman from Minnesota that the paragraph in question has already been read and amended. Therefore, a point of order to the paragraph comes to late.

PARLIAMENTARY INQUIRY

Mr. FRENZEL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FRENZEL. Mr. Chairman, at what point would a point of order have been timely?

The CHAIRMAN. The Chair will advise the gentleman that a point of order would be in order between the time when the paragraph had been read by the Clerk and the time when an amendment to that paragraph had been offered or the Committee had gone to another paragraph.

Mr. FRENZEL. Mr. Chairman, I was on my feet when the previous amender was recognized, and I do not recall having heard that language being read. Can the Chair give me some assurance on that?

The CHAIRMAN. The Chair will advise the gentleman that the first amendment offered to the paragraph in question was offered by the gentleman from Massachusetts (Mr. CONTE). The Chair observed the gentleman on his feet, although not pressing a point of order, at the time that the amendment to the amendment was offered, but not at the time the original amendment was offered.

Mr. FRENZEL. And to be timely, my point of order would have to have been made before the gentleman from Massachusetts offered his amendment?

The CHAIRMAN. The gentleman is correct.

Mr. FRENZEL. I thank the Chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TAXPAYER SERVICE AND RETURNS PROCESSING

For necessary expenses of the Internal Revenue Service for processing tax returns, revenue accounting, providing assistance to taxpayers, statistical reporting, and hire of passenger motor vehicles (section 1343(b) of title 31, United States Code); $1,000,778,000, of which not to exceed $40,400,000 shall remain available until expended for systems modernization initiatives.

AMENDMENT OFFERED BY MR. BARNES

Mr. BARNES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARNES: On page 6 at the end of line 23 strike out the period and insert the following: ": *Provided*, That no funds made available by this Act be used to reduce the taxpayer service programs below fiscal 1982 levels, including but not limited to, toll free telephone tax law assistance and Internal Revenue Service walk-in assistance available at Internal Revenue Service field offices.".

□ 1630

Mr. BARNES. Mr. Chairman, this amendment which I offer on behalf of the gentleman from Washington (Mr. DICKS) and myself is intended simply to reinforce the Appropriations Committee's decision that the taxpayer assistance programs operated by the Internal Revenue Service should be continued at their fiscal 1982 levels. These programs, as the Members know, include the toll-free telephone lines which millions of Americans use at tax time, the walk-in taxpayer assistance at IRS offices, the volunteers in tax assistance program, and the tax counseling for the elderly program.

In fiscal 1982, taxpayer services activities assisted more than 41 million people. These programs have saved Americans billions of dollars which might otherwise be spent on expensive tax consulting services. They also provide probably the only means of taxpayer assistance available to millions of senior citizens, poor people, and others on fixed incomes who simply cannot afford private help.

At a time when significant changes have been made in the Tax Code by the major tax bills that we passed in 1981 and again this year, and when the continued impact of the recession makes it even more difficult for many Americans to afford to hire somebody to help them with their tax preparation, it is vital that the Federal Government continue its longtime role in helping people decipher the obvious complexities of our tax system.

H.R. 7158, the Treasury-Postal appropriations bill, contains funds for the continued operation of these taxpayer service programs. The committee report strongly endorses the need for them to encourage continued voluntary compliance with our tax system which allows the Government of this country to function.

I offer this amendment along with the gentleman from Washington (Mr.

DICKS) because the administration has unfortunately indicated that it wishes to drastically curtail taxpayer assistance in fiscal 1983. The administration's budget request assumed a reduction of 1,691 positions and slightly over $50 million currently devoted to these programs, which would obviously drastically cut taxpayer assistance and virtually eliminate the toll-free assistance advice to the average taxpayer on tax problems.

Mr. Chairman, my amendment is a technical one which enumerates taxpayer assistance programs, more specifically in addition to what is already mandated in the appropriations bill. It does not provide additional funds beyond what is already in the bill. But it is intended simply to give this House an opportunity to go on record against these cuts in taxpayer assistance now and to discourage the administration from such cutbacks in the future.

To my knowledge the administration has not ruled out attempting such reductions in the future, and an "aye" vote for this amendment is a way to insure that these reductions will not be attempted.

I want to commend the Appropriations Committee and the subcommittee chairman for their strong leadership on this matter, urge the approval of the amendment.

And I want to yield now to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the committee as well for their diligence and activity on this matter. Clearly a voluntary compliance system which our tax system is requires that the taxpayers be able to understand the Tax Code, and having a system that provides this kind of advice and assistance to taxpayers I think is absolutely essential basically because I think even most lawyers find the Tax Code to be very complicated.

So I want to join with the gentleman in sponsoring this amendment. I think it is a good one. I think it will clearly demonstrate the will of this House to keep these taxpayer assistance programs in place.

Mr. Chairman, I rise in strong support of the section of this bill concerning funding for the toll-free telephone assistance program of the Internal Revenue Service.

We, the Congress, through the actions of both the House and Senate Appropriations Committees, have recognized the need to continue this necessary program to the taxpayers and have provided $50 million to maintain this service at the current level.

Yet despite this action, IRS announced on November 5 that they would continue with their plan as originally submitted and dismantle the toll-free telephone program.

Mr. Chairman, our voluntary compliance system depends upon each citizen's understanding the tax law and assessing his/her own tax. The tax return has become more complicated and difficult to understand as the tax law has become more complex. The toll-free telephone assistance program has evolved in response to the need for tax assistance as recognized long ago by Congress, the public demand for such assistance and the basic tenent that taxpayer assistance fosters voluntary compliance. The Federal Government has a responsibility to provide this assistance as an essential ingredient in the administration of the tax laws.

If the administration's plan is accepted, and tax law questions are no long answered, only 12.6 million calls would be answered in fiscal year 1983 as comapred to 36 million in fiscal year 1981.

An IRS study has found that 38 percent of the taxpayers who contact IRS by telephone have adjusted gross incomes of $15,000 or less. About 11 million taxpayers who had tax law questions fell into this category in fiscal year 1981. These taxpayers, who would have more difficulty understanding an IRS publication and would have less financial ability to turn to a commercial preparer, would probably go unserved if toll-free telephone assistance were curtailed as the administration proposes.

Such a severe cut could also be expected to impact adversely upon voluntary compliance. In an October 29, 1981, memorandum to the Deputy Secretary of the Treasury, the Commissioner of the Internal Revenue Service stated that if IRS did not provide answers to tax law questions, "large numbers of taxpayers can be expected to interpret the law in a way favorable to themselves, with little likelihood of detection", and "a significant decline in voluntary compliance and a concurrent decline in revenues may result."

In light of the $150 to $200 billion projected deficit for fiscal year 1983, as well as the clear intent of Congress to maintain this program at the present levels, I find it unconscionable that the IRS would continue to proceed with their plan to eliminate this vital service to the taxpayer.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. BARNES. I yield to my friend from Virginia.

Mr. WOLF. Mr. Chairman, I rise in support of this amendment to H.R. 7158 to earmark funds for the IRS taxpayer assistance program. I would like to urge my colleagues to join me in support of this amendment.

During the past 2 years, we have seen the largest tax rate reduction in history and one of the largest revenue compliance and tax increase measures passed into law. In view of these developments, I feel strongly that this is a crucial time to fund this program. I support this language to earmark specific funds in the appropriations bill to cover this assistance program.

Although I realize the accompanying committee report is very explicit in its support of this program, I believe this amendment offers needed protection for the program and guarantees its continuation.

In fiscal year 1982, the taxpayer assistance program responded to 41.4 million individuals. Our Government depends on taxpayers' voluntary compliance with tax laws so it is vital to continue those assistance tools which are designed to expedite this process.

I urge that the Members of this body recognize the important and invaluable service provided by this program and vote to insure its continuation.

Mr. BARNES. I thank the gentleman for his comments. I hope the gentleman is correct about the administration's position.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. BARNES. I yield to the gentleman from South Carolina.

Mr. CAMPBELL. I thank the gentleman for yielding.

I would like to ask just a couple of questions about the amendment. We on the subcommittee were deeply concerned as is the gentleman about maintaining certain of these services and expressed ourselves. We were equally concerned that we not do anything to inhibit the modernization of services, whether there be a move to computer telephone call-ins, for tape recordings, this sort of thing.

As I understand the gentleman's amendment, there is nothing here that would prohibit that, and there is no personnel service.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. BARNES) has expired.

(At the request of Mr. CAMPBELL and by unanimous consent, Mr. BARNES was allowed to proceed for 1 additional minute.)

Mr. CAMPBELL. Mr. Chairman, if the gentleman would yield further, as I understand the gentleman's amendment, there was no floor on personnel. But the service has to be maintained which would not prohibit modernization and cost savings if that were the direction chosen; is that correct?

Mr. BARNES. The gentleman is correct. The amendment refers only to the taxpayers service programs. It does not refer to how those programs would be implemented or carried out. It simply would require that they could be continued, that the service be continued at the 1982 level. The funding has been provided of course by the committee.

Mr. CAMPBELL. I thank the gentleman for his explanation. I think he has a good amendment.

Mr. BARNES. I thank the gentleman.

Mr. ROYBAL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to inform the gentleman from Maryland that the committee added $50 million to the IRS budget and wrote language in the report which accompanies the bill which mandates that the taxpayer assistance program be maintained at the 1982 level of operations.

Now, this proposed language is inserted in the report and in this instance it would be in the bill itself.

It should not be necessary to do what the gentleman is now intending to do, because the action of the committee clearly implies that those things that he seeks to gain will be done.

However, I still feel that the gentleman is correct. In this instance the best way to do things is to go the direct route, include the language in the bill.

Mr. HOYER. Mr. Chairman, I would like to commend the gentleman from Washington and the gentleman from Maryland for their efforts to preserve this IRS toll-free telephone assistance program which services millions of American taxpayers.

The Congress has provided $50 million to maintain this service out of the recognition that our overly complicated Tax Code often confuses and misleads the taxpayer. In fact, the 36 million Americans who used the service in fiscal year 1983 are testament to the confounding nature of our tax laws.

The expenditure for this service is a cost-effective one. By their own admission, the IRS anticipates large numbers of taxpayers who will interpret the law to their own advantage if this service is curtailed.

We are fortunate to have a staff at IRS that is extremely capable and efficient in answering the myriad of questions posed during the reporting period. These employees and this vital service are not only worth their cost, they are essential to prevent noncompliance, costly errors, and late returns. In that sense, the $50 million budgeted for this program is a good investment with an excellent return on the dollar.

Let me again thank the gentleman from Washington and the gentleman from Maryland for their efforts to insure this program continues, and I urge my colleagues to support this excellent amendment.

Ms. FERRARO. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Maryland to insure continuation of the toll-free telephone assistance program of the Internal Revenue Service (IRS).

We, the Congress, through the actions of both the House and Senate Appropriations Committees, have clearly stated the need to continue this necessary program to the taxpayers and have earmarked $50 million to maintain this service at the current level. Yet despite these actions, this administration announced on November 5 that it would continue with its plan to dismantle the toll-free telephone program.

As chairman of the subcommittee with jurisdiction over Federal personnel levels, I have been extremely concerned about the effects of this administration's personnel cutbacks on the delivery of vital services. The service provided through the toll-free system has been used by taxpayers who want to comply with our complex tax laws, but cannot afford the luxury of tax accountants on retainer. It is used by the elderly and by those with low incomes. It allows Americans to comply with the law and to pay their fair share of taxes.

When the Reagan administration began cutting back taxpayer services last year, I protested the closing of an office in Jackson Heights, N.Y. In response to my protest, the IRS District Director wrote that he intended:

> To expand our Volunteer in Tax Assistance (VITA) and Tax Counseling for the Elderly (TCE) programs. The expansion of these services, *supplemented by our toll-free telephone assistance system will not only be responsive to taxpayers needs,* but will greatly minimize any additional travel for the public. (emphasis added)

This commitment now appears to have joined the long list of administration promises which have become meaningless. Despite clear language in the committee report in support of the existing toll-free telephone assistance, the administration would like to ignore the will of Congress.

I support the toll-free assistance system which has proved so effective in the past, and I support the gentleman's amendment to statutorily insure the continuation of the system.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. BARNES).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses for the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official representation expenses; $33,000,000: *Provided,* That none of the funds made available by this Act may be used by the Office of Management and Budget to interfere with the rulemaking authority of any regulatory agency.

□ 1640

POINT OF ORDER

Mr. HORTON. Mr. Chairman, I rise to make a point of order against the limitation on the use of funds by the Office of Management and Budget contained in lines 18 through 21 on page 14.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HORTON. Mr. Chairman, this limitation provides "that none of the funds made available by this act may be used by OMB to interfere with the rulemaking authority of any regulatory agency."

This proviso is subject to a point of order because it is legislation in an appropriation bill, and therefore violates clause 2 of rule XXI of the House of Representatives. That clause states, in pertinent part, "nor shall any provision in any (general appropriation) bill or amendment thereto changing existing law be in order," with one exception which is not relevant here.

I should say at the outset that in my judgment the language that I am referring to is meaningless because it does seek to prevent OMB from doing something which it is not entitled to do in the first place. OMB, like every other agency in the executive branch, can perform only those activities which the Constitution, statutes and Executive orders make permissible. None of these authorities gives OMB specific authority or power to interfere with any other agency's rulemaking activities.

However, I recognize that it might be construed that this restriction would affect the way in which OMB carries out its business, or the words would not appear in the bill. The key word is "interfere," and how it might be or could be interpreted.

Mr. Chairman, I would suggest that the word "interfere" might be easily interpreted to change existing law. Under the Paperwork Reduction Act of 1980, no agency can require anyone to comply with a form requesting information from more than nine persons unless that form has been approved by OMB. Some forms are, of course, designed to fulfill some regulatory objective. To the extent that OMB rejects or modifies a form which was originated for a regulatory purpose, it might be thought to be "interfering" with rulemaking authority. More specifically, if a form is proposed as a part of a regulation, OMB might file public comments on the form, and if the OMB Director finds that the agency's response to his comments were unreasonable, he could disapprove the form. This might be, of course, interpreted as "interference."

Furthermore, under Executive Order 12291, entitled "Federal Regulation," OMB is given authority to require agencies to comply with various

administrative requirements before proposing certain regulations, and to consider advice on those proposed regulations before issuing them in final form. Although the executive order is carefully written to indicate that OMB's authority exists only "to the extent permitted by law," activities under the order might also be thought by some people to be "interference" in agencies' rulemaking authority.

In my judgment, these authorizations for OMB to have some role in the rulemaking process allow perfectly legitimate exercises of the President's powers—both his general power to take care that the laws be faithfully executed, which is, of course, article II, section 3, of the Constitution, and his specific responsibility to provide central management of the executive branch for the purpose of insuring that regulations are written in a consistent way which does not put excessive paperwork demands on the American people. But to the extent that the word "interfere" has any meaning, Mr. Chairman, that proviso in the bill would modify provisions of both the Paperwork Reduction Act of 1980 and Executive Order 12291. It would also restrict the discretion of executive officers to a degree that may be fairly termed to be a change in policy. This is the sort of action which is clearly legislative and, therefore, violates clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from New York wish to be heard on the point of order?

Mr. ADDABBO. Mr. Chairman, I rise in opposition to the point of order.

Mr. Chairman, the language on page 14, lines 18 through 21, is strictly a limitation—strictly a limitation on the Office of Management and Budget.

This bill includes the appropriation for the Office of Management and Budget and, therefore, the Congress and this committee has the right to limit the use of those funds. If the gentleman from New York, my colleague (Mr. HORTON), has any question as far as the interpretation of the word "interfere," we can easily establish legislative history today. It is a simple matter that is within the Paperwork Commission and can be easily explained by legislative history, but all we say here is "interfere with rulemaking."

The purpose of the language is very simple. There was an article back on August 11 in the Washington Post by Sandra Sugawara that said:

OMB blocks the Environmental Protection Agency Package of proposed changes in the standards for lead and gasoline until the agency revises it. The EPA's source said that they fear that OMB is trying to force relaxation in the strict standards the agency wants. This was a direct interference with a regulatory body in its rulemaking authority.

It has nothing to do with type of forms, applications, and so forth. The intention of the committee was strictly to limit the OMB's use of these funds to interfere in the rulemaking, not administration, et cetera, as the gentleman from New York has pointed out, but to interfere in the actual rulemaking. The Congress and the committee had that right under the limitation of law.

The CHAIRMAN. Does the gentleman from New York desire to be heard further?

Mr. HORTON. No, Mr. Chairman.

The CHAIRMAN (Mr. STUDDS). The Chair is prepared to rule.

The Chair would cite the following provision from Deschler's Precedents, chapter 26, section 11.1, under the general heading "Imposing Duties on an Executive Official."

§ 11.1 *Parliamentarian's Note:* The application of any limitation on an appropriation bill places some minimal extra duties on federal officials, who, if nothing else, must determine whether a particular use of funds falls within that prohibited by the limitation. But when an amendment, while curtailing certain uses of funds carried in the bill, explicitly places new duties on officers of the government or implicitly requires them to make investigations, compile evidence, or make judgments and determinations not otherwise required of them by law, then it assumes the character of legislation and is subject to a point of order.

With that citation in mind, and with the arguments made by the gentleman from New York, the maker of the point of order, and because of the entire scope of the duties imposed by law upon the Office of Management and Budget in relationship to regulatory agencies, the Chair feels that the Committee on Appropriations has not sustained the burden of showing that the proposed language would not change and augment the responsibilities imposed by law on the Office of Management and Budget and, therefore, sustains the point of order.

The proviso is stricken and the Clerk will read.

The Clerk read as follows:

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

The revenues and collections deposited into the fund pursuant to section 210(f) of the Federal Property and Admistrative Services Act of 1949, as amended (40 U.S.C. 490(f)), shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving Government agencies (including space adjustments) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings and moving; repair and alteration of federally owned buildings, including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by purchase contract, in the aggregate amount of $1,994,640,300 of which (1) not to exceed $67,915,000 shall remain available until expended for construction of additional projects as authorized by law at locations and at maximum construction improvement costs (including funds for sites and expenses) as follows:

Mr. STANGELAND. Mr. Chairman, I rise to reserve the right to make a point of order against a provision found in title IV in the paragraph entitled GSA, General Services Administration, Federal Buildings Fund, Limitation on Availability of Revenue, and request the right to speak on that reservation.

The CHAIRMAN. Will the gentleman indicate to the Chair the precise location of the point of order, the language against which he proposed to make a point of order?

Mr. STANGELAND. The reservation to make the point of order would be made specifically on page 20, lines 13 and 14 of the bill, in H.R. 7158, now under consideration.

There is an appropriation in the amount of $2 million for Blair House that does not have legislative committee authorization.

The CHAIRMAN. The gentleman does not need to seek that protection. He may make that point of order when the Clerk reads that portion, which the Chair will treat as a separate paragraph.

□ 1650

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Blair House, $2,000,000 (architectural and engineering studies)

POINT OF ORDER

Mr. STANGELAND. Mr. Chairman, I make a point of order on this portion of the bill.

The CHAIRMAN. The gentleman will state his point of order.

Mr. STANGELAND. Mr. Chairman, I rise to reserve the right to make a point of order against a provision found in title 4, in which the paragraph is entitled "General Services Administration, Federal Buildings Fund, Limitations on Availability of Revenue".

Mr. Chairman, specifically, on page 20, lines 13 and 14, of the bill, H.R. 7158, under consideration, there appears an appropriation in the amount of $2 million for the Blair House in the District of Columbia for architectural and engineering studies for repair of the building. This appropriation of $2 million for the Blair House appears to be in violation of rule XXI,

No. 2, of the Rules of the House of Representatives which states:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations, for such public works and objects as are already in progress.

Mr. Chairman, section 7(a) of the Public Buildings Act of 1959, as amended, 40 U.S.C. 606, states:

In order to insure the equitable distribution of public buildings throughout the United States with due regard for the comparative urgency of need for such buildings, except as provided in section 4, no appropriation shall be made to construct, alter, purchase, or to acquire any building to be used as a public building which involves a total expenditure in excess of $500,000 if such construction, alteration, purchase or acquisition has not been approved by resolutions adopted by the Committee on Public Works of the Senate and House of Representatives, respectively.

Further, section 13 of the Public Buildings Act of 1959, as amended, 40 U.S.C. 612, states:

The term "construct" and "alter" include preliminary planning, engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other similar actions necessary for the construction or alteration, as the case may be, of a public building.

Mr. Chairman, the committee report accompanying H.R. 7158, states the $2 million has been included in the bill for architectural and engineering studies for the proposed renovation of the Blair House. However, prior to such an appropriation being carried in an appropriations bill, it must be approved by the House Committee on Public Works and Transportation, which it has not been, thus far. The General Services Administration transmitted to the Congress and the House Committee on Public Works and Transportation on July 23, 1982, a prospectus seeking approval by resolution from the committee for the repair and renovation of the Blair House in Washington, D.C. at a cost of $7,020,000. The figure was established after the State Department paid $55,000 for a complete building survey for Blair House to be performed by a Washington based architectural and engineering firm. The report was completed for the State Department in March 1982 which allowed them to get a handle on the magnitude of the problems and what it would cost to correct them. Ultimately, due to the unability of the State Department to receive a supplemental appropriation of $1.5 million for fiscal year 1982, the decision was made to transfer the property to the General Services Administration, who in turn would submit a prospectus to the House Public Works and Transportation for approval, and then an appropriation would follow. What we have before us in this bill is the cart being before the horse.

Mr. Chairman, let me point out, that pending before the House Committee on Public Works and Transportation is the prospectus, which we propose to review in the not too distant future. Section 5 of H.R. 7158 does allow GSA to reprogram funds within the Federal buildings fund upon approval by the Committees on Appropriations of the House and Senate. Thus, perhaps we should proceed in accordance with existing law, whereby, the authorizing committee would consider the matter and then let the appropriation follow.

Mr. Chairman, I am the ranking member on the Subcommittee on Public Buildings and Grounds of the committee on Public Works and Transportation. We have had one hearing. Let me say for the benefit of the committee and the Members of the House that I understand that Blair House needs to be renovated and protected and it ought to be done.

I also recognize that sometimes these kinds of steps have to be taken. I think this is an improper way to go, but because I believe it has to be done, and because I believe that further authorization dollars will have to go before that Subcommittee on Public Buildings and Grounds, I am not going to pursue my point of order, but I would like to make a point for this administration and for any other administration that there are procedures to follow; that these types of fundings have to be authorized and then appropriated, and in the future I would hope that each and every administration would follow those kinds of procedures.

With that, Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The gentleman withdraws his point of order.

Mr. NELSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I intend to support this legislation but I rise to express my serious concern about actions contemplated by the Customs Service affecting the Melbourne Regional Airport in Florida. My concerns are outlined in a letter that I have sent to the Commissioner of Customs, and I would at this point include that letter, as follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., November 29, 1982.

COMMISSIONER OF CUSTOMS,
(Attn: Regulations Control Branch),
U.S. Customs Service,
Washington, D.C.

DEAR SIRS: This is to register for the record my objection to the proposed action of the Customs Service, noticed in the Federal Register of Tuesday, October 19, 1982, to revoke the "landing rights airport" designation of the Melbourne Regional Airport at Melbourne, Florida.

This action will adversely affect air commerce in one of Florida's fastest growing metropolitan areas. Melbourne, indeed all of South Brevard County, is currently undergoing a period of high-technology industrial growth. New facilities, particularly in electronics, are being located in the area. These new industries will be hampered by greater difficulties in shipment by the proposed change.

With its recent growth, the Melbourne area is attracting growing numbers of such businesses and increasing numbers of tourists. The passenger traffic increases at Melbourne have been dramatic in recent months. At a time when traffic nationally is declining, Melbourne's is increasing.

This increasing passenger traffic is also bringing a new recognition of the fine facilities available at Melbourne Regional Airport. That recognition is spreading to private and commercial flights as well, including the international arrivals which would be halted by this precipitous action.

Melbourne has modern, complete equipment to handle instrument landings in any type of weather. Yet, its designation would be revoked while the airport at Fort Pierce, Florida, which has no such all-weather capability and which does not even have a tower, would remain an international airport.

I am further concerned that the reason cited for this revocation is "savings". The Federal Register notice goes on to call customs service at this growing airport "a nonproductive expenditure of scarce resources." I strongly disagree with that assessment.

The facts are that very little in "savings" would accrue to the federal treasury by implementing this ill-advised change. In fact, the facilities, equipment, and utilities at Melbourne Regional Airport are provided to the Customs Service at no charge by the airport authority. Further, the expenses of the agents incurred in traveling between the office at Port Canaveral and Melbourne are charged to the flight serviced, not the taxpayers. The only cost to the taxpayers is the salary of the agent. Even the director of the Customs Office at Port Canaveral has indicated that the "savings" would only amount to about $20,000. In fact, there will be no "savings" unless there is a personnel reduction at the Port Canaveral office, which is unlikely.

It seems to me that it is in the best interest of commerce, both in South Brevard County and in the country, that facilities such as customs clearance at Melbourne remain in operation. The cost to commerce in time and fuel to clear customs at distant airports cannot be justified solely to eliminate the salary cost of a single customs inspector. The savings is insignificant considering the impact on aviation sales and service and future commerce through the Melbourne Regional Airport.

I strongly urge the Customs Service to reconsider and withdraw this unwarranted proposal to revoke "landing rights" at the Melbourne Regional Airport.

Sincerely,

BILL NELSON.

Mr. NELSON. I thank the Chairman.

□ 1700

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 6. Funds made available by this or any other Act for the payment of rent shall be available for the purpose of leasing space without regard to section 322 of the Act of June 30, 1932, as amended (40 U.S.C. 278a).

AMENDMENT OFFERED BY MR. EDGAR

Mr. EDGAR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Edgar: Page 31, after line 4 insert the following new section:

SEC. 7. None of the funds made available to the General Services Administration under this act shall be obligated or expended after date of enactment of this act for the procurement by contract of any service which, before such date, was performed by individuals in their capacity as employees of the General Services Administration in any position described in section 3310 of title 5, United State Code.

PARLIAMENTARY INQUIRY

Mr. DANNEMEYER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DANNEMEYER. Mr. Chairman, I have been listening to the Clerk read. The last reference to a page was at page 20. I was waiting for the Clerk to indicate page 21, because I have a matter to bring to the attention of the Committee on page 25. Now, I find us considering something on page 31. My question is, At what point will I be recognized to speak for the consideration of the Committee relating to page 25?

The CHAIRMAN. The gentleman at any time in the course of the debate can be recognized to strike the requisite number of words. The gentleman did not lose the opportunity to speak. The gentleman has lost the right to offer an amendment to any paragraph that has already been read.

Does the gentleman seek to offer an amendment?

Mr. DANNEMEYER. I have a point of order to assert on page 25, and I was waiting for the Clerk to read.

The CHAIRMAN. The gentleman's point of order comes too late, the Chair will inform the gentleman. The Committee is now on page 31. The gentleman from Pennsylvania has been recognized to offer an amendment, and the Clerk has reported the amendment.

Mr. DANNEMEYER. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DANNEMEYER. How is a Member to know when to assert a point of order relating to a particular page when the Member sits here waiting for the Clerk to get to page 25, to which this Member has a matter to present to the attention of the Committee?

The CHAIRMAN. The Chair will advise the gentleman that when an appropriation bill is being read, the Clerk reads the heading of each paragraph and the figure therein. The Clerk has been doing that during the reading of the bill.

Mr. DANNEMEYER. He has not been mentioning each page as he goes along?

The CHAIRMAN. The Clerk is reading this bill as appropriations bills are always read.

Mr. DANNEMEYER. I notice the Clerk read page 20, and I was waiting for the Clerk to reach pages 21 and 22. It seems logical.

The CHAIRMAN. The Chair will advise the gentleman that the procedure for reading appropriation bills differs from that when considering other legislation. In appropriation bills, the Clerk reads only the chapter heading, section heading, paragraph heading, and only the dollar figure therein. He does not read literally every word, and that is the method by which the Committee generally considers appropriation bills.

Mr. DANNEMEYER. I would like to be recognized after the gentleman from Pennsylvania makes his amendment, if I understand what the gentleman is about.

The CHAIRMAN. The Chair will advise the gentleman, if he wishes to offer an amendment to a section that has already been read, that will require unanimous consent, and the Chair will recognize the gentleman at the appropriate time to make such a request.

The gentleman from Pennsylvania (Mr. EDGAR) is recognized for 5 minutes.

Mr. EDGAR. Mr. Chairman, the amendment would restrict the use of funds appropriated for the General Services Administration to prohibit the contracting out of certain civil service functions which, under current law, are solely set aside for eligible veterans.

Current law, section 3310 of title 5, United States Code, currently restricts competition for the positions of guards, elevator operators, messengers, and custodians solely for veteran applicants. The section was enacted during the 89th Congress particularly to provide direct access within civil service for returning Vietnam-era veterans. The provision has served ever since as a stepping stone and training ground for thousands of Vietnam veterans to advance within Federal employment.

As chairman of the House Veterans' Affairs Subcommittee on Education, Training and Employment it has come to my attention that GSA, under the administrative authority of OMB Circular A-76, has not only begun to eliminate these positions, but has decided to contract out up to 13,000 additional career civil service positions including other security, custodial, and building maintenance functions. Current estimates indicate that up to 80 percent of those 13,000 positions are currently filled by preference-eligible veterans.

Each of these veterans was hired for these positions under the authority of a wide variety of statutes and programs giving special preference or direct access for Federal employment to them.

Unfortunately, the purpose and the timing of this amendment to an appropriations bill cannot correct the serious impact this action will have on all of these veterans who were once promised and received Federal employment and now face the elimination of their jobs.

The problem is complex. I would hope that the authorizing committees, the Committee on Post Office and Civil Service and the Veterans' Affairs Committee would work together to investigate the extent of this disruption to the veteran community to see that current law is upheld.

However, I do feel it to be germane at this time to offer an amendment to restrict and redirect the use of funds which would be used in one particular instance to eliminate those particular services within GSA which, for the past 16 years, by statute, have been specifically reserved solely for veteran applicants through section 3310 of title 5, United States Code.

The statute states:

In examinations for positions of guards, elevator operators, messengers and custodians in the competitive service, competition is restricted to preference eligibles as long as preference eligibles are available.

Contracting out of these functions, already, is preceding at a rapid rate. There is no doubt that elimination of these functions would represent a breech of faith to those veterans already occupying the positions.

However, of even greater consequence, eliminating the functions altogether, simply through arbitrary administrative action, would undermine both the intent and the purpose of congressional prerogative through existing law within title 5 in denying future Federal employment opportunities within these functions for deserving veterans.

In other words, the thrust of this amendment is not just to prohibit contracting out per se, but to insure funding for the maintenance of job opportunities which are already offered by existing statute for veterans.

Making this adjustment in the GSA appropriation for this fiscal year can only allow the time for the authorizing committees to make a thorough evaluation of the extent of the problem and to seek corrective legislative action. The amendment would add no funds to the appropriation.

Mr. Chairman, my amendment has the strong endorsement of the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, and the Vietnam Veterans of America.

I greatly appreciate the courtesy and the interest expressed by the chairman of the Appropriations Subcom-

mittee, the gentleman from California in supporting this amendment.

I urge my colleagues to support the amendment.

Mr. ROYBAL. Mr. Chairman, I rise in support of the amendment. I would like to thank the chairman of the House Veterans' Affairs Subcommittee on Education, Training and Employment, the gentleman from Pennsylvania, for offering this amendment at this time. I fully support the amendment.

But, I too feel that more should be done in working with the authorizing committee to protect veterans' employment rights mandated by law from arbitrary administrative review. I look forward to working with the chairman and the Veterans' Affairs Committee, as well as the Committee on Post Office and Civil Service, to achieve that goal.

I urge my colleagues to support the amendment.

● Mr. MONTGOMERY. Mr. Chairman, I rise in support of the amendment offered by Mr. EDGAR, chairman of the Subcommittee on Education, Training and Employment.

Mr. EDGAR's Subcommittee on Education, Training and Employment has held a number of hearings on the employment problems of veterans during this 97th Congress both here in Washington and in the field. At all of those hearings it was demonstrated beyond any doubt that there are hundreds of thousands of Vietnam veterans who have not made a successful readjustment to civil life, notwithstanding the majority have been discharged from the Armed Forces for many years.

In attempting to address this problem, the Congress has passed a number of measures to help veterans, particularly to assist those who have had difficulty readjusting to civilian life following their military service. For example, the recently passed Public Law 97-306, the Veterans' Compensation, Education, and Employment Amendments of 1982, contains a number of provisions to improve and strengthen the capability of the Department of Labor to provide job services and placement for veterans seeking employment in the private sector.

In addition the Congress has received much praise for its approval of a number of programs which have provided immeasurable employment assistance to veterans. I speak of the Disabled Veterans Outreach Program (DVOP), the veterans readjustment appointment (VRA) program, and the establishment of the position of the Assistant Secretary of Labor for Veterans Employment in the Department of Labor, to name a few.

One of the longest standing provisions of law which has always received total support from veterans and representatives of veterans organizations is a little known provision which requires the Federal civil service positions of guards, elevator operators, messengers, and custodians shall be filled by veterans so long as preference eligibles are available. According to the latest information, however, the General Services Administration has begun to contract out these civil service positions under the provisions of OMB Circular A-76. It has been estimated that there are about 13,000 positions involved, without 80 percent of the jobs filled by veterans.

The latest unemployment statistics for October 1982 shows that about 621,000 Vietnam-era veterans are unemployed, 545,000 between 25 and 39 years of age. This is the group, mostly Vietnam veterans, that would be hurt by contracting out these positions which are reserved for qualifying veterans.

I commend BOB EDGAR for his excellent work during this Congress as chairman of the Education, Training and Employment Subcommittee, and for offering this amendment today. I strongly support the amendment being offered by Mr. EDGAR which will guarantee that these jobs will continue to be available to veterans, as intended by Congress when it passed the provision in 1966.●

□ 1710

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. EDGAR).

The amendment was agreed to.

REQUEST FOR PERMISSION TO RAISE A POINT OF ORDER

Mr. DANNEMEYER. Mr. Chairman, I have a point of order which I would like to assert at page 25, lines 8 through 20.

The CHAIRMAN. The Chair would advise the gentleman in order to do that, that section of the bill having been read, he will have to request unanimous consent.

Mr. DANNEMEYER. Mr. Chairman, I ask unanimous consent that I be permitted to assert a point of order on page 25, lines 8 through 20.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. ROYBAL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. DANNEMEYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think in approaching the work of the House and the committee in this instance that this Member from California is as reasonably alert as any Member present in the Chamber. I came in here today for the purpose of asserting a point of order against the appropriation for a particular activity for which the authorization was denied by a specific vote of this body, 165 to 231, on May 19, 1981. It is in the amount of $3 million and it relates to an appropriation for the National Archives and Records Service operating expenses.

It is the clear sense of the House by the vote on the authorization measure that we did not as a body intend to authorize any funds for this particular activity.

It is for this reason that I came here to assert this point of order because I think the point of order would clearly lie.

I have been sitting here watching the deliberations and listening to what the Clerk has been reading on the premise that the Clerk would read page by page. I heard page 20 read and thinking that we would get to page 21 or 22, then at the appropriate time when we got to page 25 I would assert this point of order. Then I was advised by the Member from Pennsylvania that he would offer an amendment on page 31.

One would almost get the impression that the process that exists is designed to make it difficult for Members to know when exactly to assert a point of order.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

I had a similar misfortune to that of the distinguished gentleman from California.

I get the impresssion that we are making this a skill contest around here. I would simply notify all Members that this is not a race. If we need to slow down the procedure, we can surely slow it down.

But I hope that in the future all Members will be able to make the points that they would like and to raise the questions and to conduct the debate they would like.

I think we are engaged in a bit of a race here and I think the gentleman has made a good point. I am very sorry he was not able to make his point of order.

I thank the gentleman.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I am happy to yield to the gentleman from Missouri.

Mr. VOLKMER. I would just like to mention, as perhaps an aid for the gentleman from California in the future, that all you have to do is take a copy of the bill and follow the Clerk in his reading and just read with the Clerk and you will end up on whatever page you want as he reaches the same page.

Mr. DANNEMEYER. I appreciate that advice.

The point is that the rules exist for a purpose and I can understand that. But we should never lose sight of the fact that the deficit for 1983 is esti-

mated to be between $125 billion and $175 billion.

Admittedly, $3 million is not a lot of money. I suppose some in the Chamber would say that we are wasting the time of the body by even talking about the significance of $3 million.

But I do not believe that the rules of this House should be interpreted or enforced in such a way as to preclude a Member from making a point of order to something that is obviously appropriately placed. It is in this spirit that I bring this matter to the attention of the House.

Having concluded, I suspect I would again request the unanimous consent that I be permitted to make this point of order relating to page 25, lines 8 through 20.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. ROYBAL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would make only one observation and that is this: that the Clerk is reading this bill as Clerks for years and years and years have read appropriation bills. Under that procedure, normally page numbers are not cited at all unless the reading of the bill has been interrupted by the offering of an amendment or by debate.

So it does, the gentleman is correct, require closer attention than the reading of a normal bill or bills other than appropriation bills.

The Clerk will read.

The Clerk read as follows:

SEC. 505. No part of any appropriation contained in this Act shall be available for the procurement of or for the payment of the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions or except in accordance with procedures prescribed by section 6-104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970. This section shall be applicable to all solicitations for bids opened after its enactment.

PARLIAMENTARY INQUIRY

Mr. FRENZEL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FRENZEL. Is it now appropriate for me to make a point of order against section 505?

The CHAIRMAN. That would be correct.

Mr. FRENZEL. It is now timely?

The CHAIRMAN. The gentleman is correct.

POINT OF ORDER

Mr. FRENZEL. Mr. Chairman, I do make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FRENZEL. The point of order is against section 505 of H.R. 7158 as constituting legislation on an appropriation bill and, therefore, in violation of rule XXI, clause 2.

Rule XXI, clause 2, states that—

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order * * *

Section 505 prohibits appropriated funds from being used in the procurement of any hand or measuring tool not produced in the United States or its possessions unless the Administrator of General Services makes a determination that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States cannot be procured as and when needed from domestic sources.

As an elaboration on the prohibition that no provision in a general appropriation bill is in order if it changes existing law, rule XXI, clause 2 has been interpreted to mean that an amendment or language in an appropriation bill may not impose on Federal officials additional duties not required by law, or make the appropriation contingent upon the performance of such duties.

Section 505 is not merely a limitation on appropriated funds but establishes a procurement requirement not contained in existing law, and requires a determination with respect to such procurement by the General Services Administrator that would not be required to be performed under existing law.

Therefore, I raise a point of order that section 505 is in violation of rule XXI, clause 2.

The CHAIRMAN. Does the gentleman from California wish to be heard on the point of order?

Mr. ROYBAL. No, Mr. Chairman.

Will the Chair please rule?

The CHAIRMAN (Mr. STUDDS). The Chair is prepared to rule.

The Chair would cite Deschler and Brown's Procedure, chapter 26, section 19.5:

A section in a general appropriation bill prohibiting the use of funds in the bill for the purchase of foreign-made tools except to the extent that the administrator of the General Services Administration determines that domestically produced tools are unavailable for procurement, was held to impose additional duties on the Federal official and was ruled out as legislation in violation of clause 2, rule XXI.

So for the reasons as stated precisely by the gentleman from Minnesota (Mr. FRENZEL) the Chair sustains the point of order and the section is stricken.

The Clerk will read.

The Clerk read as follows:

SEC. 612. No part of any appropriation contained in, or funds made available by this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the current fiscal year and for which appropriations were granted: *Provided*, That no part of any appropriation contained in, or funds made available by this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the fiscal year 1982.

□ 1720

Mr. FRENZEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, H.R. 7158, the Treasury, Postal Service, general government appropriation bill for fiscal year 1983 is described in the House Budget Committee early warning report for the week of November 29, 1982, to be over the budget resolution and the House Appropriation Committee 302(b) targets in both mandatory and discretionary funding.

In total outlays, this appropriation is $951 million in excess of the budget resolution assumptions, and $717 million over the HAC 302(b) allocations. This bill spends almost a billion dollars more than the budget approved by Congress. The budget targets are not spending floors. If we cannot meet budget goals, we ought not to set them in the first place.

Americans cannot be expected to sit back uncaringly while Congress throws their tax dollars into projects and programs which could be funded for less, but for the undisciplined spending habits of Congress. Potential deficits in the $150 to $200 billion range loom ahead. Any chance of controlling those deficits depends on Congress unwillingness to adopt careful budget resolutions, and stick to them. We have not done so in this appropriation bill.

The committee claimed savings here as a result of freezing the standard level user charges at the fiscal year 1982 level. These savings would not occur. The action would reduce a payment from one Federal agency to another without effecting total outlays. The false savings claimed for SLUC amount to $50 million. This type of

budget hide and seek ought not be tolerated.

Further savings of $120 million were claimed by adopting language that converts the GSA national stockpile fund from an appropriation to a limitation on the availability of revenues of $120 million. Like the SLUC trick, this maneuver will not save a dime.

Worst of all, the committee has done its customary job of underfunding mandatory expenditures. Mandatories are underfunded in budget authority by $416 million. The $416 million will need to be funded later. A supplemental will be required for the payment to the civil service retirement and disability account for pay increases. There is no reason why this $416 million should not be funded now instead of by spring supplemental, except that by doing so the committee is able to slip extra funding into other discretionary accounts.

In addition, as mandated by the continuing resolution, Postal Service rates for subsidized mailers are to remain at current levels. Because of this rate freeze, it is estimated that shortfalls in Postal Service reimbursements in the range of $172 million will occur. The $172 million shortfall will also have to be made up by a supplemental or rate increase later this fiscal year. It is an overage which should not be approved.

The overspending in this bill is not justifiable. It exceeds the Appropriations Committee's own 302(b) allocations. It is excessive by any standard, and it should be defeated.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

(e) For the purpose of administering any provision of law, rule, or regulation which provides premium pay, retirement, life insurance, or any other employee benefit, which requires any deduction or contribution, or which imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

Mrs. FENWICK. Mr. Chairman, I wonder if we might return to that section which was read, rather hastily, that no funds shall be available to provide an abortion, as I heard it, unless the mother's life is in danger. Did I hear correctly?

The CHAIRMAN. Does the gentlewoman from New Jersey wish to make a unanimous-consent request?

Mrs. FENWICK. Yes, Mr. Chairman.

The CHAIRMAN. The gentlewoman will state her request.

Mrs. FENWICK. Mr. Chairman, my request is that we consider that section that was, as I say, run over rather hastily.

The CHAIRMAN. The gentlewoman asks unanimous consent that we return to section 616.

Is there objection to the request of the gentlewoman from New Jersey?

Mr. HYDE. Mr. Chairman, I object.

Mr. VOLKMER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

AMENDMENT OFFERED BY MR. DORNAN OF CALIFORNIA

Mr. DORNAN of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DORNAN of California: Add a new section as follows:

SEC. 619. None of the funds appropriated by this title may be used to carry out the proposed revenue procedures 4830-01-M of the Internal Revenue Service entitled "Proposed Revenue Procedure on Private Tax-Exempt Schools" (44 F.R. 9451 through 9455, February 13, 1979, F.R. Document 79-4801), or the proposed revenue procedure 4830-01 of the Internal Revenue Service entitled "Proposed Revenue Procedure on Private Tax-Exempt Schools" (43 F.R. 37296 through 37298, August 22, 1978, F.R. Document 78-23515; or parts thereof.

Mr. DORNAN of California. Mr. Chairman, this past summer, the Dornan amendments to the Treasury, Postal Services, and General Government appropriations bill were, for some inexplicable reason, deleted in subcommittee. My amendments have been part of the Treasury, postal appropriations bill since September 1979, and the amendment presently before the floor received an overwhelming vote of 308 ayes to 85 noes in 1980. Last year, the amendments were not even contested. How is it then, that we find ourselves today without those amendments? For, make no mistake about it, without those amendments, the private and religious schools of this Nation once again find themselves threatened by the IRS and by Federal courts engaged in social engineering.

The amendment presently under consideration relates to the tax-exempt status of private schools and prohibits the Internal Revenue Service from using any funds for the implementation of the proposed revenue procedures of August 22, 1978, and February 13, 1979, or parts thereof. In August 1978, the Internal Revenue Service proposed to eliminate the tax exemptions of private and religious schools that were not in compliance with IRS determined racial minority requirements. The proposed rulings were somewhat modified in February 1979, but remained substantially unchanged. To retain tax-exempt status under the proposed procedures, private schools would be required to undertake arbitrary racial quotas in admissions and hiring. Every private school would be presumed guilty of racial discrimination until it proved itself innocent, a reversal of our entire legal tradition. The end result, of course, of the denial of tax-exempt status would be the closure of most private and religious schools.

When they were first proposed, the IRS rulings evoked anger and outrage from hundreds of thousands of citizens throughout the country. The IRS was deluged with a flood of protests and citizens from all over the United States came to Washington to register their outrage. They included people from all walks of life who have sacrificed much to have their children educated in private schools while at the same time supporting public education with their taxes.

The vast majority of the more then 3,500 private schools that would be affected by the proposed revenue procedures are church related. Religious schools under the proposed revenue procedures have, incredibly, become a suspect class. It should be recalled that the first educational institutions established in colonial America were under religious sponsorship and that the Founding Fathers of our Republic were the products of private, religious education. Religious groups also have constitutional rights which must be respected and have been historically protected by the first amendment.

It is important to note, Mr. Chairman, that my amendment includes the words "or parts thereof." In June of last year (June 18, 1981), the U.S. Court of Appeals for the District of Columbia in Wright against Regan argued that my amendment only prohibited funds to "carry out the IRS proposals." Correctly quoted, my amendment prohibits funds for the implementation of the initial and revised revenue procedures "or parts thereof." The court's omission of the last three words totally changed the meaning of my amendment. Moreover, as a result of that same decision, Wright against Regan, the way has been paved for a possible ruling by U.S. District Court Judge George Hart which would implement significant parts of the proposed revenue procedures forbidden by my amendment and which may threaten the tax-exempt status of every private and religious school in the Nation.

No Federal court may order actions that require the expenditure of funds that are prohibited by this amendment. The judiciary has absolutely no power over the purse. James Madison, the "Father of the Constitution," was particularly emphatic in Federalist 58 in describing the power of the purse as belonging exclusively to the House of Representatives. The Constitution explicitly states (article I, section 9, clause 7) that "No money shall be drawn from the Treasury, but in consequence of appropriations made by law."

There is nothing in the wording of the Tax Code or its legislative history which empowers the courts or the IRS to act as they have. Instead, a few Federal courts have fashioned a doctrine of Federal public policy to justify whatever action they deem necessary

to carry out their agenda of social engineering. The doctrine of public policy as arbitrarily defined by the courts and the IRS surely constitutes one of the most dangerous assaults on representative government in our history. If representative government is to have any meaning, it is the representatives of the people who must have the authority it determine matters of public policy, not unelected and unaccountable judges and bureaucrats.

To protect the private and religious schools of this land, I urge adoption of the amendment.

□ 1730

Mr. ROYBAL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment, for I believe that what we have before us today is an attempt to roll back some of the advancements that we have made in civil rights over the years. This amendment comes under the guise of a prohibition on spending by the IRS. But it is really a civil rights issue because it hampers the ability of the IRS in its efforts to eliminate racial discrimination in private schools.

We all know that some private schools in this country have been established to avoid the effects of civil rights legislation that so many people worked so long to see enacted into law. If we agree to this amendment we are, in effect, saying to these private schools that do discriminate that it is the public policy of this country to support those schools by allowing them to claim tax-exempt status.

In January of this year President Reagan said that he did not believe that the IRS can take away the tax-exempt status of a private school even if the IRS can prove that the school is discriminatory.

Mr. Chairman, I will never agree with the President on that issue. I think that the public policy of this country ought to be so overwhelmingly against discrimination that we simply will not permit a private school that discriminates to be allowed to have tax-exempt status.

Mr. Chairman, the courts have ruled so far that our private schools that discriminate should not be allowed to have a tax-exempt status. The issue of tax-exempt status of private schools is currently before the U.S. Supreme Court.

It is my firm belief that Congress ought not interject itself at this time in an issue that is currently pending in the courts.

I urge the Congress to send a message to all Americans, but particularly to the minorities that have suffered, and are suffering, so much because of racial discrimination. That message ought to be that this House of Representatives, that the representatives of the people, will not allow schools that are racially discriminatory to claim a tax-exempt status.

I urge a "no" vote on this issue.

May I also tell the gentleman from California that the regulations that he has made reference to have already been withdrawn by the IRS, and that this amendment serves no purpose except perhaps to air his own feeling on the subject.

Mr. RANGEL. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from New York.

Mr. RANGEL. I thank the gentleman for yielding.

Mr. Chairman, I would like to say that for many years this country has been proud of the fact that we have so many people from different areas being able to come here and to live as one. We have some terrible pages in our history as a result of being a minority in this country. And somehow historically we have tried to overcome it.

For people to offer amendments under the cloak of the IRS attempting to legislate when it should be a congressional function I think jeopardizes the reputation of our country, not only as it applies to our own citizens, but certainly as other people outside of this country would view us.

I am saying that this very sensitive constitutional question is presently before the U.S. Supreme Court, and if there is any Member of this body who is willing to say that they are anxious to allow the Internal Revenue Service to grant tax exemption which is no more than financial assistance to schools that would discriminate against citizens of this country that have fought for this country, that serve in the U.S. Congress, I think that they are extending this question beyond the scope of this Congress.

It would seem to me that those people who allegedly are concerned about the U.S. Constitution should allow that issue to be decided by the U.S. Supreme Court and to allow the Ways and Means Committee, which has reviewed this issue, to take care of the legislation.

Mr. DORNAN of California. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from California.

Mr. DORNAN of California. I thank the gentleman for yielding.

Mr. Chairman, I would like to make it part of the public record of debate here that it is my own opinion that any American citizen who would open up a school deliberately to exercise prejudice against his fellow citizens, and who would try to teach young children hatred, that kind of person is the lowest form of animal on this planet. And if that is not clear, I do not know what else to put in the record about my feelings about the buffoons who came here to Washington over the weekend to put on their white hoods and run around the streets preaching hatred. They were the initial cause of all the rioting.

But what we are talking about here are the powers of the House, and let us leave the law in place that has been there for 3 years.

Mr. RUDD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the good work that my chairman and ranking member have done on this committee. I understand why my good friend and colleague decided to remove this article from the bill when it was in subcommittee.

But let me just strip the amendment to what I think are the salient points that we should consider in this amendment, and I do support the amendment.

□ 1740

This amendment specifically prohibits the IRS from implementing a rule developed in 1978 and 1979 by IRS which would alter the tax exempt status of private, religious, and church-affiliated schools under the Internal Revenue Code of 1954.

The rule developed by the IRS would have created a review system for all such private schools in an effort to set racial quotas and exert Government administative control over private institutions.

The Internal Revenue Service was, in effect, dictating a national policy by this rulemaking procedure based on a misperception that the growth in private church-affiliated schools was racially motivated. While there have been, of course, some individual cases of racial discrimination, the evidence indicates that these private schools offer what is being sought: A quality traditional education, and not a haven for racists.

More importantly, it is the Congress, and this is the issue at stake here, it is the Congress, not the IRS that has the constitutional mandate to set national policy with regard to Federal tax law.

In addition, the Internal Revenue Service's rule promulgation reverses the standard of American justice by shifting the burden of proof with regard to civil rights laws upon the schools and sets the Internal Revenue Service up as lawmaker, law interpreter, and law enforcer. The Constitution never invested all three functions in the executive branch of the Government.

I urge my colleagues to vote, as we have in the past, in support of the 1954 law.

Mr. MILLER of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. The first thing I want

to make clear is that this amendment is not designed to protect schools that deny admission to minority students. My colleagues should be aware of the fact that, as proposed, the IRS rules could result in the denial of tax-exempt status to schools which had never denied admission to a minority student.

What the proposed rules would do would be to presume that private and religious schools that were established or expanded during period of desegregation in nearby public school districts were guilty of discrimination, and impose rigid quotas and affirmative action procedures on them. They would have to prove their innocence by meeting requirements imposed on them by unelected Federal officials. This violates every precept of justice and fair play, and it violates our constitutional form of government. It violates the innocent until proven guilty principle of our judicial system.

If a school is suspected of discriminating against minority students, then a case should be brought, and if that school is actually found guilty of discrimination, then and only then is it fair and proper to deny it tax-exempt status. This is not what the proposed IRS regulations would do.

We all know that it is wrong to reach a conclusion of guilt by association. What the proposed IRS regulations would do is reach a verdict of guilt by time period. These schools would be judged guilty simply because of the time period during which they were established or expanded. This is ridiculous.

The last decade in our country has seen a growing concern on the part of many parents over the ideas being taught in our public schools, the permissiveness, the sometimes outright antireligious bias and lack of sound moral and spiritual values, and the educational methods that turned out children who could not read or write. Therefore many new private and religious schools were established during this decade because of this disenchantment with the public school system. This development has nothing to do with attempts to discriminate against minority students. It is just plain wrong to assume that these schools are discriminatory just because they might have been established during a certain time period.

I suggest to my colleagues that, if they have not already done so, they become acquainted with the private and religious schools in their districts. I certainly know about fine religious schools in my district which have been established to give children a religious upbringing; that is the sole reason for their existence, and they are doing a fine job of preparing moral and upright citizens for our Nation.

Such schools have sprung up all over the Nation, in all our congressional districts. Again, I urge my colleagues to become acquainted with these schools, and talk directly to the parents who are concerned enough about the moral and spiritual, growth of their children to make the financial sacrifice of sending their youngsters to these schools. You will then realize how wrong it is to let the IRS bully and possibly destroy these schools. For the parents of children in religious schools, their fundamental first amendment right of freedom of religion is at stake.

Some may say that the courts have agreed with the IRS on this matter. Sad to say, we do have some court decisions to that effect. What this means is that the judicial and executive branches have joined together in assuming power that rightfully belongs to the Congress, the legislative branch of the Government.

The courts and the IRS have taken it upon themselves to legislate. They are determining what shall be public policy, and they are making tax policy. It is Congress, and only Congress, that has this authority and responsibility under our constitutional form of government.

So again I want to emphasize that what is at stake here is not the issue of discrimination. There are three principles at stake here: First, the principle of "innocent until proven guilty"; second, the first amendment rights for the religious schools; and third, the principle that Congress, and not the two other branches of Government, should make public policy and control the pursestrings.

I urge my colleagues to support this amendment.

Mr. MATSUI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

I would like to ask the maker of this amendment, if I may, a couple questions.

The gentleman knows that in January the administration reversed an 11- or 12-year long-standing policy of the Ford-Nixon administration that basically would not allow a tax-exempt status to educationally discriminatory schools.

Mr. DORNAN of California. Right.

Mr. MATSUI. I would like to ask the gentleman this question: Assume that Goldsboro University and Bob Jones University had provisions in their charters that would prohibit members of racial minority groups from entering that school, even if they have all the other qualifications, the tuition, the educational requirements, and all that. Would this gentleman's amendment still allow Bob Jones or Goldsboro to receive tax-exempt status?

Second, those people that contributed to those schools, would they be able to deduct their donations to these institutions?

Mr. DORNAN of California. Mr. Chairman, anticipating the gentleman's thoughtful question, I wrote this down very succinctly:

The Dornan amendment would not allow funds for implementation of a Supreme Court decision that would require adoption of any parts of the proposed revenue procedures of 1978 and 1979. Although other criteria are not prohibited, the amendment in no way sanctions unconstitutional assertions that Federal public policy is a valid basis for the rule of law. Neither does it endorse another outrageously unconstitutional finding that Government interests are dominant over other constitutional interests.

Mr. MATSUI. Well, the gentleman wrote the amendment, obviously. Could the gentleman answer my question?

Mr. DORNAN of California. The Supreme Court decision, I am anticipating, is not going to uphold the removal of the constitutional prerogatives of this body which the IRS does not have to legislate.

Mr. MATSUI. Is the gentleman then stating by the latter part of his statement that, yes, indeed, these people will continue to have exempt status and also those people that contribute and donate to these institutions will be able to continue to deduct from their income tax returns if the amendment of the gentleman does, indeed, pass; is the gentleman saying yes, indeed, that is the case?

Mr. DORNAN of California. Not necessarily. When the gentleman was first elected and we first attached these amendments to the Treasury and Postal appropriations bill, there were cases being adjudicated in Mississippi, what were called in the press white supremacy academies, and the State courts there were able to target these schools and with a consent decree from the schools, remove discriminatory practices.

But the basis of my amendment, and we will have to see what comes out of the Supreme Court decision, is that you cannot throw a cloud over all the religious and private schools in this country and make them appear to be guilty before they have a chance to defend themselves, particularly in some areas where you could not come up with a quota to satisfy some national standard, if you bus people from a thousand miles away.

Mr. MATSUI. I really have not been able to get the answer from the gentleman; but I am assuming from the gentleman's last statement that, yes, indeed, they would be entitled to tax-exempt status.

I would just say this. The gentleman refers to the pending Supreme Court case. Perhaps the gentleman and per-

haps other Members of this body should wait until the Court resolves this matter and then we can take a fresh look at it after that decision has been made one way or the other. That would seem to be the logical approach to take.

I am surprised that this matter has been revived again after it had been thoroughly discussed in January and February of this year.

Mr. DORNAN of California. We have no choice but to wait. Of course, I am going to do that. I am going to call for a vote here and I think the gentleman will see from the lopsided vote again, almost 4 to 1, that the Members of this body do not want to return to their home States and tell their religious and private schools that they are guilty as charged until they prove themselves innocent with some quota system.

Let us leave the law as it has been for 3 years while the Supreme Court rules on the Bob Jones case.

Mr. RUDD. Mr. Chairman, will the gentleman yield?

Mr. MATSUI. I will yield to the gentleman from Arizona, who perhaps can throw some light on this issue.

□ 1750

Mr. RUDD. Mr. Chairman, I thank the gentleman for yielding.

I cannot believe that any institution or any individual who is committing discriminatory practices in opposition to the laws that are on the books and the Constitution of the United States can take advantage of this in any way and I do not believe that this amendment is going to address itself to that.

The CHAIRMAN. The time of the gentleman from California (Mr. MATSUI) has expired.

Mr. FAZIO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I rise in strong opposition to the amendment because I wish to join the chairman of the subcommittee in the fight he successfully fought in the full Appropriations Committee markup against this bill. We found at that time that there was a new understanding of the recent events, the furor that surrounded the administration's most recent decision to allow private schools to discriminate and retain a tax deductible status. We also found a change in the attitudes of the members of our full committee, one which we believe we will find in the full body, the House of Representatives. There are new negative feelings about permitting those few schools in America that continue to seek a tax exemption and at the same time continue to desire to discriminate to do so.

I see a change in attitude because I think the public became very aware and very clear in its understanding that there should be no effort on the part of the Federal Government to in any way condone discrimination when a tax subsidy, in effect, was involved.

I think we had for several years here on the floor a great effort on the part of the gentleman who is offering this amendment, and many of his colleagues, to create an atmosphere in which we assumed that we were, in fact, harming many private schools around the country that were really innocently roped into a very broad and very poorly drafted IRS regulation.

What we found as we investigated that allegation, in fact was that there were very few schools that really were in violation of that IRS regulation and that, in fact, the majority of the private schools were not in any danger of having any of their practices affected by the Internal Revenue Service. In fact, very few schools anywhere in this country were likely to be penalized by the Treasury Department.

I think the administration's bungled effort to attempt to change the law, the regulation that my colleague, the gentleman from California (Mr. MATSUI) has referred to, has helped us all focus much more clearly on the issues involved in this matter.

I think the House would not want to go on record at this time as anticipating a Supreme Court decision which is in the offing this winter. I think we are not desirous of in any way perpetuating the image that the Federal Government wishes to condone actions by private schools which discriminate on the basis of race.

I think this body is not interested in forcing its will on another branch of Government which clearly has the power to interpret the Constitution in this regard.

I think lastly, we certainly do not wish in any way to imply by our actions here that the kind of concern that the gentleman from southern California (Mr. DORNAN) has pointed to is likely to be one that should trouble many of the parents of children in private schools throughout the country.

I am very hopeful that the Members will reflect upon the furor that broke out in this country less than 1 year ago when it became evident that we were going to reverse our traditional policy against discrimination whenever taxpayer funds are involved. I hope the committee will reaffirm the committee's decision and support the subcommittee chairman in his strong, affirmative position against inclusion of this language at this time. This is the most crucial civil rights issue of the Reagan Presidency and this is a sincere test of whether this body fully understands the public's continued commitment to racial equality

Mr. VOLKMER. Mr. Chairman, will the gentleman yield to me?

Mr. FAZIO. I yield to the gentleman from Missouri.

Mr. VOLKMER. I thank the gentleman for yielding.

Mr. Chairman, I am a little bit in a quandry as one who: First, does not want to give tax-exempt status to schools that do discriminate but second, do not also wish to see the heavy hand of the IRS impose itself upon those schools who do not discriminate, those private and parochial schools, as I understand the proposed regulations of several years ago would have done. At least they would have basically said, "You are guilty until proven innocent and we are going to come in and do the auditing."

Mr. FAZIO. Mr. Chairman, I had the same concern that the gentleman from Missouri has.

The first time I was permitted to vote on this proposed rider, I voted the way the gentleman from California, (Mr. DORNAN) would request us to vote today.

I then investigated the actions of IRS. I learned more about what the actual enforcement proposal was, and discovered that it was really going to impact very few schools, and that none of those in my area, and I am sure the gentleman's area, were even under any cloud, even under consideration for any penalty.

At that time I decided it was time to reaffirm my belief in equality anytime we are going to provide a taxpayer subsidy. That position, I think, is even stronger today when I contemplate the actions of this administration.

Since the Supreme Court is going to rule on this issue in several months, I think it is best that the House remain mute on this point until the Court has finally outlined the parameters of the law.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield further to me?

Mr. FAZIO. I yield to the gentleman from Missouri.

Mr. VOLKMER. I thank the gentleman for yielding.

Mr. Chairman, can the gentleman from California (Mr. FAZIO) give us any assurance that the IRS, if the amendment does not go on and does not become law, will not go into private and parochial schools that do not discriminate and start saying, "We want to check your records and the students you have had in the last 10 years"?

The CHAIRMAN. The time of the gentleman from California (Mr. FAZIO) has expired.

(On request of Mr. VOLKMER and by unanimous consent, Mr. FAZIO was allowed to proceed for 2 additional minutes.)

Mr. FAZIO. Mr. Chairman, I cannot give the gentleman the assurance he seeks, but you now have a President, President Reagan, and a Secretary of

Education, an Attorney General, and a Secretary of the Treasury—a number of highly placed officials whose public positions are simply that there should not be any undue harassment or unfair enforcement of this regulation.

I would think this administration would be the last administration to pick on, to take unfair advantage of these parents and these private schools. Certainly I do not think we are going to find any vigorous enforcement of the regulation that existed prior to the Reagan administration coming into office. But neither do I expect a resubmittal of the ill-fated regulation of last spring.

Upon that basis, I would urge that we all simply let this issue lie intil the courts have ruled, and then redress it, if need be, at that time.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield further?

Mr. FAZIO. I yield to the gentleman from Missouri.

Mr. VOLKMER. I thank the gentleman for yielding.

Mr. Chairman, I notice the other gentleman from California (Mr. MATSUI) asked a question of the sponsor of the amendment and tried to get some information from him which I think would have been very good if we did, whether or not if this amendment does go on and becomes law, whether these other schools who do discriminate, and their sponsors or people who donate to them, will be able to receive a tax credit or deduction from their income tax? Now, I still do not know the answer to that.

Mr. FAZIO. Mr. Chairman, I must share the gentleman's concern. I do not have an answer to it, as well. I am sure the gentleman from California (Mr. MATSUI) feels as frustrated as we do.

Mr. SILJANDER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by Mr. DORNAN. This amendment absolutely prohibits the expenditure of any funds to formulate or carry out the proposed IRS regulations which the IRS first attempted against tax-exempt private and religious schools in 1978. The same prohibition on use of funds applies to the revised IRS proposal of 1979.

Any funds means exactly that, no funds at all may be spent for payment of any IRS or Treasury Department employee, attorney, or official that contributes to the promulgation or implementation of any part of the proposed IRS revenue procedures.

It seems to me that the key question here is who sets the laws of this land, Congress or the IRS? Congress has stated before that the IRS should not be allowed to remove the tax-exempt status of private and religious schools. Since the IRS has seen fit to do this there is an obvious need to once again pass an amendment that would prohibit the use of funds appropriated in this bill by the IRS to quasi-legislatively make laws to achieve their own perception of social goals.

I ask my colleagues to vote again to establish the authority of Congress to make laws. The IRS must not be allowed to tacitly assume quasi-legislative powers which constitutionally belong to Congress and Congress alone.

Mr. HANCE. Mr. Chairman, I move to strike the requisite number of words so I may speak on the amendment and ask a question of the sponsor.

Mr. Chairman, I would like to ask the gentleman from California (Mr. DORNAN) a question.

Watching on the closed-circuit television, I noticed the gentleman from California (Mr. MATSUI) asked a question and I was not sure of the answer. It seems to me in 1978 when this IRS regulation first came out that the burden of proof was shifted to many of the private schools and that under certain conditions the private schools had to prove that they were not discriminating and that under those conditions, many of us voted for a similar amendment in the past and still support that position.

My question to the gentleman from California (Mr. DORNAN) is, that this amendment, as it is at the present time, would it allow schools that discriminate, much like the ruling that the White House got into last year with the Bob Jones thing, would it allow schools that do discriminate and are open about it, would it allow them to go ahead and get the tax-exempt status and the IRS would not be able to do anything?

Mr. DORNAN of California. Mr. Chairman, will the gentleman yield to me?

Mr. HANCE. I yield to the gentleman from California.

Mr. DORNAN of California. I thank the gentleman for yielding.

Mr. Chairman, the answer is no.

Mr. HANCE. Is the gentleman telling me then that if there is a school that is discriminating that under his amendment the IRS could go back and take away their tax-exempt status?

Mr. DORNAN of California. If the gentleman will yield further, Mr. Chairman, no, not under the proposed procedures of the IRS in 1978 and 1979 that these amendments blocked, because the proposed procedures were simply unconstitutional.

There are many ways that courts can move against discriminatory white supremacy academies, as they did in Mississippi. But the IRS is not the body designed by our forefathers to legislate against things like that. It is the Congress of the United States.

We have it within our capabilities here to pass laws to do things like that and not leave it up to the IRS.

One of the things that is really amazing me here is people in this body still do not understand the difference between a subsidy and a tax exemption, and in my next amendment I am going to have to read a basic primer in here to educate some people on what, in fact, a Federal subsidy is as opposed to what a tax exemption is. They are two different horses of a different color.

Mr. HANCE. Let me ask one additional question.

The regulation that the gentleman from California (Mr. DORNAN) is trying to address was published in 1978. Since then it has been dropped, has it not?

Mr. DORNAN of California. If the gentleman will yield further, no. These amendments restricted activist social engineering on the part of IRS to preempt a congressional prerogative. They were legislating through their laws. That is not their prerogative. It belongs to the Congress, principally to the House of Representatives.

□ 1800

It has been part of the law of the land for 3 years, and I see no reason why it should not continue that way. It is only because some people want to use the IRS—for the best of reasons, I guess—as an instrument of social change, and that just is not the way our Constitution is written. I am willing to submit it to a vote of my peers.

Mr. HANCE. Is the regulation still pending?

Mr. DORNAN. I have to assume the worst, that the same imaginative IRS people are in place there who created such mischief years ago with this. All I can simply say is, the overwhelming majority of groups, of Christian schools who contacted me, rabbinical schools, Bible day schools that are springing up around the country for reasons of violence, lack of discipline, poor education, lowering SAT scores—I have never had anybody come to me and say, "Congressman, I want to keep them out of my school."

Mr. HANCE. My question, though—I cannot get an answer, and Mr. MATSUI cannot get an answer—is the gentleman addressing something that came up in 1978 and in addressing that, is the gentleman hitting on another problem that came up last year that the administration brought about on the Bob Jones thing? If the gentleman is, he just needs to tell everyone that if they vote for this, "If you vote for this you can discriminate and get tax-exempt status?"

That is the question we have.

Mr. DORNAN of California. No, I think the Bob Jones thing is a totally separate case. I just think the Bob Jones thing was not anything that the

late John Ashbrook, a 22-year Member of this body, or I had in mind when we first put in these amendments to stop the IRS from taking the prerogatives of the House of Representatives and writing law, even for good purposes.

Mr. HANCE. One more question. The legislative intent behind this amendment is not to do anything about the Bob Jones situation, that that is a separate thing?

Mr. DORNAN of California. Correct.

Mr. HANCE. And these are two different things, the gentleman is saying?

Mr. DORNAN is California. Correct.

Mr. HANCE. Many of us were totally opposed to what the administration did on the Bob Jones thing and we still oppose that action.

Mr. DORNAN of California. I was opposed to what the administration did.

Mr. HANCE. The gentleman is saying they are two different things?

Mr. DORNAN of California. Yes. I reemphasize, I was opposed to what the administration did.

Mrs. FENWICK. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I would like to ask this House to consider that we have a Supreme Court decision pending, and I think we should rest for it. But, quite apart from the technicalities as to whether or not this is different from the Bob Jones and Supreme Court cases, I think we should consider very carefully what we are doing here, because we are dealing to some extent in symbols. We are dealing in ideas and thoughts that echo in peoples' hearts and that we cannot ignore.

Every agency of Government, whether it is the Internal Revenue Service or any other, should be concerned with discrimination, and the suffering and the injustices that so many of our people have suffered. That any section of our Government should even appear to be condoning such actions is intolerable. The symbol of what we are doing here is important. It is not the technicalities that people are going to remember. It is what direction are we taking and the principles we hold to.

Do we really care about injustices? Are we prepared to say that every single agency of our Government must see to it that injustice is stopped? I oppose the amendment.

Mr. PEYSER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I think what we see happening in the House now is what quite often happens when an amendment like this is offered, and suddenly the awareness of what this amendment means really begins to get through to our offices, where many of us were watching this debate, and Members began to suddenly say, "Wait a minute, we are about to vote on something that could have a tremendous significance in this country, far greater than just a simple little amendment restricting the IRS from doing something."

You know, it is always sort of popular to say: "Well, it's the IRS and that bureaucracy that is always telling the country what to do. After all, we make the laws in this country, so let's vote for the Dornan amendment."

Well, I can tell the Members very plainly that this amendment carries with it a very strong message, and regardless of what the author of the amendment may say, this amendment says that discrimination is not going to eliminate tax deductions for institutions that choose to discriminate; and, besides, they are saying it really is not our business.

Now, the administration tried to say it really was not anybody's business a year ago, and there was a genuine outcry in this country from people who were not involved in the political process, who said, "Listen, there are some very basic issues at stake here, and this country does not tolerate, does not stand for discrimination, and certainly in educational institutions that are receiving tax deductions and people can receive tax deductions by giving to them, and they are tax exempt, that somehow we should let that go."

So, I say to my friends in the House, this is a serious amendment. This is a critical amendment, and the message that would go out across this land if we pass it now, in light of the matter being in the Supreme Court, in light of the changes that the IRS has made, that we in this body are saying that discrimination somehow is really all right.

To my friends, I say let us defeat this amendment. Let us send a message that is very clear, that says this is not what this country stands for. We are better than that.

Mr. MITCHELL of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment, and let me say that in my opposition I intend no way to denigrate the reputation or the intent of the maker of the amendment. As I understand it, my dear colleague from California has participated in the civil rights marches, marched with Dr. King, and I commend him for that. I cannot commend him for the amendment, however, because as the distinguished gentlewoman from New Jersey has pointed out, it is the climate—the climate in which he introduces his amendment.

Last year I conducted hearings in the city of Baltimore upon KKK activities and Nazi activities. We heard testimony from Federal, State, and local people. The horrible thing that was disclosed was that during the course of the year there had been 100—100 incidents against minorities in the State of Maryland. The executive director of the State Human Relations Commission pointed out that only 1 out of every 4 such incidents are reported, which means that in my State there were 400 such incidents, and the bulk of them occurred in Montgomery County, which had been known as a bastion of liberalism. That is a climate.

I recently spoke to the NAACP chapter in Prince Edward County, Va. The sordid history of that school situation is well known. In defiance of school desegregation, the school was closed for 5 years, and black students had to go out of State to get a high school education. It is now a private school with no black enrollment. The specious argument is raised, or the response is raised to my question as to why are there no black students, the argument is raised that no blacks have applied. That is part of the climate.

The third point I wanted to make is that Mr. Pendleton, who is now Chairman of the U.S. Civil Rights Commission, a Reagan appointee, recently released a report by his Commission that points out indisputably and without any equivocation that the disparity between black unemployment and white unemployment rates is clearly based upon racial discrimination, despite the extension of law in every category.

□ 1810

My dear colleagues on the floor of this House, I think we would dishonor, this House if we were to pass the gentleman's amendment. I think it would do dishonor because wittingly or unwittingly, knowingly or unknowingly, you will be contributing to this climate which I know you do not want to do.

BOB DORNAN, I know you do not want to do that, and I would almost ask you to withdraw your amendment, but that would be too much.

I would hope that you would, knowing your fine reputation in terms of civil rights. But in the absence of withdrawing it, the only thing I can ask my colleagues to do is the honorable thing. The honorable thing, the decent, the just, the democratic thing, is not to aid and abet a climate which is increasingly racist, a climate in which we find increasing evidence of a resurgence of racism.

If you vote for it, whether you like it or not, that is the signal that you are sending. I am almost making a personal appeal to you to at least withdraw it as of this time and let the Court act.

Mr. DORNAN of California. May I respond to the gentleman?

Mr. MITCHELL of Maryland. I yield to the gentleman.

Mr. DORNAN of California. Your words are very eloquent and moving and they do not fall on deaf ears. I would agree with you that the climate has worsened in many pockets around this country.

The reason I say pockets instead of areas is because I took note in the news magazines that many blacks were elected to statehouses all across this country, that we have hit a high watermark that if you just go back 10 years this is not the same country.

When I joined the Air Force they had just stricken down segregated units.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. MITCHELL) has expired.

(By unanimous consent Mr. MITCHELL of Maryland was allowed to proceed for 3 additional minutes.)

Mr. MITCHELL of Maryland. I yield to the gentleman from California.

Mr. DORNAN of California. I will try to be brief.

Of course we do not have to go back to 1925 when 25,000 hooded weirdos came to this city. Here we have two dozen people being vanned around by the police with five times as many police escorts as there were numbers of Ku Klux Klanners here. I can understand the rage it created in people.

But my problem here is a problem of conscience about the power of this House not being exercised and sloughing it off to the IRS which is a creature of this House and the Power of the purse belongs exclusively to the House of Representatives.

Mr. MITCHELL of Maryland. I will reclaim my time because we are talking about the same thing at two different levels.

I, too, am talking about the matter of conscience. It is conscience and morality on my side and yours is procedure of the House and powers of the House on the other as you perceive them.

Let me just clear up some things for the gentleman. Yes, more blacks have been elected to public office, but did you know that the rate is decreasing steadily from where it was 10 years ago? The rate of increase of black elected officials is decreasing, not increasing. That is the climate that we are dealing with.

I would also like to point out to my very distinguished colleague that it is virtually impossible to say things are the same as they were during the 1960's. The gentleman is right.

But in my perception, America is traveling two roads. One, a high road with regard to a certain group of black people, and another is a low road, and the momentum is picking up on that low road.

The high road reflects itself in the election of this fine young man from Missouri, Alan Wheat, who won in an all-white district. That is the high road.

The low road is reflected in a disproportionate unemployment rate where one out of every five blacks is unemployed.

Mr. Pendleton, Mr. Reagan's appointee, says the reason in part for that is racial discrimination.

Let me put to you the bottom line. Your amendment would undoubtedly facilitate and encourage those who would travel the low road. I think you will not withdraw it. I wish you would because of my respect I have for you. But in the absence of your withdrawal I would simply ask the House to overwhelmingly vote this down and do not send the wrong message.

Mr. ROYBAL. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. CONYERS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SHANNON. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment.

I rise to make an inquiry of the gentleman. I was here when the colloquy between the gentleman from California and the gentleman from Texas took place. It was my understanding that the gentleman from California stated that it was not his intention to have this amendment have anything to do with the Bob Jones case, that the Bob Jones case would not be affected by this amendment. Is that correct?

Mr. DORNAN of California. Will the gentleman yield?

Mr. SHANNON. I yield to the gentleman from California.

Mr. DORNAN of California. I did not make a great study of the Bob Jones case that is now before the Supreme Court other than to observe that it was wrong of the administration to change the signals there, that it was a bad message sent out across the country that might give wrong signals.

However, the hue and cry which I joined in condemning the change of signals I think sent an even stronger message that shows that this Nation gets better. Maybe the acceleration rate or the improvement of race relations is not what it should be, but each year it is better than the preceding year.

Because I am not deeply familiar with the Bob Jones case, because, after all of its ramifications, all I can do is say that if the courts are going to take away the powers of the Congress of the United States, particularly this House of Representatives, the power of the purse, that is wrong. It is unconstitutional.

The main, simple point I want to make here is that if we want to give this power to the IRS let us do it in clearer language than the power that they accumulated to themselves.

Mr. SHANNON. If I can reclaim my time, it seems to me what the gentleman is trying to do is to take away the power of the courts to enforce the Constitution.

Mr. DORNAN of California. The courts do not have the right to spend money.

Mr. SHANNON. What you are saying is notwithstanding what the courts should decide in this case that under no circumstances should the IRS be given the tools necessary to enforce a court decision which would deny tax exempt status in the Bob Jones situation.

What tools would be left for the IRS to enforce a court decision should the Supreme Court rule against Bob Jones University?

Mr. DORNAN. If the gentleman will yield, when we first discussed this in an informal session with the distinguished gentleman from New York (Mr. RANGEL) we agreed on both sides of the aisle that this Congress was not imaginative enough with specific laws to root out those last vestiges of discrimination in this country, to give our power to a tax collecting body, to cause tax exemption subsidies, which they are not be definiation——

Mr. SHANNON. I will reclaim my time.

The issue in the Bob Jones case is who should be allowed tax-exempt status. If you are going to say to the tax-collecting agency of the Federal Government "You shall not be allowed with funds appropriated by this Congress to enforce a court decision, a Supreme Court decision," what are you saying?

What you are saying is the Court can decide what it wants but the Congress shall not let the Internal Revenue Service do what the Court says is consititutional.

I think that would be the case. I know the gentleman is one of the great nationally known conservatives and I have heard the gentleman on the floor of the House of Representatives make speeches about the Constitution time and time again. What you seem to be saying here is no matter what is held constitutional or unconstitutional by the Supreme Court, this Congress shall not recognize that; we shall not say to the Internal Revenue Service that it shall live by the Constitution.

In fact, we shall deny it the means to live up to its constitutional obligations should the Court rule against the Bob Jones University.

I do not understand the gentleman's reasoning.

Mr. DORNAN of California. If the gentleman will yield one further time for a response?

Mr. SHANNON. I am happy to yield.

Mr. DORNAN of California. The gentleman is treading on very peculiar ground here. If the gentleman will avail himself of the 501(c)(3) book he will find out in the great Commonwealth of Massachusetts that there is a tax-exemption status for a witches' coven of lesbians of New England.

There are all sorts of weird groups in that fat 3- or 4-inch book that most of us in this House would say is not American.

Mr. SHANNON. That might be the case. If the Supreme Court of the United States says under the Constitution they are not entitled to that tax-exempt status then we as Congressmen are not living up to our responsibility if we deny the Internal Revenue Service its ability to enforce that court decision.

Mr. DORNAN of California. It is pretty arbitrary to give the IRS the power to give witches' covens tax-exempt status.

Mr. SHANNON. We are talking about a pending Supreme Court case. The language the gentlemen has proposed would take away the only tool, the only tool that the Federal Government has to enforce that decision.

Mr. DORNAN of California. I am not that pessimistic.

Mr. SHANNON. Should the Court rule against Bob Jones University.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. SHANNON. I am happy to yield.

□ 1820

Mr. FRANK. I thank the gentleman.

Mr. Chairman, I never thought I would be privileged to be actually present on the floor when a genuine witch hunt was in progress. And I congratulate the gentleman from California for launching one. But if he wants to make this a comparative question, I would say, based on my experience, racial discrimination and bigotry are doing a lot more harm in America today than witches. I congratulate the IRS on its priority in going after the bigots.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. SHANNON) has expired.

(By unanimous consent, Mr. SHANNON was allowed to proceed for 1 additional minute.)

Mr. SHANNON. Mr. Chairman, I just want to say that what we are talking about here is very specific language which clearly, would prohibit the enforcement of a constitutional decision should the Supreme Court rule in a given way on a case now pending before the Court.

I think that this is a case where, whether we are liberals or conservatives, or however we feel on the substance of this issue, the smartest thing for us to do, the prudent thing for us to do is to wait for the Court to rule, not to interfere at this point, but to wait for the Court to rule, see what situation we are presented with then, and if the gentleman or any other gentleman or gentlewoman on the other side of the aisle is unhappy with that decision, wants to come to Congress and within the limits of that decision propose any policy changes, I welcome them to do it. But I just think that we are interfering terribly with our constitutional processes if we act now.

Mr. HANCE. Mr. Chairman, will the gentleman yield?

Mr. SHANNON. I yield to the gentleman from Texas.

Mr. HANCE. Mr. Chairman, I think the gentleman is right. But the problem is, in looking at this amendment and the next amendment, what the gentleman is talking about comes up on the next amendment by the gentlewoman from Ohio (Mrs. ASHBROOK) that talks about a court order.

Mr. SHANNON. Let me just reclaim my time. What got me into this was the assertion of the gentleman from California to the gentleman from Texas that his language did not affect the Bob Jones case. And it seems to me that it clearly does.

Mr. CAMPBELL. Mr. Chairman, I move to strike the requisite number of words, just to inquire of the gentleman from California, after this colloquy that I just listened to: Would the gentleman tell me whether his amendment would prevent the IRS from enforcing a court order, once something is ordered as the law of the land? Is there anything in yours that would stop them?

Mr. DORNAN of California. No. The court rights in Mississippi were very clear. And this all took place during the very period that these amendments were given their genesis by Congressman John Ashbrook and myself. We still have a rule of law here. The main thrust, whatever signals it may send out, my amendment and the amendment to follow, is that this House should never give its power to legislate to a tax-collecting body, the IRS.

Mr. CAMPBELL. Let me ask a second question: If it would not inhibit the court order and would not prevent enforcement of the court order, is there anything in this amendment or is the gist of this amendment to prevent an agency from promulgating rules and regulations as a law itself? Is that what you are aiming at?

Mr. DORNAN of California. Yes.

Mr. CAMPBELL. I want to know exactly where you are headed.

Mr. DORNAN of California. What is amazing to me is, I cannot believe that this body, in the 6 years that I have been here, has not been able to form legislation in our 19 standing committees could rifle-shot laws at discrimination in this country in a private school system or a public school system. I do not believe that this is the only tool, using the IRS as the House of Representatives. I find that pessimistic in the extreme.

Mr. CAMPBELL. What you have told me is that your amendment is aimed at not letting an agency establish a rule that becomes law.

Mr. DORNAN of California. Correct.

Mr. CAMPBELL. That it does not seek to inhibit the court ruling or the enforcement of a court ruling. Are those two assumptions correct?

Mr. DORNAN of California. Correct.

Mr. CAMPBELL. The third question I want to ask: I have heard a great deal about private schools. I am opposed to any private school that has a policy of discrimination on entrance or any other matter. I am concerned, on the other hand, with religious freedom and rights. Now, do I understand your amendment to be addressed to the prevention of the IRS moving into religious beliefs? Is that basically what you are headed for?

Mr. DORNAN of California. Yes. Even in this period of cults and manifestations of all sorts of weird groups, the Guyana tragedy, the nightmare death of 900 people was fresh in our minds. There has got to be more imaginative ways for this Congress to face up to the cult phenomena in the country without the taking away of the religious rights of religious organizations or putting a cloud over all of them.

Mr. CAMPBELL. Is there anything in your amendment—let me take it one step further—that attempts to define what is or is not a religious belief that is legitimate?

Mr. DORNAN of California. Of course not; no.

Mr. CAMPBELL. Is that not the question before the Supreme Court now?

Mr. DORNAN of California. I believe so.

Mr. CAMPBELL. Your amendment does not address it, then, does it?

Mr. DORNAN of California. That is correct.

Mr. CAMPBELL. So your amendment does not address anything dealing with a pending case nor religious beliefs, but it deals strictly with the promulgation of rules and regulations by an agency of Government?

Mr. DORNAN of California. Correct. I think the Supreme Court showed a lot of interest in this tough Bob Jones case, which does involve religious beliefs. And I think we will be talking about that for the rest of our lives.

Mr. CAMPBELL. But that is a different matter.

Mr. DORNAN of California. But that is a different matter. That is not what my amendment is all about,

which is to restrict the power of the IRS and to stop them from abrogating our power.

Mr. HANCE. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Texas (Mr. HANCE) is recognized for 5 minutes.

There was no objection.

Mr. HANCE. Mr. Chairman, I would ask the gentleman from California a couple of questions. First of all, in looking at the gentleman's amendment, it is exactly like the amendment that came up in 1981, in July 1981. It is the same thing, and it speaks to the language that was in the IRS ruling in 1978.

I would ask the gentleman to withdraw his amendment, because that language has been dropped by the IRS. It is no longer a pending regulation.

This amendment would have been subject to a point of order had someone made it at the proper time.

The argument that the gentleman is getting into and that all of us have been getting into really is on the court ordered thing that comes up in the amendment of the gentlewoman from Ohio (Mrs. ASHBROOK), in the next amendment. And it seems that we are discussing a moot question so far as the gentleman's amendment is concerned because it has been withdrawn. And I would ask the gentleman to withdraw his amendment since the IRS no longer has this pending.

Mr. DORNAN of California. I appreciate that counsel, but I do not have as much faith in the IRS as the gentleman does. It was arbitrarily put in, in the first place, at the instigation of agents of the IRS, and I would just like to get a vote on it and leave it in the language of the bill where it has been for 3 years.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, now we have it clearly revealed. Is there a man or a woman in the Chamber who does not understand the intent of this amendment? Is there anybody who will read about this amendment and will examine the votes to whom it is not clear on what is the purpose and the intent of the gentleman from California? Do you see where it relates to the Jones case? Is there someone here who really believes that the purpose of this is not to send the signal to the Supreme Court? If there is, I will yield to him or her at this time.

Now, since we all understand that, we are back to the basics. It is not to say that these kinds of amendments have not disgracefully carried in the House in years past. We all know they have. But now is the time for this body and the Senate to speak clearly to the question that persists in the American political system.

So I do not speak to the gentleman from California who engineered this amendment, who knows what he is doing, who has rather disingenuously denied what the effects are and what the message is.

I might disagree with my colleague from Massachusetts. He happens to be a civil rights supporter. We have got a man who has marched with King offering an amendment to defend segregation in the private school systems.

□ 1830

And we are sitting around acting as if we were not quite sure if that is what it is all about. "But we are merely trying to keep the IRS off the people's backs. We want to make it clear that the Congress has the sole responsibility."

But the youngest child in the public school system in the First District of Michigan understands clearly what the amendment is about.

And so that everybody who votes here this afternoon will once again put the highest Federal legislative body in this country on record.

I hope that we will change its record. Notwithstanding the superficial problems of our society, the question is very simple: Will the Federal legislature countenance segregation in the private school systems with or without Federal money? I hope that that answer would be as obvious as it will be to everybody in the First District of Michigan.

Mr. PANETTA. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, very briefly, I think the points have been addressed. But I think it needs to be stressed that the amendment goes over regulations which were proposed a number of years ago and in fact withdrawn in 1979. So that the amendment, even if enacted, addresses regulations which in effect have been withdrawn and are no longer in place.

The issue then comes up, are these regulations going to be reissued, then, by the Department of the Treasury. And if anyone believes that President Reagan and Secretary Regan are going to move to reissue regulations developed in the Carter administration, then I am not sure they are dealing very correctly with reality.

The fact is that that is not going to happen, that they are going to await the Supreme Court's decision on this issue, and then determine what actions need to be taken, either by the IRS or indeed whether Congress itself decides to move on this issue.

So I would state this. Rather than send a message to the American people that might be interpreted as advocating a tax benefit for segregated schools, it would be far better for us not to take this action, to reject this amendment and to allow the court to proceed to make its interpretation as they will, and then allow the administration and the Congress to take whatever action would in effect implement that decision by the court.

So I would urge rejection of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DORNAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DORNAN of California. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1840

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have responded. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business is the demand of the gentleman from California (Mr. DORNAN) for a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. DORNAN OF CALIFORNIA

Mr. DORNAN of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DORNAN of California: Add a new section as follows: "None of the funds appropriated by this title may be used to carry out any revenue ruling of the Internal Revenue Service which rules that a taxpayer is not entitled to a charitable deduction for general purpose contributions which are used for educational purposes by a religious organization which is an exempt organization as described in section 170(c)(2) of the Internal Revenue Code of 1954."

Mr. DORNAN of California. Mr. Chairman, my amendment is identical to the one that had been part of the Treasury, postal appropriations bill since 1979 and which was deleted this past summer in subcommittee. The object of the amendment is to insure the survival of the private religious schools of this land by continuing to allow taxpayers a charitable deduction for general purpose contributions to such institutions.

My amendment has as its basis an unfair IRS ruling (Revenue Ruling 79-

99) against parents who had their child in a Lutheran church school in Houston, Tex. The question was whether a church member was entitled to a tax deduction for contribution to his church if his child attends a parochial school financed solely by all the members of the congregation. The IRS ruled that the church member was not entitled to a tax deduction unless his contributions exceeded "the fair market value of the child's education." But the parish school in question charged no tuition and was financed solely by funds solicited from church members, whether or not they had any children in school. It clearly follows that if the IRS denies tax deductions for such purposes, many of these schools will be forced to close.

Revenue Ruling 54-580 under which we have lived in this country for nearly 30 years states the matter quite clearly:

> The amounts paid in the present instant case likewise were made for the benefit of a particular child or children, and therefore cannot be regarded as contributions or gifts to organizations, involved in operating the schools. However, payments made to or for the use of such organizations in carrying out their general purposes and not in any way earmarked for the benefit of particular children would constitute deductible contributions under section 23-0 of the Code.

The type of revenue ruling which my amendment seeks to prohibit is unfair for another reason. All of us pay State income taxes. If we had these taxes withheld from our paycheck during the course of the year, we could deduct them from our Federal income taxes. Yet, did not some of our sons and daughters go to public school? Paid for with these taxes? And is that not a personal benefit?

So, according to this new theory of the IRS, you can pay certain taxes and derive an incidental personal benefit, and declare this as a deduction on the 1040. But if you make a contribution to a group which is tax exempt, and derive an incidental benefit, you cannot deduct it. This is patently unfair.

Mr. Chairman, there are many prominent organizations that support my amendment including the American Association of Christian Schools, the Association of Christian Schools International, and Citizens for Educational Freedom. I urge adoption of the amendment.

Mr. ROYBAL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment would have the effect of giving a tuition tax deduction to taxpayers who send their children to some type of private school.

The tuition tax credit as a whole is now under consideration by the appropriate committees of the House. This is a recommendation by the President of the United States to the legislative body of the Nation. It seems to me that we should permit the legislative body of the Nation to take action on this very important subject matter.

I ask that this amendment be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DORNAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DORNAN of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. PHILIP M. CRANE

Mr. PHILIP M. CRANE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. PHILIP M. CRANE: On page 48, after line 13 add the following new section:
>
> SEC. 619. None of the funds made available pursuant to the provisions of this Act shall be used to formulate or carry out any rule, policy, procedure, guideline, regulation, standard, or measure which would cause the loss of tax-exempt status to private, religious, or church-operated schools under section 501(c)(3) of the Internal Revenue Code of 1954 unless in effect on the date of the enactment of this Act into law.

□ 1850

Mr. PHILIP M. CRANE. Mr. Chairman, as ranking minority member on the subcommittee that has responsibility for oversight over the Internal Revenue Service, I must stress the importance of public confidence in the integrity of officials who are responsible for collection of the Nation's taxes.

That public confidence has certainly not been enhanced by the revelations of collusive litigation which was used by the IRS to cause usurpation of congressional legislative power by the Federal courts. My office has carefully reviewed these extremely serious allegations of IRS involvement in the sweetheart suits of Green against Miller and Wright against Miller.

We have found overwhelming evidence that the IRS deliberately sought to lose its case in Green against Miller, and has so seriously damaged its case with sweetheart arguments in Wright against Regan, that a nationwide court order adversely affecting the Nation's tax-exempt schools and churches appears likely within a year.

The facts are indisputable. Secret meeting, abuse of religious schools, abuse of third party intervenors rights, sweetheart arguments made by the IRS in order to lose it case, public statements by IRS officials that indicated no desire to win the court case, lobbying against the Ashbrook and Dornan amendments, and violation of the amendments after their enactment—is there any wonder that the public should question the integrity of a Government agency that has clearly participated in such an elaborate sham? Is there any wonder at the growing outrage at the Federal courts who allowed and even encouraged it?

This matter now challenges the integrity of this House. This body cannot allow such corruption of judicial process to be sued for usurpation of the legislative power delegated only to Congress in the very first sentence of the Constitution. Article 1, section 9 also gives the power over the purse to Congress alone. If Congress tolerates such defiance by the IRS and the Federal courts, of its legislative enactments, the legislation branch will surrender its most basic powers, and Congress will be transformed into a futile debating society, a nuseum of bygone representative government.

Mr. Chairman, a vote for the amendment is a vote to restore the integrity of the legislative process. It is also a vote to protect churches and the private and religious schools of the Nation from IRS harassment.

We have heard during the course of the debate on the Dornan amendments a great deal of heated rhetoric that does not properly address the responsibilities that this body has. Each one of us is something of a constitutional jurist, if you will, since we swear faithfully to uphold the Constitution when we are sworn in. We have a coequal responsibility with the court and most expecially with the executive branch.

When one analyzes the suggestion that a defense against bureaucratic regulations, guidelines, or rules designed to promote some ill-defined national or public policy in the absence of statutory guidelines, which incidentally this administration called for in January of this year and this body has yet to act on is inappropriate is to abdicate our responsibilities. We have a responsibility to assert our obligation to the taxpaying citizens of this country, and most especially in the area of protecting fundamental religious freedoms.

I am talking about religious freedoms. I am not talking about the racial question, because any school that practices racial exclusion at the present time can be denied its tax-exempt status.

Second, I think it is important to recognize that there are, unquestionably, schools in this country which have not sought tax-exempt status because they do believe in racial exclusion. And the IRS cannot touch them.

Under the existing law, we cannot address that problem by this question involving tax-related matters. This amendment, incidentally, is the precise language that our late colleague, John Ashbrook, got passed last year in this same appropriation bill. We are living under this language right now. This amendment is consistent with our constitutional responsibilities as

the protectors of the rights and the purse of the body politic.

Mr. Chairman, I yield back the balance of my time.

Mr. ROYBAL. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California is recognized.

Mr. CONYERS. Mr. Chairman, will the chairman of the subcommittee yield?

Mr. ROYBAL. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

Mr. Chairman, could we be advised as to how many more amendments like this we have to go? I am delighted to be back into session, but the hour is growing a little bit late.

Mr. ROYBAL. It is my understanding that there is one more amendment that will be presented.

I would like, however, to inquire from the minority if that assumption is correct. Is it true that we have one more amendment to discuss?

Mr. MILLER of Ohio. Mr. Chairman, will the gentleman yield to me?

Mr. ROYBAL. I yield to the gentleman from Ohio.

Mr. MILLER of Ohio. I thank the gentleman for yielding.

Mr. Chairman, I have a recommittal motion.

Mr. ROYBAL. The question which has been propounded is, how many amendments do we have left? My response to the gentleman from Michigan (Mr. CONYERS) was that it was my understanding that only one amendment is left. Am I correct in that assumption?

Mr. MILLER of Ohio. If the gentleman will yield further, as a matter of fact, now I understand that the gentleman has offered the amendment the chairman of the subcommittee was speaking of and we do not have another amendment left other than a recommittal motion.

Mr. CONYERS. I thank the gentleman.

Mr. ROYBAL. I thank the gentleman for his question.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois, Mr. PHILIP M. CRANE.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PHILIP M. CRANE. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Treasury, Postal Service, and General Government Appropriations Act, 1983."

Mr. ROYBAL. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose, and the Speaker pro tempore (Mr. FOLEY) having assumed the Chair, Mr. STUDDS, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 7158) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1983, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MILLER OF OHIO

Mr. MILLER of Ohio. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MILLER of Ohio. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MILLER of Ohio moves to recommit H.R. 7158 to the Committee on Appropriations, with instructions to that Committee to report the bill back to the House forthwith, with the following amendment: On page 48, after line 13, add a new section as follows:

SEC. 619. Of the total budget authority provided in this Act, for payments not required by law, 2 per centum shall be withheld from obligation and expenditure: *Provided*, That of the amount provided in this Act for each appropriation account, activity, and project, for payments not required by law, the amount withheld shall not exceed 4 per centum.

□ 1900

Mr. MILLER of Ohio. Mr. Speaker and Members, I will not take the 5 minutes. Many of you know about my percentage cut amendments. In this case, in this particular bill, I am offering an amendment of 2 percent, which would reduce the nonmandatory spending in the bill 2 percent. That would be a total of $116.6 million. That is a small amount compared to the total in the bill, of $10.772 billion.

Now, on the mandatory spending, the mandatory spending in the bill would not be affected by this amendment. Only the nonmandatory spending would be cut. We would reduce it by $116.6 million.

Now, the way my amendment works is that no line item of discretionary spending in the bill could be reduced more than 4 percent, and this means that we could stack up all the nonmandatory spending items and put the high priority at the top, winding up at the bottom with the lowest priority. We could take no dollars out of the high priority, but twice as much out of the low priority. That is what the amendment does. It is a 2-percent total reduction on overall nonmandatory spending, and I hope that the Members would support the amendment.

Mr. ROYBAL. Mr. Speaker, I rise in opposition to the motion.

Mr. Speaker, while the motive behind the motion of the gentleman from Ohio is to be commended; that is, its ultimate intent, I still feel that this motion must be opposed because of the fact that it reduces funding for important functions in the Federal Government. First of all, it reduces by many millions of dollars, or possibly billions of dollars, the revenue that will be collected by the Federal Government through the Internal Revenue Service. This means that if this amendment is adopted, that the Internal Revenue Service will lose internal revenue agents, who are devoting their time to the collection of revenue. It would also mean that Customs, for one example, would have to reduce its activities with regard to the trafficking of illegal drugs being smuggled into this country.

I think it would have a very detrimental effect on the overall basic operations of this Government. I think that the amounts in the bill at the present time are actually the minimum amounts necessary. I feel that the time will come when the amounts appropriated will need to be increased because the need will so demand it. I am sorry that we are unable to agree with this motion at this time, but to make that reduction I think would be counterproductive.

I urge a "no" vote on the motion by the gentleman from Ohio (Mr. MILLER).

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MILLER of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present. Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill. Fifteen minutes will be permitted on the vote on the motion to recommit with instructions and a minimum of 5 minutes on any vote, if ordered, on passage of the bill.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 193, nays 172, not voting 68, as follows:

[Roll No. 400]

YEAS—193

Andrews	Evans (IN)	Marlenee
Applegate	Fenwick	Marriott
Archer	Fiedler	Martin (IL)
Ashbrook	Fields	Martin (NC)
Aspin	Fish	Martin (NY)
Atkinson	Fountain	McClory
Badham	Frenzel	McCollum
Bafalis	Fuqua	McDade
Bailey (MO)	Glickman	McDonald
Beard	Goodling	McEwen
Bedell	Gradison	McGrath
Benedict	Gramm	Mica
Bennett	Gregg	Michel
Bereuter	Grisham	Miller (OH)
Bethune	Gunderson	Molinari
Bliley	Hagedorn	Moore
Brown (CO)	Hall, Ralph	Moorhead
Brown (OH)	Hall, Sam	Morrison
Broyhill	Hamilton	Mottl
Butler	Hammerschmidt	Myers
Campbell	Hansen (ID)	Napier
Carman	Hansen (UT)	Nichols
Chappie	Harkin	O'Brien
Cheney	Hartnett	Oxley
Clausen	Hendon	Panetta
Clinger	Hiler	Pashayan
Coats	Hillis	Paul
Coleman	Hopkins	Pritchard
Collins (TX)	Horton	Quillen
Conable	Hubbard	Regula
Conte	Huckaby	Ritter
Corcoran	Hunter	Roberts (KS)
Coughlin	Hutto	Roberts (SD)
Courter	Hyde	Robinson
Coyne, James	Jacobs	Roemer
Craig	Jeffords	Rogers
Crane, Daniel	Jeffries	Roth
Crane, Philip	Jones (OK)	Roukema
Daniel, Dan	Kemp	Rudd
Daniel, R. W.	Kindness	Russo
Dannemeyer	Kramer	Santini
Daschle	Lagomarsino	Sawyer
Daub	Latta	Schulze
Deckard	Leach	Sensenbrenner
DeNardis	Leath	Sharp
Dornan	LeBoutillier	Shaw
Dreier	Lee	Shelby
Duncan	Lent	Shumway
Dunn	Lewis	Siljander
Edwards (AL)	Livingston	Skeen
Edwards (OK)	Loeffler	Smith (AL)
Emerson	Lott	Smith (NE)
English	Lowery (CA)	Smith (OR)
Erdahl	Lujan	Snowe
Erlenborn	Lundine	Snyder
Evans (IA)	Lungren	Solomon
Spence	Volkmer	Whitley
Stangeland	Walgren	Winn
Stump	Walker	Wortley
Tauke	Wampler	Wylie
Tauzin	Weaver	Young (AK)
Taylor	Weber (MN)	Young (FL)
Thomas	Weber (OH)	Young (MO)
Trible	White	
Vander Jagt	Whitehurst	

NAYS—172

Addabbo	Florio	Neal
Akaka	Foglietta	Nowak
Alexander	Foley	Oakar
Anderson	Ford (TN)	Oberstar
Annunzio	Frank	Obey
Anthony	Frost	Parris
AuCoin	Gaydos	Patman
Bailey (PA)	Gejdenson	Patterson
Barnard	Gibbons	Pease
Barnes	Gilman	Pepper
Beilenson	Ginn	Perkins
Bevill	Gonzalez	Pickle
Biaggi	Gore	Price
Boggs	Green	Rahall
Boland	Guarini	Rangel
Boner	Hall (IN)	Ratchford
Bonior	Hall (OH)	Rinaldo
Bonker	Hance	Rodino
Bouquard	Hatcher	Rose
Bowen	Hawkins	Rostenkowski
Brinkley	Hefner	Roybal
Brodhead	Heftel	Sabo
Brooks	Hightower	Savage
Brown (CA)	Holt	Scheuer
Burton, John	Howard	Schneider
Burton, Phillip	Hoyer	Schumer
Byron	Hughes	Shamansky
Chappell	Jenkins	Shannon
Chisholm	Jones (NC)	Simon
Clay	Jones (TN)	Smith (IA)
Collins (IL)	Kastenmeier	Smith (NJ)
Conyers	Kazen	Smith (PA)
Coyne, William	Kennelly	Solarz
Crockett	Kildee	St Germain
D'Amours	Kogovsek	Stark
Davis	LaFalce	Stokes
Dellums	Leland	Stratton
Derrick	Long (LA)	Studds
Dicks	Long (MD)	Swift
Dingell	Lowry (WA)	Synar
Dixon	Marks	Traxler
Donnelly	Martinez	Vento
Dorgan	Matsui	Watkins
Dougherty	Mattox	Waxman
Dowdy	Mavroules	Weiss
Dwyer	Mazzoli	Whitten
Dymally	McCurdy	Williams (MT)
Dyson	McHugh	Williams (OH)
Early	Mikulski	Wilson
Eckart	Mineta	Wirth
Edgar	Minish	Wolf
Edwards (CA)	Mitchell (MD)	Wolpe
Fary	Mitchell (NY)	Wyden
Fascell	Moakley	Yatron
Fazio	Mollohan	Zablocki
Ferraro	Murphy	Zeferetti
Fithian	Murtha	
Flippo	Natcher	

NOT VOTING—68

Albosta	Gingrich	Petri
Bingham	Goldwater	Peyser
Blanchard	Gray	Porter
Bolling	Heckler	Pursell
Breaux	Hertel	Railsback
Broomfield	Holland	Reuss
Burgener	Hollenbeck	Rhodes
Carney	Ireland	Roe
Coelho	Johnston	Rosenthal
de la Garza	Lantos	Rousselot
Derwinski	Lehman	Schroeder
Dickinson	Levitas	Seiberling
Downey	Luken	Shuster
Emery	Madigan	Skelton
Ertel	Markey	Stanton
Evans (DE)	McCloskey	Staton
Evans (GA)	McKinney	Stenholm
Findley	Miller (CA)	Udall
Ford (MI)	Moffett	Washington
Forsythe	Montgomery	Whittaker
Fowler	Nelligan	Wright
Garcia	Nelson	Yates
Gephardt	Ottinger	

□ 1920

The Clerk announced the following pair:

On this vote:

Mr. Nelson for, with Mr. Roe against.

Mr. DOWDY changed his vote from "yea" to "nay."

Messrs. YOUNG of Missouri and ASPIN changed their votes from "nay" to "yea."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. ROYBAL. Mr. Speaker, pursuant to the instructions of the House, I report the bill back to the House with an amendment.

The SPEAKER pro tempore (Mr. FOLEY). The Clerk will report the amendment.

The Clerk read as follows:

Amendment: On page 48, after line 13, add a new section as follows.

SEC. 9. Of the total budget authority provided in this Act, for payments not required by law, 2 per centum shall be withheld from obligation and expenditure: *Provided,* That of the amount provided in this Act for each appropriation account, activity, and project, for payments not required by law, the amount withheld shall not exceed 4 per centum.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The Chair will again state that Members will have 5 minutes in which to record their votes.

The vote was taken by electronic device, and there were—yeas 269, nays 98, not voting 66, as follows:

[Roll No. 401]

YEAS—269

Addabbo	Biaggi	Clausen
Akaka	Bliley	Clay
Alexander	Boggs	Clinger
Anderson	Boland	Collins (IL)
Annunzio	Boner	Conte
Anthony	Bonior	Conyers
Applegate	Bouquard	Corcoran
Aspin	Bowen	Coughlin
Atkinson	Brinkley	Coyne, James
Bafalis	Brodhead	Coyne, William
Bailey (PA)	Brooks	Crockett
Barnard	Brown (CA)	D'Amours
Barnes	Burton, Phillip	Daniel, Dan
Beard	Butler	Daschle
Bedell	Byron	Daub
Beilenson	Campbell	Davis
Bennett	Carney	Deckard
Bereuter	Chappell	Dellums
Bevill	Chisholm	DeNardis

Derrick	Hutto	Robinson
Dicks	Jenkins	Rodino
Dingell	Jones (NC)	Rogers
Dixon	Jones (OK)	Rose
Donnelly	Jones (TN)	Rostenkowski
Dorgan	Kastenmeier	Roth
Dougherty	Kazen	Roukema
Dowdy	Kennelly	Roybal
Duncan	Kildee	Rudd
Dunn	Kogovsek	Russo
Dwyer	LaFalce	Sabo
Dymally	Leach	Santini
Dyson	LeBoutillier	Savage
Early	Leland	Sawyer
Eckart	Lent	Scheuer
Edgar	Long (MD)	Schneider
Edwards (CA)	Lowery (CA)	Schumer
Edwards (OK)	Lowry (WA)	Shamansky
Emerson	Lundine	Shannon
English	Marks	Sharp
Erdahl	Marriott	Shaw
Erlenborn	Matsui	Simon
Evans (DE)	Mattox	Skeen
Evans (IN)	Mavroules	Smith (IA)
Fary	Mazzoli	Smith (NE)
Fascell	McClory	Smith (NJ)
Fazio	McCurdy	Smith (PA)
Ferraro	McDade	Snowe
Fiedler	McEwen	Snyder
Fish	McGrath	Solarz
Fithian	McHugh	Spence
Flippo	McKinney	St Germain
Florio	Mica	Stark
Foglietta	Mikulski	Stokes
Foley	Mineta	Stratton
Ford (TN)	Minish	Studds
Fountain	Mitchell (MD)	Swift
Frank	Mitchell (NY)	Synar
Frost	Moakley	Taylor
Fuqua	Molinari	Traxler
Gaydos	Mollohan	Trible
Gejdenson	Murtha	Vander Jagt
Gibbons	Napier	Vento
Gilman	Natcher	Volkmer
Ginn	Neal	Walgren
Glickman	Nelson	Wampler
Gonzalez	Nichols	Watkins
Gore	Nowak	Waxman
Green	O'Brien	Weber (OH)
Guarini	Oakar	Weiss
Gunderson	Oberstar	White
Hall (IN)	Obey	Whitehurst
Hall (OH)	Ottinger	Whitley
Hall, Ralph	Panetta	Whitten
Hamilton	Parris	Williams (MT)
Hammerschmidt	Patman	Williams (OH)
Harkin	Patterson	Wilson
Hatcher	Pease	Winn
Hawkins	Pepper	Wirth
Hefner	Perkins	Wolf
Heftel	Peyser	Wolpe
Hendon	Pickle	Wortley
Hightower	Price	Wright
Hillis	Pritchard	Wyden
Hopkins	Quillen	Wylie
Horton	Rahall	Yatron
Howard	Rangel	Young (AK)
Hoyer	Ratchford	Young (MO)
Huckaby	Regula	Zablocki
Hughes	Rinaldo	Zeferetti
Hunter	Roberts (KS)	

NAYS—98

Archer	Dornan	Jacobs
Ashbrook	Dreier	Jeffords
AuCoin	Edwards (AL)	Jeffries
Badham	Evans (IA)	Kemp
Bailey (MO)	Fenwick	Kindness
Benedict	Fields	Kramer
Brown (CO)	Frenzel	Lagomarsino
Brown (OH)	Goodling	Latta
Broyhill	Gradison	Leath
Carman	Gramm	Lee
Chappie	Gregg	Lewis
Cheney	Grisham	Livingston
Coats	Hagedorn	Loeffler
Coleman	Hall, Sam	Long (LA)
Collins (TX)	Hance	Lott
Conable	Hansen (ID)	Lujan
Courter	Hansen (UT)	Lungren
Craig	Hartnett	Marlenee
Crane, Daniel	Hiler	Martin (IL)
Crane, Philip	Holt	Martin (NC)
Daniel, R. W.	Hubbard	Martin (NY)
Dannemeyer	Hyde	McCollum
McDonald	Paul	Solomon
Michel	Ritter	Stangeland
Miller (OH)	Roberts (SD)	Stump
Moore	Roemer	Tauke
Moorhead	Schulze	Tauzin
Morrison	Sensenbrenner	Thomas
Mottl	Shelby	Walker
Murphy	Shumway	Weaver
Myers	Siljander	Weber (MN)
Oxley	Smith (AL)	Young (FL)
Pashayan	Smith (OR)	

NOT VOTING—66

Albosta	Fowler	Montgomery
Andrews	Garcia	Nelligan
Bethune	Gephardt	Petri
Bingham	Gingrich	Porter
Blanchard	Goldwater	Pursell
Bolling	Gray	Railsback
Bonker	Heckler	Reuss
Breaux	Hertel	Rhodes
Broomfield	Holland	Roe
Burgener	Hollenbeck	Rosenthal
Burton, John	Ireland	Rousselot
Coelho	Johnston	Schroeder
de la Garza	Lantos	Seiberling
Derwinski	Lehman	Shuster
Dickinson	Levitas	Skelton
Downey	Luken	Stanton
Emery	Madigan	Staton
Ertel	Markey	Stenholm
Evans (GA)	Martinez	Udall
Findley	McCloskey	Washington
Ford (MI)	Miller (CA)	Whittaker
Forsythe	Moffett	Yates

Mr. BEREUTER changed his vote from "no" to "aye."

□ 1930

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROYBAL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the bill, H.R. 7158, just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DRAFT BILL TO AUTHORIZE APPROPRIATIONS FOR CONSTRUCTION OF CERTAIN HIGHWAYS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 97-259)

The SPEAKER pro tempore (Mr. FOLEY) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Public Works and Transportation and the Committee on Ways and Means and ordered to be printed:

(For message, see proceedings of the Senate of today, Tuesday, November 30, 1982).

PROPOSED GASOLINE TAX

(Mr. FLORIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLORIO. Mr. Speaker, America needs jobs. America needs restoration of its roads, bridges, and other public works. America needs a common effort through Federal initiative that will deal with our crumbling economy. But what America does not need is the Reagan administration's approach to our economic crisis.

The Reagan administration is supporting a hike in the gasoline tax. But this measure—along with the rest of the Reagan program—does too little, does not aim at the right targets, and compounds the unfairness of last year's tax cuts.

The gasoline tax and the proposal to use it to produce a few hundred thousand jobs is a drop in the bucket. At a time when the country is faced with a rising tide of unemployment, this response is inadequate. This token program does not begin to address the problem of unemployment in the millions. President Reagan acknowledges that this is not a jobs bill, and I agree with that.

Even as to the few jobs the gas tax will fund, it fails to come to grips with the problem we face. People are at the end of their resources, and, as the recent election demonstrated, at the end of their patience. There is an urgent need for jobs now, not the many months that it will take to crank up a roadbuilding program.

To meet the urgent unemployment problem, what we need is the kind of public works program that Congress has initiated in the recent past through the Economic Development Administration. This would provide funds for projects which States and localities have on the shelf now—ready to go. Money should be available and hiring under way within 90 days.

Not only is the administration program to little and improperly targeted, but it compounds the unfair and regressive tilt of the entire Reagan economic program.

Of course we need to rebuild America's decaying infrastructure. In fact, this effort is only the beginning of the list of neglected items on the Federal agenda. Our crumbling intangible resources—such as education, training, and technical know-how—are also in need of repair. But we should not pay for these things through a tax system that favors the affluent.

Yet that is what the Reagan program has done. The budget and tax cuts of last year drastically tilt our finances toward those in the top brackets. Hard-pressed States—such as my own State of New Jersey—have imposed or are considering new sales and excise taxes. At a time when people

have been asking for tax reform, they are being asked to accept a more and more regressive tax system. By piling on additional regressive taxes like the proposed gasoline tax, we will only aggravate this unfairness.

Instead, in order to fund the rebuilding of our tangible and intangible resources, we should recapture the revenues of the regressive across-the-board cuts of last year. We should give serious consideration to deferring or eliminating the out-year tax cut, for a potential 2-year saving of $70 billion. And we should seriously consider eliminating indexing, for a saving of $40 billion over 2 years. By eliminating indexing, we will also remove other inequities, restore a powerful incentive to fight inflation, and help avoid the kind of financial disaster that overtook Canada after its experiment with indexing.

We need jobs. We need roads. We need Federal action. We need a fair program to achieve these. The gasoline tax is not such a program. In fact, it is a substitute for a program. It is the administration's way of saying it has done something when it has not.

THE SOCIAL SECURITY MISCELLANEOUS AND TECHNICAL IMPROVEMENTS ACT OF 1982

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, today I am introducing a bill entitled, "The Social Security Miscellaneous and Technical Improvements Act of 1982." As is implied by the title, this bill contains a series of amendments of title II of the Social Security Act which are either relatively minor or technical or both. Absolutely no social security financing changes are contained in this bill. Nor are there any provisions which would significantly affect benefit amounts or eligibility.

The amendments fall within four separate titles. The first title would result in increased moneys for the social security trust funds by improving the current cash management of the funds. Most importantly, the value of unnegotiated benefit checks would be transferred to the funds from the Treasury, and current investment practices would be amended to allow the Secretary of the Treasury to invest the assets of the funds more profitably than is currently allowed. While the trust funds' cash flow would be improved by the title, this is accomplished without detriment to the general fund. These are prudent changes which are overdue.

Title II of the bill corrects 10 provisions of the Social Security Act which treat people differently solely on the basis of their sex. These provisions are often referred to as "gender-based distinctions." In recent years the effect of these distinctions has been eliminated either through court orders or through administrative action of the Social Security Administration. It is still important, however, to remove the discriminatory statutory language from the act. Concerning these amendments, I would like to acknowledge the leadership which our colleague, JOHN BURTON of California, has shown on this issue over the years.

Title III deals with seven issues concerning the coverage of certain work or wages under the social security system. Four of these provisions are in the nature of technical corrections. The other three miscellaneous provisions extend coverage either in specific areas in which coverage has been requested or in areas where it is now possible to structure an employment relationship or treat compensation so as to avoid social security taxes. While depriving the trust funds of revenues, such practices also result in entitlement to reduced social security benefits at a later date, an effect often unbeknown to the worker at the time of employment.

The final title includes a series of unrelated changes to the Social Security Act. Many of these changes have been recommended by the last two administrations. These provisions are largely technical and definitely miscellaneous. They range from the effective date of extension of social security to the Northern Mariana Islands, a U.S. trusteeship, to the proper names of certain school districts in the State of Utah.

My current intention in introducing the bill at this time is not to press for its passage during the lameduck session. Rather, I intend to hold hearings before the Social Security Subcommittee on December 6, 1982. After this hearing, I would seek an agreement with the members of my subcommittee that, if there is no objection to a particular provision, it be set aside for the next Congress and included in the final title of next year's social security financing legislation.

I am mindful of the fact that one Congress cannot bind another one to action. However, if we do not take this action, I fear that next year, as has happened in previous years, the pressure of considering more significant legislation will divert our attention from these relatively minor yet necessary changes. Following this proposed course of action will allow us to properly consider these changes and then set them aside as we undertake the task of restoring financial solvency to the social security system in the next Congress.

I conclude my remarks with a brief section-by-section analysis of the bill. In many cases revenue estimates are not provided. The social security actuaries have been working overtime in recent weeks and months to provide estimates to the National Commission on Social Security Reform. However, estimates on this bill will be available in the near future. The provision concerning unnegotiated checks would increase revenue by $500 million through 1989. In those other few instances where there would be some revenue or outlay effect, I have been told that the effect is minor.

SOCIAL SECURITY TECHNICAL IMPROVEMENT ACT

TITLE I. CASH MANAGEMENT

Section 101. Unnegotiated Checks.
Section 102. Float Changes.
Section 103. Investments of Trust Fund Assets.
Section 104. Interest on Late State Deposit.

TITLE II. GENDER-BASED DISTINCTIONS

Section 201-212.

TITLE III. COVERAGE

Section 301. U.S. Subsidiaries.
Section 302. International Agreement.
Section 303. Net Self-Employment Income and Foreign Earned Income Exclusion.
Section 304. Deferred Compensation.
Section 305. Standby Pay.
Section 306. Exclusion of Payments under Simplified Employee Pension Plans.
Section 307. Status of Certain Entities in the State of Utah.

TITLE IV. MISCELLANEOUS TECHNICAL AMENDMENTS

Section 401. Super Max.
Section 402. Northern Marianas.
Section 403. Non-Contributory Wage Credits.
Section 404. Delayed Retirement Credit.
Section 405. Special Insured Status.
Section 406. Illegitimate Children and First Month of Entitlement.
Section 407. Remarriage of Disabled Widow(er).
Section 408. One Month Retroactivity.
Section 409. Non-Assignment of Benefits.

TITLE I. CASH MANAGEMENT IMPROVEMENTS

Section 101. Accounting for certain unnegotiated benefit checks

Current Law and Discussion

Under current law the Social Security Administration certifies to the Department of the Treasury the amount of benefits to be paid to social security trust funds to a Treasury transfer account. Treasury then mails the beneficiaries their checks. However, some beneficiaries fail to cash their checks.

Social security benefit checks, as well as most other government checks, are not issued by Treasury under special program symbols. Because of this, Treasury is not able to readily identify what portion of government-wide uncashed checks are social security benefit payments.

Even if uncashed social security checks could be identified, under existing law, Treasury is authorized neither to cancel uncashed government checks nor to credit the value of those checks to the accounts upon which they were drawn. Accordingly, the social security trust fund is never credited for (1) any of the uncashed check amounts, or (2) any of the interest earned on these amounts. Instead, these funds remain in the Treasury account and are not available to the trust funds.

When government checks are cashed by recipients, they are returned to the Federal Reserve Bank where they are reviewed to insure proper credit to the financial institution for the amounts. A listing is then made of those checks which are not cashed. This listing summarizes uncashed checks on a government-wide basis and does not indicate what checks are social security checks.

In 1975 Treasury provided SSA with a sample of all outstanding government-issued checks. SSA analyzed the government-wide listing of uncashed checks for the year 1973 and established for that year a ratio of the amount of uncashed social security checks to the amount of all uncashed government checks. The 1973 ratio was then applied to the total amount of uncashed government-issued checks. As of 1975, SSA estimated the total amount of uncashed social security checks to be approximately $130 million. SSA has updated the estimate through 1982 and estimates that uncashed checks total $270 million. SSA currently estimates that the amount of uncashed checks in a year is approximately $30 million—totaling $500 million by 1990.

Proposed Change

Section 1 would enable the social security trust funds to be credited by the Secretary of the Treasury with the amount of funds representing social security checks that have remained unnegotiated for at least 12 months. The Department of Treasury would also be required to implement a system under which social security checks could be distinguished from other government checks and transfer to the trust funds on a monthly basis an amount equal to the value of all benefit checks which have not been negotiated for a period of 12 months. This system will be in place two years after enactment of this provision. Until this permanent system is in place, annually the Secretaries of Treasury and Health and Human Services shall jointly determine the amount of all outstanding uncashed checks from the previous fiscal year. (The initial determination shall include the amount of all uncashed checks since inception of the program.) The Secretary of the Treasury shall transfer these amounts to the social security trust funds within 60 days of the close of the fiscal year.

Checks which are older than one year will still be negotiable. If any check older than one year is negotiated, the trust funds will be debited accordingly.

Section 102. Float allowance revision

Current Law and Discussion

Social security benefit checks are issued to beneficiaries on the third of each month. (When the third of the month falls on a Saturday, Sunday or legal holiday, checks are issued on the first previous business day.) Current Treasury procedures allow a two-day float (three or four days when the third of the month falls on a weekend or holiday) before trust fund monies are actually transferred to the Treasury in order to pay the checks which have been issued. (The float period is the elapsed time between the issuance of monthly benefit checks and the actual transfer of trust fund monies to the General Treasury Fund in order to pay these benefits.) No float period is provided for that portion of total benefits which is deposited directly in beneficiaries' banking accounts. Currently this is approximately one-third of total benefit payments. Nor is a float period provided for retroactive benefit adjustment checks issued during the month.

A recent study completed by the Inspector General of the Department of Health and Human Services found that it took an average of 5.2 days for recurring benefit checks to clear through the banking system. Retroactive benefit checks required an average of 11.1 days to be processed. The Inspector General estimated that interest income to the OASDI funds would be increased by $91.5 annually million if a 5 day float period were provided.

Proposal

Section 2 of the bill would require the Secretaries of Treasury and Health and Human Services to conduct a study with regard to the "float period" and the redemption of benefit checks. The study shall consist of two separate investigations. As a result of the first investigation, the Secretary of Treasury shall report to the Congress and President within six months concerning the findings and adjust by regulation the current float period of two days to more accurately reflect the actual average length of time between the issuance of benefit checks and the redemption, if the current period is not equal to this actual average. The second investigation will report on the feasibility (in light of the check identification system to be implemented under Section 101) and desirability of providing for the transfer on a daily basis to the general fund from the appropriate trust amounts equal to the amounts of benefit checks which are paid by the Federal Reserve Banks on that day. The results of the second investigation shall be submitted to the Congress not later than twelve months after the date of enactment.

Regulations which are found necessary by the first investigation are to be promulated within six months of the date of enactment. Regulations found to be necessary to implement changes which are found appropriate by the second investigation shall be promulgated within twelve months of the date of enactment.

Section 103. Investment of the social security trust fund assets

Current Law and Discussion

The Social Security Act provides the following guidelines for the investment of that portion of the social security trust funds which is in excess of current obligations:

(1) funds not immediately needed to pay benefits or administrative expenses are to be invested solely in interest-bearing obligations guaranteed as to both principal and interest by the United States;

(2) the Managing Trustee (the Secretary of the Treasury) will invest in special public-debt obligations—"special issues" which are available only to the trust funds—except where he determines that the purchase of obligations which are available in the open market is "in the public interest";

(3) "special issues" shall have "maturities fixed with due regard for the needs of the trust funds" and will pay a rate of interest equal to the average market yield on all marketable interest-bearing obligations of the United States which are not due or callable for at least four years; and

(4) marketable securities purchased by the trust funds may be sold at the market price and special issue obligations are redeemable at par plus accrued interest.

The assumption underlying current law is that long-term interest rates usually will be higher than short-term rates. This is historically true. However, there are periods in which short-term rates temporarily exceed long-term rates. When short-term rates exceed long-term, as they did during much of 1981, current investment policies are criticized because the trust funds are being invested in "special issues" with lower yields than those available to other investors in government securities.

Proposed Change

Section 103 would modify the current special issue interest rate formula and maturity date selection procedure to more closely link interest rates and maturity dates. The proposal would provide two different interest rates—the current long-term rate and a new short-term rate which would be equal to the average on all government obligations with maturities of less than four years. The higher of the two interest rates would be selected and a corresponding short-term (1 to 3 years) or long-term (4-15 years) maturity date would be assigned automatically to special issue obligations. Short-term certificates of indebtedness would earn the short-term rate at all times. Redemptions would continue as under current law, with securities closest to their maturity dates being redeemed first.

Since the proposal links maturity date to the interest rate of the special issues that the investment "decisions" of the trust funds would be more closely analagous to the actions of a "prudent investor" than current law. Such an investor would, in general, invest in short-term obligations when the return on these obligations exceed long-term returns and extend the maturity dates on his investments as long-term rate increase relative to short-term rates. The costs to the Treasury of issuing a certain amount of securities also would be similar whether or not the securities are purchased by the public or by the trust funds. Therefore, neither the trust funds nor the general fund are unfairly advantaged by the transaction.

Changes made by the section would apply to obligations purchased by the trust funds after the month in which this Act is enacted.

Section 104. Interest on late State deposits

Current Law and Discussion

At present the Social Security Act specifies that the annual interest rate charged on late payments of social security contributions due on the earnings of State and local employees is 6 percent per annum. As a result of the Economic Recovery Tax Act of 1981 (P.L. 97-34) the interest rate charged for late payment of taxes by private employers is 100 percent of the average predominant on the prime interest rate and is adjusted annually. Beginning in 1983, it will be adjusted semi-annually. The rate will be 16 percent, effective January 1, 1983. The current law statutory interest rate of 6 percent can be seen as providing an incentive for States to make late payments of contributions on the earnings of their employees because they can invest the money at rates well above 6 percent and retain the interest earned which is in excess of the amount of the penalty.

Proposed Change

Section 105 would conform provisions in the Social Security Act, which specify the rate of interest charged on late payments of social security contributions due on the earnings of State and local employees, to those provisions in the Internal Revenue Code which specify the rate of interest charged on late payments of social security contributions due on the earnings of private sector employees. This would eliminate pos-

sible incentives to delay the deposit of social security contributions.

Changes made by this section would apply to payments due for wages paid after December 31, 1983.

TITLE II. ELIMINATION OF GENDER-BASED DISTINCTIONS UNDER THE OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM

Section 201. Divorced husbands

Current Law and Discussion

The Social Security Act provides for the payment of benefits to aged divorced wives and aged or disabled surviving divorced wives but benefits are not provided for similarly situated men. However, as a result of *Oliver* v. *Califano,* Northern District California (1977) and other court decisions, benefits currently are being paid to aged divorced husbands and aged or disabled surviving divorced husbands.

Proposed Change

Section 201 of the draft bill would amend the statute to conform to court decisions by providing social security benefits for aged divorced husbands and aged or disabled surviving divorced husbands based on their former wives' earnings records.

Section 202. Remarriage of surviving spouse before age 60

Current Law and Discussion

Widows and widowers who remarry before age 60 are treated differently with respect to their eligibility for benefits based on their deceased spouses' earnings. A woman may qualify for benefits as a surviving spouse, even though she has remarried, so long as she is not married at the time she applies for benefits. A man, on the other hand, under current social security law loses forever his eligibility as a surviving spouse of his deceased wife worker if he remarries before age 60. However, as a result of *Mertz* v. *Harris,* Southern District Texas (1980), benefits are being paid to remarried widowers on the same basis as to remarried widows.

Proposed Change

Section 202 of the draft bill would make the requirements in the law for widowers' benefits the same as they now are for widows and as they are now being paid based on court decisions.

Section 203. Illegitimate children

Current Law and Discussion

In general, the determination of one's status as a parent or child for purposes of the social security program is based upon the intestate succession laws of the State in which the insured individual is domiciled. However, an illegitimate child may be eligible for benefits based upon a man's earnings, without regard to the appropriate State intestate laws, if, among other things, the man has been decreed by a court to be the father of the child, or the man is shown by evidence satisfactory to the Secretary to be the father of the child. Similar provisions do not currently apply when an illegitimate child claims a benefit based upon his mother's earnings. Also, a Supreme Court decision in *Jimenez* v. *Weinberger* (1974), declared unconstitutional the requirement of the Act that an acknowledgement of paternity must have been made prior to the time a worker first became eligible for benefits.

Proposed change

Section 203 of the draft bill would modify the law applicable to benefits for illegitimate children so that such children would be eligible for benefits based on their mothers' earnings as they are currently for benefits based on their fathers' earnings.

Section 204. Transitional insured status

Current Law and Discussion

Under current law, certain workers who attained age 72 before 1969 are eligible for social security benefits under transitional insured status provisions which require fewer quarters of coverage than would ordinarily be required. Wives and widows of eligible male workers who reached 72 prior to 1969 also are eligible for benefits under this provision, but husbands and widowers of eligible female workers are not.

Proposed Change

Section 204 of the draft bill would extend to husbands and widowers the transitionally insured eligibility provisions which currently apply to wives and widows.

Section 205. Equalization of special age 72 benefits under section 228 (Prouty benefits)

Current Law and Discussion

Section 228 of the Social Security Act provides for special payments to persons who attained age 72 before 1968 and who have no quarters of coverage and to persons age 72 in 1968 or after who have at least three quarters of coverage for every year after 1966 and before the year of attainment of age 72. Under Prouty benefits even though each spouse must meet the same eligibility requirements he or she would have to meet if not married, once the eligibility of both is determined, the couple is treated as if the husband were the retired worker and the wife were the dependent. Therefore, the amount of the special payment for the couple is not divided equally between husband and wife. Rather, the payment, which comes largely from general revenues, is allocated so that the husband is paid two-thirds of it and the wife is paid one-third.

Proposed Change

Section 205 of the draft bill would require that where both husband and wife each qualify for Prouty benefits under Section 228 of the Social Security Act, the monthly benefit would be divided equally between them.

Section 206. Father's insurance benefits

Current Law and Discussion

A young wife, widowed mother or surviving divorced mother who has an entitled child under age 16 in her care receives a benefit for both herself and her child based upon the earnings of her husband. As a result of the Supreme Court decision in *Weinberger* v. *Wiesenfeld,* 420 U.S. 636 (1975), other court decisions, and subsequent administrative decisions, a similarly situated father can qualify for benefits based on his retired, disabled, or deceased wife's earnings.

Proposed Change

Section 206 of the draft bill would amend the statute to conform to the court decisions by providing social security benefits for a father who has in his care an entitled child of his retired, disabled, or deceased wife (or deceased former wife).

Section 207. Effect of marriage on childhood disability beneficiary

Current Law and Discussion

In general, the social security law provides for termination of dependents' or survivors' benefits at the time of marriage, since it is presumed that the dependency situation on which the benefits are based no longer exists. An exception is made when certain social security auxiliary or survivor beneficiaries marry certain other beneficiaries, since it cannot be presumed that either one is able to support the other. Thus, in general, when a childhood disability beneficiary (a person with a severe disability that began before age 22 who is entitled to benefits as the son or daughter of an insured worker who is entitled to social security benefits or who has died), marries certain other social security beneficiaries, the benefits of neither spouse are terminated by reason of marriage. However, when a childhood disability beneficiary is married to another childhood disability beneficiary or to a disabled worker beneficiary, and the disability benefits of one of the beneficiaries are terminated because the beneficiary recovers or engages in substantial work, the continued eligibility of the other spouse depends upon the spouse's sex. A woman's childhood disability benefits end when her husband's disability benefits end. However, a man's childhood disability benefits are not terminated when his wife's disability benefits end.

Proposed Change

Section 207 would terminate the benefits of a childhod disability beneficiary, regardless of sex, when the beneficiary's spouse is no longer eligible for benefits as a childhood disability beneficiary or disabled worker beneficiary.

Section 208. Effect of marriage on other dependents' or survivors' benefits

Current Law and Discussion

In general, if a childhood disability or disabled worker beneficiary marries a person getting certain kinds of social security dependent or survivor benefits, the benefits of each individual continue. If the disabled beneficiary is a male and he recovers or engages in substantial work and his benefits are terminated, his wife's benefits also end. If, however, the disabled beneficiary is a women, her husband's benefits are not terminated when her disability benefits end.

Proposed Change

Section 208 would terminate social security payments to an individual, regardless of sex, who is receiving dependents' or survivors' benefits, when his or her spouse is no longer eligible for childhood disability benefits or benefits as a disabled worker.

Section 209. Treatment of self-employment income in community property States

Current Law and Discussion

Currently, the Social Security Act and Internal Revenue Code provide that in community property States all income from a business owned or operated by a married person or couple is deemed, for purposes of Social Security earnings, to be the husband's unless the wife exercises substantially all management and control. In non-community property States, such self-employment income is credited to the spouse which is carrying on the business, based on such factors as ownership and control. This law regarding the treatment of self-employment income in community property States has been held to be unconstitutional in several court cases. As a result, the Social Security Administration now treats the self-employment income of a married couple in a community property State the same as self-employment income in non-community property State.

Proposed Change

Section 209 would treat the self-employment income of a married couple in a community property State in the same way that such income is treated in noncommunity

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property States. The law would be amended to conform it to present Social Security Administration policy, which is based on a number of court decisions.

Section 210. Credit for certain military service

Current Law and Discussion

Currently a widow (but not a widower) is permitted, under certain circumstances, to waive the right to a civil service survivor's annuity and receive credit (not otherwise possible) for military service prior to 1957 for purposes of determining eligibility for, and the amount of, social security survivors' benefits.

Proposed Change

Section 210 of the draft bill would allow widowers to exercise this option in the same way as widows are currently permitted.

Section 211. Conforming amendments

Section 211 would make a number of conforming changes in provisions of title II of the Social Security Act that are required because of the substantive changes that would be made by the preceding sections of title II of the draft bill.

Section 212. Effective date

Section 212 would make title II of the bill generally effective for the month after enactment. However, no amendment contained in Title II shall affect the validity of any benefit which was paid prior to the effective date of that particular amendment or of this title generally, as a result of a judicial determination.

TITLE III: EXPANSION OF COVERAGE

Section 301: Coverage of employees of foreign subsidiaries of U.S. corporations

Current Law and Discussion

Work by a U.S. citizen outside the U.S. for a foreign subsidiary of a domestic corporation is covered by social security if the domestic corporation arranges for coverage by entering into a voluntary agreement with the Internal Revenue Service and the agreement applies to all citizens subsequently employed by the subsidiary if their work would be covered if performed in the U.S.

A "foreign subsidiary" of a domestic corporation is defined as a foreign corporation of which: not less than 20 percent of its voting stock is owned by a domestic corporation; or more than 50 percent of its voting stock is owned by another foreign corporation and at least 20 percent of the latter corporation's voting stock is owned by a domestic corporations.

Coverage is not available under current law if either the U.S. employer or the foreign subsidiary are not corporations.

Proposed Change

Section 301 would broaden the availability of social security coverage to American citizens working abroad by (1) permitting coverage of American citizens working outside the United States for a foreign subsidiary of an American employer that is a sole proprietorship or partnership; (2) permitting coverage in those cases where the foreign subsidiary (to be called an "affiliate") is an unincorporated business; and (3) reducing the ownership interest in the foreign affiliate that is required to be held by the American employer from 20 percent to 10 percent.

This section would not extend coverage to services that are excluded from coverage under any existing or future international social security agreement concluded under section 233 of the Social Security Act.

Changes made by this section would be effective upon enactment.

Section 302. Extension of coverage by an international social security agreement

Current Law and Discussion

Section 317 of the Social Security Amendments of 1977 permits an international agreement to establish "methods and conditions for determining under which system [i.e., the foreign system or our own] employment, self-employment, or other service shall result in a period of coverage." As explained by the House report on the bill, "Under this clause, [if] a worker with a permanent connection with one system is covered by existing law under the other system, an agreement could provide that coverage be under the system with which the worker has the permanent connection."

However, through an inadvertent drafting omission Section 317 neglected to amend the Internal Revenue Code or the Social Security Act to define the worker's service, when included in an international agreement, as covered employment or self-employment for purposes of the Federal Insurance Contributions Act or title II of the Social Security Act. Earnings that are intended to be covered under the U.S. system pursuant to an international social security agreement are not covered because U.S. social security taxes cannot be imposed on the earnings. The U.S. has entered into agreements with several countries under which coverage has been provided for services performed outside the U.S. by workers who are not U.S. citizens but who have a permanent connection with the U.S. or are employed by a national of the U.S. However, this coverage has not gone into effect because the social security law does not authorize collection of social security taxes with respect to those services.

Proposed Change

Section 302 would provide for the imposition of social security taxes if an international social security agreement provides coverage under the U.S. social security system. Changes made by this section are effective for taxable years beginning on or after the date of enactment of this Act.

Section 303. Net self-employment income and foreign earned income exclusion

Current Law and Discussion

Certain income earned by U.S. citizens or residents working outside the United States is excludable from gross income for Federal income tax purposes. However, residents of the United States who were outside the United States for an entire tax year compute their self-employment income for social security coverage and tax purposes without regard to the foreign earned income exclusion. These people usually had social security coverage before they went abroad and the inapplicability of the foreign earned income exclusion prevents and interuption or reduction of their coverage.

However, there have been a number of changes to the tax code that were not accompanied by corresponding changes to the Social Security Act. Consequently, effective with tax years beginning after December 31, 1981, there is an inconsistency between the tax and coverage provisions which apply to the treatment of foreign earned income of certain U.S. citizens or residents. The foreign earned income in question is subject to the social security self-employment tax but may be excluded for social security coverage. The consistency also results in coverage based on the housing costs attributable to the foreign earned income with no corresponding authority to collect the tax.

Proposed Change

Section 303 would correct this inconsistency in the social security coverage and tax treatment of certain foreign earned income by amending the Social Security Act to provide that foreign earned income which is subject to social security self-employment tax would be creditable for social security coverage puposes. This section would also ensure that certain housing costs will be deductible from net earnings for social security coverage purposes, thereby providing consistent treatment of such costs for social security coverage tax purposes.

Changes made by this section shall apply with respect to taxable years beginning after December 31, 1981.

Section 304. Social security tax treatment of cash or deferred compensations plans

Current Law and Discussion

Section 3121(a)(5)(A) of the Internal Revenue Code and section 209(e)(1) of the Social Security Act exclude from the definition of "wages" for social security tax and coverage purposes any payment to or on behalf of an employee or his beneficiary from or to a qualified pension, profit sharing or stock bonus plan described in Section 401(a) of the Code. Among the kinds of plans that meet the qualifications set for in Section 401(a), are plans described in section 401(k) under which an employee may elect to have the employer make payments either to a trust under the plan on behalf of the employee or directly to the employee in cash.

Amounts which an employee receives in cash under a 401(k) plan are treated as wages for both social security and coverage purposes. However, amounts which the employee elects to have contributed to the plan (i.e., deferred compensation payments) are neither taxed nor covered for social security purposes. Consequently employees who elect to participate in 401(k) plans whose total annual earnings are below the social security annual taxable wage base ($32,400 in 1982) or whose social security earnings are reduced below the annual taxable wage base due to contributions to 401(k) plans have lower earnings credited to their wage records than employees with the same earnings who elect to receive cash.

Therefore, the participation of some workers in a 401(k) plan—which is designed to provide retirement income—may actually result in the loss of certain amounts of social security benefits (including, but not limited to, retirement benefits).

Proposed Change

Section 304 would amend Section 3121 (a)(5)(A) of the Internal Revenue Code and Section 209(e) of the Social Security Act to include in the definition of the term "wages" for social security tax and benefit purposes elective payments to a profit-sharing or stock bonus plan described in section 401(k). Section 402(a)(8) of the Code (which provides that employer contributions to a deferred arrangement shall not be considered as available to an employee solely because the contribution was made at the employee's election) would be amended so as not to apply to elective payments to profit-sharing and stock bonus plans under 401(k).

Changes made by this section shall apply with respect to calendar years beginning after the sixth month after the date of enactment of this Act.

Section 305. Standby pay

Current Law and Discussion

Section 3121(a)(9) of the Internal Revenue Code and Section 209(i) of the Social Security Act exclude from the definition of "wages" for Social Security purposes any payment (other than vacation or sick pay) made to an employee after the month in which he or she attains age 62 if the employee did not work for the employer in the period for which such payment is made. Such payments which are excluded from the definition wages are frequently called standby and subject-to-call pay. Since these payments are not considered to be wages, they are not subject to social security taxes. In addition, such earnings are not considered wages for purposes of the earnings limitation.

An allegation as to a stand-by or subject-to-call status must be supported by evidence showing that (1) an employment relationship has continued during the entire period at issue, and (2) a bona fide agreement existed between the employer and employee that in exchange for the payments the employee will be ready to work during that period when asked. Each case alleging stand-by payments is decided individually on the basis of the facts and circumstances of the individual case. As a practical matter, SSA can rarely successfully challenge such an arrangement as invalid.

Proposed Change

Section 305 of the bill would repeal Section 209(i) of the Social Security Act and Section 3121(a)(9) of the Internal Revenue Code. The result of this change is to include in the definition of wages, payments made to an individual with the expectation that he will subsequently render services.

Changes made by this section shall apply with respect to calendar years beginning after the sixth month after the date of enactment of this Act.

Section 306. Exclusion of payments under simplified employee pension plans from social security coverage

Current Law and Discussion

In 1978, the Internal Revenue Code was amended to exclude from wages for social security tax purposes employer payments to or on behalf of an employee under a simplified employee pension (SEP) plan. However, no corresponding change was made to the Social Security Act definition of covered wages. As a result, payments under SEP plans are covered as wages for social security benefit purposes, even though there is no corresponding authority to collect social security taxes on these payments.

Proposed Change

Section 306 would amend the Social Security Act to exclude from covered wages payments under SEP plans. It would provide consistent tax and coverage treatment of earnings for social security purposes by preventing social security credit for payments which are exempt from social security taxes.

The changes made by this section shall be effective for payments made after the date of enactment of the Act.

Section 307. Coverage status under social security of certain entities in the State of Utah

Current Law and Discussion

Utah is permitted to extend social security coverage to specific entities listed in the law as separate coverage groups. The names of some of the entities specifically listed in the law have changed since the provision was enacted.

Proposed Change

Section 307 would amend the provision in the Social Security Act listing entities for which Utah may arrange social security coverage to provide that coverage would not be affected by a subsequent change in the name of any of the entities. This change is desirable to prevent confusion and potential conflict over whether the entities should continue to be treated as separate coverage groups for social security purposes.

TITLE IV. MISCELLANEOUS TECHNICAL AMENDMENTS

Section 401: Technical and conforming amendments to the maximum family benefit provisions

Current Law and Discussion

Under current law, when children are entitled to benefits on more than one worker's record, the maximum family benefits on each relevant record are combined for the purpose of paying the family benefits. However, there is an overall limit on the amount any one family can receive when maximums are combined. This so-called "super maximum" for any given year is equal to 1.75 times the PIA which would be computed for average indexed monthly earnings (AIME) equal to one-twelfth of the contribution and benefit base for that year. Whenever the wage base increases (in January of every year), the PIA at AIME equal to one-twelfth of the new base is computed, and then the super maximum is recomputed. Since the formula used to compute the new PIA is adjusted to reflect wage increases, the recomputed super maximum also reflects wage increases. In addition, in June of each year the super maximum is increased when the cost-of-living adjustment is made in general benefit levels.

The problem that has recently arisen and that was unforeseen at the time of the 1977 amendments is that families whose benefits are limited by the super maximum can have their benefits unexpectedly increased or decreased when the average level of wages does not consistently rise faster than the average level of prices. For example, while the June 1981 adjustment to the super maximum reflected a price increase of 11.2 percent, the January 1982 readjustment of the super maximum reflected the 9.0% increase from January 1981 in the taxable earnings base, which is tied to wage increases. As a result, the combined family super maximum which became effective in January 1982 ($1,355.20) was lower than the maximum which had become effective in June 1981 ($1,382.40). This resulted in an unexpected reduction of benefits in January 1982 of $26.70 for families whose benefits were limited by the super maximum.

The super maximum for the period from June 1982 through December 1982 is $1,456.20 (an amount which reflects the 7.4 percent COLA for June 1982). The super maximum will be increased to $1,493.70 for January 1983 (an amount which reflects to 10.2 percent increase in the 1983 wage base relative to 1982).

Proposed Change

Under this provision the super maximum would continue to be adjusted in January of each year. However, this adjustment would apply only to families in the first year of their entitlement. After initial entitlement, a family's super maximum would be adjusted in June of each year when a cost-of-living increase is provided to everyone on the benefit rolls. The amendment would be effective with respect to payments made for months after December 1983.

Section 402: Mariana Islands

Current Law and Discussion

Under current law the U.S. social security system will become applicable to the Northern Mariana Islands (NMI) upon termination of the U.S. trusteeship of the Trust Territory of the Pacific Islands (TTPI), or earlier if the governments of the United States and NMI agree. At the time that the U.S. system becomes applicable to the NMI, the NMI social security system will be merged with the U.S. system, and funds and credits earned under the NMI system will be transferred to the U.S. system.

A problem arises under current law, because it is not likely that termination of the trusteeship and, therefore, the merger of the two systems, will occur on the first day of a calendar year. Merger of the two social security systems other than on the first day of a calendar year would present significant technical and administrative difficulties for the Social Security Administration and the NMI system because of differences in the two systems, such as the contribution and benefit bases, the tax rates, the measure of quarters of coverage, and the exempt amounts under the earnings test.

Proposed Change

Section 402 would make the U.S. social security system applicable to the Northern Mariana Islands beginning with January 1 following the termination of the trusteeship for the TTPI. The legislation would not change the current authority to make the U.S. system applicable on an earlier date if agreed to by both governments. The legislature of the NMI has passed a joint resolution requesting the U.S. Congress to modify P.L. 94-241 in the manner that is contained in this section.

Section 403. Simplification of trust fund reimbursement computation with respect to benefits attributable to non-contributory wage credits for military service

Current Law and Discussion

Section 217 of the Social Security Act provides non-contributory wage credits for military service during the period from September 16, 1940 to December 31, 1956, while Section 229 of that Act provides such credit for calendar quarters after 1956. The cost of benefits attributable to the social security trust funds of these non-contributory wage credits is reimbursed by the Treasury Department. In cases where individuals are eligible for credits under both sections, the cost to the Trust Funds of paying increased benefits must be computed separately because different procedures are provided for each.

Proposed Change

Section 403 would provide that the computation procedure in Section 229 would be used for determining the amount of reimbursement by the Treasury Department to the social security trust funds for the cost of benefits attributable to noncontributory wage credits for military service in cases where an individual gets wage credits based on military service both before 1957 and after 1956.

Section 404. Lower from 72 to 70 the age beyond which no further delayed retirement credits are available

Current Law and Discussion

Delayed retirement credits (an increment of 1/12 of 1 percent of the worker's benefit per month for workers eligible for social security benefits before 1979 and 1/4 of 1 percent per month for workers eligible after 1978) are now provided for months from age 65 to age 72 for which benefits are not paid because the worker has substantial earnings from work or does not apply for benefits. These credits are intended to provide partial relief to workers who continue working past age 65 and who forego benefits under the earnings test but who do not earn enough to qualify for a higher benefit under the benefit recomputation provisions. The Social Security Amendments of 1977 (P.L. 95-216) lowered the age at which the earnings test no longer applies from 72 to 70, effective after 1982. Once the earnings test is eliminated for workers age 70 and over, it will serve no purpose to provide delayed retirement credits for such workers; few, if any, people will delay receipt of benefits after age 70.

Proposed Change

Under Section 404, for persons who attain age 70 after December 1982, delayed retirement credits would not be given from months for which social security benefits are not paid after age 70 (rather than age 72). For persons who attain age 70 before January 1983, delayed retirement credits will be granted without regard to the changes in law which result from this section except that no credits shall accrue for months after December 1982.

Section 405. Relaxation of insured status requirements for certain workers previously entitled to disability insurance benefits

Current Law and Discussion

Workers are insured for disability if they are fully insured and, except for persons who are blind or disabled before age 31, have a total of at least 20 quarters of coverage during the 40-quarter period ending with the quarter in which the worker became disabled. Workers who are disabled before age 31 must have total quarters of coverage equal to half the calendar quarters which have elapsed since the worker reached age 21, ending in the quarter in which the worker became disabled. However, a minimum of 6 quarters is required. In many cases, a worker has been prevented from becoming entitled to disability benefits if he had a period of disability which began before he reached age 31, recovered from his disability, and then suffered a recurrence of a disability at age 31 or older. This is a result of the fact that due to the worker's earlier period of disability, there has been insufficient time for him to obtain the needed 20 quarters of coverage before his subsequent disability.

When the law was changed in 1967 to provide a special insured-status requirement for young workers, it appears that the type of situation was not contemplated.

Proposed Change

Section 405 of this bill would provide that a worker who had a period of disability which began before age 31, recovered, and then became disabled again at age 31 or later would again be insured for disability benefits if he/she had quarters of coverage in half the calendar quarters after age 21 and through the quarter in which the later period of disability began (up to a maximum of 20 out of 40 quarters). As under other insured status provisions, calendar quarters wholly or partly within a period of disability would not be counted in figuring the number of elapsed calendar quarters.

Changes made by this section shall apply generally with respect to applications for disability benefits filed after the date of enactment of this Act.

Section 406. Illegitimate children of disabled beneficiaries—first month of entitlement

Current Law and Discussion

The Omnibus Budget Reconciliation Act of 1981 contained a provision under which the first month for which certain benefits could be paid would be delayed from the month during which the individual satisfied the various entitlement conditions to the first month throughout which those conditions were satisfied. However, the amendments specifically protected the benefits of illegitimate children of retired beneficiaries by establishing parenthood occurs on the first day of the month in which it actually occurs. This protection was not provided to the illegitimate children of disabled workers, thus producing an inequity in the treatment of similarly situated children.

Proposed Change

Section 406 would provide social security monthly benefits to the illegitimate child of a disabled worker for a month in which the child satisfied all other entitlement conditions but was not eligible for benefits because the acknowledgement or court decree or order establishing parenthood occurred later than the first day of that month.

Changes made by this section shall be effective on the date of enactment of the Act.

Section 407. Continue benefits to disabled widow(er) who marries a retired or disabled worker

Current Law and Discussion

Disabled widow(er)s are paid as auxiliary beneficiaries on their spouses' earnings records. When a disabled widow(er) under age 60 marries an old-age or disability beneficiary, his or her auxiliary social security benefits stop until he or she reaches age 62. However, when a disabled widow(er) marries an individual entitled to widow(er)s, parents or child's benefits, the benefits continue. Thus, an anomaly occurs under current law because disabled widow(er)s are treated differently depending on what types of social security beneficiaries they marry. This anomaly does not occur when an aged widow(er) marries.

Proposed Change

Section 407 would provide that social security benefits of a disabled widow(er) will not terminate if the beneficiary marries an old-age or disability insurance beneficiary. Disabled widows and widowers would, as a result of this section, be afforded the same treatment as an aged widow or widower who marries an old-age or disability beneficiary.

Changes made by this section apply with respect to benefits payable for months beginning after the date of enactment of this Act.

Section 408. One month retroactivity of widows' and widowers' benefits

Current Law and Discussion

Under the Social Security Amendments of 1977, the payment of retroactive benefits is prohibited if such payment would require the lowering of future benefits. Under current law a perceived inequity occurs when an insured individual dies so late in the month that the survivor is not able to file for benefits in that month. In many of these cases, the actuarial reduction in future benefits (which in any event will be relatively small) is unimportant, from the survivor's standpoint, when compared with the survivor's need to receive a retroactive benefit promptly.

Proposed Change

Section 408 would amend title II of the Social Security Act to allow an aged widow or widower to receive actuarially reduced benefits for the month in which the insured spouse died, if the application is filed in the following month, even though the retroactive payment would result in lower future monthly benefits than would be the case if benefits were not paid retroactively.

Changes made by this section shall apply with respect to survivors whose applications for monthly benefits are filed after the second month following the month in which the Act is enacted.

Section 409. Clarify the provision in social security law exempting benefits under SSA-administered programs from assignment

Current Law and Discussion

Since 1935, the Social Security Act has prohibited the transfer or assignment of any future social security or SSI benefits payable and states that no money payable or rights existing under the Act shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

In 1978, P.L. 95-598 broadened the applicability of a voluntary form of bankruptcy (Chapter XIII) under which a debtor with regular income sets up a plan to have part of his/her monthly income paid to a trustee who in turn, pays the creditors. Previously, a Chapter XIII bankruptcy could be used only by wage earners; P.L. 95-598 made it available to anyone with a regular income. The legislative history of P.L. 95-598 includes the statement ". . . individuals on welfare, social security, fixed pension incomes, or who live on investment income, will be able to work out plans with their creditors rather than being forced into straight bankruptcy."

Based on the legislative history, some bankruptcy courts have considered social security and SSI benefits listed by the debtor to be income for purposes of a Chapter XIII bankruptcy and have ordered SSA in several hundred cases to send all or part of a debtor's benefit check to the trustee in bankruptcy. SSA has been appealing these orders on the basis of the provision in social security law prohibiting assignment of benefits but may lose the appeals if courts decide that P.L. 95-598 (with its legislative history) was intended by Congress to supersede the provision in social security law.

Not only is assignment of all or part of social security or SSI checks contrary to the long-standing prohibition in the Social Security Act, but it also increases administrative costs for SSA. SSA would have to set up a system to split benefit checks between a beneficiary and a trustee in bankruptcy and, after that, it would cost approximately $75-100 a month to process each benefit assignment.

Proposed Change

Section 409 would specifically state in the Social Security Act that social security and SSI benefits may not be assigned notwithstanding any other provisions of law, includ-

ing P.L. 95-598, the "Bankruptcy Reform Act of 1978".

The changes made by this section shall apply only to benefits payable or rights existing on or after the date of enactment of this Act.

□ 1940

A TRIBUTE TO THE HONORABLE ROBERT H. MOLLOHAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. RAHALL) is recognized for 60 minutes.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Speaker, I am pleased to have this opportunity this evening to join with many of our colleagues in paying tribute to a man who has dedicated over 30 years of his life to public service, with 18 of those years being spent in this Chamber; but while I am pleased, I am also saddened, that ROBERT MOLLOHAN will no longer be a Member of this House come January of next year.

Throughout life one develops many special relationships; in some of those relationships closer and deeper friendships are developed than others. When such friendships come about, they are truly special and that is how I feel about the past 6 years I have spent with BOB MOLLOHAN as a Member of the West Virginia delegation together.

His frankness and his honesty have served me very well and when I sought his advice, he was always there with the right thing to say. In short, he was always there whenever I needed him and I appreciate the advice and help that he has given me.

When ROBERT MOLLOHAN stated his position, you could count on it, because he followed through and you knew that what he said was what he meant. For that reason, he deserved and won the respect of many Members of this Chamber.

Mr. GAYDOS. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I am delighted to yield to the gentleman from Pennsylvania.

Mr. GAYDOS. Mr. Speaker, I want to thank my colleague for yielding and being so kind at this time to interrupt his train of thought and I appreciate it.

For the record, I want to talk about the BOB MOLLOHAN that I grew to know, respect and, yes, and to love in the service of his country.

I first met BOB when he and I served on the House Administration Committee. I remember his dedication, his unequalled dedication when he approached and attacked the problem we had involving elections and the proper funding of elections.

BOB MOLLOHAN was nothing less than a giant in his pursuit of a good workable bill. He put much time in with the former chairman of that committee, the gentleman from Ohio, Mr. Hayes, and also our recent chairman.

BOB MOLLOHAN was not only a close friend on that committee, but a leader, having had substantial experience here in the House at that time. He served on the subcommittee when the House Administration Committee was putting together basically and fundamentally new legislation involving services to our Members, such as better equipment, the ability and the right to lease equipment and to work it into your overall expense account.

Yes, he was a Member's Member and a most sincere and effective one.

I remember BOB MOLLOHAN, I will always remember him and I want the record to show unequivocally that BOB MOLLOHAN was serving on the executive committee of the Steel Caucus as one of the most dedicated executive committee members that I ever had the privilege to serve with over the last 5 years. I think I can say that with some authority because I have served in the last 4 years as chairman on that Steel Caucus, along with good friends of mine like the gentleman from Pennsylvania (Mr. MURTHA) and other members of the executive committee. On that committee, BOB MOLLOHAN was more than a leader. He attended the very early morning sessions that we had. I attribute that committee's activity to a sincere desire particularly on the part of Mr. MOLLOHAN, with his long years of service, to want to serve people and serve this House.

BOB MOLLOHAN gave us the benefit of his sage advice, his experience, close cooperation, and hard dedicated work.

In short, I have to say that BOB MOLLOHAN is probably one of the most active, maybe not as noticeable, but one of the most active Members, not only serving on the executive Steel Caucus, on the Committee on House Administration, on his general committee, but serving his fellow colleagues.

In closing, I would like to say these words to my good friend BOB HOMER MOLLOHAN. BOB, the Steel Caucus is going to miss you, miss you most sincerely. We are going to welcome your son and we know he is off the old block. We know that strain is going to permeate in another good public servant down here in his stead in the guise of his son, so we are going to welcome him with all the nice things we said about his father. We are going to be more than glad to welcome him on the Steel Caucus, in the Steel Caucus, and hopefully in House Administration and generally in the work that this body does.

I thank my colleague again for allowing me to interrupt at this point.

Mr. MURTHA. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Speaker, I want to compliment the distinguished new dean of the Weat Virginia delegation, probably the youngest dean in the history of West Virginia, certainly one of the most powerful and influential Members of Congress for taking this special order for BOB MOLLOHAN, who has served with such distinction on the Armed Services Committee.

BOB is the type of individual, and this shows, he is not even here to listen to the accolades about him and all the nice things that are being said about his service to West Virginia and to the country.

I know him best as an individual who has worked tirelessly for West Virginia, but also for the defense of this great country. His service has been tireless and his dedication to the defense of the country has been without equal.

BOB has become an expert in the fields of building ships and strengthening the Navy. His work in that field probably is exceeded by no one but people who are better known throughout the history of this Congress, but there is no one that has approached it with more dedication and more tireless work in trying to make sure that we did not waste money in defense and that is a key thing. There was nobody from the Defense Department or the Pentagon that could fool BOB when it came to spending money. No one equals him when it comes to making sure that we have a strong defense, but also no one was more eager to say no and to protect the taxpayer when it came to making sure that we had a defense that was paid for and that we could afford to pay for.

So we will all miss BOB. I have some comments. I know the gentleman asked for permission for revision and extension of remarks. Since BOB is not here to listen to these comments, I will put them in the RECORD.

When I first came to Congress, BOB MOLLOHAN was one of the Members who helped me the most in learning about the House of Representatives. Over the past several years, I have worked with him on issues such as black lung law reform, development of natural gas supplies, and speeding the black lung claims process. On each of those items, and many more, BOB MOLLOHAN was a dedicated, determined fighter for the kinds of changes and improvements that helped citizens in West Virginia and throughout the country.

BOB MOLLOHAN brought to Congress the key ingredients of what is needed to be an effective legislator: A concern for his constituents, a willingness to listen to the debate and work with the other Members of Congress for reasonable solutions, dedication to the job, and integrity.

BOB MOLLOHAN will be missed by those of us in the House of Representatives, but I am glad to join in congratulating him on an outstanding record and extending best wishes for much happiness in the future.

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Mr. RAHALL. I thank my colleague from Pennsylvania.

Mr. O'BRIEN. Mr. Speaker, will the gentleman yield to me?

Mr. RAHALL. I yield to the gentleman from Illinois.

Mr. O'BRIEN. I thank the gentleman for yielding.

Mr. Speaker, the remarks made about BOB MOLLOHAN by my predecessors this evening cover it rather well. I would like to add mine from a painfully personal note.

I met him when I first came here and served on the Committee on Armed Services with him. I served on other committees with him, but the wonderful thing about MOLLOHAN to O'BRIEN was that party lines meant nothing to him. He was a bulwark of strength on problems which I had, a valuable counselor, a very dear friend.

I think the image of the House is reduced by his loss. I, for one, am very much reduced by his loss. I will miss him very much.

Mr. JONES of Tennessee. Mr. Speaker, will the gentleman yield to me?

Mr. RAHALL. I will be glad to yield to the gentleman from Tennessee.

Mr. JONES of Tennessee. I thank the gentleman for yielding.

Mr. Speaker, I appreciate this opportunity to participate in this special order for our colleague and my dear friend, BOB MOLLOHAN. I want to commend our colleague, NICK RAHALL, for requesting it.

I have had the pleasure of serving on the House Administration Committee with BOB MOLLOHAN. It is there that I got to know him well and appreciate more deeply his knowledge, experience, and reliability. It was also there I became very good friends with BOB.

In the hectic pace we all must maintain here, it is unfortunate that we do not get to know one another better than we do. All too often, our relationships here are all business with no time for getting together on a personal basis. I have been fortunate to have gotten to know BOB MOLLOHAN on more than just the usual professional basis.

While I have great respect for BOB's judgment and legislative skills, it is going to be that personal friendship that I am going to miss after he leaves us. I hope that his retirement is going to be a well-deserved rest and I want to extend to my good friend, BOB MOLLOHAN, and his family, my warmest and deepest wishes for a long and happy retirement.

Mr. Speaker, I thank the gentleman from West Virginia.

Mr. RAHALL. Mr. Speaker, I thank the gentleman from Tennessee for his remarks.

At the end of the 97th Congress, this Grantsville, W. Va., native, and his wife Helen, will spend more time on things which are outside the framework of congressional service or Government service. As BOB has said himself: "We will enjoy life at a much more leisurely pace than we have for the last several years."

In recounting his career, we see that he served in the 83d and 84th Congresses, and was reelected to Congress in 1968. In total he has served 18 years in the House of Representatives. Here BOB was a member of the House Armed Services Committee, and the House Administration Committee, where he was the chairman of the Subcommittee on Office Systems.

Because of his keen interest in issues affecting the steel and coal industries—which are vital to his district—BOB was a member of the executive committee of the Congressional Steel Caucus, and also a member of the congressional coal group.

From his position on the Armed Services Committee, BOB took a very deep interest in national security issues and his record has long revealed a strong support for a sound national defense policy.

BOB MOLLOHAN'S interests likewise encompassed other areas, such as: energy, trade and health. It was his concern about health issues that prompted him to author the Emergency Medical Services Systems Act, which led to improved ambulance services in West Virginia and throughout the country.

But most importantly in direct assistance to those in the First District of West Virginia who he has represented, BOB can be proud of his work with local communities and individuals to help them cope with the public problems of our times. In BOB'S own words he said:

I understand the role of Government to be—easing the burdens and aiding the transitions of people that result from economic and social forces moving beyond their control.

Much of my attention in Congress has been given over to hard work that attracts few headlines. Constituent service is the most basic representative function. Without answering the mail or quietly selling ideas, there would be no educational or health or social security benefits; there would be no new water systems or bridges or low-cost housing to improve the convenience and quality or our lives.

BOB MOLLOHAN has lived his life according to the principles of topnotch Government service. He has believed, as Thomas Jefferson did, that the legitimate object of good government was: "The care of human life and happiness."

This evening we commend him and thank him for what he has done for his country, his colleagues, his district and his family.

A couple of weeks ago, Mr. Speaker, on November 17, here in the Nation's Capitol, in the House Caucus Room, a tribute dinner was held by the West Virginia Society of Washington, D.C., in honor of BOB MOLLOHAN and his wife, Helen.

The West Virginia Society attracted well over 200 people to pay tribute to BOB in what was a fantastic outpouring of friendship and thanks to BOB MOLLOHAN for his outstanding public service in the House of Representatives. During that ceremony, individuals from all walks of life joined to pay thanks to BOB, including long-time personal friends of his like Father Charles L. Currie from Wheeling, W. Va., now president of Xavier University, who testified to BOB'S dedication to public service.

Also, representing the United Steelworkers of American and president of its district 23, was Paul Rusen of Wheeling, W. Va.; Clyde Slease, legal counsel, of Watt, Tieder, Killian, Toole & Hoffar, who told of his longtime friendship for ROBERT MOLLOHAN.

In conclusion, Mr. Speaker, I would like to submit for the RECORD BOB'S own words when he chose not to seek reelection to the 98th Congress of the United States. This was his statement as he said it on Tuesday, February 16, 1982, in which he relayed his thoughts to the people of the First District of West Virginia, his reasons for not seeking reelection and his thanks to them for having given him the opportunity to represent the First District of West Virginia in the U.S. Congress. I would ask that be made part of my concluding comments.

The document follows:

STATEMENT OF CONGRESSMAN ROBERT H. MOLLOHAN

I first campaigned for Congress 30 years ago. That campaign was long and hard, but successful. I have been honored to represent the people of the First District of West Virginia since that time—for four years in the Fifties and for the last 13 years.

Throughout those nine terms in the Congress, I have been proud to work with local communities and to help thousands of individuals cope with the public problems of our time. And that is what I understand the role of government to be—easing the burdens and aiding the transitions of people that result from economic and social forces moving beyond their control.

Much of my attention in Congress has been given over to hard work that attracts few headlines. Constitutent service is the most basic representative function. Without

answering the mail or quietly selling ideas, there would be no educational or health or social security benefits; there would be no new water systems or bridges or low-cost housing to improve the convenience and quality of our lives.

Though it is fashionable to be critical of the growth in our government structure just now, I cannot apologize for the extraordinary strides we have made in improving the fairness and justice of our society—in the health, safety and well-being of our people. Certainly much remains to be done to further assure a higher level of government efficiency and effectiveness.

We all recognize that the Nation has made progress across a broad spectrum of problem areas. We have cleaner water and cleaner air and safer working conditions than we had 30 years ago. We have more adequate low-cost housing for the elderly, greater school and park development. These and hundreds of other developments fostered by the Federal Government have boosted our expectations and our future.

As a ranking Member of the Armed Services Committee, I have been particularly gratified to see our Nation, beginning with the Carter Administration four years ago, strengthen our ability to meet the military challenges of an uncertain world. It is comforting to know that we are on a course of building a more capable and a more highly motivated military force.

I have campaigned for this seat in Congress ten times and have been elected nine of those times. That public referendum on my performance as a Representative gives me great satisfaction. Though I have received high ratings at one time or another from most every organized political group—consumers, business, farmers, labor, defense—I have always tried to represent people and our part of West Virginia, not serve interests.

Over the last few months, many have urged me to seek a tenth term in the Congress and mount my 11th campaign for this First District seat in the U.S. House of Representatives. Let me express my profound appreciation now to all those who have been my loyal friends and who have supported me so effectively through the years.

After considering my length of service and the need for the most vigorous representation for our people and after considering the progress and the accomplishments of the Congresses in which I've served, I believe I should retire from the Congress at the end of this term. Therefore, I will not be a candidate for reelection.

● Mr. RHODES. Mr. Speaker, I am pleased to join the special order paying tribute to Congressman ROBERT MOLLOHAN who is retiring from the House. BOB and I originally came to Congress at the same time, in 1953. And while BOB took a hiatus from the House to run for the office of Governor of West Virginia, and served in other public and private positions for a period of time, I was pleased to see him return to the House in 1968.

Congressman MOLLOHAN's tenure in the House included important committee assignments on the Armed Services Committee and the House Administration Committee. In addition to his legislative duties, BOB MOLLOHAN has served his constituents of the First Congressional District of West Virginia long and well.

He will be missed by all who had the opportunity to know and work with him. Betty Rhodes joins me in wishing BOB and Helen MOLLOHAN a long and happy retirement.●

● Mr. ADDABBO. Mr. Speaker, I am pleased to join my colleagues today in paying tribute to our friend and colleague, BOB MOLLOHAN, who will be leaving us at the end of this Congress.

All of us who have worked with BOB during his altogether 18 years of service recall his dedicated work on the Armed Services Committee and the House Administration Committee. We have applauded his efforts in the areas of energy legislation and trade and health issues. But the most important, and probably least visible, service that BOB has provided has been to his constituents, the residents of the First Congressional District of West Virginia. Rather than seek the spotlight of national attention, BOB has concentrated his energies and resources in assisting those he represents: Answering correspondence and helping to solve the countless everyday problems that the average voter faces—missing social security checks, service-delivery delays, and low-cost housing shortages, just to name a few.

This Nation and the House of Representatives will definitely miss BOB, but the people of West Virginia will suffer the greatest loss. To his son, Alan, I wish the best of luck; BOB is a tough act to follow. I join my colleagues in congratulating BOB on a job well done, and offering our best wishes for success in all his future endeavors.●

● Mr. MONTGOMERY. Mr. Speaker, I want to take part in this special tribute to my distinguished colleague from West Virginia, ROBERT MOLLOHAN.

His 18 years of service to his State and this Nation have been most outstanding. I know the people of the First District of West Virginia will miss the effective and dedicated constituent service provided by Representative MOLLOHAN over the years.

I had the opportunity to serve with him on the House Armed Services Committee and his opinions and leadership on three subcommittees have been a most valuable asset. In addition to serving on the Investigations Subcommittee, BOB has been an active member of the Research and Development Subcommittee, as well as the Seapower and Strategic and Critical Materials Subcommittee.

Besides working diligently on military affairs, he has also served on the House Administration Committee.

Representative MOLLOHAN can indeed be proud of the service and contributions he has given to the people of his State and to this Chamber over the years. I hope he enjoys his retirement and wish him the best in the future. He will be leaving many friends here on Capitol Hill.●

● Mr. MARTIN of North Carolina. Mr. Speaker, today we honor a good friend and diligent Member who is voluntarily departing this House, BOB MOLLOHAN of West Virginia.

BOB MOLLOHAN has been my next door neighbor over in the Cannon Building for 6 years. So often here, we dwell on a colleague's contributions, be they glorious or mundane. His accolades will deservedly be of the higher category, but I would like to speak of a neighbor and friend. To that end, let me recall a homey vignette. Back in January of 1977, we moved upstairs to the suite of offices adjoining BOB's. Amid the usual screaming and chaos of such a move, a quiet deputation arrived from next door with an invitation for refreshments, a little welcoming function from him to my staff and me. It is the sort of thoughtfulness a person never forgets. The 6 years have been like that.

It dawned on me that such a welcome sign of friendship is a sign of something bigger. It is, in the case of BOB MOLLOHAN. If we all performed constituent services with the spirit and professionalism that our colleague has displayed, we could consider membership in this House to be automatic lifetime tenure, and maybe hereditary or divine right. In this case, my friend is passing on the stewardship of his district to his son. If father be like son, I would recommend that as our junior colleagues select their rooms, they bid for those next to those of Alan Mollohan.●

● Mr. MITCHELL of New York. Mr. Speaker, I am pleased to have the opportunity to pay tribute to my good friend and distinguished colleague from West Virginia, the Honorable ROBERT MOLLOHAN.

As a member of the House Armed Services Committee, I have had the pleasure and the privilege of working closely with BOB as our Nation has endeavored to revitalize its defense preparedness. Although he and I differ in party affiliation, we have nearly always shared the same position on crucial defense issues. BOB has been a strong and active advocate of a capable and ready American military.

His departure from the House of Representatives will mean far more than the loss of an able representative of the citizens of West Virginia. It will mean the loss to all Americans who cherish our freedoms and want to insure that they are adequately protected.

He will be missed by his colleagues, his constituents, and the Nation.●

● Mr. PICKLE. Mr. Speaker, there are few people in the House who have rendered longer or more distinguished service than BOB MOLLOHAN. He served his State well and faithfully before coming to Congress and has endeared himself to all the Members here. He is

a reliable Congressman, as sturdy as the mountains and rocks of West Virginia. Every vote he has cast and every action he has taken have been thoughtful and responsible. It is good to know that his son will be succeeding him in this body, so that the name of MOLLOHAN will live on in the Halls of Congress.

I would particularly like to express my appreciation to Mr. MOLLOHAN for his work as subcommittee chairman on Office Systems of House Administration. All of our offices need the best advice and help in efficiently adjusting to the many assignments thrust upon a congressional office, and we all know that we must computerize. My office is in the process of installing a new computer system that we hope will demonstrate a need for this type of facility in other congressional offices. Mr. MOLLOHAN gave his approval for this type of equipment and I personally appreciate his help. Without his help, our office may have had to wait another 3 to 4 months for the equipment to be installed. This is an example of the kind of special cooperation you get from BOB MOLLOHAN.

He is dependable, cooperative and reasonable. As BOB MOLLOHAN'S country road takes him home to the hills of West Virginia, I want BOB MOLLOHAN to know that his friends will remember him with appreciation and respect.●

● Mr. DYSON. Mr. Speaker, I rise to pay tribute to our colleague, Congressman ROBERT MOLLOHAN, who has decided to retire after many years of very distinguished service in the U.S. House of Representatives.

I am proud to have been able to serve on the Armed Services Committee with my colleague. During this time, I have grown to deeply respect and appreciate his contributions to the committee. He has served his congressional district and the Nation with integrity and distinction. We in Congress will miss ROBERT MOLLOHAN. I wish him the best of luck, good health, and much happiness as he travels the country roads to his home in West Virginia. ●

● Mr. REUSS. Mr. Speaker, I am delighted to join my colleagues in this special order honoring Congressman ROBERT MOLLOHAN, who will retire at the end of this Congress after 18 years of service.

BOB has consistently served the highest ideals through his work on the Armed Services and House Administration Committees. He has proved himself a true friend of the American worker.

BOB leaves us yet another legacy. His son, Alan Mollohan, will step into his father's shoes to continue fine representation for West Virginia's First Congressional District.

I extend my best wishes to BOB and his wife, Helen, along with my gratitude for many years of selfless dedication to the House of Representatives.●

● Mr. NICHOLS. Mr. Speaker, I am grateful that our colleague, Congressman NICK RAHALL, has arranged for a special order to pay tribute to my good friend and colleague, Congressman BOB MOLLOHAN, who is retiring from the Congress after a long and illustrious career.

We shall miss BOB in the Congress. We shall miss him on the Armed Services Committee and I shall certainly miss him as a friend.

BOB has represented his home State of West Virginia in an admirable manner over the years serving in many arenas within his State, including that of Director of the Works Progress Administration during the very depths of the Great Depression in the midthirties. Perhaps it was through this service that BOB MOLLOHAN learned to love and appreciate the needs and concerns of the working class of people which has been the hallmark over the years of our great Democratic Party. I know that he must have understood the plight of the unemployed coal miner and those who were otherwise impoverished during that critical period in our Nation's history identified with soup lines and climaxed by the recovery period spearheaded by President Roosevelt who led us out of the worst depression this country has ever known.

It has been my good fortune to know BOB rather intimately from our associations of the House Armed Services Committee. He has worked untiringly in the personnel field, supporting programs which benefited our military people, including better health care through improved pay for doctors and dentists and improved pay for the military servicemen and women.

I had the privilege of having BOB as my traveling companion on numerous trips in which we visited with our military troops overseas in far away places, and I will never foreget that special visit which the two of us had together with the Shah of Iran in Tehran some years back.

Mr. Speaker, I know I speak for BOB'S many friends on both sides of the aisle here in the Congress when I wish for him and Helen many happy years as they enter retirement from Congress. There is an old Irish blessing which goes something like this as I recall:

May the road rise to meet you, may the wind be always at your back, may the Sun shine warm upon your face, the rains fall soft upon your fields and, until we meet again, may God, in His infinite wisdom, bless and keep BOB and Helen MOLLOHAN in the years ahead.●

● Mr. RODINO. Mr. Speaker, with the end of the 97th Congress we will bid farewell to our colleague BOB MOLLOHAN, who has chosen to begin a well deserved retirement.

BOB has devoted most of his life to public service, both in the House of Representatives and in various capacities in his home State of West Virginia. Since he resumed his congressional career in 1969, he has served with dedication and ability on our Armed Services Committee, where he is ranking member of the Subcommittees on Investigations, Research and Development, and Seapower and Strategic and Critical Materials.

While the residents of West Virginia's First District will miss BOB, they are fortunate that his son, Alan B. Mollohan, has been elected in his stead and will be carrying on his fine representation of his constitutents.

My best wishes go with BOB, and my hope that his retirement years will be long, happy, healthy, and productive.●

● Mr. SAM B. HALL, JR. Mr. Speaker, I commend the gentleman from West Virginia for taking this special order to pay a well-deserved tribute to my good friend, BOB MOLLOHAN. We have worked together on some projects vital to our respective areas of the country, and I have the highest respect for his legislative ability, and above all, his personal integrity. In addition, we both have the distinction of representing the First Congressional District of our States.

BOB MOLLOHAN has worked for his constituency as hard as any person serving this body. He has been in the forefront of every conceivable good effort to provide jobs for the American working man and woman. Both of us know firsthand the tremendous problems faced by our domestic steel industry, and BOB'S leadership on the Congressional Steel Caucus has been an inspiration to all of us who are vitally concerned about the plight of the steel industry in America.

He has been a good friend of small business, that sector of our economy which employs 70 percent of the American work force. He took a leadership role in protecting the producers of soft drinks in our communities who were threatened by precipitous action by the Federal Trade Commission. Most cities in America with a population of 20,000 or so have a local producer of soft drinks, and these business men and women employ many of our friends and neighbors. When the FTC threatened their existence some 10 years ago, BOB MOLLOHAN rolled up his sleeves and set as a goal a legislative reversal of the FTC decision to break up their time honored franchise system. When it appeared that our efforts would not be successful, BOB gave us encouragement, leadership, and above all, results. He is a person who can get the job done.

It is good to know that BOB MOLLOHAN'S son will now be taking up where his illustrious father left off. I look forward to working with the new Con-

gressman MOLLOHAN when January rolls around, but at the same time, like all of us who know and admire BOB MOLLOHAN, we will miss the friendship and comraderie that he provided.

BOB MOLLOHAN is a patriot of the first order. He has served his State and Nation with honor. His retirement is well deserved, and I hope he will spend that retirement visiting with old friends and providing the counsel we have grown to rely upon and respect. I wish him well.●

● Mrs. HOLT. Mr. Speaker, it has been my great pleasure to have known and worked with BOB MOLLOHAN. He has performed great service to his country and his constituency during his long career in the U.S. Congress.

I am sure that all of us who have worked with BOB in the House Armed Services Committee will miss his knowledge and experience, but we offer our sincere best wishes to him as he enters retirement.

He has served a total of 18 years in the Congress in a career in which he also served with great distinction in a variety of other public responsibilities.

As he retires, he does so with our great respect and affection, and the people of West Virginia should know they have been fortunate to have been represented by a man of his character.●

● Mr. WON PAT. Mr. Speaker, I thank my friend Congressman NICK J. RAHALL for taking this special order to permit the many friends of our good friend and colleague Representative ROBERT MOLLOHAN of West Virginia to wish him well as he prepares to retire from this body after a long and distinguished career.

I have been privileged to serve with BOB on the House Armed Services Committee where his contribution to the national security of the Nation has long been recognized and appreciated by his fellow Americans.

BOB is a deeply patriotic gentleman whose love for his country is a reflection of his own pride and those of his constituents whom he has served with much distinction in the House of Representatives.

His decision to leave the House has saddened all of us who looked on him as a true friend and inspiration. His knowledge of defense legislation was most impressive and I for one have deeply valued his support for my efforts to help carry on the work of the committee.

I wish BOB and his family the best of happiness in the future. I know that it is never easy to leave this august body which has brought so much professional pride to we who have been fortunate to serve here. Without a doubt, BOB MOLLOHAN is a man whose imprint on the Congress will last long after he is personally gone.●

● Mr. STATON of West Virginia. Mr. Speaker, I would like to commend our colleague, BOB MOLLOHAN, for the fine work he had done in representing the people of the First District of West Virginia. I know that he has listened to their concerns, and has tried to represent them to the best of his ability. The people of the First District obviously trust his judgment as they have reelected him eight times since his initial victory in 1952.

Furthermore, BOB has had an interest in State and national affairs. As the dean of the West Virginia delegation, his colleagues have sought his advice on matters pertaining to West Virginia. Furthermore, he has also played a key role in protecting our way of life as a member of the Armed Services Committee.

As BOB leaves this House next month, I know that we all wish him well in his new endeavors. God bless you.●

● Mr. BRINKLEY. Mr. Speaker, to sit next to a person on a congressional committee is to really get to know him. You might not learn his social status, but you learn the measure of the man and the measure of his character.

Having sat next to BOB MOLLOHAN on the Armed Services Committee for the past 14 years, I feel like he is my brother and I feel like I have gotten to know him under combat conditions. So, when I vouch for the credentials of this remarkable American, it is from the heart; when I point to his contributions as a "watchman on the walls of won freedom," it is because they are real and substantial; when I say that he will be sorely missed, it is because of the authority with which he has spoken and the expertise which he developed on the Armed Services Committee.

Other hands will no doubt pick up where BOB's leave off, but the passing from the scene of this talented man with a passion for candor and an impatience with hyperbole will mark the end of a very special chapter in the life of the U.S. House of Representatives.●

● Mr. DE LA GARZA. Mr. Speaker, it is with great respect that I rise to pay tribute to our colleague, West Virginia Representative ROBERT MOLLOHAN, who is retiring at the end of this Congress. It will be difficult for those of us present at the convening of the 98th Congress to accept the fact that our colleague will not be among those taking the oath again.

As this gentleman concludes his distinguished and illustrious career he leaves behind him a proud record of service to the people of his State as well as the Nation. His ability and steadfastness as well as his keen knowledge of the legislative process will be sorely missed not to mention his guidance and friendship.

With ROBERT MOLLOHAN go my good wishes for all the best the future holds.●

● Mr. BENEDICT. Mr. Speaker, I take this opportunity to commend my able colleague, the Honorable ROBERT MOLLOHAN, upon his retirement from the Congress of the United States. The dean of the West Virginia delegation has provided West Virginia's First Congressional District with capable representation for 18 years.

BOB MOLLOHAN'S career has been highlighted by outstanding constituent service. Through his hard work and devotion to public service, the First District can boast special housing and recreational facilities for our senior and handicapped citizens. He has been responsible for the funding of numerous community service projects.

BOB MOLLOHAN has had an active and important legislative career. His membership on the Congressional Steel Caucus and the Coal Group illustrates his serious concern for the energy and industrial interests so important to his district and State. Of special interest is his membership on the House Armed Services Committee, where he has been a leader in guiding legislation to strengthen our Nation's defense capabilities. He authored the Emergency Medical Services Systems Act to provide improved ambulance service nationwide; legislation of particular benefit to the many rural communities of West Virginia.

BOB MOLLOHAN is a native West Virginian, known affectionately on a first name basis by most residents of the First District. His frequent meetings, tours and public appearances attest to his interest in the views and opinions of West Virginians—opinions which he has faithfully reflected in his actions in Washington.

I know I speak for all my colleagues in saying, "BOB, you will be missed here in the House, and we wish you good health and long life in a happy and productive retirement."●

● Mr. MAZZOLI. Mr. Speaker, I would like to add my thanks and best wishes to my good friend and colleague, ROBERT MOLLOHAN, who will be retiring at the end of this 97th Congress. BOB has had a distinguished career in the House of Representatives and has served his constituents in West Virginia diligently and conscientiously over the years. He has been an asset to the House, and his influence and presence will be missed. I join my colleagues in extending to BOB and his family my very best for their future endeavors.●

Mr. RAHALL. Mr. Speaker, I yield back the balance of my time.

TRIBUTE TO HON. EDWARD J. DERWINSKI, HON. PAUL FINDLEY, HON. ROBERT McCLORY, AND HON. TOM RAILSBACK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois, the distinguished Republican leader (Mr. MICHEL) is recognized for 60 minutes.

Mr. MICHEL. Mr. Speaker, and my colleagues, I have taken this special order in conjunction with my good friend and colleague, the gentleman from Illinois, JOHN ERLENBORN, to honor several of our Illinois colleagues who will not be returning for the 98th Congress.

This kind of thing, I guess, can become an exercise in nostalgia, but considering the gentlemen involved, I believe it would be wrong to dwell solely on days gone by. Each of them has special gifts which he will continue to bring to the service of this Nation. They look toward the future, and so should we.

So I am not going to engage in any formal exercise here. I just want to engage in a little informal conversation about our good friends, ED DERWINSKI, PAUL FINDLEY, BOB MCCLORY, and TOM RAILSBACK, and their contributions to this Congress and to the country.

If my good friend JOHN ERLENBORN agrees, what I would like to do is first give a very brief resumé of our four colleagues and then engage in a little discussion about the contributions they have, each of them, made to our party, their individual districts, our State, and the Congress and the country.

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I should say before that that when I look over the extensive tenure of service of these four colleagues—24 years for ED DERWINSKI; 22 years for PAUL FINDLEY; 20 years exactly for BOB MCCLORY, and 16 years for TOM RAILSBACK—we in our Illinois delegation are losing the heart of that great delegation on our Republican side, men who have given many, many years of service to the country.

I suspect parenthetically, having just come through an election period, that it would not be amiss for me to mention that I think it is quite clear that we have lost these four distinguished Members of this body through a process called redistricting. Redistricting every decennial year, maybe even more so because of census figures and realignment between the States, can cause some very marked changes. We in Illinois felt that probably like no other State maybe save California. I think that is a fact that was lost in many of the pundits' comments relative to the election results that have just passed, but there is no question in my mind that had we not gone through the kind of political gerrymandering that took place in our whole State of Illinois, that we would still have in our midst these four gentleman.

So, it does take its toll, and I think we would be remiss if we did not make mention of that.

ED DERWINSKI, of course, was first elected to the House of Representatives in November 1958. He was a member of the Committee on Foreign Affairs since 1963. He served on the Subcommittees on International Organizations, International Security and Scientific Affairs. He is the ranking minority member of the Committee on Post Office and Civil Service, on which he has served since 1961, where he is also our senior Republican on the Special Subcommittee on Investigations, as well as an ex officio member of our other subcommittees.

Congressman DERWINSKI is the U.S. Congressional Representative on the Council of Interparliamentary Union, and was appointed as a delegate with the rank of Ambassador to the United Nations for the 1971 U.N. General Assembly session.

It might be appropriate at this time to yield to anyone of my colleagues who might like to make some comments at this juncture with respect to our distinguished friend, ED DERWINSKI.

I will be happy to yield at this point to my friend, JOHN ERLENBORN.

Mr. ERLENBORN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I also want to thank the gentleman for having the thoughtfulness to arrange for this special order so that we might have an opportunity to honor our colleagues who will be departing at the end of this legislative session. Three of these four departing Members were my colleagues in the Illinois Legislature at one time or another, and the fourth, PAUL FINDLEY, has come to be a close friend since our meeting here, since my coming to Congress some years after he did.

Mr. Speaker, when the final curtain falls on the 97th Congress, ED DERWINSKI will forsake the legislative branch for the executive branch, and although Congress will not be the same without the gentleman from the Illinois Fourth District, neither will the Department of State. Our loss is definitely the State Department's gain.

ED's legislative skills, which began back in 1957 when he and I were sworn in together for our first terms in the Illinois House of Representatives, have been marked by his stellar command of the English language. Whether it has been a bill dealing with postal rates, the civil service, or foreign policy, when ED DERWINSKI speaks, people listen. His choice of words has a way of not only winning friends and influencing people, but making them smile in the process. It is a natural trait that should be welcome and equally effective at the Department of State.

ED's departure from this Chamber is not altogether one of his choice, but as the gentleman in the well has said, it was redistricting, and a tour of duty at Foggy Bottom is most appropriate for this master of world affairs.

So, in making this public career change, I want him to know that I will do my best to fill his shoes in representing many of his neighbors whom he served so well, and who because of redistricting I will represent for the next 2 years. We will miss ED DERWINSKI, but we can all sleep a little better knowing he will be serving us at the Department of State.

Mr. MICHEL. Mr. Speaker, I would surely have to agree with the gentleman. I was so happy that the administration saw fit before we had taken our break for the recess to give us pretty clear indication that Ed would be taken aboard downtown and his talents and all that wealth of experience that is his will be put to good use, as I indicated, for the future well-being of our country.

Mr. Speaker, I am happy to yield to my friend, Mr. PHILIP M. CRANE.

Mr. PHILIP M. CRANE. Mr. Speaker, I thank my leader for yielding to me.

I first met ED back in the 1964 campaign, when he was chairman of the Illinois Citizens for Goldwater and I was enlisted in that effort as the research chairman. At that time, I was living down in our distinguished leader's district, and BOB MICHEL was my distinguished representative down in Peoria. It was kind of an interesting experience living downstate at that time to find that there were people up in Cooke County, even though I had roots up in Cooke County, who shared those same basic and traditional values that were so revered in downstate Illinois. When I subsequently moved back up to the Cooke County area, after my predecessor, Don Rumsfeld retired, ED DERWINSKI was at my side helping me as I sought election to that seat. He served as my mentor and father confessor when I first arrived in this body.

I remember having missed, because of a special election, the normal orientation process that most freshmen get. I had to depend upon ED, whose office was in that commanding fourth floor space overlooking the Capitol in the Longworth Building. Mine was a much more modest office about half-way down that hall. At that time I depended, since it was cold weather, on ED to show me how to get to the floor. I remember the first time he took me down to the basement of the Longworth Building and then led me through the tunnel from Cannon over here. The next time the bells went off for a vote, he took me down to the

basement of the Longworth Building, took me over to Rayburn and we took the train. The third time he suggested that in order to familiarize myself with the terrain, we should walk above ground. Having followed ED's leadership back and forth to the floor for a week or so, I finally concluded that I had a mastery of it. I left this floor after a vote; I took the elevator to the basement, and I was under the Senate Chamber before I realized I had made a wrong turn in the labyrinth of passageways there.

I was that dependent upon ED's leadership. He has provided not only friendship and guidance and political wisdom, but I think he is certainly recognized in this Chamber by both sides of the aisle as one of the most effective legislators that we have had in this body. In that sense he will be a great loss to us all.

I have not always agreed with ED on every issue. Something I think a lot of folks back home do not fully appreciate is that you can disagree without being disagreeable, and in this body, where oftentimes we engage in head-knocking debate, it does not mean that that spills over into personalities. In that sense, I think each and every one of us feels a great sense of loss with the departure of all of our colleagues whom we have built up friendships with, even though we may be on opposite sides of the aisle, or we may have been within our own party on opposite sides of the issue from time to time.

ED DERWINSKI, I am confident, is going to continue to faithfully provide the kind of public service that he has so outstandingly provided in his 24-year tenure in the House of Representatives, and I am hopeful that the administration recognizes that ED's talents are not confined to legislation. I think he is one of the outstanding diplomat-legislators, if you will, that this body has seen. One need only visit his office and look at the distinguished array of photographs of world leaders, which include everything from the pictures of past Popes that ED knew and had met and was familiar with to other church denominations throughout this world, as well as the political figures that have come and gone on our world stage over the past 25 years, to realize that ED DERWINSKI has many extraordinary talents to provide in his new job at the State Department.

□ 2010

I know that we will still have the opportunity to share the friendships that we have had. We will all miss him in this body enormously but I think we have had the opportunity, thanks to BOB MICHEL and JOHN ERLENBORN, to pay a special tribute to some truly extraordinary people who represented our great State.

Maybe I am a little prejudiced, but I have always been persuaded since coming to this body that no State had better quality representation than that provided from Illinois.

Mr. MICHEL. I thank the gentleman for his comments.

I am happy to yield to Mr. HYDE.

Mr. HYDE. I thank the distinguished minority leader for yielding. I certainly thank him for his foresight, along with Congressman ERLENBORN, in taking this special order to pay, however brief, tribute to four of the most outstanding human beings that I have been privileged to meet in my life.

Since we are talking about ED DERWINSKI, when I think of ED I think of being articulate. He is one of the most articulate people who could get to the heart of a problem. He was incisive. He did not beat around the bush. You knew where he stood on any issue no matter how controversial.

He was one of the most good humored people that I ever met. He brought a leavening of good humor and frivolity even to sometimes some of the most grave issues, and we need that.

He never took himself seriously but he was taken seriously by this body.

I do not know of a single Member that had the respect nor the influence that ED DERWINSKI had. He proved indeed that a Member of this body does not have to be a chairman of a committee, does not have to be a chairman of a subcommittee, nor in the leadership, to be influential, to make people see your point of view.

I do not think I ever disagreed with Mr. DERWINSKI except once or twice and on those I concede I was probably wrong. But he was a man whose light brought along with him other lights in terms of voting aye or nay on particular issues because he was trusted while he served here. People knew he was knowledgeable, that he knew his subject and that however he voted it would be in the best interests of our great country.

ED DERWINSKI symbolizes the word partriot to me. He was a man who fearlessly defended the ideals of America. He was a man who understood the struggle for the soul of Western civilization, that it is between the free peoples of the world and the Communist slave masters of the world. He never equivocated on that.

He was a spokesman for ethnic groups, Ukrainian groups, people from the Baltic States, the captive nations. He understood the richness that ethnic groups bring to America and he was their spokesman. He understood their causes and he articulated their causes.

Some one with his understanding will indeed be missed. I think the vote in this last election, despite the analyses of the great pundits and the journalists and political scientists, it was far more a vote on cartography than on anything else. I think the map makers deserve the accolades of the political analysts.

Certainly in Illinois, had we run with the map in the previous session, we would not have lost four distinguished Republicans. I do not mean to demean the other party at all, but men of intelligence, of achievement, of long service, of dedication. It is sad and why put a sugar coating on it. It is sad to see their careers ended involuntarily due to the way the map was drawn.

But that is the nature of this vocation that we are in and they accept their losses as the brave gentlemen that they are.

But ED DERWINSKI is special to me. He always will be special to me. I am consoled that his talents, that his ideals will not be lost to our country and to our Government because he will have a very important post with the State Department where his influence can still be felt on the Hill.

I think in closing, in speaking of ED DERWINSKI, about a great line from Camelot where King Arthur said we are all of us tiny drops in a vast ocean, but some of us sparkle. ED DERWINSKI is incandescent and he will not be forgotten.

Mr. MICHEL. I thank the gentleman for his very appropriate remarks.

I am happy to yield to the gentlewoman from the Rockford area.

Mrs. MARTIN of Illinois. I thank you, Mr. Leader.

I cannot claim the years of knowledge of some but perhaps that is useful, too. As a newcomer to the delegation it would have been easy for someone like ED DERWINSKI to ignore me, which I probably properly deserve. But, instead, he has helped.

He makes a human being feel not only welcomed but that they are going to be able to cope, to adjust, and indeed perhaps someday to excel. This is a very special gift that a person has.

ED DERWINSKI makes people feel good. He makes them feel like they can do better and then they do.

That is not just true for newcomers but for the more experienced people in the delegation.

The State Department will not only benefit from ED's brilliance but they will also get to see some sport jackets that I think have enlivened the House often.

We all want the name of the tailor. Perhaps to deport him. But, nonetheless, it is part of ED DERWINSKI.

I think he is special. He is bright and he is funny and we undervalue being funny. He has a brain and a heart and he makes both of them work together.

I think he is just lovely. It has been a sheer joy to be with him for 2 years. The State Department's gain is not

comfort enough for me. I did not want to lose him.

So I guess we will not, but we will keep him as a friend, and for all America. They have had him representing in that very superb way he does so well the area of Illinois and our State that I suspect even in "Foggy Bottom" he will continue to remember and do.

Mr. MICHEL. I thank the gentlewoman and would surely have to agree that the House will not be the same without that humor and good nature of ED DERWINSKI.

As the gentleman from Illinois a moment ago said so well, he did not take himself seriously but everybody else did and when he spoke he spoke with authority.

As I indicated earlier, I am rather distressed that we will lose one who was the second ranking member on the Foreign Affairs Committee of the House of Representatives and the ranking member on the Post Office and Civil Service Committee. So we lost a great deal of seniority in ED DERWINSKI.

Also in PAUL FINDLEY, who was third ranking member on the Foreign Affairs Committee and such a tower of strength on the Agriculture Committee on which he served.

PAUL, of course, was first elected to Congress in 1960. We first appointed him to the Agriculture Committee and its Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, and the Subcommittee on Wheat, Soybeans, and Feedgrains. He was also a member of the Subcommittee on Europe and the Middle East of the Foreign Affairs Committee.

Before coming to Congress PAUL was president of the Pick Press in Pittsfield, Ill., and the Democratic Message of Mount Sterling, Ill., both weekly newspapers in the west central area of Illinois.

I just cannot refrain from mentioning the numbers of times that PAUL FINDLEY has taken the floor of this House in the interest of the American taxpayer out there, particularly well schooled as he was in agricultural economics. There was probably no one more gifted and who did his homework and offered more amendments to alter and shape legislation on the floor of this House.

□ 2020

If he could not get the job done in committee, he was one to take the floor here and argue the case before his 434 peers here, and in more cases than not, even in a minority position from the standpoint of politics, could win the issue. He recognized the popular issues back home that the people were interested in seeing enacted here on the floor of this House.

So we are going to miss a great leader in PAUL FINDLEY. I would like to think that, with his initiative in the food-for-peace program that he was so instrumental in getting enacted on the floor of this House in Public Law 480 legislation, those talents could surely be put to good use by the administration, whether in some ambassadorial rank position either with the Department of State or the Department of Agriculture. I think we would do well to pick up on that great experience that PAUL FINDLEY has.

Mr. Speaker, I will be happy to yield to any Member at this time for whatever comments they might like to make relative to PAUL FINDLEY's service here in this body.

Mr. ERLENBORN. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to my friend, the gentleman from Illinois.

Mr. ERLENBORN. I thank the gentleman for yielding.

Mr. Speaker, I rise to salute PAUL FINDLEY, our colleague from the 20th District of Illinois, who will soon be departing these Halls.

For 22 years, PAUL has served not only the people he was elected to represent in Congress. He has served all the people of our great and good Nation with honor and competence.

It is hard to imagine not having the counsel of PAUL FINDLEY when a farm bill or foreign policy measure comes to the floor. PAUL could always be counted on to have studied both sides of the issue at hand and to give sound reasons for the stand he chose.

With traits like these, he is destined for success in his new endeavors; and I wish him well.

Mr. MICHEL. Mr. Speaker, I thank the gentleman.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Illinois.

Mr. HYDE. I again thank our distinguished minority leader for giving us a chance to comment on the sad loss of so many able and distinguished Members of Congress from Illinois.

When I think of PAUL FINDLEY, I must say that he and I did not agree on a great number of things. Our approach was different to many, many problems. Again I concede that he may well be right and I may well be wrong, but I admire PAUL FINDLEY for two words: Courage and conviction.

I do not know a Member in this body past or present who has had the courage that PAUL FINDLEY had, to take a very unpopular cause and to see it through and to never be deterred by press or by political penalty in his search for peace.

The thing that animated and always will animate PAUL FINDLEY is a thirst and a love of peace, and his view toward getting peace was, let us say, unorthodox, if one is to say the orthodox is what the majority of us adhere to, but that was an example of his courage; he dared in different ways to try to achieve peace in this world.

He was a man who cared about the big issues, the permanent things—the Atlantic Union, things that were not popular with many Members, but at the same time it was a visionary approach to the grand and great and eternal problem of peace.

PAUL FINDLEY cared a lot about this body. He contributed a lot. He was energetic; he was serious; he was sincere. His loss will create a void that will not be filled.

I am proud and enriched to have served with PAUL FINDLEY.

Mr. MICHEL. Mr. Speaker, I thank the gentleman. I can surely attest to the many, many hours that PAUL FINDLEY dedicated to this job, for we have offices right near one another, and he was always here before I arrived. If I arrived by 7:30 or 8 o'clock, he had me bested by a few minutes, and he was always there, too, as the night shades were falling. I do not know, as the gentleman indicates, of anyone who has given more unstintingly of his time to this process. He loved this House and was a very vocal voice on those issues about which he felt so strongly. As the gentleman indicated, we were not always in agreement, but you could never fault PAUL for having that dedication that, once he had his eye set that this was the position he was taking, he was going to articulate that position and make the most of it.

So we are going to surely miss the likes of PAUL FINDLEY around this House.

Mr. PHILIP M. CRANE. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Illinois.

Mr. PHILIP M. CRANE. I thank the gentleman for yielding.

Mr. Speaker, I, too, would like to comment on what has been observed in terms of PAUL FINDLEY's dedication to his job. I do not think many people fully appreciate the workload that was involved in carrying two major committee assignments, as he did on Foreign Affairs and Agriculture. While Foreign Affairs was less my area of expertise or interest than domestic issues, I nevertheless felt that PAUL FINDLEY's was a voice that should be heard in the debates that transpired in the international arena on this floor. I, too, sometimes had my disagreements with PAUL, but, as I noted earlier, disagreements never got disagreeable with PAUL FINDLEY.

In the area of agriculture, I confess to being a babe in the woods when it came to PAUL FINDLEY's expertise and understanding, most especially of Illinois agriculture and Illinois agricultural interests, because PAUL always had a thoroughgoing understanding and defense of all of the positions he took. I know he provided leadership to me, as

well as to many others, when it came to issues which touched us so dearly back home in Illinois.

So I, too, want to again thank the gentleman for the opportunity to comment on the loss of a very capable and outstanding colleague, but we will lose his friendship never.

Mr. MICHEL. And more specifically, I might add, with regard to the gentleman's remarks relative to agriculture, there were times when PAUL FINDLEY, again in the interests of the taxpayer, aroused the consciousness of this House. When, over a period of years, the price support payments got to the point where very few Members were really aware that they could be so unconscionably high, there was PAUL's limitation of no more than $50,000—again in the interest of the taxpayer, and an initiative on his own. And when over a period of years there was the manipulation of the sugar quotas and marketing system in this country, he was one of the first to take on that very "sacred cow," or sugarcane in this case, and do a job in the interest of the American consumer and the American taxpayer.

So we have many things to thank our friend PAUL FINDLEY for.

Mrs. MARTIN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentlewoman from Illinois.

Mrs. MARTIN of Illinois. I thank the gentleman for yielding.

Mr. Speaker, I do not know why any of us should be surprised at the courage and the daring and, almost, occasionally fey part of PAUL FINDLEY. His hero is Abraham Lincoln. He is a Lincoln collector. His office is a repository, really, of Lincoln memorabilia. I think the spirit that moved the greatest son of Illinois is part of what moved PAUL FINDLEY. I think he cared about people's rights. If he saw that a right was being abrogated or abridged, even in an unpopular area, he moved in. If it were equal rights in this Nation or rights in other nations, he moved in. He would represent the farmers. He does represent the farmers in his district. But if somebody was getting too much money from a farm program, he would go in. He cared. Not just for consumers, but I think, in Congressman HYDE's words, that vision of a better world that he wanted.

For a city girl such as I who represents an agricultural district and has had to learn a great deal quickly, and sometimes not too well, he has also been a teacher. I am much better informed because PAUL FINDLEY helps me. That help and friendship, I know, will continue. We are just quadruply blessed in Illinois as we are talking tonight. He, too, joins ED DERWINSKI in being just a doggone lovely man.

Mr. RAHALL. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to my friend, the gentleman from West Virginia.

Mr. RAHALL. I thank the distinguished minority leader for yielding.

Mr. Speaker, as one from outside the Illinois delegation and as one from this side of the political aisle in the House of Representatives, I could not pass up the opportunity to say a few remarks about PAUL FINDLEY's service in the Congress. While we may take our delight in the political numbers outcome in the past election, it did not overcome the fact that we do work quite often on a nonpartisan basis in this body and we develop friendships across the political aisle. And PAUL FINDLEY was one with whom I did develop a close friendship and one for whom I have the highest praise for his service in the Congress.

□ 2030

He represented not only his constituency, but he represented, in the arena of foreign affairs and from his position on the Foreign Affairs Committee, what I have felt has been the hidden conscience of the American people. He represented what he thought was fair and just in all parts of the world. He represented in the Middle East especially what he considered to be an evenhanded policy. And it was a position that often brought him criticism. It often brought him sharp criticism and political attacks and political support for his opposition.

But as I said, I believe PAUL did represent what he thought was right and what he thought was fair and evenhanded. And for that reason I for one commend him for his service. And yes, we shall miss him in this Congress. But he left a mark that he can be very proud of.

Mr. MICHEL. Mr. Speaker, I thank the gentleman.

From the Judiciary Committee, we are losing two of our Illinois members. We are losing BOB MCCLORY, who served as the ranking Republican member on that committee. Before coming to Washington he was in the Illinois State House of Representatives for 2 years and in the Illinois State Senate for 10 years. He was first elected to the Congress in 1962.

In 1965 he became a member of several of the subcommittees of the Judiciary Committee, and he is also a member of the Legislative Subcommittee of the Select Committee on Intelligence.

We are also losing TOM RAILSBACK, another member of the subcommittee and of the Judiciary Committee also. He was a product of the Illinois State Legislature, as the gentleman from Illinois (Mr. ERLENBORN) stated earlier. He served two terms as a State representative before being elected to the 90th Congress in 1966.

As a member of the House Judiciary Committee, TOM is the ranking Republican on its Subcommittee on Courts, Civil Liberties, and the Administration of Justice and is a member of the Subcommittee on Monopolies and Commercial Law; he is also the ranking Republican member of the House Select Committee on Narcotics Abuse and Control.

TOM's Republican colleagues from the Prairie State elected him chairman of the 14-member Illinois Republican delegation to the 95th, 96th, and 97th Congresses.

BOB MCCLORY has served very ably guiding the fortunes of those on our side in that Judiciary Committee. I would like to think that with all that experience, he would put all that legal talent to work in the private sector out there, which I think, from conversatives with BOB, is probably going to be his lot. I know that he will be doing well, probably much better than he would have done in this House so far as remuneration is concerned. Certainly that would apply to our friend, TOM RAILSBACK, who will be associated with the Motion Picture Association and will be an associate of Jack Valenti, whom many of the Members of this body know so well.

I guess my only regret will be that our frequent golf outings might be fewer in number, because TOM and I over many years have enjoyed that game.

So I cannot refrain again from making mention of the tremendous loss this House is suffering by this redistricting in our home State that causes four Members with such seniority to simply be wiped off our delegation. This House is certainly going to suffer from that.

I yield at this time to my friend, the gentleman from Illinois (Mr. PHILIP M. CRANE).

Mr. PHILIP M. CRANE. I thank the gentleman for yielding.

I find a personal kind of anguish in losing all of these folks in day-to-day service here. But as the gentleman pointed out correctly, I do not think that we have seen the last of them by any means. And I know they will maintain an ongoing commitment to public service.

Mr. Speaker, in the case of BOB MCCLORY, back in 1982, with the reapportionment at that time, I inherited seven townships from what was BOB's old district, and then, of course, after this most recently gerrymandering, BOB was in a position where he chose not to seek reelection, and I inherited a much larger geographic area from him.

I will say that BOB certainly did his job well in representing that district and he bequeathed to me with his departure real "elephant country," because of the yeoman service he had

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provided, because in the process, of course, there were certain partisan consequences that the people who liked BOB increasingly liked Republicans too.

So I am grateful for what BOB did to me as my former congressional neighbor.

Mr. Speaker, it is again with mixed emotions that we take part in this tribute to another Illinois colleague, Congressman BOB MCCLORY, who is retiring from this body upon the adjournment of the 97th Congress.

Before addressing remarks in my own behalf, I would like at this point to submit it for inclusion in the RECORD the statement which was issued on January 13 by BOB, who with his attractive wife, Doris, at his side made his retirement announcement at a press conference in the historic House Judiciary Committee Room, where he devoted his principal legislative service as a member and is now the ranking Republican member of the House Judiciary Committee.

That statement is as follows:

I have called this press conference to discuss important decisions and plans which will affect my life—and those hundreds of thousands of citizens whose interests I have represented in the U.S. Congress for almost 20 years.

First, let me emphasize that my decisions should not indicate any desire to abandon or terminate my congressional service. My jobs here in the U.S. House have not been completed. My desire for service and my capacity for service are as strong—or stronger than ever.

Several factors over which I have no control have contributed to make this extremely difficult. A blatantly political decision of a Federal court in Chicago has undermined my congressional district centered in Lake, Kane, and McHenry Counties. Townships and communities have been severed from their natural environs in a disruptive and debilitation manner. A congressional redistricting which has no legitimate genesis was designed by the Democratic leader of the Illinois House of Representatives and developed in large part during the actual Federal court proceedings in Chicago.

The remap as approved represents the extreme to which judicial activism can be carried and applied. The judges undertook the prerogatives of a legislative body and of political pollsters in speculating on the future political inclinations of Illinois voters in applying a so-called doctrine of "political fairness" never previously applied by a court in producing a court-ordered remap.

The realities of the Federal judges' usurpation of political authority is to doom the future of as many as four or five Republican Members of the U.S. House of Representatives. I probably would not have to be one of the victims of this Democratic court-ordered scenario.

But, for a number of reasons, I have reached a firm resolve not to seek reelection in Illinois' 10th Congressional District. First, I do not relish a divisive, bitter, expensive, and potentially self-defeating campaign against another younger and capable Republican colleague. Literally hundreds of constituents and friends with whom I have spoken admit to an attachment to both Congressman John Porter and me. I want to relieve them of the dilemma of supporting one or the other of us.

The financial commitments of a primary fight would impose burdens on friends and supporters when they are already committed to other national, State, and local races. Political campaign funds should be directed rationally—not recklessly or needlessly.

Ten years ago—following a court-ordered redistricting I entered into a great new area to build up a political following—and to serve new constituent interests. Now, a decade later, I must weigh the physical, organizational and financial problems of developing political bases in densely populated areas of Cook County.

The interests of my Lake County constituents and the Cook County residents of the 10th District are substantially similar. However, a primary battle could be disruptive of those interests and could pit one group against the other.

Finally, I am concerned about the welfare of the Republican Party in the 1982 and 1984 elections. I had hoped for my reelection and the election of a Republican majority in the U.S. House this year. I even had hopes of becoming chairman of the House Judiciary Committee in the next Congress.

All careers on Capitol Hill must come to a close some time. Some Members voluntarily retire. Some are defeated at the polls. Only a few of us are redistricted out of office. In my case, I attribute my decision today to the action of the U.S. Supreme Court on Monday affirming a Federal court in Chicago which is forcing the termination of the political careers of two or perhaps more Illinois Republican Members of the U.S. House.

Let me add that I am making my decision with no bitterness and no regret for any actions I have taken in the court proceedings. In addition, my decision is entirely voluntary and is based upon no conversations importing promises of political or private rewards of any kind.

I'm grateful to my wife Doris for her steadfast support during this trying period. She has shared with me these hours and days of searching and praying for answers to our dilemma. She alone has participated with me in this statement.

We are confident that our friends and supporters will understand this decision and will acquiesce in the reasons for my withdrawal from the primary race. I beg all my constituents and backers to lend their support to the campaign of my friend and colleague, JOHN PORTER in the March Republican primary.

Mr. PHILIP M. CRANE. Mr. Speaker, I will also attach to these remarks editorial comments from the principal newspapers in BOB MCCLORY'S congressional district and a number of communications which were made available to me for purposes of this special order.

Mr. Speaker, the residents of the 13th Illinois Congressional District are justifiably proud of the man who has represented them in this House of Representatives for the past two decades. He will leave behind him an outstanding record. His efforts as a member of the Judiciary Committee will long be remembered.

The record will show that BOB MCCLORY was a principal sponsor of amendments to the Federal antitrust laws, a sponsor of the proposed constitutional amendment to require a balanced Federal budget and to control Federal spending, an active proponent of Federal regulatory reform and immigration legislation. He participated actively in the 1974 impeachment inquiry and authored one of the three articles of impeachment reported by the committee.

Congressman MCCLORY was educated in Switzerland, Dartmouth College, and Chicago-Kent College of Law—now affiliated with Illinois Institute of Technology—where he was graduated in 1932. He was a member of Psi Upsilon and Green Key at Dartmouth, Phi Delta Phi and the Round Table—an honorary legal scholastic society—at Chicago-Kent. He engaged in the general practice of law in the State and Federal courts in Chicago and Waukegan, Ill., until his election to the Congress in 1962.

Congressman MCCLORY received the Distinguished Alumni Award for 1982 from his law school alma mater. He was granted an honorary degree of doctor of laws in June 1982 from Lake Forest College in Illinois.

He is the author of the article "Reforming the Budgetary and Fiscal Machinery of Congress"; a chapter of "We Propose: A Modern Congress, (1968)"; and "Congressional Investigations: A Necessary Hybrid in Our System of Government," which appeared in the 1977 volume of Capitol Studies.

Congressman MCCLORY has been admitted to the Illinois and District of Columbia bars, and is a member of the Illinois State Bar Association—former member of the Board of Governors—and the American Bar Association, the Law Club of Chicago, and other legal, fraternal, and social organizations.

Prior to his election to the Congress, he served for 12 years in the Illinois General Assembly—10 years as a State senator.

Congressman MCCLORY is a member of the House Permanent Select Committee on Intelligence, serving as the ranking member on the Subcommittee on Legislation. Mr. MCCLORY served as a member of the National Commission for the Review of Antitrust Laws and Procedures (1978-79). He served during the past 2 years as a member of the Select Commission on Immigration and Refugee Policy and is currently a member of the Advisory Committee on Project '87—created to celebrate the bicentennial of our U.S. Constitution in 1987.

Mr. Speaker, perhaps Bill Schroeder of the Lakeland Publications in Congressman MCCLORY'S district best summed up the feelings of his constituents when Mr. MCCLORY decided not to run for reelection in 1982.

Schroeder wrote:

Without dominating, the kindly, soft-spoken man from Lake Bluff was a domi-

nant force in Lake County politics for more than 30 years, first as a state representative, then as a state senator and for the past 20 years serving as our representative in Washington, D.C.

With only a hint of bitterness, McCLORY was his customary genteel self in reacting to a blatantly political decision handed down by the courts that decimated McCLORY's district and thrust him into a head-on confrontation with a popular Republican colleague with like views if he was to stay in office. McCLORY chose to retire on the brink of every Congressman's dream, possible ascendancy to the chairmanship of a major House committee

The decision to retire was vintage McCLORY. The popular lawmaker was not known as a quitter or without stomach for a fight. McCLORY didn't quit. He retired—undefeated. As for a fight, the one-time Waukegan attorney could pursue an issue where principle was at stake. In this case, the only issue at stake was political self-preservation. Obviously, that was insufficient in his eyes.

Those words tell the story of BOB McCLORY—a leader, a man of principle, a fighter.

Mr. Speaker, may I add to those words this observation:

ROBERT McCLORY of Illinois will be missed by friend and foe alike. Even his adversaries will concede, he was ever a gentleman and esteemed colleague.

Mr. Speaker, the editorial comments and communications to which I referred are as follows:

[From the Daily Courier News, Jan. 21, 1982]

AS WE SEE IT: McCLORY HAS EARNED HIS DISTRICTS' GRATITUDE

We would be remiss if we did not join reader A. J. Koltveit in saluting Cong. Robert McClory, not only for the reason stated in his letter today, but for long and distinguished service to three constituencies—those of his state representative district, where it all began, later his state senatorial district and, finally, in 1962 his congressional district (for which the boundary lines changed twice during his tenure).

The third change, which would have placed him in the new 10th District, would have removed him for the first time in all those years (since 1950) from the area in which this newspaper has substantial circulation. We've come to know him well, and to appreciate him both as a person and as a legislator.

He has two attributes that are particularly impressive to us, one of which was reflected in the vote he received every two years. He works hard at his job. There aren't many congressional offices as responsive as his to constituents—and he obviously doesn't check first on the voting record of those who ask his help. This quality dates back to his state legislative days when funds for clerical help were in short supply and it has served him well on election days.

The second is this: He is a gentleman, a characteristic that isn't always helpful to elected officials. It is this quality, not partisanship, that made him supportive of both Richard M. Nixon and Spiro T. Agnew until the proof of their wrongdoing became a matter of record. Despite all of his years in public life, McClory couldn't bring himself to believe men so high could stoop so low. That kind of naivete may subject a person to criticism, but we doubt that it's uncomfortable to live with.

McClory has never been known for his flamboyance. He has never been a member of the majority in his 20 years in Congress. Had that come about this year, he would have been chairman of the prestigious House Judiciary Committee on which he is now ranking Republican member. That chairmanship would have been a suitable cap to the career of a dedicated public service.

His age (he will be 74 on Jan. 31) coupled with the widely-whispered message that 1980 would mark his last bid for the office, apparently figured in both Republican and Democratic remap plans this year. And it undoubtedly, too, played a part in his decision not to engage in a punishing primary battle with another Republican in a district in which a Democrat now can win.

McClory, though, is a young septuagenarian, again because of personal discipline. He works at staying physically fit. We hope that he will be given many years to contemplate the greatest reward of all after he finishes his work as 13th District congressman next January—the personal satisfaction that must come from many years honorably spent in service to his nation, to his state and to his people. Not many succeed so well.

[From the News-Sun, Jan. 14, 1982]

McCLORY STEPS ASIDE

U.S. Rep. Robert McClory, R-Lake Bluff, has decided to close out a political career that began in 1950 rather than battle for survival in a congressional district mangled beyond recognition in the political redistricting process.

McClory's announcement Wednesday morning that he was withdrawing from the March primary election in the newly formed 10th Congressional District was not a joyous event. It came as a blow to McClory's supporters, was clearly a traumatic decision for McClory, himself, and it dramatically signaled the destructive effect of congressional redistricting in Lake County.

It is understatement to say that McClory has become a familiar political figure in Lake County. He has been immersed in the area's political seas since he first was elected to the Illinois House of Representatives more than 30 years ago. Though not everyone's leadership choice, he accurately reflected the views of a huge majority of the area's voters, first as a legislator in the Illinois House and Senate and since 1962 as a congressional representative from an ever-changing district based in Lake County.

Lake County at all times had a representative who understood the problems of the area and who worked hard at maintaining that understanding. It truly can be said that McClory worked tirelessly at his job. And though he tugged at times against the political currents in his home district, he never departed far from the views of those he represented back in the Lake County area.

But now a court-approved, Democrat-inspired reapportionment of Illinois' 22 congressional seats has virtually eliminated Lake County as anyone's political home. The county has been sliced into two congressional districts, all vulnerable to domination by outside areas.

McClory's departure from the political arena is not only a cause for sadness in itself but is cause for gloom on a much broader scale. It may be at least another 10 years before the area regains a representative in Congress it can call its own.

[From the Mundelein Herald, Jan. 20, 1982]

AS McCLORY DROPS OUT OF THE PRIMARY

Rep. Robert McClory's surprising withdrawal from the 10th Congressional District primary race represents the first political fatality of that shrewd Democrat-inspired redistricting.

As a state legislator for 12 years before 1963 and a congressman ever since, McClory has long been a household word around here. Ten times the name appeared on the congressional ballot—in the 12th Congressional District during the 1960s, in the 13th District during the 1970s—and 10 times the voters gave it their nod.

To the extent McClory is known nationally, it is for his role as the second-ranking minority member of the House Judiciary Committee during its investigation of the Watergate scandal in 1974. McClory repeatedly expressed dismay at the inculpatory evidence, and eventually he voted to impeach President Nixon for abuse of power.

Yet aside from fleeting prominence achieved during Watergate, McClory played a muted role in national affairs—partly because of the Democrats' control of the House throughout his congressional career and partly because of sheer fate.

Particularly in shaping the historic civil-rights legislation of the 1960s, McClory might have played a far greater role but for the flip of a coin. The toss determined seniority on the House Judiciary Committee and its subcommittees. McClory lost out to Edward Hutchinson of Michigan, who fiercely opposed the civil-rights measures. Had the coin landed otherwise, McClory, an advocate of the controversial legislation, would have been the ranking Republican on the Judiciary panel and very likely influenced the legislation to a greater degree.

If the Supreme Court's acceptance of the congressional map hurt Illinois Republicans, McClory's withdrawal eliminates the need for a bruising and expensive primary battle. Porter will be able to save his money and energy for the Democratic challenger next November.

It was time now for McClory to bow out. He didn't leave until it was time, and when he left he did so with grace. He can be proud of that.

JANUARY 19, 1982.

The Honorable BOB McCLORY.

DEAR BOB: I know you are hearing from everyone in the county—mostly words of warmth and affection I assume. It's too bad we don't get these letters over a period of time so each would get the attention it deserves, instead of all in a bundle at watermark times.

But Hub and I too, would like to express the warmth we have felt for you, and the sure knowledge that if there was something a Congressman could do for us, that we could turn to you and not be concerned that our party would prevent us from getting full attention. And no one knows better than I what an indefatigable campaigner you are—wherever I was with my brochures—there you were also, plastic bag in hand, the other outstretched. I've always been pleased to think of you as a friend—at least once 1966 was behind us, I've continued to think so.

Every good wish to you and Doris on your retirement. May you see everything you haven't had time to enjoy up to now. (When I think about having to run every other year, I blanche . . .)

Affectionate regards,

GRACE MARY STERN.

ABBOTT LABORATORIES FUND,
North Chicago, Ill., January 15, 1982.
Hon. ROBERT MCCLORY,
House of Representatives,
Washington, D.C.

DEAR BOB: Let me add my congratulations to the others I know you have received for the courage and commitment evidenced in your recent decision not to seek reelection in the forthcoming primary. I think I can appreciate the difficulties you faced in coming to such a conclusion and, at the same time, the disappointment you must feel.

As your long-time constituents, Millie and I respect you more than ever and thank you for your long and devoted service to this Congressional District of Illinois. You have represented its interest well and you deserve the gratitude of all its people. Certainly you have ours.

You and Doris have our fondest wishes for many more years of health and satisfaction from whatever may be your future pursuits.

Sincerely,

CHUCK.

MRS. MILTON H. RUDOLPH,
Gurnee, Ill., January 25, 1982.
Congressman ROBERT MCCLORY,
House Office Building, Washington, D.C.

DEAR BOB: Many thanks for the beautiful historical calendar. We appreciate your thoughtfulness.

We are sure you realize how much it has meant to us to have you represent us in Springfield and Washington for all these years. It is going to seem very strange to have to voice our comments and complaints to a stranger! We hope to have the opportunity to meet John Porter, but he can never take your place!

There have been many fine articles about you in the local papers. A great many Lake Countians feel the redistricting is most unfair. However, that strong Lake County Republican voice will surely make itself heard.

We hope you and Doris will enjoy your retirement as much as we enjoy ours. It's really a great life, but takes a little getting used to! We wish you the best of luck and much happiness.

Many thanks for your years of wonderful service to us and to our great country.

Sincerely,

MONTE AND BESS RUDOLPH.

G. D. SEARLE & CO.,
Skokie, Ill., January 26, 1982.
Congressman ROBERT MCCLORY,
Rayburn House Office Building,
Washington, D.C.

DEAR BOB: Your decision to not run in the next primary must have been a very difficult one for you and Deloris.

The fact that you have served so many so well and for so long is one enviable record and will always be a source of pride for those of us who have been able to know you personally.

My guess is that the correct political decision was made. However, the fact that it had to be made at all speaks to a system that has severe deficiencies.

Thank you Bob for being my Congressman and for being a great American. Our friendship will always continue.

Sincerely,

L. SEARLE.

DON PEASLEY,
Woodstock, Ill., January 20, 1982.
Congressman ROBERT MCCLORY,
Rayburn House Office Building,
Washington, D.C.

GOOD MORNING, BOB: On returning from the Farm Bureau Convention in California Sunday night, I was dismayed to learn that you decided to withdraw your candidacy for re-election.

I can understand how you feel. I realize the realities of the situation but that does not lessen my frustration of the unjust way the Democrats and the courts have seen fit to implement the "one man, one vote" rule. Your absence from Congress, when that finally occurs, will be a significant loss to the people of northeastern Illinois.

It was my pleasure—and honor—to have worked intimately with you during part of six years, three campaigns. You are serving with rare distinction but I do know that you will find plenty of opportunities to continue public service if you should desire.

Please give my best regards to Doris and do tell her that I join both of you in sharing your sadness of the outcome of this unhappy situation.

Cordially yours,

DON PEASLEY.

JANUARY 19, 1982.

DEAR DORIS AND BOB: Needless to say, we are sorry to come to the end of an era. We shall all have to readjust to the absence of our District and Congressman all at once. Both of you served the District well, and we'll miss you, but we do hope to see you again, both here and in D.C., if at all possible.

"A cheerful message to tell you . . .

Many friendly thoughts are sent your way!"

Fondly,

RUTH AND NORM RICHARD.

P.S.—David became a partner at Duncan, Allen & Mitchell.

VINCENT CURTIS BALDWIN,
Lake Forest, Ill., January 21, 1982.
Hon. ROBERT MCCLORY,
House of Representatives,
Washington, D.C.

MY DEAR BOB: We were greatly saddened, Connie and I, to learn of your decision not to become a candidate for the Tenth District. Saddened not only for your constituents, but indeed for the country as a whole in losing so distinguished a Representative in the House of the Congress.

Despite your gracious remarks to the Press, it must have been a very bitter decision for you and Doris, as well, to have made.

While we have been deprived of the opportunity of actively supporting you because, under the old alignment, Libertyville has been in Phil Crane's District for so long, we have been outspoken in our political praise of your career. In our opinion, it has been one of the most outstanding and singularly distinguished of any member who has sat in the House during the past two decades. It does occur to us that your knowledge of Congressional and national affairs, procedures and the inner work of the federal government would warrant your appointment to some truly significant office in Washington, and we do hope that this may come about.

It is a long, long time since you were a law school student and I was a cub-practitioner in your father's offices, but those experiences and our later associations have always drawn us and held us close together—at least in our hearts.

We wish always for you and Doris the very best of all good things.

Most sincerely,

VINCENT CURTIS BALDWIN.

MICHAEL CUDAHY,
Glenview, Ill., January 19, 1982.

DEAR BOB: Although I hate to think that you will not be our Representative in the years ahead, I congratulate you on your very unselfish decision not to run for office this year. You know far more than I about the details of the pros and cons of your decision. I respect you for it, however, and I wish you and Doris great happiness in the years ahead. I can imagine how exhausting your work has been in the past and I think a little relaxation doing the things that you want to do will mean a lot to you.

In the meantime, keep up the good work and thank you most sincerely for all the wonderful service that you have given to us who are lucky enough to reside in your area.

Yours with best regards,

MIKE.

THE FIRESTONE TIRE & RUBBER CO.,
Akron, Ohio, January 22, 1982.
Hon. ROBERT MCCLORY,
Rayburn Building,
Washington, D.C.

DEAR BOB: The Bureau of National Affairs Antitrust and Trade Regulation Report carried the announcement of your decision not to seek reelection.

Just as surprising as your announcement was the realization of how much time had passed since John Rutgers and I were out running around getting his car stuck on the golf course distributing your campaign literature when you first ran for the Illinois General Assembly.

During those 30 plus years I think that the Illinois Assembly and Senate, the U.S. House, the Thirteenth District, and Lake Bluff have all been most ably served by you. I shall miss not having a friend in the Congress; and I know Robin will miss the many kindnesses that you have shown her over the years.

While you are not seeking reelection, I am certain you are doubtless not retiring, so I will wish you all good fortune in the future.

With best personal regards,

ROBERT K. LEWIS, Jr.

FIRST UNITED METHODIST CHURCH,
Elgin, Ill., January 25, 1982.
Hon. ROBERT MICHEL,
Minority Leader, House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN MICHEL: Ever since the media carried the announcement of the coming retirement of Congressman Robert McClory, I have wanted to express the feelings of thousands of individuals in the 13th Congressional District. Perhaps the best way is to say that Mrs. Rogers and I have known Congressman McClory for nearly thirty-nine years. We saw him enter the political arena as a Representative to the Assembly in Springfield. He then became Senator McClory in the Senate at Springfield. In due time he was elected to the House of Representatives of the Congress of the United States of America.

I want to know that there are few persons who are held in greater esteem in our area, than Congressman McClory. He has been a great representative. We have known him

for his honesty, straightforwardness, political acumen and sincere concern for all the people whom he represents.

With the kindest regards, I am,

Cordially yours,

CARLETON C. ROGERS,
Senior Minister.

GEORGETOWN UNIVERSITY LAW CENTER,
Washington, D.C., January 18, 1982.

Congressman ROBERT MCCLORY,
House of Representatives,
Washington, D.C.

DEAR BOB: I was sorry to read of the circumstances which lead you to announce that you will not be running again for the Congress.

I want to congratulate you and thank you for all that you have done during your 20 years in the Congress.

It was a delight to work with you in so many ways.

I send to you and to your delightful wife my very best wishes for every continued success and happiness.

Cordially yours,

ROBERT F. DRINAN, S.J.,
Professor of Law.

U.A.D.,
Elgin, Ill., January 20, 1982.

Congressman and Mrs. ROBERT MCCLORY,
Washington, D.C.

DEAR DORIS AND ROBERT: I don't know what people say at a time like this, but Floyd and I wish to tell you both you are the greatest.

There are so many things in life that seem unfair and maybe this is how our faith is tested. I have enjoyed our friendship through the years and most of all the support you have given to our area in the field of volunteer work.

We know you will go forward to other projects, Bob, because you are truly a giver.

We hope to hear from you and Doris when things settle down. I hope you will be in the area. Thanks again for giving so much to others. We will miss you being in our district. Don't forget to let us hear from you. God bless.

Fondly,

BETTY AND FLOYD BROWN.

WASHINGTON, D.C.,
January 18, 1982.

DEAR DORIS AND BOB: We were sad to read that you are retiring. you have had a wonderful career and you can retire in good conscience for having done your duty to your district, state and country.

I enjoyed my association with you in the Congress and Lorraine her association with Doris.

We hope we shall see you often and we send you our friendship and good wishes for the future.

Yours sincerely,

——— ———.

CONSULATE GENERAL OF THE
UNITED STATES OF AMERICA,
Hamilton, Bermuda, January 19, 1982.

Hon. BOB MCCLORY,
U.S. House of Representatives,
Washington, D.C.

DEAR BOB: It was with deep regret that Priscilla and I learned of your decision to retire from Congress after this session.

I know that you and Doris richly deserve some rest, but your work on the Judiciary Committee will be greatly missed.

You have had a wonderfully satisfying career and those of us privileged to have worked with you are most grateful for this association.

You have our very best wishes and warmest regards.

Sincerely,

MAX FRIEDERSDORF,
Consul General.

JANUARY 15, 1982.

DEAR BOB: I read your news with two emotions—one, a sense of loss for the Congress itself and for the Administration. Two, a sense of respect and pride in the way you handled this most difficult decision—a lot of class in that—All the best for the future—

Warm personal regards,

GEORGE BUSH.

HOUSTON, TEX., *January 24, 1982.*

Hon. ROBERT MCCLORY,
Constitution Avenue, NE.,
Washington, D.C.

DEAR BOB: I wasn't at all surprised to read in the Tribune that you had decided not to seek another term in Congress, but personally, I was extremely disappointed at the prospect of our nation losing an honest, forthright public servant who has as distinguished a record as you. Perhaps throughout history, people like you have been in short supply; today that is certainly true. Always during our nation's history we have needed more, not fewer people in Congress like you. The fact that you will not be there in the next session is a genuine tragedy of the outmigration of people from Illinois and the reapportionment that resulted from it. I hope that somewhere in the booming states of Florida through California there is another, budding Bob McClory.

Meanwhile, Ann and I join with your many friends in wishing you all the best for the future, thanking you for the past, and hoping that your absence from Congress will not necessarily mean your silence on important public issues.

Sincerely,

JUSTIN M. FISHBEIN.

SKOKIE, ILL.,
January 25, 1982.

Hon. ROBERT MCCLORY,
House of Representatives,
Washington, D.C.

DEAR BOB: I read the statement you made in connection with what I am sure must have been a terribly difficult decision.

The way you handled it was first-rate, which comes as no surprise to those of us who have known you and worked with you for so many years.

With my best personal regards.

Sincerely,

DONALD RUMSFELD.

CHICAGO, ILL.,
January 13, 1982.

Congressman ROBERT MCCLORY,
Rayburn House Office Building,
Washington, D.C.

DEAR BOB: Although some might say that a quarter-century of distinguished public service is its own reward, you certainly have earned a better fate than that given you by the political unreality of this decade's redistricting.

As I read of your decision not to run against John Porter, it seemed to me to be an altogether too abrupt ending of the congressional career that you so painstakingly built over such a long period of time.

To your great credit in this day and age, the name of Bob McClory will be remembered in the halls of Congress as one associated with honor and a record of tireless effort on behalf of Republican principles during some rather frustrating political years.

Your time on the hill has been dedicated to trying to make things fiscally brighter for the common citizen and small businessman, when most people in the federal government had a more spendthrift philosophy.

We'll miss you and the quality of representation you have provided. Sally and I send our best wishes to you and Doris for good fortune in whatever you seek during 1982 and thereafter. We know that you're not really ready to retire from public life.

You'll always be "our congressman," and we'll look forward to seeing you soon back in the district.

Sincerely,

STEVE.

DEERFIELD, ILL.,
January 24, 1982.

DEAR CONGRESSMAN MCCLORY: I have wanted to write to you ever since you announced that you would not be running for re-election.

Both Don and I are disappointed in your decision as we had been looking forward to your representing us in the new 10th district. We remember when you were our representative not so long ago before the 1970 remap. And I especially recall how warmly you greeted us in Washington, D.C. both in 1967 when I came on an assignment from Pioneer Press and later when we visited with our two oldest sons in 1970.

We do understand, however, your generous decision not to engage in a bitter primary battle, and we applaud it. It is just another example of the high tone which your service to our country has taken through the years. We were not at all surprised when the White House said you had not asked for any appointment or favor. We knew you hadn't.

We also recall your statesmanlike conduct during the painful Nixon exodus. We were proud to know you and wished then that you were still representing us.

Best wishes to you and your lovely wife. Maybe we'll all be seeing more of your when you come back home to Lake County.

Sincerely,

DOROTHY ANDRIES.

ROBERT MCCLORY,
Member of Congress,
Washington, D.C.

DEAR BOB: It was with deep regret that I read of your intention to retire. Since reading this, my memory has brought back many occasions and events that we shared some years ago, more years ago, it seems, than I have realized.

You must be very, very proud of all the years of outstanding service you have given to the citizens of Illinois. It would be hard to find anyone who has been elected to public office that could surpass you in dedication and integrity, and in meeting the commitment you made with the people of your district.

I am sure that your successor, whoever it may be, will find a well of inspiration and encouragement in your great career, Bob. I know that the years you and I worked together were certainly some of the most significant of my life, and I can never thank you enough for all you have done to help me in making my own contribution to government service.

To you and Doris, many happy and productive years ahead. I can't think of two persons more deserving of the richest of futures.

With deepest regards,

ELIZABETH WAWIRKA.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS FOR 1983—HEARINGS BEFORE A SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS

THURSDAY, APRIL 22, 1982.

IMPACT AID

Witnesses: Hon. Robert McClory, a Representative in Congress from the State of Illinois and Charles Thomas, Superintendent of North Chicago School District No. 64.

Mr. NATCHER. Our next witness is Mr. McClory.

Come around, Bob. Our friend and colleague from Illinois, it is always a pleasure to have you before the committee. We would be pleased to hear from you.

Mr. MCCLORY. Thank you very much, Mr. Chairman.

I am pleased to appear before the subcommittee today in support of continued impact aid to schools.

Impact aid funds have been extremely important to the operation of schools within my congressional district. A very large percentage of land, approximately 50 percent, is used for military and federal installations in the City of North Chicago, for which taxes are not collected. It would seem only fair and just that the Federal Government should contribute to the cost of educating the children of military personnel as a payment in lieu of the taxes which it does not pay.

In addition to the lowered tax base of the community due to this large amount of federal property, the City of North Chicago has one of the lowest per capita income levels in the metropolitan Chicago area. In view of the scarce financial resources available to the community and the considerable reduction in the tax base available to them, federal impact aid funds are extremely important to the elementary and secondary schools of North Chicago, a high percentage of which are minority students coming from disadvantaged homes.

I am pleased to have Dr. Charles Thomas, the Superintendent of North Chicago School District No. 64, to supplement my statement.

Mr. THOMAS. Thank you very much, Congressman McClory.

Mr. Chairman and members of the Appropriations Subcommittee, thank you for the opportunity to make a brief statement in support of impact aid.

Public Law 874, commonly known as impact aid, was enacted in 1950 to provide funds for school districts impacted by military bases. In North Chicago, the school district which I represent, there is the Great Lakes Naval Training Base which encompasses one-half of the school district's land area and which provides the school district with 46 percent of the student body. The law was designed to pay federal funds to impacted school districts equal to the amount of local taxes paid for education.

For the past several years the actual impact aid payments have been significantly less than the impact aid entitlement as determined by the Department of Education. For this year, fiscal year 1982, the actual payment will match the entitlement. But it should be pointed out that the fiscal year 1982 entitlement and payment are not based on the traditional head count, but rather, they are based on 86 percent of the fiscal year 1981 actual payment.

While the cost of education has steadily increased and the percent of military A students has remained between 46 and 47 percent, the percent of impact aid payments as it relates to the total school district budget has noticeably declined. To illustrate this point, in fiscal year 1980 impact aid represented 19 percent of the district's budget. In fiscal year 1981 it represented 17 percent of the district's budget, and in fiscal year 1982 impact aid will represent only 14 percent of the district's total budget.

Thus, it is clear to us in North Chicago that the federal obligation is not being met. This year, due to the lateness of payments and the reduction in the amount, the school district has had to borrow money primarily to support the education of military A students and thereby increasing the local taxes paid by the local citizens. Additionally, both educational personnel and programs have been cut for the 1982-1983 school year. It is becoming increasingly difficult for the North Chicago school district, and others like it, to plan and operate sound educational programs with the declining federal funds to compensate for the lack of tax revenue from federal properties.

The Administration's policy is to maintain a strong military. Reducing impact aid is not consistent with that policy. As superintendent of a school district which is heavily impacted by the military presence and for the good of quality education for the boys and girls of the school district, I strongly urge you to provide funding at the fiscal year 1981 funding level for the Impact Aid Program.

* * * * *

Mr. MCCLORY. I think we have stayed within our five minutes.

I am pleased indeed that my two distinguished colleagues from Illinois, Mr. O'Brien and Mr. Porter, are present for the hearing.

Thank you very much.

Mr. NATCHER. Mr. McClory, it has always been a pleasure to have you appear before our committee.

Mr. MCCLORY. This is the most gentlemanly chairman of any committee of the House, together with the most compassionate ranking member.

Mr. CONTE. We are going to miss you.

Mr. O'BRIEN. If the gentleman will yield, obviously the most perceptive member.

Mr. NATCHER. All down through the years you have worked with us, you have aided us. We appreciate it. A good Member of Congress. We are going to miss you.

Mr. Thomas, you are with good folks this morning. We are glad to have you before our committee.

Mr. MCCLORY. I do not mind looking forward to the retirement. The things that I am a little apprehensive about are the retirement tributes.

Thank you very much, Mr. Chairman.

Mr. Speaker, with regard to TOM RAILSBACK, I first met TOM back in 1966. I was campaigning on behalf of the Republican Party again while living down in Peoria. And we had lost that seat that TOM won back for us in that 1966 race.

I followed his career. And I think that probably the memory that most vividly stands out in all of our minds, when you think of TOM RAILSBACK, is the obvious personal anguish he went through while serving during those dreadful days of the Watergate hearings. It had to be a very difficult time for all Americans, but I think most especially it was for BOB MCCLORY and TOM RAILSBACK, our two colleagues who served on that committee that participated in the momentous decisionmaking of that time, a time of trial, as it was, I think, for each and every Member here who was wrestling with his own conscience.

But you could see it most vividly and I think poignantly and painfully in the expressions and the comments on the part of our two great colleagues whom we shall miss in that capacity, as this body will.

Mr. MICHEL. Mr. Speaker, we were fortunate to have three members of towering strength on the committee. And now we have one sole surviving member on there. The gentleman from Illinois (Mr. HYDE) is just going to have to triple his obligations and responsibilities.

Mr. HYDE. I thank the gentleman.

This is particularly felt by myself, the loss of TOM RAILSBACK and BOB MCCLORY because they were my colleagues and my mentors on the Judiciary Committee.

In thinking of TOM RAILSBACK, he was the closest Member to me of the four who are leaving, he was the kindest to me, and I must say that my joy at his new career is tempered by my sense of personal loss at not having his advice and counsel on a daily basis available to me.

I guess the measure of a successful life is how much you care and what you do about the things you care about. And using this yardstick, one must conclude that TOM RAILSBACK, who is still a very young man, has led a very successful life, because he cared greatly about many, many things. He cared about the law, he cared about justice, and he cared about people who live on the margin of society.

He was not a knee-jerk liberal. He was a very thoughtful moderate, who thought his positions through, who always articulated them well, defended them well, and was influential in making his point of view heard, understood, and often acted upon.

He was interested in making the best that America has to offer available to every citizen, whether it was in the voting rights legislation or other legislation. And may I say parenthetically that the record does not show the enormous Herculean job that TOM RAILSBACK did in trying for many, many long frustrating hours to work out compromises with the civil rights community and with Members on the Judiciary Committee. He did that because he knew the goal was important, making access to the political process available to everybody, regardless of

their race or their color or where they are located.

But if it concerned matters of education, matters of civil rights, matters of employment or housing, TOM RAILSBACK could be counted on to lead the fight, to make these things available to those who are less fortunate than the rest of us.

I can only say that TOM RAILSBACK moves on to another career that sounds and seems to be a very exciting one. And he will exhibit his many talents to his new career as forcefully and with as much enthusiasm as he did to serving in Congress.

□ 2040

I am pleased that we will see him, that he will be in Washington often. I wish him Godspeed in his new and very productive career.

For BOB MCCLORY, I think of BOB MCCLORY again in terms of courage and bravery and of a love of law and a love of justice. He served on the Judiciary Committee during the Watergate years, and I am pleased that I did not. I came afterwards; I came in 1975. It was in 1974 that, with this heartbreaking experience, heartbreaking to Republicans who loved the law and loved the rule of law and who were torn by the accusations and allegations of obstruction of justice that colored the entire Watergate era, BOB MCCLORY had the guts and the courage along with TOM RAILSBACK and along with a few other members on the Republican side, to formulate articles of impeachment, and this was a heart-wrenching act for them to do. When they celebrate the anniversary of Watergate, it is usually the chairman of the Judiciary Committee that is interviewed by the press and they ask, "What do you think after so many years? How do you feel?" And "You were the person and you Democrats preserved the Constitution."

Forgive me, I mean no disrespect to Mr. RODINO or to the Democrats, but the Constitution was preserved, if indeed it was ever threatened, by people like BOB MCCLORY and TOM RAILSBACK, who as Republicans were willing to stand up and put justice ahead of partisanship. This body is the most partisan body I have ever seen in my life. It is difficult to imagine the partisanship. It is part of the air we breathe; but when it came to the Watergate situation, when it came to honor and to justice, BOB MCCLORY, TOM RAILSBACK, and other Members of the Republican side put down the partisanship and, believe me, those hearings reeked of partisanship. Those people were after President Nixon. There is no way he could escape. They were salivating for his scalp. In that atmosphere, to let a sense of justice prevail is a tribute to rare qualities that BOB MCCLORY and TOM RAILSBACK possessed in abundance.

BOB MCCLORY brought dignity to the job of being a Congressman, where so often it is undignified, where we so often play the game of criticizing ourselves and our jobs as politicians, and how we spit that word out.

BOB MCCLORY brought dignity. He brought class to the important post of representing half a million people here in Congress. He loved being a Congressman and he did it very, very well.

I just say in closing about all four of the Illinois Members who have been victimized by artful cartography, as I have been blessed by artful cartography, that the burden of our State is the loss of these irreplaceable men. The glory of our State is that we had them so long.

Mr. MICHEL. Well, the gentleman from Illinois says it so beautifully. I am so happy that he made mention of the tremendous job that both BOB MCCLORY and TOM RAILSBACK did during those very, very trying days of the Watergate proceedings.

I know personally of the times that they had come to me, very distraught over what kind of a decision they had to make consciencewise and in committee on a day-to-day basis, always in that search for truth, what really did happen, how far should we go, what is our obligation here. They surely acquitted themselves well.

I am so happy that the gentleman made the specific reference to it, because they will always be noted for the contribution they made at a very critical time in our history.

I am happy to yield to my dear friend, the gentlewoman from Illinois.

Mrs. MARTIN of Illinois. The two gentlemen that the gentleman in the well and Congressman HYDE talked about are my neighbors. They are both good neighbors, indeed. We have shared, the three of us together, similarities in our districts as we try to serve the people there. Each does it, I think, in his own way.

Congressman MCCLORY is courtly in an age where that great virtue has often been lost.

Congressman HYDE talked about dignity, but there is an additional charm to it. There is both a finesse and in the best sense of the word a sophistication, without losing that basic American ability to be down home. He is able to be at the diplomatic level almost as an ambassador from this parliament to the other parliaments of Europe and, indeed, around the world.

Unlike many Americans, he has command of other languages so he can also speak, but he comes back home and talks not at the people or down to the people, but with the people he has served. He has been as that neighbor always helpful to me, and, indeed, as Congressman CRANE suggested, I took part of a district from him for a while and I think that when they would go in in 1980, they were always disappointed that they could not vote for BOB MCCLORY but took the second best and stayed with a Republican and so helped me win in 1980.

To the south and to the west, Congressman RAILSBACK, whom again I really have not known for a long time, but I did know TOM before I got here, because he called and asked if I could help in a campaign, something I think TOM does. "Can I help? How? What can I do?"

It is done with grace, done as if it is a light thing that he offers. He has done it to everybody in the delegation. TOM has more friends on both sides of the aisle than perhaps any other Member of the House. All of us expect free dinners from him now that he is going to be a lobbyist. He is the one that we will let Common Cause go crazy about. I hope TOM is listening, because as the junior Member of the delegation, I am setting up weekly dinners for the Illinois delegation alone, so you can all really be jealous of this marvelous delegation and we will, of course, stick TOM with the check on regular basis. He will probably even like it a little. He is a friend, a man whose love of country, the family, and the things that make worrying about tomorrow as important as what we do today, that is just a part of his life. He has taken some hardships and some knocks well. His grace in losing matches his ability when he won.

Congressman HYDE has talked about artful cartography, which is reminiscent of the Artful Dodger in Dickens.

He quoted a line from Camelot, but the original Camelot musical was based on a book called the "Once and Future King" by a rather strange and marvelous writer who has since died. It is a tetralogy and at the end of the first book of the tetralogy is perhaps one of the great lines in modern literature that describes what happened to these four people with the remap not of their own making, and that line is short. It says, "In tragedy, innocence is not enough."

Mr. MICHEL. I thank the gentlewoman.

I yield to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Speaker, after 32 years as a legislator—20 as a Member of the House of Representatives—ROBERT MCCLORY will soon be returning to private law practice. If he has half the success in his new association as he has had in representing the people of Illinois 13th District, the firm will have a host of satisfied clients.

BOB won his election races handily because he has cared about the people. He has worked tirelessly to solve their problems and to represent them. He has given the same brand of dedication to his service on the Judiciary and

Intelligence Committees, and I know he will put as much zeal and hard work into his new endeavors.

I wish my good friend Godspeed and say in all sincerity that he will be sorely missed.

Mr. Speaker, when my good friend from the Illinois State Legislature, TOM RAILSBACK, was elected to the House of Representatives 16 years ago, this body gained a fair, independent-minded expert in constitutional and criminal law. I regret that we will be losing him when the 97th Congress adjourns.

TOM has always been one who is willing to stand up for the things in which he believes, as his record in Congress clearly shows and as my colleagues have commented in his service on the Judiciary Committee, particularly during the Watergate hearings. He has put his heart and soul into his work on the Judiciary Committee and in serving the people from the 19th District of Illinois, and he has applied his knowledge of our Constitution in the crafting of legislation embodying constitutional principles regardless of their committee origination. For this, we can all thank him.

His departure to the motion picture world is good news, however. Movies will be better than ever.

● Mr. ZABLOCKI. Mr. Speaker, it is a special privilege to join my colleagues in paying tribute to a distinguished senior Member of this body (Mr. MCCLORY of Illinois) on the eve of his retirement.

BOB MCCLORY is much more than the ranking member of the Committee on the Judiciary. His knowledge and influence in a variety of areas has been an important, often behind the scenes, factor in the legislative process. It has been my privilege to serve with him on the Select Committee on Intelligence, where his practical good sense and sound judgement have been highly valued. As a past delegate to the Inter-Parliamentary Union (IPU), he has also brought new perspectives and insights to the foreign policy process and has made an important contribution to House debates on foreign affairs legislation.

In his 20 years of service to this body, BOB MCCLORY has demonstrated those qualities of quiet and effective leadership, which have made an impact on our proceedings quite disproportionate to the public recognition he has received. He is, in fact, a man of intelligence, integrity and experience—whom we will lose with a sense of high appreciation mixed with regret.

I join his many friends, both in this Capital and in the great State of Illinois, in wishing him and his family the rewarding and enriching retirement which he so clearly deserves.●

● Mr. GILMAN. Mr. Speaker, it is a privilege to rise today to honor the distinguished gentleman from Illinois who has served his State and this Nation so well for so long. The land that gave this Nation Abraham Lincoln has given us, through this gentleman, once again distinguished leadership and service.

The loss of TOM RAILSBACK is a big one for the House. I had the privilege of working closely with him in his position as the ranking minority member of the Select Committee on Narcotics. I came to admire his wisdom and effective leadership on this committee, as well as his behind-the-scenes work on important legislation coming before the House. We lose not only a keen legal mind, we lose as well a courageous gentleman, always ready to stand up for principle and the good of the country as a whole. His battle to protect the integrity of the Presidency and to assure that elections reflect the true voice of the people are examples of his perseverance and his dedication to his convictions for what is best for the Nation, regardless of political expediency.

He fought hard to represent all the interests of his district, and they have lost a true champion in the Halls of Congress. We in the Congress have lost a true workhorse.●

● Mr. LAGOMARSINO. Mr. Speaker, I rise to offer special recognition for the service to the Congress of the United States by my colleague and good friend on the Foreign Affairs Committee, PAUL FINDLEY.

I have worked with PAUL on a number of serious issues which have faced our committee, including the historic and significant legislative effort embodied in the Nuclear Nonproliferation Act of 1978. His leadership on that legislation was an important element in securing the overwhelming support of the 95th Congress for that measure.

PAUL's conscientious devotion to duty has led him to fight for the principles in which he believes and to carry the interests of his constituents before this body, even in opposition to his own party's policies when he has believed them to be contrary to the interests of the citizens of his district. His devotion to principle, however, has not meant simply choosing the popular, partisan political choice. He has searched for peace in the Middle East in a very personal and direct manner. He is to be commended for his efforts and for his willingness to undertake such a challenge even at the risk of finding disfavor at home. He won the respect and the admiration of his colleagues on the committee and in this House for his efforts. His absence next year will be a serious loss for all of us who looked to PAUL for his leadership on this and other vital issues.

As he concludes his service to the Congress and to people of his district, I want to join my colleagues in wishing him every success in the future and to assure him that his efforts and achievements in this House will not be forgotten.

Again, to Congressman PAUL FINDLEY, I offer my sincere congratulations for a job well done and my best wishes for the future.●

● Mr. LAGOMARSINO. Mr. Speaker, I rise to pay special tribute to my good friend and colleague on the Committee on Foreign Affairs, the Honorable ED DERWINSKI.

During his years on the Foreign Affairs Committee, ED DERWINSKI has brought his intelligence, his discipline, his sharp mind and his even sharper wit to the demanding issues we have faced. His insight and guidance on foreign policy matters have served administations of both political parties, and he has never shirked his responsibility to enlighten and to educate America's diplomats in residence at the State Department in the necessary skills of their craft.

Aside from the impression ED has made with his wit and his amazing technicolor sports coats, he has gained the respect of his colleagues for his conscientious devotion to the principles in which he believes: Consistency in foreign policy, which protects American interests overseas and our national security interests at home.

Our committee and this House will not be the same without the gentleman from Illinois, our distinguished colleague, ED DERWINSKI. But we can all take heart that he will continue to perform an active role in the administration of our country's foreign policy in his new position at the State Department. You can be sure he will be heard from again. Not everyone will want to hear what he has to say, but he will certainly make his arguments clear and to the point.

Again, I want to recognize the valuable contribution ED DERWINSKI has made in the years he has served in this Congress and to wish him good luck and Godspeed.●

● Mr. LENT. Mr. Speaker, it is an honor and a privilege to join so many Members of the House in this tribute to four of our most distinguished colleagues who are leaving the U.S. House of Representatives at the end of the 97th Congress.

I want to thank our esteemed leader, (Mr. MICHEL), for making possible this special order today.

I think every Member of the House would agree that in the departure of ED DERWINSKI, PAUL FINDLEY, BOB MCCLORY, and TOM RAILSBACK the U.S. Congress and our great Nation suffer a severe loss.

Together, these four members of the delegation from Illinois have served a total of 80 years in the U.S. House of Representatives. It is dismaying to contemplate the accumulated wealth

of wisdom, judgment, experience, and legislating ability which will depart from the House of Representatives when our four colleagues from Illinois leave us.

Their dedicated public service has written an outstanding record of accomplishment and achievement; a record which is of great inspiration to each one of us. Their effective leadership, both in the committees on which they serve, and on the floor of the House has provided invaluable counsel and guidance to the Members of the House, and has resulted in improved public laws for our Nation.

Mr. Speaker, let me add this personal note. In the 12 years I have served the people of the Fourth Congressional District of New York I have had the privilege of enjoying the friendship of these four gentlemen from Illinois. I can testify personally that they each were always willing to take the time to give me the benefit of their knowledge and counsel. Their patience and good humor have been exemplary.

Mr. Speaker, our four colleagues from Illinois will be sorely missed by their friends in this Chamber, they will be sorely missed by the constituents they have served with such tireless devotion, but most of all they will be sorely missed by our Nation, whose best interests they have served so faithfully over the years.

I join with my colleagues in offering our warmest good wishes for the future to ED, PAUL, BOB, and TOM, and to express our hope that even though they are departing from our midst, they will return frequently to continue to give us all the benefit of their friendship, and their experience and knowledge.●

● Mr. SHUMWAY. Mr. Speaker, I deeply appreciate having this opportunity to pay tribute to four great Representatives from Illinois who unfortunately will be leaving this body at the close of the 97th Congress. Each in his own way influenced my own development as a Member of the House of Representatives, and all four were men I was privileged and proud to call my friends.

When I first entered Congress, TOM RAILSBACK made a mighty impression upon me as a very senior Member who treated a new freshman such as I was with great respect. He was never too busy to carry on a conversation, or to share his very worthy experience.

PAUL FINDLEY is a man I shall always admire for being a great scholar, particularly concerning the life and accomplishments of Abraham Lincoln. I have always been impressed and amazed that he found the time to research his indepth biography of Lincoln while carrying the congressional load.

While ED DERWINSKI will be remembered for many very noteworthy accomplishments, I personally shall always treasure his wonderful sense of humor. He could bring a note of badly needed levity to even the most acrimonious debate, and he taught us not to take ourselves too seriously.

I have a profound and deep respect for BOB MCCLORY'S knowledge on judiciary matters, and I have always found myself being guided by his vote on issues originating in the Judiciary Committee. His background and viewpoint concerning law and order have been a source of inspiration.

All four men left a mark on the House of Representatives. They have served their respective constituencies and the entire Nation with honor, and they will be badly missed.●

● Mr. ZABLOCKI. Mr. Speaker, I am pleased to join my colleagues in honoring the congressional service of a distinguished member of the Illinois delegation (Mr. RAILSBACK).

In his 16 years in the House, TOM RAILSBACK has compiled an impressive record of legislative accomplishment. Although best known, perhaps, for his work with the Judiciary Committee, and the prominent role he played in the 1974 impeachment hearings, it is worth noting that he has been active in many different fields of legislative activity: He has served on the Select Committee on Narcotics Abuse and Control and on parliamentary exchange programs with France, Germany, and Japan. As a member of the Republican Task Force on International Economic Policy, he has made a valuable contribution to House debates on foreign policy legislation.

TOM RAILSBACK has had a vitally important interest in—and influence on—the youth of this country, and I believe this aspect of his service deserves special recognition. In 1974, he was the principal architect of the Nation's first comprehensive juvenile justice legislation, which stands as a landmark in its field.

He is obviously a man of many parts, talents, and interests, which I know will serve him well in his future endeavors. I join my colleagues in wishing him all possible success in his forthcoming career, which I hope and trust will include further public service to this Nation.●

● Mr. ANNUNZIO. Mr. Speaker, it is a genuine pleasure to join the distinguished minority leader, Congressman BOB MICHEL, and my colleague, the Honorable JOHN ERLENBORN, in paying tribute to the Honorable ROBERT MCCLORY, who has represented the 13th District of Illinois in the House of Representatives for the past 20 years. His dedication to high standards is an inspiration to his friends and fellow citizens, and his accomplishments as a Member of the U.S. House of Representatives are most commendable.

BOB has devoted his life to public service, and served in the Illinois General Assembly for 2 years before being elected to the Illinois State Senate in 1952, and again in 1956 and 1960. He also has served in the U.S. Marine Corps Reserve, and was elected to Congress in 1962.

During his tenure in the House of Representatives, BOB MCCLORY has distinguished himself while serving as the ranking minority member of the House Judiciary Committee, and as a member of the House Select Committee on Intelligence. He was of invaluable assistance in securing the passage through Congress of the legislation making Columbus Day a national holiday as well as my bill to grant a Federal charter to the Italian American War Veterans of the United States. I am privileged to have BOB as my personal friend, and his actions in these committees reflect a record of excellence and creative accomplishments, and are most worthy of recognition.

BOB MCCLORY is a Congressman of outstanding ability, who has provided exemplary service to his constituents and to our Nation. He is a fine legislator and a human being of great compassion, who will be missed by those of us in the House of Representatives who have enjoyed working with him and who know the pleasure of his company.

I extend to my respected colleague, ROBERT MCCLORY, my regards and best wishes for his continued success in future endeavors as well as a healthy and happy retirement.●

● Mr. GILMAN. Mr. Speaker, although I am saddened to see the departure from Congress of ROBERT MCCLORY, I salute Congressmen MICHEL and ERLENBORN for reserving this time for us. I certainly want to take a few moments to recount for my colleagues some of the achievements of BOB MCCLORY.

Since BOB'S election to the House of Representatives in 1962, he has been a devoted and tireless worker on the Judiciary. He was an active participant in the impeachment hearings of President Richard Nixon, and authored one of the three articles of impeachment reported out by the full committee. So it has only been through his true devotion to the integrity of this Nation, and the application of honest principles that BOB has attained ranking minority member status of the Committee on the Judiciary.

Congressman MCCLORY'S service to the people of the 13th District of Illinois has been devoted and tireless. Certainly, Mr. Speaker, 20 years in this Chamber represents an enormous achievement, not only in the changing nature of this country over the last two decades, but in the changing needs of the many individuals who comprise a congressional district. Yet, through it all, ROBERT MCCLORY has maintained a close relationship with

his constituents, and I am certain that the many bonds of friendship that he has forged over the years will resurface now with expressions of appreciation and good will.

I wish BOB and his wife Doris all the best in the coming months and years, and hope that he will continue to give us the benefit of his wise counsel. Certainly, I remember the time BOB spent in my area at the Minnewaska Mountain region. I hope that he will continue to visit us in the future. And looking toward the future, I would also hope for his participation when the omnibus immigration bill is considered, should it not be dealt with before the end of this Congress. Whether in the aisles of this Chamber or in the Halls of the Capitol, I look forward to working with BOB in the years ahead.●

● Mr. ANNUNZIO. Mr. Speaker, I am honored to join my colleagues from Illinois, the Honorable House Minority Leader ROBERT H. MICHEL, and the Honorable JOHN N. ERLENBORN, in tribute to my good friend, the Honorable EDWARD J. DERWINSKI, who is leaving the House of Representatives at the end of the session after serving 24 years.

ED DERWINSKI was elected to the 86th Congress in 1958 and has given dedicated and devoted service to his constituents of the Fourth District of Illinois. He has compiled a splendid record of excellence and outstanding ability as the ranking minority member of the House Post Office and Civil Service Committee, and his diligent efforts as one of the ranking minority members of the House Foreign Affairs Committee have been both fruitful and beneficial to the citizens of this Nation.

Few men have given more of themselves to good government, or have a more compassionate understanding of human problems than has ED DERWINSKI, who served in the infantry in the Pacific theater of operations during World War II, and also served in the Illinois General Assembly as a State representative in 1957 and 1958. He was a delegate to the 26th annual meeting of the United Nations General Assembly in 1971, was Chairman of the U.S. Delegation to the Interparliamentary Union in 1971–72, and was treasurer of the U.S. delegation and member of the Executive Committee of the Interparliamentary Union.

ED has been in the forefront of efforts to implement meaningful solutions and effective action on behalf of individual citizens. He is a fine legislator and a distinguished leader, and his companionship and good humor will be missed here in the House of Representatives.

I extend to EDWARD J. DERWINSKI, my best wishes for continued success in devotion to the highest principles as he assumes the post of Counselor of the Department of State.●

● Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues, the distinguished minority leader, Congressman BOB MICHEL, and the Honorable JOHN ERLENBORN, in paying tribute to the Honorable PAUL FINDLEY, who has been a dedicated Member of the House of Representatives for the last 22 years. His tireless efforts on behalf of his constituents in the 20th District of Illinois, and on behalf of the citizens of the United States, are both respected and admired, and are most worthy of recognition.

Before coming to the Congress, PAUL ran a printing and publishing business and was the publisher of a weekly newspaper. He is a World War II veteran, and was first elected to the House of Representatives in 1960.

PAUL FINDLEY has served in the Congress with diligence and distinction as a member of the House Foreign Affairs Committee and as our Illinois member of the House Agriculture Committee. His interests in international relations, and in securing freedom and peace, are reflected in his role as chairman of the House Republican Committee on Western Alliances from 1965 to 1968, and as chairman of the House Republican Factfinding Mission to Paris in 1965.

PAUL has attended many sessions of the annual NATO Parliamentarians Conference as a delegate, and also as a delegate at the North Atlantic Assembly, where he compiled splendid records of achievement.

PAUL is a fine legislator, a dedicated and devoted American, and a Congressman of great ability and skill. He will be missed by all of us in the Congress.

I extend to PAUL FINDLEY my best wishes for success in all his future endeavors as he continues his life of service.●

● Mr. DERWINSKI. Mr. Speaker, it is an honor for me to join with the other members of the Illinois delegation in eulogizing our four distinguished colleagues who will retire from the Congress at the close of this session. Each in his own way has very effectively contributed to the legislative process which, in turn, has lead to the progress and improvement of our country. Our work together in Illinois State matters has always risen above partisanship. These colleagues, each in their own capacity, has made a positive impact on programs which have contributed to the well-being and the progress of the State and Nation. My four colleagues are dedicated public servants in the best sense of the word.

I served with JOHN FARY in the Illinois State House before we both came to the Congress. As a matter of fact, JOHN was a member of the Illinois General Assembly for 22 years before coming to Washington. He was recognized as an outstanding legislator in State government and was always a constructive and truly conscientious public official. He followed his predecessor in the Congress, John Kluczynski in serving on the Public Works Committee. The revitalization of Midway Airport is largely due to JOHN FARY's hard work. JOHN has served as one of the effective and truly knowledgeable Members on issues concerning highway transportation and air safety, and as such, he is recognized as a conscientious and productive member of the Public Works Committee.

PAUL FINDLEY has been a dynamic leader in the Congress for the past 22 years, having served on two major committees—Foreign Affairs and Agriculture. In my opinion and as I am sure the Members will well agree, he is an outstanding spokesman on issues in the area of agriculture. His hard work and special interest in agricultural matters has made him a strong leader for improving the quality of life for the American farmer. PAUL is a sound and responsible Member who has made a great impact on effective legislation. He has been especially interested in the Food for Peace and humanitarian and refugee programs. He is a dear friend with whom I have worked closely on issues that have come before the Foreign Affairs Committee. PAUL is a serious, constructive, and thoughtful individual who executed his duties with great distinction.

BOB MCCLORY has an extra dimension which few Members realize. We all know of his very important and effective service as ranking member of the House Judiciary Committee, but not many are aware of the long years of extra service he has provided to the U.S. delegation of the Interparliamentary Union. The Interparliamentary Union is the oldest and most broadly representative interparliamentary association in the world. BOB has done an excellent job in contributing to the IPU's Committee on Education, Science, Culture and Environment. He has provided the research in the areas of health, communication, education, and humanitarian efforts. During his entire service in the Congress, BOB MCCLORY has represented the Congress and the United States at the annual conferences of the IPU, and over these 20 years, he has gained the respect of parliamentarians from around the world for his spirited participation in promoting international peace and cooperation at the IPU meetings. BOB is fluent in the French language which is an added extra in promoting personal contacts between Members of many Parliaments. BOB's effectiveness in his work on the House Judiciary Committee will long be remembered, as well as his great contribution to our international position.

TOM RAILSBACK has distinguished himself as a man of integrity and abili-

ty in his work on the House Judiciary Committee. TOM will be leaving the Congress to assume his duties at the Motion Picture Association of America, where he will continue to pursue his work in the area of copyright protection. TOM is recognized as an energetic legislator who has compiled an enviable record of achievement, and who possesses one of the most outstanding legal minds in Congress. TOM also served two terms in the Illinois General Assembly before his election to the Congress in 1966. I have found TOM to be a steadfast and effective Member who deserves a sincere word of gratitude from those who have benefited from his outstanding record of service.

Each of these distinguished colleagues has made a great mark in the Congress. I want to heartily congratulate all those retiring Members of the Illinois delegation for their handling of the responsibilities of their congressional assignments with intelligence and insight. The State of Illinois and the Nation have lost the services of these respected and dedicated public servants, but I wish to add my sincerest wishes to them and the members of their families for long and happy years in retirement. They will be missed, but their deeds and accomplishments shall be testimony to their service. The State of Illinois and our country are better for the service of these four able legislators.●

● Mr. BROOMFIELD. Mr. Speaker, it has been my pleasure to serve with PAUL FINDLEY in the House of Representatives since 1961. As PAUL prepares to leave this body at the conclusion of the 97th Congress, it is appropriate that we pay tribute to this conscientious legislator who has served his constituents and his Nation with dedication and vigor.

As a member of the House Foreign Affairs Committee, PAUL FINDLEY has taken a special interest in legislation dealing with famine prevention, world hunger, and title XII of the Foreign Assistance Act. These are programs that are now in place largely because of PAUL'S foresight and commitment to legislation that will help our foreign assistance programs serve the basic needs of the poor. He has sought, at the same time, through his legislative work and overseas missions, to promote foreign markets for U.S. agricultural commodities.

One of the hardest working Members of the House, PAUL authored seminal legislation to stem the dangerous spread of nuclear weapons. His deep concern for U.S. national security also stimulated his active interest in NATO. As a participant in the meetings of the North Atlantic Assembly, the gentleman from Illinois has sought to promote Atlantic solidarity and cohesion. PAUL'S uppermost goal throughout his years in the House has been to keep the alliance vital and invigorated.

It is my hope that the administration will find a place to utilize PAUL'S many talents and expertise in a manner that will permit him to continue serving the American people.

To PAUL and his lovely wife Lucille, I extend best wishes for success and happiness in whatever new challenges they undertake.●

● Mr. GILMAN. Mr. Speaker, I want to commend the Republican leader and Congressman ERLENBORN for ordering today's special order for some of our departing colleagues. Certainly, no finer Member can be found to pay tribute to than ED DERWINSKI of Illinois.

ED DERWINSKI was elected to Congress in 1958, and at the age of 32, must have been one of the younger members. He worked tirelessly at his committee assignments, Foreign Affairs and Post Office and Civil Service, and I count myself fortunate in having been able to serve with him on both of these committees. Over the years, ED has devoted himself totally to the defense and security of this Nation, and has been a valuable asset in the finest congressional bipartisan tradition. It can be honestly said that although ED may not have agreed with a particular piece of legislation that if it became law he worked to see its effective implementation.

As the second ranking member of the Foreign Affairs Committee, ED DERWINSKI has spent countless hours in the cause of freedom, both here and abroad. He has been a leader in the Captive Nations movement, a seemingly unrewarding task that continues on due to the intransigence of the Soviet Union. But ED has rewarded all of us by his presence and hard work on this committee, and we will sorely miss his wise and generous counsel. We can only hope that in future years we will be able to benefit from his vast experience when hopefully ED will serve as counselor to the Secretary of State.

As the ranking minority member of the Post Office and Civil Service Committee on which I serve, ED has tirelessly worked on behalf of the Nation's civil service employees. The Federal workers of this Nation have lost a true champion.

I thank ED for all the valuable input and assistance he has given me personally over the years, and I wish him and his lovely wife, Partricia, and their children, Maureen and Michael, only the best in the years ahead.●

● Mr. CARMAN. Mr. Speaker, it is my pleasure to join with my fellow Members of the U.S. House of Representatives to commend Illinois Members ED DERWINSKI, PAUL FINDLEY, BOB MCCLORY, and TOM RAILSBACK for their productive years of service in the U.S. Congress.

These men have accomplished so much that it is difficult to single out any one of their accomplishments over the others. However, I will especially note: Mr. MCCLORY'S work on the omnibus crime bill; Mr. FINDLEY'S efforts on the foreign aid program legislation; Mr. DERWINSKI'S guidance in developing the Foreign Service Act; and Mr. RAILSBACK'S efforts on the Juvenile Justice Act.

Their devotion as public servants will long be remembered by Illinois and the country.●

● Mr. CAMPBELL. Mr. Speaker, I am pleased with the opportunity to honor our good friend and distinguished colleague, TOM RAILSBACK. During his tenure in Congress, TOM has established himself as a leader and expert on many important issues facing our Nation. He is respected not only for his expertise, but for his hard work, independence, and integrity.

TOM RAILSBACK has played a major role in many important decisions since he was first elected to Congress in 1966. He has witnessed some turbulent years in our Nation's history and has assisted our country in weathering many crises. I am sure that the people of Illinois 19th Congressional District are appreciative and proud of the excellent representation they have received over the last 16 years.

I consider myself fortunate to have had the opportunity to serve with TOM RAILSBACK. His advice and guidance on many issues has proven to be invaluable. I especially enjoyed the opportunity to work closely with him during consideration of the Voting Rights Act.

Indeed, TOM will be missed by all of us who have been privileged to serve with him. He has left a lasting mark on this House and I am sure that he will be just as successful in his future endeavors.●

● Mr. RAILSBACK. Mr. Speaker, I would like to pay tribute to ED DERWINSKI, a distinguished Member of this body who is leaving after over 20 years of service.

No one has a finer wit than ED, and I feel that his ability to poke fun at himself, as well as everyone else, has greatly contributed to the more amicable proceedings of Congress.

But while ED has a wonderful sense of humor he is also a very effective legislator. While ED is generally regarded as a fiscal conservative in the area of foreign affairs he has demonstrated vision and foresight. He recognizes that our country has a responsibility toward the less fortunate in the undeveloped and developing countries, a position that he arrived at during his service as a member of the Foreign Affairs Committee. ED has a conciliatory attitude in dealing with foreign affairs which many of us respect, and we have followed his lead. ED has taken upon

himself the responsibility for making sure that American foreign policy actually works.

He has also been a leader as the ranking minority member of the Post Office and Civil Service Committee. In 1970 he helped manage a bill to create the U.S. Postal Service as a semiprivate corporation, removed from politics, and in 1978 he assisted in working out a compromise version of the civil service reform bill which makes civil servants more responsible to elected officials and to the public.

I am sorry to see ED leave Congress for I know that both his leadership and humor will be surely missed.●

● Mr. ANNUNZIO. Mr. Speaker, I rise today with my colleagues, the distinguished House Minority Leader ROBERT MICHEL, and Hon. JOHN ERLENBORN, to pay tribute to our Illinois colleague, Hon. TOM RAILSBACK, who is retiring from Congress at the end of this session.

TOM RAILSBACK's 14 years of service in the House and his diligent efforts as one of the ranking minority members on the House Judiciary Committee have been most beneficial to the citizens of Illinois and the United States. His outstanding dedication to high standards is an inspiration to his friends and fellow citizens and his record of excellence and creative accomplishments is most commendable.

The residents of the 19th Congressional District of Illinois can be proud of TOM's splendid record in Congress, and I can testify that he gave to them the best of his considerable talents as their Congressman while serving as the ranking member of the Judiciary Committee's Subcommittee on Courts, Civil Liberties, and the Administration of Justice, as a member of the House Select Committee on Narcotics Abuse and Control, and as a member of the Advisory Group on Impeachment in the 93d Congress.

TOM RAILSBACK served in the U.S. Army from 1957–59, and was elected to the Illinois State Legislature in 1962 where he served for 4 years as a State representative. He has also been a representative on the United States-French-German parliamentary exchange program, and as a member of the United States-Japan parliamentary exchange program.

TOM is a fine legislator of courage, integrity, and commonsense, and he will be missed here in the House of Representatives.

I extend to TOM RAILSBACK my best wishes for continued success in his life of service to his community and to his country.●

● Mr. ZABLOCKI. Mr. Speaker, an axiom we all seem to know but too seldom understand, says that a man's good work lives after him. Clearly, that is the case of my good friend and colleague to whom we offer special tribute here today, Representative PAUL FINDLEY of Illinois.

With the close of this second session of the 97th Congress, PAUL's service as a Member of Congress will end. What will not cease, however, is the lasting effect of his dedicated commitment to the Nation and the world.

Over the many years of our joint service on the House Foreign Affairs Committee I have worked with him closely and witnessed his ability to make unique and lasting contributions to legislation involving the important issues of the day.

One of the most significant of those contributions by PAUL FINDLEY was to the war powers resolution, a milestone of legislative accomplishment. Enacted over a Presidential veto some 9 years ago, it still ranks as one of the most significant achievements of Congress. Deeply involved in that effort—consistent, tireless, and astutely determined—was PAUL FINDLEY.

For his role in war powers and many other difficult foreign policy issues we on the Foreign Affairs Committee will always remember this man from Illinois who like Abraham Lincoln before him represented his district with courage and distinction. We will remember him, too, in the words of author Carl Schurz who once described Abraham Lincoln: "* * * he is a man of profound feeling, correct and firm principles and incorruptible honesty. His motives are unquestionable, and he possesses to a remarkable degree the characteristic God-given trait of this people, sound common sense."

To PAUL FINDLEY go my best wishes for his continued success in serving our Nation.●

● Mr. RAILSBACK. Mr. Speaker, the residents of the 13th District of Illinois have had the good fortune to be served for 20 years by a man of uncommon integrity—Congressman ROBERT MCCLORY. BOB MCCLORY was elected to Congress in 1962, and began to distinguish himself as a thoughtful, influential member of the House Judiciary Committee. Since 1977, he has been the ranking Republican on that committee. This year, in a display of his high regard for a colleague, JOHN PORTER, Congressman MCCLORY decided to retire. His retirement will leave a void in Congress and on the Judiciary Committee.

I have been lucky to serve with BOB MCCLORY on the Judiciary Committee. As a member of the committee during the impeachment proceedings against former President Richard Nixon, I came to admire BOB MCCLORY for his courageous stands and high level of integrity. He has served as a model for numbers of incoming Judiciary Committee members.

BOB MCCLORY has been a friend. When I suffered my throat injury while playing paddleball, no one showed more concern than BOB MCCLORY. I will never forget that.

He has had a distinguished career—as a lawyer, as a member of the Illinois House and Illinois Senate, and as an influential Member of Congress for 20 years. The State of Illinois should be proud of his service.●

● Mr. BOWEN. Mr. Speaker, while I regret that one reason for the special order today is the departure of the Member from the Fourth Congressional District of Illinois, I welcome the opportunity to pay tribute to my good friend and colleague, EDWARD J. DERWINSKI.

My association with ED has been on both the House Foreign Affairs Committee and the Interparliamentary Union delegation, and it is an experience which has been of great value to me. In my 10 years in the Congress I have come to regard ED DERWINSKI as one of the movers and shakers here—one of the real achievers in this body. He is a statesman and a credit to Illinois and to the Congress.

For 23 years ED DERWINSKI has represented the United States with distinction at IPU conferences. In a forum of parliamentarians from more than 100 countries of the world he was a leader and a man who commanded the respect of people of all political persuasions. He has been a member of the Committee on Foreign Affairs for 19 years and has made my 4-year service on that committee a far more valuable experience because of his wit, wisdom, and insight.

While the loss will be ours in the Congress at the departure of ED DERWINSKI, the gain will be that of the executive branch. I want to commend the President and the Secretary of State for selecting this man to be Counselor of the Department of State.

We all look forward to working with him in his important new capacity as he continues a distinguished career of public service to our Nation.●

● Mr. RAILSBACK. Mr. Speaker, Congressman PAUL FINDLEY has served in Congress for 22 years as the representative of a diverse, historic area of Illinois. It combines an important agricultural sector of our State and the seat of Illinois State government, Springfield. It is also literally the land of Lincoln, for this is the district Abraham Lincoln represented in Congress from 1847 to 1849. I think it is fitting that PAUL FINDLEY has represented this area. He has been an important spokesman for agriculture, serving farmers in his district well. He has also brought to Congress the spirit of Abraham Lincoln, for PAUL FINDLEY is a major Lincoln scholar.

He has long been a member of the House Agriculture Committee and he is a person others look to for his opinions on agricultural issues, and I have long valued his advice. I believe his

has been an outstanding voice in Congress for the betterment of farmers and the entire rural community. He also has served on the Foreign Affairs Committee, where he has made many contributions and shown tremendous courage.

I believe the 20th District of Illinois will miss the representation of PAUL FINDLEY in Congress. He has been an important spokesman for the people in the agricultural area surrounding his hometown, Pittsfield, and the district's small towns and cities. He deserves thanks for his 22 years of service.●

● Mr. DANIEL B. CRANE. Mr. Speaker, it is always a sad occasion to bid farewell to friends. But it is amplified when your friends have been trusted colleagues with whom you have worked side by side for years.

With the convening of the 98th Congress, we will welcome many new faces. Our newcomers, however, face a strong challenge in the legacy of achievement left by those whom we honor today.

The people of Illinois and the Nation have been extraordinarily well served by Representatives EDWARD DERWINSKI, PAUL FINDLEY, ROBERT MCCLORY, TOM RAILSBACK, and JOHN FARY. Our State has lost 90 years of experience and seniority in the House of Representatives by their retirement.

However, as much as we will miss these men, today is not a day of mourning. The new opportunities and challenges they face, and the time they will have to spend with their families, make us envious indeed.

I know I speak for every Member of this House in wishing them Godspeed.●

● Mr. MADIGAN. Mr. Speaker, I can cheerfully tell this House about my good friend, PAUL FINDLEY, the promoter, or about my good friend, PAUL FINDLEY, the historian.

The promoter has always been one of the most active Members of the House in encouraging development of foreign markets for American agriculture. I can recall spending 3 weeks with Mr. FINDLEY in the People's Republic of China in the spring of 1978, as part of the first agricultural trade mission seeking to open up that broad market for American farmers.

Years before that, he undertook his first agricultural trade mission to the Soviet Union, at a time when few thought the Soviets would ever become steady customers of the American farmer.

Now those two countries buy billions of dollars' worth of American farm products each year—partly because of PAUL FINDLEY'S vision, his promotion and his constant support in the Agriculture Committee and the Foreign Relations Committee.

PAUL FINDLEY, the historian, has written a fine study of the 2 years that Abraham Lincoln spent in this body during the Mexican War. In it, he has come to the conclusion that the divisive issues of the time forced Lincoln to grow substantially and that these 2 years in the House really started Lincoln on the road to the historic Presidency that began 14 years later.

The Findley biography is significant because it is done with the informed intuition that only a Congressman can bring to another Congressman's career. It has forced historians to reexamine the traditional beliefs about the importance of Lincoln's term as a Member of this body.

Mr. Speaker, all of his colleagues from Illinois will miss the contributions of PAUL FINDLEY, the promoter of trade; PAUL FINDLEY, the scholar; and PAUL FINDLEY, the friend.●

● Mr. GILMAN. Mr. Speaker, PAUL FINDLEY has demonstrated strong leadership in his commitment to ending world hunger during his years in this House. In 1975, Congressman FINDLEY amended the Foreign Assistance Act to add title XII, "Famine Prevention and Freedom from Hunger." This important new title created a program to strengthen the capacities of U.S. land-grant universities in agricultural development and assistance. The expertise of these U.S. land-grant universities would then be used to help establish agricultural extension services in developing nations to teach the small farmer improved farming methods and technology. Title XII programs have been established in scores of countries since 1975 and have contributed greatly to the ability of the people of the developing world to feed themselves. Mr. FINDLEY has personally traveled to some of these countries to encourage the faster and more effective implementation of title XII programs. He traveled to Ecuador earlier this year, for example, when the Agency for International Development signed a long-term agreement with Ecuador for a title XII program.

Mr. FINDLEY has been a long and active supporter of Public Law 480, title I and title II programs to provide U.S. agricultural commodities and foodstuffs to the malnourished and starving around the globe. Over the years, he has offered many amendments to improve these programs. Representative FINDLEY has worked closely with me on H.R. 4588, the Hunger Prevention and African Food Security Act of 1982, and in my efforts to offer major sections of this bill as amendments to the foreign assistance legislation of 1982. I will always be grateful for his assistance and hard work on this bill and on House Resolution 424, a bill I introduced to establish a Select Committee on Hunger. Mr. FINDLEY'S amendment to direct AID to focus on postharvest food storage, the lack of which has been a major source of food losses in the developing world, and to target additional Public Law 480 title I funds to development projects in U.S. aid projects was accepted by the Committee on Foreign Affairs and is a part of the 1982 foreign aid bill. For this work and for his other contributions to reducing global hunger, Representative FINDLEY received Bread for the World's Distinguished Service Award in 1982. He has made, and I am sure will continue to make, a crucial difference in the battle against hunger throughout the world.●

● Mr. CAMPBELL. Mr. Speaker, I am pleased today to be called upon to take part in this tribute to our distinguished colleague, PAUL FINDLEY. His 22 years of service to the Nation and the people of the 20th District of Illinois have been filled with many personal achievements.

As a member of the Agriculture and Foreign Affairs Committees, PAUL FINDLEY is noted for his hard work, insight and expertise on many issues. Although he has made many difficult decisions during his tenure in Congress, he has always stood firm on his beliefs and principles.

I am confident that PAUL FINDLEY will continue to be successful in the future, as he has in the past. Indeed, he will be missed in this body.●

● Mr. BROOMFIELD. Mr. Speaker, I want to join with the Illinois delegation and his many friends in Congress in expressing my regret at the departure of ED DERWINSKI as a Member of Congress.

As the ranking member of the House Foreign Affairs Committee, I know what a unique contribution ED has made as a member of our committee in working for a bipartisan foreign policy.

He has distinguished himself as an effective spokesman for our country at interparliamentary meetings around the world.

As the ranking member for many years on the Post Office and Civil Service Committee, ED has provided strong leadership and made many valuable contributions in this important area.

It is my understanding that the administration will utilize ED's talents in the State Department where his expertise will be a valuable asset to our country.

I extend best wishes to ED and his family in his new assignment.●

● Mr. CAMPBELL. Mr. Speaker, I am pleased to have this opportunity to talk about my friend, the Honorable EDWARD J. DERWINSKI of Illinois. During our tenure together in Congress, he has proved an able and valued colleague.

Until the age of 30, ED had never considered a political career, being content to serve as president of the family savings and loan. When the op-

portunity to run for the Illinois House presented itself, he ran a vigorous campaign without the aid of local party leaders who refused to endorse him, believing his background made him an unlikely primary winner. He won in an upset and discovered that politics was in his blood. Two years later ED was chosen to replace Congressman William McVey who had died in office and his conservatism and involvement with ethnic affairs made him a familiar and popular figure in the district.

A proud Polish-American, he also took an interest in national ethnic issues. In 1961 he served as chairman of the Republican Big City Committee, Ethnic Division and later became chairman of the Nationalities Division of the Republican National Committee.

ED DERWINSKI's finest achievements are in the area of foreign affairs. As a central figure on the Foreign Affairs Committee, he probably kept alive the congressional tradition of bipartisan foreign policy more than anyone else in the House. While working closely with the Democrat chairman, he was able to forge fair and workable legislation without compromising his own attitudes toward left-wing governments.

His achievements, however, are not limited solely to foreign affairs. As ranking minority member of the Post Office and Civil Service Committee, ED worked with the Democrats to fashion a compromise version of the civil service reform bill. Without his work, this bill, which for the first time moves in the direction of making civil servants more responsible to the elected officials and the public they are supposed to serve, would never have received enough votes to pass.

ED DERWINSKI will be sorely missed by all of us. His witty debating style and keen instinct for the tactics of the House floor have earned him a reputation as one of the shrewdest of the Republicans. In sum, both his career and the man himself are best described by a phrase he often used himself. He urged his colleagues to be "responsible and international-minded." He set an outstanding example for us all.●

● Mr. MCCLORY. Mr. Speaker, as one who is also leaving the Congress at the end of this session, I rise to pay tribute to my fellow retiree from Illinois, Congressman TOM RAILSBACK.

TOM RAILSBACK is a very special colleague whose place beside me on the House Judiciary Committee attests to his long tenure here in this body and his devotion to the administration of justice with which the House Judiciary Committee is primarily concerned. TOM RAILSBACK has brought to the committee and to the Congress a long experience in the practice of law and in the affairs of government as a former member of the Illinois General Assembly.

TOM's expertise in recent years has centered on the subject of our Federal and State courts systems and, more particularly, on the critical subject of corrections. The increase of crime in our Nation is closely associated with our inadequate efforts to rehabilitate or reform those who commit criminal offenses.

TOM has recognized the close relationship which the trafficking of drugs and drug addiction have with the high incidence of crime. As ranking member on the Select Committee on Narcotics, TOM RAILSBACK contributed substantially to the legislative efforts to control trafficking in narcotics and other dangerous drugs and in improving the criminal justice system which deals with drug related as well as all other criminal offenders.

TOM RAILSBACK's interests ranged broadly to cover the whole spectrum of subjects with which the Judiciary Committee deals. TOM is a recognized expert on copyright and trademark law.

TOM also has assumed a position of leadership in dealing with these subjects as they are affected by the rapid expansion in communications, including primarily the impact of cable television and its transmission of copyrighted materials.

TOM's interest has been directed as well toward the field of antitrust law where he has taken a position consistent with the promotion of competition in our private enterprise system, while protecting the best interests of the American consumer.

Mr. Speaker, TOM RAILSBACK's career in this House comes to an abrupt close with the result that the State of Illinois and the Nation will be the losers. I should add that TOM's failure to win renomination and re-election are the result primarily of a highly partisan and grossly unfair redistricting plan which has been perpetrated on the citizens of Illinois in a manner quite inconsistent with the principles inherent in the Baker against Carr case. Indeed, all four Republican Members of the U.S. House from the State of Illinois may credit their retirement from this body to the congressional redistricting plan developed by a partisan sponsor, the Democratic leader of the Illinois House of Representatives, and promoted from the bench by an activist Democrat Federal judge. I make this statement with regret that such an event has transpired, but with full recognition of the accuracy of this observation.

Mr. Speaker, I join TOM RAILSBACK's other colleagues in wishing him every success in his return to private life and particularly as he assumes a prominent position as executive vice president of the Motion Picture Association, the office which he will assume following the termination of his service in the 97th Congress.●

● Mr. ZABLOCKI. Mr. Speaker, it is both with a sense of appreciation and deep personal regret that I join my colleagues today in saying farewell to a truly outstanding Member of this body, the gentleman from Illinois (Mr. DERWINSKI). During his 20 years of distinguished and dedicated service to the Committee on Foreign Affairs, he has compiled an enviable record of legislative accomplishment and has left a strong and lasting imprint on the day-to-day process of foreign policy debate, both in the committee and on the House floor where, in my judgment, he has few peers.

In the months and years ahead, we will sorely miss ED DERWINSKI' sound judgment, his rare political acumen, his incisive wit, his unique sense of humor (which has elevated the use of sarcasm to a new art form) but above all, we will miss the high sense of responsibility which he has brought to the foreign affairs process over the years in defending and promoting the best interests of this Nation.

It is, in fact, heartening to know that our loss will be the State Department's gain and that his formidable talents and sage advice will be available to the Secretary of State during this critical period in international affairs. To Secretary Shultz and his key foreign policy advisers I would merely add that the "counsel" of this "Counselor" is worth heeding at all times.

During his long and honorable tenure on the Foreign Affairs Committee, ED DERWINSKI has served on numerous subcommittees—most recently as the ranking minority member of the Subcommittee on International Operations, where he has developed a keen awareness and expertise in the worldwide operations of the Department of State and the U.S. Information Agency (now renamed USIA, instead of ICA, as a result of his initiative). He has been a staunch defender of U.S. national security interests and a consistent and effective supporter of the broadcasting mission of Radio Free Europe and Radio Liberty. In promoting these important U.S. Government interests, as I have stated on numerous occasions, we may sit on opposite sides of the aisle, but we are by no means "Poles apart."

Finally, I would particularly like to commend the gentleman from Illinois for the important contribution he has made, over the years, to the work of the Inter-parliamentary Union. Not only has the gentleman served as an officer of that organization, but he has consistently and vigorously defended U.S. and Western positions in that sometimes "lonely forum"—often against great odds and in circumstances where the U.S. delegation has been notably at a disadvantage.

He has also served, with great distinction, as a delegate to the United

Nations General Assembly. In all such undertakings, he has advocated full and active participation by U.S. representatives, rather than withdrawal or boycott, as the most effective means of defending the U.S. interest—and I happen to share that general philosophy.

In short, life in this body will not be the same without the gentleman from Illinois and we will come to recognize, in due course, that we have lost something—and someone—of great and enduring value.

Therefore, I welcome this opportunity to express my personal appreciation for ED DERWINSKI's past service to the Committee on Foreign Affairs, the House of Representatives and the Nation—and also to wish him every possible success in his new and challenging assignment.

And I would like to emphasize that he takes with him to the other end of town our highest regard and our fullest and abiding confidence.●

● Mr. CAMPBELL. Mr. Speaker, it is with great honor that I join my colleagues today in paying tribute to the distinguished BOB MCCLORY. His absence from this body will surely be felt in the days ahead.

Since his election to the House in 1962, BOB MCCLORY has served with a vigor which is stimulating to those of us who have labored beside him. His work on the House Judiciary Committee has been characterized by a diligence and a thirst for the truth which mark the statesmen of history. As a lawmaker, BOB has always endeavored to know the complete story, rather than depend upon partisan feelings. In doing so, he has served the 13th District of Illinois, and our Nation, well. Indeed, his 20 years of service have been years of hard work and difficult decisions.

I have admired BOB MCCLORY's inspiration and his wisdom, which come only with the experience of service. So, it is with a feeling of personal loss that I bid farewell to my friend. I thank him for his years in this body, and wish him well in his future endeavors.●

● Mrs. HOLT. Mr. Speaker, when the new Congress convenes in January, we will be lacking the experience and skill of four Members from Illinois who made great contributions to our country during many years of service in this House.

I will miss the leadership provided by ED DERWINSKI, PAUL FINDLEY, BOB MCCLORY, and TOM RAILSBACK. The knowledge and talents of these four senior Members are considerable assets, and their absence will be a real loss to the work of the House.

In the Foreign Affairs Committee, ED DERWINSKI won universal respect as a spokesman for the cause of freedom, and he also gave us very sound leadership as the ranking minority member of the Post Office and Civil Service Committee.

PAUL FINDLEY joined ED DERWINSKI in serving with great distinction in the Foreign Affairs Committee, and also served in the Agriculture Committee.

In the Judiciary Committee, where BOB MCCLORY is the ranking minority member, he has consistently shown a commitment to high principle, and we have admired his objective and independent judgment. He has also served his Nation well as a member of the Select Committee on Intelligence.

The Judiciary Committee will also be losing the dedicated service of TOM RAILSBACK, and the Select Committee on Narcotics Abuse and Control will miss his leadership as its ranking minority member.

Mr. Speaker, the State of Illinois has contributed splendid public servants to our country through much of our Nation's history. The four men who are leaving us after this session join that distinguished list.●

● Mr. COUGHLIN. Mr. Speaker, I join my distinguished Republican leader and the Honorable JOHN ERLENBORN today in paying tribute to four outstanding Members of the Illinois delegation, who, unfortunately, will not be returning to the 98th Congress. These Illinoisans, ED DERWINSKI, PAUL FINDLEY, BOB MCCLORY, and TOM RAILSBACK, have given tirelessly to their constituents in particular and the Nation in general. I know for a fact of the countless hours they have each spent in representing their districts in the Congress to the best of their abilities.

Out of curiosity, I checked the lengths of service for each of these Members in the Congress. Altogether, these gentlemen have devoted 82 years of public service in the House of Representatives—almost a century of dedication to the Congress. In fact, the Members' congressional service averages out to 20 years each. Surely, it will be difficult to find another State in the Union which has sent such qualified men to represent their concerns in Washington nor a State which for years repeatedly endorsed their continued service.

I also consider myself lucky because I have had the privilege of working with each of these men. For years, I served on the House Judiciary Committee with BOB MCCLORY and TOM RAILSBACK, and believe that I was privileged to witness firsthand their knowledge of the judicial process and our Government's Constitution. Strong advocates of justice and equal rights for all, BOB and TOM were valuable allies for the cause of civil rights in the United States.

Although I did not serve on committees with either ED or PAUL, I have benefitted immeasurably from their expertise in foreign affairs, agriculture, and civil service. They have indeed left their marks on the statutes governing our country and citizens will remember their valuable contributions for the years to come.

When the 98th Congress convenes, it will be without the services of four Members from a single State who have contributed so much to their constituents and to all the people of this Nation. Their presence will be missed.●

● Mr. MCCLORY. Mr. Speaker, it is the with a sense of genuine sadness that I rise to pay tribute to my Illinois colleague, PAUL FINDLEY, who will terminate his congressional service at the end of the 97th Congress. Congressman FINDLEY's service here has extended over 22 years during which time he rose to positions of seniority on the House Agriculture and House Foreign Affairs Committees.

I have been particularly impressed by Congressman FINDLEY's understanding of the problems of American agriculture. He has sought to maintain a high level of independence for the American farmer and to liberate rural America from the schackles of bureaucratic regulations and controls. In this respect, I have consistently followed PAUL FINDLEY's lead. In so doing, I have witnessed farmers in my congressional district improve their economic position while at the same time they have increased their production and have helped bring reasonable prices to the American consumer.

Mr. Speaker, I recognize PAUL FINDLEY as a well-informed, highly intelligent, and most eloquent Member of this body. His service is deserving of appreciation by all Americans and his experience and expertise should be put to the maximum as he departs from this Chamber.●

Mr. MICHEL. Mr. Speaker, in wrapping up this special order in behalf of our four colleagues who will not be serving in the next Congress, I just want to say again how much in seniority we are losing in our Illinois delegation, a total of 82 years, better than 20 years per man average, and what that loss really means to our home State of Illinois.

Reference was made to the likeability of all four of these chaps who could make forays over onto the Democratic side of the aisle and make any number of friends on any given day on any given issue. As the minority leader, I have special, I guess, appreciation for those who can help garner votes on the floor of this House to eventually win the issue on any given day.

So I have to doff my hat to the tremendous service and the lives of these four individuals whom we have lost in Illinois as Members of our delegation, but who we shall always love and respect and revere as friends, newfound friends made in this body.

GENERAL LEAVE

Mr. MICHEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

INNOVATIVE AND CREATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. COLLINS) is recognized for 30 minutes.

Mr. COLLINS of Texas. Mr. Speaker, one of the greatest problems we have in Congress is the desire of Members to be innovative and creative. I remember when I was in college, they said the word "new" gains attention. Something new is always popular here in Congress.

But we have so many new laws that the public simply cannot afford them. As the Government tried to do more and more for all people, it reaches the point where you wonder how long it would be before Government controls it all. In our Government, where 44 percent of the GNP is going for taxes, you are coming very close to that point.

Abraham Lincoln once said "the Government should do for people what they are not able to do for themselves."

Thomas Jefferson once said that "the best governed is the least governed."

But today, every squeaking wheel in this country seems to need grease and the place to get the grease is up here in Washington. Congressmen up here have the best of intentions. Have you heard that "Hell is paved with good intentions." Well, the paving contractors are headquartered here in Washington.

Lets look at innovative legislation in energy. Recently Congress has been very keenly interested in developing synthetic energy. In fact, the total funds allocated were some $20 billion for synthetic energy. Today 75 percent of the energy in this country is furnished by oil and gas. Oil is something that can be produced within this country. Forty percent of the oil and gas. Oil is something that can be produced within this country. Forty percent of the oil rigs for drilling are now laying idle. It is also interesting that the desirable figure for synthetic energy would be to produce gasoline at $2.50 a gallon. Gasoline is selling at the pumps in filling stations throughout America at less than $1.25 a gallon. It raises questions about why the Government should be interested in producing synthetic energy at twice the price to consumers.

Review the regulations passed to take care of controlling the oil industry. At the time that they did this, which was in the early seventies, America was importing $3 billion of oil. As the Government continued to put more and more regulations and took more and more control of the oil industry, it raised the annual imports of oil to $100 billion. We have the energy resources right here at home. But all of these regulations and all of these laws were known as being innovative and creative. An oil company told me they completed 494 different Government forms.

Today with Ronald Reagan in the White House, we have reduced imports, but oil is still $81 billion in imports.

Instead of having more new regulations on the oil business in our country, let us move forward to deregulate natural gas. Remember, when we deregulated oil, the price of gasoline went down.

America has more Government than it wants. America has more regulations than it needs. America has more taxes than it can afford to pay.

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LEONARD GIAMPIETRO HONORED AS "MAN OF THE YEAR"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, I rise to call to the attention of my colleagues the most deserved recognition received by Leonard Giampietro, vice president of the Exchange National Bank in Chicago, who was honored as "Man of the Year" by the Italian American Chamber of Commerce at its Diamond Jubilee Dinner Dance on November 27, 1982. Also at that time, Dr. Claudio Ferrari, Consul General of Italy in Chicago, bestowed one of the Republic of Italy's highest civilian awards on Mr. Giampietro, the decoration of Cavaliere Ufficiale, Nell'Ordine Al Merito (Knight, Officer's Rank, in the Order of Merit), in recognition of his dedication and commitment to civic and humanitarian endeavors.

Leonard has been with the Exchange National Bank for the past 25 years and is currently assigned to its Commercial Business Development and Conservation Department. He is an immigrant from Italy born in Mola di Bari, and was educated at Chicago's Wells High School, the University of Illinois, and the American Institute of Banking. His wife, the former Anna Fanizza, is also a native of Mola di Bari, and they now make their home in Glenview, Ill.

As an outstanding leader in Chicago's Italian American community, Leonard is known for his work as a trustee of the Joint Civic Committee of Italian Americans, a member of its executive committee, and is also a member of the JCCIA's Anti-Defamation Committee. He has served as president of the Italian American Chamber of Commerce for the past 3 years and is now on the board of directors and chairman of the executive committee.

Leonard Giampietro is a director of the Italian Cultural Center in Stone Park, serves on the advisory board of Villa Scalabrini, the Italian Home for the Aged in Northlake, Ill., and is a member of the Italo-American National Union. He also is the founder and first commander of the Italian American War Veterans, Victor A. Arrigo Post.

In 1980, Leonard served as chairman of the Italian Earthquake Committee which raised a quarter of a million dollars for the reconstruction of the stricken area. In 1980, he was chairman of the Agnelli Foundation's Exhibit, "Italy Today," at the Chicago Museum of Science and Industry, and is now chairman of a special civil committee that is developing plans for a sister city relationship between Chicago and Milan, Italy.

I send my warmest congratulations to my good friend of many years Leonard Giampietro on these honors, and extend my warmest best wishes to him for many more years of inspiring service to our Chicago community in devotion to the highest principles.●

LOWERING THE COST OF CONDOMINIUMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

● Mr. STARK. Mr. Speaker, today, Congressman ARCHER and I are introducing legislation which will remove the necessity for costly condominium converters.

Mr. Speaker, for many people the dream of homeownership starts with the least expensive form of housing. Because of obvious factors, such as smaller unit size, economies of scale, and considerably less land, condominiums are often the most cost-effective and energy-efficient ownership housing available today.

Present tax laws treat condominium conversion in a curious way that encourages sales to professional converters and not to present tenants. If you own an apartment building and sell units to your tenants you are considered a "dealer" in real estate and must pay taxes on your entire gain at ordinary income tax rates, no matter how long you owned the building. However, if you sell the building to a professional converter you get capital gains on

the entire gain. Hence the law favors sales to a converter and not directly to tenants.

Because of this anomaly an entire conversion industry grew in the 1970's. Conversions are not an easy process. Experts are needed to handle the legal intricacies and the unique tenant-landlord problems. But instead of hiring a company on a fee-basis, conversion companies bought the building from the owner who then converted the buildings.

Converters typically get short-term loans pegged above the prime. To cover the cost of carrying the loan, they many times had to upgrade the building that made it possible to charge more for the units but invariably makes it difficult or impossible for present tenants to afford the units. This has caused the kind of displacement that has helped give conversions a bad name.

If the tax laws did not so strongly discourage apartment owners to convert their buildings themselves, several positive results would occur.

First, there would be no need to carry a large short-term loan. This would keep the conversion costs down and allow more tenants to buy their units. There would be less need to displace tenants during "upgrading" or to keep units empty for prospective buyers. It would be a lot easier to keep units as rentals—an entirely uneconomic situation for a professional converter. It has been estimated by the National Apartment Association that involvement of a middleman converter can raise the cost of a unit 25 percent. In addition, the presence of a professional converter purchasing a building almost always generates fear and uncertainty among existing tenants, especially the elderly. We believe the conversion problems could be significantly ameliorated if the present owner is involved in the conversions.

The legislation that I have introduced today with my colleague, the gentleman from Texas (Mr. ARCHER) would alter the tax treatment conversions making the Code less "proconverter." First, an owner would get capital gain up to the value of the building as an apartment rental. On sale to individuals, any amount received greater than the value of the building as appraised as a rental building, would be taxed at ordinary income tax rates.

I am confident that this bill has no revenue impact. It is only cutting out the middleman giving the owner the option to convert him or herself with a greater likelihood that the present tenants would be able to purchase the units and make more lower priced units placed on the market.

The text of the legislation is printed below.

H.R. 7334

A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of certain conversions of residential rental property into condominium units

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a) part IV of subchapter P of chapter 1 of the Internal Revenue Code of 1954 (relating to special rules for determining capital gains and losses) is amended by adding at the end thereof the following new section:

SEC. 1257. ELECTION TO TREAT CERTAIN CONVERSIONS INTO CONDOMINIUM UNITS AS SALES.

(a) GENERAL RULE.—For purposes of this title, at the election of the taxpayer—

(1) the conversion of any qualified residential real property into condominium units shall be treated as a sale of such property for an amount equal to its fair market value as residential rental property, and

(2) any gain determined under section (a)(1) shall be capital gain. Any additional gain determined upon disposition of the dwelling units shall be ordinary income. All such gain shall be recognized as from time to time realized in the same proportion that gain in the first sentence bears to the gain in the second sentence.

(3) Expenditures incurred in connection with improvements in the dwelling units while held by the taxpayer in anticipation of their sale, or pursuant to a contract of sale between the taxpayer and the buyer shall be treated as reducing that portion of the gain treated as ordinary income.

(b) QUALIFIED RESIDENTIAL REAL PROPERTY.—For purposes of this section, the term 'qualified residential real property' means any real property—

(1) which was residential rental property (as defined in section 167(j)(2)(B) in the hands of the taxpayer, and

(2) which, except in the case of property acquired by inheritance or devise, was residential real property held by the taxpayer for at least 5 continuous years immediately before the conversion into condominium units.

(c) *Fair Market Value Determinations.*—For purposes of this section, the fair market value of any qualified residential real property shall be determined as residential rental property immediately before the conversion and without regard to any substantial improvement made in anticipation of the conversion.

(d) SPECIAL RULES.—

(1) SECTION APPLIES ONLY WHERE GAIN RESULTS.—Subsection (a)(*1*) shall not apply if the application of such subsection would result in the recognition of a loss.

(2) BASIS ADJUSTMENTS.—The Secretary shall prescribe such regulations as he may deem necessary to provide for adjustments in basis to reflect gain recognized under this section.

(3) ELECTION.—An election under subsection (a) shall be made at such time and in such manner as the Secretary shall by regulations prescribe. Such an election, once made, may be revoked only with the consent of the Secretary.

(b) The table of sections for part IV of subchapter P of chapter 1 of such Code is amended by adding at the end thereof the following new item:

Sec. 1257. Election to treat certain conversions into condominium units as sales.

(c) The amendments made by this section shall apply to conversions after the date of the enactment of this Act in taxable years ending after such date.●

IRAQ SHOULD BE SUBJECT TO CONTROLS ON EXPORTS OF MILITARY-RELATED EQUIPMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 5 minutes.

● Mr. BINGHAM. Mr. Speaker, I rise to express my outrage that the Government of Iraq has welcomed the notorious terrorist, Abu Nidal, to Baghdad, and to urge that the State Department restore Iraq to its list of countries which have repeatedly demonstrated a pattern of support for international terrorism. Countries on this list are subject to controls on exports of military-related equipment which would enhance their ability to support international terrorism.

In the Export Administration Act of 1979, Congress established U.S. policy to use export controls to encourage other countries to prevent the use of their territories or resources to aid, encourage, or give sanctuary to those persons involved in acts of international terrorism.

Iraq, along with Syria, South Yemen, and Libya, was placed on the list when it was first formulated by the State Department in 1979. In an incredible move last February 26, the Reagan administration pulled Iraq from the list, saying that "Iraq's improved record warrants removal from this list." The Committee on Foreign Affairs disagreed that Iraq's record on terrorism had improved, and by a vote of 17 to 11 (on an amendment to this year's foreign aid bill, which has not yet come before the House) moved to restore Iraq to the list of terrorist countries.

In a letter on behalf of the President to 61 Members of Congress who protested removal of Iraq from the list of terrorist countries and a proposed sale of aircraft to Iraq, Kenneth Duberstein wrote:

The removal of Iraq from the list of countries supporting international terrorism is intended both to recognize Iraq's improved record and to offer an incentive to continue this positive trend. It does not indicate a shift from our commitment against international terrorism, which remains firm. We have publicly stated that, if future events warrant, we will reimpose controls on Iraq.

The administration's misguided action "to offer an incentive" to Iraq has backfired. President Saddam Hussein, no longer burdened by U.S. controls on exports of military-related equipment, is free to publicly declare, "we welcome any struggler such as Abu Nidal when he comes to Iraq." Any nation which would welcome the leader of the group which claims responsibility for this year's attempted

assassination of Israel's Ambassador in London and is a leading supplier of weapons to other terrorist groups surely must be restored to the terrorist countries list. Should the State Department fail to do so, it will gut the President's stance against international terrorism.●

TEMPORARY EMERGENCY SHELTER DEMONSTRATION PROGRAM ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. VENTO) is recognized for 10 minutes.

Mr. VENTO. Mr. Speaker, today I am introducing the Temporary Emergency Shelter Demonstration Program Act. This legislation provides a measured and moderate national response to one of the most tragic and growing housing problems facing this country. In city after city across the Nation there is an increasing number of people who are homeless, they have no shelter. The resources of cities, as well as nonprofit and charitable organizations, today are stretched to the breaking point. They have made a huge investment of time and energy and yet they have been unable to meet the demand for temporary emergency shelter.

The Congress has an opportunity to work with local governments and private organizations to insure that a basic requirement for human survival is not denied to any segment of our society. To ignore national responsibility would be a callous act, a disregard of basic human dignity. The tragic fact remains that without this kind of program more people today than at any time in recent memory will have no shelter from the bitter winter weather.

There are two trends which document the need for this program and demand our attention. The first disturbing trend is a marked broadening of the type of person who is homeless and has desperate need for temporary emergency shelter. The popular conception of a homeless person is an individual who voluntarily chooses a life on the street. Today, however, people who could not previously conceive of a situation where they would not have a place to live have been forced onto the streets, into cars, onto heating grates, into doorways and into caves along the river. Today, it is more likely than ever before that the person needing temporary emergency shelter is young; is relatively well-educated; is actively seeking and yet unable to find employment; possesses a stable work history; is a woman; or is the primary source of income for a family. Any opportunity they have for a more dignified existence has been thwarted by the deepest recession, yes a depression in many communities across America; by a 10.5 percent unemployment; by the scarcity of affordable housing, drastic reductions in social services, and increases in home heating costs and utility shutoffs.

The second is a disturbing increase in the number of people without a place to live, and in the number who are turned away from existing emergency shelters because of lack of space. Although it is almost impossible to arrive at an accurate count of the number of people without a place to live, a recent study estimated that in New York City alone there are more than 30,000 homeless people. In the first 7 months of 1982, the Dorothy Day Center in my district provided services to 500 people without any permanent address. In St. Paul, St. Mary's Hall which provides temporary emergency shelter has turned away 10 to 15 people each night since it opened on November 1. When a new shelter opens in a city, it finds that it is quickly filled to capacity and that the need for their service is far greater than was originally perceived.

I recently visited an emergency shelter and soup kitchen in my district and met one of the "new homeless." He was middle aged and uncharacteristically well-dressed in a suit and tie. He expressed his deepest appreciation for this meal, his first in 3 days. In talking with him I found out that he had worked all his life but recently lost his job. He had never received any public assistance but now found that he simply had no money, no place to live, and nothing to eat. While this is a single example, it is illustrative of the widening problem we face.

Homelessness is not a situation that defies a Federal remedy. Congress along with cities and private organizations can meet the most immediate and life-threatening needs of people who have no place to live.

My proposal would provide a Federal response in partnership with local governments and private agencies. The single most critical problem in providing this needed assistance is the lack of available space. And yet it is ironic that there are vacant or underutilized buildings in all of our cities which could serve as shelters. However, cities which are caught between reduced Federal assistance, and increased demand for social services, cannot hope to finance the rehabilitation of these existing structures into decent shelters. Charitable and religious organizations continue to do a valiant job in trying to provide the staffing for these shelters but they are even less able to finance the needed physical costs. My legislation would authorize $50 million to be distributed on a competitive basis for the rehabilitation of existing structures to be used as shelters. The religious or charitable organization would continue to administer and staff the shelters.

The Federal Government would provide a single grant to make the physical repairs and, therefore, would not be locked into a long-term subsidy.

My legislation requires rapid implementation and distribution of the assistance. It seeks to encourage the greatest possible amount of private contributions and voluntary effort. In addition, it provides that any rehabilitated structure would be used as a temporary emergency shelter for a period of at least 3 years, and in cases of substantial rehabilitation, at least 10 years.

The proposal has been considered by the Housing and Community Development Subcommittee and by the full Banking, Finance and Urban Affairs Committee. It was included in the housing reauthorization legislation earlier this year without a dissenting vote. I am pleased with the strong bipartisan support it continues to receive and I urge my colleagues to indicate their support by cosponsoring this legislation. I am especially pleased to have as original cosponsors of this legislation, the chairman of the Banking, Finance and Urban Affairs Committee, Mr. ST GERMAIN. In addition, the chairman of the Housing and Community Development Subcommittee, Mr. GONZALEZ, and two distinguished minority members of that subcommittee, Mr. WYLIE and Mr. MCKINNEY, are also original cosponsors.

The bitter cold winter weather has already descended upon the northern part of this Nation. The few existing shelters are full and have been turning people away each night. Swift action by Congress in the postelection session is needed to augment the efforts by charitable and religious organizations and to reduce the human suffering and even death which will undoubtedly be this winter's cold weather companion.

COMPETITIVE SHIPPING AND SHIPBUILDING REVITALIZATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Louisiana (Mrs. BOGGS) is recognized for 10 minutes.

● Mrs. BOGGS. Mr. Speaker, today 13 additional Members are joining as cosponsors of the Competitive Shipping and Shipbuilding Revitalization Act (H.R. 6979). This brings the total number of cosponsors to 78.

H.R. 6979 is intended to reverse the drastic decline experienced by the U.S. merchant marine and shipbuilding industry in recent years. Since 1950 the American-flag fleet's percentage of U.S. foreign commerce has shrunk from 42 percent to less than 4 percent of total foreign tonnage. H.R. 6979 would put an end to this decline and

would contribute to the revitalization of our merchant marine as well as our shipbuilding industry.

On November 3, the day after the national elections, the Journal of Commerce published an editorial in support of H.R. 6979. Calling the legislation a key to the future of the maritime industry, the editorial stated "its adoption could be a start toward rebuilding a foundering sector of the American merchant marine." Further, the editorial noted that—

If and only if, the industry can reduce its costs to a point where shipping bulk cargoes on U.S.-flag vessels is a profitable endeavor, then and only then will the U.S.-flag bulker fleet be revitalized.

This is the real basis for H.R. 6979.

I would like to share this Journal of Commerce editorial with my colleagues as well as a resolution adopted on November 17 by the Second Biennial National Shipbuilding Conference, sponsored by the AFL-CIO Metal Trades Department. This resolution endorsed continued active support for the American shipbuilding industry and our American-flag merchant marine.

[From the Journal of Commerce, Nov. 3, 1982]

A START FOR THE BULK FLEET?

The national voting is over and there are so many issues on the agenda of the lame-duck session of Congress it is a safe bet that only a few will be acted on. That will leave a variety of proposals, some more important than they might look, facing the new Congress when it meets next year.

Key among them, as far as the maritime industry is concerned, is a seven-page bill introduced this summer by U.S. Rep. Lindy Boggs, D-La. The measure, which has more than 60 cosponsors, would guarantee a share of the United States' bulk-cargo trade to American-flag ships in a proportion that would start at 5 percent and be increased to 20 percent over the following 15 years.

The multi-faceted result, the Louisiana Democrat maintains, would be a revitalization of the nearly extinct U.S.-flag bulk ship fleet, a shot in the arm for the ailing American commercial shipbuilding industry, and a strengthening of the U.S. merchant marine's roles in commerce and as a military auxiliary in time of emergency.

Mrs. Boggs, who won re-election to her congressional seat in September under an unusual Louisiana law, has promised to reintroduce the bill, known as the Competitive Shipping and Shipbuilding Act. She should; although the measure in itself would hardly be a panacea for the U.S. bulk shipping industry, it merits close attention by Congress.

That the U.S.-flag bulk shipping fleet is in a sorry state is well known. More than 96 percent of the United States' imports and exports of bulk cargoes, many of them strategically vital commodities, are carried in foreign-flag bottoms. The U.S.-flag bulk fleet has shrunk to a virtual handful of ships, several of them aging leftovers from World War II. And U.S. shipyards that do not specialize in naval vessels also face a crisis now that construction subsidies have been suspended and U.S.-flag ship companies allowed to build overseas.

In the best of all worlds, cargo-sharing would be dismissed as unwarranted government interference with the marketplace. But in the real world, most governments subsidize their merchant fleets in a wide range of ways, including reserving for them a healthy share of cargo. The U.S. government would be naive indeed to ignore this reality, and indeed it does not.

Mrs. Boggs' overall approach is not new. Cargo-preference measures have been tried and still exist to some extent, such as in the carriage of U.S. foreign aid cargoes; historically they have had inconsequential impact because the high cost of operating U.S.-flag ships has made profits all but impossible.

But what would be different about the Competitive Shipping and Shipbuilding Act, Mrs Boggs says, is that it would require the maritime industry to cut costs. The bill would mandate the secretary of transportation to consult ship owners, operators, builders, and labor unions and come up with estimates of the cost of building and operating U.S.-flag ships. The actual costs must be 15 percent lower than the estimates before the guaranteed share of bulk cargoes could take effect.

Just how those cuts would be made remains a subject for debate and negotiation, the congresswoman says. But, she adds, shipyards maintain that a steady stream of orders would enable them to produce ships for up to 15 percent less money than it takes to build a single vessel now. And maritime unions have pledged a variety of cost-cutting concessions if the bill goes through, including reductions in manning scales, higher productivity levels and no-strike clauses for long-term contracts.

The bill thus deserves the close attention of Congress. Precedent for it exists, and its adoption could be a start toward rebuilding a foundering sector of the American merchant marine.

But adoption would only be a beginning. If the bill's goal—revitalization of the U.S.-flag bulk fleet—is to be realized, the economics must be present. And, in today's environment of worldwide recession, government cost-cutting, and the availability of relatively cheap bulk vessels on the depressed world ship markets, that would be more difficult than ever to achieve.

The Reagan administration has slapped a moratorium on ship construction subsidies and has said it will provide no ship operating subsidies beyond those already authorized. Potential builders and operators of bulkers would start cost-reduction efforts from ground zero, without the cushion that government subsidies have provided in the past.

Can the goal of revitalization be reached? Yes, but only with great effort. All involved sectors of the maritime industry, from builders to operators to labor unions, would have to press ahead from the start embodied in the Boggs bill with good faith and with vigor.

Bulk shipping is a business that operates on razor-thin margins. If, and only if, the industry can reduce its costs to a point where shipping bulk cargoes on U.S.-flag vessels is a profitable endeavor, then and only then will the U.S.-flag bulker fleet be revitalized.

RESOLUTION

America's private shipbuilding industry faces near-annihilation under the onslaught of ill-advised actions and policies of our federal government. At the very time when our country looks forward to rebuilding and strengthening our naval power, the skills and capital facilities needed to build that power are being dissipated, incentives to private enterprise to modernize facilities are being withdrawn, and the productive future of a highly skilled work force is being terminated.

At a time of deep recession in the United States, with near-record unemployment ravaging our economy, and with the world-wide ship construction industry in stagnation, our government has seen fit to take the task of building and maintaining the American merchant marine away from American shipyards and shipyard workers and award it to foreign countries. Only a fraction of American shipyards and their work forces will be able to survive this starvation of opportunity, by turning to complete dependence on proposed naval construction.

This is an immediate problem, not a cry of doom for the future. In the past few months alone, our national Administration has authorized the construction abroad of 36 new U.S.-flag ships and the reconstruction abroad of 12 others. By these actions, American shipyards were deprived of almost $1.5 billion in construction projects, and 22,500 shipbuilding jobs, together with 65,000 jobs in allied endeavors, are now lost to American workers forever.

In addition, the Administration is urging the Congress to take actions that will encourage the export of even more ship construction projects and jobs, regardless of the enormous damage that will ensue to our private shipbuilding industry and its workers.

These proposals, if enacted, will adversely affect the economy of every one of the United States, do serious and immediate damage to the economic futures of thousands of working people, and undermine drastically our national ability to construct and maintain a modern Navy.

Therefore be it resolved, That the Second Biennial National Shipbuilding Conference of the Metal Trades Department, AFL-CIO, urges the Congress to continue national support of our private shipbuilding industry at the highest possible levels, by continuing to provide incentives for construction and repair of our merchant marine in American shipyards and by retaining in American hands the vital strategic control over American shipping routes and shipping policy.

NOVEMBER 17, 1982.●

NUCLEAR WASTE LEGISLATION

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. PRICE. Mr. Speaker, the lack of legislation to establish a nuclear waste disposal policy and program is an impediment to the greater use of nuclear energy in our Nation. This impediment must be removed to permit us to move faster in utilizing this vital energy resource since only by utilizing this resource and other domestic resources, such as coal, can we curb the crippling drain on our economy by foreign purchases of fuels. That is why we must enact H.R. 7187 which provides a nuclear waste program.

Following my remarks, I am enclosing a full-page statement by the electrical energy organizations responsible for providing this Nation with such energy, pleading for the passage of this legislation:

Congress Must Act Now To Pass Nuclear Waste Legislation

The time is now. Congress must pass legislation to establish a comprehensive nuclear waste policy and program.

The public agrees. According to a recent national opinion survey, nine out of ten Americans (92 percent) say the Government should stop procrastinating and resolve this issue once and for all.

We agree. The undersigned electric utilities and associations representing systems now operating or constructing nuclear power plants (which serve over 160 million Americans) urge Congress to end its years of debate and pass the nuclear waste bill now.

Congress seems to agree. Through bipartisan efforts, the National Nuclear Waste Policy Act of 1982 has already passed the Senate (S. 1662), and the House is on the verge of passing a compromise bill (H.R. 7187).

Congress must act now. To complete the task of establishing a national nuclear waste policy and program, Congress must act quickly in the lame duck session, if legislation is to become law.

Congress must not let this important chance for passage of nuclear waste legislation slip away.

Let history record that *this* Congress acted responsibly to address this pressing national priority.●

REPORT TO THE SPEAKER FROM COMMITTEE ON THE BUDGET ON THE STATUS OF FISCAL YEAR 1983 CONGRESSIONAL BUDGET

(Mr. JONES of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

● Mr. JONES of Oklahoma. Mr. Speaker, my letter under today's date, along with its enclosures relating to budgetary matters, is included in the RECORD as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, D.C., November 30, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under Section 311 of the Congressional Budget Act of 1974 to provide estimates of the current level of revenues and spending. I am herewith transmitting the status report under Senate Congressional Resolution 92, the First Budget Resolution for Fiscal Year 1983. This report reflects the resolution of June 24, 1982, and estimates of budget authority, outlays, and revenues based on all completed action on spending and revenue measures as of the close of legislative business November 29, 1982.

With best wishes.

Sincerely,

JAMES R. JONES,
Chairman.

Report to the Speaker of the U.S. House of Representatives From the Committee on the Budget on the Status of the Fiscal Year 1983 Congressional Budget Adopted in Senate Concurrent Resolution 92

REFLECTING COMPLETED ACTION AS OF NOV. 29, 1982

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	822,390	769,818	665,900
Current level	806,948	775,026	663,635
Amount over resolution		5,208	
Amount under resolution	15,442		2,265

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds $15,442 million for fiscal year 1983, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in S. Con. Res. 92 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate for fiscal year 1983, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in S. Con. Res. 92 to be exceeded.

REVENUES

Any measure that would result in a revenue loss for fiscal year 1983, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in S. Con. Res. 92.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., November 30, 1982.

Hon. JAMES R. JONES,
Chairman, Committee on the Budget, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311(b) of the Congressional Budget Act, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays and estimated revenues in comparison with the appropriate levels for those items contained in the most recently agreed to concurrent resolution on the 1983 budget (S. Con. Res. 92). This report for fiscal year 1983 is tabulated as of close of business November 29, 1982 and is based on our estimates of budget authority, outlays, and revenues using the assumptions and estimates consistent with S. Con. Res. 92.

The current level budget authority and outlay estimates are on a full year basis. The funds normally provided through appropriation bills are covered by continuing appropriations authority as contained in P.L. 97-276. This authority will expire December 17, 1982.

[In millions of dollars]

	Budget authority	Outlays	Revenues
1. Enacted	427,477	519,086	663,635
2. Entitlement authority and other mandatory items requiring further appropriation action	2,468	2,126	
3. Continuing resolution authority	377,003	253,814	
4. Conference agreements ratified by both Houses			
Current level	806,948	775,026	663,635
Second budget resolution, revised, Senate Concurrent Resolution 92	822,390	769,818	665,900
Current level is:			
Over resolution by		5,208	
Under resolution by	15,442		2,265

Sincerely,

ALICE M. RIVLIN,
Director.

PARLIAMENTARIAN STATUS REPORT, HOUSE SUPPORTING DETAIL, FISCAL YEAR 1983, AS OF CLOSE OF BUSINESS NOV. 29, 1982

[In millions of dollars]

	Budget authority	Outlays
I. Enacted:		
Permanent appropriations and trust funds	476,879	458,727
		137,673
Enacted previous session offsetting receipts	−108,363	−108,363
Enacted this session	58,961	31,049
Total, enacted	427,477	519,086
II. Entitlement authority and other mandatory items requiring further appropriation action:		
Payment to foreign service retirement	3	3
Payment to foreign service retirement	−3	−3
Special milk program	10	11
Child nutrition programs	440	127
Retired pay, Defense	111	56
Homeowners assistance fund, Defense	2	2
Civilian and military pay raises	1,203	1,220
Federal unemployment benefits	93	93
Payment to air carriers	23	15
Payment to civil service retirement	242	242
Offsetting receipts, payment to civil service retirement	−242	−242
Civilian agency pay raises	586	602
Total entitlements	2,468	2,126
III. Continuing resolution authority	377,003	253,814
IV. Conference agreements ratified by both Houses		
Total current level as of Nov. 29, 1982	806,948	775,026
Second budget resolution, revised, Senate Concurrent Resolution 92	822,390	769,818
Amount remaining:		
Over ceiling		5,208
Under ceiling	15,442	

Note.—Detail may not add due to rounding.

House Budget Committee Early Warning Report—Week of November 29, 1982

My dear Colleague, the program for the House of Representatives for the Week of November 29, 1982, is as follows:

MONDAY, TUESDAY, AND WEDNESDAY—NOV. 29, 30; DEC. 1

House meets at noon on Monday and Tuesday and at 10 a.m. on Wednesday: Suspensions (no bills).

H.R. 6598—Nuclear waste disposal (continue consideration)

H.R. 7158—Treasury-Postal Appropriations, fiscal year 1983.

H.R. 7205—Labor, Health, Human Services Appropriations, fiscal year 1983.

THURSDAY AND THE BALANCE OF THE WEEK—DEC. 2, 3

House meets at 10 a.m.

H.R. 6598—Nuclear waste disposal (complete consideration).

Any further program will be announced later.

Adjournment times will be announced daily, and Members should expect late sessions.

Conference reports may be brought up at any time, and any further program will be announced later.

Sincerely,

THOMAS S. FOLEY,
Majority Whip.

EARLY WARNING

H.R. 7158, TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS, FISCAL YEAR 1983

Committee: Appropriations.

Subcommittee: Treasury, Postal Service, and General Government.

Chairman: Mr. Roybal (California).

Ranking Minority Member: Mr. Miller (Ohio).

Scheduled: Wednesday, December 1.

I. Description of bill

This bill provides $5,950 million in budget authority and $5,787 million in outlays for discretionary programs in the Department of the Treasury, the Postal Service, the Executive Office of the President, the General Services Administration, the Office of Personnel Management, and other related agencies for fiscal year 1983. Such funding has already been provided in the Continuing Appropriations Act (Public Law 97-276). This regular appropriation will supersede and replace funds provided in the Continuing Resolution. The effect of this bill, therefore, is to provide an incremental change to the Current Level of spending that is already provided by law.

II. Comparison with budget targets

Now that Fiscal Year 1983 has started, there are two budget targets to consider. The first is the aggregate ceiling on budget authority and outlays that was specified in the First Budget Resolution for Fiscal Year 1983. Pursuant to Section 7 of that Resolution, the aggregates automatically become binding ceilings on October 1. Summary Table B, below, shows that while the Current Level of budget authority, based on enacted law, is substantially under the Budget Resolution ceiling, the Current Level of outlays is over the ceiling.

The second target is the 302(b) target provided for this Subcommittee when the Appropriations Committee subdivided its share of the First Budget Resolution's budget authority and outlays. These are the targets which the Budget Committee scorekeeping system uses as a measure of spending action. These targets are separated between discretionary spending, over which this Subcommittee has control, and mandatory spending, over which it does not. While the overall resolution ceiling has been breached by other bills, Summary Table C, below, shows that, with this bill, the Subcommittee would also breach the 302(b) targets for discretionary spending that were provided in the first resolution. This bill has no impact on the Current Level estimate of mandatory spending.

III. Summary tables

[In millions of dollars]

	Budget authority	Outlays
Summary Table A.—Comparison of continuing and regular appropriations, discretionary spending:[1]		
1. Continuing appropriations (Public Law 97-276)	5,984	5,741
2. This bill (H.R. 97-7158)	5,950	5,787
3. Over (+)/under (−)	−34	+46

III. Summary tables—Continued

[In millions of dollars]

	Budget authority	Outlays
Summary Table B.—Comparison with current level and ceilings:		
4. Budget resolution ceilings	822,390	769,818
5. Current level	806,948	775,026
6. Over (+)/under (−)	−15,442	+5,208
7. Impact of this bill	−34	+46
8. Over (+)/under (−)	−15,476	+5,254
Summary Table C.—Comparison with 302(b) subdivisions; discretionary spending:[1]		
9. 302(b) targets	5,575	5,105
10. Current level	5,984	5,741
11. Over (+)/under (−)	+409	+636
12. Impact of this bill	−34	+46
13. Over (+)/under (−)	+375	+682

[1] This bill does not affect the current level of mandatory spending.

IV. Possible future requirements

The Budget Resolution does not assume funding for any additional discretionary programs within the jurisdiction of this subcommittee.

V. Credit

The First Budget Resolution for Fiscal Year 1983 also contains targets for credit program amounts. As with budget authority and outlays, the Appropriations Committee is allocated amounts for credit programs and subdivides those amounts among subcommittees. The table below shows the additional credit assistance provided by this bill; credit assistance program levels already enacted, including action in the Continuing Appropriations Act; and credit assistance programs not yet acted on. These amounts are then compared to the Appropriations Committee subdivisions.

	Direct loan obligations	Primary guarantee commitments	Secondary guarantee commitments
1. 1983 credit program limits already enacted			
2. Additional program limits in the bill			
3. Limits assumed in the budget resolution not acted on in the bill and other amounts not subject to annual limits			
4. Possible total for subcommittee			
5. Credit subdivisions	100		
6. Over (+)/under(−) subdivision	−100		

There is only one credit program in this subcommittee's jurisdiction, direct loans from the GSA Federal Building Fund. CBO estimates that the bill will result in no direct loans being used in 1983.

VI. Definitions of terms in the summary tables, section III

Line 1. Continuing Appropriations (Public Law 97-276): This is the amount of discretionary budget authority and outlays provided by that law, for programs founded by this subcommittee, as estimated on a full-year basis pursuant to Congressional scorekeeping rules and GAO interpretation.

Line 2. This bill (H.R. 97-7158): This is the amount of discretionary budget authority and outlays that will be provided to the agencies in question if this bill is enacted—in that case it would supersede the Continuing Appropriations.

Line 3. Over(+)/Under(−): Line 2 minus line 1, which is the net impact on Current Level of this bill.

Line 4. Budget Resolution Ceilings: These are the total amounts of budget authority and outlays in the First Budget Resolution for Fiscal Year 1983.

Line 5. Current Level: This is the official estimate of total Fiscal Year 1983 spending, based only on existing law, including the Continuing Appropriations (Public Law 97-276).

Line 6. Over(+)/Under(−): Line 5 minus line 4.

Line 7. Impact of this bill: See line 3.

Line 8. Over(+)/Under(−): Line 6 plus line 7.

Line 9. 302(b) targets: The targets for discretionary spending for this Subcommittee, set by the Appropriations Committee pursuant to the Budget Act.

Line 10. Current Level: This is the official estimate of total Fiscal Year 1983 discretionary spending for this Subcommittee, based only on existing law, i.e., the Continuing Appropriations (Public Law 97-276).

Line 11. Over(+)/Under(−): Line 10 minus line 9.

Line 12. Impact of this bill: See line 3.

Line 13. Over(+)/Under(−): Line 11 plus line 12. this compares the reported bill (H.R. 97-7158) with its 302(b) targets.

EARLY WARNING

H.R. 7205, LABOR, HEALTH, AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES APPROPRIATION, FISCAL YEAR 1983

Committee: Appropriations.

Subcommittee: Department of Labor, Health and Human Service and Education and Related Agencies.

Chairman: Mr. Natcher (Kentucky).

Ranking Minority Member: Mr. Conte (Massachusetts).

Scheduled: Week of November 29, 1982.

I. Description of bill

This bill provides funds for the Departments of Labor, Health and Human Services and Education and Related Agencies. Such funding has already been provided in the Continuing Appropriations Act (Public Law 97-276). This regular appropriation will supersede and replace the Continuing Resolution. The effect of this bill, therefore, is to provide an incremental change to the Current Level of spending that is already provided by law.

II. Comparison with budget targets

Now that fiscal year 1983 has started, there are two budget targets to consider. The first is the aggregate ceiling on budget authority and outlays that was specified in the First Budget Resolution for fiscal year 1983. Pursuant to Section 7 of that Resolution, the aggregates automatically become binding ceilings on October 1. Summary Table B, below, shows that while the Current Level of budget authority, based on enacted law, is substantially under the Budget Resolution ceiling, the Current Level of outlays is over the ceiling.

The second target is the 302(b) target provided for this Subcommittee when the Appropriations Committee subdivided its share of the First Budget Resolution's budget authority and outlays. These are the targets which the Budget Committee scorekeeping system uses as a measure of spending action. These targets are separated between discretionary spending, over which this Subcommittee has control, and mandatory spending, over which it does not. While the overall resolution ceiling has been breached

by other bills, Summary Table C, below, shows that, with this bill, the Subcommittee would remain under the 302(b) targets for discretionary spending that were provided in the first resolution. This bill has no impact on the Current Level of mandatory spending.

III. Summary tables

[In millions of dollars]

	Budget authority	Outlays
Summary Table A.—Comparison of continuing and regular appropriations, discretionary spending:[1]		
1. Continuing appropriations (Public Law 97-276)	28,326	21,000
2. This bill (H.R. 97-7205)	23,867	17,769
3. Over (+)/under (−)	−4,459	−3,231
Summary Table B.—Comparison with current level and ceilings:		
4. Budget resolution ceilings	822,390	769,818
5. Current level	806,948	775,026
6. Over (+)/under (−)	−15,442	+5,208
7. Impact of this bill	−4,459	−3,231
8. Over (+)/under (−)	−19,901	+1,977
Summary Table C.—Comparison with 302(b) subdivisions, discretionary spending:[1]		
9. 302(b) targets	27,850	19,850
10. Current level	28,326	21,000
11. Over (+)/under (−)	+476	+1,150
12. Impact of this bill	−4,459	−3,231
13. Over (+)/under (−)	−3,983	−2,081

[1] This bill does not affect the current level of mandatory spending

IV. Possible future requirements

In addition to funds already provided in the bill, additional funding may be required for employment and training and refugee assistance, both of which are discretionary programs on which the Appropriations Committee has deferred action, and which were assumed in the First Budget Resolution. Authorizations for these programs were extended after the Appropriations Committee completed action on the regular appropriations bill.

The Current Level already includes $4,406 million in budget authority and $3,439 million in outlays, the levels provided in the Continuing Resolution for these programs. This bill's omission of these programs is the primary reason the bill is below Current Level. As indicated in the table below, the Current Level amounts assumed for these programs exceed the budget resolution assumptions by $737 million in budget authority and by $522 million in outlays:

	Resolution assumption		Current level		Current level over (+)/under (−) resolution	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Employment and training assistance	3,109	2,577	3,846	3,099	+737	+522
Refugee and entrant assistance	560	340	560	340		
Totals	3,669	2,917	4,406	3,439	+737	+522

It should be noted, however, that the Labor-HHS bill report indicates the Appropriations Committee's intention to appropriate amounts for refugee and employment and training assistance consistent with amounts assumed in the Budget Resolution.

The Appropriations Committee report on the Labor-HHS bill also notes that supplemental funding will be required for a number of mandatory programs, including additional funding for medicaid, guaranteed student loans, and public assistance. The bill provides the funding level requested by the President for these programs. However, the Committee notes that the President's request assumes legislative changes to reduce spending in the programs. Congress already has considered these requests and turned them down in a number of instances. The Committee assumes that additional funding will be provided through supplemental requests to meet the full current law requirements for the programs. The amounts required to fully fund these programs already are included in the Current Level amounts reflected above. Therefore, later congressional action on these supplementals will not cause the Labor-HHS Subcommittee to further exceed the levels already assumed in the continuing resolution or the 302(b) budget allocations.

V. Credit

The First Budget Resolution for Fiscal Year 1983 also contains targets for credit program amounts. As with budget authority and outlays, the Appropriations Committee is allocated amounts for credit programs and subdivides those amounts among subcommittees. The table below shows the additional credit assistance provided by this bill; credit assistance program levels already enacted, including action in the Continuing Appropriations Act; and credit assistance programs not yet acted on. These amounts are then compared to the Appropriations Committee subdivisions.

[In millions of dollars]

	Direct loan obligations	Primary guarantee commitments	Secondary guarantee commitments
1. 1983 credit program limits already enacted	89	156	
2. Additional program limits in the bill	−23	−156	
3. Limits assumed in the budget resolution not acted on in the bill and other amounts not subject to annual limits	782	7,389	
4. Possible total for subcommittee	848	7,389	
5. Credit subdivisions	1,150	7,400	
6. Over (+)/under (−) subdivision	−302	−11	

VI. Definitions of terms in the summary tables, section III

Line 1. Continuing Appropriations (P.L. 97-276): this is the amount of discretionary budget authority and outlays provided by that law, for programs funded by this subcommittee, as estimated on a full-year basis pursuant to Congressional scorekeeping rules.

Line 2. This bill (H.R. 97-6957): this is the amount of discretionary budget authority and outlays that will be provided to the agencies in question if this bill is enacted—in that case it would supersede the Continuing Appropriations.

Line 3. Over(+)/Under(−): line 2 minus line 1, which is the net impact on Current Level of this bill.

Line 4. Budget Resolution Ceilings: these are the total amounts of budget authority and outlays in the First Budget Resolution for Fiscal Year 1983.

Line 5. Current Level: this is the official estimate of total Fiscal Year 1983 spending, based only on existing law, including the Continuing Appropriations (P.L. 97-276).

Line 6. Over(+)/Under(−): line 5 minus line 4.

Line 7. Impact of this bill: see line 3.

Line 8. Over(+)/Under(−): line 6 plus line 7.

Line 9. 302(b) targets: the targets for discretionary spending for this Subcommittee, set by the Appropriations Committee pursuant to the Budget Act.

Line 10. Current Level: this is the official estimate of total Fiscal Year 1983 discretionary spending for this Subcommittee, based only on existing law, i.e., the Continuing Appropriations (P.L. 97-276).

Line 11. Over(+)/Under(−): line 10 minus line 9.

Line 12. Impact of this bill: see line 3.

Line 13. Over(+)/Under(−): line 11 plus line 12. This compares the reported bill (H.R. 97-6957) with its 302(b) targets.

1983 APPROPRIATION BILLS—ACTION TO DATE AS OF NOVEMBER 29, 1982

Appropriation bill	Bill number	House action		Senate action		Conference action agreed to		
		Reported	Passed	Reported	Passed	House	Senate	Public law
Agriculture	H.R. 97-7072	September 9	September 21	September 22	September 28			
Commerce-State-Justice	H.R. 97-6957	August 10						
Defense	S. 97-2951			September 23				
District of Columbia	H.R. 97-7144	September 21	September 30					
	S. 97-2917			September 16				
Energy-water	H.R. 97-7145	September 21						
Foreign Operations								
Housing and Urban Development	H.R. 97-6956	August 10	September 15	September 16	September 24	September 29	September 29	Public Law 97-272.
Interior								
Labor-HHS	H.R. 97-7205	September 29						
Legislative [1]	H.R. 97-7073	September 9						
	S. 97-2939			September 22				Public Law 97-276.
Military construction	H.R. 97-6968	August 11	August 19	September 22	September 27	September 30	September 30	Public Law 97-323.
Transportation	H.R. 97-7019	August 19	September 21	September 22				
Treasury-postal	H.R. 97-7158	September 22						
	S. 97-2916			September 16				

1983 APPROPRIATION BILLS—ACTION TO DATE AS OF NOVEMBER 29, 1982—Continued

Appropriation bill	Bill number	House action		Senate action		Conference action agreed to		
		Reported	Passed	Reported	Passed	House	Senate	Public law
Supplemental, 1982 [2]	H.R. 97-6863	July 27	July 29	August 3	August 11	August 18	August 20	Public Law 97-257.
Emergency job stimulus	H.J. Res. 562	August 18	September 16					
Continuing resolution	H.J. Res. 599	September 16	September 22	September 23	September 29	October 1	October 1	Public Law 97-256.
Summary to date		(11+2 Supps)	(6+2 Supps)	(9+1 Supp)	(4+1 Supp)	(3+1 Supp)	(3+1 Supp)	(3+1 Supp).

[1] The legislative bill is a full-year bill and public law as contained in the continuing resolution.
[2] Vetoed 8/28; Presidential veto was overridden in the House on September 9 and in the Senate on September 10.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YATES (at the request of Mr. WRIGHT), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TAUKE) to revise and extend their remarks and include extraneous material:)

Mr. SPENCE, for 60 minutes, December 9.

Mr. COLLINS of Texas, for 30 minutes, today.

Mr. COLLINS of Texas, for 30 minutes, December 1.

Mr. COLLINS of Texas, for 30 minutes, December 2.

Mr. COLLINS of Texas, for 30 minutes, December 3.

(The following Members (at the request of Mr. KILDEE) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 45 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. BINGHAM, for 5 minutes, today.

Mr. VENTO, for 10 minutes, today.

Mrs. BOGGS, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PICKLE, and to include extraneous material notwithstanding the fact that it exceeds 2 pages of the RECORD and is estimated by the Public Printer to cost $2,737.

Mr. GREEN, during general debate on H.R. 7158, in the Committee of the Whole today.

Mr. HOYER, on behalf of the Barnes amendment to H.R. 7158 in the Committee of the Whole today.

Ms. FERRARO, on the Barnes amendment to H.R. 7158 in the Committee of the Whole today, following the remarks of Mr. HOYER.

(The following Members (at the request of Mr. TAUKE) and to include extraneous matter:)

Mr. COLLINS of Texas in three instances.

Mr. CONABLE.

Mr. KINDNESS.

Mr. BEREUTER.

Mr. O'BRIEN.

Mr. VANDER JAGT.

Mr. BENEDICT.

Mr. DAUB.

Mr. DANIEL B. CRANE.

Mr. PARRIS.

Mr. CORCORAN.

Mr. MADIGAN.

Mr. GOODLING.

Mr. DENARDIS.

(The following Members (at the request of Mr. KILDEE) and to include extraneous matter:)

Mr. MINETA in two instances.

Mr. MAZZOLI in two instances.

Mrs. KENNELLY.

Mr. BROOKS.

Mr. MOTTL in two instances.

Mr. MURTHA in two instances.

Mr. DE LUGO.

Mr. RODINO.

Mr. ROSTENKOWSKI.

Mr. YATRON.

Mr. REUSS in two instances.

Mr. EDWARDS of California.

Ms. OAKAR.

Mr. O'NEILL.

Mr. STARK.

Mr. SIMON in two instances.

Mr. AUCOIN.

Mr. WAXMAN.

Mr. SCHUMER.

Mr. MCDONALD in five instances.

Ms. FERRARO.

Mr. DYSON.

ADJOURNMENT

Mr. VENTO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 7 minutes p.m.) the House adjourned until tomorrow, Wednesday, December 1, 1982, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5176. A letter from the Clerk, U.S. House of Representatives, transmitting his quarterly report of receipts and expenditures for the period July 1 through September 30, 1982, pursuant to section 105(a) of Public Law 88-454, as amended (H. Doc. No. 97-256); to the Committee on House Administration and ordered to be printed.

5177. A communication from the President of the United States, transmitting a request for appropriation amendments and amended appropriation language for fiscal year 1983 (H. Doc. No. 97-257); to the Committee on Appropriations and ordered to be printed.

5178. A letter from the Assistant Secretary for Fossil Energy, transmitting notice of a delay until the end of December in submission of the next semiannual report on the alternative fuels production program, required by title II of Public Law 96-126; to the Committee on Appropriations.

5179. A letter from the Secretary of Defense, transmitting a report on the initial allocation and rationale of each allocation of civilian personnel among the military departments and defense agencies, pursuant to section 601(a) of Public Law 97-252; to the Committee on Armed Services.

5180. A letter from the Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the proposed conversion to contractor performance with respect to converting the containers, tents, textiles, and tarps activity at Fort Sam Houston, Tex., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5181. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the proposed conversion to contractor performance with respect to a study of the material turned into store function at the Naval Supply Center, Norfolk, Va., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5182. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the proposed conversion to contractor performance with respect to a study of the messenger service function at the Norfolk Naval Shipyard, Portsmouth, Va., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5183. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the proposed conversion to contractor performance with respect to a study of the cold storage function at the Cheatham Annex, Naval Supply Center, Norfolk, Va., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5184. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting the financial report of the Corporation for the month of August 1982, pursuant to section 308(a)(1) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Energy and Commerce.

5185. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting a report covering the month of September 1982, on the number of passengers per day on board each train operated, and the ontime performance at the final destination of each train operated, by route and by railroad, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Energy and Commerce.

5186. A communication from the President of the United States, transmitting a report on progress toward conclusion of a negotiated solution of the Cyprus problem, pursuant to section 620C(c) of the Foreign Assistance Act of 1961, as amended (H. Doc. No. 97-258); to the Committee on Foreign Affairs and ordered to be printed.

5187. A letter from the Secretary of Commerce, transmitting his conclusions on the criteria and alternative means used on foreign policy controls being placed on exports to Russia following imposition of martial law in Poland, pursuant to section 6(e) of the Export Administration Act; to the Committee on Foreign Affairs.

5188. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense articles and services to Lebanon (Transmittal No. 83-01), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5189. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense articles and services to Pakistan (Transmittal No. 83-02), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5190. A letter from the Chairman, Board for International Broadcasting, transmitting a draft of proposed legislation to amend the Board for International Broadcasting Act of 1973 to authorize an amended appropriation for fiscal year 1983; to the Committee on Foreign Affairs.

5191. A letter from the Assistant Secretary of the Interior, transmitting notice of a deferral of payment of the annual construction charge installment for the Roosevelt Irrigation District of Buckeye, Maricopa County, Ariz., pursuant to section 17(b) of the Reclamation Project Act of 1939, as amended; to the Committee on Interior and Insular Affairs.

5192. A letter from the Assistant Secretary of the Interior, transmitting notice of a deferral of payment of the annual construction charge installment for the Columbia Irrigation District, Benton County, Wash., pursuant to section 17(b) of the Reclamation Project Act of 1939, as amended; to the Committee on Interior and Insular Affairs.

5193. A letter from the Assistant Secretary of the Interior for Land and Water Resources, transmitting notice of a deferral of payment of the annual construction charge installment for the Fallbrook Public Utility District, San Diego County, Calif., pursuant to section 17(b) of the Reclamation Project Act of 1939, as amended; to the Committee on Interior and Insular Affairs.

5194. A letter from the Assistant Secretary of the Interior for Land and Water Resources, transmitting notice of a deferral of payment of the annual construction charge installment for the Ramona Municipal District, San Diego County, Calif., pursuant to section 17(b) of the Reclamation Project Act of 1939, as amended; to the Committee on Interior and Insular Affairs.

5195. A letter from the Assistant Secretary of the Interior for Land and Water Resources, transmitting notice of a deferral of payment of the annual construction charge installment for the Yuba County Water Agency, Yuba County, Calif., pursuant to section 17(b) of the Reclamation Project Act of 1939, as amended; to the Committee on Interior and Insular Affairs.

5196. A letter from the Secretary of the Treasury, transmitting the final monthly Treasury statement of receipts and outlays of the U.S. Government for fiscal year 1981, pursuant to section 257 (First) of the Revised Statutes; to the Committee on Ways and Means.

5197. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the quarterly report on nondisclosure of safeguards information, pursuant to section 147e of the Atomic Energy Act of 1954, as amended; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. S. 1986. An act to provide for the use and distribution of funds awarded the Blackfeet and Gros Ventre Tribes of Indians and the Assiniboine Tribe of the Fort Belknap Indian Community, and others, in dockets numbered 250-A and 279-C by the U.S. Court of Claims, and for other purposes; with amendments (Rept. No. 97-935). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 6243. A bill to provide for the distribution of Warm Springs judgment funds awarded in docket numbered 198 before the Indian Claims Commission, and for other purposes; with amendments (Rept. No. 97-936). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 6416. A bill to provide for the use and distribution of funds awarded the Pembina Chippewa Indians in dockets numbered 113, 191, 221, and 246 of the Court of Claims; with amendments (Rept. No. 97-937). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 7155. A bill to settle certain Indian land claims within the State of Florida, and for other purposes; with an amendment (Rept. No. 97-938). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PICKLE:

H.R. 7326. A bill to amend title II of the Social Security Act to make miscellaneous and technical improvements relating to cash management, gender-based distinctions, coverage, and other matters under the old-age, survivors, and disability insurance program; to the Committee on Ways and Means.

By Mr. FORD of Tennessee:

H.R. 7327. A bill to increase the number of weeks for which Federal supplemental unemployment compensation is payable; to the Committee on Ways and Means.

By Mr. BONKER:

H.R. 7328. A bill to amend the act of June 25, 1910, to authorize the Secretary of the Army to implement measures to control floods on the lower Cowlitz River area; to the Committee on Public Works and Transportation.

By Mr. CARMAN:

H.R. 7329. A bill to amend title II of the Social Security Act to require the establishment of procedures to assure that benefit payments will not be made thereunder to deceased individuals; to the Committee on Ways and Means.

By Mr. MICHEL (by request):

H.R. 7330. A bill to authorize appropriations for construction of certain highways in accordance with title 23 of the United States, and other purposes; jointly, to the Committees on Public Works and Transportation and Ways and Means.

By Mr. KINDNESS:

H.R. 7331. A bill to amend the Internal Revenue Code of 1954 to provide financial relief to State and local governments, by eliminating a requirement that would result in a duplicative mailing each year; to the Committee on Ways and Means.

By Mr. O'BRIEN:

H.R. 7332. A bill to amend the Export Administration Act of 1979 to provide for congressional disapproval of export controls under that act for national security, foreign policy, or short supply reasons; to the Committee on Foreign Affairs.

By Mr. PEASE:

H.R. 7333. A bill to implement the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 7334. A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of certain conversions of residential rental property into condominium units; to the Committee on Ways and Means.

By Mr. FISH:

H.R. 7335. A bill to make the programs authorized under the U.S. Housing Act of 1937 subject to the requirements of the Buy American Act; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GOODLING:

H.R. 7336. A bill to make certain technical amendments to improve implementation of the Education Consolidation and Improvement Act of 1981; to the Committee on Education and Labor.

By Mr. VENTO (for himself, Mr. ST GERMAIN, Mr. GONZALEZ, Mr. WYLIE, and Mr. MCKINNEY):

H.R. 7337. A bill to require the Secretary of Housing and Urban Development to administer a demonstration program for assisting communities and nonprofit organizations in providing emergency shelter; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WAXMAN:

H.R. 7338. A bill to amend the Public Health Service Act to extend through March 31, 1983, the President's Commission for the Study of Ethical Problems in Medi-

cine and Biomedical and Behavioral Research; to the Committee on Energy and Commerce.

By Mr. WRIGHT:

H.R. 7339. A bill to provide that certain property held in foreign-trade zones shall be exempt from State and local ad valorem taxation; to the Committee on Ways and Means.

By Mr. GOODLING:

H. Con. Res. 429. Concurrent resolution to express the sense of the Congress concerning the legal minimum age for drinking and purchasing alcohol; jointly, to the Committees on Public Works and Transportation and the Judiciary.

By Mr. WRIGHT:

H. Res. 611. Resolution establishing the House of Representatives Page Board for supervision and education of pages; considered and agreed to.

By Mr. DASCHLE (for himself and Mr. DORGAN of North Dakota):

H. Res. 612. Resolution expressing the sense of the House of Representatives that the President should extend the offer of the United States to sell additional grain to the Union of Soviet Socialist Republics; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

513. The SPEAKER presented a memorial of the Legislature of the Northern Marianas Commonwealth, relative to the actions of the Secretary of Education in recognizing the postsecondary educational needs of the islands; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2129: Mr. ASPIN.
H.R. 2322: Mr. GOODLING.
H.R. 3526: Mr. FLORIO.
H.R. 5471: Mr. GOODLING and Mr. BEDELL.
H.R. 5665: Mr. FINDLEY.
H.R. 5717: Mr. LEATH of Texas, Mr. WILSON, Mr. ATKINSON, Mr. HANSEN of Idaho, Mr. EMERSON, Mr. BADHAM, Mr. CLAUSEN, Mr. MONTGOMERY, Mr. BROOKS, Mr. WOLPE, Mr. MCEWEN, and Mr. JEFFRIES.
H.R. 6032: Mr. WYDEN.
H.R. 6054: Mr. MARRIOTT and Mr. STANGELAND.
H.R. 6135: Mr. SYNAR, Mr. DASCHLE, Mr. HUBBARD, Mr. HANCE, and Mr. MCEWEN.
H.R. 6239: Mr. MOLLOHAN, Mr. LAGOMARSINO, and Mr. GOODLING.
H.R. 6538: Mr. MITCHELL of Maryland, Mr. MCDADE, Mr. ROBINSON, and Mr. SABO.
H.R. 6802: Mr. HORTON.
H.R. 6962: Mr. HOWARD.
H.R. 6971: Ms. FERRARO, Mrs. HECKLER, Mrs. FENWICK, Mr. OTTINGER, Mr. OBERSTAR, Mr. FORD of Tennessee, Mr. FOGLIETTA, Mr. CONYERS, Mr. MARKEY, Mr. BARNES, Mr. DOWNEY, Mr. ALEXANDER, Mr. DAVIS, Mr. ADDABBO, Mr. MARLENEE, Mr. STUDDS, Mr. HOWARD, Mr. AUCOIN, Mr. LUNDINE, Mr. MCCOLLUM, and Mr. STARK.
H.R. 6979: Mr. HERTEL, Mr. AKAKA, Mr. BRODHEAD, Mr. DENARDIS, Mr. DIXON, Mr. FAZIO, Mr. HUBBARD, Mr. HUGHES, Mr. MARTINEZ, Mr. ROTH, Mr. SHELBY, Mr. VENTO, and Mr. WEAVER.
H.R. 6999: Mrs. CHISHOLM.
H.R. 7117: Mr. GRAMM.
H.R. 7130: Mr. WILLIAMS of Montana and Mr. BROWN of California.
H.R. 7194: Mr. DOUGHERTY.
H.R. 7212: Mr. RINALDO, Mr. ROBERTS of South Dakota, Mr. BAILEY of Missouri, Mr. DAUB, Mr. TAUKE, Mr. RUDD, Mr. WEBER of Ohio, Mr. SAM B. HALL, JR., Mr. CORCORAN, Mr. LEBOUTILLIER, Mr. MCKINNEY, Mr. FINDLEY, Mr. MURPHY, Mr. MADIGAN, Mr. KINDNESS, Mr. BAFALIS, Mr. PARRIS, Mr. WILSON, Mr. JACOBS, Mr. FORSYTHE, and Mr. MCCLORY.
H.R. 7243: Mr. WEBER of Ohio, Mr. TAYLOR, Mr. MCHUGH, Mr. FORSYTHE, and Mr. WALGREN.
H.R. 7251: Mr. SIMON, Mr. WINN, Mr. CLINGER, and Mr. PEYSER.
H.R. 7264: Mr. SIMON, Mr. SEIBERLING, Mr. SOLOMON, Mr. SAWYER, and Mr. NOWAK.
H.J. Res. 102: Mr. ERDAHL, Mr. CRAIG, and Mr. WALKER.
H.J. Res. 172: Mr. GILMAN and Mr. SHUSTER.
H.J. Res. 500: Mr. MARRIOTT.
H.J. Res. 533: Mr. LOWERY of California and Mr. GUNDERSON.
H.J. Res. 590: Mr. MARTIN of New York, Mr. HORTON, Mr. WAXMAN, Mr. FAZIO, Mr. STOKES, and Mr. CORRADA.
H.J. Res. 591: Mr. BEDELL, Mr. CLAY, Mr. CROCKETT, Mr. PATMAN, Mr. SILJANDER, Mr. WEBER of Minnesota, and Mr. WHITLEY.
H.J. Res. 607: Mr. MILLER of California, Mr. MINETA, Mr. MARKEY, Mr. BARNES, Mr. BEILENSON, Mr. PRITCHARD, and Mr. SHANNON.
H.J. Res. 616: Mr. KASTENMEIER, Mr. APPLEGATE, Mr. HOLLENBECK, Mr. PHILLIP BURTON, Mr. RANGEL, Mr. WASHINGTON, Mr. BEARD, Mr. HUGHES, Mr. DAVIS, Mr. GREEN, Mr. CONABLE, Mr. ZABLOCKI, Mr. MURTHA, Mr. MCDADE, Mr. HUCKABY, Mr. BROWN of California, and Mr. GILMAN.
H. Res. 577: Mr. FORSYTHE, Mr. SAWYER, and Mr. WYDEN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 6928: Mrs. FENWICK.
H. Res. 48: Mr. VOLKMER.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

665. By the SPEAKER: Petition of the City Council, Niagara Falls, N.Y., relative to local regulation of cable communications systems; to the Committee on Energy and Commerce.

666. Also, petition of the City Council, Niagara Falls, N.Y., relative to the costs of borrowing for municipalities; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4230

By Mr. SNYDER:

—Page 23, line 9, strike out "If" and all that follows through the period on line 12.

Page 23, after line 15, insert the following:

"(3) Each application approved under this section shall contain such terms and conditions as the Commission considers necessary to—

"(A) protect the public health and safety;

"(B) protect property;

"(C) protect the interest of individuals who live in the general area traversed by the coal pipeline and rely on the resources of such area;

"(D) require location of the right-of-way along a route which will cause the least damage to the environment, taking into consideration feasibility and other relevant factors; and

"(E) otherwise protect the public interest.

Page 23, line 16, strike out "(3)" and insert in lieu thereof "(4)".

Page 24, line 1, strike out "(4)" and insert in lieu thereof "(5)".

Page 24, line 18, strike out "(5)" and insert in lieu thereof "(6)".

Page 24, line 22, strike out "(6)" and insert in lieu thereof "(7)".

—Page 29, after line 2, insert the following:

"(h) The Commission shall require as a condition of issuance of a certificate with respect to a coal pipeline under this section that the pipeline carrier, upon application of any party tendering coal for transportation, shall construct, maintain, and operate upon reasonable terms a feeder or distribution line to connect the source of such tendered coal with the coal pipeline in any case in which such connection is reasonably practicable and can be constructed with safety and will furnish sufficient business to justify its construction operator, and maintenance. Such feeder or distribution line, at the option of the party applying therefor, shall include any facilities necessary for the delivery of coal to such party in a form and condition suitable for use as fuel without further processing or treatment. If any pipeline carrier of coal holding a certificate issued under this section fails to install and operate any feeder or distribution line upon application in writing by any party, such party may submit a complaint to the Commission. The Commission—

"(1) shall hear and investigate such complaint;

"(2) shall make a determination with respect to the safety and practicability of such feeder or distribution line and the justification and reasonable compensation for such line; and

"(3) may issue an order, in accordance with this subtitle, directing such pipeline carrier to comply with the provisions of this subsection.

Such order shall be enforced as provided for the enforcement of all other orders by the Commission, other than orders for the payment of money.

—Page 52, after line 11, add the following:

FEDERAL ENERGY REGULATORY COMMISSION REVIEW OF PRICES OF PIPELINE-TRANSPORTED COAL

SEC. 13. (a) Title VI of the Public Utility Regulatory Policies Act of 1978 (Public Law 95-617) is amended by adding at the end thereof the following new section:

"SEC. 609. COMMISSION REVIEW OF CERTAIN COAL PRICES.

"(a) Whenever any State regulated electric utility and a coal producer enter into any contract for the sale of coal, and such coal is to be transported by a pipeline carrier providing transportation of coal under a certificate issued under section 10952 of title 49, United States Code, such electric utility shall file a copy of such contract with the Commission.

"(b)(1) Within 60 days after the date a contract is filed with the Commission under subsection (a) of this section, the Commission shall determine, after notice and an opportunity for a hearing, whether the coal producer that is a party to such contract is a captive coal operation.

"(2) If the Commission determines under paragraph (1) of this subsection that a coal producer is a captive coal operation, the Commission shall then determine, after notice and a hearing, whether the price charged for the sale of coal pursuant to the contract filed with the Commission is reasonable. If the Commission determines that the price is not reasonable, it shall establish the price to be applicable to the sale of such coal.

"(c) If the Commission establishes the price for the sale of coal to a State regulated electric utility in accordance with this section, the Commission may petition the appropriate State regulatory authority for the initiation of a ratemaking proceeding or other appropriate regulatory proceeding relating to rates or rate design.

"(d) As used in this section—

"(1) The term 'captive coal operation' means—

"(A) a coal producer that is owned or controlled by the State regulated electric utility to which it sells coal pursuant to a contract; or

"(B) a coal producer that, pursuant to an agreement with such a State regulated electric utility, mines coal which is owned or controlled by such electric utility.

"(2) The term 'control' has the meaning given such term in section 10102(6) of title 49, United States Code.".

(b) The table of contents of the Public Utility Regulatory Policies Act of 1978 is amended by adding after the item relating to section 608 the following new item:

"Sec. 609. Commission review of certain coal prices.".

H.R. 7205

By Mr. LEVITAS:

—Page 60, after line 4, insert the following new section:

SEC. 512. None of the funds appropriated by this Act may be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

EXTENSIONS OF REMARKS

ENTERPRISE ZONES: URBAN ECONOMIC REVITALIZATION

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. GARCIA. Mr. Speaker, for over 2 years, Congressman JACK KEMP and I have sponsored the urban enterprise zone legislation. This desperately needed economic development legislation has been designed to promote revitalization in distressed areas.

The current situation in most American inner-city areas is very grave, characterized not only by record numbers of small business bankruptcies and the highest unemployment rate in 50 years, but also by human suffering, helplessness and deprivation. The reduction in central-city economic activity has brought about a corresponding deterioration of employment opportunities for the people living in those areas. Minorities, low-income persons and female headed households have been particularly hard hit, since they are increasingly concentrated in such communities. Many inner-city areas are in the throes of continually worsening economies, because of business disinvestment.

The Federal Government must provide for the reestablishment of opportunity producing incentives in areas where they no longer exist, but once did. Such incentives, as contained in the enterprise zone legislation, should serve to attract businesses to neighborhood areas which face severe depression, unemployment, and poverty. The incentives should also be designed to aid existing firms to expand as part of a larger strategy to restore economic vitality to our inner cities. However, let me say now that the zones cannot work alone and indeed will need the continued support of other Federal programs including job training efforts such as Job Training Partnership Act recently passed by this Congress.

For the benefit of my colleagues, I have included an article that I wrote earlier this year and appears in this month's edition of USA Today magazine highlighting the desperate need for and the major provisions of the enterprise zone proposal.

It is my hope that we can move this legislation in the days ahead. It does need some modifications such as a startup capital provision to assist new and expanding businesses. However, as one more tool for local officials to combat economic decay, it is important for the Congress to act as soon as possible.

[From USA Today, November 1982]

ENTERPRISE ZONES: RESTORING ECONOMIC VITALITY TO INNER-CITY AREAS

(By Robert Garcia)

The history of urban development is the history of opportunity development. This seemingly simple principle lies at the base of the reasons for the development of every great metropolis that has ever existed. The factors comprising the opportunity development—a fortress location, an intellectual or religious sanctuary, or a port location—have changed, but the tenet of opportunity development has remained constant.

Since their founding, American cities' opportunity development has been based on the principle of private sector development, for it is only in the private sector that any lasting sense of accomplishment and belonging have occurred, and it is only in the private sector that assets may be accumulated and a city's and neighborhood's wealth created. The maintenance of a vigorous, productive private economy is critical if our cities are to thrive. It is especially vital for the central-city poor, for a productive private sector represents the only institution in society capable of permitting the poor to escape their poverty. A weak private sector simply does not offer them that opportunity.

The notion of the proper role of the Federal government in encouraging, buttressing, or reacting to private sector activities leading to opportunity development has been debated since the launching of our federalist system. Whatever the ideological or partisan persuasion, however, it can irrefutably be stated that, to the extent that a government program increases the opportunities of some or all citizens without correspondingly decreasing the opportunities of any citizens, that program has provided us with an example of the proper role of government in bringing about American urban development.

The enterprise zone proposal that I have developed, along with Congressman Jack Kemp (R.-N.Y.), is designed to use the vitality of the Federal tax code as an incentive for cities to assist in the creative regeneration of poor urban neighborhoods, and to do so in ways that will benefit the very people who now dwell in those neighborhoods. Enterprise zones will, in short, enhance and expand the opportunities for individual and institutional economic opportunity development.

The program will be discussed in detail later in this article. To initially describe the concept though, specified zones will be selected and identified by their high incidence of poverty, unemployment, and general deleterious conditions. Various tax incentives will be offered to encourage new business to locate and grow in distressed inner-city neighborhoods, and hire and train economically disadvantaged individuals. Local and state governments will be required to offer incentives of their own, such as improved municipal services or rehabilitation of infrastructure, in order to contribute to the success of the zones. The enterprise zone program has clear and fundamental purposes, namely to create jobs, spur private investment, and strengthen local economies.

In 1891, Lyman Abbott, writing in *Darkness and Daylight*, a book describing urban conditions at the brink of a new century, asked:

"What shall we do with our great cities? What will our great cities do with us? These are the two problems which confront every thoughtful American. For the question involved in these two questions does not concern the city alone. The whole country is affected, if indeed its character and history are not determined by the constitution of its great cities. . . ."

Nearly a century has not changed the timeliness of Abbott's remarks. What shall we do with our nation's cities, in order to restore their vitality and diversity, and promote the rejuvenation of all sectors of urban society?

I firmly believe that enterprise zones can play an important part in helping to restore the threads of vigor and optimism to our urban fabric. However, no one, and certainly not I, claims that enterprise zones will be the remedy for all that ails urban America. They most definitely have not been devised to replace existing vehicles of Federal assistance to distressed cities, and I have adamantly opposed every effort to attach to them suggested mandates for deregulation, subminimum wages, and elimination of other vital Federal urban programs designed to provide jobs, housing, and assistance for inner-city economic revitalization. I do not intend for this bill to stand alone. I do intend for the enterprise zone program, concomitantly with Urban Development Action Grants, the Economic Development Administration, job training, and other programs, to provide a mechanism for the useful, flexible, and creative reinvolvement of the private sector in such areas to bring about economic regeneration.

CENTRAL CITIES TODAY

The current situation in most American inner-city areas is very grave, characterized not only by record numbers of small business bankruptcies and the highest unemployment rate in 50 years, but also human suffering, hopelessness, and deprivation. A description of the current urban situation will dramatically illustrate the need for a continued strong Federal role in local economic development, which includes retaining and strengthening existing assistance mechanisms, and formulating new ones, such as the enterprise zone program.

Declining local economies: Many inner-city areas are in the throes of continually worsening economies, because of business disinvestment. Many of these areas are dependent on economic sectors such as manufacturing, which are declining nationwide. They have been unable to attract newer industries, or secure the expansion or prevent the demise of existing businesses.

Unemployment: The reduction in central-city economic activity has brought about a corresponding deterioration of employment opportunities for the people living in those areas. Minorities, low-income persons, and female-headed households have been particularly hard hit, since they are increasingly concentrated in such communities.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

In April, 1982, the national unemployment rate hit 9.4 percent, the highest level since the Great Depression. This figure, however, belies the unemployment crisis in inner-city areas. During this same month, the unemployment rate in New York City approached 10 percent—representing hundreds of thousands of persons looking for work, but unable to find it. In my South Bronx Congressional district, it was conservatively estimated that the rate hit 30 percent. Moreover, none of those figures include persons identified by the National Bureau of Labor Statistics as having "dropped out of the labor force," so discouraged that they no longer seek jobs.

Unemployment levels among urban youth, and especially among minority youth, tend to be much higher than those of adults. Currently, fully 35 percent of New York City's youth, and over 50 percent of those in the South Bronx, are unemployed.

Poverty: The incidence of poverty is clearly linked with the opportunity for gainful employment. The nation's needy and declining central cities account for almost all of the growth of poverty. Almost 40 percent of this country's poor live in central cities. In general, more than 15 percent of the urban population lives below the poverty level. Yet, these areas often offer the poor few opportunities. In New York City, 18 percent of the population may be characterized as poor—and 29.3 percent of the residents of the South Bronx live in poverty.

Poverty in this country is not race or sex neutral. Although minorities comprise about 25 percent of the population of the nation's cities, they make up 45 percent of the central-city poor. Families with female heads comprise 40 percent of this total. In the last decade, the rate of increased incidence of poverty for these groups has far outstripped the rates of other segments of the population.

Infrastructure: Central cities, particularly those in the northeast and midwest, are simply wearing out. Their infrastructure problems are so great that nearly half of the local officials polled by the National League of Cities in 1980 cited this problem as "critical" or "severe." In fact, urban infrastructure is disintegrating so rapidly that economic revitalization is hampered, further undermining the local economic base.

In a recent report, *Business Week* magazine noted that urban infrastructural decay threatens economic growth, and that a series of forces have converged which may further inhibit recovery unless reversed. These include substantial reductions in Federal aid, reduced tax bases, exorbitantly high interest rates, and reduced attractiveness of state and local bonds along with increased competition for potential investors.

In almost every locality, particularly in older inner-city areas, streets and highways need attention, bridges are in disrepair, water and sewer systems are leaking, and mass transit is in difficulty.

Eroding fiscal capacity: Declining economic activity has eroded the fiscal capacity of many cities. This has occurred directly through the loss of taxable business and indirectly from the loss of population and income. Recession and inflation during the 1970's have exacerbated their fiscal plights, resulting in budget balancing with only slim margins for error. A number of cities have even tottered at the edge of the fiscal abyss in recent years.

In short, there is a lot wrong with central cities today. Enterprise zones will certainly be no magic potion, no straight-shot cure for all of this. Such conditions require a whole battery of economic development tools—grants, loans, incentives, and other assistance—to combat them. The targeted tax incentives of the enterprise zone program promise to be a useful addition to existing development programs.

THE KEY TO URBAN RECOVERY

In its final report in 1980, the President's Commission on Neighborhoods emphasized again and again the critical position of neighborhoods in determining the tempo and tone of urban life. Describing cities by their buildings, monuments, or financial centers ignores, as the Commission noted, "the persistent pulsing of life in these communities within communities" which city residents call home. In other words, the quality of life in any city is determined by the condition of its neighborhoods and communities, the places where people actually live and work.

What comprises a community? My experiences growing up in the South Bronx have given me a firm and practical understanding. A community consists of at least three things: jobs for the people who live there, housing for those who wish to call the community their home, and business establishments for shopping and work. That is how I remember the South Bronx of my youth, a vibrant neighborhood where my family and neighbors worked at local shops and factories, spent their wages at neighborhood stores, and lived no more than a few blocks from either. Not only was this arrangement convenient, but it created a real community and assured the constant recycling of our dollars in our neighborhoods.

This scenario was repeated thousands of times for other South Bronx residents, for other New York City citizens, and in central cities all over the country. Dynamic local economies, centered in the communities and which utilized the multiplier effects of resources retained in the neighborhoods, led to economic vitality in the community and contributed to the over-all financial and social health of the cities.

Today, however, many business and commercial trends have converged which have resulted in the exclusion, in many communities, of neighborhood-based commerce from the prevailing currents of economic activity. Both government policies and private sector forces have combined to undermine the foundation of many neighborhoods. For communities to be reintegrated into the economic mainstream of their cities, the conditions under which local entrepreneurial undertakings can flourish must be restored.

In order for the prevailing tendencies towards economic decentralization and conglomeratization to be overcome, calculated and reasoned public intervention is necessary to minimize the effects and, if possible, eliminate the causes of harmful distortions in economic behavior. In devising the mechanisms for such intervention, we must be as precise as is possible in our thinking about what the Federal government can and can not do to help our cities.

As I mentioned at the outset, the key to areawide development is opportunity development. This is especially true in local neighborhood areas. The Federal government must provide for the reestablishment of opportunity producing incentives in areas where they no longer exist, but once did. Such incentives should serve to attract businesses to neighborhood areas which face severe depression, unemployment, and poverty.

Enterprise zones will provide such incentives for entrepreneurs to return to previously shunned areas and contribute to the restoration of viable and self-sufficient urban neighborhood economies. The wealth of the community would once again have an opportunity to be retained in the neighborhoods, providing a strong base for the entire city. In recent years, the private sector—frequently with Federal assistance or as a result of Federal actions—has compounded neighborhood problems. Through enterprise zones, the private sector can now help solve them.

Federal tax and credit policies influence, to a great degree, the costs of labor, land, capital, energy, and other resources—all of which are important factors in business investment and location decisions. Taxes affect the relative cost to business of new capital, as opposed to existing plants, and of land in growing areas, as opposed to land whose value may be falling. As a result, the Federal tax system is probably the most pervasive Federal influence on patterns of economic development.

Enterprise zones have been designed fundamentally as a tax policy, aimed at overcoming several existing provisions of the Federal tax code which have reinforced the economies of growing areas and hindered the investment attractiveness of older urban areas. The Accelerated Cost Recovery System depreciation scheme enacted in 1981 makes it preferential to invest in new industrial and commercial structures and equipment, rather than existing capital stock. Non-targeted, tax-exempt financing of industrial and commercial development has proven to be a major factor in the march of investment from inner-city neighborhoods to fiscally healthy suburban locations.

The enterprise zone proposal provides the legal momentum to swing the tax pendulum the other way, to favor both new development and rehabilitation and improvement of existing facilities in the nation's distressed communities. It offers additional investment credits, employee salary credits, and guaranteed maintenance of tax-exempt financing targeted to these areas.

Targeted economic development policy is most effective when used in conjunction with existing programs designed to ease the plight of inner-city residents. Enterprise zones offer the administrative framework to direct tax incentives to firms in geographically specific areas, where they can be coordinated with other policies and programs in order to make the zone neighborhoods more attractive to investment and provide suitable living environments for their residents.

THE ENTERPRISE ZONE PROGRAM

The enterprise zone proposal provides a real opportunity to reverse the historic patterns of investment discrimination against inner-city neighborhoods. This legislation would make the inner cities attractive places for businesses to develop and grow, through a series of carefully chosen tax and investment incentives that will create jobs and promote the physical rehabilitation of major urban areas such as the South Bronx.

In developing the following program, my colleagues and I have benefited enormously from the substantial contributions of community groups, city residents, local activists, representatives of minority groups, mayors and city officials, small businessmen and women, and organized labor groups. All are committed to making America's cities better places to live and to work.

Throughout the debate and subsequent modifications to the first enterprise zone proposal, however, the purpose of the legislation has been steadfastly maintained. It is still designed to create jobs, promote private investment in communities, and strengthen neighborhood economies. Above all, it is still designed to enhance the community ties which connect neighbor to neighbor.

The proposed enterprise zone program features a tax incentive package with the following provisions:

Capital incentives

An additional investment tax credit for capital investments within a zone, ranging from three percent for personal property, to 5 percent for capital equipment, to 10 percent for the construction or rehabilitation of commercial, industrial, or rental residential structures.

Elimination of capital gains taxes on the sale of qualified zone property.

Continued availability of Industrial Development Bonds to finance small businesses locating in enterprise zones.

Labor incentives

Any employer could claim a 10 percent nonrefundable tax credit, up to a maximum $1,500 per worker, for payroll paid to zone employees in excess of that paid in the year prior to zone designation.

Employers would be permitted to take an additional credit for wages paid to disadvantaged individuals (primarily Aid to Families with Dependent Children, Supplementary Security Income, or general assistance recipients, or similar low-income individuals) hired after designation of the zone. This credit would consist of 50 percent of the wages paid during each of the first three years of employment, and phase out by 10 percent per year from years four through seven.

Zone employees could claim a five per cent nonrefundable income tax credit for income generated by zone employment, up to a maximum of $450 each.

Complete protection for the minimum wage and all worker health and safety standards is maintained as well.

Other incentives

Zone firms could carry forward operating losses up to 15 years.

Investment and employment credits earned by zone businesses could be carried forward for the life of the zone.

Foreign trade zones would be promoted within enterprise zones, and applications would be given expeditious and special consideration.

Designation of zone: Either state or local governments may nominate an area for designation. This must be done by legislative action. A "confirming nomination" by the other government would be necessary before the proposal would be considered for designation. An area so nominated would have to be characterized by distress, pervasive poverty, and high unemployment; lie within the jurisdiction of both nominating governments; contain a minimum population of 4,000 if within a Standard Metropolitan Statistical Area, or 2,500 if without; and be the target area for legislatively authorized state and local incentives.

The application of an area meeting these basic requirements would be placed in a pool of qualifying applicants for competitive evaluation. The state and local package of contributions to a nominated enterprise zone will be the key factor weighed by the Department of Housing and Urban Development (HUD) in the competition for designation. Each jurisdiction will have to demonstrate the quality and strength of its proposed incentives, their applicability in addressing local development needs, and their ability to spur investment and lead to job creation.

From this qualifying pool, the Secretary of HUD would be empowered to designate up to 25 enterprise zones annually as entitled to the Federal investment incentives. The designation process will continue for three years, with a maximum of 75 Federal enterprise zones authorized.

The enterprise zone approach relies heavily on the initiative of local governments to identify both their economic needs and, in turn, the appropriate type of investment which will assist in the alleviation of their unemployment and help supplement their declining tax bases.

ADDRESSING URBAN PROBLEMS

The enterprise zone plan has been designed to promote economic revitalization of inner-city areas. It features tax incentives to entice jobs and businesses, particularly small businesses, back into decaying areas, thus encouraging private sector activity and investment which will directly address some of the most pressing problems facing our inner cities.

Job opportunities: The enterprise zone provisions place significant emphasis on direct job-generating inducements. Companies which stand to realize the greatest benefits from employment tax credits, therefore, will be the more labor-intensive businesses and industries.

The tax credit level, at 50 percent of wages for targeted groups will focus attention on hiring economically disadvantaged persons, and in large numbers. The seven-year qualifing time frame for the credits will encourage employee training by zone firms and hiring of economically disadvantaged persons into career ladder positions.

In addition, the plan directs attention to the problem of potential indiscriminate worker displacement in existing firms at the outset of zone designation by basing the wages subject to the credit on the amount of total company payroll increases which have occurred since the year before the enterprise zone was established.

State and local involvement: The plan directs attention toward the formulation of a development strategy which matches localized needs with available state and local resources. The legislation mandates state and local cooperation in developing a workable strategy for the economic revitalization of the zone area, and the identification of resources to implement the strategy.

Furthermore, the bill broadens the scope of state and local contributions beyond simply offering tax relief by inviting other forms of incentives and commitments. Finally, the program would encourage direct participation of public and private organizations.

No one sees the current enterprise zone proposal as the ultimate urban tool. The legislation will soon be the subject of hearings in Congress which will refine it further. Several issues still need to be resolved in order to make it as useful as possible to the full spectrum of potential zone participants. For example, a stronger venture capital provision must be developed, in order to encourage the flow of startup money to small and minority businesses. Currently, although small businesses are often pioneers in revitalizing an area, some types will not be able to take full advantage of the proposed incentives.

Legislative approved by Congress must be sensitive to the need for a high degree of community involvement during the process of designating and developing plans for the enterprise zones. The zones will work best in conjunction with the input and efforts of local development organizations, the city, and, most importantly, the many neighborhood organizations already committed to urban revitalization. Finally, firm guarantees of the continuation of vital urban programs, such as those providing assistance in reconditioning or building infrastructure, must be obtained.

Our nation will continue to grow in the years ahead. We must strive to ensure that economic expansion does not exclude certain segments of our population, areas of cities, or regions of our country.

The potential for urban revitalization is great. The ultimate goal of an enterprise zone program is to lay the foundation on which to rebuild and reinvest in our nation's distressed communities. For our cities to regenerate, they must yield opportunities for personal, business, and institutional development. Opportunity development has been, and will continue to be, the key to maintaining and enhancing a livable and viable urban environment.●

A TRIBUTE TO CLARA MARKOWITZ FRANKS

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. GUARINI. Mr. Speaker, I am saddened to report to you and our colleagues in the House that Clara Markowitz Franks, who led some 50,000 volunteers at the Deborah Heart and Lung Center, died on October 21. Mrs. Franks and her volunteers worked to help guarantee that no one who comes to Deborah will ever have to pay for their care, no matter how expensive the specialized treatment may be. Mrs. Franks, who was 80 years old, devoted nearly a half century of her life to the internationally famous institution.

Deborah, which is comprised of three health care units, Deborah Heart and Lung Center, Deborah Hospital Foundation, and Deborah Cardiovascular Research Institute, is located in Browns Mills, N.J. Deborah, named after the Old Testament prophetess who inspired the Israelites to unite and triumph against their oppressors, has earned a reputation over long years as being one of the best providers of care for adults with heart and lung diseases and children with congenital heart defects. Deborah made headlines all over the world in the last year through its humanitarian efforts to continue providing hospital care to Polish children suffering from heart ailments despite the martial law the noble people of that land live under.

Mrs. Franks, who had come to America from Poland with her parents

when she was 4 years old, began her long association with Deborah in 1934, when she entered the Deborah Sanitorium as a tuberculosis patient. In those years Deborah was no more than a few summer bungalows gathered in the Jersey pines. Health care consisted of fresh air, sunshine, and plenty of rest.

The hospital's regimen, and its destiny, changed when Dora Moness Shapiro bought the hospital with an eye toward expanding and modernizing services there. The energetic benefactress quickly began her program, and it was then that young Clara Markowitz Franks joined the staff. Starting as an office worker, Mrs. Franks rose to the positions of hospital superintendent, then administrative assistant to the national president, and finally to the posts she held at the time of her death: vice president of development and New Jersey regional director of Deborah Hospital Foundation and Deborah Heart and Lung Center.

My good friend, Stanley H. Fryczynski, Jr., of Bayonne, is the president of Deborah Heart and Lung Center, the Deborah Hospital Foundation, and Deborah Cardiovascular Research Institution, and worked closely with Mrs. Franks. He observed:

Clara Franks was Deborah. She is the reason Deborah survived the past 48 years. She served as a constant model of determination and concern. Everyone who knew her loved her; we will all miss her special warmth that touched everyone.

Mr. Fryczynski, whose own association with Deborah began 14 years ago, expanded upon Mrs. Franks' role with Deborah:

Deborah, with 300 supporting chapters throughout America, thrives as a result of this extensive network of volunteers, who devote many thousands of man-hours to Deborah's mission. Mrs. Franks developed this chapter system back in 1939, and nurtured its growth over the years. As titular head of these branches, Clara Franks gave her tireless support to the center. She expected no less devotion from her volunteers, and the relationship has mightily benefited Deborah. The volunteer network year after year out-does itself in support of Deborah, and the volunteers have displayed a remarkable devotion to Mrs. Franks and the example she set.

The funds raised through this network permit Deborah to continue its tradition of never rendering a bill no matter what the treatment costs or to whom the treatment was applied.

Mr. Fryczynski continued:

Clara Franks played a direct role in every step of the institution's development: from the complex of bungalows where she first went for treatment, to the internationally famed 155-bed hospital Deborah is now. Until her death, she was involved in efforts to expand patient care, health education, and research facilities. Throughout her years at Deborah, she was committed to insuring that all who needed the specialized care that Deborah offers could be treated without regard to race, religion, national origin, or ability to pay.

Even though Deborah has opened its doors to the children of the world, it has never turned down an American child for treatment because it was overextended, nor has it ever accepted Federal funds for the work it does so well. Besides its work with American children, Deborah has treated children from 17 other nations. As I mentioned earlier, Deborah is a lifesaver for Polish children with congenital heart defects, despite the political difficulties which separate our nations. When President Reagan imposed an embargo on flights between America and Poland, the program was severely threatened. As a solution, these children were flown into Canada, and then brought to the United States. Polish Americans, through their contributions to the children's transportation, helped keep this particular life saving mission going. Deborah continues to treat four Polish children a month while housing their mothers and training Polish doctors in the specialized treatment. These children would have died had they been left in Poland, where Deborah's medical technology is not available. "These doctors are incredibly devoted," Fryczynski noted. "There has not been one defection in the 18 months we've had the program; they always go back to help solve the problem at home in spite of the personal difficulties martial law imposes on them."

Deborah's noteworthy record of humanitarian medical care for mankind's most difficult cases has attracted worldwide attention. Soon, Deborah will be feted at a fundraising gala event. International celebrities have pledged their help so that Deborah can continue its remarkable mission. Yet, what Deborah relies on day in and day out is the volunteer network that Clara Markowitz Franks established and administered. Attracting concerned humans to its cause, the level of volunteer contributions ranges from a few hours yearly in fundraising to the presidency of the program; Stan Fryczynski accepts no pay for his efforts. They volunteer because they have read of Deborah and its works or because their lives were touched by the tragedy of a child's congenital heart illness.

Many of Deborah's volunteers came aboard as a direct result of Clara Franks and her phenomenal work. Of course, Mrs. Franks' remarkable lifetime of selfless concern for others brought forth important accolades from admiring organizations and people. Among them are Deborah's first President's Award and another award presented to it last year by former President Gerald Ford at the dedication of the new north wing at Deborah. The nurses' residence at the hospital is named in her honor. Stan Fryczynski also noted that, most recently, Mrs. Franks was named the charter member of the new Deborah Children of the World Heart Club. The club was named to symbolize fulfillment of the goal of providing treatment to children in need from around the world.

Mr. Speaker, America's greatest institutions are so effective because of the many men and women who contribute their time and talents freely to the causes they espouse. It is fitting that Mrs. Franks, who lived as an example of hard work and concern for the needs of others, became the leader of 50,000 others who share her concern and devotion.

Just recently Americans observed "National Volunteers Week." To Clara Franks, we can only say "thank you" by remembering her lifetime of devotion and diligence and by doing what each of us can to help ease the suffering of our fellow humans. Her memory will continue to serve as an inspiration to us all.●

TRIBUTE IN HONOR OF LOU PAVIA, A GREAT AMERICAN AND DEVOTED FAMILY MAN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. BIAGGI. Mr. Speaker, each of us, I am sure, has experienced the heartbreak of losing a loved one, or a friend who has been particularly dear to us. That period of profound loss, and the subsequent readjustment of our lives, is a very trying and soul-searching time during which we evaluate ourselves along with the memory of those we have lost, and come to realize that with such great losses, a part of us, and what we had shared and valued, is gone too.

I recently endured one of the most sorrowful periods of my life, having seen my youngest brother lose his life in a valiant battle against cancer. Such a part of me and all that we were in life together is now gone too. At his Funeral Mass, the main celebrant told us who were experiencing the physical pain and mental anguish of grievous loss that we should try to view his passing as bittersweet, bitter in the sense of the complete separation from a loved one, but also sweet in the understanding, which is the teaching of the Catholic Church, that death is but a passage to an eternal, peaceful and glorious rest, away from any pain and suffering that is sometimes life, and in reward for all the work and gifts contributed to life during his lifetime.

Mr. Speaker, I mention these personal references because I understand all too well, and wish to share, the feelings of extreme loss now being ex-

perienced by close friends, and the family of Lucio G. Pavia, following his untimely death.

Lou Pavia was an exceptional man, a great American, whose heartfelt interest in serving the veterans of our country, and his extraordinary efforts on their behalf, made him one of the foremost leaders of veteran causes, and a primary official of the Veterans of Foreign Wars in New York State. Even more importantly, he was a loving husband to Virginia Ann, a devoted father to Robert Lucio and Deborah Joan, and a proud grandfather to Robert Lucio Pavia II.

The memory of Lou Pavia is that of a very warm-hearted, compassionate, and giving man who, immigrating to this country from Italy at a young age, truly appreciated and took great pride in his adopted country, and worked tirelessly in a personal commitment to render service to others, and particularly to his veteran comrades and their families in need.

Lou Pavia suffered an untimely death last summer, and his void has been felt by his many friends and admirers everywhere. His memory will live on in all those who were fortunate enough to be touched by his loving kindness. He has given us the example of a resourceful, community minded, and self-achieving man, so proud of his noble Italian heritage, who realized the American dream of progress and accomplishment, and made a share in that dream possible for so many others less fortunate than himself.

In speaking of Lou Pavia, no words could be more meaningful than those expressed by his wife and daughter in a touching and moving biography of tribute. I would like to share the love and gratitude of that message with you here today, and have you envision the personage of this humble, and yet great man.

To the loving family he left behind, we express our deepest sadness at their great personal loss. We trust that they will enjoy happiness and success as Lou would have wanted, and for which he had devoted so much of himself. May he now enjoy an eternal reward for all the wonderful qualities he shared with so many.

The biography follows:

BIOGRAPHY OF LUCIO (LOU) GENE PAVIA

(By Virginia Ann Pavia and Deborah Joan Pavia)

Lou Pavia was born on June 21, 1923 in Villa Santa Maria, Abruzzi, Italy, the second of four children of Domenica and Francesco Pavia.

In the year 1927, his father, having established himself in America as a citizen and a chef, sent for his family: wife Domenica (a seamstress), first born John (age 6), second born Lucio (age 4), and his daughter Dora (age 2). Boarding the vessel Roma from Naples, Italy and landing on Ellis Island, U.S.A. on November 6, 1927, Lou often told of how elated the children were when they first set eyes on the Statue of Liberty.

The family first settled on Thompson Street in Greenwich Village, N.Y.C., where they lived for 3 years. They then moved to 104th Street and Lexington Avenue where they resided for an additional 3 years and where Lou's youngest brother Anthony was born.

At the age of 10, Lou and family moved to 3031 Holland Avenue, Bronx, N.Y., where they permanently settled.

Lou was always an outstanding student. He went to P.S. 76 and Evander Childs High School in the Bronx. He was an A+ student, and told of how the Principal would excuse him from taking tests because of his excellence over the other students. While in High School he was on the Gym & Traffic Squads. He tutored other students in their studies at the request of his teachers. Because of his knowledge and grades, he was known as the "Professor". Lou's dream was to become a lawyer, but because of finances at home, he was forced to take on a full-time job and discontinue his studies. Lou graduated Evander Childs H.S. on January 29, 1941 as an honor student, and with the highest regents score in the city of New York in Bookkeeping.

The day after graduation he turned his part-time job into a full-time one, as the Produce Manager of an A&P chain.

On January 19, 1943, Lou, with great pride and patriotism, was indoctrinated into the United States Army. His combat service included from September 8, 1943, the invasion of Salerno, Italy with the 36th Infantry Division, through V-E Day, Germany on May 8, 1945. He was decorated with 8 Battle Stars, before his Honorable Discharge as Corporal on November 29, 1945.

Lou was out of the service less than 2 weeks when he began working for the Veterans Administration in Manhattan. Even at the young age of 22 he recognized his interest in serving his fellow comrades.

In the summer of 1946, while going home on the subway from work, he spotted a tall, young, attractive blonde. Impelled to introduce himself he first met (Virginia) Ann Brandl. Although Lou's High School Yearbook quoted him as saying, "I would like to settle down with a short, brunette", Lou and the tall, blonde Ann where married on July 31, 1947.

Moving into an apartment at 1025 East Gun Hill Road, Bronx, Lou and Ann set up their loving home. A year later, wanting children, they became the proud parents of a son, Robert Lucio.

Having a wife and son to support, Lou realized that although he was dedicated to his fellow veteran, it was time to improve his income. He started working for Rusco Storm & Screen Windows Co., in Mt. Vernon, N.Y., installing storm doors, windows, etc. He was now able to move his wife and son to a larger apartment in 2091 Webster Avenue.

In 1952 Lou finally got his short, brunette. Ann gave birth to their daughter, Deborah Joan.

Rapidly increasing his knowledge of the storm window business, in 1953, at the age of 30, Lou established his own Corporation. As single proprietor and Corporate President of the Mt. Vernon Windows Inc., he always made time to teach and guide his employees. The same men who worked for Lou then, have their own businesses now because of Lou's unselfish contribution. He hired his brother Anthony, to help him pay for his school books and tuition as Anthony was to become one of the top Doctors of Chiropractic medicine in the State of New York.

In 1954 Lou was able to once again serve his fellow veteran. He learned about a great organization, the Veterans of Foreign Wars. He immediately joined and became an active member. Upon learning about a fund-raising raffle, he donated a storm door, to help their cause. By 1959 Lou had already been elected Commander of V.F.W. Gun Hill Post #271. During his regime, at this time and for 23 years more as House-Chairman and Bookkeeper, Lou organized fund-raising dinner-dances, raffles, clam-bakes and other functions for the betterment of his Post and the community. Lou was on the V.F.W. committee to raise $10,000 for the opening of Misericordia Hospital. There is a picture of the committee and a plaque displayed in that hospital still today.

Lou felt strongly, and fought with State Assemblyman Bill Eggert, Judge Paul A. Fino and his fellow V.F.W. committee, to keep open Mt. McGreggor Veterans Convalescent Hospital. Their goal was victorious.

In January of 1959 Lou presented a plaque to 17 year old, Louis Graves on the "Essay for the Unknown Soldier", along with American Chairman Edward Papantonio.

Lou always helped his fellow comrades and the people of the community get jobs, hospitalization, welfare benefits, insurance benefits, pensions, housing and widows death benefits. He loved his fellow man and showed it not with words but with action. He helped them either by his own knowledge or by his influence and friendships with honorable people, such as Congressman Mario Biaggi, Executive Assistant to Congressman Biaggi—John D. Tracy and respectable V.F.W. officers, New York State Adjutant—Joseph T. Gumo, Veterans Administration Service Office—William Sembler, and Chief Administration Director—Pete Pasquerelli.

Lou cooked, organized and ran affairs for all World War I and II commemorative occasions, and the Last Man's Club. Later to be the founder of "Old Timers Nite", he was known as their "Godfather". He ran annual Commanders dinners, installation dinners and fund-raising affairs for Post #271. He also brought tables of members to support other V.F.W. post functions. Lou stopped ethnic slurs among fellow comrades, toward one another.

As House-Chairman, he donated the Post hall to the Tre-Ford Little League and the Castle Hill Little League for their meetings. He donated the Post hall for the practice of the Senior Drum Corps, for years, and he donated the hall and ran affairs for the 47th Police Precinct from 1969-1975. He also donated the Post hall for Boy Scout meetings and the Hibernian meetings and affairs. Lou ran weddings at which he catered and hired men from the Post, all to raise money for his Post. He also ran New Year's Eve Dinner-Dances for years, again to raise money for his Post #271.

Lou started a Junior Drum & Bugle Corps while he was Post Commander in 1959, until the boys had to leave for the Vietnam War and the Corps dissolved in 1966. The Gun Hill Lancers was the name the Junior Drum Corps was known by. By starting his Corps, Lou kept 100+ children off the streets of New York with practice, and kept many out of trouble who were headed in the wrong direction, by being not only the Director of the Corps, but a father to boys and girls who needed guidance and help with life's problems. At the same time caring for and taking care of his own two children, who were also members of the Drum Corps, he

deepened their horizons, keeping them on a straight and narrow path to become scholars at school, to socialize, to have respect for their fellow man—everything every father should be. He always took the time to listen and guide them, for his two children were his top priority.

In 1964 Lou was asked by Art Vater, Past State Commander of N.Y. and Convention Director to help him run the National V.F.W. Pageant of Drums in New Jersey. Lou recruited men to help out with field and ambulatory services, for children 12-18 years of age. This was the beginning of his services in the National Band & Drum Corps Committee. In 1969 he was appointed Vice-Chairman and held this position until his untimely passing.

During this time, in 1957-58, Lou moved his family to 3306 Seymour Avenue, closed his storm window business and went to work for the Prudential Insurance Co. as an insurance agent in their Parkchester office, later to be transferred to Baychester office, where he received the first "Civic Leadership Award & Plaque" in 1968. The picture remains in the main office of Prudential. Lou later received his insurance broker's degree, and became licensed in New York, New Jersey and Connecticut.

Lou was honored by Fordham University, as Post Commander, to present the outstanding R.O.T.C. Cadet with a watch donated by Gun Hill Post #271 in 1959, at a beautiful program.

In 1961, Lou gave a Christmas party to the Orphan Children, held at Post #271, along with V.F.W. members who contributed gifts.

Lou's leadership and popularity led him to be elected as V.F.W. Bronx County Commander from 1964-65. He continued running annual Post and County, Past Commanders and Past Presidents, installations and dinner-dances, being host, cook, seating coordinator, hiring bands and uniting fellow comrades and sisters by inviting other posts to participate and by going to other posts to continue the relationship. Lou would also invite political friends to participate. In 1965 Lou honored Councilman Mario Merola with a Life Membership to the V.F.W.

Lou and his wife, Ann traveled throughout the U.S.A. promoting friendship and comradeship. They were loved by so many people in all categories throughout the states. Lou never lost this quality of life until the day he was no longer with us. His convention room, big or small was always opened day and night, welcoming, uniting, feeding and laughing with comrades, sisters and friends of the V.F.W. The V.F.W. has lost a valuable and beautiful human being.

In 1964, Lou was invited to be on the Honor Line with Mayor Wagner and Major General Roger J. Browne, in a Loyalty Day Parade in memorial to General McArthur.

On Loyalty Day he was once Grand Marshall of the parade on the Grand Concourse and Poe Park; he was Adjutant General & Chief of Staff for Memorial Day parades. In Westchester County, Lou and his son, Robert were judges on Drum Corps performance for many of their parades.

Lou participated in, ran, marched and sat on the Honor Reviewing Stand, at all parades (Veterans Day, Memorial Day, Loyalty Day, etc.), and later invited political figures back to his Post No. 271 for something to eat and drink, which he prepared, or made arrangements with fellow comrades to have ready. This he did ritually for 20 years. Lou presented Congressman Mario Biaggi with a plaque on Veterans Day at Pelham Bay Memorial Park for his services to the veterans. Lou and Congressman Biaggi were on television twice together, fighting for the causes of the veterans: the first time to keep the Kingsbridge Veterans Hospital open, their goal victorious, and the second time to help the Vietnam veteran receive all benefits due him.

Being on the committee of the V.F.W. Bronx County Ball and as Booster Chairman, Lou helped run Balls at which Councilman-at-Large Aileen Ryan was always honored along with other politicians. The Day after the Ball all comrades and sisters, along with their spouses, were invited by Lou to the Gun Hill Post to socialize and have dinner and drinks compliments of the Post. (What beautiful days they use to be when you kept on making new friends). After which, it was a ritual to drive Art Vater and family back to their hotel in Manhattan at 2 or 3 o'clock in the morning.

Lou was honored by being a Guest along with the wife, Ann (whom he took everywhere he went) at Post functions, Bronx County affairs, District affairs, Department, State and National affairs and functions, and all Conventions, County through National. Lou loved and worked with all levels of people for over 20 years.

Lou could always depend on a committee of comrades, from his Post and from other Posts, to work along with him. The men would always come through for Lou, in whatever he endeavored.

Lou donated the Post hall to the Police Athletic League's Warriors Drum Corps for their meetings and for all the Eastern Circuit, of which his Drum Corps was one. Till today the Kilts, Fife & Drum Corps practice at Gun Hill Post #271, every Thursday night and participate in many parades.

In 1966, Lou was appointed by the Honorable Joseph Lombardo as Committee Chairman for the 67th V.F.W. National Convention.

Lou was also President of the North Bronx Republican Club from 1970-1972, and a member chairman for many of their affairs which he was host to always cooking and donating the Post hall for 10 years. At Senator John Calandra's dinner in 1970, Lou was Toastmaster. At this time Lou was also on the Veterans Rallies Committee for the Rockefeller-Wilson team. Lou and Ann were invited to accompany Senator Calandra, by Lt. Governor Malcolm Wilson, to Washington, D.C. to be honored by the Lt. Governor. Governor Nelson Rockefeller was also appreciative and sent Lou a personal Thank You letter.

Lou united the Gun Hill Post and Aaron Lewis Post by running joint meetings and parades, by providing a bus between the two Posts. He did this for years uniting black and white comrades. He even got a permit to put up a reviewing stand on Nereid Avenue (one block from Post #271). All District 2 Posts and Auxiliaries participated, along with his Drum Corps. Great days for all.

In 1967, Lou moved his family to 3153 Seymour Avenue.

Lou was never able (in his eyes) to do enough for his fellow comrade. In 1972 his fellow comrades recognized this and honored Lou with a Testimonial Dinner. Men came from near and far. Lou's political friends, Congressman Biaggi, Senator John E. Flynn, Borough President Robert Abrams, Judge Paul A. Fino, Senator Joseph Periconi, Congressman Jonathan B. Bingham, Senator Calandra, Assemblyman L. Fusco, Michael McSherry, Robert Whelan, all honored Lou by being guests and sitting on Lou's dais, at this well deserved testimonial.

During this time Lou joined the V.F.W. committee for drug abuse. On this committee he worked with the politicians and comrades to fight this terrible problem the world is facing.

There is a most special program in which the V.F.W. and the politicians unite to honor young Americans for their patriotism. Lou joined the committee for the "Voice of Democracy" program with great enthusiasm. He served as Hospitality Chairman and was on the judges panel since the early 1970's. Congressman Biaggi was again honored with a plaque, presented by Lou, for his support in this patriotic program.

On May 2, 1972, Robert's wife gave birth to Lou and Ann's one and only grandchild, Robert Lucio Pavia II. Lou loved this child so; he took him most everywhere. In August of 1982, Lou wanted so to be able to take Robby to the National Convention in California, along with Ann, but the day never came for Lou.

In 1976 Lou and Ann moved into their own home at 4223 Gunther Avenue. They were delighted to have their own home for now they really had room to entertain, and entertain they did. Family, comrades and friends still talk about the dinners, barbecues and laughs they had with their hosts.

In the early 1970's Lou was elected as President of the Association to the Gun Hill Post; he held his position until his passing. This position gave him the responsibility of being landlord of the Post.

Lou was able to join the Disabled American Veterans in 1976, because of an knee injury he received during his military service. He became a member of charter in the Italian-American War Veterans, as not to forget his heritage. In 1980 he joined the American Legion so that he could join a patriotic organization with his son Robert.

As busy as Lou's schedule was with the V.F.W., political and community activities, he never neglected his family in the least. His wife and children were always by his side; they never felt overlooked for Lou had an overwhelming amount of love to go around.

At home, Sunday was "family day", the one day of each week that was set aside for the family to share their thoughts. Any and every subject was open for conversation. Lou would guide and advise, but at the same time let his children learn by their own mistakes. Even later on his grandchild was included in these talks. Lou told Robby II that no matter how young he is he has an opinion to be voiced and respectfully listened to as a part of the Pavia family. Lou taught his family the true meaning of "love and understanding".

The offices Lou held in the V.F.W. are endless. Just to mention a few more: Judge Advocate & President of the United War Veterans Memorial & Executive Committee for 11 years, on the State Legislative Committee for 16 years, and Convention Chairman in 1972. As District Steering Committee Chairman for 12 years, he promoted comrades in District 2 to become State Commanders, always having a winner.

Continuing his dedication to his Post, Lou amended his Post By-Laws, as to keep up with today's world.

In 1980 Lou retired from the Prudential Insurance Co. and began working as the Bookkeeper for the RAIN Senior Citizens Association. Oddly enough the rented the

post halls and office to RAIN as President of the Association to the Gun Hill Post. He was their bookkeeper and landlord simultaneously.

Approached by his comrades in V.F.W. State offices numerous times, for nunerous years, Lou consistantly turned down the nomination to run for State Commander. He felt that at these times it would take too much time away from his family, and besides he enjoyed promoting others (being the man behind the man) as District Steering Committee Chairman. His comrades would not take "no" for an answer; they needed his leadership, and therefore in 1981, Lou was drafted to run for State Commander of New York.

Lou and Ann felt that although it was time consuming work, it was time for Lou to accept being drafted to run for State Commander. At the rate Lou was going he would be New York's V.F.W. State Commander in the year 1985.

Lou was on his way; he continued to go up in office on the State level. In 1981 he held the position of State Inspector, accomplishing the most productive inspection in 20 years.

On June 26, 1982, Lou was now in office as State Chief of Staff, which only left one more year to run for State Jr. Vice Commander.

Lou passed away on July 29, 1982, at 4:00 am, caused by a massive heart attack. He had an appointment that morning to pick up fellow comrades to preside at the Flying Squadron meeting in Pennsylvania. He made arrangements with his wife, Ann to return early from Pennsylvania to celebrate their 35th Anniversary on July 31st.

Ann made sure Lou was waked for 5 days so that his comrades could learn of Lou's passing and upon returning home from Pennsylvania, pay their respects to Lou. Hundreds of fellow comrades, sisters and friends traveled as far as 500 miles by car to pay tribute to Lou by passing in salute and prayer, Congressman BIAGGI beside them. Family came from as far as California, for the man they loved. No distance was too far for all those who cherished Lou. The New York State Commander Thomas E. Voss, after traveling hundreds of miles, took Ann's hand to place the State Chief of Staff badge on Lou's pocket. The V.F.W. State Honor Guard stood devoted guard for 3 days and nights at Lou's wake, never tiring of changing guards, saluting and paying their respects to this great man whom they loved dearly.

V.F.W. State Adjutant Joseph T. Gumo, honored the Pavia family by delivering the eulogy, with love and respect.

On August 2, 1982, Lou was laid to rest at Calverton National Cemetery in Long Island, where Mr. Gumo presented Ann with this country's great flag.

There have been many tributes to Lou since his passing. Published in the "Overseas Veteran"—"The Department of New York Banner and all District, County Councils and Posts will drape their charters for a period of thirty (30) days from date of this order in memory of Lucio G. Pavia", by order of Thomas E. Voss, N.Y. State Commander. On November 11th, Veterans Day, the Pavia family were guests of District Commander Henry Christ, at the Pelham Bay Memorial Park, Bronx, N.Y. where the V.F.W. dedicated the day in the memory of Lucio G. Pavia. John Cannon of the U.S.O. has requested the presence of the Pavia family at a Christmas Party for the disabled veterans of Kingsbridge Veterans Hospital, donated by the U.S.O. in memory of Lucio G. Pavia. The list has just begun.

Lou Pavia, a great loss to all who were fortunate enough to know and love him.●

GREAT ACCOMPLISHMENT

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. VANDER JAGT. Mr. Speaker, in these difficult economic times for our country, and I must say particularly for our State of Michigan, there are occasional sparkling developments that deserve the widest recognition. Such, I believe, is the case recently in Ionia County, and especially the city of Ionia, when its newspaper, the Sentinel-Standard, editorially praised the management of the Ionia General Tire plant, as well as the local union, the United Furniture Workers Local 420. Both labor and management "gave" in resolving an extremely outstanding matter of a new contract.

I want to take this opportunity to congratulate all involved and as the editorial mentioned, I hope that it will "stimulate further labor-management cooperation throughout the country." A great example has been set by these Ionia parties. The editorial follows:

[From the Sentinel-Standard, November 15, 1982]

COOPERATION IMPORTANT

Last Thursday was a very important day for Ionia and Ionia County. It marked the ratification of a new 20-month contract between labor and management of our county's largest industrial employer.

Members of United Furniture Workers, Local 420, and Ionia General Tire plant management are to be congratulated and praised for the efforts.

The contract, which was scheduled to expire February 1, 1983, could have spelled big trouble for the Ionia area if the two sides were unable to reach an accord.

As it ended, labor agreed overwhelmingly to a freeze in wages and cost of living benefits at current levels, in return for improvements in contractual language, as well as benefit improvements in dental, sickness and accident, and spouse health benefits for certain retirees.

Local 420 President Thomas Almy summed up the union's goals when he said, "It is the union's hope that this contract will put Ionia General Tire in a more competitive position in the molded fiberglass industry, which will eventually result in more jobs for currently laid-off members."

The spirit of cooperation by labor is critical in light of the awesome job faced by management to be competitive with other manufacturers in these difficult economic times. Competitive labor costs are an essential ingredient needed to produce a profit for company stockholders. If there is no profit, there can be no jobs for anyone.

We think this spirit of labor-management cooperation is important if the Ionia County area is to attract new industry and see existing industry expand in the future. Current and potential employers and investors watch such indicators closely. The Ionia area's reputation as having a quality-conscious and cost-effective labor force is important.

The accord reach by General Tire's labor and management should be cheered by us all and we hope it will stimulate further labor-management cooperation throughout the country.●

FRANK P. CELESTE—WORKING FOR SUCCESS

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. MOTTL. Mr. Speaker, the American work ethic is something we have been taught since childhood. The degree to which we apply ourselves to it, however, is our own decision. Frank P. Celeste chose early on to apply himself wholeheartedly. Frank is a successful man, but as they say, no one gets something for nothing. Frank worked for that success. He decided what he wanted, and he worked to achieve it.

Frank Celeste decided to attend Wooster College. He accomplished that by chauffeuring, waiting tables, tending furnaces, and working in a toy factory. Through his efforts, he attained his goal; he graduated in 1928.

Frank then chose law as a career. Law school, we all know, is no small expense. Again, Frank worked his way through, holding down three jobs as he attended classes. Frank was admitted to the bar in 1932. He did not stop with local practice though; he wanted to be better. He has been admitted to practice before the Interstate Commerce Commission, the Federal Power Commission, the Treasury Department, and finally the U.S. Supreme Court.

Frank got into politics in 1954 when he was appointed to serve as interim judge of the Lakewood Municipal Court. The next year he was the first Democrat to be elected mayor of the city of Lakewood. In 1958, the Federation of Women's Clubs of Greater Cleveland cited him for leadership in community improvement. He upheld the public's high opinion and trust and was reelected in 1959. Even though a Lakewood resident, he was called on as a candidate for Cleveland mayor in 1965. Frank's son, following in his father's footsteps, is currently Ohio's Governor-elect. Richard Celeste will assume office in January.

Frank has never stopped working. He still has several jobs. He is presently chairman and director of National Housing Corporation as well as a general partner in Cletrac Indian Hills Colony, Hamilton House and Fairview Village, and a limited partner in Lake Shore Associates.

In spite of his busy schedule, Frank has been active civically. He is now a member of the citizens' league, the Lakewood Chamber of Commerce, and the past president or current member of several local civic organizations which promote the safety, health, and well being of the area.

Mr. Speaker, please join me in honoring Mr. Frank P. Celeste, a working man, and an example for us all.●

FIRST PRESBYTERIAN CHURCH OF JOHNSTOWN

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. MURTHA. Mr. Speaker, on Sunday, December 12, the First Presbyterian Church of Johnstown will celebrate its 150th anniversary.

Chartered in 1832, the church has founded four other Presbyterian churches in the Johnstown area, and been responsible for the building of the Redstone Presbyterian Home for the Elderly.

In our area of Pennsylvania, churches remain as the cornerstones of family life. This has been particularly important in the Johnstown area where we have experienced three disastrous floods during this church's lifetime; and where today we combat high unemployment and economic difficulties.

During these times of community and personal crisis, the First Presbyterian Church has remained a source of strength and guidance.

I know the whole community joins in commemorating this historic anniversary of the First Presbyterian Church, and through this celebration reuniting the community and the church membership through the outstanding work that continues through the church members and its leaders.●

BURGLARS FOILED BY SOUTH BRONX YOUTH

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. GARCIA. Mr. Speaker, at a time when the youth of the South Bronx are often criticized for neglecting the needs of their community, I am proud to report that the tenants of the Mid Bronx Desperados, a community housing corporation funded under section 8, do indeed care.

Two burglars came out of a Mid Bronx Desperado building on Vyse Avenue in the South Bronx with what appeared to be hastily covered items. Several young tenants nearby became suspicious and asked if they were moving out. The men claimed they were and gave them a fictitious apartment number. The tenants pursued them as they made their way up the street. While one felon was able to escape the other was apprehended by Pedro Martinez and Rogelio Martinez, who held him until the police arrived.

This incident demonstrates that there are young people in this community who have an unselfish concern and pride for their neighborhood, which housing corporations like the Mid Bronx Desperados help to promote.

I have enclosed for my colleagues' benefit the article from the Mid Bronx Desperados' newsletter which relates this incident.

BURGLARS FOILED BY MBD YOUTH

(By Louise Walker)

Who says New Yorkers are cold and uncaring? Two burglars who thought that way got more than they came for recently. Isabel Martinez, Michael Tapscott, Cynthia Taylor, Pedro Martinez, Jr., Rosalina Martinez and Rogelio Martinez, MBD tenants, were enjoying an Indian Summer afternoon when two strange men entered one of the MBD buildings on Vyse Avenue. They looked suspicious when they came out of the building carrying what appeared to be hastily covered items. Cynthia and Isabel asked if they were moving out and if so, from what apartment. The burglars, anxious to get away, replied, yes, they were moving, and gave a fictitious apartment number.

As they proceeded down Vyse Avenue towards 173 Street, the above mentioned young people were hot on their trail.

Someone notified Mr. Vazquez, the MBD Superintendent, and Mrs. Brooks and Mr. Loftin of the MBD office, who telephoned the police and then joined the chase. The two burglars walked East on 173 Street, headed toward Boston Road, with a now considerable crowd following them. Just before the entourage reached Boston Road, one of the thieves started to run, with Mr. Vazquez and Michael Tapscott in pursuit. The other felon was apprehended by Pedro Martinez and Rogelio Martinez, who held him until the arrival of the police.

Unfortunately, the other one eluded his pursuers. By now he has no doubt passed the word along to his cronies, "Stay away from MBD I!"

The quick thinking and unselfish action of these youngsters saved a neighbor's belongings.

All of the MBD I families salute you for your caring and bravery.●

WILLIAM H. HOLDEN

HON. GARY A. LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. LEE. Mr. Speaker, please allow me to draw your attention to today's retirement of Army Reserve M. Sgt. William H. Holden, a resident of Marcellus, N.Y., and one of the many thousands of solid and loyal American patriots who contribute day after day after day to making this Nation work.

While news columns fill with stories of young men who expend more effort to evade even potential national service than they would in the service itself, I think it is good to hear the other side of the story of America—the stories of the Bill Holdens who give so much for so long to the precepts which have created a great nation.

Mr. Holden—Sergeant Holden—entered the New York National Guard in 1938 with a desire for American service so great that he could not wait for the age of 18. He was but 16 on his entry. Throughout World War II, Bill Holden saw duty in the Pacific with a decorated Army unit.

Most men returned home from that war feeling that they had contributed their fair share of public service, as well they deserved the feel. Bill Holden almost immediately entered the ranks of the police force of Syracuse, N.Y., where his career continued with valor for 32 years until his retirement in 1978. All the while, he continued to serve as a leader in his National Guard unit, from which he retires today. After fighting America's wars abroad, he came home to spend even more of his life's efforts in riot and flood duty to his neighbors.

Today, atop his career in military and police work, he continues to be of service as part of the Syracuse Veterans Administration Hospital security force.

Mr. Speaker, I call your attention to Mr. Holden not because he is the object of unusual recognition and not because there is special reason to expect that Mr. Holden's accomplishments will make him a famous or wealthy man of note in this Chamber.

I call your attention to Mr. William H. Holden because I believe he represents what is good and right about America itself. He has given of himself tirelessly for the good of his fellow Americans and his neighbors. He is the spirit and the strength of the United States of America. Every once in a while, I believe we should pause to thank the real patriots of America's third century.

Thank you, Mr. Holden, on behalf of GARY LEE and the Congress of the United States. We appreciate what you have done for us.●

WOMEN'S ECONOMIC ISSUES HIGHLIGHTED BY HOUSE TASK FORCE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. BIAGGI. Mr. Speaker, economic equity continues to plague women despite the number of legislative and judicial developments which have re-

moved the many barriers which foster such discrimination. In a report recently issued by the House Democratic Caucus, this problem was highlighted in a number of very graphic ways.

This report outlines four areas of concern to women: Education, job, and business opportunity; fair retirement benefits; health care and elimination of poverty. The numbers in this report accentuate the growing need that women have to bridge the current economic inequities in all these areas. Briefly, a number of these areas include:

More than half of all women work outside the home. They are 42 percent of our nation's workforce. Two-thirds of these women work out of economic necessity. Yet they earn on the average just three-fifths—sixty cents for every dollar—of what male wage earners make;

In the age group 65 and over, there are 2.5 times as many poor women as poor men. Social Security and private pension systems have not adapted to modern conditions. As a result, both women who have held paid employment and lifelong homemakers face an uncertain retirement;

Only 20 percent of women in the workforce belong to labor organizations. These women earn almost a third more than their non-unionized counterparts;

Women make up a third of the Federal workforce. Yet they are 44.7 percent of those who have been fired by this Administration;

The median income of female-headed families is $10,960, less than half the median income of all families; and

Women and children are 75 percent of all people living in proverty, 69 percent of the food stamp recipients and 67 percent of the Legal Services clients.

The Democratic Caucus has put forth this document to dramatize the need for a vigorous commitment to economic equity on the part of our Democratic Party—a party which has its roots in eliminating social and economic barriers to all those segments of our society which are in need. Democratic administrations since President Roosevelt have been committed to equal educational opportunities for women, have strived for job equality, and have strongly supported the equal rights amendment. It is clear that the Democratic Party can offer the best opportunity for addressing these issues and I will vigorously support the efforts of our party to provide clear, fair, and realistic alternatives to Reaganomics in order to enhance the economic status of women in society today.

I have sponsored legislation, House Joint Resolution 529, which would provide a new opportunity for the ratification of the equal rights amendment. This, however, is not enough, and will not fully address the growing numbers of older women who are entering into poverty at record levels because of current inequities in public and private income maintenance programs. In my capacity as an original member of the Select Committee on Aging, we can continue our efforts to highlight the special economic problems of elderly women. This problem was most recently demonstrated by the near demise of the popular title V senior community service employment program—a program which provides part-time employment to low-income seniors over 55. Two-thirds of its 54,200 participants are women and they clearly would have been the hardest hit—and the greatest in need.

The problems faced by women in finding jobs and maintaining adequate incomes increase with age—such acute problems cannot be ignored. Addressing the economic problems of women should be a high priority for the upcoming 98th Congress and the Democratic Party in all levels of government. I pledge my own best effort in this area and am confident that we will see added movement in this area in the near future.●

LEGISLATION TO PROVIDE FOR CONGRESSIONAL DISAPPROVAL OF EXPORT CONTROLS

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. O'BRIEN. Mr. Speaker, I have always opposed economic sanctions against other nations, such as those imposed by the President against Russia after the declaration of martial law in Poland. History has shown us over and over that the damage is felt by our own industry to a degree that far exceeds any foreign policy advantage we might achieve.

Today I am introducing legislation which will provide Congress an opportunity to disapprove the prohibition or curtailment of export of goods or technology. Under my bill, Congress will have 30 days in which to adopt a resolution of disapproval of export restrictions when such restrictions are imposed for foreign policy, short supply, or national security reasons. Current law provides for a two-House disapproval in the case of export restrictions on agricultural exports for short supply or foreign policy reasons. My bill simply requires that all export controls be subject to the same procedure.

My bill does not interfere with the exercise of Executive authority, because it does not prohibit the President from imposing export restrictions. It does give Congress the opportunity to lift those restrictions, however, if they promise to be as harmful to American industry as the most recent ones were.●

POGOLOFF: FRIEND OF VETERANS

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. BROOKS. Mr. Speaker, on November 25, 1982, Roll Call paid tribute to David Pogoloff, Chief of the House Veterans Administration Liaison. Dave recently received the VA Administrator's Superior Performance Award—and I want to commend the Administrator for his recognition of Dave's outstanding service to the veterans of this Nation, to the Veterans' Administration, and to the Congress of this country. I will insert the article from Roll Call for all the Members to read. It is typical of Dave Pogoloff's unassuming, but tremendously effective effort that he praises his staff as sensitive, conscientious, public servants.

The article referred to follows:

[From Roll Call, Nov. 25, 1982]

POGOLOFF: FRIEND OF VETERANS

(By Laurie Denton)

David Pogoloff, chief of the House Staff Veterans Administration Liaison, has received many compliments and a lot of satisfaction in his 25 years on the job. This fall came the recognition.

Pogoloff was recently given the VA Administrator's Superior Performance Award, which carries a $3800 check with it. According to Anna Azhderian, AA to Rep. Frank Annunzio (III), Pogoloff more than deserved it.

"He's a sweetheart of a guy," she said, "He is sympathetic to veterans, he takes a personal interest."

A World War II veteran, Pogoloff could be called the dean of the dean of liaison services. The VA liaison service was created shortly after World War I, when the VA itself was a hodge-podge of agencies.

"It's a unique office in that we are part of the executive branch in the midst of the legislative branch," Pogoloff said. "We're here as their guests."

As guests, they do a lot of work for their Congressional hosts. "We stress the word service," Pogoloff said, explaining the work they do in helping veterans get benefits and keeping up on recent legislation. "An unhappy constituent makes an unhappy Congressman," Pogoloff added, "so our job is to make them happy." Part of the service tradition is reflected in their one-day response time in acknowledging letters and their personal calls to constituents with problems.

Keeping up with legal changes is a job in itself. Pogoloff has a shelf loaded with 22 black binders containing regulations on pensions and payments alone. And a stack of papers on the desk represented new regulations that had come in in the past two weeks. But the eight-member staff has not grown since after World War II. All eight are veterans, the youngest of whom, David Levitow, is a Vietnam vet and recipient of the Congressional Medal of Honor.

In Pogoloff's 25 years, the VA Liaison Service has shifted to more telephone work, as Congressmen have increased their district offices, often putting their caseworkers out in the field. The staff still holds what

Pogoloff calls "an on-going school" for caseworkers and it serves the 15,000 veterans who are Hill employees directly.

Along with the long distance work, Pogoloff said he has seen a dramatic increase in the case load and a corresponding decrease in personal interest. "There used to be more personal interest, when caseworkers had more time to delve into their cases," Pogoloff said. "I'm unhappy to see that sometimes they're just going through the motions."

The Vietnam War and a floundering economy have made more work for the Liaison Service. As the economy worsens, more veterans apply for benefits. An aging population of World War II veterans is also putting an increased demand on the VA's 172 hospitals around the country—the largest hospital system in the world. Today, there are 30 million veterans.

"The further we get away from a war, the number of clients and applications will drop," Pogoloff said.

Pogoloff has found many Vietnam veterans are dissatisfied with their benefits and think they deserve more than other veterans, although a severely disabled veteran could receive $33,450 tax-free, plus tuition for education or training if feasible, and a grant to purchase a specially-adapted home and car along with a clothing allowance.

"The tragedy of war and the cost of war is tremendous," Pogoloff said, "but how can a disgruntled veteran say 'the government doesn't do anything for us'?"

Pogoloff came home from World War II to Walter Reed Hospital, where his leg was amputated on Christmas Eve. "I was always grateful," Pogoloff said. "My life had been saved." Pogoloff's son, an Episcopalian minister, told his father that perhaps his life had been spared so that his son could serve God.

"Personally, I think it's the obligation of a young man in this country to serve if needed during times of national emergency and he should feel it's his privilege," Pogoloff said. "Most of us here are patriotic in that sense."

They are loyal to servicemen, too, in the sense that they will do anything to ensure that a veteran gets the full allotted benefits. In one case, a widow claimed her husband's death was linked with his service. Her claim was disallowed and the case came to the attention of the liaison service staff. They dug into it, discovered that at the time of death, the veteran had abnormally high blood pressure, a condition that was also reported by his first civilian employer. That was enough to allow the widow to collect benefits.

Such incidents provide the satisfaction that keeps Pogoloff on the job 25 years running. He and Assistant Chief William Aud don't leave the job at the office, either. They have become accustomed to calls at nights and on the weekends to resolve a difficult problem or help out in an emergency.

They've become accustomed to handling some touchy situations as well. One veteran, for instance, who was unhappy that they could not arrange for him to receive financial benefits on the spot, thought some superficial razor cuts on his wrists might help matters.

For the most part, however, Pogoloff stresses the office work in aiding Congressmen and their caseworkers. They are planning to meet all 81 of the incoming freshmen representatives, briefing them on liaison service activities and introducing their caseworkers to the service.

"This is such a complicated business we're in that a caseworker can really flounder in it," Aud said. "Until he knows what he's doing, he should pick up the phone and call us."

The group can help out when there is a particularly tough problem, when there are multiple questions, or when a number of veteran centers are involved and jurisdiction is in question.

Pogoloff's walls are covered with photographs from House leaders and Representatives and his files are filled with letters thanking him and the staff for their help.

"I'm very proud of my staff," Pogoloff said. "They're very conscientious, very sensitive to the needs of our veterans and their dependents."●

HOMECOMING FOR MARIO WATLINGTON

HON. RON de LUGO

OF VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. DE LUGO. Mr. Speaker, homecomings certainly are very special. They are a time of joy; a time of anticipation; a time of renewed friendships; and, a time of reflection. The 1982 homecoming for the College of the Virgin Islands is particularly special because a man of true distinction is being honored—Mario A. Watlington.

The College of the Virgin Islands is but one of the beneficiaries of the many, many contributions of this distinguished man who has consistently put his community first among his priorities. From Boy Scouts to the college, from politics to libraries, his unselfish interest and concern in the welfare of his fellow Virgin Islanders are broad and varied, but they all carry one theme—people. Mario Watlington is a man who truly loves people. His interest and concern in the well-being of the people of his community have underscored everything that he has done in his richly varied and active life. It is this aspect which sets him apart and makes him so very special in the hearts of his fellow Virgin Islanders. His second love is education and it is no coincidence that a man who cares so much for his community would make education the primary focus of his entire career. The College of the Virgin Islands could choose no more worthy candidate for honor.

Mr. Speaker, I am very proud and grateful to call this man my friend. His counsel over the years to me has been invaluable and very special. I would like to share with my colleagues some of the highlights of the remarkable career of this outstanding man and my friend, Mario Watlington.

Mario's name is virtually synonymous with the College of the Virgin Islands. He started there in 1963 as a part-time instructor in the business field. He has taught regularly in the continuing education division ever since. Full-time employment with the college came in 1967 upon his acceptance of the position of assistant to the business manager in personnel and purchasing. Mario later became registrar and admissions officer at the college. Since 1973, he has served as the institution's director of admissions. He has worked in various capacities while serving at the college which include: Secretary of the divisional council; member of the administrative council; member of the graduate council; member of the president's administrative team; chairman of the admissions committee; secretary of the policy board of the teacher corps project; and, a member of the board of trustees of the College of the Virgin Islands.

In addition to an active career, Mario has found time to have an active life of public service too. Mario, a graduate of the only high school in St. Thomas at the time, assisted in forming the Charlotte Amalie High School Alumni Association which makes annual presentations to the school for needed equipment and supplies. He was active in forming the first public service employees' group in the Virgin Islands which was called the Municipal Employees Association. Realizing the enormous potential of the group, Mario was the youngest person to join the Virgin Islands Progressive Guide—a new social and political body in the territory seeking to raise the political awareness and aspirations of the community. He was coeditor of the guide's publication. Politics has always been one of his keen interests—from his run for councilman in 1946 to the present. In 1972, he was elected to the board of education and has served five consecutive terms. Additionally, he was elected as a delegate to the third and fourth constitutional convention. Mario also has served as a member of the Territorial Democratic Committee and delegate to the National Democratic Convention. Throughout the years, he has been associated with the Boy Scouts of America; the St. Thomas Home Guard; the Civil Defense Corps; the V. I. Commission on Youth; the Public Utilities Commission; the Municipal School Board; the Law Enforcement Commission; the Advisory Committe on Public Television (WTJX); and, the planning commissions for handicapped persons and libraries.

Even when he relocated in New York City, Mario was active in the affairs of the Virgin Islands. He joined the Virgin Islands Public Affairs Council (VIPAC), a civic group designed to promote the social and political development of the islands in the Halls of Congress, and served as secretary of the group for many years. VIPAC was instrumental in the formation of a coordination committee representing

over 30 Virgin Islands fraternal and social organizations operating in New York since the early twenties.

When Mario returned to St. Thomas in 1962, he was asked to become the director of the St. Thomas Music Association. The association was the forerunner of the Reichhold Center for the Performing Arts. Mario served as the association's president for 2 years.

In 1967, the St. Thomas Lions Club was to benefit from his determination. He became a charter-member and has served in many capacities, including president of the group. The Lion District Governor of Puerto Rico awarded him the 100 percent medal for administrative efficiency.

Mr. Speaker, as can be seen by this outstanding record, Mario A. Watlington has made a tremendous contribution to the people of the U.S. Virgin Islands. There is no doubt that his wife, 2 children, 3 grandchildren, and 150 godchildren are very proud of him. A job well done characterizes his career.

My sincere congratulations and best wishes are extended to my good friend, Mario, and his family. I am sure this new phase of his life will be as active and fulfilling as the portion which has just passed.●

A TRIBUTE TO ROY H. HOLDT

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. MOTTL. Mr. Speaker, I would like to pay tribute to a truly outstanding citizen, who has done much to further the growth and prosperity of the fine city of Cleveland, Ohio.

Roy H. Holdt was born in Edgewood, Md., on November 19, 1920. He graduated from Dyke College, Cleveland, Ohio, and attended Cleveland State University.

He then went on to serve in the U.S. Army (European Theater) from 1942 to 1945, and was awarded Croix de Guerre with Bronze Star from the French Government.

Mr. Holdt was elected chairman of the board and chief executive officer of White Consolidated Industries, Inc. in 1976. Under Mr. Holdt's leadership WCI's net sales increased almost 50 percent. He was president and chief operating officer of WCI from 1972 to 1976; executive vice president from 1969 to 1972. Mr. Holdt then became a director of WCI in 1969.

Presently Mr. Holdt devotes time and energy to Cleveland by his directorships of many companies. He is a director for AmeriTrust Co., Cleveland Electric Illuminating Co.; Republic Steel Corp.; Email, Ltd. (Australia); Greater Cleveland Growth Association; and Cleveland State University Development Foundation. He is a trustee of Fairview General Hospital; trustee and corporate member of Dyke College, and a member of the Cleveland Foundation Board. He is also past chairman of the Loaned Executive Program for United Way.

Mr. Holdt is also a member of the Union Club of Cleveland, the Pepper Pike Club, Firestone Country Club, University Club, and Westwood Country Club of Cleveland.

Mr. Holdt is certainly a model citizen, continually contributing to the growth of WCI and the city of Cleveland. Cleveland is indeed proud of this man who has lived in and served the community so well.●

INTRODUCTION OF THE ANTI-TAX-FUNDED ADVOCACY ACT OF 1982

HON. JIM JEFFRIES

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. JEFFRIES. Mr. Speaker, I wish to introduce a bill entitled the Anti-Tax-Funded Advocacy Act of 1982.

Many of us have voted over the years either to increase or decrease funding for programs which have directly or indirectly subsidized policy advocates. On several occasions we have voted to limit the role that the Legal Services Corporation could play in lobbying the Congress and State legislatures. On other occasions we have voted for limiting funding for so-called public interest groups when attempting to intervene on matters before a regulatory body.

What strikes me as we look at the attempts to remedy the situation is that we are closing the barn door after the cows are all out. All of these votes were the result of abuses that have grown up in the system of handing out Federal dollars to groups that closely resemble political parties in many cases. Such abuses are inevitable as long as we continue to fund programs without some comprehensive safeguards built into the law to restructure the law in this regard.

We have a law that prevents public employees from lobbying the Congress, but there is nothing to prevent them from giving a grant to their friends to lobby on the issues they are forbidden from pursuing themselves. We have laws that prevent welfare recipients and Federal employees from being harassed by anyone in regard to an election or other political activity known as the Hatch Act. But there is no law that prevents grant and contract recipients from doing this very thing, while enjoying the benefits of the public's money.

In all of the grants that the Federal Government gives to policy advocates, there is an allowance for overhead, which subsidizes the overall operations of these organizations. Many of the organizations which hold themselves out as representatives of town and cities, are largely the creation of Federal dollars. These organizations lobby the Congress for ever-increasing funds which will increase their importance, as well as their ability to increase their share of Federal grants. To say such organizations have a conflict of interest is an understatement.

The public and the press have shown an ever-increasing impatience with the abuses of CETA workers campaigning for favored candidates, with a whole army of public interest experts representing no one but themselves pestering the Congress for their own grants. The list goes on to include the major labor unions, which have used Federal money to indoctrinate the public and workers in the importance of unions.

It is for this reason that I have introduced this bill. The Fairness Committee Against Tax-Funded Politics has been working for some time to bring these abuses to light, and to mobilize the Congress to correct the problem. It is clear that unless we undertake a serious debate on the nature of this problem and how to solve it, we will be doing little more than swatting flies left after the cows have long since left the barn. I think that we owe the taxpayers and voters more than this, at a time that public resources have been strained to take care of legitimate expenses of Government. We can no longer afford the luxury of frittering away the taxpayers' money on the private political concerns of a tiny minority.●

FTC PROFESSIONALS EXEMPTION WOULD HURT CONSUMERS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. FLORIO. Mr. Speaker, the House is likely to vote next week on legislation to reauthorize the Federal Trade Commission and at that time an attempt will be made to exempt all professions from FTC jurisdiction.

I believe the more moderate course of action is the bipartisan substitute which would preserve the responsibility of the States with respect to professional licensing, but would insure the continued ability of the FTC to monitor commercial abuses.

Without continued FTC jurisdiction over the professions, the almost certain result would be increased costs for both consumers and businesses.

Jane Bryant Quinn, the noted consumer writer, recently wrote the following column about this and other

consequences of exempting professionals which I would like to call to the attention of my colleagues.

The article follows:

[From the Washington Post, Nov. 29, 1982]

UNLESS PUBLIC COMPLAINS, PROFESSIONALS MAY WIN LAISSEZ FAIRE

(By Jane Bryant Quinn)

NEW YORK.—Doctors, dentists and a pride of other professionals are lobbying Congress fiercely for an exemption from federal price-fixing and consumer-protection rules. Unless the public objects strongly—and quickly—to their senators and representatives, the professionals have a good shot at winning.

A victory could raise the price of many professional services, reduce the flow of price information to consumers and, depending on the wording of the final bill, wipe out 18 months of painful government effort to open up the professional services market to honest competition. Several major cases and consent agreements won by the government would be overturned. All ongoing investigations and marketplace studies would be stopped.

At issue are amendments that could come before Congress as early as December, attached to a bill reauthorizing the existence of the Federal Trade Commission. They would eliminate, entirely, all FTC jurisdication over state-licensed professionals. Unlike other business men, professionals would then be pretty much free to price-fix as they please.

Leading the battle (with a $2.3 million political-action war chest in 1982) is the American Medical Association, against whom the FTC has just won a major lawsuit. Other active trade associations include those for dentists, optometrists, and veterinarians.

The professionals say they want out from under the FTC because they are being regulated to death. The truth is that the professionals themselves have been over-regulating the marketplace—through their trade associations or informal combinations of doctors and dentists—so as to keep prices up.

The FTC aroused their ire by breaking up their illegal boycotts against lowerpriced competitors. If the proposed amendments pass, the anti-consumer monopolies and boycotts will be back in force.

The following six FTC cases give you some goood examples of what's at stake. They were all won or settled by the government during the past 18 months. And they would all be overturned if one of the House amendments passes. At risk is:

The case against the American Medical Association and certain area associations for restricting price competition. The illegal abuses included prohibitions against advertising which, among other things, stopped a church in Chattanooga, Tenn., from operating a low-cost cardiac stress clinic and drove a Kansas physician house-call service out of business. The AMA and its affiliates also took various actions against doctors willing to work for less than "usual" fees. The Supreme Court upheld the FTC's victory last March.

The case against the Michagan State Medical Society, for conspiring to resist the cost-containment plans proposed by Medicaid and Blue Shield. Both insurers backed down, when faced with a threat by doctors to refuse Medicaid patients and to quit participating in Blue Shield. In this case, the FTC has won the first round.

A consent agreement, prohibiting doctors from restricting competition. The only doctors in the small town of Brownfield, Tex., threatened to boycott the hospital's emergency-room patients, because the hospital planned to recruit another doctor. The FTC stopped the boycott, but the doctor who was going to Brownfield was scared away.

The agreement with the Medical Society in Broward County, Fla., to lift its illegal ban on doctor advertising. This will permit local doctors to advertise such things as whether they speak Spanish or accept Medicare payments as reimbursement-in-full for medical treatment—two important consumer issues to patients in the south Florida area.

The agreement with the American Dental Association to end its illegal restrictions on dental advertising, and cases against dental groups for conspiring to resist cost-containment plans.

Even if the above cases are allowed to stand, the proposed amendments would free professionals to pursue similar anticompetitive actions in the future. For example, a medical group could deny malpractice insurance or hospital privileges to doctors working for lower-cost health maintenance organizations, and prevent nurses from running rural health clinics under doctor supervision (two more practices stopped by the FTC).

If you disapprove of what the professionals are doing to keep prices up, write to your senators and representatives, right now. It will take a strong outpouring of public opinion to force professionals to continue operating within all of the nation's laws.●

YEAR OF THE BIBLE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. MAZZOLI. Mr. Speaker, the year 1982 marks the 200th anniversary of the Bible's first printing in America. I am a cosponsor, along with many of my colleagues in the House, of a measure proclaiming 1982 as the Year of the Bible. As National Bible Week commemorates this bicentennial celebration, I wish to call attention to this important event.

During this time of year as we contemplate the blessings and bounties of life, it is appropriate and fitting that we have set aside a week as National Bible Week to recognize the significant contributions of the Holy Bible, and to recognize the effect for good this inspirational book has had on the lives of millions of people, not only in this country, but around the world.

During this period of gratitude and thanksgiving, I personally am grateful for these spiritual scriptures which give comfort, counsel, direction, and guidance for our lives today. Its message is as timely today as it was in days of old.●

OPTIONS: GROWTH VERSUS REDISTRIBUTION

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. CONABLE. Mr. Speaker, we should all, regardless of political party, ponder the pattern choice set out by Michael Barone on the editorial page of today's Washington Post. It makes thoughtful reading, and I commend it to the attention of my colleagues:

THE BATTLE FOR THE DEMOCRATIC PARTY

There is a battle going on for the soul of the Democratic Party, a battle between its new ideas and its old constituencies. It is a battle that has been going on quietly these past two years, when few Democrats had to attend to the messy everyday business of governing. It will rage more heatedly in 1983 and 1984, not only in the presidential campaign, but also in the House and the big state capitals where Democrats in the 1982 elections won the responsibility for governing.

The course of the battle is not plain to see. Many ridicule the Democrats' new ideas as "Atari liberalism"—putting trendy labels on old-fashioned Democratic programs. Instead of calling for public works programs, Democrats now call for rebuilding the nation's "infrastructure"—which turns out to mean the roads, bridges and sewers government has been building for 140 years. Instead of calling for more money for education, Democrats are calling for upgrading "human capital"—which turns out to mean more training and education for young people.

This new nomenclature is important, however. It shows that the Democrats are turning from a politics of distribution to a politics of productions, from a politics that focuses on distributing society's wealth to the unfortunate to a politics that focuses on producing more wealth.

The immediate beneficiaries of the politics of production, as advocates of distributionist politics point out, are not always needy: students capable of absorbing higher education and adults capable of holding high-skill jobs are not usually from the poorest income groups. But in the long run, everyone is society will be richer for their work. In embracing these policies, Democrats have abandoned, for a time, the distributionist impulse. In the 1970s it led them, to take just one example, to oppose decontrol of gas and oil prices because of the effect higher prices would have on the poor. Over time the Democrats came to accept decontrol on the ground that it maximizes production.

This is what Democrats have done in the past: the First New Deal and the Kennedy-Johnson 1961-64 policies were designed to stimulate production. Only afterward, in the Second New Deal and the Great Society, did the Democrats get around to the politics of distribution. This makes sense if you believe that only a society with sustained economic growth can afford a politics of redistribution, and that a society without growth must concentrate on production first.

But will policies of production prevail in a Democratic government? We heard little

about them on the campaign trail, and there are few infrastructure, human capital, and national investment bills being pushed on Capitol Hill the way federal aid to education and Medicare were pushed in the late 1950s (an exception, the gas tax/highway bill, is likely to be passed easily with bipartisan support in the next few weeks). The lobbying forces behind most of these new ideas seem weak. How will such policies prevail when they come into conflict with major Democratic constituencies that favor what I would call not policies of distribution but policies of protection, policies that spend rather than create national wealth?

Labor unions, for example, have memberships concentrated in industries and occupations that seem likely either to contract or be stagnant in the 1980s: autos, steel, building trades, government. Each union has its own agenda for protecting its members' interests: the UAW wants the local content bill, the Steelworkers want import quotas, the public employees' unions want generous pensions. They want to maintain, through subsidies or protectionsim, an economy and job structure like that of the America of 1975 or 1965 or 1955. The unions have enormous political clout with Democrats, given labor's active role in the 1982 campaign and the AFL-CIO's decision to consider endorsement of a presidential candidate in November 1983.

Other constituency groups lead the Democrats toward protectionism. Geographically, the party is strongest in the Northeast and Great Lakes industrial states where growth has been low and outmoded industries seek to maintain a status quo the free market will not support. Incoming Democratic governors support domestic protectionsim: Mario Cuomo brags that he will see that New York buys subway cars in New York, not Montreal or France; Richard Celeste makes as one of his five major economic stimuli a state "buy Ohio" policy. Job quota programs sought by blacks and other minorities are, after they have been in effect awhile, a form of protecting a status quo rather than producing a new and different future. So are policies maintaining the size of city bureaucracies in cities whose population has dropped.

So while the politics of production is in the policy paper stage, the politics of protection, with its strong constituencies, has drafted bills, signed up cosponsors, and gotten pledges of support. Get almost any Democratic politician off in a corner, off the record, and you'll find someone who recognizes the long-term stagnating effect of the politics of protection. But get a Democrat in office or on the presidential primary campaign trail, and you may hear something else again.

The best clue as to how the Democrats would perform in office if they win in 1984 will come not in the Congress, where Democrats still have to respond to Republican initiatives and in the awareness that anything must be approved by Republicans to pass, but in the big states. In New York, Ohio, Michigan, Wisconsin, Minnesota, Massachusetts, Democrats are in power and face difficult problems. Governors like Cuomo and Celeste are eloquent supporters of the politics of production. But they also support many protectionist policies. In the crunch, which side will they come down on? The battle for the soul of the Democratic Party is going on right now, and the outcome is by no means as certain as the purveyors of the new ideas of the politics of production would have you believe.●

MESSAGE OF THE 1982 ELECTION: II

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for November 24, 1982, into the CONGRESSIONAL RECORD:

THE MESSAGE OF THE 1982 ELECTION: II

It will take months before the meaning of the 1982 election is fully sorted out, analyzed, and digested. Part of the meaning, however, is emerging even now.

One message the politicians received from the 1982 election is that the voters are tired of partisan bickering and wish nothing so much as to see the leaders of the country sit down together to resolve the tough issues of the day. Hoosiers, like other Americans, remain apprehensive about the future. They are "on hold" for now, but they want solutions—not just rhetoric—from the politicians.

All during the 1982 campaign, I found conflicting feelings among the voters. They wanted to "stay the course", but they also wanted to make a "mid-course" correction. They liked the idea of cuts in taxes and spending, but they also demanded fairness and balance in the cuts. They suspected that the tax and spending cuts of 1981 were neither fair nor balanced. They wanted a more tempered shift that would put the nation on a more solid, certain course.

In addition to the basic messages about economic policy and political moderation, the 1982 election had other important characteristics: more negative campaigning than ever before, further sharp increases in the cost of running for office, a "gender gap" in the voting totals, several decisive issues, and a rise in voter turnout.

The relentless negative tone of the 1982 campaign bothered me just as it clearly bothered many other voters. This tone may be unavoidable partly because the times and the issues are difficult and partly because the voters are often motivated by their view on specific matters. Also, negative campaigning sometimes makes tactical sense. The polls show that strong attacks on leading candidates can narrow margins and change defeats into victories. Nevertheless, I believe that the voters yearns for candidates who will take a positive approach to the nation's problems. I think that they are less impressed by candidates who seem only to criticize without offering a reasonable vision for the country. The losses among candidates who used negative advertisements in their campaigns suggest that this is so.

I do not expect politics to be a mild business. My guess was that the 1982 election would be a rough-and-tumble affair. In an election, issues deserve vigorous discussion. However, I am concerned about harsh personal assaults on the integrity of candidates. Such attacks obscure the real issues and heighten cynicsism about politics. In the end, negative campaigns keep the voters from hearing a full discussion of the issues. Also, they cripple the government as it attempts to manage the critical matters in the public agenda.

The 1982 election will certainly be noted for lavish spending. Even though several big spending candidates—Republican gubernatorial candidate William Clements in Texas ($12 million) and Democratic senatorial candidate Mark Dayton in Minnesota ($6 million)—were beaten, their losses do not prove that cash is unimportant in politics. The general rule that the winners outspend the losers still holds. What really counts in campaign financing is not having more money: it is having enough money. There seems to be a point in any election after which the spending of that extra dollar does not help much. However, most of the experts believe that the Republican Party used its strong financing to keep its losses down, especially in the House of Representatives. Money was a very important factor in the open seats where no incumbents were standing for election and in the seats where the contest was close.

There was a definite "gender gap" in the 1982 election. Across the nation, women supported Democratic candidates more readily than men did, and in a number of races—for example, for the governorships of Texas and New York—their support probably was decisive. Political analysts have commented that this trend may show women to have a greater interest than men in issues of peace and in the welfare of average people.

The politicians will certainly examine the voters' decisions on several specific issues in 1982. One was the nuclear freeze. Eight states voted in favor of a mutual halt in the testing, production, and deployment of nuclear weapons by the United States and the Soviet Union. The politicians will also seek to understand the decisive defeat of an initiative on gun control in the State of California and the approval of proposals upholding the right to bear arms in the States of New Hampshire and Nevada. To a good many observers around the country, these outcomes were unexpected.

One of the most encouraging features of the 1982 election was that the voters turned out in greater numbers than in the last two nonpresidential elections. The preliminary figures seem to indicate that more than 40% of the population of voting age went to the polls, compared to 35.5% in 1978 and 36.2% in 1974. In some states, the increase in the turnout of voters was considerably higher.

Beyond the simple facts and figures of the 1982 election, it is important to weigh the political effect of the results on the winners. Many of them have already acknowledged that new political realities require a pragmatic coalition, and that theirs is a victory against confrontation and stalemate. They are saying that the voters want them to work together in different political arrangements and not to adhere too rigidly to previous policies.●

POLL'S CONTRADICTIONS SHOW NUCLEAR ISSUE IS NOT SIMPLE

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. BEREUTER. Mr. Speaker, I would like to bring to the attention of my colleagues an editorial from the Omaha World-Herald that recounts the results of a poll examining the attitudes of 884 Nebraskans regarding a nuclear freeze.

It is important to note that a significant percentage of those polled appeared to consider arms reduction more effective than a freeze as a way of reducing the grim threat of nuclear war. It is certainly as important to note that there are contradictory results that suggest that this issue is much more complicated than many people are willing to acknowledge.

POLL'S CONTRADICTIONS SHOW NUCLEAR ISSUE ISN'T SIMPLE

President Reagan's approach to reducing the threat of nuclear war commanded a high level of support among 884 Nebraskans questioned recently for a World-Hearld Poll.

But the poll results also indicate considerable confusion over the pros and cons of a nuclear freeze.

Four out of five—83 percent—of those polled said they agree either "strongly" or "somewhat" with a statement that the United States should work hard to negotiate a new nuclear arms reduction treaty with the Soviet Union—instead of an immediate freeze that would keep U.S. and Russian weapons at their current levels.

The Reagan administration's position is that freezing nuclear arsenals at current levels would contribute to world tension by locking the United States into a strategic disadvantage. At such a disadvantage, the U.S. arsenal would be inadequate as a deterrent to the Soviets, the administration contends.

The United States and the Soviets have begun Strategic Arms Reduction Talks (START) to examine, among other proposals, Reagan's suggestion that the number of U.S. and Soviet nuclear warheads be reduced by one-third and that ground-based, intermediate-range missiles be eliminated from Europe.

While 83 percent said they favored arms reduction instead of a freeze, responses to other questions about the nuclear freeze proposal seemed to contradict that.

The most common freeze proposal calls for a U.S.-Soviet agreement on an immediate, verifiable and mutual freeze on the testing, construction and deployment of new nuclear weapons.

Asked if they would favor such a freeze, assuming that the United States was behind the Soviet Union in nuclear arms, 56 percent of the 884 Nebraskans in The World-Herald Poll said "yes."

Fifty-two percent of those who said "no" said they would approve of a freeze if the United States catches up with Russia. Asked to assume the United States was ahead—an assumption only 13 said they agreed with—71 percent said they would approve of a freeze.

A case can be made that, when confronted with a question that explains the position the Reagan administration is taking—that is, against an immediate freeze but in favor of negotiations for an arms reduction treaty—those polled strongly preferred this approach to the more publicized, more emotionalized "immediate freeze" proposal.

The 884 Nebraskans also were asked for their reaction to this proposition: "The best way to avoid nuclear war is for the United States to continue to produce nuclear weapons to achieve a balance of power with the Soviet Union."

This approach—which might well be called a "hard line" and contrary to the immediate freeze proposal—received more support (61 percent) than did the "immediate freeze" proposal with the assumption that the United States is behind the Soviet Union.

What all this adds up to is that a majority of the Nebraskans polled took what seemed to be contradictory positions.

What can be concluded?

Many people are concerned about nuclear war and anxious to reduce the threat. A significant percentage of those questioned appeared to consider arms reduction more effective than a freeze as a way of reducing that threat.

But the contradictory results also suggest that opinions are relatively unformed on the subtleties of the nuclear debate—perhaps because the issues are more complicated than many are willing to acknowledge.

THE ACID RAIN DEBATE

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. MURTHA. Mr. Speaker, I am glad to share with the members a letter I received recently concerning acid rain. The letter came from Charles L. Hosler, dean of the College of Earth and Mineral Sciences at the Pennsylvania State University. I had sent Dean Hosler a set of articles from the Washington Post, concerning the acid rain debate. I find his comments to be most informative and I suggest we all take these thoughts into account as we consider the Clean Air Act extension.

PENNSYLVANIA STATE UNIVERSITY,
COLLEGE OF EARTH AND MINERAL SCIENCES,
University Park, Pa., October 7, 1982.

Hon. JOHN P. MURTHA,
House of Representatives, Washington, D.C.

DEAR MR. MURTHA: I have examined the articles you sent which deals with acid rain.

We have unfortunately reached a point in the discussion of acid rain where no one can introduce any new data or scientific finding and the arguments are made on other grounds. Some of the most prominent atmospheric chemists in the country have made it clear that we are in no position to assign responsibility or to predict whether stopping the burning of coal would reduce acid rain by any significant amount. Within the next few years there should be enough new data to tell us what, if anything, should be done. In the meantime we should refrain from joining in the arm waving and posturing based upon political, economic or nationalistic inclinations and support those who are seeking scientific answers. We know that the principal contributors to acid rain are sulfates and nitrates. We know that the precursors for both of these have both natural and man-made origins. We also know that in some regions nature is the dominant producer and in others man is. It would be simple if the rain was only acid downwind of the man-made sources. However some measurements show rain is highly acid in regions where man contributes next to nothing. Some indications of increased acidity in lakes over time are contradicted by other measurements in Wisconsin and New York where no trend exists but wide excursions occur from year to year toward more or less acidity. Fish life diminishes in some lakes or streams and increases in others. There are indications that even cutting man-made emissions radically may have very little impact on the acidity of rain because a third and independent variable may be controlling the conversion of oxides of sulfur and nitrogen to acid. Even if controlling oxides of sulfur and nitrogen look like the way to go, controlling strategies depend upon whether gaseous emissions or particulate emissions are the culprits. We are extremely ignorant about atmospheric chemistry. It is very complex and difficult.

The acceleration of research programs on acid rain should include emphasis upon:

1. Assessment of natural sources.

2. Studies of in-cloud chemistry and physics to determine how the acid is formed.

3. Measurements of the nature and quantity of the deposition of acids in the absence of precipitation.

4. The chemistry of the atmosphere in general must be better understood.

We are certainly in no position to converge on a control strategy at this time. It would be shear folly to commit ourselves to spend hundreds of billions on controls which may in the long run have little impact on the problem. If pressure to do so builds, I would recommend that before going ahead with it we do a much less expensive experiment as follows:

Produce a reduction in emissions in the area being accused for several two-week periods by (1) using low sulfur fuels temporarily; (2) importing hydroelectric power from Canada; (3) maximizing nuclear output; (4) minimizing power consumption; (5) shutting down some big sulfur producers in favor of more clean plants, etc. The point is that we would do an experiment by shutting off the alleged sources for long enough periods to see whether the acidity of the rain in New England and Eastern Canada was correspondingly decreased.

This experiment would require the accusers to define their theory well enough to enable statisticians and atmospheric chemists to design an experiment to determine the validity of the claims that power plants in our industrial heartland are the real culprits. After we have the results, we can then discuss controls and their benefits and costs.

I feel that, for short periods sufficient to test the hypothesis, a reduction in emissions could be achieved which would be comparable to any reduction possible with the hundreds of billions of dollars worth of hardware and operational costs involved in any proposed control strategy. If there are costs for this experiment as there are certain to be, then the federal government should underwrite them. The cost will be one thousand times less than the cost of going ahead with controls. Our Canadian neighbors would, I am sure, be willing to temporarily furnish hydroelectric power. The American public may be willing to reduce power consumption during the test periods.

This is only a concept and not an experimental design. The design of the experiment and making the arrangements would take some time and money but the scientific and engineering community can handle it.

Very truly yours,

CHARLES L. HOSLER, *Dean.*●

REQUEST FOR A RULE ON LEGISLATION TO ADDRESS THE FINANCING NEEDS OF THE HIGHWAY TRUST FUND

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. ROSTENKOWSKI. Mr. Speaker, as this Chamber is well aware, the Committee on Ways and Means is holding a public hearing tomorrow to address the financing needs of the highway trust fund for fiscal years 1983-86.

It is my expectation that upon the conclusion of this hearing the committee will convene later this week to consider the development of a financing title to the current multiyear highway authorization bill that has been approved by the Committee on Public Works and Transportation.

When the committee completes its work on the revenue title, we will appear with the Committee on Public Works and Transportation before the Committee on Rules to seek an appropriate rule for the consideration of this matter by the House of Representatives. At that time, it is my expectation that the Committee on Ways and Means will request less than a complete open rule for the revenue title.

Pursuant to the rules of the Democratic Caucus, I am taking this opportunity to notify my colleagues of our intention to do so. Although traditional procedure would dictate more details being available at this time, the rapid pace by which this legislation might proceed through the legislative process makes it necessary for me to put the Members of the House on notice in this way at this time.●

LELAN F. SILLIN, JR.—NEW ENGLAND COUNCIL 1982 DISTINGUISHED SERVICE AWARD WINNER

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mrs. KENNELLY. Mr. Speaker, the New England Council, Inc., a business organization representing 1,200 corporations throughout the New England area, recently honored Lelan F. Sillin, Jr., a member of its board of directors, as the recipient of the New England Council's Inc., Distinguished Service Award.

Mr. Sillin, a native of Connecticut, is indeed, an outstanding citizen and one truly deserving of this award. Mr. Sillin is president of Northeast Utilities and became its chief executive in 1969. He was elected to the additional post of chairman in 1980.

Mr. Sillin is a leader in the world of commerce in New England. Among his roles, he serves as director of Arthur D. Little, Inc., Irving Bank Corp., and Irving Trust Co., its principal affiliate, and the Hartford Steam Boiler Inspection & Insurance Co.

Mr. Sillin has, as well, served his nation. He served in the U.S. Marine Corps and was commissioned a second lieutenant in 1942. He served in the South Pacific until 1945, when he was appointed judge advocate of general courts martial at Camp LeJeune, N.C. He left active service later that year. In 1957, he resigned from the Marine Corps Reserve with the rank of major.

In addition, Mr. Sillin was appointed by then U.S. Treasury Secretary Blumenthal to serve as Hartford geographic area chairman and as a member of the U.S. Industrial Payroll Savings Committee for 1978 and 1979.

Mr. Sillin's accomplishments are numerous. He is vice chairman of the board of trustees of Wesleyan University and serves as chairman of its development committee. In 1982, he completed his fourth term as a director of Edison Electric Institute. He is chairman and a director of the Institute of Nuclear Power Operations and of the Fuel Cell Users Group. He is a trustee of the Hartford Graduate Center and a trustee of Edwin Gould Foundation for Children. He is a director of Atomic Industrial Forum, Inc., the National Office for Social Responsibility in the Private Sector, Helium Breeder Associates, and a senior member of the conference board.

In July 1978, Mr. Sillin was invited to serve as a member of the Public Committee on Mental Health, created to assist and support the President's Commission on Mental Health in accomplishing its goals of identifying the mental health needs of the Nation.

In January 1978, Mr. Sillin served on the Advisory Committee to the White House Conference on Balanced National Growth and Economic Development. The conference studied economic development and energy needs, ways to achieve stable prices and full employment, fiscal problems of many local governments, the balance between economic and environmental needs, the way the public sector influences the geographic distribution of economic activity and population and environment protection of scarce natural resources.

He was named to the Industrial Advisory Committee to the Defense Electric Power Administration by the Secretary of the Interior in 1975 and was a member of the Utility Advisory Committee to the Federal Energy Administration.

In 1971, he authored "A Project for Prometheus," a $20 billion, 30-year proposal in search of pollution-free energy to serve future generations.

In 1969, President Nixon appointed Mr. Sillin to his Citizens' Advisory Committee on Environment Quality. He was reappointed in 1972 and served on the committee until 1976. The committee, which consisted of the Vice President and certain members of the Cabinet, advised the President and his Council on Environmental Quality on the most effective means of developing and conserving natural resources.

From December 1968 to January 1969, Mr. Sillin served as member of the Task Force on Resources and Environment which advised President-elect Nixon in this field. The task force was 1 of 10 formed to counsel the President in areas of domestic planning.

In addition to having been a vice president and trustee of Urban America, from 1967 until 1970, Mr. Sillin was chairman of an Urban America committee to strengthen Youth Organizations United (YOU), a national organization of about 350 former city gangs-turned-youth groups whose objective is self-help through involvement in a variety of constructive activities including the development of small businesses. With the merger of Urban America and the Urban Coalition in 1970, he was appointed to the steering committee of the new organization, the National Urban Coalition, and also is a member if its Subcommittee on Energy and the Cities.

He was chairman from 1965 to 1972 of the National Power Survey Executive Advisory Committee of the Federal Power Commission. He worked with Laurence S. Rockefeller in organizing the Electric Utility Task Force on Environment of the Citizen's Advisory Committee on Recreation and Natural Beauty.

He was appointed to the advisory council, Hudson River Valley Commission by Governor Rockefeller in 1965. He was the founder and former chairman of Mid-Hudson Pattern for Progress, Inc., a regional planning, research, and development organization. Mr. Sillin is also a life trustee of Vassar Brothers Hospital, Poughkeepsie, N.Y.; a corporator of Hartford Hospital; a corporator of the Institute of Living, Hartford; and an advisory trustee of Woodrow Wilson National Fellowship Foundation.

The New England Council's 1982 Distinguished Service Award is fitting testimony to Mr. Sillin's outstanding contributions in the area of energy development and to his strong sense of public responsibility and civic leadership.●

SECTION 313 OF TEFRA

HON. THOMAS N. KINDNESS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. KINDNESS. Mr. Speaker, one of the little noticed but particularly nettlesome provisions of the so-called Tax Equity and Fiscal Responsibility Act of 1982 is section 313, which requires the States to notify recipients of State income tax refunds that such refunds may subject them to additional Federal income tax liability.

Section 313 is one of the revenue enhancement provisions of TEFRA, and the Internal Revenue Service anticipates that it could result in the collection of an additional $100 million in Federal revenues over the next 3 years.

This law not only requires the States to make the appropriate notification, it requires the notification to be made in the month of January following the year in which the refund is paid. That additional requirement effectively precludes the notification being made at the time the refund is issued. A separate mailing will have to be made in virtually all cases.

This minor provision of TEFRA will not be without impact on already strained State budget resources. In my own State of Ohio, the costs just for postage to mail these notices will approximate $500,000 next year. In the State of California, the postage costs are estimated to be $2,500,000.

Prior to enactment of TEFRA, Federal law already required the States to notify IRS of any tax refunds made by the State. As in the case of withholding of interest and dividend income, TEFRA has permitted IRS to shift to someone else the burden and cost of assuring that Federal taxes are collected.

Mr. Speaker, I am today introducing legislation to make technical amendments to section 313 of TEFRA, to provide that the required written notification may be made by the States any time prior to the end of January of the year following the payment of the refund. The effect will be to permit the States to make the notification of potential Federal tax liability at the same time the refund is mailed.

Additionally, my bill would delay implementation of section 313 for 1 year in order to permit States the necessary time to prepare for the notifications.

It is my hope that this legislation will preserve some of the intended benefits of section 313, while alleviating some of the unreasonable costs and reporting burdens that section has imposed upon the States. It is my plea that the Committee on Ways and Means give early and fairable attention to cleaning away this unwarranted and costly mistake in the Tax Equity and Fiscal Responsibility Act of 1982.●

IMMIGRATION REFORM AND CONTROL ACT OF 1982

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. MAZZOLI. Mr. Speaker, the Immigration Reform and Control Act of 1982, H.R 6514, is, in the words of today's Washington Post, "must legislation" for this Congress. It is a good bill that approaches immigration reform in a fair and balanced way.

So many of our colleagues have taken the time to study the bill and ask me questions about it, that I thought a brief update would be helpful.

The Senate passed its companion bill, S. 2222, introduced by Senator ALAN K. SIMPSON, by a vote of 80 to 19 on August 17.

The House Judiciary Committee passed the bill on September 22.

The administration strongly supports passage of the legislation.

And now it is time for this body to act.

For the benefit of my colleagues, I am including a summary of the bill at the conclusion of my remarks. If there are any questions, please contact me or the Immigration Subcommittee staff on 55727.

IMMIGRATION REFORM AND CONTROL ACT OF 1982

(As reported by House Committee on the Judiciary—September 22, 1982)

I. ILLEGAL IMMIGRATION

A. Employer sanctions

Makes it unlawful for any employer knowingly to hire for employment or to recruit for a fee, after the date of enactment, any alien not authorized to work in the United States.

Requires employers of four employees or more to have all prospective employees show them, as a condition of hiring, either: (1) a U.S. passport, or (2) a U.S. birth certificate or social security card and a driver's license, or a state issued I.D. card, or an alien identification document.

Requires such employer, to attest in writing, under penalty of perjury, that he has seen the necessary documentation; requires the employee, to attest in writing, under penalty of perjury, that he or she is authorized to work in the U.S.

Any employer of four or more employees who does not meet the requirements for checking documents, signing the appropriate form, and retaining the appropriate form is liable to a civil fine of $500 per employee hired.

States that within three years of enactment the President shall make such changes "as may be necessary" to make the system more secure.

States that the bill does not authorize the creation of national identification cards.

Establishes a graduated penalty structure for hiring unauthorized aliens—first offense: warning; second offense: $1,000 civil fine per unauthorized alien hired; third offense: $2,000 civil fine per unauthorized alien hired; fourth offense: $3,000 criminal fine per unauthorized alien hired or one year in jail, or both. Also, Attorney General may seek an injunction to stop pattern or practice violators.

Requires an extensive outreach program to inform employers, employees, and the general public of this new law. Allows violations occurring during the first six (6) months after enactment to go unpunished.

Gives violators a right to a hearing before a Department of Justice Administrative Law Judge.

Requires Civil Rights Commission to issue reports on possible discriminatory effect of this law.

Creates an affirmative defense for employers who have complied with the attestation requirements in good faith.

Creates a Department of Labor/Department of Justice task force to review complaints of discrimination.

Makes it a felony to use fraudulent documents in order to obtain employment.

B. Increased border and other enforcement; user fees

Creates criminal penalty for bringing an alien to the U.S., knowing or in reckless disregard of the fact, that the alien had not received prior official authorization to enter.

States the sense of Congress that resources for border patrol and other immigration enforcement activities of the Immigration and Naturalization Service and other agencies should be increased.

Allows Attorney General to impose fees for the use by aliens of border and other immigration facilities and services in an amount commensurate with cost.

C. Adjudication procedures and asylum

Creates United States Immigration Board, an independent agency within the Department of Justice. Six member Board is appointed by the President with the advice and consent of the Senate, with members serving six year terms. It may meet en banc or in panels of three or more. It hears all appeals from decisions made by the Administrative Law Judges.

Chairman of Board appoints up to seventy Administrative Law Judges to hear all exclusion and deportation cases (including those involving asylum), challenges to fines, and all other matters heard by the present Board of Immigration Appeals. Some of the Administration Law Judges are specially trained to hear asylum cases.

Decisions by Administrative Law Judges would be reversible by the Board if not supported by substantial evidence.

Judicial review in exclusion cases available in U.S. Circuit Courts.

Judicial review of asylum matters available in Circuit Court once a final order of deportation or exclusion has been entered.

Judicial review of non-asylum deportation cases available in Circuit Court of Appeals.

At asylum hearings, alien is entitled to an open hearing, representation by counsel, the right to call witnesses, present evidence, and confront witnesses.

Aliens who attempt to enter the U.S. without proper documents can be excluded unless they assert some reasonable basis for entering the U.S. or claim asylum, in which case they are entitled to go before an Administrative Law Judge and receive a full scale hearing.

Requires speedy asylum hearings: If alien is not given asylum hearing within 45 days

of the filing of the application, the alien, if detained, will be released on parole.

Imposes various time limits in the processing of asylum claims.

D. Adjustment of status

Adjustment of status procedure would not be available to aliens who have violated the terms of their nonimmigrant visa.

II. LEGAL IMMIGRATION

A. Labor certification

Labor certification can be granted on the basis of nationwide job market data or on a case by case basis. Certification must include a finding that sufficient U.S. workers could not be trained within a reasonable time.

Allows certain aliens having labor certifications to remain in the U.S. if a visa will likely be available within two years.

B. Amerasian children

This provision is now unnecessary because of separate legislation passed in October 22, 1982—Public Law 97-359

C. G-4's

Relief provisions are provided for certain children and widowed spouses of employees of international organizations.

D. Nonimmigrants

Special procedure established for H-2 seasonal workers in agriculture:

The employer must apply to the Secretary of Labor no more than 50 days in advance of need, asking for foreign workers; employer than must attempt to recruit domestic workers;

The Secretary of Labor must provide a decision on the certification no later than 20 days in advance of need;

If the Secretary of Labor determines that a certain number of qualified U.S. workers will be available at the time needed, but at the determined time those workers are not qualified and available, an expedited procedure to determine need would be available.

E. Visa waiver

After the Immigration and Naturalization Service has implemented a system to track the entry and exit of nonimmigrants, the State Department may establish a three year pilot nonimmigrant visa waiver program for five countries which provide or will provide a similar benefit to the U.S. The visa refusal and visa abuse rates for the nationals of such countries must be minimal, and the visitors must have nonrefundable, roundtrip tickets.

F. Foreign students

Foreign students who enter the U.S. after date of enactment will not be allowed to adjust status or return to the U.S. until they have resided in their home countries for two years, unless such a student is an immediate relative of a U.S. citizen. Foreign students who entered before date of enactment will not be permitted to adjust status, and must leave the U.S. to seek a visa if they wish to return. Exceptions are allowed, until 1989, for students with degrees in natural science, engineering, computer science, or mathematics with certified job offers in universities or industry. Exceptions also for adjustment to three years nonimmigrant training status in industry.

III. LEGALIZATION

Permanent resident status (not citizenship) for aliens who have continuously resided in the U.S. since January 1, 1977 and who are not excludable. (See below.)

Temporary legal status for (a) aliens who have continuously resided in the U.S. since January 1, 1980, and (b) "Cuban/Haitian entrants" who were previously given special legal status, and who are not excludable. (See below.)

Persons receiving temporary status will be able to adjust to permanent resident status three years from date of enactment. If they have not done so three and one-half years after date of enactment, their temporary resident status expires.

Federally funded public assistance (other than medical care, aid to aged, blind, or disabled, and for serious injury or in the interest of public health) will not be available to permanent residents for three years and temporary residents for six years (other than "Cuban/Haitian entrants").

Persons will not be eligible for legalization who:

Have been convicted of a felony or three misdemeanors committed in the U.S.;

Have assisted in political persecution;

Have been convicted of a crime involving moral turpitude, or two or more offenses for which sentences aggregating five or more years were imposed;

The government has reason to believe seek to enter for activities inimical to the welfare, safety or security of the U.S.;

Are, or have been, anarchists, Communists, or who advocate the overthrow of the government;

Are Nazis;

Would engage in subversive activities;

Have been convicted of a drug violation, other than simple possession of 30 grams or less of marijuana;

Are nonimmigrant exchange aliens subject to a two year foreign residency requirement.

Authorizes "such sums" for each year through Fiscal Year 1989 for the purpose of reimbursing state and local governments for increased educational and public assistance costs resulting from the legalization program.

Provides that aliens in the U.S. continuously since January 1, 1973 may adjust to permanent resident status if of good moral character and not ineligible for citizenship.

IV. MISCELLANEOUS

A. Putative fathers

Recognizes, for preference petitioning purposes, the relationship between a biological father and his illegitimate child.

B. Retirees

Allows self-sufficient aliens who entered U.S. prior to 1978 in expectation of obtaining an immigrant visa as retirees to adjust to permanent resident status.●

JOHN J. GILL HONORED AS CITIZEN OF THE YEAR

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. RUSSO. Mr. Speaker, the National Association of Patients on Hemodialysis and Transplantation is indeed "the voice of the kidney patient." This is the group "dedicated to kidney patients and their second chance at life" and I know we all applaud the efforts and achievements of this organization.

I recently had the pleasure of speaking to the Chicago chapter and met many of the fine people involved in this important group. One of them, Mr. John J. Gill, the first vice president, is retiring and has been chosen as their citizen of the year. I think reviewing some of the remarks made about Mr. Gill the evening he was honored will demonstrate why he clearly deserves such an award. His is the sort of active, committed citizenship we wish we could see more often and to encourage. With this in mind, at this time I would like to share these remarks with my colleagues and to congratulate Mr. Gill and the dedicated organization of which he is a part.

BACKGROUND INFORMATION ON JOHN J. GILL

Our Citizen of the year for 1982 is an Evergreen Park resident, Evergreen Park businessman and is a man whose middle initial stands for his outlook on community involvement for the past 3 or 4 decades. . . . "J" is for JOINER . . . but our Citizen of the Year did not merely Join In and Join Up . . . he has been and is still an active Doer. When our Citizen of the Year became a member of a community organization, he never felt comfortable simply being listed as a member, he was always an active member who typically held office in the organization.

As a matter of fact . . . he has held the office of President 5 times . . . as President of the West Ogden Civic Improvement Association . . . President of the 95th Street Beverly Hills Business Association . . . President of the Evergreen Park Chamber of Commerce . . . and President of the Savings Institutions Marketing Society of America, Chapter One and President of the Savings Association Advertising Council. For variety, he also served as Chairman of the Southtown Planning Association Advisory Council which led to his appointment by then Chicago Mayor, Richard J. Daley, to chair the Englewood Conservation Council. He was Vice President of the Beverly Area Planning Association and a director of the Evergreen Plaza Merchants Council.

A resident of the Park for 21 years . . . our Citizen of the Year's Heart is, along with his home, in Evergreen. After serving the Business community through the Chamber on numerous committees, he moved up in the chair to spearhead the group in 1975 as President. During his term of office, he asked Chamber members to Come Alive in '75 . . . and they did helping him to reach his goal of 200 Chamber members, a 30 percent increase in membership. In reaching this milestone, he laid the foundation for our annual membership drive which consistently results in new members, our lifeblood, every year. A marketing oriented individual who wanted to respond to the businessman's question "What's In It For Me" . . . he also initiated the first joint sales campaign, a coupon page in local newspapers which has developed into the Shop Evergreen program that we are familiar with today. To better link the residents of the Village with their business community . . . he organized a Ball on the Mall . . . where 700 merchants and residents of the Park mingled socially at an evening of dinner and dancing right in the center square of the beautiful Evergreen Shopping Plaza. He has continued this involvement in the Evergreen and surrounding communities right up to his retirement.

The same type of commitment, a whole hearted commitment, that he made and exemplified in the community . . . is evident at home and at his second "home" . . . Concordia Federal Savings where his career spans 36 years and several job responsibilities. He joined the Association, then located in Englewood, in 1946 as Assistant Bookkeeper and Proof Clerk. During his career with the 93-year old S&L, he wore many hats, among them: Accounting Clerk, Teller, Head Teller, Improvement Loan Officer, Savings Officer, Savings and Advertising Manager, Personnel Manager, Customer Service Vice President, Senior Vice President and Marketing Manager and President of Concordia Subsidiaries.

He is a graduate of the American Savings and Loan Institute and the School for Executive Development at the University of Washington and he has also taken courses in advertising, public relations and personnel at Northwestern University.

He is a man with an intense Love . . . Love of life, Love of his family, Love of challenging work, community and a love and gratitude to his God who made all of the other possible. He is active in Holy Redeemer parish and even "crosses parish boundaries" to participate in St. Bernadette's golf league with several long time friends. He may have made a few bad decisions over the years . . . but both are sports related, he has avidly supported losers . . . the Chicago Bears as a season ticket holder for many years and the Chicago Cubs.

Three years ago, his wife of 31 years, Joan, learned she was suffering from kidney failure and became a kidney dialysis patient. With the same intensity, enthusiasm and love that he has exhibited his entire life, he was determined to learn more about kidney disease and do anything in his power to encourage more research and raise funds to make a future cure a possibility. . . . He became a member of the National Association of Patients on Hemodialysis and Transplantation and is now serving the Chicago area chapter as 1st Vice President, responsible for their monthly newsletter and also spearheading fund raising events which have received national publicity coverage.

Well rounded is a great way to describe the man that we honor this evening . . . as he begins his retirement; he can and should feel well satisfied with his successful and impressive business career, rich history of community involvement, respect, admiration and love of his family, Joan and their 3 daughters, sons-in-law and grandchildren, and even success at his favorite pastime, golf.

According to Webster, a Citizen is a person owing loyalty to and entitled by birth to the protection of a given state. Tonight we have a man who has taken this definition to heart, not only in 1982, but who has been loyal to his community over a life time . . . tonight we honor, John J. Gill.●

NATION'S SPENDING PRIORITIES

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. SCHUMER. Mr. Speaker, as the full House debates the Nation's spending priorities during the next few weeks, we might well listen to the thoughts of one of my constituents, Mr. Peter M. Spiro. Having served in the Navy, Mr. Spiro's perspective on defense spending is an interesting one, and certainly worthy of our attention. I would like to share the intelligent and articulate arguments of Mr. Spiro with all who are committed to responsible spending priorities and the exorcism of waste in the Federal budget.

NOVEMBER 23,1982.

CONGRESSMAN SCHUMER, I spent six years in the Navy and I recently got discharged on 9 Nov. 82. It really bothers me that this country wastes so much money on the defense budget when we are in need of so many other things. This country needs more jobs, training programs, more programs to aid the elderly and poor and so much more.

In New York City the bridges are falling apart, the roads are terrible, and the subway system is a disaster. I would rather see my tax money be used for these sort of things than to be wasted on an overpriced defense budget. I am in favor of a strong national defense but I'm not in favor of making companies rich in the name of defense.

I'm talking about the Government being outrageously overcharged for the things it buys.

When I was in the Navy I was a fire control technician. I worked on a guided missile fire control system.

When we ordered spare parts I couldn't believe the price of some of them.

We once ordered a gearbox for a radar attena which was no more complicated than an automobile transmission and it cost $60,000.

We once ordered a rubber hose for a radar cooling system which cost over $500.

These are just two isolated cases of overcharging.

This kind of outrageous overcharging goes on, on every ship and shore base throughout the world.

Needless to say this is why our defense budget is so high. Our tax money is used to make already rich companies richer while our cities are falling apart.

This is a crime and an insult to the people of America.

I hope you will work to stop this sort of waste with the people's taxes.

Sincerely,

PETER M. SPIRO.●

TRIBUTE TO VIETNAM VETERANS

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. O'NEILL. Mr. Speaker, during the period of November 10-14, the people of the United States paid a long overdue tribute to the Vietnam veterans. These brave men and women who sacrificed so much yet received so little were finally honored some 10 years after the fact. The Congress had, however, passed legislation that provides these vets with a wide range of services.

Programs in veteran health care that also include problems related to agent orange, programs for job training, a loan program for the Vietnam vets in small business, extended education for those whose GI bill has expired, and unemployment benefits for vets who served at least 2 years—these programs are the primary steps down the road to rectifying a situation that should have been taken care of a long time ago. We must not let it stop there. There is still so much we must do, as such—an indepth look into the agent orange matter, better employment opportunities, health benefits and educational benefits. This is the least we can do for these courageous Americans who served their country well when duty called.●

H.R. 6514: THE NEED FOR FURTHER DISCUSSION

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. GARCIA. Mr. Speaker, it has been inferred that the consideration and passage of H.R. 6514, the Immigration Reform and Control Act of 1982 would help heal America's unemployment problems.

I find this ironic. One, because I firmly believe that blaming undocumented immigrants for unemployment problems is scapegoating. Two, because an expanded H-2 program—that is a program that invites workers from Latin America and the Caribbean, to work in this country on a temporary basis—has been included in H.R. 6514. This seems to be another version of the now abolished Bracero program, which was instituted as a result of a labor shortage.

I appreciate the extensive work done by the authors of H.R. 6514. I understand the problems that confronted them in their drafting of this bill. But I still believe a change in our immigration policy must take into account a variety of interests not addressed in H.R. 6514.

One such area, not touched on by this bill, is the foreign policy aspects of immigration reform. I published an article in the November 8 edition of the Christian Science Monitor on this subject. I am not proposing that my article contained the answer to U.S. immigration problems, but I feel that it does add another dimension to the discussion of this question.

I, therefore, hope that my colleagues will consider postponing scheduling this bill during the lameduck session. It is much too important an issue to be rushed.

Our immigration problems will be with us for the indefinite future. Continued study of this problem does not mean that it should not be addressed; it simply means that some major ques-

tions regarding immigration reform have not been answered.

I submit the article from the Christian Science Monitor for examination by my colleagues.

[From the Christian Science Monitor, Nov. 8, 1982]

STOPPING ILLEGAL IMMIGRATION AT ITS SOURCE

(By Robert Garcia)

Control over the entry of noncitizens is a key determinant of national sovereignty. How that control is achieved and maintained is, therefore, a reflection of a nation's political system and beliefs.

That is why the immigration bill now pending in the House is probably the most important piece of legislation to be considered by the 97th Congress. Although the diligent efforts of the House and Senate Judiciary Committees should not be overlooked, the bill, as it is presently structured, is flawed.

Aside from specific provisions of the bill which are potentially discriminatory toward Hispanics—such as employer sanctions, a national ID system, a watered-down amnesty program, and an expanded H-2 program—the major difficulty with this legislation is its focus, or lack of focus, on the foreign policy aspects of immigration policy.

The meshing of domestic and foreign policy has become widely accepted. The impact of foreign goods on the United States economy and, conversely, the effect of high U.S. interest rates on the economies of our allies are prime examples of this interaction. The symbiosis of domestic and foreign policy concerns is no more apparent than with the massive influx of immigrants that come to this country; through this massive flow of people, these policies become irreversibly intertwined.

Immigration policy not only must take into account national sovereignty, it also must be carefully crafted to maintain cordial relations with our allies, particularly Latin American and Caribbean nations. Further, unless immigration is stopped at the source, the U.S. will never be able to effectively control its borders.

Leaving one's family, friends, culture, and language is not easy. Yet each year tremendous numbers of people enter the US without proper documents. Why do so many people risk their freedom and leave the familiarity of home? One, because the economic and political situation in their countries has become intolerable and, two, because the lure of prosperity and jobs in the US offers hope.

This "push-pull" impetus is the primary reason for the massive influx of immigrants. It cannot be ignored if the US intends to construct a realistic and fair immigration policy.

Even as the US economy slumps and the propsect of jobs becomes less promising, the "push" factor, or the faltering of Latin American economies, continues to grow. It is necessary, then, to integrate US development policies with immigration policy. Anything short of this integration would not address the basic reason for undocumented immigration.

During the last two decades, nearly nine million people have emigrated from the Caribbean basin to the US. That total is even higher if Mexico and the rest of Latin America are included. This flow will not abate or become more regular by instituting a law that places the onus of responsibility for immigration control on American businessmen who are interested in having a constant flow of cheap labor, and on impoverished people whose promise of a future is contingent on maintaining a shadow existence as an undocumented person.

Immigration policy must be, at least in part, the product of multilateral and bilateral agreements between the US and nations that are the principal senders of immigrants.

The Caribbean Basin Initiative (CBI), despite its flaws, is a step in the right direction for developing an extended economic agreement and support system between Caribbean basin nations and the US. An extension of the CBI to include Mexico and other Latin American countries that are prime senders of immigrants: a retooling of this new CBI so that it emphasizes developing labor- rather than capital-intensive industries; and, most important, a reworking of both an expanded CBI and the immigration bill so that they complement each other should all be primary objectives of a new U.S. immigration policy.

Immigration must be controlled at the source. Agricultural and labor intensive industrial development programs are two key proposals for creating jobs to keep potential immigrants at home. Bolstering developing nations' economies also provides the dual benefits of stabilizing the region politically and building potential markets for U.S. goods and services.

It is to the benefit of those countries sending the most immigrants to cooperate, not only because it would increase their prosperity but because it also cuts off the so-called "brain drain" of their most intelligent and industrious workers.

Admittedly, it is not an easy task to integrate immigration policy and foreign aid. This is a radical approach to immigration, but nonetheless it reflects a profound understanding of the complexity of U.S. government attempts to control the borders.

The immigration bill that is currently being considered by the House does not take into account foreign policy concerns. It attempts to deal with immigration not at the border, or before the border, where the problem begins, but over the border, in the U.S. where fair enforcement is much more difficult and much less permanent.

The recent economic difficulties in Mexico and the subsequent increase in attempted crossing at the U.S.-Mexico border provide an excellent example of the magnitude of the problem which the U.S. will continue to face unless it integrates its immigration and foreign policies.

What a new U.S. immigration policy must do is assist prime sending nations in making it attractive for potential immigrants to stay home. Tackling the situation at its heart, in these countries, is not only the best solution; it is the only effective solution to U.S. immigration problems.●

TRIBUTE TO JANET GRAY HAYES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. EDWARDS of California. Mr. Speaker, on December 1, friends and supporters of Mayor Janet Gray Hayes will gather to honor Mayor Hayes for her 12 years of service to the city of San Jose. Although the congressional schedule makes it impossible for me to attend this well-deserved tribute, I did want to take this moment to extend my thanks to Janet Gray, both for her fine leadership and for her friendship over the years.

Since 1974 Janet Gray has served as the mayor of my home town of San Jose. Her two terms as mayor follow a long span of dedicated public service as vice mayor, city council member, and community activist. During her tenure in public office, our city has grown dramatically, with over 36 percent more people making San Jose home now than did in 1970. Janet Gray has been in the forefront of seeking ways of managing that growth, channeling development into areas where support services already exist, and preserving open space wherever possible.

The last 10 years have seen other significant changes as well. Janet Gray is fond of referring to San Jose as the "feminist capital of the world." Although with her departure from the mayor's office, the reins of leadership fall to a man, San Jose and Santa Clara County can still lay claim to that title, with 7 of 11 members of the city council women as well as 3 of 5 of our county supervisors.

I believe Janet Gray and her exemplary career have had much to do with that proud fact. When Janet Gray first took public office, it was a rarity for a woman to seek election in the Bay Area. Even more infrequently did women win. Janet Gray changed all that. While others will commend Janet Gray for the efficient and compassionate way she has led San Jose—as well they should—I wonder if an even more vital accomplishment has not been her position as a role model for countless young women who now confidently plan a career of public service because Janet Gray has shown that it can be done.

In closing, I would like to make one further point. As one of San Jose's Representatives here in the U.S. Congress, I have come to rely on Janet Gray for her keen insights on the partnership that must be forged between the Federal Government and the local government. Like so many others, I have valued Janet Gray's advice and good judgment over the years. Although she now leaves public office, I trust we will still be able to call on her for her always sound guidance. I feel confident she will continue to seek ways to serve our community.

For her years of public service, and for those years yet to come, I say, "Thank you."●

TRIBUTE TO JAMES C. KIRK

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. YATRON. Mr. Speaker, I want to take this opportunity to pay tribute to Mr. James C. Kirk, president and chief executive officer of the Pottsville Hospital and Warne Clinic, located in Pottsville, Pa. Mr. Kirk will retire on January 1, 1983, after 35 years of dedicated service to the hospital and the community.

Mr. Kirk was appointed administrator of the Pottsville Hospital in 1948. He has been an outstanding citizen whose contributions to the institution and the community are immeasurable.

Before coming to Pottsville, Mr. Kirk was the assistant superintendent of the Perth Amboy General Hospital in New Jersey. Prior to serving at Perth Amboy, he was an accountant for Jones & Laughlin Steel Co. in Pittsburgh and the Crucible Steel Co. of America in Jersey City.

As the administrator of the Pottsville Hospital, he was responsible for guiding the institution through several major building projects which increased the hospital's size from 150 beds to 266 beds, making the Pottsville Hospital and Warne Clinic the largest hospital in Schuylkill County. In addition to the hospital expansion projects, a new school of nursing building was constructed in the mid-1960's.

Mr. Kirk, a native of Port Carbon, Pa., received his education at the Carnegie Institute of Technology in Pittsburgh. He is a member of the American Hospital Association, the Hospital Association of Pennsylvania, and the Health Systems Agency of northeastern Pennsylvania. He was also a member of the Commonwealth of Pennsylvania's State Welfare Board.

Mr. Kirk is a man of many accomplishments which have benefited thousands of people, not only in Schuylkill County, but throughout Pennsylvania. Without a doubt, the Pottsville Hospital and Warne Clinic will be losing a man with exceptional talent, skill, and ability.

Mr. Speaker, it gives me great pleasure to honor this fine American before my House colleagues. Mr. Kirk is a true humanitarian with a complete devotion to providing the best possible health care for the citizens of Schuylkill County.●

MAYOR JANET GRAY HAYES

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. MINETA. Mr. Speaker, it is with sincere pleasure that I join the citizens of the city of San Jose today in recognizing and honoring Mayor Janet Gray Hayes, one of the most highly regarded and outstanding public leaders to serve the city.

Janet Gray was the first woman in this country to be elected as the mayor of a major metropolitan city. For 8 years she has presided over the technological capital of the Nation while at the same time being a champion fighter for the rights of all citizens, an innovator of national urban policy, and a hardworking, honest politician.

Mayor Hayes is a grassroots activist who started out committed to making the city of San Jose a better place to live. She has used her organizational experience and expertise to help transform San Jose, a city once characterized by urban sprawl, into one of the top financial, cultural, transportation, and population centers of the region.

Janet Gray has tackled the No. 1 challenge of her political career like a tenacious fighter. Few could have succeeded as well as she in balancing the competing interests of growth, prosperity, and the natural inheritance of the Santa Clara Valley and end up with one of the most technically advanced, yet livable cities in the country. She has earned the respect needed to successfully encourage financial investment and industrial development. San Jose is the 14th largest city in the country, the fastest growing, and the 4th largest in California. The success of this great city is the result of a sensible growth plan which protected wilderness and agriculture. Mayor Hayes made sure there was backbone in that plan.

Janet Gray started her professional career as a psychiatric social worker for the Jewish Family Service Agency in Chicago. She also worked for the Denver Crippled Children's Service and the San Jose Adult and Child Guidance Clinic. She is a past president of the League of Women Voters of the San Francisco Bay Area and the Central Santa Clara Valley. She now serves as chair of the National League of Cities' Energy, Environmental Quality, and Natural Resources Steering Committee and Public Technology Inc. as board member and chair of the advisory council. I know first hand, that Janet Gray is especially respected and admired among her colleagues in San Jose, where her accomplishments have been directly felt. In 1975, she received the Woman of Achievement Award from the San Jose Mercury News and in 1975 and 1976 she was selected as the Most Admired Elected Official in Santa Clara Valley by two public opinion surveys. In 1980, she received the Santa Clara County Women of Achievement Award and the Natinal Conference of Christians and Jews Community Service Award.

Janet Gray, however, was never content to be the only woman in San Jose's political arena and through her persistent adherence to equal opportunity and human rights, she has led San Jose to the forefront of the women's movement; a city with the highest percentage of women in decisionmaking positions. Today, 3 out of 5 Santa Clara County supervisors, 7 out of 11 San Jose city council members, 1 superior court judge and the president of San Jose State University are women.

Mayor Hayes is a patron of the arts, an urban leader, and involved parent, and a tough politician. Her accomplishments demonstrate that a working mother who cares about the problems her community faces can make a difference. She is, quite simply, a remarkable woman.

Mr. Speaker, I ask all the Members of the House to join me in paying tribute to Janet Gray Hayes. She is a woman who has made an unforgettable impact on our community. Her career gives everyone a great deal of inspiration. Mayor Janet Gray Hayes is an outstanding woman of our time.

Thank you.●

REPORT ON LATIN AMERICA

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. LaFALCE. Mr. Speaker, I would like to bring to the attention of our colleagues remarks made recently by Sidney Schmukler, Senior Adviser, Economic and Social Development Department of the Inter-American Development Bank. In a well-received talk before the International Business Council of Rochester, Mr. Schmukler focused on the potential for U.S. business investment in Latin America.

Noting that Latin America represents a market that will hold an estimated 500 million people in less than 20 years, Mr. Schmukler described the benefits to both partners of investment in the area. He emphasized the estimates of the U.S. Treasury which show that for every $1 of U.S. investment in Latin America, $3 come back to our economy in terms of exports and other economic benefits.

Latin America also needs our investment dollars. Development has, until recently, been carried on at a rapid pace. Without outside investment the area would lose vital ground. Specifi-

cally, Mr. Schmukler advocates investment in three major components of the economy: Energy, agriculture, and employment. The Inter-American Development Bank has been financing projects in all of these areas, and in recent years U.S. companies from almost every State have participated in IDB-financed procurement.

Mr. Speaker, because we are presently in a period of intense concern about the world economy, we should not overlook opportunities to make sound investments that would aid both our economy and that of our southern neighbors. I believe that such investments as those of the Inter-American Development Bank should be encouraged. Along with Mr. Schmukler, I too am "confident that with constructive cooperation we can move forward to help meet Latin America's needs, to the benefit of our entire hemisphere." At this point, I would like to include in the RECORD the full text of Mr. Schmukler's address.

LATIN AMERICA: THE CHALLENGE OF THE 1980'S

Is is a pleasure to be here today to speak about Latin America and its future, and how that future could affect you. Rochester is very well known here and abroad for its industry, technology and commerce. The businesses you represent are important to Latin America. In fact, there are familiar signs on the streets of many cities from Mexico south reminding everyone of some of Rochester's products. Now do I need to remind this audience of the value of foreign business.

As you know, world trade is now crucial to the United States. One in every eight manufacturing jobs and one in every 3 acres of farmland in the United States depend on exports.

Latin America is important to this country for many reasons; I will only remind you that as a key trading partner, it is a major supplier of essential products and a very large market for American goods and services—a market that in less than 20 years, will have an estimated 500 million people.

United States exports to Latin America have been growing and in 1982 are expected to be in the $41-$43 billion range. The United States now sells more machinery, consumer goods and chemical products to the region than to the rest of the developing world combined. This market represents almost twice that of Japan and more than half the volume of U.S. exports to all of Europe.

Before looking ahead to the challenges—and the promise—of the region to the south of us, let's look briefly at its recent record. In the last twenty years Latin America developed faster than any other developing region in the world. The production of goods and services of the Latin America in 1981, was more than three times the level of 1960 in constant dollars. Imports and exports grew, investment expanded and many of the countries gained access to international capital markets for financing.

There are of course big differences among the countries, but during the past decades most of the Latin American countries have been modernizing their economies and institutions. The region has focused on "strengthening within": new roads, transportation and communications facilities. Hydroelectric projects were constructed, providing power as well as badly needed water for irrigation. New industries were created, and trade within the region began to grow rapidly. Social services and educational opportunities broadened, especially technical education.

At present, the pace of economic growth in Latin America is slow, in part reflecting developments in the region but most countries have felt the recession in the U.S., Europe, Canada and Japan, which account for two-thirds of the region's exports as well as a similar proportion of its imports. The importance of economic recovery and growth in the Western world is clear and represents a challenge we all wish to see met with success.

As for the major challenges within Latin America in the 1980's, I would like to focus attention on three that we in the IDB believe are key to the region's further development. These are: energy, food production and jobs. I then want to comment on the work of our Bank in helping Latin America face these challenges and how this can affect you.

ENERGY

Dependence on oil is greater than any other region in the developing world and most of the petroleum is used in productive activities. By the end of 1978, oil represented 70 percent of Latin America's energy consumption, as compared to 45 percent for the world as a whole. This dependence on oil is a heavy burden on the region; since 1974 the cost of oil imports has added large amounts to the external debt of most of the countries.

Fortunately, Latin America has very substantial energy resources to draw on. Mexico and Venezuela are of course already major oil producers, but the search is underway in many countries. There are also large deposits of natural gas in Mexico, Bolivia, Argentina and elsewhere, as well as coal, for example in Colombia and Brazil, tar sands and shale oil. There are good geothermal possibilities.

The region's crown jewel is, however, its future hydroelectric potential—virtually unequalled anywhere in the world. The potential of this river and lake resource in Latin America is conservatively estimated at 430,000 megawatts, the heat equivalent of 1 billion barrels of oil per year. Thus far, only 10 percent of the hydroelectric capacity is now in service. Best of all, hydropower is a renewable resource and the water serves other purposes as well.

The investment needed for the development of energy are enormous. The Inter-American Development Bank has provided technical assistance, for investment feasibility studies and help toward more efficient institutions. During the 1960's the Bank allocated 14 percent of its lending to the financing of energy development. In the 1970's this increased to 25 percent. In 1981, the figure rose to 40 percent.

Most of the Bank's energy lending has been for hydropower—civil works, generating equipment, transmission lines. However, the financing is broadening. For example, the IDB has recently undertaken a program to assist its member countries in mapping the continental shelf through the use of seismic surveys to identify favorable geological formations for oil and gas exploration. The Bank is also channeling money into the development of non-conventional renewable energy such as geothermal, solar and biomass power.

FOOD AND AGRICULTURE

Many people think of the region as largely rural and expect Latin America to be a major grain basket and meat supplier for the world. In reality, agriculture in most of the countries of the region is a difficult way to make a living. Productivity is low, certainly by U.S. standards, and much of the rural labor force is unemployed or underemployed. There have been massive movements from farm areas to the cities creating even greater problems of food supply. Yet, during the past 25 years production has barely kept up with the expansion in population. Our estimates indicate that an increase of only 10 percent in the consumption of food per person in 1980-1990 with the larger population, would require a 45 percent increase in the supply of food for the region as a whole.

Because food and raw materials are so important, the Bank is giving a lot of attention to agricultural development. In the most recent years of our operations, 1979-1982, we loaned close to $2 billion for this sector. Most of these funds are intended to reach small- and medium-sized farmers and to back them with research and extension. I might also note our financial support for fishing projects, expecially in the Caribbean Basin.

EMPLOYMENT

In 1950, only one in every ten Latin Americans lived in large cities. Today Latin America is two-thirds urban, and by the end of this decade about 75 percent of its people will be living in cities.

This shift puts heavy strains on water, transportation, education and other facilities. Even more importantly, every year close to 4 million people enter the labor force; about 90 percent of these people will be seeking jobs in the cities. At the same time unemployment is already one of the regions most extensive and serious problems. Mexico has been very much in the news lately for financial reasons; but not many people realize that the country needs about 500,000 new jobs each year, or that Mexico City in 20 years may reach 31 million if it continues to grow rapidly.

EXTERNAL TRADE AND FINANCE

These then, are some of the challenges. They will be met mainly by efforts in Latin America. By far, the major portion of investment made in Latin America over the past twenty years has come from internal savings; the Latin American countries themselves are financing over 80 percent of their own investment needs and plan to continue to do their part.

Nevertheless, the flow of external financing is essential if Latin America is not to lose the ground gained thus far and is to continue progress. This means new financing of goods and services, as well as the handling of debt. In some of the larger countries, such as Argentina, Mexico and Brazil, debt payments already weigh heavily because exports are earning less, essential imports must continue and the levels of recent interest rates are taking their toll. For example, borrowers like Brazil and Mexico, each with external debts in the order of $80 billion, pay or save about $500 million a year in interest for every point change in interest rates.

THE INTER-AMERICAN DEVELOPMENT BANK

Permit me to comment briefly on the role of the IDB in the external financing of development, and of trade. The main objective of our Bank—which was started in 1959 and

is owned by 43 countries—is to finance productive projects in our Latin American member countries. Our emphasis has been on agriculture and energy, as we have seen, but we also finance roads, manufacturing and water systems, as well as social projects.

As a development bank, we carefully analyze all projects and consider it essential that there be an adequate return on investment. Our loans benefit private enterprise directly or indirectly in Latin America and we actively work with private capital in the U.S. and other countries to complement the financing we can provide. Indeed, we have a program called "complementary financing" under which banks, in the U.S. and elsewhere, have provided resources additional to our loans for many projects.

The Bank has capital provided by its member countries and by borrowing in capital markets where we have enjoyed high credit ratings. In fact, most of our funds are raised in the private sector. Our income from loan repayments supports our own budget and provides for satisfactory reserves as well. Through 1981, the Bank has lent over $20 billion to finance development projects which involve a total investment of about $78 billion. We are proud of the stimulus we have provided to growth and, through investment, to trade in little more than two decades.

As you can see from the volume of our lending, the Inter-American Development Bank's lending represents opportunities for procurement and increased trade between the United States and our Latin neighbors. Our borrowers of course carry out the purchases made under our loans. They seek the bids, sign the contracts and receive the goods. But there are agreed standards for bidding. The Bank requires of its borrowers that there be public competitive bidding for the procurement of goods and services used in projects financed with our loans. There must be advance notice and price comparisons. Only suppliers in member countries of the Bank, including of course the U.S., are eligible to bid on loans we now make.

IDB contract awards for recent years show that U.S. companies in almost every state of the Union have participated in IDB-financed procurement. These contracts covered a wide array of materials and products from livestock to complex machinery and technology.

A recent sampling of contract awards in the United States financed by direct payments from the IDB during the years 1978 through the first half of 1982, shows that 152 firms in the State of New York shared in contracts in 20 Latin American countries. These included for example switchboard equipment for a water supply project in El Salvador, rolling mill machinery for copper mining and metallurgy in Brazil and material and equipment for health and education projects in Costa Rica and Panama. Here in Rochester, firms supplying photographic equipment and supplies, glass products, engineering and medical instruments, mining machineries, optical lenses were among the New York based companies awarded contracts under our loans.

What about IDB's future business? Of course, the specific development projects we will be financing depends on many factors and many projects are in the planning stage, including large investments in certain fields. For example, our pipeline for the coming years includes possible electric power and transmission projects in Costa Rica, Panama, Colombia, Brazil, Peru and elsewhere whose total cost would probably exceed $16 billion. Agriculture, roads and mining will call for a variety of machinery and equipment. As an illustration, the Bank may be asked in 1983-1987 to finance coal mining projects representing $800 million in investments, half of which would involve imported equipment. Investments in industry, applied research and technology and education from Mexico to Argentina in the far south—assisted by IDB loans will need scientific material, instruments, electronic equipment and machinery of the kind that people in cities in this part of New York know how to make and install.

Let me close by putting the procurement and trade prospects in a broader context. The U.S. Treasury estimates that for every dollar paid by the United States into the IDB and other multilateral development banks, $3.00 comes back to the U.S. economy in terms of experts and other economic benefits. Our Bank's operations are good for the U.S. as well as for Latin America.

In the last twenty years we have seen great change in the exciting region to the south of us. The prospects for economic growth are encouraging and deserve financial support. We are confident that with constructive cooperation we can move forward to help meet Latin America's needs, to the benefit of our entire Hemisphere.●

SMEAR TACTICS WON'T WORK

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. AuCOIN. Mr. Speaker, despite President Reagan's remarks portraying supporters of the nuclear weapons freeze as dupes of the Kremlin, the American people are not buying it. This is one of the times that all of the people, or even most of them, will not be fooled.

Not only do the President's remarks defy all the evidence concerning the birth and growth of the most remarkable grassroots movement in recent years, they insult the intelligence and motives of millions of Americans who want the nuclear arms race stopped.

For the sake of his own credibility, I hope President Reagan will consult other sources besides the Reader's Digest before commenting again on the nuclear freeze movement. With that in mind, I ask that an editorial from the November 15, 1982 edition of the Corvallis, Oreg., Gazette-Times, be reprinted in the CONGRESSIONAL RECORD, as representative of the views of 606,143 Oregonians who voted in favor of a nuclear weapons freeze referendum on November 2.

The editorial follows:

FREEZE SUPPORTERS AREN'T DUPES

At last Thursday's press conference, hours after the death of Leonid Brezhnev, President Reagan affirmed his belief that the nuclear freeze movement is being manipulated by the Soviet Union. He dodged a request for evidence of his assertion, either because he didn't have any or because it is too weak to withstand examination.

It was not the first time Reagan has implied that Americans and Europeans working for a bilateral, verifiable freeze on nuclear weapons are the Kremlin's unwitting dupes. After a wave of demonstrations in Europe Reagan said, "Oh, those demonstrations—these are all sponsored by a thing call the World Peace Council, which is bought and paid for by the Soviet Union." And on Oct, 4 he told an Ohio audience that the nuclear freeze movement is "inspired . . . by some who want the weakening of America."

To believe demands for a nuclear freeze are being coordinated by the Soviet Union requires some agile mental footwork. Any group with any association with the Soviet Union must be considered a front for the Kremlin. Any person who has visited the Soviet Union must be suspected as an agent. Any organization critical of American military or foreign policy must be regarded as a supporter of Soviet objectives.

In Thurday's remarks Reagan referred to published reports linking the freeze movement to the Soviet Union. He didn't name any of the publications, but it's safe to assume he had an October Reader's Digest article, "The KGB's Magical War for 'Peace'," in mind. Here's an example of the kind of reasoning the article employs to prove the Soviet Union is pulling the freeze movement's strings:

In March, 1981, the Digest reports, a nuclear freeze strategy meeting was held at Georgetown University in Washington, D.C. Among the 275 to 300 delegates were two invited Soviet guests. "Thus, little more than two miles from the White House, the KGB helped organize and inaugurate the nuclear freeze campaign."

This is more than simple guilt by association. The kind of thinking expressed in the Reader's Digest article and repeated by the President betrays a lack of understanding about the nature of an open society. Americans are free to gather, free to speak and free to organize. These freedoms reduce the risk that citizens' thoughts and actions will be controlled by anyone but themselves.

The nuclear freeze campaign is an example of the kind of movement that could exist only where people are free. It springs directly from citizens' concerns, encompasses a staggering variety of viewpoints and has no real leadership. Reagan should be proud to be president of a nation in which such a movement can spring up. Instead, he has dismissed the freeze movement's aims by painting it with a red brush. Freeze supporters, including the majority of Oregon voters, are no one's dupes, and Reagan owes them an apology.●

THE AMERICAN ASSEMBLY REMARKS ON THE ECONOMY

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. REUSS. Mr. Speaker, earlier this month I had the pleasure of participating in the 63d American Assembly, held at Arden House in Harriman, N.Y. The American Assembly was established at Columbia University by Dwight D. Eisenhower in 1950, when he was its president. The assembly holds at least two national, nonpartisan programs each year, and then pub-

lishes discussion papers "in order to provide information, stimulate discussion, and evoke independent conclusions on matters of vital public interest."

The theme of November's meeting was "The American Economy in Transition." I want to share with my colleagues the final report of the 63d American Assembly, beginning with a preface by the assembly's president, William H. Sullivan:

PREFACE

On November 11, 1982, fifty-nine men and women representing the Congress, the executive branch, business, organized labor, the law, the universities, and the communications media gathered at Arden House in Harriman, New York, for the Sixty-third American Assembly on The American Economy in Transition. For three days the participants discussed our budget and fiscal systems, our human capital resources, the concept of a national industrial policy, and the international trading system.

Former Secretary of the Treasury G. William Miller acted as director for this Assembly program and supervised the preparation of papers which were used as background reading by the participants. Authors and titles of these papers, which will be compiled and published as a Prentice-Hall book to be entitled The Decline and Rise of the American Economy, are as follows:

G. William Miller, Introduction.

Albert T. Sommers, The Evolution of Economic Policy.

Lester C. Thurow, America in a Competitive Economic World.

Rudolph G. Penner, Fiscal Management.

Benjamin M. Friedman, Monetary Policy Management.

Isabel V. Sawhill, Human Resources.

Edwin Mansfield, Science and Technology.

C. Fred Bergsten, The International Dimension.

Speakers during the Assembly were the Honorable Peter G. Peterson, former Secretary of Commerce and currently Chairman of Lehman Brothers Kuhn Loeb; Mr. Felix G. Rohatyn, a senior partner of Lazard Freres; and Dr. John T. Dunlop, former Secretary of Labor and currently Professor of Economics at Harvard University.

On November 14, following their discussions, the participants produced this report, which contains both assessments and recommendations. We gratefully acknowledge the contributions of the Alfred P. Sloan Foundation, the General Electric Foundation, the Continental Group, Merrill Lynch, and Pfizer Inc., who helped sponsor this Assembly. They and The American Assembly, a national nonpartisan educational institution, have taken no stands on the subjects that were presented for public discussion. The participants spoke for themselves rather than for the institutions with which they are affiliated.

WILLIAM H. SULLIVAN,
President, The American Assembly.

FINAL REPORT OF THE SIXTY-THIRD AMERICAN ASSEMBLY

At the close of their discussions the participants in the Sixty-Third American Assembly, in The American Economy in Transition, at Arden House, Harriman, New York, November 11-14, 1982, reviewed as a group the following statement. This statement represents general agreement; however, no one was asked to sign it. Furthermore, it should not be assumed that every participant subscribes to every recommendation.

American economic policy should seek a dynamic, growing economy, capable of providing useful and satisfying work for all employable Americans, in an environment of reasonable price stability and equitable distribution of opportunity.

Over the past ten to fifteen years, the United States economy has been characterized by slower real growth, higher unemployment, lower productivity, higher inflation, larger federal deficits, more volatility in economic and financial activities, growing difficulties in international trade and finance, and a series of structural problems relating to capital formation, productivity, technology, and resources utilization.

Currently the American economy is experiencing a most serious recession. The pattern is world-wide. The timing and strength of recovery are still not clear.

There is concern that the United States has lost its vitality and competitiveness. Of even greater concern is the possibility of stagnation, or even collapse, of the world economy. The depth and breadth and length of recession, the rise of inward-looking national policies and trade confrontations, the trend toward divergent and divisive actions, the strains on the intenational financial system—all these and more are clear storm warnings.

The American economic system has remarkable self-healing powers. Yet, these powers will not be enough. Important adjustments must be made in economic policies and management to deal effectively with current conditions and to anticipate future changes. These changes will be pervasive and will certainly encompass relations between the United States and the world, between the public sector and the private sector, and between labor and management.

Prompt action can assure a revitalized American economy, leading the way for world recovery.

A growing American economy is a precondition for a prosperous world economy. A prosperous world economy is essential for stability and peace.

IMMEDIATE ACTION PROGRAM

The immediate and overriding imperative is for vigorous and sustained real economic growth of the American economy. Only under such conditions will it be possible to attain long-term economic and social goals.

The economic benefits are legion: more jobs and greater utilization of human resources, higher productivity to counter inflation, expanded investment and modernization, improved international competitiveness, lower federal deficits from both reduced outlays and higher revenues, lower interest rates, sounder financing for Social Security, improved infrastructure, greater resources available for research and development, enhanced capacity to finance national defense, higher standards of living. The realization of these benefits would help preserve individual liberties and contribute to general well-being.

Failure to restore economic growth entails social, political, and security risks for the entire world.

The following immediate action program should be undertaken:

1. Change the Fiscal-Monetary Policy Mix. Economic policies should be directed promptly and powerfully to stimulate real growth through a major change in the fiscal-monetary policy mix

Overall fiscal policy should not be used for further stimulus at this time. Record federal deficits are projected, deficits that would persist even with high employment. Policies which increase such deficits would be unsound and counterproductive.

On the contrary, there should be a national commitment to reduce such deficits. The President and the Congress should jointly adopt a program of reduced expenditures and increased revenues which will produce a progressive and significant reduction in the high-employment deficit and relieve pressures on the financial markets.

With this commitment, monetary policy should then be diverted toward generating more rapid economic growth, without unduly risking a significant acceleration of inflation. This can be done because of large unused production capacity, high unemployment, and ample supplies of food and raw materials.

The altered mix of fiscal and monetary policies should result in real interest rates more in line with historical experience.

2. Inaugurate an Infrastructure Program. A program should be undertaken directed at needed improvement in public infrastructure. This program should not be financed by incremental deficit spending, but by explicit reduction in other federal spending or by taxes and user fees.

3. Initiate Action to Reduce Trade Barriers. Recognizing the increasing economic interdependence among nations, yet growing tendencies toward protectionism, the United States should aggressively act to reduce existing nontariff barriers and other distortions of trade and pursue a temporary "standstill" agreement prohibiting introduction of new ones. Reiterating a belief in free but fair trade, the United States should, at the November 1982 Ministerial Meeting of the General Agreements on Tariffs and Trade (GATT), seek a new round of negotiations that would encompass trade not only in goods but also in services. This round should also endeavor to set ground rules for treatment of international investments.

4. Bolster the International Monetary Fund (IMF). To alleviate strains within the international financial system and provide time for appropriate adjustments, there should be an immediate substantial increase in resources for the IMF. IMF loans should be tied to conditions for economic discipline to correct balance-of-payments problems. Consideration might also be given to increased support for the World Bank and the regional development agencies.

LONG-TERM POLICIES

Fiscal policy

Fiscal policy should be retained as a major instrument of economic management. A balanced budget constitutional amendment is neither desirable nor workable.

Fiscal discipline should be restored. The federal budget process has been improved over the past decade. Nevertheless, the current challenges and the problems likely to arise during the 1980s make a further strengthening of this process desirable.

No matter how strong or perfect a process is developed, it cannot substitute for political will and leadership.

The unified budget concept should be strengthened by including off-budget expenditures in the budget. Consideration should be given to improved presentation of capital expenditures, trust fund budgets, and tax expenditures. Federal credit operations, trust funds, and tax expenditures

should receive increased congressional review during the budget process.

Expenditures

As part of the commitment to lower federal deficits, expenditures should be reduced by slowing the rate of growth in defense spending and Social Security payments.

Taxes

The individual federal income tax system should be simplified, and broad constraints should be exercised on deductions and credits so as to permit lower general rates. A shift of the tax burden toward consumption and away from savings and investment would be desirable. Some integration of corporate income taxes with the personal income tax would also be desirable. In any case, the principle of progressivity should be retained.

Social Security payments in excess of employee contributions should be included in taxable income.

Broader resort to user fees should be considered.

Greater resources should be devoted to assuring tax compliance and collection. Every effort should be made to reinforce the fundamental policy of voluntary assessment and compliance.

Monetary policy

The current system for setting and implementing monetary policy requires reform. More coordination is needed between the Federal Reserve and the Congress and between the Federal Reserve and the executive branch in formulating monetary policy. Monetary policy also needs to be better coordinated with fiscal policy.

The Federal Reserve should be required to set out its projections with respect to the broad objectives of economic policy—economic growth, unemployment, and inflation—to facilitate comparison with those of the Administration and the Congress. The Federal Reserve should relate its projections to its intermediate targets and operating procedures to which it should then be held accountable. The specific targets chosen should be neither so narrow as to have a weak connection to the broad objectives of economic policy nor so broad as to be only minimally affected by the policy instruments under the control of the Federal Reserve.

The Federal Reserve's recent emphasis on the monetary aggregates should be modified by inclusion of other factors.

The independence of the Federal Reserve within the government should be preserved. This places a responsibility on the Federal Reserve, the Administration, and the Congress to address and reconcile inconsistencies or unrealistic elements of their economic goals and projections.

Microeconomic policies

Education and Training

The educational system is failing to prepare a significant portion of the nation's youth for working or even for functioning in our complex society. Major improvements are needed in the quality of education. More emphasis needs to be placed on basic math and literacy skills, the relationship between education and jobs, and the training of Americans in the languages and cultures of other countries.

National leadership is required to encourage experimental efforts at the local level to improve the quality of education through such means as use of computer technology; setting higher standards for the performance of administrators, teachers, and students; providing incentives for these groups to meet these standards; and encouraging more cooperation between local schools and business and labor groups.

Research and Development

Steps to accelerate research and development and technological innovation should be undertaken to increase productivity and create new opportunities for growth. These might include:

1. Concentrating federal funding on basic scientific research.

2. Encouraging pooled research and development among groups of companies, in areas of national interest, by exempting such cooperative ventures from antitrust restrictions.

Industrial Policies

The difficulty in designing and implementing effective, flexible industrial policies should not be underestimated.

The two preceding microeconomic policies—education and research—are essential to any set of industrial policies. The concept of such policies should stress action to improve industrial competitiveness, such as (1) providing a macroeconomic environment conducive to growth; (2) removing trade, regulatory, and other barriers; (3) providing timely and comprehensive information about the economy and conditions in specific industries; and (4) maintaining and upgrading physical infrastructure.

Specific applications of industrial policies, if used at all, should be severely limited and should have explicit termination dates.

As a consequence of economic growth and technological change, some industries will decline as others grow. For such declines, a humane approach is needed for the problems of affected workers, industries, and communities, through:

1. Providing timely notice of major impending changes in work force levels or plant closings.

2. Undertaking advance planning for work force reductions through attrition.

3. Developing industry-specific training, retraining, and relocation programs.

4. Planning for community readjustment.

Incomes Policies

Based on our historical experience, it is doubtful that a workable incomes policy could be developed for the United States. However, to reconcile national interests in achieving high employment and capacity utilization with low inflation, there should be a greater public role in encouraging noninflationary wage-price behavior—including improvement of labor-management relationships.

The international dimension

The United States should continue its commitment to free and fair trade. Open markets and an open trading system are central to promoting world-wide recovery. Strenuous efforts should be undertaken to dismantle trade and investment barriers and remove existing inequities.

As already noted, the United States should seek an international agreement for a temporary "standstill" on imposition of new nontariff barriers as a prelude to a major effort to reduce barriers at the next GATT negotiations.

Trade sanctions imposed for political reasons have a long history of ineffectiveness and inequity. They should not be considered unless they are multilateral. If in some extreme circumstances such multilateral. If in some extreme circumstances such multilateral sanctions are adopted, the domestic costs of the economic disruption should be broadly shared.

The United States should reconfirm its historic responsibility as a participant in and supporter of the multinational financial agencies which facilitate world growth, trade, and cooperation.

The floating exchange rate system, despite its problems, is preferable at this time to fixed rates or bands.

There should be closer coordination among developed nations in formulating fiscal and monetary policies. There needs to be a heightened awareness that the monetary and fiscal policy objectives of one nation cannot work in isolation.

PARTICIPANTS THE SIXTY-THIRD AMERICAN ASSEMBLY

John H. Auten, G. Paul Balabanis, Joan Bannon, Bruce R. Bartlett, William J. Barton, George J. Benston, C. Fred Bergsten, William Block, Doreen Boyce, Frank X. Burkhardt, John C. Burton, Arnold Cantor, Lincoln Caplan, Peter B. Clark, Elinor G. Constable, James E. Deveau, John T. Dunlop, Alison A. Ebbott.

Lydia Fischer, Benjamin M. Friedman, Philomene A. Gates, Howard F. Harris, Thomas R. Horton, Author E. Hughes, Reginald H. Jones, Peirson Keating, Moses Lasky, Reid G. Leggett, Leslie L. Luttgens, Marian T. Malashevich, G. William Miller, Hiram Milton, Janet L. Norwood, Carol O'Cleireacain, Michael J. O'Neill, Van Doorn Ooms, John J. O'Shaughnessy, Rudolph G. Penner, Peter G. Peterson, Cecil M Phillips, Perry Quick.

Willard C. Rappleye, Jr., Henry S. Reuss, Felix G. Rohaytn, Isabel V. Sawhill, John C. Sawhill, Frank W. Schiff, Stephen I. Schlossberg, Francis H. Schott, Eleanor Bernert Sheldon, Courtenay Slater, Howard M. Smolkin, Albert T. Sommers, Brian Turner, Harris Weinstein, John W. Wright.●

JOINT UNITED STATES-SOVIET COMMUNICATIONS CENTER

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. STARK. Mr. Speaker, yesterday my colleague, Mr. DAVID DREIER, and I introduced legislation to set up a joint United States-Soviet Communications Center. The bill directs the President to seek negotiations with the Soviet Union for the establishment of this permanent joint communications center to provide an additional channel for communications in order to reduce the threat of accidental nuclear war.

I believe it is through truly bipartisan efforts such as this that Congress will be able to assist in the lessening of world tension and insure the global security we all desire. With new leadership in the Kremlin, we have an ideal opportunity to further expand the communications between our two nations that will so benefit us both.

The joint United States-Soviet Communications Center would afford us this opportunity. Located in a third country, the communications center

would be staffed by technical, military, and diplomatic personnel from each nation who, in the event of crisis, would be able to confer face-to-face with one another and report timely and accurate assessments of the situation to their respective governments. Designed to augment the current United States-Soviet "hotline," the communications center would insure against the transfer of inadequate and inaccurate information at times when it could prove most harmful.

Obviously, it is my hope that the communications center will spur further communications and cooperation between the United States and the Soviet Union on all levels. In this way, we can establish a workable relationship based on mutual trust and need that will eventually lead us to a safe and secure world.●

GREATER CLEVELAND'S CHARLES A. SOTAK DIED

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Ms. OAKAR. Mr. Speaker, one of Greater Cleveland's fine citizens recently past away. Many of us who knew him and his fine family are deeply grieved. The following article appeared in the Plain Dealer.

CHARLES A. SOTAK, BRED AND RACED PIGEONS

Charles A. Sotak, 84, lived a full life.

He founded his own limousine and hearse leasing firm in 1921, trained and managed boxers in the 1930s, was a driving instructor for young rich folks in Cleveland in the 1940s and bred, trained and raced pigeons all his life.

Mr. Sotak, of 7247 State Rd., Parma, died yesterday morning at the Altenheim Nursing Home, 15653 Pearl Rd., Strongsville.

Founder of Sotak Auto Livery, Mr. Sotak rented hearses and limousines to funeral homes throughout Cuyahoga County. His daughter Charlotte Sotak said, "When we went to see the 'Godfather,' he didn't pay any attention to the movie, but told us which cars were which and said, 'that's what it was like in Cleveland.'

"He met all the big people when he worked for a Cadillac dealer and taught their children to drive," she said. "In the '20s, at the mobster funerals, everybody who had a Cadillac would pool their cars because they had to have Cadillacs."

Mr. Sotak retired six years ago from his leasing business.

His daughter said her father managed boxers Jimmy Vaughn, Eddie (KO) Morgan and Joey Schlund in the early 1930s. All were contenders, she said.

In the 1950s, he got seriously interested in pigeon breeding and twice won a 500-mile pigeon racing contest. "He started raising pigeons when he was nine," she said, "and eventually built a monument to them in Parma. He ate, drank and slept pigeons. He would go all over the country to pigeon conventions to meet other kookie pigeon lovers."

She said doctors told her her father died of natural causes.

Mr. Sotak was a member of the Fairview Homing Pigeon Club and the Holy Name Society at St. Boniface Catholic Church, Cleveland. He was born and raised on Scovill Ave. and moved to Parma 13 years ago.

In addition to his daughter, Charlotte, Mr. Sotak is survived by a son, Theodore, Seven Hills, another daughter, Joan, of Parma; a sister, Helen Marcy, of Parma; three grandsons and a great-granddaughter.

Services will be at St. Joseph Catholic Church, 12700 Pearl Rd., Strongsville, Tuesday at 10 a.m.●

EDUCATION TECHNICAL AMENDMENTS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. GOODLING. Mr. Speaker, I have prepared a package of technical amendments which are designed to clarify and correct certain ambiguities, unintended results, and drafting errors in the Education Consolidation and Improvement Act of 1981 (ECIA). These amendments are designed to improve the implementation of that act.

As you may recall, ECIA was part of Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981, and was adopted as part of a substitute package offered on the floor of the House. As a result, the usual legislative process involving hearings and consideration at the subcommittee and full committee levels never occurred. Not surprisingly, some technical problems were contained in the legislation.

I feel that we owe our late colleague, John Ashbrook, a great deal of credit for having ECIA ready as a legislative vehicle in the short timeframe that was available in the spring of 1981. If you will recall, Mr. Speaker, it was John Ashbrook's proposal which preserved the basic thrust of the former title I program of compensatory education for disadvantaged children and preserved a separate program for the education of handicapped children. I am proud to have been the chief cosponsor of ECIA and plan to carry on where John Ashbrook left off. We all realize, as with any piece of major legislation, that technical amendments are the rule rather than the exception.

With this background, I have pressed forward in the preparation of a package of technical amendments to perfect ECIA. I have directed our staff to reach out to a broad cross-section of interested parties prior to the introduction of this bill. Our goal has been to develop a bipartisan consensus to resolve some of the problems which have been identified in ECIA. In this spirit I wish to commend the chairman of our committee, Mr. PERKINS, for his willingness to schedule prompt hearings and his desire to act on technical amendments which achieve a consensus among the members of the committee and the education community at large. As you know, the hearing process is designed to give the members an opportunity to learn the reactions of a broad spectrum of interested groups and to inquire of them their opinions and suggestions for improvements in this package. I look forward to a cooperative venture.

In order to provide a better understanding of this proposal, I include a section-by-section explanation.

SECTION 1—STATE PROGRAM DESIGN

Amends Section 555(b)—To include preschool migratory children as eligible participants in the State programs for the Migratory handicapped and neglected and delinquent under Chapter 1.

Problem: As written ECIA unintentionally excluded these children from services under State operated Chapter 1 programs.

Solution: Restore the status quo from the former Title I legislation by not excluding these children.

SECTION 2(a)—APPLICATION ASSURANCES

Amends Section 556(b)—To eliminate reference to "all such children."

Problem: As written ECIA unintentionally creates ambiguity which might have the effect of permitting the use of funds for all low-achieving students in the district without regard to their income or residence in a low-income area.

Solution: Restore the status quo from the former Title I legislation by eliminating paragraph (1)(C) of section 556(b). This change removes any ambiguity in the statute and assures that this Act will serve educationally disadvantaged children attending eligible schools.

SECTION 2(b)—RURAL DISTRICT RELIEF

Amends Section 556—To allow an exemption from targeting for a local education agency with a total enrollment of less than 1,500 children.

Problem: In many rural districts LEAs have a single school which serves the entire district at the junior or senior high school level. This amendment would make all lower grade schools which "feed" the junior or senior high school eligible for Chapter 1 funds. This would prevent the delay of services to educationally deprived children who would ultimately become eligible to be served.

Solution: Add a new subsection (c) to section 556 to exempt small school districts from targeting. The 1,500 figure appears to be reasonable and would not lead to a violation of the intent, spirit, or outcome of Chapter 1. It would serve to eliminate much unnecessary paperwork, documentation and recordkeeping for small LEAs.

SECTION 3—AREAS FOR SERVICES TO PRIVATE SCHOOL CHILDREN

Amends Section 557(a)—To make services for private school children compatible with LEAs' attendance areas and criteria for services.

Problem: Omission of reference to Sec. 556(b)(1) (A)(B)(C) dealing with application assurances that programs are conducted and located in certain attendance areas might result in having to serve all private school children who are educationally deprived without regard to the home school attendance areas that are compatible with LEAs areas of concentration. There was no intent to set forth one criterion of eligibility for public schools and another for private.

Solution: Amend this section so that only those private school children whose school attendance areas are compatible with LEA's areas of concentration need be served.

SECTION 4—Application of Non-Supplanting Rule to States

Amends Section 558(b)—To clarify that state agency programs are subject to this provision.

Problem: Section 558(b) unintentionally exempted State agency programs from the "non-supplanting" provisions of ECIA.

Solution: Rewrite Section 558(b) to require State agencies along with local educational agencies to use funds only as a supplement to the non-federal funds for the education of pupils participating in programs and projects assisted under this chapter.

SECTION 5—Exclusions of Special Program Funds

Amends Section 558(d)—To exclude State and local funds from the non-supplanting and comparability requirement for State and local compensatory education programs and to exclude only from comparability determinations bilingual and handicapped education programs, and certain State phase-in programs.

Problem: ECIA was ambiguous on the supplanting and comparability requirements for State and local special program funds. This amendment would clarify the limited exclusions from the non-supplanting and comparability requirements.

Solution: Amend section 558(d) to clarify that exclusions for special program funds from the non-supplanting and comparability requirements relate only to compensatory education programs and to clarify that State or local bilingual, handicapped, and certain State phase-in programs may be excluded from comparability requirements.

SECTION 6—Flexibility To Continue Title I Type Expenditures

Amends Section 558—To continue activities previously authorized under Title I of ESEA.

Problem: Section 554(c) of ECIA may be construed to conflict with Section 555(c) regarding whether activities previously authorized can be continued.

Solution: Add a new subsection to Section 558 which permits LEAs to have discretion to use Chapter 1 funds for:

(1) Services to educationally deprived children in a school which is not in an eligible attendance area when the proportion of children from low-income families in such school is substantially equal to the proportion of such children in an eligible school attendance area.

(2) Continue to designate a school as "eligible" even if it does not qualify as long as such school was so designated in either of two preceding fiscal years.

(3) Continue skipping of eligible schools if they are receiving similar services from non-federal sources.

(4) Continue "follow-the-child" assistance.

(5) Continue "schoolwide project" flexibility if at least 75 percent of students are "eligible" using similar criteria established under section 133(b) of ESEA.

(6) Continue flexibility for non-instruction duties for Chapter 1 teachers.

SECTION 7—Phase-out and Transition Expenses

Amends section 562(a)—To permit use of carry-over funds to phase out antecedent programs.

Problem: If all carry-over monies must be transferred for use under the consolidated Chapter 2, SEAs would face severe administrative and accounting problems. Numerous phase-out activities will be required for an effective transition. Specifically, many states will require administrative money to close out antecedent programs authorized by Titles IV-B, IV-C, and V-B of the ESEA of 1965, as amended. Need flexibility to either shift State education agency funds to Chapter 2 purposes or use them to phase out existing programs where appropriate and without necessity of distributing at least 80 percent of those funds to LEAs.

Solution: Amend Section 562(b) to permit SEAs and LEAs that have obligated funds on July 1, 1982 that were appropriated in FY 81 for use under the antecedent programs to retain these funds for expenditure and use. These funds are available for obligation until September 30, 1983 for purposes of Chapter 2. SEAs would not need to distribute these funds according to the 80 percent pass through and LEAs would not be required to return their unobligated funds to the SEA. Such money is intended to provide for an orderly phasing out of programs which were placed into the block grant. Such clear statutory authority will ensure that States are not subject to future audit exceptions because of the ambiguity of ECIA on this matter.

SECTION 8—State Allotments

Amends Section 563(a)—To set allotment for territories at one percent of Chapter 2 funds.

Problem: Section 563(a) permitted Secretary of Education not to fund territories. Congress intends to provide consistent funding at one percent.

Solution: Rewrite Section 563(a) to specifically state that the Secretary shall reserve one percent of the funds appropriated for this chapter for the territories.

SECTION 9—Audit Requirements of Small LEA's

Amends Section 564(a)—To provide for five year audits of LEAs receiving less than an average of $5,000 each year under Chapter 2.

Problem: The audit requirements under Chapter 2 mandate a school district be audited once every two years. This is unrealistic and not cost effective for SEAs charged with conducting these audits and is burdensome for a large number of school districts receiving grants smaller than $5,000.

Solution: Amend section 564(a) to require an audit only once every five years for those districts receiving small amounts of money under Chapter 2.

SECTION 10—Requirement for State Approval of LEA Applications

Amends Section 556(a)—To clarify SEA role in approving applications.

Problem: ECIA was not clear on the SEA role in approving LEA applications according to the requirements of the Act.

Solution: Amend Section 566(a) to state that an LEA may receive its allocation of funds under this subchapter for any year for which its application to the SEA has been approved. The SEA shall approve any such application which meets the requirements established in ECIA. To safeguard the LEAs from overburdensome state rulemaking and additional amendment has been adopted to require SEAs to identify such rules as purely State imposed requirements. (See Section 12).

SECTION 11—School Level Programs

Amends Section 573(a)—To change "chapter" to "subchapter".

Problem: ECIA is not clear that the school level planning requirement in Sec. 573(a) should apply only to programs under subchapter A of Chapter 2.

Solution: Technical change of "chapter" to "subchapter".

SECTION 12—State Rule-Making

Amends Section 591—To add a new subsection requiring States to identify any State rule, policy, or data collection relating to this Act as a State imposed requirement.

Problem: Under section 10 of the SEA role in approving LEA applications was clarified. However, LEAs have expressed a concern that SEAs might use Section 10 as a mechanism for excessive regulations of LEA activities.

Solution: Amend Section 591 to require States to identify any State requirements as purely State imposed.

SECTION 13—Withholding of Payments

Amends Section 592(a)—To delete language resulting in application of the Administrative Procedure Act.

Problem: The final regulations provide for withholding proceedings before the Education Appeals Board but require—because of what the Department interprets as a statutory mandate—that these proceedings be conducted in accordance with the provisions of the Administrative Procedure Act. Apparently the Department construes "on the record" to dictate this result. Congress did not intend such lengthy and time-consuming proceedings, with the attendant burden—particularly under ECIA, an act specifically designed to reduce administrative burden.

Solution: Strike the words "on the record" from section 592(a).

SECTION 14—Judicial Review

Amends Section 593(b)—To add presumption of LEA compliance language.

Problem: Section 593(b) sets forth a presumption of SEA compliance. There is no comparable provision with respect to LEAs. This was a clear oversight given the purposes of ECIA.

Solution: Add language which ensures that any LEA which has attempted in good faith to comply with the State and Federal regulations and interpretations shall be presumed to have complied unless findings of fact by the Secretary overcome such a presumption.

SECTION 15—Application of GEPA

Amends Section 596—To clarify statutory ambiguity regarding Congressional intent on the applicability of GEPA to ECIA.

Problem: Prior to adoption of H. Con. Res. 388, the final regulations on ECIA stated that GEPA was inapplicable to both Chapters 1 and 2 except where explicitly stated that it does apply.

Solution: Add language to clearly state that the applicability of GEPA to ECIA is retained except where specifically made inapplicable or superseded by ECIA. The specific provisions of GEPA that are superseded are as follows:

Section of GEPA		Superseded by section of ECIA
408(a)(1)	Federal regulations	591(a).
427	Parental involvement	556(b)(3).
430	Application requirements	556(a) and 564(b).
431A	Maintenance of effort	558(a).
453	Withholding	529.
455	Judicial review	593.

SECTION 16—CORRECTION OF ESEA TITLE I REFERENCES

Amends Section 142(a), 147 and 152(a) of ESEA—Title I—to correct cross-referencing in the state-operated programs to sections outside the state-operated programs that have been repealed under ECIA.

Problem: Unintentionally, ECIA made cross-reference to sections of state-operated programs under ESEA Title I which could be interpreted to incorporate the program requirements contained in the subparts of old Title I rather than merely the amount of and eligibility for grants.

Solution: Amend ESEA Title I to reflect the requirements cited in ECIA regarding designation of attendance areas, children to be served, parent advisory councils, and comparability.

SECTION 17—CONFORMING AMENDMENTS

Amends several sections of ECIA to provide for the consistent use of the term "private" school wherever appropriate throughout the Act.

SECTION 18—EFFECTIVE DATE

An amendment to provide maximum flexibility to State and local education agencies so that they are not subjected to unintentional audit exceptions because of the ambiguity associated with the transition to ECIA.

Problem: This package of technical amendments contains both greater and lesser flexibility in various parts of Chapter 1 and 2. Consequently, if these amendments were effective on the date of enactment, much confusion would exist.

Solution: Add a new section to permit flexibility for the current school year.●

EXPORT TRADING COMPANY ACT PROVIDES MEANINGFUL HELP FOR THE NATIONAL ECONOMY

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. DAUB. Mr. Speaker, the passage of the Export Trading Company Act signifies an action by this Congress that will demonstrate that there are things we can do that will increase our exports and create jobs without the benefit of a new deficit widening spending program.

The strength of the American economy lies within the individual resources of those who work, save, and invest. Unfortunately in the world today we see other countries underwriting their exports and damaging the ability of Americans to compete. But Americans can compete successfully when the playing field is fair and I believe the development of export trading companies will do much to enhance the competitive position of Americans.

Too often in dealing with ways to encourage economic growth Congress has failed to address the question of the foundation of the economy and has simply treated symptoms. This makes for good public relations but does little to nourish the elements of our Nation that create jobs and opportunity. This legislation will not get the press that a so-called jobs bill might but it will do much to enhance the potential for real growth that will create real and productive employment.●

U.S. FOREIGN ECONOMIC STRATEGY FOR THE EIGHTIES

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. REUSS. Mr. Speaker, at a time of worldwide economic slump and unacceptable levels of unemployment, many questions are being raised about the future. The nonprofit International Economic Policy Association has just issued a timely book which gives some of the answers. Entitled "U.S. Foreign Economic Strategy for the Eighties," it is coauthored by association president Timothy Stanley with Ronald Danielian and Samuel Rosenblatt. The former U.S. deputy special representative for trade negotiations, Harald Malmgren, has commented that:

This book should be read as a vital antidote to the prevailing pessimism about American competitiveness. The authors show that there could be a better future—but only if it is recognized that the U.S. economy has become part of a global market place and we reshape our policies to meet the emerging global economic and political challenges.

The following summary of the book will prove helpful to my colleagues:

This book, published on the occasion of the International Economic Policy Association's 25th Anniversary, brings both good news and bad. The good is the prospect for renewed world economic growth in the mid- and late-eighties as demographic trends, adjustments to structural change, and pent-up demand finally end the decade of slump initiated in 1973 by OPEC's oil price escalations. The bad news is that the U.S. has some way to go to get from here to there, and that unless its performance and methods of dealing with the world economy are reformed, this country will be in a poor competitive position to capitalize on the renewed growth.

Chapter 1 provides an overview of these perspectives, with particular attention to the doubling of inflation, halving of growth, and declining productivity that affected the major industrial countries in the seventies—primarily owing to the quadrupling and then tripling of energy costs. It stresses that the total U.S. interactions with the world economy have multiplied dramatically, but without much corresponding change in American attitudes or policies. The outlook for the eighties is described in optimistic terms that depend upon some important "if's."

Chapter 2 examines what actually happened in the seventies, to whom, and why, in terms of shifting world economic geography and the erosion of the position of the U.S., especially as compared to Germany, Japan, OPEC, and the newly industrializing countries. The chapter takes a brief look at the generally gloomy outlook for the nonmarket economies. It reviews the declining U.S. share of various sectoral markets and the balance of payments problems that developed as oil-rich OPEC members siphoned funds from industrialized and developing oil consumers alike. Energy is treated as one of the key factors, along with investment and the internationalization of production, the problem of U.S. competitiveness, and the effect of floating exchange rates.

Chapter 3 outlines goals and makes recommendations for U.S. action in the 1980s under the headings of macroeconomic policies, energy, trade in goods and services, investment and multinational corporations, world economic development, and financial and monetary stability. It concludes that in all these areas, coordination with key allies is essential and must be improved.

Some of the major recommendations are:

A better mix of financial and monetary policy is needed along with reduced budget deficits, lower interest rates, improved R&D programs, and a longer-term focus for management.

The United States must expand its exports and should seek greater reciprocity of access to foreign markets. Adjustment assistance that really "adjusts" is essential, to share the burdens of maintaining open markets and defending against protectionism. Such disincentives as the present Foreign Corrupt Practices Act, the "Ribicoff" boycott amendments, and unrealistic foreign policy constraints must be replaced with incentives. These include: adequate Export-Import Bank funding and authority to match the competition, foreign trading companies legislation, and improved export promotion and support programs. Tax treatment of foreign earnings can be a major factor in competitiveness. The United States must guard against double or premature taxation and maintain tax incentives for exports which can compensate for other countries' rebating of their border taxes.

Investments and trade are two sides of the same coin. A third of U.S. manufactured exports now go to foreign affiliates. We should push for the open two-way street in both categories. The U.S. government must move from official neutrality to support. However, it must attack trade-distorting performance requirements and insist on national treatment for U.S. business overseas. U.S. laws should provide for objections to incoming foreign investments on reciprocity grounds, or for reasons affecting national security for sensitive areas such as energy, especially when such investments are controlled by foreign governments. The United States should expand OPEC coverage, support international investment insurance, and work for international "due process" for foreign investors. Improvements in the international investment climate are essential, among other reasons, to permit the necessary investments in strategic minerals, many of which are found in Third World countries. U.S. multinationals are the cutting edge of American competitiveness, and international codes of conduct affecting them must be in the form of voluntary guidelines.

The service sector requires special attention in GATT. We should go after reductions in nontariff barriers which limit opportunities for our nationals in this area of high U.S. competitiveness, and services should be eligible for the same trade law remedies as goods.

U.S. political, strategic, and economic interests require that we pursue an active concern with world economic development. Now

that the "new international economic order" rhetoric seems to be muted, we should go forward on the basis of realism. This means meeting U.S. commitments to multilateral development banks, as well as increasing carefully targeted bilateral aid, geared to maximizing the opportuity for private sector development. Since the United States can afford to transfer "real" resources more easily than dollars, tied credits can help overcome congressional opposition to foreign aid. Helping the developing countries service their debt burdens and expand their economies can assist them to become future engines of growth for the industrialized world as well. Government and industry should work in partnership toward that end.

East-West trade is a subject of major frictions within the West. Notably, the U.S. opposition to the Soviet gas pipeline to western Europe is counterproductive. It should be modified in exchange for OECD agreement to tighten noncommercial credit to the East. Some "linkage" between trade and foreign policy cannot be avoided; but the perceptions of U.S. reliability as a supplier could be improved by two-year umbrella agreements between the U.S. and the Soviet government which would not be breached except for hostile acts and which could be renewed as East-West relations warranted.

The optimistic medium-term outlook depends on continuing efforts by the government, industry, and the public to cut U.S. dependence on Middle East oil, reduce OPEC's market share, conserve energy, and develop alternatives to oil. Otherwise, relaxation during the current soft market can encourage far higher costs later in the decade, prolonging or renewing the stagnant economy that characterized the seventies and persisted in 1980-82. A minimum landed price for non-North American imported oil imposed by means of a variable levy is needed to preserve U.S. energy options, and prevent the undercutting of such programs as synfuels and nuclear and renewable energy, as well as domestic coal and gas production.

All of the above will be difficult to achieve without financial and monetary stability. Floating exchange rates cannot automatically "equilibrate" U.S. trade imbalances. The overvaluation of the dollar that has resulted from high anti-inflationary interest rates is seriously harming the United States. We must move for greater coordination among the summit seven on macroeconomic policy, exchange rates and intervention, and IMF surveillance. The World Bank's development role may require liberalizing its "gearing" ratio, but the Fund's "conditionality" is essential for world financial viability.

Chapter IV discusses the policy-making environment within which a coherent foreign economic policy must be shaped. Improvements are called for in U.S. public awareness, congressional cohesion, and executive branch organization. This book favors a revived White House Council on International Economic Policy with the U.S. Trade Representative as the focal point. A single six-year Presidential term might help the government meet the age-old problem of policy continuity. The key, as it is in so many areas, is to increase Presidential involvement and leadership in integrating domestic and foreign economic policy. And that policy cannot rest on the proposition that the U.S. can somehow "go it alone" without our key allies.

The book's authors are optimistic that the necessary steps can be taken and that they will restore American competitiveness in a growing world economy in the eighties if they are put in the context of long-term national priorities and strategies. Failure to do so and to resolve structural problems like energy and the adaptation to new high technology challenges, could produce a gloomy economic outlook instead of a prosperous one. America's future, to paraphrase Shakespeare, lies not with the stars, nor even with OPEC's mercies; rather it is up to us—all of us, government, business, labor and the public, for, as has been observed, "destiny is the product of conduct."●

"DENSEPACK"—A BUDGET BUSTER

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. SIMON. Mr. Speaker, Senator ERNEST F. HOLLINGS of South Carolina had an interview in USA Today about "Densepack" and the MX missile proposals of the President.

What he has to say makes eminent good sense.

Among the things he says is something I strongly believe:

We are overprepared for nuclear war and underprepared for conventional warfare.

I urge my colleagues who may not have seen the original article to read the interview.

"DENSE PACK" BASING IS A BUDGET BUSTER

USA TODAY. Will Congress deny President Reagan his will on the MX missile?

HOLLINGS. Congress won't approach it as actually denying the president his will. Several presidents considered the problem of the survivability of ICBM land-based missiles. In that light, there have been moves to put the ICBMs on a racetrack, drop them from an airplane, put them deeply into the earth, or put them on a small submarine on the continental shelf. Charles Townes, who was chairman of Secretary Weinberger's blue-ribbon MX study commission, says he doubts that missile silos can be hardened sufficiently. He doubts that they can be done in four years. It would take eight years. That means an expensive cost overrun. And if it takes that much time they can be countered by the Soviets very inexpensively. It's not denying President Reagan. Continuing with the MX is denying your own common sense.

USA TODAY. Is it going to be a political dogfight that will compromise U.S. safety?

HOLLINGS. What could compromise our safety is to make the wrong decision. If we put all our eggs in one basket, as "dense pack" calls for, you are drawing a very compact target that can be defeated by several approaches: pinning down the missiles by exploding atomic bombs over them so they can't be launched; earth-penetrating warheads; attacking the missile site in waves every 30 minutes. Going ahead with MX is exactly what the Soviets would have you do—waste some $35 billion to $40 billion on a non-survivable system. That money could be better spent on more attack submarines, F-15s and F-16s, conventional warfare and readiness. The Soviets are actually more concerned about Pershing II and cruise missiles.

USA TODAY. Why do you believe the anti-MX forces in the Senate can win this time?

HOLLINGS. The Republican-controlled Senate Armed Services Committee—and Sen. Tower—reported out no funds for MX production this year. Then the Senate voted against committing funds for production of the MX. We said to go forward with research and development, as I want to do now, but not to go forward with production until the Congress approves a survivable site. All I need to do is change around two or three votes and we will have no production funds.

USA TODAY. Is the MX really needed to increase this country's defense capabilities?

HOLLINGS. We have to constantly strive to upgrade the technology of our weaponry. Out of all of this technology and frustration over a 10-year period and four presidents trying to place that MX somewhere, the fact is that we have got to be a little bit more realistic and go the route of the small mobile missile that can be defended, rather than have them all bunched in the dense pack mode.

USA TODAY. Did you favor President Carter's plan to hide the missiles over several hundred miles of racetrack?

HOLLINGS. No. That would have cost upwards of $60 billion, some estimates were $90 billion.

USA TODAY. Are there other, more conventional, less expensive and less controversial ways to beef up our defenses?

HOLLINGS. I happen to believe we are overprepared for nuclear war and underprepared for conventional warfare. If I could save some of the money I would spend it on conventional readiness of our troops. We need more than a demonstration of nuclear deterrent power, we need a demonstration of will power.

USA TODAY. Could we counter Russia's conventional might with conventional weapons?

HOLLINGS. I think we must. The bishops are right to a point. We have got to foreswear the use of nuclear weapeans on both sides of the Iron Curtain . . . . I think it should be done in the context of the survival of mankind. That would give our foreign policy more credibility.

USA TODAY. What kind of signal does "dense pack" send to the Soviets?

HOLLINGS. If I ran the KGB I don't know of a better decision to get the other side to make. I mean, heaven's above, you would be putting all the eggs in one basket. Let them waste $35 billion or $40 billion on an easy target.

USA TODAY. Wouldn't the MX missile in whatever setting be a means of telling the Russians that the United States means business about building up the country's defenses?

HOLLINGS. It would tell the Russians that the United States doesn't know what it's doing. The blue-ribbon commission chairman, Dr. Townes, said to the secretary of defense: "Don't go this route." But they go ahead because of the political pressure to make a decision for the Air Force. The Air Force has been waiting for 10 years for a follow-on missile. They've got a full-court press on.

USA TODAY. Do you think it is purely political that the president is pushing for dense pack now?

HOLLINGS. No, but I think he had been pressured. But when he calls on everybody to get together for a show of unity, it's a false call.●

IS SURRENDER MORE "MORAL"?

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. McDONALD. Mr. Speaker, the Chattanooga News-Free Press printed a very cogent editorial on November 16, 1982. The editorial pointed out that the strong nations are usually the free ones. Nations with little or no defense capability are the ones that have fallen under Communist domination. Being righteous alone will not save a nation from attack, the statement of certain leftwing clerics notwithstanding. Our first and foremost duty here in the Congress, as specified by our oath of office, is to provide for the defense of this country. To do anything less could be a sentence of slavery for generations to come. I commend the editorial to the attention of my colleagues.

[From the Chattanooga News-Free Press, Nov. 16, 1982]

IS SURRENDER MORE "MORAL"?

Does "morality" demand that the United States surrender to Communist aggression? No sane person would suggest that it does.

With Communism engaged in worldwide agression in many forms, adequate defense is required to avoid surrender or defeat. Since the Soviet Union has superior nuclear power and superior conventional weaponry, it is necessary for the United States to build substantial defenses in both categories to avoid being forced into a position of inevitable surrender.

Oddly, this simple fact is not clear to all. As the Communists step up their aggressions, there are some among us who call for us to let down our guard. For example, Roman Catholic bishops in Washington yesterday debated a draft pastoral letter designed to condemn American nuclear defense. What the Catholic bishops debated is similar to disarmament pronouncements by some other church leaders. It is unfortunate that the valid desire for peace is so often wrapped in irrational arguments that only encourage the aggressors.

Afghanistan is not being invaded because it had too many arms or because it had nuclear power. Poland is not oppressed because its people were militaristic. Eastern European nations are not enslaved because they built strong defense forces. Africa is not occupied in many places by Cuban Communist Soviet puppets because the African countries were too powerful. Southeast Asia has not been subjected to the murder of millions of its people because it had adequate defense.

Does "morality" prevail in any of those situations?

The United States and much of the rest of the world have freedom and peace today because the United States does have military power sufficient to give Communist aggressors pause.

Thus our nuclear bombs and our conventional weapons are instruments supporting morality—not destroying it.

Some bishops in Washington have argued that it is immoral to have nuclear weapons and to suggest we might use them to stop the Soviets. That is an irrational view. Which is more "moral," for us to hold out the possibility of a nuclear strike against an aggressor and thus keep peace or to announce an abandonment of nuclear threat and thus encourage an aggressor to shoot?

All war is deplorable. But both sides in war are not equally to blame. World War II was caused by the aggression of Nazi Germany and Imperial Japan. They attacked and killed because they throught they could win. Our defenses, including the use of two nuclear weapons, belatedly stopped the killing. The nuclear bombs killed fewer people than did conventional weapons. Would it have been more "moral" to have refrained from using nuclear weapons, thus resulting in the deaths of many times more people to bring the war to an end by conventional means?

Or would it have been far better if the United States and its allies had been so militarily strong from the beginning that Hitler and Japan would never have fired the first shot? Our goal now is to be strong enough to prevent the new aggressors, the Communists from igniting another war. That serves morality best.

No nation should rely solely upon military might for its security. It should seek righteousness first. But it should take reasonable steps to defend righteousness against the aggressive forces of unrighteousness.

The greatest immorality would be the surrender of righteousness to the unrighteous through foolish failure to use our resources—including nuclear ones—to defend peace and freedom.●

EXPLANATION OF MISSED VOTE

HON. GERALDINE FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Ms. FERRARO. Mr. Speaker, a commitment to attend an official function in New York City last night required me to leave Washington before the close of legislative business in the House. As a result, I missed the final rollcall vote of yesterday's session. The vote was on the Broyhill amendment to the Nuclear Waste Policy Act.

The purpose of the amendment was to change the provisions of the bill relating to congressional consideration of State actions vetoing the selection of permanent repository sites for nuclear waste. The bill provided that a State's veto could be overidden only by a disapproving vote in both Houses of Congress. The Broyhill amendment changed that to require that one House of Congress vote to sustain the State's veto, thereby reducing the amount of State control in the site selection process.

Had I been present, I would have voted "no" on the Broyhill amendment.●

NEW JERSEY BLUE CROSS CELEBRATES 50TH ANNIVERSARY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. RODINO. Mr. Speaker, in December 1982, the Hospital Service Plan of New Jersey, better known as Blue Cross of New Jersey, will celebrate the 50th anniversary of its establishment and operations.

The Nation's first successful multihospital prepayment plan was conceived, and commenced operations, under the auspices of the hospitals of Essex County, N.J., and subsequently evolved into the Blue Cross Plan serving the entire State.

Since 1933, the operations of Blue Cross of New Jersey have grown to the point where it now provides over 4.7 million individuals with prepaid health care, making the plan the largest health insurer in the State of New Jersey.

Blue Cross of New Jersey provides low cost, prepaid health care benefits to individuals and groups. It has contributed to the peace of mind of millions of New Jersey citizens by providing them with an affordable method of prepayment for necessary health care benefits. Since 1966, Blue Cross of New Jersey has also served the senior citizen population of the State in a special way by acting as a medicare intermediary.

In its 50 years of existence, Blue Cross of New Jersey has been a good corporate citizen, contributing to the economy of New Jersey and promoting the health and well being of the citizens of the State. Through its extensive activities in the field of health education, the plan has emphasized the importance of good health habits in controlling costs by reducing health care needs.

At this time, I would like to extend congratulations to Blue Cross of New Jersey on the attainment of its 50th anniversary of service to the citizens of the State of New Jersey.●

RESOLUTIONS OF THE COUNCIL OF JEWISH FEDERATIONS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. FRANK. Mr. Speaker, it is my distinct honor and pleasure to insert into the CONGRESSIONAL RECORD, at this point, copies of resolutions which were passed by the General Assembly of the Council of Jewish Federations during their 50th anniversary celebra-

tions and plenary sessions in Los Angeles, Calif., Friday, November 12, 1982.

As you can see from the enclosed very thoughtful resolutions, the Council of Jewish Federations has spent a great deal of time and care in constructing the resolutions on important matters of citizenship to be voted on by over 2,000 delegates designated by more than 600 communities throughout the United States.

I was particularly interested in the broad range of issues confronting the general assembly after the 50 years of its rather special existence as an umbrella organization of more than 200 federations and 600 social service agencies throughout the United States.

As you will note, Mr. Speaker, the issues include the solidarity which is shown not only by the Jewish community but by all Americans with the plight of Soviet Jewry; the support for women's rights and the very difficult question of peace in the Middle East. In addition, the Council of Jewish Federations, as a working assembly in Los Angeles, reaffirmed its strong position in regard to Federal budget cuts and support for jobs development programing. Over the past 2 years, since the passage of massive cuts in Federal domestic programs for the truly needy, the council has frequently reiterated its support for social programs. And I am also pleased that the assembly spoke out clearly on the need to halt the nuclear arms race.

I commend each and every Member of this body, as well as the public at large, to the contents of these resolutions, with the hope that they will serve as models to many other organizations and individuals who seek to let their voices be heard in this great democracy.

I wish to commend President Martin Citrin of Detroit whose presidency was reaffirmed during the general assembly and Carmi Schwartz, the executive vice president of the Council of Jewish Federations, for the success of this enormous undertaking.

And recognition should also go the outstanding work done on behalf of the Council of Jewish Federations by its very talented director, Mark Talisman. The Jewish Federations of Massachusetts, many of whose members attended the general assembly, have indicated to me how productive and fruitful they found all of the meetings and discussions.

The resolutions are as follows:

COUNCIL OF JEWISH FEDERATIONS
RESOLUTIONS

SOLIDARITY WITH SOVIET JEWRY

We solemnly declare our solidarity with our Jewish brethren in the Soviet Union who are struggling to assert both their national identity and their right to leave the Soviet Union.

Profoundly concerned for their fate, we denounce the policy pursued by the government of the Soviet Union in suppressing the Jewish cultural and religious heritage. This constitutes a flagrant violation of human rights incorporated in international treaties ratified by the Soviet Union and as expressed in the Soviet constitution.

The exodus of Jews from the Soviet Union has now declined to a mere trickle of 250 per month from an average of over 4,000 a month in 1979.

Repression of Jews has intensified, and severe sentences of imprisonment and exile meted out to activists on false charges. Constant intimidation has been applied to stop the teaching of the Hebrew language and culture. Harassment of Hebrew classes and confiscation of Hebrew books are increasingly frequent occurrences. The practice of Judaism is subjected to special disabilities.

Over the past two years the number of refuseniks, many of whom have been waiting years for exit permits, has more than doubled and their plight worsened.

These adverse developments take place in an environment saturated by government sponsored virulent anti-Semitic propaganda and overt discriminatory policies against Jews in higher education and employment.

The Jewish people will not remain silent. The conscience of the civilized world must be aroused. We call upon Jewish communities and organizations throughout the world to raise their voices against the oppression of their brethren in the Soviet Union. We also appeal to all people of good will to join us in this great, moral and humanitarian struggle for the rights of Soviet Jews. Demonstrations and public actions are essential and valuable methods for keeping this issue a matter of concern for the world.

We enthusiastically endorse the convocation of a world conference of Jewish people in 1983.

We call upon the United States and Canadian governments to raise the issue of Soviet Jewry in their contacts with the USSR.

SUPPORT OF THE SPECIAL FUND OF THE UNITED JEWISH APPEAL

In carrying out "Operation Peace for Galilee," the people of Israel have decisively defended their right to live their lives free of terror and bloodshed and have significantly diminished the threat of terrorism to all nations of the world.

The human cost has been tragic and painful. The financial cost has been staggering and is growing. To meet it, the people of Israel—already the most heavily taxed people in the world—have accepted the burden of still greater taxation.

As a consequence, they can no longer bear the additional burden required to support human service needs. Because we Jews of the free world did not do enough to alleviate this burden the Jewish Agency is unable to sustain its full responsibilities for health, social service and educational programs.

As a consequence of these events, the Jewish Agency must now, as it has in the past, accept the responsibility to provide these services. We must reaffirm our commitment to raise sufficient funds to enable the Agency to meet fully its broadened mandate—projected at a total additional cost of $300 million for world Jewry—of which $200 million is the responsibility of North American Jewry.

This commitment is in addition to our Regular Campaign and our special responsibility to sustain the programs of Project Renewal.

To accomplish this, the United Jewish Appeal has established a Special Fund campaign with all proceeds committed to the humanitarian programs newly reacquired by the Jewish Agency.

The Council of Jewish Federations endorses this effort and pledges its full cooperation in its implementation. This campaign must be carried out in communities as swiftly as possible.

We call upon communities to implement the campaign in a variety of ways—some with a free-standing special effort in a specific time-frame, others in concert with an accelerated 1983 Regular Campaign. Prompt redemption of pledges is critical and special steps should be taken in this direction.

We call for decisive action by North American Jewish communal leadership to generate true capacity-giving in the 1983 campaign year—to meet our full responsibility to the quality and continuity of Jewish life, and demonstrate our unshaken and everlasting solidarity with the people of Israel.

SUPPORT OF WOMEN'S RIGHTS

Last year this Assembly adopted a Resolution on Women's Concerns and Women's Rights and endorsed the passage of the Equal Rights Amendment. The failure to ratify the Equal Rights Amendment in no way diminishes our commitment to the principles of equal rights.

The Council of Jewish Federations reaffirms its commitment to equality and urges all member Federations to maximize involvement of women in communal leadership roles and to upgrade women professional workers in Jewish communal service as well as to practice non-discrimination in pay scales. CJF commits itself to take additional steps to increase the number of women in leadership roles in CJF.

In the general community women continue to suffer from discriminatory treatment in the workplace and in other areas of life.

We call upon our member Federations to take leadership in all actions to assure equal rights for women.

PEACE IN THE MIDDLE EAST

In the aftermath of the war in Lebanon, the opportunities for peace in the Middle East have vastly improved. Israel's northern border is secure; Lebanon now has the means to reestablish its sovereignty; and the United States is now in an unprecedented leadership role.

As North American Jews we are vitally interested in constructive efforts towards a stable and peaceful Middle East. We believe that adherence to the following principles will help the movement towards such an outcome:

(1) The Camp David Accords were a major step in the right direction. The genius of the Accords was that they postponed the more difficult issues to a later date and developed agreements on the more limited issues. This fosters conditions that can ultimately lead step by step to the successful negotiation of a peace agreement. Camp David is still the best hope. Israel's commitment to Camp David is exemplified by the return of the Sinai to Egypt and the dismantling of Jewish settlements there.

(2) The parties to the conflict must sit down together and negotiate their differences. Arab states must negotiate with Israel and their refusal to do so is at the heart of the problem. The Fez declaration denying explicit recognition of Israel and calling for an independent Palestinian state and asserting that the PLO is the sole Palestinian representative constitutes a rejection of the principles of Camp David and the initiative of President Reagan. This blocks the

participation of Jordan in the negotiations, a vital ingredient in the peace process.

(3) The United States' role as mediator is critical in solving the problems of the area. United States advocacy of the proposals on matters not yet ripe for negotiation impedes the peace process. We urge the United States to help bring the parties to the bargaining table to resume negotiations under Camp David peace process.

BACKGROUND NOTE.—The situation in the Middle East has become so complex and events move so rapidly that no brief resolution can fully encompass the issues and spell out the positions. What is called for is a detailed memorandum of positions as a completely separate document and this is available at the General Assembly.

A HALT TO THE NUCLEAR ARMS RACE

There is a growing concern among citizens of the United States and Canada about the continuing nuclear arms race. The prospect of nuclear war is becoming more real and threatening as time goes on.

We declare that there is a consensus that there is a special Jewish viewpoint on this issue. For us, discussion of a "nuclear holocaust" is more than a metaphor. Our history demonstrates that man is capable of perpetrating unspeakable acts on other men and further, that silence in the face of inhumanity is equivalent to complicity.

The specific methods of preventing nuclear war are many and complex and there are substantial issues and political viewpoints on which people of good will differ. There is, therefore, no consensus on specific methods.

However, we feel there is consensus on the moral imperative and this we can articulate.

We call upon all nuclear powers, but especially the United States and the USSR to pursue a program that will produce a total and multi-lateral halt to the nuclear arms race.

We appeal for an immediate and verifiable world-wide freeze on the testing, production and development of all nuclear weapons.

REAFFIRMATION OF CFJ BOARD RESOLUTION OF APRIL, 1982, ON FEDERAL BUDGET CUTS AND SUPPORT FOR A JOBS DEVELOPMENT PROGRAM

On April 25, 1982, the CJF Board of Directors approved the following resolution:

The Council of Jewish Federations, speaking on behalf of community-wide organizations in 185 Jewish communities throughout the United States, expresses its deep concern about the impact of Federal budget cuts on millions of individuals and families in our nation. These Americans, who are bearing a disproportionate share of the reductions in Federal funding, have seen their hopes and aspirations frustrated.

The Council of Jewish Federations firmly opposes any additional cutbacks in those human service programs that provide a lifeline to the neediest in our society. The poor, the working poor, the elderly, children, and the handicapped are already bearing an unfair portion of the burden of the budget reductions enacted last year. We urge those entrusted with social policy to act with compassion and justice and reverse the devastating impact of the current economic situation.

One of this nation's priorities has been, and must continue to be, to assist its citizens to be as productive as possible, to allow each individual to achieve his or her potential, and to provide adequate funding and programs for those who are unable to provide for themselves.

Federations have identified persons about whom they have the greatest concern. They are the aged, the children, the unemployed, single parent families, and families with marginal income. They have indicated that the following major programs, already cut the endangered by further cuts, have created the greatest problems for these people: social services block grant, medicaid, nutrition programs for the elerly and children, employment and training programs, rent subsidies for the elderly, food stamps, education programs.

It has been demonstrated over the last year that the voluntary sector cannot effectively replace cutbacks of such magnitude in public support.

Faced with the economic realities of the past eighteen months and the stresses they place on the social fabric of our country, we urge that there be a reversal of the policies that have brought about this continued erosion of human and social services.

This Assembly solemnly re-affirms this resolution and calls for action to deal with the tragic unemployment situation.

For the first time in 40 years the unemployment rate is over 10 percent and 17 million Americans are either out of work or unable to find full-time employment.

The recent "jobs Bill" passed by the Congress and signed by the President is mainly a job training bill and will do very little to create new job opportunities.

One of the major reasons for the ever increasing budget deficits at the Federal, State and local levels is increasing unemployment. It is estimated that for every percentage point increase in unemployment the Federal deficit is increased by 30 billion dollars.

Lack of employment income means less tax revenues at all levels of government which, when coupled with additional expenditures for unemployment compensation, public assistance and other related programs for people in need, further exacerbates our already deteriorated economy.

We believe the current situation to be of crisis proportions—consequently, we urge the President and the Congress to enact emergency legislation aimed at creating jobs in both the public and private sectors to lift the spirit of millions of Americans by giving them the opportunity to work.

THE AMERICAN GATHERING OF JEWISH HOLOCAUST SURVIVORS AND THE 40TH ANNIVERSARY OF THE WARSAW GHETTO UPRISING

The following resolution was approved by the CJF Board of Directors on November 10, 1982 and we call for its endorsement by the Delegate Assembly:

April 1983 will mark the 40th Anniversary of the Warsaw Ghetto revolt against the Nazi military forces. This organized armed rebellion against the Nazi occupation in Europe in World War II served as a symbol for all forms of Jewish resistance during the Nazi Era. As a commemoration of this heroic event an American Gathering of Jewish Holocaust survivors is being convened in Washington, D.C. April 11-14, 1983. It will serve as a unique get-together of survivors in America and Canada as well as an expression of commitment to remembrance of the past and faith in the future. It will be held under the auspices of the Days of Remembrance Committee of the United States Holocaust Memorial Council.

We commend this Gathering in a free and democratic society as an historic affirmation of the durability of the Jewish spirit.●

JOSEPH V. CIABURRI

HON. LAWRENCE J. DeNARDIS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. DENARDIS. Mr. Speaker, on October 24, 1982, Joseph V. Ciaburri was honored by the Horeb Lodge No. 25, B'nai B'rith, as their "Man of the Year." Joseph Ciaburri, a good and cherished friend, is most deserving of the high honor paid him by B'nai B'rith. He has served his community with dedicated excellence and been an extraordinary participant in the life of the entire New Haven area. His interests and concerns are many and varied. I am fortunate to be able to count him among my special close friends.

The statement by the B'nai B'rith spells out his many attributes, although it does not specifically refer to the unusual warmth and care he brings to everything he does.

JOSEPH V. CIABURRI

Horeb Lodge of B'nai B'rith takes extreme pleasure in presenting its annual Man of the Year Award to an esteemed member of the community, Joseph V. Ciaburri.

Born in West Haven, our honoree attended local public schools, Southern Connecticut State College where he graduated as class president, and then on to Wesleyn for a master's degree.

Our honoree is the founder, president and chief executive officer of the Bank of New Haven, a position which he has held since 1978. He has long been and continues to be a most active member of our community, active in both civic and professional organizations. He is Past President of the American Institute of Banking, and of the Connecticut Suburban Bankers Association.

Joe's civic involvement is literally a roll call of county organizations with his most recent success being the chairman of the Columbus Day Committee. He is currently serving as vice-president of the Shubert Performing Arts Center, as a member of the Board of Directors of the New Haven Symphony; a member of the Yale Club; and founder and incorporator of the Historical Society; as well as being a member of the Board of Directors of the Dixwell Community House.

In addition to his current activities, his deep concern for young people has graphically demonstrated by his active participation through the years by being involved in the Boy's Village of Milford; the St. Francis Orphanage Home; and as past president of the Orange Little League. Through the years, he has given of his leadership ability and his dynamic personality to make New Haven a better place to live. His generosity of both his time and resources has been reflected in every area of his life.

Awards have been many to Joe. An Alumni Service Award at Southern Connecticut State College and a scholarship there in his honor, the recipient of the Golden Dome Award of Notre Dame University; a Brotherhood Award of the United Jewish Appeal; and the St. Francis Home Man of the Year Award. Horeb Lodge is indeed proud to add their Man of the Year

Award to his long and outstanding list of accomplishments.

Joe and his lovely wife, Mary Grace, live in Woodbridge and are the proud parents of three children.

It is with sincere appreciation of his dedication to the aims and principles of B'nai B'rith—Benevolence, Brotherly Love and Harmony—that Horeb Lodge pays tribute to Joseph V. Ciaburri.●

REAGAN IS CORRECT ON NUCLEAR FREEZERS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. McDONALD. Mr. Speaker, it is evident that many people in the United States still do not understand the serious implications of the so-called nuclear freeze as regards the national security of the United States. They refuse to believe that Moscow and its followers really have any influence in the movement and criticize the President for suggesting it is true. Only blind, deaf, and dumb persons, in my view, could fail to notice that most of the slogans are the same in Moscow as they are here, and that the dialog is never about Soviet weapons and bombs, but only discusses U.S. weapons and disarmament. Columnist Patrick Buchanan discussed this question in the Washington Times on October 15, 1982, pointing out how honest and sincere people are being mislead. Will we ever learn? I commend his column to the serious attention of my colleagues.

[From Washington Times, Oct. 15, 1982]

REAGAN IS CORRECT (AS IS CUSTOMARY) ON NUCLEAR FREEZERS

(By Patrick Buchanan)

"It was McCarthyism. It was low-road politics; it was disinformation," fumed Tom Wicker in *The New York Times*, "Shame on you, Mr. President," echoed the editorial page.

The comment that caused such melodramatics was Reagan's dismissal of some nuclear "freeze" demonstrators in Ohio last week with this commentary on their cause:

"They were demonstrating in behalf of a movement that has swept across our country, inspired not by the sincere, honest people who want peace, but by some who want the weakening of America and so are manipulating many honest and sincere people."

With this "smear on the freeze movement," thundered Brother Wicker, the president "impugned its origins . . . though there's not a shred of evidence for that, and suggested that those who support it are dupes."

Our colleague has a point. The "origins" of the freeze movement within the United States are decidedly grassroots American. Its principal exponents are Sens. Hatfield and Kennedy, not Karla and Moscow Center. But the president conceded that—in speaking of "many honest and sincere people"—and beyond that, the case belongs wholly to Mr. Reagan.

Anyone who cannot see the hand of Moscow and the ugly faces of its odious little affiliates inside the "peace movement" in Europe and the "freeze movement" in the United States is simply not looking. At the June 12 nuclear freeze rally in New York, the largest such rally in history, columnist Joe Sobran easily discovered the whole menagerie of communist, pro-communist and anti-American organizations out of the closet and on the streets—from the American Communist Party to the Marxist-Leninist Party to the U.S. anti-Imperialist League. All the detritus of the '60s—those who cried "peace peace" in Vietnam then cheered the North Vietnamese military victory—were present.

Has Wicker mislaid his May issue of *Commentary*? The cover article is a 10,000-word essay by Vladimir Bukovsky recounting Moscow's role in creating and guiding the peace and disarmament in the movement in the West. Bukovsky's sources are not CIA documents, but press clippings from East and West.

Assuming, as we must and do, benign motives to Hatfield and Kennedy, why did Brezhnev and Gromyko endorse the demand for an immediate "freeze" in nuclear weapons.

The answer is simple and it is precisely as the president warns. If Kennedy-Hatfield became American policy, the United States would be frozen into a position of permanent inferiority.

A freeze would leave the Russians with an absolute monopoly of 600 first-strike weapons; and an absolute monopoly of theatre nuclear weapons dominating NATO Europe. Cancellation of the Pershing and cruise deployment—the object of Europe's "peace movement"—would be instantly accomplished. Beyond that, a freeze spells an early end of the Strategic Air Command. Forbidden by the freeze from developing and deploying cruise missiles, B-1 Bombers or the Stealth, SAC—some 350 ancient B-52s—would be obsolete by the end of the decade.

Those in the forefront of the freeze movement in the '80s are of a type we saw in the "Ban the Bomb" movement in the '50s and the "Give Peace a Chance" crowd in the '60s. Bukovsky lists them:

". . . the same old mixture of communists, fellow travelers, muddle headed intellectuals, hypocrites seeking popularity, professional speculators, frightened bourgeois, and youth eager to rebel for the sake of rebelling. There are also the inevitable Catholic priests with a 'mission' and other religious people who believe that God has chosen them to make peace on earth right now. But there is also not the slightest doubt that this motley crowd is manipulated by a handful of scoundrels instructed directly from Moscow."

Mr. Reagan, then—as is customarily the case—was dead right in this premise, even if imprecise in his verbiage; and Bukovsky, one senses, is equally on in his historical pessimism:

"It is also quite amusing, if one has a taste for such amusement to be reminded of how many people are practially incapable of deriving any useful knowledge from even the recent lessons of history. Once again, the universal craving for peace right now, this very moment, and at any price, has rendered people utterly illogical and irrational, and left them simply unable to think calmly. Their current arguments, if one may call them that, are so childish, senseless, selfish, that an involuntary smile comes immediately to one's lips. Even at best, what one hears is a parroting of the kind of old moldy Soviet slogans and cliches that even schoolchildren in the Soviet Union would laugh at."●

PRESIDENT'S COMMISSION FOR THE STUDY OF ETHICAL PROBLEMS IN MEDICINE AND BIOMEDICAL AND BEHAVIORAL RESEARCH

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. WAXMAN. Mr. Speaker, I am pleased to announce the introduction of H.R. 7338, which would extend for 3 months the statutory sunset of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research. At present the Commission is scheduled to terminate on December 31, 1982. H.R. 7338 would extend this deadline until March 31, 1983, in order to permit the Commission to complete the drafting, review, and issuance of several pending reports.

The Commission was established by Public Law 95-622 with the mandate to study the ethical and legal implications of a wide range of health and research issues. In the Commission's brief tenure it has performed a genuine service to the medical community by stimulating discussion on issues such as the protection of human subjects in research, the definition of death, fraud in biomedical research, genetic screening, and decisions to forgo treatment.

In addition, the Commission has been an excellent overseer of existing mechanisms to safeguard the privacy and safety of human subjects in health research and to insure the confidentiality of patient records. The Commission's recommendations have been particularly helpful in improving the adequacy and uniformity of Federal rules governing research with human subjects.

H.R. 7338 would allow the Commission 3 additional months to complete their activities and would not authorize any additional funds above those already appropriated. In view of the noncontroversial nature of this legislation, I will ask the House to expedite consideration and urge each Member's support. I insert a copy of H.R. 7338 in the RECORD at this point:

H.R. 7338

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1804 of the Public Health Service Act (42 U.S.C. 300b-3) is amended—

(1) by striking out "for the fiscal year ending September 30, 1982" in subsection (a) and inserting in lieu thereof "for the

period beginning October 1, 1981, and ending March 31, 1983"; and

(2) by striking out "December 31, 1982" in subsection (b) and inserting in lieu thereof "March 31, 1983".●

PARRIS URGES NEW SOVIET LEADERS TO OPEN EMIGRATION

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. PARRIS. Mr. Speaker, I am honored today to again participate in the Congressional Vigil for Soviet Jews. I am hopeful that this continuing vigil will have a positive effect on the emigration of Soviet Jews to the country of their choice.

Several organizations in my congressional district have contacted me on behalf of many Soviet Jewish families and individuals wishing to emigrate and for various reasons have been denied. These individuals have been subjected to continued harassment and in some cases imprisonment because of their desire to live in a free society. I will continue to write Anatoly Dobrynin, Ambassador to the Soviet Union, expressing my deep concern about the emigration and political persecution of these Soviet Jewish families and in one case have received positive results.

The Goloni family, who emigrated to the United States from the Soviet Union in 1975, received their U.S. citizenship last June. I believe our efforts have had some effect on the Soviet Government and I will continue to work toward securing freedom for Soviet Jews while I am in Congress.

With the death of President Breshnev, the United States and the entire world is closely watching the changing policies and leadership within the Soviet Union. Hopefully, this new leadership will allow more individuals to emigrate from the Soviet Union to the United States and elsewhere throughout the world. I urge my colleagues to participate in this congressional vigil so that more Soviet Jews can emigrate to the country of their choice.●

THE FUTURE OF TAIWAN

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. CORCORAN. Mr. Speaker, recently, my administrative assistant traveled to the Republic of China on Taiwan at the invitation of Tunghai University, one of the premier Christian colleges in Taiwan. What follows is the report of his visit. I commend it to my colleagues for their reading information. I share his thoughts about this important area of the world, where I had the opportunity to visit nearly 2 years ago.

The Republic of China on Taiwan is a strong and vibrant country. That is the first impression and the lasting impression one gets from a visit there. Although we no longer formally recognize the ROC, they are still our friends and want that relationship to continue. We are their No. 1 trading partner, and they are our eighth largest trading partner. They have accomplished an economic miracle of sorts in the last 33 years, since Chiang-kai-shek and his followers left the mainland to the Communists. Of course, they received much economic and military assistance from the United States, although economic assistance ended in 1965. They have, though, created a societal order which is a model for Asia, having built one of the most modern steel companies and harbors in the world; they have accomplished a great deal.

Now possessing the third highest per capita income in Asia, next to Japan and Singapore, the Republic of China and its people are proud, determined, and unwilling to give up on an eventual reunification of the two Chinas under democratic rule. They, too, though, are political realists. While accepting our denormalization of relations in 1978, reluctantly to be sure and with much anguish, they would like to see our relations slightly upgraded to the point of establishing official liaison offices here in the United States. This would be similar to the relationship our country had with the People's Republic of China during the period between the 1972 Shanghai communique and the 1978 Carter decision to normalize relations with the People's Republic of China. The Honorable Dr. Frederick F. Chien, the Vice Minister of Foreign Affairs, was very helpful in elaborating on these points.

They are very concerned about their defensive capabilities, and a tour of the island of Quemoy located 4 miles off the mainland shore in the straits between the People's Republic of China and the Republic of China quickly bears that out. It would be foolhardy for the People's Republic of China to attack Quemoy—it is practically impregnable.

But what really makes an impression is the hard work and diligence of the people who were pulling together for the common good with a smile on their face. They are a poor people, compared to our great country's residents, but they are working 7 days a week in many cases to continue to strengthen their economy and therefore their nation's defense needs. As one prominent Taiwanese woman said it is much like the pioneer days in the United States. Our ancestors worked very diligently and in most cases happily to make this the great country it is today.

It is my hope that our relationship with the Republic of China can continue to be mutually beneficial. We have too much invested in their people and their society to alter our course further. I am especially impressed with the efforts that Dr. James Lilley, the Director of the American Institute in Taiwan, and his staff are making considering the delicate nature of our relationship with the Republic of China.●

PROTECTIONIST PARANOIA

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. SIMON. Mr. Speaker, Michael Kinsley had an article in the New Republic recently, "Protectionist Paranoia" that I fear contains a substantial amount of truth.

I do not agree with every particular of his article, but I sense the growing pressure on all of us to make policies that have an immediate political popularity but do not serve the long-range interests of this country nor of world economic growth.

What seems clear to me is that the domestic pressure for taking some positions that do not serve the national interests will grow until we come up with more constructive alternatives for businesses and for employees who are impacted by international trade.

I do not suggest that we should not be harshly realistic in our negotiation. Obviously, we should be.

And I say this as one whose voting record is inconsistent on this issue. I do want to put pressure on the Government of the United States to see that Japan opens up for American beef, for example. Japanese restrictions on American beef hurt the Japanese consumer and hurt American cattle producers.

I am not suggesting a kind of naive acceptance of a theory that whatever happens in the name of world trade is good for the United States.

But I am concerned with the growing political pressures that I fear may result in policies that hurt our country, hurt the American worker, hurt American industry, and hurt many other countries in the process.

[From the New Republic, Nov. 15, 1982]

PROTECTIONIST PARANOIA

(By Michael Kinsley)

President Reagan told a cheering campaign rally on October 20 that his Administration would provide $1.5 billion in credit subsidies to spur food efforts. The next day he told another cheering crowd that his Administration had negotiated a "voluntary" quota on European steel entering this coun-

try, necessitated by the nefarious foreign practice of subsidizing steel exports. By "voluntarily" agreeing to this quota, the Europeans avoided a steel tariff that Reagan's Administration was planning to impose at 5 p.m. that very day. Reagan much prefers voluntary agreements because he is a free trader.

Walter Mondale also believes in free trade. On the other hand, "I'm not a sucker." Mondale doesn't want American kids to spend their lives "sweeping up around Japanese computers and . . . serving McDonald's hamburgers." The solution, he's been telling union conventions, is to "get tough, and I mean really tough—with nations that use our markets but deny us their markets." He says, "Today, to sell an American car in Japan you need the United States Army behind you." Mondale doesn't actually proposed sending in the GIs to force the buggers to buy Buicks. He just wants to keep their cars out until they shape up. Ted Kennedy agrees. "We must insist that other nations stop dumping their products at subsidized prices and driving American companies out of business." And Senator Donald Riegle, who has asserted that "this ruthless trade invasion by the Japanese" will lead to a "a permanent lowering of the U.S. standard of living," revealed in the official Democratic reply to Reagan's October economic address that "Democrats want fair trade in order to put millions of people back to work."

This "ruthless" "using" of American markets, this "dumping," this "invasion"—what does it consist of? It consists of selling us products we wish to buy at prices we wish to pay. Quotas, tariffs, and other trade barriers amount to denying us what we wish to buy, or making us pay more for it. Keep that in mind. Mondale talks, and Reagan acts, as if "free trade" were some beautiful ideal, like "peace—something to endorse and pray for, but nothing of any practical value, nothing worth counting on in this world of sinners. That's why Reagan thinks "voluntary" trade restraints are better than imposed restraints, even though they have exactly the same effect. And that's why the Democratic Presidential contenders want to respond to foreign trade restraints by imposing restraints of our own, even though such restraints are at least as costly to us as they are to the nations they're directed at.

It is unattractive to see Democrats appealing so stridently to sentiments that are xenophobic if not worse. Did you know that the Canadians sell us two-thirds as many cars and trucks as the Japanese do? But somehow Canadians don't seem to stimulate the same paranoid fantasies. In fact, imports are a minor cause of American unemployment compared to the recession, which is worldwide (including Japan). In the automobile industry, for example, imports increased their market share 11 percent since 1978, which is bad, but total car sales of any sort have dropped by a third, which is worse. And even where foreigners have made inroads into our markets or kept us out of their own, more often than not the reason is an undeniable trade advantage—such as cheaper labor, or a fair-and-square superior marketing job. Very few American workers have lost their jobs because of *unfair* foreign trade practices, and it is demagogic for Mondale and company to suggest otherwise.

The way to justify protectionism in the name of free trade is to say that all you're really after is "reciprocity." Thirty Senators have co-sponsored a bill to achieve this ideal, the "Reciprocal Trade and Investment Act." They include Democratic Presidential contenders John Glenn, Gary Hart, and Ernest Hollings. "Reciprocity" means you're only imposing your trade restriction as a way to get the other guy to drop his. It's a bargaining chip—like the MX missile. But like needless expensive weapons, trade restrictions built for the alleged purpose of being dismantled somehow never are. They are more likely to set off a competitive arms race of newer and ever more elaborate trade barriers, like the race that seems to be going on right now.

Free trade is not well understood. It does not mean that the Japanese sell cars to us and we sell cars to them, or that ships carrying European steel to America and ships carrying American steel to Europe should pass each other in mid-Atlantic. As Adam Smith and David Ricardo explained two hundred years ago, the point of free trade is that all nations will be better off if each one specializes in producing goods where it has a "comparative advantage." It's not trade restrictions that are keeping the Japanese from buying large numbers of American cars. They don't want our cars. But there's no reason to despair. They'll buy something else from us; that's the only thing those dollars they've been accumulating are good for (or if they don't, we've got the Sonys and Toyotas for free). Mondale told the United Auto Workers that the Japanese really want to buy American baseball bats, but are being prevented from doing so by their government. Could be. So should we restrict imports of their cars until they let in our baseball bats, in the name of "reciprocity"? The auto workers like this idea. But will they be prepared to relent on autos when the Japanese relent on baseball bats? As a political issue, "reciprocity" is a fake because the industries harmed by foreign countries' restrictions are not the ones that benefit from—and lobby for—our "reciprocal" restrictions. Let's face it, auto workers could care less about baseball bats.

The major piece of protectionist legislation before Congress makes no pretense of being temporary or reciprocal. This is the "domestic content" bill that would require any automaker selling cars in the U.S. to produce a certain percentage of them here—up to 90 percent of those selling over 500,000 units a year. Walter Mondale said recently of domestic content legislation, "That's not free trade. That's not fair trade. That's not international competition. That is politics and protectionism. . . ." He was speaking, however, of domestic content laws in other countries. He presumably supports the American bill, not being "a sucker." Senators Kennedy, Glenn, Hollings, and Alan Cranston are all cosponsors. Kennedy said to the U.A.W., "We will take whatever steps we must to see that Americans in the 1980s and 1990s will be driving American cars built by American workers." Nothing reciprocal there.

In introducing the domestic content bill, Senator Wendell Ford, Democrat of Kentucky, explained, "It is only fair that foreign automobile companies create auto production and jobs in the United States since they enjoy a high volume of sales in this country." This piece of reasoning, of course, like Kennedy's remark, repudiates the very idea of trade between nations. If sales in a foreign nation impose an obligation to create jobs there, in the same industry, American farmers had better prepare to plant wheat in Russia, and so forth." American citizens are increasingly frustrated with the current trade imbalance with Japan due to automobile imports," says Mr. Ford. They are? Who or what is forcing American citizens to buy Japanese automobiles? I don't see the Japanese Army hereabouts.

But in a time of high unemployment, why should American workers lose jobs to foreign imports even if they win our market fair and square? Won't competition with low-paid foreign workers inevitably reduce our own standard of living? Won't increased foreign trade destroy jobs and make some people permanently unemployable?

The fear of losing jobs to foreign trade is like the fear of losing jobs to technological advance—and the protectionists, like the Luddites, have always been proved wrong. Both kinds of progress can cause tremendous dislocations, even tragedy, in particular industries, and it is surely a duty for the society that benefits generally to help ease the burden. But increased free trade, like technological progress, leads to a more efficient economy that benefits the whole society, and creates more jobs than it destroys. The political problem is that the cost of free trade is concentrated on identifiable groups that lose their jobs or suffer lower pay, whereas the cost of protectionism, although larger, is diffused and hidden—in higher prices for protected goods and new jobs that never materialize. That's why demagogy on this issue is so tempting.

But it's dangerous. Every step into the protectionist maze makes it harder to get out. The Europeans subsidize their steel to compete with cheap output from the third world. So President Reagan protects the American steel industry from cheap European production. That's nice for steelworkers, not so nice for auto workers. More expensive steel means more expensive American cars, and another edge for foreign imports. So we protect cars. Pending more drastic measures, we're now in our second year of "voluntary" quotas on Japanese auto imports. In the first year of that one, car sales in general went down but European car sales in America shot up. Senator Riegle points out that, as part of their wily plot to lower our standard of living, "Japanese auto companies have been shipping more luxury cars here so that their U.S. profits have increased at an even higher rate than their unit sales." The reason is that we have limited them to a set number of unit sales; naturally they are concentrating on the pricier numbers.

"During the last twenty years," Mondale said in yet another recent speech, "Germany's share of world trade increased by more than a third, Japan's share more than doubled. And meanwhile, America's share declined. . . . This is a disturbing trend." No it isn't. World trade in not a game. Other countries' prosperity is not bad for us. It's good for us. It means they can supply us with products better or cheaper than we can produce ourselves, and they can buy products that we make for them. Naturally, as world trade grows, America's share of it declines. In absolute terms, and as a share of our own GNP, American foreign trade has grown enormously. That's why alarm about the share of imports in any particular industry is also misplaced. As foreign trade increases, foreigners increase their share of individual American markets, just as American products increase their share of markets—usually different markets—abroad.

We have been slower and dumber than other industrial nations about seizing foreign sales opportunities, and our trade balance shows it. Thus the call for an "indus-

trial policy" to guide American capitalism in the new world market that is now boilerplate among Democratic Presidential contenders. Kennedy wants it. Mondale wants it. Glenn and Hart want it. Ernest Hollings even calls the front group for his quixotic Presidential bid "the Committee for a Competitive America." Mondale calls his "The Committee for the Future of America," which sounds very forward-looking. Yet the first concrete industrial policy to capture the fancy of all these gentlemen is about as backward-looking and uncompetitive as you can get: old-fashioned protectionism.

At a time of worldwide recession, trade barrier one-upmanship is especially dangerous. The collapse of world trade half a century ago, as nations tried to protect their home markets, helped lead to a self-feeding contraction of the world economy that produced the Great Depression. President Reagan may be intent on living out the Hoover analogy, but the Democrats ought to know better.●

SOLZHENITSYN URGES REPUBLIC OF CHINA TO REMAIN STRONG

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1982

● Mr. McDONALD. Mr. Speaker, one of the really remarkable men of our time, Alexandr Solzhenitsyn, visited Taiwan this fall. While there, he made a major speech, which was reported in the Free China Daily of October 31, 1982. In this speech he pointed out the price the people of the Republic of China are paying for their success. Enemies of Taiwan, both here and abroad, seemed determined to tear Taiwan down since it has become a model of economic development in contrast to the semistarvation of Communist China, to say nothing of the misery of her people under the Communist political system. American policymakers, meanwhile, choose not to see what is evident as our so-called China card drifts back into the embrace of the Soviet Union, and continue to insist we have to weaken Taiwan in order to please Peking. The Solzhenitsyn speech follows for those who still are willing to listen on the China question.

[From the Free China Weekly, Oct. 31, 1982]

ROC URGED TO REMAIN STRONG—SOLZHENITSYN WARNS OF COMMUNIST PEACE 'HOAX' IN TAIPEI ADDRESS

For 33 years, Taiwan, I believe, has attracted, by its specific fate, the attention of many people throughout the world. I myself felt that way long ago. Three score countries have already fallen under the yoke of Communism. Scarcely one of them has been fortunate enough to retain even a tiny patch of its independent national territory, where its state authority could continue to develop despite the disruption, and through comparison show the world the difference between itself and Communist disorganization. In Russia, such a patch of land could have been Wrangel's Crimea. But lacking any external support and abandoned by its unfaithful former allies, it was soon crushed by the Communists. But in China, thanks to a wide Strait, a fragment of the former state became the Republic of China on Taiwan, which, for a third of a century, has proved to the world what heights of development could have been reached if the whole of China had not fallen under the yoke of Communism. Today, the Republic of China on Taiwan differs from the other in its development, its industrial achievements and the well-being of its population, thereby proving how logically the forces of a nation can be guided, if they are not in inimical hands.

FREE CHINA ENDURES

It would seem that the population of our planet should clearly perceive such an instructive comparison and should have its eyes opened to see how peoples who escape Communism flourish and how those who fall victim to Communist tenets perish by the millions. The history of Communist destructions in the Soviet Union, Poland and Cambodia are now known to all. The history of the millions destroyed in China, Vietnam or North Korea is yet to be revealed in detail, but many signs allow us to judge this history even now.

But NO! It is Free China which has had to endure and suffer from the greatest injustices and ignoble attitudes of other countries. The United Nations, long degraded to an irresponsible side show, disgraced itself by expelling from membership the 17 millions of Free China. The majority of countries on our planet treacherously expelled your country from the U.N., whose delegates, adding insult to injury, whistled, jeered and shouted. The majority of Third World countries behaved like madmen who don't know the price of freedom but are themselves waiting for the kick of the boot.

ATTRACTIVE MYTH

For centuries the Western World has known very well the price of freedom. But with years passing and well-being achieved, it is less and less prepared to pay for it. The Western people value their state systems but are less and less inclined to defend them with their own bodies. From decade to decade, the West has become increasingly senile and unable to defend itself. The betrayal of one country after another had already begun before the Second World War. Afterward, no scruples were felt in abrogating the whole of Eastern Europe just for the sake of the West's own well-being. How easy it was to betray the government of Mikolaychik; how easy it was to withdraw support from one's ally, Chiang Kai-shek. And soon we shall witness how one country will betray another for the price of surviving just a little longer. Should it be surprising that the majority of the frightened Western countries are even afraid to sell you weapons for fear of angering Peking. That's how much their drive and concern for freedom is worth. Meanwhile, threatened Europe should understand your position better but is so cowardly that it fails to recognize that the Republic of China and other countries of Asia are themselves endangered. Just recently, the former premier of Japan declared that the arming of Free China would destabilize the Far East! What more can be said?

They are all obsessed with the search for self-protection and the quest for a stand-in. So there emerged an attractive myth—that there are "bad" and "good" Communisms. And out of such a myth grew the image of Communist China as a good-natured peacemaker! But should that be surprising—when in South Korea, which herself survived a Communist assault, there exists a myth that actually the Soviet Union is not directly hostile to them, not so much an enemy, not like North Korea. The South Koreans have also been doing their utmost to curry favor with Peking. Now they are hesitating about whether to give a defecting Red Chinese aircraft to Free China.

No, it is not out of shortsightedness, not out of stupidity, that such myths are believed, but out of despair, out of the loss of spirit.

In a particular relationship to you is the United States of America. Up to this day, the United States provides the only outside guaranty restraining the Communists from attacking your island. But how difficult it becomes for the United States to remain faithful to Taiwan; how much has already been lost on the way! The Americans have also succumbed to the general world trend to leave the Republic of China to its perils, to abandon it to its fate. America moved to abrogate its diplomatic relations with the R.O.C. For what? For what fault of hers? Only to follow the futile Western dream of gaining an ally in Communist China. America has restricted its connections with you, curtailed its military support and is denying you much of what you need.

U.S. BEING MISLED

What pressures have been exerted upon American presidents, urging surrender of Taiwan! Not all of them could bear the strain. Here we have a former president, just back from a visit to China, where he flattered his hosts by saying that "a strong Communist China is a guarantee for peace" and that America seems to be interested in a strong Red China. Such people in former years have governed the United States and there is no guarantee that another such person might not succeed President Reagan.

The United States is highly heterogeneous. There are many currents, of which the capitulatory tides are quite powerful. Extremely powerful circles are leaning toward betrayal of a free country in favor of a friendship with a totalitarian one. They gladly picked up the hypocritical offer from Communist China on "peaceful unification." Many American journalists cry from the housetops that Peking is now "bound by promises" to effect unification peacefully. They wanted to forget, and therefore successfully forgot, how many times the Communists have already cheated. The experience of "governments in concert with Communists" in postwar Eastern Europe has taught no lesson. This hopeless experiment now is being conducted in Cambodia. Similarly, according to Kissinger's agreement, North Vietnam was "bound by a ceasefire"—until it set the day for the seizure of South Vietnam. And leading American newsmen reached such heights of stupidity as to write that the United States doesn't make mistakes. If Red China "breaks its promise" and seizes Taiwan by force—then—only then—America would be freed from obligations and could again start to deliver arms . . . to whom, then? . . . Yes, such delirium appears on the pages of leading American newspapers, and they don't realize what they are doing!

And thus the influential circles in the United States want to force Taiwan to accept capitulatory negotiations, to relinquish voluntarily its freedom and power.

DON'T TRUST PEKING

What, then, does Communist China want from you? Certainly, it is eager to grab your blossoming economy, to plunder and devour it. After all that has happened in the 20th century, only shortsighted simpletons can trust Pekings's promises that it will totally preserve your economic and social system, and even your armed forces along with some elements of freedom. But the main issue is not to take away your wealth, to steal the fruits of your hard work. The main thing is that the Communists system does not tolerate any deviation in anything or anywhere. Not even the wealth of your island is important. What matters is the deviation from their system. Communist China hates you for your economic and social superiority. For them it is not permissible that other Chinese should know that there can be a better life without Communism. The Communist ideology does not tolerate any islets of Freedom. And so, with all their might, the Communists want to cut off the sale to you even of defensive arms, to try to weaken your defense capability, to disturb your balance of power in the Straits—and thus to bring closer the day of intrusion into your island.

RAPPROCHEMENT REAL

In order to nurture the apathy of the United States, Red China plays speculatively on the negotiations between Peking and Moscow on matters of China-Soviet rapprochement. Such rapprochement is not make-believe. It is a very realistic perspective. Both governments have long had common roots, a fact which everybody seems to forget. As far back as 1923, a Soviet agent Grusemberg, alias "Borodin," prepared a Communist coup, and it was he who promoted Mao Tse-tung and Chou En-lai to the highest positions in the party.

DON'T GO SOFT

All that I am telling you—because of the deadly danger in which you find yourself—is understood well by many, if not yet by all. The threat is understood better here than in South Korea, where the young generation, the students, have quite forgotten the brief horrors of Communist intrusion, so that the present freedom seems to them not enough. But they will remember and revalue their present "nonfreedom" when, after a command "hands back," they are driven under armed guards into concentration camps.

It seems to be fashionable in the West to demand from all who stand in the forefront of defense, under machine-gun fire, to demand the widest democracy, and not just simple, but absolute democracy, bordering on total dissoluteness, on state treason, on the right to destroy their own state and country—such freedom as Western countries tolerate. Such is the price the West demands from each menaced country including yours. But is seems that on your island the logical limits are known and will sustain your struggle.

There is another danger stalking you. Your economic successes, your living standards and well-being are of a two-fold nature. These are the bright hope of all the Chinese people. But they also can become your weakness. All prosperous people tend to lose the awareness of danger, an addiction of the good living conditions of today, and consequently lose their will for resistance. I hope and I urge you to avoid such a weakening. Don't permit the youth of your country to become soft and placid, to become slaves to material goods, until finally they will prefer captivity and slavery to the struggle for freedom. That for 33 years you lived peacefully does not mean that you might not be attacked in the following three years. You are not a serene, care-free island; you are an army, constantly under the menace of war.

THE REAL ALLIES

You are 18 millions, about as many as there are Jews in the world, and your problem is of the same dimensions. But the Jewish problem attracts the attention of all states and has become one of the central problems of contemporary times. Comparing this with the uniqueness of your position, I don't perceive why the fate of Taiwan should not command the equal attention of the world.

But in today's world betrayal from weakness reigns supreme, and it is only your own strength upon which you can really rely. But there is also one bigger and brighter hope: the peoples of the enslaved nations, who will not endure indefinitely but who will rise in one menacing hour—menacing to their Communist rulers.

In your books you write that your island is a "bastion of national recovery." So be it! Not only defense, not only self-preservation should be your goal—but help, but the liberation of your compatriots suffering on the mainland, and first of all, through free and courageous radio broadcasts.

It may seem, since no one comes to mind, that you have no firm, reliable allies, although they might appear in the hour of destruction. But you have the most formidable ally in the world: one billion Chinese people. Their sympathy is your moral and spiritual support. Just a few days ago, you had an encouraging signal from your compatriots through the act of defection of a Red Chinese air force pilot. Often I think of still anonymous prisoners of the Chinese Gulags whose true story might not be told until the 21st century.

All the oppressed people, including the peoples of the Soviet Union, cannot rely on outside help, only on their own strength. At the best, the whole world would watch indifferently, but possibly with a great deal of relief, if the mad rulers of China and the USSR should unleash war among them. I hope that won't happen. But in any case, let us testify here and now to the mutual amicability and trust between the Chinese and Russian peoples, to the absence of contradictions amongst them; even more, let us hope for a union of our long suffering compatriots against both Communist governments. Whatever might happen between these two self-interested, anti-national governments, let us preserve mutual understanding, mutual compassion and friendship; let's not allow them to blind our eyes and deaden our ears through fruitless national hatred.

We don't know how long the plague of Communism will affect our world. One hundred and thirty-five years ago, who would have told the leaders of the then great empires that the tiny group of utopians—Communists who organized themselves in Europe—would conquer them all with iron and blood, and force to their knees their might and pride? They would not even have smiled at such a prophecy. Such forces could not then be seen anywhere. The strength of the Communists was based on their drive and their cruelty; the weakness of the West was rooted in the absence of the will to fight.

NO WILL TO FIGHT

We don't know what whimsical zigzags human history will follow. I have already expressed a supposition that world Communism will outlive both Soviet and Chinese Communist regimes and spread over other countries, many of which are still eager to experience Communism. But in our two countries national commonsense shall finally prevail!

Anyway, both our peoples have suffered too much, lost too much! They are already moving along the way of liberation and recovery!●